

STATE OF INDIANA



JOURNALS OF THE HOUSE OF REPRESENTATIVES AND SENATE

114TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

STATE OF INDIANA



JOURNAL OF THE HOUSE OF REPRESENTATIVES

114TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

Convening November 22, 2005

Reconvening January 4, 2006

Adjourning March 14, 2006

JOURNAL OF THE HOUSE

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OFFICERS OF THE HOUSE

BRIAN C. BOSMA, *Speaker of the House*

WILLIAM C. FRIEND, *Majority Floor Leader*

KATHY K. RICHARDSON, *Majority Caucus Chair*

P. ERIC TURNER, *Speaker Pro Tempore*

TIMOTHY N. BROWN, *Deputy Speaker Pro Tempore*

DAVID N. FRIZZELL, *Majority Whip*

DAVID B. YOUNT, *Assistant Majority Floor Leader*

A. LUCAS MESSER, *Assistant Majority Floor Leader*

THOMAS E. SAUNDERS, *Assistant Majority Caucus Chair*

ROBERT W. CHERRY, *Assistant Majority Caucus Chair*

ERIC A. KOCH, *Assistant Majority Whip*

MARLIN A. STUTZMAN, *Assistant Majority Whip*

B. PATRICK BAUER, *Minority Leader*

RUSSELL L. STILWELL, *Minority Floor Leader*

F. DALE GRUBB, *Minority Caucus Chair*

DENNIE OXLEY II, *Minority Whip*

GREGORY W. PORTER, *Indiana Black Legislative Caucus*

EARL L. HARRIS, *Assistant Minority Leader*

VERNON G. SMITH, *Assistant Minority Floor Leader*

ROBERT D. KUZMAN, *Assistant Minority Caucus Chair*

JERRY L. DENBO, *Assistant Minority Caucus Chair*

DAVID L. CROOKS, *Assistant Minority Whip*

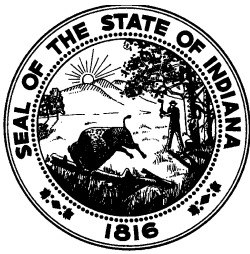
M. CAROLINE SPOTTS, *Principal Clerk*

LESLIE DAVIS HINER, *Chief of Staff to the Speaker*

WILLIAM BOCK III, *Parliamentarian*

BRUCE N. MUNSON, *General Counsel to the Majority*

JULIE D. HALBIG, *Chief Counsel to the Majority*



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

First Meeting Day

Tuesday Morning

November 22, 2005

The members of the House of Representatives of the One Hundred Fourteenth General Assembly of the State of Indiana assembled in the House Chambers in the State House in the City of Indianapolis on Tuesday, the twenty-second day of November, 2005, A.D., at 10:00 a.m., being the day fixed by law for the convening of the second regular session of the General Assembly, viz:

"...the second regular session of each term of the general assembly shall convene on the third Tuesday after the first Monday of November of each odd-numbered year..."

The House was called to order by Speaker Brian C. Bosma.

The invocation was offered by Pastor David Rodriguez, Grace Community Church, Noblesville, the guest of Speaker Bosma.

The Pledge of Allegiance to the Flag was led by Representative P. Eric Turner.

Representative Kathy K. Richardson introduced Susan Guilkey, Miss Indiana 2005, who sang "God Bless America".

FILLING VACANT LEGISLATIVE OFFICES

District 83

April 26, 2005

The Honorable Brian C. Bosma
Speaker of the House
Indiana House of Representatives
200 W. Washington St.
Indianapolis, IN 46204

Dear Speaker Bosma,

It has been my privilege to serve as a State Representative in the Indiana General Assembly for the past 29 years. At this time, I would like to submit my letter of resignation from the Indiana House of Representatives effective Sunday, May 8th at 12:00 noon with the exception of a Special Session. Should a special session be called, I will fulfill my duties and responsibilities as a State Representative until adjournment on the last day of that session.

It has been a great pleasure to serve during the last 29 years. I would like to extend my thanks to you for showing excellent leadership this past session during many difficult times and pressing issues.

Sincerely,

Robert K. Alderman
State Representative

CERTIFICATION OF APPOINTMENT TO A VACANT STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN BOSMA,
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 83, on May 8, 2005, due to the resignation of the Honorable Robert K. Alderman, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, The duly elected and acting state chairman of the Indiana Republican Party set the place, date, and time of a caucus comprised of the eligible precinct committeemen from Indiana House District 83 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date, and time of the meeting;

WHEREAS, The duly appointed designee of the state chairman presided over the aforesaid caucus, which was conducted on May 24, 2005, this date being not later than thirty (30) days after the vacancy occurred;

WHEREAS, The caucus, voting by secret ballot, and a majority vote of those casting a vote for a candidate, selected an individual who resides within Indiana House District 83 to fill this vacancy;

WHEREAS, The individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Clerk of the Indiana House of Representatives, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, Under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to the Speaker of the House of Representatives; and

WHEREAS, Under Indiana Code 3-13-5-6, the Speaker of the House of Representatives is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the House of Representatives on the day when the individual is seated, (or if this certificate is received after the adjournment *sine die* of the General Assembly, on the first day that the House of Representatives is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of State of Indiana: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING CHAIRMAN OF THE INDIANA REPUBLICAN STATE COMMITTEE,

- (1) I certify that Matthew P. Bell was selected by the aforesaid caucus to fill the vacancy existing in the Office of Indiana House of Representatives, District 83;
- (2) I request that the Speaker of the House of Representatives acknowledge receipt of this Certificate by his signature below as provided for by Indiana Code 3-13-5-6;
- (3) I request that the Speaker of the House of Representatives include a copy of this Certificate in the Journal of the House of Representatives as provided by Indiana Code 3-13-5-6; and
- (4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS THE 25TH DAY OF MAY, 2005:

Jim Kittle, Jr.

ACKNOWLEDGMENT OF RECEIPT BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

I hereby acknowledge receipt of this Certificate by my signature below this 27th day of May, 2005.

Signed: Brian Bosma
Speaker of the Indiana House of Representatives

CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN BOSMA
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 83, on May 8, 2005, due to the resignation of the Honorable Robert K. Alderman, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, On May 24, 2005, a caucus composed of Republican Party precinct committeemen from Indiana House District 83 selected Matthew P. Bell to fill the vacancy in Indiana House District 83;

WHEREAS, On May 25, 2005, the State Chairman of the Indiana Republican Party certified the selection of Matthew P. Bell to fill the vacancy in Indiana House District 83 to the Speaker of the House of Representatives and the Speaker of the House acknowledged receipt of the certification thereon;

WHEREAS, On May 27, 2005, the Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Matthew P. Bell has been selected to fill the vacancy existing in the office of Indiana State Representative, District 83.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 31st day of May, 2005, being the 229th year of the Independence of the United States, and the 189th year of the Statehood of Indiana.

TODD ROKITA
Secretary of the State of Indiana

Representative-elect Bell was sworn into office on June 1, 2005. The oath of office is: "I, Matthew Bell, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

Sworn before me, Randall T. Shepard, Chief Justice of Indiana, this 1st day of June, 2005.

District 78

September 29, 2005

The Honorable Brian C. Bosma
Speaker of the House
Indiana House of Representatives
200 W. Washington St.
Indianapolis, IN 46204

Dear Speaker Bosma,

It is with sadness and excitement that I submit to you my letter of resignation from the Indiana House of Representatives, District 78. I cherish each of my years here and I know we will continue a positive working relationship when I start my duties in the Senate.

Best wishes,
Vaneta Becker
State Representative

CERTIFICATION OF
APPOINTMENT TO A VACANT
STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN BOSMA,

SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 78, on September 29, 2005, due to the resignation of the Honorable Vaneta Becker, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, The duly elected and acting state chairman of the Indiana Republican Party set the place, date, and time of a caucus comprised of the eligible precinct committeemen from Indiana House District 78 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date, and time of the meeting;

WHEREAS, The duly appointed designee of the state chairman presided over the aforesaid caucus, which was conducted on October 15, 2005, this date being not later than thirty (30) days after the vacancy occurred;

WHEREAS, The caucus, voting by secret ballot, and a majority vote of those casting a vote for a candidate, selected an individual who resides within Indiana House District 78 to fill this vacancy;

WHEREAS, The individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Clerk of the Indiana House of Representatives, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, Under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to the Speaker of the House of Representatives; and

WHEREAS, Under Indiana Code 3-13-5-6, the Speaker of the House of Representatives is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the House of Representatives on the day when the individual is seated, (or if this certificate is received after the adjournment *sine die* of the General Assembly, on the first day that the House of Representatives is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of State of Indiana: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING CHAIRMAN
OF THE INDIANA REPUBLICAN STATE COMMITTEE,

- (1) I certify that Suzanne Crouch was selected by the aforesaid caucus to fill the vacancy existing in the Office of Indiana House of Representatives, District 78;
- (2) I request that the Speaker of the House of Representatives acknowledge receipt of this Certificate by his signature below as provided for by Indiana Code 3-13-5-6;
- (3) I request that the Speaker of the House of Representatives include a copy of this Certificate in the Journal of the House of Representatives as provided by Indiana Code 3-13-5-6; and
- (4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS THE 18TH DAY OF OCTOBER, 2005:

Jim Kittle, Jr.

ACKNOWLEDGMENT OF RECEIPT BY THE
SPEAKER OF THE HOUSE OF REPRESENTATIVES

I hereby acknowledge receipt of this Certificate by my signature below this 18th day of October, 2005.

Signed: Brian Bosma
Speaker of the Indiana House of Representatives

CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN BOSMA

SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 78, on September 29, 2005, due to the resignation of the Honorable Vaneta Becker, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, On October 15, 2005, a caucus composed of Republican Party precinct committeemen from Indiana House District 78 selected Suzanne Crouch to fill the vacancy in Indiana House District 78;

WHEREAS, On October 18, 2005, the State Chairman of the Indiana Republican Party certified the selection of Suzanne Crouch to fill the vacancy in Indiana House District 78 to the Speaker of the House of Representatives and the Speaker of the House acknowledged receipt of the certification thereon;

WHEREAS, On November 16, 2005, the Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Suzanne Crouch has been selected to fill the vacancy existing in the office of Indiana State Representative, District 78.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 17th day of November, 2005, being the 230th year of the Independence of the United States, and the 190th year of the Statehood of Indiana.

TODD ROKITA
Secretary of the State of Indiana

Representative-elect Crouch was sworn into office on October 26, 2005. The oath of office is: "I, Suzanne Crouch, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

Sworn before me, Randall T. Shepard, Chief Justice of Indiana, this 26th day of October, 2005.

ROLL CALL OF MEMBERS

The roll was called and the following members answered to their names:

R. Tiny Adams, District 34, Delaware County
John C. Aguilera, District 12, Lake County
Terri Jo Austin, District 36, Hamilton and Madison Counties
Dennis T. Avery, District 75, Gibson, Vanderburgh, and Warrick Counties
Ralph D. Ayres, District 4, Jasper, Lake, and Porter Counties
Jeb A. Bardon, District 25, Marion County
B. Patrick Bauer, District 6, St. Joseph County
Robert W. Behning, District 91, Hendricks, Marion, and Morgan Counties
Matthew P. Bell, District 83, Allen, Noble, and Whitley Counties
Robert J. Bischoff, District 68, Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties
Bruce A. Borders, District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties
Randy L. Borrer, District 84, Allen County

William E. Bright, District 69, Jefferson, Jennings, and Ripley Counties

Charlie Brown, District 3, Lake and Porter Counties

Timothy N. Brown, District 41, Montgomery, Parke, and Tippecanoe Counties

James R. Buck, District 38, Boone, Clinton, Hamilton, and Howard Counties

Mary Kay Budak, District 20, Jasper, LaPorte, Porter, and Pulaski Counties

Lawrence L. Buell, District 89, Marion County

Charles "Woody" Burton, District 58, Johnson County

Duane Cheney, District 10, Porter County

Robert W. Cherry, District 53, Hancock, Rush, and Shelby Counties

William C. Cochran, District 72, Clark and Floyd Counties

William A. Crawford, District 98, Marion County

David L. Crooks, District 63, Daviess, Dubois, Martin, and Pike Counties

Suzanne M. Crouch, District 78, Spencer, Vanderburgh, and Warrick Counties

Bill J. Davis, District 33, Delaware, Jay, and Randolph Counties

John J. Day, District 100, Marion County

Jerry L. Denbo, District 62, Greene, Lawrence, Martin, Orange, and Washington Counties

Mae Dickinson, District 95, Marion County

Chester F. Dobis, District 13, Lake County

Richard Dodge, District 51, Dekalb and Steuben Counties

Cleo R. Duncan, District 67, Decatur, Franklin, Ripley, and Rush Counties

Ryan M. Dvorak, District 8, St. Joseph County

Jeffrey K. Espich, District 82, Allen, Grant, and Wells Counties

Ralph M. Foley, District 47, Hendricks, Johnson, Morgan, and Owen Counties

William C. Friend, District 23, Elkhart, Fulton, Kosciusko, Marshall, and Miami Counties

David N. Frizzell, District 93, Johnson and Marion Counties

Craig R. Fry, District 5, Elkhart and St. Joseph Counties

Benjamin E. GiaQuinta, District 80, Allen County

Terry A. Goodin, District 66, Clark, Jackson, Jennings, and Scott Counties

F. Dale Grubb, District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties

Eric A. Gutwein, District 16, Cass, Fulton, Jasper, Pulaski, and White Counties

Earl L. Harris, District 2, Lake County

Timothy W. Harris, District 31, Blackford and Grant Counties

Steven Heim, District 17, LaPorte, Marshall, and Starke Counties

Phillip D. Hinkle, District 92, Marion County

Robert A. Hoffman, District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties

Phil Hoy, District 77, Vanderburgh and Warrick Counties

Clyde Kersey, District 43, Clay and Vigo Counties

Sheila A. Klinker, District 27, Tippecanoe County

Eric A. Koch, District 65, Bartholomew, Brown, Jackson, and Lawrence Counties

Thomas S. Kromkowski, District 7, St. Joseph County

Robert D. Kuzman, District 19, Lake, Newton, and Porter Counties

Linda C. Lawson, District 1, Lake County

Don Lehe, District 15, Benton, Lake, Newton, and White Counties

Daniel J. Leonard, District 50, Huntington and Whitley Counties

Edmund M. Mahern, District 97, Marion County

Carolene Mays, District 94, Marion County

Richard W. McClain, District 24, Carroll, Cass, Miami, and White Counties

A. Lucas Messer, District 57, Bartholomew and Shelby Counties

Joe Micon, District 26, Tippecanoe and Warren Counties

Winfield C. Moses, Jr., District 81, Allen County

Michael B. Murphy, District 90, Marion County

Timothy Neese, District 48, Elkhart and St. Joseph Counties

Cynthia J. Noe, District 87, Boone, Hamilton, and Marion Counties

Dennie Oxley II, District 73, Clark, Crawford, Dubois, Harrison, Jackson, Perry, Scott, and Washington Counties

Scott D. Pelath, District 9, LaPorte County

Phillip Pflum, District 56, Henry and Wayne Counties

Matt Pierce, District 61, Monroe County

Phyllis J. Pond, District 85, Allen and Dekalb Counties

Gregory W. Porter, District 96, Marion County

Scott E. Reske, District 37, Madison County

Kathy Kreag Richardson, District 29, Hamilton and Hancock Counties

Michael A. Ripley, District 79, Adams, Allen, and Wells Counties

Paul J. Robertson, District 70, Clark, Floyd, and Harrison Counties

William J. Ruppel, District 22, Kosciusko and Wabash Counties

Thomas E. Saunders, District 54, Henry, Randolph, and Wayne Counties

John E. Smith, District 30, Howard County

Vernon G. Smith, District 14, Lake County

Dan C. Stevenson, District 11, Lake County

Russell L. Stilwell, District 74, Dubois, Perry, Spencer, and Warrick Counties

Marlin A. Stutzman, District 52, Dekalb, LaGrange and Noble Counties

Andrew P. Thomas, District 44, Clay, Parke, Putnam, and Vigo Counties

Jeffrey A. Thompson, District 28, Boone, Hendricks, and Montgomery Counties

W. Vern Tinchler, District 46, Clay, Monroe, Owen, and Vigo Counties

Gerald R. Torr, District 39, Hamilton County

P. Eric Turner, District 32, Grant, Hamilton, Howard, Miami, and Tipton Counties

John D. Ulmer, District 49, Elkhart County

W. Trent VanHaaften, District 76, Gibson, Posey, and Vanderburgh Counties

Jackie S. Walorski, District 21, Elkhart and St. Joseph Counties

Peggy Welch, District 60, Brown, Greene, and Monroe Counties

Matthew D. Whetstone, District 40, Hendricks County

David A. Wolkins, District 18, Elkhart, Kosciusko, and LaGrange Counties

Troy A. Woodruff, District 64, Daviess, Gibson, Knox, and Pike Counties

David B. Yount, District 59, Bartholomew and Johnson Counties

Speaker Brian C. Bosma, District 88, Hamilton and Marion Counties

Roll Call 1: 96 present. Representatives James L. Bottorff (District 71, Clark County), L. Jack Lutz (District 35, Delaware, Hamilton, Madison, and Tipton Counties), David Orentlicher (District 86, Hamilton and Marion Counties), and Vanessa Summers (District 99, Marion County) were excused. The Speaker announced a quorum in attendance.

The House convened at 10:17 a.m.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 4, 2006 at 1:30 p.m.

TURNER

Motion prevailed.

OPENING REMARKS BY SPEAKER BRIAN C. BOSMA

We are here together at an extraordinary time in our state's history. We have a lot to be thankful for as we prepare for our Thanksgiving holiday this coming weekend, but we have a lot of challenges that are ahead of us today.

I recently read that great leaders are more than crisis managers—they have vision and they have goals. And I am honestly proud to say that this body—in the last several years, not just the last year, but in the last several years—has begun to move away from that role. The traditional role of this legislative institution (not just the House) was to deal just with the crisis at hand rather than to adopt a long-range vision for our state. That's what I want to talk with all of us about for just a few moments this morning.

Maybe you have heard me cite John Maxwell. He has spoken to this Chamber, and he is one of my favorite authors on leadership. In his book *The 21 Irrefutable Laws of Leadership* he says, "Everything rises and falls on leadership." I truly believe that.

We face challenges today that have not been faced by our predecessors. We have an economy that has been hit hard by job losses. We continue to deal with the loss of Delphi in the last several weeks and the effects, perhaps future, of the 30,00 jobs that will be lost around the nation through General Motors. We've been hit hard by the realities of the 21st Century because our manufacturing economy where we focused so much of our resources for so many years will not be the economy of any state's future.

We have all together over the last decade failed to stop and plan for the realities of the 21st Century. We have suffered over the last 30 years a drop in personal income in our state from 17th to 37th in the Nation. I just read an article two weeks ago that indicated that for the average couple in Indiana their collective income, together, was almost \$46,000 for that two-person family in the year 2000; last year it was \$42,000, a real loss in family income for Hoosiers. The average is 88 cents that we Hoosiers make for every dollar made by other Americans.

We have gained back about half of the 117,500 jobs that our state lost over the last five years. But we remain 50th in the nation in the percentage of our workforce that is in executive, managerial, or professional positions. We are 47th in the percentage of our workforce that has a bachelor's degree or higher. I was just told yesterday that we have 23% more children on food stamps than we did just four years ago.

Challenges Dealt with in 2005 Session

We have dealt with many of these challenges. We took the first step in many of these challenges in this last session by collectively together—in almost all cases, ultimately, in a bipartisan effort—although there might have been a little bit of discussion before we got there.

- We have dealt with the issues of trying to make Indiana the place to locate rather than the place to vacate by giving incentives to those in logistics, information technology, biotechnology, advanced agriculture, advanced manufacturing industries, incentives to create those jobs here.
- We finalized the vision of planning for the future by creating the Indiana Economic Development Corporation in its final form—a vision that we had together three years before the Administration did. I'm proud that we did that and proud that this group of business leaders is, for the first time currently, going to update Indiana's economic plan which has not been updated since 1999.
- We created an Inspector General office to root out state corruption. We will see in reports to be coming out soon that many of the issues that we all didn't like going on in state government are being addressed like never before.
- We increased our Core 40 graduation requirements so that the Class of 2011, the class of my son, will be required to all be prepared for college, the college that we have to send them to, or at least the vocational training that they must receive to have the jobs of the 21st Century.
- We created a Department of Child Services; we all together funded 400 additional caseworkers so that we could address the tragedy that we have all looked at over the last year with, on the average, more than one child that is in state protective care dying due to neglect and abuse per week. Hopefully, we will bring that to an end.
- We took care of critical regional projects like the Northwest Indiana Regional Development Authority as well as the Indianapolis Convention Center and Indianapolis dome situation with regional solutions, something very creative that we worked on together, something that we will have to do in the future as well.
- While we may disagree on its results, we had the discipline to adopt the first balanced budget that the state has seen in a decade. We did those things in a bipartisan fashion. And, yes, we disagreed on a lot of details, but we came to compromises and we moved forward.

Institutional Improvements

We will continue to work in a bipartisan fashion as we are doing today. At the request of Representative Bauer and myself many of you brought in supplies to help not only those in the southeastern United State but those in southwestern Indiana. I'm happy to tell you that the vast majority of you have chosen to participate either financially or by bringing in materials that will assist those who are trying to reconstruct Indiana and reconstruct America in a very substantive way.

It has been a time in the last year for institutional change for all of us as well, hopefully, permanent institutional improvement.

- We made the committee process the workhorse of this institution again by requiring each of us to be present as testimony is given and decisions are made. Some said it couldn't work, but it did, and I congratulate each of you for making that happen.
- We hit the ground running last session on the first day by having committee meetings in the first week, usually a dead time for all of us. We will do the same thing again this year.
- We adopted reasonable bill limits to make our work, collectively, a little bit more manageable.
- And for the first time in institutional memory, we gave the public, the press—and yes, ourselves—48 hours to review a budget before we were each forced to vote on it.
- In short, we worked very diligently together; Republicans and

Democrats, committee chairs and committee members, senior members who've been here many years and those who were new to the process, worked hard to make the 2005 General Assembly a tremendously successful effort in state governance for all of us.

2006 Institutional Changes

But there is much more yet to be done.

- The first step will be to open our doors further to the public. Today's broadcast over the Internet of our floor proceedings is greatly enhanced. As you open your computers in the future, you will see that when you are speaking at the microphone, you will be identified by name so that those who are watching will know who is participating in the process. You will be able to see the vote tally so that individual members' votes will be available for those watching, a shortcoming that was brought to our attention in last year's efforts.
- And for the first time in state history, we are opening two of our committee rooms, the House Ways and Means Committee room and Room 156-C (for meetings held in that room) to Internet broadcast. We are also enhancing those committee rooms so that members of the public who attend meetings here but are frequently unable to enter (because of overcrowding) will be able to hear and observe as well.
- I truly believe that public debate is the very essence of democracy. We have lots of debate here; the key for us is to make it public debate. And we will make every effort that we can to make that happen.

Issues of the 21st Century

We also need to continue to deal in this coming session with the issues of the 21st Century, issues like job creation.

- I have already given you the statistics. Indiana's economy, while it is, hopefully, on the move, much yet must happen for our students, our children, my children, to be attracted to and retained in this state. Hopefully, we will have renewed emphasis on where 75% of the new jobs will be coming from in the next decade: employers with 75 or fewer employees.
- We will address the road funding crisis that we all know exists, and we will have differences of opinion on how to address it. Indiana's new lane miles come to a close on July 1, 2006. And we can't be the Crossroads of America if we don't have crossroads.
- We will together wade through the Governor's proposal. The good parts we will adopt; the parts that aren't so good, we might work over just a bit. But together we will make knowledgeable decisions in this regard. I'd like to tell you already that there is bipartisan cooperation on this. Representative Bauer and I have each designated individuals to receive special training, special education on what issues we are going to be dealing with in this coming session in this regard. There are issues that we have not had to deal with before and issues we need to be knowledgeable on.
- We also will have to examine creative alternatives to make local government more efficient. We may have differing ideas on exactly how to do that, but our goals are the same: to make Indiana local government as efficient and as effective as possible.
- We need to continue improving our schools by redirecting resources to the classroom. And there are those of us who believe that 65% of the resources that we appropriate for public schools should make their way to the classroom despite the fact that only something like 61% are making their way there today. The national average is 65%, and Indiana ought to at least be able to do that.
- Perhaps it is time to take a look at the 5500 families in this state with autistic children and give them the opportunity to select where their child receives service and where their child is educated.
- It's my hope that we will also deal with two problems that loom on the horizon for all of us. The first is that the state mandates our child welfare program, mandates the employees that are administering the program, mandates the standards by which it is enforced yet hands local property taxpayers the bill. If the state

were to pick this cost up, the property tax issue (that we all know looms on the horizon, the one that will probably be the most important issue we deal with in this coming session) would be eased. Property taxes would be cut by 5.6%, on the average, statewide, if the state were to pick up that portion of the levy across the state. We may not have the resources to do it in one step; it may have to be a 2-step process, but we do have resources to give homeowners relief in this coming session.

And, I'm proud to announce that Representative Jeff Espich will be announcing later today a series of hearings on what will be House Bill 1001. These hearings will be held in December so that those of you on the Ways and Means Committee (the most important committee on budget matters here) can begin wading through this issue, can begin debating it publicly and over the Internet, and begin discussing the direction our state needs to go.

I want to thank Representative Bauer and the Democrat leadership for agreeing to waive rules today to allow that bill to be filed and assigned in a single day and to allow the Ways and Means Committee members and their leaders to work on this extremely important problem.

- Despite the statistics that I started with, I honestly believe that Indiana has a very bright future. But, we as leaders must be willing to lead our state to significant change if we are going to be effective. I recently read that 30 years ago there were 10 billion dollars of international transactions in commerce per day. Today, there are 10 billion dollars of international commerce transactions per second! The rest of the world, the rest of the nation has moved far in 30 years, and Indiana has not.

While we continue to debate whether our population is smart enough or inconvenienced too much by changing our clocks twice a year so that we are connected internationally for business, the rest of the world is concerned about creating jobs, is concerned about taking the jobs that are currently here for Hoosiers and for Americans. In the United States we graduate 55,000 engineers per year, which has fallen by half over the last 15 years. In China they are graduating half that number every month, 350,000 engineers graduating in China per year and another 150,000 in India.

Yes, these are national problems, but many states are reacting to these problems. Many states are moving forward, not looking back, and Indiana needs to do the same. If you have read Thomas Friedman, the Pulitzer Prize winner's, book *The World is Flat*, you know that the jobs that have been done locally are now done over the Internet. And it's not by folks in Ohio or Michigan or North Carolina, it's by English-speaking Chinese in Beijing, it's by English-speaking Indians in Bangalore. Our state has to react.

Closing Remarks

These are tough challenges and lofty goals, especially for a short session. But together we will be able to do it! I look out across this body, and there is incredible talent here. New members and senior members who have many, many years of experience. Together we have to resolve that we will address these issues and that we will lead Hoosiers in the right direction. And we will do it in as bipartisan a fashion as we possibly can!

And I sincerely want to thank the Democrat leadership and the Republican leadership for this last session. We did work in a bipartisan fashion, and boy, we had some tough arguments, some of them heated. I hope we can avoid those arguments during this session. But after tempers cooled, after emotions settled down, we sat down and said "What can we do together?" And we extend that same challenge and offer to you today: we will do this together.

I have just one final thought for you: we together are engaged in a battle. And it's not a battle between right and wrong or good and evil, those were the easy ones when you were a kid. It's not even a battle between Republicans and Democrats. It is a battle between those of us in this chamber and across the hall and throughout the State who think that Indiana is fine just where it is—that the status quo is good enough—and those of us who think that Indiana can and must be so much more.

I have a 17-year old and a 14-year old at home now and we're talking about college and career. This is even a battle between those of us who think that our children have every tool that they need for the future and those of us who think that we can't even imagine the future that they will be exposed to.

When I became a young lawyer with a prominent law firm here in Indianapolis twenty-two years ago, if we needed two copies of a document, we asked our assistant to use carbon paper and make a second copy. On Saturday at the Bucket game, I was introduced to a singer who was a Grammy Award winner. I had no idea who she was, although I told her I loved her work! Within three minutes, after sitting down and using my handheld Palm Pilot, I not only knew who she was, I knew the records she had received Grammy recognition for, I knew her touring schedule for the next two months, and—if I had been in a place where I could have done it—I could even have played her song on my handheld.

Who would have thought we could do something like this even 10 years ago? We can't imagine what our children are going to be exposed to in the business world and commerce in the next decade.

I'll close with Henry Ford; he was fond of saying, "Whether you believe you can do a thing or not, you are right." I believe we can do this; we can do it in a bipartisan fashion, we can do it on time, we can do it in the public domain, and we can do it together! Thank you, and I look forward to working with you throughout this session.

ORGANIZATION OF SECOND REGULAR SESSION

HOUSE MOTION

Mr. Speaker: I move that a committee of four members be appointed by the Speaker to notify the Senate that the House of Representatives has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the Senate may transmit.

FRIEND

Motion prevailed. The Speaker appointed Representatives Turner, T. Brown, Bauer, and Stilwell.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed by the Speaker to notify the Senate that the House has met, has formed a quorum, and is prepared to proceed with the legislative business and to receive any communications which the Senate may transmit, respectfully reports that they have performed the duties assigned to them.

TURNER
T. BROWN

BAUER
STILWELL

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four members be appointed by the Speaker to act with a like committee of the Senate, to wait upon the Governor, to notify him of the organization of both Houses of the General Assembly, and to inform him that the General Assembly is ready for the transaction of legislative business.

RICHARDSON

Motion prevailed. The Speaker appointed Representatives Bell, Crouch, Grubb, and Porter.

COMMITTEE REPORT

Mr. Speaker: Your committee which was appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor, to notify him of the organization of both Houses of the General Assembly, and to inform him that they are ready for the transaction of legislative business begs leave to report that they have performed the duties assigned to them.

BELL
CROUCH

GRUBB
PORTER

Report adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Heinold, Mishler, L. Lutz, and Rogers be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit."

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Harrison, Miller, Craycraft, and Skinner be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may offer to the General Assembly."

MARY C. MENDEL
Principal Secretary of the Senate

RECEIPT OF ENROLLED ACT VETOED

MESSAGE FROM THE CLERK OF THE HOUSE

Mr. Speaker and Members of the House: On this day, November 22, 2005, House Enrolled Act 1142, enacted by the First Regular Session of the 114th General Assembly and vetoed by Governor Daniels after adjournment *sine die*, was returned to the House by Governor Daniels and received by me, pursuant to Article 5, Section 14(a)(2)(D) of the Indiana Constitution.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act No. 1142, enacted during the regular session of the 114th General Assembly and related to the expansion of Medicaid eligibility and organ procurement procedures.

Tomorrow I will sign a budget bill that curbs the rate of Medicaid spending to just above 5%. Considering that spending in this area was projected to grow at an unsustainable annual rate of more than 10% for the next several years, you and your colleagues made some very difficult decisions to implement a number of important and necessary measures to achieve this goal. In this situation, I cannot support measures that would damage the state's ability to control spending in this area and that would further strain its Medicaid budget.

This Act would have expanded Medicaid eligibility by permitting individuals to assign pre-paid life insurance policies to the state or make an irrevocable election to name the state a beneficiary of the policy. It is my understanding that the intention of the Act was to begin to address some of the significant financial issues facing our long-term care system. However, according to the State Budget Agency, this Act could have led to additional state Medicaid expenditures of \$12.4 million in FY06 and \$12.9 million in FY07.

In addition, this Act might have had the unintended consequence of opening the door to the kind of abuse that already plagues an overburdened Medicaid system—the manipulation of eligibility parameters at the expense of both the state and those already receiving coverage. Finally, it is unclear whether such a measure would have been acceptable to the Centers for Medicare and Medicaid Services at the federal level or would have resulted in the need to amend our State Medicaid Plan. As such, I do not believe that

the passage of this Act is the most advisable step our state can take to provide long-term care coverage for needy Hoosiers at this time. This is a laudable goal, one that my administration will work in close coordination with the initial sponsor of the Act to pursue.

The other component of this Act purports to offer an improved process for organ harvesting and procurement in certain circumstances. However, it appears that many of the people affected by these measures—namely, the county coroners, county prosecutors, and organ and tissue procurement organizations—have not reached consensus on this effort. As a result, I am in favor of allowing more time for these constituencies to work on this very important issue and to address it in future legislative sessions.

I look forward to working with the authors of this Act on finding other ways to solve our looming uninsured problem in this state and providing quality health and long-term care services to Indiana's citizens in the future.

Date: May 12, 2005

MITCHELL E. DANIELS, JR.
Governor

RULES SUSPENSION

HOUSE MOTION

Mr. Speaker: I move that House Rule 104 be suspended for the purpose of immediately introducing and assigning House Bill 1001 to the Committee on Ways and Means.

WHETSTONE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

APPOINTMENT OF COMMITTEES

The Speaker announced the following changes in appointments to standing committees:

Courts and Criminal Code: Representative Crouch replacing former Representative Becker;

Elections and Apportionment: Representative Crouch replacing former Representative Becker;

Family, Children and Human Affairs: Representative Bell replacing former Representative Becker;

Natural Resources: Representative Bell replacing former Representative Alderman;

Public Health: Representative T. Brown replacing former Representative Becker as Chair and Representative Crouch replacing Representative T. Brown as Vice Chair;

Public Policy and Veterans Affairs: Representative Stutzman replacing former Representative Alderman as Chair and Representative Bell replacing Representative Stutzman as Vice Chair;

Public Safety and Homeland Security: Representative Crouch replacing former Representative Alderman; and

Rules and Legislative Procedures: Representative Burton replacing former Representative Alderman.

INTRODUCTION OF BILLS

The following bill was read a first time by title and referred to committee:

HB 1001 — Espich
Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 1

Representatives Welch, T. Adams, Aguilera, Austin, Avery, Ayres,

Bardon, Bauer, Behning, Bell, Bischoff, Borders, Borrer, Bottorff, Bright, C. Brown, T. Brown, Buck, Budak, Buell, Burton, Cheney, Cherry, Cochran, Crawford, Crooks, Crouch, Davis, Day, Denbo, Dickinson, Dobis, Dodge, Duncan, Dvorak, Espich, Foley, Friend, Frizzell, Fry, GiaQuinta, Goodin, Grubb, Gutwein, E. Harris, T. Harris, Heim, Hinkle, Hoffman, Hoy, Kersey, Klinker, Koch, Kromkowski, Kuzman, L. Lawson, Lehe, Leonard, J. Lutz, Mahern, Mays, McClain, Messer, Micon, Moses, Murphy, Neese, Noe, Orentlicher, Oxley, Pelath, Pflum, Pierce, Pond, Porter, Reske, Richardson, Ripley, Robertson, Ruppel, Saunders, J. Smith, V. Smith, Stevenson, Stilwell, Stutzman, Summers, Thomas, Thompson, Tincher, Torr, Turner, Ulmer, VanHaaften, Walorski, Whetstone, Wolkins, Woodruff, Yount, and Speaker Bosma introduced House Concurrent Resolution 1:

A CONCURRENT RESOLUTION recognizing Operation Hoosier Relief.

Whereas, Governor Mitch Daniels signed Executive Order 05-24 to create Operation Hoosier Relief, an effort to help fellow Americans devastated by Hurricane Katrina;

Whereas, Operation Hoosier Relief authorized and established mobile support units to respond to requests for assistance in the aftermath of Hurricane Katrina;

Whereas, State Police officers, medical and mental health professionals, Department of Homeland Security employees, Department of National Resources employees, Department of Transportation employees, fire professionals, and National Guard members made up Operation Hoosier Relief, the largest deployment ever sent by the state of Indiana;

Whereas, Operation Hoosier Relief members established "Camp Indiana" and began to respond to requests made by the Mississippi Emergency Operations Center;

Whereas, The members of Operation Hoosier Relief had one mission: secure the safety and well-being of Mississippi Gulf Coast citizens; and

Whereas, Operation Hoosier Relief stands as a shining example of the goodness and compassion that exists in the hearts of Hoosiers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the efforts of the members of Operation Hoosier Relief for their hours of dedicated service helping the victims of Hurricane Katrina.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Operation Hoosier Relief.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

House Concurrent Resolution 2

Representative Welch introduced House Concurrent Resolution 2:

A CONCURRENT RESOLUTION honoring the medical and mental health professionals of Operation Hoosier Relief.

Whereas, Some of the most important members of relief teams are the dedicated medical and mental health professionals;

Whereas, These tireless professionals offer spiritual and physical help to the injured and those administering to them;

Whereas, People devastated by Hurricane Katrina needed medicine for their wounds and salve for their psyche;

Whereas, Devastation such as that caused by Hurricane Katrina affects every aspect of life;

Whereas, The dedicated medical professionals of Operation Hoosier Relief spent countless hours treating injuries ranging from minor wounds to serious infections and administering life saving prescription medications to those suffering from serious illnesses, like heart disease and diabetes;

Whereas, Deeper than the physical destruction of Hurricane Katrina, however, is the human toll;

Whereas, Mental health professionals were called upon to offer support and advice to people who had lost everything and to rescue workers who were forced to deal with death and loss;

Whereas, Rescue workers and public safety officials are often confronted with unfamiliar emotions;

Whereas, Without the help of these dedicated medical and mental health professionals, the rescue effort would have been far less successful; and

Whereas, Throughout history there have been tales of the dedication and bravery of medical and mental health professionals in times of great distress, and the members of Operation Hoosier Relief have added their own stories to this history: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly recognize the dedicated medical and mental health professionals of Operation Hoosier Relief and commend them on their dedication to duty and compassion for their fellow man.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the medical and mental health professionals of Operation Hoosier Relief.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

House Concurrent Resolution 3

Representatives Welch, T. Adams, Aguilera, Austin, Avery, Ayres, Bardon, Bauer, Behning, Bell, Bischoff, Borders, Borrer, Bottorff, Bright, C. Brown, T. Brown, Buck, Budak, Buell, Burton, Cheney, Cherry, Cochran, Crawford, Crooks, Crouch, Davis, Day, Denbo, Dickinson, Dobis, Dodge, Duncan, Dvorak, Espich, Foley, Friend, Frizzell, Fry, GiaQuinta, Goodin, Grubb, Gutwein, E. Harris, T. Harris, Heim, Hinkle, Hoffman, Hoy, Kersey, Klinker, Koch, Kromkowski, Kuzman, L. Lawson, Lehe, Leonard, J. Lutz, Mahern, Mays, McClain, Messer, Micon, Moses, Murphy, Neese, Noe, Orentlicher, Oxley, Pelath, Pflum, Pierce, Pond, Porter, Reske, Richardson, Ripley, Robertson, Ruppel, Saunders, J. Smith, V. Smith, Stevenson, Stilwell, Stutzman, Summers, Thomas, Thompson, Tincher, Torr, Turner, Ulmer, VanHaaften, Walorski, Whetstone, Wolkins, Woodruff, Yount, and Speaker Bosma introduced House Concurrent Resolution 3:

A CONCURRENT RESOLUTION praising the people of Southaven, Mississippi.

Whereas, Hurricane Katrina destroyed the lives of countless people in the Gulf Coast area;

Whereas, In times of desperation, acts of true kindness and selflessness shine through the despair like rays of hope;

Whereas, Operation Hoosier Relief team members arrived in Southaven, Mississippi, and took shelter in a Wal-Mart store that had been converted into an evacuee shelter;

Whereas, The Southaven residents welcomed the Hoosiers with open arms, providing them with food and shelter;

Whereas, The people of Southaven proved to be rays of hope for the first team of Operation Hoosier Relief;

Whereas, These warm and generous people reached out to the first team members of Operation Hoosier Relief with help and comfort in a time of chaos and destruction;

Whereas, Southaven officials briefed the team members on what to expect but were unable to prepare them for the devastation they encountered; and

Whereas, Countless people lost their homes, their possessions, and sadly family and friends, but the people of Southaven were still able to extend a hand of friendship and help the members of Operation Hoosier Relief prepare for the difficult job they faced: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly wish to thank the residents of Southaven, Mississippi, for their hospitality and the help they gave the members of Operation Hoosier Relief during their time in the Gulf Coast.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Charles G. "Greg" Davis of Southaven, Mississippi.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Wyss.

House Concurrent Resolution 4

Representative Richardson introduced House Concurrent Resolution 4:

A CONCURRENT RESOLUTION congratulating Susan Guilkey on being named Miss Indiana 2005.

Whereas, Susan Guilkey was crowned Miss Indiana 2005 on Saturday, June 25, in Zionsville;

Whereas, Susan Guilkey graduated from Huntington University in May 2005 with a degree in communication studies;

Whereas, Susan has chosen the promotion of Girls, Inc., as her platform during her reign as Miss Indiana and hopes to inspire young girls to be "strong, smart, and bold";

Whereas, Susan became familiar with Girls, Inc., during the spring semester of her senior year at Huntington University when she completed an internship with the Indianapolis chapter of Girls, Inc.;

Whereas, During her reign as Miss Indiana, Susan Guilkey hopes to travel nationally and locally on behalf of Girls, Inc., to gain a greater understanding of the diverse issues facing girls today, to help in the expansion of Girls, Inc., into Hamilton County, and to raise awareness and funds for the Girls, Inc., Indiana affiliates through the sale of Girls, Inc., awareness bracelets;

Whereas, Susan Guilkey currently works as a public relations specialist for MMY Consulting and hopes to obtain a master's degree in professional communications at Purdue University; and

Whereas, Susan Guilkey is a wonderful ambassador for Indiana and will represent Hoosiers with pride throughout her reign: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Susan Guilkey on being named Miss Indiana 2005.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Susan Guilkey and her family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Kenley.

House Concurrent Resolution 5

Representative Torr introduced House Concurrent Resolution 5:

A CONCURRENT RESOLUTION honoring the Carmel Symphony Orchestra on their 30th anniversary season.

Whereas, The Carmel Symphony Orchestra was founded in 1976 as a community orchestra;

Whereas, The 70-member orchestra is comprised of professional and volunteer musicians who share the joy of making music;

Whereas, During the past 30 years the Carmel Symphony Orchestra has grown into an arts organization with a professional administrative staff, a talented musical director and a dedicated governing board;

Whereas, The Carmel Symphony Orchestra provides several

unique concerts throughout the year that include a mix of the classics along with a pop repertoire;

Whereas, The Carmel Symphony Orchestra prides itself on bringing "family-friendly" concerts to the community as well as educational concerts for elementary students;

Whereas, This season includes "Family Fun!", a concert dedicated to young children who are interested in sitting among the orchestra musicians and learning more about the instruments they play;

Whereas, More than half of the orchestra musicians are involved in music education;

Whereas, This involvement in music education has lead to strong partnerships with other arts and educational organizations such as the Indianapolis Children's Choir, Hamilton Southeastern High School, Carmel High School Symphony, the Carmel High School Wind Symphony, the Indianapolis Youth Orchestra, and an ongoing yearly partnership with Anderson University Chorale and Symphonic Chorus;

Whereas, The Carmel Symphony Orchestra is unique nationally in that it is a hybrid of professional and volunteer musicians with high artistic standards that has chosen to focus especially on serving children and their families;

Whereas, 2005-2006 Board of Directors includes: Don Bennett, President; Tom Akins, Vice President; Paul Sweeney, Secretary; Carl Mills, Treasurer; Bob Land; Dan Moriarity; Ersal Ozdemir; Tracy Phillips; Maryann Snyder; Ann Manship, Orchestra President; Melinda Bowman, Orchestra Representative; Alan Davis, Ex-officio; and David Bowden, Ex-officio; and

Whereas, The 2005-2006 members of the Carmel Symphony Orchestra include: David Bowden, Music Director and Conductor; Larry Shapiro, Concertmaster; Kate Withrow, Assistant Concertmaster; Shara Cutts; Hebe de Champeaux; Teresa Fritsche; Ingrid Hobbs; Andrew Ling; Ann Manship; Mary McLean; Blake Richardson; Reinhold Strnat; Hannah Yim; Kathy Schemine, Principal; Andrea Byers; Mary Cole; Amanda Cornet; Sandy Fartouh; Kara Hazen; John Kassebaum; Jill Kirk; Chuck Okada; Eugene Paik; Anne-Marie Schreiber; Pat Williams-Price; Kris Zaloudek; Suzane Um, Principal; Sarah Belt; Melinda Bowman; Katie Garvey; Rachel Gries; Robin Hong; Karen Hutchins; Barbara Jeffries; Rachel Morris; Julie Hampton Scull; Nancy Smith, Principal; Nancy Boettner; Jan Brill; Eunjung Hwang; Kelly Makeever, Joerg Schreiber; Jennifer Weber; Rose Meyers, Principal; Matt Greven; Andy Katt; Don McKibben; Hennessey Ng; Laura Payne; Karen Sheely, Principal; Kathy Sassemann; Kim Coplen; Monika Spangler; Steve Nelson, Principal; Sharon McCullough; Tama Poncar; Ed Staubach, Principal; Laura Richardson; Kate Engle; Pawel Wnuk, Principal; Erin Johnson; Matthew Hogan; Dan Poncar, Principal; Ginny Kundrat; Larry Lemon; Bill Richardson; Steve Pfoser, Principal; Bob Bonner; Mitch Spencer; Jim Rodenbeck, Principal; Tom Price; Ken Shearer; Andy Meyer; Jason Spangler; Mark Stempel, Principal; Ken Belt; Jeff Dick; Keli Welsh; and Alissa Shoemaker, Principal: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Carmel Symphony Orchestra on their 30th year anniversary season.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Don Bennett, President of the Board of Directors and David Bowden, Music Director and Conductor of the Carmel Symphony Orchestra.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Kenley and Lubbers.

House Concurrent Resolution 6

Representatives J. Smith and Buck introduced House Concurrent Resolution 6:

A CONCURRENT RESOLUTION recognizing Kokomo, Indiana,

on the occasion of the 150th anniversary of its founding.

Whereas, Kokomo was originally part of a tract of land known as the Big Miami Reserve and given to the Miami Indians in a treaty signed in 1818;

Whereas, In the years following the signing of this treaty, the Miami Indians sold most of this land to the state of Indiana and began moving west to the Kansas Territory;

Whereas, During that time, a Miami chief named Jean Baptiste de Richardville was awarded seven sections of land in Indiana in what is now Howard County;

Whereas, After de Richardville's death in 1841, his son-in-law, Francis Lafountain, took over as chief and sold some of the land along Wildcat Creek to Allen Hamilton;

Whereas, This land along Wildcat Creek, which Hamilton later sold to David Foster for a sum of \$4,000, became the city of Kokomo;

Whereas, Foster constructed a log cabin to serve as a trading post and a family home, naming the land Ko-Ko-Mo after a Miami Indian named Ma-Ko-Ko-Mo;

Whereas, Foster's original cabin became the first church and school in the community;

Whereas, Kokomo's future changed dramatically with the discovery of a huge natural gas well by the Kokomo Natural Gas & Oil Co. in 1886, attracting several factories and businesses and increasing employment and commerce in Howard County;

Whereas, The increased commerce caused close to 250 new houses to be built in Kokomo;

Whereas, Unfortunately, excessive use and waste of the gas took its toll, and by the end of the 1890's, the gas was almost gone;

Whereas, During these years, Elwood Haynes came to Kokomo;

Whereas, Haynes invented such things as the first successful "Horseless Carriage", Stellite alloy, and stainless steel and put Howard County on the map, and is the major reason Kokomo is called the "City of Firsts";

Whereas, Through the years, Kokomo has continued to grow and develop into a world-class city offering its residents many cultural, educational, and economic opportunities;

Whereas, Kokomo was recently named the number one city in the United States for European manufacturing investments by Expansion Management Magazine, Industry Week ranked Kokomo first in the United States and eighth worldwide as a Manufacturing Metropolitan Area, and Entrepreneur magazine and the National Policy Research Council named Kokomo as one of the nation's hottest places for entrepreneurs, ranking it 97th in the rapid growth category and 105th overall in the small cities division; and

Whereas, The residents of Kokomo should be extremely proud of their city, which sets an example for cities throughout the United States to emulate: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the residents of Kokomo on the occasion of the 150th anniversary of the city's founding.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Matt McKillip.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

House Concurrent Resolution 7

Representatives Crouch, Avery, Hoy, VanHaaften, and Stilwell introduced House Concurrent Resolution 7:

A CONCURRENT RESOLUTION lamenting the devastation and loss of life caused by the November 6, 2005, tornado in Vanderburgh and Warrick counties in southern Indiana.

Whereas, In the pre-dawn hours of Sunday, November 6, 2005, at least one tornado ripped through southern Indiana, killing at least 25 people and injuring approximately 230 in Vanderburgh and Warrick counties, making this the deadliest twister to hit the area since 1974;

Whereas, The tornado touched down about 2 a.m. in Henderson County, Kentucky, then crossed the Ohio River and hit an Evansville mobile home park before moving into Warrick County;

Whereas, The greatest loss of life occurred in a mobile home park in Evansville, where witnesses said several trailers were picked up by the winds and tossed into a nearby lake;

Whereas, There was severe property damage to residences and businesses in Warrick County;

Whereas, The path of damage caused by the tornado was estimated to be approximately 3/4 of a mile wide and 20 miles long;

Whereas, Rescuers searched for survivors throughout the day and into the night amid the ruins of destroyed buildings and shattered lives; and

Whereas, Although Mother Nature has shown her strength in Vanderburgh and Warrick counties, but the citizens of these counties, along with their fellow Hoosiers throughout the state, will rise above this catastrophe and rebuild their homes and their lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly express their sympathy for the residents of Vanderburgh and Warrick counties and offer support along the road to recovery.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Evansville Mayor Jonathon Weinzapfel and to the County Councils and County Commission members of Vanderburgh and Warrick counties.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Becker and L. Lutz.

Pursuant to House Rule 60, committee meetings were announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 12:05 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 1, 2, 3, 4, 5, 6, and 7 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 2, 3, 4, 5, and 6 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 2

The Speaker handed down Senate Concurrent Resolution 2, sponsored by Representatives Welch and Buell:

A CONCURRENT RESOLUTION honoring Clarian Health Partners (Methodist Hospital, Indiana University Hospital, and Riley Hospital for Children), Indiana University School of Medicine, and the outstanding doctors who serve the health care needs of the citizens

of Indiana.

Whereas, Leaders in cancer research and treatment from Indiana University School of Medicine and Clarian Health Partners were recently selected to be included in the first edition of America's Top Doctors for Cancer;

Whereas, 18 specialists from Indiana University Hospital and Riley Hospital for Children were among the nearly 2,000 leading cancer specialists profiled in this premiere edition;

Whereas, Doctors listed in this first edition publication were selected by a physician-led research team based on comprehensive national surveys of physicians and medical leaders. The doctors represent more than 40 medical specialties involved in the diagnosis and treatment of cancers in adults and children;

Whereas, Thanks to better methods of preventing, finding, and treating the disease, the death rate from cancer is slowly but steadily decreasing in the United States; and

Whereas, It is through organizations like Clarian Health Partners, Indiana University School of Medicine, and their dedicated doctors that the death rate from cancer is decreasing and their continued efforts will possibly help to eliminate cancer as a cause of death throughout the world: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly thanks Clarian Health Partners, Indiana University School of Medicine, and their dedicated doctors for their efforts to bring the citizens of Indiana the best possible cancer care and improved treatment capabilities and congratulates them on their well deserved recognition.

SECTION 2. That the Indiana General Assembly congratulates Dr. John J. Coleman, Dr. Lawrence Einhorn, Dr. Robert J. Fallon, Dr. Richard S. Foster, Dr. Robert J. Goulet, Dr. Jay L. Grosfeld, Dr. Valerie P. Jackson, Dr. Keith Douglas Lillemoe, Dr. Patrick J. Loehrer, Dr. Katherine Look, Dr. Richard T. Miyamoto, Dr. David H. Moore, Dr. Scott A. Shapiro, Dr. George W. Sledge, Jr., Dr. Frederick B. Stehman, Dr. Thomas M. Ulbright, Dr. Terry A. Vik, and Dr. Stephen D. Williams for their inclusion in the list of top cancer specialists in the nation.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to Daniel F. Evans, Jr., President and Chief Executive Officer of Clarian Health Partners; D. Craig Brater, M.D., Dean of the Indiana University School of Medicine; and each Indiana doctor profiled in *America's Top Doctors for Cancer*.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 3

The Speaker handed down Senate Concurrent Resolution 3, sponsored by Representative T. Brown:

A CONCURRENT RESOLUTION honoring Ron Wuensch.

Whereas, Ron Wuensch retired as the executive director of the Indiana Optometric Association after 44 years of dedicated service to that organization;

Whereas, The Indiana Society of Association Executives, for whom Ron served as president from 1973-1974, honored Ron by making him the first recipient of its Association Executive of the Year Award in 1982;

Whereas, Ron also received the National Management Achievement Award from the American Society of Association Executives in 1965, 1967, and 1968, and was elected a Certified Association Executive, an honor bestowed on only a very select group of association executives in the United States;

Whereas, During his years as executive director of the Indiana Optometric Association, Ron felt that to be a truly effective administrator, the executive director must personally experience the legislative process and its effect on the association;

Whereas, Therefore, Ron could be seen daily in the halls of the

State House ensuring that the best interests of his organization were being met;

Whereas, Ron was dedicated to making sure that he was fully informed regarding all the issues affecting his association;

Whereas, Ron believed that grassroots work and collaboration were the keys to success for the Indiana Optometric Association and helped its local societies around the state put on a pre-legislative conference to bring health care issues to the attention of legislators and candidates; and

Whereas, Ron Wuensch worked diligently to further the Indiana Optometric Association's primary goal, which is "the continuing development and the participation therein of quality eye/vision care for Hoosier citizens": Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana Senate thanks Ron Wuensch for his dedicated service to the Indiana Optometric Association and the state of Indiana and its citizens and wishes him happiness and contentment in his retirement.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Ron Wuensch and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 5

The Speaker handed down Senate Concurrent Resolution 5, sponsored by Representatives Davis, Hoffman, Saunders, and Pflum:

A CONCURRENT RESOLUTION to honor State Senator Allen E. Paul for his heroic actions on September 19, 1968, and to recognize him for being awarded a Bronze Star Medal with a valor device.

Whereas, While serving as a radio-telephone operator with Battery A, 1st Battalion (Airmobile), 77th Artillery during a combat mission in the Republic of Vietnam, then Private First Class Allen Paul performed a heroic deed;

Whereas, On September 19th, 1968, his unit became heavily engaged with a large enemy force and sustained several casualties;

Whereas, With complete disregard for his own safety, Private First Class Paul volunteered to move forward in an attempt to reach the wounded soldiers;

Whereas, Exposing himself to intense hostile fire, Private First Class Paul crossed an open area to administer first aid and evacuate the injured men;

Whereas, Private First Class Paul's actions saved the lives of several fellow soldiers;

Whereas, The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the military of the United States after December 6, 1941, distinguished himself by heroic or meritorious achievement or service while engaged in an action against an enemy of the United States;

Whereas, The Bronze Star Medal is a United States Armed Forces individual military decoration and is the fourth highest award for bravery, heroism or meritorious service;

Whereas, Private First Class Paul was awarded a Bronze Star Medal with a valor device in 1968; however, since the medal allocation system in place at that time allowed for the distribution of only a few medals per month, Private First Class Paul did not receive his medal, but instead received an Army Commendation Medal;

Whereas, On October 2, 2005, in a ceremony dedicating Freedom Park in Portland, Indiana, U.S. Representative Mike Pence presented the Bronze Star Medal with a valor device to Allen Paul;

Whereas, This was the second Bronze Star Medal received by Allen Paul. His first was for meritorious service during a battle in which his unit participated. The ribbon worn for the first medal carries the "M" device;

Whereas, In his capacity as a State Senator, Allen Paul has worked tirelessly to assure that other veterans have received their long overdue recognition; and

Whereas, Senator Allen Paul risked his life in order to save others and it is fitting that the Indiana General Assembly acknowledge the sacrifice and dedication of one of its own members: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Senator Allen E. Paul for his exemplary service in the United States Army and congratulates him on being awarded and receiving a Bronze Star Medal with a valor device for his dedication to the United States of America.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Senator Allen E. Paul and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 6

The Speaker handed down Senate Concurrent Resolution 6, sponsored by Representative Bischoff:

A CONCURRENT RESOLUTION to honor Ed Noel on his retirement from the Greendale Fire Department.

Whereas, Ed Noel joined the Greendale Fire Department in 1965. During his tenure, he has held the positions of Lieutenant and Assistant Chief and was elected Chief in 1978;

Whereas, At the end of this year, Chief Noel will have completed 40 years of service with the Greendale Fire Department and plans to retire;

Whereas, One of Chief Noel's major goals was to oversee construction of a new Fire Station that was more centrally located and provided more space to meet the needs of the City of Greendale. This was achieved when the fire department moved into a new station in December 2004;

Whereas, Chief Noel has always believed that training made the difference between a good department and a great department and has promoted at least two training sessions per month since becoming Chief;

Whereas, Along with his duties at the fire department, Chief Noel has trained and worked with his search dog, Sammy, for the last four years. They have aided several police departments in searches for missing persons;

Whereas, Ed has also served as President of the Dearborn County Fire Chiefs Association and has been a member of the county's Fire Investigation Team;

Whereas, When not on duty, Ed has been active in coaching Little League baseball and soccer, as well as serving on the Dearborn County Local Emergency Planning Committee, the Dearborn County Communications Board, and the County Advisory Board for Emergency Management;

Whereas, Ed has been married to his wife, Bev, for 45 years and they have two married children and five grandchildren; and

Whereas, Chief Noel has dedicated many years to the betterment of Dearborn County and the Greendale Fire Department: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Ed Noel on his retirement after 40 successful years of service to the Greendale Fire Department.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Ed Noel and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 4

The Speaker handed down Senate Concurrent Resolution 4, sponsored by Representative Friend:

A CONCURRENT RESOLUTION to allow the Senate and the House of Representatives of the 114th Indiana General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) consecutive days as the need, in the judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, may arise.

Whereas, The Indiana Senate and the House of Representatives met for the purpose of organization of each House and to conduct the public business of the people of the State of Indiana;

Whereas, The Indiana Senate and the House of Representatives shall operate on their own respective schedules, having been separated from each other pursuant to IC 2-2.1-1-3;

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the Second Regular Session of the 114th General Assembly; and

Whereas, The House of Representatives and the Senate intend to recess after November 22, 2005, and the House of Representatives will reconvene on January 4, 2006 and the Senate will convene on January 9, 2006, to conduct legislative business: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That each House of the 114th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 114th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the Senate, by the President Pro Tempore of the Senate, or, in the case of the House of Representatives, by the Speaker of the House of Representatives.

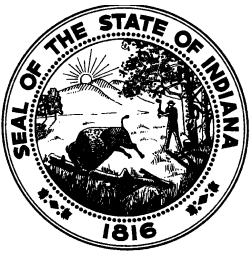
SECTION 2. The Secretary of the Senate is directed to inform the House of Representatives of the passage of the resolution.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

On the motion of Representative Bell, the House adjourned at 12:10 p.m., this twenty-second day of November, 2005, until Wednesday, January 4, 2006, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Second Meeting Day

Wednesday Afternoon

January 4, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

OPENING REMARKS BY THE SPEAKER

As we begin a new session of the Indiana General Assembly we face a number of tremendous challenges and great opportunities. The first day of a new session is one that typically we look to the minority party to give them an opportunity to discuss their hopes and visions for the future. But today is not a typical start to the General Assembly; I've spoken with Representative Bauer today and he desires to have his opportunity to chat with all of us tomorrow. Events out of our hands have temporarily diverted the attention of many of us and of the rest of the state and, in fact, the nation to a new challenge that we face together regarding religious liberty and free speech in the legislative process. As you can tell by the extraordinary order of business that we are undertaking today, things are changed just a bit today.

For 189 years it has been our practice to invite men and women of many faiths to join us at this point in our proceedings and offer uncensored, open prayer in accordance with their own beliefs and conscience. In my 19-year career here, as many of you, I have heard prayers offered by representatives of virtually every faith, including Jewish Rabbis, Islamic Imams, and persons with no religious affiliation whatsoever. Some mentioned Jesus Christ, some chose not to. Others made reference only to God and others chose not to mention Him in any way.

The important unifying fact in all of those prayers: each and every one was not coerced or censored in any fashion. Every representative who spoke here and every clergyman or lady who chose to offer a prayer was free to pray in accordance with the dictates of their conscience. And the point is that we did not all agree, perhaps, on the theology of those prayers, but we all agreed and respected the individual's right to pray openly, freely, without coercion, or without censorship.

As you know, today is the first day on which we are operating under a federal court order that has ruled that a federal judge is entitled to control the content of the invocation for the first time in 189 years in our state. Judge Hamilton has ruled that the prayers given as part of our opening invocation, the official proceedings of the Indiana House, are not to "use Christ's name or title or any other denominational appeal" and specifically should not—and I am now quoting the Order—"proclaim or otherwise communicate the belief that Jesus of Nazareth was the Christ, the Messiah, the Son of God, or the Savior, or that he was resurrected, or that he will return on Judgment Day or is otherwise divine." In short, for the first time in two centuries, the Speaker of the House has been placed in the position of seeing to it that only government-approved theology will be offered on the House floor. I have struggled with this now for nearly two months and I believe this order flies in the face of an elected official's historical constitutional role as it intersects with religious speech in public venues. In short, I read the order to require an inquiry about the individual's theology, their beliefs regarding prayer, and to require the Speaker of the House to make a value-laden judgment, a theological determination that they can or cannot pray in conformance with the Court's order. Numerous Supreme Court decisions hold that public officials like myself can not make such religious judgments in our public work.

This was brought home to me very clearly when over the past week our staff contacted four different pastors who have prayed in

this Chamber before and have used what are now the forbidden phrases. They were invited to come here and share with us today, and in each case they responded that they could not in good conscience return to the House Chambers to share and offer an invocation in accordance with the Court's order that did not conflict with their own religious beliefs. I have read numerous news accounts of many others who have shared the same view. I know there are many others who would gladly come and pray in the approved fashion, but I find myself having to make the judgment whether they could or could not come.

When that ruling was first issued I termed it "intolerable" and inconsistent with religious liberty and free speech, and I still believe that is an accurate characterization. But we are a nation of laws, and not of men (and women to update the quote), and each of us have taken an oath to uphold the laws and constitution of our state and the United States, including those laws that we disagree with. My friends and others have suggested that I defy the Court order. But after talking about this with my own children, I determined that the message this sent was completely inappropriate. We are a nation of laws, even laws that we disagree with. What message would a defiance send to an abusive husband who disagrees with a restraining order to stay away from his estranged wife and children? No, this is a law and we must obey it.

Many others have suggested that I stand completely aside and implement the Court's directive that only government-approved prayer be allowed in the House Chamber. I disagree. In the words of James Madison, the author of the First Amendment, "The religion . . . of every man must be left to the conviction and conscience of every man . . . It is the duty of every man to render to the Creator such homage and such only as he believes acceptable to him [the individual]." Requiring people to pray in accordance with a government-approved theology directly interferes with the freedom of conscience and speech that each of us holds so dear.

But, together we must and we shall make a stand on this issue. I have already directed our state's Attorney General and our legal team to pursue an aggressive appeal of this matter on our behalf to the 7th Circuit Court of Appeals and to the United States Supreme Court, if necessary. We will continue to fight this order by every constitutional means available until it is overturned.

While this order is in effect, members may, if they so choose, participate in an informal opportunity to offer uncensored, unfettered prayer on the floor of the House prior to the beginning of our session just as occurred in the back of the Chamber today. Our legal advisors have indicated that this course of action meets both the letter and the spirit of Judge Hamilton's order, and still meets the goal of many of us to let members of this chamber and our staff to gather together here and offer prayer in a manner consistent with our own consciences and unfettered by judicial interference.

There is a 189-year history of free speech and open prayer in this House that is temporarily void for a time. Those of us, myself included, who yearn for the opportunity to freely speak in accordance with our beliefs have, historically, always ended up on the right side of history in this nation of freedom. I believe that, hopefully soon, our freedom to have unfettered, unrestricted, uncensored, unapproved prayer in this House will be returned. And I pledge to continue to fight with each of you, and I know that I speak for most of you when I say that, by God's grace, we will not faint from this task. I can only ask you as we open this session with the Pledge of Allegiance that we each ask God to bless our work this session and to bless the State of

Indiana.

The Pledge of Allegiance to the Flag was led by Representative B. Patrick Bauer.

FILLING VACANT LEGISLATIVE OFFICES

Representatives James L. Bottorff (District 71, Clark County) died on December 6 and R. Tiny Adams (District 34, Delaware County) died on December 7, 2005. Certifications of the newly-selected members appear below.

District 71

CERTIFICATE OF APPOINTMENT TO FILL A VACANCY IN A STATE REPRESENTATIVE OFFICE BY A PRECINCT COMMITTEEMAN CAUCUS

TO THE SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

This is to certify the following:

(1) A vacancy occurred in the office of State Representative, District 71.

(2) The vacancy occurred due to the death of Representative James Bottorff.

(3) The incumbent was elected or appointed as a candidate of the Democratic Party.

(4) I am the state chairman, or person designated by the state chairman to conduct the caucus, of the Democratic Party.

(5) A caucus of eligible precinct committeemen was held on December 29, 2005, to fill the vacancy in this office. The caucus was held following the giving of notice required under Indiana Code 3-13-5-2.

(6) The members of the caucus selected, by majority vote of those casting a vote for a candidate, the person named below to hold an appointment to this office for the remaining unexpired term.

(7) The person holding the appoint to this office is a registered voter of a precinct within the election district for the office, complies with the other requirements imposed under Indiana law for this office, and consents to this appointment by the declaration of candidacy, which was timely filed in accordance with Indiana Code 3-13-5-3, and is incorporated by reference in this certificate.

(8) This appointment is effective December 29, 2005.

(9) The person appointed to this office is Carlene Bottorff of Jeffersonville.

I, the State Chairman, or person designated by the state chairman to conduct this caucus of the Democratic Party, certify that the information in this Certificate is true and complete.

Signed: Michael L. Jones

Dated: December 30, 2005

Notarized: Kelly J. Floyd of Switzerland County, whose commission expires September 17, 2008.

CERTIFICATE OF SELECTION TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN BOSMA
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 71, on December 6, 2005, due to the death of the Honorable James L. Bottorff, who was elected to office as a candidate of the Indiana Democratic Party;

WHEREAS, On December 29, 2005, a caucus composed of Democratic Party precinct committeemen from Indiana House District 71 selected Carlene Bottorff to fill the vacancy in Indiana House District 71;

WHEREAS, On December 30, 2005, the State Chairman of the Indiana Democratic Party certified the selection of Carlene Bottorff to fill the vacancy in Indiana House District 71 to the Speaker of the House of Representatives and the Speaker of the House acknowledged receipt of the certification thereon;

WHEREAS, On January 3, 2006, the Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Carlene Bottorff has been selected to fill the vacancy existing in the office of Indiana State Representative, District 71.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 3rd day of January, 2006, being the 230th year of the Independence of the United States, and the 191st year of the Statehood of Indiana.

TODD ROKITA
Secretary of the State of Indiana

Representative-elect Carlene Bottorff was sworn into office on January 4, 2006. The oath of office is: "I, Carlene Bottorff, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."

Sworn before me, Frank Sullivan, Justice of the Supreme Court of Indiana, this 4th day of January, 2006.

District 34

CERTIFICATE OF APPOINTMENT TO FILL A VACANCY IN A STATE REPRESENTATIVE OFFICE BY A PRECINCT COMMITTEEMAN CAUCUS

TO THE SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

This is to certify the following:

(1) A vacancy occurred in the office of State Representative, District 34.

(2) The vacancy occurred due to the death of Representative R. Tiny Adams.

(3) The incumbent was elected or appointed as a candidate of the Democratic Party.

(4) I am the state chairman, or person designated by the state chairman to conduct the caucus, of the Democratic Party.

(5) A caucus of eligible precinct committeemen was held on December 29, 2005, to fill the vacancy in this office. The caucus was held following the giving of notice required under Indiana Code 3-13-5-2.

(6) The members of the caucus selected, by majority vote of those casting a vote for a candidate, the person named below to hold an appointment to this office for the remaining unexpired term.

(7) The person holding the appoint to this office is a registered voter of a precinct within the election district for the office, complies

with the other requirements imposed under Indiana law for this office, and consents to this appointment by the declaration of candidacy, which was timely filed in accordance with Indiana Code 3-13-5-3, and is incorporated by reference in this certificate.

(8) This appointment is effective December 30, 2005.

(9) The person appointed to this office is Dennis Tyler of Muncie.

I, the State Chairman, or person designated by the state chairman to conduct this caucus of the Democratic Party, certify that the information in this Certificate is true and complete

Signed: Michael D. Edmondson

Dated: December 29, 2005

Notarized: Connie S. Chilcote of Madison County, whose commission expires August 16, 2009.

CERTIFICATE OF SELECTION TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE BRIAN BOSMA
SPEAKER OF THE INDIANA
HOUSE OF REPRESENTATIVES:

WHEREAS, A vacancy occurred in the office of Indiana State Representative, District 34, on December 7, 2005, due to the death of the Honorable R. Tiny Adams, who was elected to office as a candidate of the Indiana Democratic Party;

WHEREAS, On December 29, 2005, a caucus composed of Democratic Party precinct committeemen from Indiana House District 34 selected Dennis Tyler to fill the vacancy in Indiana House District 34;

WHEREAS, On December 30, 2005, the State Chairman of the Indiana Democratic Party certified the selection of Dennis Tyler to fill the vacancy in Indiana House District 34 to the Speaker of the House of Representatives and the Speaker of the House acknowledged receipt of the certification thereon;

WHEREAS, On January 3, 2006, the Speaker of the House of Representatives forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office: NOW, THEREFORE,

AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Dennis Tyler has been selected to fill the vacancy existing in the office of Indiana State Representative, District 34.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 3rd day of January, 2006, being the 230th year of the Independence of the United States, and the 191st year of the Statehood of Indiana.



TODD ROKITA
Secretary of the State of Indiana


Representative-elect Dennis Tyler was sworn into office on January 4, 2006. The oath of office is: "I, Dennis Tyler, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Indiana, and that I will faithfully and impartially discharge my duties as a member of the House of Representatives of the General Assembly of the State of Indiana to the best of my skill and ability, so help me God."


Sworn before me, Frank Sullivan, Justice of the Supreme Court of Indiana, this 4th day of January, 2006.

ROLL CALL OF MEMBERS

The Speaker ordered the roll of the House to be called:

Aguilera
Austin
Avery
Ayres
Bardon
Bauer
Behning
Bell
Bischoff
Borders
Borror
C. Bottorff
Bright
C. Brown
T. Brown
Buck
Budak
Buell
Burton
Cheney
Cherry
Cochran
Crawford
Crooks
Crouch
Davis
Day
Denbo
Dickinson
Dobis 
Dodge
Duncan
Dvorak
Espich
Foley
Friend
Frizzell
Fry
GiaQuinta
Goodin
Grubb
Gutwein
E. Harris 
T. Harris
Heim
Hinkle
Hoffman
Hoy
Kersey
Klinker

Koch
Kromkowski
Kuzman
L. Lawson
Lehe
Leonard
J. Lutz
Mahern
Mays
McClain
Messer
Micon
Moses
Murphy 
Neese
Noe
Orentlicher
Oxley
Pelath
Pflum
Pierce
Pond
Porter
Reske
Richardson
Ripley
Robertson
Ruppel
Saunders
J. Smith
V. Smith
Stevenson
Stilwell
Stutzman
Summers
Thomas
Thompson
Tinchler
Torr
Turner
Tyler
Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Woodruff
Yount
Mr. Speaker

Roll Call 2: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 5, 2006 at 1:30 p.m.

FRIEND

Motion prevailed.

The House stood for a moment of silence in memory of former Representatives R. Tiny Adams and James L Bottorff who died in December, 2005.

APPOINTMENT OF COMMITTEES

The Speaker announced the following changes in appointments to standing committees:

Agriculture and Rural Development: Representative Carlene Bottorff replacing former Representative James Bottorff;

Commerce, Economic Development and Small Business: Representative Tyler replacing Representative Orentlicher;

Judiciary: Representative Tyler replacing Representative Orentlicher;

Natural Resources: Representative Carlene Bottorff replacing former Representative James Bottorff;

Public Health: Representative Tyler replacing Representative Orentlicher;

Utilities and Energy: Representative Crooks replacing former Representative James Bottorff as Ranking Minority Member and Representative Carlene Bottorff becoming a member of the committee;

Ways and Means: Representative Orentlicher replacing former Representative T. Adams.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1011 — Richardson, Mahern, Behning, Thomas
Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1012 — Withdrawn pursuant to House Rule 111

HB 1013 — Burton

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1014 — Crooks

Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT concerning general provisions.

HB 1015 — Day

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1016 — Ayres, Ulmer, Foley, Cheney

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1017 — Welch, T. Harris

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1018 — Robertson, Wolkins, Hinkle, Oxley

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1019 — Torr

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1020 — Avery

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1021 — Grubb, Friend

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1022 — Ruppel, Pond, Bischoff, Goodin

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1023 — Ayres, T. Brown, C. Brown, Cheney
Committee on Public Health

A BILL FOR AN ACT concerning human services.

HB 1024 — J. Smith

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1025 — J. Smith

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1026 — Grubb

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1027 — Walorski

Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1029 — Buell, Klinker

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1030 — Saunders, Austin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1031 — Reske

Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1032 — Buell, Kromkowski

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1033 — Buck

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1034 — Davis

Committee on Courts and Criminal Code

A BILL FOR AN ACT to repeal a provision of the Indiana Code concerning criminal law and procedure.

HB 1035 — Stilwell

Committee on Ways and Means

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

HB 1036 — Koch, Welch

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1037 — Hoffman

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1038 — Dodge

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1039 — Stilwell

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1040 — Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1041 — Torr

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1043 — Mays

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1044 — J. Lutz

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1045 — J. Lutz

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1046 — Austin

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1047 — Bell

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1048 — Bell, Burton, Koch

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1049 — Bell

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1050 — Dickinson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1051 — Hoffman

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1052 — Micon

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1053 — Micon

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1054 — Micon

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1055 — Duncan

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1056 — Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1057 — Heim

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT concerning elections.

HB 1058 — Heim

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1060 — L. Lawson

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1061 — L. Lawson

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1062 — Hinkle, Buell, Crawford

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1063 — Hinkle, Torr, Micon

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1064 — Buck

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

HB 1065 — Gutwein

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1066 — Cherry

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1067 — Cherry

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1068 — Kromkowski, Pelath

Committee on Utilities and Energy

A BILL FOR AN ACT concerning the general assembly.

HB 1069 — Avery

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1071 — Reske

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1072 — Kersey

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1112 — Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1114 — Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1134 — Foley, Behning, Kuzman, VanHaaften

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

HJR 1 — Micon

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education finance.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government; it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific, and agricultural improvement; and to provide, by law, for a general and uniform system of Common Schools, wherein tuition shall be without charge, and equally open to all. **The General Assembly shall provide by law that textbooks be provided to all students in public schools without charge.**

OTHER BUSINESS ON THE SPEAKER'S TABLE

Pursuant to House Rule 60, committee meetings were announced.

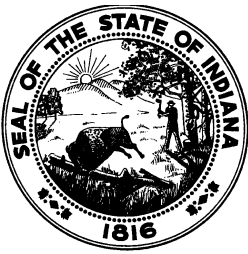
On the motion of Representative Tyler, the House adjourned at 1:45 p.m., this fourth day of January, 2006, until Thursday, January 5, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Third Meeting Day

Thursday Afternoon


January 5, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative T. Brown.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays 
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy 
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis 	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman 
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris 	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount 
Klinker	Mr. Speaker

Roll Call 5: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

[Journal Clerk's Note: roll calls 3 and 4 were machine tests.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 9, 2006 at 1:30 p.m.

FOLEY

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1010 — Wolkins, Foley, Grubb

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1073 — Walorski, Davis, Neese, McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1074 — Yount, Koch

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1075 — Friend

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1076 — Friend

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1077 — Gutwein, Lehe, Reske

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1078 — Kersey

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1079 — Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1080 — Stutzman

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1081 — Yount, Murphy, Klinker, Day

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1082 — Kersey

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1083 — Kersey

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1084 — Bischoff

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1085 — Bischoff

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1086 — Buck

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1087 — Ripley

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1088 — Saunders

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1089 — J. Lutz

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1090 — Tincher

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1091 — Tincher

Committee on Natural Resources

A BILL FOR AN ACT concerning natural and cultural resources.

HB 1092 — Orentlicher

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1093 — Dobis, Cheney, Ayres

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1094 — Moses

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1095 — Dobis

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1096 — Woodruff

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1097 — Frizzell

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1099 — Frizzell

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1100 — Frizzell

Committee on Public Health

A BILL FOR AN ACT concerning human services.

HB 1101 — Walorski, Ruppel, Noe

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1102 — Ayres

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1103 — Yount

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1104 — Dvorak

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1105 — Cheney

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1106 — Crouch

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1107 — Crouch

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1108 — T. Brown

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1109 — T. Brown

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1110 — T. Brown

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1111 — T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1113 — Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1115 — Kuzman, L. Lawson

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1116 — Wolkins

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1117 — Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1118 — Cherry

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1119 — Cherry

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1121 — Orentlicher

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1122 — Budak, Ayres, Cheney

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1123 — Budak, L. Lawson

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1124 — Buck

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1125 — L. Lawson

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1126 — L. Lawson

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1127 — Davis

Committee on Education

A BILL FOR AN ACT concerning state offices and administration.

HB 1128 — Duncan

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1129 — Kromkowski

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1130 — Kromkowski

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1131 — Hinkle

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1132 — J. Smith

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1133 — J. Smith

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1135 — Burton

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1136 — Burton

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1137 — Orentlicher, Bardon

Committee on Education

A BILL FOR AN ACT concerning education finance and to make an appropriation.

HB 1138 — Bell

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

HB 1139 — Leonard

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1140 — Leonard

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1141 — Leonard

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1142 — Leonard

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1143 — Dodge

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1144 — Stevenson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1145 — Stevenson

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1146 — Stevenson

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1147 — Pelath, Kromkowski, Kuzman

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1148 — Crooks

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1149 — Crooks

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

HB 1150 — Crooks, J. Smith

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1151 — Cheney

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1152 — Gutwein

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1153 — Pelath, Budak

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

HB 1154 — Pelath

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1155 — Budak, J. Smith, Ulmer, Bardon

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1156 — Richardson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1157 — Richardson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1158 — Richardson

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1159 — Richardson

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HJR 2 — Frizzell

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 4 and 5 of the Indiana Constitution concerning the general assembly.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendments to the Constitution of the State of Indiana are proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and are referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 4, SECTION 25 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 25. **(a) Except as provided in subsection (b),** a majority of all the members elected to each House shall be necessary to pass every bill or joint resolution. ~~and~~ All bills and joint resolutions ~~so~~ passed **under this subsection or subsection (b)** shall be signed by the Presiding Officers of the respective Houses.

(b) A bill that increases state tax rates or establishes a new state tax may not become law unless:

(1) at least two-thirds of the members elected to each House:

(A) declare that an emergency exists; and

(B) vote to approve the bill; or

(2) a majority of the persons voting in a statewide referendum approve the tax increase or new tax.

SECTION 3. ARTICLE 5, SECTION 14 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 14. (a) Every bill which shall have passed the General Assembly shall be presented to the Governor. The Governor shall have seven days after the day of presentment to act upon such bill as follows:

(1) He may sign it, in which event it shall become a law.

(2) He may veto it:

(A) In the event of a veto while the General Assembly is in session, he shall return such bill, with his objections, within seven days of presentment, to the House in which it originated. If the Governor does not return the bill within seven days of presentment, the bill becomes a law notwithstanding the veto.

(B) If the Governor returns the bill under clause (A), the House in which the bill originated shall enter the Governor's objections at large upon its journals and proceed to reconsider and vote upon whether to approve the bill. The bill must be reconsidered and voted upon within the time set out in clause (C). If, after such reconsideration and vote, a majority of all the members elected to that House shall approve the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered and voted upon, and, if approved by a majority of all the members elected to that House, it shall be a law.

(C) If the Governor returns the bill under clause (A), the General Assembly shall reconsider and vote upon the approval of the bill before the final adjournment of the next regular session of the General Assembly that follows the regular or special session in which the bill was originally passed. If the House in which the bill originated does not approve the bill under clause (B), the other House is not required to reconsider and vote upon the approval of the bill. If, after voting, either House fails to approve the bill within this time, the veto is sustained.

(D) In the event of a veto after final adjournment of a session of the General Assembly, such bill shall be returned by the Governor to the House in which it originated on the first day that the General Assembly is in session after such adjournment, which House shall proceed in the same manner as with a bill vetoed before adjournment. The bill must be reconsidered and voted upon within the time set out in clause (C). If such bill is not so returned, it shall be a law notwithstanding such veto.

(3) He may refuse to sign or veto such bill in which event it shall become a law without his signature on the eighth day after presentment to the Governor.

(b) Every bill presented to the Governor which is signed by him or

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

on which he fails to act within said seven days after presentment shall be filed with the Secretary of State within ten days of presentment. The failure to so file shall not prevent such a bill from becoming a law.

(c) In the event a bill is passed over the Governor's veto, such bill shall be filed with the Secretary of State without further presentment to the Governor, provided that, in the event of such passage over the Governor's veto in the next succeeding General Assembly, the passage shall be deemed to have been the action of the General Assembly which initially passed such bill.

(d) Notwithstanding subsection (a), a bill that increases state tax rates or establishes a new state tax does not become law over the veto of the Governor unless two-thirds of the members elected to each House approve the bill after reconsideration.

HJR 3— Day, Messer
Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 8, SECTION 3 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 3. The principal of the Common School fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, **to early childhood education programs as provided by law**, and to no other ~~purpose whatever~~ purposes.

The House recessed for the remarks of United States Congressman Dan Burton.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Pursuant to House Rule 60, committee meetings were announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:20 p.m. with the Speaker Pro Tempore, Representative Turner, in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1013, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1038, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1040, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 69, delete lines 19 through 42.

Delete page 70.

Page 71, delete line 1.

Page 235, delete lines 3 through 25.

Page 235, delete lines 38 through 42.

Page 236, delete lines 1 through 12.

Page 245, delete lines 8 through 26.

Page 459, line 18, after "SECTION 6;" insert "IC 34-46-3-2;"

Renumber all SECTIONS consecutively.

(Reference is to HB 1040 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1134, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representatives Noe, Welch, and Duncan be added as coauthors of House Bill 1013.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1069.

AVERY

Motion prevailed.

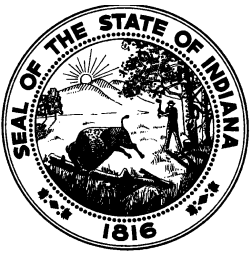
On the motion of Representative Pelath, the House adjourned at 3:25 p.m., this fifth day of January, 2006, until Monday, January 9, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Fourth Meeting Day

Monday Afternoon

January 9, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Lawrence L. Buell.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson ☐
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese ☐
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry ☐	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 7: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

[Journal Clerk's Note: roll call 6 was a machine test.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 10, 2006 at 1:30 p.m.

T. HARRIS

Motion prevailed.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1160 — Kuzman, Stilwell
Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1161 — Kuzman, Stilwell
Committee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT concerning labor and safety.

HB 1162 — Buell, Cherry, Klinker
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1163 — Summers
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1164 — Summers
Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1165 — Heim, Friend, Walorski
Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1166 — C. Brown
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1167 — C. Brown
Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1168 — C. Brown
Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1169 — C. Brown
Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1170 — C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1171 — Cochran, Kromkowski

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1172 — T. Harris

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1173 — T. Harris

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT concerning professions and occupations.

HB 1174 — Denbo, Koch

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1175 — Crooks

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1177 — Leonard, T. Brown

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1178 — McClain

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1179 — McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1180 — Neese

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1181 — Neese

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1182 — Neese

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1183 — Stevenson, Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1184 — McClain

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1185 — Dvorak

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1186 — V. Smith

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1187 — V. Smith

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1188 — V. Smith

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1189 — Stutzman

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1190 — Stutzman

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1191 — Stutzman

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1192 — Stutzman

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

HB 1193 — Ulmer

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1194 — Ulmer

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1195 — Ulmer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1196 — Ulmer

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1197 — Davis

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1198 — Hoy

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1199 — Hoy

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1200 — Hoy

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1201 — Hoy

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1202 — Thompson

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1203 — Thompson

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1204 — Lehe

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1205 — Lehe

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT concerning Indiana time zones.

HB 1206 — Pond

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1207 — Pond

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1208 — Pond

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1209 — Turner, Welch, T. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1210 — Turner, Welch

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1021, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete "farmers" and insert "**bidders**".

Page 1, line 5, after "rights-of-way of" insert ":".

Page 1, line 6, before "interstate" begin a new line block indented and insert:

"(1)".

Page 1, line 6, after "interstate" insert "; and

(2) state;"

Page 1, line 6, beginning with "highways" begin a new line blocked left.

Page 2, after line 11, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 8-23-2-6.5, as added by this act, the Indiana department of transportation shall carry out the duties imposed upon the Indiana department of transportation, under IC 8-23-2-6.5, as added by this act, under interim written guidelines approved by the commissioner of the Indiana department of transportation.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 8-23-2-6.5, as added by this act.

(2) December 31, 2007.

SECTION 3. An emergency is declared for this act."

(Reference is to HB 1021 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1030, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, strike "2001," and insert "**2006**".

(Reference is to HB 1030 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1150, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

HOUSE BILLS ON SECOND READING**House Bill 1134**

Representative Foley called down House Bill 1134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1040

Representative Foley called down House Bill 1040 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1013

Representative Burton called down House Bill 1013 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1013-1)

Mr. Speaker: I move that House Bill 1013 be amended to read as follows:

Page 4, after line 8, begin a new paragraph and insert:

"SECTION 5. IC 16-33-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The Silvercrest children's development center is established as a state center. **The center shall:**

(1) remain open to treat patients; and

(2) continue to be funded by the state.

SECTION 6. An emergency is declared for this act."

(Reference is to HB 1013 as printed January 6, 2006.)

COCHRAN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

After discussion, Representative Cochran withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 8**

Representative Friend introduced House Concurrent Resolution 8:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 7:00 p.m., on Wednesday, January 11th, 2006, to receive the Governor's message which will be given in compliance with Section 13 of Article 5 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Garton.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE MOTION**

Mr. Speaker: I move that a committee of four members of this House be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hoffman, Whetstone, Klinker, and Kromkowski be appointed by the Speaker of the House to Representatives to act with a like committee of the Senate to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on Wednesday, January 11, 2006.

FRIEND

Motion prevailed; the Speaker appointed Representatives Hoffman, Whetstone, Klinker, and Kromkowski as the committee to escort the Governor.

Pursuant to House Rule 60, committee meetings were announced.

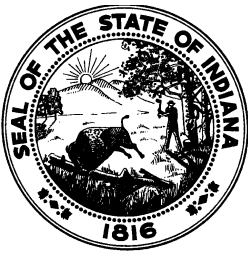
On the motion of Representative C. Bottorff, the House adjourned at 1:50 p.m., this ninth day of January, 2006, until Tuesday, January 10, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Fifth Meeting Day

Tuesday Afternoon

January 10, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative William A. Crawford.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson ☐
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 8: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 12, 2006 at 1:30 p.m.

WHETSTONE

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1010, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "Submitting" and insert "**Establishing**".

Page 1, line 15, delete "to the owner of" and insert "**for**".

Page 6, line 29, delete "five (5)" and insert "**three (3)**".

Page 7, line 42, delete "professionally engaged in making appraisals;" and insert "**licensed or certified as an appraiser under IC 25-34.1-8;**".

Page 8, line 1, delete "trained as an appraiser and".

Page 8, line 15, strike "the first appearance of" and insert "**thirty (30) days after the date the notice required in section 6 of this chapter is served on**".

Page 12, line 16, delete "the cost of acquiring the parcel" and insert "**by more than five percent (5%) the total cost of acquiring all the parcels of real property that are necessary to complete the project that includes the parcel of real property described in subdivision (1);**".

Page 12, delete lines 17 through 18.

Page 12, line 21, delete "will" and insert "**is expected to**".

Page 12, line 35, delete "the" and insert "**any other**".

Page 12, line 35, delete ", if any,".

Page 12, line 38, delete ":" and insert "**as a residence**".

Page 12, line 42, delete "the" and insert "**any other**".

Page 12, line 42, delete ", if any,".

Page 13, line 8, delete "the" and insert "**any other**".

Page 13, line 8, delete ", if any,".

Page 13, line 14, after "any" insert "**reasonable**".

(Reference is to HB 1010 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1023, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1103, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete line 17.

Page 2, line 4, delete "trailers" and insert "**trailers:**
(A)".

Page 2, line 5, after "watercraft;" insert "**and**

(B) sold in general association with the sale of watercraft;".

Page 2, between lines 6 and 7, begin a new paragraph and insert: "SECTION 2. IC 9-13-2-196, AS AMENDED BY P.L.210-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 196. (a) "Vehicle" means, except as otherwise provided in this section, a device in, upon, or by which a person or property is, or may be, transported or drawn upon a highway.

(b) "Vehicle", for purposes of IC 9-14 through IC 9-18, does not include the following:

- (1) A device moved by human power.
- (2) A vehicle that runs only on rails or tracks.
- (3) A vehicle propelled by electric power obtained from overhead trolley wires but not operated upon rails or tracks.
- (4) A firetruck and apparatus owned by a person or municipal division of the state and used for fire protection.
- (5) A municipally owned ambulance.
- (6) A police patrol wagon.
- (7) A vehicle not designed for or employed in general highway transportation of persons or property and occasionally operated or moved over the highway, including the following:
 - (A) Road construction or maintenance machinery.
 - (B) A movable device designed, used, or maintained to alert motorists of hazardous conditions on highways.
 - (C) Construction dust control machinery.
 - (D) Well boring apparatus.
 - (E) Ditch digging apparatus.
 - (F) An implement of agriculture designed to be operated primarily in a farm field or on farm premises.
 - (G) An invalid chair.
 - (H) A yard tractor.

(8) An electric personal assistive mobility device.

(c) For purposes of IC 9-20 and IC 9-21, the term does not include devices moved by human power or used exclusively upon stationary rails or tracks.

(d) For purposes of IC 9-22, the term refers to an automobile, a motorcycle, a truck, a trailer, a semitrailer, a tractor, a bus, a school bus, a recreational vehicle, **a trailer or semitrailer used in the transportation of watercraft**, or a motorized bicycle.

(e) For purposes of IC 9-30-5, IC 9-30-6, IC 9-30-8, and IC 9-30-9, the term means a device for transportation by land or air. The term does not include an electric personal assistive mobility device."

Renumber all SECTIONS consecutively.

(Reference is to HB 1103 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1111, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill do pass.

Committee Vote: yeas 10, nays 1.

T. BROWN, Chair

Report adopted.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1007 — T. Harris

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1008 — Borrer, Duncan

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning transportation.

HB 1009 — Torr, Ulmer, Neese

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

HB 1211 — Klinker, Ayres, Thompson, Micon

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1212 — Dodge

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1213 — Noe

Committee on Education

A BILL FOR AN ACT concerning education.

HB 1214 — Davis, Stilwell

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1215 — Micon

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1216 — Cheney

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1217 — Cheney

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1218 — Austin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1219 — C. Bottorff, Cochran

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1220 — Reske, Thompson

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

HB 1221 — Reske, Richardson

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

HB 1222 — Moses

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1223 — Tincher

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1224 — Tincher

Committee on Local Government

A BILL FOR AN ACT concerning taxation.

HB 1225 — Dvorak, Heim

Committee on Utilities and Energy

A BILL FOR AN ACT concerning utilities and transportation.

HB 1226 — Budak, Ayres, Woodruff, Day

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1227 — Budak, Ayres, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1228 — Day

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

HB 1229 — Day

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1230 — Klinker, Woodruff, C. Brown, T. Brown

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1231 — Klinker, Ulmer

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1232 — Ayres

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1233 — Saunders

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1234 — Ruppel

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1236 — Ruppel

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1237 — Welch

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1238 — Welch, Ruppel, T. Brown, C. Brown

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1239 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

HB 1240 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1241 — Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1242 — Dvorak

Committee on Local Government

A BILL FOR AN ACT concerning the general assembly.

HB 1243**Withdrawn pursuant to House Rule 111****HB 1244** — Porter

Committee on Education

A BILL FOR AN ACT concerning state offices and administration.

HB 1245 — Porter

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1246 — Bischoff

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1247 — Welch, Koch, Goodin, Turner

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1248**Withdrawn pursuant to House Rule 111****HB 1249** — Messer

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1250 — Messer

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1251 — Goodin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1252 — Goodin

Committee on Ways and Means

A BILL FOR AN ACT concerning education finance and to make an appropriation.

HB 1253 — Goodin

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1254 — Goodin

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1255 — Goodin

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1256 — Gutwein

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals and to make an appropriation.

HB 1257 — Bell

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1258 — Yount, Saunders

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1259 — Koch

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1260 — Koch

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1261 — Burton

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1262 — Welch, Ruppel, L. Lawson, Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1263 — Pierce

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1264 — Pierce, Pelath, Kromkowski

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1265 — Pierce

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1266 — Borrer, Bell, T. Harris

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1267 — Borrer

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1268 — Denbo, Bright, Oxley

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

HB 1269 — Cheney, Dobis, Ayres

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1270 — Fry

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1271 — Tincher

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1272 — McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1273 — Crawford

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1274 — Crawford, Bauer

Committee on Ways and Means

A BILL FOR AN ACT concerning taxation and to make an appropriation.

HB 1275 — Crawford

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1276 — Bright, Denbo, Thompson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1277 — Bright, Thompson

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1278 — Bright, Thompson, Reske

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1279 — Murphy

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1280 — Murphy

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1281 — Murphy

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1282 — Murphy

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1283 — Noe

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1284 — J. Lutz, Friend

Committee on Ways and Means

A BILL FOR AN ACT concerning human services and to make an appropriation.

HB 1285 — Heim

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1286 — Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1287 — Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1288 — Avery, Buell, Stilwell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans affairs.

HB 1289 — Dvorak

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1290 — Aguilera

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1291 — Aguilera

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1292 — Aguilera

Committee on Governmental and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1293 — Aguilera

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1294 — Hoffman

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1295 — Saunders, Reske

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1296 — Buell

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1297 — Friend

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1298 — McClain

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1299 — Bardon

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

HB 1302 — Summers

Committee on Public Health

A BILL FOR AN ACT concerning human services and to make an appropriation.

HB 1303 — Grubb, Micon

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning human services and to make an appropriation.

HB 1304 — Dodge

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers and to make an appropriation.

HB 1305 — Tyler, Buell, Grubb

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1306 — Bright

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1307 — Torr

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1308 — Crouch

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1309 — Woodruff, Burton, Davis, Bright

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

HB 1311**Withdrawn pursuant to House Rule 111****HB 1312** — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1313 — Tyler

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1314 — Klinker, Thompson, Ulmer, Mays

Committee on Public Health

A BILL FOR AN ACT concerning human services.

HB 1315 — Thompson

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1316 — VanHaaften

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1317 — VanHaaften, Mays

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

HB 1318 — Borror

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1319 — Austin

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1320 — Woodruff

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1321 — Pelath, Oxley

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1322 — Pelath, Oxley

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1323 — Dodge

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1324 — Dickinson

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1325 — Dickinson

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1326 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1327 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1328 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1329 — Mays, T. Harris, Crawford

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1330 — Hoffman

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1331 — Hoffman, Bischoff

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1332 — Friend

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1333 — Messer

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1334 — Messer

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

HB 1335 — Thompson

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1336 — Thompson

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1337 — Kersey

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1338 — T. Harris

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1339 — T. Harris

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1340 — E. Harris

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 9**

Representative Foley introduced House Concurrent Resolution 9:

A CONCURRENT RESOLUTION congratulating the members of the Martinsville High School girls softball team on the occasion of their victory in the 2005 Indiana High School Athletic Association Class 4A State Softball Championship.

Whereas, The Martinsville High School girls softball team defeated Lafayette McCutcheon 3-2 to win the 2005 Indiana High School Athletic Association (IHSAA) Class 4A State Softball Championship on June 11, 2005, at Ben Davis High School in Indianapolis, giving sixth-year coach Ken Rhoden and the Artesians their first softball state championship;

Whereas, This year's win was even sweeter coming after last year's 2-0 semifinal loss to 4A runner-up Center Grove;

Whereas, Junior catcher Jessica Breeden rocketed a two-out double in the bottom of the ninth inning to drive in senior second baseman Allison Lewis to give Martinsville High School the victory;

Whereas, Allison Lewis started the ninth-inning, two-out rally by doubling to right center, setting the stage for the dramatic finish;

Whereas, Sophomore Abby Calloway, who hit a two-RBI single in the bottom of the third, gave 28-1-1 Martinsville a strong performance on the mound, improving her record to 9-1 for the season and allowing only one earned run and five hits in the nine-inning game;

Whereas, The Artesians advanced to the Class 4A final game with victories over Terre Haute North, Mooresville, and Terre Haute South in the Terre Haute North Sectional; East Central and Castle in the Jeffersonville Regional; and Brownsburg in the semi-finals;

Whereas, The Championship victory capped off an amazing season for the Artesians;

Whereas, The team entered the 2004-2005 season with high expectations;

Whereas, Winning its last 21 games by an average of 4.5 - 0.8 and pitching 14 shutout games, the team met or exceeded all pre-season expectations;

Whereas, Coach Ken Rhoden attributes the outstanding season to hard work, dedication, and contributions made by everyone; and

Whereas, The Martinsville High School girls softball team stands as an example of what can come of hard work and discipline: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members and coaches of the Martinsville High School girls softball team on their victory in the 2005 IHSAA Class 4A State Softball Championship and wishes them success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to team members Emily Sullivan, Jordan Baldrige, Lynn Zloty, Sarah Walls, Allison Baldrige, Abby Calloway, Jodi Porter, Jessica Breeden, Ryanne Gluff, Jessica Stoner, Leah Hoffman, Allison Lewis, Elizabeth Gwaltney, Logan Lucas, Mikala Trimble, Alaina Zloty, Brittany Pruitt, Megan Michel, Melissa Daniels, and Chelsea Scott; head coach Ken Rhoden; assistant coaches Rob Rhoden, John Roddy, Sarah Agler, Nicki Ewing, Katie Baughn, and Sarah Currier; athletic director Don Lipps; principal Don Alkire; and superintendent Ron Furniss.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

House Concurrent Resolution 10

Representative Friend introduced House Concurrent Resolution 10:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 1:30 p.m., on Thursday, January 12th, 2006, to receive the Chief Justice's message, which will be given in compliance with Section 3 of Article 7 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereof.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Garton.

House Concurrent Resolution 11

Representative Foley introduced House Concurrent Resolution 11:

A CONCURRENT RESOLUTION honoring the Martinsville High School volleyball team for its victory in the Indiana High School Athletic Association Class 4A state volleyball championship.

Whereas, On Saturday, November 5, at Hinkle Fieldhouse on the campus of Butler University, the Martinsville High School volleyball team defeated Cathedral High School to become the 2005 Indiana High School Athletic Association (IHSAA) Class 4A state volleyball champions;

Whereas, This victory marked the 37-2 Artesians' first volleyball state title since 1996, although they appeared in the state championship game in 1990, 1991, 1994, and 1995;

Whereas, Martinsville trailed 11-10 in game one until senior middle blocker Jessica Breeden accounted for four straight points; Cathedral never came closer than two points the rest of the game;

Whereas, Cathedral won game two, 25-10;

Whereas, Game three was tight the entire way before the Artesians closed it out with three straight points, including kills by Danielle Goodnight and Mikindra Morin;

Whereas, Danielle Goodnight finished game three with a double-double of 17 kills and 15 digs, and Mikindra Morin had a match-high 48 assists and a team-high 16 digs.

Whereas, The fourth game was tied at 18 when Martinsville took a 24-20 lead, and sealed the state title on a kill by Jessica Breeden, who helped the Artesians to a softball state championship last spring;

Whereas, On the road to victory, the Artesians defeated number one ranked defending champion Muncie Central (34-4) in the semifinals;

Whereas, The Artesians' Mikindra Morin was chosen as the Mental Attitude Award winner, whose recipients are players who excel in mental attitude, scholarship, leadership, and athletic ability in volleyball;

Whereas, Mikindra Morin ranks 15th in her class of 345 with a 3.988 cumulative grade point average, is a National Honor Society student, and is a volunteer for the Humane Society and the youth volleyball league; and

Whereas, Excellence in athletics is achieved through dedication and determination; the Martinsville High School volleyball team has displayed outstanding ability and desire in achieving this level of excellence: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School volleyball team on its recent victory in the Class 4A IHSAA volleyball state championship and wishes the team continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Kelsie Deaton, Mikindra Morin, Leann Cook, Jessica Long, Lyndy Errett, Carly Cramer, Shea Doran, Brittany Hamilton, Danielle Goodnight, Jessica Breeden, Sara Cramer, Elann Poe, Coach Sandy Garrard, Assistant Sherri Smiley, Assistant Michelle Chandler, Assistant Natalie Rhoden, Assistant Heather DeVaughn, Assistant Jon Presley, Principal Don D. Alkire, Athletic Director Don Lipps, and Superintendent Dr. Ron Furniss.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

House Concurrent Resolution 12

Representative Foley introduced House Concurrent Resolution 12:

A CONCURRENT RESOLUTION honoring the Martinsville High School Academic Spell Bowl Team.

Whereas, The Martinsville High School Academic Spell Bowl Team became the 2005 Class One Spell Bowl State Champion with

a perfect score of 90 points;

Whereas, The 2005 victory marks the 12th consecutive year that Martinsville spellers have won or been runner-up in the Class One division, which features between 60 and 70 state schools;

Whereas, This year's victory was Martinsville High School's sixth spell bowl state championship and the 17th state championship by an academic team competing in an event sponsored by the Indiana Association of School Principals, tying Bloomington High School South for the most Class One state championships since the beginning of competition in 1985;

Whereas, Coach Wayne Babbitt credits the team's success to its dedication and outstanding work ethic;

Whereas, This team began practice the first week of school in August and have continued every school day since that date;

Whereas, Excellence in academics deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Spell Bowl Team on its victory and wishes the team continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Courtney Abshire, Robert Astleford, Josh Blanford, Eric Campbell, Mileah Davis, Evan Kirsch, Clayton Knox, Andy Lane, Sarah Mosier, Amanda Schoolcraft, Megan Ward, Morgan Ward, and Phoebe Wood, and to Principal Don Alkire and Superintendent Ron D. Furniss.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

House Concurrent Resolution 13

Representative Noe introduced House Concurrent Resolution 13:

A CONCURRENT RESOLUTION honoring Zionsville Community High School.

Whereas, The Midwestern Regional Office of the College Board recognized Zionsville Community High School as the number one Indiana school based on students' success in college level advanced placement classes for schools with at least 250 in their senior class;

Whereas, This ranking is based on data relating to students' access to and success in advanced placement classes;

Whereas, Advanced placement classes offer high school students the opportunity to earn credit or advanced standing at most colleges and universities;

Whereas, Advanced placement classes help students gain the edge in college preparation, stand out in the college admissions process, and broaden their intellectual horizons;

Whereas, Zionsville Community High School offered 18 advanced placement classes during the 2005-2006 school year;

Whereas, The number of advanced placement classes at Zionsville Community High School will be raised to 22 during school year 2006-2007; and

Whereas, Through their excellent showing in the advanced placement classes, the students at Zionsville Community High School have demonstrated a strong desire to learn and a willingness to work hard: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commends Zionsville Community High School for its diligence and dedication to excellence and encourages the school's students to continue to strive for excellence throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to James

Eggers, Principal of Zionsville Community High School, and Dr. Howard J. Hull, Superintendent of the Zionsville Community School Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1134

Representative Foley called down Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 9: yeas 93, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senator Landske, Kenley, and Bowser.

Engrossed House Bill 1040

Representative Foley called down Engrossed House Bill 1040 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 10: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Landske, and Bowser.

OTHER BUSINESS ON THE SPEAKER'S TABLE

COMMITTEE REPORT

Mr. Speaker: Your Committee, appointed to transmit to the Senate a resolution of this House to convene a joint convention of the two houses to receive the Governor's message, hereby reports that it has discharged the duty assigned to it and that the Senate has concurred in the House resolution and will meet the House in joint convention in the Chambers of the House of Representatives at 7:00 p.m. on January 11, 2006, for the purpose of receiving the Governor's message.

HOFFMAN
WHETSTONE

KLINKER
KROMKOWSKI

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that a committee of four members of this House be appointed by the Speaker, to act with a like committee of the Senate, to wait upon the Chief Justice of the Indiana Supreme Court and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Foley, Ulmer, Pierce, and VanHaaften be appointed by the Speaker of the House of Representatives, to act with a like committee of the Senate, to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on Thursday, January 12, 2006.

FRIEND

Motion prevailed; the Speaker appointed Representatives Foley,

Ulmer, Pierce, and VanHaaften to escort the Chief Justice.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 8, 10, and 13 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Harrison, Merritt, L. Lutz, and Craycraft be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on Wednesday, January 11, 2006.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following motion:

"I move that Senators Bray, Lubbers, Lanane, and Sipes be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 12, 2006.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1020.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1037.

HOFFMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Crooks and Oxley be added as coauthors of House Bill 1039.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1040.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1049.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1051.

HOFFMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as coauthor of House Bill 1060.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives GiaQuinta, Stilwell, Kromkowski, and Reske be added as coauthors of House Bill 1069.

AVERY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1114.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1285.

HEIM

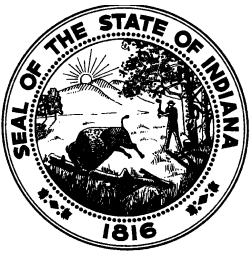
Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Crouch, the House adjourned at 2:15 p.m., this tenth day of January, 2006, until Thursday, January 12, 2006, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Joint Convention

Wednesday Evening

January 11, 2006

The members of the 114th General Assembly, meeting in Joint Convention, were called to order at 6:45 p.m. by the President Pro Tempore, Senator Robert D. Garton.

The Speaker introduced the honored guests as follows: First Lady Cheri Daniels, wife of Governor Mitch Daniels; Melissa and Meredith Daniels, daughters of Governor and Mrs. Daniels; Steve Skillman, husband of Lieutenant Governor Becky Skillman; Senate President Pro Tempore Robert Garton and his wife, Barbara Garton; Cheryl Bosma, wife of Speaker Brian Bosma; Senate Majority Floor Leader Emeritus Joseph Harrison; Senate Majority Floor Leader David Long; Senate Majority Caucus Chair James Merritt; Senate Minority Leader Richard Young; Senate Assistant Minority Leader Earline Rogers; Senate Minority Caucus Chair James Lewis; House Majority Floor Leader William Friend; House Majority Caucus Chair Kathy Richardson; House Minority Leader Patrick Bauer; House Minority Floor Leader Russell Stilwell; House Minority Caucus Chair Dale Grubb; Chief Justice Randall Shepard and his wife Amy MacDonell; Justice Brent Dickson and his wife Jan Aikman Dickson; Justice Frank Sullivan, Jr.; Justice Robert Rucker; Justice Theodore Boehm and his wife Peggy Boehm; Judge Mark Bailey; Judge John G. Baker and his wife Peggy Baker; Judge Michael P. Barnes; Judge Terry A. Crone and his wife; Judge Carr L. Darden and his wife; Judge James S. Kirsch and his wife Jan Kirsch; Judge Paul D. Mathias; Judge Melissa S. May; Judge Edward W. Najam, Jr.; Judge Patricia A. Riley; Judge Margret G. Robb; Judge John T. Sharpnack; Judge Patrick D. Sullivan; Judge Nancy H. Vaidik; Tax Judge Thomas Fisher; Clerk of the Supreme and Appellate Courts David Lewis; Dr. Suellen Reed, Superintendent of Public Instruction; Auditor of State Connie Nass; Secretary of State Todd Rokita; Treasurer of State Tim Berry; and Attorney General Steve Carter.

The Speaker yielded the gavel to Lieutenant Governor Becky Skillman, President of the Senate, who convened the joint session and presented the Governor as follows:

"Members of the Joint Assembly: Pursuant to Section 13 of Article 5 of the Indiana Constitution, this Joint Convention of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Governor of the State of Indiana.

Ladies and Gentlemen of the House and Senate, and distinguished guests, I have the high honor and distinct privilege of presenting to you the Governor of the State of Indiana, the Honorable Mitch Daniels, Jr."

Governor Daniels was escorted to the rostrum by Representatives Hoffman, Whetstone, Klinker, and Kromkowski and Senators Harrison, Merritt, L. Lutz, and Craycraft.

STATE OF THE STATE

"Mr. Speaker, Mr. President, Members of the Assembly, friends and neighbors:

You provide me the privilege of this podium for just the second time, but I know that the excitement I feel on these occasions will never fade. Coming together, in the presence of our fellow citizens, to assess the condition of our state, and of its governance, and to think together about plans for its future greatness—surely everyone here feels as honored as I do just to be present.

When we met last year, I described the state of our state as "far from sound", and "in need of serious attention." I noted that state government was broke, and broken. That we were far behind in making the changes needed to restore income to Hoosier paychecks, and an atmosphere of opportunity that persuades our young people to stay and build their lives here.

By any honest account, those descriptions remain true tonight. None of the problems that gave birth to Indiana's change movement is behind us, or nearly so. But that is not to say that nothing is different in Indiana from a year ago. In fact, we are a vastly different place.

In the last year, we have become more progressive, adopting approaches to government widely used in other states, but new to us. We have become more forward-looking, building toward a great future, not merely scraping by through a present of struggles. We have become more activist, tackling our problems with vigor not half-measures, confidence not resignation, risk-taking not timidity.

As an utterly forgettable young infielder, I heard far too often the coaches shout "Daniels, don't let the ball play you." They meant to get off your heels and move forward, advance on ground balls and field them before it was too late. If you mishandled the first attempt, there would still be time to try again and throw the runner out at first.

Indiana is no longer on its heels, waiting while our problems bounce past us or through our legs. Even though the inning is still an early one, we are moving forward against our challenges. We are playing the ball.

We saw a bankrupt state government, and we acted.

A \$2 billion surplus had evaporated; several straight budgets had spent more than was coming in; schools and local governments had been stiffed, and thus forced to borrow, through delayed payments of over \$700 million. Some said, "Go slow. A decade of deficits can't be fixed in one budget. It took years to get into this hole, it will take years to get out."

But we said, "No." We said, "Now." First, we have a constitutional duty to balance the budget, and without gimmicks. Second, the sooner we get the boat bailed out and upright, the sooner we can set a course for the new investments and improvements Indiana needs.

Together, we passed the leanest state budget in a half century. Spending in most areas was held constant, or less. The only increases, modest ones at that, were for schools, transfers to local government, child protection, and Medicaid. We asked special interests to back off a little, to think for once about the good of all, to work with us and put our state back in the black. With exceptions, they did.

And we have results. Tonight, with a half-year of this first budget behind us, we are in a position to forecast that Indiana will have a balanced budget for the first time in ten years, and not after two years as the budget contemplated, but after only one, by June 30 of this year. Congratulations to all who helped.

We are not ahead of schedule because of good luck. Revenues received, aside from our very successful tax amnesty program, are no better than expected. We are ahead of schedule because our New Crew of reform-minded public servants is finding ways, every day, to reduce waste and stretch tax dollars.

We stopped cooking our own prison food in 26 separate kitchens and saved \$12 million, while food quality improved. We discovered and cancelled maintenance contracts on equipment the state no longer owns.

We ended sweetheart deals and began negotiating as though tax dollars were our own. We no longer pay \$8000 for a copier machine we can get for \$4500; we no longer buy ball point pens department by department for \$1.02 when we can get them in bulk for 48 cents. Our millions of driver's licenses now cost a dollar, not \$1.52 each to produce.

Over 2000 state-owned vehicles have gone to the auction block; eight aircraft and a raft of unneeded real estate are on their way there.

By the way, if anyone would like to buy a rocking chair, purchased by state government for \$2000 each, from Texas of all places, we have ten for sale.

Hundreds of savings, some large but most small by themselves, total up to over \$200 million in reduced spending so far. To those who belittle our concern with such matters, we say never forget that some Hoosier worked hard for every one of those dollars, and it is an obscenity for government to waste it or to spend it less efficiently than is humanly possible.

A prudent family pays down its credit cards before it buys a new car. As a first dividend from our fiscal recovery program, I am directing tonight that \$156 million of the extra proceeds from our amnesty success be used for a special distribution to Indiana's public schools, repaying half of the funds withheld from our school systems during the previous era of deficit spending.

Balancing the people's books is a solemn duty, but it is not the whole business, or the true purpose of government. That highest purpose is to provide excellent public service to citizens at the lowest possible cost to taxpayers.

We saw state government that, in far too many places, was slow, incompetent, or even shamed by dishonesty and scandal. We saw backlogs, waiting lists, and unmet needs. We acted, and we have results.

Every problem we inherited remains to some extent, but everywhere progress has begun. The backlogs of tax filings, environmental permits, minority business certifications, medical disability and unemployment claims have been slashed or eliminated. The child support system that was collecting only half the money owed to single moms has begun to improve, and at \$6 million each, every percentage point really counts. One hundred new caseworkers are trained and on the job protecting vulnerable children, and the nation's largest caseloads are on their way down.

We saw what methamphetamine was doing to the small towns and families of our state, and launched the nation's most all-out effort to combat it. Meth production has been cut in half, the backlog at the evidence lab is down by two-thirds, the nation's first meth treatment prison wards are up and operating, and other states, for once, are copying us.

We built a system to connect low-income Hoosiers with discounts on their prescription drugs, and have already helped 100,000 to slash their medication costs. At no cost to taxpayers, Rx for Indiana has helped 5 times the number served by the state's previous effort, and delivered twenty or more times the savings to poorer citizens who can really use the help. Standing in for thousands of volunteers who made those savings possible is a woman who singlehandedly helped two hundred neighbors in need; please help me thank Jennifer Nelson of Terre Haute.

We said the people's business should be done more openly, and, with your help, we have results. Those who lobby the executive branch about rulemaking or contracts now must register their activity for all to see. Contract decisions are posted on the web, for all to see. Campaign finance disclosures will now be filed twice as often.

Rules against gifts, and penalties for violating the public trust have been stiffened. The revolving door has been locked; public employees offered jobs by those doing business with the state must now wait at least a year before taking them.

Because tougher rules alone will never make men angels, we established an Inspector General. There is now a place for the whistles of whistleblowers to be heard. Now that people know wrongdoing will be acted on, whistles are blowing, ten times as often as a year ago. Thirty-three cases have been referred for prosecution, and the word is spreading: if you're thinking about cheating the taxpayer, pick another state than Indiana.

One typical whistleblower, who turned down a bribe and turned in the wrongdoer, is with us tonight, representing that overwhelming majority of public employees who want to work in a clean, efficient state government. Please help me recognize Teresa Marshall of Shelbyville.

Citizens who see their government wasting money on little things cannot be expected to trust it when it seeks to do big things. Those who watch government make a botch of the simplest service, with no serious effort to reform or improve itself, are justified in a cynicism that poisons our ability to unite around common goals.

So we will continue challenging old ways, trying new approaches, setting higher targets and measuring everything along the way, knowing that we must never be satisfied but taking heart from the dramatic improvements we are recording every day.

Even as we press on with the work already begun, there is essential new work to commence.

No area of responsibility must concern us more than public education, and no area intersects more with our other problems. As, far and away, the state's most expensive spending category, education cannot be separated from our fiscal responsibilities. And no factor will do more to determine Indiana's future economic health than the quality of the learning in our public schools.

At \$10,000 per student, Indiana occupies a proud position near the top of states in commitment to public education. At \$1.14 of their income for every dollar spent in the average state, Hoosiers dig deeper to support their schools than almost any citizens in America. Our commitment to our schools is a reason for pride and must never waver.

But are our children getting as much education as possible from all this money? Last year at this speech, I pointed out that we sometimes seem to elevate construction over instruction. The average school building here costs almost half again what is spent in the rest of the country. Debt service on school buildings is 3 times the national average, and by far the biggest driver of higher property tax bills.

We addressed that imbalance with common sense rules that simply say, if you are planning a building that will cost above the national average, think twice, and show cause before proceeding. Since those simple rules went into place, no request has been rejected, but \$87 million that we know of has been trimmed voluntarily from local school borrowing proposals.

This year, we must seize another opportunity to shift more dollars to the classroom, where it matters most. We spend more dollars than most states, but all too often, we don't spend them where the kids are. Consider that well under half of Indiana school employees are teachers, one of the lowest ratios in America.

Ignore for a moment our excessive construction costs; only 61 per cent of operating expenses reach the classroom, compared to a national best approaching 70%. Hundreds of millions that could be going for more teachers, higher teacher pay, cheaper text books, or new programs like all-day kindergarten, extra math and science tutoring, or a longer school year, go instead to administrative and support costs. We could have smaller classrooms, smaller schools, better-paid teachers and new programs just by making even small improvements in the way we spend our school dollar.

At \$10 billion of total spending, every one per cent shift of dollars from overhead to the classroom could fund 1500 new teachers, or buy every high school student a computer.

No superintendent I've met wants to waste money in the back office that could be spent on the front lines of education. Our school administrators should be permitted to opt out of expensive state requirements that consume time and money but add little or nothing to student achievement.

And they need new authority and new tools to conserve and stretch precious dollars. In most cases, our 292 school corporations operate on their own: they buy things as cheap as supplies or as costly as insurance and energy with no collaboration and no economies of scale. In many states, all school buses are bought centrally, at prices thousands of dollars per bus lower than Indiana schools are paying.

It is time to make more of our school dollars available to teachers and the purposes that matter most. Let's catch up and pass other states in the efficiency of our school spending. I am sending to the General Assembly a package of reforms to enable our school officials to conserve scarce dollars and redeploy them to the classrooms and the teachers of our state.

If the machinery of state government was due for an overhaul, our local level needs an extreme makeover. How ironic that Indiana, by reputation cautious about Big Government, leads the nation in the number of politicians we elect. How curious that Hoosiers, strong believers in local control, have imprisoned mayors and county officers in a system that prevents major change without state approval.

Redundant and antiquated government makes property taxes too high and decision making too slow. Scattered authority produces bizarre tax assessments in which identical houses just blocks apart are taxed at widely different levels. Like our other challenges, change will take many years, but it is past time to begin.

The days of top-down control of local affairs from Indianapolis have run their course. As I did last year, I call on the General Assembly to liberate localities to raise funds from sources other than the overused and unfair property tax. And to begin assuming the costs of caring for endangered and abandoned children at the state level, also reducing property tax burdens in every county. And to offer blanket pre-approval to any community or school corporation that wishes to combine with its neighbor or consolidate duplicative layers of government. Let our traditional "creature of the state" system begin giving way to a new era of home rule and local autonomy across our state.

But there is an essential tradeoff implicit in this new freedom. Cities, counties, and school districts must become partners in reform, supporting and leading in the reduction of overhead and the elimination of excess. I ask the local officials of our state to endorse and help effect the end of the archaic township assessment system and the transfer of this failed process to the level of our 92 counties.

My fellow citizens, there are sprints, and there are marathons.

A balanced budget is already in sight. Reform of state government is well underway, and changes in local government will come in time.

But the reversal of economic decline, and then the climb to leadership, will not be the work of weeks, or even a few years. Only boldness, and imagination, and then the fortitude to sustain pro-growth policies will suffice to turn around decades of erosion.

It cannot be said too often. Governments do not "run" economies. They do not create jobs or wealth. At their worst, they destroy jobs, or drive them to other, friendlier locations. At their best, they establish an environment in which free men and women, pursuing their dreams and best ideas, create wealth for each other.

In 2005, we made Indiana a much more growth-friendly place. Taxes on research and development and small business were reduced. We have reordered state government, in every relevant activity, to

become an ally and not an obstacle to growth. A new public-private job-seeking agency replaced a failed state bureaucracy and closed more deals with companies investing in Indiana than in the previous two years combined.

We placed special emphasis on the suffering small towns and rural spaces of our state. We went all-out and saved the Crane naval research center. We launched the most pro-agriculture program in decades, and, in one year, Indiana has moved from nowhere to national leadership in biofuels. During 2006, ten or more new ethanol and biodiesel plants will open across our state. The Indiana economy is still facing upstream, but at least now we are swimming.

Perhaps the single most important step government can take for our economic future is to ensure the best possible infrastructure, the strongest possible framework, to support the businesses of tomorrow.

In a wired world, "infrastructure" no longer means just roads, rail lines, or waterways but also the invisible fibers and frequencies over which today's most vital and valuable commerce is transacted. It is time to modernize a telecommunications regulatory system set up for the age of monopolies and copper wire to unleash this century's most dynamic, diverse and competitive technologies. Two decades ago, Indiana waited too long, left an outmoded regulatory regime in place, and lost its in-state banks as a result. This time, let's be among the leaders in freeing investors to connect our businesses, small towns, and homes to the unseen skeleton of the New Economy.

The emergence of invisible infrastructure does not mean that the backbone we can see is less important. In fact, to a state that sits at the "crossroads of America", nothing is more crucial to our economic future than the best network for moving goods in, out, and through to the markets of America and the world.

It is within our grasp to create that network. To connect even the smallest community of Indiana to the world economy in a way that gives us a competitive advantage over other states. To make "Major Moves" into a future of extended manufacturing superiority and a position as the nation's logistics capital.

Business as usual will never get it done. As matters stand, we'll have fewer than half the dollars needed to build the roads, bridges, rail lines and airports our economy needs and, in most cases, Hoosiers have been promised. Without new approaches, long-sought projects like US 31, the Hoosier Heartland Corridor, new Ohio River bridges, the Gary-Chicago Airport, I-69, and dozens of others will continue to languish on the drawing boards where they have been for too long already. And the thousands of new jobs that could be created in businesses that build them or locate near them will never come into existence.

The plan we call "Major Moves" would trigger tremendous job growth using in large part a very handy tool: other people's money. Two thirds of the tolls paid on the Indiana Toll Road are paid by out-of-state motorists.

If we can interest private firms in putting their own money into the construction of I-69 and perhaps other expensive projects, recapturing that investment through tolls paid largely by non-Hoosiers, by all means let's do. And if, a big if, private firms are willing to offer Indiana a very large sum of money today for the right to operate our northern toll road over time, we would be foolish not to seize that opportunity, and make the dreams of decades a reality in our time.

With ten days to go, we have good reason to believe that one of many active bidders will offer the state an amount far beyond anything we could generate ourselves. If such an offer does not materialize, we have lost nothing. If it does, I will recommend to the General Assembly that we capture those dollars and reinvest them in the nation's boldest transportation program, from one end of our state to the other, putting thousands of Hoosiers to work every step of the way.

We must move on one more long-term barrier to bigger paychecks, as well as a higher quality in the lives Hoosiers lead. It's a

troublesome truth that ours is one of the least healthy states in America. We weigh, drink, and smoke too much, and exercise too little. So it's no accident that we have some of the highest health care costs anywhere, a barrier in the way of the new jobs we seek.

Our InShape Indiana initiative is off to a reasonable start, with thousands of citizens signing up to pay more attention to basic principles of wellness. But no single step we could take would matter more than reducing the percentage of Hoosiers, particularly young Hoosiers, who smoke cigarettes. All the evidence shows that the most effective way to deter young smokers is at the cash register. I ask this Assembly to raise Indiana's lowest-in-the-Midwest cigarette tax by at least 25 cents a pack.

The first steps of any race are critical. Our first steps have been fast ones, strong and straight. But the ground we must cover to catch up to accumulated problems, and overtake other states of this country, will be a long and demanding one.

At the gym I frequent, I sometimes run with—or, more accurately, run far behind—a friend named Sunder Nix. If the name is familiar, it is because Mr. Nix is an Indiana sports hero, a gold medalist at the '84 Olympics and a 400-meter specialist.

Sunder tells me that, although the first or “drive” phase of a race is key, the second stage is likewise. In this “transition” segment, his goal is to maintain the speed he has attained through a fast start. “Whatever you do,” he teaches, “don't lose your momentum.”

Momentum for change has been established in Indiana. We have already taken steps people said were not possible. This is no time to rest, let alone pull up lame. We must gather confidence and courage from the fast start behind us and head straight for the next set of goals: more money in our classrooms, the exchange of 19th Century institutions for 21st Century models, and brave, bold moves to build a backbone for a new generation of great jobs.

To those of our fellow citizens for whom all this seems like too much change too fast, we say, “We understand.” Who among us doesn't wish now and then that someone would stop the world so we could all get off?

I've saved a recent quote from a Lafayette gentleman who spoke, I know, for many when he said “I'm an old-timer, and old-timers don't like change. I know I'm just that way and I don't have to have a reason for anything.” To that good man, and all like him, we do understand, but we offer you good reasons, a million of them. That's how many young people are enrolled in Indiana schools tonight, facing a life of competition far tougher, and more global, than anything today's workers ever knew.

Those kids are the million reasons that we cannot stand still in this state. That we cannot accept mediocrity or middle of the pack status in any realm. That we must think big, aim high, and act boldly, to build for them the foundation, physical and institutional, on which they can construct bright futures, and do it here.

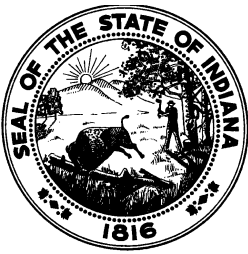
To this Assembly, I say “Lap One, well done.” But the second phase is all-important. We don't have a single day, let alone a legislative session, to rest, or cruise, or hesitate. Let's move, let's act, let's play the ball aggressively, confident that we are a state whose potential exceeds its performance, determined that “good enough” never is, that catching up is merely a start, that true greatness lies ahead.

God bless you and this great state."

The President of the Senate adjourned the Joint Convention.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Sixth Meeting Day

Thursday Afternoon

January 12, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative David B. Yount.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson ☐
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell ☐
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle ☐	Whetstone
Hoffman	Wolkins ☐
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 13: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

[Journal Clerk's Note: roll calls 11 and 12 were machine tests.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 17, 2006 at 1:30 p.m.

HINKLE

Motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee, appointed to transmit to the Senate a resolution of this House to convene a joint convention of the two houses to receive the Chief Justice's message, hereby reports that it has discharged the duty assigned to it and that the Senate has concurred in the House resolution and will meet the House in joint convention in the Chambers of the House of Representatives, at 1:30 p.m. on January 12, 2006, for the purpose of receiving the Chief Justice's message.

FOLEY
ULMER

PIERCE
VAN HAAFTEN

Report adopted.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

HB 1005 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education finance and to make an appropriation.

HB 1006 — Noe, Stutzman, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1028 — Koch

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning firearms and self-defense.

HB 1042 — Torr

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1059 — Heim

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1070 — Noe, Ruppel

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1098 — Frizzell

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1120 — Ruppel

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1176 — Woodruff
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1235 — Ruppel
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1300 — Mahern, Davis
Committee on Roads and Transportation
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1301 — Mahern
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1310 — Murphy, Aguilera
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1341 — GiaQuinta
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning trusts and fiduciaries.

HB 1342 — Crouch
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1343 — Hinkle, Walorski
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1344 — Hinkle
Committee on Government and Regulatory Reform
A BILL FOR AN ACT concerning local government.

HB 1345 — Davis
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1346 — Borrer, Bell, GiaQuinta, Thompson
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1347 — Messer
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1348 — Koch
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning state administration, human services, and labor.

HB 1349 — Ulmer, Ruppel, Robertson, Denbo
Committee on Natural Resources
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1350 — Cherry
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1351 — Orentlicher, Bardon
Committee on Elections and Apportionment
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1352 — Orentlicher
Committee on Public Health
A BILL FOR AN ACT concerning Medicaid.

HB 1353 — Walorski
Committee on Commerce, Economic Development and Small Business
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1354 — J. Lutz
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1355 — Friend, Behning
Committee on Education
A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1356 — Woodruff, Davis
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1357 — Aguilera
Committee on Public Safety and Homeland Security
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1358 — Behning
Committee on Commerce, Economic Development and Small Business
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1359 — Tyler
Committee on Employment and Labor
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1360 — Tyler
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1361 — Tyler
Committee on Public Policy and Veterans Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1362 — Buck
Committee on Government and Regulatory Reform
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1363 — Wolkins
Committee on Local Government
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1364 — Wolkins
Committee on Environmental Affairs
A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1365 — Thomas
Committee on Judiciary
A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

HB 1366 — Thomas
Committee on Ways and Means
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1367 — Thomas

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1368 — Neese

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1369 — Withdrawn pursuant to House Rule 111**HB 1370** — VanHaaften

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1371 — Bauer

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning housing and to make an appropriation.

HB 1372 — Bauer, Stilwell

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1373 — BauerCommittee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1374 — V. Smith

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1375 — V. Smith

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1376 — Noe

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state fiscal administration.

HB 1377 — Lehe

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1378 — Lehe

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1379 — Lehe

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1380 — J. Smith

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1381 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1382 — T. Brown

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1383 — Turner, Woodruff, Bright, J. Smith

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1384 — Turner, Thompson

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1385 — Borders

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1386 — Borders

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1387 — Borders

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1388 — Borders

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1389 — Borders

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

HB 1390 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1391 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1392 — Ripley

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1393 — Reske

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1394 — Avery, VanHaaften

Committee on Government and Regulatory Reform

A BILL FOR AN ACT concerning local government.

HB 1395 — Buell, Summers

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1396 — Whetstone

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

HB 1397 — Whetstone

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1398 — Whetstone

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1399 — Whetstone

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1400 — Whetstone

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

HB 1401 — Oxley

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1402 — Oxley, Yount

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1403 — Oxley

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

HB 1404 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

HB 1405 — VanHaaften

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1406 — Porter

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1407 — Porter

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1408 — Porter

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1409 — Burton

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning pensions.

HB 1410 — Denbo

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1411 — Grubb, Thomas

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1412 — Grubb, Thomas

Committee on Commerce, Economic Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1413 — Crouch, VanHaaften

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1414 — Austin

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning human and sexual trafficking.

HB 1415 — Mays, Budak

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1416 — Mays

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1417 — Mays, Day

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1418 — Ayres

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1419 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1420 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1421 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1422 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1423 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1424 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1425 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1426 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1427 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1428 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1429 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1430 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1431 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1432 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1433 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT to amend the Indiana Code.

HB 1434 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1435 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1436 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1437 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1438 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1439 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1440 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1441 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1442 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

HB 1443 — Rules

Committee on Rules and Legislative Procedures

A BILL FOR AN ACT concerning the Indiana Code.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

HJR 4 — Turner, Heim

Committee on Rules and Legislative Procedures

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning property.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1, SECTION 21 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 21. (a) No person's particular services shall be demanded, without just compensation.

(b) No person's property shall be taken by law, without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

(c) **The power of eminent domain may be exercised only for the following purposes:**

(1) Public highways, roads, and streets.

(2) Public transportation.

(3) Railways.

(4) Utilities.

(5) Government owned and used buildings.

(6) Public facilities for the general use of government or citizens.

(d) The power of eminent domain may not be used for the purposes of increasing the tax revenue of the state or a political subdivision. The state, a political subdivision, or an instrumentality of the state or of a political subdivision may not transfer real property acquired through the power of eminent domain to a private person for purposes of economic development.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 14**

Representatives V. Smith, Aguilera, C. Brown, Crawford, Dickinson, E. Harris, Mays, Porter, and Summers introduced House Concurrent Resolution 14:

A CONCURRENT RESOLUTION commemorating Martin Luther King, Jr. Day.

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream"; of an America where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers"; of a time when "this nation will rise up and live out the true meaning of its creed, "we hold these truths to be self evident: that all men are created equal";

Whereas, Dr. Martin Luther King, Jr. had a dream for a better society—a dream where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, S. Smith, Howard, and Breaux.

The House recessed until the fall of the gavel.

RECESS**JOINT CONVENTION**

The members of the 114th General Assembly, meeting in Joint Convention, were called to order at 2:00 p.m. by the President Pro Tempore, Senator Robert D. Garton.

The Speaker introduced the honored guests as follows: Governor Mitch Daniels; Lieutenant Governor Becky Skillman; President Pro Tempore Garton; Justices of the Supreme Court, judges of the Indiana Court of Appeals, and the judge of the Tax Court; Chief Judge of the Indiana Court of Appeals James S. Kirsch; Amy MacDonell, wife of Chief Justice Shepard; Mattie Shepard, daughter of Chief Justice Shepard; Jan Dickson, wife of Justice Brent Dickson; Mary Kay Orr, wife of the late Governor Robert D. Orr; Secretary of State Todd Rokita; Auditor of State Connie Nass; Treasurer of State Tim Berry;

Clerk of the Supreme and Appellate Courts David Lewis; Attorney General Steve Carter; Indiana State Bar Association President Jim Riley, Jr.; Indiana State Bar Association President-elect Richard Eynon; Indianapolis Bar Association President John Kautzman; Executive Director of the Indiana State Bar Association Tom Pyrz; President of the Marion County Bar Association A. Y. Adewopo; James Young, member of the Indiana Judicial Qualifications Commission; and former Chief Justice Richard M. Givan.

The Speaker yielded the gavel to Lieutenant Governor Becky Skillman, President of the Senate, who convened the joint session and presented the Chief Justice as follows:

"Members of the Joint Assembly: Pursuant to Section 3 of Article 7 of the Constitution of the State of Indiana, this joint session of the two houses of the Indiana General Assembly is now convened for the purpose of hearing a message from the Chief Justice of the Supreme Court of the State of Indiana.

It is my privilege to present to you the distinguished Chief Justice of the Supreme Court, the Honorable Randall T. Shepard."

Chief Justice Shepard was escorted to the rostrum by Representatives Foley, Ulmer, Pierce, and VanHaaften and Senators Bray, Lubbers, Lanane, and Sipes.

"Indiana's Place in American Court Reform: Rarely First, Occasionally Last, Frequently Early"

"Governor Daniels and Members of the General Assembly:

In reporting to you about the state of Indiana's judiciary, I often relate challenges and changes from the months just past. Today, I want to speak about a bigger picture, about where Indiana courts stand in the larger story of reinventing America's courts. Where does Indiana fit in this broad effort at reform, and what do we contribute to it?

Areas of National Reform

Let me begin by mentioning areas in which the nation's state courts face the greatest challenges.

Globalization. Justice John Paul Stevens gave a speech recently in Indianapolis about the effects of a globalizing world economy on the American court system and on the American legal profession. When an American employer strikes a commercial deal with a business partner in Asia or Europe, both parties need to understand how their own domestic law and customary international law will affect the transaction. Likewise, lawyers for the American company and lawyers for the company overseas need to help facilitate that transaction by plying their trade far away from the place where they are licensed. America's state courts, as regulators of the bar, are actively examining how to support those arrangements, so important to our domestic economy.

The legal profession is likewise engaged in a massive effort to help new democracies like—those in Kosovo, Ukraine, Iraq, and Afghanistan—establish the rule of law, believing as most Americans do that a world with more democratic states possessing stable legal systems will be a safer place.

And, of course, globalization shows up in every state's back yard in the form of immigrants for whom English is not the first language. State courts are active in devising ways to assure such people access to justice. Many people with language issues are too poor to even hire lawyers let alone interpreters, and finding new ways to provide legal help to them and to other low-income Americans is a national priority.

Families. Thousands of American judges spend every day asking themselves, "What can we do to strengthen American families and improve the lives of children?" Last year saw the release of a landmark report by a national commission that examined how government can do better for abused and neglected children. And so, in October there was a remarkable national summit of leaders in state courts and child protection agencies gathered to develop action plans to make that happen.

Ethics in Government. Judges and lawyers are in the middle of a major national effort to revise the rules of ethics that apply to courts

so that we can assure our fellow citizens that fidelity to high standards is part of their judiciary. The scandal in Congressional lobbying makes this need become ever more apparent.

Correction, Guilt, and Innocence. The growing number of people in American jails and prisons compels a search for an effective, less expensive, means of dealing with offenders and deterring repeaters. The latest inventive projects with this aim focus on courts as institutions that help solve problems rather than as places that simply try cases. Judges and others have devised what are called "problem-solving courts": drug courts, neighborhood courts, mental health courts, and re-entry courts, to name a few.

New Age and New Law. At least since deTocqueville's tour of nineteenth century America, the country's courtrooms have been places where the changes in American society show up quickly, presenting brand new legal questions: "What is privacy in the electronic age?" or "What do civil rights mean in the war on terror?" to name but two examples.

Jury Reform. At the heart of American justice stands the right to a trial by jury. There is a national movement, based in the state courts, to improve the selection of jurors, to give jurors better tools to do their work, and to help them understand the laws they should apply.

Reform Starts at Home

In thinking about how Indiana connects to these major national initiatives, I've come around to a description that fits Indiana's position on the question of law reform, not just today, but through much of its history:

Rarely first, occasionally last, and frequently early.

There are examples that demonstrate this description from our history and from modern times. In 2003, for example, we celebrated the 100th anniversary of Indiana's first juvenile court, the third juvenile court in America, way ahead of everybody. In the 1970's, Indiana was the third state whose legislature adopted determinate sentencing, the regime under which most of the country has now operated for about a quarter century. In the 1980's, Indiana was the second state to adopt standards for the qualifications and compensation of lawyers who represent defendants in capital cases. In the 1990's, we were the sixth or seventh state to launch a project on jury reform. Rarely first, occasionally last, frequently early.

Indiana Is Connected to Every Effort at American Court Reform

So, what has Indiana been doing on the leading national priorities I described?

Globalization. Indiana courts have been front-line participants in devising lawyer rules to facilitate national and international commerce, first to adopt the uniform rule admitting foreign lawyers to reside here and advise on the law of their home country. Indiana has sent judges and prosecutors overseas, to places like Kosovo, Iraq, and Afghanistan, to assist in devising new constitutions and laws, and court rules. (And, since charity begins at home, we also sent people to the Gulf Coast to help rebuild courts and communities after Hurricane Katrina.) And, Indiana has become a place foreign judges want to visit. Most recently we hosted a delegation from Russia and one from Ukraine.

Families. You voted last year to require the appointment of a guardian or child advocate in every case in which a child has been abused or neglected. On this topic, Indiana has been both last and first. We were the last state to enact this comprehensive requirement—but as far as building a corps of people to speak for the abused child in court, last year there were more than 2,000 adult volunteers who worked with more than 16,000 Indiana children. Indiana has more local programs to recruit and train volunteers to represent the best interest of children than any other state.

Ethics. The national re-examination of the ethics rules for judges I mentioned is being led by the American Bar Association. I have been invited to serve as a standing adviser to the ABA's commission, but more importantly, the ABA has recruited two Hoosiers to do the heaviest intellectual lifting as reporters for the commission: Professor Charles Geyh of the law school at Bloomington and Professor

Emeritus William Hodes of the law school at Indianapolis.

A close corollary of ethics reform is working to make government more accessible, more “transparent” as the current saying goes. Indiana has developed an award-winning project for public information and education about its courts. We do this in lots of different media, from printed materials to live lectures to public displays. And, of course, the Internet. On one day last September, more than 19,000 people visited our website.

Corrections and Problem-Solving. A drug court is not really a separate court but a court procedure under which the prosecutor and defense counsel consent to permit a defendant to avoid prison only if they comply with a tight set of treatment requirements and extremely close monitoring directly by the judge. Something like 35 percent of the people sent to drug courts would otherwise be holding down DOC beds, and the number of drug courts in Indiana is rising steadily. You passed legislation last year to strengthen this movement. The executive director of the national organization for drug court professionals is former judge and Attorney General Karen Freeman-Wilson of Gary.

Similar problem-solving techniques are applied in “re-entry courts.” As DOC Commissioner J. David Donahue says, “We can’t expect much when we push an offender out the prison door with \$75 and a set of clothes.” Re-entry courts mean we can expect more. The nation’s leading re-entry court is in Fort Wayne, Indiana, under the leadership of Judge John Surbeck.

New Age Law. On issues like privacy and consumer protection in the electronic age, any list of America’s top ten legal scholars would include Professor Fred Cate of Bloomington. Professor Cate is one of the jewels of Indiana’s legal community, and he helps the profession and the courts in a host of ways. These include advising our effort under the leadership of Justice Brent Dickson to devise new practices for improving public access to court records without making life easy for identity thieves or domestic abusers.

Legal Help for the Poor. Many states have long used a system to gather otherwise uncollected interest from lawyer trust accounts as a way of helping people who need legal assistance. Indiana was the last state to implement such a system. But we were the first state to commit that resource to building a network of volunteer lawyers to assist low-income people. Last year Indiana attorneys contributed over 20,000 hours of time to indigent Hoosiers through this unique network.

Jury Reform. You know that we have made many improvements in how Indiana juries do their work, but I want to report on the newest one, effective just days ago. At the end of last year, we distributed to county clerks the best list of potential jurors ever devised. Justice Ted Boehm led an effort with assistance from the Bureau of Motor Vehicles, the Department of Revenue, Purdue University, and local court personnel that in the end produced a disc for each county containing non-duplicated, up-to-date names and addresses for use in mailing jury summons. We estimate that it includes 99 percent of the people living in Indiana who are eligible for jury service.

Why does that matter? For one thing, it will save a lot of money. In some counties, 40 percent of the jury notices come back as undeliverable.

But, there’s a more important reason it matters. Americans treasure the idea that we are entitled to a “jury of our peers” but the fact is that many jury lists leave out lots of people, especially low-income people and minorities. This new initiative, a product of our Judicial Technology and Automation Committee, has produced the most inclusive list of possible jurors ever. The people summoned for jury duty now will be the most representative array of citizens in all the time since King John signed the Magna Carta in 1214. The country’s leading experts in jury reform made this Indiana development the lead story in their national electronic newsletter under the headline “List Heaven.”

Indiana Supplies Leaders

Having listed some of the ways Indiana connects to the leading court issues of the day, I suggest that Indiana contributes to national reform in two ways: we provide leaders, and we export new ideas.

First, in a host of settings, Indiana provides leaders for the national judiciary and the legal profession.

I recently made a business call to a judge in Seattle named Eileen Kato; she was national chair of the American Bar Association Conference of Specialized Court Judges. She said, “I know two of your colleagues.” “Who?” Her successor as leader of this legion of judges is Judge Michael Witte of Lawrenceburg, Indiana. And she knew Frank Sullivan. “Justice Sullivan’s been our leader,” she said, “on a project to help more minority law school graduates get appellate court clerkships.”

Judge Lorenzo Arredondo of Lake County has been director of the American Judicature Society, the country’s leading group on judicial selection and ethics, and Judge John Baker of the Court of Appeals has served on the committee that devises education for appellate judges. Justice Sullivan now guides the ABA Appellate Judges Conference. Former Justice Myra Selby, now helping us on race and gender issues, earlier served on the body that accredits and therefore shapes America’s 180 law schools.

Judges Margret Robb and Pat Riley of the Court of Appeals are recognized leaders in the National Association of Women Judges (and last year brought their annual meeting to Indianapolis). Judge Jim Payne, if he weren’t now part of the Daniels Administration, would instead be today president of the National Council of Juvenile and Family Court Judges. Don Lundberg, who runs the Supreme Court’s Disciplinary Commission, presently serves as treasurer of the National Association of Bar Counsel, the country’s organization of lawyer disciplinary agencies. And not far from the judicial circle, it is an honor for our state that the fifty state attorneys general have chosen Attorney General Steve Carter as their president.

Indiana’s contribution of national leaders goes well beyond judges and lawyers. Cathy Springer, the director of education at the Indiana Judicial Center, has lately become a member of the faculty and a member of the oversight committee for the number one place in America where people work on how to improve the continuing legal education of judges, the University of Memphis. Anne Davidson, assistant director of the Indiana Continuing Legal Education Commission, was recently president of the national association of organizations that oversee CLE for lawyers, a group called ORACLE. And, Cheri Harris of Indiana has recently become the executive director of ORACLE. (And indeed, we brought the offices of ORACLE here to Indiana.)

And the Judicial Family Institute, which helps spouses and children of judges navigate through judicial waters, was conceived and created by Justice Dickson’s spouse, Jan Dickson, now widely regarded as having done more to help judicial families than any other single person in the country.

As you might expect, the people I’ve just mentioned, and others, fit under the old saying, “If you want something done, ask a busy person to do it.” They are people who contribute more than most folks during their day jobs and somehow manage to provide leadership above and beyond, both here and elsewhere.

Indiana Exports Ideas

Second, and at least as important, Indiana is an exporter of ideas about better courts.

I will start with an example that even many judges in our state don’t know about. There are two places in Indiana where we try most “mass tort” cases, litigation like asbestos claims. They are presided over by Judge Jeff Dywan in Lake County and Judge Ken Johnson in Marion County. When I spoke to a recent conference at the University of Chicago, the first judge I ran into said, “How’s Ken Johnson? I wish we could use his system here in New Jersey.” Judge Johnson has developed a case management system for mass torts that is the envy of other judges elsewhere. Why do you need a special system? There was one five-day period when Judge Johnson received 16,000 filings.

Indiana’s pro bono plan, by which thousands of Hoosier lawyers volunteer their time to assist low-income people in need of legal assistance has been emulated by multiple states around the country.

On the problem of language, last year we certified the first interpreters qualified to translate formal courtroom testimony. We also need people in the county courthouses who can on a day-to-day basis communicate with persons who walk into the courthouse speaking mostly Spanish. So, last fall we completed a pilot program in Terre Haute, partnering with Ivy Tech, to train local court personnel in Spanish. Next month, we will launch it state-wide basis.

Most recent immigrants are people who speak Spanish, but we have people who appear in local courts speaking everything from Mandarin to Urdu. We're experimenting with a system designed for those situations called "Language Line," and so far we've used it to assist with people who spoke French, Somalian, Russian, Mongolian, Yeman, and Mextaco (a Mexican regional dialect). Last month, for example, Judge James Jarrette in Kosciusko County, had a defendant who spoke only Korean. He called our Division of State Court Administration and was quickly connected by telephone with a skilled interpreter who spoke Korean, so that people in the courtroom could understand her and she could understand them and the court could resolve the case based on full communication by all.

Quite aside from structural reform, Indiana has been a giver of useful caselaw. When I became Chief Justice, I said, "We want to be a court so well-regarded that judges in other states, when considering the toughest legal issues of our time, will be led to look at each other and ask, 'I wonder what Indiana has done about this.'"

Every few weeks, thousands of American lawyers receive the Supreme Court Reporter, the latest cases of the U.S. Supreme Court. The editors of this publication search the country for decisions from other courts that they think lawyers in America would want to know about and they feature these as "Judicial Highlights." In one six-month period last year, ten of those were Indiana cases—representing issues from the death penalty to criminal sentencing to family law and consumer protection. It is a number far out of proportion to our state's size and judicial output. This level of national recognition reflects the good job our appellate courts do, but it also reflects splendid work by Indiana lawyers and trial judges who skillfully litigate these cases long before the appeals reach this building. I've always wanted to work in a place where common sense and first-rate legal thinking were the order of the day. And I do.

Thanks for Your Confidence

It has always seemed to me that our state's bench ought to have its feet firmly planted on Indiana soil, but its eyes fixed on the horizon. It should be one that cares about individual cases, big and small. And always has in its heart what we can do together, tomorrow, to be better servants than we are today.

That's more true this afternoon than it was a year ago, and Judge Diane Schneider of Lake County best articulated a central reason why. Speaking to a roomful of judges, she said: "A perpetual cloud hung over us year after year, a cloud labeled 'compensation.' That cloud finally has been lifted. This is a time when we should move ahead to better things." She was confirming the response of the state's judges and prosecutors to your action in adjusting salaries during the last session. I stand for the proposition that it will be in Indiana's best interests to make similar adjustments in the other two branches of government.

As for the judiciary, I stand with Judge Schneider in believing that this is a moment when the judiciary must strive to do better than ever at helping Indiana be a safer, prosperous, and decent place to live. I promise you that's what will happen."

The President of the Senate adjourned the joint convention.

The House reconvened at 2:45 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 17 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 17

The Speaker handed down Senate Concurrent Resolution 17, sponsored by Representatives Budak and Mays:

A CONCURRENT RESOLUTION recognizing Barbara Levy Tobey for her dedication to promoting community awareness and developing programs pertaining to numerous women's health issues.

Whereas, In 1998, Barbara Levy Tobey assumed the responsibilities of organizing and directing the newly-formed Office of Women's Health at the Indiana State Department of Health;

Whereas, Since its inception into law by legislative action in 1999, Barbara has served as the Director of the Office of Women's Health;

Whereas, While working to address many areas of women's health issues, Barbara has been particularly focused on issues affecting underserved women;

Whereas, During her tenure as director, the Office of Women's Health has developed and implemented a mini-grant initiative which provides funding for women's health programming statewide. In addition, the office has created women's health programs concerned with cardiovascular disease, osteoporosis, girls' health, physical activity and obesity;

Whereas, Additional initiatives of the Women's Health Division include Heart Truth/WomenHeart, a cardiovascular disease awareness campaign, and an osteoporosis division which provides free bone mineral density screenings to women throughout the state; and

Whereas, Under Barbara's guidance, the Women's Health Division has also published two documents titled, Indiana Takes Action for Women's Health 1999 and Women Count in Indiana: County Data Book 2001. In 2005, Barbara also oversaw the development of an osteoporosis prevention initiative called "Jump Kids Jump!"; Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Barbara Levy Tobey for her service to the State of Indiana as Director of the Women's Health Division of the Indiana Department of Health and expresses gratitude for her dedication to developing programs to address numerous women's health issues.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Barbara Levy Tobey.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Torr be added as coauthor of House Bill 1008.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bosma be added as coauthor of House Bill 1009.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb and Noe be added as coauthors of House Bill 1036.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pond, Bell, and Kuzman be added as coauthors of House Bill 1038.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1047.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas, Grubb, and Ruppel be added as coauthors of House Bill 1086.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be added as coauthor of House Bill 1101.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Saunders and Goodin be added as coauthors of House Bill 1103.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1109.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Denbo be added as coauthor of House Bill 1111.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Budak, and Pond be added as coauthors of House Bill 1118.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Behning, Woodruff, and J. Smith be added as coauthors of House Bill 1127.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Davis and Reske be added as coauthors of House Bill 1140.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and Reske be added as coauthors of House Bill 1143.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1150.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bell, Reske, and Moses be added as coauthors of House Bill 1212.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1250.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1304.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Grubb, and Oxley be added as coauthors of House Bill 1366.

THOMAS

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

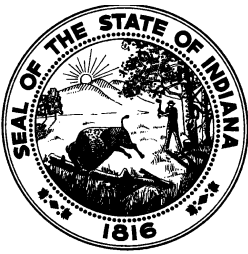
On the motion of Representative Bischoff, the House adjourned at 2:50 p.m., this twelfth day of January, 2006, until Tuesday, January 17, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Seventh Meeting Day

Tuesday Afternoon

January 17, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Robert J. Bischoff.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown ☐	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath ☐
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson ☐	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson ☐
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 14: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 15

Representative Duncan introduced House Concurrent Resolution 15:

A CONCURRENT RESOLUTION recognizing the Indiana University Jacobs School of Music.

Whereas, The Indiana University Jacobs School of Music is one of the most comprehensive and acclaimed institutions of its kind, playing a key role in educating performers, scholars, composers, and music educators who influence music performance and education around the globe;

Whereas, The Indiana University Jacobs School of Music supports the largest and most accomplished resident faculty of any music educational institution worldwide;

Whereas, More than 1,400 students from throughout the United States and 35 foreign countries attend the Indiana University Jacobs School of Music during the school year;

Whereas, The Indiana University Jacobs School of Music, Indiana's largest center for the performance of music and ballet with more than 1,100 public events each year, has been ranked first in the nation by Change magazine, the Chronicle of Higher Education, and U.S. News and World Report;

Whereas, The Indiana University Opera Theater, the country's leading collegiate opera program, stages up to eight complete productions each year, including the world premiere of Ned Rorem's opera, "Our Town", based on Thornton Wilder's Pulitzer Prize winning play;

Whereas, Through the support and interest of Indiana University and the General Assembly, the Indiana University Jacobs School of Music, which will celebrate its 100th anniversary in 2010, has achieved a level of excellence and world-renown beyond compare; and

Whereas, The Indiana University Jacobs School of Music has a stellar faculty and graduates, including international artists Sylvia McNair, Angela Brown, Timothy Noble, Joshua Bell, and David Baker, and alumni of the Indiana University Jacobs School of Music have been named music directors of 26 symphony orchestras throughout the United States: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the wonderful contributions that have been made by the faculty and students of the Indiana University Jacobs School of Music throughout the years. The faculty and students have given the citizens of Indiana and the world countless hours of musical enjoyment.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Gwyn Richards, Dean of the Indiana University Jacobs School of Music.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Sipes.

House Concurrent Resolution 16

Representatives Noe and Torr introduced House Concurrent Resolution 16:

A CONCURRENT RESOLUTION honoring the Carmel High School Marching Band.

Whereas, The Carmel High School Marching Band earned the title of Grand National Champion at the annual Bands of America Grand National Championships on Saturday, November 12, in the RCA Dome in Indianapolis;

Whereas, The Bands of America Grand National Championships is recognized as the top event for the nation's marching bands;

Whereas, The Bands of America Grand National Championships provides a showcase for America's outstanding high school bands and an experience that excites and motivates band programs on all levels;

Whereas, The Carmel marching band had stiff competition during the three-day event, which drew more than 90 bands from 25 states;

Whereas, The semifinal round reduced the participating bands to 30, including nine Indiana schools;

Whereas, The Carmel High School Marching Band is one of only two marching bands that has been a consistent contender for the national title each year since 1996;

Whereas, The Carmel High School Marching Band has enjoyed an excellent year, placing second at the Bands of America Super Regional contest, its only loss during the year, and winning the Indianapolis Regional competition;

Whereas, In addition to their devotion to music and marching, the band members maintain consistently high academic standards; and

Whereas, The members of the Carmel High School Marching Band have shown strength of character and dedication, which have given them the edge that is needed in order to excel in any field of endeavor: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Carmel High School Marching Band on earning the title of Grand National Champion at the annual Bands of America Grand National Championships and wishes the band members well in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Carmel High Marching Band, Band Director Richard Saucedo, Principal John Williams, and Superintendent Dr. Barbara Underwood.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lubbers.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:10 p.m. with the Speaker in the Chair.

Representatives Pelath and Stevenson, who had been excused, were present. Representative Bright was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Clerk has sustained the veto of the Governor on Senate Enrolled Act 218.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 15 and 16 and

the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 7 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 7

The Speaker handed down Senate Concurrent Resolution 7, sponsored by Representatives Ayres and Heim:

A CONCURRENT RESOLUTION promoting the use of the "A Child is Missing" program.

Whereas, A Child is Missing ("ACIM") was founded in 1996 as a nonprofit organization headquartered in Fort Lauderdale, Florida;

Whereas, ACIM is devoted to assisting law enforcement in search and early recovery efforts during the critical initial hours following the disappearance of a child or an elderly or disabled person with a rapid-response neighborhood notification program;

Whereas, ACIM's services, which can be initiated only by law enforcement officials, are currently available in 13 different states, including Indiana;

Whereas, ACIM uses high-tech telephony to make 1,000 calls in 60 seconds, allowing ACIM to rapidly reach thousands of people in the area surrounding a disappearance;

Whereas, At least 83 individuals have been recovered using the services of ACIM, at least four of whom were located in Indiana; and

Whereas, ACIM is a beneficial resource and the Indiana General Assembly seeks to promote awareness of this service and encourage all Indiana law enforcement officials to use the program: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly encourages all law enforcement officials throughout Indiana to use the "A Child is Missing" program to assist in locating a child or an elderly or disabled person who has disappeared.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this resolution to the Indiana Sheriff's Association, the Indiana Association of Cities and Towns, and the Indiana Fraternal Order of Police.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Representative Pond was excused.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1016, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1017, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill be amended as follows:

Page 1, line 7, after "of" insert ":",

Page 1, line 7, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 1, line 7, after "freeholders" insert **"freeholder"**.

Page 1, line 7, delete "appraisers licensed under".

Page 1, line 8, delete "IC 25-34.1 who are residents".

Page 1, line 8, reset in roman "the county as".

Page 1, line 8, after "as" insert **"an appraiser; and**

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of".

Page 1, line 9, after "building." insert **"One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land or building."**

Page 2, line 16, after "of" insert ":",

Page 2, line 16, strike "three (3)", begin a new line double block indented and insert:

"(A) one (1) disinterested freeholder residing in the municipality; and

(B) two (2) disinterested".

Page 2, line 17, after "IC 25-34.1" insert ":",

Page 2, line 17, beginning with "who" begin a new line block indented.

Page 2, between lines 19 and 20, begin a new line blocked left and insert **"One (1) of the appraisers appointed under subdivision (1)(B) must reside not more than fifty (50) miles from the property."**

Page 3, line 15, after "warrant" delete "," and insert ":",

Page 3, line 16, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 3, line 16, after "freeholders" insert **"freeholder"**.

Page 3, line 16, delete "appraisers licensed under".

Page 3, line 17, delete "IC 25-34.1 who are residents".

Page 3, line 17, reset in roman "the county,".

Page 3, line 17, after "the county" delete "," and insert ":", **and**

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of".

Page 3, line 18, after "appropriation." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the land."**

Page 4, line 28, after "appoint" insert ":",

Page 4, line 28, strike "three (3)".

Page 4, line 29, strike "judicious and", begin a new line block indented and insert:

"(1) one (1)".

Page 4, line 29, after "freeholders" insert **"freeholder"**.

Page 4, line 29, delete "appraisers licensed under".

Page 4, line 30, delete "IC 25-34.1 who are residents".

Page 4, line 30, reset in roman "the county,".

Page 4, line 30, after "the county" delete "," and insert ":", **and**

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of".

Page 4, line 30, after "viewers." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the land."**

Page 5, line 34, after "by" insert ":",

Page 5, line 34, strike "three (3)" and insert:

"(1) one (1)".

Page 5, line 35, after "freeholders" and insert **"freeholder"**.

Page 5, line 35, delete "appraisers licensed under IC 25-34.1 who are".

Page 5, line 35, strike "residents".

Page 5, line 36, reset in roman "in any county through which the line of".

Page 5, line 36, after "such" insert **"the"**.

Page 5, line 36, reset in roman "road may run,".

Page 5, line 36, after "run" delete "," and insert ":", **and**

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents".

Page 5, line 39, after "county" delete "," and insert ":",

Page 5, line 39, strike "and these three (3)" and insert **"One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property. The freeholder and the two (2) appraisers appointed under subdivisions (1) and (2)".**

Page 6, line 25, after "appoint" insert ":",

Page 6, line 25, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 6, line 25, after "freeholders" insert **"freeholder"**.

Page 6, line 26, delete "appraisers licensed under IC 25-34.1".

Page 6, line 26, reset in roman "the city, or in the".

Page 6, line 27, reset in roman "county in which the city is".

Page 6, line 27, delete "located," and insert "located; **and**

(2) two (2) appraisers licensed under IC 25-34.1;

who are residents of".

Page 6, line 29, after "land." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the property."**

Page 7, line 13, after "(3)" insert **"disinterested"**.

Page 7, line 16, after "district." insert **"One (2) of the persons appointed under this subsection must reside not more than fifty (50) miles from the property."**

Page 9, line 23, after "least" insert ":",

Page 9, line 23, strike "three (3)", begin and a new line double block indented and insert:

"(A) one (1)".

Page 9, line 23, after "freeholders" insert **"freeholder"**.

Page 9, line 23, delete "appraisers licensed".

Page 9, line 24, delete "under IC 25-34.1 who are residents".

Page 9, line 24, reset in roman "the county,".

Page 9, line 24, after "the county" delete "," and insert ":", **and**

(B) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of".

Page 9, between lines 26 and 27, begin a new line blocked left and insert **"One (1) of the appraisers described under subdivision (1)(B) must reside not more than fifty (50) miles from the property."**

Page 11, line 10, strike "three (3)" and insert **"one (1)".**

Page 11, line 10, after "freeholders" insert **"freeholder"**.

Page 11, line 10, delete "appraisers licensed under".

Page 11, line 11, delete "IC 25-34.1 who are residents".

Page 11, line 11, reset in roman "the city".

Page 11, line 11, after "city" insert **"and two (2) disinterested appraisers licensed under IC 25-34.1 who are residents of".**

Page 11, line 12, after "property." insert **"One (1) of the licensed appraisers must reside not more than fifty (50) miles from the property."**

Page 11, line 40, after "of" insert ":",

Page 11, line 40, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 11, line 41, after "freeholders" insert **"freeholder"**.

Page 11, line 41, delete "appraisers licensed under IC 25-34.1 who are residents".

Page 11, line 42, reset in roman "the county as".

Page 11, line 42, after "appraisers" insert **"an appraiser; and**

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of".

Page 12, line 1, after "buildings." insert **"One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land."**

Page 12, line 29, after "made by" insert ":",

Page 12, line 29, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 12, line 30, after "freeholders" insert **"freeholder"**.

Page 12, line 30, delete "appraisers licensed under IC 25-34.1".

Page 12, line 31, reset in roman "the county".

Page 12, line 31, after "the county" insert "; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of".

Page 12, line 32, after "court." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the land."**

Page 13, line 11, after "of" insert ":".

Page 13, line 11, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 13, line 12, after "freeholders" insert **"freeholder"**.

Page 13, line 12, delete "appraisers licensed under IC 25-34.1 who are residents".

Page 13, line 13, reset in roman "the county as".

Page 13, line 13, after "appraisers" insert **"an appraiser; and (2) two (2) disinterested appraisers licensed under IC 25-34.1;**

who are residents of".

Page 13, line 14, after "land." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the land."**

Page 14, line 31, after "value by" insert ":".

Page 14, line 31, strike "three (3)".

Page 14, line 32, strike "reputable" and insert:

"(1) one (1) disinterested".

Page 14, line 32, reset in roman "resident".

Page 14, line 32, after "freeholders" insert **"freeholder"**.

Page 14, line 32, reset in roman "of the school corporation offering the".

Page 14, line 33, reset in roman "property for".

Page 14, line 33, delete "sale." and insert "sale; and

(2) two (2) disinterested".

Page 14, line 33, after **"IC 25-34.1"** insert ";".

Page 14, line 33, beginning with "who" begin a new line blocked left.

Page 14, line 34, after "Indiana." insert **"One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property."**

Page 15, line 4, after "appoint" insert ":".

Page 15, line 4, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 15, line 4, after "freeholders" insert **"disinterested freeholder"**.

Page 15, line 5, delete "appraisers licensed under IC 25-34.1".

Page 15, line 5, strike "who".

Page 15, line 5, after "reside" insert **"residing"**.

Page 15, line 5, reset in roman "in the school".

Page 15, line 6, reset in roman "corporation or township where the real estate is located".

Page 15, line 6, after "located" insert "; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who".

Page 15, line 7, after "estate." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the real estate."**

Page 15, line 19, after "appointment of" insert ":".

Page 15, line 19, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 15, line 19, after "freeholders" insert **"freeholder"**.

Page 15, line 19, reset in roman "of the school".

Page 15, line 20, reset in roman "corporation as".

Page 15, line 20, after "as" insert **"an appraiser; and**

(2) two (2) disinterested".

Page 15, line 20, after **"IC 25-34.1"** insert ";".

Page 15, line 20, beginning with "who" begin a new line blocked left.

Page 15, line 21, after "land." insert **"One (1) of the appraisers described under subdivision (2) must reside not more than fifty**

(50) miles from the land."

Page 16, line 3, after "of" insert ":".

Page 16, line 3, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 16, line 3, after "freeholders" insert **"freeholder"**.

Page 16, line 3, delete "appraisers licensed".

Page 16, line 4, delete "under IC 25-34.1 who are residents".

Page 16, line 4, reset in roman "the school corporation as".

Page 16, line 5, after "appraisers" insert **"an appraiser; and (2) two (2) disinterested appraisers licensed under IC 25-34.1;**

who are residents of".

Page 16, line 5, after "land." insert **"One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land."**

Page 16, line 24, after "by" insert ":".

(1)".

Page 16, line 24, strike "two (2) competent".

Page 16, line 25, after "neighborhood," insert **"one (1) disinterested freeholder of the county; and (2) one (1)".**

Page 16, line 25, delete "appraisers" and insert **"disinterested appraiser"**.

Page 16, line 25, after **"IC 25-34.1"** insert ";".

Page 16, line 25, beginning with "who" begin a new line blocked left.

Page 17, line 8, after "appoint" insert ":".

Page 17, line 8, strike "two (2)", begin a new line block indented and insert:

"(1) one (1)".

Page 17, line 8, after "freeholders" insert **"disinterested freeholder"**.

Page 17, line 8, reset in roman "of the township".

Page 17, line 8, after "township" insert "; and

(2) one (1)".

Page 17, line 8, delete "appraisers" and insert **"disinterested appraiser"**.

Page 17, line 9, after **"IC 25-34.1"** insert ";".

Page 17, line 9, beginning with "who" begin a new line blocked left.

Page 17, line 31, after "appoint" insert ":".

Page 17, line 31, strike "three (3)", begin a new line block indented and insert:

"(1) one (1)".

Page 17, line 31, after "freeholders" insert **"freeholder"**.

Page 17, line 31, reset in roman "of".

Page 17, line 32, reset in roman "the county".

Page 17, line 32, after "county" insert "; and

(2) two (2) disinterested".

Page 17, line 32, after **"IC 25-34.1"** insert ";".

Page 17, line 32, beginning with "who" begin a new line blocked left.

Page 17, line 35, after "acquisition." insert **"One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the property."**

Page 18, line 2, after "appoint" insert ":".

Page 18, line 2, strike "three (3)", begin a new line block indented and insert:

"(1) one (1) disinterested".

Page 18, line 2, reset in roman "resident".

Page 18, line 2, after "freeholders" insert **"freeholder"**.

Page 18, line 3, delete "appraisers licensed under IC 25-34.1 who are residents".

Page 18, line 3, reset in roman "the".

Page 18, line 4, reset in roman "county where the property is located".

Page 18, line 4, after "located" insert "; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of".

Page 18, line 5, after "property." insert **"One (1) of the licensed appraisers appointed under this subsection must reside not more**

than fifty (50) miles from the land or building."

Page 18, line 21, strike "three (3)" and insert " **one (1) disinterested freeholder residing in the county and two (2) disinterested**".

Page 18, line 23, after "county." insert "**One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the land.**".

Page 18, line 38, after "of" insert ":".

Page 18, line 38, strike "three (3)", begin a new line block indented and insert:

"**(1) one (1)**".

Page 18, line 38, strike "appraisers" and insert "**appraiser**".

Page 18, line 38, delete "licensed under IC 25-34.1".

Page 18, line 39, strike "residents" and insert "**a resident**".

Page 18, line 39, reset in roman " the eligible entity selling the land or building and".

Page 18, line 39, after "and" insert "**a**".

Page 18, line 40, reset in roman "disinterested".

Page 18, line 40, after "freeholders" insert "**freeholder; and**

(2) two (2) disinterested appraisers licensed under IC 25-34.1; who are residents of".

Page 18, line 40, after "Indiana." insert "**One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land or building.**".

Page 19, line 7, after "a" insert "**disinterested**".

Page 19, line 8, after "a" insert "**disinterested**".

Page 19, line 17, after "appointment of" insert ":".

Page 19, line 17, strike "three (3)", begin a new line block indented and insert:

"**(1) one (1)**".

Page 19, line 18, after "freeholders" insert "**freeholder**".

Page 19, line 18, reset in roman "of the city as".

Page 19, line 18, strike "appraisers" and insert "**an appraiser; and (2) two (2) disinterested appraisers**".

Page 19, line 19, after "**IC 25-34.1**" insert ";".

Page 19, line 19, beginning with "who" begin a new line blocked left.

Page 19, line 20, after "land." insert "**One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the land.**".

Page 19, line 41, after "appointment of" insert ":".

Page 19, line 41, strike "three (3)", begin a new line block indented and insert:

"**(1) one (1)**".

Page 19, line 41, after "freeholders" insert "**freeholder**".

Page 19, line 41, reset in roman "of the".

Page 19, line 42, reset in roman "public corporation as".

Page 19, line 42, strike "appraisers" and insert "**an appraiser; and (2) two (2) disinterested appraisers**".

Page 19, line 42, after "**IC 28-34.1**" insert ";".

Page 19, line 42, beginning with "who" begin a new line blocked left.

Page 20, line 2, after "property." insert "**One (1) of the appraisers described under subdivision (2) must reside not more than fifty (50) miles from the property.**".

(Reference is to HB 1017 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1020, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

SAUNDERS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1022, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, strike "eight (8)" and insert "**nine (9)**".

Page 1, line 7, strike "commissioner of agriculture" and insert "**lieutenant governor**".

Page 1, line 7, strike "commissioner's" and insert "**lieutenant governor's**".

Page 1, between lines 11 and 12, begin a new line block indented and insert:

"(5) The director of the department of agriculture or the director's designee."

(Reference is to HB 1022 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1065, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1076, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1086, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 11, delete "or meeting." and insert "**for which a statute requires notice to be published under this chapter.**".

Page 3, line 40, delete "If a county auditor publishes a notice".

Page 3, delete lines 41 through 42.

Page 4, delete line 1.

Page 22, line 40, after "penalties" strike "of" and insert "**up to a specific dollar amount set forth in an ordinance adopted by the legislative body, but**".

Page 24, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 21. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

(1) at least seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class

- city; or
 (C) a regional water or sewage district established under IC 13-26;
- (2) at least fifty thousand dollars (\$50,000) in:
 (A) a third class city or town with a population of more than five thousand (5,000); or
 (B) a county containing a third class city or town with a population of more than five thousand (5,000); or
- (3) at least ~~twenty-five~~ **fifty** thousand dollars (~~\$25,000~~) **(\$50,000)** in a political subdivision or an agency not described in subdivision (1) or (2).
- (b) The board must comply with the following procedure:
 (1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.
 (2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).
 (3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.
 (4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.
 (5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.
 (6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.
 (7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before.
 (8) Except as provided in subsection (c), the board shall:
 (A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or
 (B) reject all bids submitted.
 (9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.
 (10) In determining whether a bidder is responsive, the board may consider the following factors:
 (A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.
 (B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.
 (C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.
 (11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:
 (A) The ability and capacity of the bidder to perform the work.
 (B) The integrity, character, and reputation of the bidder.
 (C) The competence and experience of the bidder.
 (12) The board shall require the bidder to submit an affidavit:
 (A) that the bidder has not entered into a combination or agreement:
 (i) relative to the price to be bid by a person;

- (ii) to prevent a person from bidding; or
 (iii) to induce a person to refrain from bidding; and
 (B) that the bidder's bid is made without reference to any other bid.
- (c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications."
- Delete page 25.
 Page 26, delete lines 1 through 37.
 Page 26, line 41, delete "seventy-five" and insert "**fifty**".
 Page 26, line 41, delete "\$75,000" and insert "**(\$50,000)**".
 Page 35, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 34. IC 36-7-7.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following members shall be appointed to the commission:
 (1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.
 (2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.
 (3) The county surveyor of each county described in section 1 of this chapter.
 (4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.
 (5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.
(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:
(A) is located in a county described in section 1 of this chapter;
(B) has a population of at least eight thousand (8,000); and
(C) does not contain a municipality.
 (b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.
 (c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter."
- Page 36, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 36. IC 36-9-3-5, AS AMENDED BY P.L.114-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:
 (1) two (2) members appointed by the executive of each county in the authority;
 (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
 (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
 (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.
 (b) An authority that includes a consolidated city is under the control of a board consisting of the following:
 (1) Two (2) members appointed by the executive of the county having the consolidated city.
 (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
 (3) One (1) member appointed by the executive of each other county in the authority.
 (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
 (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a

county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following ~~sixteen (16)~~ **twenty-one (21)** members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).

(B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).

(C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A town with a population of more than eight thousand (8,000) but less than nine thousand (9,000).

(B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).

(B) The fiscal body of a town with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than eight thousand (8,000).

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand

(700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).

(B) The executive of a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the town board executives of the following towns:

(A) Chesterton.

(B) Porter.

(C) Burns Harbor.

(D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

(A) Washington Township.

(B) Morgan Township.

(C) Pleasant Township.

(D) Boone Township.

(E) Union Township.

(F) Porter Township.

(G) Jackson Township.

(H) Liberty Township.

(I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

SECTION 37. IC 36-9-3-9, AS AMENDED BY P.L.114-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in ~~subsections~~ **subsection (c), and (d)**, the board may act officially by an affirmative vote of a majority of those

present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A member described in section 5(c)(12); 5(c)(13); or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority."

Page 37, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 40. IC 36-9-39.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 39.1. Alternative Assessment Financing for Municipal Sewage Works

Sec. 1. This chapter applies to all municipalities.

Sec. 2. As used in this chapter, "board" has the meaning set forth in IC 36-9-23-5.

Sec. 3. As used in this chapter, "fund" refers to a sewer improvement and extension fund established under section 5 of this chapter.

Sec. 4. If a board wants to construct, repair, extend, or improve a sewage works, the board may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under this chapter.

Sec. 5. (a) A municipality may adopt an ordinance establishing a sewer improvement and extension fund to finance the construction, repair, extension, or improvement of a sewage works.

(b) A fund consists of the following:

- (1) A special assessment imposed and collected under section 7 of this chapter. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.
- (2) An appropriation to the fund, including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

Sec. 6. (a) The legislative body of a municipality that establishes a fund may appropriate money from the municipal general fund and transfer the money to the fund.

(b) During the fiscal year in which a municipality establishes a fund, the legislative body of the municipality may make an emergency appropriation from the municipal general fund and transfer the money to the fund.

Sec. 7. (a) A board may adopt an ordinance or a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works.

(b) Any costs not paid under subsection (a) must be paid by:

- (1) an assessment imposed under subsection (c) against the benefited properties; or
- (2) a contract under IC 36-9-22.

Any interest or penalties attributable to an assessment under this section must be deposited in the fund.

(c) The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

Sec. 8. (a) A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make and finance public

improvements.

(b) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

- (1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (2) prepare and make out an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(c) An assessment under this chapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(d) The board shall fix a period of not more than twenty (20) years within which the assessments shall be paid.

(e) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(f) All payments under this chapter are deposited into the fund."

Page 37, after line 14, begin a new paragraph and insert:

"SECTION 42. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "member" refers to a person appointed under subsection (c)(3) or (c)(4) or to a legislator whose district includes all or part of Lake County, Porter County, LaPorte County, St. Joseph County, or Elkhart County.

(b) The northwest Indiana transportation study commission is established.

(c) The commission consists of fourteen (14) voting members appointed as follows:

- (1) Six (6) members of the senate, not more than three (3) of whom may be members of the same political party, appointed by the president pro tempore of the senate.
- (2) Six (6) members of the house of representatives, not more than three (3) of whom may be members of the same political party, appointed by the speaker of the house of representatives.
- (3) One (1) individual who is not a legislator, appointed by the northwestern Indiana regional planning commission.
- (4) One (1) individual who is not a legislator, appointed by the Michiana Area Council of Governments.

(d) The chairman of the legislative council shall select one (1) member of the commission to serve as chairperson of the commission, and the vice chairman of the legislative council shall select one (1) member of the commission to serve as vice chairperson of the commission.

(e) The commission shall:

- (1) monitor the development of commuter transportation and rail service in the Lowell-Chicago and Valparaiso-Chicago corridors;
- (2) study all aspects of regional mass transportation and road and highway needs in Lake County, Porter County, LaPorte County, St. Joseph County, and Elkhart County;
- (3) study northwest Indiana transportation, infrastructure, and economic development issues; and
- (4) study other topics as assigned by the legislative council.

(f) The commission shall submit a final report of the commission's findings and recommendations to the legislative council before November 1, 2009. The report must be in an electronic format under IC 5-14-6.

(g) The commission shall operate under the rules of the legislative council.

(h) This SECTION expires November 2, 2009.

SECTION 43. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1142, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1156, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, delete lines 15 through 27.

Page 11, delete lines 32 through 42.

Page 12, delete line 1.

Page 12, delete lines 4 through 30.

Page 13, delete lines 2 through 35.

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1157, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 24, delete "ten (10)" and insert "**nine (9)**".

Page 3, line 25, delete "Notwithstanding IC 3-8-2-4, a" and insert **"A political party may nominate one (1) additional candidate to be elected judge of the court at the 2006 general election using the candidate vacancy provisions under IC 3-13-1 for a total of not more than ten (10) candidates for judge of the court."**

Page 3, delete lines 26 through 27.

Page 3, line 28, delete "election not later than noon March 31, 2006".

(Reference is to HB 1157 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1209, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1299, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 13, line 12, after "organization" insert "**or a collection agency licensed under IC 25-11-1**".

Page 13, line 41, strike "includes:" and insert "**may include:**".

Page 17, line 23, after "organization," insert "**but not including a collection agency licensed under IC 25-11-1,**".

Page 18, line 11, strike "lender" and insert "**person**".

Page 26, between lines 7 and 8, begin a new paragraph and insert: "SECTION 27. IC 28-1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Every corporation has the capacity to act that is possessed by a natural person, but has the authority to perform only those acts that are necessary, convenient, or expedient to accomplish the purposes for which it is formed and that are not repugnant to law.

(b) Subject to any limitations or restrictions imposed by law or by the articles of incorporation, each corporation has the following general rights, powers, and privileges:

(1) To continue as a corporation, under its corporate name, for the period limited in its articles of incorporation, or, if the period is not so limited, then perpetually.

(2) To sue and be sued in its corporate name.

(3) To have a corporate seal and to alter such seal at its pleasure.

(4) To acquire, own, hold, use, lease, mortgage, pledge, sell, convey, or otherwise dispose of property, real and personal, tangible and intangible, in the manner and to the extent hereinafter provided.

(5) To borrow money and to mortgage or pledge its property to secure the payment thereof, in the manner and to the extent hereinafter provided; but no financial institution having power to accept deposits of money shall pledge any of the assets of such financial institution as security for the safekeeping and prompt payment of any money so deposited, except that any such financial institution may, for the safekeeping and prompt payment of any money so deposited, give security of the kind authorized by any statute of this state or by the Congress of the United States.

(6) To conduct business in this state and elsewhere.

(7) To appoint such officers and agents as the business of the corporation may require **and to do the following with respect to any officers or agents appointed:**

to (A) Define their duties.

to (B) Fix their compensation, which may include compensation paid pursuant to any plan of deferred compensation approved by **its the corporation's** board of directors.

to (C) Enter into employment contracts with **its the corporation's** officers and agents which set forth terms and conditions of employment.

to (D) Provide **its the corporation's** officers, agents, and employees with individual or group life insurance.

and to (E) Procure and maintain in effect for the benefit of the bank, insurance on the life or lives of designated officers **or directors.**

(8) To make bylaws for the government and regulation of its affairs.

(9) To cease doing business and to dissolve and surrender its corporate franchise.

(10) To do all acts and things necessary, convenient, or expedient to carry out the purposes for which it is formed.

(c) Subject to any limitations or restrictions that the department may impose by rule or policy, each corporation may purchase and hold life insurance as follows:

(1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the corporation's board of directors.

(2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the corporation's board of directors.

(3) Life insurance on the lives of borrowers.

(4) Life insurance held as security for a loan.

(5) Life insurance that a national bank may purchase or hold under 12 U.S.C. 24 (Seventh)."

Page 35, line 10, delete "1(1)" and insert "**1(1), 1(3), or 1(4)**".

Page 37, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 34. IC 28-6.1-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A savings bank may solicit and write insurance as an insurance producer or a broker for any insurance company authorized to do business in the state or states where the insurance producer or broker operates.

(b) A savings bank or its affiliate (as defined in IC 28-6.2-1-4) may act as an insurance producer for the sale of any life insurance policy or annuity contract issued by a life insurance company (as defined in IC 27-1-2-3) authorized to do business in the state or states where the insurance producer operates.

(c) A savings bank or its affiliate that acts as an insurance producer for the sale of a life insurance policy or an annuity contract under subsection (b):

(1) is subject to all requirements of IC 27 with respect to the insurance producer's activity in Indiana; and

(2) must comply with the disclosure requirements under IC 27-1-38.

(d) A savings bank or its affiliate may not condition:

(1) an extension of credit;

(2) a lease or sale of real or personal property;

(3) the performance of a service; or

(4) the amount charged for:

(A) extending credit;

(B) leasing or selling real or personal property; or

(C) performing services;

upon a person's purchase of a life insurance policy or an annuity contract from the savings bank or its affiliate.

(e) This section does not prohibit a savings bank or its affiliate from requiring that a person, as a condition to a transaction, obtain a life insurance policy from an insurance company acceptable to the savings bank or its affiliate.

(f) Subject to any limitations or restrictions that the department may impose by rule or policy, a savings bank may purchase and hold life insurance as follows:

(1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the savings bank's board.

(2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the savings bank's board.

(3) Life insurance on the lives of borrowers.

(4) Life insurance held as security for a loan.

(5) Life insurance that a national bank may purchase or hold under 12 U.S.C. 24 (Seventh)."

Page 42, line 1, strike "includes:" and insert "**may include:**".

Page 43, line 21, delete "ninety (90)" and insert "**thirty (30)**".

Page 50, line 2, strike "includes:".

Page 50, line 3, after "resides." insert "**may include:**".

Page 56, line 5, strike "includes:".

Page 56, line 6, after "resides." insert "**may include:**".

Page 65, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 77. IC 28-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Savings associations may do the following:

(1) Accept deposit accounts.

(2) Issue evidence of deposit account ownership.

(3) Declare and distribute earnings to members.

(4) Pay, in part or in full, withdrawal requests of deposit accounts.

(5) Subject to the provisions and restrictions of 12 U.S.C. 84 and 12 CFR 32:

(A) Make loans to members on the security of deposit accounts.

(B) Make property improvement loans.

(C) Make other loans as provided under IC 28-15-8.

(D) Make mortgage loans.

(E) Accept additional collateral on mortgage loans.

(F) Purchase and sell loans.

(G) Negotiate loan servicing agreements.

(H) Purchase and sell participating interests in loans.

(I) Issue letters of credit with specific expiration dates.

(J) Make secured or unsecured loans, which are partially insured or guaranteed in any manner by any state of the United States, the United States government, or any of its agencies or government sponsored enterprises.

(K) Purchase commercial paper that is denominated in United States currency and rated by at least one (1) nationally recognized investment rating service in one (1) of the two (2) highest grades.

(L) Make, purchase, or participate in alternative mortgage loans as provided in IC 28-15-11.

(6) Acquire and sell real estate in satisfaction of debts previously contracted.

(7) Acquire real estate for the convenient transaction of its business. A savings association has the same powers under this subdivision as a bank or trust company has under IC 28-1-11-5.

(8) Notwithstanding any other law, establish, maintain, or relocate one (1) or more branch offices by following the provisions of IC 28-2-13, IC 28-2-17, or IC 28-2-18 as if the savings association were a bank.

(9) Become a member in any agency or instrumentality of the federal government. For the purposes of this subdivision, membership in an agency or instrumentality of the federal government may include:

(A) purchasing stock;

(B) purchasing notes and debentures; or

(C) borrowing money.

(10) Subject to any limitations imposed by the department through policy:

(A) invest the money deposited in the savings association in the shares of the capital stock, bonds, debentures, notes, or other obligations of a federal home loan bank of the United States;

(B) become a member of the federal home loan bank of the district in which Indiana is located or an adjoining district;

(C) borrow money from:

(i) a federal home loan bank described in clause (B);

(ii) the Federal Deposit Insurance Corporation; or

(iii) any other corporation;

(D) transfer, assign to, and pledge with a federal home loan bank described in clause (B), the Federal Deposit Insurance Corporation, or any other corporation any of the bonds, notes, contracts, mortgages, securities, or other property of the savings association held or acquired as security for the payment of loans entered into under clause (C); and

(E) exercise all rights, powers, and privileges conferred upon, and do all things and perform all acts required of, members or shareholders of a federal home loan bank by the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449).

(11) Subject to the provisions and restrictions of 12 U.S.C. 24 and 12 CFR 1, invest in the following types of securities:

(A) Bonds, notes, certificates, and other valid obligations of the United States government or any agency of the United States government.

(B) Accounts offered by federally insured banks, savings banks, and savings associations.

- (C) Bonds, notes, or other evidences of indebtedness that are general obligations supported by the full faith and credit of any state in the United States or any city, town, or other political subdivision in any state in the United States if the obligations have been assigned one (1) of the four (4) highest grades by a nationally recognized investment rating service.
- (D) Shares of stock of a subsidiary that does not exercise a power or engage in any activity that is not authorized for the savings association. The investment power granted by this subdivision is separate from the investment power granted by IC 28-15-9.
- (E) Corporate debt securities that are denominated in United States currency and rated by at least one (1) nationally recognized investment rating service in one (1) of the four (4) highest grades. Corporate debt securities in which a savings association invests under this clause must be convertible into stock at the sole option of the holder, and a savings association is prohibited from exercising the conversion option.
- (F) Shares of open end investment companies that are eligible for purchase by national banks.
- (G) Bankers' acceptances that are eligible for purchase by national banks.
- (12) For the purpose of:
- (A) check and deposit sorting and posting;
 - (B) computation and posting of interest and other credits and charges;
 - (C) preparation and mailing of checks, statements, notices, and similar items; or
 - (D) other clerical, bookkeeping, accounting, statistical, or similar functions performed by a savings association;
- invest in a corporation organized in any state to perform those functions for two (2) or more savings associations, each of which owns a portion of the capital stock of the corporation. The total investment of a savings association under this subdivision may not exceed ten percent (10%) of the capital and surplus of the savings association. A savings association may not invest in this type of corporation unless the corporation furnishes assurances to the department that it will subject itself to examination by the department to the same extent as if the services were performed by the savings association.
- (13) Lend money to other savings associations:
- (A) the deposits of which are insured by the Federal Deposit Insurance Corporation; and
 - (B) that are incorporated and operating under the laws of any state or of the United States.
- (14) Borrow money and mortgage or pledge its property to secure payment.
- (15) Issue subordinated notes or debentures.
- (16) Assess and collect interest, fees, and other charges.
- (17) Insure its deposit accounts with the Federal Deposit Insurance Corporation or its successor.
- (18) Act as an agent for the United States or its instrumentalities.
- (19) Accept property for safe keeping or escrow.
- (20) Rent or lease safe deposit boxes.
- (21) Issue and sell checks, drafts, money orders, and other instruments for the transmission or payment of money.
- (22) Exercise all the powers that:
- (A) are incidental and proper; or
 - (B) may be necessary and usual;
- in carrying on the business of the savings association.
- (23) Purchase or construct buildings, hold legal title to the buildings, and lease the buildings for public purposes to municipal corporations or other public authorities that have resources sufficient to make payment of all rentals as they become due. Each lease agreement entered into under this subdivision must provide that, upon expiration, the lessee will become the owner of the building.
- (24) Open or establish automated teller machines at any location. An automated teller machine opened or established under this subdivision may be owned and operated individually or jointly on a cost sharing or fee basis.

(25) Act:

- (A) in any fiduciary capacity in which a bank or trust company is permitted to act under this title; and
- (B) as an agent for the sale of real estate, without bond or other security.

(26) Accept and maintain demand deposit accounts if the savings association is insured by the Federal Deposit Insurance Corporation or its successor.

(27) Without the approval of the department, to the extent authorized by the board of directors of the savings association, establish or maintain agencies that:

- (A) only service and originate, but do not approve, loans and contracts; or
- (B) manage or sell real estate owned by the savings association.

An agency established or maintained under this subdivision may offer any services not referred to in this subdivision with the approval of the department, except for accepting payment on savings accounts. An agency shall maintain records of all business it transacts and transmit copies to a branch or home office of the savings association.

(b) Subject to any limitations or restrictions that the department may impose by rule or policy, a savings association may purchase and hold life insurance as follows:

- (1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the savings association's board of directors.**
- (2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the savings association's board of directors.**
- (3) Life insurance on the lives of borrowers.**
- (4) Life insurance held as security for a loan.**
- (5) Life insurance that a national bank may purchase or hold under 12 U.S.C. 24 (Seventh)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1299 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1314, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1001, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-16-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 42. (a) When the authority, the board of trustees or board of managers of the hospital, the board of commissioners of the county, and a majority of the county council have agreed upon the terms and conditions of any lease proposed to be entered into under section 38 or 39 of this chapter, and before the final execution of the lease, the county auditor shall give notice by publication of a public hearing to be held in the county by the board of commissioners. The hearing shall take place on a day not earlier than ten (10) days after the publication of the

notice. The notice of the hearing shall be published one (1) time in a newspaper of general circulation printed in the English language and published in the county. The notice shall do the following:

- (1) Name the day, place, and hour of the hearing.
- (2) Set forth a brief summary of the principal terms of the lease agreed upon, including the character and location of the property to be leased, the lease rental to be paid, and the number of years the contract is to be in effect.
- (3) State a location where the proposed lease, drawings, plans, specifications, and estimates may be examined.

The proposed lease and the drawings, plans, specifications, and estimates of construction cost for the building shall be open to inspection by the public during the ten (10) day period and at the hearing. All interested persons shall have a right to be heard at the hearing on the necessity for the execution of the lease and whether the lease rental under the lease is fair and reasonable. The hearing may be adjourned to a later date with the place of the hearing fixed prior to adjournment. Following the hearing, the board of commissioners may either authorize the execution of the lease as originally agreed upon or may make modifications that are agreed upon by the authority, the board of trustees or board of managers of the hospital, and the county council. The authorization shall be by an order that is entered in the official records of the board of commissioners. The lease contract shall be executed on behalf of the county by the board of commissioners.

(b) If the execution of the lease as originally agreed upon or as modified by agreement is authorized, notice of the signing of the lease shall be given on behalf of the county by publication one (1) time in a newspaper of general circulation printed in the English language and published in the county. Except as provided in subsection (d), ten (10) or more taxpayers in the county whose tax rate will be affected by the proposed lease and who may be of the opinion that no necessity exists for the execution of the lease or that the lease rental under the lease is not fair and reasonable may file a petition in the office of the county auditor within thirty (30) days after publication of notice of the execution of the lease that sets forth the taxpayers' objections and facts supporting those objections. Upon the filing of a petition, the county auditor shall immediately certify a copy of the petition together with such other data as may be necessary in order to present the questions involved to the department of local government finance. Upon receipt of the certified petition and information, the department of local government finance shall fix a time and place in the affected county for the hearing of the matter that is not less than five (5) or more than fifteen (15) days after receipt. Notice of the hearing shall be given by the department of local government finance to the board of county commissioners and to the first ten (10) taxpayer petitioners upon the petition by certified mail sent to the addresses listed on the petition at least five (5) days before the date of the hearing.

(c) No action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease shall be instituted at any time later than thirty (30) days after publication of notice of the execution of the lease, or if an appeal has been taken to the department of local government finance, then within thirty (30) days after the decision of the department.

(d) The authority for taxpayers to object to a proposed lease under subsection (b) does not apply if the authority complies with the procedures for the issuance of bonds and other evidences of indebtedness described in ~~IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2.~~ **IC 6-1.1-20.**

SECTION 2. IC 5-3-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. (a) This section applies only when notice of an event is required to be given by publication in accordance with IC 5-3-1.

(b) If the event is a public hearing or meeting concerning any matter not specifically mentioned in subsection (c), (d), (e), (f), (g), or (h) notice shall be published one (1) time, at least ten (10) days before the date of the hearing or meeting.

(c) If the event is an election, notice shall be published one (1) time, at least ten (10) days before the date of the election.

(d) If the event is a sale of bonds, notes, or warrants, notice shall be published two (2) times, at least one (1) week apart, with:

- (1) the first publication made at least fifteen (15) days before

the date of the sale; and

- (2) the second publication made at least three (3) days before the date of the sale.

(e) If the event is the receiving of bids, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least seven (7) days before the date the bids will be received.

(f) If the event is the establishment of a cumulative or sinking fund, notice of the proposal and of the public hearing that is required to be held by the political subdivision shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the date of the hearing.

(g) If the event is the submission of a proposal adopted by a political subdivision for a cumulative or sinking fund for the approval of the department of local government finance, the notice of the submission shall be published one (1) time. The political subdivision shall publish the notice when directed to do so by the department of local government finance.

(h) If the event is the required publication of an ordinance, notice of the passage of the ordinance shall be published one (1) time within thirty (30) days after the passage of the ordinance.

(i) If the event is one about which notice is required to be published after the event, notice shall be published one (1) time within thirty (30) days after the date of the event.

(j) If the event is anything else, notice shall be published two (2) times, at least one (1) week apart, with the second publication made at least three (3) days before the event.

(k) In case any officer charged with the duty of publishing any notice required by law is unable to procure advertisement at the price fixed by law, or the newspaper refuses to publish the advertisement, it is sufficient for the officer to post printed notices in three (3) prominent places in the political subdivision, instead of advertisement in newspapers.

~~(l) If a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and the published notice contains an error due to the fault of a newspaper, the notice as presented for publication is a valid notice under this chapter.~~

~~(m) Notwithstanding subsection (j), if a notice of budget estimates for a political subdivision is published as required in IC 6-1.1-17-3, and if the notice is not published at least ten (10) days before the date fixed for the public hearing on the budget estimate due to the fault of a newspaper, the notice is a valid notice under this chapter if it is published one (1) time at least three (3) days before the hearing.~~

SECTION 3. IC 5-3-1-3, AS AMENDED BY P.L.1-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) Within sixty (60) days after the expiration of each calendar year, the fiscal officer of each civil city and town in Indiana shall publish an annual report of the receipts and expenditures of the city or town during the preceding calendar year.

(b) Not earlier than August 1 or later than August 15 of each year, the secretary of each school corporation in Indiana shall publish an annual financial report.

(c) In the annual financial report the school corporation shall include the following:

- (1) Actual receipts and expenditures by major accounts ~~as compared to the budget advertised under IC 6-1.1-17-3~~ for the prior calendar year.

- (2) The salary schedule for all certificated employees (as defined in IC 20-29-2-4) as of June 30, with the number of employees at each salary increment. However, the listing of salaries of individual teachers is not required.

- (3) The extracurricular salary schedule as of June 30.

- (4) The range of rates of pay for all noncertificated employees by specific classification.

- (5) The number of employees who are full-time certificated, part-time certificated, full-time noncertificated, and part-time noncertificated.

- (6) The lowest, highest, and average salary for the administrative staff and the number of administrators without a listing of the names of particular administrators.

- (7) The number of students enrolled at each grade level and the total enrollment.

- (8) The assessed valuation of the school corporation for the

prior and current calendar year.

(9) The tax rate for each fund for the prior and current calendar year.

(10) In the general fund, capital projects fund, and transportation fund, a report of the total payment made to each vendor for the specific fund in excess of two thousand five hundred dollars (\$2,500) during the prior calendar year. However, a school corporation is not required to include more than two hundred (200) vendors whose total payment to each vendor was in excess of two thousand five hundred dollars (\$2,500). A school corporation shall list the vendors in descending order from the vendor with the highest total payment to the vendor with the lowest total payment above the minimum listed in this subdivision.

(11) A statement providing that the contracts, vouchers, and bills for all payments made by the school corporation are in its possession and open to public inspection.

(12) The total indebtedness as of the end of the prior calendar year showing the total amount of notes, bonds, certificates, claims due, total amount due from such corporation for public improvement assessments or intersections of streets, and any and all other evidences of indebtedness outstanding and unpaid at the close of the prior calendar year.

(d) The school corporation may provide an interpretation or explanation of the information included in the financial report.

(e) The department of education shall do the following:

(1) Develop guidelines for the preparation and form of the financial report.

(2) Provide information to assist school corporations in the preparation of the financial report.

(f) The annual reports required by this section and IC 36-2-2-19 and the abstract required by IC 36-6-4-13 shall each be published one (1) time only, in accordance with this chapter.

(g) Each school corporation shall submit to the department of education a copy of the financial report required under this section. The department of education shall make the financial reports available for public inspection.

SECTION 4. IC 5-28-15-8, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) This section applies to records and other information, including records and information that are otherwise confidential, maintained by the following:

(1) The board.

(2) A U.E.A.

(3) The department of state revenue.

(4) The corporation.

(5) The department of local government finance.

(6) A county auditor.

(7) A township assessor.

(8) A county assessor.

(b) A person or an entity listed in subsection (a) may request a second person or entity described in subsection (a) to provide any records or other information maintained by the second person or entity that concern an individual or a business that is receiving a tax deduction, exemption, or credit related to an enterprise zone. Notwithstanding any other law, the person or entity to whom the request is made under this section must comply with the request. A person or entity receiving records or information under this section that are confidential must also keep the records or information confidential.

(c) A person or an entity that receives confidential records or information under this section and knowingly or intentionally discloses the records or information to an unauthorized person commits a Class A misdemeanor.

SECTION 5. IC 6-1.1-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as provided in subsection (b), "assessed value" or "assessed valuation" means an amount equal to:

(1) for assessment dates before March 1, 2001, thirty-three and one-third percent (33 1/3%) of the true tax value of property; and

(2) for assessment dates after February 28, 2001, the true tax value of property.

(b) For purposes of calculating a budget, rate, or levy under IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-18.5, IC 6-1.1-19, ~~IC 6-1.1-20, IC 21-2-11.5,~~ and IC 21-2-15, "assessed value" or "assessed valuation" does not include **either of the following:**

(1) The assessed value of tangible property excluded and kept separately on a tax duplicate by a county auditor under ~~IC 6-1.1-17-0.5; IC 6-1.1-17-0.5(b).~~

(2) **The amount of a reduction to a taxing unit's assessed value made by the county auditor under IC 6-1.1-17-0.5(d).**

SECTION 6. IC 6-1.1-1-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3.2. "Assessor" means, **unless the context requires otherwise, the following:**

(1) **In a township with a township assessor, the township assessor.**

(2) **In a township without a township assessor, the county assessor.**

SECTION 7. IC 6-1.1-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. "Real property" means:

(1) land located within this state;

(2) a building or fixture situated on land located within this state;

(3) an appurtenance to land located within this state;

(4) an estate in land located within this state, or an estate, right, or privilege in mines located on or minerals, including but not limited to oil or gas, located in the land, if the estate, right, or privilege is distinct from the ownership of the surface of the land; and

(5) notwithstanding IC 6-6-6-7, a riverboat:

(A) licensed under IC 4-33; or

(B) operated under an operating agent contract under IC 4-33-6.5;

for which the department of local government finance shall prescribe standards to be used by ~~township~~ assessors.

SECTION 8. IC 6-1.1-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. "Taxing district" means a geographic area within which property is taxed:

(1) by the same taxing units; and

(2) **except as provided in IC 6-1.1-22-2.5,** at the same total rate.

SECTION 9. IC 6-1.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Except as provided in subsection (c) and section 11 of this chapter, personal property which is owned by a person who is a resident of this state shall be assessed at the place where the owner resides on the assessment date of the year for which the assessment is made.

(b) Except as provided in subsection (c) and section 11 of this chapter, personal property which is owned by a person who is not a resident of this state shall be assessed at the place where the owner's principal office within this state is located on the assessment date of the year for which the assessment is made.

(c) Personal property shall be assessed at the place where it is situated on the assessment date of the year for which the assessment is made if the property is:

(1) regularly used or permanently located where it is situated; or

(2) owned by a nonresident who does not have a principal office within this state.

(d) If a personal property return is filed pursuant to subsection (c), the owner of the property shall provide, within forty-five (45) days after the filing deadline, a copy or other written evidence of the filing of the return to the assessor ~~of who serves the township in which area where~~ the owner resides. If such evidence is not filed within forty-five (45) days after the filing deadline, the assessor ~~of who serves the township in which area where~~ the owner resides shall determine if the owner filed a personal property return in the township ~~or county~~ where the property is situated. If such a return was filed, the property shall be assessed where it is situated. If such a return was not filed, the assessor ~~of who serves the township where area where~~ the owner resides shall notify the assessor ~~of who serves the township where area where~~ the property is situated, and the property shall be assessed where it is situated. This subsection does not apply to a taxpayer who:

- (1) is required to file duplicate personal property returns under section 7(c) of this chapter and under regulations promulgated by the department of local government finance with respect to that section; or
- (2) is required by the department of local government finance to file a summary of the taxpayer's business tangible personal property returns.

SECTION 10. IC 6-1.1-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. Before the assessment date of each year, the county auditor shall deliver to each ~~township~~ assessor the proper assessment books and necessary blanks for the listing and assessment of personal property.

SECTION 11. IC 6-1.1-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. Between the assessment date and the filing date of each year, the appropriate ~~township~~ assessor shall furnish each person whose personal property is subject to assessment for that year with a personal property return.

SECTION 12. IC 6-1.1-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) Except as provided in subsections (b) and (d), a taxpayer shall, on or before the filing date of each year, file a personal property return with the assessor ~~of each township who serves the area~~ in which the taxpayer's personal property is subject to assessment.

(b) The ~~township~~ assessor may grant a taxpayer an extension of not more than thirty (30) days to file the taxpayer's return if:

- (1) the taxpayer submits a written application for an extension prior to the filing date; and
- (2) the taxpayer is prevented from filing a timely return because of sickness, absence from the county, or any other good and sufficient reason.

(c) If the sum of the assessed values reported by a taxpayer on the business personal property returns which the taxpayer files with the ~~township~~ assessor for a year exceeds one hundred fifty thousand dollars (\$150,000), the taxpayer shall file each of the returns in duplicate.

(d) ~~A taxpayer may file a consolidated return with the county assessor if: the~~

- (1) a taxpayer has personal property subject to assessment in more than one (1) township in a county; and
- (2) the total assessed value of the personal property in the county is less than one million five hundred thousand dollars (\$1,500,000); ~~or~~

~~the taxpayer filing a consolidated return shall attach a schedule listing, by township, all the taxpayer's personal property and the property's assessed value. A taxpayer filing a consolidated return is not required to file a personal property return with the assessor of each township. A~~ The taxpayer filing a consolidated return shall provide the following: ~~(1) the county assessor with the information necessary for the county assessor to allocate the assessed value of the taxpayer's personal property among the townships listed on the return, including the street address, the township, and the location of the property.~~

~~(2) A copy of the consolidated return, with attachments, for each township listed on the return.~~

(e) The county assessor shall provide to each affected township assessor in the county all information filed by a taxpayer under subsection (d) that affects the township. The county assessor shall provide the information before:

- (1) May 25 of each year, for a return filed on or before the filing date for the return; or
- (2) June 30 of each year, for a return filed after the filing date for the return.

(f) The township assessor shall send all required notifications to the taxpayer.

~~(g) (e) The county assessor may refuse to accept a consolidated personal property tax return that does not have attached to it a schedule listing, by township, all the personal property of the taxpayer and the assessed value of the property as required under comply with subsection (d). For purposes of IC 6-1.1-37-7, a consolidated return to which subsection (d) applies is filed on the date it is filed with the county assessor with the schedule of personal property and assessed value required by subsection (d) attached.~~

SECTION 13. IC 6-1.1-3-11 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) For purposes of this section, "inventory" means:

- (1) materials held for processing or for use in production;
- (2) finished or partially finished goods of a manufacturer or processor; and
- (3) property held for sale in the ordinary course of trade or business.

(b) For purposes of this section, "dealer" has the meaning set forth in IC 9-13-2-42.

(c) For purposes of this section, "established place of business" refers to a place of business that meets the minimum standards prescribed by the bureau of motor vehicles under rules adopted under IC 4-22-2.

(d) If the inventory owned or held by a taxpayer on the assessment date of a year does not, in the taxpayer's opinion, fairly represent the average inventory carried by the taxpayer, the taxpayer may elect to list the taxpayer's inventory for assessment on the basis of the average true tax value of the inventory owned or held by the taxpayer during the preceding calendar year, or during the portion of the preceding calendar year that the taxpayer was engaged in business.

(e) If a taxpayer elects to use the average method, the taxpayer shall notify the ~~township~~ assessor of the election at the time the taxpayer files the taxpayer's personal property return. The election, once made, is binding on the taxpayer for the tax year in question and for each year thereafter unless permission to change is granted by the department of local government finance.

(f) If a taxpayer elects to use the average method, the taxpayer shall use that method for reporting the value of all the taxpayer's inventories which are located in this state.

(g) Inventory owned by a dealer shall be assessed at the dealer's established place of business.

SECTION 14. IC 6-1.1-3-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. The ~~township~~ assessor shall:

- (1) examine and verify; or
- (2) allow a contractor under IC 6-1.1-36-12 to examine and verify;

the accuracy of each personal property return filed with the ~~township~~ assessor by a taxpayer. If appropriate, the assessor or contractor under IC 6-1.1-36-12 shall compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

SECTION 15. IC 6-1.1-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. (a) In connection with the activities required by section 14 of this chapter, or if a person owning, holding, possessing, or controlling any personal property fails to file a personal property return with the ~~township~~ assessor as required by this chapter, the ~~township~~ assessor may examine:

- (1) the personal property of the person;
- (2) the books and records of the person; and
- (3) under oath, the person or any other person whom the assessor believes has knowledge of the amount, identity, or value of the personal property reported or not reported by the person on a return.

(b) After such an examination, the assessor shall assess the personal property to the person owning, holding, possessing, or controlling that property.

(c) As an alternative to such an examination, the ~~township~~ assessor may estimate the value of the personal property of the taxpayer and shall assess the person owning, holding, possessing, or controlling the property in an amount based upon the estimate. Upon receiving a notification of estimated value from the ~~township~~ assessor, the taxpayer may elect to file a personal property return, subject to the penalties imposed by IC 6-1.1-37-7.

SECTION 16. IC 6-1.1-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. If, from the evidence before ~~him, a township assessor~~, the assessor determines that a person has temporarily converted any part of ~~his~~ the person's personal property into property which is not taxable under this article to avoid the payment of taxes on the converted property, the ~~township~~ assessor shall assess the converted property to the taxpayer.

SECTION 17. IC 6-1.1-3-21 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 21. ~~(a)~~ Subject to the limitations ~~contained~~ in IC 6-1.1-35-9, assessment returns, lists, and any other documents and information related to the determination of personal property assessments shall be preserved as public records and open to public inspection. **Except as provided in subsection (b),** the township assessor shall preserve and maintain these records. ~~if quarters for his office are provided in the county court house, or a branch thereof.~~

~~(b)~~ If quarters are not provided for ~~the~~ a township assessor, ~~he~~ shall, as soon as ~~he~~ completes his the township assessor shall, upon completion of the audit of a return, deliver the return and all related documents and information to the county assessor, and the county assessor shall maintain and preserve the items. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

~~(b)~~ (c) Each county shall furnish an office for a township assessor in the county courthouse, or a branch thereof, if the township ~~he~~ the township assessor serves has a population of thirty-five thousand (35,000) or more. A county may furnish an office in the county courthouse, or branch thereof, for any township assessor.

SECTION 18. IC 6-1.1-4-4, AS AMENDED BY P.L.228-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2000, and be the basis for taxes payable in 2003.

(b) A general reassessment, involving a physical inspection of all real property in Indiana, shall begin July 1, 2009, and each fifth year thereafter. Each reassessment under this subsection:

- (1) shall be completed on or before March 1, of the year that succeeds by two (2) years the year in which the general reassessment begins; and
- (2) shall be the basis for taxes payable in the year following the year in which the general assessment is to be completed.

(c) In order to ensure that assessing officials ~~and members of each county property tax assessment board of appeals~~ are prepared for a general reassessment of real property, the department of local government finance shall give adequate advance notice of the general reassessment to the county ~~and township taxing assessing~~ officials of each county.

SECTION 19. IC 6-1.1-4-4.7, AS ADDED BY P.L.228-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4.7. ~~(a) For purposes of this section, "assessor" means:~~

- ~~(1) a township assessor; or~~
- ~~(2) a county assessor who assumes the responsibility for verifying sales under 50 IAC 21-3-2(b);~~

~~(b)~~ The department of local government finance shall provide training to assessors and county auditors with respect to the verification of sales disclosure forms under 50 IAC 21-3-2.

SECTION 20. IC 6-1.1-4-12.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12.4. (a) For purposes of this section, the term "oil or gas interest" includes but is not limited to:

- (1) royalties;
- (2) overriding royalties;
- (3) mineral rights; or
- (4) working interest; in any oil or gas located on or beneath the surface of land which lies within this state.

(b) Oil or gas interest is subject to assessment and taxation as real property. Notwithstanding ~~the provisions of IC 1971, 6-1.1-4-4, section 4 of this chapter,~~ each oil or gas interest shall be assessed annually by the assessor ~~of who serves the township area~~ in which the oil or gas is located. The township assessor shall assess the oil or gas interest to the person who owns or operates the interest.

(c) A piece of equipment is an appurtenance to land if it is incident to and necessary for the production of oil and gas from the land covered by the oil or gas interest. This equipment includes but is not limited to wells, pumping units, lines, treaters, separators, tanks, and secondary recovery facilities. These appurtenances are subject to ~~assessment assessment~~ as real property. Notwithstanding ~~the provisions of IC 1971, 6-1.1-4-4, section 4 of this chapter,~~ each of these appurtenances shall be assessed annually by the assessor ~~of who~~

serves the township area in which the appurtenance is located. The township assessor shall assess the appurtenance to the person who owns or operates the working interest in the oil or gas interest.

SECTION 21. IC 6-1.1-4-12.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12.6. (a) For purposes of this section, the term "secondary recovery method" includes but is not limited to the stimulation of oil production by means of the injection of water, steam, hydrocarbons, or chemicals, or by means of in situ combustion.

(b) The total assessed value of all interests in the oil located on or beneath the surface of a particular tract of land equals the product of:

- (1) the average daily production of the oil; multiplied by
- (2) three hundred sixty-five (365); and multiplied by
- (3) the posted price of oil on the assessment date.

However, if the oil is being extracted by use of a secondary recovery method, the total assessed value of all interests in the oil equals one-half (½) the assessed value computed under the formula prescribed in this subsection. The ~~appropriate township~~ assessor shall, in the manner prescribed by the department of local government finance, apportion the total assessed value of all interests in the oil among the owners of those interests.

(c) The ~~appropriate township~~ assessor shall, in the manner prescribed by the department of local government finance, determine and apportion the total assessed value of all interests in the gas located beneath the surface of a particular tract of land.

(d) The department of local government finance shall prescribe a schedule for township assessors to use in assessing the appurtenances described in section 12.4 (c) of this chapter.

SECTION 22. IC 6-1.1-4-13.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13.6. (a) The township assessor shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the township area served by the assessor, using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment becomes effective, the assessor determining the values of land shall submit the values to the county property tax assessment board of appeals. Not later than December 1 of the year preceding the year in which a general reassessment becomes effective, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 and before December 1 of the year preceding the year in which the general reassessment under ~~IC 6-1.1-4-4 section 4 of this chapter~~ becomes effective.

(b) The county property tax assessment board of appeals shall review the values submitted under subsection (a) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the department of local government finance. If the county assessor ~~or township assessor~~ fails to submit land values under subsection (a) to the county property tax assessment board of appeals before November 1 of the year before the date the general reassessment under ~~IC 6-1.1-4-4 section 4 of this chapter~~ becomes effective, the county property tax assessment board of appeals shall determine the values. If the county property tax assessment board of appeals fails to determine the values before the general reassessment becomes effective, the department of local government finance shall determine the values.

(c) The county assessor shall notify all township assessors in the county of the values as modified by the county property tax assessment board of appeals. Township Assessors shall use the values determined under this section.

SECTION 23. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13.8. (a) As used in this section, "commission" refers to a county land valuation commission established under subsection (b).

(b) Subject to ~~subsection subsections (l) and (m),~~ a county land

valuation commission is established in each county for the purpose of determining the value of commercial, industrial, and residential land (including farm homesites) in the county.

(c) The county assessor is chairperson of the commission.

(d) The following are members of the commission:

(1) The county assessor. The county assessor shall cast a vote only to break a tie.

(2) Each township assessor, when the respective township land values for that township assessor's township are under consideration. A township assessor serving under this subdivision shall vote on all matters relating to the land values of that township assessor's township.

~~(3) One (1) township assessor from the county to be appointed by a majority vote of all the township assessors in the county.~~

~~(4) (3) One (1) county resident who:~~

(A) holds a license under IC 25-34.1-3 as a salesperson or broker; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

~~(5) (4) Four (4) individuals who:~~

(A) are appointed by the county executive (as defined in IC 36-1-2-5); and

(B) represent one (1) of the following four (4) kinds of land in the county:

(i) Agricultural.

(ii) Commercial.

(iii) Industrial.

(iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.

~~(6) (5) One (1) individual who:~~

(A) represents financial institutions in the county; and

(B) is appointed by:

(i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or

(ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(e) The term of each member of the commission begins November 1 of the year that precedes by two (2) years the year in which a general reassessment begins under ~~IC 6-1.1-4-4, section 4 of this chapter~~, and ends January 1 of the year in which the general reassessment begins under ~~IC 6-1.1-4-4, section 4 of this chapter~~. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under ~~IC 6-1.1-4-4, section 4 of this chapter~~ begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures

adopted by rule under IC 4-22-2 by the department of local government finance. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under ~~IC 6-1.1-4-4, section 4 of this chapter~~ begins, the county property tax assessment board of appeals shall determine the values.

(h) The county property tax assessment board of appeals shall give notice to the county and township assessors of its decision on the values. The notice must be given before March 1 of the year the general reassessment under ~~IC 6-1.1-4-4, section 4 of this chapter~~ begins. Not later than twenty (20) days after that notice, the county assessor or a township assessor in the county may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(i) Not later than twenty (20) days after notice to the county and township assessor is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The department of local government finance may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the department of local government finance determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or department of local government finance under this section. ~~Township Assessors~~ shall use the values determined under this section.

(l) **Subject to subsection (m)**, after notice to the county assessor and all township assessors in the county, a majority of the assessors authorized to vote under this subsection may vote to abolish the county land valuation commission established under subsection (b). Each township assessor and the county assessor has one (1) vote.

(m) In a county in which there are no township assessors, the county assessor may determine to abolish the county land valuation commission established under subsection (b).

(n) The county assessor shall give written notice to:

(1) each member of the county land valuation commission; and

(2) each township assessor in the county, **if applicable;**

of the abolishment of the commission under ~~this~~ subsection **(l) or (m).**

SECTION 24. IC 6-1.1-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. (a) If real property is subject to assessment or reassessment under this chapter, the assessor ~~of the township in which the property is located~~ shall either appraise the property ~~himself~~ or have it appraised.

(b) In order to determine the assessed value of buildings and other improvements, the ~~township assessor or his~~ **the assessor's or representative's** intention to the owner or occupant, enter and fully examine all buildings and structures which are located within the ~~township he area the assessor serves~~ and which are subject to assessment.

SECTION 25. IC 6-1.1-4-16, AS AMENDED BY P.L.228-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16. (a) For purposes of making a general reassessment of real property or annual adjustments under section 4.5 of this chapter, any ~~township assessor and any county assessor~~ may employ:

(1) deputies;

(2) employees; and

(3) technical advisors who are:

- (A) qualified to determine real property values;
- (B) professional appraisers certified under 50 IAC 15; and
- (C) employed either on a full-time or a part-time basis, subject to sections 18.5 and 19.5 of this chapter.

(b) The county council of each county shall appropriate the funds necessary for the employment of deputies, employees, or technical advisors employed under subsection (a) of this section.

SECTION 26. IC 6-1.1-4-17, AS AMENDED BY P.L.228-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 17. (a) Subject to the approval of the department of local government finance and the requirements of section 18.5 of this chapter, a:

- (1) township assessor; ~~or~~
- (2) group consisting of the county assessor and the township assessors in a county; ~~or~~
- (3) county assessor in a county in which there are no township assessors;**

may employ professional appraisers as technical advisors. A decision ~~by one (1) or more assessors referred to in subdivisions (1) and (2) under this subsection~~ to not employ a professional appraiser as a technical advisor in a general reassessment is subject to approval by the department of local government finance.

(b) After notice to the county assessor and all township assessors in the county, a majority of the assessors authorized to vote under this subsection may vote to:

- (1) employ a professional appraiser to act as a technical advisor in the county during a general reassessment period;
- (2) appoint an assessor or a group of assessors to:
 - (A) enter into and administer the contract with a professional appraiser employed under this section; and
 - (B) oversee the work of a professional appraiser employed under this section.

Each township assessor and the county assessor has one (1) vote. A decision by a majority of the persons authorized to vote is binding on the county assessor and all township assessors in the county. Subject to the limitations in section 18.5 of this chapter, the assessor or assessors appointed under subdivision (2) may contract with a professional appraiser employed under this section to supply technical advice during a general reassessment period for all townships in the county. A proportionate part of the appropriation to all townships for assessing purposes shall be used to pay for the technical advice.

(c) As used in this chapter, "professional appraiser" means an individual or firm that is certified under IC 6-1.1-31.7.

SECTION 27. IC 6-1.1-4-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 19.5. (a) The department of local government finance shall develop a standard contract or standard provisions for contracts to be used in securing professional appraising services.

(b) The standard contract or contract provisions must contain:

- (1) a fixed date by which the professional appraiser or appraisal firm shall have completed all responsibilities under the contract;
- (2) a penalty clause under which the amount to be paid for appraisal services is decreased for failure to complete specified services within the specified time;
- (3) a provision requiring the appraiser, or appraisal firm, to make periodic reports to the ~~township~~ assessors involved;
- (4) a provision stipulating the manner in which, and the time intervals at which, the periodic reports referred to in subdivision (3) of this subsection are to be made;
- (5) a precise stipulation of what service or services are to be provided and what class or classes of property are to be appraised;
- (6) a provision stipulating that the contractor will generate complete parcel characteristics and parcel assessment data in a manner and format acceptable to the legislative services agency and the department of local government finance; and
- (7) a provision stipulating that the legislative services agency and the department of local government finance have unrestricted access to the contractor's work product under the contract.

The department of local government finance may devise other necessary provisions for the contracts in order to give effect to ~~the~~

provisions of this chapter.

(c) In order to comply with the duties assigned to it by this section, the department of local government finance may develop:

- (1) one (1) or more model contracts;
- (2) one (1) contract with alternate provisions; or
- (3) any combination of subdivisions (1) and (2).

The department may approve special contract language in order to meet any unusual situations.

SECTION 28. IC 6-1.1-4-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 20. The department of local government finance may establish a period with respect to each general reassessment that is the only time during which ~~a township or county an~~ assessor may enter into a contract with a professional appraiser. The period set by the department of local government finance may not begin before January 1 of the year the general reassessment begins. If no period is established by the department of local government finance, ~~a township or county an~~ assessor may enter into such a contract only on or after January 1 and before April 16 of the year in which the general reassessment is to commence.

SECTION 29. IC 6-1.1-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 21. (a) If, during a period of general reassessment, ~~a township an~~ assessor **personally** makes the real property appraisals, ~~himself~~, the appraisals of the parcels subject to taxation must be completed as follows:

- (1) The appraisal of one-fourth (1/4) of the parcels shall be completed before December 1 of the year in which the general reassessment begins.
- (2) The appraisal of one-half (1/2) of the parcels shall be completed before May 1 of the year following the year in which the general reassessment begins.
- (3) The appraisal of three-fourths (3/4) of the parcels shall be completed before October 1 of the year following the year in which the general reassessment begins.
- (4) The appraisal of all the parcels shall be completed before March 1 of the second year following the year in which the general reassessment begins.

(b) ~~If a township an~~ assessor employs a professional appraiser or a professional appraisal firm to make real property appraisals during a period of general reassessment, the professional appraiser or appraisal firm must file appraisal reports with the ~~township~~ assessor as follows:

- (1) The appraisals for one-fourth (1/4) of the parcels shall be reported before December 1 of the year in which the general reassessment begins.
- (2) The appraisals for one-half (1/2) of the parcels shall be reported before May 1 of the year following the year in which the general reassessment begins.
- (3) The appraisals for three-fourths (3/4) of the parcels shall be reported before October 1 of the year following the year in which the general reassessment begins.
- (4) The appraisals for all the parcels shall be reported before March 1 of the second year following the year in which the general reassessment begins.

However, the reporting requirements prescribed in this subsection do not apply if the contract under which the professional appraiser, or appraisal firm, is employed prescribes different reporting procedures.

SECTION 30. IC 6-1.1-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a) If any assessing official ~~or any county property tax assessment board of appeals~~ assesses or reassesses any real property under the provisions of this article, the official ~~or county property tax assessment board of appeals~~ shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment.

(b) During a period of general reassessment, each ~~township~~ assessor shall mail the notice required by this section within ninety (90) days after ~~he~~ **the assessor**:

- (1) completes ~~his~~ the appraisal of a parcel; or
- (2) receives a report for a parcel from a professional appraiser or professional appraisal firm.

SECTION 31. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 25. (a) Each ~~township~~

assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township assessor's records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. ~~The~~ A township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor in a county having a consolidated city, or the county assessor in every other county, shall:

(1) maintain an electronic data file of:

(A) the parcel characteristics and parcel assessments of all parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 32. IC 6-1.1-4-28.5, AS AMENDED BY P.L.88-2005, SECTION 7, AND AS AMENDED BY P.L.228-2005, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property, including the computerization of assessment records;

(2) payments to county assessors, ~~members of property tax assessment boards of appeals, or assessing officials, and hearing officers for county property tax assessment boards of appeals~~ under IC 6-1.1-35.2;

(3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;

(4) the updating of plat books; ~~and~~

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors ~~members of a county property tax assessment board of appeals, and assessing officials;~~

(6) making annual adjustments under section 4.5 of this chapter; and

(7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund. ~~until the money is needed to pay general reassessment expenses.~~ Any interest received from investment of the money shall be paid into the property reassessment fund.

~~(d) An appropriation under this section must be approved by the~~

~~fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.~~

SECTION 33. IC 6-1.1-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 29. (a) The expenses of a reassessment, except those incurred by the department of local government finance in performing its normal functions, shall be paid by the county in which the reassessed property is situated. These expenses, except for the expenses of a general reassessment, shall be paid from county funds. The county auditor shall issue warrants for the payment of reassessment expenses. No prior appropriations are required in order for the auditor to issue warrants.

(b) An order of the department of local government finance directing the reassessment of property shall contain an estimate of the cost of making the reassessment. The ~~local~~ assessing officials in the county, ~~assessor,~~ the county property tax assessment board of appeals, and the county auditor may not exceed the amount so estimated by the department of local government finance.

SECTION 34. IC 6-1.1-4-31.7, AS ADDED BY P.L.228-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 31.7. (a) As used in this section, "special master" refers to a person designated by the Indiana board under subsection (e).

(b) The notice of assessment or reassessment under section 31.5(h) of this chapter is subject to appeal by the taxpayer to the Indiana board. The procedures and time limitations that apply to an appeal to the Indiana board of a determination of the department of local government finance do not apply to an appeal under this subsection. The Indiana board may establish applicable procedures and time limitations under subsection (l).

(c) In order to appeal under subsection (b), the taxpayer must:

(1) participate in the informal hearing process under section 31.6 of this chapter;

(2) except as provided in section 31.6(i) of this chapter, receive a notice under section 31.6(g) of this chapter; and

(3) file a petition for review with the appropriate county assessor not later than thirty (30) days after:

(A) the date of the notice to the taxpayer under section 31.6(g) of this chapter; or

(B) the date after which the department may not change the amount of the assessment or reassessment under the informal hearing process described in section 31.6 of this chapter.

(d) The Indiana board may develop a form for petitions under subsection (c) that outlines:

(1) the appeal process;

(2) the burden of proof; and

(3) evidence necessary to warrant a change to an assessment or reassessment.

(e) The Indiana board may contract with, appoint, or otherwise designate the following to serve as special masters to conduct evidentiary hearings and prepare reports required under subsection (g):

(1) Independent, licensed appraisers.

(2) Attorneys.

(3) Certified level two Indiana assessor-appraisers (including administrative law judges employed by the Indiana board).

(4) Other qualified individuals.

(f) Each contract entered into under subsection (e) must specify the appointee's compensation and entitlement to reimbursement for expenses. The compensation and reimbursement for expenses are paid from the county property reassessment fund.

(g) With respect to each petition for review filed under subsection (c), the special masters shall:

(1) set a hearing date;

(2) give notice of the hearing at least thirty (30) days before the hearing date, by mail, to:

(A) the taxpayer;

(B) the department of local government finance; **and**

~~(C) the township assessor; and~~

~~(D) (C) the county assessor;~~

(3) conduct a hearing and hear all evidence submitted under this

section; and

(4) make evidentiary findings and file a report with the Indiana board.

(h) At the hearing under subsection (g):

(1) the taxpayer shall present:

(A) the taxpayer's evidence that the assessment or reassessment is incorrect;

(B) the method by which the taxpayer contends the assessment or reassessment should be correctly determined; and

(C) comparable sales, appraisals, or other pertinent information concerning valuation as required by the Indiana board; and

(2) the department of local government finance shall present its evidence that the assessment or reassessment is correct.

(i) The Indiana board may dismiss a petition for review filed under subsection (c) if the evidence and other information required under subsection (h)(1) is not provided at the hearing under subsection (g).

(j) ~~The township assessor and the county assessor~~ may attend and participate in the hearing under subsection (g).

(k) The Indiana board may:

(1) consider the report of the special masters under subsection (g)(4);

(2) make a final determination based on the findings of the special masters without:

(A) conducting a hearing; or

(B) any further proceedings; and

(3) incorporate the findings of the special masters into the board's findings in resolution of the appeal.

(l) The Indiana board may adopt rules under IC 4-22-2-37.1 to:

(1) establish procedures to expedite:

(A) the conduct of hearings under subsection (g); and

(B) the issuance of determinations of appeals under subsection (k); and

(2) establish deadlines:

(A) for conducting hearings under subsection (g); and

(B) for issuing determinations of appeals under subsection (k).

(m) A determination by the Indiana board of an appeal under subsection (k) is subject to appeal to the tax court under IC 6-1.1-15.

SECTION 35. IC 6-1.1-4-39, AS AMENDED BY P.L.199-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 39. (a) For assessment dates after February 28, 2005, except as provided in subsections (c) and (e), the true tax value of real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more and that has more than four (4) rental units is the lowest valuation determined by applying each of the following appraisal approaches:

(1) Cost approach that includes an estimated reproduction or replacement cost of buildings and land improvements as of the date of valuation together with estimates of the losses in value that have taken place due to wear and tear, design and plan, or neighborhood influences.

(2) Sales comparison approach, using data for generally comparable property.

(3) Income capitalization approach, using an applicable capitalization method and appropriate capitalization rates that are developed and used in computations that lead to an indication of value commensurate with the risks for the subject property use.

(b) The gross rent multiplier method is the preferred method of valuing:

(1) real property that has at least one (1) and not more than four (4) rental units; and

(2) mobile homes assessed under IC 6-1.1-7.

(c) ~~A township~~ An assessor is not required to appraise real property referred to in subsection (a) using the three (3) appraisal approaches listed in subsection (a) if the ~~township~~ assessor and the taxpayer agree before notice of the assessment is given to the taxpayer under section 22 of this chapter to the determination of the true tax value of the property by the assessor using one (1) of those appraisal approaches.

(d) To carry out this section, the department of local government finance may adopt rules for assessors to use in gathering and processing information for the application of the income capitalization method and the gross rent multiplier method. A taxpayer must verify under penalties for perjury any information provided to the assessor for use in the application of either method.

(e) The true tax value of low income rental property (as defined in section 41 of this chapter) is not determined under subsection (a). The assessment method prescribed in section 41 of this chapter is the exclusive method for assessment of that property. This subsection does not impede any rights to appeal an assessment.

SECTION 36. IC 6-1.1-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A person to whom the title to real property has passed, either under the laws of descent of this state or by virtue of the last will of a decedent, may procure a transfer of the real property on the tax duplicate on which the real property is assessed and taxed. In order to procure the transfer, the person must prepare an affidavit and, except as provided in section 9 of this chapter, file it with the auditor of the county in which the real property is situated. The affidavit shall contain the following information:

(1) The decedent's date of death.

(2) Whether the decedent died testate or intestate. ~~and~~

(3) The affiant's interest in the real property.

(4) If the real property is residential property, the amount of any taxes that have been deferred under IC 6-1.1-46.

In addition, if the decedent died testate, the affiant must attach a certified copy of the decedent's will to the affidavit. However, if the will has been probated or recorded in the county in which the real property is located, the affiant, in lieu of attaching a certified copy of the will, shall state that fact in the affidavit and indicate the volume and page of the record where the will may be found.

(b) Except as provided in section 9 of this chapter, the county auditor shall enter a transfer of the real property in the proper transfer book after the affidavit is filed with ~~his~~ the county auditor's office.

(c) No transfer made under this section has the effect of conferring title upon the person procuring the transfer.

(d) Before the county auditor may transfer real property described in subsection (a) on the last assessment list or apportion the assessed value of the real property among the owners, the owner must pay or otherwise satisfy all taxes on the parcels being transferred that have become due under IC 6-1.1-46 as a result of the death of the person by paying the property tax to the county treasurer of the county in which the real property is located.

(e) If a county auditor, in violation of subsection (d), transfers real property in the proper transfer book before all taxes due are satisfied:

(1) a lien for and the duty to pay property taxes that are due and owing are not released or otherwise extinguished; and

(2) property taxes that are due and owing on the affected parcel of property may be collected as if the county auditor had not transferred the property in the proper transfer book in violation of subsection (d).

SECTION 37. IC 6-1.1-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. Except as provided in section 9 of this chapter, the county auditor of each county shall annually prepare and deliver to the ~~township~~ assessor a list of all real property entered in the ~~township~~ **area served by the assessor** as of the assessment date. The county auditor shall deliver the list within thirty (30) days after the assessment date. The county auditor shall prepare the list in the form prescribed or approved by the department of local government finance.

SECTION 38. IC 6-1.1-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. If a ~~township~~ an assessor believes that it is necessary to obtain an accurate description of a specific lot or tract, ~~which is situated in the township he serves~~, the assessor may demand in writing that the owner or occupant of the lot or tract deliver all the title papers in ~~his~~ **the owner's or occupant's** possession to the assessor for ~~his~~ **the assessor's** examination. If the person fails to deliver the title papers to the assessor at ~~his~~ **the assessor's** office within five (5) days after the demand is mailed, the assessor shall prepare the real property list

according to the best information ~~he~~ **the assessor** can obtain. For that purpose, the assessor may examine, under oath, any person whom ~~he~~ **the assessor** believes has any knowledge relevant to the issue.

SECTION 39. IC 6-1.1-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) In order to determine the quantity of land contained within a tract, an assessor shall follow the rules contained in this section.

(b) Except as provided in subsection (c), ~~of this section~~, the assessor shall recognize the quantity of land stated in a deed or patent if the owner or person in whose name the property is listed holds the land by virtue of:

- (1) a deed from another party or from this state; or
- (2) a patent from the United States.

(c) If land described in subsection (b) ~~of this section~~ has been surveyed subsequent to the survey made by the United States and if the ~~township~~ assessor is satisfied that the tract contains a different quantity of land than is stated in the patent or deed, the assessor shall recognize the quantity of land stated in the subsequent survey.

(d) Except as provided in ~~subsection (c)~~, ~~of this section~~, ~~subsection (f)~~, ~~a township~~ **an assessor** shall demand in writing that the owner of a tract, or person in whose name the land is listed, have the tract surveyed and that ~~he~~ **the owner** return a sworn certificate from the surveyor stating the quantity of land contained in the tract if:

- (1) the land was within the French or Clark's grant; and
- (2) the party holds the land under original entry or survey.

(e) If the party fails to return the certificate within thirty (30) days after the demand is mailed the assessor shall have a surveyor survey the land. The expenses of a survey made under this subsection shall be paid for from the county treasury. However, the county auditor shall charge the survey expenses against the land, and the expenses shall be collected with the taxes payable in the succeeding year.

~~(e)~~ **A township (f) An assessor** shall not demand a survey of land described in subsection (d) ~~of this section~~ if:

- (1) the owner or holder of the land has previously had it surveyed and presents to the assessor a survey certificate which states the quantity of land; or
- (2) the assessor is satisfied from other competent evidence, given under oath or affirmation, that the quantity of land stated in the original survey is correct.

SECTION 40. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. Not later than May 15, each ~~assessing official~~ **township assessor** shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. In a county with ~~an elected~~ a township assessor in every township the township assessor shall prepare the real property list. The ~~assessing officials~~ **township assessors** and the county assessor shall prepare the list in the form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

SECTION 41. IC 6-1.1-5-15, AS AMENDED BY P.L.228-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 15. (a) Except as provided in subsection (b), before an owner of real property demolishes, structurally modifies, or improves it at a cost of more than five hundred dollars (\$500) for materials or labor, or both, the owner or the owner's agent shall file with the area plan commission or the county assessor in the county where the property is located an assessment registration notice on a form prescribed by the department of local government finance.

(b) If the owner of the real property, or the person performing the work for the owner, is required to obtain a permit from an agency or official of the state or a political subdivision for the demolition, structural modification, or improvement, the owner or the person performing the work for the owner is not required to file an assessment registration notice.

(c) Each state or local government official or agency shall, before the tenth day of each month, deliver a copy of each permit described in subsection (b) to the assessor of the county in which the real

property to be improved is situated. Each area plan commission shall, before the tenth day of each month, deliver a copy of each assessment registration notice described in subsection (a) to the assessor of the county where the property is located.

(d) Before the last day of each month, the county assessor shall distribute a copy of each assessment registration notice filed under subsection (a) or permit received under subsection (b) to the ~~township~~ assessor of ~~the~~ a township in which the real property to be demolished, modified, or improved is situated.

(e) A fee of five dollars (\$5) shall be charged by the area plan commission or the county assessor for the filing of the assessment registration notice. All fees collected under this subsection shall be deposited in the county property reassessment fund.

(f) ~~A township or county~~ **An assessor** shall immediately notify the county treasurer if the assessor discovers property that has been improved or structurally modified at a cost of more than five hundred dollars (\$500) and the owner of the property has failed to obtain the required building permit or to file an assessment registration notice.

(g) Any person who fails to:

- (1) file the registration notice required by subsection (a); or
 - (2) obtain a building permit described in subsection (b);
- before demolishing, structurally modifying, or improving real property is subject to a civil penalty of one hundred dollars (\$100). The county treasurer shall include the penalty on the person's property tax statement and collect it in the same manner as delinquent personal property taxes under IC 6-1.1-23. However, if a person files a late registration notice, the person shall pay the fee, if any, and the penalty to the area plan commission or the county assessor at the time the person files the late registration notice.

SECTION 42. IC 6-1.1-5-5-5, AS AMENDED BY P.L.228-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number of the parcel (as defined in IC 6-1.1-1-8.5).
- (2) Whether the entire parcel is being conveyed.
- (3) The address of the property.
- (4) The date of the execution of the form.
- (5) The date the property was transferred.
- (6) Whether the transfer includes an interest in land or improvements, or both.
- (7) Whether the transfer includes personal property.
- (8) An estimate of any personal property included in the transfer.
- (9) The name, address, and telephone number of:
 - (A) each transferor and transferee; and
 - (B) the person that prepared the form.
- (10) The mailing address to which the property tax bills or other official correspondence should be sent.
- (11) The ownership interest transferred.
- (12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
- (13) The total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.
- (14) The terms of seller provided financing, such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.
- (15) Any family or business relationship existing between the transferor and the transferee.
- (16) If the transferred property is residential property, the amount of any taxes deferred under IC 6-1.1-46 and interest due on the deferred taxes.**

~~(16)~~ (17) Other information as required by the department of local government finance to carry out this chapter.

If a form under this section includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential.

SECTION 43. IC 6-1.1-7-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. A person who permits a mobile home to be placed on any land which ~~he the~~ **person** owns, possesses, or controls shall report that fact to the assessor ~~of the township who serves the area~~ in which the land is located within ten (10) days after the mobile home is placed on the land. The ten (10) day period commences the day after the day that the mobile home is placed upon the land.

SECTION 44. IC 6-1.1-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. A mobile home which is subject to taxation under this chapter shall be assessed by the assessor ~~of who serves the township within area in~~ the place of assessment is located. ~~Each township~~ **The assessor of a county** shall certify the assessments of mobile homes to the county auditor in the same manner provided for the certification of personal property assessments. The ~~township~~ assessor shall make this certification on the forms prescribed by the department of local government finance.

SECTION 45. IC 6-1.1-8-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 23. Each year a public utility company shall file a statement with the assessor ~~of each township and county assessor of each county who serves the area~~ in which the company's property is located. The company shall file the statement on the form prescribed by the department of local government finance. The statement shall contain a description of the company's tangible personal property located in ~~the township; that area.~~

SECTION 46. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 24. (a) Each year ~~a township~~ **the assessor** shall assess the fixed property which as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the ~~township area~~ the ~~township~~ assessor serves.

(b) The ~~township~~ assessor shall determine the assessed value of fixed property. ~~The A township assessor who determines assessed values under this subsection~~ shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. However, in a county with ~~an elected~~ a township assessor in every township the township assessor shall certify the list to the department of local government finance. The county assessor shall:

- (1) review the assessed values **certified to the county assessor under this subsection;** and ~~shall~~
- (2) certify **all the assessed values the county assessor reviews or determines under this subsection** to the department of local government finance on or before April 10 of the year of assessment.

SECTION 47. IC 6-1.1-8-33 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 33. A public utility company may appeal ~~a township an~~ assessor's assessment of fixed property in the same manner that it may appeal ~~a township an~~ assessor's assessment of tangible property under ~~IC 1971, IC 6-1.1-15.~~

SECTION 48. IC 6-1.1-8-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 39. The annual assessments of a public utility company's property are presumed to include all the company's property which is subject to taxation under this chapter. However, this presumption does not preclude the subsequent assessment of a specific item of tangible property which is clearly shown to have been omitted from the assessments for that year. The ~~appropriate township~~ assessor shall make assessments of omitted fixed property. The department of local government finance shall make assessments of omitted distributable property. However, the department of local government finance may not assess omitted distributable property after the expiration of ten (10) years from the last day of the year in which the assessment should have been made.

SECTION 49. IC 6-1.1-8.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) ~~The township~~ **Each assessor of each township** in a qualifying county shall notify the department of local government finance of a newly constructed industrial facility that is located in the ~~township area~~ served by the ~~township~~ assessor.

(b) Each building commissioner in a qualifying county shall notify the department of local government finance of a newly constructed

industrial facility that is located in the jurisdiction served by the building commissioner.

(c) The department of local government finance shall schedule an assessment under this chapter of a newly constructed industrial facility within six (6) months after receiving notice of the construction from the ~~appropriate township~~ assessor or building commissioner.

SECTION 50. IC 6-1.1-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The owner of an industrial waste control facility who wishes to obtain the exemption provided in section 9 of this chapter shall file an exemption claim with the assessor ~~of who serves the township area~~ in which the property is located when ~~he the owner~~ files ~~his the owner's~~ annual personal property return. The claim shall describe and state the assessed value of the property for which an exemption is claimed.

(b) The owner shall, by registered or certified mail, forward a copy of the exemption claim to the department of environmental management. The department shall acknowledge its receipt of the claim.

(c) The department of environmental management may investigate any claim. The department may also determine if the property for which the exemption is claimed is being utilized as an industrial waste control facility. Within one hundred twenty (120) days after a claim is mailed to the department, the department may certify its written determination to the ~~township~~ assessor with whom the claim was filed.

(d) The determination of the department remains in effect:

- (1) as long as the owner owns the property and uses the property as an industrial waste control facility; or
- (2) for five (5) years;

whichever is less. In addition, during the five (5) years after the department's determination the owner of the property must notify the ~~township~~ assessor and the department in writing if any of the property on which the department's determination was based is disposed of or removed from service as an industrial waste control facility.

(e) The department may revoke a determination if the department finds that the property is not predominantly used as an industrial waste control facility.

(f) The ~~township~~ assessor, in accord with the determination of the department, shall allow or deny in whole or in part each exemption claim. However, if the owner provides the assessor with proof that a copy of the claim has been mailed to the department, and if the department has not certified a determination to the assessor within one hundred twenty (120) days after the claim has been mailed to the department, the assessor shall allow the total exemption claimed by the owner.

(g) The assessor shall reduce the assessed value of the owner's personal property for the year for which an exemption is claimed by the amount of exemption allowed.

SECTION 51. IC 6-1.1-10-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. (a) The owner of personal property which is part of a stationary or unlicensed mobile air pollution control system who wishes to obtain the exemption provided in section 12 of this chapter shall claim the exemption on ~~his the owner's~~ annual personal property return which ~~he the owner~~ files with the assessor ~~of who serves the township area~~ in which the property is located. On the return, the owner shall describe and state the assessed value of the property for which the exemption is claimed.

(b) The ~~township~~ assessor shall review the exemption claim and ~~he~~ shall allow or deny it in whole or in part. In making ~~his the~~ decision, the ~~township~~ assessor shall consider the requirements stated in section 12 of this chapter.

(c) The ~~township~~ assessor shall reduce the assessed value of the owner's personal property for the year for which the exemption is claimed by the amount of exemption allowed.

SECTION 52. IC 6-1.1-10-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. The action taken by ~~a township an~~ assessor on an exemption claim filed under section 10 or ~~section~~ 13 of this chapter shall be treated as an assessment of personal property. Thus, the assessor's action is subject to all the provisions of this article pertaining to notice, review, or appeal of personal property assessments.

SECTION 53. IC 6-1.1-10-31.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 31.7. (a) Subject to subsection (c), in order to claim a property tax exemption under section 31.4, 31.5, or 31.6 of this chapter, the owner or possessor of:

- (1) a truck chassis under section 31.4 of this chapter;
- (2) a passenger motor vehicle under section 31.5 of this chapter; or
- (3) a school bus body or chassis under section 31.6 of this chapter;

must file a claim for an exemption at the same time that the taxpayer is required to file a personal property tax return.

(b) A claim for exemption under this section must be filed on a form:

- (1) prescribed by the department of local government finance; and
- (2) containing the following information:
 - (A) A description of the property claimed to be exempt in sufficient detail to afford identification of the property.
 - (B) A statement indicating the ownership and the possession of the property.
 - (C) The grounds for claiming the exemption.
 - (D) The full name and address of the applicant.
 - (E) Any additional information that the department of local government finance may require that is:
 - (i) reasonably related to the exemption; and
 - (ii) necessary to determine the exemption.

(c) Notwithstanding subsection (b), an owner or a possessor may claim an exemption for a chassis or vehicle under this section without filing the form required under subsection (b) if:

- (1) before March 1 the owner or possessor of the chassis or vehicle identifies the chassis or vehicle, by chassis or vehicle identification number, as a chassis or vehicle to be used to fulfill an order from an out-of-state dealer; and
- (2) the owner or possessor of the chassis or vehicle submits with the owner's or possessor's personal property return a list that:
 - (A) gives the chassis or vehicle identification number of each chassis or vehicle claimed to be exempt under subdivision (1); and
 - (B) identifies the order from an out-of-state dealer that corresponds to each chassis or vehicle listed.

(d) If, upon the request of ~~the local~~ an assessing official, a county assessor, ~~a member of the county property tax assessment board of appeals~~, or the department of local government finance the owner or possessor is unable to verify that the chassis or vehicle was used to fulfill the identified order, an exemption claimed under subsection (c) shall be denied.

SECTION 54. IC 6-1.1-10.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) A high impact business that desires to obtain the property tax credit provided by section 10 of this chapter must file a certified credit application, on forms prescribed by the department of local government finance, with the auditor of the county in which the inventory is located. The credit application must be filed on or before May 15 each year. If the high impact business obtains a filing extension under IC 6-1.1-3-7(b) for any year, the application for the year must be filed by the extended due date for that year.

(b) The property tax credit application required by this section must contain the following information:

- (1) The name of the high impact business owning the inventory.
- (2) A description of the inventory for which a property tax credit is claimed in sufficient detail to afford identification.
- (3) The assessed value of the inventory subject to the property tax credit.
- (4) Any other information considered necessary by the department of local government finance.

(c) On verification of the correctness of a property tax credit application by the ~~assessors of~~ assessor who serves the townships area in which the inventory is located, the county auditor shall grant the property tax credit.

(d) The property tax credit and the period of the credit provided for inventory under section 10 of this chapter are not affected by a change in the ownership of the high impact business if the new owner of the

high impact business owning the inventory:

- (1) continues the business operation of the high impact business within the commission's jurisdiction and maintains employment levels within the commission's jurisdiction consistent with the certification and pledge required under section 9(a) of this chapter; and
- (2) files an application in the manner provided by subsections (a) and (b).

SECTION 55. IC 6-1.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) Subject to subsections (e) and (f), an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually on or before May 15 on forms prescribed by the department of local government finance. Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter shall contain the following information:

- (1) A description of the property claimed to be exempt in sufficient detail to afford identification.
- (2) A statement showing the ownership, possession, and use of the property.
- (3) The grounds for claiming the exemption.
- (4) The full name and address of the applicant.
- (5) For the year that ends on the assessment date of the property, identification of:
 - (A) each part of the property used or occupied; and
 - (B) each part of the property not used or occupied;
 for one (1) or more exempt purposes under IC 6-1.1-10 during the time the property is used or occupied.
- (6) Any additional information which the department of local government finance may require.

(d) A person who signs an exemption application shall attest in writing and under penalties of perjury that, to the best of the person's knowledge and belief, a predominant part of the property claimed to be exempt is not being used or occupied in connection with a trade or business that is not substantially related to the exercise or performance of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real property under subsection (a) or section 5 of this chapter a copy of the ~~township~~ assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation of the assessed value of the real property for the assessment date for which the exemption is claimed. Upon receipt of ~~the an~~ exemption application ~~from a township assessor~~, the county assessor shall examine that record and determine if the real property for which the exemption is claimed is properly assessed. If the county assessor determines that the real property is not properly assessed, the county assessor shall direct the township assessor of the township in which the real property is located to:

- (1) properly assess the real property; and
- (2) notify the county assessor and county auditor of the proper assessment.

(f) If the county assessor determines that the applicant has not filed with an application for exemption a copy of the record referred to in subsection (e), the county assessor shall notify the applicant in writing of that requirement. The applicant then has thirty (30) days after the date of the notice to comply with that requirement. The county property tax assessment board of appeals shall deny an application described in this subsection if the applicant does not comply with that requirement within the time permitted under this subsection.

SECTION 56. IC 6-1.1-12-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed,

the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before May 10 of the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before April 10 of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (2) statements of the ownership of the property;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the number of dwelling units on the property;
- (5) the number of dwelling units rehabilitated;
- (6) the increase in assessed value resulting from the rehabilitation; and
- (7) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction.

SECTION 57. IC 6-1.1-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before April 10 of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) the name of the property owner;
- (2) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the increase in the assessed value of improvements resulting from the rehabilitation; and
- (5) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application being filed.

(e) On verification of the correctness of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction.

SECTION 58. IC 6-1.1-12-27.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 27.1. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 26 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement during the twelve (12) months before May 11 of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. The

statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of who serves the township area in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 59. IC 6-1.1-12-28.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 28.5. (a) For purposes of this section:

"Hazardous waste" has the meaning set forth in IC 13-11-2-99(a) and includes a waste determined to be a hazardous waste under IC 13-22-2-3(b).

"Resource recovery system" means tangible property directly used to dispose of solid waste or hazardous waste by converting it into energy or other useful products.

"Solid waste" has the meaning set forth in IC 13-11-2-205(a) but does not include dead animals or any animal solid or semisolid wastes.

(b) Except as provided in this section, the owner of a resource recovery system is entitled to an annual deduction in an amount equal to ninety-five percent (95%) of the assessed value of the system if:

- (1) the system was certified by the department of environmental management for the 1993 assessment year or a prior assessment year; and
- (2) the owner filed a timely application for the deduction for the 1993 assessment year.

For purposes of this section, a system includes tangible property that replaced tangible property in the system after the certification by the department of environmental management.

(c) The owner of a resource recovery system that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

- (1) is convicted of any violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or
- (2) is subject to an order or a consent decree with respect to property located in Indiana based upon a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(d) The certification of a resource recovery system by the department of environmental management for the 1993 assessment year or a prior assessment year is valid through the 1997 assessment year so long as the property is used as a resource recovery system. If the property is no longer used for the purpose for which the property was used when the property was certified, the owner of the property shall notify the county auditor. However, the deduction from the assessed value of the system is:

- (1) ninety-five percent (95%) for the 1994 assessment year;
- (2) ninety percent (90%) for the 1995 assessment year;
- (3) seventy-five percent (75%) for the 1996 assessment year; and
- (4) sixty percent (60%) for the 1997 assessment year.

Notwithstanding this section as it existed before 1995, for the 1994 assessment year, the portion of any tangible property comprising a resource recovery system that was assessed and first deducted for the 1994 assessment year may not be deducted for property taxes first due and payable in 1995 or later.

(e) In order to qualify for a deduction under this section, the person who desires to claim the deduction must file an application with the county auditor after February 28 and before May 16 of the current assessment year. An application must be filed in each year for which the person desires to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. If the application is not filed before the applicable deadline under this subsection, the deduction is waived. The application must be filed on a form prescribed by the department of local government finance. The application for a resource recovery system deduction must include:

- (1) a certification by the department of environmental management for the 1993 assessment year or a prior assessment year as described in subsection (d); or
- (2) the certification by the department of environmental management for the 1993 assessment year as described in

subsection (g).

Beginning with the 1995 assessment year a person must also file an itemized list of all property on which a deduction is claimed. The list must include the date of purchase of the property and the cost to acquire the property.

(f) Before July 1, 1995, the department of environmental management shall transfer all the applications, records, or other material the department has with respect to resource recovery system deductions under this section for the 1993 and 1994 assessment years. The township assessor shall verify each deduction application filed under this section and the county auditor shall determine the deduction. The county auditor shall send to the department of local government finance a copy of each deduction application. The county auditor shall notify the county property tax assessment board of appeals of all deductions allowed under this section. A denial of a deduction claimed under this subsection may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor or the county auditor.

(g) Notwithstanding subsection (d), the certification for the 1993 assessment year of a resource recovery system in regard to which a political subdivision is liable for the payment of the property taxes remains valid at the ninety-five percent (95%) deduction level allowed before 1994 as long as the political subdivision remains liable for the payment of the property taxes on the system.

SECTION 60. IC 6-1.1-12-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 30. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement between March 1 and May 10, inclusive, of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. On verification of the statement by the assessor of who serves the township area in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 61. IC 6-1.1-12-35.5, AS AMENDED BY P.L.214-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and May 10, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor, of who serves the township area in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental

management receives an application for certification before April 10 of the assessment year, the department shall determine whether the system or device qualifies for a deduction before May 10 of the assessment year. If the department fails to make a determination under this subsection before May 10 of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and May 15, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 4-4-30-5, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before April 10 of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before May 10 of the assessment year; and
- (2) if the center fails to make a determination before May 10 of the assessment year, the building is considered certified.

SECTION 62. IC 6-1.1-12-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

- (1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11; minus
- (2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11. The statement and certification must be filed before May 10 of the year preceding the year the deduction will first be applied. Upon the verification of the statement and certification by the assessor of who serves the township area in which the property is subject to assessment, the county auditor shall allow the deduction.

SECTION 63. IC 6-1.1-12-41, AS AMENDED BY P.L.199-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 41. (a) This section does not apply to assessment years beginning after December 31, 2005.

(b) As used in this section, "assessed value of inventory" means the assessed value determined after the application of any deductions or adjustments that apply by statute or rule to the assessment of inventory, other than the deduction allowed under subsection (f).

(c) As used in this section, "county income tax council" means a council established by IC 6-3.5-6-2.

(d) As used in this section, "fiscal body" has the meaning set forth in IC 36-1-2-6.

(e) As used in this section, "inventory" has the meaning set forth in IC 6-1.1-3-11.

(f) An ordinance may be adopted in a county to provide that a deduction applies to the assessed value of inventory located in the county. The deduction is equal to one hundred percent (100%) of the assessed value of inventory located in the county for the appropriate year of assessment. An ordinance adopted under this section in a particular year applies:

- (1) if adopted before March 31, 2004, to each subsequent assessment year ending before January 1, 2006; and
- (2) if adopted after March 30, 2004, and before June 1, 2005, to the March 1, 2005, assessment date.

An ordinance adopted under this section may be consolidated with an ordinance adopted under IC 6-3.5-7-25 or IC 6-3.5-7-26. The consolidation of an ordinance adopted under this section with an ordinance adopted under IC 6-3.5-7-26 does not cause the ordinance adopted under IC 6-3.5-7-26 to expire after December 31, 2005.

(g) An ordinance may not be adopted under subsection (f) after May 30, 2005. However, an ordinance adopted under this section:

- (1) before March 31, 2004, may be amended after March 30, 2004; and
- (2) before June 1, 2005, may be amended after May 30, 2005;

to consolidate an ordinance adopted under IC 6-3.5-7-26.

(h) The entity that may adopt the ordinance permitted under subsection (f) is:

- (1) the county income tax council if the county option income tax is in effect on January 1 of the year in which an ordinance under this section is adopted;
- (2) the county fiscal body if the county adjusted gross income tax is in effect on January 1 of the year in which an ordinance under this section is adopted; or
- (3) the county income tax council or the county fiscal body, whichever acts first, for a county not covered by subdivision (1) or (2).

To adopt an ordinance under subsection (f), a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax. The entity that adopts the ordinance shall provide a certified copy of the ordinance to the department of local government finance before February 1.

(i) A taxpayer is not required to file an application to qualify for the deduction permitted under subsection (f).

(j) The department of local government finance shall incorporate the deduction established in this section in the personal property return form to be used each year for filing under IC 6-1.1-3-7 or IC 6-1.1-3-7.5 to permit the taxpayer to enter the deduction on the form. If a taxpayer fails to enter the deduction on the form, the township assessor shall:

- (1) determine the amount of the deduction; and
- (2) within the period established in IC 6-1.1-16-1, issue a notice of assessment to the taxpayer that reflects the application of the deduction to the inventory assessment.

(k) The deduction established in this section must be applied to any inventory assessment made by:

- (1) an assessing official;
- (2) a county property tax board of appeals; or
- (3) the department of local government finance.

SECTION 64. IC 6-1.1-12-42 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 42. (a) As used in this section, "assessed value of inventory" means the assessed value determined after the application of any deductions or adjustments that apply by statute or rule to the assessment of inventory, other than the deduction established in subsection (c).

(b) As used in this section, "inventory" has the meaning set forth in IC 6-1.1-3-11.

(c) A taxpayer is entitled to a deduction from assessed value equal to one hundred percent (100%) of the taxpayer's assessed value of inventory beginning with assessments made in 2006 for property taxes first due and payable in 2007.

(d) A taxpayer is not required to file an application to qualify for the deduction established by this section.

(e) The department of local government finance shall incorporate the deduction established by this section in the personal property return form to be used each year for filing under IC 6-1.1-3-7 or

IC 6-1.1-3-7.5 to permit the taxpayer to enter the deduction on the form. If a taxpayer fails to enter the deduction on the form, the township assessor shall:

- (1) determine the amount of the deduction; and
- (2) within the period established in IC 6-1.1-16-1, issue a notice of assessment to the taxpayer that reflects the application of the deduction to the inventory assessment.

(f) The deduction established by this section must be applied to any inventory assessment made by:

- (1) an assessing official;
- (2) a county property tax assessment board of appeals; or
- (3) the department of local government finance.

SECTION 65. IC 6-1.1-12.1-5, AS AMENDED BY P.L.193-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) A property owner who desires to obtain the deduction provided by section 3 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (c), the deduction application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation.
- (5) The assessed value of the new structure in the case of redevelopment.
- (6) The amount of the deduction claimed for the first year of the deduction.
- (7) If the deduction application is for a deduction in a residentially distressed area, the assessed value of the improvement or new structure for which the deduction is claimed.

(d) A deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of a new structure is made and in the following years the deduction is allowed without any additional deduction application being filed. However, property owners who had an area designated an urban development area pursuant to a deduction application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to a deduction application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(e) A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall act as follows:

- (1) If a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.
- (2) If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy

of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) continues to use the property in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) The ~~township~~ assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) Before the county auditor acts under subsection (f), the county auditor may request that the ~~township~~ assessor ~~of who serves the township area~~ in which the property is located review the deduction application.

(j) A property owner may appeal a determination of the county auditor under subsection (f) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the person notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 66. IC 6-1.1-12.1-5.4, AS AMENDED BY P.L.193-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5.4. (a) A person that desires to obtain the deduction provided by section 4.5 of this chapter must file a certified deduction schedule with the person's personal property return on a form prescribed by the department of local government finance with the ~~township~~ assessor ~~of who serves the township area~~ in which the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is located. Except as provided in subsection (e), the deduction is applied in the amount claimed in a certified schedule that a person files with:

(1) a timely personal property return under IC 6-1.1-3-7(a) or IC 6-1.1-3-7(b); or

(2) a timely amended personal property return under IC 6-1.1-3-7.5.

~~The~~ **A township assessor shall forward to the county auditor and the county assessor a copy of each certified deduction schedule filed with the township assessor under this subsection. A county assessor shall forward to the county auditor a copy of each certified deduction schedule filed with the county assessor under this subsection.**

(b) The deduction schedule required by this section must contain the following information:

(1) The name of the owner of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(2) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) The amount of the deduction claimed for the first year of the deduction.

(c) This subsection applies to a deduction schedule with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which a statement of benefits was initially approved after April 30, 1991. If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction schedule to the designating body, and the designating body shall adopt a resolution under section 4.5(g)(2) of this chapter.

(d) A deduction schedule must be filed under this section in the year in which the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is installed and in each of the immediately succeeding years the deduction is allowed.

(e) The ~~township assessor or the county~~ assessor may:

(1) review the deduction schedule; and

(2) before the March 1 that next succeeds the assessment date for which the deduction is claimed, deny or alter the amount of the deduction.

If the ~~township assessor or the county~~ assessor does not deny the deduction, the county auditor shall apply the deduction in the amount claimed in the deduction schedule or in the amount as altered by the ~~township assessor or the county~~ assessor. ~~A township assessor or a county~~ An assessor who denies a deduction under this subsection or alters the amount of the deduction shall notify the person that claimed the deduction and the county auditor of the assessor's action. The county auditor shall notify the designating body and the county property tax assessment board of appeals of all deductions applied under this section.

(f) If the ownership of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment changes, the deduction provided under section 4.5 of this chapter continues to apply to that equipment if the new owner:

(1) continues to use the equipment in compliance with any standards established under section 2(g) of this chapter; and

(2) files the deduction schedules required by this section.

(g) The amount of the deduction is the percentage under section 4.5 of this chapter that would have applied if the ownership of the property had not changed multiplied by the assessed value of the equipment for the year the deduction is claimed by the new owner.

(h) A person may appeal a determination of the ~~township assessor or the county~~ assessor under subsection (e) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the ~~township assessor or the county~~ assessor not more than forty-five (45) days after the ~~township assessor or the county~~ assessor gives the person notice of the determination. Except as provided in subsection (i), an appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(i) The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an appeal under subsection (h) of a determination by the county assessor.

SECTION 67. IC 6-1.1-12.1-5.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5.8. In lieu of providing the statement of benefits required by section 3 or 4.5 of this chapter and the additional information required by section 5.1 or 5.6 of this chapter, the designating body may, by resolution, waive the statement of benefits if the designating body finds that the purposes of this chapter are served by allowing the deduction and the property owner has, during the thirty-six (36) months preceding the first assessment date to which the waiver would apply, installed new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment or developed or rehabilitated property at a cost of at least ten million dollars (\$10,000,000) as determined by the assessor ~~of who serves the township area~~ in which the property is located.

SECTION 68. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.193-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5.9. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.

(b) Not later than forty-five (45) days after receipt of the information described in section 5.1 or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3 or 4.5 of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was

not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:

- (1) An explanation of the reasons for the designating body's determination.
- (2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.
- (c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3 or 4.5 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

(d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:

- (1) the property owner;
- (2) the county auditor; and
- (3) ~~if the deduction applied under section 4.5 of this chapter, the township assessor who serves the area in which the property to which the deduction applied is located.~~

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

(e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 69. IC 6-1.1-12.4-2, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) For purposes of this section, an increase in the assessed value of real property is determined in the same manner that an increase in the assessed value of real property is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to a development, redevelopment, or rehabilitation that is first assessed after March 1, 2005, and before March 2, 2009. Except as provided in subsection (h) and sections 4, 5, and 8 of this chapter, an owner of real property that:

- (1) develops, redevelops, or rehabilitates the real property; and
- (2) creates or retains employment from the development, redevelopment, or rehabilitation;

is entitled to a deduction from the assessed value of the real property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the development, redevelopment, or rehabilitation occurs and continues for the

following two (2) years. The amount of the deduction that a property owner may receive with respect to real property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the development, rehabilitation, or redevelopment; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) A property owner that qualifies for the deduction under this section must file a notice to claim the deduction in the manner prescribed by the department of local government finance under rules adopted by the department of local government finance under IC 4-22-2 to implement this chapter. ~~The township assessor who serves the area in which the property to which the deduction applied is located shall:~~

- (1) inform the county auditor of the real property eligible for the deduction as contained in the notice filed by the taxpayer under this subsection; and
- (2) inform the county auditor of the deduction amount.

(e) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(f) The amount of the deduction determined under subsection (c)(2) is adjusted to reflect the percentage increase or decrease in assessed valuation that results from:

- (1) a general reassessment of real property under IC 6-1.1-4-4; or
- (2) an annual adjustment under IC 6-1.1-4-4.5.

(g) If an appeal of an assessment is approved that results in a reduction of the assessed value of the real property, the amount of the deduction under this section is adjusted to reflect the percentage decrease that results from the appeal.

(h) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 70. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
- (2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a

reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The ~~township~~ assessor **who serves the area in which the property to which the deduction applied is located** shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
 - (2) inform the county auditor of the deduction amount.
- (f) The county auditor shall:
- (1) make the deductions; and
 - (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

SECTION 71. IC 6-1.1-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. When the county property tax assessment board of appeals convenes, the county auditor shall submit to the board the assessment list of the county for the current year as returned by ~~the township~~ assessors. ~~and as amended and returned by the county assessor.~~ The county assessor shall make recommendations to the board for corrections and changes in the returns and assessments. The board shall consider and act upon all the recommendations.

SECTION 72. IC 6-1.1-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. Each county assessor shall transmit to the department of local government finance **a copy of** each business personal property return ~~which the township assessor that the taxpayer is required to deliver to the county assessor under IC 6-1.1-3-18(b) file in duplicate under IC 6-1.1-3-7(c)~~ and any supporting data supplied by the taxpayer with the return. The return and supporting data shall be transmitted to the department of local government finance on or before the time prescribed by the department.

SECTION 73. IC 6-1.1-15-1, AS AMENDED BY P.L.199-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) A taxpayer may obtain a review by the county property tax assessment board of appeals of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, the taxpayer shall also be informed in writing of:

- (1) the opportunity for review under this section, including an informal preliminary conference with the county or township official referred to in this subsection; and
- (2) the procedures the taxpayer must follow in order to obtain review under this section.

(b) In order to appeal ~~a current an~~ assessment ~~and have a change in the assessment~~ effective for the **most recent** assessment date **in a current calendar year**, the taxpayer must request in writing a preliminary conference with the county or township official referred to in subsection (a):

- (1) not later than forty-five (45) days after notice of a change in the assessment **for the current calendar year** is given to the taxpayer; or
- (2) **for the assessment date in a current calendar year for which notice of a change in the assessment is not given to the taxpayer:**

(A) **after the mailing date of the statement under IC 6-1.1-17-3 in the immediately preceding calendar year; and**

(B) **on or before May 10 of that the current calendar year.** ~~whichever is later.~~ The preliminary conference required under this subsection is a prerequisite to a review by the county property tax assessment board of appeals under subsection (i).

- (c) A change in an assessment made as a result of an appeal filed:
- (1) in the same year that notice of a change in the assessment is given to the taxpayer; and
 - (2) after the time prescribed in subsection (b);

becomes effective for the next assessment date.

(d) A taxpayer may appeal a current real property assessment in a year even if the taxpayer has not received a notice of assessment in the year. If an appeal is filed on or before May 10 of a year in which

the taxpayer has not received notice of assessment, a change in the assessment resulting from the appeal is effective for the most recent assessment date. If the appeal is filed after May 10, the change becomes effective for the next assessment date.

(e) The written request for a preliminary conference that is required under subsection (b) must include the following information:

- (1) The name of the taxpayer.
- (2) The address and parcel or key number of the property.
- (3) The address and telephone number of the taxpayer.

(f) The county or township official referred to in subsection (a) shall, not later than thirty (30) days after the receipt of a written request for a preliminary conference, attempt to hold a preliminary conference with the taxpayer to resolve as many issues as possible by:

- (1) discussing the specifics of the taxpayer's reassessment;
- (2) reviewing the taxpayer's property record card;
- (3) explaining to the taxpayer how the reassessment was determined;
- (4) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the reassessment;
- (5) noting and considering objections of the taxpayer;
- (6) considering all errors alleged by the taxpayer; and
- (7) otherwise educating the taxpayer about:
 - (A) the taxpayer's reassessment;
 - (B) the reassessment process; and
 - (C) the reassessment appeal process.

Not later than ten (10) days after the conference, the county or township official referred to in subsection (a) shall forward to the county auditor and the county property tax assessment board of appeals the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The official and the taxpayer shall each retain a copy of the form for their records.

(g) The form submitted to the county property tax assessment board of appeals under subsection (f) must specify the following:

- (1) The physical characteristics of the property in issue that bear on the assessment determination.
- (2) All other facts relevant to the assessment determination.
- (3) A list of the reasons the taxpayer believes that the assessment determination by the county or township official referred to in subsection (a) is incorrect.
- (4) An indication of the agreement or disagreement by the official with each item listed under subdivision (3).
- (5) The reasons the official believes that the assessment determination is correct.

(h) If after the conference there are no items listed on the form submitted to the county property tax assessment board of appeals under subsection (f) on which there is disagreement:

- (1) the county or township official referred to in subsection (a) shall give notice to the taxpayer, the county property tax assessment board of appeals, and the county assessor of the assessment in the amount agreed to by the taxpayer and the official; and
- (2) the county property tax assessment board of appeals may reserve the right to change the assessment under IC 6-1.1-13.

(i) If after the conference there are items listed in the form submitted under subsection (f) on which there is disagreement, the county property tax assessment board of appeals shall hold a hearing. The taxpayer and county or township official whose original determination is under review are parties to the proceeding before the board of appeals. Except as provided in subsections (k) and (l), the hearing must be held not later than ninety (90) days after the official's receipt of the taxpayer's written request for a preliminary conference under subsection (b). The taxpayer may present the taxpayer's reasons for disagreement with the assessment. The county or township official referred to in subsection (a) must present the basis for the assessment decision on these items to the board of appeals at the hearing and the reasons the taxpayer's appeal should be denied on those items. **The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an assessment determination by the county assessor.** The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on each item not later

than sixty (60) days after the hearing, except as provided in subsections (k) and (l).

(j) If the **county or township assessor official referred to in subsection (a)** does not attempt to hold a preliminary conference, the taxpayer may file a request in writing with the county assessor for a hearing before the property tax assessment board of appeals. If the board determines that the county or township official referred to in subsection (a) did not attempt to hold a preliminary conference, the board shall hold a hearing. The taxpayer and the county or township official whose original determination is under review are parties to the proceeding before the board of appeals. The hearing must be held not later than ninety (90) days after the receipt by the board of appeals of the taxpayer's hearing request under this subsection. The requirements of subsection (i) with respect to:

- (1) participation in the hearing by the taxpayer and the township assessor or county assessor; and
 - (2) the procedures to be followed by the county board;
- apply to a hearing held under this subsection.

(k) This subsection applies to a county having a population of more than three hundred thousand (300,000). In the case of a petition filed after December 31, 2000, the county property tax assessment board of appeals shall:

- (1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and
- (2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

(l) This subsection applies to a county having a population of three hundred thousand (300,000) or less. With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the county property tax assessment board of appeals shall:

- (1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and
- (2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

(m) The county property tax assessment board of appeals:

- (1) may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (i) or (j); and
- (2) may amend the form submitted under subsection (f) if the board determines that the amendment is warranted.

(n) Upon receiving a request for a preliminary conference under subsection (b), the county or township official referred to in subsection (a) shall notify the county auditor in writing that the assessment is under appeal. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the appellant's name and address, the assessed value of the appealed items for the assessment date immediately preceding the assessment date for which the appeal was filed, and the assessed value of the appealed items on the most recent assessment date. If the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

SECTION 74. IC 6-1.1-15-5, AS AMENDED BY P.L.199-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) Not later than fifteen (15) days after the Indiana board gives notice of its final determination under section 4 of this chapter to the party or the maximum allowable time for the issuance of a final determination by the Indiana board under section 4 of this chapter expires, a party to the proceeding may request a rehearing before the Indiana board. The Indiana board may conduct a rehearing and affirm or modify its final determination, giving the same notices after the rehearing as are required by section 4 of this chapter. The Indiana board has fifteen (15) days after receiving a petition for a rehearing to determine

whether to grant a rehearing. Failure to grant a rehearing not later than fifteen (15) days after receiving the petition shall be treated as a final determination to deny the petition. A petition for a rehearing does not toll the time in which to file a petition for judicial review unless the petition for rehearing is granted. If the Indiana board determines to rehear a final determination, the Indiana board:

- (1) may conduct the additional hearings that the Indiana board determines necessary or review the written record without additional hearings; and
- (2) shall issue a final determination not later than ninety (90) days after notifying the parties that the Indiana board will rehear the final determination.

If the Indiana board fails to make a final determination within the time allowed under subdivision (2), the entity that initiated the petition for rehearing may take no action and wait for the Indiana board to make a final determination or petition for judicial review under subsection (g).

(b) A person may petition for judicial review of the final determination of the Indiana board regarding the assessment of that person's tangible property. The action shall be taken to the tax court under IC 4-21.5-5. Petitions for judicial review may be consolidated at the request of the appellants if it can be done in the interest of justice. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. In addition, the executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit. The department of local government finance may intervene in an action taken under this subsection if the interpretation of a rule of the department is at issue in the action. A township assessor, county assessor, member of a county property tax assessment board of appeals, or county property tax assessment board of appeals that made the original assessment determination under appeal under this section is a party to the review under this section to defend the determination.

(c) Except as provided in subsection (g), to initiate a proceeding for judicial review under this section, a person must take the action required by subsection (b) not later than:

- (1) forty-five (45) days after the Indiana board gives the person notice of its final determination, unless a rehearing is conducted under subsection (a); or
- (2) thirty (30) days after the Indiana board gives the person notice under subsection (a) of its final determination, if a rehearing is conducted under subsection (a) or the maximum time elapses for the Indiana board to make a determination under this section.

(d) The failure of the Indiana board to conduct a hearing within the period prescribed in section 4(h) or 4(i) of this chapter does not constitute notice to the person of an Indiana board final determination.

(e) The county executive may petition for judicial review to the tax court in the manner prescribed in this section upon request by the county assessor, the ~~elected~~ township assessor, or an affected taxing unit. If an appeal is taken at the request of an affected taxing unit, the taxing unit shall pay the costs of the appeal.

(f) If the county executive determines upon a request under this subsection to not appeal to the tax court:

- (1) the entity described in subsection (b) that made the original determination under appeal under this section may take an appeal to the tax court in the manner prescribed in this section using funds from that entity's budget; and
- (2) the petitioner may not be represented by the attorney general in an action described in subdivision (1).

(g) If the maximum time elapses for the Indiana board to give notice of its final determination under subsection (a) or section 4 of this chapter, a person may initiate a proceeding for judicial review by taking the action required by subsection (b) at any time after the maximum time elapses. If:

- (1) a judicial proceeding is initiated under this subsection; and
- (2) the Indiana board has not issued a determination;

the tax court shall determine the matter de novo.

SECTION 75. IC 6-1.1-15-9, AS AMENDED BY P.L.199-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) If the assessment of tangible property is corrected by the department of local government finance or the county property tax assessment board of appeals under section 8 of this chapter, the owner of the property has a right to appeal the final determination of the corrected assessment to the Indiana board. The county executive also has a right to appeal the final determination of the reassessment by the department of local government finance or the county property tax assessment board of appeals but only upon request by the county assessor, the ~~elected~~ township assessor, or an affected taxing unit. If the appeal is taken at the request of an affected taxing unit, the taxing unit shall pay the costs of the appeal.

(b) An appeal under this section must be initiated in the manner prescribed in section 3 of this chapter or IC 6-1.5-5.

SECTION 76. IC 6-1.1-15-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) If a petition for review to any board or a proceeding for judicial review in the tax court regarding an assessment or increase in assessment is pending, the taxes resulting from the assessment or increase in assessment are, notwithstanding the provisions of IC 6-1.1-22-9, not due until after the petition for review, or the proceeding for judicial review, is finally adjudicated and the assessment or increase in assessment is finally determined. However, even though a petition for review or a proceeding for judicial review is pending, the taxpayer shall pay taxes on the tangible property when the property tax installments come due, unless the collection of the taxes is stayed under IC 4-21.5-5-9 pending a final determination in the proceeding for judicial review. The amount of taxes which the taxpayer is required to pay, pending the final determination of the assessment or increase in assessment, shall be based on:

- (1) the assessed value reported by the taxpayer on the taxpayer's personal property return if a personal property assessment, or an increase in such an assessment, is involved; or
- (2) an amount based on the immediately preceding year's assessment of real property if an assessment, or increase in assessment, of real property is involved.

(b) If the petition for review or the proceeding for judicial review is not finally determined by the last installment date for the taxes, the taxpayer, upon showing of cause by a taxing official or at the tax court's discretion, may be required to post a bond or provide other security in an amount not to exceed the taxes resulting from the contested assessment or increase in assessment.

(c) Each county auditor shall keep separate on the tax duplicate a record of that portion of the assessed value of property that is described in IC 6-1.1-17-0.5(b) **or IC 6-1.1-17-0.5(d)**. When establishing rates and calculating state school support, the department of local government finance shall exclude from assessed value in the county the assessed value of property kept separate on the tax duplicate by the county auditor under IC 6-1.1-17-0.5(b) **or IC 6-1.1-17-0.5(d)**.

SECTION 77. IC 6-1.1-15-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) Subject to the limitations contained in subsections (c), ~~and~~ (d), **and (e)**, a county auditor shall correct errors which are discovered in the tax duplicate for any one (1) or more of the following reasons:

- (1) The description of the real property was in error.
- (2) The assessment was against the wrong person.
- (3) Taxes on the same property were charged more than one (1) time in the same year.
- (4) There was a mathematical error in computing the taxes or penalties on the taxes.
- (5) There was an error in carrying delinquent taxes forward from one (1) tax duplicate to another.
- (6) The taxes, as a matter of law, were illegal.
- (7) There was a mathematical error in computing an assessment.
- (8) Through an error of omission by any state or county officer the taxpayer was not given credit for an exemption or deduction permitted by law.

(b) The county auditor shall correct an error described under subsection (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5) when the county

auditor finds that the error exists.

(c) If the tax is based on an assessment made or determined by the state board of tax commissioners (before the board was abolished) or the department of local government finance, the county auditor shall not correct an error described under subsection (a)(6), (a)(7), or (a)(8) until after the correction is either approved by the department of local government finance or ordered by the tax court.

(d) **Except as provided in subsection (e)**, if the tax is not based on an assessment made or determined by the ~~state board of tax commissioners (before the board was abolished)~~ or the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by at least two (2) of the following officials:

- (1) The township assessor.
- (2) The county auditor.
- (3) The county assessor.

(e) In a county in which there are no township assessors, if the tax is not based on an assessment made or determined by the department of local government finance, the county auditor shall correct an error described under subsection (a)(6), (a)(7), or (a)(8) only if the correction is first approved by both of the following officials:

- (1) The county auditor.**
- (2) The county assessor.**

~~(f) If two (2) of these officials do the correction is not approve such a correction;~~ **approved under subsection (d) or (e)**, the county auditor shall refer the matter to the county property tax assessment board of appeals for determination. The county property tax assessment board of appeals shall provide a copy of the determination to the taxpayer and to the county auditor.

~~(g)~~ **(g)** A taxpayer may appeal a determination of the county property tax assessment board of appeals to the Indiana board for a final administrative determination. An appeal under this section shall be conducted in the same manner as appeals under sections 4 through 8 of this chapter. The Indiana board shall send the final administrative determination to the taxpayer, the county auditor, the county assessor, and the township assessor.

~~(h)~~ **(h)** If a correction or change is made in the tax duplicate after it is delivered to the county treasurer, the county auditor shall transmit a certificate of correction to the county treasurer. The county treasurer shall keep the certificate as the voucher for settlement with the county auditor.

~~(i)~~ **(i)** A taxpayer that files a personal property tax return under IC 6-1.1-3 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's personal property tax return. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's personal property tax return, the taxpayer must instead file an amended personal property tax return under IC 6-1.1-3-7.5.

~~(j)~~ **(j)** A taxpayer that files a statement under IC 6-1.1-8-19 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead initiate an objection under IC 6-1.1-8-28.

~~(k)~~ **(k)** A taxpayer that files a statement under IC 6-1.1-8-23 may not petition under this section for the correction of an error made by the taxpayer on the taxpayer's statement. If the taxpayer wishes to correct an error made by the taxpayer on the taxpayer's statement, the taxpayer must instead file an amended statement not more than six (6) months after the due date of the statement.

SECTION 78. IC 6-1.1-15-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 14. In any assessment review the assessing official **and** the county assessor ~~and the members of a county property tax assessment board of appeals~~ shall:

- (1) use the department of local government finance's rules in effect; and
- (2) consider the conditions and circumstances of the property as they existed;

on the original assessment date of the property under review.

SECTION 79. IC 6-1.1-15-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 16.

Notwithstanding any provision in the 2002 Real Property Assessment Manual and Real Property Assessment Guidelines for 2002-Version A, incorporated by reference in 50 IAC 2.3-1-2, a county property tax assessment board of appeals or the Indiana board shall consider all evidence relevant to the assessment of real property regardless of whether the evidence was submitted to the township assessor before the assessment of the property.

SECTION 80. IC 6-1.1-17-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the assessed value of tangible property that meets the following conditions:

- (1) The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by a taxing unit. ~~(as defined in IC 6-1.1-1-21);~~
- (2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.
- (3) The owner of the property has discontinued all business operations on the property.
- (4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing unit located in the county, the county auditor may reduce for a calendar year the taxing unit's assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing unit for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing unit's assessed value under this subsection only to enable the taxing unit to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from successful appeals of the assessed value of property located in the taxing unit. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing unit's assessed value for a calendar year under subsection (d) may not exceed the lesser of:

- (1) two percent (2%) of the assessed value of tangible property subject to assessment in the taxing unit in that calendar year; or
- (2) the total amount of reductions in the assessed value of tangible property subject to assessment in the taxing unit that:
 - (A) applied for the assessment date in the immediately preceding year; and
 - (B) resulted from successful appeals of the assessed value of the property.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

- (1) county property tax assessment board of appeals;
- (2) Indiana board; or
- (3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 81. IC 6-1.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

- (1) information concerning the assessed valuation in the political subdivision for the next calendar year;
- (2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;
- (3) the current assessed valuation as shown on the abstract of charges;
- (4) the average growth in assessed valuation in the political

subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance;

(5) the amount of the political subdivision's assessed valuation reduction determined under section 0.5(d) of this chapter; and

~~(5)~~ **(6)** any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

- (1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and
- (2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

SECTION 82. IC 6-1.1-17-3, AS AMENDED BY P.L.234-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) **Before August 10 of a calendar year**, the proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy **for the immediately succeeding calendar year** on the form prescribed by the department of local government finance and approved by the state board of accounts.

(b) The political subdivision county auditor shall give notice by publication mail to taxpayers the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the ~~estimated budget;~~ assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);
- (2) the ~~estimated maximum permissible levy;~~ amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

- (A) estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;
- (C) any credits that apply in the determination of the tax liability; and
- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;

~~(3) the current and proposed tax levies of each fund; and~~

~~(4) the amounts of excessive levy appeals to be requested; (3) a prominently displayed notation that:~~

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate; and

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year.

(c) The department of local government finance shall:

- (1) prescribe a form for; and
- (2) provide assistance to county auditors in preparing;

statements under subsection (b).

(d) In the ~~notice~~; ~~statement under subsection (b)~~, the ~~political subdivision~~ **county auditor** shall also state the time and place at which ~~the political subdivision will hold~~ a public hearing ~~will be held on these items: the political subdivision's estimated budget and proposed tax rate and tax levy.~~ The ~~notice statement~~ shall be published twice in accordance with ~~IC 5-3-1~~ with the first publication ~~mailed~~ at least ten (10) days before the date fixed for the public hearing.

~~(b)~~ (e) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under ~~subsection (a); subsection (d)~~:

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c)~~ (f) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d)~~ A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- ~~(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund;~~
- ~~(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund;~~

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

(g) A county auditor is not required to send the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes.

SECTION 83. IC 6-1.1-17-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) If a county auditor reduces a taxing unit's assessed valuation under section 0.5(d) of this chapter, the department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budget, tax rate, and tax levy of the taxing unit.

(b) The county auditor may appeal to the department of local government finance to reduce a taxing unit's assessed valuation by an amount that exceeds the limits set forth in section 0.5(e) of this chapter. The department of local government finance:

- (1) may require the county auditor to submit supporting information with the county auditor's appeal;
- (2) shall consider the appeal at the time of the review required by subsection (a); and
- (3) may approve, modify and approve, or reject the amount of the reduction sought in the appeal.

SECTION 84. IC 6-1.1-17-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The county board of tax adjustment shall complete the duties assigned to it under this chapter on or before October 1st of each year, except that in a consolidated city and county and in a county containing a second class city, the duties of this board need not be completed until November 1 of each year.

(b) If the county board of tax adjustment fails to complete the duties assigned to it within the time prescribed in this section or to reduce aggregate tax rates so that they do not exceed the maximum rates permitted under IC 6-1.1-18, the county auditor shall calculate and fix the tax rate within each political subdivision of the county so that the maximum rate permitted under IC 6-1.1-18 is not exceeded.

(c) When the county auditor calculates and fixes tax rates, ~~he the~~ auditor shall send a certificate notice of the rate ~~he has~~ fixed to each

political subdivision of the county. ~~He~~ If a rate determined under IC 6-1.1-22-2.5 applies, the county auditor shall include that rate in the notice. The county auditor shall send these notices within five (5) days after publication of the notice required by section 12 of this chapter.

(d) When the county auditor calculates and fixes tax rates, ~~his the~~ auditor's action shall be treated as if it were the action of the county board of tax adjustment.

SECTION 85. IC 6-1.1-17-14, AS AMENDED BY P.L.234-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. The county auditor shall initiate an appeal to the department of local government finance if the county fiscal body or the county board of tax adjustment reduces

~~(1) a township assistance tax rate below the rate necessary to meet the estimated cost of township assistance.~~

~~(2) a family and children's fund tax rate below the rate necessary to collect the levy recommended by the department of child services; or~~

~~(3) a children's psychiatric residential treatment services fund tax rate below the rate necessary to collect the levy recommended by the department of child services.~~

SECTION 86. IC 6-1.1-17-16, AS AMENDED BY P.L.228-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 6-1.1-19, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has one (1) week from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office specifying how to make the required reductions in the amount budgeted by fund. The department of local government finance shall make reductions as specified in the political subdivision's response if the response is provided as required by this subsection and sufficiently specifies all necessary reductions. The department of local government finance may make a revision, a reduction, or an increase in a political subdivision's budget only by fund.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building

corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department acts under an appeal initiated by taxpayers under section 13 of this chapter, a taxpayer who signed the petition under that section.
- (3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.
- (4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

- (1) requested in writing by the officers of the political subdivision;
- (2) either:
 - (A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or
 - (B) results from an inadvertent mathematical error made in determining the levy; and
- (3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in IC 6-1.1-17-12 is published at least ten (10) days before the date of the hearing.

(l) The department of local government finance may not certify a taxing unit's budget, tax rate, or tax levy if the department of local government finance determines that the county auditor has reduced the taxing unit's assessed valuation by more than the amount authorized under section 0.5(e) or 8.5(b) of this chapter.

SECTION 87. IC 6-1.1-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Except as provided in subsection (b), the sum of all tax rates for all political subdivisions imposed on tangible property within a political subdivision may not exceed:

- (1) forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation in

territory outside the corporate limits of a city or town; or

- (2) sixty-six and sixty-seven hundredths cents (\$0.6667) on each one hundred dollars (\$100) of assessed valuation in territory inside the corporate limits of a city or town.

(b) The proper officers of a political subdivision shall fix tax rates which are sufficient to provide funds for the purposes itemized in this subsection. The portion of a tax rate fixed by a political subdivision shall not be considered in computing the tax rate limits prescribed in subsection (a) if that portion is to be used for one (1) of the following purposes:

- (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.
- (2) To pay the principal or interest on an outstanding obligation issued by the political subdivision if notice of the sale of the obligation was published before March 9, 1937.
- (3) To pay the principal or interest upon:

(A) an obligation issued by the political subdivision to meet an emergency which results from a flood, fire, pestilence, war, or any other major disaster; or

(B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 to enable a city, town, or county to acquire necessary equipment or facilities for municipal or county government.

(4) To pay the principal or interest upon an obligation issued in the manner provided in IC 6-1.1-20-3 (before its repeal) or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2.

(5) To pay a judgment rendered against the political subdivision.

(6) To meet the requirements of the ~~family and children's fund~~ **child welfare fund** for:

(A) child services (as defined in IC 12-19-7-1); or

(B) children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1).

(7) To meet the requirements of the county hospital care for the indigent fund.

~~(8) To meet the requirements of the children's psychiatric residential treatment services fund for children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1).~~

(c) Except as otherwise provided in IC 6-1.1-19 or IC 6-1.1-18.5, a county board of tax adjustment, a county auditor, or the department of local government finance may review the portion of a tax rate described in subsection (b) only to determine if it exceeds the portion actually needed to provide for one (1) of the purposes itemized in that subsection.

SECTION 88. IC 6-1.1-18.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means the **greater of the:**

(1) civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; or

(2) civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17, and after eliminating the effects of temporary excessive levy appeals and temporary adjustments made to the working maximum levy for the calendar year immediately preceding the ensuing calendar year, as determined by the department of local government finance.

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this

chapter, the term "taxable property" is further defined in section 6 of this chapter.

"Unadjusted assessed value" means the assessed value of a civil taxing unit as determined by local assessing officials and the department of local government finance in a particular calendar year before the application of an annual adjustment under IC 6-1.1-4-4.5 for that particular calendar year or any calendar year since the last general reassessment preceding the particular calendar year.

SECTION 89. IC 6-1.1-18.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

- (1) bonded indebtedness; or
- (2) lease rentals under a lease with an original term of at least five (5) years.

(b) A civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~, **IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is applicable**, unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

- (1) incur the bonded indebtedness; or
- (2) enter into the lease.

The department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 90. IC 6-1.1-18.5-9.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.7. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed under any of the following:

- (1) IC 12-16, except IC 12-16-1.
- ~~(2) IC 12-19-5.~~
- ~~(3) (2) IC 12-19-7.~~
- ~~(4) IC 12-19-7.5.~~
- ~~(5) (3) IC 12-20-24.~~

(b) For purposes of computing the ad valorem property tax levy limits imposed under section 3 of this chapter, a county's or

township's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under the citations listed in subsection (a).

(c) Section 8(b) of this chapter does not apply to bonded indebtedness that will be repaid through property taxes imposed under IC 12-19.

SECTION 91. IC 6-1.1-19-8, AS AMENDED BY P.L.1-2005, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A school corporation must file a petition requesting approval from the department of local government finance to incur bond indebtedness, enter into a lease rental agreement, or repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5 not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under ~~IC 6-1.1-20-3.1(2)~~, **IC 6-1.1-20-3.1(b)(2) or IC 6-1.1-20-3.5(b)(2), whichever is applicable**, unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances. A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

This restriction does not apply to ad valorem property taxes which a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974.

(b) The department of local government finance may either approve, disapprove, or modify then approve a school corporation's proposed lease rental agreement, bond issue or school bus purchase loan. Before it approves or disapproves a proposed lease rental agreement, bond issue or school bus purchase loan, the department of local government finance may seek the recommendation of the tax control board.

(c) The department of local government finance shall render a decision not more than three (3) months after the date it receives a request for approval under subsection (a). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the school corporation. A school corporation may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

~~(d) After December 31, 1995,~~ The department of local government finance may not approve a school corporation's proposed lease rental agreement or bond issue to finance the construction of additional classrooms unless the school corporation first:

- (1) establishes that additional classroom space is necessary; and
- (2) conducts a feasibility study, holds public hearings, and hears public testimony on using a twelve (12) month school term (instead of the nine (9) month school term (as defined in IC 20-30-2-7)) rather than expanding classroom space.

(e) This section does not apply to school bus purchase loans made by a school corporation which will be repaid solely from the general fund of the school corporation.

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 92. IC 6-1.1-20-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. **(a) This section applies only to a controlled project that will cost a political subdivision less than ten million dollars (\$10,000,000).**

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

- (1) The proper officers of a political subdivision shall:
 - (A) publish notice in accordance with IC 5-3-1; and
 - (B) send notice by first class mail to any organization that

delivers to the officers, before January 1 of that year, an annual written request for such notices;

of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.

(2) When the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in subdivision (1)(B).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that any owners of real property within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal as described in IC 6-1.1-19-4.4(a)(4) for an increased adjusted base levy to pay the estimated costs described in clause (F).

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) one hundred (100) owners of real property within the political subdivision; or

(B) five percent (5%) of the owners of real property within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county auditor, deliver to the county auditor or the county auditor's designated printer the petition forms to be used solely in the petition process described in this section. The county auditor shall issue to an owner or owners of real property within the political subdivision the number of petition forms requested by the owner or owners. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may not be required to identify themselves and may be allowed to pick up additional copies to distribute to other property owners.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county auditor under subdivision (7).

(7) Each petition must be filed with the county auditor not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county auditor must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within fifteen (15) business days of the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of real property within the political subdivision.

(c) If a sufficient petition requesting a petition and remonstrance process is not filed by owners of real property as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

SECTION 93. IC 6-1.1-20-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. **(a) This section applies only to a controlled project that is subject to section 3.1 of this chapter.**

(b) If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 3.1 of this chapter, a political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

(1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance process by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in ~~section 3-1(1)(B)~~ **section 3.1(b)(1)(B)** of this chapter.

A notice under this subdivision must include a statement that any owners of real property within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

(2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision (1) is given:

(A) petitions (described in subdivision (3)) in favor of the bonds or lease; and

(B) remonstrances (described in subdivision (3)) against the bonds or lease;

may be filed by an owner or owners of real property within the political subdivision. Each signature on a petition must be dated and the date of signature may not be before the date on which the petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the county auditor under subdivision (4).

(3) The state board of accounts shall design and, upon request by the county auditor, deliver to the county auditor or the county auditor's designated printer the petition and remonstrance forms to be used solely in the petition and remonstrance process described in this section. The county auditor shall issue to an owner or owners of real property within the political subdivision the number of petition or remonstrance forms requested by the owner or owners. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;

(D) govern the closing date for the petition and remonstrance period; and

(E) apply to the carrier under section 10 of this chapter.

Persons requesting forms may not be required to identify

themselves and may be allowed to pick up additional copies to distribute to other property owners. The county auditor may not issue a petition or remonstrance form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county auditor shall certify the date of issuance on each petition or remonstrance form that is distributed under this subdivision. (4) The petitions and remonstrances must be verified in the manner prescribed by the state board of accounts and filed with the county auditor within the sixty (60) day period described in subdivision (2) in the manner set forth in section 3.1 of this chapter relating to requests for a petition and remonstrance process.

(5) The county auditor must file a certificate and the petition or remonstrance with the body of the political subdivision charged with issuing bonds or entering into leases within fifteen (15) business days of the filing of a petition or remonstrance under subdivision (4), whichever applies, containing ten thousand (10,000) signatures or less. The county auditor may take an additional five (5) days to review and certify the petition or remonstrance for each additional five thousand (5,000) signatures up to a maximum of sixty (60) days. The certificate must state the number of petitioners and remonstrators that are owners of real property within the political subdivision.

(6) If a greater number of owners of real property within the political subdivision sign a remonstrance than the number that signed a petition, the bonds petitioned for may not be issued or the lease petitioned for may not be entered into. The proper officers of the political subdivision may not make a preliminary determination to issue bonds or enter into a lease for the controlled project defeated by the petition and remonstrance process under this section or any other controlled project that is not substantially different within one (1) year after the date of the county auditor's certificate under subdivision (5). Withdrawal of a petition carries the same consequences as a defeat of the petition.

(7) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law (including section 5 of this chapter) relating to bonds or leases designed to protect owners of real property within the political subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the department of local government finance required by IC 6-1.1-18.5-8 or IC 6-1.1-19-8.

SECTION 94. IC 6-1.1-20-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) This section applies only to a controlled project:

- (1) that will cost a political subdivision at least ten million dollars (\$10,000,000); and
- (2) for which the proper officers of the political subdivision make a preliminary determination to issue bonds or enter into a lease after June 30, 2006.

(b) A political subdivision may not impose property taxes to pay debt service or lease rentals without completing the following procedures:

- (1) The proper officers of a political subdivision shall:
 - (A) publish notice in accordance with IC 5-3-1; and
 - (B) send notice by first class mail to any organization that delivers to the officers, before January 1 of that year, an annual written request for notices;

of any meeting to consider the adoption of an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the ordinance or resolution.

- (2) Whenever the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

- (A) publication in accordance with IC 5-3-1; and
- (B) first class mail to the organizations described in

subdivision (1)(B).

- (3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

- (A) The maximum term of the bonds or lease.
- (B) The maximum principal amount of the bonds or the maximum lease rental for the lease.
- (C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.
- (D) The purpose of the bonds or lease.
- (E) A statement that the proposed debt service or lease rental must be approved in an election on a local public question held under section 3.6 of this chapter if a petition is filed as described in subdivision (4).
- (F) With respect to bonds issued or a lease entered into to open:

- (i) a new school facility; or
- (ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to annually incur to operate the facility.

- (G) A statement of whether the school corporation expects to appeal as described in IC 6-1.1-19-4.4(a)(4) for an increased adjusted base levy to pay the estimated costs described in clause (F).

- (4) After notice is given under subdivision (2), a petition requesting an election on a local public question under section 3.6 of this chapter may be filed by the lesser of:

- (A) five hundred (500) owners of real property within the political subdivision; or
- (B) five percent (5%) of the owners of real property within the political subdivision.

- (5) The state board of accounts shall design and, upon request by the county auditor, deliver to the county auditor or the county auditor's designated printer the petition forms to be used solely in the petition process described in this section. The county auditor shall issue to an owner or owners of real property within the political subdivision the number of petition forms requested by the owner or owners. Each form must be accompanied by instructions detailing the requirements that:

- (A) the carrier and signers must be owners of real property;
- (B) the carrier must be a signatory on at least one (1) petition;
- (C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and
- (D) govern the closing date for the petition period.

Persons requesting forms may not be required to identify themselves and may be allowed to pick up additional copies to distribute to other property owners.

- (6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county auditor under subdivision (7).

- (7) Each petition must be filed with the county auditor not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

- (8) The county auditor must file a certificate and each petition with:

- (A) the township trustee, if the political subdivision is a township, who shall present the petition or petitions to the township board; or

- (B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

within fifteen (15) business days of the filing of the petition requesting an election on a local public question under section 3.6 of this chapter. The certificate must state the number of petitioners that are owners of real property within the political subdivision.

(c) If a sufficient petition requesting an election on a local public question under section 3.6 of this chapter is not filed by owners of real property as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or lease to be entered into.

SECTION 95. IC 6-1.1-20-3.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.6. (a) This section applies only to a controlled project that is subject to section 3.5 of this chapter.

(b) If a sufficient petition requesting an election on a local public question under this section is filed by owners of real property under section 3.5 of this chapter, a political subdivision may not impose property taxes to pay debt service or lease rentals unless the political subdivision's proposed debt service or lease rental is approved in an election on a local public question held under this section.

(c) The following question shall be submitted to the voters at the election conducted under this section:

"Shall _____ (insert the name of the political subdivision) issue bonds or enter a lease to finance _____ (insert the name of the controlled project)?".

(d) The county auditor shall, under IC 3-10-9-3, certify the public question described in subsection (c) to the county election board of the county that contains the greatest percentage of population of the political subdivision. After the public question is certified, the public question shall be placed on the ballot at the next general election in which all voters of the political subdivision are entitled to vote.

(e) The circuit court clerk shall certify the results of the public question to the following:

(1) The county auditor of each county in which the political subdivision is located.

(2) The department of local government finance.

(f) If a majority of the voters voting on the public question vote in favor of the public question, the department of local government finance shall take prompt and appropriate steps to notify the political subdivision that the political subdivision may issue the proposed bonds or enter into the proposed lease rental.

(g) If a majority of the voters voting on the public question vote in opposition to the public question, both of the following apply:

(1) The political subdivision may not issue the proposed bonds or enter into the proposed lease rental.

(2) Another public question under this section on the same or a substantially similar project may not be submitted to the voters earlier than one (1) year after the date of the election.

(h) IC 3, to the extent not inconsistent with this section, applies to an election held under this section.

SECTION 96. IC 6-1.1-20-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) When the proper officers of a political subdivision decide to issue bonds payable from property taxes to finance a public improvement, they shall adopt an ordinance or resolution which sets forth their determination to issue the bonds. Except as provided in subsection (b), the political subdivision may not advertise for or receive bids for the construction of the improvement until the expiration of the latter of:

(1) the expiration of the time period within which taxpayers may file a petition for review of or a remonstrance against the proposed issue if the proposed issue is subject to section 3.1 of this chapter;

(2) the expiration of the period within which taxpayers may file a petition for an election on a local public question with respect to the proposed issue if:

(A) the proposed issue is subject to section 3.5 of this chapter; and

(B) a timely petition is not filed under section 3.5 of this chapter;

(3) the proposed issue is approved in an election on a local public question held under section 3.6 of this chapter if:

(A) the proposed issue is subject to section 3.5 of this chapter; and

(B) a timely petition is filed under section 3.5 of this chapter; or

~~(2) (4)~~ the time period during which a petition for review of the proposed issue is pending before the department of local government finance.

(b) When a petition for review of a proposed issue is pending before the department of local government finance, the department may order the political subdivision to advertise for and receive bids for the construction of the public improvement. When the department of local government finance issues such an order, the political subdivision shall file a bid report with the department within five (5) days after the bids are received, and the department shall render a final decision on the proposed issue within fifteen (15) days after it receives the bid report. Notwithstanding the provisions of this subsection, a political subdivision may not enter into a contract for the construction of a public improvement while a petition for review of the bond issue which is to finance the improvement is pending before the department of local government finance.

SECTION 97. IC 6-1.1-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies if:

(1) a petition and remonstrance process is commenced under section 3.2 of this chapter; or

(2) a public question is certified to the county election board under section 3.6(d) of this chapter.

(b) During the sixty (60) day period commencing with the notice under ~~section 3.2(1)~~ section 3.2(b)(1) of this chapter (in the case of a controlled project subject to section 3.2 of this chapter) or during the period after a public question is certified to the county election board under section 3.6(d) of this chapter (in the case of a controlled project subject to section 3.6 of this chapter), the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the petition or remonstrance or public question by doing any of the following:

(1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the petition or remonstrance or public question, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance or public question (except as necessary to explain the project to the public) or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance or public question during the employee's normal working hours or paid overtime.

(4) In the case of a school corporation, promoting a position on a petition or remonstrance or public question by:

(A) using students to transport written materials to their residences; or

(B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a petition or remonstrance or public question that are part of the normal and regular conduct of the employee's office or agency.

~~(b) (c)~~ A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

SECTION 98. IC 6-1.1-20.6-7, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~If the A person is entitled to a credit under this chapter is authorized under section 2 of this chapter for property taxes first due and payable in a calendar year:~~

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's ~~qualified residential property homestead~~ located in the county; and

(2) ~~the amount of the credit is in~~ the amount by which the person's property tax liability attributable to the person's ~~qualified residential property homestead~~ for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the ~~qualified residential property homestead~~ for property taxes first due and payable in that calendar year.

SECTION 99. IC 6-1.1-20.6-8, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person is not required to file an application for the credit under this chapter. The county auditor shall:

(1) identify ~~qualified residential property homesteads~~ in the county eligible for the credit under this chapter; and

(2) apply the credit under this chapter to property tax liability on the identified ~~qualified residential property homesteads~~.

SECTION 100. IC 6-1.1-20.6-9, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) ~~The fiscal body of a county may adopt an ordinance to authorize the county fiscal officer to borrow money repayable over a term not to exceed five (5) years in an amount sufficient to compensate the political subdivisions located wholly or in part in the county for the reduction of property tax collections in a calendar year that results from the application of the credit under this chapter for that calendar year.~~

~~(b) The county fiscal officer shall distribute in a calendar year to each political subdivision located wholly or in part in the county loan proceeds under subsection (a) for that calendar year in the amount by which the property tax collections of the political subdivision in that calendar year are reduced as a result of the application of the credit under this chapter for that calendar year.~~

~~(c) If the county fiscal officer distributes money to political subdivisions under subsection (b), the political subdivisions that receive the distributions shall repay the loan under subsection (a) over the term of the loan. Each political subdivision that receives a distribution under subsection (b):~~

~~(1) shall:~~

~~(A) appropriate for each year in which the loan is to be repaid an amount sufficient to pay the part of the principal and interest on the loan attributable to the distribution received by the political subdivision under subsection (b); and~~

~~(B) raise property tax revenue in each year in which the loan is to be repaid in the amount necessary to meet the appropriation under clause (A); and~~

~~(2) other than the county, shall transfer to the county fiscal officer money dedicated under this section to repayment of the loan in time to allow the county to meet the loan repayment schedule.~~

~~(d) Property taxes imposed under subsection (c)(1)(B) are subject to levy limitations under IC 6-1.1-18.5 or IC 6-1.1-19.~~

~~(e) The obligation to:~~

~~(1) repay; or~~

~~(2) contribute to the repayment of;~~

~~the loan under subsection (a) is not a basis for a political subdivision to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 6-1.1-19.~~

~~(f) (a) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.~~

~~(b) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in subsection (a) for the political subdivision for that year.~~

SECTION 101. IC 6-1.1-21-2, AS AMENDED BY P.L.1-2005, SECTION 92, AND AS AMENDED BY P.L.246-2005, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property

assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed on or before March 1 of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county) (**before its repeal**); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5 (**repealed**), or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (*repealed*) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 for a capital projects fund; plus
 - (ii) IC 6-1.1-19-10 for a racial balance fund; plus
 - (iii) ~~IC 20-14-13~~ IC 36-12-12 for a library capital projects fund; plus
 - (iv) ~~IC 20-5-17.5-3~~ IC 36-10-13-7 for an art association fund; plus
 - (v) IC 21-2-17 for a special education preschool fund; plus
 - (vi) IC 21-2-11.6 for a referendum tax levy fund; plus
 - (vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
 - (viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible ~~general~~ **transportation** fund levy for transportation operating costs; minus
 - (H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus
 - (I) for each township in the county, the lesser of:
 - (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE **(as effective January 1, 1990)** or IC 6-1.1-18.5-19(b) STEP THREE **(as effective January 1, 1990)**, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) **(as effective before January 1, 1989)**, filed after December 31, 1982; or
 - (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus
 - (J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus
 - (K) for each county the sum of:
 - (i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN **(as effective January 1, 2005)** for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under ~~IC 12-19-7-4(b)~~; **IC 12-19-7-4**; and
 - (ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 **(before its repeal)** that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN **(as effective January 1, 2005)** for property taxes payable in 1995, or the amount determined under ~~IC 12-19-7-4(b)~~ **IC 12-19-7-4** for property taxes payable in each year after 1995; plus
 - (2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus
 - (3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus
 - (4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus
 - (5) the difference between:
 - (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus
 - (B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).
 - (h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.
 - (i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare on or before March 1 of each year under IC 6-1.1-22-3.
 - (j) "Eligible property tax replacement amount" is, *except as otherwise provided by law*, equal to the sum of the following:
 - (1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.
 - (2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.
 - (3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.
 - (k) "Business personal property" means tangible personal property (other than real property) that is being:
 - (1) held for sale in the ordinary course of a trade or business; or
 - (2) held, used, or consumed in connection with the production of income.
 - (l) "Taxpayer's property tax replacement credit amount" means, *except as otherwise provided by law*, the sum of the following:
 - (1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.
 - (2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.
 - (3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.
 - (m) "Tax liability" means tax liability as described in section 5 of this chapter.
 - (n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.
 - (o) "Board" refers to the property tax replacement fund board established under section 10 of this chapter.
- SECTION 102. IC 6-1.1-21-4, AS AMENDED BY P.L.228-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) Each year the department shall allocate from the property tax replacement fund an amount equal to the sum of:
- (1) each county's total eligible property tax replacement amount for that year; plus
 - (2) the total amount of homestead tax credits that are provided under IC 6-1.1-20.9 and allowed by each county for that year; plus
 - (3) an amount for each county that has one (1) or more taxing districts that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter. This amount is the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:
 - STEP ONE: Determine that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.
 - STEP TWO: Divide:
 - (A) that part of the subdivision (1) amount that is attributable to the taxing district; by
 - (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; times
- (B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(b) Except as provided in subsection (e), between March 1 and August 31 of each year, the department shall distribute to each county treasurer from the property tax replacement fund one-half (½) of the estimated distribution for that year for the county. Between September 1 and December 15 of that year, the department shall distribute to each county treasurer from the property tax replacement fund the remaining one-half (½) of each estimated distribution for that year. The amount of the distribution for each of these periods shall be according to a schedule determined by the property tax replacement fund board under section 10 of this chapter. The estimated distribution for each county may be adjusted from time to time by the department to reflect any changes in the total county tax levy upon which the estimated distribution is based.

(c) On or before December 31 of each year or as soon thereafter as possible, the department shall make a final determination of the amount which should be distributed from the property tax replacement fund to each county for that calendar year. This determination shall be known as the final determination of distribution. The department shall distribute to the county treasurer or receive back from the county treasurer any deficit or excess, as the case may be, between the sum of the distributions made for that calendar year based on the estimated distribution and the final determination of distribution. The final determination of distribution shall be based on the auditor's abstract filed with the auditor of state, adjusted for postabstract adjustments included in the December settlement sheet for the year, and such additional information as the department may require.

(d) All distributions provided for in this section shall be made on warrants issued by the auditor of state drawn on the treasurer of state. If the amounts allocated by the department from the property tax replacement fund exceed in the aggregate the balance of money in the fund, then the amount of the deficiency shall be transferred from the state general fund to the property tax replacement fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the payment of that amount. However, any amount transferred under this section from the general fund to the property tax replacement fund shall, as soon as funds are available in the property tax replacement fund, be retransferred from the property tax replacement fund to the state general fund, and the auditor of state shall issue a warrant to the treasurer of state ordering the replacement of that amount.

(e) Except as provided in subsection (g) and subject to subsection (h), the department shall not distribute under subsection (b) and section 10 of this chapter a percentage, determined by the department, of the money that would otherwise be distributed to the county under subsection (b) and section 10 of this chapter if:

- (1) by the date the distribution is scheduled to be made, the county auditor has not sent a certified statement required to be sent by that date under IC 6-1.1-17-1 to the department of local government finance;
- (2) by the deadline under IC 36-2-9-20, the county auditor has not transmitted data as required under that section;
- (3) the county assessor has not forwarded to the department of local government finance the duplicate copies of all approved exemption applications required to be forwarded by that date under IC 6-1.1-11-8(a);
- (4) the county assessor has not forwarded to the department of local government finance in a timely manner sales disclosure forms under ~~IC 6-1.1-5.5-3(b)~~; **IC 6-1.1-5.5-3(c)**;
- (5) local assessing officials have not provided information to the department of local government finance in a timely manner under IC 4-10-13-5(b);
- (6) the county auditor has not paid a bill for services under IC 6-1.1-4-31.5 to the department of local government finance in a timely manner;
- (7) the ~~elected~~ township assessors in the county, the ~~elected~~ township assessors and the county assessor, or the county assessor has not transmitted to the department of local government finance by October 1 of the year in which the

distribution is scheduled to be made the data for all townships in the county required to be transmitted under IC 6-1.1-4-25(b);

- (8) the county has not established a parcel index numbering system under 50 IAC 12-15-1 in a timely manner; or
- (9) a township or county official has not provided other information to the department of local government finance in a timely manner as required by the department.

(f) Except as provided in subsection (i), money not distributed for the reasons stated in subsection (e) shall be distributed to the county when the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

has been corrected.

(g) The restrictions on distributions under subsection (e) do not apply if the department of local government finance determines that the failure to:

- (1) provide information; or
- (2) pay a bill for services;

in a timely manner is justified by unusual circumstances.

(h) The department shall give the county auditor at least thirty (30) days notice in writing before withholding a distribution under subsection (e).

(i) Money not distributed for the reason stated in subsection (e)(6) may be deposited in the fund established by IC 6-1.1-5.5-4.7(a). Money deposited under this subsection is not subject to distribution under subsection (f).

SECTION 103. IC 6-1.1-22-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) Subject to subsection (b), for purposes of this section:

(1) "adjusted residential rate" means a rate of tax per one hundred dollars (\$100) of assessed valuation for the current year that is one hundred three percent (103%) of the rate of tax per one hundred dollars (\$100) of assessed valuation imposed by a civil taxing unit or school corporation for property taxes first due and payable in the immediately preceding year;

(2) "current year rate" means the rate of tax per one hundred dollars (\$100) of assessed valuation certified under IC 6-1.1-17-16(f) by the department of local government finance for a civil taxing unit or school corporation for property taxes first due and payable in the current year;

(3) "preceding year rate" means the rate of tax per one hundred dollars (\$100) of assessed valuation certified under IC 6-1.1-17-16(f) by the department of local government finance for a civil taxing unit or school corporation for property taxes first due and payable in the year that immediately precedes the current year; and

(4) "residential real property" means real property that is assessed as residential property under the rules of the department of local government finance.

(b) A rate of tax per one hundred dollars (\$100) of assessed valuation referred to in subsection (a) does not include the part of the rate imposed for any of the following:

- (1) Debt service.**
- (2) Lease rentals.**
- (3) A school corporation general fund.**

(c) The auditor of each county shall, before preparing the tax duplicate for the current year under section 3 of this chapter, identify each civil taxing unit and school corporation in the county for which the current year rate is greater than one hundred three percent (103%) of the preceding year rate.

(d) In preparing the tax duplicate under section 3 of this chapter for the current year for each civil taxing unit and school corporation identified under subsection (c), the county auditor shall, instead of applying the current year rate in the determination of property taxes on residential real property, apply a tax rate in the determination of property taxes on residential real property that equals the sum of:

- (1) the adjusted residential rate; plus**
- (2) the rate imposed for the current year by the civil taxing unit or school corporation for any of the following:**

(A) Debt service.

(B) Lease rentals.

(C) A school corporation general fund.

(e) If a property tax revenue shortfall results from the application of the rate determined under subsection (d), the civil taxing unit or school corporation may not take any action to make up the shortfall.

SECTION 104. IC 6-1.1-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Immediately upon the receipt of the tax duplicate, the county treasurer shall give notice of the rate of tax per one ~~hundred~~ hundred dollars (\$100) of assessed valuation to be collected in the county for each purpose and the total of the rates in each taxing district. **If a rate determined under section 2.5 of this chapter applies, the county auditor shall include that rate in the notice.** This notice shall be published in the form prescribed by the department of local government finance three (3) times with each publication one (1) week apart.

(b) The notice required by this section shall be printed in two (2) newspapers which represent different political parties and which are published in the county. However, if two (2) newspapers which represent different political parties are not published in the county, the notice shall be printed in one (1) newspaper.

SECTION 105. IC 6-1.1-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. On or before March 15 of each year, the county auditor shall prepare and deliver to the auditor of state and the county treasurer a certified copy of an abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in that year in each taxing district of the county. The county auditor shall prepare the abstract in such a manner that the information concerning property tax deductions reflects the total amount of each type of deduction. The abstract shall also contain a statement of the taxes and penalties unpaid in each taxing unit **and the amount of taxes deferred and interest accrued on deferred taxes under IC 6-1.1-46** at the time of the last settlement between the county auditor and county treasurer and the status of these delinquencies **and deferred taxes**. The county auditor shall prepare the abstract on the form prescribed by the state board of accounts. The **offices of the** auditor of state, county auditor, and county treasurer shall each keep a copy of the abstract ~~in his office~~ as a public record.

SECTION 106. IC 6-1.1-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The county treasurer shall keep a register of taxes and special assessments in the manner and on the form prescribed by the state board of accounts. ~~He~~ **The county treasurer** shall enter:

(1) each payment of the taxes and special assessments in the register on the day the payment is received; **and**

(2) **each deferral of payment of property taxes in the register on the day the taxes would otherwise be due if the taxes had not been deferred under IC 6-1.1-46.**

SECTION 107. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; and

(C) the dollar amount of the tax owed.

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in

the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

(1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

- (A) The homestead credit and all property tax deductions.
- (B) The procedure and deadline for filing for the homestead credit and each deduction.
- (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
- (D) The forms that must be filed for an appeal or petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(5) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

- (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
- (2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).

(h) The county treasurer shall include the following in a statement concerning residential real property (other than property known by the county treasurer to be rental property) that is distributed under subsection (a):

(1) A brief description of the availability of the property tax deferral program under IC 6-1.1-46.

(2) If the property has been approved for the deferral of property taxes, a separate statement of:

(A) the amount of property taxes that may be deferred under IC 6-1.1-46;

(B) the cumulative total of the property taxes deferred under IC 6-1.1-46 in the current year and all prior years, if the amount is greater than zero dollars (\$0), including the part of the cumulative total:

- (i) subject to interest charges; and
- (ii) not subject to interest charges;

(C) the rate of interest in effect for the current year to be imposed on the part of the cumulative total of property taxes described in clause (B)(i); and

(D) the cumulative remaining deferral capacity of the homestead (as defined in IC 6-1.1-46-5), which is the greater of the following:

- (i) Zero dollars (\$0).
- (ii) The amount equal to the assessed value of the homestead (as defined in IC 6-1.1-46-5) after subtracting the amount of all recorded mortgages and liens on the property on the date on which the property taxes would otherwise be first due and payable, including the lien for property taxes imposed on the current assessment date.

The information provided under this subsection must be in the form prescribed by the department of local government finance.

SECTION 108. IC 6-1.1-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in IC 6-1.1-7-7, **IC 6-1.1-46**, section 9.5 of this chapter, and subsection (b), the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25).

If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(c) If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

(d) Notwithstanding any other law, a property tax liability of less than five dollars (\$5) is increased to five dollars (\$5). The difference between the actual liability and the five dollar (\$5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

SECTION 109. IC 6-1.1-22-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) A person who is liable for property taxes under IC 6-1.1-2-4, **including property taxes deferred under IC 6-1.1-46 after the deferred taxes become due**, is personally liable for the taxes and all penalties, cost, and collection expenses, including reasonable attorney's fees and court costs, resulting from late payment of the taxes.

(b) A person's liability under this section may be enforced by any legal remedy, including a civil lawsuit instituted by a county treasurer or a county executive to collect delinquent taxes. One (1) action may be initiated to collect all taxes, penalties, cost, and collection expenses levied against a person in the same county for one (1) or more years. However, an action may not be initiated to enforce the collection of taxes after ten (10) years from the first Monday in May of the year in which the taxes first became due. An action initiated within the ten (10) year period may be prosecuted to termination.

(c) **In addition to any other method of collection authorized under this article, the department of state revenue may collect:**

(1) **property taxes deferred under IC 6-1.1-46, after the deferred taxes become due; and**

(2) **all interest, penalties, costs, and collection expenses, including reasonable attorney's fees and court costs accruing under this article, after the deferred taxes become due under IC 6-1.1-46;**

as a listed tax.

SECTION 110. IC 6-1.1-22-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The state acquires a lien on each tract of real property for all property taxes levied against the tract, including the land under an improvement or appurtenance described in IC 6-1.1-2-4(b), and all subsequent penalties and cost resulting from the taxes. This lien attaches on the assessment date of the year for which the taxes are assessed. The lien is not affected by any sale or transfer of the tract, including the land under an improvement or appurtenance described in IC 6-1.1-2-4(b), including the sale, exchange, or lease of the tract under IC 36-1-11.

(b) The lien of the state for taxes, penalties, and cost continues for ten (10) years from May 10 of the year in which the taxes first become due. **For purposes of IC 6-1.1-46, the due date is the date to which property taxes are deferred under IC 6-1.1-46.** However, if any proceeding is instituted to enforce the lien within the ten (10) year period, the limitation is extended, if necessary, to permit the termination of the proceeding.

(c) The lien of the state inures to taxing units which impose the property taxes on which the lien is based, and the lien is superior to all other liens.

(d) A taxing unit described in subsection (c) may institute a civil suit against a person or an entity liable for delinquent property taxes. The taxing unit may, after obtaining a judgment, collect:

- (1) delinquent real property taxes;
- (2) penalties due to the delinquency; and
- (3) costs and expenses incurred in collecting the delinquent property tax, including reasonable attorney's fees and court costs approved by a court with jurisdiction.

SECTION 111. IC 6-1.1-22-5-8, AS ADDED BY P.L.1-2004, SECTION 37, AND AS ADDED BY P.L.23-2004, SECTION 40, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A provisional statement must:

- (1) be on a form approved by the state board of accounts;

(2) except as provided in emergency rules adopted under section 20 of this chapter, indicate tax liability in the amount of ninety percent (90%) of the tax liability that was payable in the same year as the assessment date for the property for which the provisional statement is issued;

(3) indicate:

(A) that the tax liability under the provisional statement is determined as described in subdivision (2); and

(B) that property taxes billed on the provisional statement:

(i) are due and payable in the same manner as property taxes billed on a tax statement under IC 6-1.1-22-8; and

(ii) will be credited against a reconciling statement;

(4) include ~~a the following~~ statement in the following or a substantially similar form, as determined by the department of local government finance:

"Under Indiana law, _____ County (insert county) has elected to send provisional statements because the county did not complete the abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in (insert year) in each taxing district before March 16, (insert year). The statement is due to be paid in installments on May 10 and November 10. The statement is based on ninety percent (90%) of your tax liability for taxes payable in (insert year), subject to adjustment for any new construction on your property or any damage to your property. After the abstract of property is complete, you will receive a reconciling statement in the amount of your actual tax liability for taxes payable in (insert year), minus the amount you pay under this provisional statement.";

(5) indicate liability for:

(A) delinquent:

(i) taxes; and

(ii) special assessments;

(B) penalties; and

(C) interest;

is allowed to appear on the tax statement under IC 6-1.1-22-8 for the May installment of property taxes in the year in which the provisional tax statement is issued; and

(6) include any other information the county treasurer requires.

(b) A provisional statement must include the information concerning the deferral of property taxes under IC 6-1.1-46 that is required in a statement under IC 6-1.1-22-8.

SECTION 112. IC 6-1.1-22.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Except as provided in section 12 of this chapter and IC 6-1.1-46, property taxes billed on a provisional statement are due in two (2) equal installments on May 10 and November 10 of the year following the assessment date covered by the provisional statement.

SECTION 113. IC 6-1.1-22.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Except as provided by subsection (c), each reconciling statement must indicate:

(1) the actual property tax liability under this article on the assessment determined for the assessment date for the property for which the reconciling statement is issued;

(2) the total amount paid under the provisional statement for the property for which the reconciling statement is issued;

(3) if the amount under subdivision (1) exceeds the amount under subdivision (2), that the excess is payable by the taxpayer:

(A) as a final reconciliation of the tax liability; and

(B) not later than:

(i) thirty (30) days after the date of the reconciling statement; or

(ii) if the county treasurer requests in writing that the commissioner designate a later date, the date designated by the commissioner; and

(4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.

(b) If, upon receipt of the abstract referred to in section 6 of this chapter, the county treasurer determines that it is possible to complete the:

(1) preparation; and

(2) mailing or transmittal;

of the reconciling statement at least thirty (30) days before the due date of the November installment specified in the provisional statement, the county treasurer may request in writing that the department of local government finance permit the county treasurer to issue a reconciling statement that adjusts the amount of the November installment that was specified in the provisional statement. If the department approves the county treasurer's request, the county treasurer shall prepare and mail or transmit the reconciling statement at least thirty (30) days before the due date of the November installment specified in the provisional statement.

(c) A reconciling statement prepared under subsection (b) must indicate:

(1) the actual property tax liability under this article on the assessment determined for the assessment date for the property for which the reconciling statement is issued;

(2) the total amount of the May installment paid under the provisional statement for the property for which the reconciling statement is issued;

(3) if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount of the November installment that is payable by the taxpayer:

(A) as a final reconciliation of the tax liability; and

(B) not later than:

(i) November 10; or

(ii) if the county treasurer requests in writing that the commissioner designate a later date, the date designated by the commissioner; and

(4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.

(d) A reconciling statement must include the information concerning the deferral of property taxes under IC 6-1.1-46 that is required in a statement under IC 6-1.1-22-8.

SECTION 114. IC 6-1.1-22.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. For purposes of IC 6-1.1-24-1(a)(1):

(1) the May installment on a provisional statement is considered to be the taxpayer's spring installment of property taxes;

(2) except as provided in subdivision (3) and IC 6-1.1-46, payment on a reconciling statement is considered to be due before the due date of the May installment of property taxes payable in the following year; and

(3) payment on a reconciling statement described in section 12(b) of this chapter is considered to be the taxpayer's fall installment of property taxes.

SECTION 115. IC 6-1.1-23-1, AS AMENDED BY P.L.214-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Annually, after November 10th but before August 1st of the succeeding year, each county treasurer shall serve a written demand upon each county resident who is delinquent in the payment of personal property taxes. Annually, after May 10 but before October 31 of the same year, each county treasurer may serve a written demand upon a county resident who is delinquent in the payment of personal property taxes. The written demand may be served upon the taxpayer:

(1) by registered or certified mail;

(2) in person by the county treasurer or the county treasurer's agent; or

(3) by proof of certificate of mailing.

(b) The written demand required by this section shall contain:

(1) a statement that the taxpayer is delinquent in the payment of personal property taxes;

(2) the amount of the delinquent taxes;

(3) the penalties due on the delinquent taxes;

(4) the collection expenses which the taxpayer owes; and

(5) a statement that if the sum of the delinquent taxes, penalties, and collection expenses are not paid within thirty (30) days from the date the demand is made then:

(A) sufficient personal property of the taxpayer shall be sold to satisfy the total amount due plus the additional collection expenses incurred; or

(B) a judgment may be entered against the taxpayer in the circuit court of the county.

(c) Subsections (d) through (g) apply only to personal property that:

- (1) is subject to a lien of a creditor imposed under an agreement entered into between the debtor and the creditor after June 30, 2005;
- (2) comes into the possession of the creditor or the creditor's agent after May 10, 2006, to satisfy all or part of the debt arising from the agreement described in subdivision (1); and
- (3) has an assessed value of at least three thousand two hundred dollars (\$3,200).

(d) For the purpose of satisfying a creditor's lien on personal property, the creditor of a taxpayer that comes into possession of personal property on which the taxpayer is adjudicated delinquent in the payment of personal property taxes must pay in full to the county treasurer the amount of the delinquent personal property taxes determined under STEP SEVEN of the following formula from the proceeds of any transfer of the personal property made by the creditor or the creditor's agent before applying the proceeds to the creditor's lien on the personal property:

STEP ONE: Determine the amount realized from any transfer of the personal property made by the creditor or the creditor's agent after the payment of the direct costs of the transfer.

STEP TWO: Determine the amount of the delinquent taxes, including penalties and interest accrued on the delinquent taxes as identified on the form described in subsection (f) by the county treasurer.

STEP THREE: Determine the amount of the total of the unpaid debt that is a lien on the transferred property that was perfected before the assessment date on which the delinquent taxes became a lien on the transferred property.

STEP FOUR: Determine the sum of the STEP TWO amount and the STEP THREE amount.

STEP FIVE: Determine the result of dividing the STEP TWO amount by the STEP FOUR amount.

STEP SIX: Multiply the STEP ONE amount by the STEP FIVE amount.

STEP SEVEN: Determine the lesser of the following:

- (A) The STEP TWO amount.
- (B) The STEP SIX amount.

(e) This subsection applies to transfers made by a creditor after May 10, 2006. As soon as practicable after a creditor comes into possession of the personal property described in subsection (c), the creditor shall request the form described in subsection (f) from the county treasurer. Before a creditor transfers personal property described in subsection (d) on which delinquent personal property taxes are owed, the creditor must obtain from the county treasurer a delinquent personal property tax form and file the delinquent personal property tax form with the county treasurer. The creditor shall provide the county treasurer with:

- (1) the name and address of the debtor; and
- (2) a specific description of the personal property described in subsection (d);

when requesting a delinquent personal property tax form.

(f) The delinquent personal property tax form must be in a form prescribed by the state board of accounts under IC 5-11 and must require the following information:

- (1) The name and address of the debtor as identified by the creditor.
- (2) A description of the personal property identified by the creditor and now in the creditor's possession.
- (3) The assessed value of the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).
- (4) The amount of delinquent personal property taxes owed on the personal property identified by the creditor and now in the creditor's possession, as determined under subsection (g).
- (5) A statement notifying the creditor that ~~IC 6-11-23-1~~ **this section** requires that a creditor, upon the liquidation of personal property for the satisfaction of the creditor's lien, must pay in full the amount of delinquent personal property taxes owed as determined under subsection (d) on the personal property in the amount identified on this form from the proceeds of the liquidation before the proceeds of the liquidation may be

applied to the creditor's lien on the personal property.

(g) The county treasurer shall provide the delinquent personal property tax form described in subsection (f) to the creditor not later than fourteen (14) days after the date the creditor requests the delinquent personal property tax form. The ~~county and township assessors~~ **assessor** shall assist the county treasurer in determining the appropriate assessed value of the personal property and the amount of delinquent personal property taxes owed on the personal property. Assistance provided by the ~~county and township assessors~~ **assessor** must include providing the county treasurer with relevant personal property forms filed with the ~~assessors~~ **assessor** and providing the county treasurer with any other assistance necessary to accomplish the purposes of this section.

SECTION 116. IC 6-1.1-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

- (1) A list of tracts or real property eligible for sale under this chapter.
- (2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.
- (3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:
 - (A) the delinquent taxes and special assessments on each tract or item of real property;
 - (B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;
 - (C) all penalties due on the delinquencies;
 - (D) an amount prescribed by the county auditor that equals the sum of:
 - (i) twenty-five dollars (\$25) for postage and publication costs; and
 - (ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and
 - (E) any unpaid costs due under subsection (b) from a prior tax sale.
- (4) A statement that a person redeeming each tract or item of real property after the sale must pay:
 - (A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;
 - (B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;
 - (C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and
 - (D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.
- (5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The ~~township~~ **assessor**, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.
- (6) A statement that the county does not warrant the accuracy of the street address or common description of the property.
- (7) A statement indicating:
 - (A) the name of the owner of each tract or item of real property with a single owner; or
 - (B) the name of at least one (1) of the owners of each tract or

item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. Except as provided in section 5.5 of this chapter, the sale must take place on or after August 1 and before November 1 of each year.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 117. IC 6-1.1-25-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4.1. (a) If, as provided in section 4(f) of this chapter, the county auditor does not issue a deed to the county for property for which a certificate of sale has been issued to the county under IC 6-1.1-24-9 because the county executive determines that the property contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property, the property may be transferred consistent with the provisions of this section.

(b) A person who desires to obtain title to and eliminate the hazardous conditions of property containing hazardous waste or another environmental hazard for which a county holds a certificate of sale but to which a deed may not be issued to the county under section 4(f) of this chapter may file a petition with the county auditor seeking a waiver of the delinquent taxes, special assessments, interest, penalties, and costs assessed against the property and transfer of the title to the property to the petitioner. The petition must:

(1) be on a form prescribed by the state board of accounts and approved by the department of local government finance;

(2) state the amount of taxes, special assessments, penalties, and costs assessed against the property for which a waiver is sought;

(3) describe the conditions existing on the property that have prevented the sale or the transfer of title to the county;

(4) describe the plan of the petitioner for elimination of the hazardous condition on the property under IC 13-25-5 and the intended use of the property; and

(5) be accompanied by a fee established by the county auditor for completion of a title search and processing.

(c) Upon receipt of a petition described in subsection (b), the county auditor shall review the petition to determine whether the petition is complete. If the petition is not complete, the county auditor shall return the petition to the petitioner and describe the defects in the petition. The petitioner may correct the defects and file the completed petition with the county auditor. Upon receipt of a completed petition, the county auditor shall forward a copy of the petition to:

(1) the assessor of who serves the township area in which the property is located;

(2) the owner;

(3) all persons who have, as of the date of the filing of the petition, a substantial interest of public record in the property;

(4) the county property tax assessment board of appeals; and

(5) the department of local government finance.

(d) Upon receipt of a petition described in subsection (b), the county property tax assessment board of appeals shall, at the county property tax assessment board of appeals' earliest opportunity, conduct a public hearing on the petition. The county property tax assessment board of appeals shall, by mail, give notice of the date, time, and place fixed for the hearing to:

(1) the petitioner;

(2) the owner;

(3) all persons who have, as of the date the petition was filed, a substantial interest of public record in the property; and

(4) the assessor of who serves the township area in which the property is located.

In addition, notice of the public hearing on the petition shall be published one (1) time at least ten (10) days before the hearing in a newspaper of countywide circulation and posted at the principal office of the county property tax assessment board of appeals, or at the building where the meeting is to be held.

(e) After the hearing and completion of any additional investigation of the property or of the petitioner that is considered necessary by the county property tax assessment board of appeals, the county board shall give notice, by mail, to the parties listed in subsection (d) of the county property tax assessment board of appeals' recommendation as to whether the petition should be granted. The county property tax assessment board of appeals shall forward to the department of local government finance a copy of the county property tax assessment board of appeals' recommendation and a copy of the documents submitted to or collected by the county property tax assessment board of appeals at the public hearing or during the course of the county board of appeals' investigation of the petition.

(f) Upon receipt by the department of local government finance of a recommendation by the county property tax assessment board of appeals, the department of local government finance shall review the petition and all other materials submitted by the county property tax assessment board of appeals and determine whether to grant the petition. Notice of the determination by the department of local government finance and the right to seek an appeal of the determination shall be given by mail to:

(1) the petitioner;

(2) the owner;

- (3) all persons who have, as of the date the petition was filed, a substantial interest of public record in the property;
- (4) the assessor ~~of who serves the township area~~ in which the property is located; and
- (5) the county property tax assessment board of appeals.

(g) Any person aggrieved by a determination of the department of local government finance under subsection (f) may file an appeal seeking additional review by the department of local government finance and a public hearing. In order to obtain a review under this subsection, the aggrieved person must file a petition for appeal with the county auditor in the county where the tract or item of real property is located not more than thirty (30) days after issuance of notice of the determination of the department of local government finance. The county auditor shall transmit the petition for appeal to the department of local government finance not more than ten (10) days after the petition is filed.

(h) Upon receipt by the department of local government finance of an appeal, the department of local government finance shall set a date, time, and place for a hearing. The department of local government finance shall give notice, by mail, of the date, time, and place fixed for the hearing to:

- (1) the person filing the appeal;
- (2) the petitioner;
- (3) the owner;
- (4) all persons who have, as of the date the petition was filed, a substantial interest of public record in the property;
- (5) the assessor ~~of who serves the township area~~ in which the property is located; and
- (6) the county property tax assessment board of appeals.

The department of local government finance shall give the notices at least ten (10) days before the day fixed for the hearing.

(i) After the hearing, the department of local government finance shall give the parties listed in subsection (h) notice by mail of the final determination of the department of local government finance.

(j) If the department of local government finance decides to:

- (1) grant the petition submitted under subsection (b) after initial review of the petition under subsection (f) or after an appeal under subsection (h); and
- (2) waive the taxes, special assessments, interest, penalties, and costs assessed against the property;

the department of local government finance shall issue to the county auditor an order directing the removal from the tax duplicate of the taxes, special assessments, interest, penalties, and costs for which the waiver is granted.

(k) After:

- (1) at least thirty (30) days have passed since the issuance of a notice by the department of local government finance to the county property tax assessment board of appeals granting a petition filed under subsection (b), if no appeal has been filed; or
- (2) not more than thirty (30) days after receipt by the county property tax assessment board of appeals of a notice of a final determination of the department of local government finance granting a petition filed under subsection (b) after an appeal has been filed and heard under subsection (h);

the county auditor shall file a verified petition and an application for an order on the petition in the court in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed to the real property. The petition shall contain the certificate of sale issued to the county, a copy of the petition filed under subsection (b), and a copy of the notice of the final determination of the department of local government finance directing the county auditor to remove the taxes, interest, penalties, and costs from the tax duplicate. Notice of the filing of the petition and application for an order on the petition shall be given, by mail, to the owner and any person with a substantial interest of public record in the property. A person owning or having an interest in the property may appear to object to the petition.

(l) The court shall enter an order directing the county auditor to issue a tax deed to the petitioner under subsection (b) if the court finds that the following conditions exist:

- (1) The time for redemption has expired.
- (2) The property has not been redeemed before the expiration

of the period of redemption specified in section 4 of this chapter.

(3) All taxes, special assessments, interest, penalties, and costs have been waived by the department of local government finance or, to the extent not waived, paid by the petitioner under subsection (b).

(4) All notices required by this section and sections 4.5 and 4.6 of this chapter have been given.

(5) The petitioner under subsection (b) has complied with all the provisions of law entitling the petitioner to a tax deed.

(m) A tax deed issued under this section is uncontestable except by appeal from the order of the court directing the county auditor to issue the tax deed. The appeal must be filed not later than sixty (60) days after the date of the court's order.

SECTION 118. IC 6-1.1-29-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) A county council may adopt an ordinance to abolish the county board of tax adjustment. This ordinance must be adopted by July 1 and may not be rescinded in the year it is adopted. Notwithstanding IC 6-1.1-17, IC 6-1.1-18, IC 6-1.1-19, IC 12-19-7, ~~IC 12-19-7.5~~, IC 21-2-14, IC 36-8-6, IC 36-8-7, IC 36-8-7.5, IC 36-8-11, IC 36-9-3, IC 36-9-4, and IC 36-9-13, if such an ordinance is adopted, this section governs the treatment of tax rates, tax levies, and budgets that would otherwise be reviewed by a county board of tax adjustment under IC 6-1.1-17.

(b) The time requirements set forth in IC 6-1.1-17 govern all filings and notices.

(c) A tax rate, tax levy, or budget that otherwise would be reviewed by the county board of tax adjustment is considered and must be treated for all purposes as if the county board of tax adjustment approved the tax rate, tax levy, or budget. This includes the notice of tax rates that is required under IC 6-1.1-17-12.

SECTION 119. IC 6-1.1-31-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) Subject to this article, the rules adopted by the department of local government finance are the basis for determining the true tax value of tangible property.

(b) ~~Local~~ Assessing officials ~~members of the county property tax assessment board of appeals~~; and county assessors shall:

- (1) comply with the rules, appraisal manuals, bulletins, and directives adopted by the department of local government finance;
- (2) use the property tax forms, property tax returns, and notice forms prescribed by the department; and
- (3) collect and record the data required by the department.

(c) In assessing tangible property, ~~the township assessors, members of the county property tax assessment board of appeals, and~~ county assessors ~~and assessing officials~~ may consider factors in addition to those prescribed by the department of local government finance if the use of the additional factors is first approved by the department. Each ~~township assessor, of the county property tax assessment board of appeals, and the county assessor and assessing official~~ shall indicate on ~~his~~ the records for each individual assessment whether:

- (1) only the factors contained in the department's rules, forms, and returns have been considered; or
- (2) factors in addition to those contained in the department's rules, forms, and returns have been considered.

SECTION 120. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;
- (2) process and maintain standardized property tax forms;
- (3) process and maintain standardized property assessment notices;
- (4) maintain complete and accurate assessment records for the county; and
- (5) process and compute complete and accurate assessments in accordance with Indiana law.

The county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county except in a county with an

~~elect~~ a township assessor in every township. In a county with ~~an~~ ~~elect~~ a township assessor in every township, the ~~elect~~ township assessors shall select a computer system based on a majority vote of the township assessors in the county.

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;
- (2) the county assessor;
- (3) the department of local government finance; and
- (4) members of the county property tax assessment board of appeals.

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

(1) a uniform and common property tax management system among all counties that:

- (A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and
- (B) replaces the computer system referred to in subsection (a); and

(2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:

- (A) determined by the department; and
- (B) specified in the rule.

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the committee. The committee:

(1) must include at least:

- (A) one (1) township assessor;
- (B) one (1) county assessor;
- (C) one (1) county auditor; and
- (D) one (1) county treasurer; and

(2) shall meet at times and locations determined by the department.

(g) Each member of the committee appointed under subsection (f) who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee appointed under subsection (f) who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The department shall report to the budget committee in writing the department's estimate of the cost of implementation of the system referred to in subsection (e).

SECTION 121. IC 6-1.1-33.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. The division of data analysis shall do the following:

- (1) Compile an electronic data base that includes the following:
 - (A) The local government data base.
 - (B) Information on sales of real and personal property, including nonconfidential information from sales disclosure

forms filed under IC 6-1.1-5.5.

(C) Personal property assessed values and data entries on personal property return forms.

(D) Real property assessed values and data entries on real property assessment records.

(E) Information on property tax exemptions, deductions, and credits.

(F) Any other data relevant to the accurate determination of real property and personal property tax assessments.

(2) Make available to:

(A) each county; and

(B) **each township that has a township assessor;**

software that permits the transfer of the data described in subdivision (1) to the division in a uniform format through a secure connection over the Internet.

(3) Analyze the data compiled under this section for the purpose of performing the functions under section 3 of this chapter.

(4) Conduct continuing studies of personal and real property tax deductions, abatements, and exemptions used throughout Indiana. The division of data analysis shall, before May 1 of each even-numbered year, report on the studies at a meeting of the budget committee and submit a report on the studies to the legislative services agency for distribution to the members of the legislative council. The report must be in an electronic format under IC 5-14-6.

SECTION 122. IC 6-1.1-35-1.1, AS AMENDED BY P.L.88-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1.1. (a) Each county assessor and each ~~elect~~ township assessor who has not attained the certification of a "level two" assessor-appraiser under IC 6-1.1-35.5 must employ at least one (1) certified "level two" assessor-appraiser.

(b) Each county assessor and each township assessor must:

(1) attain the certification of a "level one" assessor-appraiser not later than one (1) year after taking office; and

(2) attain the certification of a "level two" assessor-appraiser not later than two (2) years after taking office.

(c) A county assessor or ~~elect~~ township assessor who does not comply with subsection (b) is subject to forfeiture of the part of the assessor's annual compensation that relates to real property assessment duties. The county fiscal body may reduce the appropriations for the annual compensation of a township assessor or county assessor under this subsection in an amount that bears the same proportion to the assessor's annual compensation that the time during the year required for the performance of the assessor's real property assessment duties bears to the time during the year required for the performance of the assessor's overall duties. The assessor's annual compensation is reduced by the amount of the appropriation reduction.

(d) ~~A trustee assessor who does not comply with subsection (b) relinquishes all duties relating to real property assessment to the county assessor until the trustee assessor complies with subsection (b):~~

(e) ~~Not later than six (6) months after taking office, a trustee assessor must notify the county assessor in writing concerning whether the trustee assessor intends to comply with subsection (b): A trustee assessor who notifies the county assessor that the trustee assessor does not intend to comply with subsection (b) relinquishes all duties relating to real property assessment to the county assessor until the trustee assessor complies with subsection (b):~~

SECTION 123. IC 6-1.1-35-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. **A county assessor may establish standards and procedures for the conduct of assessment and reassessment activities under this article in the county. Each county assessor in a county in which there is at least one (1) township assessor shall annually call at least one (1) meeting of the township assessors of the county. At the meeting, the county assessor shall advise and instruct the township assessors with respect to their duties under the law, including their duties under standards and procedures established by the county assessor under this section.** In addition, another purpose of the meeting is to promote intra-county uniformity in assessment procedures. The county assessor may call additional meetings of the township assessors for the purposes stated in this section. A township assessor shall receive

a per diem expense allowance for each day that ~~he~~ **the township assessor** attends a meeting called by the county assessor under this section. The county council shall determine the amount of that per diem expense allowance.

SECTION 124. IC 6-1.1-35-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. (a) All information that is related to earnings, income, profits, losses, or expenditures and that is:

- (1) given by a person to:
 - (A) an assessing official;
 - (B) a member of a county property tax assessment board of appeals;
 - (C) a county assessor;
 - (D) an employee of a person referred to in clauses (A) through (C); or
 - (E) an officer or employee of an entity that contracts with a board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** under IC 6-1.1-36-12; or
- (2) acquired by:
 - (A) an assessing official;
 - (B) a member of a county property tax assessment board of appeals;
 - (C) a county assessor;
 - (D) an employee of a person referred to in clauses (A) through (C); or
 - (E) an officer or employee of an entity that contracts with a board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** under IC 6-1.1-36-12;

in the performance of the person's duties;

is confidential. The assessed valuation of tangible property is a matter of public record and is thus not confidential. Confidential information may be disclosed only in a manner that is authorized under subsection (b), (c), or (d).

(b) Confidential information may be disclosed to:

- (1) an official or employee of:
 - (A) this state or another state;
 - (B) the United States; or
 - (C) an agency or subdivision of this state, another state, or the United States;

if the information is required in the performance of the official duties of the official or employee; or

- (2) an officer or employee of an entity that contracts with a board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** under IC 6-1.1-36-12 if the information is required in the performance of the official duties of the officer or employee.

(c) The following state agencies, or their authorized representatives, shall have access to the confidential farm property records and schedules that are on file in the office of a county or township assessor:

- (1) the Indiana state board of animal health, in order to perform its duties concerning the discovery and eradication of farm animal diseases;
- (2) the department of agricultural statistics of Purdue University, in order to perform its duties concerning the compilation and dissemination of agricultural statistics; and
- (3) any other state agency that needs the information in order to perform its duties.

(d) Confidential information may be disclosed during the course of a judicial proceeding in which the regularity of an assessment is questioned.

(e) Confidential information that is disclosed to a person under subsection (b) or (c) retains its confidential status. Thus, that person may disclose the information only in a manner that is authorized under subsection (b), (c), or (d).

(f) Notwithstanding any other provision of law:

- (1) a person who:
 - (A) is an officer or employee of an entity that contracts with a board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** under IC 6-1.1-36-12; and
 - (B) obtains confidential information under this section;
 may not disclose that confidential information to any other person; and

(2) a person referred to in subdivision (1) must return all confidential information to the taxpayer not later than fourteen (14) days after the earlier of:

- (A) the completion of the examination of the taxpayer's personal property return under IC 6-1.1-36-12; or
- (B) the termination of the contract.

SECTION 125. IC 6-1.1-35-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) An assessing official, member of a county property tax assessment board of appeals, a state board member, or an employee of any assessing official, county assessor, or board shall immediately be dismissed from that position if the person discloses in an unauthorized manner any information that is classified as confidential under section 9 of this chapter.

(b) If an officer or employee of an entity that contracts with a board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** under IC 6-1.1-36-12 discloses in an unauthorized manner any information that is classified as confidential under section 9 of this chapter:

- (1) the contract between the entity and the board is void as of the date of the disclosure;
- (2) the entity forfeits all right to payments owed under the contract after the date of disclosure;
- (3) the entity and its affiliates are barred for three (3) years after the date of disclosure from entering into a contract with a board, a county assessor, or ~~an elected~~ **a township assessor** under IC 6-1.1-36-12; and
- (4) the taxpayer whose information was disclosed has a right of action for triple damages against the entity.

SECTION 126. IC 6-1.1-36-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) A board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** may enter into a properly approved contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

- (1) examine and verify the accuracy of personal property returns filed by taxpayers with a township assessor of a township in the county; and
- (2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

(b) The investigation and collection expenses of a contract under subsection (a) may be deducted from the gross amount of taxes collected on the undervalued or omitted property that is so discovered. The remainder of the taxes collected on the undervalued or omitted property shall be distributed to the appropriate taxing units.

(c) A board of county commissioners, a county assessor, or ~~an elected~~ **a township assessor** may not contract for services under subsection (a) on a percentage basis.

SECTION 127. IC 6-1.1-36-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13. When a political subdivision is formed, the auditor of the county in which the political subdivision is situated shall, at the written request of the legislative body of the political subdivision, prepare a list of all the lands and lots within the limits of the political subdivision, and the county auditor shall deliver the list to the appropriate ~~township~~ **assessor** on or before the assessment date which immediately follows the date of incorporation. The county auditor shall use the records in the auditor's office in order to compile the list.

SECTION 128. IC 6-1.1-37-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. A county or ~~township assessor, an assessing official, member of a county or state board, or employee a representative of such an official or board the~~ **department of local government finance** who:

- (1) knowingly assesses any property at more or less than what ~~he~~ **the county assessor, official, or representative** believes is the proper assessed value of the property;
- (2) knowingly fails to perform any of the duties imposed on ~~him~~

the county assessor, official, or representative under the general assessment provisions of this article; or

(3) recklessly violates any of the other general assessment provisions of this article;

commits a Class A misdemeanor.

SECTION 129. IC 6-1.1-37-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. (a) If a person fails to file a required personal property return on or before the due date, the county auditor shall add a penalty of twenty-five dollars (\$25) to the person's next property tax installment. The county auditor shall also add an additional penalty to the taxes payable by the person if ~~he~~ **the person** fails to file the personal property return within thirty (30) days after the due date. The amount of the additional penalty is twenty percent (20%) of the taxes finally determined to be due with respect to the personal property which should have been reported on the return.

(b) For purposes of this section, a personal property return is not due until the expiration of any extension period granted by the ~~township~~ assessor under IC 6-1.1-3-7(b).

(c) The penalties prescribed under this section do not apply to an individual or ~~his~~ **the individual's** dependents if ~~he~~ **the individual**:

(1) is in the military or naval forces of the United States on the assessment date; and

(2) is covered by the federal Soldiers' and Sailors' Civil Relief Act.

(d) If a person subject to IC 6-1.1-3-7(d) fails to include on a personal property return the information, if any, that the department of local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13, the county auditor shall add a penalty to the property tax installment next due for the return. The amount of the penalty is twenty-five dollars (\$25).

(e) If the total assessed value that a person reports on a personal property return is less than the total assessed value that the person is required by law to report and if the amount of the undervaluation exceeds five percent (5%) of the value that should have been reported on the return, then the county auditor shall add a penalty of twenty percent (20%) of the additional taxes finally determined to be due as a result of the undervaluation. The penalty shall be added to the property tax installment next due for the return on which the property was undervalued. If a person has complied with all of the requirements for claiming a deduction, an exemption, or an adjustment for abnormal obsolescence, then the increase in assessed value that results from a denial of the deduction, exemption, or adjustment for abnormal obsolescence is not considered to result from an undervaluation for purposes of this subsection.

(f) A penalty is due with an installment under subsection (a), (d), or (e) whether or not an appeal is filed under IC 6-1.1-15-5 with respect to the tax due on that installment.

SECTION 130. IC 6-1.1-37-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7.5. A person who fails to provide, within forty-five (45) days after the filing deadline, evidence of the filing of a personal property return to the assessor, ~~of the township in which the owner resides~~, as required under IC 6-1.1-3-1(d), shall pay to:

(1) the township in which the owner resides if the township is served by a township assessor; or

(2) the county in which the owner resides if subsection (1) does not apply;

a penalty equal to ten percent (10%) of the tax liability.

SECTION 131. IC 6-1.1-37-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. ~~A township~~ **An assessor** shall inform the county auditor of any vending machine which does not, as required under ~~IC 1971~~, IC 6-1.1-3-8, have an identification device on its face. The county auditor shall then add a one dollar (**\$1.00**) penalty to the next property tax installment of the person on whose premises the machine is located.

SECTION 132. IC 6-1.1-42-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 27. (a) A property owner who desires to obtain the deduction provided by section 24 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (c), the deduction

application must be filed before May 10 of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the ~~township~~ assessor.

(c) The certified deduction application required by this section must contain the following information:

(1) The name of each owner of the property.

(2) A certificate of completion of a voluntary remediation under IC 13-25-5-16.

(3) Proof that each owner who is applying for the deduction:

(A) has never had an ownership interest in an entity that contributed; and

(B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

(4) Proof that the deduction was approved by the appropriate designating body.

(5) A description of the property for which a deduction is claimed in sufficient detail to afford identification.

(6) The assessed value of the improvements before remediation and redevelopment.

(7) The increase in the assessed value of improvements resulting from remediation and redevelopment.

(8) The amount of the deduction claimed for the first year of the deduction.

(d) A certified deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of property is made and each subsequent year to which the deduction applies under the resolution adopted under section 24 of this chapter.

(e) A property owner who desires to obtain the deduction provided by section 24 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year which is applicable for the year filed and the subsequent years without any additional certified deduction application being filed for the amounts of the deduction which would be applicable to such years under this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) On verification of the correctness of a certified deduction application by the assessor ~~of who serves the township area~~ in which the property is located, the county auditor shall, if the property is covered by a resolution adopted under section 24 of this chapter, make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 24 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

(1) is a person that:

(A) has never had an ownership interest in an entity that contributed; and

(B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management;

(2) continues to use the property in compliance with any standards established under sections 7 and 23 of this chapter; and

(3) files an application in the manner provided by subsection (e).

(h) The ~~township~~ assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

SECTION 133. IC 6-1.1-45.5-3, AS ADDED BY P.L.208-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. On receipt of a petition

under section 2 of this chapter, the county auditor shall determine whether the petition is complete. If the petition is not complete, the county auditor shall return the petition to the petitioner and describe the defects in the petition. The petitioner may correct the defects and file the completed petition with the county auditor. On receipt of a complete petition, the county auditor shall forward a copy of the complete petition to:

- (1) the assessor ~~of who serves the township area~~ in which the brownfield is located;
- (2) the owner, if different from the petitioner;
- (3) all persons that have, as of the date of the filing of the petition, a substantial property interest of public record in the brownfield;
- (4) the board;
- (5) the fiscal body;
- (6) the department of environmental management; and
- (7) the department.

SECTION 134. IC 6-1.1-45.5-4, AS ADDED BY P.L.208-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. On receipt of a complete petition as provided under sections 2 and 3 of this chapter, the board shall at its earliest opportunity conduct a public hearing on the petition. The board shall give notice of the date, time, and place fixed for the hearing:

- (1) by mail to:
 - (A) the petitioner;
 - (B) the owner, if different from the petitioner;
 - (C) all persons that have, as of the date the petition was filed, a substantial interest of public record in the brownfield; and
 - (D) the assessor ~~of who serves the township area~~ in which the brownfield is located; and
- (2) under IC 5-3-1.

SECTION 135. IC 6-1.1-45.5-8, AS ADDED BY P.L.208-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The department shall give notice of its determination under section 7 of this chapter and the right to seek an appeal of the determination by mail to:

- (1) the petitioner;
- (2) the owner, if different from the petitioner;
- (3) all persons that have, as of the date the petition was filed under section 2 of this chapter, a substantial property interest of public record in the brownfield;
- (4) the assessor ~~of who serves the township area~~ in which the brownfield is located;
- (5) the board;
- (6) the fiscal body; and
- (7) the county auditor.

(b) A person aggrieved by a determination of the department under section 7 of this chapter may obtain an additional review by the department and a public hearing by filing a petition for review with the county auditor of the county in which the brownfield is located not more than thirty (30) days after the department gives notice of the determination under subsection (a). The county auditor shall transmit the petition to the department not more than ten (10) days after the petition is filed.

(c) On receipt by the department of a petition for review, the department shall set a date, time, and place for a hearing. At least ten (10) days before the date fixed for the hearing, the department shall give notice by mail of the date, time, and place fixed for the hearing to:

- (1) the person that filed the appeal;
- (2) the petitioner;
- (3) the owner, if different from the petitioner;
- (4) all persons that have, as of the date the petition is filed, a substantial interest of public record in the brownfield;
- (5) the assessor ~~of who serves the township area~~ in which the brownfield is located;
- (6) the board;
- (7) the fiscal body; and
- (8) the county auditor.

(d) After the hearing, the department shall give the parties listed in subsection (c) notice by mail of the final determination of the department. The department's final determination under this

subsection is subject to the limitations in subsections (f)(2) and (g).

(e) The petitioner under section 2 of this chapter shall provide to the county auditor reasonable proof of ownership of the brownfield:

- (1) if a petition is not filed under subsection (b), at least thirty (30) days but not more than one hundred twenty (120) days after notice is given under subsection (a); or
- (2) after notice is given under subsection (d) but not more than ninety (90) days after notice is given under subsection (d).

(f) The county auditor:

- (1) shall, subject to subsection (g), reduce or remove the delinquent tax liability on the tax duplicate in the amount stated in:

- (A) if a petition is not filed under subsection (b), the determination of the department under section 7 of this chapter; or
- (B) the final determination of the department under this section;

not more than thirty (30) days after receipt of the proof of ownership required in subsection (e); and

(2) may not reduce or remove any delinquent tax liability on the tax duplicate if the petitioner under section 2 of this chapter fails to provide proof of ownership as required in subsection (e).

(g) A reduction or removal of delinquent tax liability under subsection (f) applies until the county auditor makes a determination under this subsection. After the date referred to in section 2(6) of this chapter, the county auditor shall determine if the petitioner successfully completed the plan described in section 2(5) of this chapter by that date. If the county auditor determines that the petitioner completed the plan by that date, the reduction or removal of delinquent tax liability under subsection (f) becomes permanent. If the county auditor determines that the petitioner did not complete the plan by that date, the county auditor shall restore to the tax duplicate the delinquent taxes reduced or removed under subsection (f), along with interest in the amount that would have applied if the delinquent taxes had not been reduced or removed.

SECTION 136. IC 6-1.1-46 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 46. Property Tax Payment Deferral Program

Sec. 1. As used in this chapter, "base amount" means the amount of homestead property tax liability that is not subject to deferral, as determined under this chapter.

Sec. 2. As used in this chapter, "blind" has the meaning set forth in IC 6-1.1-12-11.

Sec. 3. As used in this chapter, "defer" means to delay the due date on which property taxes would otherwise be first due and payable.

Sec. 4. As used in this chapter, "disabled person" has the meaning set forth in IC 6-1.1-12-11.

Sec. 5. As used in this chapter, "homestead" has the meaning set forth in IC 6-1.1-20-9-1.

Sec. 6. As used in this chapter, "homestead property tax liability" refers to a liability for property taxes:

- (1) that are assessed on tangible property that is a homestead; and
- (2) that would be first due and payable in a certain year if the property taxes were not deferred under this chapter.

The term refers to a property tax liability after the application of all deductions and credits for which the homestead is eligible.

Sec. 7. (a) As used in this chapter, "property taxes" refers to ad valorem property taxes.

(b) The term does not include the following:

- (1) Special assessments.
- (2) Fees or charges that are included by law on a tax statement issued under IC 6-1.1-22-8 or IC 6-1.1-22.5.

Sec. 8. As used in this chapter, "qualified individual" means an individual who meets all of the following criteria:

- (1) Has a qualified interest in a homestead on the assessment date for which homestead property tax liability is imposed.
- (2) Uses the homestead in which the individual has a qualified interest as the individual's principal place of residence.
- (3) Either:

(A) is not delinquent in the payment of:

- (i) any property taxes that are not deferred under this chapter, special assessments, or fees or charges that are included by law on a tax statement issued under IC 6-1.1-22-8 or IC 6-1.1-22.5 or a statement in another state; or
- (ii) penalties or interest imposed for property taxes, special assessments, or fees or charges, including any deferred property taxes; or

(B) has been granted a waiver from the requirements of this subdivision by the county auditor in the county where the homestead is located.

(4) Is:

- (A) at least sixty-five (65) years of age;
- (B) blind; or
- (C) a disabled person.

Sec. 9. As used in this chapter, "qualified interest" means the following:

- (1) An ownership interest in a homestead.
- (2) A beneficial interest in an entity that has an ownership interest in a homestead or a contract interest described in subdivision (3).
- (3) An interest in a contract for the purchase of a homestead that:
 - (A) is recorded in the county recorder's office; and
 - (B) provides that a person purchasing the homestead is to pay the property taxes on the homestead.

Sec. 10. As used in this chapter, "qualified taxpayer" means any of the following persons:

- (1) A qualified individual.
- (2) An entity in which a qualified individual has a beneficial interest.

Sec. 11. Beginning with property taxes first due and payable in 2007, a qualified taxpayer may defer the due date for the part of the qualified taxpayer's homestead property tax liability permitted under this chapter.

Sec. 12. Property taxes deferred under this chapter are due and payable thirty (30) days after the date on which a deferral termination event described in section 13 of this chapter occurs.

Sec. 13. (a) Subject to subsections (b), (c), and (d), a deferral termination event occurs on the earliest of the following dates:

- (1) The first date on which none of the qualified individuals who had a qualified interest in the homestead when the property taxes were deferred:
 - (A) use the homestead as their principal place of residence; or
 - (B) have a qualified interest in the homestead.

(2) The first date on which the mortgages and liens of record on the homestead exceed the assessed value of the homestead.

(3) The date on which a person with an ownership interest in the homestead files for bankruptcy or the homestead property is placed in receivership.

(b) For purposes of subsection (a), an individual shall be treated as using a homestead as the individual's principal place of residence if the individual:

- (1) is absent from the homestead while in a health care facility (as defined in IC 16-18-2-161 or IC 16-28-13-0.5); and
- (2) used the homestead as the individual's principal place of residence immediately before being admitted to a health care facility (as defined in IC 16-18-2-161 or IC 16-28-13-0.5).

(c) The estate of a deceased individual shall be treated as having the same rights the deceased individual had immediately before the individual died to do the following:

- (1) Defer taxes that would otherwise be due and payable in the year the individual died.
- (2) Continue to defer taxes that were deferred before the individual died.

(d) This subsection applies only to a surviving spouse who was not a qualified individual on the date on which property taxes were deferred. If a deceased individual was a qualified individual on the date on which property taxes were deferred, the deceased

individual's surviving spouse shall be treated after the deceased individual's death as if the surviving spouse had been a qualified individual on the date on which property taxes were deferred if:

- (1) the homestead was the surviving spouse's principal place of residence when the deceased individual died;
- (2) the surviving spouse has a qualifying interest in the homestead not later than the later of:
 - (A) the date of the deceased individual's death; or
 - (B) the date on which the estate of the deceased individual transfers any part of the ownership of the homestead from the estate; and
- (3) the surviving spouse:
 - (A) is unmarried; or
 - (B) marries only after the surviving spouse becomes:
 - (i) at least sixty-five (65) years of age;
 - (ii) blind; or
 - (iii) a disabled person.

Sec. 14. The maximum amount that may be deferred in a year under this chapter is equal to the lesser of the following:

- (1) The amount by which the homestead property tax liability on the current assessment date exceeds the base amount for the homestead.
- (2) An amount equal to the assessed value of the homestead after subtracting the amount of all recorded mortgages and liens on the property on the date on which the property taxes would otherwise be first due and payable, excluding the lien for property taxes imposed on the current assessment date.

Sec. 15. The initial base amount for a homestead is determined as follows:

- (1) If at least one (1) individual who is a qualified individual on the current assessment date qualified as a qualified individual on the first assessment date for the homestead after January 15, 2001, the initial base amount is the lesser of the following:
 - (A) One hundred twenty-five percent (125%) of the homestead property tax liability for the first assessment date for the homestead after January 15, 2001.
 - (B) The homestead property tax liability for the first assessment date for the homestead after January 15, 2002.

- (2) If subdivision (1) does not apply, the initial base amount is the homestead property tax liability for the first assessment date for the homestead on which at least one (1) individual who is a qualified individual on the current assessment date qualified as a qualified individual.

Sec. 16. The base amount for a homestead is increased in any year in which the homestead property tax liability for the current assessment date exceeds the base amount that applied to the immediately preceding assessment date, including years occurring before calendar year 2007. The amount by which the base amount is increased under this section is equal to the amount determined under STEP SIX of the following formula:

STEP ONE: Determine the greater of zero (0) or the difference between the homestead property tax liability for the current assessment date and the base amount that applied to the immediately preceding assessment date.

STEP TWO: Determine the greater of zero (0) or the part of the STEP ONE amount, if any, that is attributable to an improvement to the homestead that is assessed for the first time on the current assessment date.

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Determine the greater of the following:

- (A) Zero (0).
- (B) The STEP THREE amount.

STEP FIVE: Determine the lesser of the following:

- (A) The STEP FOUR amount.
- (B) One-tenth (0.1) of the base amount for the immediately preceding assessment date.

STEP SIX: Add the STEP TWO amount and the STEP FIVE amount.

The STEP SIX amount becomes the new base amount for subsequent assessment dates.

Sec. 17. To qualify for a deferral of homestead property tax liability in any year under this chapter, a qualified taxpayer must apply for the deferral:

- (1) on the form, in the manner, and with the information prescribed by the department of local government finance; and
- (2) before the date on which the installment being deferred is first due and payable.

The department of local government finance may provide forms allowing a qualified taxpayer to elect to defer property taxes for more than one (1) year. If the department of local government permits a multiyear election, the department of local government finance shall provide for the filing of amended forms whenever any of the information in a previously filed form ceases to be accurate or complete.

Sec. 18. An application for a deferral under this chapter must be filed with the county auditor in the county where the homestead is located. Upon the filing of an application, the county auditor shall immediately:

- (1) notify the county treasurer and transmit the information that the county treasurer needs to match the application with county treasurer's records related to the homestead; and
- (2) review the application to determine:
 - (A) whether the applicant qualifies for a deferral; and
 - (B) the amount that may be deferred.

Sec. 19. The filing of an application waives any interest and penalties that would otherwise be imposed for the nonpayment of property taxes by the due date only to the extent that the county auditor approves the application for the amount of the unpaid property taxes.

Sec. 20. If the applicant is qualified under this chapter for a deferral, the county auditor shall:

- (1) approve the deferral in the lesser of:
 - (A) the amount requested by the applicant; or
 - (B) the maximum amount that may be deferred in the year;
- (2) provide for the recording of the deferral in the office of the county recorder on the form and in the manner prescribed by the department of local government finance; and
- (3) notify the county treasurer and the department of local government finance of the amount deferred on the form and in the manner prescribed by the department of local government finance.

Sec. 21. An amount approved for deferral under this chapter for a particular year does not accrue interest until the fifth year after the amount otherwise would have been due if the amount had not been deferred. Beginning in the fifth year and on the installment date on which the amount otherwise would have been due, the deferred amount accrues interest at the rate set under IC 6-8.1-10-1 for delinquent listed taxes. The department of local government finance shall at least annually notify each county auditor of the interest rate that applies in the year to deferred property taxes. The amount of interest due shall be included in the next statement to the taxpayer mailed or transmitted under IC 6-1.1-22-8 or IC 6-1.1-22.5. The due date for the payment of interest imposed under this section is the first regular installment date after the mailing or transmission of the statement. Interest imposed under this section shall be deposited and distributed to taxing units in the same manner as interest and penalties on delinquent taxes. The nonpayment of interest due under this section shall be treated in the same manner as delinquent property taxes.

Sec. 22. Deferred property taxes may be paid at any time on or before the delayed due date established by this chapter without interest and penalties other than the interest imposed under this chapter. Payment of deferred property taxes after the delayed due date established by this chapter shall be collected in the same manner as delinquent property taxes. If a payment of deferred property taxes is made, the county treasurer shall notify the county auditor, the county recorder, and the department of local government finance on the form and in the manner prescribed by the department of local government finance. Notice to the county

recorder must be in the form of a release of the lien on the homestead for the deferred property taxes.

Sec. 23. Whenever an individual who is a qualified individual on an assessment date for which property taxes were deferred:

- (1) ceases to use the homestead as the individual's principal place of residence;
- (2) ceases to have a qualified interest in the homestead; or
- (3) changes the individual's qualified interest in the homestead;

or a surviving spouse becomes a qualified individual, a person responsible for paying the property taxes on the homestead shall notify the county auditor in the county where the homestead is located on the form and in the manner prescribed by the department of local government finance. The county auditor shall review the information filed under this section to determine whether a deferral termination event has occurred.

Sec. 24. If, as the result of the filing of information with the county auditor or on the county auditor's own motion, the county auditor determines that a deferral termination event described in section 13 of this chapter has occurred, the county auditor shall notify the county treasurer, the county recorder, and the department of local government on the form and in the manner prescribed by the department of local government finance.

Sec. 25. A county auditor shall give written notice of each determination under this chapter to the qualified taxpayers and mortgage holders of record for the affected homestead. A qualified taxpayer may appeal an adverse determination under this chapter to the Indiana board not later than forty-five (45) days after notice of the determination.

Sec. 26. The county recorder shall record the following without charge in the miscellaneous records of the county recorder:

- (1) A statement of the amount of property tax deferred under this chapter and interest imposed on the deferred property taxes.
- (2) A statement of payment of deferred property taxes and interest on deferred property taxes.
- (3) A notice of termination of a deferral.

Sec. 27. (a) Except:

- (1) as required by federal law or regulation;
- (2) if the loan from the lender:
 - (A) is made, guaranteed, or insured by a federal government lending or insuring agency; and
 - (B) requires the borrower to make payments to a lender with respect to an escrow or other type of account; or
- (3) if the application of this section would impair the obligations of a borrower under an agreement executed before April 15, 2006;

a lender may not require a borrower to maintain an escrow or other type of account with regard to taxes for which the borrower has elected to defer taxes under this chapter.

(b) Notice of a tax deferral in the records of the county recorder shall be treated as notice of a tax deferral to a lender.

(c) Any payments that are made by the borrower to an escrow or other type of account with regard to property taxes and that:

- (1) were submitted before the time of submission of evidence of tax deferral, for any period; and
- (2) have not been used in payment or partial payment of taxes;

must be refunded to the borrower within thirty (30) days after the deferral is approved and filed with the county recorder.

Sec. 28. Not later than the settlement date in the year in which property taxes are deferred under this chapter, the department of local government finance shall distribute to the county in which property taxes are deferred an amount equal to the amount of deferred property taxes not paid by the settlement date. The amount of the distribution under this section shall be deposited and distributed to taxing units in the same manner that the deferred property taxes would have been deposited and distributed.

Sec. 29. Not later than the settlement date in a year when a payment of deferred property taxes is made or deferred property taxes are collected as delinquent property taxes, the county treasurer shall transfer the amount to the department of local government finance for deposit in the state general fund.

SECTION 137. IC 6-2.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless ~~he~~ **the retail merchant** has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars (\$25) for each place of business listed on the application. The retail merchant shall also provide such security for payment of the tax as the department may require under IC 6-2.5-6-12.

(c) The retail merchant shall list on the application the location (including the township) of each place of business where ~~he~~ **the retail merchant** makes retail transactions. However, if the retail merchant does not have a fixed place of business, ~~he~~ **the retail merchant** shall list ~~his~~ **the retail merchant's** residence as ~~his~~ **the retail merchant's** place of business. In addition, a public utility may list only its principal Indiana office as its place of business for sales of public utility commodities or service, but the utility must also list on the application the places of business where it makes retail transactions other than sales of public utility commodities or service.

(d) Upon receiving a proper application, the correct fee, and the security for payment, if required, the department shall issue to the retail merchant a separate registered retail merchant's certificate for each place of business listed on the application. Each certificate shall bear a serial number and the location of the place of business for which it is issued.

(e) If a retail merchant intends to make retail transactions during a calendar year at a new Indiana place of business, ~~he~~ **the retail merchant** must file a supplemental application and pay the fee for that place of business.

(f) A retail merchant engaged in business in Indiana as defined in IC 6-2.5-3-1(c) who makes retail transactions that are only subject to the use tax must obtain a registered retail merchant's certificate before making those transactions. The retail merchant may obtain the certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:

- (1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;
- (2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and
- (3) any other information that the department requests.

(g) The department may permit an out-of-state retail merchant to collect the use tax. However, before the out-of-state retail merchant may collect the tax, ~~he~~ **the out-of-state retail merchant** must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible personal property that ~~he~~ **the out-of-state retail merchant** knows is intended for use in Indiana.

(h) The department shall submit to the ~~township~~ **county** assessor before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the ~~township~~ **county**; and
- (2) the address of each place of business of the taxpayer in the ~~township~~ **county**.

(i) **The county assessor shall submit the names and addresses obtained under subsection (h) to the appropriate township assessor.**

SECTION 138. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

- (1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as

distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

- (A) the maximum permissible property tax levy under IC 6-1.1-18.5 and IC 12-19-7 ~~and IC 12-19-7.5~~ for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by
- (B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 and IC 12-19-7 ~~and IC 12-19-7.5~~ for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater

than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5 **and** IC 12-19-7 ~~and IC 12-19-7.5~~ for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5 **and** IC 12-19-7 ~~and IC 12-19-7.5~~ for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

SECTION 139. IC 6-3.5-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) If the fiscal body of a municipality in a qualifying county adopts an ordinance under section 11(a) of this chapter, the department of local government finance may not certify a budget for the municipality under IC 6-1.1-17-16(f) for the 2002 calendar year that is greater than ninety-seven percent (97%) of the budget of the municipality certified by the department for the 2001 calendar year. The department of local government finance may not certify a budget for the municipality under IC 6-1.1-17-16(f) for any later calendar year that is greater than ninety-seven percent (97%) of the budget of the municipality certified by the department for the calendar year that immediately precedes the later calendar year.

(b) If the fiscal body of a municipality in a qualifying county adopts an ordinance in a calendar year under section 11(c) of this chapter, the department of local government finance may not certify a budget for the municipality under IC 6-1.1-17-16(f) for the calendar year that immediately succeeds the calendar year in which the ordinance is adopted that is greater than ninety-seven percent (97%) of the budget of the municipality certified by the department for the calendar year in which the ordinance was adopted. The department of local government finance may not certify a budget for the municipality under IC 6-1.1-17-16(f) for any later calendar year that is greater than ninety-seven percent (97%) of the budget of the municipality certified by the department for the calendar year that immediately precedes the later calendar year.

(c) Before July 1 of 2002 and of each year thereafter, the department of local government finance shall review the budget approved for each municipality in a qualifying county in which a municipal option income tax is in effect to determine whether the restriction under subsection (a) or (b) has been applied. If the restriction has not been applied:

- (1) the municipal option income tax is rescinded as of July 1 of the year in which the review was made;
- (2) the municipality may not impose the municipal option income tax for any later year; and
- (3) the municipality is:

(A) subject to subsection (d), if the municipality adopted the municipal option income tax in 2002; or

(B) subject to subsection (e), if the municipality adopted the municipal option income tax in a year that succeeds 2002.

(d) In May 2003, the department of state revenue shall determine for each municipality subject to this subsection the amount of tax revenue collected for the municipality after August 31, 2001, and before July 1, 2002. The department of state revenue shall immediately notify the municipality of the amount determined under this subsection. Not later than thirty (30) days after receiving notification from the department of state revenue, the municipality shall transfer the amount determined by the department under this subsection from the municipality's general fund to the county family and children's fund of the qualifying county in which the municipality is located.

(e) In May 2004, and in May of each year thereafter, the department of state revenue shall determine for each municipality

subject to this subsection the amount of tax revenue collected for the municipality after June 30 of the calendar year that precedes by two (2) years the calendar year in which the determination is made and before July 1 of the year that immediately precedes the calendar year in which the determination is made. The department of state revenue shall immediately notify the municipality of the amount determined under this subsection. Not later than thirty (30) days after receiving notification from the department of state revenue, the municipality shall transfer the amount determined by the department under this section from the municipality's general fund to the ~~county family and children's child welfare~~ fund of the qualifying county in which the municipality is located.

(f) If a municipality makes a transfer from its general fund to the county's ~~family and children's child welfare~~ fund as described in subsection (d) or (e), the department of local government finance shall reduce by the amount transferred the county's maximum ~~family and children's child welfare~~ fund levy under ~~IC 6-1.1-18.6~~ **IC 12-19-7** for the calendar year that immediately succeeds the year in which the transfer is made.

(g) This subsection applies if the fiscal body of a municipality in a qualifying county adopts an ordinance under section 11 of this chapter to impose a municipal option income tax. The maximum permissible ad valorem property tax levy of the municipality is not subject to any increase under IC 6-1.1-18.5-3(a) or IC 6-1.1-18.5-3(b) for taxes payable in:

- (1) the calendar year that immediately succeeds the calendar year in which the ordinance is adopted; and
- (2) each succeeding calendar year in which the municipal option income tax remains in effect.

(h) This subsection applies if the fiscal body of a municipality in a qualifying county adopts an ordinance under section 14 of this chapter to rescind the municipal option income tax, or if the municipal option income tax in a municipality is rescinded by operation of law. For purposes of IC 6-1.1-18.5-3(a) STEP ONE or IC 6-1.1-18.5-3(b) STEP ONE, the preceding calendar year is considered to be the calendar year in which an ordinance was adopted under section 11 of this chapter to impose the municipal option income tax.

SECTION 140. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family and children, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the

directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors **and county assessors**.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under ~~IC 6-2.5-6-14~~. **IC 6-2.5-6-14.2.**

SECTION 141. IC 8-14-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. All bonds and interest on bonds issued under this chapter are exempt from taxation as provided under IC 6-8-5-1. All general laws relating to:

- (1) the filing of a petition requesting the issuance of bonds;

(2) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) vote on the proposed issuance in an election on a local public question;

(3) the appropriation of the proceeds of the bonds and the approval of the appropriation by the department of local government finance; and

(4) the sale of bonds at public sale for not less than par value; are applicable to proceedings under this chapter.

SECTION 142. IC 8-22-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The board may issue general obligation bonds of the authority for the purpose of procuring funds to pay the cost of acquiring real property, or constructing, enlarging, improving, remodeling, repairing, or equipping buildings, structures, runways, or other facilities, for use as or in connection with or for administrative purposes of the airport. The issuance of the bonds must be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds and for the time and character of notice and the mode of making sale. If one (1) airport is owned by the authority, an ordinance authorizing the issuance of bonds for a separate second airport is subject to approval as provided in this section. The bonds bear interest and are payable at the times and places that the board determines but running not more than twenty-five (25) years after the date of their issuance, and they must be executed in the name of the authority by the president of the board and attested by the secretary who shall affix to each of the bonds the official seal of the authority. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the president of the board.

(b) The issuance of general obligation bonds must be approved by resolution of the following body:

- (1) When the authority is established by an eligible entity, by its fiscal body.
- (2) When the authority is established by two (2) or more eligible entities acting jointly, by the fiscal body of each of those entities.
- (3) When the authority was established under IC 19-6-2 (**before its repeal**), by the mayor of the consolidated city, and if a second airport is to be funded, also by the city-county council.
- (4) When the authority was established under IC 19-6-3 (**before its repeal**), by the county council.

(c) The airport director shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of the bonds, the airport director shall cause notice of the sale to be published once each week for two (2) consecutive weeks in two (2) newspapers of general circulation published in the district, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest bidder, in accordance with the procedures for selling public bonds. After the bonds have been properly sold and executed, the airport director shall deliver them to the treasurer of the authority and take ~~his~~ a receipt for them, and shall certify to the treasurer the amount which the purchaser is to pay for them, together with the name and address of the purchaser. On payment of the purchase price the treasurer shall deliver the bonds to the purchaser, and the treasurer and airport director or superintendent shall report their actions to the board.

(d) The provisions of IC 6-1.1-20 and IC 5-1 relating to:

- (1) the filing of a petition requesting the issuance of bonds and giving notice of them;
 - (2) the giving of notice of determination to issue bonds;
 - (3) the giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation;
 - (4) the approval of the appropriation by the department of local government finance;
 - (5) the right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) vote on the proposed issuance in an election on a local public question;** and
 - (6) the sale of bonds at public sale for not less than par value;
- are applicable to proceedings under this chapter for the issuance of

general obligation bonds.

(e) Bonds issued under this chapter are not a corporate obligation or indebtedness of any eligible entity but are an indebtedness of the authority as a municipal corporation. An action to question the validity of the bonds issued or to prevent their issue must be instituted not later than the date set for sale of the bonds, and all of the bonds after that date are incontestable.

SECTION 143. IC 11-13-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ **victims'** rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1)~~ **IC 5-2-12-4(a)**.

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The ~~probation officer or department of child services~~ caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

SECTION 144. IC 12-7-2-64, AS AMENDED BY P.L.234-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 64. "Director" refers to the following:

- (1) With respect to a particular division, the director of the division.
- (2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.
- (3) For purposes of IC 12-10-15, the term refers to the director of the division of disability, aging, and rehabilitative services.
- ~~(4) For purposes of IC 12-19-5, the term refers to the director of the department of child services established by IC 31-33-1.5-2.~~
- ~~(5)~~ (4) For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.
- ~~(6)~~ (5) For purposes of IC 12-26, the term:
 - (A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and
 - (B) includes the director's designee.
- ~~(7)~~ (6) If subdivisions (1) through ~~(6)~~ (5) do not apply, the term refers to the director of any of the divisions.

SECTION 145. IC 12-7-2-91 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 91. "Fund" means the following:

- (1) For purposes of IC 12-12-1-9, the fund described in IC 12-12-1-9.
- ~~(2) For purposes of IC 12-13-8, the meaning set forth in IC 12-13-8-1.~~
- ~~(3)~~ (2) For purposes of IC 12-15-20, the meaning set forth in IC 12-15-20-1.
- ~~(4)~~ (3) For purposes of IC 12-17-12, the meaning set forth in IC 12-17-12-4.
- ~~(5)~~ (4) For purposes of IC 12-17-6, the meaning set forth in IC 12-17-6-1-3.
- ~~(6)~~ (5) For purposes of IC 12-18-4, the meaning set forth in IC 12-18-4-1.
- ~~(7)~~ (6) For purposes of IC 12-18-5, the meaning set forth in IC 12-18-5-1.
- ~~(8)~~ (7) For purposes of IC 12-19-7, the meaning set forth in IC 12-19-7-2.
- ~~(9)~~ (8) For purposes of IC 12-23-2, the meaning set forth in IC 12-23-2-1.
- ~~(10)~~ (9) For purposes of IC 12-23-18, the meaning set forth in IC 12-23-18-4.
- ~~(11)~~ (10) For purposes of IC 12-24-6, the meaning set forth in IC 12-24-6-1.
- ~~(12)~~ (11) For purposes of IC 12-24-14, the meaning set forth in IC 12-24-14-1.
- ~~(13)~~ (12) For purposes of IC 12-30-7, the meaning set forth in IC 12-30-7-3.

SECTION 146. IC 12-13-5-5, AS AMENDED BY P.L.234-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Each county auditor shall keep records and make reports relating to the county welfare fund (before July 1, 2001), the ~~family and children's child welfare~~ fund, and other financial transactions as required under IC 12-13 through IC 12-19 and as required by the division or the department of child services.

(b) All records provided for in IC 12-13 through IC 12-19 shall be kept, prepared, and submitted in the form required by the division or the department of child services and the state board of accounts.

SECTION 147. IC 12-13-7-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. The part of the care and maintenance of the inmates of the Plainfield Juvenile Correctional Facility and the Indianapolis Juvenile Correctional Facility that under law is to be charged back to the counties shall be paid from the county general fund, ~~and not the county family and children's fund, unless otherwise provided by law.~~

SECTION 148. IC 12-17-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Upon the completion of an investigation under section 9 of this chapter, the county office shall do the following:

- (1) Determine whether the child is eligible for assistance under this chapter and the division's rules.
- (2) Determine the amount of the assistance and the date on which the assistance is to begin.
- (3) Make an award, including any subsequent modification of the award, with which the county office shall comply until the award or modified award is vacated.
- (4) Notify the applicant and the division of the county office's decision in writing.

(b) The county office shall provide assistance to the recipient at least monthly upon warrant of the county auditor. The assistance must be:

- (1) ~~made paid by the state from the county family and children's fund; the sources of revenue described in IC 31-33-1.5-13; and~~
- (2) based upon a verified schedule of the recipients.

(c) The director of the county office shall prepare and verify the amount payable to the recipient, in relation to the awards made by the county office. The division shall prescribe the form upon which the schedule under subsection (b)(2) must be filed.

SECTION 149. IC 12-17-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section does not apply to a county department's:

- (1) administrative expenses; or
- (2) expenses regarding facilities, supplies, and equipment.

(b) Necessary expenses incurred in the administration of the child welfare services under section 1 of this chapter shall be paid ~~out by the state from the sources of the county welfare fund or the county family and children's fund; (whichever is appropriate); revenue described in IC 31-33-1.5-13.~~

SECTION 150. IC 12-19-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) A county office may charge the following adoption fees:

- (1) An adoption placement fee that may not exceed the actual costs incurred by the county office for medical expenses of children and mothers.
- (2) A fee that does not exceed the time and travel costs incurred by the county office for home study and investigation concerning a contemplated adoption.

(b) Fees charged under this section shall be deposited in a separate account in the ~~county~~ family and children trust clearance fund established under section 16 of this chapter. Money deposited under this subsection shall be expended by the ~~county office~~ division for the following purposes without further appropriation:

- (1) The care of children whose adoption is contemplated.
- (2) The improvement of adoption services. ~~provided by the county departments.~~

(c) The director of the division may adopt rules governing the expenditure of money under this section.

(d) The division may provide written authorization allowing a county office to reduce or waive charges authorized under this section in hardship cases or for other good cause after investigation. The division may adopt forms on which the written authorization is provided.

SECTION 151. IC 12-19-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) ~~A county office~~ The department of child services may receive and administer a gift, devise, or bequest of personal property, including the income from real property, that is:

- (1) to or for the benefit of a home or an institution in which dependent or neglected children are cared for under the supervision of the ~~county office; department of child services or the division; or~~
- (2) for the benefit of children who are committed to the care or supervision of the ~~county office; department of child services or the division.~~

(b) ~~A county office~~ The department of child services may invest or reinvest money received under this section in the same types of securities in which life insurance companies are authorized by law to invest the money of the life insurance companies.

(c) The following shall be kept in ~~a special~~ the family and children trust clearance fund and may not be commingled with any other fund or with money received from taxation:

- (1) All money received by the ~~county office~~ department of child services under this section.
- (2) All money, proceeds, or income realized from real property or other investments.

(d) Subject to the ~~approval of the judge or the court of the county having probate jurisdiction; conditions imposed on the gift, devise, or bequest by the donor,~~ money described in subsection (c)(1) or (c)(2) may be expended by the ~~county office~~ department of child services or division in any manner consistent with the purposes of the fund's creation and with the intention of the donor.

SECTION 152. IC 12-19-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 16. ~~(a) This section does not apply to money received to reimburse the county family and children's fund for expenditures made from the appropriations of the county office.~~

(a) The family and children trust clearance fund is established. The department of child services shall administer the fund as a trust fund. Money in the fund may be invested as money in other trust funds are invested. The balance of the fund at the end of a state fiscal year does not revert to the state general fund.

(b) ~~A county office~~ The department of child services may receive and administer money available to or for the benefit of a person receiving payments or services from the county office. The following applies to all money received under this section:

- (1) The money shall be kept in ~~a special fund known as the county family and children trust clearance fund~~ and may not be commingled with any other fund or with money received from taxation.
- (2) The money may be expended by the ~~county office~~ department of child services or the division in any manner consistent with the following:

(A) The purpose of the ~~county~~ family and children trust clearance fund or with the intention of the donor of the money.

(B) Indiana law.

SECTION 153. IC 12-19-1.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.5. As used in this chapter, "implementation date" means the following:

- (1) December 31, 1999, for pledges described in section 8(a)(1) of this chapter.
- (2) March 31, 2006, for pledges described in section 8(a)(2) of this chapter.

SECTION 154. IC 12-19-1.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. As used in this chapter, "replacement amount" means the sum of the property taxes imposed on the assessed value of property in the allocation area in excess of the base assessed value in the following:

- (1) 1999 for:
 - ~~(1)~~ (A) the county welfare fund; and
 - ~~(2)~~ (B) the county welfare administration fund.
- (2) 2006 for:
 - (A) the county family and children's fund;
 - (B) the county children's psychiatric residential treatment services fund;
 - (C) the county medical assistance to wards fund; and
 - (D) the children with special health care needs county fund.

SECTION 155. IC 12-19-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) This chapter applies to an allocation area in which either:

- (1) the:
 - (A) holders of obligations received a pledge before July 1, 1999, of tax increment revenues to repay any part of the obligations due after December 31, 1999; and
 - ~~(2)~~ (B) the elimination of a county welfare fund property tax levy or a county welfare administration fund property tax levy adversely affects the ability of the governing body to repay the obligations described in ~~subdivision (1); clause~~ (A); or
- (2) the:
 - (A) holders of obligations received a pledge before April 1, 2006, of tax increment revenues to repay any part of

the obligations due after March 31, 2006; and

(B) limitations on the county family and children's fund levy, the county children's psychiatric residential treatment services fund levy, the county medical assistance to wards fund levy, or the children with special health care needs county fund levy enacted by the general assembly in 2006 adversely affects the ability of the governing body to repay the obligations described in clause (A).

(b) A governing body may use one (1) or more of the procedures described in sections 9 through 11 of this chapter to provide sufficient funds to repay the obligations described in subsection (a). The amount raised each year may not exceed the replacement amount.

SECTION 156. IC 12-19-1.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) A governing body may, after a public hearing, impose a special assessment on the owners of property that is located in an allocation area to repay a bond or an obligation described in section 8 of this chapter that comes due after ~~December 31, 1999~~; **the implementation date**. The amount of a special assessment for a taxpayer shall be determined by multiplying the replacement amount by a fraction, the denominator of which is the total incremental assessed value in the allocation area, and the numerator of which is the incremental assessed value of the taxpayer's property in the allocation area.

(b) Before a public hearing under subsection (a) may be held, the governing body must publish notice of the hearing under IC 5-3-1. The notice must state that the governing body will meet to consider whether a special assessment should be imposed under this chapter and whether the special assessment will help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. The notice must also name a date when the governing body will receive and hear remonstrances and objections from persons affected by the special assessment. All persons affected by the hearing, including all taxpayers within the allocation area, shall be considered notified of the pendency of the hearing and of subsequent acts, hearings, and orders of the governing body by the notice. At the hearing, which may be adjourned from time to time, the governing body shall hear all persons affected by the proceedings and shall consider all written remonstrances and objections that have been filed. The only grounds for remonstrance or objection are that the special assessment will not help the governing body realize the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. After considering the evidence presented, the governing body shall take final action concerning the proposed special assessment. The final action taken by the governing body shall be recorded and is final and conclusive, except that an appeal may be taken in the manner prescribed by subsection (c).

(c) A person who filed a written remonstrance with a governing body under subsection (b) and is aggrieved by the final action taken may, within ten (10) days after that final action, file in the office of the clerk of the circuit or superior court a copy of the order of the governing body and the person's remonstrance or objection against that final action, together with a bond conditioned to pay the costs of appeal if the appeal is determined against the person. The only ground of remonstrance or objection that the court may hear is whether the proposed assessment will help achieve the redevelopment or economic development objectives for the allocation area or honor its obligations related to the allocation area. An appeal under this subsection shall be promptly heard by the court without a jury. All remonstrances or objections upon which an appeal has been taken must be consolidated, heard, and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the remonstrances or objections, and may confirm the final action of the governing body or sustain the remonstrances or objections. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

(d) The maximum amount of a special assessment under this section may not exceed the replacement amount.

(e) A special assessment shall be imposed and collected in the same manner as ad valorem property taxes are imposed and collected.

SECTION 157. IC 12-19-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. As used in this chapter, "fund" refers to a ~~family and children's child welfare~~ fund established by this chapter.

SECTION 158. IC 12-19-7-3, AS AMENDED BY P.L.234-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A ~~family and children's child welfare~~ fund is established in each county.

~~(b) The fund county shall be raised by levy a separate tax levy (the county family and children child welfare property tax levy) for the fund that:~~

(1) is in addition to all other tax levies authorized **for the county**; and

(2) shall be levied annually by the county fiscal body on all taxable property in the county. ~~in the amount necessary to raise the part of the fund that the county must raise to pay the items, awards, claims, allowances, assistance, and other expenses set forth in the annual budget under section 6 of this chapter.~~

The total tax levy that a county may impose under this section equals the amount determined under section 4 of this chapter.

~~(b) The property tax levy imposed under this section shall be collected as other state and county ad valorem property taxes are collected.~~

(c) The following shall be paid into the county treasury and constitute the ~~family and children's child welfare~~ fund:

(1) All receipts from the tax imposed under this section.

~~(2) All grants-in-aid, whether received from the federal government or state government.~~

(2) The:

(A) financial institutions tax (IC 6-5.5);

(B) motor vehicle excise taxes (IC 6-6-5);

(C) commercial vehicle excise tax (IC 6-6-5.5);

(D) boat excise tax (IC 6-6-11); and

(E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed for the fund.

(3) Any other money required by law to be placed in the fund.

~~(d) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved: making a distribution to the state required under section 35 of this chapter.~~

(e) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 159. IC 12-19-7-4, AS AMENDED BY P.L.234-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) For taxes first due and payable in each year after ~~2005~~; **2006**, each county shall impose a county ~~family and children child welfare~~ property tax levy equal to the ~~county family and children property tax levy necessary to pay the costs of the child services of the county for the next fiscal year: result determined in STEP EIGHT of the following formula:~~

STEP ONE: Determine the sum of the following:

(1) The result of:

(A) the amounts paid by the county in 2002, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2002, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2002; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2002;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2002

and 2006.

(2) The result of:

(A) the amounts paid by the county in 2003, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2003, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2003; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2003;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2003 and 2006.

(3) The result of:

(A) the amounts paid by the county in 2004, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2004, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2004; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2004;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2004 and 2006.

(4) The result of:

(A) the amounts paid by the county in 2005, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2005, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2005; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2005;

adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2005 and 2006.

STEP TWO: Determine the result of the STEP ONE amount divided by four (4).

STEP THREE: Determine the result of:

(1) the STEP TWO amount; plus

(2) the result of:

(A) the cost of services ordered by a juvenile court that have been charged back to the county under

IC 31-40-1-2 (as effective after June 30, 2006) in the preceding year; minus

(B) the sum of the estimated or actual amounts of a parent's or guardian's payments under IC 31-40-1 and distributions of excise taxes described in section 3(c)(2) of this chapter that the department of local government finance applies to reduce the levy imposed under this subsection.

STEP FOUR: Determine the sum of the following:

(1) The result of:

(A) the amounts paid by the county in 2004, as determined by the state board of accounts, for children's psychiatric residential treatment services from the county children's psychiatric residential treatment services fund; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county children's psychiatric residential treatment services fund in 2004, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county children's psychiatric residential treatment services fund in 2004; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county children's psychiatric residential treatment services fund in 2004;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2004 and 2006.

(2) The result of:

(A) the amounts paid by the county in 2005, as determined by the state board of accounts, for children's psychiatric residential treatment services from the county children's psychiatric residential treatment services fund; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county children's psychiatric residential treatment services fund in 2005, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county children's psychiatric residential treatment services fund in 2005; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county children's psychiatric residential treatment services fund in 2005;

adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2005 and 2006.

STEP FIVE: Determine the result of the STEP FOUR amount divided by two (2).

STEP SIX: Determine the amount of the county's medical assistance property tax levy imposed in 2006.

STEP SEVEN: Determine the amount of the county's children with special health care needs property tax levy imposed in 2006.

STEP EIGHT: Determine the sum of the following:

(1) The STEP THREE result.

(2) The STEP FIVE result.

(3) The STEP SIX amount.

(4) The STEP SEVEN amount.

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy. ~~and comply with IC 6-1.1-17-3. The department of local government finance may increase a county's levy in a year above the amount advertised for the fund to comply with this subsection.~~

SECTION 160. IC 12-19-7-35 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 35. (a) Subject to this section, before the fifth day of each month, all money contained in a county's fund at the end of the preceding month shall be transferred to the state child welfare fund established by IC 31-33-1.5-13.

(b) Money deposited in the county family and children's fund from:

- (1) property taxes imposed for an assessment date before January 16, 2006;
- (2) the proceeds of bonds issued or loans taken out under IC 12-19-5 (repealed), IC 12-19-7.5, or a predecessor law to pay an obligation related to child services provided before January 1, 2007;
- (3) the:
 - (A) financial institutions tax (IC 6-5.5);
 - (B) motor vehicle excise taxes (IC 6-6-5);
 - (C) commercial vehicle excise tax (IC 6-6-5.5);
 - (D) boat excise tax (IC 6-6-11); and
 - (E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed before January 1, 2007, for the fund; and

- (4) grants-in-aid, fees collected from a parent, guardian, or custodian of a child, and other money attributable to child services provided before January 1, 2007;

shall be used by a county to reduce the obligation of the county to pay for expenditures for child services and any other obligations that were incurred before January 1, 2007, and payable from the fund at the time they were incurred.

(c) The department of child services, with the approval of the state board of accounts, shall prescribe procedures and standards for allocating money in the fund between the purposes described in subsections (a), (b), and (e). A county shall use money in the fund in conformity with the procedures and standards prescribed in this subsection.

(d) The part of any outstanding obligation of the county family and children's fund that was incurred before January 1, 2007, and exceeds the amount retained under subsection (b), including the amount needed to repay the principal and interest on bonds issued under IC 12-19-7-31 (repealed), shall be transferred, after December 31, 2006, from the fund to the county's debt service fund or another sinking fund. The county may issue bonds under IC 36-2-6-18 to pay or refund the obligation. The county shall add to the tax duplicate of the county an annual levy sufficient to pay:

- (1) the outstanding obligation or bonds issued to pay the outstanding obligation; and
- (2) any interest due on the outstanding obligation or bonds issued to pay the outstanding obligation.

(e) Money deposited in the children's psychiatric residential treatment services fund from:

- (1) property taxes imposed for an assessment date before January 16, 2006;
- (2) the proceeds of bonds issued or loans taken out under IC 12-19-5 (repealed), IC 12-19-7, IC 12-19-7.5, or a predecessor law to pay an obligation related to children's psychiatric residential treatment services provided before January 1, 2007;
- (3) the:
 - (A) financial institutions tax (IC 6-5.5);
 - (B) motor vehicle excise taxes (IC 6-6-5);
 - (C) commercial vehicle excise tax (IC 6-6-5.5);
 - (D) boat excise tax (IC 6-6-11); and
 - (E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed before January 1, 2007, for the fund; and

- (4) grants-in-aid, fees collected from a parent, guardian, or custodian of a child, and other money attributable to children's psychiatric residential treatment services provided before January 1, 2007;

shall be used by a county to reduce the obligation of the county to pay for expenditures for children's psychiatric residential

treatment services and any other obligations that were incurred before January 1, 2007, and payable from the fund at the time they were incurred.

(f) The part of any outstanding obligation of the county children's psychiatric residential treatment services fund that was incurred before January 1, 2007, and exceeds the amount retained under subsection (e), including the amount needed to repay the principal and interest on bonds issued under IC 12-19-7.5-30 (repealed), shall be transferred, after December 31, 2006, from the fund to the county's debt service fund or another sinking fund. The county may issue bonds under IC 36-2-6-18 to pay or refund the obligation. The county shall add to the tax duplicate of the county an annual levy sufficient to pay:

- (1) the outstanding obligation or bonds issued to pay the outstanding obligation; and
- (2) any interest due on the outstanding obligation or bonds issued to pay the outstanding obligation.

SECTION 161. IC 12-29-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. All general Indiana statutes relating to the following apply to the issuance of county bonds under this chapter:

- (1) The filing of a petition requesting the issuance of bonds.
- (2) The giving of notice of the following:
 - (A) The filing of the petition requesting the issuance of the bonds.
 - (B) The determination to issue bonds.
 - (C) A hearing on the appropriation of the proceeds of the bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) **vote on the proposed issuance in an election on a local public question.**

SECTION 162. IC 12-29-2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. All general Indiana statutes relating to the following apply to the issuance of county bonds under this chapter:

- (1) The filing of a petition requesting the issuance of bonds.
- (2) The giving of notice of the following:
 - (A) The filing of the petition requesting the issuance of the bonds.
 - (B) The determination to issue bonds.
 - (C) A hearing on the appropriation of the proceeds of the bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) **vote on the proposed issuance in an election on a local public question.**

SECTION 163. IC 14-27-6-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The provisions of IC 5-1 and IC 6-1.1-20 relating to the following apply to proceedings under this chapter:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of determination to issue bonds.
- (3) The giving of notice of hearing on the appropriation of the proceeds of bonds and the right of taxpayers to appeal and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) **vote on the proposed issuance in an election on a local public question.**
- (6) The sale of bonds at public sale for not less than the par

value.

SECTION 164. IC 14-33-11-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Before offering bonds for sale, the board shall give notice in the same manner as is **provided required by IC 6-1.1-20** for the sale of bonds by municipal corporations.

(b) Persons affected are entitled to:

(1) remonstrate against issuance of the bonds **(in the case of a project costing the board less than ten million dollars (\$10,000,000)); or**

(2) vote on the proposed issuance in an election on a local public question (in the case of a preliminary determination made after June 30, 2006, to issue bonds for a project costing the board at least ten million dollars (\$10,000,000)).

(c) An action to question the validity of the bonds may not be instituted after the date fixed for sale, and the bonds are incontestable after that time.

SECTION 165. IC 14-33-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. If the board is denied the right to issue bonds as a result of remonstrance proceedings **or an election on a local public question held under IC 6-1.1-20-3.6:**

(1) all contracts let by the board for work to be paid from the sale of bonds are void; and

(2) no liability accrues to the district or to the board.

SECTION 166. IC 15-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. If a dog kills or injures any livestock while the livestock is in the care, custody, and control of the livestock's owner or ~~his~~ **the owner's** agent, the owner or harbinger of the dog is liable to the owner of the livestock for all damages sustained, including ~~his~~ reasonable attorney's fees and the court costs. **if the appropriate dog tax has not been paid on the dog, triple damages may be awarded:**

SECTION 167. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) The township assessor, **or the township trustee in a township that is not served by a township assessor**, shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the township assessor **or township trustee** a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

(1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).

(2) For each nonneutered dog, four dollars (\$4).

(3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbinger of a dog after the dog census by the township assessor **or township trustee** or any owner or harbinger of a dog for which for any reason the assessor **or trustee** failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbinger of a dog, apply to the assessor **or trustee**, or the assessor's **or trustee's** designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

(1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).

(2) For a minor kennel, consisting of less than fifteen (15) dogs, a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the township assessor or trustee who collects the fee shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by the assessor shall be deposited in the county general fund, and administrative fees collected by the trustee shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the township assessor **or township trustee** shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered

and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the township assessor, township trustee, or assessor's **or trustee's** designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) A township assessor or a township trustee ~~who has the duties of a township assessor~~ may designate one (1) or more licensed veterinarians or humane societies in the assessor's **or trustee's** township to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the township trustee by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 168. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) The township assessor **or township trustee** shall give to each person a receipt for the money paid the assessor **or trustee**, which shall be designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor **or trustee** shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor **or trustee** shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor **or trustee** shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the township assessor shall turn over to the township trustee all the records kept by the assessor relating to the collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The **township assessor or township trustee** shall assess against each person who failed to pay to the assessor **or trustee** the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the township trustee shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the township assessor under this chapter.

SECTION 169. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. The township assessor **or township trustee** shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by the assessor shall be turned over by the assessor to the township trustee of the assessor's township. The county auditor shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund.

SECTION 170. IC 15-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) Each township assessor **or township trustee** shall perform the duties imposed by this chapter. If a dog owner has failed to turn in a dog for taxation purposes, the assessor **or trustee** shall notify the owner that the assessor **or trustee** is listing the unpaid taxes within a period of ten (10) days, at which time the person will be assessed double the amount of taxes provided by this chapter unless the person owning the dog appears voluntarily within the ten (10) days and:

(1) proves to the satisfaction of the assessor **or trustee** that the person owned no such dog at the time the census was made; or

(2) makes an affidavit to be kept on file by the assessor **or trustee** to the effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each **township assessor or township trustee** shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's **or trustee's** office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor **or trustee** has completed the census, the person shall report the dog to and pay to the assessor **or trustee** the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 171. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. Every person liable to taxation in any township and residing in the township when listed for taxation shall make and subscribe to an oath to the township assessor **or township trustee** in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 172. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the township assessor **or township trustee**, the assessor **or trustee**, at the time when the assessor **or trustee** issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one (1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the **township assessor or township trustee** upon application by the owner of the dog and upon the production of the receipt and a sworn statement of the facts regarding the loss of the tag. No license tag is transferable to another dog.

SECTION 173. IC 16-22-6-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) If the execution of the original or a modified lease is authorized, notice of the signing shall be published on behalf of the county one (1) time in a newspaper of general circulation and published in the county. Except as provided in subsection (b), at least ten (10) taxpayers in the county whose tax rate will be affected by the proposed lease may file a petition with the county auditor not more than thirty (30) days after publication of notice of the execution of the lease. The petition must set forth the objections to the lease and facts showing that the execution of the lease is unnecessary or unwise or that the lease rental is not fair and reasonable.

(b) The authority for taxpayers to object to a proposed lease described in subsection (a) does not apply if the authority complies with the procedures for the issuance of bonds and other evidences of indebtedness described in ~~IC 6-1.1-20-3.1 and IC 6-1.1-20-3.2~~ **IC 6-1.1-20**.

SECTION 174. IC 16-22-8-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 43. (a) The board may issue general obligation bonds of the corporation to procure funds to pay the cost of acquiring real property or constructing, enlarging, improving, remodeling, repairing, or equipping buildings and other structures for use as or in connection with hospitals, clinics, health centers, dispensaries, or for administrative purposes. The issuance of the bonds shall be authorized by ordinance of the board providing for the amount, terms, and tenor of the bonds, for the time and character of notice, and the mode of making the sale. The bonds shall be payable not more than forty (40) years after the date of issuance and shall be executed in the name of the corporation by the chairman of the board and attested by the executive director, who shall affix to each of the bonds the official seal of the corporation.

The interest coupons attached to the bonds may be executed by facsimile signature of the chairman of the board.

(b) The executive director shall manage and supervise the preparation, advertisement, and sale of bonds, subject to the provisions of the authorizing ordinance. Before the sale of the bonds, the executive director shall publish notice of the sale in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold to the highest and best bidder. After the bonds have been sold and executed, the executive director shall deliver the bonds to the treasurer of the corporation and take the treasurer's receipt, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price, the treasurer shall deliver the bonds to the purchaser, and the treasurer and executive director shall report the actions to the board.

(c) IC 5-1 and IC 6-1.1-20 apply to the following proceedings:

- (1) Notice and filing of the petition requesting the issuance of the bonds.
- (2) Notice of determination to issue bonds.
- (3) Notice of hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appeal and be heard.
- (4) Approval by the department of local government finance.
- (5) The right to:

(A) remonstrate; **or**

(B) **vote on the proposed issuance in an election on a local public question.**

(6) Sale of bonds at public sale for not less than the par value.

(d) The bonds are the direct general obligations of the corporation and are payable out of unlimited ad valorem taxes levied and collected on all the taxable property within the county of the corporation. All officials and bodies having to do with the levying of taxes for the corporation shall see that sufficient levies are made to meet the principal and interest on the bonds at the time fixed for payment.

(e) The bonds are exempt from taxation for all purposes but the interest is subject to the adjusted gross income tax.

SECTION 175. IC 16-33-4-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17.5. (a) **The department of child services shall pay**, in the case of a child who is:

- (1) admitted to the home from another county; and
- (2) adjudicated to be a delinquent child or child in need of services by the juvenile court in the county where the home is located;

the juvenile court may order the county office of family and children of the child's county of residence before the child's admission to the home to **reimburse** the cost of services ordered by the juvenile court, including related transportation costs, and any cost incurred **by the county** to transport or detain the child before the order is issued.

(b) ~~A county office of family and children ordered to reimburse costs under this section~~ **The department of child services shall pay** the amount ordered from the ~~county family and children's fund~~ **sources of revenue described in IC 31-33-1.5-13.**

(c) The county office of family and children may require the parent or guardian of the child, other than a parent, guardian, or custodian associated with the home, to reimburse the ~~county family and children's fund~~ **department of child services** for an amount paid under this section.

(d) A child who is admitted to the home does not become a resident of the county where the home is located.

(e) When an unemancipated child is released from the home, the county office of family and children for the child's county of residence before entering the home is responsible for transporting the child to the parent or guardian of the child. If a parent or guardian does not exist for an unemancipated child released from the home, the county office of family and children of the child's county of residence before entering the home shall obtain custody of the child.

SECTION 176. IC 20-26-11-12, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the

transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the ~~county office of family and children for the county placing the child~~ **department of child services** shall pay from the ~~county family and children's fund sources of revenue described in IC 31-33-1.5-13~~ to the public school corporation in which the child is enrolled the amount of transfer tuition specified in subsection (c).

(c) The transfer tuition for which a county office is obligated under subsection (b) is equal to the following:

- (1) The amount under a written agreement among the ~~county office, department of child services,~~ the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.
- (2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided:
 - (A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or
 - (B) educational programs and services by a nonpublic school;

the ~~county office of family and children for the county placing the child~~ **department of child services** shall pay from the ~~county family and children's fund sources of revenue described in IC 31-33-1.5-13~~ in an amount and in the manner specified in a written agreement between the ~~county office~~ **department of child services** and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the division of family and children. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 177. IC 20-26-11-13, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) As used in this section, the following terms have the following meanings:

(1) "ADM" means the following:

- (A) For purposes of allocating to a transfer student state distributions under IC 21-1-30 (primetime), "ADM" as computed under IC 21-1-30-2.
- (B) For all other purposes, "ADM" as set forth in IC 21-3-1.6-1.1.

(2) "Class of school" refers to a classification of each school or program in the transferee corporation by the grades or special programs taught at the school. Generally, these classifications are denominated as kindergarten, elementary school, middle school or junior high school, high school, and special schools or classes, such as schools or classes for special education, vocational training, or career education.

(3) "Special equipment" means equipment that during a school year:

- (A) is used only when a child with disabilities is attending school;
- (B) is not used to transport a child to or from a place where

the child is attending school;

(C) is necessary for the education of each child with disabilities that uses the equipment, as determined under the individualized education program for the child; and

(D) is not used for or by any child who is not a child with disabilities.

(4) "Student enrollment" means the following:

(A) The total number of students in kindergarten through grade 12 who are enrolled in a transferee school corporation on a date determined by the state board.

(B) The total number of students enrolled in a class of school in a transferee school corporation on a date determined by the state board.

However, a kindergarten student shall be counted under clauses (A) and (B) as one-half (½) student. The state board may select a different date for counts under this subdivision. However, the same date shall be used for all school corporations making a count for the same class of school.

(b) Each transferee corporation is entitled to receive for each school year on account of each transferred student, except a student transferred under section 6 of this chapter, transfer tuition from the transferor corporation or the state as provided in this chapter. Transfer tuition equals the amount determined under STEP THREE of the following formula:

STEP ONE: Allocate to each transfer student the capital expenditures for any special equipment used by the transfer student and a proportionate share of the operating costs incurred by the transferee school for the class of school where the transfer student is enrolled.

STEP TWO: If the transferee school included the transfer student in the transferee school's ADM for a school year, allocate to the transfer student a proportionate share of the following general fund revenues of the transferee school for, except as provided in clause (C), the calendar year in which the school year ends:

(A) The following state distributions that are computed in any part using ADM or other student count in which the student is included:

- (i) Primetime grant under IC 21-1-30.
- (ii) Tuition support for basic programs.
- ~~(iii) Enrollment growth grant under IC 21-3-1.7-9.5.~~
- ~~(iv) At-risk grant under IC 21-3-1.7-9.7.~~
- ~~(v) Academic honors diploma award under IC 21-3-1.7-9.8.~~
- ~~(vi) (iv) Vocational education grant under IC 21-3-12.~~
- ~~(vii) (v) Special education grant under IC 21-3-2.1.~~
- ~~(viii) The portion of the ADA flat grant that is available for the payment of general operating expenses under IC 21-3-4.5-2(b)(1).~~

(B) Property tax levies.

(C) Excise tax revenue (as defined in IC 21-3-1.7-2) received for deposit in the calendar year in which the school year begins.

(D) Allocations to the transferee school under IC 6-3.5.

STEP THREE: Determine the greater of:

- (A) zero (0); or
- (B) the result of subtracting the STEP TWO amount from the STEP ONE amount.

If a child is placed in an institution or facility in Indiana under a court order, the institution or facility shall charge the ~~county office of the county of the student's legal settlement under IC 12-19-7~~ **department of child services** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per student cost.

(c) Operating costs shall be determined for each class of school where a transfer student is enrolled. The operating cost for each class of school is based on the total expenditures of the transferee corporation for the class of school from its general fund expenditures as specified in the classified budget forms prescribed by the state board of accounts. This calculation excludes:

- (1) capital outlay;
- (2) debt service;

- (3) costs of transportation;
 - (4) salaries of board members;
 - (5) contracted service for legal expenses; and
 - (6) any expenditure that is made out of the general fund from extracurricular account receipts;
- for the school year.

(d) The capital cost of special equipment for a school year is equal to:

- (1) the cost of the special equipment; divided by
- (2) the product of:
 - (A) the useful life of the special equipment, as determined under the rules adopted by the state board; multiplied by
 - (B) the number of students using the special equipment during at least part of the school year.
- (e) When an item of expense or cost described in subsection (c) cannot be allocated to a class of school, it shall be prorated to all classes of schools on the basis of the student enrollment of each class in the transferee corporation compared with the total student enrollment in the school corporation.
- (f) Operating costs shall be allocated to a transfer student for each school year by dividing:

- (1) the transferee school corporation's operating costs for the class of school in which the transfer student is enrolled; by
- (2) the student enrollment of the class of school in which the transfer student is enrolled.

When a transferred student is enrolled in a transferee corporation for less than the full school year of student attendance, the transfer tuition shall be calculated by the part of the school year for which the transferred student is enrolled. A school year of student attendance consists of the number of days school is in session for student attendance. A student, regardless of the student's attendance, is enrolled in a transferee school unless the student is no longer entitled to be transferred because of a change of residence, the student has been excluded or expelled from school for the balance of the school year or for an indefinite period, or the student has been confirmed to have withdrawn from school. The transferor and the transferee corporation may enter into written agreements concerning the amount of transfer tuition due in any school year. If an agreement cannot be reached, the amount shall be determined by the state board, and costs may be established, when in dispute, by the state board of accounts.

(g) A transferee school shall allocate revenues described in subsection (b) STEP TWO to a transfer student by dividing:

- (1) the total amount of revenues received; by
- (2) the ADM of the transferee school for the school year that ends in the calendar year in which the revenues are received.

However, for state distributions under IC 21-1-30, IC 21-3-2.1, IC 21-3-12, or any other statute that computes the amount of a state distribution using less than the total ADM of the transferee school, the transferee school shall allocate the revenues to the transfer student by dividing the revenues that the transferee school is eligible to receive in a calendar year by the student count used to compute the state distribution.

(h) Instead of the payments provided in subsection (b), the transferor corporation or state owing transfer tuition may enter into a long term contract with the transferee corporation governing the transfer of students. The contract may:

- (1) be entered into for a period of not more than five (5) years with an option to renew;
- (2) specify a maximum number of students to be transferred; and
- (3) fix a method for determining the amount of transfer tuition and the time of payment, which may be different from that provided in section 14 of this chapter.

(i) If the school corporation can meet the requirements of ~~IC 21-1-30-5~~, **IC 21-1-30-5.5**, it may negotiate transfer tuition agreements with a neighboring school corporation that can accommodate additional students. Agreements under this section may:

- (1) be for one (1) year or longer; and
- (2) fix a method for determining the amount of transfer tuition or time of payment that is different from the method, amount, or time of payment that is provided in this section or section 14 of this chapter.

A school corporation may not transfer a student under this section

without the prior approval of the child's parent.

(j) If a school corporation experiences a net financial impact with regard to transfer tuition that is negative for a particular school year as described in IC 6-1.1-19-5.1, the school corporation may appeal for an excessive levy as provided under IC 6-1.1-19-5.1.

SECTION 178. IC 20-29-2-17, AS ADDED BY P.L.1-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 17. "Submission date" **for a calendar year means the first date for the legal notice and publication of the budget of a school corporation under IC 6-1.1-17-3. August 10 of that year.**

SECTION 179. IC 20-33-2-29, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 29. (a) It is unlawful for a person operating or responsible for:

- (1) an educational;
- (2) a correctional;
- (3) a charitable; or
- (4) a benevolent institution or training school;

to fail to ensure that a child under the person's authority attends school as required under this chapter. Each day of violation of this section constitutes a separate offense.

(b) If a child is placed in an institution or facility under a court order, the institution or facility shall charge the ~~county office of family and children of the county of the child's legal settlement under IC 12-19-7~~ **department of child services** for the use of the space within the institution or facility (commonly called capital costs) that is used to provide educational services to the child based upon a prorated per child cost.

SECTION 180. IC 21-2-14-6, AS AMENDED BY P.L.1-2005, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The loan provided in section 4 of this chapter shall be initiated by a resolution of the governing body of the school corporation in an amount which, together with the outstanding obligations of the school corporation, shall not exceed its maximum permissible debt under the Indiana constitution. Such resolution shall not be effective until it is approved by the state board upon petition of the governing body of the school corporation.

(b) The provisions of all general laws relating to:

- (1) the filing of petitions requesting issuance of bonds or other evidences of indebtedness (herein referred to as "the loan"); ~~and~~
- (2) ~~the~~ giving of notice of determination to issue bonds;
- (3) the approval of the appropriation by the department of local government finance; and
- (4) the right of taxpayers to:

(A) remonstrate on the issuance or sale of the loan; **or**

(B) **vote on the proposed issuance in an election on a local public question;**

as provided under IC 6-1.1-20 shall not be applicable or shall not be a prerequisite to the validity of such loan, unless the obligation is a lease or lease purchase agreement described in IC 6-1.1-20.

(c) After the petition has been approved by the state board, the loan may be effected either by a loan from a financial institution evidenced by notes or by the issuance of bonds. The loan or the issuance of bonds shall be made only by public bidding after notice, in accordance with IC 5-1-11. The loan or bonds shall be sold at par and bear interest as determined by the bidding. Any bonds issued shall, except as otherwise provided in this section, be governed by IC 21-2-21. Any such bonds or loan may be secured by a pledge of the supplemental school operating reserve fund and the tax levy for such fund, or any unobligated part thereof; and shall be further secured as debt service obligations as provided in IC 21-2-21-10(c).

SECTION 181. IC 21-2-21-1.8, AS ADDED BY P.L.214-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.8. (a) For purposes of this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

- (1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(2) issued bonds under IC 20-5-4-1.7 before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) The school corporation must issue the bonds before July 1, 2006.

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7; minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7;

for a school corporation that issued bonds under IC 20-5-4-1.7 before April 14, 2003.

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, or art association and historical society funds in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject:

(1) to the petition and remonstrance process under IC 6-1.1-20;

(2) to **approval in an election on a local public question under IC 6-1.1-20**; or

(3) to the limitations contained in IC 36-1-15.

SECTION 182. IC 21-2-21-7, AS ADDED BY P.L.1-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The provisions of all general statutes and rules relating to:

(1) filing petitions requesting the issuance of bonds and giving notice of the issuance of bonds;

(2) giving notice of determination to issue bonds;

(3) giving notice of a hearing on the appropriation of the proceeds of the bonds and the right of taxpayers to appear and be heard on the proposed appropriation;

(4) the approval of the appropriation by the department of local government finance; and

(5) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) **vote on the proposed issuance in an election on a local public question**;

apply to proceedings for the issuance of bonds and the making of an emergency loan under this chapter and IC 20-26-1 through IC 20-26-5. An action to contest the validity of the bonds or emergency loans may not be brought later than five (5) days after the acceptance of a bid for the sale of the bonds.

SECTION 183. IC 21-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A lessor corporation qualified or formed to acquire a site, erect a school building thereon, and lease it to a school corporation under either IC 21-5-11 or IC 21-5-12 may also be qualified or formed to, and may, acquire, improve, or expand existing school buildings, may finance the existing or improved school buildings, and may lease

them to a school corporation under the applicable law.

(b) A lessor corporation may also acquire and finance an existing school building, other than as provided in subsection (a), and lease it to a school corporation. A school corporation shall comply in all respects with:

(1) all statutory requirements of IC 21-5-11 or IC 21-5-12; ~~and~~

(2) **either:**

(A) the petition and remonstrance **(in the case of a lease costing the school corporation less than ten million dollars (\$10,000,000)); or**

(B) **an election on the local public question (in the case of a preliminary determination made after June 30, 2006, to enter into a lease costing the school corporation at least ten million dollars (\$10,000,000)); and**

(3) all provisions under IC 6-1.1-20.

A lease made under this subsection may provide for the payment of lease rentals by the school corporation for the use of the existing school building. Lease rental payments made under the lease do not constitute a debt of the school corporation for purposes of the Constitution of the State of Indiana. A new school building may be substituted for the existing school building under the lease if the substitution was included in the notices given under IC 21-5-11, IC 21-5-12, and IC 6-1.1-20. A new school building shall be substituted for the existing school building upon completion. A school corporation may not pay a legal or other professional fee as the result of an exchange or a substitution under this section.

(c) "Existing school building" includes any school building (as defined under IC 21-5-11 or IC 21-5-12) and any building that after acquisition will be used as a school building (as defined in IC 21-5-11 or IC 21-5-12) and may include more than one (1) building but shall not include a portable or relocatable building or classroom.

(d) "Improved school building" means an existing school building as improved, renovated, remodeled, or expanded by a lessor corporation.

SECTION 184. IC 31-9-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.5. "Appropriate dispositional plan", for purposes of IC 31-30 through IC 31-40, means the plan of care, treatment, rehabilitation, or placement recommended by a caseworker in the:**

(1) **predispositional report required under IC 31-34-18-1 or IC 31-37-17-1; or**

(2) **modification report required under IC 31-34-22-1 or IC 31-37-21-1.**

SECTION 185. IC 31-9-2-9.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.7. "Appropriate services", for purposes of IC 31-40, means services provided under an appropriate dispositional plan.**

SECTION 186. IC 31-9-2-17.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 17.4. "Child services" has the meaning set forth in IC 12-19-7-1.**

SECTION 187. IC 31-9-2-17.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 17.7. "Children's psychiatric residential treatment services" has the meaning set forth in IC 12-19-7.5-1.**

SECTION 188. IC 31-9-2-120.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 120.4. "State fund" refers to the state child welfare fund established by IC 31-33-1.5-13.**

SECTION 189. IC 31-31-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The juvenile court may establish juvenile detention and shelter care facilities for children, except as provided by IC 31-31-9.

(b) The court may contract with other agencies to provide juvenile detention and shelter care facilities.

(c) If the juvenile court operates the juvenile detention and shelter care facilities, the judge shall appoint staff and determine the budgets.

(d) The county shall pay all expenses. The expenses for the juvenile detention facility shall be paid from the county general fund. **Payment of the expenses for the juvenile detention facility may not be**

paid from the county family and children's fund established by ~~IC 12-19-7-3~~.

SECTION 190. IC 31-31-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) This section applies to a county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

(b) Notwithstanding section 3 of this chapter, the juvenile court shall operate a juvenile detention facility or juvenile shelter care facility established in the county. However, the county legislative body shall determine the budget for the juvenile detention facility or juvenile shelter care facility. The expenses for the juvenile detention facility shall be paid from the county general fund. ~~Payment of the expenses for the juvenile detention facility may not be paid from the county family and children's fund established by IC 12-19-7-3.~~

SECTION 191. IC 31-33-1.5-7, AS ADDED BY P.L.234-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. The department is responsible for the following:

- (1) Providing child protection services under this article.
- (2) Providing and administering child abuse and neglect prevention services.
- (3) Providing and administering:
 - (A) child services; ~~(as defined in IC 12-19-7-1); and~~
 - (B) children's psychiatric residential treatment services.**
- (4) Providing and administering family services (as defined in IC 31-9-2-45).
- (5) Providing family preservation services under IC 12-14-25.5.
- (6) Regulating and licensing the following under IC 12-17.4:
 - (A) Child caring institutions.
 - (B) Foster family homes.
 - (C) Group homes.
 - (D) Child placing agencies.
- (7) Administering the state's plan for the administration of Title IV-D of the federal Social Security Act (42 U.S.C. 651 et seq.).
- (8) Administering foster care services.
- (9) Administering independent living services (as described in 42 U.S.C. 677 et seq.).
- (10) Administering adoption services.

SECTION 192. IC 31-33-1.5-10, AS ADDED BY P.L.234-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The department ~~may~~ **shall** establish a program to procure any of the services described in section 7 of this chapter under a procurement agreement administered by the department. The department may enter into procurement agreements that cover the delivery of one (1) or more categories of services to all the counties in a region determined by the department. An agreement may provide for payment from state funds appropriated for the purpose. ~~or direct billing of services to the county receiving the service.~~

(b) ~~If the department enters into a procurement agreement covering a county, the~~ A county, including the county's juvenile court, shall procure all services covered by the procurement agreement in accordance with the regional procurement agreement and the policies prescribed by the department. With the approval of the department, a county may use services from an alternate provider.

(c) The costs incurred under a procurement agreement shall be shared by the counties covered by the procurement agreement. The department shall allocate the costs of a regional procurement agreement among the counties covered by the agreement in proportion to the use of the services by each county under the schedule prescribed by the department. A county shall pay the costs incurred under a procurement agreement from the:

- ~~(1) family and children's fund; or~~
- (2) children's psychiatric residential treatment services fund;**

as appropriate.

(d) ~~If the department pays the costs incurred under a procurement contract from state funds appropriated for the purpose, the department shall present a claim for reimbursement to the appropriate county auditor. The county executive shall review and allow the full amount of the claim in the manner provided in IC 36-2-6.~~

SECTION 193. IC 31-33-1.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) The state child welfare fund is established. The department shall administer the fund.

(b) The state fund consists of the following:

- (1) The money transferred to the state fund from each of the county's child welfare funds under IC 12-19-7-35, including amounts paid under IC 31-40-1-2 to the state by a county to reimburse the state for the costs of services ordered by a juvenile court.
- (2) Any fees or costs paid to the state by a child's parent or guardian under a support order or reimbursement order under IC 31-40-1.
- (3) Any contributions to the state fund from individuals, corporations, foundations, or others for the purpose of providing child services.
- (4) Any appropriations made to the state fund by the general assembly. However, this section does not obligate the general assembly to appropriate money to the state fund.
- (5) Any TANF program (as defined in IC 12-7-2-189.8), Medicaid program (as defined in IC 12-7-2-128), or other grants that are received from the federal government and deposited in the state fund.
- (6) Any other money required by law to be deposited in the fund.

(c) The department of child services shall pay the following from the state fund:

- (1) Expenses and obligations incurred by the department of child services in the payment of child services for children adjudicated to be:
 - (A) children in need of services; or
 - (B) delinquent children;
 and other related services, but not including the payment of TANF.
- (2) Expenses and obligations incurred by the department in the payment of children's psychiatric residential treatment services for children who are residents of Indiana.
- (3) Medical care, including psychiatric care and institutional psychiatric care, for wards of the department of child services (described in IC 12-15-2-16).
- (4) Services to children with special health care needs.
- (5) Any other expenditures for services described in section 7 of this chapter or a procurement contract described in section 10 of this chapter.
- (6) Any expense of the type that was payable before January 1, 2007 from:

- (A) A county family and children's fund.
- (B) A county children's psychiatric residential treatment services fund.
- (C) The children with special health care needs state fund.
- (D) The state medical assistance to wards fund.

(7) Any other expense or obligation that is required to be paid from the state fund by law.

(d) The department may use money in the fund to settle the relative obligations of a county and the department of child services for services provided before January 1, 2007.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 194. IC 31-33-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Not later than sixty (60) days after receiving the plan, the director shall certify whether the local plan fulfills the purposes and meets the requirements of this article.

(b) If the director certifies that the local plan does not fulfill the purposes and meet the requirements of this article, the director

- ~~(1) shall state the reasons for the decision. and~~
- ~~(2) may withhold state reimbursement for any part of the county office of family and children's activities relating to this article.~~

SECTION 195. IC 31-34-18-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Upon finding

that a child is a child in need of services, the juvenile court shall order a ~~probation officer~~ or a caseworker to prepare a predispositional report that contains a:

- (1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and
- (2) recommendation for the care, treatment, rehabilitation, or placement of the child.

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;
 - (C) guardian ad litem;
 - (D) court appointed special advocate; or
 - (E) custodian.

SECTION 196. IC 31-34-18-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) The ~~person~~ **caseworker** preparing the report under section 1 of this chapter:

- (1) may; or
- (2) if directed by the court, shall;

confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a child in need of services.

(b) A conference held under this section may include representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The county office of family and children.
- (4) A community mental health center located in the child's county of residence.
- (5) A community mental retardation and other developmental disabilities center located in the child's county of residence.
- (6) Other persons as the court may direct.

SECTION 197. IC 31-34-18-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.3. (a) The individuals participating in a meeting described in section 1.1 of this chapter shall assist the ~~person~~ **caseworker** preparing the report in recommending the care, treatment, rehabilitation, or placement of the child.

(b) The individuals shall inform the ~~person~~ **caseworker** preparing the report of resources and programs that are available for the child.

SECTION 198. IC 31-34-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the ~~person~~ **caseworker** preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a ~~probation officer~~ or caseworker believes that an out-of-home placement would be appropriate for a child in need of services, the ~~probation officer~~ or caseworker shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

SECTION 199. IC 31-34-18-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~probation officer~~ or caseworker shall also prepare a financial report on the parent or the estate of the child to assist the juvenile court in determining the person's financial responsibility for services provided for the child or the person.

SECTION 200. IC 31-34-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If consistent with the safety and best interest of the child and the community, the ~~person~~ **caseworker** preparing the report shall recommend care, treatment, rehabilitation, or placement that:

- (1) is:
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;

- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

SECTION 201. IC 31-34-18-6.1, AS AMENDED BY P.L.234-2005, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a ~~probation officer~~ or caseworker shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the ~~preparer of caseworker~~ **who prepared** the report conferred as provided in section 1.1 of this chapter.

(b) If a ~~probation officer~~ or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, ~~the a~~ probation officer or ~~the~~ caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the ~~probation officer~~ or caseworker is considering only an out-of-home placement to an entity or facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 202. IC 31-34-19-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) Efforts made, if the child is a child in need of services, to:
 - (A) prevent the child's removal from; or
 - (B) reunite the child with;
 the child's parent, guardian, or custodian in accordance with federal law.
- (4) Family services that were offered and provided to:
 - (A) a child in need of services; or
 - (B) the child's parent, guardian, or custodian;
 in accordance with federal law.
- (5) The court's reasons for the disposition.

(b) If the juvenile court issues a dispositional decree that departs from the appropriate dispositional plan (as defined in IC 31-9-2-9.5), the juvenile court shall include as a part of the dispositional decree written findings describing:

- (1) the juvenile court's reasons for departing from the appropriate dispositional plan; and
- (2) the additional expense, if any, that the court's dispositional decree will incur as compared to the cost of the appropriate dispositional plan.

SECTION 203. IC 31-34-20-1.5, AS AMENDED BY P.L.234-2005, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) Except as provided in subsection (d) the juvenile court may not enter a

dispositional decree placing a child in another home under section 1(3) of this chapter or awarding wardship to a county office of family and children that will place the child with a person under section 1(4) of this chapter if a person who is:

- (1) currently residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter; or
- (2) reasonably expected to be residing in the home in which the child would be placed under section 1(3) or 1(4) of this chapter during the time the child would be placed in the home;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order ~~the~~ a probation officer or ~~the~~ caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2 or IC 31-34-18-6.1 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(c) ~~★~~ The probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the ~~probation officer or~~ caseworker is considering only an out-of-home placement to an entity or a facility that:

- (A) is not a residence (as defined in IC 3-5-2-42.5); or
- (B) is licensed by the state; or

- (2) placement under this section is undetermined at the time the predispositional report is prepared.

(d) A court may enter a dispositional decree placing a child in another home or award wardship to a county office of family and children if:

- (1) a person described in subsection (a)(1) or (a)(2) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect; or
 - (B) been convicted or had a juvenile adjudication for:
 - (i) reckless homicide (IC 35-42-1-5);
 - (ii) battery (IC 35-42-2-1) as a Class C or D felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
 - (iv) arson (IC 35-43-1-1) as a Class C or D felony;
 - (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
 - (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
 - (vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

- (2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that the dispositional decree placing a child in another home or awarding wardship to a county office of family and children is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home or award wardship to a county office of family and children if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(d) In making its written finding under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of

abuse or neglect.

- (2) The severity of the offense, delinquent act, or abuse or neglect.

- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 204. IC 31-34-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order

~~(1) the county office of family and children or~~

~~(2) the probation department;~~

to file a report on the progress made in implementing the decree.

(b) If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

SECTION 205. IC 31-34-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Before a case review under section 2 of this chapter, ~~the probation department or~~ the county office of family and children shall prepare a report in accordance with IC 31-34-22 on the progress made in implementing the dispositional decree.

SECTION 206. IC 31-34-21-7.5, AS AMENDED BY P.L.234-2005, SECTION 184, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) Except as provided in subsection (d), the juvenile court may not approve a permanency plan under subsection (c)(1)(D), (c)(1)(E), or (c)(1)(F) if a person who is currently residing with a person described in subsection (c)(1)(D) or (c)(1)(E) or in a residence in which the child would be placed under subsection (c)(1)(F) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order ~~the~~ a probation officer or ~~the~~ caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-34-4-2, IC 31-34-18-6.1, or IC 31-34-20-1.5 establishes whether a person described in subsection (a) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(c) A permanency plan under this chapter includes the following:

- (1) The intended permanent or long term arrangements for care and custody of the child that may include any of the following arrangements that the court considers most appropriate and consistent with the best interests of the child:

(A) Return to or continuation of existing custodial care within the home of the child's parent, guardian, or custodian or placement of the child with the child's noncustodial parent.

(B) Initiation of a proceeding by the agency or appropriate person for termination of the parent-child relationship under IC 31-35.

(C) Placement of the child for adoption.

(D) Placement of the child with a responsible person, including:

- (i) an adult sibling;
- (ii) a grandparent;
- (iii) an aunt;
- (iv) an uncle; or
- (v) another relative;

who is able and willing to act as the child's permanent custodian and carry out the responsibilities required by the permanency plan.

(E) Appointment of a legal guardian. The legal guardian appointed under this section is a caretaker in a judicially created relationship between the child and caretaker that is

intended to be permanent and self-sustaining as evidenced by the transfer to the caretaker of the following parental rights with respect to the child:

- (i) Care, custody, and control of the child.
- (ii) Decision making concerning the child's upbringing.
- (F) Placement of the child in another planned, permanent living arrangement.
- (2) A time schedule for implementing the applicable provisions of the permanency plan.
- (3) Provisions for temporary or interim arrangements for care and custody of the child, pending completion of implementation of the permanency plan.
- (4) Other items required to be included in a case plan under IC 31-34-15 or federal law, consistent with the permanent or long term arrangements described by the permanency plan.
- (d) A juvenile court may approve a permanency plan if:
 - (1) a person described in subsection (a) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect; or
 - (B) been convicted or had a juvenile adjudication for:
 - (i) reckless homicide (IC 35-42-1-5);
 - (ii) battery (IC 35-42-2-1) as a Class C or D felony;
 - (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
 - (iv) arson (IC 35-43-1-1) as a Class C or D felony;
 - (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
 - (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
 - (vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and
 - (2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that approval of the permanency plan is in the best interest of the child.

However, a court may not approve a permanency plan if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(e) In making its written finding under subsection (d), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 207. IC 31-34-21-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Before a hearing under section 7 of this chapter, ~~the probation department~~ or the county office of family and children shall prepare a report in accordance with IC 31-34-22 on the progress made in implementing the dispositional decree.

SECTION 208. IC 31-34-22-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Before a case review under IC 31-34-21-2 or hearing under IC 31-34-21-7, ~~the probation department~~ or the county office of family and children shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

(b) Before preparing the report required by subsection (a), ~~the probation department~~ or the county office of family and children shall consult a foster parent of the child about the child's progress made while in the foster parent's care.

(c) If modification of the dispositional decree is recommended, ~~the probation department~~ or the county office of family and children shall prepare a modification report containing the information required by IC 31-34-18 and request a formal court hearing.

SECTION 209. IC 31-34-22-2, AS AMENDED BY P.L.129-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by ~~the state~~: **a caseworker**:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child and the child's parent, guardian, guardian ad litem, court appointed special advocate, or custodian within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, guardian, or custodian, the court shall provide a copy of the report to the following:

- (1) Each attorney or guardian ad litem representing the child.
- (2) Each attorney representing the child's parent, guardian, or custodian.
- (3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by ~~the state~~ **a caseworker** for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 210. IC 31-34-23-1, AS AMENDED BY P.L.129-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a)** While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's:
 - (i) parent;
 - (ii) guardian;
 - (iii) custodian;
 - (iv) court appointed special advocate; or
 - (v) guardian ad litem;
 - (C) the probation officer;
 - (D) the caseworker;
 - (E) the prosecuting attorney; or
 - (F) the attorney for the county office of family and children;

or

(3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

(b) If the juvenile court modifies a dispositional decree under this section in a manner that departs from the recommendations contained in a modification report prepared in accordance with IC 31-34-22-1 (including modifying a dispositional decree when no modification is recommended), the juvenile court shall include as a part of the modification order written findings describing:

- (1) the juvenile court's reasons for departing from the modification report; and**
- (2) the additional expense, if any, that the court's dispositional decree will incur as compared to the cost of treatment described in the modification report.**

SECTION 211. IC 31-34-23-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) If the petitioner requests an emergency change in the child's residence, the court may issue a temporary order. However, the court shall then give notice to the persons affected and shall hold a hearing on the question if requested.

(b) If the temporary order is inconsistent with the appropriate dispositional plan or if the petition requests any other modification, the court shall give notice to the persons affected and may hold a

hearing on the question.

SECTION 212. IC 31-34-24-8, AS AMENDED BY P.L.1-2005, SECTION 208, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. In preparing the plan, the team shall review and consider existing publicly and privately funded programs that are available or that could be made available in the county to provide supportive services to or for the benefit of children described in section 3 of this chapter without removing the child from the family home, including programs funded through the following:

- (1) Title IV-B of the Social Security Act (42 U.S.C. 620 et seq.).
- (2) Title IV-E of the Social Security Act (42 U.S.C. 670 et seq.).
- (3) Title XX of the Social Security Act (42 U.S.C. 1397 et seq.).
- (4) The Child Abuse Prevention and Treatment Act (42 U.S.C. 5106 et seq.).
- (5) Community corrections programs under IC 11-12.
- (6) Special education programs under IC 20-35-6-2.
- (7) All programs designed to prevent child abuse, neglect, or delinquency, or to enhance child welfare and family preservation administered by, or through funding provided by, the division of family and children, county offices, prosecutors, or juvenile courts, including programs funded under ~~IC 12-19-7 and~~ IC 31-40.
- (8) Probation user's fees under IC 31-40-2-1.
- (9) Child advocacy fund under IC 12-17-17.

SECTION 213. IC 31-34-24-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) Upon receiving the initial plan and each revised or updated plan, the ~~county fiscal body~~ **department of child services** shall consider the plan. ~~in developing the family and children's fund budget.~~

(b) ~~The county fiscal body department of child services may appropriate from the family and children's fund any amounts necessary use money from the sources described in IC 31-33-1.5-13 to provide funding to implement the plan.~~

SECTION 214. IC 31-37-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a probation officer or a caseworker to prepare a predispositional report that contains a:

- (1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and
- (2) recommendation for the care, treatment, rehabilitation, or placement of the child.

(b) If the predispositional report recommends any placement or other service that the department of child services is obligated to pay, the recommendation must be approved by the department of child services.

~~(b)~~ (c) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;
 - (C) guardian ad litem;
 - (D) court appointed special advocate; or
 - (E) custodian.

SECTION 215. IC 31-37-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Upon finding that a child is a delinquent child, the juvenile court shall order a ~~probation officer or~~ a caseworker to prepare a predispositional report that contains a:

- (1) statement of the needs of the child for care, treatment, rehabilitation, or placement; and
- (2) recommendation for the care, treatment, rehabilitation, or placement of the child.

(b) Any of the following may prepare an alternative report for consideration by the court:

- (1) The child.
- (2) The child's:
 - (A) parent;
 - (B) guardian;

- (C) guardian ad litem;
- (D) court appointed special advocate; or
- (E) custodian.

SECTION 216. IC 31-37-17-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) The ~~person~~ **caseworker** preparing the report under section 1 of this chapter:

- (1) may; or
 - (2) if directed by the court, shall;
- confer with individuals who have expertise in professional areas related to the child's needs in the areas of appropriate care, treatment, rehabilitation, or placement for a delinquent child.

(b) A conference held under this chapter may include representatives of the following:

- (1) The child's school.
- (2) The probation department.
- (3) The county office of family and children.
- (4) A community mental health center located in the child's county of residence.
- (5) A community mental retardation and other developmental disabilities center located in the child's county of residence.
- (6) Other persons as the court may direct.

SECTION 217. IC 31-37-17-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.3. (a) The individuals participating in a meeting described in section 1.1 of this chapter shall assist the ~~person~~ **caseworker** preparing the report in recommending the care, treatment, rehabilitation, or placement of the child.

(b) The individuals shall inform the ~~person~~ **caseworker** preparing the report of resources and programs that are available for the child.

(c) The ~~probation officer or~~ caseworker shall collect, maintain, and complete financial eligibility forms designated by the director to assist in obtaining federal reimbursement and other reimbursement.

SECTION 218. IC 31-37-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) In addition to providing the court with a recommendation for the care, treatment, or rehabilitation of the child, the ~~person~~ **caseworker** preparing the report shall consider the necessity, nature, and extent of the participation by a parent, guardian, or custodian in a program of care, treatment, or rehabilitation for the child.

(b) If a ~~probation officer or~~ caseworker believes that an out-of-home placement would be appropriate for a delinquent child, the ~~probation officer or~~ caseworker shall consider whether the child should be placed with the child's suitable and willing blood or adoptive relative caretaker, including a grandparent, an aunt, an uncle, or an adult sibling, before considering other out-of-home placements for the child.

SECTION 219. IC 31-37-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~probation officer or~~ caseworker shall collect information and prepare a financial report, in the form prescribed by the division, on the parent or the estate of the child to assist the juvenile court and the county office in:

- (1) determining the person's financial responsibility; and
- (2) obtaining federal reimbursement;

for services provided for the child or the person.

SECTION 220. IC 31-37-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If consistent with the safety and best interest of the child and the community, the ~~person~~ **caseworker** preparing the report shall recommend care, treatment, rehabilitation, or placement that:

- (1) is:
 - (A) in the least restrictive (most family like) and most appropriate setting available; and
 - (B) close to the parents' home, consistent with the best interest and special needs of the child;
- (2) least interferes with family autonomy;
- (3) is least disruptive of family life;
- (4) imposes the least restraint on the freedom of the child and the child's parent, guardian, or custodian; and
- (5) provides a reasonable opportunity for participation by the child's parent, guardian, or custodian.

SECTION 221. IC 31-37-17-6.1, AS AMENDED BY P.L.234-2005, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The

predispositional report prepared by a ~~probation officer~~ or caseworker shall include the following information:

- (1) A description of all dispositional options considered in preparing the report.
- (2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.
- (3) The name, occupation and position, and any relationship to the child of each person with whom the ~~preparer of caseworker~~ **who prepared** the report conferred as provided in section 1.1 of this chapter.
- (b) If a ~~probation officer~~ or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, ~~the a~~ probation officer or ~~the~~ caseworker must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who:

- (1) is currently residing in the location designated as the out-of-home placement; or
- (2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

- (1) the ~~probation officer~~ or caseworker is considering only an out-of-home placement to an entity or a facility that:
 - (A) is not a residence (as defined in IC 3-5-2-42.5); or
 - (B) is licensed by the state; or
- (2) placement under this section is undetermined at the time the predispositional report is prepared.

SECTION 222. IC 31-37-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) This section shall not be construed to limit ~~victim's victims'~~ rights granted by IC 35-40 or any other law.

(b) In the case of a child who commits a delinquent act that would be a sex offense (as defined in IC 11-13-6-5.5(b)) if the child were an adult, the ~~person~~ **caseworker** preparing the predispositional report under section 1 of this chapter shall, before the predispositional report is prepared, notify each victim (as defined in IC 11-13-6-5.5) in the proceeding of the victim's rights under IC 11-13-6-5.5 and the procedures related to the exercises of those rights.

SECTION 223. IC 31-37-18-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. At a dispositional hearing under this chapter, the ~~person~~ **caseworker** that prepared the predispositional report:

- (1) must be present; and
- (2) must present testimony when requested to explain how the individuals participating in the conference described in IC 31-37-17:
 - (A) examined the available options; and
 - (B) recommended the options that most closely coincide with the guidelines provided in IC 31-37-17-4.

SECTION 224. IC 31-37-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) The court's reasons for the disposition.

(b) If the juvenile court issues a dispositional decree that departs from the appropriate dispositional plan (as defined in IC 31-9-2-9.5), the juvenile court shall include as a part of the dispositional decree written findings describing:

- (1) the juvenile court's reasons for departing from the appropriate dispositional plan; and
- (2) the additional expense, if any, that the court's dispositional decree will incur as compared to the cost of the

appropriate dispositional plan.

SECTION 225. IC 31-37-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. Wardship under this subdivision does not include the right to consent to the child's adoption.
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian; to receive family services or **other appropriate services set forth in an appropriate dispositional plan.**
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.

SECTION 226. IC 31-37-19-6.5, AS AMENDED BY P.L.234-2005, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) Except as provided in subsection (c), the juvenile court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if a person who is:

- (1) currently residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter; or
- (2) reasonably expected to be residing in the home in which the child would be placed under section 1(3), 1(4), 6(b)(2)(D), or 6(b)(2)(E) of this chapter during the time the child would be placed in the home;

has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(b) The juvenile court shall order ~~the a~~ probation officer or ~~the~~ caseworker who prepared the predispositional report to conduct a criminal history check (as defined in IC 31-9-2-22.5) to determine if a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11. However, the juvenile court is not required to order a criminal history check under this section if criminal history information under IC 31-37-17-6.1 establishes whether a person described in subsection (a)(1) or (a)(2) has committed an act resulting in a substantiated report of child abuse or neglect, has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult, or has a conviction for a felony listed in IC 12-17.4-4-11.

(c) The juvenile court may enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children that results in a placement with a person under section 1(4) or 6(b)(2)(E) of this chapter if:

- (1) a person described in subsection (a)(1) or (a)(2) has:
 - (A) committed an act resulting in a substantiated report of child abuse or neglect; or
 - (B) been convicted or had a juvenile adjudication for:
 - (i) reckless homicide (IC 35-42-1-5);
 - (ii) battery (IC 35-42-2-1) as a Class C or D felony;

- (iii) criminal confinement (IC 35-42-3-3) as a Class C or D felony;
- (iv) arson (IC 35-43-1-1) as a Class C or D felony;
- (v) a felony involving a weapon under IC 35-47 or IC 35-47.5 as a Class C or D felony;
- (vi) a felony relating to controlled substances under IC 35-48-4 as a Class C or D felony; or
- (vii) a felony that is substantially equivalent to a felony listed in items (i) through (vi) for which the conviction was entered in another state; and

(2) the court makes a written finding that the person's commission of the offense, delinquent act, or act of abuse or neglect described in subdivision (1) is not relevant to the person's present ability to care for a child, and that entry of a dispositional decree placing the child in another home is in the best interest of the child.

However, a court may not enter a dispositional decree placing a child in another home under section 1(3) or 6(b)(2)(D) of this chapter or awarding wardship to the county office of family and children if the person has been convicted of a felony listed in IC 12-17.4-4-11 that is not specifically excluded under subdivision (1)(B), or has a juvenile adjudication for an act that would be a felony listed in IC 12-17.4-4-11 if committed by an adult that is not specifically excluded under subdivision (1)(B).

(d) In making its written finding under subsection (c), the court shall consider the following:

- (1) The length of time since the person committed the offense, delinquent act, or act that resulted in the substantiated report of abuse or neglect.
- (2) The severity of the offense, delinquent act, or abuse or neglect.
- (3) Evidence of the person's rehabilitation, including the person's cooperation with a treatment plan, if applicable.

SECTION 227. IC 31-37-19-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 28. If the juvenile court issues a dispositional decree or modification order under this chapter that departs from the appropriate dispositional plan, the juvenile court shall include as a part of the dispositional decree or modification order written findings describing:

- (1) the juvenile court's reasons for departing from the appropriate dispositional plan; and**
- (2) the additional expense, if any, that the court's dispositional decree or modification order will incur as compared to the cost of the appropriate dispositional plan.**

SECTION 228. IC 31-37-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. At any time after the date of an original dispositional decree, the juvenile court may order the county office of family and children or the probation department to file a report on the progress made in implementing the decree. If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the court shall proceed under IC 31-37-22.

SECTION 229. IC 31-37-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Before a hearing under section 2 or 3 of this chapter, the probation department or the county office of family and children shall prepare a report in accordance with IC 31-37-21 on the progress made in implementing the dispositional decree.

SECTION 230. IC 31-37-20-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. If the juvenile court issues a dispositional decree or modification order under this chapter that departs from the appropriate dispositional plan, the juvenile court shall include as a part of the dispositional decree or modification order written findings describing:

- (1) the juvenile court's reasons for departing from the appropriate dispositional plan; and**
- (2) the additional expense, if any, that the court's dispositional decree or modification order will incur as compared to the cost of the appropriate dispositional plan.**

SECTION 231. IC 31-37-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Before a

hearing under IC 31-37-20-2 or IC 31-37-20-3, the probation department or the county office of family and children shall prepare a report on the progress made in implementing the dispositional decree, including the progress made in rehabilitating the child, preventing placement out-of-home, or reuniting the family.

(b) Before preparing the report required by subsection (a), the probation department or the county office of family and children shall consult a foster parent of the child about the child's progress made while in the foster parent's care.

(c) If modification of the dispositional decree is recommended, the probation department or the county office of family and children shall prepare a modification report containing the information required by IC 31-37-17 and request a formal court hearing.

SECTION 232. IC 31-37-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided by subsection (b), a report prepared by the state a caseworker:

- (1) for the juvenile court's review of the court's dispositional decree; or**
- (2) for use at a periodic case review or hearing under IC 31-37-20-2 or IC 31-37-20-3;**

shall be made available to the child and the child's parent, guardian, guardian ad litem, custodian, or court appointed special advocate within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, guardian, or custodian, the court shall provide a copy of the report to the following:

- (1) Each attorney or a guardian ad litem representing the child.**
- (2) Each attorney representing the child's parent, guardian, or custodian.**
- (3) A court appointed special advocate.**

(c) The court may also provide a factual summary of the report to the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state a caseworker for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 233. IC 31-37-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) If the petitioner requests an emergency change in the child's residence, the court may issue a temporary order. However, the court shall then give notice to the persons affected and shall hold a hearing on the question if requested.

(b) If the temporary order is inconsistent with the appropriate dispositional plan or if the petition requests any other modification, the court shall give notice to the persons affected and may hold a hearing on the question.

SECTION 234. IC 31-37-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If a hearing is required, IC 31-37-17 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, or custodian is requesting the modification in every case in which modification is requested.

SECTION 235. IC 31-37-22-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7.5. If the juvenile court modifies a dispositional decree under this chapter in a manner that departs from the recommendations contained in a modification report prepared in accordance with IC 31-37-22-4 (including modifying a dispositional decree when no modification is recommended), the juvenile court shall include as a part of the modification order written findings describing:

- (1) the juvenile court's reasons for departing from the modification report; and**
- (2) the additional expense, if any, that the court's**

dispositional decree will incur as compared to the cost of treatment described in the modification report.

SECTION 236. IC 31-40-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This article applies to a financial burden sustained by a county **or the state**, as the result of costs paid by the county under section 2 of this chapter (as effective December 31, 2006) and the county or state under section 2 of this chapter (as effective after December 31, 2006), including costs resulting from the institutional placement of a child adjudicated a delinquent child or a child in need of services **and the amount of any charge back to a county under section 2 of this chapter.**

SECTION 237. IC 31-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) **The department of child services shall pay for the cost of services ordered by the juvenile court for any child or the child's parent, guardian, or custodian, other than secure detention or probation services, if the services are the appropriate services set forth in an appropriate dispositional plan submitted to the juvenile court by a department of child services caseworker.**

(b) **The department of child services shall:**

- (1) **pay for other services ordered by the juvenile court that are not designated as appropriate services in a dispositional plan; and**
- (2) **charge back to the county the costs of services described in subdivision (1).**

(c) **The county shall pay reimburse the department of child services from the county family and children's child welfare fund for the cost of:**

- (1) **any services ordered by the juvenile court for any child or the child's parent, guardian, or custodian, other than secure detention; that the department of child services has charged back to the county under subsection (b); and**
- (2) **returning a child under IC 31-37-23.**

~~(b) (d)~~ **The county fiscal body shall provide sufficient money to meet the court's requirements: county's obligation to reimburse the department of child services for the services that are charged back to the county under subsection (b).**

SECTION 238. IC 31-40-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A parent or guardian of the estate of a child adjudicated a delinquent child or a child in need of services is financially responsible as provided in this chapter (or IC 31-6-4-18(e) before its repeal) for any services ordered by the court.

(b) Each parent of a child alleged to be a child in need of services or alleged to be a delinquent child shall, before a dispositional hearing, furnish the court with an accurately completed and current child support obligation worksheet on the same form that is prescribed by the Indiana supreme court for child support orders.

(c) At:

- (1) a detention hearing;
- (2) a hearing that is held after the payment of costs by a county under section 2 of this chapter (or IC 31-6-4-18(b) before its repeal);
- (3) the dispositional hearing; or
- (4) any other hearing to consider modification of a dispositional decree;

the juvenile court shall order the child's parents or the guardian of the child's estate to pay for, or reimburse the county **or the department of child services, as appropriate**, for the cost of services provided to the child or the parent or guardian unless the court finds that the parent or guardian is unable to pay or that justice would not be served by ordering payment from the parent or guardian.

(d) Subject to subsection (e), when the court orders a child's parent or the guardian of the child's estate to make a payment or reimbursement under subsection (c), the court shall order the reimbursement to be paid to:

- (1) **the county if the county pays the cost of services or is required to reimburse the department of child services for the cost of services from the county child welfare fund; and**
- (2) **when subdivision (1) does not apply, the department of child services.**

(e) If the county executive adopts a resolution incorporating a

written agreement with the department of child services to offset payments against any reimbursement otherwise due from the county to the department of child services, the court may order that payment that is required to be made to the county under subsection (d)(1) to be made to the department of child services.

SECTION 239. IC 31-40-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. **Subject to section 3(e) of this chapter**, the parent or guardian of the estate of any child returned to Indiana under the interstate compact on juveniles under IC 31-37-23 shall reimburse the county for all costs:

- (1) **payable or which under section 2 of this chapter must be reimbursed by the county from the county child welfare fund; and**

- (2) **involved in returning the child;**

that the court orders the parent or guardian to pay under section 3 of this chapter (or IC 31-6-4-18(e) before its repeal) whether or not the child has been adjudicated a delinquent child or a child in need of services.

SECTION 240. IC 31-40-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section applies whenever the court orders or approves removal of a child from the home of a child's parent or guardian and placement of the child in a child caring institution (as defined in IC 12-7-2-29), a foster family home (as defined in IC 12-7-2-90), or the home of a relative of the child that is not a foster family home.

(b) If an existing support order is in effect, the court shall order the support payments to be assigned to the **county office department of child services** for the duration of the placement out of the home of the child's parent or guardian. The court shall notify the court that:

- (1) entered the existing support order; or
- (2) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the assignment and assumption of jurisdiction by the juvenile court under this section.

(c) If an existing support order is not in effect, the court shall do the following:

- (1) Include in the order for removal or placement of the child an assignment to the **county office, department of child services**, or confirmation of an assignment that occurs or is required under applicable federal law, of any rights to support, including support for the cost of any medical care payable by the state under IC 12-15, from any parent or guardian who has a legal obligation to support the child.

- (2) Order support paid to the **county office department of child services** by each of the child's parents or the guardians of the child's estate to be based on child support guidelines adopted by the Indiana supreme court and for the duration of the placement of the child out of the home of the child's parent or guardian, unless:

- (A) the court finds that entry of an order based on the child support guidelines would be unjust or inappropriate considering the best interests of the child and other necessary obligations of the child's family; or

- (B) the county office **or the department of child services** does not make foster care maintenance payments to the custodian of the child. For purposes of this clause, "foster care maintenance payments" means any payments for **the cost of (in whole or in part) and** the cost of providing food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, and reasonable amounts for travel to the child's home for visitation. In the case of a child caring institution, the term also includes the reasonable costs of administration and operation of the institution as are necessary to provide the items described in this clause.

- (3) If the court:

- (A) does not enter a support order; or
- (B) enters an order that is not based on the child support guidelines;

the court shall make findings as required by 45 CFR 302.56(g).

(d) Payments in accordance with a support order assigned under subsection (b) or entered under subsection (c) (or IC 31-6-4-18(f) before its repeal) shall be paid through the clerk of the circuit court

as trustee for remittance to the ~~county office~~: **department of child services**.

(e) The Title IV-D agency shall establish, modify, or enforce a support order assigned or entered by a court under this section in accordance with IC 12-17-2 and 42 U.S.C. 654. The county office shall, if requested, assist the Title IV-D agency in performing its duties under this subsection.

(f) If the juvenile court terminates placement of a child out of the home of the child's parent or guardian, the court shall:

(1) notify the court that:

(A) entered a support order assigned to the county office under subsection (b); or

(B) had jurisdiction, immediately before the placement, to modify or enforce the existing support order;

of the termination of jurisdiction of the juvenile court with respect to the support order;

(2) terminate a support order entered under subsection (c) that requires payment of support by a custodial parent or guardian of the child, with respect to support obligations that accrue after termination of the placement; or

(3) continue in effect, subject to modification or enforcement by a court having jurisdiction over the obligor, a support order entered under subsection (c) that requires payment of support by a noncustodial parent or guardian of the estate of the child.

(g) The court may at or after a hearing described in section 3 of this chapter order the child's parent or the guardian of the child's estate to reimburse:

(1) the county ~~office~~ for all or any portion of the expenses for services provided to or for the benefit of the child that are paid **(or must be reimbursed by the county)** from the county ~~family and children's child welfare fund~~; and

(2) if subdivision (1) does not apply, the department of child services;

during the placement of the child out of the home of the parent or guardian, in addition to amounts reimbursed through payments in accordance with a support order assigned or entered as provided in this section, subject to applicable federal law.

(h) A support order requiring payment to a county office shall be treated after December 31, 2006, as requiring payment to the department of child services.

SECTION 241. IC 31-40-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) The ~~division with the approval of the county fiscal body~~; **or the department of child services** may contract with any of the following, on terms and conditions with respect to compensation and payment or reimbursement of expenses as the ~~division or department of child services~~ may determine, for the enforcement and collection of any parental reimbursement obligation established by order entered by the court under section 3 or 5(g) of this chapter:

(1) The prosecuting attorney of the county that paid the cost of the services ordered by the court, as provided in section 2 of this chapter **(as effective on December 31, 2006), and the prosecuting attorney of the county where the child resides for the costs of services ordered by the court, as provided in section 2 of this chapter (as effective after December 31, 2006).**

(2) An attorney for the ~~county office that paid the cost of services ordered by the court~~; **division or department of child services**, if the attorney is not an employee of the ~~county office department of child services~~ or the division.

(3) An attorney licensed to practice law in Indiana.

(b) A contract entered into under this section is subject to approval under IC 4-13-2-14.1.

(c) Any fee payable to a prosecuting attorney under a contract under subsection (a)(1) shall be deposited in the county general fund and credited to a separate account identified as the prosecuting attorney's child services collections account. The prosecuting attorney may expend funds credited to the prosecuting attorney's child services collections account, without appropriation, only for the purpose of supporting and enhancing the functions of the prosecuting attorney in enforcement and collection of parental obligations ~~to reimburse the county family and children's fund ordered by the court under section 3 or 5(g) of this chapter.~~

SECTION 242. IC 31-40-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Amounts received as payment of support or reimbursement of the cost of services paid as provided in this chapter shall be distributed in the following manner:

(1) If any part of the cost of services was paid from federal funds under Title IV Part E of the Social Security Act (42 U.S.C. 671 et seq.), the amounts received shall first be applied as provided in 42 U.S.C. 657 and 45 CFR 302.52.

(2) **Subject to section 3(e) of this chapter**, all amounts remaining after the distributions required by subdivision (1) shall be deposited in:

(1) the family and children's county child welfare fund (established by IC 12-19-7-3) if the money is received to pay a county that paid the cost of the services; obligation; or

(2) the state child welfare fund (established by IC 31-33-1.5-13) if the money is received to pay an obligation of the state fund.

(b) Any money deposited in a county ~~family and children's child welfare fund~~ under this section shall be reported to the ~~division; department of child services~~, in the form and manner prescribed by the ~~division; department of child services~~, and shall be applied to the ~~child services budget compiled and adopted by the county director for the next state fiscal year, in accordance with IC 12-19-7-6: obligations of the county child welfare fund.~~

SECTION 243. IC 31-40-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. If the parent or guardian of the estate:

(1) defaults in reimbursing the county **or state**; or

(2) fails to pay a fee authorized by this article;

the juvenile court may find the parent or guardian in contempt and enter judgment for the amount due.

SECTION 244. IC 36-2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) The county fiscal body shall fix the compensation of officers, deputies, and other employees whose compensation is payable from the county general fund, county highway fund, county health fund, county park and recreation fund, aviation fund, or any other fund from which the county auditor issues warrants for compensation. This includes the power to:

(1) fix the number of officers, deputies, and other employees;

(2) describe and classify positions and services;

(3) adopt schedules of compensation; and

(4) hire or contract with persons to assist in the development of schedules of compensation.

(b) The county fiscal body shall provide for a county assessor or ~~elected~~ township assessor who has attained a level two certification under IC 6-1.1-35.5 to receive annually one thousand dollars (\$1,000), which is in addition to and not part of the annual compensation of the assessor. The county fiscal body shall provide for a county or township deputy assessor who has attained a level two certification under IC 6-1.1-35.5 to receive annually five hundred dollars (\$500), which is in addition to and not part of the annual compensation of the county or township deputy assessor.

(c) Notwithstanding subsection (a), the board of each local health department shall prescribe the duties of all its officers and employees, recommend the number of positions, describe and classify positions and services, adopt schedules of compensation, and hire and contract with persons to assist in the development of schedules of compensation.

(d) This section does not apply to community corrections programs (as defined in IC 11-12-1-1 and IC 35-38-2.6-2).

SECTION 245. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(5) For a township that is not served by a township assessor,

performance of assessment duties prescribed by IC 6-1.1 that were performed before January 1, 2008, by a township trustee assessor.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) **(b)** A township with a township trustee-assessor trustee who has attained a level two certification under IC 6-1.1-35.5 may with the consent of the township board, enter into an agreement a contract with:

- (1) the county assessor; or
- (2) another a township assessor in the county;

to perform any of the functions of an assessing official. ~~A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.~~

SECTION 246. IC 36-3-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This section applies whenever a special taxing district of the consolidated city has the power to issue bonds, notes, or warrants.

(b) Before any bonds, notes, or warrants of a special taxing district may be issued, the issue must be approved by resolution of the legislative body of the consolidated city.

(c) Any bonds of a special taxing district must be issued in the manner prescribed by statute for that district, and the board of the department having jurisdiction over the district shall:

- (1) hold all required hearings;
- (2) adopt all necessary resolutions; and
- (3) appropriate the proceeds of the bonds;

in that manner. However, the legislative body shall levy each year the special tax required to pay the principal of and interest on the bonds and any bank paying charges.

(d) Notwithstanding any other statute, bonds of a special taxing district may:

- (1) be dated;
- (2) be issued in any denomination;
- (3) mature at any time or times not exceeding fifty (50) years after their date; and
- (4) be payable at any bank or banks;

as determined by the board. The interest rate or rates that the bonds will bear must be determined by bidding, notwithstanding IC 5-1-11-3.

(e) Bonds of a special taxing district are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following**:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; ~~and or~~
 - (B) **vote on the proposed issuance in an election on a local public question.**
- (6) The sale of bonds at public sale.

SECTION 247. IC 36-3-7-5, AS AMENDED BY P.L.131-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) Liens for taxes levied by the consolidated city are perfected when evidenced on the tax duplicate in the office of the treasurer of the county.

(b) Liens created when the city enters upon property to make improvements to bring it into compliance with a city ordinance, and

liens created upon failure to pay charges assessed by the city for services shall be certified to the auditor, after the adoption of a resolution confirming the incurred expense by the appropriate city department, board, or other agency. In addition, the resolution must state the name of the owner as it appears on the township assessor's **or county assessor's** record and a description of the property.

(c) The amount of a lien shall be placed on the tax duplicate by the auditor in the nature of a delinquent tax subject to enforcement and collection as otherwise provided under IC 6-1.1-22, IC 6-1.1-24, and IC 6-1.1-25. However, the amount of the lien is not considered a tax within the meaning of IC 6-1.1-21-2(b) and shall not be included as a part of either a total county tax levy under IC 6-1.1-21-2(g) or the tax liability of a taxpayer under IC 6-1.1-21-5 for purposes of the tax credit computations under IC 6-1.1-21-4 and IC 6-1.1-21-5.

SECTION 248. IC 36-4-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. Before ~~the publication of notice of budget estimates required by IC 6-1.1-17-3,~~ **August 10 of each calendar year**, each city shall formulate a budget estimate for the ensuing budget year in the following manner:

(1) Each department head shall prepare for his department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he anticipates.

(2) The city fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The city executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 249. IC 36-5-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. A petition for incorporation must be accompanied by the following items, to be supplied at the expense of the petitioners:

(1) A survey, certified by a surveyor registered under IC 25-21.5, showing the boundaries of and quantity of land contained in the territory sought to be incorporated.

(2) An enumeration of the territory's residents and landowners and their mailing addresses, completed not more than thirty (30) days before the time of filing of the petition and verified by the persons supplying it.

(3) A statement of the assessed valuation of all real property within the territory, certified by the **assessor or assessors of who serve the townships area** in which the territory is located.

(4) A statement of the services to be provided to the residents of the proposed town and the approximate times at which they are to be established.

(5) A statement of the estimated cost of the services to be provided and the proposed tax rate for the town.

(6) The name to be given to the proposed town.

SECTION 250. IC 36-5-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The legislative body may issue bonds for the purpose of procuring money to be used in the exercise of the powers of the town and for the payment of town debts. However, a town may not issue bonds to procure money to pay current expenses.

(b) Bonds issued under this section are payable in the amounts and at the times determined by the legislative body.

(c) Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following**:

- (1) The filing of a petition requesting the issuance of bonds and giving notice of the petition.
- (2) The giving of notice of a hearing on the appropriation of the proceeds of bonds.
- (3) The right of taxpayers to appear and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; ~~and or~~

(B) vote on the proposed issuance in an election on a local public question.

(6) The sale of bonds at public sale for not less than their par value.

(d) The legislative body may, by ordinance, make loans of money for not more than five (5) years and issue notes for the purpose of refunding those loans. The loans may be made only for the purpose of procuring money to be used in the exercise of the powers of the town, and the total amount of outstanding loans under this subsection may not exceed five percent (5%) of the town's total tax levy in the current year (excluding amounts levied to pay debt service and lease rentals). Loans under this subsection shall be made as follows:

(1) The ordinance authorizing the loans must pledge to their payment a sufficient amount of tax revenues over the ensuing five (5) years to provide for refunding the loans.

(2) The loans must be evidenced by notes of the town in terms designating the nature of the consideration, the time and place payable, and the revenues out of which they will be payable.

(3) The interest accruing on the notes to the date of maturity may be added to and included in their face value or be made payable periodically, as provided in the ordinance.

Notes issued under this subsection are not bonded indebtedness for purposes of IC 6-1.1-18.5.

SECTION 251. IC 36-5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. Before the publication of notice of budget estimates required by ~~IC 6-1.1-17-3~~, **August 10 of each calendar year**, each town shall formulate a budget estimate for the ensuing budget year in the following manner, unless it provides by ordinance for a different manner:

(1) Each department head shall prepare for his department an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure he anticipates.

(2) The town fiscal officer shall prepare an itemized estimate of revenues available for the ensuing budget year, and shall prepare an itemized estimate of expenditures for other purposes above the money proposed to be used by the departments.

(3) The town executive shall meet with the department heads and the fiscal officer to review and revise their various estimates.

(4) After the executive's review and revision, the fiscal officer shall prepare for the executive a report of the estimated department budgets, miscellaneous expenses, and revenues necessary or available to finance the estimates.

SECTION 252. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer ~~poor relief~~ township assistance under IC 12-20 and IC 12-30-4.

(8) Perform the duties of fence viewer under IC 32-26.

~~(9) Act as township assessor when required by IC 36-6-5.~~

~~(10) Provide and maintain cemeteries under IC 23-14.~~

~~(11) Provide fire protection under IC 36-8, except in a township that:~~

~~(A) is located in a county having a consolidated city; and~~

~~(B) consolidated the township's fire department under IC 36-3-1-6.1.~~

~~(12) File an annual personnel report under IC 5-11-13.~~

~~(13) Provide and maintain township parks and community centers under IC 36-10.~~

~~(14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.~~

~~(15) Provide insulin to the poor under IC 12-20-16.~~

~~(16) Perform other duties prescribed by statute.~~

SECTION 253. IC 36-6-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) This section applies to townships that do not have an elected or appointed and qualified township assessor.

(b) The ~~township executive~~ **county assessor** shall perform all the duties and has all the rights and powers of assessor. If a township qualifies under IC 36-6-5-1 to elect a township assessor, the ~~executive~~ **county assessor** shall continue to serve as assessor until an assessor is appointed or elected and qualified.

(c) The bond filed by the executive in his capacity as executive also covers his duties as assessor.

SECTION 254. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The assessor shall perform the duties prescribed by statute, including

~~(1) assessment duties prescribed by IC 6-1.1. and~~

~~(2) administration of the dog tax and dog fund; as prescribed by IC 15-5-9.~~

SECTION 255. IC 36-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy, an employee, or a technical adviser that assists a township assessor with assessment duties or to ~~an elected~~ a township assessor.

(b) The township legislative body shall fix the:

(1) salaries;

(2) wages;

(3) rates of hourly pay; and

(4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) ~~Subject to subsection (d)~~, The township legislative body may reduce the salary of an elected or appointed official. However, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) ~~Except as provided in subsection (c)~~, The township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

~~(e) In a township that does not elect a township assessor under IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).~~

~~(f) (e)~~ If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive ~~and assessor~~ under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

~~(g) (f)~~ The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

~~(h) (g)~~ This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

SECTION 256. IC 36-6-8-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6.2. **If a township executive received a salary increase under section 6 of this chapter before January 1, 2008, the township legislative body may annually appropriate from township funds the amount of the salary increase as a supplement to the township executive's annual salary.**

SECTION 257. IC 36-6-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 10. (a) The county fiscal body shall, in the manner prescribed by IC 36-2-5 or

IC 36-2-6, fix and appropriate money to pay the per diem established under section 5 of this chapter and the salaries and per diems of the county's township assessors and any deputies or other employees that assist the elected township assessor.

(b) Each township assessor shall file the budget estimate required by IC 36-2-5-5 or IC 36-3-6-4. The budget estimate filed under this subsection must include all estimated expenses of the office, including costs incurred through litigation for the office.

~~(c) If the township executive is performing the duties of assessor, the county fiscal body shall appropriate money for the purposes of subsection (a) and other expenses of acting as assessor, including all costs incurred through litigation for the office. However, it may not provide a salary that is below the amount fixed for that salary for the year 1984.~~

SECTION 258. IC 36-7-11.2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 58. (a) A person who has filed a petition under section 56 or 57 of this chapter shall, not later than ten (10) days after the filing, serve notice upon all interested parties. The notice must state the following:

(1) The full name and address of the following:

(A) The petitioner.

(B) Each attorney acting for and on behalf of the petitioner.

(2) The street address of the Meridian Street and bordering property for which the petition was filed.

(3) The name of the owner of the property.

(4) The full name and address of, and the type of business, if any, conducted by:

(A) each person who at the time of the filing is a party to; and

(B) each person who is a disclosed or an undisclosed principal for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

(5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.

(6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the notice recipient of the true character, nature, extent, and physical properties of the proposed use.

(7) The date of the filing of the petition.

(8) The date, time, and place of the next regular meeting of the commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in the **offices office** of the township ~~assessors assessor or the county assessor~~ as of the date of filing are considered determinative of the persons who are owners.

SECTION 259. IC 36-7-11.3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 6. As used in this chapter, "notice" means written notice:

(1) served personally upon the person, official, or office entitled to the notice; or

(2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:

(A) The governor, both to the address of the governor's

official residence and to the governor's executive office in Indianapolis.

(B) The Indiana department of transportation, to the commissioner.

(C) The department of natural resources, both to the director of the department and to the director of the department's division of historic preservation and archeology.

(D) The municipal plan commission.

(E) An occupant, to:

(i) the person by name; or

(ii) if the name is unknown, to the "Occupant" at the address of the primary or secondary property occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in the **offices office** of the township ~~assessors in assessor or the county assessor~~.

(G) The society, to the organization at the latest address as shown in the records of the commission.

SECTION 260. IC 36-7-11.3-52 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 52. (a) A person who has filed a petition under section 50 or 51 of this chapter shall, not later than ten (10) days after the filing, serve notice upon all interested parties. The notice must state the following:

(1) The full name and address of the following:

(A) The petitioner.

(B) Each attorney acting for and on behalf of the petitioner.

(2) The street address of the primary and secondary property for which the petition was filed.

(3) The name of the owner of the property.

(4) The full name and address of and the type of business, if any, conducted by:

(A) each person who at the time of the filing is a party to; and

(B) each person who is a disclosed or an undisclosed principal for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

(5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.

(6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the notice recipient of the true character, nature, extent, and physical properties of the proposed use.

(7) The date of the filing of the petition.

(8) The date, time, and place of the next regular meeting of the commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in the **offices office** of the township ~~assessors assessor or the county assessor~~ as of the date of filing are considered determinative of the persons who are owners.

SECTION 261. IC 36-7-14-25.1, AS AMENDED BY P.L.185-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or

redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by resolution and subject to subsection (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and
- (4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable, subject to the requirements of the bond resolution for registering the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the redevelopment commission.

(d) The redevelopment commission shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds, subject to subsection (p). The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds must be executed by the appropriate officer of the unit and attested by the municipal or county fiscal officer.

(f) The bonds are exempt from taxation for all purposes.

(g) The municipal or county fiscal officer shall give notice of the sale of the bonds by publication in accordance with IC 5-3-1. The municipal fiscal officer, or county fiscal officer or executive, shall sell the bonds to the highest bidder, but may not sell them for less than ninety-seven percent (97%) of their par value. However, bonds payable solely or in part from tax proceeds allocated under section 39(b)(2) of this chapter, or other revenues of the district may be sold at a private negotiated sale.

(h) Except as provided in subsection (i), a redevelopment commission may not issue the bonds when the total issue, including bonds already issued and to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the special taxing district, as determined under IC 36-1-15.

(i) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the redevelopment commission:

- (1) from a special tax levied upon all of the property in the taxing district, as provided by section 27 of this chapter;
- (2) from the tax proceeds allocated under section 39(b)(2) of this chapter;
- (3) from other revenues available to the redevelopment commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(j) Proceeds from the sale of bonds may be used to pay the cost of

interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) vote on the proposed issuance in an election on a local public question;

apply to bonds issued under this chapter, except for bonds payable solely from tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established have matured shall be deposited in the allocation fund established under section 39(b)(2) of this chapter.

(o) If bonds are issued under this chapter that are payable solely or in part from revenues to the redevelopment commission from a project or projects, the redevelopment commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the redevelopment commission. The redevelopment commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the redevelopment commission that are payable solely from revenues of the commission shall contain a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission is equal to or greater than three million dollars (\$3,000,000), the bonds may not be issued without the approval, by resolution, of the legislative body of the unit.

SECTION 262. IC 36-7-14.5-12.5, AS AMENDED BY P.L.185-2005, SECTION 25, AND AS AMENDED BY P.L.190-2005, SECTION 12, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12.5.

(a) This section applies only to an authority in a county having a United States government military base that is scheduled for closing or is completely or partially inactive or closed.

(b) In order to accomplish the purposes set forth in ~~section 11(b)~~ **section 11** of this chapter, an authority may create an economic development area:

- (1) by following the procedures set forth in IC 36-7-14-41 for the establishment of an economic development area by a redevelopment commission; and
- (2) with the same effect as if the economic development area was created by a redevelopment commission.

However, an authority may not include in an economic development area created under this section any area that was declared a redevelopment project area, an urban renewal area, or an economic development area under IC 36-7-14. The area established under this section shall be established only in the area where a United States government military base that is scheduled for closing or is completely or partially inactive or closed is or was located.

(c) In order to accomplish the purposes set forth in ~~section 11(b)~~ **section 11** of this chapter, an authority may do the following in a

manner that serves an economic development area created under this section:

- (1) Acquire by purchase, exchange, gift, grant, condemnation, or lease, or any combination of methods, any personal property or interest in real property needed for the redevelopment of economic development areas located within the corporate boundaries of the unit.
- (2) Hold, use, sell (by conveyance by deed, land sale contract, or other instrument), exchange, lease, rent, or otherwise dispose of property acquired for use in the redevelopment of economic development areas on the terms and conditions that the authority considers best for the unit and the unit's inhabitants.
- (3) Sell, lease, or grant interests in all or part of the real property acquired for redevelopment purposes to any other department of the unit or to any other governmental agency for public ways, levees, sewerage, parks, playgrounds, schools, and other public purposes on any terms that may be agreed on.
- (4) Clear real property acquired for redevelopment purposes.
- (5) Repair and maintain structures acquired for redevelopment purposes.
- (6) Remodel, rebuild, enlarge, or make major structural improvements on structures acquired for redevelopment purposes.
- (7) Survey or examine any land to determine whether the land should be included within an economic development area to be acquired for redevelopment purposes and to determine the value of that land.
- (8) Appear before any other department or agency of the unit, or before any other governmental agency in respect to any matter affecting:
 - (A) real property acquired or being acquired for redevelopment purposes; or
 - (B) any economic development area within the jurisdiction of the authority.
- (9) Institute or defend in the name of the unit any civil action, but all actions against the authority must be brought in the circuit or superior court of the county where the authority is located.
- (10) Use any legal or equitable remedy that is necessary or considered proper to protect and enforce the rights of and perform the duties of the authority.
- (11) Exercise the power of eminent domain in the name of and within the corporate boundaries of the unit subject to the same conditions and procedures that apply to the exercise of the power of eminent domain by a redevelopment commission under IC 36-7-14.
- (12) Appoint an executive director, appraisers, real estate experts, engineers, architects, surveyors, and attorneys.
- (13) Appoint clerks, guards, laborers, and other employees the authority considers advisable, except that those appointments must be made in accordance with the merit system of the unit if such a system exists.
- (14) Prescribe the duties and regulate the compensation of employees of the authority.
- (15) Provide a pension and retirement system for employees of the authority by using the public employees' retirement fund or a retirement plan approved by the United States Department of Housing and Urban Development.
- (16) Discharge and appoint successors to employees of the authority subject to subdivision (13).
- (17) Rent offices for use of the department or authority, or accept the use of offices furnished by the unit.
- (18) Equip the offices of the authority with the necessary furniture, furnishings, equipment, records, and supplies.
- (19) Design, order, contract for, and construct, reconstruct, improve, or renovate the following:
 - (A) Any local public improvement or structure that is necessary for redevelopment purposes or economic development within the corporate boundaries of the unit.
 - (B) Any structure that enhances development or economic development.
- (20) Contract for the construction, extension, or improvement of pedestrian skyways (as defined in IC 36-7-14-12.2(c)).

(21) Accept loans, grants, and other forms of financial assistance from, or contract with, the federal government, the state government, a municipal corporation, a special taxing district, a foundation, or any other source.

(22) Make and enter into all contracts and agreements necessary or incidental to the performance of the duties of the authority and the execution of the powers of the authority under this chapter.

(23) Take any action necessary to implement the purpose of the authority.

(24) Provide financial assistance, in the manner that best serves the purposes set forth in ~~section 11(b)~~ **section 11** of this chapter, including grants and loans, to enable private enterprise to develop, redevelop, and reuse military base property or otherwise enable private enterprise to provide social and economic benefits to the citizens of the unit.

(d) An authority may designate all or a portion of an economic development area created under this section as an allocation area by following the procedures set forth in IC 36-7-14-39 for the establishment of an allocation area by a redevelopment commission. The allocation provision may modify the definition of "property taxes" under IC 36-7-14-39(a) to include taxes imposed under IC 6-1.1 on the depreciable personal property located and taxable on the site of operations of designated taxpayers in accordance with the procedures applicable to a commission under IC 36-7-14-39.3. IC 36-7-14-39.3 applies to such a modification. An allocation area established by an authority under this section is a special taxing district authorized by the general assembly to enable the unit to provide special benefits to taxpayers in the allocation area by promoting economic development that is of public use and benefit. For allocation areas established for an economic development area created under this section after June 30, 1997, and to the expanded portion of an allocation area for an economic development area that was established before June 30, 1997, and that is expanded under this section after June 30, 1997, the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date, must be allocated. All of the provisions of IC 36-7-14-39, IC 36-7-14-39.1, and IC 36-7-14-39.5 apply to an allocation area created under this section, except that the authority shall be vested with the rights and duties of a commission as referenced in those sections, and except that, notwithstanding IC 36-7-14-39(b)(2), property tax proceeds paid into the allocation fund may be used by the authority only to do one (1) or more of the following:

(1) Pay the principal of and interest and redemption premium on any obligations incurred by the special taxing district or any other entity for the purpose of financing or refinancing military base reuse activities in or serving or ~~benefitting~~ *benefiting* that allocation area.

(2) Establish, augment, or restore the debt service reserve for obligations payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the authority (including lease rental revenues).

(3) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(4) Reimburse any other governmental body for expenditures made by it for local public improvements or structures in or serving or ~~benefitting~~ *benefiting* that allocation area.

(5) Pay all or a portion of a property tax replacement credit to taxpayers in an allocation area as determined by the authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under IC 36-7-14-39.5 in the same year.

(6) Pay expenses incurred by the authority for local public improvements or structures that are in the allocation area or serving or benefiting the allocation area.

(7) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (A) in the allocation area; and
- (B) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in clause (B). The reimbursements under this subdivision must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made. The allocation fund may not be used for operating expenses of the authority.

(e) In addition to other methods of raising money for property acquisition, redevelopment, or economic development activities in or directly serving or benefitting an economic development area created by an authority under this section, and in anticipation of the taxes allocated under subsection (d), other revenues of the authority, or any combination of these sources, the authority may, by resolution, issue the bonds of the special taxing district in the name of the unit. Bonds issued under this section may be issued in any amount without limitation. The following apply if such a resolution is adopted:

- (1) The authority shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.
- (2) The bonds must be executed by the appropriate officer of the unit and attested by the unit's fiscal officer.
- (3) The bonds are exempt from taxation for all purposes.
- (4) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.
- (5) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the authority:
 - (A) from the tax proceeds allocated under subsection (d);
 - (B) from other revenues available to the authority; or
 - (C) from a combination of the methods stated in clauses (A) and (B).
- (6) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.
- (7) Laws relating to:
 - (A) the filing of petitions requesting the issuance of bonds; and
 - (B) the right of taxpayers to:
 - (i) remonstrate against the issuance of bonds; or
 - (ii) **vote on the proposed issuance in an election on a local public question;**

do not apply to bonds issued under this section.

(8) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(9) If bonds are issued under this chapter that are payable solely or in part from revenues to the authority from a project or projects, the authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or

assign the revenues from the project or projects. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the authority. The authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the authority that are payable solely from revenues of the authority shall contain a statement to that effect in the form of bond.

(f) Notwithstanding section 8(a) of this chapter, an ordinance adopted under ~~section 11(b)~~ **section 11** of this chapter may provide, or be amended to provide, that the board of directors of the authority shall be composed of not fewer than three (3) nor more than ~~seven (7)~~ **eleven (11)** members, who must be residents of the unit appointed by the executive of the unit.

(g) The acquisition of real and personal property by an authority under this section is not subject to the provisions of IC 5-22, IC 36-1-10.5, IC 36-7-14-19, or any other statutes governing the purchase of property by public bodies or their agencies.

(h) An authority may negotiate for the sale, lease, or other disposition of real and personal property without complying with the provisions of IC 5-22-22, IC 36-1-11, IC 36-7-14-22, or any other statute governing the disposition of public property.

(i) Notwithstanding any other law, utility services provided within an economic development area established under this section are subject to regulation by the appropriate regulatory agencies unless the utility service is provided by a utility that provides utility service solely within the geographic boundaries of an existing or a closed military installation, in which case the utility service is not subject to regulation for purposes of rate making, regulation, service delivery, or issuance of bonds or other forms of indebtedness. However, this exemption from regulation does not apply to utility service if the service is generated, treated, or produced outside the boundaries of the existing or closed military installation.

SECTION 263. IC 36-7-15.1-17, AS AMENDED BY P.L.185-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 19 of this chapter, the taxes allocated under section 26 of this chapter, or other revenues of the redevelopment district, the commission may, by resolution, issue the bonds of the redevelopment district in the name of the consolidated city and in accordance with IC 36-3-5-8. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted in this chapter and a debt service reserve for the bonds, to the extent that the redevelopment commission determines that a reserve is reasonably required;
- (4) the total cost of all clearing and construction work provided for in the resolution; and
- (5) expenses that the commission is required or permitted to pay under IC 8-23-17.

(b) If the commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable subject to the requirements of the bond resolution for the registration of the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and

(3) the term of the bonds, which may not exceed fifty (50) years. The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the commission.

(d) The commission shall certify a copy of the resolution authorizing the bonds to the fiscal officer of the consolidated city, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds shall be executed by the city executive and attested by the fiscal officer. The interest coupons, if any, shall be executed by the facsimile signature of the fiscal officer.

(f) The bonds are exempt from taxation as provided by IC 6-8-5.

(g) The city fiscal officer shall sell the bonds according to law. Notwithstanding IC 36-3-5-8, bonds payable solely or in part from tax proceeds allocated under section 26(b)(2) of this chapter or other revenues of the district may be sold at private negotiated sale and at a price or prices not less than ninety-seven percent (97%) of the par value.

(h) The bonds are not a corporate obligation of the city but are an indebtedness of the redevelopment district. The bonds and interest are payable:

- (1) from a special tax levied upon all of the property in the redevelopment district, as provided by section 19 of this chapter;
- (2) from the tax proceeds allocated under section 26(b)(2) of this chapter;
- (3) from other revenues available to the commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3);

and from any revenues of the designated project. If the bonds are payable solely from the tax proceeds allocated under section 26(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(i) Proceeds from the sale of the bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issue.

(j) Notwithstanding IC 36-3-5-8, the laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) vote on the proposed issuance in an election on a local public question;

applicable to bonds issued under this chapter do not apply to bonds payable solely or in part from tax proceeds allocated under section 26(b)(2) of this chapter, other revenues of the commission, or any combination of these sources.

(k) If bonds are issued under this chapter that are payable solely or in part from revenues to the commission from a project or projects, the commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission. The commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the commission that are payable solely from revenues of the commission must contain a statement to that effect in the form of bond.

SECTION 264. IC 36-7-15.1-26.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 26.9. (a) The definitions set forth in section 26.5 of this chapter apply to this section.

(b) The fiscal officer of the consolidated city shall publish in the newspaper in the county with the largest circulation all determinations made under section 26.5 or 26.7 of this chapter that result in the allowance or disallowance of credits. The publication of a determination made under section 26.5 of this chapter shall be made

not later than June 20 of the year in which the determination is made. The publication of a determination made under section 26.7 of this chapter shall be made not later than December 5 of the year in which the determination is made.

(c) If credits are granted under section 26.5(g) or 26.5(h) of this chapter, whether in whole or in part, property taxes on personal property (as defined in IC 6-1.1-1-11) that are equal to the aggregate amounts of the credits for all taxpayers in the allocation area under section 26.5(g) and 26.5(h) of this chapter shall be:

- (1) allocated to the redevelopment district;
- (2) paid into the special fund for that allocation area; and
- (3) used for the purposes specified in section 26 of this chapter.

(d) The county auditor shall adjust the estimate of assessed valuation that the auditor certifies under IC 6-1.1-17-1 for all taxing units in which the allocation area is located. ~~The county auditor may amend this adjustment at any time before the earliest date a taxing unit must publish the unit's proposed property tax rate under IC 6-1.1-17-3 in the year preceding the year in which the credits under section 26.5(g) or 26.5(h) of this chapter are paid.~~ The auditor's adjustment to the assessed valuation shall be:

- (1) calculated to produce an estimated assessed valuation that will offset the effect that paying personal property taxes into the allocation area special fund under subsection (c) would otherwise have on the ability of a taxing unit to achieve the taxing unit's tax levy in the following year; and
- (2) used by the county board of tax adjustment, the department of local government finance, and each taxing unit in determining each taxing unit's tax rate and tax levy in the following year.

(e) The amount by which a taxing unit's levy is adjusted as a result of the county auditor's adjustment of assessed valuation under subsection (d), and the amount of the levy that is used to make direct payments to taxpayers under section 26.5(h) of this chapter, is not part of the total county tax levy under IC 6-1.1-21-2(g) and is not subject to IC 6-1.1-20.

(f) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5-3 and IC 6-1.1-19-1.5 do not apply to ad valorem property taxes imposed that are used to offset the effect of paying personal property taxes into an allocation area special fund during the taxable year under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter. For purposes of computing the ad valorem property tax levy limits imposed under IC 6-1.1-18.5-3 and IC 6-1.1-19-1.5, a taxing unit's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed to offset the effect of paying personal property taxes into an allocation area special fund under subsection (d) or to make direct payments to taxpayers under section 26.5(h) of this chapter.

(g) Property taxes on personal property that are deposited in the allocation area special fund:

- (1) are subject to any pledge of allocated property tax proceeds made by the redevelopment district under section 26(d) of this chapter, including but not limited to any pledge made to owners of outstanding bonds of the redevelopment district of allocated taxes from that area; and
- (2) may not be treated as property taxes used to pay interest or principal due on debt under IC 6-1.1-21-2(g)(1)(D).

SECTION 265. IC 36-7-15.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 32. (a) The commission must establish a program for housing. The program, which may include such elements as the commission considers appropriate, must be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 26 and 35 of this chapter for the accomplishment of the program.

(b) The notice and hearing provisions of sections 10 and 10.5 of this chapter apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 11 of this chapter.

(c) Before formal submission of any housing program to the commission, the department shall consult with persons interested in or affected by the proposed program and provide the affected neighborhood associations, residents, ~~and~~ township assessors, ~~and~~

county assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program. The department may hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

SECTION 266. IC 36-7-15.1-45, AS AMENDED BY P.L.185-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 50 of this chapter, the taxes allocated under section 53 of this chapter, or other revenues of the redevelopment district, a commission may, by resolution, issue the bonds of its redevelopment district in the name of the excluded city. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted in this chapter and a debt service reserve for the bonds, to the extent that the redevelopment commission determines that a reserve is reasonably required;
- (4) the total cost of all clearing and construction work provided for in the resolution; and
- (5) expenses that the commission is required or permitted to pay under IC 8-23-17.

(b) If a commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, a commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable subject to the requirements concerning registration of the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the commission.

(d) The commission shall certify a copy of the resolution authorizing the bonds to the fiscal officer of the excluded city, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds shall be executed by the excluded city executive and attested by the excluded city fiscal officer. The interest coupons, if any, shall be executed by the facsimile signature of the excluded city fiscal officer.

(f) The bonds are exempt from taxation as provided by IC 6-8-5.

(g) The excluded city fiscal officer shall sell the bonds according to law. Bonds payable solely or in part from tax proceeds allocated under section 53(b)(2) of this chapter or other revenues of the district may be sold at private negotiated sale and at a price or prices not less than ninety-seven percent (97%) of the par value.

(h) The bonds are not a corporate obligation of the excluded city but are an indebtedness of the redevelopment district. The bonds and interest are payable:

- (1) from a special tax levied upon all of the property in the redevelopment district, as provided by section 50 of this chapter;
- (2) from the tax proceeds allocated under section 53(b)(2) of this chapter;
- (3) from other revenues available to the commission; or
- (4) from a combination of the methods described in subdivisions (1) through (3);

and from any revenues of the designated project. If the bonds are payable solely from the tax proceeds allocated under section 53(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount

without limitation.

(i) Proceeds from the sale of the bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issue.

(j) The laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of taxpayers to:

(A) remonstrate against the issuance of bonds applicable to bonds issued under this chapter; or

(B) vote on the proposed issuance in an election on a local public question;

do not apply to bonds payable solely or in part from tax proceeds allocated under section 53(b)(2) of this chapter, other revenues of the commission, or any combination of these sources.

(k) If bonds are issued under this chapter that are payable solely or in part from revenues to a commission from a project or projects, a commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the commission. The commission may establish fees and charges for the use of any project and covenant with the owners of bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the commission that are payable solely from revenues of the commission must contain a statement to that effect in the form of bond.

SECTION 267. IC 36-7-30-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) In addition to other methods of raising money for property acquisition, redevelopment, or economic development activities in or directly serving or benefiting a military base reuse area, and in anticipation of the taxes allocated under section 25 of this chapter, other revenues of the district, or any combination of these sources, the reuse authority may by resolution issue the bonds of the special taxing district in the name of the unit.

(b) The reuse authority shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds. The seal of the unit must be impressed on the bonds or a facsimile of the seal must be printed on the bonds.

(c) The bonds must be executed by the appropriate officer of the unit, and attested by the unit's fiscal officer.

(d) The bonds are exempt from taxation for all purposes.

(e) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(f) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the reuse authority, from any of the following:

- (1) The tax proceeds allocated under section 25 of this chapter.
- (2) Other revenues available to the reuse authority.
- (3) A combination of the methods stated in subdivisions (1) through (2).

If the bonds are payable solely from the tax proceeds allocated under section 25 of this chapter, other revenues of the reuse authority, or any combination of these sources, the bonds may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) vote on the proposed issuance in an election on a local public question;

do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the reuse authority, the reuse authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the reuse authority and properties becoming available to the reuse authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the reuse authority. The reuse authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the reuse authority that are payable solely from revenues of the reuse authority shall contain a statement to that effect in the form of the bond.

SECTION 268. IC 36-7-30.5-23, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) In addition to other methods of raising money for property acquisition, redevelopment, reuse, or economic development activities in or directly serving or benefitting a military base development area, and in anticipation of the taxes allocated under section 30 of this chapter, other revenues of the district, or any combination of these sources, the development authority may by resolution issue the bonds of the development authority.

(b) The secretary-treasurer of the development authority shall prepare the bonds. The seal of the development authority must be impressed on the bonds or a facsimile of the seal must be printed on the bonds.

(c) The bonds must be executed by the president of the development authority and attested by the secretary-treasurer.

(d) The bonds are exempt from taxation for all purposes.

(e) Bonds issued under this section may be sold at public sale in accordance with IC 5-1-11 or at a negotiated sale.

(f) The bonds are not a corporate obligation of a unit but are an indebtedness of only the development authority. The bonds and interest are payable, as set forth in the bond resolution of the development authority, from any of the following:

- (1) The tax proceeds allocated under section 30 of this chapter.
- (2) Other revenues available to the development authority.
- (3) A combination of the methods stated in subdivisions (1) through (2).

The bonds issued under this section may be issued in any amount without limitation.

(g) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years after the date of issuance.

(h) All laws relating to:

- (1) the filing of petitions requesting the issuance of bonds; and
- (2) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) vote on the proposed issuance in an election on a local public question;

do not apply to bonds issued under this chapter.

(i) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(j) If bonds are issued under this chapter that are payable solely or in part from revenues of the development authority, the development authority may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign revenues of the development authority and properties becoming available to the development authority under this chapter. The resolution or trust indenture may also contain provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including a covenant setting forth the duties of the development authority. The development authority may establish fees and charges for the use of any project and covenant with the owners of any bonds to set the fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Revenue bonds issued by the development authority that are payable solely

from revenues of the development authority shall contain a statement to that effect in the form of the bond.

SECTION 269. IC 36-9-3-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(b) The authority may issue revenue or general obligation bonds under this section.

(c) The board may issue revenue bonds of the authority for the purpose of procuring money to pay the cost of acquiring real or personal property for the purpose of this chapter. The issuance of bonds must be authorized by resolution of the board and approved by the county fiscal bodies of the counties in the authority before issuance. The resolution must provide for the amount, terms, and tenor of the bonds, and for the time and character of notice and mode of making sale of the bonds.

(d) The bonds are payable at the times and places determined by the board, but they may not run more than thirty (30) years after the date of their issuance and must be executed in the name of the authority by an authorized officer of the board and attested by the secretary. The interest coupons attached to the bonds may be executed by placing on them the facsimile signature of the authorized officer of the board.

(e) The president of the authority shall manage and supervise the preparation, advertisement, and sale of the bonds, subject to the authorizing ordinance. Before the sale of bonds, the president shall cause notice of the sale to be published in accordance with IC 5-3-1, setting out the time and place where bids will be received, the amount and maturity dates of the issue, the maximum interest rate, and the terms and conditions of sale and delivery of the bonds. The bonds shall be sold in accordance with IC 5-1-11. After the bonds have been properly sold and executed, the executive director or president shall deliver them to the controller of the authority and take a receipt for them, and shall certify to the treasurer the amount that the purchaser is to pay, together with the name and address of the purchaser. On payment of the purchase price the controller shall deliver the bonds to the purchaser, and the controller and executive director or president shall report their actions to the board.

(f) General obligation bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to **the following**:

- (1) The filing of a petition requesting the issuance of bonds.
- (2) The appropriation of the proceeds of bonds.
- (3) The right of taxpayers to appeal and be heard on the proposed appropriation.
- (4) The approval of the appropriation by the department of local government finance.
- (5) The right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; ~~and or~~
 - (B) vote on the proposed issuance in an election on a local public question.**
- (6) The sale of bonds for not less than their par value.

(g) Notice of the filing of a petition requesting the issuance of bonds, notice of determination to issue bonds, and notice of the appropriation of the proceeds of the bonds shall be given by posting in the offices of the authority for a period of one (1) week and by publication in accordance with IC 5-3-1.

(h) The bonds are not a corporate indebtedness of any unit, but are an indebtedness of the authority as a municipal corporation. A suit to question the validity of the bonds issued or to prevent their issuance may not be instituted after the date set for sale of the bonds, and after that date the bonds may not be contested for any cause.

(i) The bonds issued under this section and the interest on them are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

SECTION 270. IC 36-9-4-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45. (a) Bonds issued under this chapter:

- (1) shall be issued in the denomination;
- (2) are payable over a period not to exceed thirty (30) years from the date of the bonds; and
- (3) mature;

as determined by the ordinance authorizing the bond issue.

(b) All bonds issued under this chapter, the interest on them, and the income from them are exempt from taxation to the extent provided by IC 6-8-5-1.

(c) The provisions of IC 6-1.1-20 relating to:

- (1) filing petitions requesting the issuance of bonds and giving notice of those petitions;
- (2) giving notice of a hearing on the appropriation of the proceeds of the bonds;
- (3) the right of taxpayers to appear and be heard on the proposed appropriation;
- (4) the approval of the appropriation by the department of local government finance; and
- (5) the right of taxpayers to:

(A) remonstrate against the issuance of bonds; or

(B) vote on the proposed issuance in an election on a local public question;

apply to the issuance of bonds under this chapter.

(d) A suit to question the validity of bonds issued under this chapter or to prevent their issue and sale may not be instituted after the date set for the sale of the bonds, and the bonds are incontestable after that date.

SECTION 271. IC 36-9-11.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 11. (a) All property of every kind, including air rights, acquired for off-street parking purposes, and all its funds and receipts, are exempt from taxation for all purposes. When any real property is acquired by the consolidated city, the county auditor shall, upon certification of that fact by the board, cancel all taxes then a lien. The certificate of the board must specifically describe the real property, including air rights, and the purpose for which acquired.

(b) A lessee of the city may not be assessed any tax upon any land, air rights, or improvements leased from the city, but the separate leasehold interest has the same status as leases on taxable real property, notwithstanding any other law. Whenever the city sells any such property to anyone for private use, the property becomes liable for all taxes after that, as other property is so liable and is assessed, and the board shall report all such sales to the township assessor **or county assessor**, who shall cause the property to be upon the proper tax records.

SECTION 272. IC 36-10-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) In order to raise money to pay for land to be acquired for any of the purposes named in this chapter, to pay for an improvement authorized by this chapter, or both, and in anticipation of the special benefit tax to be levied as provided in this chapter, the board shall cause to be issued, in the name of the unit, the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the board under section 23 of this chapter is confirmed whereby different parcels of land are to be acquired, or more than one (1) contract for work is let by the board at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the board shall certify a copy of the resolution to the unit's fiscal officer. The fiscal officer shall prepare the bonds and the unit's executive shall execute them, attested by the fiscal officer.

(c) The bonds and the interest on them are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are

subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

- (1) the filing of a petition requesting the issuance of bonds;
- (2) the right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) vote on the proposed issuance in an election on a local public question;**
- (3) the appropriation of the proceeds of the bonds and approval by the department of local government finance; and
- (4) the sale of bonds at public sale for not less than their par value.

(d) The board may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the unit, but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. The bonds must recite the terms upon their face, together with the purposes for which they are issued.

SECTION 273. IC 36-10-4-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) In order to pay for:

- (1) land to be acquired for any of the purposes of this chapter;
- (2) an improvement authorized by this chapter; or
- (3) both;

the board shall issue the bonds of the district in the name of the city in anticipation of the special benefits tax to be levied under this chapter. The amount of the bonds may not exceed the estimated cost of all land to be acquired and the estimated cost of all improvements provided in the resolution, including all expenses necessarily incurred in the proceedings and a sum sufficient to pay the estimated costs of supervision and inspection during the period of construction. Expenses include all expenses actually incurred preliminary to acquisition of the land and the construction work, such as the estimated cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other expenses necessary to letting the contract and selling the bonds.

(b) The total amount of any benefits that have been assessed by the board and confirmed against lots and parcels of land, exclusive of improvements, lying within two thousand (2,000) feet on either side of the land to be acquired or of the improvement, however, shall be deducted from the estimated cost.

(c) If more than one (1) resolution or proceeding of the board under section 25 of this chapter is confirmed whereby different parcels of land are to be acquired or more than one (1) contract for work is let by the board at approximately the same time, the estimated cost involved under all of the resolutions and proceedings may be contained in one (1) issue of bonds.

(d) The bonds shall be issued in any denomination up to five thousand dollars (\$5,000) each. The bonds are negotiable instruments and bear interest at a rate established by the board and approved by the city legislative body.

(e) After adopting a resolution ordering the bonds, the board shall certify a copy of the resolution to the fiscal officer of the city. The fiscal officer shall then prepare the bonds, which shall be executed by the city executive and attested by the fiscal officer. The bonds are exempt from taxation for all purposes and are subject to IC 6-1.1-20 concerning:

- (1) the filing of a petition requesting the issuance of bonds; and
- (2) the right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) vote on the proposed issuance in an election on a local public question.**

(f) All bonds shall be sold at not less than par value plus accrued interest to date of delivery by the city fiscal officer to the highest bidder after giving notice of the sale of the bonds by publication in accordance with IC 5-3-1.

(g) The bonds are subject to approval by the city legislative body, in the manner it prescribes by ordinance or resolution.

(h) The bonds are not corporate obligations or indebtedness of the

city, but are an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all property of the district. The bonds must recite these terms upon their face, together with the purposes for which they are issued.

(i) An action to question the validity of bonds of the district or to prevent their issue may not be brought after the date set for the sale of the bonds.

(j) The board may, instead of selling the bonds in series, sell the bonds to run for a period of five (5) years from the date of issue for the purposes of this chapter at any rate of interest payable semiannually, also exempt from taxation for all purposes. The board may sell bonds in series to refund the five (5) year bonds.

SECTION 274. IC 36-10-7.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) To raise money to pay for land to be acquired for any of the purposes named in this chapter or to pay for an improvement authorized by this chapter and in anticipation of the special benefit tax to be levied as provided in this chapter, the legislative body shall issue in the name of the township the bonds of the district. The bonds may not exceed in amount the total cost of all land to be acquired and all improvements described in the resolution, including all expenses necessarily incurred in connection with the proceedings, together with a sum sufficient to pay the costs of supervision and inspection during the period of construction of a work. The expenses to be covered in the bond issue include all expenses of every kind actually incurred preliminary to acquiring the land and the construction of the work, such as the cost of the necessary record, engineering expenses, publication of notices, preparation of bonds, and other necessary expenses. If more than one (1) resolution or proceeding of the legislative body under this chapter is confirmed whereby different parcels of land are to be acquired or more than one (1) contract for work is let by the executive at approximately the same time, the cost involved under all of the resolutions and proceedings may be included in one (1) issue of bonds.

(b) The bonds may be issued in any denomination not less than one thousand dollars (\$1,000) each, in not less than five (5) nor more than forty (40) annual series. The bonds are payable one (1) series each year, beginning at a date after the receipt of taxes from a levy made for that purpose. The bonds are negotiable. The bonds may bear interest at any rate, payable semiannually. After adopting a resolution ordering bonds, the legislative body shall certify a copy of the resolution to the township's fiscal officer. The fiscal officer shall prepare the bonds and the executive shall execute the bonds, attested by the fiscal officer.

(c) The bonds and the interest on the bonds are exempt from taxation as prescribed by IC 6-8-5-1. Bonds issued under this section are subject to the provisions of IC 5-1 and IC 6-1.1-20 relating to:

- (1) the filing of a petition requesting the issuance of bonds;
- (2) the right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) vote on the proposed issuance in an election on a local public question;**
- (3) the appropriation of the proceeds of the bonds with the approval of the department of local government finance; and
- (4) the sale of bonds at public sale for not less than the par value of the bonds.

(d) The legislative body may not have bonds of the district issued under this section that are payable by special taxation when the total issue for that purpose, including the bonds already issued or to be issued, exceeds two percent (2%) of the total adjusted value of the taxable property in the district as determined under IC 36-1-15. All bonds or obligations issued in violation of this subsection are void. The bonds are not obligations or indebtedness of the township but constitute an indebtedness of the district as a special taxing district. The bonds and interest are payable only out of a special tax levied upon all the property of the district as prescribed by this chapter. A bond must recite the terms upon the face of the bond, together with the purposes for which the bond is issued.

SECTION 275. IC 36-10-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), also of the

city, if the board determines that the estimated annual net income of the capital improvement, plus the estimated annual tax revenues to be derived from any tax revenues made available for this purpose, will not be sufficient to satisfy and pay the principal of and interest on all bonds issued under this chapter, including the bonds then proposed to be issued.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the county executive authorizing the issuance of general obligation bonds, or, if the authority was created under IC 18-7-18 (before its repeal on February 24, 1982), by the fiscal body of the city authorizing the issuance of general obligation bonds. The resolution must set forth an itemization of the funds and assets received by the board, together with the board's valuation and certification of the cost. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the proper officers, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, as the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the proper officers may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

- (1) the filing of a petition requesting the issuance of bonds and giving notice;
- (2) the right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) vote on the proposed issuance in an election on a local public question;**
- (3) the giving of notice of the determination to issue bonds;
- (4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;
- (5) the right of taxpayers to appear and be heard on the proposed appropriation;
- (6) the approval of the appropriation by the department of local government finance; and
- (7) the sale of bonds at public sale;

apply to the issuance of bonds under this section.

SECTION 276. IC 36-10-9-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) A capital improvement may be financed in whole or in part by the issuance of general obligation bonds of the county.

(b) If the board desires to finance a capital improvement in whole or in part as provided in this section, it shall have prepared a resolution to be adopted by the board of commissioners of the county authorizing the issuance of general obligation bonds. The resolution must state the date or dates on which the principal of the bonds is payable, the maximum interest rate to be paid, and the other terms upon which the bonds shall be issued. The board shall submit the proposed resolution to the board of commissioners of the county, together with a certificate to the effect that the issuance of bonds in accordance with the resolution will be in compliance with this section. The certificate must also state the estimated annual net income of the capital improvement to be financed by the bonds, the estimated annual tax revenues, and the maximum amount payable in any year as principal and interest on the bonds issued under this chapter, including the bonds proposed to be issued, at the maximum interest rate set forth in the resolution. The bonds issued may mature over a period not exceeding forty (40) years from the date of issue.

(c) Upon receipt of the resolution and certificate, the board of commissioners of the county may adopt them and take all action necessary to issue the bonds in accordance with the resolution. An action to contest the validity of bonds issued under this section may

not be brought after the fifteenth day following the receipt of bids for the bonds.

(d) The provisions of all general statutes relating to:

- (1) the filing of a petition requesting the issuance of bonds and giving notice;
- (2) the right of taxpayers to:
 - (A) remonstrate against the issuance of bonds; or
 - (B) **vote on the proposed issuance in an election on a local public question;**
- (3) the giving of notice of the determination to issue bonds;
- (4) the giving of notice of a hearing on the appropriation of the proceeds of bonds;
- (5) the right of taxpayers to appear and be heard on the proposed appropriation;
- (6) the approval of the appropriation by the department of local government finance; and
- (7) the sale of bonds at public sale for not less than par value; are applicable to the issuance of bonds under this section.

SECTION 277. IC 36-12-3-12, AS ADDED BY P.L.1-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 12. (a) The library board shall determine the rate of taxation for the library district that is necessary for the proper operation of the library. The library board shall certify the rate to the county auditor. The county auditor shall certify the tax rate to the county tax adjustment board in the manner provided in IC 6-1.1. An additional rate may be levied under section 10(4) of this chapter.

(b) If the library board fails to

~~(1) give:~~

(A) a first published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least ten ~~(10)~~ days before the public hearing required under ~~IC 6-1.1-17-3; and~~

(B) a second published notice to the board's taxpayers of the board's proposed budget and tax levy for the ensuing year at least three ~~(3)~~ days before the public hearing required under ~~IC 6-1.1-17-3; or (2)~~

finally adopt the budget and fix the tax levy not later than September 20, the last preceding annual appropriation made for the public library is renewed for the ensuing year, and the last preceding annual tax levy is continued. Under this subsection, the treasurer of the library board shall report the continued tax levy to the county auditor not later than September 20.

SECTION 278. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 6-1.1-20.6-1; IC 6-1.1-20.6-4; IC 6-1.1-20.6-5; IC 6-1.1-20.6-6.

SECTION 279. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 12-13-8; IC 12-13-9; IC 12-19-5; IC 12-19-7-1.5; IC 12-19-7-6; IC 12-19-7-7; IC 12-19-7-9; IC 12-19-7-10; IC 12-19-7-11; IC 12-19-7-11.1; IC 12-19-7-15; IC 12-19-7-16; IC 12-19-7-17; IC 12-19-7-18; IC 12-19-7-19; IC 12-19-7-20; IC 12-19-7-21; IC 12-19-7-22; IC 12-19-7-23; IC 12-19-7-24; IC 12-19-7-25; IC 12-19-7-26; IC 12-19-7-27; IC 12-19-7-28; IC 12-19-7-29; IC 12-19-7-30; IC 12-19-7-31; IC 12-19-7-32; IC 12-19-7-33; IC 12-19-7.5-2; IC 12-19-7.5-5; IC 12-19-7.5-6; IC 12-19-7.5-8; IC 12-19-7.5-9; IC 12-19-7.5-11; IC 12-19-7.5-12; IC 12-19-7.5-13; IC 12-19-7.5-14; IC 12-19-7.5-15; IC 12-19-7.5-16; IC 12-19-7.5-17; IC 12-19-7.5-18; IC 12-19-7.5-19; IC 12-19-7.5-20; IC 12-19-7.5-21; IC 12-19-7.5-22; IC 12-19-7.5-23; IC 12-19-7.5-24; IC 12-19-7.5-25; IC 12-19-7.5-26; IC 12-19-7.5-27; IC 12-19-7.5-28; IC 12-19-7.5-29; IC 12-19-7.5-30; IC 12-19-7.5-31; IC 12-19-7.5-32; IC 12-19-7.5-33; IC 15-5-9; IC 15-5-10; IC 16-35-3; IC 16-35-4.

SECTION 280. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2008]: IC 6-1.1-1-5.5; IC 6-1.1-1-22; IC 6-1.1-1-22.7; IC 6-1.1-35.2-1.

SECTION 281. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-20.6-6, as in effect January 1, 2006, a county may adopt an ordinance under this SECTION to apply the credit authorized by IC 6-1.1-20.6, as in effect January 1, 2006, to property taxes first due and payable in 2006.

(b) If a county has not issued property tax statements under IC 6-1.1-22-8 to the persons liable for property taxes in the

county for property taxes first due and payable in 2006, the county fiscal body may adopt an ordinance to apply the credit under IC 6-1.1-20.6, as in effect January 1, 2006, to the property taxes first due and payable in 2006. A county fiscal body may not adopt an ordinance under this subsection after statements are issued under IC 6-1.1-22-8 for the property taxes first due and payable in 2006.

(c) Except as provided in subsection (a), IC 6-1.1-20.6, as in effect January 1, 2006, applies to a credit authorized by an ordinance adopted under this SECTION.

(d) This SECTION expires January 1, 2007.

SECTION 282. [EFFECTIVE UPON PASSAGE] IC 6-1.1-20.6-7, IC 6-1.1-20.6-8, and IC 6-1.1-20.6-9, all as amended by this act, apply only to property taxes first due and payable after December 31, 2006.

SECTION 283. [EFFECTIVE JANUARY 1, 2007] (a) Notwithstanding the repeal of IC 15-5-9-10 by this act, if any money remains in the state dog account of the state general fund on December 31, 2006, the auditor of state shall, on January 1, 2007, abolish the account and distribute the money as follows:

(1) Fifty percent (50%) to Purdue University for the School of Veterinary Science and Medicine, to be used solely for canine disease research.

(2) Fifty percent (50%) to the counties identified under subsection (b).

(b) Money to be distributed under subsection (a)(2) shall be divided among the counties that paid to the auditor of state, under IC 15-5-9-10(j) (before its repeal by this act), the surplus money remaining in the counties' county dog funds on May 1, 2006.

(c) Each county's share of the total amount distributed under this SECTION must be proportional to the county's share of the total amount paid to the auditor of state in 2006 under IC 15-5-9-10(j) (before its repeal by this act).

(d) Notwithstanding the repeal of IC 15-5-9-10 by this act, if any money remains in a county dog fund on January 31, 2007, the county auditor shall, on February 1, 2007, abolish the fund and distribute the money to the township trustees of the townships located in the county. An equal share of the money shall be distributed to each township trustee.

(e) A township trustee who receives a distribution under this SECTION shall deposit the distribution in the township dog fund.

(f) Notwithstanding the repeal of IC 15-5-9-8 by this act, each township dog fund is abolished and the money distributed as follows:

(1) to pay claims filed under IC 15-5-9-9.1 (before its repeal by this act);

(2) to pay fees and charges under IC 15-5-9-10 (before its repeal by this act);

(3) to the humane society designated by the county legislative body under IC 15-5-9-8(d) (before its repeal by this act) to receive a part of each dog tax payment; or

(4) if the county legislative body did not designate a humane society under IC 15-5-9-8(d) (before its repeal by this act), to the township general fund.

(g) This SECTION expires January 1, 2008.

SECTION 284. [EFFECTIVE JANUARY 1, 2007] (a) Any contract for services described in IC 31-33-1.5-7, as amended by this act, that was entered into before January 1, 2007, by a county in compliance with the law governing the county and with the approval of the department of child services shall be treated after December 31, 2006, as a contract of the department of child services.

(b) Any property related to a service described in IC 31-33-1.5-7, as amended by this act, that is transferred to the state by this act, shall be treated after December 31, 2006, as the property of the department of child services.

(c) On January 1, 2007, the balance of each county's county family and children trust clearance fund becomes part of the family and children trust clearance fund established under IC 12-19-1-16, as amended by this act. Any reference in a county or a county office in a document related to money in a county family and children trust fund shall be treated after December 31, 2006, as a reference to the department of child services. Any

reference in a document related to a county family and children trust fund shall be treated after December 31, 2006, as a reference to the family and children trust clearance fund established by IC 12-19-1-16, as amended by this act. Not later than January 10, 2007, the county auditor shall transfer the balance of the county's county family and children trust clearance fund to the department of child services for deposit in the family and children trust clearance fund established under IC 12-19-1-16, as amended by this act. The money transferred under this subsection is subject to the obligations of the county family and children trust clearance fund from which the money is transferred and the restrictions on any gifts or grants that apply to the money being transferred.

(d) The requirement that predispositional reports and modification reports under IC 31, as amended by this act, be prepared only by a department of child services caseworker does not apply to predispositional reports and modification reports ordered by a juvenile court before July 1, 2006, even if services are to be provided after June 30, 2006. However, after June 30, 2006, any modification report in the case must be prepared as required under IC 31, as amended by this act, and is subject to the requirements concerning the charge back of expenditures to a county.

(e) The department of child services may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement this SECTION. A temporary rule adopted under this subsection takes effect in the same manner as an emergency rule adopted under IC 4-22-2-37.1. Notwithstanding IC 4-22-2-37.1, a temporary rule adopted under this subsection expires on the earliest of the following:

- (1) The date specified in the temporary rule.
- (2) The date that another temporary rule adopted under this subsection amends, repeals, or supersedes the previously adopted temporary rule.
- (3) The date that a permanent rule adopted under IC 4-22-2 amends, repeals, or supersedes the previously adopted temporary rule.
- (4) January 1, 2008.

(f) Any balance remaining in:

- (1) the children with special health care needs state fund; and
- (2) the state medical assistance to wards fund;

on December 31, 2006, is transferred to the state child welfare fund established by this act.

(g) Any balance remaining in:

- (1) a county psychiatric residential treatment services fund;
- (2) a county medical assistance to wards fund; or
- (3) a children with special health care needs county fund;

on December 31, 2006, is transferred to the county's child welfare fund established under IC 12-19-7-3, as amended by this act.

SECTION 285. [EFFECTIVE JANUARY 1, 2008] (a) Each township trustee assessor shall organize the records of the township trustee assessor's office relating to the assessment of tangible property in a manner prescribed by the department of local government finance and transfer the records to the county assessor as directed by the department of local government finance. The department of local government finance shall determine a procedure and schedule for the transfer of each of the township trustee assessor's office records and operations to the county assessor before January 1, 2008. Each township trustee assessor of a county and the county assessor shall assist each other and coordinate their efforts to ensure an orderly transfer of all township trustee assessor records to the county assessor and to provide for an uninterrupted and professional transition of the property assessment functions from the township trustee assessor to the county assessor consistent with the directions of the department of local government finance and this act.

(b) This SECTION expires January 1, 2008.

SECTION 286. [EFFECTIVE JANUARY 1, 2008] (a) This act does not affect any assessment, assessment appeal, or other official action of a township trustee assessor made before January 1, 2008. Any assessment, assessment appeal, or other official action of a township trustee assessor made within the scope of the

township trustee assessor's official duties under IC 6-1.1 or IC 36-6-5 before January 1, 2008, is considered as having been made by the county assessor.

(b) This act does not affect any pending action against, or the rights of any party that may possess a legal claim against, a township trustee assessor that is not described in subsection (a).

(c) This SECTION expires January 1, 2008.

SECTION 287. [EFFECTIVE JANUARY 1, 2008] (a) The legislative services agency shall prepare legislation for introduction in the 2008 regular session of the general assembly to correct statutes affected by this act.

(b) This SECTION expires July 1, 2008.

SECTION 288. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.9, and IC 6-1.1-21 apply throughout this SECTION.

(b) A taxpayer that is eligible for a homestead credit under IC 6-1.1-20.9 in 2006 is eligible for an additional child welfare relief credit under this SECTION in 2006. The amount of the additional child welfare relief credit to which the taxpayer is entitled equals the product of:

- (1) twelve percent (12%); multiplied by
- (2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is:
 - (A) attributable to the homestead during the particular calendar year; and
 - (B) determined after the application of the property tax replacement credit under IC 6-1.1-21.

(c) A county auditor:

- (1) may apply the entire amount of the additional child welfare relief credit granted by this SECTION equally to all installments of property taxes first due from the taxpayer in 2006; or
- (2) if application of the credit to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements and apply the entire credit to the property tax due in a later installment.

IC 6-1.1-22.5-6 does not apply to a delay in the delivery of an abstract described in subdivision (2). The department of local government finance may prescribe procedures to apply the additional child welfare relief credit to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(d) The property tax replacement fund board shall provide for an additional distribution to taxing units from the property tax replacement fund to replace revenue lost to a county as the result of the granting of additional child welfare relief credits under this SECTION. The distribution shall be made on the schedule determined by the property tax replacement fund board. To the extent possible, the property tax replacement fund board shall make distributions under this subsection at the same time distributions of homestead credits and other property tax replacement credits are made. A distribution under this subsection is not subject to any law limiting the maximum amount that may be distributed under IC 6-1.1-21. The amount distributed under this subsection is not included in the amount used to determine the minimum amount that must be distributed or maximum distribution that may not be exceeded under IC 6-1.1-21.

(e) This subsection applies to a taxpayer in an allocation area that would be eligible for an additional credit under any of the following:

- (1) IC 8-22-3.5-10.
- (2) IC 36-7-14-39.5.
- (3) IC 36-7-15.1-26.5.
- (4) IC 36-7-15.1-35.
- (5) IC 36-7-15.1-56.
- (6) IC 36-7-30-27.
- (7) IC 36-7-30.5-32.
- (8) IC 36-7-32-18.

As used in this subsection, "designating body" refers to the governing body permitted to reduce an additional credit otherwise granted in an allocation area to which a provision

described in subdivision (1) through (8) applies. Subject to this subsection, a taxpayer that is entitled to an additional credit on the taxpayer's homestead in an allocation area is entitled to a supplemental credit under this subsection. The amount of the supplemental credit is equal to the amount necessary to give the taxpayer the same total credit that the taxpayer would have received if the taxpayer's tangible property were not located in an allocation area. The supplemental credit reduces the amount of proceeds allocated to the district where the allocation area is located and paid into an allocation fund. A designating body may reduce the amount of the supplemental credits granted in an allocation area in the same manner and for the same reasons that the designating body is permitted to reduce an additional credit in the allocation area. The department of local government finance may prescribe procedures to use to apply a supplemental credit to tangible property in an allocation area. A county auditor shall comply with the procedures prescribed under this subsection.

(f) This SECTION expires January 1, 2007.

SECTION 289. [EFFECTIVE UPON PASSAGE] (a) The following, both as added by this act, apply only to property taxes first due and payable after December 31, 2006:

- (1) IC 6-1.1-17-8.5.
- (2) IC 6-1.1-22-2.5.

(b) The following, all as amended by this act, apply only to property taxes first due and payable after December 31, 2006:

- (1) IC 6-1.1-1-3.
- (2) IC 6-1.1-1-20.
- (3) IC 6-1.1-15-10.
- (4) IC 6-1.1-17-0.5.
- (5) IC 6-1.1-17-1.
- (6) IC 6-1.1-17-3.
- (7) IC 6-1.1-17-9.
- (8) IC 6-1.1-17-16.
- (9) IC 6-1.1-18.5-1.
- (10) IC 6-1.1-22-4.

SECTION 290. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) IC 6-1.1-46, as added by this act, applies only to ad valorem property taxes first due and payable for assessment dates after February 28, 2005.

SECTION 291. An emergency is declared for this act.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 0.

ESPICH, Chair

Upon request of Representatives Turner and Espich, the Speaker ordered the roll of the House to be called. Roll Call 15: yeas 86, nays 10. Report adopted.

Representative Pond, who had been excused, was present.

HOUSE BILLS ON SECOND READING

House Bill 1021

Representative Grubb called down House Bill 1021 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1021-1)

Mr. Speaker: I move that House Bill 1021 be amended to read as follows:

- Page 1, line 4, after "a" insert "pilot".
- Page 1, line 5, delete "hay" and insert "forage".
- Page 1, delete lines 11 through 12.
- Page 1, line 13, delete "(2)" and insert "(1)".
- Page 1, line 15, delete "(3)" and insert "(2)".
- Page 1, line 15, delete "hay" and insert "forage".
- Page 1, line 16, delete "(4)" and insert "(3)".
- Page 1, line 16, delete "hay" and insert "forage".
- Page 2, line 1, delete "(5)" and insert "(4)".
- Page 2, line 3, delete "(6)" and insert "(5)".

Page 2, line 3, delete "hay." and insert "forage and to ensure safety.".

Page 2, line 5, delete "farmer" and insert "bidder".

Page 2, line 5, delete "hay" and insert "forage".

Page 2, line 12, delete "farmer" and insert "bidder".

Page 2, between lines 13 and 14, begin a new paragraph and insert:
"(e) The department shall implement the pilot program for not less than two (2) years. If the department determines that the program described in this section:

- (1) can be implemented safely;
- (2) saves the state money; and
- (3) is otherwise feasible;

the department may expand the program and implement it beyond the two (2) year pilot term."

(Reference is to HB 1021 as printed January 10, 2006.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 1023

Representative Ayres called down House Bill 1023 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1103

Representative Yount called down House Bill 1103 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1103-1)

Mr. Speaker: I move that House Bill 1103 be amended to read as follows:

Page 3, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 3. IC 9-24-12-1, AS AMENDED BY P.L.210-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b) and section 10 of this chapter, an operator's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in ~~section~~ sections 10 and 11 of this chapter, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in subsection (b) and ~~section~~ sections 10 and 11 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

SECTION 4. IC 9-24-12-2, AS AMENDED BY P.L.210-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, and except as provided in ~~section~~ sections 10 and 11 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

SECTION 5. IC 9-24-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. **Except as provided in section 11 of this chapter**, a public passenger chauffeur's license issued under this article after December 31, 1996, expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 6. IC 9-24-12-7, AS AMENDED BY P.L.210-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Except as provided in subsection (b) and section 10 of this chapter, a motorcycle operator's license issued after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in ~~section~~ sections 10 and 11 of this

chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b) **and section 11 of this chapter**, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

(e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.

SECTION 7. IC 9-24-12-10, AS ADDED BY P.L.210-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. **Except as provided in section 11 of this chapter**, after June 30, 2005:

- (1) an operator's;
- (2) a chauffeur's; or
- (3) a motorcycle operator's;

license issued to or renewed by a driver who is at least eighty-five (85) years of age expires at midnight of the birthday of the holder that occurs two (2) years following the date of issuance.

SECTION 8. IC 9-24-12-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) This section applies to a driver's license issued under:**

- (1) IC 9-24-3;
- (2) IC 9-24-4;
- (3) IC 9-24-5; or
- (4) IC 9-24-8.

(b) If the birthday of a holder on which the holder's driver's license issued under a chapter referred to in subsection (a) would otherwise expire falls on:

- (1) Sunday;
- (2) a legal holiday (as set forth in IC 1-1-9-1); or
- (3) a weekday when all license branches, full service providers, and partial services providers in the county of residence of the holder are closed;

the driver's license of the holder does not expire until midnight of the first day after the birthday on which a license branch, full service provider, or partial services provider is open for business in the county of residence of the holder."

Renumber all SECTIONS consecutively.

(Reference is to HB 1103 as printed January 11, 2006.)

HOFFMAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1106

Representative Crouch called down House Bill 1106 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1111

Representative T. Brown called down House Bill 1111 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1111-1)

Mr. Speaker: I move that House Bill 1111 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.8. (a) As used in this section, "small employer" means a private employer that employs at least six (6) but not more than fifty (50) full-time employees.**

(b) As used in this section, "state employee health plan" means:

- (1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or
- (2) a contract with a prepaid health care delivery plan

entered into by the state personnel department under section 7(c) of this chapter.

(c) The state personnel department shall allow a small employer to provide coverage of health care services for employees of the small employer under any state employee health plan available to state employees in the same part of the state.

(d) IC 27-8-15 does not apply to coverage provided to employees of a small employer under this section.

(e) A small employer's employee who receives coverage of health care services under a state employee health plan under subsection (c) must:

- (1) receive coverage equal to the coverage provided to state employees under the state employee health plan; and**
- (2) be allowed the same degree of choice under the health plan as is given to state employees.**

(f) The premium rate that applies to a small employer's employee who is covered under a state employee health plan under this section must be the same premium rate that applies to a state employee for the same coverage."

Page 4, after line 28, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2006] **(a) The state personnel department shall implement the requirements of IC 5-10-8-6.8, as added by this act, not later than July 1, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1111 as printed January 11, 2006.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1111 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Orentlicher's amendment (1111-1) is a bill pending before this House under Rule 118.

PELATH
OXLEY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 16: yeas 48, nays 46. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

House Bill 1114

Representative Foley called down House Bill 1114 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1114-4)

Mr. Speaker: I move that House Bill 1114 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 36-2-7.5-6, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. (a) A county recorder may not accept a document for recording without the completed and executed form described in section 5 of this chapter attached to the document. A form attached to a document under this subsection is considered part of the document for purposes of the fee charged under subsection (b) in accordance with IC 36-2-7-10.**

(b) (a) The county recorder shall charge a fee for recording a document under this chapter in accordance with IC 36-2-7-10.

(c) (b) The county recorder shall deposit two dollars (\$2) of the fee charged under subsection (b) (a) in the county identification security protection fund established by section 11 of this chapter. This subsection expires July 1, 2011."

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 5. IC 36-2-7.5-11, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification security protection fund to be administered by the county recorder. The county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section ~~6(c)~~ **6(b)** of this chapter. Money in a fund does not revert to the county general fund.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the county recorder."

Page 2, between lines 28 and 29, begin a new paragraph and insert: "SECTION 7. IC 36-2-11-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) A payment to the county recorder for any purpose may be made by any of the following financial instruments that the county recorder authorizes to use:

- (1) Cash.
- (2) Check.
- (3) Bank draft.
- (4) Money order.
- (5) Bank card or credit card.
- (6) Electronic funds transfer.
- (7) Any other financial instrument authorized by the county recorder.

(b) If there is a charge to the county recorder for the use of a financial instrument other than a bank card or credit card, the county recorder shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) The county recorder may contract with a bank card or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction card or discount fee, whether billed to the county recorder or charged directly to the county recorder's account, the county recorder shall collect from the person using the card an official fee that may not exceed the highest transaction charge or discount fee charged to the county recorder by bank or credit card vendors regardless of retail merchant agreements between the bank and credit card vendors that may prohibit such a fee. The fee is a permitted charge under IC 24-4.5-3-202.

(d) Funds described in subsection (c) may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor."

Page 2, line 29, delete "THE FOLLOWING ARE REPEALED" and insert "IC 36-2-7.5-5 IS REPEALED".

Page 2, line 30, delete "(RETROACTIVE)]: IC 36-2-7.5-5; IC 36-2-7.5-6;" and insert "(RETROACTIVE)].".

Page 2, delete line 31.

Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as printed January 6, 2006.)

FOLEY

Motion prevailed.

HOUSE MOTION
(Amendment 1114-1)

Mr. Speaker: I move that House Bill 1114 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert: "SECTION 3. IC 32-22-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3. Limitations on Conveyances of Real Property Owned by Movie Theater Owners

Sec. 1. (a) As used in this chapter, "movie theater owner" means a person that owns an establishment in which commercially distributed feature motion pictures are regularly exhibited to the public for a charge.

(b) The term includes a parent corporation, a holding company, or another business entity with a controlling ownership interest.

Sec. 2. As used in this chapter, "nominal party" means a person or an entity that agrees to accept conveyance of real

property owned by a movie theater owner and to reconvey the real property:

- (1) to a person designated by the movie theater owner; and**
- (2) under terms established by the movie theater owner.**

Sec. 3. If a movie theater owner conveys real property owned by the movie theater owner to a person:

- (1) a restriction;**
- (2) a reservation;**
- (3) a condition;**
- (4) an exception; or**
- (5) a covenant;**

that prohibits the person from using the conveyed real property to regularly exhibit commercially distributed feature motion pictures to the public for a charge is, to the extent of the prohibition, against public policy and void.

Sec. 4. A movie theater owner may not convey real property owned by the movie theater owner to a nominal party in order to evade the prohibition in section 3 of this chapter.

Sec. 5. An aggrieved person may bring an action:

- (1) to enjoin an act of a movie theater owner that violates this chapter; and**
- (2) for damages, including reasonable attorney's fees, against a movie theater owner for a violation of this chapter;**

in a circuit or superior court in the county in which the movie theater is located."

Page 2, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 7. [EFFECTIVE UPON PASSAGE] IC 32-22-3, as added by this act, applies to a conveyance of real property from a movie theater owner (as defined in IC 32-22-3-1, as added by this act) to a person that occurs after the passage of this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as printed January 6, 2006.)

PIERCE

Upon request of Representatives Pierce and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 17: yeas 44, nays 49. Motion failed. The bill was ordered engrossed.

House Bill 1150

Representative Crooks called down House Bill 1150 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1150-1)

Mr. Speaker: I move that House Bill 1150 be amended to read as follows:

Page 5, line 13, delete "If" and insert "**After December 31, 2007, if**".

Page 5, line 35, delete "If" and insert "**After December 31, 2007, if**".

Page 6, line 3, delete "2006," and insert "**2007,**".

Page 6, line 36, delete "2006," and insert "**2007,**".

Page 7, line 25, delete "2007," and insert "**2008,**".

(Reference is to HB 1150 as printed January 10, 2006.)

CROOKS

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1013

Representative Burton called down Engrossed House Bill 1013 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Craycraft.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 17

Representative Ruppel introduced House Concurrent Resolution 17:

A CONCURRENT RESOLUTION honoring Butler University on the occasion of the 150th anniversary of its founding.

Whereas, In 1855, two professors, some assistant teachers, and 20 students walked through the doors of Butler University and began what was to become years of academic excellence and innovation;

Whereas, Because there were no high schools or adequate private academies, Butler University operated its own preparatory department until 1907, enrolling 60 students and another 54 in the prep classes the first year;

Whereas, Butler University was originally called North Western Christian University and was located at 18th Street and College Avenue;

Whereas, From its creation, the school began establishing unheard of precedents, including admitting women on an equal basis with men, admitting students representing minorities, and allowing students, with parental consent, to choose subjects suited to their needs under a new "elective" system;

Whereas, Butler University also appointed Catharine Merrill as Demia Butler professor, and she became the first female professor of English literature in Indiana in 1870, making Butler University the first in the nation to establish an endowed chair specifically for a female professor and only the second university to appoint a woman to the faculty;

Whereas, In 1875, the board of directors sold the downtown campus and moved the campus to Irvington;

Whereas, In 1879 the school became known as Butler University in honor of Ovid Butler, a prominent Indianapolis attorney and abolitionist who wrote the university's charter in 1850;

Whereas, Butler University continued to grow, adding the College of Education in 1930, the College of Business Administration in 1937, the College of Pharmacy in 1945, and the Jordan College of Music in 1951;

Whereas, To keep up with the growing needs of the academic community, Butler University began offering evening courses in 1899, established a summer session in 1905, and created a graduate division in 1932; and

Whereas, Butler University will continue to grow on the solid foundation laid by its founders in 1855 and will continue to offer visionary ideas and innovative academic concepts to its students: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Butler University on the 150th anniversary of its founding and recognizes its many contributions to the city of Indianapolis and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Butler University president Dr. Bobby Fong.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lubbers.

House Concurrent Resolution 18

Representative Walorski introduced House Concurrent Resolution 18:

A CONCURRENT RESOLUTION congratulating Jimtown High School on the occasion of its victory in the Class 2A state football championship.

Whereas, The Jimtown High School football season ended with one final victory over North Posey, earning the team a Class 2A state football championship;

Whereas, Patience, persistence, and a pair of interceptions helped the Jimtown High School team break open what had been a close game for a 35-7 victory over North Posey for the Class 2A state championship;

Whereas, In addition to this year's victory, the Jimtown football program claimed a Class A title in 1991 and Class 2A titles in 1997 and 1998;

Whereas, The Jimmies were lead by sophomore Ryan Konrath who rushed for 63 yards and two touchdowns, senior Ross Bauman who had a 55-yard punt return, and junior Brian DeShone who had a 76-yard interception for a score; and

Whereas, The Jimmies' 14-1 season is a prime example of hard work and dedication to a goal that can be seen throughout the athletic programs and classrooms of Indiana schools: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Jimtown High School on an excellent football season that ended with its victory in the Class 2A state football championship and wishes team members continued success in the years ahead.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members, head coach Bill Sharpe, and principal Nate Dean.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Mishler.

House Concurrent Resolution 19

Representative Walorski introduced House Concurrent Resolution 19:

A CONCURRENT RESOLUTION honoring the NorthWood High School football team.

Whereas, NorthWood High School is the 2005 Class 3A state football champion;

Whereas, NorthWood High School became the first team with six losses in the history of the Indiana High School Athletic Association tournament series to win a state championship with its 7-0 win over Indianapolis Bishop Chatard, marking the first time Bishop Chatard had been held scoreless since 2001;

Whereas, The 2005 state championship title is the first for the NorthWood Panthers in their six appearances at the RCA Dome and the school's second state championship in any sport;

Whereas, The victory was the first over Bishop Chatard after three previous championship game meetings;

Whereas, The championship game's only score came when NorthWood freshman quarterback Skyler Titus threw to junior Brant Ehret for a 10-yard touchdown, capping a nine play, 47-yard drive that included two key third down conversions;

Whereas, In the third quarter, NorthWood held Bishop Chatard to only 11 offensive yards on four plays from scrimmage; and

Whereas, Hard work and dedication helped the NorthWood Panthers become state champions, and these attributes will continue to help these talented young people throughout their lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the NorthWood High School Panthers on their outstanding season culminating in the Class 3A state football championship and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members, head coach Rich Dodson, principal Louis Bonacorsi, and superintendent Joe Sabo.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the

resolution. Senate sponsor: Senator Mishler.

House Concurrent Resolution 20

Representative Walorski introduced House Concurrent Resolution 20:

A CONCURRENT RESOLUTION honoring the Concord Marching Minutemen for finishing first in Class B at the Indiana State School Music Association's 2005 Marching Band State Finals.

Whereas, The Concord High School Marching Minutemen are the 2005 Class B champions in the Indiana State School Music Association's Marching Band State Finals;

Whereas, This victory marked the third time the Marching Minutemen have placed first in the Class B state finals;

Whereas, The Marching Minutemen finished second in the competition in 2002 and 2004;

Whereas, This was Gay Burton's first time at the RCA Dome as a head director for band, although she had been Concord's assistant director for 13 years in the 1980s and 1990s;

Whereas, Band Director Burton credited the victory to the fact that band members helped and encouraged one another; something Burton considers to be the hallmark of success; and

Whereas, It is through effort and determination that we succeed, and these characteristics are present in each member of the Marching Minutemen: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Concord Marching Minutemen on their victory in the Indiana State School Music Association's 2005 Marching Band State Finals and wishes them continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to band members, band director Gay Burton, and principal Dan Cunningham.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Riegecker.

House Concurrent Resolution 21

Representatives V. Smith, Aguilera, Porter, E. Harris, C. Brown, Crawford, Dickinson, Mays, and Summers introduced House Concurrent Resolution 21:

A CONCURRENT RESOLUTION honoring Reverend James R. Flint, Jr.

Whereas, Reverend James R. Flint, Jr. has dedicated his life to helping people live a Christian life;

Whereas, The objective set forth by Reverend Flint is to teach the principles of Christian living and to inform others that the Bible can show all how to live victoriously;

Whereas, Reverend James R. Flint, Jr. strives to stay biblically rooted and spiritually directed while remaining current with the time;

Whereas, It is the goal of Reverend James R. Flint, Jr. to stay fresh and innovative in method in order to minister to the masses seeking direction in a transitional world; and

Whereas, Reverend James R. Flint, Jr. has graced the Indiana Black Legislative Caucus' eleventh annual Prayer and Praise Breakfast and has inspired all present to live a Christian life: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the contributions made by Reverend James R. Flint, Jr. and thanks him for his hours of dedicated service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Reverend James R. Flint, Jr. and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators S. Smith, Rogers, Breaux, and Howard.

House Concurrent Resolution 22

Representatives Pflum, Saunders, and Hoffman introduced House Concurrent Resolution 22:

A CONCURRENT RESOLUTION honoring Richmond, Indiana, on the occasion of the 200th anniversary of its founding.

Whereas, Richmond was originally founded by North Carolina Quakers John Smith and Jeremiah Cox who settled along the Whitewater River in 1806;

Whereas, John Smith opened the first general store south of present day Main Street, and Jeremiah Cox built the first grist mill on land north of present day Main Street;

Whereas, In 1818, Jeremiah Cox was convinced that a town would inevitably be at that site and joined John Smith to form a town;

Whereas, On September 1, 1818, 24 qualified voters of the settlement met and voted to incorporate the town, naming it Richmond;

Whereas, The National Road, now U.S. 40, was surveyed to Richmond in 1827;

Whereas, A covered bridge across the Whitewater River in the Whitewater Valley Gorge was completed in 1836, alleviating a barrier to westward expansion;

Whereas, Earlham College, which is recognized today as one of the nation's best liberal arts colleges, was established by the Society of Friends in 1847;

Whereas, The first locomotive entered Richmond in March 1853, and the rail line was extended in 1854 to reach New Castle and, eventually, Chicago;

Whereas, The first library was established in 1864 by one of the earliest merchants, Robert Morrison, at a cost of \$20,000;

Whereas, In 1881, Richmond became the "Rose City" when E.G. Hill and his father, Joseph, began a general floral catalogue business that eventually became one of the world's largest producers of roses;

Whereas, By the early 20th century, Richmond had grown steadily in size, accomplishment, and confidence;

Whereas, Products manufactured such as Starr pianos, a variety of motor vehicles, McGuire lawnmowers, Gennett recordings, and Hill roses found world markets;

Whereas, A tragic explosion in 1968, which took 41 lives and did \$15,000,000 in damages, brought determined city leaders, merchants, and citizens together to create a new sense of community and a new downtown;

Whereas, Richmond is considered the Eastern Gateway of Indiana and, because of its ideal location along Interstate 70 on the border of Indiana and Ohio, has continued to offer its residents many great cultural, educational, and economic opportunities; and

Whereas, The residents of Richmond should be extremely proud of their city, which has continued to grow and develop into a world class community as it sets an example for cities throughout the United State of America: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the residents of Richmond on the occasion of the 200th anniversary of the city's founding.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Sally Hutton.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Paul.

OTHER BUSINESS ON THE SPEAKER'S TABLE**Reassignments**

The Speaker announced the following reassignments:

House Bill 1017 to the Committee on Local Government.

House Bill 1113 from the Committee on Judiciary to the Committee on Insurance.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1156, 1157, and 1240 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 19, 2006 at 1:30 p.m.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buck be added as coauthor of House Bill 1008.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Buell be added as coauthor of House Bill 1015.

DAY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Bill 1019.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crouch be added as coauthor of House Bill 1020.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ulmer be added as coauthor of House Bill 1028.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres and Goodin be added as coauthors of House Bill 1030.

SAUNDERS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borrer and T. Harris be added as coauthors of House Bill 1031.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crouch be added as coauthor of House Bill 1035.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Richardson be added as coauthor of House Bill 1043.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1048.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer and VanHaaften be added as coauthors of House Bill 1049.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as coauthor of House Bill 1061.

L. LAWSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Friend, Robertson, and Grubb be added as coauthors of House Bill 1065.

GUTWEIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Klinker and Reske be added as coauthors of House Bill 1074.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thompson and Stevenson be added as coauthors of House Bill 1076.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Oxley be added as coauthor of House Bill 1079.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hoy and Budak be added as coauthors of House Bill 1094.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1096.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stevenson be added as coauthor of House Bill 1103.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins and Budak be added as coauthors of House Bill 1104.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanHaften be added as coauthor of House Bill 1107.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives L. Lawson, Mays, and Kuzman be added as coauthors of House Bill 1108.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pelath be added as coauthor of House Bill 1122.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives J. Smith, Turner, and McClain be added as coauthors of House Bill 1124.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heim be added as coauthor of House Bill 1142.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leonard be added as coauthor of House Bill 1143.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives L. Lawson and Ayres be added as coauthors of House Bill 1144.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ayres be added as coauthor of House Bill 1145.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Woodruff be added as coauthor of House Bill 1172.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Walorski and Mays be added as coauthors of House Bill 1173.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1185.

DVORAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1201.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bell be added as coauthor of House Bill 1207.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative V. Smith be added as coauthor of House Bill 1209.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be removed as author of House Bill 1211, Representative Ayres be substituted as author, and Representative Klinker be added as coauthor.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Smith be added as coauthor of House Bill 1218.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1221.

RESKE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pond be added as coauthor of House Bill 1222.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and V. Smith be added as coauthors of House Bill 1240.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1250.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1261.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1280.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Frizzell be added as coauthor of House Bill 1284.

J. LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1285.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hoy be added as coauthor of House Bill 1315.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Davis be added as coauthor of House Bill 1319.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Lutz be added as coauthor of House Bill 1332.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1338.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as coauthor of House Bill 1339.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1347.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Borrer, Hinkle, and Denbo be added as coauthors of House Bill 1354.

J. LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bosma be added as coauthor of House Bill 1362.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1380.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanHaaften be removed as coauthor of House Bill 1394.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1414.

AUSTIN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

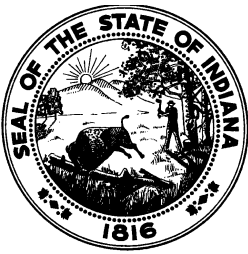
On the motion of Representative Austin, the House adjourned at 5:10 p.m., this seventeenth day of January, 2006, until Thursday, January 19, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Eighth Meeting Day

Thursday Afternoon

January 19, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Sheila A. Klinker.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown ☐	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry ☐	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch ☐
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 19: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, January 23, 2006 at 1:30 p.m.

RUPPEL

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1006, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "trusts." and insert "**trusts, subject to the following:**".

Page 2, between lines 20 and 21, begin a new line double block indented and insert:

"(A) School corporations that elect to pool assets for coverage must create a trust for the assets. The trust is subject to regulation by the department of insurance as follows:

(i) The trust must register with the department of insurance.

(ii) The trust shall obtain stop-loss insurance issued by an insurer authorized to do business with an aggregate retention of not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.

(iii) Contributions by the school corporations must be set to fund one hundred percent (100%) of the aggregate retention plus all other costs of the trust.

(iv) The trust shall maintain a fidelity bond in an amount approved by the department of insurance, covering each person responsible for the trust, to protect against acts of fraud or dishonesty in servicing the trust.

(v) The trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The trust shall file an annual financial statement in the form required by IC 27-1-3-13 by March 1.

(vii) The trust is not covered by the Indiana insurance guaranty fund created under IC 27-6-8. The liability of each school corporation is joint and several.

(viii) The trust is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the trust.

(ix) The department of insurance may deny, suspend, or revoke the registration of a trust if the commissioner finds that the trust is in a hazardous financial condition, the trust refuses to be examined or produce records for examination, or the trust has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Each school corporation, and more than one (1) school corporation acting jointly, may elect to be considered a single purchaser of natural gas energy by the school corporation's or school corporations' natural gas utility provider to qualify to purchase natural gas from any available natural gas seller. A rate schedule that is:

(A) filed by a natural gas utility; and

(B) approved by the Indiana utility regulatory commission;

must include provisions that allow a school corporation or school corporations acting jointly to elect to be billed as a single purchaser of natural gas energy under reasonable terms and conditions."

Page 2, line 21, delete "(2)" and insert "(3)".

Page 2, delete lines 26 through 28.

Page 2, line 29, delete "(D)" and insert "(C)".

Page 2, line 30, delete "(E)" and insert "(D)".

Page 2, line 30, delete "maintenance" and insert "management".

Page 2, line 31, delete "(F)" and insert "(E)".

Page 2, line 32, delete "(G)" and insert "(F)".

Page 2, line 34, delete "(H)" and insert "(G)".

Page 3, line 1, delete "facilities maintenance," and insert "facilities,".

Page 3, line 14, delete "clusters of".

Page 3, line 22, delete "An" and insert "School corporations and".

Page 3, line 22, delete "center" and insert "centers".

Page 3, line 24, delete "for school corporation actions".

Page 3, line 40, delete "periodically" and insert "annually".

Page 4, line 9, delete "budget," and insert "budget and school corporation officials,".

Page 4, line 19, delete "clusters" and insert "common management,".

Page 4, line 24, delete "budget and" and insert "budget,".

Page 4, line 24, after "department," insert "and school corporation officials,".

Page 4, line 29, delete "instructional activities expenditures, specifying all" and insert "academic achievement expenditures,".

Page 4, delete lines 30 through 32.

Page 4, line 33, delete "expenditures, including all" and insert "expenditures,".

Page 4, delete lines 34 through 35.

Page 4, line 36, delete "Operational expenditures, including all sums spent on or" and insert "Overhead and operational expenditures,".

Page 4, delete line 37.

Page 4, line 38, delete "expenditures, including all sums spent on" and insert "expenditures,".

Page 4, delete lines 39 through 40.

Page 5, line 7, delete "November 1," insert "December 31,".

Page 5, line 22, after "recognize" insert "publicly".

Page 5, line 26, after "budget" insert "and the division of finance of the department".

Page 5, line 26, after "shall" insert "be available to".

Page 5, line 31, after "public" insert "in the school corporation's annual performance report".

Page 7, line 13, delete "system;" and insert "system, including a plan for the department to work with the officials in each school corporation who are responsible for the management of the school corporation's finances, organizations, and other resources to create programs and curricula to develop the officials' financial management skills and abilities as well as train them in the use of the system;".

(Reference is to HB 1006 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1018, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1024, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 19, begin a new paragraph and insert:

"SECTION 1. IC 35-42-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who knowingly or intentionally:

(1) confines another person without the other person's consent;
or

(2) removes another person, by fraud, enticement, force, or threat of force, from one (1) place to another;
commits criminal confinement. Except as provided in subsection (b), the offense of criminal confinement is a ~~Class D~~ Class C felony.

(b) The offense of criminal confinement defined in subsection (a) is:

(1) a ~~Class C~~ Class B felony if:

(A) the person confined or removed is less than fourteen (14) years of age and is not the confining or removing person's child; or

(B) it is committed by using a vehicle; and

(2) a ~~Class B~~ Class A felony if it:

(A) is committed while armed with a deadly weapon;

(B) results in serious bodily injury to a person other than the confining or removing person; or

(C) is committed on an aircraft.".

Page 2, line 20, delete "IC 35-42-3-2 and".

Page 2, line 21, delete "both".

Page 2, line 21, delete "apply" and insert "applies".

Renumber all SECTIONS consecutively.

(Reference is to HB 1024 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1025, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1049, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1063, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 2.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1073, has had the same under consideration and

begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 4.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1074, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1088, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1101, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-1-11-3, AS ADDED BY P.L.91-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this chapter, "personal information" means **either of the following:**

(1) **With respect to an individual's: individual:**

(A) **the individual's:**

- (i) first name and last name; or ~~(B)~~
- (ii) first initial and last name; and

~~(2)~~ (B) at least one (1) of the following data elements:

- ~~(A)~~ (i) **The individual's** Social Security number.
- ~~(B)~~ (ii) **The individual's** driver's license number or identification card number.
- ~~(C)~~ (iii) Account number, credit card number, debit card number, security code, access code, or password of ~~an~~ **the** individual's financial account.

(2) **Information collected for the purpose of issuing a license or permit to a person that allows the person to engage in specific employment or perform a specific task in relation to employment in Indiana and that is:**

- (A) **required to be submitted as part of a license or permit application; or**
- (B) **gathered as part of the license or permit application screening or approval process.**

(b) The term does not include the following:

- (1) The last four (4) digits of an individual's Social Security number.
- (2) Publicly available information that is lawfully made available to the public from records of a federal agency or local agency.
- (3) **If a person has had a license or permit revoked, restricted, or suspended due to an action by the person that makes the person no longer suitable to hold an unrestricted license or permit, the:**
 - (A) **person's full legal name;**
 - (B) **person's city of residence;**
 - (C) **type of license or permit held by the person; and**
 - (D) **facts that caused the person's license or permit to be revoked, restricted, or suspended."**

Page 2, delete lines 1 through 22.

Page 2, line 25, delete "confidential." and insert "**confidential for purposes of IC 5-14-3-4.**"

Page 2, delete lines 26 through 31.

Page 4, between lines 32 and 33, begin a new line block indented and insert:

"(10) A person who engages in the business of waste collection, except to the extent the person holds a customer's personal information directly in connection with the business of waste collection.

(11) A person who maintains and complies with a disposal program under:

- (A) **the federal USA Patriot Act (P.L.107-56);**
 - (B) **Executive Order 13224;**
 - (C) **the federal Driver's Privacy Protection Act (18 U.S.C. 2721 et seq.);**
 - (D) **the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);**
 - (E) **the federal Financial Modernization Act of 1999 (15 U.S.C. 6801 et seq.); or**
 - (F) **the federal Health Insurance Portability and Accountability Act (HIPAA) (P.L.104-191);**
- if applicable."**

Page 4, line 33, after "who" insert ":".

Page 4, between lines 34 and 35, begin a new line block indented and insert:

"(1) has:

- (A) **received; or**
- (B) **contracted for;**

the direct or indirect provision of goods or services from another person holding the person's personal information; or

(2) provides the person's personal information to another person in connection with a transaction with a nonprofit corporation or charitable organization."

Page 4, delete lines 34 through 37.

Page 4, line 38, delete "holding the customer's personal information."

Page 4, line 38, beginning with "The" begin a new line blocked left.

Page 5, line 15, delete "IC 4-1-11-3." and insert "**IC 24-4.9-2-10.**"

Page 6, line 31, delete "IC 28-1-1-3;" and insert "**IC 28-1-1-3, other than a consumer finance institution licensed to make supervised or regulated loans under IC 24-4.5;."**

Page 9, line 34, after "Notice" insert "**or the Guidance on Response Programs for Unauthorized Access to Member Information and Member Notice, as applicable."**

Page 10, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 7. IC 35-32-2-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Subject to subsection (b), a person who commits the offense of identity deception may be tried in a county in which:

- (1) **the victim resides; or**
- (2) **the person:**

- (A) **obtains;**
- (B) **possesses;**
- (C) **transfers; or**
- (D) **uses;**

the information used to commit the offense.

(b) If:

(1) a person is charged with more than one (1) offense of identity deception; and

(2) either:

- (A) **the victims of the crimes reside in more than one (1) county; or**
- (B) **the person performs an act described in subsection (a)(2) in more than one (1) county;**

the person may be tried in any county described in subdivision (2).

SECTION 8. IC 35-41-1-1, AS AMENDED BY P.L.115-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this section, "Indiana" includes:

- (1) the area within the boundaries of the state of Indiana, as set forth in Article 14, Section 1 of the Constitution of the State of Indiana;
 - (2) the portion of the Ohio River on which Indiana possesses concurrent jurisdiction with the state of Kentucky under Article 14, Section 2 of the Constitution of the State of Indiana; and
 - (3) the portion of the Wabash River on which Indiana possesses concurrent jurisdiction with the state of Illinois under Article 14, Section 2 of the Constitution of the State of Indiana.
- (b) A person may be convicted under Indiana law of an offense if:
- (1) either the conduct that is an element of the offense, the result that is an element, or both, occur in Indiana;
 - (2) conduct occurring outside Indiana is sufficient under Indiana law to constitute an attempt to commit an offense in Indiana;
 - (3) conduct occurring outside Indiana is sufficient under Indiana law to constitute a conspiracy to commit an offense in Indiana, and an overt act in furtherance of the conspiracy occurs in Indiana;
 - (4) conduct occurring in Indiana establishes complicity in the commission of, or an attempt or conspiracy to commit, an offense in another jurisdiction that also is an offense under Indiana law;
 - (5) the offense consists of the omission to perform a duty imposed by Indiana law with respect to domicile, residence, or a relationship to a person, thing, or transaction in Indiana;
 - (6) conduct that is an element of the offense or the result of conduct that is an element of the offense, or both, involve the use of the Internet or another computer network (as defined in IC 35-43-2-3) and access to the Internet or other computer network occurs in Indiana; or
 - (7) conduct:
 - (A) involves the use of:
 - (i) the Internet or another computer network (as defined in IC 35-43-2-3); or
 - (ii) another form of electronic communication;
 - (B) occurs outside Indiana and the victim of the offense resides in Indiana at the time of the offense; and
 - (C) is sufficient under Indiana law to constitute an offense in Indiana.
 - (c) When the offense is homicide, either the death of the victim or bodily impact causing death constitutes a result under subsection (b)(1). If the body of a homicide victim is found in Indiana, it is presumed that the result occurred in Indiana.
 - (d) If the offense is identity deception, the lack of the victim's consent constitutes conduct that is an element of the offense under subsection (b)(1). If a victim of identity deception resides in Indiana when a person knowingly or intentionally obtains, possesses, transfers, or uses the victim's identifying information, it is presumed that the conduct that is the lack of the victim's consent occurred in Indiana."**

Renumber all SECTIONS consecutively.
(Reference is to HB 1101 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1107, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "sirens." and insert "**systems**."

Page 2, line 7, delete "sirens." and insert "**systems**."

Page 2, line 23, delete "sirens." and insert "**systems**."

SECTION 3. IC 36-9-38-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The following improvements may be made under this chapter:

- (1) Sidewalks.
- (2) Streets.

(3) Pedestrian ways or malls that are set aside entirely or partly, or during restricted hours, for pedestrian rather than vehicular traffic.

(4) Parking facilities.

(5) Lighting.

(6) Electric signals.

(7) Landscaping, including trees, shrubbery, flowers, grass, fountains, benches, statues, floodlighting, gaslighting, and structures of a decorative, an educational, or a historical nature.

(8) Emergency warning systems."

Renumber all SECTIONS consecutively.

(Reference is to HB 1107 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1108, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1207, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, delete ", in the case of a second class city,".

Page 3, line 39, delete "This section applies only to second class cities."

Page 3, line 40, delete "(b)".

Page 3, run in lines 39 through 40.

Page 4, line 40, delete "(c)" and insert "**(b)**".

Page 5, line 2, delete "This section applies only to second class cities."

Page 5, line 3, delete "(b)".

Page 5, run in lines 2 through 3.
 Page 5, line 9, delete "(c)" and insert "(b)".
 Page 5, line 10, delete "(b)." and insert "(a)".
 Page 5, line 13, delete "(d)" and insert "(c)".
 Page 5, line 25, delete "This section applies only to second class cities."
 Page 5, line 26, delete "(b)".
 Page 5, run in lines 25 through 26.
 Page 6, line 4, delete "This section applies only to second class cities."
 Page 6, line 5, delete "(b)".
 Page 6, run in lines 4 through 5.
 Page 7, line 6, delete "This section applies only to second class cities."
 Page 7, line 7, delete "(b)".
 Page 7, run in lines 6 through 7.
 Page 7, line 16, delete "(c)" and insert "(b)".
 Page 7, line 38, delete "(d)" and insert "(c) and (d)".
 Page 7, line 39, delete "and (e)".
 Page 8, line 1, delete "(d)" and insert "(c)".
 Page 8, line 2, delete "(c)(7)" and insert "(b)(7)".
 Page 8, line 21, delete "(e)" and insert "(d)".
 Page 8, line 23, delete "(d)." and insert "(c)".
 Page 8, line 24, delete "(h)," and insert "(g)".
 Page 9, line 3, delete "(f)" and insert "(e)".
 Page 9, line 15, delete "(g)" and insert "(f)".
 Page 9, line 28, delete "(f)(2)." and insert "(e)(2)".
 Page 9, line 33, delete "(h)" and insert "(g)".
 Page 9, line 41, delete "(e)" and insert "(d)".
 (Reference is to HB 1222 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: yeas 9, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.
 Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
 Page 1, between the enacting clause and line 1, begin a new paragraph and insert:
 "SECTION 1. IC 10-11-2-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. (a) The department shall maintain security and preserve the peace in and about the following:

- (1) The state capitol building.
- (2) A state office building.
- (3) A state parking facility.
- (4) A state motor pool garage.
- (5) A state warehouse.
- (6) The Indiana state library.
- (7) The governor's residence.
- (8) Any other building or property used by the state for any of the following purposes:
 - (A) Housing of personnel or activities of an agency or a branch of state government.
 - (B) Providing transportation or parking for state employees or persons having business with state government.
- (b) A special police employee of the department assigned to the security activities under this section, other than an officer or police employee of the department who possesses police powers under

section 21 of this chapter, possesses all of the common law and statutory powers of law enforcement officers except for the service of civil process.

(c) For purposes of IC 5-2-1, a special police employee assigned to the security activities under this section, other than a regular police employee of the department, ~~is a special~~ **is a capitol police** officer.

(d) ~~Special police employees~~ **Capitol police officers** shall enforce IC 4-20.5 and rules of the Indiana department of administration.

(e) The superintendent may adopt rules under IC 4-22-2 to do the following:

(1) Enforce IC 4-20.5 and rules of the Indiana department of administration concerning the security of state property.

(2) Carry out the responsibilities for security of state property under this section."

Page 1, line 3, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2006]".

Page 1, line 3, delete "2006," and insert "2007,".

Page 1, line 10, delete "person" and insert "**capitol police officer**".

Page 1, line 12, delete "person" and insert "**capitol police officer**".

Page 1, line, 15, after "rank" insert "**of capitol police officers**".

Page 2, delete line 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1236 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1238, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1249, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1257, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1279, has had the

same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 26, delete "or".

Page 3, line 29, after "subdivision (1);" insert "**or**".

Page 3, between lines 29 and 30, begin a new line block indented and insert:

"(3) provides commercial mobile radio service (as defined in 47 CFR 51.5);".

Page 3, line 31, delete "subdivisions (1)" and insert "**this section.**".

Page 3, delete line 32.

Page 6, line 34, delete "or".

Page 6, between lines 34 and 35, begin a new line block indented and insert:

"(5) a CMRS provider (as defined in IC 36-8-16.5-6); or".

Page 6, line 35, delete "(5)" and insert "**(6)**".

Page 7, line 13, delete "2007," and insert "**2006,**".

Page 7, line 15, delete "service except as follows:" and insert "**service.**".

Page 7, delete lines 16 through 29.

Page 9, between lines 20 and 21, begin a new paragraph and insert:

"(g) This section may not be construed to permit a provider to impose local measured service on the provider's basic telecommunications customers."

Page 11, line 27, after "customers" delete ";" and insert ", **other than video provided under federally licensed bandwidth;**".

Page 16, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 27. IC 8-1-2.8-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. As used in this chapter, "provider" has the meaning set forth in IC 8-1-2.6-0.5."

Page 17, line 21, delete "LECs" and insert "**providers**".

Page 17, line 23, delete "LECs;" and insert "**providers;**".

Page 17, line 28, delete "LECs" and insert "**providers**".

Page 18, line 18, delete "communications service".

Page 18, line 19, delete "(as defined in IC 8-1-32.6-6)".

Page 19, line 4, delete "communications service".

Page 19, line 36, delete "LEC" and insert "**provider**".

Page 19, line 38, delete "LEC," and insert "**provider,**".

Page 19, line 38, delete "LEC." and insert "**provider.**".

Page 19, line 41, delete "LEC" and insert "**provider**".

Page 20, line 20, delete "communications service".

Page 20, line 20, delete "(as)".

Page 20, line 21, delete "defined in IC 8-1-32.6-6)".

Page 20, line 42, delete "LEC" and insert "**provider**".

Page 22, line 9, delete "not do any of the following:" and insert "**not,**".

Page 22, line 10, delete "(1) With" and insert "**with**".

Page 22, run in lines 9 through 10.

Page 22, line 12, delete "anticompetitive or".

Page 22, delete lines 13 through 42, and insert "**discriminatory. For purposes of this subsection, a rate, term, or condition for retail service is unreasonably preferential, prejudicial, or discriminatory if the rate, term, or condition:**

(1) is not offered uniformly to all comparably situated customers in a metropolitan statistical area; or

(2) violates IC 8-1-2-103(a) or IC 8-1-2-105, to the extent that the provider is subject to IC 8-1-2-103(a) or IC 8-1-2-105."

Page 23, line 3, delete "an incumbent local exchange carrier" and insert "**a provider**".

Page 23, line 4, delete "5(3)" and insert "**5**".

Page 24, delete lines 23 through 24.

Page 24, line 25, delete "(B)" and insert "**(A)**".

Page 24, line 36, delete "(C)" and insert "**(B)**".

Page 27, line 27, delete "Telecommunications" and insert "**A telecommunications**".

Page 27, line 28, after "153(46))" delete "." and insert "**other than commercial mobile radio service (as defined in 47 CFR 51.5).**".

Page 27, line 29, delete "Information" and insert "**An information**".

Page 31, delete lines 5 through 42.

Delete page 32.

Page 33, delete lines 1 through 23.

Page 33, line 24, delete "17." and insert "**15.**".

Page 36, line 2, after "to any" insert "**unit or**".

Page 42, line 3, delete "view and video on demand charges" and insert "view."

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1307, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 32, after "its" insert: "**regular or routine schedule of attorney's fees applicable to all claims filed on or after September 1, 2006, except as provided in subsection (e), to reflect the following attorney's fees:**

(1) A minimum of two hundred dollars (\$200).

(2) Twenty percent (20%) of the first fifty thousand dollars (\$50,000) of recovery.

(3) Fifteen percent (15%) of the recovery in excess of fifty thousand dollars (\$50,000).

(4) Ten percent (10%) of the value of:

(A) unpaid medical expenses;

(B) out-of-pocket medical expenses; or

(C) future medical expenses;

subject to the approval of the workers' compensation board of Indiana.

(e) The board maintains continuing jurisdiction over all attorney's fees in cases before the board and may order a different attorney's fee or allowance in a particular case."

Page 2, delete lines 33 through 42.

Page 3, delete lines 1 through 3.

(Reference is to HB 1307 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred House Bill 1332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-4-10.9-23.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23.5. "Pollution control" means any technology or process that effectively reduces the emissions of certain pollutants per unit of work. The term includes any of the following, as determined by the office of the lieutenant governor:

(1) Precombustion processes.

(2) Combustion processes or technology.

(3) Postcombustion cleanup.

SECTION 2. IC 4-4-10.9-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. "Pollution control facility" means a facility for the abatement, reduction, or prevention of pollution or for the removal or treatment of any substances in materials being processed that otherwise would cause pollution when used. This includes the following:

- (1) Coal washing, coal cleaning, or coal preparation facilities designed to reduce the sulfur and ash levels of Indiana coal.
- (2) Coal-fired boiler facilities designed to reduce emissions while burning Indiana coal.
- (3) Pollution control equipment to allow for the environmentally sound use of Indiana coal.
- (4) Facilities that convert biomass, including agricultural waste, industrial waste, and municipal solid waste, into energy or synthetic gas for beneficial use.
- (5) Pollution control equipment for the conversion of waste tires into energy or synthetic gas for beneficial use.
- (6) Manufacturing facilities that use coal combustion products:

(A) as defined by ASTM E-2201-02a; and

(B) that are derived from burning Indiana coal;

as a raw material for manufacturing another product."

Page 2, line 7, delete "and" and insert "or".

Page 2, line 10, delete "and" and insert "or".

Page 3, line 15, delete "for each taxable year the taxpayer owns" and insert "with respect to a taxable year in which the taxpayer purchases".

Page 3, line 16, delete "." and insert "in a retail transaction".

Page 3, line 18, delete "owned by the taxpayer" and insert "purchased by the taxpayer in a retail transaction".

Page 3, line 19, delete "the lesser of:" and insert "one thousand dollars (\$1,000)".

Page 3, delete lines 20 through 24.

Page 3, line 26, delete "ownership" and insert "purchase".

Page 3, line 29, after "was" insert "purchased by the taxpayer:

(1) at wholesale for the purpose of resale to another person; or

(2) in a retail transaction from another person who purchased the hybrid vehicle in a retail transaction."

Page 3, delete line 30.

Page 6, line 23, delete "a renewable" and insert "an E85 base".

Page 6, line 25, delete "a renewable" and insert "an E85 base".

Page 6, line 27, delete "renewable" and insert "E85 base".

Page 6, line 28, delete "renewable" and insert "E85 base".

Page 6, line 29, delete "a renewable" and insert "an E85 base".

Page 6, line 34, after "taxpayer's" insert "state".

Page 6, line 33, delete "A taxpayer that makes a qualified investment in Indiana is" and insert "A taxpayer that makes a qualified investment in an E85 base fuel compatible fueling station in Indiana is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the E85 base fuel compatible fueling station is placed in service for the dispensing of E85 base fuel, if the E85 base fuel compatible fueling station:

(1) is placed in service in Indiana by the taxpayer for the dispensing of E85 base fuel before January 1, 2011; and

(2) has not previously been placed in service in Indiana by the taxpayer or any other person, corporation, or pass through entity for the dispensing of E85 base fuel.

(c) The amount of the credit for each E85 base fuel compatible fueling station placed in service by the taxpayer is equal to the lesser of:

(1) fifty percent (50%) of the amount of the taxpayer's qualified investment; or

(2) two thousand dollars (\$2,000)."

Page 6, delete lines 34 through 42.

Page 7, delete lines 1 through 2.

Page 7, line 11, strike "the" and insert "a".

Page 8, line 13, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, line 18, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, line 22, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, line 26, delete "qualified investment" and insert "E85 base fuel compatible fueling station".

Page 8, between lines 33 and 34, begin a new paragraph and insert: "SECTION 15. IC 6-3.1-29-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4.5. As used in this chapter, "fluidized bed combustion technology" means a technology that involves the combustion of fuel in connection with a bed of inert material, such as limestone or dolomite, which is held in a fluid like state by the means of air or other gasses being passed through the materials."

Page 9, line 16, delete "facility;" and insert "facility or a fluidized bed combustion technology;"

Page 9, line 19, after "facility" insert "or a fluidized bed combustion technology".

Page 9, line 20, delete "facility." and insert "facility or fluidized bed combustion technology".

Page 9, line 31, after "facility" insert "or a fluidized bed combustion technology".

Page 10, line 3, after "15." insert "(a)".

Page 10, line 4, after "entitled" insert "for a qualified investment in an integrated coal gasification polygeneration facility".

Page 10, between lines 11 and 12, begin a new paragraph and insert:

"(b) Subject to section 16 of this chapter, the amount of the credit to which a taxpayer is entitled for a qualified investment in a fluidized bed combustion technology is equal to the sum of the following:

(1) Seven percent (7%) of the taxpayer's qualified investment for the first five hundred million dollars (\$500,000,000) invested.

(2) Three percent (3%) of the amount of the taxpayer's qualified investment that exceeds five hundred million dollars (\$500,000,000)."

Page 10, line 18, delete "facility." and insert "facility or a fluidized bed combustion technology".

Page 10, line 32, after "facility" insert "or fluidized bed combustion technology".

Page 10, line 42, after "facility" insert "or fluidized bed combustion technology".

Page 11, line 17, after "is" insert "an integrated coal gasification polygeneration facility".

Page 11, line 26, delete "A" and insert "For a project involving a qualified investment in a coal gasification polygeneration facility, a".

Page 11, line 38, after "that" insert ":

(A) one hundred percent (100%) of the coal used:

(i) at the integrated coal gasification polygeneration facility, for a project involving a qualified investment in an integrated coal gasification polygeneration facility; or

(ii) as fuel in a fluidized bed combustion unit, in a project involving a qualified investment in a fluidized bed combustion technology;

must be Indiana coal, if the facility or unit is dedicated primarily to serving Indiana retail electric utility consumers; or

(B) seventy-five percent (75%) of the coal used:

(i) at the integrated coal gasification polygeneration facility, for a project involving a qualified investment in an integrated coal gasification polygeneration facility; or

(ii) as fuel in a fluidized bed combustion unit, in a project involving a qualified investment in a fluidized bed combustion technology;

must be Indiana coal, if the facility or unit is not dedicated primarily to serving Indiana retail electric utility consumers."

Page 11, line 38, strike "the taxpayer shall use Indiana coal at the".

Page 11, line 39, strike "taxpayer's integrated coal gasification".

Page 11, delete line 40.

Page 12, line 1, delete "will require," and insert "will require:

(A) the construction of the taxpayer's integrated coal

gasification polygeneration facility, in the case of a project involving a qualified investment in an integrated coal gasification polygeneration facility; or
(B) the installation of the taxpayer's fluidized bed combustion unit, in the case of a project involving a qualified investment in a fluidized bed combustion technology."

Page 12, line 1, strike "the construction of the".

Page 12, line 2, strike "taxpayer's integrated coal gasification".

Page 12, delete line 3.

Page 12, line 15, delete "facility." and insert **"facility or a fluidized bed combustion technology."**

Page 12, line 31, after "facility" insert **"or a fluidized bed combustion technology"**.

Page 12, line 35, delete "facility;" and insert **"facility or fluidized bed combustion technology;"**.

Page 12, line 38, delete "facility." and insert **"facility or fluidized bed combustion technology."**

Page 18, between lines 15 and 16, begin a new paragraph and insert:

"(d) For purposes of this subsection, "vehicle" refers to a passenger motor vehicle or a truck. The owner of a vehicle described in subsection (a)(2) is entitled to a credit against the excise tax imposed under this chapter for the year in which the vehicle's internal combustion engine is converted to use E85 base fuel if the vehicle converted will:

(1) be used by the owner; and

(2) not resold;

during the year the vehicle's engine is converted. The amount of the credit is equal to the amount of the tax that would otherwise be imposed for the year in which the vehicle's engine is converted. If the owner of the vehicle pays the excise tax for the year in which the vehicle's engine is converted before the engine is converted, the owner is entitled to a refund of the excise tax paid upon application to the bureau."

Renumber all SECTIONS consecutively.

(Reference is to HB 1332 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 1.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

BORROR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 5. IC 14-22-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The

department may, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license to:

(1) propagate in captivity; and

(2) possess, buy, or sell for this purpose only;

game birds, game mammals, or furbearing mammals protected by Indiana law.

(b) A cervidae livestock operation licensed under IC 14-22-20.5 is not required to obtain a game breeders license under this section.

SECTION 6. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

(1) has a ~~game breeders cervidae livestock operation~~ license issued by the department of natural resources; ~~under IC 14-22-20;~~

(2) contains privately owned cervidae; and

(3) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;

but does not involve the hunting of privately owned cervidae.

SECTION 7. IC 14-22-20.5-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The department shall, under rules adopted under IC 4-22-2, issue to a resident of Indiana, upon the payment of a fee of fifteen dollars (\$15), a license for a cervidae livestock operation."

Page 3, line 32, delete "A" and insert **"(a) Except as provided in subsection (b), a"**.

Page 3, between lines 39 and 40, begin a new paragraph and insert:

"(b) A person who in 2003 held a breeder's license under IC 14-22-20 for elk or deer may apply to the division for an animal hunting preserve license. However, the person must continue to maintain not less than the same number of contiguous acres that the person maintained for the deer and elk while operating under the breeder's license in 2003."

Page 3, line 42, after "preserve" insert **"that allows the hunting of game birds"**.

Page 4, line 23, after "wire." insert **"However, if the hunting preserve allows the hunting of deer or elk, the boundary must be marked by a fence that is at least eight (8) feet in height."**

Page 5, between lines 5 and 6, begin a new paragraph and insert:

"(c) An animal hunting preserve shall pay the following fees for each deer or elk harvested on the animal hunting preserve:

(1) Two hundred fifty dollars (\$250) per buck.

(2) Fifty dollars (\$50) per doe."

Page 6, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 18. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. An animal hunting preserve that allows the hunting of deer or elk must comply with the following requirements:

(1) At least forty percent (40%) of the area of the animal hunting preserve must consist of escape cover.

(2) A hunting stand must be located at least seventy-five (75) yards from the boundary fence.

(3) A deer or elk must be released into the animal hunting preserve at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed on the animal hunting preserve during this period.

(4) The number of hunters on an animal hunting preserve at any time may not exceed one (1) hunter per twenty (20) acres.

(5) A deer or elk that has been taken on an animal hunting preserve must be examined and tagged before it is removed from the animal hunting preserve.

(6) The animal hunting preserve must comply with all rules of the board of animal health concerning cervidae, including rules concerning chronic wasting disease (CWD).

(7) The animal hunting preserve may not sell a specific deer or elk to the hunter. However, the animal hunting preserve may charge either:

(A) a basic hunting fee; or

(B) a fee based upon the antler size of the deer or elk taken by the hunter.

(8) Hunting is prohibited in an area within one hundred fifty (150) yards of an artificial feeding site.

SECTION 19. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. A deer or elk taken on an animal hunting preserve is not subject to the bag, sex, and size limits established under IC 14-22-2-6(a)(2)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1391, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, reset in roman "IC 27-8-8-1(a)".

Page 1, line 7, after "IC 27-8-8-1(a)" insert "or".

(Reference is to HB 1392 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1021

Representative Grubb called down Engrossed House Bill 1021 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 20: yeas 88, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Lewis.

Engrossed House Bill 1023

Representative Ayres called down Engrossed House Bill 1023 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 21: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold, Miller, and Tallian.

Engrossed House Bill 1103

Representative Yount called down Engrossed House Bill 1103 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 22: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Broden.

Engrossed House Bill 1106

Representative Crouch called down Engrossed House Bill 1106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 23: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Breaux, and Dillon.

Engrossed House Bill 1111

Representative T. Brown called down Engrossed House Bill 1111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 24: yeas 79, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

Engrossed House Bill 1114

Representative Foley called down Engrossed House Bill 1114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 25: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Steele.

Engrossed House Bill 1150

Representative Crooks called down Engrossed House Bill 1150 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 26: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Skinner.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 23

Representative Burton introduced House Concurrent Resolution 23:

A CONCURRENT RESOLUTION urging the Department of

Transportation to rename the section of Interstate Highway 65 running through Johnson County the Pearl Harbor Memorial Highway.

Whereas, It is important and fitting for our society to recognize and honor the contributions of those citizens who have served this nation in times of war;

Whereas, The December 7, 1941, attack on Pearl Harbor was a devastating attack on our nation's homeland that cost the lives of more than 2,000 American civilians, soldiers, sailors, and marines;

Whereas, As the Pearl Harbor Memorial Highway, Interstate 65 throughout Johnson County could stand as a tribute to those heroic men and women who gave their lives in defense of the United States of America and the freedom of its citizens; and

Whereas, In these times of danger throughout America, it is vital to remember the bravery of those citizens who made the ultimate sacrifice for their country and to ensure that all Americans will be ever vigilant so that tragedies like the attack on Pearl Harbor do not happen again: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to rename the part of Interstate Highway 65 that runs through Johnson County the Pearl Harbor Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 24

Representatives Klinker, Woodruff, Budak, and Micon introduced House Concurrent Resolution 24:

A CONCURRENT RESOLUTION urging the Legislative Council to assign to a committee for further study the topic of requiring the use of respectful, "people first" language when referring to people with disabilities in all Indiana laws.

Whereas, People with disabilities make up our nation's largest minority group;

Whereas, This group is inclusive and diverse, representing both genders and all ages, religions, socioeconomic levels, and ethnicities;

Whereas, Old and inaccurate medical descriptors and the inappropriate use of these descriptors help to preserve negative stereotypes;

Whereas, When people are described by their medical diagnoses, they are devalued and disrespected as individuals;

Whereas, It is the responsibility of the state of Indiana to ensure that our laws do not perpetuate negative stereotypes or disrespect Hoosiers with disabilities; and

Whereas, In order to ensure that all people are treated respectfully, it is necessary to determine if our laws use respectful language when referring to people with disabilities: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the legislative council is urged to assign to a committee for further study the topic of requiring the use of respectful, "people first" language when referring to people with disabilities in all Indiana laws.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 25

Representative McClain introduced House Concurrent Resolution 25:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their country in time of war;

Whereas, The ultimate cost of freedom is paid by many of those in the military who sacrifice their very lives in defense of liberty;

Whereas, The State of Indiana owes an eternal debt of gratitude to the men and women who bravely answer their country's call, and the people of Carroll County wish to recognize their bravery by designating the bridge over the Wabash River in Delphi in honor of the Carroll County veterans; and

Whereas, It is therefore fitting that the proper signage be placed on the bridge over the Wabash River in Delphi to recognize the designation of this bridge as the Carroll County Veterans Memorial Bridge in honor of these veterans: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 26

Representative Hoy introduced House Concurrent Resolution 26:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the effects of decorative lights on vehicles.

Whereas, Vehicle lighting should allow drivers to see the road ahead and make vehicles clearly visible to other drivers on the road without causing a hazard;

Whereas, Decorative lights on vehicles may be distracting and endanger other road users because the lights may divert drivers' attention from their driving;

Whereas, With the increased use of decorative lighting on vehicles on Indiana roadways, it would behoove the state of Indiana to further study the issue of decorative lighting on vehicles: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the legislative council is urged to establish a committee to study the effects of decorative lights on vehicles.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 1

Representative Friend introduced House Resolution 1:

A HOUSE RESOLUTION expressing the will of the Indiana House of Representatives to protect the content of prayer and the right to address God in accordance with the dictates of conscience in the Indiana House of Representatives.

Whereas, The official invocation has been an unbroken tradition in the Indiana House of Representatives for 189 years;

Whereas, The Indiana House of Representatives has long had a policy of permitting members to give, or to invite clergy to give, the invocation prayer in a manner consistent with the religious beliefs and the freedom of conscience of the person giving the invocation;

Whereas, This privilege of invocation prayer has been extended over the years to a diverse group of Hoosiers representing a wide variety of creeds, faiths and traditions;

Whereas, During the past session of the General Assembly the invocation was offered by clerics representing the Catholic, Jewish and Muslim faiths as well as those with no formal religious affiliation;

Whereas, The Indiana House of Representatives views the invocation as an opportunity to solemnize the proceedings of the House and to permit individual House members and their invited constituents to seek divine guidance on behalf of the House in a manner consistent with, and not repugnant to, their abiding beliefs;

Whereas, The members of the Indiana House of Representatives are subject to the unique pressures and duties of their office and of the burdens of the legislative environment, which frequently requires that they be absent from their own homes, families, and religious congregations;

Whereas, The ministry of visiting clerics and the offering of invocations accommodates the spiritual needs of the members of the Indiana House of Representatives and facilitates the voluntary exercise of their faith, providing them with spiritual encouragement while they are away from their homes, families, and religious congregations;

Whereas, The members of the Indiana House of Representatives accept that in our pluralistic society it is not possible that every faith or belief system be represented in each invocation;

Whereas, The members of the Indiana House of Representatives affirm as the foundational principle of religious tolerance that differences in faith or beliefs should be freely acknowledged and not be hidden, discouraged or suppressed through governmental order, coercion or officially imposed orthodoxy;

Whereas, The invocation prayer has traditionally been an opportunity to promote greater understanding among persons of all faiths;

Whereas, It has been the consistent tradition and practice of the members of the Indiana House of Representatives to stand in respectful silence as the invocation prayer was offered by a fellow Hoosier, regardless of whether the members have shared the religious views expressed by the individual delivering the invocation;

Whereas, Despite these salutary benefits of the Indiana House's invocation prayer, the United States District Court for the Southern District of Indiana, has issued an injunction which restrains religious liberty and the freedom of conscience and, in conflict with the historic and cherished rights of Americans, purports to control the specific content of prayers;

Whereas, This intolerable order of the United States District Court states that prayers given as part of the official proceedings of the Indiana House "should not use Christ's name or title or any other denominational appeal" and should not "proclaim or otherwise communicate the beliefs that Jesus of Nazareth was the Christ, the Messiah, the Son of God, or the Savior, or that he was resurrected, or that he will return on Judgment Day or is otherwise divine";

Whereas, This order is inconsistent with the settled beliefs and deepest convictions of many Hoosiers;

Whereas, Because it attempts to control the content of prayer, this order undermines the rights of all Hoosiers regardless of their theological convictions;

Whereas, This order is contrary to the principles of religious liberty upon which this Nation was founded and which are embodied in the First Amendment to the United States Constitution;

Whereas, In Marsh v. Chambers in 1983 the United States Supreme Court considered our Nation's more than 200 hundred year history of legislative prayers, including prayers that invoke the name of Jesus Christ, and found that "In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become part of the fabric of our society. To invoke Divine guidance on a public body entrusted with making the laws is not, in these circumstances, an "establishment" of religion or a step toward

establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country."

Whereas, As the United States Supreme Court's decisions make clear, public officials are not competent, in our constitutional order, to make the fine theological distinctions and comparisons necessary for one to declare that a prayer is sufficiently "inclusive" or "nonsectarian" to satisfy the court's injunction and the content of prayer is a matter solely for the religious conscience of the cleric or representative offering it;

Whereas, This order violates the fundamental rights of men and women conferred upon them by their Creator to always and freely seek the guidance and blessings of their Creator in accordance with the dictates of their conscience;

Whereas, The members of the Indiana House of Representatives believe that the United States District Court for the Southern District of Indiana has transcended the line between co-equal sovereigns in our federal system of government and has improperly intruded upon the affairs of the legislative branch of Indiana State Government by attempting to dictate the content of our prayers;

Whereas, The members of the Indiana House of Representatives have taken an oath to uphold the Constitution of the United States, and the members have considered the constitutionality of the practice under challenge and have concluded that it is fully consistent with the Establishment Clause of the First Amendment to the United States Constitution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That it is the judgment of the Indiana House of Representatives that the order of the United States District Court for the Southern District of Indiana is contrary to the word and spirit of the First Amendment.

SECTION 2. That the Speaker of the Indiana House of Representatives is urged to use the authority granted to him to prosecute all possible appeals of the order and to use all other lawful means at his disposal to seek the invalidation of that order.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana General Assembly, the United States Congress and the President of the United States.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1007, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 24, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 41. (a) As used in this section, "motion picture or audio production" means:**

- (1) a feature length film, including a short feature and an independent or studio production, or a documentary; or**
- (2) a television or radio series, program, or feature;**

produced for any combination of theatrical or television viewing, other media broadcast, or as a television pilot. The term includes preproduction, production, and postproduction work. However, the term does not include a motion picture that is obscene (under the standard set forth in IC 35-49-2-1) or television or radio coverage of news or athletic events.

(b) Transactions involving tangible personal property are exempt from the state gross retail tax if the person acquiring the property acquires it for the person's direct use in a motion

picture or audio production in Indiana.

(c) For purposes of this section, the following are not considered to be directly used in the production of a motion picture or audio production:

- (1) Food services.
- (2) A vehicle used to transport actors and crew.
- (3) Gasoline used in a vehicle used to transport actors and crew.
- (4) Lodging."

Page 10, delete lines 2 through 42.

Delete pages 11 through 19.

Page 20, delete lines 1 through 14.

Page 21, delete lines 4 through 23.

Page 22, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 6-2.5-5-41, as added by this act, applies to transactions occurring after December 31, 2005.

SECTION 6. An emergency is declared for this act."

Delete pages 23 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1009, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, delete lines 39 through 40, begin a new paragraph and insert:

"Sec. 1. Districts created for the house of representatives, the senate, and the United States House of Representatives must comply with the standards of this chapter."

Page 7, delete lines 7 through 9, begin a new paragraph and insert:

"Sec. 5. The population of a house or a senate district must be as close as possible to the ideal district population."

(Reference is to HB 1009 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

THOMAS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1011, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 22, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 52. IC 3-10-1-4.5, AS AMENDED BY P.L.230-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as provided in section 4.6 of this chapter, precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2006 and every four (4) years thereafter.

(b) The rules of a political party may specify whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5.

SECTION 53. IC 3-10-1-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.6. (a) This section applies to precinct committeemen elected by the Indiana Republican Party.

(b) Precinct committeemen shall be elected on the first Tuesday after the first Monday in May 2008 and every four (4) years thereafter.

(c) The rules of the Indiana Republican Party may specify

whether a precinct committeeman elected under subsection (a) continues to serve as a precinct committeeman after the boundaries of the precinct are changed by a precinct establishment order issued under IC 3-11-1.5."

Page 55, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 108. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding IC 3-10-1-4.5, before its amendment by this act, the successors of the precinct committeemen of the Indiana Republican Party elected at the May 2006 primary election shall be elected at the May 2008 primary election."

Renumber all SECTIONS consecutively.

(Reference is to HB 1011 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

THOMAS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1261, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, between lines 3 and 4, begin a new paragraph and insert: "SECTION 12. IC 4-4-33 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 33. Miscellaneous Community Development Programs

Sec. 1. The lieutenant governor shall administer the following:

(1) The Housing Assistance Act of 1937 (42 U.S.C. 1437).

(2) Community services programs, including the Community Services Block Grant under 42 U.S.C. 9901 et seq.

(3) Home energy assistance programs, including the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8621 et seq.

(4) Weatherization programs, including weatherization programs and money received under 42 U.S.C. 6851 et seq.

(5) Food and nutrition programs, including food and nutrition programs and money received under 7 U.S.C. 612, 7 U.S.C. 7501 et seq., and 42 U.S.C. 9922 et seq.

(6) Migrant and farm worker programs and money under 20 U.S.C. 6391 et seq., 29 U.S.C. 49 et seq., and 42 U.S.C. 1397 et seq.

(7) Emergency shelter grant programs and money under 42 U.S.C. 11371 et seq.

(8) Shelter plus care programs and money under 42 U.S.C. 11403 et seq.

SECTION 13. IC 4-4-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 34. Home Energy Assistance Programs

Sec. 1. As used in this chapter, "eligible household" means a household determined by the lieutenant governor to be eligible in the state plan for the program period.

Sec. 2. As used in this chapter, "eligible individual" means:

(1) a person who was systematically persecuted for racial or religious reasons by Nazi Germany or any other Axis regime; or

(2) an heir of a person described in subdivision (1).

Sec. 3. As used in this chapter, "Holocaust victim's settlement payment" means a payment received:

(1) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY) C.A. No. 96-4849;

(2) under the German Act Regulating Unresolved Property Claims;

(3) under any other foreign law providing payments for Holocaust claims; or

(4) as a result of the settlement of any other Holocaust claim, including:

(A) insurance claims;

- (B) claims relating to looted art;
- (C) claims relating to looted financial assets; or
- (D) claims relating to slave labor wages.

Sec. 4. As used in this chapter, "home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.

Sec. 5. As used in this chapter, "home energy supplier" means a person, including a trustee or receiver appointed by a court, engaged in the furnishing or selling of home energy in Indiana.

Sec. 6. The home energy assistance programs must provide assistance, including emergency assistance, to low income households in Indiana to:

- (1) defray home energy costs; and
- (2) provide assistance to low income households;

for home energy conservation measures.

Sec. 7. The lieutenant governor shall do the following:

- (1) Administer an appropriation made for the purposes specified in section 7 of this chapter.
- (2) Receive and administer money that may be available to the state for energy and conservation assistance from the federal government.
- (3) Establish criteria to determine eligibility for assistance under this chapter.

Sec. 8. The lieutenant governor may determine the amount of assistance that an eligible household may receive.

Sec. 9. (a) The criteria for determining the amount of assistance may include the following:

- (1) The age of an applicant for assistance.
- (2) Whether the applicant is employed.
- (3) Household income during the past one hundred eighty (180) days.
- (4) Household size.
- (5) Type of fuel used for primary heating or cooling.
- (6) The need for assistance.
- (7) Residency.
- (8) The age and energy efficiency of the applicant's dwelling and heating plant.

(b) Unless prohibited by federal law, the criteria for determining the amount of assistance must include a consideration of an applicant's housing status. The lieutenant governor shall give weight to an applicant's housing status in the following order, from greatest weight to least weight:

- (1) An applicant who resides in nonsubsidized housing.
- (2) An applicant who resides in subsidized housing in which home energy costs are not included in the rent.
- (3) An applicant who resides in subsidized housing in which home energy costs are included in the rent.

(c) The lieutenant governor shall annually:

- (1) review the formula used by the lieutenant governor to determine the amount of assistance awarded under this chapter; and
- (2) prepare a report that includes:

(A) the following information for the most recent federal fiscal year:

- (i) The number of applicants for assistance under this chapter.
- (ii) The number of assistance awards made under this chapter.
- (iii) The average amount of assistance awarded under this chapter for all recipients and by category of housing status; and

(B) a statement of:

- (i) the formula that the lieutenant governor is currently using to determine the amount of assistance under this chapter; and
- (ii) the lieutenant governor's intention regarding any change in the formula described in item (i).

(d) The lieutenant governor shall file the report required under subsection (c)(2) in an electronic format under IC 5-14-6 with the legislative council before April 1 each year.

Sec. 10. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved institution of higher learning (as defined in IC 20-12-21-3) for that individual's benefit:

- (1) the individual is not required to report the award as income or as a resource of the individual when applying for assistance under this chapter; and
- (2) the award may not be considered as income or a resource of the individual in determining initial or continuing eligibility for assistance under this chapter.

Sec. 11. The lieutenant governor may require a home energy supplier or an agency of state or local government or may contract with another public or private agency to do the following:

- (1) Disseminate information about the program.
- (2) Receive or aid in the preparation of applications for assistance.
- (3) Assist in determining eligibility for assistance.

Sec. 12. An application must be made on standardized forms provided by the lieutenant governor and in accordance with procedures established by the lieutenant governor.

Sec. 13. The lieutenant governor shall establish methods for providing assistance to eligible households. Methods may include the following:

- (1) Direct payments by cash or check to eligible households.
- (2) Direct vendor payments.
- (3) Lines of credit to home energy suppliers.
- (4) The use of coupons and vouchers redeemable by the state.

Sec. 14. The lieutenant governor may require the following:

- (1) A home energy supplier to accept vendor payments, lines of credit, or coupons and vouchers as full or partial payment for the cost of home energy consumed by eligible households.
- (2) An operator of residential housing units to accept vendor payments or coupons and vouchers as full or partial payment of rent by eligible households making undesignated payments for home energy costs in the form of rent payments.

Sec. 15. The lieutenant governor shall establish procedures for the conduct of hearings and appeals upon request from applicants who have been denied assistance.

Sec. 16. A recipient may not transfer or assign assistance under this chapter except as allowed by the lieutenant governor.

Sec. 17. The lieutenant governor may recover from a recipient the amount of assistance that the lieutenant governor determines the recipient was not entitled to receive.

Sec. 18. If a recipient obtained excessive assistance fraudulently, the recipient shall pay a penalty equal to twenty percent (20%) of the excessive assistance.

Sec. 19. A claim under this chapter may be recovered from the recipient or the recipient's estate by civil action and is a preferred claim against the estate of a recipient under IC 29-1-14-9(6).

Sec. 20. A:

- (1) home energy supplier;
- (2) landlord; or
- (3) building operator;

that uses the name of an applicant or a recipient or information contained in applications made under this chapter for any purpose other than as specified by the lieutenant governor commits a Class B misdemeanor.

Sec. 21. The lieutenant governor may take actions necessary to implement this chapter, including the establishment of conditions regulating service termination to eligible households that the lieutenant governor determines to be appropriate and necessary to ensure the availability of federal financial assistance."

Page 12, line 34, delete "Indiana housing and community development authority" and insert "lieutenant governor".

Page 12, line 35, delete "authority's" and insert "lieutenant governor's".

Page 19, line 34, strike "and".

Page 19, line 37, delete "IC 8-9.5-9-7." and insert "IC 8-9.5-9-7;".

Page 19, between lines 37 and 38, begin a new line block indented and insert:

"(30) to promote and foster low income housing, the rehabilitation of communities and the creation of commercial development to promote social welfare through the relief of the poor and distressed or of the

underprivileged, and to combat community deterioration;
 (31) to provide a range of services and activities having a measurable and potentially major impact on the cause of poverty;

(32) to provide activities designed to assist low income participants, including the elderly poor, to:

(A) secure and retain meaningful employment;

(B) attain an adequate education;

(C) make better use of available income;

(D) obtain and maintain adequate housing and a suitable living environment;

(E) obtain emergency assistance through loans or grants to meet immediate and urgent individual and family needs, including the need for health services, emergency assistance, nutritious food, housing, and employment related assistance;

(F) remove obstacles and solve problems that block the achievement of self-sufficiency;

(G) achieve greater participation in the affairs of the community; and

(H) make more effective use of other programs related to the purposes of this chapter;

(33) to provide on an emergency basis for the provision of supplies, nutritious foodstuffs, and related services that are necessary to counteract conditions of starvation and malnutrition among the poor;

(34) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals;

(35) to encourage the use of entities in the private sector of the community in efforts to ameliorate poverty in the community;

(36) to coordinate the provision of available services for migrant farmworkers;

(37) to study housing conditions and needs throughout Indiana to determine in what areas congested and unsanitary housing conditions constitute a menace to the health, safety, welfare, and reasonable comfort of citizens;

(38) to recommend programs for correcting the causes of poverty;

(39) to collect and distribute information relative to housing;

(40) to investigate all matters affecting the cost of construction or production of dwellings;

(41) to study means of lowering rents of dwellings through economy in the construction and arrangement of buildings;

(42) to recommend the areas within which or adjacent to which the construction of housing projects by housing authorities may be undertaken;

(43) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;

(44) to make special studies and recommendations for the rehabilitation of areas affected by floods or other disasters;

(45) to administer energy assistance programs and any appropriation made for the purpose of providing energy assistance;

(46) to receive and administer money that may be available to the state for energy and conservation assistance from the federal government;

(47) to establish criteria to determine eligibility for energy assistance;

(48) to administer the low income home weatherization programs;

(49) to provide community services, crime prevention, and job training (as defined in IC 6-3.1-9-1);

(50) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance; and

(51) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties."

Page 21, delete lines 28 through 32.

Page 33, delete lines 9 through 42.

Delete pages 34 through 37.

Page 38, delete lines 1 through 39.

Page 39, line 13, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 39, line 16, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 42, line 24, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 42, line 32, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 6, delete "Indiana housing and community development" and insert "lieutenant governor".

Page 48, line 7, delete "authority".

Page 48, line 7, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 12, delete "Indiana" and insert "lieutenant governor under IC 4-4-34".

Page 48, delete lines 13 through 14.

Page 48, line 20, delete "Indiana housing and community development authority" and insert "lieutenant governor".

Page 48, line 21, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 24, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 26, delete "Indiana" and insert "lieutenant governor".

Page 48, line 27, delete "housing and community development authority".

Page 48, line 28, delete "IC 5-20-7" and insert "IC 4-4-34".

Page 48, line 32, delete "authority" and insert "lieutenant governor".

Page 48, line 35, delete "IC 5-20-7" and insert "IC 4-4-34".

Renumber all SECTIONS consecutively.

(Reference is to HB 1261 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1327, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 10, after "2004," insert "and before January 1, 2006,".

Page 2, line 14, delete "2004); and insert "2004) and for taxable years beginning after December 31, 2005, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code for a dependent that qualifies as a qualified child (as defined in Section 152 of the Internal Revenue Code);".

(Reference is to HB 1327 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 40, delete "for which the voters have adopted a public question" and insert "in which:

(1) a resolution has been adopted under IC 36-1.5-4-10; or

(2) a petition has been filed under IC 36-1.5-4-11."

Page 3, delete line 41.

Page 4, line 18, delete "an agreement or".

Page 4, line 28, delete "an agreement or".

Page 4, line 32, delete "an agreement or".

Page 5, line 2, delete "an agreement or".

Page 5, line 6, delete "agreement or".

Page 6, line 14, delete "participating" and insert "reorganizing".

Page 6, delete lines 27 through 42.

Delete page 7.

Page 8, delete lines 1 through 36.

Page 8, line 37, delete "15." and insert "5".

Page 8, line 41, delete "finally adopted plan of" and insert "joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that the reorganization has been approved by the voters of each reorganizing political subdivision".

Page 8, line 42, delete "reorganization".

Page 8, line 42, delete "28" and insert "31".

Page 9, line 5, delete "30" and insert "36".

Page 9, line 26, delete "16." and insert "6".

Page 10, delete lines 5 through 20.

Page 10, line 21, delete "18." and insert "7".

Page 10, line 27, after "or" insert ", if authorized in the plan of reorganization,".

Page 10, line 36, after "or" insert ", if authorized in the plan of reorganization,".

Page 10, delete lines 40 through 41, begin a new paragraph and insert:

"Sec. 8. The department of local government finance may prescribe forms for petitions, resolutions, certifications, and other writings required under this chapter. A petition, resolution, certification, or other writing related to a reorganization must be substantially in the form prescribed by the department of local government finance.

Sec. 9. A reorganization may be initiated by:

- (1) adopting a resolution under section 10 of this chapter; or
- (2) filing a petition under section 11 of this chapter.

Sec. 10. (a) The legislative body of a political subdivision may initiate a proposed reorganization under this chapter by adopting a resolution that:

- (1) proposes a reorganization; and
- (2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) The clerk of the political subdivision adopting the resolution shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivisions that:

- (1) proposes a reorganization; and
- (2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to the legislative body of the political subdivision.

Sec. 12. (a) If a petition is certified to the legislative body of a political subdivision under section 11 of this chapter, the legislative body shall conduct a public hearing on the proposed reorganization not sooner than five (5) days after publishing a notice of the public hearing under IC 5-3-1. Not more than thirty (30) days after the conclusion of the public hearing the legislative body shall adopt a resolution, substantially in the form prescribed by the department of local government finance, to do any of the following:

- (1) Deny the petition.
- (2) Propose a reorganization with the political subdivisions named in the petition.
- (3) Propose a reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in the petition.

(b) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 or 12 of this chapter may do any of the following:

- (1) Take no action.

(2) Adopt a resolution declining to participate in a proposed reorganization

(3) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.

(4) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

(b) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10, 12, or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions."

Page 10, line 42, delete "reorganization under this chapter," begin a new paragraph and insert:

"Sec. 15. Not later than thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution,".

Page 11, line 2, delete "20" and insert "16".

Page 11, delete lines 5 through 10.

Page 11, line 11, delete "20." and insert "16".

Page 11, line 13, delete "under section 17" and insert "by the reorganizing political subdivisions,".

Page 11, line 14, delete "of this chapter,".

Page 11, line 39, delete "under" and insert "by the reorganizing political subdivisions,".

Page 11, line 40, delete "section 17 of this chapter,".

Page 12, line 3, delete "under section 17" and insert "by the reorganizing political subdivisions;".

Page 12, line 4, delete "of this chapter;".

Page 12, line 7, delete "21." and insert "17".

Page 12, line 18, delete "22." and insert "18".

Page 13, line 1, delete "34" and insert "40".

Page 13, line 9, delete ", in an agreement under section 17 of this".

Page 13, line 10, delete "chapter,".

Page 13, line 17, delete "voters" and insert "clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution."

Page 13, delete line 18.

Page 13, line 19, delete "23." and insert "19".

Page 13, line 33, delete "24." and insert "20".

Page 13, line 34, delete "23" and insert "19".

Page 14, line 3, delete "25." and insert "21".

Page 14, line 7, delete "26." and insert "22".

Page 14, line 8, delete "action" and insert "any of the actions described in section 20 of this chapter".

Page 14, line 13, delete "27." and insert "23".

Page 14, delete lines 24 through 30, begin a new paragraph and insert:

"Sec. 24. The legislative body of the reorganizing political subdivision with the largest population shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter:

- (1) The county recorder of each county in which a reorganizing political subdivision is located.
- (2) The department of local government finance.
- (3) If any of the reorganizing political subdivisions is a school corporation, the department of education.
- (4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office."

Page 14, line 31, delete "28." and insert "25".

Page 14, line 32, delete "27" and insert "23".

Page 14, between lines 34 and 35, begin a new paragraph and insert:

"Sec. 26. When a county recorder has received certifications under this chapter from all of the reorganizing political subdivisions, the county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that a public question on a plan of reorganization is eligible to be placed on the ballot for consideration of the voters of each of the reorganizing political subdivisions.

Sec. 27. After the county recorder of each county in which a reorganizing political subdivision is located has notified the county election board that a public question on a plan of reorganization is eligible to be placed on the ballot, the county election board shall place the public question on the ballot in accordance with IC 3-10-9 on the first regularly scheduled election that will occur in all of the precincts of the reorganizing political subdivisions at least sixty (60) days after the required notices are received.

Sec. 28. A public question under this chapter shall be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

"Shall _____ (insert name of political subdivision) and _____ (insert name of political subdivision) reorganize as a single political subdivision?"

Sec. 29. IC 3 applies to the election at which a public question under this chapter is considered.

Sec. 30. At the same time that election results are certified under IC 3, the circuit court clerk of each of the counties in which a public question under this chapter is on the ballot shall jointly issue, in the form prescribed by the state election board, a certificate declaring whether the public question is approved or rejected by a majority of the voters voting on the public question in each of the reorganizing political subdivisions. In addition to any other requirements in IC 3 concerning filing of the certification, the certification shall be sent to each of the following:

- (1) The clerk of each of the reorganizing political subdivisions.
- (2) The county auditor of each county in which a reorganizing political subdivision is located.
- (3) The county recorder of each county in which a reorganizing political subdivision is located.
- (4) The state board of accounts.
- (5) The department of local government finance.
- (6) The department of state revenue.
- (7) The budget agency.
- (8) If any of the reorganizing political subdivisions is a school corporation, the department of education.

Sec. 31. Each county recorder receiving a certification from a county election board under section 30 of this chapter shall file the certification without charge with the plan of reorganization recorded under section 25 of this chapter.

Sec. 32. A reorganization as specified in the plan of reorganization is approved if a majority of the voters in each reorganizing political subdivision approve the public question on the reorganization. The vote of voters of a reorganizing political subdivision, (for example, a township) who also are voters in another political subdivision (for example, a county) shall be included in the tally of votes for each reorganizing political subdivision in which the voters reside.

Sec. 33. If a reorganization is not approved by the majority of the voters in each reorganizing political subdivision, the reorganization is terminated. A political subdivision in which voters of the political subdivision approved the reorganization may continue with a reorganization with another political subdivision in which the reorganization was approved only if a new plan of reorganization is approved by the voters of each political subdivision in the manner provided by this chapter. The reorganization committee shall adopt a plan to specify how matters related to the termination of the reorganization shall be handled.

Sec. 34. (a) This section applies if the majority of the voters of each of the reorganizing political subdivisions approves the public question concerning the reorganization.

(b) Except as provided in subsection (c), the political subdivisions are reorganized in the form and under the conditions specified by the legislative bodies of the reorganizing political subdivisions in the plan of reorganization filed with the county recorder under this chapter."

Page 14, line 35, delete "29." and insert "35."

Page 15, line 6, delete "30." and insert "36."

Page 15, line 6, delete "15" and insert "5".

Page 15, line 37, delete "31." and insert "37."

Page 16, line 7, delete "32." and insert "38."

Page 16, line 9, delete "the reorganizing" and insert "if authorized by the plan of reorganization approved by the voters in a public question under this chapter, the".

Page 16, delete line 10.

Page 16, line 14, delete "33." and insert "39."

Page 16, line 22, delete "34." and insert "40."

Page 16, line 22, delete "subsection (b)" and insert "subsections (b) and (c)".

Page 16, between lines 37 and 38, begin a new paragraph and insert:

"(b) Except as provided in subsection (c), if any indebtedness of a reorganizing political subdivision exists after the reorganization and before the reorganization revenue from a local income tax, excise tax, or sales tax revenue was pledged by the political subdivision to pay any part of the indebtedness, the fiscal body of the reorganized political subdivision shall annually impose the local income tax, excise tax, sales tax, or, if permitted by the original obligation, another tax until the indebtedness is fully paid. The tax rate may not exceed the tax rate necessary to repay the indebtedness and interest on the indebtedness. The tax shall be imposed in:

- (1) the area served by the reorganizing political subdivision before the reorganization; or
- (2) if permitted in the plan of reorganization, the entire area of the reorganized political subdivision.

In addition, the reorganized political subdivision may provide for the sharing of the revenue of the reorganized political subdivision from any area of the reorganized political subdivision to retire the indebtedness."

Page 16, line 38, delete "(b)" and insert "(c)".

Page 17, line 8, delete "subsection (a)" and insert "subsections (a) and (b)".

Page 17, line 11, delete "35." and insert "41."

Page 18, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 42. If the functions of an elected office are transferred to another elected office by a reorganization under this article, any law, rule, or agreement that requires or permits an action by an elected officer shall be treated after the functions of the elected officer are transferred as referring to the elected officer to which the functions have been transferred by the reorganization."

Page 18, line 30, delete "36." and insert "43."

(Reference is to HB 1362 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 2.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1380, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 11, delete "The governor shall designate an employee in" and insert "As used in this section, "coordinator" means the following:

- (1) A small business regulatory coordinator (as defined in IC 4-22-2-28.1(b)).
- (2) An ombudsman designated under IC 13-28-3-2."

Page 1, delete line 12.

Page 1, line 13, delete "small business".

Page 1, line 13, delete "shall" and insert "**may**".

Page 2, line 1, delete "small business".

Page 2, line 4, delete "shall" and insert "**may**".

Page 2, delete lines 12 through 42.

Delete pages 3 through 5.

Page 6, delete lines 1 through 26.

Page 6, line 33, reset in roman "all".

Page 6, line 33, delete "at least one (1) of".

Page 6, line 33, reset in roman "exist:".

Page 6, line 33, delete "exists:".

Page 6, line 41, after "exceeds" insert "**the following**".

Page 7, delete line 9.

Page 8, delete lines 22 through 42.

Page 9, delete lines 1 through 26.

Page 10, delete lines 2 through 42.

Delete page 11.

Page 12, delete lines 1 through 6.

Page 15, delete lines 25 through 28.

Page 15, line 29, delete "(8)" and insert "**(7)**".

Page 17, delete line 13.

Page 19, delete line 9.

Page 20, line 36, delete "IC 6-3.1-13-15,".

Page 20, line 37, delete "and IC 6-3.1-13-17, all".

Page 20, line 38, delete "apply" and insert "**applies**".

Page 20, delete lines 40 through 42.

Renumber all SECTIONS consecutively.

(Reference is to HB 1380 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1418, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "and minor".

Page 1, line 8, delete "or minor".

(Reference is to HB 1418 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

GUTWEIN, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

House Bill 1136 from the Committee on Judiciary to the Committee on Financial Institutions.

House Bill 1420 from the Committee on Rules and Legislative Procedures to the Committee on Public Health.

The Speaker announced that the reassignment of House Bill 1017 to the Committee on Local Government had been withdrawn.

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1074, 1088, 1124, 1140, 1222, 1236, 1266, 1332, and 1391 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 5, 39, 40, 47, 69, 102, 105, 111, 201, 231, and 259 and the same are herewith transmitted to

the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 14, 17, 21, and 22 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1007.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Bill 1019.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hinkle, Stevenson, and Aguilera be added as coauthors of House Bill 1102.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Brown, C. Brown, and Porter be added as coauthors of House Bill 1106.

CROUCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins and Pierce be added as coauthors of House Bill 1110.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tyler be added as coauthor of House Bill 1140.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Avery and E. Harris be added as coauthors of House Bill 1146.

STEVENSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1150.

CROOKS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buell and Crawford be added as coauthors of House Bill 1157.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1190.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ripley and Hoy be added as coauthors of House Bill 1222.

MOSES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch, Mahern, and Kuzman be added as coauthors of House Bill 1279.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Saunders and Grubb be added as coauthors of House Bill 1280.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borrer be added as coauthor of House Bill 1300.

MAHERN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Tyler and Goodin be added as coauthors of House Bill 1314.

KLINKER

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bell and Stutzman be added as coauthors of House Bill 1323.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheney be added as coauthor of House Bill 1324.

DICKINSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1332.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Woodruff be added as coauthor of House Bill 1368.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Foley be added as author of House Bill 1419.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as author of House Bill 1420.

T. BROWN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

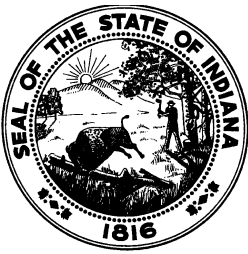
On the motion of Representative Neese, the House adjourned at 2:35 p.m., this nineteenth day of January, 2006, until Monday, January 23, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Ninth Meeting Day



Monday Afternoon


January 23, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Dennie Oxley II.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz 
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry 	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 27: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 24, 2006 at 1:30 p.m.

KOCH

Motion prevailed.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1011, 1016, 1017, 1018, 1020, 1022, 1065, 1076, 1086, 1101, 1107, 1108, 1127, 1234, 1238, 1249, 1261, 1314, 1327, and 1418.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:05 p.m. with the Speaker in the Chair.

Representative Cherry, who had been excused, was present.

Reassignments

The Speaker announced the reassignment of House Bill 1285 from the Committee on Utilities and Transportation to the Committee on Environmental Affairs.

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of House Bill 1236 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

HOUSE BILLS ON SECOND READING

House Bill 1007

Representative T. Harris called down House Bill 1007 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1007-3)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 10, between lines 2 and 3, begin a new paragraph and insert: "SECTION 5. IC 12-15-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) As used in this section, "fund" refers to the health care fund established under subsection (b).

(b) The health care fund is established for the purpose of supporting the operations of the Medicaid program. The fund shall be administered by the office of the secretary. The office of the secretary may spend the money in the fund in accordance with this subsection.

(c) The fund consists of money received from payments by employers under IC 22-2-13.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same

manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is continuously appropriated for the purposes described in subsection (b).

SECTION 6. IC 22-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13. Employer Health Care Contributions

Sec. 1. As used in this chapter, "commissioner" refers to the commissioner appointed under IC 22-1-1-2.

Sec. 2. As used in this chapter, "employer" means a private employer that employs at least five thousand (5,000) full time and part time employees.

Sec. 3. As used in this chapter, "health care costs" means the amount paid by an employer to provide coverage for health care services (as defined in IC 27-13-1-18) to employees in Indiana to the extent the costs are deductible under federal tax law.

Sec. 4. (a) On January 1 of each year, an employer shall submit to the commissioner, on a form and in a manner approved by the commissioner, the:

- (1) number of employees in Indiana on one (1) day, determined by the employer, during the immediately preceding calendar year;
- (2) amount spent by the employer during the immediately preceding calendar year on health care costs in Indiana; and
- (3) percentage of payroll that was spent by the employer during the immediately preceding calendar year on health care costs in Indiana.

(b) The information submitted under subsection (a) must:

- (1) be signed by the principal executive officer or an individual performing a similar function; and
- (2) include an affidavit under penalty of perjury that the information submitted:
 - (A) was reviewed by the individual signing the information under subdivision (1); and
 - (B) is true to the best of the individual's knowledge, information, and belief.

Sec. 5. When calculating the percentage of payroll under section 4(a)(3) of this chapter, an employer may exclude:

- (1) wages paid to an employee in excess of the median household income in Indiana as published by the United States Census Bureau; and
- (2) wages paid to an employee who is eligible for Medicare.

Sec. 6. (a) An employer shall do either of the following:

- (1) Spend on health care costs an amount equal to at least eight percent (8%) of the total wages paid by the employer to employees in Indiana.
- (2) If the employer spends less than the amount specified under subdivision (1), pay to the health care fund established by IC 12-15-1-20 an amount equal to the difference between the amount the employer spends and an amount equal to eight percent (8%) of the total wages paid by the employer to employees in Indiana.

(b) The difference paid to the health care fund under subsection (a)(2) must be paid on a periodic basis determined by the commissioner.

(c) An employer shall not deduct any payment made under subsection (a) from the wages of an employee.

Sec. 7. The commissioner shall impose on an employer that violates:

- (1) section 4(a) of this chapter a civil penalty of two hundred fifty dollars (\$250) for each day of noncompliance; and
- (2) section 6 of this chapter a civil penalty of two hundred fifty thousand dollars (\$250,000).

Sec. 8. Not later than March 15 of each year, the commissioner shall obtain and report to the governor and the legislative council in an electronic format under IC 5-14-6 the:

- (1) name of each employer in Indiana;
- (2) definition of "full time" and "part time" employee used by each employer;

(3) number of full time employees:

- (A) employed;
- (B) eligible to receive health insurance benefits provided; and
- (C) receiving health insurance benefits provided;

by each employer;

(4) source of health insurance benefits for full time employees not receiving health insurance benefits provided by each employer;

(5) number of part time employees:

- (A) employed;
- (B) eligible to receive health insurance benefits provided; and
- (C) receiving health insurance benefits provided;

by each employer; and

(6) source of health insurance benefits for part time employees not receiving health insurance benefits provided by each employer;

as of the day specified in section 4(a)(1) of this chapter.

Sec. 9. The commissioner shall annually, based on the information submitted under section 4 of this chapter:

- (1) verify the identity of employers in Indiana; and
- (2) ensure that employers in Indiana are in compliance with section 4 of this chapter.

Sec. 10. The commissioner shall adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 20, 2006.)

FRY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Fry's amendment (1007-3) is not germane to House Bill 1007.

Amendment 3 is germane to House Bill 1007 because both concern the legal obligations of businesses.

PELATH
FRY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 28: yeas 49, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION
(Amendment 1007-2)

Mr. Speaker: I move that House Bill 1007 be amended to read as follows:

Page 10, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2006] (a) The governor and the commissioner of the department of state revenue shall take the steps necessary for Indiana to become a member of the Multistate Tax Commission (444 North Capital Street, NW, Suite 425, Washington, DC 20001-1538) and the Multistate Tax Compact. As provided in the Multistate Tax Compact, the commissioner of the department of state revenue or the commissioner's designee may serve as a member of the Multistate Tax Commission.

(b) The governor may appoint an advisory board of elected officials from Indiana's political subdivisions to advise the commissioner on matters related to the Multistate Tax Compact. Not more than the smallest possible majority of the members of the advisory group may be members of the same political party.

(c) There is appropriated the amount necessary to the department of state revenue from the state general fund to pay the dues and costs related to becoming a member of the Multistate Tax Commission, beginning July 1, 2005, and ending June 30, 2007.

(d) Not later than September 1, 2006, the commissioner of the department of state revenue shall submit a report to the general assembly in an electronic format under IC 5-14-6 identifying the statutory changes and appropriations necessary to participate as a full member of the Multistate Tax Commission and the Multistate Tax Compact."

Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 20, 2006.)

PELATH

Upon request of Representatives Pelath and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 29: yeas 48, nays 49. Motion failed. The bill was ordered engrossed.

House Bill 1009

Representative Torr called down House Bill 1009 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1009-2)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 7, delete lines 8 through 9, begin a new paragraph and insert: **"Sec. 5. The population of a house or a senate district may not deviate from the ideal district population by more than one percent (1%) of the ideal district population."**

Page 7, between lines 21 and 22, begin a new paragraph and insert:

"Sec. 8. Districts must not violate precinct boundaries."

Page 7, line 22, delete "8." and insert "9."

Page 7, line 23, delete "7" and insert "8".

(Reference is to HB 1009 as printed January 20, 2006.)

TORR

Motion prevailed.

HOUSE MOTION (Amendment 1009-3)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 5, line 35, delete "of" and insert **"house of representatives district."**

Page 5, delete lines 36 through 39.

(Reference is to HB 1009 as printed January 20, 2006.)

DENBO

Upon request of Representatives Denbo and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 30: yeas 48, nays 49. Motion failed.

HOUSE MOTION (Amendment 1009-1)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 7, between lines 34 and 35, begin a new paragraph and insert: **"Sec. 9. In evaluating plans for recommendation, the commission shall consider the effect that a plan has on language and racial minority groups."**

(Reference is to HB 1009 as printed January 20, 2006.)

MESSER

Motion prevailed.

HOUSE MOTION (Amendment 1009-5)

Mr. Speaker: I move that House Bill 1009 be amended to read as follows:

Page 7, delete lines 5 through 6.

Page 7, line 7, delete "4." and insert "3."

Page 7, line 8, delete "5." and insert "4."

Page 7, line 10, delete "6." and insert "5."

Page 7, line 13, delete "7." and insert "6."

Page 7, line 22, delete "8." and insert "7."

Page 7, line 23, delete "7" and insert "6".

(Reference is to HB 1009 as printed January 20, 2006.)

DAY

Motion prevailed. The bill was ordered engrossed.

House Bill 1025

Representative J. Smith called down House Bill 1025 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1025-1)

Mr. Speaker: I move that House Bill 1025 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-9-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The county treasurer shall establish an innkeeper's tax fund. The treasurer shall deposit in that fund all money received under section 6 of this chapter that is attributable to an innkeeper's tax rate that is not more than five percent (5%).

(b) Money in the innkeeper's tax fund shall be expended in the following order:

(1) Through July 1999, not more than the revenue needed to service bonds issued under IC 36-10-3-40 through IC 36-10-3-45 and outstanding on January 1, 1993, may be used to service bonds. The county auditor shall make a semiannual distribution, at the same time property tax revenue is distributed, to a park and recreation district that has issued bonds payable from a county innkeeper's tax. Each semiannual distribution must be equal to one-half (½) of the annual principal and interest obligations on the bonds. Money received by a park and recreation district under this subdivision shall be deposited in a special fund to be used to service the bonds. During August 1999 the money that had been set aside to cover bond payments that remains after the bonds have been retired plus sixty percent (60%) of the tax revenue during August 1999 through December 1999 shall be distributed to the county treasurer to be used by the county park board, subject to appropriation by the county fiscal body.

(2) To the commission for its general use in paying operating expenses and to carry out the purposes set forth in section 3(a)(6) of this chapter. However, the amount that may be distributed under this subdivision during any particular year may not exceed the proceeds derived from an innkeeper's tax of two percent (2%) through December 1999 and fifty percent (50%) of the tax revenue beginning January 2000 and continuing through December 2014.

(3) For the period beginning July 1, 2002, through December 2014, fifty percent (50%) of the revenue to the county treasurer to be credited by the treasurer to a special account. The county treasurer shall distribute money in the special account as follows:

(A) Seventy-five percent (75%) of the money in the special account shall be distributed to the department of natural resources for the development of projects in the state park on the county's largest river, including its tributaries.

(B) Twenty-five percent (25%) of the money in the special account shall be distributed to a community development corporation that serves a metropolitan area in the county that includes:

(i) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000); and

(ii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

for the community development corporation's use in tourism, recreation, and economic development activities. For the period beginning July 1, 2002, and continuing through ~~December 2006~~, **December, 2014**, the community development corporation shall provide not less than forty percent (40%) of the money received from the special account under this clause as a grant to a nonprofit corporation that leases land in the state park described in this subdivision for the nonprofit corporation's use in noncapital projects in the state park. Money in the special account may not be used for any other purpose. The money credited to the

account that has not been used as specified in this subdivision by January 1, 2015, shall be transferred to the commission to be used to make grants as provided in subsection (c)(2).

(c) Money in the innkeeper's tax fund subject to appropriation by the county council shall be allocated and distributed after December 2014 as follows:

(1) Fifty percent (50%) of the revenue to the commission for the commission's general use in paying operating expenses and to carry out the purposes set forth in section 3(a)(6) of this chapter.

(2) The remainder to the commission to be used solely to make grants for the development of recreation and tourism projects. The commission shall establish and make public the criteria that will be used in analyzing and awarding grants. At least ten percent (10%) but not more than fifteen percent (15%) of the grants may be awarded for noncapital projects. Grants may be made only to the following entities upon application by the executive of the entity:

(A) The county for deposit in a special account.

(B) The most populated city in the county for deposit in a special account.

(C) The second most populated city in the county for deposit in a special account.

(D) The Tippecanoe County Wabash River parkway commission, but only so long as the interlocal agreement among the political subdivisions listed in clauses (A) through (C) is in effect. Money received by the parkway commission shall be segregated in a special account.

(d) Money credited to special accounts under subsection (c)(2) shall be used only for recreation or tourism projects, or both."

Renumber all SECTIONS consecutively.

(Reference is to HB 1025 as printed January 20, 2006.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

The members of the Committee on Rules and Legislative Procedures, Representatives Whetstone, Foley, T. Brown, Burton, Frizzell, Turner, Pelath, E. Harris, Oxley, and Stilwell, were excused for a committee meeting. Representative Friend was also excused.

House Bill 1063

Representative Hinkle called down House Bill 1063 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1063-1)

Mr. Speaker: I move that House Bill 1063 be amended to read as follows:

Page 4, line 36, after "a" insert "**manufacturing, wholesale, or**".

Page 4, line 39, delete "retail".

Page 4, line 39, delete "or".

Page 4, line 40, delete "." and insert "; **or**".

Page 4, between lines 40 and 41, begin a new line block indented and insert:

"(3) the design, construction, ordering, or sale of:

(A) recreational vehicles;

(B) manufactured homes certified through the United States Department of Housing and Urban Development;
or

(C) industrialized building systems certified through the department of homeland security."

Page 5, delete lines 10 through 24, begin a new paragraph and insert:

"Sec. 4. (a) "Interior design" means client consultation and preparation and administration of design documents relating to nonstructural and nonseismic interior elements of a building or structure. The scope of work provided by interior designers may include the following:

(1) Programming, the interview and analysis phase that develops the needs of clients.

(2) Space planning, the initial layout of an interior space.

(3) Demolition plans of nonstructural interior items as related to the project space.

(4) Reflected ceiling plans.

(5) Electrical and data outlet locations on construction plans.

(6) Casework:

(A) plans;

(B) elevations; and

(C) sections.

(7) Interior:

(A) equipment; and

(B) fixture;

location plans.

(8) Ergonomic evaluation of:

(A) environment; and

(B) furniture.

(9) Furniture:

(A) specifications; and

(B) location plans.

(10) Artwork, signage, and plant specifications and location plans.

(11) Contracting with consultants for:

(A) mechanical;

(B) plumbing;

(C) electrical;

(D) structural; and

(E) architectural;

services.

(12) Construction:

(A) administration; and

(B) observation;

as they apply to the project scope of work.

(b) Drawing, plans, specifications, and reports under this definition may include the following:

(1) Detailed dimensioned floor plans drawn to scale for all floors showing the following items:

(A) Wall configuration and fire rating.

(B) Exitways.

(C) Doors.

(D) Windows.

(E) Location of plumbing fixtures.

(F) Chairlifts.

(G) Elevators.

(H) Room designation.

(2) Fire and life safety plans, including those provided by contracted professionals. Fire and life safety plans must show graphically or by legend the location and rating of building elements, such as the following:

(A) Area separation walls.

(B) Occupancy separation walls.

(C) Smoke barriers.

(D) Fire-rated corridor walls.

(E) Stair enclosures.

(F) Shaft enclosures.

(G) Horizontal exits.

(3) Sections and details of interior walls showing dimensions and materials.

(4) Details indicating how required structural and fire-resistive integrity will be maintained where wall, floor, and ceiling penetrations will be made for the location of:

(A) electrical;

(B) mechanical;

(C) plumbing;

(D) communications conduit;

(E) pipes; and

(F) similar;

systems.

(5) Room finish schedules showing finishes for walls, ceilings, and floors in the following:

(A) All rooms.

(B) Stairways.

(C) Corridors.

(6) Door schedules that show:

(A) material;

(B) size;

(C) thickness; and

- (D) fire resistance rating;
for all doors, frames, and hardware.
- (7) Accessibility details that include the following:
 - (A) Interior ramps with slopes.
 - (B) Dimensioned restroom plans and clearances.
 - (C) Grab bars.
 - (D) Door swing and size.
 - (E) Special seating accommodations.
- (c) For purposes of this definition, drawings, plans, specifications, and reports for the following may be included in the set of drawings as submitted for design release if stamped by the appropriate professional as otherwise provided in this title:
 - (1) A site plan drawn to scale, showing the dimensioned location of building property lines and all buildings adjacent to the property, as well as the width of streets or easements bordering the property.
 - (2) Foundation and basement plans.
 - (3) Wall elevations of all exterior walls.
 - (4) Sections and details of exterior walls and roof showing the following:
 - (A) Dimensions.
 - (B) Materials.
 - (C) Heat transfer ratings.
 - (5) Structural plans and elevations showing:
 - (A) the size and location of all members;
 - (B) truss designs showing all connection details; and
 - (C) all stress calculations, if specifically requested.
 - (6) Electrical plans showing the following:
 - (A) Electrical distribution system.
 - (B) Service equipment.
 - (C) Grounding methods.
 - (D) Emergency and standby power systems.
 - (E) Any power or lighting information required for compliance with the Indiana Energy Conservation Code under 675 IAC 19.
 - (7) Plumbing plans showing the following:
 - (A) Risers.
 - (B) Drains.
 - (C) Piping isometrics.
 - (8) Mechanical plans showing the following:
 - (A) Location and size of ductwork.
 - (B) Equipment.
 - (C) Fire dampers.
 - (D) Smoke dampers.
 - (E) Equipment schedules showing capacity.
 - (9) Energy conservation details, including the following:
 - (A) Design criteria.
 - (B) Exterior envelope component materials.
 - (C) U values of the envelope system.
 - (D) R values of the insulating materials.
 - (E) Size and type of equipment.
 - (F) Systems controls.
 - (10) Plans for automatic fire extinguishing systems showing the following:
 - (A) Automatic sprinkler piping size and spacing.
 - (B) Standpipes.
 - (C) Fire pumps.
 - (D) Water supply data.
 - (E) Rating of sprinkler heads.
 - (F) Other specific requirements contained in NFPA Standards 11, 12, 13, 13R, 14, 20, and 2001 as adopted in 675 IAC 13.
 - (11) Plans for fire protection and alarms systems showing the following:
 - (A) The location and type of detection activation devices, whether automatic or manual.
 - (B) Control panels.
 - (C) Annunciator panels and zones.
 - (D) Water flow devices.
 - (E) Other specific requirements contained in NFPA Standard 72 as adopted in 675 IAC 22.
 - (12) Plans for public swimming pools showing the following:
 - (A) Area and volume.
 - (B) Enclosure for the pool area.

- (C) Turnover rate.
- (D) Filtration and circulation system.
- (E) Swimmer load.
- (F) Materials.
- (G) Shape and depth of pool.
- (H) Deck design.
- (I) Ladders.
- (J) Steps.
- (K) Drainage system.
- (L) Water supply system.
- (M) Electrical system."

Page 6, line 4, delete "a".

Page 6, line 4, delete "design that" and insert "location plans for items that are visible in the ceiling, including but not limited to the following:

- (1) Ceiling materials.
- (2) Bulkheads.
- (3) Light fixtures.
- (4) Speakers.
- (5) Exit signs as required by code."

Page 6, delete lines 5 through 6.

Page 6, delete lines 11 through 13.

Page 8, line 26, after "permit," insert "design release, or other approval necessary for the project,".

Page 11, between lines 12 and 13, begin a new paragraph and insert:

"Sec. 1. A person may practice interior design if the person has not been registered with the secretary of state under this article if the person does not use a title, designation sign, card, or device under section 2(a) of this chapter."

Page 11, line 13, delete "1." and insert "2."

Page 11, line 30, delete "2." and insert "3."

Page 11, line 32, delete "1(b)" and insert "2(b)".

Page 11, line 33, delete "3." and insert "4."

Page 11, line 35, delete "1(a)" and insert "2(a)".

Page 11, line 36, delete "4." and insert "5."

(Reference is to HB 1063 as printed January 20, 2006.)

HINKLE

The Speaker ordered a division of the House and appointed Representatives Pond and Dobis to count the yeas and nays. Yeas 43, nays 41. Motion prevailed. The bill was ordered engrossed.

House Bill 1339

Representative T. Harris called down House Bill 1339 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1339-1)

Mr. Speaker: I move that House Bill 1339 be amended to read as follows:

Page 3, line 32, delete "an interagency cooperation" and insert "a memorandum of understanding".

Page 3, line 33, delete "agreement".

Page 3, line 35, delete "interagency cooperation agreement" and insert "memorandum of understanding".

Page 3, line 42, delete "." and insert "without compensation."

Page 4, line 20, delete "relating" and insert "pertaining".

Page 4, line 20, delete "offer of a" and insert "subject".

Page 4, line 27, after "the" insert "performance of those duties by the".

Page 4, line 27, delete "have" and insert "constitute".

Page 4, line 28, delete "relationship with the seller, landlord, buyer, or tenant as a" and insert "relationship".

Page 4, delete line 29, begin a new paragraph and insert:

"(d) This section does not prohibit a licensee from performing duties in addition to the duties specified in this section on behalf of or at the request of a seller, landlord, buyer, or tenant in a real estate transaction."

(Reference is to HB 1339 as printed January 20, 2006.)

T. HARRIS

Motion prevailed. The bill was ordered engrossed.

House Bill 1380

Representative J. Smith called down House Bill 1380 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1098, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 41, delete "or".

Page 8, line 42, delete "therapist." and insert **"therapist, or a nurse."**

Page 9, delete lines 1 through 9.

Page 9, line 10, delete "(3)" and insert **"(2)"**.

Page 9, line 18, delete "(4)" and insert **"(3)"**.

Page 9, line 31, delete "(5)" and insert **"(4)"**.

Page 10, line 25, delete "massage or" and insert **"massage,"**.

Page 10, line 25, delete "therapy;" and insert **"therapy, or body work;"**.

Page 11, line 29, delete "appointed." and insert **"appointed and qualified under this chapter."**

Page 12, line 15, after "licensees" insert **"under IC 4-21.5"**.

Page 14, line 30, delete "Upon receipt of an application" and insert **"an applicant"**.

Page 14, line 30, after "endorsement" insert **"shall cause each jurisdiction that previously credentialed the applicant to provide the board with the applicant's current status in the jurisdiction."**

Page 14, delete lines 31 through 33.

Page 15, line 9, after "years." insert **"A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every two (2) years thereafter, unless renewed before that date."**

Page 15, delete lines 39 through 42.

Page 16, delete lines 1 through 9.

(Reference is to HB 1098 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1190, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Construction: (a) This title is an exercise of the police powers of the state.

(b) The classifications and differentiations made in this title are real and are actually and substantially related to the accomplishment of the purposes of this title.

(c) The provisions of this title shall be liberally construed so as to effectuate the purposes of this title: strictly construed. The words used in this title shall be interpreted according to their literal meanings.

(d) In accordance with IC 1-1-1-8, if any provision of this title is held to be invalid or unconstitutional, it is the intention of the state that the remaining provisions of this title shall be construed to:

(1) further limit rather than expand commerce in alcoholic beverages; and

(2) maintain a transparent and accountable three (3) tier system of alcoholic beverage distribution by a person with a substantial presence in Indiana.

SECTION 2. IC 7.1-1-3-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 44. The term "farm winery" means a commercial winemaking establishment that produces

wine from products allowed by and meets the requirements of IC 7.1-3-12-4.

SECTION 3. IC 7.1-3-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission may issue a farm winery permit to a person who:

(1) is the proprietor of a farm winery; and who

(2) desires to commercially manufacture wine; and

(3) is either:

(A) an individual; or

(B) a partnership, limited liability company, or corporation domiciled in or admitted to do business in Indiana.

A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter. ~~The commission may not issue a farm winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year preceding the date of the application for a farm winery permit.~~

SECTION 4. IC 7.1-3-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment

(1) must produce wine from grapes, other fruits, or honey produced in this state; and

(2) shall not annually produce more than five hundred thousand (500,000) gallons of wine.

(b) Table wine that is shipped by the winery outside the state and that involves a change of ownership may not be considered as part of the winery's annual production for purposes of subsection (a)(2):

(a)."
Page 1, between lines 9 and 10, begin a new line block indented and insert:

"(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;"

Page 1, line 10, strike "(4)" and insert **"(5)"**.

Page 1, line 13, strike "(5)" and insert **"(6)"**.

Page 1, line 14, strike "(6)" and insert **"(7)"**.

Page 1, line 16, strike "(7)" and insert **"(8)"**.

Page 2, line 4, strike "(8)" and insert **"(9)"**.

Page 2, line 5, strike "and".

Page 2, line 6, strike "(9)" and insert **"(10)"**.

Page 2, line 7, after "Sunday" delete "." and insert **"; and"**.

Page 2, between lines 7 and 8, begin a new line block indented and insert:

"(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state."

Page 2, line 9, strike "a second location" and insert **"not more than three (3) additional locations"**.

Page 2, line 9, strike "is" and insert **"are"**.

Page 2, line 10, strike "second location," and insert **"additional locations,"**

Page 2, line 18, strike "nine (9)" and insert **"thirty (30)"**.

Page 2, after line 19, begin a new paragraph and insert:

"SECTION 6. IC 7.1-3-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Subject to subsection (c), the commission may issue a wine wholesaler's permit to sell wine, or wine and brandy, at wholesale to a person who:

(1) notwithstanding IC 7.1-5-9-4, holds a beer wholesaler's permit;

(2) holds a liquor wholesaler's permit; or

(3) does not hold an alcoholic beverage wholesaler's permit, but meets the qualifications to hold either a beer or a liquor wholesaler's permit.

(b) The holder of a wine wholesaler's permit under subsection (a)(1) or (a)(2):

(1) is considered the same as a person who holds a wine wholesaler's permit under subsection (a)(3) for purposes of conducting activities and operations under the wine wholesaler's permit; and

(2) may operate the beer or liquor wholesale business independently of the wine wholesale business.

(c) After June 30, 2006, the commission may issue a wine wholesaler's permit or renew a wine wholesaler's permit only if the applicant for the permit or renewal permit:

- (1) consents to pick up shipments from a farm winery for delivery to a retailer for a consumer who has ordered the wine from the farm winery; and
- (2) agrees to pick up wine from a farm winery under the following conditions:

(A) makes the pickup on the premises of the farm winery or accept shipment from the farm winery;

(B) makes the pick up not later than two (2) business days after the farm winery makes the request for the pickup; and

(C) delivers the wine to the package liquor store not more than five (5) business days after the date on which the wine is picked up for delivery.

(d) The holder of a wholesaler's permit under this section may charge a farm winery:

(1) all costs associated with a transaction described in subsection (c); and

(2) a fee to be set by the commission that may not be less than two dollars (\$2) per bottle or four dollars (\$4) per case of wine delivered.

(e) The package liquor store that receives the wine from the wholesaler under subsection (c) may charge the consumer a fee not to exceed two dollars (\$2) per bottle or four dollars (\$4) per case of wine.

(f) If there is a dispute between a farm winery and a wholesale permit holder under this section, either party may submit the dispute to the commission to be decided under IC 4-21.5.

SECTION 7. IC 7.1-3-12-6 IS REPEALED [EFFECTIVE JULY 1, 2006]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1190 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1214, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 29, after "with a" insert "**regulated public**".

Page 2, line 30, after "utility" insert "**, including an energy utility**".

Page 2, line 30, delete "IC 8-1-1.1-1)" and insert "**IC 8-1-2.5-2) or an affiliate of an energy utility**".

Page 2, line 31, delete "product or" and insert "**utility product,**".

Page 2, line 31, delete "service" and insert "**service, or business operation. For purposes of this subdivision, a contract relates to a utility product, service, or business operation if it involves an activity necessary for or ancillary to the production or delivery of heat, power and light, or a product or service**".

Page 2, line 32, delete "." and insert "**(as described in IC 8-1-1).**".

(Reference is to HB 1214 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1323, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, strike "9." and insert "**15, then north on Highway 15 to the Michigan state line.**".

Page 2, delete lines 21 through 26.

(Reference is to HB 1323 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1331, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1396, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 9, between lines 33 and 34, begin a new paragraph and insert:

"**Sec. 20.5. "Member" means any of the following:**

(1) **An individual entitled to membership in a qualified organization under the bylaws, articles of corporation, charter, or rules of the qualified organization.**

(2) **A member of the qualified organization's auxiliary.**

(3) **In the case of a qualified organization that is a nonpublic school (as defined in IC 20-18-2-12), either of the following:**

(A) **A parent of a child enrolled in the school.**

(B) **A member of the school's parent organization.**

(C) **A member of the school's alumni association."**

Page 14, line 7, after "(b)" delete "The" and insert "**Except as provided in subsection (c), the**".

Page 14, between lines 29 and 30, begin a new paragraph and insert:

"(c) **This subsection applies only to a qualified organization that conducts only one (1) allowable event in a calendar year. The commission may not require the inclusion in the qualified organization's application of the Social Security numbers of the workers who will participate in the qualified organization's proposed allowable event. A qualified organization that files an application described in this subsection must attach to the application a sworn statement signed by the presiding officer and secretary of the organization attesting that the organization has not conducted any other allowable events in the calendar year.**".

Page 19, between lines 2 and 3, begin a new paragraph and insert:

"**Sec 16. A qualified organization described in section 4(c) of this chapter may not require an individual who wishes to participate in the qualified organization's allowable event as a worker to submit the individual's Social Security number to the qualified organization.**".

Page 41, after line 4, begin a new paragraph and insert:

"**SECTION 17. [EFFECTIVE JULY 1, 2006] (a) Before September 1, 2006, the Indiana gaming commission shall amend forms and affidavits prescribed by the department of state revenue under IC 4-32 (before its repeal) to comply with IC 4-32.2-4-4 and IC 4-32.2-4-16, both as added by this act.**

(b) **This SECTION expires January 1, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1396 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STUTZMAN, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:10 p.m. with the Speaker in the Chair.

Representative Friend and the members of the Committee on Rules and Legislative Procedures, Representatives Whetstone, Foley, T. Brown, Burton, Frizzell, Turner, Pelath, E. Harris, Oxley, and Stilwell, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 42, 84, and 172 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE BILLS ON SECOND READING

House Bill 1362

Representative Buck called down House Bill 1362 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1362-4)

Mr. Speaker: I move that House Bill 1362 be amended to read as follows:

Page 15, line 14, delete "The vote of voters of a reorganizing political" and insert **"The vote of voters of a reorganizing political subdivision (for example, a township) who also are voters in a second reorganizing political subdivision (for example, a county) that is geographically larger than the first political subdivision and that includes the territory of the first political subdivision shall be included only in the tally of votes for the first reorganizing political subdivision in which the voters reside."**

Page 15, delete lines 15 through 18.

(Reference is to HB 1362 as printed January 20, 2006.)

BUCK

Motion prevailed.

HOUSE MOTION (Amendment 1362-5)

Mr. Speaker: I move that House Bill 1362 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-49.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 49.1. "Township" means the following:

- (1) A township in a county not having a consolidated city.**
- (2) A township district (as defined in IC 36-6-4.1-5) in a county having a consolidated city.**

SECTION 2. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. A candidate for the office of ~~small claims~~ judge ~~of a small claims court~~ (as defined in IC 33-33-49-5.2) must:

- (1) be a United States citizen upon taking office;
- (2) either:
 - (A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or
 - (B) have been elected as a small claims court judge in the township before 1999;
- (3) be of high moral character and reputation; and
- (4) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the

filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

SECTION 3. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 31. A candidate for the office of **small claims** constable ~~of a small claims court~~ must:

- (1) have resided in the township for more than one (1) year upon taking office; and
- (2) be at least twenty-one (21) years old upon taking office.

SECTION 4. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. A declaration of candidacy for:

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or
- (4) the local office of:
 - (A) judge of a circuit, superior, probate, ~~or county or small claims~~ court; or
 - (B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.221-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For punch card ballots, print: To vote for a person, punch through the chad before the number assigned to the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

- ☐ (1) AB _____
- ☐ (2) CD _____
- ☐ (3) EF _____
- ☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
 - (A) President of the United States.
 - (B) United States Senator.
 - (C) Governor.
 - (D) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.
 - (F) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.

- (G) County assessor.
- (H) County commissioner.
- (I) County council member.
- (5) Township offices:
 - (A) Township assessor.
 - (B) Township trustee.
 - (C) Township board member.
 - (D) ~~Small claims judge. of the small claims court.~~
 - (E) ~~Small claims constable. of the small claims court.~~
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.
- (c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):
 - (1) Precinct committeeman.
 - (2) State convention delegate.
- (d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):
 - (1) School board offices to be elected at the primary election.
 - (2) Other local offices to be elected at the primary election.
 - (3) Local public questions.
- (e) The offices and public questions described in subsection (d) shall be placed:
 - (1) in a separate column on the ballot if voting is by paper ballot;
 - (2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
 - (3) either:
 - (A) on a separate screen for each office or public question; or
 - (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;
- if voting is by an electronic voting system.
- (f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 6. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor.
- (14) ~~Small claims judge. of a small claims court.~~
- (15) ~~Small claims constable. of a small claims court.~~

SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:

- (A) President and Vice President of the United States.
- (B) United States Senator.
- (C) Governor and lieutenant governor.
- (D) Secretary of state.
- (E) Auditor of state.
- (F) Treasurer of state.
- (G) Attorney general.
- (H) Superintendent of public instruction.
- (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.
 - (F) Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor.
 - (B) Township trustee.
 - (C) Township board member.
 - (D) ~~Small claims judge. of the small claims court.~~
 - (E) ~~Small claims constable. of the small claims court.~~
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

SECTION 8. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each candidate.
- (b) The certificate shall be filed with:
 - (1) the election division for:
 - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
 - (B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge or ~~small claims judge~~ of a circuit, superior, probate, or county or ~~small claims~~ court or prosecuting attorney; or
 - (2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office

not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 9. IC 3-13-2-8, AS AMENDED BY P.L.2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

(1) The name of each candidate as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) The residence address of each candidate.

(b) The certificate shall be filed with:

(1) the election division for:

(A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or

(B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge **or small claims judge** of a circuit, superior, probate, **or county or small claims** court or prosecuting attorney; or

(2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 10. IC 3-13-10-5, AS AMENDED BY P.L.119-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section applies to a vacancy in the office of **small claims judge of a small claims court** or small claims **court** constable not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the **township board at a regular or special meeting**. ~~The chairman of the township board shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:~~

~~(1) be in writing;~~

~~(2) state the purpose of the meeting;~~

~~(3) state the date, time, and place of the meeting; and~~

~~(4) be sent by first class mail to each board member at least ten (10) days before the meeting.~~

~~(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6.~~

mayor of the consolidated city.

SECTION 11. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

(1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.

(2) Of the circuit court clerk, officers of a political subdivision or school corporation, and **small claims** constables, ~~of a small~~

~~claims court~~, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.

(3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

(1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.

(2) A member of the general assembly shall notify the following, whichever applies:

(A) A member of the senate shall notify the president pro tempore of the senate.

(B) A member of the house of representatives shall notify the speaker of the house of representatives.

(3) The following officers commissioned by the governor under IC 4-3-1-5 shall notify the governor:

(A) An elector or alternate elector for President and Vice President of the United States.

(B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.

(C) An officer elected by the general assembly, the senate, or the house of representatives.

(D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.

(E) A judge **or small claims judge** of a circuit, city, county, probate, superior, **or town or township small claims** court.

(F) A prosecuting attorney.

(G) A circuit court clerk.

(H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.

(4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.

(5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.

(b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

(1) fill the vacancy; or

(2) call a caucus for the purpose of filling the vacancy.

SECTION 13. IC 5-10.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. "Governing body" means the fiscal body of a county, city, town, **or township, or township district**, a trustee, the township board, board of school commissioners, library board, or any board which by law is authorized to fix a rate of taxation on property of a political subdivision, or any other board which is empowered to administer the affairs of any department of, or associated with, a political subdivision, which department receives revenue independently of, or in addition to, funds obtained from taxation.

SECTION 14. IC 5-10.1-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. Political Subdivision. "Political subdivision" as used in this article means a county, city, town, township, **township district**, political body corporate, political entity, local housing authority, public school corporation, public library, public utility of a county, city, town, or township whether the public utility is operated by the city or town or under the terms of a trusteeship for the benefit of the city or town, and a department of, or associated with, a county, city, town, or township, which department receives revenue independently of, or in addition to, funds obtained through taxation. A state agency or a judicial

circuit may not be construed as a political subdivision.

SECTION 15. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 1.5. County Assessor Performs Township Assessor Duties

Sec. 1. In a county having a consolidated city, the county assessor has the same duties and responsibilities for the county that the township assessor in a county that does not have a consolidated city has for the township.

SECTION 16. IC 6-1.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) On or before June 1 of each year, each township assessor of a county **not having a consolidated city** shall deliver to the county assessor a list which states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the **township** assessor on or before the filing date of that year. ~~and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as prescribed in subsection (b):~~

(b) On or before July 1 of each year, each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district.

(c) The department of local government finance shall prescribe the forms required by this section.

SECTION 17. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.8. (a) As used in this section, "commission" refers to a county land valuation commission established under subsection (b).

(b) Subject to subsection (l), a county land valuation commission is established in each county for the purpose of determining the value of commercial, industrial, and residential land (including farm homesites) in the county.

(c) The county assessor is chairperson of the commission.

(d) The following are members of the commission:

(1) The county assessor. The county assessor shall cast a vote only to break a tie.

(2) **Except in a county having a consolidated city**, each township assessor, when the respective township land values for that township assessor's township are under consideration. A township assessor serving under this subdivision shall vote on all matters relating to the land values of that township assessor's township.

(3) **Except in a consolidated city**, one (1) township assessor from the county to be appointed by a majority vote of all the township assessors in the county.

(4) One (1) county resident who:

(A) holds a license under IC 25-34.1-3 as a salesperson or broker; and

(B) is appointed by:

- (i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or
- (ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(5) Four (4) individuals who:

(A) are appointed by the county executive (as defined in IC 36-1-2-5); and

(B) represent one (1) of the following four (4) kinds of land in the county:

- (i) Agricultural.
- (ii) Commercial.
- (iii) Industrial.
- (iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.

(6) One (1) individual who:

(A) represents financial institutions in the county; and

(B) is appointed by:

- (i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or
- (ii) the county executive (as defined in IC 36-1-2-5) for a

county not described in item (i).

(e) The term of each member of the commission begins November 1 of the year that precedes by two (2) years the year in which a general reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year in which the general reassessment begins under IC 6-1.1-4-4. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment begins and before January 1 of the year in which the general reassessment under IC 6-1.1-4-4 begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the department of local government finance. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under IC 6-1.1-4-4 begins, the county property tax assessment board of appeals shall determine the values.

(h) The county property tax assessment board of appeals shall give notice to the county and township assessors, **if any**, of its decision on the values. The notice must be given before March 1 of the year the general reassessment under IC 6-1.1-4-4 begins. Not later than twenty (20) days after that notice, the county assessor or a township assessor in the county, **if any**, may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(i) Not later than twenty (20) days after notice to the county assessor and the township assessor, **if any**, is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The department of local government finance may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the department of local government finance determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors, **if any**, in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or department of local government finance under this section. Township assessors shall use the values determined under this section.

(l) After notice to the county assessor and all township assessors

in the county, **if any**, a majority of the assessors authorized to vote under this subsection may vote to abolish the county land valuation commission established under subsection (b). Each township assessor, **if any**, and the county assessor has one (1) vote. The county assessor shall give written notice to:

- (1) each member of the county land valuation commission; and
 - (2) each township assessor, **if any**, in the county;
- of the abolishment of the commission under this subsection.

SECTION 18. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25. (a) Each township assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township assessor's records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) ~~The township assessor in a county having a consolidated city;~~ or the county assessor in every other county, shall:

- (1) maintain an electronic data file of:
 - (A) the parcel characteristics and parcel assessments of all parcels; and
 - (B) the personal property return characteristics and assessments by return;
 for each township in the county as of each assessment date;
- (2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:
 - (A) the legislative services agency; and
 - (B) the department of local government finance;
- (3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:
 - (A) the legislative services agency; and
 - (B) the department of local government finance;
 in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and
- (4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 19. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. Not later than May 15, each assessing official **in a county not having a consolidated city** shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. ~~In a county with an elected township assessor in every township the township assessor shall prepare the real property list.~~ The assessing officials and the county assessor shall prepare the list in the form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

SECTION 20. IC 6-1.1-5-5-3, AS AMENDED BY P.L.228-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) For purposes of this section, "party" includes:

- (1) a seller of property that is exempt under the seller's ownership; or

(2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.

(c) ~~Except as provided in subsection (d);~~ The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.~~

The county assessor shall forward a copy of the sales disclosure forms to the township assessors, **if any**, in the county. The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

~~(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency:~~

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.~~

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

~~(e) (d)~~ If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 21. IC 6-1.1-5-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) A party to a conveyance who:

(1) is required to file a sales disclosure form under this chapter; and

(2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

(1) one hundred dollars (\$100); or

(2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) ~~The township assessor in a county containing a consolidated city, or the county assessor in any other county, shall:~~

~~(1) determine the penalty imposed under this section;~~

~~(2) assess the penalty to the party to a conveyance; and~~

~~(3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.~~

(d) The county auditor shall:

(1) collect the penalty imposed under this section;

(2) deposit penalty collections as required under section 4 of this chapter; and

(3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the

county prosecuting attorney reasonable attorney's fees.

SECTION 22. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Each year a township assessor shall assess the fixed property which as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the township the township assessor serves.

(b) The township assessor shall determine the assessed value of fixed property. **Except as provided in subsection (c), the township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. However, The county assessor shall review the assessed values and shall certify the assessed values to the department of local government finance on or before April 10 of the year of assessment.**

(c) In a county with an elected township assessor in every township, the township assessor shall certify the list to the department of local government finance. **In a county having a consolidated city, the county assessor shall review the assessed values and shall certify the assessed values list to the department of local government finance. on or before April 10 of the year of assessment.**

SECTION 23. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 21. (a) **The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1, IC 36-3-1-6.3, or IC 36-6-1.1-4.**

(b) **For property taxes first due and payable each year beginning in 2007, the maximum permissible ad valorem property tax levy for a consolidated city is increased each year by an amount equal to the lesser of:**

- (1) the difference between:
 - (A) **the maximum permissible ad valorem property tax levy under section 3 of this chapter for the current year for the consolidated city's fire special service district created under IC 36-3-1-6; and**
 - (B) **the amount levied that year for the fire special service district; or**
- (2) **ten percent (10%) of the maximum permissible ad valorem property tax levy under section 3 of this chapter for property taxes first due and payable in 2007 for the consolidated city's fire special service district created under IC 36-3-1-6.**

SECTION 24. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **This section applies to all counties except a county having a consolidated city.** Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (d) and (e), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two assessor-appraiser. Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than three (3) of the five (5) members ~~may be~~ **are** of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two assessor-appraiser. If the county assessor is a certified level two assessor-appraiser, the board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two assessor-appraiser. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of

appeals. The county assessor is a voting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(b) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection ~~(c)(1)~~ **(a).**

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

(d) Except as provided in subsection (e), the term of a member of the county property tax assessment board of appeals appointed under subsection (a):

- (1) is one (1) year; and
- (2) begins January 1.

(e) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under subsection (a) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

SECTION 25. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. (a) **This section applies to a county having a consolidated city. The county property tax assessment board of appeals is established, composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, who serves as a nonvoting member, only one (1) other individual who is an officer or employee of the county may serve on the board of appeals. The fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two Indiana assessor-appraiser. The board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) voting members are of the same political party and so that at least three (3) of the five (5) voting members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two Indiana assessor-appraiser. One (1) of the members appointed by the board of county commissioners must be a representative of a neighborhood or taxpayer organization located in the county. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the voting members of the board that includes at least one (1) certified level two Indiana assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the voting members of the board.**

(b) The county fiscal body and board of commissioners of the county may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals are of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

(1) who are willing to serve on the board; and

(2) whose political party membership status would satisfy the requirement in subsection (a).

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

(1) residents of the county;

(2) certified level two Indiana assessor-appraisers; and

(3) willing to serve on the county property tax assessment board of appeals;

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

SECTION 26. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county shall maintain a state certified computer system that has the capacity to:

(1) process and maintain assessment records;

(2) process and maintain standardized property tax forms;

(3) process and maintain standardized property assessment notices;

(4) maintain complete and accurate assessment records for the county; and

(5) process and compute complete and accurate assessments in accordance with Indiana law.

In a county that does not have a consolidated city and does not have an elected township assessor in every township, the county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county. ~~except in a county with an elected township assessor in every township:~~ In a county with that does not have a consolidated city but has an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county. In a county that has a consolidated city, the county assessor shall select a computer system.

(b) All information on a computer system referred to in subsection

(a) shall be readily accessible to:

(1) township assessors;

(2) the county assessor;

(3) the department of local government finance; and

(4) members of the county property tax assessment board of appeals.

(c) The certified system referred to in subsection (a) used by the counties must be:

(1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

(1) a uniform and common property tax management system among all counties that:

(A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and

(B) replaces the computer system referred to in subsection (a); and

(2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:

(A) determined by the department; and

(B) specified in the rule.

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the committee. The committee:

(1) must include at least:

(A) one (1) township assessor;

(B) one (1) county assessor;

(C) one (1) county auditor; and

(D) one (1) county treasurer; and

(2) shall meet at times and locations determined by the department.

(g) Each member of the committee appointed under subsection (f) who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the committee appointed under subsection (f) who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The department shall report to the budget committee in writing the department's estimate of the cost of implementation of the system referred to in subsection (e).

SECTION 27. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, if any, the county assessor, the county auditor, the affected taxing units required to be notified under section 2(e) of this chapter, and the department of local government finance:

(1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and

(2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

SECTION 28. IC 6-2.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless ~~he~~ **the retail merchant** has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars (\$25) for each place of business listed on the application. The retail merchant shall also provide such security for payment of the tax as the department may require under IC 6-2.5-6-12.

(c) The retail merchant shall list on the application the location (including the township) of each place of business where ~~he~~ **the merchant** makes retail transactions. However, if the retail merchant does not have a fixed place of business, ~~he~~ **the merchant** shall list ~~his~~ **the merchant's** residence as ~~his~~ **the merchant's** place of business. In addition, a public utility may list only its principal Indiana office as its place of business for sales of public utility commodities or service, but the utility must also list on the application the places of business where it makes retail transactions other than sales of public utility commodities or service.

(d) Upon receiving a proper application, the correct fee, and the security for payment, if required, the department shall issue to the retail merchant a separate registered retail merchant's certificate for each place of business listed on the application. Each certificate shall bear a serial number and the location of the place of business for which it is issued.

(e) If a retail merchant intends to make retail transactions during

a calendar year at a new Indiana place of business, ~~he~~ **the retail merchant** must file a supplemental application and pay the fee for that place of business.

(f) A retail merchant engaged in business in Indiana as defined in IC 6-2.5-3-1(c) who makes retail transactions that are only subject to the use tax must obtain a registered retail merchant's certificate before making those transactions. The retail merchant may obtain the certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:

- (1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;
- (2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and
- (3) any other information that the department requests.

(g) The department may permit an out-of-state retail merchant to collect the use tax. However, before the out-of-state retail merchant may collect the tax, ~~he~~ **the retail merchant** must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible personal property that ~~he~~ **the retail merchant** knows is intended for use in Indiana.

(h) The department shall submit to the township assessor **or, in the case of a township located in a county having a consolidated city, the county assessor** before July 15 of each year:

- (1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the township **or county, as appropriate;** and
- (2) the address of each place of business of the taxpayer in the township **or county, as appropriate.**

SECTION 29. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

- (1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

- (2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397

Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

- (3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, for each year after 2006, sixty-six percent (66%) of the revenues to be distributed as distributive shares during each month to the townships listed in this section are to be distributed as additional distributive shares to Indianapolis/Marion County and the township distributive shares are reduced by sixty-six percent (66%).

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, commencing with the calendar year following that consolidation and for each year thereafter,

the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed as additional distributive shares to Indianapolis-Marion County.

SECTION 30. IC 6-6-5.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) A taxpayer who owns, holds, possesses, or controls a commercial vehicle that:

- (1) is subject to the commercial vehicle excise tax imposed under this chapter; and
- (2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000;

shall file an information return on or before May 15, 2000, with the assessor of each township in which the taxpayer's commercial vehicles would have been subject to assessment and taxation under IC 6-1.1.

(b) The information return ~~shall be~~ is filed on a form prescribed by the department of local government finance and shall require the taxpayer to provide information regarding the value, nature, and location of each commercial vehicle which the taxpayer owns, holds, possesses, or controls on March 1, 2000. If a commercial vehicle is used or operated in interstate commerce, the value reported on the information return ~~shall be~~ is determined under the procedure set forth in 50 IAC 4.2-10-3.

(c) The information return shall be furnished to the taxpayer by the appropriate ~~township~~ assessor **for each township** in the same manner and at the same time as the taxpayer's personal property tax return.

(d) In completing an information return under this section, a taxpayer shall make a complete disclosure of all information, required by the department of local government finance, that is related to the value, nature, or location of commercial vehicles that the taxpayer owns, holds, possesses or controls on March 1, 2000. The taxpayer shall certify to the truth of all information appearing in the information return and all data accompanying the information return.

(e) The ~~township~~ assessor **for each township** shall examine and verify the accuracy of each information return filed by a taxpayer. If appropriate, the assessor **for each township** shall compare an information return with the books of the taxpayer and with commercial vehicles owned, held, possessed, or controlled by the taxpayer.

SECTION 31. IC 6-6-5.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) As used in this section, "assessed value" means an amount equal to the true tax value of commercial vehicles that:

- (1) are subject to the commercial vehicle excise tax under this chapter; and
- (2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000.

(b) For calendar year 2001, a taxing unit's base revenue shall be determined as provided in subsection (f). For calendar years that begin after December 31, 2001, a taxing unit's base revenue shall be determined by multiplying the previous year's base revenue by one hundred five percent (105%).

(c) The amount of commercial vehicle excise tax distributed to the taxing units of Indiana from the commercial vehicle excise tax fund shall be determined in the manner provided in this section. On or before June 1, 2000, ~~each township~~ the assessor **of a county for each township** shall deliver to the county assessor a list that states by taxing district the total assessed value as shown on the information returns filed with the assessor on or before May 15, 2000.

(d) On or before July 1, 2000, each county assessor shall certify to the county auditor the assessed value of commercial vehicles in every taxing district.

(e) On or before August 1, 2000, the county auditor shall certify the following to the department of local government finance:

- (1) The total assessed value of commercial vehicles in the county.
- (2) The total assessed value of commercial vehicles in each taxing district of the county.

(f) The department of local government finance shall determine each taxing unit's base revenue by applying the current tax rate for each taxing district to the certified assessed value from each taxing district. The department of local government finance shall also determine the following:

(1) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in Indiana.

(2) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in each county.

(3) Each county's total distribution percentage. A county's total distribution percentage shall be determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing units in the county by the total base revenue to be distributed statewide.

(4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be determined by dividing each taxing unit's base revenue by the total amount of base revenue to be distributed in 2001 to all taxing units in the county.

(g) The department of local government finance shall certify each taxing unit's base revenue and distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

(h) The auditor of state shall keep permanent records of each taxing unit's base revenue and distribution percentage for calendar year 2001 for purposes of determining the amount of money each taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

SECTION 32. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family and children, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that

the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to **township assessors for each township.**

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under ~~IC 6-2.5-6-14~~. **IC 6-2.5-6-14.2.**

SECTION 33. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) ~~The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances providing that After December 31, 2006, the fire department of the airport authority is consolidated into the fire department of the consolidated city created by IC 36-3-1-6.1, and that the fire department of the consolidated city shall provide fire protection services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.~~

(c) The legislative body of the consolidated city ~~and the governing body of the airport authority~~ may adopt ~~substantially similar ordinances an ordinance under IC 36-3-1-5.1~~ providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city **created by IC 36-3-1-5.1**, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. ~~If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.~~

SECTION 34. IC 9-22-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The following officers may act for their respective units of government under this chapter:

- (1) The sheriff, for a county.
- (2) The chief of police, for a city.
- (3) A town marshal, for a town.
- (4) A township trustee, for a township **in a county not having a consolidated city.**
- (5) A state police officer, for the state.

SECTION 35. IC 10-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. A township trustee **for a township in a county not having a consolidated city** may receive as public property a monument or memorial built:

- (1) in the township;
- (2) in honor of the township's soldiers or marines; and
- (3) by the people with public donations;

if the people of the township want to give the monument or memorial to the township.

SECTION 36. IC 12-7-2-192.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 192.6. "Township", for purposes of IC 12-20 and IC 12-30-4, means a:

- (1) civil township; or
- (2) township district (as defined in IC 36-6-4.1-5) for a county having a consolidated city.

SECTION 37. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee **in a county not having a consolidated city.**
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation

of the confidentiality of information requirements of 16 U.S.C. 470(w) and 16 U.S.C. 470(h)(h).

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 38. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

(b) After December 31, 2007, the duties of a township trustee under this chapter are transferred to the consolidated city.

SECTION 39. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

(c) As used in this chapter, "fund" means:

(1) the township fund for a township in a county not having a consolidated city; or

(2) the appropriate fund of the consolidated city for a county having a consolidated city.

(d) As used in this chapter, "township trustee" or "trustee" means:

(1) a township trustee for a township in a county not having a consolidated city; or

(2) the consolidated city for a township in a county having a consolidated city.

(e) A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 40. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in the township that comprises all or a part of the township trustee's jurisdiction that have not been destroyed as described in section 1 of this chapter, the trustee of the township in which the real estate is located township trustee shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

(1) by mail, using certified mail; or

(2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

(1) if sent by mail, on the earlier of:

(A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

SECTION 41. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work in the office of with the trustee of the township, and when the bill has been approved the trustee shall pay the bill out of the township fund. The trustee of the township shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located or, if the township is in a county having a consolidated city, the office of the controller.

(f) The auditor or the city controller shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the trustee's township funds fund for use at the discretion of the trustee.

(h) If there is no money available in a the township fund for that purpose, the township board, upon finding an emergency exists:

(1) the township legislative body shall act under IC 36-6-6-14(b) or IC 36-6-6-15; or

(2) a consolidated city shall act under IC 36-3-4;

to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the township board legislative body for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township or a consolidated city. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay

the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 42. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city, the controller,** upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, ~~or townships,~~ **or consolidated city,** the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund.

SECTION 43. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
- (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;
- (3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;
- (4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or
- (5) knowingly sells Canada thistle (*cirsium arvense*) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the ~~trustee's township funds fund~~ **fund** for use at the discretion of the trustee **or the consolidated city.**

SECTION 44. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials trustee~~ **trustee** to comply with this chapter.

SECTION 45. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or a consolidated city** shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

SECTION 46. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

- (1) One (1) **member appointed as follows:**
 - (A) **In a county not having a consolidated city, a township trustee of a township in the county.**
 - (B) **In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.**
- (2) One (1) soil and water conservation district supervisor.
- (3) A representative from the agricultural community of the county.
- (4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~
- (5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years.

All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman, and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 47. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a consolidated city,** public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 48. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.5. As used in this chapter, "assessor" means:

- (1) for a township located in a county not having a consolidated city:
 - (A) the township assessor elected under IC 36-6-5-1; or
 - (B) the township trustee who is required by law to act as the assessor for the township the trustee serves; or
- (2) for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.

SECTION 49. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The township assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the township assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

- (1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).
- (2) For each nonneutered dog, four dollars (\$4).
- (3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbinger of a dog after the dog census by the township assessor or any owner or harbinger of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbinger of a dog, apply to the assessor, or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

- (1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).
- (2) For a minor kennel, consisting of less than fifteen (15) dogs, a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the township assessor ~~(or trustee who collects the fee)~~ shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the an~~ assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the a~~ township trustee shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the township assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number,

sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the ~~township~~ assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) ~~A township~~ **An assessor (or a township trustee who has the duties of a township assessor)** may designate one (1) or more licensed veterinarians or humane societies in the assessor's township **or county, as the case may be**, to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the ~~township trustee assessor who designated the designee~~ by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 50. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which shall be designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the ~~township~~ assessor, **except an assessor in a county having a consolidated city**, shall turn over to the township trustee all the records kept by the assessor relating to the collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The assessor shall assess against each person who failed to pay to the assessor the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the ~~township trustee assessor~~ shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the ~~township~~ assessor under this chapter.

SECTION 51. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section does not apply to a township in a county having a consolidated city or to a consolidated city.** The ~~township~~ assessor shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by ~~the a township~~ assessor shall be turned over by the ~~township~~ assessor to the township trustee of the ~~township~~ assessor's township. The county auditor shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund.

SECTION 52. IC 15-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each ~~township~~ assessor shall perform the duties imposed by this chapter. If a dog owner has failed to turn in a dog for taxation purposes, the assessor shall notify the owner that the assessor is listing the unpaid taxes within a period of ten (10) days, at which time the person will be assessed double the amount of taxes provided by this chapter unless the person owning the dog appears voluntarily within the ten (10) days and:

(1) proves to the satisfaction of the assessor that the person owned no such dog at the time the census was made; or

(2) makes an affidavit to be kept on file by the assessor to the effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each assessor shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor has completed the census, the person shall report the dog to and pay to the assessor the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 53. IC 15-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ **An assessor or assessor's designee or township trustee** who:

(1) fails to perform the duties imposed by this chapter; or
(2) fails to make a complete report within the time specified in this chapter;

commits a Class C infraction.

SECTION 54. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person liable to taxation in any township and residing in the township when listed for taxation shall make and subscribe to an oath to the ~~township~~ assessor in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 55. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund** that the township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city**, shall use in the manner provided in this chapter for the payment of the following:

(1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.
(B) Cattle.
(C) Horses.
(D) Swine.
(E) Goats.
(F) Mules.
(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineas.

(L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

(N) Bison.

(O) Farm raised cervidae.

(P) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia. ~~within any township of Indiana.~~

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township

dog fund **or, in the case of a county having a consolidated city, the county dog fund.**

SECTION 56. IC 15-5-9-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) ~~In order~~ To qualify for payment for damages by a township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city** under this chapter, the owner of stock, fowl, or game listed in section 8(a)(1) of this chapter killed, maimed, or damaged by dogs shall do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Within twenty (20) days from the time of the loss, report the loss to the trustee ~~of his township of the owner's township or, in a township located in a county having a consolidated city, to the controller of the consolidated city~~ as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages, less any insurance proceeds, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 57. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The ~~trustees township trustee or the controller of the consolidated city~~ shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee **or the controller of the consolidated city** for stock, fowl, or game listed in section 8(a)(1) of this chapter:

(1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;

(2) for which the person received from another person an amount equal to the actual damages; or

(3) for which the owner has not complied with section 9.1 of this chapter.

(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the existence of such disease shall be proven by:

(1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or

(2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the **township trustee or controller of the consolidated city** shall do the following:

(1) Remove or have removed the head of the dog.

(2) Pay from the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund**, the following:

(A) A reasonable fee for the removal of the dog's head.

(B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the **appropriate** dog fund, ~~of the township~~; then such necessary fees shall be paid out of the township **general fund or, in the case of a township located in a county having a consolidated city, the county general fund**, without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

(1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.

(2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.

(f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:

(1) **Except for a township located in a county having a consolidated city**, among the townships of the county in which the orders drawn against the dog fund exceed the money on hand.

(2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs ~~of all the townships~~ in the county, the distribution shall be made, **except in a township located in a county having a consolidated city**, in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.

(h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:

(1) All receipts into the dog fund of the township.

(2) All orders drawn against the township fund in the order in which the orders were drawn.

(i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year **or, in the case of a township located in a county having a consolidated city, the county dog fund**, are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township **or county, as the case may be**, during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.

(j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:

(1) paid to the auditor of state; and

(2) placed in a separate account of the general fund of the state treasury known as the state dog account.

SECTION 58. IC 15-5-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before the first day of May of each year, the trustee of each township shall make a report in writing, to the county auditor, of the amount of all claims in ~~his the trustee's~~ township for livestock, fowls, or game which have been destroyed or damaged by dogs, and which claims have been filed before March 9, 1937, or which may be filed thereafter but have not been paid for lack of funds. On or before the second Monday in May of each year, the auditor of each county, **or in a county having a consolidated city, the controller of the consolidated city**, shall make a report, in writing, to the auditor of state, in such form as the auditor of state shall prescribe, of the

amount of all such claims in ~~his~~ the county which have been filed and which have not been paid for lack of funds, and on or before the second Monday in July, the auditor of state shall issue ~~his~~ the auditor's warrant, payable to the auditor of each such county **or, in a county having a consolidated city, the controller of the consolidated city**, for the amount of the unpaid claims. The warrant shall be drawn on the state dog account. Upon the receipt of the money, the auditor of the county **or, in a county having a consolidated city, the controller of the consolidated city**, shall distribute the funds to the respective townships of ~~his~~ the county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city**, and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his~~ the township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in a county having a consolidated city**, shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after such annual distribution shall have been made as hereinbefore provided, shall be distributed by the auditor of state in the manner following:

- (a) (1) One-half (1/2) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, shall be distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.
- (b) (2) The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, shall be distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties.

SECTION 59. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the ~~township~~ assessor, the assessor, at the time when the assessor issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one (1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the assessor upon application by the owner of the dog and upon the production of the receipt and a sworn statement of the facts regarding the loss of the tag. No license tag is transferable to another dog.

SECTION 60. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 7.5. "Cemetery fund" means the:**

- (1) **township fund for a township in a county not having a consolidated city; or**
- (2) **cemetery fund of the consolidated city for a township in a county having a consolidated city.**

SECTION 61. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 32.5. "Township" means:**

- (1) **a township in a county not having a consolidated city; or**
- (2) **the consolidated city for a township in a county having**

a consolidated city.

SECTION 62. IC 23-14-33-32.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 32.6. "Township trustee" or "trustee" means:**

- (1) **a township trustee for a township in a county not having a consolidated city; or**
- (2) **the consolidated city for a township in a county having a consolidated city.**

SECTION 63. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. All expenses incurred by the trustee in administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 64. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The township shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township. Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations.

(b) The township may levy a ~~township~~ cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter, part of the township fund **or other funds of the township** may be used.

SECTION 65. IC 23-14-69-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) If:

- (1) no land suitable for a public cemetery is donated to a township; and
- (2) **if** the township legislative body adopts a resolution approving the purchase;

the township ~~executive~~ may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

SECTION 66. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. All expenses incurred by the township trustee for administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 67. IC 32-21-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the auditor of the county or the ~~township~~ assessor **for a township** under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor or township assessor is furnished a drawing or other reliable evidence of the following:

- (1) The number of acres in each new tax parcel being created.
- (2) The existence or absence of improvements on each new tax parcel being created.
- (3) The location within the original tract of each new tax parcel being created.

(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section.

SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, in a county having a consolidated city, the duties and obligations of a township trustee under this chapter are the responsibility of the consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state**. If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.6. As used in this chapter, "township" means:**

- (1) a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

SECTION 70. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

- (1) a township trustee for a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 3. (a)** A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property

owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.
- (2) A straight rail fence four and one-half (4 1/2) feet high.
- (3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

- (1) related to any of the interested property owners; or
- (2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located shall~~ **township shall appoint another official to act under this chapter.**

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a

gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 72. IC 32-28-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure;

(2) the construction, alteration, repair, or removal of a walk or sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly upon the:

(1) house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

(1) machinery;

(2) tools;

(3) stock;

(4) material; or

(5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) is in failing circumstances, the claims described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract:

(1) for the construction, alteration, or repair of a Class 2 structure (as defined in IC 22-12-1-5);

(2) for the construction, alteration, or repair of an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5);

(3) for the construction, alteration, or repair of property that is:

(A) owned, operated, managed, or controlled by a:

(i) public utility (as defined in IC 8-1-2-1);

(ii) municipally owned utility (as defined in IC 8-1-2-1);

(iii) joint agency (as defined in IC 8-1-2.2-2);

(iv) rural electric membership corporation formed under IC 8-1-13-4;

(v) rural telephone cooperative corporation formed under

IC 8-1-17; or

(vi) not-for-profit utility (as defined in IC 8-1-2-125); regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; or

(4) to prepare property for Class 2 residential construction;

may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure, or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

(1) be in writing;

(2) contain specific reference by legal description of the real estate to be improved;

(3) be acknowledged as provided in the case of deeds; and

(4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

(1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;

(2) index the contract in the name of the:

(A) contractor; and

(B) owner;

in books kept for that purpose; and

(3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or double family dwelling or the appurtenances or additions to the dwelling to:

(1) a contractor, subcontractor, mechanic; or

(2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or machinery for the original construction of a single or double family dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

(1) furnish the owner of the real estate:

(A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or

(B) if IC 6-1.1-5-9 applies, as named in the transfer books of the **township assessor for the township;**

with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and

(2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not

attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 73. IC 32-28-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Except as provided in subsection (b), a person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than ninety (90) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(b) This subsection applies to a person that performs labor or furnishes materials or machinery described in section 1 of this chapter related to a Class 2 structure (as defined in IC 22-12-1-5) or an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5). A person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than sixty (60) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(c) A statement and notice of intention to hold a lien filed under this section must specifically set forth:

- (1) the amount claimed;
- (2) the name and address of the claimant;
- (3) the owner's:
 - (A) name; and
 - (B) latest address as shown on the property tax records of the county; and
- (4) the:
 - (A) legal description; and
 - (B) street and number, if any;

of the lot or land on which the house, mill, manufactory or other buildings, bridge, reservoir, system of waterworks, or other structure may stand or be connected with or to which it may be removed.

The name of the owner and legal description of the lot or land will be sufficient if they are substantially as set forth in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor or, if IC 6-1.1-5-9 applies, the transfer books of the ~~township~~ assessor for the township at the time of filing of the notice of intention to hold a lien.

(d) The recorder shall:

- (1) mail, first class, one (1) of the duplicates of the statement and notice of intention to hold a lien to the owner named in the statement and notice not later than three (3) business days after recordation;
- (2) post records as to the date of the mailing; and
- (3) collect a fee of two dollars (\$2) from the lien claimant for each statement and notice that is mailed.

The statement and notice shall be addressed to the latest address of the owner as specifically set out in the sworn statement and notice of the person intending to hold a lien upon the property.

SECTION 74. IC 32-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The following courts have original and concurrent jurisdiction in cases arising under this chapter:

- (1) A circuit court.
- (2) A superior court.

(3) A county court.

(4) A municipal court.

~~(5) A small claims court.~~

(b) A case arising under this chapter may be filed on the small claims docket of a court that has jurisdiction.

SECTION 75. IC 33-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, ~~or~~ a circuit, superior, county, ~~small claims~~, or probate court, **or a small claims judge (as defined in IC 33-33-49-5.2).**

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

SECTION 76. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.
- (5) A superior court.
- (6) A juvenile court.
- (7) A probate court.
- (8) A county court.
- (9) A municipal court.
- (10) A city or town court.
- ~~(11) A small claims court.~~

(b) The term does not include a judge **or small claims judge (as defined in IC 33-33-49-5.2)** of any of the courts listed in subsection (a)(1) through ~~(a)(11): (a)(10).~~

SECTION 77. IC 33-30-2-1, AS AMENDED BY P.L.237-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A county court is established in the following counties:

- (1) Floyd County.
- (2) Madison County.

(b) However, a county court listed in subsection (a) is abolished if:

- (1) IC 33-33 provides a small claims docket of the circuit court; **or**
- (2) IC 33-33 provides a small claims docket of the superior court; **or**
- ~~(3) IC 33-34 provides a small claims court;~~

for the county in which the county court was established.

SECTION 78. IC 33-33-49-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.1. (a) As used in this chapter, "judge" means a person elected under section 13 of this chapter.

(b) The term does not include a small claims judge.

SECTION 79. IC 33-33-49-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.2. As used in this chapter, "small claims judge" means a person elected under:

- (1) section 13.1 of this chapter; or
- (2) IC 33-34-2-1 (before its repeal).

SECTION 80. IC 33-33-49-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) There is established a superior court in Marion County. The court consists of the following:

- (1) Thirty-two (32) judges.
- (2) **Nine (9) small claims judges.**

(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:

- (1) a resident of Marion County; and
- (2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) To be qualified to serve as a small claims judge, a person must meet the qualifications described in IC 3-8-1-30.

~~(c)~~ (d) During the term of office:

(1) a judge of the court must remain a resident of Marion County; and

(2) a small claims judge must remain a resident of:

(A) Marion County; and

(B) the township from which the small claims judge was elected.

SECTION 81. IC 33-33-49-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (b),** the court has the following jurisdiction:

(1) Concurrent and coextensive jurisdiction with the Marion circuit court in all cases and upon all subject matters, including civil, criminal, juvenile, probate, and statutory cases and matters, whether original or appellate.

(2) Original and exclusive jurisdiction in all matters pertaining to the following:

(A) The probate and settlement of decedents' estates, trusts, and guardianships.

(B) The probate of wills.

(C) Proceedings to resist the probate of wills.

(D) Proceedings to contest wills.

(E) The appointment of guardians, assignees, executors, administrators, and trustees.

(F) The administration and settlement of:

(i) estates of protected persons (as defined in IC 29-3-1-13) and deceased persons;

(ii) trusts, assignments, adoptions, and surviving partnerships; and

(iii) all other probate matters.

(3) Original jurisdiction of all violations of Indiana law. Whenever jurisdiction is by law conferred on a small claims court, the court has the appellate jurisdiction provided by law.

(4) Original and exclusive juvenile jurisdiction.

(b) The small claims division of the court established in section 14(c)(5) of this chapter has the following jurisdiction:

(1) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.

(2) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.

(3) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000), not including interest and attorney's fees.

(4) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in emergency possessory actions between a landlord and tenant under IC 32-31-6.

(5) The small claims division of the court does not have jurisdiction in the following:

(A) Actions seeking injunctive relief or involving partition of real estate.

(B) Actions to declare or enforce a lien, except as provided in section 20.5 of this chapter.

(C) Actions in which the appointment of a receiver is asked.

(D) Suits for dissolution or annulment of marriage.

SECTION 82. IC 33-33-49-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) **Except as provided in subsection (b),** the court is a court of record. The court's judgments, decrees, orders, and proceedings have the same effect and shall be enforced in the same manner as those of the circuit court.

(b) The small claims division of the court is not a court of

record.

SECTION 83. IC 33-33-49-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The court may adopt rules for conducting the business of the court. Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.

(b) Action of the court to remove the presiding judge or either associate presiding judge may only be taken by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken.

(c) The court has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempts, and enforcement of the court's orders. The judges and small claims judges may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and to give all necessary certificates for the authentication of the records and proceedings in the court.

SECTION 84. IC 33-33-49-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. **A judge of** the court may do the following:

(1) Grant restraining orders and injunctions.

(2) Issue writs of habeas corpus.

(3) Appoint receivers, masters, and commissioners to:

(A) convey real property;

(B) grant commissions for the examination of witnesses; and

(C) appoint other officers necessary to transact the business of the court.

SECTION 85. IC 33-33-49-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.1. (a) **A small claims judge shall be elected for a term of four (4) years that begins January 1 after the year of the small claims judge's election and continues through December 31 in the fourth year. The small claims judge shall hold office for the four (4) year term or until the small claims judge's successor is elected and qualified.**

(b) **A small claims judge shall be elected at the general election every four (4) years by the registered voters residing within the township in which the small claims division of the court is located.**

SECTION 86. IC 33-33-49-13.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.2. (a) **A small claims judge serving part time may participate in other gainful employment if the employment does not:**

(1) interfere with the exercise of the small claims judge's judicial office; or

(2) involve any conflict of interest in the performance of the small claims judge's judicial duties.

(b) **A small claims judge serving full time may practice law if the practice does not conflict in any way with the small claims judge's official duties and does not:**

(1) cause the small claims judge to be unduly absent from the court; or

(2) interfere with the ready and prompt disposal of the small claims judge's judicial duties.

(c) **A small claims judge and the employees of the small claims division of the court may be eligible to participate in the public employees' retirement fund as provided in IC 5-10.3, but a small claims judge is not eligible to participate as a member in the judges' retirement fund under IC 33-38.**

(d) **A vacation of one (1) month per year shall be provided for a full-time small claims judge. The executive committee may authorize the appointment of a small claims judge pro tempore to handle the judicial business of the vacationing small claims judge if the executive committee considers it necessary.**

SECTION 87. IC 33-33-49-13.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.3. **A small claims judge shall:**

(1) furnish a bond in a sum required by the circuit court judge to provide for the:

(A) faithful discharge of the duties of the office; and

(B) payment or delivery to the proper persons of

whatever money or other property may come into the small claims judge's hands when acting as small claims judge; and

(2) file the bond with the county recorder.

The bond must also extend to cover a person that is appointed to act as a small claims judge under section 13.4 of this chapter.

SECTION 88. IC 33-33-49-13.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.4. (a) If a small claims judge is unable to preside over the small claims judge's division of the small claims court during any number of days, the small claims judge may appoint in writing a person qualified to be a small claims judge under section 6(c) of this chapter to preside in place of the small claims judge.**

(b) The written appointment shall be entered on the order book or record of the superior court. The appointee shall, after taking the oath prescribed for the small claims judges, conduct the business of the division subject to the same rules and regulations as small claims judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the county auditor as accruable to the small claims judge in whose place the appointee is serving.

SECTION 89. IC 33-33-49-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A small claims judge absent from the bench for more than thirty (30) days shall deposit the dockets, books, and papers of the office with:**

- (1) the small claims judge of another township division; or**
- (2) the executive committee of the court;**

as directed by the presiding judge.

(b) A:

- (1) small claims judge with whom the docket of another small claims judge is deposited during a vacancy or an absence; and**

(2) successor of any small claims judge who has the dockets of the successor's predecessor in the successor's possession; may perform all duties that the small claims judge might do legally in relation to the small claims judge's own dockets.

(c) Process shall be returned to the small claims judge or judge who has the legal custody of the docket at the day of return.

SECTION 90. IC 33-33-49-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate three (3) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Any or all of the members elected to the executive committee may be reelected. Of the three (3) judges elected to the executive committee, not more than two (2) may be members of the same political party.**

(b) One (1) of the three (3) judges elected to the executive committee shall be elected as presiding judge and two (2) of the three (3) judges elected to the executive committee shall be elected as associate presiding judges. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The

executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.**
- (2) Criminal.**
- (3) Probate.**
- (4) Juvenile.**
- (5) Small claims.**

(d) The work of each division shall be allocated by the rules of the court, except to the extent that the work of the small claims division is otherwise provided by law. The judges shall extend aid and assistance to the small claims judges in the conduct of the small claims division of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

(f) The executive committee of the court, assisted by the small claims judges, shall make and adopt uniform rules for conducting the business of the small claims division of the court:

- (1) according to a simplified procedure; and**
- (2) in the spirit of sections 20.1 and 20.3 of this chapter.**

(g) The executive committee of the court, assisted by the small claims judges, may establish a regular hourly schedule for the performance of duties by full-time and part-time small claims judges. A small claims judge shall maintain the schedule. If the executive committee of the court does not establish a regular hourly schedule, the small claims judge shall perform the small claims judge's duties at regular, reasonable hours. Regardless of whether a regular hourly schedule has been established under this subsection, a small claims judge shall hold sessions in addition to the small claims judge's regular schedule when the business of the small claims judge's court requires.

SECTION 91. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.1. The small claims division of the court is composed of township divisions. The name of each township division shall be the "_____ Township of Marion County Small Claims Division".**

SECTION 92. IC 33-33-49-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.2. (a) The voters of each township having a small claims division of the court shall elect a small claims constable at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:**

- (1) name of the candidate; and**
- (2) division of the court for which the candidate is to serve.**

(b) Each township small claims division of the court shall have a constable who:

- (1) acts as the bailiff;**
- (2) serves the division's personal service of process;**
- (3) has police powers to:**
 - (A) make arrests;**
 - (B) keep the peace; and**
 - (C) carry out the orders of the court;**
- (4) meets the qualifications prescribed by IC 3-8-1-31;**
- (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff;**
- (6) is responsible for:**
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and**
 - (B) all the official acts of the deputies;**
- (7) is compensated solely from the service of process fees collected under IC 33-37-4-6.5; and**
- (8) may require a deputy to give a bond for the proper**

discharge of the deputy's duties for an amount fixed by the constable.

(c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:

- (1) perform all the official duties required to be performed by the constable;
- (2) possess the same statutory and common law powers and authority as the constable;
- (3) must take the same oath required of the constable;
- (4) are compensated solely from the service of process fees collected under IC 33-37-4-6.5; and
- (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause.

(d) If there is an:

- (1) emergency; or
- (2) inability of a constable to carry out the constable's duties;

the small claims judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

SECTION 93. IC 33-33-49-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. **Personnel of the small claims division of the court shall be appointed under rules of the court.** In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

SECTION 94. IC 33-33-49-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) **Except as provided in subsection (b),** the court shall hold sessions in:

- (1) the city-county building in Indianapolis; and
- (2) other places in Marion County as the court determines.

(b) The city-county council shall:

- (1) provide and maintain in the building and at other places in Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; ~~and~~
- (2) provide all necessary furniture and equipment for rooms and offices of the court;
- (3) **determine whether each of the township divisions of the small claims division of the court shall be a full-time or part-time division;**
- (4) **determine where each of the township divisions of the small claims division of the court shall hold sessions; and**
- (5) **in making the determination required by subdivision (4), consider any recommendations of the transitional advisory board established in IC 36-6-1.1.**

SECTION 95. IC 33-33-49-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. The court shall maintain a single order book for each division or room of the court that may be signed on behalf of the court by the judge **or small claims judge** of that division or room of the court. The signature of the judge **or small claims judge** authenticates the actions of the court.

SECTION 96. IC 33-33-49-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. **Except as otherwise provided in this chapter concerning the small claims division of the court,** all laws of Indiana and rules adopted by the supreme court governing the circuit court in matters of pleadings, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.

SECTION 97. IC 33-33-49-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.1. **A simplified procedure applies to and governs the small claims division of the court. The simplified procedure shall be established by rule to enable any person, including the state, to:**

- (1) file the necessary papers; and
- (2) present the person's case in court;

either to seek or to defend against a small claim without consulting or being represented by an attorney.

SECTION 98. IC 33-33-49-20.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.2. (a) **Upon the filing of a complaint in the small claims division of the court, service of original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same last known place of residence.**

(b) **If service cannot be made in this manner, service of process shall be made in an alternate manner as provided by the Indiana Rules of Civil Procedure.**

(c) **Subsequent service of process, other than that originally served upon filing of the complaint, may be made by registered or certified mail or another manner authorized by the Indiana Rules of Civil Procedure.**

SECTION 99. IC 33-33-49-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.3. (a) **A trial in the small claims division of the court:**

- (1) **must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law; and**
- (2) **may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except the provisions relating to privileged communications and offers of compromise.**

(b) **There may not be a trial by jury in the small claims division of the court.**

(c) **A filing of a civil claim in the small claims division of the court constitutes a waiver of trial by jury by the plaintiff.**

(d) **A defendant in a small claims case waives the right to trial by jury unless the defendant requests a jury trial at least three (3) calendar days before the trial date that appears on the complaint. Upon the filing of a jury trial request, the small claims division of the court shall transfer the claim out of the small claims division to the general jurisdiction of the court. The defendant shall pay all costs necessary for filing the claim in the general jurisdiction of the court as if the cause had been filed initially in the general jurisdiction of the court.**

(e) **A notice of claim filed in the small claims division of the court must include a statement that reflects the provisions of subsection (d).**

SECTION 100. IC 33-33-49-20.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.4. (a) **Except for a claim between landlord and tenant, a case within the jurisdiction of a township small claims division may be:**

- (1) **venued;**
- (2) **commenced; and**
- (3) **decided;**

in any township small claims division within the county. However, upon a motion for change of venue filed by the defendant within ten (10) days of service of the summons, the township small claims division in which the motion was filed shall determine in accordance with subsection (b) whether required venue lies with it or with another township small claims division in the county in which the small claims action was filed.

(b) The venue determination to be made under subsection (a) must be made in the following order:

(1) In an action upon a debt or an account, venue is in the township where any defendant has consented to venue in a writing signed by the defendant.

(2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.

(3) Venue is in the township (in a county of the small claims division) where the greater percentage of individual defendants included in the complaint resides or, if there is not a greater percentage, the place where any individual named as a defendant:

(A) resides;

(B) owns real estate; or

(C) rents an apartment or real estate or where the principal office or place of business of any defendant is located.

(4) Venue is in the township where the claim was filed if there is no other township in the county in which the small claims division sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in the township where the real estate is located.

(d) If a written motion challenging venue is received by the township small claims division, the township small claims division shall rule whether required venue lies in the township of filing.

SECTION 101. IC 33-33-49-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.5. (a) If the small claims judgment or order is against the defendant, the defendant shall pay the judgment at any time and upon terms and conditions as the small claims judge orders.

(b) If the small claims judge orders that the judgment be paid in specified installments, the small claims judge may stay the issuance of execution and other supplementary process during the period of compliance with the order.

(c) A stay ordered under subsection (b) may be modified or vacated by the small claims division of the court.

(d) All small claims judgments rendered in civil actions may be recorded in the judgment docket book of the proper township small claims division of the court.

(e) A judgment entered by a small claims judge is a lien on real estate when entered in the circuit court judgment docket in the same manner as a judgment in a court of general jurisdiction becomes a lien on real estate under IC 34-55-9.

(f) The judgments of the small claims division of the court shall be entered and properly indexed in the name of the judgment defendant as judgments of the general jurisdiction of the court are entered and indexed.

SECTION 102. IC 33-33-49-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) A party may appeal an order or a judgment of the court in any case where an appeal may be had from a similar order or judgment of the circuit court.

(b) All appeals from judgments of the small claims division of the court shall be taken to the general jurisdiction of the court and tried de novo. The rules of procedure for appeals must be in accordance with the rules established by the court. The appellant shall pay all costs necessary for the filing of the case in the general jurisdiction of the court as if the appeal were a case that had been filed initially in the general jurisdiction of the court.

SECTION 103. IC 33-33-49-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) The judge of the Marion circuit court may, with the consent of the court acting through the superior court presiding judge under rules adopted by the court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in that action, cause, or proceeding

without further transcript to be redocketed and disposed of as if originally filed with the court.

(b) The superior court presiding judge may not consent to a transfer to the small claims division of the court unless:

(1) the small claims division of the court has jurisdiction of the cause concurrent with the circuit court; and

(2) the small claims judge consents to the transfer.

SECTION 104. IC 33-33-49-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25.1. (a) A judge of the court may order a cause filed in the general jurisdiction of the court to be transferred to the small claims division of the court if:

(1) the small claims division of the court has jurisdiction of the cause concurrent with the general jurisdiction of the court; and

(2) the small claims judge consents to the transfer.

(b) The presiding judge may transfer cases from one (1) township small claims division of the court to another as necessary.

SECTION 105. IC 33-33-49-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. The judge of the Marion circuit court may sit as a judge or small claims judge of the court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the same manner as a judge of the court with all the rights and powers of an elected judge or small claims judge of the court.

SECTION 106. IC 33-33-49-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26.1. (a) A judge of the court may sit as a special small claims judge in the small claims division of the court.

(b) Except for mileage and travel expenses, a judge serving as a special small claims judge under this section may not receive compensation in addition to the salary provided under this article.

(c) A small claims judge may sit in place of another small claims judge and perform the other small claims judge's duties:

(1) at the direction of or with the approval of the presiding judge; and

(2) with the consent of the respective judges.

SECTION 107. IC 33-33-49-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. Each judge and small claims judge, before entering upon the duties of office, shall take and subscribe the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Indiana and that I will faithfully discharge the duties of (judge or small claims judge) of the superior court of Marion County to the best of my ability."

The oath shall be filed with the clerk of the county.

SECTION 108. IC 33-33-49-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. (a) A judge remains qualified to hold office as long as the judge:

(1) remains fair and impartial in judicial functions;

(2) maintains a high standard of morality in dealings, public and private;

(3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and

(4) continues to reside in Marion County.

(b) A small claims judge remains qualified to hold office as long as the small claims judge meets the requirements of subsection (a) and:

(1) continues to reside in the township from which the small claims judge was elected; or

(2) was elected as a small claims judge in the township before January 1, 1999.

(b)(c) Complaints against a judge or small claims judge must be forwarded to the commission on judicial qualifications as provided in IC 33-38-13 by any judge or small claims judge of the superior court.

(c)(d) A judge of the court must retire upon becoming seventy-five (75) years of age. If the judge wishes to retire before the judge's term has ended or upon reaching the mandatory retirement age, the judge

shall provide written notice to the presiding judge of the court. The judge shall continue to hold office until a successor has been appointed and qualified.

~~(d)~~ (e) When a vacancy occurs in the court among the:

(1) **judges of the court** by death, removal, retirement, or for any other reason, the governor shall appoint a successor judge who:

(A) serves the balance of the term of the vacating judge; ~~The successor judge must be and~~

(B) is a member of the same political party as the judge who is to be succeeded; **and**

(2) **small claims judges of the court by death, removal, retirement, or any other reason, the vacancy shall be filled under IC 3-13-10.**

SECTION 109. IC 33-33-49-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 34. (a) The clerk of the superior court shall furnish the following:

(1) All blanks, forms, and papers required for use in all criminal cases and in all civil actions involving actions by a city or town for violations of municipal penal ordinances.

(2) All books, papers, stationery, furniture, and other equipment and supplies necessary for keeping the records of the proceedings in all rooms **and divisions** of the superior court and for the transaction of all business of the court.

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The presiding judge of the court, by an order entered on the court records signed by the presiding judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by the court and by the officers of the court and the prosecutors.

In the absence of an order under this subsection, those charged with the duty of prosecuting cases involving either criminal offenses or the violation of municipal ordinances may adopt, change, order, and use all necessary forms and instruments as conform substantially to the practice and procedure applicable.

SECTION 110. IC 33-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) **Except as provided in subsection (b),** court costs fees under this chapter include service of process by certified mail, unless service by the sheriff is requested by the person who institutes the action.

(b) **Court costs fees under this chapter do not include service of process fees collected under IC 33-37-4-6.5.**

SECTION 111. IC 33-37-4-4, AS AMENDED BY P.L.176-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

~~(5) Proceedings in small claims court under IC 33-34.~~

~~(6)~~ (5) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).

(5) A public defense administration fee (IC 33-37-5-21.2).

(6) A judicial insurance adjustment fee (IC 33-37-5-25).

(7) A judicial salaries fee (IC 33-37-5-26).

(8) A court administration fee (IC 33-37-5-27).

(9) A service fee (IC 33-37-5-28).

SECTION 112. IC 33-37-4-6, AS AMENDED BY P.L.176-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) **Except as provided in section 6.5 of this chapter,** for each small claims action, the clerk shall collect the following fees:

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars (\$35); and

(B) a small claims service fee of ten dollars (\$10) for each named defendant.

(2) From any party adding a defendant, a small claims service fee of ten dollars (\$10) for each defendant added in the action. However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

(4) A public defense administration fee (IC 33-37-5-21.2).

(5) A judicial insurance adjustment fee (IC 33-37-5-25).

(6) A judicial salaries fee (IC 33-37-5-26).

(7) A court administration fee (IC 33-37-5-27).

SECTION 113. IC 33-37-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.5. (a) **For each small claims action filed under the jurisdiction of IC 33-37-4-6(b), the clerk shall collect from the party filing the action the following fees:**

(1) **A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.**

(2) **The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.**

(3) **The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.**

(4) **Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.**

(5) **A redocketing fee, if any, of five dollars (\$5).**

(6) **A document storage fee under IC 33-37-5-20.**

(7) **An automated record keeping fee under IC 33-37-5-21.**

(8) **A late fee, if any, under IC 33-37-5-22.**

(9) **A public defense administration fee under IC 33-37-5-21.2.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 114. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) Except as provided in subsection (e), this section applies to an action if all the following apply:

(1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:

(A) committed a crime;

(B) violated a statute defining an infraction;

(C) violated an ordinance of a municipal corporation; or

(D) committed a delinquent act.

(2) The defendant is required to pay:

(A) court costs, including fees;

(B) a fine; or

(C) a civil penalty.

(3) The defendant is not determined by the court imposing the

court costs, fine, or civil penalty to be indigent.

(4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:

(A) The end of the business day on which the court enters the conviction or judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in ~~an~~ a small claims action under ~~IC 33-34~~ IC 33-33-49 shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

(1) is required to pay court fees or costs under ~~IC 33-34-8-1~~; IC 33-37-4-6.5;

(2) is not determined by the court imposing the court costs to be indigent; and

(3) fails to pay the costs in full before the later of the following:

(A) The end of the business day on which the court enters the judgment.

(B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION 115. IC 33-37-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.5. **The clerk of a circuit court in a county having a consolidated city shall forward to the controller of the consolidated city one hundred percent (100%) of the fees collected under the following:**

(1) IC 33-37-4-6.5(a)(1) (township docket fees).

(2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).

(3) IC 33-37-4-6.5(a)(3) (service of process costs).

(4) IC 33-37-4-6.5(a)(4) (witness fees).

(5) IC 33-37-4-6.5(a)(5) (redocketing fees).

The clerk shall forward the fees in accordance with section 12 of this chapter.

SECTION 116. IC 33-37-5-21.2, AS AMENDED BY P.L.176-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 21.2. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding ~~for to enforce a statute defining an~~ infraction. ~~violation.~~

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a public defense administration fee of three dollars (\$3).

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have ~~violated~~ committed an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a public defense administration fee of three dollars (\$3).

SECTION 117. IC 33-37-5-26, AS ADDED BY P.L.176-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding for an infraction violation.

(3) A proceeding for an ordinance violation.

(4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or ~~IC 33-34~~, **in a division established under IC 33-33-49-14(c)(5)** the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have violated an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is sixteen dollars (\$16);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and

ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 118. IC 33-37-5-27, AS ADDED BY P.L.176-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a court administration fee of two dollars (\$2).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a court administration fee of two dollars (\$2).

SECTION 119. IC 33-38-5-6, AS AMENDED BY P.L.159-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
- (2) previous payments made on behalf of that judge in the same calendar year; and
- (3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

(e) This section does not apply to a small claims judge (as defined in IC 33-33-49-5.2).

SECTION 120. IC 33-38-5-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. **(a) This section applies to a small claims judge (as defined in IC 33-33-49-5.2).**

(b) The salary of a small claims judge who serves full time must be in an amount determined by the auditor of the county and approved by the city-county council.

(c) The salary of each small claims judge who serves part time must be in an amount determined by the auditor of the county and approved by the city-county council.

(d) The salary of a small claims judge may not be reduced during the small claims judge's term of office. At any other time, the salary of any full-time or part-time small claims judge may be increased or decreased by the auditor with the approval of the city-county council.

(e) The annual salary of a small claims judge shall be paid in twelve (12) equal monthly installments by the county.

(f) A small claims judge may not receive remuneration other than a salary set under this section for the performance of the small claims judge's official duties except payments for performing marriage ceremonies.

SECTION 121. IC 33-38-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. **(a)** As used in this chapter, "judge" means a person who serves or has served as a regular judge or justice of one (1) or more of the following courts:

- (1) Supreme court.
- (2) Court of appeals.
- (3) Indiana tax court.
- (4) Circuit court of a judicial circuit.
- (5) Superior court of a county.
- (6) Criminal court of a county having a separate criminal court.
- (7) Probate court of a county having a separate probate court.
- (8) Juvenile court of a county having a separate juvenile court.
- (9) Municipal court of a county.
- (10) County court of a county.

(b) The term does not include a small claims judge (as defined in IC 33-33-49-5.2).

SECTION 122. IC 33-38-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. As used in this chapter, "judge" means an individual who holds or formerly held one (1) of the following offices or appointments:

- (1) Justice of the supreme court.
- (2) Judge of the court of appeals.
- (3) Judge of the tax court.
- (4) Judge of a circuit court.
- (5) Judge of a superior court.
- (6) Judge of a probate court.
- (7) Judge of a municipal court.
- (8) Judge of a county court.
- (9) Judge of a city court.
- (10) Judge of a town court.
- (11) **Small claims judge. of a small claims court.**
- (12) A judge pro tempore, senior judge, temporary judge, or any other individual serving as judge in an action or a proceeding in an Indiana court.
- (13) Bail commissioner.
- (14) Magistrate.
- (15) Master commissioner.
- (16) Probate commissioner.
- (17) Referee.

SECTION 123. IC 33-38-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this chapter, "judge" means a:

- (1) judge of a superior or probate court; and**
- (2) small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 124. IC 33-41-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) This section applies to the small claims ~~court division~~ established under ~~IC 33-34~~. **IC 33-33-49-14(c)(5).**

(b) The person who is designated by a **small claims judge** of the court to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

SECTION 125. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 58. IC 15-3-4-2

(Concerning township trustees, **a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property)."

Page 2, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 129. IC 36-1-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a) "Township", **refers to except as provided in subsection (b), means:**

(1) a civil township, unless the reference is to a congressional township or school township; **or**

(2) **except as provided in IC 36-6-1.1, IC 36-6-4.1, and IC 36-6-6.1, a township district for a county having a consolidated city, unless the reference is to a congressional township or school township or the context requires otherwise.**

(b) **"Township" means only a civil township for purposes of the following:**

(1) **IC 36-7-4.**

(2) **IC 36-9-27."**

Page 20, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 131. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

(1) Countywide equalization.

(2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

(1) fails to make a report that is required by law;

(2) fails to deliver a property tax record to the appropriate officer or board;

(3) fails to deliver an assessment to the county assessor; or

(4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

(1) the county assessor; or

(2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) **In a county having a consolidated city:**

(1) **the county assessor shall perform the functions of an assessing official and other duties of an assessing official prescribed by statute in each township in the county, including assessment duties prescribed by IC 6-1.1; and**

(2) **the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.**

SECTION 132. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) **This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, Except as provided in section 6.3 of this chapter, after December 31, 2006, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):**

(1) **A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.**

(2) **Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1): county having a consolidated city.**

(3) **The territory in which an airport authority established**

for a consolidated city under IC 8-22-3 may provide fire protection services.

(b) **If the requirements of subsection (g) are satisfied, Except as provided in section 6.3 of this chapter, after December 31, 2006, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: for the entire county.**

(c) **If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) are:**

(1) transferred to; or

(2) assumed by;

the consolidated city. ~~on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.~~

(d) **If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of the fire department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) cease employment with the department of the entity departments and territories listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation: after December 31, 2006. The consolidated city shall assume all agreements with labor organizations that:**

(1) **are in effect on the effective date of the consolidation; on December 31, 2006, and that expire on or after January 1, 2007; and**

(2) **apply to employees of the department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) who become employees of the consolidated fire department.**

(e) **If the requirements of Except as provided in subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city, (h), the consolidated city shall assume, defease, pay, or refund all the indebtedness related to fire protection services incurred before the effective date of the consolidation January 1, 2007, by:**

(1) **the entity departments and territories listed in subsection (a); or**

(2) **a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district: a department or territory listed in subsection (a).**

(f) **If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated After December 31, 2006, the merit board and the merit system of the each fire department that is consolidated are listed in subsection (a) are dissolved, on the effective date of the consolidation, and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department. on the effective date of the consolidation:**

(g) **A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall**

be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city, the legislative body of the consolidated city may adopt an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) The following apply if the requirements of subsection (g) are satisfied:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (e) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (e) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) bonds or other indebtedness described in subsection (e); or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) To provide for the payment of the expenses for the operation of the consolidated fire department, the consolidated city may levy property taxes on taxable property located within the area served by the consolidated fire department.

(k) The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department:

(1) within; or

(2) that directly benefit;

the territory of the fire special service district. These amounts are in addition to the amounts levied by the fire special service district to fund pension obligations under IC 36-8-7-14.

(3) (l) Notwithstanding any other provision, a firefighter:

(A) (1) who is a member of the 1937 fund before the effective date of a consolidation under this section; January 1, 2007; and

(B) (2) who, after the consolidation of fire departments under subsection (a), becomes an employee of the consolidated fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits

under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township;

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) (m) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the for a township located in a county having a consolidated city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and for the following two (2) years; to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(n) For any township that consolidated its fire department with the fire department of the consolidated city before January 1, 2007:

(1) IC 6-3.5-6-18.5 applies to that consolidation; and

(2) this section applies to that consolidation to the extent that it does not conflict with any consolidation agreement between the township and the consolidated city.

SECTION 133. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.2. (a) If a consolidated fire department is established under section 6-1 of this chapter, After December 31, 2006, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6-1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 134. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. (a) The consolidated fire department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

(1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.

(2) The ordinances described in subdivision (1) must:

(A) specify the effective date of the consolidation; and

(B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b), all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (b); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b).

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (f) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) indebtedness or bonds; or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the consolidated fire department.

(l) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), for property taxes first due and payable in the calendar year following the effective date of the consolidation, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in the prior calendar year for fire protection and related services by the excluded city; and

(2) is reduced for the excluded city by the amount levied in the prior calendar year for fire protection and related services by the excluded city.

(m) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), for property taxes first due and payable in the calendar year following the effective date of the consolidation, the amount levied under IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the excluded city for its cumulative building and equipment fund for firefighting and related services is transferred to the consolidated city's cumulative building and equipment fund for firefighting and related services, and the consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase to the levy for its cumulative building and equipment fund for firefighting and related services.

(n) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), commencing with the calendar year following consolidation and for each year thereafter, the excluded city's monthly distributive share of county option income tax revenues distributed under IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the ordinances adopted under subsection (b), and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 135. IC 36-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The general assembly finds the following:

- (1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.
- (2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.
- (3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.
- (b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Personal property.
- (6) Property taxation.
- (7) Tangible property.
- ~~(8) Township assessor.~~
- (c) As used in this section, "PILOTS" means payments in lieu of taxes.
- (d) As used in this section, "public entity" means any of the following government entities in the county:
 - (1) An airport authority operating under IC 8-22-3.
 - (2) A capital improvement board of managers under IC 36-10-9.
 - (3) A building authority operating under IC 36-9-13.
 - (4) A wastewater treatment facility.
- (e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:
 - (1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;
 - (2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3; or
 - (3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (e). ~~The township assessors~~ **county assessor** shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(h) Notwithstanding any law to the contrary, a public entity is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The public entity may consider these payments to be operating expenses for all purposes.

(i) PILOTS shall be deposited in the consolidated county fund and used for any purpose for which the consolidated county fund may be used.

(j) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(k) PILOTS imposed on a wastewater treatment facility may be paid only from the cash earnings of the facility remaining after provisions have been made to pay for current obligations, including:

- (1) operating and maintenance expenses;
- (2) payment of principal and interest on any bonded

indebtedness;

- (3) depreciation or replacement fund expenses;
- (4) bond and interest sinking fund expenses; and
- (5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

SECTION 136. IC 36-3-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.

~~(7) Township assessor.~~

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

(d) Subject to the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount that is:

- (1) agreed upon by the property owner and the legislative body of the consolidated city;
- (2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and
- (3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). ~~The township assessors~~ **county assessor** shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

SECTION 137. IC 36-3-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

- (1) signed by the presiding officer; and
- (2) if subject to veto, either approved by the executive or passed over ~~his~~ **the executive's** veto by the legislative body, under section 16 of this chapter.

(b) All ordinances and resolutions of a legislative body are subject to veto, except the following:

~~(1) An ordinance or resolution, or part of either, providing for the budget or appropriating money for an office or officer of the county provided for by the Constitution of Indiana or for a judicial office or officer.~~

~~(2) (1) An ordinance or resolution approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review.~~

~~(3) (2) A resolution making an appointment that the legislative~~

body is authorized to make.

~~(4)~~ (3) A resolution selecting officers or employees of the legislative body.

~~(5)~~ (4) A resolution prescribing rules for the internal management of the legislative body.

~~(6)~~ (5) A zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(c) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

(1) it is published under subsection (d); or

(2) there is an urgent necessity requiring its immediate effectiveness, the executive proclaims the urgent necessity, and copies of the ordinance are posted in three (3) public places in the county.

(d) If a legislative body publishes any of its ordinances in book or pamphlet form, no other publication is required. If an ordinance prescribing a penalty or forfeiture for a violation is published under this subsection, it takes effect two (2) weeks after the publication of the book or pamphlet. Publication under this subsection, if authorized by the legislative body, constitutes presumptive evidence:

(1) of the ordinances in the book or pamphlet;

(2) of the date of adoption of the ordinances; and

(3) that the ordinances have been properly signed, attested, recorded, and approved.

(e) Unless a legislative body provides in an ordinance or resolution for a later effective date, the ordinance or resolution takes effect when it is adopted, subject to subsections (c) and (d).

(f) Subsections (a), (c), (d), and (e) do not apply to zoning ordinances or amendments to zoning ordinances, or resolutions approving comprehensive plans, that are adopted under IC 36-7.

SECTION 138. IC 36-3-6-4, AS AMENDED BY P.L.227-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

(1) The director of each department of the consolidated city.

(2) Each ~~township assessor~~, elected county officer or head of a county agency.

(3) The county clerk, for each court ~~of which he is the clerk serves~~.

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate the officer prepares stating that in the officer's opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers and county officers shall be submitted to the controller.

(g) The controller shall also prepare an itemized estimate of city and county expenditures for other purposes above the money proposed to be used by the city departments and county officers and agencies.

SECTION 139. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.1. Notwithstanding IC 36-8-7, the city-county legislative body shall adopt an ordinance under section 7 of this chapter to levy a tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay the amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14.

SECTION 140. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before January 1, 2007, in the name of:

(1) a township;

(2) an airport authority;

(3) a fire protection territory; or

(4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation described in IC 36-3-1-6.3(b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and IC 36-3-1-6.3(h).

SECTION 141. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.1. Marion County Township Transitional Provisions

Sec. 1. This chapter applies only to townships in a county having a consolidated city.

Sec. 2. (a) After December 31, 2007, all powers and duties of a township trustee elected at the 2006 general election shall be terminated, except for the trustee's powers and duties regarding township assistance. The trustee shall comply with IC 36-6-4 for the limited purpose of performing the trustee's duties with regard to township assistance.

(b) After December 31, 2007, all powers and duties of a township legislative body elected at the 2004 general election shall be terminated, except for the township legislative body's powers and duties regarding township assistance. The township legislative body shall comply with IC 36-6-6 for the limited purpose of performing the township legislative body's duties with regard to township assistance.

(c) After December 31, 2008:

(1) township trustees are governed by IC 36-6-4.1; and

(2) township boards are governed by IC 36-6-6.1.]

(d) Beginning with the general election held in 2008:

(1) new township trustees for the township districts shall be elected under IC 36-6-4.1; and

(2) new township boards for the township districts shall be elected under IC 36-6-6.1.

(e) On January 1, 2009:

(1) the township boards existing at the time the new township boards are elected under IC 36-6-6.1 are dissolved; and

(2) the township boards elected under IC 36-6-6.1 replace the township boards that are dissolved under subdivision (1).

Sec. 3. (a) A transitional advisory board shall be formed not later than July 1, 2006, to prepare a report and recommendations to the township trustees and township boards regarding the reorganization of townships, including the following:

(1) The transfer of residual township functions to appropriate departments or officers of the consolidated city or county.

(2) The provision of township assistance under IC 12-20 and IC 12-30-4.

(3) The transfer of township assessment functions from the township assessors to the county assessor.

(4) The location of township divisions of the small claims division of the superior court of the county.

(b) The transitional advisory board consists of the following twenty-one (21) members:

(1) The nine (9) township trustees in the county holding office on the date the transitional advisory board is formed.

(2) Four (4) individuals appointed by the city executive. One

(1) individual appointed under this subdivision must be an

assessing professional.

(3) Four (4) individuals appointed by the city-county legislative body.

(4) Four (4) individuals appointed by the board of commissioners of the county.

(c) Members of the transitional advisory board appointed under subsection (b)(2), (b)(3), and (b)(4) are not entitled to receive any salary for their service. Members of the board designated under subsection (b)(1) are not entitled to any additional salary for their service on the board but are entitled to their regular salaries as township trustees under IC 36-6-8 until the end of their current terms. The board may use the staff and budget of the existing trustees to carry out the board's work. Two (2) cochairpersons, each of a different political party, shall be elected by the members of the board.

(d) The transitional advisory board expires not later than February 28, 2008.

Sec. 4. All assets, property rights, equipment, records, personnel, and contracts and all else connected with the provision of township assistance under IC 12-20 and IC 12-30-4 by a township shall be transferred to the applicable township district on January 1, 2009. All other assets, property rights, equipment, records, personnel (except as otherwise provided by statute), and contracts and all else connected with the township shall be transferred to the consolidated city on January 1, 2009. Any indebtedness not connected with the provision of township assistance that was incurred by a township before the effective date of consolidation under this section shall be assumed or defeated by the consolidated city, notwithstanding any other provision of law requiring completion of certain procedures and approvals for the incurrence of indebtedness. However, the indebtedness (or any part of the indebtedness) may not be assumed by the consolidated city if the assumption would cause the consolidated city to exceed any limitation on the amount of indebtedness that may be incurred by the consolidated city.

Sec. 5. Beginning January 1, 2009, notwithstanding any other law to the contrary, for a township located in a county having a consolidated city, the township's distributive share of any state or local taxes or revenues (other than county option income taxes distributed under IC 6-3.5-6-18.5 and property taxes) shall be reduced to zero (0) and shall be transferred to the consolidated city.

SECTION 142. IC 36-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter applies to all townships except a township in a county having a consolidated city.

SECTION 143. IC 36-6-4-2, AS AMENDED BY P.L.88-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in subsection (d), a township trustee shall be elected under IC 3-10-2-13 by the voters of each township. The trustee is the township executive.

(b) The township trustee must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The trustee forfeits office if the trustee ceases to be a resident of the township.

(c) Except as provided in subsection (d), the term of office of a township trustee is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(d) This subsection applies to a township in a county having a consolidated city. At the 2006 general election, a township trustee shall be elected under IC 3-10-2-13 by the voters of each township. The term of office of a township trustee elected at the 2006 general election is two (2) years, beginning January 1 after election.

SECTION 144. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer ~~poor relief~~ township assistance under IC 12-20 and IC 12-30-4.

(8) Perform the duties of fence viewer under IC 32-26.

(9) Act as township assessor when required by IC 36-6-5.

(10) Provide and maintain cemeteries under IC 23-14.

(11) Provide fire protection under IC 36-8 *except in a township that:*

(A) *is located in a county having a consolidated city; and*

(B) *consolidated the township's fire department under IC 36-3-1-6.1.*

(12) File an annual personnel report under IC 5-11-13.

(13) Provide and maintain township parks and community centers under IC 36-10.

(14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(15) Provide insulin to the poor under IC 12-20-16.

(16) Perform other duties prescribed by statute.

SECTION 145. IC 36-6-4.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]:

Chapter 4.1. Township Executives in Marion County

Sec. 1. Subject to IC 36-6-1.1, this chapter applies only to a county having a consolidated city.

Sec. 2. As used in this chapter, "central township district" means the geographic area that is coterminous with the territory of the board of school commissioners under IC 20-25-3-1 and IC 20-25-3-2.

Sec. 3. As used in this chapter, "consolidated township district" means the territory of a county having a consolidated city, excluding the central township district.

Sec. 4. As used in this chapter, "executive" refers to the township trustee of a township district elected under section 7 of this chapter.

Sec. 5. As used in this chapter, "township district" means the:

- (1) central township district; and
- (2) consolidated township district.

Sec. 6. As used in this chapter, "township district legislative body" refers to a township board created under IC 36-6-6.1.

Sec. 7. (a) Beginning with the general election held in 2008, a township trustee shall be elected under IC 3-10-2-13 by the voters of each township district. The township trustee elected for each township district is the executive for each township in the township district.

(b) The executive must reside within the township district as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The executive forfeits office if the executive ceases to be a resident of the township district.

(c) The term of office of the executive is four (4) years, beginning January 1 after the executive's election and continuing until a successor is elected and qualified.

Sec. 8. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all property interests in the township district.
- (3) Keep records of the township district open for public inspection.
- (4) Attend all meetings of the township district legislative body.
- (5) Receive and pay out funds of the township district.
- (6) Examine and settle all accounts and demands chargeable against the township district.
- (7) Provide the assistance required under IC 12-20 and IC 12-30-4.
- (8) File an annual personnel report under IC 5-11-13.

Sec. 9. The executive may do the following:

- (1) Administer oaths when necessary in the discharge of official duties.
- (2) Appoint an attorney to represent the township district in any proceeding in which the township district is interested.
- (3) Enter into certain oil and gas leases of township district

property under IC 36-9.

(4) Personally use a township district vehicle for the performance of official duties, but only if the use is authorized by the township district legislative body.

(5) Exercise other powers granted by statute.

Sec. 10. The executive shall maintain:

(1) a general account showing the total of all township district receipts and expenditures; and

(2) the financial and appropriation record of the township district, which must include an itemized and accurate account of the township district's financial affairs.

Sec. 11. (a) For each sum of money received by the executive, the financial and appropriation record must show:

(1) the date the sum of money was received;

(2) from whom the sum of money was received; and

(3) to what account the sum of money was credited.

(b) For each sum of money paid by the executive, the financial and appropriation record must show:

(1) the date the sum of money was paid;

(2) to whom the sum of money was paid;

(3) from what account the sum of money was paid; and

(4) why the sum of money was paid.

(c) The state board of accounts shall prescribe the form of the financial and appropriation record.

Sec. 12. (a) Each purchase for a township district by the executive must be made on written order of the executive, certifying that sufficient funds have been appropriated to pay the full price of the purchase. The executive shall issue a warrant and pay for the purchase not later than time of receipt of the county treasurer's first semiannual distribution following the purchase.

(b) An executive who violates this section commits a Class C infraction and is liable on the executive's official bond for the value of the purchase.

Sec. 13. (a) The executive may use the township district's share of state, county, and township district tax revenues and federal revenue sharing funds for all categories of community service, if these funds are appropriated for these services by the township district legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township district legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

Sec. 14. On the first Monday of each August the executive shall post, in a conspicuous place near the executive's office, a verified statement showing the indebtedness of the township district in detail and giving the number and total amount of outstanding orders, warrants, and accounts.

Sec. 15. (a) At the township district legislative body's annual meeting under IC 36-6-6.1-12, the executive shall:

(1) present an itemized written statement of the estimated expenditures for which appropriations are requested, specifying the:

(A) number of teachers employed;

(B) salary of each teacher employed;

(C) property of the township district (and supplies on hand);

(D) estimated value of the property of the township district (and supplies on hand);

(E) supplies necessary for each school; and

(F) need for township assistance in the township district; and

(2) submit to questions from the township district legislative body or taxpayers concerning expenditures of the township district.

(b) The written statement required under subsection (a)(1) must comply with forms prescribed by the state board of accounts and show the amount of each item to be charged against funds of the township district.

Sec. 16. (a) At the annual meeting of the township district legislative body under IC 36-6-6.1-10, the executive shall present a complete report of all receipts and expenditures of the preceding calendar year, including the balance to the credit of each fund controlled by the executive. If the executive controls

any money that is not included in a particular fund, the executive shall state all the facts concerning that money in the report.

(b) Each item of expenditure in the report presented under subsection (a) must be accompanied by the verified voucher of the person to whom the sum was paid, stating:

(1) why the payment was made;

(2) that the receipt is for the exact sum received;

(3) that no part of the sum has been retained by the executive; and

(4) that no part of the sum has been or is to be returned to the executive or any other person.

The executive may administer oaths to persons giving these receipts.

(c) The executive shall swear or affirm that:

(1) the report presented under subsection (a) shows all sums received by the executive;

(2) the expenditures credited have been fully paid in the sums stated, without express or implied agreement that any part of the sums is to be retained by or returned to the executive or any other person; and

(3) the executive has received no money or other property in consideration of any contract entered into or expenditure made on behalf of the township district.

(d) Within ten (10) days after the township district legislative body's action under IC 36-6-6.1-10, the executive shall file a copy of the report presented under subsection (a) and the report's accompanying vouchers, as adopted by the township district legislative body, in the office of the controller of the consolidated city. The township district legislative body may, for the benefit of the township, bring a civil action against the executive if the executive fails to file the report within ten (10) days after the township district legislative body's action. The township district legislative body may recover five dollars (\$5) for each day after the time limit for filing the report, until the report is filed.

Sec. 17. (a) When the executive prepares the annual report required by section 16 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

(1) showing the sum of money in each fund of the township district at the beginning of the year;

(2) showing the sum of money received in each fund of the township district during the year;

(3) showing the sum of money paid from each fund of the township district during the year;

(4) showing the sum of money remaining in each fund of the township district at the end of the year;

(5) containing a statement of receipts, showing their source; and

(6) containing a statement of expenditures showing the combined gross payment, according to classification of expense, to each person.

(b) Not later than four (4) weeks after the annual meeting of the township district legislative body under IC 36-6-6.1-10, the executive shall publish the abstract required by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township district have been filed with the controller of the consolidated city, and that the chairperson of the township district legislative body has a copy of the report that is available for inspection by any taxpayer of the township district.

(c) An executive who fails to comply with this section commits a Class C infraction.

Sec. 18. When an executive's term of office expires, the executive shall:

(1) immediately deliver to the new executive custody of all funds and property of the township district, except records necessary in the preparation of the former executive's annual report under section 16 of this chapter;

(2) deliver to the new executive, not later than the second Monday in the next January, the former executive's annual report and any records the former executive has retained; and

(3) attend the annual meeting of the township district

legislative body held under IC 36-6-6.1-10 and submit to inquiries from the township district legislative body concerning the operation of the executive's office during the preceding calendar year.

Sec. 19. (a) If an executive resigns or dies, the executive's personal representative shall immediately deliver to the new executive custody of all funds and property of the township district. The new executive shall then issue a call for a special meeting of the township district legislative body, to be held not more than fifteen (15) days later. At the special meeting the township district legislative body shall:

- (1) examine the records of the township district;
- (2) inquire into the conduct of the executive's office; and
- (3) approve in whole or in part the records, receipts, and expenditures of the township district to the date of the death or resignation of the former executive.

(b) In the new executive's annual report to the township district legislative body required under section 16 of this chapter, the new executive shall distinguish between the new executive's transactions and those of the former executive. The township district legislative body may, at its annual meeting under IC 36-6-6.1-10, review items in the report that were considered at the special meeting.

Sec. 20. An executive is entitled to receive the following:

- (1) The executive's salary.
- (2) Reimbursement for expenses that are reasonably incurred by the executive for the following:
 - (A) The operation of the executive's office.
 - (B) Travel and meals while attending seminars or conferences on township district matters.
 - (C) A sum for mileage as permitted under IC 36-6-8-3(b).

The executive may not make any other personal use of funds of the township district without prior approval by the township district legislative body.

Sec. 21. (a) Not later than thirty (30) days after taking office, the executive shall designate a person who shall perform the executive's duties whenever the executive is incapable of performing the executive's functions because the executive:

- (1) is absent from the township district; or
- (2) becomes incapacitated.

The executive shall give notice of the designation to the chairperson of the township district legislative body, the county sheriff, the city controller, and any other persons that the executive chooses. The designee has all the powers of the executive. The executive is responsible for all acts of the designee. The executive may change the designee under this section at any time.

(b) The designee shall perform the executive's duties until the executive is no longer absent from the township district or incapacitated.

Sec. 22. The executive may pay township district funds for the purpose of supporting a drug awareness program that is implemented in schools.

SECTION 146. IC 36-6-5-1, AS AMENDED BY P.L.240-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (e) and section 3 of this chapter,** a township assessor shall be elected under IC 3-10-2-13 by the voters of each township having:

- (1) a population of more than eight thousand (8,000); or
- (2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.

(b) A township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if the legislative body of the township:

- (1) by resolution, declares that the office of township assessor is necessary; and
- (2) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2.

(c) A township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this

section.

(d) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(e) The term of office of a township assessor is the following:

(1) This subdivision applies to a township assessor of a township having a consolidated city. The term of a township assessor who is elected in the 2006 general election is two (2) years beginning January 1 after election.

(2) This subdivision applies to a township assessor of a township not having a consolidated city. The term of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.

SECTION 147. IC 36-6-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section applies to townships **a township, other than a township located in a county having a consolidated city,** that ~~do~~ does not have an elected or appointed and qualified township assessor.

(b) The township executive shall perform all the duties and has all the rights and powers of assessor. If a township qualifies under IC 36-6-5-1 to elect a township assessor, the executive shall continue to serve as assessor until an assessor is appointed or elected and qualified.

(c) The bond filed by the executive in ~~his~~ **the executive's** capacity as executive also covers ~~his~~ **the executive's** duties as assessor.

SECTION 148. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b),** the assessor shall perform the duties prescribed by statute, including:

- (1) assessment duties prescribed by IC 6-1.1; and
- (2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

(b) In a township located in a county having a consolidated city:

- (1) there is no township assessor beginning January 1, 2008;
- (2) beginning January 1, 2007, the duties of the township assessor prescribed by IC 6-1.1 are performed by the county assessor under IC 36-2-15-5;
- (3) beginning January 1, 2007, the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the controller's designee; and
- (4) beginning January 1, 2007, township assessors shall perform the duties prescribed by ordinance of the legislative body of the consolidated city.

SECTION 149. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter applies to all townships **except a township in a county having a consolidated city.**

SECTION 150. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) Except as provided in ~~subsection (b) and~~ section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

~~(b) The township board in a county containing a consolidated city shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township:~~

~~(c) (b)~~ The township board is the township legislative body.

~~(d) (c)~~ The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 151. IC 36-6-6-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.2. ~~(a) This subsection applies to townships in a county containing a consolidated city: The voters of each legislative body district established under section 2-5 of this chapter shall elect one (1) member of the township board:~~

(b) This subsection applies to townships not included in subsection (a). The voters of each township shall elect all the members of the township board.

SECTION 152. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. (a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.

(b) (a) This subsection applies to townships not included in subsection (a) or (c). (b). A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

(c) (b) This subsection applies to a township government that:
 (1) is created by a merger of township governments under IC 36-6-1.5; and
 (2) elects a township board under section 2.1 of this chapter. One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 153. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) Except as provided in subsections subsection (b), and (c); two (2) members of the legislative body constitute a quorum.

(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.

(c) (b) This subsection applies to a township government that:
 (1) is created by a merger of township governments under IC 36-6-1.5; and
 (2) elects a township board under section 2.1 of this chapter. A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 154. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]:

Chapter 6.1. Township Legislative Bodies in Marion County

Sec. 1. Subject to IC 36-6-1.1, this chapter applies only in a county having a consolidated city.

Sec. 2. The definitions in IC 36-6-4.1 apply to this chapter.

Sec. 3. (a) The township board shall serve as the township district legislative body.

(b) The township board for the:

- (1) central township district consists of seven (7) at-large members; and
- (2) consolidated township district consists of nine (9) at-large members.

(c) Beginning with the general election held in 2008, all members of the township boards shall be elected under IC 3-10-2-13 by the voters of each township district.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

Sec. 4. A member of the legislative body must reside within the township district. If a member of the legislative body ceases to be a resident of the township district from which the member was elected, the office becomes vacant.

Sec. 5. (a) Four (4) members of the legislative body for the central township district constitute a quorum.

(b) Five (5) members of the legislative body for the consolidated township district constitute a quorum.

Sec. 6. The legislative body may adjourn a meeting from day to day until the business of the legislative body is completed.

Sec. 7. A taxpayer of the township district may appear at any meeting of the legislative body and be heard as to:

- (1) an estimate of expenditures;
- (2) a proposed levy of taxes;
- (3) the approval of the executive's annual report; or
- (4) any other matter being considered by the legislative body.

Sec. 8. (a) The legislative body shall meet at the office of the executive on the first Tuesday after the first Monday in January of each year. At this meeting the legislative body shall elect one (1) member as chairperson and one (1) member as secretary for that year.

(b) If a newly elected legislative body holds a special meeting before the first Tuesday after the first Monday in the January following its election, the legislative body shall elect a chairperson and a secretary before conducting any other business. The chairperson and secretary elected at the special meeting retain those positions until the first Tuesday after the first Monday in January of the year following the special meeting.

Sec. 9. The legislative body shall keep a permanent record of its proceedings in a book furnished by the executive. The secretary of the legislative body shall, under the direction of the legislative body, record the minutes of the proceedings of each meeting in full and shall provide copies of the minutes to each member of the legislative body before the next meeting is convened. After the minutes are approved by the legislative body, the secretary of the legislative body shall place the minutes in the permanent record book. The chairperson of the legislative body shall retain the record in the chairperson's custody.

Sec. 10. (a) The legislative body shall meet on or before the third Tuesday after the first Monday in January of each year. At this meeting the legislative body shall consider and approve, in whole or in part, the annual report of the executive presented under IC 36-6-4.1-15.

(b) The legislative body may send for persons, books, and papers necessary in the examination of the annual report. A member may administer oaths necessary in the examination of the annual report.

(c) Any sum in the control of the executive that remains unexpended and is subject to no liability shall be credited in favor of the fund for which it was appropriated.

(d) Any fund expended, in whole or in part, for a purpose for which it was not appropriated shall be considered unexpended and in the control of the executive, who is liable on the executive's bond for such an expenditure.

(e) When the legislative body completes its examination of the annual report, the legislative body shall take action on the annual report, specifying the parts of the annual report that are altered or disallowed. The annual report remains under the control of the legislative body and in custody of the chairperson of the legislative body, who shall keep it open to inspection by taxpayers of the township district.

Sec. 11. (a) The legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township district.

(b) Subject to subsection (c), the legislative body may reduce the salary of an elected or appointed official. However, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(c) The legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but the legislative body may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(d) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the executive under this section and take effect January 1 of the next year. However, the legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(e) The legislative body may not reduce the salary of the

executive without the consent of the executive during the term of office of the executive as set forth in IC 36-6-4.1-7.

(f) This subsection applies when an executive dies or resigns from office. The person filling the vacancy of the executive shall receive at least the same salary the previous executive received for the remainder of the unexpired term of office of the executive (as set forth in IC 36-6-4.1-7), unless the person consents to a reduction in salary.

Sec. 12. (a) The legislative body shall meet annually in accordance with IC 6-1.1-17 to adopt the annual budget of the district.

(b) The legislative body shall consider the estimates of expenditures made by the executive under IC 36-6-4.1-15 and may approve or reject all or part of any estimate or any item within an estimate. The legislative body may require the executive to further itemize an estimate not sufficiently itemized.

(c) The legislative body may not appropriate for any purpose an amount more than the executive's estimate of the amount required for that purpose.

(d) The legislative body shall include in the budget:

(1) provisions for the payment of existing debt of the township district as it becomes due; and

(2) the salaries fixed under section 11 of this chapter.

(e) In making levies for the general fund of the township district, the legislative body may include an amount not more than the amount necessary to compensate its members for their services during the year for which the levies are made.

(f) After the legislative body has taken action on the executive's estimates, it shall levy taxes for the township district funds on property in the township district and fix rates of taxation sufficient to provide that revenue during the next year.

(g) On the assessment date (as defined by IC 6-1.1-1-2), the rates of taxation adopted under this section become a levy and a lien on all taxable property in the township district, including property in municipalities in the township district. The levy constitutes an appropriation for the specific items in the executive's estimates.

Sec. 13. (a) The legislative body may appropriate money for membership of the township district in county, state, or national associations that:

(1) are of a civic, an educational, or a governmental nature; and

(2) have as a purpose the improvement of township or township district governmental operations.

The township district representatives may participate in the activities of these associations, and the legislative body may appropriate money to defray the expenses of township district representatives in connection with these activities.

(b) Each representative of the township district attending any meeting, conference, seminar, or convention approved by the executive shall be reimbursed for all necessary and legitimate expenses incurred while representing the township district. Expenses shall be paid to each representative in accordance with the reimbursement policy of the township district, which may include an established per diem rate, as recommended by the executive and adopted by the legislative body.

Sec. 14. (a) A special meeting may be held by the legislative body if the executive, the chairperson of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the date, time, place, and purpose of the meeting.

(b) At the special meeting, if a majority of the members give their consent, the legislative body may determine whether there is an emergency requiring the expenditure of money not included in the budget estimates and levy of the township district. Subject to section 15 of this chapter, if the legislative body finds that such an emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency. At the legislative body's next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

Sec. 15. (a) If the legislative body issues a special order under

section 14 of this chapter authorizing the executive to borrow money, not less than ten (10) taxpayers in the township district who disagree with the special order may file a petition in the office of the controller of the consolidated city not more than thirty (30) days after notice of the special order is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the special order is unnecessary or unwise.

(b) The controller of the consolidated city shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a date, time, and place for the hearing of the matter. The hearing must be held not less than five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing must be held in the township district where the petition arose.

(d) Notice of the hearing shall be given by the department of local government finance to the township district and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at each taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

(1) taxpayer who signed a petition filed under subsection (a); or

(2) township district against which a petition under subsection (a) is filed;

may petition for judicial review of the final determination of the department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

Sec. 16. (a) If the legislative body finds that an emergency requires the borrowing of money to meet the current expenses of the township district, the legislative body may take out temporary loans in an amount not more than fifty percent (50%) of the total anticipated revenue for the remainder of the year in which the loans are taken out.

(b) The legislative body must authorize the temporary loans by a resolution:

(1) stating the nature of the consideration for the loans;

(2) stating the date the loans are payable;

(3) stating the place the loans are payable;

(4) stating a rate of interest;

(5) stating the anticipated revenues on which the loans are based and out of which they are payable; and

(6) appropriating a sufficient amount of the anticipated revenues on which the loans are based and out of which they are payable for the payment of the loans.

(c) The loans must be evidenced by time warrants of the township district stating:

(1) the nature of the consideration;

(2) the date payable;

(3) the place payable; and

(4) the anticipated revenues on which they are based and out of which they are payable.

SECTION 155. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to all townships.

(b) Sections 5, 6, 9, 10, and 11 of this chapter do not apply to a township located in a county having a consolidated city.

SECTION 156. IC 36-6-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The county fiscal body shall, in the manner prescribed by IC 36-2-5 or IC 36-2-6, fix and appropriate money to pay the per diem established under section 5 of this chapter and the salaries and per diems of the county's township assessors and any deputies or other employees that assist the elected township assessor.

(b) Each township assessor shall file the budget estimate required by IC 36-2-5-5. ~~or IC 36-3-6-4.~~ The budget estimate filed under this subsection must include all estimated expenses of the office, including costs incurred through litigation for the office.

(c) If the township executive is performing the duties of assessor,

the county fiscal body shall appropriate money for the purposes of subsection (a) and other expenses of acting as assessor, including all costs incurred through litigation for the office. However, it may not provide a salary that is below the amount fixed for that salary for the year 1984.

SECTION 157. IC 36-7-11.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. As used in this chapter, "notice" means written notice:

- (1) served personally upon the person, official, or office entitled to the notice; or
- (2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:
 - (A) The governor, both to the address of the governor's official residence and to the governor's executive office in Indianapolis.
 - (B) The Indiana department of transportation, to the commissioner.
 - (C) The department of natural resources, both to the director of the department and to the director of the department's division of historic preservation and archeology.
 - (D) The department of metropolitan development.
 - (E) An occupant, to:
 - (i) the person by name; or
 - (ii) if the name is unknown, to the "Occupant" at the address of the Meridian Street or bordering property occupied by the person.
 - (F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as the address appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in the offices of the ~~township assessors~~ **county assessor** in Marion County.
 - (G) A neighborhood association or the society, to the organization at the latest address as shown in the records of the commission.

SECTION 158. IC 36-7-11.2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. (a) A person who has filed a petition under section 56 or 57 of this chapter shall, not later than ten (10) days after the filing, serve notice upon all interested parties. The notice must state the following:

- (1) The full name and address of the following:
 - (A) The petitioner.
 - (B) Each attorney acting for and on behalf of the petitioner.
- (2) The street address of the Meridian Street and bordering property for which the petition was filed.
- (3) The name of the owner of the property.
- (4) The full name and address of, and the type of business, if any, conducted by:
 - (A) each person who at the time of the filing is a party to; and
 - (B) each person who is a disclosed or an undisclosed principal for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

- (5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.
- (6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the notice recipient of the true character, nature, extent, and physical properties of the proposed use.
- (7) The date of the filing of the petition.
- (8) The date, time, and place of the next regular meeting of the

commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in the offices of the ~~township assessors~~ **county assessor** as of the date of filing are considered determinative of the persons who are owners.

SECTION 159. IC 36-7-15.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) The commission must establish a program for housing. The program, which may include such elements as the commission considers appropriate, must be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 26 and 35 of this chapter for the accomplishment of the program.

(b) The notice and hearing provisions of sections 10 and 10.5 of this chapter apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 11 of this chapter.

(c) Before formal submission of any housing program to the commission, the department shall consult with persons interested in or affected by the proposed program and provide the affected neighborhood associations, residents, and ~~township assessors~~ **the county assessor** with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program. The department may hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

SECTION 160. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

- (1) is covered by this chapter before ~~a consolidation under IC 36-3-1-6.1, January 1, 2007~~; and
- (2) **after December 31, 2006**, becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after ~~the effective date of the consolidation, December 31, 2006~~, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

SECTION 161. IC 36-8-7-4, AS AMENDED BY P.L.227-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) If a unit has less than five (5) members in its fire department, the unit may provide for the organization of a local board consisting of the fire chief, the executive of the unit, and one (1) member of the fire department.

(b) The trustee from the fire department shall be elected under this section.

(c) The local board may amend the bylaws of the fund to elect the

trustee from the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(d) This subsection applies only if the local board does not elect to be governed by subsection (c). The trustee from the fire department shall be elected at a meeting held on the second Monday in February each year. The meeting shall be called by the fire chief and held at the house or quarters of the fire department.

(e) The term of the elected trustee is one (1) year beginning immediately after the trustee's election.

(f) Each member of the department is entitled to one (1) ballot and the person receiving the highest number of votes is elected. The executive of the unit, the fire chief, and the city or county clerk shall canvass and count the ballots, and the clerk shall issue a certificate of election to the person having received the highest number of votes. If two (2) persons have received the same number of votes, the executive and the chief shall immediately determine by lot who will be the trustee from the persons receiving an equal number of votes.

~~(g) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 162. IC 36-8-7-5, AS AMENDED BY P.L.227-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) An election shall be held each year under this section to elect one (1) trustee from the active members of the fire department for a term of four (4) years, commencing on the day of his election. The fire chief shall fix a time for holding a convention to nominate candidates for trustees to be elected at each election. Each convention must be held at least five (5) days before the day on which the annual election is held. A convention consists of one (1) delegate from each fire company and one (1) delegate to be selected by the chief and the chief's assistants. The delegate from each fire company shall be elected by ballot by the members of the company at a time to be fixed by the chief in the call for a convention. The election of delegates shall be certified by the captain or other officer of the company, or, if there is not an officer present, then by the oldest member of the company present. The convention, when assembled, shall nominate six (6) members of the fire department to be voted upon as trustees, and the delegates shall report the names of the persons nominated as candidates to their respective companies in writing.

(b) The local board may amend the bylaws of the fund to elect the trustee from the active members of the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the respective companies of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(c) This subsection applies only if the local board does not elect to be governed by subsection (b). The election shall be held at the houses or quarters of the respective companies on the second Monday in February between 9 a.m. and 6 p.m.

(d) Each member of a fire company is entitled to one (1) ballot, and the ballot may not contain the names of more than one (1) person, chosen from the six (6) persons nominated by the convention. The candidate receiving the highest number of votes is elected.

(e) The captain or other officer in command of each of the fire companies, immediately after the casting of all ballots, shall canvass and count the ballots. The captain or other officer shall certify in writing the total number of ballots cast and the number of votes received by each candidate for the office of trustee. After signing the certificate, the officer shall enclose it, together with all the ballots cast by the fire company, in an envelope, securely sealed and addressed, and deliver them to the fire chief. The fire chief shall deliver them to the executive of the unit as soon as the chief receives all the certificates and ballots. Upon receipt the executive shall, in the presence of the chief and the clerk of the unit, open the envelopes, examine the certificates, and determine the total number of votes cast for each of the candidates. The executive shall then issue a certificate of election to the candidate having received the highest number of votes. If two (2) or more candidates have received the same number of votes, the executive and the chief shall immediately determine by

lot who will be trustee from the persons receiving an equal number of votes. An election may not be set aside for lack of formality in balloting by the members or in certifying or transmitting the returns of an election by the officers in charge.

~~(f) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 163. IC 36-8-7-6, AS AMENDED BY P.L.227-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) An election shall be held under this section every two (2) years to elect one (1) trustee from the retired members of the fire department for a term of two (2) years, commencing on the day of the trustee's election, if the retired list contains at least three (3) retired members at the time of election. The fire chief shall fix a time for holding a convention to nominate candidates for trustee to be elected at each election. Each convention must be held at least fifteen (15) days before the day on which the biennial election is held. All retired members of the fire department may participate in the convention. The convention, when assembled, shall nominate not more than four (4) members of the retired list to be voted upon as trustee. The secretary of the board shall mail the names of the persons nominated along with an official ballot to the retired members within forty-eight (48) hours of the end of the convention.

(b) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail and the ballot may not contain more than one (1) name, chosen from the list of retired persons nominated by the convention. The candidate receiving the highest number of votes by 6 p.m. on the second Monday in February or an alternative date in February specified in the bylaws of the fund is elected.

(c) The ballots must remain closed and inviolate until the close of the election, at which time, in the presence of the executive of the unit, the fire chief, and the clerk of the unit, the ballots shall be opened and counted. A certificate of election shall be issued to the candidate receiving the highest number of votes. If two (2) or more candidates receive the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes.

~~(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 164. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.5. (a) All ballots voted under this chapter shall be secured until the balloting is closed.

(b) Tampering with a ballot for an election under this chapter is a Class A infraction.

~~(c) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 165. IC 36-8-7-7, AS AMENDED BY P.L.227-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) The fire chief is the president of the local board.

(b) At the first meeting after each election, the local board shall elect a secretary, who may be chosen from among the trustees. However, the local board may consider it proper to have a secretary who is a member of the fire department, to be elected by the companies for a term of four (4) years in the same manner as the election for trustees. The secretary shall keep a full record of all the proceedings of the local board in a book provided for that purpose.

(c) The local board shall make all rules necessary for the discharge of its duties and shall hear and determine all applications for relief or pensions under this chapter.

~~(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 166. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and

before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before ~~the effective date of consolidation~~ **January 1, 2007, and, after December 31, 2006,** becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 or **IC 36-3-1-6.3; provided that however,** the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after ~~the effective date of the consolidation~~ **December 31, 2006,** by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 167. IC 36-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) **For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:**

(A) **before the date the consolidation is effective, the local board described in IC 36-8-7-3; and**

(B) **on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) **If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated**

city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 168. IC 36-8-8-7, AS AMENDED BY P.L.227-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), ~~and (m): and (n):~~

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

(2) whose employer is consolidated into the **consolidated law enforcement department or the** fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police officer or firefighter who:

(1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1, provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) has the provision of those services consolidated into the **consolidated law enforcement department or the** fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and

(3) after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

(+) (A) retired for purposes of section 10 of this chapter; or

(2) (B) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in

subsection (k) or (l).

SECTION 169. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to all townships, ~~However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1; except townships located in a consolidated city.~~

SECTION 170. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. ~~If the fire departments of a township is consolidated under IC 36-3-1-6.1, after the effective date of the consolidation the township may not establish fire protection territory under this chapter.~~ (a) **In a county having a consolidated city, only:**

(1) **a consolidated city; or**

(2) **an excluded city;**

may establish a fire protection territory under this chapter.

(b) A fire protection territory that is established before ~~the effective date of the consolidation in a township in which the township's fire department January 1, 2007, by a unit that is consolidated under IC 36-3-1-6.1 becomes part of the geographic area in which the fire department of a consolidated city provides fire protection services.~~

SECTION 171. IC 36-9-11.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All property of every kind, including air rights, acquired for off-street parking purposes, and all its funds and receipts, are exempt from taxation for all purposes. When any real property is acquired by the consolidated city, the county auditor shall, upon certification of that fact by the board, cancel all taxes then a lien. The certificate of the board must specifically describe the real property, including air rights, and the purpose for which acquired.

(b) A lessee of the city may not be assessed any tax upon any land, air rights, or improvements leased from the city, but the separate leasehold interest has the same status as leases on taxable real property, notwithstanding any other law. Whenever the city sells any such property to anyone for private use, the property becomes liable for all taxes after that, as other property is so liable and is assessed, and the board shall report all such sales to the ~~township county~~ assessor, who shall cause the property to be upon the proper tax records.

SECTION 172. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) **Except as provided in subsection (b), this chapter applies to all townships: a township.**

(b) **This chapter does not apply to a township or township district in a county having a consolidated city.**

SECTION 173. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) **Except as provided in subsection (b), this chapter applies to the townships indicated in each section.**

(b) **This chapter does not apply to a township in a county having a consolidated city. All powers and duties related to parks and recreation of the townships in a county having a consolidated city are transferred to the consolidated city.**

SECTION 174. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) **Except as provided in subsection (b), this chapter applies to all townships: a township.**

(b) **This chapter does not apply to a township in a county having a consolidated city, and all powers and duties related to parks and recreation of the townships in a county having a consolidated city are transferred to the consolidated city.**

SECTION 175. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 3-11-1.5-32.5; IC 33-34; IC 36-6-2.5; IC 36-8-4.3.

SECTION 176. [EFFECTIVE JULY 1, 2006] **The general assembly finds the following:**

(1) **A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous**

national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.

(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) By virtue of its size and population patterns, township assistance needs in a consolidated city are greatest in its urban center and differ from the township assistance needs outside the urban center, and the lesser township assistance services outside the urban center can be more effectively and uniformly delivered through a consolidated district.

(9) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county, city, and township services and operations.

(10) Consolidation of county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

- (A) eliminate duplicative services;
- (B) provide better coordinated and more uniform delivery of local governmental services;
- (C) provide uniform oversight and accountability for the budgets for local governmental services;
- (D) simplify the system of property taxation;
- (E) provide more unified tax rates; and
- (F) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(11) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(12) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 177. [EFFECTIVE JULY 1, 2006] For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a county having a consolidated city is increased by the amount levied in 2006 for assessor and related services by each township in the county.

SECTION 178. [EFFECTIVE JULY 1, 2006] Each township

district shall refer the township district's proposed budget, ad valorem property tax levy, and property tax rate for 2009 to the local government tax control board, which shall review and set the budget, levy, and rate as though the township district is covered by IC 6-1.1-18.5-7. For property taxes first due and payable in 2009, the maximum permissible ad valorem property tax limits and any other limits on ad valorem property taxes set forth in IC 6-1.1-18.5 for:

(1) a central township district shall be based upon the sum of:

(A) the amount levied in 2008 for the general fund; plus
(B) the amount levied in 2008 for township assistance, including reasonable administrative costs, in the central township district in a county having a consolidated city; plus

(C) thirty-five percent (35%) of the amount levied in 2008 for township assistance, including reasonable administrative costs, by each other township located in the county containing a consolidated city; and

(2) a consolidated township district shall be based upon sixty-five percent (65%) of the amount levied in 2008 for township assistance, including reasonable administrative costs, by each township located in a county having a consolidated city, other than the central township district in a county having a consolidated city.

SECTION 179. [EFFECTIVE JULY 1, 2006] (a) Any case pending in a township small claims court established by IC 33-34, as repealed by this act, after the close of business on December 31, 2006, is transferred on January 1, 2007, to the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act. A case transferred under this SECTION shall be treated as if the case were filed in the corresponding township division of the small claims division of the Marion superior court.

(b) On January 1, 2007, all property and obligations of a township small claims court established by IC 33-34, as repealed by this act, become the property and obligations of the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act.

(c) This SECTION expires January 2, 2008.

SECTION 180. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a judge in office in a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2006. The election for the initial small claims judges to be elected to the township divisions of the small claims division of the Marion superior court under IC 33-33-49-13.1, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the judge in office in a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2006, would have terminated under the law in effect on December 31, 2006.

(b) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a constable for a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2006. The election for the initial small claims constables to be elected under IC 33-33-49-14.2, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the constable for a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2006, would have terminated under the law in effect on December 31, 2006.

(c) This SECTION expires January 2, 2011.

SECTION 181. [EFFECTIVE JULY 1, 2006] (a) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in 2006 for fire protection and related services by each:

- (A) township;
- (B) airport authority;
- (C) fire protection territory; or
- (D) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act; and

(2) is reduced for:

- (A) a township;
- (B) an airport authority;
- (C) a fire protection territory; or
- (D) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act, by the amount levied in 2006 for fire protection and related services by each township, airport authority, fire protection territory, or excluded city whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act.

(b) This SECTION expires January 1, 2008.

SECTION 182. [EFFECTIVE JULY 1, 2006] For property taxes first due and payable in 2007, the amount levied in 2006 by each:

- (1) township;
- (2) airport authority;
- (3) fire protection territory; or
- (4) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act, for its cumulative building and equipment fund for fire protection and related services is transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

SECTION 183. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to a township in a county having a consolidated city.

(b) Notwithstanding IC 3-10-2-13, as amended by this act, a township assessor for each township in the county shall be elected at the 2006 general election for a term of two (2) years beginning on January 1 following the election as set forth in IC 36-6-5-1, as amended by this act.

(c) This SECTION expires on January 1, 2009.

SECTION 184. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to a township in a county having a consolidated city.

(b) Notwithstanding IC 3-10-2-13, as amended by this act, a township trustee for each township in the county shall be elected at the 2006 general election for a term of two (2) years beginning on January 1 following the election as set forth in IC 36-6-4-2, as amended by this act.

(c) This SECTION expires January 1, 2009.

SECTION 185. [EFFECTIVE JULY 1, 2006] The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary."

Renumber all SECTIONS consecutively.

(Reference is to HB 1362 as printed January 20, 2006.)

CRAWFORD

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1362 a bill pending before the House. After discussion, Representative Whetstone withdrew the point of order.

The question then was on the motion of Representative Crawford. Upon request of Representatives and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 31: yeas 47, nays 48. Motion failed.

HOUSE MOTION (Amendment 1362-1)

Mr. Speaker: I move that House Bill 1362 be amended to read as follows:

Page 14, line 18, delete "regularly scheduled" and insert "general". (Reference is to HB 1362 as printed January 20, 2006.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 32: yeas 48, nays 49. Motion failed.

HOUSE MOTION (Amendment 1362-2)

Mr. Speaker: I move that House Bill 1362 be amended to read as follows:

Page 11, delete lines 20 through 22.

(Reference is to HB 1362 as printed January 20, 2006.)

VAN HAAFTEN

Motion failed. The bill was ordered engrossed.

House Bill 1392

Representative Ripley called down House Bill 1392 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1392-1)

Mr. Speaker: I move that House Bill 1392 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and

(B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

- (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
- (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
- (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).
- (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.
- (11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.
- (12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.
- (13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.
- (14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.
- (15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.
- (16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.
- (17) Subtract an amount equal to the lesser of:
- (A) for a taxable year:
 - (i) including any part of 2004, the amount determined under subsection (f); and
 - (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
 - (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.
- (18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.
- (19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- (21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property

(as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(23) In the case of an individual who is employed by a taxpayer that claims a credit under IC 6-3.1-31-9, add the amount of the individual's eligible benefits as provided in IC 6-3.1-31-15(a).

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which

bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which

bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 2. IC 6-3.1-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 31. Credit for Offering Health Benefit Plans

Sec. 1. This chapter applies to an employer that:

(1) employs at least ten (10) full-time employees who are located in Indiana; and

(2) does not offer coverage for health care services under a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

Sec. 2. As used in this chapter, "eligible benefits" means, with respect to an employee of a taxpayer that claims a credit under section 9 of this chapter, the total amount of health insurance premiums not included in the employee's federal adjusted gross income (as defined in Section 62 of the Internal Revenue Code) during a taxable year under the health benefit plan offered by the employer.

Sec. 3. As used in this chapter, "eligible taxpayer" means a taxpayer that did not provide health insurance to the taxpayer's employees in the taxable year immediately preceding the first taxable year for which the taxpayer claims a credit under this chapter.

Sec. 4. As used in this chapter, "full-time employee" means an employee who is normally scheduled to work at least thirty (30) hours each week.

Sec. 5. (a) As used in this chapter, "health benefit plan" means coverage for health care services provided under:

(1) an insurance policy that provides one (1) or more of the types of insurance described in Class 1(b) or Class 2(a) of IC 27-1-5-1; or

(2) a contract with a health maintenance organization for

coverage of basic health care services under IC 27-13; that satisfies the requirements of Section 125 of the Internal Revenue Code.

(b) The term does not include the following:

- (1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
- (2) Coverage issued as a supplement to liability insurance.
- (3) Automobile medical payment insurance.
- (4) A specified disease policy issued as an individual policy.
- (5) A limited benefit health insurance policy issued as an individual policy.
- (6) A short term insurance plan that:
 - (A) may not be renewed; and
 - (B) has a duration of not more than six (6) months.
- (7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.
- (8) Worker's compensation or similar insurance.
- (9) A student health insurance policy.

Sec. 6. As used in this chapter, "pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) limited liability company; or
- (4) limited liability partnership.

Sec. 7. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);
- (2) IC 6-5.5 (financial institutions tax); and
- (3) IC 27-1-18-2 (insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that:

- (1) has state tax liability; and
- (2) employs at least ten (10) full-time employees who are located in Indiana.

Sec. 9. (a) An eligible taxpayer that, after December 31, 2006, makes health insurance available to the eligible taxpayer's employees and their dependents through at least one (1) health benefit plan is entitled to a credit against the taxpayer's state tax liability for the first two (2) taxable years in which the taxpayer makes the health benefit plan available if the following requirements are met:

- (1) An employee's participation in the health benefit plan is at the employee's election.
- (2) If an employee chooses to participate in the health benefit plan, the employee may pay the employee's share of the cost of the plan using a wage assignment authorized under IC 22-2-6-2.

(b) The credit allowed under this chapter equals the lesser of:

- (1) two thousand five hundred dollars (\$2,500); or
- (2) fifty dollars (\$50) multiplied by the number of employees enrolled in the health benefit plan during the taxable year.

Sec. 10. (a) An employer may pay or provide reimbursement for all or part of the cost of a health benefit plan made available under section 9 of this chapter.

(b) An employer that pays or provides reimbursement under subsection (a) shall pay or provide reimbursement on an equal basis for all full-time employees who elect to participate in the health benefit plan.

Sec. 11. (a) If the amount determined under section 9 of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. A taxpayer is not entitled to a carryback.

(b) A taxpayer is not entitled to a refund of any unused credit.

Sec. 12. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a

shareholder or partner of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.

Sec. 13. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines is necessary to calculate the credit provided by this chapter and to determine the taxpayer's eligibility for the credit.

Sec. 14. (a) A taxpayer claiming a credit under this chapter shall continue to make health insurance available to the taxpayer's employees through a health benefit plan for at least twenty-four (24) consecutive months beginning on the day after the last day of the taxable year in which the taxpayer first offers the health benefit plan.

(b) If the taxpayer terminates the health benefit plan before the expiration of the period required under subsection (a), the taxpayer shall repay the department the amount of the credit received under section 9 of this chapter.

Sec. 15. (a) An employee of a taxpayer that claims a credit under this chapter shall include in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) the employee's eligible benefits for:

- (1) the first taxable year in which the taxpayer offers the health benefit plan; and
- (2) the taxable year immediately following the first taxable year in which the taxpayer offers the health benefit plan.

An employee's eligible benefits are not included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) for the taxable years following the taxable year described in subdivision (2).

(b) A taxpayer that claims a credit under this chapter shall notify each of the taxpayer's employees of the amount included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) under subsection (a) at the same time the taxpayer provides the employee with the employee's W-2 federal income tax withholding statement for the taxable year."

Page 44, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 28. [EFFECTIVE JANUARY 1, 2007] (a) IC 6-3-1-3.5, as amended by this act, applies only to taxable years beginning after December 31, 2006.

(b) IC 6-3.1-31, as added by this act, applies only to taxable years beginning after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1392 as printed January 20, 2006.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1353

Representative Walorski called down House Bill 1353 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1353-1)

Mr. Speaker: I move that House Bill 1353 be amended to read as follows:

Page 17, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 20. IC 32-36-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This chapter applies to an act or event that occurs within Indiana, regardless of a person's domicile, residence, or citizenship.

(b) This chapter does not affect rights and privileges recognized under any other law that apply to a news reporting or an entertainment

medium.

(c) This chapter does not apply to the following:

(1) **Except as provided in section 21 of this chapter**, the use of a personality's name, voice, signature, photograph, image, likeness, distinctive appearance, gestures, or mannerisms in any of the following:

(A) Literary works, theatrical works, musical compositions, film, radio, or television programs.

(B) Material that has political or newsworthy value.

(C) Original works of fine art.

(D) Promotional material or an advertisement for a news reporting or an entertainment medium that:

(i) uses all or part of a past edition of the medium's own broadcast or publication; and

(ii) does not convey or reasonably suggest that a personality endorses the news reporting or entertainment medium.

(E) An advertisement or commercial announcement for a use described in this subdivision.

(2) The use of a personality's name to truthfully identify the personality as:

(A) the author of a written work; or

(B) a performer of a recorded performance;

under circumstances in which the written work or recorded performance is otherwise rightfully reproduced, exhibited, or broadcast.

(3) The use of a personality's:

(A) name;

(B) voice;

(C) signature;

(D) photograph;

(E) image;

(F) likeness;

(G) distinctive appearance;

(H) gestures; or

(I) mannerisms;

in connection with the broadcast or reporting of an event or a topic of general or public interest.

SECTION 21. IC 32-36-1-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 21. A person's heirs, assigns, or estate may not claim a property interest in the right of publicity of a person if the publicity is related in whole or in part to the person's criminal involvement in a state or federal criminal offense."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1353 as printed January 20, 2006.)

FOLEY

Motion prevailed. The bill was ordered engrossed.

House Bill 1307

Representative Torr called down House Bill 1307 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1307-6)

Mr. Speaker: I move that House Bill 1307 be amended to read as follows:

Page 18, line 35, strike "Every insurance carrier and other entity insuring or".

Page 18, strike lines 36 through 38.

Page 18, line 39, strike "employer's own risk, shall,".

Page 18, line 39, delete "on the date set by the board which".

Page 18, line 40, delete "shall not be less".

Page 18, line 40, strike "than thirty (30) days of the board sending notices under".

Page 18, strike line 41.

Page 18, line 42, strike "of the fund an assessed amount that" and insert "**The total amount of the assessment**".

Page 19, between lines 27 and 28, begin a new paragraph and insert:

"(d) The board shall assess all employers for the liabilities, including administrative expenses, of the second injury fund. The

following applies to assessments under this subsection:

(1) The portion of the total amount that must be collected from self-insured employers equals:

(A) the total amount of the assessment as determined by the board; multiplied by

(B) the quotient of:

(i) the total paid losses on behalf of all self-insured employers during the preceding calendar year; divided by

(ii) the total paid losses on behalf of all self-insured employers and insured employers during the preceding calendar year.

(2) The portion of the total amount that must be collected from insured employers equals:

(A) the total amount of the assessment as determined by the board; multiplied by

(B) the quotient of:

(i) the total paid losses on behalf of all insured employers during the preceding calendar year; divided by

(ii) the total paid losses on behalf of all self-insured employers and insured employers during the preceding calendar year.

(3) The total amount of assessments allocated to insured employers under subdivision (2) must be collected by the insured employers' worker's compensation insurers. The amount of the assessment for each insured employer equals:

(A) the total amount of assessments allocated to insured employers under subdivision (3); multiplied by

(B) the quotient of:

(i) the worker's compensation direct standard premiums paid by the insured employer during the preceding calendar year; divided by

(ii) the worker's compensation direct standard premiums paid by all insured employers during the preceding calendar year.

(5) The amount of the assessment for each self-insured employer equals:

(A) the total amount of assessments allocated to self-insured employers under subdivision (1); multiplied by

(B) the quotient of:

(i) the paid losses attributable to the self-insured employer during the preceding calendar year; divided by

(ii) paid losses attributable to all self-insured employers during the preceding calendar year.

An employer that has ceased to be a self-insurer continues to be liable for assessments based on paid losses made by the employer in the preceding calendar year."

Page 19, line 28, strike "(d)" and insert "(e)".

Page 19, line 38, strike "(e)" and insert "(f)".

Page 20, line 11, strike "(f)" and insert "(g)".

Page 20, line 23, strike "(g)" and insert "(h)".

Page 20, line 32, strike "(h)." and insert "(i)".

Page 20, line 33, strike "(h)" and insert "(i)".

Page 21, line 5, strike "(i)" and insert "(j)".

Page 21, line 13, strike "(j)" and insert "(k)".

(Reference is to HB 1307 as printed January 20, 2006.)

TORR

Motion prevailed.

HOUSE MOTION (Amendment 1307-7)

Mr. Speaker: I move that House Bill 1307 be amended to read as follows:

Page 3, line 16, delete "based on personal injury or death by".

Page 3, line 17, delete "accident".

Page 4, delete lines 35 through 42.

Delete pages 5 through 6.

Page 7, delete lines 1 through 24.

Page 29, line 41, after "paid" insert ".".

Page 29, line 41, strike "under the original award made either by".

Page 29, line 42, strike "agreement or upon hearing".

Page 30, line 12, delete "based on disablement or death by occupational disease".

Page 46, delete lines 38 through 42.

Delete page 47.

Page 48, delete lines 1 through 37.

Page 58, line 23, after "paid" insert ".".

Page 58, line 23, strike "under the original award made either by".

Page 58, line 24, strike "agreement or upon hearing".

Page 61, line 22, delete "including" and insert **"compared with those paid by"**.

(Reference is to HB 1307 as printed January 20, 2006.)

TORR

Upon request of Representatives Kromkowski and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 33: yeas 52, nays 45. Motion prevailed.

HOUSE MOTION (Amendment 1307-3)

Mr. Speaker: I move that House Bill 1307 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 24.

Page 16, line 6, delete "2007," and insert **"2006,"**.

Page 16, delete lines 15 through 42, begin a new line block indented and insert:

"(9) With respect to injuries occurring on and after July 1, 2006, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,515) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,727) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,333) per degree.

~~(c)~~ **(k)** The average weekly wages used in the determination of compensation for permanent partial impairment under subsections ~~(c)~~ **(i)** and ~~(d)~~ **(j)** shall not exceed the following:

(1) With respect to injuries occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).

(2) With respect to injuries occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).

(3) With respect to injuries occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).

(4) With respect to injuries occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).

(5) With respect to injuries occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).

(6) With respect to injuries occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).

(7) With respect to injuries occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).

(8) With respect to injuries occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).

(9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).

(10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).

(11) With respect to injuries occurring on or after July 1, 2006, nine hundred fifty-four dollars (\$963).

SECTION 2. IC 22-3-3-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) ~~In computing the compensation under this law with respect to injuries occurring on and after April 1, 1963; and prior to April 1, 1965, the average weekly wages shall be considered to be not more than seventy dollars~~

~~(or less than thirty dollars (\$30)). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1965; and prior to April 1, 1967, the average weekly wages shall be considered to be not more than seventy-five dollars (\$75) and not less than thirty dollars (\$30). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1967; and prior to April 1, 1969, the average weekly wages shall be considered to be not more than eighty-five dollars (\$85) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after April 1, 1969; and prior to July 1, 1971, the average weekly wages shall be considered to be not more than ninety-five dollars (\$95) and not less than thirty-five dollars (\$35). In computing the compensation under this law with respect to injuries occurring on and after July 1, 1971; and prior to July 1, 1974, the average weekly wages shall be considered to be: (A) Not more than: (1) one hundred dollars (\$100) if no dependents; (2) one hundred five dollars (\$105) if one (1) dependent; (3) one hundred ten dollars (\$110) if two (2) dependents; (4) one hundred fifteen dollars (\$115) if three (3) dependents; (5) one hundred twenty dollars (\$120) if four (4) dependents; and (6) one hundred twenty-five dollars (\$125) if five (5) or more dependents; and (B) Not less than thirty-five dollars (\$35). In computing compensation for temporary total disability; temporary partial disability; and total permanent disability under this law with respect to injuries occurring on and after July 1, 1974; and before July 1, 1976, the average weekly wages shall be considered to be (A) not more than one hundred thirty-five dollars (\$135); and (B) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall in no case exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability under this law with respect to injuries occurring on and after July 1, 1976; and before July 1, 1977, the average weekly wages shall be considered to be (1) not more than one hundred fifty-six dollars (\$156) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1977; and before July 1, 1979, the average weekly wages are considered to be (1) not more than one hundred eighty dollars (\$180); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable may not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1979; and before July 1, 1980, the average weekly wages are considered to be (1) not more than one hundred ninety-five dollars (\$195); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1980; and before July 1, 1983, the average weekly wages are considered to be (1) not more than two hundred ten dollars (\$210); and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1983; and before July 1, 1984, the average weekly wages are considered to be (1) not more than two hundred thirty-four dollars (\$234) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing compensation for temporary total disability; temporary partial disability; and total permanent disability; with respect to injuries occurring on and after July 1, 1984; and before July 1, 1985, the average weekly wages are considered to be (1) not more than two hundred forty-nine dollars (\$249) and (2) not less than seventy-five dollars (\$75). However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury. In computing~~

compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

- (1) not more than two hundred sixty-seven dollars (\$267); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

- (1) not more than two hundred eighty-five dollars (\$285); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

- (1) not more than three hundred eighty-four dollars (\$384); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

- (1) not more than four hundred eleven dollars (\$411); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to be:

- (1) not more than four hundred forty-one dollars (\$441); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

- (1) not more than four hundred ninety-two dollars (\$492); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

- (1) not more than five hundred forty dollars (\$540); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

- (1) not more than five hundred ninety-one dollars (\$591); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to injuries occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

- (1) not more than six hundred forty-two dollars (\$642); and
- (2) not less than seventy-five dollars (\$75).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(b) (j) In computing compensation for temporary total disability,

temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

- (1) with respect to injuries occurring on and after July 1, 1997, and before July 1, 1998:

- (A) not more than six hundred seventy-two dollars (\$672); and
- (B) not less than seventy-five dollars (\$75);

- (2) with respect to injuries occurring on and after July 1, 1998, and before July 1, 1999:

- (A) not more than seven hundred two dollars (\$702); and
- (B) not less than seventy-five dollars (\$75);

- (3) with respect to injuries occurring on and after July 1, 1999, and before July 1, 2000:

- (A) not more than seven hundred thirty-two dollars (\$732); and
- (B) not less than seventy-five dollars (\$75);

- (4) with respect to injuries occurring on and after July 1, 2000, and before July 1, 2001:

- (A) not more than seven hundred sixty-two dollars (\$762); and
- (B) not less than seventy-five dollars (\$75);

- (5) with respect to injuries occurring on and after July 1, 2001, and before July 1, 2002:

- (A) not more than eight hundred twenty-two dollars (\$822); and
- (B) not less than seventy-five dollars (\$75); and

- (6) with respect to injuries occurring on and after July 1, 2002, and before July 1, 2006:

- (A) not more than eight hundred eighty-two dollars (\$882); and
- (B) not less than seventy-five dollars (\$75); and

- (7) with respect to injuries occurring on and after July 1, 2006:

- (A) not more than nine hundred fifty-four dollars (\$963); and
- (B) not less than seventy-five dollars (\$82).

However, the weekly compensation payable shall not exceed the average weekly wages of the employee at the time of the injury.

(c) For the purpose of this section only and with respect to injuries occurring on and after July 1, 1971, and prior to July 1, 1974, only, the term "dependent" as used in this section shall mean persons defined as presumptive dependents under section 19 of this chapter, except that such dependency shall be determined as of the date of the injury to the employee.

(d) With respect to any injury occurring on and after April 1, 1955, and prior to April 1, 1957, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provisions of this law or under any combination of its provisions shall not exceed twelve thousand five hundred dollars (\$12,500) in any case. With respect to any injury occurring on and after April 1, 1957 and prior to April 1, 1963, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed fifteen thousand dollars (\$15,000) in any case. With respect to any injury occurring on and after April 1, 1963, and prior to April 1, 1965, the maximum compensation exclusive of medical benefits, which shall be paid for an injury under any provision of this law or under any combination of its provisions shall not exceed sixteen thousand five hundred dollars (\$16,500) in any case. With respect to any injury occurring on and after April 1, 1965, and prior to April 1, 1967, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed twenty thousand dollars (\$20,000) in any case. With respect to any injury occurring on and after April 1, 1967, and prior to July 1, 1971, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed twenty-five thousand dollars (\$25,000) in any case. With respect to any injury occurring on and after July 1, 1971, and prior to July 1, 1974, the maximum compensation exclusive of medical benefits which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed thirty thousand dollars (\$30,000) in any case. With respect to

any injury occurring on and after July 1, 1974, and before July 1, 1976, the maximum compensation exclusive of medical benefits which shall be paid for an injury under any provision of this law or any combination of provisions shall not exceed forty-five thousand dollars (\$45,000) in any case. With respect to an injury occurring on and after July 1, 1976, and before July 1, 1977, the maximum compensation, exclusive of medical benefits, which shall be paid for any injury under any provision of this law or any combination of provisions shall not exceed fifty-two thousand dollars (\$52,000) in any case. With respect to any injury occurring on and after July 1, 1977, and before July 1, 1979, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provision of this law or any combination of provisions may not exceed sixty thousand dollars (\$60,000) in any case. With respect to any injury occurring on and after July 1, 1979, and before July 1, 1980, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed sixty-five thousand dollars (\$65,000) in any case. With respect to any injury occurring on and after July 1, 1980, and before July 1, 1983, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy thousand dollars (\$70,000) in any case. With respect to any injury occurring on and after July 1, 1983, and before July 1, 1984, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed seventy-eight thousand dollars (\$78,000) in any case. With respect to any injury occurring on and after July 1, 1984, and before July 1, 1985, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-three thousand dollars (\$83,000) in any case.

(k) With respect to any injury occurring on and after July 1, 1985, and before July 1, 1986, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) With respect to any injury occurring on and after July 1, 1986, and before July 1, 1988, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) With respect to any injury occurring on and after July 1, 1988, and before July 1, 1989, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) With respect to any injury occurring on and after July 1, 1989, and before July 1, 1990, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) With respect to any injury occurring on and after July 1, 1990, and before July 1, 1991, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) With respect to any injury occurring on and after July 1, 1991, and before July 1, 1992, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) With respect to any injury occurring on and after July 1, 1992, and before July 1, 1993, the maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) With respect to any injury occurring on and after July 1, 1993, and before July 1, 1994, the maximum compensation, exclusive of

medical benefits, that may be paid for an injury under any provisions of this law or any combination of provisions may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) With respect to any injury occurring on and after July 1, 1994, and before July 1, 1997, the maximum compensation, exclusive of medical benefits, which may be paid for an injury under any provisions of this law or any combination of provisions may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation, exclusive of medical benefits, that may be paid for an injury under any provision of this law or any combination of provisions may not exceed the following amounts in any case:

(1) With respect to an injury occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).

(2) With respect to an injury occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to an injury occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to an injury occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to an injury occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to an injury occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to an injury occurring on and after July 1, 2006, three hundred eighteen thousand dollars (\$318,318).

SECTION 3. IC 22-3-7-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Compensation shall be allowed on account of disablement from occupational disease resulting in only temporary total disability to work or temporary partial disability to work beginning with the eighth day of such disability except for the medical benefits provided for in section 17 of this chapter. Compensation shall be allowed for the first seven (7) calendar days only as provided in this section. The first weekly installment of compensation for temporary disability is due fourteen (14) days after the disability begins. Not later than fifteen (15) days from the date that the first installment of compensation is due, the employer or the employer's insurance carrier shall tender to the employee or to the employee's dependents, with all compensation due, a properly prepared compensation agreement in a form prescribed by the board. Whenever an employer or the employer's insurance carrier denies or is not able to determine liability to pay compensation or benefits, the employer or the employer's insurance carrier shall notify the worker's compensation board and the employee in writing on a form prescribed by the worker's compensation board not later than thirty (30) days after the employer's knowledge of the claimed disablement. If a determination of liability cannot be made within thirty (30) days, the worker's compensation board may approve an additional thirty (30) days upon a written request of the employer or the employer's insurance carrier that sets forth the reasons that the determination could not be made within thirty (30) days and states the facts or circumstances that are necessary to determine liability within the additional thirty (30) days. More than thirty (30) days of additional time may be approved by the worker's compensation board upon the filing of a petition by the employer or the employer's insurance carrier that sets forth:

- (1) the extraordinary circumstances that have precluded a determination of liability within the initial sixty (60) days;
- (2) the status of the investigation on the date the petition is filed;
- (3) the facts or circumstances that are necessary to make a determination; and
- (4) a timetable for the completion of the remaining investigation.

An employer who fails to comply with this section is subject to a civil penalty of fifty dollars (\$50), to be assessed and collected by the board upon notice and hearing. Civil penalties collected under this section shall be deposited in the state general fund.

(b) Once begun, temporary total disability benefits may not be terminated by the employer unless:

- (1) the employee has returned to work;
- (2) the employee has died;
- (3) the employee has refused to undergo a medical examination under section 20 of this chapter;
- (4) the employee has received five hundred (500) weeks of temporary total disability benefits or has been paid the maximum compensation allowable under section 19 of this chapter; or
- (5) the employee is unable or unavailable to work for reasons unrelated to the compensable disease.

In all other cases the employer must notify the employee in writing of the employer's intent to terminate the payment of temporary total disability benefits, and of the availability of employment, if any, on a form approved by the board. If the employee disagrees with the proposed termination, the employee must give written notice of disagreement to the board and the employer within seven (7) days after receipt of the notice of intent to terminate benefits. If the board and employer do not receive a notice of disagreement under this section, the employee's temporary total disability benefits shall be terminated. Upon receipt of the notice of disagreement, the board shall immediately contact the parties, which may be by telephone or other means and attempt to resolve the disagreement. If the board is unable to resolve the disagreement within ten (10) days of receipt of the notice of disagreement, the board shall immediately arrange for an evaluation of the employee by an independent medical examiner. The independent medical examiner shall be selected by mutual agreement of the parties or, if the parties are unable to agree, appointed by the board under IC 22-3-4-11. If the independent medical examiner determines that the employee is no longer temporarily disabled or is still temporarily disabled but can return to employment that the employer has made available to the employee, or if the employee fails or refuses to appear for examination by the independent medical examiner, temporary total disability benefits may be terminated. If either party disagrees with the opinion of the independent medical examiner, the party shall apply to the board for a hearing under section 27 of this chapter.

(c) An employer is not required to continue the payment of temporary total disability benefits for more than fourteen (14) days after the employer's proposed termination date unless the independent medical examiner determines that the employee is temporarily disabled and unable to return to any employment that the employer has made available to the employee.

(d) If it is determined that as a result of this section temporary total disability benefits were overpaid, the overpayment shall be deducted from any benefits due the employee under this section and, if there are no benefits due the employee or the benefits due the employee do not equal the amount of the overpayment, the employee shall be responsible for paying any overpayment which cannot be deducted from benefits due the employee.

(e) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty percent (60%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days.

For disablements occurring on and after July 1, 1974, and before July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during such temporary total disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's

average weekly wages, up to one hundred thirty-five dollars (\$135) average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(e) For disablements occurring on and after July 1, 1976, from occupational disease resulting in temporary total disability for any work there shall be paid to the disabled employee during the temporary total disability weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the employee's average weekly wages, as defined in section 19 of this chapter, for a period not to exceed five hundred (500) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days.

(f) For disablements occurring on and after April 1, 1951, and prior to July 1, 1971, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as part of the maximum period allowed for partial disability.

For disablements occurring on and after July 1, 1971, and prior to July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty percent (60%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-eight (28) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(f) For disablements occurring on and after July 1, 1974, from occupational disease resulting in temporary partial disability for work there shall be paid to the disabled employee during such disability a weekly compensation equal to sixty-six and two-thirds percent (66 2/3%) of the difference between the employee's average weekly wages, as defined in section 19 of this chapter, and the weekly wages at which ~~he~~ the employee is actually employed after the disablement, for a period not to exceed three hundred (300) weeks. Compensation shall be allowed for the first seven (7) calendar days only if the disability continues for longer than twenty-one (21) days. In case of partial disability after the period of temporary total disability, the latter period shall be included as a part of the maximum period allowed for partial disability.

(g) For disabilities occurring on and after April 1, 1951, and prior to April 1, 1955, from occupational disease in the following schedule, the employee shall receive in lieu of all other compensation, on account of such disabilities, a weekly compensation of sixty percent (60%) of the employee's average weekly wage; for disabilities occurring on and after April 1, 1955, and prior to July 1, 1971, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of the employee's average weekly wages.

For disabilities occurring on and after July 1, 1971, and before July 1, 1977, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of said occupational disease a weekly compensation of sixty percent (60%) of his average weekly wages not to exceed one hundred dollars (\$100) average weekly wages, for the period stated for such disabilities respectively.

For disabilities occurring on and after July 1, 1977, and before July 1, 1979, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits not exceeding twenty-six (26) weeks on account of the occupational disease a

weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(g) For disabilities occurring on and after July 1, 1979, and before July 1, 1988, from occupational disease in the following schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding fifty-two (52) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred twenty-five dollars (\$125) average weekly wages, for the period stated for the disabilities.

(h) For disabilities occurring on and after July 1, 1988, and before July 1, 1989, from occupational disease in the following schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred sixty-six dollars (\$166) average weekly wages, for the period stated for the disabilities.

(i) For disabilities occurring on and after July 1, 1989, and before July 1, 1990, from occupational disease in the following schedule set forth in subsection (j), the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed one hundred eighty-three dollars (\$183) average weekly wages, for the period stated for the disabilities.

(j) For disabilities occurring on and after July 1, 1990, and before July 1, 1991, from occupational disease in the following schedule, the employee shall receive in addition to disability benefits, not exceeding seventy-eight (78) weeks on account of the occupational disease, a weekly compensation of sixty percent (60%) of the employee's average weekly wages, not to exceed two hundred dollars (\$200) average weekly wages, for the period stated for the disabilities.

(1) Amputations: For the loss by separation, of the thumb, sixty (60) weeks; of the index finger, forty (40) weeks; of the second finger, thirty-five (35) weeks; of the third or ring finger, thirty (30) weeks; of the fourth or little finger, twenty (20) weeks; of the hand by separation below the elbow, two hundred (200) weeks; of the arm above the elbow joint, two hundred fifty (250) weeks; of the big toe, sixty (60) weeks; of the second toe, thirty (30) weeks; of the third toe, twenty (20) weeks; of the fourth toe, fifteen (15) weeks; of the fifth or little toe, ten (10) weeks; of the foot below the knee joint, one hundred fifty (150) weeks; and of the leg above the knee joint, two hundred (200) weeks. The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half ($\frac{1}{2}$) of the thumb or toe and compensation shall be paid for one-half ($\frac{1}{2}$) of the period for the loss of the entire thumb or toe. The loss of not more than two (2) phalanges of a finger shall be considered as the loss of one-half ($\frac{1}{2}$) of the finger and compensation shall be paid for one-half ($\frac{1}{2}$) of the period for the loss of the entire finger.

(2) Loss of Use: The total permanent loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange and the compensation shall be paid for the same period as for the loss thereof by separation.

(3) Partial Loss of Use: For the permanent partial loss of the use of an arm, hand, thumb, finger, leg, foot, toe, or phalange, compensation shall be paid for the proportionate loss of the use of such arm, hand, thumb, finger, leg, foot, toe, or phalange.

(4) For disablements for occupational disease resulting in total permanent disability, five hundred (500) weeks.

(5) For the loss of both hands, or both feet, or the total sight of both eyes, or any two (2) of such losses resulting from the same disablement by occupational disease, five hundred (500) weeks.

(6) For the permanent and complete loss of vision by enucleation of an eye or its reduction to one-tenth ($\frac{1}{10}$) of normal vision with glasses, one hundred fifty (150) weeks, and for any other permanent reduction of the sight of an eye, compensation shall be paid for a period proportionate to the degree of such permanent reduction without correction or glasses. However, when such permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, but correction or glasses would result in restoration of vision, then compensation shall be paid for fifty percent (50%) of such total loss of vision without glasses plus an additional amount equal to the proportionate amount of such reduction with glasses, not to exceed an additional fifty percent (50%).

(7) For the permanent and complete loss of hearing, two hundred (200) weeks.

(8) In all other cases of permanent partial impairment, compensation proportionate to the degree of such permanent partial impairment, in the discretion of the worker's compensation board, not exceeding five hundred (500) weeks.

(9) In all cases of permanent disfigurement, which may impair the future usefulness or opportunities of the employee, compensation in the discretion of the worker's compensation board, not exceeding two hundred (200) weeks, except that no compensation shall be payable under this paragraph where compensation shall be payable under subdivisions (1) through (8). Where compensation for temporary total disability has been paid, this amount of compensation shall be deducted from any compensation due for permanent disfigurement.

(k) With respect to disablements in the following schedule occurring on and after July 1, 1991, the employee shall receive in addition to temporary total disability benefits, not exceeding one hundred twenty-five (125) weeks on account of the disablement, compensation in an amount determined under the following schedule to be paid weekly at a rate of sixty-six and two-thirds percent ($66\frac{2}{3}\%$) of the employee's average weekly wages during the fifty-two (52) weeks immediately preceding the week in which the disablement occurred:

(1) Amputation: For the loss by separation of the thumb, twelve (12) degrees of permanent impairment; of the index finger, eight (8) degrees of permanent impairment; of the second finger, seven (7) degrees of permanent impairment; of the third or ring finger, six (6) degrees of permanent impairment; of the fourth or little finger, four (4) degrees of permanent impairment; of the hand by separation below the elbow joint, forty (40) degrees of permanent impairment; of the arm above the elbow, fifty (50) degrees of permanent impairment; of the big toe, twelve (12) degrees of permanent impairment; of the second toe, six (6) degrees of permanent impairment; of the third toe, four (4) degrees of permanent impairment; of the fourth toe, three (3) degrees of permanent impairment; of the fifth or little toe, two (2) degrees of permanent impairment; of separation of the foot below the knee joint, thirty-five (35) degrees of permanent impairment; and of the leg above the knee joint, forty-five (45) degrees of permanent impairment.

(2) Amputations occurring on or after July 1, 1997: For the loss by separation of any of the body parts described in subdivision (1) on or after July 1, 1997, the dollar values per degree applying on the date of the injury as described in subsection (h) shall be multiplied by two (2). However, the doubling provision of this subdivision does not apply to a loss of use that is not a loss by separation.

(3) The loss of more than one (1) phalange of a thumb or toe shall be considered as the loss of the entire thumb or toe. The loss of more than two (2) phalanges of a finger shall be considered as the loss of the entire finger. The loss of not more than one (1) phalange of a thumb or toe shall be considered as the loss of one-half ($\frac{1}{2}$) of the degrees of permanent impairment for the loss of the entire thumb or toe. The loss of not more than one (1) phalange of a finger shall be considered as the loss of one-third ($\frac{1}{3}$) of the finger and compensation shall be paid for one-third ($\frac{1}{3}$) of the degrees payable for the loss of the entire finger. The loss of more than one (1) phalange of the finger but

not more than two (2) phalanges of the finger shall be considered as the loss of one-half ($\frac{1}{2}$) of the finger and compensation shall be paid for one-half ($\frac{1}{2}$) of the degrees payable for the loss of the entire finger.

(4) For the loss by separation of both hands or both feet or the total sight of both eyes or any two (2) such losses in the same accident, one hundred (100) degrees of permanent impairment.

(5) For the permanent and complete loss of vision by enucleation or its reduction to one-tenth ($\frac{1}{10}$) of normal vision with glasses, thirty-five (35) degrees of permanent impairment.

(6) For the permanent and complete loss of hearing in one (1) ear, fifteen (15) degrees of permanent impairment, and in both ears, forty (40) degrees of permanent impairment.

(7) For the loss of one (1) testicle, ten (10) degrees of permanent impairment; for the loss of both testicles, thirty (30) degrees of permanent impairment.

(8) Loss of use: The total permanent loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange shall be considered as the equivalent of the loss by separation of the arm, hand, thumb, finger, leg, foot, toe, or phalange, and compensation shall be paid in the same amount as for the loss by separation. However, the doubling provision of subdivision (2) does not apply to a loss of use that is not a loss by separation.

(9) Partial loss of use: For the permanent partial loss of the use of an arm, a hand, a thumb, a finger, a leg, a foot, a toe, or a phalange, compensation shall be paid for the proportionate loss of the use of the arm, hand, thumb, finger, leg, foot, toe, or phalange.

(10) For disablements resulting in total permanent disability, the amount payable for impairment or five hundred (500) weeks of compensation, whichever is greater.

(11) For any permanent reduction of the sight of an eye less than a total loss as specified in subdivision (5), the compensation shall be paid in an amount proportionate to the degree of a permanent reduction without correction or glasses. However, when a permanent reduction without correction or glasses would result in one hundred percent (100%) loss of vision, then compensation shall be paid for fifty percent (50%) of the total loss of vision without glasses, plus an additional amount equal to the proportionate amount of the reduction with glasses, not to exceed an additional fifty percent (50%).

(12) For any permanent reduction of the hearing of one (1) or both ears, less than the total loss as specified in subdivision (6), compensation shall be paid in an amount proportionate to the degree of a permanent reduction.

(13) In all other cases of permanent partial impairment, compensation proportionate to the degree of a permanent partial impairment, in the discretion of the worker's compensation board, not exceeding one hundred (100) degrees of permanent impairment.

(14) In all cases of permanent disfigurement which may impair the future usefulness or opportunities of the employee, compensation, in the discretion of the worker's compensation board, not exceeding forty (40) degrees of permanent impairment except that no compensation shall be payable under this subdivision where compensation is payable elsewhere in this section.

(f) With respect to disablements occurring on and after July 1, 1991, compensation for permanent partial impairment shall be paid according to the degree of permanent impairment for the disablement determined under subsection **(f)** and the following:

(1) With respect to disablements occurring on and after July 1, 1991, and before July 1, 1992, for each degree of permanent impairment from one (1) to thirty-five (35), five hundred dollars (\$500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), nine hundred dollars (\$900) per degree; for each degree of permanent impairment above fifty (50), one thousand five hundred dollars (\$1,500) per degree.

(2) With respect to disablements occurring on and after July 1, 1992, and before July 1, 1993, for each degree of permanent impairment from one (1) to twenty (20), five hundred dollars

(\$500) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), eight hundred dollars (\$800) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(3) With respect to disablements occurring on and after July 1, 1993, and before July 1, 1997, for each degree of permanent impairment from one (1) to ten (10), five hundred dollars (\$500) per degree; for each degree of permanent impairment from eleven (11) to twenty (20), seven hundred dollars (\$700) per degree; for each degree of permanent impairment from twenty-one (21) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(4) With respect to disablements occurring on and after July 1, 1997, and before July 1, 1998, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(5) With respect to disablements occurring on and after July 1, 1998, and before July 1, 1999, for each degree of permanent impairment from one (1) to ten (10), seven hundred fifty dollars (\$750) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand dollars (\$1,000) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand four hundred dollars (\$1,400) per degree; for each degree of permanent impairment above fifty (50), one thousand seven hundred dollars (\$1,700) per degree.

(6) With respect to disablements occurring on and after July 1, 1999, and before July 1, 2000, for each degree of permanent impairment from one (1) to ten (10), nine hundred dollars (\$900) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), one thousand six hundred dollars (\$1,600) per degree; for each degree of permanent impairment above fifty (50), two thousand dollars (\$2,000) per degree.

(7) With respect to disablements occurring on and after July 1, 2000, and before July 1, 2001, for each degree of permanent impairment from one (1) to ten (10), one thousand one hundred dollars (\$1,100) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand dollars (\$2,000) per degree; for each degree of permanent impairment above fifty (50), two thousand five hundred dollars (\$2,500) per degree.

(8) With respect to disablements occurring on and after July 1, 2001, and before July 1, 2006, for each degree of permanent impairment from one (1) to ten (10), one thousand three hundred dollars (\$1,300) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand four hundred dollars (\$2,400) per degree; for each degree of permanent impairment above fifty (50), three thousand dollars (\$3,000) per degree.

(9) With respect to disablements occurring on and after July 1, 2006, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,515) per degree; for each degree of permanent impairment from

eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,717) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,727) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,333) per degree.

(~~tt~~) (m) The average weekly wages used in the determination of compensation for permanent partial impairment under subsections (~~g~~) (k) and (~~tt~~) (l) shall not exceed the following:

- (1) With respect to disablements occurring on or after July 1, 1991, and before July 1, 1992, four hundred ninety-two dollars (\$492).
- (2) With respect to disablements occurring on or after July 1, 1992, and before July 1, 1993, five hundred forty dollars (\$540).
- (3) With respect to disablements occurring on or after July 1, 1993, and before July 1, 1994, five hundred ninety-one dollars (\$591).
- (4) With respect to disablements occurring on or after July 1, 1994, and before July 1, 1997, six hundred forty-two dollars (\$642).
- (5) With respect to disablements occurring on or after July 1, 1997, and before July 1, 1998, six hundred seventy-two dollars (\$672).
- (6) With respect to disablements occurring on or after July 1, 1998, and before July 1, 1999, seven hundred two dollars (\$702).
- (7) With respect to disablements occurring on or after July 1, 1999, and before July 1, 2000, seven hundred thirty-two dollars (\$732).
- (8) With respect to disablements occurring on or after July 1, 2000, and before July 1, 2001, seven hundred sixty-two dollars (\$762).
- (9) With respect to injuries occurring on or after July 1, 2001, and before July 1, 2002, eight hundred twenty-two dollars (\$822).
- (10) With respect to injuries occurring on or after July 1, 2002, and before July 1, 2006, eight hundred eighty-two dollars (\$882).
- (11) With respect to injuries occurring on or after July 1, 2006, nine hundred fifty-four dollars (\$963).

(~~tt~~) (n) If any employee, only partially disabled, refuses employment suitable to ~~his~~ the employee's capacity procured for ~~him~~; ~~he~~ the employee, the employee shall not be entitled to any compensation at any time during the continuance of such refusal unless, in the opinion of the worker's compensation board, such refusal was justifiable. The employee must be served with a notice setting forth the consequences of the refusal under this subsection. The notice must be in a form prescribed by the worker's compensation board.

(~~tt~~) (o) If an employee has sustained a permanent impairment or disability from an accidental injury other than an occupational disease in another employment than that in which ~~he~~ the employee suffered a subsequent disability from an occupational disease, such as herein specified, the employee shall be entitled to compensation for the subsequent disability in the same amount as if the previous impairment or disability had not occurred. However, if the permanent impairment or disability resulting from an occupational disease for which compensation is claimed results only in the aggravation or increase of a previously sustained permanent impairment from an occupational disease or physical condition regardless of the source or cause of such previously sustained impairment from an occupational disease or physical condition, the board shall determine the extent of the previously sustained permanent impairment from an occupational disease or physical condition as well as the extent of the aggravation or increase resulting from the subsequent permanent impairment or disability, and shall award compensation only for that part of said occupational disease or physical condition resulting from the subsequent permanent impairment. An amputation of any part of the body or loss of any or all of the vision of one (1) or both eyes caused by an occupational disease shall be considered as a permanent impairment or physical condition.

(~~tt~~) (p) If an employee suffers a disablement from occupational

disease for which compensation is payable while the employee is still receiving or entitled to compensation for a previous injury by accident or disability by occupational disease in the same employment, ~~he~~ the employee shall not at the same time be entitled to compensation for both, unless it be for a permanent injury, such as specified in subsection (~~g~~) (1); (~~g~~) (4); (~~g~~) (5); (~~g~~) (8); or (~~g~~) (9); (~~k~~) (1), (~~k~~) (4), (~~k~~) (5), (~~k~~) (8), or (~~k~~) (9), but the employee shall be entitled to compensation for that disability and from the time of that disability which will cover the longest period and the largest amount payable under this chapter.

(~~tt~~) (q) If an employee receives a permanent disability from occupational disease such as specified in subsection (~~g~~) (1); (~~g~~) (4); (~~g~~) (5); (~~g~~) (8); or (~~g~~) (9) (~~k~~) (1), (~~k~~) (4), (~~k~~) (5), (~~k~~) (8), or (~~k~~) (9) after having sustained another such permanent disability in the same employment the employee shall be entitled to compensation for both such disabilities, but the total compensation shall be paid by extending the period and not by increasing the amount of weekly compensation and, when such previous and subsequent permanent disabilities, in combination result in total permanent disability or permanent total impairment, compensation shall be payable for such permanent total disability or impairment, but payments made for the previous disability or impairment shall be deducted from the total payment of compensation due.

(~~n~~) When an employee has been awarded or is entitled to an award of compensation for a definite period under this chapter for disability from occupational disease, which disablement occurs on and after April 1, 1951, and prior to April 1, 1963, and such employee dies from any other cause than such occupational disease, payment of the unpaid balance of such compensation, not exceeding three hundred (300) weeks, shall be made to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter; and compensation, not exceeding five hundred (500) weeks, shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter. (r) When an employee has been awarded or is entitled to an award of compensation for a definite period from an occupational disease wherein disablement occurs on and after April 1, 1963, and such employee dies from other causes than such occupational disease, payment of the unpaid balance of such compensation not exceeding three hundred fifty (350) weeks shall be paid to the employee's dependents of the second and third class as defined in sections 11 through 14 of this chapter and compensation, not exceeding five hundred (500) weeks shall be made to the employee's dependents of the first class as defined in sections 11 through 14 of this chapter.

(~~tt~~) (s) Any payment made by the employer to the employee during the period of the employee's disability, or to the employee's dependents, which, by the terms of this chapter, was not due and payable when made, may, subject to the approval of the worker's compensation board, be deducted from the amount to be paid as compensation, but such deduction shall be made from the distal end of the period during which compensation must be paid, except in cases of temporary disability.

(~~tt~~) (t) When so provided in the compensation agreement or in the award of the worker's compensation board, compensation may be paid semimonthly, or monthly, instead of weekly.

(~~tt~~) (u) When the aggregate payments of compensation awarded by agreement or upon hearing to an employee or dependent under eighteen (18) years of age do not exceed one hundred dollars (\$100), the payment thereof may be made directly to such employee or dependent, except when the worker's compensation board shall order otherwise.

(v) Whenever the aggregate payments of compensation, due to any person under eighteen (18) years of age, exceed one hundred dollars (\$100), the payment thereof shall be made to a trustee, appointed by the circuit or superior court, or to a duly qualified guardian, or, upon the order of the worker's compensation board, to a parent or to such minor person. The payment of compensation, due to any person eighteen (18) years of age or over, may be made directly to such person.

(~~tt~~) (w) If an employee, or a dependent, is mentally incompetent, or a minor at the time when any right or privilege accrues to the employee under this chapter, the employee's guardian or trustee may, in the employee's behalf, claim and exercise such right and privilege.

(~~s~~) (x) All compensation payments named and provided for in this section, shall mean and be defined to be for only such occupational diseases and disabilities therefrom as are proved by competent evidence, of which there are or have been objective conditions or symptoms proven, not within the physical or mental control of the employee. himself.

SECTION 4. IC 22-3-7-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) ~~In computing compensation for temporary total disability, temporary partial disability, and total permanent disability under this law with respect to occupational diseases occurring:~~

(1) ~~on and after July 1, 1974, and before July 1, 1976; the average weekly wages shall be considered to be:~~

(A) ~~not more than one hundred thirty-five dollars (\$135); and~~

(B) ~~not less than seventy-five dollars (\$75);~~

(2) ~~on and after July 1, 1976; and before July 1, 1977; the average weekly wages shall be considered to be:~~

(A) ~~not more than one hundred fifty-six dollars (\$156); and~~

(B) ~~not less than seventy-five dollars (\$75);~~

(3) ~~on and after July 1, 1977; and before July 1, 1979; the average weekly wages are considered to be:~~

(A) ~~not more than one hundred eighty dollars (\$180); and~~

(B) ~~not less than seventy-five dollars (\$75);~~

(4) ~~on and after July 1, 1979; and before July 1, 1980; the average weekly wages are considered to be:~~

(A) ~~not more than one hundred ninety-five dollars (\$195); and~~

(B) ~~not less than seventy-five dollars (\$75);~~

(5) ~~on and after July 1, 1980; and before July 1, 1983; the average weekly wages are considered to be:~~

(A) ~~not more than two hundred ten dollars (\$210); and~~

(B) ~~not less than seventy-five dollars (\$75);~~

(6) ~~on and after July 1, 1983; and before July 1, 1984; the average weekly wages are considered to be:~~

(A) ~~not more than two hundred thirty-four dollars (\$234); and~~

(B) ~~not less than seventy-five dollars (\$75); and~~

(7) ~~on and after July 1, 1984; and before July 1, 1985; the average weekly wages are considered to be:~~

(A) ~~not more than two hundred forty-nine dollars (\$249); and~~

(B) ~~not less than seventy-five dollars (\$75);~~

(~~b~~) (a) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1985, and before July 1, 1986, the average weekly wages are considered to be:

(1) not more than two hundred sixty-seven dollars (\$267); and

(2) not less than seventy-five dollars (\$75).

(~~c~~) (b) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1986, and before July 1, 1988, the average weekly wages are considered to be:

(1) not more than two hundred eighty-five dollars (\$285); and

(2) not less than seventy-five dollars (\$75).

(~~d~~) (c) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1988, and before July 1, 1989, the average weekly wages are considered to be:

(1) not more than three hundred eighty-four dollars (\$384); and

(2) not less than seventy-five dollars (\$75).

(~~e~~) (d) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1989, and before July 1, 1990, the average weekly wages are considered to be:

(1) not more than four hundred eleven dollars (\$411); and

(2) not less than seventy-five dollars (\$75).

(~~f~~) (e) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1990, and before July 1, 1991, the average weekly wages are considered to

be:

(1) not more than four hundred forty-one dollars (\$441); and

(2) not less than seventy-five dollars (\$75).

(~~g~~) (f) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1991, and before July 1, 1992, the average weekly wages are considered to be:

(1) not more than four hundred ninety-two dollars (\$492); and

(2) not less than seventy-five dollars (\$75).

(~~h~~) (g) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1992, and before July 1, 1993, the average weekly wages are considered to be:

(1) not more than five hundred forty dollars (\$540); and

(2) not less than seventy-five dollars (\$75).

(~~i~~) (h) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1993, and before July 1, 1994, the average weekly wages are considered to be:

(1) not more than five hundred ninety-one dollars (\$591); and

(2) not less than seventy-five dollars (\$75).

(~~j~~) (i) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, with respect to occupational diseases occurring on and after July 1, 1994, and before July 1, 1997, the average weekly wages are considered to be:

(1) not more than six hundred forty-two dollars (\$642); and

(2) not less than seventy-five dollars (\$75).

(~~k~~) (j) In computing compensation for temporary total disability, temporary partial disability, and total permanent disability, the average weekly wages are considered to be:

(1) with respect to occupational diseases occurring on and after July 1, 1997, and before July 1, 1998:

(A) not more than six hundred seventy-two dollars (\$672); and

(B) not less than seventy-five dollars (\$75);

(2) with respect to occupational diseases occurring on and after July 1, 1998, and before July 1, 1999:

(A) not more than seven hundred two dollars (\$702); and

(B) not less than seventy-five dollars (\$75);

(3) with respect to occupational diseases occurring on and after July 1, 1999, and before July 1, 2000:

(A) not more than seven hundred thirty-two dollars (\$732); and

(B) not less than seventy-five dollars (\$75);

(4) with respect to occupational diseases occurring on and after July 1, 2000, and before July 1, 2001:

(A) not more than seven hundred sixty-two dollars (\$762); and

(B) not less than seventy-five dollars (\$75);

(5) with respect to disablements occurring on and after July 1, 2001, and before July 1, 2002:

(A) not more than eight hundred twenty-two dollars (\$822); and

(B) not less than seventy-five dollars (\$75); and

(6) with respect to disablements occurring on and after July 1, 2002, and before July 1, 2006:

(A) not more than eight hundred eighty-two dollars (\$882); and

(B) not less than seventy-five dollars (\$75); and

(7) with respect to disablements occurring on and after July 1, 2006:

(A) not more than nine hundred fifty-four dollars (\$963); and

(B) not less than seventy-five dollars (\$82).

(~~l~~) The maximum compensation that shall be paid for occupational disease and its results under any one (1) or more provisions of this chapter with respect to disability or death occurring:

(1) on and after July 1, 1974; and before July 1, 1976; shall not exceed forty-five thousand dollars (\$45,000) in any case;

- (2) on and after July 1, 1976, and before July 1, 1977, shall not exceed fifty-two thousand dollars (\$52,000) in any case;
- (3) on and after July 1, 1977, and before July 1, 1979, may not exceed sixty thousand dollars (\$60,000) in any case;
- (4) on and after July 1, 1979, and before July 1, 1980, may not exceed sixty-five thousand dollars (\$65,000) in any case;
- (5) on and after July 1, 1980, and before July 1, 1983, may not exceed seventy thousand dollars (\$70,000) in any case;
- (6) on and after July 1, 1983, and before July 1, 1984, may not exceed seventy-eight thousand dollars (\$78,000) in any case; and
- (7) on and after July 1, 1984, and before July 1, 1985, may not exceed eighty-three thousand dollars (\$83,000) in any case.

(m) (k) The maximum compensation with respect to disability or death occurring on and after July 1, 1985, and before July 1, 1986, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed eighty-nine thousand dollars (\$89,000) in any case.

(l) The maximum compensation with respect to disability or death occurring on and after July 1, 1986, and before July 1, 1988, which shall be paid for occupational disease and the results thereof under the provisions of this chapter or under any combination of its provisions may not exceed ninety-five thousand dollars (\$95,000) in any case.

(m) The maximum compensation with respect to disability or death occurring on and after July 1, 1988, and before July 1, 1989, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred twenty-eight thousand dollars (\$128,000) in any case.

(n) The maximum compensation with respect to disability or death occurring on and after July 1, 1989, and before July 1, 1990, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred thirty-seven thousand dollars (\$137,000) in any case.

(o) The maximum compensation with respect to disability or death occurring on and after July 1, 1990, and before July 1, 1991, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of its provisions may not exceed one hundred forty-seven thousand dollars (\$147,000) in any case.

(p) The maximum compensation with respect to disability or death occurring on and after July 1, 1991, and before July 1, 1992, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred sixty-four thousand dollars (\$164,000) in any case.

(q) The maximum compensation with respect to disability or death occurring on and after July 1, 1992, and before July 1, 1993, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred eighty thousand dollars (\$180,000) in any case.

(r) The maximum compensation with respect to disability or death occurring on and after July 1, 1993, and before July 1, 1994, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed one hundred ninety-seven thousand dollars (\$197,000) in any case.

(s) The maximum compensation with respect to disability or death occurring on and after July 1, 1994, and before July 1, 1997, that shall be paid for occupational disease and the results thereof under this chapter or under any combination of the provisions of this chapter may not exceed two hundred fourteen thousand dollars (\$214,000) in any case.

(t) The maximum compensation that shall be paid for occupational disease and the results of an occupational disease under this chapter or under any combination of the provisions of this chapter may not exceed the following amounts in any case:

- (1) With respect to disability or death occurring on and after July 1, 1997, and before July 1, 1998, two hundred twenty-four thousand dollars (\$224,000).
- (2) With respect to disability or death occurring on and after July 1, 1998, and before July 1, 1999, two hundred thirty-four thousand dollars (\$234,000).

(3) With respect to disability or death occurring on and after July 1, 1999, and before July 1, 2000, two hundred forty-four thousand dollars (\$244,000).

(4) With respect to disability or death occurring on and after July 1, 2000, and before July 1, 2001, two hundred fifty-four thousand dollars (\$254,000).

(5) With respect to disability or death occurring on and after July 1, 2001, and before July 1, 2002, two hundred seventy-four thousand dollars (\$274,000).

(6) With respect to disability or death occurring on and after July 1, 2002, and before July 1, 2006, two hundred ninety-four thousand dollars (\$294,000).

(7) With respect to disability or death occurring on and after July 1, 2006, three hundred eighteen thousand dollars (\$318,318).

(u) For all disabilities occurring before July 1, 1985, "average weekly wages" shall mean the earnings of the injured employee in the employment in which the employee was working at the time of the last exposure during the period of fifty-two (52) weeks immediately preceding the last day of the last exposure divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted. Where the employment prior to the last day of the last exposure extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages as above defined, regard shall be had to the average weekly amount which, during the fifty-two (52) weeks previous to the last day of the last exposure, was being earned by a person in the same grade employed at the same work by the same employer; or if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee in lieu of wages or a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(v) (u) For all disabilities occurring on and after July 1, 1985, "average weekly wages" means the earnings of the injured employee during the period of fifty-two (52) weeks immediately preceding the disability divided by fifty-two (52). If the employee lost seven (7) or more calendar days during the period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts of weeks remaining after the time lost has been deducted. If employment before the date of disability extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts of weeks during which the employee earned wages shall be followed if results just and fair to both parties will be obtained. If by reason of the shortness of the time during which the employee has been in the employment of the employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages for the employee, the employee's average weekly wages shall be considered to be the average weekly amount that, during the fifty-two (52) weeks before the date of disability, was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in that same class of employment in the same district. Whenever allowances of any character are made to an employee instead of wages or a specified part of the wage contract, they shall be considered a part of the employee's earnings.

(w) (v) The provisions of this article may not be construed to result in an award of benefits in which the number of weeks paid or to be paid for temporary total disability, temporary partial disability, or permanent total disability benefits combined exceeds five hundred (500) weeks. This section shall not be construed to prevent a person from applying for an award under IC 22-3-3-13. However, in case of permanent total disability resulting from a disablement occurring on

or after January 1, 1998, the minimum total benefit shall not be less than seventy-five thousand dollars (\$75,000).".

Delete pages 17 through 60.

Page 61, delete lines 1 through 31.

Renumber all SECTIONS consecutively.

(Reference is to HB 1307 as printed January 20, 2006.)

STILWELL

Upon request of Representatives Stilwell and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 34: yeas 48, nays 49. Motion failed. The bill was ordered engrossed.

House Bill 1280

Representative Murphy called down House Bill 1280 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1280-1)

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 8, line 21, delete "or a person that receives an unsolicited".

Page 8, line 22, delete "facsimile advertisement".

Page 8, line 29, delete "either:".

Page 8, delete lines 30 through 32.

Page 8, line 33, delete "(B) for any other willful deceptive act,".

Page 8, run in lines 29 and 33.

(Reference is to HB 1280 as printed January 20, 2006.)

MURPHY

Motion prevailed. The bill was ordered engrossed.

House Bill 1209

Representative Turner called down House Bill 1209 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1142

Representative Leonard called down House Bill 1142 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1142-3)

Mr. Speaker: I move that House Bill 1142 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 11.

Page 3, line 13, after "Sec. 3." insert "(a)".

Page 3, line 16, delete ":".

Page 3, delete lines 17 through 18.

Page 3, line 19, delete "(2)".

Page 3, run in lines 16 and 19.

Page 3, delete lines 21 through 42, begin a new paragraph and insert:

"(b) The department shall bill and collect the skills 2016 training assessment determined under subsection (a) from each employer obligated to pay the assessment at the same time and in the same manner as contributions to the unemployment insurance benefit fund established by IC 22-4-26-1 are billed to and collected from the employer."

Page 4, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1142 as printed January 18, 2006.)

STILWELL

Upon request of Representatives Stilwell and Fry, the Speaker ordered the roll of the House to be called. Roll Call 35: yeas 47, nays 49. Motion failed. The bill was ordered engrossed.

House Bill 1102

Representative Ayres called down House Bill 1102 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1102-9)

Mr. Speaker: I move that House Bill 1102 be amended to read as

follows:

Page 6, between lines 35 and 36, begin a new paragraph and insert:
"SECTION 5. IC 5-11-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a written or printed certified report, correctly and completely showing the names and **business** addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year."

Page 12, line 6, after "(j)" insert ",".

Page 12, line 6, strike "and".

Page 12, line 6, after "(k)," insert "**and (l).**".

Page 12, line 37, strike "one (1) week" and insert "**two (2) weeks**".

Page 12, line 39, after "office" insert ".".

Page 12, line 39, strike "specifying".

Page 12, line 40, strike "how to make the required reductions in the amount budgeted by fund." and insert "**The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error.**".

Page 12, line 41, strike "reductions" and insert "**the adjustments**".

Page 13, line 1, after "subsection" insert ".".

Page 13, line 1, strike "and sufficiently specifies all".

Page 13, strike lines 2 through 4.

Page 14, between lines 23 and 24, begin a new paragraph and insert:

"(l) This subsection does not apply to a school corporation. If a petition is not filed with:

(1) the proper officers of a political subdivision in accordance with section 5 of this chapter; or

(2) the county auditor in accordance with section 13 of this chapter;

the department of local government finance may not conduct a public hearing under subsection (c) and must limit its review of the political subdivision's budget, tax rate, and levy to a determination as to whether the political subdivision's proposed property tax levy for the ensuing year complies with IC 6-1.1-18.5-3."

Page 14, strike lines 37 through 42.

Page 15, strike lines 1 through 42.

Page 16, strike lines 1 through 3.

Page 16, between lines 3 and 4, begin a new paragraph and insert:
"(b) After the public hearing, the proper officers of the political subdivision shall file a certified copy of their final proposal and any other relevant information with the department of local government finance.

(c) The additional appropriation may not have the effect of increasing the approved tax rate or levy and must be supported by sufficient revenues on hand or unobligated revenues, as certified by the fiscal officer.

(d) The additional appropriation must be treated as approved following the adoption of the ordinance or resolution making the appropriation.

SECTION 12. IC 6-1.1-18-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.1. (a) The proper officers of a political subdivision may transfer money from one (1) of the political subdivision's funds to another fund of the political**

subdivision after the adoption of an ordinance or resolution specifying the:

- (1) amount of the transfer;
- (2) funds involved;
- (3) date of the transfer; and
- (4) general purpose of the transfer.

(b) The political subdivision shall publish a notice of a transfer made under this section one (1) time in conformity with IC 5-3-1.

(c) The amount transferred is available for use after an appropriation of the funds in conformity with section 5 of this chapter.

SECTION 13. IC 6-1.1-18.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a civil taxing unit if the civil taxing unit is committed to levy the taxes to pay or fund either:

- (1) bonded indebtedness; or
- (2) lease rentals under a lease with an original term of at least five (5) years.

(b) A civil taxing unit must file a petition requesting approval from the department of local government finance to incur bonded indebtedness or execute a lease with an original term of at least five (5) years not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the civil taxing unit demonstrates that a longer period is reasonable in light of the civil taxing unit's facts and circumstances. **In addition to any publication requirements, a civil taxing unit other than a county, first class city, or second class city must post a printed notice of the petition in three (3) prominent places in the civil taxing unit.** A civil taxing unit must obtain approval from the department of local government finance before the civil taxing unit may:

- (1) incur the bonded indebtedness; or
- (2) enter into the lease.

Except as provided in subsection (g), the department of local government finance may seek recommendations from the local government tax control board established by section 11 of this chapter when determining whether to authorize incurring the bonded indebtedness or the execution of the lease.

(c) The department of local government finance shall render a decision within three (3) months after the date it receives a request for approval under subsection (b). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the civil taxing unit. A civil taxing unit may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) A civil taxing unit does not need approval under subsection (b) to obtain temporary loans made in anticipation of and to be paid from current revenues of the civil taxing unit actually levied and in the course of collection for the fiscal year in which the loans are made.

(e) For purposes of computing the ad valorem property tax levy limits imposed on a civil taxing unit by section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a calendar year does not include that part of its levy that is committed to fund or pay bond indebtedness or lease rentals with an original term of five (5) years in subsection (a).

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

(g) The department of local government finance may not consult the local government tax control board when determining whether to authorize incurring the bonded indebtedness or the execution of the lease if:

- (1) a sufficient petition objecting to the bond issue or the lease was not filed in accordance with IC 6-1.1-20-5; or
- (2) with respect to a controlled project (as defined in

IC 6-1.1-20-1.1):

(A) a sufficient petition requesting the application of a petition and remonstrance process was not filed in accordance with IC 6-1.1-20-3.1; or

(B) the certificate filed with the political subdivision by the county auditor under IC 6-1.1-20-3.2(5) states that a greater number of owners of real property within the political subdivision have signed a petition than have signed a remonstrance with respect to the controlled project."

Page 22, between lines 5 and 6, begin a new paragraph and insert: "SECTION 20. IC 8-14-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) All funds allocated to cities and towns from the motor vehicle highway account shall be used by the cities and towns for the:

- (1) **engineering, land acquisition,** construction, reconstruction, repair, maintenance, oiling, sprinkling, snow removal, weed and tree cutting, and cleaning of their highways, ~~as herein defined, and including also any curbs; and the~~
- (2) city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads; ~~the~~
- (3) purchase or lease of highway construction and maintenance equipment; ~~the~~
- (4) purchase, erection, operation and maintenance of traffic signs and signals, and safety zones and devices; and ~~the~~
- (5) painting of structures, objects, **and** surfaces in highways for purposes of safety and traffic regulation.

All of ~~such~~ the funds shall be budgeted as provided by law.

(b) In addition to purposes for which funds may be expended under subsections (a) and (c) of this section, monies allocated to cities and towns under this chapter may be expended for law enforcement purposes, subject to the following limitations:

- (1) For cities and towns with a population of less than five thousand (5,000), no more than fifteen percent (15%) may be spent for law enforcement purposes.
- (2) For cities and towns other than those specified in subdivision (1) of this subsection, no more than ten percent (10%) may be spent for law enforcement purposes.

(c) In addition to purposes for which funds may be expended under subsections (a) and (b) of this section, monies allocated to cities and towns under this chapter may be expended for the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects **and for the payment of the indirect costs associated with municipal street departments.**

(d) A city or town may combine funds allocated under this chapter with funds allocated under IC 8-14-2.

SECTION 21. IC 8-14-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Money from the local road and street account shall be used exclusively by the cities, towns, and counties for:

- (1) engineering, land acquisition, construction, resurfacing, maintenance, restoration, or rehabilitation of both local and arterial road and street systems;
- (2) the payment of principal and interest on bonds sold primarily to finance road, street, or thoroughfare projects;
- (3) any local costs required to undertake a recreational or reservoir road project under IC 8-23-5; or
- (4) the purchase, rental, or repair of highway equipment.

(b) In addition to the purposes specified in subsection (a), cities, towns, and counties may use money from the local road and street account for:

- (1) **oiling, sprinkling, snow removal, weed and tree cutting, and cleaning of their highways, including any curbs;**
- (2) **the city's or town's share of the cost of the separation of the grades of crossing of public highways and railroads;**
- (3) **the purchase, erection, operation, and maintenance of traffic signs and signals, and safety zones and devices; and**
- (4) **the painting of structures, objects, and surfaces in highways for purposes of safety and traffic regulation.**

(c) A city or town may combine funds allocated under this chapter with funds allocated under IC 8-14-1."

Page 22, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 23. IC 12-19-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. The serial bonds issued under section 31 of this chapter:

- (1) may be of any denomination that is:
 - (A) not less than fifty dollars (\$50); and
 - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
 - (A) at any place named on the serial bonds; and
 - (B) at any time not later than fifteen (15) years after the date of the serial bonds;
- (3) may bear any rate of interest, payable annually or semiannually;
- (4) shall be sold at not less than the par value of the bonds; and
- (5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 24. IC 12-19-7.5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. The serial bonds issued under section 30 of this chapter:

- (1) may be of any denomination that is:
 - (A) not less than fifty dollars (\$50); and
 - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
 - (A) at any place named on the serial bonds; and
 - (B) at any time not later than fifteen (15) years after the date of the serial bonds;
- (3) may bear any rate of interest, payable annually or semiannually;
- (4) shall be sold at not less than the par value of the bonds; and
- (5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 25. IC 12-20-21-2, AS AMENDED BY P.L.73-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Money raised by tax levies made specifically for township assistance purposes; either by a county or township; may not be considered as a part of and may not be commingled with other money of the county. Township assistance money raised by townships may not be commingled. except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.~~

SECTION 26. IC 12-20-24-1, AS AMENDED BY P.L.73-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's township assistance account will be exhausted before the end of a fiscal year, the township board shall appeal **to the department of local government finance** for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal the township board must do the following:

- (1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article.
- (2) Show the amount of money that the board estimates will be needed to fund the deficit.
- (3) Indicate a period, not to exceed five (5) years, during which the township would repay the loan.

SECTION 27. IC 12-20-24-5, AS AMENDED BY P.L.73-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's township assistance account.

(b) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 28. IC 12-20-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a loan is approved under IC 12-2-4.5 (before its repeal) or this chapter, the board of commissioners **or** county council **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department shall determine the period during which the township shall repay the loan. However, the period may not exceed five (5) years.

SECTION 29. IC 12-20-24-7, AS AMENDED BY P.L.73-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A board of commissioners **or** a county council **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department may not do any of the following:

- (1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's township assistance account will be exhausted before the account can fund all township obligations incurred under this article.
- (2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

SECTION 30. IC 12-20-24-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If a township board:

- (1) appeals before August 1 for permission to borrow money;
- (2) receives permission from:
 - (A) the board of commissioners **or** the county council, **before July 1, 2006;** or
 - (B) the department;
 to borrow money before November 1 of that year; and
- (3) borrows money under this chapter;

the township board shall levy a property tax beginning in the next succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(b) If a township board:

- (1) appeals after August 1 for permission to borrow money;
- (2) receives permission from:
 - (A) the board of commissioners **or** the county council, **before July 1, 2006;** or
 - (B) the department;
 to borrow money; and
- (3) borrows money in the year of the appeal under this chapter;

the township board shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The property taxes levied under this section shall be retained by the township trustee and applied by the township trustee to retire the debt.

SECTION 31. IC 12-20-25-30, AS AMENDED BY P.L.73-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of township assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid township assistance claims, the control board may consent to proposed borrowing for township assistance under ~~IC 12-20-23~~ **or** IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's township assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

(1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and

(2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of this chapter.

SECTION 32. IC 12-20-25-40, AS AMENDED BY P.L.73-2005, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

(1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).

(2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 (**before its repeal**), or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.

(3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).

(4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 33. IC 12-20-25-42, AS AMENDED BY P.L.73-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid township assistance claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 (**before its repeal**), and

IC 12-20-23-19 (**before its repeal**), the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted value of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county."

Page 22, after line 42, begin a new paragraph and insert:

"SECTION 35. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund ~~must~~ **may** be made ~~after the last day of at any time during~~ the political subdivision's fiscal year. ~~and before March 1 of the subsequent calendar year.~~

Page 23, delete lines 34 through 42.

Page 24, delete lines 1 through 32.

Page 35, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 51. IC 36-7-7.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~Twenty-six~~ (**26**) ~~Twenty-seven~~ (**27**) commission members constitute a quorum.

(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of ~~twenty-six~~ (**26**) ~~twenty-seven~~ (**27**) members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

(1) a regular meeting; or

(2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted vote determined as follows:

(1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

(2) In the case of a member appointed by the executive of a county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(4) In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the township as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50)."

Page 40, line 6, delete "town board" and insert "township executive".

Page 40, line 7, delete "executives of" and insert "of the township containing".

Page 44, delete lines 11 through 12, begin a new paragraph and insert:

"SECTION 57. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-20-21-4; IC 12-20-23; IC 12-20-24-2; IC 12-20-24-3; IC 12-20-24-4."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

HINKLE

Motion prevailed.

HOUSE MOTION (Amendment 1102-8)

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 22, line 40, delete "five" and insert "two".

Page 22, line 40, after "hundred" insert "fifty".

Page 22, line 40, delete "(\$500);" and insert "(\$250);".

(Reference is to HB 1102 as printed January 18, 2002.)

BORDERS

Motion prevailed.

HOUSE MOTION (Amendment 1102-4)

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 35, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 34. IC 36-7-4-1109 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1109. (a) As used in this section, "governmental agency" includes any agency, officer, board, or commission of government that may issue:**

(1) a permit; or

(2) an approval for the construction of a development, a building, or another structure.

(b) As used in this section, "permit" means any of the following:

(1) An improvement location permit.

(2) A building permit.

(3) A certificate of occupancy.

(4) Approval of a site-specific development plan.

(5) Approval of a primary or secondary plat.

(6) Approval of a special exception or special use.

(7) Approval of a planned unit development.

(c) If a person files an application for a permit with the appropriate governmental agency, the granting of the permit is governed by the statutes, ordinances, rules, development standards, and regulations in effect and applicable to the subject property when the application is filed, even if before the issuance of the permit or while the permit approval process is pending the statutes, ordinances, rules, development standards, or regulations governing the granting of the permit are changed:

(1) by the general assembly or the applicable local legislative body or regulatory body; or

(2) as the result of the annexation of the property to which the permit relates.

(d) Subsection (c) applies if:

(1) either:

(A) a governmental agency issues to a person a permit or grants a person approval for the construction of a development, a building, or another structure; or

(B) a permit or approval is not required from the governmental agency for the construction of the development, building, or structure;

(2) before beginning the construction of the development, building, or structure, the person must obtain a permit or approval for the construction of the development, building, or structure from a second governmental agency; and

(3) the person has applied for the permit or requested approval for the construction of the development, building, or structure from the second governmental agency.

(e) If the conditions of subsection (d) are satisfied:

(1) a permit or approval issued or granted to a person by the first governmental agency for the construction of the development, building, or structure; or

(2) the person's right to construct the development, building, or structure without a permit or approval from the first governmental agency;

is governed by the statutes, ordinances, rules, development standards, regulations, and approvals in effect and applicable to the subject property when the person applies for the permit or

requests the approval from the second governmental agency for the construction of the development, building, or structure, even if before the commencement of the construction or while the permit application or approval request is pending with the second governmental agency the statutes governing the granting of the permit or approval from the first governmental agency are changed by the general assembly or the ordinances, rules, development standards, or regulations of the first governmental agency are changed by the applicable local legislative body or regulatory body or as the result of the annexation of the property to which the permit relates."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

WOLKINS

Motion prevailed.

HOUSE MOTION
(Amendment 1102-5)

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 22, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 18. IC 13-21-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. Except as provided in section 14.5 of this chapter, the powers of a district include the following:

- (1) The power to develop and implement a district solid waste management plan under IC 13-21-5.
- (2) The power to impose district fees on the final disposal of solid waste within the district under IC 13-21-13.
- (3) The power to receive and disburse money, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.
- (4) The power to sue and be sued.
- (5) The power to plan, design, construct, finance, manage, own, lease, operate, and maintain facilities for solid waste management.
- (6) The power to enter with any person into a contract or an agreement that is necessary or incidental to the management of solid waste. Contracts or agreements that may be entered into under this subdivision include those for the following:
 - (A) The design, construction, operation, financing, ownership, or maintenance of facilities by the district or any other person.
 - (B) The managing or disposal of solid waste.
 - (C) The sale or other disposition of materials or products generated by a facility.

Notwithstanding any other statute, the maximum term of a contract or an agreement described in this subdivision may not exceed forty (40) years.

- (7) The power to enter into agreements for the leasing of facilities in accordance with IC 36-1-10 or IC 36-9-30.
- (8) The power to purchase, lease, or otherwise acquire real or personal property for the management or disposal of solid waste.
- (9) The power to sell or lease any facility or part of a facility to any person.
- (10) The power to make and contract for plans, surveys, studies, and investigations necessary for the management or disposal of solid waste.
- (11) The power to enter upon property to make surveys, soundings, borings, and examinations.
- (12) The power to:
 - (A) accept gifts, grants, loans of money, other property, or services from any source, public or private; and
 - (B) comply with the terms of the gift, grant, or loan.
- (13) The power to levy a tax within the district to pay costs of operation in connection with solid waste management, subject to the following:
 - (A) Regular budget and tax levy procedures.
 - (B) Section 16 of this chapter.

However, except as provided in sections 15 and 15.5 of this chapter, a property tax rate imposed under this article may not

exceed eight and thirty-three hundredths cents (\$0.0833) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(14) The power to borrow in anticipation of taxes.

(15) The power to hire the personnel necessary for the management or disposal of solid waste in accordance with an approved budget and to contract for professional services.

(16) The power to otherwise do all things necessary for the:

(A) reduction, management, and disposal of solid waste; and
(B) recovery of waste products from the solid waste stream; if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(17) The power to adopt resolutions that have the force of law. However, a resolution is not effective in a municipality unless the municipality adopts the language of the resolution by ordinance or resolution.

(18) The power to do the following:

(A) Implement a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project.

(B) Apply for a household hazardous waste collection and disposal project grant under IC 13-20-20 and carry out all commitments contained in a grant application.

(C) Establish and maintain a program of self-insurance for a household hazardous waste and conditionally exempt small quantity generator (as described in 40 CFR 261.5(a)) collection and disposal project, so that at the end of the district's fiscal year the unused and unencumbered balance of appropriated money reverts to the district's general fund only if the district's board specifically provides by resolution to discontinue the self-insurance fund.

(D) Apply for a household hazardous waste project grant as described in IC 13-20-22-2 and carry out all commitments contained in a grant application.

(19) The power to enter into an interlocal cooperation agreement under IC 36-1-7 to obtain:

- (A) fiscal;
- (B) administrative;
- (C) managerial; or
- (D) operational;

services from a county or municipality.

(20) The power to compensate **board members and** advisory committee members for attending meetings at a rate determined by the board. **However, compensation paid under this subdivision to a board member or an advisory committee member may not exceed seventy-five dollars (\$75) for each meeting.**

(21) The power to reimburse board and advisory committee members for travel and related expenses at a rate determined by the board.

(22) In a joint district, the power to pay a fee from district money to the counties in the district in which a final disposal facility is located.

(23) The power to make grants or loans of:

- (A) money;
- (B) property; or
- (C) services;

to public or private recycling programs, composting programs, or any other programs that reuse any component of the waste stream as a material component of another product, if the primary purpose of activities undertaken under this subdivision is to carry out the provisions of this article.

(24) The power to establish by resolution a nonreverting capital fund. A district's board may appropriate money in the fund for:

- (A) equipping;
- (B) expanding;
- (C) modifying; or
- (D) remodeling;

an existing facility. Expenditures from a capital fund established under this subdivision must further the goals and objectives contained in a district's solid waste management plan. Not more than five percent (5%) of the district's total annual budget for the year may be transferred to the capital fund that year. The

balance in the capital fund may not exceed twenty-five percent (25%) of the district's total annual budget. If a district's board determines by resolution that a part of a capital fund will not be needed to further the goals and objectives contained in the district's solid waste management plan, that part of the capital fund may be transferred to the district's general fund, to be used to offset tipping fees, property tax revenues, or both tipping fees and property tax revenues.

(25) The power to conduct promotional or educational programs that include giving awards and incentives that further the district's solid waste management plan.

(26) The power to conduct educational programs under IC 13-20-17.5 to provide information to the public concerning:

(A) the reuse and recycling of mercury in:

- (i) mercury commodities; and
- (ii) mercury-added products; and

(B) collection programs available to the public for:

- (i) mercury commodities; and
- (ii) mercury-added products.

(27) The power to implement mercury collection programs under IC 13-20-17.5 for the public and small businesses."

Page 34, between lines 9 and 10, begin a new paragraph and insert: "SECTION 34. IC 36-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy, an employee, or a technical adviser that assists a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, **except as provided in subsection (i)**, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in ~~subsection~~ **subsections (e) and (i)**, the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).

(f) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(g) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(h) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

(i) In a year in which there is not an election of members to the township legislative body, the township legislative body may by unanimous vote reduce the salaries of the members of the township legislative body by any amount."

Page 35, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 37. IC 36-7-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Each redevelopment commissioner shall serve for ~~one (1) year~~ **three (3) years** from the first day of January after ~~his the commissioner's~~ appointment and until ~~his the commissioner's~~ successor is appointed and has qualified. ~~except that the original commissioners shall serve from the date of their appointment until the first day of January in the second year after their appointment:~~ If a vacancy occurs, a successor shall be appointed in the same manner as the original commissioner, and the successor shall serve for the remainder of the vacated term.

(b) Each redevelopment commissioner, before beginning ~~his the commissioner's~~ duties, shall take and subscribe an oath of office in the usual form, to be endorsed on the certificate of ~~his the commissioner's~~ appointment, which shall be promptly filed with the clerk for the unit that ~~he the commissioner~~ serves.

(c) Each redevelopment commissioner, before beginning ~~his the commissioner's~~ duties, shall execute a bond payable to the state, with surety to be approved by the executive of the unit. The bond must be in the penal sum of fifteen thousand dollars (\$15,000) and must be conditioned on the faithful performance of the duties of ~~his the commissioner's~~ office and the accounting for all monies and property that may come into ~~his the commissioner's~~ hands or under ~~his the commissioner's~~ control. The cost of the bond shall be paid by the special taxing district.

(d) A redevelopment commissioner must be at least eighteen (18) years of age, and must be a resident of the unit that ~~he the commissioner~~ serves.

(e) If a commissioner ceases to be qualified under this section, ~~he the commissioner~~ forfeits ~~his the commissioner's~~ office.

(f) Except as provided in subsection (g), redevelopment commissioners are not entitled to salaries but are entitled to reimbursement for expenses necessarily incurred in the performance of their duties.

(g) A redevelopment commissioner who does not otherwise hold a lucrative office for the purpose of Article 2, Section 9 of the Indiana Constitution may receive:

- (1) a salary; or
- (2) a per diem;

and is entitled to reimbursement for expenses necessarily incurred in the performance of the redevelopment commissioner's duties."

Page 45, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 46. [EFFECTIVE JULY 1, 2006] **IC 36-7-14-7, as amended by this act, applies to the term of a redevelopment commissioner that begins after June 30, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006.)

THOMPSON

Motion prevailed.

HOUSE MOTION (Amendment 1102-10)

Mr. Speaker: I move that House Bill 1102 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper that:

- (1) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (2) has:

(A) been published for at least ~~three (3)~~ two (2) consecutive years in the same city or town;

(B) obtained subscriptions from at least ten percent (10%) of the population of the city or town in which the newspaper is published; or

(C) accumulated at least fifty percent (50%) of all newspaper subscriptions in the city or town in which the newspaper is published;

- (3) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years asailable matter of the periodicals class; and
- (4) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal.

SECTION 2. IC 5-3-1-0.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.7. (a) As used in this chapter, "qualified publication" means a publication that:

- (1) is published daily, weekly, semiweekly, or triweekly;
- (2) is of general circulation to the public;
- (3) has:
 - (A) been published for at least ~~three (3)~~ **two (2)** consecutive years in the same city or town;
 - (B) **obtained subscriptions from at least ten percent (10%) of the population of the city or town in which the newspaper is published; or**
 - (C) **accumulated at least fifty percent (50%) of all newspaper subscriptions in the city or town in which the newspaper is published;**
- (4) has continuity as to title and general nature of content from issue to issue;
- (5) contains news of general or community interest, community notices, or editorial commentary;
- (6) contains advertisements from unrelated advertisers in each issue;
- (7) has, in more than one-half (½) of its issues published during the previous twelve (12) month period, not more than seventy-five percent (75%) advertising content;
- (8) has a known office location in the county in which it is published; and
- (9) has been entered, authorized, and accepted by the United States Postal Service asailable matter of standard mail (A) class for the time published.

(b) A publication is not a qualified publication if any of the following apply:

- (1) The publication is owned by, or under the control of, the owners or lessees of a shopping center or a merchant's association.
- (2) The publication is owned by, or under the control of, a business that sells property or services (other than advertising) and the predominant advertising in the publication is advertising for the business's sales of property or services.
- (3) The publication is a mail order catalog or other catalog, advertising flier, travel brochure, house organ, theater program, telephone directory, restaurant guide, shopping center advertising sheet, or other similar publication.
- (4) The publication is primarily devoted to matters of specialized interest such as a labor, fraternal, society, political, religious, sporting, or trade news publication or journal.
- (5) The publication is a magazine, racing form, or tip sheet."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as printed January 18, 2006).

THOMPSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1073

Representative Walorski called down House Bill 1073 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1049

Representative Bell called down House Bill 1049 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1032, has had the same under consideration and begs leave to report the same back to the House with the recommendation

that said bill do pass.

Committee Vote: yeas 10, nays 1.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1056, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 1, line 5, reset in roman "it is economically".
- Page 1, line 6, reset in roman "it is impractical".
- Page 1, line 6, delete "the cost".
- Page 1, line 7, delete "exceeds".
- Page 1, delete line 8.
- Page 1, line 9, delete "immediately before the wreck or damage occurred".
- Page 1, line 12, after "vehicles" insert ",".
- Page 1, line 12, strike "or an insurance company,".
- Page 2, delete lines 1 through 11.
- Page 2, line 12, reset in roman "(b)".
- Page 2, line 12, delete "(c)".
- Page 2, line 17, reset in roman "(c)".
- Page 2, line 17, delete "(d)" and insert **"Except as provided in section 11(c) of this chapter,"**.
- Page 2, line 17, delete "An" and insert "an".
- Page 2, line 17, delete "or an owner described in".
- Page 2, line 18, delete "subsection (a)(2)".
- Page 2, line 18, after "that" insert **"the insurance company has determined is economically impractical to repair."**
- (d) **An owner described in subsection (a)(2) shall apply for a salvage title for any vehicle that"**.
- Page 2, reset in roman lines 19 through 21.
- Page 2, line 22, reset in roman "vehicle".
- Page 2, line 22, after "(a)(1)" insert ".".
- Page 2, line 22, delete "or (a)(2)".
- Page 2, after line 22, begin a new paragraph and insert:
"SECTION 2. IC 9-22-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) This section applies to the following persons:

- (1) An insurance company that declares a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter and the ownership of which is not evidenced by a certificate of salvage title.
- (2) An insurance company that has made and paid an agreed settlement for the loss of a stolen motor vehicle, motorcycle, semitrailer, or recreational vehicle **that:**
 - (A) **has been recovered by the titled owner; and**
 - (B) **meets at least one (1) of the criteria set forth in section 3 of this chapter.**
- (b) A person who owns or holds a lien upon a vehicle described in subsection (a) shall assign the certificate of title to the insurance company described in subsection (a). The insurance company shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title for each salvage or stolen vehicle subject to this chapter. The insurance company shall surrender the certificate of title to the department and pay the fee prescribed under IC 9-29-7 for a certificate of salvage title.
- (c) **When the owner of a vehicle described in subsection (a) retains possession of the vehicle:**
 - (1) **the insurance company that makes an agreed settlement for the vehicle shall:**
 - (A) **obtain the certificate of title; and**
 - (B) **submit to the bureau:**
 - (i) **the certificate of title;**
 - (ii) **the appropriate fee; and**
 - (iii) **a request for a certificate of salvage title on a form prescribed by the bureau; and**
 - (2) **after the bureau has received the items set forth in subdivision (1)(B), the bureau shall issue a certificate of salvage title to the owner.**

(c) (d) When a self-insured entity is the owner of a salvage motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, the self-insured entity shall apply to the bureau within thirty-one (31) days after the date of loss for a certificate of salvage title in the name of the self-insured entity's name.

(d) (e) Any other person acquiring a wrecked or damaged motor vehicle, motorcycle, semitrailer, or recreational vehicle that meets at least one (1) of the criteria set forth in section 3 of this chapter, which acquisition is not evidenced by a certificate of salvage title, shall apply to the bureau within thirty-one (31) days after receipt of the certificate of title for a certificate of salvage title.

(f) A person that violates this section commits a Class D infraction.

SECTION 3. IC 9-22-3-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 37. **Except for a violation of section 11 of this chapter**, a person who violates this chapter commits a deceptive act that is actionable by the attorney general and is subject to the remedies and penalties under IC 24-5-0.5.

SECTION 4. IC 9-29-7-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. **(a) The fee for a certificate of salvage title is four dollars (\$4).**

(b) The fee for a delinquent certificate of salvage title is ten dollars (\$10). The bureau shall collect this fee if:

- (1) a purchaser or transferee fails to apply for a certificate of salvage title or a transfer of title, by assignment, not later than thirty-one (31) days after the salvage motor vehicle is purchased or otherwise acquired; or**
- (2) the owner of a salvage motor vehicle retains possession of the salvage motor vehicle and the owner fails to apply for a certificate of salvage title not later than thirty-one (31) days after the settlement of loss with the insurance company.**

SECTION 5. IC 9-29-7-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. **The fee for a duplicate certificate of salvage title is four dollars (\$4).**

SECTION 6. IC 9-29-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The revenues from the:

- (1) certificate of salvage titles collected under IC 9-22-3; and**
- (2) license fees collected under IC 9-22-4;**

shall be deposited in the motor vehicle highway account.

SECTION 7. IC 9-29-4-6 IS REPEALED [EFFECTIVE JULY 1, 2006].

(Reference is to HB 1056 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "A" and insert **"Except as provided in section 5 of this chapter, a"**.

Page 2, after line 6, begin a new paragraph and insert:

"Sec. 5. A court may admit a statement of fault into evidence, including a statement of fault that is part of a communication of sympathy, if otherwise admissible under the Indiana Rules of Evidence."

(Reference is to HB 1112 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1158, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-29-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The main department, office, agency, or other person under whose supervision a law enforcement officer carries on the law enforcement officer's duties may charge a fee that is fixed by ordinance of the fiscal body in an amount not less than ~~three five~~ dollars (\$3) (\$5) for each report.

(b) The fee collected under subsection (a) shall be deposited in the following manner:

(1) If the department supplying a copy of the accident report is the state police department, in a separate account known as the "accident report account". The account may be expended at the discretion of the state police superintendent for a purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(2) If the department supplying a copy of the accident report is the sheriff, county police, or county coroner, in a separate account known as the "accident report account". The account may be expended at the discretion of the chief administrative officer of the entity that charged the fee for any purpose reasonably related to the keeping of accident reports and records or the prevention of street and highway accidents.

(3) If the department supplying a copy of the accident report is a city or town police department, in the local law enforcement continuing education fund established by IC 5-2-8-2".

Page 2, after line 42, begin a new paragraph and insert:

"SECTION 4. IC 33-37-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The sheriff shall collect a service of process fee of thirteen dollars (\$13) from a party requesting service of a writ, an order, a process, a notice, a tax warrant, or any other paper completed by the sheriff.

(b) The sheriff shall collect from the person who filed the civil action a service of process fee of ~~forty sixty~~ dollars (\$40); (\$60), in addition to any other fee for service of process, if:

- (1) a person files a civil action outside Indiana; and**
- (2) a sheriff in Indiana is requested to perform a service of process associated with the civil action in Indiana.**

(c) A sheriff shall transfer fees collected under this section to the county auditor of the county in which the sheriff has jurisdiction.

(d) The county auditor shall deposit fees collected under this section:

- (1) in the pension trust established by the county under IC 36-8-10-12; or**
- (2) if the county has not established a pension trust under IC 36-8-10-12, in the county general fund."**

Page 3, after line 14, begin a new paragraph and insert:

"SECTION 6. IC 33-37-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) This section applies to a county in which there is established a pension trust under IC 36-8-10-12.

(b) For each service of a writ, an order, a process, a notice, a tax warrant, or other paper completed by the sheriff of a county described in subsection (a), the sheriff shall submit to the county fiscal body a verified claim of service.

(c) From the county share distributed under section 3 or 4 of this chapter and deposited into the county general fund, the county fiscal body shall appropriate ~~twelve thirteen~~ dollars (\$12) (\$13) for each verified claim submitted by the sheriff under subsection (b). Amounts appropriated under this subsection shall be deposited by the county auditor into the pension trust established under IC 36-8-10-12.

SECTION 7. IC 36-2-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Each of the following county officers is entitled to appoint one (1) first or chief deputy, and also may appoint the number of other full-time or part-time deputies and employees authorized by the county fiscal body:

- (1) The county auditor.**

- (2) The county treasurer.
- (3) The county recorder.
- (4) The county superintendent of schools.
- (5) The county sheriff."**

Renumber all SECTIONS consecutively.
(Reference is to HB 1158 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1287, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-16-1-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) This section applies only to a bridge that:

- (1) was constructed under this chapter; and
- (2) crosses the Wabash River.

(b) Notwithstanding any other provisions of this chapter, a bridge subject to this section ~~does not become a part of the system of state highways free of tolls or a tollway under IC 8-15-3 when bonds are retired and all funds fully reimbursed: on July 1, 2006, shall, without a deed of conveyance or any action by the authority, become the property of the state to be operated and maintained by the department as a part of the state highway system.~~

(c) The department may operate the bridge as a toll bridge and:

- (1) fix;
- (2) maintain; and
- (3) collect tolls for the use of;

the bridge.

~~(c)~~ (d) Money collected for the use of a bridge subject to this section shall be allocated to the ~~authority~~ department and used by the department for the following purposes:

- (1) Operation of the toll bridge facility.
- (2) Maintenance of the toll bridge facility.

~~(3) A reserve fund for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to this section is located."~~

Page 1, line 3, delete "may:" and insert "shall:".

Page 1, line 5, delete "or" and insert "and".

Page 1, delete lines 9 through 17, begin a new paragraph and insert:

"SECTION 3. IC 9-13-2-27.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.3. "Clear zone" means the unobstructed, relatively flat area, including any shoulder or auxiliary lane, provided beyond the edge of a highway for the recovery of errant vehicles.

SECTION 4. IC 9-13-2-69.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 69.1. "Freeway service patrol responder", for purposes of IC 9-21-16, has the meaning set forth in IC 9-21-16-0.5.

SECTION 5. IC 9-13-2-127, AS AMENDED BY P.L.210-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 127. (a) "Police officer" means,

except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.
- (6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations. **However, for purposes of IC 9-21-16-4.5, the term refers to only the following:**

- (1) A regular member of the state police department.**
- (2) A regular member of a city or town police department.**
- (3) A regular member of a county sheriff's department.**

SECTION 6. IC 9-21-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) A person who violates section 4, 5, 6, 16, 17, or 18 of this chapter commits a Class C infraction.

(b) Notwithstanding:

- (1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of section 16 of this chapter; and**
- (2) IC 34-28-5-5(c), civil penalties collected for a violation of section 16 of this chapter shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.**

SECTION 7. IC 9-21-8-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 49. (a) Except as provided in sections 50, 51, 52, and 54 of this chapter, a person who violates this chapter commits a Class C infraction.

(b) Notwithstanding:

- (1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of:**

(A) section 8(b)(2) of this chapter if a vehicle is driven to the left side of the roadway when:

- (i) approaching within one hundred (100) feet of; or**
- (ii) traversing;**

a railroad grade crossing; or

(B) section 39 of this chapter; and

- (2) IC 34-28-5-5(c), civil penalties collected under:**

(A) section 8(b)(2) of this chapter for a violation described in subdivision (1)(A); and

(B) section 39 of this chapter;

shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

SECTION 8. IC 9-21-8-52, AS AMENDED BY P.L.1-2005, SECTION 103, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 52. (a) A person who operates a vehicle and who recklessly:

- (1) drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to:

- (A) endanger the safety or the property of others; or**
- (B) block the proper flow of traffic;**

- (2) passes another vehicle from the rear while on a slope or on a curve where vision is obstructed for a distance of less than five hundred (500) feet ahead;

- (3) drives in and out of a line of traffic, except as otherwise permitted;

- (4) speeds up or refuses to give one-half (½) of the roadway to a driver overtaking and desiring to pass; or

- (5) passes a school bus stopped on a roadway when the arm signal device specified in IC 9-21-12-13 is in the device's extended position;

commits a Class B misdemeanor.

(b) A person who:

- (1) operates a vehicle; and**

- (2) recklessly drives at such an unreasonably high rate of speed or at such an unreasonably low rate of speed under the circumstances as to endanger the safety of an individual authorized by the Indiana department of transportation to**

be in a highway worksite zone; commits a Class A misdemeanor.

~~(b)~~ (c) If an offense under subsection (a) results in damage to the property of another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

- (1) not less than thirty (30) days; and
- (2) not more than one (1) year.

SECTION 9. IC 9-21-12-11, AS AMENDED BY P.L.231-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of this chapter commits a Class C infraction.

Notwithstanding:

- (1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of section 5 of this chapter; and
- (2) IC 34-28-5-5(c), civil penalties collected for a violation of section 5 of this chapter shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

SECTION 10. IC 9-21-16-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. **As used in this chapter, "freeway service patrol responder" means a regular member of the Indiana department of transportation's freeway service patrol.**

SECTION 11. IC 9-21-16-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. **(a) A person may not stop, stand, or park a vehicle for more than twenty-four (24) hours in a clear zone that is adjacent to a highway that is a part of the interstate highway system.**

(b) If a police officer or a freeway service patrol responder discovers a vehicle that is stopped, standing, or parked in violation of subsection (a), the police officer or freeway service patrol responder shall cause the vehicle to be removed from the clear zone and stored in a suitable place.

(c) The removal of a vehicle under subsection (b) is in addition to any penalty imposed under section 9 of this chapter.

(d) This section may not be construed to confer upon a freeway service patrol responder any police powers other than the power granted under subsection (b).

SECTION 12. IC 9-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to the following:

- (1) A vehicle in operable condition specifically adapted or constructed for operation on privately owned raceways.
- (2) A vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.
- (3) A vehicle located on a vehicle sale lot.
- (4) A vehicle located upon property licensed or zoned as an automobile scrapyard.
- (5) A vehicle registered and licensed under IC 9-18-12 as an antique vehicle.
- (6) A vehicle located in a clear zone and subject to IC 9-21-16-4.5.

SECTION 13. IC 9-24-6-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) Except as provided in sections 16 and 17 of this chapter, a person who violates this chapter commits a Class C infraction.

(b) Notwithstanding:

- (1) IC 34-28-5-4(c), a civil judgment of at least one hundred dollars (\$100) shall be imposed for an infraction committed in violation of section 6(a)(7) or 6(a)(8) of this chapter; and
- (2) IC 34-28-5-5(c), civil penalties collected for a violation of section 6(a)(7) or 6(a)(8) of this chapter shall be deposited in the railroad grade crossing fund created by IC 8-6-7.7-6.1.

SECTION 14. IC 33-37-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section applies to criminal, infraction, and ordinance violation actions that are traffic offenses (as defined in IC 9-30-3-5).

(b) The clerk shall collect a highway worksite zone fee of fifty

cents (\$0.50). However, the clerk shall collect a highway worksite zone fee of twenty-five dollars and fifty cents (\$25.50) if:

- (1) the criminal action, infraction, or ordinance violation is:
 - (A) exceeding a worksite speed limit (as provided in IC 9-21-5-2 and authorized by IC 9-21-5-3); ~~or~~
 - (B) failure to merge (as provided in IC 9-21-8-7.5); ~~and or~~
 - (C) **reckless driving that endangers the safety of an individual authorized by the Indiana department of transportation to be in a highway worksite zone (as provided in IC 9-21-8-52(b)); and**

- (2) the judge orders the clerk to collect the fee for exceeding a worksite speed limit, ~~or~~ failure to merge, ~~or~~ reckless driving that endangers the safety of an individual authorized by the Indiana department of transportation to be in a highway worksite zone."

Delete pages 2 through 6.

Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1306, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1367, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 34-30-5.5 IS ADDED TO THE INDIANA CODE".

Page 1, line 2, delete "AS A NEW CHAPTER TO READ AS FOLLOWS".

Page 1, line 3, delete "2006]:" and insert "2006]".

Page 1, delete lines 4 through 16.

Page 1, line 17, delete "Sec. 3." and insert "(a)".

Page 1, line 17, delete "chapter" and insert "SECTION,".

Page 1, run in lines 3 and 17.

Page 2, delete lines 12 through 16, begin a new paragraph and insert:

"(b) The interim study committee on insurance and liability concerns of small nonprofit organizations is established. The committee shall study insurance and liability issues affecting small nonprofit organizations and may prepare legislation for introduction in the 2007 session of the general assembly.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires November 1, 2006."

(Reference is to HB 1367 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

FOLEY, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bill 1032 had been referred to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1028.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ulmer and Thomas be added as coauthors of House Bill 1032.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1062.

HINKLE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Harris and Noe be added as coauthors of House Bill 1096.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kuzman, Bischoff, and Stutzman be added as coauthors of House Bill 1098.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas, Kuzman, and Pond be added as coauthors of House Bill 1112.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Messer, Summers, and L. Lawson be added as coauthors of House Bill 1128.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1207.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Budak and L. Lawson be added as coauthors of House Bill 1232.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1235.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1239.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Hinkle, Hoy, and Moses be added as coauthors of House Bill 1249.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Kuzman and Bardon be added as coauthors of House Bill 1261.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Grubb be added as coauthor of House Bill 1284.

J. LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Burton be added as coauthor of House Bill 1299.

BARDON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative GiaQuinta be added as coauthor of House Bill 1323.

DODGE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Heim be added as coauthor of House Bill 1332.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be added as coauthor of House Bill 1334.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cherry be added as coauthor of House Bill 1336.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and Crooks be added as coauthors of House Bill 1353.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1391.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Fry be added as coauthor of House Bill 1392.

RIPLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Gutwein and Kuzman be added as coauthors of House Bill 1418.

AYRES

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

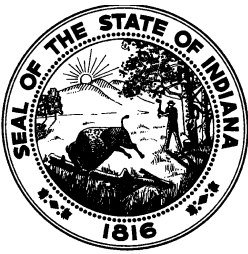
On the motion of Representative Pond, the House adjourned at 10:00 p.m., this twenty-third day of January, 2006, until Tuesday, January 24, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Tenth Meeting Day

Tuesday Afternoon

January 24, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Vernon G. Smith.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 36: 100 present. The Speaker announced a quorum in attendance.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, January 25, 2006 at 1:30 p.m.

CHERRY

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:50 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 19 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, between lines 9 and 10, begin a new paragraph and insert: "SECTION 8. IC 36-9-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. Any facility owned, operated, or financed under this chapter shall accept waste accumulated within the waste disposal district without discrimination as to whether or not the waste is collected by the city. The fees made by any such facility for any services rendered or to be rendered, either directly or in connection with them, must be nondiscriminatory, but they may vary based upon the volume, weight, hazardousness, or difficulty of disposal of the waste disposed of or processed by the facility. **If a person enters into a contract with the consolidated city to accept the consolidated city's waste at a facility, the person may not be considered to be operating the facility for purposes of this section.**"

Page 5, line 13, delete "IC 13-20-4-10;"

Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1136, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

WOODRUFF, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1220, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
Delete pages 2 through 4.
Page 5, delete lines 1 through 41.
Page 10, delete lines 26 through 42.
Page 11, delete lines 1 through 32.
Renumber all SECTIONS consecutively.
(Reference is to HB 1220 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1286, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 3.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1315, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "2016." and insert "**2011**."
Page 1, line 8, delete "care".
Page 1, line 8, delete "2013," and insert "**2009**,".
Page 1, line 9, delete "2013," and insert "**2009**,".
Page 1, line 11, delete "2016." and insert "**2011**."
Page 2, between lines 8 and 9, begin a new paragraph and insert:
"SECTION 3. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "department" refers to the state department of health.

(b) The department shall implement disclosure guidelines for health facilities that are licensed under IC 16-28 concerning automatic fire sprinkler systems and smoke detectors, including the following:

- (1) The status of automatic fire sprinkler systems and smoke detectors.**
- (2) The type of smoke detectors that are used.**
- (3) The plan of the health facility to install or update automatic fire sprinkler systems and smoke detectors.**

The disclosure guidelines may include Internet web site postings, posting of information at health facilities, and providing information to new clients of a health facility. However, the disclosure guidelines must provide that any information that is posted or distributed must be updated.

(c) This SECTION expires July 1, 2011."

Renumber all SECTIONS consecutively.
(Reference is to HB 1315 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1383, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, delete lines 23 through 30.
Page 3, line 31, delete "8." and insert "7".

Page 3, line 41, delete "9." and insert "8".

Page 4, between lines 5 and 6, begin a new paragraph and insert:
"Sec. 9. A provision of this chapter that violates federal law is void."

(Reference is to HB 1383 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1395, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 2

Representative Pelath introduced House Resolution 2:

A RESOLUTION memorializing former state Representative Henry J. "Bud" Kintzele, Jr.

Whereas, Henry J. "Bud" Kintzele, Jr., served in the Indiana House of Representatives in 1959 and 1960;

Whereas, Representing LaPorte County, Representative Kintzele authored and worked to get the Port Authorities Act of 1959 enacted into law;

Whereas, Representative Kintzele was a contributing member of the Democratic National Committee, a member of the Democratic Platform Committee of 1960, a charter member of the Coolspring Democratic Club, a co-founder of the Michigan City Democratic Athletic Club with former Representative Clifford Arnold, and a former LaPorte County Councilman;

Whereas, Representative Kintzele was elected as a LaPorte County Commissioner in 1997 at the age of 83;

Whereas, Representative Kintzele joined Lodge 290 of the Carmen's Union in 1942, was elected financial secretary and business agent of that union in 1944, and was re-elected to eight successive terms until he was elected to a position with the International Union in 1959;

Whereas, Representative Kintzele served as a senior general vice president of the International Union until his retirement in 1979;

Whereas, Representative Kintzele was born on September 15, 1914, in Michigan City to Henry J. Kintzele, Sr., and Hazel Garnet Sieben; was married July 30, 1943, to Mildred Mae "Billie" Kull, who passed away on March 31, 1971; and on October 4, 1974, married Virginia M. Hansen, who died on August 23, 2005; and

Whereas, Representative Kintzele is survived by three daughters, Joyce E. Barnes, Margaret J. Fusco, and Diane L. Burda; one stepson, David R. Kintzele; one stepdaughter, Elizabeth Johnson; one brother, James Kintzele; two sisters, Eileen Borglin and Marjorie Pawloski; and one grandson, six granddaughters, nine great-grandsons, three great-granddaughters, two step-granddaughters, and two step-great-grandsons: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors the life, public service, and dedication to working people displayed by Representative Henry J. "Bud" Kintzele.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Henry J. "Bud" Kintzele, Jr.

The resolution was read a first time and adopted by voice vote.

House Resolution 3

Representative Fry introduced House Resolution 3:

A RESOLUTION honoring Hardie Jay Smith on the occasion of his retirement.

Whereas, Hardie Jay Smith has served the members of Sheet Metal Workers Local #41 with honor and distinction;

Whereas, Hardie Jay Smith began the Sheet Metal Workers Local #41 Apprenticeship Program due to the encouragement of his uncle and his partner who were starting up a new company;

Whereas, Upon the retirement of his uncle in 1980, Hardie Jay Smith was given many of his uncle's responsibilities and became the company's controller, a position he held until 1988;

Whereas, During his time as controller, the company grew from 23 to 47 employees and increased its business in part due to a production agreement developed primarily by Hardie Jay Smith;

Whereas, In 1974, through the encouragement of Mike Sullivan, Hardie Jay Smith began attending local union meetings;

Whereas, In January 1989, Hardie Jay Smith was selected to be the administrator-coordinator of the Indianapolis Area Apprenticeship Program;

Whereas, In 1990, the Indianapolis Area established a statewide training trust that allowed for the merger of all seven apprenticeship programs in the jurisdiction of Local #20; Hardie Jay Smith was selected to be the administrator of the Trust and coordinator for the seven area Joint Apprenticeship and Training Committees; and

Whereas, Throughout his career, Hardie Jay Smith has continually set goals for himself, and he has successfully reached each one: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its best wishes to Hardie Jay Smith on the occasion of his retirement and wishes him happiness and contentment in the coming years.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Hardie Jay Smith.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 19

The Speaker handed down Senate Concurrent Resolution 19, sponsored by Representative Orentlicher:

A CONCURRENT RESOLUTION congratulating the Brebeuf Jesuit Girls Volleyball Team on winning the 2005 Class 3A State Championship Title.

Whereas, The Brebeuf Braves took on the Boonville Pioneers in the Indiana Class 3A State Volleyball Championship at Hinkle Fieldhouse on November 15, 2005;

Whereas, In a hard-fought, four-game match, the Brebeuf Jesuit Girls Volleyball Team capped off a stellar 2005 season by winning their second state championship title in three years;

Whereas, Each member of the team played a key role in the championship match. In addition to scoring the winning point in the final game, Claire McElheny led all players with 4 block assists and contributed 2 service aces and 12 kills. Kim Kristoff recorded a match-high 17 kills and added a solo block and 2 block assists;

Whereas, Sam Gray accumulated 45 assists, 2 service aces and three block assists for the Braves. Sally Fischer and Sarah Kish anchored the Brebeuf defense with a match-high 15 digs apiece;

Whereas, Senior Sarah Kish, who has been an all-around athlete and high honor roll student while at Brebeuf, also received individual recognition winning the 2005 IHSAA Class 3A Mental Attitude Award presented by members of the IHSAA Executive Committee; and

Whereas, The Indiana General Assembly commends the members of the Brebeuf Girls Volleyball Team for their hard work and dedication throughout the 2005 season: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Brebeuf Jesuit Girls Volleyball Team on achieving a 37-1 season record and winning the 2005 Class 3A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Brebeuf Jesuit Preparatory School Principal, Kathee Gaskin, Girls Volleyball Coach, Brian Murray, and each member of the championship team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE MOTION**

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Davis, Cherry, Crouch, and Woodruff be added as coauthors of House Bill 1008.

BORROR

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ruppel, Thomas, and Bischoff be added as coauthors of House Bill 1090.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 1097.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Harris be added as coauthor of House Bill 1142.

LEONARD

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1159.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Brown be added as coauthor of House Bill 1162.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bischoff be added as coauthor of House Bill 1234.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Tincher be added as coauthor of House Bill 1236.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Woodruff be added as coauthor of House Bill 1261.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as coauthor of House Bill 1343.

HINKLE

Motion prevailed.

HOUSE BILLS ON SECOND READING

House Bill 1006

Representative Noe called down House Bill 1006 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1006-1)

Mr. Speaker: I move that House Bill 1006 be amended to read as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert: **"Sec. 2. This article is supplemental to and does not abrogate the powers given to school corporations under the home rule provisions of IC 20-26-3, and those powers remain in full effect."**

Page 2, line 5, delete "2." and insert "3."

Page 6, line 4, delete "December 31, 2006," and insert **"June 30, 2007,"**

Page 6, line 36, before "chapter;" insert **"chapter and whether the school corporation met the goals established for the previous school year under section 6 of this"**

Page 6, line 39, delete "and".

Page 7, line 1, delete "year." and insert **"year; and"**

(D) the goals established under section 6 of this chapter for the current school year."

Page 7, line 7, after "6." insert **"(a)"**.

Page 7, line 7, delete "the state" and insert **"each governing body"**.

Page 7, delete lines 8 through 17 and insert **"shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning."**

(b) The state board shall recognize and reward the school corporations that have met the goals described in subsection (a)."

Page 7, line 22, delete "modify;" and insert **"modify before approving;"**.

Page 7, line 26, after "principles" insert **"based on the system of accounting used by school corporations and schools on June 30, 2006,"**

Page 8, delete lines 26 through 30.

Page 8, line 31, delete "(g)" and insert **"(f)"**.

Page 8, line 31, delete "2008." and insert **"2009."**

(Reference is to HB 1006 as printed January 20, 2006.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1006-2)

Mr. Speaker: I move that House Bill 1006 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-27-9-5, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 5. (a) A special purpose bus may be used:

(1) by a school corporation to provide regular transportation of a student between one (1) school and another school but not between the student's residence and the school;

(2) to transport students and their supervisors, including coaches, managers, and sponsors to athletic or other extracurricular school activities and field trips; ~~and~~

(3) by a school corporation to provide transportation between an individual's residence and the school for an individual enrolled in a special program for the habilitation or rehabilitation of developmentally disabled or physically disabled persons; **and**

(4) to transport homeless students under IC 20-27-12.

(b) The mileage limitation of section 3 of this chapter does not apply to special purpose buses.

(c) The operator of a special purpose bus must be at least twenty-one (21) years of age, be authorized by the school corporation, and meet the following requirements:

(1) If the special purpose bus has a capacity of less than sixteen (16) passengers, the operator must hold a valid operator's, chauffeur's, or public passenger chauffeur's license.

(2) If the special purpose bus has a capacity of more than fifteen (15) passengers, the operator must meet the requirements for a school bus driver set out in IC 20-27-8.

(d) A special purpose bus is not required to be constructed, equipped, or painted as specified for school buses under this article or by the rules of the committee.

(e) An owner or operator of a special purpose bus, other than a special purpose bus owned or operated by a school corporation or a nonpublic school, is subject to IC 8-2-1.

SECTION 2. IC 20-27-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 12. Transportation of Homeless Students

Sec. 1. As used in this chapter, "original school corporation" refers to a school corporation in which a homeless student's school of origin is located.

Sec. 2. As used in this chapter, "school of origin" means the school:

(1) that a homeless student attended when the student last had a permanent residence; or

(2) in which the homeless student was last enrolled.

Sec. 3. As used in this chapter, "transitional school corporation" refers to a school corporation in which a homeless student temporarily stays.

Sec. 4. (a) If a homeless student temporarily stays in the homeless student's original school corporation but outside the attendance area for the school of origin, the original school corporation shall provide transportation for the homeless student from the place where the homeless student is temporarily staying to the school of origin.

(b) If:

(1) a homeless student's school of origin is located in a school corporation in which the homeless student does not temporarily stay; and

(2) the homeless student does not elect to attend a school located in the school corporation in which the homeless student is temporarily staying;

the original school corporation and the transitional school corporation shall enter into an agreement concerning the responsibility for and apportionment of the costs of transporting the homeless student to the school of origin.

(c) If the original school corporation and the transitional school corporation are unable to reach an agreement under subsection (b), the responsibility for transporting the homeless student to the school of origin is shared equally between both school corporations, and the cost of transporting the homeless student to the school of origin is apportioned equally between both school corporations.

Sec. 5. (a) A school corporation may use the following types of vehicles in transporting a homeless student to a school of origin:

(1) If at least four (4) homeless students are being

transported to schools in the same school corporation, a special purpose bus must be used to transport the students.
 (2) If three (3) or fewer students are being transported to schools in the same school corporation, an appropriate vehicle owned by the school corporation may be used to transport the students.

(b) The driver of a vehicle used to transport homeless students to a school of origin under subsection (a) must meet the qualifications set forth in IC 20-27-9-5(c)."

Page 8, after line 31, begin a new paragraph and insert:
 "SECTION 5. An emergency is declared for this act."
 Renumber all SECTIONS consecutively.
 (Reference is to HB 1006 as printed January 20, 2006.)

INKLE

Motion prevailed. The bill was ordered engrossed.

House Bill 1010

Representative Wolkins called down House Bill 1010 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1010-9)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 12, line 38, after "IC 32-24-1" insert ", not to exceed two hundred and fifty thousand dollars (\$250,000)".

Page 13, line 4, after "IC 32-24-1" insert ", not to exceed two hundred and fifty thousand dollars (\$250,000)".

Page 13, line 12, after "IC 32-24-1" insert ", not to exceed two hundred and fifty thousand dollars (\$250,000)".

Page 13, line 17, delete "any reasonable".

Page 13, line 17, delete "incurred by the" and insert":

- (1) in an amount equal to ten percent (10%) of the costs of the acquisition of the real property; and
- (2) not to exceed two hundred and fifty thousand dollars (\$250,000)."

Page 13, delete line 18.

(Reference is to HB 1010 as printed January 11, 2006.)

INKLE

Motion prevailed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

HOUSE MOTION (Amendment 1010-1)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 10, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 10. IC 32-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Except as provided in section 1.5 of this chapter, a person, firm, partnership, limited liability company, or corporation authorized to do business in Indiana and authorized to:

- (1) furnish, supply, transmit, transport or distribute electrical energy, gas, oil, petroleum, water, heat, steam, hydraulic power, or communications by telegraph or telephone to the public or to any town or city; or
- (2) construct, maintain or operate turnpikes, toll bridges, canals, public landings, wharves, ferries, dams, aqueducts, street railways, or interurban railways for the use of the public or for the use of any town or city;

may take, acquire, condemn, and appropriate land, real estate, or any interest in the land or real estate.

(b) A person described in subsection (a) has all accommodations, rights, and privileges necessary to accomplish the use for which the property is taken. A person acting under subsection (a) may use acquired, condemned, or appropriated land to construct railroad siding, switch, or industrial tracks connecting its plant or facilities with the tracks of any common carrier.

SECTION 11. IC 32-24-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. A private utility that:

- (1) holds a certificate of territorial authority to provide sewage disposal service; and
- (2) provides or will provide sewage disposal service to less than five hundred (500) customers;

may not exercise the power of eminent domain to take, acquire, condemn, or appropriate land, real estate, or any interest in the land or real estate, including an easement or a right-of-way."

Renumber all SECTIONS consecutively.

(Reference is to HB 1010 as printed January 11, 2006.)

ROBERTSON

Motion prevailed.

HOUSE MOTION (Amendment 1010-5)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 10, line 33, delete "(a) Except as provided in subsection (b), this" and insert "This".

Page 10, delete lines 40 through 42.

Page 11, delete lines 1 through 4.

(Reference is to HB 1010 as printed January 11, 2006.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Pierce, the Chair ordered the roll of the House to be called. Roll Call 37: yeas 48, nays 51. Motion failed.

HOUSE MOTION (Amendment 1010-14)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-20.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This chapter applies to the disposition of state property, with or without consideration.

(b) This chapter does not authorize the transfer of property held in trust by the state unless the transfer is consistent with the terms of the trust.

(c) Except as provided in section 1.5 of this chapter and IC 8-23-7-15, this chapter does not apply to the sale of state property, including structures to be removed from state property, under the control of the department of transportation.

SECTION 2. IC 4-20.5-7-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. An agency, including the department of transportation, or a state educational institution may not transfer ownership or control of property acquired through the use of eminent domain to a private person unless the property is not usable by any:

- (1) agency, including the department of transportation; or
- (2) state educational institution."

Renumber all SECTIONS consecutively.

(Reference is to HB 1010 as printed January 11, 2006.)

DVORAK

Upon request of Representatives Dvorak and Bauer the Chair ordered the role of the House to be called. Roll Call 38: yeas 48, nays 51. Motion failed.

HOUSE MOTION (Amendment 1010-12)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 13, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 11. IC 36-1-3-8, AS AMENDED BY P.L.200-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Subject to subsection (b), a unit does not have the following:

- (1) The power to condition or limit its civil liability, except as expressly granted by statute.
- (2) The power to prescribe the law governing civil actions between private persons.

- (3) The power to impose duties on another political subdivision, except as expressly granted by statute.
- (4) The power to impose a tax, except as expressly granted by statute.
- (5) The power to impose a license fee greater than that reasonably related to the administrative cost of exercising a regulatory power.
- (6) The power to impose a service charge or user fee greater than that reasonably related to reasonable and just rates and charges for services.
- (7) The power to regulate conduct that is regulated by a state agency, except as expressly granted by statute.
- (8) The power to prescribe a penalty for conduct constituting a crime or infraction under statute.
- (9) The power to prescribe a penalty of imprisonment for an ordinance violation.
- (10) The power to prescribe a penalty of a fine as follows:
- (A) More than ten thousand dollars (\$10,000) for the violation of an ordinance or a regulation concerning air emissions adopted by a county that has received approval to establish an air program under IC 13-17-12-6.
 - (B) For a violation of any other ordinance:
 - (i) more than two thousand five hundred dollars (\$2,500) for a first violation of the ordinance; and
 - (ii) except as provided in subsection (c), more than seven thousand five hundred dollars (\$7,500) for a second or subsequent violation of the ordinance.
- (11) The power to invest money, except as expressly granted by statute.
- (12) The power to order or conduct an election, except as expressly granted by statute.
- (13) The power to:**
- (A) provide protections; or**
 - (B) grant access;**
- to a person renting, leasing, or buying private property greater than those protections or access offered by the Constitution of the State of Indiana, the Constitution of the**

United States, or federal law, except as expressly granted by statute.

(14) The power to provide:

(A) protections; or

(B) opportunities;

in private employment greater than those protections or opportunities offered by the Constitution of the State of Indiana, the Constitution of the United States, or federal law, except as expressly granted by statute.

(b) A township does not have the following, except as expressly granted by statute:

(1) The power to require a license or impose a license fee.

(2) The power to impose a service charge or user fee.

(3) The power to prescribe a penalty.

(c) Subsection (a)(10)(B)(ii) does not apply to the violation of an ordinance that regulates traffic or parking."

Renumber all SECTIONS consecutively.

(Reference is to HB 1010 as printed January 11, 2006.)

THOMPSON

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Chair ruled the point was not well taken.

The question then was on the motion of Representative Thompson.

The Speaker Pro Tempore yielded the gavel to the Speaker.

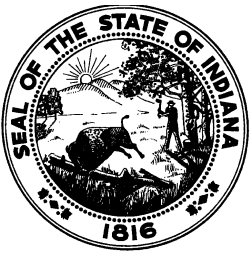
On the motion of Representative Whetstone, the House adjourned at 5:40 p.m., this twenty-fourth day of January, 2006, until Wednesday, January 25, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Eleventh Meeting Day

Wednesday Afternoon

January 25, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative David N. Frizzell.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson ☐
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith ☐
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 39: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 2, 12, 41, 60, 73, 87, 88, 133, 147, 154, 168, 208, 234, 245, 246, 258, 260, 295, 296, 310, 355, and 362 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 114 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 20 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE BILLS ON SECOND READING

House Bill 1010

The Speaker handed down for second reading House Bill 1010. The bill was reread a second time by title. The motion of Representative Thompson (1010-12) was pending.

Representative Thompson withdrew the motion.

HOUSE MOTION

Mr. Speaker: I move, pursuant to House Rule 86, that House Bill 1010 be made a special order of business for Wednesday, January 25, 2006, at 5:30 p.m.

WOLKINS

Motion prevailed; House Bill 1010 was made a special order of business.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1081, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1097, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-15.7-2, AS AMENDED BY P.L.60-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), to renew a license issued under IC 27-1-15.6:

- (1) a resident insurance producer must complete at least forty (40) hours of credit in continuing education courses; and
- (2) a resident limited lines producer must complete at least ten (10) hours of credit in continuing education courses.

An attorney in good standing who is admitted to the practice of law in Indiana and holds a license issued under IC 27-1-15.6 may complete all or any number of hours of continuing education required by this subsection by completing an equivalent number of hours in continuing legal education courses that are related to the business of insurance.

(b) To renew a license issued under IC 27-1-15.6, a limited lines producer with a title qualification under IC 27-1-15.6-7(a)(8) must complete at least fourteen (14) hours of credit in continuing education courses related to the business of title insurance with at least one (1) hour of instruction in a structured setting or comparable self-study in each of the following:

- (1) Ethical practices in the marketing and selling of title insurance.
- (2) Title insurance underwriting.
- (3) Escrow issues.
- (4) Principles of the federal Real Estate Settlement Procedures Act (12 U.S.C. 2608).

An attorney in good standing who is admitted to the practice of law in Indiana and holds a license issued under IC 27-1-15.6 with a title qualification under IC 27-1-15.6-7(a)(8) may complete all or any number of hours of continuing education required by this subsection by completing an equivalent number of hours in continuing legal education courses related to the business of title insurance or any aspect of real property law.

(c) The following insurance producers are not required to complete continuing education courses to renew a license under this chapter:

- (1) A limited lines producer who is licensed without examination under IC 27-1-15.6-18(1) or IC 27-1-15.6-18(2).
- (2) A limited line credit insurance producer.
- (3) An insurance producer who is at least seventy (70) years of age and has been a licensed insurance producer continuously for at least twenty (20) years immediately preceding the license renewal date.

(d) To satisfy the requirements of subsection (a) or (b), a licensee may use only those credit hours earned in continuing education courses completed by the licensee:

- (1) after the effective date of the licensee's last renewal of a license under this chapter; or
- (2) if the licensee is renewing a license for the first time, after the date on which the licensee was issued the license under this chapter.

(e) If an insurance producer receives qualification for a license in more than one (1) line of authority under IC 27-1-15.6, the insurance producer may not be required to complete a total of more than forty (40) hours of credit in continuing education courses to renew the license.

(f) Except as provided in subsection (g), a licensee may receive credit only for completing continuing education courses that have been approved by the commissioner under section 4 of this chapter.

(g) A licensee who teaches a course approved by the commissioner under section 4 of this chapter shall receive continuing education credit for teaching the course.

(h) When a licensee renews a license issued under this chapter, the licensee must submit:

- (1) a continuing education statement that:
 - (A) is in a format authorized by the commissioner;
 - (B) is signed by the licensee under oath; and
 - (C) lists the continuing education courses completed by the licensee to satisfy the continuing education requirements of this section; and
- (2) any other information required by the commissioner.

(i) A continuing education statement submitted under subsection (h) may be reviewed and audited by the department.

(j) A licensee shall retain a copy of the original certificate of

completion received by the licensee for completion of a continuing education course.

(k) A licensee who completes a continuing education course that:

- (1) is approved by the commissioner under section 4 of this chapter;**
- (2) is held in a classroom setting; and**
- (3) concerns ethics;**

shall receive continuing education credit for the number of hours for which the course is approved plus additional hours, not to exceed two (2) hours in a renewal period, equal to the number of hours for which the course is approved.

SECTION 2. IC 27-1-15.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "council" refers to the insurance producer education and continuing education advisory council created under subsection (b).

(b) The insurance producer education and continuing education advisory council is created within the department. The council consists of the commissioner and ~~thirteen (13)~~ **fifteen (15)** members appointed by the governor as follows:

- (1) Two (2) members recommended by the Professional Insurance Agents of Indiana.
- (2) Two (2) members recommended by the Independent Insurance Agents of Indiana.
- (3) Two (2) members recommended by the Indiana Association of Insurance and Financial Advisors.
- (4) Two (2) members recommended by the Indiana State Association of Health Underwriters.**
- ~~(4) (5)~~ Two (2) representatives of direct writing or exclusive producer's insurance companies.
- ~~(5) (6)~~ One (1) representative of the Association of Life Insurance Companies.
- ~~(6) (7)~~ One (1) member recommended by the Insurance Institute of Indiana.
- ~~(7) (8)~~ One (1) member recommended by the Indiana Land Title Association.
- ~~(8) (9)~~ Two (2) other individuals.

(c) Members of the council serve for a term of three (3) years. Members may not serve more than two (2) consecutive terms.

(d) Before making appointments to the council, the governor must:

- (1) solicit; and
- (2) select appointees to the council from;

nominations made by organizations and associations that represent individuals and corporations selling insurance in Indiana.

(e) The council shall meet at least semiannually.

(f) A member of the council is entitled to the minimum salary per diem provided under IC 4-10-11-2.1(b). A member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the state department of administration and approved by the state budget agency.

(g) The council shall review and make recommendations to the commissioner with respect to course materials, curriculum, and credentials of instructors of each prelicensing course of study for which certification by the commissioner is sought under section 5 of this chapter and shall make recommendations to the commissioner with respect to educational requirements for insurance producers.

(h) A member of the council or designee of the commissioner shall be permitted access to any classroom while instruction is in progress to monitor the classroom instruction.

(i) The council shall make recommendations to the commissioner concerning the following:

- (1) Continuing education courses for which the approval of the commissioner is sought under section 4 of this chapter.
- (2) Rules proposed for adoption by the commissioner that would affect continuing education."

Page 2, line 7, after "6." insert "(a)".

Page 2, between lines 12 and 13, begin a new paragraph and insert:

"(b) The term does not include the following:

- (1) An insurance company, or an affiliate of an insurance company, that is regulated under this title.**
- (2) A health maintenance organization, or an affiliate of a**

health maintenance organization, that is regulated under this title."

Renumber all SECTIONS consecutively.
(Reference is to HB 1097 as introduced.)
and when so amended that said bill do pass.
Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1250, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~Construction:~~ (a) This title is an exercise of the police powers of the state.

(b) The classifications and differentiations made in this title are real and are actually and substantially related to the accomplishment of the purposes of this title.

(c) The provisions of this title shall be ~~liberally construed so as to effectuate the purposes of this title:~~ **strictly construed. The words used in this title shall be interpreted according to their literal meanings.**

(d) **In accordance with IC 1-1-1-8, if any provision of this title is held to be invalid or unconstitutional, it is the intention of the state that the remaining provisions of this title shall be construed to:**

(1) further limit rather than expand commerce in alcoholic beverages; and

(2) maintain a transparent and accountable three (3) tier system of alcoholic beverage distribution by a person with a substantial presence in Indiana."

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 17.

Page 2, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.224-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(e) **Notwithstanding subsection (b), if December 31 (New Year's Eve) is on a Saturday, it is lawful for the holder of a supplemental retailer's permit to sell the appropriate alcoholic beverages on Sunday, January 1 from the time provided in subsection (b) until 3 a.m. the following day.**

SECTION 4. IC 7.1-3-1-25 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A city of the second class.

(3) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).

(5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).

(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(7) A city having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(8) A county having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).

(9) A county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that

~~(1) has a population of:~~

~~(A) more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); or~~

~~(B) more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000); and~~

~~(2) owns a golf course~~

may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

(1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance

with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

- (1) A city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).
- (4) A city having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).
- (5) A city having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

- (1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or
- (2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

SECTION 5. IC 7.1-2-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The commission shall have the power to regulate and prohibit advertising, signs, displays, posters, and designs intended to advertise an alcoholic beverage or the place where alcoholic beverages are sold.

(b) The commission shall not exercise the prohibition power contained in subsection (a), as to any advertisement appearing in a newspaper which:

- (1) is published at least once a week;
- (2) regularly publishes information of current news interest to the community; and
- (3) circulates generally to the public in any part of this state, regardless of where printed.

However, a newspaper shall not include publications devoted to special interests such as labor, religious, fraternal, society, or trade publications or journals, or publications owned or issued by political organizations or parties.

(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. However, it is unlawful for a primary source of supply or a wholesaler of alcoholic beverages to sell, give, supply, furnish, or grant to, or maintain for, a retail or dealer permittee an illuminated advertising sign **in a manner that violates the trade practice restrictions of the commission or this title. It is unlawful for a retail or dealer permittee to receive, accept, display, or permit to be displayed; an illuminated advertising sign sold, given, supplied, furnished, granted, or maintained in violation of this subsection.**

(g) The commission may not prohibit the advertisement of:

- (1) alcoholic beverages; or

(2) a place where alcoholic beverages may be obtained; in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

SECTION 6. IC 7.1-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~Application.~~ The commission may issue a brewer's permit to a person who desires to commercially manufacture beer **in Indiana.**

SECTION 7. IC 7.1-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), the commission may issue a brewer's permit only to:

- (1) an individual;
- (2) a partnership ~~all the partners of which are bona fide residents of Indiana;~~ **domiciled in or admitted to do business in Indiana;**
- (3) a limited liability company ~~all the members of which are bona fide residents of~~ **domiciled in or admitted to do business in Indiana;** or
- (4) a corporation ~~organized and existing under the laws of~~ **domiciled in or admitted to do business in Indiana. and having authority under its charter to manufacture or sell beer.**

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year to:

- (1) an individual;
- (2) a partnership ~~organized and existing under the laws of~~ **domiciled in or admitted to do business in Indiana;**
- (3) a limited liability company ~~organized and existing under the laws of~~ **domiciled in or admitted to do business in Indiana;** or
- (4) a corporation ~~organized and existing under the laws of~~ **domiciled in or admitted to do business in Indiana.**

SECTION 8. IC 7.1-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do **only** the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer's brewery manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year, do the following:

(A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.

(B) Be the proprietor of a restaurant.

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

- (i) bulk containers; or
- (ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.

(6) If the brewer's brewery manufactures more than twenty thousand (20,000) barrels of beer in a calendar year, own a portion of the corporate stock of another brewery that:

- (A) is located in the same county as the brewer's brewery;
- (B) manufactures less than twenty thousand (20,000) barrels of beer in a calendar year; and
- (C) is the proprietor of a restaurant that operates under subdivision (5).

(7) Sell and deliver beer to a consumer at the plant of the brewer or at the residence of the consumer. The delivery to a consumer shall be made only in a quantity at any one (1) time of not more than one-half (1/2) barrel; but the beer may be contained in bottles or other permissible containers.

(8) (7) Provide complimentary samples of beer that are:

- (A) produced by the brewer; and
- (B) offered to consumers for consumption on the brewer's premises.

(9) (8) Own a portion of the corporate stock of a sports corporation that:

- (A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and
- (B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

(10) (9) For beer described in IC 7.1-1-2-3(a)(4):

- (A) may allow transportation to and consumption of the beer on the licensed premises; and
- (B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 9. IC 7.1-3-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) A holder of a beer dealer permit must have at least one (1) employee who:**

- (1) works on the licensed premises; and**
- (2) holds an employee's permit under IC 7.1-3-18-9.**

(b) Beginning January 1, 2007, a holder of a beer dealer permit must ensure that a sales clerk working on the licensed premises receives training approved by the commission and provided by an employee described in subsection (a).

(c) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 10. IC 7.1-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. Persons Eligible for Permits.** The commission may issue a temporary beer permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in ~~IC 1971, 7.1-3-4-2(c), (h), and (m)~~ and the residency requirements provided in ~~IC 1971, 7.1-3-21-3, IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13)~~ shall not apply to an applicant for a temporary beer permit.

SECTION 11. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. (a) This section does not apply to a package liquor store.**

(b) Beginning January 1, 2007, and except as provided in subsection (c), a holder of a liquor dealer permit must display liquor for sale in a clearly designated area that forbids the presence of a minor unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. Other alcoholic beverages may be displayed in a designated area where liquor is displayed under this subsection.

(c) The holder of a liquor dealer permit is not required to comply with subsection (b) if the holder of the liquor dealer permit:

- (1) displays liquor in an area that does not exceed twenty-five (25) linear feet; and**
- (2) uses at least one (1) of the following security measures:**
 - (A) The liquor is displayed behind a retail counter or in a locked display case.**
 - (B) Each bottle of liquor for sale on the licensed premises has a security cap.**
 - (C) The liquor is displayed adjacent to a pharmacy counter.**

(d) Liquor may not be displayed within thirty (30) feet of a public entrance of a licensed premises.

(e) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 12. IC 7.1-3-10-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 15. (a) This section does not apply to a package liquor store.**

(b) A holder of a liquor dealer permit must have at least one (1) employee who:

- (1) works on the licensed premises; and**
- (2) holds an employee's permit under IC 7.1-3-18.**

(c) Beginning January 1, 2007, a holder of a liquor dealer permit must ensure that a sales clerk working on the licensed premises receives training approved by the commission and provided by an employee described in subsection (a).

(d) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 13. IC 7.1-3-15-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) A holder of a wine dealer permit must have at least one (1) employee who:**

- (1) works on the licensed premises; and**
- (2) holds an employee's permit under IC 7.1-3-18.**

(b) Beginning January 1, 2007, a holder of a wine dealer permit must ensure that a sales clerk working on the licensed premises receives training approved by the commission and provided by an employee described in subsection (a).

(c) The commission may adopt rules under IC 4-22-2 to implement this section."

Delete pages 3 through 4.

Page 5, delete lines 1 through 3.

Page 5, line 39, strike "An applicant is not entitled to" and insert **"The commission may not issue"**.

Page 5, line 39, strike "if:".

Page 5, line 40, strike "(1) the" and insert **"to an"**.

Page 5, line 40, after "applicant" insert **"while the applicant"**.

Page 5, run in lines 39 through 40.

Page 5, line 42, after "parole" delete ";" and insert ".".

Page 6, line 1, strike "(2) the", begin a new paragraph and insert:

"(g) The commission may not issue an employee's permit to an".

Page 6, line 1, after "applicant" insert **"who"**.

Page 6, line 1, strike "more than one (1) but less than three (3)" and insert **"two (2)"**.

Page 6, line 2, strike "and less".

Page 6, strike lines 3 through 4.

Page 6, line 5, strike "intoxicated, including any term of probation or parole; or" and insert **"if:**

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and**

- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit."**

Page 6, line 6, strike "(3) the", begin a new paragraph and insert: **"(h) If an"**.

Page 6, line 6, after "applicant" insert **"for an employee's permit"**.

Page 6, line 7, delete "intoxicated." and insert **"intoxicated, and the applicant completed the sentence for the most recent conviction at least ten (10) years before the date of the applicant's application for the permit, the commission may grant or deny the issuance of the permit."**

Page 6, line 8, strike "(g)" and insert **"(i)"**.

Page 6, line 12, strike "becomes ineligible for the issuance of an"

Page 6, line 13, strike "employee's permit under subsection (f)." and insert **"is convicted of operating while intoxicated after the issuance of the permit."**

Page 6, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 15. IC 7.1-3-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Clubs: General Requirements: (a) In order to be considered a "club" within the meaning of this title and to be eligible to receive an appropriate club permit under this title, an association or corporation shall meet the following requirements:

- (1) It shall have been organized in good faith under authority of law.**

~~(b)~~ (2) It shall have been in active, continuous existence for at least three (3) years prior to the date the application for the permit is filed.

~~(c)~~ (3) It shall have maintained, in good faith, a membership roll for the three (3) year period.

~~(d)~~ (4) It shall have a paid-up membership of more than fifty (50) members at the time the application is filed.

~~(e)~~ (5) It shall be the owner, lessee, or occupant of an establishment operated solely for objects of a national, social, patriotic, political, or athletic nature, or the like.

~~(f)~~ (6) It shall not be operated for pecuniary gain.

~~(g)~~ (7) The property and the advantages of the organization shall belong to its members. ~~and~~

~~(h)~~ (8) It shall maintain an establishment provided with special space and accommodations accommodations where, in consideration of payment, food, with or without lodging, is habitually served.

(b) An association or a corporation located within a consolidated city is considered a club if the association or corporation:

(1) has held an annual bingo license issued by the state for at least ten (10) consecutive years;

(2) has been in existence in Indiana for at least twenty-five (25) years;

(3) does not allow a person less than eighteen (18) years of age to be a member, guest, worker, or operator; and

(4) complies with subsection (a)(1), (a)(2), (a)(5), (a)(6), and (a)(8).

SECTION 16. IC 7.1-3-20-16, AS AMENDED BY P.L.155-2005, SECTION 1, AS AMENDED BY P.L.214-2005, SECTION 48, AND AS AMENDED BY P.L.224-2005, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

~~(g)~~ **(h)** The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

(1) a town with a population of more than twenty thousand (20,000); or

(2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

(1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.

(2) A unit of the National Park Service is partially located within the district.

(3) A international deep water seaport is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues ten (10) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. The cost of an initial permit issued under this section is six thousand dollars (\$6,000).

SECTION 17. IC 7.1-3-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. ~~Indiana State Fair.~~ (a) The commission shall ~~not~~ issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds to the Indiana state fair commission, during the period of the Indiana State Fair.

(b) The holder of a permit under this section:

- (1) is entitled to sell alcoholic beverages by the glass on the state fair grounds to consumers;
- (2) is entitled to grant multiple vendors of the state fair commission separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit;
- (3) is entitled to receive the permit directly from the commission without local board approval;
- (4) is not subject to quota restrictions under IC 7.1-3-22-3; and
- (5) is entitled to allow a minor to be present in the places on the state fair grounds where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

- (1) File a floor plan of the premises where alcoholic beverages will be served and consumed.
- (2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.
- (3) Allow sales during the times prescribed under IC 7.1-3-1-14.
- (4) Prohibit sales prohibited under IC 7.1-5-10-1 and IC 7.1-5-10-17.
- (5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1."

Page 7, delete lines 1 through 9, begin a new paragraph and insert: "SECTION 18. IC 7.1-5-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~Credit Sales Prohibited.~~ (a) This section does not apply to a permittee that sells or offers to sell an alcoholic beverage to an individual who does not hold a permit under this title.

(b) It is unlawful for a permittee to sell, offer to sell, purchase or receive, an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(c) This section ~~shall~~ does not prohibit:

- (1) a permittee from crediting to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale;
- (2) ~~This section shall not prohibit~~ a permittee from refunding to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee;
- (3) ~~This section shall not prohibit~~ a manufacturer from extending usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state; or

(4) This section shall not prohibit a distiller or a liquor or wine wholesaler from extending credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only."

Page 7, delete lines 23 through 28, begin a new paragraph and insert:

"SECTION 20. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 7.1-3-21-3; IC 7.1-3-21-4; IC 7.1-3-21-5; IC 7.1-3-21-5.2; IC 7.1-3-21-5.4; IC 7.1-3-21-6; IC 7.1-3-21-7."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 2. IC 27-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. The following provisions apply to standard companies and extended companies:

- (1) IC 27-1-3.
- (2) IC 27-1-3.1.
- (3) IC 27-1-5-3.
- (4) IC 27-1-7-14 through IC 27-1-7-16.
- (5) IC 27-1-7-21 through IC 27-1-7-23.
- (6) IC 27-1-9.
- (7) IC 27-1-10.
- (8) IC 27-1-13-3 through IC 27-1-13-4.
- (9) IC 27-1-13-6 through IC 27-1-13-9.
- (10) IC 27-1-15-6.
- (11) IC 27-1-18-2.
- ~~(12)~~ (12) IC 27-1-20-1.
- ~~(13)~~ (13) IC 27-1-20-4.
- ~~(14)~~ (14) IC 27-1-20-6.
- ~~(15)~~ (15) IC 27-1-20-9 through IC 27-1-20-11.
- ~~(16)~~ (16) IC 27-1-20-14.
- ~~(17)~~ (17) IC 27-1-20-19 through IC 27-1-20-21.3.
- ~~(18)~~ (18) IC 27-1-20-23.
- ~~(19)~~ (19) IC 27-1-20-30.
- ~~(20)~~ (20) IC 27-1-22.
- ~~(21)~~ (21) IC 27-4-1.
- ~~(22)~~ (22) Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.
- ~~(23)~~ (23) IC 27-6-2.
- ~~(24)~~ (24) IC 27-7-2.
- ~~(25)~~ (25) IC 27-9.
- ~~(26)~~ (26) IC 34-30-17."

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 27-5.1-2-8, as amended by this act, applies only to taxable years beginning after December 31, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1266 as printed on January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1368, has had the same under consideration and begs leave to report the same back to the House with the

recommendation that said bill do pass.

Committee Vote: yeas 14, nays 0.

ESPICH, Chair

Report adopted.

Pursuant to House Rule 60, committee meetings were announced.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:45 p.m. with the Speaker in the Chair.

Representative J. Smith, who had been excused, was present.

SPECIAL ORDER OF BUSINESS

House Bill 1010

The Speaker handed down for second reading House Bill 1010, authored by Representative Wolkins, which had been made a special order of business. The bill was reread a second time by title.

HOUSE MOTION (Amendment 1010-2)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 7, line 36, after "appoint" insert ":".

Page 7, line 36, strike "three (3)".

Page 7, line 36, before "disinterested" begin a new line block indented and insert:

"(1) one (1)".

Page 7, line 36, after "freeholders" insert "freeholder".

Page 7, line 36, reset in roman "of".

Page 7, line 37, reset in roman "the county".

Page 7, line 37, after "county" insert "; and

(2) two (2)".

Page 7, line 37, after "appraisers" insert "licensed under IC 25-34.1 who are residents of Indiana";.

Page 7, line 37, beginning with "to" begin a new line blocked left.

Page 7, line 39, delete "An appraiser" and insert "One (1) of the appraisers appointed under subdivision (2) must reside not more than fifty (50) miles from the property.".

Page 7, delete lines 40 through 42.

(Reference is to HB 1010 as printed January 11, 2006.)

MAHERN

Motion prevailed.

HOUSE MOTION (Amendment 1010-10)

Mr. Speaker: I move that House Bill 1010 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-13-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. A state agency or political subdivision may not require that a lawfully erected sign be removed or altered as a condition of issuing:

(1) a permit;

(2) a license;

(3) a variance; or

(4) any other order concerning land use or development; unless the owner of the sign is compensated in accordance with IC 32-24.".

Page 1, delete lines 13 through 14.

Page 1, line 15, delete "(2)" and insert "(1)".

Page 1, after line 15, begin a new line block indented and insert:

"(2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.

(3) Conducting good faith negotiations with the owner of the property.".

Page 2, delete lines 1 through 2.

Page 3, line 40, delete "." and insert "and _____ (condemnor) is not required to agree to your demands.".

Page 6, line 12, delete "section" and insert "sections".

Page 6, line 12, after "5.8" insert "and 5.9".

Page 6, line 28, after "domain" insert "for the same project or a substantially similar project".

Page 7, line 16, after "domain" insert "for the same or a substantially similar project".

Page 7, line 16, delete "six (6)" and insert "three (3)".

Page 7, between lines 17 and 18, begin a new paragraph and insert: "SECTION 6. IC 32-24-1-5.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) As used in this section, "public utility" means a public utility, municipally owned utility, cooperatively owned utility, or joint agency created under IC 8-1-2.2.

(b) This section applies only to a public utility.

(c) If:

(1) a public utility submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer;

the public utility, to acquire the parcel by the exercise of eminent domain, must file a complaint under this article, not more than six (6) years after the date on which the public utility submitted the written acquisition offer to the owner.

(d) If a public utility fails to meet the requirements set forth in subsection (c) concerning a parcel of real estate, the public utility may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same project or a substantially similar project for at least three (3) years after the date on which the six (6) year period described in subsection (c) expires.".

Page 10, line 15, delete ";" and insert ",".

Page 10, reset in roman lines 16 through 17.

Page 10, delete lines 33 through 42, begin a new paragraph and insert:

"Sec. 1. (a) As used in this section, "public use" means the:

(1) possession, occupation, and enjoyment of a parcel of real property by the general public or a public agency;

(2) use of a parcel of real property to create or operate a public utility, including an energy utility (as defined in IC 8-1-2.5-2); or

(3) acquisition of a parcel of real property to cure a specific and identifiable harmful effect caused by the use of the parcel, including the:

(A) removal of a:

(i) public nuisance; or

(ii) structure that is beyond repair or unfit for human habitation or use; and

(B) acquisition of abandoned property.

The term does not include the public benefit of economic development, including an increase in a tax base, tax revenues, employment, or general economic health.

(b) This chapter applies to a condemnor that exercises the power of eminent domain to acquire a parcel of real property:

(1) from a private person;

(2) with the intent of ultimately transferring ownership or control to another private person; and

(3) for a use that is not a public use.".

Page 11, delete lines 1 through 4.

Page 11, line 17, delete "is unfit for human" and insert ":".

Page 11, delete line 18.

Page 12, line 1, delete "and" and insert ", garbage, or other".

Page 12, line 4, after "exceed the" insert "assessed".

Page 12, between lines 12 and 13, begin a new line double block indented and insert:

"(J) There is a reasonable doubt concerning who owns the parcel.".

Page 12, between lines 24 and 25, begin a new line blocked left and insert:

"A determination concerning whether a condition described in

this section has been met is subject to judicial review in an eminent domain proceeding concerning the parcel of real property."

Page 12, line 34, after "(ii)" insert **"upon the request of the owner and if the owner and condemnor both agree,"**.

Page 13, line 18, after "\$1,000)." insert **"However, the total amount of attorney's fees that a condemnor may be required to reimburse an owner under this section may not exceed two hundred fifty thousand dollars (\$250,000)."**

Page 13, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 12. IC 36-7-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5.5. A unit may not require that a lawfully erected sign be removed or altered as a condition of issuing:**

- (1) a permit;
- (2) a license;
- (3) a variance; or
- (4) any other order concerning land use or development;

unless the owner of the sign is compensated in accordance with IC 32-24."

Page 16, line 14, delete "filed on or after November 23, 2005." and insert **"that have not reached a final judgment before the effective date of this SECTION."**

Renummer all SECTIONS consecutively.

(Reference is to HB 1010 as printed January 11, 2006.)

WOLKINS

Motion prevailed. The bill was ordered engrossed.

House Bill 1024

Representative J. Smith called down House Bill 1024 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1207

Representative Pond called down House Bill 1207 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1207-1)

Mr. Speaker: I move that House Bill 1207 be amended to read as follows:

Page 2, delete lines 13 through 19.

Page 2, line 20, delete "(8)" and insert "(7) upon request by the consumer,".

Page 2, line 20, delete "a consumer with a written" and insert "the consumer with any".

Page 2, line 20, before "warranty" insert "written".

Page 2, line 27, delete "(9)" and insert "(8)".

Page 2, line 33, delete "(10)" and insert "(9)".

(Reference is to HB 1207 as reprinted January 20, 2006.)

THOMAS

Motion prevailed. The bill was ordered engrossed.

House Bill 1257

Representative Bell called down House Bill 1257 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1257-1)

Mr. Speaker: I move that House Bill 1257 be amended to read as follows:

Page 1, line 3, strike "(c), (e), and (f)," and insert **"(d), and (e),"**.

Page 1, delete lines 10 through 17, begin a new line block indented and insert:

"(2) If the postsecondary proprietary educational institution's annual gross tuition charges assessed for the previous year are not more than five thousand dollars (\$5,000); the institution shall secure a surety bond in the amount of one hundred percent (100%) of that institution's annual gross tuition charges assessed for the previous year:

(3) If the postsecondary proprietary educational institution's

annual gross tuition charges assessed for the previous year are more than five thousand dollars (\$5,000) but less than fifty thousand dollars (\$50,000); the institution shall secure a surety bond in the amount of five thousand dollars (\$5,000):

(4) If the postsecondary proprietary educational institution's annual gross tuition charges assessed for the previous year are more than fifty thousand dollars (\$50,000) but less than five hundred thousand dollars (\$500,000); the institution shall secure a surety bond in the amount of ten percent (10%) of that institution's annual gross tuition charges assessed for the previous year:"

Page 2, delete lines 1 through 11.

Page 2, line 12, strike "(5)" and insert **"(2)"**.

Page 2, line 12, after "If" insert **"at any time"**.

Page 2, line 12, after "institution's" insert **"projected"**.

Page 2, line 13, strike "assessed for the previous year".

Page 2, line 14, strike "five hundred" and insert **"two hundred fifty"**.

Page 2, line 14, strike "\$500,000)," and insert **"(\$250,000),"**.

Page 2, delete lines 17 through 35, begin a new paragraph and insert:

"(b) When a postsecondary proprietary educational institution is required to contribute to the fund and the fund has a balance on the date that the surety bond is due of at least:

(1) one hundred thousand dollars (\$100,000); the commission shall reduce the penal sum of the surety bond described in subsection (a) by twenty percent (20%);

(2) two hundred thousand dollars (\$200,000); the commission shall reduce the penal sum of the surety bond described in subsection (a) by forty percent (40%);

(3) three hundred thousand dollars (\$300,000); the commission shall reduce the penal sum of the surety bond described in subsection (a) by sixty percent (60%);

(4) four hundred thousand dollars (\$400,000); the commission shall reduce the penal sum of the surety bond described in subsection (a) by eighty percent (80%); or

(5) five hundred thousand dollars (\$500,000); the commission shall reduce the penal sum of the surety bond described in subsection (a) by one hundred percent (100%):"

Page 2, line 36, strike "(c)" and insert **"(b)"**.

Page 2, line 38, strike "(f);" and insert **"(e);"**.

Page 3, line 3, strike "(d)" and insert **"(c)"**.

Page 3, line 6, strike "(e)" and insert **"(d)"**.

Page 3, line 7, strike "(f)," and insert **"(e),"**.

Page 3, line 9, delete ":",

Page 3, line 10, strike "(1)".

Page 3, run in lines 9 through 10.

Page 3, line 12, strike "(d); and" and insert **"(c)."**

Page 3, strike lines 13 through 15.

Page 3, line 16, strike "(f)" and insert **"(e)"**.

Page 3, line 20, strike "(c)" and insert **"(b)"**.

Page 3, line 20, strike "(e)" and insert **"(d)"**.

Page 3, line 34, reset in roman "money in the fund."

Page 3, line 34, delete "the sixty dollar (\$60) quarterly fund".

Page 3, delete lines 35 through 40.

Page 4, line 4, delete "five hundred" and insert **"fifty"**.

Page 4, line 5, delete "\$500,000)," and insert **"(\$50,000),"**.

Page 4, line 6, delete "five hundred" and insert **"fifty"**.

Page 4, line 7, delete "\$500,000)." and insert **"(\$50,000)."**

Page 4, line 10, delete "five hundred" and insert **"fifty"**.

Page 4, line 10, delete "\$500,000);" and insert **"(\$50,000);"**.

Page 4, line 15, delete "five hundred" and insert **"fifty"**.

Page 4, line 15, delete "\$500,000)," and insert **"(\$50,000),"**.

Page 4, delete lines 24 through 29.

Page 6, line 7, after "closed" insert **"involuntarily"**.

(Reference is to HB 1257 as printed January 20, 2006.)

BELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1279

Representative Murphy called down House Bill 1279 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1279-1)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 21, line 26, delete "that is:" and insert **"and a certificate holder."**

Page 21, delete lines 27 through 33.

Page 21, between lines 37 and 38, begin a new paragraph and insert:

"Sec. 3.5. As used in this chapter, "certificate holder" refers to a person holding a certificate of franchise authority issued under IC 8-1-34-17."

Page 22, line 11, delete "a metropolitan statistical area;" and insert **"an exchange area or a service area regulated under IC 8-1-34;"**.

Page 22, line 18, after "provider" insert **"or a certificate holder"**.

Page 22, line 19, delete "quarterly," and insert **"semi-annually,"**.

Page 22, line 31, after "provider" insert **"or a certificate holder"**.

Page 22, line 37, after "provider's" insert **"or a certificate holder's"**.

Page 23, between lines 3 and 4, begin a new line block indented and insert:

"(4) A franchise authorized under IC 8-1-34."

Page 23, line 6, delete "provider;" and insert **"provider or a certificate holder;"**.

Page 23, line 12, after "provider" insert **"or a certificate holder"**.

Page 23, line 23, after "provider" insert **"or a certificate holder"**.

Page 23, line 25, after "provider" insert **"or the certificate holder"**.

Page 23, line 30, delete "or".

Page 23, between lines 30 and 31, begin a new line double block indented and insert:

"(C) a certificate of franchise authority issued under IC 8-1-34; or".

Page 23, line 31, delete "(C)" and insert **"(D)"**.

Page 23, line 32, after "provider" insert **"or the certificate holder"**.

Page 23, line 41, after "provider" insert **"or the certificate holder"**.

Page 24, line 2, after "provider" insert **"or the certificate holder"**.

Page 24, line 3, after "provider" insert **"or the certificate holder"**.

Page 24, line 8, after "provider" insert **"or the certificate holder"**.

Page 24, line 9, delete "provider;" and insert **"provider or the certificate holder;"**.

Page 24, line 11, after "provider" insert **"or the certificate holder"**.

Page 24, line 23, after "provider" insert **"or a certificate holder"**.

Page 24, line 41, after "provider" insert **"or a certificate holder"**.

Page 25, line 6, delete "provider," and insert **"provider or a certificate holder;"**.

Page 25, line 8, after "provider" insert **"or the certificate holder"**.

Page 25, line 15, after "provider" insert **"or certificate holder"**.

Page 25, line 17, after "provider" insert **"or certificate holder"**.

Page 25, line 21, delete "provider;" and insert **"provider or certificate holder;"**.

Page 25, line 24, after "provider" insert **"or certificate holder"**.

Page 25, line 26, after "provider" insert **"or certificate holder"**.

Page 26, line 8, after "provider" insert **"or certificate holder"**.

Page 26, line 11, after "another provider" insert **"or another certificate holder"**.

Page 26, line 11, delete "provider." and insert **"provider or certificate holder."**

(Reference is to HB 1279 as printed January 20, 2006.)

MURPHY

Motion prevailed.

HOUSE MOTION
(Amendment 1279-2)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 14, line 17, delete "or".

Page 14, line 23, delete "IC 8-1-29.5." and insert **"IC 8-1-29.5; or"**.

Page 14, between lines 23 and 24, begin a new line block indented and insert:

"(7) the commission's authority to investigate and resolve pursuant to IC 8-1-2-5 an interconnection not governed by federal law."

Page 26, line 20, delete "UPON PASSAGE]" and insert **"MAY 1, 2006]"**.

Page 27, line 18, delete "section," and insert **"chapter,"**.

Page 27, line 23, delete "or residential".

Page 27, line 24, delete "apartment buildings, condominiums,"

Page 27, line 25, delete "subdivisions,".

Page 27, line 25, delete "buildings," and insert **"buildings"**.

Page 27, line 25, after "." insert **"The term does not include apartment buildings, condominiums, or subdivisions."**

Page 28, line 11, delete "A" and insert **"After April 30, 2006, a"**.

Page 28, line 30, after "." insert **"This section may not be construed to affect the validity of a contract entered into before May 1, 2006."**

Page 30, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 15. (a) Except as provided in subsection (b), the owner, operator, or developer of multitenant real estate located in a service area in which one (1) or more communications service providers are authorized to provide communications service may not do any of the following:

(1) Prevent a communications service provider from installing on the premises communications service equipment that an occupant requests.

(2) Interfere with a communications service provider's installation on the premises of communications service equipment that an occupant requests.

(3) Discriminate against a communications service provider or impose unduly burdensome conditions on the terms, conditions, and compensation for a communications service provider's installation of communications service equipment on the premises.

(4) Demand or accept an unreasonable payment from:

(A) an occupant; or

(B) a communications service provider;

in exchange for allowing the communications service provider access to the premises.

(5) Discriminate against or in favor of an occupant in any manner, including charging higher or lower rental charges to the occupant, because of the communications service provider from which the occupant receives communications service.

(b) This section does not prohibit the owner, operator, or developer of multitenant real estate from doing any of the following:

(1) Imposing a condition on a communications service provider that is reasonably necessary to protect:

(A) the safety, security, appearance, or condition of the property; or

(B) the safety and convenience of other persons.

(2) Imposing a reasonable limitation on the hours during which a communications service provider may have access to the premises to install communications service equipment.

(3) Imposing a reasonable limitation on the number of communications service providers that have access to the premises, if the owner, operator, or developer can demonstrate a space constraint that requires the limitation.

(4) Requiring a communications service provider to agree to indemnify the owner, operator, or developer for damage caused by installing, operating, or removing communications service equipment on or from the premises.

(5) Requiring an occupant or a communications service provider to bear the entire cost of installing, operating, or removing communications service equipment.

(6) Requiring a communications service provider to pay compensation for access to or use of the premises, as long as the compensation is:

(A) reasonable; and

(B) nondiscriminatory;
among communications service providers.
(c) For purposes of this subsection, an "affected person" includes the following:

(1) An occupant that is a current or potential subscriber of communications service on the premises of multitenant real estate.

(2) A unit in which multitenant real estate is located, acting on behalf of:

(A) a person described in subdivision (1); or

(B) other similarly situated persons.

(3) A communications service provider.

An affected person that alleges a violation of this section by the owner, operator, or developer of multitenant real estate may seek equitable or compensatory relief in a court having jurisdiction. The party prevailing in any action filed under this section is entitled to recover the costs of the action, including reasonable attorney's fees as determined by the court.

Sec. 16 (a) The commission may not require a communications service provider, including a provider of last resort, to provide any communications service to the occupants of multitenant real estate if the owner, operator, or developer of the multitenant real estate does any of the following to the benefit of another communications service provider:

(1) Permits only one (1) communications service provider to install the provider's facilities or equipment during the construction or development phase of the multitenant real estate.

(2) Accepts or agrees to accept incentives or rewards that:
(A) are offered by a communications service provider to the owner, operator, developer, or occupants of the multitenant real estate; and

(B) are contingent upon the provision of communications service by that provider to the occupants of the multitenant real estate, to the exclusion of any services provided by other communications service providers.

(3) Collects from the occupants of the multitenant real estate any charges for the provision of communications service to the occupants, including charges collected through rent, fees, or dues.

(4) Enters into an agreement with a communications service provider that is prohibited by section 14 of this chapter.

(b) This subsection applies to a communications service provider that is relieved under subsection (a) of an obligation to provide communications service to the occupants of multitenant real estate. This section does not prohibit the communications service provider from voluntarily offering service to the occupants of the multitenant real estate. However, the commission shall not exercise jurisdiction over the terms, conditions, rates, or availability of any communications service voluntarily offered by a communications service provider under this subsection."

Page 30, line 17, delete "15." and insert "17."

(Reference is to HB 1279 as printed January 20, 2006.)

MURPHY

Motion prevailed.

HOUSE MOTION (Amendment 1279-4)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The governor shall appoint a consumer counselor, for a term of four (4) years at a salary to be fixed by the governor. The counselor shall serve at the will and pleasure of the governor. The counselor shall be a practicing attorney, and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The counselor shall apply his the counselor's full efforts to the duties of the office and may not be actively engaged engage in any other occupation, practice, profession or business that would conflict with the duties of the office."

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 20, 2006.)

MURPHY

Motion prevailed.

HOUSE MOTION (Amendment 1279-5)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 41, line 21, delete "subsection (e)," and insert "subsections (e) and (f),".

Page 42, between lines 32 and 33, begin a new paragraph and insert:

"(f) This subsection applies only to a holder issued a certificate to provide video service in a unit that imposed a franchise fee of less than five percent (5%) as of July 1, 2006. A fee may not be imposed upon the holder under this section that exceeds the fee imposed as of July 1, 2006, unless the unit's fiscal body adopts an ordinance establishing the fee. A fee established by ordinance under this subsection may not exceed:

(1) the amount of gross revenue received from providing video service in the unit during the most recent calendar quarter, as determined under section 23 of this chapter; multiplied by

(2) five percent (5%)."

(Reference is to HB 1279 as printed January 20, 2006.)

MURPHY

Motion prevailed.

HOUSE MOTION (Amendment 1279-22)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 14, line 17, delete "or".

Page 14, line 23, delete "IC 8-1-29.5." and insert "IC 8-1-29.5; or".

Page 14, between lines 23 and 24, begin a new line block indented and insert:

"(7) the commission's duty to establish and administer the Indiana lifeline assistance program under IC 8-1-36."

Page 46, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 38. IC 8-1-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 36. Indiana Lifeline Assistance Program

Sec. 1. This chapter applies to an incumbent local exchange carrier that offers basic telecommunications service in one (1) or more exchange areas in Indiana.

Sec. 2. Except as otherwise provided in this chapter, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 3. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 4. As used in this chapter, "customer" refers to a residential customer that receives basic telecommunications service from an incumbent local exchange carrier.

Sec. 5. As used in this chapter, "eligible customer" refers to a customer who:

(1) is not a qualifying low-income consumer (as defined in 47 CFR 54.400(a)) under the federal lifeline program; but

(2) is eligible for the Indiana lifeline assistance program under section 11 of this chapter.

Sec. 6. As used in this chapter, "eligible telecommunications carrier" refers to an incumbent local exchange carrier that is designated as an eligible telecommunications carrier by the commission under 47 CFR 54.201.

Sec. 7. As used in this chapter, "federal lifeline program" refers to the retail local service offering:

(1) available only to qualifying low-income consumers (as defined in 47 CFR 54.400(a));

(2) for which qualifying low-income consumers pay reduced charges as a result of the application of the lifeline support amount described in 47 CFR 54.403; and

(3) that includes the services and functionalities set forth in 47 CFR 54.101(a)(1) through (a)(9); as described in 47 CFR 54.401.

Sec. 8. As used in this chapter, "participant" refers to an eligible customer who applies for and receives assistance through the program.

Sec. 9. As used in this chapter, "program" refers to the Indiana lifeline assistance program established by the commission under section 10 of this chapter.

Sec. 10. (a) Not later than July 1, 2008, the commission shall adopt rules under IC 4-22-2 to establish the Indiana lifeline assistance program. The program must offer reduced charges for basic telecommunications service to eligible customers. The rules adopted by the commission under this section must do the following:

(1) Require an eligible telecommunications carrier to offer toll limitation (as defined in 47 CFR 54.400(d)) to an eligible customer who applies for assistance under the program. The rules must specify that an eligible telecommunications carrier may not charge a participant an administrative charge or any other additional amount for toll limitation.

(2) Allow an eligible telecommunications carrier to block a participant's access to interexchange service, except for access to toll free numbers, if the participant owes an outstanding amount for basic telecommunications service. The rules must require an eligible telecommunications carrier to remove the block without additional cost to the participant upon payment of the outstanding amount.

(3) Prohibit an eligible telecommunications carrier from discontinuing basic telecommunications service to a participant because of nonpayment by the participant of charges for other services billed by the eligible telecommunications carrier, including interexchange service.

(b) The following costs of the program shall be paid from the telecommunications budgets of the commission and the office of utility consumer counselor as determined under IC 8-1-6-1:

(1) The costs of reimbursing eligible telecommunications carriers for lost revenues associated with providing reduced charges for basic telecommunications service to participants.

(2) Reasonable expenses incurred by the commission and eligible telecommunications carriers to:

(A) administer the program; and

(B) publicize the availability of the program in a manner reasonably designed to reach eligible customers.

(c) The rules adopted by the commission under IC 4-22-2 to establish the program must:

(1) take effect not later than July 1, 2009;

(2) be consistent with this chapter.

Upon the effective date of the rules adopted by the commission under this section, an eligible telecommunications carrier shall offer basic telecommunications service to an eligible customer at the reduced rates established under the rules.

Sec. 11. A customer is eligible to receive reduced rates for basic telecommunications service under the program if:

(1) the customer's income (as defined in 47 CFR 54.400(f)) does not exceed one hundred fifty percent (150%) of the federal poverty guidelines; or

(2) any person in the customer's household receives or has a child who receives any of the following:

(A) Medicaid.

(B) Food stamps.

(C) Supplemental Security Income.

(D) Federal public housing assistance.

(E) Home energy assistance under a program administered by the division of family resources under IC 12-14-11.

(F) Assistance under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

(G) Free lunches under the national school lunch program.

Sec. 12. An eligible telecommunications carrier may seek TierThree federal lifeline support under 47 CFR 54.403(a)(3) in

connection with support provided by the eligible telecommunications carrier under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 20, 2006.)

MAYS

Motion prevailed.

HOUSE MOTION (Amendment 1279-7)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 11, line 12, delete "(as defined in".

Page 11, line 13, delete "IC 8-1-34-14)".

Page 11, line 13, delete "customers, as determined by the" and insert "customers."

Page 11, line 14, delete "commission in carrying out its duties under IC 8-1-34."

Page 30, delete lines 23 through 42, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "incumbent cable operator" means the cable operator (as defined in 47 U.S.C. 522(5)) serving the largest number of cable service subscribers in a particular unit."

Page 31, delete lines 1 through 6.

Page 31, line 7, delete "8." and insert "2."

Page 31, line 8, delete ":".

Page 31, delete line 9.

Page 31, line 10, delete "(2)".

Page 31, line 10, delete "video service" and insert "cable".

Page 31, run in lines 8 through 10.

Page 31, line 11, after "system" insert "(as defined in 47 U.S.C. 522(7))".

Page 31, delete lines 12 through 42, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "unit" has the meaning set forth in IC 36-1-2-23.

Sec. 4. As used in this chapter, "video programming" has the meaning set forth in 47 U.S.C. 522(20).

Sec. 5. (a) A unit shall make a local franchise available to any entity other than the unit's incumbent cable operator that seeks to provide video programming in the unit by means of any facilities that in whole or in part make use of public rights-of-way, regardless of technology. A franchise made available under this subsection must contain identical terms and conditions to the franchise in effect for the incumbent cable operator serving the unit.

(b) The unit shall make the local franchise described in subsection (a) available for execution not more than fifteen (15) days after the unit's receipt of a written application that is in a form acceptable to the unit and contains all the information required by the unit.

(c) An entity that does not have a franchise may not provide video programming by means of any facilities, regardless of technology, that in whole or in part make use of public rights-of-way."

Delete pages 32 through 45.

Page 46, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

(Reference is to HB 1279 as printed January 20, 2006.)

MESSER

Upon request of Representatives Pierce and Crooks, the Speaker ordered the roll of the House to be called. Roll Call 40: yeas 56, nays 42. Motion prevailed.

HOUSE MOTION (Amendment 1279-20)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 34, line 15, delete "or".

Page 34, line 17, after ";" insert "or".

Page 34, between lines 17 and 18, begin a new line block indented and insert:

"(3) pay an application fee, a document fee, a state franchise

fee, a service charge, or any fee other than the franchise fee paid to local units under section 24 of this chapter;".

(Reference is to HB 1279 as printed January 20, 2006.)

AUSTIN

Motion prevailed.

HOUSE MOTION
(Amendment 1279-21)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 9, between lines 40 and 41, begin a new line block indented and insert:

"(3) Ensure consumer access to affordable basic telecommunications service."

Page 9, line 41, delete "(3)" and insert "(4)".

Page 10, line 1, delete "(4)" and insert "(5)".

Page 10, line 3, delete "(5)" and insert "(6)".

Page 12, between lines 31 and 32, begin a new paragraph and insert:

"(b) Not later than July 1, 2007, the commission shall adopt rules under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:

(1) the option of basic telecommunications service; and

(2) any regulatory protections, including pricing or quality of service, that the residential customer would forego by switching to nonbasic telecommunications service."

Page 12, line 32, delete "(b)" and insert "(c)".

(Reference is to HB 1279 as printed January 20, 2006.)

MOSES

Upon request of Representatives Moses and VanHaaften, the Speaker ordered the roll of the House to be called. Roll Call 41: yeas 90, nays 7. Motion prevailed.

HOUSE MOTION
(Amendment 1279-23)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 8, line 11, delete "over:" and insert **"over the price, terms, and conditions of basic telecommunications service offered by a provider of basic telecommunications service in a particular exchange area if the commission finds, after notice and hearing, that the provider makes broadband service available to:**

(1) at least fifty percent (50%) of the households located in the exchange area; and

(2) at least eighty percent (80%) of the provider's statewide customer base for basic telecommunications service."

Page 8, delete lines 12 through 16.

Page 8, line 17, delete "percent (50%) of the households located in the exchange area."

Page 8, line 17, beginning with "The" begin a new line blocked left.

Page 8, line 26, delete "least" and insert **"least:**

(1) fifty percent (50%) of the households located in an exchange area; and

(2) eighty percent (80%) of the provider's statewide customer base for basic telecommunications service."

Page 8, delete line 27.

(Reference is to HB 1279 as printed January 20, 2006.)

MICON

Upon request of Representatives Micon and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 42: yeas 29, nays 68. Motion failed.

HOUSE MOTION
(Amendment 1279-19)

Mr. Speaker: I move that House Bill 1279 be amended to read as follows:

Page 39, between lines 4 and 5, begin a new line double block indented and insert:

"(F) Late payment fees collected from customers."

Page 39, between lines 12 and 13, begin a new line block indented and insert:

"(3) Subject to subsection (c)(11), a pro rata share of all revenue derived by the holder or the holder's affiliates under compensation arrangements for advertising carried on the holder's video service system. The pro rata share with respect to a particular unit is determined by multiplying the total revenue received by the holder under the compensation arrangement by a fraction, the numerator of which is the number of the holder's subscribers in the unit, and the denominator of which is the total number of the holder's subscribers in the relevant regional or national compensation arrangement. Advertising fees or commissions paid by the holder to third parties shall not be subtracted from advertising revenue included in gross revenue under this subdivision.

(4) Subject to subsection (c)(12), commissions paid to the holder as compensation for the promotion or exhibition of any products or services through the holder's system, such as through a home shopping channel or other similar channel."

Page 40, line 34, delete "Late payment fees collected from customers." and insert **"Directory or Internet advertising revenue, including revenue from yellow pages, white pages, banner advertisements, and electronic publishing.**

(12) Any consideration paid directly by a subscriber to a home shopping programmer for merchandise purchased by the subscriber through a home shopping channel offered as part of the video service, but not including any commissions paid to the holder under subsection (b)(4)."

Page 40, line 35, delete "(12)" and insert "(13)".

Page 41, line 24, delete "to:" and insert **"to the product of the following:"**

Page 41, line 25, delete "the" and insert **"The"**.

Page 41, line 27, delete "chapter;" and insert **"chapter."**

Page 41, delete line 28.

Page 41, line 29, delete "five percent (5%)." and insert **"A percentage equal to the lesser of the following:**

(A) Five percent (5%).

(B) A percentage equal to one (1) of the following percentages, whichever applies:

(i) If there is one (1) local franchise in effect with respect to the unit on January 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit. Upon the expiration of a local franchise described in this item, the percentage shall be determined by the unit but may not exceed five percent (5%).

(ii) If there is no local franchise in effect with respect to the unit on January 1, 2006, a percentage determined by the unit. A percentage determined by the unit under this item may not exceed five percent (5%).

(iii) If there is more than one (1) local franchise in effect with respect to the unit on January 1, 2006, a percentage determined by the unit. A percentage determined by the unit under this item may not exceed five percent (5%)."

Page 46, between lines 40 and 41, begin a new paragraph and insert:

"Sec. 29. (a) This section applies to a provider that elects to terminate a local franchise under section 21(b)(2) of this chapter.

(b) A holder to which this section applies shall continue to provide the following services under the terms of the terminated local franchise until January 1, 2009, or until the terminated local franchise would have expired, whichever is later:

(1) Institutional network capacity, however defined or referenced in the terminated local franchise, but generally including private line data network capacity for use by the unit for noncommercial purposes. Institutional network capacity provided under this subdivision shall continue to be provided at the same capacity as was provided to the unit before the date of termination of the local franchise.

However, the unit shall compensate the provider for the actual incremental cost of the capacity provided.

(2) Video service to community public buildings, such as municipal buildings and public schools, however defined or referenced in the terminated local franchise, but generally including cable drop connections to the buildings and a particular tier of video service provided to the buildings. Video service provided under this subdivision shall continue to be provided to the same extent provided to the unit before the date of termination of the local franchise. Beginning January 1, 2009, or upon the date on which the terminated local franchise would have expired, whichever is later, a provider that provides video service under this subdivision may subtract from the franchise fee paid to the unit under section 24 of this chapter an amount equal to the actual incremental cost of the video service provided under this subdivision, if the unit requests that the services provided under this subdivision continue after December 31, 2008, or after the date the terminated local franchise would have expired, whichever is later."

(Reference is to HB 1279 as printed January 20, 2006.)

MAHERN

After discussion, Representative Mahern withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

House Bill 1299

Representative Bardon called down House Bill 1299 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1299-1)

Mr. Speaker: I move that House Bill 1299 be amended to read as follows:

Page 25, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 25. IC 26-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this chapter, "credit agreement" means an agreement to:

- (1) lend or forbear repayment of money, goods, or things in action;
- (2) otherwise extend credit; or
- (3) make any other financial accommodation.

(b) The term includes an agreement to modify an agreement described in subsection (a).

SECTION 26. IC 26-2-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A debtor may bring an action upon assert:

- (1) a claim for legal or equitable relief; or
- (2) a defense in a claim;

arising from a credit agreement only if the credit agreement at issue satisfies the requirements set forth in subsection (b).

(b) A debtor may assert a claim or defense under subsection (a) only if the credit agreement at issue:

- (1) is in writing;
- (2) sets forth all material terms and conditions of the credit agreement, including the loan amount, rate of interest, duration, and security; and
- (3) is signed by the creditor and the debtor."

Renumber all SECTIONS consecutively.

(Reference is to HB 1299 as printed January 18, 2006.)

BARDON

Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1028, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 31, delete "or".

Page 3, between lines 31 and 32, begin a new line block indented and insert:

"(4) on the property of an oil refinery; or".

Page 3, line 32, delete "(4)" and insert "(5)".

(Reference is to HB 1028 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1037, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1093, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "or is readily adaptable to be used".

Page 2, delete lines 6 through 11, begin a new line double block indented and insert:

"(A) the knife is provided to the person by the school corporation or possession of the knife is authorized by the school corporation; and

(B) the person uses the knife for a purpose authorized by the school corporation; or

(2) if the knife is secured in a motor vehicle."

(Reference is to HB 1093 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1123, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "established and" and insert "established. Except as provided in subsection (o), the board".

Page 2, line 1, after "of" insert "the executive director of the commission for women established by section 3 of this chapter and".

Page 2, line 1, delete "seven (7)" and insert "additional nine (9)".

Page 2, line 3, delete "commission." and insert "prosecuting attorneys council of Indiana".

Page 2, line 5, delete "from the judicial system." and insert "representing a rape crisis center".

Page 2, between line 10 and 11, begin a new line block indented and insert:

"(8) A member who is an employee of the criminal justice institute.

(9) A member who is a survivor of sexual violence."

Page 2, line 11, delete "A" and insert "Except for the executive director of the commission for women, a".

Page 2, line 11, after "than" delete "four" and insert "five".

Page 2, line 12, delete "(4)" and insert "(5)".

Page 2, line 15, delete "Four (4)" and insert "Five (5)".

Page 2, delete line 21.

Page 2, line 22, delete "." and insert ";".

Page 2, between lines 22 and 23, begin a new line block indented and insert:

"(4) administer the sexual assault victims assistance account established by subsection (i); and

(5) certify sexual assault victim advocates to provide advocacy services."

Page 2, line 29, after "nonprofit" insert **"sexual assault coalition as designated by the federal Centers for Disease Control and Prevention under 42 U.S.C. 280 et seq."**

Page 2, delete lines 30 through 31.

Page 2, line 32, delete "money in the account to rape crisis centers."

Page 2, run in lines 29 through 32.

Page 3, between lines 13 and 14, begin a new paragraph and insert: **"(o) If the position of the executive director of the commission for women is vacant, the governor shall appoint a member of the commission to the board until the executive director position is filled.**

(p) If a vote of the board is a tie, the position for which the chairperson voted shall be treated as the position adopted by the commission."

Page 5, line 38, delete "seven (7)" and insert **"nine (9)"**.

Page 5, line 41, delete "Two (2)" and insert **"Three (3)"**.

Page 6, line 2, delete "One (1) member" and insert **"Two (2) members"**.

(Reference is to HB 1123 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1138, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. HARRIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1176, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 35-47-2-3, AS AMENDED BY P.L.187-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;**
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or**
- (3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.**

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this

chapter if federal funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued. Except as provided in subsection (h), the fee shall be:

- (1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and
- (2) used by the agency for the purpose of:
 - (A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or
 - (B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

- (A) a citizen of the United States; or
- (B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and
- (2) is:
 - (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
 - (B) prepared by the state police department; and
 - (C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

- (1) changes the person's name; or
- (2) changes the person's address;

the person shall, not later than sixty (60) days after the date of the change, notify the superintendent, in writing, of the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this section must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints."

Page 2, delete lines 1 through 40.

Page 3, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 35-47-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This chapter does not apply to the following:

- (1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.
- (2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.
- (3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

- (1) the state participates in the NICS; and
- (2) there is a conflict between:
 - (A) a provision of this chapter; and
 - (B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

SECTION 4. IC 35-47-2.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. As used in this chapter, "NICS" refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence

Prevention Act (18 U.S.C. 921 et seq.)."

Page 3, line 28, delete "As used in this".

Page 3, delete lines 29 through 32.

Page 3, line 33, delete "(b)".

Page 3, run in lines 28 and 33.

Page 4, line 11, delete "(c)" and insert "(b)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1176 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 4, nays 3.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.1-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 31. Employee Certification Credit

Sec. 1. As used in this chapter, "certification" means a degree or certificate that:

- (1) is issued by a certified training provider to an employee upon completion of a course of training or education;
- (2) is recognized by the department of workforce development or an appropriate industry organization as evidence of an employee's acquisition of new knowledge or skills; and
- (3) results in the payment of higher wages to an employee.

Sec. 2. As used in this chapter, "certified training provider" means an organization that provides a course of training or education to an employee for which the employee receives a degree or certificate.

Sec. 3. (a) As used in this chapter, "employee" means an individual who:

- (1) is continuously employed for at least sixteen (16) consecutive weeks during a taxable year;
- (2) either:
 - (A) is employed for consideration for at least thirty-five (35) hours each week; or
 - (B) renders any other standard of service specified by contract or generally accepted by custom as full-time employment; and
- (3) receives a certification from a certified training provider.

(b) Notwithstanding subsection (a), the term "employee" does not include an individual who has a direct or an indirect ownership interest of at least five percent (5%) in the profits, capital, or value of the employer, as determined in accordance with Section 1563 of the Internal Revenue Code and regulations prescribed under that Section.

Sec. 4. (a) As used in this chapter, "employer" means a taxpayer that employs an employee and pays qualified wages to the employee.

(b) Notwithstanding subsection (a), the term "employer" does not include a taxpayer that:

- (1) is a nonprofit corporation;
- (2) is an educational institution; or
- (3) requires a gaming license or permit to operate under IC 4-31-5 or IC 4-33-6.

Sec. 5. As used in this chapter, "qualified wages" means the difference between:

- (1) wages paid by an employer to an employee after the employee's certification; minus
- (2) wages paid by an employer to an employee before the

employee's certification.

Sec. 6. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3 (the adjusted gross income tax);
- (2) IC 6-2.5 (state gross retail and use tax);
- (3) IC 6-5.5 (the financial institutions tax); and
- (4) IC 27-1-18-2 (the insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 7. As used in this chapter, "taxpayer" means a person, a corporation, a partnership, a limited liability corporation, a limited liability partnership, or any other entity that has any state tax liability.

Sec. 8. (a) A taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer pays qualified wages in the taxable year.

(b) The amount of the credit to which a taxpayer is entitled equals the product of fifty percent (50%) multiplied by all qualified wages paid by the employer during the taxable year. However, the credit amount claimed for a taxable year may not exceed the taxpayer's state tax liability for the taxable year.

(c) If the amount of the credit to which a taxpayer is entitled exceeds the taxpayer's state tax liability, the taxpayer may carry the excess credit over to the following taxable years. The amount of the credit carryover from a taxable year is reduced to the extent that the taxpayer uses the carryover to obtain a credit under this chapter for any subsequent taxable year.

(d) A taxpayer is not entitled to a carryback or refund of any unused credit.

Sec. 9. To receive the credit under this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

- (1) proof of payment of qualified wages;
- (2) proof of the certification of each employee to whom qualified wages are paid; and
- (3) all information that the department of state revenue determines is necessary to:
 - (A) calculate the credit under this chapter; or
 - (B) determine whether wages are qualified wages. The department of workforce development shall review a determination under this clause.

(Reference is to HB 1192 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1203, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 1.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1213, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 3.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1235, has had the same

under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-194.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a communicable disease, in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 2. IC 16-18-2-298.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 298.5. "Public health authority", for purposes of IC 16-41-9, means:

- (1) the state health commissioner of the state department;
- (2) a deputy or an assistant state health commissioner appointed by the state health commissioner, or an agent expressly authorized by the state health commissioner; or
- (3) the local health officer.

SECTION 3. IC 16-18-2-302.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who may have been exposed to a communicable disease during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 4. IC 16-21-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. With the approval of the budget director and upon the recommendation of the budget committee, each county that has incurred costs for a carrier ~~(other than costs incurred under IC 16-41-9-11)~~ under:

- (1) IC 16-41-1;
- (2) IC 16-41-2;
- (3) IC 16-41-3;
- (4) IC 16-41-5;
- (5) IC 16-41-6;
- (6) IC 16-41-7;
- (7) IC 16-41-8;
- (8) IC 16-41-9; or
- (9) IC 16-41-13;

is entitled to a pro rata share of the money remaining at the end of the state fiscal year in the fund established under this chapter.

SECTION 5. IC 16-22-8-31, AS AMENDED BY P.L.184-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) The director of the division of public health has the powers, functions, and duties of a local health officer.

(b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), or IC 36-1-6-4.

(c) Orders, health directives, and restrictions issued by the state health commissioner, the state health commissioner's legally authorized agent, a designated health official, or the director of the division of public health may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with ~~IC 16-41-9-1 or IC 16-41-9-11~~. IC 16-41-9.

(d) A change of venue from the county may not be granted for court proceedings initiated under this section.

SECTION 6. IC 16-41-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) If the public health authority has reason to believe that:

- (1) an individual:

- (A) has been infected with; or
 - (B) has been exposed to;
- a dangerous communicable disease or outbreak; and
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance may expose an uninfected person to a dangerous communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall:

- (1) hold the hearing in a manner that would allow all parties to fully and safely participate in the proceedings under the circumstances; or
- (2) require the individual to appear by counsel.

(d) If the public health authority proves by a preponderance of the evidence that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may impose isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard, the public health authority may seek in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

- (1) isolation or quarantine should be imposed on an individual; and
- (2) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard.

(f) If the public health authority proves by a preponderance of the evidence that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak;
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and
- (3) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard;

the court may issue an emergency order imposing isolation or quarantine on the individual. An emergency order of isolation or quarantine expires after fourteen (14) days unless renewed in accordance with subsection (l). The court shall establish the other conditions of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(g) A court may issue an emergency order of isolation or quarantine without the verified petition required under subsection (e) if the court receives sworn testimony of the same facts required in the verified petition:

- (1) in a nonadversarial, recorded hearing before the judge;
- (2) orally by telephone or radio; or
- (3) in writing by facsimile transmission (fax).

If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (2), the court shall direct the public health authority to sign the judge's name and to write the time and date of issuance on the proposed emergency order. If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (3), the court shall direct the public health authority to transmit a proposed emergency order to the court, which the court shall sign, add the date of issuance, and transmit back to the public health authority. A court may modify the conditions of a proposed emergency order.

(h) If an emergency order of isolation or quarantine is issued under subsection (g)(2), the court shall record the conversation on audiotape and order the court reporter to type or transcribe the recording for entry in the record. The court shall certify the audiotape, the transcription, and the order retained by the judge for entry in the record.

(i) If an emergency order of isolation or quarantine is issued under subsection (g)(3), the court shall order the court reporter to retype or copy the facsimile transmission for entry in the record. The court shall certify the transcription or copy and order retained by the judge for entry in the record.

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or copied entry upon receiving notice from the court reporter.

(k) The public health authority may issue an immediate order imposing isolation or quarantine on an individual if exigent circumstances, including the number of affected individuals, exist that make it impracticable for the public health authority to seek an order from a court. An immediate order of isolation or quarantine expires after fourteen (14) days unless renewed in accordance with subsection (l). The public health authority shall establish the other conditions of isolation or quarantine. The public health authority shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public. The public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

- (1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

- (A) the court that granted the emergency order of isolation or quarantine; or
- (B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in isolation or quarantine.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

- (A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous communicable disease or outbreak;

(B) cross-examine witnesses; and

(C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and

(B) it is impracticable to provide individual notice; by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by a preponderance of evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

(1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;

(2) the law and the facts concerning the individuals are similar; and

(3) the individuals have similar rights at issue.

A court may order an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented.

(o) A public health authority that imposes a quarantine may allow:

(1) the parent or guardian of a child who is quarantined under this section; or

(2) an adult family member of an adult who is quarantined under this section;

to remain with the quarantined individual in quarantine if the parent, guardian, or adult family member receives a vaccination or treatment for the disease or condition for which the quarantine is imposed.

(p) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(q) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(r) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(s) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor. Each day that a violation continues constitutes a separate offense.

(t) The state department may adopt rules under IC 4-22-2 to implement this section.

SECTION 7. IC 16-41-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) ~~A designated health official~~ **The local health officer** may file a report with the court that states that a carrier who has been detained under this article may be discharged without danger to the health or life of others.

(b) The court may enter an order of release based on information presented by the ~~designated health official~~ **local health officer** or other sources.

SECTION 8. IC 16-41-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The court shall determine what part of the cost of care or treatment ordered by the court, if any, the carrier can pay and whether there are other available sources of public or private funding responsible for payment of the carrier's care or treatment. The carrier shall provide the court documents and other information necessary to determine financial ability. If the carrier cannot pay the full cost of care and other sources of public or private funding responsible for payment of the carrier's care or treatment are not available, the county is responsible for the cost. If the carrier:

(1) provides inaccurate or misleading information; or

(2) later becomes able to pay the full cost of care;

the carrier becomes liable to the county for costs paid by the county.

(b) Except as provided in subsections (c) and (d), the costs incurred by the county under this chapter are limited to the costs incurred under ~~section 11~~ **section 1.5** of this chapter.

(c) However, subsection (b) does not relieve the county of the responsibility for the costs of a carrier who is ordered by the court under this chapter to a county facility.

(d) Costs, other than costs described in subsections (b) and (c) that are incurred by the county for care ordered by the court under this chapter, shall be reimbursed by the state under IC 16-21-7 to the extent funds have been appropriated for reimbursement.

SECTION 10. IC 34-30-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13.5. Health Care: Immunity for Persons Providing Services in a Disaster

Sec. 1. Except as provided in section 2 of this chapter, a person who meets the following criteria is immune from civil liability resulting from an act or omission relating to the provision of health care services in response to a disaster (as defined in IC 10-14-3-1):

(1) Has a license to provide health care services under Indiana law or the law of another state.

(2) Provides a health care service:

(A) within the scope of the person's license to another person; and

(B) at a location where health care services are provided during an event that is declared as a disaster.

Sec. 2. A person described in section 1 of this chapter is not immune from civil liability if the damages resulting from the act or omission relating to the provision of the health care services resulted from the person's gross negligence or willful misconduct.

Sec. 3. A medical clinic, health care facility, or other location that is providing health care services during an event that is declared as a disaster is immune from civil liability resulting from an act or omission relating to the provision of health care services in response to a disaster by a health professional licensed to provide the health care service under Indiana law or the law of another state if the person is acting during an event that is declared as a disaster.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 16-41-9-1; IC 16-41-9-2; IC 16-41-9-4; IC 16-41-9-11; IC 16-41-9-14.

SECTION 12. [EFFECTIVE JULY 1, 2006] IC 16-41-9-1.5(s), as added by this act, applies only to crimes committed after June 30, 2006.

Renumber all SECTIONS consecutively.

(Reference is to HB 1235 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred House Bill 1258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 2. IC 14-15-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. **(a) This section does not apply to a body of water that is under the jurisdiction of the:**

(1) department; or

(2) United States Army Corps of Engineers.

~~(a)~~ **(b)** As used in this section, "litter" means bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, plastic, or similar refuse.

~~(b)~~ **(c)** In the operation or use of watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

(1) any litter, filth, or putrid or unwholesome substance; or

(2) the contents of a water closet or toilet, catch basin, or grease trap;

in or upon public water or the banks of public water."

Page 1, line 12, delete "A" and insert **"Except as provided in subsection (b), a"**.

Page 2, between lines 7 and 8, begin a new paragraph and insert: **"(b) Subsection (a)(4) does not apply to an entity referred to in section 26.5(a)(1) through 26.5(a)(4) of this chapter."**

Page 2, line 8, strike "(b)" and insert **"(c)"**.

Page 2, line 16, delete "one hundred (100)" and insert **"fifty (50)"**.

Page 5, between lines 18 and 19, begin a new paragraph and insert: **"SECTION 13. IC 35-45-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally places or leaves refuse on property of another person, except in a container provided for refuse, commits littering, a Class B infraction. However, the offense is a Class A misdemeanor if the refuse is placed or left in, on, or within one hundred (100) feet of a body of water that is under the jurisdiction of the:**

(1) department of natural resources; or

(2) United States Army Corps of Engineers.

(b) "Refuse" includes solid and semisolid wastes, dead animals, and offal.

(c) Evidence that littering was committed from a moving vehicle other than a public conveyance constitutes prima facie evidence that it was committed by the operator of that vehicle."

Page 5, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2006] IC 35-45-3-2, as amended by this act, applies only to offenses committed after June 30, 2006."

Delete pages 6 through 7.

Renumber all SECTIONS consecutively.

(Reference is to HB 1258 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1259, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. HARRIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1267, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning employment.

Delete everything after the enacting clause and insert the

following:

SECTION 1. IC 20-33-3-12, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) As proof of prospective employment, the issuing officer shall require a written statement that:

(1) is signed by the person for whom the child is to work; ~~and~~

(2) sets forth the nature of work that the child is to perform; ~~and~~

(3) specifies the maximum number of hours per week that the child will work for the employer.

(b) When a child's employment terminates, the employer shall immediately notify the issuing officer in writing of the:

(1) termination; and

(2) date on which it occurred.

This notice shall be on a blank form attached to the child's employment certificate.

~~(c) It is unlawful for an issuing officer to issue a subsequent employment certificate until the issuing officer has:~~

~~(1) received a termination notice from the current employer; or~~

~~(2) otherwise determined that the child's employment has terminated.~~

~~(d)~~ **(c)** An employment certificate may be used at not more than two (2) locations within the same enterprise if the enterprise complies with the hour restrictions prescribed in sections ~~21~~ **22** through ~~29~~ **28** of this chapter.

SECTION 2. IC 20-33-3-13, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13. (a) Upon presentation to the issuing officer of the documents required by section 10 of this chapter, an employment certificate shall be issued immediately to the child. **The employment certificate shall state the maximum number of hours that the child may be employed by the employer.** However, an issuing officer may deny a certificate to a child:

(1) whose attendance is not in good standing; or

(2) whose academic performance does not meet the school corporation's standard.

(b) Not more than five (5) days after issuing an employment certificate, the issuing officer shall send a copy of the employment certificate to the department of labor. The issuing officer shall keep a record in the issuing officer's office of each employment certificate issued.

(c) A student may appeal the denial of a certificate under subsection (a) to the principal.

SECTION 3. IC 20-33-3-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: **Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties in sections 39 and 40 of this chapter for any of the following:**

(1) Hour violations under sections 22 through 28 of this chapter.

(2) A violation of section 23(3) or 24(3) of this chapter.

(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject only to the penalties in sections 39 and 40 of this chapter for:

(1) hour violations under sections 22 through 28 of this chapter; or

(2) a violation of section 23(3) or 24(3) of this chapter; for the employment of the child with the employer.

SECTION 4. IC 20-33-3-23, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 23. **Except as provided in section 27 of this chapter,** a child who is at least sixteen (16) years of age and less than seventeen (17) years of age may not:

(1) work for more than eight (8) hours in any one (1) day;

(2) work for more than thirty (30) hours in any one (1) week;

(3) work for more than six (6) days in any one (1) week; or

(4) begin a work day before 6 a.m.

SECTION 5. IC 20-33-3-24, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 24. **Except as provided in section 27 of this chapter,** a child who is at least seventeen (17)

years of age and less than eighteen (18) years of age may not:

- (1) work for more than eight (8) hours in any one (1) day;
- (2) work for more than thirty (30) hours in any one (1) week;
- (3) work for more than six (6) days in any one (1) week; or
- (4) begin a work day before 6 a.m. on a school day.

SECTION 6. IC 20-33-3-27, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 27. (a) ~~An employer may employ~~ A child who is at least sixteen (16) years of age and less than eighteen (18) years of age **may be employed** for up to forty (40) hours during a school week if the employer ~~has~~ **or employers have**:

- (1) obtained written permission from the child's parent; and
- (2) placed the written permission on file in the employer's office **or the offices of the employers.**

(b) If ~~an~~ **the** employer ~~has~~ **or employers have** obtained written permission required under subsection (a), ~~the employer may employ~~ a child who is at least sixteen (16) years of age and less than eighteen (18) years of age **may be employed** for periods that do not exceed a total of nine (9) hours in any one (1) day and a total of forty-eight (48) hours in any one (1) nonschool week.

SECTION 7. IC 20-33-3-39, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 39. **Notwithstanding section 13.5(b) of this chapter**, a person, firm, limited liability company, or corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an employment certificate violation under section 5 or 14 of this chapter, a termination notice violation under section 12 of this chapter, an hour violation of not more than thirty (30) minutes under ~~sections 21~~ **sections 22 through 29 28** of this chapter, **a violation of section 23(3) or 24(3) of this chapter**, or a posting violation under section 34 of this chapter, the civil penalties are as follows:

- (1) A warning letter for any violations identified during an initial inspection.
- (2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.
- (3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.
- (4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

SECTION 8. [EFFECTIVE JULY 1, 2006] (a) **As used in this SECTION, "committee" refers to the interim study committee on child labor established by this SECTION.**

(b) **There is established the interim study committee on child labor. The committee shall study:**

- (1) the issuance of employment certificates;
- (2) the maximum hours that a child under age eighteen (18) may work in a week; and
- (3) enforcement of child labor laws.

(c) **The committee shall operate under the policies governing study committees adopted by the legislative council.**

(d) **The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure.**

(e) **This SECTION expires December 31, 2006.**

SECTION 9. **An emergency is declared for this act.**

(Reference is to HB 1267 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1318, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the

following:

SECTION 1. IC 6-1.1-12.1-1, AS AMENDED BY P.L.216-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. For purposes of this chapter:

(1) "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes:

(A) any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

(B) a residentially distressed area, except as otherwise provided in this chapter.

(2) "City" means any city in this state, and "town" means any town incorporated under IC 36-5-1.

(3) "New manufacturing equipment" means any tangible personal property which:

(A) was installed after February 28, 1983, and on or before the approval deadline determined under section 9 of this chapter, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) is used in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(C) was acquired by its owner for use as described in clause (B) and was never before used by its owner for any purpose in Indiana.

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

(4) "Property" means a building or structure, but does not include land.

(5) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:

(A) on unimproved real estate; or

(B) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(6) "Rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.

(7) "Designating body" means the following:

(A) For a county that does not contain a consolidated city, the fiscal body of the county, city, or town.

(B) For a county containing a consolidated city, the metropolitan development commission.

(8) "Deduction application" means: **either:**

(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter; **or**

(B) the application filed in accordance with section 5.4 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter; **or**

(C) the application filed in accordance with section 5.3 of this chapter by a property owner that desires to obtain the deduction provided by section 4.8 of this chapter.

(9) "Designation application" means an application that is filed

with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) is installed after June 30, 2000, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) laboratory equipment;
- (ii) research and development equipment;
- (iii) computers and computer software;
- (iv) telecommunications equipment; or
- (v) testing equipment;

(C) is used in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; and

(D) is acquired by the property owner for purposes described in this subdivision and was never before used by the owner for any purpose in Indiana.

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

(13) "New logistical distribution equipment" means tangible personal property that:

(A) is installed after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) racking equipment;
- (ii) scanning or coding equipment;
- (iii) separators;
- (iv) conveyors;
- (v) fork lifts or lifting equipment (including "walk behinds");
- (vi) transitional moving equipment;
- (vii) packaging equipment;
- (viii) sorting and picking equipment; or
- (ix) software for technology used in logistical distribution;

(C) is used for the storage or distribution of goods, services, or information; and

(D) before being used as described in clause (C), was never used by its owner for any purpose in Indiana.

(14) "New information technology equipment" means tangible personal property that:

(A) is installed after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of equipment, including software, used in the fields of:

- (i) information processing;
- (ii) office automation;
- (iii) telecommunication facilities and networks;
- (iv) informatics;
- (v) network administration;
- (vi) software development; and
- (vii) fiber optics; and

(C) before being installed as described in clause (A), was never used by its owner for any purpose in Indiana.

(15) "Eligible vacant building" means a building that:

(A) is zoned for commercial or industrial purposes; and
(B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.

SECTION 2. IC 6-1.1-12.1-2, AS AMENDED BY P.L.216-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A designating body may find that a particular area within its jurisdiction is an economic revitalization area. However, the deduction provided by this chapter for economic revitalization areas not within a city or town shall not be available to retail businesses.

(b) In a county containing a consolidated city or within a city or town, a designating body may find that a particular area within its jurisdiction is a residentially distressed area. Designation of an area as a residentially distressed area has the same effect as designating an area as an economic revitalization area, except that the amount of the deduction shall be calculated as specified in section 4.1 of this chapter and the deduction is allowed for not more than five (5) years. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings described in subsection (c):

(1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.

(2) Any dwellings in the area are not permanently occupied and are:

- (A) the subject of an order issued under IC 36-7-9; or
- (B) evidencing significant building deficiencies.

(3) Parcels of property in the area:

- (A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
- (B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

(1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.

(2) A significant number of dwelling units within the area are:

- (A) the subject of an order issued under IC 36-7-9; or
- (B) evidencing significant building deficiencies.

(3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States.

(4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection as an alternative to one (1) of the additional findings described in subsection (b).

(d) A designating body is required to attach the following conditions to the grant of a residentially distressed area designation:

(1) The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.

(2) If a designation application is filed, the designating body may require that the redevelopment or rehabilitation be completed within a reasonable period of time.

(e) To make a designation described in subsection (a) or (b), the designating body shall use procedures prescribed in section 2.5 of this chapter.

(f) The property tax deductions provided by ~~sections~~ **section 3, and 4.5, or 4.8** of this chapter are only available within an area which the designating body finds to be an economic revitalization area.

(g) The designating body may adopt a resolution establishing general standards to be used, along with the requirements set forth in the definition of economic revitalization area, by the designating body in finding an area to be an economic revitalization area. The standards must have a reasonable relationship to the development objectives of the area in which the designating body has jurisdiction. The following ~~three~~ **four** (4) sets of standards may be established:

(1) One (1) relative to the deduction under section 3 of this chapter for economic revitalization areas that are not residentially distressed areas.

(2) One (1) relative to the deduction under section 3 of this chapter for residentially distressed areas.

(3) One (1) relative to the deduction allowed under section 4.5 of this chapter.

(4) One (1) relative to the deduction allowed under section 4.8 of this chapter.

(h) A designating body may impose a fee for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area. The fee may be sufficient to defray actual processing and administrative costs. However, the fee charged for filing a designation application for a parcel that contains one (1) or more owner-occupied, single-family dwellings may not exceed the cost of publishing the required notice.

(i) In declaring an area an economic revitalization area, the designating body may:

(1) limit the time period to a certain number of calendar years during which the economic revitalization area shall be so designated;

(2) limit the type of deductions that will be allowed within the economic revitalization area to ~~either~~ the deduction allowed under section 3 of this chapter, ~~or~~ the deduction allowed under section 4.5 of this chapter, **the deduction allowed under section 4.8 of this chapter, or any combination of these deductions;**

(3) limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment if a deduction under this chapter had not been filed before July 1, 1987, for that equipment;

(4) limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988;

(5) limit the dollar amount of the deduction that will be allowed under section 4.8 of this chapter with respect to the occupation of an eligible vacant building; or

~~(5) (6)~~ impose reasonable conditions related to the purpose of this chapter or to the general standards adopted under subsection (g) for allowing the deduction for the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

To exercise one (1) or more of these powers, a designating body must include this fact in the resolution passed under section 2.5 of this chapter.

(j) Notwithstanding any other provision of this chapter, if a designating body limits the time period during which an area is an economic revitalization area, that limitation does not:

(1) prevent a taxpayer from obtaining a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment installed on or before the approval deadline determined under section 9 of this chapter, but after the expiration of the economic revitalization area if:

(A) the economic revitalization area designation expires after

December 30, 1995; and

(B) the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment was described in a statement of benefits submitted to and approved by the designating body in accordance with section 4.5 of this chapter before the expiration of the economic revitalization area designation; or

(2) limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under section 4, ~~or~~ 4.5, **or 4.8** of this chapter.

(k) Notwithstanding any other provision of this chapter, deductions:

(1) that are authorized under section 3 of this chapter for property in an area designated as an urban development area before March 1, 1983, and that are based on an increase in assessed valuation resulting from redevelopment or rehabilitation that occurs before March 1, 1983; or

(2) that are authorized under section 4.5 of this chapter for new manufacturing equipment installed in an area designated as an urban development area before March 1, 1983;

apply according to the provisions of this chapter as they existed at the time that an application for the deduction was first made. No deduction that is based on the location of property or new manufacturing equipment in an urban development area is authorized under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) If property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), an application for the property tax deduction provided by this chapter may not be approved unless the commission that designated the allocation area adopts a resolution approving the application.

SECTION 3. IC 6-1.1-12.1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) If a designating body finds that an area in its jurisdiction is an economic revitalization area, it shall either:

(1) prepare maps and plats that identify the area; or

(2) prepare a simplified description of the boundaries of the area by describing its location in relation to public ways, streams, or otherwise.

(b) After the compilation of the materials described in subsection (a), the designating body shall pass a resolution declaring the area an economic revitalization area. The resolution must contain a description of the affected area and be filed with the county assessor. A resolution adopted after June 30, 2000, may include a determination of the number of years a deduction under section 3, **4.5, or 4.8** of this chapter is allowed. ~~In addition, if the resolution is adopted after June 30, 2000, the resolution may include a determination of the number of years a deduction under section 4.5 of this chapter is allowed.~~

(c) After approval of a resolution under subsection (b), the designating body shall do the following:

(1) Publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1.

(2) File the following information with each taxing unit that has authority to levy property taxes in the geographic area where the economic revitalization area is located:

(A) A copy of the notice required by subdivision (1).

(B) A statement containing substantially the same information as a statement of benefits filed with the designating body before the hearing required by this section under ~~sections~~ **section 3, and 4.5, or 4.8** of this chapter.

The notice must state that a description of the affected area is available and can be inspected in the county assessor's office. The notice must also name a date when the designating body will receive and hear all remonstrances and objections from interested persons. The designating body shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. After considering

the evidence, the designating body shall take final action determining whether the qualifications for an economic revitalization area have been met and confirming, modifying and confirming, or rescinding the resolution. This determination is final except that an appeal may be taken and heard as provided under subsections (d) and (e).

(d) A person who filed a written remonstrance with the designating body under this section and who is aggrieved by the final action taken may, within ten (10) days after that final action, initiate an appeal of that action by filing in the office of the clerk of the circuit or superior court a copy of the order of the designating body and ~~his the person's~~ bond conditioned to pay the costs of ~~his the person's~~ appeal if the appeal is determined against ~~him: the person~~. The only ground of appeal that the court may hear is whether the proposed project will meet the qualifications of the economic revitalization area law. The burden of proof is on the appellant.

(e) An appeal under this section shall be promptly heard by the court without a jury. All remonstrances upon which an appeal has been taken shall be consolidated and heard and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal, and may confirm the final action of the designating body or sustain the appeal. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

SECTION 4. IC 6-1.1-12.1-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.8. (a) A property owner that is an applicant for a deduction under this section must provide a statement of benefits to the designating body.**

(b) If the designating body requires information from the property owner for the designating body's use in deciding whether to designate an economic revitalization area, the property owner must provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the property owner must submit the completed statement of benefits form to the designating body before the occupation of the eligible vacant building for which the property owner desires to claim a deduction.

(c) The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the eligible vacant building that the property owner or a tenant of the property owner will occupy.

(2) An estimate of the number of individuals who will be employed or whose employment will be retained by the property owner or the tenant as a result of the occupation of the eligible vacant building, and an estimate of the annual salaries of those individuals.

(3) Information regarding efforts by the owner or a previous owner to sell, lease, or rent the eligible vacant building during the period the eligible vacant building was unoccupied.

(4) Information regarding the amount for which the eligible vacant building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

(d) With the approval of the designating body, the statement of benefits may be incorporated in a designation application. A statement of benefits is a public record that may be inspected and copied under IC 5-14-3.

(e) The designating body must review the statement of benefits required by subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, after the designating body has made the following findings:

(1) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(2) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will

be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(3) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(4) Whether the occupation of the eligible vacant building will increase the tax base and assist in the rehabilitation of the economic revitalization area.

(5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction under this section unless the findings required by this subsection are made in the affirmative.

(f) Except as otherwise provided in this section, the owner of an eligible vacant building located in an economic revitalization area is entitled to a deduction from the assessed value of the building if the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes. The property owner is entitled to the deduction:

(1) for the first year in which the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes; and

(2) for subsequent years determined under subsection (g).

(g) The designating body shall determine the number of years for which a property owner is entitled to a deduction under this section. However, the deduction may not be allowed for more than five (5) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by a resolution adopted not more than sixty (60) days after the designating body receives a copy of the property owner's deduction application from the county auditor.

A certified copy of a resolution under subdivision (2) shall be sent to the county auditor, who shall make the deduction as provided in section 5.3 of this chapter. A determination concerning the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by using the procedure under subdivision (2).

(h) Except as provided in section 2(i)(5) of this chapter and subsection (k), the amount of the deduction the property owner is entitled to receive under this section for a particular year equals the product of:

(1) the assessed value of the building or part of the building that is occupied by the property owner or a tenant of the property owner; multiplied by

(2) the percentage set forth in the table in subsection (i).

(i) The percentage to be used in calculating the deduction under subsection (h) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%

3rd	60%
4th	40%
5th	20%

(j) The amount of the deduction determined under subsection (h) shall be adjusted in accordance with this subsection in the following circumstances:

(1) If a general reassessment of real property occurs within the period of the deduction, the amount of the assessed value determined under subsection (h)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.

(2) If an appeal of an assessment is approved and results in a reduction of the assessed value of the property, the amount of a deduction under this section shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(k) The maximum amount of a deduction under this section may not exceed the lesser of:

(1) the annual amount for which the eligible vacant building was offered for lease or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied; or

(2) an amount, as determined by the designating body in its discretion, that is equal to the annual amount for which similar buildings in the county or contiguous counties were leased or rented or offered for lease or rent during the period the eligible vacant building was unoccupied.

(l) The department of local government finance shall adopt rules under IC 4-22-2 to implement this section.

SECTION 5. IC 6-1.1-12.1-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.3. (a) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter must file a deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the eligible vacant building is located. Except as otherwise provided in this section, the deduction application must be filed before May 10 of the year in which the property owner or a tenant of the property owner initially occupies the eligible vacant building.

(b) If notice of the assessed valuation or new assessment for a year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The deduction application required by this section must contain the following information:

(1) The name of the property owner and, if applicable, the property owner's tenant.

(2) A description of the property for which a deduction is claimed.

(3) The amount of the deduction claimed for the first year of the deduction.

(4) Any other information required by the department of local government finance or the designating body.

(d) A deduction application filed under this section applies to the year in which the property owner or a tenant of the property owner occupies the eligible vacant building and in the following years in which the deduction is allowed, without an additional deduction application being filed.

(e) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter but that did not file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year. A deduction application filed under this subsection applies to the year in which the deduction application is filed and the following years in which the deduction is allowed, without an additional deduction application being filed. The amount of the deduction under this subsection is the amount that would have been applicable to the year under section 4.8 of this chapter if the deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall do the

following:

(1) If a determination concerning the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.

(2) If a determination concerning the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided by section 4.8 of this chapter are not affected by a change in the ownership of the eligible vacant building or a change in the property owner's tenant, if the new property owner or the new tenant:

(1) continues to occupy the eligible vacant building in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the eligible vacant building is located review the deduction application.

(i) A property owner may appeal a determination of the county auditor under subsection (f) by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the property owner notice of the determination. An appeal under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(j) In addition to the requirements of subsection (c), a property owner that files a deduction application under this section must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.8 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable:

(1) at the same time that the property owner or the property owner's tenant files a personal property tax return for property located at the eligible vacant building for which the deduction was granted; or

(2) if subdivision (1) does not apply, before May 15 of each year.

(k) The following information is a public record if filed under this section:

(1) The name and address of the property owner.

(2) The location and description of the eligible vacant building for which the deduction was granted.

(3) Any information concerning the number of employees at the eligible vacant building for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.

(4) Any information concerning the total of the salaries paid to the employees described in subdivision (3), including estimated totals that are provided as part of the statement of benefits.

(5) Any information concerning the assessed value of the eligible vacant building, including estimates that are provided as part of the statement of benefits.

(l) Information concerning the specific salaries paid to individual employees by the property owner or tenant is confidential.

SECTION 6. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.193-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.

(b) Not later than forty-five (45) days after receipt of the information described in section 5.1, **5.3(j)**, or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:

- (1) An explanation of the reasons for the designating body's determination.
- (2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.
- (c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

(d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:

- (1) the property owner;
- (2) the county auditor; and
- (3) if the deduction applied under section 4.5 of this chapter, the township assessor.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

(e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 7. IC 6-1.1-12.1-8, AS AMENDED BY P.L.193-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Not later than December 31 of each year, the county auditor shall publish the following in a newspaper of general interest and readership and not one of limited subject matter:

- (1) A list of the deduction applications that were filed under this chapter during that year that resulted in deductions being applied under this chapter for that year. The list must contain the following:

- (A) The name and address of each person approved for or receiving a deduction that was filed for during the year.
- (B) The amount of each deduction that was filed for during the year.
- (C) The number of years for which each deduction that was filed for during the year will be available.
- (D) The total amount for all deductions that were filed for and applied during the year.

(2) The total amount of all deductions for real property that were in effect under section 3 of this chapter during the year.

(3) The total amount of all deductions for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that were in effect under section 4.5 of this chapter during the year.

(4) The total amount of all deductions for eligible vacant buildings that were in effect under section 4.8 of this chapter during the year.

(b) The county auditor shall file the information described in subsection (a)(2), ~~and~~ (a)(3), **and (a)(4)** with the department of local government finance not later than December 31 of each year.

SECTION 8. IC 6-1.1-12.1-9, AS AMENDED BY P.L.216-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Notwithstanding any other provision of this chapter, a designating body may not approve a statement of benefits for a deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter after the approval deadline, which is determined in the following manner:

- (1) The initial approval deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial approval deadline and subsequent approval deadlines are automatically extended in increments of five (5) years, so that approval deadlines subsequent to the initial approval deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an approval deadline determined under subdivision (2), the general assembly may enact a law that:

- (A) terminates the automatic extension of approval deadlines under subdivision (2); and
- (B) specifically designates a particular date as the final approval deadline.

SECTION 9. IC 6-1.1-12.1-11.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.3. (a) This section applies only to the following requirements:

(1) Failure to provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter.

(2) Failure to submit the completed statement of benefits form to the designating body before the:

- (A) initiation of the redevelopment or rehabilitation; ~~or the~~
- (B) installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; **or**

(C) occupation of an eligible vacant building;

for which the person desires to claim a deduction under this chapter.

(3) Failure to designate an area as an economic revitalization area before the initiation of the:

- (A) redevelopment;
- (B) installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; ~~or~~
- (C) rehabilitation; **or**
- (D) occupation of an eligible vacant building;

for which the person desires to claim a deduction under this chapter.

(4) Failure to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment under

section 2, 3, ~~or~~ 4.5, **or 4.8** of this chapter.

(5) Failure to file a:

(A) timely; or

(B) complete;

deduction application under section 5, **5.3**, or 5.4 of this chapter.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified in the resolution. Before adopting a waiver under this subsection, the designating body shall conduct a public hearing on the waiver.

SECTION 10. IC 6-1.1-12.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A property owner that has received a deduction under section 3, or 4.5 of this chapter is subject to the provisions of this section if the designating body adopts a resolution incorporating the provisions of this section for the economic revitalization area in which the property owner is located.

(b) If:

(1) the property owner (**or, in the case of a deduction under section 4.8 of this chapter, the property owner or a tenant of the property owner**) ceases operations at the facility for which the deduction was granted; and

(2) the designating body finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operations at the facility;

the property owner shall pay the amount determined under subsection (e) to the county treasurer.

(c) A property owner may appeal the designating body's decision under subsection (b) by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined not more than thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is a final determination that may be appealed in the same manner as other civil actions.

(d) If an appeal under subsection (c) is pending, the payment required by this section is not due until after the appeal is finally adjudicated and the property owner's liability for the payment is finally determined.

(e) The county auditor shall determine the amount to be paid by the property owner according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Multiply the sum determined under STEP TWO by one and one-tenth (1.1).

(f) The county treasurer shall distribute money paid under this section on a pro rata basis to the general fund of each taxing unit that contains the property that was subject to the deduction. The amount to be distributed to the general fund of each taxing unit shall be determined by the county auditor according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner to the taxing unit if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Divide the STEP TWO sum by the sum determined under STEP TWO of subsection (e).

STEP FOUR: Multiply the amount paid by the property owner under subsection (e) by the STEP THREE quotient.

SECTION 11. IC 6-1.1-12.1-14, AS AMENDED BY P.L.193-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 2004.

(b) A property owner that receives a deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter is subject to this section only if the designating body, with the consent of the property owner, incorporates this section, including the percentage to be applied by the county auditor for purposes of STEP TWO of subsection (c), into its initial approval of the property owner's statement of benefits and deduction at the time of that approval.

(c) During each year in which a property owner's property tax liability is reduced by a deduction applied under this chapter, the property owner shall pay to the county treasurer a fee in an amount determined by the county auditor. The county auditor shall determine the amount of the fee to be paid by the property owner according to the following formula:

STEP ONE: Determine the additional amount of property taxes that would have been paid by the property owner during the year if the deduction had not been in effect.

STEP TWO: Multiply the amount determined under STEP ONE by the percentage determined by the designating body under subsection (b), which may not exceed fifteen percent (15%). The percentage determined by the designating body remains in effect throughout the term of the deduction and may not be changed.

STEP THREE: Determine the lesser of the STEP TWO product or one hundred thousand dollars (\$100,000).

(d) Fees collected under this section must be distributed to one (1) or more public or nonprofit entities established to promote economic development within the corporate limits of the city, town, or county served by the designating body. The designating body shall notify the county auditor of the entities that are to receive distributions under this section and the relative proportions of those distributions. The county auditor shall distribute fees collected under this section in accordance with the designating body's instructions.

(e) If the designating body determines that a property owner has not paid a fee imposed under this section, the designating body may adopt a resolution terminating the property owner's deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

SECTION 12. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1318 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. HARRIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1329, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1347, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "completion" and insert "**fast track to college**".

Page 2, line 23, after "age" insert "**and not enrolled in a school**".

Page 2, line 24, delete "but less than".

Page 2, line 25, delete "nineteen (19) years of age".

Page 3, line 22, delete "completion" and insert **"fast track to college"**.

Page 3, line 28, after "age" insert **"and not enrolled in a school"**.

Page 3, line 29, delete "but less than".

Page 3, line 30, delete "nineteen years of age".

Page 4, between lines 5 and 6, begin a new paragraph and insert:
"SECTION 6. IC 20-12-77 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 77. Financial Aid Reporting

Sec. 1. (a) Each state educational institution (as defined in IC 20-12-0.5-1) shall submit a report annually to the legislative council and the commission for higher education that includes the amount of need based financial aid and merit based financial aid available to students from all sources.

(b) A report submitted to the legislative council under this section must be in an electronic format under IC 5-14-6."

Page 4, between lines 29 and 30, begin a new line double block indented and insert:

"(H) School flex program, if offered."

Page 5, between lines 36 and 37, begin a new line block indented and insert:

"(24) The number of students receiving an international baccalaureate diploma."

Page 5, line 37, delete "(24)" and insert **"(25)"**.

Page 5, delete lines 39 through 42.

Delete pages 6 through 10.

Page 11, delete lines 1 through 33.

Page 12, line 1, after "." insert **"The school counselor shall provide counseling services for the purpose of advising the student of credit recovery options and services available to help the student progress towards graduation."**

Page 12, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 9. IC 20-30-10-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Each high school must provide at least two (2) of each of the following course offerings to high school students who qualify to enroll in the courses:

(1) Dual credit.

(2) Advanced placement.

SECTION 10. IC 20-30-11.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 11.5. Double Up For College Program

Sec. 1. As used in this chapter, "commission" refers to the commission on higher education established by IC 20-12-0.5-2.

Sec. 2. As used in this chapter, "postsecondary credit" means credit toward an associates degree or baccalaureate degree granted by a state educational institution (as defined under IC 20-12-0.5-1) upon the successful completion of a course taken under the program.

Sec. 3. As used in this chapter, "program" refers to the double up for college program established under this chapter.

Sec. 4. As used in this chapter, "secondary credit" means credit toward high school graduation requirements granted by a student's school corporation upon the successful completion of a course taken under the program.

Sec. 5. (a) The double up for college program is established for secondary school students in grades 11 and 12.

(b) A student may enroll in courses offered by a state educational institution under the program on a full-time basis during grade 11 or grade 12, or both.

(c) If the state board has approved a course offered by a state educational institution for secondary credit, a student is entitled to credit toward graduation requirements for each course the student successfully completes at the eligible institution.

(d) Courses offered under the program must be listed in the:

(1) statewide core transfer library courses that are transferable on all campuses of the state educational institutions in accordance with the principles in IC 20-12-0.5-13; or

(2) articulation agreements that apply to any campus in the Ivy Tech State College system and to Vincennes University

and draw from liberal arts and the technical, professional, and occupational fields.

The state board shall review courses described in subdivisions (1) and (2) to determine which are eligible for secondary credit. The department shall disseminate the list of approved courses to school corporations.

(e) Based on the demand for enrollment in the identified courses and the resources available to the state educational institutions, the identified courses may be offered through:

(1) onsite instruction;

(2) telecommunication; or

(3) a combination of methods described in subdivisions (1) and (2);

at on-campus or off-campus sites.

Sec. 6. Before February 1 each year, each school corporation shall provide each student in grades 10 and 11 with information concerning the program.

Sec. 7. A representative of the school corporation shall meet with each student who intends to participate in the program and discuss the following:

(1) The courses in which the student is authorized to enroll.

(2) The postsecondary credit the student earns upon successful completion of a course.

(3) The consequences of a student's failure to successfully complete a course.

(4) The student's schedule.

(5) The responsibilities of the student, the student's parent, and the school under the program.

(6) The financial obligations of the student, the student's parent, and the school under the program, including whether or not the school corporation will assume all or part of the cost of the student's participation in the program.

(7) Other matters concerning the program.

Sec. 8. The governing body of each school corporation shall:

(1) adopt policies to implement the program, based on guidelines established by the department; and

(2) work with the commission and state educational institutions to grant secondary credits to a student who attends a postsecondary institution while the student is also attending secondary school.

Sec. 9. (a) A student may apply for enrollment to a state educational institution. The state educational institution shall accept or reject the student based on the standards ordinarily used to decide student enrollments. However, a student in the program may not be refused admission solely because the student has not graduated from a secondary school.

(b) The state educational institution shall promptly inform the:

(1) student;

(2) student's principal; and

(3) department;

of the decision under subsection (a).

(c) A state educational institution may grant financial assistance to a student for courses taken under this program based on the student's:

(1) financial need; or

(2) academic achievement;

or any other criteria.

(d) A state educational institution shall waive tuition for a student who is:

(1) eligible for free or reduced lunch in high school;

(2) accepted into the program; and

(3) accepted for admission to an eligible institution.

Sec. 10. If a student enrolls in a course offered by a state educational institution under the program, the institution and the student's school corporation shall enter into a contract for dual credit. The contract must establish the terms and conditions:

(1) under which the institution will award credit for specified classes successfully completed by students in the school corporation;

(2) under which the school corporation will award credit for specified classes successfully completed by students at the institution; and

(3) establishing the criteria for the faculty member, instructor, or other individual responsible for teaching each course.

Sec. 11. A student who participates in the program is considered a student enrolled in the school corporation for the purpose of computing average daily membership.

Sec. 12. A school corporation shall grant secondary credit for a course successfully completed by a student at a state educational institution if the state board approved the course for secondary credit. The student's school records must reflect that the secondary credits were earned at a state educational institution.

Sec. 13. If a student enrolls in a state educational institution after graduation from secondary school, the state educational institution shall award postsecondary credit for a course successfully completed by the student at the state educational institution. If the student enrolls in another state educational institution, that state educational institution may grant credit for courses successfully completed by the student.

Sec. 14. (a) The department, in consultation with the commission, shall:

- (1) establish guidelines to carry out this chapter; and
- (2) evaluate the program annually and report to the state board concerning the program.

(b) The guidelines established under subsection (a)(1) must encourage participation by students at all achievement levels and in a variety of academic and vocational subjects.

Sec. 15. The state board and the commission shall adopt rules under IC 4-22-2 to carry out this chapter.

Sec. 16. This chapter shall conform to the academic dual credit policies of the commission.

SECTION 11. IC 20-32-4-4.5, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: Sec. 4.5. Notwithstanding any other law, a student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1 of this chapter may be eligible to graduate if the student completes:

- (1) the course and credit requirements for a general diploma, including the career academic sequence;
- (2) a workforce readiness assessment; and
- (3) at least one (1) career exploration internship, cooperative education, or workforce credential recommended by the student's school."

Page 14, line 25, delete "or".

Page 14, line 26, delete "." and insert "; or".

Page 14, between lines 26 and 27, begin a new line double block indented and insert:

"(C) an order by a court that has jurisdiction over the child."

Page 16, line 11, after "age" insert "and not enrolled in a school".

Page 16, line 12, delete "but less than".

Page 16, line 13, delete "nineteen (19) years of age".

Page 16, after line 31, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the Indiana state board of education established by IC 20-19-2-2.

(b) The board shall adopt rules to amend the academic honors course requirement rules adopted by the board and codified at 511 IAC 6-7-6.5. The rules adopted by the board under this subsection must allow for a high school student who has earned an international baccalaureate degree to be eligible to receive an academic honors diploma. The board may adopt emergency rules to carry out the intent of this subsection. Emergency rules adopted under this subsection expire on the date rules are adopted by the board under IC 4-22-2 or January 1, 2007, whichever is earlier.

(c) This SECTION expires January 1, 2007.

SECTION 20. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic Development and Small Business, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 3, after "of" insert ":

(1)".

Page 2, line 3, after "city" insert "; or

(2) a county that contains a city;"

Page 2, line 3, beginning with "in" begin a new line blocked left.

Page 2, line 13, after "city" insert "or county".

Page 2, line 38, delete "." and insert "or county, as applicable".

Page 3, line 6, after "city" insert "or county".

Page 3, line 9, delete "city".

Page 3, line 16, after "city" insert "or county".

Page 9, line 33, after "of" insert ":

(1)".

Page 9, line 33, after "city" insert "; or

(2) a county that contains a city;"

Page 9, line 33, beginning with "in" begin a new line blocked left.

(Reference is to HB 1358 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

T HARRIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred House Bill 1378, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, line 27, delete "sixty (60)" and insert "one hundred eighty (180)".

Page 12, after line 18, begin a new paragraph and insert:

"SECTION 24. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding IC 15-4-10-24, as amended by this act, for the period beginning July 1, 2007, and ending June 30, 2010, thirty percent (30%) of the money collected by the Indiana corn marketing council under IC 15-4-10-26, as amended by this act, shall be distributed to the Indiana economic development corporation established by IC 5-28-3-1 to be used for incentives for the development of new ethanol plants that have a majority ownership in Indiana.

(b) This SECTION expires December 31, 2010."

(Reference is to HB 1378 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1420, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco products.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. An employer may not:

- (1) require, as a condition of employment, an employee or prospective employee to refrain from using; or
- (2) discriminate against an employee with respect to:
 - (A) the employee's compensation and benefits, **other than health benefits provided by the employer;** or
 - (B) terms and conditions of employment;

based on the employee's use of;
tobacco products outside the course of the employee's or prospective employee's employment.

(Reference is to HB 1420 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 1.

T. BROWN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 27

Representative Tyler introduced House Concurrent Resolution 27:

A CONCURRENT RESOLUTION memorializing Representative R. Tiny Adams.

Whereas, Representative R. Tiny Adams passed away on December 7, 2005, from complications resulting from a stroke;

Whereas, Representative Adams was a long-time resident of Muncie and a dedicated servant of the people of Indiana;

Whereas, Stroke is the third leading cause of death in the United States;

Whereas, Symptoms of a stroke include sudden numbness or weakness of the face, arm, or leg, especially on one side of the body, confusion, trouble speaking or understanding, trouble seeing in one or both eyes, and a sudden severe headache with no known cause;

Whereas, To pay tribute to the life and spirit of R. Tiny Adams and his dedication to his community and his state, fellow legislators should know their risk of heart disease and stroke by having their level of cholesterol, blood pressure, and glucose tested; and

Whereas, Tiny would encourage fellow legislators to know their risk for heart disease and stroke by getting tested during the Annual Legislative Screening Day, 8:30 a.m. until noon on Tuesday, January 17: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its sympathy and great feeling of loss at the passing of one of our family members. R. Tiny Adams will be greatly missed. He was a dedicated public servant who worked tirelessly on behalf of his constituents. The members of the Indiana General Assembly encourage all to be aware of the risks of heart disease and stroke and to have their cholesterol, blood pressure, and glucose levels tested regularly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of R. Tiny Adams.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Craycraft.

House Resolution 4

Representative Kuzman introduced House Resolution 4:

A HOUSE RESOLUTION honoring Chester Lobodzinski.

Whereas, Chester Lobodzinski, a Third Degree member of the Knights of Columbus Cardinal Stritch 4620 Council, received a national award of recognition from the Supreme Council for his efforts of organizational pride and dedication in membership recruitment and public relations;

Whereas, Chester Lobodzinski is a shining example of a person who is totally committed to the betterment of mankind and who possesses a firm belief and commitment to God; and

Whereas, Chester Lobodzinski is an outstanding citizen of Lake County who exemplifies selflessness, hard work, and dedication to his community: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Chester Lobodzinski on the occasion of the recognition of his efforts on behalf of the Knights of Columbus Cardinal Stritch 4620 Council.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Chester Lobodzinski.

The resolution was read a first time and adopted by voice vote.

House Resolution 5

Representative Fry introduced House Resolution 5:

A HOUSE RESOLUTION honoring Michael R. Hargreaves on the occasion of his retirement.

Whereas, Michael R. Hargreaves, the retiring training and instruction division chief of the Mishawaka Fire Department, has served the citizens of Mishawaka faithfully for 25 years;

Whereas, Michael R. Hargreaves began his career with the fire department the day he graduated from Eastern High School in Lansing, Michigan, in 1964;

Whereas, As if it had always been intended for Michael to help those in need, there was a Lansing Mercy ambulance waiting at the curb on graduation day;

Whereas, The driver asked Michael if he could work that day;

Whereas, Michael drove his car home, took off his cap and gown, and went to work;

Whereas, In 1965, Michael became a volunteer firefighter, and in 1967, Michael became a full-time firefighter with the East Lansing, Michigan, Fire Department. He became the chief of EMS at the Mishawaka, Indiana, Fire Department in 1977; and

Whereas, After answering 14,000 ambulance calls, performing CPR more than 500 times, and helping to deliver 36 babies, Michael R. Hargreaves retired on January 1, 2006: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Michael R. Hargreaves on his retirement after 25 years of dedicated service to the citizens of Mishawaka and wishes him well in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Michael R. Hargreaves and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 6

Representatives Pelath, Budak, and Bosma introduced House Resolution 6:

A HOUSE RESOLUTION honoring Chief Justice John Glover Roberts, Jr.

Whereas, Chief Justice John Glover Roberts, Jr. grew up in Roslyn Trail in Long Beach, Indiana;

Whereas, Chief Justice Roberts graduated from La Lumiere School in LaPorte in 1973;

Whereas, After receiving a law degree from Harvard Law School in 1979, Chief Justice Roberts embarked upon one of our nation's most distinguished legal careers;

Whereas, Chief Justice Roberts served as a law clerk for Judge Henry Friendly, U.S. Court of Appeals for the Second Circuit, a law clerk for Supreme Court Justice William H. Rehnquist, a special assistant to the U.S. Attorney General, an associate counsel to President Reagan, a lawyer for the firm of Hogan and Hartson in

Washington, D.C., the Principal Deputy Solicitor General, and a judge on the U.S. Court of Appeals for the District of Columbia Circuit;

Whereas, In 2005, President George W. Bush nominated him for the Office of Chief Justice of the United States Supreme Court; and

Whereas, The United States Senate confirmed his nomination on September 29, 2005, and he became the seventeenth Chief Justice of the United States: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives and the people of LaPorte County and the state of Indiana are extremely proud that one of their native sons has risen to head one of our three branches of government.

SECTION 2. That the Indiana House of Representatives honors Chief Justice Roberts for his nomination and confirmation and offers many prayers and best wishes as he helps guide our nation.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Chief Justice John Glover Roberts, Jr.

The resolution was read a first time and adopted by voice vote.

House Resolution 7

Representative Kuzman introduced House Resolution 7:

A HOUSE RESOLUTION recognizing the 2005 Crown Point 8 and Under Girls Softball Team.

Whereas, Softball began indoors on Thanksgiving Day in Chicago in 1887 and was moved outside at a Minneapolis, Minnesota firehouse in 1895 by Lewis Rober Sr. so the firefighters could get some exercise while waiting for an alarm;

Whereas, Women's fast-pitch softball was selected to debut as a medal sport at the 1996 Olympic Summer Games in Atlanta, Georgia;

Whereas, Today softball is a way of life for thousands of people each year;

Whereas, The 2005 Crown Point 8 and Under Girls Softball Team is the 2005 National Softball Association 8 and Under Girls' Indiana State Champion; and

Whereas, The members of the 2005 Crown Point 8 and Under Girls Softball Team have proven themselves to be true champions and have learned the many valuable lessons that athletics can give our young people, including the value of friendship, sportsmanship, and teamwork: Therefore,

Be it resolved by the House of Representatives General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana House of Representatives congratulate the members of Crown Point's 2005 8 and Under Girls Softball Team on their state championship and to wish them continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to manager Craig Van Prooyen, Coaches Terry McDaniel, Lisa Morrow, and James Wright, and team members Ashley Cunningham, Miranda Elish, Rachael Honaker, Bobbie Sue McDaniel, Bailey Mores, Sydney Morrow, Brittany Robinson, Jordan Smith, Rachael Suits, Sarah Tiernan, Hanna Van Prooyen, and Brittany Wright.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 9:05 p.m. with the Speaker in the Chair.

Representative Murphy was excused for the rest of the day.

HOUSE BILLS ON SECOND READING

House Bill 1001

Representative Espich called down House Bill 1001 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1001-22)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-10-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If a local public question must be certified to an election board by law, that certification must occur no later than noon:

(1) sixty (60) days before a primary election if the public question is to be placed on the primary or municipal primary election ballot; ~~or~~

(2) August 1 if the public question is to be placed on the general or municipal election ballot; ~~or~~

(3) except as otherwise provided by law, sixty (60) days before a special election if the public question is to be placed on a special election ballot."

Page 3, delete lines 10 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 5.

Page 68, delete lines 26 through 42, begin a new paragraph and insert:

"SECTION 82. IC 6-1.1-17-3, AS AMENDED BY P.L.234-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Before August 10 of a calendar year**, the proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

(1) the estimated budget;

(2) the estimated maximum permissible levy;

(3) the current and proposed tax levies of each fund; and

(4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing.

(b) Before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

(1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);

(2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:

(A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);

(B) any deductions or exemptions that apply to the assessed valuation of the tangible property;

(C) any credits that apply in the determination of the tax liability; and

(D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;

(3) a prominently displayed notation that:

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing; statements under subsection (b).

~~(b)~~ (d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

(1) in any county of the solid waste management district; and

(2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c)~~ (e) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d)~~ A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

(1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund;

(2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund;

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

(f) Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b)."

Delete page 69.

Page 70, delete lines 1 through 35.

Page 75, line 24, after "in" insert ":

(A)".

Page 75, line 24, after "repeal)" insert ";

Page 75, line 24, strike "or".

Page 75, line 25, before "IC 6-1.1-20-3.1" begin a new line double block indented and insert:

"(B)".

Page 75, line 25, after "6-1.1-20-3.2" delete "." and insert "(in the case of a controlled project costing:

(i) less than two percent (2%) of the total assessed value of all taxable property in the political subdivision;

(ii) more than two million dollars (\$2,000,000); and

(iii) less than fifty million dollars (\$50,000,000); or

(C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6 (in the case of a controlled project costing at least:

(i) two percent (2%) of the total assessed value of all taxable property in the political subdivision; or

(ii) fifty million dollars (\$50,000,000))."

Page 79, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 92. IC 6-1.1-20-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this chapter, "controlled project" means any project financed by bonds or a lease, except for the following:

(1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes that are exempt from the levy limitations of IC 6-1.1-18.5 or IC 6-1.1-19. A project is not a controlled project even though the political subdivision has pledged to levy property taxes to pay the debt service or lease rentals if those other funds are insufficient.

(2) A project that will not cost the political subdivision more less than:

(A) two million dollars (\$2,000,000); and

(B) two percent (2%) of the total assessed value of all taxable property in the political subdivision.

(3) A project that is being refinanced for the purpose of providing gross or net present value savings to taxpayers.

(4) A project for which bonds were issued or leases were entered into before January 1, 1996, or where the state board of tax commissioners has approved the issuance of bonds or the execution of leases before January 1, 1996.

(5) A project that is required by a court order holding that a federal law mandates the project."

Page 79, line 37, delete "subdivision less than ten million dollars (\$10,000,000)." and insert "subdivision:

(1) less than two percent (2%) of the total assessed value of all taxable property in the political subdivision;

(2) more than two million dollars (\$2,000,000); and

(3) less than fifty million dollars (\$50,000,000)."

Page 84, delete lines 24 through 28, begin a new line block indented and insert:

"(1) that will cost a political subdivision at least:

(A) two percent (2%) of the total assessed value of all taxable property in the political subdivision; or

(B) fifty million dollars (\$50,000,000); and

(2) for which the proper officers of the political subdivision make a preliminary determination to issue bonds or enter into a lease after June 30, 2006."

Page 87, line 20, delete "at the" and insert "at:

(1) the next election in which all voters of the political subdivision are entitled to vote; or

(2) if a request for a special election is made in:

(A) a petition filed under section 3.5 of this chapter in the form required by IC 3-10-9-6; or

(B) a resolution of the political subdivision that states the day of the election for which the political subdivision seek the placement of the question on the ballot and is filed with the county election board in conformity with IC 3-10-9-3;

for a year in which an election in which all of the voters of the political subdivision are entitled to vote is not otherwise regularly scheduled, a special election held on the date ordered by the county election board.

The county election board shall pay the costs of a special election. A political subdivision shall reimburse the county election board from money in the political subdivision's general fund that is not otherwise appropriated, without appropriation, if a special election occurs under this section."

Page 86, delete lines 21 through 22.

Page 106, line 25, after "which" insert "deferred".

Page 106, line 26, delete "are deferred" and insert "become due".

Page 136, line 34, delete "first" and insert "March 1, 2005, or January 15, 2006,".

Page 136, line 34, delete "after" and insert ", whichever is applicable,".

Page 136, line 35, delete "January 15, 2001,".

Page 136, line 35, delete "lesser of the" and insert "**homestead property tax liability for the March 1, 2005, or January 1, 2006, assessment date, whichever is applicable.**".

Page 136, delete lines 36 through 41.

Page 155, line 35, delete "division" and insert "**department of child services**".

Page 156, line 12, delete "or" and insert ";".

Page 156, line 13, delete "the division;".

Page 156, line 15, delete "or" and insert ";".

Page 156, delete line 16.

Page 156, line 32, delete "or division".

Page 168, line 27, delete "board less than ten million dollars" and insert "**board:**

(A) less than two percent (2%) of the total assessed value of all taxable property in the political subdivision;

(B) more than two million dollars (\$2,000,000); and

(C) less than fifty million dollars (\$50,000,000)); or

(2) vote on the proposed issuance in an election on a local public question (in the case of a preliminary determination made after June 30, 2006, to issue bonds for a project costing the board at least:

(A) two percent (2%) of the total assessed value of all taxable property in the political subdivision; or

(B) fifty million dollars (\$50,000,000))."

Page 168, delete lines 28 through 32.

Page 169, delete lines 9 through 42.

Delete pages 170 through 171.

Page 172, delete lines 1 through 34.

Page 183, line 39, delete "corporation less than ten million dollars" and insert "**corporation:**

(i) less than two percent (2%) of the total assessed value of all taxable property in the political subdivision;

(ii) more than two million dollars (\$2,000,000); and

(iii) less than fifty million dollars (\$50,000,000)); or

(B) an election on the local public question (in the case of a preliminary determination made after June 30, 2006, to enter into a lease costing the school corporation at least:

(i) two percent (2%) of the total assessed value of all taxable property in the political subdivision; or

(ii) fifty million dollars (\$50,000,000)); and".

Page 183, delete lines 40 through 42.

Page 184, delete lines 1 and 2.

Page 238, delete lines 6 through 42.

Page 239, delete lines 1 through 26.

Page 254, delete lines 4 through 27.

Page 260, delete lines 12 through 19, begin a new line block indented and insert:

"(1) IC 8-22-3.5-10

(2) IC 36-7-14-39

(3) IC 36-7-14-39.5

(4) IC 36-7-15.1-26.5

(5) IC 36-7-15.1-35

(6) IC 36-7-15.1-56

(7) IC 36-7-30-25

(8) IC 36-7-30-27

(9) IC 36-7-30.5-30

(10) IC 36-7-30.5-32

(11) IC 36-7-32-18."

Page 261, between lines 15 and 16, begin a new paragraph and insert:

"(c) IC 6-1.1-20-3.1 and IC 6-1.1-30-3.2, as effective June 30, 2006, and not IC 6-1.1-30-3.5 and IC 6-1.1-20-3.6, both as added by this act, apply to a controlled project (as defined in IC 6-1.1-20-1.1, as effective June 30, 2006) for which a notice of the preliminary determination of the political subdivision to issue bonds or enter into a lease is published under IC 6-1.1-20-3.1 before July 1, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

ESPICH

Motion prevailed.

HOUSE MOTION (Amendment 1001-3)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 75, line 24, after "in" insert ":

(A)".

Page 75, line 24, after "(before its repeal)" insert ";".

Page 75, line 24, strike "or".

Page 75, line 25, before "IC 6-1.1-20-3.1" begin a new line double block indented and insert "(B)".

Page 75, line 25, after "IC 6-1.1-20-3.2" delete "." and insert "(in the case of a controlled project costing less than the amount determined by the department of local government finance under IC 6-1.1-20-11); or

(C) IC 6-1.1-20-3.5 through IC 6-1.1-20-3.6 (in the case of a controlled project costing at least the amount determined by the department of local government finance under IC 6-1.1-20-11))."

Page 79, line 37, delete "ten million dollars (\$10,000,000)." and insert "the amount determined by the department of local government finance under section 11 of this chapter."

Page 84, line 24, delete "ten million" and insert "the amount determined by the department of local government finance under section 11 of this chapter; and".

Page 84, delete line 25.

Page 90, between lines 3 and 4, begin a new paragraph and insert: "SECTION 98. IC 6-1.1-20-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. On or before January 1 of each year, the department of local government finance shall determine an amount equal to one hundred ten percent (110%) of the national average cost per square foot of constructing each of the following municipal facilities:**

(1) A city or town hall.

(2) A police station.

(3) A fire station.

(4) A library.

(5) Any other municipal facility that the department anticipates could be constructed during the same calendar year as the calendar year during which the department makes the average cost determination under this section."

Page 168, line 27 delete "ten million dollars" and insert "the amount determined by the department of local government finance under IC 6-1.1-20-11)); or".

Page 168, delete line 28.

Page 168, line 32, delete "ten million dollars (\$10,000,000))" and insert "the amount determined by the department of local government finance under IC 6-1.1-20-11)".

Page 183, line 39, delete "ten million dollars" and insert "the amount determined by the department of local government finance under IC 6-1.1-20-11); or".

Page 183, delete line 40.

Page 184, line 1, delete "ten" and insert "the amount determined by the department of local government finance under IC 6-1.1-20-11); and".

Page 184, delete line 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

KLINKER

Upon request of Representatives Fry and Ulmer, the Speaker ordered the roll of the House to be called. Roll Call 43: yeas 45, nays 52. Motion failed.

HOUSE MOTION (Amendment 1001-20)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Delete the title and insert the following:

"A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation."

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-10-18-8 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) Except as provided in subsection (b), if the balance, at the end of a state fiscal year, in the fund exceeds seven percent (7%) of the total state general fund revenues for that state fiscal year, the excess is appropriated from the fund to the **property tax replacement state general fund**, established under ~~IC 6-1-1-21~~. The auditor of state and the treasurer of state shall transfer the amount so appropriated from the fund to the **property tax replacement state general fund** during the immediately following state fiscal year.

(b) If an appropriation is made out of the fund under section 4 of this chapter for a state fiscal year during which a transfer is to be made from the fund to the **property tax replacement state general fund** under subsection (a), the amount of the appropriation made under subsection (a) shall be reduced by the amount of the appropriation made under section 4 of this chapter. However, the amount of the appropriation made under subsection (a) may not be reduced to less than zero (0).

SECTION 2. IC 4-24-7-4, AS AMENDED BY P.L.246-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Accounts of state institutions described in sections 1 and 3 of this chapter shall be paid as follows:

(1) All such accounts shall be signed by the superintendent of such institution, attested to by the seal of the institution, and forwarded to the auditor of the county for payment from which county the inmate or patient was admitted.

(2) All accounts accruing between January 1 and June 30 of each year shall be forwarded to the county auditor on or before October 1 of such year.

(3) All accounts accruing between July 1 and December 31 of each year shall be forwarded to the county auditor on or before April 1 of the following year.

(4) Upon receipt of any such account, the county auditor shall draw a warrant on the treasurer of the county for the payment of the account, and the same shall be paid out of the funds of the county appropriated therefor.

(5) The county council of each county of the state shall annually appropriate sufficient funds to pay such accounts.

(b) All accounts of state institutions described in section 2 of this chapter shall be paid as follows:

(1) All such accounts shall be signed by the superintendent of the institution, attested to by the seal of the institution, and forwarded to the auditor of the county for payment from the county from which the inmate was admitted.

(2) All accounts accruing after December 31 and before April 1 of each year shall be forwarded to the county auditor on or before May 15 of that year.

(3) All accounts accruing after March 31 and before July 1 of each year shall be forwarded to the county auditor on or before August 15 of that year.

(4) All accounts accruing after June 30 and before October 1 of each year shall be forwarded to the county auditor on or before November 15 of that year.

(5) All accounts accruing after September 30 and before January 1 of each year, and any reconciliations for previous periods, shall be forwarded to the county auditor on or before March 15 of the following year.

(6) Upon receipt of an account, the county auditor shall draw a warrant on the treasurer of the county for the payment of the account, which shall be paid from the funds of the county that were appropriated for the payment.

(7) The county council of each county shall annually appropriate sufficient funds to pay these accounts.

If a county has not paid an account within six (6) months after the account is forwarded under this subsection, the auditor of state shall, notwithstanding anything to the contrary in ~~IC 6-1-1-21~~, **IC 6-10-7**, reduce the next distribution of **certified** property tax replacement **credits** distribution under ~~IC 6-1-1-21~~ **IC 6-10-7** to the county and withhold the amount owed on the account. The auditor of state shall credit the withheld amount to the state general fund for the purpose of curing the default. The account is then considered paid. A county that has the county's distribution reduced under this subsection shall apply the withheld amount only to the county unit's share of the

distribution and may not reduce a distribution to any other civil taxing unit or school corporation within the county.

SECTION 3. IC 4-33-13-5, AS AMENDED BY P.L.246-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

(1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).

(2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:

(A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:

(i) a city described in IC 4-33-12-6(b)(1)(A); or
(ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or

(B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter as follows:

(1) Thirty-seven and one half percent (37.5%) shall be paid to the **property tax replacement state general fund**, established under ~~IC 6-1-1-21~~.

(2) Thirty-seven and one-half percent (37.5%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the **property tax replacement state general fund**, established under ~~IC 6-1-1-21~~.

(3) Five percent (5%) shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.

(4) Ten percent (10%) shall be paid in equal amounts to each town that:

(A) is located in the county in which the riverboat docks; and
(B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(5) Ten percent (10%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

(A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in

~~IC 6-1.1-1-2~~ **IC 6-10-2-33**) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in ~~IC 6-1.1-1-2~~ **IC 6-10-2-33**) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.

(C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:

(i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under IC 4-32-10-6.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the property tax replacement fund. The amount of the supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under IC 4-33-12-6); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus
 - (B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county."

Page 6, between lines 5 and 6, begin a new paragraph and insert: "SECTION 4. IC 5-13-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) All taxes collected by the county treasurer shall be deposited as one (1) fund in the several depositories selected for the deposit of county funds and, except as provided in subsection (b), remain in the depositories until distributed at the following semiannual distribution made by the county auditor.

(b) Every county treasurer who, by virtue of the treasurer's office, is the collector of any taxes for any political subdivision wholly or partly within the county shall, not later than thirty (30) days after receipt of a written request for funds filed with the treasurer by a proper officer of any political subdivision within the county, advance to that political subdivision a portion of the taxes collected before the semiannual distribution. The amount advanced may not exceed the lesser of:

- (1) ninety-five percent (95%) of the total amount collected at the time of the advance; or
- (2) ninety-five percent (95%) of the amount to be distributed at the semiannual distribution.

(c) Every county treasurer shall, not later than thirty (30) days after receipt of a written request for funds filed with the treasurer by a

proper officer of any political subdivision within the county, advance to that political subdivision a part of the distributions received under ~~IC 6-1.1-21-10~~ **IC 6-10** from the ~~property tax replacement state~~ **general** fund for the political subdivision. The amount advanced may not exceed the lesser of:

- (1) ninety-five percent (95%) of the amount distributed from the fund to the county treasurer for the political subdivision at the time of the advance; or
- (2) ninety-five percent (95%) of the total amount to be distributed by the county treasurer to the political subdivision on the next scheduled distribution date.

(d) Upon notice from the county treasurer of the amount to be advanced, the county auditor shall draw a warrant upon the county treasurer for the amount. The amount of the advance must be available immediately for the use of the political subdivision.

(e) At the semiannual distribution all the advances made to any political subdivision under subsection (b) or (c) shall be deducted from the total amount due any political subdivision as shown by the distribution."

Page 24, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 34. IC 6-1.1-4-31.5, AS ADDED BY P.L.228-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 31.5. (a) As used in this section, "assessment official" means any of the following:

- (1) A county assessor.
- (2) A township assessor.
- (3) A township trustee-assessor.

(b) As used in this section, "department" refers to the department of local government finance.

(c) If the department makes a determination and informs local officials under section 31(c) of this chapter, the department may order a state conducted assessment or reassessment in the county subject to the time limitation in that subsection.

(d) If the department orders a state conducted assessment or reassessment in a county, the department shall assume the duties of the county's assessment officials. Notwithstanding sections 15 and 17 of this chapter, an assessment official in a county subject to an order issued under this section may not assess property or have property assessed for the assessment or general reassessment. Until the state conducted assessment or reassessment is completed under this section, the assessment or reassessment duties of an assessment official in the county are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(e) Before assuming the duties of a county's assessment officials, the department shall transmit a copy of the department's order requiring a state conducted assessment or reassessment to the county's assessment officials, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. The department is not required to conduct a public hearing before taking action under this section.

(f) Township and county officials in a county subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

- (1) data;
- (2) records;
- (3) maps;
- (4) parcel record cards;
- (5) forms;
- (6) computer software systems;
- (7) computer hardware systems; and
- (8) other information;

related to the assessment or reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to an assessment or a general reassessment and is subject to IC 6-1.1-37-2.

(g) The department may enter into a contract with a professional appraising firm to conduct an assessment or reassessment under this section. If a county or a township located in the county entered into

a contract with a professional appraising firm to conduct the county's assessment or reassessment before the department orders a state conducted assessment or reassessment in the county under this section, the contract:

- (1) is as valid as if it had been entered into by the department; and
- (2) shall be treated as the contract of the department.

(h) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (g), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the assessment or reassessment. The notice of assessment or reassessment:

- (1) is subject to appeal by the taxpayer under section 31.7 of this chapter; and
- (2) must include a statement of the taxpayer's rights under section 31.7 of this chapter.

(i) The department shall forward a bill for services provided under a contract described in subsection (g) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (j).

(j) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (g), without appropriation, from the county property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

- (1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;
- (2) obtains from the department:
 - (A) approval of the form and amount of the bill; and
 - (B) a certification that the billed goods and services have been received and comply with the contract; and
- (3) files with the county auditor:
 - (A) a duplicate copy of the bill submitted to the department;
 - (B) proof of the department's approval of the form and amount of the bill; and
 - (C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit, publish the claim as required by IC 36-2-6-3, and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the completion of the publication requirements under IC 36-2-6-3. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(k) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:

- (1) The commissioner of the Indiana department of administration.
- (2) The director of the budget agency.
- (3) The attorney general.

(l) If money in the county's property reassessment fund is insufficient to pay for an assessment or reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the assessment or reassessment.

(m) The department or the contractor of the department shall use

the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this chapter do not reflect the true tax value of land, the department or the contractor shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's assessment officials of the land values determined under this subsection.

(n) A contractor of the department may notify the department if:

- (1) a county auditor fails to:
 - (A) certify the contractor's bill;
 - (B) publish the contractor's claim;
 - (C) submit the contractor's claim to the county executive; or
 - (D) issue a warrant or check for payment of the contractor's bill;

as required by subsection (j) at the county auditor's first legal opportunity to do so;

(2) a county executive fails to allow the contractor's claim as legally required by subsection (j) at the county executive's first legal opportunity to do so; or

(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(o) The department, upon receiving notice under subsection (n) from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

- (A) a failure occurred as described in subsection (n)(1) or (n)(2); or
- (B) a person or an entity acted or failed to act as described in subsection (n)(3); and

(2) provide to the treasurer of state the department's approval under subsection (j)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (n).

(p) Upon receipt of the department's approval of a contractor's bill under subsection (o), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions from the property tax replacement fund or distribution of admissions taxes or wagering taxes.

(q) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, ~~IC 6-1.1-21-4(b)~~, **IC 6-10**, or any other law to a county described in a notice provided under subsection (n) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (p). Money shall be withheld first from the money payable to the county under ~~IC 6-1.1-21-4(b)~~ **IC 6-10** and then from all other sources payable to the county.

(r) Compliance with subsections (n) through (q) constitutes compliance with IC 5-11-10.

(s) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (n) through (q). This subsection and subsections (n) through (q) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(t) The provisions of this section are severable as provided in IC 1-1-1-8(b)."

Page 26, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 35. IC 6-1.1-4-35, AS AMENDED BY P.L.88-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 35. (a) This section applies to a county other than a county subject to section 32 of this chapter.

(b) This section applies to a general reassessment of real property conducted under section 4(a) of this chapter that is scheduled to become effective for property taxes first due and payable in 2003.

(c) As used in this section, "department" refers to the department of local government finance.

(d) As used in this section, "reassessment official" means:

- (1) a county assessor; or
- (2) a township assessor.

(e) If:

- (1) the department determines that a county's reassessment officials are unable to complete the reassessment in a timely manner; or
- (2) the department determines that a county's reassessment officials are likely to complete the reassessment in an inaccurate manner;

the department may order a state conducted reassessment in the county. The department may consider a reassessment in a county untimely if the county does not submit the county's equalization study to the department in the manner prescribed under 50 IAC 14 before October 20, 2003. The department may consider the reassessment work of a county's reassessment officials inaccurate if the department determines from a sample of the assessments completed in the county that there is a variance exceeding ten percent (10%) between the total assessed valuation of the real property within the sample and the total assessed valuation that would result if the real property within the sample were valued in the manner provided by law.

(f) If the department orders a state conducted reassessment in a county, the department shall assume the duties of the county's reassessment officials. Notwithstanding sections 15 and 17 of this chapter, a reassessment official in a county subject to an order issued under this section may not assess property or have property assessed for the general reassessment. Until the state conducted reassessment is completed under this section, the reassessment duties of a reassessment official in the county are limited to providing the department or a contractor of the department the support and information requested by the department or the contractor.

(g) Before assuming the duties of a county's reassessment officials, the department shall transmit a copy of the department's order requiring a state conducted reassessment to the county's reassessment officials, the county fiscal body, the county auditor, and the county treasurer. Notice of the department's actions must be published one (1) time in a newspaper of general circulation published in the county. If no newspaper is published in the county, the notice shall be published in a newspaper:

- (1) of general circulation in the county; and
- (2) that is published in an adjacent county.

The department is not required to conduct a public hearing before taking action under this section.

(h) Township and county officials in a county subject to an order issued under this section shall, at the request of the department or the department's contractor, make available and provide access to all:

- (1) data;
- (2) records;
- (3) maps;
- (4) parcel record cards;
- (5) forms;
- (6) computer software systems;
- (7) computer hardware systems; and
- (8) other information;

related to the reassessment of real property in the county. The information described in this subsection must be provided at no cost to the department or the contractor of the department. A failure to provide information requested under this subsection constitutes a failure to perform a duty related to a general reassessment and is subject to IC 6-1.1-37-2.

(i) The department may enter into a contract with a professional appraising firm to conduct a reassessment under this section. If a county or a township located in the county entered into a contract with a professional appraising firm to conduct the county's reassessment before the department orders a state conducted reassessment in the county under this section, the contract:

- (1) is as valid as if it had been entered into by the department; and

(2) shall be treated as the contract of the department.

(j) After receiving the report of assessed values from the appraisal firm acting under a contract described in subsection (i), the department shall give notice to the taxpayer and the county assessor, by mail, of the amount of the reassessment. The notice of reassessment:

(1) is subject to appeal by the taxpayer under section 37 of this chapter; and

(2) must include a statement of the taxpayer's rights under section 37 of this chapter.

(k) The department shall forward a bill for services provided under a contract described in subsection (i) to the auditor of the county in which the state conducted reassessment occurs. The county shall pay the bill under the procedures prescribed by subsection (l).

(l) A county subject to an order issued under this section shall pay the cost of a contract described in subsection (i), without appropriation, from the county's property reassessment fund. A contractor may periodically submit bills for partial payment of work performed under the contract. Notwithstanding any other law, a contractor is entitled to payment under this subsection for work performed under a contract if the contractor:

(1) submits to the department a fully itemized, certified bill in the form required by IC 5-11-10-1 for the costs of the work performed under the contract;

(2) obtains from the department:

(A) approval of the form and amount of the bill; and

(B) a certification that the billed goods and services have been received and comply with the contract; and

(3) files with the county auditor:

(A) a duplicate copy of the bill submitted to the department;

(B) proof of the department's approval of the form and amount of the bill; and

(C) the department's certification that the billed goods and services have been received and comply with the contract.

The department's approval and certification of a bill under subdivision (2) shall be treated as conclusively resolving the merits of a contractor's claim. Upon receipt of the documentation described in subdivision (3), the county auditor shall immediately certify that the bill is true and correct without further audit, publish the claim as required by IC 36-2-6-3, and submit the claim to the county executive. The county executive shall allow the claim, in full, as approved by the department, without further examination of the merits of the claim in a regular or special session that is held not less than three (3) days and not more than seven (7) days after the completion of the publication requirements under IC 36-2-6-3. Upon allowance of the claim by the county executive, the county auditor shall immediately issue a warrant or check for the full amount of the claim approved by the department. Compliance with this subsection constitutes compliance with section 28.5 of this chapter, IC 5-11-6-1, IC 5-11-10, and IC 36-2-6. The determination and payment of a claim in compliance with this subsection is not subject to remonstrance and appeal. IC 36-2-6-4(f) and IC 36-2-6-9 do not apply to a claim submitted under this subsection. IC 5-11-10-1.6(d) applies to a fiscal officer who pays a claim in compliance with this subsection.

(m) Notwithstanding IC 4-13-2, a period of seven (7) days is permitted for each of the following to review and act under IC 4-13-2 on a contract of the department entered into under this section:

(1) The commissioner of the Indiana department of administration.

(2) The director of the budget agency.

(3) The attorney general.

(n) If the money in a county's property reassessment fund is insufficient to pay for a reassessment conducted under this section, the department may increase the tax rate and tax levy of the county's property reassessment fund to pay the cost and expenses related to the reassessment.

(o) The department or the contractor of the department shall use the land values determined under section 13.6 of this chapter for a county subject to an order issued under this section to the extent that the department or the contractor finds that the land values reflect the true tax value of land, as determined under this article and the rules of the department. If the department or the contractor finds that the land values determined for the county under section 13.6 of this

chapter do not reflect the true tax value of land, the department or the contractor shall determine land values for the county that reflect the true tax value of land, as determined under this article and the rules of the department. Land values determined under this subsection shall be used to the same extent as if the land values had been determined under section 13.6 of this chapter. The department or the contractor of the department shall notify the county's reassessment officials of the land values determined under this subsection.

(p) A contractor of the department may notify the department if:

(1) a county auditor fails to:

(A) certify the contractor's bill;

(B) publish the contractor's claim;

(C) submit the contractor's claim to the county executive; or

(D) issue a warrant or check for payment of the contractor's bill;

as required by subsection (l) at the county auditor's first legal opportunity to do so;

(2) a county executive fails to allow the contractor's claim as legally required by subsection (l) at the county executive's first legal opportunity to do so; or

(3) a person or an entity authorized to act on behalf of the county takes or fails to take an action, including failure to request an appropriation, and that action or failure to act delays or halts progress under this section for payment of the contractor's bill.

(q) The department, upon receiving notice under subsection (p) from a contractor of the department, shall:

(1) verify the accuracy of the contractor's assertion in the notice that:

(A) a failure occurred as described in subsection (p)(1) or

(p)(2); or

(B) a person or an entity acted or failed to act as described in subsection (p)(3); and

(2) provide to the treasurer of state the department's approval under subsection (l)(2)(A) of the contractor's bill with respect to which the contractor gave notice under subsection (p).

(r) Upon receipt of the department's approval of a contractor's bill under subsection (q), the treasurer of state shall pay the contractor the amount of the bill approved by the department from money in the possession of the state that would otherwise be available for distribution to the county, including distributions from the property tax replacement fund or distribution of admissions taxes or wagering taxes.

(s) The treasurer of state shall withhold from the money that would be distributed under IC 4-33-12-6, IC 4-33-13-5, ~~IC 6-1.1-21-4(b)~~ **IC 6-10**, or any other law to a county described in a notice provided under subsection (p) the amount of a payment made by the treasurer of state to the contractor of the department under subsection (r). Money shall be withheld first from the money payable to the county under ~~IC 6-1.1-21-4(b)~~ **IC 6-10** and then from all other sources payable to the county.

(t) Compliance with subsections (p) through (s) constitutes compliance with IC 5-11-10.

(u) IC 5-11-10-1.6(d) applies to the treasurer of state with respect to the payment made in compliance with subsections (p) through (s). This subsection and subsections (p) through (s) must be interpreted liberally so that the state shall, to the extent legally valid, ensure that the contractual obligations of a county subject to this section are paid. Nothing in this section shall be construed to create a debt of the state.

(v) The provisions of this section are severable as provided in IC 1-1-1-8(b).

(w) This section expires January 1, 2007."

Page 45, between lines 6 and 7, begin a new paragraph and insert: "SECTION 62. IC 6-1.1-12-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 37. (a) Each year a person who is entitled to receive the homestead credit provided under ~~IC 6-1.1-20-9~~ **IC 6-10-4** for property taxes payable in the following year is entitled to a standard deduction from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that qualifies for the homestead credit. The auditor of the county shall record and make the deduction for the person qualifying for the deduction.

(b) Except as provided in section 40.5 of this chapter, the total

amount of the deduction that a person may receive under this section for a particular year is the lesser of:

- (1) one-half (1/2) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or
- (2) thirty-five thousand dollars (\$35,000).

(c) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home."

Page 48, between lines 4 and 5, begin a new paragraph and insert: "SECTION 65. IC 6-1.1-12-43 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 43. (a) For purposes of this section:

- (1) "benefit" refers to:
 - (A) a deduction under section 1, 9, 11, 13, 14, 16, 17.4, 26, 29, 31, 33, or 34 of this chapter; or
 - (B) the homestead credit under ~~IC 6-1.1-20-9-2~~; **IC 6-10-4**;
- (2) "closing agent" means a person that closes a transaction;
- (3) "customer" means an individual who obtains a loan in a transaction; and
- (4) "transaction" means a single family residential:
 - (A) first lien purchase money mortgage transaction; or
 - (B) refinancing transaction.

(b) Before closing a transaction after December 31, 2004, a closing agent must provide to the customer the form referred to in subsection (c).

(c) Before June 1, 2004, the department of local government finance shall prescribe the form to be provided by closing agents to customers under subsection (b). The department shall make the form available to closing agents, county assessors, county auditors, and county treasurers in hard copy and electronic form. County assessors, county auditors, and county treasurers shall make the form available to the general public. The form must:

- (1) on one (1) side:
 - (A) list each benefit;
 - (B) list the eligibility criteria for each benefit; and
 - (C) indicate that a new application for a deduction under section 1 of this chapter is required when residential real property is refinanced;
 - (2) on the other side indicate:
 - (A) each action by; and
 - (B) each type of documentation from;
- the customer required to file for each benefit; and
- (3) be printed in one (1) of two (2) or more colors prescribed by the department of local government finance that distinguish the form from other documents typically used in a closing referred to in subsection (b).

(d) A closing agent:

- (1) may reproduce the form referred to in subsection (c);
- (2) in reproducing the form, must use a print color prescribed by the department of local government finance; and
- (3) is not responsible for the content of the form referred to in subsection (c) and shall be held harmless by the department of local government finance from any liability for the content of the form.

(e) A closing agent to which this section applies shall document its compliance with this section with respect to each transaction in the form of verification of compliance signed by the customer.

(f) A closing agent is subject to a civil penalty of twenty-five dollars (\$25) for each instance in which the closing agent fails to comply with this section with respect to a customer. The penalty:

- (1) may be enforced by the state agency that has administrative jurisdiction over the closing agent in the same manner that the agency enforces the payment of fees or other penalties payable to the agency; and
- (2) shall be paid into the property tax replacement fund.

A closing agent is not liable for any other damages claimed by a customer because of the closing agent's mere failure to provide the appropriate document to the customer.

(g) The state agency that has administrative jurisdiction over a closing agent shall:

- (1) examine the closing agent to determine compliance with this section; and
- (2) impose and collect penalties under subsection (f)."

Page 75, delete lines 27 through 33, begin a new line block indented and insert:

~~"(6) To meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1);~~

~~(7) (6) To meet the requirements of the county hospital care for the indigent fund."~~

Page 78, line 12, delete "(2)".

Page 78, line 12, strike "IC 12-19-7."

Page 78, line 14, delete "(3)" and insert "(2)".

Page 90, between lines 3 and 4, begin a new paragraph and insert: "SECTION 98. IC 6-1.1-20.4-1, AS ADDED BY P.L.246-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. As used in this chapter, "homestead" has the meaning set forth in ~~IC 6-1.1-20-9-1~~. **IC 6-10-2-16.**

SECTION 99. IC 6-1.1-20.4-4, AS ADDED BY P.L.246-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) A political subdivision may adopt an ordinance or resolution each year to provide for the use of revenue for the purpose of providing a homestead credit the following year to homesteads. An ordinance must be adopted under this section before December 31 for credits to be provided in the following year. The ordinance applies only to the immediately following year.

(b) A homestead credit under this chapter is to be applied to the net property tax liability due on the homestead.

(c) A homestead credit under this chapter does not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the ~~state~~ homestead credit under ~~IC 6-1.1-20-9~~. **IC 6-10-4.**

SECTION 100. IC 6-1.1-20.6-2, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. As used in this chapter, "homestead" has the meaning set forth in ~~IC 6-1.1-20-9-1~~. **IC 6-10-2-16."**

Page 91, delete lines 32 through 42.

Delete pages 92 through 98.

Page 99, delete lines 1 through 11, begin a new paragraph and insert:

"SECTION 103. IC 6-1.1-21.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) Not later than September 1 of a year in which a general reassessment does not become effective, the governing body shall estimate the tax increment replacement amount for each allocation area under the jurisdiction of the governing body for the next calendar year. In a year in which a general reassessment becomes effective, the department of local government finance may extend the deadline under this subsection by giving written notice to the governing body before the deadline.

(b) The tax increment replacement amount is the amount determined in STEP THREE of the following formula:

STEP ONE: The governing body shall estimate the amount of tax increment revenues it would receive in the next calendar year if the property tax replacement credits payable with respect to the general fund levies imposed by all school corporations with jurisdiction in the allocation area were determined under ~~IC 6-1.1-21~~ **IC 6-10-3** as in effect on January 1, 2001.

STEP TWO: The governing body shall estimate the amount of tax increment revenues it will receive in the next calendar year after implementation of the increase in the property tax credits payable under ~~IC 6-1.1-21~~ **IC 6-10-3** as amended by the general assembly in 2002, with respect to general fund levies imposed by all school corporations with jurisdiction in the allocation area.

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

SECTION 104. IC 6-1.1-21.2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) The department of local government finance shall approve an appeal filed

under section 13 of this chapter if the department determines that:

- (1) the governing body's estimate of the tax replacement amount under section 11 of this chapter is reasonable;
- (2) a tax levy in excess of the amount determined under section 12(d) of this chapter would:

- (A) create a significant financial hardship on taxpayers residing in the district in which the governing body exercises jurisdiction;

- (B) significantly reduce the benefits from the increase in the property tax credits payable under ~~IC 6-1.1-21~~, **IC 6-10-3** as amended by the general assembly in 2002, with respect to general fund levies imposed by all school corporations with jurisdiction in the district; or

- (C) have a disproportionate impact on small businesses or low income families or individuals; and

- (3) the governing body has made reasonable efforts to limit its use of the special fund for the allocation area to appropriations for payments of:

- (A) the principal and interest on loans or bonds;

- (B) lease rentals on leases;

- (C) amounts due on other contractual obligations; and

- (D) additional credits described in IC 8-22-3.5-10(a), IC 36-7-14-39.5(c), IC 36-7-14.5-12.5(d)(5), IC 36-7-15.1-26.5(e), IC 36-7-15.1-35(d), or IC 36-7-30-25(b)(2)(E).

(b) In a year in which a general reassessment does not become effective, the department of local government finance shall make a final determination on an appeal filed under this section by December 1 of the year. In a year in which a general reassessment becomes effective, the department may extend the deadline under this subsection by giving written notice to the appellant before the deadline.

(c) If the department approves an appeal filed under this section, it shall order a distribution from the property tax replacement fund in the amount determined under section 13(b) of this chapter in the same manner as distributions are made under ~~IC 6-1.1-21-4~~, **IC 6-10-7**.

(d) If the department denies an appeal filed under section 13 of this chapter, or does not grant the maximum permissible distribution under section 13(b) of this chapter, the legislative body of the unit that established the district may increase the levy imposed under this chapter to an amount that, when combined with any distribution received under this chapter, does not exceed the tax increment replacement amount.

SECTION 105. IC 6-1.1-21.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) The receipt by the qualified taxing unit of the loan proceeds is not considered to be part of the ad valorem property tax levy actually collected by the qualified taxing unit for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7. The receipt by the qualified taxing unit of any payment of delinquent tax owed by a taxpayer in bankruptcy is considered to be part of the ad valorem property tax levy actually collected by the qualified taxing unit for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7.

(b) The loan proceeds and any payment of delinquent tax may be expended by the qualified taxing unit only to pay debts of the qualified taxing unit that have been incurred pursuant to duly adopted appropriations approved by the department of local government finance for operating expenses.

(c) In the event the sum of the receipts of the qualified taxing unit that are attributable to:

- (1) the loan proceeds; and

- (2) the payment of property taxes owed by a taxpayer in a bankruptcy proceeding initially filed in 2000 and payable in 2001;

exceeds sixteen million dollars (\$16,000,000), the excess as received during any calendar year or years shall be set aside and treated for the calendar year when received as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. In calculating the payment of property taxes as provided in subdivision (2), the amount of property tax credit finally allowed under ~~IC 6-1.1-21-5~~ **IC 6-10-3** in respect to

such taxes is deemed to be a payment of such property taxes.

(d) As used in this section, "delinquent tax" means any tax owed by a taxpayer in a bankruptcy proceeding initially filed in 2000 and that is not paid during the calendar year for which it was first due and payable.

SECTION 106. IC 6-1.1-21.7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. Loan proceeds shall be distributed to a taxing unit either on the same schedule as **certified** property tax replacement ~~credits~~ **distributions** are distributed under ~~IC 6-1.1-21~~ **IC 6-10-7** or another schedule to which both the board and the taxing unit agree.

SECTION 107. IC 6-1.1-21.8-6, AS AMENDED BY P.L.4-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) As used in this section, "delinquent tax" means any tax:

- (1) owed by a taxpayer in a bankruptcy proceeding initially filed in 2001; and

- (2) not paid during the calendar year in which it was first due and payable.

(b) Except as provided in subsection (d), the proceeds of a loan received by the qualified taxing unit under this chapter are not considered to be part of the ad valorem property tax levy actually collected by the qualified taxing unit for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7. The receipt by a qualified taxing unit of any payment of delinquent tax owed by a taxpayer in bankruptcy is considered to be part of the ad valorem property tax levy actually collected by the qualified taxing unit for taxes first due and payable during a particular calendar year for the purpose of calculating the levy excess under IC 6-1.1-18.5-17 and IC 6-1.1-19-1.7.

(c) The proceeds of a loan made under this chapter must first be used to retire any outstanding loans made by the department of commerce (including any loans made by the department of commerce that are transferred to the Indiana economic development corporation) to cover a qualified taxing unit's revenue shortfall resulting from the taxpayer's default on property tax payments. Any remaining proceeds of a loan made under this chapter and any payment of delinquent taxes by the taxpayer may be expended by the qualified taxing unit only to pay obligations of the qualified taxing unit that have been incurred under appropriations for operating expenses made by the qualified taxing unit and approved by the department of local government finance.

(d) If the sum of the receipts of a qualified taxing unit that are attributable to:

- (1) the loan proceeds; and

- (2) the payment of property taxes owed by a taxpayer in a bankruptcy proceeding and payable in November 2001, May 2002, or November 2002;

exceeds the sum of the taxpayer's property tax liability attributable to the qualified taxing unit for property taxes payable in November 2001, May 2002, and November 2002, the excess as received during any calendar year or years shall be set aside and treated for the calendar year when received as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. In calculating the payment of property taxes as referred to in subdivision (2), the amount of property tax credit finally allowed under ~~IC 6-1.1-21-5~~ **IC 6-10-3** in respect to those taxes is considered to be a payment of those property taxes."

Page 105, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 109. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:

- (1) with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~ **IC 6-10-2-16**); and

- (2) that are not payable in one (1) installment under section 9(b) of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with

respect to:

- (1) real property that are based on the assessment of the property in the immediately preceding year; or
- (2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6), the county auditor, and the county treasurer must approve a petition under this subsection.

(c) The department of local government finance:

(1) may not establish a date for:

- (A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;
- (B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or
- (C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

- (A) prescribe the form of the petition under subsection (b);
- (B) determine the information required on the form; and
- (C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

(1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

- (A) used to repay temporary loans entered into by a political subdivision for; and
- (B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter."

Page 129, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 18. IC 6-1.1-37-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10.5. (a) This section applies only to property taxes first due and payable in 2004 with respect to a homestead (as defined in ~~IC 6-1.1-20-9~~ **IC 6-10-2**).

(b) A county may petition the department of local government finance to waive all or part of the penalty imposed under section 10(a) of this chapter. The county fiscal body (as defined in IC 36-1-2-6), the county auditor, and the county treasurer must approve a petition under this subsection.

(c) The department of local government finance shall:

- (1) prescribe the form of the petition under subsection (b);
- (2) determine the information required on the form; and
- (3) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than thirty (30) days after receipt of the petition.

SECTION 19. IC 6-1.1-39-5, AS AMENDED BY P.L.4-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

- (A) the assessed value of the property for the assessment date

with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1, 1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

(3) When the money in the fund is sufficient to pay all outstanding principal of and interest (to the earliest date on which the obligations can be redeemed) on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district, money in the special fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(b) Property tax proceeds allocable to the economic development district under subsection (a)(2) must, subject to subsection (a)(3), be irrevocably pledged by the unit for payment as set forth in subsection (a)(2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable property in the economic development district, for purposes of tax limitation, property tax replacement (except as provided in IC 6-1.1-21-3(c), IC 6-1.1-21-4(a)(3), and IC 6-1.1-21-5(c)), and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1.

(g) As used in this section, "property taxes" means:

- (1) taxes imposed under this article on real property; and
- (2) any part of the taxes imposed under this article on depreciable personal property that the unit has by ordinance allocated to the economic development district. However, the ordinance may not limit the allocation to taxes on depreciable personal property with any particular useful life or lives.

If a unit had, by ordinance adopted before May 8, 1987, allocated to an economic development district property taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the ordinance continues in effect until an ordinance is adopted by the unit under subdivision (2).

(h) As used in this section, "base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Subdivision (2) applies only to economic development districts established after June 30, 1997, and to additional areas established after June 30, 1997.

SECTION 20. IC 6-1.1-39-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) An economic development district may be enlarged by the fiscal body by following the same procedure for the creation of an economic development district specified in this chapter. Property taxes that are attributable to the additional area and allocable to the economic development district are not eligible for the property tax replacement credit provided by ~~IC 6-1.1-21-5~~ **IC 6-10-3**. However, subject to subsection (c) and except as provided in subsection (f), each taxpayer in an additional area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) that under IC 6-1.1-22-9 are due and payable in May and November of that year. Except as provided in subsection (f), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district in a county that contains all or part of the additional area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A)~~ and ~~IC 6-1.1-21-2(g)(2)~~ **IC 6-10-3** that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4~~ **IC 6-10-3** that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) levied in the taxing district that would have been allocated to a special fund under section 5 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated to the economic development district and paid into a special fund under section 5(a) of this chapter.

(b) If the additional credit under subsection (a) is not reduced under subsection (c) or (d), the credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3** and the additional credit under subsection (a) shall be computed on an aggregate basis for all taxpayers in a taxing district that contains all or part of an additional area. The credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3** and the additional credit under subsection (a) shall be combined on the tax statements sent to each taxpayer.

(c) The county fiscal body may, by ordinance, provide that the additional credit described in subsection (a):

(1) does not apply in a specified additional area; or

(2) is to be reduced by a uniform percentage for all taxpayers in a specified additional area.

(d) Whenever the county fiscal body determines that granting the full additional credit under subsection (a) would adversely affect the interests of the holders of bonds or other contractual obligations that are payable from allocated tax proceeds in that economic development district in a way that would create a reasonable expectation that those bonds or other contractual obligations would

not be paid when due, the county fiscal body must adopt an ordinance under subsection (c) to deny the additional credit or reduce the additional credit to a level that creates a reasonable expectation that the bonds or other obligations will be paid when due. An ordinance adopted under subsection (c) denies or reduces the additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) first due and payable in any year following the year in which the ordinance is adopted.

(e) An ordinance adopted under subsection (c) remains in effect until the ordinance is rescinded by the body that originally adopted the ordinance. However, an ordinance may not be rescinded if the rescission would adversely affect the interests of the holders of bonds or other obligations that are payable from allocated tax proceeds in that economic development district in a way that would create a reasonable expectation that the principal of or interest on the bonds or other obligations would not be paid when due. If an ordinance is rescinded and no other ordinance is adopted, the additional credit described in subsection (a) applies to taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) first due and payable in each year following the year in which the resolution is rescinded.

(f) This subsection applies to an additional area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~ **IC 6-10-2**) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an additional area is entitled to an additional credit under subsection (a) for the taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**).

Page 142, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 21. IC 6-2.5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The department shall account for all state gross retail and use taxes that it collects.

(b) The department shall deposit those collections in the following manner:

~~(1) Fifty percent (50%) of the collections shall be paid into the property tax replacement fund established under IC 6-1.1-21.~~

~~(2) (1) Forty-nine Ninety-nine and one hundred ninety-two thousandths percent (49.192%) (99.192%) of the collections shall be paid into the state general fund.~~

~~(3) (2) Six hundred thirty-five thousandths of one percent (0.635%) of the collections shall be paid into the public mass transportation fund established by IC 8-23-3-8.~~

~~(4) (3) Thirty-three thousandths of one percent (0.033%) of the collections shall be deposited into the industrial rail service fund established under IC 8-3-1.7-2.~~

~~(5) (4) Fourteen-hundredths of one percent (0.14%) of the collections shall be deposited into the commuter rail service fund established under IC 8-3-1.5-20.5.~~

SECTION 22. IC 6-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Each taxable year, a tax at the rate of ~~three and four-tenths two and thirty-seven hundredths percent (3.4%) (2.37%)~~ of adjusted gross income is imposed upon the adjusted gross income of every resident person, and on that part of the adjusted gross income derived from sources within Indiana of every nonresident person.

(b) Except as provided in section 1.5 of this chapter, each taxable year, a tax at the rate of eight and five-tenths percent (8.5%) of adjusted gross income is imposed on that part of the adjusted gross income derived from sources within Indiana of every corporation.

SECTION 23. IC 6-3-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. ~~(a) All revenues derived from collection of the adjusted gross income tax imposed on corporations shall be deposited in the state general fund.~~

~~(b) All revenues derived from collection of the adjusted gross income tax imposed on persons shall be deposited as follows:~~

~~(1) Eighty-six percent (86%) in the state general fund;~~

(2) Fourteen percent (14%) in the property tax replacement fund;

SECTION 24. IC 6-3.1-20-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. As used in this chapter, "homestead" has the meaning set forth in ~~IC 6-1.1-20-9-1.~~ **IC 6-10-2.**

SECTION 25. IC 6-3.5-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) A county income tax council of a county in which the county option income tax is in effect may adopt an ordinance to increase the percentage credit allowed for homesteads in its county under IC 6-1.1-20-9-2.

(b) A county income tax council may not increase the percentage credit allowed for homesteads by an amount that exceeds the amount determined in the last STEP of the following formula:

STEP ONE: Determine the amount of the sum of all property tax levies for all taxing units in a county which are to be paid in the county in 2003 as reflected by the auditor's abstract for the 2002 assessment year, adjusted, however, for any postabstract adjustments which change the amount of the levies.

STEP TWO: Determine the amount of the county's estimated property tax replacement under IC 6-1.1-21-3(a) (**repealed**) for property taxes first due and payable in 2003.

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

STEP FOUR: Determine the amount of the county's total county levy (as defined in ~~IC 6-1.1-21-2(g)~~) **IC 6-10-2** for property taxes first due and payable in 2003.

STEP FIVE: Subtract the STEP FOUR amount from the STEP ONE amount.

STEP SIX: Subtract the STEP FIVE result from the STEP THREE result.

STEP SEVEN: Divide the STEP THREE result by the STEP SIX result.

STEP EIGHT: Multiply the STEP SEVEN result by eight-hundredths (0.08).

STEP NINE: Round the STEP EIGHT product to the nearest one-thousandth (0.001) and express the result as a percentage.

(c) The increase of the homestead credit percentage must be uniform for all homesteads in a county.

(d) In the ordinance that increases the homestead credit percentage, a county income tax council may provide for a series of increases or decreases to take place for each of a group of succeeding calendar years.

(e) An ordinance may be adopted under this section after January 1 but before June 1 of a calendar year.

(f) An ordinance adopted under this section takes effect on January 1 of the next succeeding calendar year.

(g) Any ordinance adopted under this section for a county is repealed for a year if on January 1 of that year the county option income tax is not in effect."

Page 144, line 5, delete "and".

Page 144, line 5, strike "IC 12-19-7".

Page 144, line 11, delete "and".

Page 144, line 11, strike "IC 12-19-7".

Page 144, line 33, delete "and".

Page 144, line 33, strike "IC 12-19-7".

Page 144, line 40, delete "and".

Page 144, line 40, strike "IC 12-19-7".

Page 145, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 26. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council,

whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

(5) thirty-five hundredths percent (0.35%);

(6) four-tenths percent (0.4%);

(7) forty-five hundredths percent (0.45%); or

(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), or (s), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), or (t), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic

development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and:
 - (A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or
 - (B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

- (1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and
- (2) the:
 - (A) county economic development income tax; and
 - (B) county option income tax or county adjusted gross income tax;
 may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in ~~IC 6-1.1-20.9-1~~ **IC 6-10-2**) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

SECTION 27. IC 6-3.5-7-13.1, AS AMENDED BY P.L.118-2005, SECTION 2, AND AS AMENDED BY P.L.214-2005, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

- (1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.
- (2) By a county, city, or town for:
 - (A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;
 - (B) the retirement of bonds issued under any provision of Indiana law for a capital project;
 - (C) the payment of lease rentals under any statute for a capital project;
 - (D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;
 - (E) operating expenses of a governmental entity that plans or implements economic development projects;
 - (F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

~~(3)~~ **(4)** By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. In a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(4)~~ **(5)**.

~~(4)~~ **(5)** This subdivision applies only in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Except as otherwise provided, the procedures and definitions in ~~IC 6-1.1-20-9~~ **IC 6-10-2** apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(3)~~ **(4)** that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under ~~IC 6-1.1-20-9~~ **IC 6-10-4** for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the ~~state~~ property tax replacement credit under ~~IC 6-1.1-20-9~~ **IC 6-10-3** or the ~~state~~ homestead credit under ~~IC 6-1.1-20-9~~ **IC 6-10-4**.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(5)~~ **(6)** This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in ~~IC 6-1.1-20-9~~ **IC 6-10-2** apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an

ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under ~~IC 6-1.1-20-9~~ **IC 6-10-4** for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the ~~state~~ property tax replacement credit under ~~IC 6-1.1-20-9~~ **IC 6-10-3** or the ~~state~~ homestead credit under ~~IC 6-1.1-20-9~~ **IC 6-10-4**.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 28. IC 6-3.5-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 23. (a) This section applies only to a county having a population of more than fifty-five thousand (55,000) but less than sixty-five thousand

(65,000).

(b) The county council may by ordinance determine that, in order to promote the development of libraries in the county and thereby encourage economic development, it is necessary to use economic development income tax revenue to replace library property taxes in the county. However, a county council may adopt an ordinance under this subsection only if all territory in the county is included in a library district.

(c) If the county council makes a determination under subsection (b), the county council may designate the county economic development income tax revenue generated by the tax rate adopted under section 5 of this chapter, or revenue generated by a portion of the tax rate, as revenue that will be used to replace public library property taxes imposed by public libraries in the county. The county council may not designate for library property tax replacement purposes any county economic development income tax revenue that is generated by a tax rate of more than fifteen-hundredths percent (0.15%).

(d) The county treasurer shall establish a library property tax replacement fund to be used only for the purposes described in this section. County economic development income tax revenues derived from the portion of the tax rate designated for property tax replacement credits under subsection (c) shall be deposited in the library property tax replacement fund before certified distributions are made under section 12 of this chapter. Any interest earned on money in the library property tax replacement fund shall be credited to the library property tax replacement fund.

(e) The amount of county economic development income tax revenue dedicated to providing library property tax replacement credits shall, in the manner prescribed in this section, be allocated to public libraries operating in the county and shall be used by those public libraries as property tax replacement credits. The amount of property tax replacement credits that each public library in the county is entitled to receive during a calendar year under this section equals the lesser of:

(1) the product of:

(A) the amount of revenue deposited by the county auditor in the library property tax replacement fund; multiplied by

(B) a fraction described as follows:

- (i) The numerator of the fraction equals the sum of the total property taxes that would have been collected by the public library during the previous calendar year from taxpayers located within the library district if the property tax replacement under this section had not been in effect.
 - (ii) The denominator of the fraction equals the sum of the total property taxes that would have been collected during the previous year from taxpayers located within the county by all public libraries that are eligible to receive property tax replacement credits under this section if the property tax replacement under this section had not been in effect;
- or

(2) the total property taxes that would otherwise be collected by the public library for the calendar year if the property tax replacement credit under this section were not in effect.

The department of local government finance shall make any adjustments necessary to account for the expansion of a library district. However, a public library is eligible to receive property tax replacement credits under this section only if it has entered into reciprocal borrowing agreements with all other public libraries in the county. If the total amount of county economic development income tax revenue deposited by the county auditor in the library property tax replacement fund for a calendar year exceeds the total property tax liability that would otherwise be imposed for public libraries in the county for the year, the excess shall remain in the library property tax replacement fund and shall be used for library property tax replacement purposes in the following calendar year.

(f) Notwithstanding subsection (e), if a public library did not impose a property tax levy during the previous calendar year, that public library is entitled to receive a part of the property tax replacement credits to be distributed for the calendar year. The amount of property tax replacement credits the public library is entitled to receive during the calendar year equals the product of:

(1) the amount of revenue deposited in the library property tax

replacement fund; multiplied by

(2) a fraction. The numerator of the fraction equals the budget of the public library for that calendar year. The denominator of the fraction equals the aggregate budgets of public libraries in the county for that calendar year.

If for a calendar year a public library is allocated a part of the property tax replacement credits under this subsection, then the amount of property tax credits distributed to other public libraries in the county for the calendar year shall be reduced by the amount to be distributed as property tax replacement credits under this subsection. The department of local government finance shall make any adjustments required by this subsection and provide the adjustments to the county auditor.

(g) The department of local government finance shall inform the county auditor of the amount of property tax replacement credits that each public library in the county is entitled to receive under this section. The county auditor shall certify to each public library the amount of property tax replacement credits that the public library is entitled to receive during that calendar year. The county auditor shall also certify these amounts to the county treasurer.

(h) A public library receiving property tax replacement credits under this section shall allocate the credits among each fund for which a distinct property tax levy is imposed. The amount that must be allocated to each fund equals:

(1) the amount of property tax replacement credits provided to the public library under this section; multiplied by

(2) the amount determined in STEP THREE of the following formula:

STEP ONE: Determine the property taxes that would have been collected for each fund by the public library during the previous calendar year if the property tax replacement under this section had not been in effect.

STEP TWO: Determine the sum of the total property taxes that would have been collected for all funds by the public library during the previous calendar year if the property tax replacement under this section had not been in effect.

STEP THREE: Divide the STEP ONE amount by the STEP TWO amount.

However, if a public library did not impose a property tax levy during the previous calendar year or did not impose a property tax levy for a particular fund during the previous calendar year, but the public library is imposing a property tax levy in the current calendar year or is imposing a property tax levy for the particular fund in the current calendar year, the department of local government finance shall adjust the amount of property tax replacement credits allocated among the various funds of the public library and shall provide the adjustment to the county auditor. If a public library receiving property tax replacement credits under this section does not impose a property tax levy for a particular fund that is first due and payable in a calendar year in which the property tax replacement credits are being distributed, the public library is not required to allocate to that fund a part of the property tax replacement credits to be distributed to the public library. Notwithstanding IC 6-1.1-20-1.1(1), a public library that receives property tax replacement credits under this section is subject to the procedures for the issuance of bonds set forth in IC 6-1.1-20.

(i) For each public library that receives property tax credits under this section, the department of local government finance shall certify to the county auditor the property tax rate applicable to each fund after the property tax replacement credits are allocated.

(j) A public library shall treat property tax replacement credits received during a particular calendar year under this section as a part of the public library's property tax levy for each fund for that same calendar year for purposes of fixing the public library's budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5.

(k) The property tax replacement credits that are received under this section do not reduce the total county tax levy that is used to compute the ~~state~~ property tax replacement credit under ~~IC 6-1.1-21~~. **IC 6-10-3.** For the purpose of computing and distributing certified distributions under IC 6-3.5-1.1 and tax revenue under IC 6-5.5 or IC 6-6-5, the property tax replacement credits that are received under this section shall be treated as though they were property taxes that were due and payable during that same calendar year.

SECTION 29. IC 6-3.5-7-25, AS AMENDED BY P.L.199-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25. (a) This section applies only to a county that has adopted an ordinance under IC 6-1.1-12-41(f).

(b) For purposes of this section, "imposing entity" means the entity that adopted the ordinance under IC 6-1.1-12-41(f).

(c) The imposing entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). A county income tax council that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. Except as provided in subsection (j), an ordinance must be adopted under this subsection after January 1 but before June 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

- (1) first applies to the certified distribution described in section 16(c) of this chapter made in the calendar year that immediately succeeds the calendar year in which the ordinance is adopted;
- (2) must specify the calendar years to which the ordinance applies; and
- (3) must specify that the certified distribution must be used to provide for:

- (A) uniformly applied increased homestead credits as provided in subsection (f); or
- (B) allocated increased homestead credits as provided in subsection (h).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 26 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

- (1) retained by the county auditor under subsection (i); and
- (2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the imposing entity shall use the certified distribution described in section 16(c) of this chapter to increase the homestead credit allowed in the county under ~~IC 6-1.1-20-9~~ **IC 6-10-4** for a year to offset the effect on homesteads in the county resulting from a county deduction for inventory under IC 6-1.1-12-41.

(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(3)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

- (1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;
- (2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and
- (3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(g) The increased percentage of homestead credit determined by the county auditor under subsection (f) applies uniformly in the county in the calendar year for which the increased percentage is determined.

(h) If the imposing entity specifies the application of allocated increased homestead credits under subsection (c)(3)(B), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

- (1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and
- (2) an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-41 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-41 in the county for

the immediately preceding year's assessment date.

(i) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

- (1) as if the money were from property tax collections; and
- (2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit.

(j) An entity authorized to adopt:

- (1) an ordinance under subsection (c); and
- (2) an ordinance under IC 6-1.1-12-41(f);

may consolidate the two (2) ordinances. The limitation under subsection (c) that an ordinance must be adopted after January 1 of a calendar year does not apply if a consolidated ordinance is adopted under this subsection. However, notwithstanding subsection (c)(1), the ordinance must state that it first applies to certified distributions in the calendar year in which property taxes are initially affected by the deduction under IC 6-1.1-12-41.

SECTION 30. IC 6-3.5-7-26, AS AMENDED BY P.L.199-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. (a) This section applies only to homestead credits for property taxes first due and payable after calendar year 2006.

(b) For purposes of this section, "adopting entity" means:

- (1) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or
- (2) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. An ordinance must be adopted under this subsection after January 1 but before April 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

- (1) first applies to the certified distribution described in section 16(c) of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and
- (2) must specify that the certified distribution must be used to provide for:

- (A) uniformly applied increased homestead credits as provided in subsection (f); or
- (B) allocated increased homestead credits as provided in subsection (h).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

- (1) retained by the county auditor under subsection (i); and
- (2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16(c) of this chapter to increase the homestead credit allowed in the county under ~~IC 6-1.1-20-9~~ **IC 6-10-4** for a year to offset the effect on homesteads in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42.

(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

- (1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;
- (2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under

subdivision (1); and

(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(g) The increased percentage of homestead credit determined by the county auditor under subsection (f) applies uniformly in the county in the calendar year for which the increased percentage is determined.

(h) If the imposing entity specifies the application of allocated increased homestead credits under subsection (c)(2)(B), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and

(2) except as provided in subsection (j), an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(i) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit.

(j) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of homestead credit determined under subsection (h)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county."

Page 146, strike lines 1 through 22.

Page 146, line 23, delete "child welfare".

Page 146, line 23, strike "fund of the qualifying county in which the".

Page 146, strike lines 24 through 25.

Page 146, line 26, strike "county's".

Page 146, line 26, delete "child welfare".

Page 146, line 26, strike "fund as described in".

Page 146, strike lines 27 through 28.

Page 146, line 29, delete "child welfare".

Page 146, line 29, strike "fund levy under".

Page 146, line 29, delete "IC 12-19-7".

Page 146, line 29, strike "for".

Page 146, strike lines 30 through 31.

Page 146, line 32, strike "(g)" and insert "(d)".

Page 146, line 42, strike "(h)" and insert "(e)".

Page 147, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 31. IC 6-3.5-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) The department of local government finance shall each year reduce the general fund property tax levy of a municipality receiving a distribution under this chapter in that year. The municipality's general fund property tax levy shall be reduced by the amount of the distribution received or to be received by the municipality during the year. The department of local government finance shall certify to the auditor of the qualifying county the property tax rate applicable to the municipality's general fund after the property tax reduction under this section.

(b) A municipality shall treat a distribution that the municipality receives or is to receive during a particular calendar year as a part of the municipality's property tax levy for the general fund for that same calendar year for purposes of fixing the municipality's budget and for purposes of the property tax levy limits imposed by IC 6-1.1-18.5. However, the distributions shall not reduce the total county tax levy that is used to compute the state property tax replacement credit under

~~IC 6-1.1-21~~ IC 6-10-3. In addition, for purposes of computing and distributing any excise taxes or income taxes in which the distribution is based on property taxes, the distributions shall be treated as though they were property taxes that were due and payable during that same calendar year.

(c) A municipality may use distributions received under this chapter for any purpose for which the municipality may use property tax revenues.

SECTION 32. IC 6-5.5-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) On or before February 1, May 1, August 1, and December 1 of each year the auditor of state shall transfer to each county auditor for distribution to the taxing units (as defined in IC 6-1.1-1-21) in the county, an amount equal to one-fourth (1/4) of the sum of the guaranteed amounts for all the taxing units of the county. On or before August 1 of each year the auditor of state shall transfer to each county auditor the supplemental distribution for the county for the year.

(b) For purposes of determining distributions under subsection (c), the department of local government finance shall determine a state welfare allocation for each county calculated as follows:

(1) For 2000 and each year thereafter, the state welfare allocation for each county equals the greater of zero (0) or the amount determined under the following formula:

STEP ONE: For 1997, 1998, and 1999, determine the result of:

(A) the amounts appropriated by the county in the year for the county's county welfare fund and county welfare administration fund; divided by

(B) the amounts appropriated by all the taxing units in the county in the year.

STEP TWO: Determine the sum of the results determined in STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount that would otherwise be distributed to all the taxing units in the county under subsection (b) without regard to this subdivision.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

(2) The state welfare allocation shall be deducted from the distributions otherwise payable under subsection (c) to the taxing unit that is a county and shall be deposited in a special account within the state general fund.

(c) Except as provided in subsection (h), a taxing unit's guaranteed distribution for a year is the greater of zero (0) or an amount equal to:

(1) the amount received by the taxing unit under IC 6-5-10 (repealed) and IC 6-5-11 (repealed) in 1989; minus

(2) the amount to be received by the taxing unit in the year of the distribution, as determined by the department of local government finance, from property taxes attributable to the personal property of banks, exclusive of the property taxes attributable to personal property leased by banks as the lessor where the possession of the personal property is transferred to the lessee; minus

(3) in the case of a taxing unit that is a county, the amount that would have been received by the taxing unit in the year of the distribution, as determined by the department of local government finance from property taxes that:

(A) were calculated for the county's county welfare fund and county welfare administration fund for 2000 but were not imposed because of the repeal of IC 12-19-3 and IC 12-19-4; and

(B) would have been attributable to the personal property of banks, exclusive of the property taxes attributable to personal property leased by banks as the lessor where the possession of the personal property is transferred to the lessee.

(d) The amount of the supplemental distribution for a county for a year shall be determined using the following formula:

STEP ONE: Determine the greater of zero (0) or the difference between:

(A) one-half (1/2) of the taxes that the department estimates will be paid under this article during the year; minus

(B) the sum of all the guaranteed distributions, before the subtraction of all state welfare allocations under subsection (a), for all taxing units in all counties plus the bank personal property taxes to be received by all taxing units in all counties, as determined under subsection (c)(2) for the year.

STEP TWO: Determine the quotient of:

(A) the amount received under IC 6-5-10 (repealed) and IC 6-5-11 (repealed) in 1989 by all taxing units in the county; divided by

(B) the sum of the amounts received under IC 6-5-10 (repealed) and IC 6-5-11 (repealed) in 1989 by all taxing units in all counties.

STEP THREE: Determine the product of:

(A) the amount determined in STEP ONE; multiplied by

(B) the amount determined in STEP TWO.

STEP FOUR: Determine the greater of zero (0) or the difference between:

(A) the amount of supplemental distribution determined in STEP THREE for the county; minus

(B) the amount of refunds granted under IC 6-5-10-7 (repealed) that have yet to be reimbursed to the state by the county treasurer under IC 6-5-10-13 (repealed).

For the supplemental distribution made on or before August 1 of each year, the department shall adjust the amount of each county's supplemental distribution to reflect the actual taxes paid under this article for the preceding year.

(e) Except as provided in ~~subsection~~ **subsections (g) and (h)**, the amount of the supplemental distribution for each taxing unit shall be determined using the following formula:

STEP ONE: Determine the quotient of:

(A) the amount received by the taxing unit under IC 6-5-10 (repealed) and IC 6-5-11 (repealed) in 1989; divided by

(B) the sum of the amounts used in STEP ONE (A) for all taxing units located in the county.

STEP TWO: Determine the product of:

(A) the amount determined in STEP ONE; multiplied by

(B) the supplemental distribution for the county, as determined in subsection (d), STEP FOUR.

(f) The county auditor shall distribute the guaranteed and supplemental distributions received under subsection (a) to the taxing units in the county at the same time that the county auditor makes the semiannual distribution of real property taxes to the taxing units.

(g) The amount of a supplemental distribution paid to a taxing unit that is a county shall be reduced by an amount equal to:

(1) the amount the county would receive under subsection (e) without regard to this subsection; minus

(2) an amount equal to:

(A) the amount under subdivision (1); multiplied by

(B) the result of the following:

(i) Determine the amounts appropriated by the county in 1997, 1998, and 1999, from the county's county welfare fund and county welfare administration fund, divided by the total amounts appropriated by all the taxing units in the county in the year.

(ii) Divide the amount determined in item (i) by three (3).

(h) The amount of any distribution under this section paid to a taxing unit that is a county shall be reduced by an amount, as determined by the department of local government finance for each county, equal to the result determined under STEP SIX of the following formula:

STEP ONE: For 2004, 2005, and 2006, determine the result of:

(A) the amounts appropriated by the county in the year for the personnel and other operating expenses of the circuit, superior, probate, and county courts in the county that after 2006 will be paid by the state under IC 33-23-14-6; divided by

(B) the amounts appropriated by all the taxing units in the county for the year.

STEP TWO: Determine the sum of the results determined under STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount of the financial

institutions tax that would otherwise be distributed to taxing units in the county under this section.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

STEP SIX: Determine the greater of:

(A) zero (0); or

(B) the STEP FIVE amount.

The amount deducted under this subsection shall be deposited in the state general fund.

SECTION 33. IC 6-6-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The bureau shall establish procedures necessary for the collection of the tax imposed by this chapter and for the proper accounting for the same. The necessary forms and records shall be subject to approval by the state board of accounts.

(b) The county treasurer, upon receiving the excise tax collections, shall receipt such collections into a separate account for settlement thereof at the same time as property taxes are accounted for and settled in June and December of each year, with the right and duty of the treasurer and auditor to make advances prior to the time of final settlement of such property taxes in the same manner as provided in IC 5-13-6-3.

(c) **Except as provided in subsection (f)**, the county auditor shall determine the total amount of excise taxes collected for each taxing unit in the county and the amount so collected (and the distributions received under section 9.5 of this chapter) shall be apportioned and distributed among the respective funds of each taxing unit in the same manner and at the same time as property taxes are apportioned and distributed. However, for purposes of determining distributions under this section for 2000 and each year thereafter, the state welfare allocation for each county equals the greater of zero (0) or the amount determined under STEP FIVE of the following STEPS:

STEP ONE: For 1997, 1998, and 1999, determine the result of:

(i) the amounts appropriated by the county in the year from the county's county welfare fund and county welfare administration fund; divided by

(ii) the total amounts appropriated by all the taxing units in the county in the year.

STEP TWO: Determine the sum of the results determined in STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount that would otherwise be distributed to all the taxing units in the county under this subsection without regard to this subdivision.

STEP FIVE: Determine the result of:

(i) the STEP FOUR amount; multiplied by

(ii) the STEP THREE result.

The state welfare allocation shall be deducted from the total amount available for apportionment and distribution to taxing units under this section before any apportionment and distribution is made. The county auditor shall remit the state welfare allocation to the treasurer of state for deposit in a special account within the state general fund.

(d) Such determination shall be made from copies of vehicle registration forms furnished by the bureau of motor vehicles. Prior to such determination, the county assessor of each county shall, from copies of registration forms, cause information pertaining to legal residence of persons owning taxable vehicles to be verified from the assessor's records, to the extent such verification can be so made. The assessor shall further identify and verify from the assessor's records the several taxing units within which such persons reside.

(e) Such verifications shall be done by not later than thirty (30) days after receipt of vehicle registration forms by the county assessor, and the assessor shall certify such information to the county auditor for the auditor's use as soon as it is checked and completed.

(f) The amount of any distribution under this section paid to a taxing unit that is a county shall be reduced by an amount, as determined by the department of local government finance for each county, equal to the result determined under STEP SIX of the following formula:

STEP ONE: For 2004, 2005, and 2006, determine the result of:

(A) the amounts appropriated by the county in the year

for the personnel and other operating expenses of the circuit, superior, probate, and county courts in the county that after 2006 will be paid by the state under IC 33-23-14-6; divided by

(B) the amounts appropriated by all the taxing units in the county for the year.

STEP TWO: Determine the sum of the results determined under STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount of the motor vehicle excise tax that would otherwise be distributed to taxing units in the county under this section.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

STEP SIX: Determine the greater of:

(A) zero (0); or

(B) the STEP FIVE amount.

The amount deducted under this subsection shall be deposited in the state general fund.

SECTION 34. IC 6-6-5.5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) **Except as provided in subsection (f)**, on or before May 1, the auditor of state shall distribute to each county auditor an amount equal to fifty percent (50%) of the total base revenue to be distributed to all taxing units in the county for that year.

(b) On or before December 1, the auditor of state shall distribute to each county auditor an amount equal to the greater of the following:

(1) Fifty percent (50%) of the total base revenue to be distributed to all taxing units in the county for that year.

(2) The product of the county's distribution percentage multiplied by the total commercial vehicle excise tax revenue deposited in the commercial vehicle excise tax fund.

(c) Upon receipt, the county auditor shall distribute to the taxing units an amount equal to the product of the taxing unit's distribution percentage multiplied by the total distributed to the county under this section. The amount determined shall be apportioned and distributed among the respective funds of each taxing unit in the same manner and at the same time as property taxes are apportioned and distributed.

(d) In the event that sufficient funds are not available in the commercial vehicle excise tax fund for the distributions required by subsection (a) and subsection (b)(1), the auditor of state shall transfer funds from the commercial vehicle excise tax reserve fund.

(e) The auditor of state shall, not later than July 1 of each year, furnish to each county auditor an estimate of the amounts to be distributed to the counties under this section during the next calendar year. Before August 1, each county auditor shall furnish to the proper officer of each taxing unit of the county an estimate of the amounts to be distributed to the taxing units under this section during the next calendar year and the budget of each taxing unit shall show the estimated amounts to be received for each fund for which a property tax is proposed to be levied.

(f) **The amount of any distribution under this section paid to a taxing unit that is a county shall be reduced by an amount, as determined by the department of local government finance for each county, equal to the result determined under STEP SIX of the following formula:**

STEP ONE: For 2004, 2005, and 2006, determine the result of:

(A) the amounts appropriated by the county in the year for the personnel and other operating expenses of the circuit, superior, probate, and county courts in the county that after 2006 will be paid by the state under IC 33-23-14-6; divided by

(B) the amounts appropriated by all the taxing units in the county for the year.

STEP TWO: Determine the sum of the results determined under STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount of the commercial vehicle excise tax that would otherwise be distributed to

taxing units in the county under this section.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

STEP SIX: Determine the greater of:

(A) zero (0); or

(B) the STEP FIVE amount.

The amount deducted under this subsection shall be deposited in the state general fund.

SECTION 35. IC 6-6-6.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 21. (a) The department shall allocate each aircraft excise tax payment collected by it to the county in which the aircraft is usually located when not in operation or to the aircraft owner's county of residence if based out of state. **Except as provided in subsection (f)**, the department shall distribute to each county treasurer on a quarterly basis the aircraft excise taxes which were collected by the department during the preceding three (3) months and which the department has allocated to that county. The distribution shall be made on or before the fifteenth of the month following each quarter and the first distribution each year shall be made in April.

(b) Concurrently with making a distribution of aircraft excise taxes, the department shall send an aircraft excise tax report to the county treasurer and the county auditor. The department shall prepare the report on the form prescribed by the state board of accounts. The aircraft excise tax report must include aircraft identification, owner information, and excise tax payment, and must indicate the county where the aircraft is normally kept when not in operation. The department shall, in the manner prescribed by the state board of accounts, maintain records concerning the aircraft excise taxes received and distributed by it.

(c) Except as provided in section 21.5 of this chapter, each county treasurer shall deposit money received by him under this chapter in a separate fund to be known as the "aircraft excise tax fund". The money in the aircraft excise tax fund shall be distributed to the taxing units of the county in the manner prescribed in subsection (d).

(d) In order to distribute the money in the county aircraft excise tax fund to the taxing units of the county, the county auditor shall first allocate the money in the fund among the taxing districts of the county. In making these allocations, the county auditor shall allocate to a taxing district the excise taxes collected with respect to aircraft usually located in the taxing district when not in operation. The money allocated to a taxing district shall be apportioned and distributed among the taxing units of that taxing district in the same manner and at the same time that the property taxes are apportioned and distributed.

(e) Within thirty (30) days following the receipt of excise taxes from the department, the county treasurer shall file a report with the county auditor concerning the aircraft excise taxes collected by the county treasurer. The county treasurer shall file the report on the form prescribed by the state board of accounts. The county treasurer shall, in the manner and at the times prescribed in IC 6-1.1-27, make a settlement with the county auditor for the aircraft excise taxes collected by the county treasurer. The county treasurer shall, in the manner prescribed by the state board of accounts, maintain records concerning the aircraft excise taxes received and distributed by him.

(f) **The amount of any distribution under this section paid to a taxing unit that is a county shall be reduced by an amount, as determined by the department of local government finance for each county, equal to the result determined under STEP SIX of the following formula:**

STEP ONE: For 2004, 2005, and 2006, determine the result of:

(A) the amounts appropriated by the county in the year for the personnel and other operating expenses of the circuit, superior, probate, and county courts in the county that after 2006 will be paid by the state under IC 33-23-14-6; divided by

(B) the amounts appropriated by all the taxing units in the county for the year.

STEP TWO: Determine the sum of the results determined under STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount of the aircraft excise tax that would otherwise be distributed to taxing units in the county under this section.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

STEP SIX: Determine the greater of:

(A) zero (0); or

(B) the STEP FIVE amount.

The amount deducted under this subsection shall be deposited in the state general fund.

SECTION 36. IC 6-6-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All revenues collected from the auto rental excise tax shall be deposited in a special account of the state general fund called the auto rental excise tax account.

(b) On or before May 20 and November 20 of each year, all amounts held in the auto rental excise tax account shall be distributed to the county treasurers of Indiana.

(c) **Except as provided in subsection (h),** the amount to be distributed to a county treasurer equals that part of the total auto rental excise taxes being distributed that were initially imposed and collected from within that treasurer's county. The department shall notify each county auditor of the amount of taxes to be distributed to the county treasurer. At the same time each distribution is made to a county treasurer, the department shall certify to the county auditor each taxing district within the county where auto rental excise taxes were collected and the amount of the county distribution that was collected with respect to each taxing district.

(d) The county treasurer shall deposit auto rental excise tax collections into a separate account for settlement at the same time as property taxes are accounted for and settled in June and December of each year.

(e) The county auditor shall apportion and the county treasurer shall distribute the auto rental excise taxes among the taxing units of the county in the same manner that property taxes are apportioned and distributed with respect to property located in the taxing district where the auto rental excise tax was initially imposed and collected. The auto rental excise taxes distributed to a taxing unit shall be allocated among the taxing unit's funds in the same proportions that the taxing unit's property tax collections are allocated among those funds.

(f) Taxing units of a county may request and receive advances of auto rental excise tax revenues in the manner provided under IC 5-13-6-3.

(g) All distributions from the auto rental excise tax account shall be made by warrants issued by the auditor of state to the treasurer of state ordering those payments to the appropriate county treasurer.

(h) The amount of any distribution under this section paid to a taxing unit that is a county shall be reduced by an amount, as determined by the department of local government finance for each county, equal to the result determined under STEP SIX of the following formula:

STEP ONE: For 2004, 2005, and 2006, determine the result of:

(A) the amounts appropriated by the county in the year for the personnel and other operating expenses of the circuit, superior, probate, and county courts in the county that after 2006 will be paid by the state under IC 33-23-14-6; divided by

(B) the amounts appropriated by all the taxing units in the county for the year.

STEP TWO: Determine the sum of the results determined under STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount of the auto rental excise tax that would otherwise be distributed to taxing units in the county under this section.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

STEP SIX: Determine the greater of:

(A) zero (0); or

(B) the STEP FIVE amount.

The amount deducted under this subsection shall be deposited in the state general fund.

SECTION 37. IC 6-6-11-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 31. (a) A boat excise tax fund is established in each county. Each county treasurer shall deposit in the fund the taxes received under this chapter.

(b) **Except as provided in subsection (c),** the excise tax money in the county boat excise tax fund shall be distributed to the taxing units of the county. The county auditor shall allocate the money in the fund among the taxing units of the county based on the tax situs of each boat. The money allocated to the taxing units shall be apportioned and distributed among the funds of the taxing units in the same manner and at the same time that property taxes are apportioned and distributed.

(c) The amount of any distribution under this section paid to a taxing unit that is a county shall be reduced by an amount, as determined by the department of local government finance for each county, equal to the result determined under STEP SIX of the following formula:

STEP ONE: For 2004, 2005, and 2006, determine the result of:

(A) the amounts appropriated by the county in the year for the personnel and other operating expenses of the circuit, superior, probate, and county courts in the county that after 2006 will be paid by the state under IC 33-23-14-6; divided by

(B) the amounts appropriated by all the taxing units in the county for the year.

STEP TWO: Determine the sum of the results determined under STEP ONE.

STEP THREE: Divide the STEP TWO result by three (3).

STEP FOUR: Determine the amount of the boat excise tax that would otherwise be distributed to taxing units in the county under this section.

STEP FIVE: Determine the result of:

(A) the STEP FOUR amount; multiplied by

(B) the STEP THREE result.

STEP SIX: Determine the greater of:

(A) zero (0); or

(B) the STEP FIVE amount.

The amount deducted under this subsection shall be deposited in the state general fund.

SECTION 38. IC 6-8.1-1-1, AS AMENDED BY P.L.214-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the river boat admissions tax (IC 4-33-12); the river boat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1) (repealed); the utility receipts tax (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the municipal option income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); **the supplemental local property tax replacement income tax (IC 6-10-5);** the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste

management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer."

Page 149, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 39. IC 6-10 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

ARTICLE 10. SUPPLEMENTAL LOCAL PROPERTY TAX REPLACEMENT INCOME TAX

Chapter 1. Purpose

Sec. 1. The purpose of this article is to:

- (1) provide property tax relief to property taxpayers from a dedicated source of supplemental income tax revenue;
- (2) fairly allocate property tax relief back to the property taxpayers in a county in proportion to the supplemental income tax paid by supplemental income taxpayers in the county; and
- (3) avoid imposing supplemental income tax rates on supplemental income taxpayers in counties with larger than average concentrations of taxable property or smaller than average household incomes that exceed the average supplemental income tax rate imposed in Indiana to provide property tax relief.

Sec. 2. This article shall be liberally constructed to carry out the purposes of this article.

Chapter 2. Definitions

Sec. 1. The definitions in IC 6-1.1-1 and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "2005 certified homestead distribution" refers to the state distribution to a county in 2005 to replace revenue lost as the result of the granting of homestead credits in the county under IC 6-1.1-20.9-2, as certified under IC 6-10-7-1(1).

Sec. 4. "2005 certified property tax relief distribution" refers to the sum of a county's 2005 certified homestead distribution and 2005 certified property tax replacement distribution, as certified under IC 6-10-7-1(3).

Sec. 5. "2005 certified property tax replacement distribution" refers to the state distribution to a county in 2005 to replace revenue lost as the result of the granting of property tax replacement credits in the county under IC 6-1.1-21-5, as certified under IC 6-10-7-1(2).

Sec. 6. "Additional supplemental income revenue" refers to the amount by which the certified actual supplemental income tax revenue of all counties exceeds the 2005 certified property tax relief distribution amount for all counties, as determined under IC 6-10-7-9.

Sec. 7. "Adjusted gross income", for the purposes of determining the adjusted gross income of:

- (1) a resident income taxpayer, means adjusted gross income (as defined in IC 6-3-1-3.5(a) but determined by adding back the deduction permitted under IC 6-3-1-3.5(a)(6)), regardless of where the adjusted gross income is earned; and
- (2) a nonresident income taxpayer, includes only the individual's adjusted gross income (as defined in IC 6-3-1-3.5(a) but determined by adding back the deduction permitted under IC 6-3-1-3.5(a)(6)) derived from the nonresident income taxpayer's principal place of business or employment.

Sec. 8. "Auditor's abstract" means the annual report prepared by each county auditor which, under IC 6-1.1-22-5, is to be filed on or before March 1 of each year with the auditor of state.

Sec. 9. "Business personal property" means tangible personal property that is being:

- (1) held for sale in the ordinary course of a trade or business; or
- (2) held, used, or consumed in connection with the production of income.

Sec. 10. "Certified homestead distribution" refers to the amount distributed under IC 6-10-7-3 to a county in a year to replace revenue lost as a result of granting homestead credits in the county under IC 6-10-4.

Sec. 11. "Certified actual supplemental income tax revenue" refers to the amount of supplemental income tax revenue raised in a county for a particular year as certified under IC 6-10-7-5.

Sec. 12. "Certified property tax replacement distribution" refers to the amount distributed under IC 6-10-7-2 to a county in a year to replace revenue lost as a result of granting property tax replacement credits in the county under IC 6-10-3.

Sec. 13. "Dwelling" means any of the following:

- (1) Residential real property improvements that an individual uses as his residence, including a house or garage.
- (2) A mobile home that is not assessed as real property that an individual uses as the individual's residence.
- (3) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

Sec. 14. "Eligible property tax replacement amount" is equal to the sum of the following:

- (1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.
- (2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.
- (3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

Sec. 15. "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

Sec. 16. "Homestead" means an individual's principal place of residence that:

- (1) is located in Indiana;
- (2) the individual either:
 - (A) owns;
 - (B) is buying under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; or
 - (C) has a beneficial interest in, as described in IC 6-10-3-4; and
- (3) consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Sec. 17. "Homestead credit" refers to a credit against property tax liability granted under IC 6-10-4.

Sec. 18. "Income tax determination date" means January 1 of the calendar year in which the individual's taxable year commences.

Sec. 19. "Mobile home" has the meaning set forth in IC 6-1.1-1-8.7.

Sec. 20. "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

Sec. 21. "Nonresident income taxpayer" means an individual who:

- (1) maintains a principal place of business or employment in a county in Indiana on the income tax determination date for the individual's taxable year; and
- (2) is not a resident income taxpayer of any county in Indiana on the income tax determination date for the individual's taxable year.

Sec. 22. "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract that change assessments or add assessments of omitted property affecting taxes for the assessment year.

Sec. 23. "Property tax" means property taxes payable in respect to property assessed under IC 6-1.1. The term does not include special assessments, penalties, or interest. The term include any special charges that a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

Sec. 24. "Property tax liability" refers to the amount of a property taxpayer's liability for property taxes computed under IC 6-10-3-4.

Sec. 25. "Property taxpayer" means a person who is liable for property taxes.

Sec. 26. "Property tax replacement credit" refers to a credit against a property taxpayer's property tax liability granted under IC 6-10-4.

Sec. 27. "Resident income taxpayer" means an individual who resides, as determined under IC 6-10-6-3, in a county in Indiana on the income tax determination date for the individual's taxable year.

Sec. 28. "Supplemental homestead distribution" refers to the additional supplemental income revenue that is available in a particular year to increase the amount of homestead credits granted in a county, as determined under IC 6-10-7-11.

Sec. 29. "Supplemental income tax" refers to a supplemental local property tax replacement income tax imposed under this article.

Sec. 30. "Supplemental income taxpayer" means the following:

- (1) A resident income taxpayer.
- (2) A nonresident income taxpayer.

Sec. 31. "Supplemental property tax replacement distribution" refers to the additional supplemental income revenue that is available in a particular year to increase the amount of property tax replacement credits granted in a county, as determined under IC 6-10-7-10.

Sec. 32. "Tax duplicate" means the roll of property taxes that each county auditor is required to prepare on or before March 1 of each year under IC 6-1.1-22-3.

Sec. 33. "Taxing unit" has the meaning set forth in IC 6-1.1-1-21.

Sec. 34. "Taxpayer's property tax replacement credit amount" refers to the amount of a property taxpayer's property tax replacement credit determined under IC 6-10-3-6.

Sec. 35. "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments that change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

- (i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus
- (ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5 (repealed), or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

- (i) is entered into after December 31, 1983;
- (ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and
- (iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (repealed) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds

the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 for a capital projects fund; plus
- (ii) IC 6-1.1-19-10 for a racial balance fund; plus
- (iii) IC 36-12-12 for a library capital projects fund; plus
- (iv) IC 36-10-13-7 for an art association fund; plus
- (v) IC 21-2-17 for a special education preschool fund; plus
- (vi) IC 21-2-11.6 for a referendum tax levy fund; plus
- (vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
- (viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible transportation fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

(i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE (as effective January 1, 1990) or IC 6-1.1-18.5-19(b) STEP THREE (as effective January 1, 1990), whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) (as effective before January 1, 1989), filed after December 31, 1982; or

(ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

- (A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus
- (B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

Chapter 3. Property Tax Replacement Credit

Sec. 1. (a) Each year the property taxpayers of each county shall receive a credit for property tax replacement in the amount of each taxpayer's property tax replacement credit amount for property taxes that:

- (1) under IC 6-1.1-22-9 are due and payable in May and November of that year; or
- (2) under IC 6-1.1-22-9.5 are due in installments established by the department of local government finance for that year.

Sec. 2. The credit under this chapter shall be applied to each installment of property taxes.

Sec. 3. The dollar amount of the credit under this chapter for each property taxpayer shall be determined by the county auditor, based on data furnished by the department of local government finance.

Sec. 4. (a) Subject to subsection (b), the property tax liability of a taxpayer for the purpose of computing the credit under this chapter for a particular year shall be based on:

- (1) the taxpayer's property tax as evidenced by the tax duplicate for the taxes payable in that year; plus
- (2) the amount by which the property tax payable by the taxpayer had been reduced due to the application of county adjusted gross income tax revenues to the extent the county adjusted gross income tax revenues were included in the determination of the total county tax levy for that year;

as adjusted for any change in assessed valuation that may have been made pursuant to a post-abstract adjustment if the change is set forth on the tax statement or on a corrected tax statement stating the taxpayer's tax liability, as prepared by the county treasurer in accordance with IC 6-1.1-22-8(a).

(b) The property tax liability of a taxpayer does not include the amount of any property tax owed by the taxpayer that is attributable to that part of any property tax levy subtracted under IC 6-10-2-35(1)(B), IC 6-10-2-35(1)(C), IC 6-10-2-35(1)(D), IC 6-10-2-35(1)(E), IC 6-10-2-35(1)(F), IC 6-10-2-35(1)(G), IC 6-10-2-35(1)(H), IC 6-10-2-35(1)(I), or IC 6-10-2-35(1)(J) in computing the total county tax levy.

Sec. 5. The credit under this chapter for property taxes payable in a particular year with respect to mobile homes that are assessed under IC 6-1.1-7 is equivalent to the taxpayer's property tax replacement credit amount for the taxes payable with respect to the assessments plus the adjustments described in section 4 of this chapter.

Sec. 6. A property taxpayer's property tax replacement credit amount is the amount determined under STEP SEVEN of the following formula:

STEP ONE: Determine the county's certified property tax replacement distribution for the year.

STEP TWO: Determine the county's "eligible property tax replacement amount" for the year.

STEP THREE: Determine the result of:

- (A) the STEP ONE amount; divided by
- (B) the STEP TWO amount;

rounded to the nearest ten thousandth (0.0001).

STEP FOUR: Determine the result of:

- (A) sixty percent (60%) of a taxpayer's tax liability in a calendar year for property taxes imposed by a school corporation for its general fund for a stated assessment year; multiplied by
- (B) the STEP THREE result.

STEP FIVE: Determine the result of:

- (A) twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property; multiplied by
- (B) the STEP THREE result.

STEP SIX: Determine the result of:

- (A) twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property; multiplied by
- (B) the STEP THREE result.

STEP SEVEN: Determine the sum of:

- (A) the STEP FOUR result;
- (B) the STEP FIVE result; and
- (C) the STEP SIX result.

Chapter 4. Homestead Credit

Sec. 1. Except as otherwise provided in section 7 of this chapter, an individual who on March 1 of a particular year either:

- (1) owns the individual's homestead;
- (2) is buying the individual's homestead under a contract that:
 - (A) provides the individual is to pay the property taxes on the homestead; and
 - (B) is recorded in the office of the county recorder where the homestead is located; or
- (3) has a beneficial interest in the individual's homestead, as determined under section 4 of this chapter;

is entitled each year to a credit against the individual's property tax liability that the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

Sec. 2. (a) The amount of the credit to which an individual is entitled to under this chapter equals the product of:

- (1) the uniform homestead credit percentage determined under section 3 of this chapter; multiplied by
- (2) the amount of the individual's property tax liability which is:
 - (A) attributable to the homestead during the particular calendar year; and
 - (B) determined after the application of the property tax replacement credit under IC 6-10-3.

(b) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

Sec. 3. (a) The department of local government finance shall annually calculate for each county the county's uniform homestead credit percentage. A county's uniform homestead credit percentage is the percentage determined in STEP FOUR of the following formula:

STEP ONE: Determine the amount of the certified homestead distribution for the county in the current calendar year.

STEP TWO: Determine the total amount of the property tax liability first due and payable in the calendar year which is:

- (1) attributable to each homestead located in the county during the particular calendar year; and
- (2) determined after the application of the property tax replacement credit under IC 6-10-3.

STEP THREE: Determine the quotient of:

- (1) the STEP ONE amount; divided by
- (2) the STEP TWO amount.

STEP FOUR: Express the STEP THREE quotient as a percentage rounded to the nearest one hundredth percent (0.01%).

(b) The uniform county homestead percentage determined under this section must be used to calculate the amount of the homestead credit allowed to each individual that is entitled to a homestead credit under section 1 of this chapter.

Sec. 4. (a) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed

valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(b) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(c) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

- (1) an individual uses the residence as the individual's principal place of residence;
- (2) the residence is located in Indiana;
- (3) the individual has a beneficial interest in the taxpayer;
- (4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and
- (5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

Sec. 5. (a) Subject to this section, an individual who desires to claim the credit provided by section 1 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement shall include the parcel number or key number of the real estate and the name of the city, town, or township in which the real estate is located. With respect to real property, the statement must be filed during the twelve (12) months before May 11 of the year prior to the first year for which the person wishes to obtain the credit for the homestead. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of the first year for which the individual wishes to obtain the credit. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the credit is allowed.

(b) The certified statement referred to in subsection (a) shall contain the name of any other county and township in which the individual owns or is buying real property.

(c) If an individual who is receiving the credit provided by this chapter changes the use of the individual's real property, so that part or all of that real property no longer qualifies for the homestead credit provided by this chapter, the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use within sixty (60) days after the date of that change. An individual who changes the use of the individual's real property and fails to file the statement required by this subsection is liable for the amount of the credit the individual was allowed under this chapter for that real property.

(d) An individual who receives the credit provided by section 1 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the credit in the following year is not required to file a statement to reapply for the credit following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of property in a divorce decree.

(e) An individual or other taxpayer who filed for a homestead credit under IC 6-1.1-20.9 (repealed) and would have been entitled to a homestead credit against tax liability first due and payable in 2007, if IC 6-1.1-20.9 had not been repealed, shall be treated as if the individual or other taxpayer had filed for a homestead credit for the homestead under this section.

Sec. 6. (a) The auditor of a county (referred to in this section as the "first county") with whom a credit statement is filed under section 5 of this chapter shall immediately prepare and transmit a copy of the statement to the auditor of any other county (referred to in this section as the "second county") if the individual who claims the credit owns or is buying real property located in the second county.

(b) The county auditor of the second county shall note on the copy of the statement whether or not the individual has claimed a credit for the current year under section 1 of this chapter for a homestead located in the second county. The auditor shall then return the copy to the auditor of the first county.

Sec. 7. (a) Each year, the county auditor shall place the original copies of all credit statements filed under section 5 of this chapter in alphabetical order by townships. The county auditor shall, without regard to townships, place the duplicate copies for the entire county in alphabetical order.

(b) The auditor shall ascertain from the alphabetical files whether or not more than one (1) statement has been filed by the same individual.

(c) The county auditor may not grant an individual a credit under section 1 of this chapter if:

- (1) the individual, for the same year, claims the credit on two (2) or more different statements; and
- (2) the statements claim the credit for different property.

Sec. 8. Before April 1 of each year prior to the year in which the credit is allowed, the auditor of each county shall certify to the department of local government finance the amount of the assessed valuation that qualifies for the homestead credit. Before February 1 of each year, the auditor of each county shall certify to the department of local government finance the amount of homestead credits allowed in that county for that calendar year.

Chapter 5. Imposition of Tax

Sec. 1. Except as provided by this chapter, a supplemental local property tax replacement income tax is imposed on the adjusted gross income of supplemental income taxpayers in a county.

Sec. 2. The supplemental local property tax replacement income tax is imposed at the rate of one and three hundredths percent (1.03%).

Sec. 3. (a) For purposes of this chapter, an individual shall be treated as a resident income taxpayer of the county in which the individual:

- (1) maintains a home, if the individual maintains only one (1) home in Indiana;
- (2) if subdivision (1) does not apply, is registered to vote;
- (3) if subdivision (1) or (2) does not apply, registers the individual's personal automobile; or
- (4) if subdivision (1), (2), or (3) does not apply, spends the majority of the individual's time spent in Indiana during the taxable year in question.

(b) The residence or principal place of business or employment of an individual is to be determined on the income tax determination date for the individual's taxable year. If an individual changes the location of the individual's residence or principal place of employment or business to another county in Indiana during the individual's taxable year, the individual's liability for supplemental income tax is not affected.

Sec. 4. (a) The department of state revenue may enter into reciprocity agreements with the taxing authority of a city, town, municipality, county, or other similar local governmental entity of any other state. A reciprocity agreement must provide that the income of nonresident income taxpayers who reside in the other local governmental entity is exempt from the supplemental income tax in the Indiana county entering into the agreement to the extent that the income of Indiana resident income taxpayers is exempt from income taxation by the other local governmental entity.

(b) A reciprocity agreement entered into under this section may not become effective until it is also made effective in the other local governmental entity that is a party to the agreement.

(c) A certified copy of the reciprocity agreement must be filed with the following:

- (1) The department of local government finance.
- (2) The budget agency.

(d) The form and effective date of any reciprocity agreement described in this section must be approved by the budget agency.

Sec. 5. (a) If for a taxable year a supplemental income taxpayer is (or a supplemental income taxpayer and a supplemental income taxpayer's spouse who file a joint return are) allowed a credit for the elderly or the disabled under Section 22 of the Internal Revenue Code, the supplemental income taxpayer is (or a

supplemental income taxpayer and a supplemental income taxpayer's spouse who file a joint return are) entitled to a credit against the supplemental income taxpayer's (or the supplemental income taxpayer's and the supplemental income taxpayer's spouse's) supplemental income tax liability under this chapter for that same taxable year. The amount of the credit equals the lesser of:

(1) the product of:

- (A) the supplemental income taxpayer's (or the supplemental income taxpayer's and the supplemental income taxpayer's spouse's) credit for the elderly or the totally disabled for that same taxable year; multiplied by
- (B) a fraction for which the numerator of the fraction is the supplemental income tax rate and the denominator is fifteen hundredths (0.15); or

(2) the amount of supplemental income tax imposed on the supplemental income taxpayer (or the supplemental income taxpayer and the supplemental income taxpayer's spouse).

(b) If a supplemental income taxpayer and the local taxpayer's spouse file a joint return and are subject to different supplemental income tax rates under this chapter for the same taxable year, they shall compute the credit under this section using the formula provided by subsection (a), except that they shall use the average of the two (2) supplemental income tax rates as the numerator referred to in subsection (a)(1)(B).

Sec. 6. Revenue from a supplemental local property tax replacement income tax under this chapter shall be collected, deposited, and used as provided in this article.

Chapter 6. Collection

Sec. 1. Except as otherwise provided in this article, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

- (1) definitions;
- (2) declarations of estimated tax;
- (3) filing of returns;
- (4) remittances;
- (5) incorporation of the provisions of the Internal Revenue Code;
- (6) penalties and interest;
- (7) exclusion of military pay credits for withholding; and
- (8) exemptions and deductions;

apply to the imposition, collection, and administration of a supplemental income tax imposed by IC 6-10-6.

Sec. 2. The provisions of IC 6-3-1-3.5(a)(6), IC 6-3-3-3, IC 6-3-3-5, and IC 6-3-5-1 do not apply to the supplemental income tax imposed by IC 6-10-5.

Sec. 3. Each employer shall report to the department the amount of withholdings attributable to each county. This report shall be submitted in the manner and on the schedule determined by the department of state revenue. The department of state revenue may provide for the information to be reported:

- (1) annually along with the employer's annual withholding report; or
- (2) on a more frequent schedule with annual reconciliation of the amounts reported during the year.

Sec. 4. Each supplemental income taxpayer that is required to file estimated tax returns under IC 6-3-4-4.1 shall report to the department the amount of estimated supplemental income tax attributable to a county. The report shall be submitted in the manner and on the schedule determined by the department of state revenue. The department of state revenue may provide for the information to be reported:

- (1) annually along with the income taxpayer's annual return; or
- (2) on a more frequent schedule with annual reconciliation of the amounts reported during the year.

Sec. 5. The department of state revenue shall separately account for the supplemental income taxes collected from supplemental income taxpayers in each county and refunds made to supplemental income taxpayers in each county.

Chapter 7. Distribution

Sec. 1. Before August 2, 2006, and before August 2 in any subsequent year in a later adjustment in the amount distributed is made as a result of the resolution of refunds and other tax

appeals, the department of local government finance, after reviewing the recommendation of the budget agency, shall make the following certifications to the auditor of state for each county:

- (1) The total amount of the state distribution made under IC 6-1.1-21 (repealed), as adjusted in any subsequent settlement under IC 6-1.1-21-9 (repealed), to the county to replace revenue lost as a result of the granting of a property tax replacement credit to taxpayers in the county under IC 6-1.1-21-5 (repealed) for property taxes first due and payable for the March 1, 2004, and January 15, 2005, assessment dates.
- (2) The total amount of the state distribution made under IC 6-1.1-21 (repealed), as adjusted in any subsequent settlement under IC 6-1.1-21-9 (repealed), to the county to replace revenue lost as a result of the granting of a homestead credit to taxpayers in the county under IC 6-1.1-20.9-2 (repealed) for property taxes first due and payable for the March 1, 2004, and January 15, 2005, assessment dates.
- (3) The sum of the county's 2005 certified property tax replacement distribution and the county's 2005 certified homestead distribution.

Sec. 2. Each year beginning after December 31, 2006, the auditor of state shall make a certified property tax replacement distribution to the county treasurer of each county equal to the sum of the following:

- (1) The county's 2005 certified property tax replacement distribution.
- (2) The county's supplemental property tax replacement distribution for the year determined under section 10 of this chapter.

Sec. 3. Each year beginning after December 31, 2006, the auditor of state shall make a certified homestead distribution to the county treasurer of each county equal to the sum of the following:

- (1) The county's 2005 certified homestead distribution.
- (2) The county's supplemental homestead distribution for the year determined under section 11 of this chapter.

Sec. 4. The distribution required under section 2 of this chapter and the distribution required under section 3 of this chapter shall be made in twelve (12) equal installments.

Sec. 5. Before August 2, 2008, and August 2 in each year thereafter, the department of state revenue, after reviewing the recommendation of the budget agency, shall certify the amount determined under section 6 of this chapter for a particular county (as adjusted under section 7 of this chapter) to the following:

- (1) The auditor of state.
- (2) The department of local government.

The amount certified for a county under this section shall be treated as the county's certified actual supplemental income tax revenue for the ensuing year.

Sec. 6. Subject to section 7 of this chapter, the amount to be certified under section 5 of this chapter for an ensuing year equals the amount of supplemental income tax revenue that the department of state revenue, after reviewing the recommendation of the budget agency, determines has been:

- (1) received from that county for a taxable year ending before the calendar year in which the determination is made; and
- (2) reported on an annual return or amended return processed by the department of state revenue in the state fiscal year ending before July 1 of the calendar year in which the determination is made;

as adjusted (as determined after review of the recommendation of the budget agency) for refunds of supplemental income tax made in the state fiscal year.

Sec. 7. (a) The amount determined under section 6 of this chapter shall be adjusted as provided under this section.

(b) The department of state revenue, after reviewing the recommendation of the budget agency, shall adjust the certified amount for a county to an amount less than the amount determined under section 6 of this chapter if the department of state revenue, after reviewing the recommendation of the budget agency, determines that the reduced certified amount is necessary

to offset the effects of an overpayment to the county in a year before the year to which the certified amount applies. The department of state revenue, after reviewing the recommendation of the budget agency, may reduce the certified amount over several calendar years so that any overpayments are offset over several years rather than in one (1) lump sum.

(c) The department of state revenue, after reviewing the recommendation of the budget agency, shall adjust the certified amount for a county to correct for any clerical or mathematical errors made in any previous certification under this chapter. The department of state revenue, after reviewing the recommendation of the budget agency, may reduce the certified amount over several calendar years so that any adjustment under this subsection is offset over several years rather than in one (1) lump sum.

Sec. 8. Before December 2, 2008, and December 2 in each subsequent year, the department of local government finance, after reviewing the recommendation of the budget agency, shall certify the following to the auditor of state and the fiscal officer of each county:

(1) The total amount of supplemental income taxes imposed on supplemental income taxpayers in each county that are available to increase the certified property tax replacement distributions and certified homestead distributions to the county for an ensuing year.

(2) Each county's supplemental property tax replacement distribution for the ensuing year.

(3) Each county's supplemental homestead distribution for the ensuing year.

Sec. 9. The total amount of supplemental income taxes available to increase the certified property tax replacement distributions and certified homestead distributions for an ensuing year in a county is the greater of zero (0) or the result determined under STEP SIX of the following formula:

STEP ONE: Determine for all counties the sum of the certified actual supplemental income tax revenue determined for each county for the ensuing year.

STEP TWO: Determine for all counties the sum of the 2005 certified total property tax relief distribution to each county.

STEP THREE: Determine the greater of zero (0) or the result of:

(A) the STEP ONE result; minus

(B) the STEP TWO result.

STEP FOUR: Determine the greater of zero (0) or the result of:

(A) the county's certified actual supplemental income tax revenue for the ensuing year; minus

(B) the county's 2005 total property tax relief distribution.

STEP FIVE: Determine the sum of the STEP FOUR amounts for all counties.

STEP SIX: Determine the result of:

(A) the county's STEP FOUR amount; divided by

(B) the STEP FIVE result;

rounded to the nearest dollar (\$1).

Sec. 10. A county's supplemental property tax replacement distribution for the ensuing year is equal to the total amount of supplemental income taxes available to increase the certified property tax replacement distributions and certified homestead distributions for an ensuing year in the county multiplied by a fraction. The numerator of the fraction is the county's 2005 certified property tax replacement distribution. The denominator is the county's 2005 certified total property tax relief distribution.

Sec. 11. A county's supplemental homestead distribution for the ensuing year is equal to the total amount of supplemental income taxes available to increase the certified property tax replacement distributions and certified homestead distributions for an ensuing year in the county multiplied by a fraction. The numerator of the fraction is the county's 2005 certified homestead distribution. The denominator is the county's 2005 certified total property tax relief distribution.

Sec. 12. A county treasurer receiving a certified property tax replacement distribution or certified homestead distribution

under this chapter shall apportion the amount received among the taxing units that imposed any part of the county's total county tax levy. The amount received by the county as a:

(1) certified property tax replacement distribution shall be distributed to each taxing unit in proportion to the amount of revenue lost to the taxing unit as a result of the granting of property tax replacement credits in the county under IC 6-10-3; and

(2) certified homestead distribution shall be distributed to each taxing unit in proportion to the amount of revenue lost to the taxing unit as a result of the granting of homestead credits in the county under IC 6-10-4.

Sec. 13. Distributions under section 12 of this chapter shall be made in twelve (12) equal monthly installments with settlements of overpayments and underpayments in June and December at the same time property taxes are settled under IC 6-1.1-27-1.

Sec. 14. For the purposes of any law, rule, or other writing that refers to property taxes, money distributed to a taxing unit under this article shall be treated as property taxes and may be used for any purpose for which the property taxes replaced by the money could have been used.

SECTION 40. IC 8-6-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Whenever the separation of grades at the intersection of a railroad or railroads (as defined in IC 8-3-1-2) and a public street or highway is constructed, the railroad or railroads shall pay five (5) percent (5%) of the cost of the grade separation as provided in this chapter.

(b) This chapter shall apply to an existing crossing, a new crossing, or the reconstruction of an existing grade separation.

(c) If more than one (1) railroad (as defined in IC 8-3-1-2) is involved in a separation, the railroads involved shall divide the amount to be paid by the railroads by agreement between the railroads. If the railroads fail to agree, the circuit court of the county in which the crossing is located shall have jurisdiction, upon the application of a party, to determine the division of the amount to be paid by the railroads. The decision of the court is final, unless one (1) or more parties deeming themselves aggrieved by the decision of the court shall appeal therefrom to the court of appeals of Indiana within thirty (30) days, or within additional time not exceeding ninety (90) days, as may be granted by the circuit court. The appeal shall be taken in substantially the same manner as an appeal in a civil case from the circuit court.

(d) If a grade separation shall involve a state highway that is a part of the state highway system of Indiana, or a street or highway selected by the Indiana department of transportation as a route of a highway in the state highway system, the state, out of the funds of the Indiana department of transportation or funds appropriated for the use of the Indiana department of transportation, shall pay ninety-five percent (95%) of the cost of the grade separation.

(e) Before the Indiana department of transportation shall proceed with a grade separation within a city or town, the Indiana department of transportation shall first obtain the consent of the city, by a resolution adopted by the board or officials of the city having jurisdiction over improvement of the streets of the city, and any material modification of the plans upon which the consent was granted shall first be approved by the city by a similar resolution.

(f) If such grade separation is on a highway or street not a part of the highways under the jurisdiction of the Indiana department of transportation, or a part of a route selected by it, but is within any city or town of the state, the city or town shall pay one-half (1/2) of ninety-five percent (95%) of the total of such cost and the county in which the crossing is located shall be liable for and pay one-half (1/2) of the ninety-five percent (95%).

(g) If a grade separation that involves a state highway that is a part of the state highway system of Indiana, or a street or highway selected by the Indiana department of transportation as a route of a highway in the state highway system, necessitates the grade separation on other highways or streets, not a part of the highways under the jurisdiction of the Indiana department of transportation but within any city of the state of Indiana, then of the total cost of the grade separation on a highway or street not under the jurisdiction of the Indiana department of transportation but necessitated by the grade separation involving a highway or street which is a part of the state highway system, the

city shall pay one-fourth (1/4) of ninety-five percent (95%) and the county in which the crossing is located shall be liable for and pay one-fourth (1/4) of the ninety-five percent (95%) of the total of the costs and the state out of the funds of the Indiana department of transportation or funds appropriated for the use of the Indiana department of transportation, shall be liable for and pay one-half (1/2) of the remaining portion.

(h) If a crossing is not within any city or town and does not involve a highway under the jurisdiction of the Indiana department of transportation, then the county in which the crossing is located shall pay the ninety-five percent (95%) of the total cost which is not paid by the railroad or railroads.

(i) The division of the cost of grade separation applies when the grade separation replaces and eliminates an existing grade crossing at which active warning devices are in place or ordered to be installed by a state regulatory agency, but when the grade separation does not replace nor eliminate an existing grade crossing the state, county, or municipality, as the case may be, shall bear and pay one hundred percent (100%) of the cost of the grade separation.

(j) In estimating and computing the cost of the grade separation, there shall be considered as a part of costs all expenses reasonably necessary for preliminary engineering, rights-of-way and all work required to comply with the plans and specifications for the work, including all changes in the highway and the grade thereof and the approaches to the grade separation, as well as all changes in the roadbed, grade, rails, ties, bridges, buildings, and other structural changes in a railroad as may be necessary to effect the grade separation and to restore the railroad facilities aforesaid to substantially the same condition as before the separation.

(k) The required railroad share of the cost shall be based on the costs for preliminary engineering, right-of-way, and construction within the limits described below:

(1) Where a grade crossing is eliminated by grade separation, the structure and approaches for the number of lanes on the existing highway and in accordance with the current design standards of the governmental entity having jurisdiction over the highway involved.

(2) Where another facility, such as a highway or waterway, requiring a bridge structure is located within the limits of a grade separation project, the estimated cost of a theoretical structure and approaches as described under subdivision (1) to eliminate the railroad-highway grade crossing without considering the presence of the waterway or other highway.

(3) Where a grade crossing is eliminated by railroad or highway relocation, the actual cost of the relocation project, or the estimated cost of a structure and approaches as described under subdivision (1), whichever is less.

(l) If the Indiana department of transportation or any city, town, or county is unable to reach an agreement with a railroad company after determining that construction or reconstruction of a grade separation, which replaces or eliminates the need for a grade crossing, is necessary to protect travelers on the roads and streets of the state, the appropriate unit or combination of units of government shall give a written notice of its intention to proceed with the construction or reconstruction of a grade separation to the superintendent or regional engineer of the railroad company. The notice of intention shall be made by the adoption of a resolution stating the need for the grade separation. If, after thirty (30) days, the railroad has not agreed to a division of inspections, plans and specifications, the number and type of jobs to be completed by each agency, a division of costs, and other necessary conditions, the Indiana department of transportation, city, town, or county may proceed with the grade separation exercising any and all of its powers to construct or reconstruct a bridge and, notwithstanding other provisions of this chapter, may pay for up to one hundred percent (100%) of the cost of the project. If the railroad is unable, for good cause, to pay the share of the cost required by this section, the city, town, or county may certify the amount owed by the railroad to the county auditor who shall prepare a special tax duplicate to be collected and settled for by the county treasurer in the same manner and at the same time as property taxes are collected except that such tax assessment shall not authorize a payment or credit from the **property tax replacement state general fund, created by IC 6-1.1-21-1**. However, before the Indiana department of

transportation, city, town, or county undertakes to do the work themselves they shall notify an agent of the railroad as to the time and place of the work."

Page 151, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 41. IC 8-22-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Except in a county described in section 1(5) of this chapter and except as provided in subsection (d), if the commission adopts the provisions of this section by resolution, each taxpayer in the airport development zone is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) that, under IC 6-1.1-22-9, are due and payable in May and November of that year. Except as provided in subsection (d), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the airport development zone:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5)~~ **IC 6-10-2** that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of the county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4~~ **IC 6-10-3** that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) levied in the taxing district that would have been allocated to the special funds under section 9 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated and paid into the special funds under section 9 of this chapter.

(b) The additional credit under subsection (a) shall be:

(1) computed on an aggregate basis of all taxpayers in a taxing district that contains all or part of an airport development zone; and

(2) combined on the tax statement sent to each taxpayer.

(c) Concurrently with the mailing or other delivery of the tax statement or any corrected tax statement to each taxpayer, as required by IC 6-1.1-22-8(a), each county treasurer shall for each tax statement also deliver to each taxpayer in an airport development zone who is entitled to the additional credit under subsection (a) a notice of additional credit. The actual dollar amount of the credit, the taxpayer's name and address, and the tax statement to which the credit applies shall be stated on the notice.

(d) This subsection applies to an airport development zone only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~ **IC 6-10-2**) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an airport development zone is entitled to an additional credit under subsection (a) for the taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**).

SECTION 42. IC 8-22-3.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) Notwithstanding any other law, a taxpayer in an airport development zone is not entitled to a credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3**.

(b) Notwithstanding subsection (a), in a county described in section 1(5) of this chapter, a taxpayer is entitled to a property tax replacement credit under ~~IC 6-1.1-21-5~~ **IC 6-10-3** for the portion of property taxes for which an inventory tax credit under section 16 of this chapter is not allowed.

(c) An amount equal to the total of all inventory tax credit

available under section 16 of this chapter shall be excluded from the total county tax levy under ~~IC 6-1.1-21-2(g)~~; **IC 6-10-2**".

Page 154, line 19, after "welfare" insert **"settlement"**.

Page 158, line 12, after "(B)" insert **"either: (i)"**.

Page 158, line 17, after "2006" insert **"; or**

(ii) elimination of county levies related to the funding of courts and court personnel;".

Page 158, line 17, before "adversely" begin a new line double block indented.

Page 167, between lines 6 and 7, begin a new paragraph and insert: "SECTION 44. IC 12-20-25-45 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 45. (a) Notwithstanding IC 6-3.5-6, after the termination of the controlled status of all townships located in a county as provided in section 41 of this chapter and if the county option income tax is imposed under this chapter, the county fiscal body may adopt an ordinance to:

(1) increase the percentage credit allowed for homesteads in the county under ~~IC 6-1.1-20.9-2~~; **IC 6-10-4**; or

(2) reduce the county option income tax rate for resident county taxpayers to a rate not less than the greater of:

(A) the minimum rate necessary to satisfy the requirements of section 43 of this chapter; or

(B) the minimum rate necessary to satisfy the requirements of sections 43 and 46(2) of this chapter if an ordinance is adopted under subdivision (1).

(b) A county fiscal body may not increase the percentage credit allowed for homesteads in such a manner that more than eight percent (8%) is added to the percentage established under ~~IC 6-1.1-20.9-2(d)~~; **IC 6-10-4**.

(c) The increase in the homestead credit percentage must be uniform for all homesteads in a county.

(d) In an ordinance that increases the homestead credit percentage, the county fiscal body may provide for a series of increases or decreases to take place for each of a group of succeeding calendar years.

(e) An ordinance may be adopted under this section after January 1 but before June 1 of a calendar year.

(f) An ordinance adopted under this section takes effect January 1 of the next calendar year.

(g) An ordinance adopted under this section for a county is not applicable for a year if on January 1 of that year the county option income tax is not in effect."

Page 159, delete lines 38 through 42.

Delete pages 160 through 163.

Page 164, delete lines 1 through 41.

Page 165, line 2, after "(a)" insert **"The following definitions apply throughout this section:**

(1) "Settlement fund" refers to the child welfare settlement fund established by this section.

(2) "Terminated fund" refers to the following:

(A) Family and children's fund.

(B) County medical assistance to wards fund.

(C) Children's psychiatric residential treatment services fund.

(D) Children with special health care needs county fund.

(b) Each terminated fund is terminated on December 31, 2006.

(c) A child welfare settlement fund is established in each county for the purpose of settling the obligations of the county and the state with respect to the revenue and obligations of each terminated fund.

(d) The balance of each terminated fund and any obligations payable from a terminated fund on December 31, 2006, are transferred on January 1, 2007, to the settlement fund. Any money or claim received after December 31, 2006, that would have been deposited in or paid from a terminated fund if subsection (b) did not apply, shall be deposited in or paid from the settlement fund.

(e)".

Page 165, line 4, after "county's" insert **"settlement"**.

Page 165, line 7, delete "(b)" and insert **"(f)"**.

Page 165, line 7, after "the" insert **"settlement fund from the"**.

Page 165, line 31, delete "(c)" and insert **"(g)"**.

Page 165, line 34, delete "(a), (b), and (c)." and insert **"(e), (f), and (i)." .**

Page 165, line 37, delete "(d)" and insert **"(h)"**.

Page 165, line 39, delete "(b)" and insert **"(f)"**.

Page 166, line 8, delete "(e)" and insert **"(i)"**.

Page 166, line 8, after "the" insert **"settlement fund from the"**.

Page 166, line 35, delete "(f)" and insert **"(j)"**.

Page 166, line 38, delete "(e)" and insert **"(i)"**.

Page 167, between lines 6 and 7, begin a new paragraph and insert: **"(k) A county shall terminate the settlement fund when the purposes of the settlement fund have been fulfilled."**

Page 168, between lines 2 and 3, begin a new paragraph and insert: "SECTION 45. IC 13-21-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) A district located in a county having a population of more than thirty-two thousand (32,000) but less than thirty-three thousand (33,000) may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district establishes that all of the following conditions exist:

(1) The district is in the process of constructing a landfill.

(2) A higher property tax rate is necessary to pay the fees charged by out of county landfills to dispose of solid waste generated in the district during the design and construction phases of the landfill being established by the district.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section. Any additional levy granted under this section:

(1) is not part of the total county tax levy (as defined in ~~IC 6-1.1-21-2~~; **IC 6-10-2**); and

(2) may not exceed seven and thirty-three hundredths cents (\$0.0733) on each one hundred dollars (\$100) of assessed valuation of property in the district.

(c) The department of local government finance shall establish the tax rate if a higher tax rate is permitted.

(d) A property tax rate imposed under this section expires not later than December 31, 1997.

SECTION 46. IC 13-21-3-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15.5. (a) A district may appeal to the department of local government finance to have a property tax rate in excess of the rate permitted by section 12 of this chapter. The appeal may be granted if the district with respect to 2001 property taxes payable in 2002:

(1) imposed the maximum property tax rate established under section 12 of this chapter; and

(2) collected property tax revenue in an amount less than the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.

(b) The procedure applicable to maximum levy appeals under IC 6-1.1-18.5 applies to an appeal under this section.

(c) An additional levy granted under this section:

(1) is not part of the total county tax levy (as defined in ~~IC 6-1.1-21-2~~; **IC 6-10-2**); and

(2) may not exceed the rate calculated to result in a property tax levy equal to the maximum permissible ad valorem property tax levy determined for the district under IC 6-1.1-18.5.

(d) The department of local government finance shall establish the tax rate if a higher tax rate is permitted."

Page 185, between lines 8 and 9, begin a new paragraph and insert: "SECTION 47. IC 31-12-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) In each of the judicial circuits in which this chapter applies, judges of the superior and circuit courts may appoint one (1) or more professionally qualified domestic relations:

(1) referees;

(2) counselors;

(3) assistants; and

(4) clerks;

as are considered necessary to serve at the pleasure of the appointing judge.

(b) The appointing judge shall fix the compensation and expense of the personnel appointed under this chapter, which shall be paid out of the ~~county~~ **state** general fund.

SECTION 48. IC 31-12-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The judges described in section 1(1) of this chapter and the judge described in section 1(2) of this chapter may appoint:

- (1) one (1) or more professionally qualified domestic relations referees, counselors, and other necessary personnel, including a full-time director; and
 - (2) necessary assistants and clerks;
- to serve during the pleasure of the appointing judge to staff the domestic relations counseling bureau.

(b) The appointing judge shall fix the compensation and expenses of the personnel appointed under this chapter, which shall be paid out of the ~~county~~ **state** general fund.

SECTION 49. IC 31-31-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. The ~~county~~ **state** shall pay the salary of a part-time juvenile court referee appointed under this chapter.

SECTION 50. IC 31-31-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The salary of a probation officer shall be fixed by the county fiscal body in accordance with the salary schedule adopted by the county fiscal body under IC 36-2-16.5. ~~The salary of a probation officer shall be paid by the county.~~

(b) Subject to the approval of the ~~county fiscal body~~ **division of state court administration**, the judge shall fix and the county shall pay the salaries of juvenile court employees other than probation officers.

(c) In addition to their annual salary, probation officers shall be reimbursed for any necessary travel expenses incurred in the performance of their duties in accordance with the law governing state officers and employees."

Page 185, line 41, delete ":".

Page 185, line 42, delete "(A)".

Page 185, line 42, after "services" delete ";" and insert ".".

Page 185, line 42, delete "and".

Page 185, run in lines 41 through 42.

Page 186, delete line 1.

Page 187, line 12, after "welfare" insert "**settlement**".

Page 187, line 12, delete ", including" and insert ".".

Page 187, delete lines 13 through 15.

Page 187, line 40, after "department" insert "**or the division of family resources**".

Page 189, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 51. IC 31-34-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) The probation department for the juvenile court shall:

- (1) collect the informal adjustment program fee set by section 8 of this chapter; and
- (2) transfer the collected informal adjustment program fees to the ~~county~~ **auditor of state** not later than thirty (30) days after the fees are collected.

(b) The ~~county~~ **auditor of state** shall deposit the fees in the ~~county~~ **user fee state** general fund. ~~established by IC 33-37-8-5.~~

Page 209, line 21, delete "county or".

Page 209, line 24, delete "and the amount of" and insert ".".

Page 209, delete line 25.

Page 209, line 27, strike "(a)".

Page 209, line 30, after "probation" insert "**services**".

Page 209, delete lines 31 through 39.

Page 209, line 40, delete "(c)" and insert "**(b)**".

Page 209, line 42, delete ":".

Page 210, line 1, strike "(1) any services ordered by the juvenile court".

Page 210, delete line 3.

Page 210, line 4, delete "county under subsection (b);".

Page 210, line 4, strike "and".

Page 210, line 5, strike "(2)".

Page 210, line 6, delete "(d)".

Page 210, line 6, strike "The county fiscal body shall provide sufficient money to".

Page 210, line 7, strike "meet the".

Page 210, line 7, delete "county's obligation to reimburse the".

Page 210, delete lines 8 through 9.

Page 210, delete lines 35 through 42.

Page 211, delete lines 1 through 20.

Page 213, line 21, delete "(or must be reimbursed by the county)".

Page 213, line 21, strike "from" and insert "**by**".

Page 213, line 21, after "county" insert ";".

Page 213, line 22, delete "child welfare".

Page 213, line 22, strike "fund;".

Page 213, line 34, strike "division".

Page 213, line 34, delete "or the".

Page 213, line 37, strike "division".

Page 213, line 37, delete "or".

Page 214, line 7, delete "division or".

Page 214, line 9, delete "department of child services".

Page 214, line 9, strike "or the division".

Page 214, line 9, after "division." insert "**department of child services**".

Page 214, line 32, delete "Subject to section 3(e) of this chapter, all" and insert "All".

Page 214, line 35, after "welfare" insert "**settlement**".

Page 215, line 1, after "welfare" insert "**settlement**".

Page 215, line 6, delete "child welfare fund." and insert ".".

Page 215, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 52. IC 31-40-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. Subject to IC 31-40-1-3, juvenile court may order the parent or guardian of the estate of any child for whom a guardian ad litem or court appointed special advocate is appointed to pay to the ~~probation department clerk~~ a user fee of not more than one hundred dollars (\$100) for deposit ~~by the probation department in:~~

(1) the guardian ad litem fund if a guardian ad litem has been appointed; or

(2) the court appointed special advocate fund if a court appointed special advocate has been appointed: **in the state general fund.**

SECTION 53. IC 31-40-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. The ~~fiscal body of the county~~ **state** shall appropriate money from

(1) the guardian ad litem fund; or

(2) the court appointed special advocate fund;

the **state general fund** to the juvenile courts of the county for use by the courts in providing guardian ad litem or court appointed special advocate services and the costs of representation for the guardians ad litem or court appointed special advocates."

Page 215, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 54. IC 33-23-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Sitting in committee, the judges of the courts listed in section 3 of this chapter in each county shall determine the duties of the court administrator, and the court administrator shall perform the administrative duties the judges determine.

(b) The salary of the court administrator shall be determined by a majority of the judges listed in section 3 of this chapter in each county, sitting in committee. ~~The court administrator's salary shall be paid by the county upon the order of the majority of the committee of judges.~~

SECTION 55. IC 33-23-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) To implement this chapter, the judges of the courts, sitting in committee, may appoint additional personnel in sufficient number so that the courts are adequately served by the court administrator.

(b) ~~The salaries of the additional personnel shall be paid by the county upon the order of the committee of judges.~~

SECTION 56. IC 33-23-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 14. Court Expenditures

Sec. 1. Notwithstanding any other law, this chapter governs the operations of the following courts:

(1) Circuit court.

(2) Superior court.

(3) Probate court.

(4) County court.

Sec. 2. As used in this chapter, "court" refers to a court described in section 1 of this chapter.

Sec. 3. (a) In addition to the authority provided to a court under IC 31 and this title to employ, manage, and fix the salary of a judicial officer, a bailiff, a court reporter, a probation officer, a court clerk, and other personnel (including an administrative officer) necessary to transact the business of the court, a court may, individually or jointly with another court, adopt rules to provide for the administration of the court, including rules governing the following:

- (1) Legal representation for indigents.
- (2) Budgetary matters of the court.
- (3) Operation of the probation department.
- (4) Employment and management of court administrative officers.
- (5) Appointment and management of court appointed special advocates and guardians ad litem.
- (6) Maintenance of an adequate law library.
- (7) Cooperative efforts with other courts for establishing and administering shared programs and facilities.
- (8) Operation of the office of the county clerk.

(b) The authority and rules of administration described in subsection (a) must be consistent with the rules adopted by the supreme court.

Sec. 4. A court shall submit a budget for the court to the division of state court administration in conformity with the rules adopted by the supreme court.

Sec. 5. The supreme court shall present a consolidated budget for the operation of all courts to the general assembly and the budget agency at the times and in the format the budget agency requests. The budget must cover all personnel and other operating expenses of courts except the expenditures described in sections 7 and 8 of this chapter.

Sec. 6. Except as provided in sections 7 and 8 of this chapter, the state shall pay the personnel and other operating expenses of all courts from the amounts appropriated for the operation of courts.

Sec. 7. (a) A county served by a court shall pay the following capital, personnel, and other operating expenses of a court that are not otherwise paid with federal, state, or private funds:

- (1) Costs of providing and maintaining a suitable courtroom and other rooms and facilities, including furniture and equipment, as may be necessary for the judge and administrative officers of the court.
- (2) Costs of providing and operating a juvenile detention facility (as defined in IC 31-9-2-71), except for the costs of employing probation officers who provide services in a juvenile detention facility in conformity with rules adopted by the supreme court.
- (3) Costs of providing and operating a secure private facility (as defined in IC 31-9-2-115) operated by the court.
- (4) Other costs for court operations as provided by law.

(b) The county shall provide a suitable place for each of the following courts sitting in the county to hold court:

- (1) Circuit court.
- (2) Superior court.
- (3) Probate court.
- (4) County court.

Sec. 8. Regardless of whether personnel from any of the following offices or programs are assigned to a court, a county shall pay the capital, personnel, and other operating expenses of the following offices and programs that are not otherwise paid by federal, state, or private funds:

- (1) Sheriff.
- (2) Prosecuting attorney.
- (3) Community corrections program.
- (4) Other programs as provided by law.

Sec. 9. The county executive shall provide and maintain a suitable courtroom and facilities, including furniture and equipment, as necessary, for the use of the judges and court administrative officers serving the county.

SECTION 57. IC 33-23-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2007]:

Chapter 15. Court Administrative Officers

Sec. 1. Notwithstanding any other law, this chapter governs the operations of the following courts:

- (1) Circuit court.
- (2) Superior court.
- (3) Probate court.
- (4) County court.

Sec. 2. As used in this chapter, "administrative officer" means hearing judges, magistrates, commissioners, referees, bailiffs, court reporters, probation officers, or other permanent or temporary employees required to efficiently serve a court.

Sec. 3. As used in this chapter, "court" refers to a court described in section 1 of this chapter.

Sec. 4. A court may:

- (1) employ an administrative officer necessary to transact the business of the court;
- (2) fix the salary of an administrative officer;
- (3) submit a budget; and
- (4) adopt rules and procedures for the administration of the court.

Sec. 5. The supreme court may adopt rules to govern the employment and management of administrative officers. A court shall comply with the rules adopted under this section.

SECTION 58. IC 33-28-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 3. (a)** The jury commissioners shall immediately, from the names of legal voters and citizens of the United States on the latest tax duplicate and the tax schedules of the county, examine for the purpose of determining the sex, age, and identity of prospective jurors, and proceed to select and deposit, in a box furnished by the clerk for that purpose, the names, written on separate slips of paper of uniform shape, size, and color, of twice as many persons as will be required by law for grand and petit jurors in the courts of the county, for all the terms of the courts, to begin with the following calendar year.

(b) Each selection shall be made as nearly as possible in proportion to the population of each county commissioner's district. In making the selections, the jury commissioners shall in all things observe their oaths. The jury commissioners shall not select the name of any person who is to them known to be interested in or has case pending that may be tried by a jury to be drawn from the names so selected.

(c) The jury commissioners shall deliver the locked box to the clerk of the circuit court, after having deposited into the box the names as directed under this section. The key shall be retained by one (1) of the jury commissioners, who may not be an adherent of the same political party as the clerk.

(d) In a county containing a consolidated city, the jury commissioners may, upon an order made by the judge of the circuit court and entered in the records of the circuit court of the county, make the selections and deposits required under this section monthly instead of annually. The jury commissioners may omit the personal examination of prospective jurors, the examination of voters lists, and make selection without reference to county commissioners' districts. The judge of the circuit court in a county containing a consolidated city may do the following:

- (1) Appoint a secretary for the jury commissioners, and sufficient stenographic aid and clerical help to properly perform the duties of the jury commissioners.
- (2) Fix the salaries of the commissioners, the secretary, and stenographic and clerical employees.
- (3) Provide office quarters and necessary supplies for the jury commissioners and their employees.

The expenses incurred under this subsection shall be paid for from the treasury of the county upon the order of the court.

(e) Subject to appropriations made by the county fiscal body approval by the division of state court administration, the jury commissioners may use a computerized jury selection system. However, the system used for the selection system must be fair and may not violate the rights of persons with respect to the impartial and random selection of prospective jurors. The jurors selected under the computerized jury selection system must be eligible for selection under this chapter. The commissioners shall deliver the names of the individuals selected to the clerk of the circuit court. The

commissioners shall observe their oath in all activities taken under this subsection.

(f) The jury commissioners may supplement voter registration lists and tax schedules under subsection (a) with names from lists of persons residing in the county that the jury commissioners may designate as necessary to obtain a cross-section of the population of each county commissioner's district. The lists designated by the jury commissioners under this subsection must be used for the selection of jurors throughout the entire county.

(g) The supplemental sources designated under subsection (f) may consist of such lists as those of utility customers, persons filing income tax returns, motor vehicle registrations, city directories, telephone directories, and driver's licenses. These supplemental lists may not be substituted for the voter registration list. The jury commissioners may not draw more names from supplemental sources than are drawn from the voter registration lists and tax schedules.

SECTION 59. IC 33-28-4-7, AS AMENDED BY P.L.2-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) The circuit court shall appoint a person to fill a vacancy, or to act for a jury commissioner, as the case may require, if:

- (1) a vacancy occurs in the office of jury commissioner;
- (2) a jury commissioner fails to act when required; or
- (3) illness or any other cause renders a jury commissioner unable to act.

(b) A person appointed under subsection (a):

- (1) must possess the qualifications required for jury commissioners;
- (2) must be an adherent of the same political party as is the commissioner in whose stead the person is appointed to serve; and
- (3) shall take the oath required by this chapter.

(c) For the time actually employed in the performance of jury commissioner's duties, each jury commissioner shall be allowed a per diem to be fixed by the court. ~~and paid out of the county treasury upon the warrant of the county auditor.~~

SECTION 60. IC 33-29-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The judge of a standard superior court shall appoint a bailiff and an official court reporter for the court.

(b) The salaries of the bailiff and the official court reporter shall be

- ~~(1) fixed in the same manner as the salaries of the bailiff and the official court reporter for the circuit court of the county in which the standard superior court is located. and~~
- ~~(2) paid monthly~~
 - ~~(A) out of the treasury of the county in which the standard superior court is located; and~~
 - ~~(B) as provided by law.~~

SECTION 61. IC 33-30-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Any judge transferred to a court in another county shall be paid travel and other necessary expenses by the ~~county to which the judge is transferred.~~ **state.** An allowance for expenses shall be certified by the chief justice in duplicate to the auditor of ~~the county.~~ **state.**

SECTION 62. IC 33-30-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The county shall furnish all supplies, including the following:

- (1) Blanks, forms, and papers of every kind required for use in all cases.
- (2) Furniture.
- (3) Books.
- (4) Papers.
- (5) Stationery.
- (6) Recording devices.
- (7) Other equipment and supplies of every character necessary for the keeping of the records of the proceedings and maintaining of the county court.

(b) The county shall provide a suitable place for the holding of court for the judge of the county court sitting in the county.

(c) The ~~county~~ **state** shall pay the salary of the:

- (1) deputy clerk;
- (2) county police officer;
- (3) bailiff; and

(4) reporter;

assigned to the county court as prescribed by law.

SECTION 63. IC 33-30-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The salary of a county court judge who serves more than one (1) county shall be paid by the ~~respective counties~~ **state** in equal amounts.

(b) The salary of every county court judge, as set by IC 33-38-5, shall be paid in equal monthly installments.

SECTION 64. IC 33-31-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) When a person is appointed judge pro tem under this chapter, the appointee is entitled to ten dollars (\$10) for each day the appointee serves as the judge to be paid:

- ~~(1) out of the county treasury of the county where the probate court is held;~~
- ~~(2) upon the warrant of the county auditor; and~~
- ~~(3) based upon the filing of a claim approved by the judge of the court.~~ **by the state from the state general fund.**

(b) Any amount more than five hundred dollars (\$500) allowed to a judge pro tem during any year shall be deducted ~~by the board of county commissioners~~ from the regular annual salary of the judge of the probate court making the appointment unless the judge pro tem is appointed on account of change of venue, relationship, interest as former counsel, or absence of judge in case of serious sickness of the judge or a family member of the judge.

SECTION 65. IC 33-31-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) The same docket fees shall be taxed in the court as are provided by law to be taxed in the circuit court.

(b) The fees, when collected, shall be ~~paid by the clerk to the treasurer of the county to be applied in reimbursing the county for expenses of the court deposited in the state general fund.~~

SECTION 66. IC 33-31-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. The probate court may appoint a chief clerk and other employees as the judge considers necessary whose salaries shall be fixed by the judge. ~~and be paid out of the county treasury.~~

SECTION 67. IC 33-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The Allen circuit court has concurrent jurisdiction with the Allen superior court concerning paternity actions.

(b) In addition to the magistrate appointed under section 3 of this chapter, the judge of the Allen circuit court may appoint a hearing officer with the powers of a magistrate under IC 33-23-5. The hearing officer continues in office until removed by the judge.

(c) The salary of a hearing officer appointed under subsection (b) is equal to that of a magistrate under IC 33-23-5. ~~The hearing officer's salary must be paid by the county.~~ The hearing officer is a county employee.

SECTION 68. IC 33-33-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) The Allen superior court may appoint probate commissioners, juvenile referees, bailiffs, court reporters, probation officers, and other personnel, including an administrative officer, the court believes are necessary to facilitate and transact the business of the court.

(b) In addition to the personnel authorized under subsection (a) and IC 31-31-3, the following magistrates may be appointed:

(1) The judges of the Allen superior court-civil division may jointly appoint not more than four (4) full-time magistrates under IC 33-23-5 to serve the Allen superior court-civil division. The judges of the Allen superior court-civil division may jointly assign any magistrates the duties and powers of a probate commissioner.

(2) The judge of the Allen superior court-criminal division may jointly appoint not more than three (3) full-time magistrates under IC 33-23-5 to serve the Allen superior court-criminal division. Any magistrate serves at the pleasure of, and continues in office until jointly removed by, the judges of the division that appointed the magistrate.

(c) All appointments made under this section must be made without regard to the political affiliation of the appointees. The salaries of the personnel shall be fixed and paid as provided by law. If the salaries of any of the personnel are not provided by law, the amount and time

of payment of the salaries shall be fixed by the court. ~~to be paid out of the county treasury by the county auditor, upon the order of the court, and be entered of record~~ The officers and persons appointed shall perform duties as are prescribed by the court. Any administrative officer appointed by the court shall operate under the jurisdiction of the chief judge and serve at the pleasure of the chief judge. Any probate commissioners, magistrates, juvenile referees, bailiffs, court reporters, probation officers, and other personnel appointed by the court serve at the pleasure of the court.

(d) Any probate commissioner appointed by the court may be vested by the court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts, and settlements filed in the court, the appointment of personal representatives, guardians, and trustees, the probating of wills, the taking and hearing of evidence on or concerning such matters, or any other probate, guardianship, or trust matters in litigation before the court, the enforcement of court rules and regulations, the making of reports to the court concerning the probate commissioner's actions under this subsection, including the taking and hearing of evidence together with the commissioner's findings and conclusions regarding the evidence. However, all matters under this subsection are under the final jurisdiction and decision of the judges of the court.

(e) A juvenile referee appointed by the court may be vested by the court with all suitable powers for the handling and management of the juvenile matters of the court, including the fixing of bonds, the taking and hearing of evidence on or concerning any juvenile matters in litigation before the court, the enforcement of court rules and regulations, and the making of reports to the court concerning the referee's actions under this subsection. The actions of a juvenile referee under this subsection are under final jurisdiction and decision of the judges of the court.

(f) A probate commissioner or juvenile referee may:

(1) summon witnesses to testify before the commissioner or juvenile referee; and

(2) administer oaths and take acknowledgments;

to carry out the commissioner's or juvenile referee's duties and powers.

(g) The powers of a magistrate appointed under this section include the powers provided in IC 33-23-5 and the power to enter a final order or judgment in any proceeding involving matters specified in IC 33-29-2-3 (jurisdiction of small claims docket) or IC 34-26-5 (protective orders to prevent domestic or family violence).

SECTION 69. IC 33-33-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) In addition to a bailiff and an official court reporter for the court appointed under IC 33-29-1-5, the judge of the Blackford superior court may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, commissioner, or other person

~~(1) shall be fixed in the same manner as the salaries of the personnel for the Blackford circuit court. and~~

~~(2) shall be paid monthly out of the treasury of Blackford County as provided by law.~~

(b) Personnel appointed under this section and IC 33-29-1-5 continue in office until removed by the judge of the court.

SECTION 70. IC 33-33-15-4, AS AMENDED BY P.L.237-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. In addition to a bailiff and an official court reporter for the court appointed under IC 33-29-1-5, each judge may appoint a referee, a commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, a commissioner, or other person

~~(1) shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court. and~~

~~(2) shall be paid monthly out of the treasury of Dearborn County as provided by law.~~

Personnel appointed under this section or IC 33-29-1-5 continue in office until removed by the judge of the court for which the personnel were appointed.

SECTION 71. IC 33-33-27.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. The judge of

the Grant superior court No. 2 shall appoint a bailiff and an official court reporter for the court, to serve at the pleasure of the court. The judge shall fix their compensation as provided by law concerning bailiffs and official court reporters. ~~The compensation shall be paid monthly out of the treasury of Grant County.~~

SECTION 72. IC 33-33-27.3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) The judge of the court shall appoint a bailiff and an official court reporter for the court.

(b) The salaries of the bailiff and the official court reporter shall be ~~(1) fixed in the same manner as the salaries of the bailiff and official court reporter for the Grant circuit court, Grant superior court, and Grant superior court No. 2. and~~

~~(2) paid monthly out of the treasury of Grant County as provided by law.~~

SECTION 73. IC 33-33-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. In addition to the personnel that may be appointed under IC 33-29-1-5, the judge of each Hamilton superior court may appoint other personnel necessary to facilitate and transact the business of the court. The other necessary personnel shall serve at the pleasure of the court, and the judge shall fix their compensation within the limits and in the manner provided by law concerning other personnel of the court. ~~The compensation shall be paid monthly out of the treasury of Hamilton County in the manner provided by law.~~

SECTION 74. IC 33-33-35-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) In addition to the personnel appointed under IC 33-29-1-5, the Huntington superior court may appoint a referee and other personnel as the court determines necessary to facilitate and transact the business of the court.

(b) Salaries of the personnel described in this section shall be fixed in the same manner as the salaries of the bailiff and official court reporter for the Huntington circuit court. ~~Their salaries shall be paid out of the treasury of Huntington County as provided by law.~~

SECTION 75. IC 33-33-45-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) The senior judge of each division may appoint the number of bailiffs, court reporters, probation officers, and other personnel as the senior judge believes is necessary to judicially and efficiently facilitate and transact the business of the division. All appointments shall be made without regard to the political affiliation of the appointees. The salaries of the court personnel shall be fixed and paid as provided by law. The officers and persons appointed shall:

(1) perform the duties prescribed by the senior judge of each respective division; and

(2) serve at the pleasure of the senior judge.

(b) The court shall appoint an administrative officer who has the duties the court determines are necessary to ensure the efficient operation of the court. The court may appoint the number of deputy administrative officers as the court considers necessary to facilitate and transact the business of the court. Any appointment of an administrative officer or deputy administrative officer shall be made without regard to the political affiliation of the appointees. The salaries of the administrative officer and any deputy administrative officer shall be fixed by the court. ~~to be paid out of the county treasury by the county auditor, upon the order of the court, and entered of record.~~ Any administrative officer or deputy administrative officer appointed by the court shall:

(1) operate under the jurisdiction of the chief judge; and

(2) serve at the pleasure of the chief judge.

(c) The court may appoint part-time juvenile referees and magistrates as provided by IC 31-31-3.

(d) The court may appoint the number of probate commissioners provided for by IC 29-2-2. The probate commissioners shall be vested with the powers and duties provided by IC 29.

SECTION 76. IC 33-33-48-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. In addition to the personnel appointed under IC 33-29-1-5, the Madison superior court may appoint probation officers and other personnel, including an administrative officer, necessary to transact the business of the court. The salaries of the personnel shall be fixed and paid as provided by law. However, if the salaries of any of the personnel are

not provided by law, the amount and time of payment of the salaries shall be fixed by the court. ~~to be paid out of the county treasury by the county auditor upon the order of the court, and be entered of record.~~ The officers and persons appointed shall perform duties as prescribed by the court. Personnel appointed by the court serve at the pleasure of the court.

SECTION 77. IC 33-33-59-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. In addition to the personnel that may be appointed under IC 33-29-1-5, the judge of the Orange superior may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries must be fixed in the same manner as the salaries of the personnel for the Orange circuit court. ~~Their salaries must be paid monthly out of the treasury of Orange County as provided by law.~~ Personnel appointed under this section continue in office until removed by the judge of the court.

SECTION 78. IC 33-33-79.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The clerk of the Tippecanoe circuit court shall be the clerk of superior court No. 2 of Tippecanoe County, and the sheriff of Tippecanoe County shall be the sheriff of superior court No. 2 of Tippecanoe County. The clerk and sheriff shall attend court and discharge all the duties pertaining to their respective office as they are required to do by law with reference to the Tippecanoe circuit court.

(b) The judge of superior court No. 2 of Tippecanoe County shall appoint a bailiff and an official reporter for the court to serve during the court. The judge shall fix their compensation within the limits and in the manner provided by law concerning bailiffs and official court reporters. ~~The compensation shall be paid monthly out of the treasury of Tippecanoe County, in the manner provided by law.~~

SECTION 79. IC 33-33-79.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Superior court No. 2 of Tippecanoe County has the same original and appellate jurisdiction possessed by the Tippecanoe circuit court in civil and criminal cases, but not in matters of probate or juvenile jurisdiction.

SECTION 80. IC 33-33-79.4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. The judges of Tippecanoe superior court No. 4, No. 5, and No. 6:

(1) shall each appoint a bailiff and an official court reporter for the court; and

(2) may each appoint other court personnel necessary to facilitate and transact the business of the court.

A person appointed under this section serves at the pleasure of the judge appointing the person. Their salaries shall be fixed in the same manner as the salaries of the bailiff, official court reporter, and other personnel for the Tippecanoe circuit court. ~~Their salaries shall be paid monthly out of the treasury of Tippecanoe County as provided by law.~~

SECTION 81. IC 33-33-84-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) The superior court may appoint commissioners, probate commissioners, referees, juvenile referees, bailiffs, court reporters, probation officers, and other personnel, including an administrative officer, as the court believes are necessary to facilitate and transact the business of the court. The salaries of the personnel shall be fixed and paid as provided by law. However, if the salaries of any of the personnel are not provided by law, the amount and time of payment of the salaries shall be fixed by the court. ~~to be paid out of the county treasury by the county auditor upon the order of the court, and be entered on record.~~ The officers and persons appointed shall perform the duties as are prescribed by the court. Any such commissioners, probate commissioners, referees, juvenile referees, probation officers, and other personnel appointed by the court serve at the pleasure of the court.

(b) Any probate commissioner appointed by the court may be vested by the court with all suitable powers for the handling and management of the probate and guardianship matters of the court, including the fixing of all bonds, the auditing of accounts of estates and guardianships and trusts, acceptance of reports, accounts, and settlements filed in the court, the appointment of personal representatives, guardians, and trustees, the probating of wills, the taking and hearing of evidence on or concerning such matters, or any other probate, guardianship, or trust matters in litigation before the court, the enforcement of court rules and regulations, and making of

reports to the court, including the taking and hearing of evidence together with the commissioner's findings and conclusions, under the final jurisdiction and decision of the judges of the court.

(c) Any juvenile referee appointed by the court may be vested by the court with all suitable powers for the handling and management of the juvenile matters of the court, including the fixing of bonds, the taking and hearing of evidence on or concerning any juvenile matters in litigation before the court, the enforcement of court rules and regulations, the making of reports to the court concerning the referee's doings under final jurisdiction and decision of the judges of the court.

(d) A probate commissioner and juvenile referee may summon witnesses to testify before the commissioner and juvenile referee, administer oaths, and take acknowledgments in connection with and in furtherance of their duties and powers.

SECTION 82. IC 33-33-89-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. The judge of the superior court shall appoint a bailiff and an official court reporter for the court, to serve during the pleasure of the court. The judge shall fix their per diem or salary within the limits and in the manner as provided by law concerning bailiffs and official court reporters. ~~The bailiff and court reporter shall be paid monthly out of the treasury of Wayne County in the manner provided by law.~~

SECTION 83. IC 33-33-89.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. The judge of the Wayne superior court No. 2 shall appoint a bailiff and an official court reporter for the court, to serve at the pleasure of the court. The judge shall fix their compensation within the limits and in the manner as may be provided by law concerning bailiffs and official court reporters. ~~The compensation shall be paid monthly out of the treasury of Wayne County in the manner provided by law.~~

SECTION 84. IC 33-33-92-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) If the Whitley county executive establishes the position of small claims referee to serve the Whitley superior court, the judge of the Whitley superior court may appoint a part-time small claims referee under IC 33-29-3 to assist the court in the exercise of its small claims jurisdiction.

(b) The small claims referee is entitled to reasonable compensation not exceeding twenty thousand dollars (\$20,000) as recommended by the judge of the Whitley superior court to be paid by the county after the compensation is approved by the county fiscal body. The state shall pay ~~fifty percent (50%)~~ of the salary set under this subsection. ~~and the county shall pay the remainder of the salary.~~

(c) The Whitley County executive shall provide and maintain a suitable courtroom and facilities for the use of the small claims referee, including furniture and equipment, as necessary.

(d) The Whitley superior court shall employ administrative staff necessary to support the functions of the small claims referee.

(e) The county fiscal body shall appropriate sufficient funds for the provision of staff and facilities required under this section.

SECTION 85. IC 33-37-5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) The clerk shall collect a jury fee of two dollars (\$2) in each action in which a defendant is found to have committed a crime, violated a statute defining an infraction, or violated an ordinance of a municipal corporation.

(b) The fee collected under this section shall be deposited into the ~~county user fee state general fund, established by IC 33-37-8-5.~~

SECTION 86. IC 33-37-7-2, AS AMENDED BY P.L.176-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund ~~seventy ninety-seven percent (70%)~~ (97%) of the amount of fees collected under the following:

(1) IC 33-37-4-1(a) (criminal costs fees).

(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).

(3) IC 33-37-4-3(a) (juvenile costs fees).

(4) IC 33-37-4-4(a) (civil costs fees).

(5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).

(6) IC 33-37-4-7(a) (probate costs fees).

~~(7) IC 33-37-5-17 (deferred prosecution fees).~~

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.
- (2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred

percent (100%) of the following:

- (1) The public defense administration fee collected under IC 33-37-5-21.2.
- (2) The judicial salaries fees collected under IC 33-37-5-26.
- (3) The DNA sample processing fees collected under IC 33-37-5-26.2.
- (4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under IC 33-37-5-28 shall be distributed as follows:

- (1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
- (2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

SECTION 87. IC 33-37-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The clerk of a circuit court shall forward the county share of fees collected to the county auditor in accordance with IC 33-37-12(a). The auditor shall retain as the county share twenty-seven percent (27%) of the amount of fees collected under the following:

- ~~(1) IC 33-37-4-1(a) (criminal costs fees);~~
- ~~(2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees);~~
- ~~(3) IC 33-37-4-3(a) (juvenile costs fees);~~
- ~~(4) IC 33-37-4-4(a) (civil costs fees);~~
- ~~(5) IC 33-37-4-6(a)(1) (small claims costs fees);~~
- ~~(6) IC 33-37-4-7(a) (probate costs fees);~~
- ~~(7) IC 33-37-5-17 (deferred prosecution fees).~~

(b) This section applies after June 30, 2005.

SECTION 88. IC 33-38-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The judge of the circuit, superior, criminal, probate, and juvenile courts in each county having a population of at least thirty-five thousand (35,000) shall appoint a bailiff and may appoint a riding bailiff for the judge's court, whose per diem shall be fixed by the court. ~~to be paid from the county treasury;~~

SECTION 89. IC 33-38-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. The salary for the chief clerk:

- (1) shall be fixed by the judge of the court; **and**
- (2) may not be more than four thousand eight hundred dollars (\$4,800) per year. **and**
- ~~(3) shall be paid in monthly installments from the county treasury of the county in which the court is located;~~

SECTION 90. IC 33-38-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. A temporary judge is entitled to twenty-five dollars (\$25) ~~paid by the county;~~ for each day of service as a temporary judge.

SECTION 91. IC 33-39-1-6, AS AMENDED BY P.L.222-2005, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) Special prosecutors may be appointed under this section or in accordance with IC 4-2-7-7.

(b) A circuit or superior court judge:

- (1) shall appoint a special prosecutor if:
 - (A) any person other than the prosecuting attorney or the prosecuting attorney's deputy files a verified petition requesting the appointment of a special prosecutor; and
 - (B) the prosecuting attorney agrees that a special prosecutor is needed;
- (2) may appoint a special prosecutor if:
 - (A) a person files a verified petition requesting the appointment of a special prosecutor; and
 - (B) the court, after:
 - (i) notice is given to the prosecuting attorney; and
 - (ii) an evidentiary hearing is conducted at which the

prosecuting attorney is given an opportunity to be heard; finds by clear and convincing evidence that the appointment is necessary to avoid an actual conflict of interest or there is probable cause to believe that the prosecutor has committed a crime;

(3) may appoint a special prosecutor if:

(A) the prosecuting attorney files a petition requesting the court to appoint a special prosecutor; and

(B) the court finds that the appointment is necessary to avoid the appearance of impropriety; and

(4) may appoint a special prosecutor if:

(A) an elected public official, who is a defendant in a criminal proceeding, files a verified petition requesting a special prosecutor within ten (10) days after the date of the initial hearing; and

(B) the court finds that the appointment of a special prosecutor is in the best interests of justice.

(c) Each person appointed to serve as a special prosecutor:

(1) must consent to the appointment; and

(2) must be:

(A) the prosecuting attorney or a deputy prosecuting attorney in a county other than the county in which the person is to serve as special prosecutor; or

(B) except as provided in subsection (d), a senior prosecuting attorney.

(d) A senior prosecuting attorney may be appointed in the county in which the senior prosecuting attorney previously served if the court finds that an appointment under this subsection would not create the appearance of impropriety.

(e) A person appointed to serve as a special prosecutor has the same powers as the prosecuting attorney of the county. However, the appointing judge shall limit scope of the special prosecutor's duties to include only the investigation or prosecution of a particular case or particular grand jury investigation.

(f) The court shall establish the length of the special prosecutor's term. If the target of an investigation by the special prosecutor is a public servant (as defined in IC 35-41-1-24), the court shall order the special prosecutor to file a report of the investigation with the court at the conclusion of the investigation. The report is a public record.

(g) If the special prosecutor is not regularly employed as a full-time prosecuting attorney or full-time deputy prosecuting attorney, the compensation for the special prosecutor's services

~~(1) shall be paid to the special prosecutor from the unappropriated funds of the appointing county; and~~

~~(2) may not exceed:~~

~~(A) (1) a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit; and~~

~~(B) (2) travel expenses and reasonable accommodation expenses actually incurred.~~

(h) If the special prosecutor is regularly employed as a full-time prosecuting attorney or deputy prosecuting attorney, the compensation for the special prosecutor's services

~~(1) shall be paid out of the appointing county's unappropriated funds to the treasurer of the county in which the special prosecutor regularly serves; and~~

~~(2) must include a per diem equal to the regular salary of a full-time prosecuting attorney of the appointing circuit, travel expenses, and reasonable accommodation expenses actually incurred.~~

(i) The combination of:

(1) the compensation paid to a senior prosecuting attorney under this chapter; and

(2) retirement benefits that the person appointed as a senior prosecuting attorney is receiving or entitled to receive;

may not exceed the minimum compensation to which a full-time prosecuting attorney is entitled under IC 33-39-6-5.

(j) A senior prosecuting attorney appointed under this chapter may not be compensated as senior prosecuting attorney for more than one hundred (100) calendar days in total during a calendar year.

SECTION 92. IC 33-39-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. Except as provided in section 2 of this chapter and upon the order of a judge trying a criminal case, ~~the county auditor shall pay to a prosecuting~~

~~attorney from funds in the county treasury not otherwise appropriated and as a part of the costs of the trial, shall be paid~~ an amount equal to the expenses necessarily incurred by a prosecuting attorney in traveling to attend the taking of any deposition in connection with the criminal action.

SECTION 93. IC 33-39-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The compensation provided in this chapter for prosecuting attorneys and their deputies is in full for all services required by law. Prosecuting attorneys shall appear in all courts and in all cases where the law provides that they shall appear.

(b) Prosecuting attorneys, deputy prosecuting attorneys, and investigators are entitled to a sum for mileage for the miles necessarily traveled in the discharge of their duties. The sum for mileage provided by this subsection must:

(1) equal the sum per mile paid to state officers and employees, with the rate changing each time the state government changes its rate per mile; **and**

(2) be allowed by the board of county commissioners on a claim duly filed monthly by the prosecutor, deputy prosecuting attorneys, and investigators itemizing the specific mileage traveled. ~~and~~

~~(3) be paid by the county in which the duty arose that necessitated the travel.~~

(c) This chapter does not prohibit the payment of other expenses as may be allowed by law.

(d) If a board of county commissioners does not furnish the prosecuting attorney with office space, the county council shall appropriate a reasonable amount of money per year to the prosecuting attorney for office space.

SECTION 94. IC 33-40-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) This chapter does not prevent a court from appointing counsel other than counsel provided for under the board's plan for providing defense services to an indigent person when the interests of justice require. A court may also appoint counsel to assist counsel provided for under the board's plan as co-counsel when the interests of justice require. Expenditures by a county for defense services not provided under the county public defender board's plan are not subject to reimbursement from the public defense fund under IC 33-40-6.

(b) A judge of a court having criminal jurisdiction may make a written request to the state public defender to provide a qualified attorney for the defense of a person charged in the court with a criminal offense and eligible for representation at public expense if the judge determines:

(1) that an attorney provided under the county public defender board's plan is not qualified or available to represent the person; or

(2) that in the interests of justice an attorney other than the attorney provided for by the county defender board's plan should be appointed.

The judge shall attach to the request a copy of the information or indictment. Expenditures for representation under this subsection shall be paid by the county according to a fee schedule approved by the commission. ~~These expenditures are eligible for reimbursement from the public defense fund.~~

SECTION 95. IC 33-40-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Subject to subsection (b), if an indigent person:

(1) desires to appeal to the supreme court or the court of appeals the decision of a trial court in a criminal case; and

(2) does not have sufficient means to procure the typed or printed manuscript or transcript of the evidence taken by the court reporter;

the court shall direct the court reporter to transcribe the notes of evidence into a typed or printed manuscript or transcript as soon as practicable and deliver the manuscript or transcript to the indigent person.

(b) Notwithstanding subsection (a):

(1) the court must be satisfied that the indigent person lacks sufficient means to pay the court reporter for making the manuscript or transcript of evidence; and

(2) the court reporter may charge the compensation allowed by

law in cases for making and furnishing a manuscript or transcript. ~~The reporter shall be paid by the court from the proper county treasury.~~

SECTION 96. IC 33-41-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. The annual salary of each court reporter shall be fixed as provided in this chapter according to the county or counties in which the court reporter holds office. A county or counties may add additional increments to the minimum annual salary according to the usual budget procedures. ~~The salaries shall be paid in equal monthly installments.~~

SECTION 97. IC 35-33-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) Prior to the completion of the initial hearing, the judicial officer shall determine whether a person who requests assigned counsel is indigent. If the person is found to be indigent, the judicial officer shall assign counsel to the person.

(b) If jurisdiction over an indigent defendant is transferred to another court, the receiving court shall assign counsel immediately upon acquiring jurisdiction over the defendant.

(c) If the court finds that the person is able to pay part of the cost of representation by the assigned counsel, the court shall order the person to pay the following:

(1) For a felony action, a fee of one hundred dollars (\$100).

(2) For a misdemeanor action, a fee of fifty dollars (\$50).

The clerk of the court shall deposit fees collected under this subsection in the ~~county's supplemental public defender services fund established under IC 33-40-3-1~~ **state general fund.**

(d) The court may review the finding of indigency at any time during the proceedings.

SECTION 98. IC 35-38-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Whenever it places a person on probation, the court shall:

(1) specify in the record the conditions of the probation; and

(2) advise the person that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(b) In addition, if the person was convicted of a felony and is placed on probation, the court shall order the person to pay to the probation department the user's fee prescribed under subsection (c).

(d). If the person was convicted of a misdemeanor, the court may order the person to pay the user's fee prescribed under subsection (d).

(e). The court may:

(1) modify the conditions (except a fee payment may only be modified as provided in section 1.7(b) of this chapter); or

(2) terminate the probation;

at any time. If the person commits an additional crime, the court may revoke the probation.

(c) If a clerk of a court collects a probation user's fee, the clerk:

(1) may keep not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee and shall deposit any fee kept under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2; and

(2) if requested to do so by the county auditor, city fiscal officer, or town fiscal officer under clause (A), (B), or (C), transfer not more than three percent (3%) of the fee to the:

(A) county auditor, who shall deposit the money transferred under this subdivision into the county general fund;

(B) city general fund when requested by the city fiscal officer; or

(C) town general fund when requested by the town fiscal officer.

(d) In addition to any other conditions of probation, the court shall order each person convicted of a felony to pay:

(1) not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100) as an initial probation user's fee;

(2) a monthly probation user's fee of not less than fifteen dollars (\$15) nor more than thirty dollars (\$30) for each month that the person remains on probation;

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus

(HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter;

(4) an alcohol abuse deterrent fee and a medical fee set by the court under IC 9-30-9-8, if the court has referred the defendant to an alcohol abuse deterrent program; and

(5) an administrative fee of one hundred dollars (\$100);

to either the probation department or the clerk.

(e) In addition to any other conditions of probation, the court may order each person convicted of a misdemeanor to pay:

(1) not more than a fifty dollar (\$50) initial probation user's fee;

(2) a monthly probation user's fee of not less than ten dollars (\$10) nor more than twenty dollars (\$20) for each month that the person remains on probation;

(3) the costs of the laboratory test or series of tests to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV) if such tests are required by the court under section 2.3 of this chapter; and

(4) an administrative fee of fifty dollars (\$50);

to either the probation department or the clerk.

(f) The probation department or clerk shall collect the administrative fees under subsections (d)(5) and (e)(4) before collecting any other fee under subsection (d) or (e). All money collected by the probation department or the clerk under this section shall be transferred to the ~~county treasurer of state, who shall deposit the money into the county supplemental adult probation services fund~~ **state general fund.** ~~The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:~~

~~(1) to the county, superior, circuit, or municipal court of the county that provides probation services to adults to supplement adult probation services; and~~

~~(2) to supplement the salaries of probation officers in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.~~

(g) The probation department or clerk shall collect the administrative fee under subsection (e)(4) before collecting any other fee under subsection (e). All money collected by the probation department or the clerk of a city or town court under this section shall be transferred to the ~~fiscal officer of the city or town for deposit into the local supplemental adult probation services fund.~~ ~~The fiscal body of the city or town shall appropriate money from the local supplemental adult probation services fund to the city or town court of the city or town for the court's use in providing probation services to adults or for the court's use for other purposes as may be appropriated by the fiscal body.~~ ~~Money may be appropriated under this subsection only to those city or town courts that have an adult probation services program. If a city or town court does not have such a program, the money collected by the probation department must be transferred and appropriated as provided under subsection (f).~~ **state general fund.**

(h) Except as provided in subsection (j), the county or local supplemental adult probation services fund may be used only to supplement probation services and to supplement salaries for probation officers. A supplemental probation services fund may not be used to replace other funding of probation services. Any money remaining in the fund at the end of the year does not revert to any other fund but continues in the county or local supplemental adult probation services fund.

(i) A person placed on probation for more than one (1) crime:

(1) may be required to pay more than one (1) initial probation user's fee; and

(2) may not be required to pay more than one (1) monthly probation user's fee per month;

to the probation department or the clerk.

(j) This subsection applies to a city or town located in a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000). Any money remaining in the local supplemental adult probation services fund at the end of the local fiscal year may be appropriated by the city or town fiscal body to the city or town court for use by the court for purposes determined by the fiscal body.

(k) In addition to other methods of payment allowed by law, a

probation department may accept payment of fees required under this section and section 1.5 of this chapter by credit card (as defined in IC 14-11-1-7). The liability for payment is not discharged until the probation department receives payment or credit from the institution responsible for making the payment or credit.

(l) The probation department may contract with a bank or credit card vendor for acceptance of bank or credit cards. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or charged directly to the probation department's account, the probation department may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the money the probation department is required to collect under subsection (d) or (e).

(m) The probation department shall forward the credit card service fees collected under subsection (l) to the ~~county treasurer or city or town fiscal officer~~ **treasurer of state** in accordance with subsection (f) or (g). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor."

Page 218, line 8, strike "IC 6-1.1-21-2(b)" and insert "**IC 6-10-2**".

Page 218, line 9, strike "IC 6-1.1-21-2(g)" and insert "**IC 6-10-2**".

Page 218, line 10, strike "IC 6-1.1-21-5" and insert "**IC 6-10-2**".

Page 218, line 11, strike "IC 6-1.1-21-4 and IC 6-1.1-21-5" and insert "**IC 6-10-3**".

Page 229, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 100. IC 36-7-14-39, AS AMENDED BY P.L.216-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as

finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements in or serving that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) in or serving that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in or serving that allocation area under any lease entered into under IC 36-1-10.

(I) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in ~~IC 6-1.1-1-20~~ **IC 6-10-2**) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A)~~, ~~IC 6-1.1-21-2(g)(2)~~, ~~IC 6-1.1-21-2(g)(3)~~, ~~IC 6-1.1-21-2(g)(4)~~, and ~~IC 6-1.1-21-2(g)(5)~~ **IC 6-10-2** that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4~~ **IC 6-10-3** that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the commission.

(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds

described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1). The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment

on the property tax proceeds allocated to the redevelopment district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 101. IC 36-7-14-39.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 39.5. (a) As used in this section, "allocation area" has the meaning set forth in section 39 of this chapter.

(b) As used in this section, "taxing district" has the meaning set forth in IC 6-1.1-1-20.

(c) Subject to subsection (e) and except as provided in subsection (h), each taxpayer in an allocation area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) that under IC 6-1.1-22-9 are due and payable in May and November of that year. Except as provided in subsection (h), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A)~~, ~~IC 6-1.1-21-2(g)(2)~~, ~~IC 6-1.1-21-2(g)(3)~~, ~~IC 6-1.1-21-2(g)(4)~~, and ~~IC 6-1.1-21-2(g)(5)~~ IC 6-10-2 that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) for that year as determined under ~~IC 6-1.1-21-4~~ IC 6-10-3 that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) levied in the taxing district that would have been allocated to an allocation fund under section 39 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated to the redevelopment district and paid into an allocation fund under section 39(b)(2) of this chapter.

(d) If the additional credit under subsection (c) is not reduced under subsection (e) or (f), the credit for property tax replacement under ~~IC 6-1.1-21-5~~ IC 6-10-3 and the additional credit under subsection (c) shall be computed on an aggregate basis for all taxpayers in a taxing district that contains all or part of an allocation area. The credit for property tax replacement under ~~IC 6-1.1-21-5~~ IC 6-10-3 and the additional credit under subsection (c) shall be combined on the tax statements sent to each taxpayer.

(e) Upon the recommendation of the redevelopment commission, the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) may, by resolution, provide that the additional credit described in

subsection (c):

(1) does not apply in a specified allocation area; or

(2) is to be reduced by a uniform percentage for all taxpayers in a specified allocation area.

(f) Whenever the municipal legislative body or county executive determines that granting the full additional credit under subsection (c) would adversely affect the interests of the holders of bonds or other contractual obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that those bonds or other contractual obligations would not be paid when due, the municipal legislative body or county executive must adopt a resolution under subsection (e) to deny the additional credit or reduce it to a level that creates a reasonable expectation that the bonds or other obligations will be paid when due. A resolution adopted under subsection (e) denies or reduces the additional credit for property taxes first due and payable in the allocation area in any year following the year in which the resolution is adopted.

(g) A resolution adopted under subsection (e) remains in effect until it is rescinded by the body that originally adopted it. However, a resolution may not be rescinded if the rescission would adversely affect the interests of the holders of bonds or other obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that the principal of or interest on the bonds or other obligations would not be paid when due. If a resolution is rescinded and no other resolution is adopted, the additional credit described in subsection (c) applies to property taxes first due and payable in the allocation area in each year following the year in which the resolution is rescinded.

(h) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~ IC 6-10-2) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (c) for the taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2).

Page 233, line 2, strike "IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2),".

Page 233, strike line 3.

Page 233, line 4, strike "IC 6-1.1-21-2(g)(5)" and insert "IC 6-10-2-35(1)(A), IC 6-10-2-35(2), IC 6-10-2-35(3), IC 6-10-2-35(4), and IC 6-10-2-35(5)".

Page 233, line 7, strike "IC 6-1.1-21-2)" and insert "IC 6-10-2-14)".

Page 233, line 8, strike "IC 6-1.1-21-4" and insert "IC 6-10-3".

Page 233, line 14, strike "IC 6-1.1-21-2)" and insert "IC 6-10-3)".

Page 238, between lines 5 and 6, begin a new paragraph and insert: "SECTION 103. IC 36-7-15.1-26.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26.5. (a) As used in this section, "adverse determination" means a determination by the fiscal officer of the consolidated city that the granting of credits described in subsection (g) or (h) would impair any contract with or otherwise adversely affect the owners of outstanding bonds payable from the allocation area special fund.

(b) As used in this section, "allocation area" has the meaning set forth in section 26 of this chapter.

(c) As used in this section, "special fund" refers to the special fund into which property taxes are paid under section 26 of this chapter.

(d) As used in this section, "taxing district" has the meaning set forth in IC 6-1.1-1-20.

(e) Except as provided in subsections (g), (h), (i), and (j), each taxpayer in an allocation area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) that, under IC 6-1.1-22-9, are due and payable in May and November of that year. Except as provided in subsection (j), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that

contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5)~~ **IC 6-10-2** that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4~~ **IC 6-10-3** that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) levied in the taxing district that would have been allocated to an allocation fund under section 26 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated to the redevelopment district and paid into the special fund.

(f) The credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3** and the additional credits under subsections (e), (g), (h), and (i), unless the credits under subsections (g) and (h) are partial credits, shall be computed on an aggregate basis for all taxpayers in a taxing district that contains all or part of an allocation area. Except as provided in subsections (h) and (i), the credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3** and the additional credits under subsections (e), (g), (h), and (i) shall be combined on the tax statements sent to each taxpayer.

(g) This subsection applies to an allocation area if allocated taxes from that area were pledged to bonds, leases, or other obligations of the commission before May 8, 1989. A credit calculated using the method provided in subsection (e) may be granted under this subsection. The credit provided under this subsection is first applicable for the allocation area for property taxes first due and payable in 1992. The following apply to the determination of the credit provided under this subsection:

(1) Before June 15 of each year, the fiscal officer of the consolidated city shall determine and certify the following:

(A) All amounts due in the following year to the owners of outstanding bonds payable from the allocation area special fund.

(B) All amounts that are:

(i) required under contracts with bond holders; and

(ii) payable from the allocation area special fund to fund accounts and reserves.

(C) An estimate of the amount of personal property taxes available to be paid into the allocation area special fund under section 26.9(c) of this chapter.

(D) An estimate of the aggregate amount of credits to be granted if full credits are granted.

(2) Before June 15 of each year, the fiscal officer of the consolidated city shall determine if the granting of the full amount of credits in the following year would impair any contract with or otherwise adversely affect the owners of outstanding bonds payable from the allocation area special fund.

(3) If the fiscal officer of the consolidated city determines under subdivision (2) that there would not be an impairment or adverse effect:

(A) the fiscal officer of the consolidated city shall certify the determination; and

(B) the full credits shall be applied in the following year, subject to the determinations and certifications made under section 26.7(b) of this chapter.

(4) If the fiscal officer of the consolidated city makes an adverse determination under subdivision (2), the fiscal officer of the consolidated city shall determine whether there is an amount of partial credits that, if granted in the following year, would not result in the impairment or adverse effect. If the fiscal officer determines that there is an amount of partial credits that would not result in the impairment or adverse effect, the fiscal officer shall do the following:

(A) Determine the amount of the partial credits.

(B) Certify that determination.

(5) If the fiscal officer of the consolidated city certifies under subdivision (4) that partial credits may be paid, the partial credits shall be applied pro rata among all affected taxpayers in the following year.

(6) An affected taxpayer may appeal any of the following to the circuit or superior court of the county in which the allocation area is located:

(A) A determination by the fiscal officer of the consolidated city that:

(i) credits may not be paid in the following year; or

(ii) only partial credits may be paid in the following year.

(B) A failure by the fiscal officer of the consolidated city to make a determination by June 15 of whether full or partial credits are payable under this subsection.

(7) An appeal of a determination must be filed not later than thirty (30) days after the publication of the determination.

(8) An appeal of a failure by the fiscal officer of the consolidated city to make a determination of whether the credits are payable under this subsection must be filed by July 15 of the year in which the determination should have been made.

(9) All appeals under subdivision (6) shall be decided by the court within sixty (60) days.

(h) This subsection applies to an allocation area if allocated taxes from that area were pledged to bonds, leases, or other obligations of the commission before May 8, 1989. A credit calculated using the method in subsection (e) and in subdivision (2) may be granted under this subsection. The following apply to the credit granted under this subsection:

(1) The credit is applicable to property taxes first due and payable in 1991.

(2) For purposes of this subsection, the amount of a credit for 1990 taxes payable in 1991 with respect to an affected taxpayer is equal to:

(A) the amount of the quotient determined under STEP TWO of subsection (e); multiplied by

(B) the total amount of the property taxes payable by the taxpayer that were allocated in 1991 to the allocation area special fund under section 26 of this chapter.

(3) Before June 15, 1991, the fiscal officer of the consolidated city shall determine and certify an estimate of the aggregate amount of credits for 1990 taxes payable in 1991 if the full credits are granted.

(4) The fiscal officer of the consolidated city shall determine whether the granting of the full amounts of the credits for 1990 taxes payable in 1991 against 1991 taxes payable in 1992 and the granting of credits under subsection (g) would impair any contract with or otherwise adversely affect the owners of outstanding bonds payable from the allocation area special fund for an allocation area described in subsection (g).

(5) If the fiscal officer of the consolidated city determines that there would not be an impairment or adverse effect under subdivision (4):

(A) the fiscal officer shall certify that determination; and

(B) the full credits shall be applied against 1991 taxes payable in 1992 or the amount of the credits shall be paid to the taxpayers as provided in subdivision (12), subject to the determinations and certifications made under section 26.7(b) of this chapter.

(6) If the fiscal officer of the consolidated city makes an adverse determination under subdivision (4), the fiscal officer shall determine whether there is an amount of partial credits for 1990 taxes payable in 1991 that, if granted against 1991 taxes payable in 1992 in addition to granting of the credits under subsection (g), would not result in the impairment or adverse effect.

(7) If the fiscal officer of the consolidated city determines under subdivision (6) that there is an amount of partial credits that would not result in the impairment or adverse effect, the fiscal officer shall determine the amount of partial credits and certify that determination.

(8) If the fiscal officer of the consolidated city certifies under subdivision (7) that partial credits may be paid, the partial

credits shall be applied pro rata among all affected taxpayers against 1991 taxes payable in 1992.

(9) An affected taxpayer may appeal any of the following to the circuit or superior court of the county in which the allocation area is located:

(A) A determination by the fiscal officer of the consolidated city that:

- (i) credits may not be paid for 1990 taxes payable in 1991; or
- (ii) only partial credits may be paid for 1990 taxes payable in 1991.

(B) A failure by the fiscal officer of the consolidated city to make a determination by June 15, 1991, of whether credits are payable under this subsection.

(10) An appeal of a determination must be filed not later than thirty (30) days after the publication of the determination. Any such appeal shall be decided by the court within sixty (60) days.

(11) An appeal of a failure by the fiscal officer of the consolidated city to make a determination of whether credits are payable under this subsection must be filed by July 15, 1991. Any such appeal shall be decided by the court within sixty (60) days.

(12) If 1991 taxes payable in 1992 with respect to a parcel are billed to the same taxpayer to which 1990 taxes payable in 1991 were billed, the county treasurer shall apply to the tax bill for 1991 taxes payable in 1992 both the credit provided under subsection (g) and the credit provided under this subsection, along with any credit determined to be applicable to the tax bill under subsection (i). In the alternative, at the election of the county auditor, the county may pay to the taxpayer the amount of the credit by May 10, 1992, and the amount shall be charged to the taxing units in which the allocation area is located in the proportion of the taxing units' respective tax rates for 1990 taxes payable in 1991.

(13) If 1991 taxes payable in 1992 with respect to a parcel are billed to a taxpayer other than the taxpayer to which 1990 taxes payable in 1991 were billed, the county treasurer shall do the following:

(A) Apply only the credits under subsections (g) and (i) to the tax bill for 1991 taxes payable in 1992.

(B) Give notice by June 30, 1991, by publication two (2) times in three (3) newspapers in the county with the largest circulation of the availability of a refund of the credit under this subsection.

A taxpayer entitled to a credit must file an application for refund of the credit with the county auditor not later than November 30, 1991.

(14) A taxpayer who files an application by November 30, 1991, is entitled to payment from the county treasurer in an amount that is in the same proportion to the credit provided under this subsection with respect to a parcel as the amount of 1990 taxes payable in 1991 paid by the taxpayer with respect to the parcel bears to the 1990 taxes payable in 1991 with respect to the parcel. This amount shall be paid to the taxpayer by May 10, 1992, and shall be charged to the taxing units in which the allocation area is located in the proportion of the taxing units' respective tax rates for 1990 taxes payable in 1991.

(i) This subsection applies to an allocation area if allocated taxes from that area were pledged to bonds, leases, or other obligations of the commission before May 8, 1989. The following apply to the credit granted under this subsection:

(1) A prior year credit is applicable to property taxes first due and payable in each year from 1987 through 1990 (the "prior years").

(2) The credit for each prior year is equal to:

(A) the amount of the quotient determined under STEP TWO of subsection (e) for the prior year; multiplied by

(B) the total amount of the property taxes paid by the taxpayer that were allocated in the prior year to the allocation area special fund under section 26 of this chapter.

(3) Before January 31, 1992, the county auditor shall determine the amount of credits under subdivision (2) with respect to each parcel in the allocation area for all prior years with respect to

which:

(A) taxes were billed to the same taxpayer for taxes payable in each year from 1987 through 1991; or

(B) an application was filed by November 30, 1991, under subdivision (8) for refund of the credits for prior years.

A report of the determination by parcel shall be sent by the county auditor to the department of local government finance and the budget agency within five (5) days of such determination.

(4) Before January 31, 1992, the county auditor shall determine the quotient of the amounts determined under subdivision (3) with respect to each parcel divided by six (6).

(5) Before January 31, 1992, the county auditor shall determine the quotient of the aggregate amounts determined under subdivision (3) with respect to all parcels divided by twelve (12).

(6) Except as provided in subdivisions (7) and (9), in each year in which credits from prior years remain unpaid, credits for the prior years in the amounts determined under subdivision (4) shall be applied as provided in this subsection.

(7) If taxes payable in the current year with respect to a parcel are billed to the same taxpayer to which taxes payable in all of the prior years were billed and if the amount determined under subdivision (3) with respect to the parcel is at least five hundred dollars (\$500), the county treasurer shall apply the credits provided for the current year under subsections (g) and (h) and the credit in the amount determined under subdivision (4) to the tax bill for taxes payable in the current year. However, if the amount determined under subdivision (3) with respect to the parcel is less than five hundred dollars (\$500) (referred to in this subdivision as "small claims"), the county may, at the election of the county auditor, either apply a credit in the amount determined under subdivision (3) or (4) to the tax bill for taxes payable in the current year or pay either amount to the taxpayer. If title to a parcel transfers in a year in which a credit under this subsection is applied to the tax bill, the transferor may file an application with the county auditor within thirty (30) days of the date of the transfer of title to the parcel for payments to the transferor at the same times and in the same amounts that would have been allowed as credits to the transferor under this subsection if there had not been a transfer. If a determination is made by the county auditor to refund or credit small claims in the amounts determined under subdivision (3) in 1992, the county auditor may make appropriate adjustments to the credits applied with respect to other parcels so that the total refunds and credits in any year will not exceed the payments made from the state property tax replacement fund to the prior year credit fund referred to in subdivision (11) in that year.

(8) If taxes payable in the current year with respect to a parcel are billed to a taxpayer that is not a taxpayer to which taxes payable in all of the prior years were billed, the county treasurer shall do the following:

(A) Apply only the credits under subsections (g) and (h) to the tax bill for taxes payable in the current year.

(B) Give notice by June 30, 1991, by publication two (2) times in three (3) newspapers in the county with the largest circulation of the availability of a refund of the credit.

A taxpayer entitled to the credit must file an application for refund of the credit with the county auditor not later than November 30, 1991. A refund shall be paid to an eligible applicant by May 10, 1992.

(9) A taxpayer who filed an application by November 30, 1991, is entitled to payment from the county treasurer under subdivision (8) in an amount that is in the same proportion to the credit determined under subdivision (3) with respect to a parcel as the amount of taxes payable in the prior years paid by the taxpayer with respect to the parcel bears to the taxes payable in the prior years with respect to the parcel.

(10) In each year on May 1 and November 1, the state shall pay to the county treasurer from the state property tax replacement fund the amount determined under subdivision (5).

(11) All payments received from the state under subdivision (10) shall be deposited into a special fund to be known as the

prior year credit fund. The prior year credit fund shall be used to make:

(A) payments under subdivisions (7) and (9); and

(B) deposits into the special fund for the application of prior year credits.

(12) All amounts paid into the special fund for the allocation area under subdivision (11) are subject to any pledge of allocated property tax proceeds made by the redevelopment district under section 26(d) of this chapter, including but not limited to any pledge made to owners of outstanding bonds of the redevelopment district of allocated taxes from that area.

(13) By January 15, 1993, and by January 15 of each year thereafter, the county auditor shall send to the department of local government finance and the budget agency a report of the receipts, earnings, and disbursements of the prior year credit fund for the prior calendar year. If in the final year that credits under subsection (i) are allowed any balance remains in the prior year credit fund after the payment of all credits payable under this subsection, such balance shall be repaid to the treasurer of state for deposit in the property tax replacement fund.

(14) In each year, the county shall limit the total of all refunds and credits provided for in this subsection to the total amount paid in that year from the property tax replacement fund into the prior year credit fund and any balance remaining from the preceding year in the prior year credit fund.

(j) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~) **IC 6-10-2** are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (e) for the taxes (as defined in ~~IC 6-1.1-21-2~~) **IC 6-10-2** due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) **IC 6-10-2**."

Page 239, line 4, strike "IC 6-1.1-21-2(g)" and insert "**IC 6-10-2**".

Page 239, line 26, strike IC 6-1.1-21-2(g)(1)(D)" and insert "**IC 6-10-2-35(1)(D)**".

Page 240, between lines 4 and 5, begin a new paragraph and insert: "SECTION 260. IC 36-7-15.1-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 35. (a) Notwithstanding section 26(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 32 of this chapter, "base assessed value" means the net assessed value of all of the land as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 26(g) of this chapter. However, "base assessed value" does not include the value of real property improvements to the land.

(b) The special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

(1) The construction, rehabilitation, or repair of residential units within the allocation area.

(2) The construction, reconstruction, or repair of infrastructure (such as streets, sidewalks, and sewers) within or serving the allocation area.

(3) The acquisition of real property and interests in real property within the allocation area.

(4) The demolition of real property within the allocation area.

(5) To provide financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.

(6) To provide financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) To provide each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, this credit may be provided by the commission only if the city-county legislative body establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 32 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in ~~IC 6-1.1-21-2(g)(1)(A)~~ and ~~IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5)~~ **IC 6-10-2** that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~) **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4(a)(1)~~ **IC 6-10-3** that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~) **IC 6-10-2**) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) Except as provided in subsection (g), the commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c), by applying one-half (1/2) of the credit to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) **IC 6-10-2**) that under IC 6-1.1-22-9 are due and payable in May and November of a year. Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) **IC 6-10-2**). The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 17.1 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 26(b) of this chapter, the special fund established under section 26(b) of this chapter for the allocation area for a program adopted under section 32 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 26(b)(2)(A) through 26(b)(2)(H) of this chapter.

(2) Reimburse the consolidated city for expenditures made by the city in order to accomplish the housing program in that allocation area.

The special fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 26(b) of this chapter, the commission shall, relative to the special fund established under section 26(b) of this chapter for an allocation area for a program adopted under section 32 of this chapter, do the following before July 15 of each year:

(1) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary:

(A) to make, when due, principal and interest payments on

bonds described in section 26(b)(2) of this chapter;

(B) to pay the amount necessary for other purposes described in section 26(b)(2) of this chapter; and

(C) to reimburse the consolidated city for anticipated expenditures described in subsection (e)(2).

(2) Notify the county auditor of the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 26(b)(1) of this chapter.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~ **IC 6-10-2**) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**).

Page 242, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 106. IC 36-7-15.1-56 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 56. (a) As used in this section, "allocation area" has the meaning set forth in section 53 of this chapter.

(b) As used in this section, "taxing district" has the meaning set forth in IC 6-1.1-1-20.

(c) Subject to subsection (e) and except as provided in subsection (h), each taxpayer in an allocation area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) that under IC 6-1.1-22-9 are due and payable in May and November of that year. Except as provided in subsection (h), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A)~~, ~~IC 6-1.1-21-2(g)(2)~~, ~~IC 6-1.1-21-2(g)(3)~~, ~~IC 6-1.1-21-2(g)(4)~~, and ~~IC 6-1.1-21-2(g)(5)~~ **IC 6-10-2** that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4~~ **IC 6-10-3** that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) levied in the taxing district that would have been allocated to an allocation fund under section 53 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated to the development district and paid into an allocation fund under section 53(b)(2) of this chapter.

(d) If the additional credit under subsection (c) is not reduced under subsection (e) or (f), the credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3** and the additional credit under subsection (c) shall be computed on an aggregate basis for all taxpayers in a taxing district that contains all or part of an allocation area. The credit for property tax replacement under ~~IC 6-1.1-21-5~~ **IC 6-10-3** and the additional credit under subsection (c) shall be combined on the tax statements sent to each taxpayer.

(e) Upon the recommendation of the commission, the excluded city legislative body may, by resolution, provide that the additional credit described in subsection (c):

(1) does not apply in a specified allocation area; or

(2) is to be reduced by a uniform percentage for all taxpayers in a specified allocation area.

(f) Whenever the excluded city legislative body determines that granting the full additional credit under subsection (c) would adversely affect the interests of the holders of bonds or other contractual obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that those bonds or other contractual obligations would not be paid when due, the excluded city legislative body must adopt a resolution under subsection (e) to deny the additional credit or reduce it to a level that creates a reasonable expectation that the bonds or other obligations will be paid when due. A resolution adopted under subsection (e) denies or reduces the additional credit for property taxes first due and payable in the allocation area in any year following the year in which the resolution is adopted.

(g) A resolution adopted under subsection (e) remains in effect until it is rescinded by the body that originally adopted it. However, a resolution may not be rescinded if the rescission would adversely affect the interests of the holders of bonds or other obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that the principal of or interest on the bonds or other obligations would not be paid when due. If a resolution is rescinded and no other resolution is adopted, the additional credit described in subsection (c) applies to property taxes first due and payable in the allocation area in each year following the year in which the resolution is rescinded.

(h) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~ **IC 6-10-2**) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (c) for the taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**).

Page 243, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 267. IC 36-7-30-25, AS AMENDED BY P.L.4-2005, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation

provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the reuse authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5)~~ IC 6-10-2 that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) for that year as determined under ~~IC 6-1.1-21-4~~ IC 6-10-3 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ IC 6-10-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 27 of this chapter in the same year.

(F) Pay expenses incurred by the reuse authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as

industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the reuse authority.

(3) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 19 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under ~~IC 6-1.1-21-1C~~ IC 6-10-3.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds

in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base reuse district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 108. IC 36-7-30-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. (a) As used in this section, "allocation area" has the meaning set forth in section 25 of this chapter.

(b) As used in this section, "taxing district" has the meaning set forth in IC 6-1.1-1-20.

(c) Subject to subsection (e) and except as provided in subsection (h), each taxpayer in an allocation area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) that under IC 6-1.1-22-9 are due and payable in May and November of that year. Except as provided in subsection (h), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A); IC 6-1.1-21-2(g)(2); IC 6-1.1-21-2(g)(3); IC 6-1.1-21-2(g)(4); and IC 6-1.1-21-2(g)(5)~~ IC 6-10-2 that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) for that year as determined under ~~IC 6-1.1-21-4~~ IC 6-10-3 that is attributable to the taxing district; by

(B) the STEP ONE sum.

STEP THREE: Multiply:

(A) the STEP TWO quotient; times

(B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) levied in the taxing district that would have been allocated to an allocation fund under section 25 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated to the military base reuse district and paid into an allocation fund under section 25(b)(2) of this chapter.

(d) If the additional credit under subsection (c) is not reduced under subsection (e) or (f), the credit for property tax replacement under ~~IC 6-1.1-21-5~~ IC 6-10-3 and the additional credit under subsection (c) shall be computed on an aggregate basis for all taxpayers in a taxing district that contains all or part of an allocation area. The credit for property tax replacement under ~~IC 6-1.1-21-5~~ IC 6-10-3 and the additional credit under subsection (c) shall be combined on the tax statements sent to each taxpayer.

(e) Upon the recommendation of the reuse authority, the municipal legislative body (in the case of a reuse authority established by a municipality) or the county executive (in the case of a reuse authority established by a county) may by resolution provide that the additional credit described in subsection (c):

(1) does not apply in a specified allocation area; or

(2) is to be reduced by a uniform percentage for all taxpayers in a specified allocation area.

(f) If the municipal legislative body or county executive determines that granting the full additional credit under subsection (c) would adversely affect the interests of the holders of bonds or other contractual obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that those bonds or other contractual obligations would not be paid when due, the municipal legislative body or county executive must adopt a resolution under subsection (e) to deny the additional credit or reduce the credit to a level that creates a reasonable expectation that the bonds or other obligations will be paid when due. A resolution adopted under subsection (e) denies or reduces the additional credit for property taxes first due and payable in the allocation area in any year following the year in which the resolution is adopted.

(g) A resolution adopted under subsection (e) remains in effect until rescinded by the body that originally adopted the resolution. However, a resolution may not be rescinded if the rescission would adversely affect the interests of the holders of bonds or other obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that the principal of or interest on the bonds or other obligations would not be paid when due. If a resolution is rescinded and no other resolution is adopted, the additional credit described in subsection (c) applies to property taxes first due and payable in the allocation area in each year following the year in which the resolution is rescinded.

(h) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~) IC 6-10-2) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (c) for the taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2).

Page 245, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 268. IC 36-7-30.5-30, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A

declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or benefitting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefitting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-21-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5)~~ **IC 6-10-2** that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) for that year as determined under ~~IC 6-1.1-21-4~~ **IC 6-10-3** that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~ **IC 6-10-2**) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefitting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the development authority.

(3) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the appropriate county auditor of the amount, if any, of the amount of excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under ~~IC 6-1.1-21-2~~ **IC 6-10-3**.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds

derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base development district under this section. However, the adjustment may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment may not produce less property tax proceeds allocable to the military base development district under subsection (b)(2) than would otherwise have been received if the general reassessment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 269. IC 36-7-30.5-32, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) As used in this section, "allocation area" has the meaning set forth in section 30 of this chapter.

(b) As used in this section, "taxing district" has the meaning set forth in IC 6-1.1-1-20.

(c) Subject to subsection (e) and except as provided in subsection (h), each taxpayer in an allocation area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) that under IC 6-1.1-22-9 are due and payable in May and November of that year. Except as provided in subsection (h), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A)~~, ~~IC 6-1.1-21-2(g)(2)~~, ~~IC 6-1.1-21-2(g)(3)~~, ~~IC 6-1.1-21-2(g)(4)~~, and ~~IC 6-1.1-21-2(g)(5)~~ IC 6-10-2 that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of each county's eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) for that year as determined under ~~IC 6-1.1-21-4~~ IC 6-10-3 that is attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) levied in the taxing district that would have been allocated to an allocation fund under section 30 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated to the military base development district and paid into an allocation fund under section 30(b)(2) of this chapter.

(d) If the additional credit under subsection (c) is not reduced under subsection (e) or (f), the credit for property tax replacement under ~~IC 6-1.1-21-5~~ IC 6-10-3 and the additional credit under subsection (c) shall be computed on an aggregate basis for all taxpayers in a taxing district that contains all or part of an allocation area. The credit for property tax replacement under ~~IC 6-1.1-21-5~~ IC 6-10-3 and the additional credit under subsection (c) shall be combined on the tax statements sent to each taxpayer.

(e) Upon the recommendation of the development authority, the municipal legislative body of an affected municipality or the county executive of an affected county may by resolution provide that the additional credit described in subsection (c):

- (1) does not apply in a specified allocation area; or
- (2) is to be reduced by a uniform percentage for all taxpayers in a specified allocation area.

(f) If the municipal legislative body or county executive determines that granting the full additional credit under subsection (c) would adversely affect the interests of the holders of bonds or other contractual obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that those bonds or other contractual obligations would not be paid when due, the municipal legislative body or county executive must adopt a resolution under subsection (e) to deny the additional credit or reduce the credit to a level that creates a reasonable expectation that the bonds or other obligations will be paid when due. A resolution adopted under subsection (e) denies or reduces the additional credit for property taxes first due and payable in the allocation area in any year following the year in which the resolution is adopted.

(g) A resolution adopted under subsection (e) remains in effect until rescinded by the body that originally adopted the resolution. However, a resolution may not be rescinded if the rescission would adversely affect the interests of the holders of bonds or other obligations that are payable from allocated tax proceeds in that allocation area in a way that would create a reasonable expectation that the principal of or interest on the bonds or other obligations would not be paid when due. If a resolution is rescinded and no other resolution is adopted, the additional credit described in subsection (c) applies to property taxes first due and payable in the allocation area in each year following the year in which the resolution is rescinded.

(h) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in ~~IC 6-1.1-20-9-1~~) IC 6-10-2) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (c) for the taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2).

SECTION 270. IC 36-7-32-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) A redevelopment commission may, by resolution, provide that each taxpayer in a certified technology park that has been designated as an allocation area is entitled to an additional credit for taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) that, under IC 6-1.1-22-9, are due and payable in May and November of that year. One-half (1/2) of the credit shall be applied to each installment of property taxes. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the certified technology park:

STEP ONE: Determine that part of the sum of the amounts under ~~IC 6-1.1-21-2(g)(1)(A)~~ and ~~IC 6-1.1-21-2(g)(2)~~ through ~~IC 6-1.1-21-2(g)(5)~~ IC 6-10-2 that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the county's total eligible property tax replacement amount (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) for that year as determined under ~~IC 6-1.1-21-4~~ IC 6-10-3 that is attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the total amount of the taxpayer's taxes (as defined in ~~IC 6-1.1-21-2~~) IC 6-10-2) levied in the taxing district that would have been allocated to the certified technology park fund under section 17 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated and

paid into the certified technology park fund under section 17 of this chapter.

(b) The additional credit under subsection (a) shall be:

- (1) computed on an aggregate basis of all taxpayers in a taxing district that contains all or part of a certified technology park; and
- (2) combined on the tax statement sent to each taxpayer.

(c) Concurrently with the mailing or other delivery of the tax statement or any corrected tax statement to each taxpayer, as required by IC 6-1.1-22-8(a), each county treasurer shall for each tax statement also deliver to each taxpayer in a certified technology park who is entitled to the additional credit under subsection (a) a notice of additional credit. The actual dollar amount of the credit, the taxpayer's name and address, and the tax statement to which the credit applies must be stated on the notice.

(d) Notwithstanding any other law, a taxpayer in a certified technology park is not entitled to a credit for property tax replacement under ~~IC 6-1.1-21-5~~. **IC 6-10-3.**"

Page 255, between lines 8 and 9, begin a new paragraph and insert: "SECTION 271. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 6-1.1-20.9; IC 6-1.1-21; IC 12-19-7-2; IC 12-19-7-4; IC 12-19-7-3; IC 33-38-4-5; IC 33-38-5-2; IC 33-38-5-3; IC 33-41-2-7; IC 33-41-2-8."

Page 257, delete line 42, begin a new paragraph and insert:

"(f) The power of a county to impose an ad valorem property tax for the following funds is terminated on December 31, 2006:

- (1) Family and children's fund.
- (2) County medical assistance to wards fund.
- (3) Children's psychiatric residential treatment services fund.
- (4) Children with special health care needs county fund.

(g) Notwithstanding P.L.246-2005, the amount appropriated to the department of education from the property tax replacement fund for distributions for tuition support shall be paid after December 31, 2006, and before July 1, 2007, from the state general fund."

Page 258, delete lines 1 through 10.

Page 261, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 290. [EFFECTIVE JULY 1, 2006] (a) The department of local government finance shall reduce the property tax levy limits and property tax rate limits that apply to a county to reflect the elimination of a county's responsibility for court related expenditures and the transfer of these responsibilities to the state.

(b) The responsibility for the payment of court related expenditures, as described in the 2004 Indiana Judicial Services Report, Volume III, prepared by the division of state court administration of the supreme court, are transferred to the division of state court administration of the supreme court, beginning January 1, 2007. If a county increased the salary of a judge under IC 36-2-5-14 above the minimum salary established by statute, the state shall assume the responsibility for continuing the payment of that component of the judge's salary through the end of the judge's current term as a judge. The additional compensation terminates on the earlier of the date that:

- (1) the judge's term expires; or
- (2) there is a vacancy in the judicial office held by the judge.

The supreme court shall submit the initial consolidated budget for court expenditures under IC 33-23-14, as added by this act, for the period beginning January 1, 2007, and ending June 30, 2007, in the manner and on the schedule determined by the budget agency. The consolidated budget shall be the basis for court related expenditures under IC 33-23-14, as added by this act, for the period beginning January 1, 2007, and ending June 30, 2007. The supreme court shall submit the initial consolidated budget for court expenditures under IC 33-23-14, as added by this act, for the period beginning July 1, 2007, and ending June 30, 2009, in the same manner and on the same schedule as the supreme court submits the remainder of its budget. The state board of accounts and the department of local government finance shall assist counties and the supreme court in transferring responsibility for the payment of court expenditures under

IC 33-23-14, as added by this act, to the supreme court, division of state court administration. The supreme court, with the approval of the budget agency, may enter into agreements with a county auditor or county treasurer, or both, of any county to provide for an orderly transition of payment responsibilities from the county to the state.

(c) Notwithstanding the January 1, 2007, effective date of IC 6-10 and IC 33-23-14, as added by this act, county tax levies, tax rates, and budgets adopted in 2006 for 2007 shall reflect the changes made by this act.

(d) Money appropriated by P.L.246-2005 for the period beginning July 1, 2006, and ending June 30, 2007, to the property tax replacement fund board for distributions to counties to replace revenue lost as a result of the granting of homestead credits and property tax replacement credits may be used to:

- (1) make distributions to counties under IC 6-10-7, as added by this act; and
- (2) pay court expenditures under IC 33-23-14, as added by this act;

beginning July 1, 2006, and ending June 30, 2007. The amount of the appropriation for tuition support that is authorized in P.L.246-2005 from the property tax replacement fund shall be paid, after December 31, 2006, from the state general fund. There is appropriated any additional amounts necessary to the auditor of state from the state general fund to make the distributions to counties required under IC 6-10-7, as added by this act. There is appropriated any additional amounts necessary to the supreme court from the state general fund for court expenditures under IC 33-23-14, as added by this act.

(e) The legislative council shall provide for introduction of legislation in the 2007 session of the general assembly to bring the statutes into conformity with this act.

(f) IC 6-10 applies to taxable years beginning after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

TURNER

On the motion of Representative Grubb, the previous question was called. Representative Turner withdrew the motion.

HOUSE MOTION (Amendment 1001-5)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 7, between lines 36 and 37, begin a new paragraph and insert: "SECTION 9. IC 6-1.1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Before January 1, 2009, except as otherwise provided by law, all tangible property which is within the jurisdiction of this state on the assessment date of a year is subject to assessment and taxation for that year.

(b) Except as provided in subsection (c), a taxing unit may not impose an ad valorem:

- (1) property tax levy; or
- (2) property tax rate;

for property taxes first due and payable after December 31, 2008.

(c) To avoid a default on a requirement:

- (1) in a lease, bond, note, warrant, evidence of indebtedness, or other written obligation that restricts the source of revenue from which a payment may be made to ad valorem property taxes; and
- (2) that became legally binding on a:
 - (A) taxing unit; or
 - (B) governing body (as defined in IC 6-1.1-21.2-6) of an allocation area (as defined in IC 6-1.1-21.2-3);

before April 1, 2006, the department of local government finance, in an appeal conducted under IC 6-1.1-18.5 or IC 6-1.1-19, as appropriate, shall authorize a taxing unit to impose an ad valorem property tax. The property tax levy and tax rate imposed in any year under this subsection may not exceed the amount necessary to avoid a default on the pledge to make payments solely from ad valorem property taxes.

(d) The legislative council shall provide for the introduction of corrective legislation to bring Indiana laws into conformity with

this section."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

DOBIS

Upon request of Representatives Dobis and Kuzman, the Speaker ordered the roll of the House to be called. Roll Call 44: yeas 98, nays 0. Motion prevailed.

HOUSE MOTION
(Amendment 1001-9)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 74, delete lines 35 through 42.

Delete page 75.

Page 78, line 13, after "(4)" insert "(3)".

Page 78, line 13, reset in roman "IC 12-19-7.5".

Page 78, line 14, delete "(3)" and insert "(4)".

Page 146, line 22, reset in roman "county family and".

Page 146, line 23, reset in roman "children's".

Page 146, line 23, delete "child welfare".

Page 146, line 26, reset in roman "family and children's".

Page 146, line 26, delete "child welfare".

Page 146, line 28, reset in roman "family and".

Page 146, line 29, reset in roman "children's".

Page 146, line 29, delete "child welfare".

Page 153, delete lines 28 through 42.

Page 154, delete lines 1 through 24.

Page 154, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 148. IC 12-13-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. Each county shall establish a county medical assistance to wards fund. The fund ~~shall be funded by~~ **consists of** the following:

(1) A tax levy on the property located in each county.

(2) The financial institutions tax (IC 6-5.5), motor vehicle excise taxes (IC 6-6-5), and commercial vehicle excise taxes (IC 6-6-5.5) that are allocated to the fund.

SECTION 149. IC 12-13-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b),** the tax shall be imposed annually by the county fiscal body on all of the taxable property of the county. The tax shall be collected as other state and county ad valorem property taxes are collected.

(b) A county may not levy an ad valorem property tax under this chapter after December 31, 2008.

SECTION 150. IC 12-13-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. **(a)** For taxes first due and payable in each year ~~after 2003, ending before January 1, 2007,~~ each county shall impose a medical assistance property tax levy equal to the product of:

(1) the medical assistance property tax levy imposed for taxes first due and payable in the preceding year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy for the calendar year; multiplied by

(2) the statewide average assessed value growth quotient, using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 for the year in which the tax levy under this section will be first due and payable.

If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

(b) For taxes first due and payable in 2007, each county shall impose a medical assistance property tax levy equal to the product of:

(1) the amount levied by the county under this chapter in 2006; multiplied by

(2) seventy-five percent (75%).

(c) For taxes first due and payable in 2008, each county shall impose a medical assistance property tax levy equal to the product of:

(1) the amount levied by the county under this chapter in 2006; multiplied by

(2) fifty percent (50%).

(d) For 2009 and each year thereafter, the amount that may be levied under this chapter is equal to zero (0)."

Page 157, line 33, after ";" insert "and".

Page 157, line 35, delete ";" and insert ".".

Page 157, delete lines 36 through 38.

Page 158, line 13, delete "levy," and insert "levy or".

Page 158, line 14, delete "levy, the county medical assistance" and insert "levy".

Page 158, delete line 15.

Page 158, line 16, delete "needs county fund levy".

Page 158, run in lines 14 through 16.

Page 159, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 157. IC 12-19-7-3, AS AMENDED BY P.L.234-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A family and children's fund is established in each county.

(b) Except as provided in subsection (g), the fund county shall be raised by levy a separate tax levy (the county family and children property tax levy) for the fund that:

(1) is in addition to all other tax levies authorized **for the county;** and

(2) shall be levied annually by the county fiscal body on all taxable property in the county. ~~in the amount necessary to raise the part of the fund that the county must raise to pay the items;~~ awards, claims, allowances, assistance, and other expenses set forth ~~in the annual budget under section 6 of this chapter.~~

The total tax levy that a county may impose under this section equals the amount determined under section 4 of this chapter.

~~(b) (c)~~ **(c) The property tax levy imposed under this section shall be collected as other state and county ad valorem property taxes are collected.**

~~(c) (d)~~ **(d) The following shall be paid into the county treasury and constitute the family and children's fund:**

(1) All receipts from the tax imposed under this section.

~~(2) All grants-in-aid, whether received from the federal government or state government;~~

(2) The:

(A) financial institutions tax (IC 6-5.5);

(B) motor vehicle excise taxes (IC 6-6-5);

(C) commercial vehicle excise tax (IC 6-6-5.5);

(D) boat excise tax (IC 6-6-11); and

(E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed for the fund.

(3) Any other money required by law to be placed in the fund.

~~(d) (e)~~ **(e) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved; making a distribution to the state required under section 35 of this chapter.**

~~(e) (f)~~ **(f) Money in the fund at the end of a budget year does not revert to the county general fund.**

(g) A county may not levy an ad valorem property tax under this chapter after December 31, 2008.

SECTION 158. IC 12-19-7-4, AS AMENDED BY P.L.234-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) For taxes first due and payable ~~in each year after 2005, 2007,~~ each county shall impose a county family and children property tax levy equal to the ~~county family and children property tax levy necessary to pay the costs of the child services of the county for the next fiscal year; result determined in STEP THREE of the following formula:~~

STEP ONE: Determine the sum of the following:

(1) The result of:

(A) the amounts paid by the county in 2002, as determined by the state board of accounts, for child

services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2002, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2002; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2002;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2002 and 2006.

(2) The result of:

(A) the amounts paid by the county in 2003, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2003, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2003; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2003;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2003 and 2006.

(3) The result of:

(A) the amounts paid by the county in 2004, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2004, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2004; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2004;

as adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2004 and 2006.

(4) The result of:

(A) the amounts paid by the county in 2005, as determined by the state board of accounts, for child services or administration of the county office from the county family and children's fund, including amounts paid for psychiatric residential treatment services; minus

(B) the sum of:

(i) any grants-in-aid deposited in the county family and children's fund in 2005, whether received from the federal government or from the state;

(ii) any excise tax, income tax, or other revenue not derived from property taxes that was deposited in the county family and children's fund in 2005; plus

(iii) any other amounts received as reimbursements from the state (including reimbursements made with federal money) and deposited in the county family and children's fund in 2005;

adjusted by the department of local government finance by using the GDP implicit price inflator, state and local subseries, to account for inflation between 2005 and 2006.

STEP TWO: Determine the result of the STEP ONE amount divided by four (4).

STEP THREE: Multiply the result determined under STEP TWO by seventy-five percent (75%).

(b) For taxes first due and payable in 2008, each county shall impose a county family and children property tax levy equal to the product of:

(1) the amount determined under STEP TWO of the formula set forth in subsection (a); multiplied by

(2) fifty percent (50%).

(c) For 2009 and each year thereafter, the amount that may be levied under this chapter is equal to zero (0).

(~~b~~) (d) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy. ~~and comply with IC 6-1.1-17-3. The department of local government finance may increase a county's levy in a year above the amount advertised for the fund to comply with this subsection.~~

SECTION 159. IC 12-19-7-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 35. (a) Subject to this section, before the fifth day of each month, all money contained in a county's fund at the end of the preceding month shall be transferred to the state family and children's fund established by IC 31-33-1.5-13.

(b) Money deposited in the fund from:

(1) property taxes imposed for an assessment date before January 16, 2006;

(2) the proceeds of bonds issued or loans taken out under IC 12-19-5 (repealed), IC 12-19-7.5, or a predecessor law to pay an obligation related to child services provided before January 1, 2007;

(3) the:

(A) financial institutions tax (IC 6-5.5);

(B) motor vehicle excise taxes (IC 6-6-5);

(C) commercial vehicle excise tax (IC 6-6-5.5);

(D) boat excise tax (IC 6-6-11); and

(E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed before January 1, 2007, for the fund; and

(4) grants-in-aid, fees collected from a parent, guardian, or custodian of a child, and other money attributable to child services provided before January 1, 2007;

shall be used by a county to reduce the obligation of the county to pay for expenditures for child services and any other obligations that were incurred before January 1, 2007, and payable from the fund at the time they were incurred.

(c) The department of child services, with the approval of the state board of accounts, shall prescribe procedures and standards for allocating money in the fund between the purposes described in subsections (a) and (b). A county shall use money in the fund in conformity with the procedures and standards prescribed in this subsection.

(d) The part of any outstanding obligation of the fund that was incurred before January 1, 2007, and exceeds the amount retained under subsection (b), including the amount needed to repay the principal and interest on bonds issued under IC 12-19-7-31 (repealed), shall be transferred, after December 31, 2006, from the fund to the county's debt service fund or another sinking fund. The county may issue bonds under IC 36-2-6-18 to pay or refund the obligation. The county shall add to the tax duplicate of the county an annual levy sufficient to pay:

- (1) the outstanding obligation or bonds issued to pay the outstanding obligation; and
- (2) any interest due on the outstanding obligation or bonds issued to pay the outstanding obligation.

SECTION 160. IC 12-19-7.5-5, AS AMENDED BY P.L.234-2005, SECTION 68, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A children's psychiatric residential treatment services fund is established in each county.

(b) The ~~fund~~ county shall ~~be raised by levy~~ a separate tax levy (the county children's psychiatric residential treatment services property tax levy) **for the fund** that:

- (1) is in addition to all other tax levies authorized for the county; and
- (2) shall be levied annually by the county fiscal body on all taxable property in the county; ~~in the amount necessary to raise the part of the fund that the county must raise to pay the items; awards, claims, allowances, assistance, and other expenses set forth in the annual budget under section 8 of this chapter; and~~
- (3) is in addition to any other money required by law to be deposited in the fund.

The total tax levy that a county may impose under this section equals the amount determined under section 6 of this chapter.

~~(b)~~ (c) The tax imposed under this section shall be collected as other state and county ad valorem taxes are collected.

~~(c)~~ (d) The following shall be paid into the county treasury and constitute the children's psychiatric residential treatment services fund:

- (1) All receipts from the tax imposed under this section.
- ~~(2) All grants-in-aid, whether received from the federal government or state government.~~

(2) The:

- (A) financial institutions tax (IC 6-5.5);
- (B) motor vehicle excise tax (IC 6-6-5);
- (C) commercial vehicle excise taxes (IC 6-6-5.5);
- (D) boat excise tax (IC 6-6-11); and
- (E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed for the fund.

(3) Any other money required by law to be placed in the fund.

~~(d)~~ (e) The fund is available for the purpose of paying expenses and obligations set forth in the annual budget that is submitted and approved: **making a distribution to the state required under section 34 of this chapter.**

~~(e)~~ (f) Money in the fund at the end of a budget year does not revert to the county general fund.

SECTION 161. IC 12-19-7.5-6, AS AMENDED BY P.L.234-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) For taxes first due and payable in each year after 2005, each county shall impose a county children's psychiatric residential treatment services property tax levy equal to the county children's psychiatric residential treatment services property tax levy ~~necessary to pay the costs of children's psychiatric residential treatment services of the county for the next fiscal year; imposed for the fund in 2006.~~

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy. **The department of local government finance may increase a county's levy in a year above the amount advertised for the fund to comply with this subsection.**

SECTION 162. IC 12-19-7.5-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 34. (a) **Subject to this section, before the fifth day of each month, all money contained in a county's fund at the end of the preceding month shall be transferred to the state family and children's fund established by IC 31-33-1.5-13.**

(b) Money deposited in the fund from:

- (1) property taxes imposed for an assessment date before January 16, 2006;
- (2) the proceeds of bonds issued or loans taken out under IC 12-19-5 (repealed), IC 12-19-7, IC 12-19-7.5, or a

predecessor law to pay an obligation related to children's psychiatric residential treatment services provided before January 1, 2007;

(3) the:

- (A) financial institutions tax (IC 6-5.5);
- (B) motor vehicle excise taxes (IC 6-6-5);
- (C) commercial vehicle excise tax (IC 6-6-5.5);
- (D) boat excise tax (IC 6-6-11); and
- (E) aircraft excise tax (IC 6-6-6.5);

that are distributed to the county as a result of the county's share of property taxes imposed before January 1, 2007, for the fund; and

(4) grants-in-aid, fees collected from a parent, guardian, or custodian of a child, and other money attributable to children's psychiatric residential treatment services provided before January 1, 2007;

shall be used by a county to reduce the obligation of the county to pay for expenditures for children's psychiatric residential treatment services and any other obligations that were incurred before January 1, 2007, and payable from the fund at the time they were incurred.

(c) The department of child services, with the approval of the state board of accounts, shall prescribe procedures and standards for allocating money in the fund between the purposes described in subsections (a) and (b). A county shall account for and use money in the fund in conformity with the procedures and standards prescribed in this subsection.

(d) The part of any outstanding obligation of the fund that was incurred before January 1, 2007, and exceeds the amount retained under subsection (b), including the amount needed to repay the principal and interest on bonds issued under IC 12-19-7.5-30 (repealed), shall be transferred, after December 31, 2006, from the fund to the county's debt service fund or another sinking fund. The county may issue bonds under IC 36-2-6-18 to pay or refund the obligation. The county shall add to the tax duplicate of the county an annual levy sufficient to pay:

- (1) the outstanding obligation or bonds issued to pay the outstanding obligation; and
- (2) any interest due on the outstanding obligation or bonds issued to pay the outstanding obligation."

Delete pages 160 through 166.

Page 167, delete lines 1 through 6.

Page 175, between lines 5 and 6, begin a new paragraph and insert: "SECTION 176. IC 16-35-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A fund is established in each county to be known as the children with special health care needs county fund.

(b) ~~The fund shall be funded by~~ consists of:

- (1) a tax levy on the property located in the county; and
- ~~by~~ (2) the financial institutions tax (IC 6-5.5) that is allocated to the fund.

SECTION 177. IC 16-35-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) **Except as provided by subsection (d),** the tax shall be imposed annually by the county fiscal body on all of the taxable property of the county.

(b) The total tax levy that a county may impose under this section equals the amount determined under section 3 of this chapter.

(c) The tax must be collected as other state and county ad valorem property taxes are collected.

(d) A county may not levy an ad valorem property tax under this chapter after December 31, 2008.

SECTION 178. IC 16-35-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) For taxes first due and payable in each year ~~after 2003; ending before January 1, 2007,~~ each county shall impose a children with special health care needs property tax levy equal to the product of:

- (1) the children with special health care needs property tax levy imposed for taxes first due and payable in the preceding year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17 and after eliminating the effects of temporary excessive levy appeals

and any other temporary adjustments made to the levy for the calendar year; multiplied by

(2) the greater of:

(A) the county's assessed value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2; or

(B) one (1).

When a year in which a statewide general reassessment of real property first becomes effective is the year preceding the year that the property tax levy under this subsection will be first due and payable, the amount to be used in subdivision (2) equals the average of the amounts used in determining the two (2) most recent adjustments in the county's levy under this section. If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

(b) For taxes first due and payable in 2007, each county shall impose a children with special health care needs levy equal to the product of:

(1) the amount levied by the county under this chapter in 2006; multiplied by

(2) seventy-five percent (75%).

(c) For taxes first due and payable in 2008, each county shall impose a children with special health care needs levy equal to the product of:

(1) the amount levied by the county under this chapter in 2006; multiplied by

(2) fifty percent (50%).

(d) For 2009 and each year thereafter, the amount that may be levied under this chapter is equal to zero (0).

(e) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy."

Page 185, delete lines 5 through 8, begin a new paragraph and insert:

"SECTION 188. IC 31-9-2-120.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 120.4. "State fund" refers to the state family and children's fund established by IC 31-33-1.5-13.**"

Page 187, delete lines 5 through 42, begin a new paragraph and insert:

"SECTION 193. IC 31-33-1.5-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13. (a) The state family and children's fund is established. The department shall administer the fund.**

(b) The state fund consists of the following:

(1) The money transferred to the state fund from each of the county's family and children's funds under IC 12-19-7-35.

(2) The money transferred to the state fund from each of the county's children's psychiatric residential treatment services fund under IC 12-19-7.5-34.

(3) Any fees or costs paid to the state by a child's parent or guardian under a support order or reimbursement order under IC 31-40-1.

(4) Any contributions to the state fund from individuals, corporations, foundations, or others for the purpose of providing child services.

(5) Any appropriations made to the state fund by the general assembly. However, this section does not obligate the general assembly to appropriate money to the state fund.

(6) Any TANF program (as defined in IC 12-7-2-189.8), Medicaid program (as defined in IC 12-7-2-128), or other grants that are received from the federal government and deposited in the state fund.

(7) Any other money required by law to be deposited in the fund.

(c) The department of child services shall pay the following from the state fund:

(1) Expenses and obligations incurred by the department of child services in the payment of child services for children

adjudicated to be:

(A) children in need of services; or

(B) delinquent children;

and other related services, but not including the payment of TANF.

(2) Expenses and obligations incurred by the department in the payment of children's psychiatric residential treatment services for children who are residents of Indiana.

(3) Any other expenditures for services described in section 7 of this chapter or a procurement contract described in section 10 of this chapter.

(4) Any expense of the type that was payable from a county family and children's fund or children's psychiatric residential treatment services fund before January 1, 2007.

(5) Any other expense or obligation that is required to be paid from the state fund by law.

(d) The department may use money in the fund to settle the relative obligations of a county and the department of child services for services provided before January 1, 2007. (e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(f) If an insufficient amount in the fund is available to pay the expenditures payable from the fund, the remainder of the expenditures payable from the fund shall be paid from the state general fund. The state may, as determined by the budget agency, carry out this subsection by a direct charge to the state general fund or by transferring an appropriate amount from the state general fund to the state fund for expenditure from the state fund.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 188, delete lines 1 through 24.

Page 209, line 41, reset in roman "family and children's".

Page 209, line 41, delete "child welfare".

Page 210, line 41, delete "child welfare" and insert "family and children's".

Page 211, line 14, delete "child welfare" and insert "family and children's".

Page 213, line 21, reset in roman "family".

Page 213, line 22, reset in roman "and children's".

Page 213, line 22, delete "child welfare".

Page 214, line 35, reset in roman "family and children's".

Page 214, line 35, delete "county child welfare".

Page 214, line 39, delete "child welfare" and insert "family and children's".

Page 214, line 42, reset in roman "family and children's".

Page 214, line 42, delete "child".

Page 215, line 1, delete "welfare".

Page 215, line 6, delete "child welfare" and insert "family and children's".

Page 254, line 32, delete "IC 12-13-8; IC 12-13-9;"

Page 254, line 39, delete "IC 12-19-7.5-2; IC 12-19-7.5-5;"

Page 254, line 40, delete "IC 12-19-7.5-6;"

Page 255, line 4, delete "IC 15-5-10; IC 16-35-3;" and insert "IC 15-5-10."

Page 255, delete line 5.

Page 257, delete line 42, begin a new paragraph and insert:

"(f) The balance of the state family and children's fund established by this act is appropriated to the department of child services for the purposes of the state family and children's fund beginning January 1, 2007, and ending June 30, 2007. There is appropriated the amount required under IC 31-33-1.5-13, as added by this act, to be transferred from the state general fund to the state family and children's fund from the state general fund for the purposes of the state family and children's fund beginning January 1, 2007, and ending June 30, 2007."

Page 258, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

KUZMAN

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House

Bill 1001 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Kuzman's amendment (1001-9) is a bill pending before this House under Rule 118.

PELATH
KUZMAN

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 45: yeas 49, nays 48. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 1001-19)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 27, line 39, after "IC 6-1.1-46" delete "." and insert "**or IC 6-1.1-47.**".

Page 28, line 13, after "IC 6-1.1-46" insert "**or IC 6-1.1-47.**".

Page 32, line 11, after "IC 6-1.1-46" insert "**or IC 6-1.1-47.**".

Page 32, line 12, delete "." and insert "**under IC 6-1.1-46.**".

Page 104, line 24, after "IC 6-1.1-46" delete "." and insert "**and IC 6-1.1-47.**".

Page 104, line 28, delete ";" and insert "**and IC 6-1.1-47.**".

Page 104, line 30, after "IC 6-1.1-46" insert "**and IC 6-1.1-47.**".

Page 104, line 37, delete ";" and insert "**under IC 6-1.1-46.**".

Page 105, line 10, after "IC 6-1.1-46," insert "**IC 6-1.1-47.**".

Page 105, line 33, after "IC 6-1.1-46" insert "**or IC 6-1.1-47.**".

Page 106, line 25, delete "," and insert "**or IC 6-1.1-47.**".

Page 106, line 25, after "which" insert "**deferred.**".

Page 106, line 26, delete "are deferred" and insert "**become due.**".

Page 106, line 26, after "IC 6-1.1-46" delete "." and insert "**or IC 6-1.1-47.**".

Page 108, line 2, after "IC 6-1.1-46" insert "**and IC 6-1.1-47.**".

Page 108, line 6, delete "and" and insert ",".

Page 108, line 6, after "IC 6-1.1-46," insert "**and IC 6-1.1-47.**".

Page 109, line 24, after "IC 6-1.1-46" insert "**and IC 6-1.1-47.**".

Page 109, line 31, delete "and" and insert ",".

Page 109, line 31, after "IC 6-1.1-46," insert "**and IC 6-1.1-47.**".

Page 133, line 24, after "Chapter 46." insert "**Senior, Blind, and Disabled.**".

Page 141, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 138. IC 6-1.1-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 47. Reassessment Payment Deferral Program

Sec. 1. As used in this chapter, "base amount" means the amount of homestead property tax liability that is not subject to deferral, as determined under this chapter.

Sec. 2. As used in this chapter, "defer" means to delay the due date on which property taxes would otherwise be first due and payable.

Sec. 3. As used in this chapter, "homestead" has the meaning set forth in IC 6-1.1-20.9-1.

Sec. 4. As used in this chapter, "homestead property tax liability" refers to a liability for property taxes:

- (1) that are assessed on tangible property that is a homestead; and
- (2) that would be first due and payable in a certain year if the property taxes were not deferred under this chapter.

The term refers to a property tax liability after the application of all deductions and credits for which the homestead is eligible.

Sec. 5. (a) As used in this chapter, "property taxes" refers to ad valorem property taxes.

(b) The term does not include the following:

- (1) Special assessments.

(2) Fees or charges that are included by law on a tax statement issued under IC 6-1.1-22-8 or IC 6-1.1-22.5.

Sec. 6. As used in this chapter, "qualified individual" means an individual who meets all the following criteria:

- (1) Has a qualified interest in a homestead on the assessment date for which homestead property tax liability is imposed.
- (2) Uses the homestead in which the individual has a qualified interest as the individual's principal place of residence.

(3) Either:

(A) is not delinquent in the payment of:

(i) any property taxes that are not deferred under this chapter, special assessments, or fees or charges that are included by law on a tax statement issued under IC 6-1.1-22-8 or IC 6-1.1-22.5 or a statement in another state; or

(ii) penalties or interest imposed for property taxes, special assessments, or fees or charges, including any deferred property taxes; or

(B) has been granted a waiver from the requirements of this subdivision by the county auditor in the county where the homestead is located.

Sec. 7. As used in this chapter, "qualified interest" means the following:

(1) An ownership interest in a homestead.

(2) A beneficial interest in an entity that has an ownership interest in a homestead or a contract interest described in subdivision (3).

(3) An interest in a contract for the purchase of a homestead that:

(A) is recorded in the county recorder's office; and

(B) provides that a person purchasing the homestead is to pay the property taxes on the homestead.

Sec. 8. As used in this chapter, "qualified taxpayer" means a qualified individual or an entity in which a qualified individual has a beneficial interest, or both, that was liable for the property taxes on a homestead:

(1) on both the current assessment date and the immediately preceding assessment date; and

(2) in a county that has a property tax deferral program in effect for a particular year in which property taxes are first due and payable.

Sec. 9. As used in this chapter, "property tax increase resulting from general reassessment or annual adjustment" refers to the amount determined under section 14 of this chapter.

Sec. 10. A county fiscal body may adopt an ordinance, in the form prescribed by the department of local government finance, to establish a property tax deferral program under this chapter. To apply to property taxes first due and payable in the immediately succeeding year, the ordinance must be adopted before September 1 of the year that immediately precedes the year to which the ordinance applies. The county fiscal body must certify an ordinance under this section, including any ordinance amending or repealing a previously adopted ordinance, to the following:

(1) The county auditor.

(2) The department of local government finance.

(3) The fiscal officer of each taxing unit in the county.

Sec. 11. A qualified taxpayer may defer a due date for a part, as determined under this chapter, of the qualified taxpayer's homestead property tax liability first due and payable in the:

(1) first year in which a general reassessment becomes the basis for determining property tax liability, if the qualified taxpayer's property tax increase resulting from general reassessment or annual adjustment was at least one hundred seventy-five percent (175%);

(2) second year in which a general reassessment becomes the basis for determining property tax liability, if the qualified taxpayer's property tax increase resulting from general reassessment or annual adjustment was at least two hundred fifty percent (250%); and

(3) third year in which a general reassessment becomes the basis for determining property tax liability, if the qualified taxpayer's property tax increase resulting from

general reassessment or annual adjustment was at least three hundred twenty-five percent (325%).

Sec. 12. Property taxes deferred under this chapter are due and payable in equal installments on May 10 and November 10 of each year beginning in the fourth year in which a general reassessment becomes the basis for determining property tax liability year until the full amount deferred for the year is paid. An amount deferred in a year is payable in six (6) installments. However, if a deferral termination event occurs, the full amount deferred under this chapter becomes due thirty (30) days after a termination event for the homestead occurs.

Sec. 13. (a) Subject to subsections (b), (c), and (d), a deferral termination event occurs on the earliest of the following dates:

(1) The first date on which none of the qualified individuals who had a qualified interest in the homestead when the property taxes were deferred:

(A) use the homestead as their principal place of residence; or

(B) have a qualified interest in the homestead.

(2) The first date on which the mortgages and liens of record on the homestead exceed the assessed value of the homestead.

(3) The date on which a person with an ownership interest in the homestead files for bankruptcy or the homestead property is placed in receivership.

(b) For purposes of subsection (a), an individual shall be treated as using a homestead as the individual's principal place of residence if the individual:

(1) is absent from the homestead while in a health care facility (as defined in IC 16-18-2-161 or IC 16-28-13-0.5); and

(2) used the homestead as the individual's principal place of residence immediately before being admitted to a health care facility (as defined in IC 16-18-2-161 or IC 16-28-13-0.5).

(c) The estate of a deceased individual shall be treated as having the same rights the deceased individual had immediately before the individual died to do the following:

(1) Defer taxes that would otherwise be due and payable in the year the individual died.

(2) Continue to defer taxes that were deferred before the individual died.

(d) This subsection applies only to a surviving spouse who was not a qualified individual on the date on which property taxes were deferred. If a deceased individual was a qualified individual on the date on which property taxes were deferred, the deceased individual's surviving spouse shall be treated after the individual's death as if the surviving spouse had been a qualified individual on the date on which property taxes were deferred if:

(1) the homestead was the surviving spouse's principal place of residence when the individual died;

(2) the surviving spouse has a qualifying interest in the homestead not later than the later of:

(A) the date of the individual's death; or

(B) the date on which the estate of the deceased individual transfers any part of the ownership of the homestead from the estate; and

(3) the surviving spouse:

(A) is unmarried; or

(B) marries only after the surviving spouse becomes:

(i) at least sixty-five (65) years of age;

(ii) blind; or

(iii) a disabled person.

Sec. 14. The maximum amount that may be deferred in a year under this chapter is equal to the least of the following:

(1) Subject to section 15 of this chapter, the result of:

(A) the amount by which:

(i) the qualified taxpayer's homestead property tax liability in the first year in which a general reassessment or an annual adjustment under IC 6-1.1-4-4.5 became the basis for determining the qualified taxpayer's homestead property tax liability; exceeds

(ii) one hundred and seventy-five percent (175%) of

the qualified taxpayer's homestead property tax liability for the year immediately preceding the year in which a general reassessment or an annual adjustment under IC 6-1.1-4-4.5 became the basis for determining the qualified taxpayer's homestead property tax liability;

multiplied by

(B) the deferral percentage permitted under this chapter.

(2) The qualified taxpayer's homestead property tax liability for the current year.

Sec. 15. In determining the maximum permissible deferral amount under section 14(1) of this chapter, the part of the qualified taxpayer's homestead property tax liability that is attributable to physical improvements in a homestead that were first assessed in the first year in which a general reassessment became the basis for determining the qualified taxpayer's homestead property tax liability shall not be considered.

Sec. 16. The qualified taxpayer's deferral percentage is:

(1) seventy-five percent (75%) in the first year in which a general reassessment becomes the basis for determining property tax liability;

(2) fifty percent (50%) in the second year in which a general reassessment becomes the basis for determining property tax liability;

(3) twenty-five percent (25%) in the third year in which a general reassessment becomes the basis for determining property tax liability; and

(4) zero percent (0%) in any other year.

Sec. 17. To qualify for a deferral of homestead property tax liability in any year under this chapter, a qualified taxpayer must apply for the deferral:

(1) on the form, in the manner, and with the information prescribed by the department of local government finance; and

(2) before the date on which the installment being deferred is first due and payable.

The department of local government finance may provide forms allowing a qualified taxpayer to elect to defer property taxes for more than one (1) year. If the department of local government permits a multiyear election, the department of local government finance shall provide for the filing of amended forms whenever any of the information in a previously filed form ceases to be accurate or complete.

Sec. 18. An application for a deferral under this chapter must be filed with the county auditor in the county where the homestead is located. Upon the filing of an application, the county auditor shall immediately:

(1) notify the county treasurer and transmit the information that the county treasurer needs to match the application with county treasurer's records related to the homestead; and

(2) review the application to determine:

(A) whether the applicant qualifies for a deferral; and

(B) the amount that may be deferred.

Sec. 19. The filing of an application waives any interest and penalties that would otherwise be imposed for the nonpayment of property taxes by the due date only to the extent that the county auditor approves the application for the amount of the unpaid property taxes.

Sec. 20. If the applicant is qualified under this chapter for a deferral, the county auditor shall:

(1) approve the deferral in the lesser of:

(A) the amount requested by the applicant; or

(B) the maximum amount that may be deferred in the year;

(2) provide for the recording of the deferral in the office of the county recorder on the form and in the manner prescribed by the department of local government finance; and

(3) notify the county treasurer and the department of local government finance of the amount deferred on the form and in the manner prescribed by the department of local government finance.

Sec. 21. Deferred property taxes may be paid at any time on or

before the delayed due date established by this chapter without interest and penalties. Payment of deferred property taxes after the delayed due date established by this chapter shall be collected in the same manner as delinquent property taxes. If a payment of deferred property taxes is made, the county treasurer shall notify the county auditor, the county recorder, and the department of local government finance on the form and in the manner prescribed by the department of local government finance. Notice to the county recorder must be in the form of a release of the lien on the homestead for the deferred property taxes.

Sec. 22. Whenever an individual who is a qualified individual on an assessment date for which property taxes were deferred:

- (1) ceases to use the homestead as the individual's principal place of residence;
- (2) ceases to have a qualified interest in the homestead; or
- (3) changes the individual's qualified interest in the homestead;

or a surviving spouse becomes a qualified individual, a person responsible for paying the property taxes on the homestead shall notify the county auditor in the county where the homestead is located on the form and in the manner prescribed by the department of local government finance. The county auditor shall review the information filed under this section to determine whether a deferral termination event has occurred.

Sec. 23. If, as the result of the filing of information with the county auditor or on the county auditor's own motion, the county auditor determines that a deferral termination event has occurred, the county auditor shall notify the county treasurer, the county recorder, and the department of local government on the form and in the manner prescribed by the department of local government finance.

Sec. 24. A county auditor shall give written notice of each determination under this chapter to the qualified taxpayers and mortgage holders of record for the affected homestead. A qualified taxpayer may appeal an adverse determination under this chapter to the Indiana board not later than forty-five (45) days after notice of the determination.

Sec. 25. The county recorder shall record the following without charge in the miscellaneous records of the county recorder:

- (1) A statement of the amount of property tax deferred under this chapter imposed on the deferred property taxes.
- (2) A statement of payment of deferred property taxes.
- (3) A notice of termination of a deferral.

Sec. 26. (a) Except:

- (1) as required by federal law or regulation;
- (2) if the loan from the lender:
 - (A) is made, guaranteed, or insured by a federal government lending or insuring agency; and
 - (B) requires the borrower to make payments to a lender with respect to an escrow or other type of account; or
- (3) if the application of this section would impair the obligations of a borrower under an agreement executed before April 15, 2006;

a lender may not require a borrower to maintain an escrow or other type of account with regard to taxes for which the borrower has elected to defer taxes under this chapter.

(b) Notice of a tax deferral in the records of the county recorder shall be treated as notice of a tax deferral to a lender.

(c) Any payments that are made by the borrower to an escrow or other type of account with regard to property taxes and that:

- (1) were submitted before the time of submission of evidence of tax deferral, for any period; and
- (2) have not been used in payment or partial payment of taxes;

must be refunded to the borrower within thirty (30) days after the deferral is approved and filed with the county recorder."

Page 261, line 18, after "IC 6-1.1-46" delete "," and insert "and IC 6-1.1-47, both".

Page 261, line 18, delete "applies" and insert "apply".

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

ORENTLICHER

Motion prevailed.

HOUSE MOTION (Amendment 1001-15)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 68, line 13, after ";" begin a new line double block indented and insert:

"(6) information concerning credits applicable under IC 6-1.1-21-5.8 to taxes first due and payable in the next calendar year;"

Page 68, line 14, delete "(6)" and insert "(7)".

Page 68, between lines 25 and 26, begin a new a paragraph and insert:

"(d) The officers of a political subdivision shall adjust the assessed value used in setting rates for the taxes first due and payable in a calendar year in which credits apply under IC 6-1.1-21-5.8 to eliminate or minimize levy reductions that would otherwise result from the application of those credits."

Page 99, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 103. IC 6-1.1-21-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.8. (a)** The following definitions apply throughout this section:

(1) "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5.

(2) "Assets":

(A) includes:

- (i) real property, other than the homestead with respect to which a qualifying individual applies for a credit under this section;
- (ii) cash;
- (iii) savings accounts;
- (iv) stocks;
- (v) bonds; and
- (vi) any other investment; and

(B) does not include:

- (i) the cash value of life insurance policies on the life of the qualifying individual or the qualifying individual's spouse; and
- (ii) tangible personal property.

(3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

(4) "Homestead" has the meaning set forth in IC 6-1.1-20.9-1(2).

(5) "Household income" means the combined adjusted gross income of the qualifying individual and the qualifying individual's spouse.

(6) "Net property tax bill" means the amount of property taxes currently due and payable in a particular calendar year after the application of all deductions and credits, except for the credit provided by this section, as evidenced by the tax statement required in IC 6-1.1-22-8.

(7) "Net worth" means the remainder of:

- (A) the sum of the current market value of all assets; minus
- (B) all outstanding liabilities.

(8) "Qualifying homestead" means a homestead:

- (A) that a qualifying individual owned; or
- (B) on which a qualifying individual assumed liability for the payment of property taxes;

at least five (5) years before the assessment date for the homestead in the year for which the qualifying individual wishes to obtain the credit under this section and that has an assessed value of not more than one hundred eighty thousand dollars (\$180,000) as of the assessment date for the homestead in the year that immediately precedes the year for which the qualifying individual wishes to obtain the credit under this section multiplied by a fraction determined by the department of local government finance for the county in which the homestead is located. The numerator of the fraction is the average homestead assessed value in the county in which the homestead is located in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section and

the denominator of the fraction is the average homestead assessed value in Marion County in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section.

(9) "Qualifying individual" means an individual:

(A) who is liable for the payment of property taxes on a qualifying homestead;

(B) whose adjusted gross income for the individual's most recent taxable year that ends before the date on which the claim is filed under subsection (e) is less than seventy-five thousand dollars (\$75,000); and

(C) who is not married and has a net worth, or has a net worth in combination with the net worth of the individual's spouse, of less than two hundred thousand dollars (\$200,000) as of December 31 of:

(i) with respect to real property, the year that precedes by two (2) years the year for which the individual wishes to obtain the credit under this section; and

(ii) with respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the year that immediately precedes the year for which the individual wishes to obtain the credit under this section.

(10) "Taxable year" has the meaning set forth in IC 6-3-1-16.

(b) The credit provided by this section applies in a county for property taxes first due and payable in a calendar year only if the county fiscal body of the county adopts an ordinance to apply the credit before July 1 of the immediately preceding calendar year. An ordinance adopted under this subsection may authorize the credit for more than one (1) year.

(c) Except as provided in subsection (d), each year a qualifying individual in a county in which the credit provided by this section is authorized under subsection (b) may receive a credit against the net property tax bill on the individual's qualifying homestead. The amount of the credit to which a qualifying individual is entitled equals the lesser of two thousand dollars (\$2,000) or the remainder of:

(1) the amount of the net property tax bill without the application of the credit provided by this section; minus

(2) the following percentage of the qualifying individual's adjusted gross income for the qualifying individual's most recent taxable year that ends before the date on which the claim is filed under subsection (e):

(A) Five percent (5%) if the adjusted gross income is less than twenty thousand dollars (\$20,000).

(B) Seven percent (7%) if the adjusted gross income is at least twenty thousand dollars (\$20,000) but less than fifty thousand dollars (\$50,000).

(C) Nine percent (9%) if the adjusted gross income is at least fifty thousand dollars (\$50,000) but less than seventy-five thousand dollars (\$75,000).

(d) If the qualifying individual resides in the qualifying homestead with the qualifying individual's spouse, those individuals are together entitled to one (1) credit under this section for the qualifying homestead. The amount of the credit is determined under subsection (c), except that the household income is substituted for the qualifying individual's adjusted gross income.

(e) A qualifying individual or a qualifying individual and the qualifying individual's spouse who desire to claim the credit provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the qualifying homestead is located. With respect to real property, the statement must be filed after January 1 and before May 11 of the year before the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. For a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed after January 1 and before March 2 of the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this

section. The statement must contain the following information:

(1) The full name or names and complete address of the qualifying individual or the qualifying individual and the qualifying individual's spouse.

(2) A description of the qualifying homestead.

(3) The amount of:

(A) the qualifying individual's adjusted gross income referred to in subsection (c)(2); or

(B) if subsection (d) applies, the household income referred to in subsection (d) of the qualifying individual and the qualifying individual's spouse.

(4) The name of any other county and township in which the qualifying individual or the qualifying individual's spouse owns or is buying on contract:

(A) real property; or

(B) a:

(i) mobile home; or

(ii) manufactured home;

that is not assessed as real property.

(5) The record number and page where the contract or memorandum of the contract is recorded if the qualifying homestead is under contract purchase.

(6) Proof of net worth as of the date specified in subsection (a)(9)(C):

(A) in a form determined by the department of local government finance; and

(B) including:

(i) income tax returns or other evidence detailing gross income; and

(ii) other documentation as determined by the department of local government finance.

(7) Any other information required by the department of local government finance.

(f) The auditor of a county with whom a statement is filed under subsection (e) shall immediately prepare and transmit a copy of the statement to the auditor of any other county if the qualifying individual who claims the credit or the qualifying individual's spouse owns or is buying property located in the other county as described in subsection (e)(4). The auditor of the other county described in subsection (e)(4) shall note on the copy of the statement whether a credit has been claimed under this section for a qualifying homestead located in the auditor's county. The auditor shall then return the copy to the auditor of the first county.

(g) Subject to subsection (h), if a proper certified credit statement is filed under subsection (e), the county auditor shall allow the credit and shall apply the credit equally against each installment of property taxes. The county auditor shall include the amount of the credit applied against each installment of property taxes on the tax statement required under IC 6-1.1-22-8.

(h) If the qualifying homestead qualifies for the credit under IC 6-1.1-20.6 and a statement to claim the credit under this section is filed under subsection (e), the county auditor shall:

(1) determine from the individual who filed the statement whether the individual elects to have applied:

(A) the credit under this section; or

(B) the credit under IC 6-1.1-20.6; and

(2) apply only the credit elected by that individual as determined under subdivision (1).

(i) If an individual knowingly or intentionally files a false statement under this section, the individual must pay the amount of any credit the individual received because of the false statement, plus interest at the rate of ten percent (10%) per year, to the county auditor for distribution to the taxing units of the county in the same proportion that property taxes are distributed.

SECTION 114. IC 6-1.1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Notwithstanding IC 6-1.1-26, any taxpayer who is entitled to a credit under this chapter or who has properly filed for and is entitled to a credit under IC 6-1.1-20.9, and who, without taking the credit, pays in full the taxes to which the credit applies, is entitled to a refund, without interest, of an amount equal to the amount of the credit. However, if the taxpayer, at the time a refund is claimed, owes any

other taxes, interest, or penalties payable to the county treasurer to whom the taxes subject to the credit were paid, then the credit shall be first applied in full or partial payment of the other taxes, interest, and penalties and the balance, if any, remaining after that application is available as a refund to the taxpayer.

(b) Any taxpayer entitled to a refund under this section **other than a refund based on the credit under section 5.8 of this chapter** shall be paid that refund from proceeds of the property tax replacement fund. However, with respect to any refund attributable to a homestead credit, the refund shall be paid from that fund only to the extent that the percentage homestead credit the taxpayer was entitled to receive for a year does not exceed the percentage credit allowed in IC 6-1.1-20.9-2(d) for that same year. Any refund in excess of that amount shall be paid from the county's revenue distributions received under IC 6-3.5-6.

(c) The state board of accounts shall establish an appropriate procedure to simplify and expedite the method for claiming these refunds and for the payments thereof, as provided for in this section, which procedure is the exclusive procedure for the processing of the refunds. The procedure shall, however, require the filing of claims for the refunds by not later than June 1 of the year following the payment of the taxes to which the credit applied."

Page 261, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 293. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-21-5.8, as added by this act, applies only to property taxes first due and payable after December 31, 2006.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

ORENTLICHER

Motion failed.

HOUSE MOTION (Amendment 1001-25)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 6, delete lines 6 through 31.
 Page 7, delete lines 7 through 31.
 Page 7, delete lines 37 through 42.
 Delete pages 8 through 26.
 Page 27, delete lines 1 through 24.
 Page 28, delete lines 25 through 42.
 Delete pages 29 through 30.
 Page 31, delete lines 1 through 17.
 Page 32, delete lines 18 through 42.
 Delete pages 33 through 56.
 Page 57, delete lines 1 through 2.
 Page 59, line 24, delete "The".
 Page 59, delete lines 25 through 26.
 Page 59, line 27, delete "determination by the county assessor".
 Page 59, line 31, reset in roman "assessor".
 Page 59, line 31, delete "official referred to in".
 Page 59, line 32, delete "subsection (a)".
 Page 61, delete lines 5 through 42.
 Delete page 62.
 Page 63, delete lines 1 through 18.
 Page 64, delete lines 12 through 42.
 Delete page 65.
 Page 66, delete lines 1 through 26.
 Page 112, delete lines 24 through 42.
 Delete pages 113 through 118.
 Page 119, delete lines 1 through 17.
 Page 119, delete lines 35 through 42.
 Delete pages 120 through 132.
 Page 133, delete lines 1 through 20.
 Page 141, delete lines 10 through 42.
 Page 142, delete lines 1 through 31.
 Page 223, delete lines 19 through 42.
 Page 226, line 12, delete "offices office" and insert "offices".
 Page 226, line 13, delete "assessors assessor or the county assessor" and insert "assessors".
 Page 247, delete lines 14 through 31.
 Page 255, delete lines 6 through 8.

Page 258, delete lines 11 through 40.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

BORDERS

After discussion, Representative Borders withdrew the motion.

HOUSE MOTION (Amendment 1001-2)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. No tax or fee, except as provided in this article, shall be assessed or collected from a permit holder by a political subdivision having the power to assess or collect a tax or fee. This section does not apply to **fees imposed under IC 36-13** or real or personal property taxes imposed by a local taxing unit."

Page 254, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 278. IC 36-13 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

ARTICLE 13. PUBLIC SERVICES USER FEES

Chapter 1. Application

Sec. 1. This article applies in a county only if the county fiscal body adopts an ordinance to apply this article in the county.

Sec. 2. This article applies to the owner of each building or other real property improvement subject to assessment under IC 6-1.1-4.

Sec. 3. (a) Except as provided in subsection (b), a fee imposed under this article applies to all property referred to in section 2 of this chapter that is subject to assessment under IC 6-1.1-4, regardless of whether the property is exempt from ad valorem property taxes.

(b) A fee imposed under this article does not apply to property referred to in section 2 of this chapter that is:

- (1) exempt from ad valorem property taxes; and
- (2) owned by a church or religious society.

Chapter 2. Imposition and Distribution

Sec. 1. Fees imposed under this article are treated as ad valorem property taxes for the purpose of distributions under the following:

- (1) IC 6-1.1-21.
- (2) IC 6-3.5.
- (3) IC 6-5.5.
- (4) IC 6-6-5.
- (5) Any other law that computes a distribution based on the assessed value of tangible property or on the property tax levy imposed.

Sec. 2. The department of local government finance shall provide the information necessary for the department of state revenue and county auditors to make the distributions described in section 1 of this chapter.

Sec. 3. Fees imposed under this article shall be billed and collected in the same manner and at the same time that property taxes are billed and collected.

Sec. 4. The county auditor shall distribute to a political subdivision in which a property subject to the fee imposed under this article is located the part of the fee collected with respect to the property that bears the same proportion to the total amount of the fee collected with respect to the property that the tax rate imposed by the political subdivision bears to the total property tax rate in the taxing district in which the property is located.

Sec. 5. The maximum property tax levy that a political subdivision may impose for a budget year under IC 6-1.1-18.5 or IC 6-1.1-19 is reduced by the amount of fees imposed by the political subdivision under this article for the budget year.

Sec. 6. A political subdivision may use revenue from fee collections in the same manner that the political subdivision uses revenue from property tax collections.

Chapter 3. Fees

Sec. 1. Fees imposed by a county under this article apply to the

owner of each building or other real property improvement in the county subject to assessment under IC 6-1.1-4.

Sec. 2. The fees imposed under this article may be determined based on the following:

- (1) A flat charge for each building or other real property improvement.
- (2) The amount of public services used.
- (3) Whether the county is required to purchase or lease special facilities or equipment to deliver public services to the property.
- (4) A combination of the factors set forth in subdivisions (1) through (3) or other factors that the county fiscal body determines is necessary to establish just and equitable fees.

Sec. 3. The fees imposed under this article do not have to be uniform throughout the county or for all users of public services. The county fiscal body may exercise reasonable discretion in:

- (1) adopting different schedules of fees; or
- (2) making classifications in schedules of fees:
 - (A) based on variations in the costs of furnishing the services, including capital expenditures required, to various classes of users of public services or to various locations in the county; or
 - (B) where there are variations in the number of users in various locations in the county.

Sec. 4. If public services will not be provided until after a capital improvement is completed, a county may bill and collect fees under this article for the services to be provided after the contract for construction of the capital improvement has been let and actual work commenced in an amount sufficient to meet the interest on the revenue bonds and other expenses payable before the completion of the capital improvement.

Sec. 5. Unless the county fiscal body finds and directs otherwise, public services are considered to benefit every building or other real property improvement in the county. The fees imposed under this article shall be billed and collected accordingly.

Sec. 6. (a) The county fiscal body may, by ordinance, establish just and equitable fees for the use of public services provided in the county.

(b) The county fiscal body may periodically change and readjust the fees as provided in this article.

Sec. 7. The initial fees may be established under section 6 of this chapter only after a public hearing at which all:

- (1) the property owners in the county; and
- (2) others interested;

have an opportunity to be heard concerning the proposed fees.

Sec. 8. After introduction of the ordinance initially establishing fees but before the ordinance is finally adopted under section 6 of this chapter, notice of the hearing setting forth the proposed schedule of fees must be given by publication one (1) time each week for two (2) weeks in a newspaper of general circulation in the county. The last publication must be at least seven (7) days before the date fixed in the notice for the hearing. The hearing may be adjourned as necessary.

Sec. 9. (a) The ordinance establishing the initial fees under section 6 of this chapter, either as:

- (1) originally introduced; or
- (2) modified and amended;

must be passed and put into effect after the hearing.

(b) A copy of the schedule of the fees established must be:

- (1) kept on file in the office of the county auditor; and
- (2) open to public inspection.

Sec. 10. (a) The fees established for a class of users of property served shall be extended after the fees are established to cover any additional users of property served that are in the same class without the necessity of hearing or notice.

(b) A change or readjustment of fees imposed under this article may be made in the same manner as the fees were originally established.

Chapter 4. Liens for Fees

Sec. 1. The fees made, assessed, or established under this article against a building or other real property improvement in the county is a lien against the building or other real property improvement.

Sec. 2. Except as provided in sections 5 and 6 of this chapter, a lien attaches under section 1 of this chapter at the time of the recording of the list prepared under IC 36-13-5-2 in the county recorder's office as provided in IC 36-13-5. The lien:

- (1) is superior to and takes precedence over all other liens except the lien for taxes; and
- (2) shall be enforced under this article.

Sec. 3. If fees are not paid by the due date, the fees become delinquent and a penalty of ten percent (10%) of the amount of the fees attaches to the fees. The county may recover:

- (1) the amount due;
- (2) the penalty; and
- (3) reasonable attorney's fees;

in a civil action in the name of the county.

Sec. 4. Fees imposed under this article and not paid by the due date, together with the penalty, are collectible in the manner provided by this article.

Sec. 5. (a) A fee imposed under this article is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner.

(b) If the property is conveyed before the lien can be filed, the officer of the county who is charged with the collection of the fee shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including penalty for delinquencies, is due not less than fifteen (15) days after the date of the notice. If payment is not received before one hundred eighty (180) days after the date of the notice have elapsed, the amount due may be expensed as a bad debt loss.

Sec. 6. (a) This section applies whenever a property owner has notified the county by certified mail with return receipt requested of the address to which the owner's notice is to be sent.

(b) A lien does not attach under this article against a building or other real property improvement occupied by someone other than the owner unless the officer of the county who is charged with the collection of fees notifies the owner of the property after the fees have become sixty (60) days delinquent.

Sec. 7. (a) The county shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

on receipt of a verified demand in writing from the purchaser.

(b) A demand referred to in subsection (a) must state the following:

- (1) That the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner.
- (2) That the purchaser has not been paid by the seller for the delinquent fees.

Chapter 5. Enforcement of Delinquencies

Sec. 1. This chapter applies only to fees or penalties under this article that have been due and unpaid for at least ninety (90) days.

Sec. 2. The county treasurer shall enforce the payment of fees and penalties imposed under this article. The officer shall, not more than two (2) times in a year, prepare a list of the delinquent fees, including the amount of the penalty, that are enforceable under this chapter. The list must include the following:

- (1) The name of each owner of each building or other real property improvement on which the fees have become delinquent.
- (2) The description of the property as shown by the records of the office of the county auditor.
- (3) The amount of the fees, together with the amount of the penalty.

Sec. 3. (a) The county treasurer shall record a copy of the list prepared under section 2 of this chapter in the office of the county recorder.

(b) The county recorder shall charge a fee for recording the list in accordance with the fee schedule established in IC 36-2-7-10.

(c) After recording the list, the county treasurer shall mail to each property owner on the list a notice stating that a lien against the owner's property has been recorded.

(d) This subsection applies only to a county that does not

contain a consolidated city. A service charge of five dollars (\$5), which is in addition to the recording fee charged under this section and section 6 of this chapter, shall be added to each delinquent fee that is recorded.

Sec. 4. (a) This section applies only to a county containing a consolidated city.

(b) Using the lists prepared and recorded under sections 2 and 3 of this chapter, the county treasurer shall certify to the county auditor a list of the liens that remain unpaid according to the following schedule:

(1) Liens recorded on or after August 1 of the preceding year and before February 1 of the current year shall be certified before March 1 of each year for collection in May of the same year.

(2) Liens recorded on or after February 1 of the current year and before August 1 of the current year shall be certified before September 1 of each year for collection in November of the same year.

(c) The county and the officers and employees of the county are not liable for any material error in the information on the list prepared under subsection (b).

Sec. 5. (a) This section applies only to a county that does not contain a consolidated city.

(b) Using the lists prepared and recorded under sections 2 and 3 of this chapter:

(1) after April 1 of the preceding year; and

(2) before April 1 of the current year;

the county treasurer shall before June 1 of each year certify to the county auditor a list of the liens that remain unpaid for collection in the next November.

(c) The county and the officers and employees of the county are not liable for any material error in the information on the list.

Sec. 6. (a) The county treasurer shall release a recorded lien when the:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges; and
- (4) recording fees;

have been fully paid.

(b) The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

Sec. 7. (a) This subsection applies to a county that does not contain a consolidated city. On receipt of the list under section 5 of this chapter, the county auditor shall add a fifteen dollar (\$15) certification fee for each lot or parcel of real property on which fees are delinquent. The certification fee is in addition to all other applicable fees. The county auditor shall immediately enter on the tax duplicate for the municipality the:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges;
- (4) recording fees; and
- (5) certification fees;

that are due not later than the due date of the next November installment of property taxes.

(b) This subsection applies to a county having a consolidated city. On receipt of the list under section 4 of this chapter, the county auditor shall enter on the tax duplicate the:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges; and
- (4) recording fees;

that are due not later than the due date of the next installment of property taxes.

(c) The county treasurer shall include any unpaid charges for the:

- (1) delinquent fee;
- (2) penalty;
- (3) service charge;
- (4) recording fee; and
- (5) certification fee;

for each owner of each lot or parcel of property at the time the next cycle's property tax installment is billed.

Sec. 8. (a) This section does not apply to a county containing a consolidated city.

(b) After June 1 of each year, the county treasurer may not collect or accept:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges;
- (4) recording fees; or
- (5) certification fees;

from property owners whose property has been certified to the county auditor.

Sec. 9. If a:

- (1) delinquent fee;
- (2) penalty;
- (3) service charge;
- (4) recording fee; or
- (5) certification fee;

is not paid, the county treasurer shall collect the unpaid money in the same way that delinquent property taxes are collected.

Sec. 10. (a) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all:

- (1) fees;
- (2) service charges; and
- (3) penalties;

that have been collected.

(b) The county auditor shall:

- (1) deduct the service charges and certification fees collected by the county treasurer; and
- (2) pay to the county treasurer the remaining fees and penalties due the county.

(c) The county treasurer shall:

- (1) retain the service charges and certification fees that have been collected; and
- (2) deposit the charges and fees in the county general fund.

Sec. 11. (a) This section applies to a:

- (1) fee;
- (2) penalty; or
- (3) service charge;

that was not recorded before a recorded conveyance.

(b) The:

- (1) fee;
- (2) penalty; or
- (3) service charge;

shall be removed from the tax roll for a purchaser who, in the manner prescribed by IC 36-13-4-7, files a verified demand with the county auditor.

Chapter 6. Foreclosure of Liens

Sec. 1. A county may, as an additional or alternative remedy, foreclose a lien under this article as a means of collection of fees, including the penalty on the fees.

Sec. 2. (a) In all actions brought to foreclose liens under this article, the county is entitled to recover the following:

- (1) The amount of the fees.
- (2) The penalty on the fees.
- (3) Reasonable attorney's fees.

(b) The court shall order that the sale be made without relief from valuation or appraisal statutes.

Sec. 3. Except as otherwise provided by this article, the following apply in all actions to foreclose liens under this article:

- (1) The laws concerning municipal public improvement assessments.
- (2) The rights, remedies, procedure, and relief granted the parties to the action."

Page 261, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 291. [EFFECTIVE JULY 1, 2005] IC 36-13, as added by this act, applies only to budget years beginning after December 31, 2005."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

AGUILERA

After discussion, Representative Aguilera withdrew the motion.

HOUSE MOTION
(Amendment 1001-10)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and to make an appropriation.

Page 259, delete lines 4 through 42, begin a new paragraph and insert:

"SECTION 288. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.9-1, and IC 6-1.1-21-2 apply throughout this SECTION.

(b) The following definitions apply throughout this SECTION:

(1) "Family and children's fund" refers to a family and children's fund established under IC 12-19-7-3.

(2) "Family and children's fund levy" refers to the sum of the property tax levies first due and payable in a year for a county's family and children's fund.

(3) "Nonresidential property" means tangible property that is subject to property taxation other than residential property.

(4) "Residential property" refers to residential property, as determined under the rules of the department of local government finance that classify tangible property for property tax purposes.

(c) Not later than the later of three (3) regular business days after the effective date of this SECTION or February 1, 2006, the budget agency shall certify to the department of local government finance and the auditor of state the surplus state tax amnesty revenues attributable to the amnesty program established under IC 6-8.1-3-17. The amount of surplus state tax amnesty revenues is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the balance on January 30, 2006, of the sum of the following:

(A) The total of the tax liability collected in the amnesty program established under IC 6-8.1-3-17.

(B) The total of the tax liability that:

- (i) a taxpayer has agreed to pay under a written payment plan entered into under IC 6-8.1-3-17; and
- (ii) is due under the taxpayer's written payment plan after January 30, 2006, and before July 1, 2006.

STEP TWO: Subtract from the STEP ONE amount the part of the STEP ONE amount that is attributable to listed taxes collected for a political subdivision (as defined in IC 36-1-2-13), including the following:

- (A) The county adjusted gross income tax (IC 6-3.5-1.1).
- (B) The county option income tax (IC 6-3.5-6).
- (C) The county economic development income tax (IC 6-3.5-7).
- (D) The municipal option income tax (IC 6-3.5-8).
- (E) The auto rental excise tax (IC 6-6-9).
- (F) The financial institutions tax (IC 6-5.5).
- (G) The gasoline tax (IC 6-6-1.1).
- (H) The alternative fuel permit fee (IC 6-6-2.1).
- (I) The special fuel tax (IC 6-6-2.5).
- (J) The motor carrier fuel tax (IC 6-6-4.1).
- (K) A motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3.
- (L) The motor vehicle excise tax (IC 6-6-5).
- (M) The commercial vehicle excise tax (IC 6-6-5.5).

STEP THREE: Subtract from the STEP TWO amount the estimated out of pocket costs that the budget agency determines will be incurred by the state to administer this SECTION in 2006 and 2007. The amount estimated under this STEP may be adjusted in 2007 to reflect actual expenditures. Any adjustments apply only to reduce or increase a distribution required under this SECTION in 2007.

(d) A taxpayer is entitled to an additional property tax replacement credit against property tax liability first due and payable:

(1) in 2006; and

(2) in 2007, if the amount remaining in the special account established under subsection (g) after making the distribution required under subsection (h) for 2006 is at least two percent (2%) of the increase in the levy resulting from the tax rates for 2007 described in subsection (e) STEP THREE.

The amount of the credit for property taxes first due and payable in a year is the credit determined under subsection (e).

(e) In 2006 not later than the later of six (6) regular business days after the effective date of this SECTION or February 15, 2006, and in 2007 at the time property tax rates, property tax levies, and budgets are certified under IC 6-1.1-17-16, the department of local government finance shall certify to counties the additional property tax credit percentage or other procedure or formula to use, as determined by the department of local government finance, to provide taxpayers in a particular county with property tax relief substantially equal to the amount determined under STEP THIRTEEN of the following formula:

STEP ONE: Determine the family and children's fund levy in the county for property taxes first due and payable in 2005.

STEP TWO: Determine the family and children's fund levy in the county for property taxes first due and payable in the current year.

STEP THREE: Determine the result of:

(A) the STEP ONE amount; divided by

(B) the STEP TWO amount;

rounded to the nearest ten thousandth (0.0001).

STEP FOUR: Determine the greater of zero (0) or the result of:

(A) One (1); minus

(B) the STEP THREE result.

STEP FIVE: Determine the taxpayer's property tax liability for the county's family and children's fund levy that:

(A) is first due and payable in the current year; and

(B) is imposed on all of the taxpayer's residential property in the county for the assessment date for property taxes first due and payable in the current year; after applying the part of the credits granted under IC 6-1.1-20.9-2 and IC 6-1.1-21-5 that are attributable to the property taxes described in this STEP.

STEP SIX: Determine the result of:

(A) the STEP FOUR result; multiplied by

(B) the STEP FIVE amount.

STEP SEVEN: Determine the result of:

(A) the STEP SIX result; divided by

(B) the assessed value of all of the taxpayer's residential property in the county for the assessment date for property taxes first due and payable in the current year; rounded to the nearest ten thousandth (0.0001).

STEP EIGHT: Determine the result of:

(A) the STEP SEVEN result; multiplied by

(B) the lesser of:

(i) the assessed value of all of the taxpayer's residential property in the county for the assessment date for property taxes first due and payable in the current year; or

(ii) three hundred fifty thousand dollars (\$350,000).

STEP NINE: Determine the taxpayer's property tax liability for the county's family and children's fund levy that:

(A) is first due and payable in the current year; and

(B) is imposed on all of the taxpayer's nonresidential property in the county for the assessment date for property taxes first due and payable in the current year; after applying the part of the credits granted under IC 6-1.1-21-5 that is attributable to the property taxes described in this STEP.

STEP TEN: Determine the result of:

(A) the STEP FOUR result; multiplied by

(B) the STEP NINE amount.

STEP ELEVEN: Determine the result of:

(A) the STEP TEN result; divided by

(B) the assessed value of all of the taxpayer's nonresidential property in the county for the assessment date for property taxes first due and payable in the current year;

rounded to the nearest ten thousandth (0.0001).

STEP TWELVE: Determine the result of:

(A) the STEP ELEVEN result; multiplied by

(B) the lesser of:

(i) the assessed value of all of the taxpayer's nonresidential property in the county for the assessment date for property taxes first due and payable in the current year; or

(ii) one million dollars (\$1,000,000).

STEP THIRTEEN: Determine the result of:

(A) the STEP EIGHT result; plus

(B) the STEP TWELVE result.

If in 2006, the amount certified under subsection (c) and, in 2007, the amount remaining in the special account established under subsection (g) (after making the distribution required under subsection (h)) is less than the sum of the STEP THIRTEEN amounts for all taxpayers in Indiana, the credit shall be proportionally reduced, as determined by the department of local government finance, to eliminate the excess.

(f) A county auditor:

(1) may apply the entire amount of an additional property tax credit under this SECTION equally to all installments of property taxes first due from the taxpayer in the year; or
(2) if application of the credit to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements and apply the entire credit to the property tax due in a later installment.

IC 6-1.1-22.5-6 does not apply to a delay in the delivery of an abstract described in subdivision (2). The department of local government finance may prescribe procedures to apply an additional property tax replacement credit to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(g) Not later than the later of:

(1) the end of the month in which the budget agency certifies the amount of the surplus state tax amnesty revenues; or

(2) March 31, 2006;

the auditor of state shall transfer to the property tax replacement fund from unrestricted revenues in the state general fund an amount equal to the surplus state tax amnesty revenues certified to the auditor of state under this SECTION. The amount transferred shall be accounted for separately from other money in the property tax replacement fund. Money in the special account may be used only to make distributions to taxing units to replace revenue lost to a county as the result of the application of the additional property tax credit established by this SECTION. Money remaining in the special account on June 30 of the state fiscal year that ends after the property tax replacement fund board makes the last distribution required under this SECTION reverts to the state general fund.

(h) The property tax replacement fund board shall provide for an additional distribution to taxing units from the special account in the property tax replacement fund established under subsection (g) to replace revenue lost to a county as the result of the application of the additional property tax credit established by this SECTION. The distribution shall be made on the schedule determined by the property tax replacement fund board. To the extent possible, the property tax replacement fund board shall make distributions under this subsection at the same time distributions of homestead credits and other property tax replacement credits are made. A distribution under this subsection is not subject to any law limiting the maximum amount that may be distributed under IC 6-1.1-21. The amount distributed under this subsection is not included in the amount used to determine the minimum amount that must be distributed or maximum distribution that may not be exceeded under IC 6-1.1-21.

(i) The amount necessary to make distributions under subsection (h) is annually appropriated as an additional appropriation to the property tax replacement fund board from the special account in the property tax replacement fund established under subsection (g).

(j) This subsection applies to a taxpayer in an allocation area that would be eligible for an additional credit under any of the following:

(1) IC 8-22-3.5-10.

(2) IC 36-7-14-39.5.

(3) IC 36-7-15.1-26.5.

(4) IC 36-7-15.1-35.

(5) IC 36-7-15.1-56.

(6) IC 36-7-30-27.

(7) IC 36-7-30.5-32.

(8) IC 36-7-32-18.

As used in this subsection, "designating body" refers to the governing body permitted to reduce an additional credit otherwise granted in an allocation area to which a provision described in subdivisions (1) through (8) applies. Subject to this subsection, a taxpayer in an allocation area is entitled to a supplemental credit. The amount of the supplemental credit is equal to the amount necessary to give the taxpayer the same total credit that the taxpayer would have received if the taxpayer's tangible property were not located in an allocation area. The supplemental credit reduces the amount of proceeds allocated to the district where the allocation area is located and paid into an allocation fund. A designating body may reduce the amount of the supplemental credits granted in an allocation area in the same manner and for the same reasons that the designating body is permitted to reduce an additional credit in the allocation area. The department of local government finance may prescribe procedures to use to apply a supplemental credit to tangible property in an allocation area. A county auditor shall comply with the procedures prescribed under this subsection."

Page 260, delete lines 1 through 40.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

CRAWFORD

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1001 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION (Amendment 1001-12)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 3, delete lines 10 through 42.

Delete pages 4 through 5.

Page 6, delete lines 1 through 5.

Page 68, delete lines 26 through 42.

Delete page 69.

Page 70, delete lines 1 through 35.

Page 238, delete lines 6 through 42.

Page 239, delete lines 1 through 26.

Page 254, delete lines 4 through 27.

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

CRAWFORD

Upon request of Representatives Crawford and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 46: yeas 45, nays 48. Motion failed.

HOUSE MOTION (Amendment 1001-26)

Mr. Speaker: I move that House Bill 1001 be amended to read as follows:

Page 129, between lines 6 and 7, begin a new paragraph and insert: "SECTION 132. IC 6-1.1-37-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) As used in this section, "department" refers to the department of local

government finance.

(b) The county treasurer of each county may establish an amnesty program for taxpayers liable for delinquent property taxes that were first due and payable before January 1, 2007. For purposes of this subsection, property taxes are considered delinquent if a penalty applies to the property taxes under section 10 of this chapter. The time in which a voluntary payment of tax liability may be made under the amnesty program is limited to the period determined by the county treasurer, not to exceed eight (8) regular business weeks:

(1) beginning after June 30, 2006; and

(2) ending before the earlier of:

(A) the date set by the county treasurer; or

(B) January 1, 2007.

(c) The amnesty program must provide that:

(1) a taxpayer liable for delinquent property taxes on real property is eligible for the abatement of penalties imposed under section 10 of this chapter, collection fees, and costs before the end of the period for redemption of the property from tax sale under IC 6-1.1-25-4; and

(2) upon payment by a taxpayer to the county treasurer of all delinquent property taxes due from the taxpayer with respect to all tangible property in the county on which the taxpayer is liable for property taxes, and compliance with all other amnesty conditions adopted under a rule or policy of the department in effect on the date the voluntary payment is made, the county treasurer:

(A) shall abate and not seek to collect any penalties imposed under section 10 of this chapter, collection fees, or costs that would otherwise apply to the collection of the delinquent property taxes;

(B) shall release any liens imposed on the property for which the taxpayer is liable for property taxes; and

(C) shall not seek civil or criminal prosecution against any individual or entity with respect to the delinquent property taxes.

(d) The county treasurer shall publish under IC 5-3-1 a notice of the period determined by the county treasurer under subsection (b) for the application of this section.

(e) The county treasurer may abate delinquent property tax penalties imposed under section 10 of this chapter, collection fees, and costs to carry out the purposes of this section.

(f) Amnesty granted under this subsection is binding on the state, the county, and political subdivisions in the county. However, failure to pay to the county treasurer all delinquent property taxes due invalidates any amnesty granted under this subsection.

(g) The department shall conduct an assessment of the impact of the property tax amnesty program on tax collections and an analysis of the costs of administering the property tax amnesty program. As soon as practicable after December 31, 2006, the department shall submit a copy of the assessment and analysis to the legislative council in an electronic format under IC 5-14-6. County treasurers shall submit the information required by the department to conduct the assessment and analysis required under this subsection.

(h) The department may adopt emergency rules under IC 4-22-2-37.1 to implement this section. An emergency rule described in this subsection expires not later than one (1) year after it is adopted."

Renumber all SECTIONS consecutively.

(Reference is to HB 1001 as printed January 18, 2006.)

DOBIS

The Speaker ordered a division of the House and appointed Representatives Stilwell and Friend to count the yeas and nays. Yeas 49, nays 42. Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1381, has had the same under consideration and begs leave to report the same back to the House with the recommendation

that said bill be amended as follows:

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 3.

Page 7, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. IC 21-3-1.7-8.2, AS AMENDED BY P.L.246-2005, SECTION 199, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8.2. (a) Notwithstanding IC 21-3-1.6 and subject to section 9 of this chapter, the state distribution for a calendar year for tuition support for basic programs for each school corporation equals the result determined using the following formula:

STEP ONE: For a:

(A) school corporation not described in clause (B), determine the school corporation's result under STEP SEVEN of section 6.7(c) of this chapter for the calendar year; and

(B) school corporation that has target revenue per adjusted ADM for a calendar year that is equal to the amount under section 6.7(c) STEP ONE of this chapter, determine the sum of:

(i) the school corporation's result under section 6.7(c) STEP ONE of this chapter for the calendar year multiplied by the school corporation's adjusted ADM for the current year; plus

(ii) the amount of the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years; plus

(iii) the part of the maximum general fund levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility or reopening an existing facility during the preceding year.

STEP TWO: This STEP applies to a school corporation that is not a charter school. Determine the sum of:

(A) the school corporation's tuition support levy; plus

(B) the school corporation's excise tax revenue for the year that precedes the current year by one (1) year.

STEP THREE: This STEP applies to a charter school. Determine the product of:

(A) the amount determined under section 6.7(c) STEP SEVEN of this chapter for the charter school; multiplied by

(B) thirty-five hundredths (0.35).

STEP FOUR: Determine the difference between:

(A) the STEP ONE amount; minus

(B) the STEP TWO or STEP THREE amount, as applicable.

STEP FIVE: Determine the result of:

(A) the STEP FOUR result; minus

(B) the amount determined under subsection (c).

(b) If the state tuition support determined for a school corporation under this section is negative, the school corporation is not entitled to any state tuition support. In addition, the school corporation's maximum general fund levy under IC 6-1.1-19-1.5 shall be reduced by the amount of the negative result.

(c) The amount to be used under subsection (a) STEP FIVE (B) is the greater of:

(1) zero (0); or

(2) the amount by which the department of education determines the school corporation's state tuition support distribution would be reduced as a result of the enrollment of qualified dependents (as defined in IC 6-3.1-31-8) in a school of choice (as defined in IC 6-3.1-31-11) rather than the school corporation if section 6.6 of this chapter did not apply to the school corporation.

The department of education shall base a determination described in subdivision (2) on an analysis of the effects of IC 6-3.1-31 on the trend of enrollment of eligible pupils and qualified dependents (as defined in IC 6-3.1-31-8) in kindergarten in each attendance area of the school corporation. The department of education shall review the methodology used in the analysis with the budget committee."

Renumber all SECTIONS consecutively.

(Reference is to HB 1381 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1008, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 23, after "Sec. 6." insert "(a)".

Page 6, line 23, delete "at the".

Page 6, line 24, delete "request of the department".

Page 6, line 25, after "incurred" insert "or amounts owed".

Page 6, line 25, after "authority" insert ", the department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5, or IC 8-15.7 in connection with the execution and performance of a public-private agreement under IC 8-15.5 or IC 8-15.7, including establishing reserves."

Page 6, delete lines 26 through 27.

Page 6, line 29, delete "The" and insert "To the treasurer of state for deposit in the state highway fund, for the".

Page 6, between lines 33 and 34, begin a new paragraph and insert:

"(b) In addition to the distributions permitted by subsection (a), the authority shall distribute from the fund fifty million dollars (\$50,000,000) per year during 2006, 2007, and 2008 to the treasurer of state for deposit in the motor vehicle highway account established by IC 8-14-1. Notwithstanding IC 8-14-1, the auditor of state shall distribute the amounts deposited in the motor vehicle highway account under this subsection to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1. Money distributed under this subsection may be used only for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1."

Page 30, line 23, delete "selected offeror commences operations under the" and insert "public-private agreement has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted."

Page 30, delete line 24.

Page 40, line 34, delete "(c) or (d)," and insert "(c), (d), or (e)".

Page 40, line 39, delete "allocation" and insert "allocations".

Page 40, line 39, delete "subsection (d)," and insert "subsections (d) and (e)".

Page 41, line 3, delete "all" and insert "thirty-four percent (34%) of the".

Page 41, line 3, after "received" insert "during each state fiscal year".

Page 41, line 6, delete "5(a)(2) and".

Page 41, delete lines 7 through 9, begin a new paragraph and insert:

"(e) After making the allocations required by subsections (b), (c), and (d), the authority shall transfer all remaining money received during each state fiscal year under a public-private agreement under this article to the major moves construction fund established by IC 8-14-14."

Page 41, line 10, delete "Thirty-four percent (34%) of the" and insert "The".

Page 41, line 11, after "distributions to" insert ":".

Page 41, delete lines 12 through 14, begin a new line block indented and insert:

"(1) the department;

(2) the northwest Indiana regional development authority; and

(3) eligible political subdivisions;

for eligible projects located in eligible political subdivisions."

Page 42, between lines 35 and 36, begin a new paragraph and insert:

"Chapter 13. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the

extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of representatives of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the following:

(1) The person holds any interest in an operator.

(2) The person is an officer of an operator.

(3) The person is an officer of a person that holds any interest in an operator.

(4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the operator is a party to a public-private agreement entered into under this article.

(2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony."

Page 45, line 26, delete "Intermodal facilities, roads, airports, transit facilities and" and insert "Roads and bridges."

Page 45, delete lines 27 through 28.

Page 48, line 24, delete "or" and insert "and".

Page 48, line 25, delete "or both,".

Page 48, line 41, after "area" delete "or" and insert "and".

Page 48, line 41, delete "or both,".

Page 67, between lines 17 and 18, begin a new paragraph and insert:

"Chapter 16. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

(1) A candidate for a state office.

(2) A candidate for a legislative office.

(3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

(1) A candidate's committee.

(2) A regular party committee.

(3) A committee organized by a legislative caucus of the house of representatives of the general assembly.

(4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

(1) An individual listed as an officer of a corporation in the corporation's most recent annual report.

(2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the

following:

- (1) The person holds any interest in an operator.
- (2) The person is an officer of an operator.
- (3) The person is an officer of a person that holds any interest in an operator.
- (4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the operator is a party to a public-private agreement entered into under this article.
- (2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony."

Page 68, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 36. IC 8-23-9-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 54. (a) To provide funds for carrying out the provisions of this chapter, there is created a state highway fund from the following sources:

- (1) All money in the general fund to the credit of the state highway account.
- (2) All money that is received from the Department of Transportation or other federal agency and known as federal aid.
- (3) All money paid into the state treasury to reimburse the state for money paid out of the state highway fund.
- (4) All money provided by Indiana law for the construction, maintenance, reconstruction, repair, and control of public highways, as provided under this chapter.
- (5) All money that on May 22, 1933, was to be paid into the state highway fund under contemplation of any statute in force as of May 22, 1933.
- (6) All money that may at any time be appropriated from the state treasury.
- (7) Any part of the state highway fund unexpended at the expiration of any fiscal year, which shall remain in the fund and be available for the succeeding years.
- (8) Any money credited to the state highway fund from the motor vehicle highway account under IC 8-14-1-3(4).
- (9) Any money credited to the state highway fund from the highway road and street fund under IC 8-14-2-3.
- (10) Any money credited to the state highway fund under IC 6-6-1.1-801.5, IC 6-6-4.1-5, or IC 8-16-1-17.1.
- (11) Any money distributed to the state highway fund under IC 8-14-14, IC 8-15.5, or IC 8-15.7.

(b) All expenses incurred in carrying out this chapter shall be paid out of the state highway fund."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 14, nays 10.

ESPICH, Chair

On the motion of Representative Whetstone the previous question was called. Upon request of Representatives Bauer and Crawford, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 47: yeas 50, nays 46. Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 5.

BEHNING, Chair

Upon request of Representatives Stilwell and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 48: yeas 49, nays 47. Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1037, 1192, and 1381 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the reassignment of House Joint Resolution 3 from the Committee on Judiciary to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, January 26, 2006 at 1:30 p.m.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cherry and McClain be added as coauthors of House Bill 1029.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as coauthor of House Bill 1089.

J. LUTZ

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Bischoff, Ulmer, and Goodin be added as coauthors of House Bill 1138.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Turner and Bischoff be added as coauthors of House Bill 1172.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Messer be added as coauthor of House Bill 1240.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Porter, T. Harris, and Behning be added as coauthors of House Bill 1257.

BELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1258.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1281.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and Porter be added as coauthors of House Bill 1338.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Heim and Porter be added as coauthors of House Bill 1347.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be added as coauthor of House Bill 1358.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1368.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Wolkins be added as coauthor of House Bill 1378.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be removed as author of House Joint Resolution 3, Representative Messer be substituted as author, and Representative Day be added as coauthor.

DAY

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

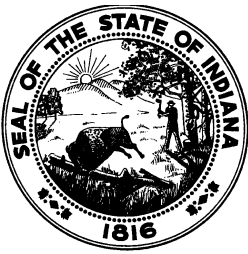
On the motion of Representative Klinker, the House adjourned at 11:59 p.m., this twenty-fifth day of January, 2006, until Thursday, January 26, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twelfth Meeting Day

Thursday Afternoon

January 26, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative L. Jack Lutz.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson ☐
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 49: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:30 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1029, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 15, 2006 (RETROACTIVE)]:

Sec. 1. (a) **The following definitions apply throughout this section:**

(1) **"Agreement" means any agreement that includes terms, representations, or provisions relating to:**

(A) **credit enhancement of, or rate covenants supporting, any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);**

(B) **any indenture or provision regarding any indenture relating to any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b) in the event of a termination of the agreement; or**

(D) **public works, capital improvements, or economic development projects.**

(2) **"Leasing body" means a not-for-profit corporation, limited purpose corporation, or authority that has leased land and a building or buildings to an entity named in subsection (b) other than another leasing body.**

(3) **"Swap agreement" has the meaning set forth in IC 8-9.5-9-4.**

(b) All bonds, notes, evidences of indebtedness, leases, or other written obligations issued **or executed** by or in the name of any:

(1) **state agency, county, township, city, incorporated town, school corporation, state educational institution, state supported institution of higher learning, political subdivision, joint agency created under IC 8-1-2.2, leasing body, separate body corporate and politic, or any other political, municipal, public or quasi-public corporation; or in the name of any**

(2) **special assessment or taxing district; or in the name of any**

(3) **board, commission, authority, or authorized body of any**

such entity; and any pledge, dedication or designation of revenues, conveyance, or mortgage securing these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations are hereby legalized and declared valid if these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations have been executed before March 15, ~~2000-~~ **2006.** All **governance, organizational, or other** proceedings had

and actions taken under which the bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements**, or other written obligations were issued **or executed** or the pledge, dedication or designation of revenues, conveyance, or mortgage was granted, are hereby fully legalized and declared valid.

(c) All contracts for the purchase of electric power and energy or utility capacity or service:

- (1) entered into by a joint agency created under IC 8-1-2.2; and
- (2) its members used for the purpose of securing payment of principal and interest on bonds, notes, evidences of indebtedness, leases, or other written obligations issued by or in the name of such joint agency;

are hereby legalized and declared valid if entered into before March 15, ~~2000~~: **2006**. All proceedings held and actions taken under which contracts for the purchase of electric power and energy or utility capacity or service were executed or entered into are hereby fully legalized and declared valid.

(d) All interlocal cooperation agreements entered into by political subdivisions or governmental entities under IC 36-1-7 are hereby legalized and declared valid if entered into before March 15, ~~2000~~: **2006**. All proceedings held and actions taken under which interlocal cooperation agreements were executed or entered into are hereby fully legalized and validated.

SECTION 2. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and
 - (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

- (6) Subtract an amount equal to the lesser of:
 - (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
 - (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

- (A) for a taxable year:
 - (i) including any part of 2004, the amount determined under subsection (f); and
 - (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
- (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand

dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(23) In the case of an individual who is employed by a taxpayer that claims a credit under IC 6-3.1-31-9, add the amount of the individual's eligible benefits as provided in IC 6-3.1-31-15(a).

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under

Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under

Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500)."

Page 1, between lines 14 and 15, begin a new paragraph and insert: "SECTION 4. IC 6-3.1-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 31. Credit for Offering Health Benefit Plans

Sec. 1. This chapter applies to an employer that:

- (1) employs at least ten (10) full-time employees who are located in Indiana; and
- (2) does not offer coverage for health care services under a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

Sec. 2. As used in this chapter, "eligible benefits" means, with respect to an employee of a taxpayer that claims a credit under section 9 of this chapter, the total amount of health insurance premiums not included in the employee's federal adjusted gross income (as defined in Section 62 of the Internal Revenue Code) during a taxable year under the health benefit plan offered by the employer.

Sec. 3. As used in this chapter, "eligible taxpayer" means a taxpayer that did not provide health insurance to the taxpayer's employees in the taxable year immediately preceding the first taxable year for which the taxpayer claims a credit under this chapter.

Sec. 4. As used in this chapter, "full-time employee" means an employee who is normally scheduled to work at least thirty (30) hours each week.

Sec. 5. (a) As used in this chapter, "health benefit plan" means coverage for health care services provided under:

- (1) an insurance policy that provides one (1) or more of the types of insurance described in Class 1(b) or Class 2(a) of IC 27-1-5-1; or
- (2) a contract with a health maintenance organization for coverage of basic health care services under IC 27-13;

that satisfies the requirements of Section 125 of the Internal Revenue Code.

(b) The term does not include the following:

- (1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.

(2) Coverage issued as a supplement to liability insurance.

(3) Automobile medical payment insurance.

(4) A specified disease policy issued as an individual policy.

(5) A limited benefit health insurance policy issued as an individual policy.

(6) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

(7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.

(8) Worker's compensation or similar insurance.

(9) A student health insurance policy.

Sec. 6. As used in this chapter, "pass through entity" means a:

(1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);

(2) partnership;

(3) limited liability company; or

(4) limited liability partnership.

Sec. 7. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

(1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);

(2) IC 6-5.5 (financial institutions tax); and

(3) IC 27-1-18-2 (insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that:

(1) has state tax liability; and

(2) employs at least ten (10) full-time employees who are located in Indiana.

Sec. 9. (a) An eligible taxpayer that, after December 31, 2006, makes health insurance available to the eligible taxpayer's employees and their dependents through at least one (1) health benefit plan is entitled to a credit against the taxpayer's state tax liability for the first two (2) taxable years in which the taxpayer makes the health benefit plan available if the following requirements are met:

(1) An employee's participation in the health benefit plan is at the employee's election.

(2) If an employee chooses to participate in the health benefit plan, the employee may pay the employee's share of the cost of the plan using a wage assignment authorized under IC 22-2-6-2.

(b) The credit allowed under this chapter equals the lesser of:

(1) two thousand five hundred dollars (\$2,500); or

(2) fifty dollars (\$50) multiplied by the number of employees enrolled in the health benefit plan during the taxable year.

Sec. 10. (a) An employer may pay or provide reimbursement for all or part of the cost of a health benefit plan made available under section 9 of this chapter.

(b) An employer that pays or provides reimbursement under subsection (a) shall pay or provide reimbursement on an equal basis for all full-time employees who elect to participate in the health benefit plan.

Sec. 11. (a) If the amount determined under section 9 of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. A taxpayer is not entitled to a carryback.

(b) A taxpayer is not entitled to a refund of any unused credit.

Sec. 12. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:

(1) the tax credit determined for the pass through entity for the taxable year; multiplied by

(2) the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.

Sec. 13. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines is necessary to calculate the credit provided by this chapter and to determine the taxpayer's eligibility for the credit.

Sec. 14. (a) A taxpayer claiming a credit under this chapter shall continue to make health insurance available to the taxpayer's employees through a health benefit plan for at least twenty-four (24) consecutive months beginning on the day after the last day of the taxable year in which the taxpayer first offers the health benefit plan.

(b) If the taxpayer terminates the health benefit plan before the expiration of the period required under subsection (a), the taxpayer shall repay the department the amount of the credit received under section 9 of this chapter.

Sec. 15. (a) An employee of a taxpayer that claims a credit under this chapter shall include in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) the employee's eligible benefits for:

- (1) the first taxable year in which the taxpayer offers the health benefit plan; and
- (2) the taxable year immediately following the first taxable year in which the taxpayer offers the health benefit plan.

An employee's eligible benefits are not included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) for the taxable years following the taxable year described in subdivision (2).

(b) A taxpayer that claims a credit under this chapter shall notify each of the taxpayer's employees of the amount included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) under subsection (a) at the same time the taxpayer provides the employee with the employee's W-2 federal income tax withholding statement for the taxable year.

SECTION 5. IC 20-12-6-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) In addition to the powers set forth in section 1 of this chapter, the corporations may:

(1) acquire, erect, construct, reconstruct, improve, rehabilitate, remodel, repair, complete, extend, enlarge, furnish, and operate any equipment that the governing boards of the corporations consider necessary for:

- (A) carrying on the educational research or public service programs or discharging the statutory responsibilities of the educational institutions and their various divisions; or
- (B) the management, operation, or servicing of the institutions; and

(2) establish liability or other loss insurance reserves or contribute those reserves or other capital to a risk retention group for the purpose of providing insurance coverage against liability claims.

(b) As used in this chapter:

- (1) "building facility" includes:
 - (A) capital equipment;
 - (B) software; and
 - (C) other costs;

that directly relate to operating the building facility, as determined under accounting principles approved by the state board of accounts.

(2) "liability or other loss insurance reserves" means a fund set aside as a reserve to cover risk retained by the corporation in connection with liability claims or other losses;

(3) "risk retention group" means a trust, pool, corporation, partnership, or joint venture funded by and owned and operated for the benefit of more than one (1) eligible member;

(4) "eligible members" includes the corporations and all private institutions of higher education (as defined in IC 20-12-63-3); and

(5) "liability" means legal liability for damages (including costs of defense, legal costs and fees, and other claims expenses) because of injuries to other persons or entities, damage to their property or business, or other damage or loss to those persons

or entities resulting from or arising out of any activity of any eligible member.

SECTION 6. IC 20-12-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to ~~section~~ **sections 16 and 17** of this chapter, bonds may be issued in an amount or amounts that do not exceed the maximum amount determined by the governing board of the issuing corporation.

(b) The bonds may be issued in the form and upon the terms and conditions, at the rate or rates of interest, and in the denominations which may be made convertible into different denominations as the governing board of the corporation may determine by the adoption of a resolution or approval of a form of trust indenture between the corporation and a designated corporate trustee, or both.

(c) The resolution or the indenture may include provisions for:

- (1) protecting and enforcing the rights and remedies of the holders of the bonds being issued;
- (2) covenants setting forth the duties of the corporation and its officers in relation to the acquisition, construction, operation, maintenance, use, and abandonment of the building facility, and insurance thereof;
- (3) the custody, safeguarding, application, and investment of all money;
- (4) the rights and remedies of the trustee and the holders of the bonds being issued;
- (5) the issuance of additional bonds as provided in the resolution or indenture; and
- (6) other terms, conditions, and covenants as the governing board of the corporation determines are proper, including provision for the establishment of a debt service reserve by:

- (A) the use of bond proceeds or other sources;
- (B) the furnishing of an insurance policy, surety bond, or letter of credit; or
- (C) any combination of clause (A) or (B).

(d) The bonds shall be sold at public or negotiated sale as provided by IC 4-1-5.

(e) All bonds and the interest coupons appertaining to the bonds issued under this chapter shall be negotiable instruments within the meaning and for all purposes under the laws of this state, subject only to the provisions of the bonds for registration as to principal or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

(f) No action to contest the validity of any bonds issued under this chapter shall be brought after the fifteenth day following:

- (1) the first publication of notice of the sale or intent to sell the bonds under IC 4-1-5, if the bonds are sold at public sale; or
- (2) the publication one (1) time in newspapers described in IC 4-1-5-1 of notice of execution and delivery of the contract of sale for the bonds, if the bonds are sold at negotiated sale.

(g) The corporation shall publish notice under subsection (f)(2) if it sells bonds at negotiated sale within thirty (30) days of execution of the contract of sale for the bonds.

(h) The rate or rates of interest of the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture pursuant to which the bonds are issued. The interest may be payable semiannually, annually, or at any other interval or intervals as may be provided in the resolution or indenture, or the interest may be compounded and paid at maturity or at any other times as specified in the resolution or indenture.

(i) The bonds may be made subject, at the option of the holders, to mandatory redemption by the corporation at the times and under the circumstances set forth in the authorizing resolution or indenture.

(j) A resolution or the indenture may contain provisions regarding the investment of money, sale, exchange, or disposal of property and the manner of authorizing and making payments, notwithstanding IC 5-13 or any general statute relating to these matters.

SECTION 7. IC 20-12-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The term "bond" or "bonds" as used in this chapter means any bonds (including refunding bonds), notes, temporary, interim, or permanent certificates

of indebtedness, debentures, or other obligations evidencing indebtedness for borrowed money. **The term does not include installment contracts or similar instruments under section 2 of this chapter.**

SECTION 8. IC 20-12-6-16, AS AMENDED BY P.L.235-2005, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) No bonds shall be issued by the corporations under the provisions of this chapter without the specific approval of:

- (1) the budget agency if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the corporation makes the findings described in subsection (b); and
- (2) the state budget committee, budget agency, and the governor of the state of Indiana, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) A corporation may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the corporation finds that the refunding or advance refunding will effect a benefit to the corporation because:

- (1) a net savings to the corporation will be effected; or
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

SECTION 9. IC 20-12-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Except for notes issued under section 8.5 of this chapter and except as provided in subsections ~~(d)~~ and (e) through (i), no bonds shall be issued for a project by the corporations under this chapter unless the general assembly:

- (1) has specifically approved the project to be financed through the issuance and sale of these bonds; and
- (2) has provided the amount of bonds which may be issued to fund the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping the specific project approved.

(b) In addition to and in connection with the amount of bonds that may be issued by a corporation for a specific project as provided in subsection (a)(2), the corporations may also issue bonds in amounts necessary to provide funds for debt service reserves, bond or reserve insurance, and other costs without additional approval by the general assembly, if these costs are incidental to the issuance of bonds for the project.

(c) The bonds, regardless of when the amount of bonds was approved by the general assembly, may be issued in an amount not exceeding:

- (1) the amount of bonds approved by the general assembly together with the amounts described in subsection (b); plus
- (2) the amount of the discount below par value, if bonds are sold at a price below par value under IC 4-1-5-1.

(d) As used in this subsection, "fee replacement" means payments to a corporation to be used to pay indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes. A power granted under this section to issue bonds without the specific approval of the general assembly shall not be construed to permit the issuance of the bonds without the specific approvals required under section 16 of this chapter. Bonds issued without the specific approval of the general assembly are eligible for fee replacement only to the extent expressly authorized by a law enacted after the issuance of the bonds.

~~(d)~~ (e) Bonds may be issued by a corporation for equipment, software, and other costs described in section 1.2(b)(1) of this chapter without the approval of the general assembly if, after the issuance, the total amount of outstanding bonds issued by the corporation for those purposes without approval will not exceed ~~one~~ ten million dollars (\$1,000,000). However, the bonds must be

approved as provided in section 16 of this chapter: (\$10,000,000).

~~(e)~~ (f) Bonds may be issued by a corporation without the approval of the general assembly to finance a qualified energy savings project (as defined in IC 20-12-5.5) if ~~(1)~~ annual operating savings to a the corporation arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. ~~and (2) However, the amount of bonds that may be issued by each outstanding for the corporation at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in subsections (b) and (c), does may not exceed ten~~ twenty million dollars ~~(\$10,000,000):~~ (\$20,000,000).

(g) Bonds may be issued by the trustees of Purdue University without the approval of the general assembly for deferred expenditures, as determined under accounting principles approved by the state board of accounts, to:

- (1) repair, rehabilitate, remodel, renovate, or reconstruct existing facilities or buildings;
- (2) improve or replace utilities or fixed equipment; or
- (3) perform related site improvement work.

However, the total amount of bonds issued for the corporation under this subsection without the approval of the general assembly, other than refunding bonds and exclusive of costs described in subsections (b) and (c), may not exceed sixty million dollars (\$60,000,000).

(h) Bonds may be issued by a corporation without the approval of the general assembly for technology expenditures, including:

- (1) computing, telecommunications, hardware, software, networking, and supporting equipment; and
- (2) related expenditures such as installation and other similar capitalizable costs.

(i) Bonds may be issued by a corporation without the approval of the general assembly to finance the purchase or lease-purchase of land or the construction of facilities or buildings if all of the following apply:

- (1) The corporation has received written contractual and legally binding commitments for gifts, grants, or reimbursements that in total are sufficient to repay the bonds.
- (2) Other available funds of the corporation are sufficient to make interest payments in the bonds until the gifts, grants, or reimbursements mature and the bonds are repaid.
- (3) The gifts, grants, or reimbursements are payable under the terms of the agreements on specific dates and are not contingent on the donor's life expectancy.
- (4) The gifts, grants, or reimbursements must be payable to the corporation in the form of cash or cash equivalents.
- (5) The gifts, grants, or reimbursements are not subject to any condition that would prevent the corporation from using the gifts, grants, or reimbursements to repay bonds issued under this subsection or to repay the corporation for any interest payments made by the corporation.

SECTION 10. IC 20-12-7-7, AS AMENDED BY P.L.235-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) No bonds shall be issued by the respective trustees under the provisions of this chapter without the specific approval of:

- (1) the budget agency if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the institution makes the findings described in subsection (b); and
- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) An institution may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the institution finds that the refunding or advance refunding will effect a benefit to the institution because:

- (1) a net savings to the institution will be effected; or

(2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

SECTION 11. IC 20-12-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The trustees of Indiana University, the trustees of Purdue University, Indiana State University board of trustees, the University of Southern Indiana board of trustees, and the Ball State University board of trustees are authorized and empowered, from time to time, if the governing boards of these corporations find that a necessity exists, to erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage:

- (1) dormitories and other housing facilities for single and married students and school personnel;
- (2) food service facilities;
- (3) student infirmaries and other health service facilities including revenue-producing hospital facilities serving the general public, together with parking facilities and other appurtenances in connection with any of the foregoing; or
- (4) parking facilities in connection with academic facilities; or
- ~~(5) medical research; facilities associated with a school of medicine; if the facilities will generate revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds for the facility for each fiscal year that the bonds are outstanding;~~

at or in connection with Indiana University, Purdue University, Indiana State University, the University of Southern Indiana, and Ball State University, for the purposes of the respective institutions. ~~These~~

(b) The trustees of Indiana University and the trustees of Purdue University may, from time to time, if the governing boards of these corporations find that a necessity exists, erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage facilities used for clinical, medical, scientific, engineering, or other similar qualitative, quantitative, or experimental research, if revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements is available in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds for the facility for each fiscal year that the bonds are outstanding at or in connection with any of the following campuses of Indiana University or Purdue University:

- (1) Purdue University-West Lafayette Campus.**
- (2) Indiana University-Purdue University at Indianapolis (IUPUI).**
- (3) Indiana University-Bloomington Campus.**

(c) The corporations described in subsection (a) or (b) are also authorized and empowered to acquire, by purchase, lease, condemnation, gift or otherwise, any property, real or personal, that in the judgment of these corporations is necessary for the purposes set forth in this section. The corporations may improve and use any property acquired for the purposes set forth in this section.

~~(b)~~ **(d) Title to all property so acquired, including the improvements located on the property, shall be taken and held by and in the name of the corporations. If the governing board of any of these corporations determines that real estate, the title to which is in the name of the state, for the use and benefit of the corporation or institution under its control, is reasonably required for any of the purposes set forth in this section, the real estate may, upon request in writing of the governing board of the corporation to the governor of the state and upon the approval of the governor, be conveyed by deed from the state to the corporation. The governor shall be authorized to execute and deliver the deed in the name of the state, signed on behalf of the state by the governor, attested by the auditor of state and with the seal of the state affixed to the deed.**

SECTION 12. IC 20-12-8-7, AS AMENDED BY P.L.235-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) No bonds shall be issued by the corporations under the provisions of this chapter without the specific approval of:**

- (1) the budget agency if the bonds are issued for the refunding or advance refunding of any outstanding bonds**

approved as required by this chapter and the corporation makes the findings described in subsection (b); and

- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.**

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) A corporation may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the corporation finds that the refunding or advance refunding will effect a benefit to the corporation because:

- (1) a net savings to the corporation will be effected; or**
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded."**

Page 1, after line 17, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE JANUARY 1, 2007] **(a) IC 6-3-1-3.5, as amended by this act, applies only to taxable years beginning after December 31, 2006.**

(b) IC 6-3.1-31, as added by this act, applies only to taxable years beginning after December 31, 2006.

SECTION 23. [EFFECTIVE JULY 1, 2006] The trustees of Indiana State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, furnishing, and equipping the Student Recreation Center Project, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed twenty-four million dollars (\$24,000,000). The project is not eligible for fee replacement.

SECTION 24. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1029 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1062, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1089, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1124, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 35 and 36, begin a new line block indented and insert:

"(5) The total amount of all loans under this chapter for all calendar years may not exceed thirteen million dollars (\$13,000,000)."

(Reference is to HB 1124 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1128, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1140, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between line 1 and the enacting clause, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business.

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots; to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) Except as provided in subsections (h) and (i), if:

(1) land assessed on an acreage basis is subdivided into lots; ~~the land shall be reassessed on the basis of lots. If or~~

(2) land is rezoned for, or put to, a different use;

the land shall be reassessed on the basis of its new classification.

(e) If improvements are added to real property, the improvements shall be assessed.

(f) An assessment or reassessment made under this section is effective on the next assessment date. ~~However, if land assessed on an acreage basis is subdivided into lots; the lots may not be reassessed until the next assessment date following a transaction which results in a change in legal or equitable title to that lot.~~

(g) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(h) Subject to subsection (i), land in inventory may not be reassessed until the next assessment date following the earliest of:

(1) the date on which title to the land is transferred by:

(A) the land developer; or

(B) a successor land developer that acquires title to the land;

to a person that is not a land developer;

(2) the date on which construction of a structure begins on the land; or

(3) the date on which a building permit is issued for construction of a building or structure on the land.

(i) Subsection (h) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land."

Page 5, between lines 5 and 6, begin a new paragraph and insert: "SECTION 3. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:

(1) with respect to a homestead (as defined in IC 6-1.1-20.9-1); and

(2) that are not payable in one (1) installment under section 9(b) of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with respect to:

(1) real property that are based on the assessment of the property in the immediately preceding year; or

(2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor, and the county treasurer~~ must approve a petition under this subsection.

(c) The department of local government finance:

(1) may not establish a date for:

(A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;

(B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or

(C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

(A) prescribe the form of the petition under subsection (b);

(B) determine the information required on the form; and

(C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

(1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

(A) used to repay temporary loans entered into by a political subdivision for; and

(B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter.

SECTION 4. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Except as provided in section 10.5 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty equal to ten percent (10%) of the amount of delinquent taxes shall be added to the unpaid portion in the year of the initial delinquency. The penalty is equal to an amount determined as follows:

(1) If:

(A) an installment of property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous year for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If subdivision (1) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) A payment to the county treasurer is considered to have been paid by the due date if the payment is:

- (1) received on or before the due date to the county treasurer or a collecting agent appointed by the county treasurer;
- (2) deposited in the United States mail:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) certified or postmarked by the United States Postal Service as mailed on or before the due date; or
- (3) deposited with a nationally recognized express parcel carrier and is:
 - (A) properly addressed to the principal office of the county treasurer; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment."

Page 5, between lines 18 and 19, begin a new paragraph and insert: "SECTION 6. IC 14-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An assessment not paid in full shall be paid in annual installments over the time commensurate with the term of the bond issue or other financing determined by resolution adopted by the board. Interest shall be charged on the unpaid balance at the same rate per year as the penalty charged on delinquent property tax payments under ~~IC 6-1.1-37-10~~. **IC 6-1.1-37-10(a)**. All payments of installments, interest, and penalties shall be entered on the assessment roll in the office of the district.

(b) Upon payment in full of the assessment, including interest and penalties, the board shall have the lien released and satisfied on the records in the office of the recorder of the county in which the real property assessed is located.

(c) The procedure for collecting assessments for maintenance and operation is the same as for the original assessment, except that the assessments may not be paid in installments.

SECTION 7. IC 36-9-36-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 37. (a) Except as provided in section 38 of this chapter, the entire assessment is payable in cash without interest not later than thirty (30) days after the approval of the assessment roll by the works board if an agreement has not been signed and filed under section 36 of this chapter.

(b) If the assessment is not paid when due, the total assessment becomes delinquent and bears interest at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** per year from the date of the final acceptance of the completed improvement by the works board.

SECTION 8. IC 36-9-36-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 55. (a) An irregularity or error in making a foreclosure sale under this chapter does not make the sale ineffective, unless the irregularity or error substantially prejudiced the property owner.

(b) A property owner has two (2) years from the date of sale in which to redeem the owner's property. The property owner may redeem the owner's property by paying the principal, interest, and costs of the judgment, plus interest on the principal, interest, and costs at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.

(c) If the property is not redeemed, the sheriff shall execute a deed to the purchaser. The deed relates back to the final letting of the

contract for the improvement and is superior to all liens, claims, and interests, except liens for taxes.

SECTION 9. IC 36-9-37-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) If a person defaults in the payment of a waived installment of principal or interest of an assessment, the municipal fiscal officer shall mail notice of the default to the person. The notice must meet the following conditions:

- (1) Be mailed not more than sixty (60) days after the default.
- (2) Show the amount of the default, plus interest on that amount for the number of months the person is in default at one-half (½) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.
- (3) State that the amount of the default, plus interest, is due by the date determined as follows:
 - (A) If the person selected monthly installments under ~~IC 36-9-37-8.5(a)(1)~~, **section 8.5(a)(2) of this chapter**, within sixty (60) days after the date the notice is mailed.
 - (B) If the person selected annual installments under ~~IC 36-9-37-8.5(a)(2)~~, **section 8.5(a)(1) of this chapter**, within six (6) months after the date the notice is mailed.

(b) A notice that is mailed to the person in whose name the property is assessed and addressed to the person within the municipality is sufficient notice. However, the fiscal officer shall also attempt to determine the name and address of the current owner of the property and send a similar notice to the current owner.

(c) Failure to send the notice required by this section does not preclude or otherwise affect the following:

- (1) The sale of the property for delinquency as prescribed by IC 6-1.1-24.
- (2) The foreclosure of the assessment lien by the bondholder.
- (3) The preservation of the assessment lien under section 22.5 of this chapter.

SECTION 10. IC 36-9-37-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) If any principal and interest, or an installment of principal and interest, is not paid in full when due, the municipal fiscal officer shall enforce payment of the following:

- (1) The unpaid amount of principal and interest.
- (2) A penalty of interest at the rate prescribed by subsection (b).

(b) If payment is made after a default, the municipal fiscal officer shall also collect a penalty of interest on the delinquent amount at one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** for each six (6) month period, or fraction of a six (6) month period, from the date when payment should have been made.

SECTION 11. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.**

SECTION 12. [EFFECTIVE JULY 1, 2006] **IC 6-1.1-37-10, as amended by this act, applies only to ad valorem property taxes first due and payable after December 31, 2006.**

SECTION 13. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 6-1.1-12 apply throughout this SECTION.**

(b) **As used in this SECTION, "department" refers to the department of local government finance.**

(c) **As used in this SECTION, "taxpayer" means a person:**

- (1) who operates a grey iron foundry located in Grant County;
- (2) who applied in 2001 for property tax deductions under IC 6-1.1-12.1 for new manufacturing equipment located in an economic revitalization area; and
- (3) whose applications described in subdivision (2) were denied.

(d) **References to the Indiana Code in this SECTION refer to the Indiana Code in effect on March 1, 2001, unless otherwise stated.**

(e) **Notwithstanding any other law, a taxpayer who complies with the requirements of this SECTION is entitled to the property tax deduction for new manufacturing equipment in the amounts and for the number of years provided under IC 6-1.1-12.1-4.5, as determined by the department under subsection (h).**

(f) **The taxpayer shall provide the department with copies of**

the taxpayer's:

- (1) statement of benefits; and
- (2) applications for deductions from assessed value; for new manufacturing equipment placed in service in an economic revitalization area that the taxpayer filed in 2001.

(g) If there are any deficiencies in the taxpayer's filings described in subsection (e), the department of local government finance shall assist the taxpayer in completing the information necessary to determine:

- (1) the assessed value of the new manufacturing equipment; and
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION.

(h) The department shall determine:

- (1) the amount of the assessed value of the new manufacturing equipment;
 - (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION; and
 - (3) the percentages used to compute the taxpayer's deductions;
- in accordance with IC 6-1.1-12.1-4.5(d) and IC 6-1.1-12.1-4.5(e) as if the taxpayer's had been approved in 2001.

(i) Notwithstanding IC 6-1.1-26 (as in effect on January 1, 2006), when the department has completed the department's determinations under subsection (h), the department shall issue an order to the county auditor of the county in which the economic revitalization area is located:

- (1) describing the department's determinations under subsection (h); and
- (2) requiring the county auditor to accept the taxpayer's refund claims as if the taxpayer's deduction application had been approved in 2001.

The taxpayer shall provide the taxpayer with a copy of the order issued under this subsection.

(j) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the taxpayer may file refund claims for property taxes paid in previous years that are affected by the department's order issued under subsection (i). The taxpayer must attach a copy of the order issued under subsection (i) to the taxpayer's refund claim.

(k) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the county auditor shall pay the refund claims of the taxpayer filed under subsection (j) if the refund claims are fully consistent with the department's order issued under subsection (i).

SECTION 14. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to property that:

- (1) is used for a fraternity for students attending Butler University;
- (2) is owned by a nonprofit corporation that was, before the effective date of this SECTION, determined by the auditor of the county in which the property is located to be eligible to receive a property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24; and
- (3) is not eligible for the property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24 for property taxes first due and payable in 2001, 2002, 2003, and 2004 because the nonprofit corporation failed to timely file an application under IC 6-1.1-11-3.5.

(b) Notwithstanding IC 6-1.1-11-1 and IC 6-1.1-11-3.5, the auditor of the county in which the property described in subsection (a) is located shall:

- (1) waive the noncompliance with the timely filing requirement for the exemption application in question; and
- (2) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to:

- (1) property taxes first due and payable in 2001;
- (2) property taxes first due and payable in 2002;
- (3) property taxes first due and payable in 2003; and
- (4) property taxes first due and payable in 2004.

(d) This SECTION expires July 1, 2007.

SECTION 15. P.L.228-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 35. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "taxpayer" means a nonprofit

corporation that is an owner of land and improvements:

(1) that were:

- (A) owned and occupied by the taxpayer during the period preceding the assessment date in 1999 and continuing through the date that this SECTION is effective; and
- (B) used to prepare and create a soccer facility to provide youths with the opportunity to play supervised and organized soccer against other youths;

(2) for which the property tax liability imposed for property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 exceeded ~~thirty-three~~ thirty thousand dollars (~~\$33,000~~) (\$30,000), in total, which has been paid by the taxpayer;

(3) that would have qualified for an exemption under IC 6-1.1-10 from property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 if the taxpayer had complied with the filing requirements for the exemption in a timely manner; and

(4) that have been granted an exemption under IC 6-1.1-10 from property taxes first due and payable in 2005.

(c) Land and improvements described in subsection (b) are exempt under IC 6-1.1-10-16 from property taxes first due and payable in 2003 and 2004, notwithstanding that the taxpayer failed to make a timely application for the exemption for those years.

(d) The taxpayer may file claims with the county auditor for a refund for the amounts paid toward property taxes on land and improvements described in subsection (b) that were billed to the taxpayer for property taxes first due and payable in 2003 and 2004. The claims must be filed as set forth in IC 6-1.1-26-1(1) through IC 6-1.1-26-1(3). The claims must present sufficient facts for the county auditor to determine whether the claimant is a person that meets the qualifications described in subsection (b) and the amount that should be refunded to the taxpayer.

(e) Upon receiving a claim filed under this SECTION, the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the county auditor shall submit the claim under IC 6-1.1-26-4 to the county board of commissioners for review. The only grounds for disallowing the claim under IC 6-1.1-26-4 are that the claimant is not a person that meets the qualifications described in subsection (b) or that the amount claimed is not the amount due to the taxpayer. If the claim is allowed, the county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount due the claimant under this SECTION. The amount of the refund must equal the amount of the claim allowed. Notwithstanding IC 6-1.1-26-5, no interest is payable on the refund.

(f) This SECTION shall be liberally construed in favor of the taxpayer to give effect to the purposes of this SECTION.

(g) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1140 as printed January 20, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1155, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 7, line 6, delete "of" and insert "of:

(A)".

Page 7, line 7, delete "(IC 35-42-4-3)" and insert "(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense;"

Page 7, line 7, delete "of", begin a new line double block indented, and insert:

"(B)".

Page 7, line 8, delete "molesting;" and insert "molesting if the person was at least eighteen (18) years of age at the time the person committed the offense;"

Page 7, line 9, delete "defined" and insert "described".

Page 7, line 9, after "IC 35-38-2.5-3)" delete "." and insert **"that can transmit information twenty-four (24) hours each day regarding a person's precise location."**

Page 7, delete lines 10 through 39, begin a new paragraph and insert:

"(j) The following conditions of parole apply to a parolee who has been convicted of child molesting (IC 35-42-4-3) or of an offense in another jurisdiction that is substantially similar to child molesting:

(1) The parolee may not reside within one thousand (1,000) feet of:

(A) school property (as defined in IC 35-41-1-24.7);

(B) a public park (as defined in IC 35-41-1-23.7); or

(C) a youth program center (as defined in IC 35-41-1-29).

(2) The parolee may not own, operate, manage, be employed by, or volunteer at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age, including:

(A) a haunted house;

(B) a circus;

(C) an animal ride for children;

(D) a petting zoo;

(E) a carnival ride;

(F) a video game or pinball arcade; or

(G) a theatrical production:

(i) designed to appeal to children; or

(ii) in which most participants are children."

Page 8, line 2, after "parole" insert **"that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person"**.

Page 8, line 8, delete "if:" and insert **"if"**.

Page 8, line 9, delete "(1)".

Page 8, line 9, after "this" insert **"section."**.

Page 8, run in lines 8 through 9.

Page 8, delete line 10.

Page 8, delete lines 11 through 21.

Page 9, line 9, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**

Page 9, line 14, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense."**

Page 9, line 15, after "molesting" insert **"who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 9, line 21, delete "(IC 35-42-4-3)." and insert **"(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense."**

Page 9, line 27, after "molesting" insert **"and who was at least eighteen (18) years of age at the time the person committed the offense"**.

Page 9, line 29, delete "Indiana," and insert **"Indiana who was at least eighteen (18) years of age at the time the person committed the offense,"**.

Page 9, line 32, delete "defined" and insert **"described"**.

Page 9, line 32, after "IC 35-38-2.5-3)" delete "." and insert **"that can transmit information twenty-four (24) hours each day regarding a person's precise location."**

Page 10, line 11, delete "IC 35-42-4-3, as".

Page 10, line 12, delete "amended by this act, and".

Page 10, line 12, delete "apply" and insert **"applies"**.

Page 10, line 15, delete "person:" and insert **"person who commits a crime after June 30, 2006."**

Page 10, delete lines 16 through 18.

Re-number all SECTIONS consecutively.

(Reference is to HB 1155 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1156, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 11, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 8. IC 33-33-49-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) There is established a superior court in Marion County. The court consists of: thirty-two (32)

(1) thirty-four (34) judges beginning January 1, 2007, and ending December 31, 2008; and

(2) thirty-six (36) judges beginning January 1, 2009.

(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:

(1) a resident of Marion County; and

(2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) During the term of office, a judge of the court must remain a resident of Marion County.

SECTION 9. IC 33-33-49-13, AS AMENDED BY P.L.2-2005, SECTION 93, AND AS AMENDED BY P.L.58-2005, SECTION 35, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) Each judge of the court shall be elected for a term of six (6) years that begins January 1 after the year of the judge's election and continues through December 31 in the sixth year. The judge shall hold office for the six (6) year term or until the judge's successor is elected and qualified. A candidate for judge shall run at large for the office of judge of the court and not as a candidate for judge of a particular room or division of the court.

(b) Beginning with the primary election held in ~~1996~~ **2008** and every six (6) years thereafter, a political party may nominate not more than ~~eight (8)~~ **nine (9)** candidates for judge of the court. Beginning with the primary election held in ~~2000~~ **2006** and every six (6) years thereafter, a political party may nominate not more than ~~nine (9)~~ **ten (10)** candidates for judge of the court. The candidates shall be voted on at the general election. Other candidates may qualify under IC 3-8-6 to be voted on at the general election.

(c) The names of the party candidates nominated and properly certified to the Marion County election board, along with the names of other candidates who have qualified, shall be placed on the ballot at the general election in the form prescribed by ~~IC 3-11-2~~ **IC 3-11**. Beginning with the ~~1996~~ **2008** general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for ~~fifteen (15)~~ **seventeen (17)** candidates for judge of the court. Beginning with the ~~2000~~ **2006** general election and every six (6) years thereafter, persons eligible to vote at the general election may vote for ~~seventeen (17)~~ **nineteen (19)** candidates for judge of the court.

(d) The candidates for judge of the court receiving the highest number of votes shall be elected to the vacancies. The names of the candidates elected as judges of the court shall be certified to the county election board as provided by law.

SECTION 10. IC 33-33-49-32, AS AMENDED BY P.L.33-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) In addition to the magistrate appointed under section 31 of this chapter, the judges of the superior court may, by a vote of a majority of the judges, appoint: ~~four (4)~~

(1) six (6) full-time magistrates under IC 33-23-5 until January 1, 2008, not more than three (3) of whom may be from the same political party; and

(2) eight (8) full-time magistrates under IC 33-23-5 after December 31, 2007, not more than four (4) of whom may be from the same political party.

~~(b) Not more than two (2) of the magistrates appointed under this section may be of the same political party.~~

~~(c) (b) The magistrates continue in office until removed by the vote of a majority of the judges of the court.~~

~~(d) (c) A party to a superior court proceeding that has been~~

assigned to a magistrate appointed under this section may request that an elected judge of the superior court preside over the proceeding instead of the magistrate to whom the proceeding has been assigned. A request under this subsection must be in writing and must be filed with the court:

- (1) in a civil case, not later than:
 - (A) ten (10) days after the pleadings are closed; or
 - (B) thirty (30) days after the case is entered on the chronological case summary, in a case in which the defendant is not required to answer; or
- (2) in a criminal case, not later than ten (10) days after the omnibus date.

Upon a timely request made under this subsection by either party, the magistrate to whom the proceeding has been assigned shall transfer the proceeding back to the superior court judge.

SECTION 11. IC 33-37-4-1, AS AMENDED BY P.L.176-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) For each action that results in a felony conviction under IC 35-50-2 or a misdemeanor conviction under IC 35-50-3, the clerk shall collect from the defendant a criminal costs fee of one hundred ~~twenty~~ **twenty-one** dollars (~~\$120~~). (**\$121**).

(b) In addition to the criminal costs fee collected under this section, the clerk shall collect from the defendant the following fees if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) A drug abuse, prosecution, interdiction, and correction fee (IC 33-37-5-9).
- (6) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (7) A child abuse prevention fee (IC 33-37-5-12).
- (8) A domestic violence prevention and treatment fee (IC 33-37-5-13).
- (9) A highway work zone fee (IC 33-37-5-14).
- (10) A deferred prosecution fee (IC 33-37-5-17).
- (11) A document storage fee (IC 33-37-5-20).
- (12) An automated record keeping fee (IC 33-37-5-21).
- (13) A late payment fee (IC 33-37-5-22).
- (14) A sexual assault victims assistance fee (IC 33-37-5-23).
- (15) A public defense administration fee (IC 33-37-5-21.2).
- (16) A judicial insurance adjustment fee (IC 33-37-5-25).
- (17) A judicial salaries fee (IC 33-37-5-26).
- (18) A court administration fee (IC 33-37-5-27).
- (19) A DNA sample processing fee (IC 33-37-5-26.2).

(c) Instead of the criminal costs fee prescribed by this section, the clerk shall collect a pretrial diversion program fee if an agreement between the prosecuting attorney and the accused person entered into under IC 33-39-1-8 requires payment of those fees by the accused person. The pretrial diversion program fee is:

- (1) an initial user's fee of ~~fifty~~ **fifty-one** dollars (~~\$50~~); (**\$51**); and
- (2) a monthly user's fee of ~~ten~~ **eleven** dollars (~~\$10~~) (**\$11**) for each month that the person remains in the pretrial diversion program.

(d) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees, not later than thirty (30) days after the fees are collected:

- (1) The pretrial diversion fee.
- (2) The marijuana eradication program fee.
- (3) The alcohol and drug services program user fee.
- (4) The law enforcement continuing education program fee.

The auditor or fiscal officer shall deposit fees transferred under this subsection in the appropriate user fee fund established under IC 33-37-8.

(e) Unless otherwise directed by a court, if a clerk collects only part of a criminal costs fee from a defendant under this section, the clerk shall distribute the partial payment of the criminal costs fee as follows:

- (1) The clerk shall apply the partial payment to general court

costs.

(2) If there is money remaining after the partial payment is applied to general court costs under subdivision (1), the clerk shall distribute the remainder of the partial payment for deposit in the appropriate county user fee fund.

(3) If there is money remaining after distribution under subdivision (2), the clerk shall distribute the remainder of the partial payment for deposit in the state user fee fund.

(4) If there is money remaining after distribution under subdivision (3), the clerk shall distribute the remainder of the partial payment to any other applicable user fee fund.

(5) If there is money remaining after distribution under subdivision (4), the clerk shall apply the remainder of the partial payment to any outstanding fines owed by the defendant.

SECTION 12. IC 33-37-4-2, AS AMENDED BY P.L.176-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsections (d) and (e), for each action that results in a judgment:

- (1) for a violation constituting an infraction; or
- (2) for a violation of an ordinance of a municipal corporation (as defined in IC 36-1-2-10);

the clerk shall collect from the defendant an infraction or ordinance violation costs fee of ~~seventy~~ **seventy-one** dollars (~~\$70~~). (**\$71**).

(b) In addition to the infraction or ordinance violation costs fee collected under this section, the clerk shall collect from the defendant the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (4) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (5) A highway work zone fee (IC 33-37-5-14).
- (6) A deferred prosecution fee (IC 33-37-5-17).
- (7) A jury fee (IC 33-37-5-19).
- (8) A document storage fee (IC 33-37-5-20).
- (9) An automated record keeping fee (IC 33-37-5-21).
- (10) A late payment fee (IC 33-37-5-22).
- (11) A public defense administration fee (IC 33-37-5-21.2).
- (12) A judicial insurance adjustment fee (IC 33-37-5-25).
- (13) A judicial salaries fee (IC 33-37-5-26).
- (14) A court administration fee (IC 33-37-5-27).
- (15) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or fiscal officer of the municipal corporation the following fees, not later than thirty (30) days after the fees are collected:

- (1) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (2) The law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (3) The deferral program fee (subsection e).

The auditor or fiscal officer shall deposit the fees in the user fee fund established under IC 33-37-8.

(d) The defendant is not liable for any ordinance violation costs fee in an action if all the following apply:

- (1) The defendant was charged with an ordinance violation subject to IC 33-36.
- (2) The defendant denied the violation under IC 33-36-3.
- (3) Proceedings in court against the defendant were initiated under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (4) The defendant was tried and the court entered judgment for the defendant for the violation.

(e) Instead of the infraction or ordinance violation costs fee prescribed by subsection (a), the clerk shall collect a deferral program fee if an agreement between a prosecuting attorney or an attorney for a municipal corporation and the person charged with a violation entered into under IC 34-28-5-1 (or IC 34-4-32-1 before its repeal) requires payment of those fees by the person charged with the violation. The deferral program fee is:

- (1) an initial user's fee not to exceed ~~fifty-two~~ **fifty-three** dollars (~~\$52~~); (**\$53**); and
- (2) a monthly user's fee not to exceed ~~ten~~ **eleven** dollars (~~\$10~~).

(§11) for each month the person remains in the deferral program.

(f) The fees prescribed by this section are costs for purposes of IC 34-28-5-5 and may be collected from a defendant against whom judgment is entered. Any penalty assessed is in addition to costs.

SECTION 13. IC 33-37-4-3, AS AMENDED BY P.L.176-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The clerk shall collect a juvenile costs fee of one hundred ~~twenty~~ **twenty-one** dollars ~~(\$120)~~ **(§121)** for each action filed under any of the following:

- (1) IC 31-34 (children in need of services).
- (2) IC 31-37 (delinquent children).
- (3) IC 31-14 (paternity).

(b) In addition to the juvenile costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A marijuana eradication program fee (IC 33-37-5-7).
- (3) An alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (4) A law enforcement continuing education program fee (IC 33-37-5-8(c)).
- (5) An alcohol and drug countermeasures fee (IC 33-37-5-10).
- (6) A document storage fee (IC 33-37-5-20).
- (7) An automated record keeping fee (IC 33-37-5-21).
- (8) A late payment fee (IC 33-37-5-22).
- (9) A public defense administration fee (IC 33-37-5-21.2).
- (10) A judicial insurance adjustment fee (IC 33-37-5-25).
- (11) A judicial salaries fee (IC 33-37-5-26).
- (12) A court administration fee (IC 33-37-5-27).
- (13) A DNA sample processing fee (IC 33-37-5-26.2).

(c) The clerk shall transfer to the county auditor or city or town fiscal officer the following fees not later than thirty (30) days after they are collected:

- (1) The marijuana eradication program fee (IC 33-37-5-7).
- (2) The alcohol and drug services program user fee (IC 33-37-5-8(b)).
- (3) The law enforcement continuing education program fee (IC 33-37-5-8(c)).

The auditor or fiscal officer shall deposit the fees in the appropriate user fee fund established under IC 33-37-8.

SECTION 14. IC 33-37-4-4, AS AMENDED BY P.L.176-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred ~~one~~ dollars ~~(\$100)~~ **(§101)** from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).
- (9) A service fee (IC 33-37-5-28).

SECTION 15. IC 33-37-4-5, AS AMENDED BY P.L.2-2005, SECTION 104, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) For each small claims action the clerk shall collect from the party filing the action a small

claims costs fee of ~~thirty-five~~ **thirty-six** dollars ~~(\$35);~~ **(§36)**. However, a clerk may not collect a small claims costs fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A judicial administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (c) This section expires July 1, 2005.

SECTION 16. IC 33-37-4-6, AS AMENDED BY P.L.176-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) For each small claims action, the clerk shall collect the following fees:

- (1) From the party filing the action:
 - (A) a small claims costs fee of ~~thirty-five~~ **thirty-six** dollars ~~(\$35);~~ **(§36)**; and
 - (B) a small claims service fee of ten dollars (\$10) for each named defendant.
- (2) From any party adding a defendant, a small claims service fee of ten dollars (\$10) for each defendant added in the action. However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).

SECTION 17. IC 33-37-4-7, AS AMENDED BY P.L.176-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Except as provided under subsection (c), the clerk shall collect from the party filing the action a probate costs fee of one hundred ~~twenty~~ **twenty-one** dollars ~~(\$120)~~ **(§121)** for each action filed under any of the following:

- (1) IC 6-4.1-5 (determination of inheritance tax).
- (2) IC 29 (probate).
- (3) IC 30 (trusts and fiduciaries).

(b) In addition to the probate costs fee collected under subsection (a), the clerk shall collect from the party filing the action the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A document storage fee (IC 33-37-5-20).
- (3) An automated record keeping fee (IC 33-37-5-21).
- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).

(c) A clerk may not collect a court costs fee for the filing of the following exempted actions:

- (1) Petition to open a safety deposit box.
- (2) Filing an inheritance tax return, unless proceedings other than the court's approval of the return become necessary.
- (3) Offering a will for probate under IC 29-1-7, unless proceedings other than admitting the will to probate become necessary."

Page 11, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] (a) **The thirty-third and thirty-fourth judges of the Marion superior court added by IC 33-33-49-6, as amended by this act, shall be elected at the general election on November 7, 2006, for terms beginning January 1, 2007, and ending December 31, 2012. At the**

primary election held in 2006, a political party may nominate not more than nine (9) candidates for judge of the court. A political party may nominate one (1) additional candidate to be elected judge of the court at the 2006 general election using the candidate vacancy provisions under IC 3-13-1 for a total of not more than ten (10) candidates for judge of the court. Other candidates may qualify under IC 3-8-6 to be voted on at the general election. The candidates shall be voted on at the general election. At the 2006 general election, persons eligible to vote at the general election may vote for nineteen (19) candidates for judge of the court.

(b) The thirty-fifth and thirty-sixth judges of the Marion superior court added by IC 33-33-49-6, as amended by this act, shall be elected at the general election on November 4, 2008, for terms beginning January 1, 2009, and ending December 31, 2014. At the primary election held in 2008, a political party may nominate not more than nine (9) candidates for judge of the court. Other candidates may qualify under IC 3-8-6 to be voted on at the general election. The candidates shall be voted on at the general election. At the 2008 general election, persons eligible to vote at the general election may vote for seventeen (17) candidates for judge of the court.

(c) This act may not be construed to affect the term of any judge serving on the Marion superior court on the effective date of this act.

(d) This SECTION expires January 2, 2015."

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as printed January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 3.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1212, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-9-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) A department of public sanitation is established as an executive department of the municipality. **However, in the case of a district described in subsection (b)(2), the department is established as an executive department of each municipality in the district.**

(b) The department is under the control of a board of sanitary commissioners, which is composed as follows:

(1) If the department is established under section 1(a) of this chapter, the board consists of not less than three (3) but not more than five (5) commissioners. All of the commissioners shall be appointed by the municipal executive, unless one (1) commissioner is the municipal engineer. Not more than two (2) of the commissioners may be of the same political party, unless the board consists of five (5) commissioners, in which case not more than three (3) may be of the same political party.

(2) Notwithstanding subdivision (1), if the department is established under section 1(a) of this chapter and the district contains at least one (1) city having a population of less than one hundred thousand (100,000) and at least one (1) town, the board consists of one (1) commissioner from each municipality in the district. The executive of each of those municipalities shall appoint one (1) commissioner. If after all appointments are made the board has fewer than five (5) commissioners, the executive of the municipality with the largest population shall appoint the number of additional commissioners needed to bring the total to five (5). Not more than three (3) of the commissioners may be of the same political party.

(3) If the department is established under section 1(b) of this chapter, the board consists of three (3) commissioners. Two (2) commissioners shall be appointed by the city executive and one (1) commissioner is the city civil engineer. However, if the department is located in a county having a population of:

(A) more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000);

(B) more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000);

(C) more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000); or

(D) more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000);

and the city does not have a city civil engineer, the third commissioner shall also be appointed by the executive. The third commissioner, however, must be a licensed engineer with at least five (5) years experience in civil or sanitary engineering. In addition, in such a city the commissioners may not hold another public office. Not more than two (2) of the commissioners may be of the same political party.

(c) Before beginning the commissioner's duties, each commissioner shall take and subscribe the usual oath of office. The oath shall be endorsed upon the certificate of appointment and filed with the municipal clerk.

(d) Each commissioner shall also execute a bond in the penal sum of five thousand dollars (\$5,000) payable to the state and conditioned upon the faithful performance of the commissioner's duties and the faithful accounting for all money and property that comes under the commissioner's control. The bond must be approved by the municipal executive.

(e) The appointed commissioners are entitled to a salary of not less than three thousand six hundred dollars (\$3,600) a year during actual construction and not less than six hundred dollars (\$600) a year in other years.

(f) Notwithstanding IC 36-1-8-10, whenever this section requires that the membership of the board of sanitary commissioners not exceed a stated number of members from the same political party, at the time of appointment the appointee must:

(1) have voted in the two (2) most recent primary elections held by the party with which the appointee claims affiliation; or

(2) if the appointee did not vote in the two (2) most recent primary elections or only voted in one (1) of those elections, be certified as a member of the party with which the appointee claims affiliation by that party's county chairman for the county in which the appointee resides.

SECTION 2. IC 36-9-25-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. In performing its duties the board may do the following:

(1) If needed for sewage works, condemn, appropriate, lease, rent, purchase, and hold any real or personal property within the district or within five (5) miles outside the boundaries of the district.

(2) Enter upon any lots or lands for the purpose of surveying or examining them to determine the location of any sewage works or other structures, roads, levees, or walls connected with or necessary for the use or operation of the facilities.

(3) Design, order, contract for, construct, reconstruct, and maintain the sewage works.

(4) Build or have built all roads, levees, walls, other structures, or lagoons that may be desirable in connection with sewage works and make improvements to the grounds and premises under its control, including the erection and operation of a plant for the removal of sand and gravel from the grounds.

(5) Compel the owners, operators, or lessees of all factories, shops, works, plants, or other structures to treat, purify, or eliminate from the sewage and trade waste of the premises any ingredients that interfere with the successful operation of the sewage works. It may compel the owners, operators, or lessees of the premises located on a watercourse to direct an excessive flow of water into the watercourse.

(6) Review and approve plans for privately constructed plants for the treatment or elimination of trade waste. This is to insure that an owner, operator, or lessee of a house, factory, shop, works, plant, or other structure that may be directly or indirectly connected with sewers emptying into the sewage works does not construct a purification plant, machine, or other device for eliminating or treating the trade waste from those places for the purpose of eliminating ingredients that would harm the sewage

works until the plans have been submitted to and approved by the board. After plans have been submitted to the board, it may reject them in their entirety or order changes to be made that include its supervision and regulation of the operation. An appeal may be taken from the decision of the board rejecting the plans submitted or ordering changes by the owner, operator, or lessee of a proposed private plant, in the same manner as appeals from the works board as far as applicable.

(7) Build or have built a plant or plants and all appurtenances for the treatment of sludge, pressing of sludge, or converting sludge into marketable fertilizer.

(8) Sell any byproduct from the sewage works, or furnish any byproduct free for the use of the municipality or for other public uses, with revenue derived from the sale above the amount needed for maintenance to be paid into the sanitary district bond fund, or if no bonds are outstanding, to revert to its general fund.

(9) Compel the owners, lessees, or agents in possession of lots or land from which sewers discharge sewage or drainage and pollute a watercourse or body of water or constitute a menace to public health and welfare to connect the sewers with drains leading directly or indirectly into sewage works regulating the use and assessing reasonable charges.

(10) Construct or have constructed regulating devices at the junction of combined sewers with intercepting sewers to regulate the discharge into the intercepting and connecting sewers to prevent the pollution of streams or bodies of water or a menace to the public health and welfare.

(11) Construct, **add to, reconstruct, or maintain** an incinerating or reduction plant or other plants for the conversion, destruction, or disposal of garbage, filth, ashes, dirt, and rubbish. ~~and add to, reconstruct, and maintain it: It~~ **The board** may operate the plant in connection with sewage works, and sell any byproducts derived from the garbage, filth, ashes, or rubbish, including sand and gravel taken from lands under the control of the board at prices that are determined by the board, or furnish it free to the municipality or for other public uses, with revenue derived above the amount needed for maintenance to be paid into the sanitary district bond fund, or if no bonds are outstanding, to revert to its general fund.

(12) Take charge of all real property, belonging to the municipality and under the control of the works board, suitably located for sewage works if the board demands the works board, subject to contracts, to relinquish and transfer control of real and personal property used by the works board for the collection and removal of garbage and ashes. The transfer of personal property must be made by resolution adopted by the works board describing the property, with a copy of the resolution to be delivered to the board and made a matter of record in the minutes of the proceedings of the board.

(13) Collect and remove, or contract for the collection and removal of, all garbage, ashes, dead animals, refuse, and wastes from domestic premises, and construct or have constructed stations, including barns, garages, sheds, blacksmith shops, dumps, incinerators, and all other useful or necessary improvements for this purpose. This includes the power to collect and remove soil and other sewage in areas not provided with sewers, and then to discharge or dispose of it into sewage works.

(14) Enter into contracts in the name of the municipality, with the approval of the executive as provided by law. **However, in the case of a district described in section 3(b)(2) of this chapter, the board may enter into contracts in the name of:**

(A) a municipality in the district, with the approval of the executive of the municipality; or

(B) the district, with the approval of the board.

(15) Employ and pay for all engineering, architectural, legal, and other professional services needed in carrying out this chapter, including determining the number, prescribing the duties, and fixing the compensation for all its engineers, chemists, attorneys, bacteriologists, surveyors, inspectors, clerks, stenographers, laborers, supervisors, and other employees as provided by law for other executive departments

of the municipality.

(16) Adopt resolutions, rules, and bylaws that are necessary to carry out this chapter, including repealing or amending them consistent with this chapter.

(17) Prepare a schedule of reasonable service fees and collect them from persons who own, lease, or possess or control as tenants or as agents lots or lands located outside the boundaries of the district if the lots or lands are benefited by connection into the sanitary sewer system of the district as described in this chapter, with the proceeds from sewage connections and treatment service credited to the general fund of the district for general use and maintenance purposes. The fees may be fixed, repealed, or amended, or the service discontinued, by the board at its discretion.

(18) Sue or be sued in the name of the municipality, with payment for obligations and of a judgment against the municipality in an action to be made solely from funds of the department and its district that may be available for this purpose. **In the case of a district described in section 3(b)(2) of this chapter, the board may sue or be sued in the name of any municipality in the district or in the name of the district. If a judgment is entered against a municipality in the district, payment of obligations and the judgment shall be made solely from available funds of the department or the district.**

(19) Pay for services rendered or for any other obligations incurred by the board while executing its powers, or pay any judgments, including interest and costs, by issuing and selling the bonds of the district, or obtaining temporary loans or levying taxes as authorized by this or other statutes for any other purpose.

(20) Lease, rent, purchase, and hold real or personal property more than five (5) miles outside the boundaries of the district if the property is needed:

(A) to store sludge;

(B) to convert sludge into marketable fertilizer; or

(C) by the district to conduct activities that are related to activities described in clause (A) or (B).

SECTION 3. IC 36-9-25-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) In connection with its duties, the board may fix fees for the treatment and disposal of sewage and other waste discharged into the sewerage system, collect the fees, and establish and enforce rules governing the furnishing of and payment for sewage treatment and disposal service. The fees must be just and equitable and shall be paid by any user of the sewage works and the owner of every lot, parcel of real property, or building that is connected with and uses the sewage works of the district by or through any part of the sewerage system. This section applies to owners of property that is partially or wholly exempt from taxation, as well as owners of property subject to full taxation.

(b) The board may change fees from time to time. The fees, together with the taxes levied under this chapter, must at all times be sufficient to produce revenues sufficient to pay operation, maintenance, and administrative expenses, to pay the principal and interest on bonds as they become due and payable, and to provide money for the revolving fund authorized by this chapter.

(c) Fees may not be established until a public hearing has been held at which all the users of the sewage works and owners of property served or to be served by the works, including interested parties, have had an opportunity to be heard concerning the proposed fees. After introduction of the resolution fixing fees, and before they are finally adopted, notice of the hearing setting forth the proposed schedule of fees shall be given by publication in accordance with IC 5-3-1. After the hearing the resolution establishing fees, either as originally introduced or as amended, shall be passed and put into effect. However, fees related to property that is subject to full taxation do not take effect until they have been approved by ordinance of the municipal legislative body **or, in the case of a district described in section 3(b)(2) of this chapter, under section 11.3 of this chapter.**

(d) A copy of the schedule of the fees shall be kept on file in the office of the board and must be open to inspection by all interested parties. The fees established for any class of users or property served shall be extended to cover any additional premises thereafter served

that fall within the same class, without the necessity of hearing or notice.

(e) A change of fees may be made in the same manner as fees were originally established. However, if a change is made substantially pro rata for all classes of service, hearing or notice is not required, but approval of the change by ordinance of the municipal legislative body is required, **and, in the case of a district described in section 3(b)(2) of this chapter, approval under section 11.3 of this chapter is required.**

(f) If a fee established is not paid within thirty (30) days after it is due, the amount, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the board from the delinquent user or owner of the property served in a civil action in the name of the municipality.

(g) Fees assessed against real property under this section also constitute a lien against the property assessed. The lien attaches at the time of the filing of the notice of lien in the county recorder's office. The lien is superior to all other liens except tax liens, and shall be enforced and foreclosed in the same manner as is provided for liens under IC 36-9-23-33 and IC 36-9-23-34.

(h) ~~This subsection applies to fees due after July 1, 1988.~~ A fee assessed against real property under this section constitutes a lien against the property assessed only when the fee is delinquent for no more than three (3) years from the day after the fee is due.

(i) In addition to the penalties under subsections (f) and (g) and section 11.5 of this chapter, a delinquent user may not discharge water into the public sewers and may have the property disconnected from the public sewers.

(j) The authority to establish a user fee under this section includes fees to recover the cost of construction of sewage works from industrial users as defined and required under federal statute or rule. Any industrial users' cost recovery fees may become a lien upon the real property and shall be collected in the manner provided by law. In addition, the imposition of the fees, the use of the amounts collected, and the criteria for the fees must be consistent with the regulations of the federal Environmental Protection Agency.

SECTION 4. IC 36-9-25-11.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11.3. (a) This section applies to a board and district created under section 3(b)(2) of this chapter.**

(b) For purposes of this section, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) For purposes of this section, "fees" means fees:

- (1) for the treatment and disposal of sewage and other waste discharged into the sewer system of the district; and**
- (2) related to property that is subject to full taxation.**

(d) Fees do not take effect until the fees are:

- (1) approved by the board; and**
- (2) either:**
 - (A) approved in an ordinance adopted by the legislative body of each municipality in the district; or**
 - (B) established by the commission under this section.**

(e) Not earlier than thirty (30) days after fees are approved under subsection (d)(1), the board may petition the commission to establish the fees under:

- (1) the procedures set forth in IC 8-1-2; and**
- (2) subsection (f).**

(f) The commission shall observe the following requirements when establishing fees for a district:

- (1) Fees must be sufficient to enable the district to furnish reasonably adequate services and facilities.**
- (2) Fees for a service must be nondiscriminatory, reasonable, and just and must produce sufficient revenue, together with taxes levied under this chapter, to do the following:**

(A) Pay all legal and other necessary expenses incident to the operation of the utility, including the following:

- (i) Maintenance costs.**
- (ii) Operating charges.**
- (iii) Upkeep.**
- (iv) Repairs.**
- (v) Depreciation.**

(vi) Interest charges on bonds or other obligations, including leases.

(B) Provide a sinking fund for the liquidation of bonds or other obligations, including leases.

(C) Provide a debt service reserve for bonds or other obligations, including leases, in an amount established by the board. The amount may not exceed the maximum annual debt service on the bonds or obligations or the maximum annual lease rentals, if any.

(D) Provide adequate money for working capital.

(E) Provide adequate money for making extensions and replacements to the extent not provided for through depreciation in clause (A).

(F) Provide money for the payment of taxes that may be assessed against the district.

(3) The fees charged by the district must produce an income sufficient to maintain district property in a sound physical and financial condition to render adequate and efficient service. Fees may not be too low to meet these requirements.

(4) If the board petitions the commission under subsection (e), the fees established must produce a reasonable return on the sanitary district facilities.

(5) Fees other than fees established for a municipally owned utility taxed under IC 6-1.1-8-3 must be sufficient to compensate the municipality for taxes that would be due the municipality on the utility property located in the municipality if the property were privately owned.

(6) The commission must grant a request by the board to postpone an increase in fees until after the occurrence of a future event.

(g) The board may transfer fees in lieu of taxes established under subsection (f)(5) to the general fund of the appropriate municipality.

(h) Fees established by the commission under this section take effect to the same extent as if the fees were approved by an ordinance adopted by the legislative body of each municipality in the district.

SECTION 5. IC 36-9-25-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13. (a) The board, in the name of the municipality, may bring an action to recover damages for:**

- (1) the breach of an agreement, express or implied, relating to the construction, management, or repair of sewage works under its control, including real property; or**
- (2) injury to the personal or real property used in the sanitary disposal of sewage in a municipality located within the district.**

(b) The board may recover possession of property, may bring an action for the specific performance of an agreement, and may use, in the name of the municipality, any legal or equitable remedy necessary to protect and enforce the rights and perform the duties of the department.

(c) The board may establish limits on the kinds or amounts of chemicals and the strength of the waste or other substances the board considers detrimental to the sewage works. If a person discharges sewage into the sewage works that exceeds limits set by the board, the board may order the person to cease using the sewage works upon a hearing with notice. However, if evidence indicates a public health hazard is being created, the board may summarily order the person to cease without notice or hearing. Orders of the board may be enforced by bringing an action to enjoin discharges into the sewer works in any court in the county having jurisdiction to hear equity actions. A person aggrieved by an order of the board is entitled to appeal the order to the circuit or superior court of the county in which the city is located. If an order is given without notice, an appeal must be perfected within ten (10) days after receipt of the order or the right to appeal is considered waived.

(d) The board of a department in a district described in section 3(b)(2) of this chapter may bring an action in the name of:

- (1) a municipality in the district with the approval of the executive of the municipality; or**
- (2) the district, with the approval of the board."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1212 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1222, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-7-14-25.1, AS AMENDED BY P.L.185-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25.1. (a) In addition to other methods of raising money for property acquisition or redevelopment in a redevelopment project area, and in anticipation of the special tax to be levied under section 27 of this chapter, the taxes allocated under section 39 of this chapter, or other revenues of the district, or any combination of these sources, the redevelopment commission may, by resolution and subject to subsection (p), issue the bonds of the special taxing district in the name of the unit. The amount of the bonds may not exceed the total, as estimated by the commission, of all expenses reasonably incurred in connection with the acquisition and redevelopment of the property, including:

- (1) the total cost of all land, rights-of-way, and other property to be acquired and redeveloped;
- (2) all reasonable and necessary architectural, engineering, legal, financing, accounting, advertising, bond discount, and supervisory expenses related to the acquisition and redevelopment of the property or the issuance of bonds;
- (3) capitalized interest permitted by this chapter and a debt service reserve for the bonds to the extent the redevelopment commission determines that a reserve is reasonably required; and
- (4) expenses that the redevelopment commission is required or permitted to pay under IC 8-23-17.

(b) If the redevelopment commission plans to acquire different parcels of land or let different contracts for redevelopment work at approximately the same time, whether under one (1) or more resolutions, the commission may provide for the total cost in one (1) issue of bonds.

(c) The bonds must be dated as set forth in the bond resolution and negotiable, subject to the requirements of the bond resolution for registering the bonds. The resolution authorizing the bonds must state:

- (1) the denominations of the bonds;
- (2) the place or places at which the bonds are payable; and
- (3) the term of the bonds, which may not exceed fifty (50) years.

The resolution may also state that the bonds are redeemable before maturity with or without a premium, as determined by the redevelopment commission.

(d) The redevelopment commission shall certify a copy of the resolution authorizing the bonds to the municipal or county fiscal officer, who shall then prepare the bonds, subject to subsection (p). The seal of the unit must be impressed on the bonds, or a facsimile of the seal must be printed on the bonds.

(e) The bonds must be executed by the appropriate officer of the unit, and attested by the municipal or county fiscal officer.

(f) The bonds are exempt from taxation for all purposes.

(g) The municipal or county fiscal officer shall give notice of the sale of the bonds by publication in accordance with IC 5-3-1. The municipal fiscal officer, or county fiscal officer or executive, shall sell the bonds to the highest bidder, but may not sell them for less than ninety-seven percent (97%) of their par value. However, bonds payable solely or in part from tax proceeds allocated under section 39(b)(2) of this chapter, or other revenues of the district may be sold at a private negotiated sale.

(h) Except as provided in subsection (i), a redevelopment commission may not issue the bonds when the total issue, including bonds already issued and to be issued, exceeds two percent (2%) of the adjusted value of the taxable property in the special taxing district, as determined under IC 36-1-15.

(i) The bonds are not a corporate obligation of the unit but are an indebtedness of the taxing district. The bonds and interest are payable, as set forth in the bond resolution of the redevelopment commission:

- (1) from a special tax levied upon all of the property in the taxing district, as provided by section 27 of this chapter;
- (2) from the tax proceeds allocated under section 39(b)(2) of this chapter;
- (3) from other revenues available to the redevelopment commission; or
- (4) from a combination of the methods stated in subdivisions (1) through (3).

If the bonds are payable solely from the tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources, they may be issued in any amount without limitation.

(j) Proceeds from the sale of bonds may be used to pay the cost of interest on the bonds for a period not to exceed five (5) years from the date of issuance.

(k) All laws relating to the giving of notice of the issuance of bonds, the giving of notice of a hearing on the appropriation of the proceeds of the bonds, the right of taxpayers to appear and be heard on the proposed appropriation, and the approval of the appropriation by the department of local government finance apply to all bonds issued under this chapter that are payable from the special benefits tax levied pursuant to section 27 of this chapter or from taxes allocated under section 39 of this chapter.

(l) All laws relating to the filing of petitions requesting the issuance of bonds and the right of taxpayers to remonstrate against the issuance of bonds apply to bonds issued under this chapter, except for bonds payable solely from tax proceeds allocated under section 39(b)(2) of this chapter, other revenues of the redevelopment commission, or any combination of these sources.

(m) If a debt service reserve is created from the proceeds of bonds, the debt service reserve may be used to pay principal and interest on the bonds as provided in the bond resolution.

(n) Any amount remaining in the debt service reserve after all of the bonds of the issue for which the debt service reserve was established have matured shall be deposited in the allocation fund established under section 39(b)(2) of this chapter.

(o) If bonds are issued under this chapter that are payable solely or in part from revenues to the redevelopment commission from a project or projects, the redevelopment commission may adopt a resolution or trust indenture or enter into covenants as is customary in the issuance of revenue bonds. The resolution or trust indenture may pledge or assign the revenues from the project or projects, but may not convey or mortgage any project or parts of a project. The resolution or trust indenture may also contain any provisions for protecting and enforcing the rights and remedies of the bond owners as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the redevelopment commission. The redevelopment commission may establish fees and charges for the use of any project and covenant with the owners of any bonds to set those fees and charges at a rate sufficient to protect the interest of the owners of the bonds. Any revenue bonds issued by the redevelopment commission that are payable solely from revenues of the commission shall contain a statement to that effect in the form of bond.

(p) If the total principal amount of bonds authorized by a resolution of the redevelopment commission is equal to or greater than:

- (1) three million dollars (\$3,000,000), in the case of bonds other than bonds described in subdivision (2); or
- (2) one million dollars (\$1,000,000), in the case of bonds:
 - (A) issued to finance a program for housing established under section 46 of this chapter; or
 - (B) otherwise payable from an allocation area established for a program for housing established under section 46 of this chapter;

the bonds may not be issued without the approval, by resolution, of the legislative body of the unit."

Renumber all SECTIONS consecutively.

(Reference is to HB 1222 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred House Bill 1227, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 6.

Page 7, delete lines 1 through 30.

Renumber all SECTIONS consecutively.

(Reference is to HB 1227 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1240, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, between lines 28 and 29, begin a new paragraph and insert: "SECTION 4. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "ISTEP program" refers to the ISTEP program developed under IC 20-32-5.

(b) The budget agency, with the approval of the governor, shall transfer from the build Indiana fund to the state general fund the amount necessary for the period beginning July 1, 2006, and ending June 30, 2007, to provide for a pilot test for reliability and validation of an ISTEP program test conducted during the first two (2) weeks in May 2007 and to comply with IC 20-32-5-4(a)(2) in each year thereafter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1240 as printed January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 7.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1281, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 35-42-2-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.3. (a) A person who knowingly or intentionally touches an individual who:

(1) is or was a spouse of the other person;

(2) is or was living as if a spouse of the other person as provided in subsection ~~(b)~~; (c); or

(3) has a child in common with the other person;

in a rude, insolent, or angry manner that results in bodily injury to the person described in subdivision (1), (2), or (3) commits domestic battery, a Class A misdemeanor.

(b) However, the offense under subsection (a) is a Class D felony if the person **who committed the offense**:

(1) has a previous, unrelated conviction:

(A) under this section (or IC 35-42-2-1(a)(2)(E) before its repeal); or

(B) in any other jurisdiction, including a military court, in which the elements of the crime for which the conviction was entered are substantially similar to the

elements described in this section; or

(2) committed the offense in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense.

~~(b)~~ (c) In considering whether a person is or was living as a spouse of another individual in subsection (a)(2), the court shall review the following:

(1) the duration of the relationship;

(2) the frequency of contact;

(3) the financial interdependence;

(4) whether the two (2) individuals are raising children together;

(5) whether the two (2) individuals have engaged in tasks directed toward maintaining a common household; and

(6) other factors the court considers relevant.

SECTION 2. IC 35-42-2-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section does not apply to a medical procedure.

(b) A person who knowingly or intentionally:

(1) applies pressure to the throat or neck of another person; or

(2) obstructs the nose or mouth of the another person;

in a manner that impedes the normal breathing or the blood circulation of the other person commits strangulation, a Class D felony."

Renumber all SECTIONS consecutively.

(Reference is to HB 1281 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1312, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) The state board shall analyze annually state, local, and other:

(1) statutes;

(2) rules;

(3) policies; and

(4) related requirements;

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

(1) The office of management and budget.

(2) A government efficiency commission that addresses schools.

(3) Consultants.

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

(1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

(A) at any time;

(B) following public comment; and

(C) by emergency rule.

(2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must

be made:

- (A) annually not later than September 1; and
 - (B) to the executive director of the legislative services agency in an electronic format under IC 5-14-6.
- (3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

- (A) may be made at any time; and
- (B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and
- (2) focus efforts on;

student instruction and learning.

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and
- (3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

- (1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:
 - (A) An Indiana statute applicable to a governing body or school corporation.
 - (B) A rule or guideline adopted by the state board.
 - (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
 - (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.
- (2) The school corporation and schools within the school corporation must continue to comply with the following:
 - (A) Applicable federal laws.
 - (B) The Constitution of the State of Indiana.
 - (C) Federal and state laws that prohibit discrimination.
 - (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
 - (E) The following statutes:
 - (i) IC 5-11-1-9 (required audits by the state board of accounts).
 - (ii) IC 20-26-5-6 (subject to regulation by state agencies).

- (iii) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
- (iv) IC 20-26-6-2 (unified accounting system).
- (v) IC 20-28-4 (transition to teaching).
- (vi) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
- (vii) IC 20-29 (collective bargaining).
- (viii) IC 20-30-2 (calendar)
- (ix) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances.)
- (x) IC 20-30-5-0.5 (concerning the pledge of allegiance).
- (xi) IC 20-30-5-10 (college preparation curriculum).
- (xii) IC 20-30-11 (postsecondary enrollment program).
- (xiii) IC 20-31 (accountability for school performance and improvement).
- (xiv) IC 20-32 (student standards, assessment, and performance).
- (xv) IC 20-33-2 (compulsory school attendance).
- (xvi) IC 20-33-3 (limitations on employment of children).
- (xvii) IC 20-33-7 (parental access to education records).
- (xviii) IC 20-33-8 (student discipline).
- (xix) IC 20-33-9 (reporting of student violations of law).
- (xx) IC 20-34-3 (health and safety measures).
- (xxi) IC 20-35 (special education).
- (xxii) IC 21 (school finance).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.
- (3) A description of the educational methods and teaching methods employed.
- (4) Daily attendance records.
- (5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.
- (6) Student enrollment data, including the following:
 - (A) The number of students enrolled in the school corporation and each school in the school corporation.
 - (B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.
 - (C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.
- (7) Any information necessary to comply with federal or state reporting requirements.
- (8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

- (1) The school corporation fails to comply with applicable

laws or conditions established under this chapter.

(2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.

(3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 3, between lines 40 and 41, begin a new paragraph and insert: "SECTION 7. IC 20-28-6-2, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A contract entered into by a teacher and a school corporation must:

- (1) be in writing;
- (2) be signed by both parties; and
- (3) contain the:
 - (A) beginning date of the school term as determined annually by the school corporation;
 - (B) number of days in the school term as determined annually by the school corporation;
 - (C) total salary to be paid to the teacher during the school year; and
 - (D) number of salary payments to be made to the teacher during the school year.

(b) The contract may provide for the annual determination of the teacher's annual compensation by a local salary schedule, which is part of the contract. The salary schedule may be changed by the school corporation on or ~~before~~ **after** May 1 of a year, with the changes effective the next school year. A teacher affected by the changes shall be furnished with printed copies of the changed schedule not later than thirty (30) days after the schedule's adoption.

(c) A contract under this section is also governed by the following statutes:

- (1) IC 20-28-9-1 through IC 20-28-9-6.
- (2) IC 20-28-9-9 through IC 20-28-9-11.
- (3) IC 20-28-9-13.
- (4) IC 20-28-9-14.

(d) A governing body shall provide the blank contract forms, carefully worded by the state superintendent, and have them signed. The contracts are public records open to inspection by the residents of each school corporation.

(e) An action may be brought on a contract that conforms with subsections (a)(1), (a)(2), and (d).

SECTION 5. IC 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Before a teacher is refused continuation of the contract under section 8 of this chapter, the teacher has the following rights, which shall be strictly construed:

- (1) The principal of the school at which the teacher teaches must provide the teacher with an annual written evaluation of the teacher's performance before January 1 of each year. Upon the request of a nonpermanent teacher, delivered in writing to the principal not later than thirty (30) days after the teacher receives the evaluation required by this section, the principal shall provide the teacher with an additional written evaluation.
- (2) On or before ~~May 1~~, **June 1**, the school corporation shall notify the teacher that the governing body will consider nonrenewal of the contract for the next school term. The notification must be:

- (A) written; and
- (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.
- (3) Upon the request of the teacher, and not later than fifteen (15) days after the teacher's receipt of the notice of the consideration of contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement, which:

- (A) may be developed in an executive session; and

(B) is not a public document;

giving the reasons for the nonrenewal of the teacher's contract." Page 4, between lines 41 and 42, begin a new paragraph and insert: "SECTION 7. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

- (1) The basic contract must be in the form of the regular teacher's contract.
- (2) The **initial** contract must be for a term of at least thirty-six (36) months. **However, a subsequent contract may be for a term of any duration.**
- (3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.
- (4) The rights of a superintendent as a teacher under any other law are not affected by the contract."

Page 10, reset in roman lines 8 through 10.

Page 10, line 12, reset in roman "(3)".

Page 10, line 12, delete "(2)".

Page 10, line 17, strike "1993." and insert "**2006**".

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "**(\$100,000)**".

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23**";

Page 13, delete line 28.

Page 13, line 29, delete "serves" and insert "**services**".

Re-number all SECTIONS consecutively.

(Reference is to HB 1312 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 20.

Page 4, line 36, delete "four".

Page 4, line 36, strike "million dollars".

Page 4, line 36, delete "(\$4,000,000)" and insert "**the following amounts**".

Page 4, line 37, delete "." and insert ":".

Page 4, between lines 37 and 38, begin a new line block indented and insert:

"(1) One million dollars (\$1,000,000) in the case of a taxpayer who produces less than thirty million (30,000,000) gallons of biodiesel in a taxable year.

(2) Two million dollars (\$2,000,000) in the case of a taxpayer who produces at least thirty million (30,000,000) but less than sixty million (60,000,000) gallons of biodiesel in a taxable year.

(3) Three million dollars (\$3,000,000) in the case of a taxpayer who produces at least sixty million (60,000,000) gallons of biodiesel in a taxable year."

Page 4, strike lines 38 through 41.

Page 4, line 42, delete "twenty".

Page 4, line 42, strike "million dollars".

Page 4, line 42, delete "(\$20,000,000)".

Page 4, line 42, strike "for all taxable".

Page 5, strike lines 1 through 2.

Page 5, line 18, delete "four".

Page 5, line 18, strike "million dollars".

Page 5, line 19, delete "(\$4,000,000)" and insert "**the following amounts**".

Page 5, line 19, delete "." and insert ":".

Page 5, line 19, delete "However, the total amount of".

Page 5, delete lines 20 through 25, begin a new line block indented and insert:

"(1) One million dollars (\$1,000,000) in the case of a taxpayer who produces less than thirty million (30,000,000) gallons of blended biodiesel in a taxable year.

(2) Two million dollars (\$2,000,000) in the case of a taxpayer who produces at least thirty million (30,000,000) but less than sixty million (60,000,000) gallons of blended biodiesel in a taxable year.

(3) Three million dollars (\$3,000,000) in the case of a taxpayer who produces at least sixty million (60,000,000) gallons of blended biodiesel in a taxable year."

Page 5, delete lines 38 through 42, begin a new paragraph and insert:

"SECTION 4. IC 6-3.1-28-11, AS AMENDED BY P.L.191-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) The total amount of credits allowed a taxpayer (or, if the person producing the ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity) under this chapter may not exceed a total of ~~three million dollars (\$3,000,000)~~ **the following amounts** for all taxable years:

(1) Two million dollars (\$2,000,000) in the case of a taxpayer who produces at least forty million (40,000,000) but less than sixty million (60,000,000) gallons of ethanol in a taxable year.

(2) Three million dollars (\$3,000,000) in the case of a taxpayer who produces at least sixty million (60,000,000) gallons of ethanol in a taxable year.

(b) Notwithstanding subsection (a), the total amount of credits allowed a taxpayer (or if the person producing ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity) may be increased to an amount not to exceed a total of five million dollars (\$5,000,000) for all taxable years with the prior approval of the Indiana economic development corporation."

Delete pages 6 through 20.

Page 21, delete lines 1 through 12.

Page 21, line 13, delete "(c)" and insert "SECTION 5. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]".

Page 21, line 13, delete ", IC 6-3.1-28, and IC 6-3.1-29, all" and insert "**and IC 6-3.1-28, both**".

Page 21, delete lines 15 through 20.

Renumber all SECTIONS consecutively.

(Reference is to HB 1332 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred House Bill 1338, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-24-8-5, AS ADDED BY P.L.1-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The following statutes and rules and guidelines adopted under the following statutes apply to a charter school:

- (1) IC 5-11-1-9 (required audits by the state board of accounts).
- (2) IC 20-26-6-2 (unified accounting system).
- (3) IC 20-35 (special education).
- (4) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
- (5) IC 20-26-5-6 (subject to laws requiring regulation by state agencies).

(6) IC 20-28-7-14 (void teacher contract when two (2) contracts are signed).

(7) IC 20-28-10-12 (nondiscrimination for teacher marital status).

(8) IC 20-28-10-14 (teacher freedom of association).

(9) IC 20-28-10-17 (school counselor immunity).

(10) For conversion charter schools only, IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10.

(11) IC 20-33-2 (compulsory school attendance).

(12) IC 20-33-3 (limitations on employment of children).

(13) IC 20-33-8-19, IC 20-33-8-21, and IC 20-33-8-22 (student due process and judicial review).

(14) IC 20-33-8-16 (firearms and deadly weapons).

(15) IC 20-34-3 (health and safety measures).

(16) IC 20-33-9 (reporting of student violations of law).

(17) IC 20-30-3-2 and IC 20-30-3-4 (patriotic commemorative observances).

(18) IC 20-31-3, IC 20-32-4, IC 20-32-5, IC 20-32-6, IC 20-32-8, or any other statute, rule, or guideline related to standardized testing (assessment programs, including remediation under the assessment programs).

(19) IC 20-33-7 (parental access to education records).

(20) IC 20-31 (accountability for school performance and improvement).

(21) IC 20-34-5 (employees trained in the Heimlich maneuver).

SECTION 2. IC 20-28-5-13, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) This section applies to an examination required for teacher licensure under this chapter.

(b) If an individual does not demonstrate the level of proficiency required to receive a license on all or a part of an examination, the examination's scorer must provide the individual with the individual's test scores, including subscores for each area tested.

(c) This subsection applies only to an individual who has taken the examination described in subsection (a) at least two (2) times and has failed to demonstrate proficiency in a test area by not more than two (2) points. An individual may demonstrate proficiency in a test area by having the teacher education school or department in which the individual is or was a student certify to the department that, based on the individual's course work, grades, fieldwork, and student teaching and on evaluations by the individual's instructors, the individual possesses the content knowledge required by the written examination."

Page 2, delete line 13, begin a new line double block indented and insert:

"(A) Minority groups (as defined in IC 4-13-16.5-1)."

Page 2, line 21, delete "the following awards:" and insert "a performance award in the amount determined by the department.

Sec. 6. An award granted under this chapter may be used for any combination of the following purposes:

(1) Grants to certificated employees (as defined in IC 20-29-2-4) for professional development.

(2) School programs to increase parental involvement.

(3) Enhanced curriculum or instruction, or both.

Sec. 7. The principal of the school receiving an award under this chapter shall determine the manner in which the award is to be used after consulting a school improvement committee established under IC 20-31-5-1.

SECTION 4. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 5. Employees Trained in Heimlich Maneuver

Sec. 1. This chapter applies to a school that operates:

- (1) a school lunch program (including a school lunch program under IC 20-26-9);**
- (2) a school breakfast program (including a school breakfast program under IC 20-26-9); or**
- (3) both a school lunch program and a school breakfast program.**

Sec. 2. As used in this chapter, "Heimlich maneuver" means a series of abdominal thrusts to help a person who is choking.

Sec. 3. As used in this chapter, "school" includes the following:

- (1) A public school.
- (2) A charter school.
- (3) A nonpublic school that has voluntarily become accredited under IC 20-19-2-10.

Sec. 4. As used in this chapter, "student" means a person enrolled in a school.

Sec. 5. A school shall require at least one (1) employee who has:

- (1) received instruction approved by the department in methods to provide first aid to a person who is choking; and
- (2) demonstrated through training approved by the department an ability to perform the Heimlich maneuver or a similar procedure used to expel an obstruction from the throat;

to be present while students are being served food.

Sec. 6. A school or an employee of a school is immune from civil liability for an act or omission concerning:

- (1) performing duties required under section 5 of this chapter; or
- (2) providing or failing to provide first aid to a person who is choking;

unless the act or omission amounts to gross negligence or willful misconduct.

Sec. 7. The department shall adopt rules under IC 4-22-2 to implement this chapter.

SECTION 5. IC 34-30-2-87.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 87.5. IC 20-34-5-6 (Concerning the presence at school of staff trained in the Heimlich maneuver and the provision or failure to provide first aid at school).**

SECTION 6. IC 20-31-11-6 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 7. [EFFECTIVE JULY 1, 2006] **(a) Before October 1, 2006, the department of education shall submit to the education roundtable for the roundtable's review and approval guidelines concerning the following requirements for initial teacher licensure:**

- (1) Standards.
- (2) Examinations.
- (3) Course work.
- (4) Grades.
- (5) Student teaching.
- (6) Mentoring.

(b) This SECTION expires July 1, 2007."

Page 2, delete lines 22 through 42.

Delete page 3.

(Reference is to HB 1338 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1402, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3.5-1.1-2.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 2.8. (a) This section applies to:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); ~~and~~
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900); **and**
- (3) Jasper County.

(b) Except as provided in subsection (h), the county council may, by ordinance, determine that additional county adjusted gross income

tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, ~~or~~ **operate, or maintain:**

- (A) jail facilities;
- (B) juvenile court, detention, and probation facilities;
- (C) other criminal justice facilities; and
- (D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

- (2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed under this section may be imposed only until the later of the date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid. The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of carrying out the purposes described in subsection (b)(1).

(e) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(g) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

- (1) the completion of the financing, construction, acquisition, improvement, renovation, ~~and~~ equipping, **operation, and maintenance** described in subsection (b);
- (2) the payment or provision for payment of all the costs for activities described in subdivision (1);
- (3) the redemption of bonds issued; and
- (4) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

(h) In Jasper County, the additional county adjusted gross income tax revenue may be used only to operate or maintain:

- (1) jail facilities;
- (2) juvenile court, detention, and probation facilities;
- (3) other criminal justice facilities; and
- (4) related buildings and parking facilities;

located in the county.

SECTION 2. IC 6-3.5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 10. (a) Except as provided in subsection (b), one-half (½) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half

(½) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(a) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
- (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;

under section 2.8 of this chapter;

- (3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;
- (4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or
- (5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 3. IC 6-3.5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 11. (a) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
 - (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;
- under section 2.8 of this chapter;

(3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

(5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

PROPERTY		
COUNTY	TAX	
ADJUSTED GROSS	REPLACEMENT	CERTIFIED
INCOME TAX RATE	CREDITS	SHARES
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter."

Page 7, between lines 31 and 32, begin a new paragraph and insert:
"SECTION 6. IC 6-3.5-7-26, AS AMENDED BY P.L.199-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This section applies only to homestead credits for property taxes first due and payable after calendar year 2006.

(b) ~~For purposes of~~ **The following definitions apply throughout this section:**

(1) **"Adopt" includes amend.**

(2) "Adopting entity" means:

(~~1~~) (A) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

(~~2~~) (B) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) **"Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9.**

(4) **"Residential" refers to real property, mobile homes, and industrialized housing classified under the standards specified by the department of local government finance as used for a residential purpose, including tangible property that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 and rental residential property.**

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. An ordinance must be adopted under this subsection after January 1 but before April 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section 16(c) of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for **one (1) of the following, as determined by the adopting entity:**

(A) Uniformly applied increased homestead credits as provided in subsection (f). ~~or~~

(B) Uniformly applied increased residential credits as provided in subsection (g).

~~(B)~~ (C) Allocated increased homestead credits as provided in subsection ~~(h)~~ (i).

(D) Allocated increased residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection ~~(f)~~ (k); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16(c) of this chapter to increase:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), the homestead credit allowed in the county under IC 6-1.1-20.9 for a year; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), the property tax replacement credit allowed in the county under IC 6-1.1-21-5 for a year for the residential property;

to offset the effect on homesteads **or residential property, as applicable**, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42. **The amount of an additional residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 or another law other than IC 6-1.1-20.6.**

(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform increased residential credits under subsection (c)(2)(B), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit percentage for the year;

(2) the amount of uniformly applied residential property tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of residential property tax replacement credit that equates to the amount of residential property tax replacement credits determined under subdivision (2).

~~(g)~~ (h) The increased percentage of homestead credit determined by the county auditor under subsection (f) **or the increased percentage of residential property tax replacement credit determined by the county auditor under subsection (g)** applies uniformly in the county in the calendar year for which the increased percentage is determined.

~~(h)~~ (i) If the imposing entity specifies the application of allocated increased homestead credits under subsection ~~(c)(2)(B)~~ (c)(2)(C), the

county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and

(2) except as provided in subsection ~~(f)~~ (l), an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(j) If the imposing entity specifies the application of allocated increased residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall, for each calendar year in which an increased residential property tax replacement credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit for the year; and

(2) except as provided in subsection (l), an increased percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of increased residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

~~(h)~~ (k) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit **or residential property tax replacement credit** within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit **or residential property tax replacement credit.**

~~(j)~~ (l) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection ~~(h)~~(2) (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or

(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.

SECTION 7. IC 6-9-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If the tax is imposed by a municipality under this chapter, the tax terminates January 1, ~~2007~~ 2017.

(b) This chapter expires July 1, ~~2007~~ 2017.

SECTION 8. IC 6-9-27-9.5, AS ADDED BY P.L.214-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.5. (a) A city shall use money in the fund established under section 8.5 of this chapter for only the following:

(1) Renovating the city hall.

(2) Constructing new police or fire stations, or both.

(3) Improving the city's sanitary sewers or wastewater treatment facilities, or both.

(4) Improving the city's storm water drainage systems.

(5) Other projects involving the city's water system or protecting the city's well fields, as determined by the city fiscal body.

Money in the fund may not be used for the operating costs of a project. ~~In addition, the city may not initiate a project under this chapter after December 31, 2010.~~

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city or a special taxing district in the city to provide the projects described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (b) is enforceable under IC 5-1-14-4.

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) The general assembly finds that:

(1) IC 6-3.5-1.1-2.8, as amended by this act, allows Jasper County to fund the operation and maintenance of a jail and juvenile detention center through the use of county option income tax revenues; and

(2) allowing Jasper County to fund the operation and maintenance of a jail and juvenile detention center through the use of county option income tax revenues rather than the use of property taxes promotes the purpose of maintaining low property tax rates and is essential to economic development.

(b) These special circumstances require legislation particular to Jasper County.

SECTION 7. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "adopting entity" has the meaning set forth in IC 6-3.5-7-26.

(b) Notwithstanding IC 6-3.5-7-5, IC 6-3.5-7-6, and IC 6-3.5-7-26, an adopting entity may adopt or amend an ordinance under IC 6-3.5-7-26 in 2006 before October 1, 2006. A tax rate imposed in an ordinance adopted after March 31, 2006, and before September 1, 2006, applies to the adjusted gross income of county taxpayers on the first day of the month that follows the date on which the ordinance is certified to the department of state revenue by at least twenty (20) days. Notwithstanding IC 6-3.5-7-11, if an adopting entity adopts a tax rate under IC 6-3.5-7-26, not later than the later of August 2, 2006, or sixty (60) days after the ordinance is certified to the department of state revenue, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of a county to provide the county with the amount of any tax increase imposed under IC 6-3.5-7-26 to provide additional homestead credits or residential property tax replacement credits as provided in those provisions."

Renumber all section consecutively.

(Reference is to HB 1402 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 19, nays 3.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1414, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 19, line 22, after "into" insert ":

(A) marriage; or

(B)".

Page 19, line 32, delete "or".

Page 19, line 33, after "(3)" insert "**marriage; or**

(4)".

(Reference is to HB 1414 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

ULMER, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Representative Espich called down Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Whetstone, the previous question was called.

Roll Call 50: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kenley.

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1056, 1098, 1112, 1214, 1300, 1323, 1331, and 1367.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1007

Representative T. Harris called down Engrossed House Bill 1007 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 51: yeas 81, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Simpson.

[Journal Clerk's Note: roll call 52 was a machine test.]

Engrossed House Bill 1009

Representative Torr called down Engrossed House Bill 1009 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Kromkowski, the previous question was called.

Roll Call 53: yeas 54, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon, Simpson, and Lubbers.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1080, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-21-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) Before January 1, 2007, the physical plant of an abortion clinic must meet the conditions of this section for the clinic to be licensed under IC 16-21-2-2.5.

(a) Building entrances that are used to reach the clinic must be:

- (A) at grade level;
- (B) clearly marked;
- (C) located so that patients need not go through other activity areas; and
- (D) when an abortion clinic is part of another facility, separation of an access to the clinic must be maintained. Lobbies of multiple occupancy buildings may be shared. The design of the clinic must preclude unrelated traffic from the clinic.
- (b) The clinic design must ensure appropriate levels of patient:
 - (A) audible and visual privacy; and
 - (B) dignity;
 throughout the care process.
- (c) For common administration and authorized visitor areas, the clinic must be able to accommodate wheelchairs and provide:
 - (1) a reception and information counter or desk that is:
 - (A) located to provide visual control of the entrance to the clinic; and
 - (B) immediately apparent from the entrance;
 - (2) a waiting area that must be under staff control. The waiting area must contain at least two (2) spaces for each examination and procedure room;
 - (3) at least one (1) conveniently accessible toilet room containing a lavatory for hand washing;
 - (4) a conveniently accessible drinking fountain;
 - (5) interview space for private interviews related to social services, credit, and other issues involving privacy; and
 - (6) general storage facilities for supplies and equipment needed for continuing operation.
- (d) Requirements for clinical facilities are as follows:
 - (1) Procedure rooms must be segregated and removed from general traffic flow and be at least:
 - (A) one hundred twenty (120) square feet, exclusive of vestibules, toilets, and closets, for procedures requiring only local analgesia or nitrous oxide; and
 - (B) two hundred fifty (250) square feet, exclusive of vestibules, toilets, or closets, for procedures that require conscious sedation.
 - (2) A hand washing station shall be included within each procedure room.
 - (3) Scrub facilities:
 - (A) shall be provided near the entrance of procedure rooms;
 - (B) may provide service to multiple procedure rooms if needed; and
 - (C) shall be arranged to minimize splatter on nearby personnel or supply carts.
 - (4) A separate recovery room or area must be included and provide for the following:
 - (A) A minimum clear area of two (2) feet, six (6) inches around three (3) sides of each recovery cart or lounge chair for work and circulation.
 - (B) A method of providing privacy for each patient in the room or area.
 - (C) A work station with
 - (i) a counter top;
 - (ii) space for supplies;
 - (iii) provisions for charting; and
 - (iv) a communication system.
 - (5) A drug distribution station must be included. The station:
 - (A) may be part of the work station;
 - (B) must include a:
 - (i) work counter;
 - (ii) sink; and
 - (iii) locked storage for biologicals and drugs; and
 - (C) may include a refrigerator if needed.
 - (6) A toilet room containing a lavatory for hand washing shall be accessible from all examination and procedure rooms. If a clinic has no more than a total of three (3) examination and procedure rooms, the patient toilet may also serve as the toilet for the waiting area.
- (e) Requirements for design standards are as follows:
 - (1) At least one (1) housekeeping room with:

- (A) a service sink; and
 - (B) adequate storage for housekeeping supplies and equipment;
- shall be provided.
- (2) Hand washing stations must:
 - (A) be located and arranged to meet the needs of the clinic;
 - (B) permit proper use and operation; and
 - (C) include provision for hand drying equipment except at scrub sinks.
 - (3) There must be an equipment room or rooms for:
 - (A) heating;
 - (B) air conditioning;
 - (C) hot water; and
 - (D) other mechanical and electrical;
 equipment.
 - (4) Incinerators, if used, must conform to the building standards prescribed by area air pollution regulations.
 - (5) The minimum corridor width must be forty-four (44) inches. Items including drinking fountains, telephones, and vending machines may not:
 - (A) restrict corridor traffic; or
 - (B) reduce the corridor width below the required minimum.
 - (6) The minimum nominal door width for patient use must be three (3) feet.
 - (7) Each building must have at least two (2) exits that are remote from each other.
 - (8) An approved antiscald device must be provided on the hot water supply to all hand washing facilities limiting the water temperature to a maximum of one hundred ten (110) degrees Fahrenheit or forty-three (43) degrees Celsius.

SECTION 2. [EFFECTIVE JULY 1, 2006] (a) For purposes of this SECTION "department" refers to the department of health established by IC 16-19-1-1.

(b) Before August 1, 2006, the department shall survey the physical plant of each abortion clinic that is licensed under IC 16-21-2-2.5 and the rules of the department. The department shall determine and list the features of the physical plant of an abortion clinic that are not in compliance with rules adopted by the department under IC 16-21-2-2.5.

(c) Before September 1, 2006, the department shall notify a clinic that has features found in the survey conducted under subsection (b) that are not in compliance with rules adopted by the department under IC 16-21-2-2.5.

(d) Before January 1, 2007, the department shall reinspect a clinic that received notice under subsection (c) to determine if the features not in compliance with rules adopted by the department under IC 16-21-2-2.5 have been corrected.

(e) The department shall revoke the license of an abortion clinic that has received notice under subsection (c) and has not remedied the feature not in compliance with rules adopted by the department under IC 16-21-2-2.5 as noted in the reinspection under subsection (d).

(Reference is to HB 1080 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 2.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred House Bill 1090, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1099, has had the same

under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1110, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 10.

Page 2, line 13, after "66.9." insert "(a)".

Page 2, between lines 18 and 19, begin a new paragraph and insert: "**(b) This section expires July 1, 2016.**"

Page 2, delete lines 37 through 42.

Page 3, delete lines 1 through 10.

Page 3, line 13, after "128.8." insert "(a)".

Page 3, line 14, delete ":" and insert "**a convenience light switch that:**

- (1) is located in the hood or trunk lid of a motor vehicle; and**
- (2) contains mercury."**

Page 3, delete lines 15 through 42, begin a new paragraph and insert:

"(b) This section expires July 1, 2016.

SECTION 4. IC 13-11-2-128.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 128.9. (a) "Mercury switch recovery rate", for purposes of IC 13-20-17.7, means:

- (1) the number of mercury switches recovered from end of life vehicles under IC 13-20-17.7 during a calendar year; divided by**
- (2) the total number of mercury switches available for recovery from end of life vehicles during the calendar year.**

(b) This section expires July 1, 2016.

SECTION 5. IC 13-20-17.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 17.7. Mercury Switches in End of Life Vehicles

Sec. 1. Manufacturers of motor vehicles engaged on July 1, 2006, in the business of offering motor vehicles for sale in Indiana shall, individually or collectively:

- (1) develop a plan to:**
 - (A) remove;**
 - (B) collect;**
 - (C) recover; and**
 - (D) recycle or dispose of;****mercury switches from end of life vehicles;**
- (2) submit the plan to the commissioner before January 1, 2007; and**
- (3) implement the plan as required under section 4(b) of this chapter.**

Sec. 2. A plan described in section 1 of this chapter must include the following:

- (1) Identification of vehicle recyclers and scrap recyclers in Indiana.**
- (2) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:**
 - (A) Educational materials about the program.**
 - (B) Information identifying which end of life vehicles contain mercury switches by make, model, and year of manufacture.**
 - (C) Instructions on safe and environmentally sound methods to remove mercury switches.**
- (3) The provision of containers for collecting and storing mercury switches.**
- (4) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.**

(5) Procedures for the recycling, storage, and disposal of mercury.

(6) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting the recovery rate goals established in subdivision (8) and other measures of the effectiveness of the program, including the following:

(A) The number of mercury switches collected from end of life vehicles.

(B) The amount of mercury collected.

(C) The number of end of life vehicles containing mercury switches.

(D) The number of end of life vehicles processed for recycling.

(7) Procedures for implementing the plan.

(8) Mercury switch recovery rate goals of at least:

(A) thirty-three and three-tenths percent (33.3%) in 2007;

(B) seventy percent (70%) in 2008;

(C) eighty percent (80%) in 2009; and

(D) ninety percent (90%) in 2010 and thereafter.

(9) A description of additional or alternative actions that must be implemented to improve the plan and its operation if the recovery rate goals established in subdivision (8) are not met.

Sec. 3. Motor vehicle manufacturers that submit plans, individually or collectively, under this chapter shall pay the following costs incurred for implementing the plans:

(1) Educational materials.

(2) Training.

(3) Packaging for transporting mercury switches to recycling, storage, or disposal facilities.

(4) Shipping of mercury switches to recycling, storage, or disposal facilities.

(5) Recycling, storage, or disposal of mercury switches.

(6) Public education materials and presentations.

(7) Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination.

Sec. 4. (a) The commissioner shall do the following:

(1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice and solicit public comment on the plan.

(2) Not more than ninety (90) days after receiving a plan, determine whether the entire plan complies with this chapter and:

(A) if the entire plan complies with this chapter, approve the plan in its entirety;

(B) if no part of the plan complies with this chapter, reject the plan in its entirety; or

(C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall review a revised plan not more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section 1 of this chapter, the commissioner shall complete, on behalf of

the manufacturer, any part of the plan that has not yet been approved.

(d) After a plan has been approved under this section, the commissioner shall:

- (1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and
- (2) require the motor vehicle manufacturers to modify the plan as appropriate.

Sec. 5. (a) A person that sells, gives, or otherwise conveys ownership of an end of life vehicle to a scrap recycling facility for recycling shall remove all mercury switches from the vehicle before delivering the vehicle to the facility.

(b) After a mercury switch is removed from a vehicle, the mercury switch shall be collected, stored, transported, and otherwise handled in accordance with the plan approved under section 4 of this chapter.

(c) Notwithstanding subsection (a), a scrap recycling facility may accept an end of life vehicle containing mercury switches that has not been intentionally flattened, crushed, or baled if the scrap recycling facility assumes responsibility for removing the mercury switches.

(d) A vehicle recycler, scrap recycling facility, or any other person that removes mercury switches in accordance with this section shall maintain records that document the number of:

- (1) end of life vehicles the person processed for recycling;
- (2) end of life vehicles the person processed that contained mercury switches; and
- (3) mercury switches the person collected.

(e) A person may not represent that mercury switches have been removed from a motor vehicle being sold or otherwise conveyed for recycling if the person has not removed the mercury switches from the vehicle.

(f) A scrap recycling facility or other person that receives an intentionally flattened, crushed, or baled end of life vehicle may not be considered to be in violation of this section if a mercury switch is found in the vehicle after the person acquires the vehicle.

Sec. 6. The board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

Sec. 7. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter is subject to the penalties set forth in the following:

- (1) IC 13-30-4.
- (2) IC 13-30-5.
- (3) IC 13-30-6.
- (4) IC 13-30-8.

Sec. 8. This chapter expires July 1, 2016."

Delete pages 4 through 9.

Renumber all SECTIONS consecutively.

(Reference is to HB 1110 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1113, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

- Page 1, line 4, after "Food" insert **"and Beverages"**.
 Page 1, line 7, after "food" insert **"or a beverage"**.
 Page 1, line 11, after "food" insert **"or a beverage"**.
 Page 1, line 13, after "food" insert **"or beverage"**.
 Page 1, line 14, after "food" insert **"or beverage"**.
 Page 1, line 15, after "food" insert **"or beverage"**.
 Page 1, line 16, after "food" insert **"or beverages"**.
 Page 1, line 17, after "food" insert **"or beverage"**.
 Page 2, line 1, after "food" insert **"or beverage"**.
 Page 2, line 2, after "food" insert **"or beverage"**.
 Page 2, line 15, after "food" insert **"or beverages"**.

(Reference is to HB 1113 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:
 Page 2, strike lines 31 through 33.

Page 2, between lines 33 and 34, begin a new line block indented and insert:

"(3) At least eighteen (18) hours before the abortion, the pregnant woman will be informed in writing of the following:

(A) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(B) That there are physical risks to the woman in having an abortion, both during the abortion procedure and after.

(C) That human life begins when a human ovum is fertilized by a human sperm."

Page 2, line 34, strike "(3)" and insert **"(4)"**.

Page 2, line 36, strike "and (2)" and insert **"through (3)"**.

(Reference is to HB 1172 as introduced.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 3.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred House Bill 1239, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 27-8-5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, the term "policy of accident and sickness insurance" does not include the following:

- (1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
- (2) Coverage issued as a supplement to liability insurance.
- (3) Automobile medical payment insurance.
- (4) A specified disease policy issued as an individual policy.
- (5) A limited benefit health insurance policy issued as an individual policy.
- (6) A short term insurance plan that:
 - (A) may not be renewed; and
 - (B) has a duration of not more than six (6) months.
- (7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.
- (8) Worker's compensation or similar insurance.
- (9) A student health insurance policy.

(b) The benefits provided by:

- (1) an individual policy of accident and sickness insurance; or
- (2) a certificate of coverage that is issued under a nonemployer based association group policy of accident and sickness insurance to an individual who is a resident of Indiana;

may not be excluded, limited, or denied for more than twelve (12) months after the effective date of the coverage because of a preexisting condition of the individual.

(c) ~~An individual~~ A policy of accident and sickness insurance described in subsection (b) may not define a preexisting condition, a rider, or an endorsement more restrictively than as:

- (1) a condition that would have caused an ordinarily prudent person to seek medical advice, diagnosis, care, or treatment during the twelve (12) months immediately preceding the effective date of enrollment in the plan;
- (2) a condition for which medical advice, diagnosis, care, or treatment was recommended or received during the twelve (12) months immediately preceding the effective date of enrollment in the plan; or
- (3) a pregnancy existing on the effective date of enrollment in the plan.

(d) An insurer shall reduce the period allowed for a preexisting condition exclusion described in subsection (b) by the amount of time the individual has continuously served under a preexisting condition clause for a policy of accident and sickness insurance issued under IC 27-8-15 if the individual applies for a policy under this chapter not more than thirty (30) days after coverage under a policy of accident and sickness insurance issued under IC 27-8-15 expires.

(e) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. Notwithstanding subsections (b) and (c), an individual policy of accident and sickness insurance may contain a waiver of coverage for a specified condition and complications directly related to the specified condition if:

- (1) the period for which the exemption would be in effect does not exceed two (2) years; and
- (2) all of the following conditions are met:

(A) The insurer provides to the applicant before issuance of the policy a written notice explaining the waiver of coverage for the specified condition and complications directly related to the specified condition, including a specific description of each condition, complication, service, and treatment for which coverage is being waived.

(B) The:

- (i) offer of coverage; and
- (ii) policy;

include the waiver in a separate section stating in bold print that the applicant is receiving coverage with an exception for the waived condition and specifying each related condition, complication, service, and treatment for which coverage is waived.

(C) The:

- (i) offer of coverage; and
- (ii) policy;

do not include more than two (2) waivers per individual.

(D) The waiver period is concurrent with and not in addition to any applicable preexisting condition limitation or exclusionary period.

(E) The insurer agrees to:

- (i) review the underwriting basis for the waiver upon request one (1) time per year; and
- (ii) remove the waiver if the insurer determines that evidence of insurability is satisfactory.

(F) The insurer discloses to the applicant that the applicant may decline the offer of coverage and apply for a policy issued by the Indiana comprehensive health insurance association under IC 27-8-10.

(G) The waiver of coverage does not apply to coverage required under state law.

(H) An insurance benefit card issued by the insurer to the applicant includes a telephone number for verification of coverage waived.

The insurer shall require an applicant to initial the written notice provided under subdivision (2)(A) and the waiver included in the offer of coverage and in the policy under subdivision (2)(B) to acknowledge acceptance of the waiver of coverage. An offer of coverage under a policy that includes a waiver under this subsection does not preclude eligibility for an Indiana comprehensive health insurance association policy under IC 27-8-10-5.1. This subsection expires July 1, 2007.

(f) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. An insurer shall not, on the basis of a

waiver contained in a policy as provided in subsection (e), deny coverage for any condition, complication, service, or treatment that is not specified as required in the:

- (1) written notice under subsection (e)(2)(A); and
- (2) offer of coverage and policy under subsection (e)(2)(B).

This subsection expires July 1, 2007.

(g) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. An individual who is covered under a policy that includes a waiver under subsection (e) may directly appeal a denial of coverage based on the waiver by filing a request for an external grievance review under IC 27-8-29 without pursuing a grievance under IC 27-8-28. This subsection expires July 1, 2007.

(h) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. Notwithstanding subsection (e), an individual policy of accident and sickness insurance may not contain a waiver of coverage for:

- (1) a mental health condition; or
- (2) a developmental disability.

This subsection expires July 1, 2007.

(i) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. A waiver under this section may be applied to a policy of accident and sickness insurance only at the time the policy is issued. This subsection expires July 1, 2007.

(j) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. An insurer or insurance producer shall not use this section to circumvent the guaranteed access and availability provisions of this chapter, IC 27-8-15, or the federal Health Insurance Portability and Accountability Act of 1996 (P.L. 104-191). This subsection expires July 1, 2007.

(k) This subsection applies to a policy that is issued after June 30, 2003, and before July 1, 2005. A pattern or practice of violations of subsections (e) through (j) is an unfair method of competition or an unfair and deceptive act and practice in the business of insurance under IC 27-4-1-4. This subsection expires July 1, 2007.

SECTION 2. IC 27-8-5-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. (a) As used in this section, "delivery state" means any state other than Indiana in which a policy is delivered or issued for delivery.

(b) Except as provided in subsection (c), (d), or (e), a certificate may not be issued to a resident of Indiana pursuant to a group policy that is delivered or issued for delivery in a state other than Indiana.

(c) A certificate may be issued to a resident of Indiana pursuant to a group policy not described in subsection (d) that is delivered or issued for delivery in a state other than Indiana if:

- (1) the delivery state has a law substantially similar to section 16 of this chapter;
- (2) the delivery state has approved the group policy; and
- (3) the policy or the certificate contains provisions that are:

(A) substantially similar to the provisions required by:

- (i) section 19 of this chapter;
- (ii) section 21 of this chapter; and
- (iii) IC 27-8-5.6; and

(B) consistent with the requirements set forth in:

- (i) section 24 of this chapter;
- (ii) IC 27-8-6;
- (iii) IC 27-8-14;
- (iv) IC 27-8-23;
- (v) 760 IAC 1-38.1; and
- (vi) 760 IAC 1-39.

(d) A certificate may be issued to a resident of Indiana under an association group policy, a discretionary group policy, or a trust group policy that is delivered or issued for delivery in a state other than Indiana if:

- (1) the delivery state has a law substantially similar to section 16 of this chapter;
- (2) the delivery state has approved the group policy; and
- (3) the policy or the certificate contains provisions that are:

(A) substantially similar to the provisions required by:

- (i) section 19 of this chapter **or, if the policy or certificate is described in section 2.5(b)(2) of this chapter, section 2.5 of this chapter;**
- (ii) section 19.2 of this chapter if the policy or certificate contains a waiver of coverage;

- (iii) section 21 of this chapter; and
- (iv) IC 27-8-5.6; and
- (B) consistent with the requirements set forth in:
 - (i) section 15.6 of this chapter;
 - (ii) section 24 of this chapter;
 - (iii) section 26 of this chapter;
 - (iv) IC 27-8-6;
 - (v) IC 27-8-14;
 - (vi) IC 27-8-14.1;
 - (vii) IC 27-8-14.5;
 - (viii) IC 27-8-14.7;
 - (ix) IC 27-8-14.8;
 - (x) IC 27-8-20;
 - (xi) IC 27-8-23;
 - (xii) IC 27-8-24.3;
 - (xiii) IC 27-8-26;
 - (xiv) IC 27-8-28;
 - (xv) IC 27-8-29;
 - (xvi) 760 IAC 1-38.1; and
 - (xvii) 760 IAC 1-39.

(e) A certificate may be issued to a resident of Indiana pursuant to a group policy that is delivered or issued for delivery in a state other than Indiana if the commissioner determines that the policy pursuant to which the certificate is issued meets the requirements set forth in section 17(a) of this chapter.

(f) This section does not affect any other provision of Indiana law governing the terms or benefits of coverage provided to a resident of Indiana under any certificate or policy of insurance.

SECTION 3. IC 27-8-5-19, AS AMENDED BY P.L.125-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) As used in this chapter, "late enrollee" has the meaning set forth in 26 U.S.C. 9801(b)(3).

(b) A policy of group accident and sickness insurance may not be issued to a group that has a legal situs in Indiana unless it contains in substance:

- (1) the provisions described in subsection (c); or
- (2) provisions that, in the opinion of the commissioner, are:
 - (A) more favorable to the persons insured; or
 - (B) at least as favorable to the persons insured and more favorable to the policyholder;

than the provisions set forth in subsection (c).

(c) The provisions referred to in subsection (b)(1) are as follows:

(1) A provision that the policyholder is entitled to a grace period of thirty-one (31) days for the payment of any premium due except the first, during which grace period the policy will continue in force, unless the policyholder has given the insurer written notice of discontinuance in advance of the date of discontinuance and in accordance with the terms of the policy. The policy may provide that the policyholder is liable to the insurer for the payment of a pro rata premium for the time the policy was in force during the grace period. A provision under this subdivision may provide that the insurer is not obligated to pay claims incurred during the grace period until the premium due is received.

(2) A provision that the validity of the policy may not be contested, except for nonpayment of premiums, after the policy has been in force for two (2) years after its date of issue, and that no statement made by a person covered under the policy relating to the person's insurability may be used in contesting the validity of the insurance with respect to which the statement was made, unless:

- (A) the insurance has not been in force for a period of two (2) years or longer during the person's lifetime; or
- (B) the statement is contained in a written instrument signed by the insured person.

However, a provision under this subdivision may not preclude the assertion at any time of defenses based upon a person's ineligibility for coverage under the policy or based upon other provisions in the policy.

(3) A provision that a copy of the application, if there is one, of the policyholder must be attached to the policy when issued, that all statements made by the policyholder or by the persons insured are to be deemed representations and not warranties,

and that no statement made by any person insured may be used in any contest unless a copy of the instrument containing the statement is or has been furnished to the insured person or, in the event of death or incapacity of the insured person, to the insured person's beneficiary or personal representative.

(4) A provision setting forth the conditions, if any, under which the insurer reserves the right to require a person eligible for insurance to furnish evidence of individual insurability satisfactory to the insurer as a condition to part or all of the person's coverage.

(5) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy and that is not otherwise excluded from the person's coverage by name or specific description effective on the date of the person's loss. An exclusion or limitation that must be specified in a provision under this subdivision:

(A) may apply only to a disease or physical condition for which medical advice, diagnosis, care, or treatment was received by the person or recommended to the person during the six (6) months before the enrollment date of the person's coverage; and

(B) may not apply to a loss incurred or disability beginning after the earlier of:

- (i) the end of a continuous period of twelve (12) months beginning on or after the enrollment date of the person's coverage; or
- (ii) the end of a continuous period of eighteen (18) months beginning on the enrollment date of the person's coverage if the person is a late enrollee.

This subdivision applies only to group policies of accident and sickness insurance other than those described in section 2.5(a)(1) through 2.5(a)(8) and 2.5(b)(2) of this chapter.

(6) A provision specifying any additional exclusions or limitations applicable under the policy with respect to a disease or physical condition of a person that existed before the effective date of the person's coverage under the policy. An exclusion or limitation that must be specified in a provision under this subdivision:

(A) may apply only to a disease or physical condition for which medical advice or treatment was received by the person during a period of three hundred sixty-five (365) days before the effective date of the person's coverage; and

(B) may not apply to a loss incurred or disability beginning after the earlier of the following:

- (i) The end of a continuous period of three hundred sixty-five (365) days, beginning on or after the effective date of the person's coverage, during which the person did not receive medical advice or treatment in connection with the disease or physical condition.
- (ii) The end of the two (2) year period beginning on the effective date of the person's coverage.

This subdivision applies only to group policies of accident and sickness insurance described in section 2.5(a)(1) through 2.5(a)(8) of this chapter.

(7) If premiums or benefits under the policy vary according to a person's age, a provision specifying an equitable adjustment of:

- (A) premiums;
- (B) benefits; or
- (C) both premiums and benefits;

to be made if the age of a covered person has been misstated. A provision under this subdivision must contain a clear statement of the method of adjustment to be used.

(8) A provision that the insurer will issue to the policyholder, for delivery to each person insured, a certificate, in electronic or paper form, setting forth a statement that:

- (A) explains the insurance protection to which the person insured is entitled;
- (B) indicates to whom the insurance benefits are payable; and
- (C) explains any family member's or dependent's coverage

under the policy.

The provision must specify that the certificate will be provided in paper form upon the request of the insured.

(9) A provision stating that written notice of a claim must be given to the insurer within twenty (20) days after the occurrence or commencement of any loss covered by the policy, but that a failure to give notice within the twenty (20) day period does not invalidate or reduce any claim if it can be shown that it was not reasonably possible to give notice within that period and that notice was given as soon as was reasonably possible.

(10) A provision stating that:

(A) the insurer will furnish to the person making a claim, or to the policyholder for delivery to the person making a claim, forms usually furnished by the insurer for filing proof of loss; and

(B) if the forms are not furnished within fifteen (15) days after the insurer received notice of a claim, the person making the claim will be deemed to have complied with the requirements of the policy as to proof of loss upon submitting, within the time fixed in the policy for filing proof of loss, written proof covering the occurrence, character, and extent of the loss for which the claim is made.

(11) A provision stating that:

(A) in the case of a claim for loss of time for disability, written proof of the loss must be furnished to the insurer within ninety (90) days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of the disability must be furnished to the insurer at reasonable intervals as may be required by the insurer;

(B) in the case of a claim for any other loss, written proof of the loss must be furnished to the insurer within ninety (90) days after the date of the loss; and

(C) the failure to furnish proof within the time required under clause (A) or (B) does not invalidate or reduce any claim if it was not reasonably possible to furnish proof within that time, and if proof is furnished as soon as reasonably possible but (except in case of the absence of legal capacity of the claimant) no later than one (1) year from the time proof is otherwise required under the policy.

(12) A provision that:

(A) all benefits payable under the policy (other than benefits for loss of time) will be paid in accordance with IC 27-8-5.7; and

(B) subject to due proof of loss, all accrued benefits under the policy for loss of time will be paid not less frequently than monthly during the continuance of the period for which the insurer is liable, and any balance remaining unpaid at the termination of the period for which the insurer is liable will be paid as soon as possible after receipt of the proof of loss.

(13) A provision that benefits for loss of life of the person insured are payable to the beneficiary designated by the person insured. However, if the policy contains conditions pertaining to family status, the beneficiary may be the family member specified by the policy terms. In either case, payment of benefits for loss of life is subject to the provisions of the policy if no designated or specified beneficiary is living at the death of the person insured. All other benefits of the policy are payable to the person insured. The policy may also provide that if any benefit is payable to the estate of a person or to a person who is a minor or otherwise not competent to give a valid release, the insurer may pay the benefit, up to an amount of five thousand dollars (\$5,000), to any relative by blood or connection by marriage of the person who is deemed by the insurer to be equitably entitled to the benefit.

(14) A provision that the insurer has the right and must be allowed the opportunity to:

(A) examine the person of the individual for whom a claim is made under the policy when and as often as the insurer reasonably requires during the pendency of the claim; and

(B) conduct an autopsy in case of death if it is not prohibited by law.

(15) A provision that no action at law or in equity may be

brought to recover on the policy less than sixty (60) days after proof of loss is filed in accordance with the requirements of the policy and that no action may be brought at all more than three (3) years after the expiration of the time within which proof of loss is required by the policy.

(16) In the case of a policy insuring debtors, a provision that the insurer will furnish to the policyholder, for delivery to each debtor insured under the policy, a certificate of insurance describing the coverage and specifying that the benefits payable will first be applied to reduce or extinguish the indebtedness.

(17) If the policy provides that hospital or medical expense coverage of a dependent child of a group member terminates upon the child's attainment of the limiting age for dependent children set forth in the policy, a provision that the child's attainment of the limiting age does not terminate the hospital and medical coverage of the child while the child is:

(A) incapable of self-sustaining employment because of mental retardation or mental or physical disability; and

(B) chiefly dependent upon the group member for support and maintenance.

A provision under this subdivision may require that proof of the child's incapacity and dependency be furnished to the insurer by the group member within one hundred twenty (120) days of the child's attainment of the limiting age and, subsequently, at reasonable intervals during the two (2) years following the child's attainment of the limiting age. The policy may not require proof more than once per year in the time more than two (2) years after the child's attainment of the limiting age. This subdivision does not require an insurer to provide coverage to a mentally retarded or mentally or physically disabled child who does not satisfy the requirements of the group policy as to evidence of insurability or other requirements for coverage under the policy to take effect. In any case, the terms of the policy apply with regard to the coverage or exclusion from coverage of the child.

(18) A provision that complies with the group portability and guaranteed renewability provisions of the federal Health Insurance Portability and Accountability Act of 1996 (P.L.104-191).

(d) Subsection (c)(5), (c)(8), and (c)(13) do not apply to policies insuring the lives of debtors. The standard provisions required under section 3(a) of this chapter for individual accident and sickness insurance policies do not apply to group accident and sickness insurance policies.

(e) If any policy provision required under subsection (c) is in whole or in part inapplicable to or inconsistent with the coverage provided by an insurer under a particular form of policy, the insurer, with the approval of the commissioner, shall delete the provision from the policy or modify the provision in such a manner as to make it consistent with the coverage provided by the policy.

(f) An insurer that issues a policy described in this section shall include in the insurer's enrollment materials information concerning the manner in which an individual insured under the policy may:

(1) obtain a certificate described in subsection (c)(8); and

(2) request the certificate in paper form.

SECTION 4. [EFFECTIVE JULY 1, 2006] IC 27-8-5-2.5, IC 27-8-5-16.5, and IC 27-8-5-19, all as amended by this act, apply to a certificate of coverage under a nonemployer based association group policy of accident and sickness insurance that is issued, delivered, amended, or renewed after June 30, 2006.

(Reference is to HB 1239 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred House Bill 1247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"(d) An action may not be maintained under this section against a:

- (1) person for conduct relating to an abortion for which, in the physician's good faith medical judgment, the consent of the pregnant woman was express or implied by law;
- (2) person for any lawful medical treatment of the pregnant woman or the fetus; or
- (3) woman for behavior or conduct with respect to her fetus."

Page 2, line 5, strike "(d)" and insert "(e)".

Page 2, line 7, strike "(e)" and insert "(f)".

Page 2, line 22, strike "(f)" and insert "(g)".

Page 2, line 31, strike "(g)" and insert "(h)".

Page 2, line 31, strike "(e)(2)" and insert "(f)(2)".

Page 2, line 34, strike "(h)" and insert "(i)".

Page 2, line 34, strike "(e)(1), (e)(2), (e)(3)(C)," and insert "(f)(1), (f)(2), (f)(3)(C),".

Page 2, line 35, strike "(e)(3)(D)" and insert "(f)(3)(D)".

(Reference is to HB 1247 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred House Bill 1285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning renewable energy.

Delete everything after the enacting clause and insert the following:

SECTION 1. [EFFECTIVE UPON PASSAGE] (a) The environmental quality service council established under IC 13-13-7 shall study and make findings and recommendations concerning the following:

(1) The most effective ways of implementing the Renewable Fuels Standards of the federal Energy Policy Act of 2005 in Indiana.

(2) The feasibility of requiring motor vehicles sold in Indiana to meet the flexible fuel vehicle standards of:

(A) eighty-five percent (85%) ethanol (E85) motor fuel for gasoline powered motor vehicles; and

(B) twenty percent (20%) biodiesel (B20) motor fuel for diesel powered motor vehicles.

(b) The environmental quality service council shall include its findings and recommendations developed under subsection (a) in the environmental quality service council's 2006 final report to the legislative council.

(c) This SECTION expires January 1, 2007.

SECTION 2. An emergency is declared for this act.

(Reference is to HB 1285 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1344, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "nineteen (19)".

Page 1, delete lines 8 through 18, begin a new line block indented and insert:

"(1) The mayor of the city of Evansville or the mayor's designee.

(2) Two (2) members of the common council of the city of Evansville, who must be members of different political parties, appointed by the majority vote of the common

council.

(3) One (1) member of the Vanderburgh County board of commissioners, appointed by the majority vote of the board of commissioners.

(4) Two (2) members of the Vanderburgh County council, who must be members of different political parties, appointed by the majority vote of the county council.

(5) Six (6) residents of Vanderburgh County appointed as follows:

(A) Three (3) individuals appointed by the president of the Vanderburgh County council, not more than two (2) of whom may be members of the same political party.

(B) Three (3) individuals appointed by the president of the Vanderburgh County board of commissioners, not more than two (2) of whom may be members of the same political party.

(d) The following individuals shall serve as nonvoting advisers to the commission:

(1) The Vanderburgh County sheriff or the sheriff's designee.

(2) The chief of the police department of the city of Evansville or the chief's designee.

(3) The chief of the fire department of the city of Evansville or the chief's designee.

(4) The chief or other officer in charge of a volunteer fire department in Vanderburgh County, appointed by the majority vote of all chiefs or other officers in charge of all volunteer fire departments in Vanderburgh County.

(5) An elected township assessor for a township in Vanderburgh County, appointed by the majority vote of all elected township assessors in Vanderburgh County.

(6) An elected township trustee for a township in Vanderburgh County, appointed by the majority vote of all elected township trustees in Vanderburgh County."

Page 2, delete lines 1 through 17.

Page 2, line 18, delete "(d)" and insert "(e)".

Page 2, line 20, delete "(e)" and insert "(f)".

Page 2, line 21, delete "chairman of the legislative council shall designate" and insert "members of the commission shall elect".

Page 2, line 24, delete "(f)" and insert "(g)".

Page 2, line 27, delete "(g)" and insert "(h)".

Page 2, delete lines 32 through 33.

Page 3, delete lines 33 through 38, begin a new line block indented and insert:

"Should a commission consisting of representatives of Vanderburgh County and the city of Evansville complete studies of merging the governments of Vanderburgh County and the city of Evansville and submit the commission's final recommendations to the voters not later than 2008?".

(Reference is to HB 1344 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1381, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, delete "a half-day or".

Page 3, delete lines 28 through 40, begin a new line double block indented and insert:

"(A) Five-tenths (0.5) if the qualified individual pays or incurs a tuition expense in the qualified individual's taxable year for an entire school year (as defined in IC 20-18-2-17).

(B) A lesser percentage determined under the rules adopted by the department of education, if the qualified individual pays or incurs a tuition expense in the qualified individual's taxable year for less than an entire school year (as defined in IC 20-18-2-17). The department of education shall adopt rules to establish a credit percentage schedule for the

payment of credits for qualified dependents who do not enroll in or pay tuition to a participating school for an entire school year (as defined in IC 20-18-2-17). The schedule must be proportional to the educational services received by the qualified dependent."

Page 6, delete lines 40 through 42.

Delete page 7.

Page 8, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to HB 1381 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 15, nays 5.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Bill 1397, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, delete "an executive branch" and insert "a".

Page 2, between lines 18 and 19, begin a new line double block indented and insert:

"(C) The relationship an unregistered lobbyist has with an agency."

Page 4, line 17, delete ":".

Page 4, delete line 18.

Page 4, line 19, delete "(B)".

Page 4, line 19, strike "IC 2-7-2-1;" and insert "**IC 4-2-7;**".

Page 4, run in lines 17 through 19.

Page 4, line 41, delete "." and insert ";".

Page 4, between lines 41 and 42, begin a new line double block indented and insert:

"(E) IC 4-2-8; or

(F) a rule adopted under IC 4-2-8."

Page 7, line 17, after "IC 4-2-7," insert "**IC 4-2-8,**".

Page 7, line 18, after "chapter" strike "or".

Page 7, line 20, after "IC 4-2-7," insert "**or IC 4-2-8,**".

Page 7, line 26, after "IC 4-2-7," insert "**IC 4-2-8,**".

Page 7, line 27, after "chapter" strike "or".

Page 7, line 29, after "IC 4-2-7," insert "**or IC 4-2-8,**".

Page 8, line 11, delete "chapter or" and insert "**chapter,**".

Page 8, line 11, after "IC 4-2-7," insert "**or IC 4-2-8,**".

Page 10, delete lines 30 through 32.

Page 10, line 33, delete "(6) (7)" and insert "(6)".

Page 13, line 20, delete "a an executive branch" and insert "a".

Page 14, line 34, delete "a an executive branch" and insert "a".

Page 14, line 38, delete "A an executive branch" and insert "A".

Page 15, line 1, after "IC 4-2-7," insert "**IC 4-2-8,**".

Page 15, line 1, after "chapter" strike "or".

Page 15, line 3, after "IC 4-2-7," insert "**or IC 4-2-8,**".

Page 15, line 19, delete "an" and insert "a".

Page 15, line 20, delete "executive branch".

Page 16, line 29, delete "'Lobbyist'" "Executive branch lobbyist" and insert "'Lobbyist'".

Page 16, line 30, delete ".".

Page 16, line 30, reset in roman "and who is".

Page 16, reset in roman lines 31 through 32.

Page 17, line 32, delete "." and insert ", including the code of ethics for state officers, employees, special state appointees, and persons who have a business relationship with an agency, including whether additional specific state officers, employees, or special state appointees should be required to file a financial disclosure statement under IC 4-2-6-8."

Page 18, line 22, delete "a" and insert "**an initial**".

Page 18, line 22, after "fee" insert "**and an annual report filing fee**".

Page 19, line 21, delete "the following:" and insert "**fifty dollars (\$50) until the department sets a different fee by rules adopted by the department under IC 4-22-2.**"

Page 19, delete lines 22 through 28.

Page 19, between lines 28 and 29, begin a new paragraph and

insert:

"(c) The annual report filing fee for a lobbyist under IC 4-2-8 is "fifty dollars (\$50) until the department sets a different fee by rules adopted by the department under IC 4-22-2."

Page 19, line 29, delete "(c)" and insert "**(d)**".

(Reference is to HB 1397 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1415, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, after "spray;" insert "**or**".

Page 1, delete line 11.

Page 1, line 12, delete "(4)" and insert "**(3)**".

(Reference is to HB 1415 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Joint Resolution 3, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

Committee Vote: yeas 20, nays 2.

ESPICH, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1010

Representative Wolkins called down Engrossed House Bill 1010 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray, Drozda, Sipes, and Lewis.

Engrossed House Bill 1016

Representative Ayres called down Engrossed House Bill 1016 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Engrossed House Bill 1017

Representative Welch called down Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1017-1)

Mr. Speaker: I move that Engrossed House Bill 1017 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 22, line 10, delete "IC 25-34", insert "**IC 25-34-1**".

WELCH

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1017, begs leave to report that said bill has been amended as directed.

WELCH

Report adopted.

The question then was, Shall the bill pass?

Roll Call 56: yeas 90, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, Broden, and Long.

Engrossed House Bill 1018

Representative Robertson called down Engrossed House Bill 1018 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 94, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and R. Young.

Engrossed House Bill 1020

Representative Avery called down Engrossed House Bill 1020 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Broden.

Engrossed House Bill 1022

Representative Ruppel called down Engrossed House Bill 1022 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Merritt, Ford, Lewis, and Craycraft.

Engrossed House Bill 1024

Representative J. Smith called down Engrossed House Bill 1024 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Drozda.

Representative Goodin was excused.

Engrossed House Bill 1049

Representative Bell called down Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators M. Young, Dillon, and Kruse.

Representative Hinkle was excused.

Engrossed House Bill 1065

Representative Gutwein called down Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 62: yeas 69, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold and Nugent.

Engrossed House Bill 1073

Representative Walorski called down Engrossed House Bill 1073 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Riegsecker and M. Young.

RESOLUTIONS ON FIRST READING

House Resolution 8

Representative Frizzell introduced House Resolution 8:

A HOUSE RESOLUTION memorializing Opal Mae McWhorter-Hendley.

Whereas, Opal Mae McWhorter-Hendley passed away December 4, 2004, at the United Methodist Home Community in Franklin, Indiana;

Whereas, The service for Opal Mae McWhorter-Hendley was held on December 9, 2004, at the United Methodist Home Community Chapel and she was interred at the Greenlawn Cemetery in Franklin, Indiana;

Whereas, At the time of her death, Opal Mae McWhorter-Hendley had just celebrated her 76th birthday; she had seven grandchildren and nine great grandchildren;

Whereas, A memorial fund was established by the United Methodist Home in her honor;

Whereas, Opal Mae McWhorter was born October 14, 1928, delivered by her grandmother Nettie Stearns McWhorter, to Arthur Lawrence McWhorter of Russell County and Winnie Dess McWhorter of Clinton County;

Whereas, Opal Mae McWhorter-Hendley was a direct descendant of Lawrence Conner, an American Revolutionary War Soldier who served with the 8th Virginia Regiment of the Continental Army, and was awarded a land grant in Cumberland County, Kentucky, where Opal Mae McWhorter-Hendley was born;

Whereas, Opal Mae McWhorter attended school and church at the community of Fairland, located north of Albany;

Whereas, Opal Mae McWhorter lost two sisters to tuberculosis and one sister to a fire, and her mother became impaired by a brain tumor at an early age;

Whereas, Opal Mae McWhorter came to Franklin, Indiana, where she met John H. Hendley, whom she married July 17, 1950;

Whereas, Together they had five children: William Haydon Hendley of Indianapolis, Indiana; Freddie Allan Hendley, Sr. of Morgantown, Indiana; Mrs. Patricia Ann Hendley Botts of Franklin, Indiana; Sheila K. Hendley-O'Steen of Brooksville, Florida; and Sharon Elizabeth Hendley Hagan of Franklin, Indiana;

Whereas, Opal Mae McWhorter-Hendley worked for ten years at the United Methodist Home for the Aged in Franklin;

Whereas, Opal Mae McWhorter-Hendley was active in her community, supporting the Tennessee Monument Commission, Inc., which placed a memorial at Gettysburg in 1982; the Anita, Indiana, Historical Marker Committee of Johnson County; the American Legion Auxiliary Department of Indiana; Opal was also commissioned a Kentucky Colonel on May 21, 1980, by Lieutenant Governor Martha L. Collins;

Whereas, Opal Mae McWhorter-Hendley was the last surviving sibling of sisters Bonnie Marie Cunningham and Ruth Ollivine Pittman and brother Elmer Lawrence McWhorter;

Whereas, Opal Mae McWhorter-Hendley, a descendant of the same line of the Henry McWhorter Family, was included in the family history entitled "AN INTERESTING BIT OF McWHORTER HISTORY" stating that the McWhorter family "saved Kentucky for the Union during the Civil War";

Whereas, Opal Mae McWhorter-Hendley had two great-great-grandfathers and a great-great-uncle who served in the 13th Kentucky Cavalry (Sgt. John F. Jr., Cpl. Ephraim M. Sr., and Cpl. Thomas F.);

Whereas, Opal Mae McWhorter-Hendley became the matriarch of the John H. Hendley Tribe of the Francis Marion Hendley Clan of The Hendley Family Association, Inc. on its establishment July 1, 2002, as wife of the Chief Elder of The Hendley Family Association, Inc. on July 28, 2003;

Whereas, Opal Mae McWhorter-Hendley served as a great ambassador for the Commonwealth of Kentucky, spreading good will and visiting her native state every year until she was unable; returning one last time for the funeral of her mother on July 24, 1986, at Aaron chapel, near Fairland, Kentucky;

Whereas, Opal Mae McWhorter-Hendley was honored by the Kentucky House of Representatives on her 75th birthday with House Resolution # 249 authored by State Representative Jeffrey H. Hoover;

Whereas, Opal Mae McWhorter-Hendley lived by the motto of the Hendley Family Association, Inc. - "It is appropriate today that we pause to remember who we are, where we came from and what we have been taught"; and

Whereas, Opal Mae McWhorter-Hendley was honored with a last tribute from her native state of Kentucky when Senate President David L. Williams authored Senate Resolution # 131, adopted March 21, 2005: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives pays a final tribute to the memory of Opal Mae McWhorter-Hendley, a native of Kentucky and a life-long Hoosier, and honors her for her contributions to her family, The Honorable Order of Kentucky Colonels, and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Chief Elder Mr. John H. Hendley; Mr. William H. Hendley, National President of The Hendley Family Association, Inc.; Mr. Freddie A. Hendley, Senior National Board of Directors, The Hendley Family Association, Inc.; Mrs. Patricia A. Botts, President of the John H. Hendley Tribe; Mrs. Sheila K. O'Steen; Ms. Sharon E. Hagan, Vice President of the John H. Hendley Tribe.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 72, 75, 112, 117, 148, 161, 169, 191, 205, 247, 256, 269, 285, 297, 323, 346, 379, and Senate Joint Resolution 2 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 9, 11, 12, and 27 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Dvorak, Hoy, Cherry, Ulmer, and Noe be added as coauthors of House Bill 1010.

WOLKINS

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Hinkle be added as coauthor of House Bill 1020.

AVERY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1024.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crooks be added as coauthor of House Bill 1099.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Micon be added as coauthor of House Bill 1110.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be added as coauthor of House Bill 1113.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mahern be added as coauthor of House Bill 1117.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Austin, Ruppel, and Woodruff be added as coauthors of House Bill 1136.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Burton and Stutzman be added as coauthors of House Bill 1176.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Stutzman and Kuzman be added as coauthors of House Bill 1214.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as coauthor of House Bill 1258.

YOUNT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Denbo and Crooks be added as coauthors of House Bill 1259.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives L. Lawson and VanHaften be added as coauthors of House Bill 1281.

MURPHY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1306.

BRIGHT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cochran be added as coauthor of House Bill 1327.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1353.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Bright be added as coauthor of House Bill 1367.

THOMAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1368.

NEESE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1378.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Messer be added as coauthor of House Bill 1381.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives L. Lawson and Ulmer be added as coauthors of House Bill 1414.

AUSTIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Joint Resolution 3.

MESSER

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:20 p.m. with the Speaker in the Chair.

Representative Hinkle, who had been excused, was present.

ENGROSSED HOUSE BILLS ON THIRD READING**Engrossed House Bill 1076**

Representative Friend called down Engrossed House Bill 1076 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman and Weatherwax.

Engrossed House Bill 1086

Representative Buck called down Engrossed House Bill 1086 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 89, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senators Heinold, Jackman, and Hershman.

Engrossed House Bill 1101

Representative Walorski called down Engrossed House Bill 1101 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Hershman.

Engrossed House Bill 1102

Representative Ayres called down Engrossed House Bill 1102 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

Engrossed House Bill 1107

Representative Crouch called down Engrossed House Bill 1107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and L. Lutz.

Engrossed House Bill 1127

Representative Davis called down Engrossed House Bill 1127 for third reading:

A BILL FOR AN ACT concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lubbers.

Engrossed House Bill 1142

Representative Leonard called down Engrossed House Bill 1142 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 70: yeas 51, nays 45. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors:

Senators M. Young and Dillon.

Engrossed House Bill 1207

Representative Pond called down Engrossed House Bill 1207 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 71: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Craycraft.

Engrossed House Bill 1209

Representative Turner called down Engrossed House Bill 1209 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 72: yeas 92, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Dillon.

Engrossed House Bill 1234

Representative Ruppel called down Engrossed House Bill 1234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 73: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Dillon and Craycraft.

Engrossed House Bill 1238

Representative Welch called down Engrossed House Bill 1238 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Craycraft, Becker, and Sipes.

Engrossed House Bill 1249

Representative Messer called down Engrossed House Bill 1249 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1257

Representative Bell called down Engrossed House Bill 1257 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Waltz.

Engrossed House Bill 1261

Representative Burton called down Engrossed House Bill 1261 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lubbers.

Engrossed House Bill 1280

Representative Murphy called down Engrossed House Bill 1280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford and Steele.

Engrossed House Bill 1299

Representative Bardon called down Engrossed House Bill 1299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Borror, Espich, and Whetstone were excused from voting, pursuant to House Rule 46.

Roll Call 79: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Paul and Lanane.

Engrossed House Bill 1307

Representative Torr called down Engrossed House Bill 1307 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Harrison, Kruse, and Craycraft.

Engrossed House Bill 1314

Representative Klinker called down Engrossed House Bill 1314 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Simpson, Dillon, and Rogers.

Engrossed House Bill 1327

Representative Espich called down Engrossed House Bill 1327 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 82: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Simpson.

Engrossed House Bill 1339

Representative T. Harris called down Engrossed House Bill 1339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 56, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1353

Representative Walorski called down Engrossed House Bill 1353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Kuzman was excused from voting, pursuant to House Rule 46.

Roll Call 84: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Broden.

Engrossed House Bill 1362

Representative Buck called down Engrossed House Bill 1362 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 85: yeas 73, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Delph and Riegsecker.

Representative Goodin, who had been excused, was present.

Engrossed House Bill 1380

Representative J. Smith called down Engrossed House Bill 1380 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 94, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford and Long.

Engrossed House Bill 1392

Representative Ripley called down Engrossed House Bill 1392 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Paul.

Engrossed House Bill 1418

Representative Ayres called down Engrossed House Bill 1418 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 79, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold and Landske.

REPORTS FROM COMMITTEES

Representative Moses rose to a point of order suggesting the absence of a quorum and requesting a quorum call.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. A quorum was not present. The Speaker announced that the roll would remain open to allow additional members to indicate their presence.

Because of the lack of a quorum, the House recessed until the fall of the gavel.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 10:35 p.m. with the Speaker in the Chair.

A quorum was still not present. The Speaker ordered the absentees to be called.

At 10:45 p.m., the Speaker ordered the roll to be tallied:

Aguilera		Koch	
Austin <input type="checkbox"/>		Kromkowski <input type="checkbox"/>	
Avery <input type="checkbox"/>		Kuzman <input type="checkbox"/>	
Ayres		L. Lawson <input type="checkbox"/>	
Bardon <input type="checkbox"/>		Lehe	
Bauer <input type="checkbox"/>		Leonard	
Behning		J. Lutz	
Bell		Mahern <input type="checkbox"/>	
Bischoff		Mays <input type="checkbox"/>	
Borders		McClain	
Borror		Messer	
C. Bottorff <input type="checkbox"/>		Micon <input type="checkbox"/>	
Bright		Moses	
C. Brown <input type="checkbox"/>		Murphy	
T. Brown		Neese	
Buck		Noe	
Budak		Orentlicher <input type="checkbox"/>	
Buell		Oxley <input type="checkbox"/>	
Burton		Pelath	
Cheney <input type="checkbox"/>		Pflum <input type="checkbox"/>	
Cherry		Pierce <input type="checkbox"/>	
Cochran <input type="checkbox"/>		Pond	
Crawford <input type="checkbox"/>		Porter <input type="checkbox"/>	
Crooks <input type="checkbox"/>		Reske <input type="checkbox"/>	
Crouch		Richardson <input type="checkbox"/>	
Davis		Ripley	
Day <input type="checkbox"/>		Robertson <input type="checkbox"/>	
Denbo		Ruppel	
Dickinson <input type="checkbox"/>		Saunders	
Dobis <input type="checkbox"/>		J. Smith	
Dodge		V. Smith <input type="checkbox"/>	
Duncan		Stevenson <input type="checkbox"/>	
Dvorak <input type="checkbox"/>		Stilwell <input type="checkbox"/>	
Espich		Stutzman	
Foley		Summers <input type="checkbox"/>	
Friend		Thomas	
Frizzell		Thompson	
Fry <input type="checkbox"/>		Tincher <input type="checkbox"/>	
GiaQuinta <input type="checkbox"/>		Torr	
Goodin <input type="checkbox"/>		Turner	
Grubb <input type="checkbox"/>		Tyler	
Gutwein		Ulmer	
E. Harris <input type="checkbox"/>		VanHaaften <input type="checkbox"/>	
T. Harris		Walorski	
Heim		Welch <input type="checkbox"/>	
Hinkle		Whetstone	
Hoffman		Wolkins	
Hoy <input type="checkbox"/>		Woodruff	
Kersey <input type="checkbox"/>		Yount	
Klinker <input type="checkbox"/>		Mr. Speaker	

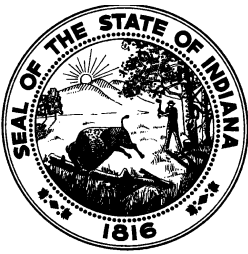
Roll Call 89: 57 present; 1 excused; 42 absent. The Speaker announced a quorum was not in attendance. [*NOTE: ☐ indicates those who were absent.*]

The Speaker announced that the House would reconvene on Monday, January 30, 2006, at 10:00 a.m.

On the motion of Representative Yount, the House adjourned at 10:47 p.m., this twenty-sixth day of January, 2006, until Monday, January 30, 2006, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Thirteenth Meeting Day

Monday Morning

January 30, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Phyllis J. Pond and Boy Scout Troop 419 from Fort Wayne..

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 92: 100 present. The Speaker announced a quorum in attendance.

[NOTE: Roll calls 90 and 91 were machine tests.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bill 321 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE BILLS ON SECOND READING

The following bills were called down by their respective authors, were read a second time by title, and, there being no amendments, were ordered engrossed: House Bills 1081, 1110, 1128, 1138, 1173, 1222, 1235, 1236, 1259, 1266, 1281, 1315, 1329, 1395, 1414, and 1420.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:00 p.m. with the Speaker in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1398, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "property containing a sign or billboard" and insert "**billboards that are within a dedicated public thoroughfare or interstate highway and**".

Page 1, line 17, delete "displays" and insert "**display**".

Page 2, delete lines 2 through 14.

Page 3, between lines 21 and 22, begin a new paragraph and insert: "SECTION 4. IC 8-22-3-4.3, AS ADDED BY P.L.134-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.3. (a) This section applies only to the board of an airport authority that:

(1) is not located in a county containing a consolidated city;

(2) is established by a city; and

(3) has entered into a federal interstate compact.

(b) The board of an airport authority described in subsection (a) consists of members appointed as follows:

(1) Four (4) members appointed by the executive of the city in which the airport is located. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) One (1) member appointed by the executive of the county in which the airport is located.

(3) One (1) member appointed by the executive of the county (other than the county in which the airport is located) that is closest geographically to the airport.

(4) One (1) member appointed by the governor.

(c) A member of the board holds office for four (4) years and until the member's successor is appointed and qualified.

(d) If a vacancy occurs in the board, the authority that appointed the member that vacated the board shall appoint an individual to serve for the remainder of the unexpired term.

(e) A board member may be reappointed to successive terms.

(f) A board member may be impeached under the procedure

provided for the impeachment of county officers.

(g) **The board of an authority described in subsection (a) has jurisdiction over a district that consists of the combined area of:**

- (1) the county in which the airport is located; and**
- (2) the county (other than the county in which the airport is located) that is closest geographically to the airport.**

(h) Property taxes imposed under this chapter by the board of an authority described in subsection (a) apply at a uniform rate on all the taxable property in the district described in subsection (g)."

Page 3, between lines 38 and 39, begin a new line block indented and insert:

"(4) One (1) advisory member appointed by the county executive of a county that is not otherwise represented on the board and that is located not more than one thousand two hundred (1,200) feet from a certified air carrier airport that is owned or operated by the authority. The advisory member appointed under this subdivision:

(A) must be a resident of:

- (i) the county making the appointment; and**
- (ii) one (1) of the two (2) townships in the county located nearest to the airport;**

(B) may not vote on any matter before the board;

(C) serves at the pleasure of the appointing authority; and

(D) serves without compensation or payment for expenses."

Page 9, line 32, after "land" delete "," and insert **"within a dedicated public thoroughfare or interstate highway,"**.

Page 9, after line 40, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2006] IC 8-22-3-4.3, as amended by this act, applies only to property taxes first due and payable after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1398 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

HINKLE, Chair

Report adopted.

HOUSE BILLS ON SECOND READING

House Bill 1028

Representative Koch called down House Bill 1028 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1028-1)

Mr. Speaker: I move that House Bill 1028 be amended to read as follows:

Page 3, delete lines 10 through 17, begin a new paragraph and insert:

"Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce a policy or rule that prohibits or has the effect of prohibiting an individual from possessing:

(1) a loaded or unloaded handgun; or

(2) an unloaded rifle or shotgun;

that is locked in the individual's motor vehicle while the motor vehicle is in or on the person's property."

(Reference is to HB 1028 as printed January 26, 2006.)

KOCH

Motion prevailed.

Representatives Dvorak and Tincher rose to a point of order suggesting the absence of a quorum.

The Speaker ordered the roll of the House to be called. A quorum was not present. The Speaker announced that the machine would remain open to allow additional members to indicate their presence.

At 4:13 p.m. the Speaker ordered the roll to be tallied. Roll Call 93: 71 present. The Speaker announced a quorum in attendance.

The second reading of House Bill 1028 was pending.

With consent of the members, the House reconsidered adoption of the motion of Representative Koch (1028-1). Motion prevailed. The bill was ordered engrossed.

House Bill 1029

Representative Buell called down House Bill 1029 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1029-1)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 16, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 7. IC 20-12-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) Any corporation that has entered into a written contract for a grant, pending the receipt of the grant, but within the limitations set forth in this section, may borrow from any person and evidence the debt by a note or a series of notes of equal or unequal amounts containing such terms and conditions as the governing board of the corporation prescribes. Any note may pledge, for the payment of the principal and interest thereof, the proceeds of the grant and any revenue that may be derived from the building facility being constructed, acquired, renovated, or improved by the proceeds of the note or notes.

(b) A loan made under this section may not exceed ~~eighty percent (80%)~~ of the estimated amount of the grant in anticipation of which the loan is made. Further, the corporation shall make prepayments of the outstanding balance of its note or retire one (1) or more of its series of outstanding notes promptly upon partial receipt of grant funds. ~~so that the outstanding amount of any loan made under this section does not exceed the balance of the grant funds yet to be received:~~

(c) The notes shall be executed in the same manner as provided for bonds in section 8 of this chapter, and the notes shall be sold in the same manner as provided for bonds in section 7 of this chapter.

(d) The governing board of the corporation shall apply the proceeds of any notes issued under this section to those items of cost for which the grant has been allocated by the granting agencies. The purchaser of any notes is not liable for any improper use of the proceeds, and the purchaser does not have to insure that the amount of the loan stays within the maximum limits as grant funds are from time to time received by the corporation.

(e) As used in this section, "grant" means any ~~money received~~ agreement for any combination of grants, gifts, or pledges:

(1) to or for the benefit of a corporation from:

(A) the United States government or any of its agencies;

(B) the state of Indiana or any of its agencies; or ~~from~~

(C) any private ~~person~~, corporation, trust, or foundation; and

(2) to be used ~~for~~ in connection with the acquisition, improvement, renovation, ~~or~~ construction, or support of building facilities that the corporation may lawfully undertake."

Page 17, line 18, delete "(i)," and insert **"(h),"**.

Page 19, delete lines 6 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1029 as printed January 27, 2006.)

BUELL

Motion prevailed.

HOUSE MOTION
(Amendment 1029-5)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 3, delete lines 8 through 42.

Delete pages 4 through 9.

Page 10, delete lines 1 through 11.

Page 22, line 13, delete **"(a) IC 6-3-1-3.5,"**.

Page 22, delete lines 14 through 15.

Page 22, line 16, delete **"(b)"**.

Page 22, run in lines 13 through 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1029 as printed January 27, 2006.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 1029-3)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 10, line 16, after "IC 21-9" insert "**or another qualified tuition program that is exempt from federal income taxation under Section 529 of the Internal Revenue Code**".

(Reference is to HB 1029 as printed January 27, 2006.)

BARDON

Motion prevailed.

HOUSE MOTION
(Amendment 1029-2)

Mr. Speaker: I move that House Bill 1029 be amended to read as follows:

Page 10, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 3. IC 6-3-2-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 21. (a) As used in this section, "student loan" refers to a qualified education loan (as defined in Section 221 of the Internal Revenue Code).**

(b) Subject to subsection (d), in each taxable year, an individual who is obligated to repay a student loan may deduct in computing the individual's adjusted gross income the amount determined under STEP TWELVE of the following formula:

STEP ONE: Determine the total amount of payments paid by the individual with respect to the individual's student loans during the taxable year.

STEP TWO: Determine the part of the STEP ONE result that is attributable to interest and other financing charges.

STEP THREE: Subtract the STEP TWO result from the STEP ONE result to determine the part of the STEP ONE result attributable to principal.

STEP FOUR: Determine the part of the STEP TWO result deducted by the individual in computing the individual's federal adjusted gross income under Section 62 of the Internal Revenue Code.

STEP FIVE: Subtract the STEP FOUR result from the STEP TWO result.

STEP SIX: Determine the initial outstanding principal balance on the student loan as of the expiration of the most recent grace period following the final date of attendance at the most recently attended institution of higher education. In the case of a husband and wife filing a joint return, determine this amount independently for each individual, and add the two (2) amounts.

STEP SEVEN: Determine the part of the STEP SIX amount deducted by the individual in computing the individual's federal adjusted gross income under Section 62 of the Internal Revenue Code in the current and any prior taxable years.

STEP EIGHT: Divide the STEP SEVEN result by the STEP SIX result, rounding to the nearest one thousandth (0.001).

STEP NINE: Subtract the STEP EIGHT result from one (1).

STEP TEN: Multiply the STEP THREE result by the STEP NINE result.

STEP ELEVEN: Add the STEP FIVE result and the STEP TEN result.

STEP TWELVE: Determine the lesser of the following:

(A) The STEP ELEVEN result.

(B) Three thousand dollars (\$3,000).

(c) A husband and wife filing a joint adjusted gross income tax return for a particular taxable year may not claim a deduction under this section of more than three thousand dollars (\$3,000) in any taxable year.

(d) An individual may not claim the deduction provided by this section for more than ten (10) taxable years during the individual's lifetime. For purposes of applying this subsection to

an individual who files a joint return with the individual's spouse, the question of whether a joint return counts toward each spouse's lifetime allotment is determined independently for each spouse with reference to the underlying student loan. A joint return on which the deduction provided by this section is claimed counts towards a spouse's lifetime allotment only to the extent that the spouse is obligated to repay some part of the underlying student loan payments that are being deducted."

Page 22, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 6-3-2-21, as added by this act, applies only to taxable years beginning after December 31, 2005."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1029 as printed January 27, 2006.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Dvorak, the Speaker ordered the roll of the House to be called. Roll Call 94: yeas 49, nays 49. Motion failed. The bill was ordered engrossed.

House Bill 1062

Representative Hinkle called down House Bill 1062 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1080

Representative Stutzman called down House Bill 1080 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1080-3)

Mr. Speaker: I move that House Bill 1080 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-21-2-2, AS AMENDED BY P.L.96-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.** The state department shall license and regulate:

- (1) hospitals;
- (2) ambulatory outpatient surgical centers;
- (3) birthing centers; ~~and~~
- (4) abortion clinics; ~~and~~
- (5) pregnancy counseling centers.**

SECTION 2. IC 16-21-2-2.5, AS ADDED BY P.L.96-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. (a)** The state department shall adopt rules under IC 4-22-2 to do the following concerning birthing centers, ~~and~~ abortion clinics, **and pregnancy counseling centers:**

- (1) Establish minimum license qualifications.
- (2) Establish the following requirements:
 - (A) Sanitation standards.
 - (B) Staff qualifications.
 - (C) Necessary emergency equipment.
 - (D) Procedures to provide emergency care.
 - (E) Quality assurance standards.
 - (F) Infection control.
- (3) Prescribe the operating policies, supervision, and maintenance of medical records.
- (4) Establish procedures for the issuance, renewal, denial, and revocation of licenses under this chapter. The rules adopted under this subsection must address the following:
 - (A) The form and content of the license.
 - (B) The collection of an annual license fee.
- (5) Prescribe the procedures and standards for inspections.

(b) A person who knowingly or intentionally:

- (1) operates a birthing center, ~~or~~ an abortion clinic, **or a pregnancy counseling center** that is not licensed under this chapter; or
- (2) advertises the operation of a birthing center, ~~or~~ an abortion clinic, **or a pregnancy counseling center** that is not licensed under this chapter;

commits a Class A misdemeanor."

Page 1, line 4, after "clinic" insert **"or pregnancy counseling center"**.

Page 1, line 5, after "clinic" insert **"or pregnancy counseling center"**.

Page 1, line 6, after "clinic" insert **"or pregnancy counseling center"**.

Page 1, line 11, after "clinic" insert **"or pregnancy counseling center"**.

Page 1, line 12, after "clinic" insert **"or pregnancy counseling center"**.

Page 1, line 14, after "clinic" insert **"or pregnancy counseling center"**.

Page 1, line 15, delete "clinic." and insert **"clinic or pregnancy counseling center."**.

Page 1, line 16, after "clinic" insert **"or pregnancy counseling center"**.

Page 2, line 4, after "clinic" insert **"or pregnancy counseling center"**.

Page 2, line 7, after "clinic" insert **"or pregnancy counseling center"**.

Page 3, line 16, after "clinic" insert **"or pregnancy counseling center"**.

Page 3, line 26, delete "clinic;" and insert **"clinic or pregnancy counseling center;"**.

Page 4, line, 14, after "clinic" insert **"or pregnancy counseling center"**.

Page 4, line 17, after "clinic" insert **"or pregnancy counseling center"**.

Page 4, line 20, after "clinic" insert **"or pregnancy counseling center"**.

Page 4, line 24, after "clinic" insert **"or pregnancy counseling center"**.

Page 4, line 27, after "clinic" insert **"or pregnancy counseling center"**.

Page 4, after line 31, begin a new paragraph and insert:
"SECTION 4. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "state department" refers to the state department of health.

(b) The state department shall, not later than December 31, 2006, establish licensing procedures and requirements for the licensure of pregnancy counseling centers as required under IC 16-21-2-2.5, as amended by this act.

(c) A pregnancy counseling center shall, not later than July 1, 2007:

(1) obtain the license required; and

(2) meet the requirements established;

by the state department under IC 16-21-2-2.5, as amended by this act.

(d) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1080 as printed January 27, 2006.)

KUZMAN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Whetstone withdrew the point of order.

The question then was on the motion of Representative Kuzman (1080-3). Motion failed.

HOUSE MOTION (Amendment 1080-1)

Mr. Speaker: I move that House Bill 1080 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-122 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 122. (a) "Facility", for purposes of IC 16-21-2 refers to the following:

(1) An abortion clinic (as defined in IC 16-18-2-1.5).

(2) An ambulatory outpatient surgical center (as defined in IC 16-18-2-14), including facilities for ophthalmological surgery.

(b) "Facility", for purposes of IC 16-41-11, has the meaning set

forth in IC 16-41-11-2."

Page 1, line 4, after "plant of" insert ":

(1)".

Page 1, line 5, delete "." and insert "; and

(2) an ambulatory outpatient surgical center must meet the condition of this section for the surgical facility to be licensed under IC 16-21-2."

Page 1, line 6, delete "clinic" and insert "facility".

Page 1, line 11, delete "an abortion clinic" and insert "a facility".

Page 1, line 11, after "another" insert "health care".

Page 1, line 12, delete "clinic" and insert "facility".

Page 1, line 14, delete "clinic" and insert "facility".

Page 1, line 15, delete "clinic." and insert "facility."

Page 1, line 16, delete "clinic" and insert "facility".

Page 2, line 4, delete "clinic" and insert "facility".

Page 2, line 7, delete "clinic;" and insert "facility;"

Page 3, line 16, delete "clinic" and insert "facility".

Page 3, line 26, delete "clinic;" and insert "facility;"

Page 4, after line 31, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JULY 1, 2006] (a) For purposes of this SECTION, "center" refers to an ambulatory outpatient surgical center as defined in IC 16-18-2-14, including a facility for ophthalmological surgery.

(b) For purposes of this SECTION "department" refers to the department of health established by IC 16-19-1-1.

(c) Before August 1, 2006, the department shall survey the physical plant of each center that is licensed under IC 16-21-2 and the rules of the department. The department shall determine and list the features of the physical plant of a center that are not in compliance with rules adopted by the department under IC 16-21-2.

(d) Before September 1, 2006, the department shall provide notice to each center found not to be in compliance with rules adopted by the department under IC 16-21-2, informing the center of the features found not to be in compliance after the completion of the survey conducted under subsection (c).

(e) Before January 1, 2007, the department shall reinspect each center that received notice under subsection (d) to determine if the features not in compliance with rules adopted by the department under IC 16-21-2 have been corrected.

(f) The department shall revoke the license of a center that has received notice under subsection (d) and has not remedied the feature not in compliance with rules adopted by the department under IC 16-21-2, as noted in the reinspection under subsection (e)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1080 as printed January 27, 2006.)

ORENTLICHER

Motion failed.

HOUSE MOTION (Amendment 1080-2)

Mr. Speaker: I move that House Bill 1080 be amended to read as follows:

Page 4, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 2. IC 16-41-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The state department must provide **medically accurate** information stressing the moral aspects of abstinence from sexual activity in any literature that the state department distributes to school children and young adults concerning available methods for the prevention of acquired immune deficiency syndrome (AIDS). Such literature must state that the best way to avoid AIDS is for young people to refrain from sexual activity until the young people are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

SECTION 3. IC 16-46-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Funding provided a local board of health under section 2 of this chapter may be used by the local board to provide any of the following services:

(1) Animal and vector control.

(2) Communicable disease control, including immunizations.

(3) Food sanitation.

(4) Environmental health.

- (5) **Medically accurate** health education.
- (6) Laboratory services.
- (7) Maternal and child health services, including prenatal clinics and well-child clinics.
- (8) Nutrition services.
- (9) Public health nursing, including home nursing visitation and vision and hearing screening.
- (10) Vital records.

(b) Money granted a local board of health from the local health maintenance fund may not be used for any purpose other than for the services listed in this section.

SECTION 4. IC 20-20-5-6, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) In 2008 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of social studies.

(b) In 2009 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of mathematics.

(c) In 2010 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of science and **medically accurate** health education.

(d) In 2005 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of miscellaneous.

(e) In 2006 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the classification of language arts/reading and handwriting.

(f) In 2007 and every sixth year thereafter, the state board shall adopt and contract for textbooks for each subject under the following classifications:

- (1) Language arts/English, spelling, and literature.
- (2) Foreign languages.

SECTION 5. IC 20-26-15-8, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The contract must contain the following provisions:

- (1) A list of the statutes and rules that are suspended from operation in a freeway school corporation or freeway school, as listed in section 5 of this chapter.
- (2) A description of the privileges of a freeway school corporation or freeway school, as listed in section 6 of this chapter.
- (3) A description of the educational benefits listed in section 7 of this chapter that a freeway school corporation or freeway school agrees to:

- (A) achieve by the end of five (5) complete school years after the contract is signed; and
- (B) maintain at the end of:
 - (i) the sixth; and
 - (ii) any subsequent;

complete school year after the contract is signed.

- (4) A plan and a schedule for the freeway school corporation or freeway school to achieve the educational benefits listed in section 7 of this chapter by the end of five (5) complete school years after the contract is signed. The schedule must show some percentage of improvement by the end of the second, third, and fourth complete school years after the contract is signed.
- (5) A school by school strategy, including curriculum, in which character education is demonstrated to be a priority. The strategy required under this subdivision must include the following subjects as integral parts of each school's character education:

- (A) Hygiene.
- (B) Alcohol and drugs.
- (C) Diseases transmitted sexually or through drug use, including AIDS.
- (D) Honesty.
- (E) Respect.
- (F) Abstinence and restraint.

The instruction under clauses (A), (B), (C), and (F) must be medically accurate.

- (6) A plan under which the freeway school corporation or

freeway school will offer courses that will allow a student to become eligible to receive an academic honors diploma.

- (7) A plan under which the freeway school corporation or freeway school will maintain a safe and disciplined learning environment for students and teachers.

(b) In the contract:

- (1) the quantitative measures of benefits may be higher, but not lower, than the minimum educational benefits listed in section 7 of this chapter; and
- (2) educational benefits may be included in addition to the minimum educational benefits listed in section 7 of this chapter.

SECTION 6. IC 20-30-5-7, AS ADDED BY P.L.1-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Each school corporation shall include in the school corporation's curriculum the following studies:

- (1) Language arts, including:

- (A) English;
- (B) grammar;
- (C) composition;
- (D) speech; and
- (E) second languages.

- (2) Mathematics.

- (3) Social studies and citizenship, including the:

- (A) constitutions;
- (B) governmental systems; and
- (C) histories;

of Indiana and the United States.

- (4) Sciences.

- (5) Fine arts, including music and art.

- (6) **Medically accurate** health education, physical fitness, safety, and the effects of alcohol, tobacco, drugs, and other substances on the human body.

- (7) Additional studies selected by each governing body, subject to revision by the state board.

SECTION 7. IC 20-34-1-13, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. The council shall do the following:

- (1) Identify and study **medically accurate** educational materials and resources on AIDS that are available for use in the schools within the school corporation.

- (2) Determine which educational materials and resources are based on sound medical principles and reflect the attitude of the community.

- (3) Recommend to the school corporation educational materials and resources on AIDS that reflect the standards of the community.

SECTION 8. IC 20-34-3-17, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) The state board shall provide **medically accurate** information stressing the moral aspects of abstinence from sexual activity in any literature that it distributes to students and young adults concerning available methods for the prevention of acquired immune deficiency syndrome (AIDS). The literature must state that the best way to avoid AIDS is for young people to refrain from sexual activity until they are ready as adults to establish, in the context of marriage, a mutually faithful monogamous relationship.

(b) The state board may not distribute AIDS literature described in subsection (a) to students without the consent of the governing body of the school corporation the students attend."

Renumber all SECTIONS consecutively.

(Reference is to HB 1080 as printed January 27, 2006.)

PORTER

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

House Bill 1089

Representative J. Lutz called down House Bill 1089 for second

reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1089-1)

Mr. Speaker: I move that House Bill 1089 be amended to read as follows:

Page 3, after line 14, begin a new paragraph and insert:

"SECTION 2. IC 36-4-3-11, AS AMENDED BY P.L.111-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Except as provided in section 5.1(i) of this chapter and subsections (d) and (e), whenever territory is annexed by a municipality under this chapter, the annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by:

- (1) ~~at least sixty-five percent (65%) more than fifty percent (50%)~~ of the owners of land in the annexed territory; or
- (2) the owners of more than ~~seventy-five percent (75%)~~ **sixty-five percent (65%)** in assessed valuation of the land in the annexed territory.

The remonstrance must be filed within ninety (90) days after the publication of the annexation ordinance under section 7 of this chapter, must be accompanied by a copy of that ordinance, and must state the reason why the annexation should not take place.

(b) On receipt of the remonstrance, the court shall determine whether the remonstrance has the necessary signatures. In determining the total number of landowners of the annexed territory and whether signers of the remonstrance are landowners, the names appearing on the tax duplicate for that territory constitute prima facie evidence of ownership. Only one (1) person having an interest in each single property, as evidenced by the tax duplicate, is considered a landowner for purposes of this section.

(c) If the court determines that the remonstrance is sufficient, it shall fix a time, within sixty (60) days of its determination, for a hearing on the remonstrance. Notice of the proceedings, in the form of a summons, shall be served on the annexing municipality. The municipality is the defendant in the cause and shall appear and answer.

(d) If an annexation is initiated by property owners under section 5.1 of this chapter and all property owners within the area to be annexed petition the municipality to be annexed, a remonstrance to the annexation may not be filed under this section.

(e) This subsection applies if:

- (1) the territory to be annexed consists of not more than one hundred (100) parcels; and
- (2) eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality.

An annexation may be appealed by filing with the circuit or superior court of a county in which the annexed territory is located a written remonstrance signed by at least seventy-five percent (75%) of the owners of land in the annexed territory as determined under subsection (b).

SECTION 2. IC 36-4-3-13, AS AMENDED BY P.L.111-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Except as provided in subsections (e) and (g), at the hearing under section 12 of this chapter, the court shall order a proposed annexation to take place if the following requirements are met:

- (1) The requirements of either subsection (b) or (c).
- (2) The requirements of subsection (d).

(b) The requirements of this subsection are met if the evidence establishes the following:

- (1) That the territory sought to be annexed is contiguous to the municipality.
- (2) One (1) of the following:
 - (A) The resident population density of the territory sought to be annexed is at least three (3) persons per acre.
 - (B) Sixty percent (60%) of the territory is subdivided.
 - (C) The territory is zoned for commercial, business, or industrial uses.

(c) The requirements of this subsection are met if the evidence establishes the following:

- (1) That the territory sought to be annexed is contiguous to the

municipality as required by section 1.5 of this chapter, except that at least one-fourth (1/4), instead of one-eighth (1/8), of the aggregate external boundaries of the territory sought to be annexed must coincide with the boundaries of the municipality. (2) That the territory sought to be annexed is needed and can be used by the municipality for its development in the reasonably near future.

(d) The requirements of this subsection are met if the evidence establishes that the municipality has developed and adopted a written fiscal plan and has established a definite policy, by resolution of the legislative body as set forth in section 3.1 of this chapter. The fiscal plan must show the following:

- (1) The cost estimates of planned services to be furnished to the territory to be annexed. The plan must present itemized estimated costs for each municipal department or agency.
- (2) The method or methods of financing the planned services. The plan must explain how specific and detailed expenses will be funded and must indicate the taxes, grants, and other funding to be used.
- (3) The plan for the organization and extension of services. The plan must detail the specific services that will be provided and the dates the services will begin.
- (4) That planned services of a noncapital nature, including police protection, fire protection, street and road maintenance, and other noncapital services normally provided within the corporate boundaries, will be provided to the annexed territory within one (1) year after the effective date of annexation and that they will be provided in a manner equivalent in standard and scope to those noncapital services provided to areas within the corporate boundaries regardless of similar topography, patterns of land use, and population density.
- (5) That services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities, and stormwater drainage facilities, will be provided to the annexed territory within three (3) years after the effective date of the annexation in the same manner as those services are provided to areas within the corporate boundaries, regardless of similar topography, patterns of land use, and population density, and in a manner consistent with federal, state, and local laws, procedures, and planning criteria.

(e) At the hearing under section 12 of this chapter, the court shall do the following:

- (1) Consider evidence on the conditions listed in subdivision (2).
- (2) Order a proposed annexation not to take place if the court finds that all of the conditions set forth in clauses (A) through (D) and, if applicable, clause (E) exist in the territory proposed to be annexed:
 - (A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:
 - (i) Police and fire protection.
 - (ii) Street and road maintenance.
 - (B) The annexation will have a significant financial impact on the residents or owners of land.
 - (C) The annexation is not in the best interests of the owners of land in the territory proposed to be annexed as set forth in subsection (f).
 - (D) One (1) of the following opposes the annexation:
 - (i) ~~At least sixty-five percent (65%) more than fifty percent (50%)~~ of the owners of land in the territory proposed to be annexed.
 - (ii) The owners of more than ~~seventy-five percent (75%)~~ **sixty-five percent (65%)** in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed. (E) This clause applies only to an annexation in which eighty percent (80%) of the boundary of the territory proposed to be annexed is contiguous to the municipality and the territory consists of not more than one hundred (100) parcels. At least seventy-five percent (75%) of the owners of land in the territory proposed to be annexed oppose the annexation as determined under section 11(b) of this chapter.

(f) The municipality under subsection (e)(2)(C) bears the burden of proving that the annexation is in the best interests of the owners of land in the territory proposed to be annexed. In determining this issue, the court may consider whether the municipality has extended sewer or water services to the entire territory to be annexed:

- (1) within the three (3) years preceding the date of the introduction of the annexation ordinance; or
- (2) under a contract in lieu of annexation entered into under IC 36-4-3-21.

The court may not consider the provision of water services as a result of an order by the Indiana utility regulatory commission to constitute the provision of water services to the territory to be annexed.

(g) This subsection applies only to cities located in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000). However, this subsection does not apply if on April 1, 1993, the entire boundary of the territory that is proposed to be annexed was contiguous to territory that was within the boundaries of one (1) or more municipalities. At the hearing under section 12 of this chapter, the court shall do the following:

- (1) Consider evidence on the conditions listed in subdivision (2).
- (2) Order a proposed annexation not to take place if the court finds that all of the following conditions exist in the territory proposed to be annexed:
 - (A) The following services are adequately furnished by a provider other than the municipality seeking the annexation:
 - (i) Police and fire protection.
 - (ii) Street and road maintenance.
 - (B) The annexation will have a significant financial impact on the residents or owners of land.
 - (C) One (1) of the following opposes the annexation:
 - (i) A majority of the owners of land in the territory proposed to be annexed.
 - (ii) The owners of more than seventy-five percent (75%) in assessed valuation of the land in the territory proposed to be annexed.

Evidence of opposition may be expressed by any owner of land in the territory proposed to be annexed.

- (h) The most recent:
 - (1) federal decennial census;
 - (2) federal special census;
 - (3) special tabulation; or
 - (4) corrected population count;

shall be used as evidence of resident population density for purposes of subsection (b)(2)(A), but this evidence may be rebutted by other evidence of population density."

(Reference is to HB 1089 as printed January 27, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Dvorak, the Speaker ordered the roll of the House to be called. Roll Call 95: yeas 37, nays 57. Motion failed. The bill was ordered engrossed.

House Bill 1090

Representative Tincher called down House Bill 1090 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1113

Representative Foley called down House Bill 1113 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1117

Representative Wolkins called down House Bill 1117 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1117-3)

Mr. Speaker: I move that House Bill 1117 be amended to read as follows:

Page 5, between lines 9 and 10, begin a new paragraph and insert: "SECTION 8. IC 13-21-13-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A board may impose fees on the disposal of solid waste in a final disposal facility located within the district. A fee imposed by a board in a county with a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000) under this section may not exceed two dollars and fifty cents (\$2.50) a ton. **A fee imposed by a board may not exceed six dollars (\$6) a ton at a landfill that is located in a county that does not zone under IC 36-7-4 and is permitted after January 1, 2006.** A fee imposed by a board in other counties under this section may not exceed:

- (1) two dollars and fifty cents (\$2.50) a ton; or
- (2) the amount of a fee imposed by the board;
 - (A) under this section; and
 - (B) in effect on January 1, 1993;

whichever is greater.

(b) The board shall do the following:

- (1) Set the amount of fees imposed under this section after a public hearing.
- (2) Give public notice of the hearing.

(c) If solid waste has been subject to a district fee under this section, the total amount of the fee that was paid shall be credited against a district fee to which the solid waste may later be subject under this section.

(d) Except as provided in section 4 of this chapter, fees imposed under this chapter shall be imposed uniformly on public facilities and on privately owned or operated facilities throughout the district.

(e) A resolution adopted by a board that establishes fees under this chapter may contain a provision that authorizes the board to impose a penalty of not more than five hundred dollars (\$500) per day because of:

- (1) nonpayment of fees; or
- (2) noncompliance with a condition in the resolution.

(f) A board may not impose fees for material used as alternate daily cover pursuant to a permit issued by the department under 329 IAC 10-20-13.

SECTION 9. IC 13-22-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The amount of financial responsibility a person must establish under section 1 of this chapter for a hazardous waste landfill or a solid waste landfill must:

- (1) be the greater of:
 - (A) fifteen thousand dollars (\$15,000) for each acre or part of an acre covered by the hazardous waste landfill or solid waste landfill **or thirty thousand dollars (\$30,000) for each acre or part of an acre covered by a solid waste landfill that is:**

(i) located in a county that does not zone under IC 36-7-4; and

(ii) permitted after January 1, 2006; or

(B) an amount determined by the commissioner that is sufficient to close the hazardous waste landfill or solid waste landfill in a manner that:

- (i) minimizes the need for further maintenance; and
- (ii) provides reasonable, foreseeable, and necessary maintenance during postclosure; and

(2) provide assurance of proper postclosure maintenance and monitoring for at least thirty (30) years after the hazardous waste landfill or solid waste landfill has ceased operations."

Renumber all SECTIONS consecutively.

(Reference is to HB 1117 as printed January 25, 2006.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 1124

Representative Buck called down House Bill 1124 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1136

Representative Burton called down House Bill 1136 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1140

Representative Leonard called down House Bill 1140 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1140-1)

Mr. Speaker: I move that House Bill 1140 be amended to read as follows:

Page 7, between lines 10 and 11, begin a new paragraph and insert: "SECTION 4. IC 6-1.1-33.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8. (a) The division of data analysis of the department of local government finance shall annually prepare a report concerning the total amount of property tax abatements provided in Indiana during the previous calendar year.**

(b) The division shall adopt rules under IC 4-22-2 specifying the manner and time in which county auditors and local designating bodies shall report to the division any information required by the division to prepare the report under this section.

(c) The division shall adopt rules under IC 4-22-2 specifying the manner in which the information in the report under this section is provided to the owners of residential property and other taxpayers."

Renumber all SECTIONS consecutively.

(Reference is to HB 1140 as printed January 27, 2006.)

PELATH

Upon request of Representatives Pelath and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 96: yeas 47, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1140-2)

Mr. Speaker: I move that House Bill 1140 be amended to read as follows:

Page 7, between lines 10 and 11, begin a new paragraph and insert: "SECTION 4. IC 6-1.1-31-7, AS AMENDED BY P.L.214-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7. (a) Subject to subsection (e),** with respect to the assessment of personal property, the rules of the department of local government finance shall provide for the classification of personal property on the basis of:

- (1) date of purchase;
- (2) location;
- (3) use;
- (4) depreciation, obsolescence, and condition; and
- (5) any other factor that the department determines by rule is just and proper.

(b) Subject to subsection (e), with respect to the assessment of personal property, the rules of the department of local government finance shall include instructions for determining:

- (1) the proper classification of personal property;
- (2) the effect that location has on the value of personal property;
- (3) the cost of reproducing personal property;
- (4) the depreciation, including physical deterioration and obsolescence, of personal property;
- (5) the productivity or earning capacity of mobile homes regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more;
- (6) the true tax value of mobile homes assessed under IC 6-1.1-7 (other than mobile homes subject to the preferred valuation method under IC 6-1.1-4-39(b)) as the least of the values determined using the following:

(A) The National Automobile Dealers Association Guide.

(B) The purchase price of a mobile home if:

- (i) the sale is of a commercial enterprise nature; and
- (ii) the buyer and seller are not related by blood or marriage.

(C) Sales data for generally comparable mobile homes;

- (7) the true tax value at the time of acquisition of computer application software, for the purpose of deducting the value of computer application software from the acquisition cost of tangible personal property whenever the value of the tangible

personal property that is recorded on the taxpayer's books and records reflects the value of the computer application software; and

(8) the true tax value of personal property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper.

(c) In providing for the classification of personal property and the instructions for determining the items listed in subsection (b), the department of local government finance shall not include the value of land as a cost of producing tangible personal property subject to assessment.

(d) **Except as provided in subsection (e),** with respect to the assessment of personal property, true tax value does not mean fair market value. Subject to this article, true tax value is the value determined under rules of the department of local government finance.

(e) The department of local government finance:

(1) may not establish by rule a minimum valuation method for agricultural personal property that applies the method for more than thirteen (13) years after the year in which the property is acquired; and

(2) shall establish by rule a valuation method for agricultural personal property that:

(A) applies to the property for each year that is more than thirteen (13) years after the year in which the property is acquired; and

(B) requires valuation of the property at the property's fair market value."

Page 14, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE UPON PASSAGE] **(a) Before March 1, 2007, the department of local government finance shall:**

(1) amend 329 IAC 11-9-5 so that the rule is consistent with IC 6-1.1-31-7(e)(1), as added by this act; and

(2) adopt a rule as required by IC 6-1.1-31-7(e)(2), as added by this act.

(b) This SECTION expires March 1, 2007.

SECTION 19. [EFFECTIVE JULY 1, 2006] **IC 6-1.1-31-7, as amended by this act, applies only to property taxes first due and payable after December 31, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1140 as printed January 27, 2006.)

GRUBB

Motion prevailed.

HOUSE MOTION
(Amendment 1140-3)

Mr. Speaker: I move that House Bill 1140 be amended to read as follows:

Page 6, line 5, delete "2005" and insert "2006".

Page 7, line 12, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 9, line 3, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 9, line 19, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 9, line 29, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 10, line 1, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 10, line 31, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 10, line 42, delete "2006" and insert "2007".

Page 11, line 1, delete "(RETROACTIVE)".

Page 11, line 3, delete "JULY 1, 2006" and insert "JANUARY 1, 2007".

Page 11, line 7, delete "IC 6-1.1-12" and insert "**IC 6-1.1-12.1**".

Page 12, line 5, after "taxpayer's" insert "**applications for deductions**".

Page 12, line 14, delete "application" and insert "**applications**".

Page 12, line 16, delete "The taxpayer" and insert "**The department**".

(Reference is to HB 1140 as printed January 27, 2006.)

LEONARD

Motion prevailed. The bill was ordered engrossed.

House Bill 1172

Representative T. Harris called down House Bill 1172 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1172-1)

Mr. Speaker: I move that House Bill 1172 be amended to read as follows:

Page 2, line 17, delete "and".

Page 2, line 19, delete "that" and insert **"is not medically possible until the fetus"**.

Page 2, line 22, after "insurance." insert **"However, if medical practice changes to allow for the option of a fetus to receive anesthetic or painkilling medication earlier than at the gestation age of twenty (20) weeks, the provider shall inform the woman of this option; and"**.

Page 2, between lines 22 and 23, begin a new line triple block indented and insert:

"(iii) option of providing during an abortion an anesthetic or other painkilling medication to a fetus that has a probable gestation age of at least twenty (20) weeks and that this service may or may not be covered by insurance."

(Reference is to HB 1172 as printed January 27, 2006.)

T. HARRIS

Motion prevailed.

HOUSE MOTION (Amendment 1172-7)

Mr. Speaker: I move that House Bill 1172 be amended to read as follows:

Page 3, after line 7, begin a new paragraph and insert:

"(c) Nothing in this section shall be construed to prohibit an individual who is authorized under subsection (a)(1) to provide the information described in subsection (a)(1)(G) or subsection (a)(3)(c) from informing a woman of the individual's own professional medical opinion concerning:

- (1) the capacity of a fetus to experience pain;**
- (2) the advisability of administering an anesthetic or analgesic to a woman or a fetus;**
- (3) any other matter related to fetal pain; or**
- (4) when human life begins."**

(Reference is to HB 1172, Digest Correction, as printed January 27, 2006.)

KUZMAN

Motion failed.

HOUSE MOTION (Amendment 1172-6)

Mr. Speaker: I move that House Bill 1172 be amended to read as follows:

Page 2, between lines 22 and 23, begin a new line double block indented and insert:

"The requirement to give information under this clause may be omitted in the case of rape or incest."

(Reference is to HB 1172, Digest Correction, as printed January 27, 2006.)

KUZMAN

Motion failed.

HOUSE MOTION (Amendment 1172-3)

Mr. Speaker: I move that House Bill 1172 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-34-2-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. Human life begins when a

human ovum is fertilized by a human sperm."

Renumber all SECTIONS consecutively.

(Reference is to HB 1172 as printed January 27, 2006.)

WOODRUFF

Representative Pierce rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1172 a bill pending before the House.

After discussion, Representative Woodruff withdrew the motion

There being no further amendments, the bill was ordered engrossed.

House Bill 1176

Representative Woodruff called down House Bill 1176 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1176-1)

Mr. Speaker: I move that House Bill 1176 be amended to read as follows:

Page 2, line 4, strike "a ten dollar (\$10) application fee, five".

Page 2, strike line 5 and insert **"the following application fees:**

- (1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued.**
- (2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.**
- (3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued."**

Page 2, line 6, delete ":".

Page 2, line 7, strike "(1)".

Page 2, line 8, delete ",".

Page 2, line 9, strike "(2)".

Page 2, line 9, strike "for the purpose of:" and insert **"to"**.

Page 2, line 10, strike "(A) training" and insert **"train"**.

Page 2, line 11, after "firearms or" insert **"in"**.

Page 2, line 11, delete ";" and insert ",".

Page 2, line 12, strike "(B) purchasing" and insert **"to purchase firearms or firearm related equipment, or both"**.

Page 2, line 13, after "agency" insert ".".

Page 2, line 13, strike "firearms, or firearm related".

Page 2, line 14 strike "equipment, or both".

Page 2, run in lines 6 through 15.

Page 3, line 13, after "years" delete "." and insert **"in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license."**

Page 3, line 13, strike "This" and insert **"A four (4) year"**.

Page 3, line 14, after "issue." insert **"A lifetime license is valid for the life of the individual receiving the license."**

Page 3, line 18, after "of" strike "such" and insert **"these"**.

Page 3, line 18, after "However," strike "such" and insert **"a"**.

Page 3, line 19, strike "licenses are" and insert **"license is"**.

Page 4, between lines 33 and 34, begin a new paragraph and insert: **"SECTION 2. IC 35-47-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:**

- (1) four (4) years from the date of issue in the case of a four (4) year license; or**
- (2) the life of the individual receiving the license in the case of a lifetime license.**

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

(1) a qualified license shall be:

- (A) five dollars (\$5) for a four (4) year qualified license;**

(B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
(C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and the fee for

(2) an unlimited license shall be:

(A) fifteen dollars (\$15) for a four (4) year unlimited license;
(B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
(C) sixty (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a five dollar (\$5) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited by the superintendent with the treasurer of state.

(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers."

Renumber all SECTIONS consecutively.

(Reference is to HB 1176 as printed January 26, 2006.)

WOODRUFF

On the motion of Representative Yount, the previous question was called. Upon request of Representatives Ruppel and Woodruff, the Speaker ordered the roll of the House to be called. Roll Call 97: yeas 82, nays 16. Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

House Bill 1203

Representative Thompson called down House Bill 1203 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1203-1)

Mr. Speaker: I move that House Bill 1203 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-17-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) This section applies if a custodial parent or guardian of a child dies or becomes unable to care for the child.

(b) Except as provided in subsection (c), if a person other than a parent files a petition:

- (1) seeking to determine custody of the child; or
- (2) to modify custody of the child;

the court shall set an initial hearing not later than forty-eight (48) hours after the petition is filed to determine whether emergency placement of the child with a person other than the child's noncustodial parent pending a final determination of custody is in the best interest of the child.

(c) A court is not required to set an initial hearing in accordance with this section if:

- (1) it appears from the pleadings that placement with a person other than the noncustodial parent is not in the best interest of the child;
- (2) it appears from the pleadings that the petitioner does not have a reasonable likelihood of success on the merits; or

(3) manifest injustice would result."

Renumber all SECTIONS consecutively.

(Reference is to HB 1203 as printed January 26, 2006.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 1212

Representative Dodge called down House Bill 1212 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1212-1)

Mr. Speaker: I move that House Bill 1212 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1.5-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

- (1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.
- (2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the district is entitled to receive the following:

- (1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.
- (2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

- (1) shall be deposited by the municipality in a dedicated fund; and
- (2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality."

Renumber all SECTIONS consecutively.
(Reference is to HB 1212 as printed January 27, 2006.)

HINKLE

The Speaker ordered a division of the House and appointed Representatives Friend and Kuzman to count the yeas and nays. Yeas 53, nays 42. Motion prevailed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

[NOTE: Roll Call 98 was a machine test.]

House Bill 1213

Representative Noe called down House Bill 1213 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1213-2)

Mr. Speaker: I move that House Bill 1213 be amended to read as follows:

Page 2, line 1, delete "November 1, 2006" and insert "**May 1, 2007**".

Page 2, line 12, delete "December 31, 2006" and insert "**December 31, 2007**".

(Reference is to HB 1213 as printed January 26, 2006.)

NOE

Motion prevailed.

HOUSE MOTION (Amendment 1213-1)

Mr. Speaker: I move that House Bill 1213 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-28-5-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. (a) After January 1, 2008, an individual who seeks to renew a license issued under this chapter must demonstrate proficiency in the areas in which the individual is licensed to teach by passing an examination once during each five (5) year period.**

(b) The board shall develop and administer the examinations required under this subsection."

Renumber all SECTIONS consecutively.

(Reference is to HB 1213 as printed January 26, 2006.)

TURNER

On the motion of Representative Whetstone, the previous question was called. Upon request of Representatives Robertson and Porter, the Speaker ordered the roll of the House to be called. Roll Call 99: yeas 27, nays 71. Motion failed. The bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 7:35 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 77, 92, 94, 139, 157, 253, 331, and 354 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 22 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 22

The Speaker handed down Senate Concurrent Resolution 22, sponsored by Representative Tyler:

A CONCURRENT RESOLUTION congratulating the Muncie Burriss High School girls' volleyball team for their outstanding accomplishment in the 2005 Indiana High School Association Class 2A girls' state volleyball championship.

Whereas, The team defeated Brownstown Central, 25-18, 25-14, 25-16, at Butler University in the state championship game at historic Hinkle Fieldhouse in Indianapolis on Saturday, November 5, 2005; and

Whereas, The Muncie Burriss Team girls' volleyball team had a record of 36-4 for the 2005 season; and

Whereas, The team, with this victory, won their 16th volleyball state championship and 9th straight Championship in a row; and

Whereas, The team has won their 25th consecutive Mid Eastern Conference Championship and has won 62 straight state tournament matches; and

Whereas, The team finished ranked 18th in the United States by PrepVolleyball.com; and

Whereas, The team has won 30 or more matches for 25 consecutive years; and

Whereas, Coach Steve Shondell's career record at Burriss is 1,035 wins and only 83 losses, a winning percentage of 92.6%; and

Whereas, Team member Lauren Kaminsky, senior, became the 10th Muncie Burriss recipient of the IHSAA Mental Attitude Award at the Indiana Volleyball State Finals; and

Whereas, The Muncie Burriss High School team was led by Head Coach Steve Shondell, Assistant Coaches Reece Peacock, Emily Sallee, and Lenny Kaminsky, Principal Dr. Jay McGee, Athletic Director Ray Dawson, and includes team members Molly Davis, Teresa Craig, Lauren Kaminsky, Shelly Surma, Ana Fuschetto, Caitlyn Vann, Karin Caudill, Taylor Hyman, Emily Brown, Paige Demaree, Leslie White, Bonnie Kaminsky, Christie Waters, Avery Mayfield, and Mia Tabberson; Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the General Assembly congratulates the Muncie Burriss High School girls' volleyball team for its accomplishment in winning the 2005 IHSAA Class 2A girls' state volleyball championship and extend it congratulations to the team members, coaching staff, their families, and the school.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to each team member, each member of the coaching staff, the Athletic Director, and the Principal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

HOUSE BILLS ON SECOND READING

House Bill 1232

Representative Ayres called down House Bill 1232 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1239

Representative Ripley called down House Bill 1239 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1240

Representative Behning called down House Bill 1240 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1240-1)

Mr. Speaker: I move that House Bill 1240 be amended to read as follows:

Page 2, line 16, after "develop" insert ", **subject to the approval of the state board,**".

Page 2, line 37, delete "online,".

Page 2, line 42, delete "online".

Page 3, line 6, delete "online".

Page 3, line 24, delete "uses" and insert "**moves toward the use of**".

Page 3, line 28, delete "online".

Page 3, line 34, delete "first two (2) weeks that end in" and insert "**period**".

Page 3, line 35, delete "May".

Page 3, line 35, delete "year;" and insert "**year from May 1 to the end of the school year;**".

Page 4, line 11, delete "national and international".

Page 4, line 12, delete "companies;" and insert "**companies serving school systems in the United States,**".

Page 4, between lines 38 and 39, begin a new paragraph and insert: "**(c) School corporations may make decisions for remediation of students based on multiple factors, which may include either intrayear diagnostic assessments or end of the year assessments.**".

(Reference is to HB 1240 as printed January 27, 2006.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1240-7)

Mr. Speaker: I move that House Bill 1240 be amended to read as follows:

Page 4, between lines 26 and 27, begin a new paragraph and insert: "SECTION 3. IC 20-32-5-16.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. (a) A student who attends a nonaccredited nonpublic school that provides home based instruction shall participate in the ISTEP program testing under this chapter at the same time that students enrolled in the school corporation in which the nonaccredited nonpublic school is located are tested.**

(b) The results of the ISTEP program testing under subsection (a) shall be made available to the department."

Renumber all SECTIONS consecutively.

(Reference is to HB 1240 as printed January 27, 2006.)

CHENEY

Upon request of Representatives Frizzell and Behning, the Speaker ordered the roll of the House to be called. Roll Call 100: yeas 23, nays 77. Motion failed.

HOUSE MOTION
(Amendment 1240-6)

Mr. Speaker: I move that House Bill 1240 be amended to read as follows:

Page 4, between lines 26 and 27, begin a new paragraph and insert: "SECTION 3. IC 20-32-5-19, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. If state funds appropriated for remediation are available under IC 20-32-8 at the end of a state fiscal year **after making the total amount of grants required under IC 20-32-8-6, the funds:**

(1) do not revert to the state general fund; and

(2) must be transferred to the 4R's technology program for use under IC 20-20-13-9.

SECTION 4. IC 20-32-8-6, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **(a) The formula the department develops under this chapter must provide the following:**

(1) Each school corporation must be able to qualify for a grant.

(2) A maximum grant amount must be determined for each school corporation.

(3) The amount that a school corporation may receive per student must be related to:

(A) the percentage of students scoring below state achievement standards; or

(B) for a freeway school or freeway school corporation having a locally adopted assessment program, the percentage of students falling below achievement standards under the locally adopted assessment program.

The school corporation having the highest percentage of students scoring below state achievement standards must be entitled to the highest grant amount per student.

(4) The actual grant to a school corporation must be the lesser of:

(A) two hundred percent (200%) of the amount appropriated by the governing body of the school corporation under section 7 of this chapter; or

(B) the maximum grant amount determined for the school corporation under subdivision (2).

(5) The amount distributed to school corporations under the program may not exceed the appropriation by the general assembly for the remediation grant program.

(b) The department shall distribute maximum grants for school corporations that provide for the distribution of grants in each school year equal to at least two hundred percent (200%) of the amount expended for the ISTEP program developed under IC 20-32-5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1240 as printed January 27, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 101: yeas 45, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1240-3)

Mr. Speaker: I move that House Bill 1240 be amended to read as follows:

Page 4, between lines 26 and 27, begin a new paragraph and insert: "SECTION 3. IC 20-32-8-7, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a) A school corporation qualifies to receive a grant when the governing body of the school corporation appropriates money from the general fund of the school corporation for a:**

(1) remediation program; or

(2) preventive remediation program;

that meets the state board's standards for funding under the program, and, if the program is a preventive remediation program, that has been approved by the state board.

(b) Beginning with the 2007-2008 school year, a school corporation shall provide a summer school remediation program for any student who does not pass the ISTEP test administered in the spring semester of the school year. The remediation program must:

(1) include twenty (20) days of instruction at two (2) hours per day per subject matter;

(2) have a pupil teacher ratio for each class that is not greater than fifteen to one (15:1);

(3) be taught by teachers certified in the subject matter;

(4) provide five (5) additional days for teachers to prepare the curriculum; and

(5) provide two (2) additional days for parent/teacher conferences during the summer.

SECTION 4. IC 20-32-8-8, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The governing body of a school corporation ~~may~~ **shall** establish a remediation program or a preventive remediation program under this chapter for all students who fall below the academic standards adopted under IC 20-31-3. The governing body shall spend money under this chapter for direct remediation or direct preventative remediation services for students.

SECTION 5. IC 20-32-8-9, AS ADDED BY P.L.1-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. ~~If the governing body decides to establish a remediation program or preventive remediation program~~

~~under this chapter, the~~ A governing body must:

- (1) subject to section 10 of this chapter, determine the type of program that best fits the needs of the students of the school corporation; and
- (2) adopt guidelines for:
 - (A) procedures for determining student eligibility for a program; and
 - (B) implementation of the program."

Renumber all SECTIONS consecutively.

(Reference is to HB 1240 as printed January 27, 2006.)

PORTER

Upon request of Representatives Porter and Robertson, the Speaker ordered the roll of the House to be called. Roll Call 102: yeas 50, nays 50. Motion failed.

HOUSE MOTION
(Amendment 1240-2)

Mr. Speaker: I move that House Bill 1240 be amended to read as follows:

Page 1, line 6, strike "date," and insert "**dates in the fall and spring**".

Page 1, line 6, delete "which for school years beginning after".

Page 1, delete line 7.

Page 1, line 8, delete "in May of the school year,".

Page 1, line 8, strike "is" and insert "**may be**".

Page 1, line 10, after "(b)" insert "**Each governing body shall determine whether the ISTEP program tests are administered in the fall or spring within the school corporation according to the schedule adopted under subsection (a).**

(c)".

Page 1, line 12, strike "(c)" and insert "**(d)**".

Page 2, between lines 12 and 13, begin a new line block indented and insert:

"Only school corporations that elect to administer the ISTEP program tests in spring may participate in the pilot test."

(Reference is to HB 1240 as printed January 27, 2006.)

DENBO

Motion failed. The bill was ordered engrossed.

House Bill 1247

Representative Welch called down House Bill 1247 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1247-2)

Mr. Speaker: I move that House Bill 1247 be amended to read as follows:

Page 2, delete lines 5 through 12.

Page 2, line 13, reset in roman "(d)".

Page 2, line 13, delete "(e)".

Page 2, line 15, reset in roman "(e)".

Page 2, line 15, delete "(f)".

Page 2, line 30, reset in roman "(f)".

Page 2, line 30, delete "(g)".

Page 2, line 39, reset in roman "(g)".

Page 2, line 39, delete "(h)".

Page 2, line 39, reset in roman "(e)(2)".

Page 2, line 39, delete "(f)(2)".

Page 2, line 42, reset in roman "(h)".

Page 2, line 42, delete "(i)".

Page 2, line 42, reset in roman "(e)(1), (e)(2), (e)(3)(C)".

Page 3, line 1, delete "(f)(1), (f)(2), (f)(3)(C)".

Page 3, line 1, reset in roman "(e)(3)(D)".

Page 3, line 1, delete "(f)(3)(D)".

(Reference is to HB 1247 as printed January 27, 2006.)

KUZMAN

Motion prevailed.

HOUSE MOTION
(Amendment 1247-1)

Mr. Speaker: I move that House Bill 1247 be amended to read as follows:

Page 2, between lines 12 and 13, begin a new line blocked left and insert:

"This subsection does not affect or supersede any other right, remedy, or defense provided by any other law."

(Reference is to HB 1247 as printed January 27, 2006.)

WELCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1250

Representative Messer called down House Bill 1250 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1250-13)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 16, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 18. IC 7.1-5-7-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may conduct the random unannounced inspections. These entities may use retired or off-duty law enforcement officers to conduct inspections under this section.

SECTION 20. IC 7.1-5-7-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Notwithstanding any other law, an enforcement officer vested with full police powers and duties may engage a person who is:

(1) at least eighteen (18) years of age; and

(2) less than twenty-one (21) years of age;

to receive or purchase alcoholic beverages as part of an enforcement action under this article.

(b) The initial or contemporaneous receipt or purchase of an alcoholic beverage under this section by a person described in subsection (a) must:

(1) occur under the direction of an enforcement officer vested with full police powers and duties; and

(2) be a part of the enforcement action."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

MESSER

Motion prevailed.

HOUSE MOTION
(Amendment 1250-1)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 1, line 7, after "title" insert "**and rules adopted under this title**".

Page 1, line 9, after "title" insert "**and in rules adopted under this title**".

Page 2, line 38, delete "Saturday," and insert "**Sunday**".

Page 2, line 38, delete "supplemental".

Page 2, line 40, delete "January 1" and insert "**December 31**".

Page 15, line 23, delete "ten (10)" and insert "**three (3)**".

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1250-3)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 6, line 13, reset in roman "It is".

Page 6, reset in roman lines 14 through 17.

(Reference is to HB 1250 as printed January 26, 2005.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1250-2)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 1, line 7, after "title" insert "**and rules adopted under this title**".

Page 1, line 9, after "title" insert "**and rules adopted under this title**".

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 3. IC 7.1-2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~Disposition of Articles Pending Judgment~~. An alcoholic beverage or tobacco seized pursuant to this chapter and any other article which may be found on the searched premises and taken under the warrant shall not be taken from the custody of the person who served the warrant by a writ of replevin or other process while the proceedings provided in this chapter are pending. A final judgment of conviction in that proceeding shall be a bar in all cases to an action for recovery of the thing seized or the value of it or damages alleged to have arisen by reason of the seizing and detention of it.

SECTION 4. IC 7.1-2-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. ~~Property Rights Limited~~. All rights of any kind in an alcoholic beverage or a tobacco product of any type, or in a container for an alcoholic beverage, or in an article, apparatus, package, fixture or utensil in which an alcoholic beverage may be placed, or which is used in connection with it, or a vehicle or conveyance in which an alcoholic beverage is being transported or which is used for the transportation of an alcoholic beverage, shall at all times and under all circumstances by whomsoever held, owned, or possessed, be deemed qualified by the right of the state, the commission, and the chairman, to administer, execute and enforce the provisions of this title.

SECTION 5. IC 7.1-2-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. ~~Certain Property Rights Prohibited~~. A person shall have no property right of any kind in alcohol, an alcoholic beverage, or malt article, or tobacco product had, kept, transported, or possessed contrary to law, or in or to a receptacle or container of any kind in which these liquids and articles may be found, or in an unlawful or prohibited receptacle or container, or in a receptacle or container which does not conform to or which is being used contrary to or which is not kept in conformity to a rule or regulation of the commission, or which is being used to contain an alcoholic beverage upon which a tax is due and unpaid, or an adulterated or misbranded alcoholic beverage, or which is being used in an unlawful practice, or a practice contrary to a rule or regulation of the commission.

SECTION 6. IC 7.1-2-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. ~~Illegal Transportation: Property Rights Limited~~. A person who is interested in illegal transportation, or who has knowledge of it, shall have no right, title, or interest in or to a conveyance of any kind used for the illegal transportation of alcohol, alcoholic beverages, or malt articles, or tobacco.

SECTION 7. IC 7.1-2-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~Forfeiture to State~~. An officer who makes an arrest for a violation of the provisions of this title shall seize the evidence of the commission of that violation, including any vehicle, automobile, boat, air or water craft, or other conveyance in which alcohol, alcoholic beverages or malt articles are kept, possessed or transported contrary to law, or contrary to a rule or regulation of the commission. The articles and vehicles mentioned in this section and in ~~IC 1971, 7.1-2-5-5, 7.1-2-5-7, IC 7.1-2-5-5 through IC 7.1-2-5-7~~, are hereby declared forfeited to the state and shall be seized."

Page 12, between lines 6 and 7, begin a new paragraph and insert: "SECTION 20. IC 7.1-3-18.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. An application for a tobacco certificate must contain the express statement of the

applicant that the applicant consents for the duration of the certificate term (if the commission issues the certificate to the applicant) to the entrance, inspection, and search by an enforcement officer, without a warrant or other process, of the applicant's retail premises and vehicles to determine whether the applicant is complying with the provisions of this title. The consent required by this section is renewed and continued by the retention of a certificate or the certificate's use by an applicant or the applicant's agents."

Page 17, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 25. IC 24-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Unless the context in this chapter requires otherwise, the term:

(a) "Cigarette" shall mean and include any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and irrespective of tobacco being flavored, adulterated, or mixed with any other ingredient, where such roll has a wrapper or cover made of paper or any other material; provided the definition in this paragraph shall not be construed to include cigars.

(b) "Person" or the term "company", used in this chapter interchangeably, means and includes any individual, assignee, receiver, commissioner, fiduciary, trustee, executor, administrator, institution, bank, consignee, firm, partnership, limited liability company, joint vendor, pool, syndicate, bureau, association, cooperative association, society, club, fraternity, sorority, lodge, corporation, municipal corporation, or other political subdivision of the state engaged in private or proprietary activities or business, estate, trust, or any other group or combination acting as a unit, and the plural as well as the singular number, unless the intention to give a more limited meaning is disclosed by the context.

(c) "Distributor" shall mean and include every person who sells, barter, exchanges, or distributes cigarettes in the state of Indiana to retail dealers for the purpose of resale, or who purchases for resale cigarettes from a manufacturer of cigarettes or from a wholesaler, jobber, or distributor outside the state of Indiana who is not a distributor holding a registration certificate issued under the provisions of IC 6-7-1.

(d) "Retailer" shall mean every person, other than a distributor, who purchases, sells, offers for sale, or distributes cigarettes to consumers or to any person for any purpose other than resale, irrespective of quantity or amount or the number of sales.

(e) "Sell at retail", "sale at retail", and "retail sales" shall mean and include any transfer of title to cigarettes for a valuable consideration made in the ordinary course of trade or usual conduct of the seller's business to the purchaser for consummation or use.

(f) "Sell at wholesale", "sale at wholesale", and "wholesale sales" shall mean and include any transfer of title to cigarettes for a valuable consideration made in the ordinary course of trade or usual conduct of a distributor's business.

(g) "Basic cost of cigarettes" shall mean the invoice cost of cigarettes to the retailer or distributor, as the case may be, or the replacement cost of cigarettes to the retailer or distributor, as the case may be, within thirty (30) days prior to the date of sale, in the quantity last purchased, whichever is the lower, less all trade discounts and customary discounts for cash, plus the cost at full face value of any stamps which may be required by IC 6-7-1, if not included by the manufacturer in his selling price to the distributor.

(h) "Department" shall mean the alcohol and tobacco commission or its duly authorized assistants and employees.

(i) "Cost to the retailer" shall mean the basic cost of cigarettes to the retailer, plus the cost of doing business by the retailer as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses paid or incurred and must include without limitation labor (including salaries of executives and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance, and advertising; however, any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer, but also, in whole or in part, discounts ordinarily allowed on purchases by a distributor shall, in determining costs to the retailer pursuant to this section, add the cost to the distributor, as defined in paragraph (j), to the basic cost of

cigarettes to said retailer as well as the cost of doing business by the retailer. ~~In the absence of proof of a lesser or higher cost of doing business by the retailer making the sale,~~ The cost of doing business by the retailer shall be presumed to be eight percent (8%) of the basic cost of cigarettes to the retailer. ~~In the absence of proof of a lesser or higher cost of doing business,~~ The cost of doing business by the retailer, who in connection with the retailer's purchase receives not only the discounts ordinarily allowed upon purchases by a retailer, but also, in whole or in part, the discounts ordinarily allowed upon purchases by a distributor, shall be presumed to be eight percent (8%) of the sum of the basic cost of cigarettes plus the cost of doing business by the distributor.

(j) "Cost to the distributor" shall mean the basic cost of cigarettes to the distributor, plus the ~~cost of doing business by the distributor as evidenced by the standards and methods of accounting regularly employed by him in his allocation of overhead costs and expenses;~~ paid or incurred; and must include without limitation labor costs (including salaries of executives and officers); rent; depreciation; selling costs; maintenance of equipment; delivery costs; all types of licenses; taxes; insurance; and advertising. ~~In the absence of proof of a lesser or higher cost of doing business by the distributor making the sale,~~ the cost of doing business by the wholesaler, which shall be presumed to be four percent (4%) of the basic cost of cigarettes to the distributor, plus cartage to the retail outlet, if performed or paid for by the distributor, which cartage cost, in the absence of proof of a lesser or higher cost, shall be deemed to be one-half of one percent (0.5%) of the basic cost of cigarettes to the distributor.

(k) "Registration certificate" refers to the registration certificate issued to cigarette distributors by the department of state revenue under IC 6-7-1-16.

SECTION 26. IC 24-3-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) It is a Class A infraction for a retailer or distributor ~~with intent to injure competitors or destroy or substantially lessen competition;~~ to offer to sell or sell at retail or wholesale cigarettes at less than the cost to him. The department may do either of the following if a retailer or a distributor violates this subsection:

(1) Revoke or suspend the:

(A) registration certificate held by ~~such a~~ the distributor under IC 6-7-1; ~~may be revoked; by the department or~~

(B) tobacco certificate held by the retailer; ~~for the balance of the term thereof; of the certificate.~~

(2) Impose a civil penalty under IC 7.1-3-18.5.

(b) Evidence of offering to sell or sale of cigarettes by any retailer or distributor at less than the cost to him is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

(c) Notwithstanding IC 34-28-5-5(c), a judgment for a violation of this section shall be deposited in the enforcement and administration fund established under IC 7.1-4-10-1.

SECTION 27. IC 24-3-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The department may adopt rules for the enforcement of this chapter. ~~and the department is empowered to and may undertake a cost survey; as provided for in section 11 of this chapter.~~ The department may, in accordance with IC 4-21.5-3, suspend or revoke any registration certificate issued by it to a distributor under IC 6-7-1 for failure of any registrant to comply with this chapter or any rule adopted under this chapter.

(b) All the powers vested in the department by IC 6-7-1 and IC 7.1-3-18.5-3.5 shall be available to the department in the enforcement of this chapter."

Page 17, line 42, after "IC 7.1-3-21-7" delete "." and insert "; IC 24-3-2-7; IC 24-3-2-11."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1250-5)

Mr. Speaker: I move that House Bill 1250 be amended to read as

follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 2. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18.5. "Grocery store" means a retail store that meets all of the following requirements:

(1) The store offers for sale all of the following items:

- (A) Dairy products.
- (B) Meat products.
- (C) Beverages.
- (D) Snack foods.
- (E) Candy products.
- (F) Bakery products.
- (G) Refrigerated foods.
- (H) Paper products.
- (I) Medicinal products.
- (J) Health and beauty aids.
- (K) Household cleaning products.
- (L) Newspapers and magazines.
- (M) Canned goods.

(2) The store has at least one hundred (100) linear feet of shelf space for the items listed in subdivision (1)."

Page 17, after line 42, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding IC 7.1-1-3-18.5 as added by this act, a grocery store dealer permit issued before July 1, 2006, for premises that do not meet the requirements of IC 7.1-1-3-18.5 as added by this act, shall be considered a valid grocery store dealer permit. The grocery store dealer permit may be renewed or restored, and the ownership or location of the permit may be transferred without meeting the requirements of IC 7.1-1-3-18.5 as added by this act.

(b) Subject to subsection (a), this SECTION does not prohibit the alcohol and tobacco commission from revoking, suspending, or refusing to renew a permit described in subsection (a) for failing to comply with IC 7.1 or the rules of the commission.

(c) Notwithstanding subsection (a), a permit described in subsection (a) that is not revoked, suspended, or renewed expires on the date the permit would have expired if this act had not been enacted."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

AUSTIN

Motion failed.

HOUSE MOTION
(Amendment 1250-4)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 2. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18.5. (a) "Grocery store" means a store or a part of a store that:

- (1) has the primary North American Industry Classification System (NAICS) classification 445110 or 452910; and
- (2) is primarily engaged in the retail sale of a general food line, which may include:
 - (A) canned and frozen foods;
 - (B) dry goods, including tea, coffee, sugar, and flour;
 - (C) fresh fruits and vegetables; and
 - (D) fresh and prepared meats.

(b) The term does not include a store that has less than two hundred fifty thousand dollars (\$250,000) in annual gross sales of food, excluding the following:

- (1) Candy, confectionaries, and chewing gum.
- (2) Alcoholic beverages.
- (3) Cocktail mixers.
- (4) Soft drinks, sodas, and other similar beverages.
- (5) Medicines, tonics, vitamins, and other dietary supplements.
- (6) Water (except natural spring water), mineral water,

carbonated water, and ice.

(7) Pet food.

(8) Food furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant.

(9) Meals served by a retail merchant off the merchant's premises.

(10) Food sold by a retail merchant who ordinarily bags, wraps, or packages the food for immediate consumption on or near the merchant's premises, including food sold on a "take out" or "to go" basis.

(11) Food sold through a vending machine.

(12) Tobacco products."

Page 17, after line 42, begin a new paragraph and insert:

"SECTION 22. [EFFECTIVE JULY 1, 2006] **Notwithstanding IC 7.1-1-3-18.5, as added by this act, the commission may renew or transfer ownership of a beer dealer's permit for a beer dealer who:**

(1) held a permit before July 1, 2006; and

(2) does not qualify for a permit as a grocery store under the definition established by IC 7.1-1-3-18.5, as added by this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Mahern, the Speaker ordered the roll of the House to be called. Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 103: yeas 66, nays 29. Motion prevailed.

HOUSE MOTION
(Amendment 1250-7)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 3. IC 7.1-2-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 24. A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

CROOKS

Motion prevailed.

HOUSE MOTION
(Amendment 1250-6)

Mr. Speaker: I move that House Bill 1250 be amended to read as follows:

Page 17, after line 42, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE JULY 1, 2006] **(a) As used in this SECTION, "committee" refers to the interim study committee on alcoholic beverage issues established by this SECTION.**

(b) There is established the interim study committee on alcoholic beverage issues.

(c) The committee shall study the alcoholic beverage statutes in IC 7.1 and make recommendations to the legislative council concerning the revision of the alcoholic beverage statutes. The committee shall consider the following:

(1) Simplifying the alcoholic beverage statutes by resolving any inconsistencies in the statutes.

(2) Recodifying the alcoholic beverage statutes.

(3) Defining "grocery store", "convenience store", and "specialty beverage and food store".

(4) Requiring separate areas for the display and sale of alcoholic beverages in retail stores (other than package liquor stores).

(5) Studying any other issue concerning alcoholic beverages

the committee chooses to consider.

(d) The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) Before December 1, 2006, the committee shall issue a final report to the legislative council containing the findings and recommendations of the committee.

(g) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1250, Printer's Error, as printed January 26, 2006.)

AUSTIN

Motion prevailed. The bill was ordered engrossed.

House Bill 1258

Representative Yount called down House Bill 1258 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1258-1)

Mr. Speaker: I move that House Bill 1258 be amended to read as follows:

Page 2, between lines 9 and 10, begin a new paragraph and insert: "SECTION 4. IC 14-21-1-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 24. (a) As used in this section, "agricultural purpose" includes farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, animal husbandry, and poultry husbandry.**

(b) Sections 25, 26, 27, 28, and 29 of this chapter do not apply to the following:

(1) Surface coal mining regulated under IC 14-34.

(2) Cemeteries and human remains subject to IC 23-14.

(3) Disturbing the earth for an agricultural purpose.

(4) Collecting any object other than human remains that is visible in whole or in part on the surface of the ground, regardless of the time the object was made or shaped."

Page 2, line 22, after "commission" insert ".".

Page 2, line 22, strike "or a court order and".

Page 2, strike lines 23 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1258 as printed January 26, 2006.)

YOUNT

Motion prevailed. The bill was ordered engrossed.

House Bill 1267

Representative Borrer called down House Bill 1267 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1267-1)

Mr. Speaker: I move that House Bill 1267 be amended to read as follows:

Page 4, between lines 12 and 13, begin a new paragraph and insert: "SECTION 8. IC 22-2-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) Every employer employing four (4) or more employees during a work week shall:**

(1) in any work week beginning on or after July 1, 1968, in which ~~he~~ the employer is subject to the provisions of this chapter, pay each of ~~his~~ the employer's employees wages of not less than one dollar and twenty-five cents (\$1.25) per hour;

(2) in any work week beginning on or after July 1, 1977, in which ~~he~~ the employer is subject to this chapter, pay each of ~~his~~ the employer's employees wages of not less than one dollar and fifty cents (\$1.50) per hour;

(3) in any work week beginning on or after January 1, 1978, in which ~~he~~ the employer is subject to this chapter, pay each of ~~his~~ the employer's employees wages of not less than one dollar and seventy-five cents (\$1.75) per hour; and

(4) in any work week beginning on or after January 1, 1979, in

which ~~he~~ **the employer** is subject to this chapter, pay each of ~~his~~ **the employer's** employees wages of not less than two dollars (\$2) per hour.

(b) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on and after July 1, 1990, and before October 1, 1998, wages of not less than three dollars and thirty-five cents (\$3.35) per hour.

(c) An employer subject to subsection (b) is permitted to apply a "tip credit" in determining the amount of cash wage paid to tipped employees. In determining the wage an employer is required to pay a tipped employee, the amount paid the employee by the employee's employer shall be an amount equal to:

- (1) the cash wage paid the employee, which for purposes of the determination shall be not less than the cash wage required to be paid to employees covered under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 203(m)(1)) on August 20, 1996, which amount is two dollars and thirteen cents (\$2.13) an hour; and
- (2) an additional amount on account of the tips received by the employee, which amount is equal to the difference between the wage specified in subdivision (1) and the wage in effect under subsections (b), (f), ~~and~~ (g), **(h), (i), and (k).**

An employer is responsible for supporting the amount of tip credit taken through reported tips by the employees.

(d) No employer having employees subject to any provisions of this section shall discriminate, within any establishment in which employees are employed, between employees on the basis of sex by paying to employees in such establishment a rate less than the rate at which ~~he~~ **the employer** pays wages to employees of the opposite sex in such establishment for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions, except where such payment is made pursuant to:

- (1) a seniority system;
- (2) a merit system;
- (3) a system which measures earnings by quantity or quality of production; or
- (4) a differential based on any other factor other than sex.

(e) An employer who is paying a wage rate differential in violation of subsection (d) shall not, in order to comply with subsection (d), reduce the wage rate of any employee, and no labor organization, or its agents, representing employees of an employer having employees subject to subsection (d) shall cause or attempt to cause such an employer to discriminate against an employee in violation of subsection (d).

(f) Except as provided in subsection (c), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after October 1, 1998, and before March 1, 1999, wages of not less than four dollars and twenty-five cents (\$4.25) per hour.

(g) Except as provided in subsections (c) and ~~(f);~~ **(k)**, every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after March 1, 1999, **and before September 1, 2006**, wages of not less than five dollars and fifteen cents (\$5.15) an hour.

(h) Except as provided in subsections (c) and (k), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after September 1, 2006, wages of not less than six dollars and fifteen cents (\$6.15) an hour.

(i) Except as provided in subsections (c) and (k), every employer employing at least two (2) employees during a work week shall, in any work week in which the employer is subject to this chapter, pay each of the employees in any work week beginning on or after September 1, 2007, wages of not less than seven dollars (\$7) an hour.

~~(h);~~ **(j)** This section does not apply if an employee:

- (1) provides companionship services to the aged and infirm (as

defined in 29 CFR 552.6); and

(2) is employed by an employer or agency other than the family or household using the companionship services, as provided in 29 CFR 552.109 (a).

~~(f);~~ **(k)** This subsection applies only to an employee who has not attained the age of twenty (20) years. Instead of the rates prescribed by subsections (c), (f), ~~and~~ (g), **(h), and (i)**, an employer may pay an employee of the employer, during the first ninety (90) consecutive calendar days after the employee is initially employed by the employer, a wage which is not less than:

- (1) four dollars and twenty-five cents (\$4.25) per hour, effective March 1, 1999;**
- (2) four dollars and seventy-five cents (\$4.75) per hour, effective September 1, 2006; and**
- (3) six dollars and ten cents (\$6.10) per hour, effective September 1, 2007.**

However, no employer may take any action to displace employees (including partial displacements such as reduction in hours, wages, or employment benefits) for purposes of hiring individuals at the wage authorized in this subsection.

~~(f);~~ **(l)** Except as otherwise provided in this section, no employer shall employ any employee for a work week longer than forty (40) hours unless the employee receives compensation for employment in excess of the hours above specified at a rate not less than one and one-half (1.5) times the regular rate at which ~~he~~ **the employee** is employed.

~~(h);~~ **(m)** For purposes of this section the following apply:

- (1) "Overtime compensation" means the compensation required by subsection ~~(f);~~ **(l).**
- (2) "Compensatory time" and "compensatory time off" mean hours during which an employee is not working, which are not counted as hours worked during the applicable work week or other work period for purposes of overtime compensation, and for which the employee is compensated at the employee's regular rate.
- (3) "Regular rate" means the rate at which an employee is employed is considered to include all remuneration for employment paid to, or on behalf of, the employee, but is not considered to include the following:

(A) Sums paid as gifts, payments in the nature of gifts made at Christmas time or on other special occasions, as a reward for service, the amounts of which are not measured by or dependent on hours worked, production, or efficiency.

(B) Payments made for occasional periods when no work is performed due to vacation, holiday, illness, failure of the employer to provide sufficient work, or other similar cause, reasonable payments for traveling expenses, or other expenses, incurred by an employee in the furtherance of ~~his~~ **the employer's** interests and properly reimbursable by the employer, and other similar payments to an employee which are not made as compensation for ~~his~~ **the employee's** hours of employment.

(C) Sums paid in recognition of services performed during a given period if:

(i) both the fact that payment is to be made and the amount of the payment are determined at the sole discretion of the employer at or near the end of the period and not pursuant to any prior contract, agreement, or promise causing the employee to expect the payments regularly;

(ii) the payments are made pursuant to a bona fide profit sharing plan or trust or bona fide thrift or savings plan, meeting the requirements of the administrator set forth in appropriately issued regulations, having due regard among other relevant factors, to the extent to which the amounts paid to the employee are determined without regard to hours of work, production, or efficiency; or

(iii) the payments are talent fees paid to performers, including announcers, on radio and television programs.

(D) Contributions irrevocably made by an employer to a trustee or third person pursuant to a bona fide plan for providing old age, retirement, life, accident, or health insurance or similar benefits for employees.

(E) Extra compensation provided by a premium rate paid for certain hours worked by the employee in any day or work week because those hours are hours worked in excess of eight (8) in a day or in excess of the maximum work week applicable to the employee under subsection ~~(j)~~ (I) or in excess of the employee's normal working hours or regular working hours, as the case may be.

(F) Extra compensation provided by a premium rate paid for work by the employee on Saturdays, Sundays, holidays, or regular days of rest, or on the sixth or seventh day of the work week, where the premium rate is not less than one and one-half (1.5) times the rate established in good faith for like work performed in nonovertime hours on other days.

(G) Extra compensation provided by a premium rate paid to the employee, in pursuance of an applicable employment contract or collective bargaining agreement, for work outside of the hours established in good faith by the contract or agreement as the basic, normal, or regular workday (not exceeding eight (8) hours) or work week (not exceeding the maximum work week applicable to the employee under subsection ~~(j)~~ (I)) where the premium rate is not less than one and one-half (1.5) times the rate established in good faith by the contract or agreement for like work performed during the workday or work week.

~~(j)~~ (n) No employer shall be considered to have violated subsection ~~(j)~~ (I) by employing any employee for a work week in excess of that specified in subsection ~~(j)~~ (I) without paying the compensation for overtime employment prescribed therein if the employee is so employed:

(1) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that no employee shall be employed more than one thousand forty (1,040) hours during any period of twenty-six (26) consecutive weeks; or

(2) in pursuance of an agreement, made as a result of collective bargaining by representatives of employees certified as bona fide by the National Labor Relations Board, which provides that during a specified period of fifty-two (52) consecutive weeks the employee shall be employed not more than two thousand two hundred forty (2,240) hours and shall be guaranteed not less than one thousand eight hundred forty (1,840) hours (or not less than forty-six (46) weeks at the normal number of hours worked per week, but not less than thirty (30) hours per week) and not more than two thousand eighty (2,080) hours of employment for which the employee shall receive compensation for all hours guaranteed or worked at rates not less than those applicable under the agreement to the work performed and for all hours in excess of the guaranty which are also in excess of the maximum work week applicable to the employee under subsection ~~(j)~~ (I) or two thousand eighty (2,080) in that period at rates not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(m)~~ (o) No employer shall be considered to have violated subsection ~~(j)~~ (I) by employing any employee for a work week in excess of the maximum work week applicable to the employee under subsection ~~(j)~~ (I) if the employee is employed pursuant to a bona fide individual contract, or pursuant to an agreement made as a result of collective bargaining by representatives of employees, if the duties of the employee necessitate irregular hours of work, and the contract or agreement includes the following:

(1) Specifies a regular rate of pay of not less than the minimum hourly rate provided in subsections (c), (f), (g), ~~and (h)~~, (i), and (k) (whichever is applicable) and compensation at not less than one and one-half (1.5) times that rate for all hours worked in excess of the maximum work week.

(2) Provides a weekly guaranty of pay for not more than sixty (60) hours based on the rates so specified.

~~(n)~~ (p) No employer shall be considered to have violated subsection ~~(j)~~ (I) by employing any employee for a work week in excess of the maximum work week applicable to the employee under that subsection if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the

work, the amount paid to the employee for the number of hours worked by ~~him~~ the employee in the work week in excess of the maximum work week applicable to the employee under that subsection:

(1) in the case of an employee employed at piece rates, is computed at piece rates not less than one and one-half (1.5) times the bona fide piece rates applicable to the same work when performed during nonovertime hours;

(2) in the case of an employee performing two (2) or more kinds of work for which different hourly or piece rates have been established, is computed at rates not less than one and one-half (1.5) times those bona fide rates applicable to the same work when performed during nonovertime hours; or

(3) is computed at a rate not less than one and one-half (1.5) times the rate established by the agreement or understanding as the basic rate to be used in computing overtime compensation thereunder, provided that the rate so established shall be substantially equivalent to the average hourly earnings of the employee, exclusive of overtime premiums, in the particular work over a representative period of time;

and if the employee's average hourly earnings for the work week exclusive of payments described in this section are not less than the minimum hourly rate required by applicable law, and extra overtime compensation is properly computed and paid on other forms of additional pay required to be included in computing the regular rate.

~~(o)~~ (q) Extra compensation paid as described in this section shall be creditable toward overtime compensation payable pursuant to this section.

~~(p)~~ (r) No employer shall be considered to have violated subsection ~~(j)~~ (I) by employing any employee of a retail or service establishment for a work week in excess of the applicable work week specified therein, if:

(1) the regular rate of pay of the employee is in excess of one and one-half (1.5) times the minimum hourly rate applicable to the employee under section 2 of this chapter; and

(2) more than half of the employee's compensation for a representative period (not less than one (1) month) represents commissions on goods or services.

In determining the proportion of compensation representing commissions, all earnings resulting from the application of a bona fide commission rate shall be considered commissions on goods or services without regard to whether the computed commissions exceed the draw or guarantee.

~~(q)~~ (s) No employer engaged in the operation of a hospital or an establishment which is an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises shall be considered to have violated subsection ~~(j)~~ (I) if, pursuant to an agreement or understanding arrived at between the employer and the employee before performance of the work, a work period of fourteen (14) consecutive days is accepted in lieu of the work week of seven (7) consecutive days for purposes of overtime computation and if, for ~~his~~ the employee's employment in excess of eight (8) hours in any workday and in excess of eighty (80) hours in that fourteen (14) day period, the employee receives compensation at a rate not less than one and one-half (1.5) times the regular rate at which the employee is employed.

~~(r)~~ (t) No employer shall employ any employee in domestic service in one (1) or more households for a work week longer than forty (40) hours unless the employee receives compensation for that employment in accordance with subsection ~~(j)~~ (I).

~~(s)~~ (u) In the case of an employee of an employer engaged in the business of operating a street, a suburban or an interurban electric railway, or a local trolley or motorbus carrier (regardless of whether or not the railway or carrier is public or private or operated for profit or not for profit), in determining the hours of employment of such an employee to which the rate prescribed by subsection ~~(j)~~ (I) applies, there shall be excluded the hours the employee was employed in charter activities by the employer if both of the following apply:

(1) The employee's employment in the charter activities was pursuant to an agreement or understanding with the employer arrived at before engaging in that employment.

(2) If employment in the charter activities is not part of the employee's regular employment.

(†) (v) Any employer may employ any employee for a period or periods of not more than ten (10) hours in the aggregate in any work week in excess of the maximum work week specified in subsection (†) (l) without paying the compensation for overtime employment prescribed in subsection (†) (l), if during that period or periods the employee is receiving remedial education that:

- (1) is provided to employees who lack a high school diploma or educational attainment at the eighth grade level;
- (2) is designed to provide reading and other basic skills at an eighth grade level or below; and
- (3) does not include job specific training.

(†) (w) Subsection (†) (l) does not apply to an employee of a motion picture theater.

(†) (x) Subsection (†) (l) does not apply to an employee of a seasonal amusement or recreational establishment, an organized camp, or a religious or nonprofit educational conference center that is exempt under the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 213)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1267 as printed January 26, 2006.)

DAY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Day's amendment (1267-1) is not germane to House Bill 1267.

Amendment 1 is germane to House Bill 1267. Both amendment 1 and House Bill 1267 concern regulation of employment.

PELATH
DAY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 104: yeas 51, nays 46. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

House Bill 1285

Representative Heim called down House Bill 1285 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Pflum was excused for the rest of the day.

House Bill 1286

Representative Duncan called down House Bill 1286 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1286-1)

Mr. Speaker: I move that House Bill 1286 be amended to read as follows:

Page 2, line 16, after "rules" insert "**by July 1, 2007,**".

Page 2, line 17, delete "authorize a person not employed by the bureau".

Page 2, line 18, delete "administer" and insert "**establish standards for persons administering**".

Page 2, line 18, delete "for the bureau." and insert "**and the provisions of the operational skills test.**".

(Reference is to HB 1286 as printed January 25, 2006.)

DUNCAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1287

Representative Duncan called down House Bill 1287 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1287-2)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(e) Notwithstanding any other provision of this chapter, on July 1, 2006, all funds held by the authority pursuant to this section and section 18 of this chapter shall be transferred to the department to be used according to this section."

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 14. [EFFECTIVE JULY 1, 2006] (a) The funds that remain in the reserve fund on June 30, 2006, for future toll bridges over the Ohio River to be located within the same county in which the bridge subject to IC 8-16-1-26, as amended by this act, is located shall be transferred to the Indiana department of transportation on July 1, 2006.

(b) This SECTION expires January 1, 2007."

(Reference is to HB 1287 as printed January 24, 2006.)

DUNCAN

Motion prevailed.

HOUSE MOTION (Amendment 1287-3)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"(e) Money collected for the use of a bridge subject to this section may also be allocated to the department and used by the department for the maintenance of a toll bridge facility that is:

- (1) located within the same county in which the bridge subject to this section is located; and**

(2) owned by the state, the federal government, or a federally authorized bridge commission; after the department or the authority assumes the duty to maintain the bridge."

(Reference is to HB 1287 as printed January 24, 2006.)

VAN HAAFTEN

Upon request of Representatives VanHaaften and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 105: yeas 48, nays 48. Motion failed.

HOUSE MOTION (Amendment 1287-4)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 3, delete lines 2 through 42.

Page 4, delete lines 1 through 34.

Page 5, delete lines 28 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as printed January 24, 2006.)

DUNCAN

Motion prevailed.

HOUSE MOTION (Amendment 1287-1)

Mr. Speaker: I move that House Bill 1287 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-15-2-14.5, AS AMENDED BY P.L.214-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 14.5. (a) Subject to subsection (b) and the provisions and requirements of any trust agreement providing for the issuance of toll road revenue bonds and only to the extent permitted by such trust agreement, the authority shall fix the tolls for any toll road under its jurisdiction.

(b) Notwithstanding any other law, after December 31, 2005, the authority may increase or decrease tolls for a toll road only if the tolls for all classes of vehicles operating on the toll road are increased or decreased at the same time by the same percentage amount."

Page 6, after line 16, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE JANUARY 1, 2006

(RETROACTIVE)] The increase or decrease of a toll or a schedule of tolls after December 31, 2005, in violation of IC 8-15-2-14.5(b), as added by this act, is void. Any rule adopted after December 31, 2005, in violation of IC 8-15-2-14.5(b), as added by this act, is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove any rule voided by this SECTION from the Indiana Administrative Code.

SECTION 17. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as printed January 24, 2006.)

FRY

Upon request of Representatives Fry and Cheney, the Speaker ordered the roll of the House to be called. Roll Call 106: yeas 47, nays 51. Motion failed. The bill was ordered engrossed.

House Bill 1306

Representative Bright called down House Bill 1306 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1312

Representative Behning called down House Bill 1312 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1312-3)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-23-3-7, AS ADDED BY P.L.1-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) If a school lunch fund is established under section 5 of this chapter, ~~or a textbook rental fund is established under section 6 of this chapter~~, the receipts and expenditures for ~~each~~ the program shall be made to and from the ~~proper~~ fund without appropriation or the application of other laws relating to the budgets of local governmental units.

(b) If ~~either the program or both programs under sections 5 and 6 section 5~~ of this chapter ~~are~~ is operated through the extracurricular account, the township trustee shall approve the amount of the bond of the treasurer of the extracurricular account in an amount the township trustee considers necessary to protect the account for all funds coming into the hands of the treasurer.

SECTION 2. IC 20-26-5-4, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's previous year's average daily membership (as defined in IC 21-3-1.6-1.1) to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 21-5-10, IC 21-5-11, or IC 21-5-12.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for energy conservation measures through utility energy efficiency programs or under a guaranteed energy savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts delineated under the powers given under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children five (5) years of age through fourteen (14) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property

under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers is subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval to the end that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to refund to the employee or to the member the employee's or member's reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school, the transportation to be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks ~~to and furnish the textbooks without cost or to rent textbooks to students; to participate in a textbook aid program; all~~ in accordance with applicable law. **A school corporation may not conduct a textbook rental program for students enrolled in the school corporation.**

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To levy taxes, to make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 21-2-21.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state government, the federal government, or from any other source.

(17) To defend any member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body, which rules, regulations, and procedures may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general

grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 by specific language or by reference to other law.

SECTION 3. IC 20-26-5-17, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) If a school lunch fund is established under section 15 of this chapter, ~~and a textbook rental fund is established under section 16 of this chapter,~~ the receipts and expenditures from ~~a~~ the fund for the program to which the fund relates shall be made to and from the fund without appropriation or the application of other statutes and rules relating to the budgets of municipal corporations.

(b) If ~~either~~ the lunch program ~~or textbook rental program~~ is handled through the extracurricular account, the governing body of the school corporation shall approve the amount of the bond of the treasurer of the extracurricular account in an amount considered by it sufficient to protect the account for all funds coming into the hands of the treasurer of the account.

SECTION 4. IC 20-26-12-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in ~~subsections subsection (b) and (c)~~ and notwithstanding any other law, each governing body shall purchase from a contracting publisher, at a price equal to or less than the net contract price, the textbooks adopted by the state board and selected by the proper local officials, and shall ~~rent~~ provide these textbooks to each student enrolled in a public school that is:

- (1) in compliance with the minimum certification standards of the board; and
- (2) located within the attendance unit served by the governing body.

~~(b) This section does not prohibit the purchase of textbooks at the option of a student or the providing of free textbooks by the governing body under sections 6 through 21 of this chapter.~~

~~(c)~~ (b) This section does not prohibit a governing body from suspending the operation of this section under a contract entered into under IC 20-26-15.

SECTION 5. IC 20-26-12-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A governing body may purchase from a contracting publisher, at a price equal to or less than the net contract price, any textbook adopted by the state board and selected by the proper local officials. The governing body may rent these textbooks to students enrolled in any public school of another school corporation or any nonpublic school that is:

- (1) in compliance with the minimum certification standards of the state board; and
- (2) located within the attendance unit served by the governing body.

The annual rental rate may not exceed twenty-five percent (25%) of the retail price of the textbooks.

(b) Notwithstanding subsection (a), the governing body may not assess a rental fee of more than fifteen percent (15%) of the retail price of a textbook that has been:

- (1) adopted for usage by students under IC 20-20-5;
- (2) extended for usage by students under IC 20-20-5-2; and
- (3) paid for through rental fees previously collected.

(c) A school corporation may not rent textbooks under this section to any students attending a school operated by the school corporation.

~~(c)~~ (d) This section does not limit other laws.

SECTION 6. IC 20-26-12-22, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. If a school corporation purchases textbooks on a time basis:

- (1) the schedule for payments shall coincide with ~~student payments the distributions~~ to the school corporation for textbook rental; under IC 21-3-1.7-9.6 for textbooks; and
- (2) the schedule must not require the school corporation to assume a greater burden than payment of twenty-five percent (25%) within thirty (30) days after the beginning of the school year immediately following delivery by the contracting

publisher with the school corporation's promissory note evidencing the unpaid balance.

SECTION 7. IC 20-26-12-23, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) A school corporation may:

- (1) borrow money to buy textbooks; and
- (2) issue notes, maturing serially in not more than six (6) years and payable from its ~~general~~ textbook fund, to secure the loan.

However, when an adoption is made by the state board for less than six (6) years, the period for which the notes may be issued is limited to the period for which that adoption is effective.

(b) Notwithstanding subsection (a), a school township may not borrow money to purchase textbooks unless a petition requesting such an action and bearing the signatures of twenty-five percent (25%) of the resident taxpayers of the school township has been presented to and approved by the township trustee and township board.

SECTION 8. IC 20-26-12-26, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. If a family that purchased textbooks from a school corporation moves during the school term from one (1) school corporation to another within the state, the corporation from which they move shall:

- (1) evaluate the affected children's textbooks; and
- (2) offer to purchase the textbooks at a reasonable price. ~~for resale to any family that moves into that corporation during a school term.~~

SECTION 9. IC 20-26-12.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12.4. Textbooks for Public School Students

Sec. 1. As used in this chapter, "school corporation" includes a charter school.

Sec. 2. As used in this chapter, "student" means a student, including a transfer student, who is enrolled in a school corporation.

Sec. 3. As used in this chapter, "textbook" includes the following:

- (1) Instructional materials that are used by students for more than one (1) year, including materials used in special education and gifted and talented classes.
- (2) Workbooks and consumable instructional materials that are used by students for not more than one (1) school year, including workbooks, consumable textbooks, and other consumable instructional materials that are used in special education and gifted and talented classes.
- (3) Developmentally appropriate materials used:
 - (A) for instruction in kindergarten through grade 3, laboratories, and children's literature programs; and
 - (B) instead of items described in subdivisions (1) through (2).

Sec. 4. As used in this chapter, "textbook fund" refers to the fund established under IC 21-2-22.

Sec. 5. (a) The governing body of each school corporation shall do the following:

- (1) Purchase and maintain a sufficient number of textbooks to meet the needs of each student.
- (2) Appropriate from the textbook fund established under IC 21-2-22 the money necessary to purchase textbooks.
- (3) Loan free of charge to each student all textbooks prescribed for the student's grade or classes.
- (4) Prescribe guidelines for the following:
 - (A) The availability of textbooks to students.
 - (B) The care and custody of textbooks by students.
 - (C) The return of textbooks by students.
- (5) Provide facilities for the safekeeping of textbooks.
- (6) Fumigate or destroy textbooks at the times and under regulations prescribed by local and state health authorities or determined by the governing body.

(b) A school corporation may not conduct a textbook rental program for a school year that begins after June 30, 2006.

Sec. 6. The parent of a student who is loaned a textbook under this chapter is financially responsible for the following according to the guidelines adopted by the school corporation under this

chapter:

- (1) Wear, except for reasonable wear, on a textbook.
- (2) Loss, mutilation, or defacement of a textbook.
- (3) Failure to return a textbook to the school corporation upon request.
- (4) Other matters concerning the use and care of textbooks.

Sec. 7. (a) If a student transfers to a school corporation other than the one in which the student has legal settlement (as determined under IC 20-26-11), the governing body of the school corporation to which the student transfers shall provide textbooks to the student.

(b) The annual settlement between school corporations for tuition of transferred students must include amounts for furnishing textbooks to transferred students at a rate determined by the state board.

Sec. 8. A governing body may sell textbooks to students who wish to purchase textbooks at the price stipulated in the contracts under which the books are purchased by the school corporation. Money from sales to students must be paid into the textbook fund.

SECTION 10. IC 20-26-12.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12.6. Reimbursement for Textbooks for Students in Accredited Nonpublic Schools

Sec. 1. This chapter applies to students who are enrolled in accredited nonpublic schools.

Sec. 2. The department shall reimburse a parent or an emancipated minor for expenses for textbooks that are incurred for the parent's child or the emancipated minor.

Sec. 3. There is no financial eligibility requirement to receive reimbursement under this chapter.

Sec. 4. The amount of reimbursement under this chapter is the amount established in IC 21-2-23.

Sec. 5. An accredited nonpublic school may assist a parent or an emancipated minor in obtaining reimbursement under this chapter.

Sec. 6. The following apply to an application for reimbursement under this chapter:

- (1) The department shall provide an application form for reimbursement under this chapter.
- (2) The department shall establish a date for the filing of applications.
- (3) The applicant shall certify the following in the application to the department:

(A) The name, age, and grade level of the student who is enrolled in an accredited nonpublic school and for whom the applicant seeks reimbursement.

(B) The expense incurred in providing textbooks to the student.

(C) That each textbook included in the reimbursement request (except those textbooks used for special education or gifted and talented classes) has been:

- (i) adopted by the state board under IC 20-20-5; or
- (ii) waived by the state board under IC 20-26-12-28.

(D) That the amount of reimbursement requested for each textbook does not exceed twenty percent (20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle.

(E) Any other information required by the department, including the following:

- (i) Copies of invoices or purchase orders used to acquire textbooks.
- (ii) Information about the student.
- (iii) Information about the nonpublic school.

Sec. 7. The department shall use money in the supplemental textbook fund established by IC 21-2-23-4 to make reimbursements under this chapter.

Sec. 8. The department may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 11. IC 20-33-5-3, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) If a parent of a child or an emancipated minor who is enrolled in a public school, in kindergarten

or grades 1 through 12, meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may not be required to pay the fees for school books, supplies, or other any required class fees. The fees shall be paid by the school corporation that the child attends.

(b) The school corporation may apply for a reimbursement under section 7 of this chapter from the department of the costs incurred under subsection (a).

(c) ~~To the extent the reimbursement received by the school corporation is less than the textbook rental fee assessed for textbooks that have been adopted under IC 20-20-5-1 through IC 20-20-5-4 or waived under IC 20-26-12-28, the school corporation may request that the parent or emancipated minor pay the balance of this amount.~~

SECTION 12. IC 20-33-5-9, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If a parent of a child or an emancipated minor who is enrolled in an accredited nonpublic school meets the financial eligibility standard under section 2 of this chapter, the parent or the emancipated minor may receive a reimbursement from the department as provided in this chapter for the costs or some of the costs incurred by the parent or emancipated minor in fees ~~that are reimbursable under section 7 of this chapter for items described in subsection (g).~~ The extent to which the fees are reimbursable under this section may not exceed the percentage rates of reimbursement under ~~section 7 of this chapter: subsection (g).~~ In addition, if a child enrolls in an accredited nonpublic school after the initial request for reimbursement is filed under subsection (d), the parent of the child or the emancipated minor who meets the financial eligibility standard **under section 2 of this chapter** may receive a reimbursement from the department for the costs or some of the costs incurred in fees that are reimbursable under ~~section 7 of this chapter subsection (g)~~ by applying to the accredited nonpublic school for assistance. In this case, this section applies. However, section 10 of this chapter applies to the making of the supplemental request for reimbursement by the principal or other designee of the accredited nonpublic school.

(b) The department shall provide each accredited nonpublic school with sufficient application forms for assistance, prescribed by the state board of accounts.

(c) Each accredited nonpublic school shall provide the parents or emancipated minors who wish to apply for assistance with:

- (1) the appropriate application forms; and
- (2) any assistance needed in completing the application form.

(d) The parent or emancipated minor shall submit the application to the accredited nonpublic school. The accredited nonpublic school shall make a determination of financial eligibility subject to appeal by the parent or emancipated minor.

(e) If a determination is made that the applicant is eligible for assistance, subsection (a) applies.

(f) To be guaranteed some level of reimbursement from the department, the principal or other designee shall submit the reimbursement request before November 1 of a school year.

(g) In its request, the principal or other designee shall certify to the department:

- (1) the number of students who are enrolled in the accredited nonpublic school and who are eligible for assistance under this chapter;
- (2) the costs incurred in providing:
 - (A) textbooks (including textbooks used in special education and high ability classes); and
 - (B) workbooks and consumable textbooks (including workbooks, consumable textbooks, and other consumable teaching materials that are used in special education and high ability classes) that are used by students for not more than one (1) school year;
- (3) that each textbook described in subdivision (2)(A) and included in the reimbursement request (except those textbooks used in special education classes and high ability classes) has been adopted by the state board under IC 20-20-5-1 through 20-20-5-4 or has been waived by the state board of education under IC 20-26-12-28;
- (4) that the amount of reimbursement requested for each textbook under subdivision (3) does not exceed twenty percent

(20%) of the costs incurred for the textbook, as provided in the textbook adoption list in each year of the adoption cycle;

(5) that the amount of reimbursement requested for each workbook or consumable textbook (or other consumable teaching material used in special education and high ability classes) under subdivision (2)(B), if applicable, does not exceed one hundred percent (100%) of the costs incurred for the workbook or consumable textbook (or other consumable teaching material used in special education and high ability classes);

(6) that the amount of reimbursement requested for each textbook used in special education and high ability classes is amortized for the number of years in which the textbook is used; and

(7) any other information required by the department, including copies of purchase orders used to acquire consumable teaching materials used in special education and high ability classes.

(h) If the amount of reimbursement requested before November 1 of a particular school year exceeds the amount of money appropriated to the department for this purpose, the department shall proportionately reduce the amount of reimbursement to each accredited nonpublic school. An accredited nonpublic school may submit a supplemental reimbursement request under section 10 of this chapter. The parent or emancipated minor is entitled to receive a supplemental reimbursement only if funds are available. The department shall proportionately reduce the amount of supplemental reimbursement to the accredited nonpublic schools if the amount requested exceeds the amount of money available to the department for this purpose.

(i) The accredited nonpublic school shall distribute the money received under this chapter to the appropriate eligible parents or emancipated minors.

(j) Section 7(h) of this chapter applies to parents or emancipated minors as described in this section.

(j) Parents receiving other governmental assistance or aid that considers educational needs in computing the entire amount of assistance granted may not be denied assistance if the applicant's total family income does not exceed the standards established by this chapter.

(k) The accredited nonpublic school and the department shall maintain complete and accurate information concerning the number of applicants determined to be eligible for assistance under this section.

(l) The state board shall adopt rules under IC 4-22-2 to implement this section.

SECTION 13. IC 20-33-5-10, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The principal or other designee of an accredited nonpublic school may make a supplemental request for reimbursement from the department after April 1 but before May 1 of a school year for some or all of the additional costs incurred in fees that are reimbursable under ~~section 7~~ **section 9** of this chapter by the parent of a child or emancipated minor who enrolls in the accredited nonpublic school after the initial request for reimbursement is filed under section 9(f) of this chapter.

(b) In its supplemental request, the principal or other designee must certify to the department the following:

(1) The number of additional students who enrolled in the accredited nonpublic school as described in subsection (a).

(2) The costs incurred in providing the materials described in section 9(g)(2) of this chapter pertaining to the number of additional students.

(3) The same information as described in section 9(g)(3) through 9(g)(7) of this chapter as pertaining to the number of additional students.

(c) This section applies only if there are funds available. These supplemental distributions shall be made by the department in accordance with section 9(h) of this chapter.

SECTION 14. IC 20-33-5-14, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The school textbook reimbursement contingency fund is established to reimburse ~~school corporations~~, eligible parents of children who attend accredited

nonpublic schools and emancipated minors who attend accredited nonpublic schools as provided in section 9 of this chapter for assistance provided under this chapter. The fund consists of money appropriated to the fund by the general assembly. The state superintendent shall administer the fund.

(b) The treasurer of state shall invest the money in the school textbook reimbursement contingency fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 15. IC 21-2-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The trustee, with the advice and consent of the township board, shall use ~~such the~~ "seminary lands school account" for the following educational purposes:

~~(1) Each year the trustee shall pay to the parent or legal guardian of any child, whose residence is within said township, initial cost for the rental of textbooks used in any elementary or secondary school which has been duly accredited by the state of Indiana. Such reimbursement for the rental of school books shall be for the initial yearly rental charge only, and books subsequently lost or destroyed shall not be paid for from this account.~~

~~(2) (1)~~ Students who are residents of ~~said the~~ township for the last two (2) years of their secondary education and who still reside within ~~said the~~ township shall receive financial assistance ~~in an amount~~ not to exceed an amount determined by the trustee and the township board during an annual review of higher education fees and tuition costs of post-high school education at any accredited college, university, junior college, ~~or~~ vocational **school**, or trade school. Amounts to be paid to each eligible student shall be set annually following this review. The amount ~~so~~ paid each year shall be equitable for every eligible student without regard to race, religion, creed, sex, disability, or national origin and must be based on the number of students and the amount of funds available each year.

~~(3) (2)~~ A person who has been a permanent resident of the township continuously for at least two (2) years and who needs educational assistance for job training or retraining may apply to the trustee of the township for financial assistance. The trustee and the township board shall review each application and make assistance available according to the need of each applicant and the availability of funds.

~~(4) (3)~~ If all the available funds are not used in any one (1) year, ~~said the~~ unused funds shall be retained in ~~said the~~ account by the trustee for use in succeeding years.

(b) The bond required by law for the trustee shall be increased by an amount equal to the sum of the seminary township school fund and the average annual rental income from ~~said~~ seminary lands.

(c) All funds and accounts provided in this chapter and the accumulation thereof shall be periodically audited and examined in the same manner provided by law for public money.

(d) All expenditures and payments made under this chapter shall be made only after necessary expenditures for the protection and maintenance of the seminary land in good and safe condition are first made from the annual rental income.

SECTION 16. IC 21-2-4-2, AS AMENDED BY P.L.246-2005, SECTION 183, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The governing body of each school corporation in Indiana shall establish a debt service fund for the payment of:

(1) all debt and other obligations arising out of funds borrowed or advanced for school buildings when purchased from the proceeds of a bond issue for capital construction;

(2) a lease to provide capital construction;

(3) interest on emergency and temporary loans;

(4) all debt and other obligations arising out of funds borrowed or advanced for the purchase or lease of school buses when purchased or leased from the proceeds of a bond issue, or from money obtained from a loan made under IC 20-27-4-5, for that purpose;

(5) all debt and other obligations arising out of funds borrowed to pay judgments against the school corporation;

(6) all debt and other obligations arising out of funds borrowed

to purchase equipment; or

(7) all unreimbursed costs of textbooks for the school corporation's students who were eligible for free or reduced lunches in the previous school year.

The term "debt service" shall include but not be limited to lease rental obligations, school bonds and coupons and civil bond obligations assumed by school corporations reorganized pursuant to IC 20-23-4, and any interest cost on emergency and temporary loans but shall not include the repayment of the principal of the emergency and temporary loans obtained for benefit of any other fund. All receipts and disbursements authorized by law for school funds and tax levies for the lease rental fund, bond fund, sinking fund, civil bond obligation fund, and payment of interest on emergency and temporary loans shall be received in and disbursed from the debt service fund. The governing body may transfer the amount levied to cover unreimbursed costs of textbooks under subdivision (7) to the school corporation's textbook rental fund, or extracurricular account.

SECTION 17. IC 21-2-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The governing body of each school corporation in the state of Indiana shall establish a general fund for the operation and maintenance of local schools and shall levy a tax therefor for the fund. All receipts and disbursements heretofore authorized by law for school funds and tax levies for the tuition fund, special school fund, special fund, vocational fund, recreation fund, compulsory education fund, school library fund, high school library fund, public employee's retirement fund, operating fund, transportation tax, and county wide school tax shall on and after January 1, 1968, be received in and disbursed from the general fund. A tax levy and rate for the general fund shall be established by the governing body of each school corporation for the 1968 calendar year and all succeeding each calendar years. Any balances of all the aforesaid funds on January 1, 1968 shall be transferred to the general fund year.

SECTION 18. IC 21-2-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Any self-supporting programs maintained by any school corporation, including but not limited to school lunch, and rental or sale of textbooks, may be established as separate funds, separate and apart from the general fund, if no local tax rate is established therefor for the programs.

SECTION 19. IC 21-2-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 22. Textbook Fund

Sec. 1. As used in this chapter, "fund" refers to the textbook fund established by section 3 of this chapter.

Sec. 2. As used in this chapter, "textbook" has the meaning set forth in IC 20-26-12.4-3.

Sec. 3. A school corporation shall establish a textbook fund.

Sec. 4. Money in the fund may be used only for the following purposes:

- (1) Paying interest and principal on loans obtained by the school corporation to purchase textbooks.
- (2) Implementing IC 20-26-12, including the purchase, storage, distribution, or repair of textbooks.

Sec. 5. A school corporation shall deposit in the fund the following:

- (1) Distributions under IC 21-3-1.7-9.6.
- (2) Receipts from sales of textbooks.
- (3) Other revenues designated for the textbook fund.

Sec. 6. Money in the fund at the end of a school year or fiscal year does not revert to the school general fund.

SECTION 20. IC 21-2-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 23. Supplemental Textbook Fund

Sec. 1. As used in this chapter, "department" refers to the department of education.

Sec. 2. As used in this chapter, "fund" refers to the supplemental textbook fund established by section 4 of this chapter.

Sec. 3. As used in this chapter, "textbook" has the meaning set forth in IC 20-26-12.4-3.

Sec. 4. The supplemental textbook fund is established to provide money for reimbursements for textbooks under IC 20-26-12.6 to parents of accredited nonpublic school students and emancipated minors who are students in accredited nonpublic schools.

Sec. 5. The department shall administer the fund. Expenses of administering the fund shall be paid from money in the fund.

Sec. 6. The fund consists of appropriations by the general assembly.

Sec. 7. The treasurer of state shall invest the money in the fund not currently needed to meet obligations of the fund in the same manner as other public funds may be invested. Interest earned from investment of the fund shall be credited to the fund.

Sec. 8. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. (a) Subject to balances available in the fund, the treasurer of state shall pay the amount determined under subsection (b). The amount is payable in the manner provided in IC 20-26-12.6.

(b) The amount of annual reimbursement for textbooks may not exceed eighty five dollars (\$85) for a student who is enrolled full time in an accredited nonpublic school.

SECTION 21. IC 21-3-1.7-9, AS AMENDED BY P.L.246-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Subject to the amount appropriated by the general assembly for tuition support, the amount that a school corporation is entitled to receive in tuition support for a year is the amount determined in section 8.2 of this chapter.

(b) If the total amount to be distributed as tuition support under this chapter, in 2005 for enrollment adjustment grants under section 9.5 of this chapter (before its repeal), for textbook grants under section 9.6 of this chapter, for academic honors diploma awards under section 9.8 of this chapter, in 2005 for supplemental remediation grants under section 9.9 of this chapter (before its repeal), for primetime distributions under IC 21-1-30, for special education grants under IC 21-3-2.1, and for vocational education grants under IC 21-3-12 for a particular year, exceeds:

- (1) three billion seven hundred fifty-nine million three hundred thousand dollars (\$3,759,300,000) in 2005;
- (2) three billion seven hundred fifty-four ninety-six million seven three hundred thousand dollars (\$3,754,700,000) (\$3,796,300,000) in 2006; and
- (3) three billion seven eight hundred forty-seven thirty-one million two three hundred five thousand dollars (\$3,747,200,000) (\$3,831,305,000) in 2007;

the amount to be distributed for tuition support under this chapter to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the distribution for tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for tuition support to all school corporations if a reduction were not made under this section.

SECTION 22. IC 21-3-1.7-9.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.6. (a) In addition to the distributions under sections 8.2 and 9.8 of this chapter, in each calendar year a school corporation is eligible for an amount for a textbook grant that is equal to the school corporation's current ADM multiplied by eighty-five dollars (\$85).

(b) The distribution received under this section:

- (1) shall be deposited in a school corporation's textbook fund and used only for the purposes specified in IC 21-2-22-4; and
- (2) is not included in the calculation of previous year revenue under IC 21-3-1.7-3.1(a).

SECTION 23. IC 21-3-1.7-9.8, AS AMENDED BY P.L.246-2005, SECTION 201, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.8. (a) In addition to the distributions under section 8.2 and 9.6 of this chapter, a school

corporation is eligible for an honors diploma award in the amount determined under STEP TWO of the following formula:

STEP ONE: Determine the number of the school corporation's eligible pupils who successfully completed an academic honors diploma program in the school year ending in the previous calendar year.

STEP TWO: Multiply the STEP ONE amount by nine hundred dollars (\$900).

(b) An amount received by a school corporation as an honors diploma award may be used only for:

(1) any:

- (A) staff training;
- (B) program development;
- (C) equipment and supply expenditures; or
- (D) other expenses;

directly related to the school corporation's academic honors diploma program; and

(2) the school corporation's program for high ability students.

(c) A governing body that does not comply with this section for a school year is not eligible to receive an award under this section for the following school year.

SECTION 24. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 20-23-3-6; IC 20-26-5-16; IC 20-26-12-6; IC 20-26-12-7; IC 20-26-12-8; IC 20-26-12-9; IC 20-26-12-10; IC 20-26-12-11; IC 20-26-12-12; IC 20-26-12-13; IC 20-26-12-14; IC 20-26-12-15; IC 20-26-12-16; IC 20-26-12-17; IC 20-26-12-18; IC 20-26-12-19; IC 20-26-12-20; IC 20-26-12-21; IC 20-33-5-5; IC 20-33-5-7; IC 20-33-5-8.

SECTION 25. [EFFECTIVE JULY 1, 2006] (a) A school corporation may not conduct a textbook rental program for a school year beginning after June 30, 2006.

(b) On July 1, 2006, a school corporation shall transfer any unencumbered money in any fund or account used for textbook rental fees to the textbook fund established by IC 21-2-22, as added by this act. The money transferred under this SECTION may be used for any purpose for which other money in the textbook fund may be used.

(c) Notwithstanding IC 21-3-1.7-9.6, as added by this act, a school corporation is entitled in 2006 to only fifty percent (50%) of the amount of the textbook grant specified in IC 21-3-1.7-9.6, as added by this act, to be distributed in six (6) monthly installments.

(d) An amount sufficient to make the distributions of the textbook grants under IC 21-3-1.7-9.6, as added by this act, is appropriated from the state general fund to the department of education beginning July 1, 2006, and ending June 30, 2007.

(e) This SECTION expires January 1, 2008.

SECTION 26. [EFFECTIVE JULY 1, 2006] (a) The department of local government finance shall reduce the:

- (1) maximum permissible ad valorem property tax levy imposed by IC 6-1.1-18.5-3; and
- (2) township assistance levy;

of each township to reflect the effect of this act on the obligation of township trustees to pay school fees under IC 20-33-5-12.

(b) The department of local government finance shall reduce the:

- (1) maximum permissible ad valorem property tax levy imposed by IC 6-1.1-19-1.5; and
- (2) general fund property tax levy;

of each school corporation that operated an elementary school library or a high school library on June 30, 2006, to provide free textbooks to resident students before July 1, 2006, to reflect the transfer of textbook funding to the textbook fund established by IC 21-2-22, as added by this act.

(c) Any loan:

- (1) obtained to purchase textbooks (as defined in IC 20-26-12.4-3, as added by this act); and
- (2) payable from a school general fund before July 1, 2006;

shall be paid from the textbook fund after June 30, 2006.

(d) This SECTION expires January 1, 2008.

SECTION 27. [EFFECTIVE JULY 1, 2006] (a) There is appropriated from the state general fund to the supplemental textbook fund established by IC 21-2-23-4, as added by this act,

beginning July 1, 2006, and ending June 30, 2007, an amount equal to eighty-five dollars (\$85) for each student enrolled in an accredited nonpublic school for whom reimbursement for textbooks is provided under IC 20-26-12.6, as added by this act.

(b) This SECTION expires June 30, 2007."

Page 20, delete line 7.

Re-number all SECTIONS consecutively.

(Reference is to HB 1312, Digest Correction, as printed January 27, 2006.)

PELATH

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1312 a bill pending before the House.

After discussion Representative Whetstone withdrew the point of order and rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Pelath's amendment (1312-3) is not germane to House Bill 1312.

Amendment 3 is germane to House Bill 1312. Both Amendment 3 and House Bill 1312 concern various education matters.

PELATH
FRY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 107: yeas 50, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 1312-2)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 19, line 33, delete "or" and insert "**and**".

Page 19, line 34, after "a" insert "**registered nurse**".

(Reference is to HB 1312 as printed January 27, 2006.)

HINKLE

Representative C. Brown rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was not well taken.

The question then was on the motion of Representative Hinkle. Motion prevailed.

HOUSE MOTION (Amendment 1312-4)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 5, between lines 29 and 30, begin a new line triple block indented and insert:

"(v) IC 20-26-9 (school breakfast and lunch program)."

Page 5, line 30, delete "(v)" and insert "(vi)".

Page 5, line 31, delete "(vi)" and insert "(vii)".

Page 5, line 34, delete "(vii)" and insert "(viii)".

Page 5, line 35, delete "(viii)" and insert "(ix)".

Page 5, line 36, delete "(ix)" and insert "(x)".

Page 5, line 38, delete "(x)" and insert "(xi)".

Page 5, line 39, delete "(xi)" and insert "(xii)".

Page 5, line 40, delete "(xii)" and insert "(xiii)".

Page 5, line 41, delete "(xiii)" and insert "(xiv)".

Page 6, line 1, delete "(xiv)" and insert "(xv)".

Page 6, line 3, delete "(xv)" and insert "(xvi)".

Page 6, line 4, delete "(xvi)" and insert "(xvii)".

Page 6, line 5, delete "(xvii)" and insert "(xviii)".

Page 6, line 6, delete "(xviii)" and insert "(xix)".

Page 6, line 7, delete "(xix)" and insert "(xx)".

Page 6, line 8, delete "(xx)" and insert "(xxi)".

Page 6, line 9, delete "(xxi)" and insert "(xxii)".
 Page 6, line 10, delete "(xxii)" and insert "(xxiii)".
 (Reference is to HB 1312 as printed January 27, 2006.)

MICON

Motion prevailed.

HOUSE MOTION
 (Amendment 1312-5)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 20, between lines 6 and 7, begin a new paragraph and insert: "SECTION 24. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on education issues.

(b) There is established the interim study committee on education issues.

(c) The committee shall study various education issues concerning public elementary and secondary schools, including the following:

- (1) Use of independent contractors to provide student services and health services.
- (2) Teacher and administrator contracts.
- (3) Public works projects.
- (4) School building inspections.
- (5) Compulsory school attendance and attendance officers.
- (6) Twenty-first century scholars program.
- (7) School property use.
- (8) State regulation of public elementary and secondary schools.

(d) The legislative services agency shall provide staff support to the committee. The committee shall operate under the policies governing study committees adopted by the legislative council.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) This SECTION expires December 31, 2006".
 (Reference is to HB 1312 as printed January 27, 2006.)

CHENEY

After discussion, Representative Cheney withdrew the motion.

HOUSE MOTION
 (Amendment 1312-1)

Mr. Speaker: I move that House Bill 1312 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert: "SECTION 4. IC 20-26-9-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This subsection applies before July 1, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and
- (2) lunches are served to students.

(b) This subsection applies after June 30, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and
- (2) lunches are served to students."

Renumber all SECTIONS consecutively.

(Reference is to HB 1312 as printed January 27, 2006.)

DAY

Motion prevailed. The bill was ordered engrossed.

House Bill 1318

Representative Borrer called down House Bill 1318 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1332

Representative Friend called down House Bill 1332 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1332-1)

Mr. Speaker: I move that House Bill 1332 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Page 3, between lines 32 and 33, begin a new paragraph and insert: "SECTION 5. IC 13-17-3-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "outdoor furnace or boiler" means a device that:

- (1) is located outside a residence or other building that has not more than twenty thousand (20,000) square feet of floor space;
- (2) uses wood as a primary fuel to heat air or water; and
- (3) pumps the heated air or water back into the residence or other building for heating purposes.

(b) The board may not adopt rules that regulate emissions from outdoor furnaces or boilers."

Renumber all SECTIONS consecutively.

(Reference is to HB 1332 as printed January 27, 2006.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1338

Representative T. Harris called down House Bill 1338 for second reading. The bill was read a second time by title.

HOUSE MOTION
 (Amendment 1338-1)

Mr. Speaker: I move that House Bill 1338 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 18, begin a new paragraph and insert:

"SECTION 1. IC 20-28-5-3, AS ADDED BY P.L.246-2005, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The department shall designate:

- (1) the grade point average required for each type of license; and
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) Beginning July 1, 2006, the board, before issuing an initial teaching license at any grade level to an undergraduate

individual seeking an initial teaching license, shall require the applicant for a license to show evidence that the applicant meets one (1) of the following:

(1) Has successfully completed a course approved by the board in:

- (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;
- (B) removing a foreign body causing an obstruction in an airway; and
- (C) the Heimlich maneuver.

(2) Holds a valid certification in the procedures described in subdivision (1) issued by:

- (A) the American Red Cross;
- (B) the American Heart Association; or
- (C) a comparable organization or institution approved by the board.

(3) Has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or subdivision (2).

(d) The department shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters."

Page 4, delete lines 2 through 42, begin a new paragraph and insert:

"SECTION 4. IC 34-30-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A teacher who:**

- (1) meets the requirement of IC 20-28-5-3(c); and
- (2) performs:

- (A) cardiopulmonary resuscitation; or
- (B) the Heimlich maneuver;

on or removes a foreign body that is obstructing an airway of another person in the course of employment as a teacher; is not liable in a civil action for damages resulting from an act or omission occurring during the performance of a function under this section unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) Although IC 20-28-5-3(c), as amended by this act, applies beginning July 1, 2006, a college or university located in Indiana may recommend to a person who has been accepted in a teacher training program before July 1, 2006, that the person should meet the requirements of IC 20-28-5-3(c), as amended by this act.

(b) This SECTION expires June 30, 2008.

SECTION 6. An emergency is declared for this act."

Page 5, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1338 as printed January 27, 2006.)

DUNCAN

Motion prevailed. The bill was ordered engrossed.

House Bill 1344

Representative Hinkle called down House Bill 1344 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1344-2)

Mr. Speaker: I move that House Bill 1344 be amended to read as follows:

Page 2, delete lines 37 through 41, begin a new paragraph and insert:

"(h) The chairperson of the commission may not call for a meeting of the commission unless both of the following conditions are met:

- (1) A majority of the voters voting on a local public question placed on the ballot in Vanderburgh County who reside in a municipality (as defined in IC 36-1-2-11) vote in favor of continuing to study consolidation in Vanderburgh County.
- (2) A majority of the voters voting on a local public question placed on the ballot in Vanderburgh County who do not

reside in a municipality (as defined in IC 36-1-2-11) vote in favor of continuing to study consolidation in Vanderburgh County."

Page 4, delete lines 24 through 29, begin a new paragraph and insert:

"(j) The chairperson of the commission shall call for a meeting of the commission to begin the study required under SECTION 1 of this act only if both of the following conditions are met:

- (1) A majority of the voters voting on a local public question placed on the ballot in Vanderburgh County who reside in a municipality (as defined in IC 36-1-2-11) vote in favor of continuing to study consolidation in Vanderburgh County.
- (2) A majority of the voters voting on a local public question placed on the ballot in Vanderburgh County who do not reside in a municipality (as defined in IC 36-1-2-11) vote in favor of continuing to study consolidation in Vanderburgh County."

(Reference is to HB 1344 as printed January 27, 2006.)

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION (Amendment 1344-3)

Mr. Speaker: I move that House Bill 1344 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-49.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 49.1. "Township" means the following:**

- (1) A township in a county not having a consolidated city.
- (2) A township district (as defined in IC 36-6-4.1-5) in a county having a consolidated city.

SECTION 2. IC 3-8-1-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 30. A candidate for the office of small claims judge of a small claims court (as defined in IC 33-33-49-5.2) must:**

- (1) be a United States citizen upon taking office;
- (2) either:
 - (A) have resided in the township from which the candidate is elected for at least one (1) year upon taking office; or
 - (B) have been elected as a small claims court judge in the township before 1999;
- (3) be of high moral character and reputation; and
- (4) be admitted to the practice of law in Indiana upon filing a declaration of candidacy or petition of nomination or upon the filing of a certificate of candidate selection under IC 3-13-1-15 or IC 3-13-2-8.

SECTION 3. IC 3-8-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 31. A candidate for the office of small claims constable of a small claims court must:**

- (1) have resided in the township for more than one (1) year upon taking office; and
- (2) be at least twenty-one (21) years old upon taking office.

SECTION 4. IC 3-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 5. A declaration of candidacy for:**

- (1) a federal office;
- (2) a state office;
- (3) a legislative office; or
- (4) the local office of:
 - (A) judge of a circuit, superior, probate, or county or small claims court; or
 - (B) prosecuting attorney of a judicial circuit;

shall be filed with the secretary of state.

SECTION 5. IC 3-10-1-19, AS AMENDED BY P.L.221-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 19. (a) The ballot for a primary election shall be printed in substantially the following form**

for all the offices for which candidates have qualified under IC 3-8:

OFFICIAL PRIMARY BALLOT

_____ Party

For paper ballots, print: To vote for a person, make a voting mark (X or ✓) on or in the box before the person's name in the proper column. For punch card ballots, print: To vote for a person, punch through the chad before the number assigned to the person's name in the proper column. For optical scan ballots, print: To vote for a person, darken or shade in the circle, oval, or square (or draw a line to connect the arrow) that precedes the person's name in the proper column. For optical scan ballots that do not contain a candidate's name, print: To vote for a person, darken or shade in the oval that precedes the number assigned to the person's name in the proper column. For electronic voting systems, print: To vote for a person, touch the screen (or press the button) in the location indicated.

Vote for one (1) only

Representative in Congress

- ☐ (1) AB _____
☐ (2) CD _____
☐ (3) EF _____
☐ (4) GH _____

(b) The offices with candidates for nomination shall be placed on the primary election ballot in the following order:

- (1) Federal and state offices:
 - (A) President of the United States.
 - (B) United States Senator.
 - (C) Governor.
 - (D) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.
 - (F) Circuit court clerk.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor.
 - (B) Township trustee.
 - (C) Township board member.
 - (D) ~~Small claims judge. of the small claims court.~~
 - (E) ~~Small claims constable. of the small claims court.~~
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

(c) The political party offices with candidates for election shall be placed on the primary election ballot in the following order after the offices described in subsection (b):

- (1) Precinct committeeman.

- (2) State convention delegate.

(d) The following offices and public questions shall be placed on the primary election ballot in the following order after the offices described in subsection (c):

- (1) School board offices to be elected at the primary election.
- (2) Other local offices to be elected at the primary election.
- (3) Local public questions.

(e) The offices and public questions described in subsection (d) shall be placed:

- (1) in a separate column on the ballot if voting is by paper ballot;
- (2) after the offices described in subsection (c) in the form specified in IC 3-11-13-11 if voting is by ballot card; or
- (3) either:
 - (A) on a separate screen for each office or public question; or
 - (B) after the offices described in subsection (c) in the form specified in IC 3-11-14-3.5;
 if voting is by an electronic voting system.

(f) A public question shall be placed on the primary election ballot in the following form:

(The explanatory text for the public question,
if required by law.)

"Shall (insert public question)?"

☐ YES

☐ NO

SECTION 6. IC 3-10-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. The following public officials shall be elected at the general election before their terms of office expire and every four (4) years thereafter:

- (1) Clerk of the circuit court.
- (2) County auditor.
- (3) County recorder.
- (4) County treasurer.
- (5) County sheriff.
- (6) County coroner.
- (7) County surveyor.
- (8) County assessor.
- (9) County commissioner.
- (10) County council member.
- (11) Township trustee.
- (12) Township board member.
- (13) Township assessor.
- (14) ~~Small claims judge. of a small claims court.~~
- (15) ~~Small claims constable. of a small claims court.~~

SECTION 7. IC 3-11-2-12, AS AMENDED BY P.L.2-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. The following offices shall be placed on the general election ballot in the following order:

- (1) Federal and state offices:
 - (A) President and Vice President of the United States.
 - (B) United States Senator.
 - (C) Governor and lieutenant governor.
 - (D) Secretary of state.
 - (E) Auditor of state.
 - (F) Treasurer of state.
 - (G) Attorney general.
 - (H) Superintendent of public instruction.
 - (I) United States Representative.
- (2) Legislative offices:
 - (A) State senator.
 - (B) State representative.
- (3) Circuit offices and county judicial offices:
 - (A) Judge of the circuit court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the circuit court.
 - (B) Judge of the superior court, and unless otherwise specified under IC 33, with each division separate if there is more than one (1) judge of the superior court.
 - (C) Judge of the probate court.
 - (D) Judge of the county court, with each division separate, as required by IC 33-30-3-3.
 - (E) Prosecuting attorney.

- (F) Clerk of the circuit court.
- (4) County offices:
 - (A) County auditor.
 - (B) County recorder.
 - (C) County treasurer.
 - (D) County sheriff.
 - (E) County coroner.
 - (F) County surveyor.
 - (G) County assessor.
 - (H) County commissioner.
 - (I) County council member.
- (5) Township offices:
 - (A) Township assessor.
 - (B) Township trustee.
 - (C) Township board member.
 - (D) ~~Small claims judge. of the small claims court.~~
 - (E) ~~Small claims constable. of the small claims court.~~
- (6) City offices:
 - (A) Mayor.
 - (B) Clerk or clerk-treasurer.
 - (C) Judge of the city court.
 - (D) City-county council member or common council member.
- (7) Town offices:
 - (A) Clerk-treasurer.
 - (B) Judge of the town court.
 - (C) Town council member.

SECTION 8. IC 3-13-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) A county chairman filling a candidate vacancy under section 6(a)(2) of this chapter or the chairman of a meeting filling a candidate vacancy under this chapter shall file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each candidate.
- (b) The certificate shall be filed with:
 - (1) the election division for:
 - (A) a committee acting under section 3, 4, 5, or 6(b) of this chapter; or
 - (B) a committee acting under section 6(a) of this chapter to fill a candidate vacancy in the office of judge **or small claims judge** of a circuit, superior, probate, **or county or small claims court** or prosecuting attorney; or
 - (2) the circuit court clerk, for a committee acting under section 6(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) This subsection applies to a candidate vacancy resulting from a vacancy on the primary election ballot as described in section 2 of this chapter. The certificate required by subsection (a) shall be filed not later than noon July 3 before election day.

(d) This subsection applies to all candidate vacancies not described by subsection (c). The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidates.

SECTION 9. IC 3-13-2-8, AS AMENDED BY P.L.2-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The chairman or chairmen filling a candidate vacancy under this chapter shall immediately file a written certificate of candidate selection on a form prescribed by the commission stating the following information for each candidate selected:

- (1) The name of each candidate as:
 - (A) the candidate wants the candidate's name to appear on the ballot; and
 - (B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.
- (2) The residence address of each candidate.
- (b) The certificate shall be filed with:

- (1) the election division for:
 - (A) one (1) or more chairmen acting under section 2, 3, 4, or 5(b) of this chapter; or
 - (B) a committee acting under section 5(b) of this chapter to fill a candidate vacancy for the office of judge **or small claims judge** of a circuit, superior, probate, **or county or small claims court** or prosecuting attorney; or
- (2) the circuit court clerk of the county in which the greatest percentage of the population of the election district is located, for a chairman acting under section 5(a) of this chapter to fill a candidate vacancy for a local office not described in subdivision (1).

(c) The certificate required by subsection (a) shall be filed not more than three (3) days (excluding Saturdays and Sundays) after selection of the candidate.

SECTION 10. IC 3-13-10-5, AS AMENDED BY P.L.119-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) This section applies to a vacancy in the office of **small claims judge of a small claims court** or small claims ~~court~~ constable not covered by section 1 of this chapter.

(b) A vacancy shall be filled by the ~~township board at a regular or special meeting. The chairman of the township board shall give notice of the meeting. Except as provided in subsection (c), the meeting shall be held not later than thirty (30) days after the vacancy occurs. The notice must:~~

- ~~(1) be in writing;~~
- ~~(2) state the purpose of the meeting;~~
- ~~(3) state the date, time, and place of the meeting; and~~
- ~~(4) be sent by first class mail to each board member at least ten (10) days before the meeting;~~

~~(c) If a vacancy exists because of the death of a judicial officer, the meeting required by subsection (b) shall be held not later than thirty (30) days after the chairman of the township board receives notice of the death under IC 5-8-6. The chairman of the township board may not give the notice required by subsection (b) until the chairman of the township board receives notice of the death under IC 5-8-6. mayor of the consolidated city.~~

SECTION 11. IC 5-4-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) As used in this section, "political subdivision" has the meaning set forth in IC 36-1-2-13.

(b) The copy of the oath under section 2 of this chapter shall be deposited by the person as follows:

- (1) Of all officers whose oath is endorsed on or attached to the commission and whose duties are not limited to a particular county or of a justice, judge, or prosecuting attorney, in the office of the secretary of state.
- (2) Of the circuit court clerk, officers of a political subdivision or school corporation, and **small claims constables, of a small claims court**, in the circuit court clerk's office of the county containing the greatest percentage of the population of the political subdivision or school corporation.
- (3) Of a deputy prosecuting attorney, in the office of the clerk of the circuit court of the county in which the deputy prosecuting attorney resides or serves.

SECTION 12. IC 5-8-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) An officer who wants to resign shall give written notice of the officer's resignation as follows:

- (1) The governor and lieutenant governor shall notify the principal clerk of the house of representatives and the principal secretary of the senate to act in accordance with Article 5, Section 10 of the Constitution of the State of Indiana. The clerk and the secretary shall file a copy of the notice with the office of the secretary of state.
- (2) A member of the general assembly shall notify the following, whichever applies:
 - (A) A member of the senate shall notify the president pro tempore of the senate.
 - (B) A member of the house of representatives shall notify the speaker of the house of representatives.
- (3) The following officers commissioned by the governor under

IC 4-3-1-5 shall notify the governor:

- (A) An elector or alternate elector for President and Vice President of the United States.
 - (B) The secretary of state, auditor of state, treasurer of state, superintendent of public instruction, or attorney general.
 - (C) An officer elected by the general assembly, the senate, or the house of representatives.
 - (D) A justice of the Indiana supreme court, judge of the Indiana court of appeals, or judge of the Indiana tax court.
 - (E) A judge **or small claims judge** of a circuit, city, county, probate, superior, **or town or township small claims** court.
 - (F) A prosecuting attorney.
 - (G) A circuit court clerk.
 - (H) A county auditor, county recorder, county treasurer, county sheriff, county coroner, or county surveyor.
- (4) An officer of a political subdivision (as defined by IC 36-1-2-13) other than an officer listed in subdivision (3) shall notify the circuit court clerk of the county containing the largest percentage of population of the political subdivision.
- (5) An officer not listed in subdivisions (1) through (4) shall notify the person or entity from whom the officer received the officer's appointment.
- (b) A person or an entity that receives notice of a resignation and does not have the power to fill the vacancy created by the resignation shall, not later than seventy-two (72) hours after receipt of the notice of resignation, give notice of the vacancy to the person or entity that has the power to:

- (1) fill the vacancy; or
- (2) call a caucus for the purpose of filling the vacancy.

SECTION 13. IC 5-10.1-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. "Governing body" means the fiscal body of a county, city, town, **or township, or township district**, a trustee, the township board, board of school commissioners, library board, or any board which by law is authorized to fix a rate of taxation on property of a political subdivision, or any other board which is empowered to administer the affairs of any department of, or associated with, a political subdivision, which department receives revenue independently of, or in addition to, funds obtained from taxation.

SECTION 14. IC 5-10.1-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. Political Subdivision. "Political subdivision" as used in this article means a county, city, town, township, **township district**, political body corporate, political entity, local housing authority, public school corporation, public library, public utility of a county, city, town, or township whether the public utility is operated by the city or town or under the terms of a trusteeship for the benefit of the city or town, and a department of, or associated with, a county, city, town, or township, which department receives revenue independently of, or in addition to, funds obtained through taxation. A state agency or a judicial circuit may not be construed as a political subdivision.

SECTION 15. IC 6-1.1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 1.5. County Assessor Performs Township Assessor Duties

Sec. 1. In a county having a consolidated city, the county assessor has the same duties and responsibilities for the county that the township assessor in a county that does not have a consolidated city has for the township.

SECTION 16. IC 6-1.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) On or before June 1 of each year, each township assessor of a county **not having a consolidated city** shall deliver to the county assessor a list which states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the **township** assessor on or before the filing date of that year. **and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as prescribed in subsection (b):**

(b) On or before July 1 of each year, each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district.

(c) The department of local government finance shall prescribe the forms required by this section.

SECTION 17. IC 6-1.1-4-13.8, AS AMENDED BY P.L.228-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13.8. (a) As used in this section, "commission" refers to a county land valuation commission established under subsection (b).

(b) Subject to subsection (1), a county land valuation commission is established in each county for the purpose of determining the value of commercial, industrial, and residential land (including farm homesites) in the county.

(c) The county assessor is chairperson of the commission.

(d) The following are members of the commission:

(1) The county assessor. The county assessor shall cast a vote only to break a tie.

(2) **Except in a county having a consolidated city**, each township assessor, when the respective township land values for that township assessor's township are under consideration. A township assessor serving under this subdivision shall vote on all matters relating to the land values of that township assessor's township.

(3) **Except in a consolidated city**, one (1) township assessor from the county to be appointed by a majority vote of all the township assessors in the county.

(4) One (1) county resident who:

(A) holds a license under IC 25-34.1-3 as a salesperson or broker; and

(B) is appointed by:

- (i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or
- (ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(5) Four (4) individuals who:

(A) are appointed by the county executive (as defined in IC 36-1-2-5); and

(B) represent one (1) of the following four (4) kinds of land in the county:

- (i) Agricultural.
- (ii) Commercial.
- (iii) Industrial.
- (iv) Residential.

Each of the four (4) kinds of land in the county must be represented by one (1) individual appointed under this subdivision.

(6) One (1) individual who:

(A) represents financial institutions in the county; and

(B) is appointed by:

- (i) the board of commissioners (as defined in IC 36-3-3-10) for a county having a consolidated city; or
- (ii) the county executive (as defined in IC 36-1-2-5) for a county not described in item (i).

(e) The term of each member of the commission begins November 1 of the year that precedes by two (2) years the year in which a general reassessment begins under IC 6-1.1-4-4, and ends January 1 of the year in which the general reassessment begins under IC 6-1.1-4-4. The appointing authority may fill a vacancy for the remainder of the vacated term.

(f) The commission shall determine the values of all classes of commercial, industrial, and residential land (including farm homesites) in the county using guidelines determined by the department of local government finance. Not later than November 1 of the year preceding the year in which a general reassessment begins, the commission determining the values of land shall submit the values, all data supporting the values, and all information required under rules of the department of local government finance relating to the determination of land values to the county property tax assessment board of appeals and the department of local government finance. Not later than January 1 of the year in which a general reassessment begins, the county property tax assessment board of appeals shall hold a public hearing in the county concerning those values. The property tax assessment board of appeals shall give notice of the hearing in accordance with IC 5-3-1 and shall hold the hearing after March 31 of the year preceding the year in which the general reassessment

begins and before January 1 of the year in which the general reassessment under IC 6-1.1-4-4 begins.

(g) The county property tax assessment board of appeals shall review the values, data, and information submitted under subsection (f) and may make any modifications it considers necessary to provide uniformity and equality. The county property tax assessment board of appeals shall coordinate the valuation of property adjacent to the boundaries of the county with the county property tax assessment boards of appeals of the adjacent counties using the procedures adopted by rule under IC 4-22-2 by the department of local government finance. If the commission fails to submit land values under subsection (f) to the county property tax assessment board of appeals before January 1 of the year the general reassessment under IC 6-1.1-4-4 begins, the county property tax assessment board of appeals shall determine the values.

(h) The county property tax assessment board of appeals shall give notice to the county and township assessors, **if any**, of its decision on the values. The notice must be given before March 1 of the year the general reassessment under IC 6-1.1-4-4 begins. Not later than twenty (20) days after that notice, the county assessor or a township assessor in the county, **if any**, may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals shall hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(i) Not later than twenty (20) days after notice to the county assessor and the township assessor, **if any**, is given under subsection (h), a taxpayer may request that the county property tax assessment board of appeals reconsider the values. The county property tax assessment board of appeals may hold a hearing on the reconsideration in the county. The county property tax assessment board of appeals shall give notice of the hearing under IC 5-3-1.

(j) A taxpayer may appeal the value determined under this section as applied to the taxpayer's land as part of an appeal filed under IC 6-1.1-15 after the taxpayer has received a notice of assessment. If a taxpayer that files an appeal under IC 6-1.1-15 requests the values, data, or information received by the county property tax assessment board of appeals under subsection (f), the county property tax assessment board of appeals shall satisfy the request. The department of local government finance may modify the taxpayer's land value and the value of any other land in the township, the county where the taxpayer's land is located, or the adjacent county if the department of local government finance determines it is necessary to provide uniformity and equality.

(k) The county assessor shall notify all township assessors, **if any**, in the county of the values as determined by the commission and as modified by the county property tax assessment board of appeals or department of local government finance under this section. Township assessors shall use the values determined under this section.

(l) After notice to the county assessor and all township assessors in the county, **if any**, a majority of the assessors authorized to vote under this subsection may vote to abolish the county land valuation commission established under subsection (b). Each township assessor, **if any**, and the county assessor has one (1) vote. The county assessor shall give written notice to:

- (1) each member of the county land valuation commission; and
 - (2) each township assessor, **if any**, in the county;
- of the abolishment of the commission under this subsection.

SECTION 18. IC 6-1.1-4-25, AS AMENDED BY P.L.177-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25. (a) Each township assessor shall keep the assessor's reassessment data and records current by securing the necessary field data and by making changes in the assessed value of real property as changes occur in the use of the real property. The township assessor's records shall at all times show the assessed value of real property in accordance with the provisions of this chapter. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

(b) The township assessor in a county having a consolidated city, or the county assessor in every other county, shall:

- (1) maintain an electronic data file of:
 - (A) the parcel characteristics and parcel assessments of all

parcels; and

(B) the personal property return characteristics and assessments by return;

for each township in the county as of each assessment date;

(2) maintain the electronic file in a form that formats the information in the file with the standard data, field, and record coding required and approved by:

(A) the legislative services agency; and

(B) the department of local government finance;

(3) transmit the data in the file with respect to the assessment date of each year before October 1 of the year to:

(A) the legislative services agency; and

(B) the department of local government finance;

in a manner that meets the data export and transmission requirements in a standard format, as prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and

(4) resubmit the data in the form and manner required under this subsection, upon request of the legislative services agency or the department of local government finance, if data previously submitted under this subsection does not comply with the requirements of this subsection, as determined by the legislative services agency or the department of local government finance.

An electronic data file maintained for a particular assessment date may not be overwritten with data for a subsequent assessment date until a copy of an electronic data file that preserves the data for the particular assessment date is archived in the manner prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency.

SECTION 19. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. Not later than May 15, each assessing official in a county not having a consolidated city shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. ~~In a county with an elected township assessor in every township the township assessor shall prepare the real property list.~~ The assessing officials and the county assessor shall prepare the list in the form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor.

SECTION 20. IC 6-1.1-5-5-3, AS AMENDED BY P.L.228-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) For purposes of this section, "party" includes:

- (1) a seller of property that is exempt under the seller's ownership; or
- (2) a purchaser of property that is exempt under the purchaser's ownership;

from property taxes under IC 6-1.1-10.

(b) Before filing a conveyance document with the county auditor under IC 6-1.1-5-4, all the parties to the conveyance must complete and sign a sales disclosure form as prescribed by the department of local government finance under section 5 of this chapter. All the parties may sign one (1) form, or if all the parties do not agree on the information to be included on the completed form, each party may sign and file a separate form.

(c) ~~Except as provided in subsection (d),~~ The auditor shall forward each sales disclosure form to the county assessor. The county assessor shall retain the forms for five (5) years. The county assessor shall forward the sales disclosure form data to the department of local government finance and the legislative services agency

~~(1) before January 1, 2005, in an electronic format, if possible; and~~

~~(2) after December 31, 2004, in an electronic format specified jointly by the department of local government finance and the legislative services agency.~~

The county assessor shall forward a copy of the sales disclosure forms to the township assessors, **if any**, in the county. The forms may be used by the county assessing officials, the department of local

government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(d) In a county containing a consolidated city, the auditor shall forward the sales disclosure form to the appropriate township assessor. The township assessor shall forward the sales disclosure form to the department of local government finance and the legislative services agency:

- (1) before January 1, 2005; in an electronic format, if possible; and
- (2) after December 31, 2004; in an electronic format specified jointly by the department of local government finance and the legislative services agency.

The forms may be used by the county assessing officials, the department of local government finance, and the legislative services agency for the purposes established in IC 6-1.1-4-13.6, sales ratio studies, equalization, adoption of rules under IC 6-1.1-31-3 and IC 6-1.1-31-6, and any other authorized purpose.

(e) If a sales disclosure form includes the telephone number or Social Security number of a party, the telephone number or Social Security number is confidential.

SECTION 21. IC 6-1.1-5.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) A party to a conveyance who:

- (1) is required to file a sales disclosure form under this chapter; and
- (2) fails to file a sales disclosure form at the time and in the manner required by this chapter;

is subject to a penalty in the amount determined under subsection (b).

(b) The amount of the penalty under subsection (a) is the greater of:

- (1) one hundred dollars (\$100); or
- (2) twenty-five thousandths percent (0.025%) of the sale price of the real property transferred under the conveyance document.

(c) The township assessor in a county containing a consolidated city, or the county assessor in any other county, shall:

- (1) determine the penalty imposed under this section;
- (2) assess the penalty to the party to a conveyance; and
- (3) notify the party to the conveyance that the penalty is payable not later than thirty (30) days after notice of the assessment.

(d) The county auditor shall:

- (1) collect the penalty imposed under this section;
- (2) deposit penalty collections as required under section 4 of this chapter; and
- (3) notify the county prosecuting attorney of delinquent payments.

(e) The county prosecuting attorney shall initiate an action to recover a delinquent penalty under this section. In a successful action against a person for a delinquent penalty, the court shall award the county prosecuting attorney reasonable attorney's fees.

SECTION 22. IC 6-1.1-8-24, AS AMENDED BY P.L.88-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Each year a township assessor shall assess the fixed property which as of the assessment date of that year is:

- (1) owned or used by a public utility company; and
- (2) located in the township the township assessor serves.

(b) The township assessor shall determine the assessed value of fixed property. **Except as provided in subsection (c),** the township assessor shall certify the assessed values to the county assessor on or before April 1 of the year of assessment. **However, The county assessor shall review the assessed values and shall certify the assessed values to the department of local government finance on or before April 10 of the year of assessment.**

(c) In a county with an elected township assessor in every township, the township assessor shall certify the list to the department of local government finance. **In a county having a consolidated city, the county assessor shall review the assessed values and shall certify the assessed values list to the department of local government finance on or before April 10 of the year of assessment.**

SECTION 23. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2007]: Sec. 21. (a) **The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1, IC 36-3-1-6.3, or IC 36-6-1.1-4.**

(b) For property taxes first due and payable each year beginning in 2007, the maximum permissible ad valorem property tax levy for a consolidated city is increased each year by an amount equal to the lesser of:

(1) the difference between:

- (A) the maximum permissible ad valorem property tax levy under section 3 of this chapter for the current year for the consolidated city's fire special service district created under IC 36-3-1-6; and
- (B) the amount levied that year for the fire special service district; or

(2) ten percent (10%) of the maximum permissible ad valorem property tax levy under section 3 of this chapter for property taxes first due and payable in 2007 for the consolidated city's fire special service district created under IC 36-3-1-6.

SECTION 24. IC 6-1.1-28-1, AS AMENDED BY P.L.228-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **This section applies to all counties except a county having a consolidated city.** Each county shall have a county property tax assessment board of appeals composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, only one (1) other individual who is an officer or employee of a county or township may serve on the board of appeals in the county in which the individual is an officer or employee. Subject to subsections (d) and (e), the fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two assessor-appraiser. Subject to subsections (d) and (e), the board of commissioners of the county shall appoint two (2) freehold members so that not more than three (3) of the five (5) members ~~may be~~ are of the same political party and so that at least three (3) of the five (5) members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two assessor-appraiser. If the county assessor is a certified level two assessor-appraiser, the board of county commissioners may waive the requirement in this subsection that one (1) of the freehold members appointed by the board of county commissioners must be a certified level two assessor-appraiser. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor is a voting member of the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the board that includes at least one (1) certified level two assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the whole board.

(b) The county assessor, county fiscal body, and board of county commissioners may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals may be of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and
- (2) whose political party membership status would satisfy the requirement in subsection ~~(c)(1)~~ (a).

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;
- (2) certified level two Indiana assessor-appraisers; and
- (3) willing to serve on the county property tax assessment board

of appeals;
it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

(d) Except as provided in subsection (e), the term of a member of the county property tax assessment board of appeals appointed under subsection (a):

- (1) is one (1) year; and
- (2) begins January 1.

(e) If:

- (1) the term of a member of the county property tax assessment board of appeals appointed under subsection (a) expires;
- (2) the member is not reappointed; and
- (3) a successor is not appointed;

the term of the member continues until a successor is appointed.

SECTION 25. IC 6-1.1-28-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 1.5. (a) This section applies to a county having a consolidated city. The county property tax assessment board of appeals is established, composed of individuals who are at least eighteen (18) years of age and knowledgeable in the valuation of property. In addition to the county assessor, who serves as a nonvoting member, only one (1) other individual who is an officer or employee of the county may serve on the board of appeals. The fiscal body of the county shall appoint two (2) individuals to the board. At least one (1) of the members appointed by the county fiscal body must be a certified level two Indiana assessor-appraiser. The board of commissioners of the county shall appoint three (3) freehold members so that not more than three (3) of the five (5) voting members are of the same political party and so that at least three (3) of the five (5) voting members are residents of the county. At least one (1) of the members appointed by the board of county commissioners must be a certified level two Indiana assessor-appraiser. One (1) of the members appointed by the board of county commissioners must be a representative of a neighborhood or taxpayer organization located in the county. A person appointed to a property tax assessment board of appeals may serve on the property tax assessment board of appeals of another county at the same time. The members of the board shall elect a president. The employees of the county assessor shall provide administrative support to the property tax assessment board of appeals. The county assessor shall serve as secretary of the board. The secretary shall keep full and accurate minutes of the proceedings of the board. A majority of the voting members of the board that includes at least one (1) certified level two Indiana assessor-appraiser constitutes a quorum for the transaction of business. Any question properly before the board may be decided by the agreement of a majority of the voting members of the board.**

(b) The county fiscal body and board of commissioners of the county may agree to waive the requirement in subsection (a) that not more than three (3) of the five (5) members of the county property tax assessment board of appeals are of the same political party if it is necessary to waive the requirement due to the absence of certified level two Indiana assessor-appraisers:

- (1) who are willing to serve on the board; and**
- (2) whose political party membership status would satisfy the requirement in subsection (a).**

(c) If the board of county commissioners is not able to identify at least two (2) prospective freehold members of the county property tax assessment board of appeals who are:

- (1) residents of the county;**
- (2) certified level two Indiana assessor-appraisers; and**
- (3) willing to serve on the county property tax assessment board of appeals;**

it is not necessary that at least three (3) of the five (5) members of the county property tax assessment board of appeals be residents of the county.

SECTION 26. IC 6-1.1-31.5-3.5, AS AMENDED BY P.L.228-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 3.5. (a) Until the system described in subsection (e) is implemented, each county**

shall maintain a state certified computer system that has the capacity to:

- (1) process and maintain assessment records;**
- (2) process and maintain standardized property tax forms;**
- (3) process and maintain standardized property assessment notices;**
- (4) maintain complete and accurate assessment records for the county; and**
- (5) process and compute complete and accurate assessments in accordance with Indiana law.**

In a county that does not have a consolidated city and does not have an elected township assessor in every township, the county assessor with the recommendation of the township assessors shall select the computer system used by township assessors and the county assessor in the county. ~~except in a county with an elected township assessor in every township:~~ In a county with that does not have a consolidated city but has an elected township assessor in every township, the elected township assessors shall select a computer system based on a majority vote of the township assessors in the county. In a county that has a consolidated city, the county assessor shall select a computer system.

(b) All information on a computer system referred to in subsection (a) shall be readily accessible to:

- (1) township assessors;**
- (2) the county assessor;**
- (3) the department of local government finance; and**
- (4) members of the county property tax assessment board of appeals.**

(c) The certified system referred to in subsection (a) used by the counties must be:

- (1) compatible with the data export and transmission requirements in a standard format prescribed by the office of technology established by IC 4-13.1-2-1 and approved by the legislative services agency; and**
- (2) maintained in a manner that ensures prompt and accurate transfer of data to the department of local government finance and the legislative services agency.**

(d) All standardized property forms and notices on the certified computer system referred to in subsection (a) shall be maintained by the township assessor and the county assessor in an accessible location and in a format that is easily understandable for use by persons of the county.

(e) The department shall adopt rules before July 1, 2006, for the establishment of:

- (1) a uniform and common property tax management system among all counties that:**
 - (A) includes a combined mass appraisal and county auditor system integrated with a county treasurer system; and**
 - (B) replaces the computer system referred to in subsection (a); and**
- (2) a schedule for implementation of the system referred to in subdivision (1) structured to result in the implementation of the system in all counties with respect to an assessment date:**
 - (A) determined by the department; and**
 - (B) specified in the rule.**

(f) The department shall appoint an advisory committee to assist the department in the formulation of the rules referred to in subsection (e). The department shall determine the number of members of the committee. The committee:

- (1) must include at least:**
 - (A) one (1) township assessor;**
 - (B) one (1) county assessor;**
 - (C) one (1) county auditor; and**
 - (D) one (1) county treasurer; and**
- (2) shall meet at times and locations determined by the department.**

(g) Each member of the committee appointed under subsection (f) who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget

agency.

(h) Each member of the committee appointed under subsection (f) who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) The department shall report to the budget committee in writing the department's estimate of the cost of implementation of the system referred to in subsection (e).

SECTION 27. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, **if any**, the county assessor, the county auditor, the affected taxing units required to be notified under section 2(e) of this chapter, and the department of local government finance:

(1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and

(2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

SECTION 28. IC 6-2.5-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A retail merchant may not make a retail transaction in Indiana, unless ~~he~~ **the retail merchant** has applied for a registered retail merchant's certificate.

(b) A retail merchant may obtain a registered retail merchant's certificate by filing an application with the department and paying a registration fee of twenty-five dollars (\$25) for each place of business listed on the application. The retail merchant shall also provide such security for payment of the tax as the department may require under IC 6-2.5-6-12.

(c) The retail merchant shall list on the application the location (including the township) of each place of business where ~~he~~ **the merchant** makes retail transactions. However, if the retail merchant does not have a fixed place of business, ~~he~~ **the merchant** shall list ~~his~~ **the merchant's** residence as ~~his~~ **the merchant's** place of business. In addition, a public utility may list only its principal Indiana office as its place of business for sales of public utility commodities or service, but the utility must also list on the application the places of business where it makes retail transactions other than sales of public utility commodities or service.

(d) Upon receiving a proper application, the correct fee, and the security for payment, if required, the department shall issue to the retail merchant a separate registered retail merchant's certificate for each place of business listed on the application. Each certificate shall bear a serial number and the location of the place of business for which it is issued.

(e) If a retail merchant intends to make retail transactions during a calendar year at a new Indiana place of business, ~~he~~ **the retail merchant** must file a supplemental application and pay the fee for that place of business.

(f) A retail merchant engaged in business in Indiana as defined in IC 6-2.5-3-1(c) who makes retail transactions that are only subject to the use tax must obtain a registered retail merchant's certificate before making those transactions. The retail merchant may obtain the certificate by following the same procedure as a retail merchant under subsections (b) and (c), except that the retail merchant must also include on the application:

(1) the names and addresses of the retail merchant's principal employees, agents, or representatives who engage in Indiana in the solicitation or negotiation of the retail transactions;

(2) the location of all of the retail merchant's places of business in Indiana, including offices and distribution houses; and

(3) any other information that the department requests.

(g) The department may permit an out-of-state retail merchant to collect the use tax. However, before the out-of-state retail merchant may collect the tax, ~~he~~ **the retail merchant** must obtain a registered retail merchant's certificate in the manner provided by this section. Upon receiving the certificate, the out-of-state retail merchant becomes subject to the same conditions and duties as an Indiana retail merchant and must then collect the use tax due on all sales of tangible

personal property that ~~he~~ **the retail merchant** knows is intended for use in Indiana.

(h) The department shall submit to the township assessor **or, in the case of a township located in a county having a consolidated city, the county assessor** before July 15 of each year:

(1) the name of each retail merchant that has newly obtained a registered retail merchant's certificate between March 2 of the preceding year and March 1 of the current year for a place of business located in the township **or county, as appropriate**; and

(2) the address of each place of business of the taxpayer in the township **or county, as appropriate**.

SECTION 29. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes

imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by (B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, for each year after 2006, sixty-six percent (66%) of the revenues to be distributed as distributive shares during each month to the townships listed in this section are to be distributed as additional distributive shares to Indianapolis/Marion County and the township distributive shares are reduced by sixty-six percent (66%).

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, commencing with the calendar year following that consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 30. IC 6-6-5.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 18. (a) A taxpayer who owns, holds, possesses, or controls a commercial vehicle that:

- (1) is subject to the commercial vehicle excise tax imposed under this chapter; and
- (2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000;

shall file an information return on or before May 15, 2000, with the assessor of each township in which the taxpayer's commercial vehicles would have been subject to assessment and taxation under IC 6-1.1.

(b) The information return ~~shall be~~ is filed on a form prescribed by the department of local government finance and shall require the taxpayer to provide information regarding the value, nature, and location of each commercial vehicle which the taxpayer owns, holds,

possesses, or controls on March 1, 2000. If a commercial vehicle is used or operated in interstate commerce, the value reported on the information return ~~shall be~~ is determined under the procedure set forth in 50 IAC 4.2-10-3.

(c) The information return shall be furnished to the taxpayer by the appropriate ~~township~~ assessor **for each township** in the same manner and at the same time as the taxpayer's personal property tax return.

(d) In completing an information return under this section, a taxpayer shall make a complete disclosure of all information, required by the department of local government finance, that is related to the value, nature, or location of commercial vehicles that the taxpayer owns, holds, possesses or controls on March 1, 2000. The taxpayer shall certify to the truth of all information appearing in the information return and all data accompanying the information return.

(e) The ~~township~~ assessor **for each township** shall examine and verify the accuracy of each information return filed by a taxpayer. If appropriate, the assessor **for each township** shall compare an information return with the books of the taxpayer and with commercial vehicles owned, held, possessed, or controlled by the taxpayer.

SECTION 31. IC 6-6-5.5-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) As used in this section, "assessed value" means an amount equal to the true tax value of commercial vehicles that:

- (1) are subject to the commercial vehicle excise tax under this chapter; and
- (2) would have been subject to assessment as personal property on March 1, 2000, under the law in effect before January 1, 2000.

(b) For calendar year 2001, a taxing unit's base revenue shall be determined as provided in subsection (f). For calendar years that begin after December 31, 2001, a taxing unit's base revenue shall be determined by multiplying the previous year's base revenue by one hundred five percent (105%).

(c) The amount of commercial vehicle excise tax distributed to the taxing units of Indiana from the commercial vehicle excise tax fund shall be determined in the manner provided in this section. On or before June 1, 2000, ~~each township the assessor of a county for each township~~ shall deliver to the county assessor a list that states by taxing district the total assessed value as shown on the information returns filed with the assessor on or before May 15, 2000.

(d) On or before July 1, 2000, each county assessor shall certify to the county auditor the assessed value of commercial vehicles in every taxing district.

(e) On or before August 1, 2000, the county auditor shall certify the following to the department of local government finance:

- (1) The total assessed value of commercial vehicles in the county.
- (2) The total assessed value of commercial vehicles in each taxing district of the county.

(f) The department of local government finance shall determine each taxing unit's base revenue by applying the current tax rate for each taxing district to the certified assessed value from each taxing district. The department of local government finance shall also determine the following:

- (1) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in Indiana.
- (2) The total amount of base revenue to be distributed from the commercial vehicle excise tax fund in 2001 to all taxing units in each county.
- (3) Each county's total distribution percentage. A county's total distribution percentage shall be determined by dividing the total amount of base revenue to be distributed in 2001 to all taxing units in the county by the total base revenue to be distributed statewide.
- (4) Each taxing unit's distribution percentage. A taxing unit's distribution percentage shall be determined by dividing each taxing unit's base revenue by the total amount of base revenue to be distributed in 2001 to all taxing units in the county.

(g) The department of local government finance shall certify each taxing unit's base revenue and distribution percentage for calendar year 2001 to the auditor of state on or before September 1, 2000.

(h) The auditor of state shall keep permanent records of each taxing unit's base revenue and distribution percentage for calendar year 2001 for purposes of determining the amount of money each taxing unit in Indiana is entitled to receive in calendar years that begin after December 31, 2001.

SECTION 32. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family and children, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township,

as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to ~~township~~ assessors **for each township.**

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under ~~IC 6-2.5-6-14.~~ **IC 6-2.5-6-14.2.**

SECTION 33. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) ~~The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances providing that After December 31, 2006, the fire department of the airport authority is consolidated into the fire department of the consolidated city created by IC 36-3-1-6.1, and that the fire department of the consolidated city shall provide fire protection services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.~~

(c) ~~The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances an ordinance under IC 36-3-1-5.1 providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city created by IC 36-3-1-5.1, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances.~~

SECTION 34. IC 9-22-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The following officers may act for their respective units of government under this chapter:

- (1) The sheriff, for a county.
- (2) The chief of police, for a city.
- (3) A town marshal, for a town.
- (4) A township trustee, for a township **in a county not having a consolidated city.**
- (5) A state police officer, for the state.

SECTION 35. IC 10-18-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. A township

trustee for a township in a county not having a consolidated city may receive as public property a monument or memorial built:

- (1) in the township;
- (2) in honor of the township's soldiers or marines; and
- (3) by the people with public donations;

if the people of the township want to give the monument or memorial to the township.

SECTION 36. IC 12-7-2-192.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: **Sec. 192.6. "Township", for purposes of IC 12-20 and IC 12-30-4, means a:**

- (1) civil township; or
- (2) township district (as defined in IC 36-6-4.1-5) for a county having a consolidated city.

SECTION 37. IC 14-21-1-13.5, AS AMENDED BY P.L.1-2005, SECTION 143, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 13.5. (a)** The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society (as defined in IC 36-10-13-3).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee in a county not having a consolidated city.
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the director considers appropriate. The director shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the director, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The director shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470(w) and 16 U.S.C. 470(h)(h).

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 38. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

(b) After December 31, 2007, the duties of a township trustee under this chapter are transferred to the consolidated city.

SECTION 39. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 1. (a)** As used in this chapter, "detritmental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. drummondii [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state or a political subdivision, or a group of those persons acting in concert.

(c) As used in this chapter, "fund" means:

- (1) the township fund for a township in a county not having a consolidated city; or
- (2) the appropriate fund of the consolidated city for a county having a consolidated city.

(d) As used in this chapter, "township trustee" or "trustee" means:

- (1) a township trustee for a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

(e) A person owning or possessing real estate in Indiana shall destroy detritmental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detritmental plants from maturing on any such real estate.

SECTION 40. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 2. (a)** A township trustee who has reason to believe that detritmental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detritmental plants growing on real estate in ~~the a township that comprises all or a part of the township trustee's jurisdiction~~ that have not been destroyed as described in section 1 of this chapter, the ~~trustee of the township in which the real estate is located township trustee~~ shall notify, in writing, the owner or person in possession of the real estate to destroy the detritmental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detritmental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detritmental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detritmental plants. The trustee or the person employed to destroy the detritmental plants may enter upon the real estate where the detritmental plants are growing to destroy the detritmental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detritmental plants, and the board shall either assume jurisdiction to control the detritmental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

- (1) by mail, using certified mail; or
- (2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

- (1) if sent by mail, on the earlier of:
 - (A) the date of signature of receipt of the mailing; or
 - (B) three (3) business days after the date of mailing; or
- (2) if served personally, on the date of delivery.

SECTION 41. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 3. (a)** The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detritmental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detritmental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of~~ with the trustee,

of the township; and when the bill has been approved the trustee shall pay the bill out of the ~~township~~ fund. The trustee of the township shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is in a county having a consolidated city, the office of the controller.**

(f) The auditor **or the city controller** shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds fund~~ for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township~~ fund for that purpose, ~~the township board~~, upon finding an emergency exists:

(1) the township legislative body shall act under IC 36-6-6-14(b) or IC 36-6-6-15; **or**

(2) a consolidated city shall act under IC 36-3-4;

to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~ **legislative body** for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 42. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city, the controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, ~~or townships~~, **or consolidated city**, the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund.

SECTION 43. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
- (2) knowing of the existence of detrimental plants on land

owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;

(3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;

(4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or

(5) knowingly sells Canada thistle (*cirsium arvense*) seed;

commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the ~~trustee's township funds fund~~ for use at the discretion of the trustee **or the consolidated city**.

SECTION 44. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustee** to comply with this chapter.

SECTION 45. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or a consolidated city** shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

SECTION 46. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

(1) One (1) **member appointed as follows:**

(A) In a county not having a consolidated city, a township trustee of a township in the county.

(B) In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.

(2) One (1) soil and water conservation district supervisor.

(3) A representative from the agricultural community of the county.

(4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~

(5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman, and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 47. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a consolidated city**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 48. IC 15-5-9-0.5 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor" means:**

(1) for a township located in a county not having a consolidated city:

(A) the township assessor elected under IC 36-6-5-1; or
(B) the township trustee who is required by law to act as the assessor for the township the trustee serves; or

(2) for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.

SECTION 49. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The ~~township~~ assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the ~~township~~ assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

(1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).

(2) For each nonneutered dog, four dollars (\$4).

(3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbinger of a dog after the dog census by the ~~township~~ assessor or any owner or harbinger of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbinger of a dog, apply to the assessor, or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

(1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).

(2) For a minor kennel, consisting of less than fifteen (15) dogs, a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the ~~township~~ assessor ~~(or trustee who collects the fee)~~ shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the~~ **an** assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the~~ **a township trustee** shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the ~~township~~ assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the ~~township~~ assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) ~~A township~~ **An assessor (or a township trustee who has the duties of a township assessor)** may designate one (1) or more licensed veterinarians or humane societies in the assessor's township **or county, as the case may be,** to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the ~~township trustee assessor who~~ **designated the designee** by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 50. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which shall be designated for dog tax. The receipt

shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the ~~township~~ assessor, **except an assessor in a county having a consolidated city,** shall turn over to the township trustee all the records kept by the assessor relating to the collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The assessor shall assess against each person who failed to pay to the assessor the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the ~~township trustee assessor~~ shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the ~~township~~ assessor under this chapter.

SECTION 51. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section does not apply to a township in a county having a consolidated city or to a consolidated city.** The ~~township~~ assessor shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by ~~the~~ **a township** assessor shall be turned over by the ~~township~~ assessor to the township trustee of the ~~township~~ assessor's township. The county auditor shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund.

SECTION 52. IC 15-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each ~~township~~ assessor shall perform the duties imposed by this chapter. If a dog owner has failed to turn in a dog for taxation purposes, the assessor shall notify the owner that the assessor is listing the unpaid taxes within a period of ten (10) days, at which time the person will be assessed double the amount of taxes provided by this chapter unless the person owning the dog appears voluntarily within the ten (10) days and:

(1) proves to the satisfaction of the assessor that the person owned no such dog at the time the census was made; or

(2) makes an affidavit to be kept on file by the assessor to the effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each assessor shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor has completed the census, the person shall report the dog to and pay to the assessor the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 53. IC 15-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ **An assessor or assessor's designee or township trustee** who:

(1) fails to perform the duties imposed by this chapter; or

(2) fails to make a complete report within the time specified in this chapter;

commits a Class C infraction.

SECTION 54. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person liable to taxation in any township and residing in the township when

listed for taxation shall make and subscribe to an oath to the township assessor in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 55. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund** that the township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city**, shall use in the manner provided in this chapter for the payment of the following:

(1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

- (A) Sheep.
- (B) Cattle.
- (C) Horses.
- (D) Swine.
- (E) Goats.
- (F) Mules.
- (G) Chickens.
- (H) Geese.
- (I) Turkeys.
- (J) Ducks.
- (K) Guineas.
- (L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

- (N) Bison.
- (O) Farm raised cervidae.
- (P) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia. ~~within any township of Indiana:~~

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund **or, in the case of a county having a consolidated city, the county dog fund.**

SECTION 56. IC 15-5-9-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) ~~In order~~ To qualify for payment for damages by a township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city** under this chapter, the owner of stock, fowl, or game listed in section 8(a)(1) of this chapter killed, maimed, or damaged by dogs shall do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

- (A) A law enforcement officer.
- (B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Within twenty (20) days from the time of the loss, report the loss to the trustee ~~of his township of the owner's township or, in a township located in a county having a consolidated city, to the controller of the consolidated city~~ as follows:

- (A) Under oath, the owner shall state:
 - (i) the number, age, and value of the stock, fowl, or game; and
 - (ii) the damages, less any insurance proceeds, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

- (i) disinterested; and
- (ii) not related by blood or marriage to the claimant.

(C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 57. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) ~~The trustees township trustee or the controller of the consolidated city~~ shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee **or the controller of the consolidated city** for stock, fowl, or game listed in section 8(a)(1) of this chapter:

- (1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;
- (2) for which the person received from another person an amount equal to the actual damages; or
- (3) for which the owner has not complied with section 9.1 of this chapter.

(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the existence of such disease shall be proven by:

- (1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or
- (2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the **township trustee or controller of the consolidated city** shall do the following:

- (1) Remove or have removed the head of the dog.
- (2) Pay from the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund**, the following:

- (A) A reasonable fee for the removal of the dog's head.
- (B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the **appropriate** dog fund, ~~of the township~~, then such necessary fees shall be paid out of the township **general fund or, in the case of a township located in a county having a consolidated city, the county general fund**, without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

- (1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.
- (2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.

(f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:

- (1) **Except for a township located in a county having a**

consolidated city, among the townships of the county in which the orders drawn against the dog fund exceed the money on hand.

(2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of ~~all the townships~~ in the county, the distribution shall be made, **except in a township located in a county having a consolidated city**, in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.

(h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:

(1) All receipts into the dog fund of the township.

(2) All orders drawn against the township fund in the order in which the orders were drawn.

(i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year **or, in the case of a township located in a county having a consolidated city, the county dog fund**, are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township **or county, as the case may be**, during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.

(j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:

(1) paid to the auditor of state; and

(2) placed in a separate account of the general fund of the state treasury known as the state dog account.

SECTION 58. IC 15-5-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before the first day of May of each year, the trustee of each township shall make a report in writing, to the county auditor, of the amount of all claims in ~~his the trustee's~~ township for livestock, fowls, or game which have been destroyed or damaged by dogs, and which claims have been filed before March 9, 1937, or which may be filed thereafter but have not been paid for lack of funds. On or before the second Monday in May of each year, the auditor of each county, **or in a county having a consolidated city, the controller of the consolidated city**, shall make a report, in writing, to the auditor of state, in such form as the auditor of state shall prescribe, of the amount of all such claims in ~~his the~~ county which have been filed and which have not been paid for lack of funds, and on or before the second Monday in July, the auditor of state shall issue ~~his the~~ **auditor's** warrant, payable to the auditor of each such county **or, in a county having a consolidated city, the controller of the consolidated city**, for the amount of the unpaid claims. The warrant shall be drawn on the state dog account. Upon the receipt of the money, the auditor of the county **or, in a county having a consolidated city, the controller of the consolidated city**, shall distribute the funds to the respective townships of ~~his the~~ county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city**, and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his the~~ township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in a county having a consolidated city**, shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after

such annual distribution shall have been made as hereinbefore provided, shall be distributed by the auditor of state in the manner following:

~~(a)~~ **(1)** One-half (1/2) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, shall be distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.

~~(b)~~ **(2)** The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, shall be distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties.

SECTION 59. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the ~~township~~ assessor, the assessor, at the time when the assessor issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one (1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the assessor upon application by the owner of the dog and upon the production of the receipt and a sworn statement of the facts regarding the loss of the tag. No license tag is transferable to another dog.

SECTION 60. IC 23-14-33-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 7.5. "Cemetery fund" means the:**

(1) township fund for a township in a county not having a consolidated city; or

(2) cemetery fund of the consolidated city for a township in a county having a consolidated city.

SECTION 61. IC 23-14-33-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 32.5. "Township" means:**

(1) a township in a county not having a consolidated city; or

(2) the consolidated city for a township in a county having a consolidated city.

SECTION 62. IC 23-14-33-32.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 32.6. "Township trustee" or "trustee" means:**

(1) a township trustee for a township in a county not having a consolidated city; or

(2) the consolidated city for a township in a county having a consolidated city.

SECTION 63. IC 23-14-64-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. All expenses incurred by the trustee in administering this chapter shall be paid out of the ~~township~~ **cemetery** fund of the township.

SECTION 64. IC 23-14-68-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 4. (a) The township shall appropriate enough money to provide for the care, repair, and maintenance of each cemetery described in section 1(a) of this chapter that is located within the township. Funds shall be appropriated under this subsection in the same manner as other ~~township~~ appropriations.

(b) The township may levy a ~~township~~ cemetery tax to create a fund for maintenance of cemeteries under this chapter. If a fund has not been provided for maintenance of cemeteries under this chapter,

part of the township fund **or other funds of the township** may be used.

SECTION 65. IC 23-14-69-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 5. (a) If:

- (1) no land suitable for a public cemetery is donated to a township; and
- (2) if the township legislative body adopts a resolution approving the purchase;

the township ~~executive~~ may purchase land for the purpose of establishing a public cemetery.

(b) When land is purchased and conveyed to the township under subsection (a), the land must be set apart, kept in repair, and used as provided in section 6 of this chapter.

SECTION 66. IC 23-14-69-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 9. All expenses incurred by the township trustee for administering this chapter shall be paid out of the ~~township cemetery~~ fund of the township.

SECTION 67. IC 32-21-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the auditor of the county or the ~~township~~ assessor **for a township** under IC 6-1.1-5-9 and IC 6-1.1-5-9.1 determines it necessary, an instrument transferring fee simple title to less than the whole of a tract that will result in the division of the tract into at least two (2) parcels for property tax purposes may not be recorded unless the auditor or township assessor is furnished a drawing or other reliable evidence of the following:

- (1) The number of acres in each new tax parcel being created.
- (2) The existence or absence of improvements on each new tax parcel being created.
- (3) The location within the original tract of each new tax parcel being created.

(b) Any instrument that is accepted for recording and placed of record that bears the endorsement required by IC 36-2-11-14 is presumed to comply with this section.

SECTION 68. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, in a county having a consolidated city, the duties and obligations of a township trustee under this chapter are the responsibility of the consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state.** If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized

statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 69. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.6. As used in this chapter, "township" means:**

- (1) a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

SECTION 70. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

- (1) a township trustee for a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

SECTION 71. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee ~~of a township~~ is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.

(2) A straight rail fence four and one-half (4 1/2) feet high.

(3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

(1) related to any of the interested property owners; or

(2) an interested property owner;

~~the trustee of any other township who resides nearest to where the fence is located shall~~ **township shall appoint another official to act under this chapter.**

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 72. IC 32-28-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A contractor, a subcontractor, a mechanic, a lessor leasing construction and other equipment and tools, whether or not an operator is also provided by the lessor, a journeyman, a laborer, or any other person performing labor or furnishing materials or machinery, including the leasing of equipment or tools, for:

(1) the erection, alteration, repair, or removal of:

(A) a house, mill, manufactory, or other building; or

(B) a bridge, reservoir, system of waterworks, or other structure;

(2) the construction, alteration, repair, or removal of a walk or

sidewalk located on the land or bordering the land, a stile, a well, a drain, a drainage ditch, a sewer, or a cistern; or

(3) any other earth moving operation;

may have a lien as set forth in this section.

(b) A person described in subsection (a) may have a lien separately or jointly upon the:

(1) house, mill, manufactory, or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth:

(A) that the person erected, altered, repaired, moved, or removed; or

(B) for which the person furnished materials or machinery of any description; and

(2) on the interest of the owner of the lot or parcel of land:

(A) on which the structure or improvement stands; or

(B) with which the structure or improvement is connected;

to the extent of the value of any labor done or the material furnished, or both, including any use of the leased equipment and tools.

(c) All claims for wages of mechanics and laborers employed in or about a shop, mill, wareroom, storeroom, manufactory or structure, bridge, reservoir, system of waterworks or other structure, sidewalk, walk, stile, well, drain, drainage ditch, cistern, or any other earth moving operation shall be a lien on all the:

(1) machinery;

(2) tools;

(3) stock;

(4) material; or

(5) finished or unfinished work;

located in or about the shop, mill, wareroom, storeroom, manufactory or other building, bridge, reservoir, system of waterworks, or other structure, sidewalk, walk, stile, well, drain, drainage ditch, sewer, cistern, or earth used in a business.

(d) If the person, firm, limited liability company, or corporation described in subsection (a) is in failing circumstances, the claims described in this section shall be preferred debts whether a claim or notice of lien has been filed.

(e) Subject to subsection (f), a contract:

(1) for the construction, alteration, or repair of a Class 2 structure (as defined in IC 22-12-1-5);

(2) for the construction, alteration, or repair of an improvement on the same real estate auxiliary to a Class 2 structure (as defined in IC 22-12-1-5);

(3) for the construction, alteration, or repair of property that is:

(A) owned, operated, managed, or controlled by a:

(i) public utility (as defined in IC 8-1-2-1);

(ii) municipally owned utility (as defined in IC 8-1-2-1);

(iii) joint agency (as defined in IC 8-1-2-2.2);

(iv) rural electric membership corporation formed under IC 8-1-13-4;

(v) rural telephone cooperative corporation formed under IC 8-1-17; or

(vi) not-for-profit utility (as defined in IC 8-1-2-125);

regulated under IC 8; and

(B) intended to be used and useful for the production, transmission, delivery, or furnishing of heat, light, water, telecommunications services, or power to the public; or

(4) to prepare property for Class 2 residential construction;

may include a provision or stipulation in the contract of the owner and principal contractor that a lien may not attach to the real estate, building, structure, or any other improvement of the owner.

(f) A contract containing a provision or stipulation described in subsection (e) must meet the requirements of this subsection to be valid against subcontractors, mechanics, journeymen, laborers, or persons performing labor upon or furnishing materials or machinery for the property or improvement of the owner. The contract must:

(1) be in writing;

(2) contain specific reference by legal description of the real estate to be improved;

(3) be acknowledged as provided in the case of deeds; and

(4) be filed and recorded in the recorder's office of the county in which the real estate, building, structure, or other improvement is situated not more than five (5) days after the date of execution of the contract.

A contract containing a provision or stipulation described in subsection (e) does not affect a lien for labor, material, or machinery supplied before the filing of the contract with the recorder.

(g) Upon the filing of a contract under subsection (f), the recorder shall:

- (1) record the contract at length in the order of the time it was received in books provided by the recorder for that purpose;
- (2) index the contract in the name of the:
 - (A) contractor; and
 - (B) owner;
 in books kept for that purpose; and
- (3) collect a fee for recording the contract as is provided for the recording of deeds and mortgages.

(h) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit any material, labor, or machinery for the alteration or repair of an owner occupied single or double family dwelling or the appurtenances or additions to the dwelling to:

- (1) a contractor, subcontractor, mechanic; or
- (2) anyone other than the occupying owner or the owner's legal representative;

must furnish to the occupying owner of the parcel of land where the material, labor, or machinery is delivered a written notice of the delivery or work and of the existence of lien rights not later than thirty (30) days after the date of first delivery or labor performed. The furnishing of the notice is a condition precedent to the right of acquiring a lien upon the lot or parcel of land or the improvement on the lot or parcel of land.

(i) A person, firm, partnership, limited liability company, or corporation that sells or furnishes on credit material, labor, or machinery for the original construction of a single or double family dwelling for the intended occupancy of the owner upon whose real estate the construction takes place to a contractor, subcontractor, mechanic, or anyone other than the owner or the owner's legal representatives must:

- (1) furnish the owner of the real estate:
 - (A) as named in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor; or
 - (B) if IC 6-1.1-5-9 applies, as named in the transfer books of the **township** assessor **for the township**;
 with a written notice of the delivery or labor and the existence of lien rights not later than sixty (60) days after the date of the first delivery or labor performed; and
- (2) file a copy of the written notice in the recorder's office of the county not later than sixty (60) days after the date of the first delivery or labor performed.

The furnishing and filing of the notice is a condition precedent to the right of acquiring a lien upon the real estate or upon the improvement constructed on the real estate.

(j) A lien for material or labor in original construction does not attach to real estate purchased by an innocent purchaser for value without notice of a single or double family dwelling for occupancy by the purchaser unless notice of intention to hold the lien is recorded under section 3 of this chapter before recording the deed by which the purchaser takes title.

SECTION 73. IC 32-28-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Except as provided in subsection (b), a person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than ninety (90) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(b) This subsection applies to a person that performs labor or furnishes materials or machinery described in section 1 of this chapter related to a Class 2 structure (as defined in IC 22-12-1-5) or an improvement on the same real estate auxiliary to a Class 2 structure

(as defined in IC 22-12-1-5). A person who wishes to acquire a lien upon property, whether the claim is due or not, must file in duplicate a sworn statement and notice of the person's intention to hold a lien upon the property for the amount of the claim:

- (1) in the recorder's office of the county; and
- (2) not later than sixty (60) days after performing labor or furnishing materials or machinery described in section 1 of this chapter.

The statement and notice of intention to hold a lien may be verified and filed on behalf of a client by an attorney registered with the clerk of the supreme court as an attorney in good standing under the requirements of the supreme court.

(c) A statement and notice of intention to hold a lien filed under this section must specifically set forth:

- (1) the amount claimed;
- (2) the name and address of the claimant;
- (3) the owner's:
 - (A) name; and
 - (B) latest address as shown on the property tax records of the county; and
- (4) the:
 - (A) legal description; and
 - (B) street and number, if any;

of the lot or land on which the house, mill, manufactory or other buildings, bridge, reservoir, system of waterworks, or other structure may stand or be connected with or to which it may be removed.

The name of the owner and legal description of the lot or land will be sufficient if they are substantially as set forth in the latest entry in the transfer books described in IC 6-1.1-5-4 of the county auditor or, if IC 6-1.1-5-9 applies, the transfer books of the **township** assessor **for the township** at the time of filing of the notice of intention to hold a lien.

(d) The recorder shall:

- (1) mail, first class, one (1) of the duplicates of the statement and notice of intention to hold a lien to the owner named in the statement and notice not later than three (3) business days after recordation;
- (2) post records as to the date of the mailing; and
- (3) collect a fee of two dollars (\$2) from the lien claimant for each statement and notice that is mailed.

The statement and notice shall be addressed to the latest address of the owner as specifically set out in the sworn statement and notice of the person intending to hold a lien upon the property.

SECTION 74. IC 32-31-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The following courts have original and concurrent jurisdiction in cases arising under this chapter:

- (1) A circuit court.
- (2) A superior court.
- (3) A county court.
- (4) A municipal court.
- ~~(5) A small claims court.~~

(b) A case arising under this chapter may be filed on the small claims docket of a court that has jurisdiction.

SECTION 75. IC 33-23-11-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in this chapter, "judge" means a judge of the court of appeals, the tax court, ~~or a circuit, superior, county, small claims, or probate court, or a small claims judge (as defined in IC 33-33-49-5.2).~~

(b) The term includes a judge pro tempore, commissioner, or hearing officer if the judge pro tempore, commissioner, or hearing officer sits more than twenty (20) days other than Saturdays, Sundays, or holidays in one (1) calendar year as a judge, commissioner, or hearing officer in any court.

SECTION 76. IC 33-23-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) As used in this chapter, "court employee" means a person employed by any of the following:

- (1) The supreme court.
- (2) The court of appeals.
- (3) The tax court.
- (4) A circuit court.

- (5) A superior court.
- (6) A juvenile court.
- (7) A probate court.
- (8) A county court.
- (9) A municipal court.
- (10) A city or town court.
- ~~(11) A small claims court.~~

(b) The term does not include a judge **or small claims judge (as defined in IC 33-33-49-5.2)** of any of the courts listed in subsection (a)(1) through ~~(a)(11): (a)(10).~~

SECTION 77. IC 33-30-2-1, AS AMENDED BY P.L.237-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) A county court is established in the following counties:

- (1) Floyd County.
- (2) Madison County.

(b) However, a county court listed in subsection (a) is abolished if:

- (1) IC 33-33 provides a small claims docket of the circuit court; **or**
- (2) IC 33-33 provides a small claims docket of the superior court; **or**
- ~~(3) IC 33-34 provides a small claims court;~~

for the county in which the county court was established.

SECTION 78. IC 33-33-49-5.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.1. (a) As used in this chapter, "judge" means a person elected under section 13 of this chapter.

(b) The term does not include a small claims judge.

SECTION 79. IC 33-33-49-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.2. As used in this chapter, "small claims judge" means a person elected under:

- (1) section 13.1 of this chapter; **or**
- (2) IC 33-34-2-1 (before its repeal).

SECTION 80. IC 33-33-49-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) There is established a superior court in Marion County. The court consists of the following:

- (1) Thirty-two (32) judges.
- (2) **Nine (9) small claims judges.**

(b) To be qualified to serve as a judge of the court, a person must be, at the time a declaration of candidacy or a petition of nomination under IC 3-8-6 is filed:

- (1) a resident of Marion County; and
- (2) an attorney who has been admitted to the bar of Indiana for at least five (5) years.

(c) To be qualified to serve as a small claims judge, a person must meet the qualifications described in IC 3-8-1-30.

~~(c)~~ (d) During the term of office:

- (1) a judge of the court must remain a resident of Marion County; **and**
- (2) a small claims judge must remain a resident of:
 - (A) Marion County; and
 - (B) the township from which the small claims judge was elected.

SECTION 81. IC 33-33-49-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (b),** the court has the following jurisdiction:

- (1) Concurrent and coextensive jurisdiction with the Marion circuit court in all cases and upon all subject matters, including civil, criminal, juvenile, probate, and statutory cases and matters, whether original or appellate.
- (2) Original and exclusive jurisdiction in all matters pertaining to the following:
 - (A) The probate and settlement of decedents' estates, trusts, and guardianships.
 - (B) The probate of wills.
 - (C) Proceedings to resist the probate of wills.
 - (D) Proceedings to contest wills.
 - (E) The appointment of guardians, assignees, executors, administrators, and trustees.

(F) The administration and settlement of:

- (i) estates of protected persons (as defined in IC 29-3-1-13) and deceased persons;
- (ii) trusts, assignments, adoptions, and surviving partnerships; and
- (iii) all other probate matters.

(3) Original jurisdiction of all violations of Indiana law. Whenever jurisdiction is by law conferred on a small claims court, the court has the appellate jurisdiction provided by law.

(4) Original and exclusive juvenile jurisdiction.

(b) The small claims division of the court established in section 14(c)(5) of this chapter has the following jurisdiction:

(1) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in all civil cases founded on contract or tort in which the debt or damage claimed does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.

(2) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in possessory actions between landlord and tenant in which the past due rent at the time of filing does not exceed six thousand dollars (\$6,000), not including interest or attorney's fees.

(3) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in actions for the possession of property where the value of the property sought to be recovered does not exceed six thousand dollars (\$6,000), not including interest and attorney's fees.

(4) The small claims division of the court has original and concurrent jurisdiction with the court and the Marion circuit court in emergency possessory actions between a landlord and tenant under IC 32-31-6.

(5) The small claims division of the court does not have jurisdiction in the following:

(A) Actions seeking injunctive relief or involving partition of real estate.

(B) Actions to declare or enforce a lien, except as provided in section 20.5 of this chapter.

(C) Actions in which the appointment of a receiver is asked.

(D) Suits for dissolution or annulment of marriage.

SECTION 82. IC 33-33-49-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) **Except as provided in subsection (b),** the court is a court of record. The court's judgments, decrees, orders, and proceedings have the same effect and shall be enforced in the same manner as those of the circuit court.

(b) The small claims division of the court is not a court of record.

SECTION 83. IC 33-33-49-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) The court may adopt rules for conducting the business of the court. Except as provided in subsection (b), in all matters action of the court may only be taken by a vote of a majority of the judges sitting at the time the vote is taken.

(b) Action of the court to remove the presiding judge or either associate presiding judge may only be taken by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken.

(c) The court has all the powers incident to a court of record in relation to the attendance of witnesses, punishment of contempts, and enforcement of the court's orders. The judges **and small claims judges** may administer oaths, solemnize marriages, take and certify acknowledgments of deeds and all legal instruments, and ~~to~~ give all necessary certificates for the authentication of the records and proceedings in the court.

SECTION 84. IC 33-33-49-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. A judge of the court may do the following:

- (1) Grant restraining orders and injunctions.
- (2) Issue writs of habeas corpus.
- (3) Appoint receivers, masters, and commissioners to:

- (A) convey real property;
- (B) grant commissions for the examination of witnesses; and
- (C) appoint other officers necessary to transact the business of the court.

SECTION 85. IC 33-33-49-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.1. (a) A small claims judge shall be elected for a term of four (4) years that begins January 1 after the year of the small claims judge's election and continues through December 31 in the fourth year. The small claims judge shall hold office for the four (4) year term or until the small claims judge's successor is elected and qualified.**

(b) A small claims judge shall be elected at the general election every four (4) years by the registered voters residing within the township in which the small claims division of the court is located.

SECTION 86. IC 33-33-49-13.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.2. (a) A small claims judge serving part time may participate in other gainful employment if the employment does not:**

- (1) interfere with the exercise of the small claims judge's judicial office; or**
- (2) involve any conflict of interest in the performance of the small claims judge's judicial duties.**

(b) A small claims judge serving full time may practice law if the practice does not conflict in any way with the small claims judge's official duties and does not:

- (1) cause the small claims judge to be unduly absent from the court; or**
- (2) interfere with the ready and prompt disposal of the small claims judge's judicial duties.**

(c) A small claims judge and the employees of the small claims division of the court may be eligible to participate in the public employees' retirement fund as provided in IC 5-10.3, but a small claims judge is not eligible to participate as a member in the judges' retirement fund under IC 33-38.

(d) A vacation of one (1) month per year shall be provided for a full-time small claims judge. The executive committee may authorize the appointment of a small claims judge pro tempore to handle the judicial business of the vacationing small claims judge if the executive committee considers it necessary.

SECTION 87. IC 33-33-49-13.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.3. A small claims judge shall:**

- (1) furnish a bond in a sum required by the circuit court judge to provide for the:**

- (A) faithful discharge of the duties of the office; and**
- (B) payment or delivery to the proper persons of whatever money or other property may come into the small claims judge's hands when acting as small claims judge; and**

- (2) file the bond with the county recorder.**

The bond must also extend to cover a person that is appointed to act as a small claims judge under section 13.4 of this chapter.

SECTION 88. IC 33-33-49-13.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.4. (a) If a small claims judge is unable to preside over the small claims judge's division of the small claims court during any number of days, the small claims judge may appoint in writing a person qualified to be a small claims judge under section 6(c) of this chapter to preside in place of the small claims judge.**

(b) The written appointment shall be entered on the order book or record of the superior court. The appointee shall, after taking the oath prescribed for the small claims judges, conduct the business of the division subject to the same rules and regulations as small claims judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the county auditor as accruable to the small claims judge in whose place the appointee is serving.

SECTION 89. IC 33-33-49-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A small claims judge absent from the bench for more than thirty (30) days shall deposit the dockets, books, and papers of the office with:**

- (1) the small claims judge of another township division; or**
- (2) the executive committee of the court;**

as directed by the presiding judge.

(b) A:

- (1) small claims judge with whom the docket of another small claims judge is deposited during a vacancy or an absence; and**

(2) successor of any small claims judge who has the dockets of the successor's predecessor in the successor's possession; may perform all duties that the small claims judge might do legally in relation to the small claims judge's own dockets.

(c) Process shall be returned to the small claims judge or judge who has the legal custody of the docket at the day of return.

SECTION 90. IC 33-33-49-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate three (3) of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. Any or all of the members elected to the executive committee may be reelected. Of the three (3) judges elected to the executive committee, not more than two (2) may be members of the same political party.**

(b) One (1) of the three (3) judges elected to the executive committee shall be elected as presiding judge and two (2) of the three (3) judges elected to the executive committee shall be elected as associate presiding judges. Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.**
- (2) Criminal.**
- (3) Probate.**
- (4) Juvenile.**
- (5) Small claims.**

(d) The work of each division shall be allocated by the rules of the court, except to the extent that the work of the small claims division is otherwise provided by law. The judges shall extend aid and assistance to the small claims judges in the conduct of the small claims division of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this chapter. The court shall keep appropriate records of rules, orders, and assignments of the court.

(f) The executive committee of the court, assisted by the small

claims judges, shall make and adopt uniform rules for conducting the business of the small claims division of the court:

- (1) according to a simplified procedure; and
- (2) in the spirit of sections 20.1 and 20.3 of this chapter.

(g) The executive committee of the court, assisted by the small claims judges, may establish a regular hourly schedule for the performance of duties by full-time and part-time small claims judges. A small claims judge shall maintain the schedule. If the executive committee of the court does not establish a regular hourly schedule, the small claims judge shall perform the small claims judge's duties at regular, reasonable hours. Regardless of whether a regular hourly schedule has been established under this subsection, a small claims judge shall hold sessions in addition to the small claims judge's regular schedule when the business of the small claims judge's court requires.

SECTION 91. IC 33-33-49-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.1. The small claims division of the court is composed of township divisions. The name of each township division shall be the "_____ Township of Marion County Small Claims Division".**

SECTION 92. IC 33-33-49-14.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 14.2. (a) The voters of each township having a small claims division of the court shall elect a small claims constable at the general election every four (4) years for a term of office of four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. The ballot must state the:**

- (1) name of the candidate; and
- (2) division of the court for which the candidate is to serve.

(b) Each township small claims division of the court shall have a constable who:

- (1) acts as the bailiff;
- (2) serves the division's personal service of process;
- (3) has police powers to:
 - (A) make arrests;
 - (B) keep the peace; and
 - (C) carry out the orders of the court;
- (4) meets the qualifications prescribed by IC 3-8-1-31;
- (5) is compensated for each process that is delivered to effect personal service when serving as the bailiff;
- (6) is responsible for:
 - (A) the preparation and mailing of all registered or certified service and is compensated for each process served by mail; and
 - (B) all the official acts of the deputies;
- (7) is compensated solely from the service of process fees collected under IC 33-37-4-6.5; and
- (8) may require a deputy to give a bond for the proper discharge of the deputy's duties for an amount fixed by the constable.

(c) The elected constable may appoint full-time and part-time deputies for assistance in the performance of official duties who:

- (1) perform all the official duties required to be performed by the constable;
- (2) possess the same statutory and common law powers and authority as the constable;
- (3) must take the same oath required of the constable;
- (4) are compensated solely from the service of process fees collected under IC 33-37-4-6.5; and
- (5) serve at the pleasure of the constable and may be dismissed at any time with or without cause.

(d) If there is an:

- (1) emergency; or
- (2) inability of a constable to carry out the constable's duties;

the small claims judge may appoint a special constable to carry out the duties of the constable during the emergency or inability.

SECTION 93. IC 33-33-49-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 15. (a) The executive committee, with the approval of two-thirds (2/3) of the judges, shall determine the number of hearing judges, commissioners, referees, bail commissioners, court reporters, probation officers, and**

other personnel required to efficiently serve the court. The salaries of the personnel shall be fixed and paid as provided by law.

(b) The administrative officers shall perform the duties prescribed by the executive committee and shall operate under the jurisdiction of the executive committee and serve at the pleasure of the executive committee.

(c) The executive committee shall see that the court at all times is amply provided with supplies and sufficient clerical and other help, including extra reporters or bailiffs, when needed. Each judge shall appoint the judge's court reporters, bailiffs, secretary, commissioners, and clerks. **Personnel of the small claims division of the court shall be appointed under rules of the court.** In addition to the specified duties of this subsection, the executive committee shall exercise any other powers and duties that may be assigned to the executive committee by an order book entry signed by a two-thirds (2/3) majority of the judges. At least once each month, a general term conference of all superior division judges must be held, at which the presiding judge shall preside. A special order book must be kept for the court in which shall be entered all special rules, proceedings, and similar matters. During an absence or a vacation of a judge who is a member of the executive committee, the senior superior court judge shall act for the absent member, if necessary.

SECTION 94. IC 33-33-49-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 17. (a) Except as provided in subsection (b), the court shall hold sessions in:**

- (1) the city-county building in Indianapolis; and
- (2) other places in Marion County as the court determines.

(b) The city-county council shall:

- (1) provide and maintain in the building and at other places in Marion County as the court may determine suitable and convenient courtrooms for the holding of the court, suitable and convenient jury rooms, and offices for the judges, other court officers and personnel, and other facilities as are necessary; ~~and~~
- (2) provide all necessary furniture and equipment for rooms and offices of the court;
- (3) **determine whether each of the township divisions of the small claims division of the court shall be a full-time or part-time division;**
- (4) **determine where each of the township divisions of the small claims division of the court shall hold sessions; and**
- (5) **in making the determination required by subdivision (4), consider any recommendations of the transitional advisory board established in IC 36-6-1.1.**

SECTION 95. IC 33-33-49-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 19. The court shall maintain a single order book for each division or room of the court that may be signed on behalf of the court by the judge or small claims judge of that division or room of the court. The signature of the judge or small claims judge authenticates the actions of the court.**

SECTION 96. IC 33-33-49-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20. Except as otherwise provided in this chapter concerning the small claims division of the court, all laws of Indiana and rules adopted by the supreme court governing the circuit court in matters of pleadings, practice, the issuing and service of process, the giving of notice, the appointing of judges pro tempore and special judges, changes of venue from the judge and from the county, adjournments by the court and by the clerk in the absence of the judge, and the selection of jurors for the court apply to and govern the court.**

SECTION 97. IC 33-33-49-20.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.1. A simplified procedure applies to and governs the small claims division of the court. The simplified procedure shall be established by rule to enable any person, including the state, to:**

- (1) file the necessary papers; and
- (2) present the person's case in court;

either to seek or to defend against a small claim without consulting or being represented by an attorney.

SECTION 98. IC 33-33-49-20.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 20.2. (a) Upon the filing of a complaint in the small claims division of the court, service of**

original process shall be attempted by personal service of the summons and complaint on the defendant, which may include leaving a copy of the service at the last known place of residence of the party if the process server properly describes on the return the residence, noting any of its unique features, and mailing by first class a copy of the service without charge to the party at the same last known place of residence.

(b) If service cannot be made in this manner, service of process shall be made in an alternate manner as provided by the Indiana Rules of Civil Procedure.

(c) Subsequent service of process, other than that originally served upon filing of the complaint, may be made by registered or certified mail or another manner authorized by the Indiana Rules of Civil Procedure.

SECTION 99. IC 33-33-49-20.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.3. (a) A trial in the small claims division of the court:

- (1) must be informal, with the sole objective of dispensing speedy justice between the parties according to the rules of substantive law; and
- (2) may not be bound by the statutory provisions or rules of practice, procedure, pleadings, or evidence, except the provisions relating to privileged communications and offers of compromise.

(b) There may not be a trial by jury in the small claims division of the court.

(c) A filing of a civil claim in the small claims division of the court constitutes a waiver of trial by jury by the plaintiff.

(d) A defendant in a small claims case waives the right to trial by jury unless the defendant requests a jury trial at least three (3) calendar days before the trial date that appears on the complaint. Upon the filing of a jury trial request, the small claims division of the court shall transfer the claim out of the small claims division to the general jurisdiction of the court. The defendant shall pay all costs necessary for filing the claim in the general jurisdiction of the court as if the cause had been filed initially in the general jurisdiction of the court.

(e) A notice of claim filed in the small claims division of the court must include a statement that reflects the provisions of subsection (d).

SECTION 100. IC 33-33-49-20.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.4. (a) Except for a claim between landlord and tenant, a case within the jurisdiction of a township small claims division may be:

- (1) venued;
- (2) commenced; and
- (3) decided;

in any township small claims division within the county. However, upon a motion for change of venue filed by the defendant within ten (10) days of service of the summons, the township small claims division in which the motion was filed shall determine in accordance with subsection (b) whether required venue lies with it or with another township small claims division in the county in which the small claims action was filed.

(b) The venue determination to be made under subsection (a) must be made in the following order:

- (1) In an action upon a debt or an account, venue is in the township where any defendant has consented to venue in a writing signed by the defendant.
- (2) Venue is in the township where a transaction or occurrence giving rise to any part of the claim took place.
- (3) Venue is in the township (in a county of the small claims division) where the greater percentage of individual defendants included in the complaint resides or, if there is not a greater percentage, the place where any individual named as a defendant:
 - (A) resides;
 - (B) owns real estate; or
 - (C) rents an apartment or real estate or where the principal office or place of business of any defendant is located.
- (4) Venue is in the township where the claim was filed if

there is no other township in the county in which the small claims division sits in which required venue lies.

(c) Venue of any claim between landlord and tenant must be in the township where the real estate is located.

(d) If a written motion challenging venue is received by the township small claims division, the township small claims division shall rule whether required venue lies in the township of filing.

SECTION 101. IC 33-33-49-20.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20.5. (a) If the small claims judgment or order is against the defendant, the defendant shall pay the judgment at any time and upon terms and conditions as the small claims judge orders.

(b) If the small claims judge orders that the judgment be paid in specified installments, the small claims judge may stay the issuance of execution and other supplementary process during the period of compliance with the order.

(c) A stay ordered under subsection (b) may be modified or vacated by the small claims division of the court.

(d) All small claims judgments rendered in civil actions may be recorded in the judgment docket book of the proper township small claims division of the court.

(e) A judgment entered by a small claims judge is a lien on real estate when entered in the circuit court judgment docket in the same manner as a judgment in a court of general jurisdiction becomes a lien on real estate under IC 34-55-9.

(f) The judgments of the small claims division of the court shall be entered and properly indexed in the name of the judgment defendant as judgments of the general jurisdiction of the court are entered and indexed.

SECTION 102. IC 33-33-49-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) A party may appeal an order or a judgment of the court in any case where an appeal may be had from a similar order or judgment of the circuit court.

(b) All appeals from judgments of the small claims division of the court shall be taken to the general jurisdiction of the court and tried de novo. The rules of procedure for appeals must be in accordance with the rules established by the court. The appellant shall pay all costs necessary for the filing of the case in the general jurisdiction of the court as if the appeal were a case that had been filed initially in the general jurisdiction of the court.

SECTION 103. IC 33-33-49-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) The judge of the Marion circuit court may, with the consent of the court acting through the superior court presiding judge under rules adopted by the court, transfer any action, cause, or proceeding filed and docketed in the circuit court to the court by transferring all original papers and instruments filed in that action, cause, or proceeding without further transcript to be redocketed and disposed of as if originally filed with the court.

(b) The superior court presiding judge may not consent to a transfer to the small claims division of the court unless:

- (1) the small claims division of the court has jurisdiction of the cause concurrent with the circuit court; and
- (2) the small claims judge consents to the transfer.

SECTION 104. IC 33-33-49-25.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 25.1. (a) A judge of the court may order a cause filed in the general jurisdiction of the court to be transferred to the small claims division of the court if:

- (1) the small claims division of the court has jurisdiction of the cause concurrent with the general jurisdiction of the court; and
- (2) the small claims judge consents to the transfer.

(b) The presiding judge may transfer cases from one (1) township small claims division of the court to another as necessary.

SECTION 105. IC 33-33-49-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 26. The judge of the Marion circuit court may sit as a judge or small claims judge of the court, with the court's permission, in all matters pending before the court, without limitation and without any further order, in the

same manner as a judge of the court with all the rights and powers of an elected judge **or small claims judge** of the court.

SECTION 106. IC 33-33-49-26.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 26.1. (a) A judge of the court may sit as a special small claims judge in the small claims division of the court.**

(b) Except for mileage and travel expenses, a judge serving as a special small claims judge under this section may not receive compensation in addition to the salary provided under this article.

(c) A small claims judge may sit in place of another small claims judge and perform the other small claims judge's duties:

(1) at the direction of or with the approval of the presiding judge; and

(2) with the consent of the respective judges.

SECTION 107. IC 33-33-49-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 27. Each judge and small claims judge, before entering upon the duties of office, shall take and subscribe the following oath or affirmation:**

"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Indiana and that I will faithfully discharge the duties of (judge **or small claims judge**) of the superior court of Marion County to the best of my ability."

The oath shall be filed with the clerk of the county.

SECTION 108. IC 33-33-49-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 30. (a) A judge remains qualified to hold office as long as the judge:**

(1) remains fair and impartial in judicial functions;

(2) maintains a high standard of morality in dealings, public and private;

(3) remains physically and mentally capable of performing all the functions and duties of the office of judge; and

(4) continues to reside in Marion County.

(b) A small claims judge remains qualified to hold office as long as the small claims judge meets the requirements of subsection (a) and:

(1) continues to reside in the township from which the small claims judge was elected; or

(2) was elected as a small claims judge in the township before January 1, 1999.

~~(b)~~ **(c) Complaints against a judge or small claims judge must be forwarded to the commission on judicial qualifications as provided in IC 33-38-13 by any judge or small claims judge of the superior court.**

~~(c)~~ **(d) A judge of the court must retire upon becoming seventy-five (75) years of age. If the judge wishes to retire before the judge's term has ended or upon reaching the mandatory retirement age, the judge shall provide written notice to the presiding judge of the court. The judge shall continue to hold office until a successor has been appointed and qualified.**

~~(d)~~ **(e) When a vacancy occurs in the court among the:**

(1) judges of the court by death, removal, retirement, or for any other reason, the governor shall appoint a successor judge who:

(A) serves the balance of the term of the vacating judge; ~~The successor judge must be and~~

(B) is a member of the same political party as the judge who is to be succeeded; and

(2) small claims judges of the court by death, removal, retirement, or any other reason, the vacancy shall be filled under IC 3-13-10.

SECTION 109. IC 33-33-49-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 34. (a) The clerk of the superior court shall furnish the following:**

(1) All blanks, forms, and papers required for use in all criminal cases and in all civil actions involving actions by a city or town for violations of municipal penal ordinances.

(2) All books, papers, stationery, furniture, and other equipment and supplies necessary for keeping the records of the proceedings in all rooms **and divisions of the superior court and for the transaction of all business of the court.**

(3) Necessary computerization of court records.

(b) The materials required under this section shall be furnished at the expense of the county.

(c) The presiding judge of the court, by an order entered on the court records signed by the presiding judge, shall determine and prescribe the forms of the following:

(1) All summonses, notices, subpoenas, warrants, affidavits, complaints, writs, and all other papers and anything else required to be used in the cases relating to violations of criminal statutes or municipal ordinances.

(2) All other books, records, papers, and documents to be used by the court and by the officers of the court and the prosecutors.

In the absence of an order under this subsection, those charged with the duty of prosecuting cases involving either criminal offenses or the violation of municipal ordinances may adopt, change, order, and use all necessary forms and instruments as conform substantially to the practice and procedure applicable.

SECTION 110. IC 33-37-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 6. (a) Except as provided in subsection (b), court costs fees under this chapter include service of process by certified mail, unless service by the sheriff is requested by the person who institutes the action.**

(b) Court costs fees under this chapter do not include service of process fees collected under IC 33-37-4-6.5.

SECTION 111. IC 33-37-4-4, AS AMENDED BY P.L.176-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:**

(1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).

(2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).

(3) Proceedings in juvenile court under IC 31-34 or IC 31-37.

(4) Proceedings in paternity under IC 31-14.

~~(5) Proceedings in small claims court under IC 33-34.~~

~~(6)~~ **(5) Proceedings in all actions described in section 7 of this chapter.**

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A support and maintenance fee (IC 33-37-5-6).

(3) A document storage fee (IC 33-37-5-20).

(4) An automated record keeping fee (IC 33-37-5-21).

(5) A public defense administration fee (IC 33-37-5-21.2).

(6) A judicial insurance adjustment fee (IC 33-37-5-25).

(7) A judicial salaries fee (IC 33-37-5-26).

(8) A court administration fee (IC 33-37-5-27).

(9) A service fee (IC 33-37-5-28).

SECTION 112. IC 33-37-4-6, AS AMENDED BY P.L.176-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 6. (a) Except as provided in section 6.5 of this chapter, for each small claims action, the clerk shall collect the following fees:**

(1) From the party filing the action:

(A) a small claims costs fee of thirty-five dollars (\$35); and

(B) a small claims service fee of ten dollars (\$10) for each named defendant.

(2) From any party adding a defendant, a small claims service fee of ten dollars (\$10) for each defendant added in the action. However, a clerk may not collect a small claims costs fee or small claims service fee for a small claims action filed by or on behalf of the attorney general.

(b) In addition to a small claims costs fee and small claims service fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

(1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).

(2) A document storage fee (IC 33-37-5-20).

(3) An automated record keeping fee (IC 33-37-5-21).

- (4) A public defense administration fee (IC 33-37-5-21.2).
- (5) A judicial insurance adjustment fee (IC 33-37-5-25).
- (6) A judicial salaries fee (IC 33-37-5-26).
- (7) A court administration fee (IC 33-37-5-27).

SECTION 113. IC 33-37-4-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 6.5. (a) For each small claims action filed under the jurisdiction of IC 33-33-49-9(b), the clerk shall collect from the party filing the action the following fees:**

- (1) A township docket fee of five dollars (\$5) plus forty-five percent (45%) of the infraction or ordinance violation costs fee under IC 33-37-4-2.**
- (2) The bailiff's service of process by registered or certified mail fee of thirteen dollars (\$13) for each service.**
- (3) The cost for the personal service of process by the bailiff or other process server of thirteen dollars (\$13) for each service.**
- (4) Witness fees, if any, in the amount provided by IC 33-37-10-3 to be taxed and charged in the circuit court.**
- (5) A redocketing fee, if any, of five dollars (\$5).**
- (6) A document storage fee under IC 33-37-5-20.**
- (7) An automated record keeping fee under IC 33-37-5-21.**
- (8) A late fee, if any, under IC 33-37-5-22.**
- (9) A public defense administration fee under IC 33-37-5-21.2.**

The docket fee and the cost for the initial service of process shall be paid at the institution of a case. The cost of service after the initial service shall be assessed and paid after service has been made. The cost of witness fees shall be paid before the witnesses are called.

(b) If the amount of the township docket fee computed under subsection (a)(1) is not equal to a whole number, the amount shall be rounded to the next highest whole number.

SECTION 114. IC 33-37-5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 22. (a)** Except as provided in subsection (e), this section applies to an action if all the following apply:

- (1) The defendant is found, in a court that has a local court rule imposing a late payment fee under this section, to have:
 - (A) committed a crime;
 - (B) violated a statute defining an infraction;
 - (C) violated an ordinance of a municipal corporation; or
 - (D) committed a delinquent act.
- (2) The defendant is required to pay:
 - (A) court costs, including fees;
 - (B) a fine; or
 - (C) a civil penalty.
- (3) The defendant is not determined by the court imposing the court costs, fine, or civil penalty to be indigent.
- (4) The defendant fails to pay to the clerk the costs, fine, or civil penalty in full before the later of the following:
 - (A) The end of the business day on which the court enters the conviction or judgment.
 - (B) The end of the period specified in a payment schedule set for the payment of court costs, fines, and civil penalties under rules adopted for the operation of the court.

(b) A court may adopt a local rule to impose a late payment fee under this section on defendants described in subsection (a).

(c) Subject to subsection (d), the clerk of a court that adopts a local rule imposing a late payment fee under this section shall collect a late payment fee of twenty-five dollars (\$25) from a defendant described in subsection (a).

(d) Notwithstanding IC 33-37-2-2, a court may suspend a late payment fee if the court finds that the defendant has demonstrated good cause for failure to make a timely payment of court costs, a fine, or a civil penalty.

(e) A plaintiff or defendant in ~~an~~ **a small claims** action under ~~IC 33-34~~ **IC 33-33-49** shall pay a late fee of twenty-five dollars (\$25) if the plaintiff or defendant:

- (1) is required to pay court fees or costs under ~~IC 33-34-8-1~~; **IC 33-37-4-6.5;**
- (2) is not determined by the court imposing the court costs to be

indigent; and

- (3) fails to pay the costs in full before the later of the following:
 - (A) The end of the business day on which the court enters the judgment.
 - (B) The end of the period specified in a payment schedule set for the payment of court costs under rules adopted for the operation of the court.

A court may suspend a late payment fee if the court finds that the plaintiff or defendant has demonstrated good cause for failure to make timely payment of the fee.

SECTION 115. IC 33-37-7-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4.5. The clerk of a circuit court in a county having a consolidated city shall forward to the controller of the consolidated city one hundred percent (100%) of the fees collected under the following:**

- (1) IC 33-37-4-6.5(a)(1) (township docket fees).**
- (2) IC 33-37-4-6.5(a)(2) (bailiff's service of process fees).**
- (3) IC 33-37-4-6.5(a)(3) (service of process costs).**
- (4) IC 33-37-4-6.5(a)(4) (witness fees).**
- (5) IC 33-37-4-6.5(a)(5) (redocketing fees).**

The clerk shall forward the fees in accordance with section 12 of this chapter.

SECTION 116. IC 33-37-5-21.2, AS AMENDED BY P.L.176-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 21.2. (a)** This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding ~~for~~ **to enforce a statute defining an** infraction. ~~violation.~~
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a ~~court described in IC 33-34~~, **division established under IC 33-33-49-14(c)(5)**, the clerk shall collect a public defense administration fee of three dollars (\$3).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have ~~violated~~ **committed** an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a public defense administration fee of three dollars (\$3).

SECTION 117. IC 33-37-5-26, AS ADDED BY P.L.176-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 26. (a)** This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding for an infraction violation.
- (3) A proceeding for an ordinance violation.
- (4) A small claims action.

In each action filed in a court described in IC 33-37-1-1, the clerk shall collect a judicial salaries fee equal to the amount specified in the schedule in subsection (d).

(b) In each small claims action filed in a court described in IC 33-37-1-1 or ~~IC 33-34~~, **in a division established under IC 33-33-49-14(c)(5)** the clerk shall collect a judicial salaries fee specified in the schedule in subsection (e).

(c) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have violated an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a judicial salaries fee specified in the schedule in subsection (d).

(d) Beginning:

- (1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15);
- (2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the

judicial salaries fee to which this subsection applies is sixteen dollars (\$16);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is seventeen dollars (\$17);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eighteen dollars (\$18);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is nineteen dollars (\$19); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twenty dollars (\$20).

(e) Beginning:

(1) after June 30, 2005, and ending before July 1 of the first state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is ten dollars (\$10);

(2) after June 30 immediately preceding the first state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the second state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is eleven dollars (\$11);

(3) after June 30 immediately preceding the second state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the third state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is twelve dollars (\$12);

(4) after June 30 immediately preceding the third state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fourth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is thirteen dollars (\$13);

(5) after June 30 immediately preceding the fourth state fiscal year in which salaries are increased under IC 33-38-5-8.1 and ending before July 1 of the fifth state fiscal year after June 30, 2006, in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fourteen dollars (\$14); and

(6) after June 30 immediately preceding the fifth state fiscal year in which salaries are increased under IC 33-38-5-8.1, the judicial salaries fee to which this subsection applies is fifteen dollars (\$15).

SECTION 118. IC 33-37-5-27, AS ADDED BY P.L.176-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 27. (a) This subsection does not apply to the following:

- (1) A criminal proceeding.
- (2) A proceeding to enforce a statute defining an infraction.
- (3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a court described in IC 33-34, division established under IC 33-33-49-14(c)(5), the clerk shall collect a court administration fee of two dollars (\$2).

(b) In each action in which a person is:

- (1) convicted of an offense;
- (2) required to pay a pretrial diversion fee;
- (3) found to have committed an infraction; or
- (4) found to have violated an ordinance;

the clerk shall collect a court administration fee of two dollars (\$2).

SECTION 119. IC 33-38-5-6, AS AMENDED BY P.L.159-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) The annual salary of each full-time judge of a circuit, superior, municipal, county, or probate court is one hundred ten thousand five hundred dollars (\$110,500), as adjusted after June 30, 2006, under section 8.1 of this chapter, paid by the state. In addition, a judge under this section may receive any additional salary provided by the county under IC 36-2-5-14 or IC 36-3-6-3(c). The state shall deposit quarterly the money received from the counties under subsection (c) for additional salary in the state general fund.

(b) Before November 2 of each year, the county auditor of each county shall certify to the division of state court administration the amounts, if any, to be provided by the county during the ensuing calendar year for judges' salaries under IC 36-2-5-14 or IC 36-3-6-3(c).

(c) When making each payment under subsection (a), the county shall determine for each judge whether the total of:

- (1) the payment made on behalf of that judge;
- (2) previous payments made on behalf of that judge in the same calendar year; and
- (3) the state share of the judge's salary under subsection (a);

exceeds the Social Security wage base established by the federal government for that year. If the total does not exceed the Social Security wage base, the payment on behalf of that judge must also be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes. If the total exceeds the Social Security wage base, the part of the payment on behalf of the judge that is below the Social Security wage base must be accompanied by an amount equal to the employer's share of Social Security taxes and Medicare taxes, and the part of the payment on behalf of the judge that exceeds the Social Security wage base must be accompanied by an amount equal to the employer's share of Medicare taxes. Payments made under this subsection shall be deposited in the state general fund under subsection (a).

(d) For purposes of determining the amount of life insurance premiums to be paid by a judge who participates in a life insurance program that:

- (1) is established by the state;
- (2) applies to a judge who is covered by this section; and
- (3) bases the amount of premiums to be paid by the judge on the amount of the judge's salary;

the judge's salary does not include any amounts paid to the state by a county under subsection (a).

(e) This section does not apply to a small claims judge (as defined in IC 33-33-49-5.2).

SECTION 120. IC 33-38-5-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) **This section applies to a small claims judge (as defined in IC 33-33-49-5.2).**

(b) The salary of a small claims judge who serves full time must be in an amount determined by the auditor of the county and approved by the city-county council.

(c) The salary of each small claims judge who serves part time must be in an amount determined by the auditor of the county and approved by the city-county council.

(d) The salary of a small claims judge may not be reduced during the small claims judge's term of office. At any other time, the salary of any full-time or part-time small claims judge may be increased or decreased by the auditor with the approval of the city-county council.

(e) The annual salary of a small claims judge shall be paid in twelve (12) equal monthly installments by the county.

(f) A small claims judge may not receive remuneration other than a salary set under this section for the performance of the small claims judge's official duties except payments for performing marriage ceremonies.

SECTION 121. IC 33-38-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) As used in this chapter, "judge" means a person who serves or has served as a regular judge or justice of one (1) or more of the following courts:

- (1) Supreme court.

- (2) Court of appeals.
- (3) Indiana tax court.
- (4) Circuit court of a judicial circuit.
- (5) Superior court of a county.
- (6) Criminal court of a county having a separate criminal court.
- (7) Probate court of a county having a separate probate court.
- (8) Juvenile court of a county having a separate juvenile court.
- (9) Municipal court of a county.
- (10) County court of a county.

(b) The term does not include a small claims judge (as defined in IC 33-33-49-5.2).

SECTION 122. IC 33-38-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. As used in this chapter, "judge" means an individual who holds or formerly held one (1) of the following offices or appointments:

- (1) Justice of the supreme court.
- (2) Judge of the court of appeals.
- (3) Judge of the tax court.
- (4) Judge of a circuit court.
- (5) Judge of a superior court.
- (6) Judge of a probate court.
- (7) Judge of a municipal court.
- (8) Judge of a county court.
- (9) Judge of a city court.
- (10) Judge of a town court.
- (11) **Small claims judge, of a small claims court.**
- (12) A judge pro tempore, senior judge, temporary judge, or any other individual serving as judge in an action or a proceeding in an Indiana court.
- (13) Bail commissioner.
- (14) Magistrate.
- (15) Master commissioner.
- (16) Probate commissioner.
- (17) Referee.

SECTION 123. IC 33-38-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this chapter, "judge" means a:

- (1) judge of a superior or probate court; **and**
- (2) **small claims judge (as defined in IC 33-33-49-5.2).**

SECTION 124. IC 33-41-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) This section applies to the small claims ~~court division~~ established under ~~IC 33-34: IC 33-33-49-14(c)(5).~~

(b) The person who is designated by a **small claims judge** of the court to prepare transcripts may collect a fee of not more than five dollars (\$5) for each transcript from a person who requests the preparation of a transcript.

SECTION 125. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 126. IC 36-1-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 22. (a) "Township", **refers to except as provided in subsection (b), means:**

- (1) a civil township, unless the reference is to a congressional township or school township; **or**
- (2) **except as provided in IC 36-6-1.1, IC 36-6-4.1, and IC 36-6-6.1, a township district for a county having a consolidated city, unless the reference is to a congressional township or school township or the context requires otherwise.**

(b) "Township" means only a civil township for purposes of the following:

- (1) IC 36-7-4.
- (2) IC 36-9-27.

SECTION 127. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.

(3) Certification of gross assessments to the county auditor.

(4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

- (1) the county assessor; or
- (2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) In a county having a consolidated city:

- (1) **the county assessor shall perform the functions of an assessing official and other duties of an assessing official prescribed by statute in each township in the county, including assessment duties prescribed by IC 6-1.1; and**
- (2) **the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.**

SECTION 128. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, Except as provided in section 6.3 of this chapter, after December 31, 2006, the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):~~

- (1) ~~A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.~~
- (2) ~~Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1); county having a consolidated city.~~
- (3) ~~The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.~~

(b) If the requirements of subsection (g) are satisfied, Except as provided in section 6.3 of this chapter, after December 31, 2006, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: for the entire county.

(c) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, All of the property, equipment, records, rights, and contracts of the department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city. on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located.

(d) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of the consolidated city, The employees of the fire department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) cease

employment with the department of the entity departments and territories listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation: after December 31, 2006. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; on December 31, 2006, and that expire on or after January 1, 2007; and
 - (2) apply to employees of the department consolidated into the fire department of the consolidated city departments and territories listed in subsection (a) who become employees of the consolidated fire department.
- (e) If the requirements of Except as provided in subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated city; (h), the consolidated city shall assume, defease, pay, or refund all the indebtedness related to fire protection services incurred before the effective date of the consolidation January 1, 2007, by:

- (1) the entity departments and territories listed in subsection (a); or
- (2) a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city: Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district: a department or territory listed in subsection (a).

(f) If the requirements of subsection (g) are satisfied and the fire department of an entity listed in subsection (a) is consolidated into the fire department of a consolidated After December 31, 2006, the merit board and the merit system of the each fire department that is consolidated are listed in subsection (a) are dissolved, on the effective date of the consolidation; and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department. on the effective date of the consolidation:

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city: A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation: The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced: The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1: If the township legislative body has adopted a resolution under this subsection; the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city: If such a resolution is forwarded to the legislative body of the consolidated city; the legislative body of the consolidated city may adopt an ordinance; approved by the mayor of the consolidated city; approving the consolidation of the fire department of the township into the fire department of the consolidated city and the requirements of this subsection are satisfied: The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation:

(h) The following apply if the requirements of subsection (g) are satisfied:

- (1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation:
- (2) Notwithstanding any other provision; a firefighter:
 - (A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and
 - (B) who, after the consolidation; becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21:

The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8:

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (e) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (e) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (e) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

- (1) bonds or other indebtedness described in subsection (e); or
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (e); remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) To provide for the payment of the expenses for the operation of the consolidated fire department, the consolidated city may levy property taxes on taxable property located within the area served by the consolidated fire department.

(k) The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department:

- (1) within; or
- (2) that directly benefit; the territory of the fire special service district. These amounts are in addition to the amounts levied by the fire special service district to fund pension obligations under IC 36-8-7-14.

(3) (l) Notwithstanding any other provision, a firefighter:

- (A) (1) who is a member of the 1937 fund before the effective date of a consolidation under this section; January 1, 2007; and
- (B) (2) who, after the consolidation of fire departments under subsection (a), becomes an employee of the consolidated fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective; the maximum permissible ad valorem property tax levy under IC 6-1-1-18.5:

- (A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and
- (B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township:

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services; which is hereby established: The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1-1-41 regarding establishment of the cumulative building and equipment fund for fire protection and

related services:

(66) (m) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the for a township located in a county having a consolidated city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section:

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and for the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers; that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

(n) For any township that consolidated its fire department with the fire department of the consolidated city before January 1, 2007:

- (1) IC 6-3.5-6-18.5 applies to that consolidation; and
- (2) this section applies to that consolidation to the extent that it does not conflict with any consolidation agreement between the township and the consolidated city.

SECTION 129. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, After December 31, 2006, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter:

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 130. IC 36-3-1-6.3 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. (a) The consolidated fire department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

(1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.

(2) The ordinances described in subdivision (1) must:

(A) specify the effective date of the consolidation; and

(B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b), all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (b); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b).

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (f) the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) indebtedness or bonds; or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the

excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the consolidated fire department.

(l) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), for property taxes first due and payable in the calendar year following the effective date of the consolidation, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

- (1) is increased for a consolidated city by the amount levied in the prior calendar year for fire protection and related services by the excluded city; and
- (2) is reduced for the excluded city by the amount levied in the prior calendar year for fire protection and related services by the excluded city.

(m) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), for property taxes first due and payable in the calendar year following the effective date of the consolidation, the amount levied under IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the excluded city for its cumulative building and equipment fund for firefighting and related services is transferred to the consolidated city's cumulative building and equipment fund for firefighting and related services, and the consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase to the levy for its cumulative building and equipment fund for firefighting and related services.

(n) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), commencing with the calendar year following consolidation and for each year thereafter, the excluded city's monthly distributive share of county option income tax revenues distributed under IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the ordinances adopted under subsection (b), and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 131. IC 36-3-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The general assembly finds the following:

- (1) That the tax base of the consolidated city and the county have been significantly eroded through the ownership of tangible property by separate municipal corporations and other public entities that operate as private enterprises yet are exempt or whose property is exempt from property taxation.
- (2) That to restore this tax base and provide a proper allocation of the cost of providing governmental services the legislative body of the consolidated city and county should be authorized to collect payments in lieu of taxes from these public entities.
- (3) That the appropriate maximum payments in lieu of taxes would be the amount of the property taxes that would be paid if the tangible property were not subject to an exemption.

(b) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Personal property.
- (6) Property taxation.
- (7) Tangible property.
- ~~(8) Township assessor.~~

(c) As used in this section, "PILOTS" means payments in lieu of taxes.

(d) As used in this section, "public entity" means any of the following government entities in the county:

- (1) An airport authority operating under IC 8-22-3.
- (2) A capital improvement board of managers under IC 36-10-9.
- (3) A building authority operating under IC 36-9-13.
- (4) A wastewater treatment facility.

(e) The legislative body of the consolidated city may adopt an ordinance to require a public entity to pay PILOTS at times set forth in the ordinance with respect to:

- (1) tangible property of which the public entity is the owner or the lessee and that is subject to an exemption;
- (2) tangible property of which the owner is a person other than a public entity and that is subject to an exemption under IC 8-22-3; or
- (3) both.

The ordinance remains in full force and effect until repealed or modified by the legislative body.

(f) The PILOTS must be calculated so that the PILOTS may be in any amount that does not exceed the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the tangible property described in subsection (e) if the property were not subject to an exemption from property taxation.

(g) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the tangible property described in subsection (e). The ~~township assessors~~ **county assessor** shall assess the tangible property described in subsection (e) as though the property were not subject to an exemption. The public entity shall report the value of personal property in a manner consistent with IC 6-1.1-3.

(h) Notwithstanding any law to the contrary, a public entity is authorized to pay PILOTS imposed under this section from any legally available source of revenues. The public entity may consider these payments to be operating expenses for all purposes.

(i) PILOTS shall be deposited in the consolidated county fund and used for any purpose for which the consolidated county fund may be used.

(j) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

(k) PILOTS imposed on a wastewater treatment facility may be paid only from the cash earnings of the facility remaining after provisions have been made to pay for current obligations, including:

- (1) operating and maintenance expenses;
- (2) payment of principal and interest on any bonded indebtedness;
- (3) depreciation or replacement fund expenses;
- (4) bond and interest sinking fund expenses; and
- (5) any other priority fund requirements required by law or by any bond ordinance, resolution, indenture, contract, or similar instrument binding on the facility.

SECTION 132. IC 36-3-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) As used in this section, the following terms have the meanings set forth in IC 6-1.1-1:

- (1) Assessed value.
- (2) Exemption.
- (3) Owner.
- (4) Person.
- (5) Property taxation.
- (6) Real property.
- ~~(7) Township assessor.~~

(b) As used in this section, "PILOTS" means payments in lieu of taxes.

(c) As used in this section, "property owner" means the owner of real property described in IC 6-1.1-10-16.7 that is located in a county with a consolidated city.

(d) Subject to the approval of a property owner, the legislative body of the consolidated city may adopt an ordinance to require the property owner to pay PILOTS at times set forth in the ordinance with respect to real property that is subject to an exemption under IC 6-1.1-10-16.7. The ordinance remains in full force and effect until

repealed or modified by the legislative body, subject to the approval of the property owner.

(e) The PILOTS must be calculated so that the PILOTS are in an amount that is:

- (1) agreed upon by the property owner and the legislative body of the consolidated city;
- (2) a percentage of the property taxes that would have been levied by the legislative body for the consolidated city and the county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation; and
- (3) not more than the amount of property taxes that would have been levied by the legislative body for the consolidated city and county upon the real property described in subsection (d) if the property were not subject to an exemption from property taxation.

(f) PILOTS shall be imposed as are property taxes and shall be based on the assessed value of the real property described in subsection (d). The ~~township assessors~~ **county assessor** shall assess the real property described in subsection (d) as though the property were not subject to an exemption.

(g) PILOTS collected under this section shall be deposited in the housing trust fund established under IC 36-7-15.1-35.5 and used for any purpose for which the housing trust fund may be used.

(h) PILOTS shall be due as set forth in the ordinance and bear interest, if unpaid, as in the case of other taxes on property. PILOTS shall be treated in the same manner as taxes for purposes of all procedural and substantive provisions of law.

SECTION 133. IC 36-3-4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) An ordinance or resolution passed by a legislative body is considered adopted when it is:

- (1) signed by the presiding officer; and
- (2) if subject to veto, either approved by the executive or passed over ~~his~~ **the executive's** veto by the legislative body, under section 16 of this chapter.

(b) All ordinances and resolutions of a legislative body are subject to veto, except the following:

~~(1) An ordinance or resolution, or part of either, providing for the budget or appropriating money for an office or officer of the county provided for by the Constitution of Indiana or for a judicial office or officer.~~

~~(2) (1)~~ An ordinance or resolution approving or modifying the budget of a political subdivision that the legislative body is permitted by statute to review.

~~(3) (2)~~ A resolution making an appointment that the legislative body is authorized to make.

~~(4) (3)~~ A resolution selecting officers or employees of the legislative body.

~~(5) (4)~~ A resolution prescribing rules for the internal management of the legislative body.

~~(6) (5)~~ A zoning ordinance or amendment to a zoning ordinance, or a resolution approving a comprehensive plan, that is adopted under IC 36-7.

(c) An ordinance prescribing a penalty or forfeiture for a violation must, before it takes effect, be published in the manner prescribed by IC 5-3-1, unless:

- (1) it is published under subsection (d); or
- (2) there is an urgent necessity requiring its immediate effectiveness, the executive proclaims the urgent necessity, and copies of the ordinance are posted in three (3) public places in the county.

(d) If a legislative body publishes any of its ordinances in book or pamphlet form, no other publication is required. If an ordinance prescribing a penalty or forfeiture for a violation is published under this subsection, it takes effect two (2) weeks after the publication of the book or pamphlet. Publication under this subsection, if authorized by the legislative body, constitutes presumptive evidence:

- (1) of the ordinances in the book or pamphlet;
- (2) of the date of adoption of the ordinances; and
- (3) that the ordinances have been properly signed, attested, recorded, and approved.

(e) Unless a legislative body provides in an ordinance or resolution

for a later effective date, the ordinance or resolution takes effect when it is adopted, subject to subsections (c) and (d).

(f) Subsections (a), (c), (d), and (e) do not apply to zoning ordinances or amendments to zoning ordinances, or resolutions approving comprehensive plans, that are adopted under IC 36-7.

SECTION 134. IC 36-3-6-4, AS AMENDED BY P.L.227-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Before the Wednesday after the first Monday in July each year, the consolidated city and county shall prepare budget estimates for the ensuing budget year under this section.

(b) The following officers shall prepare for their respective departments, offices, agencies, or courts an estimate of the amount of money required for the ensuing budget year, stating in detail each category and item of expenditure they anticipate:

- (1) The director of each department of the consolidated city.
- (2) Each ~~township assessor~~, elected county officer or head of a county agency.
- (3) The county clerk, for each court ~~of which he is the clerk serves~~.

(c) In addition to the estimates required by subsection (b), the county clerk shall prepare an estimate of the amount of money that is, under law, taxable against the county for the expenses of cases tried in other counties on changes of venue.

(d) Each officer listed in subsection (b)(2) or (b)(3) shall append a certificate to each estimate the officer prepares stating that in the officer's opinion the amount fixed in each item will be required for the purpose indicated. The certificate must be verified by the oath of the officer.

(e) An estimate for a court or division of a court is subject to modification and approval by the judge of the court or division.

(f) All of the estimates prepared by city officers and county officers shall be submitted to the controller.

(g) The controller shall also prepare an itemized estimate of city and county expenditures for other purposes above the money proposed to be used by the city departments and county officers and agencies.

SECTION 135. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.1. **Notwithstanding IC 36-8-7, the city-county legislative body shall adopt an ordinance under section 7 of this chapter to levy a tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay the amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14.**

SECTION 136. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) **Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before January 1, 2007, in the name of:**

- (1) a township;
- (2) an airport authority;
- (3) a fire protection territory; or
- (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1(e), IC 36-3-1-6.1(f), and IC 36-3-1-6.1(g).

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation described in IC 36-3-1-6.3(b) by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and IC 36-3-1-6.3(h).

SECTION 137. IC 36-6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.1. Marion County Township Transitional Provisions
Sec. 1. This chapter applies only to townships in a county having a consolidated city.

Sec. 2. (a) After December 31, 2007, all powers and duties of a township trustee elected at the 2006 general election shall be terminated, except for the trustee's powers and duties regarding township assistance. The trustee shall comply with IC 36-6-4 for the limited purpose of performing the trustee's duties with regard to township assistance.

(b) After December 31, 2007, all powers and duties of a township legislative body elected at the 2004 general election shall be terminated, except for the township legislative body's powers and duties regarding township assistance. The township legislative body shall comply with IC 36-6-6 for the limited purpose of performing the township legislative body's duties with regard to township assistance.

(c) After December 31, 2008:

- (1) township trustees are governed by IC 36-6-4.1; and
- (2) township boards are governed by IC 36-6-6.1.

(d) Beginning with the general election held in 2008:

- (1) new township trustees for the township districts shall be elected under IC 36-6-4.1; and
- (2) new township boards for the township districts shall be elected under IC 36-6-6.1.

(e) On January 1, 2009:

- (1) the township boards existing at the time the new township boards are elected under IC 36-6-6.1 are dissolved; and
- (2) the township boards elected under IC 36-6-6.1 replace the township boards that are dissolved under subdivision (1).

Sec. 3. (a) A transitional advisory board shall be formed not later than July 1, 2006, to prepare a report and recommendations to the township trustees and township boards regarding the reorganization of townships, including the following:

- (1) The transfer of residual township functions to appropriate departments or officers of the consolidated city or county.
- (2) The provision of township assistance under IC 12-20 and IC 12-30-4.
- (3) The transfer of township assessment functions from the township assessors to the county assessor.
- (4) The location of township divisions of the small claims division of the superior court of the county.

(b) The transitional advisory board consists of the following twenty-one (21) members:

- (1) The nine (9) township trustees in the county holding office on the date the transitional advisory board is formed.
- (2) Four (4) individuals appointed by the city executive. One (1) individual appointed under this subdivision must be an assessing professional.
- (3) Four (4) individuals appointed by the city-county legislative body.
- (4) Four (4) individuals appointed by the board of commissioners of the county.

(c) Members of the transitional advisory board appointed under subsection (b)(2), (b)(3), and (b)(4) are not entitled to receive any salary for their service. Members of the board designated under subsection (b)(1) are not entitled to any additional salary for their service on the board but are entitled to their regular salaries as township trustees under IC 36-6-8 until the end of their current terms. The board may use the staff and budget of the existing trustees to carry out the board's work. Two (2) cochairpersons, each of a different political party, shall be elected by the members of the board.

(d) The transitional advisory board expires not later than February 28, 2008.

Sec. 4. All assets, property rights, equipment, records, personnel, and contracts and all else connected with the provision of township assistance under IC 12-20 and IC 12-30-4 by a township shall be transferred to the applicable township district on January 1, 2009. All other assets, property rights, equipment, records, personnel (except as otherwise provided by statute), and contracts and all else connected with the township shall be transferred to the consolidated city on January 1, 2009. Any indebtedness not connected with the provision of township assistance that was incurred by a township before the effective

date of consolidation under this section shall be assumed or defeased by the consolidated city, notwithstanding any other provision of law requiring completion of certain procedures and approvals for the incurrence of indebtedness. However, the indebtedness (or any part of the indebtedness) may not be assumed by the consolidated city if the assumption would cause the consolidated city to exceed any limitation on the amount of indebtedness that may be incurred by the consolidated city.

Sec. 5. Beginning January 1, 2009, notwithstanding any other law to the contrary, for a township located in a county having a consolidated city, the township's distributive share of any state or local taxes or revenues (other than county option income taxes distributed under IC 6-3.5-6-18.5 and property taxes) shall be reduced to zero (0) and shall be transferred to the consolidated city.

SECTION 138. IC 36-6-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter applies to all townships **except a township in a county having a consolidated city.**

SECTION 139. IC 36-6-4-2, AS AMENDED BY P.L.88-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (d),** a township trustee shall be elected under IC 3-10-2-13 by the voters of each township. The trustee is the township executive.

(b) The township trustee must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The trustee forfeits office if the trustee ceases to be a resident of the township.

(c) **Except as provided in subsection (d),** the term of office of a township trustee is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

(d) **This subsection applies to a township in a county having a consolidated city. At the 2006 general election, a township trustee shall be elected under IC 3-10-2-13 by the voters of each township. The term of office of a township trustee elected at the 2006 general election is two (2) years, beginning January 1 after the election.**

SECTION 140. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer *poor relief* township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26.
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8 *except in a township that:*
 - (A) *is located in a county having a consolidated city; and*
 - (B) *consolidated the township's fire department under IC 36-3-1-6.1.*
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10.
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 141. IC 36-6-4.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]:

Chapter 4.1. Township Executives in Marion County

Sec. 1. Subject to IC 36-6-1.1, this chapter applies only to a county having a consolidated city.

Sec. 2. As used in this chapter, "central township district" means the geographic area that is coterminous with the territory of the board of school commissioners under IC 20-25-3-1 and IC 20-25-3-2.

Sec. 3. As used in this chapter, "consolidated township district" means the territory of a county having a consolidated city, excluding the central township district.

Sec. 4. As used in this chapter, "executive" refers to the township trustee of a township district elected under section 7 of this chapter.

Sec. 5. As used in this chapter, "township district" means the:

- (1) central township district; and
- (2) consolidated township district.

Sec. 6. As used in this chapter, "township district legislative body" refers to a township board created under IC 36-6-6.1.

Sec. 7. (a) Beginning with the general election held in 2008, a township trustee shall be elected under IC 3-10-2-13 by the voters of each township district. The township trustee elected for each township district is the executive for each township in the township district.

(b) The executive must reside within the township district as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The executive forfeits office if the executive ceases to be a resident of the township district.

(c) The term of office of the executive is four (4) years, beginning January 1 after the executive's election and continuing until a successor is elected and qualified.

Sec. 8. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all property interests in the township district.
- (3) Keep records of the township district open for public inspection.
- (4) Attend all meetings of the township district legislative body.
- (5) Receive and pay out funds of the township district.
- (6) Examine and settle all accounts and demands chargeable against the township district.
- (7) Provide the assistance required under IC 12-20 and IC 12-30-4.
- (8) File an annual personnel report under IC 5-11-13.

Sec. 9. The executive may do the following:

- (1) Administer oaths when necessary in the discharge of official duties.
- (2) Appoint an attorney to represent the township district in any proceeding in which the township district is interested.
- (3) Enter into certain oil and gas leases of township district property under IC 36-9.
- (4) Personally use a township district vehicle for the performance of official duties, but only if the use is authorized by the township district legislative body.
- (5) Exercise other powers granted by statute.

Sec. 10. The executive shall maintain:

- (1) a general account showing the total of all township district receipts and expenditures; and
- (2) the financial and appropriation record of the township district, which must include an itemized and accurate account of the township district's financial affairs.

Sec. 11. (a) For each sum of money received by the executive, the financial and appropriation record must show:

- (1) the date the sum of money was received;
- (2) from whom the sum of money was received; and
- (3) to what account the sum of money was credited.

(b) For each sum of money paid by the executive, the financial and appropriation record must show:

- (1) the date the sum of money was paid;
- (2) to whom the sum of money was paid;
- (3) from what account the sum of money was paid; and
- (4) why the sum of money was paid.

(c) The state board of accounts shall prescribe the form of the financial and appropriation record.

Sec. 12. (a) Each purchase for a township district by the executive must be made on written order of the executive, certifying that sufficient funds have been appropriated to pay the full price of the purchase. The executive shall issue a warrant and

pay for the purchase not later than time of receipt of the county treasurer's first semiannual distribution following the purchase.

(b) An executive who violates this section commits a Class C infraction and is liable on the executive's official bond for the value of the purchase.

Sec. 13. (a) The executive may use the township district's share of state, county, and township district tax revenues and federal revenue sharing funds for all categories of community service, if these funds are appropriated for these services by the township district legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township district legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

Sec. 14. On the first Monday of each August the executive shall post, in a conspicuous place near the executive's office, a verified statement showing the indebtedness of the township district in detail and giving the number and total amount of outstanding orders, warrants, and accounts.

Sec. 15. (a) At the township district legislative body's annual meeting under IC 36-6-6.1-12, the executive shall:

(1) present an itemized written statement of the estimated expenditures for which appropriations are requested, specifying the:

- (A) number of teachers employed;
- (B) salary of each teacher employed;
- (C) property of the township district (and supplies on hand);
- (D) estimated value of the property of the township district (and supplies on hand);
- (E) supplies necessary for each school; and
- (F) need for township assistance in the township district; and

(2) submit to questions from the township district legislative body or taxpayers concerning expenditures of the township district.

(b) The written statement required under subsection (a)(1) must comply with forms prescribed by the state board of accounts and show the amount of each item to be charged against funds of the township district.

Sec. 16. (a) At the annual meeting of the township district legislative body under IC 36-6-6.1-10, the executive shall present a complete report of all receipts and expenditures of the preceding calendar year, including the balance to the credit of each fund controlled by the executive. If the executive controls any money that is not included in a particular fund, the executive shall state all the facts concerning that money in the report.

(b) Each item of expenditure in the report presented under subsection (a) must be accompanied by the verified voucher of the person to whom the sum was paid, stating:

- (1) why the payment was made;
- (2) that the receipt is for the exact sum received;
- (3) that no part of the sum has been retained by the executive; and
- (4) that no part of the sum has been or is to be returned to the executive or any other person.

The executive may administer oaths to persons giving these receipts.

(c) The executive shall swear or affirm that:

- (1) the report presented under subsection (a) shows all sums received by the executive;
- (2) the expenditures credited have been fully paid in the sums stated, without express or implied agreement that any part of the sums is to be retained by or returned to the executive or any other person; and
- (3) the executive has received no money or other property in consideration of any contract entered into or expenditure made on behalf of the township district.

(d) Within ten (10) days after the township district legislative body's action under IC 36-6-6.1-10, the executive shall file a copy of the report presented under subsection (a) and the report's accompanying vouchers, as adopted by the township district legislative body, in the office of the controller of the consolidated

city. The township district legislative body may, for the benefit of the township, bring a civil action against the executive if the executive fails to file the report within ten (10) days after the township district legislative body's action. The township district legislative body may recover five dollars (\$5) for each day after the time limit for filing the report, until the report is filed.

Sec. 17. (a) When the executive prepares the annual report required by section 16 of this chapter, the executive shall also prepare, on forms prescribed by the state board of accounts, an abstract of receipts and expenditures:

- (1) showing the sum of money in each fund of the township district at the beginning of the year;
- (2) showing the sum of money received in each fund of the township district during the year;
- (3) showing the sum of money paid from each fund of the township district during the year;
- (4) showing the sum of money remaining in each fund of the township district at the end of the year;
- (5) containing a statement of receipts, showing their source; and
- (6) containing a statement of expenditures showing the combined gross payment, according to classification of expense, to each person.

(b) Not later than four (4) weeks after the annual meeting of the township district legislative body under IC 36-6-6.1-10, the executive shall publish the abstract required by subsection (a) in accordance with IC 5-3-1. The abstract must state that a complete and detailed annual report and the accompanying vouchers showing the names of persons paid money by the township district have been filed with the controller of the consolidated city, and that the chairperson of the township district legislative body has a copy of the report that is available for inspection by any taxpayer of the township district.

(c) An executive who fails to comply with this section commits a Class C infraction.

Sec. 18. When an executive's term of office expires, the executive shall:

- (1) immediately deliver to the new executive custody of all funds and property of the township district, except records necessary in the preparation of the former executive's annual report under section 16 of this chapter;
- (2) deliver to the new executive, not later than the second Monday in the next January, the former executive's annual report and any records the former executive has retained; and
- (3) attend the annual meeting of the township district legislative body held under IC 36-6-6.1-10 and submit to inquiries from the township district legislative body concerning the operation of the executive's office during the preceding calendar year.

Sec. 19. (a) If an executive resigns or dies, the executive's personal representative shall immediately deliver to the new executive custody of all funds and property of the township district. The new executive shall then issue a call for a special meeting of the township district legislative body, to be held not more than fifteen (15) days later. At the special meeting the township district legislative body shall:

- (1) examine the records of the township district;
- (2) inquire into the conduct of the executive's office; and
- (3) approve in whole or in part the records, receipts, and expenditures of the township district to the date of the death or resignation of the former executive.

(b) In the new executive's annual report to the township district legislative body required under section 16 of this chapter, the new executive shall distinguish between the new executive's transactions and those of the former executive. The township district legislative body may, at its annual meeting under IC 36-6-6.1-10, review items in the report that were considered at the special meeting.

Sec. 20. An executive is entitled to receive the following:

- (1) The executive's salary.
- (2) Reimbursement for expenses that are reasonably incurred by the executive for the following:
 - (A) The operation of the executive's office.

(B) Travel and meals while attending seminars or conferences on township district matters.

(C) A sum for mileage as permitted under IC 36-6-8-3(b).

The executive may not make any other personal use of funds of the township district without prior approval by the township district legislative body.

Sec. 21. (a) Not later than thirty (30) days after taking office, the executive shall designate a person who shall perform the executive's duties whenever the executive is incapable of performing the executive's functions because the executive:

- (1) is absent from the township district; or
- (2) becomes incapacitated.

The executive shall give notice of the designation to the chairperson of the township district legislative body, the county sheriff, the city controller, and any other persons that the executive chooses. The designee has all the powers of the executive. The executive is responsible for all acts of the designee. The executive may change the designee under this section at any time.

(b) The designee shall perform the executive's duties until the executive is no longer absent from the township district or incapacitated.

Sec. 22. The executive may pay township district funds for the purpose of supporting a drug awareness program that is implemented in schools.

SECTION 142. IC 36-6-5-1, AS AMENDED BY P.L.240-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (e) and section 3 of this chapter**, a township assessor shall be elected under IC 3-10-2-13 by the voters of each township having:

- (1) a population of more than eight thousand (8,000); or
- (2) an elected township assessor or the authority to elect a township assessor before January 1, 1979.

(b) A township assessor shall be elected under IC 3-10-2-14 in each township having a population of more than five thousand (5,000) but not more than eight thousand (8,000), if the legislative body of the township:

- (1) by resolution, declares that the office of township assessor is necessary; and
- (2) the resolution is filed with the county election board not later than the first date that a declaration of candidacy may be filed under IC 3-8-2.

(c) A township government that is created by merger under IC 36-6-1.5 shall elect only one (1) township assessor under this section.

(d) The township assessor must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. The assessor forfeits office if the assessor ceases to be a resident of the township.

(e) The term of office of a township assessor is the following:

(1) **This subdivision applies to a township assessor of a township having a consolidated city. The term of a township assessor who is elected in the 2006 general election is two (2) years beginning January 1 after election.**

(2) **This subdivision applies to a township assessor of a township not having a consolidated city. The term of a township assessor is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified. However, the term of office of a township assessor elected at a general election in which no other township officer is elected ends on December 31 after the next election in which any other township officer is elected.**

SECTION 143. IC 36-6-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) This section applies to ~~townships~~ **a township, other than a township located in a county having a consolidated city, that does not** have an elected or appointed and qualified township assessor.

(b) The township executive shall perform all the duties and has all the rights and powers of assessor. If a township qualifies under IC 36-6-5-1 to elect a township assessor, the executive shall continue to serve as assessor until an assessor is appointed or elected and qualified.

(c) The bond filed by the executive in ~~his~~ **the executive's** capacity as executive also covers ~~his~~ **the executive's** duties as assessor.

SECTION 144. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b),** the assessor shall perform the duties prescribed by statute, including:

- (1) assessment duties prescribed by IC 6-1.1; and
- (2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

(b) In a township located in a county having a consolidated city:

- (1) there is no township assessor beginning January 1, 2008;**
- (2) beginning January 1, 2007, the duties of the township assessor prescribed by IC 6-1.1 are performed by the county assessor under IC 36-2-15-5;**
- (3) beginning January 1, 2007, the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the controller's designee; and**
- (4) beginning January 1, 2007, township assessors shall perform the duties prescribed by ordinance of the legislative body of the consolidated city.**

SECTION 145. IC 36-6-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 1. This chapter applies to all townships **except a township in a county having a consolidated city.**

SECTION 146. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2. (a) Except as provided in subsection ~~(b)~~ and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

~~(b) The township board in a county containing a consolidated city shall consist of seven (7) members elected under IC 3-10-2-13 by the voters of each township.~~

~~(c) (b)~~ The township board is the township legislative body.

~~(d) (c)~~ The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 147.. IC 36-6-6-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 2.2. ~~(a) This subsection applies to townships in a county containing a consolidated city. The voters of each legislative body district established under section 2.5 of this chapter shall elect one (1) member of the township board.~~

~~(b) This subsection applies to townships not included in subsection (a). The voters of each township shall elect all the members of the township board.~~

SECTION 148. IC 36-6-6-3, AS AMENDED BY P.L.240-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 3. ~~(a) This subsection applies to townships in a county containing a consolidated city. One (1) member of the legislative body must reside within each legislative body district. If a member of the legislative body ceases to be a resident of the district from which the member was elected, the office becomes vacant.~~

~~(b) (a)~~ This subsection applies to townships not included in subsection ~~(a)~~ ~~or (c)~~. **(b).** A member of the legislative body must reside within the township as provided in Article 6, Section 6 of the Constitution of the State of Indiana. If a member of the legislative body ceases to be a resident of the township, the office becomes vacant.

~~(c) (b)~~ This subsection applies to a township government that:

- (1) is created by a merger of township governments under IC 36-6-1.5; and
- (2) elects a township board under section 2.1 of this chapter.

One (1) member of the legislative body must reside within the boundaries of each of the former townships that merged. If a member of the legislative body ceases to be a resident of that former township, the office becomes vacant.

SECTION 149. IC 36-6-6-4, AS AMENDED BY P.L.240-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009]: Sec. 4. (a) Except as provided in

~~subsections subsection (b), and (c);~~ two (2) members of the legislative body constitute a quorum.

~~(b) Four (4) members of the legislative body in a county containing a consolidated city constitute a quorum.~~

~~(c) (b)~~ This subsection applies to a township government that:

- (1) is created by a merger of township governments under IC 36-6-1.5; and
- (2) elects a township board under section 2.1 of this chapter.

A majority of the members of the legislative body constitute a quorum. If a township board has an even number of members, the township executive shall serve as an ex officio member of the township board for the purpose of casting the deciding vote to break a tie.

SECTION 150. IC 36-6-6.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]:

Chapter 6.1. Township Legislative Bodies in Marion County

Sec. 1. Subject to IC 36-6-1.1, this chapter applies only in a county having a consolidated city.

Sec. 2. The definitions in IC 36-6-4.1 apply to this chapter.

Sec. 3. (a) The township board shall serve as the township district legislative body.

(b) The township board for the:

- (1)** central township district consists of seven (7) at-large members; and
- (2)** consolidated township district consists of nine (9) at-large members.

(c) Beginning with the general election held in 2008, all members of the township boards shall be elected under IC 3-10-2-13 by the voters of each township district.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

Sec. 4. A member of the legislative body must reside within the township district. If a member of the legislative body ceases to be a resident of the township district from which the member was elected, the office becomes vacant.

Sec. 5. (a) Four (4) members of the legislative body for the central township district constitute a quorum.

(b) Five (5) members of the legislative body for the consolidated township district constitute a quorum.

Sec. 6. The legislative body may adjourn a meeting from day to day until the business of the legislative body is completed.

Sec. 7. A taxpayer of the township district may appear at any meeting of the legislative body and be heard as to:

- (1)** an estimate of expenditures;
- (2)** a proposed levy of taxes;
- (3)** the approval of the executive's annual report; or
- (4)** any other matter being considered by the legislative body.

Sec. 8. (a) The legislative body shall meet at the office of the executive on the first Tuesday after the first Monday in January of each year. At this meeting the legislative body shall elect one (1) member as chairperson and one (1) member as secretary for that year.

(b) If a newly elected legislative body holds a special meeting before the first Tuesday after the first Monday in the January following its election, the legislative body shall elect a chairperson and a secretary before conducting any other business. The chairperson and secretary elected at the special meeting retain those positions until the first Tuesday after the first Monday in January of the year following the special meeting.

Sec. 9. The legislative body shall keep a permanent record of its proceedings in a book furnished by the executive. The secretary of the legislative body shall, under the direction of the legislative body, record the minutes of the proceedings of each meeting in full and shall provide copies of the minutes to each member of the legislative body before the next meeting is convened. After the minutes are approved by the legislative body, the secretary of the legislative body shall place the minutes in the permanent record book. The chairperson of the legislative body shall retain the record in the chairperson's custody.

Sec. 10. (a) The legislative body shall meet on or before the third Tuesday after the first Monday in January of each year. At

this meeting the legislative body shall consider and approve, in whole or in part, the annual report of the executive presented under IC 36-6-4.1-15.

(b) The legislative body may send for persons, books, and papers necessary in the examination of the annual report. A member may administer oaths necessary in the examination of the annual report.

(c) Any sum in the control of the executive that remains unexpended and is subject to no liability shall be credited in favor of the fund for which it was appropriated.

(d) Any fund expended, in whole or in part, for a purpose for which it was not appropriated shall be considered unexpended and in the control of the executive, who is liable on the executive's bond for such an expenditure.

(e) When the legislative body completes its examination of the annual report, the legislative body shall take action on the annual report, specifying the parts of the annual report that are altered or disallowed. The annual report remains under the control of the legislative body and in custody of the chairperson of the legislative body, who shall keep it open to inspection by taxpayers of the township district.

Sec. 11. (a) The legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township district.

(b) Subject to subsection (c), the legislative body may reduce the salary of an elected or appointed official. However, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(c) The legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but the legislative body may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(d) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the executive under this section and take effect January 1 of the next year. However, the legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(e) The legislative body may not reduce the salary of the executive without the consent of the executive during the term of office of the executive as set forth in IC 36-6-4.1-7.

(f) This subsection applies when an executive dies or resigns from office. The person filling the vacancy of the executive shall receive at least the same salary the previous executive received for the remainder of the unexpired term of office of the executive (as set forth in IC 36-6-4.1-7), unless the person consents to a reduction in salary.

Sec. 12. (a) The legislative body shall meet annually in accordance with IC 6-1.1-17 to adopt the annual budget of the district.

(b) The legislative body shall consider the estimates of expenditures made by the executive under IC 36-6-4.1-15 and may approve or reject all or part of any estimate or any item within an estimate. The legislative body may require the executive to further itemize an estimate not sufficiently itemized.

(c) The legislative body may not appropriate for any purpose an amount more than the executive's estimate of the amount required for that purpose.

(d) The legislative body shall include in the budget:

- (1) provisions for the payment of existing debt of the township district as it becomes due; and
- (2) the salaries fixed under section 11 of this chapter.

(e) In making levies for the general fund of the township district, the legislative body may include an amount not more than the amount necessary to compensate its members for their services during the year for which the levies are made.

(f) After the legislative body has taken action on the executive's estimates, it shall levy taxes for the township district funds on

property in the township district and fix rates of taxation sufficient to provide that revenue during the next year.

(g) On the assessment date (as defined by IC 6-1.1-1-2), the rates of taxation adopted under this section become a levy and a lien on all taxable property in the township district, including property in municipalities in the township district. The levy constitutes an appropriation for the specific items in the executive's estimates.

Sec. 13. (a) The legislative body may appropriate money for membership of the township district in county, state, or national associations that:

- (1) are of a civic, an educational, or a governmental nature; and
- (2) have as a purpose the improvement of township or township district governmental operations.

The township district representatives may participate in the activities of these associations, and the legislative body may appropriate money to defray the expenses of township district representatives in connection with these activities.

(b) Each representative of the township district attending any meeting, conference, seminar, or convention approved by the executive shall be reimbursed for all necessary and legitimate expenses incurred while representing the township district. Expenses shall be paid to each representative in accordance with the reimbursement policy of the township district, which may include an established per diem rate, as recommended by the executive and adopted by the legislative body.

Sec. 14. (a) A special meeting may be held by the legislative body if the executive, the chairperson of the legislative body, or a majority of the members of the legislative body issue a written notice of the meeting to each member of the legislative body. The notice must state the date, time, place, and purpose of the meeting.

(b) At the special meeting, if a majority of the members give their consent, the legislative body may determine whether there is an emergency requiring the expenditure of money not included in the budget estimates and levy of the township district. Subject to section 15 of this chapter, if the legislative body finds that such an emergency exists, it may issue a special order, entered and signed on the record, authorizing the executive to borrow a specified amount of money sufficient to meet the emergency. At the legislative body's next annual session, the legislative body shall cover the debt created by making a levy to the credit of the fund for which the amount was borrowed under this subsection.

Sec. 15. (a) If the legislative body issues a special order under section 14 of this chapter authorizing the executive to borrow money, not less than ten (10) taxpayers in the township district who disagree with the special order may file a petition in the office of the controller of the consolidated city not more than thirty (30) days after notice of the special order is given. The petition must state the taxpayers' objections and the reasons why the taxpayers believe the special order is unnecessary or unwise.

(b) The controller of the consolidated city shall immediately certify a copy of the petition, together with other data necessary to present the questions involved, to the department of local government finance. Upon receipt of the certified petition and other data, the department of local government finance shall fix a date, time, and place for the hearing of the matter. The hearing must be held not less than five (5) and not more than thirty (30) days after the receipt of the certified documents.

(c) The hearing must be held in the township district where the petition arose.

(d) Notice of the hearing shall be given by the department of local government finance to the township district and to the first ten (10) taxpayer petitioners listed on the petition by letter. The letter shall be sent to the first ten (10) taxpayer petitioners at each taxpayer's usual place of residence at least five (5) days before the date of the hearing.

(e) A:

- (1) taxpayer who signed a petition filed under subsection (a); or
- (2) township district against which a petition under subsection (a) is filed;

may petition for judicial review of the final determination of the

department of local government finance under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the date of the department's final determination.

Sec. 16. (a) If the legislative body finds that an emergency requires the borrowing of money to meet the current expenses of the township district, the legislative body may take out temporary loans in an amount not more than fifty percent (50%) of the total anticipated revenue for the remainder of the year in which the loans are taken out.

(b) The legislative body must authorize the temporary loans by a resolution:

- (1) stating the nature of the consideration for the loans;**
- (2) stating the date the loans are payable;**
- (3) stating the place the loans are payable;**
- (4) stating a rate of interest;**
- (5) stating the anticipated revenues on which the loans are based and out of which they are payable; and**
- (6) appropriating a sufficient amount of the anticipated revenues on which the loans are based and out of which they are payable for the payment of the loans.**

(c) The loans must be evidenced by time warrants of the township district stating:

- (1) the nature of the consideration;**
- (2) the date payable;**
- (3) the place payable; and**
- (4) the anticipated revenues on which they are based and out of which they are payable.**

SECTION 151. IC 36-6-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to all townships.**

(b) Sections 5, 6, 9, 10, and 11 of this chapter do not apply to a township located in a county having a consolidated city.

SECTION 152. IC 36-6-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The county fiscal body shall, in the manner prescribed by IC 36-2-5 or IC 36-2-6, fix and appropriate money to pay the per diem established under section 5 of this chapter and the salaries and per diems of the county's township assessors and any deputies or other employees that assist the elected township assessor.

(b) Each township assessor shall file the budget estimate required by IC 36-2-5-5. ~~or IC 36-3-6-4.~~ The budget estimate filed under this subsection must include all estimated expenses of the office, including costs incurred through litigation for the office.

(c) If the township executive is performing the duties of assessor, the county fiscal body shall appropriate money for the purposes of subsection (a) and other expenses of acting as assessor, including all costs incurred through litigation for the office. However, it may not provide a salary that is below the amount fixed for that salary for the year 1984.

SECTION 153. IC 36-7-11.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. As used in this chapter, "notice" means written notice:

- (1) served personally upon the person, official, or office entitled to the notice; or
- (2) served upon the person, official, or office by placing the notice in the United States mail, first class postage prepaid, properly addressed to the person, official, or office. Notice is considered served if mailed in the manner prescribed by this subdivision properly addressed to the following:
 - (A) The governor, both to the address of the governor's official residence and to the governor's executive office in Indianapolis.
 - (B) The Indiana department of transportation, to the commissioner.
 - (C) The department of natural resources, both to the director of the department and to the director of the department's division of historic preservation and archeology.
 - (D) The department of metropolitan development.
 - (E) An occupant, to:
 - (i) the person by name; or
 - (ii) if the name is unknown, to the "Occupant" at the address of the Meridian Street or bordering property

occupied by the person.

(F) An owner, to the person by the name shown to be the name of the owner, and at the person's address, as the address appears in the records in the bound volumes of the most recent real estate tax assessment records as the records appear in the offices of the ~~township assessors~~ **county assessor** in Marion County.

(G) A neighborhood association or the society, to the organization at the latest address as shown in the records of the commission.

SECTION 154. IC 36-7-11.2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. (a) A person who has filed a petition under section 56 or 57 of this chapter shall, not later than ten (10) days after the filing, serve notice upon all interested parties. The notice must state the following:

- (1) The full name and address of the following:
 - (A) The petitioner.
 - (B) Each attorney acting for and on behalf of the petitioner.
- (2) The street address of the Meridian Street and bordering property for which the petition was filed.
- (3) The name of the owner of the property.
- (4) The full name and address of, and the type of business, if any, conducted by:
 - (A) each person who at the time of the filing is a party to; and
 - (B) each person who is a disclosed or an undisclosed principal for whom the party was acting as agent in entering into;

a contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement of any kind or nature concerning the subject property or the present or future ownership, use, occupancy, possession, or development of the subject property.

(5) A description of the contract of sale, lease, option to purchase or lease, agreement to build or develop, or other written agreement sufficient to disclose the full nature of the interest of the party or of the party's principal in the subject property or in the present or future ownership, use, occupancy, possession, or development of the subject property.

(6) A description of the proposed use for which the rezoning or zoning variance is sought, sufficiently detailed to appraise the notice recipient of the true character, nature, extent, and physical properties of the proposed use.

(7) The date of the filing of the petition.

(8) The date, time, and place of the next regular meeting of the commission if a petition is for approval of a zoning variance. If a petition is filed with the development commission, the notice does not have to specify the date of a hearing before the commission or the development commission. However, the person filing the petition shall give ten (10) days notice of the date, time, and place of a hearing before the commission on the petition after the referral of the petition to the commission by the development commission.

(b) For purposes of giving notice to the interested parties who are owners, the records in the bound volumes of the recent real estate tax assessment records as the records appear in the offices of the ~~township assessors~~ **county assessor** as of the date of filing are considered determinative of the persons who are owners.

SECTION 155. IC 36-7-15.1-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 32. (a) The commission must establish a program for housing. The program, which may include such elements as the commission considers appropriate, must be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 26 and 35 of this chapter for the accomplishment of the program.

(b) The notice and hearing provisions of sections 10 and 10.5 of this chapter apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 11 of this chapter.

(c) Before formal submission of any housing program to the commission, the department shall consult with persons interested in or affected by the proposed program and provide the affected

neighborhood associations, residents, and ~~township assessors~~ **the county assessor** with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program. The department may hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

SECTION 156. IC 36-8-7-1, AS AMENDED BY P.L.227-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) This chapter applies to pension benefits for members of fire departments hired before May 1, 1977, in units for which a 1937 fund was established before May 1, 1977.

(b) A firefighter with twenty (20) years of service is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(c) A firefighter is covered by this chapter and not by IC 36-8-8 if the firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1937 fund.

(d) A firefighter who:

- (1) is covered by this chapter before ~~a consolidation under IC 36-3-1-6.1; January 1, 2007; and~~
- (2) **after December 31, 2006**, becomes a member of a fire department of a consolidated city under IC 36-3-1-6.1;

is covered by this chapter after ~~the effective date of the consolidation; December 31, 2006~~, and the firefighter's service as a member of a fire department of a consolidated city is considered active service under this chapter.

SECTION 157. IC 36-8-7-4, AS AMENDED BY P.L.227-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) If a unit has less than five (5) members in its fire department, the unit may provide for the organization of a local board consisting of the fire chief, the executive of the unit, and one (1) member of the fire department.

(b) The trustee from the fire department shall be elected under this section.

(c) The local board may amend the bylaws of the fund to elect the trustee from the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(d) This subsection applies only if the local board does not elect to be governed by subsection (c). The trustee from the fire department shall be elected at a meeting held on the second Monday in February each year. The meeting shall be called by the fire chief and held at the house or quarters of the fire department.

(e) The term of the elected trustee is one (1) year beginning immediately after the trustee's election.

(f) Each member of the department is entitled to one (1) ballot and the person receiving the highest number of votes is elected. The executive of the unit, the fire chief, and the city or county clerk shall canvass and count the ballots, and the clerk shall issue a certificate of election to the person having received the highest number of votes. If two (2) persons have received the same number of votes, the executive and the chief shall immediately determine by lot who will be the trustee from the persons receiving an equal number of votes.

~~(g) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 158. IC 36-8-7-5, AS AMENDED BY P.L.227-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) An election shall be held each year under this section to elect one (1) trustee from the active members of the fire department for a term of four (4) years, commencing on the day of his election. The fire chief shall fix a time

for holding a convention to nominate candidates for trustees to be elected at each election. Each convention must be held at least five (5) days before the day on which the annual election is held. A convention consists of one (1) delegate from each fire company and one (1) delegate to be selected by the chief and the chief's assistants. The delegate from each fire company shall be elected by ballot by the members of the company at a time to be fixed by the chief in the call for a convention. The election of delegates shall be certified by the captain or other officer of the company, or, if there is not an officer present, then by the oldest member of the company present. The convention, when assembled, shall nominate six (6) members of the fire department to be voted upon as trustees, and the delegates shall report the names of the persons nominated as candidates to their respective companies in writing.

(b) The local board may amend the bylaws of the fund to elect the trustee from the active members of the fire department in an election held on any three (3) consecutive days in February specified in the bylaws. The election shall be called by the fire chief and held at the house or quarters of the respective companies of the fire department. Subject to this section, the election shall be conducted in the manner specified in the bylaws.

(c) This subsection applies only if the local board does not elect to be governed by subsection (b). The election shall be held at the houses or quarters of the respective companies on the second Monday in February between 9 a.m. and 6 p.m.

(d) Each member of a fire company is entitled to one (1) ballot, and the ballot may not contain the names of more than one (1) person, chosen from the six (6) persons nominated by the convention. The candidate receiving the highest number of votes is elected.

(e) The captain or other officer in command of each of the fire companies, immediately after the casting of all ballots, shall canvass and count the ballots. The captain or other officer shall certify in writing the total number of ballots cast and the number of votes received by each candidate for the office of trustee. After signing the certificate, the officer shall enclose it, together with all the ballots cast by the fire company, in an envelope, securely sealed and addressed, and deliver them to the fire chief. The fire chief shall deliver them to the executive of the unit as soon as the chief receives all the certificates and ballots. Upon receipt the executive shall, in the presence of the chief and the clerk of the unit, open the envelopes, examine the certificates, and determine the total number of votes cast for each of the candidates. The executive shall then issue a certificate of election to the candidate having received the highest number of votes. If two (2) or more candidates have received the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes. An election may not be set aside for lack of formality in balloting by the members or in certifying or transmitting the returns of an election by the officers in charge.

~~(f) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 159. IC 36-8-7-6, AS AMENDED BY P.L.227-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) An election shall be held under this section every two (2) years to elect one (1) trustee from the retired members of the fire department for a term of two (2) years, commencing on the day of the trustee's election, if the retired list contains at least three (3) retired members at the time of election. The fire chief shall fix a time for holding a convention to nominate candidates for trustee to be elected at each election. Each convention must be held at least fifteen (15) days before the day on which the biennial election is held. All retired members of the fire department may participate in the convention. The convention, when assembled, shall nominate not more than four (4) members of the retired list to be voted upon as trustee. The secretary of the board shall mail the names of the persons nominated along with an official ballot to the retired members within forty-eight (48) hours of the end of the convention.

(b) The election shall be conducted by mail. Each retired member is entitled to cast one (1) ballot by mail and the ballot may not contain more than one (1) name, chosen from the list of retired persons nominated by the convention. The candidate receiving the highest number of votes by 6 p.m. on the second Monday in February or an alternative date in February specified in the bylaws of the fund is

elected.

(c) The ballots must remain closed and inviolate until the close of the election, at which time, in the presence of the executive of the unit, the fire chief, and the clerk of the unit, the ballots shall be opened and counted. A certificate of election shall be issued to the candidate receiving the highest number of votes. If two (2) or more candidates receive the same number of votes, the executive and the chief shall immediately determine by lot who will be trustee from the persons receiving an equal number of votes.

~~(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 160. IC 36-8-7-6.5, AS AMENDED BY P.L.227-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.5. (a) All ballots voted under this chapter shall be secured until the balloting is closed.

(b) Tampering with a ballot for an election under this chapter is a Class A infraction.

~~(c) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 161. IC 36-8-7-7, AS AMENDED BY P.L.227-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) The fire chief is the president of the local board.

(b) At the first meeting after each election, the local board shall elect a secretary, who may be chosen from among the trustees. However, the local board may consider it proper to have a secretary who is a member of the fire department, to be elected by the companies for a term of four (4) years in the same manner as the election for trustees. The secretary shall keep a full record of all the proceedings of the local board in a book provided for that purpose.

(c) The local board shall make all rules necessary for the discharge of its duties and shall hear and determine all applications for relief or pensions under this chapter.

~~(d) This section does not apply to a township if the fire department of the township is consolidated under IC 36-3-1-6.1.~~

SECTION 162. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before ~~the effective date of consolidation January 1, 2007~~, and, **after December 31, 2006**, becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3; ~~provided that however~~, the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after ~~the effective date of the consolidation December 31, 2006~~, by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a

member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 163. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:

(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and

(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 164. IC 36-8-8-7, AS AMENDED BY P.L.227-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), ~~and (m): and (n):~~

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter

receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the

time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**
- (2) whose employer is consolidated into the **consolidated law enforcement department or the fire department** of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police officer or firefighter who:

- (1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1, provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) has the provision of those services consolidated into the **consolidated law enforcement department or the fire department** of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and
- (3) after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

- (1) may not be:
 - (~~1~~) (A) retired for purposes of section 10 of this chapter; or
 - (~~2~~) (B) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; and
- (2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 166. IC 36-8-13-1, AS AMENDED BY P.L.227-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. This chapter applies to all townships. ~~However, this chapter does not apply to a township in which the fire department of the township has been consolidated under IC 36-3-1-6.1; except townships located in a consolidated city.~~

SECTION 167. IC 36-8-19-1.5, AS ADDED BY P.L.227-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. ~~If the fire departments of a township is consolidated under IC 36-3-1-6.1; after the effective date of the consolidation the township may not establish fire protection territory under this chapter.~~ (a) In a county having a consolidated city, only:

- (1) a consolidated city; or
- (2) an excluded city;

may establish a fire protection territory under this chapter.

(b) A fire protection territory that is established before ~~the effective date of the consolidation in a township in which the township's fire department January 1, 2007, by a unit that is consolidated under~~ IC 36-3-1-6.1 becomes part of the geographic area in which the fire department of a consolidated city provides fire protection services.

SECTION 168. IC 36-9-11.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) All property of every kind, including air rights, acquired for off-street parking purposes, and all its funds and receipts, are exempt from taxation for all purposes. When any real property is acquired by the

consolidated city, the county auditor shall, upon certification of that fact by the board, cancel all taxes then a lien. The certificate of the board must specifically describe the real property, including air rights, and the purpose for which acquired.

(b) A lessee of the city may not be assessed any tax upon any land, air rights, or improvements leased from the city, but the separate leasehold interest has the same status as leases on taxable real property, notwithstanding any other law. Whenever the city sells any such property to anyone for private use, the property becomes liable for all taxes after that, as other property is so liable and is assessed, and the board shall report all such sales to the ~~township~~ county assessor, who shall cause the property to be upon the proper tax records.

SECTION 169. IC 36-9-17.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to ~~all townships~~ a township.

(b) This chapter does not apply to a township or township district in a county having a consolidated city.

SECTION 170. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the townships indicated in each section.

(b) This chapter does not apply to a township in a county having a consolidated city. All powers and duties related to parks and recreation of the townships in a county having a consolidated city are transferred to the consolidated city.

SECTION 171. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2008]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to ~~all townships~~ a township.

(b) This chapter does not apply to a township in a county having a consolidated city, and all powers and duties related to parks and recreation of the townships in a county having a consolidated city are transferred to the consolidated city.

SECTION 172. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 3-11-1.5-32.5; IC 33-34; IC 36-6-6-2.5; IC 36-8-4.3.

SECTION 176. [EFFECTIVE JULY 1, 2006] The general assembly finds the following:

(1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.

(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional

sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) If public safety resources are consolidated, residual services provided by townships are limited and can more effectively and uniformly be performed through consolidation at the city or county level.

(8) By virtue of its size and population patterns, township assistance needs in a consolidated city are greatest in its urban center and differ from the township assistance needs outside the urban center, and the lesser township assistance services outside the urban center can be more effectively and uniformly delivered through a consolidated district.

(9) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county, city, and township services and operations.

(10) Consolidation of county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

- (A) eliminate duplicative services;
- (B) provide better coordinated and more uniform delivery of local governmental services;
- (C) provide uniform oversight and accountability for the budgets for local governmental services;
- (D) simplify the system of property taxation;
- (E) provide more unified tax rates; and
- (F) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(11) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(12) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner.

SECTION 173. [EFFECTIVE JULY 1, 2006] For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5 for a county having a consolidated city is increased by the amount levied in 2006 for assessor and related services by each township in the county.

SECTION 174. [EFFECTIVE JULY 1, 2006] Each township district shall refer the township district's proposed budget, ad valorem property tax levy, and property tax rate for 2009 to the local government tax control board, which shall review and set the budget, levy, and rate as though the township district is covered by IC 6-1.1-18.5-7. For property taxes first due and payable in 2009, the maximum permissible ad valorem property tax limits and any other limits on ad valorem property taxes set forth in IC 6-1.1-18.5 for:

(1) a central township district shall be based upon the sum of:

- (A) the amount levied in 2008 for the general fund; plus
- (B) the amount levied in 2008 for township assistance, including reasonable administrative costs, in the central township district in a county having a consolidated city; plus
- (C) thirty-five percent (35%) of the amount levied in 2008 for township assistance, including reasonable administrative costs, by each other township located in the county containing a consolidated city; and

(2) a consolidated township district shall be based upon sixty-five percent (65%) of the amount levied in 2008 for township assistance, including reasonable administrative costs, by each township located in a county having a consolidated city, other than the central township district in a county having a consolidated city.

SECTION 175. [EFFECTIVE JULY 1, 2006] (a) Any case pending in a township small claims court established by IC 33-34, as repealed by this act, after the close of business on December

31, 2006, is transferred on January 1, 2007, to the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act. A case transferred under this SECTION shall be treated as if the case were filed in the corresponding township division of the small claims division of the Marion superior court.

(b) On January 1, 2007, all property and obligations of a township small claims court established by IC 33-34, as repealed by this act, become the property and obligations of the corresponding township division of the small claims division of the Marion superior court established under IC 33-33-49-14(c)(5) and IC 33-33-49-14.1, both as added by this act.

(c) This SECTION expires January 2, 2008.

SECTION 176. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a judge in office in a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2006. The election for the initial small claims judges to be elected to the township divisions of the small claims division of the Marion superior court under IC 33-33-49-13.1, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the judge in office in a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2006, would have terminated under the law in effect on December 31, 2006.

(b) Notwithstanding the amendment and repeal by this act of provisions in IC 33-33-49 and IC 33-34, the term of a constable for a township small claims court established by IC 33-34, as repealed by this act, does not terminate until the date that the term would have terminated under the law in effect on December 31, 2006. The election for the initial small claims constables to be elected under IC 33-33-49-14.2, as added by this act, is the election to be held in the November immediately preceding the date that the corresponding term of the constable for a township small claims court established by IC 33-34, as repealed by this act, on December 31, 2006, would have terminated under the law in effect on December 31, 2006.

(c) This SECTION expires January 2, 2011.

SECTION 177. [EFFECTIVE JULY 1, 2006] (a) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in 2006 for fire protection and related services by each:

- (A) township;
- (B) airport authority;
- (C) fire protection territory; or
- (D) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act; and

(2) is reduced for:

- (A) a township;
- (B) an airport authority;
- (C) a fire protection territory; or
- (D) an excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act, by the amount levied in 2006 for fire protection and related services by each township, airport authority, fire protection territory, or excluded city whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act.

(b) This SECTION expires January 1, 2008.

SECTION 178. [EFFECTIVE JULY 1, 2006] For property taxes first due and payable in 2007, the amount levied in 2006 by each:

- (1) township;
- (2) airport authority;
- (3) fire protection territory; or

(4) excluded city;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1, as amended by this act, or IC 36-3-1-6.3, as added by this act, for its cumulative building and equipment fund for fire protection and related services is transferred to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

SECTION 179. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to a township in a county having a consolidated city.

(b) Notwithstanding IC 3-10-2-13, as amended by this act, a township assessor for each township in the county shall be elected at the 2006 general election for a term of two (2) years beginning on January 1 following the election as set forth in IC 36-6-5-1, as amended by this act.

(c) This SECTION expires January 1, 2009.

SECTION 180. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies only to a township in a county having a consolidated city.

(b) Notwithstanding IC 3-10-2-13, as amended by this act, a township trustee for each township in the county shall be elected at the 2006 general election for a term of two (2) years beginning on January 1 following the election as set forth in IC 36-6-4-2, as amended by this act.

(c) This SECTION expires January 1, 2009.

SECTION 181. [EFFECTIVE JULY 1, 2006] The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary."

Page 4, after line 38, begin a new paragraph and insert:

"SECTION 185. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1344 as printed January 27, 2006.)

CRAWFORD

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

Representative Crawford withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Representative Welch was excused for the rest of the day.

House Bill 1355

Representative Friend called down House Bill 1355 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1355-1)

Mr. Speaker: I move that House Bill 1355 be amended to read as follows:

Page 11, line 35, delete "governor shall fix the" and insert "annual".

Page 11, line 35, delete "." and insert "is one hundred twenty thousand dollars (\$120,000)".

(Reference is to HB 1355 as printed January 26, 2006.)

V. SMITH

Upon request of Representatives V. Smith and Robertson, the Speaker ordered the roll of the House to be called. Roll Call 108: yeas 40, nays 53. Motion failed.

HOUSE MOTION
(Amendment 1355-4)

Mr. Speaker: I move that House Bill 1355 be amended to read as follows:

Page 11, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 11. IC 20-18-2-22, AS ADDED BY P.L.246-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 22. (a) "Teacher" means a professional person whose position in a school corporation requires certain educational preparation and licensing.

(b) For purposes of IC 20-28, the term includes the following:

- (1) A superintendent **who holds a license under IC 20-28-5.**
- (2) A supervisor.
- (3) A principal.
- (4) An attendance officer.
- (5) A teacher.
- (6) A librarian."

Page 13, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. IC 20-26-5-4, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's previous year's average daily membership (as defined in IC 21-3-1.6-1.1) to promote the best interests of the school corporation through:

- (A) the purchase of meals, decorations, memorabilia, or awards;
- (B) provision for expenses incurred in interviewing job applicants; or
- (C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 21-5-10, IC 21-5-11, or IC 21-5-12.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for energy conservation measures through utility energy efficiency programs or under a guaranteed energy savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until

payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts delineated under the powers given under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children five (5) years of age through fourteen (14) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents **(who are not required to hold a license under IC 20-28-5)**, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers is subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to

the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval to the end that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to refund to the employee or to the member the employee's or member's reasonable hotel and board bills and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school, the transportation to be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To levy taxes, to make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 21-2-21.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state government, the federal government, or from any other source.

(17) To defend any member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body, which rules, regulations, and procedures may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 21-2-19, and IC 21-2-21 by specific language or by reference to other law.

SECTION 16. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

(1) **If the superintendent holds a license under IC 20-28-5**, the basic contract must be in the form of the regular teacher's contract.

(2) The contract must be for a term of at least thirty-six (36) months.

(3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.

(4) **If the superintendent holds a license under IC 20-28-5**, the rights of ~~a~~ the superintendent as a teacher under any other law are not affected by the contract."

Page 13, line 32, strike "IC 3-8-1-10.5 IS REPEALED [EFFECTIVE JULY" and insert "**THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 3-8-1-10.5; IC 20-23-2-7.**"

Page 13, delete line 33.

Renumber all SECTIONS consecutively.

(Reference is to HB 1355 January 26, 2006.)

TURNER

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Yeas 42, nays 48. Motion failed.

HOUSE MOTION
(Amendment 1355-3)

Mr. Speaker: I move that House Bill 1355 be amended to read as follows:

Page 11, line 27, delete "governor" and insert **"state superintendent selection commission established by IC 20-19-1.5-2"**.

Page 11, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 12. IC 20-19-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 1.5. State Superintendent Selection Commission

Sec. 1. As used in this chapter, "commission" refers to the state superintendent selection commission established by section 2 of this chapter.

Sec. 2. The state superintendent selection commission is established.

Sec. 3. (a) Whenever there is a vacancy in the office of the state superintendent, the governor shall appoint six (6) individuals to serve on the commission.

(b) Not more than three (3) commission members may be members of the same political party.

Sec. 4. The governor shall designate one (1) of the commission members to be the commission's chair.

Sec. 5. The commission shall meet at the call of the chair.

Sec. 6. (a) Four (4) members of the commission constitute a quorum.

(b) The affirmative votes of at least four (4) commission members are necessary for the commission to take final action on a matter.

Sec. 7. The term of each member of the commission expires when the commission has appointed a state superintendent.

Sec. 8. (a) Each member of the commission who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 9. The department shall provide staff and administrative support to the commission.

Sec. 10. The commission's expenses shall be paid from appropriations made to the department."

Renumber all SECTIONS consecutively.

(Reference is to HB 1355 as printed January 26, 2006.)

V. SMITH

Motion failed.

HOUSE MOTION
(Amendment 1355-2)

Mr. Speaker: I move that House Bill 1355 be amended to read as follows:

Page 11, line 29, after "Indiana." insert **"The individual selected by the governor to be state superintendent must have all of the following qualifications:**

(1) The individual must hold a bachelor's degree in education.

(2) The individual must hold a license issued under IC 20-28.

(3) The individual must have practical experience as a licensed teacher in a school setting."

(Reference is to HB 1355 as printed January 26, 2006.)

V. SMITH

Upon request of Representatives V. Smith and Cheney, the

Speaker ordered the roll of the House to be called. Roll Call 109: yeas 43, nays 50. Motion failed. The bill was ordered engrossed.

House Bill 1358

Representative Behning called down House Bill 1358 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1358-2)

Mr. Speaker: I move that House Bill 1358 be amended to read as follows:

Page 2, line 14, delete "commissioner of the department of state revenue." and insert **"state budget committee for review and recommendation to the budget agency."**

(d) After the state budget committee has reviewed the designation of the district and made a recommendation to the budget agency concerning the district, the budget agency may approve or disapprove the designation of the district. If the budget agency fails to take action on an ordinance designating a district within one hundred twenty (120) days after the date the ordinance is submitted to the budget committee, the designation of the district by the ordinance is considered approved. If the budget agency approves the designation of a district, the budget agency shall send a copy of its approval and a certified copy of the ordinance designating the district to the commissioner of the department of state revenue."

Page 2, line 17, after "chapter" delete "," and insert **"and the designation of the district is approved by the budget agency under section 6 of this chapter,"**

Page 2, line 21, delete "adoption of the ordinance" and insert **"approval of the district by the budget agency"**.

Page 2, line 28, delete "designated" and insert **"approved by the budget agency"**.

Page 10, line 4, after "SECTION" delete "." and insert **"and approved by the budget agency under IC 6-9-39-6, as added by this act."**

(Reference is to HB 1358 as printed January 26, 2006.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

House Bill 1368

Representative Neese called down House Bill 1368 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1378

Representative Lehe called down House Bill 1378 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1397

Representative Whetstone called down House Bill 1397 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1397-3)

Mr. Speaker: I move that House Bill 1397 be amended to read as follows:

Page 10, between lines 31 and 32, begin a new line block indented and insert:

"(6) Any agency employee, special state appointee, former agency employee, or former special state appointee with final purchasing authority."

Page 10, line 32, before "An" delete "(6)" and insert **"(7)"**.

Page 19, line 2, delete "Assess" and insert **"For a finding made after June 30, 2007, assess"**.

Page 19, line 10, delete "Assess" and insert **"For a finding made after June 30, 2007, assess"**.

(Reference is to HB 1397 as printed January 27, 2006.)

WHETSTONE

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, January 31, 2006 at 10:00 a.m.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1025.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins, Mays, and J. Lutz be added as coauthors of House Bill 1056.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1080.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Davis, Crawford, and Cherry be added as coauthors of House Bill 1081.

YOUNT

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1156.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1158.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Walorski be added as coauthor of House Bill 1176.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1203.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1259.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as coauthor of House Bill 1287.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives VanHaaften and Kuzman be added as coauthors of House Bill 1397.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Leonard be added as cosponsor of Engrossed Senate Bill 258.

ESPICH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

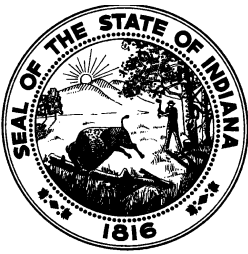
On the motion of Representative Neese, the House adjourned at 10:40 p.m., this thirtieth day of January, 2006, until Tuesday, January 31, 2006, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Fourteenth Meeting Day

Tuesday Morning


January 31, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Robert J. Bischoff.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks 	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 110: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

The members stood for a moment of silence in memory of Coretta Scott King, who died yesterday.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 1:50 p.m. with the Speaker in the Chair.

Representative Crooks, who had been excused, was present.

HOUSE BILLS ON SECOND READING

House Joint Resolution 3

Representative Messer called down House Joint Resolution 3 for second reading. The joint resolution was read a second time by title.

HOUSE MOTION (Amendment 3-1)

Mr. Speaker: I move that House Joint Resolution 3 be amended to read as follows:

Page 1, line 7, after "principal" insert "**and interest**".

Page 1, strike line 8.

Page 1, line 9, strike "diminished; and the income thereof shall".

Page 1, line 9, strike "inviolably".

Page 1, line 10, after "to" insert "**fund kindergarten, pre-kindergarten, and other**".

Page 1, line 11, after "programs" insert ",".

Page 1, line 11, delete "as provided by law,".

Page 1, line 11, delete "purpose" and insert "purpose".

Page 1, delete line 12.

(Reference is to HJR 3 as printed January 27, 2006.)

DAY

Motion prevailed. The joint resolution was ordered engrossed.

House Bill 1008

Representative Borror called down House Bill 1008 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1008-12)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 50, line 25, after "(g)" insert "**The authority shall submit a draft of the request for proposals to the budget committee for its review before the issuance by the authority of the request for proposals to potential offerors.**".

(Reference is to HB 1008 as printed January 26, 2006.)

HEIM

Motion prevailed.

HOUSE MOTION (Amendment 1008-40)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 35, line 2, after "IC 8-15-2-14(j)," insert "**and subject to section 8 of this chapter,**".

Page 35, line 19, delete "User" and insert "**Subject to section 8 of this chapter, user**".

Page 36, line 2, delete "A" and insert "**Subject to section 8 of this chapter, a**".

Page 36, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 8. (a) As used in this section, "passenger motor vehicle" means:

- (1) a passenger motor vehicle (as defined in IC 9-13-2-123); or
 (2) a truck (as defined in IC 9-13-2-188) that has a declared gross weight of not more than seven thousand (7,000) pounds;

that is owned or leased by an individual and is not used for commercial purposes.

(b) The user fees charged by the operator of the Indiana Toll Road under a public-private agreement for the use of the Indiana Toll Road by passenger motor vehicles that are owned or leased by individuals who reside in a county traversed by the Indiana Toll Road may not exceed the user fees for passenger motor vehicles that were in effect January 1, 2006.

(c) The operator of the Indiana Toll Road under a public-private agreement shall take the steps necessary to implement this section. The bureau of motor vehicles and other state agencies shall cooperate with the operator as necessary to implement this section.

(d) This section expires July 1, 2016."

(Reference is to HB 1008 as printed January 26, 2006.)

NEESE

On the motion of Representative Ulmer, the previous question was called. Upon request of Representatives Espich and Neese, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 111: yeas 91, nays 8. Motion prevailed.

HOUSE MOTION (Amendment 1008-11)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

Page 1, between lines 7 and 8, begin a new paragraph and insert: "SECTION 2. IC 4-4-11-15.6, AS ADDED BY P.L.214-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.6. In addition to the powers listed in section 15 of this chapter, the authority may:

- (1) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire obligations issued by any entity authorized to acquire, finance, construct, or lease capital improvements under IC 5-1-17; ~~and~~
- (2) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by the northwest Indiana regional development authority established by IC 36-7.5-2-1; ~~and~~
- (3) issue bonds under terms and conditions determined by the authority and use the proceeds of the bonds to acquire any obligations issued by the northeast Indiana regional development authority established by IC 36-7.6-2-1."

Page 7, between lines 9 and 10, begin a new paragraph and insert:

"Sec. 7. Money in the fund may be used for a purpose other than a purpose that is specified in this chapter on the effective date of this chapter only if the general assembly authorizes the purpose in a statute approved by at least seventy-five percent (75%) of the members of the house of representatives and by at least seventy-five percent (75%) of the members of the senate."

Page 13, line 22, after "pay" insert ":

(1) for the calendar years 2006 and 2007,".

Page 13, line 24, beginning with "(1)", begin a new line double block indented.

Page 13, line 24, strike "(1)" and insert "(A)".

Page 13, line 25, beginning with "(2)", begin a new line double block indented.

Page 13, line 25, strike "(2)" and insert "(B)".

Page 13, line 28, after "IC 36-7.5-4-1" delete ". A payment required by this".

Page 13, line 29, delete "subsection may be made".

Page 13, line 30, after "IC 8-15.5-11" delete "." and insert "; and

(2) for each of the calendar years 2008 through 2015, an amount equal to ten million dollars (\$10,000,000) to the development authority fund established under IC 36-7.5-4-1

from the toll road fund in accordance with IC 8-15.5-11."

Page 13, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 10. IC 8-15-2-14.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.8. (a) As used in this section, "development authority" refers to the northeast Indiana regional development authority established by IC 36-7.6-2-1.

(b) Subject to the trust agreement of any outstanding bonds, the authority shall distribute to the development authority in calendar year 2007 and calendar year 2008 from revenues accruing to the authority from the toll road at least five million dollars (\$5,000,000) and not more than ten million dollars (\$10,000,000) each year. The amount of the distribution for a year shall be determined by the authority. The amount to be distributed each year shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of 2007 and 2008. The amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.6-4-1.

(c) Subject to the trust agreement for any outstanding bonds and subject to the requirements of subsection (d), after 2008 the authority may distribute to the development authority amounts from revenues accruing to the authority from the toll road. The amount of any distribution for a year shall be determined by the authority. Any amounts to be distributed for the year under this subsection shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of the year. Any amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.6-4-1.

(d) A distribution may be made by the authority to the development authority under subsection (c) only after the budget committee has reviewed the development authority's comprehensive strategic development plan under IC 36-7.6-3-4 and the director of the office of management and budget has approved the comprehensive strategic development plan.

(e) If the Indiana Toll Road is sold or leased before January 1, 2008 (other than a lease to the department), and the sale or lease agreement does not require the purchaser or lessee to continue making the distributions required by subsection (b), the treasurer of state shall pay:

(1) for the calendar year 2007, an amount equal to the greater of zero (0) or the result of:

(A) ten million dollars (\$10,000,000); minus

(B) any amounts transferred to the development authority under this section before the sale or lease;

to the development authority fund established under IC 36-7.6-4-1 from the state general fund or from the toll road fund in accordance with IC 8-15.5-11; and

(2) for each of the calendar years 2008 through 2016, an amount equal to ten million dollars (\$10,000,000) to the development authority fund established under IC 36-7.6-4-1 from the toll road fund in accordance with IC 8-15.5-11.

(f) Amounts distributed or paid to the development authority under this section may be used for any purpose of the development authority authorized under IC 36-7.6.

(g) The amounts necessary to make any distributions or payments required or authorized by this section are appropriated."

Page 39, line 38, after ";" delete "and".

Page 39, between lines 38 and 39, begin a new line block indented and insert:

"(3) with respect to the northeast Indiana regional development authority:

(A) all or part of a distribution described in IC 8-15-2-14.8; and

(B) the acquisition, construction, renovation, improvement, and equipping of a project (as defined in IC 36-7.6-1); and"

Page 39, line 39, delete "(3)" and insert "(4)".

Page 40, line 12, delete "and".

Page 40, between lines 12 and 13, begin a new line double block

indented and insert:

"(C) the northeast Indiana regional development authority established in IC 36-7.6-2; and".

Page 40, line 13, delete "(C)" and insert "(D)".

Page 41, line 36, delete "and" and insert "(3) the northeast Indiana regional development authority; and".

Page 41, line 37, delete "(3)" and insert "(4)".

Page 42, between lines 34 and 35, begin a new paragraph and insert:

"(d) Before July 1, 2006, and every year thereafter, the northeast Indiana regional development authority may submit to the authority a request for a distribution from the eligible project account. The request must include a list of the eligible projects that:

(1) are to be carried out by the northeast Indiana regional development authority during the state fiscal year beginning on July 1 of that year; and

(2) require a distribution of money from the eligible project account.

The list must include the amount of distributions requested for each project during the fiscal year, the total amount of distributions requested for all projects during the fiscal year, and the proposed schedule of distributions for each project. The authority may approve, modify and approve, or reject a request made under this section. The authority shall make any distributions in the amounts and in accordance with the schedule as approved by the authority and shall pay the distributions from the eligible project account to the northeast Indiana regional development authority for deposit in the general account of the development authority fund established under IC 36-7.6-4-1."

Page 42, line 35, delete "(d)" and insert "(e)".

Page 43, between lines 13 and 14, begin a new paragraph and insert:

"(e) Any use or withdrawal of money from the toll road fund, which would result in the inability of the treasurer of state to distribute the money required to be distributed to the northwest Indiana regional development authority pursuant to IC 8-15-2-14.7 or to the northeast Indiana regional development authority pursuant to IC 8-15-2-14.8, must be made by an act passed by at least seventy-five percent (75%) of the members of the house of representatives and by at least seventy-five percent (75%) of the members of the senate, and the use or withdrawal may not occur until the bill is enacted and becomes effective.

Sec. 8. Money in the fund may be used for a purpose other than a purpose that is specified in this chapter on the effective date of this chapter only if the general assembly authorizes the purpose in a statute approved by at least seventy-five percent (75%) of the members of the house of representatives and by at least seventy-five percent (75%) of the members of the senate."

Page 77, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 42. IC 36-7.6 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 7.6. NORTHEAST INDIANA REGIONAL DEVELOPMENT AUTHORITY

Chapter 1. Definitions

Sec. 1. Except as otherwise provided, the definitions in this chapter apply throughout this article.

Sec. 2. "Airport authority" refers to an airport authority established under IC 8-22-3.

Sec. 3. "Airport authority project" means a project that can be financed with the proceeds of bonds issued by an airport authority under IC 8-22-3.

Sec. 4. "Bonds" means bonds, notes, or other evidences of indebtedness issued by the development authority.

Sec. 5. "Development authority" refers to the northeast Indiana regional development authority established by IC 36-7.6-2-1.

Sec. 6. "Development board" refers to the governing body appointed under IC 36-7.6-2-3.

Sec. 7. "Economic development project" means an economic development project described in IC 6-3.5-7-13.1(c).

Sec. 8. "Eligible county" refers to the following counties:

(1) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(2) A county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950).

(3) A county having a population of more than thirty-three thousand two hundred (33,200) but less than thirty-three thousand six hundred (33,600).

Sec. 9. "Eligible political subdivision" means the following:

(1) An airport authority.

(2) A regional transportation authority.

Sec. 10. "Project" means an airport authority project, an economic development project, or a regional transportation authority project.

Sec. 11. "Regional transportation authority" means a regional transportation authority established under IC 36-9-3-2.

Sec. 12. "Regional transportation authority project" means a project that can be financed with the proceeds of bonds issued by a regional transportation authority under IC 36-9-3.

Chapter 2. Development Authority and Board

Sec. 1. The northeast Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article; and

(2) funding and developing airport authority projects and services, regional transportation authority projects and services, and economic development projects in the eligible counties.

Sec. 2. The development authority may carry out its powers and duties under this article in an eligible county.

Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) The development board is composed of the following nine (9) members:

(1) Three (3) members appointed by the governor.

(2) The following members from a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000):

(A) One (1) member appointed by the county executive.

(B) One (1) member appointed by county fiscal body.

(3) The following members from a county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950):

(A) One (1) member appointed by the county executive.

(B) One (1) member appointed by the county fiscal body.

(4) The following members from a county having a population of more than thirty-three thousand two hundred (33,200) but less than thirty-three thousand six hundred (33,600):

(A) One (1) member appointed by the county executive.

(B) One (1) member appointed by the county fiscal body.

(c) A member appointed to the development board must have knowledge of and at least five (5) years professional work experience in at least one (1) of the following:

(1) Air transportation.

(2) Regional transportation development.

(3) Regional economic development.

(4) Business or finance.

(d) An individual or entity required to make an appointment under subsection (b) must make the initial appointment before September 1, 2006. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2006, the governor shall instead make the initial appointment.

Sec. 4. (a) Except as provided in subsection (b) for the initial appointments to the development board, a member appointed to the development board serves a four (4) year term. However, a member serves at the pleasure of the appointing authority. A member may be reappointed to subsequent terms.

(b) The terms of the initial members appointed to the development board are as follows:

- (1) Each initial member appointed by the governor shall serve a term of four (4) years.
- (2) The initial member appointed under section 3(b)(2)(A) of this chapter shall serve a term of three (3) years.
- (3) The initial member appointed under section 3(b)(3)(A) of this chapter shall serve a term of three (3) years.
- (4) The initial member appointed under section 3(b)(2)(B) of this chapter shall serve a term of two (2) years.
- (5) The initial member appointed under section 3(b)(3)(B) of this chapter shall serve a term of two (2) years.

(c) If a vacancy occurs on the development board, the appointing authority that made the initial appointment shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) Each member appointed to the development board, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the development board.

(e) A member appointed to the development board is not entitled to receive any compensation for performance of the member's duties. However, a member is entitled to a per diem from the development authority for the member's participation in development board meetings. The amount of the per diem is equal to the amount of the per diem provided under IC 4-10-11-2.1(b).

Sec. 5. (a) The governor shall designate a member of the development board appointed by the governor to serve as chair of the development board until January 2013. At the election under subsection (b) in 2013 and each year thereafter, the chair shall be elected from among the members of the development board.

(b) In January of each year, the development board shall hold an organizational meeting at which the development board shall elect the following officers from the members of the development board:

- (1) After December 31, 2012, a chair.
- (2) A vice chair.
- (3) A secretary-treasurer.

(c) Not more than two (2) members from any particular county may serve as an officer described in subsection (a) or elected under subsection (b). The affirmative vote of at least five (5) members of the development board is necessary to elect an officer under subsection (b).

(d) An officer elected under subsection (b) serves from the date of the officer's election until the officer's successor is elected and qualified.

Sec. 6. (a) The development board shall meet at least quarterly.

(b) The chair of the development board or any two (2) members of the development board may call a special meeting of the development board.

(c) Five (5) members of the development board constitute a quorum.

(d) The affirmative votes of at least five (5) members of the development board are necessary to authorize any action of the development authority.

(e) Notwithstanding any other provision of this article, the minimum of five (5) affirmative votes required under subsection (d) to take any of the following actions before January 1, 2013, must include the affirmative vote of the member designated by the governor to serve as the chair of the board:

- (1) Making loans, loan guarantees, or grants or providing any other funding or financial assistance for projects.
- (2) Acquiring or condemning property.
- (3) Entering into contracts.
- (4) Employing an executive director or any consultants or technical experts.
- (5) Issuing bonds or entering into a lease of a project.

Sec. 7. The development board may adopt the bylaws and rules that the development board considers necessary for the proper conduct of the development board's duties and the safeguarding of the development authority's funds and property.

Sec. 8. (a) The development authority must comply with IC 5-16-7 (common construction wage), IC 5-22 (public purchasing), IC 36-1-12 (public work projects), and any applicable federal bidding statutes and regulations. An eligible political subdivision that receives a loan, a grant, or other financial assistance from the development authority or enters into a lease with the development authority must comply with applicable federal, state, and local public purchasing and bidding laws and regulations. However, a purchasing agency (as defined in IC 5-22-2-25) of an eligible political subdivision may:

- (1) assign or sell a lease for property to the development authority; or
- (2) enter into a lease for property with the development authority;

at any price and under any other terms and conditions as may be determined by the eligible political subdivision and the development authority. However, before making an assignment or sale of a lease or entering into a lease under this section that would otherwise be subject to IC 5-22, the eligible political subdivision or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

(b) In addition to the provisions of subsection (a), with respect to projects undertaken by the development authority, the development authority shall set a goal for participation by minority business enterprises of fifteen percent (15%) and women's business enterprises of five percent (5%), consistent with the goals of delivering the project on time and within the budgeted amount and, insofar as possible, using Indiana businesses for employees, goods, and services. In fulfilling the goals under this subsection, the authority shall take into account historical precedents in the same market.

Sec. 9. The office of management and budget shall contract with a certified public accountant for an annual financial audit of the development authority. The certified public accountant may not have a significant financial interest, as determined by the office of management and budget, in a project, facility, or service funded by or leased by or to the development authority. The certified public accountant shall present an audit report not later than four (4) months after the end of the development authority's fiscal year and shall make recommendations to improve the efficiency of development authority operations. The certified public accountant shall also perform a study and evaluation of internal accounting controls and shall express an opinion on the controls that were in effect during the audit period. The development authority shall pay the cost of the annual financial audit. In addition, the state board of accounts may at any time conduct an audit of any phase of the operations of the development authority. The development authority shall pay the cost of any audit by the state board of accounts.

Chapter 3. Development Authority Powers and Duties

Sec. 1. The development authority shall do the following:

- (1) Assist in the coordination of local efforts concerning projects.
- (2) Assist an airport authority and a regional transportation authority in coordinating regional transportation and economic development efforts.
- (3) Fund projects as provided in this article.

Sec. 2. (a) The development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county.
- (2) Lease land or a project to an eligible political subdivision.
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.
- (4) Acquire land or all or a part of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political

subdivision, with any additional improvements that may be made to the land or projects.

(5) Acquire all or a part of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of an airport authority or a regional transportation authority.

(7) Provide funding to assist an airport authority located in an eligible county in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(8) Provide funding for economic development projects in an eligible county.

(9) Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county.

(10) After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

(11) Make or enter into all contracts and agreements necessary or incidental to the performance of the development authority's duties and the execution of the development authority's powers under this article.

(12) Sue, be sued, plead, and be impleaded.

(13) Design, order, contract for, construct, reconstruct, and renovate a project or improvements to a project.

(14) Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

(15) Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

(16) Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

(17) Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and

(3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

Sec. 3. The development authority shall before November 1 of each year issue a report to the legislative council, the budget committee, and the governor concerning the operations and activities of the development authority during the preceding state fiscal year. The report to the legislative council must be in an electronic format under IC 5-14-6.

Sec. 4. (a) The development authority shall prepare a comprehensive strategic development plan that includes detailed information concerning the following:

(1) The proposed projects to be undertaken or financed by the development authority.

(2) The following information for each project included under subdivision (1):

(A) Timeline and budget.

(B) The return on investment.

(C) The projected or expected need for an ongoing subsidy.

(D) Any projected or expected federal matching funds.

(b) The development authority shall before January 1, 2009, submit the comprehensive strategic development plan for review by the budget committee and approval by the director of the office of management and budget.

Chapter 4. Financing; Issuance of Bonds; Leases

Sec. 1. (a) The development board shall establish and administer a development authority fund.

(b) The development authority fund consists of the following:

(1) Amounts distributed under IC 8-15-2-14.8.

(2) Funds received from the federal government.

(3) Appropriations to the fund by the general assembly.

(4) Other local revenue appropriated to the fund by a political subdivision.

(5) Gifts, donations, and grants to the fund.

(c) The development authority fund shall be administered by the development authority.

(d) Money in the development authority fund shall be used by the development authority to carry out this article and does not revert to any other fund.

Sec. 2. (a) Subject to subsection (h), the development authority may issue bonds for the purpose of obtaining money to pay the cost of:

(1) acquiring real or personal property, including existing capital improvements;

(2) acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects; or

(3) funding or refunding bonds issued under this chapter, IC 8-22-3, IC 36-9-3, or prior law.

(b) The bonds are payable solely from:

(1) the lease rentals from the lease of the projects for which the bonds were issued, insurance proceeds, and any other funds pledged or available; and

(2) except as otherwise provided by law, revenue received by the development authority and amounts deposited in the development authority fund.

(c) The bonds must be authorized by a resolution of the development board.

(d) The terms and form of the bonds must either be set out in the resolution or in a form of trust indenture approved by the resolution.

(e) The bonds must mature within forty (40) years.

(f) The board shall sell the bonds only to the Indiana finance authority established by IC 4-4-11-4 upon the terms determined by the development board and the Indiana finance authority.

(g) All money received from any bonds issued under this chapter shall be applied solely to the payment of the cost of acquiring, constructing, improving, reconstructing, or renovating one (1) or more projects, or the cost of refunding or refinancing outstanding bonds, for which the bonds are issued. The cost may include:

(1) planning and development of equipment or a facility and all buildings, facilities, structures, equipment, and improvements related to the facility;

(2) acquisition of a site and clearing and preparing the site for construction;

(3) equipment, facilities, structures, and improvements that are necessary or desirable to make the project suitable for use and operations;

(4) architectural, engineering, consultant, and attorney's fees;

(5) incidental expenses in connection with the issuance and sale of bonds;

(6) reserves for principal and interest;

(7) interest during construction;

(8) financial advisory fees;

- (9) insurance during construction;
- (10) municipal bond insurance, debt service reserve insurance, letters of credit, or other credit enhancement; and
- (11) in the case of refunding or refinancing, payment of the principal of, redemption premiums (if any) for, and interest on the bonds being refunded or refinanced.

(h) The development authority may not issue bonds under this article unless the development authority first finds that each contract for the construction of a facility and all buildings, facilities, structures, and improvements related to that facility to be financed in whole or in part through the issuance of the bonds requires payment of the common construction wage required by IC 5-16-7.

Sec. 3. This chapter contains full and complete authority for the issuance of bonds. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the development board or any other officer, department, agency, or instrumentality of the state or of any political subdivision is required to issue any bonds, except as prescribed in this article.

Sec. 4. (a) The development authority may secure bonds issued under this chapter by a trust indenture between the development authority and a corporate trustee, which may be any trust company or national or state bank in Indiana that has trust powers.

(b) The trust indenture may:

- (1) pledge or assign revenue received by the development authority, amounts deposited in the development authority fund, and lease rentals, receipts, and income from leased projects, but may not mortgage land or projects;
- (2) contain reasonable and proper provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants setting forth the duties of the development authority and development board;
- (3) set forth the rights and remedies of bondholders and trustees; and
- (4) restrict the individual right of action of bondholders.

(c) Any pledge or assignment made by the development authority under this section is valid and binding in accordance with IC 5-1-14-4 from the time that the pledge or assignment is made, against all persons whether they have notice of the lien or not. Any trust indenture by which a pledge is created or an assignment made need not be filed or recorded. The lien is perfected against third parties in accordance with IC 5-1-14-4.

Sec. 5. (a) Bonds issued under IC 8-22-3, IC 36-9-3, or prior law may be refunded as provided in this section.

(b) An eligible political subdivision may:

- (1) lease all or a part of land or a project or projects to the development authority, which may be at a nominal lease rental with a lease back to the eligible political subdivision, conditioned upon the development authority assuming bonds issued under IC 8-22-3, IC 36-9-3, or prior law and issuing its bonds to refund those bonds; and
- (2) sell all or a part of land or a project or projects to the development authority for a price sufficient to provide for the refunding of those bonds and lease back the land or project or projects from the development authority.

Sec. 6. (a) Before a lease may be entered into by an eligible political subdivision under this chapter, the eligible political subdivision must find that the lease rental provided for is fair and reasonable.

(b) A lease of land or a project from the development authority to an eligible political subdivision:

- (1) may not have a term exceeding forty (40) years;
- (2) may not require payment of lease rentals for a newly constructed project or for improvements to an existing project until the project or improvements to the project have been completed and are ready for occupancy or use;
- (3) may contain provisions:
 - (A) allowing the eligible political subdivision to continue to operate an existing project until completion of the acquisition, improvements, reconstruction, or renovation of that project or any other project; and

(B) requiring payment of lease rentals for land, for an existing project being used, reconstructed, or renovated, or for any other existing project;

(4) may contain an option to renew the lease for the same or a shorter term on the conditions provided in the lease;

(5) must contain an option for the eligible political subdivision to purchase the project upon the terms stated in the lease during the term of the lease for a price equal to the amount required to pay all indebtedness incurred on account of the project, including indebtedness incurred for the refunding of that indebtedness;

(6) may be entered into before acquisition or construction of a project;

(7) may provide that the eligible political subdivision shall agree to:

- (A) pay any taxes and assessments on the project;
 - (B) maintain insurance on the project for the benefit of the development authority;
 - (C) assume responsibility for utilities, repairs, alterations, and any costs of operation; and
 - (D) pay a deposit or series of deposits to the development authority from any funds legally available to the eligible political subdivision before the commencement of the lease to secure the performance of the eligible political subdivision's obligations under the lease; and
- (8) must provide that the lease rental payments by the eligible political subdivision shall be made from the development authority fund established under section 1 of this chapter and may provide that the lease rental payments by the eligible political subdivision shall be made from:
- (A) net revenues of the project;
 - (B) any other funds available to the eligible political subdivision; or
 - (C) both sources described in clauses (A) and (B).

Sec. 7. This chapter contains full and complete authority for leases between the development authority and an eligible political subdivision. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the development authority or the eligible political subdivision or any other officer, department, agency, or instrumentality of the state or any political subdivision is required to enter into any lease, except as prescribed in this article.

Sec. 8. If the lease provides for a project or improvements to a project to be constructed by the development authority, the plans and specifications shall be submitted to and approved by all agencies designated by law to pass on plans and specifications for public buildings.

Sec. 9. The development authority and an eligible political subdivision may enter into common wall (party wall) agreements or other agreements concerning easements or licenses. These agreements shall be recorded with the recorder of the county in which the project is located.

Sec. 10. (a) An eligible political subdivision may lease for a nominal lease rental, or sell to the development authority, one (1) or more projects or parts of a project or land upon which a project is located or is to be constructed.

(b) Any lease of all or a part of a project by an eligible political subdivision to the development authority must be for a term equal to the term of the lease of that project back to the eligible political subdivision.

(c) An eligible political subdivision may sell property to the development authority for the amount the eligible political subdivision determines to be in the best interest of the eligible political subdivision. The development authority may pay that amount from the proceeds of bonds of the development authority.

Sec. 11. If an eligible political subdivision exercises its option to purchase leased property, the eligible political subdivision may issue its bonds as authorized by statute.

Sec. 12. (a) All:

- (1) property owned by the development authority;
- (2) revenues of the development authority; and
- (3) bonds issued by the development authority, the interest on the bonds, the proceeds received by a holder from the

sale of bonds to the extent of the holder's cost of acquisition, proceeds received upon redemption before maturity, proceeds received at maturity, and the receipt of interest in proceeds;

are exempt from taxation in Indiana for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

(b) All securities issued under this chapter are exempt from the registration requirements of IC 23-2-1 and other securities registration statutes.

Sec. 13. Bonds issued under this chapter are legal investments for private trust funds and the funds of banks, trust companies, insurance companies, building and loan associations, credit unions, savings banks, private banks, loan and trust and safe deposit companies, rural loan and savings associations, guaranty loan and savings associations, mortgage guaranty companies, small loan companies, industrial loan and investment companies, and other financial institutions organized under Indiana law.

Sec. 14. An action to contest the validity of bonds to be issued under this chapter may not be brought after the time limitations set forth in IC 5-1-14-13.

Sec. 15. The general assembly covenants that it will not:

- (1) repeal or amend this article in a manner that would adversely affect owners of outstanding bonds, or the payment of lease rentals, secured by the amounts pledged under this chapter; or
- (2) in any way impair the rights of owners of bonds of the development authority, or the owners of bonds secured by lease rentals, secured by a pledge of revenues under this chapter."

Page 78, between lines 6 and 7, begin a new paragraph and insert: "SECTION 48. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "eligible county" has the meaning set forth in IC 36-7.6-1-8, as added by this act.

(b) The general assembly finds the following:

- (1) Each eligible county faces unique and distinct challenges and opportunities related to transportation and economic development that are different in scope and type than those faced by other units of local government in Indiana.
- (2) A unique approach is required to fully take advantage of the economic development potential of northeastern Indiana.
- (3) The powers and responsibilities provided to the northeast Indiana regional development authority established by IC 36-7.6-2-1, as added by this act, are appropriate and necessary to carry out the public purposes of encouraging economic development and further facilitating the provision of air and other regional transportation services, projects, and facilities, and economic development projects in the eligible counties."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

WALORSKI

Upon request of Representatives Walorski and Friend, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 112: yeas 58, nays 41. Motion prevailed.

HOUSE MOTION (Amendment 1008-39)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 33, between lines 23 and 24, begin a new line blocked left and insert:

"However, any bonds, debt, other securities, or other financing issued for the purposes of this article shall not be considered to constitute a debt of the state or any political subdivision of the state or a pledge of the faith and credit of the state or any political subdivision."

(Reference is to HB 1008 as printed January 26, 2006.)

BUDAK

Motion prevailed.

HOUSE MOTION (Amendment 1008-33)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 54, between lines 24 and 25, begin a new paragraph and insert:

"Sec. 7. (a) This section applies to a metropolitan statistical area, as defined by the United States Office of Management and Budget, in Indiana that is served by more than one (1) interstate system highway, street, or road.

(b) As used in this section, "interstate system" has the meaning set forth in IC 8-23-1-25.

(c) In establishing the route of a qualified project through a metropolitan statistical area, the authority shall consider routes that have the least disruptive influence on established businesses and residents. To the extent practicable, the authority shall consider using:

- (1) an established interstate system highway, street, or road in the metropolitan statistical area; or
- (2) a route that is west of established business corridors in a less densely used part of the metropolitan statistical area; as the route of a qualified project to avoid the disruption of neighborhoods and business areas."

(Reference is to HB 1008 as printed January 26, 2006.)

FRIZZELL

Motion prevailed.

HOUSE MOTION (Amendment 1008-21)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 6-3.5-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. In the case of a county that contains a consolidated city, the city-county council may appropriate money derived from the surtax to:

- (1) the department of transportation established by IC 36-3-5-4 for use by the department under law; or
- (2) the Indiana finance authority for the payment of lease rentals under IC 8-14.6.

The city-county council may not appropriate money derived from the surtax for any other purpose.

SECTION 2. IC 6-3.5-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) In the case of a county that does not contain a consolidated city of the first class, the county treasurer shall deposit the surtax revenues in a fund to be known as the "_____ County Surtax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county surtax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county surtax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the surtax revenues it receives under this section to:

- (1) construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or
- (2) provide funds to the Indiana finance authority for the payment of lease rentals under IC 8-14.6.

SECTION 3. IC 6-3.5-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) In the case of a county that contains a consolidated city, the city-county council may appropriate money derived from the wheel tax to:

- (1) the department of transportation established by IC 36-3-5-4 for use by the department under law; or
- (2) an authority established under IC 36-7-23; or
- (3) the Indiana finance authority for the payment of lease rentals under IC 8-14.6.

(b) The city-county council may not appropriate money derived from the wheel tax for any other purpose.

SECTION 4. IC 6-3.5-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) In the case of a county that does not contain a consolidated city, the county treasurer shall deposit the wheel tax revenues in a fund to be known as the "County Wheel Tax Fund".

(b) Before the twentieth day of each month, the county auditor shall allocate the money deposited in the county wheel tax fund during that month among the county and the cities and the towns in the county. The county auditor shall allocate the money to counties, cities, and towns under IC 8-14-2-4(c)(1) through IC 8-14-2-4(c)(3).

(c) Before the twenty-fifth day of each month, the county treasurer shall distribute to the county and the cities and towns in the county the money deposited in the county wheel tax fund during that month. The county treasurer shall base the distribution on allocations made by the county auditor for that month under subsection (b).

(d) A county, city, or town may only use the wheel tax revenues it receives under this section:

(1) to construct, reconstruct, repair, or maintain streets and roads under its jurisdiction; or

(2) as a contribution to an authority established under IC 36-7-23; or

(3) to provide funds to the Indiana finance authority for the payment of lease rentals under IC 8-14.6.

SECTION 5. IC 8-14-10-10, AS ADDED BY P.L.246-2005, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) The grant anticipation fund is established to construct and reconstruct state highways. The grant anticipation fund consists of:

(1) distributions of federal highway revenues (as defined in IC 8-14.5-7-2) made under IC 8-23-3-11;

(2) the one billion dollars (\$1,000,000,000) of proceeds of bonds or notes deposited in the fund under IC 8-14.5-7-5; and

(3) the five hundred million dollars (\$500,000,000) of bond proceeds transferred to the fund under IC 8-15-2-9.5.

(b) The grant anticipation fund shall be administered by the department. The treasurer of state shall invest the money in the grant anticipation fund not currently needed to meet the obligations of the grant anticipation fund in the same manner as other public funds may be invested.

(c) Money in the grant anticipation fund at the end of a state fiscal year does not revert to the state general fund.

(d) **Subject to subsection (f)**, the department may use the money in the grant anticipation fund only to pay the following costs:

(1) The cost of construction or reconstruction of a highway improvement project.

(2) The cost of acquisition of all land, rights-of-way, property, rights, easements, and any other legal or equitable interests acquired by the department for the construction or reconstruction of a highway improvement project, including the cost of any relocations incident to the acquisition.

(3) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the department for the construction or reconstruction of a highway improvement project.

(4) Engineering and legal expenses and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.

(5) Payment of rentals and performance of other obligations under contracts or leases relating to highway improvement projects securing grant anticipation revenue bonds or notes issued under IC 8-14.5-7. However, amounts in the grant anticipation fund may not be pledged to such payments.

(e) A holder of grant anticipation revenue bonds or notes issued under IC 8-14.5-7 may not compel the payment of federal highway revenues to the department.

(f) **The auditor of state shall establish a state highway opportunity account within the fund for the proceeds of bonds or notes deposited in the fund under IC 8-14.5-7-5 and IC 8-15-2-9.5 and any investment income attributable to those proceeds. The**

department may use the money in the account only to pay the following costs:

(1) The cost of construction or reconstruction of a highway improvement project.

(2) The cost of acquisition of all land, rights-of-way, property, rights, easements, and any other legal or equitable interests acquired by the department for the construction or reconstruction of a highway improvement project, including the cost of any relocations incident to the acquisition.

(3) The cost of demolishing or removing any buildings, structures, or improvements on property acquired by the department for the construction or reconstruction of a highway improvement project.

(4) Engineering and legal expenses and the costs of plans, specifications, surveys, estimates, and any necessary feasibility studies.

The department may not allocate any of the money deposited in the account to highway improvement projects located in counties traversed by the Indiana Toll Road.

(g) As used in this subsection, "condemnor" means any person authorized by Indiana law to exercise the power of eminent domain. With respect to a highway improvement project for which an allocation of money is made under subsection (f), a condemnor may not exercise the power of eminent domain to acquire real property:

(1) from a private entity; and

(2) with the intent of transferring ownership or control of the real property to another private entity.

(h) In carrying out highway improvement projects under this chapter, the department is subject to the provisions of:

(1) 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes;

(2) IC 4-13-16.5 concerning minority business enterprises;

(3) IC 4-13-16.5 concerning women's business enterprises;

(4) federal and state laws concerning businesses treated as disadvantaged business enterprises; and

(5) IC 5-22-15 concerning preferences for Indiana businesses, to the extent permitted by applicable federal and state law and regulations.

SECTION 6. IC 8-14.5-7-5, AS ADDED BY P.L.246-2005, SECTION 83, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Subject to subsection**

(b), the authority may, by resolution, before July 1, 2009, issue grant anticipation revenue bonds or notes for any purpose that is authorized by IC 8-14.5-6 and for which the department may use federal highway revenues. **When issuing grant anticipation revenue bonds or notes, the authority is subject to the provisions of 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes.**

(b) The authority shall make the initial issue of grant anticipation revenue bonds or notes under this chapter on or before August 1, 2006. The authority shall:

(1) issue the bonds or notes in an amount equal to one billion dollars (\$1,000,000,000) plus all costs that are associated with the issuance of the bonds or notes and payable from the proceeds of the bonds or notes, including:

(A) financing charges;

(B) costs of issuance of the bonds or notes, including costs of credit enhancement, such as bond or note insurance;

(C) bond or note discount;

(D) capitalized interest; and

(E) the cost of funding any reserves to secure payment of the bonds or notes; and

(2) upon receipt of the proceeds of the bonds or notes, transfer one billion dollars (\$1,000,000,000) of the proceeds to the treasurer of state for deposit in the state highway opportunity account established within the grant anticipation fund under IC 8-14-10-10.

SECTION 7. IC 8-14.6 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 14.6. LEASE FINANCING FOR LOCAL ROAD PROJECTS

Chapter 1. Legislative Findings of Fact

Sec. 1. The general assembly makes the following findings of fact:

- (1) That there exists in cities, towns, and counties in Indiana a need for construction, acquisition, reconstruction, improvement, and extension of local roads in order to provide for the public welfare and safety by providing safe, dependable, and reliable local roads for vehicular traffic.
- (2) That the development and maintenance of the economy of Indiana's cities, towns, and counties require an adequate system of local roads in order to provide for the public welfare and to facilitate the creation and maintenance of jobs, the increase and stabilization of the tax base, and the general economic welfare of cities, towns, and counties and their citizens.
- (3) That it is necessary to serve the public interest and to provide for the public welfare by adopting this article for the purposes described in this article.

Sec. 2. This article provides an additional and alternative method for doing the things authorized by this article, and is supplemental and additional to powers conferred by other laws and not in derogation of any other powers.

Sec. 3. This article is necessary for the welfare of the cities, towns, and counties of Indiana and their inhabitants and shall be liberally construed to effect the purposes of this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Authority" refers to the Indiana finance authority established under IC 4-4-11.

Sec. 3. "Bonds" refers to bonds of the authority issued under IC 8-14.6-6.

Sec. 4. "Capitalized interest" means interest cost on bonds or notes before and during the period of construction of the local road project for which the bonds or notes were issued, and for a period not to exceed one (1) year after completion of construction.

Sec. 5. "Construction" means the construction, acquisition, reconstruction, improvement, and extension of a local road project.

Sec. 6. "Costs" as applied to any local road project includes any item or cost of a capital nature incurred in the construction of a local road project, including:

- (1) the cost of construction;
- (2) the cost of acquisition of all land, rights-of-way, property, rights, easements, and any other legal or equitable interests acquired by the authority for the construction, including the cost of any relocations incident to the acquisition;
- (3) the cost of demolishing or removing any buildings, structures, or improvements on property acquired by the authority, including the cost of:
 - (A) acquiring any property to which the buildings, structures, or improvements may be moved; or
 - (B) acquiring any property that may be exchanged for property acquired by the authority;
- (4) financing charges;
- (5) costs of issuance of bonds or notes, including costs of credit enhancement, such as bond or note insurance;
- (6) remarketing or conversion fees;
- (7) bond or note discount;
- (8) capitalized interest;
- (9) the cost of funding any reserves to secure the payment of bonds or notes;
- (10) engineering and legal expenses, costs of plans, specifications, surveys, estimates, and any necessary feasibility studies;
- (11) other expenses necessary or incident to determining the feasibility or practicability of constructing any local road project;
- (12) administrative expenses of the authority or one (1) or

more local units relating to any local road project financed by bonds or notes;

(13) reimbursement of one (1) or more local units for:

(A) any cost, obligation, or expense incurred by the local unit or units relating to a local road project;

(B) advances relating to a local road project from the local unit or units to the authority for surveys, borings, preparation of plans and specifications, or engineering services; or

(C) any other cost of construction incurred by the local unit or units or paid from advances; and

(14) other expenses the authority finds necessary or incident to the construction of the local road project, the financing of the construction, and the placing of the local road project in operation.

Sec. 7. "Local road project" means any:

- (1) road;
- (2) street;
- (3) motorway;
- (4) bridge;
- (5) tunnel;
- (6) overpass;
- (7) underpass;
- (8) interchange;
- (9) entrance;
- (10) approach; or
- (11) other public way;

that is part of the arterial road system, local county roads, arterial street system, or local streets for a local unit for purposes of IC 8-14-2. The term includes all land, rights-of-way, property, rights, easements, materials, and legal or equitable interests necessary for the construction of the local road project.

Sec. 8. "Local unit" means a city, town, or county acting through its fiscal body (as defined in IC 36-1-2-6).

Sec. 9. "Notes" refers to notes of the authority issued under IC 8-14.6-6 and includes any evidences of indebtedness of the authority except bonds.

Sec. 10. "Property owner" means all individuals, copartnerships, associations, governmental units or entities, corporations, limited liability companies, or other legal entities having any title or interest in any land, rights-of-way, property, rights, easements, or legal or equitable interests that may be acquired by the authority.

Sec. 11. "Weighted average life" of an issue of bonds or notes means:

- (1) the sum of the products of the face amount of each maturity and the number of years to maturity (determined separately for each maturity and by taking into account mandatory sinking fund redemptions); divided by
- (2) the face amount of the entire issue of bonds or notes.

Sec. 12. "Weighted average useful life" of a local road project or local road projects means:

- (1) the sum of the products of the cost of each asset comprising the local road project or local road projects and the useful life of the respective asset; divided by
- (2) the total cost of all the assets comprising the local road project or local road projects.

For purposes of this computation, the useful life of land is fifty (50) years. The useful life of all other assets comprising the local road project shall be conclusively evidenced by a certificate of the local unit, supported by a statement from the local unit's consulting engineer. The weighted average useful life of any local road project shall be determined as of the later of the date on which the local road project is expected to be placed in service and the date on which the bonds or notes are issued.

Chapter 3. General Provisions

Sec. 1. The authority shall contract with one (1) or more local units for construction, ownership, maintenance, and operation of local road projects.

Sec. 2. The authority shall finance local road projects in accordance with this article.

Sec. 3. The authority may exercise any powers provided under this article in participation or cooperation with any governmental

entity and enter into any contracts to facilitate that participation or cooperation without compliance with any other statute. This article constitutes complete authority for the authority to carry out its powers and duties under this article. No law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision are required for the authority to carry out its powers and duties, except as prescribed in this article.

Sec. 4. The authority may pay the cost of construction of a local road project from any funds available to the authority under this article or any other law.

Sec. 5. The authority may sell, transfer, lease, or otherwise convey any land, rights-of-way, property, rights, easements, or legal or equitable interest it considers necessary or convenient for carrying out this article, including disposal of unused or surplus property.

Sec. 6. The authority may acquire by purchase, whenever it considers a purchase expedient, any land, rights-of-way, property, rights, easements, or other legal or equitable interests as it considers necessary or convenient for the construction and operation of any local road project. A purchase under this section shall be made upon the terms and at the price agreed upon between the authority and the property owner.

Sec. 7. The authority may make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article or any other law. These contracts or agreements are not subject to any approvals other than the approval of the authority and may be for any term of years and contain any terms that are considered reasonable by the authority.

Sec. 8. The authority may employ and fix the compensation of financial advisors and underwriters, bond counsel, other attorneys with the approval of the attorney general, and other employees, independent contractors, and agents as necessary in its judgment to carry out this article. In carrying out this article, the authority is subject to the provisions of:

- (1) 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes;
- (2) IC 4-13-16.5 concerning minority business enterprises;
- (3) IC 4-13-16.5 concerning women's business enterprises;
- (4) federal and state laws concerning businesses treated as disadvantaged business enterprises; and
- (5) IC 5-22-15 concerning preferences for Indiana businesses, to the extent permitted by applicable federal and state law and regulations.

Sec. 9. The authority may accept gifts, devises, bequests, grants, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to the aid.

Sec. 10. The authority may accept the transfer of any local road project to the authority.

Sec. 11. (a) As used in this section, "condemnor" means any person authorized by Indiana law to exercise the power of eminent domain.

(b) Except as provided in subsections (c) and (d), the authority may, in the manner provided by IC 8-23-7, acquire by appropriation any land, rights-of-way, property, rights, easements, or other legal or equitable interests necessary or convenient for the construction or the efficient operation of any local road project. However, compensation for the property taken shall first be made in money as provided by law.

(c) The authority may take or disturb property or facilities that:

- (1) belong to any public utility or to a common carrier engaged in interstate commerce;
- (2) are required for the proper and convenient operation of the public utility or common carrier; and
- (3) are not located within the limits of local road projects being constructed under this article;

only if provision is made for the restoration, relocation, or duplication of the property or facilities elsewhere at the cost of

the authority.

(d) A condemnor may not exercise the power of eminent domain to acquire real property with respect to any local road project under this article:

- (1) from a private entity; and
- (2) with the intent of transferring ownership or control of the real property to another private entity.

Sec. 12. The authority may do all things necessary or proper to carry out this article.

Sec. 13. A local unit may convey, transfer, lease, or sell, with or without consideration, real property of any nature (including buildings, structures, improvements, land, rights-of-way, easements, and legal or equitable interests), title to which is held in the name of the local unit, to the authority, without being required to advertise or solicit bids or proposals, in order to accomplish the governmental purposes of this article.

Sec. 14. All property of the authority is public property devoted to an essential public and governmental function and purpose and is exempt from all taxes and special assessments of the state or any political subdivision of the state.

Chapter 4. Contracts With Local Units

Sec. 1. The authority is responsible for the construction, leasing, and ownership of local road projects. With respect to each local road project, the authority and one (1) or more local units may enter into a contract for the purposes set forth in this chapter. If the authority and the local unit or units decide to enter into a contract under this chapter, the authority and the local unit or units may enter into a separate contract for each local road project or a master contract for several local road projects.

Sec. 2. A contract under this chapter must:

- (1) provide for the construction and ownership of the local road project; and
- (2) describe the local road project or local road projects, setting forth in general terms principal features such as geographic location, widths of rights-of-way, number of lanes in each direction, width of traffic lanes, widths of shoulders, location and nature of tunnels, overpasses, underpasses, interchanges, bridges, approaches, and connecting roads, streets, and highways.

Sec. 3. The contract may include the following:

- (1) Provisions for payment by the authority to the local unit or units of all costs incurred by the local unit or units in the performance of the contracts, including all costs of construction, salaries, wages, and associated costs of personnel attributable to performance of the contract.
- (2) Other terms and conditions that the authority and the local unit or units consider appropriate.

Sec. 4. Notwithstanding any other law, a local unit may enter into a contract with the authority by negotiating the contract with the authority and without complying with the requirements of any other law. A local unit shall observe any existing contractual commitments to the holders of bonds or notes or other persons when entering into a contract.

Chapter 5. Leases With Local Units

Sec. 1. (a) In addition to its other powers, one (1) or more local units may enter into a lease or leases with the authority under section 2 or 3 of this chapter for any or all of the purposes set forth in this article. Notwithstanding any other law, a local unit may enter into a lease with the authority by negotiating the lease with the authority and without complying with the requirements of any other law. A local unit shall observe any existing contractual commitments to the holders of bonds or notes or other persons when entering into a lease.

(b) The authority has all the powers necessary and incidental to carry out the terms and conditions of leases under this chapter.

(c) If the authority and one (1) or more local units decide to enter into a lease under this chapter, the authority and the local unit or units may enter into a separate lease for each local road project or may enter into one (1) or more master leases for several local road projects.

Sec. 2. (a) A lease entered into under this section must include the following:

- (1) A statement that the term of the lease is for a period

coextensive with the biennium used for state budgetary and appropriation purposes with a fractional period when the lease begins, if necessary.

(2) A statement that the term of the lease is extended from biennium to biennium, with the extensions not to exceed a lease term of twenty-five (25) years, unless either the authority or the local unit or units give notice of nonextension at least six (6) months before the end of a biennium, in which event the lease expires at the end of the biennium in which the notice is given.

(3) A provision plainly stating that the lease does not constitute an indebtedness of the state or any local unit within the meaning or application of any constitutional provision or limitation, and that lease rentals are payable by the local unit or units solely from the sources described in section 6 of this chapter, for the actual use or availability for use of local road projects provided by the authority, with payment commencing not earlier than the time the use or availability commences.

(4) Provisions requiring the local unit or units to pay rent at times and in amounts sufficient to pay in full:

(A) the debt service payable under the terms of any bonds or notes issued by the authority and outstanding with respect to any local road project, including any required additions to reserves for the bonds or notes maintained by the authority; and

(B) additional rent as provided by the lease; subject to the appropriation of money by the local unit or units to pay lease rentals.

(5) Provisions requiring the local unit or units to operate and maintain the local road project or local road projects during the term of the lease.

(6) A provision in each master lease for two (2) or more local road projects requiring that each local road project added to the master lease shall be covered by a supplemental lease describing the particular local road project, stating the additional rental payable, and providing that all lease covenants, including the obligation to pay the original and additional rent under any supplement, shall be unitary and include all local road projects covered, whether by the master lease or a supplemental lease.

(b) A lease entered into under this section may contain other terms and conditions that the authority and the local unit or units consider appropriate.

(c) The fiscal officer (as defined in IC 36-1-2-7) of the local unit shall request an appropriation from the local unit for payment of lease rentals on any lease entered into under this section in writing at a time sufficiently in advance of the date for payment of the lease rentals so that an appropriation may be made in the normal budgetary process of the local unit.

Sec. 3. (a) A lease entered into under this section must include the following:

(1) The term of the lease, which may not exceed the weighted average useful life of the local road project or local road projects.

(2) A provision plainly stating that the lease does not constitute an indebtedness of the state or any local unit within the meaning or application of any constitutional provision or limitation, and that lease rentals are payable by the local unit or units solely for the annual use or availability for use of local road projects provided by the authority, with payment commencing not earlier than the time the use or availability commences.

(3) Provisions requiring the local unit or units to pay rent at times and in amounts sufficient to pay in full the following:

(A) The debt service payable under the terms of any bonds or notes issued by the authority and outstanding with respect to any local road project, including any required additions to reserves for the bonds or notes maintained by the authority.

(B) Additional rent as provided by the lease.

(4) Provisions requiring the local unit or units to operate and maintain the local road project or local road projects during the term of the lease.

(5) A provision in each master lease for two (2) or more local road projects requiring that each local road project added to the master lease shall be covered by a supplemental lease describing the particular local road project, stating the additional rental payable, and providing that all lease covenants, including the obligation to pay the original and additional rent under any supplement, shall be unitary and include all local road projects covered, whether by the master lease or a supplemental lease.

(b) A lease entered into under this section may contain other terms and conditions that the authority and the local unit or units consider appropriate.

Sec. 4. If a local unit fails at any time to pay to the authority when due any lease rentals on any lease under this chapter, the chairman of the authority shall immediately report the unpaid amount in writing to the general assembly and the governor.

Sec. 5. A local unit or units may lease any property under its control to the authority for construction of a local road project, which local road project may be leased to the local unit or units.

Sec. 6. (a) A local unit shall pay lease rentals for leases entered into under this chapter from revenues from any combination of the following sources:

(1) Money payable to the local unit from the motor vehicle highway account.

(2) Money payable to the local unit from the local road and street account.

(3) Revenues from the county motor vehicle excise surtax.

(4) Revenues from the county wheel tax.

(5) Federal transportation revenues apportioned or allocated to the state and distributed to the local unit by the Indiana department of transportation.

(6) Any other source of revenues (other than property taxes) that is legally available to the local unit.

(b) A local unit may, in the manner provided by IC 5-1-14-4, pledge the revenues described in this section for the payment of lease rentals. However, in making a pledge, the local unit shall not commit money required to provide adequate funding for other local road needs.

Sec. 7. If a local unit pledges money from the motor vehicle highway account or the local road and street account, or both, for the payment of lease rentals for leases entered into under this chapter, the local unit shall immediately provide the auditor of state with a written notice setting forth the terms of the pledge and directing the auditor of state to:

(1) withhold the amounts pledged from the distributions that are otherwise payable to the local unit under IC 8-14-1-3 or IC 8-14-2-4, or both; and

(2) pay the amounts withheld to the authority.

Notwithstanding IC 8-14-1-3 and IC 8-14-2-4, the auditor of state shall withhold and pay to the authority the amounts specified in the notice.

Sec. 8. Notwithstanding any other provision of law, to the extent that any department or agency of the state, including the treasurer of state, is the custodian of money payable to a local unit (other than for goods or services provided by the local unit), at any time after written notice to the department or agency head from the authority that the local unit is in default on the payment of lease rentals for a lease entered into under this chapter, the department or agency shall withhold the payment of that money from the local unit and pay over the money to the authority for the purpose of paying the lease rentals.

Sec. 9. The requirements of sections 7 and 8 of this chapter to withhold amounts due under a lease do not create a debt of the state or a local unit for purposes of the Constitution of the State of Indiana.

Chapter 6. Issuance of Bonds and Notes

Sec. 1. Subject to section 4 of this chapter, and before July 1, 2009, the authority shall, by resolution, issue and sell bonds or notes of the authority to provide funds to carry out this article with respect to the construction of a local road project or local road projects or the refunding of any bonds or notes, together with any reasonable costs associated with a refunding.

Sec. 2. (a) The construction of a local road project may not be financed under this article, if at the time the lease with respect to

the local road project is initially entered into, the weighted average useful life of the local road project is less than five (5) years.

(b) For purposes of this section and section 4 of this chapter, a certificate of the local unit, supported by a statement from the local unit's consulting engineer, as to the weighted average useful life of the local road project is conclusive with respect to the matters contained in the certificate.

(c) If any bonds or notes bear interest at a variable or an adjustable rate, lease rentals under any lease or leases attributable to debt service shall be fixed over the term of the lease or leases based on the fair and reasonable value of the local road project or local road projects leased.

Sec. 3. (a) Before issuing a series of bonds or notes, the authority shall publish a notice of its determination to issue the bonds or notes. The notice shall be published:

(1) one (1) time in two (2) newspapers published and of general circulation in the city of Indianapolis; and

(2) one (1) time in one (1) newspaper published and of general circulation in each local unit that proposes to enter into a lease of the local road projects to be financed by the bonds or notes.

(b) No action to contest the validity of:

(1) any contract entered into by one (1) or more local units and the authority before the bonds or notes are issued;

(2) any lease entered into by one (1) or more local units and the authority before the bonds or notes are issued to secure a series of bonds or notes; or

(3) a series of bonds or notes issued by the authority;

may be brought against the authority after the fifteenth day following publication of the notice required by subsection (a)(1) or against a local unit after the fifteenth day following publication of the notice under subsection (a)(2).

(c) If a lease or contract is entered into under this chapter after bonds or notes relating to the lease or contract are issued, the authority may publish notice of execution of the lease or contract as set forth in subsection (a). No action against the authority to contest the validity of such a lease or contract may be brought after the fifteenth day following publication of the notice under subsection (a)(1) or against a local unit after the fifteenth day following publication of the notice under subsection (a)(2).

(d) If an action against the authority or a local unit challenging a lease, a contract, bonds, or notes is not brought within the time prescribed by this section, the lease, contract, bonds, or notes shall be conclusively presumed to be fully authorized and valid under the laws of the state and any person or entity is estopped from further questioning the authorization, validity, execution, delivery, or issuance of the contract, lease, bonds, or notes.

Sec. 4. (a) The bonds or notes must indicate on their face:

(1) the maturity date or dates, as determined under subsection (b);

(2) the interest rate or rates (whether fixed, variable, or a combination of fixed and variable) or the manner in which the interest rate or rates will be determined if variable or adjustable rates are used;

(3) registration privileges and place of payment, including provisions for book entry obligations as set forth in IC 5-1-15;

(4) the conditions and terms under which the bonds or notes may be redeemed or prepaid before maturity; and

(5) the source of payment as set forth in section 9 of this chapter.

(b) The weighted average life of the bonds or notes may not exceed the sum of:

(1) the weighted average useful life of the local road project or local road projects to be financed from the proceeds of the bonds or notes; plus

(2) the period of construction of the local road project or local road projects.

Sec. 5. The bonds or notes:

(1) shall be executed by the manual or facsimile signature of the chairman or vice chairman of the authority;

(2) shall be attested by the manual or facsimile signature of the secretary-treasurer or assistant secretary-treasurer of

the authority;

(3) shall be imprinted or impressed with the seal of the authority by any means;

(4) may be authenticated by a trustee, registrar, or paying agent; and

(5) constitute valid and binding obligations of the authority, even if the chairman, vice chairman, secretary-treasurer, or assistant secretary-treasurer whose manual or facsimile signature appears on the bonds or notes no longer holds that office.

Sec. 6. The bonds or notes, when issued, have all the qualities of negotiable instruments, subject to provisions for registration, under IC 26 and are incontestable in the hands of a bona fide purchaser or owner of the bonds or notes for value.

Sec. 7. The bonds or notes may be sold by the authority at a public or a negotiated sale at a time or times determined by the authority and at a premium or discount as determined by the authority. In determining the amount of bonds or notes to be issued and sold, the authority may include the costs of construction or of refunding bonds or notes, including reasonable debt service reserves, and all other expenses necessary or incident to the construction of the local road project, a refunding, or the issuance of the bonds or notes.

Sec. 8. The proceeds of the bonds or notes are appropriated for the purpose for which the bonds or notes may be issued and the proceeds shall be deposited and disbursed in accordance with any provisions and restrictions that the authority may provide in the resolution or trust agreement authorizing the issuance of the bonds or notes. The maturities of the bonds or notes, the rights of the owners, and the rights, duties, and obligations of the authority are governed in all respects by this article and the resolution or trust agreement.

Sec. 9. The bonds or notes:

(1) constitute the corporate obligations of the authority;

(2) do not constitute an indebtedness of the state or any local unit within the meaning or application of any constitutional provision or limitation; and

(3) are payable solely as to both principal and interest from:

(A) the revenues from a lease to one (1) or more local units, if any;

(B) proceeds of bonds or notes, if any; or

(C) investment earnings on proceeds of bonds or notes.

Sec. 10. The provisions of this article and the covenants and undertakings of the authority as expressed in any proceedings preliminary to or in connection with the issuance of the bonds or notes may be enforced, subject to the provisions of any resolution or trust agreement, by a bond or note owner by action for injunction or mandamus against the authority or any officer, agent, or employee of the authority. However, no action for monetary judgment may be brought against the state for any violations of this article or for payment of the bonds or notes of the authority.

Sec. 11. All bonds or notes issued under this article are issued by a body corporate and politic of this state, but not a state agency, and for an essential public and governmental purpose. The bonds and notes, the interest on the bonds and notes, the proceeds received by an owner from the sale of the bonds or notes to the extent of the owner's cost of acquisition, proceeds received upon redemption for maturity, proceeds received at maturity, and the receipt of the interest and proceeds are exempt from taxation for all purposes except the financial institutions tax imposed under IC 6-5.5 or a state inheritance tax imposed under IC 6-4.1.

Sec. 12. Notwithstanding any other law, all financial institutions, investment companies, insurance companies, insurance associations, executors, administrators, guardians, trustees, and other fiduciaries may legally invest sinking funds, money, or other funds belonging to them or within their control in bonds or notes issued under this chapter.

Sec. 13. Bonds or notes issued under this chapter are exempt from the registration requirements of IC 23-2-1 and any other state securities registration statutes.

Sec. 14. A pledge of lease rentals, proceeds of bonds or notes, investment earnings on those proceeds, or other money pledged

by the authority is binding from the time the pledge is made. Lease rentals, proceeds of bonds or notes, investment earnings on those proceeds, or other money pledged by the authority and thereafter received by the authority or its trustee or fiduciary is immediately subject to the lien of the pledge without any further act, and the lien of the pledge is binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, regardless of whether the parties have notice of the lien. A resolution, trust agreement, or any other instrument by which a pledge is created is required to be filed or recorded only in the records of the authority.

Sec. 15. The authority may obtain from a department or an agency of the state or of the United States, or from a nongovernmental insurer, available insurance or guaranty for the payment or repayment of interest or principal, or both, or any part of interest or principal, or any debt service reserve funds, on bonds or notes issued by the authority, or on securities purchased or held by the authority.

Sec. 16. The authority may enter into agreements with an entity to provide credit enhancement or liquidity support for any bonds or notes issued by the authority, or for any debt service reserves securing any bonds or notes, with terms that are reasonable and proper, in the discretion of the authority, and not in violation of law. The authority may execute and deliver notes to evidence its obligation to make payments under such an agreement, but these notes must conform to this article in all respects.

Sec. 17. The authority may enter into agreements or contracts with any financial institution as may be necessary, desirable, or convenient in the opinion of the authority for rendering services in connection with:

- (1) the care, custody, or safekeeping of securities or other investments held or owned by the authority;
- (2) the payment or collection of amounts payable as to principal or interest; and
- (3) the delivery to the authority of securities or other investments purchased or sold by it.

The authority may also, in connection with any of the services rendered by a financial institution as to custody and safekeeping of its securities or investments, require security in the form of collateral bonds, surety agreements, or security agreements as, in the opinion of the authority, is necessary or desirable.

Sec. 18. (a) In the discretion of the authority, any bonds and notes issued under this chapter may be secured by a trust agreement by and between the authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company in Indiana. Such a trust agreement may also provide for a cotrustee, which may be any trust company or bank in Indiana or another state.

(b) The trust agreement or the resolution providing for the issuance of the bonds or notes may contain provisions for protecting and enforcing the rights and remedies of the owners of bonds or notes as may be reasonable and proper, in the discretion of the authority, and not in violation of law.

(c) The trust agreement or resolution may set forth the rights and remedies of the owners of any bonds or notes of the trustee and may restrict the individual right of action by the owners.

(d) Any trust agreement or resolution may contain other provisions that the authority considers reasonable and proper for the security of the owners of bonds or notes.

(e) All expenses incurred in carrying out the provisions of the trust agreement or resolution may be paid from money pledged or assigned to the payment of the principal of and interest on bonds or notes or from any other funds available to the authority.

Sec. 19. The authority may purchase bonds or notes of the authority out of its funds or money available for the purchase of its own bonds or notes. The authority may hold, cancel, or resell the bonds or notes subject to, and in accordance with, agreements with owners of its bonds or notes. Unless canceled, bonds or notes so held shall be considered to be held for resale or transfer and the obligation evidenced by the bonds or notes shall not be considered to be extinguished.

Sec. 20. Funds or money held by the authority under any trust agreement or resolution may be invested pending disbursement

as provided in the trust agreement or the resolution. Such an investment is not restricted by or subject to the provisions of any other law.

Chapter 7. Reserve Fund for Bonds and Notes

Sec. 1. (a) The authority may establish and maintain a reserve fund for each issue of bonds or notes in which there shall be deposited or transferred:

- (1) all money appropriated by the general assembly for the purpose of the fund in accordance with section 3(a) of this chapter;
- (2) all proceeds of bonds or notes required to be deposited in the fund under the terms of:
 - (A) a contract between the authority and the holders of the bonds or notes; or
 - (B) a resolution of the authority with respect to the proceeds of bonds or notes;
- (3) all other money appropriated by the general assembly to a reserve fund; and
- (4) any other money or funds of the authority that it decides to deposit in the fund.

(b) Subject to section 3(b) of this chapter, money in any reserve fund shall be held and applied solely to the payment of the interest on and principal of bonds or notes of the authority as the interest and principal become due and payable and for the retirement of bonds or notes. The money may not be withdrawn if a withdrawal would reduce the amount in the reserve fund to an amount less than the required debt service reserve, except for payment of interest then due and payable on bonds or notes and the principal of bonds or notes then maturing and payable, whether by reason of maturity or mandatory redemption, for which payments other money of the bank is not then available. As used in this chapter, "required debt service reserve" means, as of the date of computation, the amount required to be on deposit in the reserve fund as provided by resolution or trust agreement of the authority.

(c) Money in any reserve fund that exceeds the required debt service reserve, whether by reason of investment or otherwise, may be withdrawn at any time by the authority and transferred to another fund or account of the authority, subject to the provisions of any agreement with the holders of any bonds or notes.

Sec. 2. For purposes of valuation, investments in the reserve fund shall be valued at par, or if purchased at less than par, at cost unless otherwise provided by resolution or trust agreement of the authority. Valuation on a particular date must include the amount of interest then earned or accrued to that date on the money or investments in the reserve fund.

Sec. 3. (a) In order to assure the maintenance of the required debt service reserve in any reserve fund, the general assembly may annually appropriate to the authority for deposit in one (1) or more of the funds the sum, certified by the authority to the general assembly, that is necessary to restore one (1) or more of the funds to an amount equal to the required debt service reserve. Before December 1 of each year, the authority shall make and deliver to the general assembly a certificate stating the sum required to restore the funds to that amount. Nothing in this subsection creates a debt or liability of the state to make any appropriation.

(b) All amounts received on account of money appropriated by the state to any reserve fund shall be held and applied in accordance with section 1(b) of this chapter. However, at the end of each fiscal year, if the amount in any reserve fund exceeds the required debt service reserve, any amount representing earnings or income received on account of any money appropriated to the reserve fund that exceeds the expenses of the authority for that fiscal year may be transferred to the state general fund.

Sec. 4. Subject to the provisions of any agreement with its holders, the bank may combine a reserve fund established for an issue of bonds or notes into one (1) or more reserve funds.

SECTION 8. IC 8-15-2-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) On or before August 1, 2006, the authority shall:

- (1) issue revenue bonds under section 9 of this chapter in an

amount that exceeds all costs associated with the issuance of the bonds, including:

- (A) financing charges;
- (B) costs of issuance of the bonds or notes, including costs of credit enhancement, such as bond or note insurance;
- (C) bond or note discount;
- (D) capitalized interest; and
- (E) the cost of funding any reserves to secure payment of the bonds or notes;

by one billion dollars (\$1,000,000); and

(2) upon receipt of the proceeds of the bonds, transfer:

- (A) five hundred million dollars (\$500,000,000) of the proceeds to the treasurer of state for deposit in the grant anticipation fund established by IC 8-14-10-10; and
- (B) five hundred million dollars (\$500,000,000) of the proceeds to the toll road counties fund established by section 9.7 of this chapter.

(b) Notwithstanding any other provisions of this chapter, the principal of and interest on revenue bonds issued under this section are payable solely from revenues attributable to the rules concerning tolls that were adopted by the authority or the department, or both and were published as proposed rules in the Indiana Register on February 1, 2006.

(c) The authority must deliver to the budget agency a written guarantee that the total amount of attorney's fees for the revenue bonds issued under this section will not exceed two-tenths of one percent (0.2%) of the principal amount of the bonds.

(d) Revenue bonds issued under this section are not subject to IC 8-9.5-8-10.

SECTION 9. IC 8-15-2-9.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.7. (a) As used in this section, "eligible political subdivision" refers to:

- (1) counties through which a toll road project traverses;
- (2) cities and towns in the counties described in subdivision (1); and
- (3) any regional entity that provides funding for transportation services or transportation infrastructure projects and includes all or part of the territory of a county described in subdivision (1).

(b) As used in this section, "eligible project" means:

(1) with respect to an eligible political subdivision that is a county, city, or town, the acquisition, construction, renovation, improvement, and equipping of:

- (A) roads;
- (B) streets;
- (C) motorways;
- (D) bridges;
- (E) tunnels;
- (F) overpasses;
- (G) underpasses;
- (H) interchanges;
- (I) entrances;
- (J) approaches; or
- (K) other public ways;

that are part of the arterial road system, local county roads, arterial street system, or local streets for a local unit for purposes of IC 8-14-2, including all land, rights-of-way, property, rights, easements, materials, and legal or equitable interests necessary for the construction of the local road project;

(2) with respect to an eligible political subdivision that is a regional entity, any transportation service or transportation infrastructure project that the entity is legally authorized to provide; and

(3) with respect to the department, the acquisition, construction, renovation, improvement, and equipping of projects identified in the department's current long range comprehensive transportation plan.

(c) As used in this section, "fund" refers to the toll road counties fund.

(d) The toll road counties fund is established to provide money

for the purposes described in this section. The authority shall hold, administer, and manage the fund. The fund consists of money transferred to the fund under section 9.5 of this chapter and any investment income attributable to that money.

(e) Money in the fund shall be deposited, paid, and secured in the manner provided by IC 4-4-11-32. Notwithstanding IC 5-13, the authority shall invest the money in the fund that is not needed to meet the obligations of the fund in the manner provided by an investment policy established by resolution of the authority.

(f) The fund is not part of the state treasury and is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(g) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(h) The authority must use the money in the fund to make distributions to:

- (1) the department; and
- (2) eligible political subdivisions;

for eligible projects located in eligible political subdivisions.

(i) Before October 1, 2006, and before July 1 in each year thereafter, the department may submit to the authority a list of the eligible projects that:

- (1) are to be carried out by the department in an eligible political subdivision before June 30 of the following year; and
- (2) require a distribution of money from the fund.

The list must include the amount of distributions required for each project, the total amount of distributions required for all projects, and the schedule of distributions required for each project. The authority may review and comment upon the proposed distributions and, upon a determination by the authority that the department's request complies with this section, the authority shall make the distributions in the amounts and in accordance with the schedule of projects provided by the department.

(j) Before October 1, 2006, and before July 1 in each year thereafter, eligible political subdivisions may submit to the authority a request for a distribution from the fund. The request must include a list of the eligible projects that:

- (1) are to be carried out by the eligible political subdivision before June 30 of the following year; and
- (2) require a distribution of money from the fund.

The list must include the amount of distributions requested for each project, the total amount of distributions requested for all projects, and the proposed schedule of distributions for each project. The authority may review and comment upon the proposed distributions and, upon a determination by the authority that a request complies with the provisions of this section, the authority shall make any distributions in the amounts and in accordance with the schedule of projects provided by the eligible political subdivision. The authority shall pay distributions under this subsection to the fiscal officer of the eligible political subdivision.

(k) As used in this subsection, "condemnor" means any person authorized by Indiana law to exercise the power of eminent domain. A condemnor may not exercise the power of eminent domain to acquire real property with respect to any eligible project under this section:

- (1) from a private entity; and
- (2) with the intent of transferring ownership or control of the real property to another private entity.

SECTION 10. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 8-14.5-7-6; IC 8-14.5-7-7."

Delete pages 2 through 76.

Page 77, delete lines 1 through 15.

Page 77, delete lines 36 through 42.

Page 78, delete lines 1 through 6.

Renummer all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

CRAWFORD

On the motion of Representative Whetstone, the previous question was called. Upon request of Representatives Crawford and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 113: yeas 47, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1008-8)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 31, line 38, delete "In" and insert **"(a) Except as provided in subsection (b), and in"**.

Page 33, between lines 12 and 13, begin a new paragraph and insert:

"(b) A public-private agreement may not contain any provisions that:

- (1) guarantee a specified or estimated amount of traffic on a toll road project;**
- (2) restrict or prohibit construction or expansion by the authority, the department, a political subdivision, or any other governmental entity of roads, highways, or other public transportation systems and facilities that might serve as an alternative to a toll road project; or**
- (3) are otherwise designed to protect an operator in any way from competition from other routes or facilities available for use by the public as an alternative to a toll road project."**

Page 54, line 41, delete "The" and insert **"Except as provided in subsection (c), the"**.

Page 57, between lines 7 and 8, begin a new paragraph and insert: **"(c) A public-private agreement may not contain any provisions that:**

- (1) guarantee a specified or estimated amount of traffic on, or usage of, a project;**
- (2) restrict or prohibit construction or expansion by the authority, the department, a political subdivision, or any other governmental entity of roads, highways, or other public transportation systems and facilities that might serve as an alternative to a project; or**
- (3) are otherwise designed to protect an operator in any way from competition from other routes or facilities available for use by the public as an alternative to a project."**

(Reference is to HB 1008 as printed January 26, 2006.)

AGUILERA

Upon request of Representatives Aguilera and Bauer, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 114: yeas 45, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1008-14)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 29, line 29, after "9." insert **"(a)"**.

Page 29, line 31, delete "a public hearing" and insert **"public hearings in at least the cities listed in subsection (b)"**.

Page 29, line 32, after "time" insert **"in each county in which a public hearing will be held"**.

Page 29, line 35, delete "." and insert **"in the county and the remaining public hearings to be held in other counties."**

Page 30, between lines 5 and 6, begin a new paragraph and insert: **"(b) Public hearings must be held under this section in at least the following cities, which the general assembly finds may be affected by the public-private agreement or the use of money derived from the public-private contract:**

- (1) South Bend.**
- (2) Gary or Merrillville.**
- (3) Fort Wayne.**
- (4) Washington.**
- (5) Bloomington.**
- (6) Evansville.**
- (7) Jeffersonville."**

Page 30, between lines 11 and 12, begin a new paragraph and insert:

"(b) At the beginning of each hearing, a representative of the authority must make a presentation in a manner that is understandable by the average individual that explains all the facts and information related to the proposed public-private agreement and the options the state authority has if there is a default in any of the terms of the proposed public-private agreement."

Page 30, line 12, delete "(b)" and insert **"(c)"**.

Page 30, line 29, after "project," insert **"the governor shall submit the designation to the general assembly for approval at a special session called specifically for the purpose of considering the terms and conditions of the public-private agreement. If the general assembly approves the public-private agreement by bill as provided in Article 4, Section 1 of the Constitution of the State of Indiana,"**

(Reference is to HB 1008 as printed January 26, 2006.)

CROOKS

On the motion of Representative Whetstone, the previous question was called. Upon request of Representatives Crooks and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 115: yeas 47, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1008-15)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 34, line 13, after "25 IAC 5" insert **", IC 4-13-16.5, and the United States Department of Transportation's disadvantaged business enterprise program"**.

Page 49, line 19, delete "shall establish a program to facilitate" and insert **", the operator, and any contractor or subcontractor of the operator shall comply with the requirements of state and federal law concerning"**.

(Reference is to HB 1008 as printed January 26, 2006.)

AGUILERA

Upon request of Representatives Aguilera and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 116: yeas 45, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1008-41)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 40, between lines 27 and 28, begin a new line block indented and insert:

"(4) The major moves account."

Page 41, line 28, delete "transfer" and insert **"allocate"**.

Page 41, line 30, delete "construction fund established" and insert **"account."**

Page 41, delete line 31.

Page 41, line 32, delete "The" insert **"Subject to section 8 of this chapter, the"**.

Page 43, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 8. In any state fiscal year, the amount available for distribution in the state fiscal year from the eligible projects account is:

- (1) the total amount available for distribution in the eligible projects account; divided by**
- (2) the number of years remaining in the term of public-public private agreement under this article.**

Sec. 9. (a) Each state fiscal year, the authority shall distribute the amount determined under subsection (b) from the major moves account to the major moves construction fund established under IC 8-14-14.

(b) In any state fiscal year, the amount available for distribution from the major moves account is:

- (1) the total amount available for distribution in the major moves account; divided by
 (2) the number of years remaining in the term of public-public private agreement under this article."

(Reference is to HB 1008 as printed January 26, 2006.)

V. SMITH

Upon request of Representatives V. Smith and Dobis, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 117: yeas 46, nays 50. Motion failed.

HOUSE MOTION (Amendment 1008-38)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 25, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 32. IC 8-15-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4. Bipartisan Public-Private Partnership Review Commission

Sec. 1. As used in this chapter, "agreement" refers to the following:

- (1) A public-private partnership agreement (as defined in IC 8-15.5-2-8).
- (2) A public-private partnership agreement (as defined in IC 8-15.7-2-14).

Sec. 2. As used in this chapter, "commission" refers to the bipartisan public-private partnership review commission.

Sec. 3. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 4. As used in this chapter, "operator" refers to the following:

- (1) An operator (as defined in IC 8-15.5-2-5).
- (2) An operator (as defined in IC 8-15.7-2-10).

Sec. 5. The bipartisan public-private partnership review commission is established.

Sec. 6. The commission consists of eight (8) members appointed by the governor.

Sec. 7. None of the members may be members of the general assembly.

Sec. 8. Not more than four (4) members of the commission may be members of the same political party.

Sec. 9. (a) This section applies to the appointment of the four (4) members of the commission who are not members of the same political party as the governor.

(b) Two (2) of the members appointed under this section shall be appointed from a list of six (6) names submitted to the governor by the leader in the senate of the political party that:

- (1) is not the same political party with which the governor is affiliated; and
- (2) has the most members of any political party described in subdivision (1).

(c) Two (2) of the members appointed under this section shall be appointed from a list of six (6) names submitted to the governor by the leader in the house of representatives of the political party that:

- (1) is not the same political party with which the governor is affiliated; and
- (2) has the most members of any political party described in subdivision (1).

Sec. 10. (a) Subject to this section, the term of a member of the commission is four (4) years.

(b) Four (4) of the initial members of the commission selected by the governor shall serve an abbreviated term. Not more than one (1) of the members appointed under section 9(b) of this chapter and one (1) of the members appointed under section 9(c) of this chapter may be selected for an abbreviated term under this section. The term of an initial member serving an abbreviated term under this section expires on June 30, 2008.

(c) The term of an initial member not serving an abbreviated term under this section expires June 30, 2010.

Sec. 11. The governor shall fill a vacancy on the commission for the remainder of the vacating member's term in the same manner as vacating member was appointed.

Sec. 12. The governor shall appoint the chairperson of the commission. The member appointed as chairperson serves as the chairperson at the pleasure of the governor.

Sec. 13. The expenses of the commission shall be paid by the authority.

Sec. 14. Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 15. Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 16. The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure, including final reports.

Sec. 17. A meeting of the commission may be called by the chairperson, the governor, or three (3) members of the commission in a writing submitted to the chairperson.

Sec. 18. The commission shall review proposed public-private agreements with proposed operators as provided under IC 8-15.5 and IC 8-15.7."

Page 30, line 18, after "governor" insert ", the bipartisan public-private partnership review commission,".

Page 30, between lines 19 and 20, begin a new paragraph and insert:

"(b) Upon receipt of the determination under subsection (a), the bipartisan public-private partnership review commission shall evaluate the proposed project, the proposed public-private agreement, and the proposed operator. The authority and all state agencies shall cooperate with the bipartisan public-private partnership review commission and provide the bipartisan public-private partnership review commission with the information that the designation review commission determines is necessary to carry out the analysis. The analysis must cover financial and all other benefits and costs of the proposed public-private agreement with the proposed operator. The bipartisan public-private partnership review commission shall submit the designation review committee's findings and recommendations to the general assembly in an electronic format under IC 5-14-6, the governor, and the members of the budget committee. The recommendation must be accompanied by sufficient supporting documentation to permit a reader to identify the bipartisan public-private partnership review commission's assumptions and verify the accuracy and completeness of the bipartisan public-private partnership review commission's analysis."

Page 30, line 20, delete "(b) After" and insert "(c) If the designation review committee submits a recommendation that the authority enter into the proposed public-private partnership with the proposed operator and after".

Page 30, line 28, delete "(c)" and insert "(d)".

Page 52, line 10, after "governor" insert ", the bipartisan public-private partnership review commission,".

Page 52, between lines 11 and 12, begin a new paragraph and insert:

"(b) Upon receipt of the determination under subsection (a), the bipartisan public-private partnership review commission shall evaluate the proposed project, the proposed public-private agreement, and the proposed operator. The authority and all state agencies shall cooperate with the bipartisan public-private partnership review commission and provide the bipartisan public-private partnership review commission with the

information that the designation review commission determines is necessary to carry out the analysis. The analysis must cover financial and all other benefits and costs of the proposed public-private agreement with the proposed operator. The bipartisan public-private partnership review commission shall submit the designation review committee's findings and recommendations to the general assembly in an electronic format under IC 5-14-6, the governor, and the members of the budget committee. The recommendation must be accompanied by sufficient supporting documentation to permit a reader to identify the bipartisan public-private partnership review commission's assumptions and verify the accuracy and completeness of the bipartisan public-private partnership review commission's analysis."

Page 52, line 12, delete "(b) After" and insert "(c) If the bipartisan public-private partnership review commission submits a recommendation that the authority enter into the proposed public-private partnership with the proposed operator and after".

Page 52, line 19, delete "(c)" and insert "(d)".

Page 52, line 22, delete "(d)" and insert "(e)".

Page 52, line 26, delete "(b)." and insert "(c)".

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 118: yeas 46, nays 51. Motion failed.

HOUSE MOTION (Amendment 1008-29)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 44, between lines 18 and 19, begin a new paragraph and insert:

"Chapter 14. Prohibited State Action

Sec. 1. As used in this chapter, "state agency" refers to the authority and the department.

Sec. 2. A state agency may not loan, grant, or transfer any money that is:

- (1) received from the United States Department of Transportation or another federal agency; and
- (2) known as federal aid;

to an operator for the operator's use under this article."

Page 48, line 1, delete "federal, state," and insert "state".

Page 48, line 10, delete "the federal government,".

Page 48, line 11, delete "federal government, the state," and insert "state".

Page 59, line 14, delete "the federal".

Page 59, delete line 15.

Page 59, line 16, delete "government, or".

Page 63, line 23, delete "federal, state," and insert "state".

Page 63, line 28, delete "federal, state," and insert "state".

Page 63, line 34, delete "local, state, or federal" and insert "local or state".

Page 63, line 35, delete "local, state, or" and insert "local or state".

Page 63, line 36, delete "federal".

Page 63, line 40, delete "the federal, state," and insert "state".

Page 63, line 41, delete "the federal, state," and insert "state".

Page 65, delete lines 40 through 41.

Page 65, line 42, delete "(3)" and insert "(2)".

Page 66, line 2, delete "(4)" and insert "(3)".

Page 69, between lines 41 and 42, begin a new paragraph and insert:

"Chapter 17. Prohibited State Action

Sec. 1. Notwithstanding any other law, money that is:

- (1) received from the United States Department of Transportation or other federal agency; and
- (2) known as federal aid;

may not be used to develop a qualifying project under this article."

(Reference is to HB 1008 as printed January 26, 2008.)

V. SMITH

Upon request of Representatives V. Smith and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 119: yeas 44, nays 51. Motion failed.

HOUSE MOTION (Amendment 1008-27)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 43, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "contract" refers only to the following contracts:

- (1) A contract with the authority or operator:

(A) that qualifies as a major procurement; or

(B) is for auditing services;

related to a public-private agreement or a project.

- (2) A contract with a person that has a contract with the authority or an operator:

(A) that qualifies as a major procurement; or

(B) is for auditing services;

related to a public-private agreement or a project.

Sec. 5. As used in this chapter, "contractor" means a person that has a contract with:

- (1) the authority or an operator; or

- (2) a person that has a contract with the authority or an operator.

Sec. 6. As used in this chapter, "major procurement" means a contract that provides for payments to any party over the term of the contract of at least one million dollars (\$1,000,000) in return for property or services, or both."

Page 43, line 34, delete "Sec. 4." and insert "Sec. 7.".

Page 43, line 40, delete "Sec. 5." and insert "Sec. 8.".

Page 44, line 6, delete "Sec. 6." and insert "Sec. 9.".

Page 44, line 9, delete "Sec. 7." and insert "Sec. 10.".

Page 44, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 11. A person is considered to have made a contribution under this section if a contribution is made by any of the following:

- (1) The person.

- (2) An officer of the person.

- (3) A political action committee of the person.

Sec. 12. A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee:

- (1) while the contract is in effect; and

- (2) during the three (3) years following the final expiration or termination of the contract."

Page 44, line 17, delete "Sec. 8." and insert "Sec. 13.".

Page 69, between lines 14 and 15, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "contract" refers only to the following contracts:

- (1) A contract with the authority:

(A) that qualifies as a major procurement; or

(B) is for auditing services;

related to a public-private agreement or a project.

- (2) A contract with a person that has a contract with the authority:

(A) that qualifies as a major procurement; or

(B) is for auditing services;

related to a public-private agreement or a project.

Sec. 5. As used in this chapter, "contractor" means a person that has a contract with:

- (1) the authority; or

- (2) a person that has a contract with the authority.

Sec. 6. As used in this chapter, "major procurement" means a contract that provides for payments to any party over the term

of the contract of at least one million dollars (\$1,000,000) in return for property or services, or both."

Page 69, line 15, delete "Sec. 4." and insert "Sec. 7."

Page 69, line 21, delete "Sec. 5." and insert "Sec. 8."

Page 69, line 29, delete "Sec. 6." and insert "Sec. 9."

Page 69, line 32, delete "Sec. 7." and insert "Sec. 10."

Page 69, between lines 39 and 40, begin a new paragraph and insert:

"Sec. 11. A person is considered to have made a contribution under this section if a contribution is made by any of the following:

(1) The person.

(2) An officer of the person.

(3) A political action committee of the person.

Sec. 12. A contractor, an officer of a contractor, or a political action committee of a contractor may not make a contribution to a candidate or a committee:

(1) while the contract is in effect; and

(2) during the three (3) years following the final expiration or termination of the contract."

Page 69, line 40, delete "Sec. 8." and insert "Sec. 13."

(Reference is to HB 1008 as printed January 26, 2006.)

WELCH

Upon request of Representatives Welch and Dobis, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 120: yeas 46, nays 51. Motion failed.

HOUSE MOTION (Amendment 1008-17)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 43, line 18, after "Prohibited" insert "Gifts and".

Page 44, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 8. (a) This section applies to a gift that the state, including the department of transportation, or the authority would otherwise be permitted to accept under any of the following:

(1) IC 8-14-14-5.

(2) IC 8-15-2-5.

(3) IC 8-15-3-21.

(4) This article, including IC 8-15.5-11-5.

(5) IC 8-15.7.

(b) An offeror, an officer of an offeror, a person with an ownership interest in an offeror, or another person that makes an offer to enter into a contract with:

(1) the authority;

(2) the state (including the department of transportation);

or

(3) an operator;

related to a project may not make a gift to the state or the authority during a period of one (1) year immediately preceding the date that the offeror or other person submits a proposal for a public-private agreement under this article.

(c) An operator, an officer of an operator, a person with an ownership interest in an operator, or another person that enters into a contract with:

(1) the authority;

(2) the state (including the department of transportation);

or

(3) an operator;

related to a project may not make a gift to the state or the authority during a period of one (1) year immediately following the date that a public-private agreement or contract terminates."

Page 44, line 17, delete "8." and insert "9."

Page 68, line 41, after "Prohibited" insert "Gifts and".

Page 69, between lines 39 and 40, begin a new paragraph and insert:

"Sec. 8. (a) This section applies to a gift that the state, including the department of transportation, or the authority would otherwise be permitted to accept under any of the following:

(1) IC 8-14-14-5.

(2) IC 8-15-2-5.

(3) IC 8-15-3-21.

(4) IC 8-15.5, including IC 8-15.5-11-5.

(5) This article.

(b) An offeror, an officer of an offeror, a person with an ownership interest in an offeror, or another person that makes an offer to enter into a contract with:

(1) the authority;

(2) the state (including the department of transportation);

or

(3) an operator;

related to a project may not make a gift to the state or the authority during a period of one (1) year immediately preceding the date that the offeror or other person submits a proposal for a public-private agreement under this article.

(c) An operator, an officer of an operator, a person with an ownership interest in an operator, or another person that enters into a contract with:

(1) the authority;

(2) the state (including the department of transportation);

or

(3) an operator;

related to a project may not make a gift to the state or the authority during a period of one (1) year immediately following the date that a public-private agreement or contract terminates."

Page 69, line 40, delete "8." and insert "9."

(Reference is to HB 1008 as printed January 26, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Bauer, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 121: yeas 46, nays 51. Motion failed.

HOUSE MOTION (Amendment 1008-25)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 34, line 1, delete "standards." and insert "standards, including all procedures required under the National Environmental Policy Act and by the United States Department of Transportation, Federal Highway Administration, for projects of a similar nature."

Page 34, delete lines 39 through 42.

Page 62, line 9, delete "standards." and insert "standards, including all procedures required under the National Environmental Policy Act and by the United States Department of Transportation, Federal Highway Administration, for projects of a similar nature."

Page 62, delete lines 37 through 39.

(Reference is to HB 1008 as printed January 26, 2006.)

AVERY

Upon request of Representatives Avery and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 122: yeas 46, nays 51. Motion failed.

HOUSE MOTION (Amendment 1008-30)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 31, between lines 9 and 10, begin a new paragraph and insert:

"(c) A public-private agreement that is executed under this chapter is valid for the lesser of:

(1) four (4) years; or

(2) the time remaining in the term of office of the governor who approved the public-private agreement under subsection (b).

A public-private agreement executed under this chapter expires on the last day of the approving governor's term of office unless the governor renews the public-private agreement under this subsection. Except as provided in subsection (d), a public-private

agreement that is renewed by the governor expires on the last day of the governor's subsequent term of office.

(d) The following apply if a public-private agreement is renewed by a governor who will not serve another term of office:

(1) The renewal must be ratified by the governor-elect.

(2) The renewed public-private agreement expires on the last day of the governor-elect's first term of office."

Page 31, line 13, delete "may not exceed ninety-nine (99) years." and insert "comply with the requirements of section 1(c) and 1(d) of this chapter."

Page 52, between lines 26 and 27, begin a new paragraph and insert:

"(e) A public-private agreement that is executed under this chapter is valid for the lesser of:

(1) four (4) years; or

(2) the time remaining in the term of office of the governor who designated the successful offeror under subsection (b).

A public-private agreement executed under this chapter expires on the last day of the designating governor's term of office unless the governor renews the public-private agreement under this subsection. Except as provided in subsection (f), a public-private agreement that is renewed by the governor expires on the last day of the governor's subsequent term of office.

(f) The following apply if a public-private agreement is renewed by a governor who will not serve another term of office:

(1) The renewal must be ratified by the governor-elect.

(2) The renewed public-private agreement expires on the last day of the governor-elect's first term of office."

Page 67, line 24, after "1." insert "The original term of a public-private agreement executed under this article must comply with the requirements of IC 8-15.7-4-3(e)."

Page 67, line 24, after "The" insert "entire".

(Reference is to HB 1008 as printed January 26, 2008.)

V. SMITH

After discussion, Representative V. Smith withdrew the motion.

HOUSE MOTION

(Amendment 1008-9)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 30, line 18, after "governor" insert ", the general assembly in an electronic format under IC 5-14-6,".

Page 30, line 19, delete "." and insert "before March 7, 2006."

Page 30, between lines 19 and 20, begin a new paragraph and insert:

"(b) Upon receipt of the determination under subsection (a), a determination review committee is established. The members of the determination review committee consist of one (1) member jointly appointed by the leader of the political party with the second largest number of members in the house of representatives and the leader of the political party with the second largest number of members in the senate, one (1) member appointed by the governor, and one (1) member appointed by the other members of the determination review committee. The designation review committee shall operate under the policies governing study committees adopted by the legislative council. The affirmative votes of a majority of the voting members appointed to the designation review committee are required for the designation review committee to take action on any measure, including final reports. The designation review committee shall evaluate the proposed project, the proposed public-private agreement, and the proposed operator. The authority and all state agencies shall cooperate with the designation review committee and provide the designation review committee with the information that the designation review committee determines is necessary to carry out the analysis. The analysis must cover financial and all other benefits and costs of the proposed public-private agreement with the proposed operator. The designation review committee shall submit the designation review committee's findings and recommendations to the general assembly in an electronic format under IC 5-14-6, the governor, and the members of the budget committee while the general assembly is in session before a time that is at least seventy-two

(72) hours before the general assembly adjourns sine die in the session that convened on November 22, 2005. The recommendation must be accompanied by sufficient supporting documentation to permit a reader to identify the designation review committee's assumptions and verify the accuracy and completeness of the designation review committee's analysis."

Page 30, line 20, delete "(b) After" and insert "(c) If the designation review committee has submitted a recommendation to the general assembly, the budget committee, and the governor before the time required under subsection (b), subject to any law enacted in the legislative session in which the designation review committee's recommendation is submitted to the general assembly under subsection (b), and after".

Page 30, line 28, delete "(c)" and insert "(d)".

(Reference is to HB 1008 as printed January 26, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Bauer, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 123: yeas 46, nays 51. Motion failed.

HOUSE MOTION

(Amendment 1008-36)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 18, line 37, delete "The" and insert "Except as otherwise provided by IC 8-15.7-10-3, the".

Page 48, line 27, delete "The" and insert "Except as otherwise provided by this article, the".

Page 66, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 3. (a) As used in this section, "condemn" means any person authorized by Indiana law to exercise the power of eminent domain.

(b) A condemnor may not exercise the power of eminent domain to acquire real property with respect to a project under this article:

(1) from a private entity; and

(2) with the intent of transferring ownership or control of the real property to another private entity, including a private entity that is a party to a public-private agreement."

Page 68, line 20, delete "The" and insert "Except as otherwise provided by this article, the".

Page 68, line 23, delete "The" and insert "Except as otherwise provided by this article, the".

Page 71, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 36. IC 8-23-7-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. The department may not exercise the power of eminent domain to acquire real property with respect to a state highway:

(1) from a private entity; and

(2) with the intent of transferring ownership or control of the real property to another private entity, including a private entity that is a party to a public-private agreement."

Page 78, between lines 6 and 7, begin a new paragraph and insert: "SECTION 46. [EFFECTIVE UPON PASSAGE] Except as provided in IC 8-23-7-13 and IC 8-23-7-17, the department may not transfer the ownership or control of real property acquired for a state highway before the effective date of this SECTION to another private entity, including a private entity that is a party to a public-private agreement."

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

PIERCE

Upon request of Representatives Pierce and Stilwell, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 124: yeas 47, nays 51. Motion failed.

HOUSE MOTION
(Amendment 1008-19)

Mr. Speaker: I move that House Bill 1008 be amended to read as follows:

Page 78, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 44. [EFFECTIVE JULY 1, 2006] (a) **There is appropriated to the auditor of state sixteen million one hundred fifteen thousand three hundred sixty dollars (\$16,115,360) from the major moves construction fund established by IC 8-14-14, as added by this act. If the balance of the major moves construction fund is insufficient to fully fund the distributions required under this SECTION, money is appropriated from the state general fund in the amount necessary to fully fund the distributions required under this SECTION. The appropriations made under this subsection are for the period beginning July 1, 2006, and ending June 30, 2007.**

(b) **Notwithstanding any other law, the auditor of state shall distribute the money appropriated under this SECTION as follows:**

- (1) **Sixty-eight and one-tenth percent (68.1%) to the counties in the manner specified in IC 8-14-1-3(3).**
- (2) **Thirty-one and nine-tenths percent (31.9%) to the cities and towns in the manner specified in IC 8-14-1-3(1).**

(c) **A county, city, or town that receives a distribution under this SECTION must use the money for the purposes specified in IC 8-14-1-3.**

(d) **This SECTION expires June 30, 2007."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

CRAWFORD

Representative Espich rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill.

Representative Crawford withdrew the motion.

HOUSE MOTION
(Amendment 1397-31)

Mr. Speaker: I move that House Bill 1397 be amended to read as follows:

Page 25, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 32. IC 8-15-3-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 36. (a) As used in this section, "toll collection facility" means any booth or collectors' house where drivers are required to pay tolls.**

(b) **A United States flag shall be displayed at each toll collection facility located on:**

- (1) **a tollway (as defined in section 7 of this chapter);**
- (2) **a toll road project (as defined in IC 8-15-2-4(4)); and**
- (3) **a qualifying project (as defined in IC 8-15.7-2-15).**

(c) **The department shall adopt rules under IC 4-22-2 for the proper care, custody, and display of the United States flag at each toll collection facility."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1008 as printed January 26, 2006.)

STILWELL

Upon request of Representatives Stilwell and Dobis, the Speaker ordered the roll of the House to be called. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 125: yeas 98, nays 0. Motion prevailed. The bill was ordered engrossed.

House Bill 1093

Representative Dobis called down House Bill 1093 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1093-1)

Mr. Speaker: I move that House Bill 1093 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning school safety.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-20-8-8, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The report must include the following information:

- (1) Student enrollment.
- (2) Graduation rate (as defined in IC 20-26-13-6).
- (3) Attendance rate.
- (4) The following test scores, including the number and percentage of students meeting academic standards:
 - (A) ISTEP program test scores.
 - (B) Scores for assessments under IC 20-32-5-21, if appropriate.
 - (C) For a freeway school, scores on a locally adopted assessment program, if appropriate.
- (5) Average class size.
- (6) The number and percentage of students in the following groups or programs:
 - (A) Alternative education, if offered.
 - (B) Vocational education.
 - (C) Special education.
 - (D) Gifted or talented, if offered.
 - (E) Remediation.
 - (F) Limited English language proficiency.
 - (G) Students receiving free or reduced price lunch under the national school lunch program.
- (7) Advanced placement, including the following:
 - (A) For advanced placement tests, the percentage of students:
 - (i) scoring three (3), four (4), and five (5); and
 - (ii) taking the test.
 - (B) For the Scholastic Aptitude Test:
 - (i) test scores for all students taking the test;
 - (ii) test scores for students completing the academic honors diploma program; and
 - (iii) the percentage of students taking the test.
- (8) Course completion, including the number and percentage of students completing the following programs:
 - (A) Academic honors diploma.
 - (B) Core 40 curriculum.
 - (C) Vocational programs.
- (9) The percentage of grade 8 students enrolled in algebra I.
- (10) The percentage of graduates who pursue higher education.
- (11) School safety, including:
 - (A) the number of students receiving suspension or expulsion for the possession of alcohol, drugs, or weapons; **and**
 - (B) **the number of incidents reported under IC 20-33-9.**
- (12) Financial information and various school cost factors, including the following:
 - (A) Expenditures per pupil.
 - (B) Average teacher salary.
 - (C) Remediation funding.
- (13) Technology accessibility and use of technology in instruction.
- (14) Interdistrict and intradistrict student mobility rates, if that information is available.
- (15) The number and percentage of each of the following within the school corporation:
 - (A) Teachers who are certificated employees (as defined in IC 20-29-2-4).
 - (B) Teachers who teach the subject area for which the teacher is certified and holds a license.
 - (C) Teachers with national board certification.
- (16) The percentage of grade 3 students reading at grade 3 level.
- (17) The number of students expelled, including the number participating in other recognized education programs during their expulsion.
- (18) Chronic absenteeism, which includes the number of students who have been absent more than ten (10) days from school within a school year without being excused.
- (19) Other indicators of performance as recommended by the education roundtable under IC 20-19-4.

SECTION 2. IC 20-33-9-1.3 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.3. As used in this chapter, "battery" refers to battery under IC 35-42-2-1.**

SECTION 3. IC 20-33-9-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. As used in this chapter, "harassment" refers to harassment under IC 35-45-2-2.**

SECTION 4. IC 20-33-9-10, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.** In addition to any other duty to report arising under this article, an individual who has reason to believe that a school employee:

- (1) has received a threat; ~~or~~
- (2) is the victim of intimidation;
- (3) **is the victim of battery; or**
- (4) **is the victim of harassment;**

shall report that information as required by this chapter.

SECTION 5. IC 20-33-9-11, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.** (a) If an individual who is required to make a report under this chapter is a member of the staff of a school, the individual shall make the report by immediately notifying the principal of the school that a school employee may have received a threat or may be the victim of intimidation, **battery, or harassment.**

(b) An individual who receives a report under subsection (a) shall immediately make a report or cause a report to be made under section 13 of this chapter.

SECTION 6. IC 20-33-9-12, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12.** This chapter does not relieve an individual of the obligation to report a threat, ~~or~~ intimidation, **a battery, or harassment** on the individual's own behalf, unless a report has already been made to the best of the individual's belief.

SECTION 7. IC 20-33-9-13, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.** An individual who has a duty under sections 10 through 12 of this chapter to report that a school employee may have received a threat or may be the victim of intimidation, **battery, or harassment** shall immediately make an oral report to the local law enforcement agency.

SECTION 8. IC 20-33-9-14, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.** Except as provided in section 15 of this chapter, an individual, other than a person accused of making a threat ~~or~~ **against a school employee**, intimidating a school employee, **committing a battery against a school employee, or harassing a school employee**, who:

- (1) makes, or causes to be made, a report under this chapter; or
- (2) participates in any judicial proceeding or other proceeding:
 - (A) resulting from a report under this chapter; or
 - (B) relating to the subject matter of the report;

is immune from any civil or criminal liability that might otherwise be imposed because of such actions."

Re-number all SECTIONS consecutively.

(Reference is to HB 1093 as printed January 26, 2006.)

KOCH

Motion prevailed. The bill was ordered engrossed.

House Bill 1097

Representative Frizzell called down House Bill 1097 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1097-3)

Mr. Speaker: I move that House Bill 1097 be amended to read as follows:

Page 5, line 25, after "affiliate" insert **"(as defined in IC 27-1-12-2)"**.

Page 5, line 27, after "affiliate" insert **"(as defined in IC 27-1-12-2)"**.

Page 5, between lines 29 and 30, begin a new line block indented and insert:

"(3) A limited service health maintenance organization, or an affiliate (as defined in IC 27-1-12-2) of a limited service health maintenance organization, that is regulated under this title."

Page 8, line 13, delete "marketing organization" and insert **"provider or a business entity owned by at least one (1) provider"**.

Page 8, line 13, after "that" insert ":

(1)".

Page 8, line 13, delete "wholly".

Page 8, line 13, delete "an" and insert **"one (1) or more providers; and"**.

Page 8, delete line 14, begin a new line block indented and insert:

"(2) contracts with employers or health plans to provide medical services;".

Page 8, line 15, delete "of authority under this title".

Page 8, line 15, beginning with "is" begin a new line blocked left.

Page 9, between lines 22 and 23, begin a new line block indented and insert:

"(6) List, market, promote, or advertise a provider as a program provider without the express written consent of the provider."

(Reference is to HB 1097 as printed January 26, 2006.)

FRIZZELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1099

Representative Frizzell called down House Bill 1099 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1099-3)

Mr. Speaker: I move that House Bill 1099 be amended to read as follows:

Page 1, delete lines 1 through 9.

Page 3, between lines 14 and 15, begin a new paragraph and insert: **"Department" means the department of homeland security established under IC 10-19-2-1."**

Page 4, reset in roman line 36.

Page 4, line 37, reset in roman "commerce selling fireworks".

Page 4, line 37, after "fireworks" insert ".".

Page 6, line 28, delete ":".

Page 6, line 29, delete "(1)".

Page 6, line 29, delete ";" and insert ".".

Page 6, run in lines 28 through 29.

Page 6, delete lines 30 through 32, begin a new paragraph and insert:

"SECTION 2. IC 22-11-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The fire prevention and building safety commission ~~may~~ shall:

- (1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and
- (2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

- (1) name a competent operator who is to officiate at the display;
- (2) set forth a brief resume of the operator's experience;
- (3) be made in writing; and
- (4) be received with the applicable fee by the ~~office of the state fire marshal~~ **division of fire and building safety** at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be ~~so~~ located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person ~~who possesses, transports, or delivers may not possess, transport, or deliver special~~ fireworks, except as authorized under this section. ~~commits a Class A misdemeanor".~~

Page 6, delete line 42.

Page 7, delete line 1.

Page 7, line 2, delete "discharge location;" and insert "**trained and experienced in using consumer fireworks;**".

Page 8, delete lines 9 through 42, begin a new paragraph and insert:

"SECTION 4. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

(1) any resident wholesaler, manufacturer, importer, or distributor from selling:

- (A) at wholesale fireworks not prohibited by this chapter; or
- (B) **consumer** fireworks not approved for sale in Indiana if they are to be shipped directly out of state within five (5) days of the date of sale; used:

- (i) on the property of the purchaser;
- (ii) on the property of another who has given permission to use the consumer fireworks; or
- (iii) at a special discharge location as set forth in section 3.5 of this chapter;

(2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

(3) the sale or use of blank cartridges for:

- (A) a show or theater;
- (B) signal or ceremonial purposes in athletics or sports; or
- (C) use by military organizations;

(4) the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers;

(5) the possession, sale, or disposal of fireworks, incidental to the public display of Class B fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell Class B explosives from the Bureau of Alcohol, Tobacco, and Firearms and Explosives of the United States Department of the Treasury; Justice; or

(6) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

- (1) is a resident of Indiana;
- (2) possesses for resale ~~common~~ fireworks approved or not approved for sale in Indiana;
- (3) is engaged in the interstate sale of ~~common~~ fireworks described in subdivision (2) as an essential part of a business that is located in a permanent structure and is open at least six (6) months each year; and
- ~~(4) sells common fireworks described in subdivision (2) only to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale; and~~
- ~~(5) (4)~~ has possession of a certificate of compliance issued by the state fire marshal under section 5 of this chapter.

~~(c) A purchaser may not provide a written and signed assurance that the fireworks purchased are to be shipped out of Indiana and then sell or use them in Indiana.~~

SECTION 5. IC 22-11-14-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) A retailer may sell consumer fireworks from a tent under the following conditions:

- (1) The tent may not be larger than one thousand five hundred (1,500) square feet.

(2) There may be only one (1) tent for each registration granted under section 5(b)(3) of this chapter.

(3) The tent may not be located closer than one hundred (100) feet from a permanent structure.

(4) A vehicle may not be parked closer than twenty (20) feet from the edge of the tent.

(5) The tent must be fire retardant.

(6) The sales site must comply with all applicable local zoning and land use rules.

(7) Sales of fireworks may be made from the tent for not more than forty-five (45) days in a year.

(8) The gross weight of consumer fireworks in a tent, other than those set forth in section 8(a) of this chapter, may not exceed one thousand five hundred (1,500) pounds of product.

(9) A retailer that legally operated a tent with a registration in 2005 may continue operation in a tent in 2006 and the following years. A registration under section 5(b)(3) of this chapter is required for operation in 2006 and following years.

(10) The retailer holds a valid registration under section 5(b)(3) of this chapter.

(b) This subsection does not apply to a retailer of fireworks who conducts operations from a structure that complies with the requirements for an H-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission. A retailer may sell consumer fireworks from a structure under the following conditions:

(1) The structure must be a Class 1 structure used for the sale and storage of fireworks 1.4G (Class C common fireworks).

(2) The sales site must comply with all applicable local zoning and land use rules.

(3) The gross weight of consumer fireworks in the structure, other than those set forth in section 8(a) of this chapter, may not exceed one thousand five hundred (1,500) pounds of product.

(4) The structure may not exceed fifteen thousand (15,000) square feet in total area unless the structure was in existence and was registered under section 5(b)(3) of this chapter in 2005.

(5) The retailer holds a valid registration under section 5(b)(3) of this chapter.

(6) A retailer that legally operated from a structure with a registration in 2005 may continue in operation in the structure in 2006 and the following years. A registration under section 5(b)(3) of this chapter is required for operation in 2006 and following years.

(c) The state fire marshal or a member of the division of fire and building safety staff shall, under section 9 of this chapter, inspect tents and structures in which common fireworks are sold.

SECTION 6. IC 22-11-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at the expense of the owner, all stocks of fireworks or combustibles possessed, transported, or delivered in violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of fireworks, novelties, and trick noisemakers unless, prior to shipment into this state for sale, the manufacturer, wholesaler, importer, or distributor of the fireworks, novelties, and trick noisemakers submits to the state fire marshal:

(1) a complete description of each item proposed to be shipped into Indiana;

(2) a written certification that the items are manufactured in accordance with section 1 of this chapter; and

(3) an annual registration fee of ~~one thousand seven hundred fifty dollars (\$1,000)~~ (\$750) for the first location and an additional registration fee of seven hundred fifty dollars (\$750) for each other location from which consumer fireworks are to be offered for sale for use at a special discharge location. The registration fee shall be deposited in the fire and building services fund as set forth in IC 22-12-6-1(c).

If upon inspection the state fire marshal finds that this chapter has been complied with, an annual certificate of compliance shall be issued to the manufacturer, wholesaler, importer, or distributor. An annual certificate of compliance **may not be applied for after June 15 of a year and** expires December 31 of the year ~~during in~~ which the certificate is issued. Each manufacturer, wholesaler, importer, or distributor must obtain a certificate of compliance. The certificate is not transferable. ~~except that~~ A retailer that offers the items for sale to the public is entitled to receive a certified copy of the certificate from the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items. A certified copy of the certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter.

(c) All fireworks, novelties, and trick noisemakers shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed, or marked on the package, box, or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana fireworks, novelties, or trick noisemakers unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

SECTION 7. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A person who violates ~~section 4(c); section 2(f), 4.5, 5(c), 5(d), 7, or 8(a), 8(c), 8(d), or 10~~ of this chapter commits a Class A misdemeanor.

(b) A person who ignites, discharges, or uses consumer fireworks other than those described in section 8(a) of this chapter at a site other than:

- (1) a special discharge location;
- (2) the property of the person; or
- (3) the property of another who has given permission to use the consumer fireworks;

commits a Class C infraction. However, if a person commits an offense under this subsection not later than five (5) years after the date of the commission of a prior offense, the person commits a Class B infraction.

(c) A person commits a Class B misdemeanor if the person recklessly, knowingly, or intentionally uses consumer fireworks other than those described in section 8(a) of this chapter and the violation causes harm to the property of a person.

(d) A person commits a Class A misdemeanor if the person recklessly, knowingly, or intentionally uses consumer fireworks other than those described in section 8(a) of this chapter and the violation results in serious bodily injury to a person.

(e) A person commits a Class D felony if the person recklessly, knowingly, or intentionally uses consumer fireworks other than those described in section 8(a) of this chapter and the violation results in the death of a person.

(f) A person commits a Class D felony if the person knowingly fails to collect or remit the public safety fees due under section 14 of this chapter to the state.

SECTION 8. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person shall not sell at retail, or offer for sale at retail, any consumer fireworks, novelties, or trick noisemakers to a person less than **eighteen (18) years of age** other than the following:

- (1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.
- (2) Cylindrical fountains.

- (3) Cone fountains.
- (4) Illuminating torches.
- (5) Wheels.
- (6) Ground spinners.
- (7) Flitter sparklers.
- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

(b) A retailer or wholesaler of consumer fireworks may sell consumer fireworks to a person at least eighteen (18) years of age.

(c) A retailer or wholesaler of consumer fireworks other than those listed in subsection (a) may not knowingly or intentionally fail to:

- (1) request photographic identification of a purchaser who appears to be less than twenty-five (25) years of age; or
- (2) record the following information regarding a sale:
 - (A) The purchaser's name.
 - (B) The purchaser's address.
 - (C) The date of the sale.
 - (D) The age of the purchaser.

The seller shall keep the record of the sale for not less than one (1) year and shall make the record available to the state fire marshal upon request.

(d) An individual who sells consumer fireworks other than those listed in subsection (a) must be at least eighteen (18) years of age.

SECTION 9. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a)~~ Each interstate wholesaler shall keep a record of each sale of special fireworks. ~~not approved for sale in Indiana~~. This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

(b) Each resident wholesaler shall post in a prominent location in the wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the date of sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000)."

The state fire marshal shall provide interstate wholesalers with signs for the purposes of this subsection.

SECTION 10. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 11. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of consumer fireworks.

(b) The person who acquires consumer fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as agent for the state.

(c) The public safety fee shall be paid to the department to be used for the following purposes:

- (1) The provision of funds for disaster relief for all Indiana state and local governments under IC 10-19-4-2.

(2) The development and provision of training programs for public safety service providers under IC 10-19-9-3.

(3) The establishment and conduct of advanced training programs in public safety and homeland security subjects under IC 10-19-9-4.

The executive director of the department appointed under IC 10-19-3-1 shall determine the distribution of the funds received by the department from the public safety fee.

(d) The fire prevention and building safety commission shall adopt rules under IC 4-22-2 necessary for the administration of the collection and distribution of the public safety fee monies from retailers as described in subsections (b) and (c) and in section 13 of this chapter.

SECTION 11. IC 22-11-14-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 12. (a) The public safety fee is measured by the gross retail income received by a retailer in a retail unitary transaction of consumer fireworks and is imposed at the following rates:

PUBLIC SAFETY FEE	GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION		
\$ 0		less than	\$0.25
\$ 0.01	at least \$ 0.25	but less than	\$0.50
\$ 0.02	at least \$ 0.50	but less than	\$0.75
\$ 0.03	at least \$ 0.75	but less than	\$1.00
\$ 0.04	at least \$ 1.00		

On a retail unitary transaction in which the gross retail income received by the retail merchant is one dollar (\$1) or more, the public safety fee is four percent (4%) of that gross retail income.

(b) If the public safety fee, computed under subsection (a), results in a fraction of one-half cent (\$0.005) or more, the amount of the public safety fee shall be rounded to the next additional cent.

SECTION 12. IC 22-11-14-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13. (a) A retailer liable for collecting the public safety fee from a purchaser shall file a return for each calendar month and pay the public safety fees that the retailer has collected during that month. A retailer shall file the retailer's return for a particular month with the department and make the retailer's payment of the public safety fees collected for that month to the department not more than thirty (30) days after the end of that month.

(b) Instead of the twelve (12) monthly reporting periods required by subsection (a), the department may permit a person to divide a year into a different number of reporting periods. The return and payment for each reporting period is due not more than twenty (20) days after the end of the period.

(c) Instead of the reporting periods required under subsection (a), the department may permit a retailer to report and pay the retailer's public safety fees for a period covering a calendar year, if the retailer's public safety fee liability for a calendar year does not exceed seventy-five dollars (\$75). A retailer reporting under this subsection must file the retailer's return and pay the retailer's public safety fee liability not later than the last day of January immediately following the close of the prior calendar year.

SECTION 13. IC 22-11-14-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 14. An individual who:

(1) is an individual retailer or is an employee, an officer, or a member of a corporate or partnership retailer; and

(2) has a duty to remit the public safety fee as described in section 11 of this chapter to the department of homeland security;

holds the public safety fees collected in trust for the state and is personally liable for the payment of the public safety fee money to the state.

SECTION 14. IC 22-11-14-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The fire prevention and

building safety commission shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a), as amended by this act, IC 22-11-14-11(d), as added by this act, and IC 22-11-14-15, as added by this act, the fire prevention and building safety commission shall carry out the duties imposed upon it by IC 22-11-14-2(a), as amended by this act, IC 22-11-14-11(d), as added by this act, and IC 22-11-14-15, as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are last adopted under IC 22-11-14-2(a), as amended by this act, IC 22-11-14-11(d), as added by this act, and IC 22-11-14-15, as added by this act.

(2) December 31, 2007."

Delete pages 9 through 12.

Page 13, delete lines 1 through 32.

Renumber all SECTIONS consecutively.

(Reference is to HB 1099 as printed January 27, 2006.)

FRIZZELL

Motion prevailed. The bill was ordered engrossed.

House Bill 1123

Representative Budak called down House Bill 1123 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 1123-1)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-2.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The commission has the sole authority to allocate money from the fund to arts providers in Indiana.

(b) Subject to other provisions of this chapter, when there is ~~fifty one~~ million dollars (~~\$50,000,000~~) (\$1,000,000) in the fund there is annually appropriated to the commission all interest and dividend earnings of the fund for projects that the commission designates to accomplish the purposes of the commission under IC 4-23-2.

(c) The commission may not use money from the fund to purchase land or structures."

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed January 26, 2006.)

KOCH

Representative Fry rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION

(Amendment 1123-2)

Mr. Speaker: I move that House Bill 1123 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 6 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 13, delete "an emergency room nurse." and insert "a health care professional (as defined in IC 16-27-1-1) qualified in forensic evidence collection."

Page 2, line 20, delete "The members of the board shall elect a member to serve as" and insert "The executive director of the commission for women shall serve as chairperson of the board. The board shall meet at the call of the chairperson."

Page 2, delete line 21.

Page 2, line 35, after "meetings." insert "Any other funding for the board is paid at the discretion of the director of the office of management and budget."

Page 6, line 11, after "(a)" insert "As used in this SECTION, "board" means the sexual assault standards and certification board established by IC 4-23-25-11, as added by this act.

(b)".

Page 6, line 12, delete "sexual assault".

Page 6, line 13, delete "standards and certification".

Page 6, line 21, delete "(b)" and insert "(c)".

Page 6, line 22, delete "(c)" and insert "(d)".

Page 6, line 22, delete "sexual".

Page 6, line 23, delete "assault standards and certification".

Page 6, between lines 23 and 24, begin a new paragraph and insert"

"(e) The first meeting of the board shall convene not later than October 1, 2006."

Page 6, line 24, delete "(d)" and insert "(f)".

Page 6, after line 31, begin a new paragraph and insert:

"SECTION 7. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1123 as printed January 26, 2006.)

BUDAK

Motion prevailed. The bill was ordered engrossed.

House Bill 1155

Representative Budak called down House Bill 1155 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1155-2)

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 7, between lines 37 and 38, begin a new paragraph and insert:
"SECTION 3. IC 31-17-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. If a court grants visitation rights under this chapter to a grandparent who is convicted of:

(1) a sex crime under IC 35-42-4; or

(2) a crime in any other jurisdiction the elements of which are substantially similar to the elements of a sex crime under IC 35-42-4;

the visitation with the grandparent must be supervised by an individual approved by both the custodial parent or guardian and the noncustodial parent."

Renumber all SECTIONS consecutively.

(Reference is to HB 1155 as printed January 27, 2006.)

BUDAK

Motion prevailed.

HOUSE MOTION (Amendment 1155-1)

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 7, line 7, after "person" insert ":

(i)".

Page 7, line 9, delete "or" and insert "**and**

(ii) has a prior unrelated conviction for child molesting or an offense in another jurisdiction that is substantially similar to child molesting; or".

Page 7, line 11, after "person" insert ":

(i)".

Page 7, line 13, after "offense;" insert "**and**

(ii) has a prior unrelated conviction for child molesting or an offense in another jurisdiction that is substantially similar to child molesting;".

Page 9, line 31, after "location" insert "**, if applicable"**.

Page 10, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 5. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time he the person has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a community transition program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is an offender (as defined in IC 5-2-12-4) and refuses to participate in a sex offender treatment program specifically offered to the offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, ~~he~~ **the person** may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine his guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive his right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored."

(Reference is to HB 1155 as printed January 27, 2006.)

BUDAK

Motion prevailed.

HOUSE MOTION (Amendment 1155-6)

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 10, after line 15, begin a new paragraph and insert:

"SECTION 7. IC 35-48-4-16 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 8. [EFFECTIVE JULY 1, 2006] The repeal of IC 35-48-4-16 by this act applies only to offenses committed after June 30, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1155 as printed January 27, 2006.)

DAVIS

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1155 a bill pending before the House.

After discussion, Representative Davis withdrew the motion.

HOUSE MOTION (Amendment 1155-4)

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 7, between lines 37 and 38, begin a new paragraph and insert:

"(k) As a condition of parole, the parole board shall prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking.

SECTION 3. IC 35-38-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) A condition of remaining on probation or parole after a conviction for stalking (IC 35-45-10-5) is that the person not reside within one thousand (1,000) feet of the residence of the victim of the stalking.

(b) A person:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the person intends to reside during the period of probation:

(A) at the time of sentencing if the person will be placed on probation without first being incarcerated; or

(B) before the person's release from incarceration if the person will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the person intends to reside during the period of parole.

(c) A person, while on probation or parole, may not establish a new residence within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver from the:

(1) court, if the person is placed on probation; or

(2) parole board, if the person is placed on parole; for the change of address under subsection (d).

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

- (1) the person is in compliance with all terms of the person's probation or parole; and
- (2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the stalking.

(e) If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).

SECTION 3. IC 35-40-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 6.5. Stalker Registry

Sec. 1. As used in this chapter, "stalker" means a person convicted of stalking under IC 35-45-10-5.

Sec. 2. A prosecuting attorney may establish and maintain a stalker registry web site to inform the general public about the identity, location, and appearance of a stalker residing within the judicial circuit served by the prosecuting attorney. The web site may provide information about each stalker in the judicial circuit, including:

- (1) a photograph of the stalker; and
- (2) the home address of the stalker.

Sec. 3. The stalker web site may be funded from:

- (1) a grant from the criminal justice institute; or
- (2) any other source, subject to the approval of the county fiscal body.

Sec. 4. A stalker may be required to provide information for use by the stalker registry web site as a condition of probation or parole."

(Reference is to HB 1155 as printed January 27, 2006.)

THOMPSON

Motion prevailed.

HOUSE MOTION (Amendment 1155-5)

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 7, line 6, delete ":" and insert "**child molesting or an offense in another jurisdiction that is substantially similar to child molesting if the person was at least eighteen (18) years of age at the time the person committed the offense and the person:**

- (A) has a prior unrelated conviction for child molesting or an offense in another jurisdiction that is substantially similar to child molesting; or
- (B) is a sexually violent predator under IC 35-38-1-7.5;"

Page 7, delete lines 7 through 13.

Page 9, line 31, after "location" insert ", if applicable".

Page 10, between lines 9 and 10, begin a new paragraph and insert: "SECTION 5. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he~~ **the person** has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) **If the person is an offender (as defined in IC 5-2-12-4) and refuses to participate in a sex offender treatment**

program specifically offered to the offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, ~~he~~ **the person** may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine his guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive his right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored."

(Reference is to HB 1155 as printed January 27, 2006.)

FOLEY

Motion prevailed.

HOUSE MOTION (Amendment 1155-3)

Mr. Speaker: I move that House Bill 1155 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-12-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Except as provided in subsections (b) and (c), an offender's duty to register under this chapter expires ~~ten (10)~~ **twenty (20)** years after the date the offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last.

(b) An offender who is found to be a sexually violent predator by a court under IC 35-38-1-7.5(b) is required to register for life.

(c) An offender who is convicted of at least one (1) sex and violent offense that the offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) An offender who is convicted of at least one (1) sex and violent offense in which the offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) An offender who is convicted of at least two (2) unrelated sex and violent offenses is required to register for life."

Page 10, line 13, delete "IC 35-50-6-1," and insert "**IC 5-2-12-13 and IC 35-50-6-1, both**".

Page 10, line 14, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1155 as printed January 27, 2006.)

GRUBB

Motion prevailed. The bill was ordered engrossed.

House Bill 1156

Representative Richardson called down House Bill 1156 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1156-3)

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 11, delete lines 15 through 18.
 Page 19, delete lines 27 through 39.
 Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as printed January 27, 2006.)

RICHARDSON

Motion prevailed.

HOUSE MOTION
 (Amendment 1156-2)

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 11, line 23, delete "thirty-four (34)" and insert "**thirty-five (35)**".

Page 12, line 4, reset in roman "eight (8)".

Page 12, line 4, delete "nine (9)".

Page 12, line 16, delete "seventeen (17)" and insert "**sixteen (16)**".

Page 12, line 19, delete "nineteen (19)" and insert "**twenty (20)**".

Page 12, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 10. IC 33-33-49-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Not more than thirty (30) days after taking the oath of office, the judges shall meet and designate ~~three (3)~~ **four (4)** of the judges as the executive committee for administrative purposes. The executive committee shall be selected by a vote of two-thirds (2/3) of the judges sitting at the time the vote is taken. If all vacancies cannot be filled by a two-thirds (2/3) vote, vacancies may be filled by such other method as provided by court rule. The executive committee is responsible for the operation and conduct of the court. A member of the executive committee shall serve in the capacity provided by rules adopted by the court under section 11 of this chapter. A member of the executive committee serves for a term of two (2) years beginning on the date of the member's election. **Except for the rotation of the presiding judge as provided in subsection (b),** any or all of the members elected to the executive committee may be reelected. Of the ~~three (3)~~ **four (4)** judges elected to the executive committee, not more than two (2) may be members of the same political party.

(b) One (1) of the ~~three (3)~~ **four (4)** judges elected to the executive committee shall be elected as presiding judge and ~~two (2)~~ **three (3)** of the ~~three (3)~~ **four (4)** judges elected to the executive committee shall be elected as associate presiding judges. **Beginning with the election of the executive committee in 2007, a presiding judge may not be elected from the same political party as the presiding judge who served the previous term.** Each judge who is a member of the executive committee has an equal vote in all matters pertaining to the business of the court when an action requires a majority vote. **If a tie vote occurs, the presiding judge shall cast the tiebreaking vote.** Any action taken by the executive committee may be overruled by a vote of two-thirds (2/3) of all the judges sitting at the time the vote is taken. The physical reassignment of a judge to a different courtroom requires a unanimous vote of the executive committee. The executive committee shall assign cases, offices, and courtrooms for trial judges or reassignment of newly filed cases in the interests of the speedy, economical, and uniform disposition of cases. All matters of trial dates, continuances, and subpoenas used for trial shall be determined by the trial judge in accordance with rules of the superior court. The executive committee shall perform other duties as determined by rules of the court.

(c) The court shall, by rules of the court, divide the work of the court into various divisions, including but not limited to the following:

- (1) Civil.
- (2) Criminal.
- (3) Probate.
- (4) Juvenile.

(d) The work of each division shall be allocated by the rules of the court.

(e) The judges shall be assigned to various divisions or rooms as provided by rules of the court. Whenever possible, an incumbent judge shall be allowed the option of remaining in a particular room or division. Whenever any action of the court is required, the judges of the court shall act in concert, by a vote under section 11 of this

chapter. The court shall keep appropriate records of rules, orders, and assignments of the court."

Page 12, line 28, delete "four (4)".

Page 12, line 29, delete "six (6)" and insert "four (4)".

Page 12, line 30, delete "three (3)" and insert "**two (2)**".

Page 20, line 2, delete "and" and insert ",".

Page 20, line 2, after "thirty-fourth" insert ", **and thirty-fifth**".

Page 20, line 15, delete "nineteen (19)" and insert "**twenty (20)**".

Page 20, line 16, delete "thirty-fifth and".

Page 20, line 16, delete "judges" and insert "**judge**".

Page 20, line 21, delete "nine (9)" and insert "**eight (8)**".

Page 20, line 25, delete "seventeen (17)" insert "**sixteen (16)**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as printed January 27, 2006.)

RICHARDSON

Motion prevailed.

HOUSE MOTION
 (Amendment 1156-1)

Mr. Speaker: I move that House Bill 1156 be amended to read as follows:

Page 9, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 3. IC 33-28-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) The employer of a person who:**

(1) is summoned to serve as a juror; and

(2) notifies the employer of the jury summons:

(A) within a reasonable time after receiving the jury summons; and

(B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(b) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

(1) responding to a summons for jury duty;

(2) participating in the jury selection process; or

(3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(c) If:

(1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);

(2) another employee of the employer described in subdivision (1) is performing jury service; and

(3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee already performing jury service."

Page 10, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 19. IC 33-28-5-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) A person who appears for service as a petit or grand juror serves until the conclusion of the first trial in which the juror is sworn, regardless of the length of the trial or the manner in which the trial is disposed. A person who appears for service but is not selected and sworn as a juror completes the person's service at the end of one (1) day.

(b) A person who:

(1) serves as a juror under this chapter; or

(2) completes one (1) day of jury selection but is not chosen to serve as a juror;

may not be selected for another jury panel until all nonexempt persons on the master list have been called for jury duty.

(c) The employer of a person who:

(1) is summoned to serve as a juror; and

(2) notifies the employer of the jury summons:

(A) within a reasonable time after receiving the jury summons; and

(B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(d) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(e) If:

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the person performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the other employee."

Page 11, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 20. IC 33-28-6-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) The employer of a person who:

- (1) is summoned to serve as a juror; and
- (2) notifies the employer of the jury summons:
 - (A) within a reasonable period after receiving the jury summons; and
 - (B) before the person appears for jury duty;

may not subject the person to any adverse employment action as the result of the person's jury service.

(b) An employee may not be required or requested to use annual leave, vacation leave, or sick leave for time spent:

- (1) responding to a summons for jury duty;
- (2) participating in the jury selection process; or
- (3) serving on a jury.

This subsection does not require an employer to provide annual leave, vacation leave, or sick leave to an employee who is not otherwise entitled to these benefits.

(c) If:

- (1) a prospective juror works for an employer with ten (10) or fewer full-time employees (or their equivalent);
- (2) another employee of the employer described in subdivision (1) is performing jury service; and
- (3) the prospective juror or the employee performing jury service notifies the court that they both work for the same employer;

the court shall reschedule the prospective juror's jury service for a date that does not overlap with the jury service of the employee already performing jury service."

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as printed January 27, 2006.)

MAYS

Motion prevailed. The bill was ordered engrossed.

House Bill 1158

Representative Richardson called down House Bill 1158 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1158-1)

Mr. Speaker: I move that House Bill 1158 be amended to read as follows:

Page 2, between lines 41 and 42, begin a new paragraph and insert: "SECTION 3. IC 33-35-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies after June 30, 2005.

(b) A clerk of a city court in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) shall deposit all court costs collected by the clerk in accordance with IC 33-37-7-12. The fees received by the controller

from the clerk shall be paid into the city treasury at the time of the semiannual settlement for city revenue.

(c) If the party instituting an action or a proceeding recovers judgment, the judgment must also include as costs an amount equal to the small claims costs fee, **small claims garnishee service fee**, and the small claims service fee prescribed under IC 33-37-4-5 or IC 33-37-4-6.

(d) Money paid in advance for costs remaining unexpended at the time a civil action or proceeding is terminated, whether by reason of dismissal or otherwise, must be returned to the party or parties making payment. However, this section does not apply to civil actions or proceedings instituted by or on behalf of the state or any of the state's political subdivisions."

Page 3, line 5, strike "and".

Page 3, line 7, delete "." and insert "; and

(C) if the party has named more than three (3) garnishees or garnishee defendants, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3)."

Page 3, between lines 10 and 11, begin a new line block indented and insert:

"(3) From any party adding a garnishee or garnishee defendant, a small claims garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a small claims garnishee service fee for the first three (3) garnishees named in the action."

Page 3, line 11, after "fee" insert ",".

Page 3, line 11, strike "or".

Page 3, line 12, after "fee" insert ", or small claims garnishee service fee".

Page 3, line 13, after "fee" insert ",".

Page 3, line 14, strike "and".

Page 3, line 15, after "fee" insert ", and small claims garnishee service fee".

Page 4, between lines 13 and 14, begin a new line block indented and insert:

"(3) From a party that has named more than three (3) garnishees or garnishee defendants, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant in excess of three (3).

(4) From a party adding a garnishee or garnishee defendant, a garnishee service fee of ten dollars (\$10) for each garnishee or garnishee defendant added to the action. However, a clerk may not collect a garnishee service fee for the first three (3) garnishees or garnishee defendants named in the action."

Page 4, between lines 15 and 16, begin a new paragraph and insert: "SECTION 7. IC 33-37-4-4, AS AMENDED BY P.L.176-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The clerk shall collect a civil costs fee of one hundred dollars (\$100) from a party filing a civil action. This subsection does not apply to the following civil actions:

- (1) Proceedings to enforce a statute defining an infraction under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (2) Proceedings to enforce an ordinance under IC 34-28-5 (or IC 34-4-32 before its repeal).
- (3) Proceedings in juvenile court under IC 31-34 or IC 31-37.
- (4) Proceedings in paternity under IC 31-14.
- (5) Proceedings in small claims court under IC 33-34.
- (6) Proceedings in actions described in section 7 of this chapter.

(b) In addition to the civil costs fee collected under this section, the clerk shall collect the following fees, if they are required under IC 33-37-5:

- (1) A document fee (IC 33-37-5-1, IC 33-37-5-3, or IC 33-37-5-4).
- (2) A support and maintenance fee (IC 33-37-5-6).
- (3) A document storage fee (IC 33-37-5-20).
- (4) An automated record keeping fee (IC 33-37-5-21).
- (5) A public defense administration fee (IC 33-37-5-21.2).
- (6) A judicial insurance adjustment fee (IC 33-37-5-25).
- (7) A judicial salaries fee (IC 33-37-5-26).
- (8) A court administration fee (IC 33-37-5-27).

(9) A service fee (~~IC 33-37-5-28~~) (**IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)**).

(10) A garnishee service fee (IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4)).

SECTION 5. IC 33-37-7-2, AS AMENDED BY P.L.176-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The clerk of a circuit court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund seventy percent (70%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-3(a) (juvenile costs fees).
- (4) IC 33-37-4-4(a) (civil costs fees).
- (5) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (6) IC 33-37-4-7(a) (probate costs fees).
- (7) IC 33-37-5-17 (deferred prosecution fees).

(b) The clerk of a circuit court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9-2 the following:

- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- (3) Fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7).
- (4) One hundred percent (100%) of the domestic violence prevention and treatment fees collected under IC 33-37-4-1(b)(8).
- (5) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
- (6) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
- (7) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).

(c) The clerk of a circuit court shall distribute monthly to the county auditor the following:

- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and correction fees collected under IC 33-37-4-1(b)(5).
- (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).

The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.

(d) The clerk of a circuit court shall distribute monthly to the county auditor fifty percent (50%) of the child abuse prevention fees collected under IC 33-37-4-1(b)(7). The county auditor shall deposit fees distributed by a clerk under this subsection into the county child advocacy fund established under IC 12-17-17.

(e) The clerk of a circuit court shall distribute monthly to the county auditor one hundred percent (100%) of the late payment fees collected under IC 33-37-5-22. The county auditor shall deposit fees distributed by a clerk under this subsection as follows:

- (1) If directed to do so by an ordinance adopted by the county fiscal body, the county auditor shall deposit forty percent (40%) of the fees in the clerk's record perpetuation fund established under IC 33-37-5-2 and sixty percent (60%) of the fees in the county general fund.
- (2) If the county fiscal body has not adopted an ordinance described in subdivision (1), the county auditor shall deposit all the fees in the county general fund.

(f) The clerk of the circuit court shall distribute semiannually to the auditor of state for deposit in the sexual assault victims assistance fund established by IC 16-19-13-6 one hundred percent (100%) of the sexual assault victims assistance fees collected under IC 33-37-5-23.

(g) The clerk of a circuit court shall distribute monthly to the county auditor the following:

(1) One hundred percent (100%) of the support and maintenance fees for cases designated as non-Title IV-D child support cases in the Indiana support enforcement tracking system (ISETS) collected under IC 33-37-5-6.

(2) The percentage share of the support and maintenance fees for cases designated as IV-D child support cases in ISETS collected under IC 33-37-5-6 that is reimbursable to the county at the federal financial participation rate.

The county clerk shall distribute monthly to the office of the secretary of family and social services the percentage share of the support and maintenance fees for cases designated as Title IV-D child support cases in ISETS collected under IC 33-37-5-6 that is not reimbursable to the county at the applicable federal financial participation rate.

(h) The clerk of a circuit court shall distribute monthly to the county auditor **the following:**

(1) One hundred percent (100%) of the small claims service fee under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2) for deposit in the county general fund.

(2) One hundred percent (100%) of the small claims garnishee service fee under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3) for deposit in the county general fund.

(i) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:

- (1) The public defense administration fee collected under IC 33-37-5-21.2.
- (2) The judicial salaries fees collected under IC 33-37-5-26.
- (3) The DNA sample processing fees collected under IC 33-37-5-26.2.
- (4) The court administration fees collected under IC 33-37-5-27.

(j) The clerk of a circuit court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.

(k) The proceeds of the service fee collected under ~~IC 33-37-5-28~~ **IC 33-37-5-28(b)(1) or IC 33-37-5-28(b)(2)** shall be distributed as follows:

- (1) The clerk shall distribute one hundred percent (100%) of the service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.
- (2) The clerk shall distribute one hundred percent (100%) of the service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.

(l) The proceeds of the garnishee service fee collected under IC 33-37-5-28(b)(3) or IC 33-37-5-28(b)(4) shall be distributed as follows:

- (1) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a circuit, superior, county, or probate court to the county auditor for deposit in the county general fund.**
- (2) The clerk shall distribute one hundred percent (100%) of the garnishee service fees collected in a city or town court to the city or town fiscal officer for deposit in the city or town general fund.**

SECTION 9. IC 33-37-7-8, AS AMENDED BY P.L.176-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The clerk of a city or town court shall distribute semiannually to the auditor of state as the state share for deposit in the state general fund fifty-five percent (55%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
- (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
- (3) IC 33-37-4-4(a) (civil costs fees).
- (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
- (5) IC 33-37-5-17 (deferred prosecution fees).

(b) The city or town fiscal officer shall distribute monthly to the county auditor as the county share twenty percent (20%) of the amount of fees collected under the following:

- (1) IC 33-37-4-1(a) (criminal costs fees).
 - (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-37-4-4(a) (civil costs fees).
 - (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - (5) IC 33-37-5-17 (deferred prosecution fees).
- (c) The city or town fiscal officer shall retain twenty-five percent (25%) as the city or town share of the fees collected under the following:
- (1) IC 33-37-4-1(a) (criminal costs fees).
 - (2) IC 33-37-4-2(a) (infraction or ordinance violation costs fees).
 - (3) IC 33-37-4-4(a) (civil costs fees).
 - (4) IC 33-37-4-6(a)(1)(A) (small claims costs fees).
 - (5) IC 33-37-5-17 (deferred prosecution fees).
- (d) The clerk of a city or town court shall distribute semiannually to the auditor of state for deposit in the state user fee fund established in IC 33-37-9 the following:
- (1) Twenty-five percent (25%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
 - (2) Twenty-five percent (25%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
 - (3) One hundred percent (100%) of the highway work zone fees collected under IC 33-37-4-1(b)(9) and IC 33-37-4-2(b)(5).
 - (4) One hundred percent (100%) of the safe schools fee collected under IC 33-37-5-18.
 - (5) One hundred percent (100%) of the automated record keeping fee (IC 33-37-5-21).
- (e) The clerk of a city or town court shall distribute monthly to the county auditor the following:
- (1) Seventy-five percent (75%) of the drug abuse, prosecution, interdiction, and corrections fees collected under IC 33-37-4-1(b)(5).
 - (2) Seventy-five percent (75%) of the alcohol and drug countermeasures fees collected under IC 33-37-4-1(b)(6), IC 33-37-4-2(b)(4), and IC 33-37-4-3(b)(5).
- The county auditor shall deposit fees distributed by a clerk under this subsection into the county drug free community fund established under IC 5-2-11.
- (f) The clerk of a city or town court shall distribute monthly to the city or town fiscal officer (as defined in IC 36-1-2-7) one hundred percent (100%) of the following:
- (1) The late payment fees collected under IC 33-37-5-22.
 - (2) The small claims service fee collected under IC 33-37-4-6(a)(1)(B) or IC 33-37-4-6(a)(2).
 - (3) **The small claims garnishee service fee collected under IC 33-37-4-6(a)(1)(C) or IC 33-37-4-6(a)(3).**
- The city or town fiscal officer (as defined in IC 36-1-2-7) shall deposit fees distributed by a clerk under this subsection in the city or town general fund.
- (g) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund one hundred percent (100%) of the following:
- (1) The public defense administration fee collected under IC 33-37-5-21.2.
 - (2) The DNA sample processing fees collected under IC 33-37-5-26.2.
 - (3) The court administration fees collected under IC 33-37-5-27.
- (h) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the judicial branch insurance adjustment account established by IC 33-38-5-8.2 one hundred percent (100%) of the judicial insurance adjustment fee collected under IC 33-37-5-25.
- (i) The clerk of a city or town court shall semiannually distribute to the auditor of state for deposit in the state general fund seventy-five percent (75%) of the judicial salaries fee collected under IC 33-37-5-26. The city or town fiscal officer shall retain twenty-five percent (25%) of the judicial salaries fee collected under IC 33-37-5-26 as the city or town share."

Renumber all SECTIONS consecutively.
(Reference is to HB 1158 as printed January 24, 2006.)

RICHARDSON

Motion prevailed. The bill was ordered engrossed.

House Bill 1190

Representative Stutzman called down House Bill 1190 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1220

Representative Reske called down House Bill 1220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1227

Representative Budak called down House Bill 1227 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1347

Representative Messer called down House Bill 1347 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1347-6)

Mr. Speaker: I move that House Bill 1347 be amended to read as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 12.

Page 2, line 15, delete "The department may authorize a" and insert "**A**".

Page 2, line 16, delete "to" and insert "**may**".

Page 2, delete lines 35 through 36.

Page 2, line 37, delete "(C)" and insert "**(B)**".

Page 2, line 40, delete "department." and insert "**department; or (C) passed an examination that demonstrates the student is ready for college level work:**

(i) administered by the state educational institution; and

(ii) approved by the department."

Page 3, line 21, delete "As a part of the general".

Page 3, line 22, delete "education curriculum,".

Page 3, delete lines 40 through 41.

Page 3, line 42, delete "(C)" and insert "**(B)**".

Page 4, line 3, delete "department." and insert "**department; or (C) passed an examination that demonstrates the student is ready for college level work:**

(i) administered by Ivy Tech; and

(ii) approved by the department."

Page 6, line 19, delete "the school shall provide remediation programs to the".

Page 6, delete line 20.

Page 6, line 21, delete "student's career plan. The" and insert "**the**".

Page 6, delete lines 36 through 37.

Page 6, line 38, delete "2." and insert "**1.**".

Page 6, line 39, delete "associates degree" and insert "**associate degree,**".

Page 6, line 39, delete "or" and insert "**a**".

Page 6, line 39, after "baccalaureate" delete "degree" and insert "**degree, or a vocational certification**".

Page 7, line 1, delete "3." and insert "**2.**".

Page 7, line 3, delete "4." and insert "**3.**".

Page 7, line 7, delete "5." and insert "**4.**".

Page 7, line 8, after "12." insert "**School corporations and state educational institutions may collaborate to offer early college, dual credit, or dual enrollment programs that meet the educational objectives of the school corporation and are offered by the state educational institutions."**

Page 7, line 10, after "full-time" insert "**or part-time**".

Page 7, between lines 11 and 12, begin a new paragraph and insert:

"(c) A state educational institution that participates in an early college, a dual credit, or a dual enrollment program may, by agreement with a school corporation:

(1) ensure that the content and rigor of each course offered is adequate to warrant providing credit to a student as if the student took the course as a student at the state educational institution;

(2) set the criteria for the faculty member, instructor, or other individual responsible for teaching each course with the:

(A) state educational institution responsible for hiring the personnel to instruct dual credit courses taught by the state educational institution; and

(B) school corporation responsible for hiring personnel to instruct dual credit courses taught by the high school; and

(3) determine with the school corporation the terms and conditions under which:

(A) students may be admitted to the program while attending high school;

(B) the state educational institution will award credit, if any, for specified courses successfully completed by students through the school corporation; and

(C) the school corporation will award credit, if any, for specified courses successfully completed through the state educational institution."

Page 7, delete line 12.

Page 7, line 13, delete "educational institution for secondary credit, a" begin a new paragraph and insert:

"(d) A".

Page 7, line 16, delete "(d)" and insert "(e)".

Page 7, line 16, delete "must be" and insert "that are".

Page 7, line 24, delete "fields." and insert "fields;

are among those eligible for the program. If a student passes a course through the program that is part of an articulation agreement between the state educational institution offering the course and other state educational institutions, the course is eligible for transfer under the articulation agreement."

Page 7, delete lines 25 through 28.

Page 7, line 29, delete "(e)" and insert "(f)".

Page 7, delete lines 37 through 42, begin a new paragraph and insert:

"Sec. 5. A school corporation may, by agreement with an institution of higher education, offer counseling concerning early college, dual credit, or dual enrollment courses that the school corporation considers appropriate, including:

(1) notice of the courses and schedule;

(2) available post-secondary credit;

(3) responsibilities of the student;

(4) any tuition and other costs;

(5) the consequences of the failure to complete a course; and

(6) other matters concerning the program and opportunities presented by the program."

Page 8, delete lines 1 through 20.

Page 8, line 21, delete "9." and insert "6."

Page 8, delete lines 27 through 31.

Page 8, line 32, delete "(c)" and insert "(b)".

Page 8, line 38, delete "(d)" and insert "(c)".

Page 8, line 42, delete "an eligible" and insert "the state educational".

Page 9, delete lines 1 through 21.

Page 9, line 22, delete "13." and insert "7."

Page 9, delete lines 29 through 40.

Page 10, delete lines 12 through 42.

Page 11, delete lines 1 through 14.

Page 11, line 29, delete "(a)".

Page 11, line 30, delete ", or the chief administrative officer of a"

Page 11, delete line 31.

Page 11, line 32, delete "IC 20-19-2-8, shall" and insert "may".

Page 11, run in lines 30 through 32.

Page 11, line 33, delete "attends an" and insert "attends any".

Page 11, line 33, delete ". An" and insert ". Any".

Page 11, line 34, after "activity" insert "and nonclassroom activity".

Page 12, delete lines 2 through 3.

Page 12, line 4, delete "(6)" and insert "(5)".

Page 12, between lines 5 and 6, begin a new line block indented and insert:

"(6) Is approved in writing by the school principal."

Page 12, delete lines 6 through 13.

Page 14, line 15, delete "completion" and insert "fast track to college".

Page 14, delete lines 33 through 34.

Page 14, line 35, delete "(C)" and insert "(B)".

Page 14, line 39, delete "IC 20-19-3-1." and insert "IC 20-19-3-1; or

(C) passed an examination that demonstrates the student is ready for college level work:

(i) administered by Vincennes University; and

(ii) approved by the department of education."

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as printed January 26, 2006.)

MESSER

Motion prevailed.

HOUSE MOTION (Amendment 1347-4)

Mr. Speaker: I move that House Bill 1347 be amended to read as follows:

Page 11, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 14. IC 20-33-2-9, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [JULY 1, 2006]: Sec. 9. (a) The governing body of each school corporation shall designate the appropriate employees of the school corporation to conduct the exit interviews for students described in section 6(a)(3) of this chapter. Each exit interview must be personally attended by:

(1) the student's parent;

(2) the student;

(3) each designated appropriate school employee; and

(4) the student's principal.

(b) A student who is at least sixteen (16) years of age but less than eighteen (18) years of age is bound by the requirements of compulsory school attendance and may not withdraw from school before graduation unless:

(1) the student, the student's parent, and the principal agree to the withdrawal; and

(2) at the exit interview, the student provides written acknowledgment of the withdrawal that meets the requirements of subsection (c) and the:

(A) student's parent; and

(B) school principal;

each provide written consent for the student to withdraw from school.

(c) A written acknowledgment of withdrawal under subsection (b) must include a statement that the student and the student's parent understand that withdrawing from school is likely to:

(1) reduce the student's future earnings; and

(2) increase the student's likelihood of being unemployed in the future."

Page 15, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 19. [EFFECTIVE UPON PASSAGE] (a) The department of education shall develop guidelines for a school corporation to follow in implementing IC 20-33-2-9(c), as added by this act.

(b) This section expires December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as printed January 2, 2006.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 1347-5)

Mr. Speaker: I move that House Bill 1347 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-24-2-1, AS AMENDED BY P.L.1-2005, SECTION 106, AND AS AMENDED BY P.L.242-2005, SECTION 1, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A driver's license or a learner's permit may not be issued to an individual less than eighteen (18) years of age who meets any of the following conditions:

- (1) Is a habitual truant under IC 20-33-2-11.
- (2) Is under at least a second suspension from school for the school year under IC 20-33-8-14 or IC 20-33-8-15.
- (3) Is under an expulsion from school under IC 20-33-8-14, IC 20-33-8-15, or IC 20-33-8-16.
- ~~(4) Has withdrawn from school, for a reason other than financial hardship and the withdrawal was reported under IC 20-8-1-3-24(a) IC 20-33-2-21(a) before graduating.~~
- ~~(4) Is considered a dropout under IC 20-33-2-28.5.~~

(b) At least five (5) days before holding an exit interview under ~~IC 20-33-2-6(a)(3), IC 20-33-2-28.5~~, the school corporation shall give notice by certified mail or personal delivery to the student, the student's parent, or the student's guardian ~~of the following:~~

- ~~(1) That the exit interview will include a hearing to determine if the reason for the student's withdrawal is financial hardship.~~
- ~~(2) If the principal determines that the reason for the student's withdrawal is not financial hardship:~~
 - ~~(A) the student and the student's parent or guardian will receive a copy of the determination; and~~
 - ~~(B) the student's name will be submitted to the bureau for the bureau's use in denying or invalidating a driver's license or learner's permit under this section.~~

~~that the student's failure to attend an exit interview under IC 20-33-2-28.5 or return to school if the student does not meet the requirements to withdraw from school under IC 20-33-2-28.5 will result in the revocation or denial of the student's:~~

- ~~(1) driver's license or learner's permit; and~~
- ~~(2) employment certificate.~~

(c) A driver's license may not be issued to a person less than eighteen (18) years of age who has failed to meet the educational proficiency standard tested in the graduation examination under IC 20-32-4."

Page 10, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 12. IC 20-32-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Notwithstanding IC 9-24 concerning the minimum standards for qualifying for the issuance of a driver's license, a student who:

- (1) is less than eighteen (18) years of age; and
 - (2) has failed to meet the educational proficiency standard tested in the graduation examination under this chapter;
- may not be issued a driver's license to operate a motor vehicle or motorcycle under IC 9-24 until the student is at least eighteen (18) years of age.

(b) After a high school receives score reports for the graduation examination, the principal of the high school shall submit to the governing body the name of each student who:

- (1) is ineligible to receive a driver's license under this section; or
- (2) has become eligible to receive a driver's license after meeting the educational proficiency standard in a second or subsequent graduation examination.

(c) After receiving a report under subsection (b), the governing body shall submit to the bureau of motor vehicles the pertinent information concerning a student's eligibility to receive a driver's license under subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as printed January 26, 2006.)

TURNER

After discussion, Representative Turner withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

House Bill 1349

Representative Ulmer called down House Bill 1349 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1349-12)

Mr. Speaker: I move that House Bill 1349 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 30.

Page 3, line 37, after "game mammals," insert "elk, "

Page 3, line 39, delete "A cervidae livestock operation licensed under IC 14-22-20.5" and insert "Except as provided in section 5 of this chapter, game mammals, elk, and furbearing mammals held under this chapter may not be hunted or harvested for sporting purposes."

(c) After July 1, 2013, hunting and harvesting for sporting purposes of game mammals, elk, and furbearing mammals held under a license issued under this chapter are prohibited.

SECTION 2. IC 14-22-20-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person who:

- (1) possesses a license issued under this chapter;
- (2) provides documentation to the department that the person has allowed deer or elk hunting under a license issued under this chapter in 2003, 2004, or 2005; and
- (3) complies with the requirements set forth in subsection (c);

is entitled to continue to allow hunting and harvesting of deer and elk for sporting purposes under this section, subject to subsection (c).

(b) The department shall provide a person who meets the conditions set forth in subsection (a) with a letter certifying that the person is authorized to operate a game breeder's licensed hunting facility under this section.

(c) A person who operates a game breeder's licensed hunting facility under this section must comply with the following requirements:

- (1) A hunting stand may not be located closer than seventy-five (75) yards from the boundary fence.
- (2) A deer or an elk must be released into the hunting area at least ten (10) days before it is hunted. Hunting of other deer and elk is not allowed in the hunting area during this period.
- (3) The number of hunters in the hunting area at any time may not exceed one (1) hunter per twenty (20) acres.
- (4) Any law or rule concerning the hunting of whitetail deer concerning weapon limitations applies to the hunting of any animal on a licensed hunting facility.
- (5) The licensed hunting facility must comply with all rules of the board of animal health concerning deer and elk, including rules concerning chronic wasting disease (CWD).
- (6) The licensed hunting facility may not sell a specific deer or elk to the hunter. However, the licensed hunting facility may charge either:
 - (A) a basic hunting fee; or
 - (B) a fee based upon the antler size of the deer or elk taken by the hunter.
- (7) Hunting is prohibited in the area within one hundred fifty (150) yards of an artificial feeding site.
- (8) The licensed hunting facility must maintain a hunting area that consists of at least eighty (80) contiguous acres and that is surrounded by a boundary fence at least eight (8) feet in height.
- (9) The operator of a licensed hunting facility shall pay the department the following fees for each deer or elk harvested on the licensed hunting facility:
 - (A) Two hundred fifty dollars (\$250) per buck.
 - (B) Fifty dollars (\$50) per doe.

(10) The operator of a licensed hunting facility must maintain daily records concerning the following:

(A) The number of deer and elk released into the hunting area.

(B) The number of hunters.

(C) The number of deer and elk harvested.

(11) The licensed hunting facility must allow the department, at any time, to inspect the following:

(A) The daily records required under subdivision (10).

(B) The deer and elk.

(C) The hunting area.

(12) Before July 1, 2011, a person who operates a licensed hunting facility under this section shall submit a plan to the department that outlines how all deer and elk will be harvested or removed from the licensed hunting facility.

(d) Except for whitetail deer, a deer or elk taken on a game breeder's licensed hunting facility under this section is not subject to:

(1) the bag, sex, and size limits established under IC 14-22-2-6(a)(2); or

(2) hunting license requirements.

(e) Except for whitetail deer, a person may take deer and elk from a game breeder's licensed hunting facility under this section only during September, October, November, December, January, February, March, and April.

(f) Deer and elk may not be released into a game breeder's licensed hunting facility to which this section applies after July 1, 2011.

(g) This section expires July 1, 2013."

Page 3, delete lines 40 through 42.

Delete pages 4 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as printed January 20, 2006.)

ULMER

On the motion of Representative Crooks, the previous question was called. Motion prevailed.

HOUSE MOTION (Amendment 1349-2)

Mr. Speaker: I move that House Bill 1349 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert: "SECTION 5. IC 14-22-12-7, AS AMENDED BY P.L.225-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) ~~Before July 1, 2005~~, The director may issue to residents of Indiana lifetime licenses to hunt, fish, or trap. Subject to ~~subsection~~ **subsections (b) and (f)**, the following license fees shall be charged:

(1) Lifetime basic fishing license, twenty (20) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish.

(2) Lifetime basic hunting license, twenty (20) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt.

(3) Lifetime comprehensive fishing license, thirty (30) times the fee charged for a resident yearly license to fish. This license replaces the resident yearly license to fish and all other yearly licenses, stamps, or permits to fish for a specific species.

(4) Lifetime comprehensive hunting license, sixty (60) times the fee charged for a resident yearly license to hunt. This license replaces the resident yearly license to hunt and all other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(5) Lifetime comprehensive hunting and fishing license, the fee charged under subdivisions (3) and (4) less ten percent (10%). This license replaces the following:

(A) The resident yearly license to hunt.

(B) All other yearly licenses, stamps, or permits to hunt for a specific species or by a specific means.

(C) The resident yearly license to fish.

(D) All other yearly licenses, stamps, or permits to fish for a specific species.

(6) Lifetime trapping license, twenty (20) times the fee charged for a resident yearly license to trap. This license replaces the resident yearly license to trap.

(b) This subsection applies only to individuals who are at least fifty (50) years of age. The license fees under subsection (a) shall be reduced by the amount determined under STEP THREE of the following formula:

STEP ONE: Subtract forty-nine (49) from the resident applicant's age in years.

STEP TWO: Multiply the difference determined under STEP ONE by two and one-half percent (2.5%).

STEP THREE: Multiply the percentage determined under STEP TWO by the amount of the appropriate fee under subsection (a).

(c) Each lifetime license:

(1) is nontransferable;

(2) expires on the death of the person to whom the license was issued; and

(3) may be suspended or revoked for the same causes and according to the same procedures that a resident yearly license to hunt, fish, or trap, as appropriate, may be suspended or revoked.

(d) No part of a lifetime hunting, fishing, or trapping license is refundable. However, the holder of:

(1) a basic license to hunt or fish may be given credit for the current cost of such a license when purchasing a comprehensive license to hunt or fish or hunt and fish; and

(2) a comprehensive license to hunt or fish may be given credit for the current cost of such a license when purchasing a lifetime comprehensive license to hunt and fish.

(e) All money received under this section shall be deposited in the lifetime hunting, fishing, and trapping license trust fund established by IC 14-22-4.

(f) The director shall issue a lifetime hunting, fishing, and trapping license without charge to an individual who has applied for a lifetime hunting, fishing, and trapping license and who:

(1) is a resident of Indiana; and

(2) has served in and received an honorable discharge from the armed forces of the United States (as defined in IC 5-9-4-3)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as printed January 20, 2006.)

GOODIN

Upon request of Representatives Goodin and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 126: yeas 93, nays 3. Motion prevailed.

HOUSE MOTION (Amendment 1349-7)

Mr. Speaker: I move that House Bill 1349 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert: "SECTION 5. IC 14-22-6-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. **The department may not release captive raised game birds on state property to be hunted within thirty (30) days after the game birds are released.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1349 as printed January 20, 2006.)

WOLKINS

Representative Ulmer rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:30 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 11, 18, 22, 27, 33, 36, 37, 54, 56, 57, 58, 71, 78, 81, 83, 85, 89, 100, 106, 127, 132, 143, 145, and 370 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE BILLS ON SECOND READING

House Bill 1381

Representative Behning called down House Bill 1381 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1381-1)

Mr. Speaker: I move that House Bill 1381 be amended to read as follows:

Page 6, between lines 41 and 42, begin a new paragraph and insert: **"Sec. 31. This chapter applies only to taxable years ending before January 1, 2011."**

(Reference is to HB 1381 as printed January 27, 2006.)

DAY

Motion prevailed.

HOUSE MOTION
(Amendment 1381-3)

Mr. Speaker: I move that House Bill 1381 be amended to read as follows:

Page 2, line 8, delete "and".

Page 2, line 11, delete "." and insert "; and".

Page 2, between lines 11 and 12, begin a new line block indented and insert:

"(4) is not provided a free, full day kindergarten program at the assigned school in the dependent's school corporation of legal settlement."

Page 2, delete line 27.

Page 2, run in lines 26 and 28.

Page 4, line 30, after "." insert **"The qualified individual must notify the school of choice of the individual's intent to participate in the tax credit program when enrolling the qualified student into a kindergarten program."**

Page 6, between lines 41 and 42, begin a new paragraph and insert: **"Sec. 31. A school of choice may not charge a qualified individual any tuition or fees beyond the value of the credit granted under this chapter."**

Sec. 32. A school of choice may use funds from sources other than the qualified individual to supplement the value of the credit."

(Reference is to HB 1381 as printed January 27, 2006.)

BEHNING

Motion prevailed.

HOUSE MOTION
(Amendment 1381-4)

Mr. Speaker: I move that House Bill 1381 be amended to read as follows:

Page 3, line 32, delete "determined under the rules" and insert **"proportional to the lesser of the part of the school year (as defined in IC 20-18-2-17):"**

(i) for which the qualified individual pays or incurs a tuition expense, if the qualified individual does not pay or incur a tuition expense in the qualified individual's taxable year for an entire school year (as defined in IC 20-18-2-17); or

(ii) for which a qualified dependent receives educational services from a school of choice for kindergarten."

Page 3, delete lines 33 through 42.

Page 5, line 41, delete "." and insert **"of education."**

(5) The part of a school year (as defined in IC 20-18-2-17) for which the school of choice provided educational services for kindergarten to the qualified dependent."

Page 6, between lines 41 and 42, begin a new paragraph and insert:

"Sec. 31. If an adjusted kindergarten ADM count under IC 21-3-1.6-1.1 indicates that a qualified dependent who originally enrolled in kindergarten in a school of choice and was not counted in the current ADM of a school corporation or charter school on the original ADM count date for a year has reenrolled in the same school year in kindergarten in:

(1) the attendance area of the school corporation where the qualified dependent has legal settlement; or

(2) a charter school;

and is counted in the current ADM of the school corporation or charter school on the adjusted kindergarten ADM count date, the department shall make state distributions to the school corporation or charter school as if the qualified dependent had been included in the count of eligible pupils on the original ADM count date.

SECTION 2. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005, SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law. Except as otherwise indicated, the term includes a charter school.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education and *beginning in the school year that ends in the 2005 calendar year*, as subsequently adjusted not later than January 30 under the rules adopted by the state board of education. The initial day of the count shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on either the day fixed by the Indiana state board of education or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities **and in the number of students enrolled in kindergarten**, and shall, before December 2 of that same year **make an adjusted count of students enrolled in programs for children with disabilities and an adjusted count of the students enrolled in kindergarten** and, *beginning in the 2004 calendar year*, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (½) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM. "Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

(1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;

(2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11, because the pupil is transferred for education to another school corporation (the "transferee corporation");

(3) the pupil is enrolled in a school corporation as a transfer student under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-6 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;

(4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11; or

(5) all of the following apply:

(A) The school corporation is a transferee corporation.

(B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).

(C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:

(i) by or with the consent of the division of family and children;

(ii) by a court order;

(iii) by a child placing agency licensed by the division of family and children; or

(iv) by a parent or guardian under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-8.

For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

(t) "At risk index" means the following:

(1) For a school corporation that is not a charter school, the sum of:

(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);

(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and

(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.

The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.

(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.

(m) (l) "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.

(n) (m) "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1381 as printed January 27, 2006.)

V. SMITH

Motion failed. The bill was ordered engrossed.

House Bill 1383

Representative Turner called down House Bill 1383 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1383-2)

Mr. Speaker: I move that House Bill 1383 be amended to read as follows:

Page 2, line 4, after "who" insert ":

(1) "

Page 2, line 4, after "States" insert ";

Page 2, line 4, delete "in violation of federal" and insert:

"(2) is not a citizen or national of the United States; and".

Page 2, line 5, delete "immigration laws." and insert:

"(3) is not a qualified alien as defined in 8 U.S.C. 1641(b)."

Page 2, between lines 9 and 10, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "public assistance" means benefits, assistance, or coverage provided by any of the following:

(1) Office of the secretary of family and social services.

(2) Department of child services.

(3) Department of health.

(4) A township trustee providing township assistance under IC 12-20."

Page 2, line 10, delete "Sec. 3." and insert "Sec. 4."

Page 2, line 14, delete "Sec. 4." and insert "Sec. 5."

Page 2, line 38, delete "Sec. 5." and insert "Sec. 6."

Page 3, line 1, delete "Sec. 6." and insert "Sec. 7."

Page 3, between lines 22 and 23, begin a new paragraph and insert:

"(d) This section shall not be construed to prohibit an illegal alien from receiving charity care (as defined in IC 16-18-52.5)."

Page 3, line 23, delete "Sec. 7." and insert "Sec. 8."

Page 3, line 33, delete "Sec. 8." and insert "Sec. 9."

Page 3, line 40, delete "Sec. 9." and insert "Sec. 10."

(Reference is to HB 1383 as printed January 25, 2006.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 1383-1)

Mr. Speaker: I move that House Bill 1383 be amended to read as follows:

Page 3, between lines 41 and 42, begin a new paragraph and insert:
"SECTION 5. IC 22-4-18-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006] [EFFECTIVE JULY 1, 2006]: (a) **Each employer within Indiana shall verify to the department by October 1, 2006, in the manner prescribed by the department, that each employee of the employer is a legal resident of the United States.**

(b) **Each employer has an ongoing duty to verify to the department within five (5) days of the hire of a new employee, or upon the hire of an employee who formerly had been in the employ of the employer, that the employee is a legal resident of the United States.**

(C) **An employer that:**

- (1) **fails to notify the department of the verification requirements of subsection (a) or (b); or**
- (2) **falsifies a verification requirement under subsection (a) or (b);**

is subject to a civil penalty equal to the total payroll for the employer for the calendar month previous to the violation. Civil penalties collected under this section shall be deposited in the state general fund."

Renumber all SECTIONS consecutively.

(Reference is to HB 1383 as printed January 25, 2006.)

AGUILERA

Upon request of Representatives Aguilera and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 127: yeas 55, nays 43. Motion prevailed. The bill was ordered engrossed.

House Bill 1396

Representative Whetstone called down House Bill 1396 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1396-5)

Mr. Speaker: I move that House Bill 1396 be amended to read as follows:

Page 5, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 3. IC 4-31-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. "Account wagering" refers to a form of pari-mutuel wagering in which an individual may deposit money in an account to pay for the account holder's pari-mutuel wagering on horse racing.**

SECTION 4. IC 4-31-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person holding a permit to conduct a horse racing meeting or a license to operate a satellite facility may provide a place in the racing meeting grounds or enclosure or the satellite facility at which the person may conduct and supervise the pari-mutuel system of wagering by patrons of legal age on the horse races conducted or simulcast by the person. **Except as provided in subsection (c), the person may not permit or use:**

- (1) **another place other than that provided and designated by the person; or**
- (2) **another method or system of betting or wagering.**

(b) **Except as provided in section 7 of this chapter and IC 4-31-5.5, the pari-mutuel system of wagering may not be conducted on any races except the races at the racetrack, grounds, or enclosure for which the person holds a permit.**

(c) **Account wagering is authorized by this article. An account wager may be made:**

- (1) **in person;**
- (2) **by telephone;**
- (3) **via a computer network; or**
- (4) **by other electronic media.**

The commission may adopt rules and prescribe the conditions under which account wagering may be conducted under this subsection."

Page 40, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 16. IC 35-45-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The provisions of this chapter do not apply to **either of the following:**

(1) **Pari-mutuel wagering conducted at racetrack locations or satellite facilities licensed for pari-mutuel wagering under IC 4-31.**

(2) **Account wagering (as defined in IC 4-31-2-1.5) conducted under IC 4-31-7-1(c)."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1396 as printed January 24, 2006.)

MURPHY

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 1396-4)

Mr. Speaker: I move that House Bill 1396 be amended to read as follows:

Page 7, line 34, after "8." insert "(a)".

Page 7, line 34, after "means a" delete "political" and insert "**party**".

Page 7, between lines 39 and 40, begin a new paragraph and insert:
"**(b) Except as provided in subsection (c), the term does not include a candidate's committee (as defined in IC 3-5-2-7).**

(c) For purposes of IC 4-32.2-4-8 and IC 4-32.2-4-17, the term includes a candidate's committee (as defined in IC 3-5-2-7)."

Page 19, between lines 28 and 29, begin a new paragraph and insert:

"**Sec. 17. (a) With respect to any action authorized by this section, a candidate's committee (as defined in IC 3-5-2-7) is considered a bona fide political organization.**

(b) A candidate's committee may apply for a license under section 8 of this chapter to conduct a raffle event. A candidate's committee may not conduct any other kind of allowable event.

(c) The following are subject to this article:

(1) A candidate's committee that applies for a license under section 8 of this chapter.

(2) A raffle event conducted by a candidate's committee."

(Reference is to HB 1396 as printed January 24, 2006.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1396-2)

Mr. Speaker: I move that House Bill 1396 be amended to read as follows:

Page 9, line 36, delete "corporation" and insert "**incorporation**".

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"**(c) The commission may not adopt a rule under IC 4-22-2 requiring a qualified organization to use a minimum percentage of the qualified organization's gross receipts from allowable events and related activities for the lawful purposes of the qualified organization."**

Page 20, between lines 8 and 9, begin a new line block indented and insert:

"**(4) An amount equal to the advertising expenses incurred by the qualified organization to promote the allowable event."**

(Reference is to HB 1396 as printed January 24, 2006.)

WHETSTONE

Motion prevailed.

HOUSE MOTION
(Amendment 1396-3)

Mr. Speaker: I move that House Bill 1396 be amended to read as follows:

Page 22, line 17, delete "A" and insert "**(a) Except as provided in subsection (b), a**".

Page 22, between lines 19 and 20, begin a new paragraph and

insert:

"(b) A qualified organization may allow an individual who is not a member of the qualified organization to participate in an allowable event as a worker if:

- (1) the individual is a member of another qualified organization; and
- (2) the individual's participation is approved by the commission.

A qualified organization may apply to the commission on a form prescribed by the commission for approval of the participation of a nonmember under this subsection. A qualified organization may share the proceeds of an allowable event with the qualified organization in which a worker participating in the allowable event under this subsection is a member. The tasks that will be performed by an individual participating in an allowable event under this subsection and the amounts shared with the individual's qualified organization must be described in the application and approved by the commission.

(c) For purposes of:

- (1) the licensing requirements of this article; and
- (2) section 9 of this chapter;

a qualified organization that receives a share of the proceeds of an allowable event described in subsection (b) is not considered to be conducting an allowable event."

(Reference is to HB 1396 as printed January 24, 2006.)

YOUNT

Motion prevailed. The bill was ordered engrossed.

House Bill 1415

Representative Mays called down House Bill 1415 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1415-1)

Mr. Speaker: I move that House Bill 1415 be amended to read as follows:

Page 1, line 8, delete ":".

Page 1, delete lines 9 through 10.

Page 1, line 11, delete "(3) other" and insert "a".

Page 1, run in lines 8 and 11.

Page 2, line 2, delete "other".

Page 2, line 2, delete "not listed in subsection".

Page 2, line 3, delete "(a)".

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on caseworker safety established by this SECTION.

(b) There is established the interim study committee on caseworker safety. The committee shall study issues related to:

- (1) personal safety of; and
- (2) safety training for;

caseworkers of the department of child services.

(c) The committee shall operate under the policies governing study committees adopted by the legislative council.

(d) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(e) This SECTION expires January 1, 2008.

SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to HB 1415 as printed January 27, 2006.)

FOLEY

Motion failed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, February 1, 2006 at 9:00 a.m.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be added as coauthor of House Bill 1025.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Buell and Crawford be added as coauthors of House Bill 1156.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Behning be added as coauthor of House Bill 1213.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Bill 1227.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Lehe and Torr be added as coauthors of House Bill 1267.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives T. Harris and Noe be added as coauthors of House Bill 1312.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be removed as coauthor of House Bill 1358.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pelath and Kuzman be added as coauthors of House Bill 1396.

WHETSTONE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as cosponsor of Engrossed Senate Bill 60.

BEHNING

Motion prevailed.

On the motion of Representative Micon, the House adjourned at 10:10 p.m., this thirtieth-first day of January, 2006, until Wednesday, February 1, 2006, at 9:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Fifteenth Meeting Day

Wednesday Morning

February 1, 2006

The House convened at 9:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative F. Dale Grubb.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy ☐
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders ☐
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr ☐
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone ☐
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount ☐
Klinker	Mr. Speaker

Roll Call 128: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:15 a.m. with the Speaker in the Chair.

Representatives Murphy, Saunders, Torr, Whetstone, and Yount, who had been excused, were present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1008

Representative Borror called down Engrossed House Bill 1008 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage.

After extensive debate, Representative Whetstone moved the previous question. The Speaker ordered the roll of the House to be called on the issue of calling the previous question. Roll Call 129: yeas 40, nays 58. The previous question was not called.

After further debate and on the motion of Representative Grubb, the previous question was called.

The question was, Shall the bill pass? Representative Reske was excused from voting, pursuant to House Rule 46.

Roll Call 130: yeas 52, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Meeks.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 30 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 9

Representative Borders introduced House Resolution 9:

A HOUSE RESOLUTION honoring Kurt Rambis.

Whereas, Kurt Rambis was born in Terre Haute, Indiana, on February 25, 1958;

Whereas, Kurt Rambis has enjoyed a long and successful basketball career as both a player and an assistant coach for the Los Angeles Lakers;

Whereas, Kurt Rambis began his NBA career with the New York Knicks in 1980;

Whereas, During his time with the Los Angeles Lakers, Kurt Rambis played in four NBA championships in 1982, 1985, 1987, and 1988;

Whereas, In addition to the Los Angeles Lakers and the New York Knicks, Kurt Rambis also played for the Charlotte Hornets, the Phoenix Suns, and the Sacramento Kings;

Whereas, During his career, Kurt Rambis scored 5,322 points and had 5,725 rebounds, 1,050 assists, and 524 blocks;

Whereas, Kurt Rambis is tied for third all-time in playoff field goal percentage (.574);

Whereas, Kurt Rambis is the all-time leading scorer in the history of Santa Clara basketball with 1,725 points and had his number retired at Cupertino High School; and

Whereas, Kurt Rambis worked hard to achieve a successful NBA career both as a player and a coach and serves as an outstanding example for today's youth: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives acknowledges the accomplishments of Kurt Rambis. He has brought countless hours of enjoyment to basketball fans throughout the world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kurt Rambis.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 30

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representative Lehe:

A CONCURRENT RESOLUTION to memorialize and honor Ray Nichols.

Whereas, Ray Nichols was a pioneer of auto racing, beginning his career as a crew chief at the young age of 15;

Whereas, Throughout his career, Ray Nichols won multiple accolades for his engine-building efforts in the 1950s and 1960s, including the Indianapolis 500 Pole Mechanic of the Year in 1957;

Whereas, After over 20 years of experience in racing, Ray and his friend Paul Russo built the famed "Basement Bessie" car that set a series of world speed records;

Whereas, In addition, for the NASCAR Winter Grand Nationals at Daytona in 1957, Ray built a surprise-entry car for Pontiac that won the race;

Whereas, The knowledge that Ray Nichols originated is still fundamental in the building of engines and cars today. Drivers are still familiar with the design ingenuity attributed to Ray Nichols and the significant impact he has had on the racing industry as a whole;

Whereas, Despite his success, Ray always maintained a humble approach to life. In a fitting testament to his character, the annual sportsmanship award at Illiana Speedway in Schererville has been named for the Merrillville resident for several years; and

Whereas, Ray Nichols' life and contributions to racing will be honored at the Living Legends of Auto Racing annual banquet on February 15, 2006, in Daytona Beach, Florida. Bill LaDow's book about Nichols, "Conversations with a Winner," is scheduled for release coinciding with the Living Legends of Auto Racing banquet: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes and honors Ray Nichols for his lifetime achievements. He made tremendous contributions to the racing community and he will be greatly missed.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ray Nichols' wife, Eleanor Nichols, and to the Living Legends of Auto Racing.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:00 p.m. with the Speaker in the Chair.

The Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 131: 67 present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1011

Representative Richardson called down Engrossed House Bill 1011 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 81, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson and Breau.

Engrossed House Bill 1025

Representative J. Smith called down Engrossed House Bill 1025 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1025-2)

Mr. Speaker: I move that Engrossed House Bill 1025 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 1, after "IC 6-9-7-7" insert ", AS AMENDED BY P.L. 214-2005, SECTION 27,".

J. SMITH

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1025, begs leave to report that said bill has been amended as directed.

J. SMITH

Report adopted.

The question then was, Shall the bill pass?

Roll Call 133: yeas 58, nays 33. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Drozda.

Engrossed House Bill 1028

Representative Koch called down Engrossed House Bill 1028 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning firearms and self-defense.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 134: yeas 82, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent and Steele.

Engrossed House Bill 1029

Representative Buell called down Engrossed House Bill 1029 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1029-6)

Mr. Speaker: I move that Engrossed House Bill 1029 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 6, delete lines 26 through 42.

Page 7, delete line 1.

(Reference is to HB 1029 as reprinted January 31, 2006.)

BUELL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1029, begs leave to report that said bill has been amended as directed.

BUELL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 135: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley, Simpson, and Meeks.

Engrossed House Bill 1056

Representative Duncan called down Engrossed House Bill 1056 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 99, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1062

Representative Hinkle called down Engrossed House Bill 1062 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 137: yeas 95, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

Engrossed House Bill 1063

Representative Hinkle called down Engrossed House Bill 1063 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Messer, the previous question was called.

Roll Call 138: yeas 30, nays 68. The bill was defeated.

Engrossed House Bill 1080

Representative Stutzman called down Engrossed House Bill 1080 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 60, nays 38. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Drozda, Delph, and Kruse.

Engrossed House Bill 1081

Representative Yount called down Engrossed House Bill 1081 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Alting.

Engrossed House Bill 1089

Representative J. Lutz called down Engrossed House Bill 1089 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Goodin was excused from voting, pursuant to House Rule 46.

Roll Call 141: yeas 83, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Lanane.

Representatives Kuzman and Whetstone were excused.

Engrossed House Bill 1097

Representative Frizzell called down Engrossed House Bill 1097 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Engrossed House Bill 1098

Representative Frizzell called down Engrossed House Bill 1098 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 143: yeas 82, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske, Rogers, and Alting.

Engrossed House Bill 1108

Representative T. Brown called down Engrossed House Bill 1108 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 144: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Long.

Representative Bauer was excused.

Engrossed House Bill 1110

Representative T. Brown called down Engrossed House Bill 1110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 145: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Engrossed House Bill 1112

Representative Foley called down Engrossed House Bill 1112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kenley and Bray.

Representatives Bauer, Kuzman, and Whetstone, who had been excused were present.

Engrossed House Bill 1113

Representative Foley called down Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Bardon was excused from voting, pursuant to House Rule 46.

Roll Call 147: yeas 76, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Bray.

Representative Summers was excused.

Engrossed House Bill 1117

Representative Wolkins called down Engrossed House Bill 1117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Gard.

Engrossed House Bill 1123

Representative Budak called down Engrossed House Bill 1123 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 149: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker, C. Lawson, and Simpson.

Engrossed House Bill 1124

Representative Buck called down Engrossed House Bill 1124 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Drozda and Hershman.

Engrossed House Bill 1128

Representative Duncan called down Engrossed House Bill 1128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Wyss.

Engrossed House Bill 1136

Representative Burton called down Engrossed House Bill 1136 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Simpson.

Engrossed House Bill 1138

Representative Bell called down Engrossed House Bill 1138 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax, Lewis, and Dillon.

Engrossed House Bill 1140

Representative Leonard called down Engrossed House Bill 1140 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 84, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Wyss.

Engrossed House Bill 1155

Representative Budak called down Engrossed House Bill 1155 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Becker, and Simpson.

Engrossed House Bill 1156

Representative Richardson called down Engrossed House Bill 1156 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 78, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Breaux.

Representative Bauer and Kuzman were excused.

Engrossed House Bill 1158

Representative Richardson called down Engrossed House Bill 1158 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 157: yeas 72, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

Representatives Bauer, Kuzman, and Summers, who had been excused, were present.

Engrossed House Bill 1172

Representative T. Harris called down Engrossed House Bill 1172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 158: yeas 70, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Drozda, Delph, and Craycraft.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:30 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1173

Representative T. Harris called down Engrossed House Bill 1173 for third reading:

A BILL FOR AN ACT concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 159: yeas 63, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

Engrossed House Bill 1176

Representative Woodruff called down Engrossed House Bill 1176 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 160: yeas 78, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, Waterman, and Delph.

Engrossed House Bill 1190

Representative Stutzman called down Engrossed House Bill 1190 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Murphy was excused from voting, pursuant to House Rule 46.

Roll Call 161: yeas 60, nays 36. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

Representative Robertson was excused for the rest of the day.

Engrossed House Bill 1203

Representative Thompson called down Engrossed House Bill 1203 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Lanane.

Engrossed House Bill 1212

Representative Dodge called down Engrossed House Bill 1212 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: yeas 70, nays 23. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Ford.

Engrossed House Bill 1213

Representative Noe called down Engrossed House Bill 1213 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Messer, the previous question was called.

Roll Call 164: yeas 41, nays 56. The bill was defeated.

Engrossed House Bill 1214

Representative Davis called down Engrossed House Bill 1214 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 165: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Lanane.

Engrossed House Bill 1220

Representative Reske called down Engrossed House Bill 1220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 166: yeas 73, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks and Craycraft.

Engrossed House Bill 1222

Representative Moses called down Engrossed House Bill 1222 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 167: yeas 76, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long, Kenley, Zakas, and Broden.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE AGREED MOTION 1**

Mr. Speaker: The undersigned move by agreement to strike from the House video archive the agreed upon extraneous personal

comments made during discussion of Engrossed House Bill 1063 on February 1, 2006, and direct the Director of Information to accomplish the same.

BRIAN C. BOSMA, Speaker
B. PATRICK BAUER, Democrat Leader
PHIL HINKLE, Representative

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 2, 2006 at 10:00 a.m.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as coauthor of House Bill 1028.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1093.

DOBIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Wolkins and Goodin be added as coauthors of House Bill 1286.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Dodge be added as coauthor of House Bill 1318.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Borrer be added as coauthor of House Bill 1358.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Grubb and Borders be added as coauthors of House Bill 1367.

THOMAS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be removed as coauthor and that Representatives Friend and Pflum be added as coauthors of House Bill 1378.

LEHE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Bill 1415.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as coauthor of House Bill 1420.

T. BROWN

Motion prevailed.

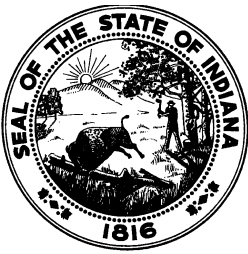
On the motion of Representative GiaQuinta, the House adjourned at 10:15 p.m., this first day of February, 2006, until Thursday, February 2, 2006, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Sixteenth Meeting Day

Thursday Morning

February 2, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative John D. Ulmer.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays ☐
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson ☐
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 168: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 128, 146, 151, 153, 160, 162, 173, 192, 193, 194, 202, 206, 217, 230, 232, 235, 236, 251, 264, 266, 274, 283, 300, and 336 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 28

Representative Crouch introduced House Concurrent Resolution 28:

A CONCURRENT RESOLUTION recognizing February 3, 2006, as Wear Red for Women Day.

Whereas, Heart attack, stroke, and other cardiovascular diseases claim the lives of more than half a million women each year, more than the next seven causes of death combined;

Whereas, In Indiana, over 7,800 women died from heart disease in 2003;

Whereas, One in four females in the United States have some form of cardiovascular disease;

Whereas, One out of three women die from heart disease, stroke, and other cardiovascular diseases;

Whereas, February is designated as American Heart Month; and

Whereas, The American Heart Association's Go Red for Women is a nationwide movement celebrating the energy, passion, and power women have in banding together to wipe out heart disease: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the importance of empowering women with the knowledge that heart disease is the number one health threat to women and recognizes February 3, 2006, as "Wear Red for Women Day" in Indiana and urges all citizens to wear red in recognition of family, friends, and neighbors who have suffered from heart disease and as a show of support to fight it. By increasing awareness of the risk factors for this devastating disease and taking actions to reduce them, we can save thousands of lives each year.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Laura Hague of the American Heart Association.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Becker.

Representative Mays, who had been excused, was present.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1093

Representative Dobis called down Engrossed House Bill 1093 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning school safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Sipes, Garton, and Steele.

Representative Mays was excused.

Engrossed House Bill 1099

Representative Frizzell called down Engrossed House Bill 1099 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1099-6)

Mr. Speaker: I move that Engrossed House Bill 1099 be committed to a Committee of One, its author, with specific instructions to amend as follows:

Page 8, line 22, after "location." insert **"Permit fees shall be paid to the municipality or the township in which the special discharge location will be located."**

Page 10, line 13, delete "gross".

Page 10, line 13, delete ", other".

Page 10, line 14, delete "than those set forth in section 8(a) of this chapter,".

Page 10, line 15, delete "one" and insert **"three"**.

Page 10, line 15, delete "five hundred (1,500)" and insert **"(3,000) gross"**.

Page 10, line 15, delete "product." and insert **"consumer fireworks."**

Page 10, line 21, after "chapter." insert **"For purposes of this subdivision, a retailer includes a resident wholesaler who supplied consumer fireworks to an applicant for a tent registration in 2005."**

(b) A retailer may sell consumer fireworks from a Class 1 structure (as defined in IC 22-12-1-4) that:

(1) complied with the rules for a B-2 or M building occupancy prior to July 4, 2003, under the Indiana building code adopted by the fire prevention and building commission established under IC 22-12-2-1;

(A) in which 1.4G fireworks were sold or stored on or before July 4, 2003; and

(B) in which no subsequent intervening non-fireworks sales or storage use has occurred; or

(2) complies with the rules for an H-3 building occupancy under the Indiana building code adopted by the fire prevention and building commission established under IC 22-12-2-1, or the equivalent occupancy classification adopted by subsequent rules of the fire prevention and building commission.

A registration under section 5(b)(3) of this chapter is required for operation in 2006 and following years."

Page 10, delete lines 22 through 25.

Page 10, line 26, delete "building safety commission."

Page 10, line 26, before "A" begin a new paragraph and insert: **"(c)"**.

Page 10, line 32, delete "gross".

Page 10, line 32, delete "structure," and insert **"structure"**.

Page 10, line 33, delete "other than those set forth in section 8(a) of this chapter,".

Page 10, line 34, delete "one" and insert **"three"**.

Page 10, line 34, delete "five hundred (1,500)" and insert **"(3,000) gross"**.

Page 10, line 35, delete "product." and insert **"consumer fireworks."**

Page 10, delete lines 36 through 39.

Page 10, line 40, delete "(5)" and insert **"(4)"**.

Page 10, line 42, delete "(6)" and insert **"(5)"**.

Page 11, line 5, delete "(c)" and insert **"(d)"**.

Page 11, line 22, reset in roman "one thousand".

Page 11, line 22, delete "seven hundred".

Page 11, line 23, delete "fifty".

Page 11, line 23, reset in roman "(\$1,000)".

Page 11, line 23, delete "(\$750)".

Page 11, line 23, delete "an" and insert **"a"**.

Page 11, delete lines 24 through 28, begin a new line block indented and insert:

"registration fee of:

(A) two hundred dollars (\$200) for each additional sales location in a structure; and

(B) five hundred dollars (\$500) for each additional sales location in a tent;

from which consumer fireworks are to be offered for sale.

The registration fee shall be deposited in the fire and building services fund as set forth in IC 22-12-6-1(c)".

Page 16, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 15. IC 35-47-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If:

(1) a practitioner (as defined in IC 25-1-9-2) initially treats a person for an injury and identifies the person's injury as resulting from fireworks or pyrotechnics, the practitioner; or

(2) a hospital or outpatient surgical center initially treats a person for an injury and the administrator of the hospital or outpatient surgical center identifies the person's injury as resulting from fireworks or pyrotechnics, the administrator or the administrator's designee;

shall report the case to the state health data center of the state department of health not more than five (5) business days after the time the person is treated. The report may be made in writing on a form prescribed by the state department of health.

(b) A person submitting a report under subsection (a) shall make a reasonable attempt to include the following information:

(1) The name, address, and age of the injured person.

(2) The date and time of the injury and the location where the injury occurred.

(3) If the injured person was less than eighteen (18) years of age, whether an adult was present when the injury occurred.

(4) Whether the injured person consumed an alcoholic beverage within three (3) hours before the occurrence of the injury.

(5) A description of the firework or pyrotechnic that caused the injury.

(6) The nature and extent of the injury.

(c) A report made under this section is considered confidential for purposes of IC 5-14-3-4(a)(1).

(d) The state department of health shall compile the data collected under this section and submit in an electronic format under IC 5-14-6 a report of the compiled data to the legislative council not later than December 31 of each year.

SECTION 16. IC 35-47-7-6 IS REPEALED [EFFECTIVE UPON PASSAGE]."

Renumber all SECTIONS consecutively

(Reference is to HB 1099 as reprinted February 1, 2006.)

FRIZZELL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1099, begs leave to report that said bill has been amended as directed.

FRIZZELL

Report adopted.

The question then was, Shall the bill pass? On the motion of Representative Messer, the previous question was called.

Representative Turner was excused from voting, pursuant to House Rule 46.

Roll Call 170: yeas 64, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and Lewis.

Engrossed House Bill 1227

Representative Budak called down Engrossed House Bill 1227 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 171: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Nugent, Becker, and Sipes.

Representative Mays, who had been excused, was present.

Engrossed House Bill 1232

Representative Ayres called down Engrossed House Bill 1232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 172: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Bray and Ford.

Engrossed House Bill 1235

Representative Ruppel called down Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 173: yeas 69, nays 28. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller, Breaux, Wyss, and Sipes.

Engrossed House Bill 1236

Representative Ruppel called down Engrossed House Bill 1236 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss, Alting, and Craycraft.

Engrossed House Bill 1239

Representative Ripley called down Engrossed House Bill 1239 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 175: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Long.

Representative Robertson, who had been excused, was present.

Engrossed House Bill 1240

Representative Behning called down Engrossed House Bill 1240 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Foley, the previous question was called.

Roll Call 176: yeas 52, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Riegsecker.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 23 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 23

The Speaker handed down Senate Concurrent Resolution 23, sponsored by Representatives Summers, Dickinson, and Mays:

A CONCURRENT RESOLUTION urging all citizens to wear red in recognition of the threat that heart disease poses to women.

Whereas, Heart attack, stroke and other cardiovascular diseases claim the lives of more than half a million women each year, more than the next seven causes of death combined;

Whereas, In Indiana, over 7,800 women died from heart disease in 2003;

Whereas, one in four females in the United States have some form of cardiovascular disease;

Whereas, 1 out of 3 women die from heart disease, stroke and other cardiovascular diseases;

Whereas, February is designated as American Heart Month; and

Whereas, The American Heart Association's Go Red For Women is a nationwide movement celebrating the energy, passion and power we have as women to band together and wipe out heart disease Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The Indiana General Assembly, in recognition of the importance of empowering women with the knowledge that heart disease is their number one health threat and with the hope that by increasing awareness of the risk factors thousands of lives can be saved each year, encourages all citizens to wear red in recognition of family, friends and neighbors who suffer from heart disease.

SECTION 2. The Secretary of the Senate shall forward a copy of this resolution to the American Heart Association, Senior Advocacy Director Danielle L. Patterson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:40 p.m. with the Speaker in the Chair.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1006

Representative Noe called down Engrossed House Bill 1006 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative E. Harris was excused from voting, pursuant to House Rule 46.

Roll Call 177: yeas 56, nays 40. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Drozda.

Engrossed House Bill 1250

Representative Messer called down Engrossed House Bill 1250 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 1250-17)

Mr. Speaker: I move that Engrossed House Bill 1250 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 24, between lines 2 and 3, begin a new paragraph and insert: "SECTION 33. IC 35-46-1-10.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.1. (a) A licensed premises (as defined in IC 7.1-1-3-20) that furnishes an alcoholic beverage to a person less than twenty-one (21) years of age commits a Class C infraction. Notwithstanding IC 34-28-5-4(c), a civil judgment for an infraction committed under this section must be imposed as follows:**

- (1) If the licensed premises at that specific business location has not been issued a citation or summons for a violation of this section in the previous ninety (90) days, a civil penalty of fifty dollars (\$50).
- (2) If the licensed premises at that specific business location has had one (1) citation or summons issued for a violation of this section in the previous ninety (90) days, a civil penalty of one hundred dollars (\$100).
- (3) If the licensed premises at that specific business location has had two (2) citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of two hundred fifty dollars (\$250).
- (4) If the licensed premises at that specific business location has had three (3) or more citations or summonses issued for a violation of this section in the previous ninety (90) days, a civil penalty of five hundred dollars (\$500).

A licensed premises may not be issued a citation or summons for a violation of this section more than once every twenty-four (24) hours.

(b) The defenses set forth in IC 7.1-5-7-5.1 are available to a seller in an action under this section.

(c) Unless a person buys or receives an alcoholic beverage under the direction of a law enforcement officer as part of an enforcement action, a licensed premises that sells alcoholic beverages is not liable for a violation of this section unless the person less than twenty-one (21) years of age who bought or received the alcoholic beverage is charged for violating

IC 7.1-5-7-7.

(d) A person who violates subsection (a) at least six (6) times in any six (6) month period commits habitual illegal sale of an alcoholic beverage, a Class B infraction."

Renumber all SECTIONS consecutively.
(Reference is to HB 1250 as reprinted January 31, 2006.)

MESSER

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1250, begs leave to report that said bill has been amended as directed.

MESSER

Report adopted.

The question then was, Shall the bill pass? Representative Murphy was excused from voting, pursuant to House Rule 46.

Roll Call 178: yeas 68, nays 27. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Landske.

Engrossed House Bill 1259

Representative Koch called down Engrossed House Bill 1259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele and Hume.

Engrossed House Bill 1266

Representative Borrer called down Engrossed House Bill 1266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 90, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford and Long.

Engrossed House Bill 1267

Representative Borrer called down Engrossed House Bill 1267 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning employment.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 181: yeas 51, nays 48. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Harrison.

Engrossed House Bill 1279

Representative Murphy called down Engrossed House Bill 1279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 1279-24)

Mr. Speaker: I move that Engrossed House Bill 1279 be recommitted to a Committee of One, its author, with specific instructions to amend as follows:

Page 22, line 34, after "'service" insert "area".

(Reference is to HB 1279 as reprinted January 26, 2006.)

MURPHY

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed House Bill 1279, begs leave to report that said bill has been amended as directed.

MURPHY

Report adopted.

The question then was, Shall the bill pass?

Roll Call 182: yeas 85, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Hershman, Wyss, and Hume.

Engrossed House Bill 1281

Representative Murphy called down Engrossed House Bill 1281 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 183: yeas 100, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers and Broden.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed House Bill 1285

Representative Heim called down Engrossed House Bill 1285 for third reading:

A BILL FOR AN ACT concerning renewable energy.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold, Weatherwax, and Hershman.

Engrossed House Bill 1286

Representative Duncan called down Engrossed House Bill 1286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Waterman, Lewis, Hume, and Merritt.

Engrossed House Bill 1287

Representative Duncan called down Engrossed House Bill 1287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 68, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Landske.

Engrossed House Bill 1300

Representative Mahern called down Engrossed House Bill 1300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Wyss and Breaux.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1306

Representative Bright called down Engrossed House Bill 1306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 86, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Lanane.

Engrossed House Bill 1312

Representative Behning called down Engrossed House Bill 1312 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed House Bill 1312 be made a special order of business for Thursday, February 2, 2006, at 8:30 p.m.

BEHNING

Motion prevailed. The bill was made a special order of business.

Engrossed House Bill 1315

Representative Thompson called down Engrossed House Bill 1315 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Landske and Sipes.

Engrossed House Bill 1318

Representative Borror called down Engrossed House Bill 1318 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 84, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Kruse.

Engrossed House Bill 1323

Representative Dodge called down Engrossed House Bill 1323 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 92, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Kruse and Heinold.

Engrossed House Bill 1329

Representative Mays called down Engrossed House Bill 1329 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 192: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

Engrossed House Bill 1331

Representative Hoffman called down Engrossed House Bill 1331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 193: yeas 100, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Weatherwax and R. Young.

Engrossed House Bill 1332

Representative Friend called down Engrossed House Bill 1332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 194: yeas 96, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

Engrossed House Bill 1338

Representative T. Harris called down Engrossed House Bill 1338

for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 195: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Lubbers.

Engrossed House Bill 1344

Representative Hinkle called down Engrossed House Bill 1344 for third reading:

A BILL FOR AN ACT concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 196: yeas 93, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and L. Lutz.

Engrossed House Bill 1347

Representative Messer called down Engrossed House Bill 1347 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 197: yeas 100, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senator Lubbers and Rogers.

Engrossed House Bill 1349

Representative Ulmer called down Engrossed House Bill 1349 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage.

Representative Kromkowski made a motion to divide the question, pursuant to House Rule 81.

The Speaker, following both precedence in the House and Jefferson's Manual, ruled that the question could not be divided and, therefore, the motion was out of order.

The question was, Shall the bill pass? Representatives Aguilera, Buell, Crawford, Dodge, Espich, GiaQuinta, Grubb, Hinkle, Kersey, Kromkowski, McClain, Pelath, Pflum, Reske, Stilwell, and Woodruff were excused from voting, pursuant to House Rule 46.

Roll Call 198: yeas 53, nays 29. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Weatherwax.

Engrossed House Bill 1358

Representative Behning called down Engrossed House Bill 1358 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. After discussion, Representative Behning withdrew the call of Engrossed House Bill 1358.

Representative Robertson was excused for the rest of the day.

Engrossed House Bill 1367

Representative Thomas called down Engrossed House Bill 1367 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 199: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Long and Bray.

Engrossed House Bill 1312

The Speaker handed down for third reading Engrossed House Bill 1312, authored by Representative Behning, which had been made a special order of business.

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was reread a third time by sections.

Representative Behning withdrew the call of Engrossed House Bill 1312.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 29

Representative Ripley introduced House Concurrent Resolution 29:

A CONCURRENT RESOLUTION honoring the Monroeville Community Park Board.

Whereas, The Monroeville Community Park Board was recently given the June Curry Trail Angel Award;

Whereas, The Trail Angel Award, named in honor of June Curry, the famous Cookie Lady of Afton, Virginia, refers to a "generous individual or group encountered during a bicycle tour that makes the cyclotourist's journey easier, or in some cases even possible, by helping the cyclist simply as a form of goodwill";

Whereas, Award winners are chosen from nominated individuals or groups who go out of their way to do something special for a touring cyclist;

Whereas, The selection committee is comprised of the Adventure Cycling staff members and board of directors; and

Whereas, The Monroeville Community Park Board has displayed great kindness to cyclists: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the acts of kindness exhibited by the Monroeville Community Park Board enabling cyclists to enjoy their journeys more.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Monroeville Community Park Board.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Kruse.

House Resolution 10

Representative Reske introduced House Resolution 10:

A HOUSE RESOLUTION recognizing the American Kennel Club's Canine Good Citizen Program and supporting its effort to promote responsible dog ownership in Indiana.

Whereas, Dogs play an important role in the lives of many Indiana citizens by serving as companions, therapy dogs, and assistance dogs;

Whereas, It is recognized that dog-related problems are most often

caused by irresponsible owners;

Whereas, Responsible dog ownership is encouraged in Indiana, and responsible owners should properly control and provide adequate training for their dogs;

Whereas, "Canine Good Citizen" programs identify and officially recognize those dogs who behave as members in good standing with the community;

Whereas, The Canine Good Citizen Program, which was developed by the American Kennel Club, teaches pet owners that dogs should exhibit "good citizen" behaviors in the presence of other people and animals, both in the home and the community; and

Whereas, With pet bites and animal trespassing concerns on the rise, there is a real need for dogs to remain well-behaved community members: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives encourages dog training programs and kennel clubs to provide training and education for community pet owners that result in dogs being "Canine Good Citizens."

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Phil Sample.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:05 p.m. with the Speaker in the Chair.

Representative Grubb was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 1, 6, 17, 24, 35, 55, 86, 166, 229, 270, 275, 277, 284, 299, 303, 305, 308, 314, 324, 332, 333, 338, 339, 340, 341, 342, 345, 353, 359, 360, 361, 363, 365, 369, 373, 374, 382, and 384 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

Representatives Kromkowski and Dvorak rose to a point of order requesting a quorum call. The Speaker ordered the roll of the House to be called. Roll Call 200: 68 present. The Speaker announced a quorum in attendance.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1368

Representative Neese called down Engrossed House Bill 1368 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Ayres, Bauer, Buell, Cochran, Crawford, Duncan, Hoffman, Kersey, Klinker, Pond, Ruppel, Tyler, and Wolkins were excused from voting, pursuant to House Rule 46.

Roll Call 201: yeas 82, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Meeks, Hume, Craycraft, and Gard.

Engrossed House Bill 1378

Representative Lehe called down Engrossed House Bill 1378 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 202: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Heinold and Jackman.

Engrossed House Bill 1381

Representative Behning called down Engrossed House Bill 1381 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 203: yeas 46, nays 52. The bill was defeated.

Engrossed House Bill 1383

Representative Turner called down Engrossed House Bill 1383 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 204: yeas 19, nays 74. The bill was defeated.

Engrossed House Bill 1395

Representative Buell called down Engrossed House Bill 1395 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Porter was excused from voting, pursuant to House Rule 46.

Roll Call 205: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Miller and Breaux.

Engrossed House Bill 1396

Representative Whetstone called down Engrossed House Bill 1396 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 206: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Merritt.

Engrossed House Bill 1397

Representative Whetstone called down Engrossed House Bill 1397 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

Engrossed House Bill 1414

Representative Austin called down Engrossed House Bill 1414 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human and sexual trafficking.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Delph, Long, Lanane, and Simpson.

Engrossed House Bill 1415

Representative Mays called down Engrossed House Bill 1415 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 209: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator C. Lawson.

Engrossed House Bill 1420

Representative T. Brown called down Engrossed House Bill 1420 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco products.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 210: yeas 75, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Gard and M. Young.

Engrossed House Joint Resolution 3

Representative Messer called down Engrossed House Joint Resolution 3 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education.

The joint resolution was read a third time by sections and placed upon its passage. The question was, Shall the joint resolution pass?

Roll Call 211: yeas 92, nays 2. The joint resolution was declared passed. The question was, Shall the title of the joint resolution remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the joint resolution. Senate sponsors: Senators Kenley, Lubbers, Meeks, and Rogers.

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

ESB 2 — J. Smith, Foley, Ulmer
Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 5 — Ulmer, Grubb
Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 11 — Burton, Messer, Crooks

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

ESB 12 — Foley, Kuzman, Ulmer, VanHaaften

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 22 — Wolkins

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

ESB 24 — Messer, C. Bottorff, Cherry, Kuzman

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

ESB 27 — Stutzman, Kuzman, Bell

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

ESB 37 — Richardson, Thomas

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 39 — Thomas, Duncan, Summers, Kersey

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

ESB 40 — Duncan, Thomas, Summers, Kersey

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

ESB 41 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 42 — Frizzell

Committee on Public Health

A BILL FOR AN ACT concerning human services.

ESB 47 — McClain

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

ESB 60 — Behning, Ruppel, Noe

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 69 — Koch, Borrer, Bischoff, Stilwell

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

ESB 72 — Borrer, Stevenson, J. Lutz, Moses

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

ESB 73 — Davis, Stilwell

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

ESB 75 — Borrer, Reske

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning veteran's affairs.

ESB 77 — Heim

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 78 — Gutwein

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 81 — Stutzman

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

ESB 84 — Foley, Kuzman, Ulmer, VanHaaften

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

ESB 87 — Gutwein, Grubb

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

ESB 88 — Crouch, Welch, L. Lawson, C. Brown

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 92 — Saunders, Hoffman, Pflum

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 94 — Dodge

Committee on Natural Resources

A BILL FOR AN ACT concerning natural and cultural resources.

ESB 100 — Whetstone, Pelath

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

ESB 102 — Foley, VanHaaften

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

ESB 105 — Duncan, V. Smith, C. Brown, Tyler

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 111 — T. Brown, C. Brown, Budak

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 112 — Ripley, Klinker, Woodruff, Walorski, T. Brown, C. Brown

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 114 — Foley

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

ESB 117 — T. Brown

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

ESB 127 — Richardson, Thomas

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 128 — Richardson, Mahern, Thomas

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 132 — Budak, Summers

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

ESB 133 — Dodge

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 139 — Bell, Budak, Summers

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

ESB 146 — Wolkins, Dvorak

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

ESB 147 — Ripley, Pelath

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 148 — Heim, Ulmer, Walorski, Neese

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 154 — Heim

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 157 — Hoffman, Bischoff

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 161 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 162 — Ripley, Hoffman, Pflum, Saunders

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 168 — Foley

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 169 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT concerning health.

ESB 172 — Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 191 — Ruppel, L. Lawson

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

ESB 201 — Walorski, Ulmer, Neese

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

ESB 205 — Koch, Heim

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 208 — T. Brown, Welch

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 231 — Behning, Klinker, T. Brown, Micon

Committee on Education

A BILL FOR AN ACT concerning education finance.

ESB 234 — Wolkins, Dvorak

Committee on Environmental Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

ESB 245 — Koch, Murphy, Grubb, Mays

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.

ESB 246 — Foley, VanHaaften, Ulmer, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 247 — Ruppel, Bischoff

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 253 — Hoffman, Bischoff

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 256 — Ayres, Aguilera

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 258 — Espich, Leonard

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 259 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 260 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 269 — Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 283 — Bischoff, Ruppel, Tincher

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 285 — Ruppel, Crouch

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

ESB 295 — Saunders, Hoffman, Pflum

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 296 — Foley, Torr

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

ESB 297 — Foley, Kuzman

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 310 — Behning, T. Brown, Klinker, Micon

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 321 — Torr

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

ESB 323 — Noe

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 331 — Neese, Dvorak

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 346 — McClain, Tincher

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 354 — Ulmer, McClain, Goodin, Denbo

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 355 — Ayres

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 362 — TurnerCommittee on Commerce, Economic
Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 370 — Torr, Borror

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

ESB 374 — T. Brown, Duncan, Welch, Summers

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 379 — Heim

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 384 — Saunders, Hoffman, Pflum

Committee on Financial Institutions

A BILL FOR AN ACT concerning financial institutions.

INTRODUCTION OF JOINT RESOLUTIONS

The following joint resolutions were read a first time by title and referred to the respective committees:

SJR 2 — Richardson, Thomas

Committee on Judiciary

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 2, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a) if the citizen is entitled to vote in a precinct under subsection (c), **subsection (d)**, or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(d) The General Assembly may provide that a citizen who:

(1) is the child of an individual who is a registered voter of Indiana; and

(2) currently resides outside the United States;

may vote in a precinct if the citizen meets all of the qualifications set forth in subsection (a) other than residence in a precinct in Indiana.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 7, 2006 at 1:30 p.m.

BUCK

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1010, Roll Call 54, on January 26, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

PORTER

There being a constitutional majority voting in favor of the

petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 54 to 98 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1011, Roll Call 132, on February 1, 2006. In support of this petition, I submit the following reason:

"I was temporarily away from my seat and was not able to reach my desk in time to vote. I intended to vote yea."

BRIGHT

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1011, Roll Call 132, on February 1, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Bright and Dvorak changes the vote tally for Roll Call 132 to 81 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1016, Roll Call 55, on January 26, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

KUZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 55 to 96 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1022, Roll Call 59, on January 26, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 59 to 95 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1062, Roll Call 137, on February 1, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

NEESE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 137 to 95 years, 3 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House

Bill 1097, Roll Call 142, on February 1, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 142 to 93 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1103, Roll Call 22, on January 19, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 22 to 94 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1114, Roll Call 25, on January 19, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the button of another member. I intended to vote yea."

MESSER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 25 to 93 years, 0 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1173, Roll Call 159, on February 1, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

MAYS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 159 to 63 years, 30 days.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1318, Roll Call 190, on February 2, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1318, Roll Call 190, on February 2, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Goodin and Klinker changes the vote tally for Roll Call 190 to 84 yeas, 10 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1329, Roll Call 192, on February 2, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yes."

AGUILERA

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1329, Roll Call 192, on February 2, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

HOY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petition of Representatives Aguilera and Hoy changes the vote tally for Roll Call 192 to 96 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1332, Roll Call 194, on February 2, 2006. In support of this petition, I submit the following reason:

"I was temporarily away from my seat and unable to reach my desk in time to cast my vote. I intended to vote yea."

WOODRUFF

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 194 to 96 yeas, 2 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1344, Roll Call 196, on February 2, 2006. In support of this petition, I submit the following reason:

"I was temporarily away from my seat and unable to reach my desk in time to cast my vote. I intended to vote yea."

RICHARDSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 196 to 93 yeas, 5 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1349, Roll Call 198, on February 2, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but I hit the green button when I intended to hit the red button. I intended to vote nay."

PORTER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 198 to 53 yeas, 29 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1368, Roll Call 201, on February 2, 2006. In support of this petition, I submit the following reason:

"I was present in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

BOTTORFF

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 201 to 82 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be removed as coauthor of House Bill 1090.

TINCHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 suspended for the purpose of adding more than three coauthors and that Representatives Austin, T. Brown, Porter, Welch, V. Smith, Aguilera, C. Brown, Dickinson, E. Harris, Summers, and Budak be added as coauthors of House Bill 1329.

MAYS

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Saunders be removed as sponsor, that Representative Ripley be substituted as sponsor, and that Representative Saunders added as cosponsor of Engrossed Senate Bill 162.

SAUNDERS

Motion prevailed.

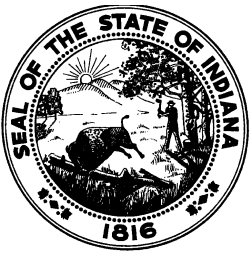
On the motion of Representative Messer, the House adjourned at 10:45 p.m., this second day of February, 2006, until Tuesday, February 7, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Seventeenth Meeting Day




Tuesday Afternoon


February 7, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Matthew D. Whetstone.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff 	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright 	Moses
C. Brown 	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch 	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson 	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein 	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 212: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 13, 2006 at 1:30 p.m.

KOCH

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 26, 32, and 33 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 27 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 28 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

ESB 1 — Buck

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 6 — Ulmer, Grubb

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 17 — Walorski, Ayres

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 18 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 35 — Wolkins, Moses

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 36 — Noe, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 54 — Woodruff, Koch, Goodin

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 56 — Buell, Kromkowski

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 71 — Dodge, Friend, Moses, Reske

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 86 — Messer, Gutwein, Robertson

Committee on Public Policy and Veterans Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

ESB 106 — Walorski, Davis, McClain, Fry

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 143 — Leonard, Moses

Committee on Elections and Apportionment

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

ESB 145 — Duncan, Noe, Behning

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

ESB 151 — Turner, Budak, Crawford

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 160 — Ulmer, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

ESB 166 — T. Brown, Austin

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

ESB 173 — Behning

Committee on Education

A BILL FOR AN ACT concerning education.

ESB 192 — Foley, Ayres

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 193 — Bell, VanHaaften

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 194 — Thompson, Oxley

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 202 — T. Brown, Budak, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

ESB 217 — Ripley, Moses, Pond, Dvorak

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 229 — Turner

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

ESB 232 — Foley, Mays

Committee on Judiciary

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

ESB 235 — Duncan

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

ESB 236 — Friend, Turner

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 264 — Duncan, Mahern

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 266 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 274 — Torr, Pelath

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 30**

Representative Kuzman introduced House Concurrent Resolution 30:

A CONCURRENT RESOLUTION honoring Lowell High School.

*Whereas, The Lowell High School Red Devils are the 2005 Class 4A state football champions;**Whereas, Lowell High School fought its way back from a 13-point fourth quarter deficit to defeat three time champ Roncalli High School and win the school's first state championship by a score of 28-27 in the RCA Dome in Indianapolis;**Whereas, The third quarter began with a 70-yard, 15-play drive culminating in a third-and-goal touchdown from the one yard line;**Whereas, Roncalli responded by going 71 yards in nine plays to make it 27-14, but Lowell blocked the extra point;**Whereas, The Red Devils answered with a 65-yard drive to score on a 21-yard pass with 9:12 left in the game;**Whereas, Lowell did not punt in the entire game; perhaps it was this persistence that influenced Roncalli's decision to pass on a third-and-11 from its own 30-yard line with less than eight minutes to play and a six-point lead;**Whereas, Lowell intercepted the pass and scored from the 28-yard line in four plays; and**Whereas, The story of the Lowell High School football team is one of persistence and dedication to a goal that led this team to become one of an elite group of state championship teams: Therefore,**Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Lowell High School Red Devils on their 11-4 season and on their victory in the Class 4A state football championship and recognizes their dedication and hard work that enabled them to achieve this victory.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team, head coach Kirk Kennedy, principal Jim Koger, and superintendent Dr. Alice Neal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Landske.

House Concurrent Resolution 31

Representative Crawford introduced House Concurrent Resolution 31:

A CONCURRENT RESOLUTION recognizing the Family Fun Filled Back-to-School Carnival Celebration.

Whereas, Seven years ago Sheryl Wise began the Family Fun Filled Back-to-School Carnival Celebration in partnership with Martindale, Brightwood, and Forest Manor residents, Metropolitan School District of Perry Township, Indianapolis Public Schools, Marion County Sheriff, Indianapolis Police Department, Indiana Minority Business/Magazine, Family Fun Filled, Inc., and the stations of Radio One;

Whereas, The purpose of the program is to encourage parents to participate in their child's educational process, direct families and kids how to access community resources, bring together community partners through collaborative efforts, and celebrate that "it does take a whole village to raise a child";

Whereas, To encourage parents to participate, children must bring a parent to gain admission;

Whereas, Sheryl Wise knows the value of parents' involvement in their children's education;

Whereas, In Indianapolis Public Schools, 15% of schools have no active parent groups to raise money, chaperone field trips, or lead projects;

Whereas, During the Family Fun Filled Back-to-School Carnival Celebration, educational resources are shared, health and wellness issues are addressed, cultural awareness is highlighted, and carnival rides and activities are available; and

Whereas, The Family Fun Filled Back-to-School Carnival Celebration continues to grow, thanks to the efforts of Founder, Director, and Event Coordinator Sheryl Wise, who has made children her priority: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to thank Sheryl Wise and the Family Fun Filled Back-to-School Carnival Celebration for their efforts to help our youth and their families and for bringing together the churches, schools, and community centers in this effort.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sheryl Wise.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Howard.

House Concurrent Resolution 32

Representative V. Smith introduced House Concurrent Resolution 32:

A CONCURRENT RESOLUTION celebrating Black History Month.

Whereas, Black history has been celebrated by Americans each year since 1926, first as Negro History Week and later as Black History Month;

Whereas, Blacks have been in America since colonial times, but it was not until the 20th century that they were represented in history books;

Whereas, The celebration of Black History Month and the study of Black history came into being through the efforts of Dr. Carter G. Woodson;

Whereas, Dr. Woodson's parents were former slaves, and he spent his childhood working in the Kentucky coal mines;

Whereas, Dr. Woodson enrolled in high school at age 20, graduated within two years, and went on to earn a Ph.D. from Harvard University;

Whereas, Dr. Woodson was disturbed to find that history books largely ignored the Black American population and only mentioned Blacks in ways that reflected the inferior social position they were assigned at the time;

Whereas, Dr. Woodson began the task of writing Black Americans into the nation's history;

Whereas, Through the efforts of Dr. Woodson, several organizations were established as a way to bring national attention to the contributions of Black people throughout American history, including the Association for the Study of Negro Life and History, founded in 1915 (now known as the Association for the Study of African American Life and History), the Journal of Negro History (now known as the Journal of African American History), and in 1926, the establishment of Negro History Week;

Whereas, Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the Black American population, Frederick Douglass and Abraham Lincoln;

Whereas, Black History Month, celebrated in February, acknowledges the achievements of Blacks in the military, the arts, civil rights, education, entertainment, history, law, literature, medicine, music, politics, science, sports, and other areas;

Whereas, Black History Month aims to bridge the gap created by American history's failure to accurately acknowledge, portray, and record the contributions and inventions of Blacks; and

Whereas, Black Americans reflect a legacy of courage and dedication that has helped to guide our nation's success and prosperity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the many contributions and accomplishments of Black Americans throughout the history of the United States and Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, S. Smith, Breaux, and Howard.

House Concurrent Resolution 33

Representative Crawford introduced House Concurrent Resolution 33:

A CONCURRENT RESOLUTION memorializing Coretta Scott King.

Whereas, Coretta Scott King died on January 31, 2006, at the age of 78;

Whereas, Coretta Scott King had been in failing health for several years following a stroke;

Whereas, Coretta Scott King first gained widespread recognition as the wife of the Reverend Dr. Martin Luther King, Jr.;

Whereas, Coretta Scott King, however, was a tireless advocate for social and political issues in her own right;

Whereas, Coretta Scott King was born into poverty in Heiberger, Alabama, on April 27, 1927, one of three children;

Whereas, Coretta Scott King spent her childhood on her parents'

farm in Heiberger, which had been in the family since the Civil War;

Whereas, The Scotts were so hard hit during the Depression that the children picked cotton to help earn money;

Whereas, Coretta Scott King's father, Obediah Scott, was the first black person in the district to own a truck and open a country store;

Whereas, As a young child, Coretta Scott King walked five miles each day to attend the one-room Crossroads School;

Whereas, When she was older, Coretta Scott King studied at Lincoln High School in Marion, Alabama, nine miles away; because this was too far to walk, her mother hired a bus and drove all the black students in the area to and from school;

Whereas, Coretta Scott King was an intelligent, hardworking student who did well in her schoolwork and was at the top of her class when she graduated in 1945;

Whereas, After graduation from high school, she enrolled at Antioch College, Ohio, where her sister Edythe had been the first full-time black student to live on campus;

Whereas, While at Antioch College, Coretta Scott King majored in music and education and took part in a work-study program, acting as a camp counselor, library assistant, and nursery school attendant;

Whereas, Upon graduation in 1951, Coretta Scott King decided to become a professional singer and was accepted by the New England Conservatory of Music in Boston;

Whereas, It was while she was studying at the conservatory she met Martin Luther King, Jr., also a student in Boston at the time; they were married in 1953 and had three children, Martin Luther III, Dexter, and Bernice;

Whereas, When Coretta Scott King graduated from the conservatory, the Kings moved to Montgomery, Alabama, and Martin Luther King, Jr. began his work as a minister;

Whereas, As the wife of a man committed to civil rights, Coretta Scott King did not have the normally quiet life of a minister's wife;

Whereas, With Martin Luther King's increased involvement in the civil rights movement came danger for the King family;

Whereas, The Montgomery bus boycott brought danger home in a terrifying way - the King house was bombed in 1956;

Whereas, Coretta Scott King was a full partner in her husband's work, walking beside him in marches, traveling abroad with him, and giving speeches when he was unable to do so;

Whereas, The threats to Martin Luther King were eventually carried out when, in Memphis, Tennessee, in 1968, he was assassinated;

Whereas, Coretta Scott King carried on with her husband's work when, just four days after his death, she led a march of 50,000 people through the streets of Memphis and took his place in the Poor People's March to Washington;

Whereas, Throughout her life, Coretta Scott King participated in the movement to secure equal rights and justice for all, including having a special audience with the Pope and preaching at St. Paul's Cathedral in London, probably the first woman ever to do so; but her greatest concern was the Martin Luther King Jr. Center for Nonviolent Social Change;

Whereas, Coretta Scott King worked tirelessly to raise funds for the center, which now covers three full blocks and houses a library and archives of the civil rights movement; and

Whereas, Throughout her life, Coretta Scott King spoke out against injustice, especially racial injustice, and worked to ensure that her husband's dream of fairness and equality could come true: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the life and accomplishments of a woman who spoke for justice and equality throughout her life. Coretta Scott King faced danger and did

not flinch. She spoke out against injustice wherever she saw it. Coretta Scott King will live on in the hearts and minds of people everywhere.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the curator of the Martin Luther King, Jr. Center for Nonviolent Social Change.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Howard and Breaux.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

House Resolution 11

Representative Burton introduced House Resolution 11:

A HOUSE RESOLUTION urging compassion and support for the disabled men and women who have served or will serve in the armed forces of the United States of America.

Whereas, The Disabled American Veterans Department of Indiana (DAV) is located in Indianapolis, Indiana;

Whereas, The Disabled American Veterans Department was organized on November 22, 1932;

Whereas, There are 21,800 members of the Disabled American Veterans Department in the state of Indiana;

Whereas, The Disabled American Veterans Department was formed for the purpose of upholding and maintaining the constitution and laws of the United States, realizing the true American ideals and aims for which we fought, protecting and advancing the interest and welfare of all World War Veterans who were wounded, gassed, injured, or disabled during or by reason of such military service, cooperating with the Veterans Administration and all other public and private agencies devoted to the cause of relieving, improving, and advancing the physical and mental conditions, cure and medical treatment, health and economic interests of all such handicapped veterans, stimulating a feeling of mutual devotion, helpfulness, and comradeship among all veterans, and encouraging in all people that spirit of tolerance and understanding that will tend to guard against future wars;

Whereas, Commander Tony R. Craig became a non-commissioned officer in the United States Air Force and served on active duty from March 1983 through June 1992, when Commander Tony R. Craig incurred a service-related disability and was honorably discharged;

Whereas, Commander Tony R. Craig served during Operation Desert Storm/Shield as a Convoy Commander assigned to Central Operation Command and was awarded numerous decorations, including the Air Force Outstanding Unit Award with two bronze oak leaf clusters, the Southeast Asia Service Medal with one bronze oak leaf cluster, and the Air Force Achievement Medal for his meritorious service during his tenure on active military service;

Whereas, Commander Tony R. Craig supervises the Indianapolis DAV office; and, in July 2003, was appointed to the War Memorial Commission by the Governor of Indiana;

Whereas, Commander Tony R. Craig currently resides in White River Township with his wife, Pamela, and their four children, Calvin, Kristen, Scott, and Jacob;

Whereas, During his tenure, Commander Tony R. Craig has authorized funds for five new DAV vans, three new replacement vans are for LaPorte County, Vanderburgh County, and Harrison County; two new vans are for new territories of Hancock County and Parke County;

Whereas, Indiana has 45 DAV vans throughout the state that travel more than 900,000 miles transporting more than 40,000 veteran trips to Veterans Administration Centers; and

Whereas, Commander Tony R. Craig spearheaded the Disabled American Veterans to be a major participant in the Homeless/At-Risk Veterans stand down on October 14, 2005. The DAV sponsored a reception in Washington, D.C., for soldiers recuperating from injuries at Walter Reed Army Hospital as well as the Sports Clinic in

Snowmass, Colorado, in which three Indiana Veterans participated. Participants must have an amputation, a spinal cord injury, or visual impairment: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to urge compassion and support for the disabled men and women who have served or will serve in the armed forces of the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Commander Tony R. Craig and Mr. Donald D. Peek, Jr.

The resolution was read a first time and adopted by voice vote.

House Resolution 12

Representative Burton introduced House Resolution 12:

A HOUSE RESOLUTION honoring Kenneth and Ruth Ellen Long.

Whereas, Kenneth and Ruth Ellen Long are fitness and running enthusiasts;

Whereas, Kenneth Long was born in Clark Township on September 3, 1938, and Ruth Ellen was born on January 6, 1941;

Whereas, During high school, Kenneth was active in sports, particularly track and cross-country, and Ruth Ellen enjoyed band and club activities;

Whereas, As Kenneth concentrated on establishing his career, he abandoned the active lifestyle of his younger days;

Whereas, Ruth Ellen, running at the age of 36 in 1977, challenged him to a race;

Whereas, Kenneth was inspired by the challenge to improve his health through running and then qualified and ran in the Boston Marathon in 1982;

Whereas, In 1978, Kenneth and Ruth Ellen opened The Runners Forum, a specialty store for running footwear, apparel, and accessories, and began to organize runs to promote the store;

Whereas, In 1988, Kenneth and Ruth Ellen sold the retail portion of their business and renamed the special events portion Ken Long & Associates, specializing in the organization and administration of runs and walks; and

Whereas, In addition to his devotion to physical fitness, Kenneth Long serves on the 500 Festival Board, acted as the race director of the 500 Festival Mini-Marathon, the Long Distance Chairman, and President of the Indiana chapter of the USA Track and Field Association: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes Kenneth and Ruth Ellen Long for their dedication to physical fitness and their efforts to help Hoosiers enjoy physical fitness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kenneth and Ruth Ellen Long.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 26

The Speaker handed down Senate Concurrent Resolution 26, sponsored by Representatives Torr and Kuzman:

A CONCURRENT RESOLUTION honoring Steven Kirsh on receiving a 2005 Angels in Adoption award.

Whereas, The Congressional Coalition on Adoption Institute (CCAI) provides an opportunity to all members of the U.S. Congress to honor constituents who have enriched the lives of foster children and orphans. The Angels in Adoption program is CCAI's signature public awareness program, which includes an annual event and gala in Washington, D.C.;

Whereas, Each member of Congress can nominate one constituent for the Angels in Adoption Program. In 2005, more than 190

members of Congress participated, making it the year's single most significant Congressional event pertaining to child welfare in the United States;

Whereas, Steven Kirsh, whose practice is based in Indianapolis, is the only attorney in the state of Indiana who specializes solely in adoption;

Whereas, Mr. Kirsh has worked with Indiana State legislators to conduct a comprehensive review of Indiana's adoption laws and regulations and has made recommendations for changes needed in order to make the process as easy and rewarding as possible for children and families. Mr. Kirsh's expertise and hard work have played an integral role in making Indiana's adoption laws and regulations the benchmark standard and national model for adoption laws across the nation;

Whereas, In addition to his involvement with Indiana adoption matters, Mr. Kirsh has also been very involved in promoting awareness of adoption at the national and international levels. Mr. Kirsh is an active member of the American Academy of Adoption Attorneys, where he has served as President and as a member of the Board of Trustees and currently holds the position of Treasurer. He is also a member of the official United States delegation to the drafting session of the Hague Convention on Inter-Country Adoption; and

Whereas, In recognition of his contributions to the field of adoption, Congressman Dan Burton nominated Steven Kirsh to receive an Angels in Adoption award for 2005: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Steven Kirsh for his dedication and contribution to the field of adoption both in Indiana and on a national and international level and congratulates him on his receipt of the Angels in Adoption award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Steven Kirsh.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 27

The Speaker handed down Senate Concurrent Resolution 27, sponsored by Representative Duncan:

A CONCURRENT RESOLUTION recognizing the sesquicentennial celebration of the town of Sunman in 2006.

Whereas, In 1856, the town of Sunman was founded in Ripley County in southeastern Indiana;

Whereas, In celebration of the 150th anniversary of its founding, Sunman has planned a variety of events, including a Civil War re-enactment and encampment, a queen contest, and a beard judging contest;

Whereas, On September 2, 2006, the celebration will culminate with a flag raising and monument unveiling following the sesquicentennial parade at noon; and

Whereas, Sunman's sesquicentennial celebration has been scheduled to coincide with the Sunman Wine and Fireworks Festival: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly honors the town of Sunman on the one hundred fifty year anniversary of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Sunman Town Board members Wayne Jenner, John Campbell, and Mike Wolffe.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 28

The Speaker handed down Senate Concurrent Resolution 28, sponsored by Representatives Budak, Crouch, Borrer, and Klinker:

A CONCURRENT RESOLUTION recognizing and honoring William Carson for his years of distinguished service to the building industry and to offer congratulations on his retirement.

Whereas, Since graduating from Franklin College in 1961, William Carson has enjoyed a long and successful career in the building industry;

Whereas, After 42 years of service, Mr. Carson retired as Chief Executive Officer of the Indiana Builders Association (IBA) on January 1, 2006;

Whereas, During his career, Mr. Carson helped to enact numerous unique state laws to foster affordable housing in Indiana while serving as the registered lobbyist for housing and as the Chairman of the Board of the Association to Build a Better Indiana (the political action committee of the Indiana Builders Association);

Whereas, Mr. Carson also contributed to building industry publications as the editor of The Indiana Bildor, Indiana's monthly trade newspaper, and the author of "Diary of a Mad Home Builder," "Diary of a Mad Remodeler," and "High Pitches and Other Tall Tales";

Whereas, In addition to his involvement in the building industry, Mr. Carson has also been active in his community. He has served as the Chairman of the Marion County Sheriff's Advisory Board and is also known as a godfather of St. Mary's Child Center; and

Whereas, Mr. Carson's contributions to his profession have been recognized with several awards including the Seldon Hale Award, the nation's highest lifetime achievement honor from the National Association of Home Builders, and the John C. Hart Presidential Award, Indiana's highest housing award. In addition, William Carson has received multiple Sagamore of the Wabash awards in recognition of his contributions to the State: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby recognizes the outstanding career and the many community contributions of William Carson and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to William Carson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 32

The Speaker handed down Senate Concurrent Resolution 32, sponsored by Representative Kuzman:

A CONCURRENT RESOLUTION to congratulate the Lowell High School Football Team on winning the 2005 Class 4A Football State Championship.

Whereas, The Lowell High School Football Team overcame a slow 1-4 start, winning eight straight games to advance to the Class 4A semistate game;

Whereas, The Red Devils then defeated Fort Wayne South to earn the right to play Indianapolis Roncalli in the Class 4A State Championship game at the RCA Dome on Saturday, November 26, 2005;

Whereas, In the championship game, the Lowell Red Devils found themselves off to a slow start again, trailing 21-7 at the half. Regrouping at halftime, the Red Devils, who had worked together to overcome adversity numerous times throughout the season, rallied back in the second half;

Whereas, Sparked by a blocked extra point attempt in the third quarter and a momentum changing interception in the fourth quarter, the Lowell Red Devils defeated Roncalli 28-27, becoming the 2005 Class 4A State Champions;

Whereas, This championship marked the first State Championship Title in any sport for Lowell High School and brought the school into the spotlight throughout the state of Indiana; and

Whereas, The members of the Lowell High School Football Team are to be commended for their determination and outstanding achievements during the 2005 season: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Lowell High School Football Team on winning the 2005 Class 4A State Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Superintendent of the Tri-Creek School Corporation, Dr. Alice Neal; Lowell High School Principal, James Koger; and Red Devil Football Coach, Kirk Kennedy.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 33

The Speaker handed down Senate Concurrent Resolution 33, sponsored by Representative Frizzell:

A CONCURRENT RESOLUTION to congratulate Millard Fuller on receiving the first Servant's Heart Award presented by the People Helping People Network.

Whereas, The People Helping People Network is an Indianapolis-based non-profit organization, established by Jeff Cardwell in 2001, to provide an avenue for people in a community to connect and make a positive difference locally;

Whereas, The People Helping People Network awards the Servant's Heart Award to individuals who exemplify the program's philosophy by working to meet the needs of others and making the world a better place;

Whereas, In 1976, Millard Fuller, along with his wife Linda, founded Habitat for Humanity International, a Christian organization established to eliminate substandard housing. Since its inception, Habitat for Humanity International has built more than 200,000 homes in more than 1,700 U.S. cities and 99 other countries;

Whereas, In 2005, after separating from Habitat for Humanity International, the Fullers formed a new enterprise, The Fuller Center for Housing. This new organization provides funding and other support for Habitat for Humanity affiliates and other organizations working to provide decent housing for people in need worldwide;

Whereas, Millard Fuller has earned many accolades for his work. Professional Builder Magazine named Fuller Builder of the Year in 1995. Then in 1996, President Clinton awarded him the Medal of Freedom. In addition, both the King Center and the State of Georgia granted him the Martin Luther King, Jr. Humanitarian Award. The Fullers have also received the prestigious Harry S. Truman Public Service Award; and

Whereas, On October 14, 2005, the Points of Light Foundation and former President George Bush and Barbara Bush honored the Fullers with the Points of Light Volunteer Award. A plaque honoring the Fullers is positioned on the Extra Mile Pathway, a new national monument adjacent to the White House: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Millard and Linda Fuller on receiving the Servant's Heart Award and commends them for their dedication to providing affordable housing to those in need.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Millard and Linda Fuller and Jeff Cardwell, President of the People Helping People Network.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:20 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 29, 30, and 31 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

INTRODUCTION OF BILLS

The following bills were read a first time by title and referred to the respective committees:

ESB 33 — Koch, T. Brown, Klinker, Micon

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

ESB 55 — Buell, Kromkowski

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 57 — Buell, Kromkowski

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 58 — Buell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 83 — Torr, Bardon

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 85 — Buell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 89 — Koch, Pelath

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 153 — Richardson, Budak, Summers

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

ESB 206 — Buell, Kromkowski

Committee on Public Safety and Homeland Security

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 230 — Behning, Micon

Committee on Financial Institutions

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 251 — Cherry, Buell, Cochran

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 270 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 275 — Foley, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

ESB 277 — C. Brown, V. Smith, Ayres, Stevenson

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 284 — T. Brown, C. Brown

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning health.

ESB 299 — Ulmer, Kuzman

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 300 — Foley, L. Lawson

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 303 — Duncan, Davis, Goodin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 305 — Hinkle, Klinker

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 308 — T. Brown, Welch, Tyler

Committee on Public Health

A BILL FOR AN ACT concerning Medicaid.

ESB 314 — Friend, Gutwein, Hoffman, Grubb

Committee on Agriculture and Rural Development

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 324 — Noe, Behning

Committee on Education

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 332 — Buell, Kromkowski

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

ESB 333 — T. Harris, Crooks

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

ESB 336 — Ayres, Welch, Budak

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning education.

ESB 338 — Frizzell

Committee on Courts and Criminal Code

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 339 — Duncan, Davis, Goodin

Committee on Roads and Transportation

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 340 — Borrer, Pflum

Committee on Employment and Labor

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

ESB 341 — Porter

Committee on Local Government

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

ESB 342 — Messer

Committee on Public Health

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

ESB 345 — Espich

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

ESB 349 — Burton

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

ESB 353 — Gutwein, Friend, Grubb, Dvorak

Committee on Utilities and Energy

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

ESB 359 — Messer, Reske

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 360 — Espich, Noe, Crawford

Committee on Insurance

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 361 — Saunders, T. Harris, Turner, Koch

Committee on Government and Regulatory Reform

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

ESB 363 — Thomas, Austin

Committee on Technology, Research and Development

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

ESB 365 — Buell, Espich, Crawford

Committee on Ways and Means

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

ESB 369 — Wolkins, Dvorak, Thompson

Committee on Natural Resources

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

ESB 373 — Foley, Summers

Committee on Family, Children and Human Affairs

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

ESB 382 — Crouch, Hoy

Committee on Commerce, Economic

Development and Small Business

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 34

Representative V. Smith introduced House Concurrent Resolution 34:

A CONCURRENT RESOLUTION urging municipalities and local governments to adopt ordinances to restrict smoking in restaurants and public places.

Whereas, Secondhand smoke is responsible for more than 38,000 deaths in the United States annually;

Whereas, It is the duty of government to protect all citizens, particularly children, from the dangers of secondhand smoke in restaurants and public places;

Whereas, It has been shown that ventilation systems do not provide adequate protection from secondhand smoke;

Whereas, Workers who work in smoke-filled restaurants have cancer rates four times greater than workers in office buildings where smoking is prohibited;

Whereas, Workers should not be forced to choose between having a job and protecting their health;

Whereas, Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing secondhand smoke is a cause of disease, including heart disease, stroke, respiratory disease, and lung cancer, in healthy nonsmokers;

Whereas, The Centers for Disease Control and Prevention recommends implementing smoking bans as a way of reducing tobacco use and secondhand smoke exposure;

Whereas, Ten states, including California, Delaware, Maine, Massachusetts, Connecticut, Rhode Island, and New York, several countries, including Ireland, New Zealand, and Sweden, and many communities across America have passed bans on smoking in all workplaces, including restaurants and bars;

Whereas, Philip Morris Tobacco Company concedes that "conclusions of public health officials concerning environmental tobacco smoke are sufficient to warrant measures that regulate smoking in public places"; and

Whereas, We all have the right to breathe clean, safe, smoke-free air: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly urge municipalities and local governments to adopt ordinances to restrict smoking in restaurants and public places.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to all 92 county councils.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the following reassignments:

Engrossed Bill 88 from the Committee on Roads and Transportation to the Committee on Public Policy.

Engrossed Bill 321 from the Committee on Insurance to the Committee on Employment and Labor.

HOUSE MOTION

Mr. Speaker: I move that Representative Ripley be removed as sponsor of Engrossed Senate Bill 112, Representative Klinker be substituted as sponsor, and Representative Ripley be added as cosponsor.

RIPLEY

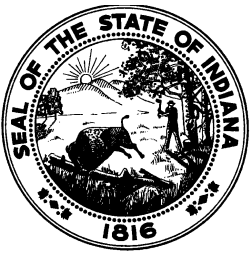
Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Walorski, the House adjourned at 4:25 p.m., this seventh day of February, 2006, until Monday, February 13, 2006, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Eighteenth Meeting Day

Monday Afternoon

February 13, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Vernon G. Smith.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning ☐	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher ☐
Buell	Oxley
Burton	Pelath
Cheney ☐	Pflum
Cherry ☐	Pierce
Cochran	Pond
Crawford	Porter
Crooks ☐	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta ☐	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer ☐
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 213: 93 present; 7 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1040 and 1134 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 18, 19, and 33 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 13, 16, and 29 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 36

Representatives Avery, Crouch, Hoy, VanHaaften, and Woodruff introduced House Concurrent Resolution 36:

A CONCURRENT RESOLUTION honoring Wayne F. Henning on the occasion of his retirement.

Whereas, Wayne F. Henning will retire on February 23, 2006, capping a 42 year career with Old National Bank;

Whereas, Wayne F. Henning began his successful banking career with Old National Bank as an adjustor in April, 1964;

Whereas, Mr. Henning rose steadily through various positions in the retail area of the bank until he acquired his current position as Executive Vice President and Regional Chief Operating Officer for the Evansville Region;

Whereas, A life-long resident of Evansville, Mr. Henning graduated from Reitz Memorial High School, received a Bachelor of Science degree from St. Edward's University in 1963, and graduated from the Stonier Graduate School of Banking;

Whereas, Mr. Henning also saw active duty with the U.S. Army and the U.S. Army Reserve;

Whereas, Mr. Henning has been engaged in the legislative and governmental process throughout his banking career, most notably working with the Indiana General Assembly and the Governor to ensure the passage of the 1985 interstate banking statute, which permitted banks in Indiana to establish statewide branching networks and to merge with other banks inside and outside Indiana;

Whereas, While fulfilling his responsibilities with Old National Bank, Mr. Henning has been the epitome of a community and civic leader and an unashamed Evansville booster;

Whereas, Mr. Henning has also contributed his time and talents to many community organizations including the Evansville Freedom Festival, the Evansville Association of Commercial Banks, the Consumer Credit Counseling Services, the Greater Evansville Lenders Association, the Reitz Memorial High School Alumni Association, and the Memorial Athletic Booster Club;

Whereas, Mr. Henning has also served as the Associate General Chairman of the United Way, Financial Chairman of Holy Rosary Church, Vice-Chairman of the Evansville Chamber of Commerce, Chairman of the Southern Indiana Financial Institutions for I-69, and on the boards of the Evansville Association of Retarded Citizens, Roberts Stadium Foundation, Mesker Zoo, and the Evansville Airport Advisory Board;

Whereas, Mr. Henning has been deeply involved in the Evansville business and cultural community most of his adult life, impacting the lives of many of its residents;

Whereas, Mr. Henning has received many awards and recognitions including the Multiple Sclerosis "Hope" Award, the Memorial High School "Distinguished Service" Award, the Beacon Group "Community" Award, the Best of Evansville "Decades of Wisdom" Award, and the Buffalo Trace Council "2004 Distinguished Citizen" Award; and

Whereas, Evansville would not be the city it is today without Mr. Henning's generous service; his leadership, wisdom, and enthusiasm have made him highly honored in the community and the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes Wayne F. Henning's outstanding career, his many accomplishments, and his dedication to both the financial services community and the people of Indiana.

SECTION 2. That the Indiana General Assembly offers congratulations and best wishes to Wayne F. Henning on the occasion of his retirement.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Wayne F. Henning.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Becker and L. Lutz.

House Resolution 14

Representatives Bell, Borrer, Dodge, Leonard, Ripley, Stutzman, Pond, Espich, GiaQuinta, and Moses introduced House Resolution 14:

A HOUSE RESOLUTION honoring John Stafford.

Whereas, John Stafford wanted to design communities since he was in the fourth grade;

Whereas, In 1975, at the age of 25, he achieved his dream when he came to Fort Wayne for a job in the city's planning department;

Whereas, John Stafford has played a key role in many accomplishments that have proven to be vital to the progress of the Fort Wayne community;

Whereas, John Stafford was instrumental in bringing the General Motors plant to Allen County in 1985, helped to create the 2000 Economic Development Action Plan for Fort Wayne and Northeast Indiana, helped design the incentive package to encourage ITT Industries to bring its Single Channel Ground and Airborne Radio Systems project, or SINCARS, to Fort Wayne, and researched and prepared the 2004 Allen County Diversity Study for the United Way of Allen County;

Whereas, One of John Stafford's most impressive accomplishments is the expansion of the Grand Wayne Center, nearly doubling its size and increasing the ability of the convention center to attract events to the city;

Whereas, John Stafford designed the complex and played a major role in developing the \$40,000,000 financing package that made the renovation possible;

Whereas, In honor of his 30 years of helping develop Fort Wayne and Allen County, John Stafford has been selected Citizen of the Year by the Fort Wayne Journal Gazette;

Whereas, John Stafford is currently the director of the Community

Research Institute at Indiana University-Purdue University Fort Wayne, where he also teaches public policy, urban planning, and public finance; and

Whereas, John Stafford is truly the expert that experts turn to when they need help: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates John Stafford on his selection as Citizen of the Year by the Fort Wayne Journal Gazette and expresses its gratitude for his efforts on behalf of the citizens of Fort Wayne and Allen County; his many accomplishments will continue to serve the Fort Wayne and Allen County communities for many years to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to John Stafford and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 15

Representative Aguilera introduced House Resolution 15:

A HOUSE RESOLUTION recognizing Hispanic/Latino Community Day.

Whereas, The Hispanic/Latino Community Day (HCD) is a joint venture between the Indiana Commission on Hispanic/Latino Affairs and the Indiana House of Representatives;

Whereas, Building upon three successful years of Hispanic Student Outreach Days offered by the House of Representatives, HCD will provide an opportunity for students and adults to better understand state government; and

Whereas, The Hispanic/Latino Community Day will help develop the next generation of Latino leaders and an educated and civically active Latino community who can participate in local, state, and federal policy decisions: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize Hispanic/Latino Community Day as an outstanding opportunity for Latino students and adults to experience a legislative session day and learn about Indiana government.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana Commission on Hispanic/Latino Affairs.

The resolution was read a first time and adopted by voice vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 12, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 41, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 21, delete "P.L.246-2005," and insert "HEA 1040-2006, SECTION 6,".

Page 3, line 22, delete "SECTION 37,".

Page 4, delete lines 7 through 15, begin a new line block indented and insert:

"(10) Indiana professional licensing agency.

(11) Department of insurance, with respect to licensing of insurance producers.

(12) A pension fund administered by the board of trustees of the public employees' retirement fund.

(13) The Indiana state teachers' retirement fund.

(14) The state police benefit system.

(15) The alcohol and tobacco commission."

Page 4, line 27, delete "the health professions bureau,".

Page 5, line 9, delete "P.L.218-2005," and insert "HEA 1040-2006, SECTION 66,".

Page 5, line 10, delete "SECTION 2,".

Page 5, line 35, delete "fire and" and insert "homeland security".

Page 5, delete line 36.

Page 5, run in lines 35 and 37.

Page 11, line 9, after "5-20-4-15" insert ", AS AMENDED BY HEA 1040-2006, SECTION 121,".

Page 11, line 20, delete "department of commerce,".

Page 11, line 20, reset in roman "office of".

Page 11, line 21, rest in roman "the lieutenant governor,".

Page 12, line 6, delete "finance" and insert "and community development".

Page 12, line 19, delete "finance" and insert "and community development".

Page 24, line 20, after "5." insert "(a)".

Page 24, delete lines 21 through 27, begin a new line block indented and insert:

"(1) home health agencies licensed under IC 16-27-1 are ~~approved~~ **automatically certified as providers** to provide home health services; and

(2) personal services agencies licensed under IC 16-27-4 are ~~approved~~ **automatically certified as providers** to provide personal services;

under any federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n, **upon the provider furnishing proof of licensure to the agency responsible for certifying the provider under the waiver.**

(b) A provider who is eligible for certification under subsection (a) needs only to obtain and maintain a home health agency license or a personal services agency license through the state department of health to be certified as a:

(1) home health agency provider of home health services; or

(2) personal services agency provider of personal services;

under a federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n.

(c) Except for requirements directly related to claims submission and claims payment, a provider that is certified under subsection (a) is exempt from the rules, bulletins, and other regulatory requirements adopted by the office of the secretary.

(d) For purposes of this section, the home health services that a licensed home health agency may provide include the following:

(1) Respite care services.

(2) Speech language therapy services.

(3) Occupational therapy services.

(4) Physical therapy services.

(5) Nursing services.

(6) Transportation services.

(7) Residential habilitation services.

(8) Community based habilitation services.

(e) For purposes of this section, the personal services that a licensed personal services agency may provide include the following:

(1) Respite care services.

(2) Homemaker services.

(3) Companion services.

(4) Attendant care services."

Page 40, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 50. IC 12-12-8-2, AS AMENDED BY P.L.217-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "consumer control" means, with respect to a center for independent living or an eligible agency: ~~that:~~

(1) that the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services; and

(2) that:

(A) at least fifty-one percent (51%) of the members of the center's board have significant disabilities; and

(B) a majority of the center's staff and employees in decision making positions are individuals with disabilities.

SECTION 51. IC 12-12-8-3.8, AS ADDED BY P.L.217-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. As used in this chapter, "state plan" means the materials jointly developed and submitted by the council and the division to the commissioner containing the state's proposals for the following:

(1) The provision of statewide proposal for providing independent living services with federal funds under Title VII, Part B of the federal act.

(2) The development and support of a statewide network of centers for independent living.

(3) Working relationships among:

(A) programs providing independent living services and independent living centers; and

(B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.

SECTION 52. IC 12-12-8-5, AS ADDED BY P.L.217-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:

(1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.

(2) To provide administrative assistance to support ~~services to independent living programs and the activities of centers for independent living programs.~~ under Title VII, Part B of the federal act.

(3) To keep records and take actions with respect to the records as required by the commissioner.

(4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 53. IC 12-12-8-6, AS ADDED BY P.L.217-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) There is established a statewide independent living council. The council is not a part of a state agency.

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

(1) Each director of a center for independent living located in Indiana.

(2) Nonvoting members from state agencies that provide services for individuals with disabilities.

(3) Other members, who may include the following:

(A) Representatives of centers for independent living.

(B) Parents and guardians of individuals with disabilities.

(C) Advocates for individuals with disabilities.

(D) Representatives from private business.

(E) ~~Representative~~ Representatives of organizations that provide services for individuals with disabilities.

(F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

(1) provide statewide representation;

(2) represent a broad range of individuals with disabilities from diverse backgrounds;

(3) be knowledgeable about centers for independent living and independent living services; and

(4) include a majority of members who:

(A) are individuals with ~~significant~~ disabilities; and

(B) are not employed by a state agency or a center for independent living.

SECTION 54. IC 12-12-8-10, AS ADDED BY P.L.217-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The council has the powers and duties specified in this chapter.

(b) The council ~~may~~ shall do the following:

(1) Jointly develop and sign the state plan in conjunction with

the designated state unit.

(2) Monitor, review, and evaluate the implementation of the state plan.

(3) Coordinate activities with the state rehabilitation council and other councils that address the needs of specific disability issues.

(4) Submit periodic reports to the funding sources and provide access to the records that are necessary to verify contents of the reports.

(5) Do other things necessary and proper to implement this chapter.

(c) The council shall ensure that all meetings of the council are open to the public and in accessible formats with sufficient advance public notice.

SECTION 55. IC 12-12-8-11, AS ADDED BY P.L.217-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The division **and the council** shall **jointly** prepare the state plan that must be submitted to the commissioner."

Page 69, line 41, delete "ADDED BY P.L.218-2005," and insert "AMENDED BY HEA 1040-2006, SECTION 335,".

Page 69, line 42, delete "SECTION 81,".

Renumber all SECTIONS consecutively.

(Reference is to SB 41 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 42, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Engrossed Senate Bill 75, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 77, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 84, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 16 and 17, begin a new paragraph and insert: "SECTION 2. IC 12-23-14.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana under IC 33-38-9-3.

(b) As used in this section, "effective date" means the date established by the board after which minimum employment standards will be required for a person employed by a drug court.

(c) A drug court established under this chapter is subject to the regulatory powers of the Indiana judicial center under IC 33-38-9-9.

(d) With regard to drug courts established under this chapter, the Indiana judicial center may do the following:

(1) Ensure that drug courts comply with rules adopted under this section and applicable federal regulations.

(2) Certify drug courts established under this chapter.

(3) Revoke the certification of a drug court upon a determination that the drug court does not comply with rules adopted under this section and applicable federal regulations.

(4) Make agreements and contracts with:

(A) another department, authority, or agency of the state;

(B) another state;

(C) the federal government;

(D) a state supported or private university; or

(E) a public or private agency;

to implement this chapter.

(5) Require as a condition of operation that each drug court created or funded under this chapter be certified according to rules established by the Indiana judicial center.

(6) Adopt rules to implement this chapter.

(e) The board shall adopt rules concerning standards, requirements, and procedures for initial certification, recertification, and decertification of drug courts.

(f) The board may adopt rules concerning educational and occupational qualifications needed to be employed by a drug court; however, any contract service provider must be licensed by the state or approved by the judicial center. If the board adopts qualifications under this subsection:

(1) the board shall establish an effective date after which a person employed by a drug court must meet the minimum qualifications adopted under this subsection; and

(2) the minimum employment qualifications adopted under this subsection do not apply to a person who is employed:

(A) by a certified drug court before the effective date; or

(B) as administrative personnel.

(g) The board may delegate any of the functions described in subsections (e) and (f) to ~~the court alcohol and drug program advisory a committee or of the Indiana judicial center; conference of Indiana.~~

Page 6, line 23, delete "the court alcohol and drug program".

Page 6, line 24, delete "advisory" and insert "a".

Page 6, line 24, delete "or" and insert "of".

Page 6, line 24, delete "Indiana".

Page 6, line 24, delete "center." and insert "**conference of Indiana.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 84 as printed January 12, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 117, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-2-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Any assignment of the wages of an employee is valid only if all of the following conditions are satisfied:

(1) The assignment is:

(A) in writing;

(B) signed by the employee personally;

(C) by its terms revocable at any time by the employee upon written notice to the employer; and

(D) agreed to in writing by the employer.

(2) An executed copy of the assignment is delivered to the employer within ten (10) days after its execution.

(3) The assignment is made for a purpose described in subsection (b).

(b) A wage assignment under this section may be made for the purpose of paying any of the following:

- (1) Premium on a policy of insurance obtained for the employee by the employer.
- (2) Pledge or contribution of the employee to a charitable or nonprofit organization.
- (3) Purchase price of bonds or securities, issued or guaranteed by the United States.
- (4) Purchase price of shares of stock, or fractional interests therein, of the employing company, or of a company owning the majority of the issued and outstanding stock of the employing company, whether purchased from such company, in the open market or otherwise. However, if such shares are to be purchased on installments pursuant to a written purchase agreement, the employee has the right under the purchase agreement at any time before completing purchase of such shares to cancel said agreement and to have repaid promptly the amount of all installment payments which theretofore have been made.
- (5) Dues to become owing by the employee to a labor organization of which the employee is a member.
- (6) Purchase price of merchandise sold by the employer to the employee, at the written request of the employee.
- (7) Amount of a loan made to the employee by the employer and evidenced by a written instrument executed by the employee subject to the amount limits set forth in section 4(c) of this chapter.
- (8) Contributions, assessments, or dues of the employee to a hospital service or a surgical or medical expense plan or to an employees' association, trust, or plan existing for the purpose of paying pensions or other benefits to said employee or to others designated by the employee.
- (9) Payment to any credit union, nonprofit organizations, or associations of employees of such employer organized under any law of this state or of the United States.
- (10) Payment to any person or organization regulated under the Uniform Consumer Credit Code (IC 24-4.5) for deposit or credit to the employee's account by electronic transfer or as otherwise designated by the employee.
- (11) Premiums on policies of insurance and annuities purchased by the employee on the employee's life.
- (12) The purchase price of shares or fractional interest in shares in one (1) or more mutual funds.
- (13) A judgment owed by the employee if the payment:
 - (A) is made in accordance with an agreement between the employee and the creditor; and
 - (B) is not a garnishment under IC 34-25-3.

(14) Payment for the purchase or maintenance of uniforms worn by the employee while performing duties for the employer.

(15) Payment for the purchase of tools and portable equipment used by the employee while performing duties for the employer.

SECTION 2. IC 22-2-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The commissioner of labor is hereby authorized to take assignments of wage claims of less than ~~eight hundred dollars (\$800.00)~~, **three thousand dollars (\$3,000)**, rights of action for penalties, mechanics and other liens of workers, without being bound by any of the technical rules with reference to the validity of such assignments; and shall have power and authority to prosecute actions for the collection of such claims of persons who, in the judgment of the commissioner:

(1) are entitled to the services of the commissioner; and ~~who, in his judgment,~~

(2) have claims which are valid and enforceable in the court.

(b) The commissioner shall have power to join various claimants in one (1) preferred claim or lien, and, in case of suit, to join them in one (1) cause of action."

Page 1, after line 15, begin a new paragraph and insert:

"SECTION 4. IC 22-5-6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

JULY 1, 2006]:

Chapter 6. Employer Sales to Employees

Sec. 1. An employer may not sell to an employee of the employer:

(1) **merchandise; or**

(2) **supplies;**

at a price higher than the price at which the employer sells the merchandise or supplies for cash to another person who is not an employee of the employer.

Sec. 2. A person who violates section 1 of this chapter commits a Class C infraction.

SECTION 5. IC 22-2-4 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 6. [EFFECTIVE JULY 1, 2006] **IC 22-2-9-5, as amended by this act, applies to wage claims filed with the commissioner of labor after June 30, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to SB 117 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 4.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Engrossed Senate Bill 147, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 26, after "provider" insert ",."

Page 2, line 27, delete "or" and insert **"the"**.

Page 2, line 27, after "enrollee" insert **", or the health maintenance organization"**.

Page 2, line 27, after "overpayment" insert **"or underpayment"**.

(Reference is to SB 147 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 157, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 160, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 2, after line 35, begin a new paragraph and insert:

"SECTION 2. An emergency is declared for this act."

(Reference is to SB 160 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 1.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 161, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 15, delete "the state Medicaid" and insert "**a state or federal reimbursement**".

Page 2, line 16, after "program" insert ", **including a program under Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the state Medicaid program,**".

Page 2, line 18, after "licensed" insert "**or to be licensed**".

(Reference is to SB 161 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 172, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, delete "IC 20-28-6-6;" and insert "**IC 20-28-6-6, if replacing a teacher on a leave of absence;**".

(Reference is to SB 172 as reprinted January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 191, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 231, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 253, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 18, begin a new line block indented and insert:

"(2) Construct a wall whose lowest point would be:

**(A) below the elevation of the shoreline or waterline; and
(B) within ten (10) feet landward of the shoreline or waterline, as measured perpendicularly from the shoreline or waterline;
of a public freshwater lake."**

(Reference is to SB 253 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 285, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 39, delete "(c)," and insert "**(d),**".

Page 6, line 14, delete "and" and insert "**or**".

Page 6, line 21, delete "and" and insert "**or**".

Page 6, line 29, after "the" insert "**agency.**".

Page 6, delete lines 30 through 31.

Page 7, line 22, strike "governor" and insert "**director**".

Page 7, line 27, strike "governor" and insert "**director**".

Page 8, line 25, after "local" insert "**agency**".

Page 8, line 29, after "local" insert "**agency**".

Page 10, delete lines 22 through 41, begin a new line triple block indented and insert:

"(i) An elected county official, including a member of the county executive or fiscal body, from each county served by the interjurisdictional disaster agency.

(ii) An elected city official from one (1) city in each county served by the interjurisdictional disaster agency, if there is a city in a county served by the interjurisdictional disaster agency.

(iii) An elected town official from one (1) town in each county served by the interjurisdictional disaster agency.

(iv) An officer or member of one (1) fire department in each county served by the interjurisdictional disaster agency.

(v) A county or local law enforcement officer from each county served by the interjurisdictional disaster agency.

(vi) A county or local public health officer from each county served by the interjurisdictional disaster agency.

(vii) A representative of other public or private agencies or organizations in each county served by the interjurisdictional disaster agency, including a local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, or a public or private airport."

Page 12, line 5, delete "If the director approves the".

Page 12, delete lines 6 through 7.

Page 12, line 10, delete "governor" and insert "**director**".

Renumber all SECTIONS consecutively.

(Reference is to SB 285 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 10, begin a new paragraph and insert:

"Sec. 3. The department shall develop guidelines and the state board shall adopt rules under IC 4-22-2 to implement this chapter."

(Reference is to SB 310 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 354, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 379, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, delete lines 6 through 39, begin a new paragraph and insert:

"SECTION 4. IC 4-22-2-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If incorporation of the text in full would be cumbersome, expensive, or otherwise inexpedient, an agency may incorporate by reference into a rule part or all of any of the following matters:

- (1) A federal or state statute, rule, or regulation.
- (2) A code, manual, or other standard adopted by an agent of the United States, a state, or a nationally recognized organization or association.
- (3) A manual of the department of local government finance adopted in a rule described in IC 6-1.1-31-9.

(b) Each matter incorporated by reference under subsection (a) must be fully and exactly described.

(c) An agency may refer to a matter that is directly or indirectly referred to in a primary matter by fully and exactly describing the primary matter.

(d) Whenever an agency submits a rule to the attorney general, the governor, or the ~~secretary of state~~ **publisher** under this chapter, the agency shall also submit a copy of the full text of each matter incorporated by reference under subsection (a) into the rule, other than the following:

- (1) An Indiana statute or rule.
- (2) A form or instructions for a form numbered by the commission on public records under IC 5-15-5.1-6.
- (3) The source of a statement that is quoted or paraphrased in full in the rule.
- (4) Any matter that has been **previously** filed with the:
 - (A) secretary of state before ~~the date that the rule containing the incorporation is filed: July 1, 2006; or~~
 - (B) **publisher after June 30, 2006.**

(5) Any matter referred to in subsection (c) as a matter that is directly or indirectly referred to in a primary matter.

(e) An agency may comply with subsection (d) by submitting a paper or an electronic copy of the full text of the matter incorporated by reference."

Page 23, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 21. IC 4-22-8-2, AS AMENDED BY P.L.215-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The publisher shall publish a serial publication with the name Indiana Register at least six (6) times each year.

(b) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Register in electronic form only. ~~However, the publisher shall distribute a printed copy of the Indiana Register to each federal depository library in Indiana.~~

(c) The publisher may meet the requirement to publish the Indiana Register electronically by permanently publishing a copy of the Indiana Register on the Internet.

SECTION 22. IC 4-22-8-5, AS AMENDED BY P.L.215-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The publisher shall compile, computerize, index, and print a codification of the general and permanent rules of the agencies with the name Indiana Administrative Code. The publisher may publish, with the Indiana Administrative Code, any tables, explanatory material, or other documents that the publisher considers appropriate.

(b) The publisher shall establish a system to maintain, supplement, and recompile the Indiana Administrative Code when necessary or appropriate.

(c) Notwithstanding any law, after June 30, 2006, the publisher shall publish the Indiana Administrative Code in electronic form only. ~~However, the publisher shall distribute a printed copy of the Indiana Administrative Code to each federal depository library in Indiana.~~

(d) The publisher may meet the requirement to publish the Indiana Administrative Code electronically by permanently publishing a copy of the Indiana Administrative Code on the Internet."

Renumber all SECTIONS consecutively.

(Reference is to SB 379 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUCK, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 35

Representative Budak introduced House Concurrent Resolution 35:

A CONCURRENT RESOLUTION recognizing the need for protection of our environmental and economic resources.

Whereas, The Great Lakes are a tremendous value to Indiana as an environmental and economic resource, both as the world's largest body of fresh water and as a crucial international shipping channel;

Whereas, Aquatic invasive species have caused significant damage to native environments and industrial operations in the Great Lakes and around the world;

Whereas, Indiana ranks 14th in the nation for waterborne shipping with nearly 70 million tons of maritime cargo per year, and the state's Lake Michigan ports provide Indiana farmers, steel mills, and manufacturers with access to foreign markets through the Great Lakes/St. Lawrence Seaway;

Whereas, Current federal laws governing the introduction of aquatic invasive species into United States waters via ballast water of ocean-going ships and other sources are inadequate;

Whereas, Because of the detrimental effects of imposing regional restrictions on an international shipping channel, there is a need for federal regulation; and

Whereas, There is currently no nationally accepted standard for ballast water quality nor any approved ballast treatment technologies available to ship operators: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly has a great concern for the protection of its environmental and economic resources.

SECTION 2. That the Indiana General Assembly urges the United States Congress to acknowledge the national urgency of this problem and move quickly to enact federal legislation to establish a strong ballast water regulatory program sufficient to prevent future introduction of aquatic invasive species into all United States waters.

SECTION 3. That the Indiana General Assembly declares its support for the efforts of the United States Coast Guard and International Maritime Organization to put in place an international ballast water treatment and regulatory program.

SECTION 4. That the Indiana General Assembly declares its support for the "Great Ships Initiative," a research and development project funded jointly by the Indiana Port Commission and other

Great Lakes ports, the U.S. Department of Transportation, the National Fish and Wildlife Foundation, and other federal agencies with the goal of accelerating the development and availability of ballast water treatment technology.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 38

Representative Lehe introduced House Concurrent Resolution 38:

A CONCURRENT RESOLUTION honoring the South Newton High School 4-H soil judging team.

Whereas, Rob Hays, Lauren Walker, Ean Donohue, Ryan Hancock, and Andy Thomas brought a national championship soil judging title back to South Newton High School;

Whereas, The South Newton High School team earned the right to compete at the national competition when it placed fourth at the Indiana state contest;

Whereas, Students on the team determine six physical characteristics of soil at each of four pits, including texture-surface and subsurface, depth of soil, slope, erosion, permeability, and surface runoff and must recommend vegetative and mechanical treatments as well as fertilizer and soil amendments; and

Whereas, Agriculture is a staple of the economy of Indiana; it is vital to our economic welfare that we educate our young people in this area: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members of the South Newton High School 4-H soil judging team on the members' victory in the national competition and wishes them success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Rob Hays, Lauren Walker, Ean Donahue, Ryan Hancock, and Andy Thomas, agriculture teacher Darrell Allen, the principal of South Newton High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Landske.

House Concurrent Resolution 39

Representative Ruppel introduced House Concurrent Resolution 39:

A CONCURRENT RESOLUTION honoring Dr. William Dennis Dannacher.

Whereas, Dr. William Dennis Dannacher has witnessed tremendous medical changes throughout his long career;

Whereas, Dr. Dannacher has seen and used such medical breakthroughs as life-saving antibiotics and the polio vaccine;

Whereas, In a career that has spanned more than 40 years, Dr. Dannacher has helped to rewrite the medical textbooks on modern medical procedures, bringing sick and injured patients back from the brink of death, delivering babies, and performing countless surgeries;

Whereas, Dr. Dannacher served his country during World War II as a Navy surgeon in combat operations that included the invasions of North Africa and Normandy;

Whereas, Upon the completion of his military career, Dr. Dannacher returned to practice medicine in his hometown of Wabash, Indiana, where he practiced as a specialist in general surgery for 37 years at the Wabash County Hospital;

Whereas, Dr. Dannacher also owned and managed the Wabash Clinic;

Whereas, In addition to his duties at the hospital and the clinic, Dr. Dannacher served as a diplomate of the American Board of Abdominal Surgery, as a fellow of the International College of

Surgeons, and one term as president of the Indiana Chapter of the I.C.S.;

Whereas, An avid pilot for more than 30 years, Dr. Dannacher has also served as a designated federal aviation medical examiner and as president of the Indiana Chapter of the Flying Physicians; and

Whereas, Dr. William Dennis Dannacher has dedicated his life to healing the sick and comforting the injured: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly thanks Dr. William Dennis Dannacher for the years of dedicated service to the citizens of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. William Dennis Dannacher and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Dillon.

House Resolution 13

Representative Richardson introduced House Resolution 13:

A HOUSE RESOLUTION urging the establishment of an interim study committee on park issues.

Whereas, Indiana's parks are some of the state's greatest resources; and

Whereas, Parks greatly contribute to the economic well-being of our state by offering job opportunities, youth development, and a place for the community to gather, and by improving public health: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to establish a committee on park issues.

SECTION 2. That the committee, if established, shall study IC 8-4.5 on acquisition and development of Rail/Trail Corridors, the creation of park district enabling legislation, and a permanent funding source for Park/Trail Land Acquisition and Park/Trail Development Projects.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 16

Representative Kuzman introduced House Resolution 16:

A HOUSE RESOLUTION honoring David Dickerson.

Whereas, Each year the American Legion awards one scholarship to an outstanding baseball player from each state;

Whereas, David Dickerson was named the 2005 American Legion's Baseball Scholarship Award winner for the state of Indiana;

Whereas, David Dickerson is a five-year player for American Legion Post 20 under Coach Tony Samano;

Whereas, David Dickerson will be pursuing his baseball and academic career at Purdue University North Central in Westville, Indiana; and

Whereas, Excellence in any endeavor deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates David Dickerson on receiving the American Legion's 2005 Baseball Scholarship Award and wishes him continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David Dickerson and his family.

The resolution was read a first time and adopted by voice vote.

RESOLUTIONS ON SECOND READING

House Resolution 1

The Speaker handed down on its passage House Resolution 1, introduced by Representatives Friend, Turner, and Richardson:

A HOUSE RESOLUTION expressing the will of the Indiana House of Representatives to protect the content of prayer and the right to address God in accordance with the dictates of conscience in the Indiana House of Representatives.

Whereas, The official invocation has been an unbroken tradition in the Indiana House of Representatives for 189 years;

Whereas, The Indiana House of Representatives has long had a policy of permitting members to give, or to invite clergy to give, the invocation prayer in a manner consistent with the religious beliefs and the freedom of conscience of the person giving the invocation;

Whereas, This privilege of invocation prayer has been extended over the years to a diverse group of Hoosiers representing a wide variety of creeds, faiths, and traditions;

Whereas, During the past session of the General Assembly the invocation was offered by clerics representing the Catholic, Protestant, Jewish, and Muslim faiths as well as those with no formal religious affiliation;

Whereas, The Indiana House of Representatives views the invocation as an opportunity to solemnize the proceedings of the House and to permit individual House members and their invited constituents to seek divine guidance on behalf of the House in a manner consistent with, and not repugnant to, their abiding beliefs;

Whereas, The members of the Indiana House of Representatives are subject to the unique pressures and duties of their office and of the burdens of the legislative environment, which frequently requires that they be absent from their own homes, families, and religious congregations;

Whereas, The ministry of visiting clerics and the offering of invocations accommodates the spiritual needs of the members of the Indiana House of Representatives and facilitates the voluntary exercise of their faith, providing them with spiritual encouragement while they are away from their homes, families, and religious congregations;

Whereas, The members of the Indiana House of Representatives accept that in our pluralistic society it is not possible that every faith or belief system be represented in each invocation;

Whereas, The members of the Indiana House of Representatives affirm as the foundational principle of religious tolerance that differences in faith or beliefs should be freely acknowledged and not be hidden, discouraged or suppressed through governmental order, coercion or officially imposed orthodoxy;

Whereas, The invocation prayer has traditionally been an opportunity to promote greater understanding among persons of all faiths;

Whereas, It has been the consistent tradition and practice of the members of the Indiana House of Representatives to stand in respectful silence as the invocation prayer was offered by a fellow Hoosier, regardless of whether the members have shared the religious views expressed by the individual delivering the invocation;

Whereas, Despite these salutary benefits of the Indiana House's invocation prayer, the United States District Court for the Southern District of Indiana, has issued an injunction which restrains religious liberty and the freedom of conscience and, in conflict with the historic and cherished rights of Americans, purports to control the specific content of prayers;

Whereas, This intolerable order of the United States District Court states that prayers given as part of the official proceedings of the Indiana House of Representatives "should not use Christ's name or title or any other denominational appeal" and should not "proclaim

or otherwise communicate the beliefs that Jesus of Nazareth was the Christ, the Messiah, the Son of God, or the Savior, or that he was resurrected, or that he will return on Judgment Day or is otherwise divine";

Whereas, This order is inconsistent with the settled beliefs and deepest convictions of many Hoosiers;

Whereas, Because it attempts to control the content of prayer, this order undermines the rights of all Hoosiers regardless of their theological convictions;

Whereas, This order is contrary to the principles of religious liberty upon which this Nation was founded and which are embodied in the First Amendment to the United States Constitution;

Whereas, In Marsh v. Chambers in 1983 the United States Supreme Court considered our Nation's more than 200 hundred year history of legislative prayers, including prayers that invoke the name of Jesus Christ, and found that "In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with prayer has become part of the fabric of our society. To invoke Divine guidance on a public body entrusted with making the laws is not, in these circumstances, an "establishment" of religion or a step toward establishment; it is simply a tolerable acknowledgment of beliefs widely held among the people of this country."

Whereas, As the United States Supreme Court's decisions make clear, public officials are not competent, in our constitutional order, to make the fine theological distinctions and comparisons necessary for one to declare that a prayer is sufficiently "inclusive" or "nonsectarian" to satisfy the court's injunction and the content of prayer is a matter solely for the religious conscience of the cleric or representative offering it;

Whereas, This order violates the fundamental rights of men and women conferred upon them by their Creator to always and freely seek the guidance and blessings of their Creator in accordance with the dictates of their conscience;

Whereas, The members of the Indiana House of Representatives believe that the United States District Court for the Southern District of Indiana has transcended the line between co-equal sovereigns in our federal system of government and has improperly intruded upon the affairs of the legislative branch of Indiana State Government by attempting to dictate the content of our prayers; and

Whereas, The members of the Indiana House of Representatives have taken an oath to uphold the Constitution of the United States, and the members have considered the constitutionality of the practice under challenge and have concluded that it is fully consistent with the Establishment Clause of the First Amendment to the United States Constitution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That it is the judgment of the Indiana House of Representatives that the order of the United States District Court for the Southern District of Indiana is contrary to the word and spirit of the First Amendment.

SECTION 2. That the Speaker of the Indiana House of Representatives is urged to use the authority granted to him to prosecute all possible appeals of the order and to use all other lawful means at his disposal to seek the invalidation of that order.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Indiana General Assembly, the United States Congress, and the President of the United States.

The resolution was read a second time. Upon request of Representatives Friend and Turner, the Speaker ordered the roll of the House to be called. Roll Call 214: yeas 85, nays 0. The resolution was adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 13

The Speaker handed down Senate Concurrent Resolution 13, sponsored by Representative Noe:

A CONCURRENT RESOLUTION recognizing the Brant family and the Indiana Oxygen Company.

Whereas, Eight years after the commercial production of oxygen began in the United States in 1907, the Indiana Oxygen Company became one of the first producers of the gas in central Indiana;

Whereas, Formed in 1915 by Walter and John Brant, the Indiana Oxygen Company remains a family-run operation and is currently guided by Walter L. Brant II;

Whereas, In 2005, the company received the prestigious "Entrepreneur of the Year" award for its entrepreneurial innovations;

Whereas, Through the guidance of the Brant family, the company has become a leader in the welding gas field and manufactures, sells, and distributes industrial gases, laboratory gases, medical gases, and welding supplies;

Whereas, The company is active in Indiana's growing life science initiative as a supplier to Indiana's medical laboratories, manufacturers, and research facilities;

Whereas, In 1911, the year of the first Indianapolis 500 race, Walter and John Brant, owners of the Indianapolis-based Lozier car agency and future company founders, sponsored two cars in the race;

Whereas, One of the cars, driven by Ralph Mulford, was first runner-up to the Marmon Wasp driven by winner Ray Harroun;

Whereas, After founding the company in 1915, the Brants continued their interest in racing, serving on Otis Porter's technical scoring staff and assisting with timing and pit stop data;

Whereas, The methods and technical procedures of inflating race car tires with Indiana Oxygen compressed air became a subject of particular interest to the racing teams primarily because the use of compressed air decreased pit times;

Whereas, A short time later, as more sophisticated methods of manufacturing became known, Indiana Oxygen began to play a significant role in the development of advanced technologies through its production of nitrogen gas, the first gas substituted for compressed air for inflating tires in the late 1920s by Firestone;

Whereas, Indiana Oxygen, seeking new uses for gas, pioneered the use of nitrogen for refueling under pressure;

Whereas, From 1937 to 1964, when pressurized refueling was eliminated from the race, Indiana Oxygen continued to provide gases and welding services to the race teams;

Whereas, The Indiana Oxygen Company is statewide with a main headquarters, eight branch locations, 40 distributors, and customers in every state; and

Whereas, Indiana Oxygen has been keeping up with changing business techniques; currently 30% of its sales comes from the Internet: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the contributions the Brandt family has made to the economic welfare of our state.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Walter L. Brant II, president of the Indiana Oxygen Company.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 16

The Speaker handed down Senate Concurrent Resolution 16, sponsored by Representatives Yount, Messer, and Koch:

A CONCURRENT RESOLUTION to congratulate Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame.

Whereas, Sam Simmermaker and his wife, Fran, arrived in Columbus, Indiana in December 1959 for what they believed would be a brief stop on a career path that was headed toward St. Louis;

Whereas, As a life-long St. Louis Cardinals baseball fan, Sam Simmermaker's goal was to one day be the club's sportscaster;

Whereas, Forty-seven years later, Sam Simmermaker's career path has instead made him a legendary sportscaster throughout the listening areas of the WCSI/WKKG radio stations, and specifically in Columbus;

Whereas, Sam Simmermaker has been the voice of the Columbus High School Bull Dogs Basketball Team, beginning with their powerhouse days in the 1960's and continuing through the present;

Whereas, Although high school basketball has seen many changes over the years, Sam has preserved his style, displaying an innate ability to paint a picture for fans when calling play-by-play action and incorporating his knowledge of the community while always maintaining a professional nature;

Whereas, Throughout his long career, Sam has received numerous awards including, the National Sportscasters and Sportswriters Association Indiana Sportscaster of the Year Award in 1976 and 1977 and induction into the Indiana Sportswriters and Sportscasters Hall of Fame in 1998;

Whereas, In 2006, Sam's dedication to the profession of sportscasting is once again being recognized as he is inducted into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner. This award is given to a person who makes a significant contribution to Indiana basketball in a role other than as a player or coach; and

Whereas, The City of Columbus is grateful to have this sports legend and friend as a long-time member of the community: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner.

SECTION 2. That the Indiana General Assembly congratulates Sam Simmermaker on a long and prosperous career in the sportscasting profession and recognizes his accomplishments and contributions to the Columbus, Indiana community.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Mr. Sam Simmermaker and family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 29

The Speaker handed down Senate Concurrent Resolution 29, sponsored by Representatives Pflum, Saunders, and Hoffman:

A CONCURRENT RESOLUTION congratulating Earlham College's Dr. John Iverson for being named the 2005 Indiana Professor of the Year by the Carnegie Foundation for the Advancement of Teaching.

Whereas, The Carnegie Foundation for the Advancement of Teaching and the International Council for Advancement and Support of Education (CASE) have sponsored the Professor of the Year Program to recognize outstanding college and university professors from across the country since 1981;

Whereas, While the Carnegie Foundation accepts nominations of professors from four categories of institutions—community colleges, research universities, and institutions that grant bachelors and masters degrees—each year, the Professor of the Year Program honors only one professor for each state;

Whereas, Nominees are assessed based on their impact on and involvement with undergraduate students, their scholarly approach to teaching and learning, their contributions to undergraduate education, and testimony from colleagues and current and former students;

Whereas, Dr. John Iverson is a Professor of Biology and Director of the Joseph Moore Museum of Natural History at Earlham College

in Richmond, Indiana, where he has been a member of the faculty since 1978;

Whereas, To encourage students to become actively involved in the process of science, Dr. Iverson invites students to accompany him to his three long-term study sites. He attributes his success with students to "maintaining an active, hands-on, year-round research program that involves as many students as possible";

Whereas, Dr. Iverson sees himself as an "assistant in learning" and emphasizes collaboration in order to "learn more and teach better than we possibly could alone." Undergraduate students co-authored more than 40 of the approximately 150 scientific papers he has had published while at Earlham;

Whereas, As one of the world's leading herpetologists, specializing in the study of turtles and iguanas and their respective ecologies, Dr. Iverson has been instrumental, not only in continuing, but also enhancing Earlham's reputation for excellence in the natural sciences;

Whereas, Roughly one-fifth of Earlham's graduates have majored in biology. In addition, Earlham ranks eighth nationally—between Johns Hopkins and the Massachusetts Institute of Technology—in the percentage of its biology majors who have since gone on to earn a Ph.D. in the field; and

Whereas, More than 400 professors from various institutions in 40 states were nominated for consideration by the Carnegie Foundation judges. Dr. John Iverson was recognized as the Indiana Professor of the Year in a ceremony in Washington, D.C. on November 17, 2005: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Dr. John Iverson for being recognized as the 2005 Indiana Professor of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Earlham College President, Douglas Bennett, Independent Colleges of Indiana President, Hans Giesecke, and Dr. John Iverson.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 169 and 191 had been referred to the Committee on Ways and Means.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 36 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 16, 2006 at 1:30 p.m.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Turner and Richardson be added as coauthors of House Resolutions 1.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as

cosponsor of Engrossed Senate Bill 47.

McCLAIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 54.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 55.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Klinker be removed as sponsor, Representative Woodruff be substituted as sponsor, and that Representative Klinker be added as cosponsor of Engrossed Senate Bill 112.

KLINKER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 114.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 168.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Ruppel be added as cosponsor of Engrossed Senate Bill 206.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Friend be added as cosponsor of Engrossed Senate Bill 229.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Espich be removed as sponsor, Representative Ripley be substituted as sponsor, and that Representative Espich be added as cosponsor of Engrossed Senate Bill 360.

ESPICH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bell, the House adjourned at 2:50 p.m., this thirteenth day of February, 2006, until Thursday, February 16, 2006, at 1:30 p.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Nineteenth Meeting Day

Thursday Afternoon

February 16, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Cleo R. Duncan and Eagle Scout Vincent Hawkins of Greensburg, Indiana..

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 215: 100 present. The Speaker announced a quorum in attendance.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1049, 1103, 1107, and 1249 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1207, 1238, 1280, and 1353 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 38 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 11, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 23, line 27, before "If" insert "**Sec. 29.5.**".

(Reference is to SB 11 as printed January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 18, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 22, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred

Engrossed Senate Bill 40, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "IC 31-9-2-48.5" and insert "IC 31-9-2-48.3".
 Page 1, line 3, delete "Sec. 48.5." and insert "**Sec. 48.3.**".
 Page 1, line 6, delete "IC 31-9-2-84.5" and insert "IC 31-9-2-84.6".
 Page 1, line 8, delete "Sec. 84.5." and insert "**Sec. 84.6.**".
 Page 1, line 9, delete "has or is" and insert "**has, or has filed an action**".
 Page 1, line 11, delete "a" and insert "**the**".
 Page 1, line 12, delete "a" and insert "**the**".
 Page 1, line 13, delete "a" and insert "**the**".
 Page 3, line 24, after "award" insert "**reasonable**".
 Page 3, line 36, delete "a" and insert "**the**".
 Page 3, line 36, delete "individual:" and insert "**individuals:**".
 Page 3, line 37, after "registered" insert "**or certified**".
 Page 6, line 12, delete "FOLLOWS:" and insert "FOLLOWS [EFFECTIVE JULY 1, 2006]:".

(Reference is to SB 40 as reprinted January 18, 2006.)
 and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 47, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 17, strike "an" and insert "**a prospective or current**".
 Page 2, line 17, after "or" and insert "**a prospective or current**".
 Page 3, line 6, delete "an" and insert "**a prospective or current**".
 Page 3, line 6, after "or" insert "**a prospective or current**".
 Page 3, after line 8, begin a new paragraph and insert:
"(g) The department may not charge:
(1) a council of the Girls Scouts of the U.S.A.; or
(2) a council of the Boy Scouts of America;
a fee for responding to a request for the release of a limited criminal history check of a prospective or current employee, or a prospective or current volunteer."

(Reference is to SB 47 as printed January 11, 2006.)
 and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 54, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 40. (a) The criminal history data fund is established for the purpose of operating and maintaining the central repository for criminal history data. In addition, at the discretion of the superintendent, the fund may be used to establish, operate, or maintain an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7. The fund shall be administered by the department.**

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if at the end of a

particular state fiscal year the amount of money that has been deposited in the state general fund in the state fiscal year from handgun license fees (as described in IC 35-47-2-4) is less than one million one hundred thousand dollars (\$1,100,000), the treasurer shall transfer from the fund to the state general fund the lesser of the balance in the fund or the difference between one million one hundred thousand dollars (\$1,100,000) and the amount of money that has been deposited in the state general fund in the state fiscal year from handgun license fees (as described in IC 35-47-2-4).

SECTION 2. IC 35-41-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person is justified in using reasonable force against another person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; ~~only~~ and

(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

(b) A person:

(1) is justified in using reasonable force, including deadly force, against another person; and

(2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, ~~or~~ curtilage, ~~or~~ **occupied motor vehicle.**

(c) With respect to property other than a dwelling, ~~or~~ curtilage, ~~or~~ **occupied motor vehicle**, a person is justified in using reasonable force against another person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

(1) is ~~not~~ justified in using deadly force; ~~unless~~ and

(2) does not have a duty to retreat;

only if that force is justified under subsection (a).

(d) A person is justified in using reasonable force, including deadly force, against another person **and does not have a duty to retreat** if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

(e) Notwithstanding subsections (a), (b), and (c), a person is not justified in using force if:

(1) the person is committing or is escaping after the commission of a crime;

(2) the person provokes unlawful action by another person with intent to cause bodily injury to the other person; or

(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

(f) Notwithstanding subsection (d), a person is not justified in using force if the person:

(1) is committing, or is escaping after the commission of, a crime;

(2) provokes unlawful action by another person, with intent to cause bodily injury to the other person; or

(3) continues to combat another person after the other person withdraws from the encounter and communicates the other

person's intent to stop hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight.

SECTION 3. IC 35-47-2-3, AS AMENDED BY P.L.187-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person desiring a license to carry a handgun shall apply:

- (1) to the chief of police or corresponding law enforcement officer of the municipality in which the applicant resides;
- (2) if that municipality has no such officer, or if the applicant does not reside in a municipality, to the sheriff of the county in which the applicant resides after the applicant has obtained an application form prescribed by the superintendent; or
- (3) if the applicant is a resident of another state and has a regular place of business or employment in Indiana, to the sheriff of the county in which the applicant has a regular place of business or employment.

The superintendent and local law enforcement agencies shall allow an applicant desiring to obtain or renew a license to carry a handgun to submit an application electronically under this chapter if federal funds are available to establish and maintain an electronic application system.

(b) The law enforcement agency which accepts an application for a handgun license shall collect a ~~ten dollar (\$10) application fee; five dollars (\$5) of which shall be refunded if the license is not issued; the following application fees:~~

- (1) From a person applying for a four (4) year handgun license, a ten dollar (\$10) application fee, five dollars (\$5) of which shall be refunded if the license is not issued.**
- (2) From a person applying for a lifetime handgun license who does not currently possess a valid Indiana handgun license, a fifty dollar (\$50) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.**
- (3) From a person applying for a lifetime handgun license who currently possesses a valid Indiana handgun license, a forty dollar (\$40) application fee, thirty dollars (\$30) of which shall be refunded if the license is not issued.**

Except as provided in subsection (h), the fee shall be ~~(+) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and (2) used by the agency for the purpose of: (A) training to train law enforcement officers in the proper use of firearms or in other law enforcement duties, or (B) purchasing to purchase firearms or firearm related equipment, or both,~~ for the law enforcement officers employed by the law enforcement agency. ~~firearms; or firearm related equipment; or both.~~ The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain the applicant's name, full address, length of residence in the community, whether the applicant's residence is located within the limits of any city or town, the applicant's occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether the applicant's license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with the officer's recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation the superintendent deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with the officer's complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant:

- (1) has a proper reason for carrying a handgun;
- (2) is of good character and reputation;
- (3) is a proper person to be licensed; and
- (4) is:

(A) a citizen of the United States; or

(B) not a citizen of the United States but is allowed to carry a firearm in the United States under federal law;

the superintendent shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years ~~This in the case of a four (4) year license. The superintendent may adopt guidelines to establish a records retention policy for a lifetime license. A four (4) year license shall be valid for a period of four (4) years from the date of issue. A lifetime license is valid for the life of the individual receiving the license.~~ The license of police officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of ~~such these~~ individuals. However, ~~such a lifetime license is~~ **license is** automatically revoked if the license holder does not remain a proper person.

(f) At the time a license is issued and delivered to a licensee under subsection (e), the superintendent shall include with the license information concerning handgun safety rules that:

- (1) neither opposes nor supports an individual's right to bear arms; and
- (2) is:
 - (A) recommended by a nonprofit educational organization that is dedicated to providing education on safe handling and use of firearms;
 - (B) prepared by the state police department; and
 - (C) approved by the superintendent.

The superintendent may not deny a license under this section because the information required under this subsection is unavailable at the time the superintendent would otherwise issue a license. The state police department may accept private donations or grants to defray the cost of printing and mailing the information required under this subsection.

(g) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) has had a license to carry a handgun suspended, unless the person's license has been reinstated;
- (3) is under eighteen (18) years of age;
- (4) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (5) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (5), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(h) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(i) If a person who holds a valid license to carry a handgun issued under this chapter:

- (1) changes the person's name; ~~or~~
- (2) changes the person's address; ~~or~~
- (3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person or otherwise disqualify the person from holding a license;**

the person shall, not later than **thirty (30) days after the date of a**

change described in subdivision (3), and not later than sixty (60) days after the date of the change described under subdivision (1) or (2), notify the superintendent, in writing, of the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2), the person's new name or new address.

(j) The state police shall indicate on the form for a license to carry a handgun the notification requirements of subsection (i).

(k) The state police department shall adopt rules under IC 4-22-2 to implement an electronic application system under subsection (a). Rules adopted under this subsection must require the superintendent to keep on file one (1) set of classifiable and legible fingerprints from every person who has received a license to carry a handgun so that a person who applies to renew a license will not be required to submit an additional set of fingerprints.

SECTION 4. IC 35-47-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Licenses to carry handguns shall be either qualified or unlimited, and are valid for:

- (1) four (4) years from the date of issue in the case of a four (4) year license; or
- (2) the life of the individual receiving the license in the case of a lifetime license.

A qualified license shall be issued for hunting and target practice. The superintendent may adopt rules imposing limitations on the use and carrying of handguns under a license when handguns are carried by a licensee as a condition of employment. Unlimited licenses shall be issued for the purpose of the protection of life and property.

(b) In addition to the application fee, the fee for:

- (1) a qualified license shall be:
 - (A) five dollars (\$5) for a four (4) year qualified license;
 - (B) twenty-five dollars (\$25) for a lifetime qualified license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) twenty dollars (\$20) for a lifetime qualified license from a person who currently possesses a valid Indiana handgun license; and the fee for
- (2) an unlimited license shall be:
 - (A) fifteen dollars (\$15) thirty dollars (\$30) for a four (4) year unlimited license;
 - (B) seventy-five dollars (\$75) for a lifetime unlimited license from a person who does not currently possess a valid Indiana handgun license; or
 - (C) sixty dollars (\$60) for a lifetime unlimited license from a person who currently possesses a valid Indiana handgun license.

The superintendent shall charge a five dollar (\$5) twenty dollar (\$20) fee for the issuance of a duplicate license to replace a lost or damaged license. These fees shall be deposited by the superintendent with the treasurer of state in accordance with subsection (e).

(c) Licensed dealers are exempt from the payment of fees specified in subsection (b) for a qualified license or an unlimited license.

(d) The following officers of this state or the United States who have been honorably retired by a lawfully created pension board or its equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of fees specified in subsection (b):

- (1) Police officers.
- (2) Sheriffs or their deputies.
- (3) Law enforcement officers.
- (4) Correctional officers.

(e) Fees collected under this section shall be deposited as follows:

- (1) One hundred percent (100%) of the fees for:
 - (A) a qualified license described in subsection (b)(1); and
 - (B) a four (4) year unlimited license described in subsection (b)(2)(A);
 shall be deposited in the state general fund.
- (2) Of the lifetime unlimited license fee from a person who does not currently possess a valid Indiana handgun license (as described in subsection (b)(2)(B)):
 - (A) forty-five dollars (\$45) shall be deposited in the state general fund; and

(B) thirty dollars (\$30) shall be deposited in the criminal history data fund established by IC 10-13-3-40.

(3) Of the lifetime unlimited license fee from a person who currently possesses a valid Indiana handgun license (as described in subsection (b)(2)(C)):

(A) thirty dollars (\$30) shall be deposited in the state general fund; and

(B) thirty dollars (\$30) shall be deposited in the criminal history data fund established by IC 10-13-3-40.

SECTION 5. IC 35-47-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Every initial application for any license under this chapter shall be granted or rejected within sixty (60) days after the application is filed.

(b) The period during which an application for the renewal of an existing license may be filed begins one hundred eighty (180) days before the expiration of the existing license. If the application for renewal of an existing license is filed within thirty (30) days of its expiration, the existing license is automatically extended until the application for renewal is passed upon.

SECTION 6. IC 35-47-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This chapter does not apply to the following:

- (1) Transactions between persons who are licensed as firearms importers or collectors or firearms manufacturers or dealers under 18 U.S.C. 923.
- (2) Purchases by or sales to a law enforcement officer or agent of the United States, the state, or a county or local government.
- (3) Indiana residents licensed to carry handguns under IC 35-47-2-3.

(b) Notwithstanding any other provision of this chapter, the state shall participate in the NICS if federal funds are available to assist the state in participating in the NICS. If:

- (1) the state participates in the NICS; and
- (2) there is a conflict between:
 - (A) a provision of this chapter; and
 - (B) a procedure required under the NICS;

the procedure required under the NICS prevails over the conflicting provision of this chapter.

SECTION 7. IC 35-47-2.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. As used in this chapter, "NICS" refers to the National Instant Criminal Background Check System maintained by the Federal Bureau of Investigation in accordance with the federal Brady Handgun Violence Prevention Act (18 U.S.C. 921 et seq.).

SECTION 8. IC 35-47-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Notwithstanding any other law, a person purchasing a handgun from a dealer shall consent in writing, on a form to be provided by the superintendent, to have the dealer obtain criminal history information.

(b) The form shall include, in addition to the information required by section 4 of this chapter, the same information required to be included on the firearms transaction record required by federal regulations administered by the Bureau of Alcohol, Tobacco, and Firearms of the United States Department of the Treasury. However, the form may not include any information related to the handgun.

(a) A person purchasing a handgun from a dealer shall complete and sign Bureau of Alcohol, Tobacco, Firearms and Explosives Form 4473.

(b) The dealer shall forward the copies a copy of the forms shall be mailed or delivered Form 4473 signed by the purchaser to the state police department before the last day of the month following the sale.

SECTION 9. IC 35-47-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A dealer may not sell, rent, trade, or transfer from the dealer's inventory a handgun to a person until the dealer has done all of the following:

- (1) Obtained from the prospective purchaser written consent to a criminal history check; a completed and signed Form 4473 as specified in section 3 of this chapter.
- (2) Provided the state police department with the prospective purchaser's name; birth date; gender; race; Social Security number; and any other identification required of the prospective

purchaser:

(3) Requested and received criminal history information from the state police department by means of:

(A) a telephone call; or

(B) other electronic means.

(2) Contacted NICS:

(A) by telephone; or

(B) electronically;

to request a background check on the prospective purchaser.

(3) Received authorization from NICS to transfer the handgun to the prospective purchaser.

(b) The dealer shall record the NICS transaction number on Form 4473 and retain Form 4473 for auditing purposes.

SECTION 10. IC 35-47-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who knowingly or intentionally makes a materially false statement on the consent form required by a Form 4473 completed and forwarded under section 3 of this chapter commits a Class D felony.

SECTION 11. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 4-6-3-12; IC 35-47-2.5-6; IC 35-47-2.5-7; IC 35-47-2.5-8; IC 35-47-2.5-9; IC 35-47-2.5-10; IC 35-47-2.5-11.

SECTION 12. [EFFECTIVE JULY 1, 2006] **IC 35-47-2.5-12, as amended by this act, applies only to crimes committed after June 30, 2006.**

(Reference is to SB 54 as printed January 27, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 58, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 60, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 5.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred Engrossed Senate Bill 69, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 6, nays 1.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 71, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 30 and 31, begin a new paragraph and insert: **"(d) Not later than June 1 of each year, the county treasurer shall, in the manner specified by the state land office, send to the state land office a list of all properties:**

(1) for which one (1) or more assessment payments under

this section are delinquent; and

(2) that are owned by:

(A) the state; or

(B) a state agency."

(Reference is to SB 71 as printed January 27, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred Engrossed Senate Bill 72, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 85, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Engrossed Senate Bill 87, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 102, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "person" and insert "**donor**".

Page 1, line 4, delete "decendent's" and insert "**donor's**".

Page 1, line 5, after "from" insert "**the**".

Page 1, line 5, after "or" delete "the".

Page 1, line 9, after estate, insert "in connection with the".

Page 1, line 9, after "making" insert "**of**".

(Reference is to SB 102 as printed January 11, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 106, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, reset in roman "and".

Page 2, line 7, delete "; and" and insert ".".

Page 2, delete lines 8 through 16.

Page 2, line 17, delete "from the state gross retail tax".

Page 3, line 4, delete ", which must" and insert ".".

Page 3, delete line 5.

Page 3, line 6, delete "perjury that the information contained in the affidavit is true."

Page 3, run in lines 4 and 6.

Page 3, line 12, delete "(e)".

Page 3, line 12, strike "The department shall provide the information necessary to".

Page 3, line 13, delete "determine a purchaser's eligibility for".

Page 3, line 13, strike "an".

Page 3, strike lines 14 through 15.

(Reference is to SB 106 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 17, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 112, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 114, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 8, line 21, after "differing" insert "**composition**".

Page 8, delete lines 22 through 24.

Page 8, between lines 40 and 41, begin a new paragraph and insert: "SECTION 4. IC 29-1-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Forty-five (45) days after the death of a decedent and upon being presented an affidavit that complies with subsection (b), a person:

(1) indebted to the decedent; or

(2) having possession of personal property or an instrument evidencing a debt, an obligation, a stock, or a chose in action belonging to the decedent;

shall make payment of the indebtedness or deliver the personal property or ~~an~~ the instrument evidencing a debt, an obligation, a stock, or a chose in action to a person claiming to be entitled to payment or delivery of property of the decedent.

(b) The affidavit required by subsection (a) must be an affidavit made by or on behalf of the claimant ~~stating that:~~ **and must state the following:**

(1) **That** the value of the gross probate estate, wherever located (less liens and encumbrances), does not exceed ~~twenty-five fifty~~ thousand dollars ~~(\$25,000); (\$50,000)~~.

(2) **That** forty-five (45) days have elapsed since the death of the decedent.

(3) **That** no application or petition for the appointment of a personal representative is pending or has been granted in any jurisdiction. ~~and~~

(4) **The name and address of each other person that is entitled to a share of the property and the part of the property to which each person is entitled.**

(5) **That the claimant has notified each person identified in the affidavit of the claimant's intention to present an affidavit under this section.**

~~(4)~~ (6) **That the claimant is entitled to payment or delivery of the property on behalf of each person identified in the affidavit.**

(c) If a motor vehicle or watercraft (as defined in IC 9-13-2-198.5) is part of the estate, nothing in this section shall prohibit a transfer of the certificate of title to the motor vehicle if five (5) days have elapsed since the death of the decedent and no appointment of a personal representative is contemplated. A transfer under this subsection shall be made by the bureau of motor vehicles upon receipt of an affidavit containing a statement of the conditions required by subsection (b)(1) and ~~(b)(4):~~ **(b)(6)**. The affidavit must be duly executed by the distributees of the estate.

(d) A transfer agent of a security shall change the registered

ownership on the books of a corporation from the decedent to a claimant upon the presentation of an affidavit as provided in subsection (a).

(e) For the purposes of subsection (a), an insurance company that, by reason of the death of the decedent, becomes obligated to pay a death benefit to the estate of the decedent is considered a person indebted to the decedent.

(f) For purposes of subsection (a), property in a safe deposit box rented by a decedent from a financial institution organized or reorganized under the law of any state (as defined in IC 28-2-17-19) or the United States is considered personal property belonging to the decedent in the possession of the financial institution.

SECTION 5. IC 29-1-8-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The person claiming to be entitled to payment or delivery of the property belonging to the decedent may present to the court having jurisdiction over ~~the~~ decedent's estate an affidavit containing a statement of the conditions required under ~~subdivisions (1) through (4) of section 1(a)~~ **section (1)(b)** of this chapter. Upon receipt of the affidavit, the court may, without notice and hearing, enter an order that the claimant is entitled to payment or delivery of the property."

Page 11, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2006] **IC 29-1-8-1 and IC 29-1-8-4.5, both as amended by this act, apply to the estate of an individual who dies after June 30, 2006.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 114, Printer's Error, as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 133, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 146, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 148, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 6, strike "and".

Page 1, line 8, delete "," and insert "; and

(3) Jasper County."

Page 1, line 9, after "(b)" insert "**This subsection applies only to a county described in subsection (a)(1) or (a)(2).**"

Page 2, line 5, delete "maintain any of the facilities described in" and insert "**maintain:**

(1) jail facilities;

(2) juvenile court, detention, and probation facilities;

(3) other criminal justice facilities; and

(4) related buildings and parking facilities;"

Page 2, line 6, delete "subsection (b)(1)(A) through (b)(1)(D) that are".

Page 2, line 6, beginning with "located" begin a new line blocked

left.

Page 2, line 7, delete "The" and insert "A".

Page 2, line 7, after "county council" insert "of a county described in subsection (a)(1) or (a)(2)".

Page 2, line 42, after "(3)" insert "if the county imposing the tax under this section is a county with a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)".

Page 6, between lines 20 and 21, begin a new paragraph and insert: "SECTION 4. IC 6-3.5-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:

(1) maintaining low property tax rates is essential to economic development; and

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, or equipping of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A);

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, or equipping of jail facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1).

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before April 1 in a year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after March 31 of a year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1).

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the

immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 5. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

(5) thirty-five hundredths percent (0.35%);

(6) four-tenths percent (0.4%);

(7) forty-five hundredths percent (0.45%); or

(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), or (s), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), or (t), or (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and:

- (A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or
- (B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

- (1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

- (A) county economic development income tax; and
- (B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on ~~homesteads~~ **residential property** (as defined in ~~IC 6-1.1-20.9-1~~ **section 26(b)(4) of this chapter**) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to a county to which IC 6-3.5-6-29 applies. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

SECTION 6. IC 6-3.5-7-26, AS AMENDED BY P.L.199-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This section applies only to homestead credits for property taxes first due and payable after calendar year 2006.

(b) ~~For purposes of~~ **The following definitions apply throughout this section:**

(1) "Adopt" includes amend.

(2) "Adopting entity" means:

~~(1)~~ **(A)** the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

~~(2)~~ **(B)** any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) "Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9.

(4) "Residential" refers to real property, mobile homes, and industrialized housing classified under the standards specified by the department of local government finance as

used for a residential purpose, including tangible property that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9 and rental residential property.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. An ordinance must be adopted under this subsection after January 1 but before April 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section 16(c) of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for **one (1) of the following, as determined by the adopting entity:**

(A) Uniformly applied increased homestead credits as provided in subsection (f). ~~or~~

(B) Uniformly applied increased residential credits as provided in subsection (g).

~~(B)~~ (C) Allocated increased homestead credits as provided in subsection ~~(h)~~ (i).

(D) Allocated increased residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection ~~(i)~~ (k); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16(c) of this chapter to increase:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), the homestead credit allowed in the county under IC 6-1.1-20.9 for a year; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), the property tax replacement credit allowed in the county under IC 6-1.1-21-5 for a year for the residential property;

to offset the effect on homesteads **or residential property, as applicable**, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42. **The amount of an additional residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 or another law other than IC 6-1.1-20.6.**

(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform increased residential credits under subsection (c)(2)(B), the county auditor shall determine for each calendar year in which an increased homestead credit percentage is authorized under this section:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit percentage for the year;

(2) the amount of uniformly applied residential property tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of residential property tax replacement credit that equates to the amount of residential property tax replacement credits determined under subdivision (2).

~~(g)~~ (h) The increased percentage of homestead credit determined by the county auditor under subsection (f) **or the increased percentage of residential property tax replacement credit determined by the county auditor under subsection (g)** applies uniformly in the county in the calendar year for which the increased percentage is determined.

~~(h)~~ (i) If the imposing entity specifies the application of allocated increased homestead credits under subsection ~~(c)(2)(B)~~ (c)(2)(C), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and

(2) except as provided in subsection ~~(j)~~ (l), an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(j) If the imposing entity specifies the application of allocated increased residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall determine for each calendar year in which an increased residential property tax replacement credit is authorized under this section:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit for the year; and

(2) except as provided in subsection (l), an increased percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of increased residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

~~(i)~~ (k) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit **or residential property tax replacement credit** within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit **or residential property tax replacement credit.**

~~(j)~~ (l) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection ~~(h)~~ (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or

(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property

in the county.

SECTION 7. IC 6-9-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If the tax is imposed by a municipality under this chapter, the tax terminates January 1, ~~2007~~ 2017.

(b) This chapter expires July 1, ~~2007~~ 2017.

SECTION 8. IC 6-9-27-9.5, AS ADDED BY P.L.214-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.5. (a) A city shall use money in the fund established under section 8.5 of this chapter for only the following:

- (1) Renovating the city hall.
- (2) Constructing new police or fire stations, or both.
- (3) Improving the city's sanitary sewers or wastewater treatment facilities, or both.
- (4) Improving the city's storm water drainage systems.
- (5) Other projects involving the city's water system or protecting the city's well fields, as determined by the city fiscal body.

Money in the fund may not be used for the operating costs of a project. ~~In addition, the city may not initiate a project under this chapter after December 31, 2010.~~

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city or a special taxing district in the city to provide the projects described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (b) is enforceable under IC 5-1-14-4.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) **The general assembly finds that:**

- (1) **IC 6-3.5-1.1-2.8, as amended by this act, allows Jasper County to fund the operation and maintenance of a jail and juvenile detention center through the use of county option income tax revenues; and**
- (2) **allowing Jasper County to fund the operation and maintenance of a jail and juvenile detention center through the use of county option income tax revenues rather than the use of property taxes promotes the purpose of maintaining low property tax rates and is essential to economic development.**

(b) **These special circumstances require legislation particular to Jasper County.**

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) **As used in this SECTION, "adopting entity" has the meaning set forth in IC 6-3.5-7-26.**

(b) **Notwithstanding IC 6-3.5-7-5, IC 6-3.5-7-6, and IC 6-3.5-7-26, an adopting entity may adopt or amend an ordinance under IC 6-3.5-7-26 in 2006 before June 1, 2006. A tax rate imposed in an ordinance adopted before June 1, 2006, applies to the adjusted gross income of county taxpayers on July 1, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to SB 148 as printed January 20, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 16, nays 4.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 154, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 3.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland

Security, to which was referred Engrossed Senate Bill 206, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 208, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 217, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 232, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 258, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and taxation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-1-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The governor, with the assistance of the budget director, is responsible for establishing and maintaining internal controls (as defined in IC 4-12-1-1.5) on the collection, recording, processing, summarizing, and reporting of accounting and financial information in all state agencies in the executive department of state government. The governor and the budget director shall work with the state board of accounts to formulate, prescribe, and install systems of accounting and reporting under IC 5-11-1-2, IC 5-11-1-21, and IC 5-11-1-26 to ensure sufficient internal control over accounting and financial information to enable the governor and budget director to make the certifications required by IC 4-12-1-19.

SECTION 2. IC 4-12-1-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. As used in this chapter, "internal control" means a process, effected by the governor, the state board of accounts, and other personnel in the executive department of state government, designed to provide reasonable assurance regarding the achievement of the following objectives:

- (1) Effectiveness and efficiency of operations, including the use of the resources at the disposal of the executive department of state government.
- (2) The reliability of financial reporting, including the

following:

- (A) Reports on budget execution.
- (B) Financial statements.
- (C) Other reports for internal and external use.
- (3) Compliance with applicable laws and rules.
- (4) Safeguarding assets.

SECTION 3. IC 4-12-1-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) This section applies to the following statements:

- (1) Year end closing statements that:
 - (A) include financial information about the state cash or fund balances, revenues, or expenditures; and
 - (B) are prepared by the budget agency, the budget committee, or another entity for the budget agency or the budget committee.
- (2) Any other interim or biennial statement that:
 - (A) concerns state cash or state fund balances, revenues, or expenditures;
 - (B) is prepared by the budget agency, the budget committee, or another entity for the budget agency or the budget committee; and
 - (C) is distributed outside the budget agency.
- (3) A comprehensive annual financial report prepared by the auditor of state.
- (4) To the extent provided in subsection (c), budget reports prepared under this chapter and surplus statements prepared by the budget agency, the budget committee, or another entity for the budget agency or the budget committee that:
 - (A) forecast the effect of appropriations or expenditures on cash or fund balances in a future period; and
 - (B) are distributed outside the budget agency.
- (b) The budget director and the governor both shall certify in a statement described in subsection (a) that:
 - (1) the signing officers have reviewed the statement;
 - (2) based on the signing officers' knowledge, the statement does not:
 - (A) contain any untrue statement of a material fact; or
 - (B) omit a material fact necessary to make the statements made, in light of the circumstances under which the statements are made, not misleading;
 - (3) based on the signing officer's knowledge, the information in the statement fairly presents in all material respects the financial condition and results of operations of the state covered by the statement as of and for the periods presented in the statement;
 - (4) the signing officers:
 - (A) are responsible for establishing and maintaining internal controls on the collection, recording, and reporting of accounting and financial information in the executive department of state government;
 - (B) have designed the internal controls to ensure that material information relating to the executive department of state government is made known to the signing officers by others within those entities, particularly during the period for which the statement is prepared;
 - (C) have evaluated the effectiveness of the state's internal controls within ninety (90) days before the date of the statement; and
 - (D) have presented in the statement their conclusions about the effectiveness of the internal controls based on their evaluation as of that date;
 - (5) the signing officers have disclosed to the auditor of state, the members of the state board of finance, and the state board of accounts:
 - (A) all significant deficiencies in the design or operation of internal controls in the executive department of state government and, to the extent known to the signing officers, in any other agency or component unit covered by the statement that could adversely affect the state's ability to collect, record, process, summarize, and report accounting and financial data, and have identified for the

auditor of state, the members of the state board of finance, and the state board of accounts any material weaknesses in internal controls; and

- (B) any fraud, whether or not material, that involves officials or other employees who have a significant role in the state's internal controls of the executive department of state government and, to the extent known to the signing officers, in any other agency or component unit covered by the statement; and
 - (6) the signing officers have indicated in the statement whether or not there were significant changes in internal controls or in other factors that could significantly affect internal controls subsequent to the date of their evaluation, including any corrective actions with regard to significant deficiencies and material weaknesses.
 - (c) This subsection applies to a statement described in subsection (a)(3). The certifications described in subsection (b)(1) and (b)(2) must be included with the statement. The budget director and the governor also must include a certification that information in the statement is reported using the same accounting and reporting principles and methods that apply to the reporting of historical financial information. However, if there is a change in accounting principles and methods, the budget director and the governor shall indicate the change in accounting principles and methods as an exception and explain the effect of the change in accounting principles and methods on the financial information.
 - (d) The auditor of state shall include a statement prepared under this section for a comprehensive annual financial report as supplemental information.
- SECTION 4. IC 5-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 15, 2006 (RETROACTIVE)]:
- Sec. 1. (a) The following definitions apply throughout this section:
- (1) "Agreement" means any agreement that includes terms, representations, or provisions relating to:
 - (A) credit enhancement of, or rate covenants supporting, any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);
 - (B) any indenture or provision regarding any indenture relating to any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);
 - (C) payment of any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b) in the event of a termination of the agreement; or
 - (D) public works, capital improvements, or economic development projects.
 - (2) "Leasing body" means a not-for-profit corporation, limited purpose corporation, or authority that has leased land and a building or buildings to an entity named in subsection (b) other than another leasing body.
 - (3) "Swap agreement" has the meaning set forth in IC 8-9.5-9-4.
 - (b) All bonds, notes, evidences of indebtedness, swap agreements, agreements, leases, or other written obligations issued or executed by or in the name of any:
 - (1) state agency, county, township, city, incorporated town, school corporation, state educational institution, state supported institution of higher learning, political subdivision, joint agency created under IC 8-1-2-2, leasing body, ~~separate body corporate and politic~~, or any other political, municipal, public or quasi-public corporation; ~~or in the name of any~~
 - (2) special assessment or taxing district; ~~or in the name of any~~
 - (3) ~~board~~, commission, authority, or authorized body of any such entity; and
- any pledge, dedication or designation of revenues, conveyance, or mortgage securing these bonds, notes, evidences of indebtedness, leases, swap agreements, agreements, or other written obligations are hereby legalized and declared valid if these bonds, notes, evidences of indebtedness, leases, swap agreements, agreements, or other written obligations have been executed before March 15, 2000:

2006. All **governance, organizational, or other** proceedings had and actions taken under which the bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations were issued **or executed** or the pledge, dedication or designation of revenues, conveyance, or mortgage was granted, are hereby fully legalized and declared valid.

(c) All contracts for the purchase of electric power and energy or utility capacity or service:

- (1) entered into by a joint agency created under IC 8-1-2.2; and
- (2) its members used for the purpose of securing payment of principal and interest on bonds, notes, evidences of indebtedness, leases, or other written obligations issued by or in the name of such joint agency;

are hereby legalized and declared valid if entered into before March 15, ~~2000~~ **2006**. All proceedings held and actions taken under which contracts for the purchase of electric power and energy or utility capacity or service were executed or entered into are hereby fully legalized and declared valid.

(d) All interlocal cooperation agreements entered into by political subdivisions or governmental entities under IC 36-1-7 are hereby legalized and declared valid if entered into before March 15, ~~2000~~ **2006**. All proceedings held and actions taken under which interlocal cooperation agreements were executed or entered into are hereby fully legalized and validated."

Page 8, between lines 17 and 18, begin a new paragraph and insert: "SECTION 11. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

- (A) **for taxable years beginning after December 31, 2004, and before January 1, 2006**, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code ~~for taxable years beginning after December 31, 1996; (as effective January 1, 2004) and for taxable years beginning after December 31, 2005, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code for a dependent that qualifies as a qualified child (as defined in Section 152 of the Internal Revenue Code); and~~
- (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

- (A) that part of the individual's adjusted gross income (as

defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

- (A) for a taxable year:
 - (i) including any part of 2004, the amount determined under subsection (f); and
 - (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
- (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which

bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which

bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 12. IC 6-3-1-11, AS AMENDED BY P.L.246-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~2005~~ 2006.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2005~~ 2006, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2005~~ 2006, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2005~~ 2006, that is effective for any taxable year that began before January 1, ~~2005~~ 2006, and that affects:

- (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);
- (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or
- (6) taxable income (as defined in Section 832 of the Internal

Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

SECTION 13. [EFFECTIVE JULY 1, 2006] IC 4-12-1-19, as added by this act, applies to statements prepared for fiscal years beginning after June 30, 2007, regardless of the accounting periods that are covered in the statement."

Renumber all SECTIONS consecutively.

(Reference is to SB 258 as reprinted January 24, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 260, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 17. (a) On or before June 1 of each year, each township assessor of a county shall deliver to the county assessor a list which states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the assessor on or before the filing date of that year and in a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists to the county auditor as prescribed in subsection (b).

(b) On or before July 1 of each year, each county assessor shall certify to the county auditor the assessment value of the personal property in every taxing district.

(c) The department of local government finance shall prescribe the forms required by this section.

(d) The county auditor may after complying with IC 6-1.1-17-1 adjust the list of taxable property received under this section to reflect deductions and exemptions granted after the date the list is prepared."

Page 2, line 12, delete "earlier" and insert "earliest".

Page 2, line 17, delete "or".

Page 2, line 19, delete "." and insert "; or

(3) the date on which a building permit is issued for construction of a building or structure on the land."

Page 2, between lines 21 and 22, begin a new paragraph and insert: "SECTION 3. IC 6-1.1-5-14, AS AMENDED BY P.L.88-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 14. Not later than May 15 each assessing official shall prepare and deliver to the county assessor a detailed list of the real property listed for taxation in the township. On or before July 1 of each year, each county assessor shall, under oath, prepare and deliver to the county auditor a detailed list of the real property listed for taxation in the county. In a county with an elected township assessor in every township the township assessor shall prepare the real property list. The assessing officials and the county assessor shall prepare the list in the form prescribed by the department of local government finance. The township assessor shall ensure that the county assessor has full access to the assessment records maintained by the township assessor. **The county auditor may after complying with IC 6-1.1-17-1 adjust the list of taxable property received under this section to reflect deductions and exemptions granted after the date the list is prepared."**

Page 5, between lines 18 and 19, begin a new paragraph and insert: "SECTION 7. IC 6-1.1-9-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 10. (a) If in the course of a review of a taxpayer's personal property assessment under this chapter an assessing official or the assessing official's representative discovers an error indicating that the taxpayer has overreported a personal property assessment, the assessing official shall:**

- (1) adjust the personal property assessment to correct the error; and
- (2) process a refund or credit for any resulting overpayment.

(b) Application of subsection (a) is subject to the restrictions of IC 6-1.1-11-1.

SECTION 8. IC 6-1.1-10.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) A high impact business that desires to obtain the property tax credit provided by section 10 of this chapter must file a certified credit application, on forms prescribed by the department of local government finance, with the auditor of the county in which the inventory is located. The credit application must be filed ~~on or~~ before ~~May 15~~ **August 1** each year. If the high impact business obtains a filing extension under IC 6-1.1-3-7(b) for any year, the application for the year must be filed by the extended due date for that year.

(b) The property tax credit application required by this section must contain the following information:

- (1) The name of the high impact business owning the inventory.
- (2) A description of the inventory for which a property tax credit is claimed in sufficient detail to afford identification.
- (3) The assessed value of the inventory subject to the property tax credit.
- (4) Any other information considered necessary by the department of local government finance.

(c) On verification of the correctness of a property tax credit application by the assessors of the townships in which the inventory is located, the county auditor shall grant the property tax credit.

(d) The property tax credit and the period of the credit provided for inventory under section 10 of this chapter are not affected by a change in the ownership of the high impact business if the new owner of the high impact business owning the inventory:

- (1) continues the business operation of the high impact business within the commission's jurisdiction and maintains employment levels within the commission's jurisdiction consistent with the certification and pledge required under section 9(a) of this chapter; and
- (2) files an application in the manner provided by subsections (a) and (b).

SECTION 9. IC 6-1.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) Subject to subsections (e) ~~and~~ (f), **and (g)**, an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually ~~on or~~ before ~~May 15~~ **August 1** on forms prescribed by the department of local government finance. Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter shall contain the following information:

- (1) A description of the property claimed to be exempt in sufficient detail to afford identification.
- (2) A statement showing the ownership, possession, and use of the property.
- (3) The grounds for claiming the exemption.
- (4) The full name and address of the applicant.
- (5) For the year that ends on the assessment date of the property, identification of:
 - (A) each part of the property used or occupied; and
 - (B) each part of the property not used or occupied;
 for one (1) or more exempt purposes under IC 6-1.1-10 during the time the property is used or occupied.
- (6) Any additional information which the department of local government finance may require.

(d) A person who signs an exemption application shall attest in writing and under penalties of perjury that, to the best of the person's knowledge and belief, a predominant part of the property claimed to be exempt is not being used or occupied in connection with a trade or

business that is not substantially related to the exercise or performance of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real property under subsection (a) or section 5 of this chapter a copy of the township assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation of the assessed value of the real property for the assessment date for which the exemption is claimed. Upon receipt of the exemption application, the county assessor shall examine that record and determine if the real property for which the exemption is claimed is properly assessed. If the county assessor determines that the real property is not properly assessed, the county assessor shall direct the township assessor of the township in which the real property is located to:

- (1) properly assess the real property; and
- (2) notify the county assessor and county auditor of the proper assessment.

(f) If the county assessor determines that the applicant has not filed with an application for exemption a copy of the record referred to in subsection (e), the county assessor shall notify the applicant in writing of that requirement. The applicant then has thirty (30) days after the date of the notice to comply with that requirement. The county property tax assessment board of appeals shall deny an application described in this subsection if the applicant does not comply with that requirement within the time permitted under this subsection.

(g) This subsection applies whenever a law requires an exemption to be claimed on or in an application accompanying a personal property tax return. The claim or application may be filed on or with a personal property tax return not more than thirty (30) days after the filing date for the personal property tax return, regardless of whether an extension of the filing date has been granted under IC 6-1.1-3-7.

SECTION 10. IC 6-1.1-11-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3.5. (a) A not-for-profit corporation that seeks an exemption provided by IC 6-1.1-10 for 2000 or for a year that follows 2000 by a multiple of two (2) years must file an application for the exemption in that year. However, if a not-for-profit corporation seeks an exemption provided by IC 6-1.1-10 for a year not specified in this subsection and the corporation did not receive the exemption for the preceding year, the corporation must file an application for the exemption in the year for which the exemption is sought. The not-for-profit corporation must file each exemption application in the manner (other than the requirement for filing annually) prescribed in section 3 of this chapter.

(b) A not-for-profit corporation that receives an exemption provided under IC 6-1.1-10 for a particular year that remains eligible for the exemption for the following year is only required to file a statement to apply for the exemption in the years specified in subsection (a), if the use of the not-for-profit corporation's property remains unchanged.

(c) A not-for-profit corporation that receives an exemption provided under IC 6-1.1-10 for a particular year which becomes ineligible for the exemption for the following year shall notify the assessor of the county in which the tangible property for which it claims the exemption is located of its ineligibility ~~on or~~ before ~~May 15~~ **August 1** of the year for which it becomes ineligible. If a not-for-profit corporation that is receiving an exemption provided under IC 6-1.1-10 changes the use of its tangible property so that part or all of that property no longer qualifies for the exemption, the not-for-profit corporation shall notify the assessor of the county in which the tangible property for which it claims the exemption is located of its ineligibility ~~on or~~ before ~~May 15~~ **August 1** of the year for which it first becomes ineligible. The county assessor shall immediately notify the county auditor of the not-for-profit corporation's ineligibility or disqualification for the exemption. A not-for-profit corporation that fails to provide the notification required by this subsection is subject to the penalties set forth in IC 6-1.1-37-9.

(d) For each year that is not a year specified in subsection (a), the auditor of each county shall apply an exemption provided under IC 6-1.1-10 to the tangible property owned by a not-for-profit corporation that received the exemption in the preceding year unless the county property tax assessment board of appeals determines that

the not-for-profit corporation is no longer eligible for the exemption.

(e) The department of local government finance may at any time review an exemption provided under this section and determine whether or not the not-for-profit corporation is eligible for the exemption."

Page 5, line 27, strike "twelve (12)" and insert "**fifteen (15)**".

Page 5, line 28, delete "June 11" and insert "**†† August 1**".

Page 6, line 37, strike "twelve (12)" and insert "**fifteen (15)**".

Page 6, line 37, delete "June 11" and insert "**†† August 1**".

Page 7, line 20, strike "twelve (12)" and insert "**fifteen (15)**".

Page 7, line 21, delete "June 11" and insert "**†† August 1**".

Page 8, line 19, strike "twelve (12)" and insert "**fifteen (15)**".

Page 8, line 20, delete "June 11" and insert "**†† August 1**".

Page 9, line 4, strike "twelve (12)" and insert "**fifteen (15)**".

Page 9, line 4, delete "June 11" and insert "**†† August 1**".

Page 9, line 41, strike "twelve (12)" and insert "**fifteen (15)**".

Page 9, line 41, delete "June 11" and insert "**†† August 1**".

Page 10, line 26, strike "twelve (12)" and insert "**fifteen (15)**".

Page 10, line 27, delete "June 11" and insert "**†† August 1**".

Page 11, line 19, delete "June 10" and insert "**†† August 1**".

Page 11, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 15. IC 6-1.1-12-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~May 10~~ **August 1** of the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before ~~April 10~~ **July 16** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (2) statements of the ownership of the property;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the number of dwelling units on the property;
- (5) the number of dwelling units rehabilitated;
- (6) the increase in assessed value resulting from the rehabilitation; and
- (7) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 16. IC 6-1.1-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~May 10~~ **August 1** of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before ~~April 10~~ **July 1** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) the name of the property owner;
- (2) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the increase in the assessed value of improvements resulting from the rehabilitation; and
- (5) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application being filed.

(e) On verification of the correctness of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 17. IC 6-1.1-12-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 30. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement between March 1 and ~~May 10~~ **August 1**, inclusive, of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 18. IC 6-1.1-12-35.5, AS AMENDED BY P.L.214-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and ~~May 10~~ **August 1**, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification before ~~April 10~~ **July 1** of the assessment year, the department shall determine whether the system or device qualifies for a deduction before ~~May 10~~ **August 1** of the assessment year. If the department fails to make a determination under this subsection before ~~May 10~~ **August 1** of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or

34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and ~~May 15~~ **August 1**, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 4-4-30-5, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before ~~April 10~~ **July 1** of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before ~~May 10~~ **August 1** of the assessment year; and
- (2) if the center fails to make a determination before ~~May 10~~ **August 1** of the assessment year, the building is considered certified.

SECTION 19. IC 6-1.1-12-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

- (1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11; minus
- (2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11. The statement and certification must be filed before ~~May 10~~ **August 1** of the year preceding the year the deduction will first be applied. Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, the county auditor shall allow the deduction."

Page 11, line 38, delete "[EFFECTIVE JULY 1, 2006]:" and insert "[EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:".

Page 17, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 16. IC 6-1.1-12.1-5, AS AMENDED BY P.L.193-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 5. (a) A property owner who desires to obtain the deduction provided by section 3 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (e), the deduction application must be filed before ~~May 10~~ **August 1** of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new

assessment for any year is not given to the property owner before ~~April 10~~ **July 1** of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The deduction application required by this section must contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation.
- (5) The assessed value of the new structure in the case of redevelopment.
- (6) The amount of the deduction claimed for the first year of the deduction.
- (7) If the deduction application is for a deduction in a residentially distressed area, the assessed value of the improvement or new structure for which the deduction is claimed.

(d) A deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of a new structure is made and in the following years the deduction is allowed without any additional deduction application being filed. However, property owners who had an area designated an urban development area pursuant to a deduction application filed prior to January 1, 1979, are only entitled to a deduction for a five (5) year period. In addition, property owners who are entitled to a deduction under this chapter pursuant to a deduction application filed after December 31, 1978, and before January 1, 1986, are entitled to a deduction for a ten (10) year period.

(e) A property owner who desires to obtain the deduction provided by section 3 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and ~~May 10~~ **August 1** of a subsequent year which shall be applicable for the year filed and the subsequent years without any additional deduction application being filed for the amounts of the deduction which would be applicable to such years pursuant to section 4 of this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall act as follows:

- (1) If a determination about the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.
- (2) If a determination about the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.
- (3) If the deduction application is for rehabilitation or redevelopment in a residentially distressed area, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided for property by section 3 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

- (1) continues to use the property in compliance with any standards established under section 2(g) of this chapter; and
- (2) files an application in the manner provided by subsection (e).

(h) The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment.

(i) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the property is located review the deduction application.

(j) A property owner may appeal a determination of the county

auditor under subsection (f) to deny or alter the amount of the deduction by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the person notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 17. IC 6-1.1-12.1-5.1, AS AMENDED BY P.L.193-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5.1. (a) This subsection applies to:

- (1) all deductions under section 3 of this chapter for property located in a residentially distressed area; and
- (2) any other deductions for which a statement of benefits was approved under section 3 of this chapter before July 1, 1991.

In addition to the requirements of section 5(c) of this chapter, a deduction application filed under section 5 of this chapter must contain information showing the extent to which there has been compliance with the statement of benefits approved under section 3 of this chapter. Failure to comply with a statement of benefits approved before July 1, 1991, may not be a basis for rejecting a deduction application.

(b) This subsection applies to each deduction (other than a deduction for property located in a residentially distressed area) for which a statement of benefits was approved under section 3 of this chapter after June 30, 1991. In addition to the requirements of section 5(c) of this chapter, a property owner who files a deduction application under section 5 of this chapter must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 3 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable at the same time that the property owner is required to file a personal property tax return in the taxing district in which the property for which the deduction was granted is located. If the taxpayer does not file a personal property tax return in the taxing district in which the property is located, the information must be provided before ~~May 15~~ **August 1**.

(c) Notwithstanding IC 5-14-3 and IC 6-1.1-35-9, the following information is a public record if filed under this section:

- (1) The name and address of the taxpayer.
- (2) The location and description of the property for which the deduction was granted.
- (3) Any information concerning the number of employees at the property for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.
- (4) Any information concerning the total of the salaries paid to those employees, including estimated totals that were provided as part of the statement of benefits.
- (5) Any information concerning the assessed value of the property, including estimates that were provided as part of the statement of benefits.

(d) The following information is confidential if filed under this section:

- (1) Any information concerning the specific salaries paid to individual employees by the property owner.
- (2) Any information concerning the cost of the property.

SECTION 18. IC 6-1.1-12.1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 9.5. (a) As used in this section, "clerical error" includes mathematical errors and omitted signatures.**

(b) Except as provided in section 9 of this chapter, the designating body may by resolution waive noncompliance with the following requirements in this chapter with respect to a particular deduction under this chapter:

- (1) a filing deadline applicable to an application, a statement of benefits, or another document that is required to be filed under this chapter; or**
- (2) a clerical error in an application, a statement of benefits, or another document that is required to be filed under this chapter;**

if the taxpayer otherwise qualifies for the deduction and the document is filed or the clerical error is corrected before the resolution is adopted. The resolution must specifically identify the property, deductions, and taxpayer that are effected by the resolution, specifically identify the noncompliance that is the subject of the resolution, and include a finding that the noncompliance has been corrected before the adoption of the resolution.

(c) The designating body shall certify a copy of a resolution adopted under this section to the taxpayer and the department of local government finance.

(d) If a noncompliance with this chapter has been corrected and a resolution is adopted under this section, the taxpayer shall be treated as if the taxpayer had complied with the procedural requirements of this chapter. However, if the designating body determines that granting the relief permitted by this section would result in a delay in the issuance of tax bills, require the recalculation of tax rates or tax levies for a particular year, or otherwise cause an undue burden on a taxing unit, the designating body may require that the deduction that the taxpayer would be entitled to receive for a particular year be applied to a subsequent year in the manner prescribed by the department of local government finance.

SECTION 19. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
- (2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
- (2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to personal property at a facility listed in IC 6-1.1-12.1-3(e).

SECTION 20. IC 6-1.1-12.5 IS ADDED TO THE INDIANA

CODE AS A NEW CHAPTER TO READ AS FOLLOWS
[EFFECTIVE JANUARY 1, 2007]:

Chapter 12.5. Assessment Phase-in Deduction

Sec. 1. For purposes of this chapter:

- (1) "enlarge" means to add floor area;
- (2) "rehabilitate" means to remodel, repair, or improve in any manner; and
- (3) "residential property" means real property improvements assessed as residential property under the rules of the department of local government finance.

Sec. 2. (a) Subject to subsection (d) and section 3 of this chapter, a taxpayer that:

- (1) rehabilitates; or
- (2) enlarges;

residential property for which the taxpayer is liable for property taxes is entitled to a deduction from the assessed value of the residential property.

(b) A deduction under this section is available in:

- (1) the year in which the rehabilitation or enlargement of the residential property results in an increased assessed value of the residential property; and
- (2) the immediately succeeding two (2) years.

(c) The amount of the deduction that a taxpayer may receive for:

- (1) the year referred to in subsection (b)(1) equals the product of:

- (A) the increased assessed value for that year resulting from the rehabilitation or enlargement of the residential property; multiplied by
- (B) seventy-five percent (75%);

- (2) the first year referred to in subsection (b)(2) equals the product of:

- (A) the increased assessed value of the residential property determined under subdivision (1)(A) as adjusted under:

- (i) IC 6-1.1-4-4; or
- (ii) IC 6-1.1-4-4.5; multiplied by

- (B) fifty percent (50%); and

- (3) the second year referred to in subsection (b)(2) equals the product of:

- (A) the increased assessed value of the residential property determined under subdivision (1)(A) as adjusted under:

- (i) IC 6-1.1-4-4;
- (ii) IC 6-1.1-4-4.5; or
- (iii) both IC 6-1.1-4-4 and IC 6-1.1-4-4.5; multiplied by

- (B) twenty-five percent (25%).

(d) A property owner that qualifies for a deduction for a year under:

- (1) this section; and
- (2) another statute;

based on the same rehabilitation or enlargement of a residential property may not receive a deduction for that rehabilitation or enlargement of the property under both statutes for that year.

(e) A taxpayer that desires to claim a deduction under this section must file a statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the residential property is located. The statement must be filed during the twelve (12) months before May 11 of each year for which the taxpayer wishes to obtain the deduction. A statement under this subsection may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

Sec. 3. If ownership of the residential property changes:

- (1) the deduction provided under this chapter continues to apply to the residential property; and

- (2) the amount of the deduction is:

- (A) the percentage under section 2(c)(1)(B), 2(c)(2)(B), or 2(c)(3)(B) of this chapter that would have applied if the ownership of the residential property had not changed; multiplied by

- (B) the assessed value of the residential property, as determined and adjusted under section 2 of this chapter, for the year the new owner is entitled to the deduction.

Sec. 4. The department of local government finance shall adopt rules under IC 4-22-2 to implement this chapter."

Page 22, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 20. IC 6-1.1-17-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the assessed value of tangible property that meets the following conditions:

- (1) The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by a taxing unit. ~~(as defined in IC 6-1.1-1-21);~~

- (2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.

- (3) The owner of the property has discontinued all business operations on the property.

- (4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing unit located in the county, the county auditor may reduce for a calendar year the taxing unit's assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing unit for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing unit's assessed value under this subsection only to enable the taxing unit to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from successful appeals of the assessed value of property located in the taxing unit. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing unit's assessed value for a calendar year under subsection (d) may not exceed the lesser of:

- (1) two percent (2%) of the assessed value of tangible property subject to assessment in the taxing unit in that calendar year; or

- (2) the total amount of reductions in the assessed value of tangible property subject to assessment in the taxing unit that:

- (A) applied for the assessment date in the immediately preceding year; and

- (B) resulted from successful appeals of the assessed value of the property.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

- (1) county property tax assessment board of appeals;

- (2) Indiana board; or

- (3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed."

Page 22, line 41, strike "and".

Page 22, between lines 41 and 42, begin a new line block indented and insert:

"(5) the amount of the political subdivision's assessed valuation reduction determined under section 0.5(d) of this chapter; and".

Page 22, line 42, strike "(5)" and insert "(6)".

Page 24, delete lines 8 through 42, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-17-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) If a county auditor reduces a taxing unit's assessed valuation under section 0.5(d) of this chapter, the department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budget, tax rate, and tax levy of the taxing unit.

(b) The county auditor may appeal to the department of local government finance to reduce a taxing unit's assessed valuation by an amount that exceeds the limits set forth in section 0.5(e) of this chapter. The department of local government finance:

- (1) may require the county auditor to submit supporting information with the county auditor's appeal;
- (2) shall consider the appeal at the time of the review required by subsection (a); and
- (3) may approve, modify and approve, or reject the amount of the reduction sought in the appeal."

Page 25, delete lines 1 through 38.

Page 28, between lines 28 and 29, begin a new paragraph and insert:

"(1) The department of local government finance may not certify a taxing unit's budget, tax rate, or tax levy if the department of local government finance determines that the county auditor has reduced the taxing unit's assessed valuation by more than the amount authorized under section 0.5(e) or 8.5(b) of this chapter."

Page 28, line 42, after "the" insert "greater of the:

- (1) civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; or
- (2)".

Page 29, line 6, after "for" reset in roman "the".

Page 29, line 6, delete "any".

Page 29, line 7, reset in roman "immediately preceding".

Page 29, line 7, delete "after 2003 that precedes".

Page 29, delete lines 15 through 25.

Page 29, delete lines 32 through 42, begin a new paragraph and insert:

"SECTION 24. IC 6-1.1-18.5-13, AS AMENDED BY P.L.73-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. With respect to an appeal filed under section 12 of this chapter, the local government tax control board may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

- (1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons.
- (2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's share of the costs of operating a court for the first full calendar year in which it is in existence.
- (3) Permission to the civil taxing unit to increase its levy percentage in excess of the limitations established levy increase percentage determined under section 3 of this chapter if the local government tax control board finds that the quotient by the percentage determined under STEP SIX TWELVE of the following formula: is equal to or greater than one and three-hundredths (1.03):

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of:

- (A) the sum of the civil taxing unit's total assessed value

of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, as adjusted to eliminate the effects of the enactment of laws or rules that provide for a type or amount of an assessment, a deduction or an exemption in the year that was not available in the immediately preceding calendar year; divided by

(B) the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year, as adjusted to eliminate the effects of the enactment of laws or rules that provide for a type or amount of an assessment, a deduction, or an exemption in the year that is not available in the current calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of:

(A) the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, as adjusted to eliminate the effects of the enactment of laws or rules that provide for a type or amount of an assessment, a deduction, or an exemption in the year that was not available in the immediately preceding calendar year; divided by

(B) the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year, as adjusted to eliminate the effects of the enactment of laws or rules that provide for a type or amount of an assessment, a deduction, or an exemption in the year that is not available in the current calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount. The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds

STEP SEVEN: Determine the result of:

(A) the STEP SIX result; minus

(B) the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

STEP EIGHT: Determine the greater of zero (0) or the STEP SEVEN amount.

STEP NINE: Determine the total ad valorem property tax rate certified for the civil taxing unit in the year immediately preceding the particular calendar year.

STEP TEN: Determine the average total ad valorem property tax rate for all similar civil taxing units of the same type and class in the year immediately preceding the particular calendar year.

STEP ELEVEN: Determine the result of:

(A) the STEP NINE result; divided by

(B) the STEP TEN result.

STEP TWELVE: Determine the result of:

(A) the STEP EIGHT result; multiplied by

(B) the following:

(i) One (1), if the STEP ELEVEN result is not greater than one (1).

(ii) Five tenths (0.5) if the STEP ELEVEN result is greater than one (1).

(4) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this

chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

- (A) ten thousand dollars (\$10,000); or
- (B) twenty percent (20%) of:
 - (i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus
 - (ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus
 - (iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.
- (5) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.
- (6) Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

- (A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and
- (B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

- (7) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:
 - (A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and
 - (B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

- (A) the civil taxing unit is:
 - (i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);
 - (ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);
 - (iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);
 - (iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or
 - (v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and
- (B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

- (9) Permission for a county:
 - (A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;
 - (B) that operates a county jail or juvenile detention center that is subject to an order that:
 - (i) was issued by a federal district court; and
 - (ii) has not been terminated;
 - (C) that operates a county jail that fails to meet:
 - (i) American Correctional Association Jail Construction Standards; and
 - (ii) Indiana jail operation standards adopted by the department of correction; or
 - (D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

- (10) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs

of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

SECTION 25. IC 6-1.1-18.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 17. (a) As used in this section, "levy excess" means the part of the ad valorem property tax levy actually collected by a civil taxing unit, for taxes first due and payable during a particular calendar year, that exceeds the civil taxing unit's ad valorem property tax levy, as approved by the department of local government finance under IC 6-1.1-17. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.**

(b) A civil taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds the civil taxing unit's levy limit for the applicable calendar year. However, the civil taxing unit shall deposit, except as provided in subsection (h), its levy excess in a special fund to be known as the civil taxing unit's levy excess fund.

(c) The chief fiscal officer of a civil taxing unit may invest money in the civil taxing unit's levy excess fund in the same manner in which money in the civil taxing unit's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the levy excess fund.

(d) The department of local government finance shall require a civil taxing unit to include the amount in its levy excess fund in the civil taxing unit's budget fixed under IC 6-1.1-17.

(e) Except as provided by subsection (f), a civil taxing unit may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For

purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under this chapter, a civil taxing unit shall treat the money in its levy excess fund that the department of local government finance permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.

(f) A civil taxing unit may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the civil taxing unit as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a civil taxing unit may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund of a civil taxing unit for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the unit for that year.

SECTION 26. IC 6-1.1-19-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1.7. (a) As used in this section, "levy excess" means that portion of the ad valorem property tax levy actually collected by a school corporation, for taxes first due and payable during a particular calendar year, which exceeds the school corporation's total levy, as approved by the department of local government finance under IC 6-1.1-17, for those property taxes. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.**

(b) A school corporation's levy excess is valid, and the general fund portion of a school corporation's levy excess may not be contested on the grounds that it exceeds the school corporation's general fund levy limit for the applicable calendar year. However, the school corporation shall deposit, except as provided in subsection (h), its levy excess in a special fund to be known as the school corporation's levy excess fund.

(c) The chief fiscal officer of a school corporation may invest money in the school corporation's levy excess fund in the same manner in which money in the school corporation's general fund may be invested. However, any income derived from investment of the money shall be deposited in and become a part of the levy excess fund.

(d) The department of local government finance shall require a school corporation to include the amount in the school corporation's levy excess fund in the school corporation's budget fixed under IC 6-1.1-17.

(e) Except as provided in subsection (f), a school corporation may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits fixed under this chapter, a school corporation shall treat the money in its levy excess fund that the department of local government finance permits the school corporation to spend during a particular calendar year as part of the school corporation's ad valorem property tax levy for that same calendar year.

(f) A school corporation may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the school corporation as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a school corporation may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would be deposited in the levy excess fund of a school corporation for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the school corporation for that year.

SECTION 27. IC 6-1.1-20.8-2.5, AS AMENDED BY P.L.4-2005, SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 2.5. (a) A person that desires to claim the credit provided by section 1 of this chapter shall file a certified application, on forms prescribed by the department of local government finance, with the auditor of the county where the property for which the credit is claimed was located

on the assessment date. A person that timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year must file the application between March 1 and ~~May 15~~ **August 1** of that year in order to obtain the credit in the following year. A person that obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year in order to obtain the credit in the following year.

(b) A taxpayer shall include on an application filed under this section all information that the department of local government finance requires to determine eligibility for the credit provided under this chapter.

(c) Compliance with this chapter does not exempt a person from compliance with IC 5-28-15-7."

Delete page 30.

Page 31, delete lines 1 through 27, begin a new paragraph and insert:

"SECTION 28. IC 6-1.1-20.9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

(1) "Dwelling" means any of the following:

(A) Residential real property improvements which an individual uses as ~~his~~ **the individual's** residence, including a house or garage.

(B) A mobile home that is not assessed as real property that an individual uses as the individual's residence.

(C) A manufactured home that is not assessed as real property that an individual uses as the individual's residence.

(D) Partially completed residential real property improvements, as defined by the department of local government finance, that an individual intends to use as the individual's residence, including a house or garage.

(2) "Homestead" means an individual's principal place of residence, **or in the case of a dwelling (as described in subdivision (1)(D)) property that the individual intends to be the individual's principal place of residence,** which:

(A) is located in Indiana;

(B) the individual either owns or is buying under a contract, recorded in the county recorder's office, that provides that he is to pay the property taxes on the residence; and

(C) consists of a dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

SECTION 29. IC 6-1.1-20.9-2, AS AMENDED BY P.L.246-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as otherwise provided in section 5 of this chapter, an individual who on March 1 of a particular year either owns or is buying a homestead under a contract that provides the individual is to pay the property taxes on the homestead is entitled each calendar year to a credit against the property taxes which the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

(b) **Except as provided in subsection (h),** the amount of the credit to which the individual is entitled equals the product of:

(1) the percentage prescribed in subsection (d); multiplied by

(2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is:

(A) attributable to the homestead during the particular calendar year; and

(B) determined after the application of the property tax replacement credit under IC 6-1.1-21.

(c) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

(d) The percentage of the credit referred to in subsection (b)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
1996	8%
1997	6%

1998 through 2002 10%

2003 and thereafter 20%

However, the property tax replacement fund board established under IC 6-1.1-21-10 shall increase the percentage of the credit provided in the schedule for any year if the budget agency determines that an increase is necessary to provide the minimum tax relief authorized under IC 6-1.1-21-2.5. If the board increases the percentage of the credit provided in the schedule for any year, the percentage of the credit for the immediately following year is the percentage provided in the schedule for that particular year, unless as provided in this subsection the board must increase the percentage of the credit provided in the schedule for that particular year. However, the percentage credit allowed in a particular county for a particular year shall be increased if on January 1 of a year an ordinance adopted by a county income tax council was in effect in the county which increased the homestead credit. The amount of the increase equals the amount designated in the ordinance.

(e) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(f) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(g) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

(1) an individual uses the residence as the individual's principal place of residence;

(2) the residence is located in Indiana;

(3) the individual has a beneficial interest in the taxpayer;

(4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and

(5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

(h) With respect to a partially completed dwelling (as described in section 1(1)(d) of this chapter), the amount of the credit to which the individual is entitled is equal to the result of STEP THREE of the following formula:

STEP ONE: For the twelve (12) months preceding the assessment date on which the partially completed dwelling was reassessed, determine the number of months that followed the later of the following:

(A) The date on which construction of the partially completed dwelling began.

(B) The date on which the partially completed dwelling was transferred to the individual claiming the homestead credit.

STEP TWO: Determine the result of:

(A) the STEP ONE result; divided by

(B) twelve (12).

STEP THREE: Determine the product of:

(A) the amount the individual would be entitled to under subsection (b); multiplied by

(B) the STEP TWO amount."

Page 31, line 35, delete "With" and insert "Except as provided in subsection (e), with".

Page 31, line 36, strike "twelve (12)" and insert "fifteen (15)".

Page 31, line 37, delete "June 11" and insert "++ August 1".

Page 32, between lines 28 and 29, begin a new paragraph and insert:

"(e) With respect to a partially completed dwelling (as described in section 1(1)(d) of this chapter), the certified statement referred to in subsection (a) must be filed before the later of the following:

(1) June 11 of the year before the first year for which the person wishes to obtain the credit for the homestead.

(2) A date in the year before the first year for which the person wishes to obtain the credit for the homestead that is not later than sixty (60) days after the date the assessing official notifies the taxpayer that the taxpayer's homestead has been reassessed to reflect the improvements being made

to the homestead."

Page 32, delete lines 29 through 42.

Delete pages 33 through 34.

Page 35, delete lines 1 through 34.

Page 38, line 10, delete "For purposes of this section, a" and insert "A".

Page 38, strike lines 24 through 26.

Page 38, line 27, delete "Subject to subsection (c), the" and insert "The".

Page 38, line 27, strike "remainder of the taxes collected on the".

Page 38, strike lines 28 through 29.

Page 38, line 30, delete "(c)" and insert "(b)".

Page 38, line 34, delete "net".

Page 38, line 36, delete "." and insert **"after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property."**

Page 38, line 38, after "fund" insert **"without appropriation"**.

Page 39, line 3, delete "(c) (d)" and insert "(c)".

Page 41, between lines 1 and 2, begin a new paragraph and insert: "SECTION 33. IC 6-1.1-39-5, AS AMENDED BY P.L.4-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1, 1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

(3) When the money in the fund is sufficient to pay all outstanding principal of and interest (to the earliest date on which the obligations can be redeemed) on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district, money in the special fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(b) Property tax proceeds allocable to the economic development district under subsection (a)(2) must, subject to subsection (a)(3), be irrevocably pledged by the unit for payment as set forth in subsection (a)(2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit

after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable property in the economic development district, for purposes of tax limitation, property tax replacement (except as provided in IC 6-1.1-21-3(c), IC 6-1.1-21-4(a)(3), and IC 6-1.1-21-5(c)), and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this section.** However, the ~~adjustment~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1.

(g) As used in this section, "property taxes" means:

(1) taxes imposed under this article on real property; and

(2) any part of the taxes imposed under this article on depreciable personal property that the unit has by ordinance allocated to the economic development district. However, the ordinance may not limit the allocation to taxes on depreciable personal property with any particular useful life or lives.

If a unit had, by ordinance adopted before May 8, 1987, allocated to an economic development district property taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the ordinance continues in effect until an ordinance is adopted by the unit under subdivision (2).

(h) As used in this section, "base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Subdivision (2) applies only to economic development districts established after June 30, 1997, and to additional areas established after June 30, 1997."

Page 42, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 34. IC 6-1.1-42-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 27. (a) A property owner who desires to obtain the deduction provided by section 24 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. Except as otherwise provided in subsection (b) or (e), the deduction application must be filed before ~~May 10~~ **August 1** of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation or new assessment for any year is not given to the property owner before ~~April 10~~ **July 1** of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on

the records of the township assessor.

(c) The certified deduction application required by this section must contain the following information:

- (1) The name of each owner of the property.
- (2) A certificate of completion of a voluntary remediation under IC 13-25-5-16.
- (3) Proof that each owner who is applying for the deduction:
 - (A) has never had an ownership interest in an entity that contributed; and
 - (B) has not contributed;
 a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.
- (4) Proof that the deduction was approved by the appropriate designating body.
- (5) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (6) The assessed value of the improvements before remediation and redevelopment.
- (7) The increase in the assessed value of improvements resulting from remediation and redevelopment.
- (8) The amount of the deduction claimed for the first year of the deduction.
- (d) A certified deduction application filed under subsection (a) or (b) is applicable for the year in which the addition to assessed value or assessment of property is made and each subsequent year to which the deduction applies under the resolution adopted under section 24 of this chapter.
- (e) A property owner who desires to obtain the deduction provided by section 24 of this chapter but who has failed to file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and ~~May 10~~ **August 1** of a subsequent year which is applicable for the year filed and the subsequent years without any additional certified deduction application being filed for the amounts of the deduction which would be applicable to such years under this chapter if such a deduction application had been filed in accordance with subsection (a) or (b).
- (f) On verification of the correctness of a certified deduction application by the assessor of the township in which the property is located, the county auditor shall, if the property is covered by a resolution adopted under section 24 of this chapter, make the appropriate deduction.
- (g) The amount and period of the deduction provided for property by section 24 of this chapter are not affected by a change in the ownership of the property if the new owner of the property:

- (1) is a person that:
 - (A) has never had an ownership interest in an entity that contributed; and
 - (B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management;

- (2) continues to use the property in compliance with any standards established under sections 7 and 23 of this chapter; and
- (3) files an application in the manner provided by subsection (e).

(h) The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (a) and (b) with each notice to a property owner of an addition to assessed value or of a new assessment."

Page 44, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 38. IC 8-22-3.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]; Sec. 11. (a) The state board of accounts and the department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department consider appropriate for the implementation of this chapter.

(b) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed

value (as defined in section 9 of this chapter) one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

(c) After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

SECTION 39. IC 21-2-21-1.8, AS ADDED BY P.L.214-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.8. (a) For purposes of this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

- (1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or
- (2) issued bonds under IC 20-5-4-1.7:

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

~~(2) The A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006. A school corporation described in subsection (b)(2)(B) must file a petition with the department of local government finance under IC 6-1.1-19-8 requesting approval to incur bond indebtedness under this section before July 1, 2006.~~

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(B) the remainder of:

- (i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7; minus
- (ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7;

for a school corporation that issued bonds under IC 20-5-4-1.7 ~~before April 14, 2003; as described in subsection (b)(2).~~

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, or art association and historical society funds in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

SECTION 40. IC 36-7-14-39, AS AMENDED BY P.L.216-2005,

SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation

and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements in or serving that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) in or serving that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in or serving that allocation area under any lease entered into under IC 36-1-10.

(I) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax

replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by
 (ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times
 (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and
 (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the commission.

(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1). The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
 (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy

for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or
 (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the ~~adjustment~~ **adjustments** under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment~~ **these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.
 (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
 (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
 (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
 (B) specifically designates a particular date as the final allocation deadline.

SECTION 41. IC 36-7-15.1-26, AS AMENDED BY P.L.216-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may

include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements in that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the

basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocated area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

- (1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.
- (2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone.

These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the **adjustment adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and **the adjustment these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 42. IC 36-7-15.1-53, AS AMENDED BY P.L.216-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance

with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements in that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the

following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in

subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the **adjustment adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and **the adjustment these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 43. IC 36-7-30-25, AS AMENDED BY P.L.4-2005, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a

provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the reuse authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 27 of this chapter in the same year.

(F) Pay expenses incurred by the reuse authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the reuse authority.

(3) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 19 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under IC 6-1.1-21.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall

establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base reuse district under this section. **After each annual adjustment under IC 6-1.1-4-5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section.** However, the ~~adjustment adjustments~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment~~ **these adjustments** may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 44. IC 36-7-30.5-30, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

- (A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus
- (C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or benefitting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefitting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefitting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of

the development authority.

(3) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the appropriate county auditor of the amount, if any, of the amount of excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under IC 6-1.1-21.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation

area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base development district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district under this section.** However, the ~~adjustment adjustments~~ under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment these adjustments~~ may not produce less property tax proceeds allocable to the military base development district under subsection (b)(2) than would otherwise have been received if the general reassessment ~~or annual adjustment~~ had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 45. IC 36-7-32-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]; Sec. 19. (a) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department of local government finance consider appropriate for the implementation of an allocation area under this chapter.

(b) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter."**

Page 47, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 41. [EFFECTIVE MAY 10, 2005 (RETROACTIVE)] An organization located in a county containing a consolidated city that filed a tax exemption application in 2004 but failed to attend the exemption hearing held by the county property tax assessment board of appeals is entitled to the same percentage of exemption on the organization's property as the organization was granted by the county property tax assessment board of appeals for a tax exemption application filed in 2005.

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-12.1 apply throughout this SECTION.

(b) As used in this SECTION, "department" refers to the department of local government finance.

(c) As used in this SECTION, "taxpayer" means a person:

- (1) who operates a grey iron foundry located in Grant County;
- (2) who applied in 2001 for property tax deductions under IC 6-1.1-12.1 for new manufacturing equipment located in an economic revitalization area; and
- (3) whose applications described in subdivision (2) were denied.

(d) References to the Indiana Code in this SECTION refer to the Indiana Code in effect on March 1, 2001, unless otherwise stated.

(e) Notwithstanding any other law, a taxpayer who complies with the requirements of this SECTION is entitled to the property tax deduction for new manufacturing equipment in the amounts and for the number of years provided under IC 6-1.1-12.1-4.5, as determined by the department under subsection (h).

(f) The taxpayer shall provide the department with copies of the taxpayer's:

- (1) statement of benefits; and
- (2) applications for deductions from assessed value; for new manufacturing equipment placed in service in an

economic revitalization area that the taxpayer filed in 2001.

(g) If there are any deficiencies in the taxpayer's filings described in subsection (f), the department of local government finance shall assist the taxpayer in completing the information necessary to determine:

- (1) the assessed value of the new manufacturing equipment; and
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION.

(h) The department shall determine:

- (1) the amount of the assessed value of the new manufacturing equipment;
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION; and
- (3) the percentages used to compute the taxpayer's deductions;

in accordance with IC 6-1.1-12.1-4.5(d) and IC 6-1.1-12.1-4.5(e) as if the taxpayer's applications for deductions had been approved in 2001.

(i) Notwithstanding IC 6-1.1-26 (as in effect on January 1, 2006), when the department has completed the department's determinations under subsection (h), the department shall issue an order to the county auditor of the county in which the economic revitalization area is located:

- (1) describing the department's determinations under subsection (h); and
- (2) requiring the county auditor to accept the taxpayer's refund claims as if the taxpayer's deduction applications had been approved in 2001.

The department shall provide the taxpayer with a copy of the order issued under this subsection.

(j) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the taxpayer may file refund claims for property taxes paid in previous years that are affected by the department's order issued under subsection (i). The taxpayer must attach a copy of the order issued under subsection (i) to the taxpayer's refund claim.

(k) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the county auditor shall pay the refund claims of the taxpayer filed under subsection (j) if the refund claims are fully consistent with the department's order issued under subsection (i).

SECTION 43. [EFFECTIVE JANUARY 1, 2007] IC 6-1.1-12.5, as added by this act, applies only to property taxes first due and payable after December 31, 2007.

SECTION 44. [EFFECTIVE UPON PASSAGE] (a) IC 6-1.1-20.9-1 and IC 6-1.1-20.9-2, both as amended by this act, apply to property taxes first due and payable after December 31, 2006.

(b) The department of local government finance may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement this act. A temporary rule adopted under this subsection expires on the earliest of the following:

- (1) The date that the department of local government finance adopts another temporary rule under this subsection that repeals, amends, or supersedes the previously adopted temporary rule.
- (2) The date that the department of local government finance adopts a permanent rule under IC 4-22-2 that repeals, amends, or supersedes the previously adopted temporary rule.
- (3) The date specified in the temporary rule.
- (4) December 31, 2008."

Renumber all SECTIONS consecutively.

(Reference is to SB 260 as reprinted January 24, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 269, has had the same under consideration and begs leave to report the same back to the

House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-2.5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The commission has the sole authority to allocate money from the fund to arts providers in Indiana.

(b) Subject to other provisions of this chapter, when there is ~~fifty one~~ million dollars ~~(\$50,000,000)~~ **(\$1,000,000)** in the fund there is annually appropriated to the commission all interest and dividend earnings of the fund for projects that the commission designates to accomplish the purposes of the commission under IC 4-23-2.

(c) The commission may not use money from the fund to purchase land or structures."

Renumber all SECTIONS consecutively.

(Reference is to SB 269 as printed January 20, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 277, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 283, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 2. IC 36-8-16-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. A service supplier or a telephone company and its employees, directors, officers, and agents are not liable for any damages in a civil action for injuries, death, or loss to persons or property incurred by any person as a result of any act or omission of a service supplier or a telephone company, or of any of its employees, directors, officers, or agents, except for willful or wanton misconduct in connection with developing, adopting, implementing, maintaining, **providing data to**, or operating an enhanced emergency telephone system, **including an emergency telephone notification system (as defined in IC 36-8-21-1)**."

Renumber all SECTIONS consecutively.

(Reference is to SB 283 as printed January 25, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 297, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 2.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 308, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Agriculture and Rural Development, to which was referred Engrossed Senate Bill 314, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and agriculture and animals.

Between the enacting clause and page 1, begin a new paragraph and insert:

"SECTION 1. IC 14-8-2-318 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 318. "Wild animal" has the following meaning:

(1) For purposes of IC 14-22, except as provided in subdivision

(2), an animal ~~whose species usually:~~

~~(A) that lives in the wild. or~~

~~(B) is not domesticated.~~

(2) For purposes of IC 14-22-38-6, the meaning set forth in IC 14-22-38-6.

SECTION 2. IC 14-22-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) All wild animals ~~except those that are:~~

~~(1) legally owned or being held in captivity under a license or permit as required by this article; or~~

~~(2) otherwise excepted in this article;~~

are the property of the people of Indiana.

(b) The department shall protect and properly manage the fish and wildlife resources of Indiana.

SECTION 3. IC 14-22-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The director shall adopt rules under IC 4-22-2 to do the following:

(1) Establish, open, close, lengthen, suspend, or shorten seasons.

(2) Establish bag, sex, and size limits.

(3) Establish limitations on the numbers of hunters and fishermen.

(4) Establish the methods, means, and time of:

(A) taking, chasing, transporting, and selling; or

(B) attempting to take, transport, or sell;

wild animals, ~~or exotic mammals~~, with or without dogs, in Indiana or in a designated part of Indiana.

(5) Establish other necessary rules to do the following:

(A) Administer this chapter.

(B) Properly manage wild animals ~~or exotic mammals~~ in a designated water or land area of Indiana.

(6) Set aside and designate land or water or parts of the land or water owned, controlled, or under contract or acquired by the state for conservation purposes as a public hunting and fishing ground under the restrictions, conditions, and limitations that are determined to be appropriate.

(b) Rules:

(1) may be adopted only after thorough investigation; and

(2) must be based upon data relative to the following:

(A) The welfare of the wild animal.

(B) The relationship of the wild animal to other animals.

(C) The welfare of the people.

(c) Whenever the director determines that it is necessary to adopt rules, the director shall comply with the following:

(1) Rules must clearly describe and set forth any applicable changes.

(2) The director shall make or cause to be made a periodic review of the rules.

(3) A copy of each rule, as long as the rule remains in force and effect, shall be included and printed in each official compilation of the Indiana fish and wildlife law.

(d) The director may modify or suspend a rule for a time not to exceed one (1) year under IC 4-22-2-37.1.

SECTION 4. IC 14-22-20.5-2, AS ADDED BY P.L.93-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "cervidae livestock operation" means an operation that:

~~(1) has a game breeders license issued by the department of natural resources under IC 14-22-20;~~

~~(2) (1) contains privately owned cervidae; and~~

~~(3) (2) involves the breeding, propagating, purchasing, selling, and marketing of cervidae or cervidae products;~~

but does not involve the hunting of privately owned cervidae.

SECTION 5. IC 14-22-31-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. Upon receipt of an application, the department shall do the following:

(1) Inspect the following:

(A) The proposed shooting preserve.

(B) The facilities for propagating the game birds. ~~or exotic mammals.~~

(C) The cover.

(D) The capability of the applicant to maintain such an operation.

(2) If found feasible, approve the application and issue a license to the applicant.

SECTION 6. IC 14-22-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A person issued a license under section 4 of this chapter may propagate and offer for hunting the following animals that are captive reared and released:

(1) Pheasant.

(2) Quail.

(3) Chukar partridges.

(4) Properly marked mallard ducks. ~~and~~

(5) Other game bird species that the department determines by rule.

~~(2) Species of exotic mammals that the department determines by rule.~~

SECTION 7. IC 14-22-31-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person may not take game birds ~~and exotic mammals~~ on a shooting preserve unless the person has a hunting license required under this article, except nonresidents of Indiana who must possess a special license to shoot on licensed shooting preserves.

(b) The department:

(1) shall issue special licenses; and

(2) may appoint owners or managers of shooting preserves as agents to sell special licenses.

(c) A special license expires December 31 of the year issued.

(d) The fee for a special license is eight dollars and seventy-five cents (\$8.75). All fees shall be deposited in the fish and wildlife fund.

SECTION 8. IC 14-22-31-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The licensee of a shooting preserve shall issue a bill of sale designating game birds ~~or exotic mammals~~ lawfully taken upon the shooting preserve. The bill of sale must accompany all game birds ~~and exotic mammals~~ removed from the shooting preserve. The licensee shall retain a copy of all bills of sale issued to persons removing game birds ~~or exotic mammals~~ from the shooting preserve. The bills of sale are subject to inspection by the fish and wildlife division at any time.

SECTION 9. IC 14-22-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter does not apply to the following:

(1) Conservation officers or other law enforcement officers.

(2) Game birds ~~or exotic mammals~~ in shooting preserves licensed under IC 14-22-31.

~~(3) A person who takes a feral exotic mammal when the feral exotic mammal is causing damage to property that is owned or leased by the person.~~

~~(4) A person who is authorized by the department under extraordinary circumstances to take an exotic mammal.~~

SECTION 10. IC 14-22-32-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A person may not do any of the following:

(1) Offer a game bird ~~or an exotic mammal~~ for hunting, trapping, or chasing by a person using a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow.

(2) Hunt, trap, or chase a game bird ~~or an exotic mammal~~ with a weapon or device that is not a shotgun, muzzle loading gun, handgun, or bow and arrow.

SECTION 11. IC 14-22-32-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a person violates section 2(1) of this chapter, the department shall enter a recommended order to dispose of any game bird ~~or exotic mammal~~ the person owns, keeps, harbors, or otherwise possesses. Before the order becomes a final determination of the department, a hearing must be held under IC 4-21.5-3. The hearing shall be conducted by an administrative law judge for the commission. The determination of the administrative law judge is a final agency action under IC 4-21.5-1-6."

Page 2, line 41, delete "quality," and insert "**quality from sediment**,".

Page 4, line 11, after "the" insert "**administrative**".

Page 4, line 12, delete "conservation." and insert "**conservation practices**,".

Page 13, after line 42, begin a new paragraph and insert:

"SECTION 31. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund that the township trustee shall use in the manner provided in this chapter for the payment of the following:

(1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guinea.

(L) Tame rabbits.

~~(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.~~

~~(N) (M) Bison.~~

~~(O) (N) Farm raised cervidae.~~

~~(P) (O) Ratitae.~~

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia, within any township of Indiana.

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund."

SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 14-8-2-87; IC 14-22-20.

SECTION 33. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "**department**" refers to the department of

agriculture established by IC 15-9-2-1.

(b) The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize the statutes concerning soil and water conservation and move the soil and water conservation statutes to IC 15-9, the article concerning the department.

(c) This SECTION expires July 1, 2007.

SECTION 34. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 314 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

GUTWEIN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 332, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Engrossed Senate Bill 349, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 10, line 31, delete "term" and insert "terms".

Page 15, delete line 42.

Page 16, delete line 1.

Page 16, line 2, delete "(2)" and insert "(1)".

Page 16, line 5, delete "(3)" and insert "(2)".

(Reference is to SB 349 as reprinted February 3, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Utilities and Energy, to which was referred Engrossed Senate Bill 353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 37, strike "may be increased".

Page 7, between lines 5 and 6, begin a new paragraph and insert:
"SECTION 10. IC 6-3.1-29-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 4.5. As used in this chapter, "fluidized bed combustion technology" means a technology that involves the combustion of fuel in connection with a bed of inert material, such as limestone or dolomite, which is held in a fluid like state by the means of air or other gasses being passed through the materials.**"

SECTION 11. IC 6-3.1-29-10, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 10. As used in this chapter, "qualified investment" means a taxpayer's expenditures for:

(1) all real and tangible personal property incorporated in and used as part of an integrated coal gasification powerplant **or a fluidized bed combustion technology**; and

(2) transmission equipment and other real and personal property located at the site of an integrated coal gasification powerplant **or a fluidized bed combustion technology** that is employed specifically to serve the integrated coal gasification powerplant **or fluidized bed combustion technology**.

SECTION 12. IC 6-3.1-29-14, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 14. (a) A taxpayer that:

(1) is awarded a tax credit under this chapter by the corporation; and

(2) complies with the conditions set forth in this chapter and the agreement entered into by the corporation and the taxpayer under this chapter;

is entitled to a credit against the taxpayer's state tax liability for a taxable year in which the taxpayer places into service an integrated coal gasification powerplant **or a fluidized bed combustion technology** and for the taxable years provided in section 16 of this chapter.

(b) A tax credit awarded under this chapter must be applied against the taxpayer's state tax liability in the following order:

(1) Against the taxpayer's liability incurred under IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax).

(2) Against the taxpayer's liability incurred under IC 6-5.5 (the financial institutions tax).

(3) Against the taxpayer's liability incurred under IC 27-1-18-2 (the insurance premiums tax).

(4) Against the taxpayer's liability incurred under IC 6-2.3 (the utility receipts tax).

SECTION 13. IC 6-3.1-29-15, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 15. (a)

Subject to section 16 of this chapter, the amount of the credit to which a taxpayer is entitled **for a qualified investment in an integrated coal gasification powerplant** is equal to the sum of the following:

(1) Ten percent (10%) of the taxpayer's qualified investment for the first five hundred million dollars (\$500,000,000) invested.

(2) Five percent (5%) of the amount of the taxpayer's qualified investment that exceeds five hundred million dollars (\$500,000,000) **only if the facility is dedicated primarily to serving Indiana retail electric utility consumers.**

(b) Subject to section 16 of this chapter, the amount of the credit to which a taxpayer is entitled **for a qualified investment in a fluidized bed combustion technology** is equal to the sum of the following:

(1) Seven percent (7%) of the taxpayer's qualified investment for the first five hundred million dollars (\$500,000,000) invested.

(2) Three percent (3%) of the amount of the taxpayer's qualified investment that exceeds five hundred million dollars (\$500,000,000).

SECTION 14. IC 6-3.1-29-16, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 16. (a)

A credit awarded under section 15 of this chapter must be taken in ten (10) annual installments, beginning with the year in which the taxpayer places into service an integrated coal gasification powerplant **or a fluidized bed combustion technology**.

(b) Subject to section 20 of this chapter, the amount of an annual installment of the credit awarded under section 15 of this chapter is equal to the amount determined in the last of the following STEPS:

STEP ONE: Determine the lesser of:

(A) the credit amount determined under section 15 of this chapter, divided by ten (10); or

(B) the greater of:

(i) the taxpayer's total state tax liability for the taxable year, multiplied by twenty-five percent (25%); or

(ii) the taxpayer's liability for the utility receipts tax imposed under IC 6-2.3 for the taxable year.

STEP TWO: Multiply the STEP ONE amount by the percentage of Indiana coal used in the taxpayer's integrated coal gasification powerplant **or fluidized bed combustion technology** in the taxable year for which the annual installment of the credit is allowed.

(c) If the credit allowed by this chapter is available to a member of an affiliated group of corporations filing a consolidated return under IC 6-2.3-6-5 or IC 6-3-4-14, the credit shall be applied against the state tax liability of the affiliated group.

SECTION 15. IC 6-3.1-29-17, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 17. A person that proposes to place a new integrated coal gasification powerplant **or fluidized bed combustion technology** into service may apply to the corporation before the taxpayer makes the qualified investment to enter into an agreement for a tax credit under this chapter. The corporation shall prescribe the form of the application.

SECTION 16. IC 6-3.1-29-19, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 19. (a) The corporation shall enter into an agreement with an applicant that is awarded a credit under this chapter. The agreement must include all the following:

- (1) A detailed description of the project that is the subject of the agreement.
- (2) The first taxable year for which the credit may be claimed.
- (3) The maximum tax credit amount that will be allowed for each taxable year.
- (4) A requirement that the taxpayer shall maintain operations at the project location for at least ten (10) years during the term that the tax credit is available.
- (5) **If the facility is an integrated coal gasification powerplant**, a requirement that the taxpayer shall pay an average wage to its employees at the integrated coal gasification powerplant, other than highly compensated employees, in each taxable year that a tax credit is available, that equals at least one hundred twenty-five percent (125%) of the average county wage in the county in which the integrated coal gasification powerplant is located.
- (6) **For a project involving a qualified investment in a coal gasification powerplant**, a requirement that the taxpayer will maintain at the location where the qualified investment is made, during the term of the tax credit, a total payroll that is at least equal to the payroll that existed on the date that the taxpayer placed the integrated coal gasification powerplant into service.
- (7) A requirement that:

(A) **one hundred percent (100%) of the coal used:**

- (i) **at the integrated coal gasification powerplant, for a project involving a qualified investment in an integrated coal gasification powerplant; or**
- (ii) **as fuel in a fluidized bed combustion unit, in a project involving a qualified investment in a fluidized bed combustion technology, if the unit is dedicated primarily to serving Indiana retail electric utility consumers;**

must be Indiana coal; or

(B) seventy-five percent (75%) of the coal used as fuel in a fluidized bed combustion unit must be Indiana coal, in a project involving a qualified investment in a fluidized bed combustion technology, if the unit is not dedicated primarily to serving Indiana retail electric utility consumers. the taxpayer shall use Indiana coal at the taxpayer's integrated coal gasification powerplant.

- (8) A requirement that the taxpayer obtain from the commission a determination under IC 8-1-8.5-2 that public convenience and necessity require, or will require:

(A) **the construction of the taxpayer's integrated coal gasification powerplant, in the case of a project involving a qualified investment in an integrated coal gasification powerplant; or**

(B) the installation of the taxpayer's fluidized bed combustion unit, in the case of a project involving a qualified investment in a fluidized bed combustion technology.

(b) A taxpayer must comply with the terms of the agreement described in subsection (a) to receive an annual installment of the tax credit awarded under this chapter. The corporation shall annually determine whether the taxpayer is in compliance with the agreement. If the corporation determines that the taxpayer is in compliance, the corporation shall issue a certificate of compliance to the taxpayer.

SECTION 17. IC 6-3.1-29-20, AS ADDED BY P.L.191-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 20. (a) This section applies if a qualified investment is made by a pass

through entity or by taxpayers who are co-owners of an integrated coal gasification powerplant **or a fluidized bed combustion technology**.

(b) If the credit allowed by this chapter for a taxable year is greater than the state tax liability of the pass through entity against which the tax credit may be applied, a shareholder, partner, or member of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year in excess of the pass through entity's state tax liability for the taxable year; multiplied by
- (2) in the case of a pass through entity described in:
 - (i) section 9(1), 9(2), 9(3), or 9(4) of this chapter, the percentage of the pass through entity's distributive income to which the shareholder, partner, or member is entitled; and
 - (ii) section 9(5) or 9(6) of this chapter, the relative percentage of the corporation's patronage dividends allocable to the member for the taxable year.

(c) If an integrated coal gasification powerplant **or a fluidized bed combustion technology** is co-owned by two (2) or more taxpayers, the amount of the credit that may be allowed to a co-owner in a taxable year is equal to:

- (1) the tax credit determined under sections 15 and 16 of this chapter with respect to the total qualified investment in the integrated coal gasification powerplant **or fluidized bed combustion technology**; multiplied by
- (2) the co-owner's percentage of ownership in the integrated coal gasification powerplant **or fluidized bed combustion technology**.

(d) The amount of an annual installment of the credit allowed to a shareholder, partner, or member of a pass through entity or a co-owner shall be determined under section 16 of this chapter modified as follows:

- (1) Section 16(b) STEP ONE (A) of this chapter shall be based on the percentage of the credit allowed to the shareholder, partner, member, or co-owner under this section.
- (2) Section 16(b) STEP ONE (B) of this chapter shall be based on the:

(A) state tax liability; or

(B) utilities receipts tax liability;

of the shareholder, partner, member, or co-owner."

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

J. LUTZ, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 373, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred Engrossed Senate Bill 384, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BURTON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Joint Resolution 2, has had the same under consideration and begs leave to report the same back to the House

with the recommendation that said resolution do pass.

Committee Vote: yeas 9, nays 1.

FOLEY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 37

Representatives Murphy, Frizzell, and Buell introduced House Concurrent Resolution 37:

A CONCURRENT RESOLUTION congratulating Mrs. Janet Pernell on her selection as the 2005 Milken National Educator.

Whereas, The Milken National Educator Award is the nation's largest teacher recognition program;

Whereas, This award was developed by the Milken Family Foundation to reward, retain, and attract the highest quality kindergarten through 12th grade teachers to the teaching profession;

Whereas, Forty-two states participate in the Milken National Educator Awards;

Whereas, Milken educators are selected by an independent blue ribbon committee appointed by the Department of Education from each of the 42 participating states;

Whereas, This selection committee recommends the candidates directly to the Milken Family Foundation; there is no nomination or application procedure involved in this award;

Whereas, To be nominated by the selection committee, the candidates must meet the following criteria: possess exceptional educational talent as evidenced by outstanding instructional practices in the classroom, school, and profession; make outstanding accomplishments and have strong long-range potential for professional and policy leadership; and have an engaging and inspiring presence that motivates and affects students, colleagues, and community members;

Whereas, Mrs. Janet Pernell fulfills all these requirements;

Whereas, Mrs. Janet Pernell, a 19-year educator, has spent her entire teaching career at Southport High School, where she teaches mathematics;

Whereas, Mrs. Janet Pernell received a bachelor of science degree in mathematics from Purdue University and a master's degree in education from Indiana Wesleyan University;

Whereas, In addition to her selection as the 2005 Milken National Educator, Mrs. Janet Pernell has been nominated for the Disney Educator Award;

Whereas, Mrs. Janet Pernell sets high standards for all her students, accepts no excuses, and helps students find ways to succeed; and

Whereas, Terry Thompson, principal of Southport High School, describes Mrs. Janet Pernell as imaginative, child-centered, and stimulating, and, he says, more importantly, these are the words her students use to describe their beloved teacher: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Mrs. Janet Pernell on her selection as the 2005 Milken National Educator and recognizes her dedication to her students and her devotion to the youth of our state. We urge Mrs. Pernell to continue to encourage our young people to further their education and to strive to do their best.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mrs. Janet Pernell and her family; Terry Thompson, principal of Southport High School; and Dr. H. Douglas Williams, superintendent of the Metropolitan School District of Perry Township.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Miller and Waltz.

Members of the Committee on Rules and Legislative Procedures, Representatives Whetstone, Foley, Burton, Frizzell, Turner, Pelath, E. Harris, Oxley, and Stilwell, were excused.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

House Concurrent Resolution 40

Representatives Summers and Mays introduced House Concurrent Resolution 40:

A CONCURRENT RESOLUTION honoring Alpha Phi Alpha Fraternity, Inc.

Whereas, Alpha Phi Alpha Fraternity, Inc. was founded on December 4, 1906, at Cornell University in Ithaca, New York by Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy;

Whereas, Alpha Phi Alpha Fraternity, the first intercollegiate Greek-letter fraternity established for African Americans, was founded to help fill a need for a strong bond of brotherhood among African descendants in this country;

Whereas, The seven original founders, known as "Jewels" of the fraternity, established the fraternity on a firm foundation reflecting their principles of scholarship, fellowship, good character, and the uplifting of humanity;

Whereas, Alpha Phi Alpha chapters were developed at other colleges and universities, many historically black institutions, after its founding at Cornell;

Whereas, In addition to stressing academic excellence, Alpha Phi Alpha urges its members to recognize the need to help correct educational, economic, political, and social injustices faced by African Americans;

Whereas, Alpha Phi Alpha has been a leader in the fight for civil rights, producing alumni like W.E.B. DuBois, Adam Clayton Powell, Jr., Edward Brooke, Martin Luther King, Jr., Thurgood Marshall, Andrew Young, William Gray, and Paul Robeson; and

Whereas, Alpha Phi Alpha Fraternity, Inc. is dedicated to the service of all mankind and has improved the lives of many people throughout the years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly thanks the members of Alpha Phi Alpha Fraternity, Inc. for their many hours of service to the black community, the nation, and the state of Indiana and congratulates them on the occasion of the fraternity's 100th year of service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the officers of Alpha Phi Alpha Fraternity, Inc.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Breaux and Rogers.

House Concurrent Resolution 41

Representatives Welch and Bottorff introduced House Concurrent Resolution 41:

A CONCURRENT RESOLUTION recognizing March as National Colorectal Cancer Awareness Month.

Whereas, Colorectal cancer, commonly known as colon cancer, is the second leading cause of cancer-related deaths in the United States, passing both breast and prostate cancer in mortality and second only to lung cancer in the number of cancer deaths;

Whereas, One of the missions of National Colorectal Cancer Awareness Month is to increase support of innovative colorectal cancer prevention and early detection research;

Whereas, Even though colorectal cancer is highly preventable, an

estimated 148,610 new cases will be diagnosed in 2006 and 55,170 people will die from the disease;

Whereas, Screening tests are the most effective way to prevent colorectal cancer;

Whereas, By catching colorectal cancer in its earliest, most curable stages, screening tests can save lives even when they detect polyps that have become cancerous;

Whereas, When colorectal cancer is discovered early, it can be cured in most cases;

Whereas, The risk of developing colorectal cancer increases with age; 9 out of 10 people diagnosed are older than 50 years of age;

Whereas, Other major risk factors associated with colorectal cancer are a personal history of intestinal polyps, a personal history of bowel diseases, a family history of colorectal cancer or polyps, smoking or use of other tobacco products, obesity and lack of exercise, and a diet of foods high in fat;

Whereas, Because of disproportionate screening, African-Americans and Hispanics are more likely to be diagnosed with advanced stage colorectal cancer; and

Whereas, Through understanding and preventive testing methods, deaths from colorectal cancer can be greatly reduced or even eliminated in the very near future: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes March as National Colorectal Cancer Awareness Month and urges all Hoosiers, especially those over 50 years of age, to have regular screening tests for colorectal cancer so that the grief caused by the deaths of our beloved colleagues James Bottorff and Charles "Bud" Meeks will never happen to Hoosier families again.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Cancer Research and Prevention Foundation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Meeks and Steele.

House Resolution 17

Representative Denbo introduced House Resolution 17:

A HOUSE RESOLUTION congratulating the Paoli High School Marching Band.

Whereas, The talent, hard work, and dedication of the student members, adult staff, and volunteers of the Paoli High School Marching Band have produced a high school marching band that has been able to place first in the Indiana State School Music Association (ISSMA) state championship 15 times;

Whereas, No other school in the history of the ISSMA has ever won 15 state championships;

Whereas, The Paoli High School Marching Band has qualified for the state finals 23 of the last 24 years, has finished as "runner-up" five times, and has won the state championship 15 times in the last 23 years, including 12 of the last 15;

Whereas, The senior members of the Paoli Marching Band contributed superior leadership, dedication, and patience and have, by their example, shown the way for the other members of this outstanding program to perform like champions;

Whereas, The remarkable achievements of the Pride of Paoli Marching Band were made possible by the inspired leadership of band directors Bill and Gayle Laughlin, who have won 12 state championships together;

Whereas, The band has also been aided in its outstanding accomplishments by other staff, the organizational backing of the entire administration of the Paoli Community Schools, and the generous volunteer support provided by the parents, other relatives, and friends of these championship students; and

Whereas, The discipline, efforts, and talents developed and achieved by the members of this program will remain valuable enhancements to the quality of their lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the members, staff, and volunteers of the Paoli High School Marching Band on the occasion of the band's 15th ISSMA state championship and wishes them well in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Paoli High School Band, Director Bill Laughlin, Assistant Director Gayle Laughlin, and Principal Jerry Stroud.

The resolution was read a first time and adopted by voice vote.

House Resolution 18

Representative Orentlicher introduced House Resolution 18:

A HOUSE RESOLUTION honoring St. Thomas Aquinas School as a recipient of the 2005 No Child Left Behind–Blue Ribbon School Award.

Whereas, St. Thomas Aquinas School was among eight Indianapolis metropolitan area schools that were selected as a 2005 No Child Left Behind–Blue Ribbon School;

Whereas, The No Child Left Behind–Blue Ribbon School program honors public and private K-12 schools that are either academically superior in the school's state or that demonstrate dramatic gains in student achievement;

Whereas, To be named a No Child Left Behind–Blue Ribbon School, a school must meet one of two assessment criteria;

Whereas, A school must have either at least 40 percent of the school's students from disadvantaged backgrounds who dramatically improve student performance in state assessment systems or score in the top ten percent on state assessments;

Whereas, At least one-third of the schools submitted by each state must meet the criteria of having 40 percent of the students come from disadvantaged backgrounds;

Whereas, The program allows both elementary and secondary schools to be recognized in the same year;

Whereas, It is even more difficult for private schools to earn this honor;

Whereas, Before a private school can be nominated for a No Child Left Behind–Blue Ribbon School award, the Council of American Private Schools must approve the selection;

Whereas, This year marks the first time the three Roman Catholic Archdioceses of Indianapolis schools, Immaculate Heart of Mary, St. Simon the Apostle, and St. Thomas Aquinas, have been selected; more than 90 percent of the students tested from each school passed the Indiana Statewide Testing for Educational Progress–Plus in 2003, the year used for review; and

Whereas, Blue Ribbon schools are an example of achievement by students and teachers working together toward one goal: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the teachers, students, and parents of St. Thomas Aquinas School for their outstanding accomplishment and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House shall transmit a copy of this resolution to Bonnie Stevens, Principal of St. Thomas Aquinas School.

The resolution was read a first time and adopted by voice vote.

House Resolution 19

Representative Friend introduced House Resolution 19:

A HOUSE RESOLUTION honoring Bridget Bobel.

Whereas, Bridget Bobel was crowned Miss Indiana USA 2006;

Whereas, Bridget Bobel, a 25-year-old Peru, Indiana resident, is the daughter of David and Mina Bobel;

Whereas, Bridget Bobel is a 1998 graduate of Maconaquah High School and received a bachelor's degree from Ball State University in 2002 with a degree in public relations;

Whereas, After graduation, Bridget Bobel worked for two years in the communications office of the Republican caucus in the House of Representatives;

Whereas, Bridget Bobel currently works for Simon Malls as the assistant manager of mall marketing at Castleton Square Mall in Indianapolis;

Whereas, Bridget Bobel is also active in her community serving as a volunteer for Indy Reads, an Indianapolis-Marion County Public Library program, and serving as an adult literacy tutor;

Whereas, As a child, Bridget Bobel performed trapeze and aerial acts in the Peru Amateur Circus for 13 years and still volunteers her time with the Circus City Festival, assisting her mother with the Miss Circus City Pageant, a title Bridget held in 1999; and

Whereas, It is a great benefit to the state of Indiana to have Miss Indiana serve as the state hostess and goodwill ambassador at appropriate public and festive occasions as well as other events to promote the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Miss Indiana 2006, Bridget Bobel, an outstanding ambassador of goodwill for all Hoosiers, for being a true inspiration and role model for generations of young Hoosiers to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Bridget Bobel and her family, Governor Daniels, Lieutenant Governor Skillman, and the Legislative Council.

The resolution was read a first time and adopted by voice vote.

House Resolution 20

Representative Reske introduced House Resolution 20:

A HOUSE RESOLUTION honoring Brock Hagerman.

Whereas, Pendleton Heights High School senior Brock Hagerman is well known throughout the Indiana cross country world;

Whereas, Brock Hagerman burst onto the cross country scene as a freshman and has continued to develop into one of the elite distance runners in Indiana;

Whereas, While an individual state title has previously eluded Brock Hagerman, he has now achieved this last outstanding goal of his high school career;

Whereas, Brock Hagerman won an individual state title on the course at Indiana State University with a blazing 15:13 time, 12 seconds faster than his nearest competitor;

Whereas, Brock Hagerman was also named a 2005 Foot Locker Cross Country finalist and has been named to the First Team All State four times;

Whereas, In addition to the individual state title, Brock Hagerman was also the 2005 Mental Attitude Award Winner, the 2005 Madison County champion, the 2005 Hoosier Heritage Conference champion, the 2005 IHSAA Pendleton Heights sectional champion, the 2005 Noblesville regional champion, and the 2005 IHSAA Franklin Central semi-state champion; and

Whereas, Brock Hagerman is an outstanding example of the dedication and drive exhibited by many of our young Hoosiers both on the athletic field and in the classroom: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Brock Hagerman on his many accomplishments and wishes him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Brock Hagerman and coach Alan Holden.

The resolution was read a first time and adopted by voice vote.

House Resolution 21

Representative Reske introduced House Resolution 21:

A HOUSE RESOLUTION honoring the Pendleton Heights High School cheerleading squad.

Whereas, Today's cheerleaders soar through the air, climb human pyramids, somersault over and over again, and catch their teammates as they return to the ground;

Whereas, The Pendleton Heights High School cheerleading squad has proven that they excel at all these difficult maneuvers;

Whereas, The Pendleton Heights High School cheerleaders are coming off one of the most exciting and productive years they have ever experienced;

Whereas, The squad has been named the Indiana Cheer Association regional Class 3A champions, the Indiana Cheer Association Class 3A state champions, the Indy Classic World Cheerleading Association champions, and the World Cheerleading Association national champions;

Whereas, Coach Brenda Jamerson has been named the Indiana Cheer Association Coach of the Year and is currently serving on the Indiana Department of Education's Cheerleading Safety Advisory Board; and

Whereas, It is through hard work and dedication that the Pendleton Heights High School cheerleaders have achieved the level of success demonstrated by the awards bestowed upon them during the 2004-2005 season: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the members of the Pendleton Heights cheerleading squad on their Class 3A state championship and their national championship and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to squad members Kassidy Bell, Whitney Elsworth, Casey Gardner, Lindsey Hart, Shayla Hinchman, Casey Jamerson, Marah Kasdorf, Kylee Ketring, Katie Kritzer, Courtney Lamb, Caitlin Mayo, Katie Reske, Krissy Riley, Lauren Williamson, and Kiley Vanasdal and Coach Brenda Jamerson.

The resolution was read a first time and adopted by voice vote.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

The members of the Committee on Rules and Legislative Procedures, who had been excused, were present. Representative Stilwell was excused for the rest of the day.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 23

The Speaker handed down on its passage House Concurrent Resolution 23, authored by Representative Burton.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

House Concurrent Resolution 25

The Speaker handed down on its passage House Concurrent Resolution 25, authored by Representative McClain.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hershman.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 41

Representative T. Brown called down Engrossed Senate Bill 41 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 41-1)

Mr. Speaker: I move that Engrossed Senate Bill 41 be amended to read as follows:

Page 24, delete lines 41 through 42.

Page 25, delete lines 1 through 15.

(Reference is to ESB 41 as printed February 14, 2006.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 42

Representative Frizzell called down Engrossed Senate Bill 42 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 42-1)

Mr. Speaker: I move that Engrossed Senate Bill 42 be amended to read as follows:

Page 1, line 5, after "agency" insert "or to a contractor of the legislative services agency described in subsection (c)".

Page 1, line 9, after "(c)" insert "The legislative services agency may enter into a contract with a research organization to perform any part of the survey described in subsection (b). (d)".

Page 1, line 10, after "agency" insert "or to a contractor of the legislative services agency described in subsection (c)".

Page 1, line 14, delete "(d)" and insert "(e)".

(Reference is to ESB 42 as printed February 14, 2006.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 75

Representative Borror called down Engrossed Senate Bill 75 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 75-1)

Mr. Speaker: I move that Engrossed Senate Bill 75 be amended to read as follows:

Page 4, between lines 23 and 24, begin a new paragraph and insert: "SECTION 5. [EFFECTIVE UPON PASSAGE] (a) The provision of P.L.246-2005, SECTION 9, that limits the Indiana department of veterans' affairs from considering new applications from dependents of veterans with disabilities not greater than zero (0) percentage does not apply to applications affecting academic years beginning after June 30, 2006.

(b) Beginning July 1, 2006, the appropriation for state student assistance commission statutory fee remission made by P.L.246-2005, SECTION 9, may be allotted and used for statutory fee remission related to dependents of veterans with disabilities not greater than zero (0) percentage."

Renumber all SECTIONS consecutively.

(Reference is to ESB 75 as printed February 14, 2006.)

WOODRUFF

Motion prevailed.

HOUSE MOTION (Amendment 75-2)

Mr. Speaker: I move that Engrossed Senate Bill 75 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-8.1-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Every individual (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the Indiana department of state revenue because of the overpayment of income tax for a taxable year may designate on his the individual's annual state income tax return that either a specific amount or all of the refund to which he the individual is entitled shall be paid over to one (1) or more of the nongame fund. In the event that the individual designates that a certain amount shall be paid over to the nongame fund and funds described in subsection (c). If the refund to which he the individual is entitled is less than the total amount designated such designation shall mean that to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which he the individual is entitled shall be paid over to the nongame fund designated funds, but in an amount or amounts reduced proportionately for each designated fund. If an individual designates all of the refund to which the individual is entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the individual is entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(b) Every husband and wife (other than nonresidents) who file a joint income tax return and who are entitled to a refund from the Indiana department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return that either a specific amount or all of the refund to which they are entitled shall be paid over to one (1) or more of the nongame fund. In the event that the husband and wife designate that a certain amount shall be paid over to the nongame fund and funds described in subsection (c). If the refund to which they a husband and wife are entitled is less than the total amount designated such designation shall mean that to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which they the husband and wife are entitled shall be paid over to the nongame fund designated funds, but in an amount or amounts reduced proportionately for each designated fund. If a husband and wife designate all of the refund to which the husband and wife are entitled to be paid over to one (1) or more of the funds described in subsection (c), without designating specific amounts, the refund to which the husband and wife are entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(c) Designations under subsection (a) or (b) may be directed only to the following funds:

(1) The nongame fund.

(2) The military family relief trust fund.

(d) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

(1) The nongame and endangered species program, which is The description of this program shall be written in cooperation with the department of natural resources.

(2) Grants for the relief of military families disbursed from the military family relief trust fund. The description of the purposes of these grants shall be written in cooperation with the Indiana department of veterans' affairs.

(e) The department shall interpret a designation on a return under subsection (a) or (b) that is illegible or otherwise not reasonably discernible to the department as if the designation had not been made.

SECTION 2. IC 6-6-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) Except as otherwise provided in this chapter, the excise tax imposed under this chapter upon vehicles shall be payable for each registration year, by the owners thereof in respect to vehicles required to be registered for

such registration year as provided in the motor vehicle laws of Indiana. Except as provided in section 7 of this chapter, such excise tax shall be due on or before the regular annual registration date in each year on or before which the owner is required under the motor vehicle registration laws of Indiana to register vehicles and such excise tax shall be paid to the bureau at the time the vehicle is registered by the owner as provided in the motor vehicle registration laws of Indiana. Each vehicle subject to taxation under this chapter shall be registered by the owner thereof as being taxable in the county of the owner's residence. The payment of the excise tax imposed by this chapter shall be a condition to the right to register or reregister the vehicle and shall be in addition to all other conditions prescribed by law.

(b) A voucher from the department of state revenue showing payment of the excise tax imposed by this chapter may be accepted by the bureau in lieu of a payment under subsection (a).

(c) Every owner required to register for a registration year may donate an additional amount designated by the owner for deposit in the military family relief trust fund when the owner registers the owner's vehicle. The bureau shall provide for the collection of the additional amount designated by the owner. If the owner is entitled to a refund of previously paid excise taxes, the owner may donate an amount designated by the owner from the refund for deposit in the military family relief trust fund. The bureau shall transfer all money collected under this subsection to the military family relief trust fund. The instructions on a registration form provided by the bureau must include instructions on how to designate and make a donation to the military family relief trust fund. The bureau shall interpret a designation on a registration form that is illegible or otherwise not reasonably discernible to the bureau as if the designation had not been made.

SECTION 3. IC 6-6-5.5-8 IS AMENDED TO READ AS FOLLOWS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) Except as otherwise provided in this chapter, the excise tax imposed under this chapter upon commercial vehicles shall be payable for each registration year, by the owners thereof, in respect to vehicles required to be registered for such registration year as provided in the motor vehicle laws of Indiana and the International Registration Plan. Except as provided in section 9 of this chapter, the excise tax shall be due on or before the regular annual registration date in each year in which the owner is required under the motor vehicle registration laws of Indiana or the terms of the International Registration Plan to register vehicles and the excise tax shall be paid at the time the vehicle is registered by the owner. The payment of the excise tax imposed by this chapter shall be a condition of the right to register or reregister the vehicle and shall be in addition to all other conditions prescribed by law.

(b) A voucher from the department showing payment of the excise tax imposed by this chapter may be accepted by the bureau in lieu of a payment under subsection (a).

(c) Every owner required to register for a registration year may donate an additional amount designated by the owner for deposit in the military family relief trust fund when the owner registers the owner's vehicle. The bureau shall provide for the collection of the additional amount designated by the owner. If the owner is entitled to a refund of previously paid excise taxes, the owner may donate an amount designated by the owner from the refund for deposit in the military family relief trust fund. The bureau shall transfer all money collected under this subsection to the military family relief trust fund. The instructions on a registration form provided by the bureau must include instructions on how to designate and make a donation to the military family relief trust fund. The bureau shall interpret a designation on a registration form that is illegible or otherwise not reasonably discernible to the bureau as if the designation had not been made."

Page 3, between lines 25 and 26, begin a new line block indented and insert:

"(5) Refunds designated for the fund under IC 6-8.1-9-4.

(6) Refunds and donations designated under IC 6-6-5-6.

(7) Refunds and donations designated under IC 6-6-5.5-8."

Page 3, line 26, delete "(5)" and insert "(8)".

Renumber all SECTIONS consecutively.

(Reference is to ESB 75 as printed February 14, 2005.)

STUTZMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 147

Representative Ripley called down Engrossed Senate Bill 147 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 147-2)

Mr. Speaker: I move that Engrossed Senate Bill 147 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8-6.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.8. (a) As used in this section, "small employer" means a private employer that employs at least six (6) but not more than fifty (50) full-time employees.

(b) As used in this section, "state employee health plan" means:

(1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or

(2) a contract with a prepaid health care delivery plan entered into by the state personnel department under section 7(c) of this chapter.

(c) The state personnel department shall allow a small employer to provide coverage of health care services for employees of the small employer under any state employee health plan available to state employees in the same part of the state.

(d) IC 27-8-15 does not apply to coverage provided to employees of a small employer under this section.

(e) A small employer's employee who receives coverage of health care services under a state employee health plan under subsection (c) must:

(1) receive coverage equal to the coverage provided to state employees under the state employee health plan; and

(2) be allowed the same degree of choice under the health plan as is given to state employees.

(f) The premium rate that applies to a small employer's employee who is covered under a state employee health plan under this section must be the same premium rate that applies to a state employee for the same coverage."

Page 4, after line 28, begin a new paragraph and insert:

"SECTION 9. [EFFECTIVE JULY 1, 2006] (a) The state personnel department shall implement the requirements of IC 5-10-8-6.8, as added by this act, not later than July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 147 as printed February 14, 2006.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 147 a bill pending before the House. The Chair ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Orentlicher's amendment (147-2) is a bill pending before this House under Rule 118.

PELATH
ORENTLICHER

The Speaker Pro Tempore yielded the gavel to the Speaker.

The question was, Shall the ruling of the Chair be sustained? Roll Call 216: yeas 51, nays 45. The ruling of the Chair was sustained.

HOUSE MOTION

(Amendment 147-1)

Mr. Speaker: I move that Engrossed Senate Bill 147 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-15-1-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) As used in this section, "fund" refers to the health care fund established under subsection (b).

(b) The health care fund is established for the purpose of supporting the operations of the Medicaid program. The fund shall be administered by the office of the secretary. The office of the secretary may spend the money in the fund in accordance with this subsection.

(c) The fund consists of money received from payments by employers under IC 22-2-13.

(d) The expenses of administering the fund shall be paid from money in the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund is continuously appropriated for the purposes described in subsection (b)."

Page 2, after line 6, begin a new paragraph and insert:

"SECTION 3. IC 22-2-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13. Employer Health Care Contributions

Sec. 1. As used in this chapter, "commissioner" refers to the commissioner appointed under IC 22-1-1-2.

Sec. 2. As used in this chapter, "employer" means a private employer that employs at least five thousand (5,000) full time and part time employees.

Sec. 3. As used in this chapter, "health care costs" means the amount paid by an employer to provide coverage for health care services (as defined in IC 27-13-1-18) to employees in Indiana to the extent the costs are deductible under federal tax law.

Sec. 4. (a) On January 1 of each year an employer shall submit to the commissioner, on a form and in a manner approved by the commissioner, the:

- (1) number of employees in Indiana on one (1) day, determined by the employer, during the immediately preceding calendar year;
- (2) amount spent by the employer during the immediately preceding calendar year on health care costs in Indiana; and
- (3) percentage of payroll that was spent by the employer during the immediately preceding calendar year on health care costs in Indiana.

(b) The information submitted under subsection (a) must:

- (1) be signed by the principal executive officer or an individual performing a similar function; and
- (2) include an affidavit under penalty of perjury that the information submitted:
 - (A) was reviewed by the individual signing the information under subdivision (1); and
 - (B) is true to the best of the individual's knowledge, information, and belief.

Sec. 5. When calculating the percentage of payroll under section 4(a)(3) of this chapter, an employer may exclude:

- (1) wages paid to an employee in excess of the median household income in Indiana as published by the United States Census Bureau; and
- (2) wages paid to an employee who is eligible for Medicare.

Sec. 6. (a) An employer shall do either of the following:

- (1) Spend on health care costs an amount equal to at least eight percent (8%) of the total wages paid by the employer to employees in Indiana.
 - (2) If the employer spends less than the amount specified under subdivision (1), pay to the health care fund established by IC 12-15-1-20 an amount equal to the difference between the amount the employer spends and an amount equal to eight percent (8%) of the total wages paid by the employer to employees in Indiana.
- (b) The difference paid to the health care fund under

subsection (a)(2) must be paid on a periodic basis determined by the commissioner.

(c) An employer shall not deduct any payment made under subsection (a) from the wages of an employee.

Sec. 7. The commissioner shall impose on an employer that violates:

(1) section 4(a) of this chapter a civil penalty of two hundred fifty dollars (\$250) for each day of noncompliance; and

(2) section 6 of this chapter a civil penalty of two hundred fifty thousand dollars (\$250,000).

Sec. 8. Not later than March 15 of each year, the commissioner shall obtain and report to the governor and the legislative council in an electronic format under IC 5-14-6 the:

- (1) name of each employer in Indiana;
- (2) definition of "full time" and "part time" employee used by each employer;
- (3) number of full time employees:
 - (A) employed;
 - (B) eligible to receive health insurance benefits provided; and
 - (C) receiving health insurance benefits provided;

by each employer;

(4) source of health insurance benefits for full time employees not receiving health insurance benefits provided by each employer;

(5) number of part time employees:

- (A) employed;
- (B) eligible to receive health insurance benefits provided; and
- (C) receiving health insurance benefits provided;

by each employer; and

(6) source of health insurance benefits for part time employees not receiving health insurance benefits provided by each employer;

as of the day specified in section 4(a)(1) of this chapter.

Sec. 9. The commissioner shall annually, based on the information submitted under section 4 of this chapter:

- (1) verify the identity of employers in Indiana; and
- (2) ensure that employers in Indiana are in compliance with section 4 of this chapter.

Sec. 10. The commissioner shall adopt rules under IC 4-22-2 to implement this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 147 as printed February 14, 2006.)

FRY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Fry's amendment (147-1) is not germane to Engrossed Senate Bill 147.

Amendment 1 is germane to Engrossed Senate Bill 147. Both amendment 1 and Engrossed Senate Bill 147 concern health insurance.

PELATH
FRY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 217: yeas 51, nays 46. The ruling of the Chair was sustained.

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 160

Representative Ulmer called down Engrossed Senate Bill 160 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 161

Representative T. Brown called down Engrossed Senate Bill 161 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 172

Representative Behning called down Engrossed Senate Bill 172 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 253

Representative Hoffman called down Engrossed Senate Bill 253 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 253-1)

Mr. Speaker: I move that Engrossed Senate Bill 253 be amended to read as follows:

Page 1, between lines 8 and 9, begin a new paragraph and insert: "SECTION 2. IC 14-15-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. **(a) This section does not apply to a body of water that is under the jurisdiction of the:**

(1) department; or

(2) United States Army Corps of Engineers.

~~(a)~~ **(b)** As used in this section, "litter" means bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, rubbish, plastic, or similar refuse.

~~(b)~~ **(c)** In the operation or use of watercraft, a person may not throw, dump, place, deposit, or cause or permit to be thrown, dumped, placed, or deposited:

(1) any litter, filth, or putrid or unwholesome substance; or

(2) the contents of a water closet or toilet, catch basin, or grease trap;

in or upon public water or the banks of public water."

Page 3, between lines 30 and 31, begin a new paragraph and insert: "SECTION 5. IC 35-45-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who recklessly, knowingly, or intentionally places or leaves refuse on property of another person, except in a container provided for refuse, commits littering, a Class B infraction. **However, the offense is a Class A misdemeanor if the refuse is placed or left in, on, or within one hundred (100) feet of a body of water that is under the jurisdiction of the:**

(1) department of natural resources; or

(2) United States Army Corps of Engineers.

(b) "Refuse" includes solid and semisolid wastes, dead animals, and offal.

(c) Evidence that littering was committed from a moving vehicle other than a public conveyance constitutes prima facie evidence that it was committed by the operator of that vehicle."

Page 3, after line 39, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2006] **IC 35-45-3-2, as amended by this act, applies only to offenses committed after June 30, 2006.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 253 as printed February 14, 2006.)

GOODIN

Motion prevailed.

HOUSE MOTION
(Amendment 253-2)

Mr. Speaker: I move that Engrossed Senate Bill 253 be amended to read as follows:

Page 3, between lines 30 and 31, begin a new paragraph and insert: "SECTION 4. IC 14-28-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) As used in subsection (b)(1) with respect to a stream, "total length" means the length of the stream, expressed in miles, from the confluence of the stream with the receiving stream to the upstream or headward extremity of the stream, as indicated by the solid or dashed, blue or purple line depicting the stream on the most current edition of the

seven and one-half (7 ½) minute topographic quadrangle map published by the United States Geological Survey, measured along the meanders of the stream as depicted on the map.

(b) This section does not apply to the following:

(1) A reconstruction or maintenance project (as defined in IC 36-9-27) on a stream or an open regulated drain if the total length of the stream or open drain is not more than ten (10) miles.

(2) A construction or reconstruction project on a state or county highway bridge in a rural area that crosses a stream having an upstream drainage area of not more than fifty (50) square miles and the relocation of utility lines associated with the construction or reconstruction project if confined to an area not more than one hundred (100) feet from the limits of the highway construction right-of-way.

(3) The performance of an activity described in subsection (c)(1) or (c)(2) by a surface coal mining operation that is operated under a permit issued under IC 14-34.

(4) Any other activity that is determined by the commission, according to rules adopted under IC 4-22-2, to pose not more than a minimal threat to floodway areas.

(5) An activity in a boundary river floodway to which section 26.5 of this chapter applies.

(c) A person who desires to:

(1) erect, make, use, or maintain a structure, an obstruction, a deposit, or an excavation; or

(2) suffer or permit a structure, an obstruction, a deposit, or an excavation to be erected, made, used, or maintained;

in or on a floodway must file with the director a verified written application for a permit accompanied by a nonrefundable fee of two hundred dollars (\$200).

(d) The application for a permit must set forth the material facts together with plans and specifications for the structure, obstruction, deposit, or excavation.

(e) An applicant must receive a permit from the director for the work before beginning construction. The director shall issue a permit only if:

(1) the director considers:

(A) the overall effect on the floodway that has resulted or could result from all significant actions that any person:

(i) has taken;

(ii) is taking; or

(iii) can reasonably be expected to take;

that had an effect or will potentially have an effect described in subdivision (2)(A) through (2)(C); and

(B) that significant effects can result from individually minor but collectively significant actions that occur over time; and

(2) in the opinion of the director, after taking into account the considerations set forth in subdivision (1), the applicant has clearly proven that the structure, obstruction, deposit, or excavation will not do any of the following:

~~(1)~~ **(A)** Adversely affect the efficiency of or unduly restrict the capacity of the floodway.

~~(2)~~ **(B)** Constitute an unreasonable hazard to the safety of life or property.

~~(3)~~ **(C)** Result in unreasonably detrimental effects upon fish, wildlife, or botanical resources.

(f) In deciding whether to issue a permit under this section, the director shall consider the cumulative effects of the structure, obstruction, deposit, or excavation. The director may incorporate in and make a part of an order of authorization conditions and restrictions that the director considers necessary for the purposes of this chapter.

(g) A permit issued under this section:

(1) is void if construction is not commenced within two (2) years after the issuance of the permit; and

(2) to:

(A) the Indiana department of transportation or a county highway department if there is any federal funding for the project; or

(B) an electric utility for the construction of a power generating facility;

is valid for five (5) years from the date of issuance and remains valid indefinitely if construction is commenced within five (5) years after the permit is issued.

(h) The director shall send a copy of each permit issued under this section to each river basin commission organized under:

- (1) IC 14-29-7 or IC 13-2-27 (before its repeal); or
- (2) IC 14-30-1 or IC 36-7-6 (before its repeal);

that is affected.

(i) The permit holder shall post and maintain a permit issued under this section at the authorized site.

(j) For the purposes of this chapter, the lowest floor of a building, including a residence or abode, that is to be constructed or reconstructed in the one hundred (100) year floodplain of an area protected by a levee that is:

- (1) inspected; and
- (2) found to be in good or excellent condition;

by the United States Army Corps of Engineers shall not be lower than the one hundred (100) year frequency flood elevation plus one (1) foot.

SECTION 5. IC 14-28-1-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), this section does not apply to the following:

- (1) A person using chemicals in a normal manner in the production of agricultural products.
- (2) A person acting in accordance with an appropriate permit issued by the director.
- (3) A person acting in accordance with a permit issued by the department of environmental management under water pollution control laws (as defined in IC 13-11-2-261) or environmental management laws (as defined in IC 13-11-2-71).

(b) This section applies to the permitting requirements set forth in the following:

- (1) Section 22 of this chapter.
- (2) IC 14-26-2.

(c) A person may not put, throw, dump, or leave a contaminant, garbage, or solid waste:

- (1) in, upon, or within fifteen (15) feet of a lake; or
- (2) in or upon a floodway.

(d) A person may not place coal combustion wastes or byproducts in a floodway as fill or for the purposes of bank stabilization."

Renumber all SECTIONS consecutively.

(Reference is to ESB 253 as printed February 14, 2006.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 253 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 285

Representative Ruppel called down Engrossed Senate Bill 285 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 285-1)

Mr. Speaker: I move that Engrossed Senate Bill 285 be amended to read as follows:

- Page 10, line 25, delete "each" and insert "**at least one (1)**".
 Page 10, line 29, delete "each" and insert "**at least one (1)**".
 Page 10, line 32, delete "each" and insert "**at least one (1)**".
 Page 10, line 34, delete "each" and insert "**at least one (1)**".
 Page 10, line 36, delete "each" and insert "**at least one (1)**".
 Page 10, line 39, delete "each" and insert "**at least one (1)**".
 Page 11, line 5, delete "thirteen (13)" and insert "**fifteen (15)**".
 (Reference is to ESB as printed February 14, 2006.)

RUPPEL

Motion prevailed.

HOUSE MOTION (Amendment 285-2)

Mr. Speaker: I move that Engrossed Senate Bill 285 be amended to read as follows:

Page 2, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 3. IC 10-14-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. As used in this chapter, "county emergency operations center" means a facility used by a county emergency management organization or an interjurisdictional disaster agency to perform emergency direction and control functions before, during, and after an emergency.**"

Page 12, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 8. IC 10-14-3-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 35. (a) The legislative body of a county may establish:**

- (1) one (1) primary county emergency operations center; and**
- (2) one (1) secondary county emergency operations center.**

(b) The executive of a county that establishes a county emergency operations center shall determine the design and location of the county emergency operations center.

(c) Money from the following sources may be used for the lease, purchase, construction, or maintenance of a county emergency operations center, including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center:

- (1) Emergency telephone system fees under IC 36-8-16-14.**
- (2) Distributions from the wireless emergency telephone system fund established under IC 36-8-16.5-21."**

Page 18, after line 11, begin a new paragraph and insert:

"SECTION 12. IC 36-8-16-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:**

- (1) the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;**
- (2) the rates associated with the service suppliers' enhanced emergency telephone system network services;**
- (3) the personnel expenses of the emergency telephone system; and**
- (4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; and**
- (5) the lease, purchase, construction, or maintenance of a county emergency operations center (as defined in IC 10-14-3-3.5), including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center.**

The legislative body of the unit may appropriate money in the fund only for such an expenditure.

(b) This subsection applies to a county that:

- (1) imposes a fee under section 5 of this chapter; and**
- (2) contains a municipality that operates a PSAP (as defined in IC 36-8-16.5-13).**

Not later than January 31 of each year, the county fiscal body shall submit to each municipality described in subdivision (2) a report of all expenditures described in subsection (a) paid during the immediately preceding calendar year.

SECTION 13. IC 36-8-16.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 21. (a) The wireless emergency telephone system fund is established for the purpose purposes of:**

- (1) creating and maintaining an enhanced wireless 911 system; and**
- (2) establishing and maintaining a county emergency operations center (as defined in IC 10-14-3-3.5).**

(b) The expenses of administering the fund must be paid from money in the fund.

SECTION 14. IC 36-8-16.5-39, AS AMENDED BY P.L.146-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) Except as provided by section 26 of this chapter and subsections (b) and (c), the fund must be managed in the following manner:

(1) Three cents (\$0.03) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account to be used to reimburse:

(A) CMRS providers, PSAPs, and the board for costs associated with implementation of phase two (2) of the FCC order; and

(B) the board for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by CMRS providers or PSAPs.

A CMRS provider or a PSAP may recover costs under this chapter if the costs are incurred before July 1, 2005, and invoiced to the board not later than December 31, 2005. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers and PSAPs under this subdivision.

(2) At least twenty-five cents (\$0.25) of the wireless emergency 911 fee collected from each subscriber must be deposited in an escrow account and used to reimburse CMRS providers for the actual costs incurred by the CMRS providers before July 1, 2005, in complying with the wireless 911 requirements established by the FCC order and rules that are adopted by the FCC under the FCC order, including costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, installing, testing, or maintaining all necessary data, hardware, and software required to provide service as well as the costs of operating the service. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments to reimburse CMRS providers under this subdivision. The CMRS provider may only request funds for true cost recovery. The board may increase the amount held in escrow under this subdivision not more than one (1) time a calendar year. If the board adjusts the wireless emergency 911 fee under section 26(a) of this chapter within a calendar year, an adjustment to the amount held in escrow under this subdivision for the calendar year must be made at that time.

(3) Two percent (2%) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this percentage at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(4) The remainder of the wireless emergency 911 fee collected from each subscriber must be distributed in the following manner:

(A) The board shall distribute on a monthly basis to each county containing one (1) or more eligible PSAPs, as identified by the county in the notice required under section 40 of this chapter, a part of the remainder based upon the county's percentage of the state's population (as reported in the most recent official United States census). A county must use a distribution received under this clause to make distributions to PSAPs that:

(i) are identified by the county under section 40 of this chapter as eligible for distributions; and

(ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

(B) The amount of the fee remaining, if any, after the distributions required under clause (A) must be distributed in equal shares between the escrow accounts established under subdivisions (1) and (2).

(b) Notwithstanding the requirements described in subsection (a),

the board may transfer money between and among the accounts in subsection (a) in accordance with the following procedures:

(1) For purposes of acting under this subsection, the board must have a quorum consisting of at least one (1) member appointed under section 18(c)(2) of this chapter and at least one (1) member appointed under section 18(c)(3) of this chapter.

(2) A transfer under this subsection must be approved by the affirmative vote of:

(A) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(2) of this chapter; and

(B) at least fifty percent (50%) of the members present at a duly called meeting of the board who are appointed under section 18(c)(3) of this chapter.

(3) The board may make transfers only one (1) time during a calendar year.

(4) The board may not make a transfer that:

(A) impairs cost recovery by CMRS providers or PSAPs; or

(B) impairs the ability of the board to fulfill its management and administrative obligations described in this chapter.

(c) If all CMRS providers have been reimbursed for their costs under this chapter, and the fee has been reduced under section 26(c) of this chapter, the board shall manage the fund in the following manner:

(1) One cent (\$0.01) of the wireless emergency 911 fee collected from each subscriber may be used by the board to recover the board's expenses in administering this chapter. However, the board may increase this amount at the time the board may adjust the monthly fee assessed against each subscriber to allow for full recovery of administration expenses.

(2) Thirty-eight and three tenths cents (\$0.383) of the wireless emergency 911 fee collected from each subscriber must be distributed to each county containing at least one (1) PSAP, as identified in the county notice required by section 40 of this chapter. The board shall make these distributions in the following manner:

(A) The board shall distribute on a monthly basis to each eligible county thirty-four and four tenths cents (\$0.344) of the wireless emergency 911 fee based upon the county's percentage of the state's population.

(B) The board shall distribute on a monthly basis to each eligible county three and nine tenths cents (\$0.039) of the wireless emergency 911 fee equally among the eligible counties. A county must use a distribution received under this clause to reimburse PSAPs that:

(i) are identified by the county under section 40 of this chapter as eligible for distributions; and

(ii) accept wireless enhanced 911 service;

for actual costs incurred by the PSAPs in complying with the wireless enhanced 911 requirements established by the FCC order and rules.

~~(C) The board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section.~~

(3) If the fee has been reduced under section 26(c) of this chapter, ~~and if the board has made the distributions under subdivisions (1) and (2), the board may use money remaining in the accounts for a purpose set forth in section 41.5 of this chapter.~~

~~(4) If the fee has been reduced under section 26(c) of this chapter, and if money remains in the accounts after a distribution under subdivision (3), the board shall deposit the remainder of the wireless emergency 911 fee collected from each subscriber into an escrow account to be used for costs associated with other wireless enhanced 911 services~~

mandated by the FCC and specified in the FCC order but not incurred by PSAPs. The board may invest money in the account in the manner prescribed by section 23 of this chapter and may use the proceeds of the investments for costs associated with other wireless enhanced 911 services mandated by the FCC but not specified in the FCC order or to make distributions to PSAPs under this section. The board shall determine how money remaining in the accounts or money for uses described in subsection (a) is to be allocated into the accounts described in this subsection or used for distributions under ~~this subsection: subdivisions (1) and (2).~~

This subsection does not affect the transfer provisions set forth in subsection (b).

SECTION 15. IC 36-8-16.5-41.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 41.5. (a) A county shall use its distribution made under section 39 of this chapter for the lease, purchase, construction, or maintenance of a county emergency operations center (as defined in IC 10-14-3-3.5), including the lease, purchase, installation, or maintenance of equipment necessary to operate the county emergency operations center.**

(b) If:

(1) the board receives a written complaint alleging that a county has used money received under section 39 of this chapter in a manner that is inconsistent with this chapter; and

(2) a majority of the board votes to conduct an audit of the county;

the board may contract with a third party auditor to audit the county to determine whether the county has used money received under this chapter in a manner consistent with this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 285 as printed February 14, 2006.)

RUPPEL

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 379

Representative Heim called down Engrossed Senate Bill 379 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 84

Representative Foley called down Engrossed Senate Bill 84 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 231

Representative Behning called down Engrossed Senate Bill 231 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 231-1)

Mr. Speaker: I move that Engrossed Senate Bill 231 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert: "SECTION 2. [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)] **(a) The commitment given by a public secondary school and published in a student handbook before January 1, 2005, concerning academic honors awards to graduating students who will:**

(1) graduate during 2006 or 2007; and

(2) earn academic honors diplomas;

may be honored in accordance with the terms of the commitment.

(b) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to ESB 231 as printed February 14, 2006.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that

the Senate has passed House Concurrent Resolutions 37, 39, and 40 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 18 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 34 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 35

The Speaker handed down on its passage House Concurrent Resolution 35, authored by Representatives Budak, Pelath, and Ayres:

A CONCURRENT RESOLUTION recognizing the need for protection of our environmental and economic resources.

Whereas, The Great Lakes are a tremendous value to Indiana as an environmental and economic resource, both as the world's largest body of fresh water and as a crucial international shipping channel;

Whereas, Aquatic invasive species have caused significant damage to native environments and industrial operations in the Great Lakes and around the world;

Whereas, Indiana ranks 14th in the nation for waterborne shipping with nearly 70 million tons of maritime cargo per year, and the state's Lake Michigan ports provide Indiana farmers, steel mills, and manufacturers with access to foreign markets through the Great Lakes/St. Lawrence Seaway;

Whereas, Current federal laws governing the introduction of aquatic invasive species into United States waters via ballast water of ocean-going ships and other sources are inadequate;

Whereas, Because of the detrimental effects of imposing regional restrictions on an international shipping channel, there is a need for federal regulation; and

Whereas, There is currently no nationally accepted standard for ballast water quality nor any approved ballast treatment technologies available to ship operators: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly has a great concern for the protection of its environmental and economic resources.

SECTION 2. That the Indiana General Assembly urges the United States Congress to acknowledge the national urgency of this problem and move quickly to enact federal legislation to establish a strong ballast water regulatory program sufficient to prevent future introduction of aquatic invasive species into all United States waters.

SECTION 3. That the Indiana General Assembly declares its support for the efforts of the United States Coast Guard and International Maritime Organization to put in place an international ballast water treatment and regulatory program.

SECTION 4. That the Indiana General Assembly declares its support for the "Great Ships Initiative," a research and development project funded jointly by the Indiana Port Commission and other Great Lakes ports, the U.S. Department of Transportation, the National Fish and Wildlife Foundation, and other federal agencies with the goal of accelerating the development and availability of ballast water treatment technology.

SECTION 5. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President of the United States, the Indiana Congressional delegation, federal agencies that regulate maritime transportation, and the Great Lakes Commission.

[Journal Clerk's Note: House Concurrent Resolution 35, as introduced, did not include a SECTION concerning transmittal of the resolution to the intended recipients. By unanimous consent, the resolution was corrected by the Committee on Rules and Legislative Procedures by adding SECTION 5 above.]

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Landske.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 18

The Speaker handed down Senate Concurrent Resolution 18, sponsored by Representatives Bottorff, Saunders, and Goodin:

A CONCURRENT RESOLUTION urging the Indiana Congressional Delegation to support legislation calling for federal approval to extend the Lewis and Clark National Historic Trail.

Whereas, The Lewis and Clark Expedition is about President Thomas Jefferson's dream, the planning and preparation required for an early 19th-century military expedition, and then finally about the journey itself;

Whereas, The Lewis and Clark Expedition met at Clarksville, Indiana and stayed with George Rogers Clark who was the Brother of William Clark;

Whereas, Clarksville, Indiana was one of the bases of formation and the site of their beginning of the Expedition;

Whereas, Members of the Indiana Congressional Delegation have supported and been the primary sponsors of legislation before Congress which would have amended the National Trails System Act by extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or the return phase of the expedition;

Whereas, Members of the Indiana Congressional Delegation will introduce legislation calling for a feasibility study on extending the Lewis and Clark National Historic Trail to the East;

Whereas, The Lewis and Clark Trail Heritage Foundation supports recognition of a continuous trail across the country on the National Park Service's official trail map and the right to post the official trail signs—Two Captains Pointing the Way—which are posted throughout the West;

Whereas, The extension of the Lewis and Clark National Historic Trail from coast to coast would complete the story and expose a broader base of Americans to the educational and cultural aspects of the expedition;

Whereas, The Lewis and Clark Trail Heritage Foundation believes that the status quo does not adequately recognize Monticello, the home of Thomas Jefferson where he dreamed his vision for America; Washington, D.C., where he shared his dream with Meriwether Lewis; or a variety of other significant places throughout the Eastern Legacy states; and

Whereas, The Lewis and Clark Trail Heritage Foundation partners with the National Park Service, the Bureau of Land Management and the Forest Service in caring for the Lewis and Clark National Historic Trail and also supports scholarships, educational efforts, and research on the expedition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The General Assembly hereby supports and urges the Indiana Congressional Delegation to support legislation calling for federal approval to extend the Lewis and Clark National Historic Trail.

SECTION 2. The Secretary of the Senate shall forward a copy of this resolution to each member of the Indiana Congressional Delegation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 34

The Speaker handed down Senate Concurrent Resolution 34, sponsored by Representatives Tyler, Porter, Torr, and Richardson:

A CONCURRENT RESOLUTION honoring Colonel Charles H. Greenwood for his dutiful four years of service as Wing Commander of the Indiana Wing of the U.S. Air Force's Auxiliary Civil Air Patrol upon completion of his tenure in the position.

Whereas, Colonel Greenwood has received undergraduate and graduate degrees in education from Ball State and a doctoral degree in education from Indiana University;

Whereas, He served in various capacities both as a professor and as an administrator at Ball State University for over four decades, including serving in positions such as Assistant Dean of Undergraduate Programs and Assistant Dean of the School of Continuing Education;

Whereas, He has served a long and dedicated career in the military, beginning his service in 1952 as a member of the U.S. Air Force ROTC program at Indiana University and advancing to his current position of Wing Commander of the Indiana Wing of the USAF Civil Air Patrol;

Whereas, He is a dedicated public servant and has continuously and selflessly served the community in various positions such as Educational Director of the Academy for Community Leadership, Board of Directors for Ball Memorial Hospital, Member of the Muncie Redevelopment Commission, Indiana District Governor for Kiwanis International, and Board Member for the Muncie Housing Authority, among many others; and

Whereas, Colonel Greenwood will retire from his position as Wing Commander this Spring and will be honored for his dedicate service at Grissom Air Force Base on March 25, 2006: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The General Assembly hereby honors Colonel Charles H. Greenwood for his dutiful four years of service as Wing Commander of the Indiana Wing of the U.S. Air Force's Auxiliary Civil Air Patrol upon completion of his tenure in the position.

SECTION 2. The Secretary of the Senate shall transmit a copy of this resolution to Colonel Charles H. Greenwood, Ball State University, Major General Antonio J. Pineda, LTC Michael A. Moran, and LTC Ralph Bruns.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 5, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "funeral or".

Page 2, delete lines 3 through 4.

Page 2, line 5, delete "(C)" and insert "(B)".

Page 2, delete lines 8 through 9, begin a new line double block indented and insert:

"(C) a building in which:

(i) a funeral or memorial service; or

**(ii) the viewing of a deceased person;
is being conducted; and".**

(Reference is to SB 5 as printed January 11, 2006.)
and when so amended that said bill do pass.
Committee Vote: yeas 9, nays 1.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 6, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 6, line 16, after "IC 5-2-12-4)" insert **"and shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5"**.

(Reference is to SB 6 as reprinted February 2, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 55, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-8.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. This chapter expires for members of the 1925 fund, the 1937 fund, or the 1953 fund on the date the authority of the board of trustees of the public employees' retirement fund to distribute from the pension relief fund established under IC 5-10.3-11-1 to units of local government (described in IC 5-10.3-11-3) amounts determined under IC 5-10.3-11-4.7 expires."

SECTION 2. IC 36-8-8.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **Except as provided in section 1.5 of this chapter**, this chapter applies to a person who is a member of any of the following funds:

- (1) 1925 Police Pension Fund (IC 36-8-6) (referred to in this chapter as the 1925 fund).
- (2) 1937 Firefighters' Pension Fund (IC 36-8-7) (referred to in this chapter as the 1937 fund).
- (3) 1953 Police Pension Fund (Indianapolis) (IC 36-8-7.5) (referred to in this chapter as the 1953 fund).
- (4) 1977 Police Officers' and Firefighters' Pension and Disability Fund (IC 36-8-8) (referred to in this chapter as the 1977 fund)."

Page 1, line 2, after "Sec. 14." insert **"(a) Subject to subsection (b),"**.

Page 1, line 6, after "date;" insert **"or"**.

Page 1, line 8, delete ";" and insert ".".

Page 1, line 8, strike "or".

Page 1, line 9, strike "(4) December 31,".

Page 1, line 9, delete "2011.", begin a new paragraph and insert:

"(b) A member of the 1925 fund, the 1937 fund, or the 1953 fund who enters the DROP established by this chapter must exit the DROP on the date the authority of the board of trustees of the public employees' retirement fund to distribute from the pension relief fund established under IC 5-10.3-11-1 to units of local government (described in IC 5-10.3-11-3) amounts determined under IC 5-10.3-11-4.7 expires."

Renumber all SECTIONS consecutively.

(Reference is to SB 55 as printed January 30, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 57, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "Sec. 5." insert **"(a)"**.

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"(b) A state agency's disclosure of the Social Security number of an individual in compliance with subsection (a) does not violate IC 5-14-3-4(a)(12)."

SECTION 2. IC 5-10.2-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Benefits provided under this section are subject to IC 5-10.2-2-1.5.

(b) A member who retires is entitled to receive monthly retirement benefits, which are guaranteed for five (5) years or until the member's death, whichever is later. A member may select in writing any of the following nonconflicting options for the payment of the member's retirement benefits instead of the five (5) year guaranteed retirement benefit payments. The amount of the optional payments shall be determined under rules of the board and shall be the actuarial equivalent of the benefit payable under sections 4, 5, and 6 of this chapter.

(1) Joint and Survivor Option.

(A) The member receives a decreased retirement benefit during the member's lifetime, and there is a benefit payable after the member's death to a designated beneficiary during the lifetime of the beneficiary, which benefit equals, at the option of the member, either the full decreased retirement benefit or two-thirds (2/3) or one-half (1/2) of that benefit.

(B) If the member dies before retirement, the designated beneficiary may receive only the amount credited to the member in the annuity savings account unless the designated beneficiary is entitled to survivor benefits under IC 5-10.2-3.

(C) If the designated beneficiary dies before the member retires, the selection is automatically canceled and the member may make a new beneficiary election and may elect a different form of benefit under this subsection.

(2) Benefit with No Guarantee. The member receives an increased lifetime retirement benefit without the five (5) year guarantee specified in this subsection.

(3) Integration with Social Security. If the member retires before the age of eligibility for Social Security benefits, in order to provide a level benefit during the member's retirement the member receives an increased retirement benefit until the age of Social Security eligibility and decreased retirement benefits after that age.

(4) Cash Refund Annuity. The member receives a lifetime annuity purchasable by the amount credited to the member in the annuity savings account, and the member's designated beneficiary receives a refund payment equal to:

(A) the total amount used in computing the annuity at the retirement date; minus

(B) the total annuity payments paid and due to the member before the member's death.

(c) If:

(1) the designated beneficiary dies while the member is receiving benefits; ~~or~~

(2) the member is receiving benefits, the member marries ~~either for the first time or following the death of the member's spouse~~, after the member's first benefit payment is made, and the member's designated beneficiary is not the member's current spouse or the member has not designated a beneficiary; ~~or~~

(3) the member is receiving benefits, and after July 1, 2006, there is a dissolution of marriage between the member and the designated beneficiary;

the member may elect to change the member's designated beneficiary or form of benefit under subsection (b) and to receive an actuarially adjusted and recalculated benefit for the remainder of the member's life or for the remainder of the member's life and the life of the newly designated beneficiary. The member may not elect to change to a five (5) year guaranteed form of benefit. If the member's new election is the joint and survivor option, the member shall indicate whether the designated beneficiary's benefit shall equal, at the option of the

member, either the member's full recalculated retirement benefit or two-thirds (2/3) or one-half (1/2) of this benefit. The cost of recalculating the benefit shall be borne by the member and shall be included in the actuarial adjustment.

(d) Except as provided in subsection (c), a member who files for regular or disability retirement may not change:

- (1) the member's retirement option under subsection (b);
- (2) the selection of a lump sum payment under section 2 of this chapter; or
- (3) the beneficiary designated on the member's application for benefits if the member selects the joint and survivor option under subsection (b)(1);

after the first day of the month in which benefit payments are scheduled to begin. For purposes of this subsection, it is immaterial whether a benefit check has been sent, received, or negotiated.

(e) A member may direct that the member's retirement benefits be paid to a revocable trust that permits the member unrestricted access to the amounts held in the revocable trust. The member's direction is not an assignment or transfer of benefits under IC 5-10.3-8-10 or IC 21-6.1-5-17."

Renumber all SECTIONS consecutively.

(Reference is to SB 57 as printed January 27, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 83, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 5, reset in roman "taser (as defined in".

Page 1, reset in roman line 6.

Page 1, line 7, reset in roman "IC 35-47-8-1),"

Page 3, delete lines 11 through 12.

Page 3, line 13, delete "(3)" and insert "(2)".

Page 3, line 13, delete "two (2)" and insert "one (1)".

Page 3, line 14, delete "convictions" and insert "conviction".

Page 3, line 15, delete "(4)" and insert "(3)".

Page 3, line 15, delete "three (3)" and insert "two (2)".

Page 3, delete lines 17 through 19.

(Reference is to SB 83 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 2.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Engrossed Senate Bill 86, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Engrossed Senate Bill 100, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-21.5-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~Except as~~

~~provided in subsection (c);~~ This article does not apply to any of the following agencies:

- (1) The governor.
- (2) The state board of accounts.
- (3) The state educational institutions (as defined by IC 20-12-0.5-1).
- (4) The department of workforce development.
- (5) The unemployment insurance review board of the department of workforce development.
- (6) The worker's compensation board of Indiana.
- (7) The military officers or boards.
- (8) The Indiana utility regulatory commission.
- (9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).
- (10) The department of local government finance.

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

~~(c) This article applies to a protest or hearing related to the regulation of charity gaming under IC 4-32 by the department of state revenue.~~

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.235-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.
- (10) An emergency rule adopted by the Indiana ~~transportation~~ finance authority under IC 8-21-12.
- (11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:
 - (A) the variance procedures are included in the rules; and
 - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (16) An emergency rule adopted by the Indiana gaming commission under **IC 4-32.2-3-3(b)**, IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.
- (17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.
- (18) An emergency rule adopted by the department of financial

institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34.

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33.

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j) and (k), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

SECTION 3. IC 4-32.2 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 32.2. CHARITY GAMING

Chapter 1. General Provisions

Sec. 1. (a) This article applies only to a qualified organization.

(b) This article applies only to:

(1) bingo events, charity game nights, door prize events, raffle events, festivals, and other gaming events approved by the commission; and

(2) the sale of pull tabs, punchboards, and tip boards:

(A) at bingo events, charity game nights, door prize events, raffle events, and festivals conducted by qualified organizations; or

(B) at any time on the premises owned or leased by a qualified organization and regularly used for the activities of the qualified organization.

This article does not apply to any other sale of pull tabs, punchboards, and tip boards.

Sec. 2. The purpose of this article is to permit a licensed qualified organization:

(1) to conduct allowable events; and

(2) to sell pull tabs, punchboards, and tip boards;

as a fundraising activity for lawful purposes of the organization.

Sec. 3. A bingo event, charity game night, door prize drawing, or raffle is not allowed in Indiana unless it is conducted by a qualified organization in accordance with this article.

Sec. 4. Local taxes, regardless of type, may not be imposed upon the operations of the commission under this article or upon the sale of bingo cards, bingo boards, bingo sheets, bingo pads, pull tabs, punchboards, or tip boards under this article.

Sec. 5. (a) Local governmental authority concerning the following is preempted by the state under this article and IC 4-30:

(1) All matters relating to the operation of bingo events, charity game nights, raffles, and door prize drawings.

(2) All matters relating to the possession, transportation, advertising, sale, manufacture, printing, storing, or distribution of pull tabs, punchboards, or tip boards.

(b) A county, municipality, or other political subdivision of the state may not enact an ordinance relating to the commission's operations authorized by this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Allowable event" means:

(1) a bingo event;

(2) a charity game night;

(3) a raffle;

(4) a door prize drawing;

(5) a festival;

(6) a sale of pull tabs, punchboards, or tip boards; or

(7) any other gambling event approved by the commission under this article;

conducted by a qualified organization in accordance with this article and rules adopted by the commission under this article.

Sec. 3. "Bingo" means a game conducted in the following manner:

(1) Each participant receives at least one (1) card, board,

pad, or piece of paper marked off into twenty-five (25) squares that are arranged in five (5) vertical rows of five (5) squares each, with each row designated by a single letter, and each box containing a number, from one (1) to seventy-five (75), except the center box, which is always marked with the word "free".

(2) As the caller of the game announces a letter and number combination, each player covers the square corresponding to the announced number, letter, or combination of numbers and letters.

(3) The winner of each game is the player who is the first to properly cover a predetermined and announced pattern of squares upon the card used by the player.

Sec. 4. "Bingo event" means an event at which bingo is conducted by an organization that holds a bingo license or a special bingo license issued under this article.

Sec. 5. "Bona fide business organization" means a local organization that is not for pecuniary profit and is exempt from federal income taxation under Section 501(c)(6) of the Internal Revenue Code.

Sec. 6. "Bona fide civic organization" means a branch, lodge, or chapter of a national or state organization that is not for pecuniary profit or a local organization that is not for pecuniary profit and not affiliated with a state or national organization whose written constitution, charter, articles of incorporation, or bylaws provide the following:

(1) That the organization is organized primarily for civic, fraternal, or charitable purposes.

(2) That upon dissolution of the organization all remaining assets of the organization revert to nonprofit civic or charitable purposes.

Sec. 7. "Bona fide educational organization" means an organization that is not for pecuniary profit and that meets the following criteria:

(1) The organization's primary purpose is educational in nature.

(2) The organization's constitution, articles, charter, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit educational purposes.

(3) The organization is designed to develop the capabilities of individuals by instruction in a public or private:

(A) elementary or secondary school; or

(B) college or university.

Sec. 8. (a) "Bona fide political organization" means a party committee, association, fund, or other organization, whether incorporated or not, organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function (as defined in Section 527 of the Internal Revenue Code).

(b) Except as provided in subsection (c), the term does not include a candidate's committee (as defined in IC 3-5-2-7).

(c) For purposes of IC 4-32.2-4-8 and IC 4-32.2-4-18, the term includes a candidate's committee (as defined in IC 3-5-2-7).

Sec. 9. "Bona fide religious organization" means an organization, a church, a body of communicants, or a group:

(1) organized primarily for religious purposes and not for pecuniary profit that provides to the commission written confirmation that the entity is operating under Section 501 of the Internal Revenue Code or under the Section 501 nonprofit status of the entity's parent organization; and

(2) whose constitution, charter, articles, or bylaws contain a clause that provides that upon dissolution all remaining assets shall be used for nonprofit religious purposes or shall revert to the parent organization for nonprofit religious purposes.

Sec. 10. "Bona fide senior citizens organization" means an organization that is not for pecuniary profit and that:

(1) consists of at least fifteen (15) members who are at least sixty (60) years of age;

(2) is organized by the organization's constitution, charter, articles, or bylaws for the mutual support and advancement of the causes of elderly or retired persons; and

(3) provides in the organization's constitution, charter,

articles, or bylaws that upon dissolution all remaining assets of the organization shall be used for nonprofit purposes that will support or advance the causes of elderly or retired persons.

Sec. 11. "Bona fide veterans organization" means a local organization or a branch, lodge, or chapter of a state or national organization chartered by the Congress of the United States that is not for pecuniary profit and that:

(1) consists of individuals who are or were members of the armed forces of the United States;

(2) is organized for the mutual support and advancement of the organization's membership and patriotic causes; and

(3) provides in the organization's constitution, charter, articles, or bylaws that upon dissolution all remaining assets of the organization shall be used for nonprofit purposes that will support or advance patriotic causes.

Sec. 12. (a) "Charity game night" means an event at which wagers are placed upon the following permitted games of chance through the use of imitation money:

(1) A card game approved by the commission.

(2) A dice game approved by the commission.

(3) A roulette wheel approved by the commission.

(4) A spindle approved by the commission.

(b) The term does not include an event at which wagers are placed upon any of the following:

(1) Bookmaking.

(2) A slot machine.

(3) A one-ball machine or a variant of a one-ball machine.

(4) A pinball machine that awards anything other than an immediate and unrecorded right of replay.

(5) A policy or numbers game.

(6) A banking or percentage game played with cards or counters, including the acceptance of a fixed share of the stakes in a game.

Sec. 13. "Commission" means the Indiana gaming commission established by IC 4-33-3-1.

Sec. 14. "Department" means the department of state revenue.

Sec. 15. "Door prize" means a prize awarded to a person based solely upon the person's attendance at an event or the purchase of a ticket to attend an event.

Sec. 16. "Door prize drawing" means a drawing to award a door prize.

Sec. 17. "Door prize event" means an event at which at least one (1) door prize drawing is conducted by an organization that holds a door prize drawing license issued under this article.

Sec. 18. "Executive director" means the executive director of the Indiana gaming commission appointed under IC 4-33-3-18.

Sec. 19. "Licensed supply" refers to any of the following:

(1) Bingo cards.

(2) Bingo boards.

(3) Bingo sheets.

(4) Bingo pads.

(5) Pull tabs.

(6) Punchboards.

(7) Tip boards.

(8) Any other supplies, devices, or equipment designed to be used in allowable events designated by rule of the commission.

Sec. 20. "Marketing sheet" means additional information published about a wagering game that describes winnings.

Sec. 20.5. "Member" means any of the following:

(1) An individual entitled to membership in a qualified organization under the bylaws, articles of incorporation, charter, or rules of the qualified organization.

(2) A member of the qualified organization's auxiliary.

(3) In the case of a qualified organization that is a nonpublic school (as defined in IC 20-18-2-12), either of the following:

(A) A parent of a child enrolled in the school.

(B) A member of the school's parent organization.

(C) A member of the school's alumni association.

Sec. 21. "Operator" means an individual who is responsible for conducting an allowable event for a qualified organization under this article in accordance with Indiana law.

Sec. 22. "Pull tab" means either of the following:

(1) A game conducted in the following manner:

(A) A single folded or banded ticket or a two-ply card with perforated break-open tabs is bought by a player from a qualified organization.

(B) The face of each card is initially covered or otherwise hidden from view, concealing a number, letter, symbol, or set of letters or symbols.

(C) In each set of tickets or cards, a designated number of tickets or cards have been randomly designated in advance as winners.

(D) Winners, or potential winners if the game includes the use of a seal, are determined by revealing the faces of the tickets or cards. The player may be required to sign the player's name on numbered lines provided if a seal is used.

(E) The player with a winning pull tab ticket or numbered line receives the prize stated on the flare from the qualified organization. The prize must be fully and clearly described on the flare.

(2) Any game played in a similar fashion as a game described in subdivision (1) that is approved by the commission.

Sec. 23. "Punchboard" means a card or board that contains a grid or section that hides the random opportunity to win a prize based on the results of punching a single section to reveal a symbol or prize amount.

Sec. 24. (a) "Qualified organization" means:

(1) a bona fide religious, educational, senior citizens, veterans, or civic organization operating in Indiana that:

(A) operates without profit to the organization's members;

(B) is exempt from taxation under Section 501 of the Internal Revenue Code; and

(C) has been continuously in existence in Indiana for at least five (5) years or is affiliated with a parent organization that has been in existence in Indiana for at least five (5) years; or

(2) a bona fide political organization operating in Indiana that produces exempt function income (as defined in Section 527 of the Internal Revenue Code).

(b) For purposes of IC 4-32.2-4-3, a "qualified organization" includes the following:

(1) A hospital licensed under IC 16-21.

(2) A health facility licensed under IC 16-28.

(3) A psychiatric facility licensed under IC 12-25.

(4) An organization defined in subsection (a).

(c) For purposes of IC 4-32.2-4-10, a "qualified organization" includes a bona fide business organization.

Sec. 25. "Qualified recipient" means:

(1) a hospital or medical center operated by the federal government;

(2) a hospital licensed under IC 16-21;

(3) a hospital subject to IC 16-22;

(4) a hospital subject to IC 16-23;

(5) a health facility licensed under IC 16-28;

(6) a psychiatric facility licensed under IC 12-25;

(7) an organization described in section 24(a) of this chapter;

(8) an activity or a program of a local law enforcement agency intended to reduce substance abuse;

(9) a charitable activity of a local law enforcement agency; or

(10) a veterans' home.

Sec. 26. "Raffle" means the selling of tickets or chances to win a prize awarded through a random drawing.

Sec. 27. "Raffle event" means an event at which at least one (1) raffle is conducted by an organization that holds a raffle license issued under this article.

Sec. 28. "Tip board" means a board, a placard, or other device that is marked off in a grid or columns, with each section containing a hidden number or numbers or other symbols that determine a winner.

Sec. 29. "Veterans' home" means any of the following:

(1) The Indiana Veterans' Home.

(2) The VFW National Home for Children.

(3) The Indiana Soldiers' and Sailors' Children's Home.

Sec. 30. "Worker" means an individual who helps or participates in any manner in preparing for, conducting, assisting in conducting, cleaning up after, or taking any other action in connection with an allowable event under this article.

Chapter 3. Powers and Duties of the Commission

Sec. 1. (a) The commission shall supervise and administer allowable events conducted under this article.

(b) The commission may by resolution assign to the executive director any duty imposed upon the commission by this article.

(c) The executive director shall perform the duties assigned to the executive director by the commission. The executive director may exercise any power conferred upon the commission by this article that is consistent with the duties assigned to the executive director under subsection (b).

Sec. 2. For purposes of conducting an investigation or a proceeding under this article, the commission may do the following:

(1) Administer oaths.

(2) Take depositions.

(3) Issue subpoenas.

(4) Compel the attendance of witnesses and the production of books, papers, documents, and other evidence.

Sec. 3. (a) The commission shall adopt rules under IC 4-22-2 for the following purposes:

(1) Administering this article.

(2) Establishing the conditions under which charity gaming in Indiana may be conducted.

(3) Providing for the prevention of practices detrimental to the public interest and providing for the best interests of charity gaming.

(4) Establishing rules concerning inspection of qualified organizations and the review of the licenses necessary to conduct charity gaming.

(5) Imposing penalties for noncriminal violations of this article.

(b) The commission may adopt emergency rules under IC 4-22-2-37.1 if the commission determines that:

(1) the need for a rule is so immediate and substantial that rulemaking procedures under IC 4-22-2-13 through IC 4-22-2-36 are inadequate to address the need; and

(2) an emergency rule is likely to address the need.

Sec. 4. (a) The commission has the sole authority to license entities under this article to sell, distribute, or manufacture the following:

(1) Bingo cards.

(2) Bingo boards.

(3) Bingo sheets.

(4) Bingo pads.

(5) Pull tabs.

(6) Punchboards.

(7) Tip boards.

(8) Any other supplies, devices, or equipment designed to be used in allowable events designated by rule of the commission.

(b) Qualified organizations must obtain the materials described in subsection (a) only from an entity licensed by the commission.

(c) The commission may not limit the number of qualified entities licensed under subsection (a).

Sec. 5. The commission shall charge appropriate fees to the following:

(1) An applicant for a license to conduct an allowable event.

(2) An applicant seeking a license to distribute bingo supplies, pull tabs, punchboards, or tip boards.

(3) An applicant seeking a license to manufacture bingo supplies, pull tabs, punchboards, or tip boards.

Sec. 6. The commission may own, sell, and lease real and personal property necessary to carry out the commission's responsibilities under this article.

Sec. 7. The commission may employ investigators and other staff necessary to carry out this article. However, the restrictions and limitations on the operators and workers set forth in

IC 4-32.2-5-10 apply to staff employed under this article. The employees hired by the commission under this article may be the same as the commission's employees hired under IC 4-33.

Chapter 4. Charity Gaming Licenses

Sec. 1. A qualified organization may conduct the following activities in accordance with this article:

- (1) A bingo event.
- (2) A charity game night.
- (3) A raffle event.
- (4) A door prize event.
- (5) A festival.
- (6) The sale of pull tabs, punchboards, and tip boards.
- (7) Any other gambling event approved by the commission.

Sec. 2. Except as provided in section 3 of this chapter, a qualified organization must obtain a license under this chapter to conduct an allowable event.

Sec. 3. (a) A qualified organization is not required to obtain a license from the commission if the value of all prizes awarded at the bingo event, charity game night, raffle event, or door prize event, including prizes from pull tabs, punchboards, and tip boards, does not exceed one thousand dollars (\$1,000) for a single event and not more than three thousand dollars (\$3,000) during a calendar year.

(b) A qualified organization described in subsection (a) that plans to hold a bingo event more than one (1) time a year shall send an annual written notice to the commission informing the commission of the following:

- (1) The estimated frequency of the planned bingo events.
- (2) The location or locations where the qualified organization plans to hold the bingo events.
- (3) The estimated amount of revenue expected to be generated by each bingo event.

(c) The notice required under subsection (b) must be filed before the earlier of the following:

- (1) March 1 of each year.
- (2) One (1) week before the qualified organization holds the first bingo event of the year.

(d) A qualified organization described in subsection (a) shall maintain accurate records of all financial transactions of an event conducted under this section. The commission may inspect records kept in compliance with this section.

Sec. 4. (a) Each organization applying for a bingo license, a special bingo license, a charity game night license, a raffle license, a door prize drawing license, a festival license, or a license to conduct any other gambling event approved by the commission must submit to the commission a written application on a form prescribed by the commission.

(b) Except as provided in subsection (c), the application must include the information that the commission requires, including the following:

- (1) The name and address of the organization.
- (2) The names and addresses of the officers of the organization.
- (3) The type of event the organization proposes to conduct.
- (4) The location where the organization will conduct the allowable event.
- (5) The dates and times for the proposed allowable event.
- (6) Sufficient facts relating to the organization or the organization's incorporation or founding to enable the commission to determine whether the organization is a qualified organization.
- (7) The name of each proposed operator and sufficient facts relating to the proposed operator to enable the commission to determine whether the proposed operator is qualified to serve as an operator.
- (8) A sworn statement signed by the presiding officer and secretary of the organization attesting to the eligibility of the organization for a license, including the nonprofit character of the organization.
- (9) Any other information considered necessary by the commission.

(c) This subsection applies only to a qualified organization that conducts only one (1) allowable event in a calendar year. The commission may not require the inclusion in the qualified

organization's application of the Social Security numbers of the workers who will participate in the qualified organization's proposed allowable event. A qualified organization that files an application described in this subsection must attach to the application a sworn statement signed by the presiding officer and secretary of the organization attesting that:

- (1) the workers who will participate in the qualified organization's proposed allowable event are eligible to participate under this article; and
- (2) the organization has not conducted any other allowable events in the calendar year.

Sec. 5. (a) The commission may issue a bingo license to a qualified organization if:

- (1) the provisions of this section are satisfied; and
- (2) the qualified organization:
 - (A) submits an application; and
 - (B) pays a fee set by the commission under IC 4-32.2-6.

(b) The commission may hold a public hearing to obtain input on the proposed issuance of an annual bingo license to an applicant that has never held an annual bingo license under this article.

(c) The first time that a qualified organization applies for an annual bingo license, the commission shall publish notice that the application has been filed. The notification must be in accordance with IC 5-14-1.5-5 and must contain the following:

- (1) The name of the qualified organization and the fact that it has applied for an annual bingo license.
- (2) The location where the bingo events will be held.
- (3) The names of the operator and officers of the qualified organization.
- (4) A statement that any person can protest the proposed issuance of the annual bingo license.
- (5) A statement that the commission shall hold a public hearing if ten (10) written and signed protest letters are received by the commission.
- (6) The address of the commission where correspondence concerning the application may be sent.

(d) If the commission receives at least ten (10) protest letters, the commission shall hold a public hearing in accordance with IC 5-14-1.5. The commission shall issue a license or deny the application not later than sixty (60) days after the date of the public hearing.

(e) A license issued under this section:

- (1) may authorize the qualified organization to conduct bingo events on more than one (1) occasion during a period of one (1) year;
- (2) must state the locations of the permitted bingo events;
- (3) must state the expiration date of the license; and
- (4) may be reissued annually upon the submission of an application for reissuance on the form established by the commission and upon the licensee's payment of a fee set by the commission.

(f) Notwithstanding subsection (e)(4), the commission shall hold a public hearing for the reissuance of an annual bingo license if:

- (1) an applicant has been cited for a violation of law or a rule of the commission; or
- (2) the commission finds, based upon investigation of at least three (3) written and signed complaints alleging a violation of law or a rule of the commission in connection with the bingo license, that one (1) or more of the alleged violations:
 - (A) has occurred;
 - (B) is a type of violation that would allow the commission to cite the applicant for a violation of a provision of this article or of a rule of the commission; and
 - (C) has not been corrected after notice has been given by the commission.

(g) If the commission is required to hold a public hearing on an application for a reissuance of an annual bingo license, it shall comply with the same procedures required under this section for notice and for conducting the hearing.

(h) The commission may deny a license if, after a public hearing, the commission determines that the applicant:

- (1) has violated a local ordinance; or

(2) has engaged in fraud, deceit, or misrepresentation.

Sec. 6. The commission may issue a special bingo license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

- (1) authorize the qualified organization to conduct a bingo event at only one (1) time and location; and
- (2) state the date, beginning and ending times, and location of the authorized bingo event.

Sec. 7. The commission may issue a charity game night license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

- (1) authorize the qualified organization to conduct a charity game night at only one (1) time and location; and
- (2) state the date, beginning and ending times, and location of the charity game night.

Sec. 8. (a) The commission may issue a raffle license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

- (1) authorize the qualified organization to conduct a raffle event at only one (1) time and location; and
- (2) state the date, beginning and ending times, and location of the raffle event.

(b) A qualified organization, by rule of the commission, may be excused from the requirement of obtaining a license to conduct a raffle event if the total market value of the prize or prizes to be awarded at the raffle event does not exceed one thousand dollars (\$1,000).

Sec. 9. The commissioner may issue an annual raffle license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

- (1) authorize the qualified organization to conduct not more than five (5) raffle events in the calendar year in which the license is issued; and
- (2) state the date, beginning and ending times, and location of each raffle event conducted by the qualified organization in the calendar year.

Sec. 10. (a) The commission may issue a door prize license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

- (1) authorize the qualified organization to conduct a door prize event at only one (1) time and location; and
- (2) state the date, beginning and ending times, and location of the door prize event.

(b) A qualified organization, by rule of the commission, may be excused from the requirement of obtaining a license to conduct a door prize event if the total market value of the prize or prizes to be awarded at the door prize event does not exceed one thousand dollars (\$1,000).

Sec. 11. (a) The commission may issue an annual door prize license to a qualified organization if:

- (1) the provisions of this section are satisfied; and
- (2) the qualified organization:
 - (A) submits an application; and
 - (B) pays a fee set by the commission under IC 4-32.2-6.

(b) The application for an annual door prize license must contain the following:

- (1) The name of the qualified organization.
- (2) The location where the door prize events will be held.
- (3) The names of the operator and officers of the qualified organization.

(c) A license issued under this section:

- (1) may authorize the qualified organization to conduct door prize events on more than one (1) occasion during a period of one (1) year;
- (2) must state the locations of the permitted door prize events;
- (3) must state the expiration date of the license; and
- (4) may be reissued annually upon the submission of an application for reissuance on the form established by the

commission and upon the licensee's payment of a fee set by the commission.

(d) The commission may reject an application for an annual door prize license if, after a public hearing, the commission determines that the applicant:

- (1) has violated a local ordinance; or
- (2) has engaged in fraud, deceit, or misrepresentation.

Sec. 12. (a) The commission may issue a festival license to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must authorize the qualified organization to conduct bingo events, charity game nights, one (1) raffle event, and door prize events and to sell pull tabs, punchboards, and tip boards. The license must state the location and the dates, not exceeding four (4) consecutive days, on which these activities may be conducted.

(b) A qualified organization may not conduct more than one (1) festival each year at which bingo events, charity game nights, raffle events, and door prize events are conducted and pull tabs, punchboards, and tip boards are sold.

(c) The raffle event authorized by a festival license is not subject to the prize limits set forth in this chapter. Bingo events, charity game nights, and door prize events conducted at a festival are subject to the prize limits set forth in this chapter.

Sec. 13. (a) A bingo license or special bingo license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the bingo event.

(b) A charity game night license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the charity game night.

(c) A raffle license may also authorize a qualified organization to conduct door prize drawings and sell pull tabs, punchboards, and tip boards at the raffle event.

(d) A door prize license may also authorize a qualified organization to sell pull tabs, punchboards, and tip boards at the door prize event.

Sec. 14. A qualified organization may hold more than one (1) license at a time. However, a qualified organization with multiple licenses may not hold a bingo event and raffle at the same event or at the same time and place unless, by express determination, the commission allows a qualified organization to do so. The commission may allow a qualified organization to conduct only one (1) event each year at which both bingo and a raffle may be held.

Sec. 15. The commission may not limit the number of qualified organizations licensed under this article.

Sec. 16. (a) This section applies to a gambling event that is described in neither:

- (1) section 1(1) through 1(6) of this chapter; nor
- (2) IC 4-32.2-2-12(b).

(b) The commission may issue a license to conduct a gambling event approved by the commission to a qualified organization upon the organization's submission of an application and payment of a fee determined under IC 4-32.2-6. The license must:

- (1) authorize the qualified organization to conduct the gambling event at only one (1) time and location; and
- (2) state the date, beginning and ending times, and location of the gambling event.

(c) The commission may impose any condition upon a qualified organization that is issued a license to conduct a gambling event under this section.

Sec. 17. A qualified organization described in section 4(c) of this chapter may not require an individual who wishes to participate in the qualified organization's allowable event as a worker to submit the individual's Social Security number to the qualified organization.

Sec. 18. (a) With respect to any action authorized by this section, a candidate's committee (as defined in IC 3-5-2-7) is considered a bona fide political organization.

(b) A candidate's committee may apply for a license under section 8 of this chapter to conduct a raffle event. A candidate's committee may not conduct any other kind of allowable event.

(c) The following are subject to this article:

(1) A candidate's committee that applies for a license under section 8 of this chapter.

(2) A raffle event conducted by a candidate's committee.

Chapter 5. Conduct of Allowable Events

Sec. 1. IC 35-45-5 does not apply to a person who conducts, participates in, or receives a prize in an allowable event.

Sec. 2. A qualified organization may not contract or otherwise enter into an agreement with an individual, a corporation, a partnership, a limited liability company, or other association to conduct an allowable event for the benefit of the organization. A qualified organization shall use only operators and workers meeting the requirements of this chapter to manage and conduct an allowable event.

Sec. 3. (a) All net proceeds from an allowable event and related activities may be used only for the lawful purposes of the qualified organization.

(b) To determine the net proceeds from an allowable event, a qualified organization shall subtract the following from the gross receipts received from the allowable event:

(1) An amount equal to the total value of the prizes, including door prizes, awarded at the allowable event.

(2) The sum of the purchase prices paid for licensed supplies dispensed at the allowable event.

(3) An amount equal to the qualified organization's license fees attributable to the allowable event.

(4) An amount equal to the advertising expenses incurred by the qualified organization to promote the allowable event.

Sec. 4. (a) A qualified organization that receives ninety percent (90%) or more of the organization's total gross receipts from any events licensed under this article is required to donate sixty percent (60%) of its gross charitable gaming receipts less prize payout to a qualified recipient that is not an affiliate, a parent, or a subsidiary organization of the qualified organization.

(b) For purposes of this section, a veterans' home is not considered to be an affiliate, a parent, or a subsidiary organization of a qualified organization that is a bona fide veterans organization.

Sec. 5. A qualified organization shall maintain accurate records of all financial aspects of an allowable event under this article. A qualified organization shall make accurate reports of all financial aspects of an allowable event to the commission within the time established by the commission. The commission may prescribe forms for this purpose. The commission shall, by rule, require a qualified organization to deposit funds received from an allowable event in a separate and segregated account set up for that purpose. All expenses of the qualified organization with respect to an allowable event shall be paid from the separate account.

Sec. 6. (a) A qualified organization may not conduct more than three (3) allowable events during a calendar week and not more than one (1) allowable event each day.

(b) Except as provided in IC 4-32.2-4-12, allowable events may not be held on more than two (2) consecutive days.

(c) A bona fide civic organization may conduct one (1) additional allowable event during each six (6) months of a calendar year.

Sec. 7. A qualified organization may not conduct more than four (4) charity game nights during a calendar year.

Sec. 8. (a) Except as provided in subsection (d), if facilities are leased for an allowable event, the rent may not:

(1) be based in whole or in part on the revenue generated from the event; or

(2) exceed two hundred dollars (\$200) per day.

(b) A facility may not be rented for more than three (3) days during a calendar week for an allowable event.

(c) If personal property is leased for an allowable event, the rent may not be based in whole or in part on the revenue generated from the event.

(d) If a qualified organization conducts an allowable event in conjunction with or at the same facility where the qualified organization or its affiliate is having a convention or other meeting of its membership, facility rent for the allowable event may exceed two hundred dollars (\$200) per day. A qualified organization may conduct only one (1) allowable event under this

subsection in a calendar year.

Sec. 9. Not more than one (1) qualified organization may conduct an allowable event on the same day at the same location.

Sec. 10. An operator or a worker may not be a person who has been convicted of or entered a plea of nolo contendere to a felony committed in the preceding ten (10) years, regardless of the adjudication, unless the commission determines that:

(1) the person has been pardoned or the person's civil rights have been restored; or

(2) after the conviction or entry of the plea, the person has engaged in the kind of good citizenship that would reflect well upon the integrity of the qualified organization and the commission.

Sec. 11. An employee of the commission or a relative living in the same household with the employee of the commission may not be an operator or a worker.

Sec. 12. (a) Except as provided in subsection (b), an operator or a worker may not receive remuneration for:

(1) preparing for;

(2) conducting;

(3) assisting in conducting;

(4) cleaning up after; or

(5) taking any other action in connection with; an allowable event.

(b) A qualified organization that conducts an allowable event may:

(1) provide meals for the operators and workers during the allowable event; and

(2) provide recognition dinners and social events for the operators and workers;

if the value of the meals and social events does not constitute a significant inducement to participate in the conduct of the allowable event.

Sec. 13. An individual may not be an operator for more than one (1) qualified organization during a calendar month. If an individual has previously served as an operator for another qualified organization, the commission may require additional information concerning the proposed operator to satisfy the commission that the individual is a bona fide member of the qualified organization.

Sec. 14. An operator or a worker may not directly or indirectly participate, other than in a capacity as an operator or a worker, in an allowable event that the operator or worker is conducting.

Sec. 15. An operator must be a member in good standing of the qualified organization that is conducting the allowable event for at least one (1) year at the time of the allowable event.

Sec. 16. (a) Except as provided in subsection (b), a worker must be a member in good standing of a qualified organization that is conducting an allowable event for at least thirty (30) days at the time of the allowable event.

(b) A qualified organization may allow an individual who is not a member of the qualified organization to participate in an allowable event as a worker if:

(1) the individual is a member of another qualified organization; and

(2) the individual's participation is approved by the commission.

A qualified organization may apply to the commission on a form prescribed by the commission for approval of the participation of a nonmember under this subsection. A qualified organization may share the proceeds of an allowable event with the qualified organization in which a worker participating in the allowable event under this subsection is a member. The tasks that will be performed by an individual participating in an allowable event under this subsection and the amounts shared with the individual's qualified organization must be described in the application and approved by the commission.

(c) For purposes of:

(1) the licensing requirements of this article; and

(2) section 9 of this chapter;

a qualified organization that receives a share of the proceeds of an allowable event described in subsection (b) is not considered to be conducting an allowable event.

Sec. 17. (a) The prize for one (1) bingo game may not have a

value of more than one thousand dollars (\$1,000).

(b) Except as provided in subsection (c), the total prizes permitted at one (1) bingo event may not have a value of more than six thousand dollars (\$6,000).

(c) The commission may, by express authorization, allow any qualified organization to conduct two (2) bingo events each year at which the total prizes for the bingo event may not exceed ten thousand dollars (\$10,000). Bingo events authorized under this subsection may be conducted at a festival conducted under IC 4-32.2-4-12.

(d) The proceeds of the sale of pull tabs, punchboards, and tip boards are not included in the total prize limit at a bingo event.

(e) The value of all door prizes awarded at a bingo event may not have a value of more than one thousand five hundred dollars (\$1,500).

Sec. 18. (a) The total prizes for a raffle event conducted at another allowable event may not have a value of more than five thousand dollars (\$5,000). However, the commission may, by express authorization, allow a qualified organization to conduct one (1) raffle event at another allowable event each year at which the total prizes for the raffle event may not exceed twenty-five thousand dollars (\$25,000). The sale of pull tabs, punchboards, and tip boards is not included in the total prize limit at a raffle event.

(b) The value of all door prizes awarded at a raffle event may not have a value of more than one thousand five hundred dollars (\$1,500).

(c) The prize limits set forth in subsection (a) do not apply to a raffle event that is not conducted at another allowable event.

Sec. 19. The total prizes for a door prize event may not have a value of more than five thousand dollars (\$5,000). However, the commission may, by express authorization, allow a qualified organization to conduct one (1) door prize event each year at which the total prizes for the door prize event may not exceed twenty thousand dollars (\$20,000). The proceeds of the sale of pull tabs, punchboards, and tip boards are not included in the total prize limit at a door prize event.

Sec. 20. (a) The total prizes awarded for one (1) pull tab, punchboard, or tip board game may not exceed five thousand dollars (\$5,000).

(b) A single prize awarded for one (1) winning ticket in a pull tab, punchboard, or tip board game may not exceed five hundred ninety-nine dollars (\$599).

(c) The selling price for one (1) ticket for a pull tab, punchboard, or tip board game may not exceed one dollar (\$1).

Sec. 21. (a) Except as provided in subsection (b), the following persons may not play or participate in any manner in an allowable event:

(1) A member or an employee of the commission.

(2) A person less than eighteen (18) years of age.

(b) A person less than eighteen (18) years of age may sell tickets or chances for a raffle.

Sec. 22. If an employee or officer of a manufacturer or distributor is a member of a bona fide civic or bona fide religious organization that holds a charity gaming license, the employee's or officer's membership in the organization may not be construed as an affiliation with the organization's charity gaming operations.

Sec. 23. An advertisement for an allowable event in radio broadcast media must announce, within the advertisement, the name of the qualified organization conducting the allowable event and that the qualified organization's license number is on file.

Chapter 6. License Fees

Sec. 1. The commission shall charge a license fee to an applicant under this article.

Sec. 2. The commission shall establish an initial license fee schedule. However, the license fee that is charged to a qualified organization in the first year that the qualified organization applies for a license may not exceed fifty dollars (\$50).

Sec. 3. The license fee that is charged to a qualified organization that renews the license must be based on the total gross revenue of the qualified organization from allowable events and related activities in the preceding year, or, if the qualified

organization held a license under IC 4-32.2-4-6, IC 4-32.2-4-7, IC 4-32.2-4-8, IC 4-32.2-4-10, or IC 4-32.2-4-12, the fee must be based on the total gross revenue of the qualified organization from the preceding event and related activities, according to the following schedule:

Class	Gross Revenues		Fee
	At Least	But Less Than	
A	\$ 0	\$ 15,000	\$ 50
B	\$ 15,000	\$ 25,000	\$ 100
C	\$ 25,000	\$ 50,000	\$ 300
D	\$ 50,000	\$ 75,000	\$ 400
E	\$ 75,000	\$ 100,000	\$ 700
F	\$ 100,000	\$ 150,000	\$ 1000
G	\$ 150,000	\$ 200,000	\$ 1,500
H	\$ 200,000	\$ 250,000	\$ 1,800
I	\$ 250,000	\$ 300,000	\$ 2,500
J	\$ 300,000	\$ 400,000	\$ 3,250
K	\$ 400,000	\$ 500,000	\$ 5,000
L	\$ 500,000	\$ 750,000	\$ 6,750
M	\$ 750,000	\$ 1,000,000	\$ 9,000
N	\$ 1,000,000	\$ 1,250,000	\$ 11,000
O	\$ 1,250,000	\$ 1,500,000	\$ 13,000
P	\$ 1,500,000	\$ 1,750,000	\$ 15,000
Q	\$ 1,750,000	\$ 2,000,000	\$ 17,000
R	\$ 2,000,000	\$ 2,250,000	\$ 19,000
S	\$ 2,250,000	\$ 2,500,000	\$ 21,000
T	\$ 2,500,000	\$ 3,000,000	\$ 24,000
U	\$ 3,000,000		\$ 26,000

Sec. 4. The commission shall establish a license fee schedule for the renewal of licenses for manufacturers and distributors.

Sec. 5. The commission shall deposit license fees collected under this chapter in the charity gaming enforcement fund established by IC 4-32.2-7-3.

Chapter 7. Charity Gaming Enforcement Fund

Sec. 1. As used in this chapter, "surplus revenue" means the amount of money in the charity gaming enforcement fund that is not required to meet the costs of administration and the cash flow needs of the commission under this article.

Sec. 2. As used in this chapter, "fund" means the charity gaming enforcement fund established by section 3 of this chapter.

Sec. 3. The charity gaming enforcement fund is established. The commission shall administer the fund.

Sec. 4. The fund consists of the following:

(1) License fees collected under IC 4-32.2-6.

(2) Civil penalties collected under IC 4-32.2-8.

(3) Charity gaming card excise taxes received under IC 4-32.2-10.

Sec. 5. Money in the fund does not revert to the state general fund at the end of a state fiscal year. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

Sec. 6. There is appropriated annually to the commission from the fund an amount sufficient to cover the costs incurred by the commission for the purposes specified in this article.

Sec. 7. Before the last business day of January, April, July, and October, the commission shall, upon approval of the budget agency, transfer the surplus revenue to the treasurer of state for deposit in the build Indiana fund.

Chapter 8. Penalties

Sec. 1. (a) The commission may suspend or revoke the license of or levy a civil penalty against a qualified organization or an individual under this article for any of the following:

(1) Violation of a provision of this article or of a rule of the commission.

(2) Failure to accurately account for:

(A) bingo cards;

(B) bingo boards;

(C) bingo sheets;

(D) bingo pads;

(E) pull tabs;

(F) punchboards; or

(G) tip boards.

(3) Failure to accurately account for sales proceeds from an

event or activity licensed or permitted under this article.

(4) Commission of a fraud, deceit, or misrepresentation.

(5) Conduct prejudicial to public confidence in the commission.

(b) If a violation is of a continuing nature, the commission may impose a civil penalty upon a licensee or an individual for each day the violation continues.

Sec. 2. A civil penalty imposed by the commission upon a qualified organization or an individual under section 1 of this chapter may not exceed the following amounts:

(1) One thousand dollars (\$1,000) for the first violation.

(2) Two thousand five hundred dollars (\$2,500) for the second violation.

(3) Five thousand dollars (\$5,000) for each additional violation.

Sec. 3. In addition to imposing a penalty described in section 1 of this chapter, the commission may do all or any of the following:

(1) Lengthen a period of suspension of the license.

(2) Prohibit an operator or an individual who has been found to be in violation of this article from associating with charity gaming conducted by a qualified organization.

(3) Impose an additional civil penalty of not more than one hundred dollars (\$100) for each day the civil penalty goes unpaid.

Sec. 4. (a) Except as provided in subsection (b), a person or an organization that recklessly, knowingly, or intentionally violates a provision of this article commits a Class B misdemeanor.

(b) An individual, a corporation, a partnership, a limited liability company, or other association that recklessly, knowingly, or intentionally enters into a contract or other agreement with a qualified organization in violation of IC 4-32.2-5-2 commits a Class D felony.

Sec. 5. The commission shall deposit civil penalties collected under this chapter in the charity gaming enforcement fund established by IC 4-32.2-7-3.

Chapter 9. Security

Sec. 1. (a) The commission is responsible for security matters under this article. The commission may employ investigators and other individuals necessary to carry out this chapter.

(b) An employee of the commission engaged in the enforcement of this article is vested with the necessary police powers to enforce this article. The police powers granted by this subsection are limited to the enforcement of this article.

(c) An employee described in subsection (b) may not:

(1) issue a summons for an infraction or a misdemeanor violation of any law other than this article;

(2) act as an officer for the arrest of offenders for the violation of an Indiana law other than this article; or

(3) exercise any other police power with respect to the enforcement of any state or local law other than this article.

Sec. 2. An employee of the commission may do any of the following:

(1) Investigate an alleged violation of this article.

(2) Arrest an alleged violator of this article or of a rule adopted by the commission.

(3) Enter upon the following premises for the performance of the employee's lawful duties:

(A) A location where a bingo event, charity game night, raffle, or door prize drawing is being conducted.

(B) A location where pull tabs, tip boards, or punchboards are being purchased, sold, manufactured, printed, or stored.

(4) Take necessary equipment from the premises for further investigation.

(5) Obtain full access to all financial records of the entity upon request.

(6) If there is a reason to believe that a violation has occurred, search and inspect the premises where the violation is alleged to have occurred or is occurring. A search under this subdivision may not be conducted unless a warrant has first been obtained by the executive director. A contract entered into by the executive director may not include a provision allowing for warrantless searches. A

warrant may be obtained in the county where the search will be conducted or in Marion County.

(7) Seize or take possession of:

(A) papers;

(B) records;

(C) tickets;

(D) currency; or

(E) other items;

related to an alleged violation.

Sec. 3. (a) The commission shall conduct investigations necessary to ensure the security and integrity of the operation of games of chance under this article. The commission may conduct investigations of the following:

(1) Licensed qualified organizations.

(2) Applicants for licenses issued under this article.

(3) Licensed manufacturers and distributors.

(4) Employees of the commission under this article.

(5) Applicants for contracts or employment with the commission under this article.

(b) The commission may require persons subject to an investigation under subsection (a) to provide information, including fingerprints, that is:

(1) required by the commission to carry out the investigation; or

(2) otherwise needed to facilitate access to state and criminal history information.

Sec. 4. (a) The state police department shall, at the request of the executive director, provide the following:

(1) Assistance in obtaining criminal history information relevant to investigations required for honest, secure, exemplary operations under this article.

(2) Any other assistance requested by the executive director and agreed to by the superintendent of the state police department.

(b) Any other state agency, including the alcohol and tobacco commission and the Indiana professional licensing agency, shall upon request provide the executive director with information relevant to an investigation conducted under this article.

Sec. 5. A marketing sheet published in connection with a wagering game must be maintained for the lesser of:

(1) six (6) years after the year in which the marketing sheet was published; or

(2) the end of an audit in which the marketing sheet and similar records are audited.

Sec. 6. (a) This section applies only to products sold in Indiana.

(b) If a licensed manufacturer or distributor destroys, discontinues, or otherwise renders unusable:

(1) bingo supplies;

(2) punchboards; or

(3) tip boards;

the manufacturer or distributor shall provide the commission with a written list of the items destroyed, discontinued, or rendered otherwise unusable.

(c) The list required under subsection (b) must contain the following information concerning the items destroyed, discontinued, or rendered otherwise unusable:

(1) The quantity.

(2) A description.

(3) The serial numbers.

(4) The date the items were destroyed, discontinued, or rendered otherwise unusable.

(d) Notwithstanding subsection (b), this section does not apply to a product considered defective by the manufacturer or distributor.

Sec. 7. Records of a manufacturer or distributor must be produced upon request by the commission within seventy-two (72) hours or by another mutually agreed upon time if production of the requested documents within seventy-two (72) hours is impractical or burdensome.

Sec. 8. A manufacturer or distributor of supplies, devices, or equipment described in IC 4-32.2-3-4(a) to be used in charity gaming in Indiana must file a quarterly report listing the manufacturer's or distributor's sales of the supplies, devices, and equipment.

Sec. 9. Information obtained by the commission during the course of an investigation conducted under this chapter is confidential.

Chapter 10. Gaming Card Excise Tax

Sec. 1. An excise tax is imposed on the distribution of pull tabs, punchboards, and tip boards in the amount of ten percent (10%) of the price paid by the qualified organization that purchases the pull tabs, punchboards, and tip boards.

Sec. 2. A licensed entity distributing pull tabs, punchboards, or tip boards under this article is liable for the tax. The tax is imposed at the time the licensed entity:

- (1) brings or causes the pull tabs, punchboards, or tip boards to be brought into Indiana for distribution;
- (2) distributes pull tabs, punchboards, or tip boards in Indiana; or
- (3) transports pull tabs, punchboards, or tip boards to qualified organizations in Indiana for resale by those qualified organizations.

Sec. 3. The department shall establish procedures by which each licensed entity must account for the following:

- (1) The tax collected under this chapter by the licensed entity.
- (2) The pull tabs, punchboards, and tip boards sold by the licensed entity.
- (3) The funds received for sales of pull tabs, punchboards, and tip boards by the licensed entity.

Sec. 4. A payment by a licensed entity to the department may not be in cash. All payments must be in the form of a check, a draft, an electronic funds transfer, or another financial instrument authorized by the commissioner. The department may require licensed entities to establish separate electronic funds transfer accounts for the purpose of making payments to the department.

Sec. 5. All taxes imposed on a licensed entity under this chapter shall be remitted to the department at the times and as directed by the department. The department is responsible for all administrative functions related to the receipt of funds. The department may require each licensed entity to file with the department reports of the licensed entity's receipts and transactions in the sale of pull tabs, punchboards, and tip boards. The department shall prescribe the form of the reports and the information to be contained in the reports.

Sec. 6. The department may at any time perform an audit of the books and records of a licensed entity to ensure compliance with this chapter.

Sec. 7. IC 4-32.2-8 applies to licensed entities.

Sec. 8. The department shall transfer all taxes collected under this chapter to the commission for deposit in the charity gaming enforcement fund established by IC 4-32.2-7-3.

SECTION 4. IC 4-33-13-5, AS AMENDED BY P.L.246-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This subsection does not apply to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter to the following:

- (1) The first thirty-three million dollars (\$33,000,000) of tax revenues collected under this chapter shall be set aside for revenue sharing under subsection (e).
- (2) Subject to subsection (c), twenty-five percent (25%) of the remaining tax revenue remitted by each licensed owner shall be paid:
 - (A) to the city that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of:
 - (i) a city described in IC 4-33-12-6(b)(1)(A); or
 - (ii) a city located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); or
 - (B) to the county that is designated as the home dock of the riverboat from which the tax revenue was collected, in the case of a riverboat whose home dock is not in a city

described in clause (A).

(3) Subject to subsection (d), the remainder of the tax revenue remitted by each licensed owner shall be paid to the property tax replacement fund. In each state fiscal year, the treasurer of state shall make the transfer required by this subdivision not later than the last business day of the month in which the tax revenue is remitted to the state for deposit in the state gaming fund. However, if tax revenue is received by the state on the last business day in a month, the treasurer of state may transfer the tax revenue to the property tax replacement fund in the immediately following month.

(b) This subsection applies only to tax revenue remitted by an operating agent operating a riverboat in a historic hotel district. After funds are appropriated under section 4 of this chapter, each month the treasurer of state shall distribute the tax revenue deposited in the state gaming fund under this chapter as follows:

- (1) Thirty-seven and one-half percent (37.5%) shall be paid to the property tax replacement fund established under IC 6-1.1-21.
- (2) Thirty-seven and one-half percent (37.5%) shall be paid to the West Baden Springs historic hotel preservation and maintenance fund established by IC 36-7-11.5-11(b). However, at any time the balance in that fund exceeds twenty million dollars (\$20,000,000), the amount described in this subdivision shall be paid to the property tax replacement fund established under IC 6-1.1-21.
- (3) Five percent (5%) shall be paid to the historic hotel preservation commission established under IC 36-7-11.5.
- (4) Ten percent (10%) shall be paid in equal amounts to each town that:

- (A) is located in the county in which the riverboat docks; and
- (B) contains a historic hotel.

The town council shall appropriate a part of the money received by the town under this subdivision to the budget of the town's tourism commission.

(5) Ten percent (10%) shall be paid to the county treasurer of the county in which the riverboat is docked. The county treasurer shall distribute the money received under this subdivision as follows:

- (A) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.
- (B) Twenty percent (20%) shall be quarterly distributed to the county treasurer of a county having a population of more than ten thousand seven hundred (10,700) but less than twelve thousand (12,000) for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body for the receiving county shall provide for the distribution of the money received under this clause to one (1) or more taxing units (as defined in IC 6-1.1-1-21) in the county under a formula established by the county fiscal body after receiving a recommendation from the county executive.
- (C) Sixty percent (60%) shall be retained by the county where the riverboat is docked for appropriation by the county fiscal body after receiving a recommendation from the county executive. The county fiscal body shall provide for the distribution of part or all of the money received under this clause to the following under a formula established by the county fiscal body:
 - (i) A town having a population of more than two thousand two hundred (2,200) but less than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(ii) A town having a population of more than three thousand five hundred (3,500) located in a county having a population of more than nineteen thousand three hundred (19,300) but less than twenty thousand (20,000).

(c) For each city and county receiving money under subsection (a)(2), the treasurer of state shall determine the total amount of money paid by the treasurer of state to the city or county during the state fiscal year 2002. The amount determined is the base year revenue for the city or county. The treasurer of state shall certify the base year revenue determined under this subsection to the city or county. The total amount of money distributed to a city or county under this section during a state fiscal year may not exceed the entity's base year revenue. For each state fiscal year, the treasurer of state shall pay that part of the riverboat wagering taxes that:

- (1) exceeds a particular city's or county's base year revenue; and
- (2) would otherwise be due to the city or county under this section;

to the property tax replacement fund instead of to the city or county.

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

- (1) Surplus lottery revenues under IC 4-30-17-3.
- (2) Surplus revenue from the charity gaming enforcement fund under ~~IC 4-32-10-6~~; **IC 4-32.2-7-7**.
- (3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of each year, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

- (1) To each city located in the county according to the ratio the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

- (1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5).
- (2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.
- (3) To fund sewer and water projects, including storm water management projects.
- (4) For police and fire pensions.
- (5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county. Money used under this subdivision does not reduce the property tax levy of the city, town, or county for a particular year or reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5.

(g) This subsection does not apply to an entity receiving money under IC 4-33-12-6(c). Before September 15 of each year, the treasurer of state shall determine the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state

fiscal year. If the treasurer of state determines that the total amount of money distributed to an entity under IC 4-33-12-6 during the preceding state fiscal year was less than the entity's base year revenue (as determined under IC 4-33-12-6), the treasurer of state shall make a supplemental distribution to the entity from taxes collected under this chapter and deposited into the property tax replacement fund. The amount of the supplemental distribution is equal to:

- (1) the entity's base year revenue (as determined under IC 4-33-12-6); minus
- (2) the sum of:
 - (A) the total amount of money distributed to the entity during the preceding state fiscal year under IC 4-33-12-6; plus
 - (B) any amounts deducted under IC 6-3.1-20-7.

(h) This subsection applies only to a county containing a consolidated city. The county auditor shall distribute the money received by the county under subsection (e) as follows:

- (1) To each city, other than a consolidated city, located in the county according to the ratio that the city's population bears to the total population of the county.
- (2) To each town located in the county according to the ratio that the town's population bears to the total population of the county.
- (3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be paid in equal amounts to the consolidated city and the county.

SECTION 5. IC 4-33-18-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The department shall research and analyze data and public policy issues relating to all aspects of gaming in Indiana for the enhancement of:

- (1) the Indiana lottery under IC 4-30;
- (2) pari-mutuel horse racing under IC 4-31;
- (3) charity gaming under ~~IC 4-32~~; **IC 4-32.2**; and
- (4) riverboat casino gambling under IC 4-33.

SECTION 6. IC 4-33-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Nothing in this chapter may be construed to limit the powers or responsibilities of:

- (1) the Indiana lottery commission under IC 4-30;
- (2) the Indiana horse racing commission under IC 4-31;
- ~~(3) the department of state revenue under IC 4-32; or~~
- ~~(4) (3) the Indiana gaming commission under IC 4-32.2 or IC 4-33.~~

(b) The department may not exercise any administrative or regulatory powers with respect to:

- (1) the Indiana lottery under IC 4-30;
- (2) pari-mutuel horse racing under IC 4-31;
- (3) charity gaming under ~~IC 4-32~~; **IC 4-32.2**; or
- (4) riverboat casino gambling under IC 4-33.

SECTION 7. IC 5-2-1-2, AS AMENDED BY P.L.52-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. For the purposes of this chapter, and unless the context clearly denotes otherwise, the following definitions apply throughout this chapter:

- (1) "Law enforcement officer" means an appointed officer or employee hired by and on the payroll of the state, any of the state's political subdivisions, or a public or private college or university whose board of trustees has established a police department under IC 20-12-3.5-1, who is granted lawful authority to enforce all or some of the penal laws of the state of Indiana and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence. However, the following are expressly excluded from the term "law enforcement officer" for the purposes of this chapter:

- (A) A constable.
- (B) A special officer whose powers and duties are described in IC 36-8-3-7 or a special deputy whose powers and duties are described in IC 36-8-10-10.6.
- (C) A county police reserve officer who receives compensation for lake patrol duties under IC 36-8-3-20(f)(4).
- (D) A conservation reserve officer who receives compensation for lake patrol duties under IC 14-9-8-27.
- (E) An employee of the gaming commission whose powers and duties are described in IC 4-32.2-9.**

(2) "Board" means the law enforcement training board created by this chapter.

(3) "Advisory council" means the law enforcement advisory council created by this chapter.

(4) "Executive training program" means the police chief executive training program developed by the board under section 9 of this chapter.

(5) "Law enforcement training council" means one (1) of the confederations of law enforcement agencies recognized by the board and organized for the sole purpose of sharing training, instructors, and related resources.

(6) "Training regarding the lawful use of force" includes classroom and skills training in the proper application of hand to hand defensive tactics, use of firearms, and other methods of:

(A) overcoming unlawful resistance; or

(B) countering other action that threatens the safety of the public or a law enforcement officer.

(7) "Hiring or appointing authority" means:

(A) the chief executive officer, board, or other entity of a police department or agency with authority to appoint and hire law enforcement officers; or

(B) the governor, mayor, board, or other entity with the authority to appoint a chief executive officer of a police department or agency.

SECTION 8. IC 6-3-4-8.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.2. (a) Each person in Indiana who is required under the Internal Revenue Code to withhold federal tax from winnings shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department.

(b) In addition to amounts withheld under subsection (a), every person engaged in a gambling operation (as defined in IC 4-33-2-10) and making a payment in the course of the gambling operation (as defined in IC 4-33-2-10) of:

(1) winnings (not reduced by the wager) valued at one thousand two hundred dollars (\$1,200) or more from slot machine play; or

(2) winnings (reduced by the wager) valued at one thousand five hundred dollars (\$1,500) or more from a keno game;

shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department. The department's instructions must provide that amounts withheld shall be paid to the department before the close of the business day following the day the winnings are paid, actually or constructively. Slot machine and keno winnings from a gambling operation (as defined in IC 4-33-2-10) that are reportable for federal income tax purposes shall be treated as subject to withholding under this section, even if federal tax withholding is not required.

(c) The adjusted gross income tax due on prize money or prizes:

(1) received from a winning lottery ticket purchased under IC 4-30; and

(2) exceeding one thousand two hundred dollars (\$1,200) in value;

shall be deducted and retained at the time and in the amount described in withholding instructions issued by the department, even if federal withholding is not required.

(d) In addition to the amounts withheld under subsection (a), a qualified organization (as defined in IC 4-32.2-2-24(a)) that awards a prize under IC 4-32.2 exceeding one thousand two hundred dollars (\$1,200) in value shall deduct and retain adjusted gross income tax at the time and in the amount described in withholding instructions issued by the department. The department's instructions must provide that amounts withheld shall be paid to the department before the close of the business day following the day the winnings are paid, actually or constructively.

SECTION 9. IC 6-8.1-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The department has the primary responsibility for the administration, collection, and enforcement of the listed taxes. In carrying out that responsibility, the department may exercise all the powers conferred on it under this article in respect to any of those taxes.

(b) In the case of the motor vehicle excise tax, the department has

the responsibility to act only in the investigation, assessment, collection, and enforcement of the tax in instances of delinquency or evasion. Primary responsibility for the administration and collection of the tax remains with the agencies named in IC 6-6-5.

(c) In the case of commercial vehicle excise taxes that are payable to the bureau of motor vehicles and are not subject to apportionment under the International Registration Plan, the department has the responsibility to act only in the investigation, assessment, collection, and enforcement of the tax in instances of delinquency or evasion. Primary responsibility for the administration and collection of the tax remains with the bureau of motor vehicles.

(d) The department has the primary responsibility for the administration, investigation, and enforcement of IC 4-32.

SECTION 10. IC 12-13-14-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) Except as provided in this section, the division may distribute cash assistance benefits to a person who is eligible for assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal that is connected to the EBT system.

(b) The division may approve or deny participation in the EBT system by a retailer that is not a food retailer.

(c) The division may not approve participation by a retailer or financial institution in the EBT system for distribution of cash assistance under the Title IV-A assistance program through an automated teller machine or a point of sale terminal located on the premises of any of the following:

(1) A horse racing establishment:

(A) where the pari-mutuel system of wagering is authorized; and

(B) for which a permit is required under IC 4-31-5.

(2) A satellite facility:

(A) where wagering on horse racing is conducted; and

(B) for which a license is required under IC 4-31-5.5.

(3) An allowable event required to be licensed by the ~~department of state revenue~~ **Indiana gaming commission** under ~~IC 4-32-7 or IC 4-32-9.~~ **IC 4-32.2.**

(4) A riverboat or other facility required to be licensed by the Indiana gaming commission under IC 4-33.

(5) A store or other establishment:

(A) where the primary business is the sale of firearms (as defined in IC 35-47-1-5); and

(B) that sells handguns for which a license to sell handguns is required under IC 35-47-2.

(6) A store or other establishment where the primary business is the sale of alcoholic beverages for which a permit is required under IC 7.1-3.

(d) An establishment described in subsection (c)(1) through (c)(6) shall post a sign next to each automated teller machine or point of sale terminal located in the establishment informing a potential user that the automated teller machine or point of sale terminal may not be used to receive cash assistance benefits under the Title IV-A assistance program.

(e) An:

(1) establishment that does not post the sign required under subsection (d); or

(2) individual who attempts to use an automated teller machine or point of sale terminal to access cash assistance benefits under the Title IV-A assistance program in violation of subsection (d); commits a Class C misdemeanor.

(f) The division shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 11. IC 33-26-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The tax court does not have jurisdiction over a case that is an appeal from a final determination made by the ~~department of state revenue~~ **Indiana gaming commission** under ~~IC 4-32~~ **other than IC 4-32.2.**

(b) The tax court has jurisdiction over a case that is an appeal from a final determination made by the department of state revenue concerning the gaming card excise tax established under IC 4-32-15. **IC 4-32.2-10.**

SECTION 12. IC 33-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A taxpayer who wishes to initiate an original tax appeal must file a petition in the tax

court to set aside the final determination of the department of state revenue or the Indiana board of tax review. If a taxpayer fails to comply with any statutory requirement for the initiation of an original tax appeal, the tax court does not have jurisdiction to hear the appeal.

(b) A taxpayer who wishes to enjoin the collection of a tax pending the original tax appeal must file a petition with the tax court to enjoin the collection of the tax. The petition must set forth a summary of:

- (1) the issues that the petitioner will raise in the original tax appeal; and
- (2) the equitable considerations for which the tax court should order the collection of the tax to be enjoined.

(c) After a hearing on the petition filed under subsection (b), the tax court may enjoin the collection of the tax pending the original tax appeal, if the tax court finds that:

- (1) the issues raised by the original tax appeal are substantial;
- (2) the petitioner has a reasonable opportunity to prevail in the original tax appeal; and
- (3) the equitable considerations favoring the enjoining of the collection of the tax outweigh the state's interests in collecting the tax pending the original tax appeal.

(d) This section does not apply to a final determination of the ~~department of state revenue~~ **Indiana gaming commission** under ~~IC 4-32~~ **other than IC 4-32.2**.

(e) **This section applies to a final determination made by the department of state revenue** concerning the gaming card excise tax established under ~~IC 4-32-15~~ **IC 4-32.2-10**.

SECTION 13. IC 35-45-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. This chapter does not apply to the publication or broadcast of an advertisement, a list of prizes, or other information concerning:

- (1) pari-mutuel wagering on horse races or a lottery authorized by the law of any state; or
- (2) a game of chance operated in accordance with ~~IC 4-32~~ **IC 4-32.2**.

SECTION 14. IC 35-45-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. This chapter does not apply to the sale or use of gambling devices authorized under ~~IC 4-32~~ **IC 4-32.2**.

SECTION 15. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 4-32; IC 6-8.1-3-18.

SECTION 16. [EFFECTIVE JULY 1, 2006] (a) **As used in this SECTION, "allowable event" has the meaning set forth in IC 4-32.2-2-2, as added by this act.**

(b) **As used in this SECTION, "charity gaming" refers to games of chance authorized by IC 4-32 (before its repeal by this act) and IC 4-32.2, as added by this act.**

(c) **As used in this SECTION, "commission" refers to the Indiana gaming commission established by IC 4-33-3-1.**

(d) **As used in this SECTION, "department" refers to the department of state revenue.**

(e) **Rules adopted by the department before July 1, 2006, concerning charity gaming are considered, after June 30, 2006, to be rules of the commission.**

(f) **The commission shall amend references in rules to indicate that the commission, and not the department, is the entity that administers charity gaming.**

(g) **An allowable event held after June 30, 2006, under the authority of a license issued under IC 4-32 (before its repeal by this act) before July 1, 2006, is considered a lawful event held under IC 4-32.2, as added by this act.**

(h) **The records of the department concerning charity gaming, other than records relating to the charity game card excise tax imposed under IC 4-32-15 (before its repeal by this act), are transferred to the commission.**

(i) **Money in the charity gaming enforcement fund established under IC 4-32-10 (before its repeal by this act) on July 1, 2006, is transferred to the charity gaming enforcement fund established by IC 4-32.2-7-3, as added by this act.**

(j) **This SECTION expires June 30, 2007.**

SECTION 17. [EFFECTIVE JULY 1, 2006] (a) **Before September 1, 2006, the Indiana gaming commission shall amend forms and affidavits prescribed by the department of state revenue under IC 4-32 (before its repeal) to comply with**

IC 4-32.2-4-4 and IC 4-32.2-4-17, both as added by this act.

(b) This SECTION expires January 1, 2007.

SECTION 18. [EFFECTIVE UPON PASSAGE] **Notwithstanding IC 4-32.2, as added by this act, or any other law, the Indiana gaming commission may adopt emergency rules under IC 4-22-2-37.1 before July 1, 2006, to facilitate the transfer of the duty to administer charity gaming from the department of state revenue to the Indiana gaming commission.**

SECTION 19. An emergency is declared for this act.

(Reference is to SB 100 as printed January 25, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 168, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the attorney general.

Page 2, after line 1, begin a new paragraph and insert:

"SECTION 2. IC 24-5-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this chapter, "credit services organization" means a person that, with respect to the extension of credit by another person, sells, provides, performs, or represents that the person can or will sell, provide, or perform, in return for the payment of money or other valuable consideration, any of the following services:

- (1) Improving a buyer's credit record, credit history, or credit rating.
- (2) Obtaining an extension of credit for a buyer.
- (3) Obtaining a delay or forbearance of a buyer's obligation under a mortgage.**
- ~~(3) (4)~~ **(3)** Providing advice or assistance to a buyer concerning the services described in subdivision (1), ~~or (2), or both: (3).~~

(b) The term "credit services organization" does not include any of the following:

- (1) A person authorized to make loans or extensions of credit under state or federal laws that is subject to regulation and supervision under state or federal laws, or a lender approved by the United States Secretary of Housing and Urban Development for participation in a mortgage insurance program under the federal National Housing Act (12 U.S.C. 1701 et seq.).
- (2) A bank or savings association or a subsidiary of a bank or savings association that has deposits or accounts that are eligible for insurance by the Federal Deposit Insurance Corporation.
- (3) A credit union doing business in Indiana.
- (4) A nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.
- (5) A person licensed as a real estate broker under IC 25-34.1 if the person is acting within the course and scope of the person's license.
- (6) A person admitted to the practice of law in Indiana if the person is acting within the course and scope of the person's practice as an attorney.
- (7) A broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission if the broker-dealer is acting within the course and scope of the broker-dealer's regulation.
- (8) A consumer reporting agency (as defined in the Federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)).

SECTION 3. IC 24-5-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "extension of credit" means the right to:

- (1) defer payment of debt ~~or offered or granted primarily for personal, family, or household purposes;~~
- (2) incur debt and defer payment of the debt offered or granted primarily for personal, family, or household purposes; **or**
- (3) delay or avoid foreclosure on a buyer's residence.**

SECTION 4. IC 24-5-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The following are deceptive acts:

(1) To charge or receive money or other valuable consideration before the complete performance of services that a credit services organization has agreed to perform for or on behalf of a consumer, unless the credit services organization has under section 8 of this chapter:

(A) obtained a surety bond issued by a surety company admitted to do business in Indiana; or

(B) established an irrevocable letter of credit.

(2) To charge or receive money or other valuable consideration to refer a buyer to a retail seller that will or may extend credit to the buyer if the extension of credit is made upon substantially the same terms as those available to the general public.

(3) To make or to advise a buyer to make a statement with respect to the buyer's creditworthiness, credit standing, or credit capacity that is:

(A) false or misleading; or

(B) that should be known by the exercise of reasonable care to be false or misleading; to a consumer reporting agency or to a person that has extended credit to the buyer or to whom the buyer is applying for an extension of credit.

(4) To make or use a false or misleading representation in an offer to sell or a sale of the services of a credit services organization, including:

(A) guaranteeing to "erase bad credit" or using words to that effect unless the representation clearly discloses that this can be done only if a person's credit history is inaccurate or obsolete;

(B) guaranteeing an extension of credit regardless of the buyer's previous credit history unless the representation clearly discloses the eligibility requirements for obtaining the extension of credit; or

(C) requiring a buyer to waive a right protected by a state or federal law.

(5) To take a power of attorney from a buyer for any purpose other than inspecting documents as provided by law.

SECTION 5. IC 24-5-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Before doing business in Indiana, a credit services organization must obtain a surety bond in the amount of ~~ten~~ **twenty-five** thousand dollars ~~(\$10,000)~~ **(\$25,000)**, issued by a surety company authorized to do business in Indiana in favor of the state for the benefit of a person that is damaged by a violation of this chapter.

(b) The attorney general may waive the bonding requirement under subsection (a) and, instead of the bond, accept an irrevocable letter of credit for an equivalent amount issued in favor of the state for the benefit of a person that is damaged by a violation of this chapter."

(Reference is to SB 168 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 246, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Safety and Homeland Security, to which was referred Engrossed Senate Bill 247, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as

follows:

Page 13, delete lines 26 through 33.

Page 18, between lines 7 and 8, begin a new paragraph and insert: "SECTION 30. IC 22-11-14.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The fire prevention and building safety commission shall adopt rules under IC 4-22-2 ~~and IC 22-13-2.5~~ to implement a statewide code concerning displays of indoor pyrotechnics. The rules:

(1) must require that a certificate of insurance be issued that provides general liability coverage of at least five hundred thousand dollars (\$500,000) for the injury or death of any number of persons in any one (1) occurrence and five hundred thousand dollars (\$500,000) for property damage in any one (1) occurrence by an intended display of indoor pyrotechnics arising from any acts of the operator of the display or the operator's agents, employees, or subcontractors;

(2) must require the person intending to present the display to give, at least twenty four (24) hours before the time of the display, written notice of the intended display to the chief of the responding fire department of the location proposed for the display of the indoor pyrotechnics and to include with the written notice a certification from the person intending to display the indoor pyrotechnics that the display will be made in accordance with:

(A) the rules adopted under this section; and

(B) any ordinance or resolution adopted under section 4 of this chapter;

(3) must include and adopt NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience, 2001 Edition, published by the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts ~~02269~~; **02169**;

(4) must be amended to adopt any subsequent edition of NFPA Standard 1126, including addenda, within eighteen (18) months after the effective date of the subsequent edition; and

(5) may provide for amendments to NFPA Standard 1126 as a condition of the adoption under subdivisions (3) and (4).

SECTION 31. IC 22-12-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) "Mobile structure" means any part of a fabricated unit that is designed to be:

(1) towed on its own chassis; and

(2) connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure.

(b) The term includes the following:

(1) Two (2) or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.

(2) Two (2) or more units that are separately towable but designed to be joined into one (1) integral unit.

(3) One (1) or more units that include a hoisting and lowering mechanism equipped with a platform that:

(A) moves between two (2) or more landings; and

(B) is used to transport one (1) or more individuals.

SECTION 32. IC 22-12-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The education board consists of eleven (11) voting members. The governor shall appoint nine (9) individuals as voting members of the education board, each to serve a term of four (4) years. The state fire marshal and the ~~executive deputy~~ director of the ~~public safety institute~~ **department's division of preparedness and training** shall also serve as voting members of the education board.

(b) Each appointed member of the education board must be qualified by experience or education in the field of fire protection and related fields.

(c) Each appointed member of the education board must be a resident of Indiana.

(d) The education board must include the following appointed members:

~~(1) Two (2) Seven (7) individuals who are fire chiefs members of a fire department.~~ **departments. Appointments under this subdivision must include the following:**

(A) At least one (1) individual who is a full-time firefighter (as defined in IC 36-8-10.5-3).

(B) At least one (1) individual who is a volunteer firefighter (as defined in IC 36-8-12-2).

(C) At least one (1) individual who is a fire department officer.

~~(2) Two (2) individuals who are not fire chiefs but are officers of a fire department.~~

~~(3) Two (2) members of a fire department who are not officers of the fire department but have at least ten (10) years of fire protection service.~~

~~(4) Three (3) (2) Two (2) citizens who are not members of a fire department."~~

Page 18, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 34. IC 22-13-2-2, AS AMENDED BY P.L.44-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 ~~and IC 22-13-2-5~~ to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 **(before its repeal)**:

(1) ANSI A10.4 (Safety Requirements for Personnel Hoists).

(2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).

(3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).

(4) ASME QEI-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).

(5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.

(6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 **(before its repeal)**.

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the ~~office of the state fire marshal~~ **division of fire and building safety** recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:

(1) Section 2406.1 (675 IAC 22-2.3-233).

(2) Section 2406.2.

(3) Section 2406.3.

(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the ~~office of the state fire marshal~~ **division of fire and building safety** recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.

(h) The ~~office of the state fire marshal~~ **division of fire and building safety** shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

(1) Section 2403.2.

(2) Section 2406.1 (675 IAC 22-2.3-233).

(3) Section 2406.2.

(4) Section 2406.3.

(i) After receiving and considering recommendations from the ~~office of the state fire marshal~~ **division of fire and building safety** under subsection (h), and using the procedure set forth in

IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

(1) Section 2403.2.

(2) Section 2406.1 (675 IAC 22-2.3-233).

(3) Section 2406.2.

(4) Section 2406.3."

Page 20, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 35. IC 36-8-12-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18. (a) A volunteer fire department may, at its discretion, declare the following records confidential for purposes of IC 5-14-3:**

(1) Personnel files of members of the volunteer fire department.

(2) Files of applicants to the volunteer fire department.

(b) Notwithstanding subsection (a), a volunteer fire department may not declare the following information confidential:

(1) The name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former members of the volunteer fire department.

(2) Information relating to the status of any formal charges against a member.

(3) The factual basis for a disciplinary action in which final action has been taken and that resulted in the member being suspended, demoted, or discharged.

However, all personnel file information shall be made available to an affected member or the member's representative.

(c) This section does not apply to disclosure of personnel information generally on all members or for groups of members without the request being particularized by member name."

Page 20, line 16, delete "." and insert "; IC 22-13-2.5."

Renumber all SECTIONS consecutively.

(Reference is to SB 247 as printed January 18, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

RUPPEL, Chair

Report adopted.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that Engrossed Senate Bills 217 and 353 had been referred to the Committee on Ways and Means.

Reassignments

The Speaker announced the reassignment of Engrossed Senate Bill 362 from the Committee on Commerce, Economic Development and Small Business to the Committee on Ways and Means.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 21, 2006 at 1:30 p.m.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Budak be added as coauthor of House Bill 1207.

POND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Yount be added as coauthor of House Concurrent Resolution 23.

BURTON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Pelath and Ayres be added as coauthors of House Concurrent Resolution 35.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 5.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 6.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 83.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 102.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 230.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Koch and Thomas be added as cosponsors of Engrossed Senate Bill 232.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 260.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 285.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be removed as sponsor, Representative Behning be substituted as sponsor, and that Representative Noe be added as cosponsor of Engrossed Senate Bill 324.

NOE

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

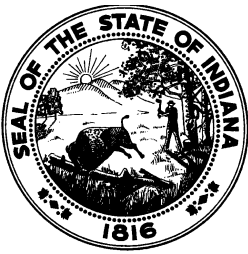
On the motion of Representative Welch, the House adjourned at 3:35 p.m., this sixteenth day of February, 2006, until Tuesday, February 21, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twentieth Meeting Day

Tuesday Afternoon

February 21, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Timothy W. Harris.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern ☐
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta ☐	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 218: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 73, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 1.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 105, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, strike "compensatory".

(Reference is to SB 105 as reprinted January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

DAVIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 111, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. "Chemical test" means an analysis of a person's blood, breath, urine, or other bodily substance for the determination of the presence of alcohol, a controlled substance or its metabolite, or a drug or its metabolite.

SECTION 2. IC 9-26-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. For purposes of this chapter, an accident does not require proof of a collision between a driver's vehicle and another vehicle or another person if the accident involves serious bodily injury to or the death of a person.

SECTION 3. IC 9-30-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) In addition to a criminal penalty imposed for an offense under this chapter or IC 14-15-8, the court shall, after reviewing the person's bureau driving record and other relevant evidence, recommend the

suspension of the person's driving privileges for the fixed period of time specified under this section.

(b) If the court finds that the person:

- (1) does not have a previous conviction of operating a vehicle or a motorboat while intoxicated; or
- (2) has a previous conviction of operating a vehicle or a motorboat while intoxicated that occurred at least ten (10) years before the conviction under consideration by the court;

the court shall recommend the suspension of the person's driving privileges for at least ninety (90) days but not more than two (2) years.

(c) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred more than five (5) years but less than ten (10) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one hundred eighty (180) days but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay.

(d) If the court finds that the person has a previous conviction of operating a vehicle or a motorboat while intoxicated and the previous conviction occurred less than five (5) years before the conviction under consideration by the court, the court shall recommend the suspension of the person's driving privileges for at least one (1) year but not more than two (2) years. The court may stay the execution of that part of the suspension that exceeds the minimum period of suspension and grant the person probationary driving privileges for a period of time equal to the length of the stay. **If the court grants probationary driving privileges under this subsection, the court shall order that the probationary driving privileges include the requirement that the person may not operate a motor vehicle unless the motor vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.**

(e) If the conviction under consideration by the court is for an offense under:

- (1) section 4 of this chapter;
- (2) section 5 of this chapter;
- (3) IC 14-15-8-8(b); or
- (4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, in which a vehicle was used in the offense, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months."

Page 1, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 5. IC 9-30-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician, who:

- (1) obtains a blood, urine, or other bodily substance sample from a person, regardless of whether the sample is taken for diagnostic purposes or at the request of a law enforcement officer under this section; or
- (2) performs a chemical test on blood, urine, or other bodily substance obtained from a person;

shall deliver the sample or disclose the results of the test to a law enforcement officer who requests the sample or results as a part of a criminal investigation. Samples and test results shall be provided to a law enforcement officer even if the person has not consented to or otherwise authorized their release.

(b) A physician, a hospital, or an agent of a physician or hospital is not civilly or criminally liable for any of the following:

- (1) Disclosing test results in accordance with this section.
- (2) Delivering a blood, urine, or other bodily substance sample in accordance with this section.
- (3) Obtaining a blood, urine, or other bodily substance sample in accordance with this section.
- (4) Disclosing to the prosecuting attorney or the deputy

prosecuting attorney for use at or testifying at the criminal trial of the person as to facts observed or opinions formed.

(5) Failing to treat a person from whom a blood, urine, or other bodily substance sample is obtained at the request of a law enforcement officer if the person declines treatment.

(6) Injury to a person arising from the performance of duties in good faith under this section.

(c) For the purposes of this chapter, IC 9-30-5, or IC 9-30-9:

(1) the privileges arising from a patient-physician relationship do not apply to the samples, test results, or testimony described in this section; and

(2) samples, test results, and testimony may be admitted in a proceeding in accordance with the applicable rules of evidence.

(d) The exceptions to the patient-physician relationship specified in subsection (c) do not affect those relationships in a proceeding not covered by this chapter, IC 9-30-5, or IC 9-30-9.

(e) The test results and samples obtained by a law enforcement officer under subsection (a) may be disclosed only to a prosecuting attorney or a deputy prosecuting attorney for use as evidence in a criminal proceeding under this chapter, IC 9-30-5, or IC 9-30-9.

(f) This section does not require a physician or a person under the direction of a physician to perform a chemical test.

(g) A physician or a person trained in obtaining bodily substance samples and acting under the direction of or under a protocol prepared by a physician shall obtain a blood, urine, or other bodily substance sample if the following exist:

(1) A law enforcement officer requests that the sample be obtained.

(2) The law enforcement officer has certified in writing the following:

(A) That the officer has probable cause to believe the person from whom the sample is to be obtained has violated IC 9-30-5.

~~(B) That the person from whom the sample is to be obtained has been transported to a hospital or other medical facility.~~

~~(C) (B) That the person from whom the sample is to be obtained has been involved in a motor vehicle accident that resulted in the serious bodily injury or death of another.~~

~~(D) (C) That the accident that caused the serious bodily injury or death of another occurred not more than three (3) hours before the time the sample is requested.~~

(3) Not more than the use of reasonable force is necessary to obtain the sample.

(h) If the person:

(1) from whom the bodily substance sample is to be obtained under this section does not consent; and

(2) resists the taking of a sample;

the law enforcement officer may use reasonable force to assist an individual, who must be authorized under this section to obtain a sample, in the taking of the sample.

(i) The person authorized under this section to obtain a bodily substance sample shall take the sample in a medically accepted manner.

(j) A law enforcement officer may transport the person to a place ~~other than a hospital~~ where the sample may be obtained by any of the following persons who are trained in obtaining bodily substance samples and who have been engaged to obtain samples under this section:

(1) A physician holding an unlimited license to practice medicine or osteopathy.

(2) A registered nurse.

(3) A licensed practical nurse.

(4) An emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5).

(5) An emergency medical technician-intermediate (as defined in IC 16-18-2-112.7).

(6) A paramedic (as defined in IC 16-18-2-266).

(7) A certified phlebotomist.

SECTION 6. IC 9-30-6-9, AS AMENDED BY P.L.153-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section does not apply if an ignition interlock device order is issued under section 8(d) of this chapter.

(b) If the affidavit under section 8(b) of this chapter states that a person refused to submit to a chemical test, the bureau shall suspend the driving privileges of the person:

(1) for:

(A) one (1) year; or

(B) if the person has at least one (1) previous conviction for operating while intoxicated, two (2) years; or

(2) until the suspension is ordered terminated under IC 9-30-5.

(c) If the affidavit under section 8(b) of this chapter states that a chemical test resulted in prima facie evidence that a person was intoxicated, the bureau shall suspend the driving privileges of the person:

(1) for one hundred eighty (180) days; or

(2) until the bureau is notified by a court that the charges have been disposed of;

whichever occurs first.

(d) Whenever the bureau is required to suspend a person's driving privileges under this section, the bureau shall immediately do the following:

(1) Mail a notice to the person's last known address that must state that the person's driving privileges will be suspended for a specified period, commencing:

(A) five (5) days after the date of the notice; or

(B) on the date the court enters an order recommending suspension of the person's driving privileges under section 8(c) of this chapter; whichever occurs first.

(2) Notify the person of the right to a judicial review under section 10 of this chapter.

(e) Notwithstanding IC 4-21.5, an action that the bureau is required to take under this article is not subject to any administrative adjudication under IC 4-21.5.

(f) If a person is granted probationary driving privileges under IC 9-30-5 and the bureau has not received the probable cause affidavit described in section 8(b) of this chapter, the bureau shall suspend the person's driving privileges for a period of thirty (30) days. After the thirty (30) day period has elapsed, the bureau shall, upon receiving a reinstatement fee, if applicable, from the person who was granted probationary driving privileges, issue the probationary license if the person otherwise qualifies for a license.

(g) If the bureau receives an order granting probationary driving privileges to a person who has a prior conviction for operating while intoxicated, the bureau shall do the following:

(1) Issue the person a probationary license and notify the prosecuting attorney of the county from which the order was received that the person is not eligible for a probationary license.

(2) Send a certified copy of the person's driving record to the prosecuting attorney.

The prosecuting attorney shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order. If the bureau does not receive a corrected order within sixty (60) days, the bureau shall notify the attorney general, who shall, in accordance with IC 35-38-1-15, petition the court to correct the court's order.

SECTION 7. IC 9-30-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person who refuses to submit to a portable breath test or chemical test offered under this chapter commits a Class C infraction. **However, the person commits a Class A infraction if the person has at least one (1) previous conviction for operating while intoxicated.**

(b) In addition to any other penalty imposed, the court ~~may~~ shall suspend the person's driving privileges: ~~for a period of not more than~~

(1) for one (1) year; or

(2) if the person has at least one (1) previous conviction for operating while intoxicated, for two (2) years.

SECTION 8. IC 9-30-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) If a court orders the installation of a certified ignition interlock device under IC 9-30-5 on a motor vehicle that a person whose license is restricted owns or expects to operate, **except as provided in subsection (b),** the court shall set the time that the installation must remain in effect. However, the term may not exceed the maximum term of imprisonment the court could have imposed. The person shall pay the

cost of installation.

(b) If the court orders installation of a certified ignition interlock device under IC 9-30-5-10(d), the installation must remain in effect for a period of six (6) months."

Page 1, line 16, delete "[EFFECTIVE JULY 1, 2005]:" and insert "[EFFECTIVE JULY 1, 2006]:".

Renumber all SECTIONS consecutively.

(Reference is to SB 145 as printed January 27, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DAVIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 153, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 23, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 169, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 173, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 191, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 18, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 205, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 235, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DAVIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 236, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 259, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-17-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 9.5. The:**

- (1) members of the authority;
- (2) officers and employees of the authority; and
- (3) executive director;

executing bonds, leases, obligations, or other agreements under this chapter are not subject to personal liability or accountability by reason of any act authorized by this chapter.

SECTION 2. IC 5-1-17-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 18.5. This section applies to bids received with respect to a capital improvement under this chapter:**

- (1) that is constructed by, for, or on behalf of the authority; and
- (2) for which only one (1) bid was received from a responsible bidder.

(b) The board may attempt to negotiate a more advantageous proposal and contract with the bidder, or any other responsible contractor, if the board determines that rebidding:

- (1) is not practicable or advantageous; or
- (2) would adversely affect the construction schedule or budget of the project.

SECTION 3. IC 34-30-2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 25, 2006 (RETROACTIVE)]: **Sec. 8.5. IC 5-1-17-9.5 (Concerning members, officers, employees, and the executive director of the Indiana stadium and convention building authority for acts authorized by law).**"

Page 2, after line 20, begin a new paragraph and insert:

"SECTION 5. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 259 as printed January 11, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 1.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "examinations." and insert "**examination.**"

Page 3, line 34, reset in roman "who".

Page 6, line 34, delete "P.L.210-2005," and insert "HEA 1103-2006, SECTION 3,"

Page 6, line 35, delete "SECTION 42,"

Page 6, line 41, delete "section" and insert "sections".

Page 6, line 41, after "10" insert "and 11".

Page 7, line 4, delete "section" and insert "sections".

Page 7, line 4, after "10" insert "and 11".

Page 7, line 9, delete "P.L.210-2005," and insert "HEA 1103-2006, SECTION 4,"

Page 7, line 10, delete "SECTION 43,"

Page 7, line 17, delete "section" and insert "sections".

Page 7, line 17, after "10" insert "and 11".

Page 7, line 39, delete "P.L.210-2005," and insert "HEA 1103-2006, SECTION 6,"

Page 7, line 40, delete "SECTION 45,"

Page 8, line 4, delete "section" and insert "sections".

Page 8, line 4, after "10" insert "and 11".

Page 8, line 9, after "(b)" delete "," and insert "and section 11 of this chapter,"

Page 8, line 31, delete "After" and insert "**After**".

Page 8, line 35, strike "(a) The fee for a four (4) year operator's license".

Page 8, strike lines 36 through 37.

Page 8, line 38, strike "(b) After December 31, 2005,"

Page 8, line 38, delete "the" and insert "**(a) The**".

Page 9, line 1, delete "(c)" and insert "**(b)**".

Page 9, line 2, after "under" insert "**IC**".

Page 9, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 16. IC 9-29-9-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.**"

Page 10, after line 34, begin a new paragraph and insert:

"SECTION 22. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

DAVIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 339, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 10, after "vehicles" insert ","

Page 1, line 10, strike "or an insurance company,"

Page 2, line 5, strike "must" and insert "**shall**".

Page 2, line 5, strike "any" and insert "**a**".

Page 2, line 5, after "that" insert "**the insurance company has determined is economically impractical to repair.**"

(d) An owner described in subsection (a)(2) shall apply for a salvage title for any vehicle that"

Page 2, line 9, strike "of" and insert "**specified in**".

Page 2, line 9, strike "(a)(1)." and insert "**(a)(2).**"

(Reference is to SB 339 as printed January 30, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

DAVIS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 359, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 5, line 33, reset in roman "(4) The".

Page 5, line 33, after "The" insert "**procedure for opening the bids, including the date,**"

Page 5, line 33, delete "time" and insert "time,"

Page 5, line 33, reset in roman "and place for opening the bids."

Page 5, line 34, delete "(5) (4)" and insert "(5)".

Page 5, line 38, delete "(6) (5)" and insert "(6)".

Page 5, line 41, delete "(6)" and insert "**(7)**".

Page 6, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 5. IC 5-22-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) An employee**

of the purchasing agency shall open bids publicly in the presence of one (1) or more witnesses at the time and place designated other employees of the purchasing agency according to the procedure stated in the invitation for bids as required by section 2(b)(4) of this chapter.

(b) Individuals other than employees of the purchasing agency may not be present at an opening of bids unless the bids are opened publicly."

Page 6, between lines 11 and 12, begin a new paragraph and insert: "SECTION 7. IC 5-22-7-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The purchasing agency shall maintain the following information:

- (1) The name of each bidder;
- (2) The amount of each bid;
- (3) Other information required by this article and rules adopted under this article;

prepare a bid register.

(b) The bid register must contain the following:

- (1) A copy of all documents that are included as part of the invitation for bids.
- (2) A list of all persons to whom copies of the invitation for bids were given.
- (3) A list of all bids received. The list of bids received must include the following information:
 - (A) The name and address of each bidder.
 - (B) The dollar amount of each bid.
 - (C) The name of the successful bidder and the dollar amount of that bidder's bid.
- (4) The basis on which the award was made.
- (5) Documentation of the purchasing agency's negotiating process with bidders. The documentation must include the following:

- (A) A log of the date and times of each meeting with a bidder. The log must include the identity of the bidder.
- (B) A description of the nature of all communications with each bidder.
- (C) Subject to subdivision (6), a copy of all written communications, including electronic communications, with each bidder.

(6) The entire contents of the contract file except for proprietary information included with a bid, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids.

(b) (c) The information described in subsection (a) bid register is subject to public inspection after each contract award."

Page 8, between lines 28 and 29, begin a new paragraph and insert: "SECTION 14. IC 5-22-14-3, AS AMENDED BY P.L.4-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A governmental body may adopt rules to implement this chapter. The Indiana department of administration shall adopt rules under IC 4-22-2 to implement this chapter.

(b) The rules adopted by a governmental body must establish criteria for determining qualifications as a small business. In establishing criteria, the rules may use any standards established for determination of small business status that are used by an agency of the federal government. A governmental body may also receive assistance from the Indiana economic development corporation to establish criteria or to implement the rules.

(c) The rules adopted by a governmental body may consider the number of employees employed by an offeror and the dollar volume of the offeror's business. The rules must provide that when computing the size of an offeror, the annual sales and receipts of the offeror and all of its affiliates must be included.

(d) The rules adopted by a governmental body must include the following criteria:

- (1) A wholesale business is not a small business if its annual sales for its most recently completed fiscal year exceed four million dollars (\$4,000,000).
- (2) A construction business is not a small business if its average annual receipts for the preceding three (3) fiscal years exceed four million dollars (\$4,000,000).

(3) A retail business or business selling services is not a small business if its annual sales and receipts exceed five hundred thousand dollars (\$500,000).

(4) A manufacturing business is not a small business if it employs more than one hundred (100) persons.

(5) A business in any of the following sectors is not a small business if it employs more than one hundred (100) persons or if its annual sales exceed five million dollars (\$5,000,000):

- (A) Information technology.
- (B) Life sciences.
- (C) Transportation.
- (D) Logistics."

Renumber all SECTIONS consecutively.

(Reference is to SB 359 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 374, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 5, nays 3.

DUNCAN, Chair

Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 11, 55, 58, 69, 72, 85, 102, 106, 114, 146, 154, 168, 208, 232, 246, 277, 314, and 373.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

Representative T. Harris introduced House Concurrent Resolution 42:

A CONCURRENT RESOLUTION honoring Power Soccer of Indy.

Whereas, Power Soccer of Indy began in the fall of 2003;

Whereas, Power soccer is a team sport for individuals with various disabilities usually played in a gymnasium or on a regulation basketball court;

Whereas, The game is played by two teams of four power chair users who attack, defend, and maneuver an oversized soccer ball;

Whereas, Power soccer has been in existence for over 17 years, but has just recently become popular locally;

Whereas, The United States, Canada, Japan, and Denmark currently have teams and tournaments;

Whereas, Power Soccer of Indy has helped to inspire people with disabilities and to allow them to again enjoy the thrill and joy of playing the game; and

Whereas, Power soccer allows the participants to display their skills, the speed and power of their chairs, and to play an organized sport totally independently: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the good work accomplished by Power Soccer of Indy and the benefits the players receive from their involvement with this organization and the sport.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Karen Russo.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Delph.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

House Concurrent Resolution 43

Representative Koch introduced House Concurrent Resolution 43:

A CONCURRENT RESOLUTION honoring Hoosiers for Higher Education and its outstanding volunteer membership for its support of Indiana University.

Whereas, Hoosiers for Higher Education was established in 1991 as a grassroots organization that engages Indiana University students, parents, alumni, faculty, staff, and friends to advocate for legislative and policy issues important to Indiana University at both the state and federal levels;

Whereas, The 10,000 Hoosiers for Higher Education volunteer members are respected voices in their communities throughout Indiana and advocate for the benefits of public higher education;

Whereas, The Hoosiers for Higher Education program is nationally recognized as a leading higher education advocacy program;

Whereas, Students of Indiana University have the opportunity, through membership in Hoosiers for Higher Education, to learn about and participate in the democratic process via public discourse;

Whereas, This is the 15th year of the Hoosiers for Higher Education Annual State House Visit where members and advocates of Indiana University gather to meet with legislators and public officials to encourage their support for Indiana University and higher education;

Whereas, Sue Talbot, Kirk White, and Deborah Sibbitt have provided valuable service as directors of Hoosiers for Higher Education;

Whereas, Thirteen elected officials have been presented the Welsh-Bowen Distinguished Public Official Award at the Hoosiers for Higher Education Annual State House Visit proceedings, including U.S. Representative John Myers; State Representatives B. Patrick Bauer, Richard Bodiker, William Cochran, Sheila Klinker, Mark Kruzan, Vernon Smith, and Phil Warner, as well as State Senators Ron Altling, Robert Meeks, Kathy Smith-Andrew, and Vi Simpson; and

Whereas, The Hoosiers for Higher Education Annual State House Visit is the largest one-day rally of any higher education institution in the state, and over 4,000 Indiana University supporters have participated in this event: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Hoosiers for Higher Education on the 15th anniversary of its first State House Visit and commends the recipients of the Welsh-Bowen Distinguished Public Official Award for their leadership.

SECTION 2. That the Indiana General Assembly thanks the Hoosiers for Higher Education volunteers for taking an active and constructive part in the democratic process.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President and Trustees of Indiana University, the Indiana University Alumni Association, and Hoosiers for Higher Education.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Meeks and Simpson.

House Concurrent Resolution 44

Representatives Austin, Bosma, Grubb, Mays, and Bottorff introduced House Concurrent Resolution 44:

A CONCURRENT RESOLUTION honoring St. Vincent Health

and the Daughters of Charity as they celebrate 125 years of caring for the sick, poor, and vulnerable residents of the Hoosier state.

Whereas, On April 26, 1881, four Daughters of Charity arrived in Indianapolis with \$34.77 in their pockets to start a hospital that would serve the health care needs of the community;

Whereas, From its humble beginning on Indianapolis' eastside, St. Vincent Indianapolis Hospital has grown into a health system of more than 16 hospitals across the state, making it one of the largest employers in Indiana;

Whereas, The health system continues to be guided by core values that reflect commitment to quality, compassion, and affordability in health care;

Whereas, More than 11,600 St. Vincent Health associates and physicians continue to reach out to the local communities they serve and carry out the mission set forth by the original four Daughters of Charity; and

Whereas, Generations of residents of Indiana have experienced the spirit of caring for 125 years: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the extraordinary contributions of St. Vincent Health and the Daughters of Charity to the residents of Indiana and commends them for 125 years of dedication to caring for the sick, particularly those who are poor and vulnerable, in body, mind, and spirit.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the leadership of St. Vincent Health.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Lubber and Breaux.

House Concurrent Resolution 45

Representative V. Smith introduced House Concurrent Resolution 45:

A CONCURRENT RESOLUTION honoring David C. Lewis.

Whereas, David C. Lewis was sworn in as the 34th Clerk of the Supreme Court, Court of Appeals, and Tax Court for the state of Indiana on November 24, 2003, making him only the second African-American man to hold this position and the fourth to be a statewide elected official;

Whereas, As the Clerk of the Courts, David C. Lewis is responsible for issuing the orders and opinions of those courts, collecting filing fees, certifying documents, processing appeal bonds, preserving the record of the appellate courts, and maintaining the records of the roll of attorneys;

Whereas, David C. Lewis graduated from Ball State University in 1996 with a Bachelor of Science degree in legal administration and received a Master of Public Affairs degree from Indiana University-Purdue University Indianapolis in 2004;

Whereas, David C. Lewis began his career as a Governor's Fellow for Governor Evan Bayh;

Whereas, Upon the conclusion of his fellowships, David C. Lewis worked for the Indiana Department of Commerce, was appointed by Lieutenant Governor Joseph E. Kernan as a special assistant for legislation, and returned to the Department of Commerce to serve as the deputy director of the Community Development Division, where he and his staff were responsible for managing the Neighborhood Assistance Program, the Community Development Action Grant Program, the Individual Development Account Program, and the Indiana Urban Enterprise Zone Program;

Whereas, In 2002, David C. Lewis joined the staff of U.S. Senator Evan Bayh, serving as his Regional Director for Central Indiana and serving as liaison to 26 counties within the central part of the state;

Whereas, David and his wife, Tralicia, are the proud parents of a daughter, Logan Elise; and

Whereas, It is fitting, indeed, that David C. Lewis be recognized for his many contributions to the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes David C. Lewis for his many accomplishments and wishes him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David C. Lewis and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Breaux, S. Smith, Rogers, and Howard.

House Concurrent Resolution 46

Representatives Kersey, Grubb, Tincher, Thomas, and Borders introduced House Concurrent Resolution 46:

A CONCURRENT RESOLUTION recognizing the Networks Scholars Program at Indiana State University.

Whereas, Networks Financial Institute provides four-year scholarships to students at Indiana State University who are pursuing a major or minor in the College of Business and who are interested in careers in the financial services industry;

Whereas, In order to be awarded a Networks Scholarship, a student must: be a full-time student at Indiana State University; have a high school cumulative grade point average (GPA) of 3.25 or higher; rank in the top one-third of the student's high school graduating class; achieve an SAT score of at least 1,000 out of 1,600; have demonstrated leadership success; maintain at least a 3.0 cumulative GPA and a 3.2 GPA in business courses at Indiana State; participate in at least one internship; engage with both faculty and executive mentors; participate in Networks Scholars Program activities and College of Business events; and participate in professional development opportunities;

Whereas, The Networks Scholars Program has five categories of development: faculty and corporate mentoring, career and educational planning, professional development, student leadership experiences, and networking and experiential learning;

Whereas, Each recipient of a Networks Scholarship receives a four-year, \$20,000 scholarship to be used toward tuition and fees, professional development training opportunities, a professional development account, a laptop computer, internship opportunities, and international travel experience;

Whereas, A Networks Scholars Program participant is given opportunities that will enhance academic potential, employability, and advancement through active involvement in curricular and extracurricular activities;

Whereas, These opportunities and activities provide each student with insights into business that are invaluable in pursuing and developing a successful career;

Whereas, Indiana State University faculty members are available to help each scholar understand campus resources and services, discuss various education and career opportunities, improve decision-making skills, and develop personal growth and achievement plans; and

Whereas, Networks Financial Institute at Indiana State University works tirelessly to prepare students for careers in the financial industry and to help prepare them for the real world experiences they will encounter while establishing a successful career: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the Networks Scholars Program and Indiana State University for the help they provide to students interested in pursuing a degree from the College of Business and establishing a career in the financial services

industry.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Indiana State University President Lloyd Benjamin.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Skinner.

House Concurrent Resolution 47

Representative Koch introduced House Concurrent Resolution 47:

A CONCURRENT RESOLUTION honoring We Care Indiana.

Whereas, We Care Indiana, established in 2005, is a nonprofit organization created to help those who have been ravaged by natural disasters;

Whereas, We Care Indiana came into being because of a desire on the part of the people of Lawrence County, Indiana, to help the people of the Gulf Coast following the landfall of Hurricane Katrina;

Whereas, We Care Indiana created a web site with the goal of not only collecting donations for those in need but also serving as a central point of contact;

Whereas, We Care Indiana has adopted the people of Lawrence County, Mississippi, and is focusing on the needs of the children;

Whereas, The children of Lawrence County, Mississippi, have been through so much hardship in recent days and are bravely trying to move forward with their lives;

Whereas, We Care Indiana is helping these children as they return to school by donating supplies such as backpacks, pencils, loose-leaf paper, folders with prongs and pockets, colored pencils, calculators, ink pens, crayons, magic markers, and compasses; and

Whereas, We Care Indiana is an excellent example of the caring nature of Hoosiers, who are ready, willing, and able to extend a hand of friendship and compassion in time of need: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to express its admiration for the dedication of these wonderful Hoosiers and to encourage them and all Hoosiers to continue to help those in need.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Jim and Dana Sowders, Kelly Cobb, Dennis Turner, and Bedford Mayor Joe Klumpp.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Steele.

House Concurrent Resolution 48

Representatives Stevenson, C. Brown, V. Smith, and E. Harris introduced House Concurrent Resolution 48:

A CONCURRENT RESOLUTION honoring the Gary RailCats.

Whereas, In February 2001, the board of directors of the Northern League approved Northwest Sports Ventures, LLC, to own and operate an expansion team for the 2002 season in Gary, Indiana, and the Gary RailCats were born;

Whereas, The Northern League is an independent minor league baseball league in the Midwestern United States and the Canadian provinces of Manitoba and Alberta;

Whereas, In June 2001, a lease was signed between the city of Gary and Victory Sports Group for a 6,000 seat state-of-the-art stadium and ground was broken for construction to begin;

Whereas, In May 2002, the Gary RailCats played their first official Northern League game in Sioux Falls, South Dakota;

Whereas, On May 28, the RailCats experienced their first victory, a 9-4 win over the Schaumburg Flyers that began a six-game winning streak for the team;

Whereas, RailCats' manager Joe Calfapietra was named Northern League manager of the year after leading the club to 35 wins despite

playing all 90 games on the road;

Whereas, The team continued to improve and prosper, winning the Northern League championship in 2005; and

Whereas, The RailCats have continued to provide countless hours of enjoyment and relaxation for the citizens of northern Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the individual and economic contributions that the RailCats have made to the community of Gary and all of northern Indiana. We wish to thank them and to encourage them to continue "hitting it out of the park" for years to come.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Gary RailCats management and Scott L. King, mayor of Gary, Indiana.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers and S. Smith.

House Resolution 22

Representatives Orentlicher, Day, Klinker, and Bardon introduced House Resolution 22:

A HOUSE RESOLUTION honoring the Immaculate Heart of Mary School as a recipient of the 2005 No Child Left Behind–Blue Ribbon School Award.

Whereas, The Immaculate Heart of Mary School was among eight Indianapolis metropolitan-area schools that were selected as 2005 No Child Left Behind–Blue Ribbon schools;

Whereas, The No Child Left Behind–Blue Ribbon School program honors public and private K-12 schools that are either academically superior in their states or that demonstrate dramatic gains in student achievement;

Whereas, To be named a No Child Left Behind–Blue Ribbon School, a school must meet one of two assessment criteria;

Whereas, Blue Ribbon schools must have either at least 40 percent of their students from disadvantaged backgrounds and dramatically improve student performance in accordance with state assessment systems or score in the top ten percent on state assessments;

Whereas, At least one-third of the schools submitted by each state must meet the criteria where 40 percent of the students come from disadvantaged backgrounds;

Whereas, The program allows both elementary and secondary schools to be recognized in the same year;

Whereas, It is even more difficult for private schools than public schools to earn this honor;

Whereas, Before a private school can be nominated for a No Child Left Behind–Blue Ribbon School award, the Council of American Private Schools must approve the selection;

Whereas, This year marks the first time the three Roman Catholic Archdioceses of Indianapolis schools, Immaculate Heart of Mary, St. Simon the Apostle, and St. Thomas Aquinas, have been selected; more than 90 percent of the students tested from each school passed the Indiana Statewide Testing for Educational Progress–Plus in 2003, the year used for review; and

Whereas, Blue Ribbon schools are examples of what the students and teachers can achieve working together toward one goal: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the teachers, students, and parents of Immaculate Heart of Mary for their outstanding accomplishment and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House shall transmit a copy of this resolution to Annette Jones, principal of Immaculate

Heart of Mary.

The resolution was read a first time and adopted by voice vote.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Reassignments

The Speaker announced the reassignment of Engrossed Senate Bill 81 from the Committee on Public Safety and Homeland Security to the Committee on Public Policy and Veterans Affairs.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 21, 24, 38, and 40 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 21

The Speaker handed down Senate Concurrent Resolution 21, sponsored by Representatives Welch and Duncan:

A CONCURRENT RESOLUTION honoring the Indiana Main Street Program for 20 years of service to Indiana cities and towns.

Whereas, The National Main Street Center was established by the National Trust for Historic Preservation in 1980. Since its inception, the Center has grown to be the largest full-service commercial district revitalization organization in the nation;

Whereas, Recognizing the crucial role the downtown business district plays in the overall image of a community, the Indiana General Assembly established the Indiana Main Street Program in 1985 to encourage the economic development, redevelopment, and improvement of downtown areas in Indiana cities and towns;

Whereas, Indiana Main Street is advised by the Indiana Main Street Council, a public/private advisory board appointed by Lieutenant Governor Becky Skillman;

Whereas, Rather than providing direct grants, Indiana Main Street emphasizes building local capacity and self-sufficiency through technical assistance and encourages local businesses, residents, and leaders to get involved in community projects;

Whereas, In order to address all of the needs of the community, Indiana Main Street utilizes the National Main Street Center's four-point approach to improving downtown areas: design, organization, promotion, and economic restructuring;

Whereas, The National Main Street revitalization project has proven to be one of the most successful economic development strategies in America. Research has shown that on a national average, for every dollar spent to operate a local Main Street program, approximately thirty-eight dollars has been reinvested in the community; and

Whereas, Numerous local communities throughout the State of Indiana have benefitted from the Indiana Main Street Program's services to revitalize downtown communities over the last twenty years: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly expresses sincere gratitude to the Indiana Main Street Program for its on-going efforts to renew downtown business districts throughout the state.

SECTION 2. That the Indiana General Assembly commends the Indiana Main Street Program and the Indiana Main Street Council, as well as all of the businesses and community members that have participated in local programs, for their efforts to improve community image.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Lieutenant Governor Becky

Skillman; Executive Director of Indiana Main Street, Ellen Harper; members of the Indiana Main Street Council, Steve Boyce, Amy Vaughan, Jon Smith, Mark Dollase, Amy MacDonell Shepard, Dr. James Segedy, Judy Gray, Mayor Don Stock, Todd Thackery, and Jim Grant; and former First Lady Judy O'Bannon.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 24

The Speaker handed down Senate Concurrent Resolution 24, sponsored by Representative Koch:

A CONCURRENT RESOLUTION to memorialize and honor Paul Allen

Whereas, Paul Allen, the son of John Thomas and Ola Bays Allen was born on March 2, 1921 in McCameron Township, Indiana. McCameron Township no longer exists, as it was incorporated into the Naval Surface Warfare Center (NSWC) Crane;

Whereas, As a 10th grade student, Paul Allen volunteered to rescue citizens in Madison and Vevay during the Ohio River Flood of 1937. Working with his father's construction/restoration company, he assisted in rebuilding significant numbers of neighborhoods in Jefferson and Ohio Counties once the floodwaters receded;

Whereas, Paul attended the township school and earned a diploma from Burns City High School in 1940. After graduating, Paul received an academic scholarship to Duke University where he studied mathematics and chemistry. At the conclusion of his freshman year, Paul Allen enlisted in the United States Army, where he was initially assigned to the 259th Field Artillery;

Whereas, Prior to the Normandy Invasion, Paul Allen was transferred to Company 'C,' Second Rangier Battalion because of his knowledge of large caliber naval weaponry. On D-Day, his company captured and rendered harmless naval weapons situated on Pointe du Hoc. After the campaign to liberate Paris and Northern France, Paul participated in Operation Market Garden, the Ardennes Campaign, and the Invasion of Northern Germany.

Whereas, For bravery in action, Paul received the following decorations: the Purple Heart, bestowed by General George Patton; the Legion of Honor; the Bronze Star; the Belgian Croix de Guerre; the French Croix de Guerre, bestowed by General Charles DeGaulle; and numerous campaign medals;

Whereas, Upon returning to the United States, Paul obtained employment in the United States Navy's civilian service from 1950 until his retirement in 1974. During this time, he was stationed at Indiana's NSWC Crane; Naval Headquarters in Washington, D.C.; Mechanicsburg, Pennsylvania; Norfolk, Virginia; and Charleston, South Carolina;

Whereas, Upon his retirement, Paul assumed the position of assistant superintendent for the North Lawrence Community School Corporation. During his tenure, Paul was involved in the construction of three elementary schools, the restoration of the Bedford, Fayetteville, and Dollens Schools, and the expansion of the Bedford-North Lawrence High School;

Whereas, In keeping with family tradition, Paul also supported the republican party by working as a fundraiser for the gubernatorial campaigns of both Dr. Otis R. Bowen and Robert Orr; and

Whereas, Paul Allen deserves recognition for his distinguished career of public service. Four days after open-heart surgery, Paul Allen passed away on July 19, 2004: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Paul Allen for his lifetime achievements. His service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to David Allen, Paul Allen's son.

The resolution was read a first time and adopted by voice vote. The

Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representatives Ayres and Kuzman:

A CONCURRENT RESOLUTION to honor and memorialize Colonel John Wheeler.

Whereas, John Wheeler was born in Connecticut on February 6, 1825. After Mr. Wheeler married Ann C. Jones in 1846, families moved to Lake County in 1847;

Whereas, Mr. Wheeler was a farmer and teacher. After working with his father to level and lay out pipes and ditches to drain swamplands throughout Lake County, Mr. Wheeler was elected County Surveyor in 1853 and served for three years;

Whereas, For four years after his County Surveyor term, he partnered with Zerah F. Summers editing and publishing the local newspaper called the Crown Point Register;

Whereas, Using his own money and influence, Mr. Wheeler raised a company of one hundred men for the Union army in 1861. Becoming part of the Twentieth Regiment of Indiana Volunteers, his company chose him for its Captain. His friends and neighbors presented him the gift of an elegant sword while his regiment was on parade in Indianapolis; and

Whereas, After thoroughly performing the duties of a soldier, Captain Wheeler was commissioned Major of the Regiment on February 16, 1862, and earned a promotion to the rank of Colonel in March of 1863. Leading his troops in the summer of 1863, Colonel Wheeler fell on July 2nd in the slaughter of the terrible conflict at Gettysburg: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly memorializes and honors Colonel John Wheeler for his achievements. His exemplary service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Colonel Wheeler's Great-great-great-great-grandson, Boyd Cole, and Tom Hawes.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker.

Senate Concurrent Resolution 40

The Speaker handed down Senate Concurrent Resolution 40, sponsored by Representatives Klinker, T. Brown, and Micon:

A CONCURRENT RESOLUTION memorializing Robert A. Zell.

Whereas, Robert A. "Rob" Zell was a lifelong resident of Tippecanoe County;

Whereas, Rob was married to Kimberly for eleven years and had four children: Brent, Robert II, Brittany Mathes, and Rachelle;

Whereas, Rob was a dedicated family man who worked hard to provide for his family;

Whereas, Although Rob worked only a few months for the Indiana Department of Transportation, he truly enjoyed his position as a maintenance worker at the Fowler Sub District;

Whereas, Throughout his life Rob enjoyed many hobbies, including mushroom hunting, deer hunting, and playing video games;

Whereas, Rob was killed on February 3, 2005, when he was hit by a car while cleaning up debris on the side of the road on the Wabash River bridge on Interstate 65 in Tippecanoe County;

Whereas, It is important to remember that maintaining Indiana's roadways is a dangerous job and that it is important for motorists to always be aware when workers are present; and,

Whereas, Rob will be remembered by his friends and family as a great man who was devoted to his family: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the service of Robert Zell to the State of Indiana and memorializes his life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Philip Zell, Kimberly Zell, and the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:25 p.m. with the Speaker in the Chair.

Representative Mahern, who had been excused, was present. Representative Ulmer was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 43, 44, 46, and 48 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 20 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 36, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Environmental Affairs, to which was referred Engrossed Senate Bill 234, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, line 12, delete "shall," and insert "may,".

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 16. [EFFECTIVE UPON PASSAGE] (a) The environmental quality service council established under IC 13-13-7 shall study and make findings and recommendations concerning the positive and negative aspects of enacting legislation that would prohibit rules adopted under IC 13 from being more stringent than corresponding provisions of federal law.

(b) The environmental quality service council shall include its findings and recommendations developed under subsection (a) in the environmental quality service council's 2006 final report to the legislative council.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 234 as reprinted January 24, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

WOLKINS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Engrossed Senate Bill 245, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 4-23-7.1-40.5, AS ADDED BY P.L.136-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40.5. (a) For purposes of this section, "accessible electronic information service" means a service that provides to an eligible individual news and other timely information, including newspapers, from a multistate service center, using high speed computers and telecommunications technology for Internet acquisition of content and rapid distribution in a form appropriate for use by an eligible individual.

(b) For purposes of this section, "director" refers to the director of the Indiana talking books and braille division of the Indiana state library.

(c) For purposes of this section, "eligible individual" means an individual who is blind or disabled and qualifies for services under 36 CFR 701.10(b).

(d) For purposes of this section, "qualified entity" means an agency, instrumentality, or political subdivision of the state or a nonprofit organization that:

- (1) using computer technology, produces audio or braille editions of daily news reports, including newspapers, for the purpose of providing eligible individuals with access to news;
- (2) obtains electronic news text through direct transfer arrangements made with participating news organizations; and
- (3) provides a means of program administration and reader registration on the Internet.

(e) The director may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. This service shall be planned for continuation from year to year and make maximum use of federal and other funds available by:

- (1) obtaining grants or in kind support from appropriate programs; and
- (2) securing access to low cost interstate rates for telecommunications by reimbursement or otherwise.

(f) The accessible electronic information service fund is established for purposes of this section. The fund consists of appropriations from the general assembly, loan proceeds, and gifts and grants to the fund.

(g) The treasurer of state shall invest the money in the accessible electronic information service fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(h) The money in the accessible electronic information service fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this section.

SECTION 2. IC 8-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The governor shall appoint a consumer counselor, for a term of four (4) years at a salary to be fixed by the governor. The counselor shall serve at the will and pleasure of the governor. The counselor shall be a practicing attorney, and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The counselor shall apply his the counselor's full efforts to the duties of the office and may not be actively engaged engage in any other occupation, practice, profession, or business that would conflict with the duties of the office."

Page 2, delete lines 1 through 5.

Page 7, line 27, after "citizens" insert ",".

Page 8, line 6, delete "or".

Page 8, between lines 6 and 7, begin a new line block indented and insert:

"(5) commercial mobile service (as defined in 47 U.S.C. 332); or".

Page 8, line 7, delete "(5)" and insert "(6)".

Page 8, line 13, delete "service except as follows:" and insert "service."

Page 8, delete lines 14 through 28.

Page 12, delete lines 24 through 28.

Page 12, line 29, delete "(j)" and insert "(i)".

Page 13, line 2, delete "service, except as follows:" and insert "service."

Page 13, delete lines 3 through 18.

Page 15, between lines 25 and 26, begin a new line block indented and insert:

"(3) Consumer access to affordable basic telecommunications service."

Page 15, line 26, delete "(3)" and insert "(4)".

Page 15, line 28, delete "(4)" and insert "(5)".

Page 15, line 30, delete "(5)" and insert "(6)".

Page 17, line 13, delete "eliminated; and" and insert "eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and".

Page 17, line 14, delete "a justification for all telecommunications rules and" and insert "an explanation of why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers."

Page 17, delete lines 15 through 17.

Page 18, line 14, delete "that are no longer" and insert "if the rules or policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications services."

Page 18, delete lines 15 through 16, begin a new paragraph and insert:

"(b) Not later than July 1, 2007, the commission shall adopt rules under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:

- (1) the option of basic telecommunications service; and**
- (2) any regulatory protections, including pricing or quality of service protections, that the residential customer would forego by switching to nonbasic telecommunications service."**

Page 18, line 17, delete "(b)" and insert "(c)".

Page 18, line 19, delete "even-numbered" and insert "odd-numbered".

Page 18, delete lines 22 through 25, begin a new line block indented and insert:

- "(1) identify any regulation or policy eliminated by the commission under this section during the two (2) most recent state fiscal years; and**
- (2) explain why the regulation or policy is no longer in the public interest or necessary to protect consumers."**

Page 18, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 22. IC 8-1-2.6-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Notwithstanding any other law, the commission shall not, by entering an order, adopting a rule, or taking any other action, impose a regulation or performance standard concerning the transfer of customers between providers unless the regulation or performance standard is imposed equally and uniformly on all providers.

(b) After a customer's telecommunications services have been transferred, the initial provider may, to the extent permitted by federal law and by IC 24-4.7-4, contact the customer to confirm that the customer has made the decision to change to the other

provider.

(c) A provider may not refuse to transfer or facilitate the transfer of a local exchange service customer of the provider to another provider on the same terms and conditions that the provider receives from any other provider unless the terms and conditions violate federal law."

Page 19, line 20, delete "continue to".

Page 20, line 24, delete "provider" and insert "provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332),".

Page 21, between lines 30 and 31, begin a new line block indented and insert:

"(13) After June 30, 2009, collect and maintain from a provider of commercial mobile service (as defined in 47 U.S.C. 332) the following information:

(A) The address of the provider's website.

(B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.

(C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's website. The commission may also make available on the commission's website contact information for the Federal Communications Commission and the Cellular Telephone Industry Association."

Page 21, delete lines 31 through 42.

Page 22, delete line 1.

Page 22, line 2, delete "(f)" and insert "(e)".

Page 22, line 8, delete "However, if the provider has elected to file a tariff".

Page 22, delete lines 9 through 15.

Page 22, line 23, after "(d)" insert ",".

Page 22, line 26, delete "(g)" and insert "(f)".

Page 25, line 25, after "area" insert "in Indiana".

Page 27, line 42, after "members" insert "for communications service originating with the members' Indiana customers".

Page 28, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 35. IC 8-1-2.8-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If the InTRAC meets the requirements of sections 18 and 21 of this chapter, the InTRAC:

(1) is not a public utility;

(2) is not a telephone company or a communications service provider; and

(3) is free from the jurisdiction and oversight of the commission except as specifically provided in this chapter.

(b) The InTRAC is not an affiliated interest (as defined in IC 8-1-2-49). An officer, a director, or a member of the InTRAC may not be construed to be an affiliated interest solely because that person or entity is an officer, a director, or a member of the InTRAC."

Page 29, delete lines 1 through 5.

Page 29, line 19, delete "Except as".

Page 29, line 20, delete "provided in subsection (b), the" and insert "The".

Page 29, delete lines 27 through 36.

Page 29, line 37, reset in roman "(b)".

Page 29, line 37, delete "(d)".

Page 29, line 38, delete "or office".

Page 29, delete lines 39 through 42.

Page 30, delete lines 1 through 20.

Page 47, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 53. IC 8-1-29.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 29.5. Enforcement Remedies for Prohibited Actions by Telecommunications Service Providers and Video Service Providers

Sec. 1. This chapter applies to a provider and a certificate

holder.

Sec. 2. Except as otherwise provided, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 3. As used in this chapter, "certificate holder" refers to a person holding a certificate of franchise authority issued under IC 8-1-34-17.

Sec. 4. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 5. As used in this chapter, "customer", with respect to a provider, refers to any of the following:

- (1) A residential customer.
- (2) A business customer.
- (3) Another provider that obtains retail or wholesale services from the provider.

Sec. 6. (a) If:

- (1) one (1) or more customers of a provider or a certificate holder;
- (2) another provider;
- (3) the utility consumer counselor; or
- (4) any class satisfying the standing requirements of IC 8-1-2-54;

files a complaint with the commission alleging that a service over which the commission has jurisdiction that is provided by a provider or a certificate holder is unreasonable, unsafe, insufficient, or unjustly discriminatory, or that any service is inadequate or can not be obtained, the commission may investigate the complaint as the commission considers appropriate. The commission shall conduct an investigation under this section on an expedited basis, and a complaint filed by another provider under this section that alleges a violation of an interconnection agreement or order is subject to the commission's expedited procedures under 170 IAC 7-7.

(b) If, after notice and an opportunity for hearing, the commission determines from an investigation conducted under subsection (a) that a provider or a certificate holder has violated a provision of this chapter or a lawful order of the commission, the commission may do any of the following:

- (1) Issue an order directing the provider or the certificate holder to cease and desist from the violation.
- (2) Mandate corrective action to alleviate the violation.
- (3) Revoke or modify the terms of:
 - (A) an indeterminate permit;
 - (B) a certificate of territorial authority;
 - (C) a certificate of franchise authority issued under IC 8-1-34; or
 - (D) another license or authorization;

issued to the provider or the certificate holder by the commission.

- (4) Impose a civil penalty of not more than ten thousand dollars (\$10,000) per violation, if the violation involves any of the following:

(A) A willful disregard, as evidenced by a continuing pattern of conduct, by the provider or the certificate holder of its obligation to remedy the violation after the provider or the certificate holder becomes aware of the violation.

(B) Repeated errors in bills issued to one (1) or more customer classes, if the errors:

- (i) represent intentional misconduct or an act of fraud by the provider or the certificate holder or by any officer, accountant, or agent of the provider or certificate holder; or
- (ii) demonstrate, by a continuing pattern of conduct, a willful disregard by the provider or the certificate holder of its obligation to remedy the errors after the provider or the certificate holder becomes aware of the errors.

Subject to section 7(a)(1) of this chapter, for purposes of this subdivision, a single act, omission, occurrence, or event that results in multiple complaints being filed under subsection (a) constitutes a single violation and is not subject to more than one (1) civil penalty. The commission may not consider each day that a particular violation continues to be a separate violation.

(c) A matter resolved through voluntary mediation is not considered a violation for purposes of this section.

(d) A provider or a certificate holder may not be subject to both:

- (1) a civil penalty or an order of the commission under this section; and
- (2) a penalty or remedy agreed to in a commission approved settlement agreement;

for the same violation. If the commission has approved a settlement agreement under IC 8-1-2.6 that includes penalties or remedies for noncompliance with specific provisions of the settlement agreement, the penalties or remedies provided in this section do not apply to those instances of noncompliance during the life of the settlement agreement.

(e) The attorney general may bring an action in the name of the state to enforce any action taken by the commission under subsection (b), including the collection of an unpaid civil penalty imposed by the commission.

(f) The following are subject to appeal by a provider under IC 8-1-3:

- (1) A determination by the commission under this section that a provider or a certificate holder has violated a provision of this chapter or a lawful order of the commission.
- (2) The appropriateness of any action taken by the commission under subsection (b)(1) through (b)(3).
- (3) The appropriateness of:
 - (A) the imposition of a civil penalty by the commission under subsection (b)(4); or
 - (B) the amount of the penalty imposed.

Upon the motion of a provider or a certificate holder, the commission shall stay the effect or enforceability of an order or penalty under this section pending an appeal, subject to the provider or the certificate holder posting a bond that complies with Rule 18 of the Indiana Rules of Appellate Procedure.

Sec. 7. (a) In imposing a civil penalty under section 6(b)(4) of this chapter, the commission may consider the following factors:

- (1) The duration and gravity of the violation, including the number of customers affected.
- (2) The presence or absence of due diligence on the part of the violating provider or certificate holder to comply with or secure relief from a provision of this article or a lawful order of the commission.
- (3) Economic benefits accrued by the violating provider or certificate holder because of the delay in complying with a provision of this article or a lawful order of the commission.
- (4) The amount of a civil penalty that will:

- (A) deter future violations by the violating provider or certificate holder; and
- (B) enhance voluntary compliance with a provision of this article or a lawful order of the commission.

(5) The market share of the violating provider or certificate holder in the affected service areas.

(6) Good faith of the violating provider or certificate holder in attempting to remedy the violation or to achieve compliance after receiving notification of the violation.

(b) If the commission waives a civil penalty for a violation involving any act or omission described in section 6(b)(4) of this chapter, the commission must make a written finding as to why it is waiving the civil penalty. The commission may waive a civil penalty under section 6(b)(4) of this chapter if the commission finds that the violation is the result of any of the following:

- (1) The technological infeasibility of:
 - (A) complying with the requirements of a provision of this article or a lawful order of the commission; or
 - (B) remedying a violation of a provision of this article or a lawful order of the commission.
- (2) An act of God.
- (3) A defect in, or prohibited use of, customer provided equipment.
- (4) A negligent act of a customer.
- (5) An emergency situation.
- (6) Unavoidable casualty.

(c) The secretary of the commission shall direct a civil penalty

imposed and collected under section 6(b)(4) of this chapter as follows:

(1) A civil penalty imposed for a violation that directly affects retail customers must be refunded directly to the customers of the violating provider or certificate holder in the form of credits on customer bills.

(2) A civil penalty imposed for a violation not described in subdivision (1) must be deposited into an account designated by the Indiana finance authority for use by the authority in making loans or grants to broadband developers and operators under the Indiana broadband development program established by IC 8-1-33-15."

Page 48, line 41, delete "IC 8-1-32.6-9;" and insert "IC 8-1-32.6-8;"

Page 50, line 7, delete "IC 8-1-32.6-9" and insert "IC 8-1-32.6-8".

Page 52, line 13, delete "IC 8-1-32.6-9" and insert "IC 8-1-32.6-8".

Page 56, line 41, delete "each of the following:" and insert "the commission. The commission shall prescribe the number of copies to be submitted by a communications service provider under this section."

Page 56, delete line 42.

Page 57, delete lines 1 through 2.

Page 58, line 19, delete "However, a provider may elect to file and maintain with", begin a new paragraph and insert:

"(b) The".

Page 58, delete lines 20 through 33.

Page 58, run in lines 19 through 34.

Page 59, line 2, delete "currently".

Page 61, line 20, delete "or residential".

Page 61, line 21, delete "apartment buildings, condominiums,".

Page 61, line 22, delete "subdivisions, office buildings," and insert "office buildings".

Page 61, line 22, after "parks." insert "The term does not include apartment buildings, condominiums, or subdivisions."

Page 61, delete lines 23 through 24.

Page 61, line 25, delete "6." and insert "5".

Page 61, line 28, delete "7." and insert "6".

Page 61, line 30, delete "8." and insert "7".

Page 62, line 19, delete "Except as provided in subsection (e), upon:" and insert "Upon:".

Page 62, line 24, delete "counselor, if the complaint is filed" and insert "counselor; or".

Page 62, delete line 25.

Page 62, line 28, delete "motion, if the commission acts" and insert "motion;"

Page 62, delete line 29.

Page 63, delete lines 1 through 12.

Page 63, line 13, delete "(f)" and insert "(e)".

Page 63, line 15, delete "(g)" and insert "(f)".

Page 63, line 15, delete "or the office".

Page 63, line 17, delete "9." and insert "8".

Page 63, line 40, delete "8" and insert "7".

Page 64, between lines 7 and 8, begin a new paragraph and insert: "SECTION 56. IC 8-1-33-13, AS ADDED BY P.L.235-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. As used in this chapter, "underserved area" means an area within Indiana that the authority determines does not have a person that:

(1) provides broadband service in the area at the time of the authority's inquiry under section 14 of this chapter; or

(2) intends to provide broadband service not later than three (3) months after the date of the authority's inquiry under section 14 of this chapter:

is not being adequately served with broadband service."

Page 65, line 15, after "14." insert "(a)".

Page 65, between lines 23 and 24, begin a new paragraph and insert:

"(b) The term does not include commercial mobile service (as defined in 47 U.S.C. 332)."

Page 66, delete lines 30 through 35.

Page 68, line 14, delete "or".

Page 68, line 16, after ";" insert "or".

Page 68, between lines 16 and 17, begin a new line block indented and insert:

"(3) pay an application fee, a document fee, a state franchise fee, a service charge, or any fee other than the franchise fee paid to a local unit under section 24 of this chapter;"

Page 68, delete lines 36 through 40.

Page 70, line 31, delete "currently".

Page 72, delete lines 25 through 33, begin a new paragraph and insert:

"Sec. 23. (a) Except as provided in subsection (b), the holder of a certificate under this chapter shall, at the end of each calendar quarter, determine under subsections (c) and (d) the gross revenue received during that quarter from the holder's provision of video service in each unit included in the holder's service area under the certificate.

(b) This subsection applies to a holder or other provider providing video service in a unit in which a provider of video service is required on June 30, 2006, to pay a franchise fee based on a percentage of gross revenues. The holder's or provider's gross revenue shall be determined as follows:

(1) If only one (1) local franchise is in existence on June 30, 2006, the holder or provider shall determine gross revenue as the term is defined in the local franchise in existence on June 30, 2006.

(2) If:

(A) more than one (1) local franchise is in existence on June 30, 2006; and

(B) the provider is subject to a local franchise in the unit on June 30, 2006;

the provider shall determine gross revenue as the term is defined in that provider's local franchise.

(3) If:

(A) more than one (1) local franchise was in existence on June 30, 2006; and

(B) the holder was not providing cable television service in the unit on June 30, 2006;

the holder shall determine gross revenue as the term is defined in the local franchise that is most favorable to the unit."

Page 72, line 34, delete "(b)" and insert "(c) This subsection does not apply to a holder that is required to determine the holder's gross revenue under subsection (b)."

Page 73, line 17, delete "(c)" and insert "(d) This subsection does not apply to a holder that is required to determine the holder's gross revenue under subsection (b)."

Page 75, line 2, delete "(d)" and insert "(e)".

Page 75, line 5, delete "with subsections (b) and" and insert "with:

(1) subsection (b); or

(2) subsections (c) and (d);

whichever is applicable."

Page 75, delete line 6.

Page 75, line 7, delete "(e)" and insert "(f)".

Page 75, line 13, delete "income" and insert "revenue".

Page 75, line 33, delete "five percent (5%)." and insert "a percentage equal to one (1) of the following:

(A) If there is no local franchise in effect with respect to the unit on January 1, 2006, five percent (5%).

(B) If there is one (1) local franchise in effect with respect to the unit on January 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%). Upon the expiration of a local franchise described in this clause, the percentage shall be determined by the unit but may not exceed five percent (5%).

(C) If there is more than one (1) local franchise in effect with respect to the unit on January 1, 2006, a percentage determined by the unit, which may not exceed the greater of:

(i) five percent (5%); or

(ii) the percentage paid by a holder of any local franchise in effect in the unit on January 1, 2006."

Page 75, line 35, delete "23(d)" and insert "23(e)".

Page 80, after line 42, begin a new paragraph and insert:

"Sec. 29. (a) This section applies to a provider that elects to terminate a local franchise under section 21(b)(2) of this chapter.

(b) A holder to which this section applies shall continue to provide the following services under the terms of the terminated local franchise until January 1, 2009, or until the terminated local franchise would have expired, whichever is later:

(1) Institutional network capacity, however defined or referenced in the terminated local franchise, but generally including private line data network capacity for use by the unit for noncommercial purposes. Institutional network capacity provided under this subdivision shall continue to be provided at the same capacity as was provided to the unit before the date of termination of the local franchise.

(2) Video service to community public buildings, such as municipal buildings and public schools, however defined or referenced in the terminated local franchise, but generally including cable drop connections to the buildings and a particular tier of video service provided to the buildings. Video service provided under this subdivision shall continue to be provided to the same extent as was provided to the unit before the date of termination of the local franchise. Beginning January 1, 2009, or upon the date on which the terminated local franchise would have expired, whichever is later, a provider that provides video service under this subdivision shall continue to provide the video services under this subdivision if the unit requests that the services continue after December 31, 2008, or after the date the terminated local franchise would have expired, whichever is later.

(c) This subsection applies to services described in subsection (b) that are provided after December 31, 2008, or after the date the terminated local franchise would have expired, whichever is later. The incremental costs of the services shall be apportioned among all holders of a franchise to provide video service within the unit. The amount of the incremental costs borne by a particular holder is equal to the total cost of providing the services multiplied by a fraction calculated as follows:

(1) The numerator of the fraction equals the number of subscribers to whom the holder provides video service in the unit.

(2) The denominator of the fraction equals the total number of subscribers to whom all holders provide video service in the unit."

Delete pages 81 through 86.

Page 87, delete lines 1 through 27.

Page 89, line 9, delete "budgets of the commission and the office of" and insert "budget of the commission".

Page 89, line 10, delete "utility consumer counselor".

Page 91, delete lines 5 through 42.

Page 92, delete lines 1 through 14.

Page 92, line 16, delete "IC 8-1-2.6-7." and insert "IC 8-1-2.6-7; IC 8-1-33-14."

Page 92, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 63. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 8-1-34, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) For the period beginning July 1, 2006, and ending June 30, 2010, the commission shall conduct an analysis of the deployment of video service in Indiana. In conducting the analysis required under this subsection, the commission shall determine and collect data on the following for each metropolitan statistical area in Indiana on at least an annual basis:

(1) The median per capita income of the metropolitan statistical area in relation to the median per capita income of the state.

(2) Whether the metropolitan statistical area is part of or includes an underserved area, as determined by the Indiana finance authority under IC 8-1-33-13, as amended by this act.

(3) An identification of each provider offering video service in the metropolitan statistical area. For each provider identified under this subdivision, the commission shall identify whether the provider offers video service in the metropolitan statistical area under:

(A) a local franchise; or

(B) a certificate issued by the commission under IC 8-1-34-17, as added by this act.

(4) For each provider identified under subdivision (3), the type of technology used to deliver the video service offered. In compiling the information required under this subdivision, the commission may prepare a map identifying the location of the infrastructure used to provide video service within the metropolitan statistical area.

(5) For each provider identified under subdivision (3), any infrastructure build out initiated or completed within the metropolitan statistical area during the particular data collection period. For a provider that offers video service in the metropolitan statistical area under a local franchise, the commission shall identify whether the build out identified under this subdivision is required under the local franchise. In compiling the information required under this subdivision, the commission may prepare a map identifying the location of any build out that is initiated or completed.

(6) For each provider identified under subdivision (3), the provider's compliance with IC 8-1-34-28, as added by this act. The commission shall include in the data collected under this subdivision information on any complaint filed by an affected person under IC 8-1-34-28(c), as added by this act, including the commission's resolution of the complaint under IC 8-1-34-28(d), as added by this act.

(d) In the commission's report under IC 8-1-2.6-4, as added by this act, that is due to the regulatory flexibility committee on July 1, 2010, the commission shall include the results of the commission's analysis under subsection (c). The results reported must include the data collected under subsection (c) for each metropolitan statistical area in Indiana for each annual data collection period monitored by the commission during the four year period specified under subsection (c)."

Page 92, delete lines 25 through 26.

Page 92, line 27, delete "(d)" and insert "(c)".

Page 92, line 29, delete "(e)" and insert "(d)".

Page 92, line 29, delete "IC 8-1-2.6-1.5 and IC 8-1-2.6-13(e), both" and insert "IC 8-1-2.6-1.4,".

Page 92, line 30, delete "may do any of the following" and insert "may, before July 1, 2009, take any action necessary to divest itself, by July 1, 2009, of any jurisdiction that:

(1) is not described in IC 8-1-2.6-1.5(b), as added by this act, or IC 8-1-2.6-13(d), as added by this act; and

(2) the commission exercises over basic telecommunications service before July 1, 2009."

Page 92, delete lines 31 through 42.

Page 93, delete lines 1 through 3.

Page 93, line 4, delete "(g)" and insert "(e)".

Page 93, delete lines 5 through 17.

Renumber all SECTIONS consecutively.

(Reference is to SB 245, Digest Correction, as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 2.

MURPHY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 264, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 6, delete "or sales material" and insert "and no sales material".

(Reference is to SB 264 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 284, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, after line 3, begin a new paragraph and insert:

"SECTION 3. IC 16-42-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event if the following conditions are met:

(1) ~~Members of the organization prepare the food that will be sold;~~

(2) ~~Events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year;~~

(3) ~~The name of each member who has prepared a food item is attached to the container in which the food item has been placed;~~

organization does not have any paid staff whose primary responsibility is to prepare and serve food to the public at the event.

(b) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter."

(Reference is to SB 284 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred Engrossed Senate Bill 296, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under **IC 5-2-6.3-6(b)(3), IC 11-10-7-5, IC 11-10-8-6, IC 33-37-7-9, IC 34-51-3-6,** and IC 35-50-5-3 and appropriations from the general assembly."

Page 1, line 5, after "shall" delete ":".

Page 1, line 6, delete "(1)".

Page 1, line 6, strike "pay the punitive damage award to the clerk of the court where".

Page 1, line 7, strike "the action is".

Page 1, line 7, delete "pending;" and insert "**pending**".

Page 1, line 7, delete "and".

Page 1, line 8, delete "(2)".

Page 1, run in lines 5 through 8.

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"(b) When a punitive damage award is paid, the party against whom the judgment was entered shall pay the punitive damage award to the clerk of the court where the action is pending."

Page 1, line 10, strike "(b)" and insert "**(c)**".

Page 2, line 1, delete "(c)" and insert "**(d)**".

Page 2, line 3, delete "(b)(2)." and insert "**(c)(2)**".

Page 2, line 4, delete "(d)" and insert "**(e)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 3.

FOLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Engrossed Senate Bill 305, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "A" and insert "**B**".

(Reference is to SB 305 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 2.

DUNCAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 355, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 2. IC 6-1.1-18.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:

(1) before September 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 16 of this chapter, before:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

(B) with the approval of the county fiscal body of the county in which the civil taxing unit is located, March 1 of the ensuing calendar year;

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall promptly deliver to the local government tax control board every appeal petition it receives under subsection (a) and any materials it receives relevant to those appeals. Upon receipt of an appeal petition, the local government tax control board shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the local government tax control board has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the board with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing of the local government tax control board after having been given written notice from the local government tax control board requiring ~~his~~ **that person's** attendance; or

(2) fails to produce for the local government tax control board's use the books and records that the local government tax control board by written notice required the officer or member to produce;

then the local government tax control board may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

(e) Upon the filing of an affidavit under subsection (d), the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to appear before the local government tax control board, to provide information to the

local government tax control board, or to produce books and records for the local government tax control board's use, as the case may be. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

(f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 3. IC 6-1.1-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county board of tax adjustment may not approve or recommend the approval of an excessive tax levy.

(b) If a school corporation adopts or advertises an excessive tax levy, the county board of tax adjustment which reviews the school corporation's budget, tax levy, and tax rate shall reduce the excessive tax levy to the maximum normal tax levy.

(c) If a county board of tax adjustment approves, or recommends the approval of, an excessive tax levy for a school corporation, the auditor of the county for which the county board is acting shall reduce the excessive tax levy to the maximum normal tax levy. Such a reduction shall be set out in the notice required to be published by the auditor under IC 6-1.1-17-12, and an appeal shall be permitted therefrom as provided under IC 6-1.1-17 as modified by this chapter.

(d) Appeals from any action of a county board of tax adjustment or county auditor in respect of a school corporation's budget, tax levy, or tax rate may be taken as provided for by IC 6-1.1-17. Notwithstanding IC 6-1.1-17, a school corporation may appeal to the department of local government finance for emergency financial relief for the ensuing calendar year at any time before:

(1) September 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 4.7(a) of this chapter:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

(B) with the approval of the county fiscal body of the county in which the school corporation is located, March 1 of the ensuing calendar year.

(e) In the appeal petition in which a school corporation seeks emergency financial relief, the appellant school corporation shall allege that, unless it is given the emergency financial relief for which it petitions, it will be unable to carry out, in the ensuing calendar year, the public educational duty committed to it by law, and it shall support that allegation by reasonably detailed statements of fact.

(f) When an appeal petition in which a school corporation petitions for emergency financial relief is filed with the department of local government finance, the department shall include, in the notice of the hearing in respect of the petition that it is required to give under IC 6-1.1-17-16, a statement to the effect that the appellant school corporation is seeking emergency financial relief for the ensuing calendar year. A subsequent action taken by the department of local government finance in respect of such an appeal petition is not invalid, however, or otherwise affected, if the department fails to include such a statement in the hearing notice.

(g) The fiscal officer of a school corporation that appeals under section 4.7(a) of this chapter for relief from levy limitations under this chapter shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 4. IC 6-1.1-21-2, AS AMENDED BY P.L.1-2005, SECTION 92, AND AS AMENDED BY P.L.246-2005, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on or before March 1~~ of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (*repealed*) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 for a capital projects fund; plus
- (ii) IC 6-1.1-19-10 for a racial balance fund; plus
- (iii) ~~IC 20-14-13~~ IC 36-12-12 for a library capital projects fund; plus
- (iv) ~~IC 20-5-17.5-3~~ IC 36-10-13-7 for an art association fund; plus
- (v) IC 21-2-17 for a special education preschool fund; plus
- (vi) IC 21-2-11.6 for a referendum tax levy fund; plus
- (vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
- (viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible general fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

- (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or
- (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

- (i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b); and
- (ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare ~~on or before March 1 of~~ each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, *except as otherwise provided by law*, equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

- (1) held for sale in the ordinary course of a trade or business; or
- (2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, *except as otherwise provided by law*, the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "Board" refers to the property tax replacement fund board established under section 10 of this chapter.

SECTION 5. IC 6-1.1-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b)**, the auditor of each county shall, before March 15 of each year, prepare a roll of property taxes payable in that year for the county. This roll shall be known as the "tax duplicate" and shall show:

- (1) the value of all the assessed property of the county;
- (2) the person liable for the taxes on the assessed property; and
- (3) any other information that the state board of accounts, with the advice and approval of the department of local government finance, may prescribe.

(b) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall complete preparation of the tax duplicate when the appeal is resolved by the department of local government finance.**

(c) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall prepare a revised tax duplicate when the appeal is resolved by the department of local government finance that reflects the action of the department.**

~~(b)~~ (d) The county auditor shall comply with the instructions issued by the state board of accounts for the preparation, preservation, alteration, and maintenance of the tax duplicate. The county auditor

shall deliver a copy of the tax duplicate prepared under subsection (a) to the county treasurer ~~before March 1 of each year~~ **when preparation of the tax duplicate is completed.**

SECTION 6. IC 6-1.1-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Except as provided in subsections (b) and (c),** on or before March 15 of each year, the county auditor shall prepare and deliver to the auditor of state and the county treasurer a certified copy of an abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in that year in each taxing district of the county. The county auditor shall prepare the abstract in such a manner that the information concerning property tax deductions reflects the total amount of each type of deduction. The abstract shall also contain a statement of the taxes and penalties unpaid in each taxing unit at the time of the last settlement between the county auditor and county treasurer and the status of these delinquencies. The county auditor shall prepare the abstract on the form prescribed by the state board of accounts. The auditor of state, county auditor, and county treasurer shall each keep a copy of the abstract ~~in his office~~ as a public record.

(b) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver the certified copy of the abstract when the appeal is resolved by the department of local government finance.**

(c) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver a certified copy of a revised abstract when the appeal is resolved by the department of local government finance that reflects the action of the department.**

SECTION 7. IC 6-1.1-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) ~~Except as provided in IC 6-1.1-7-7, section 9.5 of this chapter, and subsections (b) and (c) the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.~~

(b) **Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:**

- (1) Subsection (c).
- (2) Subsection (d).
- (3) IC 6-1.1-7-7.
- (4) Section 9.5 of this chapter.

~~(c) (c)~~ (c) A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) **If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county treasurer mails or transmits statements under section 8(a) of this chapter, the county auditor may:**

- (1) **mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or**
- (2) **delay the mailing or transmission of statements under section 8(a) of this chapter so that:**

- (A) **the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty (60) days; and**
- (B) **all statements reflect any changes in levies that result from the resolution of the appeal by the department of local government finance.**

(e) **A reconciling statement under subsection (d)(1) must indicate:**

- (1) **the total amount due for the year;**

(2) **the total amount of the installments paid that did not reflect the resolution of the appeal under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) by the department of local government finance;**

(3) **if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount that is payable by the taxpayer:**

(A) **as a final reconciliation of all amounts due for the year; and**

(B) **not later than:**

(i) **November 10; or**

(ii) **the date or dates established under section 9.5 of this chapter; and**

(4) **if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.**

~~(f) (f)~~ (f) If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

~~(g) (g)~~ (g) Notwithstanding any other law, a property tax liability of less than five dollars (\$5) is increased to five dollars (\$5). The difference between the actual liability and the five dollar (\$5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

SECTION 8. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:

(1) with respect to a homestead (as defined in IC 6-1.1-20.9-1); and

(2) that are not payable in one (1) installment under ~~section 9(b)~~ **section 9(c)** of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with respect to:

- (1) real property that are based on the assessment of the property in the immediately preceding year; or
- (2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor, and the county treasurer~~ must approve a petition under this subsection.

(c) The department of local government finance:

(1) may not establish a date for:

- (A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;
- (B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or
- (C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

- (A) prescribe the form of the petition under subsection (b);
- (B) determine the information required on the form; and
- (C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

(1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

(A) used to repay temporary loans entered into by a political subdivision for; and

(B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation

from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter.

SECTION 9. IC 6-1.1-22.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (c)**, with respect to property taxes payable under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, the county treasurer may, except as provided by section 7 of this chapter, use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year following the assessment date.

(b) The county treasurer shall give notice of the provisional statement, including disclosure of the method that is to be used in determining the tax liability to be indicated on the provisional statement, by publication one (1) time:

(1) in the form prescribed by the department of local government finance; and

(2) in the manner described in IC 6-1.1-22-4(b).

The notice may be combined with the notice required under section 10 of this chapter.

(c) Subsection (a) does not apply if the county auditor fails to deliver the abstract as provided in IC 6-1.1-22-5(b)."

Page 3, delete lines 31 through 42, begin a new paragraph and insert:

"SECTION 4. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Except as provided in ~~section 10.5~~ **sections 10.5 and 10.7** of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty ~~equal to ten percent (10%) of the amount of delinquent taxes~~ shall be added to the unpaid portion in the year of the initial delinquency. **The penalty is equal to an amount determined as follows:**

(1) If:

(A) **an installment of property taxes is completely paid on or before the date thirty (30) days after the due date; and**
(B) **the taxpayer is not liable for delinquent property taxes first due and payable in a previous year for the same parcel;**

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If subdivision (1) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) A payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date to the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in the United States mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) certified or postmarked by the United States Postal Service as mailed on or before the due date; or

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment."

Page 4, delete lines 1 through 39.

Page 5, delete lines 14 through 16.

Page 5, line 17, delete "(ii) The" and insert "**the**".

Page 5, run in lines 13 through 17.

Page 5, between lines 34 and 35, begin a new paragraph and insert: "SECTION 6. IC 14-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) An assessment not paid in full shall be paid in annual installments over the time commensurate with the term of the bond issue or other financing determined by resolution adopted by the board. Interest shall be charged on the unpaid balance at the same rate per year as the penalty charged on delinquent property tax payments under ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**. All payments of installments, interest, and penalties shall be entered on the assessment roll in the office of the district.

(b) Upon payment in full of the assessment, including interest and penalties, the board shall have the lien released and satisfied on the records in the office of the recorder of the county in which the real property assessed is located.

(c) The procedure for collecting assessments for maintenance and operation is the same as for the original assessment, except that the assessments may not be paid in installments.

SECTION 7. IC 36-9-36-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 37. (a) Except as provided in section 38 of this chapter, the entire assessment is payable in cash without interest not later than thirty (30) days after the approval of the assessment roll by the works board if an agreement has not been signed and filed under section 36 of this chapter.

(b) If the assessment is not paid when due, the total assessment becomes delinquent and bears interest at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** per year from the date of the final acceptance of the completed improvement by the works board.

SECTION 8. IC 36-9-36-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 55. (a) An irregularity or error in making a foreclosure sale under this chapter does not make the sale ineffective, unless the irregularity or error substantially prejudiced the property owner.

(b) A property owner has two (2) years from the date of sale in which to redeem the owner's property. The property owner may redeem the owner's property by paying the principal, interest, and costs of the judgment, plus interest on the principal, interest, and costs at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.

(c) If the property is not redeemed, the sheriff shall execute a deed to the purchaser. The deed relates back to the final letting of the contract for the improvement and is superior to all liens, claims, and interests, except liens for taxes.

SECTION 9. IC 36-9-37-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) If a person defaults in the payment of a waived installment of principal or interest of an assessment, the municipal fiscal officer shall mail notice of the default to the person. The notice must meet the following conditions:

(1) Be mailed not more than sixty (60) days after the default.

(2) Show the amount of the default, plus interest on that amount for the number of months the person is in default at one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.

(3) State that the amount of the default, plus interest, is due by the date determined as follows:

(A) If the person selected monthly installments under ~~IC 36-9-37-8.5(a)(1)~~, **section 8.5(a)(2) of this chapter**, within sixty (60) days after the date the notice is mailed.

(B) If the person selected annual installments under ~~IC 36-9-37-8.5(a)(2)~~, **section 8.5(a)(1) of this chapter**, within six (6) months after the date the notice is mailed.

(b) A notice that is mailed to the person in whose name the property is assessed and addressed to the person within the municipality is sufficient notice. However, the fiscal officer shall also attempt to determine the name and address of the current owner of the property and send a similar notice to the current owner.

(c) Failure to send the notice required by this section does not preclude or otherwise affect the following:

(1) The sale of the property for delinquency as prescribed by IC 6-1.1-24.

(2) The foreclosure of the assessment lien by the bondholder.

(3) The preservation of the assessment lien under section 22.5 of this chapter.

SECTION 10. IC 36-9-37-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) If any principal and interest, or an installment of principal and interest, is not paid in full when due, the municipal fiscal officer shall enforce payment of the following:

(1) The unpaid amount of principal and interest.

(2) A penalty of interest at the rate prescribed by subsection (b).

(b) If payment is made after a default, the municipal fiscal officer shall also collect a penalty of interest on the delinquent amount at one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** for each six (6) month period, or fraction of a six (6) month period, from the date when payment should have been made.

SECTION 11. [EFFECTIVE JANUARY 1, 2007] **IC 6-1.1-37-10, as amended by this act, applies only to ad valorem property taxes first due and payable after December 31, 2006.**

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) **For ad valorem property taxes and assessments first due and payable in 2006:**

(1) **notwithstanding IC 6-1.1-18.5-12, as amended by this act, that section applies as if the date in IC 6-1.1-18.5-12(a)(2)(B) were April 1 instead of March 1; and**

(2) **notwithstanding IC 6-1.1-19-2, as amended by this act, that section applies as if the date in IC 6-1.1-19-2(d)(2)(B) were April 1 instead of March 1.**

(b) **This SECTION expires January 1, 2007.**

SECTION 13. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-18.5-12, IC 6-1.1-19-2, IC 6-1.1-21-2, IC 6-1.1-22-3, IC 6-1.1-22-5, IC 6-1.1-22-9, IC 6-1.1-22-9.5, and IC 6-1.1-22.5-6, all as amended by this act, apply only to property taxes first due and payable after December 31, 2005."**

Page 5, line 37, delete "June 30," and insert "December 31,".

Page 5, after line 37, begin a new paragraph and insert:

"SECTION 16. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 355 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 370, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 34, after "delegation of" insert "its".

Page 5, line 3, after "private" insert "**for-profit or nonprofit**".

Page 6, line 2, after "IC 22-4.1-13-13" insert "-".

Page 8, line 18, after "7 U.S.C. 2015" insert "-".

Page 10, line 8, delete "four (4)" and insert "**twenty-one (21)**".

Page 10, between lines 21 and 22, begin a new paragraph and insert:

"(d) **A member who participates in a meeting under subsection (b) shall confirm in writing not more than five (5) days after the date of the meeting the votes cast by the member during the meeting. The member may send the confirmation by United States mail or facsimile.**

(e) **A member shall attend at least three (3) meetings of the council during a calendar year in person."**

Page 10, line 22, delete "(d)" and insert "(f)".

Page 11, between lines 5 and 6, begin a new paragraph and insert:

"(c) **The council is subject to:**

(1) **the allotment system administered by the budget agency; and**

(2) **financial oversight by the office of management and budget."**

Page 11, line 25, delete "program." and insert "**program administered by the department."**

Page 12, line 28, delete "IC 20-18-2;" and insert "**IC 20-18-2);**".

Page 13, line 8, delete "RED" and insert "READ".

Page 13, line 28, after "person" insert "**(as defined in IC 22-4-11.5-3)**".

Page 14, line 16, delete "service area" and insert "**region**".

Page 14, line 16, after "well" insert "**as**".

Page 14, line 16, delete "development".

Page 16, line 21, after "Select" insert "**and enter into an agreement with**".

Page 16, line 27, delete "development" and insert "**investment**".

Page 16, line 36, delete "or" and insert "**and**".

Page 16, line 36, delete "designee" and insert "**regional workforce board**".

Page 17, line 13, delete "A person may not:" and insert "**A person who serves as a regional workforce board member may not at the same time serve as:**

(1) **a regional operator;**

(2) **a fiscal agent;**

(3) **a service provider; or**

(4) **a provider of direct client services.**

Sec. 7. (a) **A person who serves as a regional operator may also serve as a fiscal agent.**

(b) **A person who serves as a regional operator may not at the same time serve as:**

(1) **a service provider within the same regional workforce area;**

(2) **a regional workforce board member; or**

(3) **a provider of direct client services.**

Sec. 8. **A person who serves as a service provider may not at the same time serve as:**

(1) **a regional operator;**

(2) **a fiscal agent; or**

(3) **a regional workforce board member.**

Sec. 9. (a) **A person who serves as a fiscal agent may also serve as a regional operator.**

(b) **A person who serves as a fiscal agent may not at the same time serve as:**

(1) **a service provider;**

(2) **a regional workforce board member; or**

(3) **a provider of direct client services."**

Page 17, delete lines 14 through 18.

Page 17, line 19, delete "Sec. 7." and insert "**Sec. 10.**".

Page 17, line 25, delete "To the extent possible and as applicable, the" and insert "**The**".

Page 17, line 30, delete "law." and insert "**laws**".

(Reference is to SB 370 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 5.

TORR, Chair

Upon request of Representatives Cheney and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 219: yeas 50, nays 44. Report adopted.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 22

Representative Wolkins called down Engrossed Senate Bill 22 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 22-1)

Mr. Speaker: I move that Engrossed Senate Bill 22 be amended to read as follows:

Page 5, between lines 24 and 25, begin a new paragraph and insert: "SECTION 6. IC 8-1-22.5-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.1. (a) If the commission or division determines that a report or part of a report filed under this chapter is confidential under IC 5-14-3-4(a), the report or part of the report shall be excepted from disclosure under IC 5-14-3-3 as provided in IC 5-14-3-4(a).**

(b) If the commission or division determines under IC 5-14-3-4(b)(19) that the disclosure of a report or part of a report filed under this chapter has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack, the commission or division may except the report or part of the report from disclosure under IC 5-14-3-3 as provided in IC 5-14-3-4(b)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 22 as printed February 17, 2006.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 40

Representative Duncan called down Engrossed Senate Bill 40 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 54

Representative Woodruff called down Engrossed Senate Bill 54 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 54-2)

Mr. Speaker: I move that Engrossed Senate Bill 54 be amended to read as follows:

Page 9, line 10, after "upon." insert "**An application for a lifetime license may be filed at any time.**".

Page 10, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 10. IC 35-47-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8. (a) Except as otherwise provided in this section, the state police department may not maintain records in any form, including a computer data base, longer than thirty (30) days after a dealer's request for a criminal history check concerning a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law.**

(b) A log of requests made to the state police department may be maintained for not more than twelve (12) months, if the log consists only of:

- (1) the name of the purchaser;**
- (2) the dealer identification number;**
- (3) the unique approval number;**
- (4) the transaction date; and**
- (5) a record indicating that the fee collected by the dealer under section 11 of this chapter has been transferred to the state police department.**

(c) The state police department may maintain fingerprint records in a manner that permits the department to comply with an electronic application or renewal system under IC 35-47-2-3."

Page 10, line 42, delete "IC 4-6-3-12;".

Page 11, line 1, delete "IC 35-47-2.5-8;".

(Reference is to ESB 54 as printed February 17, 2006.)

WOODRUFF

Motion prevailed.

HOUSE MOTION (Amendment 54-1)

Mr. Speaker: I move that Engrossed Senate Bill 54 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert: "SECTION 2. IC 11-12-1-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. An employee of a community corrections program may carry a:**

(1) firearm (as defined in IC 35-47-1-5); or

(2) handgun (as defined in IC 35-47-1-6);

while acting in the scope of employment as an employee of a community corrections program, if the employee may legally carry a handgun or firearm and has successfully completed a handgun safety course certified by the law enforcement training board under IC 5-2-1-9(m)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 54 as printed February 17, 2006.)

GOODIN

Motion failed. The bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 57

Representative Buell called down Engrossed Senate Bill 57 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 57-2)

Mr. Speaker: I move that Engrossed Senate Bill 57 be amended to read as follows:

Page 2, delete lines 17 through 42.

Delete page 3.

Page 4, delete lines 1 through 15.

Renumber all SECTIONS consecutively.

(Reference is to ESB 57 as printed February 17, 2006.)

NOE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 71

Representative Dodge called down Engrossed Senate Bill 71 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 71-1)

Mr. Speaker: I move that Engrossed Senate Bill 71 be amended to read as follows:

Page 2, line 29, delete "exemption" and insert "**exemptions**".

Page 2, line 29, delete "IC 6-1.1-10-2 does" and insert "**IC 6-1.1-10-2, IC 6-1.1-10-4, and IC 6-1.1-10-5 do**".

(Reference is to ESB 71 as printed February 17, 2006.)

DODGE

Motion prevailed.

HOUSE MOTION (Amendment 71-2)

Mr. Speaker: I move that Engrossed Senate Bill 71 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1.5-5-32 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.**

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.

(2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the district is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality."

Renumber all SECTIONS consecutively.

(Reference is to ESB 71 as printed February 17, 2006.)

HINKLE

Upon request of Representatives Crawford and Mahern, the Chair ordered the roll of the House to be called. Roll Call 220: yeas 48, nays 45. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 77

Representative Heim called down Engrossed Senate Bill 77 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 77-1)

Mr. Speaker: I move that Engrossed Senate Bill 77 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 14-22-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who meets the requirements set forth in section 15(a) of this chapter, who:

(1) owns;

(2) holds; or

(3) controls by lease for a term of not less than five (5) years; a contiguous tract of land containing an area of not less than one hundred (100) acres and not more than six hundred forty (640) acres, and who desires to establish a license shooting preserve must apply to the division for a license."

Page 1, after line 9, begin a new paragraph and insert:

"SECTION 3. IC 14-22-31-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) A person who:

(1) possesses a license issued under this chapter; and

(2) provides documentation to the department indicating that the person allowed hunting under a license issued under this chapter in 2003, 2004, or 2005;

is entitled to continue to allow hunting and harvesting of animals allowed under section 7 of this chapter for sporting purposes.

(b) Before July 1, 2011, a person who operates a shooting preserve under this chapter shall submit to the department a plan that outlines how all animals will be harvested or removed from the licensed shooting preserve.

(c) An animal may not be released into a shooting preserve to which this chapter applies after July 1, 2011.

SECTION 4. IC 14-22-31-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. This chapter expires July 1, 2013."

Renumber all SECTIONS consecutively.

(Reference is to ESB 77 as printed February 14, 2006.)

WOLKINS

Upon request of Representatives Davis and Heim, the Chair ordered the roll of the House to be called. Roll Call 221: yeas 47, nays 46. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 83

Representative Torr called down Engrossed Senate Bill 83 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 83-2)

Mr. Speaker: I move that Engrossed Senate Bill 83 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert: "(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended."

(Reference is to ESB 83 as printed February 17, 2006.)

TORR

After discussion, Representative Torr withdrew amendment 2 and withdrew the call of Engrossed Senate Bill 83.

Engrossed Senate Bill 100

Representative Whetstone called down Engrossed Senate Bill 100 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 133

Representative Dodge called down Engrossed Senate Bill 133 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 148

Representative Heim called down Engrossed Senate Bill 148 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 148-1)

Mr. Speaker: I move that Engrossed Senate Bill 148 be amended to read as follows:

Page 11, line 40, reset in roman "homesteads".

Page 11, line 40, after "homesteads" insert "or".

Page 11, line 41, delete "section 26(b)(4)" and insert "section 26".

Page 11, line 41, after "chapter)" insert "**as appropriate under the ordinance adopted by the adopting entity under section 26 of this chapter**".

Page 12, line 38, after "homestead" insert "**and property tax replacement**".

Page 13, delete lines 9 through 15, begin a new line block indented and insert:

"(4) **Residential**" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property."

(Reference is to ESB 148 as printed February 17, 2006.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Representative Denbo was excused for the rest of the day.

Engrossed Senate Bill 157

Representative Hoffman called down Engrossed Senate Bill 157 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 157-1)

Mr. Speaker: I move that Engrossed Senate Bill 157 be amended to read as follows:

Page 3, between lines 41 and 42, begin a new paragraph and insert: SECTION 10. [EFFECTIVE UPON PASSAGE]. IC 14-33-5.5 IS REPEALED.

Renumber all SECTIONS consecutively.

(Reference is to ESB 157 as printed February 14, 2006.)

DOBIS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 247

Representative Ruppel called down Engrossed Senate Bill 247 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 247-2)

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 9, between lines 29 and 30, begin a new paragraph and insert: "SECTION 5. IC 8-3-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 23. Local Rail Safety

Sec. 1. Not later than January 15 of each year, a rail operator shall submit a risk assessment of the rail operator's facilities to the department of homeland security and the department of transportation. A risk assessment submitted under this section must include the following:

(1) A description of the facilities of the rail operator and the functions of the facilities.

(2) The types of cargo transported through the facilities during the immediately preceding calendar year, including the approximate quantity of hazardous materials or oil subject to Chapter 1 of Subtitle B of Title 49 of the Code of Federal Regulations.

(3) The extent to which hazardous materials or oil is stored in the facilities, including the location and approximate quantity of the hazardous material or oil.

(4) The location of a rail facility through or at which hazardous materials or oil is transported or stored, if the rail facility is located within a fifteen (15) mile radius of a

school, a hospital, a nursing home, a utility, or a public safety facility.

(5) The rail operator's security plan, including:

(A) practices of the rail operator designed to prevent acts of sabotage or terrorism or other crimes on rail facilities;

(B) security training provided to the rail operator's employees;

(C) emergency response procedures for acts of sabotage or terrorism or other crimes; and

(D) communication procedures with state and local officials, law enforcement officers, and emergency responders in the event of an act of sabotage or terrorism or any other crime.

Sec. 2. (a) Not later than July 15 of each year, a rail operator shall adopt a community protection plan to protect rail facilities and infrastructure from acts of sabotage or terrorism or other crimes.

(b) A community protection plan adopted under subsection (a) must do the following:

(1) Provide for the security of critical rail infrastructure, including points of vulnerability of the rail system through which hazardous materials or oil is transported. Points of vulnerability include rights-of-way, rail yards, bridges, tunnels, and signal systems.

(2) Describe the rail operator's methods for protecting critical infrastructure from acts of sabotage or terrorism or other crimes.

(3) Describe the training provided by the rail operator to the rail operator's employees to enable the employees to identify and respond to security threats, including acts of sabotage or terrorism or other crimes.

(4) Describe the emergency response procedures of the rail operator in dealing with acts of sabotage or terrorism or other crimes.

(5) Describe the communication procedures with state and local officials, law enforcement officers, and emergency responders in the event of an act of sabotage or terrorism or any other crime.

(c) This subsection applies to a rail facility through or at which hazardous materials or oil is shipped or stored, if the rail facility is located within a fifteen (15) mile radius of a school, a hospital, a nursing home, a utility, or a public safety facility. In addition to the requirements described in subsection (b), the community protection plan adopted by the rail facility must do the following:

(1) Provide for regular inspection of the rail facility by trained personnel to determine the condition of the facility and its vulnerability to acts of sabotage or terrorism or other crimes.

(2) Provide for storage of hazardous materials or oil in secure facilities. For purposes of this subdivision, a right-of-way is not a secure facility.

(3) Set forth procedures to prevent the running of locomotive equipment while unattended and leaving unattended locomotive equipment unlocked.

(4) Prescribe methods by which the cabs of occupied locomotives may be secured against unauthorized entry.

(5) Provide security for remote control locomotives to prevent unauthorized use.

(6) Limit the use of remote control locomotives to trains that are not transporting or storing hazardous materials or oil.

(d) Not more than fifteen (15) days after adopting a community protection plan, a rail operator shall submit a copy of the rail operator's community protection plan to the department of homeland security and the department of transportation. The department of transportation may modify a community protection plan to comply with this section.

(e) Each day that a rail operator fails to:

(1) adopt a community protection plan as required by this section; or

(2) submit a community protection plan for review under subsection (d);

constitutes a separate violation of this section. The department of transportation may impose a fifty thousand dollar (\$50,000) fine for each violation.

Sec. 3. (a) A rail operator, including a contractor or subcontractor of the rail operator, may not discharge, discriminate against, or otherwise discipline an employee who reports a violation of this chapter.

(b) An employee who is the subject of a violation of this section may seek punitive damages not to exceed one million dollars (\$1,000,000), in addition to other available remedies.

Sec. 4. A rail operator, including a contractor or subcontractor of the rail operator, shall provide ongoing training to the rail operator's employees to enable the employees to identify and respond to security threats, including acts of sabotage or terrorism or other crimes.

Sec. 5. A rail operator shall conduct background checks of employees of the rail operator and of contractors or subcontractors of the rail operator."

Page 23, line 27, delete ", at its discretion,".

Page 23, between lines 31 and 32, begin a new line blocked left and insert:

"However, all personnel file information shall be made available to an affected member or the member's representative."

Page 23, line 33, after "information" insert **"contained in files described in subsection (a)"**.

Page 24, delete lines 2 through 3.

Page 24, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 40. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 8-3-23-2, as added by this act, a rail operator shall adopt a community protection plan as described in IC 8-3-23-2, as added by this act, not later than July 15, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as printed February 17, 2006.)

TINCHER

Upon request of Representatives Stilwell and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 222: yeas 45, nays 49. Motion failed.

HOUSE MOTION (Amendment 247-3)

Mr. Speaker: I move that Engrossed Senate Bill 247 be amended to read as follows:

Page 13, delete line 31.

Page 13, line 32, delete "(2)" and insert **"(1)"**.

Page 13, line 33, delete "(3)" and insert **"(2)"**.

Page 13, line 34, delete "(4)" and insert **"(3)"**.

Page 13, line 35, delete "(5)" and insert **"(4)"**.

Page 13, line 36, delete "(6)" and insert **"(5)"**.

Page 13, line 37, delete "law".

Page 13, line 38, delete "enforcement agencies, other".

Page 13, line 38, delete ", and private".

Page 13, line 39, delete "organizations".

Page 14, line 3, delete "upon direction by the governor, any other agency or".

Page 14, line 4, delete "organization, including an" and insert **"any"**.

Page 14, line 5, delete ", or a private organization." and insert ".".

Page 14, delete lines 6 through 13.

(Reference is to ESB 247 as printed February 17, 2006.)

DVORAK

Upon request of Representatives Dvorak and Kromkowski, the Speaker ordered the roll of the House to be called. Roll Call 223: yeas 49, nays 45. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 258

Representative Espich called down Engrossed Senate Bill 258 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 260

Representative Espich called down Engrossed Senate Bill 260 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 260-2)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended

to read as follows:

Page 6, line 34, delete "August 1" and insert **"June 11"**.

Page 7, line 25, delete "August 1" and insert **"June 11"**.

Page 8, line 37, after "with" insert **"**:

(1)".

Page 8, line 37, after "return" insert **", "**.

Page 8, line 37, delete "not more than thirty (30)".

Page 8, delete line 38.

Page 8, line 40, delete "6-1.1-3-7." and insert **"6-1.1-3-7; or**

(2) an amended personal property tax return; before June 11 of the year preceding the year in which the exemption applies."

Page 9, line 20, delete "August 1" and insert **"June 11"**.

Page 9, line 27, delete "August 1" and insert **"June 11"**.

Page 10, line 9, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 10, line 10, delete "August 1" and insert **"June 11"**.

Page 11, line 19, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 11, line 20, delete "August 1" and insert **"June 11"**.

Page 12, line 3, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 12, line 3, delete "August 1" and insert **"June 11"**.

Page 13, line 1, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 13, line 2, delete "August 1" and insert **"June 11"**.

Page 13, line 29, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 13, line 29, delete "August" and insert **"June 11"**.

Page 13, line 30, delete "1".

Page 14, line 24, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 14, line 24, delete "August" and insert **"June"**.

Page 14, line 25, delete "1" and insert **"11"**.

Page 15, line 10, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 15, line 10, delete "August 1" and insert **"June 11"**.

Page 16, line 2, delete "August 1" and insert **"June 11"**.

Page 16, line 29, delete "August 1" and insert **"June 11"**.

Page 16, line 32, delete "July 16" and insert **"May 11"**.

Page 17, line 22, delete "August 1" and insert **"June 11"**.

Page 17, line 25, delete "July 1" and insert **"May 11"**.

Page 18, line 12, delete "August 1" and insert **"June 11"**.

Page 18, line 31, delete "August 1" and insert **"June 11"**.

Page 19, line 11, delete "July 1" and insert **"May 11"**.

Page 19, line 12, delete "August" and insert **"June"**.

Page 19, line 13, delete "1" and insert **"11"**.

Page 19, line 14, delete "August 1" and insert **"June 11"**.

Page 19, line 25, delete "August 1" and insert **"June 11"**.

Page 19, line 39, delete "July 1" and insert **"May 11"**.

Page 19, line 41, delete "August 1" and insert **"June 11"**.

Page 20, line 1, delete "August 1" and insert **"June 11"**.

Page 20, line 25, delete "August 1" and insert **"June 11"**.

Page 27, line 1, delete "August 1" and insert **"June 11"**.

Page 27, line 4, delete "July 1" and insert **"May 11"**.

Page 27, line 38, delete "August 1" and insert **"June 11"**.

Page 29, line 23, delete "August 1" and insert **"June 11"**.

Page 33, line 19, delete "twelve (12)" and insert **"thirteen (13)"**.

Page 33, line 19, delete "May 11" and insert **"June 11"**.

Page 55, line 2, delete "August 1" and insert **"June 11"**.

Page 58, line 8, delete "fifteen (15)" and insert **"thirteen (13)"**.

Page 58, line 9, delete "August 1" and insert **"June 11"**.

Page 68, line 31, delete "August 1" and insert **"June 11"**.

Page 68, line 34, delete "July 1" and insert **"May 11"**.

Page 69, line 28, delete "August 1" and insert **"June 11"**.

(Reference is to ESB 260 as printed February 17, 2006.)

WELCH

Motion prevailed.

HOUSE MOTION (Amendment 260-6)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 44, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 40. IC 6-1.1-18-12, AS AMENDED BY P.L.1-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or
 (2) special benefits tax rate or rates;
 referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

- (1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and
- (2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

- (1) IC 8-10-5-17;
- (2) IC 8-22-3-11;
- (3) IC 8-22-3-25;
- (4) IC 12-29-1-1;
- (5) IC 12-29-1-2;
- (6) IC 12-29-1-3;
- (7) IC 12-29-3-6;
- (8) IC 13-21-3-12;
- (9) IC 13-21-3-15;
- (10) IC 14-27-6-30;
- (11) IC 14-33-7-3;
- (12) IC 14-33-21-5;
- (13) IC 15-1-6-2;
- (14) IC 15-1-8-1;
- (15) IC 15-1-8-2;
- (16) IC 16-20-2-18;
- (17) IC 16-20-4-27;
- (18) IC 16-20-7-2;
- (19) IC 16-22-14;**
- ~~(19)~~ **(20)** IC 16-23-1-29;
- ~~(20)~~ **(21)** IC 16-23-3-6;
- ~~(21)~~ **(22)** IC 16-23-4-2;
- ~~(22)~~ **(23)** IC 16-23-5-6;
- ~~(23)~~ **(24)** IC 16-23-7-2;
- ~~(24)~~ **(25)** IC 16-23-8-2;
- ~~(25)~~ **(26)** IC 16-23-9-2;
- ~~(26)~~ **(27)** IC 16-41-15-5;
- ~~(27)~~ **(28)** IC 16-41-33-4;
- ~~(28)~~ **(29)** IC 20-26-8-4;
- ~~(29)~~ **(30)** IC 21-1-11-3;
- ~~(30)~~ **(31)** IC 21-2-17-2;
- ~~(31)~~ **(32)** IC 23-13-17-1;
- ~~(32)~~ **(33)** IC 23-14-66-2;
- ~~(33)~~ **(34)** IC 23-14-67-3;
- ~~(34)~~ **(35)** IC 36-7-13-4;
- ~~(35)~~ **(36)** IC 36-7-14-28;
- ~~(36)~~ **(37)** IC 36-7-15.1-16;
- ~~(37)~~ **(38)** IC 36-8-19-8.5;
- ~~(43)~~ ~~(38)~~ **(39)** IC 36-9-6.1-2;
- ~~(44)~~ ~~(39)~~ **(40)** IC 36-9-17.5-4;
- ~~(45)~~ ~~(40)~~ **(41)** IC 36-9-27-73;
- ~~(46)~~ ~~(41)~~ **(42)** IC 36-9-29-31;
- ~~(47)~~ ~~(42)~~ **(43)** IC 36-9-29.1-15;
- ~~(48)~~ ~~(43)~~ **(44)** IC 36-10-6-2;
- ~~(49)~~ ~~(44)~~ **(45)** IC 36-10-7-7;
- ~~(50)~~ ~~(45)~~ **(46)** IC 36-10-7-8;
- ~~(51)~~ ~~(46)~~ **(47)** IC 36-10-7.5-19;
- ~~(47)~~ **(48)** IC 36-10-13-5;
- ~~(48)~~ **(49)** IC 36-10-13-7;
- ~~(49)~~ **(50)** IC 36-12-7-7;
- ~~(50)~~ **(51)** IC 36-12-7-8;
- ~~(51)~~ **(52)** IC 36-12-12-10; and

~~(52)~~ **(53)** any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

- (i) property taxes; or
- (ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d)."

Page 73, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 60. IC 16-22-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 14. Levy for Emergency Medical Services

Sec. 1. As used in this chapter, "qualified expenses" means expenses incurred by a county hospital to provide emergency medical services (as defined in IC 16-18-2-110).

Sec. 2. The governing board of a county hospital may request support from the county for qualified expenses, either by:

(1) appropriation from the county general fund; or

(2) a separate tax levy;

by filing with the county executive on or before August 1 a written budget of the amount estimated to be required to fund qualified expenses for the ensuing year.

Sec. 3. Subject to sections 4 and 5 of this chapter, a county may establish a separate property tax levy for a county hospital to compensate the county hospital for the county hospital's qualified expenses.

Sec. 4. The property tax rate imposed under this chapter may not exceed the lesser of the following:

(1) Six cents (\$0.06) on each one hundred dollars (\$100) of assessed valuation.

(2) The property tax rate that is necessary to generate tax revenues in an amount equal to the county hospital's qualified expenses in the ensuing year, as estimated in the governing body's budget request under section 2 of this chapter.

Sec. 5. Property taxes imposed under this chapter are subject to the county's levy limitations imposed under IC 6-1.1-18.5-3.

Sec. 6. The amount levied under this chapter is in addition to any other amount levied for a county hospital.

Sec. 7. An amount levied under this chapter:

(1) must be appropriated as other county funds are appropriated; and

(2) may be used only for qualified expenses."

Page 103, between lines 9 and 10, begin a new line block indented and insert:

"(20) IC 16-22-14."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

FOLEY

Motion prevailed.

HOUSE MOTION
(Amendment 260-4)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 16, between lines 19 through 20, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-12-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If the assessed value of residential real property described in subsection (d) is increased because ~~it the property~~ has been rehabilitated, the owner may have deducted from the assessed value of the property an amount not to exceed the lesser of:

- (1) the total increase in assessed value resulting from the rehabilitation; or
- (2) eighteen thousand seven hundred twenty dollars (\$18,720) per rehabilitated dwelling unit.

The owner is entitled to this deduction annually for a five (5) year period.

(b) For purposes of this section, the term "rehabilitation" means ~~significant~~ repairs, replacements, ~~remodelings, additions, or other improvements to an existing structure which are intended to that increase the livability, utility, safety, or value of the property. under rules adopted by the department of local government finance.~~

(c) For the purposes of this section, the term "owner" or "property owner" includes any person who has the legal obligation, or has otherwise assumed the obligation, to pay the real property taxes on the rehabilitated property.

(d) The deduction provided by this section applies only for the rehabilitation of residential real property which is located within this state and which is described in one (1) of the following classifications:

- (1) a single family dwelling if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed thirty-seven thousand four hundred forty dollars (\$37,440);
- (2) a two (2) family dwelling if before rehabilitation the assessed value (excluding exemptions or deductions) of the improvements does not exceed forty-nine thousand nine hundred twenty dollars (\$49,920); and
- (3) a dwelling with more than two (2) family units if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed eighteen thousand seven hundred twenty dollars (\$18,720) per dwelling unit.

(e) ~~If an assessed value increase referred to in subsection (a) is attributable to both rehabilitation and:~~

- (1) a general reassessment of real property under IC 6-1.1-4-4; or
- (2) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

~~the township assessor shall determine the amount of the increase attributable to rehabilitation to determine the deduction provided by this section. In making the determination under this subsection, the township assessor shall consider any information contained in the application under section 20(e) of this chapter.~~

SECTION 22. IC 6-1.1-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) ~~Except as provided in subsection (b), the deduction from assessed value provided by section 18 of this chapter is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue continues for each of the immediately following four (4) years in the sixth (6th) year; the county auditor shall add the amount of the deduction to the assessed value of the real property; which the property owner remains the owner of the property as of the assessment date.~~

(b) Subject to subsection (c), a property owner may:

- (1) in a year after the year referred to in subsection (a) in which a deduction is first available, obtain a deduction that:
 - (A) would otherwise first apply for the assessment date in 2006 or a later year; and
 - (B) was not made to the assessed value for any year; or
- (2) obtain a deduction that:
 - (A) would otherwise have first applied for the assessment date in 2005 or an earlier year; and
 - (B) was not made to the assessed value for any year.

If the property owner obtains a deduction under this subsection, the deduction applies in the year for which the application is filed and continues for each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date.

(c) Subsection (b) applies in a county only if the county fiscal body adopts an ordinance to authorize the application of subsection (b) in the county.

(d) A general reassessment of real property which occurs within the five (5) year period of the deduction does not affect the amount of the deduction."

Page 16, line 28, after "subsection" delete "(b)," and insert "(b) or (c),".

Page 16, line 33, strike "this section" and insert "subsection (a)".

Page 16, line 34, strike "such a" and insert "the".

Page 16, line 35, strike "township".

Page 16, between lines 35 and 36, begin a new paragraph and insert:

"(c) An application for a deduction referred to in section 19(b) of this chapter with respect to an assessment date must be filed before the August 1 that next follows the assessment date."

Page 16, line 36, strike "(c)" and insert "(d)".

Page 17, delete lines 6 through 12, begin a new paragraph and insert:

"(e) The application required by this section may contain information to assist the township assessor in making the determination under section 18(e) of this chapter, including:

- (1) fair market value appraisals before and after the rehabilitation; and
- (2) general market data on the extent to which particular types of rehabilitation add to the value of a dwelling.

(f) A deduction application filed under this section is applicable for:

- (1) the year in for which the increase in assessed value occurs deduction application is filed; and for
- (2) each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date;

without any additional application being filed.

(g) On verification of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction."

Page 17, between lines 12 and 13, begin a new paragraph and insert:

SECTION 24. IC 6-1.1-12-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) If the assessed value of property is increased because ~~it the property~~ has been rehabilitated and the owner has paid at least ten thousand dollars (\$10,000) for the rehabilitation, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent (50%) of the increase in assessed value resulting from the rehabilitation. The owner is entitled to this deduction annually for a five (5) year period. However, the maximum deduction which a property owner may receive under this section for a particular year is:

- (1) one hundred twenty-four thousand eight hundred dollars (\$124,800) for a single family dwelling unit; or
- (2) three hundred thousand dollars (\$300,000) for any other type of property.

(b) For purposes of this section, the term "property" means a building or structure which was erected at least fifty (50) years before the date of application for the deduction provided by this section. The term "property" does not include land.

(c) For purposes of this section, the term "rehabilitation" means

significant repairs, replacements, remodelings, additions, or other improvements to an existing structure that are intended to increase the livability, utility, safety, or value of the property. under rules adopted by the department of local government finance:

(d) If an assessed value increase referred to in subsection (a) is attributable to both rehabilitation and:

(1) a general reassessment of real property under IC 6-1.1-4-4; or

(2) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

the township assessor shall determine the amount of the increase attributable to rehabilitation to determine the deduction provided by this section. In making the determination under this subsection, the township assessor shall consider any information contained in the application under section 24(e) of this chapter.

SECTION 25. IC 6-1.1-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in subsection (b), the deduction from assessed value provided by section 22 of this chapter is first available after the first assessment date following in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue continues for the taxes first due and payable in each of the immediately following five (5) four (4) years in the sixth (6th) year; the county auditor shall add the amount of the deduction to the assessed value of the property: which the property owner remains the owner of the property as of the assessment date.

(b) Subject to subsection (c), a property owner may:

(1) in a year after the year referred to in subsection (a) in which a deduction is first available, obtain a deduction that:

(A) would otherwise first apply for the assessment date in 2006 or a later year; and

(B) was not made to the assessed value for any year; or

(2) obtain a deduction that:

(A) would otherwise have first applied for the assessment date in 2005 or an earlier year; and

(B) was not made to the assessed value for any year.

If the property owner obtains a deduction under this subsection, the deduction applies in the year for which the application is filed and continues for each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date.

(c) Subsection (b) applies in a county only if the county fiscal body adopts an ordinance to authorize the application of subsection (b) in the county.

(d) Any general reassessment of real property which occurs within the five (5) year period of the deduction does not affect the amount of the deduction."

Page 17, line 21, after "subsection" delete "(b)," and insert "(b) or (c),".

Page 17, line 22, strike "valuation" and insert "value".

Page 17, line 24, strike "valuation" and insert "value".

Page 17, line 26, strike "this section" and insert "subsection (a)".

Page 17, line 28, strike "township".

Page 17, delete lines 29 through 42, begin a new paragraph and insert:

"(c) An application for a deduction referred to in section 23(b) of this chapter with respect to an assessment date must be filed before the August 1 that next follows the assessment date.

(c) (d) The application required by this section shall contain the following information:

(1) The name of the property owner.

(2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.

(3) The assessed value of the improvements on the property before rehabilitation.

(4) The increase in the assessed value of improvements resulting from the rehabilitation. and

(5) The amount of deduction claimed.

(e) The application required by this section may contain information to assist the township assessor in making the determination under section 22(d) of this chapter, including:

(1) fair market value appraisals before and after the rehabilitation; and

(2) general market data on the extent to which particular types of rehabilitation add to the value of property.

(d) (f) A deduction application filed under this section is applicable for:

(1) the year in for which the addition to assessed value is made deduction application is filed; and in

(2) each of the immediate immediately following four (4) years in which the property owner remains the property owner as of the assessment date;

without any additional application being filed.

(c) (g) On verification of the correctness of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction."

Page 18, delete lines 1 through 3.

Page 18, between lines 3 and 4, begin a new paragraph and insert: "SECTION 27. IC 6-1.1-12-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. For repairs or improvements made to a particular building or structure, a person may receive: either

(1) the deduction provided by section 18 of this chapter; or

(2) the deduction provided by section 22 of this chapter; He or

(3) the credit provided by IC 6-1.1-47.

The person may not receive deductions a tax benefit under both sections more than one (1) of the statutes referred to in subdivisions (1) through (3) for the repairs or improvements."

Page 29, after line 42, begin a new paragraph and insert:

"SECTION 34. IC 6-1.1-12.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if he the owner receives:

(1) a deduction under either IC 6-1.1-12-18 or IC 6-1.1-12-22; or

(2) a credit under IC 6-1.1-47;

for those same repairs or improvements.

(b) A property owner may not receive a deduction under this chapter if the property owner receives a deduction under IC 6-1.1-12-28.5 for the same property."

Page 40, line 5, after ";", begin a new line block indented and insert:

"(6) information concerning credits applicable under IC 6-1.1-21-5.8 to taxes first due and payable in the next calendar year;"

Page 40, line 6, delete "(6)" and insert "(7)".

Page 41, between lines 13 and 14, begin a new a paragraph and insert:

"(h) The officers of a political subdivision shall adjust the assessed value used in setting rates for the taxes first due and payable in a calendar year in which credits apply under IC 6-1.1-21-5.8 to eliminate or minimize levy reductions that would otherwise result from the application of those credits."

Page 59, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 53. IC 6-1.1-21-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.8. (a) The following definitions apply throughout this section:

(1) "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5.

(2) "Assets":

(A) includes:

(i) real property, other than the homestead with respect to which a qualifying individual applies for a credit under this section;

(ii) cash;

(iii) savings accounts;

(iv) stocks;

(v) bonds; and

(vi) any other investment; and

(B) does not include:

(i) the cash value of life insurance policies on the life of the qualifying individual or the qualifying individual's spouse; and

(ii) tangible personal property.

(3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.
 (4) "Homestead" has the meaning set forth in IC 6-1.1-20.9-1(2).

(5) "Household income" means the combined adjusted gross income of the qualifying individual and the qualifying individual's spouse.

(6) "Net property tax bill" means the amount of property taxes currently due and payable in a particular calendar year after the application of all deductions and credits, except for the credit provided by this section, as evidenced by the tax statement required under IC 6-1.1-22-8.

(7) "Net worth" means the remainder of:

(A) the sum of the current market value of all assets; minus

(B) all outstanding liabilities.

(8) "Qualifying homestead" means a homestead:

(A) that a qualifying individual owned; or

(B) on which a qualifying individual assumed liability for the payment of property taxes;

at least five (5) years before the assessment date for the homestead in the year for which the qualifying individual wishes to obtain the credit under this section and that has an assessed value of not more than one hundred eighty thousand dollars (\$180,000) as of the assessment date for the homestead in the year that immediately precedes the year for which the qualifying individual wishes to obtain the credit under this section multiplied by a fraction determined by the department of local government finance for the county in which the homestead is located. The numerator of the fraction is the average homestead assessed value in the county in which the homestead is located in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section and the denominator of the fraction is the average homestead assessed value in Marion County in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section.

(9) "Qualifying individual" means an individual:

(A) who is liable for the payment of property taxes on a qualifying homestead;

(B) whose adjusted gross income for the individual's most recent taxable year that ends before the date on which the statement is filed under subsection (e) is less than seventy-five thousand dollars (\$75,000); and

(C) who is not married and has a net worth, or has a net worth in combination with the net worth of the individual's spouse, of less than two hundred thousand dollars (\$200,000) as of December 31 of:

(i) with respect to real property, the year that precedes by two (2) years the year for which the individual wishes to obtain the credit under this section; and

(ii) with respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the year that immediately precedes the year for which the individual wishes to obtain the credit under this section.

(10) "Taxable year" has the meaning set forth in IC 6-3-1-16.

(b) The credit provided by this section applies in a county for property taxes first due and payable in a calendar year only if the fiscal body of the county adopts an ordinance to apply the credit before July 1 of the immediately preceding calendar year. An ordinance adopted under this subsection may authorize the credit for more than one (1) year.

(c) Except as provided in subsection (d), each year, a qualifying individual in a county in which the credit provided by this section is authorized under subsection (b) may receive a credit against the net property tax bill on the individual's qualifying homestead. The amount of the credit to which a qualifying individual is entitled equals the lesser of two thousand dollars (\$2,000) or the remainder of:

(1) the amount of the net property tax bill without the application of the credit provided by this section; minus

(2) the following percentage of the qualifying individual's

adjusted gross income for the qualifying individual's most recent taxable year that ends before the date on which the statement is filed under subsection (e):

(A) Five percent (5%) if the adjusted gross income is less than twenty thousand dollars (\$20,000).

(B) Seven percent (7%) if the adjusted gross income is at least twenty thousand dollars (\$20,000) but less than fifty thousand dollars (\$50,000).

(C) Nine percent (9%) if the adjusted gross income is at least fifty thousand dollars (\$50,000) but less than seventy-five thousand dollars (\$75,000).

(d) If the qualifying individual resides in the qualifying homestead with the qualifying individual's spouse, those individuals are together entitled to one (1) credit under this section for the qualifying homestead. The amount of the credit is determined under subsection (c), except that the household income is substituted for the qualifying individual's adjusted gross income.

(e) A qualifying individual or a qualifying individual and the qualifying individual's spouse who desire to claim the credit provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the qualifying homestead is located. With respect to real property, the statement must be filed after January 1 and before August 1 of the year before the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. For a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed after January 1 and before March 2 of the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. The statement must contain the following information:

(1) The full name or names and complete address of the qualifying individual or the qualifying individual and the qualifying individual's spouse.

(2) A description of the qualifying homestead.

(3) The amount of:

(A) the qualifying individual's adjusted gross income referred to in subsection (c)(2); or

(B) if subsection (d) applies, the household income referred to in subsection (d) of the qualifying individual and the qualifying individual's spouse.

(4) The name of any other county and township in which the qualifying individual or the qualifying individual's spouse owns or is buying on contract:

(A) real property; or

(B) a:

(i) mobile home; or

(ii) manufactured home;

that is not assessed as real property.

(5) The record number and page where the contract or memorandum of the contract is recorded if the qualifying homestead is under contract purchase.

(6) Proof of net worth as of the date specified in subsection (a)(9)(C):

(A) in a form determined by the department of local government finance; and

(B) including:

(i) income tax returns or other evidence detailing gross income; and

(ii) other documentation as determined by the department of local government finance.

(7) Any other information required by the department of local government finance.

(f) The auditor of a county with whom a statement is filed under subsection (e) shall immediately prepare and transmit a copy of the statement to the auditor of any other county if the qualifying individual who claims the credit or the qualifying individual's spouse owns or is buying property located in the other county as described in subsection (e)(4). The auditor of the other county described in subsection (e)(4) shall note on the copy of the statement whether a credit has been claimed under this

section for a qualifying homestead located in the auditor's county. The auditor shall then return the copy to the auditor of the first county.

(g) Subject to subsection (h), if a proper certified credit statement is filed under subsection (e), the county auditor shall allow the credit and shall apply the credit equally against each installment of property taxes. The county auditor shall include the amount of the credit applied against each installment of property taxes on the tax statement required under IC 6-1.1-22-8.

(h) If the qualifying homestead qualifies for the credit under IC 6-1.1-20.6 and a statement to claim the credit under this section is filed under subsection (e), the county auditor shall:

(1) determine from the individual who filed the statement whether the individual elects to have applied:

(A) the credit under this section; or

(B) the credit under IC 6-1.1-20.6; and

(2) apply only the credit elected by that individual as determined under subdivision (1).

(i) If an individual knowingly or intentionally files a false statement under this section, the individual must pay the amount of any credit the individual received because of the false statement, plus interest at the rate of ten percent (10%) per year, to the county auditor for distribution to the taxing units of the county in the same proportion that property taxes are distributed.

SECTION 54. IC 6-1.1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Notwithstanding IC 6-1.1-26, any taxpayer who is entitled to a credit under this chapter or who has properly filed for and is entitled to a credit under IC 6-1.1-20.9, and who, without taking the credit, pays in full the taxes to which the credit applies, is entitled to a refund, without interest, of an amount equal to the amount of the credit. However, if the taxpayer, at the time a refund is claimed, owes any other taxes, interest, or penalties payable to the county treasurer to whom the taxes subject to the credit were paid, then the credit shall be first applied in full or partial payment of the other taxes, interest, and penalties and the balance, if any, remaining after that application is available as a refund to the taxpayer.

(b) Any taxpayer entitled to a refund under this section **other than a refund based on the credit under section 5.8 of this chapter** shall be paid that refund from proceeds of the property tax replacement fund. However, with respect to any refund attributable to a homestead credit, the refund shall be paid from that fund only to the extent that the percentage homestead credit the taxpayer was entitled to receive for a year does not exceed the percentage credit allowed in IC 6-1.1-20.9-2(d) for that same year. Any refund in excess of that amount shall be paid from the county's revenue distributions received under IC 6-3.5-6.

(c) The state board of accounts shall establish an appropriate procedure to simplify and expedite the method for claiming these refunds and for the payments thereof, as provided for in this section, which procedure is the exclusive procedure for the processing of the refunds. The procedure shall, however, require the filing of claims for the refunds by not later than June 1 of the year following the payment of the taxes to which the credit applied."

Page 68, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 60. IC 6-1.1-42-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) The designating body shall determine whether to approve a deduction.

(b) A designating body may not grant a deduction for a facility described in IC 6-1.1-12.1-3(e).

(c) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if the owner receives:

(1) a deduction under ~~either~~ IC 6-1.1-12.1, IC 6-1.1-12-18, IC 6-1.1-12-22, or IC 6-1.1-12-28.5; or

(2) a credit under IC 6-1.1-47;

for the same property.

(d) A designating body may approve a deduction only if the following findings are made in the affirmative:

(1) The applicant:

(A) has never had an ownership interest in an entity that

contributed; and

(B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

(2) The proposed improvement or property will be located in a zone.

(3) The estimate of the value of the remediation and redevelopment is reasonable for projects of that nature.

(4) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(5) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(6) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described remediation and redevelopment.

(7) The totality of benefits is sufficient to justify the deduction."

Page 70, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 63. IC 6-1.1-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 47. Historic Rehabilitation Property Tax Credit

Sec. 1. The definitions in IC 6-3.1-16 and IC 6-3.1-22 apply throughout this section.

Sec. 2. (a) A county fiscal body may adopt an ordinance to authorize the application of the credit under this chapter against an owner's property tax liability that is attributable to increases in assessed valuation of the owner's historic property resulting from the rehabilitation of the historic property.

(b) An ordinance adopted under this section must specify the first assessment date for which an increase in the assessed valuation of an historic property resulting from rehabilitation becomes eligible for a credit under this chapter.

Sec. 3. An ordinance adopted under section 2 of this chapter authorizes the credit for:

(1) the first calendar year that the owner's property tax liability is determined using an increase in the historic property's assessed valuation resulting from the rehabilitation of the historic property; and

(2) the four (4) succeeding calendar years during the five (5) year period referred to in section 5 of this chapter.

Sec. 4. Subject to section 11 of this chapter and IC 6-1.1-12-25, if:

(1) the assessed valuation of historic property is increased:

(A) as a result of rehabilitation; and

(B) as of an assessment date to which an ordinance adopted under section 2 of this chapter applies; and

(2) the owner is eligible for a historic rehabilitation credit under IC 6-3.1-16 or IC 6-3.1-22 against the owner's state tax liability based on the rehabilitation;

the owner is entitled to a credit against the owner's property tax liability attributable to the property. The amount of the credit to which the owner is entitled is determined under section 5 of this chapter.

Sec. 5. (a) Subject to subsection (b), the amount of the credit equals one hundred percent (100%) of the owner's property tax liability that is attributable to the increase in assessed valuation resulting from the rehabilitation. The owner is entitled to this credit annually for a five (5) year period. The first year of that period is the first year that the rehabilitation results in an increase in the owner's property tax liability attributable to the historic property. If the rehabilitation results in increases in the property tax liability attributable to the historic property in more than one (1) year, each annual increase may qualify separately for the credit.

(b) If:

(1) a general reassessment of real property under IC 6-1.1-4-4 or an adjustment under IC 6-1.1-4-4.5 occurs within the period of the credit; or

(2) an appeal of an assessment is approved that results in a change in the assessed valuation of the historic property;

the amount of the credit shall be adjusted to reflect the resulting percentage increase or decrease in the assessed valuation of the historic property and its corresponding effect on the property tax liability attributable to the historic property.

Sec. 6. The credit reduces the amount of historic rehabilitation credit to which the owner is entitled under IC 6-3.1-16-7 or IC 6-3.1-22-8.

Sec. 7. A property owner who desires to obtain the credit must file a certified credit application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement must be filed during the twelve (12) months before August 1 of the year prior to the first year for which the person wishes to obtain the credit for the historic property.

Sec. 8. The application required by section 7 of this chapter must contain the following information:

(1) The name of the property owner.

(2) A description of the property for which a credit is claimed in sufficient detail to afford identification.

(3) The certifications required:

(A) under IC 6-3.1-16-8 to obtain the credit under IC 6-3.1-16; or

(B) under IC 6-3.1-22-9 to obtain the credit under IC 6-3.1-22.

(4) A description of the rehabilitation of the historic property.

(5) Evidence of the cost of the rehabilitation of the historic property.

(6) The assessed valuation of the improvements on the historic property before the rehabilitation.

(7) The increase in the assessed valuation of improvements resulting from the rehabilitation.

Sec. 9. A credit application filed under section 7 of this chapter applies for the entire period described in section 5 of this chapter for which the owner is entitled to a credit under this chapter without a requirement for any additional application.

Sec. 10. On verification of the correctness of an application under section 7 of this chapter by the assessor of the township in which the property is located, the county auditor shall make the credit in the amount determined under section 5 of this chapter.

Sec. 11. If the conditions for the recapture of a credit under IC 6-3.1-16-12 or IC 6-3.1-22-13 are met, the property owner shall pay to the county treasurer for each year the credit was in effect the amount of additional property taxes for which the property owner would have been liable if the credit had not been in effect. The county treasurer shall distribute money paid under this section proportionately to the general fund of each taxing unit in which the property that was subject to the credit is located based on the property tax rates of the units.

Sec. 12. The department of local government finance may adopt rules under IC 4-22-2 to implement this section."

Page 72, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 68. IC 6-3.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Subject to section 14 of this chapter and except as provided in subsection (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 8 of this chapter.

(b) Except as provided in subsection (d), the amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

(1) the taxpayer makes for the preservation or rehabilitation of historic property; and

(2) are approved by the division.

(c) In the case of a husband and wife who:

(1) own and rehabilitate a historic property jointly; and

(2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) The amount of the credit for a taxable year is reduced by the amount by which the taxpayer's property tax liability is reduced for taxes first due and payable in the taxable year as the result of the application of the credit under IC 6-1.1-47.

SECTION 69. IC 6-3.1-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

(1) the certifications by the division required under section 8 of this chapter;

(2) a statement as to whether the taxpayer claimed a property tax credit based on the rehabilitation under IC 6-1.1-47 that resulted in a reduction of the taxpayer's liability for property taxes first due and payable in the taxable year for which the credit is claimed;

(3) if the taxpayer's property tax liability was reduced as described in subdivision (2), the amount of the reduction for property taxes first due and payable in the taxable year for which the credit is claimed; and

(4) all other information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter.

SECTION 70. IC 6-3.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Subject to section 14 of this chapter and except as provided in subsection (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 9 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

(1) the taxpayer makes for the preservation or rehabilitation of historic property; and

(2) are approved by the division.

(c) In the case of a husband and wife who:

(1) own and rehabilitate a historic property jointly; and

(2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) The amount of the credit for a taxable year is reduced by the amount by which the taxpayer's property tax liability is reduced for taxes first due and payable in the taxable year as the result of the application of the credit under IC 6-1.1-47.

SECTION 71. IC 6-3.1-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

(1) the certifications by the division required under section 9 of this chapter;

(2) a statement whether the taxpayer claimed a property tax credit based on the rehabilitation under IC 6-1.1-47 that resulted in a reduction of the taxpayer's liability for property taxes first due and payable in the taxable year for which the credit is claimed;

(3) if the taxpayer's property tax liability was reduced as described in subdivision (2), the amount of the reduction for property taxes first due and payable in the taxable year for which the credit is claimed; and

(4) all other information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter."

Page 103, between lines 8 and 9, begin a new line block indented and insert:

"(19) IC 6-1.1-21-5.8."

Page 103, line 9, delete "(19)" and insert "(20)".

Page 107, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 86. [EFFECTIVE JULY 1, 2006] (a) IC 6-1.1-47, as added by this act, and IC 6-1.1-12-18, IC 6-1.1-12-22, and IC 6-1.1-12-25, all as amended by this act, apply only to property taxes first due and payable after December 31, 2006.

(b) The credit under IC 6-1.1-47, as added by this act, applies regardless of whether the rehabilitation for which the deduction is claimed occurred before July 1, 2006.

SECTION 87. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION:

(1) "assessment date" has the meaning set forth in IC 6-1.1-1-2; and

(2) "rehabilitation" has the meaning set forth in:

(A) IC 6-1.1-12-18(b), as amended by this act; and

(B) IC 6-1.1-12-22(c), as amended by this act.

(b) For property taxes first due and payable after December 31, 2006, a property owner may file an application before July 1, 2006, for a deduction:

(1) under:

(A) IC 6-1.1-12-19(b)(2), as amended by this act; or

(B) IC 6-1.1-12-23(b)(2), as amended by this act; or

(2) first applicable to the assessment date in 2006 under:

(A) IC 6-1.1-12-20, as amended by this act; or

(B) IC 6-1.1-12-24, as amended by this act;

based on rehabilitation completed after March 1, 2005, and before March 2, 2006.

(c) This SECTION expires January 1, 2007.

SECTION 88. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION:

(1) "assessment date" has the meaning set forth in IC 6-1.1-1-2; and

(2) "rehabilitation" has the meaning set forth in IC 6-3.1-22-5.

(b) For property taxes first due and payable after December 31, 2006, a property owner may file an application before July 1, 2006, for a credit under IC 6-1.1-47, as added by this act, first applicable to the assessment date in 2006 based on rehabilitation completed after March 1, 2005, and before March 2, 2006.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

ORENTLICHER

Motion failed.

HOUSE MOTION

(Amendment 260-5)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 52, between lines 25 and 26, begin a new paragraph and insert:

"(13) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township:

(1) needs the increase to pay the costs of providing emergency medical services by paramedics in the township;

(2) has a population of more than seven thousand twenty-five (7,025) but less than seven thousand five hundred (7,500); and

(3) is located in a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

WOLKINS

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 260 a bill pending before the House. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION

(Amendment 260-3)

Mr. Speaker: I move that Engrossed Senate Bill 260 be amended to read as follows:

Page 59, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 47. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; and

(C) the dollar amount of the tax owed.

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and

special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

- (1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:
 - (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
 - (B) the ~~percentage~~ change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year. **The county treasurer may provide the percentage change in the total amount of the taxpayer's liability from the previous year to the current year.**
- (4) An explanation of the following:
 - (A) The homestead credit and all property tax deductions.
 - (B) The procedure and deadline for filing for the homestead credit and each deduction.
 - (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
 - (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

- (5) A checklist that shows:
 - (A) the homestead credit and all property tax deductions; and
 - (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).
- (f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.
- (g) A county that incurs:
 - (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
 - (2) printing costs directly related to mailing information under subsection (e);
 shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).".

Renumber all SECTIONS consecutively.

(Reference is to ESB 260 as printed February 17, 2006.)

AVERY

After discussion, Representative Avery withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 269

Representative Duncan called down Engrossed Senate Bill 269 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 269-1)

Mr. Speaker: I move that Engrossed Senate Bill 269 be amended to read as follows:

Page 2, after line 37, begin a new paragraph and insert:

"SECTION 6. IC 9-24-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The application for renewal of:

- (1) an operator's license;
- (2) a motorcycle operator's license;
- (3) a chauffeur's license;
- (4) a public passenger chauffeur's license; or
- (5) an identification card;

under this article may be filed not more than six (6) months before the expiration date of the license or identification card held by the applicant.

(b) If the holder of a driver's license or a learner's permit has not renewed the driver's license or the learner's permit, the bureau shall provide notice of the expiration date of the driver's license or learner's permit to the holder of the driver's license or learner's permit. Notice under this subsection must be made:

- (1) by first class mail to the holder's last address registered with the bureau; and
- (2) not:
 - (A) more than sixty (60) days; and
 - (B) less than thirty (30) days;

before the expiration date."

(Reference is to ESB 269 as printed February 17, 2006.)

PIERCE

Representative Foley rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Pierce's amendment (269-1) is not germane to Engrossed Senate Bill 269.

Amendment 1 is germane to Engrossed Senate Bill 269 because both measures concern the bureau of motor vehicles.

PELATH
PIERCE

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 224: yeas 49, nays 45. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 283

Representative Bischoff called down Engrossed Senate Bill 283 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 283-1)

Mr. Speaker: I move that Engrossed Senate Bill 283 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 36-8-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this chapter, "exchange access facility" means the access from a particular service user's premises to ~~a~~ **an enhanced emergency** telephone system **through the use of telephone exchange service (as defined in 47 U.S.C. 153(47)).**

(b) The term includes **all telecommunications equipment (as defined in 47 U.S.C. 153(45)) used to provide telephone exchange service by wire communication (as defined in 47 U.S.C. 153(52)), regardless of whether the equipment is part of a cable system (as defined in 47 U.S.C. 522(7)).**

- (1) an access line;
- (2) a private branch exchange (PBX) trunk; and
- (3) a centrex line trunk equivalent;

that is provided by the service supplier. The term also includes a mobile telephone system access trunk, whether the trunk is provided by a telephone company or a radio common carrier.

(c) The term does not include:

- (1) a service supplier owned and operated telephone pay station line;
- (2) a wide area telecommunications service (WATS) line;
- (3) a foreign exchange (FX) line; or
- (4) an incoming only line.

SECTION 2. IC 36-8-16-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this chapter, "service supplier" means a person who provides ~~exchange~~ telephone ~~exchange~~ service (as defined in 47 U.S.C. 153(47)) ~~over the person's exchange access facility~~ to a service user.

(b) As used in this chapter, "service user" means a person to whom ~~exchange~~ telephone ~~exchange~~ service is provided by a service supplier.

SECTION 3. IC 36-8-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) ~~The person A~~ **service user** who uses an exchange access facility ~~to receive telephone exchange service (as defined in 47 U.S.C. 153(47)) from a service supplier~~ is liable for the monthly enhanced emergency telephone system fees, if any, imposed with respect to that facility. Each service supplier shall, on behalf of the unit, collect the fee from those service users to whom it provides ~~exchange~~ telephone ~~exchange~~ service in the unit. The service supplier shall collect the fee, for each month or part of a month an exchange access facility is in service, as part of its normal monthly billing process, and it may list the fee as a separate entry on each bill. If a service supplier receives a partial payment from a service user, the service supplier shall apply the payment against the amount the service user owes the service supplier first.

(b) During January of each year, each service supplier that is required to collect the fee for a particular unit shall provide the treasurer of the county or the fiscal officer of the municipality with a delinquent fee report. In a county having a consolidated city, each service supplier that is required to collect the fee shall provide the delinquent fee report to the fiscal officer of the consolidated city. On the report, the service supplier shall list the name and address of each service user who is two (2) or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable.

(c) A service supplier has no obligation to take any legal action to enforce the collection of the fees for which any service user is liable. However, an action may be initiated by the unit that imposed the fees.

(d) Notwithstanding section 5 of this chapter, if one (1) enhanced emergency telephone system serves exchange access facilities in more than one (1) county, the fiscal body of the county that provides the system may adopt an ordinance imposing the enhanced emergency telephone system fee on each ~~person~~ **service user** who uses an exchange access facility served by the system. The fee may be imposed under this subsection without regard to whether the service user resides in the county providing the system.

(e) Before an enhanced emergency telephone system fee may be imposed on a service user who resides in a county other than the county providing the system, the fiscal body of the county providing the system must obtain the written approval of the fiscal body of each county in which residents will be subject to the fee. A ~~person~~ **service user** who uses an exchange access facility is liable for the monthly enhanced emergency telephone system fee imposed with respect to the exchange access facility."

Renumber all SECTIONS consecutively.

(Reference is to ESB 283 as printed February 17, 2006.)

RUPPEL

Upon request of Representatives Fry and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 225: yeas 40, nays 54. Motion failed. The bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 49

Representative Buell introduced House Concurrent Resolution 49:

A CONCURRENT RESOLUTION urging the legislative council to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

Whereas, The legislature established the pension management oversight commission to serve as the watchdog of the funding and adequacy of public pensions;

Whereas, Under IC 2-5-12-2, the pension management oversight commission is charged with determining what constitutes adequate wage replacement levels at retirement (including benefits from public retirement funds and Social Security) for public employees;

Whereas, According to a December 2005 Wisconsin Legislative Council study, Indiana's PERF and TRF benefit multiplier is the lowest among all 85 plans surveyed; and

Whereas, The General Assembly would like the pension management oversight commission to analyze the comparative retirement benefits programs of Indiana and other state programs: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 23

Representatives J. Lutz and Crooks introduced House Resolution 23:

A HOUSE RESOLUTION urging the legislative council to assign the issue of renewable energy development to the regulatory flexibility committee.

Whereas, Expanding the generation and use of renewable energy resources in Indiana has the potential to stimulate investment, boost income for farmers and other landowners, and create high paying manufacturing and service sector jobs;

Whereas, The use of renewable energy resources may serve as a hedge against high natural gas prices;

Whereas, The generation and use of renewable energy resources in Indiana will improve air quality and water quality, reduce the impact of energy production on Indiana's finite water resources, and improve public health and other aspects of the environment; and

Whereas, The generation and use of renewable energy resources in Indiana will enhance Indiana's energy security and independence by diversifying the sources of fuel used to generate electricity for Indiana customers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign the issue of renewable energy development to the regulatory flexibility committee.

SECTION 2. That, if so ordered, the regulatory flexibility committee shall study the following:

(1) The potential for various renewable energy resources to be used as a fuel source, or to generate electricity, in a manner that is economically and environmentally sound, taking into consideration:

(A) Indiana's natural resources, geographic location, land availability, climate, and topography;

(B) the potential market, both inside and outside Indiana, for any electricity or products produced in connection with a particular renewable energy resource project; and

(C) any other factors the regulatory flexibility committee considers relevant in evaluating the economic and

environmental soundness of a particular renewable energy resource or project.

The committee may study a variety of renewable energy resources, including dedicated crops grown for energy production, organic waste biomass, landfill gases, hydropower, solar photovoltaic cells and panels, fuel cells, wind power, or other similar resources.

(2) Whether to recommend legislation to:

(A) require electricity suppliers to supply a certain percentage of their total electricity supply from renewable energy resources;

(B) provide tax credits or other incentives to encourage investment in the development or expansion of renewable energy resource projects in Indiana; or

(C) provide other requirements or incentives with respect to the generation and use of renewable energy resources in Indiana.

SECTION 3. That the regulatory flexibility committee shall report its findings to the legislative council as directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 24

Representatives Dvorak, Bauer, and Kromkowski introduced House Resolution 24:

A HOUSE RESOLUTION memorializing M. E. "Hank" Denning.

Whereas, M. E. "Hank" Denning died on December 24, 2005, at the age of 78;

Whereas, Mr. Denning was born on the family farm in Jonesville, Michigan, and graduated from Jonesville High School;

Whereas, Upon graduation, Mr. Denning enlisted in the United States Army, served in World War II, and was later recalled to active duty to serve in the Korean War; he was discharged in November 1951;

Whereas, Mr. Denning attended Tri-State College in Angola, Indiana, graduating in three years;

Whereas, On December 29, 1951, he married Margie Anglin of Grand Rapids, Michigan;

Whereas, Mr. and Mrs. Denning moved to South Bend, Indiana, in 1958 when he took a position as a mechanical engineer with the Bendix Corporation, a position he held for 25 years;

Whereas, During their retirement, Mr. and Mrs. Denning traveled to Ireland, England, Scotland, and Russia and wintered in LaBelle, Florida; and

Whereas, The death of M. E. "Hank" Denning has left his family with a large void that can never be completely filled, but they can take comfort knowing that Mr. Denning enjoyed life to the fullest and was truly dedicated to his loving family: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its deepest sympathy to the family of M. E. "Hank" Denning in their time of grief.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Denning's wife, Margie, and children, Suzanne, Scott, Laurie, and Julie.

The resolution was read a first time and adopted by voice vote.

House Resolution 25

Representatives Welch, C. Bottorff, C. Brown, T. Brown, Budak, Dickinson, Grubb, L. Lawson, and Mays introduced House Resolution 25:

A HOUSE RESOLUTION recognizing and supporting Comprehensive Cancer Control and the Indiana Cancer Consortium.

Whereas, Cancer is the second leading cause of death for adults in Indiana;

Whereas, Cancer is the second leading cause of death for children between ages 5 and 14;

Whereas, About 13,000 Hoosiers—nearly 36 people per day or almost two people every hour—will die of the disease annually;

Whereas, Approximately 2.5 million Hoosiers, two in five, now living will eventually develop cancer;

Whereas, Nearly 31,200 Indiana residents are diagnosed with cancer each year;

Whereas, Indiana's incidence rate for cancer is 451.4 per 100,000;

Whereas, Indiana's 213.7 per 100,000 cancer mortality rate is 5 percent higher than the national average;

Whereas, In 2004, the overall cost of cancer in the United States was \$189.8 billion, \$69.4 billion for direct medical costs, \$16.9 billion for lost worker productivity due to illness, and \$103.5 billion for lost worker productivity because of premature death;

Whereas, The significant growth of cancer prevention and control programs within health agencies has resulted in the recognition that improved coordination of cancer control activities is essential to maximize resources and reduce the cancer burden in Indiana;

Whereas, Comprehensive cancer control (CCC) results in many benefits, including increased efficiency for delivering public health messages and services to the public;

Whereas, Cancer plans are the stepping stones for advancing comprehensive cancer control programs;

Whereas, The Indiana Cancer Consortium (ICC) is a statewide network of public and private partnerships whose mission is to reduce the cancer burden in Indiana through the development, implementation, and evaluation of a comprehensive cancer control plan that addresses cancer across the continuum from prevention through palliation;

Whereas, The ICC is an association of diverse organizations representing health care providers and delivery systems, cancer programs, health insurance plans, employers, public health agencies, professional organizations, minority groups, health profession schools, advocacy groups, research institutions, and wellness organizations;

Whereas, The ICC maintains close working relationships with the Indiana State Department of Health and the State Health Commissioner; and

Whereas, The ICC, in collaboration with the Indiana State Department of Health, has developed the Indiana Cancer Control Plan 2005-2008, which provides a framework for action in reducing cancer incidence, morbidity, and mortality in Indiana by providing statewide coordination of public and private cancer control efforts that are ongoing or needed within the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize, support, and promote Comprehensive Cancer Control and the Indiana Cancer Consortium in its statewide efforts to reduce the burden of cancer on the population of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Governor Mitch Daniels, Victoria Champion, DNS, Indiana Cancer Consortium Co-Chair, and Stephen D. Williams, MD, Indiana Cancer Consortium Steering Committee Chair.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 20

The Speaker handed down Senate Concurrent Resolution 20, sponsored by Representatives Yount, Burton, Messer, and Koch:

A CONCURRENT RESOLUTION to congratulate Tony Stewart on winning the 2005 NASCAR Nextel Cup Series Championship.

Whereas, Columbus, Indiana native Tony Stewart has a reputation as a fierce competitor driving the #20 Home Depot car in the NASCAR racing series;

Whereas, Tony scored his first victory of the season on June 26 in Sonoma, California at the Dodge/Save Mart 350;

Whereas, In his most dominating performance of the year, Stewart led all but nine laps of the Pepsi 400 to score his second-straight win. Starting from the pole, he lost the lead only briefly after pit stops, breaking the record of 142 laps led in a race set by Cale Yarborough in 1968;

Whereas, From this point on, the Home Depot team seemed to have all the answers and Stewart finished ninth or better in 19 of the final 22 races;

Whereas, Despite great success throughout his NASCAR career, Stewart had never won in front of the hometown crowd at the Indianapolis Motor Speedway. In a career-defining moment, Stewart won the Allstate 400 at the Brickyard, a win that propelled him into first place in the 2005 standings, where he remained for 13 of the final 14 weeks;

Whereas, In Nextel Cup racing, following the 26th race of the season, all drivers in the NASCAR Top 10 and any other drivers within 400 points of the leader earn a berth in the "Chase for the Championship";

Whereas, Stewart was on top at the start of the 10-race Chase for the Championship and fell off the leader board just once, when he dropped to fifth after Round 2;

Whereas, A conservative approach in the season-ending Ford 400 netted a modest 15th place finish and secured the 2005 championship for Stewart, marking his second career NASCAR season championship;

Whereas, As a two-time winner, Tony Stewart became a member of a select group of only 14 NASCAR drivers who have won at least two season championships;

Whereas, Tony Stewart's hometown of Columbus held a parade to congratulate him on winning the NASCAR series championship and also honored him by declaring December 17th "Tony Stewart Day"; and

Whereas, From the beginning of his career more than a quarter century ago and continuing to his present role as driver of the #20 Home Depot Chevrolet in the NASCAR NEXTEL Cup Series, Tony Stewart has proven to be a champion every step of the way: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Tony Stewart for his exemplary driving record in the NASCAR Nextel Cup Series Championship and congratulates him on winning his second NASCAR series championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Tony Stewart, his team, and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1023, 1065, 1234, 1286, and 1331 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1006, 1013, 1017, 1025, 1106, 1112, 1113, 1124, 1150, 1232, 1236, 1279, 1287, 1300, 1323,

1327, 1347, 1368, and 1380 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 23, 2006 at 1:30 p.m.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Cheney be added as cosponsor of House Concurrent Resolution 35.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 5.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative C. Bottorff be removed as cosponsor of Engrossed Senate Bill 24.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as cosponsor of Engrossed Senate Bill 75.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stilwell be added as cosponsor of Engrossed Senate Bill 77.

HEIM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Crouch be added as cosponsor of Engrossed Senate Bill 111.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 145.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Messer be added as cosponsor of Engrossed Senate Bill 153.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill 229.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be added as cosponsor of Engrossed Senate Bill 235.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be removed as sponsor, Representative Behning be substituted as sponsor, and that Representative Noe be added as cosponsor of Engrossed Senate Bill 323.

NOE

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as cosponsor of Engrossed Senate Bill 345.

ESPICH

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

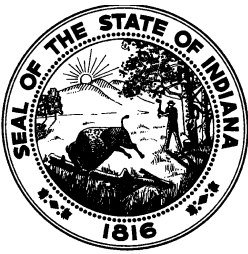
On the motion of Representative Foley, the House adjourned at 7:10 p.m., this twenty-first day of February, 2006, until Thursday, February 23, 2006, at 1:30 p.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-first Meeting Day


Thursday Afternoon


February 23, 2006

The House convened at 1:30 p.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Vanessa Summers.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta 	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 226: 99 present; 1 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 42 and 45 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 33, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 35, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "government" and insert "**governmental**".

Page 1, line 7, after "approval" insert "**of a land use or an approval**".

Page 2, line 2, delete "government" and insert "**governmental**".

Page 2, line 4, delete "is" and insert ", **and the granting of any secondary, additional, or related permits or approvals required from the same local governmental agency with respect to the general subject matter of the application for the first permit, are**".

Page 2, line 8, after "pending" insert ", **or before the issuance of any secondary, additional, or related permits or approvals or while the secondary, additional, or related permit or approval process is pending**".

Page 2, line 9, after "permit" insert "**or approval**".

Page 2, line 11, after "body." insert "**However, this subsection does not apply if:**

(1) **the development or other activity to which the permit relates is not commenced within five (5) years after the permit issued; or**

(2) **the development or other activity to which the permit relates is not completed within ten (10) years after the development or activity is commenced.**".

Page 2, line 26, delete "within ninety".

Page 2, delete lines 27 through 28.

Page 2, line 29, delete "development, building, or structure or".

Page 2, run in lines 26 through 29.

Page 3, line 8, delete "or as the result" and insert ". **However, this subsection does not apply if:**

(1) **the development or other activity to which the permit or approval request relates is not commenced within five (5) years after the permit issued; or**

(2) **the development or other activity to which the permit or approval request relates is not completed within ten (10) years after the development or activity is commenced.**".

Page 3, delete lines 9 through 14.

(Reference is to SB 35 as reprinted February 2, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 4.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 39, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 0.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 132, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 85, line 6, strike "has" and insert "**have**".

Page 125, line 15, after "is" insert ":

(i) for purposes of IC 31-19, IC 31-26, IC 31-33, IC 31-34, IC 31-37, and IC 31-38-2-13.5,".

Page 125, line 18, strike "and" and insert "or

(ii) for purposes of IC 31-27, an applicant, or if the applicant is an organization, the director or a manager of a facility where children will be placed, an employee, or a volunteer who has or will have direct contact, on a regular and continuing basis, with children who are under the direct supervision of a person required to be licensed under IC 31-27; and".

Page 125, line 25, delete ":

Page 125, line 26, strike "(A)".

Page 125, run in lines 25 through 26.

Page 125, line 29, delete ";" and insert ":

Page 125, line 29, strike "and".

Page 125, strike lines 30 through 33.

Page 195, line 22, delete "(b)(1) and (b)(2)." and insert "(b)".

Page 203, line 7, delete "must submit the necessary information, forms," and insert "**shall:**

(1) conduct a criminal history check of:

(A) each individual who is an applicant; and

(B) the director or manager of a facility where children will be placed; and

(2) submit to the department the result of each criminal history check conducted under this subsection."

Page 203, delete line 8.

Page 203, line 10, delete ", as defined by".

Page 203, line 11, delete "IC 31-9-2-22.5,".

Page 203, line 11, delete "applicant's employees and volunteers." and insert "**applicant's:**

(A) employees; and

(B) volunteers;

who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant."

Page 203, between lines 12 and 13, begin a new paragraph and insert:

"(f) An applicant is required to conduct a criminal history check required under subsection (e)(1) only one (1) time.

(g) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective services investigation report."

Page 203, line 29, after "5." insert "(a)".

Page 203, line 32, after "by" insert ":

(A)".

Page 203, line 32, after "applicant" delete "." and insert ";

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or
(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant."

Page 203, line 34, delete "applicant," and insert "applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,".

Page 203, line 35, delete "contact" and insert "**contact, on a regular and continuous basis,**".

Page 204, between lines 3 and 4, begin a new paragraph and insert: "**(b) Notwithstanding subsection (a)(2), if:**

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant; the criminal conviction of the former employee or former volunteer does not require denial of a license application."

Page 208, line 25, after "by" insert ":

(A)".

Page 208, line 25, after "licensee" delete "." and insert ";

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or
(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee."

Page 208, line 27, delete "licensee," and insert "**licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,**".

Page 208, line 27, delete "contact" and insert "**contact, on a regular and continuous basis,**".

Page 212, line 19, delete "check." and insert "**check for each individual who is an applicant.**".

Page 212, line 22, delete "applicant's employees and volunteers at the home," and insert "**applicant's:**

(i) employees; and

(ii) volunteers;

who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant; and".

Page 212, delete line 23.

Page 212, line 24, delete "eighteen (18)" and insert "**fourteen (14)**".

Page 212, between lines 25 and 26, begin a new line block indented and insert:

"(2) Maintain records of each criminal history check.

(f) An applicant is required to conduct a criminal history check required under subsection (e)(1) only one (1) time.

(g) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective investigation report."

Page 212, line 26, after "6." insert "(a)".

Page 212, line 29, after "by" insert ":

(A)".

Page 212, line 29, after "applicant" delete "." and insert ";

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or
(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant."

Page 212, line 31, before "or" insert "**who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,**".

Page 212, line 31, before "volunteer" insert "a".

Page 212, line 31, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 212, after line 42, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant; the criminal conviction of the former employee or former volunteer does not require denial of a license application."

Page 218, line 3, after "by" insert ":

(A)".

Page 218, line 3, after "licensee" delete "." and insert ";

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee."

Page 218, line 5, delete "licensee," and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,"**.

Page 218, line 5, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 221, line 37, delete "must submit the necessary information, forms," and insert **"shall:**

(1) conduct a criminal history check of:

(A) each individual who is an applicant; and

(B) the director or manager of a facility where children will be placed; and

(2) submit to the department the result of each criminal history check conducted under this subsection."

Page 221, delete line 38.

Page 221, line 40, delete "applicant's" and insert **"applicant's:**

(A) employees; and

(B) volunteers;

who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant."

Page 221, delete line 41.

Page 221, after line 42, begin a new paragraph and insert:

"(f) An applicant is required to conduct a criminal history check required under subsection (e)(1) only one (1) time for each employee or volunteer.

(g) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective investigation report."

Page 222, line 16, after "6." insert **"(a)".**

Page 222, line 19, after "by" insert ":

(A)".

Page 222, line 19, after "applicant" delete "." and insert ";

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant."

Page 222, line 21, delete "applicant," and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,"**.

Page 222, line 22, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 222, between lines 32 and 33, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal

conviction of an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant; the criminal conviction of the former employee or former volunteer does not require denial of a license application."

Page 227, line 9, after "by" insert ":

(A)".

Page 227, line 9, after "licensee" delete "." and insert ";

"(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee."

Page 227, line 11, delete "licensee," and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,"**.

Page 227, line 11, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 229, line 2, delete "must submit the necessary information, forms," and insert **"shall:**

(1) conduct a criminal history check of:

(A) each individual who is an applicant, and

(B) the director or manager of a facility where children will be placed; and

(2) submit to the department the result of each criminal history check conducted under this subsection."

Page 229, delete line 3.

Page 229, line 5, delete "applicant's" and insert **"applicant's:**

(A) employees; and

(B) volunteers;

who have or will have direct contact, on a regular and continuing basis, with children who are or will be under the direct supervision of the applicant."

Page 229, delete line 6.

Page 229, between lines 7 and 8, begin a new paragraph and insert:

"(f) An applicant is required to conduct a criminal history check required under subsection (e)(1) only one (1) time for each employee or volunteer.

(g) The department shall, at the applicant's request, inform the applicant whether the department has or does not have a record of the person who is the subject of a criminal history background check and if the department has identified the person as an alleged perpetrator of abuse or neglect. The department may not provide to the applicant any details or personally identifying information contained in any child protective investigation report."

Page 229, line 8, after "3." insert **"(a)".**

Page 229, line 11, after "by" insert ":

(A)".

Page 229, line 11, after "applicant" delete "." and insert ";

(B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or

(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant."

Page 229, line 12, delete "licensee," and insert **"applicant,"**.

Page 229, line 13, delete "licensee," and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,"**.

Page 229, line 13, after "the" delete "licensee" and insert **"applicant"**.

Page 229, line 13, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 229, line 15, delete "licensee," and insert **"applicant,"**.

Page 229, between lines 24 and 25, begin a new paragraph and insert:

"(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the department determines that the employee or volunteer has been dismissed by the applicant; the criminal conviction of the former employee or former volunteer does not require denial of a license application."

Page 233, line 35, after "by" insert ":

(A)".

Page 233, line 35, after "licensee" delete "." and insert ";

(B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or

(C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee."

Page 233, line 37, delete "licensee," and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,"**.

Page 233, line 37, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 309, after line 37, begin a new paragraph and insert:

"SECTION 378. [EFFECTIVE UPON PASSAGE] (a) On June 30, 2006, the balance of the child care fund established by IC 12-17.2-2-3, before its amendment by this act, shall be transferred to the division of family resources child care fund established by IC 12-17.2-2-3, as amended by this act.

(b) This SECTION expires January 1, 2007.

SECTION 379. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

WALORSKI, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 139, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 3. IC 10-13-3-27.5, AS ADDED BY P.L.234-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. (a) If:

(1) exigent circumstances require the emergency placement of a child; and

(2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by IC 31-33-1.5-2, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

(1) use fingerprint identification to positively identify each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location; or

(2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) calendar days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

(1) notification to the subject of the check; and

(2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

(1) a complete set of the individual's fingerprints; and

(2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

(1) department; and

(2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

(1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or

(2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any."

Page 2, line 31, after "IC 31-9-2-14) by" insert ":

(A)".

Page 2, line 31, after "applicant" delete "," and insert ";

Page 2, line 31, before "an employee" delete "by", begin a new line double block indented and insert:

"(B)".

Page 2, line 32, delete "applicant, or by" and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or (C)".**

Page 2, line 33, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 2, line 36, delete "applicant," and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,"**.

Page 2, line 37, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 3, line 22, after "by" insert ":

(A)".

Page 3, line 23, delete "licensee, by" and insert "licensee;

(B)".

Page 3, line 23, delete "licensee, or by" and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or (C)".**

Page 3, line 24, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 3, line 27, delete "licensee," and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,"**.

Page 3, line 27, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 4, line 26, after "IC 31-9-2-14) by" insert ":

(A)".

Page 4, line 26, after "applicant" delete "," and insert ";".

Page 4, line 26, before "an employee" delete "by", begin a new line double block indented and insert:

"(B)".

Page 4, line 27, delete "applicant, or by" and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or (C)".**

Page 4, line 28, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 4, line 31, delete "applicant," and insert **"applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,"**.

Page 4, line 32, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 5, line 22, after "by" insert ":

(A)".

Page 5, line 23, before "an employee" delete "," and insert ";

(B)".

Page 5, line 23, delete "'licensee, or" and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or (C)".**

Page 5, line 24, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 5, line 27, delete "licensee," and insert **"licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,"**.

Page 5, line 27, delete "contact" and insert **"contact, on a regular and continuous basis,"**.

Page 14, line 30, delete "test." and insert **"test, and the test indicates that the man is excluded as the father of the child."**

Page 14, line 42, delete "If" and insert **"Except as provided in this section, if"**.

Page 15, line 10, delete "JULY 1, 2006]:" and insert **"UPON PASSAGE]:"**.

Page 16, delete lines 23 through 32.

Page 19, line 20, strike "and investigators".

Page 19, line 22, after "caseworker" insert ";

Page 19, line 22, strike "or investigator";.

Page 19, delete line 27, begin a new line double block indented and insert:

"who is the subject of a case described in clause (A)".

Page 19, line 30, strike "or an investigator".

Page 19, delete line 35, begin a new line double block indented and insert:

"who is the subject of a case described in clause (A) or clause (B)".

Page 19, line 37, strike "case" and insert **"child"**.

Page 20, line 18, delete "Unless" and insert **"(a) Except as provided in subsection (b), unless"**.

Page 20, line 20, delete "forty-five (45)" and insert **"sixty (60)"**.

Page 20, between lines 22 and 23, begin a new paragraph and insert:

"(b) The juvenile court may extend the time to complete a factfinding hearing, as described in subsection (a), for an additional sixty (60) days if all parties in the action consent to the additional time."

Page 22, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 42. IC 31-34-21-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1 2006]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order

(1) the county office of family and children or

(2) the probation department;

to file a report on the progress made in implementing the decree.

(b) The juvenile court shall order the department of child services to file a report on the progress made in implementing the decree every three (3) months after the dispositional decree is entered.

(c) If, after reviewing the report, the juvenile court seeks to

consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23."

Page 22, line 17, reset in roman "six (6)".

Page 22, line 17, delete "three (3)".

Page 22, line 20, reset in roman "six (6)".

Page 22, line 20, delete "three (3)".

Page 22, line 22, reset in roman "six (6)".

Page 22, line 22, delete "three (3)".

Page 22, between lines 26 and 27, begin a new paragraph and insert:

"(d) The court may perform a periodic case review any time after a progress report is filed as described in section 1 of this chapter."

Page 25, after line 17, begin a new paragraph and insert:

"SECTION 49. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 139 as reprinted January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred Engrossed Senate Bill 151, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 2.

BUDAK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 192, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 193, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 37 and 38, begin a new paragraph and insert: **"SECTION 4. IC 9-13-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 86. "Intoxicated" means under the influence of:**

(1) alcohol;

(2) a controlled substance (as defined in IC 35-48-1);

(3) a drug other than alcohol or a controlled substance; or

(4) a substance described in IC 35-46-6-2 or IC 35-46-6-3; or

(5) a combination of ~~alcohol; controlled substances; or drugs~~ substances described in subdivisions (1) through (4); so that there is an impaired condition of thought and action and the loss of normal control of a person's faculties."

Page 26, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 18. IC 35-46-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A person who, with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses, ingests or inhales the fumes of:

(1) model glue; or

(2) a substance that contains:

(A) toluene;

(B) acetone;

(C) benzene;

- (D) N-butyl nitrite;
- (E) any aliphatic nitrite, unless prescribed by a physician; or
- (F) butane;
- (G) amyl butrate; or**
- (H) isobutyl nitrate;**

commits a Class B misdemeanor."

Renumber all SECTIONS consecutively.

(Reference is to SB 193 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred Engrossed Senate Bill 201, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

HINKLE, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 202, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 12, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 12. IC 25-26-13-33 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 33. (a) As used in this section, "self-service display" means a display that contains cigarettes in an area where a customer:

- (1) is permitted; and
- (2) has access to the cigarettes without assistance from a sales person.

(b) This section does not apply to a self-service display located in a pharmacy or other retail establishment that:

- (1) has a primary purpose to sell cigarettes; and
- (2) prohibits entry by persons who are less than eighteen (18) years of age.

(c) The owner of a pharmacy or other retail establishment that sells or distributes cigarettes through a self-service display, other than a coin operated machine operated under IC 35-46-1-11 or IC 35-46-1-11.5, commits a Class C infraction.

(d) Notwithstanding IC 34-28-5-4(c), civil penalties collected under this section must be deposited in the Richard D. Doyle youth tobacco education and enforcement fund (IC 7.1-6-2-6)."

Page 32, line 19, delete "IC 25-26-14-15.5;"

Renumber all SECTIONS consecutively.

(Reference is to SB 202 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 1.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 266, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "As used in this section, "major complication" means a complication from surgical treatment for morbid obesity that:

- (1) requires an extended hospitalization, additional surgical treatment, or invasive drug therapy within thirty (30) days of the original surgical treatment; or
 - (2) results in a permanent disability.
- (b) As used in this section, "serious side effect" means a

nutritional deficiency that requires hospitalization or invasive therapy.

(c)".

Page 1, line 5, delete ":" and insert "do the following:

(1) Before performing surgery, discuss the following with the patient:

(A) The requirements to qualify for the surgery.

(B) The details of the surgery.

(C) The possible complications from the surgery.

(D) The side effects from the surgery, including lifestyle changes and dietary protocols."

Page 1, line 6, strike "(1)" and insert "(2)".

Page 1, line 6, delete "monitor" and insert "Monitor".

Page 1, line 8, delete ";" and insert ".".

Page 1, line 8, strike "and".

Page 1, line 9, strike "(2)" and insert "(3)".

Page 1, line 9, delete "report" and insert "Report".

Page 1, line 12, after "death" insert ",".

Page 1, line 12, strike "or".

Page 1, line 12, after "serious" insert "side effect, or major".

Page 1, line 14, strike "(b)" and insert "(d)".

Page 1, line 14, strike "in subsection (a)" and insert "by subsection (b)(2)".

Page 2, line 2, after "death" insert ", serious side effect,".

Page 2, line 2, after "or" insert "major".

Page 2, line 3, after "death" insert ", serious side effect,".

Page 2, line 3, after "or" insert "major".

Page 2, between lines 3 and 4, begin a new line block indented and insert:

"(5) The comorbidities, body mass index, and waist circumference of the patient:

(A) at the time of the surgical treatment; and

(B) thirty (30) days, ninety (90) days, and one (1) year after surgical treatment.

(6) Whether the patient has had previous abdominal surgery."

Page 2, line 9, strike "section 2(a)(2)" and insert "section 2(c)(3)".

Page 2, line 12, delete "2(a)(2)" and insert "2(c)(3)".

Page 2, after line 15, begin a new paragraph and insert:

"SECTION 3. IC 27-8-14.1-4, AS AMENDED BY P.L.196-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), an insurer that issues an accident and sickness insurance policy shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

(1) that has persisted for at least five (5) years; and

(2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ six (6) consecutive months.

(b) An insurer that issues an accident and sickness insurance policy may not provide coverage for a surgical treatment of morbid obesity for an insured who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

(1) save the life of the insured; or

(2) restore the insured's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the insured's medical record the reason for the physician's determination.

SECTION 4. IC 27-13-7-14.5, AS AMENDED BY P.L.196-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) As used in this section, "health care provider" means a:

(1) physician licensed under IC 25-22.5; or

(2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(b) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter

squared without comorbidity.

For purposes of this subsection, body mass index equals weight in kilograms divided by height in meters squared.

(c) Except as provided in subsection (d), a health maintenance organization that provides coverage for basic health care services under a group contract shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(d) A health maintenance organization that provides coverage for basic health care services may not provide coverage for surgical treatment of morbid obesity for an enrollee who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the enrollee; or
- (2) restore the enrollee's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the enrollee's medical record the reason for the physician's determination."

(Reference is to SB 266 as printed January 27, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 12, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 270, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-23-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 21. Not more than thirty (30) days after a change to the state Medicaid plan for the Medicaid program, the office of Medicaid policy and planning shall submit a report of the change to the commission and the legislative council in an electronic format under IC 5-14-6.**"

Page 22, line 1, delete "This section applies after" and insert: **"If approved by the office, a managed care organization may adopt a plan for the collection of a copayment for services that are provided to a Medicaid recipient in an emergency room.**

(b) Each managed care organization must adopt a plan that includes the following components:

- (1) The education of Medicaid recipients concerning how a recipient may access health care services and modifications to the recipient's health plan.**
- (2) Procedures to track visits to emergency rooms by Medicaid recipients.**
- (3) Alternative sites for Medicaid recipients to receive health care services.**
- (4) Methods to clearly identify a Medicaid recipient's current status to a provider who is not a member of the recipient's managed care organization.**
- (5) Procedures to pay for professional services provided to screen a Medicaid recipient who seeks services in an emergency room.**
- (6) Protocols for dispute resolution between the managed care organization and providers."**

Page 22, delete lines 2 through 15.

Page 28, line 7, delete "not" and insert **"Not"**.

Page 28, after line 41, begin a new paragraph and insert:

"SECTION 54. [EFFECTIVE JULY 1, 2006] (a) The office of Medicaid policy and planning shall do the following:

- (1) Study possible changes to the state Medicaid program or other new programs that would limit or restrict a future increase in the number of Medicaid recipients in health facilities licensed under IC 16-28.**
- (2) Prepare a comprehensive cost comparison of Medicaid**

and Medicaid waiver services and other expenditures in the following settings:

- (A) Home care.**
- (B) Community care.**
- (C) Health facilities.**

The cost comparison must include a comparison of similar services that are provided in the different settings.

(b) Before October 1, 2006, the office of Medicaid policy and planning shall report its findings under subsection (a) to the select joint commission on Medicaid oversight established by IC 2-5-26-3.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 270 as reprinted February 2, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 4, nays 3.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 275, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Education, to which was referred Engrossed Senate Bill 324, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-13-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. (a) All public funds paid into the treasury of the state or the treasuries of the respective political subdivisions shall be deposited not later than the business day following the receipt of funds on business days of the depository in one (1) or more depositories in the name of the state or political subdivision by the officer having control of the funds.**

(b) Except as provided in subsection (d), all public funds collected by state officers, other than the treasurer of state, shall be deposited with the treasurer of state, or an approved depository selected by the treasurer of state not later than the business day following the receipt of the funds. The treasurer of state shall deposit daily on business days of the depository all public funds deposited with the treasurer of state. Deposits do not relieve any state officer from the duty of maintaining a cashbook under IC 5-13-5-1.

(c) Except as provided in subsection (d), all local officers, except township trustees, who collect public funds of their respective political subdivisions, shall deposit funds not later than the business day following the receipt of funds on business days of the depository in the depository or depositories selected by the several local boards of finance that have jurisdiction of the funds. The public funds collected by township trustees shall be deposited in the designated depository on or before the first and fifteenth day of each month. Public funds deposited under this subsection shall be deposited in the same form in which they were received.

(d) A city (other than a consolidated city) or a town shall deposit funds not later than the next business day following the receipt of the funds in depositories:

- (1) selected by the city or town as provided in an ordinance adopted by the city or the town; and**
- (2) approved as depositories of state funds.**

(e) All local investment officers shall reconcile at least monthly the balance of public funds, as disclosed by the records of the local officers, with the balance statements provided by the respective depositories.

(f) An office of:

(1) the department of natural resources; or

(2) the department of state revenue;

that is detached from the main office of the department is not required to deposit funds on the business day following receipt if the funds on hand do not exceed one hundred dollars (\$100). However, the office must deposit the funds on hand not later than the business day following the day that the funds exceed one hundred dollars (\$100).

(g) A public school, including a charter school, is not required to deposit funds on the business day following receipt if the funds on hand do not exceed two hundred dollars (\$200). However, the public school, including a charter school, must deposit the funds on hand not later than the business day following the day that the funds exceed two hundred dollars (\$200)."

Page 1, line 6, delete ":" and insert "grade 7 or".

Page 1, delete lines 7 through 8.

Page 1, line 9, delete "school year,".

Page 1, line 9, reset in roman "grade 8".

Page 1, line 9, delete "grade 7;".

Page 1, run in lines 6 through 10.

Page 3, between lines 30 and 31, begin a new paragraph and insert:
"SECTION 5. IC 20-19-5-1, AS ADDED BY P.L.234-2005, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall:

(1) develop and coordinate the children's social, emotional, and behavioral health plan that is to provide recommendations concerning:

(A) comprehensive mental health services;

(B) early intervention; and

(C) treatment services;

for individuals from birth through twenty-two (22) years of age;

(2) make recommendations to the state board ~~which shall adopt rules under IC 4-22-2 for the state board's approval~~ concerning the children's social, emotional, and behavioral health plan; and

(3) conduct hearings on the implementation of the plan. ~~before adopting rules under this chapter.~~

SECTION 6. IC 20-19-5-3, IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) **This chapter does not authorize or permit the:**

(1) department of education;

(2) department of child services;

(3) department of correction; or

(4) division of mental health and addiction;

to require a child to participate in any social, emotional, behavioral, or mental health psychological or similar screening, evaluation, assessment, or examination described in this chapter without the prior written informed consent of the child's parent.

(b) Any psychological or similar screening administered under this chapter may not be used for diagnostic purposes.

(c) The department of education, department of child services, department of correction, or division of mental health and addiction (whichever is applicable) shall give parents and students notice of their rights under this chapter."

Page 4, line 42, delete "The following apply to a deregulated school corporation:" and insert "(a) **The following statutes as in effect on January 1, 2006, and any rules or guidelines adopted by the state board or the advisory board of the division of professional standards under these statutes and in effect on January 1, 2006, do not apply to a deregulated school corporation unless the deregulated school corporation elects to have one (1) or more of the statutes, rules, or guidelines apply to the deregulated school corporation:**

(1) IC 20-20-1; IC 20-20-3 through IC 20-20-7; and IC 20-20-9 through IC 20-20-32 (programs administered by the state).

(2) IC 20-28-11-1 through IC 20-28-11-2; and IC 20-28-11-4 through IC 20-28-11-8 (staff performance evaluation).

(3) IC 20-30-4-1 through IC 20-30-4-2; and IC 20-30-4-4 through IC 20-30-4-5 (student career plan).

(4) IC 20-30-5-7 through IC 20-30-9-14; and IC 20-30-12

through IC 20-30-15 (curriculum).

(5) IC 20-31-4 (performance based accreditation).

(6) IC 20-33-6 (parental participation in a student's education).

(7) IC 20-34-1 (AIDS advisory council).

(8) IC 20-38 (educational compacts).

(b) If a statute, rule, or guideline described in subsection (a) is amended after January 1, 2006, the amendment to the statute, rule, or guideline applies to a deregulated school corporation unless the general assembly specifies that the amendment to the statute, rule, or guideline does not apply to a deregulated school corporation."

Delete page 5.

Page 6, delete lines 1 through 15.

Page 7, delete lines 3 through 14.

Page 7, line 15, delete "Sec. 7." and insert "Sec. 6."

Page 7, line 25, delete "Sec. 8." and insert "Sec. 7."

Page 8, line 14, delete "501 (c)(3)" and insert "501(c)(3)".

Page 14, line 41, delete "paying" and insert "paving".

Page 15, line 6, delete "(a)".

Page 15, delete lines 13 through 32.

Page 16, line 6, delete "or" and insert "and".

Page 16, line 7, after "a" insert "registered nurse".

Page 16, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE JULY 1, 2006] **Notwithstanding IC 20-19-5, as amended by this act, the children's social, emotional, and behavioral health plan created under IC 20-19-5 must be submitted in an electronic format under IC 5-14-6 to the general assembly through the legislative council not later than December 1, 2006. The plan must be submitted under this SECTION before the plan is implemented. The plan may not be implemented until the general assembly enacts legislation to implement the plan."**

Renumber all SECTIONS consecutively.

(Reference is to SB 324 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 5.

BEHNING, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Engrossed Senate Bill 342, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 2, delete "IC 34-30-2-152.3" and insert "IC 34-30-2-152.5".

Page 2, line 4, delete "152.3." and insert "152.5".

Page 6, line 27, delete "shall" and insert "must".

Page 10, line 5, delete "An" and insert "A law enforcement officer who is an"

Page 10, delete lines 23 through 24.

Page 10, line 25, delete "only be released" and insert "be released only".

Page 10, line 27, after "for" insert "providing".

(Reference is to SB 342 as reprinted February 1, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

T. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 353, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 17.

Delete pages 2 through 4.

Page 5, delete lines 1 through 4.

Page 5, line 14, delete "[EFFECTIVE" and insert "[EFFECTIVE

UPON PASSAGE]".

Page 5, line 15, delete "JANUARY 1, 2006 (RETROACTIVE)]".

Page 5, line 29, delete "Subject to subsection (c), the" and insert "The".

Page 5, line 34, strike "(c) Notwithstanding subsection (b), the".

Page 5, line 34, delete "corporation may increase".

Page 5, line 35, before "total" delete "the".

Page 5, line 35, strike "total amount of credits allowed a taxpayer (or if the person".

Page 5, strike line 36.

Page 5, line 37, strike "or members of the pass through entity)".

Page 5, line 37, strike "to an amount".

Page 5, strike lines 38 through 40.

Page 7, between lines 5 and 6, begin a new paragraph and insert: "SECTION 7. IC 6-3.1-28-11, AS AMENDED BY P.L.191-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. ~~(a)~~ **The corporation shall determine the maximum amount of credits that a taxpayer (or if the person producing the ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity) is eligible to receive under this section.** The total amount of credits allowed a taxpayer (or, if the person producing the ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity) under this chapter may not exceed a total of ~~three million dollars (\$3,000,000)~~ **the following amounts** for all taxable years:

(1) Two million dollars (\$2,000,000) in the case of a taxpayer who produces at least forty million (40,000,000) but less than sixty million (60,000,000) gallons of ethanol in a taxable year.

(2) Three million dollars (\$3,000,000) in the case of a taxpayer who produces at least sixty million (60,000,000) gallons of ethanol in a taxable year.

~~(b) Notwithstanding subsection (a), the total amount of credits allowed a taxpayer (or if the person producing ethanol is a pass through entity, the shareholders, partners, or members of the pass through entity) may be increased to an amount not to exceed a total of five million dollars (\$5,000,000) for all taxable years with the prior approval of the Indiana economic development corporation: "~~

Page 15, line 17, delete "IC 34-30-23" and insert "IC 34-30-24".

Page 15, line 20, delete "23." and insert "24".

Renumber all SECTIONS consecutively.

(Reference is to ESB 353 as printed February 17, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 21, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 362, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 20, after "certificate" insert "**within thirty (30) days after the expiration date,**".

Page 2, line 23, after "." insert "**The department, at least sixty (60) days before the date on which a retail merchant's registered retail merchant's certificate expires, shall notify a retail merchant who is delinquent in remitting sales or use tax that the department will not renew the retail merchant's registered retail merchant's certificate.**".

Page 5, line 20, delete "forty-five (45)" and insert "**sixty (60)**".

Page 9, line 3, after "may" delete ":".

Page 9, delete lines 4 through 5.

Page 9, line 6, delete "(2)".

Page 9, run in lines 3 through 6.

Page 13, delete lines 2 through 42.

Page 14, delete lines 1 through 14.

Page 15, between lines 38 and 39, begin a new paragraph and insert:

"(c) This subsection applies to registered retail merchant's certificates that expire under this SECTION before March 2,

2007. The department of state revenue, at least sixty (60) days before the date on which a retail merchant's registered retail merchant's certificate expires, shall notify a retail merchant who is delinquent in remitting sales or use tax that under IC 6-2.5-8-1(g), as amended by this act, the department of state revenue will not renew the retail merchant's registered retail merchant's certificate."

Page 15, line 39, delete "(c)" and insert "**(d)**".

Renumber all SECTIONS consecutively.

(Reference is to SB 362 as printed January 20, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 369, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 26 and 27, begin a new paragraph and insert:

"Sec. 6. At its first meeting, the task force shall establish:

(1) a list of its activities; and

(2) the time frame under which it will implement the tasks listed in section 2(a)(3) and 2(a)(4) of this chapter."

(Reference is to SB 369 as reprinted February 2, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

HOFFMAN, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 50

Representative Buell introduced House Concurrent Resolution 50:

A CONCURRENT RESOLUTION honoring Warren Central High School, Indianapolis, Indiana, on the occasion of its third consecutive victory in the Indiana High School Athletic Association's Class 5A state football championship.

Whereas, The Warren Central Warriors marched to a 55-20 victory over Hamilton Southeastern for their third consecutive Class 5A state championship on Saturday, November 26, in the RCA Dome in Indianapolis capping off a 14-1 season;

Whereas, The Warriors were led by senior quarterback Dexter Taylor, who ran for 158 yards and three touchdowns; an imposing offensive line; and junior safety Jeremy Finch, who set up the third score with a 41-yard interception return and added the sixth touchdown with a 55-yard punt return;

Whereas, At halftime, Warren Central was ahead of Hamilton Southeastern 41-7, had outgained its opponent by nearly 200 yards (266-67), and scored on all five of its possessions with the other offensive touchdowns coming on seven-yard runs by juniors Darren Evans and Brad Ellington;

Whereas, The team dedicated this victory to teammate Andre Nicholson, who was injured in the semistate win over Avon;

Whereas, With this victory, Coach Kevin Wright joined his father, Sheridan coach Larry "Bud" Wright, as the first father-son coaching duo to have title wins in the same season; and

Whereas, Excellence at this level requires teamwork and cooperation, and it is fitting that this effort be recognized: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Warren Central Warriors on their third consecutive Class 5A state football championship and wishes them well in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to team

members, coaches, managers, Warren Central's school principal, and the school's superintendent.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

House Concurrent Resolution 51

Representatives T. Harris and Turner introduced House Concurrent Resolution 51:

A CONCURRENT RESOLUTION honoring Michael Kiley.

Whereas, Michael Kiley was appointed to the Natural Resources Commission (NRC) on August 31, 1978;

Whereas, On July 26, 1990, Michael Kiley was elected chairman of the NRC, a position he held until September 20, 2005, when he resigned;

Whereas, Michael Kiley, who served under three Republican and three Democratic governors, was originally appointed by Governor Otis Bowen;

Whereas, Michael Kiley's area of expertise was wetlands preservation, public freshwater lake protection, and the coal industry;

Whereas, Michael Kiley was born in Marion, Indiana, on July 15, 1934, and has been married for 47 years to Carol Jones Kiley; they have three children, Ann, Daniel, and Matthew;

Whereas, Michael Kiley received a bachelor of arts degree in political science from the University of Notre Dame and a Juris doctor degree from Georgetown University;

Whereas, In addition to his duties on the Natural Resources Commission, Michael Kiley has also served as a municipal judge in Marion, a trustee of the Culver Military Educational Foundation, a member of the board of directors of the National Alumni Association of the University of Notre Dame, and a trustee and past board chairman of the Holy Cross College in Notre Dame, Indiana;

Whereas, Michael Kiley is a partner at Kiley, Kiley, Harker, Michael & Certain; and

Whereas, Michael Kiley has dedicated much of his life to helping preserve the natural resources of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to thank Michael Kiley for his dedication and service to the citizens of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Michael Kiley and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Kenley, Ford, and Dillon.

House Concurrent Resolution 52

Representative Buell introduced House Concurrent Resolution 52:

A CONCURRENT RESOLUTION honoring the Warren Central High School cross country team on its victory in the Indiana High School Athletic Association state championship.

Whereas, Warren Central High School captured its first state championship in the Indiana High School Athletic Association (IHSAA) cross country finals on Saturday, October 29, at the LaVern Gibson Championship Cross Country Course in Terre Haute;

Whereas, Two Warrior runners placed in the top seven, junior De'Sean Turner finished second and junior Ondraius Richardson finished seventh;

Whereas, The remaining team members for the Warren Central

Warriors were Tim Armstrong (40th), Cody Smith (75th), and Jimmy Hodges (78th);

Whereas, The 118-130 victory over Valparaiso was the closest one-two finish since a four-point difference separated Ben Davis and Portage in 1995;

Whereas, In his 23rd year as head coach, Joe Brooks won his first state championship title and was named Coach of the Year; and

Whereas, Dedication and hard work on the part of team members and coaches culminated in a state championship for the Warren Warriors, a fitting ending to an outstanding season: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly congratulate the Warren Central High School cross country team on its first cross country state championship and wish the members and coaches continued success in future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Warren Central cross country team members, coach Joe Brooks, principal Tony Burchett, and superintendent Dr. Peggy Hinckley.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

House Resolution 26

Representative Walorski introduced House Resolution 26:

A HOUSE RESOLUTION to honor His Royal Highness Prince Radu of Hohenzollern-Veringen.

Whereas, Prince Radu was born the 7th of June 1960 in Iasi, Romania, as Radu Duda;

Whereas, He was named Prince of Hohenzollern-Veringen in 1999;

Whereas, Prince Radu graduated from the University of Drama and Film in Bucharest and is a graduate from the National College of Defense in Romania in 2002;

Whereas, Prince Radu participated in the 2004 Program for Senior Executives in National and International Security at the John F. Kennedy School of Government at Harvard University;

Whereas, Prince Radu played a major role in the concept, planning and organization of the official tours undertaken by His Majesty King Michael I in 1997 and 2002 for the integration of Romania in NATO;

Whereas, Prince Radu serves as a advisor to His Majesty King Michael I of Romania in his capacity as a Special Representative of the Romanian Government for Integration, Cooperation and Sustainable Development; and

Whereas, In this role Prince Radu will undertake missions to promote the image of Romania around the world, promote the major interests of Romania as a NATO member and a future EU member, work to encourage foreign investment in Romania, and promote democratic value to the Romanian public: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1: That the members of the Indiana House of Representatives honor His Royal Highness Prince Radu of Hohenzollern-Veringen for his contributions to his country, Romania.

SECTION 2: That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to His Royal Highness Prince Radu of Hohenzollern-Veringen and His Majesty King Michael I of Romania.

The resolution was read a first time and adopted by voice vote.

House Resolution 27

Representative V. Smith introduced House Resolution 27:

A HOUSE RESOLUTION honoring the Indiana University School

of Continuing Studies.

Whereas, The Indiana University School of Continuing Studies is celebrating the 30th anniversary of its founding;

Whereas, The Indiana University School of Continuing Studies was founded to meet the lifelong learning needs of nontraditional students, graduated 4,074 students from all eight campuses of Indiana University in 2004-2005, and has granted general studies degrees to more than 28,000 students at a distance since 1975;

Whereas, The Indiana University School of Continuing Studies established one of the first accredited distance education high school diploma programs in the country in 1999 and has graduated nearly 200 high school students, many of whom have continued their education at prestigious colleges and universities across the country;

Whereas, The Indiana University School of Continuing Studies has served students in all 50 states and in as many as 55 foreign countries;

Whereas, The Indiana University School of Continuing Studies has a long history of serving students in the military while they serve our country at home and abroad;

Whereas, The Indiana University School of Continuing Studies is one of the largest distance education providers in the country, offering more than 195 undergraduate courses and more than 100 high school courses;

Whereas, The Indiana University School of Continuing Studies holds 54 course awards from the University Continuing Education Association and is recognized by its peer organizations as one of the best distance education providers in the country; and

Whereas, The Indiana University School of Continuing Studies is the academic home of one of the oldest and most respected adult education graduate programs in the United States: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives recognizes the Indiana University School of Continuing Studies on the 30th anniversary of its founding and thanks the professors and administrators for their years of dedicated service to the students of Indiana and the world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Indiana University School of Continuing Studies.

The resolution was read a first time and adopted by voice vote.

The Speaker Pro Tempore yielded the gavel to the Speaker.

ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 73, 169, 205, 235, 236, and 339.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:10 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1076 and 1299 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1267, 1307, and 1392

with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 50, 51, and 52 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 5

Representative Ulmer called down Engrossed Senate Bill 5 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 5-1)

Mr. Speaker: I move that Engrossed Senate Bill 5 be amended to read as follows:

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 2. IC 35-45-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

- (1) that the other person engage in conduct against the other person's will;
 - (2) that the other person be placed in fear of retaliation for a prior lawful act; or
 - (3) of causing:
 - (A) a dwelling, a building, or another structure; or
 - (B) a vehicle;
 to be evacuated;
- commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

- (1) Class D felony if:
 - (A) the threat is to commit a forcible felony;
 - (B) the person to whom the threat is communicated:
 - (i) is a law enforcement officer;
 - (ii) is a judge or bailiff of any court;
 - (iii) is a witness (or the spouse or child of a witness) in any pending criminal proceeding against the person making the threat;
 - (iv) is an employee of a school corporation; or
 - (v) is a community policing volunteer;
- (vi) is an employee of a court;
- (vii) is an employee of a probation department; or
- (viii) is an employee of a community corrections program.

(C) the person has a prior unrelated conviction for an offense under this section concerning the same victim; or

(D) the threat is communicated using property, including electronic equipment or systems, of a school corporation or other governmental entity; and

(2) Class C felony if, while committing it, the person draws or uses a deadly weapon.

(c) "Threat" means an expression, by words or action, of an intention to:

- (1) unlawfully injure the person threatened or another person, or damage property;
- (2) unlawfully subject a person to physical confinement or restraint;
- (3) commit a crime;
- (4) unlawfully withhold official action, or cause such withholding;
- (5) unlawfully withhold testimony or information with respect to another person's legal claim or defense, except for a reasonable claim for witness fees or expenses;
- (6) expose the person threatened to hatred, contempt, disgrace, or ridicule;

- (7) falsely harm the credit or business reputation of the person threatened; or
- (8) cause the evacuation of a dwelling, a building, another structure, or a vehicle."

Page 2, line 11, after "IC 35-45-1-3" delete "," and insert "**and IC 35-45-2-1, both**".

Page 2, line 12, delete "applies" and insert "**apply**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 5 as printed February 17, 2006.)

GOODIN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 6

Representative Ulmer called down Engrossed Senate Bill 6 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 6-1)

Mr. Speaker: I move that Engrossed Senate Bill 6 be amended to read as follows:

Page 13, line 39, strike "nineteen (19)" and insert "**twenty (20)**".

Page 14, between lines 25 and 26, begin a new line block indented and insert:

"(12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee."

Page 15, line 5, after "of the" insert "**voting**".

(Reference is to ESB 6 as printed February 17, 2006.)

ULMER

Motion prevailed.

HOUSE MOTION (Amendment 6-3)

Mr. Speaker: I move that Engrossed Senate Bill 6 be amended to read as follows:

Page 7, between lines 14 and 15, begin a new paragraph and insert: "SECTION 3. IC 31-19-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. A court may not grant a petition for adoption filed by:

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or
- (2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:
 - (A) by using or threatening the use of deadly force;
 - (B) while armed with a deadly weapon; or
 - (C) that resulted in serious bodily injury.

SECTION 4. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or
- (2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 45-42-4-9) against a child less than sixteen (16) years of age:
 - (A) by using or threatening the use of deadly force;
 - (B) while armed with a deadly weapon; or
 - (C) that resulted in serious bodily injury.

SECTION 5. IC 31-37-19-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.5. (a) This section applies to a child at least twelve (12) years of age who is adjudicated a delinquent child for committing an act that would be child molesting (IC 35-42-4-3) if committed by an adult and:

- (1) is committed by using or threatening the use of deadly force or while armed with a deadly weapon; or
- (2) that results in serious bodily injury.

(b) Notwithstanding any other provision of this chapter, a juvenile court shall transfer wardship of a child described in subsection (a) to the department of correction until the child becomes twenty-one (21) years of age.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section."

Page 8, between lines 26 and 27, begin a new paragraph and insert: "SECTION 7. IC 35-42-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who, with a child under fourteen (14) years of age, performs or submits to sexual intercourse or deviate sexual conduct commits child molesting, a Class B felony. However, the offense is a Class A felony if:

- (1) it is committed by a person at least twenty-one (21) years of age;
- (2) it is committed by using or threatening the use of deadly force or while armed with a deadly weapon;
- (3) it results in serious bodily injury; or
- (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(b) A person who, with a child under fourteen (14) years of age, performs or submits to any fondling or touching, of either the child or the older person, with intent to arouse or to satisfy the sexual desires of either the child or the older person, commits child molesting, a Class C felony. However, the offense is a Class A felony if:

- (1) it is committed by using or threatening the use of deadly force;
- (2) it is committed while armed with a deadly weapon; or
- (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

(c) It is a defense that the accused person reasonably believed that the child was sixteen (16) years of age or older at the time of the conduct.

(d) Notwithstanding IC 35-50-2-2, a person who is at least twenty-one (21) years of age who commits child molesting:

- (1) while committing or attempting to commit:
 - (A) criminal confinement (IC 35-42-3-3); or
 - (B) kidnapping;
- (2) by using or threatening the use of deadly force or while armed with a deadly weapon; or
- (3) that results in serious bodily injury;

shall receive a mandatory nonsuspendible minimum sentence of at least twenty-five (25) years. A person sentenced under this subsection does not earn credit time under IC 35-50-6-3 and is not eligible for credit time under IC 35-50-6-3.3 or any other statute or rule."

Page 8, between lines 41 and 42, begin a new paragraph and insert: "SECTION 9. IC 35-50-2-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) As used in this section, "severe bodily injury" means an injury that creates a substantial risk of death or causes:

- (1) serious permanent disfigurement;
- (2) protracted loss or impairment of the function of a bodily member or organ; or
- (3) death.

(b) The state may seek, on a page separate from the rest of a charging instrument, to have a person who allegedly committed an offense sentenced to an additional fixed term of imprisonment as a child batterer if the state can show beyond a reasonable doubt that the person:

- (1) was at least twenty-one (21) years of age at the time the person committed the offense; and
- (2) knowingly or intentionally inflicted severe bodily injury on a child less than fourteen (14) years of age.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered

on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) If the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person was at least twenty-one (21) years of age at the time the person committed the offense, and that the person knowingly or intentionally inflicted severe bodily injury on a child less than fourteen (14) years of age, the court shall sentence the person to an additional nonsuspendible fixed term of imprisonment of twenty-five (25) years.

(e) A person sentenced under this section does not earn credit time under IC 35-50-6-3 for the enhancement imposed under this section and is not eligible for credit time under IC 35-50-6-3.3 or any other statute or rule for the enhancement imposed under this section."

Page 15, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 15. [EFFECTIVE JULY 1, 2006] (a) **IC 35-42-4-3, as amended by this act, applies only to crimes committed after June 30, 2006.**

(b) **IC 31-37-19-10.5 and IC 35-50-2-15, both as added by this act, apply only to acts committed after June 30, 2006."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 6 as printed February 17, 2006.)

BRIGHT

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Pelath withdrew the point of order.

The question then was on the motion of Representative Bright. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 12

Representative Foley called down Engrossed Senate Bill 12 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 12-1)

Mr. Speaker: I move that Engrossed Senate Bill 12 be amended to read as follows:

Page 4, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 4. IC 5-2-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) **As used in this section, "commission" means the commission for a drug free Indiana established by IC 5-2-6-16.**

(b) **Subject to subsections (c) and (d), a county fiscal body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free communities plan submitted by the local coordinating council and approved by the commission for a drug free Indiana established by IC 5-2-6-16 as follows:**

- (1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.
- (2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.
- (3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.
- (4) A county fiscal body shall annually appropriate the remaining money in the fund allocated by the county legislative body to be used by persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3).

(c) **In the comprehensive drug free communities plan, the local coordinating council shall determine the amount of funds the county fiscal body shall appropriate to implement the objectives approved in the comprehensive drug free communities plan.**

(d) **If the comprehensive drug free communities plan is not approved by the commission, the county fiscal body may not**

appropriate any funds at the request of the local coordinating council or any other local entity.

(e) **If funds are allocated by a county legislative body under subsection (b) and the commission has not approved the comprehensive drug free communities plan for the county, the commission may for cause:**

- (1) **approve and appoint a new local coordinating council for the county;**
- (2) **freeze funds allocated by the county legislative body; or**
- (3) **reevaluate the comprehensive drug free communities plan."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 12 as printed February 14, 2006.)

MESSER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 18

Representative T. Brown called down Engrossed Senate Bill 18 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 18-3)

Mr. Speaker: I move that Engrossed Senate Bill 18 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 11-10-4-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) **As used in this section, "mental health record" has the meaning set forth in IC 16-18-2-226.**

(b) **A psychiatrist or a mental health facility may, with or without the offender's consent, provide a copy of an offender's mental health record to a facility or an agency responsible for the incarceration of an offender. Any mental health records provided under this subsection shall become part of the offender's health record maintained by the facility or agency responsible for the incarceration of an offender.**

(c) **If an offender is transferred to a different facility, the offender's mental health records must be provided to the facility that is used to:**

- (1) **house; or**
- (2) **provide mental health treatment to;**

the offender, including a county jail or a community mental health center.

(d) **The department shall maintain health records for each offender incarcerated by the department. After an offender is released from incarceration, the department shall provide the offender's mental health records, if any, to a mental health facility or mental health provider who is providing mental health treatment to the offender."**

Page 2, between lines 24 and 25, begin a new paragraph and insert:
"SECTION 7. IC 16-39-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

- (1) To individuals who meet the following conditions:

(A) Are employed by:

- (i) the provider at the same facility or agency;
- (ii) a managed care provider (as defined in IC 12-7-2-127(b)); or
- (iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of services.

- (2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.
- (3) To the patient's court appointed counsel and to the Indiana

protection and advocacy services commission.

(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability, aging, and rehabilitative services, or the rules of the provider.

(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127(b)) who are operating under a contract with the division of mental health and addiction.

(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.

(7) To a law enforcement agency if any of the following conditions are met:

(A) A patient escapes from a facility to which the patient is committed under IC 12-26.

(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

(B) IC 12-17-2-16.

(C) IC 12-24-17-5.

(D) IC 16-41-2-3.

(E) IC 31-33-5-4.

(F) IC 34-30-16-2.

(G) IC 35-46-1-13.

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 11-10-4-9.

~~(B)~~ (B) IC 12-24-11-2.

~~(C)~~ (C) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

~~(D)~~ (D) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the

mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.

SECTION 8. IC 16-39-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) As used in this section, "association" refers to an Indiana hospital trade association founded in 1921.

(b) As used in this section, "data aggregation" means a combination of information obtained from the health records of a provider with information obtained from the health records of one (1) or more other providers to permit data analysis that relates to the health care operations of the providers.

(c) Except as provided in IC 16-39-4-5, the original health record of the patient is the property of the provider and as such may be used by the provider, **including a previous or subsequent provider**, without specific written authorization for legitimate business purposes, including the following:

(1) Submission of claims for payment from third parties.

(2) Collection of accounts.

(3) Litigation defense.

(4) Quality assurance.

(5) Peer review.

(6) Scientific, statistical, and educational purposes.

(d) In use under subsection (c), the provider shall at all times protect the confidentiality of the health record and may disclose the identity of the patient only when disclosure is essential to the provider's business use or to quality assurance and peer review.

(e) A provider may disclose a health record to another provider or to a nonprofit medical research organization to be used in connection with a joint scientific, statistical, or educational project. Each party that receives information from a health record in connection with the joint project shall protect the confidentiality of the health record and may not disclose the patient's identity except as allowed under this article.

(f) A provider may disclose a health record or information obtained from a health record to the association for use in connection with a data aggregation project undertaken by the association. However, the provider may disclose the identity of a patient to the association only when the disclosure is essential to the project. The association may disclose the information it receives from a provider under this subsection to the state department to be used in connection with a public health activity or data aggregation of inpatient and outpatient discharge information submitted under IC 16-21-6-6. The information disclosed by:

(1) a provider to the association; or

(2) the association to the state department; under this subsection is confidential.

(g) Information contained in final results obtained by the state department for a public health activity that:

(1) is based on information disclosed under subsection (f); and

(2) identifies or could be used to determine the identity of a patient;

is confidential. All other information contained in the final results is not confidential.

(h) Information that is:

(1) advisory or deliberative material of a speculative nature; or

(2) an expression of opinion;

including preliminary reports produced in connection with a public

health activity using information disclosed under subsection (f), is confidential and may only be disclosed by the state department to the association and to the provider who disclosed the information to the association.

(i) The association shall, upon the request of a provider that contracts with the association to perform data aggregation, make available information contained in the final results of data aggregation activities performed by the association in compliance with subsection (f).

(j) A person who recklessly violates or fails to comply with subsections (e) through (h) commits a Class C infraction. Each day a violation continues constitutes a separate offense.

(k) This chapter does not do any of the following:

- (1) Repeal, modify, or amend any statute requiring or authorizing the disclosure of information about any person.
- (2) Prevent disclosure or confirmation of information about patients involved in incidents that are reported or required to be reported to governmental agencies and not required to be kept confidential by the governmental agencies."

Renumber all SECTIONS consecutively.

(Reference is to ESB 18 as printed February 17, 2006.)

T. BROWN

Motion prevailed.

HOUSE MOTION (Amendment 18-1)

Mr. Speaker: I move that Engrossed Senate Bill 18 be amended to read as follows:

Page 2, between lines 24 and 25, begin a new paragraph and insert: "SECTION 6. IC 16-33-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The Silvercrest children's development center is established as a state center. **The center shall:**

- (1) remain open to treat students; and
- (2) continue to be funded by the state."

Renumber all SECTIONS consecutively.

(Reference is to ESB 18 as printed February 17, 2006.)

COCHRAN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Whetstone withdrew the point of order.

The question then was on the motion of Representative Cochran. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 47

Representative McClain called down Engrossed Senate Bill 47 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 47-4)

Mr. Speaker: I move that Engrossed Senate Bill 47 be amended to read as follows:

Page 3, line 10, delete "society" and insert "**society, including a child care ministry registered under IC 12-17.2-6**".

Page 3, after line 16, begin a new paragraph and insert:

"SECTION 2. IC 12-17.2-3.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) **Except as provided in subsection (f)**, a provider shall, at no expense to the state, maintain and make available to the division upon request a copy of a limited criminal history for:

- (1) the provider, if the provider is an individual;
- (2) if the provider operates a child care program in the provider's home, any individual who resides with the provider and who is:
 - (A) at least eighteen (18) years of age; or
 - (B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and
- (3) any individual who:
 - (A) is employed; or
 - (B) volunteers;

as a caregiver at the facility where the provider operates a child care program.

A provider shall apply for a limited criminal history for an individual described in subdivision (3) before the individual is employed or allowed to volunteer as a caregiver.

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

not listed on a limited criminal history obtained under subsection (a) regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the provider receives the limited criminal history required under subsection (a) from the state police department if:

- (1) the provider:
 - (A) has applied for the limited criminal history required under subsection (a); and
 - (B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer as a caregiver; and
- (2) the local criminal history does not reveal that an individual has been convicted of a:

- (A) felony;
- (B) misdemeanor related to the health or safety of a child;
- (C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
- (D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a limited criminal history is required under this section has been convicted of a:

- (1) felony;
- (2) misdemeanor related to the health or safety of a child;
- (3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
- (4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

until the individual is dismissed from employment or volunteer service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a limited criminal history is required under this section to report any criminal convictions of the individual to the provider.

(f) The state police department may not charge a child care ministry registered under IC 12-17.2-6 any fees or costs for responding to a request for a release of a limited criminal history record of a prospective or current employee, or a prospective or current volunteer, as described in IC 10-13-3-36(f)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 47 as printed February 17, 2006.)

McCLAIN

Motion prevailed.

HOUSE MOTION (Amendment 47-1)

Mr. Speaker: I move that Engrossed Senate Bill 47 be amended to read as follows:

Page 3, line 12, delete "or".

Page 3, between lines 13 and 14, begin a new line block indented and insert:

- "(3) a court appointed special advocate or guardian ad litem program; or**
- (4) a volunteer advocate for seniors program;"**

(Reference is to ESB 47 as printed February 17, 2006.)

AVERY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 83

Representative Torr called down Engrossed Senate Bill 83 for second reading. The bill was reread a second time by title.

HOUSE MOTION
(Amendment 83-2)

Mr. Speaker: I move that Engrossed Senate Bill 83 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert:
"(e) Notwithstanding IC 35-50-2-2 and IC 35-50-3-1, the mandatory minimum sentence imposed under subsection (d) may not be suspended."

(Reference is to ESB 83 as printed February 17, 2006.)

TORR

Motion prevailed.

HOUSE MOTION
(Amendment 83-3)

Mr. Speaker: I move that Engrossed Senate Bill 83 be amended to read as follows:

Page 3, between lines 14 and 15, begin a new paragraph and insert:
"SECTION 3. [EFFECTIVE UPON PASSAGE] The legislative council shall assign an interim or a statutory committee to study the topic of high speed police pursuits. The committee shall address the following issues:

- (1) The benefits and risks of high speed police pursuits.**
- (2) Adoption of pursuit policies by law enforcement agencies.**
- (3) The factors a law enforcement officer must consider before beginning, continuing, or ending a pursuit.**
- (4) Any other related matter the committee determines necessary."**

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 5. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to ESB 83 as printed February 17, 2006.)

BARDON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 87

Representative Gutwein called down Engrossed Senate Bill 87 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 87-2)

Mr. Speaker: I move that Engrossed Senate Bill 87 be amended to read as follows:

Page 7, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 14. IC 14-22-20-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006.]: Sec. 5. (a) Subject to subsection (b), any of the following is considered a taking that requires compensation to the owner of an enclosed hunting facility that conducts a hunting business at the facility:

- (1) The closure of the enclosed hunting facility by the state.**
- (2) The revocation by the department of a license issued under this chapter if the revocation has the effect of precluding the operation of the enclosed hunting facility.**
- (3) The failure of the department to renew a license issued under this chapter if the revocation has the effect of precluding the operation of the enclosed hunting facility.**

(b) Subsection (a) applies only if the owner of the enclosed hunting facility meets all legal requirements for the operation of the facility.

(c) The compensation under subsection (a) is based on the fair market value of the hunting business conducted by the owner of the enclosed hunting facility at the facility.

(d) The department shall:

- (1) commission an independent appraiser to determine the market value of the hunting business under subsection (c); and**
- (2) pay the compensation under subsection (a) from the department's general operating budget."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 87 as printed February 17, 2006.)

GRUBB

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Yeas 49, nays 42. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 111

Representative T. Brown called down Engrossed Senate Bill 111 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 111-1)

Mr. Speaker: I move that Engrossed Senate Bill 111 be amended to read as follows:

Page 1 between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-9-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This subsection applies before July 1, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and**
- (2) lunches are served to students.**

(b) This subsection applies after June 30, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and**
- (2) lunches are served to students."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 111 as printed February 21, 2006.)

DAY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 112

Representative Woodruff called down Engrossed Senate Bill 112 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 112-3)

Mr. Speaker: I move that Engrossed Senate Bill 112 be amended to read as follows:

Page 13, line 29, delete ":".

Page 13, line 30, delete "(i)".

Page 13, line 33, delete "or".

Page 13, delete lines 34 through 35.

Page 14, delete line 1.

Page 14, line 4, delete "." and insert "; and".

Page 14, between lines 4 and 5, begin a new line double block indented and insert:

"(6) must require the division to waive the family's monthly copayments in any month for those services for which it receives payment from the family's health insurance coverage."

(Reference is to ESB 112 as printed February 17, 2006.)

WOODRUFF

Motion prevailed.

HOUSE MOTION
(Amendment 112-4)

Mr. Speaker: I move that Engrossed Senate Bill 112 be amended to read as follows:

Page 21, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 53. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) As used in this SECTION, "net worth" has the meaning set forth in IC 27-13-12-1.

(b) Notwithstanding IC 27-13-12, the department of insurance may accept from a health maintenance organization, instead of meeting the minimum net worth requirements, either:

- (1) a performance bond; or
(2) a cash deposit;

in an amount equal to the difference between the minimum net worth requirement set forth in IC 27-13-12 and the risk based capital requirement imposed under IC 27-1-36.

(c) This SECTION expires July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 112 as printed February 17, 2006.)

T. BROWN

Upon request of Representatives Crawford and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 227: yeas 60, nays 34. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 145

Representative Duncan called down Engrossed Senate Bill 145 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 145-1)

Mr. Speaker: I move that Engrossed Senate Bill 145 be amended to read as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert: "SECTION 2. IC 9-13-2-92, AS AMENDED BY P.L.210-2005, SECTION 8, AND AS AMENDED BY P.L.227-2005, SECTION 8, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 92. (a) "Law enforcement officer", except as provided in subsection (b), includes the following:

- (1) A state police officer.
- (2) A city, town, or county police officer.
- (3) A sheriff.
- (4) A county coroner.
- (5) A conservation officer.
- (6) *An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).*
- ~~(6) (7) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.~~

(8) An excise police officer of the alcohol and tobacco commission.

(b) "Law enforcement officer", for purposes of IC 9-30-5, IC 9-30-6, IC 9-30-7, IC 9-30-8, and IC 9-30-9, has the meaning set forth in IC 35-41-1.

SECTION 3. IC 9-13-2-127, AS AMENDED BY P.L.210-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 127. (a) "Police officer" means, except as provided in subsection (b), the following:

- (1) A regular member of the state police department.
- (2) A regular member of a city or town police department.
- (3) A town marshal or town marshal deputy.
- (4) A regular member of a county sheriff's department.
- (5) A conservation officer of the department of natural resources.
- (6) An individual assigned as a motor carrier inspector under IC 10-11-2-26(a).

(7) An excise police officer of the alcohol and tobacco commission.

(b) "Police officer", for purposes of IC 9-21, means an officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations".

Renumber all SECTIONS consecutively.

(Reference is to ESB 145 as printed February 21, 2006.)

STUTZMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 173

Representative Behning called down Engrossed Senate Bill 173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 206

Representative Buell called down Engrossed Senate Bill 206 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 206-1)

Mr. Speaker: I move that Engrossed Senate Bill 206 be amended to read as follows:

Page 1, line 15, delete "." insert "**in the last five (5) years.**".

(Reference is to ESB 206 as printed February 17, 2006.)

KUZMAN

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Yeas 55, nays 33. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 191

Representative Ruppel called down Engrossed Senate Bill 191 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 310

Representative Behning called down Engrossed Senate Bill 310 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 332

Representative Buell called down Engrossed Senate Bill 332 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 354

Representative Ulmer called down Engrossed Senate Bill 354 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 354-1)

Mr. Speaker: I move that Engrossed Senate Bill 354 be amended to read as follows:

Page 7, line 15, delete "A" and insert "**For land that was originally classified after June, 30, 2006, a**".

(Reference is to ESB 354 as printed February 14, 2006.)

FRIEND

Motion prevailed.

HOUSE MOTION (Amendment 354-4)

Mr. Speaker: I move that Engrossed Senate Bill 354 be amended to read as follows:

Page 2, line 9, delete "is" and insert "**are**".

Page 9, delete lines 21 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 354 as printed February 14, 2006.)

DVORAK

Motion failed.

HOUSE MOTION (Amendment 354-3)

Mr. Speaker: I move that Engrossed Senate Bill 354 be amended to read as follows:

Page 9, between lines 40 and 41, begin a new paragraph and insert: "SECTION 29. IC 14-23-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Pro rata payments to a county shall be made at the close of each fiscal year on a fiscal year basis. The payments shall be made to the county by certification on the part of the department of the specific amounts due the county upon submission by the county of state vouchers stating the amounts due. The payments shall be made by the department in the same manner and procedure as other voucher claims upon the state are paid.

(b) **Subject to subsection (c)**, fifty percent (50%) of the payments made to each county under this section shall be appropriated and equally distributed to the volunteer fire departments within the county that have a cooperative lease agreement or contract with the division of forestry. ~~However,~~

(c) Unless the county legislative body allows a greater distribution, each fire department is limited to receiving a maximum annual distribution under this section of one thousand dollars

(\$1,000).".

Renumber all SECTIONS consecutively.
(Reference is to ESB 354 as printed February 14, 2006.)

OXLEY

Motion prevailed.

HOUSE MOTION (Amendment 354-2)

Mr. Speaker: I move that Engrossed Senate Bill 354 be amended to read as follows:

Page 9, delete lines 34 through 40.

Renumber all SECTIONS consecutively.

(Reference is to ESB 354 as printed February 14, 2006.)

PIERCE

Upon request of Representatives Pierce and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 228: yeas 31, nays 65. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 384

Representative Saunders called down Engrossed Senate Bill 384 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred Engrossed Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by the consolidated fire department taxing district established in IC 36-3-1-6.4 to pay or fund the following:**

(1) Any indebtedness of a township or an excluded city assumed, defeased, paid, or refunded by the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3.

(2) Any indebtedness issued by the consolidated city, after the consolidated fire department is established, to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

SECTION 2. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999

for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, if a consolidated fire department is established under IC 36-3-1-6.1, sixty-six percent (66%) of the revenues to be distributed as distributive shares during each month to the townships listed in this section are to be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, commencing with the calendar year following that consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

SECTION 3. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) If:

(1) the legislative body of the consolidated city ~~and the governing body of the airport authority may adopt substantially similar ordinances providing that~~ adopts an ordinance under IC 36-3-1-6.1 providing that:

(A) the fire department of the airport authority is consolidated into the fire department of the consolidated city ~~created by IC 36-3-1-6.1; and that~~

(B) the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~if ordinances are adopted under this section;~~

~~and the executive of the consolidated city approves the ordinance; and~~

(2) the legislative body of the consolidated city adopts an ordinance under IC 36-3-1-6.1 adopting the transition plan and the executive of the consolidated city approves the ordinance;

the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances: **January 1, 2008.**

(c) The legislative body of the consolidated city ~~and the governing body of the airport authority may adopt substantially similar ordinances an ordinance under IC 36-3-1-5.1 providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city created by IC 36-3-1-5.1, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. If ordinances are adopted under this section; the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances:".~~

Delete pages 2 through 19.

Page 20, delete lines 1 through 29.

Page 21, delete lines 19 through 42, begin a new paragraph and insert:

"SECTION 6. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied; The legislative body of the consolidated city may adopt an ordinance approved by the executive of the consolidated city to consolidate the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):~~

(1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.

(2) Any fire protection territory established under IC 36-8-19 that is located in a ~~township described in subdivision (1):~~ county having a consolidated city.

(3) The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.

However, an ordinance may be adopted under this subsection only before August 1, 2006. Notwithstanding any other provision, an ordinance adopted under this subsection after July 31, 2006, is not effective.

(b) The legislative body of the consolidated city may not adopt an ordinance under subsection (a) unless the legislative body first:

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate fire protection can be provided through the consolidation; and

(B) the consolidation is in the public interest.

(c) If the requirements of subsection (a) are satisfied, the metropolitan board of fire commissioners is established. The board consists of the following members:

(1) The executive of the consolidated city, who shall serve as the board's chairperson.

(2) The nine (9) township trustees in the county containing a consolidated city.

(3) Two (2) members of the legislative body of the consolidated city, who must be from different political parties, appointed by the president of the legislative body of the consolidated city.

At the board's first meeting, the members of the board shall elect a vice chairperson. Meetings of the board shall be called by the chairperson or by the vice chairperson and any two (2) other members. An affirmative vote of a majority of the members appointed to the board is required for the board to take final action. The members of the board may not receive a salary or per diem for participation on the board.

(d) The board established under subsection (c) shall prepare a transition plan to integrate the functions and personnel of the fire departments consolidated into the fire department of the consolidated city. If the board votes to adopt the transition plan, the board shall submit the plan to the legislative body of the consolidated city. If:

(1) before January 1, 2008, the legislative body adopts an ordinance by a majority vote that adopts the transition plan; and

(2) the executive of the consolidated city approves the ordinance adopted under subdivision (1);

the fire department consolidation becomes effective January 1, 2008.

(e) The board established under subsection (c) shall conduct budget hearings and before August 1, 2007, submit a budget proposal for the consolidated fire department to the legislative body of the consolidated city for approval. If the board established under subsection (c) does not adopt a transition plan before August 1, 2007, the legislative body of the consolidated city may prepare a transition plan to consolidate the fire departments into the fire department of the consolidated city. If:

(1) before January 1, 2008, the legislative body adopts an ordinance by a majority vote that adopts the transition plan; and

(2) the executive of the consolidated city approves the ordinance adopted under subdivision (1);

the fire department consolidation becomes effective on January 1, 2008. However, notwithstanding any other statute, if the legislative body does not adopt a transition plan until after December 31, 2007, the effective date of the consolidation is not January 1, 2008, but is instead the date specified by the legislative body in the ordinance adopting the transition plan.

(f) Subject to subsection (g), beginning January 1, 2008, the board established under subsection (c) has the following duties and responsibilities:

(1) The board shall approve:

(A) station closings and equipment relocations; and

(B) a plan to integrate all merit positions into the consolidated fire department.

(2) The board shall oversee all assets of the consolidated fire department and monitor all reallocation of assets.

(3) The board shall appoint one (1) member to the merit commission of the consolidated fire department. This member:

(A) shall serve until the board expires on December 31, 2010; and

(B) shall replace a member appointed by the mayor of the consolidated city.

Notwithstanding any other law, the mayor shall designate which of the mayor's appointees to the merit board is removed from the merit board and replaced by the member appointed under this subdivision.

(4) The board shall conduct budget hearings and submit a budget proposal for the consolidated fire department to the legislative body of the consolidated city for approval.

(5) The board shall approve all equipment and facility purchases for the consolidated fire department.

(6) The board shall nominate three (3) candidates for fire chief of the consolidated fire department. The executive shall select a fire chief from the candidates nominated by the board.

(7) The board shall provide advice and make recommendations to the chief of the consolidated fire department regarding the operation of the consolidated fire department and the provision of emergency medical services.

(8) The board shall review labor agreements assumed or to be assumed by the consolidated city and make recommendations concerning labor agreements needed to integrate firefighters from all townships into the consolidated fire department.

(9) The board is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(10) The board shall meet at least once each month.

(g) The board expires December 31, 2010. Upon expiration of the board, the duties and responsibilities set forth in subsection (f) revert to the government body or officer of the consolidated city that had the duty or responsibility before the effective date of the consolidation.

(b) If the requirements of subsection (g) are satisfied, (h) Except as provided in section 6.3 of this chapter, if a consolidated fire department is established under this section the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied the consolidated fire department taxing district beginning on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: January 1, 2008.

(c) (i) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department departments consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located: January 1, 2008. In the case of a building that was partially funded from sources other than taxes imposed for fire protection purposes, only that portion of the building that was funded from taxes imposed for fire protection purposes and that is used by the township for fire protection purposes shall be transferred to the consolidated city. Any balance in a township's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before January 1, 2008, shall not be transferred to the consolidated city but shall be

transferred first to a dedicated township fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the township has any unfunded liability for pension obligations for township firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the township before January 1, 2008. However, if a township has not established another cumulative fund or rainy day fund before January 1, 2008, into which any remaining balance may be transferred, the remaining balance shall instead be transferred to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund. The balances in any rainy day funds established by a township for any purpose are not transferred to the consolidated city. The Emergency Services Education Center in Wayne Township shall remain the property of Wayne Township and shall not be transferred to the consolidated city.

(d) (j) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation: January 1, 2008. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect on the effective date of the consolidation; and

(2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) (k) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by:

(1) the entity; or

(2) a building, holding, or leasing corporation on behalf of the entity;

whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city and may be paid from property taxes imposed by the consolidated fire department taxing district. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness, the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness. However, the consolidated city may not assume all or any part of the indebtedness that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur. The rights of the trustee and the bondholders with respect to any:

(1) bonds or other indebtedness; or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness;

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all of those powers, duties, agreements, and liabilities. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) (l) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department departments that is are consolidated are dissolved on the effective date of the consolidation, and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated

fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city, the legislative body of the consolidated city may adopt an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (m) The following apply if the requirements of subsection (g) are satisfied: fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-19 and IC 36-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established:

The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) (3) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township entities listed in subsection (a) are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the police special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) (4) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and for before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 7. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter.

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 8. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) A consolidated fire department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

(1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.

(2) The ordinances described in subdivision (1) must:

(A) specify the effective date of the consolidation; and

(B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b), all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city. Any balance in an excluded city's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before the effective date of the consolidation shall not be transferred to the consolidated city but shall be transferred first to a dedicated city fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the excluded city has any unfunded liability for pension obligations for its firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the excluded city before the effective date of the consolidation. However, if the excluded city has not established another cumulative fund or rainy day fund before the effective date of the consolidation into which any remaining balance may be transferred, the remaining balance shall instead be transferred to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund. The balances in any rainy day funds established by an excluded city for any purpose are not transferred to the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (b); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b).

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (f), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in

subsection (f) that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) indebtedness or bonds; or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the consolidated fire department.

(l) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), commencing with the calendar year following consolidation and for each year thereafter, the excluded city's monthly distributive share of county option income tax revenues distributed under IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the ordinances adopted under subsection (b), and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

(m) If an excluded city consolidates its fire department into the consolidated fire department under subsection (b) before December 31, 2010, the excluded city shall appoint one (1) representative to the metropolitan board of fire commissioners as a full voting member.

SECTION 9. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.4. (a) This section applies only to a county having a consolidated city and only if a consolidated fire department is established in the county under section 6.1 of this chapter.

(b) As used in this section, "taxing district" refers to the consolidated fire department taxing district established in subsection (c).

(c) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated fire department taxing district is established in the county. The taxing district consists of all territory in the county except territory of an excluded city that has not consolidated its fire department under section 6.3 of this chapter.

(d) The taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

(1) Providing fire protection services and emergency ambulance services within the territory of the taxing district and providing for the operation of the consolidated fire department.

(2) Providing any equipment, buildings, or land that is necessary for the consolidated fire department and for providing fire protection services and emergency ambulance services within the territory of the taxing district.

The property tax levy under this section is separate from other property tax levies of the consolidated city, and a separate maximum permissible property tax levy shall be collected for the

taxing district. All revenue collected from the tax levied under this subsection shall be deposited in a consolidated fire department fund.

(e) The taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

- (1) Any indebtedness assumed, defeased, paid, or refunded under section 6.1 or 6.3 of this chapter.
- (2) Any indebtedness issued by the consolidated city, either before or after the consolidated fire department is established, to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

The property tax levy collected under this subsection shall be deposited in a consolidated fire department debt service fund.

(f) Money in the consolidated fire department fund shall be used for the purposes described in subsection (d), and money in the consolidated fire department debt service fund shall be used for the purposes described in subsection (e). The county auditor shall administer the funds and is responsible for the issuance of warrants for payments from the funds. The county auditor may take actions necessary to administer the funds without the approval of the controller of the consolidated city.

(g) Property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the consolidated city on January 1, 2008, may be levied only by the fire special service district created by section 6 of this chapter within the territory of the fire special service district and may not be levied by the taxing district.

(h) In the case of a township or an excluded city that consolidates its fire department under this section:

- (1) the liability for the payment of pension obligations under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the township or excluded city at the time of the consolidation remains with the township or excluded city; and
- (2) property taxes to fund the township's or excluded city's pension obligation described in subdivision (1) may be imposed by the township or excluded city only within the township or excluded city.

(i) For property taxes first due and payable in the first calendar year in which property taxes are imposed by the consolidated city under this section in the taxing district, the maximum permissible ad valorem property tax levy of the taxing district under IC 6-1.1-18.5 is equal to the sum of:

- (1) the sum of the property tax levies for taxes first due and payable in the preceding year for fire protection and related services (excluding debt) by each:
 - (A) township;
 - (B) airport authority; or
 - (C) fire protection territory;

whose fire department is consolidated into the fire department of the consolidated city under section 6.1 of this chapter, excluding amounts paid for pension obligations under IC 36-8-7 for members of the 1937 firefighters fund;

- (2) the amount paid from the consolidated city's property tax levy during the preceding year for fire protection and related services (excluding debt); and
- (3) the amount paid from the fire special service district's property tax levy during the preceding year for fire protection and related services, excluding amounts paid from the fire special service district's property tax levy to pay the consolidated city's pension obligation under IC 36-8-7 for members of the 1937 firefighters' pension fund.

However, the department of local government finance shall adjust any budgets, tax rates, and tax levies of the consolidated city, townships in the county, the taxing district, excluded cities that have consolidated fire departments under section 6.3 of this chapter, and the airport authority as necessary to reflect the establishment of a consolidated fire department.

(j) For property taxes first due and payable in the first calendar year in which property taxes are imposed by the consolidated city under this section in the taxing district, the

maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

- (1) is decreased for each township, the airport authority, and any fire protection territory by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (i)(1) from the township, airport authority, or fire protection territory;
- (2) is decreased for the consolidated city by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (i)(2); and
- (3) is decreased for the fire special service district by an amount equal to the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (i)(3).

SECTION 10. IC 36-3-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies if:

- (1) a township fire department, fire protection district, or fire protection territory is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and
- (2) the township fire department, fire protection district, or fire protection territory has at least one (1) full-time, fully paid firefighter.

(b) A firefighter described in subsection (a)(2) is entitled to employment as a full-time, fully paid firefighter of the fire department of the consolidated city at not less than:

- (1) the same merit or permanent rank; or
- (2) a rank in the merit system of the fire department of a consolidated city that is equivalent to the merit or permanent rank;

that the firefighter held on the later of the date this section was enacted into law or the date the firefighter fills a vacant position through a merit testing process.

(c) The fire department of:

- (1) the consolidated city; and
- (2) the township, fire protection district, or fire protection territory;

may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the consolidation because of or to facilitate the consolidation.

(d) This section does not prohibit a fire department, fire protection district, or fire protection territory from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending, reducing in rank, or discharging the firefighter.

(e) This section does not apply to a firefighter employed by the airport authority on the effective date of the consolidation.

SECTION 11. IC 36-3-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies after June 30, 2006.

(b) As used in this section, "relative" means:

- (1) a husband;
- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or
- (12) a nephew.

(c) An individual who is a relative of a member of a board, committee, council, or commission or the head of any office, department, or institution may not:

- (1) be employed in any position with the:
 - (A) board, committee, council, or commission of which the individual's relative is a member; or
 - (B) office, department, or institution that is headed by the individual's relative; or

(2) receive any compensation as an employee for services from any appropriation by a political subdivision subject to this chapter.

(d) An individual may not be employed in a position in which the individual would have a direct supervisory or subordinate relationship with the individual's relative.

(e) This section does not apply to the following:

(1) An individual employed in the same position with the board, committee, council, commission, office, department, or institution for at least twelve (12) consecutive months immediately before the appointment or election of the individual's relative as a member of the board, committee, council, or commission or head of the office, department, or institution.

(2) The employment of any law enforcement officer or firefighter who is under the jurisdiction of a merit commission established under IC 36-8-3.5.

(f) This section does not require the termination or reassignment of any employee of a political subdivision from any position held by that individual on and continuously after June 30, 2006."

Delete page 22.

Page 23, delete lines 1 through 18.

Page 24, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 14. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. Notwithstanding IC 36-8-7, if a consolidated fire department is established under IC 36-3-1-6.1, the city-county legislative body shall adopt an ordinance to levy a property tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14 for persons who are employees or retired employees of the consolidated city on January 1, 2008."

Page 24, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 16. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1, in the name of:

- (1) a township;
- (2) an airport authority;
- (3) a fire protection territory; or
- (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1.

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.3 by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3.

SECTION 17. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Township Review Board

Sec. 1. This chapter applies only to a county containing a consolidated city.

Sec. 2. As used in this chapter, "board" refers to the township review board established by section 3 of this chapter.

Sec. 3. The township review board is established.

Sec. 4. (a) The board consists of the following members:

- (1) The deputy mayor for public and neighborhood affairs of the consolidated city, who shall serve as the board chairperson.
- (2) The township trustee of each of the nine (9) townships in the county.

(3) One (1) member appointed by the president of the city-county council.

(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) An appointing authority must make appointments under subsection (a) not later than July 1, 2006.

(c) The deputy mayor for public and neighborhood affairs must call the first meeting of the board before August 1, 2006. At the first meeting of the board, the members of the board shall elect a chairperson.

(d) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

Sec. 6. Members of the board are not entitled to any salary or per diem for participation on the board.

Sec. 7. The board shall do the following:

(1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.

(2) Make recommendations concerning the number and location of community resource centers in the county.

(3) Identify city and township services that may be provided jointly or through interlocal cooperation agreements, and make recommendations concerning the joint location of those services with other federal, state, or local government agencies.

(4) Identify which of the services provided by the township trustees or recommended to be transferred to township trustees may be located in the community resource centers.

(5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.

(6) Review functions performed in the county by township trustees under IC 36-6-4-3 and make recommendations concerning any statutory changes necessary to achieve greater efficiency and lower costs in the provision of those services.

(7) Identify any services performed by the state under IC 12-8 that should be transferred to or administered jointly with townships in the county.

(8) Review the operation of small claims courts in the county.

(9) Study and make recommendations concerning the role and composition of the existing township board structure.

(10) Provide a report before December 31 of each year to the legislative body of the county containing a consolidated city and in an electronic format under IC 5-14-6 to the legislative council.

Sec. 8. (a) The board is abolished December 31, 2008.

(b) This chapter expires January 1, 2009.

SECTION 18. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1**, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 19. IC 36-8-4.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to a police ~~or fire~~ special service district created by IC 36-3-1-6 **and to a consolidated fire department established under IC 36-3-1-6.1.**

SECTION 20. IC 36-8-4.3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** shall pay for the care of:

- (1) a full-time, paid police officer who:
 - (A) suffers an injury; or
 - (B) contracts an illness;
 during the performance of the officer's duty; or
- (2) a full-time, paid firefighter who:
 - (A) suffers an injury; or
 - (B) contracts an illness;
 during the performance of the firefighter's duty.

(b) The special service district **or the consolidated fire department established under IC 36-3-1-6.1** shall pay for the following expenses incurred by a police officer or firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the special service district.

(d) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** that has paid for the care of a police officer or firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer or firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The special service district's **or consolidated fire department's** cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer or firefighter against the third party.

SECTION 21. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;
- (4) a park ranger who:
 - (A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in

another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 ~~provided that or IC 36-3-1-6.3~~; **however**, the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 22. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) **For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:**

(A) **before the date the consolidation is effective, the local board described in IC 36-8-7-3; and**

(B) **on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.**

~~(4)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(5)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) **If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:**

(1) **before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

(2) **on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

SECTION 23. IC 36-8-8-7, AS AMENDED BY P.L.227-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in

subsections (d), (e), (f), (g), (h), (k), (l), ~~and (m): and (n):~~

- (1) a police officer; or
- (2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and
- (3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) was rehired after April 30, 1977, but before February 1, 1979; and
- (4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

- (1) was hired by the police or fire department of a unit before May 1, 1977;
- (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);
- (3) is rehired by the police or fire department of another unit after December 31, 1981; and
- (4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

- (1) is employed by a unit that is participating in the 1977 fund;
- (2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;
- (3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and
- (4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

- (1) a fire chief under a waiver under IC 36-8-4-6(c); or
- (2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**
- (2) whose employer is consolidated into the **consolidated law enforcement department or the fire department** of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police officer or firefighter who:

- (1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1, provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) has the provision of those services consolidated into the **consolidated law enforcement department or the fire department** of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and
- (3) after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

- (1) may not be:
 - ~~(1) (A)~~ retired for purposes of section 10 of this chapter; or
 - ~~(2) (B)~~ disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; and
- (2) **shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).**

SECTION 24. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all units except counties. **However, this chapter applies to a county containing a consolidated city if a consolidated fire department is established under IC 36-3-1-6.1.**

SECTION 25. IC 36-8-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To provide for the cumulative building and equipment fund established under this

chapter, the legislative body may levy a tax on all taxable property within the ~~taxing district unit, fire protection district, or territory of a consolidated fire department taxing district~~ in compliance with IC 6-1.1-41. The tax rate may not exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation of property in the ~~taxing district unit, fire protection district, or consolidated fire department taxing district~~.

(b) As the tax is collected, it shall be deposited in a qualified public depository or depositories and held in a special fund to be known as:

(1) the "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality ~~or consolidated fire department taxing district; or as~~

(2) the "building or remodeling and fire equipment fund" in the case of a township or fire protection district.

(c) **Notwithstanding IC 6-1.1-41 or any other law, if a consolidated fire department is established under IC 36-3-1-6.1:**

(1) **a cumulative building and equipment fund is established for the county containing a consolidated city; and**

(2) **the legislative body of the county containing a consolidated city may levy a tax under this chapter beginning in the calendar year following the year in which the consolidated fire department is established.**

A tax levied under this chapter by a county containing a consolidated city may only be levied within the territory of the consolidated fire department taxing district.

SECTION 26. [EFFECTIVE UPON PASSAGE] **The general assembly finds that the consolidated city and townships in the county containing a consolidated city are unique because of their size, population density, and absence of unincorporated areas.**

SECTION 27. [EFFECTIVE UPON PASSAGE] **The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.**

SECTION 28. **An emergency is declared for this act."**

Delete pages 25 through 35.

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

BUCK, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Engrossed Senate Bill 27, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~Construction:~~ (a) This title is an exercise of the police powers of the state.

(b) The classifications and differentiations made in this title are real and are actually and substantially related to the accomplishment of the purposes of this title. ~~The provisions of this title shall be liberally construed so as to effectuate the purposes of this title.~~

(c) **A permittee has only powers expressly granted by statute and the rules of the commission.**

(d) **In accordance with IC 1-1-1-8, if any provision of this title is held to be invalid or unconstitutional, it is the intention of the state that the remaining provisions of the affected chapter be construed to:**

(1) **further limit rather than expand commerce in alcoholic beverages; and**

(2) **maintain a transparent and accountable three (3) tier system of alcoholic beverage distribution by a person with a substantial presence in Indiana.**

SECTION 2. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 40.5. "Sales clerk" means a person who:**

(1) **rings up; or**

(2) **otherwise records;**

an alcoholic beverage sale in the course of the person's employment in a dealer establishment.

SECTION 3. IC 7.1-2-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The commission shall have the power to regulate and prohibit advertising, signs, displays, posters, and designs intended to advertise an alcoholic beverage or the place where alcoholic beverages are sold.

(b) The commission shall not exercise the prohibition power contained in subsection (a), as to any advertisement appearing in a newspaper which:

(1) is published at least once a week;

(2) regularly publishes information of current news interest to the community; and

(3) circulates generally to the public in any part of this state, regardless of where printed.

However, a newspaper shall not include publications devoted to special interests such as labor, religious, fraternal, society, or trade publications or journals, or publications owned or issued by political organizations or parties.

(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. However, it is unlawful for a primary source of supply or a wholesaler of alcoholic beverages to sell, give, supply, furnish, or grant to, or maintain for, a retail or dealer permittee an illuminated advertising sign **in a manner that violates the trade practice restrictions of the commission or this title**. It is unlawful for a retail or dealer permittee to receive, accept, display, or permit to be displayed, an illuminated advertising sign sold, given, supplied, furnished, granted, or maintained in violation of this subsection. **When a recipient receives an illuminated sign, the illuminated sign becomes the property and responsibility of the recipient.**

(g) The commission may not prohibit the advertisement of:

(1) alcoholic beverages; or

(2) a place where alcoholic beverages may be obtained;

in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

SECTION 4. IC 7.1-3-1-14, AS AMENDED BY P.L.224-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used

primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(e) Notwithstanding subsection (b), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31, from 10 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

SECTION 5. IC 7.1-3-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

- (1) A consolidated city or its county.
- (2) A city of the second class.
- (3) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).
- (4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).
- (5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).
- (6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (7) A city having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).
- (8) A county having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).
- (9) A county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

- (1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and
- (2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

- (1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and
- (2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that

(1) has a population of:

- (A) more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); or**

(B) more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000); and

(2) owns a golf course

may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

- (1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and
- (2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

- (1) A city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).
- (4) A city having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).
- (5) A city having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

- (1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or
- (2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued."

Page 2, line 24, delete "alcohol" and insert "**alcoholic**".

Page 6, between lines 11 and 12, begin a new paragraph and insert: "SECTION 21. IC 7.1-3-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **Application:** The commission may issue a brewer's permit to a person who desires to commercially manufacture beer in Indiana."

SECTION 22. IC 7.1-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), the commission may issue a brewer's permit only to:

- (1) an individual;
- (2) a partnership ~~all the partners of which are bona fide residents of Indiana; domiciled in or admitted to do business in Indiana;~~
- (3) a limited liability company ~~all the members of which are bona fide residents of Indiana; domiciled in or admitted to do business in Indiana;~~
- (4) a corporation ~~organized and existing under the laws of Indiana, and having authority under its charter to manufacture or sell beer.~~

(b) The commission may issue a brewer's permit to a brewer for a brewery that manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year to:

- (1) an individual;
- (2) a partnership ~~organized and existing under the laws of Indiana; domiciled in or admitted to do business in Indiana;~~
- (3) a limited liability company ~~organized and existing under the laws of Indiana; domiciled in or admitted to do business in Indiana;~~

(4) a corporation organized and existing under the laws of domiciled in or admitted to do business in Indiana.

SECTION 23. IC 7.1-3-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The holder of a brewer's permit or an out-of-state brewer holding either a primary source of supply permit or an out-of-state brewer's permit may do only the following:

- (1) Manufacture beer.
- (2) Place beer in containers or bottles.
- (3) Transport beer.
- (4) Sell and deliver beer to a person holding a beer wholesaler's permit issued under IC 7.1-3-3.
- (5) If the brewer's brewery manufactures not more than twenty thousand (20,000) barrels of beer in a calendar year, do the following:

(A) Sell and deliver beer to a person holding a retailer or a dealer permit under this title.

(B) Be the proprietor of a restaurant.

(C) Hold a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant established under clause (B).

(D) Transfer beer directly from the brewery to the restaurant by means of:

- (i) bulk containers; or
- (ii) a continuous flow system.

(E) Install a window between the brewery and an adjacent restaurant that allows the public and the permittee to view both premises.

(F) Install a doorway or other opening between the brewery and an adjacent restaurant that provides the public and the permittee with access to both premises.

(G) Sell the brewery's beer by the glass for consumption on the premises. Brewers permitted to sell beer by the glass under this clause must furnish the minimum food requirements prescribed by the commission.

(H) Sell and deliver beer to a consumer at the plant of the brewer or at the residence of the consumer. The delivery to a consumer shall be made only in a quantity at any one (1) time of not more than one-half (½) barrel, but the beer may be contained in bottles or other permissible containers.

(6) If the brewer's brewery manufactures more than twenty thousand (20,000) barrels of beer in a calendar year, own a portion of the corporate stock of another brewery that:

(A) is located in the same county as the brewer's brewery;

(B) manufactures less than twenty thousand (20,000) barrels of beer in a calendar year; and

(C) is the proprietor of a restaurant that operates under subdivision (5).

~~(7) Sell and deliver beer to a consumer at the plant of the brewer or at the residence of the consumer. The delivery to a consumer shall be made only in a quantity at any one (1) time of not more than one-half (½) barrel, but the beer may be contained in bottles or other permissible containers.~~

~~(8) (7) Provide complimentary samples of beer that are:~~

(A) produced by the brewer; and

(B) offered to consumers for consumption on the brewer's premises.

~~(9) (8) Own a portion of the corporate stock of a sports corporation that:~~

(A) manages a minor league baseball stadium located in the same county as the brewer's brewery; and

(B) holds a beer retailer's permit, a wine retailer's permit, or a liquor retailer's permit for a restaurant located in that stadium.

~~(10) (9) For beer described in IC 7.1-1-2-3(a)(4):~~

(A) may allow transportation to and consumption of the beer on the licensed premises; and

(B) may not sell, offer to sell, or allow sale of the beer on the licensed premises.

SECTION 24. IC 7.1-3-5-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A holder of a beer

dealer's permit must have at least one (1) employee who:

(1) works on the licensed premises; and

(2) holds an employee's permit under IC 7.1-3-18-9.

(b) Beginning January 1, 2007, a holder of a beer dealer's permit must ensure that a sales clerk working on the licensed premises receives training approved by the commission and provided by an employee described in subsection (a).

(c) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 25. IC 7.1-3-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Persons Eligible for Permits:~~ The commission may issue a temporary beer permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in ~~IC 1971, 7.1-3-4-2(c), (h), and (m) and the residency requirements provided in IC 1971, 7.1-3-21-3, IC 7.1-3-4-2(a)(3), IC 7.1-3-4-2(a)(8), and IC 7.1-3-4-2(a)(13)~~ shall not apply to an applicant for a temporary beer permit.

SECTION 26. IC 7.1-3-10-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section does not apply to a package liquor store.

(b) Beginning January 1, 2007, and except as provided in subsection (c), a holder of a liquor dealer's permit must display liquor for sale in a clearly designated area that forbids the presence of a minor unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. Other alcoholic beverages may be displayed in a designated area where liquor is displayed under this subsection.

(c) The holder of a liquor dealer's permit is not required to comply with subsection (b) if the holder of the liquor dealer's permit:

(1) displays liquor in an area that does not exceed twenty-five (25) linear feet; and

(2) uses at least one (1) of the following security measures:

(A) The liquor is displayed behind a retail counter or in a locked display case.

(B) Each bottle of liquor for sale on the licensed premises has a security cap.

(C) The liquor is displayed adjacent to a pharmacy counter.

(d) Liquor may not be displayed within thirty (30) feet of a public entrance of a licensed premises.

(e) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 27. IC 7.1-3-10-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section does not apply to a package liquor store.

(b) A holder of a liquor dealer's permit must have at least one (1) employee who:

(1) works on the licensed premises; and

(2) holds an employee's permit under IC 7.1-3-18.

(c) Beginning January 1, 2007, a holder of a liquor dealer's permit must ensure that a sales clerk working on the licensed premises receives training approved by the commission and provided by an employee described in subsection (b).

(d) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 28. IC 7.1-3-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission may issue a farm winery permit to a person who is the proprietor of a farm winery and who desires to commercially manufacture wine. A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. ~~IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter.~~ The commission may not issue a farm winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year preceding the date of the application for a farm winery permit.

SECTION 29. IC 7.1-3-15-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A holder of a wine dealer's permit must have at least one (1) employee who:

- (1) works on the licensed premises; and
- (2) holds an employee's permit under IC 7.1-3-18.

(b) Beginning January 1, 2007, a holder of a wine dealer's permit must ensure that a sales clerk working on the licensed premises receives training approved by the commission and provided by an employee described in subsection (a).

(c) The commission may adopt rules under IC 4-22-2 to implement this section.

SECTION 30. IC 7.1-3-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. ~~Persons Eligible for Permits.~~ The commission may issue a temporary wine permit to a person who is qualified to hold a beer retailer's permit and who has such other qualifications as the commission may prescribe by a provisional order until it adopts a rule or regulation on the matter. However, the special disqualifications listed in ~~IC 1971, IC 7.1-3-4-2(c), (h), and (m) and the residency requirements provided in IC 1971, 7.1-3-21-3;~~ shall not apply to an applicant for a temporary wine permit.

SECTION 31. IC 7.1-3-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

- (1) a sales clerk in a:
 - (A) drugstore;
 - (B) grocery store; or
 - (C) package liquor store; or as
- (2) a bartender, waiter, waitress, or manager in a retail establishment. ~~excepting dining car and boat employees.~~

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) ~~An applicant is not entitled to~~ The commission may not issue an employee's permit if: ~~(1) the~~ to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

~~(2) the~~

(g) The commission may not issue an employee's permit to an applicant who has more than one ~~(1)~~ but less than three ~~(3)~~ two (2) unrelated convictions for operating while intoxicated and less than two (2) years have elapsed after the applicant completed the applicant's sentence for a conviction for operating while intoxicated, including any term of probation or parole; or if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's

application for the permit.

~~(3) the~~

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated and the applicant completed the sentence for the most recent conviction at least ten (10) years before the date of the applicant's application for the permit, the commission may grant or deny the issuance of the permit.

~~(g)~~ (i) The commission shall revoke a permit issued to an employee under this section if:

- (1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or
- (2) the employee becomes ineligible for the issuance of an employee's permit under subsection ~~(f)~~: is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

(j) This section does not apply to a dining car, boat, or airline employee.

SECTION 32. IC 7.1-3-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~Clubs: General Requirements.~~ (a) In order to be considered a "club" within the meaning of this title and to be eligible to receive an appropriate club permit under this title, an association or corporation shall meet the following requirements:

- ~~(a)~~ (1) It shall have been organized in good faith under authority of law.
- ~~(b)~~ (2) It shall have been in active, continuous existence for at least three (3) years prior to the date the application for the permit is filed.
- ~~(c)~~ (3) It shall have maintained, in good faith, a membership roll for the three (3) year period.
- ~~(d)~~ (4) It shall have a paid-up membership of more than fifty (50) members at the time the application is filed.
- ~~(e)~~ (5) It shall be the owner, lessee, or occupant of an establishment operated solely for objects of a national, social, patriotic, political, or athletic nature, or the like.
- ~~(f)~~ (6) It shall not be operated for pecuniary gain.
- ~~(g)~~ (7) The property and the advantages of the organization shall belong to its members. ~~and~~
- ~~(h)~~ (8) It shall maintain an establishment provided with special space and accommodations accommodations where, in consideration of payment, food, with or without lodging, is habitually served.

(b) An association or a corporation located within a consolidated city is considered a club if the association or corporation:

- (1) has held an annual bingo license issued by the state for at least ten (10) consecutive years;
- (2) has been in existence in Indiana for at least twenty-five (25) years;
- (3) does not allow a person less than eighteen (18) years of age to be a member, a guest, a worker, or an operator; and
- (4) complies with subsection (a)(1), (a)(2), (a)(5), (a)(6), and (a)(8).

SECTION 33. IC 7.1-3-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. ~~Indiana State Fair.~~ (a) The commission shall not issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds during the period of the Indiana State Fair: to the Indiana state fair commission.

(b) The holder of a permit under this section is:

- (1) entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass;
- (2) entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit;
- (3) entitled to receive the permit directly from the commission without local board approval;
- (4) not subject to quota restrictions under IC 7.1-3-22-3; and

(5) entitled to allow a minor to be present in the places where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

- (1) File a floor plan of the premises where alcoholic beverages will be served and consumed.
- (2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.
- (3) Allow sales during the times prescribed under IC 7.1-3-1-14.
- (4) Prohibit sales prohibited under IC 7.1-5-10-1 and IC 7.1-5-10-17.
- (5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.

SECTION 34. IC 7.1-5-7-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. The commission shall conduct random unannounced inspections at locations where alcoholic beverages are sold or distributed to ensure compliance with this title. Only the commission, an Indiana law enforcement agency, the office of the sheriff of a county, or an organized police department of a municipal corporation may conduct the random unannounced inspections. These entities may use retired or off-duty law enforcement officers to conduct inspections under this section.

SECTION 35. IC 7.1-5-7-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Notwithstanding any other law, an enforcement officer vested with full police powers and duties may engage a person who is:

- (1) at least eighteen (18) years of age; and
- (2) less than twenty-one (21) years of age;

to receive or purchase alcoholic beverages as part of an enforcement action under this article.

(b) The initial or contemporaneous receipt or purchase of an alcoholic beverage under this section by a person described in subsection (a) must:

- (1) occur under the direction of an enforcement officer vested with full police powers and duties; and
- (2) be a part of the enforcement action.

SECTION 36. IC 7.1-5-10-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~Credit Sales Prohibited:~~ (a) This section does not apply to a permittee that sells or offers to sell an alcoholic beverage to an individual who does not hold a permit under this title.

(b) It is unlawful for a permittee to sell, offer to sell, purchase, or receive an alcoholic beverage for anything other than cash. A permittee who extends credit in violation of this section shall have no right of action on the claim.

(c) This section ~~shall~~ does not prohibit:

- (1) a permittee from crediting to a purchaser the actual price charged for a package or an original container returned by the original purchaser as a credit on a sale;
- (2) ~~This section shall not prohibit~~ a permittee from refunding to a purchaser the amount paid by the purchaser for a container, or as a deposit on a container, if it is returned to the permittee;
- (3) ~~This section shall not prohibit~~ a manufacturer from extending usual and customary credit for alcoholic beverages sold to a customer who maintains a place of business outside this state when the alcoholic beverages are actually shipped to a point outside this state; or
- (4) ~~This section shall not prohibit~~ a distiller or a liquor or wine wholesaler from extending credit on liquor, flavored malt beverages, and wine sold to a permittee for a period of fifteen (15) days from the date of invoice, date of invoice included. However, if the fifteen (15) day period passes without payment in full, the wholesaler shall sell to that permittee on a cash on delivery basis only.

SECTION 37. IC 7.1-5-10-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) It is unlawful for a person who is the proprietor of a package liquor store, drug store, or grocery store to allow a purchaser of alcoholic

beverages, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale.

(b) It is unlawful for a purchaser of alcoholic beverages, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale in a:

- (1) drug store;
- (2) grocery store; or
- (3) package liquor store.

SECTION 38. IC 24-3-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) It is a Class A infraction for a retailer or distributor ~~with intent to injure competitors or destroy or substantially lessen competition~~, to offer to sell or sell at retail or wholesale cigarettes at less than the cost to him: ~~the retailer or distributor~~. The department may do either of the following if a retailer or a distributor violates this subsection:

(1) Revoke or suspend the:

- (A) registration certificate held by ~~such a~~ the distributor under IC 6-7-1; may be revoked, by the department or
- (B) tobacco certificate held by the retailer;

for the balance of the term thereof: for a period of time as determined by the department.

(2) Impose a civil penalty under IC 7.1-3-18.5.

(b) Evidence of offering to sell or sale of cigarettes by any retailer or distributor at less than the cost to him is prima facie evidence of intent to injure competitors and to destroy or substantially lessen competition.

(c) Notwithstanding IC 34-28-5-5(c), a judgment for a violation of this section shall be deposited in the enforcement and administration fund established under IC 7.1-4-10-1.

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 7.1-3-1.5-7; IC 7.1-3-21-3; IC 7.1-3-21-4; IC 7.1-3-21-5; IC 7.1-3-21-5.2; IC 7.1-3-21-5.4; IC 7.1-3-21-6; IC 7.1-3-21-7; IC 24-3-2-7; IC 24-3-2-11."

Page 6, delete lines 12 through 13.

Page 6, line 35, after "IC 7.1-3-1.5" delete ",."

Page 7, line 37, delete "individual" and insert "individuals".

Page 7, after line 40, begin a new paragraph and insert:

"SECTION 42. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 27 as printed January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 56, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 20, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy and Veterans Affairs, to which was referred Engrossed Senate Bill 81, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 8, nays 0.

STUTZMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Natural Resources, to which was referred Engrossed Senate Bill 94, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

HOFFMAN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Engrossed Senate Bill 127, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 1.

THOMAS, Vice Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Insurance, to which was referred Engrossed Senate Bill 229, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 9, nays 2.

RIPLEY, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 300, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 5, delete "JULY 1, 2006:]" and insert "UPON PASSAGE]:".

Page 3, line 42, after "been" insert "**substantially**".

Page 4, line 6, after "(a)" insert "**This section applies to claims filed with the division after December 31, 2005.**"

(b)".

Page 4, line 16, strike "(b)" and insert "(c)".

Page 4, line 18, strike "(c)" and insert "(d)".

Page 4, line 18, delete "(a) and".

Page 4, line 18, after "(b)" delete "," and insert "**and (c),**".

Page 5, line 13, delete "(d)" and insert "(e)".

Page 5, line 17, delete "(e)" and insert "(f)".

Page 7, line 25, delete "forensic and evidence".

Page 7, line 26, delete "gathering".

Page 7, line 26, strike "services" and insert "**a forensic medical exam**".

Page 7, line 27, reset in roman "the".

Page 7, line 27, delete "forensic and evidence gathering".

Page 7, line 27, strike "services" and insert "**forensic medical exam described in IC 16-21-8-6**".

Page 7, line 34, after "(b)" insert "**When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the hospital shall furnish the additional forensic services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a hospital for its costs in providing these services and may adopt rules and procedures to provide for reasonable reimbursement. A hospital may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.**"

(c) **When a hospital acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the hospital may seek reimbursement directly from the victim or any third party payer for any additional forensic services rendered by the hospital.**

(d)".

Page 8, line 5, strike "(c)" and insert "(e)".

Page 8, line 6, delete "forensic and".

Page 8, line 7, delete "evidence gathering".

Page 8, line 7, strike "services" and insert "**a forensic medical**

exam".

Page 8, line 9, after "the" strike "services" and insert "**exam**".

Page 8, line 11, strike "the services listed in subsection".

Page 8, line 12, strike "(d)" and insert "**forensic medical exams.**"

A medical service provider may not charge the victim for a forensic medical exam required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.

(f) **When a licensed medical service provider not covered by subsection (a) or (b) elects to provide additional forensic services to an alleged sex crime victim who cooperates with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider shall furnish the services without charge. The victim services division of the Indiana criminal justice institute shall reimburse a medical service provider for costs in providing the additional forensic services. A medical service provider may not charge the victim for services required under this chapter even if there is a delay in receiving reimbursement from the victim services division of the Indiana criminal justice institute.**

(g) **When a medical service provider acting under IC 16-21-8 provides additional forensic services to an alleged sex crime victim who does not cooperate with law enforcement under IC 16-21-8-5(b) or IC 16-21-8-5(c), the medical service provider may seek reimbursement directly from the victim or any third party payer for additional forensic services rendered by the medical service provider.**

(h) **The victim services division of the Indiana criminal justice institute may reimburse a medical service provider for costs in providing additional forensic services".**

Page 8, strike lines line 33 through 34.

Page 8, line 35, strike "medical service provider for".

Page 8, line 35, delete "the".

Page 8, line 35, after "for" strike "costs".

Page 8, line 36, delete "of providing forensic and evidence gathering services".

Page 9, strike lines 2 through 4.

Page 9, line 5, strike "(e)" and insert "(i)".

Page 9, between lines 11 and 12, begin a new paragraph and insert: "SECTION 19. IC 5-2-6.1-41 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 41. The fund consists of amounts deposited under IC 33-37-7-9, IC 34-51-3-6, and IC 35-50-5-3 and appropriations from the general assembly.

SECTION 20. IC 16-18-2-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.8. "Additional forensic services", for purposes of IC 16-21-8, means the following:

(1) Initial pregnancy and sexually transmitted disease testing related to an alleged sex crime.

(2) Prophylactic medication related to pregnancy, pregnancy testing, or sexually transmitted disease testing. However, this subdivision does not include HIV prophylactic medication that may be paid at the discretion of the victim services division of the Indiana criminal justice institute.

(3) Alcohol and drug testing.

(4) Syphilis testing up to ninety (90) days after an alleged sex crime.

(5) Pregnancy testing up to thirty (30) days after an alleged sex crime.

(6) Mental health counseling concerning problems directly related to an alleged sex crime."

Page 9, line 14, delete "and evidence" and insert "**medical exam**",

Page 9, line 15, delete "gathering services",

Page 9, delete lines 20 through 28.

Page 9, line 29, delete "(7)" and insert "(2)".

Page 9, delete lines 31 through 32.

Page 9, line 37, delete "and evidence gathering" and insert "**medical exams and additional forensic**".

Page 9, line 41, delete "and" and insert "**medical exams and additional forensic**".

Page 9, line 42, delete "evidence gathering".

Page 10, line 3, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 10, line 18, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 10, line 20, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 10, line 22, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 10, line 26, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 10, line 27, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 10, line 42, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 11, line 4, after "(a)" insert **"The division shall award compensation or reimbursement under this chapter for forensic medical exams."**

(b)".

Page 11, line 4, strike "may not" and insert **"shall"**.

Page 11, line 5, strike "unless" insert **"for additional forensic services if"**.

Page 11, line 19, strike "(b)" and insert **"(c)"**.

Page 11, line 22, strike "(c)" and insert **"(d)"**.

Page 11, line 23, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 11, line 29, delete "and evidence gathering" and insert **"medical exams and additional forensic"**.

Page 11, line 31, after "(b)" insert **"When a provider provides additional forensic services under section 5(b) and 5(c) of this chapter, the provider shall furnish the services without charge."**

Page 11, line 34, strike "(c)" and insert **"(d)"**.

Page 11, line 36, strike "(d)" and insert **"(e)"**.

Page 11, line 39, strike "(e)" and insert **"(f)"**.

Page 12, after line 16, begin a new paragraph and insert:

"SECTION 31. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 300 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 9, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 321, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-28-27-3, AS ADDED BY P.L.202-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The skills 2016 training fund is established to do the following:

(1) Administer the costs of the skills 2016 training program established under IC 22-4-10.5.

(2) Undertake any program or activity that furthers the purposes of IC 22-4-10.5.

(3) Refund skills 2016 training assessments erroneously collected and deposited in the fund.

(b) The money in the fund shall be allocated as follows:

(1) An amount to be determined annually shall be set aside for the payment of refunds from the fund.

(2) The remainder of the money in the fund shall be allocated to employers or consortiums for incumbent worker training grants that enable workers to obtain recognizable credentials or certifications and transferable employment skills that improve employer competitiveness.

(c) Special consideration shall be given to the state educational institution established under IC 20-12-61 to be the provider of the training funded under this chapter whenever the state educational institution:

(1) meets the identified training needs of an employer or a consortium with an existing credentialing or certification program; and

(2) is the most cost effective provider.

(d) For the incumbent worker training grants described in subsection (b), the department of workforce development shall do the following:

(1) Provide grant applications to interested employers and consortiums.

(2) Accept completed applications for the grants.

(3) Obtain all information necessary or appropriate to determine whether an applicant qualifies for a grant, including information concerning:

(A) the applicant;

(B) the training to be offered;

(C) the training provider; and

(D) the workers to be trained.

(4) Prepare summaries or other reports to assist the secretary of commerce in reviewing the grant applications.

(e) The department of workforce development shall forward the grant applications and other information collected or received by the department under subsection (d) to the secretary of commerce who shall allocate the money in the fund in accordance with subsections (b) and (c), after considering the information provided by the department of workforce development.

(f) The corporation shall enter into an agreement with the department of workforce development for the department of workforce development to administer the fund using money appropriated from the fund.

(g) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) The fund consists of the following:

(1) Assessments deposited in the fund.

(2) Earnings acquired through the use of money belonging to the fund.

(3) Money deposited in the fund from any other source.

(4) Interest and penalties collected.

(j) Any balance in the fund does not lapse but is available continuously to the corporation for expenditures for the program established under IC 22-4-10.5 consistent with this chapter, after considering any information concerning an expenditure provided by the department of workforce development.

(k) An employer who makes the election described in IC 22-4-10.5-3.2 is not eligible to receive an allocation from the fund."

Page 3, line 26, strike "his".

Page 3, line 26, after "his" insert **"the employing unit's"**.

Page 5, between lines 11 and 12, begin a new paragraph and insert: **"SECTION 8. IC 22-4-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. "Employment" shall not include the following:**

(1) Except as provided in section 2(i) of this chapter, service performed prior to January 1, 1978, in the employ of this state, any other state, any town or city, or political subdivision, or any instrumentality of any of them, other than service performed in the employ of a municipally owned public utility as defined in this article; or service performed in the employ of the United States of America, or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this article, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation statute, all of the provisions of this article shall be applicable to such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. However, if this state shall not be certified for any year by the Secretary of Labor under Section 3304 of the Internal Revenue Code the payments required of such instrumentalities with

respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in IC 22-4-32-19 with respect to contribution erroneously paid or wrongfully assessed.

~~(b)~~ (2) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; however, the ~~board~~ **department** is authorized to enter into agreements with the proper agencies under such Act of Congress which agreements shall become effective ten (10) days after publication thereof, ~~in the manner provided in IC 22-4-19-2 for rules of the board,~~ **in accordance with rules adopted by the department under IC 4-22-2**, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this article, acquired rights to unemployment compensation under such Act of Congress, or who have, after having acquired potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this article.

~~(c)~~ (3) "Agricultural labor" as provided in section 2(l)(1) of this chapter shall include only services performed:

~~(i)~~ (A) on a farm, in the employ of any person, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

~~(ii)~~ (B) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

~~(iii)~~ (C) in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act (**12 U.S.C. 1141j(g)**) as amended, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

~~(iv)~~ ~~(A)~~ (D) in the employ of:

(i) the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half ($\frac{1}{2}$) of the commodity with respect to which such service is performed; **or**

~~(B)~~ in the employ of (ii) a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in ~~subdivision (A)~~; **item (i)**, but only if such operators produce more than one-half ($\frac{1}{2}$) of the commodity with respect to which such service is performed;

~~(E)~~ **except** the provisions of ~~subdivisions (A) and (B)~~ **items (i) and (ii)** shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; **or**

~~(F)~~ (E) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

(4) As used in ~~this subsection~~, **subdivision (3)**, "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

~~(d)~~ (5) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in section 2(m) of this chapter.

~~(e)~~ (6) Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the

employee is employed on and in connection with such vessel or aircraft when outside the United States.

~~(f)~~ (7) Service performed by an individual in the employ of child or spouse, and service performed by a child under the age of twenty-one (21) in the employ of a parent.

~~(g)~~ (8) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars (\$50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this ~~subsection~~, **subdivision**, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

~~(i)~~ (A) on each of some of twenty-four (24) days during such quarter such individual performs such service for some portion of the day; **or**

~~(ii)~~ (B) such individual was regularly employed (as determined under clause ~~(i)~~ (A)) by such employing unit in the performance of such service during the preceding calendar quarter.

~~(h)~~ (9) Service performed by an individual in any calendar quarter in the employ of any organization exempt from income tax under Section 501 of the Internal Revenue Code (except those services included in sections 2(i) and 2(j) of this chapter if the remuneration for such service is less than fifty dollars (\$50)).

~~(i)~~ (10) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

~~(j)~~ (11) Service performed in the employ of a school, college, or university if such service is performed:

~~(i)~~ (A) by a student who is enrolled and is regularly attending classes at such school, college, or university; **or**

~~(ii)~~ (B) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

~~(A)~~ (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university; **and**

~~(B)~~ (ii) such employment will not be covered by any program of unemployment insurance.

~~(k)~~ (12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this subsection shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

~~(l)~~ (13) Service performed in the employ of a government foreign to the United States of America, including service as a consular or other officer or employee or a nondiplomatic representative.

~~(m)~~ (14) Service performed in the employ of an instrumentality wholly owned by a government foreign to that of the United States of America, if the service is of a character similar to that performed in foreign countries by employees of the United States of America or of an instrumentality thereof, and if the board finds that the Secretary of State of the United States has certified to the Secretary of the Treasury of the United States that the government, foreign to the United States, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in such country by employees of the United States and of instrumentalities thereof.

~~(n)~~ (15) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service

performed as an intern in the employ of a hospital by an individual who has completed a four (4) year course in a medical school chartered or approved pursuant to state law.

~~(16)~~ (16) Service performed by an individual as an insurance producer or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

~~(17)~~ (17) Service performed by an individual:

(A) under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; or

(B) Services performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by ~~him~~ **the individual** at a fixed price, ~~his~~ **the individual's** compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to ~~him~~; **the individual**, whether or not ~~he~~ **the individual** is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

~~(18)~~ (18) Service performed in the employ of an international organization.

~~(19)~~ (19) Except as provided in IC 22-4-7-1, services covered by an election duly approved by the agency charged with the administration of any other state or federal unemployment compensation law in accordance with an arrangement pursuant to IC 22-4-22-1 through IC 22-4-22-5, during the effective period of such election.

~~(20)~~ (20) If the service performed during one-half (½) or more of any pay period by an individual for an employing unit constitutes employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (½) of any pay period by such an individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, "pay period" means a period of not more than thirty-one (31) consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit. This subsection shall not be applicable with respect to services performed in a pay period by any such individual where any such service is excepted by ~~subsection (b)~~ **subdivision (2)**.

~~(21)~~ (21) Service performed by an inmate of a custodial or penal institution.

~~(22)~~ (22) Service performed as a precinct election officer (as defined in IC 3-5-2-40.1)."

Page 8, line 17, delete "the following percentage of" and insert "**the following percentage of**".

Page 10, between lines 6 and 7, begin a new paragraph and insert: "SECTION 15. IC 22-4-10.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The skills 2016 training assessment is nine hundredths percent (0.09%) to be assessed upon the previous year's taxable wages (as defined in IC 22-4-4-2) paid by all employers except those who have:

(1) **made the election described in section 3.2 of this chapter;**
or

(2) elected to make payments in lieu of contributions (as defined in IC 22-4-2-32).

SECTION 16. IC 22-4-10.5-3.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.2. (a) **This section applies to skills 2016 training assessments payable after July 1, 2007.**

(b) **As used in this section, "employee" means any person employed by another for wages or salary. The term does not include a seasonal worker (as defined in IC 22-4-8-4(b)).**

(c) **An employer subject to this chapter that employs less than twenty (20) full-time employees may file an election each year not to:**

(1) **participate in the skills 2016 training program; and**

(2) **pay the skills 2016 training assessments;**

with the department on a form prescribed by the commissioner.

(d) **An employer must make the election described in subsection (c) for a calendar year not later than January 31 of the following year.**

(e) **For purposes of determining whether an employer qualifies to make the election under subsection (c), the number of employees employed by the employer is the average of the number of employees reported by the employer for each quarter of the calendar year for which the employer wants to elect not to:**

(1) **participate in the skills 2016 training program; and**

(2) **pay the skills 2016 training assessments.**

SECTION 17. IC 22-4-10.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) **This section does not apply to an employer who has made the election described in section 3.2 of this chapter.**

~~(b)~~ (b) Skills 2016 training assessments accrue and are payable by each employer under section 3 of this chapter for each calendar year in which the employer is subject to IC 22-4-10-1 with respect to wages for employment.

~~(c)~~ (c) Skills 2016 training assessments are due and payable to the department by each employer for the purposes set forth in section 2 of this chapter and are not deductible, in whole or in part, from the wages of individuals in the service of the employer.

~~(d)~~ (d) Skills 2016 training assessments paid under this chapter:

(1) shall not be credited to the employer's experience account; and

(2) do not affect the computation of an employer's contribution rate under IC 22-4-11-2."

Page 13, line 25, delete "chapter" and insert "**chapter**".

Page 15, line 7, delete "special".

Page 19, line 20, delete "decision to seek repayment of benefits or".

Page 19, line 21, delete "a civil penalty" and insert "**determination**".

Page 19, line 22, delete "IC 22-4-32-4" and insert "**IC 22-4-17-2(e)**".

Page 19, line 23, delete "IC 22-4-32-1" and insert "**IC 22-4-17-3**".

Page 19, line 23, delete "IC 22-4-32-15." and insert "**IC 22-4-17-15**".

Page 20, between lines 7 and 8, begin a new paragraph and insert:

"(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available."

Page 20, line 13, delete "abuse." and insert "**or family violence (as defined in IC 31-9-2-42)**".

Page 29, line 15, strike "he".

Page 29, line 15, after "he" insert "**the member**".

Page 32, between lines 13 and 14, begin a new paragraph and insert:

"(i) An employer or agent of an employer that becomes aware that a claim has been made under IC 22-4-15-1(c)(8) shall maintain that information as confidential."

Page 33, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 46. IC 22-4-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commissioner is authorized to enter into reciprocal agreements with the proper agencies under the laws of other states or jurisdictions or of the United States, which agreements shall become effective after filing with the secretary of state pursuant to IC 22-4-19-2, in accordance with rules adopted by the department under IC 4-22-2, by the terms of which agreements:

(1) potential rights to benefits accumulated under the unemployment compensation laws of one (1) or more states or jurisdictions or of the United States, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commissioner finds will be fair and reasonable to all affected interests and which will not result in any substantial loss to the fund; and

(2) wages or services in employment subject to an

unemployment compensation law of another state or of the United States shall be deemed to be wages in employment for employers for the purpose of determining an individual's rights to unemployment compensation benefits under this article, and wages in employment for employers as defined in this article shall be deemed to be wages or services on the basis of which unemployment compensation under the law of another state or of the United States is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the unemployment insurance benefit fund for such of the unemployment compensation benefits paid under this part upon the basis of such wages or services, and provisions for reimbursements from the unemployment insurance benefit fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this article as the commissioner finds will be fair and reasonable to all affected interests."

Page 39, line 23, after "for adjustment" delete "of" and insert "or".

Page 43, delete lines 8 through 9, begin a new paragraph and insert:

"SECTION 69. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 22-4-16-1; IC 22-4-19-2; IC 22-4-19-3."

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as reprinted January 25, 2006.) and when so amended that said bill do pass.

Committee Vote: yeas 6, nays 4.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 333, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-1-8-1, AS AMENDED BY P.L.246-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.

~~(10) Health professions bureau.~~

~~(11)~~ (10) Indiana professional licensing agency.

~~(12)~~ (11) Department of insurance, with respect to licensing of insurance producers.

~~(13)~~ (12) A pension fund administered by the board of trustees of the public employees' retirement fund.

~~(14)~~ (13) The Indiana state teachers' retirement fund.

~~(15)~~ (14) The state police benefit system.

~~(16)~~ (15) The alcohol and tobacco commission.

(16) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, ~~the health professions bureau~~, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement."

Page 2, reset in roman lines 13 through 17.

Page 3, delete lines 23 through 42.

Delete page 4.

Page 5, delete lines 1 through 17.

Page 6, line 9, delete "be".

Page 6, line 10, delete "approved to".

Page 6, delete lines 16 through 33.

Page 7, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 6. IC 16-41-35-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The state department shall adopt rules under IC 4-22-2 to regulate who may operate a radiation machine and what level of training and experience the operator must have. Rules adopted by the state department must exempt from testing to establish initial qualifications an individual who:

(1) holds a valid certificate issued by; and

(2) is currently registered with;

the American Registry of Radiologic Technologists.

(b) The state department may by rule exempt an individual who:

(1) is currently licensed in another state as a radiologic technologist; or

(2) performs the function of a radiologic technologist in another state that does not require the licensure of a radiologic technologist;

from testing to establish initial qualifications.

(c) The state department shall issue a license to an individual meeting the requirements of the rules adopted under subsection (a) for a radiologic technologist upon the payment to the state department of a sixty dollar (\$60) fee and the cost of testing to establish initial qualifications. The license is valid for twenty-four (24) months. The state department shall establish a fee for the renewal or duplication of a license issued under this section not to exceed sixty dollars (\$60). In addition to the renewal fee, a penalty fee of sixty dollars (\$60)

shall be imposed by the state department for processing an application for license renewal received after the expiration of the previous license. The state department may waive the penalty fee for a showing of good cause.

(d) An individual who applies for a license issued under subsection (c) or who holds a license issued under subsection (c) shall provide the individual's Social Security number to the state department.

(e) The state department shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(f) Notwithstanding IC 4-1-10-3, the state department may allow access to the Social Security number of each person who is licensed under this section or has applied for a license under this section to:

- (1) a testing service that provides the examination for licensure as a radiologic technologist to the state department; or
- (2) an individual state regulatory board of radiologic technology or an organization composed of state regulatory boards of radiologic technology for the purpose of coordinating licensure and disciplinary activities among the individual states.

(g) Every owner of a radiation machine, including an industrial radiation machine, shall have the machine inspected in accordance with procedures and standards established by the state department. The state department shall adopt rules under IC 4-22-2 establishing the procedures and standards applicable to inspections of radiation machines.

SECTION 7. IC 16-42-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An organization that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D) and that offers food for sale to the final consumer at an event held for the benefit of the organization is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event if the following conditions are met:

- (1) Members of the organization prepare the food that will be sold;
- (2) Events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year;
- (3) The name of each member who has prepared a food item is attached to the container in which the food item has been placed;

organization does not have any paid staff whose primary responsibility is to prepare and serve food to the public at the event.

(b) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter."

Page 10, line 21, after "instruction" insert "that is".

Page 10, line 22, after "board" insert "and that is".

Page 11, line 7, delete "a" and insert "the".

Page 12, line 3, after "with" insert "this chapter under".

Page 12, line 3, delete "(b)." and insert "(b)(1).".

Page 12, line 42, delete "applicant" and insert "applicant's".

Page 13, line 6, delete "which" and insert "that".

Page 13, line 19, delete "applicant" and insert "applicant's".

Page 13, line 25, delete "which" and insert "that".

Page 22, line 34, delete "The" and insert "A".

Page 27, line 32, delete "in" and insert "by".

Page 27, line 35, delete "final".

Page 27, after "the" insert "final".

Page 32, line 24, delete "pays".

Page 32, line 24, delete "requirement".

Page 33, line 40, after "notice" insert ",".

Page 34, line 26, delete "two (2) renewal cycles" and insert "four (4) years".

Page 34, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 63. IC 25-22.5-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Residency Pilot Program for Qualified International Medical School Graduates

Sec. 1. As used in this chapter, "graduate" means a qualified international medical school graduate.

Sec. 2. As used in this chapter, "resident" means a graduate who has been accepted in the residency pilot program under this chapter.

Sec. 3. The board shall work with primary care residency programs, limited to family medicine, pediatrics, and internal medicine residency programs, to develop a pilot program for a period of seven (7) academic years to better identify, evaluate, and prepare qualified graduates for future practice in Indiana.

Sec. 4. The board shall allow family medicine, pediatrics, and internal medicine residency programs in Indiana that elect to participate in the residency pilot program to accept graduates from medical schools that:

- (1) are not on the board's list of approved medical schools; and
- (2) are not on the list of schools disapproved for postgraduate medical education training.

Sec. 5. The board shall develop an application process for each approved residency program's participation in the residency pilot.

Sec. 6. The list of disapproved medical schools must be updated by August 1 of each year to the best ability of the board to exclude any medical schools that are not known to be qualified educational institutions.

Sec. 7. The program director of a residency program that wants to participate in the residency program shall submit a letter to the board requesting that the accepted residency candidate receive a temporary permit for residency training. A representative of the residency pilot program must appear with the candidate for a hearing of the board.

Sec. 8. A temporary permit to participate in residency training may be:

- (1) issued to a graduate for one (1) year; and
- (2) renewed for two (2) additional one (1) year periods;

until completion of the residency program. The board may require the graduate to appear before the board.

Sec. 9. A candidate for the residency program must be certified by the Education Commission for Foreign Medical Graduates (ECFMG) to participate in the residency pilot program.

Sec. 10. The director of a participating residency pilot program shall submit a written progress report to the board within three (3) months after the beginning of training of a resident to verify that the resident is providing the quality of medical care to patients expected at the level of medical experience and training of the resident.

Sec. 11. The residency program director shall promptly inform the board in writing if a pilot program resident is:

- (1) dismissed for failure to meet the professional expectations of the residency program; or
- (2) incapable of competent medical practice.

Sec. 12. The residency program director shall submit a report concerning the progress of each resident to the board at the completion of the first and second years of the resident's training recommending renewal of the temporary medical permit for one (1) additional year if the resident's performance is satisfactory.

Sec. 13. Upon the resident's completion of the three (3) year training program, the residency program director may be required to appear before the board to:

- (1) verify the competency of the resident; and
- (2) recommend that the candidate be issued a license to enable the candidate to practice medicine in Indiana.

If the resident was granted a temporary permit under the residency pilot program, a graduate participating in the program may not be issued a permanent license until the graduate completes the three (3) years of pilot program residency training and completes two (2) years of practice in Indiana to complete the pilot program requirements. The type of license the graduating resident obtains for the two (2) years of practice after residency shall be determined by the board. The board may defer the practice requirement if the resident requests a delay to participate in an Accreditation Council on Graduate Medical

Education (ACGME) accredited fellowship program that enhances the practice of primary care. The candidate must appear before the board for permanent license approval. Failure to complete the residency pilot program for reasons including:

- (1) negligence;
- (2) incompetency; or
- (3) issues of professionalism;

is an adverse event reportable to medical licensing boards in other states. Issues not related to performance are not reportable events.

Sec. 14. International medical school graduates who have successfully completed the residency pilot program and have met all requirements of this chapter:

- (1) shall be given equal standing for licensure with other international medical school graduates who have graduated from approved medical schools; and
- (2) must meet all other licensure requirements under IC 25-22.5-3-1.

Sec. 15. The board shall collect information and data during the residency pilot program concerning the:

- (1) successes of;
- (2) failures of;
- (3) difficulties encountered in; and
- (4) number of residents involved in, entering, and graduating from;

the program.

The information must include data based on the six (6) required ACGME competencies used to evaluate all residents.

Sec. 16. There may not be more than two (2) graduates allowed under this pilot program for each approved primary care residency program.

Sec. 17. This chapter expires December 31, 2013."

Page 36, line 31, delete "shall" and insert "**must**".

Page 39, line 5, delete "before the" and insert "**before**".

Page 48, after line 38, begin a new paragraph and insert:

"SECTION 79. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 333 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred Engrossed Senate Bill 338, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "." and insert "**or the offense of battery (IC 35-42-2-1).**".

Page 2, line 41, after "testimony" insert "**pursuant to the Indiana Rules of Evidence**".

(Reference is to SB 338 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 0.

ULMER, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Employment and Labor, to which was referred Engrossed Senate Bill 340, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, between lines 21 and 22, begin a new paragraph and insert: "SECTION 2. IC 5-10-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The state, excluding state educational institutions (as defined by IC 20-12-0.5-1), may not purchase or maintain a policy of group insurance, except:

- (1) life insurance for the state's employees;
- (2) long term care insurance under a long term care insurance

policy (as defined in IC 27-8-12-5), for the state's employees; or (3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter; or (4) **an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.**

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees and individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

- (1) require participation in the plan by employees with six (6) months of continuous, full-time service;
- (2) require an employee to make a contribution to the plan in the form of a payroll deduction;
- (3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;
- (4) prohibit the termination of an employee who is eligible for benefits under the plan;
- (5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;
- (6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:
 - (A) Social Security;
 - (B) the public employees' retirement fund;
 - (C) the Indiana state teachers' retirement fund;
 - (D) pension disability;
 - (E) worker's compensation;
 - (F) benefits provided from another employer's group plan; or
 - (G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).)

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

- (A) accept work assignments appropriate to the employee's medical condition;
 - (B) submit information necessary for claim administration; or
 - (C) submit to examinations by designated physicians;
- the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 21-6.1.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

SECTION 3. IC 5-10.2-4-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.8. (a) An employee of the state who:**

- (1) is a member of the public employees' retirement fund;**
- (2) has not attained vested status; and**
- (3) is terminated from employment with the state after December 30, 2005, as the result of:**

(A) a lease or other transfer of state property to a nongovernmental entity; or

(B) a contractual arrangement with a nongovernmental entity to perform certain state functions;

may make the election described in subsection (b).

(b) A member described in subsection (a) may elect, in the manner prescribed by the board of trustees of the public employees' retirement fund, not later than sixty (60) days after the date the member separates from state service, to receive from the public employees' retirement fund a distribution under subsection (c).

(c) This subsection applies to a member who elects under subsection (b) to receive a distribution. The member is entitled to receive a distribution that is equal to the present value, as determined by the board on the member's separation date, of the pension portion of the monthly retirement benefit computed as if the member had been:

- (1) eligible for normal retirement; and**
- (2) at least sixty-five (65) years of age;**

on the member's separation date, multiplied by a fraction. The numerator of the fraction is the number of months of creditable service earned by the member as an employee of the state before the member's separation date. The denominator of the fraction is one hundred twenty (120).

(d) To the extent permitted by the Internal Revenue Code, the distribution under subsection (c) must be made directly to any of the following designated by the terminating employee:

- (1) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.**
- (2) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.**
- (3) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.**
- (4) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.**

(e) Creditable service used in computing a distribution under this section may not be used to compute a normal or early retirement benefit under this article.

(f) The board of trustees of the public employees' retirement fund may adopt reasonable procedures and standards to implement this section.

(g) This section applies only if the public employees' retirement fund has received from the Internal Revenue Service any approvals or rulings that the board of trustees of the public employees' retirement fund considers necessary or appropriate."

Page 4, line 32, delete "the member's" and insert "**the member's**".
Renummer all SECTIONS consecutively.

(Reference is to SB 340 as printed January 27, 2006.)
and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 0.

TORR, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Engrossed Senate Bill 345, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-4.5, AS AMENDED BY P.L.228-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 1, 2006 (RETROACTIVE)]: **Sec. 4.5.** (a) The department of local government finance shall adopt rules establishing a system for annually adjusting the assessed value of real property to account for changes in value in those years since a general reassessment of property last took effect.

(b) Subject to subsection (e), the system must be applied to adjust assessed values beginning with the ~~2006~~ **2007** assessment date and each year thereafter that is not a year in which a reassessment becomes effective.

(c) The rules adopted under subsection (a) must include the following characteristics in the system:

(1) Promote uniform and equal assessment of real property within and across classifications.

(2) Require that assessing officials:

(A) reevaluate the factors that affect value;

(B) express the interactions of those factors mathematically;

(C) use mass appraisal techniques to estimate updated property values within statistical measures of accuracy; and

(D) provide notice to taxpayers of an assessment increase that results from the application of annual adjustments.

(3) Prescribe procedures that permit the application of the adjustment percentages in an efficient manner by assessing officials.

(d) The department of local government finance must review and certify each annual adjustment determined under this section.

(e) In making the annual determination of the base rate to satisfy the requirement for an annual adjustment under subsection (a), the department of local government finance shall determine the base rate using the methodology reflected in Table 2-18 of Book 1, Chapter 2 of the department of local government finance's Real Property Assessment Guidelines (as in effect on January 1, 2005), except that the department shall adjust the methodology to use a six (6) year rolling average instead of a four (4) year rolling average."

Page 2, line 4, delete "6.20%" and insert "**0.68%**".

Page 2, line 6, delete "10.40%" and insert "**15.92%**".

Page 2, between lines 17 and 18, begin a new paragraph and insert:
"SECTION 3. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5.** When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and

(B) five hundred dollars (\$500) for each additional amount

allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

- (i) including any part of 2004, the amount determined under subsection (f); and
- (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as

follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
- (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
- (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.
- (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:
 - (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
 - (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
 - (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
 - (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
 - (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
 - (6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
 - (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
 - (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable

year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.
- (3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
- (6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 4. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The following definitions apply throughout this section:**

(1) "Affiliated group" has the meaning provided in Section 1504 of the Internal Revenue Code, except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%).

(2) "Directly related intangible interest expenses" means interest expenses that are paid to, or accrued or incurred as a liability to, a recipient if:

(A) the amounts represent, in the hands of the recipient, income from making one (1) or more loans; and

(B) the funds loaned were originally received by the recipient from the payment of intangible expenses by any of the following:

(i) The taxpayer.

(ii) A member of the same affiliated group as the taxpayer.

(iii) A foreign corporation.

(3) "Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and would be a member of the same affiliated group as the taxpayer if the corporation were organized under the laws of the United States.

(4) "Intangible expenses" means the following amounts to the extent these amounts are allowed as deductions in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deduction and special deductions for the taxable year:

(A) Expenses, losses, and costs directly for, related to, or in connection with the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property.

(B) Royalty, patent, technical, and copyright fees.

(C) Licensing fees.

(D) Other substantially similar expenses and costs.

(5) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and substantially similar types of intangible assets.

(6) "Interest expenses" means amounts that are allowed as deductions under Section 163 of the Internal Revenue Code in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deductions and special deductions for the taxable year.

(7) "Makes a disclosure" means a taxpayer provides the following information regarding a transaction with a member of the same affiliated group or a foreign corporation involving an intangible expense and any directly related intangible interest expense with the taxpayer's tax return on the forms prescribed by the department:

(A) The name of the recipient.

(B) The state or country of domicile of the recipient.

(C) The amount paid to the recipient.

(D) A copy of federal Form 851, Affiliation Schedule, as filed with the taxpayer's federal consolidated tax return.

(E) The information needed to determine the taxpayer's status under the exceptions listed in subsection (c).

(8) "Recipient" means:

(A) a member of the same affiliated group as the taxpayer; or

(B) a foreign corporation;

to which is paid an item of income that corresponds to an intangible expense or any directly related intangible interest expense.

(9) "Unrelated party" means a person that, with respect to the taxpayer, is not a member of the same affiliated group or a foreign corporation.

(b) Except as provided in subsection (c), in determining its adjusted gross income under IC 6-3-1-3.5(b), a corporation subject to the tax imposed by IC 6-3-2-1 shall add to its taxable income under Section 63 of the Internal Revenue Code:

(1) intangible expenses; and

(2) any directly related intangible interest expenses;

paid, accrued, or incurred with one (1) or more members of the same affiliated group or with one (1) or more foreign corporations.

(c) The addition of intangible expenses or any directly related intangible interest expenses otherwise required in a taxable year under subsection (b) is not required if one (1) or more of the following apply to the taxable year:

(1) The taxpayer and the recipient are both included in the same consolidated tax return filed under IC 6-3-4-14 or in the same combined return filed under IC 6-3-2-2(q) for the taxable year.

(2) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the item of income corresponding to the intangible expenses and any directly related intangible interest expenses was included within the recipient's income that is subject to tax in:

(i) a state or possession of the United States; or

(ii) a country other than the United States;

that is the recipient's commercial domicile and that imposes a net income tax, a franchise tax measured, in whole or in part, by net income, or a value added tax;

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient was made at a commercially reasonable rate and at terms comparable to an arm's length transaction; and

(C) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(3) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient regularly engages in transactions involving intangible property with one (1) or more unrelated parties on terms substantially similar to that of the subject transaction; and

(B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(4) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient paid, accrued, or incurred a liability to an unrelated party during the taxable year for an equal or greater amount that was directly for, related to, or in connection with the same intangible property giving rise to the intangible expenses; and

(B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(5) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient is engaged in:

(i) substantial business activities from the acquisition, use, licensing, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property; or

(ii) other substantial business activities separate and apart from the business activities described in item (i);

as evidenced by the maintenance of a permanent office space and adequate full-time experienced employees;

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient was made at a commercially reasonable rate and at terms comparable to an arm's length transaction; and

(C) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(6) The taxpayer and the department agree, in writing, to the application or use of an alternative method of allocation or appointment under section 2(l) or 2(m) of this chapter.

(7) Upon request by the taxpayer, the department determines that the adjustment otherwise required by this section is unreasonable.

(d) If the recipient is a foreign corporation, intangible expenses or directly related intangible interest expenses shall be considered to be at a commercially reasonable rate and at terms comparable to an arm's length transaction for purposes of subsection (c) if:

(1) the recipient is organized under laws of a country that has entered into a comprehensive income tax treaty with the

United States; and

(2) the intangible expenses or directly related intangible interest expenses meet the arm's length standards of United States Treasury Regulation 1.482-1(b).

(e) If intangible expenses or directly related intangible expenses are determined not to be at a commercially reasonable rate or at terms comparable to an arm's length transaction for purposes of subsection (c)(2) or (c)(5), the adjustment required by subsection (b) shall be made only to the extent necessary to cause the intangible expenses or directly related intangible interest expenses to be at a commercially reasonable rate and at terms comparable to an arm's length transaction.

SECTION 5. IC 21-3-1.7-9, AS AMENDED BY P.L.246-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 9. (a) Subject to the amount appropriated by the general assembly for tuition support, the amount that a school corporation is entitled to receive in tuition support for a year is the amount determined in section 8.2 of this chapter.

(b) If the total amount to be distributed as tuition support under this chapter, in 2005 for enrollment adjustment grants under section 9.5 of this chapter (before its repeal), for academic honors diploma awards under section 9.8 of this chapter, in 2005 for supplemental remediation grants under section 9.9 of this chapter (before its repeal), for primetime distributions under IC 21-1-30, for special education grants under IC 21-3-2.1, and for vocational education grants under IC 21-3-12 for a particular year, exceeds:

(1) three billion seven hundred fifty-nine million three hundred thousand dollars (\$3,759,300,000) in 2005;

(2) the greater of:

(A) three billion ~~seven~~ ~~eight~~ ~~hundred~~ ~~fifty-four~~ ~~two~~ million ~~seven~~ ~~nine~~ hundred thousand dollars (~~\$3,754,700,000~~) (\$3,802,900,000) in 2006; or

(B) the amount necessary to enable the department of education to make tuition support distributions in 2006 in accordance with IC 21-1-30 and this article without requiring a reduction in the amount distributed for tuition support under this section; and

(3) three billion seven hundred forty-seven million two hundred thousand dollars (\$3,747,200,000) in 2007;

the amount to be distributed for tuition support under this chapter to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the distribution for tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for tuition support to all school corporations if a reduction were not made under this section. **However, the department of education shall distribute the full amount of tuition support to school corporations in the second six (6) months of 2006 in accordance with IC 21-1-30 and this article without a reduction under this section."**

Page 2, line 25, delete "one hundred thirty-six" and insert "fifteen".

Page 2, line 25, delete "five hundred thousand".

Page 2, line 26, delete "(\$136,500,000)" and insert "(\$15,000,000)".

Page 3, line 13, delete "forty" and insert "fifteen".

Page 3, line 14, delete "(\$40,000,000)" and insert "(\$15,000,000)".

Page 3, line 19, delete "\$15,667,060" and insert "\$5,875,147".

Page 3, line 20, delete "10,795,022" and insert "4,048,133".

Page 3, line 21, delete "2,399,680" and insert "899,880".

Page 3, line 22, delete "1,225,670" and insert "459,626".

Page 3, line 23, delete "4,077,062" and insert "1,528,899".

Page 3, line 24, delete "1, 190,030" and insert "446,262".

Page 3, line 26, delete "4,645,476" and insert "1,742,053".

Page 3, line 27, delete "\$40,000,000" and insert "\$15,000,000".

Page 4, after line 20, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]

(a) There is appropriated to the department of education the

greater of the following from the state general fund for the purposes of making the distributions for tuition support described in IC 21-3-1.7-9, as amended by this act, beginning July 1, 2005, and ending June 30, 2006:

(1) Twenty million one hundred thousand dollars (\$20,100,000).

(2) An amount sufficient to enable the department of education to make tuition support distributions after December 31, 2005, and before July 1, 2006, in accordance with IC 21-1-30 and IC 21-3 without requiring a reduction in tuition support distributions to school corporations in the first six (6) months of 2006.

The amount appropriated under this SECTION is in addition to the amount appropriated by P.L.246-2005, SECTION 9 to the department of education for distribution for tuition support but is subject to the terms and conditions specified in P.L.246-2005, SECTION 9 for the distribution for tuition support.

(b) The deficiency appropriation made by this SECTION is not subject to transfer to any other fund or subject to transfer, assignment, or reassignment for any other use or purpose by:

(1) the state board of finance, notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or

(2) the budget agency, notwithstanding IC 4-12-1-12 or any other law.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.9, and IC 6-1.1-21 apply throughout this SECTION.

(b) A taxpayer that is eligible for a homestead credit under IC 6-1.1-20.9 in 2006 is eligible for an additional child welfare relief credit under this SECTION in 2006. The amount of the additional child welfare relief credit to which the taxpayer is entitled equals the product of:

(1) twelve percent (12%); multiplied by

(2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, that is:

(A) attributable to the homestead during the particular calendar year; and

(B) determined after the application of the property tax replacement credit under IC 6-1.1-21.

(c) A county auditor:

(1) may apply the entire amount of the additional child welfare relief credit granted by this SECTION equally to all installments of property taxes first due from the taxpayer in 2006; or

(2) if application of the credit to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements and apply the entire credit to the property tax due in a later installment.

IC 6-1.1-22.5-6 does not apply if the county auditor elects to proceed under subdivision (2). The department of local government finance may prescribe procedures to apply the additional child welfare relief credit to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(d) The property tax replacement fund board shall provide for an additional distribution to taxing units from the property tax replacement fund to replace revenue lost to a county as the result of the granting of additional child welfare relief credits under this SECTION. The distribution shall be made on the schedule determined by the property tax replacement fund board. To the extent possible, the property tax replacement fund board shall make distributions under this subsection at the same time distributions of homestead credits and other property tax replacement credits are made. A distribution under this subsection is not subject to any law limiting the maximum amount that may be distributed under IC 6-1.1-21. The amount distributed under this subsection is not included in the amount used to determine the minimum amount that must be distributed or maximum distribution that may not be exceeded under IC 6-1.1-21.

(e) This subsection applies to a taxpayer in an allocation area that would be eligible for an additional credit under any of the

following:

- (1) IC 8-22-3.5-10.
- (2) IC 36-7-14-39.
- (3) IC 36-7-14-39.5.
- (4) IC 36-7-15.1-26.5.
- (5) IC 36-7-15.1-35.
- (6) IC 36-7-15.1-56.
- (7) IC 36-7-30-25.
- (8) IC 36-7-30-27.
- (9) IC 36-7-30.5-30.
- (10) IC 36-7-30.5-32.
- (11) IC 36-7-32-18.

As used in this subsection, "designating body" refers to the governing body permitted to reduce an additional credit otherwise granted in an allocation area to which a provision described in subdivisions (1) through (8) applies. Subject to this subsection, a taxpayer that is entitled to an additional credit on the taxpayer's homestead in an allocation area is entitled to a supplemental credit under this subsection. The amount of the supplemental credit is equal to the amount necessary to give the taxpayer the same total credit that the taxpayer would have received if the taxpayer's tangible property were not located in an allocation area. The supplemental credit reduces the amount of proceeds allocated to the district where the allocation area is located and paid into an allocation fund. A designating body may reduce the amount of the supplemental credits granted in an allocation area in the same manner and for the same reasons that the designating body is permitted to reduce an additional credit in the allocation area. The department of local government finance may prescribe procedures to use to apply a supplemental credit to tangible property in an allocation area. A county auditor shall comply with the procedures prescribed under this subsection.

(f) This SECTION expires January 1, 2007.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "taxable year" has the meaning set forth in IC 6-3-1-16.

(b) IC 6-3-2-20, as added by this act, applies only to taxable years beginning after June 30, 2006.

(c) The addition of IC 6-3-2-20, as added by this act, does not affect the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006. Any determination of:

- (1) the department of state revenue; or
- (2) a court reviewing a department of state revenue determination;

of the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006, shall be made without regard to IC 6-3-2-20, as added by this act.

(d) The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-3-2-20, as added by this act, and IC 6-3-1-3.5, as amended by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

- (1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.
- (2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.
- (3) The date specified in the temporary rule.
- (4) July 1, 2007.

SECTION 11. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 345 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: yeas 22, nays 0.

ESPICH, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Commerce, Economic

Development and Small Business, to which was referred Engrossed Senate Bill 382, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 10, nays 0.

BORROR, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 53

Representatives Grubb, Richardson, Robertson, and Bosma introduced House Concurrent Resolution 53:

A CONCURRENT RESOLUTION honoring Senator Richard Lugar in his efforts to safeguard the American people from the threat posed by weapons of mass destruction throughout the world.

Whereas, The collapse of the Soviet Union brought a unique problem to the citizens of the world;

Whereas, This was the first time that a nuclear nation had suddenly broken apart, and nuclear, chemical, and biological weapons command and control programs collapsed;

Whereas, The United States faced the grim possibility that weapons previously held in secure Soviet facilities and technology previously restricted to the Soviet military could be stolen or sold to the highest bidder;

Whereas, Senator Lugar and Senator Nunn worked diligently to develop a plan that would safeguard the welfare of the citizens of the former Soviet Union and the rest of the world and reduce the threat posed by the proliferation of weapons of mass destruction;

Whereas, The Nunn-Lugar Cooperative Threat Reduction Program uses money from the United States defense budget every year and allocates it to help the states of the former Soviet Union eliminate and safeguard nuclear weapons and other weapons of mass destruction;

Whereas, The Nunn-Lugar Cooperative Threat Reduction Program is not foreign aid and more than 80% of the funds are awarded through contracts to American companies;

Whereas, The goal of the Nunn-Lugar Cooperative Threat Reduction Program is to lessen the threat posed by weapons of mass destruction, to deactivate and destroy these weapons, and to assist former weapons experts to find long-term, peaceful employment;

Whereas, In 1997, Senators Lugar and Nunn were joined by Senator Pete Domenici in introducing the Defense Against Weapons of Mass Destruction Act;

Whereas, This act expanded Nunn-Lugar Cooperative Threat Reduction Program authorities in the former Soviet Union and provided defense against weapons of mass destruction expertise and equipment to first responders in 120 American cities;

Whereas, The city of Indianapolis and Marion County received first-responder training and equipment under the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Program in 1998, and Fort Wayne and Allen County received training and equipment in 2000;

Whereas, In 2003, Congress adopted the Nunn-Lugar Expansion Act authorizing the Nunn-Lugar Program to operate outside the former Soviet Union to address proliferation threats; and in October 2004, Nunn-Lugar Program funds were used for the first time outside of the former Soviet Union to destroy 16 tons of chemical weapons in Albania;

Whereas, Since its inception in 1991, the Nunn-Lugar Cooperative Threat Reduction Program has helped to deactivate 6,760 nuclear warheads; destroyed 590 missile silos, 32 mobile missile launchers, 150 strategic bombers, 789 air-to-surface nuclear missiles, 549 submarine launched missiles, 436 submarine missile launchers, and 28 strategic missile submarines; and sealed 194 nuclear test tunnels;

Whereas, The countries of Ukraine, Belarus, and Kazakhstan emerged from the Soviet Union as the third, fourth, and eighth

largest nuclear powers in the world, and today they are free of nuclear weapons because of the Nunn-Lugar Cooperative Threat Reduction Program;

Whereas, Still striving to reduce the threat posed by the proliferation of weapons of mass destruction throughout the world, Senator Richard Lugar has offered legislation with Senator Barack Obama;

Whereas, Senator Lugar invited his Democratic colleague to join his annual trip to inspect weapons storage and elimination sites in Russia, Ukraine, and Azerbaijan;

Whereas, Senator Obama joined Senator Lugar in proclaiming the need for urgency to prevent stockpiles of nuclear, biological, and conventional weapons from falling into the hands of terrorists;

Whereas, During their trip to the former Soviet Union, Senators Lugar and Obama witnessed first hand the progress the Nunn-Lugar Cooperative Threat Reduction Program is making in improving the safety and security of nuclear warheads, the consolidation and security improvements at biological pathogens storage facilities, and the elimination of mobile intercontinental ballistic missile launchers;

Whereas, Senators Lugar and Obama recently introduced legislation aimed at eliminating stockpiles of conventional weapons such as shoulder-fired missiles that terrorists have used to attack commercial aircraft, fuel civil wars in Africa and elsewhere, and ammunition to attack peacekeepers and aid workers seeking to stabilize and rebuild war-torn societies;

Whereas, The Lugar-Obama legislation also seeks to strengthen the ability of America's friends and allies to detect and interdict illegal shipments of weapons of mass destruction or material that could be used in nuclear, chemical, or biological weapons and to build a robust international network for stopping the proliferation of these weapons; and

Whereas, The efforts of Senator Richard Lugar to eliminate stockpiles of weapons of mass destruction and conventional weapons transcends politics; Senator Lugar, Senator Nunn, Senator Domenici, and Senator Obama work to resolve the real problems facing our nation and the world in a bipartisan effort to make all people safer from the terrorist threat: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the efforts of Senator Richard Lugar in making the world a safer place and promoting cooperative solutions to the world's problems.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Senator Lugar, Senator Nunn, Senator Domenici, and Senator Obama.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Hershman.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 11

Representative Burton called down Engrossed Senate Bill 11 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 229: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 40

Representative Duncan called down Engrossed Senate Bill 40 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 230: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 41

Representative T. Brown called down Engrossed Senate Bill 41 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 231: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 42

Representative Frizzell called down Engrossed Senate Bill 42 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 232: yeas 95, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 55

Representative Buell called down Engrossed Senate Bill 55 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 233: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 57

Representative Buell called down Engrossed Senate Bill 57 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 234: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 58

Representative Buell called down Engrossed Senate Bill 58 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Austin was excused from voting, pursuant to House Rule 46.

Roll Call 235: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill.

Engrossed Senate Bill 69

Representative Koch called down Engrossed Senate Bill 69 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 236: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 71

Representative Dodge called down Engrossed Senate Bill 71 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 237: yeas 76, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 72

Representative Borrer called down Engrossed Senate Bill 72 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 238: yeas 81, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 77

Representative Heim called down Engrossed Senate Bill 77 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 239: yeas 79, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 84

Representative Foley called down Engrossed Senate Bill 84 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 240: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 85

Representative Buell called down Engrossed Senate Bill 85 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Dvorak was excused from voting, pursuant to House Rule 46.

Roll Call 241: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 100

Representative Whetstone called down Engrossed Senate Bill 100 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 242: yeas 73, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 102

Representative Foley called down Engrossed Senate Bill 102 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 243: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 106

Representative Walorski called down Engrossed Senate Bill 106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 244: yeas 97, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 114

Representative Foley called down Engrossed Senate Bill 114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 245: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that House Rule 117.2 be suspended on Monday, February 27, 2006, so that a motion is eligible for second reading if it is time stamped at least one hour prior to the convening of the session.

WHETSTONE

The motion, having been adopted by a constitutional majority, prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, February 27, 2006 at 10:00 a.m.

TORR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Ayres, Bauer, Bell, Bischoff, Borders, Borrer, C. Bottorff, Bright, T. Brown, Buck, Budak, Buell, Burton, Cherry, Cochran, Crouch, Davis, Denbo, Dodge, Duncan, Espich, Foley, Frizzell, Goodin, Grubb, Gutwein, T. Harris, Heim, Hinkle, Hoffman, Hoy, Koch, Kuzman, Lehe, Leonard, J. Lutz, Mays, McClain, Messer, Micon, Murphy, Neese, Noe, Pelath, Pflum, Pond, Reske, Ripley, Robertson, Ruppel, Saunders, J. Smith, Stutzman, Thomas, Thompson, Tincher, Torr, Tyler, Ulmer, Walorski, Whetstone, Wolkins, Woodruff, and Yount be added as coauthors of House Resolution 1.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Noe be added as coauthor of House Resolution 22.

ORENTLICHER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Harris be added as cosponsor of Engrossed Senate Bill SB 5.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill SB 75.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representative Goodin be added as cosponsor of Engrossed Senate Bill SB 105.

DUNCAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as cosponsor of Engrossed Senate Bill SB 172.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill SB 193.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Dvorak and Bright be added as cosponsors of Engrossed Senate Bill SB 247.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Thomas and Crouch be added as cosponsors of Engrossed Senate Bill SB 300.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Day be added as cosponsor of Engrossed Senate Bill SB 341.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mays be added as cosponsor of Engrossed Senate Bill SB 342.

MESSER

Motion prevailed.

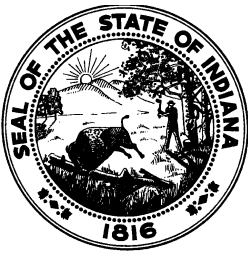
On the motion of Representative Ripley, the House adjourned at 7:05 p.m., this twenty-third day of February, 2006, until Monday, February 27, 2006, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-second Meeting Day

Monday Morning

February 27, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Scott E. Reske.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses ☐
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley ☐	Summers ☐
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta ☐	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins ☐
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 246: 95 present; 5 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Resolution 28

Representative Reske introduced House Resolution 28:

A HOUSE RESOLUTION memorializing Private First Class Deryk L. Hallal.

Whereas, Private First Class Deryk L. Hallal, Indianapolis, Indiana, was killed on April 6, 2004, by hostile fire in Anbar province, Iraq;

Whereas, At the time of his death, Private First Class Hallal was serving as a rifleman;

Whereas, Private First Class Hallal was caught in the open and under intense enemy rocket-propelled grenade, machine gun, and small arms fire;

Whereas, Bravely and without hesitation, Private First Class Hallal returned fire, eliminating three insurgents and allowing squad members to position themselves for an assault against the enemy;

Whereas, Under intense enemy fire, Private First Class Hallal bravely led the attack to clear an enemy emplacement;

Whereas, The actions of Private First Class Hallal saved the lives of the members of his squad;

Whereas, Private First Class Hallal was awarded the Bronze Star Medal in recognition of his valor;

Whereas, Private First Class Hallal was assigned to 2nd Battalion, 4th Marines, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California;

Whereas, The family and friends of Private First Class Hallal can take comfort in the knowledge that he believed in what he was doing and that he is truly an American hero; and

Whereas, Throughout history brave men and women like Private First Class Hallal have made the ultimate sacrifice in defense of freedom throughout the world; without men and women like Private First Class Hallal freedom could not survive: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives pays tribute to an outstanding American who gave his life in defense of freedom. Private First Class Deryk L. Hallal was killed fighting to preserve freedom. Private First Class Hallal died doing what he believed in and defending the lives of his fellow Marines. The Indiana House of Representatives extends its deepest sympathy to his family.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Private First Class Deryk L. Hallal.

The resolution was read a first time and adopted by voice vote.

The House recessed for a ceremony in which the United States Marine Corps presented the Bronze Star to the family of Private First Class Deryk Hallal.

The House reconvened with the Speaker in the Chair.

Representative Foley, who had been excused, was present.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 75

Representative Borrer called down Engrossed Senate Bill 75 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning veteran's affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 247: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON SECOND READING

The following bills were called down by their respective sponsors, were read a second time by title, and, there being no amendments, were ordered engrossed: Engrossed Senate Bills 33, 36, 39, 56, 81, 94, 151, 192, 193, 201, 229, 264, 275, 300, 338, 342, and 369.

Representatives Summers and Wolkins, who had been excused, were present. Representative Bauer and Reske were excused.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 384

Representative Saunders called down Engrossed Senate Bill 384 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Borrer, Espich, and Whetstone were excused from voting, pursuant to House Rule 46.

Roll Call 248: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 379

Representative Heim called down Engrossed Senate Bill 379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 249: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 373

Representative Foley called down Engrossed Senate Bill 373 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 250: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 354

Representative Ulmer called down Engrossed Senate Bill 354 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 62, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 339

Representative Duncan called down Engrossed Senate Bill 339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 252: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 332

Representative Buell called down Engrossed Senate Bill 332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 253: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Reske, who had been excused, was present. Representatives Kuzman and Whetstone were excused.

Engrossed Senate Bill 314

Representative Friend called down Engrossed Senate Bill 314 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 254: yeas 41, nays 53. The bill was defeated.

Engrossed Senate Bill 310

Representative Behning called down Engrossed Senate Bill 310 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 255: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 285

Representative Ruppel called down Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 285-3)

Mr. Speaker: I move that Engrossed Senate Bill 285 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 12, line 38, delete "Money from the following sources may be used" and insert "**The fiscal body of a county that establishes a county emergency operations center may use money from any available source**".

Page 12, line 39, delete "a" and insert "**the**".

Page 12, line 42, delete ":" and insert ".".

Page 13, delete lines 1 through 3.

Page 18, delete lines 37 through 42.

Delete pages 19 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 285 as reprinted February 17, 2006.)

RUPPEL

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 285 be made a special order of business for 1:30 p.m.

STILWELL

Motion prevailed. The bill was made a special order of business.

Representative Whetstone, who had been excused, was present.

Engrossed Senate Bill 283

Representative Bischoff called down Engrossed Senate Bill 283 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 256: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 277

Representative C. Brown called down Engrossed Senate Bill 277 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 257: yeas 82, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 269

Representative Duncan called down Engrossed Senate Bill 269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 258: yeas 81, nays 10. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Kuzman, who had been excused, was present.

Engrossed Senate Bill 258

Representative Espich called down Engrossed Senate Bill 258 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 259: yeas 91, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:40 p.m. with the Speaker in the Chair.

Representative Bauer, who had been excused, was present. Representative Wolkins was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 43 and 44 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 25 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

House Resolution 29

Representative Pelath introduced House Resolution 29:

A HOUSE RESOLUTION memorializing Norman E. Pahs.

Whereas, Norman E. Pahs was born on April 10, 1917, in Michigan City to Henry Pahs and Mary Foldenauer Pahs;

Whereas, Norman E. Pahs married Lucille Porsoska on September 13, 1941;

Whereas, Norman E. Pahs was one of the premier elected leaders in LaPorte County history, serving as a county commissioner for eight years, a Coolspring Township trustee for 20 years, and a Coolspring Township Advisory Board member until his death;

Whereas, Norman E. Pahs worked as a foreman at Gerwin Industries, served as president of the St. Joseph Young Men's Society and president of the Polish Business and Professional Club, and he was a long-standing and dedicated member of the Coolspring Democratic Club, the Coolspring Farm Bureau, the LaPorte County Excise Board, and the Queen of All Saints Church;

Whereas, Norman E. Pahs received a Sagamore of the Wabash Award from Indiana Governor Evan Bayh in 1994;

Whereas, Norman E. Pahs was a legendary gardener who welcomed countless friends, family, and visitors into his home along Johnson Road in Coolspring Township;

Whereas, Norman E. Pahs was beloved and respected by thousands of LaPorte County citizens for his personal integrity, characteristic humility, and unwavering dedication to the interests of working people;

Whereas, Norman E. Pahs is survived by one sister, Mary Tuholski; three daughters, Patricia, Norma, and Mary Ellen; ten grandchildren; and several great-grandchildren;

Whereas, Norman E. Pahs was preceded in death by his wife, Lucille; one daughter, Susanne; brothers, Henry, Louis, Robert, and Edward; one sister, Evelyn; and one granddaughter, Maureen Murphy; and

Whereas, As a strong and trusted leader, Norman E. Pahs always put the needs and wishes of the people above all other

considerations: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to honor the great life, numerous good works, and lasting memory of Norman E. Pahs.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Norman E. Pahs.

The resolution was read a first time and adopted by voice vote.

House Resolution 30

Representative Pelath introduced House Resolution 30:

A HOUSE RESOLUTION memorializing Larry F. Naifeh.

Whereas, Larry F. Naifeh was born to Frank Naifeh and Geneva Holland Naifeh on September 15, 1947;

Whereas, Larry F. Naifeh married Deirdre "Dee" Breihan on December 23, 1967;

Whereas, After 23 years of distinguished service with the United States Marine Corps, Larry F. Naifeh retired in 1991 as a major;

Whereas, Larry F. Naifeh served his country in Vietnam, the Gulf War, and at many stations around the globe;

Whereas, Larry F. Naifeh was a member of Countryside Christian Church, the American Association of Christian Counselors, the Indiana State Teacher's Association, the John Franklin Miller American Legion Post 37, and the Veterans of Foreign Wars Post 2536;

Whereas, Larry F. Naifeh was revered as the senior instructor and director of the Michigan City Area Schools Junior R.O.T.C. program;

Whereas, Larry F. Naifeh made a positive and lasting difference in the lives of countless young people throughout LaPorte County as he instilled in them the basic values of integrity, responsibility, and leadership;

Whereas, Larry F. Naifeh was a man who consistently demonstrated the highest morals and ethics while setting an example to be followed by others;

Whereas, Larry F. Naifeh is survived by his wife Dee; his son, U.S. Army Major Michael T. Naifeh; his daughter-in-law, Viktoria; his grandchildren, Matthew, Alexander, and Ksenia; and two sisters, Brenda and Laura;

Whereas, Larry F. Naifeh was preceded in death by his son, U.S. Army Private First Class Matthew T. Naifeh, who was killed while serving his country on July 16, 2002; and

Whereas, The death of Larry F. Naifeh is a great loss to the state of Indiana, and he will be missed by many: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives wishes to express its sympathy to the family of Larry F. Naifeh and to honor the good works, dedicated service, and extraordinary life of this wonderful man.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Larry F. Naifeh.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 43

The Speaker handed down Senate Concurrent Resolution 43, sponsored by Representative Burton:

A CONCURRENT RESOLUTION recognizing the Greenwood Fire Department Honor Guard.

Whereas, The Greenwood Fire Department Honor Guard was formed in 1997 and originally consisted of six members who wanted to represent the fire department and the city with the highest degree of honor;

Whereas, The Honor Guard currently consists of twelve members, Commander Nat Ridge, Assistant Commander Joshua Meadows, Kevin Johnson, Ed Daugherty, Adam Arkins, Adam Flynn, Thaddeus Ridge, Robert Stecher, Randy Travis, Michael Jackson, Devon Bancroft, and Bryan Johns;

Whereas, The primary function of the Honor Guard is to perform at the funeral services of fallen members of the fire department and police department or civic leaders and to present and promote the dignity and honor of the United States flag and Indiana flag at various events and functions around the area;

Whereas, The Greenwood Fire Department Honor Guard has competed in the FDIC National Fire Department Honor Guard competition for four years, taking the national title in 2003 and 2005;

Whereas, The Honor Guard also shows an active interest in the community through involvement with the Cub Scouts, presenting the colors at local Sertoma, Rotary, and Moose events as well as high school sporting events and fund raisers;

Whereas, The Honor Guard led the Epsilon Sigma Alpha Walk of Heroes in 2002, the annual St. Patrick's Day Parade in Indianapolis in 2004, the Babe Ruth World Series Parade in 2002, and presented the Colors for the International Convention of Sertoma in 2003 and the National Fallen Firefighter's Memorial in Washington, D.C. in 2002; and

Whereas, The Greenwood Fire Department Honor Guard is an excellent representative of the Greenwood community and the state of Indiana: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the dedication to duty, honor, and country displayed by the members of the Greenwood Fire Department Honor Guard and thanks the members for their hard work.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the members of the Greenwood Fire Department Honor Guard, Fire Chief Steve Dhondt, Mayor Charles Henderson, and Governor Mitch Daniels.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 44

The Speaker handed down Senate Concurrent Resolution 44, sponsored by Representatives Crouch and Hoy:

A CONCURRENT RESOLUTION recognizing the International Brotherhood of Electrical Workers (IBEW) for their dedicated service to the communities in which they serve.

Whereas, During severe weather and natural disasters, the government urges residents to remain in a safe place. At the same time, electricians are out in the elements working to restore power and reduce the dangers associated with inclement weather, such as severed power lines;

Whereas, Electrical power is one of the most essential services to everyday life, but it is particularly crucial during disaster recovery efforts;

Whereas, IBEW electricians frequently work in hazardous situations in order to restore power in adverse conditions, enabling rescue attempts during disaster recovery efforts; and

Whereas, The electricians of the IBEW deserve recognition and gratitude for the tremendous risk they assume in order to serve Indiana communities during times of distress: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the International Brotherhood of Electrical Workers (IBEW) and their diligent efforts to restore power for the citizens of Indiana in hazardous conditions.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Edwin D. Hill, IBEW International President; Mark H. Ayers, IBEW Construction and Maintenance Director; and William Cooper, retired Trade Association Executive Manager associated with the National Electrical Contractors Association, Inc.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

By consent the House did not handle Engrossed Senate Bill 285, which had been made a special order of business on third reading. The House proceeded to Engrossed Senate Bills on second reading.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Joint Resolution 2

Representative Richardson called down Engrossed Senate Joint Resolution 2 for second reading. The joint resolution was read a second time by title.

HOUSE MOTION (Amendment 2-1)

Mr. Speaker: I move that Engrossed Senate Joint Resolution 2 be amended to read as follows:

Page 2, line 5, after "is" insert ":

(A) on active military duty or is an employee of the United States government; and
(B)".

(Reference is to SJR 2 as printed February 17, 2006.)

MAHERN

Upon request of Representatives Mahern and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 260: yeas 45, nays 51. Motion failed. The joint resolution was ordered engrossed.

Engrossed Senate Bill 382

Representative Crouch called down Engrossed Senate Bill 382 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 382-1)

Mr. Speaker: I move that Engrossed Senate Bill 382 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-22-3.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 1. This chapter applies to the following:

- (1) Each county having a consolidated city.
- (2) Each city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (3) Each county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000).
- (4) Each county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (5) Each county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).
- (6) Each county having a population of more than one hundred eighteen thousand (118,000) but less than one hundred twenty thousand (120,000).**

SECTION 2. IC 8-22-3.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 2. As used in this chapter, "commission" refers to the following:

- (1) With respect to a county having a consolidated city, the metropolitan development commission acting as the redevelopment commission of the consolidated city, subject to IC 36-3-4-23.
- (2) With respect to a city described in section 1(2) of this chapter, the board of the airport authority for the city.

(3) With respect to a county described in section 1(3) of this chapter, the board of an airport authority that is jointly established by the county and a municipality under IC 8-22-3.

(4) With respect to a county described in section 1(4) or 1(5) of this chapter, the board of an airport authority that is jointly established by the county and a municipality under IC 8-22-3.

(5) With respect to a county described in section 1(6) of this chapter, the board of an airport authority that is established by the county.

SECTION 3. IC 8-22-3.5-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 2.5. Notwithstanding IC 8-22-1-6, as used in this chapter, "eligible entity" refers to any of the following:

- (1) A consolidated city.
- (2) A city described in section 1(2) of this chapter.
- (3) A city in a county described in section 1(3) of this chapter.
- (4) A county described in section 1(4) of this chapter.
- (5) A city located in a county described in section 1(4) of this chapter.
- (6) A county described in section 1(5) of this chapter.
- (7) A city located in a county described in section 1(5) of this chapter.
- (8) A county described in section 1(6) of this chapter."**

Page 1, line 11, after "1(4)," delete "or".

Page 1, line 11, after "1(5)" insert ", **or 1(6)**".

Page 2, line 25, after "1(4)," strike "or".

Page 2, line 25, after "1(5)" insert ", **or 1(6)**".

Page 3, line 12, after "1(4)" insert ",."

Page 3, line 12, strike "or".

Page 3, line 12, after "1(5)" insert ", **or 1(6)**".

Page 8, between lines 21 and 22, begin a new paragraph and insert:
"SECTION 9. IC 8-22-3.5-14, AS AMENDED BY P.L.4-2005, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 14. (a) This section applies only to an airport development zone that is in a:

- (1) city described in section 1(2) of this chapter; or
- (2) county described in section 1(3), ~~or~~ 1(4), **or 1(6)** of this chapter.

(b) Notwithstanding any other law, a business or an employee of a business that is located in an airport development zone is entitled to the benefits provided by the following statutes, as if the business were located in an enterprise zone:

- (1) IC 6-1.1-20.8.
- (2) IC 6-3-2-8.
- (3) IC 6-3-3-10.
- (4) IC 6-3.1-7.
- (5) IC 6-3.1-9.
- (6) IC 6-3.1-10-6.

(c) Before June 1 of each year, a business described in subsection (b) must pay a fee equal to the amount of the fee that is required for enterprise zone businesses under IC 5-28-15-5(a)(4)(A). However, notwithstanding IC 5-28-15-5(a)(4)(A), the fee shall be paid into the debt service fund established under section 9(e)(2) of this chapter. If the commission determines that a business has failed to pay the fee required by this subsection, the business is not eligible for any of the benefits described in subsection (b).

(d) A business that receives any of the benefits described in subsection (b) must use all of those benefits, except for the amount of the fee required by subsection (c), for its property or employees in the airport development zone and to assist the commission. If the commission determines that a business has failed to use its benefits in the manner required by this subsection, the business is not eligible for any of the benefits described in subsection (b).

(e) If the commission determines that a business has failed to pay the fee required by subsection (c) or has failed to use benefits in the manner required by subsection (d), the commission shall provide written notice of the determination to the department of state revenue, the department of local government finance, and the county auditor."

Renumber all SECTIONS consecutively.

(Reference is to ESB 382 as printed February 24, 2006.)

TYLER

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 374

Representative T. Brown called down Engrossed Senate Bill 374 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 370

Representative Torr called down Engrossed Senate Bill 370 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 370-2)

Mr. Speaker: I move that Engrossed Senate Bill 370 be amended to read as follows:

Page 15, line 4, after "based" insert "**service**".

Page 15, line 5, after "(D)" delete "A" and insert "**For a regional workforce area in which employees are represented by labor organizations, a**".

Page 15, line 5, delete "organization." and insert "**organization, with the member being nominated by the local labor federations.**".

(Reference is to ESB 370 as printed February 22, 2006.)

BUDAK

Motion prevailed.

HOUSE MOTION
(Amendment 370-1)

Mr. Speaker: I move that Engrossed Senate Bill 370 be amended to read as follows:

Page 3, delete lines 27 through 39.

Page 8, line 25, reset in roman "(a)".

Page 8, line 26, delete "The" and insert "**Subject to subsection (b), the**".

Page 9, between lines 39 and 40, begin a new paragraph and insert: "**(b) The state superintendent of public instruction or the superintendent's designee serves as a member of the state workforce innovation council.**".

Re-number all SECTIONS consecutively.

(Reference is to ESB 370 as printed February 22, 2006.)

BORDERS

Upon request of Representatives Borders and Friend, the Speaker ordered the roll of the House to be called. Roll Call 261: yeas 90, nays 1. Motion prevailed.

HOUSE MOTION
(Amendment 370-3)

Mr. Speaker: I move that Engrossed Senate Bill 370 be amended to read as follows:

Page 10, line 9, delete "twenty-one (21)" and insert "**half of the**".

Page 10, line 10, delete "of" and insert "**appointed to**".

(Reference is to ESB 370 as printed February 22, 2006.)

LEONARD

Motion prevailed.

HOUSE MOTION
(Amendment 370-5)

Mr. Speaker: I move that Engrossed Senate Bill 370 be amended to read as follows:

Page 5, line 3, delete "for-profit or".

(Reference is to ESB 370 as printed February 22, 2006.)

CHENEY

Upon request of Representatives Cheney and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 262: yeas 44, nays 50. Motion failed.

HOUSE MOTION
(Amendment 370-6)

Mr. Speaker: I move that Engrossed Senate Bill 370 be amended to read as follows:

Page 4, reset in roman lines 36 through 41.

Page 5, reset in roman lines 11 through 12.

Page 5, line 13, reset in roman "the unemployment insurance program".

(Reference is to ESB 370 as printed February 22, 2006.)

CHENEY

Upon request of Representatives Cheney and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 263: yeas 46, nays 50. Motion failed.

HOUSE MOTION
(Amendment 370-7)

Mr. Speaker: I move that Engrossed Senate Bill 370 be amended to read as follows:

Page 8, line 25, reset in roman "(a)".

Page 9, between lines 39 and 40, begin a new paragraph and insert:

"**(b) The membership of the state workforce innovation council must include at least three (3) representatives of labor organizations who have been nominated by the Indiana State AFL-CIO.**".

Page 14, line 36, delete "'sixteen (16)" and insert "**seventeen (17)**".

Page 14, line 42, delete "Four (4)" and insert "**Five (5)**".

Page 14, line 42, delete "one (1) from each of" and insert "**as specified in**".

Page 15, line 2, delete "An" and insert "**One (1) representative from an**".

Page 15, line 3, delete "A" and insert "**One (1) representative from a**".

Page 15, line 4, delete "A" and insert "**One (1) representative from a**".

Page 15, line 5, delete "A" and insert "**Two (2) representatives of**".

Page 15, line 5, delete "organization." and insert "**organizations who have been nominated by local AFL-CIO central labor councils.**".

Page 15, line 7, delete "member" and insert "**members**".

Page 15, line 8, delete "a representative" and insert "**representatives**".

Page 15, delete lines 15 through 16, begin a new line block indented and insert:

"**area shall select and appoint one (1) member from:**

(A) any of the four (4) categories listed in subsection (b)(2); and

(B) the category listed in subsection (b)(2)(D).".

Page 16, line 13, delete "sixteen (16)" and insert "**seventeen (17)**".

Page 16, line 17, delete "sixteen (16)" and insert "**seventeen (17)**".

(Reference is to ESB 370 as printed February 22, 2006.)

CHENEY

Upon request of Representatives Cheney and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 264: yeas 46, nays 50. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 362

Representative Turner called down Engrossed Senate Bill 362 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 362-2)

Mr. Speaker: I move that Engrossed Senate Bill 362 be amended to read as follows:

Page 4, line 39, delete "thirty" and insert "**forty-five**".

Page 4, line 40, delete "(30)" and insert "**(45)**".

Page 5, line 42, delete "thirty (30)" and insert "**forty-five (45)**".

Page 12, line 16, reset in roman "However, if".

Page 12, line 16, after "if" insert "**the department determines that:**

(1)".

Page 12, line 16, reset in roman "at the".

Page 12, reset in roman lines 17 through 19.

Page 12, line 20, reset in roman "date the judgment was filed".

Page 12, line 20, after "filed" delete "," and insert "; **and**

(2) the sheriff's electronic data base regarding tax warrants is compatible with the department's data base;".

Page 12, line 20, beginning with "the sheriff" begin a new line blocked left.

Page 12, line 21, reset in roman "the sheriff may keep the tax warrant and".

Page 12, line 21, reset in roman "continue collections."
(Reference is to ESB 362 as printed February 24, 2006.)

TURNER

Motion prevailed.

HOUSE MOTION
(Amendment 362-1)

Mr. Speaker: I move that Engrossed Senate Bill 362 be amended to read as follows:

Page 2, line 22, delete "The" and insert **"Except as provided in subsection (k), the"**.

Page 2, line 26, delete "notify a retail merchant who is delinquent" and insert **"do the following"**:

(1) Make a proposed assessment under IC 6-8.1-5 against the retail merchant in the amount of the sales and use taxes that the retail merchant is delinquent in remitting to the department.

(2) Notify the retail merchant that the department will not renew the retail merchant's registered retail merchant's certificate."

Page 2, delete lines 27 through 28.

Page 3, between lines 16 and 17, begin a new paragraph and insert: **"(k) The department may renew a registered retail merchant's certificate if the retail merchant complies with the following requirements:**

(1) The retail merchant does either of the following:

(A) Commences settlement negotiations with the department with regard to the proposed assessment made under subsection (g).

(B) Files a written protest of the proposed assessment made under subsection (g).

(2) The retail merchant applies within ten (10) days of receiving the notice required under subsection (g) for a renewal of the retail merchant's registered retail merchant's certificate on a form prescribed by the department.

The department shall rule on the retail merchant's application at least thirty (30) days before the date on which the retail merchant's registered retail merchant certificate expires.

(l) A retail merchant whose application for a renewed registered retail merchant's certificate is denied by the department under subsection (k) may petition the tax court to set aside the department's denial of the retail merchant's application. A petition filed under this subsection is subject to the requirements of IC 33-26-6-2(e). The tax court shall conduct a hearing and rule on the petition before the date on which the retail merchant's registered retail merchant certificate expires.

(m) After a hearing on a petition filed under subsection (l), the tax court may set aside the department's denial of the retail merchant's application for a renewed registered retail merchant's certificate if the tax court finds that:

(1) the issues raised by the petitioner are substantial;

(2) the petitioner has a reasonable opportunity to prevail in any original tax appeal that might arise from the department's proposed assessment of the petitioner's sales and use tax liability; and

(3) the equitable considerations favoring the setting aside of the department's denial of the petitioner's application for a renewed registered retail merchant's certificate outweigh the state's interests in refusing to renew the taxpayer's registered retail merchant certificate."

Page 14, between lines 9 and 10, begin a new paragraph and insert: **"SECTION 12. IC 33-26-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:** Sec. 2. (a) A taxpayer who wishes to initiate an original tax appeal must file a petition in the tax court to set aside the final determination of the department of state revenue or the Indiana board of tax review. If a taxpayer fails to comply with any statutory requirement for the initiation of an original tax appeal, the tax court does not have jurisdiction to hear the appeal.

(b) A taxpayer who wishes to enjoin the collection of a tax pending the original tax appeal must file a petition with the tax court to enjoin

the collection of the tax. The petition must set forth a summary of:

(1) the issues that the petitioner will raise in the original tax appeal; and

(2) the equitable considerations for which the tax court should order the collection of the tax to be enjoined.

(c) After a hearing on the petition filed under subsection (b), the tax court may enjoin the collection of the tax pending the original tax appeal, if the tax court finds that:

(1) the issues raised by the original tax appeal are substantial;

(2) the petitioner has a reasonable opportunity to prevail in the original tax appeal; and

(3) the equitable considerations favoring the enjoining of the collection of the tax outweigh the state's interests in collecting the tax pending the original tax appeal.

(d) This section does not apply to a final determination of the department of state revenue under IC 4-32 other than a final determination concerning the gaming card excise tax established under IC 4-32-15.

(e) This subsection applies to a taxpayer who petitions the tax court under IC 6-2.5-8-1(l) to set aside a denial of an application to renew a registered retail merchant's certificate. The petition must set forth a summary of:

(1) the issues that the petitioner will raise in contesting the department of state revenue's underlying proposed assessment of the petitioner's sales and use tax liability; and

(2) the equitable considerations for which the tax court should order the department of state revenue to renew the retail merchant's registered retail merchant's certificate."

Renumber all SECTIONS consecutively.

(Reference is to ESB 362 as printed February 24, 2006.)

AVERY

Upon request of Representatives Avery and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 265: yeas 46, nays 47. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 359

Representative Messer called down Engrossed Senate Bill 359 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 359-7)

Mr. Speaker: I move that Engrossed Bill 359 be amended to read as follows:

Page 3, after line 42, begin a new paragraph and insert:

"SECTION 2. IC 4-13-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 18. Drug Testing of Employees of Public Works Contractors

Sec. 1. This chapter applies only to a public works contract awarded after June 30, 2006.

Sec. 2. As used in this chapter, "bid" includes a quotation.

Sec. 3. (a) As used in this chapter, "contractor" refers to a person who:

(1) submits a bid to do work under a public works contract; or

(2) does any work under a public works contract.

(b) The term includes a subcontractor of a contractor.

Sec. 4. As used in this chapter, "public works contract" refers to:

(1) a public works contract covered by IC 4-13.6;

(2) a public works contract covered by IC 5-16 and entered into by a state agency; or

(3) a state highway contract covered by IC 8-23-9;

when the estimated cost of the public works project is one hundred fifty thousand dollars (\$150,000) or more.

Sec. 5. (a) A solicitation for a public works contract must require each contractor that submits a bid for the work to submit with the bid a written plan for a program to test the contractor's employees for drugs.

(b) A public works contract may not be awarded to a contractor whose bid does not include a written plan for an employee drug testing program that complies with this chapter.

Sec. 6. (a) A contractor's employee drug testing program must satisfy all of the following:

- (1) Each of the contractor's employees must be subject to a drug test at least one (1) time each year.
- (2) Subject to subdivision (1), the contractor's employees must be tested randomly. At least two percent (2%) of the contractor's employees must be randomly selected each month for testing.
- (3) The program must contain at least a five (5) drug panel that tests for the following:
 - (A) Amphetamines.
 - (B) Cocaine.
 - (C) Opiates (92000 ng/ml).
 - (D) PCP.
 - (E) THC.
- (4) The program must impose progressive discipline on an employee who fails a drug test. The discipline must have at least the following progression:

- (A) After the first positive test, an employee must be:
 - (i) suspended from work for thirty (30) days;
 - (ii) directed to a program of treatment or rehabilitation; and
 - (iii) subject to unannounced drug testing for one (1) year, beginning the day the employee returns to work.
- (B) After a second positive test, an employee must be:
 - (i) suspended from work for ninety (90) days;
 - (ii) directed to a program of treatment or rehabilitation; and
 - (iii) subject to unannounced drug testing for one (1) year, beginning the day the employee returns to work.
- (C) After a third or subsequent positive test, an employee must be:
 - (i) suspended from work for one (1) year;
 - (ii) directed to a program of treatment or rehabilitation; and
 - (iii) subject to unannounced drug testing for one (1) year, beginning the day the employee returns to work.

The program may require dismissal of the employee after any positive drug test or other discipline more severe than is described in this subdivision.

(b) An employer complies with the requirement of subsection (a) to direct an employee to a program of treatment or rehabilitation if the employer does either of the following:

- (1) Advises the employee of any program of treatment or rehabilitation covered by insurance provided by the employer.
- (2) If the employer does not provide insurance that covers drug treatment or rehabilitation programs, the employer advises the employee of agencies known to the employer that provide drug treatment or rehabilitation programs.

Sec. 7. (a) The public works contract must provide for the following:

- (1) That the contractor implement the employee drug testing program described in the contractor's plan.
- (2) Cancellation of the contract by the agency awarding the contract if the contractor:
 - (A) fails to implement its employee drug testing program during the term of the contract;
 - (B) fails to provide information regarding implementation of the contractor's employee drug testing program at the request of the agency; or
 - (C) provides to the agency false information regarding the contractor's employee drug testing program.

(b) The provisions of the public works contract relating to cancellation of the contract by the agency awarding the contract apply to cancellation of the public works contract under this section."

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2006.)

CROUCH

Motion prevailed.

HOUSE MOTION (Amendment 359-4)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 5, delete lines 14 through 42, begin a new paragraph and insert:

"SECTION 4. IC 5-22-7.3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 7.3. Negotiated Bidding

Sec. 1. (a) This chapter applies only to a purchasing agency in the executive branch.

(b) Subject to the policies of the purchasing agency, a purchasing agent may follow the procedure described in this chapter in awarding a contract for supplies instead of awarding a contract under IC 5-22-7.

Sec. 2. (a) A purchasing agent may issue an invitation for bids.

(b) An invitation for bids must include the following:

- (1) A purchase description.
- (2) All contractual terms and conditions that apply to the purchase.
- (3) A statement of which, if any, of the following will be used to evaluate bids:
 - (A) Inspection.
 - (B) Testing.
 - (C) Quality.
 - (D) Workmanship.
 - (E) Delivery.
 - (F) Suitability for a particular purpose.
 - (G) The requirement imposed under IC 5-22-3-5.
 - (H) Any other evaluation criteria stated in the invitation for bids.

(4) The procedure for opening the bids, including the date, time, and place for opening the bids.

(5) A statement concerning whether a bid must be accompanied by a certified check or other evidence of financial responsibility that may be required in accordance with policies of the purchasing agency.

(6) A statement concerning the conditions under which a bid may be canceled or rejected in whole or in part as specified under IC 5-22-18-2.

(7) A statement concerning whether, and the procedures under which, discussions may be conducted with bidders before a contract is awarded. The procedures for conducting discussions with bidders must be consistent with fair competition among all bidders.

Sec. 3. Evaluation criteria that will:

- (1) affect the bid price; and
- (2) be considered in the evaluation for an award;

must be objectively measurable.

Sec. 4. Only criteria specified in the invitation for bids may be used in bid evaluation.

Sec. 5. (a) The purchasing agency shall:

- (1) give notice of the invitation for bids in the manner required by IC 5-3-1; and
- (2) provide electronic access to the notice through the computer gateway administered by the office of technology.

Sec. 6. (a) An employee of the purchasing agency shall open bids in the presence of one (1) or more other employees of the purchasing agency according to the procedure stated in the invitation for bids as required by section 2(b)(4) of this chapter.

(b) Individuals other than employees of the purchasing agency may not be present at an opening of bids unless the bids are opened publicly.

Sec. 7. Bids must be:

- (1) opened so as to avoid disclosure of contents to competing bidders during the process of negotiation; and
- (2) evaluated based on the requirements provided in the invitation for bids.

Sec. 8. A contract must be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder.

Sec. 9. (a) The purchasing agency shall prepare a bid register.

(b) The bid register must contain the following:

(1) A copy of all documents that are included as part of the invitation for bids.

(2) A list of all persons to whom copies of the invitation for bids were given.

(3) A list of all bids received. The list of bids received must include the following information:

(A) The name and address of each bidder.

(B) The dollar amount of all bid prices received during the bidding process.

(C) The name of the successful bidder and the dollar amount of that bidder's bid.

(4) The basis on which the award was made.

(5) Documentation of the purchasing agency's negotiating process with bidders. The documentation must include the following:

(A) A log of the date and times of each meeting with a bidder. The log must include the identity of the bidder.

(B) A description of the nature of all communications with each bidder.

(C) Subject to subdivision (6), a copy of all written communications, including electronic communications, with each bidder.

(6) The entire contents of the contract file except for proprietary information included with a bid, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids.

(c) Except as provided in section 10 of this chapter, the bid register is subject to public inspection only after the contract award.

Sec. 10. (a) This section applies only if the amount of the purchase is more than two hundred thousand dollars (\$200,000).

(b) After the purchasing agency has completed any negotiations, the purchasing agency shall set a date, time, and place for publishing the bid register required by section 9 of this chapter. The date set under this subsection may not be less than seven (7) days before the purchasing agency notifies the successful bidder of the award of the contract.

Sec. 11. (a) The purchasing agency may establish policies to allow any of the following:

(1) Correction or withdrawal of inadvertently erroneous bids before or after an award.

(2) Cancellation of awards or contracts based on a mistake described in subdivision (1).

(b) Except as provided in a rule or policy, a purchasing agency must make a written decision to:

(1) permit the correction or withdrawal of a bid; or

(2) cancel awards or contracts based on bid mistakes.

Sec. 12. If a bidder inserts contract terms or bids on items not specified in the invitation for bids, the purchasing agent shall treat the additional material as a proposal for addition to the contract and may do any of the following:

(1) Declare the bidder nonresponsive.

(2) Permit the bidder to withdraw the proposed additions to the contract in order to meet the requirements and criteria provided in the invitation for bids.

(3) Accept any of the proposed additions to the contract, subject to section 13 of this chapter.

Sec. 13. (a) The purchasing agent may not accept proposed additions to the contract that are prejudicial to the interest of the governmental body or fair competition.

(b) A decision of the purchasing agent to permit a change to the requirements of the invitation for bids must be supported by a written determination by the purchasing agency."

Delete page 6.

Page 7, delete lines 1 through 27.

Page 8, delete lines 10 through 42.

Page 9, delete lines 1 through 33, begin a new paragraph and insert:

"SECTION 6. IC 5-22-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) When a purchasing agent makes a written determination that the use of

competitive sealed bidding is either not practicable or not advantageous to the governmental body, the purchasing agent may award a contract using the procedure provided by this chapter instead of competitive sealed bidding under IC 5-22-7.

(b) This subsection applies only to a purchasing agent in the executive branch. Notwithstanding subsection (a), and subject to the policies of the purchasing agency, a purchasing agent may award a contract using the procedure provided by this chapter.

SECTION 7. IC 5-22-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revisions of proposals.

(b) Except as provided in subsection (c), in conducting discussions with an offeror, information derived from proposals submitted by competing offerors may not be disclosed.

(c) This subsection applies only to a purchasing agency in the executive branch. In conducting discussions with an offeror, information derived from proposals submitted by competing offerors may be used in discussion only if the identity of the offeror providing the information is not disclosed to others. The purchasing agency must provide equivalent information to all offerors with which the purchasing agency chooses to have discussions."

Page 10, delete lines 29 through 31, begin a new paragraph and insert:

"SECTION 9. IC 5-22-7.5-8 IS REPEALED [EFFECTIVE JULY 1, 2006]."

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2006.)

MESSER

Motion prevailed.

HOUSE MOTION

(Amendment 359-8)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 10, after line 31, begin a new paragraph and insert:

"SECTION 17. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding any other law, leasing of a highway, bridge, airport, port, intermodal facility, park, or publicly owned venue by a public agency that retains ownership of the parcel by written lease with right of forfeiture is not considered a public use.

(b) The department of transportation may not exercise the power of eminent domain for a purpose described in subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2006.)

KUZMAN

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Kuzman's amendment (359-8) is not germane to Engrossed Senate Bill 359.

Amendment 8 is germane to Engrossed Senate Bill 359 because both measures concern the procurement of property by public agencies.

PELATH

KUZMAN

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 266: yeas 51, nays 43. The ruling of the Chair was sustained.

HOUSE MOTION

(Amendment 359-2)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 5, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 4. IC 5-16-5.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"State agency" means the state of Indiana or any commission or agency created by law.

"Agent" shall include any board, commission, trustee, officer or agent which acts on behalf of a state agency.

"Public building", "public work" and "public improvement" or combinations thereof shall be construed to include all buildings, work or improvements the cost of which is paid for from public funds but shall not include highways, roads, streets, alleys, bridges and appurtenant structures situated on streets, alleys, **railroad projects (as defined in IC 8-5-15-1)** and dedicated highway rights-of-way.

"Substantial completion" shall be construed to mean the date when the construction of a structure or building is sufficiently completed, in accordance with the plans and specifications, as modified by any completed change orders agreed to by the parties, so that the state agency can occupy the structure or building for the use for which it was intended. Furthermore, the warranty period shall commence no later than the date of substantial completion.

"Contractor" shall mean any person, firm, limited liability company, or corporation who is party to a contract with a state agency to construct, erect, alter or repair any public building or is any way involved in public work or public improvement.

"Subcontractor" shall mean and include any person, firm, limited liability company, or corporation who is a party to a contract with the contractor and who furnishes and performs on-site labor on any public building, work or improvement. It also shall include materialmen who supply contractors or subcontractors as contained herein.

"Retainage" means any amount to be withheld from any payment to a contractor or subcontractor pursuant to the terms of a contract until the occurrence of a specified event.

"Escrowed principal" shall mean the value of all cash and securities or other property at the time placed in an escrow account.

"Escrowed income" shall mean the value of all property held in an escrow account over the escrowed principal in such account."

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2006.)

AYRES

Motion prevailed.

HOUSE MOTION (Amendment 359-5)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-13-1.8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.8. Public Hearings Concerning Public-Private Agreements

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 3. As used in this chapter, "operator" means a private entity that has been selected by the authority or the department to enter into a public-private agreement.

Sec. 4. As used in this chapter, "public-private agreement" means:

- (1) a BOT agreement entered into under IC 5-23;
- (2) an operating agreement entered into under IC 5-23;
- (3) a design-build contract entered into under IC 5-30; or
- (4) an agreement under any other statute;

between a private entity and the authority, or between a private entity and the department, that authorizes the private entity, acting on behalf of the authority or the department, to operate all or part of the Indiana toll road and to collect tolls for the use of the Indiana toll road.

Sec. 5. Notwithstanding any other law, the authority or the department may not enter into a public-private agreement before the end of the forty-five (45) day period described in section 6 of

this chapter.

Sec. 6. During the forty-five (45) day period following the latest of:

- (1) the effective date of the statute that authorizes the authority or the department to enter into the public-private agreement;
- (2) the date on which the authority or the department selects a private entity to serve as an operator; or
- (3) the date on which the governor designates a private entity to serve as an operator, if the statute authorizing the public-private agreement requires such a designation;

the authority or the department shall conduct public hearings in at least the municipalities listed in section 8 of this chapter.

Sec. 7. The authority shall schedule a public hearing on the preliminary selection of an operator and publish notice of the hearing one (1) time in each county in which a public hearing will be held, in accordance with IC 5-3-1 and at least seven (7) days before each hearing. The notice must include the following:

- (1) The date, time, and place of the hearing in the county and the remaining public hearings to be held in other counties.
- (2) The subject matter of the hearing.
- (3) A description of the related toll road project and of the public-private agreement that has been negotiated by the proposed operator and the authority or the department.
- (4) The identity of the offeror that has been selected or designated as the operator for the project.
- (5) The address and telephone number of the authority or the department.
- (6) A statement indicating that, except for those parts that are confidential under IC 5-14-3 or the statute authorizing the public-private agreement, the selected offer and an explanation of the basis upon which the preliminary selection was made are available for public inspection and copying at the principal office of the authority or the department during regular business hours.

Sec. 8. Public hearings must be held under this chapter in at least the following municipalities, which the general assembly finds may be affected by a public-private agreement concerning the Indiana toll road or the use of money derived from such a public-private agreement:

- (1) South Bend.
- (2) Gary.
- (3) Merrillville.
- (4) Fort Wayne.
- (5) Washington.
- (6) Bloomington.
- (7) Evansville.
- (8) Jeffersonville.

Sec. 10. (a) Except for those parts that are confidential under IC 5-14-3 or the statute authorizing the public-private agreement, the selected offer and a written explanation of the basis upon which the preliminary selection was made shall be made available for inspection and copying in accordance with IC 5-14-3 at least seven (7) days before each hearing scheduled under this chapter.

Sec. 11. The authority or the department shall allow the public to be heard on the proposed public-private agreement at each hearing conducted under this chapter.

Sec. 12. At the beginning of each hearing conducted under this chapter, a representative of the authority or the department must make a presentation in a manner that is understandable by the average individual that explains all the facts and information related to the proposed public-private agreement and the options the authority or the department has if there is a default in any of the terms of the proposed public-private agreement.

Sec. 13. After the conclusion of all the hearings required by this chapter, and before entering into the public-private agreement that was the subject of the hearings, the authority or the department shall review all testimony presented at the hearings in order to determine whether the execution of the proposed public-private agreement is in the best interests of the citizens of Indiana.

Sec. 14. If the authority or the department enters into a public-private agreement without complying with this chapter,

the public-private agreement is void."

Page 10, after line 31, begin a new paragraph and insert:
 "SECTION 18. An emergency is declared for this act."
 Renumber all SECTIONS consecutively.
 (Reference is to ESB 359 as printed February 21, 2006.)

OXLEY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Oxley's amendment (359-5) is not germane to Engrossed Senate Bill 359.

Amendment 5 is germane to Engrossed Senate Bill 359 because both measures concern modification to the process of public procurement.

PELATH
OXLEY

The Speaker Pro Tempore yielded the gavel to the Speaker.

The question was, Shall the ruling of the Chair be sustained? Roll Call 267: yeas 50, nays 41. The ruling of the Chair was sustained.

HOUSE MOTION (Amendment 359-1)

Mr. Speaker: I move that Engrossed Senate Bill 359 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

SECTION 1. [EFFECTIVE JULY 1, 2006] (a) The county election board of each county shall place the following public question on the ballot at the November 2006 general election:

"Should the State of Indiana prohibit the sale or lease of the Indiana Toll Road to a private company?"

(b) The county election board shall print the following immediately below the public question stated in subsection (a):

"The vote on these statements is advisory only. The result of the vote on these statements is not binding on the General Assembly, the Governor, or any other public official."

(c) The public question described in this SECTION must be placed on the ballot in accordance with IC 3-11-2-15.

(d) Each county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9.

(e) Except as provided in this SECTION, IC 3 applies to the public question described in this SECTION.

(f) The secretary of state shall certify the results of the vote on the public question described in this SECTION to each of the following:

- (1) The speaker of the house of representatives.**
- (2) The president pro tempore of the senate.**
- (3) The governor.**

(g) This SECTION expires July 1, 2007.

Renumber all SECTIONS consecutively.

(Reference is to ESB 359 as printed February 21, 2006.)

FRY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Fry's amendment (359-1) is not germane to Engrossed Senate Bill 359.

Amendment 1 is germane to Engrossed Senate Bill 359 because both measures concern state public works.

PELATH
FRY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 268: yeas 50, nays 45. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 355

Representative Ayres called down Engrossed Senate Bill 355 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 355-5)

Mr. Speaker: I move that Engrossed Senate Bill 355 be amended to read as follows:

Page 1, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 2. IC 6-1.1-12-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) If the assessed value of residential real property described in subsection (d) is increased because ~~it~~ **the property** has been rehabilitated, the owner may have deducted from the assessed value of the property an amount not to exceed the lesser of:

- (1) the total increase in assessed value resulting from the rehabilitation; or
- (2) eighteen thousand seven hundred twenty dollars (\$18,720) per rehabilitated dwelling unit.

The owner is entitled to this deduction annually for a five (5) year period.

(b) For purposes of this section, the term "rehabilitation" means significant repairs, replacements, **remodelings, additions, or other** improvements to an existing structure ~~which are intended to that~~ increase the ~~livability, utility, safety, or~~ value of the property. ~~under rules adopted by the department of local government finance.~~

(c) For the purposes of this section, the term "owner" or "property owner" includes any person who has the legal obligation, or has otherwise assumed the obligation, to pay the real property taxes on the rehabilitated property.

(d) The deduction provided by this section applies only for the rehabilitation of residential real property which is located within this state and which is described in one (1) of the following classifications:

- (1) a single family dwelling if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed thirty-seven thousand four hundred forty dollars (\$37,440);
- (2) a two (2) family dwelling if before rehabilitation the assessed value (excluding exemptions or deductions) of the improvements does not exceed forty-nine thousand nine hundred twenty dollars (\$49,920); and
- (3) a dwelling with more than two (2) family units if before rehabilitation the assessed value (excluding any exemptions or deductions) of the improvements does not exceed eighteen thousand seven hundred twenty dollars (\$18,720) per dwelling unit.

(e) If an assessed value increase referred to in subsection (a) is attributable to both rehabilitation and:

- (1) a general reassessment of real property under IC 6-1.1-4-4; or**
- (2) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;**

the township assessor shall determine the amount of the increase attributable to rehabilitation to determine the deduction provided by this section. In making the determination under this subsection, the township assessor shall consider any information contained in the application under section 20(e) of this chapter.

SECTION 3. IC 6-1.1-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. **(a) Except as provided in subsection (b), the deduction from assessed value provided by section 18 of this chapter is first available in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue for each of the immediately following four (4) years in the sixth (6th) year, the county auditor shall add the amount of the deduction to the assessed value of the real**

property, which the property owner remains the owner of the property as of the assessment date.

(b) Subject to subsection (c), a property owner may:

(1) in a year after the year referred to in subsection (a) in which a deduction is first available, obtain a deduction that:

(A) would otherwise first apply for the assessment date in 2006 or a later year; and

(B) was not made to the assessed value for any year; or

(2) obtain a deduction that:

(A) would otherwise have first applied for the assessment date in 2005 or an earlier year; and

(B) was not made to the assessed value for any year.

If the property owner obtains a deduction under this subsection, the deduction applies in the year for which the application is filed and continues for each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date.

(c) Subsection (b) applies in a county only if the county fiscal body adopts an ordinance to authorize the application of subsection (b) in the county.

(d) A general reassessment of real property which occurs within the five (5) year period of the deduction does not affect the amount of the deduction.

(e) Claiming of a deduction under subsection (b) results in a reduction of the property tax collections of each political subdivision in which the deduction is claimed. A political subdivision may not increase its property tax levy to make up for that reduction.

(f) The county auditor shall in each calendar year notify each political subdivision in which the deduction under subsection (b) is claimed of the reduction referred to in subsection (e) for the political subdivision for that year.

SECTION 4. IC 6-1.1-12-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b) or (c), the application must be filed before ~~May 10~~ June 11 of the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before ~~April 10~~ May 11 of that year, the application required by this section subsection (a) may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) An application for a deduction referred to in section 19(b) of this chapter with respect to an assessment date must be filed before the June 11 that next follows the assessment date.

(~~e~~) (d) The application required by this section shall contain the following information:

(1) A description of the property for which a deduction is claimed in sufficient detail to afford identification.

(2) Statements of the ownership of the property.

(3) The assessed value of the improvements on the property before rehabilitation.

(4) The number of dwelling units on the property.

(5) The number of dwelling units rehabilitated.

(6) The increase in assessed value resulting from the rehabilitation. ~~and~~

(7) The amount of deduction claimed.

(e) The application required by this section may contain information to assist the township assessor in making the determination under section 18(e) of this chapter, including:

(1) fair market value appraisals before and after the rehabilitation; and

(2) general market data on the extent to which particular types of rehabilitation add to the value of a dwelling.

(~~d~~) (f) A deduction application filed under this section is applicable for:

(1) the year in for which the increase in assessed value occurs deduction application is filed; and for

(2) each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date;

without any additional application being filed.

(~~e~~) (g) On verification of an application by the assessor of who serves the township area in which the property is located, the county auditor shall make the deduction.

SECTION 5. IC 6-1.1-12-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) If the assessed value of property is increased because it the property has been rehabilitated and the owner has paid at least ten thousand dollars (\$10,000) for the rehabilitation, the owner is entitled to have deducted from the assessed value of the property an amount equal to fifty percent (50%) of the increase in assessed value resulting from the rehabilitation. The owner is entitled to this deduction annually for a five (5) year period. However, the maximum deduction which a property owner may receive under this section for a particular year is:

(1) one hundred twenty-four thousand eight hundred dollars (\$124,800) for a single family dwelling unit; or

(2) three hundred thousand dollars (\$300,000) for any other type of property.

(b) For purposes of this section, the term "property" means a building or structure which was erected at least fifty (50) years before the date of application for the deduction provided by this section. The term "property" does not include land.

(c) For purposes of this section, the term "rehabilitation" means significant repairs, replacements, remodelings, additions, or other improvements to an existing structure that are intended to increase the livability, utility, safety, or value of the property. under rules adopted by the department of local government finance.

(d) If an assessed value increase referred to in subsection (a) is attributable to both rehabilitation and:

(1) a general reassessment of real property under IC 6-1.1-4-4; or

(2) an annual adjustment of the assessed value of real property under IC 6-1.1-4-4.5;

the township assessor shall determine the amount of the increase attributable to rehabilitation to determine the deduction provided by this section. In making the determination under this subsection, the township assessor shall consider any information contained in the application under section 24(e) of this chapter.

SECTION 6. IC 6-1.1-12-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Except as provided in subsection (b), the deduction from assessed value provided by section 22 of this chapter is first available after the first assessment date following in the year in which the increase in assessed value resulting from the rehabilitation occurs and shall continue continues for the taxes first due and payable in each of the immediately following five (5) four (4) years in the sixth (6th) year; the county auditor shall add the amount of the deduction to the assessed value of the property, which the property owner remains the owner of the property as of the assessment date.

(b) Subject to subsection (c), a property owner may:

(1) in a year after the year referred to in subsection (a) in which a deduction is first available, obtain a deduction that:

(A) would otherwise first apply for the assessment date in 2006 or a later year; and

(B) was not made to the assessed value for any year; or

(2) obtain a deduction that:

(A) would otherwise have first applied for the assessment date in 2005 or an earlier year; and

(B) was not made to the assessed value for any year.

If the property owner obtains a deduction under this subsection, the deduction applies in the year for which the application is filed and continues for each of the immediately following four (4) years in which the property owner remains the owner of the property as of the assessment date.

(c) Subsection (b) applies in a county only if the county fiscal body adopts an ordinance to authorize the application of subsection (b) in the county.

(d) Any general reassessment of real property which occurs within

the five (5) year period of the deduction does not affect the amount of the deduction.

(e) Claiming of a deduction under subsection (b) results in a reduction of the property tax collections of each political subdivision in which the deduction is claimed. A political subdivision may not increase its property tax levy to make up for that reduction.

(f) The county auditor shall in each calendar year notify each political subdivision in which the deduction under subsection (b) is claimed of the reduction referred to in subsection (e) for the political subdivision for that year.

SECTION 7. IC 6-1.1-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b) **or (c)**, the application must be filed before ~~May 10~~ **June 11** of the year in which the addition to assessed ~~valuation value~~ **value** is made.

(b) If notice of the addition to assessed ~~valuation value~~ **value** for any year is not given to the property owner before ~~April 10~~ **May 11** of that year, the application required by ~~this section~~ **subsection (a)** may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the ~~township~~ assessor.

(c) An application for a deduction referred to in section 23(b) of this chapter with respect to an assessment date must be filed before the June 11 that next follows the assessment date.

~~(c)~~ **(d)** The application required by this section shall contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a deduction is claimed in sufficient detail to afford identification.
- (3) The assessed value of the improvements on the property before rehabilitation.
- (4) The increase in the assessed value of improvements resulting from the rehabilitation. ~~and~~
- (5) The amount of deduction claimed.

(e) The application required by this section may contain information to assist the township assessor in making the determination under section 22(d) of this chapter, including:

- (1) fair market value appraisals before and after the rehabilitation; and**
- (2) general market data on the extent to which particular types of rehabilitation add to the value of property.**

~~(d)~~ **(f)** A deduction application filed under this section is applicable for:

- (1) the year in for which the addition to assessed value is made deduction application is filed; and in**
- (2) each of the immediate immediately following four (4) years in which the property owner remains the property owner as of the assessment date;**

without any additional application being filed.

~~(e)~~ **(g)** On verification of the correctness of an application by the assessor ~~of who serves the township area~~ in which the property is located, the county auditor shall make the deduction.

SECTION 8. IC 6-1.1-12-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. For repairs or improvements made to a particular building or structure, a person may receive: ~~either~~

- (1) the deduction provided by section 18 of this chapter; or**
- (2) the deduction provided by section 22 of this chapter; ~~He~~ or**
- (3) the credit provided by IC 6-1.1-47.**

The person may not receive deductions a tax benefit under both sections more than one (1) of those statutes for the repairs or improvements.

SECTION 9. IC 6-1.1-12.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if ~~he~~ **the owner** receives:

(1) a deduction under either IC 6-1.1-12-18 or IC 6-1.1-12-22; or

(2) a credit under IC 6-1.1-47;

for those same repairs or improvements.

(b) A property owner may not receive a deduction under this chapter if the property owner receives a deduction under IC 6-1.1-12-28.5 for the same property.

SECTION 10. IC 6-1.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

- (1) information concerning the assessed valuation in the political subdivision for the next calendar year;
- (2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;
- (3) the current assessed valuation as shown on the abstract of charges;
- (4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance;
- (5) information concerning credits applicable under IC 6-1.1-21-5.8 to taxes first due and payable in the next calendar year; and**

~~(5)~~ **(6)** any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

- (1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and
- (2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision."

Page 9, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 12. IC 6-1.1-21-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.8. (a) The following definitions apply throughout this section:

(1) "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5.

(2) "Assets":

(A) includes:

- (i) real property, other than the homestead with respect to which a qualifying individual applies for a credit under this section;**
- (ii) cash;**
- (iii) savings accounts;**
- (iv) stocks;**
- (v) bonds; and**
- (vi) any other investment; and**

(B) does not include:

- (i) the cash value of life insurance policies on the life of the qualifying individual or the qualifying individual's spouse; and**
- (ii) tangible personal property.**

(3) "Fiscal body" has the meaning set forth in IC 36-1-2-6.

(4) "Homestead" has the meaning set forth in IC 6-1.1-20.9-1(2).

(5) "Household income" means the combined adjusted gross income of the qualifying individual and the qualifying individual's spouse.

(6) "Net property tax bill" means the amount of property taxes currently due and payable in a particular calendar year after the application of all deductions and credits, except for the credit provided by this section, as evidenced by the tax statement required in IC 6-1.1-22-8.

- (7) "Net worth" means the remainder of:
- (A) the sum of the current market value of all assets; minus
 - (B) all outstanding liabilities.
- (8) "Qualifying homestead" means a homestead:
- (A) that a qualifying individual:
 - (i) owned; or
 - (ii) assumed liability for the payment of property taxes;
 at least five (5) years before the assessment date for the homestead in the year for which the qualifying individual wishes to obtain the credit under this section; and
 - (B) that has an assessed value of not more than one hundred eighty thousand dollars (\$180,000) as of the assessment date for the homestead in the year that immediately precedes the year for which the qualifying individual wishes to obtain the credit under this section multiplied by a fraction determined by the department of local government finance for the county in which the homestead is located. The numerator of the fraction is the average homestead assessed value in the county in which the homestead is located in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section, and the denominator of the fraction is the average homestead assessed value in Marion County in the year immediately preceding the year in which the qualifying individual wishes to obtain the credit under this section.
- (9) "Qualifying individual" means an individual:
- (A) who is liable for the payment of property taxes on a qualifying homestead;
 - (B) whose adjusted gross income for the individual's most recent taxable year that ends before the date on which the claim is filed under subsection (g) is less than seventy-five thousand dollars (\$75,000); and
 - (C) who is not married and has a net worth, or has a net worth in combination with the net worth of the individual's spouse, of less than two hundred thousand dollars (\$200,000) as of December 31 of:
 - (i) with respect to real property, the year that precedes by two (2) years the year for which the individual wishes to obtain the credit under this section; and
 - (ii) with respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the year that immediately precedes the year for which the individual wishes to obtain the credit under this section.
- (10) "Taxable year" has the meaning set forth in IC 6-3-1-16.

(b) The credit provided by this section applies in a county for property taxes first due and payable in a calendar year only if the county fiscal body of the county adopts an ordinance to apply the credit before July 1 of the immediately preceding calendar year. An ordinance adopted under this subsection may authorize the credit for more than one (1) year.

(c) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(d) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in subsection (c) for the political subdivision for that year.

(e) Except as provided in subsection (f), each year a qualifying individual in a county in which the credit provided by this section is authorized under subsection (b) may receive a credit against the net property tax bill on the individual's qualifying homestead. The amount of the credit to which a qualifying individual is entitled equals the lesser of two thousand dollars (\$2,000) or the remainder of:

- (1) the amount of the net property tax bill without the application of the credit provided by this section; minus
- (2) the following percentage of the qualifying individual's

adjusted gross income for the qualifying individual's most recent taxable year that ends before the date on which the claim is filed under subsection (g):

- (A) Five percent (5%) if the adjusted gross income is less than twenty thousand dollars (\$20,000).
- (B) Seven percent (7%) if the adjusted gross income is at least twenty thousand dollars (\$20,000) but less than fifty thousand dollars (\$50,000).
- (C) Nine percent (9%) if the adjusted gross income is at least fifty thousand dollars (\$50,000) but less than seventy-five thousand dollars (\$75,000).

The amount of the credit provided by this section may not be less than zero (0).

(f) If the qualifying individual resides in the qualifying homestead with the qualifying individual's spouse, those individuals are together entitled to one (1) credit under this section for the qualifying homestead. The amount of the credit is determined under subsection (e), except that the household income is substituted for the qualifying individual's adjusted gross income.

(g) A qualifying individual or a qualifying individual and the qualifying individual's spouse who desire to claim the credit provided by this section must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the qualifying homestead is located. With respect to real property, the statement must be filed after January 1 and before June 11 of the year before the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. For a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed after January 1 and before March 2 of the year for which the qualifying individual or the qualifying individual and the qualifying individual's spouse wish to obtain the credit under this section. The statement must contain the following information:

- (1) The full name or names and complete address of the qualifying individual or the qualifying individual and the qualifying individual's spouse.
- (2) A description of the qualifying homestead.
- (3) The amount of:
 - (A) the qualifying individual's adjusted gross income referred to in subsection (e)(2); or
 - (B) if subsection (f) applies, the household income referred to in subsection (f) of the qualifying individual and the qualifying individual's spouse.
- (4) The name of any other county and township in which the qualifying individual or the qualifying individual's spouse owns or is buying on contract:
 - (A) real property; or
 - (B) a:
 - (i) mobile home; or
 - (ii) manufactured home;
 that is not assessed as real property.
- (5) The record number and page where the contract or memorandum of the contract is recorded if the qualifying homestead is under contract purchase.
- (6) Proof of net worth as of the date specified in subsection (a)(9)(C):
 - (A) in a form determined by the department of local government finance; and
 - (B) including:
 - (i) income tax returns or other evidence detailing gross income; and
 - (ii) other documentation as determined by the department of local government finance.
- (7) Any other information required by the department of local government finance.
- (h) The auditor of a county with whom a statement is filed under subsection (g) shall immediately prepare and transmit a copy of the statement to the auditor of any other county if the qualifying individual who claims the credit or the qualifying individual's spouse owns or is buying property located in the other county as described in subsection (g)(4). The auditor of the

other county described in subsection (g)(4) shall note on the copy of the statement whether a credit has been claimed under this section for a qualifying homestead located in the auditor's county. The auditor shall then return the copy to the auditor of the first county.

(i) Subject to subsection (j), if a proper certified credit statement is filed under subsection (g), the county auditor shall allow the credit and shall apply the credit equally against each installment of property taxes. The county auditor shall include the amount of the credit applied against each installment of property taxes on the tax statement required under IC 6-1.1-22-8.

(j) If the qualifying homestead qualifies for the credit under IC 6-1.1-20.6 and a statement to claim the credit under this section is filed under subsection (g), the county auditor shall:

(1) determine from the individual who filed the statement whether the individual elects to have applied:

- (A) the credit under this section; or
- (B) the credit under IC 6-1.1-20.6; and

(2) apply only the credit elected by that individual as determined under subdivision (1).

(k) If an individual knowingly or intentionally files a false statement under this section, the individual must pay the amount of any credit the individual received because of the false statement, plus interest at the rate of ten percent (10%) per year, to the county auditor for distribution to the taxing units of the county in the same proportion that property taxes are distributed.

SECTION 13. IC 6-1.1-21-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Notwithstanding IC 6-1.1-26, any taxpayer who is entitled to a credit under this chapter or who has properly filed for and is entitled to a credit under IC 6-1.1-20.9, and who, without taking the credit, pays in full the taxes to which the credit applies, is entitled to a refund, without interest, of an amount equal to the amount of the credit. However, if the taxpayer, at the time a refund is claimed, owes any other taxes, interest, or penalties payable to the county treasurer to whom the taxes subject to the credit were paid, then the credit shall be first applied in full or partial payment of the other taxes, interest, and penalties and the balance, if any, remaining after that application is available as a refund to the taxpayer.

(b) Any taxpayer entitled to a refund under this section **other than a refund based on the credit under section 5.8 of this chapter** shall be paid that refund from proceeds of the property tax replacement fund. However, with respect to any refund attributable to a homestead credit, the refund shall be paid from that fund only to the extent that the percentage homestead credit the taxpayer was entitled to receive for a year does not exceed the percentage credit allowed in IC 6-1.1-20.9-2(d) for that same year. Any refund in excess of that amount shall be paid from the county's revenue distributions received under IC 6-3.5-6.

(c) The state board of accounts shall establish an appropriate procedure to simplify and expedite the method for claiming these refunds and for the payments thereof, as provided for in this section, which procedure is the exclusive procedure for the processing of the refunds. The procedure shall, however, require the filing of claims for the refunds by not later than June 1 of the year following the payment of the taxes to which the credit applied."

Page 17, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 25. IC 6-1.1-42-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) The designating body shall determine whether to approve a deduction.

(b) A designating body may not grant a deduction for a facility described in IC 6-1.1-12.1-3(e).

(c) A property owner may not receive a deduction under this chapter for repairs or improvements to real property if the owner receives:

- (1) a deduction under ~~either~~ IC 6-1.1-12.1, IC 6-1.1-12-18, IC 6-1.1-12-22, or IC 6-1.1-12-28.5; or
- (2) a credit under IC 6-1.1-47;

for the same property.

(d) A designating body may approve a deduction only if the following findings are made in the affirmative:

(1) The applicant:

- (A) has never had an ownership interest in an entity that contributed; and
- (B) has not contributed;

a contaminant (as defined in IC 13-11-2-42) that is the subject of the voluntary remediation, as determined under the written standards adopted by the department of environmental management.

(2) The proposed improvement or property will be located in a zone.

(3) The estimate of the value of the remediation and redevelopment is reasonable for projects of that nature.

(4) The estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(5) The estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed described remediation and redevelopment.

(6) Any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed described remediation and redevelopment.

(7) The totality of benefits is sufficient to justify the deduction.

SECTION 26. IC 6-1.1-47 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 47. Historic Rehabilitation Property Tax Credit

Sec. 1. The definitions in IC 6-3.1-16 and IC 6-3.1-22 apply throughout this section.

Sec. 2. (a) A county fiscal body may adopt an ordinance to authorize the application of the credit under this chapter against an owner's property tax liability that is attributable to increases in assessed valuation of the owner's historic property resulting from the rehabilitation of the historic property.

(b) An ordinance adopted under this section must specify the first assessment date for which an increase in the assessed valuation of an historic property resulting from rehabilitation becomes eligible for a credit under this chapter.

Sec. 3. An ordinance adopted under section 2 of this chapter authorizes the credit for:

- (1) the first calendar year that the owner's property tax liability is determined using an increase in the historic property's assessed valuation resulting from the rehabilitation of the historic property; and
- (2) the four (4) succeeding calendar years during the five (5) year period referred to in section 5 of this chapter.

Sec. 4. Subject to section 11 of this chapter and IC 6-1.1-12-25, if:

- (1) the assessed valuation of historic property is increased:
 - (A) as a result of rehabilitation; and
 - (B) as of an assessment date to which an ordinance adopted under section 2 of this chapter applies; and
- (2) the owner is eligible for a historic rehabilitation credit under IC 6-3.1-16 or IC 6-3.1-22 against the owner's state tax liability based on the rehabilitation;

the owner is entitled to a credit against the owner's property tax liability attributable to the property. The amount of the credit to which the owner is entitled is determined under section 5 of this chapter.

Sec. 5. (a) Subject to subsection (b), the amount of the credit equals one hundred percent (100%) of the owner's property tax liability that is attributable to the increase in assessed valuation resulting from the rehabilitation. The owner is entitled to this credit annually for a five (5) year period. The first year of that period is the first year that the rehabilitation results in an increase in the owner's property tax liability attributable to the historic property. If the rehabilitation results in increases in the property tax liability attributable to the historic property in more than one (1) year, each annual increase may qualify separately for the credit.

(b) If:

- (1) a general reassessment of real property under

IC 6-1.1-4-4 or an adjustment under IC 6-1.1-4-4.5 occurs within the period of the credit; or

(2) an appeal of an assessment is approved that results in a change in the assessed valuation of the historic property; the amount of the credit shall be adjusted to reflect the resulting percentage increase or decrease in the assessed valuation of the historic property and its corresponding effect on the property tax liability attributable to the historic property.

Sec. 6. The credit reduces the amount of historic rehabilitation credit to which the owner is entitled under IC 6-3.1-16-7 or IC 6-3.1-22-8. This credit shall be applied before the homestead credit provided under IC 6-1.1-20.9 and the property tax replacement credit provided under IC 6-1.1-21.

Sec. 7. A property owner who desires to obtain the credit must file a certified credit application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement must be filed during the twelve (12) months before June 11 of the year prior to the first year for which the person wishes to obtain the credit for the historic property.

Sec. 8. The application required by section 7 of this chapter must contain the following information:

- (1) The name of the property owner.
- (2) A description of the property for which a credit is claimed in sufficient detail to afford identification.
- (3) The certifications required:
 - (A) under IC 6-3.1-16-8 to obtain the credit under IC 6-3.1-16; or
 - (B) under IC 6-3.1-22-9 to obtain the credit under IC 6-3.1-22.
- (4) A description of the rehabilitation of the historic property.
- (5) Evidence of the cost of the rehabilitation of the historic property.
- (6) The assessed valuation of the improvements on the historic property before the rehabilitation.
- (7) The increase in the assessed valuation of improvements resulting from the rehabilitation.

Sec. 9. A credit application filed under section 7 of this chapter applies for the entire period under section 5 of this chapter that the owner is entitled to a credit under this chapter without a requirement for any additional application.

Sec. 10. On verification of the correctness of an application by the assessor of the township in which the property is located, the county auditor shall make the credit in the amount determined under section 5 of this chapter.

Sec. 11. If the conditions for the recapture of a credit under IC 6-3.1-16-12 or IC 6-3.1-22-13 are met, the property owner shall pay to the county treasurer for each year the credit was in effect the amount of additional property taxes for which the property owner would have been liable if the credit had not been in effect. The county treasurer shall distribute money paid under this section proportionately to the general fund of each taxing unit in which the property that was subject to the credit is located based on the property tax rates of the units.

Sec. 12 (a) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(b) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in subsection (a) for the political subdivision for that year.

Sec. 13. The department of local government finance may adopt rules under IC 4-22-2 to implement this section.

SECTION 27. IC 6-3.1-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Subject to section 14 of this chapter and except as provided in subsection (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the

certifications required under section 8 of this chapter.

(b) **Except as provided in subsection (d)**, the amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

- (1) the taxpayer makes for the preservation or rehabilitation of historic property; and
- (2) are approved by the division.

(c) In the case of a husband and wife who:

- (1) own and rehabilitate a historic property jointly; and
- (2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) **The amount of the credit for a taxable year is reduced by the amount by which the taxpayer's property tax liability is reduced for taxes first due and payable in the taxable year as the result of the application of the credit under IC 6-1.1-47.**

SECTION 28. IC 6-3.1-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

(1) the certifications by the division required under section 8 of this chapter;

(2) **a statement whether the taxpayer claimed a property tax credit based on the rehabilitation under IC 6-1.1-47 that resulted in a reduction of the taxpayer's liability for property taxes first due and payable in the taxable year for which the credit is claimed;**

(3) **if the taxpayer's property tax liability was reduced as described in subdivision (2), the amount of the reduction for property taxes first due and payable in the taxable year for which the credit is claimed; and**

(4) all other information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter.

SECTION 29. IC 6-3.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Subject to section 14 of this chapter and except as provided in subsection (d), a taxpayer is entitled to a credit against the taxpayer's state tax liability in the taxable year in which the taxpayer completes the preservation or rehabilitation of historic property and obtains the certifications required under section 9 of this chapter.

(b) The amount of the credit is equal to twenty percent (20%) of the qualified expenditures that:

- (1) the taxpayer makes for the preservation or rehabilitation of historic property; and
- (2) are approved by the division.

(c) In the case of a husband and wife who:

- (1) own and rehabilitate a historic property jointly; and
- (2) file separate tax returns;

the husband and wife may take the credit in equal shares or one (1) spouse may take the whole credit.

(d) **The amount of the credit for a taxable year is reduced by the amount by which the taxpayer's property tax liability is reduced for taxes first due and payable in the taxable year as the result of the application of the credit under IC 6-1.1-47.**

SECTION 30. IC 6-3.1-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. To obtain a credit under this chapter, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department of state revenue. The taxpayer shall submit to the department of state revenue:

(1) the certifications by the division required under section 9 of this chapter;

(2) **a statement whether the taxpayer claimed a property tax credit based on the rehabilitation under IC 6-1.1-47 that resulted in a reduction of the taxpayer's liability for property taxes first due and payable in the taxable year for which the credit is claimed;**

(3) **if the taxpayer's property tax liability was reduced as described in subdivision (2), the amount of the reduction for property taxes first due and payable in the taxable year for which the credit is claimed; and**

(4) all other information that the department of state revenue determines is necessary for the calculation of the credit provided by this chapter."

Page 20, line 13, delete "IC 6-1.1-37-10.7," and insert **"IC 6-1.1-21-5.8 and IC 6-1.1-37-10.7, both"**.

Page 20, line 14, delete "applies" and insert **"apply"**.

Page 20, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 39. [EFFECTIVE JULY 1, 2006] (a) IC 6-1.1-47, as added by this act, and IC 6-1.1-12-18, IC 6-1.1-12-22, and IC 6-1.1-12-25, all as amended by this act, apply only to property taxes first due and payable after December 31, 2006.

(b) The credit under IC 6-1.1-47, as added by this act, applies regardless of whether the rehabilitation for which the deduction is claimed occurred before July 1, 2006.

SECTION 40. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION:

(1) "assessment date" has the meaning set forth in IC 6-1.1-1-2; and

(2) "rehabilitation" has the meaning set forth in:

(A) IC 6-1.1-12-18(b), as amended by this act; and

(B) IC 6-1.1-12-22(c), as amended by this act.

(b) For property taxes first due and payable after December 31, 2006, a property owner may file an application before July 1, 2006, for a deduction:

(1) under:

(A) IC 6-1.1-12-19(b)(2), as amended by this act; or

(B) IC 6-1.1-12-23(b)(2), as amended by this act; or

(2) first applicable to the assessment date in 2006 under:

(A) IC 6-1.1-12-20, as amended by this act; or

(B) IC 6-1.1-12-24, as amended by this act;

based on rehabilitation completed after March 1, 2005, and before March 2, 2006.

(c) This SECTION expires January 1, 2007.

SECTION 41. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION:

(1) "assessment date" has the meaning set forth in IC 6-1.1-1-2; and

(2) "rehabilitation" has the meaning set forth in IC 6-3.1-22-5.

(b) For property taxes first due and payable after December 31, 2006, a property owner may file an application before July 1, 2006, for a credit under IC 6-1.1-47, as added by this act, first applicable to the assessment date in 2006 based on rehabilitation completed after March 1, 2005, and before March 2, 2006.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 355 as printed February 22, 2006.)

ORENTLICHER

Upon request of Representatives Orentlicher and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 269: yeas 41, nays 51. Motion failed.

HOUSE MOTION (Amendment 355-4)

Mr. Speaker: I move that Engrossed Senate Bill 355 be amended to read as follows:

Page 17, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 13. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and

(B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the

individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004 **or 2005**, the amount determined under subsection (f); and

(ii) beginning after December 31, ~~2004~~, **2005**, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes

not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes ~~in 2004~~ that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date **in a taxable year that includes any part of 2004 or 2005**. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: For:

(A) **a taxable year that includes any part of 2004 and does not include any part of 2005**, determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date;

(B) **a taxable year that includes any part of 2004 and any part of 2005, determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date;**

(C) **a taxable year beginning January 1, 2005, and ending December 31, 2005, determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2004, assessment date and the January 15,**

2005, assessment date; or

(D) a taxable year that includes any part of 2005 and any part of 2006, determine the amount of property taxes that the taxpayer paid for the March 1, 2004, assessment date and the January 15, 2005, assessment date in the time period spanning the two (2) taxable years:

(i) beginning on the first day of the immediately preceding taxable year that includes any part of 2004 and any part of 2005; and

(ii) ending on the final day of the taxable year.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500)."

Page 20, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 23. [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)] **IC 6-3-1-3.5, as amended by this act, applies only to taxable years beginning after December 31, 2004.**"

Renumber all SECTIONS consecutively.

(Reference is to ESB 355 as printed February 22, 2006.)

AGUILERA

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 345

Representative Espich called down Engrossed Senate Bill 345 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 345-1)

Mr. Speaker: I move that Engrossed Bill 345 be amended to read as follows:

Page 16, line 19, delete "fifteen" and insert "**forty**".

Page 16, line 20, delete "(\$15,000,000)" and insert "**(\$40,000,000)**".

Page 16, line 25, delete "\$5,875,147" and insert "**\$15,667,060**".

Page 16, line 26, delete "4,048,133" and insert "**10,795,022**".

Page 16, line 27, delete "899,880" and insert "**2,399,680**".

Page 16, line 28, delete "459,626" and insert "**1,225,670**".

Page 16, line 29, delete "1,528,899" and insert "**4,077,062**".

Page 16, line 30, delete "446,262" and insert "**1,190,030**".

Page 16, line 32, delete "1,742,053" and insert "**4,645,476**".

Page 16, line 33, delete "\$15,000,000" and insert "**\$40,000,000**".

(Reference is to ESB 345 as printed February 24, 2006.)

COCHRAN

Motion prevailed.

HOUSE MOTION (Amendment 345-3)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-31-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. No tax or fee, except as provided in this article, shall be assessed or collected from a permit holder by a political subdivision having the power to assess or collect a tax or fee. This section does not apply to **fees under IC 36-13** or real or personal property taxes imposed by a local taxing unit."

Page 15, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 7. IC 36-13 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 13. PUBLIC SERVICES USER FEES

Chapter 1. Definitions

Sec. 1. For purposes of this article, "agricultural real property" means:

(1) buildings and other real property improvements subject to assessment as agricultural property under the rules of the

department of local government finance; and

(2) the parcel on which the buildings and other real property improvements are located.

Sec. 2. For purposes of this article, "commercial real property" means:

(1) buildings and other real property improvements subject to assessment as commercial property under the rules of the department of local government finance; and

(2) the parcel on which the buildings and other real property improvements are located.

Sec. 3. For purposes of this article, "industrial real property" means:

(1) buildings and other real property improvements subject to assessment as industrial property under the rules of the department of local government finance; and

(2) the parcel on which the buildings and other real property improvements are located.

Sec. 4. For purposes of this article, "other residential property" means a mobile home or manufactured home not assessed as real property.

Sec. 5. For purposes of this article, "other residential real property" means:

(1) a mobile home or manufactured home assessed as real property; and

(2) the parcel on which the mobile home or manufactured home is located.

Sec. 6. For purposes of this article, "residential real property" means:

(1) buildings and other real property improvements subject to assessment as residential property under the rules of the department of local government finance; and

(2) the parcel on which the buildings and other real property improvements are located.

Chapter 2. Application

Sec. 1. This article applies only if the county fiscal body adopts an ordinance to apply this article in the county.

Sec. 2. Except as provided in section 3 of this chapter, the fee imposed under this article:

(1) applies to each owner of:

(A) agricultural real property;

(B) commercial real property;

(C) industrial real property;

(D) residential real property;

(E) other residential property; and

(F) other residential real property; and

(2) does not apply to a parcel of unimproved land.

Sec. 3. A fee imposed under this article does not apply to an owner referred to in section 2(1) of this chapter if any of the following applies:

(1) The property is owned by a church or religious society.

(2) The property is owned by a nonprofit organization and the property owned is exempt from ad valorem property taxes.

(3) The property is owned by a governmental entity and the property owned is exempt from ad valorem property taxes.

Chapter 3. Imposition and Distribution

Sec. 1. A county fiscal body may adopt an ordinance to apply this article in the county.

Sec. 2. Fees imposed under this article are treated as ad valorem property taxes for the purpose of distributions under the following:

(1) IC 6-1.1-21.

(2) IC 6-3.5.

(3) IC 6-5.5.

(4) IC 6-6-5.

(5) Any other law that computes a distribution based on the assessed value of tangible property or on the property tax levy imposed.

Sec. 3. The department of local government finance shall provide the information necessary for the department of state revenue and county auditors to make the distributions described in section 2 of this chapter.

Sec. 4. Fees imposed under this article are billed and collected in the same manner and at the same time that property taxes are

billed and collected.

Sec. 5. The county auditor shall distribute to a political subdivision in which a property subject to the fee imposed under this article is located a part of the fee collected with respect to the property that bears the same proportion to the total amount of the fee collected with respect to the property that the tax rate imposed by the political subdivision bears to the total property tax rate in the taxing district in which the property is located.

Sec. 6. The maximum property tax levy that a political subdivision may impose for a budget year under IC 6-1.1-18.5 or IC 6-1.1-19 is reduced by the amount of fees imposed by the political subdivision under section 5 of this chapter for the budget year.

Sec. 7. A political subdivision may use revenue from fee collections in the same manner that the political subdivision uses revenue from property tax collections.

Chapter 4. Fees

Sec. 1. (a) Subject to subsection (b), the county fiscal body that adopts an ordinance to apply the fees under this article must determine and include in the ordinance:

(1) a minimum charge for agricultural real property;

(2) a minimum charge for commercial real property;

(3) a minimum charge for industrial real property;

(4) a minimum charge for residential real property;

(5) a minimum charge for other residential property; and

(6) a minimum charge for other residential real property.

(b) A minimum charge under subsection (a) may not exceed six hundred dollars (\$600).

Sec. 2. (a) The amount of a fee under this article with respect to property that is:

(1) associated with a parcel for a calendar year; and

(2) part of a category of property referred to in subsection 1(a) of this chapter;

is the amount determined under subsection (b).

(b) The amount of the fee under subsection (a) is the greater of zero (0) or the remainder of:

(1) the minimum charge determined under section 1 of this chapter for the category of property; minus

(2) the property taxes attributable to the property for the calendar year after consideration of all property tax deductions and credits.

Sec. 3. The county fiscal body may periodically change a minimum charge determined under this chapter.

Sec. 4. (a) An initial minimum charge determined under this chapter may be established only after a public hearing at which all:

(1) property owners in the county; and

(2) others interested;

have an opportunity to be heard concerning the proposed minimum charge and the fee under this article.

(b) After introduction of the ordinance initially establishing the minimum charges determined under section 1 of this chapter but before the ordinance is finally adopted, notice of the hearing setting forth:

(1) the proposed minimum charges; and

(2) the manner in which the fee under this article is determined based on the minimum charges;

must be given by publication one (1) time each week for two (2) weeks in a newspaper of general circulation in the county. The last publication must be at least seven (7) days before the date fixed in the notice for the hearing. The hearing may be adjourned as necessary.

Sec. 5. (a) The ordinance establishing the initial minimum charges determined under section 1 of this chapter, either as:

(1) originally introduced; or

(2) amended;

must be passed and put into effect after the hearing under section 4 of this chapter.

(b) A copy of the ordinance establishing the minimum charges must be:

(1) kept on file in the office of the county auditor; and

(2) open to public inspection.

Sec. 6. A change or readjustment of a minimum charge determined under this chapter may be made in the same manner

as the minimum charge was originally established.

Chapter 5. Liens for Fees

Sec. 1. The fees made, assessed, or established under this article against residential real property, other residential real property, or other residential property in the county are a lien against the property.

Sec. 2. Except as provided in sections 5 and 6 of this chapter, a lien attaches at the time of the recording of the list in the county recorder's office as provided in IC 36-13-6. The lien:

- (1) is superior to and takes precedence over all other liens except the lien for taxes; and
- (2) shall be enforced under this article.

Sec. 3. If fees under this article are not paid by the due date, the fees become delinquent and a penalty of ten percent (10%) of the amount of the fees attaches to the fees. The county may recover:

- (1) the amount due;
- (2) the penalty; and
- (3) reasonable attorney's fees;

in a civil action in the name of the county.

Sec. 4. The fees under this article, together with a penalty determined under section 3 of this chapter, are collectible in the manner provided by this article.

Sec. 5. (a) A fee under this article is not enforceable as a lien against a subsequent owner of property unless the lien for the fee was recorded with the county recorder before the conveyance to the subsequent owner.

(b) If the property is conveyed before the lien can be filed, the officer of the county who is charged with the collection of the fee shall notify the person who owned the property at the time the fee became payable. The notice must inform the person that payment, including any penalty for delinquencies, is due not less than fifteen (15) days after the date of the notice. If payment is not received before one hundred eighty (180) days after the date of the notice have elapsed, the amount due may be expensed as a bad debt loss.

Sec. 6. (a) This section applies whenever a property owner has notified the county by certified mail with return receipt requested of the address to which the owner's notice is to be sent.

(b) A lien for a fee under this article does not attach against residential real property, other residential real property, or other residential property occupied by someone other than the owner unless the officer of the county who is charged with the collection of fees notifies the owner of the property after the fee has become sixty (60) days delinquent.

Sec. 7. (a) The county shall release:

- (1) liens filed with the county recorder after the recorded date of conveyance of the property; and
- (2) delinquent fees incurred by the seller;

on receipt of a verified demand in writing from the purchaser.

(b) The demand must state the following:

- (1) That the delinquent fees were not incurred by the purchaser as a user, lessee, or previous owner.
- (2) That the purchaser has not been paid by the seller for the delinquent fees.

Chapter 6. Enforcement of Delinquencies

Sec. 1. This chapter applies only to fees or penalties under this article that have been due and unpaid for at least ninety (90) days.

Sec. 2. The county treasurer shall enforce the payment of fees and penalties imposed under this article. The officer shall, not more than two (2) times in a year, prepare a list of the delinquent fees that are enforceable under this chapter. The list must include the following:

- (1) The name of each owner of each residential real property, other residential real property, or other residential property on which the fees have become delinquent.
- (2) The description of the property as shown by the records of the office of the county auditor.
- (3) The amount of the fees, together with the amount of the penalty for each fee.

Sec. 3. (a) The county treasurer shall record a copy of the list prepared under section 2 of this chapter in the office of the

county recorder.

(b) The county recorder shall charge a fee for recording the list in accordance with the fee schedule established in IC 36-2-7-10.

(c) After recording the list, the county treasurer shall mail to each property owner on the list a notice stating that a lien against the owner's property has been recorded.

(d) A service charge of five dollars (\$5), which is in addition to the recording fee charged under this section and the release of lien fee charged under section 5 of this chapter, shall be added to each delinquent fee that is recorded.

Sec. 4. (a) Using the lists prepared and recorded under sections 2 and 3 of this chapter:

- (1) after April 1 of the preceding year; and
- (2) before April 1 of the current year;

the county treasurer shall before June 1 of each year certify to the county auditor a list of the liens that remain unpaid for collection in the next November.

(b) The county and the officers and employees of the county are not liable for any material error in the information on a list prepared under this chapter.

Sec. 5. (a) The county treasurer shall release a recorded lien when the:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges; and
- (4) recording fees;

have been fully paid.

(b) The county recorder shall charge a fee for releasing the lien in accordance with IC 36-2-7-10.

Sec. 6. (a) On receipt of the list under section 4 of this chapter, the county auditor shall add a fifteen dollar (\$15) certification fee for each property on which fees are delinquent. The certification fee is in addition to all other fees, penalties, and charges. The county auditor shall immediately enter on the tax duplicate for the municipality the:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges;
- (4) recording fees; and
- (5) certification fees;

that are due not later than the due date of the next November installment of property taxes.

(b) The county treasurer shall include any unpaid charges for the:

- (1) delinquent fee;
- (2) penalty;
- (3) service charge;
- (4) recording fee; and
- (5) certification fee;

for each property owner at the time the next cycle's property tax installment is billed.

Sec. 7. After June 1 of each year, the county treasurer may not collect or accept:

- (1) delinquent fees;
- (2) penalties;
- (3) service charges;
- (4) recording fees; or
- (5) certification fees;

from property owners whose property has been certified to the county auditor.

Sec. 8. If a:

- (1) delinquent fee;
- (2) penalty;
- (3) service charge;
- (4) recording fee; or
- (5) certification fee;

is not paid, the county treasurer shall collect the unpaid money in the same way that delinquent property taxes are collected.

Sec. 9. (a) At the time of each semiannual tax settlement, the county treasurer shall certify to the county auditor all:

- (1) fees;
- (2) service charges; and
- (3) penalties;

that have been collected.

(b) The county auditor shall:

- (1) deduct the service charges and certification fees collected by the county treasurer; and
- (2) pay to the county treasurer the remaining fees and penalties due the county.

(c) The county treasurer shall:

- (1) retain the service charges and certification fees that have been collected; and
- (2) deposit the charges and fees in the county general fund.

Sec. 10. (a) This section applies to a:

- (1) fee;
- (2) penalty; or
- (3) service charge;

that was not recorded before a recorded conveyance.

(b) The:

- (1) fee;
- (2) penalty; or
- (3) service charge;

shall be removed from the tax roll for a purchaser who, in the manner prescribed by IC 36-13-5-7, files a verified demand with the county auditor.

Chapter 7. Foreclosure of Liens

Sec. 1. A county may, as an additional or alternative remedy, foreclose a lien established by this article as a means of collection of fees, including any penalty on the fees.

Sec. 2. (a) In all actions brought to foreclose a lien under this chapter, the county is entitled to recover the following:

- (1) The amount of the fees.
- (2) Any penalty on the fees.
- (3) Reasonable attorney's fees.

(b) The court shall order that the foreclosure sale be made without relief from valuation or appraisal statutes.

Sec. 3. Except as otherwise provided by this article, the following apply in all actions to foreclose a lien under this chapter:

- (1) The laws concerning municipal public improvement assessments.
- (2) The rights, remedies, procedure, and relief granted the parties to the action."

Page 20, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2006] IC 36-13, as added by this act, applies only to budget years beginning after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed February 24, 2006.)

AGUILERA

Upon request of Representatives Aguilera and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 270: yeas 17, nays 74. Motion failed.

HOUSE MOTION
(Amendment 345-4)

Mr. Speaker: I move that Engrossed Senate Bill 345 be amended to read as follows:

Page 6, between lines 9 and 10, begin a new line block indented and insert:

"(23) In the case of an individual who is employed by a taxpayer that claims a credit under IC 6-3.1-25-9, add the amount of the individual's eligible benefits as provided in IC 6-3.1-25-15(a) or IC 6-3.1-25-15(b)."

Page 14, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 5. IC 6-3.1-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 25. Credit for Offering Health Benefit Plans

Sec. 1. This chapter applies to an employer that:

- (1) employs at least ten (10) full-time employees who are located in Indiana; and
- (2) does not offer coverage for health care services under a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act of 1974

(29 U.S.C. 1001 et seq.).

Sec. 2. As used in this chapter, "eligible benefits" means, with respect to an employee of a taxpayer that claims a credit under section 9 of this chapter, the total amount of health insurance premiums not included in the employee's federal adjusted gross income (as defined in Section 62 of the Internal Revenue Code) during a taxable year under the health benefit plan offered by the employer.

Sec. 3. As used in this chapter, "eligible taxpayer" means a taxpayer that did not provide health insurance to the taxpayer's employees in the taxable year immediately preceding the first taxable year for which the taxpayer claims a credit under this chapter.

Sec. 4. As used in this chapter, "full-time employee" means an employee who is normally scheduled to work at least thirty (30) hours each week.

Sec. 5. (a) As used in this chapter, "health benefit plan" means coverage for health care services provided under:

- (1) an insurance policy that provides one (1) or more of the types of insurance described in Class 1(b) or Class 2(a) of IC 27-1-5-1; or

- (2) a contract with a health maintenance organization for coverage of basic health care services under IC 27-13;

that satisfies the requirements of Section 125 of the Internal Revenue Code.

(b) The term does not include the following:

- (1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
- (2) Coverage issued as a supplement to liability insurance.
- (3) Automobile medical payment insurance.
- (4) A specified disease policy issued as an individual policy.
- (5) A limited benefit health insurance policy issued as an individual policy.

(6) A short term insurance plan that:

(A) may not be renewed; and

(B) has a duration of not more than six (6) months.

- (7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.
- (8) Worker's compensation or similar insurance.

(9) A student health insurance policy.

Sec. 6. As used in this chapter, "pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) limited liability company; or
- (4) limited liability partnership.

Sec. 7. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);
- (2) IC 6-5.5 (financial institutions tax); and
- (3) IC 27-1-18-2 (insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that:

- (1) has state tax liability; and
- (2) employs at least ten (10) full-time employees who are located in Indiana.

Sec. 9. (a) An eligible taxpayer that, after December 31, 2006, makes health insurance available to the eligible taxpayer's employees and their dependents through at least one (1) health benefit plan is entitled to a credit against the taxpayer's state tax liability for the first two (2) taxable years in which the taxpayer makes the health benefit plan available if the following requirements are met:

- (1) An employee's participation in the health benefit plan is at the employee's election.
- (2) If an employee chooses to participate in the health benefit plan, the employee may pay the employee's share of the cost of the plan using a wage assignment authorized under IC 22-2-6-2.

- (b) The credit allowed under this chapter equals the lesser of:
- (1) two thousand five hundred dollars (\$2,500); or
 - (2) fifty dollars (\$50) multiplied by the number of employees enrolled in the health benefit plan during the taxable year.

Sec. 10. (a) An employer may pay or provide reimbursement for all or part of the cost of a health benefit plan made available under section 9 of this chapter.

(b) An employer that pays or provides reimbursement under subsection (a) shall pay or provide reimbursement on an equal basis for all full-time employees who elect to participate in the health benefit plan.

Sec. 11. (a) If the amount determined under section 9 of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. A taxpayer is not entitled to a carryback.

- (b) A taxpayer is not entitled to a refund of any unused credit.

Sec. 12. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.

Sec. 13. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines is necessary to calculate the credit provided by this chapter and to determine the taxpayer's eligibility for the credit.

Sec. 14. (a) A taxpayer claiming a credit under this chapter shall continue to make health insurance available to the taxpayer's employees through a health benefit plan for at least twenty-four (24) consecutive months beginning on the day after the last day of the taxable year in which the taxpayer first offers the health benefit plan.

(b) If the taxpayer terminates the health benefit plan before the expiration of the period required under subsection (a), the taxpayer shall repay the department the amount of the credit received under section 9 of this chapter.

Sec. 15. (a) An employee of a taxpayer that claims a credit under this chapter shall include in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) the employee's eligible benefits for:

- (1) the first taxable year in which the taxpayer offers the health benefit plan; and
- (2) the taxable year immediately following the first taxable year in which the taxpayer offers the health benefit plan.

(b) For each taxable year following the taxable year described in subsection (a)(2), a percentage of an employee's eligible benefits are included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) as follows:

- (1) For an employee whose annual income derived from the taxpayer is forty thousand dollars (\$40,000) or less, zero percent (0%).
- (2) For an employee whose annual income derived from the taxpayer is greater than forty thousand dollars (\$40,000) and less than eighty thousand dollars (\$80,000), fifty percent (50%).
- (3) For an employee whose annual income derived from the taxpayer is eighty thousand dollars (\$80,000) or greater, one hundred percent (100%).

(c) A taxpayer that claims a credit under this chapter shall notify each of the taxpayer's employees of the amount included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) under subsection (a) at the same time the taxpayer provides the employee with the employee's W-2 federal income tax withholding statement for the taxable year."

Page 20, between lines 36 and 37, begin a new paragraph and

insert:

"SECTION 11. [EFFECTIVE JULY 1, 2006] IC 6-3-1-3.5(a)(23), as amended by this act, applies only to taxable years beginning after December 31, 2006.

SECTION 12. [EFFECTIVE JULY 1, 2006] IC 6-3-1-25, as added by this act, applies only to taxable years beginning after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 345 as printed February 24, 2006.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Orentlicher's amendment (345-4) is not germane to Engrossed Senate Bill 345.

Amendment 4 is germane to Engrossed Senate Bill 345 because both measures concern taxation.

PELATH
ORENTLICHER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 271: yeas 50, nays 45. The ruling of the Chair was sustained.

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:10 p.m. with the Speaker in the Chair.

Representatives Goodin and Ulmer were excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1097, 1108, 1240, and 1395 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

Representative Kuzman rose to a point of order requesting a quorum call. The Speaker ordered the roll of the House to be called. Roll Call 272: 67 present. The Speaker announced a quorum is attendance.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 340

Representative Borror called down Engrossed Senate Bill 340 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 303

Representative Duncan called down Engrossed Senate Bill 303 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 303-1)

Mr. Speaker: I move that Engrossed Senate Bill 303 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-20-2-2, AS AMENDED BY P.L.210-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Implements of agriculture when used during farming operations or when constructed so that the implements can be moved without material damage to the highways.

(3) Farm drainage machinery.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as printed February 21, 2006.)

CHERRY

Motion prevailed.

HOUSE MOTION
(Amendment 303-2)

Mr. Speaker: I move that Engrossed Senate Bill 303 be amended to read as follows:

Page 6, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 9. IC 9-24-9-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) Any male who:

(1) applies for issuance or renewal of any license listed in IC 9-24-1-1;

(2) is at least eighteen (18) years of age but less than twenty-six (26) years of age; and

(3) is required to register under 50 U.S.C. 453(a);

may authorize the bureau to register him with the Selective Service System in compliance with the requirements of the Military Selective Service Act under 50 U.S.C. 451 et seq.

(b) The application form for a driver's license or driver's license renewal shall include a box that an applicant can check to:

(1) identify the applicant as a male who is at least eighteen (18) years of age but less than twenty-six (26) years of age; and

(2) indicate the applicant's intention to authorize the bureau to submit the necessary information to the Selective Service System to register the applicant with the Selective Service System in compliance with federal law.

The bureau shall provide to an applicant registering with the Selective Service System through the bureau any registration forms required by the Selective Service System. However, the applicant may not be required to provide his Social Security number for Selective Service System registration purposes.

(c) When authorized by the applicant in conformity with this section, the bureau shall forward the necessary registration information provided by the applicant to the Selective Service System in the electronic format or another format approved by the Selective Service System.

(d) Failure of an applicant to authorize the bureau to register the applicant with the Selective Service System is not a basis for denying the applicant driving privileges."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as printed February 21, 2006.)

OARENTLICHER

Upon request of Representatives Orentlicher and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 273: yeas 67, nays 16. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 297

Representative Foley called down Engrossed Senate Bill 297 for

second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 297-1)

Mr. Speaker: I move that Engrossed Senate Bill 297 be amended to read as follows:

Page 2, line 5, after "knowingly" insert "**or intentionally**".

Page 2, line 9, after "knowingly" insert "**or intentionally**".

Page 2, line 12, after "commits" insert "**application fraud**".

Page 3, line 4, before "makes" insert "**or intentionally**".

Page 3, line 4, after "or" delete "knowingly".

Page 3, line 7, after "commits" insert "**application fraud**".

Page 3, after line 7, begin a new paragraph and insert:

"SECTION 3. IC 35-43-5-2, AS AMENDED BY P.L.45-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who knowingly or intentionally:

(1) makes or utters a written instrument in such a manner that it purports to have been made:

(A) by another person;

(B) at another time;

(C) with different provisions; or

(D) by authority of one who did not give authority; or

(2) possesses more than one (1) written instrument knowing that the written instruments were made in a manner that they purport to have been made:

(A) by another person;

(B) at another time;

(C) with different provisions; or

(D) by authority of one who did not give authority;

commits counterfeiting, a Class D felony.

(b) A person who, with intent to defraud, makes, utters, or possesses a written instrument in such a manner that it purports to have been made:

(1) by another person;

(2) at another time;

(3) with different provisions; or

(4) by authority of one who did not give authority;

commits forgery, a Class C felony.

(c) This subsection applies to a person who applies for a driver's license (as defined in IC 9-13-2-48). A person who:

(1) knowingly or intentionally uses a false or fictitious name or gives a false or fictitious address in an application for a driver's license or for a renewal or a duplicate of a driver's license; or

(2) knowingly or intentionally makes a false statement or conceals a material fact or otherwise commits fraud in an application for a driver's license;

commits application fraud, a Class D felony.

(d) This subsection applies to a person who applies for a state identification card (as issued under IC 9-24-16). A person who:

(1) knowingly or intentionally uses false information in an application for an identification card or for a renewal or duplicate of an identification card; or

(2) knowingly or intentionally makes a false statement or otherwise commits fraud in an application for an identification card;

commits application fraud, a Class D felony."

(Reference is to ESB 297 as printed February 17, 2006.)

FOLEY

Motion prevailed.

HOUSE MOTION
(Amendment 297-2)

Mr. Speaker: I move that Engrossed Senate Bill 297 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-24-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The application for renewal of:

(1) an operator's license;

(2) a motorcycle operator's license;

(3) a chauffeur's license;

(4) a public passenger chauffeur's license; or

(5) an identification card;

under this article may be filed not more than six (6) months before the expiration date of the license or identification card held by the applicant.

(b) If the holder of a driver's license or a learner's permit has not renewed the driver's license or the learner's permit, the bureau shall provide notice of the expiration date of the driver's license or learner's permit to the holder of the driver's license or learner's permit. Notice under this subsection must be made:

(1) by first class mail to the holder's last address registered with the bureau; and

(2) not:

(A) more than sixty (60) days; and

(B) less than thirty (30) days;

before the expiration date."

Renumber all SECTIONS consecutively.

(Reference is to ESB as 297 as printed February 17, 2006.)

PIERCE

Upon request of Representatives Pierce and Dobis, the Speaker ordered the roll of the House to be called. Roll Call 274: yeas 44, nays 49. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 296

Representative Torr called down Engrossed Senate Bill 296 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 284

Representative T. Brown called down Engrossed Senate Bill 284 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 284-1)

Mr. Speaker: I move that Engrossed Senate Bill 284 be amended to read as follows:

Page 2, delete lines 4 through 23.

(Reference is to ESB 284 as printed February 22, 2006.)

C. BROWN

Upon request of Representatives Espich and Friend, the Speaker ordered the roll of the House to be called. Roll Call 275: yeas 19, nays 72. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 153

Representative Richardson called down Engrossed Senate Bill 153 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 153-3)

Mr. Speaker: I move that Engrossed Senate Bill 153 be amended to read as follows:

Page 1, line 7, delete "or private entity".

Page 2, line 6, after "of" reset in roman "an".

Page 2, line 6, delete "a private".

Page 2, line 6, delete "or private entity".

Page 2, delete lines 40 through 42.

Page 3, delete lines 1 through 3, begin a new paragraph and insert:

"(g) This section expires December 31, 2006.

SECTION 2. IC 12-17-2-18.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18.1. (a) This section applies after December 31, 2006.**

(b) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

(1) a prosecuting attorney;

(2) a private attorney or private entity if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee (established by IC 33-24-11-1); or

(3) a collection agency licensed under IC 25-11 to collect

arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years; in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(c) The hiring of a private attorney or private entity by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(d) Subject to section 18.6 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (b):

(1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and

(2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(e) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(f) At the time that an application for child support services is made, the applicant must be informed that:

(1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and

(2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(g) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(h) An agreement made under subsection (b) must contain requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse incentive money based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (b)."

Page 4, between lines 33 and 34, begin a new paragraph and insert:

"(i) This section expires December 31, 2006.

SECTION 4. IC 12-17-2-18.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18.6. (a) This section applies after December 31, 2006.**

(b) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 18.1 of this chapter to contract with a collection agency licensed under IC 25-11 to provide child support enforcement services.

(c) The bureau shall:

(1) establish a list of approved collection agencies with which a prosecuting attorney may contract under this section;

(2) establish requirements for participation in the program established under this section to assure:

(A) effective administration of the plan; and

(B) compliance with all federal and state statutes, regulations, and rules;

(3) update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting attorney annually; and

(4) preapprove or approve all contracts between a collection agency and a prosecuting attorney.

(d) A contract between a prosecuting attorney and a collection agency under this section must include the following provisions:

(1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.

(2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

(1) must:

(A) be in writing;

(B) include:

(i) all fees, charges, and costs, including administrative and application fees; and

(ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

(i) source of each payment received for arrearage on a child support order;

(ii) form of each payment received for arrearage on a child support order;

(iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and

(iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrearages collected per case.

(h) A collection agency that contracts with the bureau or a prosecuting attorney under this section may, in addition to the collection of arrearages on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the terms of the contract described in subsection (g)."

Renumber all SECTIONS consecutively.

(Reference is to ESB 153 as printed February 21, 2006.)

RICHARDSON

Motion prevailed.

HOUSE MOTION (Amendment 153-1)

Mr. Speaker: I move that Engrossed Senate Bill 153 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-14-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) After the investigation under IC 12-14-1-6, the county office shall decide the following:

(1) Whether the child is eligible for assistance under this article.

(2) The amount of assistance.

(3) The date assistance begins.

(b) The county office may not consider:

(1) money in an individual development account under IC 4-4-28 that belongs to the child or a member of the child's family;

(2) five thousand dollars (\$5,000) of equity value (as defined in

470 IAC 10.1-3-1) in one (1) motor vehicle that belongs to a member of the child's family; or

(3) a Holocaust victim's settlement payment received by the child or a member of the child's family;

when determining whether the child is eligible for assistance under this article.

(c) The division or the county office may not enter into a contract under which another person is to make eligibility determinations under this article unless the general assembly expressly authorizes the division to contract with another person for the making of the eligibility determinations.

SECTION 2. IC 12-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The office and the division of family and children shall formulate written protocols that specify the following:

(1) That the county offices are responsible for all eligibility determinations made under the state Medicaid program.

(2) That the office is responsible for payment of a claim made under the state Medicaid plan.

(b) The office may enter into any contract to implement the state program. However, the office or a county office may not enter into a contract under which another person is to make eligibility determinations under this article unless the general assembly expressly authorizes the division to contract with another person for the making of eligibility determinations."

Renumber all SECTIONS consecutively.

(Reference is to ESB 153 as printed February 21, 2006.)

AVERY

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Avery's amendment (153-1) is not germane to Engrossed Senate Bill 153.

Amendment 1 is germane to Engrossed Senate Bill 153 because both measures concern the welfare of children.

PELATH
AVERY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 276: yeas 50, nays 42. The ruling of the Chair was sustained.

There being no further amendments, the bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Representative Dickinson was excused for the rest of the day.

Engrossed Senate Bill 132

Representative Budak called down Engrossed Senate Bill 132 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 132-1)

Mr. Speaker: I move that Engrossed Senate Bill 132 be amended to read as follows:

Page 91, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 139. IC 16-37-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) A local health department may make a charge under IC 16-20-1-27 for each certificate of birth, death, or stillbirth registration.

(b) If the local department of health makes a charge for a certificate of death under subsection (a), a one dollar (\$1) coroners continuing education fee must be added to the rate established under IC 16-20-1-27. The local department of health shall deposit any coroners continuing education fees with the county auditor within thirty (30) days after collection. The county auditor shall transfer semiannually any coroners continuing education fees to the treasurer

of state.

(c) Notwithstanding IC 16-20-1-27, a charge may not be made for furnishing a certificate of birth, death, or stillbirth registration to a person or to a member of the family of a person who needs the certificate for one (1) of the following purposes:

(1) To establish the person's age or the dependency of a member of the person's family in connection with:

(A) the person's service in the armed forces of the United States; or

(B) a death pension or disability pension of a person who is serving or has served in the armed forces of the United States.

(2) To establish or to verify the age of a child in school who desires to secure a work permit.

(3) To establish or to verify the age of an individual who will be at least eighteen (18) years of age on or before the next general or municipal election day and who requires the issuance of a certificate of birth to obtain:

(A) a driver's license issued under IC 9-24-11; or

(B) an identification card issued under IC 9-24-16.

An order or ordinance adopted by a municipal corporation (as defined in IC 36-1-2-10) that would impose a fee or charge for the issuance of a certificate of birth to an individual under this subdivision is void.

SECTION 140. IC 16-37-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) **Except as provided in subsection (d),** the state department shall charge and collect a fee of eight dollars (\$8) for each search of the records in the division of vital records. If the requested record is found, one (1) certification of the record will be issued without charge. Additional certifications of the same record will be issued at that time for an additional fee of four dollars (\$4) for each record.

(b) The state department shall charge and collect an additional fee of eight dollars (\$8) for any amendment to a record previously filed with the division of vital records.

(c) Verification without charge will be issued to an agency of local, state, or federal government upon written request by the agency.

(d) A search fee may not be charged or collected for a search in the division of vital records for a record concerning the birth of an individual who will be at least eighteen (18) years of age on or before the next general or municipal election day and who requires the record for the issuance of a certificate of birth that is necessary to obtain:

(1) a driver's license issued under IC 9-24-11; or

(2) an identification card issued under IC 9-24-16.

The fee for a certification of the record shall be as set forth in subsection (a). A rule of the state department imposing a fee or charge for a search of a birth record under this subsection is void."

Renumber all SECTIONS consecutively.

(Reference is to ESB 132 as printed February 24, 2006.)

T. BROWN

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 253

Representative Hoffman called down Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 277: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 247

Representative Ruppel called down Engrossed Senate Bill 247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 247-6)

Mr. Speaker: I move that Engrossed Senate Bill 247 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, delete lines 1 through 10, begin a new paragraph and insert:

"SECTION 1. IC 4-13.6-3-3, AS AMENDED BY HEA 1040-2006, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:

~~(1) The state fire marshal or the state fire marshal's designee;~~

~~(2) (1) The chief engineer of the department of natural resources.~~

~~(3) (2) The director.~~

(3) The building law compliance officer of the department of homeland security.

(b) The board shall administer IC 4-13.6-4."

Page 2, line 5, delete "." and insert ", **including terrorist activity.**"

Page 10, line 28, delete "following" and insert "**following**."

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 16. IC 10-19-1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.3. "Criminal intelligence information" has the meaning set forth in IC 5-2-4-1.**"

Page 12, delete lines 1 through 9.

Page 13, between lines 29 and 30, begin a new paragraph and insert:

"Sec. 1. As used in this chapter, "collect" means to solicit or receive."

Page 13, line 30, delete "1." and insert "**2.**"

Page 13, between lines 30 and 31, begin a new line block indented and insert:

"(1) collect;"

Page 13, line 31, delete "(1)" and insert "**(2)**".

Page 13, line 32, delete "(2)" and insert "**(3)**".

Page 13, line 33, delete "(3)" and insert "**(4)**".

Page 13, line 34, delete "(4)" and insert "**(5)**".

Page 13, line 35, delete "(5)" and insert "**(6)**".

Page 13, line 36, before "intelligence" insert "**criminal**".

Page 13, line 37, after "agencies" insert "**and private organizations**".

Page 13, line 38, delete "." and insert "**in compliance with applicable state and federal laws and regulations, including 28 CFR 23.**"

Page 13, line 39, delete "2." and insert "**3.**".

Page 13, line 42, delete "and".

Page 14, line 1, delete "any agency of".

Page 14, line 1, delete "." and insert "**agencies; and**

(3) private organizations;

subject to applicable state and federal laws and regulations, including 28 CFR 23.

Sec. 4. The Indiana intelligence fusion center may collect criminal intelligence information only if:

(1) reasonable suspicion exists that the subject of the criminal intelligence information is involved with or has knowledge of possible criminal or terrorist activity; and

(2) the criminal intelligence information is relevant to the criminal or terrorist activity."

Page 14, line 27, after "that" delete "it".

Page 18, line 22, delete "[EFFECTIVE JULY 1, 2005]:" and insert

"[EFFECTIVE JULY 1, 2006]:".

Page 20, delete lines 15 through 42, begin a new paragraph and insert:

"SECTION 34. IC 22-13-2-2, AS AMENDED BY HEA 1040-2006, SECTION 358, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The commission shall adopt rules under IC 4-22-2 and ~~IC 22-13-2.5~~ to adopt a statewide code of fire safety laws and building laws.

(b) Before December 1, 2003, the commission shall adopt the most recent edition, including addenda, of the following national codes by rules under IC 4-22-2 and IC 22-13-2.5 **(before its repeal)**:

- (1) ANSI A10.4 (Safety Requirements for Personnel Hoists).
- (2) ASME A17.1 (Safety Code for Elevators and Escalators, an American National Standard).
- (3) ASME A18.1 (Safety Standard for Platform Lifts and Stairway Chairlifts, American National Standard).
- (4) ASME QE1-1 (Standard for the Qualification of Elevator Inspectors, an American National Standard).
- (5) The American Society of Civil Engineers (ASCE) Automated People Mover Standard 21.
- (6) ANSI A90.1 Safety Code for Manlifts.

(c) Before July 1, 2006, the commission shall adopt the most recent edition, including addenda, of ASME A17.3 (Safety Code for Existing Elevators and Escalators, an American National Standard) by rules under IC 4-22-2 and IC 22-13-2.5 **(before its repeal)**.

(d) The commission shall adopt the subsequent edition of each national code, including addenda, to be adopted as provided under subsections (b) and (c) within eighteen (18) months after the effective date of the subsequent edition.

(e) The commission may amend the national codes as a condition of the adoption under subsections (b), (c), and (d).

(f) To the extent that the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, apply to tents or canopies in which cooking does not occur, the commission shall suspend enforcement of the following sections of the International Fire Code, 2000 edition, until the division of fire and building safety recommends amendments to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations:

- (1) Section 2406.1 (675 IAC 22-2.3-233).
- (2) Section 2406.2.
- (3) Section 2406.3.

(g) To the extent that section 2403.2 of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1, applies to a tent or canopy in which there is an open flame, the commission shall suspend enforcement of section 2403.2 until the division of fire and building safety recommends amendments to section 2403.2 to the commission under subsection (h) and the commission adopts rules under subsection (i) based on the recommendations and amending section 2403.2.

(h) The division of fire and building safety shall recommend amendments to the commission to the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3.

(i) After receiving and considering recommendations from the division of fire and building safety under subsection (h), and using the procedure set forth in IC 4-22-2-38, the commission shall amend the following sections of the International Fire Code, 2000 edition, as adopted by reference in 675 IAC 22-2.3-1:

- (1) Section 2403.2.
- (2) Section 2406.1 (675 IAC 22-2.3-233).
- (3) Section 2406.2.
- (4) Section 2406.3."

Page 21, delete lines 1 through 36.

Page 23, line 15, delete ", at its discretion,".

Page 23, between lines 19 and 20, begin a new line blocked left and insert:

"However, all personnel file information shall be made available to an affected member or the member's representative."

Page 23, line 21, after "information" insert **"contained in files described in subsection (a)"**.

Page 23, delete lines 32 through 33.

Renumber all SECTIONS consecutively.

(Reference is to ESB 247 as reprinted February 22, 2006.)

RUPPEL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 247, begs leave to report that said bill has been amended as directed.

RUPPEL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 278: yeas 84, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 246

Representative Foley called down Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 279: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 236

Representative Friend called down Engrossed Senate Bill 236 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 280: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 235

Representative Duncan called down Engrossed Senate Bill 235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 90, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 232

Representative Foley called down Engrossed Senate Bill 232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 282: yeas 91, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 54

Representative Budak introduced House Concurrent Resolution 54:

A CONCURRENT RESOLUTION recognizing the need for protection of our environmental and economic resources.

Whereas, The Great Lakes are a tremendous asset to Indiana as an environmental and economic resource, both as the world's largest body of fresh water and as a crucial international shipping channel;

Whereas, Aquatic invasive species have caused significant damage to native environments and industrial operations in the Great Lakes and around the world;

Whereas, Indiana ranks 14th in the nation for waterborne shipping with nearly 70 million tons of maritime cargo per year, and the state's Lake Michigan ports provide Indiana farmers, steel mills, and manufacturers with access to foreign markets through the Great Lakes/St. Lawrence Seaway;

Whereas, Current federal laws governing the introduction of aquatic invasive species into United States waters via ballast water of ocean-going ships and other sources are inadequate; and

Whereas, There is currently no nationally accepted standard for ballast water quality or any approved ballast treatment technologies available to ship operators: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly has a great concern for the protection of its environmental and economic resources.

SECTION 2. That the Indiana General Assembly urges the United States Congress to acknowledge the national urgency of this problem and move quickly to enact federal legislation to establish a strong ballast water regulatory program sufficient to prevent future introduction of aquatic invasive species into all United States waters.

SECTION 3. That the Indiana General Assembly declares its support for the efforts of the United States Coast Guard and the International Maritime Organization to put in place an international ballast water treatment and regulatory program.

SECTION 4. That the Indiana General Assembly declares its support for the "Great Ships Initiative," a research and development project funded jointly by the Indiana Port Commission and other Great Lakes ports, the U.S. Department of Transportation, the National Fish and Wildlife Foundation, and other federal agencies, with the goal of accelerating the development and availability of ballast water treatment technology.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 55

Representative Mays introduced House Concurrent Resolution 55:

A CONCURRENT RESOLUTION urging the legislative council to assign to the appropriate committee the topic of department of child services caseworkers carrying nonlethal weapons.

Whereas, Department of child services caseworkers are often placed in dangerous, unsupervised situations and must be ready to make life or death decisions in the field; and

Whereas, In order to protect both the caseworkers and the children they are protecting, it is necessary that the issue of carrying nonlethal weapons and the training necessary to use these weapons be studied more fully: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the legislative council is urged to assign to the appropriate committee the topic of department of child services caseworkers carrying nonlethal weapons.

SECTION 2. That the committee shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 56

Representative Woodruff introduced House Concurrent Resolution 56:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename the bridge on State Road 241 over Kessinger Ditch in Knox County the Bud Reitmeyer Bridge.

Whereas, Bud Reitmeyer was born on September 6, 1937, in Knox County, Indiana, and lived there until his death in July 2004;

Whereas, Bud Reitmeyer became interested in bridge construction in 1957 when he began working with one of Indiana's largest bridge contractors;

Whereas, Although he began as an office assistant, Bud Reitmeyer was quickly promoted to office manager and then to project manager and helped to build and manage several projects on the new interstate highway system that was being built in southern Indiana;

Whereas, Upon the death of the company founder in 1973, Bud Reitmeyer was named president;

Whereas, The name of Bud Reitmeyer can be linked to the construction, repair, and rehabilitation of more than 800 bridges in Indiana and Illinois;

Whereas, Bud Reitmeyer always held a special spot in his heart for the bridges of Knox County, having helped to build and repair more than 125 bridges;

Whereas, Bud Reitmeyer was the only man to hold two terms as president of Indiana Constructors Inc., the state's Highway Contractors Association, and received both the prestigious Sir Award for outstanding service to this organization and the Presidents' Cup Award;

Whereas, Bud Reitmeyer was also active in the American Road and Transportation Builders Association and many other Knox County organizations; and

Whereas, There could be no better way to honor Bud Reitmeyer than to place his name on a bridge: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly can find no better way to honor the memory of Bud Reitmeyer than to urge the Indiana Department of Transportation to rename the bridge on State Road 241 over Kessinger Ditch in Knox County the Bud Reitmeyer Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Bud Reitmeyer and the commissioner of the Indiana department of transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 57

Representative Burton introduced House Concurrent Resolution 57:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee on abstract and title insurance rates.

Whereas, In order to ensure that Hoosier consumers are fully protected, it behooves the state of Indiana to determine whether abstract and title insurance rates should be regulated by the department of insurance: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the legislative council is urged to establish a committee to study abstract and title insurance rates.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 58

Representative Buck introduced House Concurrent Resolution 58:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename State Road 28 from US 31 east through Tipton, Indiana, the Richard Regnier Memorial Highway.

Whereas, Richard Regnier served in the Indiana House of Representatives from 1981 to 1986;

Whereas, While in the Indiana House of Representatives, Richard Regnier served Hoosiers living in Carroll, Clinton, Hamilton, Howard, and Tipton Counties;

Whereas, Richard Regnier was born on September 3, 1929, in Huntington and moved to Tipton in 1937;

Whereas, Richard Regnier graduated from Tipton High School, received a Bachelor of Arts degree from Wabash College, attended Notre Dame Law School, and received a Doctor of Juris Prudence from Indiana University;

Whereas, Richard Regnier was very active in the Republican party, serving as the Tipton County Republican Committee Chairman from 1966 to 1974;

Whereas, In addition to his responsibilities as a legislator and attorney, Richard Regnier was a Freemason and a member of the county and state bar associations, Rotary Club, Chamber of Commerce, and Phi Kappa Psi; and

Whereas, Richard Regnier was a dedicated family man and public servant who spent countless hours serving the citizens of Tipton County and the entire state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to remember Richard Regnier for his years of dedicated service to the people of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Richard Regnier and the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 31

Representative Woodruff introduced House Resolution 31:

A HOUSE RESOLUTION encouraging the President of the United States, the Indiana United States Congressional Delegation, and the Governor of the State of Indiana to make it a priority to advance the commitment to community integration and personal security for individuals with mental retardation or other developmental disabilities by ensuring a stable, high quality, direct support workforce.

Whereas, There are more than 15,000 Indiana citizens with mental retardation or other developmental disabilities receiving services and approximately 15,000 additional Indiana citizens with mental retardation or other developmental disabilities waiting to receive services;

Whereas, Individuals with developmental disabilities include those with mental retardation, autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions;

Whereas, Individuals with mental retardation or other developmental disabilities have substantial limitations on their functional capacities, including limitations in three or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas, For the past two decades individuals with mental retardation or other developmental disabilities and their families have increasingly expressed their desire to live and work in their

communities, joining the mainstream of American life;

Whereas, The Supreme Court, in its Olmstead decision, affirmed the right of individuals with mental retardation or other developmental disabilities to receive community-based services as an alternative to institutional care;

Whereas, The demand for community supports and services is rapidly growing, as States comply with the Olmstead decision and continue to move more individuals from institutions into the community;

Whereas, The demand will also continue to grow as family caregivers age, individuals with mental retardation or other developmental disabilities live longer, waiting lists grow, and services expand;

Whereas, Families and private providers that employ direct support professionals deliver the majority of supports and services for individuals with mental retardation or other developmental disabilities in the community;

Whereas, Direct support professionals provide a wide range of supportive services to individuals with mental retardation or other developmental disabilities on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, and housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas, Direct support professionals generally assist individuals with mental retardation or other developmental disabilities to lead self-directed family, community, and social lives;

Whereas, Private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas, Providers of supports and services to individuals with mental retardation or other developmental disabilities typically draw from a labor market that competes with other entry-level jobs that provide less physically and emotionally demanding work, and higher pay and other benefits, and therefore these direct support jobs are not currently competitive in today's labor market;

Whereas, Annually national industry turnover rates for direct support workers range from 40 to 75 percent;

Whereas, High rates of employee vacancies and turnover threaten the ability of providers to achieve their core mission of providing safe and high-quality supports to individuals with mental retardation or other developmental disabilities;

Whereas, Direct support staff turnover is emotionally difficult for the individuals being served;

Whereas, many parents are becoming increasingly afraid that there will be no one available to take care of their sons and daughters with mental retardation or other developmental disabilities who are living in the community;

Whereas, This workforce shortage is the most significant barrier to implementing the Olmstead decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk; and

Whereas, The Indiana Association of Rehabilitation Facilities is committed to supporting the provision of safe and high-quality supports to individuals with mental retardation or other developmental disabilities who benefit from community based services for the developmentally disabled through recognition of the quality of care provided by the direct support staff who deliver those services in community-based settings: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. The Indiana House of Representative does hereby resolve that Indiana recognizes that building a stable, well-trained direct support workforce to provide supports and services to individuals with mental retardation and other developmental disabilities is important in advancing Indiana's commitment to community integration for those individuals and to personal security for them and their families.

SECTION 2. Be it further resolved, that the Indiana House of Representatives seeks to encourage this by taking advantage of all resources, both federal and state, for developing and expanding career options and opportunities to meet this workforce crisis of direct support professionals in Indiana.

SECTION 3. The Clerk of the Indiana House of Representatives shall transmit a copy of this resolution to President George W. Bush, every member of the Indiana United States Congressional Delegation, and Governor Mitchell E. Daniels.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 32

Representative Ruppel introduced House Resolution 32:

A HOUSE RESOLUTION urging the legislative council to assign to the appropriate committee the issue of homeland security related to ports, freight yards, and rail yards.

Whereas, With the increase of terrorist activity throughout the world and the threat of additional terror attacks on United States soil, it becomes vital to be fully aware of all possible dangers that exist at all ports of entry into the United States; and

Whereas, Additionally, terrorists could create mass confusion and great loss of life if they were to strike the nation's freight and rail yards: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the appropriate committee the issue of homeland security related to ports, freight yards, and rail yards.

SECTION 2. That the committee shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 33

Representative Koch introduced House Resolution 33:

A HOUSE RESOLUTION in support of the United States remaining a leader in space exploration and development.

Whereas, Since its inception in 1958, the National Aeronautics and Space Administration (NASA) has accomplished many significant scientific and technological goals and advanced humankind's knowledge of the Earth and the universe;

Whereas, NASA has improved the quality and extended the lives of citizens not only within the United States, but throughout the world, by the development of technologies including, but not limited to, image processing in CAT Scanners and MRI Machines, kidney dialysis, programmable heart pacemakers, fetal heart monitors, and surgical probes to treat brain tumors;

Whereas, NASA employs more than 18,000 civil service employees and awarded over \$13 billion in contracts in fiscal year 2004 with both the private sector and academia in support of NASA programs;

Whereas, NASA supports space-related activities in all 50 states through its Space Grant Consortia, Explorer Schools, Educator Resource Center Networks, and EPSCoR program;

Whereas, The desire to explore is part of America's character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and legacy for future generations;

Whereas, A Space Exploration Vision has recently been articulated to affirm the United States' commitment to human and robotic space exploration and to give NASA a new focus and clear objectives, including long-term human and robotic programs to explore the solar system, and a return to the moon that will ultimately enable future exploration of Mars and other destinations;

Whereas, The Space Exploration Vision has the potential to drive innovations, development, and advancement in the aerospace and other high technology industries in Indiana and in benefit of our constituents; and

Whereas, Funding for NASA both directly and indirectly benefits Indiana, our constituents, and the aerospace industry nationally: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana House of Representatives, the Senate concurring, honor the National Aeronautics and Space Administration (NASA), and recognize its efforts and advancements in aerospace.

SECTION 2. That the Indiana House of Representatives supports the United States remaining a leader in space exploration and development.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to NASA.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 34

Representatives Crawford, Yount, Thomas, Porter, C. Brown, Mays, Summers, Dickinson, V. Smith, and Aguilera introduced House Resolution 34:

A HOUSE RESOLUTION urging Hoosiers to be aware of the dangers of diabetes.

Whereas, Diabetes is a disease where the body does not produce or properly use insulin;

Whereas, Insulin is a hormone needed to convert sugar, starches, and other food into energy that your body needs daily;

Whereas, The cause of diabetes is unknown, although both genetics and environmental factors such as obesity and lack of exercise seem to play a role;

Whereas, There are 20.8 million people, 7 percent of the population of the United States, that have diabetes; 6.2 million are unaware that they have the disease;

Whereas, Almost 3 million African-Americans have diabetes and are twice as likely as non-Hispanic whites to have diabetes;

Whereas, African-Americans have a 114 percent higher diabetes death rate nationally than whites; in Indiana the death rate is 59% higher than whites; and

Whereas, Diabetes is a disease that can be prevented or kept in check through good nutrition and regular physical activity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives reminds the citizens of Indiana that to prevent and cure diabetes and improve the lives of all people affected by the disease, we must all be aware of the causes and the steps we can take to make sure that our loved ones are not affected by this disease.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the American Diabetes Association.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 35

Representative Borders introduced House Resolution 35:

A HOUSE RESOLUTION to urge the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations.

Whereas, The Republic of China on Taiwan ("Taiwan") has established a democratic, multiparty political system, and its show of diplomacy aimed at national unification demonstrates its progressive spirit as a government and a people. Inclusion of Taiwan in the

United Nations would only further the universality of this essential global forum;

Whereas, Already having provided many developing nations with financial assistance, as well as overseas aid, training, and disaster relief, Taiwan has amply illustrated its concern for the welfare of the world; and

Whereas, The government of Taiwan has accepted the obligations contained in the United Nations Charter and agrees to promote international peace and security. The fundamental right of the 21,000,000 people who comprise Taiwan to be partners in the community of nations should no longer be denied: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives supports the membership of the Republic of China on Taiwan in the United Nations and urges due consideration by the Congress of the United States.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the President and Secretary of the United States Senate, the Speaker and Clerk of the United States House of Representatives, Indiana's Senators and Representatives in Congress, and the United Nations General Assembly.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 36

Representative Borders introduced House Resolution 36:

A HOUSE RESOLUTION to support a free trade agreement between the Republic of China on Taiwan and the United States.

Whereas, The Republic of China on Taiwan ("Taiwan") and the United States enjoy one of the most important economic and strategic international relationships that exist today;

Whereas, Together, Taiwan and the United States promote a shared belief in freedom, democracy, and market principles;

Whereas, The level of mutual investment between Taiwan and the United States is quite high;

Whereas, Streamlined foreign investment procedures developed under a free trade agreement between Taiwan and the United States would create new business opportunities and new job;

Whereas, A free trade agreement between Taiwan and the United States would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications, and new cooperative ventures;

Whereas, A recent study by the United States International Trade Commission supports the negotiation of a free trade agreement between Taiwan and the United States; and

Whereas, A free trade agreement between Taiwan and the United States would build on the existing strong relations between Taiwan and the United States to simultaneously boost Taiwan's security and democracy and serve the broader interest of the United States in the Asia-Pacific region:

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives supports the negotiation of free trade agreement between the Republic of China on Taiwan and the United States.

SECTION 2. That the Principal Clerk of the Indiana House of Representatives shall transmit a copy of this resolution to the Taipei Economic and Cultural Office in Chicago, Illinois.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 37

Representative Borders introduced House Resolution 37:

A HOUSE RESOLUTION to commend the Republic of China on Taiwan on its contributions to promote world health.

Whereas, Good health is essential to every citizen of the world and access to the highest standards of health information and services is necessary to improve public health;

Whereas, The World Health Organization (WHO) set forth in the first chapter of its charter the objective of attaining the highest possible level of health for all people;

Whereas, The Republic of China on Taiwan's ("Taiwan") achievements in the field of health are substantial, including one of the highest life expectance levels in Asia, maternal and infant mortality rates comparable to those of western countries, and the eradication of such infectious diseases as cholera, smallpox, and the plague; moreover, it was the first Asian nation to eradicate polio and provide children with hepatitis B vaccinations;

Whereas, The United States Center for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues;

Whereas, In recent years, Taiwan has expressed a willingness to assist financially and technically in international health activities supported by the WHO; and

Whereas, Direct, unobstructed participation in international health forums and programs is critical to limit the spread of various infectious diseases and achieve world health: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives commends the efforts of the Republic of China on Taiwan in support of world health and extends its support for the Republic of China on Taiwan's participation in the World Health Organization.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the governing authority of the World Health Organization and to the Taipei Economic and Cultural Office in Chicago, Illinois.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 38

Representative Burton introduced House Resolution 38:

A HOUSE RESOLUTION to urge the department of transportation to rename the section of Interstate Highway 65 running through Johnson County the Pearl Harbor Memorial Highway.

Whereas, It is important and fitting for our society to recognize and honor the contributions of those citizens who have served this nation in times of war;

Whereas, The December 7, 1941 attack on Perl Harbor was a devastating attack on our nation's homeland that cost the lives of more than 2,000 American civilians, soldiers, sailors, and marines;

Whereas, As the Pearl Harbor Memorial Highway, Interstate 65 throughout Johnson County could stand as a tribute to those heroic men and women who gave their lives in defense of the United States of America and the freedom of its citizens; and

Whereas, In these times of danger throughout America, it is vital to remember the bravery of those citizens who made the ultimate sacrifice for their country and to ensure that all Americans will be ever vigilant so that tragedies like the attack on Pearl Harbor do not happen again: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives urges the Indiana Department of Transportation to rename the part of Interstate Highway 65 that runs through Johnson County the Pearl Harbor Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Commissioner of the Indiana Department of Transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 25

The Speaker handed down Senate Concurrent Resolution 25, sponsored by Representatives Gutwein, Ayres, and Budak:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

Whereas, Scott A. Patrick was born September 12, 1975, to Ron and Sandy Patrick;

Whereas, Scott grew up in the Wheatfield area and graduated from Kankakee Valley High School with an academic honors diploma;

Whereas, Scott then attended the University of Southern Indiana (USI) on an academic and carpenter's scholarship;

Whereas, While attending USI, Scott was a founding member of the Alpha Sigma Phi fraternity and excelled in sports as a starter for the rugby team and a participant in the intramural program;

Whereas, While attending USI, Scott met Melissa Clark, whom he married in July 2000;

Whereas, In January 2000, Scott began his career as an Indiana State Police Trooper, starting at the academy on January 23 and graduating on June 23;

Whereas, Upon graduation, Scott was assigned to the Lowell Post and he and Melissa moved to Valparaiso. Scott loved his job and strove to be the best trooper he could be;

Whereas, Scott was very committed to his family. Just prior to his death, Scott had learned that he was going to become a father and he beamed with pride every time someone mentioned fatherhood;

Whereas, Scott's child will never know the wonderful man who was his father because Scott gave his life protecting the citizens of Indiana; and

Whereas, Scott was a unique individual who touched the lives of everyone he came in contact with and his death leaves an enormous void in the lives of many people: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of Trooper Scott A. Patrick and urges the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Scott's wife, Melissa; his parents, Ron and Sandy; his brothers, Jamie and Sean; and his sister, Dawn.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

OTHER BUSINESS ON THE SPEAKER'S TABLE**HOUSE MOTION**

Mr. Speaker: I move that House Rule 117.2 be suspended on February 28, 2006, so that a motion to amend a bill on second reading is eligible if it is time stamped at least one hour prior to the convening of the session.

RUPPEL

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, February 28, 2006 at 10:00 a.m.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representative

Duncan be added as cosponsor of Engrossed Senate Bill 54.

WOODRUFF

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Thomas and Dvorak be added as cosponsors of Engrossed Senate Bill 84.

FOLEY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representative Thomas be added as cosponsor of Engrossed Senate Bill 246.

FOLEY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Duncan and Crouch be added as cosponsors of Engrossed Senate Bill 283.

BISCHOFF

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three cosponsors and that Representatives Budak and Hinkle be added as cosponsors of Engrossed Senate Bill 314.

FRIEND

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 332.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 342.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Reske be removed as cosponsor of Engrossed Senate Bill 359.

MESSER

Motion prevailed.

On the motion of Representative Kersey, the House adjourned at 10:10 p.m., this twenty-seventh day of February, 2006, until Tuesday, February 28, 2006, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

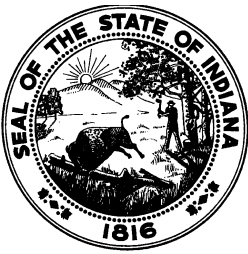
Principal Clerk of the House of Representatives

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Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-third Meeting Day

Tuesday Morning

February 28, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representatives Sheila A. Klinker and Kathy Kreag Richardson.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses ☐
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson ☐	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell ☐	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins ☐
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 283: 96 present; 4 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 59

Representative V. Smith introduced House Concurrent Resolution 59:

A CONCURRENT RESOLUTION congratulating Benjamin Banneker Elementary School, Gary, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top twenty-five percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery and attendance during a particular school year;

Whereas, Benjamin Banneker Elementary School fulfilled these requirements for the 16th consecutive year;

Whereas, Despite a school size of about 500 students and class sizes that can total as many as 28 pupils, the ISTEP scores at Banneker Elementary have greatly exceeded state averages for the past six years;

Whereas, The students and teachers of Benjamin Banneker Elementary School have received this honor every year because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together in a unified effort to maintain the high level of achievement at their school;

Whereas, Principal Sarah Givens credits the success of Benjamin Banneker Elementary School to "good leadership skills, smart students, and a great staff"; and

Whereas, Schools such as Benjamin Banneker Elementary School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Benjamin Banneker Elementary School on its 16th Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sarah Givens, principal of Benjamin Banneker Elementary School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators S. Smith and Rogers.

House Concurrent Resolution 60

Representatives Ayres, Cheney, and C. Brown introduced House Concurrent Resolution 60:

A CONCURRENT RESOLUTION to honor and congratulate the Chesterton High School State Debate Team for winning the 2006 State Debate Championship.

Whereas, The Chesterton High School Debate Team won the state debate championship for the ninth consecutive time and the seventeenth time overall;

Whereas, The Chesterton High School Debate Team scored 87 points, nearly doubling the score of the second place school;

Whereas, The Chesterton High School Debate Team had three of the four individual state champions—Rachel Wyatt in Congressional Debate, Kate Weber and Beau Rajsic in Public Forum Debate, and Sam Lahti and Tess Mullin in Policy Debate;

Whereas, Other members of the Chesterton High School Debate Team qualified for the advanced elimination rounds: Heather Stavropoulos was elected Speaker of the House; Amanda Kessinger placed seventh in Congressional Debate; Amy Zehner and Andrew Keithley competed in the final round of Congressional Debate; Luci Doler and Sarah Morlock placed second in Policy Debate; Ray Raffin and Phil Braunlich made the quarter finals in Policy Debate; Conor O'Brien and Tyler Demar made the octa finals in Policy Debate; Matt DeLeon and Alex Sisto placed second in Public Form Debate; and Ashley Hanson and Cassie Recker made the quarter finals in Public Forum Debate;

Whereas, Melissa Frye and Sarah Christofersen competed in Public Forum Debate, and Stephanie Leopold, Brandon Patterson, Andrew Thoesen, and Nathan Pavlovic competed in Lincoln-Douglas Debate;

Whereas, Coaches James Cavallo, Scott Woodhouse, and Chris Lowery should be commended for their contributions of time and effort in guiding these champions to victory;

Whereas, These young men and women are to be commended for their dedication and hard work and congratulated for their outstanding accomplishments in the field of debating: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana House of Representatives honors and congratulates the Chesterton High School State Debate Team for winning the 2006 State Debate Championship.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the members and coaches of the Chesterton High School Debate Team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Tallian and Heinold.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 5

Representative Ulmer called down Engrossed Senate Bill 5 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 5–2)

Mr. Speaker: I move that Engrossed Senate Bill 5 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 3, line 22, delete "June 30, 2006." and insert "**the effective date of this act.**".

Page 3, after line 22, begin a new paragraph and insert:
"SECTION 4. **An emergency is declared for this act.**".
(Reference is to ESB 5 as reprinted February 24, 2006.)

ULMER

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 5, begs leave to report that said bill has been amended as directed.

ULMER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 284: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 6

Representative Ulmer called down Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 6–4)

Mr. Speaker: I move that Engrossed Senate Bill 6 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 11, between lines 36 and 37, begin a new paragraph and insert:

"(f) For purposes of subsection (c), evidence that a person is a child batterer under subsection (b) may include expert testimony pursuant to the Indiana Rules of Evidence."

(Reference is to ESB 6 as reprinted February 24, 2006.)

ULMER

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 6, begs leave to report that said bill has been amended as directed.

ULMER

Report adopted.

The question then was, Shall the bill pass?

Roll Call 285: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Crouch was excused.

Engrossed Senate Bill 12

Representative Foley called down Engrossed Senate Bill 12 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 286: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 33

Representative Koch called down Engrossed Senate Bill 33 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 287: yeas 94, nays 0. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 36

Representative Noe called down Engrossed Senate Bill 36 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 288: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 39

Representative Thomas called down Engrossed Senate Bill 39 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 289: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Bauer and Stilwell were excused.

Engrossed Senate Bill 47

Representative McClain called down Engrossed Senate Bill 47 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 290: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Frizzell, who had been excused, was present.

Engrossed Senate Bill 54

Representative Woodruff called down Engrossed Senate Bill 54 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 291: yeas 79, nays 13. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Moses, who had been excused, was present.

Engrossed Senate Bill 56

Representative Buell called down Engrossed Senate Bill 56 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 292: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed

to inform the Senate of the passage of the bill.

Engrossed Senate Bill 73

Representative Davis called down Engrossed Senate Bill 73 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 293: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 81

Representative Stutzman called down Engrossed Senate Bill 81 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 294: yeas 88, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Crouch and Stilwell, who had been excused, were present.

Engrossed Senate Bill 83

Representative Torr called down Engrossed Senate Bill 83 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 295: yeas 83, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 94

Representative Dodge called down Engrossed Senate Bill 94 for third reading:

A BILL FOR AN ACT concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 296: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 111

Representative T. Brown called down Engrossed Senate Bill 111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Grubb the previous question was called.

Roll Call 297: yeas 72, nays 24. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:30 p.m. with the Speaker in the Chair.

Representatives Bauer and Dickinson, who had been excused, were present. Representative Heim was excused for the rest of the day.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 77 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Heinold, Chair; and Broden

Advisors: Drozda and Howard

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 106 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Broden

Advisors: Miller and Craycraft

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 258 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Hume

MARY C. MENDEL

Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 353

Representative Gutwein called down Engrossed Senate Bill 353 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 353-3)

Mr. Speaker: I move that Engrossed Senate Bill 353 be amended to read as follows:

Page 1, delete lines 1 through 7, begin a new paragraph and insert: "SECTION 1. IC 5-28-6-3, AS ADDED BY P.L.191-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The general assembly declares that the opportunity for the participation of underutilized small businesses, especially women and minority business enterprises, in the biodiesel and ethanol production industries is essential if social and economic parity is to be obtained by women and minority business persons and if the economy of Indiana is to be stimulated as contemplated by this section, IC 6-3.1-27, and IC 6-3.1-28. A recipient of a credit under this chapter is encouraged to purchase goods and services from underutilized small businesses, especially women and minority business enterprises.

(b) The definitions in IC 6-3.1-27 and IC 6-3.1-28 apply throughout this section. A term used in this section that is defined in both IC 6-3.1-27 and IC 6-3.1-28 refers to the term as defined in:

(1) IC 6-3.1-27 whenever this section applies to the certification of a person for a credit under IC 6-3.1-27; and

(2) IC 6-3.1-28 whenever this section applies to the certification of a person for a credit under IC 6-3.1-28.

In addition, as used in this section, "person" refers to a taxpayer or a

pass through entity.

(c) As used in this section, "minority" means a member of a minority group (as defined in IC 4-13-16.5-1).

(d) As used in this section, "minority business enterprise" has the meaning set forth in IC 4-13-16.5-1.

(e) As used in this section, "women's business enterprise" has the meaning set forth in IC 4-13-16.5-1.3.

(f) A person that:

(1) begins construction of a facility or an expansion of a facility for the production of biodiesel, blended biodiesel, or ethanol in Indiana after February 28, 2005; and

(2) wishes to claim a tax credit with respect to that facility or the expansion of a facility under any combination of IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-7;

must apply to the corporation for a determination of the person's eligibility for the tax credit.

(g) Subject to this section, the corporation shall issue to each qualifying applicant a certification that:

(1) certifies the person as eligible for the tax credits for which the person applied;

(2) identifies the facilities covered by the certification; and

(3) allocates to the person the lesser of:

~~(A) the maximum allowable a credit for which the person is eligible under IC 6-3.1-27-8, IC 6-3.1-27-9, or IC 6-3.1-28-11. or~~

~~(B) a credit equal to the level of production demonstrated as economically viable under the business plan submitted to the corporation by the person;~~

(h) To qualify for certification under subsection (g), a person must do the following:

(1) Submit an application for the credit on the forms and in the manner prescribed by the corporation for the credit that is the subject of the application.

(2) Demonstrate through a business plan and other information presented to the corporation that the level of production proposed by the person is feasible and economically viable. In making a determination under this subdivision, the corporation shall consider:

(A) whether the person is sufficiently capitalized to complete the project;

(B) the person's credit rating;

(C) whether the person has sufficient technical expertise to build and operate a facility; and

(D) other relevant financial information as determined by the corporation.

(i) The corporation shall record the time of filing of each application submitted under this section. The corporation shall grant certifications under this section to qualifying applicants in the chronological order in which the applications for the same type of credit are filed until the maximum allowable credit for that type of credit is fully allocated.

(j) The corporation may terminate a certification or reduce an allocation of a credit granted under this section only if the corporation determines, after a hearing, that the person granted the certification or allocation has failed to:

(1) substantially comply with the business plan that is the basis for the certification or allocation; or

(2) submit the information needed by the corporation to determine whether the person has substantially complied with the business plan that is the basis of the certification or allocation.

If an allocation of a credit is terminated or reduced, the unused credit becomes available for allocation to other qualifying applicants in the chronological order in which the applications for the same type of credit are filed until the maximum allowable credit for that type of credit is fully allocated. The corporation may approve an amendment to a business plan or a transfer of a certificate of eligibility in conformity with the terms and conditions specified by the corporation in rules adopted by the corporation under IC 4-22-2.

(k) The corporation shall give the department of state revenue written notice of each action taken under this section.

SECTION 2. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~For purposes of (a)~~

The definitions in this section apply throughout this chapter:

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) "E85" has the meaning set forth in IC 6-6-1.1-103.

(f) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(g) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(h) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(i) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(j) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(k) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(l) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

- (i) the total price per unit; minus
- (ii) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(m) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(n) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(o) "Prepayment rate" means a rate per gallon of gasoline, rounded to the nearest one-tenth of one cent (\$0.001), determined by the department by determining the product of:

- (1) the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%).

(p) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(q) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(r) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(s) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 3. IC 6-2.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

- (1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.
- (2) The total amount of money received from the sale of gasoline described in subdivision (1) during the period covered

by the report.

(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.

(4) The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

(5) The total amount of money received from the sale of special fuel during the period covered by the report.

(6) That portion of the amount described in subdivision (5) that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals five and sixty-six hundredths percent (5.66%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal gasoline and special fuel taxes, received by the retail merchant from the sale of the gasoline and special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which he has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) ~~an~~ **the amount equal to: determined under STEP THREE of the following formula:**

STEP ONE: Determine:

- ~~(A)~~ **(A)** the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus
- ~~(B)~~ **(B)** the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

STEP TWO: Subject to subsection (d), for reporting periods ending before July 1, 2008, determine the product of:

- (A) ten cents (\$0.10); multiplied by**
- (B) the number of gallons of E85 sold at retail by the retail merchant during the period covered by the retail merchant's report.**

STEP THREE: Add the amounts determined under STEPS ONE and TWO.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

(d) The total amount of deductions allowed under subsection (c) STEP TWO may not exceed two million dollars (\$2,000,000) for all retail merchants in all reporting periods. A retail merchant is not required to apply for an allocation of deductions under subsection (c) STEP TWO. If the department determines that the sum of:

- (1) the deductions that would otherwise be reported under subsection (c) STEP TWO for a reporting period; plus**
- (2) the total amount of deductions granted under subsection (c) STEP TWO in all preceding reporting periods;**

will exceed two million dollars (\$2,000,000), the department shall publish in the Indiana Register a notice that the deduction program under subsection (c) STEP TWO is terminated after the date specified in the notice and that no additional deductions will be granted for retail transactions occurring after the date specified in the notice."

Page 2, reset in roman lines 20 through 25.

Page 12, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 21. IC 15-9-2-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4. The department shall work with automobile manufacturers to improve awareness and labeling of E85 base fuel and shall work with the appropriate companies to include E85 base fuel stations in updates of global positioning navigation software."

Renumber all SECTIONS consecutively.
(Reference is to ESB 353 as printed February 24, 2006.)
GUTWEIN

Motion prevailed.

HOUSE MOTION
(Amendment 353-4)

Mr. Speaker: I move that Engrossed Senate Bill 353 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alternative fuel use and production.

Page 13, between lines 3 and 4, begin a new paragraph and insert:
"SECTION 22. [EFFECTIVE UPON PASSAGE] (a) The environmental quality service council established under IC 13-13-7 shall:

- (1) study the decline of the world oil supply;
- (2) recommend a comprehensive plan to accelerate the transition to renewable fuels and a sustainable clean energy economy; and
- (3) include its findings and recommendations under this SECTION in the council's 2006 final report to the legislative council.

(b) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.
(Reference is to ESB 353 as printed February 24, 2006.)

PIERCE

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Yeas 47, nays 49. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 349

Representative Burton called down Engrossed Senate Bill 349 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 349-6)

Mr. Speaker: I move that Engrossed Bill 349 be amended to read as follows:

Page 3, line 26, delete "IC 27-7-3.5-15)" and insert "IC 27-7-3.5-16)".

Page 3, line 27, delete "IC 27-7-3.5-18)." and insert "IC 27-7-3.5-19)".

Page 4, line 30, after "7." insert "As used in this chapter, "closing protection letter" means an indemnification of or undertaking to a party to a real estate transaction by a principal, such as a title insurance company, setting forth in writing the extent to which the principal is responsible for intentional or unintentional misconduct or errors of the principal's agent in closing the real estate transaction.

Sec. 8."

Page 4, line 34, delete "8." and insert "9."

Page 4, line 36, delete "9." and insert "10."

Page 4, line 41, delete "10." and insert "11."

Page 5, line 5, delete "11." and insert "12."

Page 5, line 9, delete "12." and insert "13."

Page 5, line 12, delete "13." and insert "14."

Page 5, line 23, delete "14." and insert "15."

Page 5, between lines 29 and 30, begin a new line block indented and insert:

"(4) Issuance of closing protection letters."

Page 5, line 30, delete "15." and insert "16."

Page 6, line 1, delete "16." and insert "17."

Page 6, line 6, delete "17." and insert "18."

Page 6, line 17, delete "18." and insert "19."

Page 6, between lines 33 and 34, begin a new line blocked left and insert:

"The term includes a title agency."

Page 6, line 34, delete "19." and insert "20."

Page 7, line 24, delete "20." and insert "21."

Page 7, line 36, delete "21." and insert "22."

Page 7, line 42, delete "22." and insert "23."

Page 8, line 8, delete "23." and insert "24."

Page 8, line 14, delete "24." and insert "25."

Page 8, line 18, delete "25." and insert "26."

Page 9, line 10, after "obtained" insert "an".

Page 9, line 11, after "insurance" insert "policy:

- (A) that provides coverage for an opinion of title;
- (B) from an insurer that is acceptable to the title insurer; and
- (C)".

Page 9, line 13, delete "with a deductible not greater" and insert "."

Page 9, delete line 14.

Page 9, between lines 22 and 23, begin a new paragraph and insert:

"(h) To obtain an initial license under this section, a title agency shall comply with the requirements of section 27(a) of this chapter.

Sec. 27. (a) To obtain an initial license under this section, a title agency shall:

- (1) have deposited with the department securities of the type described in IC 27-1-13-3(b) and having at all times a market value of not less than ten thousand dollars (\$10,000); or
- (2) post a surety bond of not less than ten thousand dollars (\$10,000) payable to the department;

to secure the title agency's performance of the title agency's duties and responsibilities under the contract described in section 30 of this chapter and entered into between the title agency and each title insurer for which the title agency is appointed. If a surety bond is generally unavailable, the department may adopt rules under IC 4-22-2 to establish alternative methods by which a title agency may comply with this subsection.

(b) The deposit made or bond posted under subsection (a) is for the benefit of a person insured under a title insurance policy and damaged by the title agency's violation of this chapter or of a contractual duty or responsibility described in subsection (a).

(c) A title insurer shall not, directly or indirectly on behalf of a title agency, provide a deposit or bond required under subsection (a).

(d) A title agency may:

- (1) exchange or substitute securities:
 - (A) described in IC 27-1-13-3(b); and
 - (B) of like quality and value;

for securities on deposit;

(2) receive interest and other income accruing on securities deposited; and

(3) at reasonable times, inspect a deposit of securities made; under subsection (a)(1).

(e) If a properly documented claim is timely filed with the department by a person described in subsection (b), the department may remit to the person in payment of the claim an appropriate amount of:

- (1) a deposit made under subsection (a); or
- (2) proceeds that are received from the surety.

(f) A deposit or bond described in subsection (a) must remain unimpaired while the title agency continues in business in Indiana and for one (1) year after termination of all title agency appointments held by the title agency. If there are no claims outstanding against the deposit or bond one (1) year after termination of the appointments, the department shall return the deposit or bond and any accrued interest to the title agency."

Page 9, line 23, delete "26." and insert "28."

Page 9, line 24, delete "25" and insert "26".

Page 9, line 27, delete "Subject to approval" and insert "A continuing education course must be approved".

Page 9, line 27, delete ", a continuing" and insert "."

Page 9, delete lines 28 through 42.

Page 10, line 5, delete "do the following:".

Page 10, delete lines 6 through 8.

Page 10, line 9, delete "(2) Grant" and insert "grant".

Page 10, run in lines 5 through 9.

Page 10, line 14, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 10, line 14, after ";" insert "or".

Page 10, line 15, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 10, line 16, delete "; or" and insert ".".

Page 10, delete line 17.

Page 10, line 22, delete "27." and insert "29".

Page 10, line 22, delete "25(f)" and insert "26(f)".

Page 11, line 3, after "(c)" insert **"The commissioner may adopt rules under IC 4-22-2 to specify information that must be provided to evidence sufficiency of a title insurance agent's net worth as described in subsection (a)."**

(d) Financial information provided to evidence sufficiency of a title insurance agent's net worth under this section is confidential.

(e)".

Page 11, line 7, delete "28." and insert "30".

Page 13, line 34, delete "25" and insert "26".

Page 13, between lines 34 and 35, begin a new paragraph and insert:

"(n) A:

(1) title insurer; or

(2) title insurance agent on behalf of a title insurer;

shall issue a title insurance policy not later than sixty (60) days after all conditions or requirements specified in the title insurance report have been satisfied. However, if a title insurance policy cannot be issued within the period set forth in this subsection due to an act of God or war, the policy must be issued within a reasonable period determined by the department."

Page 13, line 35, delete "29." and insert "31".

Page 14, between lines 16 and 17, begin a new paragraph and insert:

"(c) A title insurer or title insurance agent shall, at the time the title insurance report is prepared, provide written notice to all parties that receive the title insurance report that a closing protection letter may be purchased.

(d) The department shall adopt rules under IC 4-22-2 to specify the content of each notice required under this section."

Page 14, line 17, delete "30." and insert "32".

Page 14, line 27, delete "31." and insert "33".

Page 14, line 41, delete "," and insert **"and the title insurance agent or title agency is convicted of an offense under IC 35-43-9-7,"**.

Page 15, line 1, after "agency" insert ".".

Page 15, delete line 2.

Page 15, delete lines 8 through 16, begin a new line blocked left and insert:

"However, a title insurer's liability under this subsection is limited to the amount payable under a title insurance policy issued or committed, or a closing protection letter issued, in connection with the real estate closing or escrow in relation to which the defalcation, conversion, or misappropriation is committed, plus reasonable attorney's fees."

Page 15, line 26, delete "32." and insert "34".

Page 16, line 6, delete "33." and insert "35".

Page 16, line 38, delete "34." and insert "36".

Page 16, line 40, delete "35." and insert "37".

Page 17, line 19, delete "36." and insert "38".

(Reference is to ESB 349 as printed February 17, 2006.)

BURTON

Motion prevailed.

HOUSE MOTION (Amendment 349-2)

Mr. Speaker: I move that Engrossed Senate Bill 349 be amended to read as follows:

Page 3, between lines 27 and 28, begin a new paragraph and insert:
"SECTION 2. IC 27-1-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Whenever a foreign or an alien insurance company desires to be admitted to do an insurance business in this state, it shall execute in the English language and present the following to the department, at its office, accompanied by the fees prescribed by law:

(a) (1) A copy of its articles of incorporation or association,

with all amendments thereto, duly authenticated by the proper officer of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States.

(b) (2) An application for admission, executed in the manner provided in this chapter, setting forth:

(1) (A) the name of such company;

(2) (B) the location of its principal office or place of business without this state;

(3) (C) the names of the states in which it has been admitted or qualified to do business;

(4) (D) the character of insurance business under its articles of incorporation or association which it intends to transact in this state, which must conform to the class or classes set forth in the provisions of IC 27-1-5-1;

(5) (E) the total authorized capital stock of the company and the amount thereof issued and outstanding, and the surplus required of such company by the laws of the state, country, province, or government under which it is organized, or the state in which it is domiciled in the United States, if a stock company, which shall equal at least the requirements set forth in section 5(a) of this chapter;

(6) (F) the total amount of assets and the surplus of assets over all its liabilities, if other than a stock company, which shall equal at least the requirements set forth in section 5(b) of this chapter;

(7) (G) if an alien company, the surplus of assets invested according to the laws of the state in the United States where it has its deposit, which shall equal at least the requirements set forth in section 5(c) of this chapter; and

(8) (H) such further and additional information as the department may from time to time require.

The application shall be signed in duplicate, in the form prescribed by the department, by the president or a vice president and the secretary or an assistant secretary of the corporation, and verified under oath by the officers signing the same.

(3) A statement of its financial condition and business, in the form prescribed by law for annual statements, signed and sworn to by the president or secretary or other principal officers of the company; provided, however, that an alien company shall also furnish a separate statement comprising only its condition and business in the United States, which shall be signed and sworn to by its United States manager.

(4) A copy of the last report of examination certified to by the insurance commissioner or other proper supervisory official of the state in which such company is domiciled; provided, however, that the commissioner may cause an examination to be made of the condition and affairs of such company before authority to transact business in this state is given.

(5) A certificate from the proper official of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States, that it is duly organized or incorporated under those laws and authorized to make the kind or kinds of insurance which it proposes to make in this state.

(6) A copy of its bylaws or regulations, if any, certified to by the secretary or similar officer of the insurance company.

(7) A duly executed power of attorney in a form prescribed by the department which constitutes and appoints an individual or a corporate resident of Indiana, or an authorized Indiana insurer, as the insurance company's agent, its true and lawful attorney upon whom, except as provided in section 4.2 of this chapter, all lawful processes in any action in law or in equity against it shall be served. Such power of attorney shall contain an agreement by the insurance company that any lawful process against it which may be served upon the agent as its attorney shall be of the same force and validity as if served upon the insurance company and that such power of attorney shall continue in force and be irrevocable so long as any liability of the insurance company remains outstanding in this state. Such power of attorney shall be executed by the president and secretary of the insurance company or other duly authorized

officers under its seal and shall be accompanied by a certified copy of the resolution of the board of directors of the company making said appointment and authorizing the execution of said power of attorney. Service of any lawful process shall be by delivering to and leaving with the agent two (2) copies of such process, with copy of the pertinent complaint attached. The agent shall forthwith transmit to the defendant company at its last known principal place of business by registered or certified mail, return receipt requested, one (1) of the copies of such process, with complaint attached, the other copy to be retained in a record which shall show all process served upon and transmitted by him. Such service shall be sufficient provided the returned receipt or, if the defendant company shall refuse to accept such mailing, the registered mail together with an affidavit of plaintiff or his attorney stating that service was made upon the agent and forwarded as above set forth but that such mail was returned by the post office department is filed with the court. The agent shall make information and receipts available to plaintiff, defendant or their attorneys. No plaintiff or complainant shall be entitled to a judgment by default based on service authorized by this section until the expiration of at least thirty (30) days from the date on which either the post office receipt or the unclaimed mail together with affidavit is filed with the court. Nothing in this section shall limit or abridge the right to serve any process, notice or demand upon any company in any other manner permitted by law.

~~(h)~~ (8) Proof which satisfies the department that it has complied with the financial requirements imposed in this chapter upon foreign and alien insurance companies which transact business in this state and that it is entitled to public confidence and that its admission to transact business in this state will not be prejudicial to public interest.

SECTION 3. IC 27-1-17-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. (a) A foreign or alien insurance company that provides a surety bond that is required or permitted under the law of the United States shall execute a power of attorney in a form prescribed by the department irrevocably appointing the commissioner as the insurance company's agent for service of process in an action on the surety bond if the:**

- (1) surety bond was provided in Indiana; and
- (2) service of process under this section is in addition to another method of service of process authorized by law or court rule.

(b) Service of process under this section has the same effect as personal service on the insurance company.

(c) Upon receipt of process described in this section, the commissioner shall forward the process to the resident agent designated by the insurance company under section 4(7) of this chapter.

(d) The commissioner may adopt rules under IC 4-22-2 to establish reasonable fees for the acceptance of process described in this section. Fees collected under rules adopted under this subsection must be deposited in the department of insurance fund established by IC 27-1-3-28."

Renumber all SECTIONS consecutively.

(Reference is to ESB 349 as printed February 17, 2006.)

BURTON

Motion prevailed.

HOUSE MOTION (Amendment 349-4)

Mr. Speaker: I move that Engrossed Senate Bill 349 be amended to read as follows:

Page 17, after line 21, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2006] **(a) The definitions in IC 27-1-29.1 apply throughout this SECTION.**

(b) This SECTION applies to a member that:

- (1) has been a member of the fund for at least ten (10) years; and**
- (2) provided a withdrawal notice in 2005 for the 2006 calendar year insured period.**

(c) A member described in subsection (b) may:

- (1) withdraw from the fund with proper notice; and**
- (2) elect to receive a rebate of the member's prior assessments from the reserve account established under IC 27-1-29.1-8 to establish a self-insured retainage account.**

(d) The commission shall pay a rebate described in subsection (c) to a member making an election under subsection (c) at any time the reserve account exceeds the five million dollar (\$5,000,000) balance required under IC 27-1-29.1-8(a).

(e) Notwithstanding IC 27-1-29.1-21, after a member described in this SECTION withdraws from the fund and receives a rebate under this SECTION:

- (1) the member is released from all liability to the fund related to claims based on acts or omissions that took place while the member was a member of the fund; and**
- (2) the fund is released from all liability related to claims based on acts or omissions of the member that took place while the member was a member of the fund.**

(f) This SECTION expires December 31, 2008."

(Reference is to ESB 349 as printed February 17, 2006.)

AYRES

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 333

Representative T. Harris called down Engrossed Senate Bill 333 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 333-4)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 52, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 76. IC 25-35.6-1-7, AS AMENDED BY HEA 1040-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: **Sec. 7.**

(a) The professional standards board may issue the following:

- (1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.**
- (2) A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.**

(b) The professional standards board shall issue a license as a speech-language pathologist to an individual who:

- (1) is licensed as a speech-language pathologist under this article; and**
- (2) requests licensure.**

~~(b)~~ **(c) A speech-language pathologist licensed by the professional standards board shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.**

~~(c)~~ **(d) The professional standards board may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.**

~~(d)~~ **(e) The professional standards board may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.**

~~(e)~~ **(f) An individual who:**

- (1) if:**
 - (A) the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or**
 - (B) the individual is an audiologist, works in an educational setting;**
- (2) has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years;**

and

(3) has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards."

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 24, 2006.)

KOCH

Motion prevailed.

HOUSE MOTION (Amendment 333-5)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 38, line 5, beginning with "is" begin a new line blocked left. Page 52, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 78. P.L.205-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 2. (a) Notwithstanding IC 25-33-1-3(g) and IC 25-33-1-14, the state psychology board may not adopt new rules to establish, maintain, and update a list of restricted psychology tests and instruments (as defined in IC 25-33-1-14(b)) until after December 31, ~~2005~~ 2006.

(b) This SECTION does not effect any rules adopted by the state psychology board before the passage of this act.

(c) This SECTION expires June 30, ~~2006~~ 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 24, 2006.)

FRIZZELL

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Representative Micon was excused from voting, pursuant to House Rule 46. Yeas 54, nays 40. Motion prevailed.

HOUSE MOTION (Amendment 333-2)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 25, line 29, after "shoulders" insert "**torso**,".

(Reference is to ESB 333 as printed February 24, 2006.)

GOODIN

Motion prevailed.

HOUSE MOTION (Amendment 333-6)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 52, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 76. IC 27-8-12-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) As used in this section, "compensation" ~~includes means~~ pecuniary ~~and nonpecuniary remuneration of any kind~~ relating to the sale or renewal of the policy or certificate. ~~including, but not limited to, the following:~~

~~(1) Bonuses;~~

~~(2) Gifts;~~

~~(3) Prizes;~~

~~(4) Awards;~~

~~(5) Finders fees;~~

(b) An insurer or other entity that provides a commission or other compensation to an insurance producer or other representative for the sale of a long term care insurance policy may not violate the following conditions:

(1) The amount of the first year commission or first year compensation for selling or servicing the policy may not exceed ~~two four~~ hundred percent ~~(200%)~~ **(400%)** of the amount of the commission or other compensation paid in the second year.

(2) The amount of commission or other compensation provided

in years after the second year must be equal to the amount provided in the second year.

(3) A commission or other compensation must be provided each year for at least five (5) years after the first year.

(c) If an existing long term care policy or certificate is replaced, the insurer or other entity that issues the replacement policy may not provide, and its insurance producer may not accept, compensation in an amount greater than the renewal compensation payable by the replacing insurer on renewal policies, unless the benefits of the replacement policy or certificate are clearly and substantially greater than the benefits under the replaced policy or certificate.

(d) This section does not apply to the following:

(1) Life insurance policies and certificates.

(2) A policy or certificate that is sponsored by an employer for the benefit of:

(A) the employer's employees; or

(B) the employer's employees and their dependents."

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 24, 2006.)

RIPLEY

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Ripley withdrew the motion.

HOUSE MOTION (Amendment 333-3)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 3, between lines 17 and 18, begin a new paragraph and insert: "SECTION 2. IC 4-23-28-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The commission consists of twenty (20) members appointed as follows:

(1) Two (2) members of the senate who may not be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Two (2) members of the house of representatives who may not be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) Four (4) members of the Hispanic/Latino community:

(A) who are not members of the general assembly; **and**

(B) not more than two (2) of whom are affiliated with the same political party;

to be appointed by the president pro tempore of the senate.

(4) Four (4) members of the Hispanic/Latino community:

(A) who are not members of the general assembly; **and**

(B) not more than two (2) of whom are affiliated with the same political party;

to be appointed by the speaker of the house of representatives.

(5) The secretary of family and social services or a designee of the secretary who is a Hispanic or Latino employee of the office of the secretary of family and social services.

(6) The commissioner of the state department of health or a designee of the commissioner who is a Hispanic or Latino employee of the state department of health.

(7) The state superintendent of public instruction or a designee of the superintendent who is a Hispanic or Latino employee of the department of education.

(8) The commissioner of the department of correction or a designee of the commissioner who is a Hispanic or Latino employee of the department of correction.

(9) The director of the civil rights commission or a designee of the director who is a Hispanic or Latino employee of the civil rights commission.

(10) ~~The director of the department of commerce~~ **lieutenant governor** or a designee of the ~~director~~ **lieutenant governor** who is a Hispanic or Latino employee of the ~~department of commerce~~ **lieutenant governor**.

(11) A Hispanic or Latino business person, appointed by the governor.

(12) The commissioner of workforce development or a designee of the commissioner who is a Hispanic or Latino employee of the department of workforce development, who shall serve as an ex officio member of the commission.

In making their appointments under this section, the president pro tempore of the senate and the speaker of the house of representatives shall attempt to have the greatest possible number of counties represented on the commission.

(b) If a legislative member of the commission ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the commission.

(c) A member of the commission may be removed at any time by the appointing authority who appointed the member.

(d) If a vacancy on the commission occurs, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy."

Page 38, line 5, delete " is" and insert "is".

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 24, 2006.)

AGUILERA

Motion prevailed.

HOUSE MOTION (Amendment 333-7)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 9, between lines 31 and 32, begin a new paragraph and insert: "SECTION 10. IC 20-28-12-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. A school psychologist is a practitioner for services included within a student's individualized education program and may refer, order, or prescribe:**

- (1) physical therapy;
- (2) occupational therapy;
- (3) services for speech, hearing, and language disorders; and
- (4) any other services within a school psychologist's scope of practice and training, in accordance with the applicable ethical standards of the profession and this chapter."

Page 38, line 5, beginning with "is" begin a new line blocked left. Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 24, 2006.)

THOMPSON

The Speaker ordered a division of the House and appointed Representatives Friend and Stilwell to count the yeas and nays. Yeas 59, nays 37. Motion prevailed.

HOUSE MOTION (Amendment 333-1)

Mr. Speaker: I move that Engrossed Senate Bill 333 be amended to read as follows:

Page 52, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 75. IC 34-30-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 5.5 Charities: Limited Liability for Small Charitable Organizations

Sec. 1. This chapter applies only to a claim or suit in tort brought against a small charitable organization.

Sec. 2. This chapter does not apply to the following:

- (1) An act or omission concerning the provision of health care services by a health care provider (as defined in IC 34-17-2-14).
- (2) An act or omission that constitutes gross negligence or willful or wanton misconduct.
- (3) An act or omission that occurs in connection with the negligent operation of a motor vehicle (as defined in IC 9-13-2-105(a)).

Sec. 3. As used in this chapter "small charitable organization" means an organization:

- (1) with total annual revenue of five hundred thousand dollars (\$500,000) or less;
- (2) that is tax exempt under Section 501(c) 3 of the Internal Revenue Code; and
- (3) that is at least one (1) of the following:

(A) A community mental retardation and other developmental disabilities center (as defined in IC 12-29-3-6).

(B) A rehabilitation center (as described in IC 12-12-3).

(C) A faith based organization.

(D) An organization that has one (1) or more of the following purposes:

- (i) The relief of poverty.
- (ii) The advancement of education or religion.
- (iii) The promotion of health.
- (iv) The support of a governmental purpose.
- (v) The support or improvement of a park, neighborhood, or local community.

Sec. 4. (a) The combined aggregate liability of a small charitable organization under this chapter does not exceed the liability limits described in IC 34-13-3-4.

(b) A small charitable organization is not liable for punitive damages."

Renumber all SECTIONS consecutively.

(Reference is to ESB 333 as printed February 24, 2006.)

WHETSTONE

Representative Pelath rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. Representative Whetstone withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 324

Representative Behning called down Engrossed Senate Bill 324 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 324-10)

Mr. Speaker: I move that Engrossed Senate Bill 324 be amended to read as follows:

Page 7, line 3, delete "IC 20-20-7" and insert "**IC 20-20-5**".

(Reference is to ESB 324 as printed February 24, 2006.)

BEHNING

Motion prevailed.

HOUSE MOTION (Amendment 324-3)

Mr. Speaker: I move that Engrossed Senate Bill 324 be amended to read as follows:

Page 17, between lines 2 and 3, begin a new paragraph and insert: "SECTION 24. [EFFECTIVE JULY 1, 2006] **(a) The county election board of Lake County shall place the following public question on the ballot in the city of East Chicago at the May 2007 primary election:**

"Should the school board of the school city of East Chicago be elected rather than appointed?"

(b) The county election board shall print the following immediately below the public question stated in subsection (a):

"The vote on this public question is advisory only. The result of the vote on this public question is not binding on the General Assembly or on any public official."

(c) The public question described in this SECTION must be placed on the ballot in accordance with IC 3-11-2-15.

(d) The county election board shall tabulate the votes cast on the public question described in this SECTION and certify the results under IC 3-12-4-9.

(e) Except as provided in this SECTION, IC 3 applies to the public question required by this SECTION.

(f) The secretary of state shall certify the results of the vote on the public question required by this SECTION to each of the following:

- (1) The speaker of the house of representatives.
- (2) The president pro tempore of the senate.
- (3) The governor.

(g) This SECTION expires January 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to ESB 324 as printed February 24, 2006.)

AGUILERA

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

HOUSE MOTION
(Amendment 324-6)

Mr. Speaker: I move that Engrossed Senate Bill 324 be amended to read as follows:

Page 10, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 10. IC 20-28-8-6, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A contract entered into by a governing body and its superintendent is subject to the following conditions:

- (1) The basic contract must be in the form of the regular teacher's contract.
- (2) The **initial** contract must be for a term of at least thirty-six (36) months. **However, a subsequent contract may be for a term of any duration.**
- (3) The contract may be altered or rescinded for a new one at any time by mutual consent of the governing body and the superintendent. The consent of both parties must be in writing and must be expressed in a manner consistent with this section and sections 7 through 8 of this chapter.
- (4) The rights of a superintendent as a teacher under any other law are not affected by the contract."

Renumber all SECTIONS consecutively.

(Reference is to ESB 324 as printed February 24, 2006.)

THOMPSON

Upon request of Representatives V. Smith and Porter, the Speaker ordered the roll of the House to be called. Representative Goodin was excused from voting, pursuant to House Rule 46. Roll Call 298: yeas 70, nays 25. Motion prevailed.

HOUSE MOTION
(Amendment 324-4)

Mr. Speaker: I move that Engrossed Senate Bill 324 be amended to read as follows:

Page 9, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 10. IC 20-28-7-9, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Before a teacher is refused continuation of the contract under section 8 of this chapter, the teacher has the following rights, which shall be strictly construed:

- (1) The principal of the school at which the teacher teaches must provide the teacher with an annual written evaluation of the teacher's performance before January 1 of each year. Upon the request of a nonpermanent teacher, delivered in writing to the principal not later than thirty (30) days after the teacher receives the evaluation required by this section, the principal shall provide the teacher with an additional written evaluation.
- (2) On or before ~~May 1~~, **May 20**, the school corporation shall notify the teacher that the governing body will consider nonrenewal of the contract for the next school term. The notification must be:

- (A) written; and
- (B) delivered in person or mailed by registered or certified mail to the teacher at the teacher's last known address.

- (3) Upon the request of the teacher, and not later than fifteen (15) days after the teacher's receipt of the notice of the consideration of contract nonrenewal, the governing body or the superintendent of the school corporation shall provide the teacher with a written statement, which:

- (A) may be developed in an executive session; and
- (B) is not a public document;

giving the reasons for the nonrenewal of the teacher's contract."

Renumber all SECTIONS consecutively.

(Reference is to ESB 324 as printed February 24, 2006.)

THOMPSON

Motion prevailed.

HOUSE MOTION
(Amendment 324-9)

Mr. Speaker: I move that Engrossed Senate Bill 324 be amended to read as follows:

Page 3, delete lines 22 through 42, begin a new paragraph and insert:

"SECTION 2. IC 20-26-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17. Education Issues Study Committee

Sec. 1. The education issues study committee is established.

Sec. 2. (a) The education issues study committee consists of twelve (12) members of the general assembly appointed as follows:

(1) Six (6) senators appointed by the president pro tempore of the senate in consultation with the minority leader of the senate, not more than three (3) of whom may be members of the same political party.

(2) Six (6) representatives appointed by the speaker of the house of representatives in consultation with the minority leader of the house of representatives, not more than three (3) of whom may be members of the same political party.

(b) The term of a member of the committee expires on December 31 of the even-numbered year following the member's appointment.

(c) A vacancy on the committee shall be filled by appointment of a replacement member for the unexpired term. The president pro tempore of the senate shall appoint a replacement for a senator and the speaker of the house of representatives shall appoint a replacement for a representative.

Sec. 3. The president pro tempore of the senate shall appoint a member of the committee to serve as chairperson of the committee during the first regular session of a general assembly and as vice chairperson during the second regular session. The speaker of the house of representatives shall appoint a member of the committee to serve as vice chairperson during the first regular session of a general assembly and as chairperson during the second regular session.

Sec. 4. Each member of the education issues study committee is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 5. The education issues study committee shall study and may make recommendations concerning all matters relating to state regulation of public elementary and secondary schools.

Sec. 6. The education issues study committee shall do the following:

(1) Operate under the direction of the legislative council and under the policies governing study committees adopted by the legislative council.

(2) Issue reports when directed to do so by the legislative council.

Sec. 7. Staff and administrative support for the education issues study committee shall be provided by the legislative services agency.

SECTION 3. An emergency is declared for this act."

Delete pages 4 through 17.

(Reference is to ESB 324 as printed February 24, 2006.)

PORTER

Upon request of Representatives Cheney and Porter, the Speaker ordered the roll of the House to be called. Roll Call 299: yeas 49, nays 49. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 321

Representative Torr called down Engrossed Senate Bill 321 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 321-1)

Mr. Speaker: I move that Engrossed Senate Bill 321 be amended to read as follows:

Page 23, line 19, delete "AS ADDED BY P.L.98-2005,".

Page 23, line 20, delete "SECTION 9," and insert "AS

AMENDED BY HEA 1040-2006, SECTION 344,".

Page 23, line 22, reset in roman "who".

Page 23, line 23, reset in roman "violates this chapter".

Page 23, line 42, delete "IC 22-4-7-1 or IC 22-4-7-2)." and insert "~~IC 22-4-7-1~~".

Page 37, line 36, strike "It shall be the duty".

Page 37, line 37, strike "of".

Page 37, line 37, before "board" delete "the" and insert "The".

Page 37, line 38, reset in roman "shall have the power and".

Page 37, line 39, reset in roman "authority to adopt, amend, or rescind such rules and regulations".

Page 37, line 42, reset in roman "for the proper administration of this article. All".

Page 38, reset in roman lines 1 through 4.

Page 38, line 5, reset in roman "of this article shall be with or without retroactive effect".

Page 38, line 5, delete "to carry out".

Page 38, line 6, delete "its duties under IC 22-4-18-2".

Page 39, line 41, after "subsection (b)," insert "**the fact that a claim has been made under IC 22-4-15-1(c)(8) and**".

Page 40, line 1, strike "is" and insert "**are**".

(Reference is to ESB 321 as printed February 24, 2006.)

TORR

Motion prevailed.

HOUSE MOTION (Amendment 321-2)

Mr. Speaker: I move that Engrossed Senate Bill 321 be amended to read as follows:

Page 23, line 19, delete "AS ADDED BY P.L.98-2005,".

Page 23, line 20, delete "SECTION 9," and insert "AS AMENDED BY HEA 1040-2006, SECTION 344,".

Page 23, line 22, reset in roman "who".

Page 23, line 23, reset in roman "violates this chapter".

Page 23, line 42, delete "IC 22-4-7-1 or IC 22-4-7-2)." and insert "~~IC 22-4-7-1~~".

Page 44, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 50. IC 22-4-25-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) As used in this section, "fund" refers to the special employment and training services fund created under section 1 of this chapter.**

(b) The commissioner may allocate an amount not to exceed two million dollars (\$2,000,000) annually from the fund to establish reemployment training accounts to provide training and reemployment services to department employees dislocated by:

(1) a reduction of funding for;

(2) a centralization or decentralization of; or

(3) the implementation of a more efficient technology or service delivery method in connection with;

the programs and services provided under this article."

Re-number all SECTIONS consecutively.

(Reference is to ESB 321 as printed February 24, 2006.)

TORR

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 305

Representative Hinkle called down Engrossed Senate Bill 305 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 305-1)

Mr. Speaker: I move that Engrossed Bill 305 be amended to read as follows:

Page 1, line 3, delete "bus", for" and insert "**bus**".

Page 1, line 4, delete "purposes of IC 9-21-12,".

Page 1, between lines 4 and 5, begin a new paragraph and insert: "SECTION 2. IC 9-21-5-2, AS AMENDED BY P.L.151-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.** Except when a special hazard exists that requires lower speed for compliance with section 1 of this chapter, the slower speed limit specified in this section or established

as authorized by section 3 of this chapter is the maximum lawful speed. A person may not drive a vehicle on a highway at a speed in excess of the following maximum limits:

(1) Thirty (30) miles per hour in an urban district.

(2) Fifty-five (55) miles per hour, except as provided in subdivisions (1), (3), (4), (5), (6), and (7).

(3) Seventy (70) miles per hour on a highway on the national system of interstate and defense highways located outside of an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000), except as provided in subdivision (4).

(4) Sixty-five (65) miles per hour for a:

(i) vehicle (other than a bus) having a declared gross weight greater than twenty-six thousand (26,000) pounds on a highway; or

(ii) special purpose bus;

on the national system of interstate and defense highways located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

(5) Sixty-five (65) miles per hour on:

(A) U.S. 20 from the intersection of U.S. 20 and County Road 17 in Elkhart County to the intersection of U.S. 20 and U.S. 31 in St. Joseph County;

(B) U.S. 31 from the intersection of U.S. 31 and U.S. 20 in St. Joseph County to the boundary line between Indiana and Michigan; and

(C) a highway classified by the Indiana department of transportation as an INDOT Freeway.

(6) On a highway that is the responsibility of the Indiana ~~transportation~~ finance authority established by ~~IC 8-9-5-8-2-IC 4-4-11~~:

(A) seventy (70) miles per hour for:

(i) a motor vehicle having a declared gross weight of not more than twenty-six thousand (26,000) pounds; or

(ii) a bus; or

(B) sixty-five (65) miles per hour for a:

(i) motor vehicle having a declared gross weight greater than twenty-six thousand (26,000) pounds; or

(ii) special purpose bus.

(7) Sixty (60) miles per hour on a highway that:

(A) is not designated as a part of the national system of interstate and defense highways;

(B) has four (4) or more lanes;

(C) is divided into two (2) or more roadways by:

(i) an intervening space that is unimproved and not intended for vehicular travel;

(ii) a physical barrier; or

(iii) a dividing section constructed to impede vehicular traffic; and

(D) is located outside an urbanized area (as defined in 23 U.S.C. 101) with a population of at least fifty thousand (50,000).

(8) Fifteen (15) miles per hour in an alley."

Re-number all SECTIONS consecutively.

(Reference is to ESB 305 as printed February 22, 2006.)

HINKLE

Motion prevailed.

HOUSE MOTION (Amendment 305-3)

Mr. Speaker: I move that Engrossed Senate Bill 305 be amended to read as follows:

Page 3, after line 41, begin a new paragraph and insert:

"SECTION 7. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 11. Interrogation of a Student

Sec. 1. The definitions in IC 20-33-8 apply to this chapter.

Sec. 2. A school shall comply with section 3 or 4 of this chapter.

Sec. 3. If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer, including a school corporation police officer appointed under IC 20-26-16:

(1) on school property; and

(2) regarding an investigation in which the student may be a suspect;
the school principal must notify the student's parent or guardian of the interrogation not later than twelve (12) hours after the interrogation occurs.

Sec. 4. If a school has a policy that requires a student's parent or guardian to be notified by the school if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student."

Renumber all SECTIONS consecutively.

(Reference is to ESB 305 as printed February 22, 2006.)

VAN HAAFTEN

Motion prevailed.

HOUSE MOTION (Amendment 305-2)

Mr. Speaker: I move that Engrossed Senate Bill 305 be amended to read as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert:
"SECTION 2. IC 9-21-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as provided in subsection (e), whenever a local authority in the authority's jurisdiction determines ~~on the basis of an engineering and traffic investigation~~ that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared under this section may do any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.
- (3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
- (4) Decrease the limit in an alley, but to not less than five (5) miles per hour.
- (5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) A local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. **However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.**

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the school.
- (3) Children are present.
- (4) The speed zone is properly signed.
- (5) The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

(1) The street is located within a park or playground established under IC 36-10.

(2) The:

- (A) board established under IC 36-10-3;
- (B) board established under IC 36-10-4; or
- (C) park authority established under IC 36-10-5;

requests the local authority to decrease the limit.

(3) The speed zone is properly signed."

Renumber all SECTIONS consecutively.

(Reference is to ESB 305 as printed February 22, 2006.)

PIERCE

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 266

Representative T. Brown called down Engrossed Senate Bill 266 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 266-1)

Mr. Speaker: I move that Engrossed Senate Bill 266 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10-8-7.7, AS AMENDED BY P.L.196-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.7. (a) As used in this section, "covered individual" means an individual who is covered under a health care plan.

(b) As used in this section, "health care plan" means:

- (1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or
- (2) a contract entered into under section 7(c) of this chapter to provide health services through a prepaid health care delivery plan.

(c) As used in this section, "health care provider" means a:

- (1) physician licensed under IC 25-22.5; or
- (2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(d) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this subsection, body mass index is equal to weight in kilograms divided by height in meters squared.

(e) Except as provided in subsection (f), the state shall provide coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(f) The state may not provide coverage for surgical treatment of morbid obesity for a covered individual who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the covered individual; or
- (2) restore the covered individual's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the covered individual's medical record the reason for the physician's determination."

Renumber all SECTIONS consecutively.

(Reference is to ESB 266 as printed February 24, 2006.)

T. BROWN

Motion prevailed.

HOUSE MOTION (Amendment 266-2)

Mr. Speaker: I move that Engrossed Senate Bill 266 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and human services.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-23-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 21. Not more than thirty (30) days after a change to the state Medicaid plan for the Medicaid program, the office of Medicaid policy and planning shall submit a report of the change to the commission and the legislative council in an electronic format under IC 5-14-6.**

SECTION 2. IC 12-15-15-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.7. (a) If approved by the office, a managed care organization may adopt a plan for the collection of a copayment for services that are provided to a Medicaid recipient in an emergency room.**

(b) Each managed care organization must adopt a plan that includes the following components:

- (1) The education of Medicaid recipients concerning how a recipient may access health care services and modifications to the recipient's health plan.**
- (2) Procedures to track visits to emergency rooms by Medicaid recipients.**
- (3) Alternative sites for Medicaid recipients to receive health care services.**
- (4) Methods to clearly identify a Medicaid recipient's current status to a provider who is not a member of the recipient's managed care organization.**
- (5) Procedures to pay for professional services provided to screen a Medicaid recipient who seeks services in an emergency room.**
- (6) Protocols for dispute resolution between the managed care organization and providers."**

Page 4, after line 11, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2006] **(a) The office of Medicaid policy and planning shall do the following:**

- (1) Study possible changes to the state Medicaid program or other new programs that would limit or restrict a future increase in the number of Medicaid recipients in health facilities licensed under IC 16-28.**
- (2) Prepare a comprehensive cost comparison of Medicaid and Medicaid waiver services and other expenditures in the following settings:**
 - (A) Home care.**
 - (B) Community care.**
 - (C) Health facilities.**

The cost comparison must include a comparison of similar services that are provided in the different settings.

(b) Before October 1, 2006, the office of Medicaid policy and planning shall report its findings under subsection (a) to the select joint commission on Medicaid oversight established by IC 2-5-26-3.

(c) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 266 as printed February 24, 2006.)

T. BROWN

Upon request of Representatives Espich and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 300: yeas 49, nays 48. Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 259

Representative Espich called down Engrossed Senate Bill 259 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 259-4)

Mr. Speaker: I move that Engrossed Senate Bill 259 be amended to read as follows:

Page 2, line 2, delete ", or any other responsible".

Page 2, line 3, delete "contractor,".

(Reference is to ESB 259 as printed February 21, 2006.)

DAVIS

Motion prevailed.

HOUSE MOTION
(Amendment 259-5)

Mr. Speaker: I move that Engrossed Senate Bill 259 be amended to read as follows:

Page 1, line 12, after "18.5." insert "(a)".

Page 2, between lines 6 and 7, begin a new paragraph and insert:

"(c) The board shall prepare a bid file containing the following information:

- (1) A copy of all documents that are included as part of the invitation for bids.**
- (2) A list of all persons to whom copies of the invitation for bids were given, including the following information:**
 - (A) The name and address of each person who received an invitation for bids.**
 - (B) The name of each bidder who responded and the dollar amount of the bid.**
 - (C) A summary of the bid received.**
- (3) The basis on which the bid was accepted.**
- (4) Documentation of the board's negotiating process with the bidder. The documentation must include the following:**
 - (A) A log of the dates and times of each meeting with the bidder.**
 - (B) A description of the nature of all communications with the bidder.**
 - (C) A copy of all written communications, including electronic communications, with the bidder.**
- (5) The entire contents of the contract file except for proprietary information included with the bid, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids."**

(Reference is to ESB 259 as printed February 21, 2006.)

DAVIS

Motion prevailed. The bill was ordered engrossed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1279.

MURPHY

Representative Austin rose to a point of order, citing Rule 119.2, stating that "The House shall reject all House bills that have been amended in the Senate by substituting therein the contents of a different bill or a different subject matter without having first received the written consent of its author and coauthors."

Representative Murphy withdrew the motion to concur.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 9:05 p.m. with the Speaker in the Chair.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1279.

MURPHY

Representative Pierce rose to a point of order, citing Rule 119.2, stating that "The House shall reject all House bills that have been amended in the Senate by substituting therein the contents of a different bill or a different subject matter without having first received

the written consent of its author and coauthors."

The Speaker ruled the point was not well taken because the Senate amendments did not substitute a different bill or a different subject matter.

The question then was on the motion to concur. Roll Call 301: yeas 78, nays 18. Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bill 1093 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1010, 1011, 1022, 1024, 1028, 1056, 1080, and 1089 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 75 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Craycraft
Advisors: Delph and Howard

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 35 and 41 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

Representative Moses was excused for the rest of the day.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 35

The Speaker handed down Senate Concurrent Resolution 35, sponsored by Representative Mays:

A CONCURRENT RESOLUTION congratulating Molly Seward for being named Indiana's Teacher of the Year for 2005, thanking her for her service to Indiana's youth, and extending our congratulations to her for representing Indiana at the national competition in Washington, DC for teacher of the year.

Whereas, Molly is a second grade teacher of 17 years;

Whereas, She teaches at Snacks Crossing Elementary in MSD Pike Twp Schools in Indianapolis and is currently a "teacher-in-residence" at the Indiana Department of Education;

Whereas, She received her Bachelor of Science in Elementary Education from Indiana University in December of 1986 and a Masters of Science in Curriculum and Instruction from the University of Indianapolis in May of 1998;

Whereas, Dr. Suellen Reed, Superintendent of Public Instruction, has said that her "classroom and community work demonstrates a strong commitment to making Indiana's public schools stronger and its teachers better" and that "she is an advocate for the state of education in Indiana, an inspiration to our students, and an outstanding representative for all Indiana teachers";

Whereas, She has been honored as the Pike Township Teacher of the Year in 2004 and as the Outstanding Indiana Educator in 1997 by the University of Indianapolis; and

Whereas, She received the Armstrong Teacher Educator award in 2004 and the Professional Teaching Achievement Award from Governor O'Bannon in 2001: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The General Assembly congratulates Molly Seward for being named Indiana's Teacher of the Year for 2005, thanks her for her service to Indiana's youth, and extends its congratulations to her for representing Indiana at the national competition in Washington, DC for teacher of the year.

SECTION 2. The Secretary of the Senate shall transmit a copy of this resolution to Molly Seward, Indiana University, the University of Indianapolis, and Snacks Crossing Elementary School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 41

The Speaker handed down Senate Concurrent Resolution 41, sponsored by Representatives Ruppel, Pond, Bischoff, and Goodin:

A CONCURRENT RESOLUTION honoring the Indiana State Fair Commission and Board on the upcoming 150th State Fair.

Whereas, In 1851, the Indiana General Assembly passed an act "to encourage agriculture," which provided for the formation of a State Board of Agriculture. The primary goal of the Board was to create the first Indiana State Fair;

Whereas, Then in 1852, Indiana became the sixth state to begin holding an annual state agricultural fair. The original purpose of the State Fair was to allow Indiana's farmers to share ideas, view the most modern farming techniques, and display their products;

Whereas, The first State Fair was held at Camp Sullivan, which is now known as Military Park in downtown Indianapolis. While Indianapolis has been the primary location of the State Fair throughout its history, a few other Indiana cities hosted the event in the 1800s: Lafayette (1853), Madison (1854), New Albany (1859), Fort Wayne (1865) and Terre Haute (1867);

Whereas, In 1892, the Fair moved to its current location at East 38th Street and Fall Creek Parkway;

Whereas, The Indiana State Fair is one of the longest running fairs in the nation, having been held every year since 1852 with the exceptions of 1861, due to the Civil War, and 1942-1945, due to World War II;

Whereas, Agricultural activities at the Fair over the years have consisted of various livestock shows and crop exhibits. In addition, the Fair has included numerous homemaking projects such as baking, sewing, and arts and crafts;

Whereas, Today, with over 64,000 farms in Indiana, agriculture is still a focal point of the Fair. Attractions such as Pioneer Village, Farmers Day at the Fair, Pioneer Our Land Pavilion, the Ag/Hort Building, Little Hands on the Farm, and countless other exhibits highlight the development and impact of agriculture on the lives of Hoosiers statewide;

Whereas, In addition to agriculture, the Indiana State Fair has hosted many nationally-known performers, including: Captain Kangaroo, Johnny Cash, Reba McKentire, Def Leppard, Dolly Parton, Garth Brooks, Bruce Springsteen, Alabama, Sonny & Cher, and The Beatles;

Whereas, The Indiana State Fair is also known for its scrumptious and varied menu of food, including traditional favorites like corn on the cob, Hoosier ribeye sandwiches, lemon shake-ups, milk shakes, and corn dogs, as well as many other delicious treats;

Whereas, After \$8 million in enhancements in 2004, the 4-H Education Complex at the State Fairgrounds is the nation's premier showcase of 4-H exhibits and events;

Whereas, With an annual average attendance of more than 800,000 visitors, the State Fair is the most-attended event in Indiana and generates nearly \$20 million annually for the economy; and

Whereas, Although primarily an agricultural exposition, the Indiana State Fair is a family event that young and old look forward to every year: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the 150th Indiana State Fair and congratulates the Indiana State Fair Commission and Board on having one of the longest running State Fairs in the nation.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Cindy Hoyer, Executive Director of the Fair Commission; Dr. Gene Sease, State Fair Commission Chairman; and the members of the Indiana State Fair Board.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Representative Wolkins, who had been excused, was present.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 234

Representative Wolkins called down Engrossed Senate Bill 234 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 234-1)

Mr. Speaker: I move that Engrossed Senate Bill 234 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 3. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 28. Indiana Harbor Dredging Review Commission

Sec. 1. As used in this chapter, "commission" refers to the Indiana harbor dredging project review commission established under section 3 of this chapter.

Sec. 2. As used in this chapter, "project" refers to the Indiana harbor and ship canal dredging project.

Sec. 3. The Indiana harbor dredging project review commission is established.

Sec. 4. The commission consists of five (5) voting members appointed as follows:

(1) One (1) member of the senate appointed by the president pro tempore of the senate.

(2) One (1) member of the house of representatives appointed by the speaker of the house of representatives.

(3) One (1) individual:

(A) who is not a member of the general assembly; and

(B) who works as a university professor or university researcher in environmental studies;

appointed by the governor.

(4) One (1) individual:

(A) who is not a member of the general assembly; and

(B) who works in industry in northwest Indiana;

appointed by the mayor of East Chicago.

(5) One (1) individual:

(A) who is not a member of the general assembly; and

(B) who has a background as a community activist;

appointed by the city council of East Chicago.

Sec. 5. (a) Except as otherwise provided in this section, the term of a commission member appointed under section 4 of this chapter:

(1) begins on July 1 of the year of appointment; and

(2) continues until June 30 of the year two (2) years after the year of appointment.

(b) If a commission member resigns, dies, or is otherwise unable to complete the commission member's term, the individual or entity who appointed the commission member under section 4 of this chapter shall appoint a replacement to finish the commission member's term.

(c) The initial terms of the members of the general assembly appointed under section 4(1) and 4(2) of this chapter begin on July 1, 2006, and end on June 30, 2007.

Sec. 6. The chairman of the legislative council shall select one (1) member of the commission to serve as chairperson of the commission.

Sec. 7. The commission shall:

(1) review the report submitted to the commission under IC 8-10-9-9;

(2) conduct any additional study of issues involved with the project that the chairperson of the commission thinks advisable; and

(3) study other topics as assigned by the legislative council.

Sec. 8. By November 1 of each year, the commission shall submit a report of the commission's evaluation of the status of the project to:

(1) the legislative council;

(2) the commissioner of the department of environmental management; and

(3) the governor.

The report must be in an electronic format under IC 5-14-6.

Sec. 9. The commission shall operate under the rules of the legislative council."

Page 6, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 4. IC 8-10-9-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.** By August 1 of each year, the board of directors of the East Chicago waterway management district established under section 3 of this chapter shall prepare an annual report on the progress of the Indiana harbor and ship canal dredging project. The board shall deliver the annual report to the Indiana harbor dredging project review commission established under IC 2-5-28-3 as soon as practicable after August 1 of each year. The report must be in electronic format under IC 5-14-6."

Renumber all SECTIONS consecutively.

(Reference is to ESB 234 as printed February 22, 2006.)

AGUILERA

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 202

Representative T. Brown called down Engrossed Senate Bill 202 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 202-1)

Mr. Speaker: I move that Engrossed Senate Bill 202 be amended to read as follows:

Page 16, delete lines 20 through 33.

Page 32, line 39, after "IC 25-26-13-12.5;" insert "IC 25-26-14-15.5;"

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as printed February 24, 2006.)

T. BROWN

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 139

Representative Bell called down Engrossed Senate Bill 139 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 139-2)

Mr. Speaker: I move that Engrossed Senate Bill 139 be amended to read as follows:

Page 18, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 33. IC 31-17-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 25. (a) This section applies if a custodial parent or guardian of a child dies or becomes unable to care for the child.**

(b) Except as provided in subsection (c), if a person other than a parent files a petition:

- (1) seeking to determine custody of the child; or**
- (2) to modify custody of the child;**

the court shall set an initial hearing not later than four (4) business days after the petition is filed to determine whether emergency placement of the child with a person other than the child's noncustodial parent pending a final determination of custody is in the best interest of the child.

(c) A court is not required to set an initial hearing in accordance with this section if:

- (1) it appears from the pleadings that placement with a person other than the noncustodial parent is not in the best interest of the child;**
- (2) it appears from the pleadings that the petitioner does not have a reasonable likelihood of success on the merits; or**
- (3) manifest injustice would result."**

Page 22, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 37. IC 31-34-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. If the juvenile court releases a child to the child's parent, guardian, or custodian under section 3 of this chapter, the court may impose conditions on the child or the child's parent, guardian, or custodian to ensure:**

- (1) the child's appearance at subsequent proceedings;**
- (2) the safety of the child's physical or mental health; or**
- (3) that both subdivisions (1) and (2) are satisfied."**

Page 26, between lines 12 and 13, begin a new paragraph and insert:

"SECTION 47. IC 31-37-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:**

- (1) the child is unlikely to appear for subsequent proceedings;**
- (2) detention is essential to protect the child or the community;**
- (3) the parent, guardian, or custodian:**
 - (A) cannot be located; or**
 - (B) is unable or unwilling to take custody of the child;**
- (4) return of the child to the child's home is or would be:**
 - (A) contrary to the best interests and welfare of the child; and**
 - (B) harmful to the safety or health of the child; or**
- (5) the child has a reasonable basis for requesting that the child not be released.**

However, the findings under this subsection are not required if the child is ordered to be detained in the home of the child's parent, guardian, or custodian or is released subject to any condition listed in subsection (d).

(b) If a child is detained for a reason specified in subsection (a)(3), (a)(4), or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) If a child is detained for a reason specified in subsection (a)(4), the court shall make written findings and conclusions that include the following:

- (1) The factual basis for the finding specified in subsection (a)(4).**
- (2) A description of the family services available and efforts made to provide family services before removal of the child.**
- (3) The reasons why efforts made to provide family services did not prevent removal of the child.**
- (4) Whether efforts made to prevent removal of the child were reasonable.**

(d) Whenever the court releases a child under this section, the court

may impose conditions upon the child, including:

- (1) home detention;**
- (2) electronic monitoring;**
- (3) a curfew restriction;**
- (4) a protective order;**
- (5) a no contact order;**
- (6) an order to comply with Indiana law; or**
- (7) an order placing any other reasonable conditions on the child's actions or behavior.**

(e) If the juvenile court releases a child to the child's parent, guardian, or custodian under this section, the court may impose conditions on the child's parent, guardian, or custodian to ensure:

- (1) the child's appearance at subsequent proceedings;**
- (2) the safety of the child's physical or mental health;**
- (3) the public's physical safety; or**
- (4) that any combination of subdivisions (1) through (3) are satisfied."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 139 as printed February 24, 2006.)

THOMPSON

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 117

Representative T. Brown called down Engrossed Senate Bill 117 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 117-6)

Mr. Speaker: I move that Engrossed Senate Bill 117 be amended to read as follows:

Page 3, between lines 7 and 8, begin a new paragraph and insert:

"Any payments set forth above or any fees may not be required as a condition of employment."

(Reference is to ESB 117 as printed February 14, 2006.)

NOE

Representative Bauer rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into Engrossed Senate Bill 117 a bill pending before the House. The Speaker ruled the point was not well taken.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that Representative Noe's amendment (117-6) is not a bill pending before this House under Rule 118.

PELATH
FRY

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

The question was, Shall the ruling of the Chair be sustained? Roll Call 302: yeas 49, nays 47. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

After further discussion, Representative Whetstone moved that the previous question be called. Upon request of Representatives Bauer and Stilwell, the Speaker ordered the roll of the House to be called. Roll Call 303: yeas 49, nays 46. The previous question was called.

The question was on the motion of Representative Noe. Upon request of Representatives Noe and Torr, the Speaker ordered the roll of the House to be called. Roll Call 304: yeas 31, nays 65. Motion failed.

HOUSE MOTION

(Amendment 117-4)

Mr. Speaker: I move that Engrossed Senate Bill 117 be amended to read as follows:

Page 4, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 5. IC 24-3-6-9, AS ADDED BY P.L.160-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The commission may issue or renew a license to the following applicants:

- (1) An importer.
- (2) A manufacturer.

The commission shall prescribe the form of an application.

(b) An importer or manufacturer that conducts business in Indiana must apply under this section for a license for the importer's or manufacturer's principal place of business. An importer or manufacturer that is issued a license shall display the license at the importer's or manufacturer's principal place of business.

(c) The commission shall prescribe the form and duration of a license issued under this section. However, a license may not be valid for more than three (3) years from the date of issuance.

(d) An applicant must provide the following to the commission:

- (1) The applicant's name and mailing address and the address of the premises for which the license is being issued.**
- (2) A fee of one thousand five hundred dollars (\$1,500).**

(e) Fees collected under this section must be deposited in the enforcement and administration fund under IC 7.1-4-10.

~~(f)~~ **(f)** A license issued under this section is nontransferable.

~~(g)~~ **(g)** The commission shall not issue or renew a license under this section if:

- (1) the applicant owes at least five hundred dollars (\$500) in taxes imposed under IC 6-7-1-12;
- (2) the commission revoked the applicant's license within two (2) years before the application;
- (3) the applicant commits an offense under IC 6-7-1-21;
- (4) the applicant does not comply with IC 24-3-3-12; or
- (5) the applicant violates IC 24-3-4.

~~(h)~~ **(h)** The commission may revoke or suspend a license issued under this section if the applicant:

- (1) is not eligible to receive or renew a license under subsection (e); or
- (2) violates this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 117 as printed February 14, 2006.)

STUTZMAN

Motion prevailed.

HOUSE MOTION (Amendment 117-1)

Mr. Speaker: I move that Engrossed Senate Bill 117 be amended to read as follows:

Page 3, line 37, delete "employer." and insert **"employer, but may not offer less in employee health benefits, compensation, employment benefits, or terms and conditions of employment to a user of tobacco products than to a nonuser of tobacco products."**

(Reference is to ESB 117 as printed February 14, 2006.)

CHENEY

Motion failed.

HOUSE MOTION (Amendment 117-5)

Mr. Speaker: I move that Engrossed Senate Bill 117 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a

joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

- (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
- (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
- (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

- (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and
- (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

- (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
- (B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004, the amount determined under subsection (f); and

(ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(23) In the case of an individual who is employed by a taxpayer that claims a credit under IC 6-3.1-25-9, add the amount of the individual's eligible benefits as provided in IC 6-3.1-25-15(a) or IC 6-3.1-25-15(b).

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in

service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it

was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 2. IC 6-3.1-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 25. Credit for Offering Health Benefit Plans

Sec. 1. This chapter applies to an employer that:

- (1) employs at least ten (10) full-time employees who are located in Indiana; and
- (2) does not offer coverage for health care services under a self-funded health benefit plan that complies with the federal Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

Sec. 2. As used in this chapter, "eligible benefits" means, with respect to an employee of a taxpayer that claims a credit under section 9 of this chapter, the total amount of health insurance premiums not included in the employee's federal adjusted gross income (as defined in Section 62 of the Internal Revenue Code) during a taxable year under the health benefit plan offered by the employer.

Sec. 3. As used in this chapter, "eligible taxpayer" means a taxpayer that did not provide health insurance to the taxpayer's employees in the taxable year immediately preceding the first taxable year for which the taxpayer claims a credit under this chapter.

Sec. 4. As used in this chapter, "full-time employee" means an employee who is normally scheduled to work at least thirty (30) hours each week.

Sec. 5. (a) As used in this chapter, "health benefit plan" means coverage for health care services provided under:

- (1) an insurance policy that provides one (1) or more of the types of insurance described in Class 1(b) or Class 2(a) of IC 27-1-5-1; or
- (2) a contract with a health maintenance organization for coverage of basic health care services under IC 27-13;

that satisfies the requirements of Section 125 of the Internal Revenue Code.

(b) The term does not include the following:

- (1) Accident only, credit, dental, vision, Medicare supplement, long term care, or disability income insurance.
- (2) Coverage issued as a supplement to liability insurance.
- (3) Automobile medical payment insurance.
- (4) A specified disease policy issued as an individual policy.
- (5) A limited benefit health insurance policy issued as an individual policy.
- (6) A short term insurance plan that:
 - (A) may not be renewed; and
 - (B) has a duration of not more than six (6) months.
- (7) A policy that provides a stipulated daily, weekly, or monthly payment to an insured during hospital confinement, without regard to the actual expense of the confinement.
- (8) Worker's compensation or similar insurance.
- (9) A student health insurance policy.

Sec. 6. As used in this chapter, "pass through entity" means a:

- (1) corporation that is exempt from the adjusted gross income tax under IC 6-3-2-2.8(2);
- (2) partnership;
- (3) limited liability company; or
- (4) limited liability partnership.

Sec. 7. As used in this chapter, "state tax liability" means a taxpayer's total tax liability that is incurred under:

- (1) IC 6-3-1 through IC 6-3-7 (adjusted gross income tax);
- (2) IC 6-5.5 (financial institutions tax); and
- (3) IC 27-1-18-2 (insurance premiums tax);

as computed after the application of the credits that under IC 6-3.1-1-2 are to be applied before the credit provided by this chapter.

Sec. 8. As used in this chapter, "taxpayer" means an individual or entity that:

- (1) has state tax liability; and
- (2) employs at least ten (10) full-time employees who are located in Indiana.

Sec. 9. (a) An eligible taxpayer that, after December 31, 2006, makes health insurance available to the eligible taxpayer's employees and their dependents through at least one (1) health benefit plan is entitled to a credit against the taxpayer's state tax liability for the first two (2) taxable years in which the taxpayer makes the health benefit plan available if the following

requirements are met:

- (1) An employee's participation in the health benefit plan is at the employee's election.
- (2) If an employee chooses to participate in the health benefit plan, the employee may pay the employee's share of the cost of the plan using a wage assignment authorized under IC 22-2-6-2.

- (b) The credit allowed under this chapter equals the lesser of:
 - (1) two thousand five hundred dollars (\$2,500); or
 - (2) fifty dollars (\$50) multiplied by the number of employees enrolled in the health benefit plan during the taxable year.

Sec. 10. (a) An employer may pay or provide reimbursement for all or part of the cost of a health benefit plan made available under section 9 of this chapter.

(b) An employer that pays or provides reimbursement under subsection (a) shall pay or provide reimbursement on an equal basis for all full-time employees who elect to participate in the health benefit plan.

Sec. 11. (a) If the amount determined under section 9 of this chapter for a taxpayer in a taxable year exceeds the taxpayer's state tax liability for that taxable year, the taxpayer may carry the excess over to the following taxable years. The amount of the credit carryover from a taxable year shall be reduced to the extent that the carryover is used by the taxpayer to obtain a credit under this chapter for any subsequent taxable year. A taxpayer is not entitled to a carryback.

(b) A taxpayer is not entitled to a refund of any unused credit.

Sec. 12. If a pass through entity does not have state income tax liability against which the tax credit may be applied, a shareholder or partner of the pass through entity is entitled to a tax credit equal to:

- (1) the tax credit determined for the pass through entity for the taxable year; multiplied by
- (2) the percentage of the pass through entity's distributive income to which the shareholder or partner is entitled.

Sec. 13. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer must submit to the department all information that the department determines is necessary to calculate the credit provided by this chapter and to determine the taxpayer's eligibility for the credit.

Sec. 14. (a) A taxpayer claiming a credit under this chapter shall continue to make health insurance available to the taxpayer's employees through a health benefit plan for at least twenty-four (24) consecutive months beginning on the day after the last day of the taxable year in which the taxpayer first offers the health benefit plan.

(b) If the taxpayer terminates the health benefit plan before the expiration of the period required under subsection (a), the taxpayer shall repay the department the amount of the credit received under section 9 of this chapter.

Sec. 15. (a) An employee of a taxpayer that claims a credit under this chapter shall include in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) the employee's eligible benefits for:

- (1) the first taxable year in which the taxpayer offers the health benefit plan; and
- (2) the taxable year immediately following the first taxable year in which the taxpayer offers the health benefit plan.

(b) For each taxable year following the taxable year described in subsection (a)(2), a percentage of an employee's eligible benefits are included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) as follows:

- (1) For an employee whose annual income derived from the taxpayer is forty thousand dollars (\$40,000) or less, zero percent (0%).
- (2) For an employee whose annual income derived from the taxpayer is greater than forty thousand dollars (\$40,000) and less than eighty thousand dollars (\$80,000), fifty percent (50%).
- (3) For an employee whose annual income derived from the taxpayer is eighty thousand dollars (\$80,000) or greater, one hundred percent (100%).

(c) A taxpayer that claims a credit under this chapter shall notify each of the taxpayer's employees of the amount included in the employee's state adjusted gross income (as defined in IC 6-3-1-3.5(a)) under subsection (a) at the same time the taxpayer provides the employee with the employee's W-2 federal income tax withholding statement for the taxable year."

Page 4, between lines 10 and 11, begin a new paragraph and insert: "SECTION 8. [EFFECTIVE JULY 1, 2006] IC 6-3-1-3.5, as amended by this act, applies only to taxable years beginning after December 31, 2006."

SECTION 9. [EFFECTIVE JULY 1, 2006] IC 6-3.1-25, as added by this act, applies only to taxable years beginning after December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to ESB 117 as printed February 14, 2006.)

ORENTLICHER

Representative Whetstone rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 86

Representative Messer called down Engrossed Senate Bill 86 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 86-1)

Mr. Speaker: I move that Engrossed Bill 86 be amended to read as follows:

Page 2, line 22, reset in roman "the amount of".

(Reference is to ESB 86 as printed February 17, 2006.)

MESSER

Motion failed.

HOUSE MOTION
(Amendment 86-5)

Mr. Speaker: I move that Engrossed Senate Bill 86 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 4. **An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 86 as printed February 17, 2006.)

FRY

Upon request of Representatives Messer and Fry, the Speaker ordered the roll of the House to be called. Roll Call 305: yeas 32, nays 64. Motion failed.

HOUSE MOTION
(Amendment 86-6)

Mr. Speaker: I move that Engrossed Senate Bill 86 be amended to read as follows:

Page 2, line 8, after "International." insert "**A rule adopted by the commission pertaining to medication must have the unanimous approval of the commission.**".

(Reference is to ESB 86 as printed February 17, 2006.)

FRY

Upon request of Representatives Fry and Bauer, the Speaker ordered the roll of the House to be called. Roll Call 306: yeas 27, nays 68. Motion failed. The bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that House Rule 117.2 be suspended on Wednesday, March 1, 2006, and that a motion to amend a bill on second reading be eligible for consideration if the motion is filed with the clerk and is time stamped at least one hour prior to the convening

of the session.

WHETSTONE

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 1, 2006 at 10:00 a.m.

RICHARDSON

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 5, Roll Call 284, on February 28, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

AGUILERA

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 5, Roll Call 284, on February 28, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

RESKE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 284 to 94 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Austin, Ayres, Behning, Bell, Borders, Borrer, Bosma, C. Bottorff, Bright, T. Brown, Buck, Budak, Buell, Cherry, Cochran, Crawford, Crouch, Davis, Dodge, Espich, Foley, Friend, Frizzell, Grubb, Gutwein, E. Harris, T. Harris, Heim, Hinkle, Hoffman, Kersey, Klinker, Koch, Kuzman, L. Lawson, Lehe, Leonard, J. Lutz, Mays, McClain, Messer, Micon, Murphy, Neese, Oxley, Pflum, Pond,

Reske, Richardson, Ripley, Robertson, Ruppel, Saunders, J. Smith, V. Smith, Stilwell, Stutzman, Thomas, Thompson, Tincher, Torr, Turner, Tyler, Ulmer, Walorski, Whetstone, Wolkins, Woodruff, and Yount be added as coauthors of House Bill 1013.

BURTON

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 106.1 be suspended for the purpose of adding more than three coauthors and that Representatives Bell, Torr, Thomas, Gutwein, Neese, J. Lutz, C. Brown, Mays, and Reske be added as coauthors of House Bill 1279.

MURPHY

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative J. Smith be added as cosponsor of Engrossed Senate Bill 5.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 56.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Mahern be added as cosponsor of Engrossed Senate Bill 349.

BURTON

Motion prevailed.

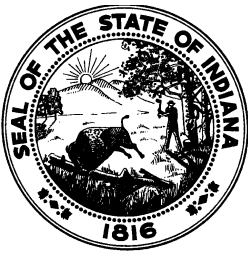
On the motion of Representative Ulmer, the House adjourned at 11:50 p.m., this twenty-eighth day of February, 2006, until Wednesday, March 1, 2006, at 10:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-fourth Meeting Day

Wednesday Morning

March 1, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Earl L. Harris.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch ☐
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz ☐
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown ☐	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum ☐
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo ☐	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell ☐	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 307: 94 present; 6 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 22

Representative Wolkins called down Engrossed Senate Bill 22 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 308: yeas 90, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 86

Representative Messer called down Engrossed Senate Bill 86 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 309: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 112

Representative Woodruff called down Engrossed Senate Bill 112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 310: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 132

Representative Budak called down Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 311: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 146

Representative Wolkins called down Engrossed Senate Bill 146 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 312: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 147

Representative Ripley called down Engrossed Senate Bill 147 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 313: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 148

Representative Heim called down Engrossed Senate Bill 148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 314: yeas 55, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 151

Representative Turner called down Engrossed Senate Bill 151 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 315: yeas 92, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 153

Representative Richardson called down Engrossed Senate Bill 153 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 153 be made a special order of business for March 1, 2006, at 4:00 p.m.

BAUER

Motion prevailed.

Representatives Koch and J. Lutz, who had been excused, were present.

Engrossed Senate Bill 154

Representative Heim called down Engrossed Senate Bill 154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? On the motion of Representative Whetstone the previous question was called.

Roll Call 316: yeas 63, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 157

Representative Hoffman called down Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 157-2)

Mr. Speaker: I move that Engrossed Senate Bill 157 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 3, line 42, after "]" insert "THE FOLLOWING ARE REPEALED: IC 14-33-5-0.5;".

Page 3, line 42, delete "IS".

Page 4, line 1, delete "REPEALED.".

(Reference is to ESB 157 as reprinted February 22, 2006.)

HOFFMAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 157, begs leave to report that said bill has been amended as directed.

HOFFMAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 317: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 160

Representative Ulmer called down Engrossed Senate Bill 160 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 318: yeas 82, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:30 p.m. with the Speaker Pro Tempore, Representative Turner in the Chair.

Representatives Denbo and Pflum, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 6 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Steele, Chair; and Mrvan
Advisors: Long and Bowser

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 41 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 83 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Lubbers, Chair; and Lanane
Advisors: Wyss and Bowser

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 60 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 161

Representative T. Brown called down Engrossed Senate Bill 161 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 319: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 168

Representative Foley called down Engrossed Senate Bill 168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning the attorney general.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 320: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 169

Representative T. Brown called down Engrossed Senate Bill 169 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 321: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 172

Representative Behning called down Engrossed Senate Bill 172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION
(Amendment 172-1)

Mr. Speaker: I move that Engrossed Senate Bill 172 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, after line 30, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding P.L.246-2005, SECTION 9, Subsection B, the appropriations made FOR THE DEPARTMENT OF EDUCATION, PROFESSIONAL STANDARDS DIVISION, for FY 2005-2006 and FY 2006-2007, may be used to pay stipends for mentor teachers.**

(b) **This SECTION expires July 1, 2007.**

SECTION 4. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 172 as printed February 14, 2006.)

BEHNING

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 172, begs leave to report that said bill has been amended as directed.

BEHNING

Report adopted.

The question then was, Shall the bill pass?

Roll Call 322: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

SPECIAL ORDER OF BUSINESS

Engrossed Senate Bill 153

With consent of the House, the Chair handed down for third reading Engrossed Senate Bill 153, sponsored by Representative Richardson, which had been made a special order of business.

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 323: yeas 91, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 173

Representative Behning called down Engrossed Senate Bill 173 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 324: yeas 94, nays 1. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 191

Representative Ruppel called down Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 325: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 192

Representative Foley called down Engrossed Senate Bill 192 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 326: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 193

Representative Foley called down Engrossed Senate Bill 193 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 327: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 201

Representative Walorski called down Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Espich was excused from voting, pursuant to House Rule 46.

Roll Call 328: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 202

Representative T. Brown called down Engrossed Senate Bill 202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 329: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 205

Representative Koch called down Engrossed Senate Bill 205 for

third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 330: yeas 71, nays 25. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 206

Representative Buell called down Engrossed Senate Bill 206 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 331: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 208

Representative T. Brown called down Engrossed Senate Bill 208 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 332: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

Engrossed Senate Bill 229

Representative Turner called down Engrossed Senate Bill 229 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 333: yeas 95, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Deputy Speaker Pro Tempore yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 231

Representative Behning called down Engrossed Senate Bill 231 for third reading:

A BILL FOR AN ACT concerning education finance.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 231-2)

Mr. Speaker: I move that Engrossed Senate Bill 231 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, line 13, after "during" insert "2005,".

Page 1, line 13, after "2006" insert ",",.

(Reference is to ESB 231 as reprinted February 17, 2006.)

BEHNING

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 231, begs leave to report that said bill has been amended as directed.

BEHNING

Report adopted.

The question then was, Shall the bill pass?

Roll Call 334: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 234

Representative Wolkins called down Engrossed Senate Bill 234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 335: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 259

Representative Espich called down Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 336: yeas 94, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 260

Representative Espich called down Engrossed Senate Bill 260 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 337: yeas 92, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 264

Representative Duncan called down Engrossed Senate Bill 264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 338: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 266

Representative T. Brown called down Engrossed Senate Bill 266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health and human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 339: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 275

Representative Foley called down Engrossed Senate Bill 275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 340: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 284

Representative T. Brown called down Engrossed Senate Bill 284 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Porter was excused from voting, pursuant to House Rule 46.

Roll Call 341: yeas 86, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 285

Representative Ruppel called down Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was reread a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 285-3)

Mr. Speaker: I move that Engrossed Senate Bill 285 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 12, line 38, delete "Money from the following sources may be used" and insert "**The fiscal body of a county that establishes a county emergency operations center may use money from any available source**".

Page 12, line 39, delete "a" and insert "**the**".

Page 12, line 42, delete ":" and insert ".".

Page 13, delete lines 1 through 3.

Page 18, delete lines 37 through 42.

Delete pages 19 through 23.

Renumber all SECTIONS consecutively.

(Reference is to ESB 285 as reprinted February 17, 2006.)

RUPPEL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 285, begs leave to report that said bill has been

amended as directed.

RUPPEL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 342: yeas 25, nays 71. The bill was defeated.

Engrossed Senate Bill 296

Representative Foley called down Engrossed Senate Bill 296 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 343: yeas 90, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 297

Representative Foley called down Engrossed Senate Bill 297 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 344: yeas 76, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 300

Representative Foley called down Engrossed Senate Bill 300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 345: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer was excused.

Engrossed Senate Bill 303

Representative Duncan called down Engrossed Senate Bill 303 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 303-3)

Mr. Speaker: I move that Engrossed Senate Bill 303 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert: "SECTION 2. IC 9-23-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A person licensed under this article shall be issued a special event permit from the bureau for a special event meeting the following conditions:

- (1) The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.
- (2) The vehicles to be auctioned are:
 - (A) at least fifteen (15) years old; or
 - (B) classified as classic, collector, or antique vehicles under rules adopted by the bureau.

(3) At least one hundred (100) vehicles will be auctioned during the special event.

(4) An application for a special event permit has been submitted to the bureau not later than thirty (30) days before the beginning date of the special event.

(5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the bureau within a twelve (12) month period to the same applicant."

Page 10, between lines 2 and 3, begin a new paragraph and insert: "SECTION 18. IC 9-29-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. The permit fee for a special event permit issued under IC 9-23-2-16 is two hundred fifty dollars (\$250).

SECTION 19. IC 9-29-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. All money collected by the bureau from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses and permit fees under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5."

Page 12, line 4, delete "an:" and insert "a person that holds a special event permit issued under IC 9-23-2-16."

Page 12, delete lines 5 through 6.

Page 12, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 27. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 9-23-2-16 (a), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it by IC 9-23-2-16(a), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.

(b) This SECTION expires the earlier of the following:

- (1) The date rules are adopted under IC 9-23-2-16(a), as added by this act.
- (2) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as reprinted February 28, 2006.)

DUNCAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 303, begs leave to report that said bill has been amended as directed.

DUNCAN

Report adopted.

HOUSE MOTION (Amendment 303-4)

Mr. Speaker: I move that Engrossed Senate Bill 303 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-170.3, AS ADDED BY P.L.210-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006]: Sec. 170.3. (a) "Special machinery" means a portable saw mill or well drilling machinery.

- (b) "Special machinery", for purposes of IC 9-18-2, means a:
- (1) portable saw mill or well drilling machinery; and
 - (2) vehicle or trailer on which an item described in subdivision (1) is mounted or transported."

Renumber all SECTIONS consecutively.

(Reference is to ESB 303 as reprinted February 28, 2006.)

DUNCAN

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 303, begs leave to report that said bill has been amended as directed.

DUNCAN

Report adopted.

The question then was, Shall the bill pass?

Roll Call 346: yeas 66, nays 30. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 308

Representative T. Brown called down Engrossed Senate Bill 308 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed Senate Bill 60

Representative Behning called down Engrossed Senate Bill 60 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 60-4)

Mr. Speaker: I move that Engrossed Senate Bill 60 be amended to read as follows:

Page 8, line 34, delete "14(b)" and insert "**15(b)**".

Page 9, line 37, delete "The" and insert "**Except as provided under federal law (34 CFR 300 et seq.) for students with disabilities, the**".

Page 9, line 42, delete "IC 20-35-8-1 applies to the transfer of a student with a" and insert "**Transportation for a student who has an individualized education program (as defined in IC 20-18-2-9) shall be provided by the school corporation that enrolls the student in accordance with 34 CFR et seq.**".

Page 10, delete line 1.

Page 10, line 26, delete "in IC 20-35-8-2, the student's base" and insert "**under federal law (34 CFR 300 et seq.) for students with disabilities,**".

Page 10, between lines 34 and 35, begin a new paragraph and insert:

"Sec. 13. This section applies to a student in kindergarten through grade 12 who is a child with a disability (as defined in IC 20-35-1-2). The school corporation to which a student transfers is responsible for all costs associated with the student in accordance with federal law (34 CFR 300 et seq.). The school corporation to which the student transfers is eligible to receive federal and state money based on the student's disability to the same extent as if the school corporation to which the student transfers were the student's base school corporation. If the base school corporation receives federal or state money based on the student's disability, the base school corporation shall transfer the money to the school corporation to which the student transferred."

Page 10, line 35, delete "Sec. 13" and insert "**Sec. 14.**".

Page 10, line 35, delete "14(b)" and insert "**15(b)**".

Page 10, line 42, delete "14" and insert "**15**".

Page 11, line 6, delete "13" and insert "**14**".

Page 11, line 10, delete "15." and insert "**16.**".

Page 11, line 13, delete "16." and insert "**17.**".

Page 11, line 17, delete "17." and insert "**18.**".

Page 11, line 19, delete "18." and insert "**19.**".

(Reference is to ESB 60 as printed February 17, 2006.)

THOMPSON

Motion prevailed.

HOUSE MOTION (Amendment 60-2)

Mr. Speaker: I move that Engrossed Senate Bill 60 be amended to read as follows:

Page 8, delete lines 5 through 42, begin a new line block indented and insert:

"(3) The property must not be a vacant lot."

Delete pages 9 through 10.

Page 11, delete lines 1 through 20.

Page 12, delete lines 5 through 12.

Renumber all SECTIONS consecutively.

(Reference is to ESB 60 as printed February 17, 2006.)

V. SMITH

After discussion, Representative V. Smith withdrew the motion. The bill was ordered engrossed.

Engrossed Senate Bill 35

Representative Wolkins called down Engrossed Senate Bill 35 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 35-2)

Mr. Speaker: I move that Engrossed Senate Bill 35 be amended to read as follows:

Page 2, line 8, after "governed" insert "**for at least three (3) years after the person applies for the permit**".

Page 2, line 19, delete ":".

Page 2, delete lines 20 through 22.

Page 2, line 23, delete "(2)".

Page 2, run in lines 19 through 23.

Page 2, line 24, delete "ten (10)" and insert "**seven (7)**".

Page 3, line 9, after "governed" insert "**for at least three (3) years after the person applies for the permit**".

Page 3, line 21, delete ":".

Page 3, delete lines 22 through 24.

Page 3, line 25, delete "(2)".

Page 3, run in lines 21 through 25.

Page 3, line 26, delete "ten (10)" and insert "**seven (7)**".

Page 3, between lines 31 and 32, begin a new paragraph and insert: **"(g) This section does not apply to building codes under IC 22-13."**

(Reference is to ESB 35 as printed February 24, 2006.)

HINKLE

Motion prevailed.

HOUSE MOTION (Amendment 35-1)

Mr. Speaker: I move that Engrossed Senate Bill 35 be amended to read as follows:

Page 3, between lines 31 and 32, begin a new paragraph and insert: **"SECTION 2. IC 36-7-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The legislative body of a county having a county department of buildings or joint city-county building department may, by ordinance, adopt building, heating, ventilating, air conditioning, electrical, plumbing, and sanitation standards for unincorporated areas of the county. These standards take effect only on the legislative body's receipt of written approval from the fire prevention and building safety commission.**

(b) Except as provided in subsection (d), an ordinance adopted under this section must be based on occupancy, and it applies to:

(1) the construction, alteration, equipment, use, occupancy, location, and maintenance of buildings, structures, and appurtenances that are on land or over water and are:

(A) erected after the ordinance takes effect; and

(B) if expressly provided by the ordinance, existing when the ordinance takes effect;

(2) conversions of buildings and structures, or parts of them, from one occupancy classification to another; and

(3) the movement or demolition of buildings, structures, and equipment for the operation of buildings and structures.

(c) The rules of the fire prevention and building safety commission are the minimum standards upon which ordinances adopted under this section must be based.

(d) An ordinance adopted under this section does not apply to a private home that is built by an individual and used for the individual's own occupancy. A private home consists of:

(1) a house; and

(2) any accessory building or structure:

(A) attached to the house or located on the same lot as the house; and

(B) used incidentally to the house.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 35 as printed February 24, 2006.)

THOMPSON

Representative Orentlicher rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. After discussion, Representative Thompson withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

Engrossed Senate Bill 27

Representative Stutzman called down Engrossed Senate Bill 27 for second reading. The bill was read a second time by title.

HOUSE MOTION

(Amendment 27-3)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 13, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 24. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer **in a designated area separated from the area where nonalcoholic retail merchandise is sold**, and to deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office. **A minor may not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age.** A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises."

Page 14, between lines 1 and 2, begin a new paragraph and insert: "SECTION 27. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from

a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package, **in a designated area separated from the area where nonalcoholic retail merchandise is sold**, to a customer only for consumption off the licensed premises. **A minor may not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age.**

(c) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(d) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises."

Page 14, delete lines 2 through 28.

Page 15, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 30. IC 7.1-3-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The holder of a wine dealer's permit shall be entitled to purchase wine only from a permittee who is authorized to sell to a wine dealer under this title. A wine dealer shall be entitled to sell wine, **in a designated area separated from the area where nonalcoholic retail merchandise is sold**, for consumption off the licensed premises only and not by the drink. **A minor may not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area, unless the minor is accompanied by a parent or guardian who is at least twenty-one (21) years of age.**

(b) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(c) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

(d) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold."

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

BURTON

Upon request of Representatives Burton and Friend, the Speaker ordered the roll of the House to be called. Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 347: yeas 49, nays 45. Motion prevailed.

HOUSE MOTION
(Amendment 27-1)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 2, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 2. IC 7.1-1-3-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18.5. (a) "Grocery store" means a store or a part of a store that:**

- (1) has the primary North American Industry Classification System (NAICS) classification 445110 or 452910; and**
- (2) is primarily engaged in the retail sale of a general food line, which may include:**

- (A) canned and frozen foods;**
- (B) dry goods, including tea, coffee, sugar, and flour;**
- (C) fresh fruits and vegetables; and**
- (D) fresh and prepared meats.**

(b) The term does not include a store that has less than two hundred fifty thousand dollars (\$250,000) in annual gross sales of food, excluding the following:

- (1) Candy, confectionaries, and chewing gum.**
- (2) Alcoholic beverages.**
- (3) Cocktail mixers.**
- (4) Soft drinks, sodas, and other similar beverages.**
- (5) Medicines, tonics, vitamins, and other dietary supplements.**
- (6) Water (except natural spring water), mineral water, carbonated water, and ice.**
- (7) Pet food.**
- (8) Food furnished, prepared, or served for consumption at a location, or on equipment, provided by the retail merchant.**
- (9) Meals served by a retail merchant off the merchant's premises.**
- (10) Food sold by a retail merchant who ordinarily bags, wraps, or packages the food for immediate consumption on or near the merchant's premises, including food sold on a "take out" or "to go" basis.**
- (11) Food sold through a vending machine.**
- (12) Tobacco products."**

Page 22, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 43. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 7.1-1-3-18.5, as added by this act, the alcohol and tobacco commission may not deny renewal or transferral of ownership of a beer dealer's permit for a beer dealer who:

- (1) held a permit before July 1, 2006; and**
- (2) does not qualify for a permit as a grocery store under the definition set forth in IC 7.1-1-3-18.5, as added by this act."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

BURTON

Motion failed.

HOUSE MOTION
(Amendment 27-5)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:
"SECTION 4. IC 7.1-2-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 24. A local board shall allow all individuals attending a public local board meeting or hearing to make oral comments at the meeting or hearing regarding the subject of the meeting or hearing. However, a local board may set a reasonable limit on the amount of time allowed to each individual to provide oral comment."**

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

CROOKS

Motion prevailed.

HOUSE MOTION
(Amendment 27-8)

Mr. Speaker: I move that Engrossed Senate Bill 27 be amended to read as follows:

Page 1, line 6, after "title." begin a new paragraph and insert:
"**(c)**".

Page 1, line 6, reset in roman "The provisions of this title shall be liberally".

Page 1, reset in roman line 7.

Page 1, line 8, delete "(c)" and insert "**(d)**".

Page 1, line 10, delete "(d)" and insert "**(e)**".

Page 1, line 10, after "title" insert "**allowing for an exception to the three (3) tier system of alcohol beverage distribution in which the exception allows for a direct transaction between a primary source of supply and a consumer or between a primary source of supply and a retailer or dealer**".

Page 1, line 12, delete "the affected chapter" and insert "**this title**".

Page 1, line 14, delete "commerce in alcoholic" and insert "**exceptions to the three (3) tier system of alcoholic beverage distribution; and**".

Page 1, delete line 15.

Page 18, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 33. IC 7.1-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) The commission shall not issue**

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a wine wholesaler's or liquor wholesaler's permit

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

(b) The commission shall not issue a beer wholesaler's permit to a person who has not been a continuous and bona fide resident of Indiana for one (1) year.

SECTION 34. IC 7.1-3-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. The commission shall not issue an alcoholic beverage wholesaler's permit of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.**

SECTION 35. IC 7.1-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) The commission shall not issue**

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a wine wholesaler's or liquor wholesaler's permit

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a corporation unless at least sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(d) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 36. IC 7.1-3-21-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5.2. (a) The commission shall not issue**

(1) an alcoholic beverage retailer's or dealer's permit of any type; or

(2) a wine wholesaler's or liquor wholesaler's permit

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a limited partnership unless at least sixty percent (60%) of the

partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(d) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 37. IC 7.1-3-21-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.4. (a) The commission shall not issue

~~(1) an alcoholic beverage retailer's or dealer's permit of any type; or~~

~~(2) a wine wholesaler's or liquor wholesaler's permit~~

to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(d) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit."

Page 20, line 14, delete "It" and insert "Except as provided in subsection (c), it".

Page 20, line 19, delete "It" and insert "Except as provided in subsection (c), it".

Page 20, between lines 24 and 25, begin a new paragraph and insert:

"(c) A purchaser of alcoholic beverages may ring up or otherwise record an alcoholic beverage sale by using a self-scanner in a:

- (1) package liquor store;
- (2) drug store; or
- (3) grocery store;

if a sales clerk checks the identification of the purchaser to ensure the purchaser is at least twenty-one (21) years of age."

Page 21, line 5, delete "IC 7.1-3-21-3; IC 7.1-3-21-4;".

Page 21, line 6, delete "IC 7.1-3-21-5; IC 7.1-3-21-5.2; IC 7.1-3-21-5.4;".

Renumber all SECTIONS consecutively.

(Reference is to ESB 27 as printed February 24, 2006.)

WHETSTONE

Motion prevailed. The bill was ordered engrossed.

Representative Bauer, who had been excused, was present.

Engrossed Senate Bill 1

Representative Buck called down Engrossed Senate Bill 1 for second reading. The bill was read a second time by title.

HOUSE MOTION
(Amendment 1-1)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 7, line 3, after "city." insert "If a member serving under this subdivision ceases to be a township trustee, the new township trustee becomes a member of the board in place of the previous township trustee."

Page 8, between lines 12 and 13, begin a new line block indented and insert:

"(3) The board shall approve all equipment purchases of more than fifty thousand dollars (\$50,000) for the consolidated fire department and all facility purchases for the consolidated fire department.

(4) The board shall nominate two (2) candidates for fire chief of the consolidated fire department. The mayor shall nominate a candidate for fire chief of the consolidated fire department. The board shall review the nominations and provide any comments concerning the nominations to the mayor. The mayor shall select a fire chief from the nominated candidates."

Page 8, line 13, delete "(3)" and insert "(5)".

Page 8, line 23, delete "(4)" and insert "(6)".

Page 8, delete lines 26 through 30.

Page 9, line 2, delete "revert" and insert "are transferred to".

Page 9, line 2, delete "government body or".

Page 9, line 3, after "responsibility" insert "for the fire department of the consolidated city".

Page 10, line 9, after "Township" insert ".".

Page 10, line 9, delete "and" and insert "the Emergency Services Education Center and any debt related to the Emergency Services Education Center".

Page 10, line 18, after "2008" delete "." and insert ", or a later effective date of the consolidation as authorized under subsection (e). However, an employee may not become an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check."

Page 18, line 3, delete "The" and insert "Subject to subsection (f), the".

Page 18, line 19, delete "The" and insert "Subject to subsection (f), the".

Page 18, between lines 29 and 30, begin a new paragraph and insert:

"(f) This subsection applies only during the first four (4) calendar years that the taxing district levies a property tax under this section. Notwithstanding any other statute, the total property tax rate imposed by the taxing district for a year in those parts of the taxing district that are within a particular township, but not within the boundaries of the fire special service district, may not exceed the total property tax rate imposed by the township (and a fire protection territory in the township) for fire protection services (including property taxes imposed for debt related to fire protection services) in the year preceding the year in which the taxing district first levies a property tax under this section."

Page 18, line 30, delete "(f)" and insert "(g)".

Page 18, line 33, delete "county auditor" and insert "controller of the consolidated city".

Page 18, line 35, delete "The county auditor may".

Page 18, delete lines 36 through 37.

Page 18, line 38, delete "(g)" and insert "(h)".

Page 19, line 2, delete "(h)" and insert "(i)".

Page 19, line 13, delete "(i)" and insert "(j)".

Page 19, line 14, delete "by the consolidated city".

Page 20, line 1, delete "(j)" and insert "(k)".

Page 20, line 2, delete "by the consolidated city".

Page 20, line 8, delete "(i)(1)" and insert "(j)(1)".

Page 20, line 12, delete "(i)(2)" and insert "(j)(2)".

Page 20, line 16, delete "(i)(3)" and insert "(j)(3)".

Page 20, between lines 16 and 17, begin a new paragraph and insert:

"(l) The maximum levy for a consolidated city is increased for property taxes first due and payable in the year that property taxes are first imposed under this section and each subsequent calendar year by an amount equal to the lesser of:

(1) the difference between:

(A) the maximum levy for the current year for the consolidated city's fire special service district created under IC 36-3-1-6; and

(B) the amount levied for the current year for the fire special service district; or

(2) ten percent (10%) of the maximum levy for the consolidated city's fire special service district created under IC 36-3-1-6 for property taxes first due and payable in the year that property taxes are first imposed under this section."

Page 20, line 35, after "process." insert "Ranks achieved after the passage of Senate Enrolled Act 1 of the 2006 regular session of

the general assembly may be reviewed by the merit board to determine if those ranks were achieved through a bona fide merit process."

Page 21, line 1, after "consolidation" delete "." and insert ", except as negotiated in an agreement between the consolidated city and the bargaining unit representing firefighters."

Page 21, line 12, after "2006." insert "This section applies to all political subdivisions in Marion County."

Page 24, line 22, delete ", who shall serve as the board" and insert ".".

Page 24, delete line 23.

Page 24, line 26, delete "One (1) member" and insert "**Two (2) members, who must represent different political parties.**"

(Reference is to ESB 1 as printed February 24, 2006.)

BUCK

Upon request of Representatives Buck and Friend, the Speaker ordered the roll of the House to be called. Roll Call 348: yeas 99, nays 0. Motion prevailed.

HOUSE MOTION (Amendment 1-4)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 7, line 8, after "chairperson" delete "." and insert "**from among the township trustees serving on the board.**"

Page 7, line 17, after "city." insert "**The board must hold hearings in every township in the county before adopting the transition plan.**"

Page 7, line 21, after "plan" delete ";" and insert "**as submitted by the board or as amended by the legislative body after the plan is submitted by the board;**"

Page 7, line 34, after "city." insert "**If the legislative body prepares the transition plan under this subsection, the legislative body must hold hearings in every township in the county before adopting the transition plan.**"

Page 8, line 5, delete "has" and insert "**and the executive of the consolidated city have**"

Page 8, line 8, after "closings" insert "**in areas formerly served by township fire departments;**"

Page 8, line 8, delete "and equipment relocations;"

Page 8, between lines 10 and 11, begin a new line block indented and insert:

"The board is not authorized to approve station closings within the fire special service district. The executive of the consolidated city shall approve all station closings within the fire special service district and all equipment locations and relocations."

Page 8, line 11, delete "board" and insert "**executive of the consolidated city**"

Page 8, line 23, delete "The board shall conduct budget hearings and submit" and insert "**The controller of the consolidated city shall prepare**"

Page 8, line 24, after "department" insert ". **After review and any modifications by the board, the controller shall submit the budget proposal**"

Page 8, line 26, delete "board" and insert "**executive of the consolidated city**"

Page 8, between lines 41 and 42, begin a new line block indented and insert:

"(11) The board shall nominate ranking officers who shall be in charge of territory formerly served by township fire departments.

(12) The board shall review and approve the annual capital plan of the consolidated fire department. However, the annual capital plan of the consolidated fire department is subject to approval of the legislative body of the consolidated city as part of the consolidated city's budget.

(13) The board shall study ISO ratings throughout the county.

(14) The legislative body of the consolidated city shall include funding in the consolidated city's budget that shall be used by the board to coordinate community outreach and community education plans and programs throughout the

county.

(15) The board shall appoint an executive director who shall report directly to the chief of the consolidated fire department. The executive director must be a person who was employed by a township fire department on the effective date of this section."

Page 9, line 42, delete "However, if a".

Page 10, delete lines 1 through 5.

Page 10, line 6, delete "rainy day".

Page 10, line 33, reset in roman "remain the debt of the entity and".

Page 10, line 34, reset in roman "does not become and may not".

Page 10, line 34, delete ", deceased, paid, or".

Page 10, line 35, delete "refunded".

Page 10, line 35, delete "and may be paid from property" and insert ".".

Page 10, delete lines 36 through 42.

Page 11, delete lines 1 through 11.

Page 11, line 12, delete "agreements, and liabilities."

Page 15, line 37, delete "rainy day".

Page 16, line 10, delete "Except as provided in subsection (h), the" and insert "**The**".

Page 16, line 11, after "shall" insert "**not**".

Page 16, delete lines 19 through 39.

Page 16, line 40, delete "(j)" and insert "**(g)**".

Page 17, line 9, delete "(k)" and insert "**(h)**".

Page 17, line 15, delete "(l)" and insert "**(i)**".

Page 17, line 25, delete "(m)" and insert "**(j)**".

Page 18, line 20, delete "the following:"

Page 18, delete lines 21 through 22.

Page 18, line 23, delete "(2) Any" and insert "**any**".

Page 18, run in lines 20 through 23.

(Reference is to ESB 1 as printed February 24, 2006.)

MAHERN

Upon request of Representatives Mahern and Orentlicher, the Speaker ordered the roll of the House to be called. Roll Call 349: yeas 47, nays 50. Motion failed.

HOUSE MOTION (Amendment 1-2)

Mr. Speaker: I move that Engrossed Senate Bill 1 be amended to read as follows:

Page 5, line 9, delete "2008." and insert "**2007.**"

Page 7, delete lines 4 through 6, begin a new line block indented and insert:

"(3) The four (4) members of the legislative body of the consolidated city who are elected on an at-large basis.

(4) The president of the legislative body of the consolidated city or, if the president of the legislative body of the consolidated city is elected on an at-large basis, a member of the legislative body appointed by the president of the legislative body."

Page 7, line 20, delete "2008," and insert "**2007.**"

Page 7, line 26, delete "2008." and insert "**2007.**"

Page 7, line 28, delete "August 1, 2007," and insert "**October 1, 2006.**"

Page 7, line 31, delete "August" and insert "**October 1, 2006.**"

Page 7, line 32, delete "1, 2007,"

Page 7, line 35, delete "2008," and insert "**2007.**"

Page 7, line 41, delete "2008." and insert "**2007.**"

Page 8, line 1, delete "2007," and insert "**2006.**"

Page 8, line 1, delete "2008," and insert "**2007.**"

Page 8, line 4, delete "2008," and insert "**2007.**"

Page 8, line 15, delete "2010;" and insert "**2009;**"

Page 8, line 42, delete "2010." and insert "**2009.**"

Page 9, line 13, delete "2008." and insert "**2007.**"

Page 9, line 27, delete "2008." and insert "**2007.**"

Page 9, line 34, delete "2008," and insert "**2007.**"

Page 9, line 42, delete "2008." and insert "**2007.**"

Page 10, line 2, delete "2008," and insert "**2007.**"

Page 10, line 18, delete "2008." and insert "**2007.**"

Page 17, line 27, delete "2010," and insert "**2009.**"

Page 18, line 40, delete "2008," and insert "**2007.**"

Page 23, line 25, delete "2008." and insert "**2007.**"

(Reference is to ESB 1 as printed February 24, 2006.)

ORENTLICHER

After discussion, Representative Orentlicher withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Resolution 39

Representative V. Smith introduced House Resolution 39:

A HOUSE RESOLUTION urging the establishment of an interim study committee on rate disparity by utility companies.

Whereas, With prices of oil and natural gas climbing, consumers can also expect to see their bills climb;

Whereas, In this time of increased oil, natural gas, and electricity prices, it is vital that utility companies charge all customers fairly; and

Whereas, It behooves the state of Indiana to investigate any disparity in rates to ensure that all Hoosiers are being treated fairly: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study rate disparity by utility companies.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 12 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Long, Chair; and Mrvan

Advisors: Wyss and Lanane

MARY C. MENDEL

Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, March 2, 2006 at 9:00 a.m.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be removed as coauthor of House Bill 1118.

CHERRY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Whetstone be added as cosponsor of Engrossed Senate Bill 27.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Kuzman be removed as cosponsor of Engrossed Senate Bill 160.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 160.

ULMER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 192.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative T. Harris be added as cosponsor of Engrossed Senate Bill 229.

TURNER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 275.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative VanHaften be added as cosponsor of Engrossed Senate Bill 338.

FRIZZELL

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

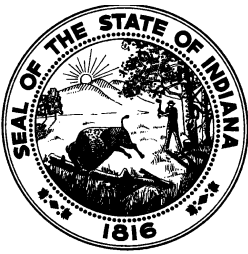
On the motion of Representative Hoffman, the House adjourned at 6:30 p.m., this first day of March, 2006, until Thursday, March 2, 2006, at 9:00 a.m.

BRIAN C. BOSMA

Speaker of the House of Representatives

M. CAROLINE SPOTTS

Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-fifth Meeting Day

Thursday Morning

March 2, 2006

The House convened at 9:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Vernon G. Smith.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum ☐
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman ☐
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 350: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1001, 1102, 1110, 1117, 1128, and 1138 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 193 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Bray, Chair; and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 284 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Broden
Advisors: Miller and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 235.

MARY C. MENDEL
Principal Secretary of the Senate

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:20 a.m. with the Speaker in the Chair.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Joint Resolution 2

Representative Richardson called down Engrossed Senate Joint Resolution 2 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

The joint resolution was read a third time by sections and placed upon its passage. The question was, Shall the joint resolution pass?

Roll Call 351: yeas 98, nays 0. The joint resolution was declared passed. The question was, Shall the title of the joint resolution remain the title of the act? There being no objection, it was so ordered. The

Clerk was directed to inform the Senate of the passage of the joint resolution.

Engrossed Senate Bill 382

Representative Crouch called down Engrossed Senate Bill 382 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 352: yeas 90, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 374

Representative T. Brown called down Engrossed Senate Bill 374 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 353: yeas 92, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 370

Representative Torr called down Engrossed Senate Bill 370 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 354: yeas 51, nays 47. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 369

Representative Wolkins called down Engrossed Senate Bill 369 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 355: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 362

Representative Turner called down Engrossed Senate Bill 362 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 356: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 359

Representative Messer called down Engrossed Senate Bill 359 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Reske was excused from voting, pursuant to House Rule 46.

Roll Call 357: yeas 75, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 355

Representative Ayres called down Engrossed Senate Bill 355 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 358: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 353

Representative Gutwein called down Engrossed Senate Bill 353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 359: yeas 88, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 349

Representative Burton called down Engrossed Senate Bill 349 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative T. Harris was excused from voting, pursuant to House Rule 46.

Roll Call 360: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 345

Representative Espich called down Engrossed Senate Bill 345 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 361: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 342

Representative Messer called down Engrossed Senate Bill 342 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 362: yeas 96, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

RESOLUTIONS ON FIRST READING

House Resolution 40

Representative Budak introduced House Resolution 40:

A HOUSE RESOLUTION honoring Mickey Stisher.

Whereas, Mickey Stisher, director of bands at LaPorte High School, has been named the 2006 Outstanding Bandmaster by the Gamma chapter of Phi Beta Mu, an international professional fraternity of band directors;

Whereas, To receive this award is an exceptional honor because the Indiana Bandmasters uses a very stringent process to determine candidates for membership;

Whereas, Mickey Stisher has been serving as band director for LaPorte High School since 1988 and has educated many talented students throughout the years;

Whereas, Mickey Stisher has directed the LaPorte High School band in back-to-back appearances at the state marching band contest, several college bowl parades, and at Indianapolis Colts and Indiana Pacers halftime shows; and

Whereas, Through his dedication to young people and love of music, Mickey Stisher continues to provide the inspiration to the next generation of musicians and band directors: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Mickey Stisher on his selection as the 2006 Outstanding Bandmaster by the Gamma chapter of Phi Beta Mu and wishes him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mickey Stisher and Greg Handel, principal of LaPorte High School.

The resolution was read a first time and adopted by voice vote.

House Resolution 41

Representative Frizzell introduced House Resolution 41:

A HOUSE RESOLUTION honoring Alescia Johnson.

Whereas, Alescia Johnson has been the commander of American Legion Women's Post #438 in Indianapolis for eight years;

Whereas, During her time as commander, membership is at an all-time high and several programs have been instituted that enhance the quality of life for American Legion members;

Whereas, Alescia Johnson has been instrumental in developing programs to aid the families of Legionnaires with funeral preparations, coordinating an annual Memorial Day flag ceremony with the mayor of Southport and the Southport Police Department honoring the Civil War veterans at Southport Cemetery, coordinating and officiating the annual Korean War commemorative ceremony, and adopting the 138th Personnel Services Battalion stationed in Iraq and providing members with food, hygiene supplies, and educational materials; and

Whereas, Alescia Johnson is a true humanitarian and community leader who has devoted countless hours of time helping the membership of American Legion Post #438, members' families, her community, and her state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its gratitude to Alescia Johnson for her dedication to the members of American Legion Post #438 and the citizens of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Alescia Johnson, commander of American Legion Women's Post #438.

The resolution was read a first time and adopted by voice vote.

House Resolution 42

Representatives Denbo, Fry, Mays, Porter, C. Brown, Dickinson, Aguilera, V. Smith, Summers, E. Harris, and Crawford introduced House Resolution 42:

A HOUSE RESOLUTION honoring Benjamin Harrison "Ben" Taylor.

Whereas, Benjamin Harrison "Ben" Taylor is a newly inducted member of the National Baseball Hall of Fame in Cooperstown, New York;

Whereas, Benjamin Harrison Taylor was born on July 1, 1888, in Anderson, South Carolina, and died on January 24, 1953, in Baltimore, Maryland;

Whereas, His baseball career spanned a period of 21 years, from 1908 until 1928;

Whereas, Benjamin Harrison Taylor began his professional baseball career as a pitcher under the direction of his older brother C.I. with the Birmingham Giants;

Whereas, After spending several seasons with the West Baden Sprudels, St. Louis Giants, Lincoln Giants, and Chicago American Giants, he became a first baseman;

Whereas, In 1914, Benjamin Harrison Taylor began a nine year stay with the Indianapolis ABCs;

Whereas, It was during his time with the Indianapolis ABCs that his vast talents began to be recognized;

Whereas, He became known as "Old Reliable" for his sure hands and clutch hitting;

Whereas, Benjamin Harrison Taylor was primarily a line-drive hitting clean-up batter, but he registered numerous four-hit games;

Whereas, In 1922, his final season with Indianapolis, Benjamin Harrison Taylor assumed managerial duties following the death of his brother C.I.;

Whereas, Benjamin Harrison Taylor continued to manage, coach, and umpire through the early 1940's; and

Whereas, Benjamin Harrison Taylor is an example of an outstanding athlete who greatly deserves the special recognition of his admission into the National Baseball Hall of Fame: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to acknowledge the special talent and many contributions Benjamin Harrison Taylor made to the game of baseball.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the National Baseball Hall of Fame in Cooperstown, New York.

The resolution was read a first time and adopted by voice vote.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:00 p.m. with the Speaker Pro Tempore, Representative Turner, in the Chair.

Representative Pflum, who had been excused, was present. Representative Bauer was excused.

Representative Kuzman rose to a point of order requesting a quorum call. The Chair ordered the roll of the House to be called. Roll Call 363: 78 present. The Chair declared a quorum in attendance.

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 232, 236, 246, 277, 332, 373, and 384 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 340

Representative Borrer called down Engrossed Senate Bill 340 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 364: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 338

Representative Frizzell called down Engrossed Senate Bill 338 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 365: yeas 94, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 333

Representative T. Harris called down Engrossed Senate Bill 333 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representatives Bardon and Micon were excused from voting, pursuant to House Rule 46.

Roll Call 366: yeas 91, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:25 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bill 1008 with amendments and the same is herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the senate has concurred in the House amendments to Engrossed Senate Bill 5.

MARY C. MENDEL
Principal Secretary of the Senate

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 321

Representative Torr called down Engrossed Senate Bill 321 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 367: yeas 59, nays 37. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 308

Representative T. Brown called down Engrossed Senate Bill 308 for third reading:

A BILL FOR AN ACT concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 368: yeas 96, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 305

Representative Hinkle called down Engrossed Senate Bill 305 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 369: yeas 97, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 145

Representative Duncan called down Engrossed Senate Bill 145 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 370: yeas 92, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representative Bauer, who had been excused, was present.

Engrossed Senate Bill 139

Representative Bell called down Engrossed Senate Bill 139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage.

HOUSE MOTION (Amendment 139-4)

Mr. Speaker: I move that Engrossed Senate Bill 139 be recommitted to a Committee of One, its sponsor, with specific instructions to amend as follows:

Page 23, line 8, delete ":".

Page 23, delete line 9.

Page 23, line 10, delete "(2)".

Page 23, line 10, delete "health; or" and insert "health".

Page 23, delete line 11.
 Page 23, run in lines 8 and 10.
 Page 28, line 5, delete ":".
 Page 28, delete line 6.
 Page 28, line 7, delete "(2)" and insert "(1)".
 Page 28, line 7, after "health;" insert "or".
 Page 28, line 8, delete "(3)" and insert "(2)".
 Page 28, line 9, delete "(4)" and insert "(3)".
 Page 28, line 9, delete "through (3)" and insert "and (2)".
 (Reference is to ESB 139 as reprinted March 1, 2006.)

BELL

There being a two-thirds vote in favor of the motion, the motion prevailed.

COMMITTEE REPORT

Mr. Speaker: Your Committee of One, to which was referred Engrossed Senate Bill 139, begs leave to report that said bill has been amended as directed.

BELL

Report adopted.

The question then was, Shall the bill pass?

Roll Call 371: yeas 98, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 133

Representative Dodge called down Engrossed Senate Bill 133 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 372: yeas 92, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 117

Representative T. Brown called down Engrossed Senate Bill 117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass? Representative Murphy was excused from voting, pursuant to House Rule 46.

Roll Call 373: yeas 51, nays 46. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 87

Representative Gutwein called down Engrossed Senate Bill 87 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 374: yeas 67, nays 31. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 35

Representative Wolkins called down Engrossed Senate Bill 35 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 375: yeas 95, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Engrossed Senate Bill 1

Representative Buck called down Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 376: yeas 51, nays 48. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1001 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1010 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1025 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1102 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1110 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. BROWN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1117 and that the Speaker appoint a committee to confer with a like committee from the Senate

and report back to the House.

WOLKINS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1240 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1287 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1327 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ESPICH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1353 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WALORSKI

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1380 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

J. SMITH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1392 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RIPLEY

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1016, 1018, 1029, 1123, 1136, 1155, 1156, 1158, 1172, 1176, and 1212 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 5 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 37 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 46 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 37

The Speaker handed down Senate Concurrent Resolution 37, sponsored by Representative Messer:

A CONCURRENT RESOLUTION requesting the Indiana Education Roundtable to serve as the Indiana State Roundtable for purposes of participating in the Midwestern Education to Workforce Policy Initiative.

Whereas, The State of Indiana has entered into an interstate compact with other midwestern states to form the Midwestern Higher Education Commission. The State also participates extensively in the activities of the Midwest Council of Governments;

Whereas, The Midwestern Education to Workforce Policy Initiative was developed by the Midwestern Higher Education Commission; the Council of State Governments Midwestern Regional Office, representing the Midwestern Legislative Conference; and the Midwestern Governors Association;

Whereas, The Midwestern Higher Education Commission and the Midwest Council of Governments have received substantial funding from the Lumina Foundation for an Education to Workforce Policy Initiative. This Initiative is designed to facilitate the work of state teams of legislators, governors, educators, and business leaders to address linking P-16 education systems and workforce development efforts to generate a thriving 21st century economy in the Midwest;

Whereas, The Initiative held a summit in October 2005 convening government, business, education, and legislative leaders from around the Midwest. The Midwest Education to Workforce Policy Initiative Summit concluded that the nation as a whole, and the Midwest in particular, faces unprecedented competitiveness challenges to the size and quality of its workforce;

Whereas, The Summit participants determined that a prudent next step in the Initiative is to convene state-level Roundtables to receive information and develop workforce plans appropriate for each state; and

Whereas, Made up of members representing diverse constituencies in government, education, and business/industry, the Indiana Education Roundtable regularly considers broad education and workforce policy issues confronting the State: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. Recognizing the need for transitions from education and training to the workforce, the Indiana General Assembly requests that the Indiana Education Roundtable, established at IC 20-19-4-2, serve as Indiana's State Roundtable in the Midwestern Education to Workforce Policy Initiative developed by the Midwest Council of State Governments and the Midwestern Higher Education Commission.

SECTION 2. The Indiana General Assembly requests that the Indiana Education Roundtable address the following:

(1) Identification of key education to workforce issues in Indiana.

- (2) Assessment of Indiana-specific needs, barriers, and opportunities in developing seamless transitions from education and training to the workforce.
- (3) Recommendation of specific changes to state education and workforce policy.
- (4) Development of an action plan for sustaining the Policy Initiative, including next steps.

SECTION 3. The Indiana General Assembly requests that a progress report on Indiana's involvement in the Education to Workforce Policy Initiative be submitted to the Legislative Council by June 30, 2007.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 46

The Speaker handed down Senate Concurrent Resolution 46, sponsored by Representative Buck:

A CONCURRENT RESOLUTION congratulating the Clinton Central FFA Team on their outstanding performance in FFA competition.

Whereas, Under the direction of Roger Carr, the Clinton Central FFA Team has competed in numerous FFA events nationwide;

Whereas, At the 2005 FFA State Championship competition at Purdue University, the Clinton Central FFA Team captured three State Championship Titles, including:

- (1) Discovery Degree Demonstration—Kayla Mossom and Brooke Leckrone;*
- (2) Agriculture Mechanics Demonstration—Andrew Ferrel and Jared Stowers; and*
- (3) Crops Career Development Event—Neal Leckrone, Tyler Peas, Brant Smith, and Travis Schimmel;*

Whereas, In September 2005, the Indiana Skill-a-thon competition took place in Lebanon. Jake Wilson, Collin Barnett, Dillion Evans, and Taylor Ferrel won the State Championship in the Livestock Skill-a-thon competition;

Whereas, The Clinton Central FFA Team traveled to Baltimore, Maryland, to compete in the 2005 Eastern Nationals competition. The team won national honors when Brent Dunham, Jared Stowers, Clayton Stowers, and Tyler Peas were named the National Champion Livestock Judging Team;

Whereas, Clinton Central received national honors again when two teams were named the Reserve National Champion Livestock Judging Team at different competitions;

Whereas, Team members Troy Walker, Brant Smith, Alyssa Smith, and Courtney Smith won this title at the 2005 American Royal competition in Kansas City, Missouri, while team members Troy Walker, Jared Stowers, Bradley Baker, and Austin Walker won the title for the same category at the 100th National Western Stock Show in 2005; and

Whereas, In addition, the Clinton Central FFA Team became 2006 champions when the team, represented by Kayla Mossom and Brooke Leckrone, won the Meats Judging contest at Purdue University: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Clinton Central FFA Team for their tremendous accomplishments in State and National FFA competition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Clinton Central Superintendent, Philip Boley; Clinton Central Principal, Ronald Dunn; FFA Advisor, Roger Carr; and each member of the Clinton Central FFA Team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 6, 2006 at 10:00 a.m.

FRIEND

Motion prevailed.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 85, Roll Call 241, on February 23, 2006. In support of this petition, I submit the following reason:

"I voted yea when I intended to be excused from voting."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 241 to 97 yeas, 0 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Kromkowski be added as coauthor of House Concurrent Resolution 49.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Stutzman be added as coauthor of House Concurrent Resolution 55.

MAYS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Turner be added as coauthor of House Concurrent Resolution 58.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Porter be added as coauthor of House Joint Resolution 3.

MESSER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Thomas be added as cosponsor of Engrossed Senate Bill 338.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives McClain and Budak be added as cosponsors of Engrossed Senate Bill 340.

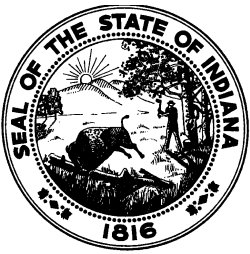
BORROR

Motion prevailed.

On the motion of Representative Ulmer, the House adjourned at 5:30 p.m., this second day of March, 2006, until Monday, March 6, 2006, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-sixth Meeting Day

Monday Morning

March 6, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative F. Dale Grubb.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays ☐
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak ☐	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce ☐
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith ☐
Dodge	V. Smith
Duncan ☐	Stevenson ☐
Dvorak	Stilwell
Espich	Stutzman ☐
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry ☐	Tincher
GiaQuinta ☐	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount ☐
Klinker	Mr. Speaker

Roll Call 377: 90 present; 10 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

The House stood for a moment of silence in memory of Sgt. Rickey Jones of Kokomo, who was died in Iraq.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills 1099, 1101, 1114, 1214, 1220, 1227, 1235, 1239, 1257, 1259, 1261, 1281, 1285, 1306, 1315, 1329, 1338, 1362, 1397, 1418, and 1420 with amendments and the same are herewith returned to the House for concurrence.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1314 and 1339 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 1 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Breaux

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 202 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Riegsecker, Chair; and Sipes

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 305 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: M. Young, Chair; and Rogers

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 340 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Wyss, Chair; and Rogers

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 345 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Meeks, Chair; and Simpson
Advisors: Hume and Miller

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1023, 1049, 1065, 1103, 1107, 1134, 1234, 1249, 1286, 1299, and 1331 and Senate Enrolled Act 5 on March 2.

The Speaker announced that he had signed Senate Enrolled Acts 232, 236, 246, 277, 332, 373, and 384 on March 3.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 61

Representative Foley introduced House Concurrent Resolution 61:

A CONCURRENT RESOLUTION honoring the Martinsville High School Academic Decathlon team.

Whereas, The Martinsville High School Academic Decathlon team captured its ninth straight state large school division title during the state competition held at Purdue University on February 10 and 11, 2006;

Whereas, Martinsville High School's margin of victory was 6,940 points, the largest margin of victory for the decathlon squad;

Whereas, In addition to its overall first place, the squad earned a first place in each competitive area, including art, economics, essay, interview, language and literature, math, music, speech, science, and Super Quiz;

Whereas, Katie Hammitt won gold in music, art, and Super Quiz, silver in overall individual, bronze in language and literature; Amanda Schoolcraft won gold in Super Quiz, silver in language and literature, and bronze in speech; Morgan Ward won gold in speech and Super Quiz; Bryan Dawson won gold in Super Quiz, bronze in speech and essay; Evan Kirsch won gold in Super Quiz, silver in music, art, and literature and language, bronze in overall individual, math, science, and economics; Andrew Lane won gold in overall individual, music, art, math, science, and Super Quiz, silver in economics, bronze in interview and language and literature; Travis Barnett won gold in math, essay, economics, and Super Quiz, silver in overall individual, music, art, science, and language and literature, bronze in speech; Kyle Purdue won gold in overall individual, music, speech, language and literature, and Super Quiz, silver in interview, math, and economics, bronze in art, science, and essay; Caitlin Thompson won gold in art, interview, science, and Super Quiz, bronze in overall individual, music, and economics;

Whereas, With this state championship, Martinsville High School has earned 18 state titles in events sponsored by the Indiana Association of School Principals, the most in the state;

Whereas, The Martinsville team will represent its school at the national competition to be held in San Antonio, Texas;

Whereas, Coach Wayne Babbitt emphasizes that, even though individuals have accomplished great things, the championship was a total team effort;

Whereas, Coach Babbitt also stressed that, in addition to the honor of winning, the value of the Academic Decathlon is that it prepares the participants for college and life by emphasizing good study skills and exposing students to new subjects; and

Whereas, This state title is a continuation of the long line of successes achieved by the Martinsville High School academic teams: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon state championship for the ninth consecutive year and to wish the students continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to team members Amanda Schoolcraft, Bryan Dawson, Katie Hammitt, Kyle Purdue, Morgan Ward, Caitlin Thompson, Andy Lane, Evan Kirsch, and Travis Barnett, coach Wayne Babbitt, and Don Alkire, principal of Martinsville High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Bray.

House Resolution 43

Representatives Crouch and Avery introduced House Resolution 43:

A HOUSE RESOLUTION recognizing Girls in Bloom.

Whereas, Girls in Bloom is a day of art, writing, music, and dance for 5th through 8th grade girls and their parents or guardians;

Whereas, It is during this time of their development that young girls are searching for themselves and are faced with many challenges;

Whereas, The girls who attend Girls in Bloom are encouraged to find ways to help everyone become aware of the challenges faced by adolescent girls today;

Whereas, In the previous two years of the event, many of the participants have come away from the event feeling empowered and able to use their talents to express themselves in a positive way; and

Whereas, Girls in Bloom was created to help girls recognize their talents and establish and reach their goals: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize the service Girls in Bloom provides to young girls struggling to find their strengths, develop their talents, and establish self esteem.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Patty Avery, director of Girls in Bloom.

The resolution was read a first time and adopted by voice vote.

Representative Stevenson, who had been excused, was present.

House Resolution 44

Representatives Richardson and Grubb introduced House Resolution 44:

A HOUSE RESOLUTION honoring those who have served as legislative interns for the Indiana House of Representatives during the Second Regular Session of the 114th General Assembly.

Whereas, The following have served as legislative interns for the Republican Caucus of the House of Representatives during the Second Regular Session of the 114th General Assembly: Brad Battin, Tyler Campbell, Christiana Cushing, Lindsey Dils, Ashley Gibson, Bethany Gosewehr, Christopher Hons, Lindsay Jancek, Kallie Kiger, Kellie Kitson, Valerie Kroeger, Mary Leitelt, Lisa Menck, Ashlee Moenning, Jonathan Moore, Christopher Neal, Kim Ottilie, Taylor Polachek, Lindy Rider, Russell Silver, Jenni Smith, Brian Spaulding, Noelle Stock, Dustin Walker, and Veronica Wilson;

Whereas, The following have served as legislative interns for the Democrat Caucus of the House of Representatives during the Second Regular Session of the 114th General Assembly: Ken Anderson,

Brandon Beeler, Brianne Bergeman, Greg Budney, Kavish Burney, Thomas Cook, Regina Dillard, Nicole Drummond, Dan Faust, Amir D. Hayat, Roxie Hornback, Elizabeth Kesling, Rodney Pol, Will Robertson, Jared Sloane, Michael Smith, Josh Stigdon, Nicole Stipp, Nicholas Uriocholi, and Latishea Varnesdeed;

Whereas, The work of the legislative interns is vital to the success of each session of the General Assembly;

Whereas, The members of the House of Representatives wish to express their gratitude to those individuals who have participated in the valuable experience of both the Republican and Democrat internship programs;

Whereas, The legislative interns serving in 2006 represent the best and brightest future leaders of Indiana;

Whereas, Many past legislative interns have gone on to achieve significant personal, academic, political, and professional goals; and

Whereas, The 2006 legislative intern class contains outstanding young leaders who will make a very positive contribution to Indiana in the years to come: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the important contributions of the individuals who are serving as legislative interns with the House of Representatives during the Second Regular Session of the 114th General Assembly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to each legislative intern.

The resolution was read a first time and adopted by voice vote.

Gale Y. Given, President of the Great Lakes Region of Verizon presented the 2006 awards to Brian Spaulding, Republican Intern of the Year, and Brianne Bergeman, Democrat Intern of the Year.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 49

The Speaker handed down on its passage House Concurrent Resolution 49, authored by Representatives Buell and Kromkowski:

A CONCURRENT RESOLUTION urging the legislative council to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Harrison.

House Concurrent Resolution 56

The Speaker handed down on its passage House Concurrent Resolution 56, authored by Representative Woodruff:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename the bridge on State Road 241 over Kessinger Ditch in Knox County the Bud Reitmeyer Bridge.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Waterman.

House Concurrent Resolution 58

The Speaker handed down on its passage House Concurrent Resolution 58, authored by Representatives Buck and Turner:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename State Road 28 from US 31 east through Tipton, Indiana, the Richard Regnier Memorial Highway.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

House Resolution 13

The Speaker handed down on its passage House Resolution 13, introduced by Representative Richardson:

A HOUSE RESOLUTION urging the establishment of an interim study committee on park issues.

The resolution was read a second time and adopted by voice vote.

House Resolution 23

The Speaker handed down on its passage House Resolution 23, introduced by Representatives J. Lutz and Crooks:

A HOUSE RESOLUTION urging the legislative council to assign the issue of renewable energy development to the regulatory flexibility committee.

The resolution was read a second time and adopted by voice vote.

Senate Concurrent Resolution 25

The Speaker handed down on its passage Senate Concurrent Resolution 25, sponsored by Representatives Gutwein, Ayres, and Budak:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Representative Mays, who had been excused, was present.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1008 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BORROR

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1016 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

AYRES

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1029 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BUELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1056 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DUNCAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1099 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FRIZZELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1158 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RICHARDSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1172 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1176 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

WOODRUFF

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1235 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

RUPPEL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1315 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

THOMPSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1323 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DODGE

Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:20 p.m. with the Speaker in the Chair.

Representatives Budak, Duncan, Fry, Pierce, J. Smith, and Yount, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 87 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Jackman, Chair; and R. Young

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 117 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Gard, Chair; and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 172 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Lubbers, Chair; and Rogers
Advisors: Delph and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 266 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 321 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kruse, Chair; and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 333 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Dillon, Chair; and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 59 and 61 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 48 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1001	Conferees: Espich and Crawford Advisors: Turner, Buell, Klinker, Kersey
EHB 1008	Conferees: Borrer and Bauer Advisors: Woodruff, McClain, Duncan, Moses, VanHaaften
EHB 1010	Conferees: Wolkins and Dvorak Advisors: Foley, Cherry, VanHaaften
EHB 1016	Conferees: Ayres and Cheney Advisor: Ulmer
EHB 1025	Conferees: J. Smith and Klinker Advisors: Koch and T. Brown
EHB 1029	Conferees: Buell and Klinker Advisors: Bright and Orentlicher
EHB 1056	Conferees: Duncan and Mays Advisor: Wolkins
EHB 1102	Conferees: Ayres and Stevenson Advisors: Hinkle and Thompson
EHB 1110	Conferees: T. Brown and Pierce Advisors: Heim and Micon
EHB 1117	Conferees: Wolkins and Dvorak Advisors: Heim and Mahern
EHB 1158	Conferees: Richardson and L. Lawson Advisors: Thomas and Kuzman
EHB 1176	Conferees: Woodruff and Bischoff Advisor: Burton
EHB 1240	Conferees: Behning and Porter Advisor: Messer
EHB 1287	Conferees: Duncan and Goodin Advisors: Davis and VanHaaften
EHB 1323	Conferees: Dodge and Moses Advisors: Stutzman and Bell
EHB 1327	Conferees: Espich and Crawford Advisors: Pond, Cochran, Orentlicher
EHB 1353	Conferees: Walorski and Crooks Advisor: Koch
EHB 1380	Conferees: J. Smith and Austin Advisors: T. Harris and Yount
EHB 1392	Conferees: Ripley and Fry Advisors: Borders and Torr

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 1	Conferees: Buck and Mahern Advisor: Whetstone
ESB 6	Conferees: Foley and Grubb Advisors: Bright and J. Smith
ESB 12	Conferees: Ulmer and Kuzman Advisor: Foley
ESB 41	Conferees: T. Brown and C. Brown Advisor: Crouch
ESB 75	Conferees: Stutzman and Reske Advisor: Woodruff
ESB 77	Conferees: Heim and Stilwell Advisor: Hoffman
ESB 83	Conferees: Torr and Bardon Advisor: Thomas
ESB 106	Conferees: Walorski and Fry Advisors: Davis and Turner
ESB 193	Conferees: Foley and VanHaaften Advisor: Bell

ESB 202	Conferees: T. Brown and C. Brown Advisor: Budak
ESB 258	Conferees: Espich and Kuzman Advisors: Leonard, Turner, Crawford
ESB 284	Conferees: T. Brown and C. Brown Advisor: Duncan
ESB 305	Conferees: Hinkle and Klinker Advisor: Noe
ESB 340	Conferees: Woodruff and Welch Advisors: Torr and Pflum
ESB 345	Conferees: Espich and Cochran Advisors: Turner, Buell, Welch

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1018 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

ROBERTSON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1114 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

FOLEY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1214 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

DAVIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1259 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

KOCH

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1338 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

T. HARRIS

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1362 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BUCK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1420 and that the Speaker

appoint a committee to confer with a like committee from the Senate and report back to the House.

T. BROWN

Motion prevailed.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1017.

WELCH

Roll Call 378: yeas 97, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1022.

RUPPEL

Roll Call 379: yeas 90, nays 6. Motion prevailed.

Representatives Bauer and Borror were excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1028.

KOCH

Roll Call 380: yeas 81, nays 10. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1097.

FRIZZELL

Roll Call 381: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1106.

CROUCH

Roll Call 382: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1112.

FOLEY

Roll Call 383: yeas 91, nays 2. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1113.

FOLEY

Roll Call 384: yeas 75, nays 20. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1124.

BUCK

Roll Call 385: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1128.

DUNCAN

Roll Call 386: yeas 95, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate

amendments to Engrossed House Bill 1156.

RICHARDSON

Roll Call 387: yeas 75, nays 20. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1207.

POND

Roll Call 388: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1232.

AYRES

Roll Call 389: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1236.

RUPPEL

Roll Call 390: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1238.

WELCH

Roll Call 391: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1300.

MAHERN

Roll Call 392: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1395.

BUELL

Representative Porter was excused from voting, pursuant to House Rule 46. Roll Call 393: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1397.

WHETSTONE

Roll Call 394: yeas 96, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1418.

AYRES

Roll Call 395: yeas 79, nays 16. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1347.

MESSER

Roll Call 396: yeas 96, nays 0. Motion prevailed.

Representative Borror, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1368.

NEESE

Representatives Ayres, C. Bottorff, C. Brown, Buell, Cochran,

Crawford, Duncan, Hoffman, Kersey, Klinker, Moses, Pond, Robertson, and Ruppel were excused from voting, pursuant to House Rule 46. Roll Call 397: yeas 79, nays 0. Motion prevailed.

Representative Bauer, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1267.

BORROR

Roll Call 398: yeas 50, nays 47. The motion failed for lack of a constitutional majority.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the motion to concur on Engrossed House Bill 1123 filed March 6, 2006, be withdrawn from further consideration by the House and that the House dissent from the Senate amendments to Engrossed House Bill 1123 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the motion to concur on Engrossed House Bill 1155 filed March 6, 2006, be withdrawn from further consideration by the House and that the House dissent from the Senate amendments to Engrossed House Bill 1155 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BUDAK

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1227 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

BUDAK

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Resolution 45

Representative Hoffman introduced House Resolution 45:

A HOUSE RESOLUTION urging the legislative council to direct the pension management oversight commission to study the military service credit law for retired teachers contained in IC 5-10.4-4-8 (formerly IC 21-6.1-4-6.1).

Whereas, The provisions of IC 5-10.4-4-8 do not apply to retired educators who went directly into military service and completed their service honorably before attending college and becoming public school teachers; and

Whereas, This omission means that many World War II and Korean War veterans are not eligible to count the military service they honorably performed before attending college and becoming public school educators, which is an unfair treatment of these retired teacher veterans: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the legislative council is urged to direct the pension management oversight commission to study the military service credit law for retired teachers contained in IC 5-10.4-4-8 (formerly IC 21-6.1-4-6.1).

SECTION 2. That the committee shall operate under the direction

of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 46

Representatives Dobis, Aguilera, Cheney, Kuzman, Lehe, Stevenson, C. Brown, E. Harris, Ayres, L. Lawson, and V. Smith introduced House Resolution 46:

A HOUSE RESOLUTION urging the Northwest Indiana Regional Development Authority to begin spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

Whereas, The Northwest Indiana Regional Development Authority is charged with accomplishing a variety of projects, including investigating the extension of South Shore passenger rail service to Lowell and Valparaiso, integrating existing bus services, helping to bring the Marquette Plan for the lakeshore to completion, and helping the Gary/Chicago International Airport become a reality;

Whereas, The overall charge given to the Authority is to boost the region's economic development;

Whereas, The Northwest Indiana Regional Development Authority is also charged with developing a strategic plan that will include many of these projects;

Whereas, If the Northwest Indiana Regional Development Authority waits to distribute the money earmarked for the region until the strategic plan has been approved, it will miss a valuable opportunity to jump start the economic development of an area with an economy in need of stimulation;

Whereas, Local money is also needed to compete for federal funds from agencies like the Federal Aviation Administration, the U.S. Environmental Protection Agency, the Federal Transit Administration, and the U.S. Army Corps of Engineers;

Whereas, Competition for federal funds is fierce and Northwest Indiana is at its most critical juncture in 100 years; and

Whereas, In the world of business, plans must be adapted quickly to meet the needs of a changing market: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives urges the Northwest Indiana Regional Development Authority to proceed with spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Governor Mitch Daniels and the Northwest Indiana Regional Development Authority.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 48

The Speaker handed down Senate Concurrent Resolution 48, sponsored by Representatives Bauer, Kromkowski, Dvorak, and Fry:

A CONCURRENT RESOLUTION congratulating and honoring the South Bend Silver Hawks Class A Minor League Baseball team for their outstanding 2005 season which culminated in a Midwest League Championship victory.

Whereas, The South Bend team was awarded a Midwest League franchise in 1988 bearing the name of their parent club, the Chicago White Sox;

Whereas, The team was renamed "Silver Hawks" in 1994 in honor of the Studebaker Silver Hawk, which was once manufactured in South Bend;

Whereas, The team's home field is Coveleski Stadium, built in 1987 and named for Stan Coveleski, the Hall of Fame pitcher who once resided in South Bend;

Whereas, The team's record (84-56) was the best in the Midwest League for the season;

Whereas, Manager Mark Haley was named the Midwest League Manager of the Year;

Whereas, Outfielder Carlos Gonzalez was named MWL Prospect of the Year and Most Valuable Player;

Whereas, The team had the best home record (44-26) and the best road record (40-30) in the Midwest League for the 2005 season;

Whereas, The team lead the League in batting (.281), infielder Augie Murillo lead the league in individual runs scored (94), and infielder Cesar Nicolas was the League leader on base percentage (.428);

Whereas, The team won the 2005 Midwest League Championship by beating the Wisconsin Timber Rattlers three games to two in a best of five games series; and

Whereas, The team members include pitchers Ryan Coffin, Matt Elliot, Hipolito Guerrero, Steven Jackson, Chris Kinsey, Koley Kolberg, Ross Ohlendorf, Josh Perrault, Kellen Raab, Mark Rosen, Todd Stein and Esmerling Vasquez; catchers Wilkin Castillo, Orlando Mercado and Allen Mottram; infielders Emilio Bonifacio, Alberto Gonzalez, Billy Lockin, Agustin Murillo, Cesar Nicolas and Mark Reynolds; outfielders Carlos Gonzales, Travis Gullck, Jereme Milons and Brandon Simon; manager Mark Haley, pitching coach Willington Cepeda, hitting coach Tony Dello, trainer Scott Jones, strength and conditioning coach Rick Spenner, executive vice president Erik Haag, and assistant general manager Tim Arseneau: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The General Assembly congratulates and honors the South Bend Silver Hawks Class A Minor League Baseball team for their outstanding 2005 season which culminated in a Midwest League Championship victory.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to each player, coach, manager and executive of the team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 55

The Speaker handed down on its passage House Concurrent Resolution 55, authored by Representatives Mays and Stutzman:

A CONCURRENT RESOLUTION urging the legislative council to assign to the appropriate committee the topic of department of child services caseworkers carrying nonlethal weapons.

The resolution was read a second time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator C. Lawson.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Wednesday, March 8, 2006 at 9:00 a.m.

WOLKINS

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 260 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 349 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Waltz, Chair; and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Act 1279 on March 6.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:10 p.m. with the Speaker in the Chair.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1018	Conferees:	J. Lutz and Robertson
	Advisors:	Wolkins and Oxley
EHB 1099	Conferees:	Frizzell and Crooks
	Advisors:	Bell, Stutzman, C. Brown
EHB 1114	Conferees:	Foley and VanHaaften
	Advisor:	Neese
EHB 1123	Conferees:	Budak and L. Lawson
	Advisor:	Crouch
EHB 1155	Conferees:	Budak and Bardon
	Advisors:	J. Smith and Foley
EHB 1172	Conferees:	T. Harris and E. Harris
	Advisors:	Bell and Turner
EHB 1214	Conferees:	Davis and Pelath
	Advisors:	Saunders and Bardon
EHB 1227	Conferees:	Budak and Kromkowski
	Advisor:	Buell
EHB 1235	Conferees:	Ruppel and Welch
	Advisors:	Noe, Duncan, Tincher
EHB 1259	Conferees:	Koch and Crooks
	Advisors:	Bright, Denbo, Welch
EHB 1315	Conferees:	Thompson and Hoy
	Advisors:	Frizzell and Tyler
EHB 1338	Conferees:	T. Harris and Porter
	Advisors:	Noe and Stilwell
EHB 1362	Conferees:	Buck and Mahern
	Advisor:	Whetstone
EHB 1420	Conferees:	T. Brown and Cheney
	Advisors:	Dodge and C. Brown

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 87	Conferees:	Gutwein and Grubb
	Advisors:	Yount and Friend
ESB 117	Conferees:	T. Brown and Cheney
	Advisors:	Leonard and Pierce
ESB 172	Conferees:	Behning and Porter
	Advisor:	Messer
ESB 266	Conferees:	Lehe and C. Brown
	Advisor:	T. Brown

ESB 321 Conferees: Torr and Stilwell
Advisors: Leonard and Kromkowski

ESB 333 Conferees: T. Harris and Oxley
Advisors: Thompson and Crooks

ESB 349 Conferees: Burton and Mahern
Advisors: Ripley and Fry

Conferees: Meeks and Howard
Advisors: Hershman, Wyss, Rogers, Hume

MARY C. MENDEL
Principal Secretary of the Senate

On the motion of Representative Kuzman, the House adjourned at 6:15 p.m., this sixth day of March, 2006, until Wednesday, March 8, 2006, at 9:00 a.m.

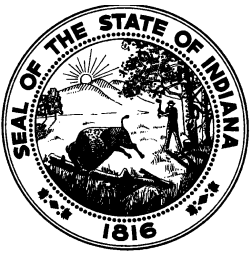
OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1008:

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-seventh Meeting Day




Wednesday Morning


March 8, 2006

The House convened at 9:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Eric A. Koch.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney 	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers 
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta 	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 399: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 39, 69, 81, 86, 146, 154, 201, 308, and 374 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 33, 36, 56, 72, 73, 85, 94, 133, 151, 169, 173, 205, 208, 229, and 275 and Enrolled Senate Joint Resolution 2 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 11, 35, 40, 55, 57, 71, 102, 111, 114, 147, 160, 206, 234, 264, 283, 310, 342, 354, and 379.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1076.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 58.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 192.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1001:

Conferees: Kenley and Hume
Advisors: Dillon and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following

Senators a conference committee to confer on Engrossed House Bill 1010:

Conferees: Bray and Sipes

Advisors: Drozda, Long, Lewis, and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1016:

Conferees: Bray and Broden

Advisors: Long and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1018:

Conferees: Hershman and R. Young

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1025:

Conferees: Drozda and Simpson

Advisors: Alting and Skinner

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1029:

Conferees: Kenley and Simpson

Advisors: Meeks and Skinner

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1029:

Advisors: Alting and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1056:

Conferees: Merritt and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following

Senators a conference committee to confer on Engrossed House Bill 1099:

Conferees: Weatherwax and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1102:

Conferees: C. Lawson and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1110:

Conferees: Gard and Tallian

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1114:

Conferees: Steele and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1117:

Conferees: Gard and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1123:

Conferees: Becker and Simpson

Advisors: C. Lawson and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1155:

Conferees: Long and Simpson

Advisors: Becker, Zakas, Lanane, and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House

Bill 1158:

Conferees: Bray and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1172:

Conferees: Drozda and Craycraft

Advisors: Miller, Delph, Rogers, and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1176:

Conferees: Nugent and Lanane

Advisors: Waterman and L. Lutz

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1214:

Conferees: Long and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1227:

Conferees: Nugent and Sipes

Advisors: Becker and L. Lutz

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1235:

Conferees: Miller and Breaux

Advisors: Wyss and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1240:

Conferees: Lubbers and Rogers

Advisors: Riegsecker and Skinner

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following

Senators a conference committee to confer on Engrossed House Bill 1259:

Conferees: Steele and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1287:

Conferees: Landske and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1287:

Conferees: Rogers replacing Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(b) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed house Bill 1287:

Advisors: Paul and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1315:

Conferees: Landske and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1323:

Conferees: Kruse and Mrvan

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1327:

Conferees: Kenley and Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House

Bill 1338:

Conferees: Lubbers and Breaux
Advisors: Landske and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1353:

Conferees: Bray and Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1362:

Conferees: Riegsecker and Broden
Advisors: Delph, Long, Breaux, and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1380:

Conferees: Ford and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1392:

Conferees: Paul and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 54 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Nugent, Chair; and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 112 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Riegsecker, Chair; and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 139 and the President Pro Tempore has appointed the

following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Lanane

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 148 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Riegsecker, Chair; and Broden
Advisors: Heinold and Bowser

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 253 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Weatherwax, Chair; and Lewis

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 259 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kenley, Chair; and Hume

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 303 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Kruse, Chair; and L. Lutz

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 47 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 51 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1093, 1314, and 1339 and Senate Enrolled Acts 33, 36, 39, 56, 69, 72, 73, 81, 85, 86, 94, 133, 146, 151, 154, 169, 173, 191, 201, 205, 208, 229, 275, 308, and 374 and Enrolled Senate Joint Resolution 2 on March 7.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 51

The Chair handed down Senate Concurrent Resolution 51, sponsored by Speaker Bosma:

A CONCURRENT RESOLUTION to congratulate Bruce Melchert upon his retirement.

Whereas, After graduating from the University of Missouri-Columbia in 1961, Bruce Melchert attended law school at the Columbia and Kansas City campuses of the University of Missouri and at Indiana University-Indianapolis;

Whereas, Mr. Melchert served for fourteen years as the Executive Vice President of the Tau Kappa Epsilon International Fraternity. He began his career in government by serving as the Administrative Assistant to United States Congressman William H. Hudnut;

Whereas, After his appointment as the Deputy Mayor of Indianapolis, Mr. Melchert served as Chairman of the Marion County Liquor Board and the Indiana Republican State Central Committee Chairman;

Whereas, Mr. Melchert enlisted in the United States Army for a total of eight years, serving in both active duty and reserve status. At the time of his honorable discharge, he had earned a promotion to First Lieutenant;

Whereas, Placing a premium on involvement in his community, Mr. Melchert sits on the Board of Directors of many organizations: American Heart Association, Indianapolis Affiliate; City Market; Columbia Club; HealthNet Foundation; Indiana Political Education; Indianapolis Holidays Committee, Inc.; Junior Achievement of Central Indiana; Near North Development Corporation; TKE Educational Foundation; and the Tri-County Mental Health Foundation;

Whereas, For his dedication and hard work, Mr. Melchert has received numerous awards and honors, including a Sagamore of the Wabash from Governor Bowen and Governor Orr, the President's Award presented by HealthNet, and an award in 2002 from the Indiana Public Health Foundation; and

Whereas, Since 1986, Mr. Melchert has been the Vice President of Government Affairs for Clarian Health Partners, Inc.—formerly Methodist Hospital of Indiana, Inc. After a distinguished career, he is retiring this year: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby recognizes the outstanding career and the many community contributions of Bruce Melchert and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Bruce and Jeanne Melchert.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The Speaker Pro Tempore yielded the gavel to the Speaker.

House Concurrent Resolution 62

Representatives Koch, Crooks, Denbo, and Oxley introduced House Concurrent Resolution 62:

A CONCURRENT RESOLUTION recognizing the 40th anniversary of Hoosier Uplands Economic Development Corporation.

Whereas, In 1966, a group of citizens formed LOW Corporation, the forerunner of Hoosier Uplands Economic Development Corporation;

Whereas, LOW Corporation began with a budget of no more than \$40,000, the Head Start Program, and two or three employees;

today the corporation has an annual budget of \$14,000,000, a variety of programs and services, and over 240 employees;

Whereas, The Hoosier Uplands Economic Development Corporation, based in Southern Indiana, is a nonprofit agency that serves as an area agency on aging, community action agency, licensed home health care and hospice agency, and community housing development organization;

Whereas, The mission of Hoosier Uplands Economic Development Corporation is to plan, implement, or cause to be implemented, and provide comprehensive services to the poor, elderly, and disabled;

Whereas, The Hoosier Uplands Economic Development Corporation strives to eliminate poverty, improve living conditions, and provide access to health care and social services to those families and individuals in need; and

Whereas, It has always been and will always be the practice of the Hoosier Uplands Economic Development Corporation to keep the client uppermost in mind and to never forget the value of every human being and the importance of the responsibility to the public the corporation serves: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the many contributions made by the Hoosier Uplands Economic Development Corporation.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David L. Miller, Chief Executive Officer, Hoosier Uplands Economic Development Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Steele and Hume.

House Concurrent Resolution 63

Representatives Turner, Bosma, and Welch introduced House Concurrent Resolution 63:

A CONCURRENT RESOLUTION congratulating the members of the Heritage Christian High School girls' basketball team on the occasion of their Class 2A state basketball championship victory.

Whereas, Heritage Christian High School won its first team state championship with the Lady Eagles' 46–34 victory over Westview High School in the Indiana High School Athletic Association (IHSAA) Class 2A girls' basketball championship;

Whereas, The Lady Eagles' championship drive consisted of seven games, with an average victory margin of 19 points per game;

Whereas, The Lady Eagles have won four straight sectionals and have not lost a sectional game since beginning IHSAA tournament play in 2003;

Whereas, The Lady Eagles defeated Broad Ripple, Arlington, and Cathedral High Schools to win the Indianapolis City Tournament;

Whereas, The Heritage Christian girls finished this stellar season with a 25–3 overall record, their only losses coming against Class 4A Pike High School and Carmel High School and Class 3A Bishop Chatard High School;

Whereas, This year's game was not the Lady Eagles' first visit to the championship game; Lindsay Dixon, Nicole Roush, Courtney Turner, and Bre Jones played in the state finals in 2004 only to finish as runner-up to Rochester High School;

Whereas, The Lady Eagles returned five letter winners who combined with the freshmen to form the winning combination of two seniors, two juniors, two sophomores, and six freshmen;

Whereas, This season was not without sadness, however;

Whereas, The Lady Eagles dedicated their season to the memory of their former coach, Dr. Mark "Doc" Richards, who passed away suddenly on September 23, 2005;

Whereas, Dr. Richards had been the girls' varsity coach for the previous five years;

Whereas, Nicole Roush, Kayla Skaggs, Courtney Turner, Bre Jones, and Lindsay Dixon, the five returning players, were invited to Doc's home the evening prior to his death where Dr. Richards encouraged them to give their all in the upcoming season and their future lives;

Whereas, Doc Richards left them with the words of wisdom to always "glorify God, play hard, and have fun";

Whereas, Rick Risinger, volunteer assistant coach, stepped in to become the interim head coach and molded the girls into a championship squad; and

Whereas, The Heritage Christian Lady Eagles can truly say they followed the advice of their beloved coach and glorified God, played hard, and had fun: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Heritage Christian Lady Eagles on winning the Class 2A girls' basketball state championship and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Lindsay Dixon, Nicole Roush, Bre Jones, Courtney Turner, Alicia Byrd, Kayla Skaggs, Emily Anderson, Ashlee Bellamy, Alyssa Burton, Kelly Faris, Claire Freeman, and Meredith Martin, manager Leah Richards, coaches Rick Risinger, Ron Young, Courtney Risinger, Teri Burton, Alicia Michaelson, and Eric Turner, score keeper Mike Burton, athletic director Jeff Hester, principal Al Leinbach, and Cyndi Richards.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lubbers.

House Concurrent Resolution 64

Representatives Turner, Bosma, and Welch introduced House Concurrent Resolution 64:

A CONCURRENT RESOLUTION honoring Nicole Roush.

Whereas, Heritage Christian senior guard Nicole Roush won the 2005-2006 Patricia L. Roy Mental Attitude Award for Class 2A girls basketball;

Whereas, Principals and coaches nominate the recipients of this award who must excel in mental attitude, scholarship, leadership, and athletic ability in basketball;

Whereas, Nicole Roush, who ranks 14th in her class with a 3.846 cumulative grade point average, served as team captain and is a four-year member of the team, playing three seasons on the varsity;

Whereas, Nicole Roush was a member of the 2004 state runner-up team and the 2006 state championship team;

Whereas, In addition to basketball, Nicole Roush is active in her community serving as a mentor, working in elementary school tutoring programs, and taking mission trips to Honduras and Mexico;

Whereas, Nicole Roush plans to attend Indiana Wesleyan University and major in nursing; and

Whereas, Excellence in any endeavor deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Nicole Roush on her selection as the 2005-2006 Patricia L. Roy Mental Attitude Award Winner for Class 2A girls' basketball and wishes her continued success in her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Nicole Roush and her family.

The resolution was read a first time and adopted by voice vote. The

Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Lubbers.

House Concurrent Resolution 65

Representative V. Smith introduced House Concurrent Resolution 65:

A CONCURRENT RESOLUTION recognizing Gary, Indiana, on the occasion of the 100th anniversary of its founding.

Whereas, Gary was the largest United States city founded in the 20th century, but its history began long before that;

Whereas, In the 17th century, Marquette, a Frenchman who was one of the first explorers of the Mississippi River, used the Calumet Portage between the little Calumet regions, possibly camping at the eastern mouth of the Grand Calumet River where Gary's Marquette Park is now dedicated in his honor;

Whereas, Indian settlements existed throughout the northwest Indiana region in the early 19th century, but by the middle of the century most of the tribes had moved to western reservations;

Whereas, Octave Chanute, a French native and famed bridge and railroad engineer, completed the world's first successful flight in a heavier-than-air machine on Gary's shores in 1896; Orville Wright would later credit Chanute with building the prototype of the plane he and his brother flew four years later;

Whereas, In 1906, Judge Elbert Gary, the chairman of United Steel Corporation, began construction on what was planned to be the largest steel plant in the world on 12,000 acres of unoccupied land at the southern end of Lake Michigan;

Whereas, Three and a half years and \$100,000 later, the mills began to operate, and the first steel was poured;

Whereas, In a matter of months, the city of Gary, named in honor of Judge Gary, was founded for thousands of steelworkers and their families who came to the region;

Whereas, As the steel industry grew in Gary, other industries developed to service the mills or to turn the mills' raw materials into other products;

Whereas, By 1980, the population of Gary had grown to 128,000, including immigrants from as far away as Poland, Romania, Serbia, and Hungary;

Whereas, Gary has many famous alumni, including Michael Jackson and the Jackson family; football's Tom Harmon, Hank Stram, and Gerald Irons; track star Lee Calhoun; actors Karl Malden, Alex Karras, Fred Williamson, and William Marshall; ex-world champion boxer Tony Zale; the Metropolitan Opera's James McCracken; baseball's Charles O. Finley and Ron Kittle; astronaut Frank Borman; sports announcer Bill Fleming; economist and Nobel Prize winner Paul A. Samuelson; gymnast Dianne Durham; armed services General Hall; Rhodes Scholar Carlton Long; and basketball's Dick Barnett; and

Whereas, All great cities have a great history and Gary is no exception: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize Gary on the occasion of the 100th anniversary of its founding and to acknowledge the many contributions the citizens of Gary have made to the state of Indiana and the world.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Scott King, Mayor of Gary.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers and S. Smith.

House Concurrent Resolution 66

Representatives Porter, Summers, Dickinson, Mays, Crawford, Aguilera, E. Harris, C. Brown, V. Smith, Buell, Hinkle, Day, Orentlicher, Bardón, and Mahern introduced House Concurrent

Resolution 66:

A CONCURRENT RESOLUTION honoring the Indianapolis Urban League.

Whereas, The Indianapolis Urban League was founded by the late Thomas W. Binford and the late Henry J. Richardson, Jr. in 1965 as a nonprofit, nonpartisan, interracial community-based social service/civil rights organization funded by the United Way of Central Indiana, individuals, organizations, businesses, and government bodies;

Whereas, The Indianapolis Urban League is one of 105 leagues across the nation affiliated with the National Urban League;

Whereas, The mission of the Indianapolis Urban League is to assist African-Americans and other minorities and disadvantaged persons to achieve social and economic equality;

Whereas, The Indianapolis Urban League implements its mission through direct program services, technical assistance, fact-finding, and information dissemination;

Whereas, The Indianapolis Urban League established the Business Development Center in the 1970's as one of the first minority business development programs of its kind in the city and state;

Whereas, The Business Development Center has helped thousands of minority business venture clients with business plans and procedures to acquire venture capital for businesses; and

Whereas, The Indianapolis Urban League will continue to "build bridges" among the races and work to achieve racial tolerance and racial equity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to recognize the many contributions that the Indianapolis Urban League has made to the Indianapolis community.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Joseph Slash, CEO, and Karen Wright, Chairman of the Board of the Indianapolis Urban League.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsors: Senators Rogers, S. Smith, Howard, and Breaux.

House Resolution 47

Representatives V. Smith and C. Brown introduced House Resolution 47:

A HOUSE RESOLUTION recognizing Harry Flournoy.

Whereas, Harry Flournoy, who hails from Gary, Indiana, was a member of the Texas Western College basketball team that won the 1966 NCAA championship;

Whereas, This memorable victory is captured in the movie "Glory Road" for all to see;

Whereas, Coached by Don Haskins, the Texas Western College Miners revolutionized collegiate sports in the Civil Rights era;

Whereas, Coach Haskins, unable to recruit white ballplayers, scouted black stars for his team;

Whereas, In order to avoid conflict between the white and black players on the team, Coach Haskins drove his players to near exhaustion;

Whereas, With no time left for bickering among themselves, the team banded together;

Whereas, The underdog Miners made it to the NCAA championship in 1966, when Coach Haskins started five black players against an all-white Kentucky lineup;

Whereas, The Miners defeated the Kentucky Wildcats by a score of 72-65;

Whereas, Coach Haskins, whose victory is credited with desegregating college sports in the South, always stated that he

simply sent his best five players onto the court; and

Whereas, Harry Flournoy is a member of an historic team and will always be remembered for his outstanding talent on a team that will live on in the annals of basketball history forever: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize Harry Flournoy for the role he played in the Texas Western College victory over the Kentucky Wildcats.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Harry Flournoy.

The resolution was read a first time and adopted by voice vote.

House Resolution 48

Representatives V. Smith and C. Brown introduced House Resolution 48:

A HOUSE RESOLUTION recognizing Orsten Artis.

Whereas, Orsten Artis, who hails from Gary, Indiana, was a member of the Texas Western College basketball team that won the 1966 NCAA championship;

Whereas, This memorable victory is captured in the movie "Glory Road" for all to see;

Whereas, Coached by Don Haskins, the Texas Western College Miners revolutionized collegiate sports in the Civil Rights era;

Whereas, Coach Haskins, unable to recruit white ballplayers, scouted black stars for his team;

Whereas, In order to avoid conflict between the white and black players on the team, Coach Haskins drove his players to near exhaustion;

Whereas, With no time left for bickering among themselves, the team banded together;

Whereas, The underdog Miners made it to the NCAA championship in 1966, when Coach Haskins started five black players against an all-white Kentucky lineup;

Whereas, The Miners defeated the Kentucky Wildcats by a score of 72-65;

Whereas, Coach Haskins, whose victory is credited with desegregating college sports in the South, always stated that he simply sent his best five players onto the court; and

Whereas, Orsten Artis was a member of an historic team and will always be remembered for his outstanding talent on a team that will live on in the annals of basketball history forever: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize Orsten Artis for the role he played in the Texas Western College victory over the Kentucky Wildcats.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Orsten Artis.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 47

The Speaker handed down Senate Concurrent Resolution 47, sponsored by Representatives C. Brown and V. Smith:

A CONCURRENT RESOLUTION honoring the City of Gary, Indiana as it celebrates its Centennial Anniversary.

Whereas, The City of Gary, Indiana was founded on July 14, 1906 named in honor of the chairman of U.S. Steel Corp., Elbert H. Gary, who was pivotal in the creation of the city through his vision of building the largest and most modern steel plant in the world;

Whereas, The population of Gary more than tripled from 16,800 people in 1910 to 55,000 people in 1920 when it became the largest city in the region and is now over 100,000 people;

Whereas, Gary was seen as the world's most modern city, was referred to as "The Magic City", and was a great ethnic melting pot due to the attraction of immigrants from Poland, Romania, Serbia, Hungary, Ireland, and other countries for jobs in the mills;

Whereas, William Wirt, the "father of modern education" who moved to Gary in 1907 built an education system in the city that focused on education of the whole child and became a national model;

Whereas, Gary's history has been colored with both times of great prosperity and times of economic challenge, from the post-war production booms after WWI and WWII to the Great Depression of the 1930s and the staggering economic recession in the 1970s;

Whereas, Richard G. Hatcher was elected in 1967 to serve as Mayor of Gary and subsequently elected to four more terms; he was the country's first African-American metro city mayor and worked to improve housing conditions in the city and garner federal job training programs for displaced workers and the unemployed; and

Whereas, Community leaders are currently striving to diversify Gary's economy, adding service industries and high-tech jobs to create a business mix that will include but not be limited to steel, and constructing new housing and refurbishing existing residential neighborhoods;

Whereas, The City's Centennial celebration events, with the theme "100 reasons to come home", will include neighborhood celebrations, a Founders Day week in July with original music scores and theater presentations, prayer breakfasts, restoration of the famous Gary Land building at Fifth Avenue and Broadway and the opening of a time capsule in April that was buried in front of City Hall in 1956; and

Whereas, The centerpiece of the memorial festivities will be a 30 foot, granite-based sculpture named "The Fusion", which depicts the history of Gary by representing the steel industry, its workers, arts and diversified culture: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. The General Assembly honors the City of Gary, Indiana as it celebrates its Centennial Anniversary.

SECTION 2. The Secretary of the Senate shall transmit a copy of this resolution to Scott L. King, Mayor of Gary, and to the Gary Centennial Committee.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills on March 7:

ESB 253	Conferees: Hoffman and Bischoff Advisor: Lehe
ESB 303	Conferees: Davis and Goodin Advisors: Duncan and Oxley

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills on March 8:

ESB 112	Conferees: Woodruff and C. Brown Advisors: Thompson, Walorski, Klinker, Ayres
ESB 139	Conferees: Bell and Summers Advisors: Budak and Kromkowski
ESB 259	Conferees: Espich and Crawford Advisors: Davis, Crouch, Avery
ESB 260	Conferees: Espich and Welch Advisors: Turner, Thompson, Day, Avery

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1287	Conferees: VanHaaften replacing Goodin Advisors: VanHaaften removed
EHB 1362	Advisor: VanHaaften
ESB 303	Conferees: Oxley replacing Goodin Advisors: Orentlicher replacing Oxley

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:05 p.m. with the Speaker in the Chair.

Representative Oxley rose to a point of order requesting a quorum call. The Speaker ordered the roll of the House to be called. Roll Call 400: 68 present. The Speaker announced a quorum in attendance.

Representatives Cheney and Summers, who had been excused, were present. Representatives Budak and Saunders were excused.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 22, 42, 84, 132, 145, 153, 157, 161, 231, 247, 269, 296, 297, 300, 362, 370, and 382.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1008:

Advisors: Riegsecker, Landske, Broden, Simpson

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 47 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Hershman, Chair; and Craycraft

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 168 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Miller, Chair; and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 359 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Hershman, Chair; and S. Smith

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 25, 63, and 64 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 35, 62, and 66 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 54, 55, and 58 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 56 and 57 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

**MOTIONS TO DISSENT
FROM SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1080 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

STUTZMAN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House dissent from the Senate amendments to Engrossed House Bill 1329 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

MAYS

Motion prevailed.

**MOTIONS TO CONCUR
IN SENATE AMENDMENTS**

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1024.

J. SMITH

Roll Call 401: yeas 83, nays 4. Motion prevailed.

Representatives Bauer, Behning, Bell, and Messer were excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1089.

J. LUTZ

Representative Goodin was excused from voting, pursuant to House Rule 46. Roll Call 402: yeas 68, nays 15. Motion prevailed.

Representative Budak, who had been excused, was present. Representative T. Harris was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1108.

T. BROWN

Roll Call 403: yeas 84, nays 0. Motion prevailed.

Representatives T. Harris and Saunders, who had been excused, were present. Representative Mahern and VanHaaften were present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1150.

CROOKS

Roll Call 404: yeas 87, nays 1. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1285.

HEIM

Roll Call 405: yeas 86, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1013.

BURTON

Roll Call 406: yeas 85, nays 1. Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 54

The Speaker handed down Senate Concurrent Resolution 54, sponsored by Representatives Walorski, Fry, Neese:

A CONCURRENT RESOLUTION congratulating John F. Dille on being awarded the National Radio Award by the National Association of Broadcasters.

Whereas, The National Association of Broadcasters (NAB) Radio Executive Committee presents the National Radio Award each year to an individual who has given exemplary service to the radio business;

Whereas, After a brief stint in the newspaper industry, John Dille made a switch to radio early in his career path. Finding himself right at home in the broadcast industry from the start, Dille has been a great asset to the radio business;

Whereas, Serving in numerous leadership positions, Dille has been a positive influence on the broadcasting industry both locally and nationally;

Whereas, During his career, Dille has served as chairman of the NAB Radio Board, the Radio Advertising Bureau, and the NAB Congressional Relations Committee. Dille also served as chairman of the unification task force that merged NAB and the National Radio Broadcasters Association;

Whereas, Dille has also served the industry as the past president of the Indiana Broadcasters Association. In addition, Dille was director and first vice president of Michiana Public Telecasting. Dille now serves as president and chief executive officer of Federated Media;

Whereas, In recognition of his service to the radio industry, during the NAB Radio Show in Philadelphia, the NAB presented Dille with the National Radio Award on September 23, 2005; and

Whereas, John F. Dille is to be commended for his numerous contributions to the radio industry: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates John F. Dille on receiving the NAB National Radio Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to John F. Dille.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 55

The Speaker handed down Senate Concurrent Resolution 55, sponsored by Representatives Walorski, Dvorak, Neese, and Fry:

A CONCURRENT RESOLUTION congratulating the Penn High School Girls Golf Team on winning the 2005 state championship in a performance that shattered the previous state tournament record.

Whereas, The 2005 Indiana Girls Golf State Championship was held at The Legends of Indiana Golf Course in Franklin, Indiana;

Whereas, In a record-breaking performance, the Penn High School Girls Golf Team beat the tournament scoring record by nine strokes to win their second consecutive state championship; and

Whereas, The 2005 state championship marks the third title in four years for the Lady Kingsmen: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Girls Golf Team on their outstanding achievements, culminating in a 2005 state championship title and a new tournament scoring record.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Penn High School Principal, Dr. Dave Tydgate, Girls Golf Coach, Jim Garrett, and each member of the Championship Team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 56

The Speaker handed down Senate Concurrent Resolution 56, sponsored by Representatives Walorski, Dvorak, Neese, and Fry:

A CONCURRENT RESOLUTION congratulating the Penn High School Academic Super Bowl Social Studies Team on winning the Social Studies round of the Academic Super Bowl.

Whereas, The Indiana Academic Super Bowl state competition was held at Purdue University on May 7, 2005;

Whereas, Penn High School was one of more than 300 schools to participate in regional competition vying for one of the top twenty-five spots to qualify for state;

Whereas, The Penn High School Academic Super Bowl Social Studies Team won the regional competition, earning the right to compete against twenty-four other teams at the state competition;

Whereas, The Penn High School Academic Super Bowl Social Studies Team won by one point to capture their sixth state championship title; and

Whereas, The members of the Penn High School Academic Super Bowl Social Studies Team are to be commended for their dedicated preparation and fine academic achievement: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Academic Super Bowl Social Studies Team on continuing the school's tradition of excellence in Academic Super Bowl competition by winning the 2005 Academic Super Bowl Social Studies State Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Penn High School Principal, Dr. Dave Tydgate, Academic Super Bowl Social Studies Team Coach, Pete DeKever, and each member of the 2005 championship team.

The resolution was read a first time and adopted by voice vote. The

Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 57

The Speaker handed down Senate Concurrent Resolution 57, sponsored by Representatives Neese, Fry, Walorski, and Dvorak:

A CONCURRENT RESOLUTION congratulating the Penn High School Spell Bowl team for winning its seventh straight state title.

Whereas, High school spell bowl teams prepare each year to compete in a spelling contest with other teams from across Indiana;

Whereas, The 2005 Indiana State Spell Bowl Competition was held on November 12th at Purdue University;

Whereas, The Penn High School Spell Bowl team earned a perfect score in the state competition to capture their seventh consecutive state Spell Bowl championship title; and

Whereas, The members of the Penn High School Spell Bowl team are to be commended for their fine academic achievement: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Spell Bowl team on continuing the school's tradition of excellence in Spell Bowl competition by winning the 2005 Spell Bowl championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to Penn High School Principal, Dr. Dave Tydgate and Spell Bowl Team Coach, Pete DeKever.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 58

The Speaker handed down Senate Concurrent Resolution 58, sponsored by Representatives Neese, Walorski, and Fry:

A CONCURRENT RESOLUTION congratulating the Elkhart Fire Department on winning the Indiana Governor's Cup Paramedic Ambulance Competition.

Whereas, The Indiana Department of Homeland Security hosted a training event for paramedics with a competition component from Thursday, September 15 to Sunday, September 18, 2005, at the Marriott East Convention Center;

Whereas, Over 26 teams from the State of Indiana competed in mock scenarios involving emergency care;

Whereas, Grant Roberts and Vito Palumbo represented the Elkhart Fire Department in the competition;

Whereas, The preliminary competition was held on September 7, 2005, in which the Elkhart Fire Department finished in the top three, which afforded the opportunity to participate in the finals scenario held on September 15, 2005;

Whereas, On Saturday, September 15, 2005, the Elkhart Fire Department received one of the highest honors in the State of Indiana by winning the Indiana Governor's Cup Paramedic Ambulance Competition;

Whereas, Roberts and Palumbo are the only team to win the competition two or more times as a team and the only team to win the competition two years in a row. This win marks the fifth for the Elkhart Fire Department; and

Whereas, The Elkhart Fire Department is to be commended for the service they provide to the community; in addition, Grant Roberts and Vito Palumbo are recognized for the honor they have brought to the Elkhart Fire Department by their performance in the Indiana Department of Homeland Security competition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Grant Roberts and Vito Palumbo of the Elkhart Fire Department on

continuing the department's tradition of excellence in paramedic competition by winning the 2005 Indiana Governor's Cup Paramedic Ambulance Competition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this resolution to the Chief of the Elkhart Fire Department and team members Grant Roberts and Vito Palumbo.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:45 p.m. with the Speaker in the Chair.

Representatives Bell, Mahern, and VanHaaften, who had been excused, were present.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 355 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: C. Lawson, Chair; and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 11, 35, 40, 55, 57, 71, 102, 111, 114, 147, 160, 206, 264, 310, 342, and 354 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1123 and that the House now concur in the Senate amendments to said bill.

BUDAK

Roll Call 407: yeas 94, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1136.

BURTON

Roll Call 408: yeas 88, nays 5. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1158 and that the House now concur in the Senate amendments to said bill.

RICHARDSON

Roll Call 409: yeas 70, nays 25. Motion prevailed.

Representative Messer, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1176 and that the House now concur in the Senate amendments

to said bill.

WOODRUFF

On the motion of Representative Fry the previous question was called. Roll Call 410: yeas 78, nays 19. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1212.

DODGE

Roll Call 411: yeas 77, nays 19. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1239.

RIPLEY

Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 412: yeas 92, nays 0. Motion prevailed.

Representatives Foley, Kuzman, and Ulmer were excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1257.

BELL

Roll Call 413: yeas 88, nays 4. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1261.

BURTON

Roll Call 414: yeas 85, nays 5. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1280.

MURPHY

Roll Call 415: yeas 92, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1306.

BRIGHT

Roll Call 416: yeas 83, nays 7. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1101.

WALORSKI

Roll Call 417: yeas 84, nays 7. Motion prevailed.

Representative Bauer, who had been excused, was present.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1281.

MURPHY

Roll Call 418: yeas 95, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1138.

BELL

Roll Call 419: yeas 87, nays 7. Motion prevailed.

ACTION ON GUBERNATORIAL VETOES

House Enrolled Act 1142

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act No. 1142, enacted during the regular session of the 114th General Assembly and related to the expansion of Medicaid eligibility and organ procurement procedures.

Tomorrow I will sign a budget bill that curbs the rate of Medicaid spending to just above 5%. Considering that spending in this area was projected to grow at an unsustainable annual rate of more than 10% for the next several years, you and your colleagues made some very difficult decisions to implement a number of important and necessary measures to achieve this goal. In this situation, I cannot support measures that would damage the state's ability to control spending in this area and that would further strain its Medicaid budget.

This Act would have expanded Medicaid eligibility by permitting individuals to assign pre-paid life insurance policies to the state or make an irrevocable election to name the state a beneficiary of the policy. It is my understanding that the intention of the Act was to begin to address some of the significant financial issues facing our long-term care system. However, according to the State Budget Agency, this Act could have led to additional state Medicaid expenditures of \$12.4 million in FY06 and \$12.9 million in FY07.

In addition, this Act might have had the unintended consequence of opening the door to the kind of abuse that already plagues an overburdened Medicaid system—the manipulation of eligibility parameters at the expense of both the state and those already receiving coverage. Finally, it is unclear whether such a measure would have been acceptable to the Centers for Medicare and Medicaid Services at the federal level or would have resulted in the need to amend our State Medicaid Plan. As such, I do not believe that the passage of this Act is the most advisable step our state can take to provide long-term care coverage for needy Hoosiers at this time. This is a laudable goal, one that my administration will work in close coordination with the initial sponsor of the Act to pursue.

The other component of this Act purports to offer an improved process for organ harvesting and procurement in certain circumstances. However, it appears that many of the people affected by these measures—namely, the county coroners, county prosecutors, and organ and tissue procurement organizations—have not reached consensus on this effort. As a result, I am in favor of allowing more time for these constituencies to work on this very important issue and to address it in future legislative sessions.

I look forward to working with the authors of this Act on finding other ways to solve our looming uninsured problem in this state and providing quality health and long-term care services to Indiana's citizens in the future.

Date: May 12, 2005

MITCHELL E. DANIELS, JR.
Governor

The Speaker handed down House Enrolled Act 1142, authored by Representative T. Brown, which had been passed by the First Regular Session of the 114th General Assembly.

AN ACT to amend the Indiana Code concerning Medicaid and health.

The merits of House Enrolled Act 1142 and the governor's veto were debated. The question was, Shall House Enrolled Act 1142 pass, the Governor's veto notwithstanding?

Roll Call 420: yeas 7, nays 90. The Governor's veto was sustained.

House Enrolled Act 1224

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: By the authority vested in me as Governor of Indiana, under the provisions of Article 5,

Section 14, of the Constitution of the State of Indiana, I do hereby veto House Enrolled Act 1224, enacted during the regular session of the 114th General Assembly and related to the establishment of the aerospace and aeronautics initiative.

In this session, the General Assembly has already taken the historic step of creating the Indiana Economic Development Corporation—a vital measure necessary to promoting Indiana's competitiveness in the economic development environment. The IEDC is based on the model of public-private partnership for good reason. A key to its success will be its ability to operate with speed, flexibility, and efficiency in attracting and retaining businesses, to focus on its own initiatives, and to move quickly to take advantage of and create opportunities.

This legislation runs counter to the flexible structure and intent of the IEDC, in that it prescribes express requirements and imposes specific objectives for the IEDC in the aerospace and aeronautics area. Pursuing initiatives in this sector may very well be a proper and profitable strategy, but that should be a matter for the IEDC itself to determine, consistent with its own priorities and resources.

I therefore object to the bill on grounds that it has the potential to detract from the IEDC's purpose and to impede its speed and flexibility in acting upon its own priorities designed to increase incomes, create jobs, and provide a higher return on investments for Hoosier tax dollars.

Date: April 26, 2005

MITCHELL E. DANIELS, JR.
Governor

The Speaker handed down House Enrolled Act 1224, authored by Representative Koch, which had been passed by the First Regular Session of the 114th General Assembly.

AN ACT to amend the Indiana Code concerning economic development.

The merits of House Enrolled Act 1224 and the governor's veto were debated. The question was, Shall House Enrolled Act 1224 pass, the Governor's veto notwithstanding?

Roll Call 421: yeas 48, nays 50. The Governor's veto was sustained.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Representative Behning, who had been excused, was present.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1011.

RICHARDSON

Roll Call 422: yeas 52, nays 47. Motion prevailed.

Representative Behning was excused.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1307.

TORR

Roll Call 423: yeas 51, nays 47. Motion prevailed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 67

Representatives Bosma, Budak, and Avery introduced House Concurrent Resolution 67:

A CONCURRENT RESOLUTION recognizing the importance of enhancing employment opportunities for persons with disabilities.

Whereas, The 1976 Indiana General Assembly recognized the importance of enhancing employment opportunities for persons with disabilities by enacting HEA 1198, P.L.63-1976;

Whereas, P.L.63-1976 established the Committees for the Purchase of Products and Services of People with Severe Disabilities (now called the State Use Committee) for the purpose of increasing employment and training opportunities for people with disabilities;

Whereas, P.L.63-1976 encouraged state agencies and units of local government to buy products and services from nonprofit work centers providing employment to people with disabilities by providing a statutory purchasing preference;

Whereas, The State Use Committee's efforts have resulted in the employment and training of over 21,000 people with disabilities in the 30 years since 1976 and have resulted in over \$96.8 million in sales and over \$22.4 million in wages earned by people with disabilities;

Whereas, The purchases made by state agencies and local units of government have enabled persons with disabilities to be employed, contributing members of society earning income and paying taxes in Indiana during the last 30 years;

Whereas, The State Use Committee currently partners with more than 35 nonprofit work centers throughout Indiana offering more than 60 products and services in each of the 92 counties;

Whereas, During the 2005 fiscal year, more than 1,600 people with disabilities worked in the program, earning more than \$1.7 million of disposable income;

Whereas, Numerous products and services, such as office and cleaning supplies, highway safety items, food products, mailing, shredding, screen printing, and janitorial services at all state rest areas, have been mechanisms for increased employment and training opportunities;

Whereas, Through the good work and efforts of the State Use Committee, people with disabilities are offered opportunities to achieve greater self-worth and self-esteem, improved economic independence, and social inclusion, and the state realizes a savings through its investment in its citizens; and

Whereas, Representatives Phil Warner, Ed Cook, and Dennis Avery, and Senators Eldon Lundquist and Robert Kovach are to be lauded for their authorship and sponsorship of this important legislation for the state and its persons with disabilities: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly expresses its continued commitment to citizens with disabilities by encouraging the continued and expanded procurement of approved products and services from those nonprofit agencies employing people with disabilities.

SECTION 2. That the Indiana General Assembly recognizes the immense value provided to the state as a whole and its people with disabilities employed as a result of the enactment of P.L.63-1976 on February 25, 1976, and the 30 year existence of the State Use Program.

SECTION 3. That the Indiana General Assembly continues to authorize and encourage state agencies and units of local government to participate in the State Use Program and congratulates those agencies and units that do so, as well as the State Use Committee, the Central Coordinating Agency, the nonprofit work centers, and the thousands of Hoosiers participating in the program for the last 30 years.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 68

Representative Kersey introduced House Concurrent Resolution 68:

A CONCURRENT RESOLUTION urging the Indiana state department of health, the Indiana occupational safety and health administration division of the Indiana department of labor, and the Indiana department of environmental management to review the health and safety standards at railroad mobile camps.

Whereas, Mobile camps are temporary facilities set up to house maintenance of way employees who travel throughout the country to perform maintenance and repair work on railroad tracks;

Whereas, The Federal Railroad Administration has established guidelines for clean, safe, and sanitary railroad mobile camps in the Code of Federal Regulations at 49 CFR 228, Appendix C;

Whereas, Due to the temporary nature of the mobile railroad camps, oversight and inspection by federal authorities is limited; and

Whereas, Involvement of appropriate state and local agencies would help to address, in a more timely manner, health and safety issues for both the railroad maintenance of way employees and the residents of the communities in the area surrounding the mobile camps: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly encourages the railroad companies, railroad employees, and unions to work together to improve the health and safety of the mobile camps housing maintenance of way employees.

SECTION 2. That the Indiana General Assembly urges the Indiana state department of health, the Indiana occupational safety and health administration division of the Indiana department of labor, and the Indiana department of environmental management, to the extent allowed by current law, to inspect the mobile camps housing maintenance of way employees in Indiana for compliance with the health and safety guidelines.

SECTION 3. That the Indiana General Assembly urges these agencies to make recommendations regarding legislative action needed to help promote more timely and effective enforcement of the health and safety guidelines for the mobile camps and to submit a report to the legislative council on or before November 1, 2006.

SECTION 4. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the commissioner of the Indiana state department of health, the commissioner of the Indiana department of Labor, the commissioner of the Indiana department of environmental management, and the legislative director of the Brotherhood of Maintenance of Way Employees.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 69

Representative Thompson introduced House Concurrent Resolution 69:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to study the social, emotional, and behavioral health screening of children.

Whereas, Under IC 20-19-5-1, the department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall develop and coordinate a child's social, emotional, and behavioral health plan; and

Whereas, The state of Indiana should study more fully the uses of screenings to develop and coordinate a health plan and ensure that parents are given adequate notice of their rights: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the legislative council is urged to establish a committee to study the social, emotional, behavioral health screening of children.

SECTION 2. That the committee, if established, shall operate

under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Concurrent Resolution 70

Representative Buck introduced House Concurrent Resolution 70:

A CONCURRENT RESOLUTION recognizing the Ball State University students who performed a study to evaluate the creation of a State House Visitors Center and Museum.

Whereas, The Indiana General Assembly established the State House Museum Committee in 2005 to evaluate the creation of a museum, visitors center, and gift shop within the State House;

Whereas, The State House Museum Committee, under the direction of Representative James Buck, secured the services of Ball State University's fifth-year design studio to execute the study;

Whereas, The Ball State University architecture students, under the direction of Professor Sonne Palmer, completed the study with great skill and innovation and also finished the task in an exceptionally short time;

Whereas, Their two proposed designs have provided an excellent platform for future discussions and planning of improvements to the Indiana State House; and

Whereas, The Indiana General Assembly desires to thank the following Ball State University students and faculty members for their exemplary service to the state of Indiana: Jason Lee Brennaman, Melisa Rae Green, Nathan Yoder Herber, Jacob Edward Lloyd, David Allen Mallory, Nicholas John Martz, Jevon Clinton Ritchey, Shannon Renee Staicer, Thomas Lyle Werres, Michael James Winn, Alvin Earl, Sonne Palmer, Robert D. Githens, Jeffrey Donald Culp, and Robert J. Koester: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its gratitude to these Ball State University students, who worked so diligently to evaluate the creation of a museum, visitors center, and gift shop within the State House.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to each member who participated in the survey and Ball State University President Jo Ann M. Gora.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Drozda.

House Resolution 49

Representative Duncan introduced House Resolution 49:

A HOUSE RESOLUTION urging the establishment of an interim study committee on disability license plates.

Whereas, In order to ensure that disability license plates are not abused, the state of Indiana should study the procedure by which they are issued: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study disability license plates.

SECTION 2. That the committee, if established, shall study the requirement that:

- (1) a physician certify all disabilities;
- (2) a physician charge no fees or specify a maximum fee for completing the certification;
- (3) the bureau of motor vehicles revamp the form to include signature approval from two bureau of motor vehicles employees;
- (4) the bureau of motor vehicles conduct annual audits of disability plate activity; and

(5) the bureau of motor vehicles annually report to the legislative council regarding disability plate activity.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 50

Representative Lehe introduced House Resolution 50:

A HOUSE RESOLUTION urging the establishment of an interim study committee on child labor laws.

Whereas, To ensure that all children are adequately protected through our current statutes, a committee should be established to study child labor laws: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study child labor laws.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 51

Representatives Cherry and Richardson introduced House Resolution 51:

A HOUSE RESOLUTION congratulating Mount Vernon Middle School, Fortville, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top 25 percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery, and attendance during a particular school year;

Whereas, Mount Vernon Middle School fulfilled these requirements;

Whereas, The students and teachers of Mount Vernon Middle School have received this honor because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together to maintain the high level of achievement at their school;

Whereas, The success of Mount Vernon Middle School can be credited to good leadership skills, smart students, and an outstanding, great staff; and

Whereas, Schools such as Mount Vernon Middle School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Mount Vernon Middle School on its Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. John Price, principal of Mount Vernon Middle School.

The resolution was read a first time and adopted by voice vote.

House Resolution 52

Representatives Cherry and Richardson introduced House Resolution 52:

A HOUSE RESOLUTION congratulating Mount Comfort Elementary School, Greenfield, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top 25 percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery, and attendance during a particular school year;

Whereas, Mount Comfort Elementary School fulfilled these requirements;

Whereas, The students and teachers of Mount Comfort Elementary School have received this honor because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together to maintain the high level of achievement at their school;

Whereas, The success of Mount Comfort Elementary School can be credited to good leadership skills, smart students, and an outstanding, great staff; and

Whereas, Schools such as Mount Comfort Elementary School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Mount Comfort Elementary School on its Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Phil Davis, principal of Mount Comfort Elementary School.

The resolution was read a first time and adopted by voice vote.

House Resolution 53

Representative Cherry introduced House Resolution 53:

A HOUSE RESOLUTION congratulating Eden Elementary School, Greenfield, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top 25 percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery and attendance during a particular school year;

Whereas, Eden Elementary School fulfilled these requirements;

Whereas, The students and teachers of Eden Elementary School have received this honor because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together to maintain the high level of achievement at their school;

Whereas, The success of Eden Elementary School can be credited to good leadership skills, smart students, and an outstanding, great staff; and

Whereas, Schools such as Eden Elementary School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Eden Elementary School on its Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to

continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Jobie Whitaker, principal of Eden Elementary School.

The resolution was read a first time and adopted by voice vote.

House Resolution 54

Representatives Cherry and Messer introduced House Resolution 54:

A HOUSE RESOLUTION congratulating Triton Central High School, Fairland, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top 25 percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery, and attendance during a particular school year;

Whereas, Triton Central High School fulfilled these requirements;

Whereas, The students and teachers of Triton Central High School have received this honor because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together to maintain the high level of achievement at their school;

Whereas, The success of Triton Central High School can be credited to good leadership skills, smart students, and an outstanding, great staff; and

Whereas, Schools such as Triton Central High School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Triton Central High School on its Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. Brad Lindsay, principal of Triton Central High School.

The resolution was read a first time and adopted by voice vote.

House Resolution 55

Representative Dvorak introduced House Resolution 55:

A HOUSE RESOLUTION honoring Gautham Vaidyanathan.

Whereas, Gautham Vaidyanathan, an esteemed resident of Mishawaka, Indiana, and a student at Penn High School, has achieved national recognition for exemplary volunteer service by receiving the 2006 Prudential Spirit of Community Award;

Whereas, This prestigious award, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities;

Whereas, Mr. Gautham Vaidyanathan earned this award by giving generously of his time and energy by establishing an organization called "Lean on Me" that collects donations of money, clothing, toys, and medical and school supplies for sick and needy children around the world; and

Whereas, The success of the state of Indiana, the strength of our communities, and the overall vitality of American society depend, in great measure, upon the dedication of young people like Mr. Gautham Vaidyanathan who use their considerable talents and resources to serve others: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to congratulate and honor Gautham Vaidyanathan as a recipient of the Prudential Spirit of Community Award, recognize his outstanding record of volunteer service, peer leadership, and community spirit, and extend best wishes for his continued success and happiness.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Gautham Vaidyanathan and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 56

Representative Foley introduced House Resolution 56:

A HOUSE RESOLUTION honoring Morgan County Sheriff Deputy Steve Hoffman.

Whereas, Morgan County Sheriff Deputy Steve Hoffman saved the life of Bill Burns when Mr. Burns had a diabetic attack while walking one January evening;

Whereas, Deputy Hoffman had some help on his mission of mercy, aided by two dogs and a speeding driver;

Whereas, Shortly after 11 p.m., Deputy Hoffman clocked a vehicle doing 57 miles per hour in a 30 mile per hour zone;

Whereas, After writing the driver a ticket, Deputy Hoffman began walking back to his car when he noticed a "bouncing" light in the field on the north side of the road;

Whereas, Deputy Hoffman turned his car around and tried to find the source of the light;

Whereas, What he found was a big black dog holding a flashlight in its mouth, standing over another dog that was lying on top of a body;

Whereas, Deputy Hoffman, who is an advanced emergency medical technician, called for assistance, grabbed his medical kit, and ran toward the dogs and the body;

Whereas, The dogs, Dusty and Butch, had been standing watch over their beloved companion, Bill Burns—one guarding him and one keeping him warm;

Whereas, Thanks to the efforts of Dusty, Butch, and Deputy Hoffman, Bill Burns recovered fully; and

Whereas, Animals are truly man's best friend, and with a little help from Deputy Hoffman, their story had a happy ending; Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to recognize the bravery and dedication to duty of Morgan County Sheriff Deputy Steve Hoffman.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Morgan County Sheriff Deputy Steve Hoffman.

The resolution was read a first time and adopted by voice vote.

House Resolution 57

Representatives Porter, Richardson, Tyler, and Torr introduced House Resolution 57:

A HOUSE RESOLUTION to honor the Civil Air Patrol for its contributions to protecting the citizens of the United States.

Whereas, On December 1, 1941, the United States Air Force Auxiliary Civil Air Patrol (CAP) was founded to serve as a supplemental resource to assist the military in protecting United States citizens and was comprised of volunteer members from each state, Puerto Rico, and the District of Columbia;

Whereas, The capabilities of this new volunteer organization were put to the test almost immediately when Pearl Harbor was attacked just one week after its inception;

Whereas, In recognition of the success of this program, President Truman established CAP as a federally chartered benevolent Civilian Corporation on July 1, 1946; on May 26, 1948, Congress passed

Public Law 557, making CAP the auxiliary of the U.S. Air Force and charging it with three primary missions: emergency services, cadet programs, and aerospace education;

Whereas, CAP conducts 95 percent of all inland search and rescue in the United States, saving an average of 100 lives per year; CAP also performs aerial reconnaissance for homeland security, provides disaster relief support and damage assessment, and transports time-sensitive medical materials;

Whereas, Through the CAP cadet program, almost 27,000 young people between the ages of 12 and 21 develop leadership skills by participating in a multi-step program that includes aviation and aerospace education;

Whereas, The cadet program provides college scholarships and offers orientation flights in powered and glider aircraft and flight training scholarships; cadets have the opportunity to participate in activities and competitions ranging from local to national levels and are eligible to participate in an International Air Cadet Exchange Program; and

Whereas, CAP also provides aerospace education programs for the membership and the community through publication of classroom materials used by teachers from kindergarten through college. CAP also offers support for workshops at colleges nationwide and sponsors the National Conference on Aviation and Space Education (NCASE); Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the important role the Air Force Auxiliary Civil Air Patrol has held in protecting the safety of the citizens of the United States.

SECTION 2. That the Indiana House of Representatives acknowledges and extends its appreciation for the many contributions of the numerous CAP volunteer members through emergency services, aerospace education, and cadet programs.

SECTION 3. The Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Colonel Charles Greenwood, Indiana Wing Commander of the United States Civil Air Patrol, and Lieutenant Colonel Ralph Bruns, Indiana State Legislative Squadron Commander.

The resolution was read a first time and adopted by voice vote.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed House Bills (the Representative listed first is the Chair):

EHB 1080 Conferees: Stutzman and E. Harris
Advisors: Walorski and Turner

EHB 1329 Conferees: T. Harris and Mays
Advisors: T. Brown and Crawford

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 47 Conferees: McClain and Kuzman
Advisors: Thomas and C. Bottorff

ESB 54 Conferees: Woodruff and Bischoff
Advisor: Koch

ESB 148 Conferees: Heim and Oxley
Advisors: Walorski, Thompson, Welch

ESB 168 Conferees: Thomas and C. Brown
Advisors: Foley and Welch

ESB 355 Conferees: Ayres and Kuzman
Advisors: Leonard, Cherry, Avery

ESB 359 Conferees: Messer and Mahern
Advisor: Davis

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1016 Advisor: Bardon

EHB 1110 Conferee: C. Brown replacing Pierce

EHB 1240 Advisor: V. Smith

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1018:

Conferees: Lewis replacing R. Young

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Monday, March 13, 2006 at 10:00 a.m.

LEHE

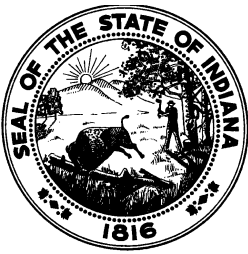
Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Tyler, the House adjourned at 6:20 p.m., this eighth day of March, 2006, until Monday, March 13, 2006, at 10:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-eighth Meeting Day



Monday Morning


March 13, 2006

The House convened at 10:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Ralph M. Foley.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning 	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borror	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr 
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 424: 98 present; 2 excused. The Speaker announced a quorum in attendance. [NOTE:  indicates those who were excused.]

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1329:

Conferees: Miller and Sipes

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1080:

Conferees: Hershman and Hume
Advisors: Wyss and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the senate to inform the House that the Governor has this 2nd day of March, 2006, approved Senate Enrolled Act 5 and the same has been deposited with the Secretary of State.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 100, 353, and 369.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 283 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has not concurred in House amendments to Engrossed Senate Bill 339 and the President Pro Tempore has appointed the following Senators a conference committee to meet and confer with a like committee of the House on said bill, and to report thereon:

Conferees: Paul, Chair; and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1011.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1128.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1347.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 379.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 39 and 60 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 53 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1017, 1022, 1028, 1097, 1106, 1112, 1113, 1124, 1136, 1156, 1207, 1232, 1236, 1238, 1300, 1368, 1395, 1397, and 1418 and Senate Enrolled Acts 11, 35, 40, 55, 57, 71, 102, 111, 114, 147, 160, 206, 264, 310, 342, and 354 on March 9.

The Speaker announced that Lieutenant Governor Skillman had signed House Enrolled Acts 1023, 1049, 1065, 1103, 1107, 1134, 1234, 1249, 1279, 1286, 1299, and 1331 on March 9.

The Speaker announced that he had signed House Enrolled Act 1013, 1024, 1089, 1108, 1150, and 1280 on March 10.

The Speaker announced that Lieutenant Governor Skillman had signed House Enrolled Acts 1093, 1314, and 1339 on March 10.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1117-1; filed March 9, 2006, at 10:11 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1117 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:
Replace the effective dates in SECTIONS 8 through 9 with "[EFFECTIVE UPON PASSAGE]".

Page 5, line 1, delete "June 30," and insert "**March 1**,"
(Reference is to EHB 1117 as reprinted March 1, 2006.)

WOLKINS	GARD
DVORAK	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1010-1; filed March 9, 2006, at 11:58 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1010 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-13-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. A state agency or political subdivision may not require that a lawfully erected sign be removed or altered as a condition of issuing:**

- (1) a permit;
 - (2) a license;
 - (3) a variance; or
 - (4) any other order concerning land use or development;
- unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.**

SECTION 2. IC 23-14-60-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) If:

- (1) any number of persons have:
 - (A) acted together as an association or corporation;
 - (B) acquired, as an association or corporation, land for cemetery purposes;
 - (C) sold and granted to persons the right to bury the dead in lots located on the land; and
 - (D) actually managed and controlled the land as a cemetery for at least thirty (30) years; but
- (2) the organization that the persons attempted to establish as a corporation or cemetery association is defective and incomplete because of a failure to comply with the formalities required by law in force at some time since the original parties first assumed to act as an association or corporation;

the owners of the right to bury the dead on lots in the cemetery and those who may acquire the right become and continue to be a cemetery association or corporation from March 14, 1913.

(b) The owners of the right to bury the dead on lots in a cemetery referred to in subsection (a) have all the rights and powers of a cemetery association or corporation organized under this article, IC 23-1, or IC 23-17. ~~including the power of eminent domain under IC 32-24-1.~~

SECTION 3. IC 23-14-75-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

- (1) ~~A:~~
 - (A) city;
 - (B) town;
 - (C) township;
 - (D) corporation or association; or
 - (E) another owner;
- that owns or controls a public cemetery that has been in existence for at least thirty (30) years;
- (2) ~~A:~~
 - (A) city, town, or township; or
 - (B) corporation or association a city, town, or township that:

- (1) owns a cemetery that has been in existence for at least thirty (30) years; or
- that (2) desires to own a public cemetery.

SECTION 4. IC 23-14-75-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

- (1) the legislative body of the city or town; or
- (2) the executive of the township;
- ~~(3) the trustees or directors of the corporation or association; or~~
- ~~(4) the other owners;~~

~~have~~ **has** the power of eminent domain to condemn and appropriate

the land for cemetery purposes under proceedings provided by statute.
SECTION 5. IC 32-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person that may exercise the power of eminent domain for any public use under any statute may exercise the power only in the manner provided in this article, except as otherwise provided by law.

(b) Before proceeding to condemn, the person:

- (1) may enter upon any land to examine and survey the property sought to be acquired; and
- (2) must make an effort to purchase for the use intended the land, right-of-way, easement, or other interest, in the property.

(c) The effort to purchase under subsection (b)(2) must include the following:

- (1) Establishing a proposed purchase price for the property.
- (2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.
- (3) Conducting good faith negotiations with the owner of the property.

(d) If the land or interest in the land, or property or right is owned by a person who is an incapacitated person (as defined in IC 29-3-1-7.5) or less than eighteen (18) years of age, the person seeking to acquire the property may purchase the property from the guardian of the incapacitated person or person less than eighteen (18) years of age. If the purchase is approved by the court appointing the guardian and the approval is written upon the face of the deed, the conveyance of the property purchased and the deed made and approved by the court are valid and binding upon the incapacitated person or persons less than eighteen (18) years of age.

(e) The deed given, when executed instead of condemnation, conveys only the interest stated in the deed.

(f) If property is taken by proceedings under this article, the entire fee simple title may be taken and acquired. ~~if the property is taken for any purpose other than a right-of-way.~~

SECTION 6. IC 32-24-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As a condition precedent to filing a complaint in condemnation, and except for an action brought under IC 8-1-13-19 (repealed), a condemnor may enter upon the property as provided in this chapter and must, at least thirty (30) days before filing a complaint, make an offer to purchase the property in the form prescribed in subsection (c). The offer must be served personally or by certified mail upon:

- (1) the owner of the property sought to be acquired; or
- (2) the owner's designated representative.

(b) If the offer cannot be served personally or by certified mail, or if the owner or the owner's designated representative cannot be found, notice of the offer shall be given by publication in a newspaper of general circulation in the county in which the property is located or in the county where the owner was last known to reside. The notice must be in the following form:

NOTICE

TO: _____, _____ (owner(s)),
_____ (condemnor) needs your property
for a _____
(description of project), and will need to acquire the following from
you:

_____ (general
description of the property to be acquired). We have made you a
formal offer for this property that is now on file in the Clerk's Office
in the _____ County Court House. Please pick up the offer. If you
do not respond to this notice or accept the offer by _____ (a date 30
days from 1st date of publication) 20____, we shall file a suit to
condemn the property.

Condemnor

The condemnor must file the offer with the clerk of the circuit court with a supporting affidavit that diligent search has been made and that the owner cannot be found. The notice shall be published twice as follows:

- (1) One (1) notice immediately.
- (2) A subsequent publication at least seven (7) days and not more than twenty-one (21) days after the publication under subdivision (1).

(c) The offer to purchase must be in the following form:

UNIFORM PROPERTY OR EASEMENT ACQUISITION OFFER

_____ (condemnor) is authorized by Indiana law to obtain your property or an easement across your property for certain public purposes. _____ (condemnor) needs (your property) (an easement across your property) for a _____ (brief description of the project) and needs to take _____ (legal description of the property or easement to be taken; the legal description may be made on a separate sheet and attached to this document if additional space is required)

It is our opinion that the fair market value of the (property) (easement) we want to acquire from you is \$ _____, and, therefore, _____ (condemnor) offers you \$ _____ for the above described (property) (easement). You have ~~twenty-five (25)~~ **thirty (30)** days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the easement, and provided there are no difficulties in clearing liens or other problems with title to land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, _____ (condemnor) is required to make a good faith effort to purchase (your property) (an easement across your property).
2. You do not have to accept this offer **and _____ (condemnor) is not required to agree to your demands.**
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your property) (an easement), _____ (condemnor) has the right to file suit to condemn and acquire the (property) (easement) in the county in which the property is located.
4. You have the right to seek advice of an attorney, real estate appraiser, or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If _____ (condemnor) files a suit to condemn and acquire (your property) (an easement) and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (property) (easement) to be acquired.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the (property) (easement) condemned.
8. If the court appraisers' report is not accepted by either of us, then _____ (condemnor) has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, _____ (condemnor) is legally entitled to immediate possession of the (property) (easement). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.
9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice. (The condemnor may insert here any other information pertinent to this offer or required by circumstances or law).
10. If you have any questions concerning this matter you may contact us at:

 (full name, mailing and street address, and phone of the
 condemnor)

This offer was made to the owner(s):

_____ of

_____,
 _____ of

_____,
 _____ of

_____,
 _____ of

_____,
 _____ of

on the _____ day of _____, 20____,

BY:

 (signature)

 (printed name and title)

Agent of:

 (condemnor)

If you decide to accept the offer of \$ _____ made by
 _____ (condemnor) sign your name below and mail
 this form to the address indicated above. An additional copy of
 this offer has been provided for your file.

ACCEPTANCE OF OFFER

I (We), _____,
 owner(s) of the above described property or interest in property,
 hereby accept the offer of \$ _____ made by _____
 (condemnor) on this _____ day of _____, 20____.

NOTARY'S CERTIFICATE

STATE OF _____)
)SS:

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____,
 20____.

My Commission Expires: _____

 (Signature)

 (Printed) NOTARY PUBLIC

(d) If the condemnor has a compelling need to enter upon property
 to restore utility or transportation services interrupted by disaster or
 unforeseeable events, the provisions of subsections (a), (b), and (c) do
 not apply for the purpose of restoration of utility or transportation
 services interrupted by the disaster or unforeseeable events. However,
 the condemnor shall be responsible to the property owner for all
 damages occasioned by the entry, and the condemnor shall
 immediately vacate the property entered upon as soon as utility or
 transportation services interrupted by the disaster or unforeseeable
 event have been restored.

SECTION 7. IC 32-24-1-5.5 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Except as provided
 in sections 5.8 and 5.9 of this chapter, this section applies to every
 person that may exercise the power of eminent domain.

(b) If:

(1) a person that may exercise the power of eminent domain
 submits a written acquisition offer to the owner of a parcel
 of real estate under section 5 of this chapter; and

(2) the owner rejects the offer;

the person shall file a complaint under this article to acquire the
 parcel by the exercise of eminent domain not more than two (2)
 years after the date the person submitted the written acquisition
 offer to the owner.

(c) If a person that may exercise the power of eminent domain
 fails to meet the requirements described in subsection (b)
 concerning a parcel of real estate, the person may not initiate an
 action under this article to acquire the parcel through the power

of eminent domain for the same project or a substantially similar
 project for at least three (3) years after the date the two (2) year
 period described in subsection (b) expires.

SECTION 8. IC 32-24-1-5.8 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 5.8. (a) This section applies
 only to:

(1) the Indiana department of transportation when the
 department seeks to acquire a parcel of land or a property
 right for the construction, reconstruction, improvement,
 maintenance, or repair of a:

(A) state highway; or

(B) toll road project or toll bridge; and

(2) any other person that may exercise the power of eminent
 domain when the person seeks to acquire a parcel of land or
 a property right for the construction, reconstruction,
 improvement, maintenance, or repair of a feeder road for
 an Indiana department of transportation project described
 in subdivision (1) if the construction, reconstruction,
 improvement, maintenance, or repair of the feeder road
 begins not later than five (5) years from the conclusion of
 the project.

(b) If:

(1) the Indiana department of transportation or other
 person described in subsection (a)(2) submits a written
 acquisition offer to the owner of a parcel of real estate
 under section 5 of this chapter; and

(2) the owner rejects the offer;

the department or other person shall file a complaint under this
 article to acquire the parcel by the exercise of eminent domain
 not more than six (6) years after the date the department or other
 person submitted the written acquisition offer to the owner.

(c) If the Indiana department of transportation or other person
 fails to meet the requirements described in subsection (b)
 concerning a parcel of real estate, the department or other person
 may not initiate an action under this article to acquire the parcel
 through the power of eminent domain for the same or a
 substantially similar project for at least three (3) years after the
 date the six (6) year period described in subsection (b) expires.

SECTION 9. IC 32-24-1-5.9 IS ADDED TO THE INDIANA
 CODE AS A NEW SECTION TO READ AS FOLLOWS
 [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) As used in this
 section, "public utility" means a public utility, municipally owned
 utility, cooperatively owned utility, joint agency created under
 IC 8-1-2.2, municipal sanitation department operating under
 IC 36-9-23, sanitary district operating under IC 36-9-25, or an
 agency operating as a stormwater utility.

(b) This section applies only to a public utility or pipeline
 company.

(c) If:

(1) a public utility or pipeline company submits a written
 acquisition offer to the owner of a parcel of real estate
 under section 5 of this chapter; and

(2) the owner rejects the offer in writing;

the public utility or pipeline company, to acquire the parcel by
 the exercise of eminent domain, must file a complaint under this
 article not more than six (6) years after the date on which the
 public utility or pipeline company submitted the written
 acquisition offer to the owner.

(d) If a public utility or pipeline company fails to meet the
 requirements set forth in subsection (c) concerning a parcel of
 real estate, the public utility or pipeline company may not initiate
 an action under this article to acquire the parcel through the
 power of eminent domain for the same project or a substantially
 similar project for at least two (2) years after the date on which
 the six (6) year period described in subsection (c) expires.

SECTION 10. IC 32-24-1-8 IS AMENDED TO READ AS
 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A
 defendant may object to the proceedings:

(1) because the court does not have jurisdiction either of the
 subject matter or of the person;

(2) because the plaintiff does not have the right to exercise the
 power of eminent domain for the use sought; or

(3) for any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

- (1) in writing;
- (2) separately stated and numbered; and
- (3) filed not later than ~~the first appearance of thirty (30) days~~ **after the date the notice required in section 6 of this chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.**

(c) The court may not allow pleadings in the cause other than the complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If an objection is sustained, the plaintiff may amend the complaint or may appeal from the decision in the manner that appeals are taken from final judgments in civil actions. All the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions upon filing with the circuit court clerk a bond:

- (1) with the penalty that the court fixes;
- (2) with sufficient surety;
- (3) payable to the plaintiff; and
- (4) conditioned for the diligent prosecution of the appeal and for the payment of the judgment and costs that may be affirmed and adjudged against the appellants.

The appeal bond must be filed not later than ten (10) days after the appointment of the appraisers.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the filing of the appeal bond. The appeal does not stay proceedings in the cause.

SECTION 11. IC 32-24-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Not later than ~~ten (10)~~ **forty-five (45)** days before a trial involving the issue of damages, the plaintiff shall, and a defendant may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party.

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 14 of this chapter.

(d) This section does not limit or restrict the right of a defendant to payment of any amounts authorized by law in addition to damages for the property taken from the defendant.

(e) This section does not apply to an action brought under IC 8-1-13-19 (repealed).

SECTION 12. IC 32-24-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in subsection (b), the plaintiff shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the defendant by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the plaintiff under section 12 of this chapter, the court shall allow the defendant the defendant's litigation expenses, **including reasonable attorney's fees**, in an amount not to exceed ~~two thousand five hundred dollars (\$2,500); the lesser of:~~

(1) twenty-five thousand dollars (\$25,000); or

(2) the fair market value of the defendant's property or easement as determined under this chapter.

SECTION 13. IC 32-24-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If the person seeking to take property under this article fails:

(1) to pay the assessed damages **and, if applicable, the attorney's fees payable under section 14 of this chapter** not later than one (1) year after the appraisers' report is filed, if exceptions are not filed to the report;

(2) to pay:

(A) the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** if exceptions are filed to the appraisers' report and the exceptions are not sustained; or

(B) the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** and costs if exceptions are filed to the appraisers' report and the exceptions are sustained;

not later than one (1) year after the entry of the judgment, if an appeal is not taken from the judgment;

(3) to pay the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** or the judgment rendered in the trial court not later than one (1) year after final judgment is entered in the appeal if an appeal is taken from the judgment of the trial court; or

(4) to take possession of the property and adapt the property for the purpose for which it was acquired not later than ~~five (5)~~ **six (6)** years after the payment of the award or judgment for damages, except where a fee simple interest in the property is authorized to be acquired and is acquired;

the person seeking to acquire the property forfeits all rights in the property as fully and completely as if the procedure to take the property had not begun.

(b) An action to declare a forfeiture under this section may be brought by any person having an interest in the property sought to be acquired, or the question of the forfeiture may be raised and determined by direct allegation in any subsequent proceedings, by any other person to acquire the property for a public use. In the subsequent proceedings the person seeking the previous acquisition or the person's proper representatives, successors, or assigns shall be made parties.

SECTION 14. IC 32-24-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. If applicable, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

SECTION 15. IC 32-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After the appraisers file their report, any of the defendants may, within a reasonable time fixed by the court, file exceptions to the report, alleging that the appraisal of the property, as made by the appraisers, is not the true cash value of the property. If exceptions are filed, a trial on the exceptions shall be held by the court or before a jury, if asked by either party.

(b) The circuit court clerk shall give notice of filing of the appraisers' report to all known parties to the action and their attorneys of record by certified mail.

(c) Upon the trial of the exceptions, the court may revise, correct, amend, or confirm the appraisal in accordance with the finding of the court or verdict of the jury.

(d) The court shall apportion the costs accruing in the proceedings as justice may require. **However, if applicable, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

(e) Changes of venue may be had as in other cases.

SECTION 16. IC 32-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person, firm, partnership, limited liability company, or corporation authorized to do business in Indiana and authorized to:

(1) furnish, supply, transmit, transport or distribute electrical energy, gas, oil, petroleum, water, heat, steam, hydraulic power, or communications by telegraph or telephone to the public or to any town or city; or

(2) construct, maintain or operate turnpikes, toll bridges, canals, public landings, wharves, ferries, dams, aqueducts, street railways, or interurban railways for the use of the public or for the use of any town or city;

may take, acquire, condemn, and appropriate land, real estate, or any interest in the land or real estate to accomplish the essential delivery of services described in subdivisions (1) and (2).

(b) A person described in subsection (a) has all accommodations, rights, and privileges necessary to accomplish the use for which the property is taken. A person acting under subsection (a) may use acquired, condemned, or appropriated land to construct railroad siding, switch, or industrial tracks connecting its plant or facilities with the tracks of any common carrier.

SECTION 17. IC 32-24-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Procedures for Transferring Ownership or Control of Real Property Between Private Persons

Sec. 1. (a) As used in this section, "public use" means the:

- (1) possession, occupation, and enjoyment of a parcel of real property by the general public or a public agency for the purpose of providing the general public with fundamental services, including the construction, maintenance, and reconstruction of highways, bridges, airports, ports, certified technology parks, intermodal facilities, and parks;
- (2) leasing of a highway, bridge, airport, port, certified technology park, intermodal facility, or park by a public agency that retains ownership of the parcel by written lease with right of forfeiture; or
- (3) use of a parcel of real property to create or operate a public utility, an energy utility (as defined in IC 8-1-2.5-2), or a pipeline company.

The term does not include the public benefit of economic development, including an increase in a tax base, tax revenues, employment, or general economic health.

(b) This chapter applies to a condemnor that exercises the power of eminent domain to acquire a parcel of real property:

- (1) from a private person;
- (2) with the intent of ultimately transferring ownership or control to another private person; and
- (3) for a use that is not a public use.

(c) This chapter does not apply thirty (30) years after the acquisition of the real property.

Sec. 2. As used in this chapter, "condemnor" means a person authorized to exercise the power of eminent domain.

Sec. 3. As used in this chapter, "parcel of real property" means real property that:

- (1) is under common ownership; and
- (2) a condemnor is seeking to acquire.

Sec. 4. As used in this chapter, "private person" means a person other than a public agency.

Sec. 5. (a) As used in this chapter, "public agency" means:

- (1) a state agency (as defined in IC 4-13-1-1);
- (2) a unit (as defined in IC 36-1-2-23);
- (3) a body corporate and politic created by state statute;
- (4) a school corporation (as defined in IC 20-26-2-4); or
- (5) another governmental unit or district with eminent domain powers.

(b) The term does not include a state educational institution (as defined in IC 20-12-0.5-1).

Sec. 6. As used in this chapter, "relocation costs" means relocation expenses payable in accordance with the federal Uniform Relocation Assistance Act (42 U.S.C. 4601 through 42 U.S.C. 4655).

Sec. 7. A condemnor may acquire a parcel of real property by the exercise of eminent domain under this chapter only if all the following conditions are met:

- (1) At least one (1) of the following conditions exists on the parcel of real property:

(A) The parcel contains a structure that, because of:

- (i) physical condition;
- (ii) use; or
- (iii) occupancy;

constitutes a public nuisance.

(B) The parcel contains a structure that is unfit for human habitation or use because the structure:

- (i) is dilapidated;
- (ii) is unsanitary;
- (iii) is unsafe;
- (iv) is vermin infested; or
- (v) does not contain the facilities or equipment required by applicable building codes or housing codes.

(C) The parcel contains a structure that is:

- (i) a fire hazard; or
- (ii) otherwise dangerous to the safety of persons or property.

(D) The parcel contains a structure that is not fit for its intended use because:

- (i) the utilities;
- (ii) the sewerage;
- (iii) the plumbing;
- (iv) the heating; or
- (v) any other similar services or facilities;

have been disconnected, destroyed, removed, or rendered ineffective.

(E) The parcel:

- (i) is located in a substantially developed neighborhood;
- (ii) is vacant or unimproved; and
- (iii) because of neglect or lack of maintenance, has become a place for the accumulation of trash, garbage, or other debris or become infested by rodents or other vermin, and the neglect or lack of maintenance has not been corrected by the owner of the parcel within a reasonable time after the owner receives notice of the accumulation or infestation.

(F) The parcel and any improvements on the parcel are the subject of tax delinquencies that exceed the assessed value of the parcel and its improvements.

(G) The parcel poses a threat to public health or safety because the parcel contains environmental contamination.

(H) The parcel has been abandoned.

(2) The acquisition of the parcel of real property through the exercise of eminent domain is expected to accomplish more than only increasing the property tax base of a government entity.

(3) If the owner files a request for mediation at the time the owner files an objection or exception to an eminent domain proceeding, the mediation occurs as follows:

(A) The court shall appoint a mediator not later than ten (10) days after the request for mediation is filed.

(B) The condemnor shall engage in good faith mediation with the owner, including the consideration of a reasonable alternative to the exercise of eminent domain.

(C) The mediation must be concluded not later than ninety (90) days after the appointment of the mediator.

(D) The condemnor shall pay the costs of the mediator.

A determination concerning whether a condition described in this section has been met is subject to judicial review in an eminent domain proceeding concerning the parcel of real property. If a court determines that an eminent domain proceeding brought under this chapter is unauthorized because the condemnor did not meet the conditions described in this section, the court shall order the condemnor to reimburse the owner for the owner's reasonable attorney's fees that the court finds were necessary to defend the action.

Sec. 8. Notwithstanding IC 32-24-1, a condemnor that acquires a parcel of real property through the exercise of eminent domain under this chapter shall compensate the owner of the parcel as follows:

- (1) For agricultural land:

(A) either:

- (i) payment to the owner equal to one hundred twenty-five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1; or
- (ii) upon the request of the owner and if the owner and condemnor both agree, transfer to the owner of an ownership interest in agricultural land that is equal in acreage to the parcel acquired through the exercise of eminent domain;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(2) For a parcel of real property occupied by the owner as a residence:

(A) payment to the owner equal to one hundred fifty percent (150%) of the fair market value of the parcel as determined under IC 32-24-1;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(3) For a parcel of real property not described in subdivision (1) or (2):

(A) payment to the owner equal to one hundred percent (100%) of the fair market value of the parcel as determined under IC 32-24-1;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

Sec. 9. (a) Not later than forty-five (45) days before a trial involving the issue of compensation, the condemnor shall, and an owner may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date the offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party.

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 10 of this chapter.

(d) This section does not limit or restrict the right of an owner to payment of any amounts authorized by law in addition to damages for the property taken from the owner.

Sec. 10. (a) Except as provided in subsection (b), the condemnor shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the owner by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the condemnor under section 9 of this chapter, the court shall require the condemnor to pay the owner's litigation expenses, including reasonable attorney's fees, in an amount that does not exceed twenty-five percent (25%) of the cost of the acquisition.

Sec. 11. (a) This section applies to a parcel of real property located in a project area:

- (1) that is located in only one (1) county;
- (2) that is at least ten (10) acres in size; and
- (3) in which a condemnor or its agents has acquired clear title to at least ninety percent (90%) of the parcels in the

project area.

(b) As used in this section, "project area" means an area designated by a condemnor and the legislative body for the condemnor for economic development.

(c) Notwithstanding sections 7 and 8 of this chapter, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this section only if all of the following conditions are met:

(1) The parcel of real property is not occupied by the owner of the parcel as a residence.

(2) The legislative body for the condemnor adopts a resolution by a two-thirds (2/3) vote that authorizes the condemnor to exercise eminent domain over a particular parcel of real property.

(d) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

(1) Payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1.

(2) Payment of any other damages as determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain.

(3) Payment of the owner's relocation costs, if any.

(e) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner of the parcel demonstrates by clear and convincing evidence that:

(1) the location of the parcel is essential to the viability of the owner's commercial activity; and

(2) the payment of damages and relocation costs cannot adequately compensate the owner of the parcel.

(f) The court shall award the payment of reasonable attorney's fees to the owner of a parcel in accordance with this chapter.

SECTION 18. IC 32-24-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7. Procedure for Libraries

Sec. 1. This chapter applies to the exercise of eminent domain by a library board (as defined in IC 36-12-1-3). Notwithstanding any other law, a library board may exercise eminent domain only if it complies with this chapter.

Sec. 2. A library board may exercise eminent domain only if one (1) of the following legislative bodies adopts a resolution specifically authorizing the library board to exercise eminent domain over a particular parcel of land for a specific purpose:

(1) If the library district is located entirely within the corporate boundaries of a municipality, the legislative body of the municipality.

(2) If the library district:

(A) is not described by subdivision (1); and

(B) is located entirely within the boundaries of a township;

the legislative body of the township.

(3) If the library district is not described by subdivision (1) or (2), the legislative body of each county in which the library district is located.

Sec. 3. The resolution described in section 2 of this chapter must specifically describe:

(1) the parcel of land that the library board seeks to acquire by exercising eminent domain;

(2) the purpose for which the parcel of land is to be acquired; and

(3) why the exercise of eminent domain is necessary to accomplish the library board's purpose.

SECTION 19. IC 36-7-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. A unit may not require that a lawfully erected sign be removed or altered as a condition of issuing:

(1) a permit;

(2) a license;

(3) a variance; or

(4) any other order concerning land use or development;

unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.

SECTION 20. IC 36-7-14-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.5. (a) The commission may acquire a parcel of real property by the exercise of eminent domain when the real property has all of the following characteristics:

(1) The real property is an ~~unsafe building~~ (as defined in ~~IC 36-7-9-4~~) and is subject to an order issued under ~~IC 36-7-9-5~~.

(2) The owner of the real property has not complied with the order issued under ~~IC 36-7-9-5~~.

(3) The real property is not being used as a residence or for a business enterprise.

meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).

(4) (2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.

(5) (3) The ~~unsafe~~ condition of the real property has a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or the commission's designated hearing examiner shall conduct a public meeting to determine whether a parcel of real property has the characteristics set forth in subsection (a). Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing and is entitled to present evidence and make arguments at the hearing.

(c) If the commission considers it necessary to acquire real property under this section, the commission shall adopt a resolution setting out the commission's determination to exercise that power and directing the commission's attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court with jurisdiction in the county.

(d) Eminent domain proceedings under this section are governed by IC 32-24.

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

(1) Sale in an urban homestead program under IC 36-7-17.

(2) Sale to a family whose income is at or below the county's median income for families.

(3) Sale or grant to a neighborhood development corporation with a condition in the granting clause of the deed requiring the nonprofit development corporation to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the unit's median income for families.

(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the unit's median income for families.

(f) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.

SECTION 21. IC 36-7-15.1-22.5, AS AMENDED BY P.L.185-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.5. (a) The commission may acquire a parcel of real property by the exercise of eminent domain when the following conditions exist:

(1) The real property is an ~~unsafe premises~~ (as defined in ~~IC 36-7-9~~) and is subject to an order issued under ~~IC 36-7-9~~ or a notice of violation issued by the county's health and hospital corporation under its powers under ~~IC 16-22-8~~.

(2) The real property is not being used as a residence or for a business enterprise.

meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).

(3) (2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.

(4) (3) The real property suffers from one (1) or more of the conditions listed in IC 36-7-1-3, resulting in a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or its designated hearing examiner shall conduct a public meeting to determine whether the conditions set forth in subsection (a) exist relative to a parcel of real property. Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing, and is entitled to present evidence and make arguments at the hearing.

(c) If the commission considers it necessary to acquire real property under this section, it shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court in the county.

(d) Eminent domain proceedings under this section are governed by IC 32-24.

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

(1) Sale in an urban homestead program under IC 36-7-17.

(2) Sale to a family whose income is at or below the county's median income for families.

(3) Sale or grant to a neighborhood development corporation or other nonprofit corporation, with a condition in the granting clause of the deed requiring the nonprofit organization to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the county's median income for families. However, a nonprofit organization is eligible for a sale or grant under this subdivision only if the county fiscal body has determined that the nonprofit organization meets the criteria established under subsection (f).

(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the county's median income for families.

(f) The county fiscal body shall establish criteria for determining the eligibility of neighborhood development corporations and other nonprofit corporations for sales and grants of real property under subsection (e)(3). A neighborhood development corporation or other nonprofit corporation may apply to the county fiscal body for a determination concerning the corporation's compliance with the criteria established under this subsection.

(g) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "committee" refers to the interim study committee on eminent domain established by this SECTION.

(b) There is established the interim study committee on eminent domain. The committee shall study issues related to the exercise of eminent domain, including the use of eminent domain by small private utilities.

(c) The committee may meet as often as necessary to carry out its duties under this SECTION.

(d) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2007.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(g) This SECTION expires November 2, 2007.

SECTION 23. An emergency is declared for this act.

(Reference is to EHB 1010 as reprinted February 28, 2006.)

WOLKINS	BRAY
DVORAK	SIPES
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 106-1; filed March 9, 2006, at 1:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 106 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-5-39, AS ADDED BY P.L.195-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) As used in this section, "cargo trailer" means a vehicle:

- (1) without motive power;
- (2) designed for carrying property;
- (3) designed for being drawn by a motor vehicle; and
- (4) having a gross vehicle weight rating of at least two thousand two hundred (2,200) pounds.

(b) As used in this section, "recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways. The term includes a travel trailer, a motor home, a truck camper with a floor and facilities enabling it to be used as a dwelling, and a fifth wheel trailer.

(c) A transaction involving a cargo trailer, a recreational vehicle, or an aircraft is exempt from the state gross retail tax if:

- (1) the purchaser is a nonresident;
- (2) upon receiving delivery of the cargo trailer, recreational vehicle, or aircraft, the person transports it within thirty (30) days to a destination outside Indiana;
- (3) the cargo trailer, recreational vehicle, or aircraft will be titled or registered for use in another state or country; ~~and~~
- (4) the cargo trailer, recreational vehicle, or aircraft will not be titled or registered for use in Indiana; ~~and~~
- (5) in the case of a transaction involving a cargo trailer or recreational vehicle, the cargo trailer or recreational vehicle will be titled or registered in a state or country that provides an exemption from sales, use, or similar taxes imposed on a cargo trailer or recreational vehicle that is purchased in that state or country by an Indiana resident and will be titled or registered in Indiana.**

The amount of the exemption for a cargo trailer or recreational vehicle is determined in subsection (d): A transaction involving a cargo trailer or recreational vehicle that does not meet the requirements of subdivision (5) is not exempt from the state gross retail tax.

(d) The amount of the exemption for a cargo trailer or a recreational vehicle under this section is equal to the amount of:

- ~~(1) the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered in Indiana; minus~~
- (2) the sales, use, or similar tax that would have been imposed on the transaction under the laws of the state or country in which the purchaser affirms the cargo trailer or recreational vehicle will be registered.**

The amount of the exemption under this section may not exceed the amount of the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered in Indiana. ~~A retail merchant that accepts an exemption claim for a cargo trailer or recreational vehicle under this section shall, within sixty (60) days after the date of the transaction, have on file a copy of the purchaser's title or registration of the cargo trailer or recreational vehicle outside Indiana or pay to the state the amount of the exemption.~~

(e) Any state gross retail tax due after the application of the

exemption provided by this section must be paid to the retail merchant.

~~(f)~~ **(d)** A purchaser must claim an exemption under this section by submitting to the retail merchant an affidavit stating the purchaser's intent to:

(1) transport the cargo trailer, recreational vehicle, or aircraft to a destination outside Indiana within thirty (30) days after delivery; and

(2) title or register the cargo trailer, recreational vehicle, or aircraft for use in another state or country.

The department shall prescribe the form of the affidavit, **which must include an affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.** The affidavit must identify the state or country in which the cargo trailer, recreational vehicle, or aircraft will be titled or registered. ~~Within sixty (60) days after the date of the transaction, the purchaser shall provide to the retail merchant a copy of the purchaser's title or registration of the cargo trailer, recreational vehicle, or aircraft outside Indiana.~~

~~(g)~~ **(e)** The department shall provide the information necessary to ~~calculate the amount of~~ **determine a purchaser's eligibility for an** exemption claimed under this section to retail merchants in the business of selling cargo trailers or recreational vehicles.

SECTION 2. [EFFECTIVE JULY 1, 2006] IC 6-2.5-5-39, as amended by this act, applies to retail transactions occurring after June 30, 2006.

(Reference is to ESB 106 as printed February 17, 2006.)

M. YOUNG	WALORSKI
BRODEN	FRY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 266-1; filed March 9, 2006, at 1:20 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 266 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10-8-7.7, AS AMENDED BY P.L.196-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.7. (a) As used in this section, "covered individual" means an individual who is covered under a health care plan.

(b) As used in this section, "health care plan" means:

- (1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or
- (2) a contract entered into under section 7(c) of this chapter to provide health services through a prepaid health care delivery plan.

(c) As used in this section, "health care provider" means a:

- (1) physician licensed under IC 25-22.5; or
- (2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(d) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this subsection, body mass index is equal to weight in kilograms divided by height in meters squared.

(e) Except as provided in subsection (f), the state shall provide

coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(f) The state may not provide coverage for surgical treatment of morbid obesity for a covered individual who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the covered individual; or
 - (2) restore the covered individual's ability to maintain a major life activity (as defined in IC 4-23-29-6);
- and each physician documents in the covered individual's medical record the reason for the physician's determination.

SECTION 2. IC 16-40-3-2, AS ADDED BY P.L.196-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) **As used in this section, "major complication" means a complication from surgical treatment for morbid obesity that:**

- (1) requires an extended hospitalization, additional surgical treatment, or invasive drug therapy within thirty (30) days of the original surgical treatment; or**
- (2) results in a permanent disability.**

(b) **As used in this section, "serious side effect" means a nutritional deficiency that requires hospitalization or invasive therapy.**

(c) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall do the following:

(1) Before performing surgery, discuss the following with the patient:

- (A) The requirements to qualify for the surgery.**
- (B) The details of the surgery.**
- (C) The possible complications from the surgery.**
- (D) The side effects from the surgery, including lifestyle changes and dietary protocols.**

~~(2)~~ **(2) Monitor the patient for five (5) years following the patient's surgery, unless the physician is unable to locate the patient after making reasonable efforts. and**
~~(3)~~ **(3) Report before June 30 and before December 31 of each year:**

- (A) to; and
- (B) in a manner prescribed by; the state department any death, ~~or~~ **serious side effect, or major complication of the patient.**

~~(b)~~ **(d) The A report required in subsection (a) by subsection (c)(3) must include the following information:**

- (1) The gender of the patient.
- (2) The name of the physician who performed the surgery.
- (3) The location where the surgery was performed.
- (4) Information concerning the death, **serious side effect, or major complication** and the circumstances in which the death, **serious side effect, or major complication** occurred.
- (5) The comorbidities, body mass index, and waist circumference of the patient:**

- (A) at the time of the surgical treatment; and**
- (B) thirty (30) days, ninety (90) days, and one (1) year after surgical treatment.**

(6) Whether the patient has had previous abdominal surgery.

SECTION 3. IC 16-40-3-3, AS ADDED BY P.L.196-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The state department shall collect and maintain the information reported to the state department under section 2 of this chapter.

(b) The reports made under ~~section 2(a)(2)~~ **section 2(c)(3)** of this chapter are ~~public records and are confidential. However, the state department may compile statistical reports from information contained in reports made under section 2(c)(3) of this chapter. Any statistical report is subject to public inspection. However, the state department may not release any information contained in the reports that the state department determines may reveal the patient's~~

~~identity.~~

SECTION 4. IC 27-8-14.1-4, AS AMENDED BY P.L.196-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), an insurer that issues an accident and sickness insurance policy shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(b) An insurer that issues an accident and sickness insurance policy may not provide coverage for a surgical treatment of morbid obesity for an insured who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the insured; or
- (2) restore the insured's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the insured's medical record the reason for the physician's determination.

SECTION 5. IC 27-13-7-14.5, AS AMENDED BY P.L.196-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) As used in this section, "health care provider" means a:

- (1) physician licensed under IC 25-22.5; or
- (2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(b) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this subsection, body mass index equals weight in kilograms divided by height in meters squared.

(c) Except as provided in subsection (d), a health maintenance organization that provides coverage for basic health care services under a group contract shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(d) A health maintenance organization that provides coverage for basic health care services may not provide coverage for surgical treatment of morbid obesity for an enrollee who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the enrollee; or
- (2) restore the enrollee's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the enrollee's medical record the reason for the physician's determination

(Reference is to ESB 266 as reprinted March 1, 2006.)

MILLER	LEHE
SIPES	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 284-1; filed March 9, 2006, at 1:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 284 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 4 through 23.

(Reference is to ESB 284 as printed February 22, 2006.)

WYSS	T. BROWN
BRODEN	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 305-1; filed March 9, 2006, at 1:23 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 305 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-170.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 170.7. "Special purpose bus" has the meaning set forth in IC 20-27-2-10.**

SECTION 2. IC 9-21-5-14, AS ADDED BY P.L.1-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A person may not operate a school bus **or a special purpose bus** at a speed greater than:

- (1) fifty-five (55) miles per hour on a federal or state highway; or
- (2) forty (40) miles per hour on a county or township highway.

(b) If the posted speed limit is lower than the absolute limits set in this section or if the absolute limits do not apply, the maximum lawful speed of a bus is the posted speed limit.

SECTION 3. IC 9-21-12-11, AS AMENDED BY P.L.231-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b), 18(c), or 18(d) of this chapter commits a Class B infraction.

SECTION 4. IC 9-21-12-17, AS ADDED BY P.L.1-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus **or special purpose bus** carrying a passenger shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

- (1) listen through an open door;
- (2) look in both directions along the track for an approaching train; and
- (3) look for signals indicating the approach of a train.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 5. IC 9-21-12-18 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 18. (a) Whenever a school bus or special purpose bus is at a place of departure for transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:**

- (1) inhibits or obstructs an exit; or**
- (2) renders the means of exit hazardous.**

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section

11(c) of this chapter.

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

(d) A school corporation or an entity that employs:

- (1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or**
- (2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);**

is subject to section 11(c) of this chapter.

SECTION 6. IC 20-27-3-4, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses **and special purpose buses**, including minimum standards for the construction of school buses **and special purpose buses** necessary to be issued a:

- (A) valid certificate of inspection decal; and
- (B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses **and special purpose buses**, including minimum standards for the equipment of school buses **and special purpose buses** necessary to be issued a:

- (A) valid certificate of inspection decal; and
- (B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses **and special purpose buses**, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses **and special purpose buses** and the issuance of certificate of inspection decals.

(6) The committee may maintain an approved list of school buses **and special purpose buses** that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus **driver** contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 7. IC 20-27-3-7, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A school bus **or special purpose bus** sold or delivered in Indiana must meet the standards of construction and equipment set forth in the rules of the committee.

(b) A school bus may not be originally licensed in Indiana until the school bus has been inspected by the state police department and found to comply with these standards.

(Reference is to ESB 305 as reprinted March 1, 2006.)

M. YOUNG	HINGKLE
ROGERS	KLINKER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 355-1; filed March 10, 2006, at 11:12 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 355 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. "General assessment provisions of this article" means the law contained in:

(1) chapters 3, 4, 5, 9, 11, 13, 14, 15, 16, 28, 31, and 35 of this article;

(2) sections 4, 6, 7, 8, 11, 12, and 13 of chapter 30 of this article;

(3) sections 1 through 7, inclusive, of chapter 36 of this article; and

(4) sections 2, 3, 7, 8, 9, **10.7**, 11, 12, and 13 of chapter 37 of this article.

SECTION 2. IC 6-1.1-18.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:

(1) before September 20 **of the calendar year immediately preceding the ensuing calendar year;** or

(2) in the case of a request described in section 16 of this chapter, before:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

(B) **with the approval of the county fiscal body of the county in which the civil taxing unit is located, March 1 of the ensuing calendar year;**

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall promptly deliver to the local government tax control board every appeal petition it receives under subsection (a) and any materials it receives relevant to those appeals. Upon receipt of an appeal petition, the local government tax control board shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the local government tax control board has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the board with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing of the local government tax control board after having been given written notice from the local government tax control board requiring **his that person's** attendance; or

(2) fails to produce for the local government tax control board's use the books and records that the local government tax control board by written notice required the officer or member to produce;

then the local government tax control board may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

(e) Upon the filing of an affidavit under subsection (d), the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to appear before the local government tax control board, to provide information to the local government tax control board, or to produce books and records for the local government tax control board's use, as the case may be. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

(f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 3. IC 6-1.1-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county board of tax adjustment may not approve or recommend the approval of an excessive tax levy.

(b) If a school corporation adopts or advertises an excessive tax levy, the county board of tax adjustment which reviews the school corporation's budget, tax levy, and tax rate shall reduce the excessive tax levy to the maximum normal tax levy.

(c) If a county board of tax adjustment approves, or recommends the approval of, an excessive tax levy for a school corporation, the auditor of the county for which the county board is acting shall reduce the excessive tax levy to the maximum normal tax levy. Such a reduction shall be set out in the notice required to be published by the auditor under IC 6-1.1-17-12, and an appeal shall be permitted therefrom as provided under IC 6-1.1-17 as modified by this chapter.

(d) Appeals from any action of a county board of tax adjustment or county auditor in respect of a school corporation's budget, tax levy, or tax rate may be taken as provided for by IC 6-1.1-17. Notwithstanding IC 6-1.1-17, a school corporation may appeal to the department of local government finance for emergency financial relief for the ensuing calendar year at any time before:

(1) September 20 **of the calendar year immediately preceding the ensuing calendar year;** or

(2) in the case of a request described in section 4.7(a) of this chapter:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

(B) **with the approval of the county fiscal body of the county in which the school corporation is located, March 1 of the ensuing calendar year.**

(e) In the appeal petition in which a school corporation seeks emergency financial relief, the appellant school corporation shall allege that, unless it is given the emergency financial relief for which it petitions, it will be unable to carry out, in the ensuing calendar year, the public educational duty committed to it by law, and it shall support that allegation by reasonably detailed statements of fact.

(f) When an appeal petition in which a school corporation petitions for emergency financial relief is filed with the department of local government finance, the department shall include, in the notice of the hearing in respect of the petition that it is required to give under IC 6-1.1-17-16, a statement to the effect that the appellant school corporation is seeking emergency financial relief for the ensuing calendar year. A subsequent action taken by the department of local government finance in respect of such an appeal petition is not invalid, however, or otherwise affected, if the department fails to include such a statement in the hearing notice.

(g) The fiscal officer of a school corporation that appeals under section 4.7(a) of this chapter for relief from levy limitations under this chapter shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 4. IC 6-1.1-21-2, AS AMENDED BY P.L.1-2005, SECTION 92, AND AS AMENDED BY P.L.246-2005, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property

assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on or before March 1 of~~ each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (*repealed*) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

(i) IC 21-2-15 for a capital projects fund; plus

(ii) IC 6-1.1-19-10 for a racial balance fund; plus

(iii) ~~IC 20-14-13~~ IC 36-12-12 for a library capital projects

fund; plus

(iv) ~~IC 20-5-17.5-3~~ IC 36-10-13-7 for an art association fund; plus

(v) IC 21-2-17 for a special education preschool fund; plus

(vi) IC 21-2-11.6 for a referendum tax levy fund; plus

(vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus

(viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible general fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

(i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or

(ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

(i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b); and
(ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare ~~on or before March 1 of~~ each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, *except as otherwise provided by law*, equal to the sum of the following:

- (1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.
- (2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.
- (3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

- (1) held for sale in the ordinary course of a trade or business; or
- (2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, *except as otherwise provided by law*, the sum of the following:

- (1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.
- (2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.
- (3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "Board" refers to the property tax replacement fund board established under section 10 of this chapter.

SECTION 5. IC 6-1.1-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b)**, the auditor of each county shall, before March 15 of each year, prepare a roll of property taxes payable in that year for the county. This roll shall be known as the "tax duplicate" and shall show:

- (1) the value of all the assessed property of the county;
- (2) the person liable for the taxes on the assessed property; and
- (3) any other information that the state board of accounts, with the advice and approval of the department of local government finance, may prescribe.

(b) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall complete preparation of the tax duplicate when the appeal is resolved by the department of local government finance.**

(c) **If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall prepare a revised tax duplicate when the appeal is resolved by the department of local government finance that reflects the action of the department.**

(~~b~~) **(d)** The county auditor shall comply with the instructions issued by the state board of accounts for the preparation, preservation, alteration, and maintenance of the tax duplicate. The county auditor shall deliver a copy of the tax duplicate prepared under subsection (a) to the county treasurer ~~before March 1 of each year~~ **when preparation of the tax duplicate is completed.**

SECTION 6. IC 6-1.1-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Except as provided in subsections (b) and (c)**, on or before March 15 of each

year, the county auditor shall prepare and deliver to the auditor of state and the county treasurer a certified copy of an abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in that year in each taxing district of the county. The county auditor shall prepare the abstract in such a manner that the information concerning property tax deductions reflects the total amount of each type of deduction. The abstract shall also contain a statement of the taxes and penalties unpaid in each taxing unit at the time of the last settlement between the county auditor and county treasurer and the status of these delinquencies. The county auditor shall prepare the abstract on the form prescribed by the state board of accounts. The auditor of state, county auditor, and county treasurer shall each keep a copy of the abstract in his office as a public record.

(b) If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver the certified copy of the abstract when the appeal is resolved by the department of local government finance.

(c) If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver a certified copy of a revised abstract when the appeal is resolved by the department of local government finance that reflects the action of the department.

SECTION 7. IC 6-1.1-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in ~~IC 6-1.1-7-7, section 9.5 of this chapter, and subsections (b) and (c)~~ the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:

- (1) Subsection (c).**
- (2) Subsection (d).**
- (3) IC 6-1.1-7-7.**
- (4) Section 9.5 of this chapter.**

~~(b)~~ **(c)** A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county treasurer mails or transmits statements under section 8(a) of this chapter, the county auditor may:

- (1) mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or**
- (2) delay the mailing or transmission of statements under section 8(a) of this chapter so that:**

- (A) the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty (60) days; and**
- (B) all statements reflect any changes in levies that result from the resolution of the appeal by the department of local government finance.**

(e) A reconciling statement under subsection (d)(1) must indicate:

- (1) the total amount due for the year;**
- (2) the total amount of the installments paid that did not reflect the resolution of the appeal under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) by the department of local government finance;**
- (3) if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount that is payable**

by the taxpayer:

(A) as a final reconciliation of all amounts due for the year; and

(B) not later than:

(i) November 10; or

(ii) the date or dates established under section 9.5 of this chapter; and

(4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.

~~(f)~~ (f) If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

~~(g)~~ (g) Notwithstanding any other law, a property tax liability of less than five dollars (\$5) is increased to five dollars (\$5). The difference between the actual liability and the five dollar (\$5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

SECTION 8. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:

(1) with respect to a homestead (as defined in IC 6-1.1-20.9-1); and

(2) that are not payable in one (1) installment under ~~section 9(b)~~ **section 9(c)** of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with respect to:

(1) real property that are based on the assessment of the property in the immediately preceding year; or

(2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor, and the county treasurer~~ must approve a petition under this subsection.

(c) The department of local government finance:

(1) may not establish a date for:

(A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;

(B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or

(C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

(A) prescribe the form of the petition under subsection (b);

(B) determine the information required on the form; and

(C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

(1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

(A) used to repay temporary loans entered into by a political subdivision for; and

(B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter.

SECTION 9. IC 6-1.1-22.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (c)**, with respect to property taxes payable

under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, the county treasurer may, except as provided by section 7 of this chapter, use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year following the assessment date.

(b) The county treasurer shall give notice of the provisional statement, including disclosure of the method that is to be used in determining the tax liability to be indicated on the provisional statement, by publication one (1) time:

(1) in the form prescribed by the department of local government finance; and

(2) in the manner described in IC 6-1.1-22-4(b).

The notice may be combined with the notice required under section 10 of this chapter.

(c) Subsection (a) does not apply if the county auditor fails to deliver the abstract as provided in IC 6-1.1-22-5(b).

SECTION 10. IC 6-1.1-37-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies when:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were originally due;

(2) the assessment upon which a taxpayer has been paying taxes under IC 6-1.1-15-10(a)(1) or ~~(a)(2)~~ **IC 6-1.1-15-10(a)(2)** while a petition for review or a judicial proceeding has been pending is less than the assessment that results from the final determination of the petition for review or judicial proceeding; or

(3) the collection of certain ad valorem property taxes has been stayed under IC 4-21.5-5-9, and under the final determination of the petition for judicial review the taxpayer is liable for at least part of those taxes.

(b) Except as provided in subsections (c) and (g), a taxpayer shall pay interest on the taxes the taxpayer is required to pay as a result of an action or a determination described in subsection (a) at the rate of ten percent (10%) per year from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(c) Except as provided in subsection (g), a taxpayer shall pay interest on the taxes the taxpayer is ultimately required to pay in excess of the amount that the taxpayer is required to pay under IC 6-1.1-15-10(a)(1) while a petition for review or a judicial proceeding has been pending at the overpayment rate established under Section 6621(c)(1) of the Internal Revenue Code in effect on the original due date or dates for those taxes from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(d) With respect to an action or determination described in subsection (a), the taxpayer shall pay the taxes resulting from that action or determination and the interest prescribed under subsection (b) or (c) on or before:

(1) the next May 10; or

(2) the next November 10;

whichever occurs first.

(e) A taxpayer shall, to the extent that the penalty is not waived under section 10.5 or 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on the day after the date for payment prescribed in subsection (d) if:

(1) the taxpayer has not paid the amount of taxes resulting from the action or determination; and

(2) the taxpayer either:

(A) received notice of the taxes the taxpayer is required to pay as a result of the action or determination at least thirty (30) days before the date for payment; or

(B) voluntarily signed and filed an assessment return for the

taxes.

(f) If subsection (e) does not apply, a taxpayer who has not paid the amount of taxes resulting from the action or determination shall, to the extent that the penalty is not waived under section 10.5 or 10.7 of this chapter, begin paying the penalty prescribed in section 10 of this chapter on:

- (1) the next May 10 which follows the date for payment prescribed in subsection (d); or
- (2) the next November 10 which follows the date for payment prescribed in subsection (d);

whichever occurs first.

(g) A taxpayer is not subject to the payment of interest on real property assessments under subsection (b) or (c) if:

- (1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were due;
- (2) the assessment or the assessment increase is made as the result of error or neglect by the assessor or by any other official involved with the assessment of property or the collection of property taxes; and
- (3) the assessment:
 - (A) would have been made on the normal assessment date if the error or neglect had not occurred; or
 - (B) increase would have been included in the assessment on the normal annual assessment date if the error or neglect had not occurred.

SECTION 11. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Except as provided in ~~section 10.5~~ **sections 10.5 and 10.7** of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty ~~equal to ten percent (10%) of the amount of delinquent taxes~~ shall be added to the unpaid portion in the year of the initial delinquency. **The penalty is equal to an amount determined as follows:**

(1) If:

- (A) an installment of property taxes is completely paid on or before the date thirty (30) days after the due date; and
- (B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous year for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If subdivision (1) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

- (1) six (6) months; or
- (2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) A payment to the county treasurer is considered to have been paid by the due date if the payment is:

- (1) received on or before the due date to the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in the United States mail:

- (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) certified or postmarked by the United States Postal Service as mailed on or before the due date; or
- (3) deposited with a nationally recognized express parcel carrier and is:
- (A) properly addressed to the principal office of the county treasurer; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

SECTION 12. IC 6-1.1-37-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.7. (a) For purposes of this section, "immediate family member of the taxpayer" means an individual who:**

- (1) is the spouse, child, stepchild, parent, or stepparent of the taxpayer, including adoptive relationships; and**
- (2) resides in the taxpayer's home.**

(b) The county treasurer shall do the following:

(1) Waive the penalty imposed under section 10(a) of this chapter if the taxpayer or the taxpayer's representative:

- (A) petitions the county treasurer to waive the penalty not later than thirty (30) days after the due date of the installment subject to the penalty; and**
- (B) files with the petition written proof that during the seven (7) day period ending on the installment due date the taxpayer or an immediate family member of the taxpayer died.**

(2) Give written notice to the taxpayer or the taxpayer's representative by mail of the treasurer's determination on the petition not later than thirty (30) days after the petition is filed with the treasurer.

(c) The department of local government finance shall prescribe:

- (1) the form of the petition; and**
- (2) the type of written proof;**

required under subsection (b).

(d) A taxpayer or a taxpayer's representative may appeal a determination of the county treasurer under subsection (b) to deny a penalty waiver by requesting in writing a preliminary conference with the treasurer not more than forty-five (45) days after the treasurer gives the taxpayer or the taxpayer's representative notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 13. IC 14-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) An assessment not paid in full shall be paid in annual installments over the time commensurate with the term of the bond issue or other financing determined by resolution adopted by the board. Interest shall be charged on the unpaid balance at the same rate per year as the penalty charged on delinquent property tax payments under ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**. All payments of installments, interest, and penalties shall be entered on the assessment roll in the office of the district.

(b) Upon payment in full of the assessment, including interest and penalties, the board shall have the lien released and satisfied on the records in the office of the recorder of the county in which the real property assessed is located.

(c) The procedure for collecting assessments for maintenance and operation is the same as for the original assessment, except that the assessments may not be paid in installments.

SECTION 14. IC 36-9-36-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 37. (a) Except as provided in section 38 of this chapter, the entire assessment is payable in cash without interest not later than thirty (30) days after the

approval of the assessment roll by the works board if an agreement has not been signed and filed under section 36 of this chapter.

(b) If the assessment is not paid when due, the total assessment becomes delinquent and bears interest at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** per year from the date of the final acceptance of the completed improvement by the works board.

SECTION 15. IC 36-9-36-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 55. (a) An irregularity or error in making a foreclosure sale under this chapter does not make the sale ineffective, unless the irregularity or error substantially prejudiced the property owner.

(b) A property owner has two (2) years from the date of sale in which to redeem the owner's property. The property owner may redeem the owner's property by paying the principal, interest, and costs of the judgment, plus interest on the principal, interest, and costs at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.

(c) If the property is not redeemed, the sheriff shall execute a deed to the purchaser. The deed relates back to the final letting of the contract for the improvement and is superior to all liens, claims, and interests, except liens for taxes.

SECTION 16. IC 36-9-37-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) If a person defaults in the payment of a waived installment of principal or interest of an assessment, the municipal fiscal officer shall mail notice of the default to the person. The notice must meet the following conditions:

- (1) Be mailed not more than sixty (60) days after the default.
- (2) Show the amount of the default, plus interest on that amount for the number of months the person is in default at one-half (½) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.
- (3) State that the amount of the default, plus interest, is due by the date determined as follows:

(A) If the person selected monthly installments under ~~IC 36-9-37-8.5(a)(1)~~, **section 8.5(a)(2) of this chapter**, within sixty (60) days after the date the notice is mailed.

(B) If the person selected annual installments under ~~IC 36-9-37-8.5(a)(2)~~, **section 8.5(a)(1) of this chapter**, within six (6) months after the date the notice is mailed.

(b) A notice that is mailed to the person in whose name the property is assessed and addressed to the person within the municipality is sufficient notice. However, the fiscal officer shall also attempt to determine the name and address of the current owner of the property and send a similar notice to the current owner.

(c) Failure to send the notice required by this section does not preclude or otherwise affect the following:

- (1) The sale of the property for delinquency as prescribed by IC 6-1.1-24.
- (2) The foreclosure of the assessment lien by the bondholder.
- (3) The preservation of the assessment lien under section 22.5 of this chapter.

SECTION 17. IC 36-9-37-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) If any principal and interest, or an installment of principal and interest, is not paid in full when due, the municipal fiscal officer shall enforce payment of the following:

- (1) The unpaid amount of principal and interest.
- (2) A penalty of interest at the rate prescribed by subsection (b).

(b) If payment is made after a default, the municipal fiscal officer shall also collect a penalty of interest on the delinquent amount at one-half (½) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** for each six (6) month period, or fraction of a six (6) month period, from the date when payment should have been made.

SECTION 18. [EFFECTIVE JANUARY 1, 2007] **IC 6-1.1-37-10, as amended by this act, applies only to ad valorem property taxes first due and payable after December 31, 2006.**

SECTION 19. [EFFECTIVE UPON PASSAGE] (a) **For ad valorem property taxes and assessments first due and payable in 2006:**

- (1) **notwithstanding IC 6-1.1-18.5-12, as amended by this act, that section applies as if the date in IC 6-1.1-18.5-12(a)(2)(B) were April 1 instead of March 1; and**
- (2) **notwithstanding IC 6-1.1-19-2, as amended by this act,**

that section applies as if the date in IC 6-1.1-19-2(d)(2)(B) were April 1 instead of March 1.

(b) This SECTION expires January 1, 2007.

SECTION 20. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-18.5-12, IC 6-1.1-19-2, IC 6-1.1-21-2, IC 6-1.1-22-3, IC 6-1.1-22-5, IC 6-1.1-22-9, IC 6-1.1-22-9.5, and IC 6-1.1-22.5-6, all as amended by this act, apply only to property taxes first due and payable after December 31, 2005.**

SECTION 21. [EFFECTIVE JULY 1, 2006] **IC 6-1.1-37-10.7, as added by this act, applies only to property taxes first due and payable after December 31, 2006.**

SECTION 22. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) **As used in this SECTION, "taxable year" has the meaning set forth in IC 6-3-1-16.**

(b) In addition to any other deduction permitted under IC 6-3, a delayed property tax payment paid in taxable year 2005 for property taxes assessed in 2002, 2003, or 2004 assessment years:

- (1) that would have been payable in 2003, 2004, or a part of calendar year 2005 that preceded the beginning of the taxpayer's 2005 taxable year if tax statements had been issued in those years; and**
- (2) where the taxpayer was not delinquent in remitting the property tax to the county treasurer when paid in taxable year 2005;**

is deductible from adjusted gross income under IC 6-3-1-3.5 in the 2006 taxable year if the property tax was not deducted in any previous taxable year. The amount of the deduction for the property taxes due for a particular assessment year is limited to the lesser of the property tax paid for the assessment year or two thousand five hundred dollars (\$2,500).

SECTION 23. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to ESB 355 as reprinted February 28, 2006.)

C. LAWSON	AYRES
ROGERS	KUZMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 340-1; filed March 10, 2006, at 4:07 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 340 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-15-1.8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: Sec. 7. (a) The department shall do the following:

- (1) Develop personnel policies, methods, procedures, and standards for all state agencies.
- (2) Formulate, establish, and administer position classification plans and salary and wage schedules, all subject to final approval by the governor.
- (3) Allocate positions in the state agencies to their proper classifications.
- (4) Approve employees for transfer, demotion, promotion, suspension, layoff, and dismissal.
- (5) Rate employees' service.
- (6) Arrange with state agency heads for employee training.
- (7) Investigate the need for positions in the state agencies.
- (8) Promulgate and enforce personnel rules.
- (9) Make and administer examinations for employment and for promotions.
- (10) Maintain personnel records and a roster of the personnel of all state agencies.
- (11) Render personnel services to the political subdivisions of the state.

- (12) Investigate the operation of personnel policies in all state agencies.
- (13) Assist state agencies in the improvement of their personnel procedures.
- (14) Conduct a vigorous program of recruitment of qualified and able persons for the state agencies.
- (15) Advise the governor and the general assembly of legislation needed to improve the personnel system of this state.
- (16) Furnish any information and counsel requested by the governor or the general assembly.
- (17) Establish and administer an employee training and career advancement program.
- (18) Administer the state personnel law, IC 4-15-2.
- (19) Institute an employee awards system designed to encourage all state employees to submit suggestions that will reduce the costs or improve the quality of state agencies.
- (20) Survey the administrative organization and procedures, including personnel procedures, of all state agencies, and submit to the governor measures to secure greater efficiency and economy, to minimize the duplication of activities, and to effect better organization and procedures among state agencies.
- (21) Establish, implement, and maintain the state aggregate prescription drug purchasing program established under IC 16-47-1, as approved by the budget agency.
- (b) Salary and wage schedules established by the department under subsection (a) must provide:
 - (1) for the establishment of overtime policies, which must include: ~~the following~~
 - ~~(1) (A)~~ definition of overtime;
 - ~~(2) (B)~~ determination of employees or classes eligible for overtime pay;
 - ~~(3) (C)~~ procedures for authorization;
 - ~~(4) (D)~~ methods of computation;
 - ~~(5) (E)~~ procedures for payment; **and**
 - ~~(6) (F)~~ a provision that there shall be no mandatory adjustments to an employee's established work schedule in order to avoid the payment of overtime; **and**
 - (2) that an appointing authority is not required to reduce the salary of an employee who is demoted, unless the appointing authority determines that the salary reduction is warranted for disciplinary reasons or other good cause.**
- (c) The state personnel advisory board shall advise the director and cooperate in the improvement of all the personnel policies of the state.
- (d) The department shall establish programs of temporary appointment for employees of state agencies. A program established under this subsection must contain at least the following provisions:
 - (1) A temporary appointment may not exceed one hundred eighty (180) working days in any twelve (12) month period.
 - (2) The department may allow exceptions to the prohibition in subdivision (1) with the approval of the state budget agency.
 - (3) A temporary appointment in an agency covered by IC 4-15-2 is governed by the procedures of that chapter.
 - (4) A temporary appointment does not constitute creditable service for purposes of the public employees' retirement program under IC 5-10.2 and IC 5-10.3. However, an employee who served in an intermittent form of temporary employment after June 30, 1986, and before July 1, 2003, shall receive creditable service for the period of temporary employment.

SECTION 2. IC 5-10-8-7, AS AMENDED BY HEA 1134-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The state, excluding state educational institutions (as defined by IC 20-12-0.5-1), may not purchase or maintain a policy of group insurance, except:

- (1) life insurance for the state's employees;
- (2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees; ~~or~~
- (3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter; ~~or~~
- (4) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.**

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees and individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

- (1) require participation in the plan by employees with six (6) months of continuous, full-time service;
- (2) require an employee to make a contribution to the plan in the form of a payroll deduction;
- (3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;
- (4) prohibit the termination of an employee who is eligible for benefits under the plan;
- (5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;
- (6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:
 - (A) Social Security;
 - (B) the public employees' retirement fund;
 - (C) the Indiana state teachers' retirement fund;
 - (D) pension disability;
 - (E) worker's compensation;
 - (F) benefits provided from another employer's group plan; or
 - (G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).)

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

- (8) provide that, if an employee refuses to:
 - (A) accept work assignments appropriate to the employee's medical condition;
 - (B) submit information necessary for claim administration; or
 - (C) submit to examinations by designated physicians;
 the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

SECTION 3. IC 5-10.3-6-8.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: Sec. 8.9.

(a) This section applies when certain employees of the state in particular departmental, occupational, or other definable classifications are terminated from employment with the state as a result of:

- (1) a lease or other transfer of state property to a nongovernmental entity; or
- (2) a contractual arrangement with a nongovernmental entity to perform certain state functions.

(b) The governor shall request coverage under this section from the board whenever an employee of the state is terminated as described in subsection (a).

(c) The board must approve a request from the governor under subsection (b) unless approval violates subsection (k), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

- (1) is at least fifty (50) years of age; and
- (2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
- (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

(1) The governor has requested coverage under this section and provided written notice of the following to the board:

- (A) The intent of the state to terminate the employees from employment.
- (B) The names of the terminated employees as of the date that the termination is to occur.

(2) The expiration of a thirty (30) day period following the filing of the notice with the board.

(3) The state complies with subsections (g) and (i).

(g) A member who:

- (1) is an employee of the state described in subsection (a) with at least twenty-four (24) months of creditable service as of the date of the notice under subsection (f); and
- (2) is listed in the notice under subsection (f);

is vested in the pension portion of the member's retirement benefit. The state must contribute to the fund the amount the board determines is necessary to completely fund the vested benefit. The contribution by the state must be made in a lump sum or in a series of payments determined by the board. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(h) A member who is covered by subsection (g) and who is at least sixty-five (65) years of age as of the date of the notice under subsection (f) may elect to retire under IC 5-10.2-4-1 even if the member has less than ten (10) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(i) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

(1) The state shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 and payable from the sources described in subsection (j) sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.

(2) The maximum amount of creditable service that the state may purchase for a member under this subsection is twenty-four (24) months.

(3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(j) The amounts that the state is required to contribute to the fund under subsection (i) must come from the following sources:

(1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (i).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (i), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (i) in the next biennial state budget.

(k) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the board of trustees of the fund.

(b) As used in this SECTION, "fund" refers to the public employees' retirement fund established under IC 5-10.3-2-1.

(c) This SECTION applies to an individual who:

(1) was a state employee who, after December 30, 2005, was terminated from employment with the state, as described in IC 5-10.3-6-8.9(a), as added by this act;

(2) was a member of the fund;

(3) had not attained vested status (as defined in IC 5-10.2-1-8) in the fund; and

(4) after December 30, 2005, and before the effective date of this SECTION, received a lump sum distribution from the fund under IC 5-10.2-3-6.

(d) An individual described in subsection (c) who, on the date the individual terminated employment with the state, had earned at least twenty-four (24) months of creditable service in the fund may elect to become vested in the fund under IC 5-10.3-6-8.9(g), as added by this act, by filing with the fund a written notice on a form prescribed by the board.

(e) For the election described in subsection (d) to be effective, the individual must repay to the fund, in the manner and with interest at a rate determined by the board, the lump sum distribution received under IC 5-10.2-3-6.

(f) This SECTION expires January 1, 2007.

SECTION 5. An emergency is declared for this act.

(Reference is to ESB 340 as printed February 24, 2006.)

WYSS	WOODRUFF
ROGERS	WELCH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Bills:

ESB 339	Conferees: Duncan and Pflum
	Advisors: Wolkins and Tyler

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 21, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 235 because it requires an emergency clause and does not contain one, has had Engrossed Senate Bill 235 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 235 be corrected as follows:

Page 4, after line 16, begin a new paragraph and insert:
"SECTION 4. An emergency is declared for this act."
 (Reference is to ESB 235 as printed February 21, 2006.)

WHETSTONE, Chair
 PELATH, R.M.M.
 DUNCAN, Sponsor

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 71

Representatives Murphy, Bosma, and Buell introduced House Concurrent Resolution 71:

A CONCURRENT RESOLUTION honoring Dr. E.B. Carver on the occasion of his retirement.

Whereas, After 47 years in the field of education, Dr. E.B. Carver will be retiring at the end of the 2006 school year;

Whereas, For the last 23 years, Dr. Carver has served as superintendent of the Franklin Township School Corporation;

Whereas, Before becoming superintendent, Dr. Carver was a high school principal for 19 years, including four years at Franklin Central High School, and one year as interim superintendent of the Franklin Township School Corporation;

Whereas, One of the most memorable accomplishments of Dr. Carver's outstanding career is his skillful management of the tremendous growth in student enrollment;

Whereas, When Dr. Carver became superintendent in April 1984, there were 3,900 students in the school corporation; the number has now grown to 7,900 and the number of schools has grown from six in 1983 to 13 by 2009;

Whereas, Under the guidance of Dr. Carver, Franklin Township became the first school district in Marion County to reorganize grade levels in order to create an intermediate school that could provide a more appropriate educational setting for preadolescent students;

Whereas, Dr. Carver also established a Freshman Academy to provide a smoother transition for students moving from middle school to high school;

Whereas, During his time as superintendent, Dr. Carver developed a wonderful working relationship with the community by establishing the Franklin Township Education Foundation, developing a partnership with Indy Parks to create parkland for joint use by the schools and the community, and opening the fitness center and natatorium at Franklin Central High School to the public when the facilities are not in use by the students; and

Whereas, Dr. Carver has served the families of Franklin Township with distinction, leading the school corporation through a period of unprecedented growth: Therefore,

*Be it resolved by the House of Representatives
 of the General Assembly of the State of Indiana,
 the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize the many accomplishments of Dr. E.B. Carver and to wish him well in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. E.B. Carver and his family.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Miller.

The Speaker yielded the gavel to the Deputy Speaker Pro Tempore, Representative T. Brown.

House Concurrent Resolution 72

Representatives Klinker, Micon, and T. Brown introduced House Concurrent Resolution 72:

A CONCURRENT RESOLUTION memorializing U.S. Army Specialist Matthew C. Frantz.

Whereas, U.S. Army Specialist Matthew C. Frantz, Lafayette, Indiana, was killed January 20, 2006, when an improvised explosive device detonated near his Humvee during patrol operations in Huwajah, Iraq;

Whereas, Specialist Frantz was a 23-year-old counterintelligence specialist assigned to the 1st Special Troops Battalion, 1st Brigade Combat Team, 101st Airborne Division;

Whereas, Specialist Frantz joined the U.S. Army in March, 2004, and arrived at Fort Campbell, Kentucky, in March, 2005;

Whereas, Specialist Frantz was committed to joining the military;

Whereas, After completing his senior year at Lafayette Jefferson High School, Specialist Frantz joined the U.S. Marine Corps but was discharged after suffering a serious knee injury before completing basic training;

Whereas, Working as a salesman until his knee healed enough for the Army to accept him, he enlisted in March 2004; and

Whereas, Specialist Matthew C. Frantz was a caring person who was dedicated to his family and friends; it was this dedication that lead him to fight for freedom for all. He is truly a great American hero: Therefore,

*Be it resolved by the House of Representatives
 of the General Assembly of the State of Indiana,
 the Senate concurring:*

SECTION 1. That the Indiana General Assembly expresses its condolences on the death of U.S. Army Specialist Matthew C. Frantz and extends to his family sincere appreciation for his sacrifice defending freedom for all people.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Frantz's parents James and Marilyn Frantz, brothers U.S. Navy Petty Officer 2nd Class Christopher Frantz and Airman 1st Class Eric Frantz, and fiancée Amalia B. Cerbin.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator Altling.

The House stood for a moment of silence in memory of U.S. Army Specialist Matthew C. Frantz.

House Concurrent Resolution 73

Representatives Behning and Whetstone introduced House Concurrent Resolution 73:

A CONCURRENT RESOLUTION congratulating the Plainfield Community School Corporation on having all its schools selected as Four Star School Award winners.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top 25 percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery, and attendance during a particular school year;

Whereas, For the second year in a row, the Plainfield Community School Corporation has fulfilled these requirements, making this school corporation the only school corporation in Indiana to have all its schools earn Four Star status;

Whereas, The students and teachers of Plainfield Community School Corporation have received this honor because of their hard work, dedication to improvement, and strong desire to learn;

Whereas, The success of the Plainfield Community School Corporation can be attributed to the efforts of the principals,

teachers, staff, students, and parents of all the schools working together to maintain the high level of achievement at their school;

Whereas, The success of the Plainfield Community School Corporation can be credited to good leadership skills, exceptional teachers, outstanding students, and great staffs; and

Whereas, The schools of the Plainfield Community School Corporation, Plainfield High School, Plainfield Middle School, Brentwood Elementary School, Central Elementary School, and Van Buren Elementary School, make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the students and teachers of the Plainfield Community School Corporation on the selection of each school as a Four Star School and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dr. Jerry Holifield, superintendent of the Plainfield Community School Corporation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution. Senate sponsor: Senator C. Lawson.

House Resolution 58

Representative Messer introduced House Resolution 58:

A HOUSE RESOLUTION honoring the Shelbyville High School boys' varsity basketball team on its undefeated regular season in Indiana Class 4A basketball.

Whereas, The Shelbyville High School Golden Bears varsity boys' basketball team finished the regular season with a perfect 21-0 record;

Whereas, Sean Drake, Cory Sitton, Chad Batton, Damon Alvis, Ben Murphy, Jim Peck, Ivan Toliver, Josh Kredit-Phelps, Chris Ridgeway, Andrew Lingg, James Douglas, and Thorne Martin were able to work together and accomplish a Hoosier Heritage Conference record of 7-0;

Whereas, With the support and knowledge of head coach Harry Larrabee and assistant head coach David Hunton, the young men were taught not only basketball skills but also important life lessons;

Whereas, The support from Superintendent David Adams, Principal Tom Zobel, junior varsity coach Grant Peters, assistant athletic director Paul Heidenreich, athletic trainer Kyle Witkemper, cheer coaches Brianna Couden and Jennifer Francis and other teachers, students, and staff of Shelbyville High School was immeasurable to the success of the Golden Bears;

Whereas, Throughout the season, the gyms were filled with old gold and black, and Shelbyville was united with support for the Golden Bears; and

Whereas, A season of this caliber requires dedication, hard work, and perseverance and should receive special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives congratulates the Shelbyville High School varsity boys' basketball team on its undefeated season and wishes it continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the team, the coaches, the principal of Shelbyville High School, and the superintendent of the school corporation.

The resolution was read a first time and adopted by voice vote.

House Resolution 59

Representative Thomas introduced House Resolution 59:

A HOUSE RESOLUTION honoring the law enforcement professionals of the Indiana Sheriffs' Katrina Relief-New Orleans.

Whereas, Some of the most important members of relief teams are the dedicated law enforcement professionals;

Whereas, These tireless professionals offered help to those suffering from the effects of Hurricane Katrina;

Whereas, Devastation such as that caused by Hurricane Katrina affects every aspect of life;

Whereas, Deeper than the physical destruction of Hurricane Katrina, however, is the human toll;

Whereas, Law enforcement professionals were called upon to offer support and advice to people who had lost everything and to rescue workers who were forced to deal with death and loss;

Whereas, Rescue workers and public safety officials are often confronted with unfamiliar emotions;

Whereas, Without the help of these dedicated law enforcement professionals, the rescue effort would have been far less successful; and

Whereas, Throughout history there have been tales of the dedication and bravery of law enforcement professionals in times of great distress, and the members of Indiana Sheriffs' Katrina Relief-New Orleans have added their own stories to this history: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:*

SECTION 1. That the Indiana House of Representatives acknowledges the dedication and compassion of the law enforcement professionals of Indiana Sheriffs' Katrina Relief-New Orleans and thanks them for their tireless efforts on behalf of the victims of Hurricane Katrina.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Delaware County Sheriff George E. Sheridan, Jr., Jay County Sheriff Todd A. Penrod, Putnam County Sheriff Mark T. Frisbie, Hendricks County Sheriff M. James Queary, Carroll County Sheriff Dennis J. Randle, Morgan County Sheriff Robert W. Garner, Madison County Sheriff R. Terry Richwine, Wabash County Sheriff Leroy W. Striker, Kosciusko County Sheriff C. Aaron Rovenstine, Vermillion County Sheriff Kim H. Hawkins, and LaPorte County Sheriff James R. Arnold.

The resolution was read a first time and adopted by voice vote.

House Resolution 60

Representative Kuzman introduced House Resolution 60:

A HOUSE RESOLUTION honoring the Dancing Devilins, Crown Point, Indiana.

Whereas, The Crown Point High School Dancing Devilins won first place for division with their pom routine at the Indiana High School Dance Team Association (IHSOTA) regional championships held in Fort Wayne;

Whereas, This talented team has earned several trophies for the school, including third place for pom/jazz at the Highland and Munster Invitationals, second place in both pom and jazz at the Portage Invitational, second place in the pom category, and third place in jazz at the Lake Central event, the IHSOTA Regional Kick Champions for 2000, 2002, 2003, 2004, 2005, 2006, the IHSOTA State Kick Champion for 2003, 2004, 2005, 2006, third place in the 2006 UDA High Kick National Finalist, 10th place in the 2004 UDA High Kick National Finalist, 11th place in the 2004 UDA Large Varsity Pom National Finalist, 10th place in the 2005 UDA High Kick National Finalist, 9th place in the 2005 UDA Large Varsity Pom National Finalist, and 13th place in the 2006 UDA Large Varsity Pom National Finalist;

Whereas, The girls are also involved in student council, choir, show choir, orchestra, foreign language clubs, Rotary, tutoring, musicals, Girls Varsity Club, National Honor Society, and other

sports;

Whereas, Team members also participate in various additional activities, such as the Relay for Life, adopt-a-family at Christmas, serving meals at soup kitchens, and visiting homeless shelters;

Whereas, The Varsity team maintains an average GPA of 3.2;

Whereas, By virtue of their first place finish in the regional competition, the Dancing Devilins will compete in the IHSDTA state championship; and

Whereas, Outstanding effort and dedication to a goal should receive special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates the Dancing Devilins for their first place finish in the IHSDTA regional championships and wishes them continued success in future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Abby Hoffman, Ashley Morden, Rachel Kronsell, Michelle Bixeman, Ashley Grady, Maggie Cap, Tabatha Alvarez, Jaclyn Barker, Brittanie Arnold, Jessica DenHartog, Holly Peters, Lauren Cap, Nicole Woodrick, Ashley Kronsell, Courtney Dubord, and Amy Mihalich; directors Donna Kronsell and Emma Feddeler; Vice Principal Ben Ingram; and Principal Jim Koger.

The resolution was read a first time and adopted by voice vote.

House Resolution 61

Representative Bischoff introduced House Resolution 61:

A HOUSE RESOLUTION honoring Alberta "Bertie" Sauerland on the occasion of her retirement.

Whereas, Alberta "Bertie" Sauerland is retiring after 32 years of dedicated service to Brookville, Indiana;

Whereas, Alberta Sauerland served the auditor's office for 18 years, including 9 ½ years as the auditor, and served 14 years as clerk-treasurer;

Whereas, In addition to her duties at the auditor's office, Alberta Sauerland is a member of the Ladies Democrat Club; and

Whereas, Alberta "Bertie" Sauerland has dedicated many years of her life to Brookville and her efforts have served to improve the lives of its citizens: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives extends its congratulations and best wishes to Alberta "Bertie" Sauerland on the occasion of her retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Alberta "Bertie" Sauerland.

The resolution was read a first time and adopted by voice vote.

House Resolution 62

Representative Reske introduced House Resolution 62:

A HOUSE RESOLUTION honoring the Marines assigned to Second Battalion, Fourth Marine Regiment, First Marine Division.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in an action against an enemy;

Whereas, The Marines were caught in the open and under intense enemy rocket-propelled grenade, machine gun, and small arms fire in Anbar province, Iraq;

Whereas, Bravely and without hesitation, the squad members positioned themselves for an assault against the enemy; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; the Marines of Second Battalion, Fourth Marine Regiment, First Marine Division displayed leadership and resolve that will keep the Marine Corps the "best of the best": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by the Marines assigned to Second Battalion, Fourth Marine Regiment, First Marine Division.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Captain Christopher Bronzi, Staff Sergeant Dameon Rodriguez, Corporal Joseph Hayes, Lance Corporal Tom Kraeszig, Sergeant Jon Embrey, Lance Corporal Peter Flom, and Captain Rob Scott.

The resolution was read a first time and adopted by voice vote.

Representative Torr, who had been excused, was present.

House Resolution 63

Representative Pelath introduced House Resolution 63:

A HOUSE RESOLUTION memorializing Joseph R. LaRocco.

Whereas, Joseph R. LaRocco was born in Michigan City, Indiana, on March 27, 1918, to Joseph and Maria LaRocco and died on May 16, 2005;

Whereas, Joseph married Mary Ann Von Hartz Miller on June 15, 1940, a union that lasted 62 years;

Whereas, Joseph R. LaRocco was one of the great Michigan City leaders of the twentieth century, serving as mayor and an at-large member of the city council;

Whereas, His greatest mayoral accomplishment was the construction of the current City Hall, dedicated on August 5, 1979;

Whereas, Joseph R. LaRocco was always regarded as a man who stood up for working people while making great efforts to advance their views and interests;

Whereas, His lifelong work in the service of the people continues to be held up as a shining example for local leaders everywhere;

Whereas, Joseph R. LaRocco was a retired Teamsters Union sales representative, a member of the Sacred Heart Catholic Church, and a member of the John Franklin Miller American Legion Post;

Whereas, Joseph R. LaRocco served his nation in the United States Army during World War II;

Whereas, Joseph R. LaRocco is survived by son James T. LaRocco and his wife Suzanne, son David LaRocco and his wife Laura, son Michael A. LaRocco and his wife May, son Robert J. LaRocco, daughter Mary Ann Pawlik and her husband Ron, 14 grandchildren, 17 great-grandchildren, brother John LaRocco, and sister Sarah LaRocco;

Whereas, Joseph R. LaRocco was preceded in death by son Joseph R. LaRocco and brothers Peter and Vincent LaRocco; and

Whereas, Joseph R. LaRocco is greatly missed by his family, the people of Michigan City, and the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its deepest sympathy to the family of Joseph R. LaRocco and its gratitude for his dedicated service to his community and his state.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Joseph R. LaRocco.

The resolution was read a first time and adopted by voice vote.

House Resolution 64

Representatives V. Smith and Pierce introduced House Resolution 64:

A HOUSE RESOLUTION honoring James E. Mumford on the occasion of his retirement.

Whereas, James E. Mumford will be retiring from Indiana University after a long and successful career;

Whereas, James E. Mumford has held many positions at Indiana University, including Director of the Afro-American Choral Ensemble, Assistant Director of Special Projects, Visiting Assistant Professor, Director of the Indiana University Soul Revue, and Director of the Summer Groups Revue Program;

Whereas, James E. Mumford received a Ph.D. from Indiana University School of Music with a major in music education and minors in voice and ethnomusicology, and a Master of Music Education;

Whereas, In addition to his studies at Indiana University, James E. Mumford has also earned a Bachelor of Science in Music Education from Virginia State University and has studied at the Philadelphia Musical Academy and Rutgers University;

Whereas, James E. Mumford has received numerous awards, including the Award for Outstanding Contributions and Excellence in Performance by Golden Key National Honor Society, the Award for Excellence in Teaching from the President of Indiana University, and was the first African-American to receive the Annual Staff Merit Award from Indiana University;

Whereas, James E. Mumford has also been honored by the Black Student Union and Student Organization with a scholarship named in his honor;

Whereas, James E. Mumford is a member of the Music Educators National Conference, the Equity Union for Theatre, the Black Music Caucus, Phi Delta Kappa, Indiana Music Education, the Association Society for Ethnomusicology, Omega Psi Phi Fraternity, Inc., and the Music Teachers National Association; and

Whereas, James E. Mumford has provided the students of Indiana University and the citizens of Indiana and the world with hours of musical enjoyment; his talent and expertise will be sorely missed by Indiana University and the state of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives extends its best wishes to James E. Mumford and thanks him for his dedication to Indiana University and its students and for the hours of musical pleasure he has given everyone.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to James E. Mumford.

The resolution was read a first time and adopted by voice vote.

House Resolution 65

Representative C. Bottorff introduced House Resolution 65:

A HOUSE RESOLUTION honoring Mr. and Mrs. Scott Collins, Dylan, Jayd, and Joey.

Whereas, In a world where relationships are sometimes fleeting, a marriage that endures for 50 years is something to be celebrated;

Whereas, Mr. and Mrs. Scott Collins and their family helped her parents celebrate their 50th anniversary with a special party;

Whereas, This party served as a symbol of Mr. and Mrs. Scott Collins' great love and admiration for her parents; and

Whereas, Life is full of ups and downs, and family is what we all need to maintain our spirit and to help us remain anchored in the storm: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its admiration for Mr. and Mrs. Scott Collins and their family for their tender care and loving devotion to her parents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. and Mrs. Scott Collins, Dylan, Jayd, and Joey.

The resolution was read a first time and adopted by voice vote.

House Resolution 66

Representative C. Bottorff introduced House Resolution 66:

A HOUSE RESOLUTION honoring Lauri Giuffre.

Whereas, In a world where relationships are sometimes fleeting, a marriage that endures for 50 years is something to be celebrated;

Whereas, Lauri Giuffre helped her parents celebrate their 50th anniversary with a special party;

Whereas, This party served as a symbol of Lauri Giuffre's great love and admiration for her parents; and

Whereas, Life is full of ups and downs, and family is what we all need to maintain our spirit and to help us remain anchored in the storm: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its admiration for Lauri Giuffre for her tender care and loving devotion to her parents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Lauri Giuffre.

The resolution was read a first time and adopted by voice vote.

House Resolution 67

Representative C. Bottorff introduced House Resolution 67:

A HOUSE RESOLUTION honoring Mr. and Mrs. Cory Giuffre and Alex.

Whereas, In a world where relationships are sometimes fleeting, a marriage that endures for 50 years is something to be celebrated;

Whereas, Cory Giuffre and his family helped his parents celebrate their 50th anniversary with a special party;

Whereas, This party served as a symbol of Cory Giuffre's great love and admiration for his parents; and

Whereas, Life is full of ups and downs, and family is what we all need to maintain our spirit and to help us remain anchored in the storm: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its admiration for Cory Giuffre and his family for their tender care and loving devotion to his parents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. and Mrs. Cory Giuffre and Alex.

The resolution was read a first time and adopted by voice vote.

House Resolution 68

Representative C. Bottorff introduced House Resolution 68:

A HOUSE RESOLUTION honoring Mr. and Mrs. Keith Giuffre and Zachary.

Whereas, In a world where relationships are sometimes fleeting, a marriage that endures for 50 years is something to be celebrated;

Whereas, Keith Giuffre and his family helped his parents celebrate their 50th anniversary with a special party;

Whereas, This party served as a symbol of Keith Giuffre's great love and admiration for his parents; and

Whereas, Life is full of ups and downs, and family is what we all need to maintain our spirit and to help us remain anchored in the storm: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its admiration for Keith Giuffre and his family for their tender care and loving devotion to his parents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mr. and Mrs. Keith Giuffre and Zachary.

The resolution was read a first time and adopted by voice vote.

House Resolution 69

Representative C. Bottorff introduced House Resolution 69:

A HOUSE RESOLUTION honoring Kyle and Brittany Giuffre.

Whereas, In a world where relationships are sometimes fleeting, a marriage that endures for 50 years is something to be celebrated;

Whereas, Kyle Giuffre and his family helped his parents celebrate their 50th anniversary with a special party;

Whereas, This party served as a symbol of Kyle Giuffre's great love and admiration for his parents; and

Whereas, Life is full of ups and downs, and family is what we all need to maintain our spirit and to help us remain anchored in the storm: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its admiration for Kyle Giuffre and his family for his tender care and loving devotion to his parents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Kyle and Brittany Giuffre.

The resolution was read a first time and adopted by voice vote.

House Resolution 70

Representative C. Bottorff introduced House Resolution 70:

A HOUSE RESOLUTION honoring Dawn Giuffre.

Whereas, In a world where relationships are sometimes fleeting, a marriage that endures for 50 years is something to be celebrated;

Whereas, Dawn Giuffre helped her parents celebrate their 50th anniversary with a special party;

Whereas, This party served as a symbol of Dawn Giuffre's great love and admiration for her parents; and

Whereas, Life is full of ups and downs, and family is what we all need to maintain our spirit and to help us remain anchored in the storm: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives expresses its admiration for Dawn Giuffre for her tender care and loving devotion to her parents.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Dawn Giuffre.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 60

The Speaker handed down Senate Concurrent Resolution 60, sponsored by Representatives Crouch and Hoy:

A CONCURRENT RESOLUTION congratulating the Castle High School girls basketball team on winning the Class 4A State Championship Title.

Whereas, The IHSAA 31st Annual Girls Basketball State Finals were held on March 4, 2006 at Conseco Fieldhouse in Indianapolis;

Whereas, In regional and semi-state competition, the Castle Knights defeated Jeffersonville, Bloomington North, and Hamilton Southeastern to earn the opportunity to compete in the State Finals;

Whereas, In both teams' first appearance in the state finals, the Castle Knights and the South Bend Washington Panthers competed at a record-setting level;

Whereas, Castle Knight Jasmine Ussery set a state record for rebounds in a championship game with sixteen. The Knights and

Panthers combined to set a record in the first quarter with most total points scored in a quarter with forty-one, a record that they eclipsed in the third quarter, scoring a combined forty-three points;

Whereas, In addition, the championship game performance set several Class 4A records, including most points scored by Castle (83), most free throws made by Castle (31), most combined points in a game (155), and most combined points in a half (79). At the end of the night, a total of eighteen team and individual records were broken and five others were tied;

Whereas, The unranked Castle Knights upset the top-ranked South Bend Washington Panthers 83-72 to capture the school's first Girls State Basketball Title. The Knights, led by coach Wayne Allen, finished the season on a 15-game winning streak to earn a 25-3 season record. Four of the Knights finished the game with double-figure scores; and

Whereas, In addition to winning the 4A State Title, the Castle Knights celebrated an honor for one of its players. Senior forward Lynn McKinney was named the 2005-2006 Girls Basketball Class 4A recipient of the Patricia L. Roy Mental Attitude Award. Indiana Farm Bureau Insurance, the IHSAA corporate partner, presented a \$1,000 scholarship to Castle High School in the name of Lynn McKinney for this honor: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Castle High School girls basketball team on winning the 2006 Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Castle Principal, Philip DeLong; Coach, Wayne Allen; and to each member of the State Champion Knights basketball team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:55 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1420:

Conferees: Gard and Breaux

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bill 1117.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bill 106.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 21 correction on

Engrossed Senate Bill 235.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 47, 71, and 73 and the same are herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 9, 53, 61, 62, 63, 65, and 66 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 39 and 60 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT ESB 77-1; filed March 13, 2006, at 10:57 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 77 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 10.

Page 2, delete lines 3 through 21.

Renumber all SECTIONS consecutively.

(Reference is to ESB 77 as reprinted February 22, 2006.)

HEINOLD	HEIM
BRODEN	STILWELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 168-1; filed March 13, 2006, at 11:07 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 168 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-15-23-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) If the state Medicaid fraud control unit determines that an action based on the state Medicaid fraud control unit's investigations under the unit's authority under IC 4-6-10-1.5 is meritorious, the unit shall certify the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed.

(b) The state Medicaid fraud control unit shall assist the prosecuting attorney in prosecuting an action under this section.

(c) A prosecuting attorney to whom facts ~~concerning alleged Medicaid fraud~~ are certified under subsection (a) may refer the matter

to the attorney general.

(d) If a matter has been referred to the attorney general under subsection (c), the attorney general may:

(1) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and

(2) prosecute the alleged offense.

(Reference is to ESB 168 as printed February 17, 2006.)

MILLER	THOMAS
SIPES	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1353-1; filed March 13, 2006, at 11:12a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1353 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-2-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. This chapter is intended to provide a system of state trademark registration and protection that is consistent with the federal system of trademark registration and protection under the Trademark Act of 1946. A judicial or an administrative interpretation of a provision of the federal Trademark Act may be considered as persuasive authority in construing a provision of this chapter.**

SECTION 2. IC 24-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. As used in this chapter: The following definitions apply throughout this chapter:**

(1) "Abandoned" means either of the following:

(A) The person who owns the mark has discontinued use of the mark and does not intend to resume use of the mark. A person's intent not to resume use of the mark may be inferred from the circumstances. Three (3) consecutive years without use of a mark constitutes prima facie evidence that the use of the mark has been abandoned.

(B) The conduct of the owner, including an act or omission, has caused the mark to lose its significance as a mark.

(2) "Applicant" means a person who files an application for registration of a mark under this chapter and the legal representatives, successors, or assigns of the person.

(3) "Dilution" means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of:

(A) competition between the owner of the famous mark and other parties; or

(B) the likelihood of confusion, mistake, or deception.

(4) "Mark" means a trademark or service mark that is entitled to registration under this chapter, whether the mark is registered or not.

(5) "Person" means:

(A) a human being;

(B) a corporation;

(C) a partnership;

(D) a limited liability company; or

(E) any other entity or organization:

(i) capable of suing and being sued in a court of law;

(ii) entitled to a benefit or privilege under this chapter; or

(iii) rendered liable under this chapter.

(6) "Registrant" means a person to whom the registration of a mark under this chapter is issued and the legal representatives, successors, or assigns of the person.

(7) "Secretary" means the secretary of state or the designee

of the secretary charged with the administration of this chapter.

(8) "Service mark" means a word, name, symbol, device, or combination of a word, name, symbol, or device that is used by a person to:

(A) identify a service, including a unique service, of a person and distinguish the person's service from the service of another person; and

(B) indicate the source of a service, even if the source is unknown.

Titles and character names and other distinctive features of radio or television programs used by a person may be registered as a service mark even though the radio or television programs may advertise the goods of the sponsor.

(a) ~~The term~~ (9) "Trademark" means any word, name, symbol, or device or any combination thereof adopted and of a word, name, symbol, or device that is used by a person to:

(A) identify goods or services made, sold, or rendered by him and to distinguish them from goods or services made, sold, or rendered by others; and distinguish goods, including a unique product, of a person and distinguish the person's goods from goods manufactured or sold by another person; and

(B) indicate the source of the goods, even if the source is unknown.

(b) The term "person" means any individual, firm, partnership, corporation, limited liability company, association, union of workingmen, or other organization.

(c) The term "applicant" embraces the person filing an application for registration of a trademark under this chapter, his legal representatives, successors, or assigns.

(d) The term "registrant" embraces the person to whom the registration of a trademark under this chapter is issued, his legal representatives, successors, or assigns.

(e) For the purposes of this chapter, a trademark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto, or when it is used to identify the services of one person and distinguish them from the services of others, and such goods or services are sold, otherwise distributed, or rendered in this state.

(10) "Trade name" means a name used by a person to identify a business or vocation of the person.

(11) "Use" means the bona fide use of a mark in the ordinary course of trade and not a use made merely to reserve a right in a mark. A mark is considered to be in use:

(A) on or in connection with a good if the:

(i) mark is placed in any manner on the good, a container for the good, a display associated with the good, or a tag or label affixed to the good; or

(ii) nature of the good makes placement of the mark as described in item (i) impracticable and the mark is placed on a document associated with the good or with the sale of the good; and

(B) if the good described in clause (A) is sold or transported in Indiana.

A mark is considered to be in use on or in connection with a service if the mark is used or displayed in the sale or advertising of the service and the service is rendered in Indiana.

SECTION 3. IC 24-2-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A trademark mark by which the goods or services of any an applicant for registration may be distinguished from the other goods or services of others shall may not be registered if it the mark:

(a) (1) consists of or comprises immoral, deceptive, or scandalous matter;

(b) (2) consists of or comprises matter which that may:

(A) disparage or falsely suggest a connection with:

(i) persons living or dead;

(ii) institutions;

(iii) beliefs; or

(iv) national symbols; or

(B) bring them into contempt or disrepute:

(i) persons living or dead;

(ii) institutions;

(iii) beliefs; or

(iv) national symbols;

(c) (3) consists of or comprises the flag, or coat of arms, or other insignia of:

(A) the United States;

(B) or of any a state or municipality;

(C) or of the United Nations; or

(D) of any a foreign nation; or any simulation thereof;

(d) (4) consists of or comprises the name, signature, or portrait of any identifying a particular living individual, except with his unless the individual provides written consent; or

(e) consists of (5) is a mark which that:

(1) when applied to (A) if used on or in connection with the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of them the goods or services;

(2) when applied to (B) if used on or in connection with the goods or services of the applicant, is primarily geographically descriptive or deceptively geographically misdescriptive of them the goods or services; or

(3) (C) is primarily merely a surname.

Provided, however, that nothing in This subdivision shall does not prevent the registration of a mark that is used in this state Indiana by the applicant which and has become distinctive of the applicant's goods or services. The secretary of state may accept proof of continuous use of a mark by the applicant in Indiana for the five (5) years immediately preceding the date on which the claim of distinctiveness is made as evidence that the mark has become distinctive, as applied to used on or in connection with the applicant's goods or services; proof of substantially exclusive and continuous use thereof as a mark by the applicant in this state or elsewhere for the five (5) years next preceding the date of the filing of the application for registration; or

(f) consists of or comprises (6) is a trademark mark which that so resembles a trademark mark registered in this state Indiana or deemed registered in this state, as provided for by section 16 of this chapter; a mark or trade name previously used by another person in Indiana and not abandoned, as to be likely, when applied to if used on or in connection with the goods or services of the applicant, to cause deception, confusion, or mistake. or to deceive: unless there shall be filed with the secretary of state the written consent of the registrant of such trademark; signed and verified under oath by the registrant or one (1) of its officers or partners.

SECTION 4. IC 24-2-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Subject to the limitations set forth in of this chapter, any a person who adopts and uses a trademark in this state mark in Indiana may file in the office of the secretary, of state, on a form to be furnished by the secretary of state, in a manner that complies with the requirements of the secretary, an application for registration of that trademark setting the mark. The application must forth; but not limited to; include the following information:

(a) (1) The name and business address of the person applying for such registration of the mark, and:

(A) if the applicant is a corporation, the state of incorporation;

(B) if the applicant is a partnership, the:

(i) state in which the partnership is organized; and

(ii) names of the general partners, as specified by the secretary; or

(C) if the applicant is another form of legal entity, the jurisdiction in which the legal entity was organized.

(b) (2) The:

(A) goods or services on or in connection with which the mark is used; in connection with which the mark; is used; and the

(B) mode or manner in which the mark is used on or in connection with such the goods or services; and the

(C) class in which such the goods or services fall.

(c) (3) The date when on which the trademark mark was first used in the United States anywhere and the date of its on which the mark was first use used in this state Indiana by the applicant or his the applicant's predecessor in business.

(d) (4) A statement that:

(A) that the applicant is the owner of the trademark mark;

(B) the mark is in use; and that no other

(C) to the knowledge of the person verifying the application, another person: has

(i) has not registered the mark, either federally or in Indiana; or

(ii) does not have the right to use such trademark in this state the mark either in the identical form thereof or in such near resemblance thereto to the form as might be calculated to deceive or to be mistaken therefor; however, this statement shall not be required if written consent is obtained in the manner provided for in section 3(f) of this chapter: to be likely, if applied to the goods or services of the other person, to cause deception, confusion, or mistake.

(b) The secretary may also require on an application:

(1) a statement indicating whether an application to register a mark, parts of a mark, or a composite of a mark, has been filed by the applicant or a predecessor in the interest of the applicant in the United States Patent and Trademark Office. If an application has previously been filed in the United States Patent and Trademark Office, the applicant must provide full particulars with respect to the previous application, including the:

(A) filing date and serial number of each application;

(B) status of each application; and

(C) reason or reasons for the refusal of the application or the nonregistration of the mark if an application to register the mark was finally refused registration or if an application to register the mark has not resulted in a registration; and

(2) a drawing of the mark that complies with the requirements of the secretary.

(c) The application shall must be signed and verified under oath, affirmation, or declaration subject to perjury laws by:

(1) the applicant; or by

(2) a member of the applicant firm or applicant limited liability company; or

(3) an officer of the applicant corporation, or association, applying or other form of legal entity.

The application shall must be accompanied by three (3) specimens or facsimiles of such trademark and shall contain a brief description of such trademark as it appears on such specimens or facsimiles: showing actual use of the mark. The application for registration shall must be accompanied by a filing fee of ten dollars (\$10) an application fee payable to the secretary. of state.

SECTION 5. IC 24-2-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) If a person files an application for registration of a mark and pays the application fee, the secretary may examine the application for conformity with this chapter.

(b) An applicant must provide additional information requested by the secretary, including a description of a design mark.

(c) An applicant may make or authorize the secretary to make reasonable amendments to an application that are requested by the secretary or are considered by the applicant to be advisable to respond to a rejection or an objection.

(d) The secretary may require an applicant to submit a new application if the secretary determines amendments to the application are necessary and the applicant does not make or authorize the secretary to make amendments under subsection (c).

(e) The secretary may require an applicant to disclaim a component of a mark that is not eligible for registration, and an applicant may voluntarily disclaim a component of a mark for which registration is sought. A disclaimer does not prejudice or

affect the applicant's rights:

(1) existing at the time of application or arising after the application in the disclaimed matter; or

(2) on another application if the disclaimed matter is or becomes distinctive of the applicant's goods or services.

(f) If an applicant is not entitled to registration of a mark under this chapter, the secretary shall advise the applicant of the reason the applicant is not entitled to registration of the mark. The applicant has a reasonable time specified by the secretary:

(1) to reply to the reason the applicant is not entitled to registration; or

(2) to amend the application.

If the applicant replies to the secretary or amends the application within the reasonable time, the secretary shall reexamine the application.

(g) The procedure under subsection (f) may be repeated until:

(1) the secretary finally refuses registration of the mark; or

(2) the applicant fails to reply or amend the application within the time specified by the secretary, at which time the secretary shall consider the application to have been withdrawn.

(h) If the secretary issues a final order refusing the registration of a mark, an applicant may bring a civil action in a court with jurisdiction to compel the registration of the mark. A court may order the secretary to register a mark, without costs to the secretary, on proof that all statements in the application are true and the mark is entitled to registration.

(i) If two (2) or more applications are concurrently processed by the secretary for registration of the same or confusingly similar marks for the same or related goods or services, the secretary shall grant priority to the applications in order of filing. If a previously filed application is granted a registration, the other application or applications must be rejected. A rejected applicant may bring an action for cancellation of the previously registered mark based upon previous or superior rights to the mark under section 10 of this chapter.

SECTION 6. IC 24-2-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) ~~Upon compliance by the~~ If an applicant complies with the requirements of this chapter, the secretary of state shall cause issue and deliver a certificate of registration to be issued and delivered to the applicant. The certificate of registration shall must be issued under the signature of the secretary of state and the seal of the state of Indiana. and it shall show The certificate of registration must include all of the following:

(1) The name and business address and, if of the person claiming ownership of the mark. If the person claiming ownership of the mark is:

(A) a corporation, the certificate of registration must show the state of incorporation; of the person claiming ownership of the trademark;

(B) a partnership, the certificate of registration must show the state in which the partnership is organized and the names of the general partners, as specified by the secretary; or

(C) another form of legal entity, the certificate of registration must show the jurisdiction in which the legal entity is organized.

(2) The date claimed for the first use of the trademark in the United States and this state; mark anywhere and the date claimed for the first use of the mark in Indiana.

(3) The class of goods or services and a description of the goods or services on or in connection with which the trademark mark is used.

(4) A reproduction of the mark.

(5) The registration date. and

(6) The term of the registration. One (1) specimen or facsimile of the trademark supplied under section 4 of this chapter shall be attached to and made a part of the certificate of registration.

(b) Any A certificate of registration issued by the secretary of state under the provisions of subsection (a) or a copy thereof duly of a certificate of registration certified by the secretary of state shall be is admissible in evidence as competent and sufficient proof of the

registration of such trademark the mark in any an action or judicial proceedings proceeding in any a court of this state: Indiana.

SECTION 7. IC 24-2-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Registration of a trade-mark hereunder shall be mark under this chapter is effective for a term of ten (10) five (5) years from the date of registration. and upon

(b) If a person who registers a mark under subsection (a) files an application filed within not more than six (6) months prior to before the expiration of such the five (5) year term, on a form to be furnished by the secretary of state, in a manner complying with the requirements of the secretary, the registration may be renewed for a like term an additional five (5) year term commencing at the end of the expiring five (5) year term.

(c) A renewal fee of ten dollars (\$10.00), payable to the secretary of state, shall must accompany the application for renewal of the registration.

(d) A trade-mark registration may be renewed for successive periods of ten (10) five (5) years in like the manner described in subsection (b).

(e) The secretary of state shall notify the registrants of trade-marks marks of the necessity of renewal within the year next preceding the expiration of the ten (10) five (5) years from the date of the registration by writing to the last known address of the registrants.

(f) An application for renewal under this chapter for a mark registered under this chapter or a mark registered under a prior law, must include:

- (1) a verified statement that the mark has been and remains in use; and
- (2) a specimen showing actual use of the mark on or in connection with the good or service.

SECTION 8. IC 24-2-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Any A registration in force on March 8, 1955, shall expire March 8, 1956, unless July 1, 2006, continues in full force and effect for the unexpired term of the registration and may be renewed by:

- (1) filing an application for renewal with the secretary, of state on a form furnished by him and
- (2) paying the renewal fee;

described in the manner described in section 6 of this chapter within not more than six (6) months prior to before the expiration of the registration.

SECTION 9. IC 24-2-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Any trademark (a) A mark and the registration of a mark under this chapter shall be are assignable with the:

- (1) good will of the business in which the trademark mark is used; or with that
- (2) part of the good will of the business:
 - (A) connected with the use of the mark; and
 - (B) symbolized by the trademark. Assignment shall mark.

(b) An assignment:

- (1) must be made by an instrument in writing duly executed; and
- (2) shall may be recorded with the secretary of state upon the payment of a recording fee of ten dollars (\$10) payable to the secretary. of state who, upon recording of the assignment;

(c) The secretary, after recording an assignment, shall issue in the name of the assignee a new certificate of registration for the remainder of the term of the:

- (1) registration; or of the last
- (2) most recent renewal thereof. of the registration.

(d) An assignment of any a registration under this chapter shall be is void as against any a subsequent purchaser for valuable consideration without notice unless it the assignment is recorded with the secretary of state: not more than three (3) months:

- (1) after the date of the assignment; or
- (2) before the subsequent purchase.

SECTION 10. IC 24-2-1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. (a) A registrant or an applicant who changes the name of the person to whom the mark is issued or for whom an application is filed may record a

certificate of change of name of the registrant or applicant with the secretary upon the payment of a recording fee.

(b) The secretary may issue a new certificate of registration or an assigned application in the name of the assignee. The secretary may issue a new certificate of registration in the name of the assignee for the remainder of the term of the:

- (1) certificate of registration; or
- (2) most recent renewal of the certificate of registration.

SECTION 11. IC 24-2-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The secretary of state shall keep for public examination a record of all trademarks marks registered or renewed under this chapter as well as a record of all instruments recorded under sections 8 and 8.5 of this chapter.

SECTION 12. IC 24-2-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The secretary of state shall cancel from the register in whole or in part:

- (1) after March 8, 1956, all registrations under prior statutes which have not been renewed in accordance with this chapter;
- (2) any (1) a registration concerning for which the secretary of state shall receive receives a voluntary request for cancellation thereof from the registrant or the assignee of record;
- (3) (2) all registrations granted under this chapter and not renewed in accordance with the provisions under section 6 of this chapter;
- (4) any (3) a registration concerning for which a court of competent jurisdiction shall find: finds that:

- (A) that the registered trademark mark has been abandoned;
- (B) that the registrant is not the owner of the trademark; mark;
- (C) that the registration was granted improperly; or
- (D) that the registration was obtained fraudulently; and
- (E) the registered mark is or has become the generic name for the good or the service, or a part of the good or the service, for which the mark was registered; or
- (F) the registered mark is so similar to a mark registered by another person on the principal register in the United States Patent and Trademark Office as to be likely to cause deception, confusion, or mistake between the marks, and the mark registered in the United States Patent and Trademark Office was filed before the filing of the application for registration by the registrant under this chapter. However, a mark may not be canceled under this clause if the registrant proves that the registrant is the owner of a concurrent registration of a mark in the United States Patent and Trademark Office covering an area including Indiana; or

(5) when (4) a registration if a court of competent jurisdiction shall order orders cancellation of a the registration on any ground.

SECTION 13. IC 24-2-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The following general classes secretary shall adopt rules under IC 4-22-2 to establish:

- (1) a classification of goods and services are established for convenience of administration of this chapter but not to limit or extend the an applicant's or registrant's rights; and
- (2) a single application for registration of a trademark mark that:

- (A) may include any or all goods or services each good upon or in connection which a mark is used;
- (B) may include each service with which the trademark a mark is actually being used; comprised in a single class; but in no event shall a single application include goods or services upon or in connection with which the trademark is being used which fall within different and
- (C) must indicate the appropriate class or classes of the goods or services.

To the extent practical, the classification of goods or services should conform to the classification of goods or services adopted by the United States Patent and Trademark Office.

(b) The said classes are as follows:

- (1) Raw or partly prepared materials.
- (2) Receptacles.
- (3) Baggage, animal equipments, portfolio, and pocketbooks.
- (4) Abrasives and polishing materials.
- (5) Adhesives.
- (6) Chemicals and chemical compositions.
- (7) Cordage.
- (8) Smokers' articles, not including tobacco products.
- (9) Explosives, firearms, equipments, and projectiles.
- (10) Fertilizers.
- (11) Inks and inking materials.
- (12) Construction materials.
- (13) Hardware and plumbing and steam-fitting supplies.
- (14) Metals and metal castings and forgings.
- (15) Oils and greases.
- (16) Paints and painters' materials.
- (17) Tobacco products.
- (18) Medicines and pharmaceutical preparations.
- (19) Vehicles.
- (20) Linoleum and oiled cloth.
- (21) Electrical apparatus, machines, and supplies.
- (22) Games, toys, and sporting goods.
- (23) Cutlery, machinery, and tools, and parts thereof.
- (24) Laundry appliances and machines.
- (25) Locks and safes.
- (26) Measuring and scientific appliances.
- (27) Horological instruments.
- (28) Jewelry and precious-metal ware.
- (29) Brooms, brushes, and dusters.
- (30) Crockery, earthenware, and porcelain.
- (31) Filters and refrigerators.
- (32) Furniture and upholstery.
- (33) Glassware.
- (34) Heating, lighting, and ventilating apparatus.
- (35) Belting, hose, machinery packing, and nonmetallic tires.
- (36) Musical instruments and supplies.
- (37) Paper and stationery.
- (38) Prints and publications.
- (39) Clothing.
- (40) Fancy goods, furnishings, and notions.
- (41) Canes, parasols, and umbrellas.
- (42) Knitted, netted and textile fabrics, and substitutes thereof.
- (43) Thread and yarn.
- (44) Dental, medical, and surgical appliances.
- (45) Soft drinks and carbonated waters.
- (46) Foods and ingredients of foods.
- (47) Wines.
- (48) Malt beverages and liquors.
- (49) Distilled alcoholic liquors.
- (50) Cosmetics and toilet preparations.
- (51) Detergents and soaps.
- (52) Merchandise not otherwise classified.
- (53) Miscellaneous.
- (54) Advertising and business.
- (55) Insurance and financial.
- (56) Construction and repair.
- (57) Communication.
- (58) Transportation and storage.
- (59) Material treatment.
- (60) Education and entertainment.

(b) If a single application includes goods or services that fall within multiple classes, the secretary may require payment of a fee for each class.

SECTION 14. IC 24-2-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~Any~~ (a) A person who shall for himself or herself, or on behalf of any other person, procure the filing or registration of any ~~trade-mark~~ mark in the office of the secretary of state under the provisions hereof, this chapter by knowingly making any a false or fraudulent representation or declaration orally, in writing, or by any other fraudulent means, shall be liable to pay for all damages sustained in consequence of such the filing or registration. to be

(b) The damages may be recovered by or on behalf of the injured

party injured thereby in any a court of competent jurisdiction.

SECTION 15. IC 24-2-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. Subject to the provisions of section 15 of this chapter, any a person who: shall:

(a) ~~use;~~ (1) uses, without the consent of the registrant, any a reproduction, counterfeit, copy, or colorable imitation of a trademark mark registered under this chapter:

(A) in connection with the sale, offering for sale, distribution, or advertising of any goods or services; or
(B) on or in connection with which such the use is likely to cause confusion or mistake, or to deceive as to result in deception regarding the source or of origin of such the goods or services; or

(b) ~~reproduce; counterfeit; copy;~~ (2) reproduces, counterfeits, or copies a mark or colorably imitate any such trademark imitates a mark and apply such applies the reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be used upon or used:

(A) in conjunction connection with the sale or other distribution of the goods or services in this state of such goods or services shall be Indiana; or

(B) on the goods or services;

is liable to in a civil action brought by the owner of such registered trademark registrant for any or all of the remedies provided in section 14 of this chapter, except that under subdivision (b) (2) the registrant shall is not be entitled to recover profits or damages unless the acts have been committed with knowledge that such trademark is intended to be used the intent to cause deception, confusion, or mistake. or to deceive:

SECTION 16. IC 24-2-1-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.5. (a) This section applies only to fanciful marks, except in cases where the other person's use tarnishes the reputation of the famous mark.

(b) An owner of a mark that is famous in Indiana is entitled, subject to the principles of equity and terms a court considers reasonable, to an injunction against another person's commercial use of the mark or trade name if the other person's use begins after the mark has become famous and the other person's use causes dilution of the distinctive quality of the mark, and to other relief provided in this section. In determining whether a mark is distinctive and famous, a court may consider factors such as:

(1) the degree of inherent or acquired distinctiveness of the mark in Indiana;

(2) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;

(3) the duration and extent of advertising and publicity of the mark in Indiana;

(4) the geographical extent of the trading area in which the mark is used;

(5) the channels of trade for the goods or services with which the mark is used;

(6) the degree of recognition of the mark in the trading areas and channels of trade in Indiana as it relates to the use of the mark by the:

(A) mark's owner; and

(B) person against whom the injunction is sought;

(7) the nature and extent of use of the same or a similar mark by a third party; and

(8) whether the mark is the subject of a:

(A) registration in Indiana;

(B) federal registration under the Act of March 3, 1881;

(C) federal registration under the Act of February 20, 1905; or

(D) registration on the principal register.

(c) In an action brought under this section, the owner of a famous mark is entitled only to injunctive relief unless the person against whom the injunctive relief is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If willful intent is proven, the owner of the famous mark is entitled to the other remedies set forth in this section, subject to the discretion of the court and the principles of equity.

(d) A court may require a defendant to pay to the owner of a mark all profits derived from and damages suffered by reason of the use of the mark in violation of this section and, in exceptional cases, may award reasonable attorney's fees to the prevailing party.

(e) The following are not actionable under this section:

(1) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

(2) Noncommercial use of the mark.

(3) All forms of news reporting and news commentary.

SECTION 17. IC 24-2-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) ~~Any~~ An owner of a ~~trademark~~ mark registered under this chapter may ~~proceed by suit~~ bring an action to enjoin the use of any mark in violation of section 13 of this chapter and the manufacture, ~~use~~, display, or sale of any counterfeits or imitations thereof, goods or services identified by the mark and any a court of competent jurisdiction may grant ~~injunctions~~ an injunction to restrain ~~such~~ the use of the mark and the manufacture, ~~use~~, display, or sale of the goods or services as ~~may be by the said court deemed~~ considers just and reasonable. ~~and~~

(b) A court may:

(1) require ~~the~~ a defendant to pay to ~~such~~ the owner of a mark all:

(A) profits derived from; ~~and/or all~~ and

(B) damages suffered by reason of;

~~such~~ the wrongful manufacture, ~~use~~, display, or sale of the goods or services; and ~~such~~ court may also

(2) order that any ~~such~~ counterfeits the goods or item bearing the mark ~~or imitations~~ in the possession or under the control of ~~any~~ a defendant in ~~such~~ the case be delivered to an officer of the court or to the complainant to be destroyed.

(c) In addition to amounts a court may award under subsection

(b), a court may enter judgment for:

(1) an amount not to exceed the greater of:

(A) three (3) times the profits derived from; or

(B) three (3) times the damages suffered by reason of; the intentional use of a counterfeit mark, knowing it to be a counterfeit in connection with the goods or services for which the mark is registered; and

(2) in exceptional cases, reasonable attorney's fees to the prevailing party.

~~(b)~~ (d) The ~~enumeration~~ invocation of any a right or remedy in this chapter ~~shall~~ does not affect a registrant's right to ~~prosecute~~ prosecution under any a penal law. of this state.

SECTION 18. IC 24-2-1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) An action for cancellation of a mark registered under this chapter or an action to compel registration of a mark under this chapter must be brought in a court with jurisdiction in Indiana.

(b) In an action for cancellation of a mark, the secretary:

(1) may not be made a party to an action;

(2) must be notified of the filing of a complaint in an action by the clerk of the court in which the complaint is filed; and

(3) is entitled to intervene in an action for cancellation of a mark.

(c) In an action brought against a nonresident registrant, service may be effected upon the secretary as agent for service of the registrant in accordance with the procedures established for service upon nonresident corporations and business entities.

SECTION 19. IC 24-2-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. ~~Nothing herein shall~~ This chapter does not adversely affect the rights or the enforcement of rights in ~~trade-marks~~ a mark acquired in good faith at any time at common law.

SECTION 20. IC 24-2-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.3. (a) The secretary shall adopt rules under IC 4-2-2 to establish:

(1) an application fee;

(2) a renewal fee;

(3) a recording fee; and

(4) fees for related services.

(b) A fee is nonrefundable unless otherwise specified in the rules adopted by the secretary under subsection (a).

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 24-2-1-1; IC 24-2-1-16.

SECTION 22. [EFFECTIVE JULY 1, 2006] This act does not affect a legal proceeding or appeal initiated under IC 24-2-1 before July 1, 2006.

(Reference is to EHB 1353 as printed February 10, 2006.)

WALORSKI	BRAY
CROOKS	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 202-1; filed March 13, 2006, at 11:43 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 202 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 12, delete lines 29 through 42.

Page 13, delete lines 1 through 6.

Page 17, line 23, delete "subsection (b)(1)" and insert "subdivision (1)".

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as reprinted March 1, 2006.)

RIEGSECKER	T. BROWN
SIPES	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 112-1; filed March 13, 2006, at 12:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 112 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 21, delete lines 16 through 27.

Renumber all SECTIONS consecutively.

(Reference is to ESB 112 as reprinted February 24, 2006.)

RIEGSECKER	WOODRUFF
ROGERS	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 321-1; filed March 13, 2006, at 1:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 321 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-4-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. **Except as provided in IC 22-4-11.5**, "computation date" means June 30 of the year preceding the effective date of new rates of contribution, except that in the event, after having been legally terminated, an employer again becomes subject to this article during the last six (6) months of a calendar year and resumes ~~his~~ the employer's former position with

respect to the resources and liabilities of the experience account, then and in such case ~~his the employer's~~ first "computation date" shall mean December 31 of the fourth consecutive calendar year of such subjectivity and thereafter "computation date" for such employer shall mean June 30.

SECTION 2. IC 22-4-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. "Initial claim" means a written application, in a form prescribed by the ~~board,~~ **department**, made by an individual for the determination of ~~his the individual's~~ status as an insured worker.

SECTION 3. IC 22-4-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. "Additional claim" means a written application for a determination of benefit eligibility, made by an individual in a form prescribed by the ~~board,~~ **department**, to begin a second or subsequent series of claims in a benefit period, by which application the individual certifies to new unemployment resulting from a break in or loss of work which has occurred since the last claim was filed by such individual.

SECTION 4. IC 22-4-2-39 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. As used in this article, "liability administrative law judge" means a person who is:

(1) employed as an administrative law judge under IC 22-4-17-4; and

(2) authorized to hear matters described in IC 22-4-32-1.

SECTION 5. IC 22-4-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Employer" also means **the following**:

(a) Any employing unit whether or not an employing unit at the time of the acquisition which acquires the organization, trade, or business within this state of another which at the time of such acquisition is an employer subject to this article, and any employing unit whether or not an employing unit at the time of the acquisition which acquires substantially all the assets within this state of such an employer used in or in connection with the operation of such trade or business, if the acquisition of substantially all such assets of such trade or business results in or is used in the operation or continuance of an organization, trade, or business.

(b) Any employing unit (whether or not an employing unit at the time of acquisition) which acquires a distinct and segregable portion of the organization, trade, or business within this state of another employing unit which at the time of such acquisition is an employer subject to this article only if the employment experience of the disposing employing unit combined with the employment of its predecessor or predecessors would have qualified such employing unit under ~~IC 22-4-7-1 section 1 of this chapter~~ if the portion acquired had constituted its entire organization, trade, or business and the acquisition results in the operation or continuance of an organization, trade, or business.

(c) Any employing unit which, having become an employer under ~~IC 22-4-7-1, 22-4-7-2(a), 22-4-7-2(b), 22-4-7-2(d), 22-4-7-2(f), or 22-4-7-2(h),~~ **section 1, 2(a), 2(b), 2(d), 2(f), or 2(h) of this chapter**, has not ceased to be an employer by compliance with the provisions of IC 22-4-9-2 and IC 22-4-9-3.

(d) For the effective period of its election pursuant to IC 22-4-9-4 or IC 22-4-9-5, any other employing unit which has elected to become fully subject to this article.

(e) Any employing unit for which service in employment as defined in IC 22-4-8-2(l) is performed. In determining whether an employing unit for which service other than agricultural labor is also performed is an employer under sections 1 or 2 of this chapter, the wages earned or the employment of an employee performing service in agricultural labor ~~after December 31, 1977~~, may not be taken into account. If an employing unit is determined an employer of agricultural labor, the employing unit shall be determined an employer for the purposes of section 1 of this chapter.

(f) Any employing unit not an employer by reason of any other paragraph of ~~IC 22-4-7-2(a) through 22-4-7-2(c)~~ **section 2(a) through 2(e) of this chapter** inclusive, for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment ~~compensation~~

insurance fund; or which, as a condition for approval of this article for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an "employer" under this article; however, an employing unit subject to contribution solely because of the terms of this subsection may file a written application to cover and insure ~~his the employing unit's~~ employees under the unemployment ~~compensation insurance~~ law of another jurisdiction. Upon approval of such application by the ~~board,~~ **department**, the employing unit shall not be deemed to be an employer and such service shall not be deemed employment under this article.

(g) Any employing unit for which service in employment, as defined in IC 22-4-8-2(i) ~~is performed after December 31, 1971 and subsequent to December 31, 1977; any employing unit for which service in employment is performed; as defined in or IC 22-4-8-2(i)(1), is performed.~~

(h) Any employing unit for which service in employment, as defined in IC 22-4-8-2(j), is performed. ~~after December 31, 1971.~~

(i) Any employing unit for which service in employment as defined in IC 22-4-8-2(m) is performed. In determining whether an employing unit for which service other than domestic service is also performed is an employer under sections 1 or 2 of this chapter, the wages earned or the employment of an employee performing domestic service ~~after December 31, 1977~~, may not be taken into account.

SECTION 6. IC 22-4-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) "Employment," subject to the other provisions of this section, means service, including service in interstate commerce performed for remuneration or under any contract of hire, written or oral, expressed or implied.

~~(a)~~ (b) Services performed by an individual for remuneration shall be deemed to be employment subject to this article irrespective of whether the common-law relationship of master and servant exists, unless and until **it is all the following conditions are shown to the satisfaction of the board that** ~~(A) such department:~~

(1) **The** individual has been and will continue to be free from control and direction in connection with the performance of such service, both under ~~his the individual's~~ contract of service and in fact.

~~(B) such~~ (2) **The** service is performed outside the usual course of the business for which the service is performed. ~~and~~

~~(C) such~~ (3) **The** individual:

(A) is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed; or

(B) is a sales agent who receives remuneration solely upon a commission basis and who is the master of ~~his the individual's~~ own time and effort.

~~(b) Such~~ (c) **The term shall include; also includes the following:**

(1) Services performed for remuneration by an officer of a corporation in ~~his the officer's~~ official corporate capacity.

(2) Services performed for remuneration for any employing unit by an individual:

(A) as an agent-driver or commission-driver engaged in distributing products, including but not limited to, meat, vegetables, fruit, bakery, beverages, or laundry or dry-cleaning services for ~~his the individual's~~ principal; or

(B) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, ~~his the individual's~~ principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

Provided, That (d) For purposes of subparagraph (b)(2) subsection (c)(2), the term "employment" shall include services described in (A) subsection (c)(2)(A) and (B) (c)(2)(B) only if all the following conditions are met:

~~1.~~ (1) The contract of service contemplates that substantially all of the services are to be performed personally by such individual.

~~2.~~ (2) The individual does not have a substantial investment in facilities used in connection with the performance of the

services (other than in facilities for transportation). ~~and~~

~~iii:~~ (3) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

SECTION 7. IC 22-4-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. "Employment" shall not include the following:

(~~a~~) (1) Except as provided in section 2(i) of this chapter, service performed prior to January 1, 1978, in the employ of this state, any other state, any town or city, or political subdivision, or any instrumentality of any of them, other than service performed in the employ of a municipally owned public utility as defined in this article; or service performed in the employ of the United States of America, or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this article, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation statute, all of the provisions of this article shall be applicable to such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. However, if this state shall not be certified for any year by the Secretary of Labor under Section 3304 of the Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the same manner and within the same period as is provided in IC 22-4-32-19 with respect to contribution erroneously paid or wrongfully assessed.

(~~b~~) (2) Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; however, the ~~board~~ **department** is authorized to enter into agreements with the proper agencies under such Act of Congress which agreements shall become effective ten (10) days after publication thereof, ~~in the manner provided in IC 22-4-19-2 for rules of the board;~~ **in accordance with rules adopted by the department under IC 4-22-2**, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this article, acquired rights to unemployment compensation under such Act of Congress, or who have, after having acquired potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this article.

(~~c~~) (3) "Agricultural labor" as provided in section 2(l)(1) of this chapter shall include only services performed:

(~~i~~) (A) on a farm, in the employ of any person, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

(~~ii~~) (B) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(~~iii~~) (C) in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act (12 U.S.C. 1141j(g)) as amended, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(~~iv~~)(~~A~~) (D) in the employ of:

(i) the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is

performed; or

(~~B~~) ~~in the employ of~~ (ii) a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in ~~subdivision (A); item (i),~~ but only if such operators produce more than one-half (1/2) of the commodity with respect to which such service is performed;

(~~E~~) ~~except the provisions of subdivisions (A) and (B) items (i) and (ii)~~ shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(~~F~~) (E) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

(4) As used in ~~this subsection;~~ **subdivision (3)**, "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

(~~d~~) (5) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in section 2(m) of this chapter.

(~~e~~) (6) Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

(~~f~~) (7) Service performed by an individual in the employ of child or spouse, and service performed by a child under the age of twenty-one (21) in the employ of a parent.

(~~g~~) (8) Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars (\$50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this ~~subsection;~~ **subdivision**, an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

(~~i~~) (A) on each of some of twenty-four (24) days during such quarter such individual performs such service for some portion of the day; or

(~~ii~~) (B) such individual was regularly employed (as determined under clause (~~i~~) (A)) by such employing unit in the performance of such service during the preceding calendar quarter.

(~~h~~) (9) Service performed by an individual in any calendar quarter in the employ of any organization exempt from income tax under Section 501 of the Internal Revenue Code (except those services included in sections 2(i) and 2(j) of this chapter if the remuneration for such service is less than fifty dollars (\$50)).

(~~i~~) (10) Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

(~~j~~) (11) Service performed in the employ of a school, college, or university if such service is performed:

(~~i~~) (A) by a student who is enrolled and is regularly attending classes at such school, college, or university; or

(~~ii~~) (B) by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

(~~A~~) (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university; and

(~~B~~) (ii) such employment will not be covered by any program of unemployment insurance.

(~~k~~) (12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a

full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this **subsection subdivision** shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

~~(f)~~ **(13)** Service performed in the employ of a government foreign to the United States of America, including service as a consular or other officer or employee or a nondiplomatic representative.

~~(m)~~ **(14)** Service performed in the employ of an instrumentality wholly owned by a government foreign to that of the United States of America, if the service is of a character similar to that performed in foreign countries by employees of the United States of America or of an instrumentality thereof, and if the board finds that the Secretary of State of the United States has certified to the Secretary of the Treasury of the United States that the government, foreign to the United States, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in such country by employees of the United States and of instrumentalities thereof.

~~(n)~~ **(15)** Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four (4) year course in a medical school chartered or approved pursuant to state law.

~~(o)~~ **(16)** Service performed by an individual as an insurance producer or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

~~(p)~~ ~~(A)~~ **(17)** Service performed by an individual:

(A) under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; **or**

(B) ~~Services performed by an individual~~ in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by ~~him~~ **the individual** at a fixed price, ~~his~~ **the individual's** compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to ~~him~~; **the individual**, whether or not ~~he~~ **the individual** is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

~~(q)~~ **(18)** Service performed in the employ of an international organization.

~~(r)~~ **(19)** Except as provided in IC 22-4-7-1, services covered by an election duly approved by the agency charged with the administration of any other state or federal unemployment compensation law in accordance with an arrangement pursuant to IC 22-4-22-1 through IC 22-4-22-5, during the effective period of such election.

~~(s)~~ **(20)** If the service performed during one-half (1/2) or more of any pay period by an individual for an employing unit constitutes employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any pay period by such an individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, "pay period" means a period of not more than thirty-one (31) consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit. This subsection shall not be applicable with respect to services performed in a pay period by any such individual where any such service is excepted by ~~subsection (b): subdivision (2).~~

~~(t)~~ **(21)** Service performed by an inmate of a custodial or penal

institution.

~~(u)~~ **(22)** Service performed as a precinct election officer (as defined in IC 3-5-2-40.1).

SECTION 8. IC 22-4-9-3, AS AMENDED BY P.L.98-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section is subject to the provisions of IC 22-4-11.5.

(b) Any employer subject to this article as successor to an employer pursuant to the provisions of IC 22-4-7-2(a) or IC 22-4-7-2(b) shall cease to be an employer at the end of the year in which the acquisition occurs only if the **board department** finds that within such calendar year the employment experience of the predecessor prior to the date of disposition combined with the employment experience of the successor subsequent to the date of acquisition would not be sufficient to qualify the successor employer as an employer under the provisions of IC 22-4-7-1. No such successor employer may cease to be an employer subject to this article at the end of the first year of the current period of coverage of the predecessor employer. If all of the resources and liabilities of the experience account of an employer are assumed by another in accordance with the provisions of IC 22-4-10-6 or IC 22-4-10-7, such employer's status as employer and under this article is hereby terminated unless and until such employer subsequently qualifies under the provisions of IC 22-4-7-1 or IC 22-4-7-2 or elects to become an employer under sections 4 or 5 of this chapter.

(c) If no application for termination, as herein provided, is filed by an employer and four (4) full calendar years have elapsed since any contributions have become payable from such employer, then and in such cases the **board department** may terminate such employer's experience account.

SECTION 9. IC 22-4-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Any employing unit not otherwise subject to this article which files with the **board department** its written election to become an employer subject to this article for not less than two (2) calendar years shall, with the written approval of such election by the ~~board,~~ **department**, become an employer subject to this article to the same extent as all other employers as of the date stated in such approval. ~~provided;~~ However, ~~that~~ the voluntary election of any such employer shall become inoperative if such employing unit becomes an employer by reason of IC 22-4-7-1.

SECTION 10. IC 22-4-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Contributions shall accrue and become payable from each employer for each calendar year in which it is subject to this article with respect to wages paid during such calendar year. ~~except~~ Where the status of an employer is changed by cessation or disposition of business or appointment of a receiver, trustees, trustee in bankruptcy, or other fiduciary, contributions shall immediately become due and payable on the basis of wages paid or payable by such employer as of the date of the change of status. Such contributions shall be paid to the department in such manner as the ~~commissioner~~ **department** may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in an employer's employ. When contributions are determined in accordance with Schedule A as provided in IC 22-4-11-3, the **board department** may prescribe rules to require an estimated advance payment of contributions in whole or in part, if in the judgment of the **board department** such advance payments will avoid a debit balance in the fund during the calendar quarter to which the advance payment applies. An adjustment shall be made following the quarter in which an advance payment has been made to reflect the difference between the estimated contribution and the contribution actually payable. Advance payment of contributions shall not be required for more than one (1) calendar quarter in any calendar year.

~~(a)(1)~~ **(b)** Any employer which is, or becomes, subject to this article by reason of IC 22-4-7-2(g) or IC 22-4-7-2(h) shall pay contributions as provided under this article unless it elects to become liable for "payments in lieu of contributions" (as defined in IC 22-4-2-32).

~~(2)~~ **(c)** Except as provided in subsection ~~(a)(4);~~ **(e)**, the election to become liable for "payments in lieu of contributions" must be filed with the department on a form prescribed by the ~~commissioner~~

department not later than thirty-one (31) days following the date upon which such entity qualifies as an employer under this article, and shall be for a period of not less than two (2) calendar years.

~~(3)~~ **(d)** Any employer ~~which that~~ makes an election in accordance with ~~subdivisions (1) through (2)~~ **subsections (b) and (c)** will continue to be liable for "payments in lieu of contributions" until it files with the ~~commissioner department~~ a written notice terminating its election. ~~This~~ **The notice filed by an employer to terminate its election must be filed not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective.**

~~(4)~~ **(e)** Any employer ~~which that~~ qualifies to elect to become liable for "payments in lieu of contributions" and has been paying contributions under this article, ~~for a period subsequent to January 1, 1972,~~ may change to a reimbursable basis by filing with the department not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

~~(b)(1)~~ **(f)** Employers making "payments in lieu of contributions" under ~~subsection (a)~~ **subsections (b) and (c)** shall make reimbursement payments monthly. At the end of each calendar month the department shall bill each such employer (or group of employers) for an amount equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid during such month that is attributable to services in the employ of such employers or group of employers. Governmental entities of this state and its political subdivisions electing to make "payments in lieu of contributions" shall be billed by the department at the end of each calendar month for an amount equal to the full amount of regular benefits plus the full amount of extended benefits paid during the month that is attributable to service in the employ of the governmental entities.

~~(2)~~ **(g)** Payment of any bill rendered under ~~subdivision (1)~~ **subsection (f)** shall be made not later than thirty (30) days after such bill was mailed to the last known address of the employer or was otherwise delivered to it, unless there has been an application for review and redetermination ~~in accordance with subdivision (4); filed under subsection (i).~~

~~(3)~~ **(h)** Payments made by any employer under the provisions of ~~this subsection~~ **subsections (f) through (j)** shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the employer.

~~(4)~~ **(i)** The amount due specified in any bill from the department shall be conclusive on the employer unless, not later than fifteen (15) days after the bill was mailed to its last known address or otherwise delivered to it, the employer files an application for redetermination. If the employer so files, the employer shall have an opportunity to be heard, and such hearing shall be conducted by a liability administrative law judge pursuant to IC 22-4-32-1 through IC 22-4-32-15. After the hearing, the liability administrative law judge shall immediately notify the employer in writing of the finding, and the bill, if any, so made shall be final, in the absence of judicial review proceedings, fifteen (15) days after such notice is issued.

~~(5)~~ **(j)** Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to IC 22-4-29, apply to past due contributions.

~~(c)~~ **(k)** Two (2) or more employers that have elected to become liable for "payments in lieu of contributions" in accordance with ~~subsection (a)~~ **subsections (b) and (c)** may file a joint application with the department for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Such group account shall be established as provided in regulations prescribed by the commissioner.

SECTION 11. IC 22-4-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Except as provided in ~~section 1(a)~~ **section 1(b) through 1(e)** of this chapter, each employer shall pay contributions equal to ~~the following percentage of wages: (a) five and four-tenths six-tenths percent (5.4%); (5.6%) of wages,~~ except as otherwise provided in IC 22-4-11-2, IC 22-4-11-3, **IC 22-4-11.5,** and IC 22-4-37-3.

SECTION 12. IC 22-4-10-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a)** Except as provided in ~~section 1(a)~~ **section 1(b) through 1(e)** of this chapter, the commissioner shall maintain within the fund a separate experience account for each employer and shall credit to such account all contributions paid by such employer on its behalf except as otherwise provided in this article.

(b) The commissioner shall also maintain a separate account for each employer electing to make payments in lieu of contributions as provided in ~~section 1(a)~~ **section 1(b) through 1(e)** of this chapter and shall charge to such account all benefits chargeable to such employer and credit to such account all reimbursements made by such employer.

SECTION 13. IC 22-4-10-6, AS AMENDED BY P.L.98-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) When:

- (1) an employing unit (whether or not an employing unit at the time of the acquisition) becomes an employer under IC 22-4-7-2(a);
- (2) an employer acquires the organization, trade, or business, or substantially all the assets of another employer; or
- (3) an employer transfers all or a portion of the employer's trade or business (including the employer's workforce) to another employer as described in IC 22-4-11.5-7;

the successor employer shall, in accordance with the rules prescribed by the ~~board; department,~~ assume the position of the predecessor with respect to all the resources and liabilities of the predecessor's experience account.

(b) Except as provided by IC 22-4-11.5, when:

- (1) an employing unit (whether or not an employing unit at the time of the acquisition) becomes an employer under IC 22-4-7-2(b); or
- (2) an employer acquires a distinct and segregable portion of the organization, trade, or business within this state of another employer;

the successor employer shall assume the position of the predecessor employer with respect to the portion of the resources and liabilities of the predecessor's experience account as pertains to the distinct and segregable portion of the predecessor's organization, trade, or business acquired by the successor. An application for the acquiring employer to assume this portion of the resources and liabilities of the disposing employer's experience account must be filed with the ~~commissioner department~~ on prescribed forms not later than ~~one hundred fifty (150) thirty (30)~~ days immediately following the disposition date or not later than ten (10) days after the disposing and acquiring employers are mailed or otherwise delivered final notice that the acquiring employer is a successor employer, whichever is the earlier date. This portion of the resources and liabilities of the disposing employer's experience account shall be transferred in accordance with IC 22-4-11.5.

(c) Except as provided by IC 22-4-11.5, the successor employer, if an employer prior to the acquisition, shall pay at the rate of contribution originally assigned to it for the calendar year in which the acquisition occurs, until the end of that year. If not an employer prior to the acquisition, the successor employer shall pay the rate of two and seven-tenths percent (2.7%) unless the successor employer assumes all or part of the resources and liabilities of the predecessor employer's experience account, in which event the successor employer shall pay at the rate of contribution assigned to the predecessor employer for the period starting with the first day of the calendar quarter in which the acquisition occurs, until the end of that year. However, if a successor employer, not an employer prior to the acquisition, simultaneously acquires all or part of the experience balance of two (2) or more employers, the successor employer shall pay at the highest rate applicable to the experience accounts totally or partially acquired for the period starting with the first day of the calendar quarter in which the acquisition occurs, until the end of the year. If the successor employer had any employment prior to the date of acquisition upon which contributions were owed under IC 22-4-9-1, the employer's rate of contribution from the first of the year to the first day of the calendar quarter in which the acquisition occurred would be two and seven-tenths percent (2.7%).

SECTION 14. IC 22-4-10.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. **(a) Subject to**

subsection (d), skills 2016 assessments unpaid on the date on which they are due and payable bear interest at the rate of one percent (1%) per month or fraction of a month from and after that date until payment plus accrued interest is received by the department.

(b) **Subject to subsection (d)**, a twenty-five dollar (\$25) penalty shall be assessed on any skills 2016 assessments that are unpaid on the date subsequent to the date on which they are due and payable.

(c) All penalty and interest collected on delinquent skills 2016 assessments shall be deposited in the skills 2016 training fund established under ~~IC 22-4-24.5~~ **IC 5-28-27-3**.

(d) The department may adopt fair and reasonable policies to waive the penalty and interest assessed under this section.

SECTION 15. IC 22-4-11-2, AS AMENDED BY P.L.98-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in IC 22-4-11.5, the ~~commissioner~~ **department** shall for each year determine the contribution rate applicable to each employer.

(b) The balance shall include contributions with respect to the period ending on the computation date and actually paid on or before July 31 immediately following the computation date and benefits actually paid on or before the computation date and shall also include any voluntary payments made in accordance with IC 22-4-10-5:

(1) for each calendar year, an employer's rate shall be determined in accordance with the rate schedules in section 3 or 3.3 of this chapter; and

(2) for each calendar year, an employer's rate shall be two and seven-tenths percent (2.7%), except as otherwise provided in IC 22-4-37-3, unless and until:

(A) the employer has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date; and

(B) there has been some annual payroll in each of the three

(3) twelve (12) month periods immediately preceding the computation date.

(c) In addition to the conditions and requirements set forth and provided in subsection (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than five and ~~four-tenths six-tenths~~ percent **(5.4%) (5.6%)** unless all required contribution and wage reports have been filed within thirty-one (31) days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors for periods prior to and including the computation date have been paid:

(1) within thirty-one (31) days following the computation date; or

(2) within ten (10) days after the ~~commissioner~~ **department** has given the employer a written notice by registered mail to the employer's last known address of:

(A) the delinquency; or

(B) failure to file the reports;

whichever is the later date.

The board or the board's designee may waive the imposition of rates under this subsection if the board finds the employer's failure to meet the deadlines was for excusable cause. The ~~commissioner~~ **department** shall give written notice to the employer before this additional condition or requirement shall apply.

(d) However, if the employer is the state or a political subdivision of the state or any instrumentality of a state or a political subdivision, or any instrumentality which is wholly owned by the state and one (1) or more other states or political subdivisions, the employer may contribute at a rate of one percent (1%) until it has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date.

(e) On the computation date every employer who had taxable wages in the previous calendar year shall have the employer's experience account charged with the amount determined under the following formula:

STEP ONE: Divide:

(A) the employer's taxable wages for the preceding calendar year; by

(B) the total taxable wages for the preceding calendar year.

STEP TWO: Multiply the quotient determined under STEP ONE by the total amount of benefits charged to the fund under section 1 of this chapter.

(f) One (1) percentage point of the rate imposed under subsection (c) or the amount of the employer's payment that is attributable to the increase in the contribution rate, whichever is less, shall be imposed as a penalty that is due and shall be deposited upon collection into the special employment and training services fund established under IC 22-4-25-1. The remainder of the contributions paid by an employer pursuant to the maximum rate shall be:

(1) considered a contribution for the purposes of this article; and

(2) deposited in the unemployment insurance benefit fund established under IC 22-4-26.

SECTION 16. IC 22-4-11.5-2, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "administrative law judge" means a person ~~appointed~~ **employed** by the commissioner under IC 22-4-17-4.

SECTION 17. IC 22-4-11.5-5, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "violates or attempts to violate" includes

~~(1)~~ the intent to evade **a higher employer contribution rate in connection with a transfer of a trade or business through**

~~(2)~~ misrepresentation or

~~(3)~~ willful nondisclosure **of information relevant to the transfer.**

SECTION 18. IC 22-4-11.5-7, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) ~~If This section applies to a transfer of a trade or business that meets the following requirements:~~

(1) An employer transfers all or a portion of the employer's trade or business to another employer. ~~and~~

(2) At the time of the transfer, the two (2) employers have substantially common ownership, management, or control.

(b) The successor employer shall assume the experience rating account balance of the predecessor employer for the resources and liabilities of the predecessor employer's experience account that are attributable to the transfer.

~~(b) (c)~~ The contribution rates of both employers shall be recalculated, and **the recalculated rate** made effective on the effective date ~~that of~~ the transfer described in subsection (a). **is effective**

~~(c) (d)~~ The ~~experience account balance and the~~ payroll of the predecessor employer on the effective date of the transfer, and the benefits chargeable to the predecessor employer's original experience account after the effective date of the transfer, must be divided between the predecessor employer and the successor employer in accordance with rules adopted by the department under IC 4-22-2.

~~(d) (e)~~ Any written determination made by the department is conclusive and binding on both the predecessor employer and the successor employer unless one (1) **employer files** or both employers file ~~with the department~~ a written protest **with the department** setting forth ~~the grounds and all~~ reasons for the protest. A protest under this section must be filed not later than ~~ten (10)~~ **fifteen (15)** days after the date the department ~~mails~~ **sends** the initial determination to the ~~employing units~~ **employers**. The protest shall be heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. ~~Both~~ The predecessor employer, ~~and the~~ successor employer, **and the department** shall be parties to the hearing before the ~~liability~~ administrative law judge and are entitled to receive copies of all pleadings and the decision.

SECTION 19. IC 22-4-11.5-8, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If the department determines that an employing unit or other person that is not an employer under IC 22-4-7 at the time of the acquisition has acquired an employer's trade or business solely **or primarily** for the purpose of obtaining a lower employer contribution rate, the employing unit or other person:

(1) may not assume the experience ~~rating~~ **account balance** of the predecessor employer for the resources and liabilities of the predecessor employer's experience account that are attributable to the acquisition; and

(2) shall pay the applicable contribution rate as determined under this ~~chapter~~ **article**.

(b) In determining whether an employing unit or other person acquired a trade or business solely **or primarily** for the purpose of obtaining a lower employer contribution rate under subsection (a), the ~~commissioner~~ **department** shall consider the following **factors**:

- (1) The cost of acquiring the trade or business.
- (2) Whether the employing unit or other person continued the business enterprise of the acquired trade or business.
- (3) The length of time the employing unit or other person continued the business enterprise of the acquired trade or business.
- (4) Whether a substantial number of new employees were hired to perform duties unrelated to the business enterprise that the trade or business conducted before the trade or business was acquired.

(c) If the ~~commissioner~~ makes an initial determination that a violation of this ~~chapter~~ has occurred, the ~~commissioner~~ shall promptly refer the matter to an administrative law judge for a hearing and decision under this article.

(c) Any written determination made by the department is conclusive and binding on the employing unit or other person, unless the employing unit or other person files a written protest with the department setting forth all reasons for the protest. A protest under this section must be filed not later than fifteen (15) days after the date the department sends the initial determination to the employing unit or other person. The protest shall be heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. The department and the employing unit or other person shall be parties to the hearing before the liability administrative law judge and are entitled to receive copies of all pleadings and the decision.

SECTION 20. IC 22-4-11.5-9, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A person who knowingly or recklessly:

- (1) violates or attempts to violate:
 - (A) section 7 or 8 of this chapter; or
 - (B) any other provision of this article related to determining the assumption or assignment of an employer's contribution rate; or
- (2) advises another person in a way that results in a violation of:
 - (A) section 7 or 8 of this chapter; or
 - (B) any other provision of this article related to determining the assumption or assignment of an employer's contribution rate;

~~commits a Class C misdemeanor; is subject to a civil penalty under this chapter.~~

(b) If the department determines that an employer (as defined under IC 22-4-7) is subject to a civil penalty under subsection (a)(1), the department shall assign an employer contribution rate equal to one (1) of the following as a civil penalty:

- (1) The highest employer contribution rate assignable under this article for the year in which the violation occurred and the following three (3) years.
- (2) An additional employer contribution rate of two percent (2%) of the employer's taxable wages (as defined in IC 22-4-4-2) for the year in which the violation occurred and the following three (3) years, if:
 - (A) an employer is already paying the highest employer contribution rate at the time of the violation; or
 - (B) the increase in the contribution rate described in subdivision (1) is less than two percent (2%).

(c) If the department determines that a person who is not an employer (as defined in IC 22-4-7) is subject to a civil penalty under subsection (a)(2), the department shall assess a civil penalty of not more than five thousand dollars (\$5,000).

(d) All civil penalties collected under this section shall be deposited in the unemployment insurance benefit fund established by IC 22-4-26-1.

(e) Any written determination made by the department is conclusive and binding on the employing unit, employer, or person unless the employing unit, employer, or person files a

written protest with the department setting forth all reasons for the protest. A protest under this section must be filed not later than fifteen (15) days after the date the department sends the initial determination to the employing unit, employer, or person. The protest shall be heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. The employing unit, employer, or person, and the department shall be parties to the hearing before the liability administrative law judge and are entitled to receive copies of all pleadings and the decision.

SECTION 21. IC 22-4-11.5-10, AS AMENDED BY HEA 1040-2006, SECTION 344, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) In addition to any other penalty imposed, a person who **knowingly, recklessly, or intentionally** violates this chapter is subject to a civil penalty under this chapter:

(b) This subsection applies to a person who is an employer (as defined in IC 22-4-7). If an administrative law judge determines that a person is subject to a civil penalty under subsection (a), the administrative law judge shall assign an employer contribution rate equal to one (1) of the following as a civil penalty:

(1) The highest employer contribution rate assignable under this article for:

- (A) the year in which the violation occurred; and
- (B) the following three (3) years:

(2) An employer contribution rate of two percent (2%) of the employer's taxable wages (as defined in IC 22-4-4-2) for the year in which the violation occurred and the following three (3) years, if:

- (A) an employer is already paying the highest employer contribution rate at the time of the violation; or
- (B) the increase in the contribution rate described in subdivision (1) is less than two percent (2%).

(c) This subsection applies to a person who is not an employer (as defined in IC 22-4-7). If an administrative law judge determines that a person is subject to a civil penalty under subsection (a), the administrative law judge shall assess a civil penalty of not more than five thousand dollars (\$5,000).

(d) All civil penalties collected under this section shall be deposited in the unemployment insurance benefit fund established by IC 22-4-26-1.

commits a Class C misdemeanor.

SECTION 22. IC 22-4-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Benefits designated as unemployment ~~compensation insurance~~ **insurance** benefits shall become payable from the fund to any individual who is or becomes unemployed and eligible for benefits under the terms of this article. All benefits shall be paid through ~~employment offices maintained and operated by this state~~ **the department** or such other agencies as the ~~board~~ **department** by rule may designate at such times and in such manner as the ~~board~~ **department** may prescribe. ~~provided, that the board~~ **The department may prescribe** ~~adopt~~ rules to provide for the payment of benefits due and payable on executed vouchers to persons since deceased; benefits so due and payable may be paid to the legal representative, dependents, or next of kin of the deceased as are found to be entitled thereto, which rules need not conform with the laws of the state governing decedent estates, and every such payment shall be deemed a valid payment to the same extent as if made to the legal representative of the deceased.

SECTION 23. IC 22-4-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **Whenever an individual receives benefits or extended benefits to which the individual is not entitled under:**

- (1) this article; or
- (2) the unemployment insurance law of the United States; the department shall establish that an overpayment has occurred and establish the amount of the overpayment.

(b) An individual described in subsection (a) is liable to repay the established amount of the overpayment.

(a) (c) Any individual who **knowingly**:

- (1) makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false; or **knowingly**
- (2) fails, or causes another to fail, to disclose a material fact;

and
as a result thereof has received any amount as benefits to which the individual is not entitled under this article, shall be liable to repay such amount, **with interest at the rate of one-half percent (0.5%) per month**, to the **commissioner department** for the unemployment insurance benefit fund or to have such amount deducted from any benefits otherwise payable to the individual under this article, within the six (6) year period following ~~the later of the date of the filing of the claim or statement that resulted in the payment of such benefits;~~ if the existence of such misrepresentation or nondisclosure has become final by virtue of an ~~unappealed determination of a deputy;~~ or a decision of an administrative law judge; or the review board; or by a court of competent jurisdiction: **the department establishes that an overpayment has occurred or the date that the determination of an overpayment becomes final following the exhaustion of all appeals.**

~~(b)~~ (d) Any individual who, for any reason other than misrepresentation or nondisclosure as specified in subsection (a); (c), has received any amount as benefits to which the individual is not entitled under this article or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which such benefits were paid becomes not entitled to such benefits under this article shall be liable to repay such amount to the **commissioner department** for the unemployment insurance benefit fund or to have such amount deducted from any benefits otherwise payable to the individual under this article, within the three (3) year period following ~~the later of the date of the filing of the claim or statement that resulted in the payment of such benefits;~~ if the existence of such reason has become final by virtue of an ~~unappealed determination of a deputy or a decision of an administrative law judge;~~ or the review board; or by a court of competent jurisdiction: **the department establishes that the overpayment occurred or the date that the determination that an overpayment occurred becomes final following the exhaustion of all appeals.**

~~(c)~~ (e) When benefits are paid to an individual who was eligible or qualified to receive such payments, but when such payments are made because of the failure of representatives or employees of the department to transmit or communicate to such individual notice of suitable work offered, through the department, to such individual by an employing unit, then and in such cases, the individual shall not be required to repay or refund amounts so received, but such payments shall be deemed to be benefits improperly paid.

~~(d)~~ (f) Where it is finally determined by a deputy, an administrative law judge, the review board, or a court of competent jurisdiction that an individual has received benefits to which the individual is not entitled under this article, the **commissioner department** shall relieve the affected employer's experience account of any benefit charges directly resulting from such overpayment. However, an employer's experience account will not be relieved of the charges resulting from an overpayment of benefits which has been created by a retroactive payment by such employer directly or indirectly to the claimant for a period during which the claimant claimed and was paid benefits unless the employer reports such payment by the end of the calendar quarter following the calendar quarter in which the payment was made or unless and until the overpayment has been collected. Those employers electing to make payments in lieu of contributions shall not have their account relieved as the result of any overpayment unless and until such overpayment has been repaid to the unemployment insurance benefit fund.

~~(e)~~ (g) Where any individual is liable to repay any amount to the **commissioner department** for the unemployment insurance benefit fund for the restitution of benefits to which the individual is not entitled under this article, the amount due may be collectible without interest, **except as otherwise provided in subsection (c)**, by civil action in the name of the state of Indiana, on relation of the department, which remedy by civil action shall be in addition to all other existing remedies and to the methods for collection provided in this ~~section:~~ **article.**

~~(f)~~ (h) Liability for repayment of benefits paid to an individual (other than an individual employed by an employer electing to make payments in lieu of contributions) for any week may be waived upon the request of the individual if:

(1) the benefits were received by the individual without fault of

the individual;

(2) the benefits were the result of payments made:

(A) during the pendency of an appeal before an administrative law judge or the review board under IC 22-4-17 under which the individual is determined to be ineligible for benefits; or

(B) because of an error by the employer or the department; and

(3) repayment would cause economic hardship to the individual.

SECTION 24. IC 22-4-13-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) Notwithstanding any other provisions of this article, if an individual knowingly:

(1) fails to disclose amounts earned during any week in the individual's waiting period, benefit period, or extended benefit period; or

(2) fails to disclose or has falsified any fact;

that would disqualify the individual for benefits, reduce the individual's benefits, or render the individual ineligible for benefits or extended benefits, the individual forfeits any wage credits earned or any benefits or extended benefits that might otherwise be payable to the individual for the period in which the failure to disclose or falsification occurs.

(b) In addition to amounts forfeited under subsection (a), an individual is subject to the following civil penalties for each instance in which the individual knowingly fails to disclose or falsifies any fact that if accurately reported to the department would disqualify the individual for benefits, reduce the individual's benefits, or render the individual ineligible for benefits or extended benefits:

(1) For the first instance, an amount equal to twenty-five percent (25%) of the benefit overpayment.

(2) For the second instance, an amount equal to fifty percent (50%) of the benefit overpayment.

(3) For the third and each subsequent instance, an amount equal to one hundred percent (100%) of the benefit overpayment.

(c) The department's determination under this section constitutes an initial determination under IC 22-4-17-2(e) and is subject to a hearing and review under IC 22-4-17-3 through IC 22-4-17-15.

(d) Interest and civil penalties collected under this chapter shall be deposited in the special employment and training services fund established under IC 22-4-25-1.

SECTION 25. IC 22-4-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) An unemployed individual is eligible to receive benefits with respect to any week only if the individual has:

(1) registered for work at an employment office or branch thereof or other agency designated by the commissioner within the time limits that the ~~board~~ **department** by rule adopts; and

(2) subsequently reported with the frequency and in the manner, either in person or in writing, that the ~~board~~ **department** by rule adopts.

(b) Failure to comply with subsection (a) shall be excused by the commissioner or the commissioner's authorized representative upon a showing of good cause therefor. The ~~board~~ **department** shall by rule waive or alter the requirements of this section as to such types of cases or situations with respect to which the **commissioner department** finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this article.

(c) The department shall provide job counseling or training to an individual who remains unemployed for at least four (4) weeks. The manner and duration of the counseling shall be determined by the ~~board:~~ **department.**

~~(d)~~ The board may by rule prescribe procedures for the issuance of unemployment compensation warrants from the local office:

(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available.

SECTION 26. IC 22-4-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) ~~This section does not apply to~~ An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) **may restrict the individual's availability because of the individual's need to address the physical, psychological, or legal effects of being a victim of domestic or family violence (as defined in IC 31-9-2-42).**

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

- (1) is physically and mentally able to work;
- (2) is available for work;
- (3) is found by the department to be making an effort to secure full-time work; and
- (4) participates in reemployment services, such as job search assistance services, if the individual has been determined to be likely to exhaust regular benefits and to need reemployment services under a profiling system established by the ~~commissioner, department,~~ unless the ~~commissioner~~ **department** determines that:

- (A) the individual has completed the reemployment services; or
- (B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

The term "effort to secure full-time work" shall be defined by the board through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, if an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

- (1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment; or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;
- (2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;
- (3) that such individual is suspended for misconduct in connection with the individual's work; or
- (4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and is available for suitable full-time work with the individual's last employer, or is available for any other full-time employment deemed suitable.

(d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the approval of the department by reason of the application of the provisions of this section with respect to the availability for work or active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The ~~board~~ **department** shall by rule prescribe the conditions under which approval of such training will be granted.

SECTION 27. IC 22-4-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Notwithstanding any other provisions of this article, benefits otherwise payable for any

week under this article shall not be denied or reduced on account of any payment or payments the claimant receives, has received, will receive, or accrues right to receive with respect to or based upon such week under a private unemployment benefit plan financed in whole or part by ~~his the claimant's~~ employer or former employer. No claim for repayment of benefits and no deduction from benefits otherwise payable under this article shall be made under ~~IC 22-4-13-1(b)~~ **IC 22-4-13-1(d)** and IC 22-4-13-1(e) because of payments which have been or will be made under such private unemployment benefit plans.

SECTION 28. IC 22-4-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Claims for benefits shall be made in accordance with ~~such regulations as the board may prescribe; however, rules adopted by the department.~~ The ~~board~~ **department** shall ~~prescribe~~ **adopt** reasonable procedures consistent with the provisions of this article for the expediting of the taking of claims of individuals for benefits in instances of mass layoffs by employers, the purpose of which shall be to minimize the amount of time required for such individuals to file claims upon becoming unemployed as the result of such mass layoffs.

(b) Except when the result would be inconsistent with the other provisions of this article, as provided in the rules of the ~~board,~~ **department,** the provisions of this article which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the commissioner shall make an appropriate public announcement.

(d) Computations required by the provisions of IC 22-4-2-34(e) shall be made by the ~~commissioner~~ **department** in accordance with regulations prescribed by the United States ~~Secretary~~ **Department** of Labor.

(e) Each employer shall display and maintain in places readily accessible to all employees posters concerning its regulations and shall make available to each such individual at the time the individual becomes unemployed printed benefit rights information furnished by the department.

SECTION 29. IC 22-4-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly make a determination of the individual's status as an insured worker in a form prescribed by the ~~board,~~ **department.** A written notice of the determination of insured status shall be furnished to the individual promptly. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within ten (10) days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(b) ~~Except as provided in subsection (i);~~ The department shall promptly furnish each employer in the base period whose experience or reimbursable account is potentially chargeable with benefits to be paid to such individual with a notice in writing of the employer's benefit liability. Such notice shall contain the date, the name and Social Security account number of the individual, the ending date of the individual's base period, and the week ending date of the first week of the individual's benefit period. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience or reimbursable account in ratio to the earnings of such individual from such employer. Unless the employer, within ten (10) days after such notice of benefit liability was mailed to the employer's last known address, or otherwise delivered to the

employer, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits paid shall be charged in accordance therewith.

(c) An employing unit, including an employer, having knowledge of any facts which may affect an individual's eligibility or right to waiting period credits or benefits, shall notify the department of such facts within ten (10) days after the mailing of notice that a former employee has filed an initial or additional claim for benefits on a form prescribed by the ~~board~~ **department**.

(d) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims waiting period credit or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in IC 22-4-17-3.

(e) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for waiting period credit or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof. Except as otherwise hereinafter provided in this subsection regarding parties located in Alaska, Hawaii, and Puerto Rico, unless the claimant or such employer, within ten (10) days after such notification was mailed to the claimant's or the employer's last known address, or otherwise delivered to the claimant or the employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. With respect to notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless such claimant or employer, within fifteen (15) days after such notification was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. If such hearing is desired, the request therefor shall be filed with the ~~commissioner department~~ **department** in writing within the prescribed periods as above set forth in this subsection and shall be in such form as the ~~board~~ **department** may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

(f) A person may not participate on behalf of the department in any case in which the person is an interested party.

(g) Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

(i) If an allegation of the applicability of IC 22-4-15-1(c)(8) is made by the individual at the time of the claim for benefits, the department shall not notify the employer ~~that a claim for benefits has been made of the claimant's current address or physical location.~~

SECTION 30. IC 22-4-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a) The commissioner department shall appoint employ~~ one (1) or more administrative law judges to hear and decide disputed claims. ~~Such administrative law judges shall be full-time salaried employees of the department.~~ Administrative law judges ~~appointed~~ **employed** under this section are not subject to IC 4-21.5 or any other statute regulating administrative law judges, unless specifically provided.

~~(b) The unemployment insurance board may authorize employment of part time administrative law judges for limited periods.~~

SECTION 31. IC 22-4-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The manner in which disputed claims shall be presented and the conduct of hearings and appeals shall be in accordance with rules adopted by the ~~board~~ **department** for determining the rights of the parties, whether or not the rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. The testimony at any hearing upon a disputed claim need not be transcribed unless the disputed claim is further appealed. Each party to a hearing before an administrative law judge held under section 3 of this chapter shall be mailed a notice of the hearing at least ten (10) days before the date of the hearing specifying the place and time of the hearing and identifying the issues to be decided. If a hearing so scheduled has not commenced within at least sixty (60) minutes of the time for which it was scheduled, then a party involved in the hearing may request a continuance of the hearing. ~~A request for a continuance shall be submitted to the administrative law judge scheduled to conduct the hearing if the administrative law judge is available to receive the request; or otherwise may be submitted to the local office in which or nearest to which the hearing is scheduled to be held.~~ Upon submission of a request for continuance of a hearing under circumstances provided in this section, the continuance shall be granted unless the party requesting the continuance was responsible for the delay in the commencement of the hearing as originally scheduled. In the latter instance, the continuance shall be discretionary with the administrative law judge. Testimony or other evidence introduced by a party at a hearing before an administrative law judge or the review board that another party to the hearing:

(1) is not prepared to meet; and

(2) by ordinary prudence could not be expected to have anticipated;

shall be good cause for continuance of the hearing and upon motion such continuance shall be granted.

SECTION 32. IC 22-4-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. In the discharge of the duties imposed by this article, any member of the board, ~~the department~~, the review board, or an administrative law judge, or any duly authorized representative of any of them, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue and serve subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the disputed claim or the administration of this article.

SECTION 33. IC 22-4-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. In case of contumacy by, or refusal to obey a subpoena issued to, any person ~~in the administration of this article~~, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board, ~~the department~~, or the review board or a duly authorized representative of ~~either~~ **any of these**, shall have jurisdiction to issue to such person an order requiring such person to appear before the board, ~~the department~~, the review board, an administrative law judge, or the duly authorized representative of any of these, there to produce evidence if so ordered, or there to give testimony touching the matter in question or under investigation. Any failure to obey such order of the court may be punished by said court as a contempt thereof.

SECTION 34. IC 22-4-17-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. **(a) As used in**

this section, "interested party" has the meaning set forth in 646 IAC 3-12-1.

(b) An administrative law judge ~~and or~~ the review board may hold a hearing under this chapter by telephone if any of the following conditions exist:

- (1) The claimant or the employer is not located in Indiana.
- (2) ~~All of the following conditions exist:~~
 - (A) ~~The claimant and the employer are located in Indiana.~~
 - (B) ~~The claimant or the employer An interested party~~ requests without an objection being filed as provided in 646 IAC 3-12-21 that the hearing be held by telephone.
 - (C) ~~The administrative law judge or the review board determines that the distance between the location of the claimant and the location of the employer is so great that a hearing held by telephone is justified under the circumstances.~~
- (3) ~~A An interested party cannot appear in person because of an illness or injury to the party.~~
- (4) ~~In the case of a hearing before an administrative law judge, the administrative law judge determines without any interested party filing an objection as provided in 646 IAC 3-12-21 that a hearing by telephone is proper and just.~~
- (4) (5) In the case of a hearing before the review board, the issue to be adjudicated does not require both parties to be present.
- (5) (6) In the case of a hearing before the review board, the unemployment insurance review board has determined that a hearing by telephone is proper and just.

SECTION 35. IC 22-4-17-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the board, **the department**, the review board, an administrative law judge, or the duly authorized representative of any of them in obedience to the subpoena of any of them in any cause or proceeding before any of them on the ground that the testimony or evidence, documentary or otherwise, required of ~~him the person~~ may tend to incriminate ~~him the person~~ or subject ~~him the person~~ to a penalty or forfeiture, but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which ~~he the person~~ is compelled after having claimed ~~his the~~ privilege against self-incrimination to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Any testimony or evidence submitted in due course before the board, **the department**, the review board, an administrative law judge, or any duly authorized representative of any of them shall be deemed a communication presumptively privileged with respect to any civil action except actions to enforce the provisions of this article.

SECTION 36. IC 22-4-17-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section applies to notices given under sections 2, 3, 11, and 12 of this chapter. This section does not apply to rules adopted by the board **or the department**, unless specifically provided.

(b) As used in this section, "notices" includes mailings of notices, determinations, decisions, orders, motions, or the filing of any document with the appellate division or review board.

(c) If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice.

(d) The filing of a document with the appellate division or review board is complete on the earliest of the following dates that apply to the filing:

- (1) The date on which the document is delivered to the appellate division or review board.
- (2) The date of the postmark on the envelope containing the document if the document is mailed to the appellate division or review board by the United States Postal Service.
- (3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the appellate division or review board by a private carrier.

SECTION 37. IC 22-4-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The Indiana unemployment insurance board is created. The board is responsible for **the oversight of** the unemployment insurance program. The board shall report annually to the governor on the status of unemployment insurance together with recommendations for maintaining the solvency of the unemployment insurance benefit fund. The department staff shall provide support to the board. The unemployment insurance board shall consist of nine (9) members, who shall be appointed by the governor, as follows:

- (1) Four (4) members shall be appointed as representatives of labor and its interests.
- (2) One (1) member shall be appointed as a representative of the state and its interest and of the public at large.
- (3) Two (2) members shall be appointed as representatives of the large employers of the state.
- (4) Two (2) members shall be appointed as representatives of the independent merchants and small employers of the state.

All appointments shall be made for terms of four (4) years. All appointments to full terms or to fill vacancies shall be made so that all terms end on March 31.

(b) Every Indiana unemployment insurance board member so appointed shall serve until a successor shall have been appointed and qualified. Before entering upon the discharge of official duties, each member of the board shall take and subscribe to an oath of office, which shall be filed in the office of the secretary of state. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. The governor may, at any time, remove any member of the board for misconduct, incapacity, or neglect of duty. Each member of the board shall be entitled to receive as compensation for the member's services the sum of one hundred dollars (\$100) per month for each and every month which ~~he the member~~ devotes to the actual performance of the member's duties, as prescribed in this article, but the total amount of such compensation shall not exceed the sum of twelve hundred dollars (\$1,200) per year. In addition to the compensation hereinbefore prescribed, each member of the board shall be entitled to receive the amount of traveling and other necessary expenses actually incurred while engaged in the performance of official duties.

(c) The board ~~shall may~~ hold one (1) regular meeting each month and such called meetings as may be deemed necessary **by the commissioner or the board**. The April meeting shall be known as the annual meeting. Five (5) members of the board constitute a quorum for the transaction of business. At its first meeting and at each annual meeting held thereafter, the board shall organize by the election of a president and vice president from its own number, each of whom, except those first elected, shall serve for a term of one (1) year and until a successor is elected.

SECTION 38. IC 22-4-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~It shall be the duty of The board to administer the provisions of this article and, in addition to all other powers conferred on the board,~~ it shall have the power and authority to adopt, amend, or rescind such rules and regulations to employ such persons, make such expenditures, require such reports, make such investigations and take such other action as it may deem necessary or suitable for the proper administration of this article. All rules and regulations issued under the provisions of this article shall be effective upon publication in the manner hereinafter provided and shall have the force and effect of law. The board may prescribe the extent, if any, to which any rule or regulation so issued or legal interpretation of this article shall be with or without retroactive effect. Whenever the board believes that a change in contribution or benefit rates will become necessary to protect the solvency of the **unemployment insurance benefit** fund, it shall promptly so inform the governor and the general assembly, and make recommendations with respect thereto.

SECTION 39. IC 22-4-19-6, AS AMENDED BY P.L.4-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Each employing unit shall keep true and accurate records containing information the department considers necessary. These records are:

- (1) open to inspection; and
- (2) subject to being copied;

by an authorized representative of the department at any reasonable time and as often as may be necessary. The ~~commissioner~~, **department**, the review board, or an administrative law judge may require from any employing unit any verified or unverified report, with respect to persons employed by it, which is considered necessary for the effective administration of this article.

(b) Except as provided in subsections (d) and (f), information obtained or obtained from any person in the administration of this article and the records of the department relating to the unemployment tax, the skills 2016 assessment under IC 22-4-10.5-3, or the payment of benefits is confidential and may not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, except in obedience to an order of a court or as provided in this section.

(c) A claimant at a hearing before an administrative law judge or the review board shall be supplied with information from the records referred to in this section to the extent necessary for the proper presentation of the subject matter of the appearance. The ~~commissioner~~ **department** may make the information necessary for a proper presentation of a subject matter before an administrative law judge or the review board available to an agency of the United States or an Indiana state agency.

(d) The ~~commissioner~~ **department** may release the following information:

(1) Summary statistical data may be released to the public.

(2) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the Indiana economic development corporation only for the following purposes:

(A) The purpose of conducting a survey.

(B) The purpose of aiding the officers or employees of the Indiana economic development corporation in providing economic development assistance through program development, research, or other methods.

(C) Other purposes consistent with the goals of the Indiana economic development corporation and not inconsistent with those of the department.

(3) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the budget agency only for aiding the employees of the budget agency in forecasting tax revenues.

(4) Information obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits for use by the following governmental entities:

(A) department of state revenue; or

(B) state or local law enforcement agencies;

only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.

(e) The ~~commissioner~~ **department** may make information available under subsection (d)(1), (d)(2), or (d)(3) only:

(1) if:

(A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or

(B) there is an agreement that the employer specific information released to the Indiana economic development corporation or the budget agency will be treated as confidential and will be released only in summary form that cannot be used to identify information relating to a specific employer or a specific employee; and

(2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.

(f) In addition to the confidentiality provisions of subsection (b), **the fact that a claim has been made under IC 22-4-15-1(c)(8) and any information furnished by the claimant or an agent to the department to verify a claim of domestic or family violence is are confidential. This information concerning the claimant's current address or physical location shall not be disclosed to the employer or any other person. Disclosure is subject to the following additional restrictions:**

(1) The claimant must be notified before any release of information.

(2) Any disclosure is subject to redaction of unnecessary identifying information, including the claimant's address.

(g) An employee:

(1) of the department who recklessly violates subsection (a), (c), (d), (e), or (f); or

(2) of any governmental entity listed in subsection (d)(4) ~~of this chapter~~ who recklessly violates subsection (d)(4); ~~of this chapter~~;

commits a Class B misdemeanor.

(h) An employee of the Indiana economic development corporation or the budget agency who violates subsection (d) or (e) commits a Class B misdemeanor.

(i) An employer or agent of an employer that becomes aware that a claim has been made under IC 22-4-15-1(c)(8) shall maintain that information as confidential.

SECTION 40. IC 22-4-19-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. In any case where an employing unit, or any officer, member, or agent thereof or any other person having possession of the records thereof, shall fail or refuse upon demand by the board, **the department**, the review board, or an administrative law judge, or the duly authorized representative of any of them, to produce or permit the examination or copying of any book, paper, account, record, or other data pertaining to payrolls or employment or ownership of interests or stock in any employing unit, or bearing upon the correctness of any contribution report or the skills 2016 training assessment under IC 22-4-10.5-3, or for the purpose of making a report as required by this article where none has been made, then and in that event the board, **the department**, the review board, or the administrative law judge, or the duly authorized representative of any of them, may by issuance of a subpoena require the attendance of such employing unit, or any officer, member, or agent thereof or any other person having possession of the records thereof, and take testimony with respect to any such matter and may require any such person to produce any books or records specified in such subpoena.

SECTION 41. IC 22-4-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board, **the department**, the review board, or the administrative law judge, or the duly authorized representative of any of them, at any such hearing shall have power to administer oaths to any such person or persons. When any person called as a witness by such subpoena, duly signed, and served upon ~~him~~ **the witness** by any duly authorized person or by the sheriff of the county of which such person is a resident, or wherein is located the principal office of such employing unit or wherein such records are located or kept, shall fail to obey such subpoena to appear before the board, **the department**, the review board, or the administrative law judge, or the authorized representative of any of them, or shall refuse to testify or to answer any questions, or to produce any book, record, paper, or other data when notified and demanded so to do, such failure or refusal shall be reported to the attorney general for the state of Indiana who shall thereupon institute proceedings by the filing of a petition in the name of the state of Indiana on the relation of the board, in the circuit court or superior or other court of competent jurisdiction of the county where such witness resides, or wherein such records are located or kept, to compel obedience of and by such witness.

(b) Such petition shall set forth the facts and circumstances of the demand for and refusal or failure to permit the examination or copying of such records or the failure or refusal of such witness to testify in answer to such subpoena or to produce the records so required by such subpoena. Such court, upon the filing and docketing of such petition shall thereupon promptly issue an order to the defendants named in said petition, to produce forthwith in such court or at a place in such county designated in such order, for the examination or copying by the board, **the department**, the review board, an administrative law judge, or the duly authorized representative of any of them, the records, books, or documents so described and to testify concerning matters described in such petition. Unless such defendants to such petition shall appear in said court upon a day specified in such order, which said day shall be not more than ten (10) days after the date of issuance of such order, and offer,

under oath, good and sufficient reasons why such examination or copying should not be permitted, or why such subpoena should not be obeyed, such court shall thereupon deliver to the board, **the department**, the review board, **the** administrative law judge, or representative of any of them, for examination or copying, the records, books and documents so described in said petition and so produced in such court and shall order said defendants to appear in answer to the subpoena, and to testify concerning the subject matter of the inquiry. Any employing unit, or any officer, member, or agent thereof, or any other persons having possession of the records thereof who shall willfully disobey such order of the court after the same shall have been served upon him, shall be guilty of indirect contempt of such court from which such order shall have issued and may be adjudged in contempt of said court and punished therefor as provided by law.

SECTION 42. IC 22-4-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commissioner is authorized to enter into reciprocal agreements with the proper agencies under the laws of other states or jurisdictions or of the United States, which agreements shall become effective after filing with the secretary of state ~~pursuant to IC 22-4-19-2~~, **in accordance with rules adopted by the department under IC 4-22-2**, by the terms of which agreements:

- (1) potential rights to benefits accumulated under the unemployment compensation laws of one (1) or more states or jurisdictions or of the United States, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commissioner finds will be fair and reasonable to all affected interests and which will not result in any substantial loss to the fund; and
- (2) wages or services in employment subject to an unemployment compensation law of another state or of the United States shall be deemed to be wages in employment for employers for the purpose of determining an individual's rights to unemployment compensation benefits under this article, and wages in employment for employers as defined in this article shall be deemed to be wages or services on the basis of which unemployment compensation under the law of another state or of the United States is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the unemployment insurance benefit fund for such of the unemployment compensation benefits paid under this part upon the basis of such wages or services, and provisions for reimbursements from the unemployment insurance benefit fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this article as the commissioner finds will be fair and reasonable to all affected interests.

SECTION 43. IC 22-4-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. In order that the administration of this article and the unemployment ~~compensation~~ **insurance** laws of other states or jurisdictions or of the United States of America will be promoted by cooperation between this state and such other states or jurisdictions or the appropriate agencies of the United States in exchanging services and making available facilities and information, the board ~~is and the department are~~ authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided in this article with respect to the administration of this article as ~~it deems deemed~~ necessary or appropriate to facilitate the administration of any unemployment ~~compensation insurance~~ law and in like manner to accept and utilize information, services, and facilities made available to this state by the agency or jurisdiction charged with the administration of any such other unemployment ~~compensation insurance~~ law.

SECTION 44. IC 22-4-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) On request of an agency which administers an employment security law of another state or of a foreign government, and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact, or who has knowingly failed to disclose a material fact, with respect to a claim

taken in this state as an agent for such agency, the ~~board~~ **department** may collect from such claimant for the liable state the amount of such benefits to be refunded to such agency.

(b) In any case in which under this subsection a claimant is liable to repay any amount to the agency of another state, or of a foreign government, such amounts may be collected without interest by civil action in the name of the ~~board~~ **department** acting as agent for such agency.

SECTION 45. IC 22-4-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The department shall establish and maintain free public employment and training offices in such number and in such places as may be necessary for the proper administration of this article and for the purpose of performing such duties as are within the purview of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014 and any amendments thereto. The provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014 are hereby declared accepted by the state in conformity with the terms of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, and the state commits itself to the observation of and compliance with the requirements of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, and the department is constituted the agency of the state for all purposes of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014. All duties and powers conferred upon any other department, agency, or officer of the state relating to the establishment, maintenance, and operation of free public employment offices shall be vested in the ~~board~~ **department**. The ~~board~~ **department** being charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, shall be and is authorized and empowered to do and perform all things necessary to secure to this state the benefits of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014. The department may cooperate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of free employment service facilities.

(b) The department may do all acts and things necessary or proper to carry out the powers expressly granted under this article.

SECTION 46. IC 22-4-25-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this section, "fund" refers to the special employment and training services fund created under section 1 of this chapter.

(b) The commissioner may allocate an amount not to exceed two million dollars (\$2,000,000) annually from the fund to establish reemployment training accounts to provide training and reemployment services to department employees dislocated by:

- (1) a reduction of funding for;
- (2) a centralization or decentralization of; or
- (3) the implementation of a more efficient technology or service delivery method in connection with;

the programs and services provided under this article.

SECTION 47. IC 22-4-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The fund shall be administered exclusively for the purpose of this article, and money withdrawn therefrom, except for deposit in the unemployment insurance benefit fund and for refund, as provided in this article, and except for amounts credited to the account of this state pursuant to 42 U.S.C. 1103, as amended, which shall be used exclusively as provided in section 5 of this chapter, shall be used solely for the payment of benefits. Payment of benefits and refunds shall be made in accordance with the rules prescribed by the ~~board~~ **department** consistent with the provisions of this article. Withdrawals from the fund except as provided in section 5 of this chapter shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody.

SECTION 48. IC 22-4-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the employing unit protests such assessment, upon written request it shall have an opportunity to be heard, and such hearing shall be conducted by a liability administrative law judge pursuant to the provisions of IC 22-4-32-1 through IC 22-4-32-15. After the hearing the liability administrative law judge shall immediately notify the employing unit in writing of the finding, and the assessment, if any, so made shall be final, in the absence of judicial review proceedings as provided in this

article, ~~fifteen (15)~~ **thirty (30)** days after such notice of appeal is issued.

SECTION 49. IC 22-4-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The finality of such decision of the liability administrative law judge may be stayed for a period of thirty (30) days from the date of service of notice on the ~~board of intention to seek a judicial review department of the appeal of said decision as provided in this article. provided~~ Such notice ~~is must be~~ served within ~~fifteen (15)~~ **thirty (30)** days after notice of the decision of the liability administrative law judge is issued. If judicial review proceedings are not instituted within the time provided for in this article, the finality of said decision shall not be further stayed.

SECTION 50. IC 22-4-30-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Any employer against whom contributions shall be assessed as provided in this article shall be restrained and enjoined upon the order of the ~~board~~ **department** by proper proceedings instituted in the name of the state of Indiana, brought by the attorney general for the state of Indiana ~~and/or~~ or any prosecuting attorney at the request of the ~~board~~ **department**, from engaging ~~and/or~~ or continuing in business in this state until the contributions, interest, penalties, and damages shall have been paid and until such employer shall have complied with the provisions of this article; and such attorneys shall prosecute violations of criminal provisions of this article upon request of the ~~board~~ **department**.

SECTION 51. IC 22-4-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) If any contributions, interest, penalties, or damages assessed under this article, or any portion thereof, be not paid within one hundred twenty (120) days after the same is found to be due, a receiver may be appointed by the circuit or superior court of the county in which such employer resides or in which ~~he the employer~~ is doing business or in which ~~its the employer's~~ resident agent is located in a proceeding requesting such appointment instituted against the said employer in the name of the state of Indiana, brought by the attorney general for the state of Indiana at the request of the ~~board~~ **department**.

(b) The court shall appoint a receiver when it finds that the employer has not paid the contributions or amounts due imposed by this article within one hundred twenty (120) days after the same is found to be due, and that contributions, interest, penalties, or damages, or any portion thereof, is unpaid and delinquent. Such cause for the appointment of a receiver shall be in addition to all other causes or grounds provided by law for the appointment of receivers and shall be in addition to all other methods for the enforcement of this article.

(c) Each such receiver shall give bond and be sworn as provided for by law and shall have power under the control of the court to bring and defend actions, to take and keep possession of the property of the employer, to receive all funds and collect any debts due to the employer, in the receiver's name, and generally to do such acts respecting the property as the court shall authorize, and shall have all the powers granted to, or shall be subject to all the duties of, receivers under the laws of this state.

SECTION 52. IC 22-4-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) If, after due notice, any employing unit defaults in the payment of any contributions or other money payments required by this article, the amount due may be collected by civil action in the name of the state of Indiana on the relation of the ~~commissioner~~ **department**. Such civil action is not to be considered as the exclusive method for collection of the contributions or money payments but is in addition to the method provided in IC 22-4-29-2 through IC 22-4-29-12 and is to be brought only in such cases as the ~~board~~ **department** may deem advisable in the interest of necessity and convenience.

(b) Unless the employing unit prevails in a civil action brought under this chapter, the court may award costs, including reasonable attorney's fees, incurred by the state in bringing the action.

SECTION 53. IC 22-4-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. It is expressly provided that the foregoing remedies shall be cumulative and shall be in addition to all other existing remedies, and that no action taken by the ~~board~~ **department** or its duly authorized representative, the

attorney general for the state of Indiana, or any other officer shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy.

SECTION 54. IC 22-4-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **A liability administrative law judge shall hear** all matters pertaining to:

- (1) the assessment of contributions, penalties, and interest;
- (2) which accounts, if any, benefits paid, or finally ordered to be paid, should be charged;
- (3) successorships, and related matters arising therefrom, including but not limited to:
 - (A) the transfer of accounts; ~~and~~
 - (B) the determination of rates of contribution; and
 - (C) **determinations under IC 22-4-11.5; and**
- (4) claims for refunds of contributions, skills 2016 training assessments, or adjustments thereon in connection with subsequent contribution payments and skills 2016 training assessments;

~~shall be heard by a liability administrative law judge upon proper application for such hearing; for which an employing unit has timely filed a protest under section 4 of this chapter.~~

SECTION 55. IC 22-4-32-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The proceedings before a liability administrative law judge shall be conducted in accordance with such rules of practice and procedure as the ~~board~~ **department** may ~~prescribe~~ **adopt** under its rulemaking authority ~~as contained in IC 22-4-19-2, under IC 22-4-18-1.~~ Any person representing any interested party in the prosecution or defense of any proceedings before a liability administrative law judge must be admitted to practice law in the courts of the state of Indiana, except that persons admitted to practice before the courts of other states may on special order be permitted to appear in any proceeding before the liability administrative law judge. ~~provided; however, that nothing in~~ This section shall ~~not be so~~ construed ~~as~~ to prohibit an interested party from electing to be heard in his own cause without counsel.

SECTION 56. IC 22-4-32-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. An employing unit shall have fifteen (15) **calendar** days, **beginning on the date an initial determination is mailed to the employing unit**, within which to protest in writing ~~an initial determinations determination of the commissioner department~~ with respect to:

- (1) the assessments of contributions, penalties, and interest;
- (2) the transfer of charges from an employer's account;
- (3) merit rate calculations;
- (4) successorships;
- (5) the denial of claims for refunds and adjustments; and
- ~~(6) a protest arising from an initial determination of the director relating to any matter listed in subdivisions (1) through (5);~~
- (6) a determination under IC 22-4-11.5.**

~~The fifteen (15) day period shall commence with the day following the day upon which the initial determination or denial of claim for refund or adjustment is mailed to the employing unit.~~

SECTION 57. IC 22-4-32-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. After the hearing the liability administrative law judge shall as soon as practicable notify the interested parties in writing of the finding and decision of the liability administrative law judge, which shall become final ~~fifteen (15)~~ **thirty (30)** days thereafter in the absence of ~~judicial review proceedings the filing of a notice of appeal~~ as provided in this chapter.

SECTION 58. IC 22-4-32-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. A notice of ~~intention to institute judicial review proceedings appeal~~ shall be a ~~prerequisite to such action; shall be~~ served on the adverse party at any time before ~~said the~~ decision of the liability administrative law judge becomes final, and shall stay the finality of ~~said the~~ decision for a period of thirty (30) days from the service of such notice. ~~and~~ If such appeal is perfected, further proceedings shall be stayed pending the final determination of said appeal. ~~provided; further, that~~ If an appeal from ~~such the~~ decision of the liability administrative law judge is not perfected within the time provided for by this article, no action or proceeding shall be further stayed.

SECTION 59. IC 22-4-32-11 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~board,~~ **department**, by rule, may require the appellant to deposit with the department an amount sufficient to pay the actual costs of preparing the transcript of the record of the proceedings before the liability administrative law judge before preparing the same.

SECTION 60. IC 22-4-32-19, AS AMENDED BY P.L.202-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. **(a) The department may grant an application for adjustment or refund, make an adjustment or refund, or set off a refund as follows:**

(1) (a) At any time within Not later than four (4) years after the date upon which any contributions, skills 2016 training assessments under IC 22-4-10.5-3, or interest thereon were paid, an employing unit which has paid such contributions, skills 2016 training assessments, or interest thereon may make application for **an adjustment or** a refund of such contributions, skills 2016 training assessments, or an adjustment thereon in connection with subsequent contribution payments or skills 2016 training assessments. The ~~commissioner~~ **department** shall thereupon determine whether or not such contribution or skills 2016 training assessment, or interest or any portion thereof, was erroneously paid or wrongfully assessed. ~~and notify the employing unit in writing of its decision.~~

(b) Such decision shall constitute the initial determination referred to in section 4 of this chapter and shall be subject to hearing and review as provided in sections 1 through 15 of this chapter.

(c) (2) The commissioner department may grant such application in whole or in part and may ~~allow the employing unit to make an adjustment, thereof without interest, in connection with subsequent contribution payments or skills 2016 training assessments, if such adjustment cannot be made; the commissioner may~~ or refund such amounts, without interest, from the fund. ~~For like cause and within the same period;~~ Adjustments or refund may be made on the commissioner's own initiative.

(3) Any adjustments or refunds of interest or penalties collected for contributions due under IC 22-4-10-1 shall be charged to and paid from the special employment and training services fund created by IC 22-4-25. Any adjustments or refunds of interest or penalties collected for skills 2016 training assessments due under IC 22-4-10.5-3 shall be charged to and paid from the skills 2016 training fund established by IC 5-28-27-3.

(4) The department may set off any refund available to an employer under this section against any delinquent contributions, payments in lieu of contributions, skills 2016 training assessments, and the interest and penalties, if any, related to the delinquent payments and assessments.

(b) Any decision by the department to:

- (1) grant an application for adjustment or refund;**
- (2) make an adjustment or refund on its own initiative; or**
- (3) set off a refund;**

constitutes the initial determination referred to in section 4 of this chapter and is subject to hearing and review as provided in sections 1 through 15 of this chapter.

(d) (c) If any assessment has become final by virtue of a decision of a liability administrative law judge with the result that no proceeding for judicial review as provided in this article was instituted, no refund or adjustment with respect to such assessment shall be made.

SECTION 61. IC 22-4-32-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) This section applies to notices given under sections 4, 7, 8, and 9 of this chapter.

(b) As used in this section, "notices" includes mailings pertaining to:

- (1) the assessment of contributions, skills 2016 training assessments under IC 22-4-10.5-3, penalties, and interest;
- (2) the transfer of charges from an employer's account;
- (3) successorships and related matters arising from successorships;
- (4) claims for refunds and adjustments;
- (5) violations under IC 22-4-11.5;**

~~(5) (6) decisions; and~~

~~(6) (7) notices of intention to appeal or seek judicial review.~~

(c) If a notice under this chapter is served through the United States Postal Service, three (3) days must be added to a period that commences upon service of that notice.

(d) The filing of a document with the ~~appellate unemployment insurance appeals~~ division or review board is complete on the earliest of the following dates that apply to the filing:

- (1) The date on which the document is delivered to the ~~appellate unemployment insurance appeals~~ division or review board.
- (2) The date of the postmark on the envelope containing the document if the document is mailed to the ~~appellate unemployment insurance appeals~~ division or review board by the United States Postal Service.
- (3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ~~appellate unemployment insurance appeals~~ division or review board by a private carrier.

SECTION 62. IC 22-4-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. A person who knowingly fails to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, in obedience to a subpoena of the board, ~~the department~~, the review board, an administrative law judge, or any duly authorized representative of any of them, commits a Class C misdemeanor. Each day a violation continues constitutes a separate offense.

SECTION 63. IC 22-4-35-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. All criminal actions for violations of this article shall be prosecuted by the prosecuting attorney of any county, or with the assistance of the attorney general **or a United States attorney**, if requested by the commissioner, in which the employer has a place of business or the alleged violator resides.

SECTION 64. IC 22-4-37-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. It is declared to be the purpose of this article to secure to the state of Indiana and to employers and employees therein all the rights and benefits which are conferred under the provisions of 42 U.S.C. 501 through 504, 42 U.S.C. 1101 through 1109, 26 U.S.C. 3301 through 3311, and 29 U.S.C. 49 et seq., and the amendments thereto. Whenever the ~~board~~ **department** shall find it necessary, it shall have power to formulate rules after public hearing and opportunity to be heard whereof due notice is given as is provided in this article for the adoption of rules pursuant to ~~IC 22-4-19-2, IC 4-22-2,~~ and with the approval of the governor of Indiana, to adopt such rules as shall effectuate the declared purposes of this article.

SECTION 65. IC 22-4-37-3, AS AMENDED BY P.L.214-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Should:

- (1) the Congress of the United States amend, repeal, or authorize the implementation of a demonstration project under 29 U.S.C. 49 et seq., 26 U.S.C. 3301 through 3311, 42 U.S.C. 301 et seq., or 26 U.S.C. 3101 through 3504, or any statute or statutes supplemental to or in lieu thereof or any part or parts of said statutes, or should any or all of said statutes or any part or parts thereof be held invalid, to the end and with such effect that appropriations of funds by the said Congress and grants thereof to the state for the payment of costs of administration of the department ~~of workforce development~~ are or no longer shall be available for such purposes; ~~or should~~
- (2) the primary responsibility for the administration of 26 U.S.C. 3301 through 26 U.S.C. 3311 be transferred to the state as a demonstration project authorized by Congress; ~~or should~~
- (3) employers in Indiana subject to the payment of tax under 26 U.S.C. 3301 through 3311 be granted full credit upon such tax for contributions or taxes paid to the department; ~~of workforce development~~

then, beginning with the effective date of such change in liability for payment of such federal tax and for each year thereafter, the normal contribution rate under this article shall be established by the department ~~of workforce development~~ and may not exceed three and one-half percent (3.5%) per year of each employer's payroll subject to contribution. With respect to each employer having a rate of

contribution for such year pursuant to terms of IC 22-4-11-2(b)(2)(A), IC 22-4-11-2(b)(2)(B), **IC 22-4-11-2(c)**, IC 22-4-11-3, and IC 22-4-11-3.3, **and IC 22-4-11.5**, to the rate of contribution, as determined for such year in which such change occurs, shall be added not more than eight-tenths percent (0.8%) as prescribed by the department. ~~of workforce development.~~

(b) The amount of the excess of tax for which such employer is or may become liable by reason of this section over the amount which such employer would pay or become liable for except for the provisions of this section, together with any interest or earnings thereon, shall be paid and transferred into the employment and training services administration fund to be disbursed and paid out under the same conditions and for the same purposes as is other money provided to be paid into such fund. If the commissioner shall determine that as of January 1 of any year there is an excess in said fund over the money and funds required to be disbursed therefrom for the purposes thereof for such year, then and in such cases an amount equal to such excess, as determined by the commissioner, shall be transferred to and become part of the unemployment insurance benefit fund, and such funds shall be deemed to be and are hereby appropriated for the purposes set out in this section.

SECTION 66. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 22-4-16-1; IC 22-4-19-2; IC 22-4-19-3.

SECTION 67. An emergency is declared for this act.

(Reference is to ESB 321 as reprinted March 1, 2006.)

KRUSE	TORR
CRAYCRAFT	STILWELL
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1259-1; filed March 13, 2006, at 2:21 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1259 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-21-2, AS ADDED BY P.L. 5-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "military base" means a United States **or an Indiana** government military installation that:

- (1) has an area of at least sixty thousand (60,000) acres and ~~(2) is used for the design, construction, maintenance, and testing of electronic devices and ordnance;~~
- (2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or**
- (3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.**

SECTION 2. IC 4-3-21-4, AS ADDED BY P.L. 5-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The council consists of the following members:

- (1) Each member of the house of representatives whose house district includes all or part of a county that contains any part of a military base.
- (2) Each member of the senate whose senate district includes all or part of a county that contains any part of a military base.
- (3) The lieutenant governor or the lieutenant governor's designee.
- (4) The adjutant general or the adjutant general's designee.
- (5) The commissioner of the department of environmental management or the commissioner's designee.
- (6) The commissioner of the Indiana department of transportation or the commissioner's designee.
- (7) The **executive** director of the **state emergency management agency department of homeland security** or the **executive**

director's designee.

(8) The commissioner of the department of workforce development or the commissioner's designee.

(9) The president of the Indiana economic development corporation or the president's designee.

(10) The director of the office of energy and defense development.

~~(8)~~ **(11) The following local government representatives:**

(A) One (1) member of the county executive of each county that contains all or part of a military base, appointed by the county executive.

(B) One (1) member of the county fiscal body of each county that contains all or part of a military base, appointed by the county fiscal body.

(C) One (1) member:

(i) who is the executive of the municipality having the largest population in each county that contains all or part of a military base if that municipality is a city; or

(ii) who is appointed from the membership of the fiscal body of that town, if a town is the municipality having the largest population in the county.

(D) One (1) member of the legislative body of the municipality having the largest population in each county that contains a military base, appointed by the legislative body of that municipality.

(E) One (1) member of the county executive of each county listed in IC 36-7-30.5-10(4) through IC 36-7-30.5-10(6), appointed by the county executive.

SECTION 3. IC 6-2.5-4-5, AS AMENDED BY P.L. 203-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, refining, oil extraction, mineral extraction, irrigation, agriculture, or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

(i) relocates all or part of its operations to a facility; or

(ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under

IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area **established under IC 36-7-34-4(1)**, the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

SECTION 4. IC 6-3-2-1.5, AS AMENDED BY P.L.203-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) As used in this section, "qualified area" means:

(1) a military base (as defined in IC 36-7-30-1(c));

(2) a military base reuse area established under IC 36-7-30;

(3) the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c));

(4) a military base recovery site designated under IC 6-3.1-11.5; or

(5) a qualified military base enhancement area established under IC 36-7-34.

(b) Except as provided in subsection ~~(c)~~; **(e)**, a tax at the rate of five percent (5%) of adjusted gross income is imposed on that part of the adjusted gross income of a corporation that is derived from sources within a qualified area if the corporation locates all or part of its operations in a qualified area during the taxable year, as determined under subsection ~~(c)~~; **(g)**. The tax rate under this section applies to the taxable year in which the corporation locates its operations in the qualified area and to the next succeeding four (4) taxable years.

(c) In the case of a corporation that locates all or part of its operations in a qualified military base enhancement area **established under IC 36-7-34-4(1)**, the tax rate imposed under this section applies to the corporation only if the corporation meets at least one (1) of the following criteria:

(1) The corporation is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The corporation is a United States Department of Defense

contractor.

(3) The corporation and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the corporation and the United States Department of Defense.

(d) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

~~(c)~~ **(e)** A taxpayer is not entitled to the tax rate described in subsection (b) to the extent that the taxpayer substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations within the qualified area, unless:

(1) the taxpayer had existing operations in the qualified area; and

(2) the operations relocated to the qualified area are an expansion of the taxpayer's operations in the qualified area.

~~(d)~~ **(f)** A determination under subsection ~~(c)~~ **(e)** that a taxpayer is not entitled to the tax rate provided by this section as a result of a substantial reduction or cessation of operations applies to the taxable year in which the substantial reduction or cessation occurs and in all subsequent years. Determinations under this section shall be made by the department of state revenue.

~~(e)~~ **(g)** The department of state revenue:

(1) shall adopt rules under IC 4-22-2 to establish a procedure for determining the part of a corporation's adjusted gross income that was derived from sources within a qualified area; and

(2) may adopt other rules that the department considers necessary for the implementation of this chapter.

SECTION 5. IC 6-3.1-11.6-9, AS AMENDED BY P.L.203-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Subject to subsection (c), a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that taxable year.

(b) The amount of the credit to which a taxpayer is entitled is the percentage determined under section 12 of this chapter multiplied by the amount of the qualified investment made by the taxpayer during the taxable year.

(c) This subsection applies to a taxpayer making a qualified investment in a business located in a qualified military base enhancement area **established under IC 36-7-34-4(1)**. To qualify for a credit under this chapter, the taxpayer's qualified investment must be in a business that satisfies at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business is a United States Department of Defense contractor.

(3) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(d) This subsection applies to a taxpayer making a qualified investment in a business located in a qualified military base enhancement area established under IC 36-7-34-4(2). To qualify for a credit under this chapter, the taxpayer's qualified investment must be in a business that satisfies at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and

the qualified military base (as defined in IC 36-7-34-3).

SECTION 6. IC 13-11-2-129.6, AS ADDED BY P.L.5-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 129.6. "Military base", for purposes of IC 13-15-3-1.3, means a United States or an Indiana government military installation that:

- (1) has an area of at least sixty thousand (60,000) acres and
- (2) is used for the design, construction, maintenance, and testing of electronic devices and ordnance;
- (2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or
- (3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

SECTION 7. IC 34-6-2-82.6, AS ADDED BY P.L.5-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 82.6. "Military base", for purposes of IC 34-30-21, means a United States or an Indiana government military installation that:

- (1) has an area of at least sixty thousand (60,000) acres and
- (2) is used for the design, construction, maintenance, and testing of electronic devices and ordnance;
- (2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or
- (3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

SECTION 8. IC 36-7-34-4, AS ADDED BY P.L.203-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A qualified military base enhancement area is established for each of the following:

- (1) A technology park located within a radius of five (5) miles of a qualified military base. The geographic area of the a qualified military base enhancement area established under this subdivision is the geographic area of the technology park.
- (2) A county in which all or part of a qualified military base is located. The geographic area of a qualified military base enhancement area established under this subdivision is the geographic area of the county other than any area in which a technology park described in subdivision (1) is located.

(Reference is to EHB 1259 as printed February 24, 2006.)

KOCH	STEELE
CROOKS	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1102-1; filed March 13, 2006, at 2:33 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1102 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the technical correction made under Senate Rule 33(c) adopted March 1, 2006.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper:

- (1) that:
 - (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
 - (B) has been published for at least three (3) consecutive years in the same city or town;
 - (C) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and

(D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; or

(2) that:

- (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;
- (C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and
- (D) meets the greater of the following conditions:

(i) The newspaper's paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

SECTION 2. IC 5-3-1-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

- (1) a reasonable person would not be misled by the error or omission; and
- (2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

(b) This subsection applies if:

- (1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;
- (2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and
- (3) the county auditor is responsible for the error or omission described in subdivision (2).

Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision.

SECTION 3. IC 5-11-10-1, AS AMENDED BY P.L.127-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section applies to the state and its political subdivisions. However, this section does not apply to the following:

- (1) The state universities.
- (2) Ivy Tech Community College of Indiana.
- (3) A municipality (as defined in IC 36-1-2-11).
- (4) A county.
- (5) An airport authority operating in a consolidated city.
- (6) A capital improvements board of managers operating in a consolidated city.
- (7) A board of directors of a public transportation corporation

operating in a consolidated city.

(8) A municipal corporation organized under IC 16-22-8-6.

(9) A public library.

(10) A library services authority.

(11) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.

(12) A school corporation (as defined in IC 36-1-2-17).

(13) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).

(14) A municipally owned utility (as defined in IC 8-1-2-1).

(15) A board of an airport authority under IC 8-22-3.

(16) A conservancy district.

(17) A board of aviation commissioners under IC 8-22-2.

(18) A public transportation corporation under IC 36-9-4.

(19) A commuter transportation district under IC 8-5-15.

(20) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(21) A county building authority under IC 36-9-13.

(22) A soil and water conservation district established under IC 14-32.

(23) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

(b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by law.

(c) The certificate provided for in subsection (b) is not required for:

(1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated by a governmental body;

(2) a warrant issued by the auditor of state under IC 4-13-2-7(b);

(3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or

(4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).

(d) The disbursing officer shall issue checks or warrants for all claims which meet all of the requirements of this section. The disbursing officer does not incur personal liability for disbursements:

(1) processed in accordance with this section; and

(2) for which funds are appropriated and available.

(e) The certificate provided for in subsection (b) must be in the following form:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SECTION 4. IC 5-11-10-1.6, AS AMENDED BY P.L.1-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.6. (a) As used in this section, "governmental entity" refers to any of the following:

(1) A municipality (as defined in IC 36-1-2-11).

(2) A school corporation (as defined in IC 36-1-2-17), including a school extracurricular account.

(3) A county.

(4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).

(5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.

(6) A board of an airport authority under IC 8-22-3.

(7) A board of aviation commissioners under IC 8-22-2.

(8) A conservancy district.

(9) A public transportation corporation under IC 36-9-4.

(10) A commuter transportation district under IC 8-5-15.

(11) The state.

(12) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(13) A levee authority established under IC 14-27-6.

(14) A county building authority under IC 36-9-13.

(15) A soil and water conservation district established under IC 14-32.

(16) The northwestern Indiana regional planning

commission established by IC 36-7-7.6-3.

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.

(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

(1) there is a fully itemized invoice or bill for the claim;

(2) the invoice or bill is approved by the officer or person receiving the goods and services;

(3) the invoice or bill is filed with the governmental entity's fiscal officer;

(4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and

(5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-20-13-10. **This subsection does not prohibit a municipality from making meal expense advances to a municipal employee who will be traveling on official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance payment, specifying the maximum amount that may be paid in advance, specifying the required invoices and other documentation that must be submitted by the municipal employee, and providing for reimbursement from the wages of the municipal employee if the municipal employee does not submit the required invoices and documentation.**

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

(1) processed in accordance with this section; and

(2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts.

SECTION 5. IC 5-11-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Every state, county, city, town, township, or school official, elective or appointive, who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a written or printed certified report, correctly and completely showing the names and **business** addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year.

SECTION 6. IC 5-11-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this section, "official" includes the following:

(1) An elected official who is entitled to attend a conference under this section.

(2) An individual elected to an office who is entitled to attend a conference under this section.

(3) A deputy or an assistant to an elected official who is entitled to attend a conference under this section.

(b) The state board of accounts shall annually call a conference of each of the following:

(1) County auditors and auditors elect.

(2) County treasurers and treasurers elect.

(3) Circuit court clerks and circuit court clerks elect.

(c) Each of the conferences called under subsection (b):

- (1) must be held at a time and place fixed by the state examiner;
- (2) may be held statewide or by district; and
- (3) may not continue for longer than three (3) days in any one (1) year.
- (d) The following training must be provided at each conference called under subsection (b):
 - (1) The proper use of forms prescribed by the state board of accounts.
 - (2) The keeping of the records of the respective offices.
 - (3) At the conference for county treasurers and treasurers elect, investment training by the following:
 - (A) The treasurer of state.
 - (B) The board for depositories.
 - (C) Any other person the state examiner considers to be competent in providing investment training.
 - (4) Any other training that, in the judgment of the state examiner, will result in the better conduct of the public business.
- (e) The state examiner may hold other conferences for:
 - (1) the officials described in subsection (b); or
 - (2) other county, city, or township officers;
 whenever in the judgment of the state examiner conferences are necessary.

(f) Whenever a conference is called by the state board of accounts under this section, an elected official, at the direction of the state examiner, may require the attendance of:

- (1) each of the elected official's appointed and acting chief deputies or chief assistants; and
- (2) if the number of deputies or assistants employed:
 - (A) does not exceed three (3), one (1) of the elected official's appointed and acting deputies or assistants; or
 - (B) exceeds three (3), two (2) of the elected official's duly appointed and acting deputies or assistants.
- (g) Each official **representing a unit and** attending any conference under this section shall be allowed **the following**:

(1) A sum for mileage at a rate determined by the fiscal body of the unit the official represents for each mile necessarily traveled in going to and returning from the conference by the most expeditious route. ~~a sum for mileage at a rate determined by the fiscal body of the unit the official represents. Each official shall also be allowed, while attending a conference called under this section, Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance even if the official transports more than one (1) person.~~

(2) An allowance for lodging for each night preceding conference attendance in an amount equal to the single room rate. However, lodging expense, in the case of a one (1) day conference, shall only be allowed for persons who reside fifty (50) miles or farther from the conference location.

(3) Each official shall be reimbursed; Reimbursement of an official, in an amount determined by the fiscal body of the unit the official represents, for meals purchased while attending a conference called under this section. ~~Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance although the official transports more than one (1) person.~~

(h) The state board of accounts shall certify the number of days of attendance and the mileage for each conference to each official attending any conference under this section.

(i) All payments of mileage and lodging shall be made by the proper disbursing officer in the manner provided by law on a duly verified claim or voucher to which shall be attached the certificate of the state board of accounts showing the number of days attended and the number of miles traveled. All payments shall be made from the general fund from any money not otherwise appropriated and without any previous appropriation being made therefor.

(j) A claim for reimbursement under this section may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6 and this section.

SECTION 7. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
 - (2) creates or retains employment;
- is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
- (2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 8. IC 6-1.1-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

- (1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.
- (2) The fiscal body of a ~~second class city~~, **municipality**, not later than September 30.
- (3) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:
 - (A) the time required in section 5.6(b) of this chapter; or
 - (B) September 20 if a resolution adopted under section 5.6(d) of this chapter is in effect.
- (4) The proper officers of all other political subdivisions, not later than September 20.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or

tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c). Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 9. IC 6-1.1-17-16, AS AMENDED BY P.L.228-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 6-1.1-19, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. **However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b).** The department of local government finance shall give the political

subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ~~one (1) week~~ **two (2) weeks** from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. ~~specifying how to make the required reductions in the amount budgeted by fund. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error.~~ The department of local government finance shall ~~make reductions~~ **consider the adjustments** as specified in the political subdivision's response if the response is provided as required by this subsection and ~~sufficiently specifies all necessary reductions. The department of local government finance may make a revision, a reduction, or an increase in a political subdivision's budget only by fund, and shall deliver a final decision to the political subdivision.~~

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department acts under an appeal initiated by taxpayers under section 13 of this chapter, a taxpayer who signed the petition under that section.
- (3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.
- (4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

- (1) requested in writing by the officers of the political subdivision;
- (2) either:
 - (A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or
 - (B) results from an inadvertent mathematical error made in determining the levy; and
- (3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the

school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in IC 6-1.1-17-12 is published at least ten (10) days before the date of the hearing.

SECTION 10. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; ~~and~~

(C) the dollar amount of the tax owed; **and**

(D) the dollar amount of each special assessment owed.

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December

31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

(1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

(A) The homestead credit and all property tax deductions.

(B) The procedure and deadline for filing for the homestead credit and each deduction.

(C) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(5) A checklist that shows:

(A) the homestead credit and all property tax deductions; and

(B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

(1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or

(2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).

SECTION 11. IC 6-1.1-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A holder of a lien of record on any real property on which taxes are delinquent may pay the delinquent taxes, penalties, and cost. The amount so paid is an additional lien on the real property in favor of the lienholder and is collectible, with interest at ~~six ten percent (6%)~~ **(10%)** per annum from the time of payment, in the same manner as the original lien.

SECTION 12. IC 6-1.1-22-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A political**

subdivision acquires a lien on each tract of real property for:

- (1) all special assessments levied against the tract, including the land under an improvement or appurtenance described in IC 6-1.1-2-4(b); and
- (2) all subsequent penalties and costs resulting from the special assessments.

The lien attaches on the installment due date of the year for which the special assessments are certified for collection. The lien is not affected by any sale or transfer of the tract, including the land under an improvement or appurtenance described in IC 6-1.1-2-4(b), and including the sale, exchange, or lease of the tract under IC 36-1-11.

(b) The lien of the political subdivision for special assessments, penalties, and costs continues for ten (10) years from May 10 of the year in which special assessments first become due. However, if any proceeding is instituted to enforce the lien within the ten (10) year period, the limitation is extended, if necessary, to permit the termination of the proceeding.

(c) The lien of the state inures to political subdivisions that impose the special assessments on which the lien is based, and the lien is superior to all other liens except the lien of the state for property taxes.

(d) A political subdivision described in subsection (c) may institute a civil suit against a person or an entity liable for delinquent special assessments. The political subdivision may, after obtaining a judgment, collect:

- (1) delinquent special assessments;
- (2) penalties due to the delinquency; and
- (3) costs and expenses incurred in collecting the delinquent special assessments, including reasonable attorney's fees and court costs approved by a court with jurisdiction.

SECTION 13. IC 6-1.1-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) On or before July 1 of each year or fifty-one (51) days after the tax payment due date, the county treasurer (or county executive, in the case of property described in subdivision (2)) shall certify to the county auditor a list of real property on which any of the following exist:

- (1) In the case of real property other than real property described in subdivision (2), any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or before are delinquent as determined under IC 6-1.1-37-10.
- (2) In the case of real property for which a county executive has certified to the county auditor that the real property is:

- (A) vacant; or
- (B) abandoned;

any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made.

- ~~(2)~~ (3) Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Unless the taxpayer pays to the county treasurer the amounts in subsection (a), the taxpayer's property shall remain on the list. The list must:

- (1) describe the real property by parcel number and common address, if any;
- (2) for a tract or item of real property with a single owner, indicate the name of the owner; and
- (3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 14. IC 6-1.1-24-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. ~~(a)~~ This section applies to a county having a consolidated city:

(a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

(1) In a county not containing a consolidated city, the county executive or the county executive's designee.

(2) In a county containing a consolidated city, the executive of the consolidated city.

(b) The metropolitan development commission ~~shall~~ county executive may designate the real property on the list prepared under section 4.5(b) of this chapter that is eligible for listing on the list prepared under subsection ~~(d)~~: (c).

~~(c)~~ The commission may designate real property for inclusion on the list if the commission finds that the real property:

(1) is an unsafe premises as determined under ~~(IC 36-7-9)~~ and is subject to:

(A) an order issued under IC 36-7-9; or

(B) a notice of violation issued by the county's health and hospital corporation under IC 16-22-8;

(2) is not being used as a residence or for a business enterprise; and

(3) is suitable for rehabilitation or development that will benefit or serve low or moderate income families.

~~(d)~~ (c) The commission county executive shall prepare a list of properties designated under subsection (b) and certify the list to the county auditor no later than sixty-one (61) days prior to the earliest date on which application for judgment and order for sale may be made.

~~(e)~~ (d) Upon receiving the list described in subsection ~~(d)~~: (c), the county auditor shall:

(1) prepare a list of the properties certified by the commission; and

(2) delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

~~(f)~~ If the county auditor receives an owner's affidavit under section 4.1 of this chapter, the auditor shall, upon determining that the information contained in the affidavit is correct, remove the property from the list prepared under subsection (c) and restore the property to the list prepared under section 1 of this chapter.

SECTION 15. IC 6-1.1-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) the greater of twenty-five dollars (\$25) for or postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

- (B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;
- (C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and
- (D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property.
- (5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.
- (6) A statement that the county does not warrant the accuracy of the street address or common description of the property.
- (7) A statement indicating:
- (A) the name of the owner of each tract or item of real property with a single owner; or
 - (B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.
- (8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:
- (A) A statement:
 - (i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and
 - (ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.
 - (B) A statement that any defense to the application for judgment must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.
 - (C) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.
- (9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.
- (10) A statement that the sale will take place at the times and dates designated in the notice. ~~Except as provided in section 5-5 of this chapter,~~ The sale must take place on or after August 1 and before November 1 of each year.
- (11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).
- (12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.
- (13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.
- (14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.
- (b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that

remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 16. IC 6-1.1-24-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.2. ~~(a) This section applies to a county having a consolidated city:~~

~~(b) Whenever a notice required under section 2 of this chapter includes real property on the list prepared under section 1-5(c) section 1(a)(2) or 1.5(d) of this chapter, the notice must also contain a statement that:~~

~~(1) the property is on the alternate list prepared under section 1-5(c) section 1(a)(2) or 1.5(d) of this chapter;~~

~~(2) the owner of the property may file an affidavit with the county auditor no later than twenty (20) days following the date of the notice indicating that the residential structure located on the property is:~~

~~(A) habitable under state law and any ordinance of the political subdivision where the property is located; and~~

~~(B) has been occupied as a permanent residence for the six (6) month period preceding the date of the notice;~~

~~(3) if the auditor determines that the statements made in the affidavit are correct, the auditor will remove the property from the list prepared under section 1-5(c) of this chapter and restore the parcel to the delinquent tax list prepared under section 1 of this chapter;~~

~~(4) (2) if the property is not redeemed within one hundred twenty (120) days after the date of sale, the county auditor shall execute and deliver a deed for the property to the purchaser or purchaser's assignee; and~~

~~(5) (3) if the property is offered for sale and a bid is not received for at least the amount required under section 5 of this chapter, the county auditor may execute and deliver a deed for the property to the purchasing agency under IC 36-7-17; county executive, subject to IC 6-1.1-25.~~

SECTION 17. IC 6-1.1-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by sections 2 and 2.2 of this chapter at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in sections 2 and 2.2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(b) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by sections 2 and 2.2 of this chapter by certified mail, return receipt requested, to any mortgagee who annually requests, by certified mail, a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgment and order.

(c) ~~The notices mailed under this section and the advertisement published under section 4(b) of this chapter~~ **is are** considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

SECTION 18. IC 6-1.1-24-4 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail to:

- (1) the owner of record of real property with a single owner; or
- (2) to at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section 2(a)(4) of this chapter. The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address required by this section.

(b) ~~This subsection applies to a county having a consolidated city.~~ In addition to the notice required under subsection (a) for real property on the list prepared under ~~section 1.5(c)~~ **section 1(a)(2) or 1.5(d)** of this chapter, the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than August 15 in the year in which the property is to be sold under this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 19. IC 6-1.1-24-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.6. (a) On the day on which the application for judgment and order for sale is made, the county treasurer shall report to the county auditor all of the tracts and real property listed in the notice required by section 2 of this chapter upon which all delinquent taxes and special assessments, all penalties due on the delinquencies, any unpaid costs due from a prior tax sale, and the amount due under section 2(a)(3)(D) of this chapter have been paid up to that time. The county auditor, assisted by the county treasurer, shall compare and correct the list, removing tracts and real property for which all delinquencies have been paid, and shall make and subscribe an affidavit in substantially the following form:

State of Indiana)
) ss
County of _____)

I, _____, treasurer of the county of _____, and I, _____, auditor of the county of _____, do solemnly affirm that the foregoing is a true and correct list of the real property within the county of _____ upon which have remained delinquent uncollected taxes, special assessments, penalties and costs, as required by law for the time periods set forth, to the best of my knowledge and belief.

County Treasurer

County Auditor

Dated _____

I, _____, auditor of the county of _____, do solemnly affirm that notice of the application for judgment and order for sale was mailed via certified mail to the owners on the foregoing list, and publication made, as required by law.

County Auditor

Dated _____

(b) Application for judgment and order for sale shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the **names of at least one (1) of the owners of each tract or item of real property, the dates of mailing of the notice required by sections 2 and 2.2 of this chapter, the dates of publication required by section 3 of this chapter, and the affidavit and**

corrected list as provided in subsection (a).

(c) Any defense to the application for judgment and order of sale shall be filed with the court on or before the earliest date on which the application may be made as set forth in the notice required under section 2 of this chapter.

SECTION 20. IC 6-1.1-24-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.7. (a) No later than fifteen (15) days before the advertised date of the tax sale, the court shall examine the list of tracts and real property as provided under section 4.6 of this chapter. No later than three (3) days before the advertised date of the tax sale, the court shall enter judgment for those taxes, special assessments, penalties, and costs that appear to be due. This judgment is considered as a judgment against each tract or item of real property for each kind of tax, special assessment, penalty, or cost included in it. The affidavit provided under section 4.6 of this chapter is prima facie evidence of delinquency for purposes of proceedings under this section. The court shall also direct the clerk to prepare and enter an order for the sale of those tracts and real property against which judgment is entered.

(b) Not later than seven (7) days before the advertised date of the tax sale, the court shall conduct a hearing. At the hearing, the court shall hear any defense offered by any person interested in any of the tracts or items of real property to the entry of judgment against them, hear and determine the matter in a summary manner, without pleadings, and enter its judgment. The court shall enter a judgment under this subsection not later than three (3) days before the advertised date of the tax sale. The objection must be in writing, and no person may offer any defense unless the writing specifying the objection is accompanied by an original or a duplicate tax receipt or other supporting documentation. At least seven (7) days before the date set for the hearing, notice of the date, time, and place of the hearing shall be provided by the court to any person filing a defense to the application for judgment and order of sale.

(c) If judgment is entered in favor of the respondent under these proceedings or if judgment is not entered for any particular tract, part of a tract, or items of real property because of an unresolved objection made under subsection (b), the court shall remove those tracts, parts of tracts, or items of real property from the list of tracts and real property provided under section 4.6 of this chapter.

(d) A judgment and order for sale shall contain the final listing of affected properties **and the name of at least one (1) of the owners of each tract or item of real property**, and shall substantially follow this form:

"Whereas, notice has been given of the intended application for a judgment against these tracts and real property, and no sufficient defense has been made or cause has been shown why judgment should not be entered against these tracts for taxes, and real property special assessments, penalties, and costs due and unpaid on them, therefore it is considered by the court that judgment is hereby entered against the below listed tracts and real property in favor of the state of Indiana for the amount of taxes, special assessments, penalties, and costs due severally on them; and it is ordered by the court that the several tracts or items of real property be sold as the law directs. Payments for taxes, special assessments, penalties, and costs made after this judgment but before the sale shall reduce the judgment accordingly."

(e) The order of the court constitutes the list of tracts and real property that shall be offered for sale under section 5 of this chapter.

(f) The court that enters judgment under this section shall retain exclusive continuing supervisory jurisdiction over all matters and claims relating to the tax sale.

(g) No error or informality in the proceedings of any of the officers connected with the assessment, levying, or collection of the taxes that does not affect the substantial justice of the tax itself shall invalidate or in any manner affect the tax or the assessment, levying, or collection of the tax.

(h) Any irregularity, informality, omission, or defective act of one (1) or more officers connected with the assessment or levying of the taxes may be, in the discretion of the court, corrected, supplied, and made to conform to law by the court, or by the officer (in the presence of the court).

SECTION 21. IC 6-1.1-24-5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) When a tract or an item of real property is subject to sale under this chapter, it must be sold in compliance with this section.

(b) The sale must:

- (1) be held at the times and place stated in the notice of sale; and
- (2) ~~except as provided in section 5.5 of this chapter, not extend beyond October 31 of the year of sale; one hundred seventy-one (171) days after the list containing the tract or item of real property is certified to the county auditor.~~

(c) A tract or an item of real property may not be sold under this chapter to collect:

- (1) delinquent personal property taxes; or
- (2) taxes or special assessments which are chargeable to other real property.

(d) A tract or an item of real property may not be sold under this chapter if all the delinquent taxes, penalties, and special assessments on the tract or an item of real property and the amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale, are paid before the time of sale.

(e) The county treasurer shall sell the tract or real property, subject to the right of redemption, to the highest bidder at public auction. However, a tract or an item of real property may not be sold for an amount which is less than the sum of:

- (1) the delinquent taxes and special assessments on each tract or item of real property;
- (2) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, regardless of whether the taxes and special assessments are delinquent;
- (3) all penalties which are due on the delinquencies;
- (4) the amount prescribed by section 2(a)(3)(D) of this chapter reflecting the costs incurred by the county due to the sale;
- (5) any unpaid costs which are due under section 2(b) of this chapter from a prior tax sale; and
- (6) other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the sale.

(f) For purposes of the sale, it is not necessary for the county treasurer to first attempt to collect the real property taxes or special assessments out of the personal property of the owner of the tract or real property.

(g) The county auditor shall serve as the clerk of the sale.

(h) Real property certified to the county auditor under section 1(2) of this chapter must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day during which other real property is offered for sale.

SECTION 22. IC 6-1.1-24-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.3. (a) This section applies to the following:

(1) A person who:

- (A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale is held under this chapter; and
- (B) is subject to an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5) regarding which the conditions set forth in IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.

(2) A person who:

- (A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale is held under this chapter; and
- (B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.

(3) A person who is the defendant in a court action brought under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or IC 36-7-9-22 in the county in which a sale is held under this chapter that has resulted in a judgment in

favor of the plaintiff and the unsafe condition that caused the action to be brought has not been corrected.

(4) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivisions (1), (2), or (3):

- (A) A partner of a partnership.
- (B) An officer or majority stockholder of a corporation.
- (C) The person who directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

~~(5)~~ (5) A person who, in the county in which a sale is held under this chapter, owes:

- (A) delinquent taxes;
- (B) special assessments;
- (C) penalties;
- (D) interest; or
- (E) costs directly attributable to a prior tax sale;

on a tract or an item of real property listed under section 1 of this chapter.

~~(6)~~ (6) A person who is an agent of the person described in subdivision ~~(1)~~; this subsection.

(b) A person subject to this section may not purchase a tract offered for sale under section 5 or ~~5-5~~ 6.1 of this chapter. **However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.**

(c) The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:

"Indiana law prohibits a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale from purchasing tracts or items of real property at a tax sale. I hereby affirm under the penalties for perjury that I do not owe delinquent taxes, special assessments, penalties, interest, costs directly attributable to a prior tax sale, amounts from a final adjudication in favor of a political subdivision in this county, any civil penalties imposed for the violation of a building code or ordinance of this county, or any civil penalties imposed by a health department in this county. Further, I hereby acknowledge that any successful bid I make in violation of this statement is subject to forfeiture. In the event of forfeiture, the amount of my bid shall be applied to the delinquent taxes, special assessments, penalties, interest, costs, judgments, or civil penalties I owe, and a certificate will be issued to the county executive."

~~(d)~~ (d) If a person purchases a tract that the person was not eligible to purchase under this section, the sale of the property is ~~void~~ subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited, the county treasurer shall:

- (1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;
- (2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice, apply the surplus amount of the person's bid to the person's delinquent taxes, special assessments, penalties, and interest;
- (3) remit the amounts owed from a final adjudication or civil penalties in favor of a political subdivision to the appropriate political subdivision; and offer the real property for sale again
- (4) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(e) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

- (1) prepare a written statement explaining the reasons for

declining to forfeit the sale; and

(2) retain the written statement as an official record.

(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

SECTION 23. IC 6-1.1-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) When a tract or an item of real property is offered for sale under this chapter for two (2) consecutive tax sales and an amount is not received equal to or in excess of the minimum sale price prescribed in section 5(e) of this chapter, the county executive acquires a lien in the amount of the minimum sale price. This lien attaches on the day after the last date on which the tract or item was offered for sale. ~~the second time:~~

(b) When a county executive acquires a lien under this section, the county auditor shall issue a tax sale certificate to the county executive in the manner provided in section 9 of this chapter. The county auditor shall date the certificate the day that the county executive acquires the lien. When a county executive acquires a certificate under this section, the county executive has the same rights as a purchaser. ~~However, the county shall hold the certificate for the taxing units described in subsection (c):~~

(c) When a lien is acquired by a county executive under this section, no money shall be paid by the county executive. However, each of the taxing units having an interest in the taxes on the tract shall be charged with the full amount of all delinquent taxes due them.

SECTION 24. IC 6-1.1-24-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) The county commissioners executive may:

(1) by resolution, identify properties:

(A) that are described in section 6.7(a) of this chapter; and

(B) concerning which the county commissioners desire executive desires to offer to the public the certificates of sale acquired by the county executive under section 6 of this chapter;

(2) publish notice in accordance with IC 5-3-1 of the date, time, and place for a public sale of the certificates of sale that is not earlier than ninety (90) days after the last date the notice is published; and

(3) sell each certificate of sale covered by the resolution for a price that:

(A) is less than the minimum sale price prescribed by section 5(e) of this chapter; and

(B) includes any costs to the county executive directly attributable to the sale of the certificate of sale.

(b) Notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:

(1) include a description of the property by parcel number and common address;

(2) specify that the county commissioners executive will accept bids for the certificates of sale for the price referred to in subsection (a)(3);

(3) specify the minimum bid for each parcel;

(4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:

(A) the amount of the minimum bid under section 5(e) of this chapter for which the tract or item of real property was last offered for sale;

(B) ten percent (10%) of the amount for which the certificate is sold;

(C) the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5;

(D) the costs of a title search or of examining and updating the abstract of title for the tract or item of real property; and

(E) all taxes and special assessments on the tract or item of real property paid by the purchaser after the sale of the certificate plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property; and

(5) include a statement that, if the certificate is sold for an

amount more than the minimum bid under section 5(e) of this chapter for which the tract or item of real property was last offered for sale and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

SECTION 25. IC 6-1.1-24-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.3. (a) The sale of certificates of sale under this chapter must be held at the time and place stated in the notice of sale.

(b) A certificate of sale may not be sold under this chapter if the following are paid before the time of sale:

(1) All the delinquent taxes, penalties, and special assessments on the tract or an item of real property.

(2) The amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale.

(c) The county commissioners executive shall sell the certificate of sale, subject to the right of redemption, to the highest bidder at public auction.

(d) The county auditor shall serve as the clerk of the sale.

SECTION 26. IC 6-1.1-24-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.7. ~~(a) After each tax sale conducted under this chapter, the county auditor shall prepare and deliver to the county commissioners a list of all properties:~~

~~(1) that have been offered for sale in two (2) consecutive tax sales;~~

~~(2) that have not received a bid for at least the amount required under section 5 of this chapter;~~

~~(3) that are not subject to the provisions of section 6.5 of this chapter;~~

~~(4) on which the county has acquired a lien under section 6 of this chapter; and~~

~~(5) for which the county is eligible to take title:~~

~~(b) (a) The county commissioners shall executive may:~~

~~(1) by resolution, identify the property described under subsection (a) section 6 of this chapter that the county commissioners desire executive desires to transfer to a~~

~~nonprofit corporation for use for the public good; and~~

~~(2) set a date, time, and place for a public hearing to consider the transfer of the property to a nonprofit corporation.~~

~~(c) (b) Notice of the list prepared property identified under subsection (b) (a) and the date, time, and place for the hearing on the proposed transfer of the property on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:~~

~~(1) legal description; and~~

~~(2) parcel number or street address, or both.~~

The notice must specify that the county commissioners executive will accept applications submitted by nonprofit corporations as provided in subsection ~~(f) (d)~~ and hear any opposition to a proposed transfer.

~~(d) (c) After the hearing set under subsection (b); (a), the county commissioners executive shall by resolution make a final determination concerning:~~

~~(1) the properties that are to be transferred to a nonprofit corporation;~~

~~(2) the nonprofit corporation to which each property is to be transferred; and~~

~~(3) the terms and conditions of the transfer.~~

~~(e) This subsection applies only to a county having a consolidated city. The resolution of the county commissioners prepared under subsection (d) shall be forwarded to the county executive for approval. The county executive may remove any properties from the list of properties to be transferred that is prepared under subsection (d). The final list of properties to be transferred to nonprofit corporations shall be approved by the county executive and returned to the county commissioners:~~

~~(f) (d) To be eligible to receive property under this section, a nonprofit corporation must file an application with the county commissioners executive. The application must state the property that the corporation desires to acquire, the use to be made of the property, and the time period anticipated for implementation of the use. The application must be accompanied by documentation~~

verifying the nonprofit status of the corporation and be signed by an officer of the corporation. If more than one (1) application for a single property is filed, the county ~~commissioners~~ **executive** shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area.

~~(g)~~ **(e)** After the hearing set under subsection ~~(b)~~ **(a)** and the final determination of properties to be transferred under subsection ~~(d)~~ **or (c)**, whichever is applicable, the county ~~commissioners~~ **executive**, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the county auditor to prepare a deed transferring the property to the nonprofit corporation. The deed shall provide for:

- (1) the use to be made of the property;
- (2) the time within which the use must be implemented and maintained;
- (3) any other term and conditions that are established by the county ~~commissioners~~ **executive**; and
- (4) the reversion of the property to the county **executive** if the grantee nonprofit corporation fails to comply with the terms and conditions.

If the grantee nonprofit corporation fails to comply with the terms and conditions of the transfer and title to the property reverts to the county **executive**, the property may be retained by the county **executive** or disposed of under any of the provisions of this chapter or IC 6-1.1-24, or both.

SECTION 27. IC 6-1.1-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b)**, when real property is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the

- ~~(1) purchaser or~~
- ~~(2) purchaser's assignee or~~
- ~~(3) purchaser of the certificate of sale under IC 6-1.1-24;~~

in an amount equal to the amount received by the county treasurer for redemption.

(b) When real property sold under IC 6-1.1-24-6.1 is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the purchaser of the certificate of sale or the purchaser's assignee in an amount equal to:

- (1) the amount received by the county treasurer for redemption; minus**
- (2) if the certificate of sale was sold for less than the minimum bid under IC 6-1.1-24-5(e), an amount equal to the difference between the minimum bid under IC 6-1.1-24-5(e) and the amount for which the certificate was sold.**

(c) The county auditor shall indorse the certificate and preserve it as a public record. If a certificate of sale is lost and the auditor is satisfied that the certificate did exist, the county auditor may make payment in the manner provided in this section.

SECTION 28. IC 6-1.1-25-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. **(a)** The period for redemption of real property sold under IC 6-1.1-24 is:

- (1) one (1) year after the date of sale;
- (2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17; **or**
- (3) one hundred twenty (120) days after the date of sale of real property on the list prepared under **IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5. or**
- ~~(4) one hundred twenty (120) days after the date of sale under IC 6-1.1-24-5(b);~~

(b) The period for redemption of real property:

- (1) on which the county **executive** acquires a lien under IC 6-1.1-24-6; and
- (2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county **executive** acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

- (1) on which the county **executive** acquires a lien under

IC 6-1.1-24-6; and

(2) for which the certificate of sale is sold under IC 6-1.1-24; is one hundred twenty (120) days after the date of sale of the certificate of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor. If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a deed to the real property, ~~in the manner provided in IC 6-1.1-24-6.5.~~ **subject to this chapter.**

(e) When a deed is issued to a county **executive** under this chapter, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (e). However, the estate is subject to:

- (1) all easements, covenants, declarations, and other deed restrictions shown by public records;
- (2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and
- (3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(h) A county auditor is not required to execute a deed to the county **executive** under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county **executive** may enter the property to conduct environmental investigations.

(i) If the county executive makes the determination under subsection (h) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk, following the procedures in IC 6-1.1-23-9. After the date of the county treasurer's certification, the certified amount is subject to collection as delinquent personal property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(j) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between the amount of the last minimum bid under IC 6-1.1-24-5(e) and the amount paid for the certificate of sale.

SECTION 29. IC 6-1.1-25-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.5. **(a)** Except as provided in subsection (d), a purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold only if:

- (1) the redemption period specified in section 4(a)(1) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(a) of this chapter; and
- (3) not later than nine (9) months after the date of the sale:
 - (A) the purchaser or the purchaser's assignee; or
 - (B) in a county where the county auditor and county treasurer

have an agreement under section 4.7 of this chapter, the county auditor;

gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record in the tract or real property.

(b) A county **executive** is entitled to a tax deed to property on which the county **executive** acquires a lien under IC 6-1.1-24-6 and for which the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:

- (1) the redemption period specified in section 4(b) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(b) of this chapter; and
- (3) not later than ninety (90) days after the date the county **executive** acquires the lien under IC 6-1.1-24-6, the county auditor gives notice of the sale to:

- (A) the owner of record at the time the lien was acquired; and
- (B) any person with a substantial property interest of public record in the tract or real property.

(c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is entitled to a tax deed to the property for which the certificate was sold only if:

- (1) the redemption period specified in section 4(c) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(c) of this chapter; and
- (3) not later than ninety (90) days after the date of sale of the certificate of sale under IC 6-1.1-24, the purchaser gives notice of the sale to:

- (A) the owner of record at the time of the sale; and
- (B) any person with a substantial property interest of public record in the tract or real property.

~~(d) A purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold under IC 6-1.1-24-5.5(b) only if:~~

- ~~(1) the redemption period specified in section 4(a)(4) of this chapter has expired;~~
- ~~(2) the property has not been redeemed within the period of redemption specified in section 4(a)(4) of this chapter; and~~
- ~~(3) not later than ninety (90) days after the date of the sale, the purchaser or the purchaser's assignee gives notice of the sale to:~~
 - ~~(A) the owner of record at the time of the sale; and~~
 - ~~(B) any person with a substantial property interest of public record in the tract or real property.~~

~~(e) (d)~~ The person required to give the notice under subsection (a), (b), or (c) shall give the notice by sending a copy of the notice by certified mail to:

- (1) the owner of record at the time of the:
 - (A) sale of the property;
 - (B) acquisition of the lien on the property under IC 6-1.1-24-6; or
 - (C) sale of the certificate of sale on the property under IC 6-1.1-24;

at the last address of the owner for the property, as indicated in the records of the county auditor; and

- (2) any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest.

However, if the address of the person with a substantial property interest of public record is not indicated in the public record that created the interest and cannot be located by ordinary means by the person required to give the notice under subsection (a), (b), or (c), the person may give notice by publication in accordance with IC 5-3-1-4 once each week for three (3) consecutive weeks.

~~(f) (e)~~ The notice that this section requires shall contain at least the following:

- (1) A statement that a petition for a tax deed will be filed on or after a specified date.
- (2) The date on or after which the petitioner intends to petition for a tax deed to be issued.
- (3) A description of the tract or real property shown on the certificate of sale.
- (4) The date the tract or real property was sold at a tax sale.
- (5) The name of the:

(A) purchaser or purchaser's assignee;

(B) county **executive** that acquired the lien on the property under IC 6-1.1-24-6; or

(C) person that purchased the certificate of sale on the property under IC 6-1.1-24.

(6) A statement that any person may redeem the tract or real property.

(7) The components of the amount required to redeem the tract or real property.

(8) A statement that an entity identified in subdivision (5) is entitled to reimbursement for additional taxes or special assessments on the tract or real property that were paid by the entity subsequent to the tax sale, lien acquisition, or purchase of the certificate of sale, and before redemption, plus interest.

(9) A statement that the tract or real property has not been redeemed.

(10) A statement that an entity identified in subdivision (5) is entitled to receive a deed for the tract or real property if it is not redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(11) A statement that an entity identified in subdivision (5) is entitled to reimbursement for costs described in section 2(e) of this chapter.

(12) The date of expiration of the period of redemption specified in section 4 of this chapter.

(13) A statement that if the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

(14) The street address, if any, or a common description of the tract or real property.

(15) The key number or parcel number of the tract or real property.

~~(g) (f)~~ The notice under this section must include not more than one (1) tract or item of real property listed and sold in one (1) description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts or real property that are owned by that person may be included in one (1) notice.

~~(h) (g)~~ A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

~~(i) (h)~~ The notice required by this section is considered sufficient if the notice is mailed to the address required under subsection ~~(e)~~ ~~(d)~~.

~~(j) (i)~~ The notice under this section and the notice under section 4.6 of this chapter are not required for persons in possession not shown in the public records.

~~(k) (j)~~ If the purchaser fails to:

- (1) comply with subsection (c)(3); or
- (2) petition for the issuance of a tax deed within the time permitted under section 4.6(a) of this chapter;

the certificate of sale reverts to the county **executive** and may be retained by the county **executive** or sold under IC 6-1.1-24-6.1.

SECTION 30. IC 6-1.1-25-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

(1) the purchaser, the purchaser's assignee, the county **executive**, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or

(2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by ~~section 4.5(c)~~ **section 4.5(d)** of this chapter. Any

person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

- (1) The time of redemption has expired.
- (2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by this section and section 4.5 of this chapter have been given.
- (5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the requirements of this section, the court shall order the return of the purchase price minus a penalty of twenty-five percent (25%) of the amount of the purchase price. Penalties paid under this subsection shall be deposited in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

- (1) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements; and
- (2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements;

the county auditor shall not execute the deed but shall refund the purchase money plus six percent (6%) interest per annum from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24-6.

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price if:

- (1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and
- (2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the

deed;

(2) the regularity of all proper proceedings; and

(3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 31. IC 6-1.1-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) When a county acquires title to real property under IC 6-1.1-24 and this chapter, the county **executive** may dispose of the real property under IC 36-1-11 or subsection (e). The proceeds of any sale under IC 36-1-11 shall be applied as follows:

(1) First, to the cost of the sale or offering for sale of the real property, including the cost of:

- (A) maintenance;
- (B) preservation;
- (C) administration of the property before the sale or offering for sale of the property;
- (D) unpaid costs of the sale or offering for sale of the property;
- (E) preparation of the property for sale;
- (F) advertising; and
- (G) appraisal.

(2) Second, to any unrecovered cost of the sale or offering for sale of other real property in the same taxing district acquired by the county under IC 6-1.1-24 and this chapter, including the cost of:

- (A) maintenance;
- (B) preservation;
- (C) administration of the property before the sale or offering for sale of the property;
- (D) unpaid costs of the sale or offering for sale of the property;
- (E) preparation of the property for sale;
- (F) advertising; and
- (G) appraisal.

(3) Third, to the payment of the taxes on the real property that were removed from the tax duplicate under section 4(c) of this chapter.

(4) Fourth, any surplus remaining into the county general fund.

(b) The county auditor shall file a report with the board of commissioners before January 31 of each year. The report must:

- (1) list the real property acquired under IC 6-1.1-24 and this chapter; and
- (2) indicate if any person resides or conducts a business on the property.

(c) The county auditor shall mail a notice by certified mail before March 31 of each year to each person listed in subsection (b)(2). The notice must state that the county has acquired title to the tract the person occupies.

(d) If the county **executive** determines ~~under IC 36-1-11~~ that any real property ~~so~~ acquired **under this section** should be retained by the county, then the county **executive** shall not dispose of the real property. The county executive may repair, maintain, equip, alter, and construct buildings upon the real property so retained in the same manner prescribed for other county buildings.

(e) The county **executive** may transfer title to real property described in subsection (a) to the redevelopment commission at no cost to the commission for sale, ~~or grant, or other disposition~~ under IC 36-7-14-22.2, **IC 36-7-14-22.5**, IC 36-7-15.1-15.1, ~~or IC 36-7-15.1-15.2, or IC 36-7-15.1-15.5.~~

(f) If the real property is located in a geographic area that is not served by a redevelopment commission and the county executive determines that any real property acquired under this section should be held for later sale or transfer by the county executive, the county executive shall wait until an appropriate time to dispose of the real property. The county executive may do the following:

- (1) Examine, classify, manage, protect, insure, and maintain the property being held.**
- (2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, make**

improvements, and control the use of the property.

(3) Lease the property while it is being held.

The county executive may enter into contracts to carry out part or all of the functions described in subdivisions (1) through (3).

SECTION 32. IC 9-21-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as provided in subsection (e), whenever a local authority in the authority's jurisdiction determines ~~on the basis of an engineering and traffic investigation~~ that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared under this section may do any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.
- (3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
- (4) Decrease the limit in an alley, but to not less than five (5) miles per hour.
- (5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) A local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. **However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.**

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the school.
- (3) Children are present.
- (4) The speed zone is properly signed.
- (5) The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

- (1) The street is located within a park or playground established under IC 36-10.
- (2) The:
 - (A) board established under IC 36-10-3;
 - (B) board established under IC 36-10-4; or
 - (C) park authority established under IC 36-10-5;
 requests the local authority to decrease the limit.
- (3) The speed zone is properly signed.

SECTION 33. IC 12-19-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. The serial bonds issued under section 31 of this chapter:

- (1) may be of any denomination that is:
 - (A) not less than fifty dollars (\$50); and
 - (B) not more than one thousand dollars (\$1,000);
- (2) shall be payable:
 - (A) at any place named on the serial bonds; and

(B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 34. IC 12-19-7.5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. The serial bonds issued under section 30 of this chapter:

(1) may be of any denomination that is:

(A) not less than fifty dollars (\$50); and

(B) not more than one thousand dollars (\$1,000);

(2) shall be payable:

(A) at any place named on the serial bonds; and

(B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 35. IC 12-20-21-2, AS AMENDED BY P.L.73-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Money raised by tax levies made specifically for township assistance purposes; either by a county or township, may not be considered as a part of and may not be commingled with other money of the county. Township assistance money raised by townships may not be commingled. except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.~~

SECTION 36. IC 12-20-24-1, AS AMENDED BY P.L.73-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's township assistance account will be exhausted before the end of a fiscal year, the township board shall appeal **to the department of local government finance** for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal the township board must do the following:

(1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article.

(2) Show the amount of money that the board estimates will be needed to fund the deficit.

(3) Indicate a period, not to exceed five (5) years, during which the township would repay the loan.

SECTION 37. IC 12-20-24-5, AS AMENDED BY P.L.73-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's township assistance account.

(b) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 38. IC 12-20-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a loan is approved under IC 12-2-4.5 (before its repeal) or this chapter, the board of commissioners **or county council (for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department shall determine the period during which the township shall repay the loan. However, the period may not exceed five (5) years.

SECTION 39. IC 12-20-24-7, AS AMENDED BY P.L.73-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A board of commissioners or a county council **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department may not do any of the following:

- (1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's township assistance account will be exhausted before the account can fund all township obligations incurred under this article.
- (2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

SECTION 40. IC 12-20-24-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If a township board:

- (1) appeals before August 1 for permission to borrow money;
- (2) receives permission from:
 - (A) the board of commissioners **or the** county council, **before July 1, 2006;** or
 - (B) the department;
 to borrow money before November 1 of that year; and
- (3) borrows money under this chapter;

the township board shall levy a property tax beginning in the next succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(b) If a township board:

- (1) appeals after August 1 for permission to borrow money;
- (2) receives permission from:
 - (A) the board of commissioners **or the** county council, **before July 1, 2006;** or
 - (B) the department;
 to borrow money; and
- (3) borrows money in the year of the appeal under this chapter;

the township board shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The property taxes levied under this section shall be retained by the township trustee and applied by the township trustee to retire the debt.

SECTION 41. IC 12-20-25-30, AS AMENDED BY P.L.73-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of township assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid township assistance claims, the control board may consent to proposed borrowing for township assistance under ~~IC 12-20-23~~ or IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's township assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

- (1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and
- (2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of

this chapter.

SECTION 42. IC 12-20-25-40, AS AMENDED BY P.L.73-2005, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

- (1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).
- (2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 **(before its repeal)**, or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.
- (3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).
- (4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 43. IC 12-20-25-42, AS AMENDED BY P.L.73-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

- (1) All valid township assistance claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

- (2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection

(b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 **(before its repeal)**, and IC 12-20-23-19 **(before its repeal)**, the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted valued of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county.

SECTION 44. IC 33-36-2-3 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The violations clerk may accept:

- (1) written appearances;
- (2) waivers of trial;
- (3) admissions of violations; and
- (4) payment of civil penalties **of up to a specific dollar amount set forth in an ordinance adopted by the legislative body, but not more than one hundred fifty dollars (\$100); (\$250);**

in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the legislative body.

SECTION 45. IC 36-1-7-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11.5. (a) As used in this section, "economic development project" has the meaning set forth in IC 6-3.5-7-13.1(c). The term also includes any project related to transportation services, transportation infrastructure, or the development or construction of a hotel or other tourism destination.

(b) An entity entering into an agreement under this chapter that is related to an economic development project may do any of the following to carry out the agreement:

(1) After appropriation by the entity's fiscal body, transfer money derived from any source to any of the following:

- (A) One (1) or more entities that have entered into the agreement.
- (B) An economic development entity (as defined in section 15 of this chapter) established by an entity that has entered into the agreement.
- (C) A regional development authority, including the northwest Indiana regional development authority established by IC 36-7.5-2-1.
- (D) A regional transportation authority including the regional bus authority established under IC 36-9-3-2(c).

(2) Transfer any property or provide personnel, services, or facilities to any entity or authority described in subdivision (1)(A) through (1)(D).

SECTION 46. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

- (1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.
- (2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.
- (3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.
- (4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears

to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund ~~must~~ **may** be made ~~after the last day of at any time during~~ the political subdivision's fiscal year. ~~and before March 1 of the subsequent calendar year.~~

SECTION 47. IC 36-1-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) If a county executive disposes of real property, the property taxes collected for each item of the real property in the first year the item of real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the item of real property.

(b) Disbursements to the county executive under subsection (a) shall be deposited into the county general fund, the redevelopment fund, the unsafe building fund, or the housing trust fund and shall be used only for one (1) or more of the purposes authorized under IC 36-7-14-22.5 or IC 36-7-15.1-15.5.

(c) The county executive shall forward a copy of each resolution that disposes or otherwise conveys real property to the county auditor.

(d) The disbursement of property taxes under subsection (a) shall terminate in the second year the item of real property is subject to taxation after the property is sold or otherwise conveyed.

SECTION 48. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) This section applies whenever the cost of a public work project will be:

- (1) at least seventy-five thousand dollars (\$75,000) in:
 - (A) a consolidated city or second class city;
 - (B) a county containing a consolidated city or second class city; or
 - (C) a regional water or sewage district established under IC 13-26; or
- (2) at least fifty thousand dollars (\$50,000) in:
 - (A) a third class city or town with a population of more than five thousand (5,000); or
 - (B) a county containing a third class city or town with a population of more than five thousand (5,000); or
- (3) (2) at least ~~twenty-five~~ **fifty** thousand dollars ~~(\$25,000)~~ **(\$50,000)** in a political subdivision or an agency not described in subdivision (1). ~~or (2).~~

- (b) The board must comply with the following procedure:
- (1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the weight or volume of the materials will be accurately measured and verified.
 - (2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).
 - (3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.
 - (4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.
 - (5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.
 - (6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.
 - (7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received

shall be opened publicly and read aloud at the time and place designated and not before.

(8) Except as provided in subsection (c), the board shall:

(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or

(B) reject all bids submitted.

(9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.

(10) In determining whether a bidder is responsive, the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.

(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:

(A) The ability and capacity of the bidder to perform the work.

(B) The integrity, character, and reputation of the bidder.

(C) The competence and experience of the bidder.

(12) The board shall require the bidder to submit an affidavit:

(A) that the bidder has not entered into a combination or agreement:

(i) relative to the price to be bid by a person;

(ii) to prevent a person from bidding; or

(iii) to induce a person to refrain from bidding; and

(B) that the bidder's bid is made without reference to any other bid.

(c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications.

SECTION 49. IC 36-1-12-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.7. (a) This section applies whenever a public work project is estimated to cost:

(1) at least twenty-five thousand dollars (\$25,000) and less than seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26; or

(2) at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000) in ~~(A) a third class city or town with a population of more than five thousand (5,000); or (B) a county containing a third class city or town with a population of more than five thousand (5,000); a political subdivision or agency not described in subdivision (1).~~

(b) The board must proceed under the following provisions:

(1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes.

(2) The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(3) The board shall award the contract for the public work to the lowest responsible and responsive quoter.

(4) The board may reject all quotes submitted.

SECTION 50. IC 36-2-7-10 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records ~~produced by a photographic process~~; and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(f) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

- (D) IC 10-17-2-3.
- (E) IC 10-17-3-2.
- (F) IC 12-14-13.
- (G) IC 12-14-16.

(g) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

SECTION 51. IC 36-4-6-4, AS AMENDED BY P.L.230-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b), ~~or (j)~~, **or (m)** resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), ~~or (j)~~, **or (m)** shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j)

and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a population of less than ten thousand (10,000) and that becomes a city specifies that the city legislative body districts are governed by this subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing the town into city legislative body districts may provide that:

(1) the city shall be divided into three (3) districts that:

- (A) are composed of contiguous territory;**
- (B) are reasonably compact;**
- (C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and**
- (D) contain, as nearly as is possible, equal population; and**

(2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

~~(m)~~ **(n)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city no later than thirty (30) days after the ordinance is adopted.

~~(m)~~ **(o)** If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

~~(m)~~ **(p)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

SECTION 52. IC 36-4-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The legislative body shall hold its first regular meeting ~~in its chamber at 7:30 p.m. on the first Monday~~ in January after its election. In subsequent months, the legislative body shall hold regular meetings at least once a month, unless its rules require more frequent meetings.

(b) A special meeting of the legislative body shall be held when called by the city executive or when called under the rules of the legislative body.

SECTION 53. IC 36-4-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection applies only to second class cities. At its first regular meeting under section 7 of this chapter, and ~~on the first Monday of~~ each succeeding January, the legislative body shall choose from its members a president and a vice president.

(b) This subsection applies only to third class cities. The city executive shall preside at all meetings of the legislative body, but may vote only in order to break a tie. At its first regular meeting under section 7 of this chapter and ~~on the first Monday of~~ each succeeding January, the legislative body shall choose from its members a president pro tempore to preside whenever the executive is absent.

SECTION 54. IC 36-4-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does not apply to compensation paid by a city to members of its

police and fire departments.

(b) Subject to the approval of the city legislative body, the city executive shall fix the compensation of each appointive officer, deputy, and other employee of the city. The legislative body may reduce but may not increase any compensation fixed by the executive. Compensation must be fixed under this section ~~before~~

(1) September 20 for a third class city; and

(2) September 30 for a second class city;

not later than September 30 of each year for the ensuing budget year.

(c) Compensation fixed under this section may ~~not~~ be increased **or decreased by the executive** during the budget year for which it is fixed. ~~but may be reduced by the executive.~~

(d) Notwithstanding subsection (b), the city clerk may, with the approval of the legislative body, fix the salaries of deputies and employees appointed under IC 36-4-11-4.

SECTION 55. IC 36-4-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. If the city legislative body does not pass the ~~ordinances~~ **ordinance** required by section 7 of this chapter ~~on or before~~

(1) September 20 for a third class city; and

(2) September 30 for a second class city;

before October 1 of each year, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 56. IC 36-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy, an employee, or a technical adviser that assists a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

(1) salaries;

(2) wages;

(3) rates of hourly pay; and

(4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, **except as provided in subsection (i)**, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in ~~subsection~~ **subsections (e) and (i)**, the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).

(f) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(g) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(h) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

(i) In a year in which there is not an election of members to the township legislative body, the township legislative body may by unanimous vote reduce the salaries of the members of the

township legislative body by any amount.

SECTION 57. IC 36-7-7.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following members shall be appointed to the commission:

(1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.

(2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.

(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:

(A) is located in a county described in section 1 of this chapter;

(B) has a population of at least eight thousand (8,000); and

(C) does not contain a municipality.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

SECTION 58. IC 36-7-7.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~Twenty-six~~ **(26) A majority of the** commission members constitute a quorum.

(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of ~~twenty-six (26)~~ a majority of the members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

(1) a regular meeting; or

(2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted vote determined as follows:

(1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

(2) In the case of a member appointed by the executive of a county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter as**

reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(4) **In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:**

STEP ONE: Determine the population of the township as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

SECTION 59. IC 36-7-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

- (1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;
- (2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;
- (3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- (4) has been incorporated for at least two (2) years; and
- (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Department" refers to the executive department authorized by ordinance to administer this chapter. In a consolidated city, this department is the department of metropolitan development, subject to IC 36-3-4-23.

"Enforcement authority" refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, the division of development services is the enforcement authority, subject to IC 36-3-4-23.

"Hearing authority" refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by ~~him~~ **the director** is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

"Known or recorded fee interest, life estate interest, or

equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

- (1) **an instrument recorded in the recorder's office of the county where the unsafe premises is located;**
- (2) **written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or**
- (3) **a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.**

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser, that:

- (1) **may be affected in a substantial way by actions authorized by this chapter; and**
- (2) **is held by a person whose identity and address may be determined from:**
 - (A) **an instrument recorded in the recorder's office of the county where the unsafe premises is located;**
 - (B) **written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or**
 - (C) **a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.**

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, a present possessory interest, a mortgage interest, or an equitable interest of a contract purchaser. ~~In a consolidated city, the interest reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a substantial property interest unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:~~

- (1) ~~recorded in the office of the county recorder; or~~
- (2) ~~the subject of a written information that is received by the division of development services and includes the name and address of the holder of the interest described.~~

SECTION 60. IC 36-7-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, **mortgage interest**, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination of a fine related to the civil penalty. **In the hearing authority's exercise of continuing jurisdiction, the hearing authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:**

- (1) significant work on the premises to comply with the affirmed order has not been accomplished; and
- (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

~~(f)~~ (f) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

~~(g)~~ (g) The board or commission having control over the department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection ~~(e)~~ (f).

~~(h)~~ (h) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

~~(i)~~ (i) If a civil penalty under subsection ~~(d)~~ (e) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

SECTION 61. IC 36-7-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) An action taken under section 7(d) or 7(e) of this chapter is subject to review by the circuit or superior court of the county in which the unsafe premises are located, on request of:

- (1) any person who has a substantial property interest in the unsafe premises; or
- (2) any person to whom that order was issued.

(b) A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken.

(c) An appeal under this section is an action de novo. The court

may affirm, modify, or reverse the action taken by the hearing authority.

SECTION 62. IC 36-7-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The enforcement authority may cause the action required by an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter to be performed by a contractor if:

- (1) the order has been served, in the manner prescribed by section 25 of this chapter, on each person having a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises that are the subject of the order;
- (2) the order has not been complied with;
- (3) a hearing was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and
- (4) the order is not being reviewed under section 8 of this chapter.

(b) The enforcement authority may cause the action required by an order, other than an order under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter, to be performed if:

- (1) service of an order **under section 5(a)(1) of this chapter**, in the manner prescribed by section 25 of this chapter, has been made on each person having a **known or recorded** substantial property interest or **present possessory interest** in the unsafe premises that are the subject of the order;
- (2) **service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest in the unsafe premises that are the subject of the order;**
- ~~(3)~~ (3) the order has been affirmed or modified at the hearing in such a manner that all persons having a **known or recorded** substantial property interest, **and persons holding a present possessory interest, as required**, in the unsafe premises that are the subject of the order are currently subject to an order requiring the accomplishment of substantially identical action;
- ~~(4)~~ (4) the order, as affirmed or modified at the hearing, has not been complied with; and
- ~~(5)~~ (5) the order is not being reviewed under section 8 of this chapter.

(c) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement by publication and indicate that the enforcement authority intends to perform the work, unless the authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

SECTION 63. IC 36-7-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The work required by an order of the enforcement authority may be performed in the following manner:

- (1) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the cost of this work is estimated to be less than ten thousand dollars (\$10,000), the department, acting through the unit's enforcement authority or other agent, may perform the work by means of the unit's own workers and equipment owned or leased by the unit. Notice that this work is to be performed must be given to all persons with a **known or recorded** substantial property interest, in the manner prescribed in subsection (c), at least ten (10) days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.
- (2) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the estimated cost of this work is ten thousand dollars (\$10,000) or more, this work must be let at public bid to a contractor licensed and qualified under law. The obligation to

pay costs imposed by section 12 of this chapter is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.

(3) If the work is being performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may be performed by a contractor who has been awarded a base bid contract to perform the work for the enforcement authority, or by the department, acting through the unit's enforcement authority or other governmental agency and using the unit's own workers and equipment owned or leased by the unit. Work performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter may be performed without further notice to the persons holding a fee interest, life estate interest, or equitable interest of a contract purchaser, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work, as provided by section 12 of this chapter.

(b) Bids may be solicited and accepted for work on more than one (1) property if the bid reflects an allocation of the bid amount among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by section 12(a)(1) of this chapter.

(c) All persons who have a **known or recorded** substantial property interest in the unsafe premises and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be notified about the public bid in the manner prescribed by section 25 of this chapter, by means of a written statement including:

- (1) the name of the person to whom the order was issued;
- (2) a legal description or address of the unsafe premises that are the subject of the order;
- (3) a statement that a contract is to be let at public bid to a licensed contractor to accomplish work to comply with the order;
- (4) a description of work to be accomplished;
- (5) a statement that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises;
- (6) the time of the bid opening;
- (7) the place of the bid opening; and
- (8) the name, address, and telephone number of the enforcement authority.

(d) If the notice of the statement that public bids are to be let is served by publication, the publication must include the information required by subsection (c), except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the enforcement authority.

(e) Notice of the statement that public bids are to be let must be given, at least ten (10) days before the date of the public bid, to all persons who have a **known or recorded** substantial property interest in the property and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.

(f) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that public bids are to be let by publication, unless the enforcement authority has received information in writing that enables the unit to make service under section 25 of this chapter by a method other than publication.

SECTION 64. IC 36-7-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after the completion of the work, the enforcement authority does not act under section 13.5 of this chapter, and the enforcement authority determines

that there is a reasonable probability of obtaining recovery, the enforcement authority shall prepare a record stating:

- (1) the name and last known address of each person who held a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;
- (2) the legal description or address of the unsafe premises that were the subject of work;
- (3) the nature of the work that was accomplished;
- (4) the amount of the unpaid bid price of the work that was accomplished; and
- (5) the amount of the unpaid average processing expense.

The record must be in a form approved by the state board of accounts.

(b) The enforcement authority, or its head, shall swear to the accuracy of the record before the clerk of the circuit court and deposit the record in the clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent **in the manner prescribed by section 25 of this chapter to all of the following:**

- (1) The persons named in the record. ~~in the manner prescribed by section 25 of this chapter.~~
- (2) **Any mortgagee that has a known or recorded substantial property interest.**

(c) If, within thirty (30) days after the notice required by subsection (b), a person named in the record ~~or a mortgagee~~ files with the clerk of the circuit court a written petition objecting to the claim for payment and requesting a hearing, the clerk shall enter the cause on the docket of the circuit or superior court as a civil action, and a hearing shall be held on the question in the manner prescribed by IC 4-21.5. However, issues that could have been determined under section 8 of this chapter may not be entertained at the hearing. At the conclusion of the hearing, the court shall either sustain the petition or enter a judgment against the persons named in the record for the amounts recorded or for modified amounts.

(d) If no petition is filed under subsection (c), the clerk of the circuit court shall enter the cause on the docket of the court and the court shall enter a judgment for the amounts stated in the record.

(e) A judgment under subsection (c) or (d), to the extent that it is not satisfied under IC 27-2-15, is a debt and a lien on all the real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named **in the record prepared under subsection (a).** The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a lis pendens notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.

(f) Judgments rendered under this section may be enforced in the same manner as all other judgments are enforced.

SECTION 65. IC 36-7-9-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.5. (a) This section does not apply to the collection of an amount if a court determines under section 13 of this chapter that the enforcement authority is not entitled to the amount.

(b) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after completion of the work, the enforcement authority may send notice under section 25 of this chapter to each person who held a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises. **If the notice is sent, the enforcement authority shall also send notice to any mortgagee with a known or recorded substantial property interest.** The notice must require full payment of the amount owed within thirty (30) days.

(c) If full payment of the amount owed is not made less than thirty (30) days after the notice is delivered, the enforcement officer may certify the following information to the county auditor:

- (1) The name of each person who held a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.
- (2) The description of the unsafe premises, as shown by the records of the county auditor.

(3) The amount of the delinquent payment, including all costs described in section 12 of this chapter.

(d) The county auditor shall place the total amount certified under subsection (c) on the tax duplicate for the affected property as a special assessment. The total amount, including accrued interest, shall be collected as delinquent taxes are collected.

(e) An amount collected under subsection (d), after all other taxes have been collected and disbursed, shall be disbursed to the unsafe building fund.

(f) A judgment entered under section 13, **19, 21, or 22** of this chapter may be **certified to the auditor and** collected under this section. However, a judgment lien need not be obtained under section 13 of this chapter before a debt is certified under this section.

SECTION 66. IC 36-7-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The enforcement authority shall establish in its operating budget a fund designated as the unsafe building fund. Any balance remaining at the end of a fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(b) Money for the unsafe building fund may be received from any source, including appropriations by local, state, or federal governments, and donations. The following money shall be deposited in the fund:

(1) Money received as payment for or settlement of obligations or judgments established under sections 9 through 13 and 17 through 22 of this chapter.

(2) Money received from bonds posted under section 7 of this chapter.

(3) Money received in satisfaction of receivers' notes or certificates that were issued under section 20 of this chapter and were purchased with money from the unsafe building fund.

(4) Money received for payment or settlement of civil penalties **or fines** imposed under section 7 of this chapter.

(5) Money received from the collection of special assessments under section 13.5 of this chapter.

(c) Money in the unsafe building fund may be used for the expenses incurred in carrying out the purposes of this chapter, including:

(1) the cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in unsafe premises;

(2) the cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the department;

(3) the cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;

(4) the cost of giving notice of orders, notice of statements of rescission, notice of continued hearing, and notice of statements that public bids are to be let in the manner prescribed by section 25 of this chapter;

(5) the bid price of work by a contractor under section 10 or sections 17 through 22 of this chapter;

(6) the cost of emergency action under section 9 of this chapter; and

(7) the cost of notes or receivers' certificates issued under section 20 of this chapter.

(d) Payment of money from the unsafe building fund must be made in accordance with applicable law.

SECTION 67. IC 36-7-9-18.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18.1. (a) A court acting under section 17 of this chapter may condition the granting of a period of time to accomplish the action required by an order on the posting of a performance bond that will be forfeited if the action required by the order is not completed within the period the court allows. Before granting a period of time that is conditioned on the posting of a bond, the court may require that the requesting person justify the request with a workable and financially supported plan. If the court determines that a significant amount of work must be accomplished to comply with the order, the court may require that the bond specify interim completion standards and provide that the bond is forfeited if any**

of these interim completion standards are not substantially met.

(b) An amount collected under subsection (a) on a forfeited bond shall be deposited in the unsafe building fund.

SECTION 68. IC 36-7-9-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) A court acting under section 17 of this chapter may impose a civil ~~forfeiture penalty~~ not to exceed ~~one five~~ thousand dollars ~~(\$1,000)~~ **(\$5,000)** against any person if the conditions of section 18 of this chapter are met. The ~~forfeiture penalty~~ imposed may not be substantially less than the cost of complying with the order, unless that cost exceeds ~~one two~~ thousand ~~five hundred~~ dollars ~~(\$1,000)~~ **(\$2,500)**. The effective date of the ~~forfeiture penalty~~ may be postponed for a period not to exceed thirty (30) days, after which the court may order the ~~forfeiture penalty~~ reduced or stricken if it is satisfied that all work necessary to fully comply with the order has been done.

(b) On request of the enforcement authority the court shall enter a judgment in the amount of the ~~forfeiture penalty~~. If there is more than one (1) party defendant, the ~~forfeiture penalty~~ is separately applicable to each defendant. The amount of a ~~forfeiture penalty~~ that is collected shall be deposited in the unsafe building fund.

SECTION 69. IC 36-7-9-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) Notice of orders, notice of continued hearings without a specified date, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

(1) sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;

(2) delivering a copy of the order or statement personally to the person to be notified; or

(3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified **and sending by first class mail a copy of the order or statement to the last known address of the person to be notified.**

(b) ~~If after a reasonable effort, service is not obtained by a means described in subsection (a) and the hearing authority concludes that a reasonable effort has been made to obtain service,~~ service may be made by publishing a notice of the order or statement in accordance with IC 5-3-1 in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b) of this chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. **The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a) on the basis of information provided by the department (or, in the case of a consolidated city, the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.**

(c) When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that he has made the service, the manner in which service was made, to whom the order or statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(d) The date when notice of the order or statement is considered given is as follows:

(1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at ~~his the person's~~ dwelling or usual place of abode.

(2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.

(3) Notice by publication is considered given on the date of the second day that publication was made.

(e) Notice of orders, notice of continued hearings without a

specified date; and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:

- (1) no instrument reflecting the property interest held by the person is recorded in the recorder's office of the county where the unsafe premises is located;
- (2) the order or statement was recorded in accordance with section 26 of this chapter; and
- (3) the enforcement authority has received neither written information nor actual notice of the identity of the person who holds a property interest in the unsafe premises.

(e) A person with a property interest in an unsafe premises who fails to does not:

- (1) record an instrument reflecting an the interest in his unsafe premises in the recorder's office of the county where the unsafe premises is located; or
 - (2) if an instrument reflecting the interest is not recorded, provide to the department (or, in the case of a consolidated city, the enforcement authority) in writing the person's name and address and the location of the unsafe premises;
- is considered to consent to reasonable action taken under this chapter relative to which for which notice would be required and relinquish a claim to notice would otherwise be given under this chapter.

(f) The department (or, in the case of a consolidated city, the enforcement authority) may, for the sake of administrative convenience, publish notice under subsection (b) at the same time notice is attempted under subsection (a). If published notice is given as described in subsection (b), the hearing authority shall subsequently make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a).

SECTION 70. IC 36-7-14-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.5. (a) This section applies to the following:

(1) Real property:

- (A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and
- (B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development activity, or urban renewal activity in the project area.

(2) Real property acquired under this chapter that is not in a redevelopment project area, economic development area, or an urban renewal project area.

(3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

(4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 32.5 of this chapter.

(b) The commission may do the following to or for real property described in subsection (a):

- (1) Examine, classify, manage, protect, insure, and maintain the property.
- (2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.
- (3) Control the use of the property.
- (4) Lease the property.
- (5) Use any powers under section 12.2 of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and

penalties are extinguished under this subsection.

(e) Real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

- (1) In accordance with section 22, 22.2, 22.6, or 22.7 of this chapter.
- (2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17.

(f) In disposing of real property under subsection (e), the commission may:

- (1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and
- (2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 71. IC 36-7-14-22.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.6. (a) As used in this section, "abutting landowner" means an owner of property that:

- (1) touches, borders on, or is contiguous to the property that is the subject of sale; and
- (2) does not constitute a:
 - (A) public easement; or
 - (B) public right-of-way.

(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

- (1) appraisal fees;
- (2) title insurance;
- (3) recording fees; and
- (4) advertising costs.

(c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission may proceed under this section.

(d) The commission may determine that:

- (1) the highest and best use of the tract is sale to an abutting landowner;
- (2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or
- (3) it is economically unjustifiable to sell the tract under section 22 of this chapter.

(e) Not more than ten (10) days after the commission makes a determination under subsection (d), the commission shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:

- (1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and
- (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:
 - (A) beneficiary of the trust; and
 - (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.

(g) If, not more than ten (10) days after the date of publication of the notice under subsection (e), the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 22(f), 22(g), and 22(i) of this chapter.

(h) Notwithstanding subsection (g), if not more than ten (10) days after the date of publication of the notice under subsection (e) the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.

(2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).

(3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the tract under IC 36-1-11-16.

SECTION 72. IC 36-7-14-22.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.7. (a) The commission may dispose of real property to which section 22.5 of this chapter applies by following the procedure set forth in this section.

(b) The commission shall first have the property appraised by two (2) appraisers. The appraisers must be:

- (1) persons who are professionally engaged in making appraisals;
- (2) persons who are licensed under IC 25-34.1; or
- (3) employees of the political subdivision familiar with the value of the property.

The appraisers shall make a joint appraisal of the property.

(c) The commission may:

- (1) negotiate a sale or transfer; and
- (2) dispose of the property;

at a value that is not less than the appraised value determined under subsection (b).

(d) Disposal of real property under this chapter is subject to the approval of the commission. The commission may not approve a disposal of property without conducting a public hearing after giving notice under IC 5-3-1.

(e) In addition to any other reason for disapproving a disposal of property under this section, the commission may disapprove a sale of a tract of residential property to any bidder who does not by affidavit declare that the bidder will reside on that property for at least one (1) year after the bidder obtains possession of the property.

SECTION 73. IC 36-7-15.1-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.5. (a) This section applies to the following:

(1) Real property:

- (A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and
- (B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development area activity, or urban renewal activity in the project area.

(2) Real property acquired under this chapter that is not in a redevelopment project area, an economic development area, or an urban renewal project area.

(3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

(4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 22.5 of this chapter.

(b) The commission may do the following to or for real property described in subsection (a):

(1) Examine, classify, manage, protect, insure, and maintain the property.

(2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.

(3) Control the use of the property.

(4) Lease the property.

(5) Use any powers under section 7(a) or 7(b) of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

(1) In accordance with section 15, 15.1, 15.2, 15.6, or 15.7 of this chapter.

(2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17.

(f) In disposing of real property under subsection (e), the commission may:

- (1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and
- (2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 74. IC 36-7-15.1-15.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.6. (a) As used in this section, "abutting landowner" means an owner of property that:

- (1) touches, borders on, or is contiguous to the property that is the subject of sale; and
- (2) does not constitute a:
 - (A) public easement; or
 - (B) public right-of-way.

(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

- (1) appraisal fees;
- (2) title insurance;
- (3) recording fees; and
- (4) advertising costs.

(c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission may proceed under this section.

(d) The commission may determine that:

- (1) the highest and best use of the tract is sale to an abutting landowner;
- (2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or
- (3) it is economically unjustifiable to sell the tract under section 15 of this chapter.

(e) Not more than ten (10) days after the commission makes a determination under subsection (d), the commission shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:

- (1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and
- (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:
 - (A) beneficiary of the trust; and
 - (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the

published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.

(g) If, not more than ten (10) days after the date of publication of the notice under subsection (e), the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 15(f), 15(g), and 15(i) of this chapter.

(h) Notwithstanding subsection (g), if not more than ten (10) days after the date of publication of the notice under subsection (e) the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.

(2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).

(3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the tract under IC 36-1-11-16.

SECTION 75. IC 36-7-15.1-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.7. (a) The commission may dispose of real property to which section 15.5 of this chapter applies by following the procedure set forth in this section.

(b) The commission shall first have the property appraised by two (2) appraisers. The appraisers must be:

- (1) persons professionally engaged in making appraisals;
- (2) persons licensed under IC 25-34.1; or
- (3) employees of the political subdivision familiar with the value of the property.

The appraisers shall make a joint appraisal of the property.

(c) The commission may:

- (1) negotiate a sale or transfer; and
- (2) dispose of the property;

at a value that is not less than the appraised value determined under subsection (b).

(d) Disposal of real property under this chapter is subject to the approval of the commission. The commission may not approve a disposal of property without conducting a public hearing after giving notice under IC 5-3-1.

(e) In addition to any other reason for disapproving a disposal of property under this section, the commission may disapprove a sale of a tract of residential property to any bidder who does not by affidavit declare that the bidder will reside on that property for at least one (1) year after the bidder obtains possession of the property.

SECTION 76. IC 36-7-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The agency designated or established in section 2 of this chapter may acquire real property in the name of the unit, for use as provided in this chapter.

(b) Under IC 6-1.1-24-4.5, the county auditor shall provide a list of real property on which one (1) or more installments of taxes are delinquent.

(c) Under IC 6-1.1-25-1 and IC 6-1.1-25-4, the agency may acquire the deed for real property purchased at tax sale for the purposes of this chapter one hundred twenty (120) days after the date

of sale, after compliance with the notice provisions of IC 6-1.1-25-4.5.

(d) Under IC 6-1.1-24-6.5, the agency may acquire the deed for real property that was offered for sale but for which an adequate bid under IC 6-1.1-24-5(c) was not received by identifying the properties that the agency desires to acquire for urban homesteading or redevelopment purposes.

(e) Under IC 6-1.1-25-7.5, the agency may acquire the deed for real property for which the holder of the certificate of sale has failed to request that the county auditor execute and deliver a deed within one hundred twenty (120) days after issuance of the certificate.

(f) In addition to real property acquired through tax sale for the purposes of this chapter, the agency may acquire real property by purchase or gift.

SECTION 77. IC 36-7-17-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) A property for which no one applies in two (2) successive drawings held under this chapter may be sold at public auction to the highest bidder.

(b) The proceeds of the sale of real property acquired under IC 6-1.1-24-6.5 or IC 6-1.1-25-7.5 shall be applied to the cost of the sale, including advertising and appraisal.

(c) If any proceeds remain after payment of the costs under subsection (b), the proceeds shall be applied to the payment of taxes removed from the tax duplicate under IC 6-1.1-24-6.5(c) or IC 6-1.1-25-7.5(e).

(d) If any proceeds remain after payment of the taxes under subsection (c), the proceeds shall be deposited in the county general fund.

SECTION 78. IC 36-8-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A majority of the members of the safety board constitutes a quorum. The board shall adopt rules concerning the time of holding regular and special meetings and of giving notice of them. The board shall elect one (1) of its members chairman, who holds the position as long as prescribed by the rules of the board. The board shall record all of its proceedings.

(b) The members of the safety board may act only as a board. No member may bind the board or the city except by resolution entered in the records of the board authorizing him the member to act in its behalf as its authorized agent.

(c) The safety board shall appoint:

- (1) the members and other employees of the police department other than those in an upper level policymaking position;
- (2) the members and other employees of the fire department other than those in an upper level policymaking position;
- (3) a market master; and
- (4) other officials that are necessary for public safety purposes.

(d) The annual compensation of all members of the police and fire departments and other appointees shall be fixed by ordinance of the legislative body before

(1) September 30 for a second class city; and

(2) September 30 for a third class city;

not later than September 30 of each year for the ensuing budget year. The ordinance may grade the members of the departments and regulate their pay by rank as well as by length of service. If the legislative body fails to adopt an ordinance fixing the compensation of members of the police or fire department, the safety board may fix their compensation, subject to change by ordinance.

(e) The safety board, subject to ordinance, may also fix the number of members of the police and fire departments and the number of appointees for other purposes and may, subject to law, adopt rules for the appointment of members of the departments and for their government.

(f) The safety board shall divide the city into police precincts and fire districts.

(g) The police chief has exclusive control of the police department, and the fire chief has exclusive control of the fire department, subject to the rules and orders of the safety board. In time of emergency, the police chief and the fire chief are, for the time being, subordinate to the city executive and shall obey his the city executive's orders and directions, notwithstanding any law or rule to the contrary.

SECTION 79. IC 36-9-3-5, AS AMENDED BY P.L.114-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

- (1) two (2) members appointed by the executive of each county in the authority;
 - (2) one (1) member appointed by the executive of the largest municipality in each county in the authority;
 - (3) one (1) member appointed by the executive of each second class city in a county in the authority; and
 - (4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.
- (b) An authority that includes a consolidated city is under the control of a board consisting of the following:

- (1) Two (2) members appointed by the executive of the county having the consolidated city.
- (2) One (1) member appointed by the board of commissioners of the county having the consolidated city.
- (3) One (1) member appointed by the executive of each other county in the authority.
- (4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.
- (5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.
- (6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.
- (7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following ~~sixteen (16)~~ **twenty-one (21)** members:

- (1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).
 - (B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).
- (4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).
 - (B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).
 - (C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).
- (5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A town with a population of more than eight thousand (8,000) but less than nine thousand (9,000).
 - (B) A town with a population of more than twenty-four

thousand (24,000) but less than thirty thousand (30,000).

(C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).

(6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).

(B) The fiscal body of a town with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).

(C) The fiscal body of a town with a population of more than five thousand (5,000) but less than eight thousand (8,000).

(D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).

(E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).

(7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) The executive of a city having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).

(B) The executive of a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).

(C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).

(9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(10) One (1) member appointed by the county executive of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.

(12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.

(14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.

(15) One (1) member appointed jointly by the township executive of the township containing the following towns:

(A) Chesterton.

- (B) Porter.
- (C) Burns Harbor.
- (D) Dune Acres.

The member appointed under this subdivision must be a resident of a town listed in this subdivision.

(16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:

- (A) Washington Township.
- (B) Morgan Township.
- (C) Pleasant Township.
- (D) Boone Township.
- (E) Union Township.
- (F) Porter Township.
- (G) Jackson Township.
- (H) Liberty Township.
- (I) Pine Township.

The member appointed under this subdivision must be a resident of a township listed in this subdivision.

SECTION 80. IC 36-9-3-9, AS AMENDED BY P.L.114-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.

(b) Except as provided in subsections subsection (c), and (d); the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), then:

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000): A member described in section 5(c)(12); 5(c)(13); or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority.

SECTION 81. IC 36-9-30-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ~~thirty (30)~~ ten (10) days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease.

SECTION 82. IC 36-9-39.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 39.1. Alternative Assessment Financing for Municipal Sewage Works

Sec. 1. This chapter applies to all municipalities.

Sec. 2. As used in this chapter, "board" means the following:

- (1) A board described in IC 36-9-23-5.
- (2) A board described in IC 36-9-25-2.

Sec. 3. As used in this chapter, "fund" refers to a sewer improvement and extension fund established under section 5 of this chapter.

Sec. 4. If a board wants to construct, repair, extend, or improve a sewage works, the board may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under this chapter.

Sec. 5. (a) A municipality may adopt an ordinance establishing a sewer improvement and extension fund to finance the construction, repair, extension, or improvement of a sewage works.

(b) A fund consists of the following:

(1) A special assessment imposed and collected under section 7 of this chapter. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.

(2) An appropriation to the fund, including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

Sec. 6. (a) The legislative body of a municipality that establishes a fund may appropriate money from the municipal general fund and transfer the money to the fund.

(b) During the fiscal year in which a municipality establishes a fund, the legislative body of the municipality may make an emergency appropriation from the municipal general fund and transfer the money to the fund.

Sec. 7. (a) A board may adopt an ordinance or a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works.

(b) Any costs not paid under subsection (a) must be paid by:

- (1) an assessment imposed under subsection (c) against the benefited properties; or
- (2) a contract under IC 36-9-22.

Any interest or penalties attributable to an assessment under this section must be deposited in the fund.

(c) The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

Sec. 8. (a) A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make and finance public improvements.

(b) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

- (1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (2) prepare and make out an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(c) An assessment under this chapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(d) The board shall fix a period of not more than twenty (20) years within which the assessments shall be paid.

(e) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(f) All payments under this chapter are deposited into the fund.

SECTION 83. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 6-1.1-24-4.1; IC 6-1.1-24-5.5; IC 6-1.1-24-6.5.

SECTION 84. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-20-21-4; IC 12-20-23; IC 12-20-24-2; IC 12-20-24-3; IC 12-20-24-4.

SECTION 85. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "member" refers to a person appointed under subsection (c)(3) or (c)(4) or to a legislator whose district includes all or part of Lake County, Porter County, LaPorte County, St. Joseph County, or Elkhart County.

(b) The northwest Indiana transportation study commission is established.

(c) The commission consists of fourteen (14) voting members appointed as follows:

- (1) Six (6) members of the senate, not more than three (3) of whom may be members of the same political party, appointed by the president pro tempore of the senate.
- (2) Six (6) members of the house of representatives, not more than three (3) of whom may be members of the same political party, appointed by the speaker of the house of representatives.
- (3) One (1) individual who is not a legislator, appointed by the northwestern Indiana regional planning commission.
- (4) One (1) individual who is not a legislator, appointed by the Michiana Area Council of Governments.
- (d) The chairman of the legislative council shall select one (1) member of the commission to serve as chairperson of the commission, and the vice chairman of the legislative council shall select one (1) member of the commission to serve as vice chairperson of the commission.

(e) The commission shall:

- (1) monitor the development of commuter transportation and rail service in the Lowell-Chicago and Valparaiso-Chicago corridors;
- (2) study all aspects of regional mass transportation and road and highway needs in Lake County, Porter County, LaPorte County, St. Joseph County, and Elkhart County;
- (3) study northwest Indiana transportation, infrastructure, and economic development issues; and
- (4) study other topics as assigned by the legislative council.
- (f) The commission shall submit a final report of the commission's findings and recommendations to the legislative council before November 1, 2009. The report must be in an electronic format under IC 5-14-6.

(g) The commission shall operate under the rules of the legislative council.

(h) This SECTION expires November 2, 2009.

SECTION 86. An emergency is declared for this act.

(Reference is to EHB 1102 as reprinted February 28, 2006, and as corrected under Senate rule 33(c) adopted March 1, 2006.)

AYRES	C. LAWSON
STEVENSON	LEWIS
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1323-1; filed March 13, 2006, at 2:50 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1323 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-20-5-4, AS AMENDED BY SEA 154-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) In addition to the highways established and designated as heavy duty highways under section 1 of this chapter, the following highways are designated as extra heavy duty highways:

- (1) Highway 41, from 129th Street in Hammond to Highway 312.
- (2) Highway 312, from Highway 41 to State Road 912.
- (3) Highway 912, from Michigan Avenue in East Chicago to the U.S. 20 interchange.
- (4) Highway 20, from Clark Road in Gary to Highway 39.
- (5) Highway 12, from one-fourth (1/4) mile west of the Midwest Steel entrance to Highway 249.
- (6) Highway 249, from Highway 12 to Highway 20.
- (7) Highway 12, from one and one-half (1 1/2) miles east of the Bethlehem Steel entrance to Highway 149.
- (8) Highway 149, from Highway 12 to a point thirty-six hundredths (.36) of a mile south of Highway 20.
- (9) Highway 39, from Highway 20 to the Michigan state line.

- (10) Highway 20, from Highway 39 to Highway 2.
- (11) Highway 2, from Highway 20 to Highway 31.
- (12) Highway 31, from the Michigan state line to Highway 23.
- (13) Highway 23, from Highway 31 to Olive Street in South Bend.
- (14) Highway 35, from South Motts Parkway thirty-four hundredths (.34) of a mile southeast to the point where Highway 35 intersects with the overpass for Highway 20/Highway 212.
- (15) State Road 249 from U.S. 12 to the point where State Road 249 intersects with Nelson Drive at the Port of Indiana.
- (16) State Road 912 from the 15th Avenue and 169th Street interchange one and six hundredths (1.06) miles north to the U.S. 20 interchange.
- (17) U.S. 20 from the State Road 912 interchange three and seventeen hundredths (3.17) miles east to U.S. 12.
- (18) U.S. 6 from the Ohio state line to State Road 9.
- (19) U.S. 30 from Allen County/Whitley County Line Road (also known as County Road 800 East) to State Road 9.
- (20) State Road 9 from U.S. 30 to U.S. 6.
- (21) State Road 39 from Interstate 80 to U.S. 20.

(b) For purposes of this subsection, "designated highway" refers to U.S. 6 from State Road 9 to State Road 15 and then north on State Road 15 to the Michigan state line. The designated highway is designated as an extra heavy duty highway beginning July 1 after the Indiana department of transportation completes all improvements, upgrades, and rehabilitation necessary to make the designated highway (including all bridges on the designated highway) suitable to safely bear loads permitted by law for an extra heavy duty highway. Not later than November 1 of each year, the Indiana department of transportation shall provide a report in an electronic format under IC 5-14-6 to the legislative council describing the progress made toward completing the work described by this subsection. The report is not required for any year after the year all work is completed.

(Reference is to EHB 1323 as printed February 17, 2006.)

DODGE	KRUSE
MOSES	MRVAN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 258-1; filed March 13, 2006, at 3:24 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 258 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11.5. (a) This section applies to retail transactions occurring after December 31, 2007.

(b) "Bundled transaction" means a retail sale of two (2) or more products, except real property and services to real property, that are:

- (1) distinct;
- (2) identifiable; and
- (3) sold for one (1) nonitemized price.

(c) The term does not include a retail sale in which the sales price of a product varies, or is negotiable, based on other products that the purchaser selects for inclusion in the transaction.

(d) The term does not include a retail sale that:

- (1) is comprised of:
 - (A) a service that is the true object of the transaction; and

- (B) tangible personal property that:
- (i) is essential to the use of the service; and
 - (ii) is provided exclusively in connection with the service;
- (2) includes both taxable and nontaxable products in which:
- (A) the seller's purchase price; or
 - (B) the sales price;
- of the taxable products does not exceed ten percent (10%) of the total purchase price or the total sales price of the bundled products; or
- (3) includes both exempt tangible personal property and taxable tangible personal property:
- (A) any of which is classified as:
 - (i) food and food ingredients;
 - (ii) drugs;
 - (iii) durable medical equipment;
 - (iv) mobility enhancing equipment;
 - (v) over-the-counter drugs;
 - (vi) prosthetic devices; or
 - (vii) medical supplies; and
 - (B) for which:
 - (i) the seller's purchase price; or
 - (ii) the sales price;
- of the taxable personal property is fifty percent (50%) or less of the total purchase price or the total sales price of the bundled tangible personal property.

The determination under clause (B) must be made on the basis of either individual item purchase prices or individual item sale prices.

SECTION 2. IC 6-2.5-1-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. (a) "Direct mail" means printed material delivered by United States mail or another delivery service to:**

- (1) a mass audience; or
- (2) addresses on a mailing list:
 - (A) provided by a purchaser; or
 - (B) specified at the direction of a purchaser;

if the cost of the item is not billed directly to the recipient.

(b) The term includes tangible personal property that the purchaser supplies directly or indirectly to the direct mail seller for inclusion in the package containing the printed material.

(c) The term does not include multiple items of printed material delivered to a single address.

SECTION 3. IC 6-2.5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. "Food and food ingredients"** means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and that are consumed for their taste or nutritional value. The term does not include alcoholic beverages, candy, dietary supplements, **tobacco products**, or soft drinks.

SECTION 4. IC 6-2.5-4-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15. (a) This section applies to retail transactions occurring after December 31, 2007.**

(b) A person is a retail merchant making a retail transaction when the person sells tangible personal property as part of a bundled transaction.

SECTION 5. IC 6-2.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. (a) Except as otherwise provided in this section,** each person liable for collecting the state gross retail or use tax shall file a return for each calendar month and pay the state gross retail and use taxes that the person collects during that month. A person shall file the person's return for a particular month with the department and make the person's tax payment for that month to the department not more than thirty (30) days after the end of that month, if that person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year did not exceed one thousand dollars (\$1,000). If a person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year exceeded one thousand dollars (\$1,000), that

person shall file the person's return for a particular month and make the person's tax payment for that month to the department not more than twenty (20) days after the end of that month.

(b) If a person files a combined sales and withholding tax report and either this section or IC 6-3-4-8.1 requires sales or withholding tax reports to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.

(c) Instead of the twelve (12) monthly reporting periods required by subsection (a), the department may permit a person to divide a year into a different number of reporting periods. The return and payment for each reporting period is due not more than twenty (20) days after the end of the period.

(d) Instead of the reporting periods required under subsection (a), the department may permit a retail merchant to report and pay the merchant's state gross retail and use taxes for a period covering:

- (1) a calendar year, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed ten dollars (\$10);
- (2) a calendar half year, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed twenty-five dollars (\$25); or
- (3) a calendar quarter, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed seventy-five dollars (\$75).

A retail merchant using a reporting period allowed under this subsection must file the merchant's return and pay the merchant's tax for a reporting period not later than the last day of the month immediately following the close of that reporting period.

(e) If a retail merchant reports the merchant's adjusted gross income tax, or the tax the merchant pays in place of the adjusted gross income tax, over a fiscal year or fiscal quarter not corresponding to the calendar year or calendar quarter, the merchant may, without prior departmental approval, report and pay the merchant's state gross retail and use taxes over the merchant's fiscal period that corresponds to the calendar period the merchant is permitted to use under subsection (d). However, the department may, at any time, require the retail merchant to stop using the fiscal reporting period.

(f) If a retail merchant files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under:

- (1) this section;
- (2) IC 6-3-4-8; or
- (3) IC 6-3-4-8.1.

(g) If the department determines that a person's:

- (1) estimated monthly gross retail and use tax liability for the current year; or
- (2) average monthly gross retail and use tax liability for the preceding year;

exceeds ten thousand dollars (\$10,000), the person shall pay the monthly gross retail and use taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(h) If a person's gross retail and use tax payment is made by electronic funds transfer, the taxpayer is not required to file a monthly gross retail and use tax return. However, the person shall file a quarterly gross retail and use tax return before the twentieth day after the end of each calendar quarter.

(i) A person:

- (1) who has voluntarily registered as a seller under the Streamlined Sales and Use Tax Agreement;
- (2) who is not a Model 1, Model 2, or Model 3 seller (as defined in the Streamlined Sales and Use Tax Agreement); and
- (3) whose liability for collections of state gross retail and use taxes under this section for the preceding calendar year as determined by the department does not exceed one thousand dollars (\$1,000);

is not required to file a monthly gross retail and use tax return.
SECTION 6. IC 6-2.5-13-1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this section, the terms "receive" and "receipt" mean:

- (1) taking possession of tangible personal property;
 - (2) making first use of services; or
 - (3) taking possession or making first use of digital goods;
- whichever comes first. The terms "receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.

(b) This section:

- (1) applies regardless of the characterization of a product as tangible personal property, a digital good, or a service;
- (2) applies only to the determination of a seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's retail sale of a product; and
- (3) does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(c) This section does not apply to sales or use taxes levied on the following:

- (1) The retail sale or transfer of watercraft, modular homes, manufactured homes, or mobile homes. These items must be sourced according to the requirements of this article.
- (2) The retail sale, excluding lease or rental, of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in subsection (g). The retail sale of these items shall be sourced according to the requirements of this article, and the lease or rental of these items must be sourced according to subsection (f).
- (3) Telecommunications services, as set forth in IC 6-2.5-12, shall be sourced in accordance with IC 6-2.5-12.

(d) The retail sale, excluding lease or rental, of a product shall be sourced as follows:

- (1) When the product is received by the purchaser at a business location of the seller, the sale is sourced to that business location.
- (2) When the product is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser (or donee), known to the seller.
- (3) When subdivisions (1) and (2) do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.
- (4) When subdivisions (1), (2), and (3) do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.
- (5) When none of the previous rules of subdivision (1), (2), (3), or (4) apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or the computer software delivered electronically was first available for transmission by the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

(e) The lease or rental of tangible personal property, other than property identified in subsection (f) or (g), shall be sourced as follows:

- (1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection (d). Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does

not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

- (2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection (d).

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or an accelerated basis, or on the acquisition of property for lease.

(f) The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in subsection (g), shall be sourced as follows:

- (1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. This location shall not be altered by intermittent use at different locations.

- (2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection (d).

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(g) The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection (d), notwithstanding the exclusion of lease or rental in subsection (d). As used in this subsection, "transportation equipment" means any of the following:

- (1) Locomotives and railcars that are used for the carriage of persons or property in interstate commerce.
- (2) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater, trailers, semitrailers, or passenger buses that are:
 - (A) registered through the International Registration Plan; and
 - (B) operated under authority of a carrier authorized and certificated by the U.S. Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.
- (3) Aircraft that are operated by air carriers authorized and certificated by the U.S. Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce.
- (4) Containers designed for use on and component parts attached or secured on the items set forth in subdivisions (1) through (3).

(h) This subsection applies to retail sales of floral products that occur before January 1, 2008. Notwithstanding subsection (d), a retail sale of floral products in which a florist or floral business:

- (1) takes a floral order from a purchaser; and**
- (2) transmits the floral order by telegraph, telephone, or other means of communication to another florist or floral business for delivery;**

is sourced to the location of the florist or floral business that originally takes the floral order from the purchaser.

SECTION 7. An emergency is declared for this act.

(Reference is to ESB 258 as printed February 17, 2006.)

KENLEY	ESPICH
HUME	KUZMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 193-1; filed March 13, 2006, at 3:26 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 193 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) As used in this section, "institute" means the Indiana criminal justice institute established by section 3 of this chapter.

(b) The institute shall adopt:

- (1) guidelines; and
- (2) a reporting form or a specified electronic format, or both;

for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute.

(d) The guidelines adopted under this section:

- (1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14) that the institute determines to be relevant;
- (2) may require the institute to report the information concerning methamphetamine abuse to one (1) or more additional agencies or organizations;
- (3) must require the institute to maintain reports filed under IC 5-2-16 in a manner that permits an accurate assessment of methamphetamine abuse in Indiana; and
- (4) must require a law enforcement agency to report any other information that the institute determines to be relevant.

SECTION 2. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than ~~fourteen (14)~~ **eighteen (18)** years of age at a ~~methamphetamine laboratory site used for the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9)~~ shall notify the ~~division of family and children; department of child services.~~

SECTION 3. IC 5-2-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Methamphetamine Abuse Reporting

Sec. 1. As used in this chapter, "law enforcement agency" has the meaning set forth in IC 10-11-8-2.

Sec. 2. As used in this chapter, "methamphetamine abuse" means the:

- (1) use;
- (2) sale;
- (3) manufacture;
- (4) transport; or
- (5) delivery;

of methamphetamine or of a methamphetamine precursor, if the precursor is being used, sold, manufactured, transported, or delivered to facilitate the manufacture of methamphetamine.

Sec. 3. A law enforcement agency that discovers evidence of methamphetamine abuse shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-6-18.

SECTION 4. IC 9-13-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 86. "Intoxicated" means under the influence of:

- (1) alcohol;
- (2) a controlled substance (as defined in IC 35-48-1);
- (3) a drug other than alcohol or a controlled substance; ~~or~~
- (4) **a substance described in IC 35-46-6-2 or IC 35-46-6-3; or**
- (5) **a combination of alcohol, controlled substances, or drugs substances described in subdivisions (1) through (4);**

so that there is an impaired condition of thought and action and the loss of normal control of a person's faculties.

SECTION 5. IC 11-12-3.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

(1) Dealing in cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.

(2) **Dealing in methamphetamine (IC 35-48-4-1.1), unless the person received only minimal consideration as a result of the drug transaction.**

(3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.

~~(3)~~ (4) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.

SECTION 6. IC 16-31-3-14, AS AMENDED BY P.L.22-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the ~~state emergency management agency department of homeland security~~ determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:

- (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;

- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (13) allows a certificate issued by the commission to be:
 - (A) used by another person; or
 - (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The **state emergency management agency department of homeland security** may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the **state emergency management agency department of homeland security** determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder.
- (4) Issuance of a letter of reprimand.
- (5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the **state emergency management agency department of homeland security**, the **state emergency management agency department of homeland security** may suspend the certificate holder's certificate without additional proceedings.

- (6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the **state emergency management agency department of homeland security** upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the **state emergency management agency department of homeland security**;

(C) continue or renew professional education approved by the **state emergency management agency department of homeland security** until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the **state emergency management agency department of homeland security** considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The **state emergency management agency department of homeland security** may withdraw or modify this probation if the **state emergency management agency department of homeland security** finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the **state emergency management agency department of homeland security** may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the **state emergency management agency department of homeland security**.

(d) The **state emergency management agency department of homeland security** may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The **state emergency management agency department of homeland security** may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a **state emergency management agency department of homeland security** order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and

section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The **state emergency management agency department of homeland security** may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine or a narcotic drug or methamphetamine under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.

~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~: (10).

~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through ~~(11)~~ (12).

(h) A decision of the **state emergency management agency department of homeland security** under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The **state emergency management agency department of homeland security** may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the **state emergency management agency department of homeland security** finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the **state emergency management agency department of homeland security** must initiate an investigation against the person.

(k) The **state emergency management agency department of homeland security** shall conduct a factfinding investigation as the **state emergency management agency department of homeland security** considers proper in relation to the complaint.

(l) The **state emergency management agency department of homeland security** may reinstate a certificate that has been suspended under this section if the **state emergency management agency department of homeland security** is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the **state emergency management agency department of homeland security** may impose disciplinary or corrective measures authorized under this chapter.

(m) The **state emergency management agency department of homeland security** may not reinstate a certificate that has been revoked under this chapter.

(n) The **state emergency management agency department of homeland security** must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the **state emergency management agency's department of homeland security's** findings

or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the ~~state emergency management agency~~, **department of homeland security**, and the ~~state emergency management agency department of homeland security~~ may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 7. IC 16-31-3-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- ~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~ (9).
- ~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~ (9).
- ~~(11)~~ (12) A crime of violence (as defined in IC 35-50-1-2(a)).
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~ (12).

SECTION 8. IC 20-28-5-8, AS ADDED BY P.L.246-2005, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

(3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(5) Child molesting (IC 35-42-4-3).

(6) Child exploitation (IC 35-42-4-4(b)).

(7) Vicarious sexual gratification (IC 35-42-4-5).

(8) Child solicitation (IC 35-42-4-6).

(9) Child seduction (IC 35-42-4-7).

(10) Sexual misconduct with a minor (IC 35-42-4-9).

(11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

(12) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1).

(13) **Dealing in methamphetamine (IC 35-48-4-1.1).**

(14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(14)~~ (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(15)~~ (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(16)~~ (17) Dealing in a counterfeit substance (IC 35-48-4-5).

~~(17)~~ (18) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 9. IC 22-15-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is

inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the department upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department;
- (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine under IC 35-48-4-6.

(2) Possession of methamphetamine under IC 35-48-4-6.1.

(3) Possession of a controlled substance under IC 35-48-4-7(a).

~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.

~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(9)~~: (10).

~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (10).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(11)~~: (12).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine under IC 35-48-4-1.

(2) Dealing in methamphetamine under IC 35-48-4-1.1.

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.

~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(8)~~: (9).

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (9).

~~(11)~~ (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(10)~~: (11).

~~(12)~~ (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended

under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 10. IC 25-1-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3) (4)~~ **(4)** Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4) (5)~~ **(5)** Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5) (6)~~ **(6)** Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6) (7)~~ **(7)** Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7) (8)~~ **(8)** Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8) (9)~~ **(9)** Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9) (10)~~ **(10)** An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10) (11)~~ **(11)** Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~ **(10)**.
- ~~(11) (12)~~ **(12)** Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(9)~~ **(10)**.
- ~~(12) (13)~~ **(13)** An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~ **(12)**.

SECTION 11. IC 25-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or a narcotic drug or~~

~~methamphetamine~~ under IC 35-48-4-1.

(2) **Dealing in methamphetamine under IC 35-48-4-1.1.**

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

~~(3) (4)~~ **(4)** Dealing in a schedule IV controlled substance under IC 35-48-4-3.

~~(4) (5)~~ **(5)** Dealing in a schedule V controlled substance under IC 35-48-4-4.

~~(5) (6)~~ **(6)** Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

~~(6) (7)~~ **(7)** Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(7) (8)~~ **(8)** Dealing in a counterfeit substance under IC 35-48-4-5.

~~(8) (9)~~ **(9)** Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9) (10)~~ **(10)** Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~ **(9)**.

~~(10) (11)~~ **(11)** Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~ **(9)**.

~~(11) (12)~~ **(12)** An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(10)~~ **(11)**.

~~(12) (13)~~ **(13)** A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 12. IC 31-30-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-42-1-1 (murder);
- (2) IC 35-42-3-2 (kidnapping);
- (3) IC 35-42-4-1 (rape);
- (4) IC 35-42-4-2 (criminal deviate conduct);
- (5) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (6) IC 35-42-5-2 (carjacking);
- (7) IC 35-45-9-3 (criminal gang activity);
- (8) IC 35-45-9-4 (criminal gang intimidation);
- (9) IC 35-47-2-1 (carrying a handgun without a license);
- (10) IC 35-47-10 (children and firearms);
- (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- (12) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through (11);

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1), **dealing in methamphetamine (IC 35-48-4-1.1)**, dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:

- (1) the individual has a prior unrelated conviction under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3; or
- (2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3; and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) ~~or (b)~~ has been charged with any crime listed in subsection ~~(a)(1) through (a)(15)~~ **(a) or (b)**, the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 13. IC 34-24-1-1, AS AMENDED BY SEA 145-2006,

SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1).

(ii) **Dealing in methamphetamine (IC 35-48-4-1.1).**

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(iv)~~ (iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(v)~~ (v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(vi)~~ (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

~~(vii)~~ (vii) Possession of cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-6).

(viii) Possession of methamphetamine (IC 35-48-4-6.1).

~~(viii)~~ (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

~~(viii)~~ (x) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-6-6.

(D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1).

(B) **Dealing in methamphetamine (IC 35-48-4-1.1).**

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(D)~~ (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(E)~~ (E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud

under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine ~~or~~ a

narcotic drug). ~~or methamphetamine).~~

(2) **IC 35-48-4-1.1 (dealing in methamphetamine).**

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

~~(3)~~ (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

~~(4)~~ (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

~~(5)~~ (6) IC 35-48-4-6 (possession of cocaine ~~or a narcotic drug~~ ~~or methamphetamine~~) as a Class A felony, Class B felony, or Class C felony.

(7) **IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.**

~~(6)~~ (8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

(1) an owner of the motor vehicle; or

(2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 14. IC 35-33-5-5, AS AMENDED BY P.L.187-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) All items of property seized by any law enforcement agency as a result of an arrest, search warrant, or warrantless search, shall be securely held by the law enforcement agency under the order of the court trying the cause, except as provided in this section.

(b) Evidence that consists of property obtained unlawfully from its owner may be returned by the law enforcement agency to the owner before trial, in accordance with IC 35-43-4-4(h).

(c) Following the final disposition of the cause at trial level or any other final disposition the following shall be done:

(1) Property which may be lawfully possessed shall be returned to its rightful owner, if known. If ownership is unknown, a reasonable attempt shall be made by the law enforcement agency holding the property to ascertain ownership of the property. After ninety (90) days from the time:

(A) the rightful owner has been notified to take possession of the property; or

(B) a reasonable effort has been made to ascertain ownership of the property;

the law enforcement agency holding the property shall, at ~~such time as it is~~ a convenient time, dispose of this property at a public auction. The proceeds of this property shall be paid into the county general fund.

(2) Except as provided in subsection (e), property, the possession of which is unlawful, shall be destroyed by the law enforcement agency holding it sixty (60) days after final disposition of the cause.

(3) A firearm that has been seized from a person who is dangerous (as defined in IC 35-47-13-1) shall be retained, returned, or disposed of in accordance with IC 35-47-13.

(d) If any property described in subsection (c) was admitted into evidence in the cause, the property shall be disposed of in accordance with an order of the court trying the cause.

(e) A law enforcement agency may destroy or cause to be destroyed chemicals, ~~or~~ controlled substances, ~~or chemically contaminated equipment (including drug paraphernalia as described in IC 35-48-4-8.5)~~ associated with the illegal manufacture of drugs or controlled substances without a court order if all the following conditions are met:

(1) The law enforcement agency collects and preserves a sufficient quantity of the chemicals, ~~or~~ controlled substances, ~~or chemically contaminated equipment~~ to demonstrate that the chemicals, ~~or~~ controlled substances, ~~were or chemically contaminated equipment~~ was associated with the illegal manufacture of drugs or controlled substances.

(2) The law enforcement agency takes photographs of the illegal drug manufacturing site that accurately depict the presence and quantity of chemicals, ~~and~~ controlled substances, ~~and chemically contaminated equipment~~.

(3) The law enforcement agency completes a chemical inventory report that describes the type and quantities of chemicals, ~~and~~ controlled substances, ~~and chemically contaminated equipment~~ present at the illegal manufacturing site.

The photographs and description of the property shall be admissible into evidence in place of the actual physical evidence.

(f) For purposes of preserving the record of any conviction on appeal, a photograph demonstrating the nature of the property, and an adequate description of the property must be obtained before the disposition of it. In the event of a retrial, the photograph and description of the property shall be admissible into evidence in place of the actual physical evidence. All other rules of law governing the admissibility of evidence shall apply to the photographs.

(g) The law enforcement agency disposing of property in any manner provided in subsection (b), (c), or (e) shall maintain certified records of any ~~such~~ disposition **under subsection (b), (c), or (e)**. Disposition by destruction of property shall be witnessed by two (2) persons who shall also attest to the destruction.

(h) This section does not affect the procedure for the disposition of firearms seized by a law enforcement agency.

(i) A law enforcement agency that disposes of property by auction under this section shall permanently stamp or otherwise permanently identify the property as property sold by the law enforcement agency.

(j) Upon motion of the prosecuting attorney, the court shall order property seized under IC 34-24-1 transferred, subject to the perfected liens or other security interests of any person in the property, to the appropriate federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice.

SECTION 15. IC 35-38-2.6-1, AS AMENDED BY P.L.213-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of:

(1) a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2 or IC 35-50-2-2.1;

(2) a misdemeanor whenever any part of the sentence may not be suspended; or

(3) an offense described in ~~IC 35-50-2-2(b)(4)(Q)~~ **IC 35-50-2-2(b)(4)(R)** (operating a vehicle while intoxicated with at least two (2) prior unrelated convictions), if the person:

(A) is required to serve the nonsuspendible part of the sentence in a community corrections:

(i) work release program; or

(ii) program that uses electronic monitoring as a part of the person's supervision; and

(B) participates in a court approved substance abuse program.

(b) This chapter does not apply to persons convicted of any of the following:

(1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.

(2) Except as provided in subsection (a)(3), any of the felonies listed in IC 35-50-2-2(b)(4).

(3) An offense under IC 9-30-5-4.

(4) An offense under IC 9-30-5-5.

SECTION 16. IC 35-42-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

(1) knowingly or intentionally kills another human being;

(2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, or carjacking;

(3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine ~~or a narcotic drug~~ ~~or methamphetamine~~ (IC 35-48-4-1);

(B) **dealing in methamphetamine (IC 35-48-4-1.1);**

(C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(C)~~ (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(D)~~ (E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);
commits murder, a felony.

SECTION 17. IC 35-45-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Child exploitation (IC 35-42-4-4).
- (9) Robbery (IC 35-42-5-1).
- (10) Carjacking (IC 35-42-5-2).
- (11) Arson (IC 35-43-1-1).
- (12) Burglary (IC 35-43-2-1).
- (13) Theft (IC 35-43-4-2).
- (14) Receiving stolen property (IC 35-43-4-2).
- (15) Forgery (IC 35-43-5-2).
- (16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
- (17) Bribery (IC 35-44-1-1).
- (18) Official misconduct (IC 35-44-1-2).
- (19) Conflict of interest (IC 35-44-1-3).
- (20) Perjury (IC 35-44-2-1).
- (21) Obstruction of justice (IC 35-44-3-4).
- (22) Intimidation (IC 35-45-2-1).
- (23) Promoting prostitution (IC 35-45-4-4).
- (24) Promoting professional gambling (IC 35-45-5-4).
- (25) Dealing in or manufacturing cocaine or a narcotic drug or methamphetamine (IC 35-48-4-1).
- (26) Dealing in methamphetamine (IC 35-48-4-1.1).
- (27) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(27)~~ (28) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(28)~~ (29) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- ~~(29)~~ (30) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- ~~(30)~~ (31) Money laundering (IC 35-45-15-5).
- ~~(31)~~ (32) A violation of IC 35-47.5-5.

SECTION 18. IC 35-46-1-8, AS AMENDED BY P.L.2-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a Class C

felony:

(1) if:

- (A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:
 - (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or
 - (ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and
 - (B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or
- (2) if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:
- (A) IC 35-48-4-1.
 - (B) **IC 35-48-4-1.1.**
 - (C) IC 35-48-4-2.
 - ~~(D)~~ (D) IC 35-48-4-3.
 - ~~(E)~~ (E) IC 35-48-4-4.
 - ~~(F)~~ (F) IC 35-48-4-4.5.
 - ~~(G)~~ (G) IC 35-48-4-4.6.
 - ~~(H)~~ (H) IC 35-48-4-5.

SECTION 19. IC 35-46-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "model glue" means a glue or cement containing

- ~~(1)~~ toluene or acetone, or both. or
- ~~(2)~~ another chemical having the property of releasing toxic vapors.

SECTION 20. IC 35-46-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A person who, with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses, ingests or inhales the fumes of:

- (1) model glue; or
- (2) a substance that contains:
 - (A) toluene;
 - (B) acetone;
 - (C) benzene;
 - (D) N-butyl nitrite;
 - (E) any aliphatic nitrite, unless prescribed by a physician; or
 - (F) butane;
 - (G) **amyl butrate;**
 - (H) **isobutyl nitrate;**
 - (I) **freon;**
 - (J) **chlorinated hydrocarbons;**
 - (K) **methylene chloride;**
 - (L) **hexane;**
 - (M) **ether;**
 - (N) **chloroform;** or
 - (O) **halothane;** or
- (3) **any other chemical having the property of releasing toxic vapors;**

commits **inhaling toxic vapors**, a Class B misdemeanor.

SECTION 21. IC 35-47-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or
- (2) attempting to commit or conspiring to commit a serious violent felony in:
 - (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar

to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery as a:
 - (A) Class A felony (IC 35-42-2-1(a)(5));
 - (B) Class B felony (IC 35-42-2-1(a)(4)); or
 - (C) Class C felony (IC 35-42-2-1(a)(3));
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnapping (IC 35-42-3-2);
- (7) criminal confinement (IC 35-42-3-3);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery as a Class C felony (IC 35-42-4-8);
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2);
- (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
- (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
- (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
- (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
- (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
- (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
- (22) incest (IC 35-46-1-3);
- (23) dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1);
- (24) **dealing in methamphetamine (IC 35-48-4-1.1);**
- (25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- ~~(25) (26)~~ dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- ~~(26) (27)~~ dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 22. IC 35-48-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

cocaine ~~or a narcotic drug, or methamphetamine~~, pure or adulterated, classified in schedule I or II; or

- (2) possesses, with intent to:
 - (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;

cocaine ~~or a narcotic drug, or methamphetamine~~, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine ~~or a narcotic drug, or methamphetamine~~, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

- (1) the amount of the drug involved weighs three (3) grams or more;
- (2) the person:
 - (A) delivered; or
 - (B) financed the delivery of;
 the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or

(3) the person manufactured, delivered, or financed the delivery of the drug:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 23. IC 35-48-4-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

- (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;
- methamphetamine, pure or adulterated; or**

(2) possesses, with intent to:

- (A) manufacture;
 - (B) finance the manufacture of;
 - (C) deliver; or
 - (D) finance the delivery of;
- methamphetamine, pure or adulterated;**

commits dealing in methamphetamine, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

- (1) the amount of the drug involved weighs three (3) grams or more;
- (2) the person:
 - (A) delivered; or
 - (B) financed the delivery of;
 the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or
- (3) the person manufactured, delivered, or financed the delivery of the drug:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 24. IC 35-48-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) ~~or a narcotic drug (pure or adulterated) classified in schedule I or II, or methamphetamine (pure or adulterated)~~ commits possession of cocaine ~~or a narcotic drug, or methamphetamine~~, a Class D felony, except as provided in subsection (b).

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the cocaine ~~or narcotic drug or methamphetamine~~ possesses less than three (3) grams of pure or adulterated cocaine ~~or a narcotic drug; or methamphetamine~~:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center; and

(3) a Class A felony if the person possesses the cocaine ~~or narcotic drug or methamphetamine~~ in an amount (pure or adulterated) weighing at least three (3) grams:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;

- (iii) a family housing complex; or
- (iv) a youth program center.

SECTION 25. IC 35-48-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Class D felony, except as provided in subsection (b).**

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or**
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);**

(2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

- (i) school property;**
- (ii) a public park;**
- (iii) a family housing complex; or**
- (iv) a youth program center; and**

(3) a Class A felony if the person possesses the methamphetamine in an amount (pure or adulterated) weighing at least three (3) grams:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

- (i) school property;**
- (ii) a public park;**
- (iii) a family housing complex; or**
- (iv) a youth program center.**

SECTION 26. IC 35-48-4-14.5, AS AMENDED BY P.L.192-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:**

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.
- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.

- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.
- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Class D felony. However, the offense is a Class C felony if the person possessed:

(1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or

(2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within one thousand (1,000) feet of:

- (A) school property;**
- (B) a public park;**
- (C) a family housing complex; or**
- (D) a youth program center.**

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine ~~or amphetamine~~, schedule II controlled substance substances under IC 35-48-2-6, commits a Class D felony. However, the offense is a Class C felony if the person possessed:

(1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine ~~or amphetamine~~, schedule II controlled substance substances under IC 35-48-2-6; or

(2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine ~~or amphetamine~~, schedule II controlled substance substances under IC 35-48-2-6, in, on, or within one thousand (1,000) feet of:

- (A) school property;**
- (B) a public park;**
- (C) a family housing complex; or**
- (D) a youth program center.**

(d) Subsection (b) does not apply to a:

(1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or

(2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:

- (A) the location in which the substance is stored;**
- (B) the possession of the substance in a variety of:**
 - (i) strengths;**
 - (ii) brands; or**
 - (iii) types; or**

(C) the possession of the substance:

- (i) with different expiration dates; or**
- (ii) in forms used for different purposes.**

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture

~~**(1) Methcathinone, a schedule I controlled substance under IC 35-48-2-4;**~~

~~**(2) Methamphetamine, a schedule II controlled substance under IC 35-48-2-6;**~~

~~**(3) Amphetamine, a schedule II controlled substance under IC 35-48-2-6; or**~~

~~**(4) Phenylpropanolamine, a schedule IV controlled substance under IC 35-48-2-10;**~~

a controlled substance commits a Class D felony.

(f) An offense under subsection (e) is a Class C felony if the person possessed:

(1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture methamphetamine, a schedule II controlled substance; under IC 35-48-2-6; or

(2) two (2) or more chemical reagents or precursors with intent to manufacture ~~methamphetamine~~, a ~~schedule H~~ controlled substance ~~under IC 35-48-2-6~~ in, on, or within one thousand (1,000) feet of:

- (A) school property;
- (B) a public park;
- (C) a family housing complex; or
- (D) a youth program center.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture ~~methamphetamine, methcathinone, amphetamine, or phentermine~~ a controlled substance commits unlawful sale of a precursor, a Class D felony.

SECTION 27. IC 35-48-4-14.7, AS ADDED BY P.L.192-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).
- (3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).
- (b) The following definitions apply throughout this section:
 - (1) "Constant video monitoring" means the surveillance by an automated camera that:
 - (A) records at least one (1) photograph or digital image every ten (10) seconds;
 - (B) retains a photograph or digital image for at least seventy-two (72) hours;
 - (C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and
 - (D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.
 - (2) "Convenience package" means a package that contains a drug having as an active ingredient not more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both.
 - (3) "Ephedrine" means pure or adulterated ephedrine.
 - (4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.
 - (5) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:
 - (A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;
 - (B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or
 - (C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).
 - (6) "Unusual theft" means the theft or unexplained disappearance from a particular retail store of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.
- (c) This subsection does not apply to a convenience package. A person may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the person complies with the following conditions:

- (1) The person does not sell the drug to a person less than eighteen (18) years of age.
- (2) The person does not sell drugs containing more than three (3) grams of ephedrine or pseudoephedrine, or both in one (1) transaction.

(3) The person requires:

- (A) the purchaser to produce a state or federal identification card;
- (B) the purchaser to complete a paper or an electronic log in a format approved by the state police department with the purchaser's name, address, and driver's license or other identification number; and
- (C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. ~~and may be inspected by~~ A law enforcement officer **has the right to inspect and copy a log or the records from the completion of a log** in accordance with state and federal law. **A person may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes.** A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross negligence or intentional, wanton, or willful misconduct. This subdivision expires June 30, 2008.

(4) The person stores the drug:

- (A) behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee; or
- (B) directly in front of the pharmacy counter in the direct line of sight of an employee at the pharmacy counter, in an area under constant video monitoring, if the drug is sold in a retail establishment that:
 - (i) is a pharmacy; or
 - (ii) contains a pharmacy that is open for business.

(d) A person may not purchase drugs containing more than three (3) grams of ephedrine, pseudoephedrine, or both in one (1) week.

(e) This subsection only applies to convenience packages. A person may not sell drugs containing more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction if the drugs are sold in convenience packages. A person who sells convenience packages must secure the convenience packages in at least one (1) of the following ways:

- (1) The convenience package must be stored not more than thirty (30) feet away from a checkout station or counter and must be in the direct line of sight of an employee at the checkout station or counter.
- (2) The convenience package must be protected by a reliable anti-theft device that uses package tags and detection alarms designed to prevent theft.
- (3) The convenience package must be stored in restricted access shelving that permits a purchaser to remove not more than one (1) package every fifteen (15) seconds.
- (4) The convenience package must be stored in an area that is under constant video monitoring, and a sign placed near the convenience package must warn that the area is under constant video monitoring.

(f) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(g) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular retail store, the retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular retail store behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) Before June 30, 2007, the state police department shall submit a report to the legislative council detailing the effectiveness of this section in reducing the illicit production of methamphetamine. The report must describe the number of arrests or convictions that are attributable to the identification and logging requirements contained in this section, and must include recommendations for future action. The report must be in an electronic format under IC 5-14-6.

SECTION 28. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

- (A) murder (IC 35-42-1-1);
- (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine or a narcotic drug or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the

court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

~~(R)~~ (R) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

~~(S)~~ (S) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

~~(T)~~ (T) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of an offender's (as defined in IC 5-2-12-4) sentence that is suspendible under subsection (b), the court shall place the offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) or **IC 35-48-4-6.1(b)(1)(B)** may not be suspended.

SECTION 29. [EFFECTIVE JULY 1, 2006] **IC 35-48-4-1.1 and IC 35-48-4-6.1, both as added by this act, and IC 35-48-4-1, IC 35-48-4-6, IC 35-48-4-14.5, and IC 35-48-4-14.7, all as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 30. **An emergency is declared for this act.**

(Reference is to ESB 193 as printed February 24, 2006.)

BRAY	FOLEY
HUME	VAN HAAFTEN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1010-2; filed March 13, 2006, at 3:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1010 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the

following:

SECTION 1. IC 22-13-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. A state agency or political subdivision may not require that a lawfully erected sign be removed or altered as a condition of issuing:**

- (1) a permit;
 - (2) a license;
 - (3) a variance; or
 - (4) any other order concerning land use or development;
- unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.**

SECTION 2. IC 23-14-60-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) If:

- (1) any number of persons have:
 - (A) acted together as an association or corporation;
 - (B) acquired, as an association or corporation, land for cemetery purposes;
 - (C) sold and granted to persons the right to bury the dead in lots located on the land; and
 - (D) actually managed and controlled the land as a cemetery for at least thirty (30) years; but
 - (2) the organization that the persons attempted to establish as a corporation or cemetery association is defective and incomplete because of a failure to comply with the formalities required by law in force at some time since the original parties first assumed to act as an association or corporation;
- the owners of the right to bury the dead on lots in the cemetery and those who may acquire the right become and continue to be a cemetery association or corporation from March 14, 1913.

(b) The owners of the right to bury the dead on lots in a cemetery referred to in subsection (a) have all the rights and powers of a cemetery association or corporation organized under this article, IC 23-1, or IC 23-17. ~~including the power of eminent domain under IC 32-24-1.~~

SECTION 3. IC 23-14-75-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

- (1) ~~A:~~
 - (A) city;
 - (B) town;
 - (C) township;
 - (D) corporation or association; or
 - (E) another owner;

~~that owns or controls a public cemetery that has been in existence for at least thirty (30) years.~~

- (2) ~~A:~~
 - (A) city, town, or township; or
 - (B) corporation or association a city, town, or township that:

- (1) owns a cemetery that has been in existence for at least thirty (30) years; or
- (2) desires to own a public cemetery.

SECTION 4. IC 23-14-75-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

- (1) the legislative body of the city or town; or
- (2) the executive of the township;
- ~~(3) the trustees or directors of the corporation or association; or~~
- ~~(4) the other owners;~~

~~have~~ **has** the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 5. IC 32-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person that may exercise the power of eminent domain for any public use under any statute may exercise the power only in the manner provided in this article, except as otherwise provided by law.

(b) Before proceeding to condemn, the person:

- (1) may enter upon any land to examine and survey the property sought to be acquired; and
- (2) must make an effort to purchase for the use intended the

land, right-of-way, easement, or other interest, in the property.

(c) The effort to purchase under subsection (b)(2) must include the following:

- (1) Establishing a proposed purchase price for the property.**
- (2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.**
- (3) Conducting good faith negotiations with the owner of the property.**

~~(c) (d)~~ If the land or interest in the land, or property or right is owned by a person who is an incapacitated person (as defined in IC 29-3-1-7.5) or less than eighteen (18) years of age, the person seeking to acquire the property may purchase the property from the guardian of the incapacitated person or person less than eighteen (18) years of age. If the purchase is approved by the court appointing the guardian and the approval is written upon the face of the deed, the conveyance of the property purchased and the deed made and approved by the court are valid and binding upon the incapacitated person or persons less than eighteen (18) years of age.

~~(d) (e)~~ The deed given, when executed instead of condemnation, conveys only the interest stated in the deed.

~~(e) (f)~~ If property is taken by proceedings under this article, the entire fee simple title may be taken and acquired. **if the property is taken for any purpose other than a right-of-way.**

SECTION 6. IC 32-24-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As a condition precedent to filing a complaint in condemnation, and except for an action brought under IC 8-1-13-19 (repealed), a condemnor may enter upon the property as provided in this chapter and must, at least thirty (30) days before filing a complaint, make an offer to purchase the property in the form prescribed in subsection (c). The offer must be served personally or by certified mail upon:

- (1) the owner of the property sought to be acquired; or
- (2) the owner's designated representative.

(b) If the offer cannot be served personally or by certified mail, or if the owner or the owner's designated representative cannot be found, notice of the offer shall be given by publication in a newspaper of general circulation in the county in which the property is located or in the county where the owner was last known to reside. The notice must be in the following form:

NOTICE

TO: _____, _____ (owner(s)),
 _____ (condemnor) needs your property
 for a _____
 (description of project), and will need to acquire the following from you:

_____ (general description of the property to be acquired). We have made you a formal offer for this property that is now on file in the Clerk's Office in the _____ County Court House. Please pick up the offer. If you do not respond to this notice or accept the offer by ____ (a date 30 days from 1st date of publication) 20____, we shall file a suit to condemn the property.

 Condemnor

The condemnor must file the offer with the clerk of the circuit court with a supporting affidavit that diligent search has been made and that the owner cannot be found. The notice shall be published twice as follows:

- (1) One (1) notice immediately.
- (2) A subsequent publication at least seven (7) days and not more than twenty-one (21) days after the publication under subdivision (1).

(c) The offer to purchase must be in the following form:

UNIFORM PROPERTY OR EASEMENT

ACQUISITION OFFER

_____ (condemnor) is authorized by Indiana law to obtain your property or an easement across your property for certain public purposes. _____ (condemnor) needs (your property) (an easement across your property) for a _____ (brief description of the project) and needs to take _____ (legal description of the property or easement to be taken; the legal description may be made

on a separate sheet and attached to this document if additional space is required)

It is our opinion that the fair market value of the (property) (easement) we want to acquire from you is \$ _____, and, therefore, _____ (condemnor) offers you \$ _____ for the above described (property) (easement). You have ~~twenty-five (25)~~ **thirty (30)** days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the easement, and provided there are no difficulties in clearing liens or other problems with title to land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, _____ (condemnor) is required to make a good faith effort to purchase (your property) (an easement across your property).
2. You do not have to accept this offer **and _____ (condemnor) is not required to agree to your demands.**
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your property) (an easement), _____ (condemnor) has the right to file suit to condemn and acquire the (property) (easement) in the county in which the property is located.
4. You have the right to seek advice of an attorney, real estate appraiser, or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If _____ (condemnor) files a suit to condemn and acquire (your property) (an easement) and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (property) (easement) to be acquired.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the (property) (easement) condemned.
8. If the court appraisers' report is not accepted by either of us, then _____ (condemnor) has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, _____ (condemnor) is legally entitled to immediate possession of the (property) (easement). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.
9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice. (The condemnor may insert here any other information pertinent to this offer or required by circumstances or law).
10. If you have any questions concerning this matter you may contact us at:

(full name, mailing and street address, and phone of the condemnor)

This offer was made to the owner(s):

_____ of

_____,
_____ of

_____,
_____ of

_____,
_____ of

_____ of

on the _____ day of _____, 20____,

BY:

(signature)

(printed name and title)

Agent of:

(condemnor)

If you decide to accept the offer of \$ _____ made by _____ (condemnor) sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I (We), _____, _____, _____, owner(s) of the above described property or interest in property, hereby accept the offer of \$ _____ made by _____ (condemnor) on this _____ day of _____, 20____.

NOTARY'S CERTIFICATE

STATE OF _____)
_____)SS:

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____

(Signature)

(Printed) NOTARY PUBLIC

(d) If the condemnor has a compelling need to enter upon property to restore utility or transportation services interrupted by disaster or unforeseeable events, the provisions of subsections (a), (b), and (c) do not apply for the purpose of restoration of utility or transportation services interrupted by the disaster or unforeseeable events. However, the condemnor shall be responsible to the property owner for all damages occasioned by the entry, and the condemnor shall immediately vacate the property entered upon as soon as utility or transportation services interrupted by the disaster or unforeseeable event have been restored.

SECTION 7. IC 32-24-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Except as provided in sections 5.8 and 5.9 of this chapter, this section applies to every person that may exercise the power of eminent domain.**

(b) If:

- (1) a person that may exercise the power of eminent domain submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and
- (2) the owner rejects the offer;

the person shall file a complaint under this article to acquire the parcel by the exercise of eminent domain not more than two (2) years after the date the person submitted the written acquisition offer to the owner.

(c) If a person that may exercise the power of eminent domain fails to meet the requirements described in subsection (b) concerning a parcel of real estate, the person may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same project or a substantially similar project for at least three (3) years after the date the two (2) year period described in subsection (b) expires.

SECTION 8. IC 32-24-1-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.8. (a) This section applies only to:**

- (1) the Indiana department of transportation when the department seeks to acquire a parcel of land or a property right for the construction, reconstruction, improvement, maintenance, or repair of a:

(A) state highway; or

(B) toll road project or toll bridge; and

(2) any other person that may exercise the power of eminent domain when the person seeks to acquire a parcel of land or a property right for the construction, reconstruction, improvement, maintenance, or repair of a feeder road for an Indiana department of transportation project described in subdivision (1) if the construction, reconstruction, improvement, maintenance, or repair of the feeder road begins not later than five (5) years from the conclusion of the project.

(b) If:

(1) the Indiana department of transportation or other person described in subsection (a)(2) submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer;

the department or other person shall file a complaint under this article to acquire the parcel by the exercise of eminent domain not more than six (6) years after the date the department or other person submitted the written acquisition offer to the owner.

(c) If the Indiana department of transportation or other person fails to meet the requirements described in subsection (b) concerning a parcel of real estate, the department or other person may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same or a substantially similar project for at least three (3) years after the date the six (6) year period described in subsection (b) expires.

SECTION 9. IC 32-24-1-5.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) As used in this section, "public utility" means a public utility, municipally owned utility, cooperatively owned utility, joint agency created under IC 8-1-2.2, municipal sanitation department operating under IC 36-9-23, sanitary district operating under IC 36-9-25, or an agency operating as a stormwater utility.

(b) This section applies only to a public utility or pipeline company.

(c) If:

(1) a public utility or pipeline company submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer in writing;

the public utility or pipeline company, to acquire the parcel by the exercise of eminent domain, must file a complaint under this article not more than six (6) years after the date on which the public utility or pipeline company submitted the written acquisition offer to the owner.

(d) If a public utility or pipeline company fails to meet the requirements set forth in subsection (c) concerning a parcel of real estate, the public utility or pipeline company may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same project or a substantially similar project for at least two (2) years after the date on which the six (6) year period described in subsection (c) expires.

SECTION 10. IC 32-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A defendant may object to the proceedings:

(1) because the court does not have jurisdiction either of the subject matter or of the person;

(2) because the plaintiff does not have the right to exercise the power of eminent domain for the use sought; or

(3) for any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

(1) in writing;

(2) separately stated and numbered; and

(3) filed not later than ~~the first appearance of~~ thirty (30) days after the date the notice required in section 6 of this chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.

(c) The court may not allow pleadings in the cause other than the

complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If an objection is sustained, the plaintiff may amend the complaint or may appeal from the decision in the manner that appeals are taken from final judgments in civil actions. All the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions upon filing with the circuit court clerk a bond:

(1) with the penalty that the court fixes;

(2) with sufficient surety;

(3) payable to the plaintiff; and

(4) conditioned for the diligent prosecution of the appeal and for the payment of the judgment and costs that may be affirmed and adjudged against the appellants.

The appeal bond must be filed not later than ten (10) days after the appointment of the appraisers.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the filing of the appeal bond. The appeal does not stay proceedings in the cause.

SECTION 11. IC 32-24-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Not later than ~~ten (10)~~ forty-five (45) days before a trial involving the issue of damages, the plaintiff shall, and a defendant may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party.

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 14 of this chapter.

(d) This section does not limit or restrict the right of a defendant to payment of any amounts authorized by law in addition to damages for the property taken from the defendant.

(e) This section does not apply to an action brought under IC 8-1-13-19 (repealed).

SECTION 12. IC 32-24-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in subsection (b), the plaintiff shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the defendant by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the plaintiff under section 12 of this chapter, the court shall allow the defendant the defendant's litigation expenses, **including reasonable attorney's fees**, in an amount not to exceed ~~two thousand five hundred dollars (\$2,500)~~ the lesser of:

(1) twenty-five thousand dollars (\$25,000); or

(2) the fair market value of the defendant's property or easement as determined under this chapter.

SECTION 13. IC 32-24-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If the person seeking to take property under this article fails:

(1) to pay the assessed damages **and, if applicable, the attorney's fees payable under section 14 of this chapter** not later than one (1) year after the appraisers' report is filed, if exceptions are not filed to the report;

(2) to pay:

(A) the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** if exceptions are filed to the appraisers' report and the exceptions are not sustained; or

(B) the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** and costs if exceptions are filed to the appraisers' report and the exceptions are sustained;

not later than one (1) year after the entry of the judgment, if an appeal is not taken from the judgment;

(3) to pay the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** or the judgment rendered in the trial court not later than one (1) year after final judgment is entered in the appeal if an appeal is taken from the judgment of the trial court; or

(4) to take possession of the property and adapt the property for the purpose for which it was acquired not later than ~~five (5)~~ **six**

(6) years after the payment of the award or judgment for damages, except where a fee simple interest in the property is authorized to be acquired and is acquired;

the person seeking to acquire the property forfeits all rights in the property as fully and completely as if the procedure to take the property had not begun.

(b) An action to declare a forfeiture under this section may be brought by any person having an interest in the property sought to be acquired, or the question of the forfeiture may be raised and determined by direct allegation in any subsequent proceedings, by any other person to acquire the property for a public use. In the subsequent proceedings the person seeking the previous acquisition or the person's proper representatives, successors, or assigns shall be made parties.

SECTION 14. IC 32-24-2-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. If applicable, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

SECTION 15. IC 32-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a)** After the appraisers file their report, any of the defendants may, within a reasonable time fixed by the court, file exceptions to the report, alleging that the appraisal of the property, as made by the appraisers, is not the true cash value of the property. If exceptions are filed, a trial on the exceptions shall be held by the court or before a jury, if asked by either party.

(b) The circuit court clerk shall give notice of filing of the appraisers' report to all known parties to the action and their attorneys of record by certified mail.

(c) Upon the trial of the exceptions, the court may revise, correct, amend, or confirm the appraisal in accordance with the finding of the court or verdict of the jury.

(d) The court shall apportion the costs accruing in the proceedings as justice may require. **However, if applicable, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

(e) Changes of venue may be had as in other cases.

SECTION 16. IC 32-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1. (a)** A person, firm, partnership, limited liability company, or corporation authorized to do business in Indiana and authorized to:

(1) furnish, supply, transmit, transport or distribute electrical energy, gas, oil, petroleum, water, heat, steam, hydraulic power, or communications by telegraph or telephone to the public or to any town or city; or

(2) construct, maintain or operate turnpikes, toll bridges, canals, public landings, wharves, ferries, dams, aqueducts, street railways, or interurban railways for the use of the public or for the use of any town or city;

may take, acquire, condemn, and appropriate land, real estate, or any interest in the land or real estate **to accomplish the essential delivery of services described in subdivisions (1) and (2).**

(b) A person described in subsection (a) has all accommodations,

rights, and privileges necessary to accomplish the use for which the property is taken. A person acting under subsection (a) may use acquired, condemned, or appropriated land to construct railroad siding, switch, or industrial tracks connecting its plant or facilities with the tracks of any common carrier.

SECTION 17. IC 32-24-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Procedures for Transferring Ownership or Control of Real Property Between Private Persons

Sec. 1. (a) As used in this section, "public use" means the:

(1) possession, occupation, and enjoyment of a parcel of real property by the general public or a public agency for the purpose of providing the general public with fundamental services, including the construction, maintenance, and reconstruction of highways, bridges, airports, ports, certified technology parks, intermodal facilities, and parks;

(2) leasing of a highway, bridge, airport, port, certified technology park, intermodal facility, or park by a public agency that retains ownership of the parcel by written lease with right of forfeiture; or

(3) use of a parcel of real property to create or operate a public utility, an energy utility (as defined in IC 8-1-2.5-2), or a pipeline company.

The term does not include the public benefit of economic development, including an increase in a tax base, tax revenues, employment, or general economic health.

(b) This chapter applies to a condemnor that exercises the power of eminent domain to acquire a parcel of real property:

(1) from a private person;

(2) with the intent of ultimately transferring ownership or control to another private person; and

(3) for a use that is not a public use.

(c) This chapter does not apply thirty (30) years after the acquisition of the real property.

Sec. 2. As used in this chapter, "condemnor" means a person authorized to exercise the power of eminent domain.

Sec. 3. As used in this chapter, "parcel of real property" means real property that:

(1) is under common ownership; and

(2) a condemnor is seeking to acquire.

Sec. 4. As used in this chapter, "private person" means a person other than a public agency.

Sec. 5. (a) As used in this chapter, "public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);

(2) a unit (as defined in IC 36-1-2-23);

(3) a body corporate and politic created by state statute;

(4) a school corporation (as defined in IC 20-26-2-4); or

(5) another governmental unit or district with eminent domain powers.

(b) The term does not include a state educational institution (as defined in IC 20-12-0.5-1).

Sec. 6. As used in this chapter, "relocation costs" means relocation expenses payable in accordance with the federal Uniform Relocation Assistance Act (42 U.S.C. 4601 through 42 U.S.C. 4655).

Sec. 7. A condemnor may acquire a parcel of real property by the exercise of eminent domain under this chapter only if all the following conditions are met:

(1) At least one (1) of the following conditions exists on the parcel of real property:

(A) The parcel contains a structure that, because of:

(i) physical condition;

(ii) use; or

(iii) occupancy;

constitutes a public nuisance.

(B) The parcel contains a structure that is unfit for human habitation or use because the structure:

(i) is dilapidated;

(ii) is unsanitary;

(iii) is unsafe;

(iv) is vermin infested; or

(v) does not contain the facilities or equipment required by applicable building codes or housing

codes.

- (C) The parcel contains a structure that is:
 - (i) a fire hazard; or
 - (ii) otherwise dangerous to the safety of persons or property.
- (D) The parcel contains a structure that is not fit for its intended use because:
 - (i) the utilities;
 - (ii) the sewerage;
 - (iii) the plumbing;
 - (iv) the heating; or
 - (v) any other similar services or facilities;
- have been disconnected, destroyed, removed, or rendered ineffective.
- (E) The parcel:
 - (i) is located in a substantially developed neighborhood;
 - (ii) is vacant or unimproved; and
 - (iii) because of neglect or lack of maintenance, has become a place for the accumulation of trash, garbage, or other debris or become infested by rodents or other vermin, and the neglect or lack of maintenance has not been corrected by the owner of the parcel within a reasonable time after the owner receives notice of the accumulation or infestation.
- (F) The parcel and any improvements on the parcel are the subject of tax delinquencies that exceed the assessed value of the parcel and its improvements.
- (G) The parcel poses a threat to public health or safety because the parcel contains environmental contamination.
- (H) The parcel has been abandoned.

(2) The acquisition of the parcel of real property through the exercise of eminent domain is expected to accomplish more than only increasing the property tax base of a government entity.

(3) If the owner files a request for mediation at the time the owner files an objection or exception to an eminent domain proceeding, the mediation occurs as follows:

- (A) The court shall appoint a mediator not later than ten (10) days after the request for mediation is filed.
- (B) The condemnor shall engage in good faith mediation with the owner, including the consideration of a reasonable alternative to the exercise of eminent domain.
- (C) The mediation must be concluded not later than ninety (90) days after the appointment of the mediator.
- (D) The condemnor shall pay the costs of the mediator.

A determination concerning whether a condition described in this section has been met is subject to judicial review in an eminent domain proceeding concerning the parcel of real property. If a court determines that an eminent domain proceeding brought under this chapter is unauthorized because the condemnor did not meet the conditions described in this section, the court shall order the condemnor to reimburse the owner for the owner's reasonable attorney's fees that the court finds were necessary to defend the action.

Sec. 8. Notwithstanding IC 32-24-1, a condemnor that acquires a parcel of real property through the exercise of eminent domain under this chapter shall compensate the owner of the parcel as follows:

(1) For agricultural land:

- (A) either:
 - (i) payment to the owner equal to one hundred twenty-five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1; or
 - (ii) upon the request of the owner and if the owner and condemnor both agree, transfer to the owner of an ownership interest in agricultural land that is equal in acreage to the parcel acquired through the exercise of eminent domain;
- (B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(2) For a parcel of real property occupied by the owner as a residence:

(A) payment to the owner equal to one hundred fifty percent (150%) of the fair market value of the parcel as determined under IC 32-24-1;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(3) For a parcel of real property not described in subdivision (1) or (2):

(A) payment to the owner equal to one hundred percent (100%) of the fair market value of the parcel as determined under IC 32-24-1;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

Sec. 9. (a) Not later than forty-five (45) days before a trial involving the issue of compensation, the condemnor shall, and an owner may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date the offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party.

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 10 of this chapter.

(d) This section does not limit or restrict the right of an owner to payment of any amounts authorized by law in addition to damages for the property taken from the owner.

Sec. 10. (a) Except as provided in subsection (b), the condemnor shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the owner by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the condemnor under section 9 of this chapter, the court shall require the condemnor to pay the owner's litigation expenses, including reasonable attorney's fees, in an amount that does not exceed twenty-five percent (25%) of the cost of the acquisition.

Sec. 11. (a) This section applies to a parcel of real property located in a project area:

- (1) that is located in only one (1) county;
- (2) that is at least ten (10) acres in size; and
- (3) in which a condemnor or its agents has acquired clear title to at least ninety percent (90%) of the parcels in the project area.

(b) As used in this section, "project area" means an area designated by a condemnor and the legislative body for the condemnor for economic development.

(c) Notwithstanding sections 7 and 8 of this chapter, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this section only if all of the following conditions are met:

- (1) The parcel of real property is not occupied by the owner of the parcel as a residence.
- (2) The legislative body for the condemnor adopts a resolution by a two-thirds (2/3) vote that authorizes the condemnor to exercise eminent domain over a particular

parcel of real property.

(d) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

(1) Payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1.

(2) Payment of any other damages as determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain.

(3) Payment of the owner's relocation costs, if any.

(e) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner of the parcel demonstrates by clear and convincing evidence that:

(1) the location of the parcel is essential to the viability of the owner's commercial activity; and

(2) the payment of damages and relocation costs cannot adequately compensate the owner of the parcel.

(f) The court shall award the payment of reasonable attorney's fees to the owner of a parcel in accordance with this chapter.

SECTION 18. IC 32-24-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7. Procedure for Libraries

Sec. 1. This chapter applies to the exercise of eminent domain by a library board (as defined in IC 36-12-1-3). Notwithstanding any other law, a library board may exercise eminent domain only if it complies with this chapter.

Sec. 2. A library board may exercise eminent domain only if one (1) of the following legislative bodies adopts a resolution specifically authorizing the library board to exercise eminent domain over a particular parcel of land for a specific purpose:

(1) If the library district is located entirely within the corporate boundaries of a municipality, the legislative body of the municipality.

(2) If the library district:

(A) is not described by subdivision (1); and

(B) is located entirely within the boundaries of a township;

the legislative body of the township.

(3) If the library district is not described by subdivision (1) or (2), the legislative body of each county in which the library district is located.

Sec. 3. The resolution described in section 2 of this chapter must specifically describe:

(1) the parcel of land that the library board seeks to acquire by exercising eminent domain;

(2) the purpose for which the parcel of land is to be acquired; and

(3) why the exercise of eminent domain is necessary to accomplish the library board's purpose.

SECTION 19. IC 36-7-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5.** A unit may not require that a lawfully erected sign be removed or altered as a condition of issuing:

(1) a permit;

(2) a license;

(3) a variance; or

(4) any other order concerning land use or development;

unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.

SECTION 20. IC 36-7-14-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32.5.** (a) The commission may acquire a parcel of real property by the exercise of eminent domain when the real property has all of the following characteristics:

(1) The real property is an unsafe building (as defined in IC 36-7-9-4) and is subject to an order issued under IC 36-7-9-5.

(2) The owner of the real property has not complied with the

order issued under IC 36-7-9-5.

(3) The real property is not being used as a residence or for a business enterprise.

meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).

(4) (2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.

(5) (3) The unsafe condition of the real property has a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or the commission's designated hearing examiner shall conduct a public meeting to determine whether a parcel of real property has the characteristics set forth in subsection (a). Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing and is entitled to present evidence and make arguments at the hearing.

(c) If the commission considers it necessary to acquire real property under this section, the commission shall adopt a resolution setting out the commission's determination to exercise that power and directing the commission's attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court with jurisdiction in the county.

(d) Eminent domain proceedings under this section are governed by IC 32-24.

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

(1) Sale in an urban homestead program under IC 36-7-17.

(2) Sale to a family whose income is at or below the county's median income for families.

(3) Sale or grant to a neighborhood development corporation with a condition in the granting clause of the deed requiring the nonprofit development corporation to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the unit's median income for families.

(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the unit's median income for families.

(f) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.

SECTION 21. IC 36-7-15.1-22.5, AS AMENDED BY P.L.185-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 22.5.** (a) The commission may acquire a parcel of real property by the exercise of eminent domain when the following conditions exist:

(1) The real property is an unsafe premises (as defined in IC 36-7-9) and is subject to an order issued under IC 36-7-9 or a notice of violation issued by the county's health and hospital corporation under its powers under IC 16-22-8.

(2) The real property is not being used as a residence or for a business enterprise.

meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).

(3) (2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.

(4) (3) The real property suffers from one (1) or more of the conditions listed in IC 36-7-1-3, resulting in a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or its designated hearing examiner shall conduct a public meeting to determine whether the conditions set forth in subsection (a) exist relative to a parcel of real property. Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the

hearing at least ten (10) days before the hearing, and is entitled to present evidence and make arguments at the hearing.

(c) If the commission considers it necessary to acquire real property under this section, it shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court in the county.

(d) Eminent domain proceedings under this section are governed by IC 32-24.

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

(1) Sale in an urban homestead program under IC 36-7-17.

(2) Sale to a family whose income is at or below the county's median income for families.

(3) Sale or grant to a neighborhood development corporation or other nonprofit corporation, with a condition in the granting clause of the deed requiring the nonprofit organization to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the county's median income for families. However, a nonprofit organization is eligible for a sale or grant under this subdivision only if the county fiscal body has determined that the nonprofit organization meets the criteria established under subsection (f).

(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the county's median income for families.

(f) The county fiscal body shall establish criteria for determining the eligibility of neighborhood development corporations and other nonprofit corporations for sales and grants of real property under subsection (e)(3). A neighborhood development corporation or other nonprofit corporation may apply to the county fiscal body for a determination concerning the corporation's compliance with the criteria established under this subsection.

(g) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.

SECTION 22. An emergency is declared for this act.

(Reference is to EHB 1010 as reprinted February 28, 2006.)

WOLKINS	BRAY
DVORAK	SIPES
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

RESOLUTIONS ON FIRST READING

House Resolution 71

Representative Frizzell introduced House Resolution 71:

A HOUSE RESOLUTION stressing the importance of foreign language instruction.

Whereas, The Committee for Economic Development's February 9, 2006, report, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security, warns, "The United States will become less competitive in the global economy because of a shortage of strong foreign language and international studies programs at the elementary, high school, and college levels";

Whereas, A Call to Action for National Foreign Language Capabilities, a report of the National Language Conference, convened by the Office of the Secretary of Defense in partnership with other federal agencies, confirms that the experience of many other countries supports the need for second language instruction to begin well before high school and continue throughout the educational pipeline, foreign language learning experiences must be available and encouraged for all students, and sufficient instructional time must be provided for language learners to acquire meaningful levels of language competence;

Whereas, A United States Senate Resolution designating 2005 the "Year of Foreign Language Study," co-sponsored by Indiana's

Senator Richard Lugar, asserts, "That it is the sense of the Senate that foreign language study makes important contributions to a student's cognitive development, our national economy, and our national security.";

Whereas, A recent study in Louisiana found that elementary students who received daily instruction in a foreign language outperformed other students on the state basic skills test, regardless of race, gender, or academic level;

Whereas, At the January 5, 2006, United States University Presidents Summit on International Education, President George W. Bush announced the National Security Language Initiative, which will "increase the number of Americans mastering critical need languages and start at a younger age, increase the number of advanced-level speakers of foreign languages, with an emphasis on critical need languages, and increase the number of teachers of critical need languages and resources for them";

Whereas, As early as 1992, the Indiana International Issues Task Force recommended in its report, Indiana in a Changing World: A Strategy for Action, that foreign language study should begin in elementary school for all children;

Whereas, According to the Center for Applied Linguistics, 24% of public elementary schools in the United States report teaching foreign languages, yet, according to the Indiana Department of Education, fewer than 5% of Indiana's elementary students currently study a foreign language, fewer than 15% study a foreign language at the middle school level, and 44% study a foreign language at the high school level; and

Whereas, Undersecretary of Defense David S. Chu recently declared that "improving the nation's foreign language capability requires immediate and long-term engagement: every sector of our society has a role to play": Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives wishes to express its belief that the economic well-being of Hoosiers demands the global perspective provided through the study of foreign languages and cultures.

SECTION 2. That it is of vital importance to develop a strategy for introducing foreign language instruction in the early grades that continues throughout Indiana's educational pipeline.

SECTION 3. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Superintendent of Public Instruction Suellen Reed.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 72

Representatives Lehe, McClain, and Gutwein introduced House Resolution 72:

A HOUSE RESOLUTION urging the establishment of an interim study committee on regional sewer districts.

Whereas, In order to obtain public input and discover possible solutions to problems that exist, it would behoove the state to study the issue of regional sewer districts: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study regional sewer districts.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 73

Representatives Turner, Mays, and Murphy introduced House Resolution 73:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study restraint on trade of contact lenses.

Whereas, Citizens of the state of Indiana who wear contact lenses should have the ability to purchase their lenses from their retailer of choice and through all channels of distribution, including alternate channels of distribution;

Whereas, Alternate channels of distribution include mail order companies, Internet retailers, pharmacies, buying clubs, department stores, drugstores, or mass merchandise outlets, without regard to whether the channels are associated with a contact lens prescriber;

Whereas, The practice of exclusive agreements limiting the availability of contact lenses through channels of distribution between manufacturers of contact lenses and prescribers of contact lenses was prohibited under consent decrees entered into by major manufacturers of contact lenses and 32 state attorneys general;

Whereas, Upon expiration of the consent decrees, after November 1, 2006, manufacturers of contact lenses will no longer be prohibited from entering into exclusive agreements with prescribers of contact lenses;

Whereas, The practice of exclusive agreements between manufacturers of contact lenses and prescribers of contact lenses is detrimental to the interests of those who wear contact lenses; and

Whereas, The state of Indiana may require a contact lens manufacturer that intends to do business in Indiana to demonstrate the availability of its contact lenses in a commercially reasonable and nondiscriminatory manner within all channels of distribution, including alternate channels of distribution: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study restraint on trade of contact lenses.

SECTION 2. That the study shall include examining the availability of contact lenses in a commercially reasonable and nondiscriminatory manner within all channels of distribution, including alternate channels of distribution within the state of Indiana, and the effect that any such discriminatory distribution practices have on the citizens of Indiana who wear contact lenses.

SECTION 3. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 74

Representatives Welch, T. Harris, Denbo, and Pierce introduced House Resolution 74:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study the value of developing incentives to encourage film and television production and new media development in Indiana.

Whereas, The television and film production companies generate large revenues for states where they are located; and

Whereas, Indiana should make every attempt to stimulate the growth of industry in Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study the value of developing incentives to encourage film and television production and new media development in Indiana.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 75

Representative Kuzman introduced House Resolution 75:

A HOUSE RESOLUTION urging the establishment of an interim study committee on police and fire pensions.

Whereas, The safety of our communities and our citizens is of utmost importance; and

Whereas, In order to ensure that the police and fire departments of our Hoosier cities and towns are at the highest possible caliber, we should study the possibility of improving the police and fire pensions in order to attract and retain quality individuals for officers and firefighters: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study police and fire pensions.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 77

Representative Porter introduced House Resolution 77:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study statutes, rules, and policies that restrict the ability of school corporations and public schools to maximize the allocation of resources.

Whereas, The Indiana House of Representatives should identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study statutes, rules, and policies that restrict the ability of school corporations and public schools to maximize the allocation of resources.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 78

Representative Welch introduced House Resolution 78:

A HOUSE RESOLUTION urging the establishment of an interim study committee on the licensure of professional midwives.

Whereas, A growing number of women are placing their trust in midwives;

Whereas, Midwives are attending at an increasing number of the nation's births; and

Whereas, In order to ensure the safety of our citizens, the state of Indiana should study the licensure of professional midwives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee on the licensure of professional midwives.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 79

Representatives Tincher and Kromkowski introduced House Resolution 79:

A HOUSE RESOLUTION concerning the Public Employees Retirement Fund.

Whereas, The Public Employees' Retirement Fund board of trustees has met its fiscal obligations over the years to maintain the fund in a sound financial condition;

Whereas, One of the factors used by actuaries in providing funding increases to retirees is the anticipation of an annual two percent (2%) cost of living increase; and

Whereas, The Public Employees' Retirement Fund board of trustees has elected to discontinue this factor in projecting its financial needs for the fund, which can have a negative impact on granting future cost of living increases by the Indiana General Assembly: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives encourages the Public Employees' Retirement Fund board of trustees to anticipate future cost of living increases and provide for these increases in future projections.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Public Employees' Retirement Fund board of trustees.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 80

Representative V. Smith introduced House Resolution 80:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study higher education for incarcerated persons.

Whereas, A disproportionate number of persons incarcerated today came from economically depressed communities and were poorly educated, functionally illiterate, and unemployed before incarceration;

Whereas, Studies have shown that participation by inmates in college education programs while incarcerated reduces recidivism, creates a better managed prison environment, positively affects the lives of prisoners and their families, and is a cost-effective public policy, saving tax dollars by reducing the number of repeat offenders and the need for prison space: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study higher education for incarcerated persons.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 81

Representative V. Smith introduced House Resolution 81:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study the effects of incarceration on children, families, communities, and the economy.

Whereas, More prisoners are returning home unprepared for reintegration into society, less connected to community based social structures, more likely to have health or substance abuse problems, and facing limited availability of jobs, housing, and social services: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study the effects of incarceration on children, families,

communities, and the economy.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 82

Representative V. Smith introduced House Resolution 82:

A HOUSE RESOLUTION urging the establishment of an interim study committee on the food service in prisons.

Whereas, In order to ensure that the caloric intake, nutritional values, and cost of providing food to the prison population are adequate, a committee should further investigate these issues: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study the food service in prisons.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 83

Representative C. Brown introduced House Resolution 83:

A HOUSE RESOLUTION urging the legislative council to assign the Indiana health finance commission the duty of monitoring and reporting on the impact of the privatization of services within the Indiana division of family resources and within the county offices that function on behalf of the division.

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana health finance commission, subject to the approval of the legislative council, shall monitor and report on the privatization by the Indiana department of administration (IDOA) and the Indiana family and social services administration (FSSA) of programs and services of the Indiana division of family resources and the county offices that are under the division's authority.

SECTION 2. The monitoring and reporting must cover the request for proposal 6-58 (RFP 6-58), the contract issued to a contractor under RFP 6-58, and the implementation of that contract.

SECTION 3. The monitoring and reporting by the commission must be for a period that ends on December 31, 2009, and must cover the following: (1) The total fiscal impact of the privatization. (2) The impact of the privatization on state employees, including county employees. (3) The impact on the availability of, access to, and cost of services for clients, and the impact on clients and their families.

SECTION 4. That the commission shall report at least annually to the general assembly, the legislative council, and the governor. The report to the general assembly shall be made no later than January 1 of each year.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 84

Representatives Welch, Ruppel, Burton, and Duncan introduced House Resolution 84:

A HOUSE RESOLUTION urging the establishment of an interim study committee on food handling regulations for tax exempt organizations.

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study food handling regulations for tax exempt organizations.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

House Resolution 85

Representatives Klinker, Micon, and T. Brown introduced House Resolution 85:

A HOUSE RESOLUTION honoring the Lafayette Central Catholic High School girls' basketball team.

Whereas, The Lafayette Central Catholic High School girls' basketball team is the new Class 1A state champion, and the only team in the history of Indiana girls' basketball to win a championship with more than 7 losses;

Whereas, Lafayette Central Catholic defeated South Central (Elizabeth) by a score of 75-68 to win its first girls' title in any sport;

Whereas, After trailing by as many as nine points in the first quarter, Lafayette Central Catholic fought their way back to a halftime score of 28-27, just one point down;

Whereas, The first half of the game was a defensive battle, keeping the field goal percentages low;

Whereas, Returning after halftime, Lafayette Central Catholic outscored their opponent 19-5 and took a 46-33 lead going into the final eight minutes;

Whereas, The fourth quarter was high scoring, with South Central (Elizabeth) pulling to within three points;

Whereas, Lafayette Central Catholic went on to win the game, never allowing their opponent to get any closer than three points;

Whereas, Lafayette Central Catholic finished their winning season with a record of 18-10; and

Whereas, The members of the Lafayette Central Catholic Knights excel on the court and in the classroom; excellence of this caliber deserves special recognition: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the accomplishments of the members of the Lafayette Central Catholic girls' basketball team and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members Andrea Kochert, Rachel Bishop, Kathleen Mills, Alison Roberts, Jenna Jones, Katie Riddell, Sara Beth Reed, Sarah Andrews, Katie Pechin, Grace Walker, and Rebecca Gloyeske, head coach Geoff Salmon, assistant coaches Chad Arnold, Marcus Granger, and Megan Risinger, athletic director Mike Edwards, and principal Joseph Brettnacher.

The resolution was read a first time and adopted by voice vote.

House Resolution 86

Representatives Klinker, Micon, T. Brown, and Lehe introduced House Resolution 86:

A HOUSE RESOLUTION recognizing the Center for Education and Research Information Assurance and Security.

Whereas, The Center for Education and Research Information Assurance and Security (CERIAS) at Purdue University was founded in 1998 and is widely recognized as the world's foremost academic center of excellence on issues of information security and privacy;

Whereas, CERIAS has been organized as a multidisciplinary center at Purdue University with over 100 affiliated faculty, staff, and graduate students on Purdue campuses interacting with business, industry, government, and other academic institutions to conduct research into privacy, trusted communities, computer and network protection, e-commerce safety, cybercrime prevention and investigation, computer-based terrorism, and national defense;

Whereas, CERIAS has succeeded in having the week of March 20

to 26 proclaimed Indiana Information Security Week to bring attention to the threats posed by information security and privacy challenges;

Whereas, This public awareness initiative will feature the 7th Annual CERIAS Information Security Research Symposium during the week of March 20 with a focus on the formation of trust and issues of privacy, security, and risk;

Whereas, This initiative's emphasis on medical information and public safety/emergency management will include coordination with Purdue's e-Enterprise Center conference, featuring presentations by the Regenstrief Center for Healthcare Engineering at Purdue and the Purdue Homeland Security Institute as well as a workshop on avian flu;

Whereas, CERIAS will address best practices for reporting and investigating cyber crime activities by hosting a Coordinated Computer Incident Response workshop in Fort Wayne during this week;

Whereas, Invited guests and speakers will include experts and officials from the state of Indiana and across the nation to discuss and consider information assurance issues of significance to citizens and the public, private, and nonprofit sectors;

Whereas, The Indiana Information Security Awareness Initiative is a continuing effort to advance the practice of information assurance and security so that Indiana citizens and businesses benefit from the safe use of information technology tools, and so that Indiana is acknowledged as a national resource for study and information about information assurance and security; and

Whereas, Indiana Information Security Week's efforts to raise awareness will include the identification of issues arising from new patterns of technology usage, the provision of information and resources to agencies, business leaders, and organizations to increase the security and privacy compliance skills of those who engage in a variety of online activities, and the provision of information and assistance to public decision makers for use in developing appropriate security policies and legislation: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives supports CERIAS in proclaiming the week of March 20 to 26 as Indiana Information Security Week to bring attention to the threats posed by information security and privacy challenges and encourages the organization to continue to seek answers to the problems of security in the twenty-first century and beyond.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Center for Education and Research Information Assurance and Security.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 9

The Speaker handed down Senate Concurrent Resolution 9, sponsored by Representatives Woodruff and Summers:

A CONCURRENT RESOLUTION naming the Family and Social Services Administration as lead agency to oversee and update the development of a comprehensive plan for services for individuals of all ages with autism.

Whereas, Under IC 12-11-7-5, the Indiana Commission on Autism is directed to oversee and update the development of a comprehensive plan for services for individuals of all ages with autism;

Whereas, Currently no plan exists;

Whereas, There is a need for a single agency to take the lead in establishing a comprehensive plan for services for individuals with autism; and

Whereas, The Indiana Commission on Autism believes that the Family and Social Services Administration is best suited to develop a working relationship among the department of education, the division of mental health and addiction, the division of disability, aging, and rehabilitative services, and other appropriate agencies

and interested parties necessary to establish this comprehensive plan: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Commission on Autism to name the Family and Social Services Administration as lead agency to oversee and update the development of a comprehensive plan for services for individuals of all ages with autism.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 39

The Speaker handed down Senate Concurrent Resolution 39, sponsored by Representative Goodin:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of Trooper George Forster.

Whereas, While on routine patrol near Paris Crossing in Jennings County on May 17, 1941, Trooper George Forster's patrol car was struck by a truck towing a horse trailer;

Whereas, Trooper Forster was killed in the accident;

Whereas, Trooper Forster's death was the first traffic related fatality to occur involving an on-duty Indiana State Police trooper;

Whereas, Trooper Forster, who was 25 years of age at the time of his death, had been appointed to the Indiana State Police on September 1, 1938, and had served as a patrolman working out of the Seymour post;

Whereas, Trooper Forster loved his job and strove to be the best trooper he could be;

Whereas, As a member of the Indiana State Police, Trooper Forster provided the best in quality service and earned the highest respect and confidence of the citizens of Indiana;

Whereas, Trooper Forster, along with all the men and women of the Indiana State Police, deserves special recognition; and

Whereas, Trooper Forster gave his life protecting the citizens of the state of Indiana, for which there is no greater sacrifice: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the service of Trooper Forster and urges the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of Trooper George Forster.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Karl Forster, Dorothy Behrman, Imogene Scheidt, and the commissioner of the Indiana department of transportation.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

Senate Concurrent Resolution 53

The Speaker handed down Senate Concurrent Resolution 53, sponsored by Representative Frizzell:

A CONCURRENT RESOLUTION to recognize and congratulate the home school students who make up the graduating class of 2006.

Whereas, The Indiana Foundation for Home Schooling (IFHS) hosts a statewide graduation ceremony each year to recognize home school students who are graduating;

Whereas, The IFHS 12th Annual Statewide Home School Graduation Ceremony for Indiana students will be held in Indianapolis in May 2006; and

Whereas, The Indiana Senate recognizes the achievements of the 2006 home school graduates and commends them on their accomplishment: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana Senate recognizes the Indiana Foundation for Home Schooling for hosting a graduation ceremony for graduating home school students.

SECTION 2. That the Indiana Senate congratulates each member of the 2006 Home School Graduating Class.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Beth Patterson of the Indiana Foundation for Home Schooling.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 61

The Speaker handed down Senate Concurrent Resolution 61, sponsored by Representatives Borror and GiaQuinta:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Bishop Luers High School girls basketball team on its Class 3A girls state basketball championship.

Whereas, Ninth ranked Fort Wayne Bishop Luers defeated seventh ranked Evansville Memorial to win the Class 3A girls basketball state championship by a score of 65 - 54;

Whereas, This victory gave the Knights a record fifth state championship; no other school has more than three;

Whereas, This year also marked the sixth girls basketball championship game the Knights have appeared in since 1999; no other school has appeared in more than four;

Whereas, This year's victory was the second state title for fifth-year coach Teri Rosinski, who had guided the Knights to the 3A title in 2002 and a runner-up finish in 2004;

Whereas, The Knights, who had a 24-4 record for the season, had a strong first quarter fired by Vini Dawson's 10 points, and outscored Evansville Memorial 24-10, tying a Class 3A state record for the most points in a quarter;

Whereas, Fort Wayne Bishop Luers was led by freshman Kelsey Wyss, who scored 21 points and had eight rebounds, and sophomore Amanda Pedro, who scored 13 points and had 14 rebounds;

Whereas, The Evansville Memorial Tigers never got closer than seven points throughout the game;

Whereas, Fort Wayne Bishop Luers finished the season with 17 straight victories;

Whereas, Teri Rosinski became the third woman to both play and coach in the state finals and, in 2002, the first to win a state championship; and

Whereas, Excellence of this caliber deserves special recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members of the Bishop Luers High School girls basketball team on their victory in the Class 3A state basketball championship and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the team, Coach Teri Rosinski, and Mary Keefer, principal of Fort Wayne Bishop Luers High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 62

The Speaker handed down Senate Concurrent Resolution 62, sponsored by Representatives Klinker, Micon, and T. Brown:

A CONCURRENT RESOLUTION congratulating the Central Catholic girls basketball team on winning the Class A State Championship Title.

Whereas, The 31st Annual IHSAA Girls Basketball State Finals were held on March 4, 2006 at Conseco Fieldhouse in Indianapolis;

Whereas, In regional and semi-state competition, the Central Catholic Knights defeated Indianapolis Lutheran, Tri-Central, and Argos to earn the opportunity to compete in the State Finals;

Whereas, After opening the season with five straight losses, Central Catholic finished their title run at a record-setting level. The Knights set Class A title game records for free throws made (32) and attempted (43); and

Whereas, The Central Catholic Knights upset the South Central Rebels 75-68 to capture the school's first Girls State Basketball Title: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Central Catholic girls basketball team on winning the 2006 Class A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Lafayette Catholic School System President, Timothy J. Bobillo; Central Catholic Jr./Sr. High School Principal, Joseph A. Brettnacher; Coach, Geoff Salmon; and to each member of the State Champion Knights basketball team.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 63

The Speaker handed down Senate Concurrent Resolution 63, sponsored by Representatives Turner, Friend, and McClain:

A CONCURRENT RESOLUTION to congratulate Ana Baracaldo for earning a Prudential Spirit of Community Award.

Whereas, Created in 1995, the Prudential Spirit of Community Awards are presented by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP). The Prudential Spirit of Community Awards program is America's largest youth recognition program based exclusively on volunteerism;

Whereas, This prestigious award honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities. In the 11th annual Prudential Spirit of Community Awards, Ana Baracaldo of Converse was named the top high school volunteer in Indiana for 2006. She is a senior at Oak Hill High School;

Whereas, Miss Baracaldo earned this award by giving generously of her time and energy to provide Spanish-language books to children at a needy school in her native country of Colombia. She founded "Books for Peace" after discovering that many children in rural areas of Colombia only go to school through eighth grade, that illiteracy rates are shockingly high there, and that young people often end up working in coca fields because of a lack of education;

Whereas, She aspires to give the Colombian youth a chance to share her love of books and allow them to say no to cocaine farming by educating themselves. With support from her parents, Miss Baracaldo created a brochure, spoke at churches and Rotary Clubs, wrote to publishers for donations, and solicited funds from companies, community groups, and friends. After collecting more than \$3,000 worth of books and \$2,000 in cash, she contacted the Colombian Ministry of Education to find a school that needed a library; and

Whereas, As a State Honoree, Miss Baracaldo will receive a \$1,000 award, an engraved silver medallion, and a trip to

Washington, D.C., May 6-9 for a series of national recognition events. On May 8, a prestigious national selection committee will select five National Honorees from the high school State Honorees. The National Honorees receive additional \$5,000 awards, gold medallions, crystal trophies, and \$5,000 grants from The Prudential Foundation for nonprofit, charitable organizations of their choice: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates and honors Miss Ana Baracaldo as a recipient of a Prudential Spirit of Community Award. Recognizing her outstanding record of volunteer service, peer leadership, and community spirit, the Indiana General Assembly wishes Miss Baracaldo continued success in her future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Ana Baracaldo and her parents; Oak Hill High School Principal, Joel Martin; and Oak Hill United School Corporation Superintendent, James W. Smith.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 65

The Speaker handed down Senate Concurrent Resolution 65, sponsored by Representative Ayres:

A CONCURRENT RESOLUTION honoring Boone Grove Middle School for earning the Four Star School Award from the Indiana Department of Education.

Whereas, Each year, the Indiana Department of Education honors selected schools with Indiana's highest distinction, the Four Star School Award;

Whereas, In order for a state-accredited public school to receive the Four Star School Award, the school must meet Adequate Yearly Progress as defined by the No Child Left Behind Act of 2001. They must also perform in the top twenty-five percent of all public schools in the state in the following four areas: student attendance rates, mathematics proficiency scores, English/language arts proficiency scores, and the percent of students passing both mathematics and English/language arts;

Whereas, On January 30, 2006, Superintendent of Public Instruction, Dr. Suellen Reed, announced the 2004 Four Star School Award recipients. Of the 1,870 schools in Indiana, 198 earned the award; and

Whereas, By completing the required criteria for state-accredited public schools, Boone Grove Middle School, which is part of the Porter Township School Corporation, earned the 2004 Four Star School designation: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Boone Grove Middle School for earning the 2004 Four Star School Award distinction. The students and staff are commended for their hard work and dedication to academic achievement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Nicholas Brown, Porter County School Corporation Superintendent, and Larry Allen, Boone Grove Middle School Principal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Senate Concurrent Resolution 66

The Speaker handed down Senate Concurrent Resolution 66, sponsored by Representative Cherry:

A CONCURRENT RESOLUTION honoring Mays Elementary

School for earning the Four Star School Award from the Indiana Department of Education.

Whereas, Each year, the Indiana Department of Education honors selected schools with Indiana's highest distinction, the Four Star School Award;

Whereas, In order for a state-accredited public school to receive the Four Star School Award, the school must meet Adequate Yearly Progress as defined by the No Child Left Behind Act of 2001. They must also perform in the top twenty-five percent of all public schools in the state in the following four areas: student attendance rates, mathematics proficiency scores, English/language arts proficiency scores, and the percent of students passing both mathematics and English/language arts;

Whereas, On January 30, 2006, Superintendent of Public Instruction, Dr. Suellen Reed, announced the 2004 Four Star School Award recipients. Of the 1,870 schools in Indiana, 198 earned the award; and

Whereas, Mays Elementary, which is part of Rush County Schools, covers portions of four townships and has an enrollment of 200 students. Mays Elementary earned the 2004 Four Star School designation. The school completed the required criteria as well as the additional criteria for state-accredited public schools: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Mays Elementary for earning the 2004 Four Star School Award distinction. The students and staff are commended for their hard work and dedication to academic achievement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Dr. Edwin Lyskowski, Rush County Schools Superintendent, and Karen Brown, Mays Elementary Principal.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 8:25 p.m. with the Speaker in the Chair.

Representative Behning, who had been excused, was present. Representative Pflum was excused for the rest of the day.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 13, 2006, I signed into law House Enrolled Acts 1023 and 1049.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 22, 42, 100, 145, 157, 161, 234, 247, 269, 297, 300, 353, 369, and 382 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1080:

Conferees: Hershman and Hume removed
Advisors: Wyss and Rogers removed

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1315:

Conferees: Landske and Sipes removed

MARY C. MENDEL
Principal Secretary of the Senate

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 6-1; filed March 13, 2006, at 4:48 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 6 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
- (2) The date of the offense.
- (3) The date of the conviction.
- (4) The felony of which the prisoner was convicted.
- (5) The sentence imposed.
- (6) The amount of time served.
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) nature and circumstances of the crime for which the offender is committed;
- (2) offender's prior criminal record;
- (3) offender's conduct and attitude during the commitment; and
- (4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
- (5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another

parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and
- (2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 2. IC 11-13-3-4, AS AMENDED BY SEA 246-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined

in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex ~~and violent~~ offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~an~~ a sex offender (as defined in IC 5-2-12-4) to register with a ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ under IC 5-2-12-5;

(B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, **unless the sex offender obtains written approval from the parole board; and**

(C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense **unless the sex offender obtains a waiver under IC 35-38-2-2.5; and**

(D) **prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.**

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex offender (as defined in IC 5-2-12-4);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.5, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 3. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:

(1) a sexually violent predator (as described in IC 35-38-1-7.5); or

(2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age;

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury.

SECTION 4. IC 35-38-2-2.5, AS AMENDED BY SEA 246-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense **unless the offender first obtains a waiver from the:**

(1) court, if the offender is placed on probation; or

(2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

~~(h)~~ (h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 5. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person commits a Class D felony if, at the time of the violation:

(1) the person's lifetime parole has been revoked two (2) or

more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if

the person has a prior unrelated conviction under this section.

SECTION 6. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes ~~his~~ the person's fixed term of imprisonment, less the credit time ~~he~~ the person has earned with respect to that term, ~~he~~ the person shall be:

(1) released on parole for not more than twenty-four (24) months, as determined by the parole board;

(2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or

(3) released to the committing court if ~~his~~ the sentence included a period of probation.

(b) ~~Except as provided in subsection (d); This subsection does not apply to a person described in subsection (d), (e), or (f).~~ A person released on parole remains on parole from the date of ~~his~~ release until ~~his~~ the person's fixed term expires, unless ~~his~~ the person's parole is revoked or ~~he~~ the person is discharged from that term by the parole board. In any event, if ~~his~~ the person's parole is not revoked, the parole board shall discharge ~~him~~ the person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for ~~all~~ or part of the remainder of ~~his~~ the person's fixed term. However, ~~he~~ the person shall again be released on parole when ~~he~~ the person completes that remainder, less the credit time ~~he~~ the person has earned since the revocation. The parole board may reinstate ~~him~~ the person on parole at any time after the revocation.

(d) ~~This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.~~ When ~~an~~ offender a sex offender (as defined in IC 5-2-12-4) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) ~~This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5.~~ When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) ~~This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:~~

(1) lifetime parole (as described in subsection (e)); and

(2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) ~~If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:~~

(1) supervise the person while the person is being supervised by the other supervising agency; or

(2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 7. [EFFECTIVE JULY 1, 2006] IC 35-44-3-13, as added by this act, applies only to crimes committed after June 30, 2006.

SECTION 8. [EFFECTIVE JULY 1, 2006] IC 35-50-6-1, as amended by this act, applies only to a person who commits a crime after June 30, 2006.

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.

(b) This SECTION expires July 1, 2007.

SECTION 10. [EFFECTIVE JULY 1, 2006] (a) The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for sex offenders. The report must include information relating to:

(1) the expense of lifetime parole and GPS monitoring;

(2) recidivism; and

(3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires November 2, 2010.

SECTION 11. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

(1) ensure that sentencing laws and policies protect the public safety;

(2) establish fairness and uniformity in sentencing laws and policies;

(3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and

(4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

(1) the purposes of the criminal justice and corrections systems;

(2) the availability of sentencing options; and

(3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

(1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:

(A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.

(B) The deterrent effect a particular classification may have on the commission of the offense.

(C) The current incidence of the offense in Indiana.

(D) The rights of the victim.

(2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The

committee shall also consider the following:

- (A) The nature and characteristics of the offense.
- (B) The severity of the offense in relation to other offenses.
- (C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.
- (D) The defendant's number of prior convictions.
- (E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.
- (F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based on the following:

- (A) A review of existing community corrections programs.
- (B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.
- (C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.
- (D) The identification of necessary changes in state oversight and coordination of community corrections programs.
- (E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.
- (F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

- (A) lifetime parole;**
- (B) GPS or other electronic monitoring;**
- (C) a classification system for sex offenders;**
- (D) recidivism; and**
- (E) treatment.**

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. **The committee may meet as often as necessary.**

(f) The committee consists of ~~nineteen (19)~~ **twenty (20)** members appointed as follows:

- (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.
- (3) The chief justice of the supreme court or the chief justice's designee.
- (4) The commissioner of the department of correction or the

commissioner's designee.

(5) The director of the Indiana criminal justice institute or the director's designee.

(6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(7) The executive director of the public defender council of Indiana or the executive director's designee.

(8) One (1) person with experience in administering community corrections programs, appointed by the governor.

(9) One (1) person with experience in administering probation programs, appointed by the governor.

(10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee.

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the **voting** members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 12. An emergency is declared for this act.

(Reference is to ESB 6 as reprinted March 1, 2006.)

STEELE

FOLEY

MRVAN

GRUBB

Senate Conferees

House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1016-1; filed March 13, 2006, at 4:59 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1016 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-1-3-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 44. The term "farm winery" means a commercial winemaking establishment that produces wine from products allowed by and meets the requirements of IC 7.1-3-12-4.

SECTION 2. IC 7.1-2-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The commission shall have the power to regulate and prohibit advertising, signs, displays, posters, and designs intended to advertise an alcoholic beverage or the place where alcoholic beverages are sold.

(b) The commission shall not exercise the prohibition power contained in subsection (a), as to any advertisement appearing in a newspaper which:

- (1) is published at least once a week;
- (2) regularly publishes information of current news interest to the community; and
- (3) circulates generally to the public in any part of this state, regardless of where printed.

However, a newspaper shall not include publications devoted to special interests such as labor, religious, fraternal, society, or trade publications or journals, or publications owned or issued by political organizations or parties.

(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. However, it is unlawful for a primary source of supply or a wholesaler of alcoholic beverages to sell, give, supply, furnish, or grant to, or maintain for a retail or dealer permittee an illuminated advertising sign **in a manner that violates the trade practice restrictions of the commission or this title.** It is unlawful for a retail or dealer permittee to receive, accept, display, or permit to be displayed, an illuminated advertising sign sold, given, supplied, furnished, granted, or maintained in violation of this subsection. **Unless otherwise stated, when a recipient receives an illuminated sign, the illuminated sign becomes the property and responsibility of the recipient.**

(g) The commission may not prohibit the advertisement of:

- (1) alcoholic beverages; or
- (2) a place where alcoholic beverages may be obtained;

in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.224-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

- (1) are described in section 25(a) of this chapter;
- (2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(e) Notwithstanding subsection (b), if December 31 (New Year's Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31, from 10 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

SECTION 4. IC 7.1-3-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

- (1) A consolidated city or its county.
- (2) A city of the second class.
- (3) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).
- (4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).
- (5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).
- (6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).
- (7) A city having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).
- (8) A county having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).
- (9) A county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

- (1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and
- (2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

- (1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and
- (2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that

(1) has a population of:

- ~~(A) more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); or~~
- ~~(B) more than forty-six thousand five hundred (46,500) but~~

less than fifty thousand (50,000); and
 (2) owns a golf course
 may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

- (1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and
- (2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

- (1) A city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).
- (2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).
- (3) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).
- (4) A city having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).
- (5) A city having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

- (1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or
- (2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

SECTION 5. IC 7.1-3-1.5-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.2. As used in this chapter, "applicant" means a person who applies for a trainer certificate under this chapter to train:**

- (1) alcohol servers; and
- (2) individuals who plan to become certified trainers;

on the selling, serving, and consumption of alcoholic beverages.

SECTION 6. IC 7.1-3-1.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.3. As used in this chapter, "certified trainer" means a person who is issued a trainer certificate under section 4.6 of this chapter.**

SECTION 7. IC 7.1-3-1.5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. As used in this chapter, "server certificate" means a certificate issued by the commission under this chapter to an individual who completes a program established or approved under section 6 of this chapter.**

SECTION 8. IC 7.1-3-1.5-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.4. As used in this chapter, "trainer certificate" means a certificate issued by the commission under this chapter to an applicant who meets the requirements under section 4.6 of this chapter.**

SECTION 9. IC 7.1-3-1.5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.6. The commission shall issue a trainer certificate to an applicant who:**

- (1) files the application and pays the fees established by the commission under section 5 of this chapter;
- (2) completes a program established or approved under section 6 of this chapter; and
- (3) meets the requirements under this chapter and rules adopted by the commission.

SECTION 10. IC 7.1-3-1.5-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.8. A certified trainer may train:**

- (1) alcohol servers; and
- (2) individuals who plan to become certified trainers; **on the selling, serving, and consumption of alcoholic beverages.**

SECTION 11. IC 7.1-3-1.5-5, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) The commission shall adopt rules under IC 4-22-2 to establish:**

- (1) an application form;
- (2) standards; and
- (3) fees;

for certification of a program under this chapter.

~~(b) The commission shall adopt rules under IC 4-22-2 to otherwise carry out this chapter.~~

SECTION 12. IC 7.1-3-1.5-6, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The commission shall require the following standards for certification of a program under this chapter: (a) The commission shall:**

- (1) establish a program; and
- (2) approve a program established by a third party that meets the requirements of this chapter;

that is designed to educate alcohol servers and individuals who plan to become certified trainers on the selling, serving, and consumption of alcoholic beverages.

(b) A program established or approved under subsection (a) must include the following:

- (1) Training by an instructor who:
 - (A) has knowledge in the subject areas described in this section; and
 - (B) is a certified trainer under this chapter.
- (2) Information on specific subject areas as required by the commission.
- (3) A minimum of at least two (2) hours of training to complete the program.
- (4) Information on:
 - (A) state laws and rules regarding the sale and service of alcoholic beverages;
 - (B) the classification of alcohol as a depressant and the effect of alcohol on the human body, particularly on the ability to drive a motor vehicle;
 - (C) the effects of alcohol:
 - (i) when taken with commonly used prescription and nonprescription drugs; and
 - (ii) on human behavior;
 - (D) methods of:
 - (i) identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and
 - (ii) handling situations involving an underage or intoxicated person;
 - (E) methods for properly and effectively:
 - (i) checking the identification of an individual;
 - (ii) identifying an illegal identification of an individual; and
 - (iii) handling situations involving individuals who have provided illegal identification;
 - (F) security and law enforcement issues regarding the sale and service of alcoholic beverages; and
 - (G) recognizing certain behavior to assess the amount of alcohol an individual:
 - (i) has consumed; and
 - (ii) may safely consume.
- (5) One (1) or both of the following:
 - (A) A written test.

(B) An oral test.

SECTION 13. IC 7.1-3-1.5-8, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A **trainer** certificate issued under this chapter expires at a time and date designated by the commission: **three (3) years after the date the trainer certificate was issued.**

(b) The commission shall adopt rules to establish:

- (1) an application form; and
- (2) fees;

for the renewal of a certificate under this chapter.

(c) (b) The commission shall send written notice of the upcoming expiration of a certificate to each certificate holder at least sixty (60) days before the expiration of the certificate. The notice must inform the certificate holder of the need to renew and the requirement of payment of the renewal fee. If notice of expiration is not sent by the commission, the certificate holder is not subject to a sanction for failure to renew if, once notice is received from the commission, the certificate is renewed within forty-five (45) days after the receipt of the notice, notify a:

- (1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and
- (2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;

of the renewal requirements for a trainer certificate under this chapter.

SECTION 14. IC 7.1-3-1.5-9, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. To renew a **trainer** certificate under this chapter, the **certificate holder certified trainer** must:

- (1) file the renewal application established and provided by the commission; ~~and~~
- (2) pay ~~the a~~ renewal fee in the amount established by the commission; **of forty-five dollars (\$45); and**
- (3) **complete a refresher course established or approved by the commission;**

not later than the expiration date of the **trainer** certificate.

SECTION 15. IC 7.1-3-1.5-12, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who ~~operates a~~ program trains:

- (1) alcohol servers; or
- (2) **individuals who plan to become certified trainers;**

without a **trainer** certificate under this chapter commits a Class B infraction.

SECTION 16. IC 7.1-3-1.5-13, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

- (1) ensure that each alcohol server completes a program **certified under this established or approved under section 6 of this chapter not later than ninety (90) one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;**
- (2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the program subject areas described in section 6 of this chapter ~~as required by the commission;~~ **every three (3) years after the date the alcohol server completes a program; and**
- (3) maintain training verification records of each alcohol server.

(b) A retailer permittee, or a dealer permittee, ~~or a management representative of a retailer or dealer permittee~~ must complete a program ~~certified under established or approved under section 6 of this chapter:~~

- (1) not later than ~~ninety (90) one hundred twenty (120) days~~ after the date:
 - (1) (A) the dealer permittee is issued a permit described in section 2 of this chapter; or
 - (2) (B) the retailer permittee is issued a permit described in section 4 of this chapter; **and**
- (2) **every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the**

retailer or dealer permittee completes a program.

(c) The commission shall notify a:

- (1) **dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and**
- (2) **retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;**

of the requirements under subsections (a) and (b).

(c) (d) The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

SECTION 17. IC 7.1-3-1.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. **A program established or approved under section 6 of this chapter must provide a server certificate to an individual who successfully completes the program.**

SECTION 18. IC 7.1-3-1.5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. **The commission may attend and observe training by a certified trainer under a program established or approved under section 6 of this chapter at any time.**

SECTION 19. IC 7.1-3-1.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. **The commission shall adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 20. IC 7.1-3-7.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The holder of a farm winery brandy distiller's permit may do the following:

- (1) Manufacture brandy.
- (2) Rectify brandy.
- (3) Bottle brandy.
- (4) Use brandy that it has manufactured for the purpose of producing fortified wine.
- (5) Sell, transport, and deliver brandy that it has manufactured to other wineries.
- (6) **Sell brandy at wholesale or retail on the permitted premises to consumers by the glass or by the bottle, or both, brandy that it has manufactured.**

(b) **Upon the approval of the commission, a holder of a farm winery brandy distiller's permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the farm winery brandy distillery. At the additional locations, the holder of the permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of brandy.**

SECTION 21. IC 7.1-3-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The commission may issue a farm winery permit to a person who:

- (1) is the proprietor of a farm winery; ~~and who~~
- (2) desires to commercially manufacture wine; **and**
- (3) is either:
 - (A) **an individual; or**
 - (B) **a partnership, limited liability company, or corporation domiciled in or admitted to do business in Indiana.**

A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter. ~~The commission may not issue a farm winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year preceding the date of the application for a farm winery permit.~~

SECTION 22. IC 7.1-3-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) ~~In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment~~

- (1) ~~must produce wine from grapes, other fruits, or honey produced in this state; and~~
- (2) ~~shall not annually produce sell more than five hundred thousand (500,000) gallons of wine in Indiana, excluding wine shipped to an out-of-state address.~~

(b) Table wine that is shipped by the winery outside the state and that involves a change of ownership may not be considered as part of the winery's annual production for purposes of subsection (a)(2).

SECTION 23. IC 7.1-3-12-5, AS AMENDED BY P.L.224-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The holder of a farm winery permit:

(1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises **or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:**

(A) holds an employee permit under IC 7.1-3-18-9; and

(B) completes a server training program approved by the commission;

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;

~~(4)~~ **(5)** is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at ~~either wholesale; or retail;~~

~~(5)~~ **(6)** is exempt from the provisions of IC 7.1-3-14;

~~(6)~~ **(7)** is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;

~~(7)~~ **(8)** for wine described in IC 7.1-1-2-3(a)(4):

(A) may allow transportation to and consumption of the wine on the licensed premises; and

(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;

~~(8)~~ **(9)** is entitled to purchase and sell bulk wine as set forth in this chapter; ~~and~~

~~(9)~~ **(10)** is entitled to sell wine as authorized by this section for carryout on Sunday; **and**

(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at ~~a second location not more than three (3) additional locations~~ that ~~is~~ **are** separate from the winery. At the ~~second location;~~ **additional locations**, the holder of a permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than ~~nine (9) thirty (30)~~ days in a calendar year.

SECTION 24. IC 7.1-3-13-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a)** All premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued. A wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit. A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. **The holder of a wine wholesaler's permit issued under IC 7.1-4-4.1-13(c) may enter into an agreement to:**

(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or

(2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

(b) A direct wine seller under IC 7.1-3-26 is not considered an

affiliate of a wine wholesaler for purposes of IC 7.1-3-26-7(9) for an agreement under this section.

SECTION 25. IC 7.1-3-13-3, AS AMENDED BY P.L.224-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The holder of a wine wholesaler's permit may purchase, import, and transport wine, brandy, or flavored malt beverage from the primary source of supply. A wine wholesaler may export and transport wine, brandy, or flavored malt beverage by the bottle, barrel, cask, or other container, to points outside Indiana. A wine wholesaler is entitled to sell, furnish, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to a wine wholesaler, a wine retailer, a supplemental caterer, a temporary wine permittee, and a wine dealer, but not at retail. A wine wholesaler may sell, furnish, and deliver brandy from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, but not at retail, only to a person who holds a liquor retailer's permit, a supplemental caterer's permit, or a liquor dealer's permit. ~~A wine wholesaler also may sell and deliver wine to a consumer; at the consumer's residence; in bottles or other permissible containers in a quantity that does not exceed fifty (50) gallons at any one (1) time. A holder of a wine wholesaler's permit may sell wine to the wine wholesaler's bona fide regular employees.~~

(b) As used in this section, "brandy" means:

(1) any alcoholic distillate described in 27 CFR 5.22(d) as in effect on January 1, 1983; or

(2) a beverage product that:

(A) is prepared from a liquid described in subdivision (1);

(B) is classified as a cordial or liqueur as defined in 27 CFR 5.22(h) as in effect on January 1, 1997; and

(C) meets the following requirements:

(i) At least sixty-six and two-thirds percent (66 2/3%) of the product's alcohol content is composed of a substance described in subdivision (1).

(ii) The product's label makes no reference to any distilled spirit other than brandy.

(iii) The product's alcohol content is not less than sixteen percent (16%) by volume or thirty-two (32) degrees proof.

(iv) The product contains dairy cream.

(v) The product's sugar, dextrose, or levulose content is at least twenty percent (20%) of the product's weight.

(vi) The product contains caramel coloring.

(c) Nothing in this section allows a wine wholesaler to sell, give, purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless the wine wholesaler also holds a beer wholesaler's permit under IC 7.1-3-3-1.

(d) A wine wholesaler that also holds a liquor wholesaler's permit under IC 7.1-3-8 may not:

(1) hold a beer wholesaler's permit under IC 7.1-3-3;

(2) possess, sell, or transport beer; or

(3) sell more than one million (1,000,000) gallons of flavored malt beverage during a calendar year.

SECTION 26. IC 7.1-3-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

(1) a clerk in a package liquor store;

(2) an employee who serves wine at a farm winery; or as

(3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

(1) the sole proprietor;

(2) a partner, a general partner, or a limited partner in a

partnership or limited partnership that owns the business establishment;

(3) a member of a limited liability company that owns the business establishment; or

(4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

~~(f) An applicant is not entitled to The commission may not issue an employee's permit if: (1) the to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.~~

~~(2) the~~

~~(g) The commission may not issue an employee's permit to an applicant who has more than one (1) but less than three (3) two (2) unrelated convictions for operating while intoxicated and less than two (2) years have elapsed after the applicant completed the applicant's sentence for a conviction for operating while intoxicated, including any term of probation or parole; or if:~~

~~(1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and~~

~~(2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.~~

~~(3) the~~

~~(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:~~

~~(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or~~

~~(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);~~

~~the commission may grant or deny the issuance of a permit.~~

~~(g) (i) The commission shall revoke a permit issued to an employee under this section if:~~

~~(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or~~

~~(2) the employee becomes ineligible for the issuance of an employee's permit under subsection (f): is convicted of operating while intoxicated after the issuance of the permit.~~

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 27. IC 7.1-3-20-16, AS AMENDED BY P.L.155-2005, SECTION 1, AS AMENDED BY P.L.214-2005, SECTION 48, AND AS AMENDED BY P.L.224-2005, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of

a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

~~(g) (h) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:~~

~~(1) a town with a population of more than twenty thousand (20,000); or~~

~~(2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred~~

(27,400);

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

- (1) The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.
- (2) A unit of the National Park Service is partially located within the district.
- (3) An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

SECTION 28. IC 7.1-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's or~~ liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

(b) The commission shall not issue a beer wholesaler's permit to a person who has not been a continuous and bona fide resident of Indiana for one (1) year.

SECTION 29. IC 7.1-3-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The commission shall not issue: ~~an alcoholic beverage~~

- (1) a liquor wholesaler's permit; or
- (2) an alcoholic beverage retailer's or dealer's permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

SECTION 30. IC 7.1-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's or~~ liquor wholesaler's permit;

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and

bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a corporation unless at least sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) (b) The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

(d) (c) Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 31. IC 7.1-3-21-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's or~~ liquor wholesaler's permit;

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) (b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

(d) (c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 32. IC 7.1-3-21-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's or~~ liquor wholesaler's permit;

to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

(b) The commission shall not issue a beer wholesaler's permit to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.

(c) (b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

(d) (c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 33. IC 7.1-3-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~Indiana State Fair.~~ (a) The commission shall not issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds during the period of the Indiana State Fair: ~~to the Indiana state fair commission.~~

(b) The holder of a permit under this section is:

- (1) entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass;
- (2) entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit;
- (3) entitled to receive the permit directly from the commission without local board approval;
- (4) not subject to quota restrictions under IC 7.1-3-22-3; and
- (5) entitled to allow a minor to be present in the places

where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

- (1) File a floor plan of the premises where alcoholic beverages will be served and consumed.
- (2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.
- (3) Allow sales during the times prescribed under IC 7.1-3-1-14.
- (4) Prohibit sales prohibited under IC 7.1-5-10-1 and IC 7.1-5-10-17.
- (5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.

SECTION 34. IC 7.1-3-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 26. Direct Wine Seller's Permit

Sec. 1. This chapter does not apply to the serving or selling of:

- (1) wine in accordance with IC 7.1-3-12; or
- (2) brandy in accordance with IC 7.1-3-7.5.

Sec. 2. As used in this chapter, "applicant" means a person that applies to the commission for a direct wine seller's permit.

Sec. 3. As used in this chapter, "consumer" means an individual with an Indiana address who purchases wine from a seller.

Sec. 4. As used in this chapter, "seller" means the holder of a direct wine seller's permit issued under this chapter.

Sec. 5. A person located within Indiana or outside Indiana that wants to sell and ship wine directly to a consumer must be the holder of a direct wine seller's permit and comply with this chapter.

Sec. 6. A seller may sell and ship wine directly only to a consumer who meets all of the following requirements:

- (1) The consumer is at least twenty-one (21) years of age.
- (2) The consumer has an Indiana address.
- (3) The consumer intends to use wine purchased under this chapter for personal use only and not for resale or other commercial purposes.
- (4) Except as provided in subdivision (5), the consumer has provided to the seller in one (1) initial face-to-face transaction at the seller's place of business appearing on the seller's application for a direct wine seller's permit or any locations authorized by IC 7.1-3-12-5 all the following:
 - (A) Name, telephone number, Indiana address, or consumer's Indiana business address.
 - (B) Proof of age by a state issued driver's license or state issued identification card showing the consumer to be at least twenty-one (21) years of age.
 - (C) A verified statement, made under penalties for perjury, that the consumer satisfies the requirements of subdivisions (1) through (3).

(5) If:

- (A) before April 1, 2006, the consumer has engaged in a transaction with a seller in which the seller sold wine to the consumer and, after April 1, 2006, but before December 31, 2006, the consumer provides the seller with a verified statement, made under penalties for perjury, that the consumer is at least twenty-one (21) years of age; and
- (B) the seller provides the name and Indiana address of the consumer to the commission before January 15, 2007; the seller may sell directly to the consumer in accordance with this chapter.

Sec. 7. (a) The commission may issue a direct wine seller's permit to an applicant who meets all of the following requirements:

- (1) The applicant is domiciled and has its principal place of business in the United States.
- (2) The applicant is engaged in the manufacture of wine.
- (3) The applicant holds and acts within the scope of authority of an alcoholic beverage license or permit to manufacture wine that is required:
 - (A) in Indiana or the state where the applicant is domiciled; and

(B) by the Tax and Trade Bureau of the United States Department of the Treasury.

(4) The applicant qualifies with the secretary of state to do business in Indiana and consents to the personal jurisdiction of the commission and the courts of Indiana.

(5) The applicant files a surety bond with the commission in accordance with IC 7.1-3-1, or deposits cash in an escrow account with the commission, in the amount required of an applicant for a vintner's permit under IC 7.1-3-1-7.

(6) The applicant:

- (A) does not hold a permit or license to wholesale alcoholic beverages issued by any authority; and
- (B) is not owned in whole or in part or controlled by a person who holds a permit or license to wholesale alcoholic beverages.

(7) The applicant sells not more than five hundred thousand (500,000) gallons of wine per year in Indiana, excluding wine shipped to an out-of-state address.

(8) The applicant has not distributed wine through a wine wholesaler in Indiana within the one hundred twenty (120) days immediately preceding the applicant's initial application for a direct wine seller's permit or the applicant has operated as a farm winery under IC 7.1-3-12.

(9) The applicant is not the parent, subsidiary, or affiliate of another entity manufacturing any alcoholic beverage.

(10) The applicant completes documentation regarding the applicant's application required by the commission.

(b) The commission may issue a direct wine seller's permit to an applicant who:

- (1) meets the requirements under subsection (a); and
- (2) holds a permit issued under this title that allows the sale of an alcoholic beverage at retail.

Sec. 8. (a) The term of a direct wine seller's permit begins:

- (1) the date approved by the commission for an initial application; and
- (2) on July 1 to renew a permit;

and expires on June 30 of the following year. A direct wine seller's permit may be renewed in accordance with rules adopted by the commission.

(b) The annual direct wine seller's permit fee is one hundred dollars (\$100).

Sec. 9. A direct wine seller's permit entitles a seller to sell and ship wine to a consumer by receiving and filling orders that the consumer transmits by electronic or other means if all of the following conditions are satisfied before the sale or by the times set forth as follows:

(1) The consumer provides the direct wine seller with the following:

- (A) The verification required by section 6(4) of this chapter in an initial face-to-face transaction.
- (B) Notwithstanding clause (A), if the consumer provided the information specified in section 6(5)(A) of this chapter after April 1, 2006, but before December 31, 2006, and the seller provides the name and Indiana address of the consumer under section 6(5)(B) of this chapter to the commission before January 15, 2007, the consumer is not required to comply with section 6(4) of this chapter.

(2) The direct wine seller meets the following requirements:

- (A) Maintains for two (2) years all records of wine sales made under this chapter. If the records are requested by the commission, a direct wine seller shall:

- (i) make the records available to the commission during the direct wine seller's regular business hours; or
- (ii) at the direction of the commission, deliver copies to the commission.

(B) Stamps, prints, or labels on the outside of the shipping container the following: "CONTAINS WINE. SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

(C) Causes the wine to be delivered by the holder of a valid carrier's alcoholic beverage permit under IC 7.1-3-18.

(D) Directs the carrier to verify that the individual personally receiving the wine shipment is at least twenty-one (21) years of age.

(E) Does not ship to any consumer more than two hundred sixteen (216) liters of wine in any calendar year.

(F) Remits to the department of state revenue monthly all Indiana excise, sales, and use taxes on the shipments made into Indiana by the direct wine seller during the previous month.

Sec. 10. It is unlawful for the holder of a farm winery brandy distiller's permit to ship or cause to be shipped brandy produced under this title to a consumer.

Sec. 11. A consumer shall provide a direct wine seller with information the direct wine seller reasonably requires, including the consumer's name, Indiana address, telephone number, and other information required by the commission.

Sec. 12. During a permit year, a direct wine seller may not direct ship in Indiana more than twenty-seven thousand (27,000) liters of wine.

Sec. 13. A wine shipment purchased under this chapter must be delivered to:

(1) the consumer, who shall take personal delivery of the shipment at the:

- (A) consumer's residence;
- (B) consumer's business address;
- (C) carrier's business address; or
- (D) address displayed on the shipping container; or

(2) an individual who is at least twenty-one (21) years of age, who shall take personal delivery of the shipment at the:

- (A) consumer's residence;
- (B) consumer's business address;
- (C) carrier's business address; or
- (D) address designated by the consumer and displayed on the shipping container.

Sec. 14. A consumer may not receive more than two hundred sixteen (216) liters of wine in total from one (1) or more direct wine sellers in a calendar year.

Sec. 15. (a) Except as provided in subsections (b) and (c), a seller who violates this chapter commits a Class A infraction.

(b) Except as provided in subsection (d), a seller who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has one (1) prior unrelated conviction or judgment for an infraction under this section for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class A misdemeanor.

(c) Except as provided in subsection (d), a seller who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has at least two (2) prior unrelated convictions or judgments for infractions under this section for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class D felony.

(d) A person who violates section 6(5) of this chapter commits a Class A infraction. The commission may consider an infraction committed under this subsection in its determination of whether to renew a seller's permit.

Sec. 16. If a direct wine seller is charged under section 15 of this chapter with selling to a consumer who does not meet the requirements of section 6 of this chapter, it is a defense to the charge if the direct wine seller obtained from the consumer the verified statement required under section 6(4)(C) and 6(5)(A) of this chapter and produces a copy of the verified statement.

SECTION 35. IC 7.1-4-4.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to the following permits:

- (1) Beer wholesaler's permit.
- (2) Malt wholesaler's permit.
- (3) Liquor wholesaler's permit.
- (4) Wine wholesaler's permit.

(b) Except as provided in subsection (c), a permit fee of two thousand dollars (\$2,000) is annually imposed for the issuance of

each of the permits described in subsection (a).

(c) A permit fee of one hundred dollars (\$100) is annually imposed for the issuance of a wine wholesaler's permit to a permit applicant who:

- (1) has never previously held a wine wholesaler's permit and anticipates selling less than twelve thousand (12,000) gallons of wine and brandy in a year; or
- (2) previously held a wine wholesaler's permit and certifies to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine and brandy in the previous year.

SECTION 36. IC 7.1-4-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Power of Commission and Department~~: The chairman and the department shall have the power to examine the books, papers, records, and premises of a manufacturer, wholesaler, retailer, or dealer, or direct wine seller's permit holder under this title for the purpose of determining whether the excise taxes imposed by this title have been paid fully and whether the provisions of the title are being complied with.

SECTION 37. IC 7.1-4-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Collection of Annual License Fees~~: The chairman shall collect the required annual license fee paid in connection with the issuance of a brewer's permit, a beer wholesaler's permit, a temporary beer permit, a dining car permit of any type, a boat permit of any type, a distiller's permit, a rectifier's permit, a liquor wholesaler's permit, a vintner's permit, a farm winery permit, a farm winery brandy distiller's permit, a wine wholesaler's permit, a wine bottler's permit, a temporary wine permit, a direct wine seller's permit, a salesman's permit, and a carrier's alcoholic permit.

SECTION 38. IC 7.1-5-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) ~~Except as provided in IC 7.1-3-26~~, it is unlawful for a person in the business of selling alcoholic beverages in ~~another state or country~~ **Indiana or outside Indiana** to ship or cause to be shipped an alcoholic beverage directly to an ~~Indiana resident~~ **a person in Indiana** who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 39. IC 7.1-5-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. ~~Transportation of Unowned Goods Limited~~: It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title. This section shall not apply to the shipment of an alcoholic beverage from another state in continuous transit through this state into another state unless the shipment is intended to evade a provision of this title. This section shall not prohibit a person, other than permittee, from bringing into this state a quantity of: ~~liquor or~~

- (1) wine not exceeding ~~one (1) quart~~ **eighteen (18) liters**; or
- (2) **liquor not exceeding one (1) quart**;

~~if he the person~~ is a traveler in the ordinary course of travel and if it is not intended for sale to another person.

SECTION 40. IC 7.1-3-1.5-7 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 41. IC 7.1-3-12-6 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 42. P.L.161-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4. (a) **As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) **As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.**

~~(c)~~ (c) As used in this SECTION, "commission" refers to the alcohol and tobacco commission established by IC 7.1-2-1-1.

~~(d)~~ (d) As used in this SECTION, "dealer permittee" has the meaning set forth in IC 7.1-3-1.5-2. **as added by this act.**

~~(c)~~ As used in this SECTION, "program" has the meaning set forth in IC 7.1-3-1.5-3, as added by this act.

~~(d)~~ (e) As used in this SECTION, "retailer permittee" has the meaning set forth in IC 7.1-3-1.5-4, as added by this act.

(f) As used in this SECTION, "trainer certificate" has the meaning set forth in IC 7.1-3-1.5-4.4, as added by this act.

~~(e)~~ (g) Notwithstanding IC 7.1-3-1.5-12, as added by this act, a person who is operating a program before July 1, 2005, training alcohol servers or individuals who plan to become certified trainers before July 1, 2006, may continue to operate the program train alcohol servers or individuals who plan to become certified trainers without a certificate issued under IC 7.1-3-1.5 as added by this act, pending the processing of an application for a trainer certificate under this SECTION.

~~(f)~~ (h) The person described in subsection ~~(e)~~ (g) may submit to the commission an application for a trainer certificate to operate a program under IC 7.1-3-1.5, as added by this act. To be entitled to continue operating training without a trainer certificate under subsection ~~(e)~~ (g), the person must submit the application before March 1, 2006-2007.

~~(g)~~ (i) The person described in subsection ~~(e)~~ (g) shall cease operating a program training alcohol servers and individuals who plan to become certified trainers if:

- (1) the person fails to submit an application within the time allowed under subsection ~~(f)~~ (h); or
- (2) the commission notifies the person that the commission has rejected the application submitted by the person under this SECTION.

~~(h)~~ (j) Notwithstanding IC 7.1-3-1.5-13: as added by this act:

- (1) a retailer permittee or dealer permittee who is operating an establishment where alcoholic beverages are served or sold must ensure that each alcohol server completes a program ~~certified established or approved~~ under ~~IC 7.1-3-1.5, IC 7.1-3-1.5-6~~, as added amended by this act, not later than:

(A) January 1, 2008; 2009; or

(B) ~~ninety (90)~~ one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;

whichever is later; and

- (2) a retailer permittee, ~~or a dealer permittee, or a management representative of a retailer or dealer permittee~~ must complete a program ~~certified established or approved~~ under ~~IC 7.1-3-1.5, IC 7.1-3-1.5-6~~, as added amended by this act, not later than:

(A) January 1, 2008; 2009; or

(B) ~~ninety (90)~~ one hundred twenty (120) days after the date the retailer permittee or dealer permittee is issued a retailer permit or dealer permit under IC 7.1-3; whichever is later.

~~(i)~~ (k) This SECTION expires December 31, 2009-2010.

SECTION 43. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.

(b) As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.

(c) Notwithstanding IC 7.1-3-1.5, as amended by this act, a person may be certified by the alcohol and tobacco commission to train alcohol servers and individuals who plan to become certified trainers without meeting the requirements under IC 7.1-3-1.5, as amended by this act, before July 1, 2007.

(d) This SECTION expires January 1, 2008.

SECTION 44. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 7.1-3-26, as added by this act, apply to this SECTION.

(b) Notwithstanding IC 7.1-3-26, as added by this act, an applicant is considered to be operating under a valid direct wine seller's permit authorized under IC 7.1-3-26, as added by this act, on and after the date the applicant files an application for a direct seller's permit, until the commission:

- (1) grants a permit to an applicant as authorized under IC 7.1-3-26, as added by this act; or
- (2) denies a permit to an applicant as authorized under IC 7.1-3-26, as added by this act.

(c) Notwithstanding IC 7.1-4-4.1-13(c), as amended by this act, a wine wholesaler is considered to be operating under a valid wine wholesaler's permit authorized under IC 7.1-4-4.1-13(c), as amended by this act, on and after the date the wine wholesaler applies for a wine wholesaler's permit under IC 7.1-4-4.1-13(c), as amended by this act, until the commission:

(1) grants a permit to an applicant as authorized under IC 7.1-4-4.1-13(c), as amended by this act; or

(2) denies a permit to an applicant as authorized under IC 7.1-4-4.1-13(c), as amended by this act.

(d) This SECTION expires on May 15, 2007.

SECTION 45. An emergency is declared for this act.

(Reference is to EHB 1016 as reprinted February 22, 2006.)

AYRES	BRAY
CHENEY	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1025-1; filed March 13, 2006, at 5:15 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1025 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 4, delete lines 32 through 36.

(Reference is to EHB 1025 as reprinted February 21, 2006.)

J. SMITH	DROZDA
KLINKER	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1099-1; filed March 13, 2006, at 5:16 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1099 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-11-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter and IC 22-11-14.5:

"Auto burglar alarm" means a tube that contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may also be used to produce a small report. A squib is used to ignite the device.

"Booby trap" means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

"Chaser" means a device, containing fifty (50) milligrams or less of explosive composition, that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced.

"Cigarette load" means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.

~~"Common"~~ "Consumer firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50)

milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. ~~Common Consumer~~ fireworks:

(1) include:

(A) ~~ground and hand held sparkling devices, which include dipped stick, certain wire sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;~~

(B) ~~(A) aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, and shells;~~

(C) ~~(B) ground audible devices, which include firecrackers, salutes, and chasers; and~~

(D) ~~(C) firework devices containing combinations of two (2) or more of the effects described in the preceding three (3) clauses (A) and (B); and~~

(2) do not include the following novelties and trick noisemakers:

(A) Snakes or glow worms.

(B) Smoke devices.

(C) Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item.

(D) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms. **items referenced in section 8(a) of this chapter.**

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding three-quarters (3/4) inch in inside diameter and containing up to seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

"Dipped stick" or "wire sparkler" means a ~~common firework that consists of a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of common consumer fireworks.~~

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

"Firecracker" or "salute" is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of ~~common consumer~~ fireworks, **items referenced in section 8(a) of this chapter**, and special fireworks. The following items are excluded from the definition of fireworks:

(1) Model rockets.

(2) Toy pistol caps.

(3) Emergency signal flares.

(4) Matches.

(5) Fixed ammunition for firearms.

(6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.

(7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.

(8) Indoor pyrotechnics special effects material.

(9) M-80s, cherry bombs, silver salutes, and any device banned by the federal government.

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited, and that produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

(1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;

(2) to which some type of propeller or blade device is attached; and

(3) that lifts into the air upon ignition, producing a visible or audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

(1) contains up to one hundred (100) grams of pyrotechnic composition;

(2) produces, upon ignition, a colored fire; and

(3) is either a spike, base, or handle type device.

"Importer" means:

(1) a person who imports fireworks from a foreign country; or

(2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

"Indoor pyrotechnics special effects material" means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126 (2001 edition)).

"Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks. **not approved for sale in Indiana.**

"Manufacturer" means a person engaged in the manufacture of fireworks.

"Mine" or "shell" means a device that:

(1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or plastic base is attached;

(2) contains up to forty (40) grams of pyrotechnic composition; and

(3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

"Missile-type rocket" means a device that is similar to a sky rocket in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

"Party popper" means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

"Person" means an individual, an association, an organization, a limited liability company, or a corporation.

"Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

"Responding fire department" means the paid fire department or volunteer fire department that renders fire protection services to a political subdivision.

"Retail sales stand" means a temporary business site or location where goods are to be sold.

"Retailer" means a person who purchases fireworks for resale to consumers.

"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

"Sky rocket" means a device that:

- (1) consists of a tube that ~~does not exceed one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of~~ pyrotechnic composition;
- (2) contains a ~~wooden~~ stick for guidance and stability; and
- (3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

"Special discharge location" means a location designated for the discharge of consumer fireworks by individuals in accordance with rules adopted under section 3.5 of this chapter.

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as ~~common~~ **consumer** fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
- (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
- (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

"Wholesaler" means a person who purchases fireworks for resale to retailers.

SECTION 2. IC 22-11-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The fire prevention and building safety commission ~~may~~ **shall**:

- (1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and
- (2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.

(b) The application for a permit required under subsection (a) must:

- (1) name a competent operator who is to officiate at the display;
- (2) set forth a brief resume of the operator's experience;
- (3) be made in writing; and
- (4) be received with the applicable fee by the ~~office of the state fire marshal~~ **division of fire and building safety** at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be ~~so~~ located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing

before the date of the display.

(f) A person who ~~possesses, transports, or delivers~~ **may not possess, transport, or deliver special** fireworks, except as authorized under this section. ~~commits a Class A misdemeanor.~~

SECTION 3. IC 22-11-14-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal or township fire department may grant a permit to a person to sponsor a special discharge location in the municipality or township.**

SECTION 4. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

- (1) any resident wholesaler, manufacturer, importer, or distributor from selling:

- (A) at wholesale fireworks not prohibited by this chapter; or
- (B) ~~consumer fireworks not approved for sale in Indiana if they are to be shipped directly out of state within five (5) days of the date of sale;~~ **used:**

- (i) **on the property of the purchaser;**
- (ii) **on the property of another who has given permission to use the consumer fireworks; or**
- (iii) **at a special discharge location as set forth in section 3.5 of this chapter;**

- (2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

- (3) the sale or use of blank cartridges for:

- (A) a show or theater;
- (B) signal or ceremonial purposes in athletics or sports; or
- (C) use by military organizations;

- (4) the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers;

- (5) the possession, sale, or disposal of fireworks, incidental to the public display of Class B fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell Class B explosives from the Bureau of Alcohol, Tobacco, ~~and~~ **Firearms and Explosives of the United States Department of the Treasury; Justice; or**

- (6) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

- (1) is a resident of Indiana;
- (2) possesses for **storage or** resale ~~common~~ fireworks approved or not approved for sale in Indiana;
- (3) is engaged in the interstate sale of ~~common~~ fireworks described in subdivision (2) as an essential part of a business that is located in a permanent structure and is open at least six (6) months each year; ~~and~~ **(4) sells common fireworks described in subdivision (2) only to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale; and**
- ~~(5) (4)~~ has possession of a certificate of compliance issued by the state fire marshal under section 5 of this chapter.

~~(c) A purchaser may not provide a written and signed assurance that the fireworks purchased are to be shipped out of Indiana and then sell or use them in Indiana.~~

SECTION 5. IC 22-11-14-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. (a) A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a tent under the following conditions:**

- (1) **The tent may not be larger than one thousand five hundred (1,500) square feet.**
- (2) **There may be only one (1) tent for each registration granted under section 11(a) of this chapter.**
- (3) **The tent may not be located closer than one hundred (100) feet from a permanent structure.**
- (4) **A vehicle may not be parked closer than twenty (20) feet from the edge of the tent.**

- (5) The tent must be fire retardant.
 - (6) The sales site must comply with all applicable local zoning and land use rules.
 - (7) Sales of fireworks may be made from the tent for not more than forty-five (45) days in a year.
 - (8) The weight of consumer fireworks in a tent may not exceed three thousand (3,000) gross pounds of consumer fireworks.
 - (9) A retailer that legally operated a tent with a registration in 2005 may continue operation in a tent in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years. For purposes of this subdivision, a retailer includes a resident wholesaler who supplied consumer fireworks to an applicant for a tent registration in 2005.
 - (10) The retailer holds a valid registration under section 11(a) of this chapter.
- (b) A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a Class 1 structure (as defined in IC 22-12-1-4) if the Class 1 structure meets the requirements of any of the following subdivisions:
- (1) The structure complied with the rules for a B-2 or M building occupancy classification before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1:
 - (A) in which consumer fireworks were sold or stored on or before July 4, 2003; and
 - (B) in which no subsequent intervening nonfireworks sales or storage use has occurred.
 - (2) The structure complied with the rules for a B-2 or M building occupancy classification before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1:
 - (A) in which consumer fireworks were sold or stored on or before July 4, 2003;
 - (B) in a location at which the retailer was registered as a resident wholesaler in 2005; and
 - (C) in which the retailer's primary business is not the sale of consumer fireworks.
 - (3) The structure complies with the rules for an H-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1, or the equivalent occupancy classification adopted by subsequent rules of the fire prevention and building safety commission.
 - (4) The structure complies with the rules adopted after July 3, 2003, by the fire prevention and building safety commission established under IC 22-12-2-1 for an M building occupancy classification under the Indiana building code.
- A registration under section 11(a) of this chapter is required for operation in 2006 and following years.
- (c) This subsection does not apply to a structure identified in subsection (b)(1), (b)(2), (b)(3), or (b)(4). A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a structure under the following conditions:
- (1) The structure must be a Class 1 structure in which consumer fireworks are sold and stored.
 - (2) The sales site must comply with all applicable local zoning and land use rules.
 - (3) The weight of consumer fireworks in the structure may not exceed three thousand (3,000) gross pounds of consumer fireworks.
 - (4) The retailer holds a valid registration under section 11(a) of this chapter.
 - (5) A retailer that sold consumer fireworks and operated from a structure with a registration in 2005 may continue in operation in the structure in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years.
 - (d) The state fire marshal or a member of the division of fire

and building safety staff shall, under section 9 of this chapter, inspect tents and structures in which fireworks are sold. The state fire marshal may delegate this responsibility to a responding fire department with jurisdiction over the tent or structure, subject to the policies and procedures of the state fire marshal.

(e) A retailer shall file an application for each retail location on a form to be provided by the state fire marshal.

(f) This chapter does not limit the quantity of items referenced in section 8(a) of this chapter that may be sold from any Class 1 structure that complied with the rules of the fire prevention and building safety commission in effect before May 21, 2003.

SECTION 6. IC 22-11-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at the expense of the owner, all stocks of fireworks or combustibles possessed, transported, or delivered in violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of fireworks, novelties, and trick noisemakers unless, prior to shipment into this state for sale, the manufacturer, wholesaler, importer, or distributor of the fireworks, novelties, and trick noisemakers submits to the state fire marshal:

(1) a complete description of each item proposed to be shipped into Indiana;

(2) a written certification that the items are manufactured in accordance with section 1 of this chapter; and

(3) an annual registration fee of one thousand dollars (\$1,000).

The registration fee shall be collected by the state fire marshal and deposited in the fire and building services fund as set forth in IC 22-12-6-1(c).

A manufacturer, wholesaler, importer, or distributor of fireworks, novelties, and trick noisemakers must submit a list to the state fire marshal on or before June 1 of each year. The list shall contain the name and address of each retail location of each of the customers of the manufacturer, wholesaler, importer, or distributor at which items referenced in section 8(a) of this chapter will be sold. If upon inspection the state fire marshal finds that this chapter has been complied with, an annual certificate of compliance shall be issued to the manufacturer, wholesaler, importer, or distributor. An annual certificate of compliance may not be applied for after June 15 of a year and expires December 31 of the year during in which the certificate is issued. Each manufacturer, wholesaler, importer, or distributor must obtain a certificate of compliance. The certificate is not transferable ~~except that a retailer that offers the items for sale to the public is entitled to receive a certified copy of the certificate from the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items.~~ except to a subsequent owner or operator of a business at the same location in accordance with the policies and guidelines of the state fire marshal. A certified copy of the certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter.

(c) All fireworks, novelties, and trick noisemakers shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed, or marked on the package, box, or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana fireworks, novelties, or trick noisemakers unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

SECTION 7. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A person

who recklessly, knowingly, or intentionally violates ~~section 4(c), section 2(f), 4.5, 5(c), 5(d), 7, or 8(a), 8(c), 8(d), 10, or 11(c)~~ of this chapter commits a Class A misdemeanor.

(b) A person who ignites, discharges, or uses consumer fireworks at a site other than:

- (1) a special discharge location;
- (2) the property of the person; or
- (3) the property of another who has given permission to use the consumer fireworks;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(c) A person less than eighteen (18) years of age who possesses or uses a firework when an adult is not present and responsible at the location of the possession or use commits a Class C infraction. However, if a person possesses or uses a firework when an adult is not present and responsible at the location of the possession or use within five (5) years after a previous possession or use by the person as described in this subsection, whether or not there has been a judgment that the person committed an infraction in the previous possession or use, the person commits a delinquent act under IC 31-37.

(d) A person who ignites, discharges, or uses consumer fireworks:

- (1) after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a)) or December 31, on which dates consumer fireworks may not be ignited, discharged, or used after midnight; or
- (2) before 9 a.m.;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(e) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation causes harm to the property of a person commits a Class A misdemeanor.

(f) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in serious bodily injury to a person commits a Class D felony.

(g) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in the death of a person commits a Class C felony.

(h) A person who knowingly or intentionally fails to collect or remit to the state the public safety fees due under section 12 of this chapter commits a Class D felony.

SECTION 8. IC 22-11-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A retailer selling fireworks items referenced in section 8(a) of this chapter at one (1) or more temporary stands must obtain a fireworks stand retail sales permit, referred to in this section as a "permit", from the state fire marshal.

(b) An application for a permit must be made before June 1 of each year and must require that at least the following information be supplied by the retailer:

- (1) The retailer's retail merchant certificate number or proof of application for a certificate number.
- (2) The location of each retail sales stand.

The state fire marshal shall, within seven (7) days after the receipt of an application for a permit, either issue the permit or notify the applicant of the denial of the permit.

(c) The retailer must pay to the state fire marshal an annual permit fee set under IC 22-12-6-8. If the state fire marshal approves an application for a permit, ~~he the state fire marshal~~ shall issue a permit to the retailer. The permit expires one (1) year after the date of issuance.

(d) The permit shall be posted by the retailer at the retail sales

stand so that it is easily seen by the public. However, the state fire marshal's issuance of a permit does not constitute approval of the fireworks offered for sale by the retailer. The retailer is responsible for determining that all fireworks which ~~he the retailer~~ offers for sale conform to applicable law.

(e) At each retail sales stand, the retailer shall provide:

- (1) a posted certificate of compliance, including a descriptive list of approved fireworks; and
- (2) a supervisor salesperson who is at least sixteen (16) years of age.

(f) Fireworks may not be sold at retail from ~~trucks, vans, or automobiles; a motor vehicle (as defined in IC 9-13-2-105).~~

(g) Fireworks, not including those referenced in section 8(a) of this chapter, may not be sold from or stored at a temporary stand.

SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person shall not sell at retail, ~~or offer for sale at retail, or deliver any fireworks, novelties, or trick noisemakers other than the following items to a person less than eighteen (18) years of age:~~

- (1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.
- (2) Cylindrical fountains.
- (3) Cone fountains.
- (4) Illuminating torches.
- (5) Wheels.
- (6) Ground spinners.
- (7) Flitter sparklers.
- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

(b) A retailer or wholesaler of consumer fireworks may sell consumer fireworks to a person at least eighteen (18) years of age.

(c) An individual who sells consumer fireworks must be at least eighteen (18) years of age.

(d) An individual who sells an item set forth in subsection (a) must be at least sixteen (16) years of age.

(e) The fire prevention and building safety commission may adopt rules under IC 4-22-2 establishing procedures to ensure compliance with the age limitations set forth in this section.

SECTION 10. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a)~~ Each interstate wholesaler shall keep a record of each sale of special fireworks. ~~not approved for sale in Indiana.~~ This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

(b) Each resident wholesaler shall post in a prominent location in the wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the date of sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000)."

The state fire marshal shall provide interstate wholesalers with signs for the purposes of this subsection.

SECTION 11. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2006]: Sec. 11. (a) A retailer may not sell consumer fireworks until the retailer has:

- (1) filed the application required under section 4.5(e) of this chapter with the state fire marshal for each location from which the retailer proposes to sell the consumer fireworks, which must be filed on an annual basis; and
- (2) paid an accompanying registration fee of:
 - (A) one thousand dollars (\$1,000) for the first location if a fee under section 5(b)(3) of this chapter has not been paid;
 - (B) five hundred dollars (\$500) for each additional sales location in a tent; and
 - (C) two hundred dollars (\$200) for each additional sales location in a structure;
 from which the retailer proposes to sell the consumer fireworks.

Upon receipt of the completed application form, the accompanying fee, and, if required, the affidavit under subsection (b), the state fire marshal shall issue a certificate of compliance to the retailer for each sales location.

(b) A person seeking a certificate of compliance authorizing the sale of consumer fireworks at retail from a structure identified in section 4.5(b)(1), 4.5(b)(2), or 4.5(c) of this chapter, or from a tent under section 4.5(a) of this chapter shall submit with the application:

- (1) an affidavit executed by a responsible party with personal knowledge, establishing that consumer fireworks were sold at retail or wholesale from a structure at the same location as of a date set forth in section 4.5(b)(1), 4.5(b)(2), or 4.5(c) of this chapter, or from a tent as of a date set forth under section 4.5(a)(9) of this chapter; and
 - (2) proof of sales of consumer fireworks from that location.
- (c) A person may not sell consumer fireworks at retail if a certificate of compliance from the state fire marshal has not been issued for the location showing registration under subsection (a).
- (d) A certificate of compliance issued to a retailer of consumer fireworks is not transferable except to a subsequent owner or operator of a business at the same location in accordance with the policies and guidelines of the state fire marshal.

SECTION 12. IC 22-11-14-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks, in accordance with section 13 of this chapter.

(b) A person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund.

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee monies from retailers as described in subsections (b) and (c).

SECTION 13. IC 22-11-14-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13. (a) The public safety fee is measured by the gross retail income received by a retail merchant in a retail unitary transaction of fireworks and is imposed at the following rates:

PUBLIC SAFETY FEE	GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION		
\$ 0		less than	\$ 0.10
\$ 0.01	at least \$ 0.10	but less than	\$ 0.30
\$ 0.02	at least \$ 0.30	but less than	\$ 0.50
\$ 0.03	at least \$ 0.50	but less than	\$ 0.70
\$ 0.04	at least \$ 0.70	but less than	\$ 0.90
\$ 0.05	at least \$ 0.90	but less than	\$ 1.10

On a retail unitary transaction in which the gross retail income received by the retail merchant is one dollar and ten cents (\$1.10) or more, the public safety fee is five percent (5%) of that gross retail income.

(b) If the public safety fee computed under subsection (a) results in a fraction of one-half cent (\$0.005) or more, the amount of the public safety fee shall be rounded to the next additional cent.

SECTION 14. IC 22-11-14-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 14. An individual who:

- (1) is an individual retailer or is an employee, an officer, or a member of a corporate or partnership retailer; and
- (2) has a duty to remit the public safety fee as described in section 12 of this chapter to the department of state revenue;

holds the public safety fees collected in trust for the state and is personally liable for the payment of the public safety fee money to the state.

SECTION 15. IC 22-11-14-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The fire prevention and building safety commission and the department of state revenue shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 16. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child violates IC 22-11-14-6(c) concerning minors and fireworks.

SECTION 17. IC 35-47-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If:

- (1) a practitioner (as defined in IC 25-1-9-2) initially treats a person for an injury and identifies the person's injury as resulting from fireworks or pyrotechnics, the practitioner; or
- (2) a hospital or an outpatient surgical center initially treats a person for an injury and the administrator of the hospital or outpatient surgical center identifies the person's injury as resulting from fireworks or pyrotechnics, the administrator or the administrator's designee;

shall report the case to the state health data center of the state department of health not more than five (5) business days after the time the person is treated. The report may be made in writing on a form prescribed by the state department of health.

(b) A person submitting a report under subsection (a) shall make a reasonable attempt to include the following information:

- (1) The name, address, and age of the injured person.
- (2) The date and time of the injury and the location where the injury occurred.
- (3) If the injured person was less than eighteen (18) years of age at the time of the injury, whether an adult was present when the injury occurred.
- (4) Whether the injured person consumed an alcoholic beverage within three (3) hours before the occurrence of the injury.
- (5) A description of the firework or pyrotechnic that caused the injury.
- (6) The nature and extent of the injury.

(c) A report made under this section is confidential for purposes of IC 5-14-3-4(a)(1).

(d) The state department of health shall compile the data collected under this section and submit a report of the compiled data to the legislative council in an electronic format under IC 5-14-6 not later than December 31 of each year.

SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-11-14.5-2; IC 35-47-7-6.

SECTION 19. [EFFECTIVE UPON PASSAGE] The department of homeland security shall report to the budget committee not later than July 1, 2006, on the feasibility of creating a regional program to:

- (1) train public safety service providers under IC 10-19-9-3; and

(2) provide advanced training programs in public safety and homeland security matters under IC 10-19-9-4.

The report must set out the need for the training, identify possible locations where training could take place, provide an estimate of the costs for providing such training, and include other things the department determines to be relevant.

SECTION 20. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from the public safety fees collected under IC 22-11-14-12, as added by this act, one million dollars (\$1,000,000) to the department of homeland security to provide regional training for public safety service providers or advanced training programs during the period beginning July 1, 2006, and ending June 30, 2007. Funds appropriated by this subsection may be allotted by the budget agency after review by the budget committee. The amount of the appropriation shall be paid from the first one million dollars (\$1,000,000) collected under IC 22-11-14-12, as added by this act.

(b) There is appropriated from the public safety fees in excess of one million dollars (\$1,000,000) collected under IC 22-11-14-12, as added by this act, one million dollars (\$1,000,000) to the department of homeland security beginning July 1, 2006, and ending June 30, 2007. Funds appropriated by this subsection may be allotted by the budget agency after review by the budget committee. The amount appropriated shall be used at the discretion of the executive director of the department of homeland security for the following purposes:

(1) For deposit in the state disaster relief fund established under IC 10-14-4-5. The amount deposited under this subdivision shall be used to pay for damage resulting from a disaster (as defined in IC 10-14-3-1) to a public facility (as defined in IC 10-14-4-4) owned by, maintained by, or operated by or on behalf of an eligible entity (as defined in IC 10-14-4-2), in accordance with the provisions of IC 10-14-4.

(2) To defray the costs of response, recovery, or the twenty-five percent (25%) of the costs required to be paid by local jurisdictions, which have accrued as a result of a disaster that is the subject of a disaster declaration by the federal government.

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a) and IC 22-11-14-8(e), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, the fire prevention and building safety commission shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-2(a) and IC 22-11-14-8(e), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are respectively adopted under IC 22-11-14-2(a) and IC 22-11-14-8(e), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, the department of state revenue shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the commissioner of the department of state revenue.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are respectively adopted under IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007.

SECTION 23. An emergency is declared for this act.

(Reference is to EHB 1099 as reprinted March 3, 2006.)

FRIZZELL	WEATHERWAX
CROOKS	LEWIS
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 75-1; filed March 13, 2006, at 5:34 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 75 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning veterans' affairs and motor vehicles and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-196.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 196.5. "Veteran", for purposes of IC 9-18-50, has the meaning set forth in IC 9-18-50-1.**

SECTION 2. IC 9-18-15-1, AS AMENDED BY P.L.214-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who is the registered owner or lessee of a:

- (1) passenger motor vehicle;
- (2) motorcycle;
- (3) recreational vehicle; or
- (4) vehicle registered as a truck with a declared gross weight of not more than:
 - (A) eleven thousand (11,000) pounds;
 - (B) nine thousand (9,000) pounds; or
 - (C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

(b) A person who:

- (1) is the registered owner or lessee of a vehicle described in subsection (a); and
- (2) is eligible to receive a license plate for the vehicle under:
 - (A) IC 9-18-17 (prisoner of war license plates);
 - (B) IC 9-18-18 (disabled veteran license plates);
 - (C) IC 9-18-19 (purple heart license plates);
 - (D) IC 9-18-20 (Indiana National Guard license plates);
 - (E) IC 9-18-21 (Indiana Guard Reserve license plates);
 - (F) IC 9-18-22 (license plates for persons with disabilities);
 - (G) IC 9-18-23 (amateur radio operator license plates);
 - (H) IC 9-18-24 (civic event license plates);
 - (I) IC 9-18-25 (special group recognition license plates);
 - (J) IC 9-18-29 (environmental license plates);
 - (K) IC 9-18-30 (kids first trust license plates);
 - (L) IC 9-18-31 (education license plates);
 - (M) IC 9-18-32.2 (drug free Indiana trust license plates);
 - (N) IC 9-18-33 (Indiana FFA trust license plates);
 - (O) IC 9-18-34 (Indiana firefighter license plates);
 - (P) IC 9-18-35 (Indiana food bank trust license plates);
 - (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
 - (R) IC 9-18-37 (Indiana boy scouts trust license plates);
 - (S) IC 9-18-38 (Indiana retired armed forces member license plates);
 - (T) IC 9-18-39 (Indiana antique car museum trust license plates);
 - (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
 - (V) IC 9-18-41 (Indiana arts trust license plates);
 - (W) IC 9-18-42 (Indiana health trust license plates);
 - (X) IC 9-18-43 (Indiana mental health trust license plates);
 - (Y) IC 9-18-44 (Indiana Native American Trust license plates);
 - (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates);
 - (AA) IC 9-18-46.2 (Indiana state educational institution trust license plates);
 - (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates);
 - (CC) IC 9-18-48 (Riley Children's Foundation license plates);

(DD) IC 9-18-49 (National Football League franchised professional football team license plates);

(EE) IC 9-18-50 (Hoosier veteran license plates); or

(FF) IC 9-18-51 (support our troops license plates);

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 3. IC 9-18-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to the following:

- (1) Antique motor vehicle license plates (IC 9-18-12).
- (2) Recovery vehicle license plates (IC 9-18-13).
- (3) Personalized license plates (IC 9-18-15).
- (4) Prisoner of war license plates (IC 9-18-17).
- (5) Disabled veteran license plates (IC 9-18-18).
- (6) Purple Heart license plates (IC 9-18-19).
- (7) Indiana National Guard license plates (IC 9-18-20).
- (8) Person with a disability license plates (IC 9-18-22).
- (9) Amateur radio operator license plates (IC 9-18-23).
- (10) Pearl Harbor survivor license plates (IC 9-18-45.8).
- (11) Hoosier veteran license plates (IC 9-18-50).
- (12) Support our troops license plates (IC 9-18-51).

SECTION 4. IC 9-18-50 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 50. Hoosier Veteran License Plates

Sec. 1. As used in this chapter, "veteran" means an individual:

- (1) who:
 - (A) has served in:
 - (i) the United States armed forces or their reserves;
 - (ii) the Indiana Army National Guard; or
 - (iii) the Indiana Air National Guard; and
 - (B) received an honorable discharge from service; or
- (2) who is serving in the United States armed forces or their reserves.

Sec. 2. The bureau shall design a Hoosier veteran license plate to be issued beginning January 1, 2007.

Sec. 3. A Hoosier veteran license plate must include the following:

- (1) A basic design for the plate with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design or colors that designate the license plate as a Hoosier veteran license plate.
- (3) An area on the plate for display of an emblem denoting the branch of service or conflict in which the veteran served.
- (4) Any other information the bureau considers necessary.

Sec. 4. The bureau shall confer with members of armed forces retiree organizations concerning the design of the Hoosier veteran license plate and the emblems denoting the branch of service or conflict in which the veteran served.

Sec. 5. A Hoosier veteran license plate issued under this chapter may be displayed on the following:

- (1) A passenger motor vehicle.
- (2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.
- (3) A recreational vehicle.

Sec. 6. A veteran who is a resident of Indiana and is eligible to register a motor vehicle under this title may apply for and receive a Hoosier veteran license plate for one (1) or more motor vehicles upon doing the following:

- (1) Completing an application for a Hoosier veteran license plate.
- (2) Presenting:
 - (A) a United States Uniformed Services Retiree Identification Card;
 - (B) a DD 214 record;
 - (C) United States military discharge papers; or
 - (D) a current armed forces identification card;

to the bureau.

- (3) Paying the fee under section 7 of this chapter.

Sec. 7. The fee for a Hoosier veteran license plate is the appropriate fee under IC 9-29-5-38.5(a).

SECTION 5. IC 9-18-51 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 51. Support Our Troops License Plate

Sec. 1. The bureau of motor vehicles shall design and issue a support our troops license plate, beginning January 1, 2007.

Sec. 2. A support our troops license plate must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a support our troops license plate.
- (3) Any other information the bureau considers necessary.

Sec. 3. A support our troops license plate issued under this chapter may be displayed on the following:

- (1) A passenger motor vehicle.
- (2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.
- (3) A recreational vehicle.

Sec. 4. A person who is eligible to register a vehicle under this title is eligible to receive a support our troops license plate under this chapter after December 31, 2006, upon doing the following:

- (1) Completing an application for a support our troops license plate.
- (2) Paying the fee described under section 5 of this chapter.

Sec. 5. The fee for a support our troops license plate is the appropriate fee under IC 9-29-5-38.5(b).

SECTION 6. IC 9-29-5-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 38.5. (a) A vehicle registered under IC 9-18-50 is subject to:

- (1) an annual registration fee;
- (2) an annual supplemental fee of fifteen dollars (\$15); and
- (3) any other fee or tax required of a person registering a vehicle under this title.

(b) A vehicle registered under IC 9-18-51 is subject to:

- (1) an annual registration fee;
- (2) an annual supplemental fee of twenty dollars (\$20); and
- (3) any other fee or tax required of a person registering a vehicle under this title.

(c) The bureau shall distribute the annual supplemental fees described in subsections (a)(2) and (b)(2) that are collected from each registration to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

SECTION 7. IC 10-17-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The director of veterans' affairs:

- (1) is the executive and administrative head of the department of veterans' affairs; and
- (2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

- (1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.
- (2) To appoint, by and with the consent of the commission, under this chapter and notwithstanding IC 4-15-2, the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must be:

- (A) honorably discharged veterans who have had at least six (6) months service in the armed forces of the United States and who are citizens of the United States and Indiana; or
- (B) spouses, surviving spouses, parents, or children of an individual described in clause (A).

An employee must qualify for the job concerned.

- (3) To carry out the program for veterans' affairs as directed by the governor and the commission.
- (4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.
- (5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the

major veterans' organizations.

(6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief fund.

SECTION 8. IC 10-17-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Military Family Relief Fund

Sec. 0.5. This chapter applies after December 31, 2006.

Sec. 1. As used in this chapter, "active duty" means full-time service in:

- (1) a reserve component of the armed forces; or
- (2) the national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

Sec. 2. As used in this chapter, "armed forces" includes the reserve components of the following:

- (1) The United States Army.
- (2) The United States Navy.
- (3) The United States Marine Corps.
- (4) The United States Air Force.
- (5) The United States Coast Guard.

Sec. 3. As used in this chapter, "commission" refers to the veterans' affairs commission established by IC 10-17-1-3.

Sec. 4. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 5. As used in this chapter, "director" refers to the director of veterans' affairs.

Sec. 6. As used in this chapter, "fund" refers to the military family relief fund established by section 8 of this chapter.

Sec. 7. As used in this chapter, "national guard" means:

- (1) the Indiana Army National Guard; or
- (2) the Indiana Air National Guard.

Sec. 8. (a) The military family relief fund is established beginning January 1, 2007, to provide assistance with food, housing, utilities, medical services, basic transportation, and other essential family support expenses that have become difficult to afford for families of Indiana residents who are:

- (1) members of:
 - (A) a reserve component of the armed forces; or
 - (B) the national guard; and
- (2) called to active duty after September 11, 2001.

(b) The department shall expend the money in the fund exclusively to provide grants for assistance as described in subsection (a).

(c) The director shall administer the fund.

Sec. 9. (a) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Donations to the fund.
- (3) Interest as provided in subsection (b).
- (4) Money transferred to the fund from other funds.
- (5) Annual supplemental fees collected under IC 9-29-5-38.5.
- (6) Money from any other source authorized or appropriated for the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(d) There is annually appropriated to the department for the purposes of this chapter all money in the fund not otherwise appropriated to the department for the purposes of this chapter.

Sec. 10. The commission may adopt rules under IC 4-22-2 for the provision of grants under this chapter. The rules adopted under this section must address the following:

- (1) Uniform need determination procedures.

(2) Eligibility criteria.

(3) Application procedures.

(4) Selection procedures.

(5) Coordination with other assistance programs.

(6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

Sec. 11. The director or a member of the commission may make a request to the general assembly for an appropriation to the fund.

Sec. 12. The director shall establish the capability to receive donations to the fund from the public on the department's Internet site.

SECTION 9. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding IC 10-17-12-10, as added by this act, the director of veterans' affairs shall carry out the duties imposed on:

- (1) the director of veterans' affairs; or
- (2) the Indiana department of veterans' affairs;

under IC 10-17-12, as added by this act, under interim written guidelines approved by the veterans' affairs commission.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 10-17-12-10, as added by this act.
- (2) June 30, 2007.

SECTION 10. [EFFECTIVE UPON PASSAGE] The director of veterans' affairs, after consultation with the veterans' affairs commission, shall report to the budget committee before August 1, 2006, on the topics described in IC 10-17-12-10, as added by this act.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) The provision of P.L.246-2005, SECTION 9, that limits the Indiana department of veterans' affairs from considering new applications from dependents of veterans with disabilities not greater than zero (0) percentage does not apply to applications affecting academic years beginning after June 30, 2006.

(b) Beginning July 1, 2006, the appropriation for state student assistance commission statutory fee remission made by P.L.246-2005, SECTION 9, may be allotted and used for statutory fee remission related to dependents of veterans with disabilities not greater than zero (0) percentage.

SECTION 12. [EFFECTIVE JULY 1, 2006] (a) Effective January 1, 2007, the bureau of motor vehicles shall terminate the issuance of the Hoosier veteran license plate issued as a special group recognition license plate under IC 9-18-25.

(b) Notwithstanding IC 9-18-50-6(2), as added by this act, a person who was issued a Hoosier veteran license plate issued as a special group recognition license plate under IC 9-18-25 in 2006 is not required to present:

- (1) a United States Uniformed Services Retiree Identification Card;
- (2) a DD 214 record; or
- (3) United States military discharge papers;

to the bureau upon applying for a Hoosier veteran license plate under IC 9-18-50-6, as added by this act.

(c) This SECTION expires December 31, 2007.

SECTION 13. An emergency is declared for this act

(Reference is to ESB 75 as reprinted February 17, 2006.)

LONG	STUTZMAN
CRAYCRAFT	RESKE
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 253-1; filed March 13, 2006, at 5:36 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 253 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-33-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. The commission shall revoke the license of a licensee who operates a riverboat upon Patoka Lake if that licensee violates any of the following:

- ~~(1) IC 14-26-2-6;~~
- ~~(2) (1) IC 14-26-2-7.~~
- (2) IC 14-26-2-23.**
- (3) IC 14-28-1.

SECTION 2. IC 14-25-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Fees received by the department under the following statutes shall be deposited in the fund:

- ~~(1) IC 14-26-2-9;~~
- (1) IC 14-26-2-23.**
- (2) IC 14-26-5-4.
- (3) IC 14-28-1-22.
- (4) IC 14-29-3-2.
- (5) IC 14-29-4-4.

SECTION 3. IC 14-26-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) Unless a person obtains a permit from the department under this section and conducts the activities according to the terms of the permit, a person may not conduct the following activities:

- (1) Over, along, or lakeward of the shoreline or waterline of a public freshwater lake:
 - (A) excavate;
 - (B) place fill; or
 - (C) place, modify, or repair a temporary or permanent structure.

- (2) Construct a wall whose lowest point would be:
 - (A) below the elevation of the shoreline or waterline; and
 - (B) within ten (10) feet landward of the shoreline or waterline, as measured perpendicularly from the shoreline or waterline;
 of a public freshwater lake.

- (3) Change the water level, area, or depth of a public freshwater lake or the location of the shoreline or waterline.

(b) An application for a permit for an activity described in subsection (a) must be accompanied by the following:

- (1) A nonrefundable fee of one hundred dollars (\$100).
- (2) A project plan that provides the department with sufficient information concerning the proposed excavation, fill, temporary structure, or permanent structure.
- (3) A written acknowledgment from the landowner that any additional water area created under the project plan is part of the lake and is dedicated to the general public use with the public rights described in section 5 of this chapter.

(c) The department may issue a permit after investigating the merits of the application. In determining the merits of the application, the department may consider any factor, including cumulative effects of the proposed activity upon the following:

- (1) The shoreline, waterline, or bed of the lake.
- (2) The fish, wildlife, or botanical resources.
- (3) The public rights described in section 5 of this chapter.
- (4) The management of watercraft operations under IC 14-15.
- (5) The interests of a landowner having property rights abutting the lake or rights to access the lake.

(d) A contractor or agent of the landowner who engages in an activity described in subsection (a)(1), (a)(2), or (a)(3) must comply with the terms of a permit issued under this section.

(e) The commission shall adopt rules in the manner provided in ~~IC 14-10-2-4~~ under IC 4-22-2 to do the following:

- (1) Assist in the administration of this chapter.
- (2) Provide objective standards for licensing:
 - (A) the placement of a temporary or permanent structure or material; or
 - (B) the extraction of material;

over, along, or within a shoreline or waterline: issuing permits under this section, including standards for the configuration of piers, boat stations, platforms, and similar structures. The standards:

(A) may provide for a common use if the standard is needed to accommodate the interests of landowners having property rights abutting the lake or rights to access the lake; and

(B) shall exempt any class of activities from licensing, including temporary structures, if the commission finds that the class is unlikely to pose more than a minimal potential for harm to the public rights described in section 5 of this chapter.

(3) Establish a process under IC 4-21.5 for the mediation of disputes among riparian owners persons with competing interests or between a riparian owner person and the department. concerning the usage of an area over, along, or within a shoreline or waterline for a matter within the jurisdiction of this chapter. The A rule adopted under this subsection must provide that:

(A) if good faith mediation under the process fails to achieve a settlement, the department shall make a determination of the dispute; and

(B) a person affected by the determination of the department may seek administrative review by the commission.

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 14-26-2-6; IC 14-26-2-9.

SECTION 5. [EFFECTIVE JULY 1, 2006] (a) A permit issued under IC 14-26-2-6 or IC 14-26-2-9, before their repeal by this act, is valid and shall be considered a permit issued under IC 14-26-2-23, as amended by this act. A permit described in this SECTION expires on the date the permit would have expired if IC 14-26-2-6 and IC 14-26-2-9 had not been repealed by this act.

(b) This SECTION expires July 1, 2008.

(Reference is to ESB 253 as reprinted February 17, 2006.)

WEATHERWAX	HOFFMAN
LEWIS	BISCHOFF
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 359-1; filed March 13, 2006, at 5:37 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 359 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, delete lines 23 through 29, begin a new paragraph and insert:

"Sec. 5. (a) A solicitation for a public works contract must require each contractor that submits a bid for the work to submit with the bid a written plan for a program to test the contractor's employees for drugs.

(b) A public works contract may not be awarded to a contractor whose bid does not include a written plan for an employee drug testing program that complies with this chapter.

(c) A contractor that is subject to a collective bargaining agreement shall be treated as having an employee drug testing program that complies with this chapter if the collective bargaining agreement establishes an employee drug testing program that includes the following:

(1) The program provides for the random testing of the contractor's employees.

(2) The program contains a five (5) drug panel that tests for the substances identified in section 6(a)(3) of this chapter.

(3) The program imposes disciplinary measures on an employee who fails a drug test. The disciplinary measures must include at a minimum, all the following:

(A) The employee is subject to suspension or immediate termination.

(B) The employee is not eligible for reinstatement until the employee tests negative on a five (5) drug panel test certified by a medical review officer.

(C) The employee is subject to unscheduled sporadic

testing for at least one (1) year after reinstatement.

(D) The employee successfully completes a rehabilitation program recommended by a substance abuse professional if the employee fails more than one (1) drug test.

A copy of the relevant part of the collective bargaining agreement constitutes a written plan under this section."

Page 4, line 42, delete "(92000 ng/ml)." and insert **"(2000 ng/ml)."**

Page 6, delete lines 13 through 22, begin a new paragraph and insert:

"SECTION 3. IC 4-13.6-3-3, AS AMENDED BY SEA 247-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:

- (1) The ~~chief engineer~~ **director of engineering** of the department of natural resources.
- (2) The director.
- (3) The building law compliance officer of the department of homeland security.

(b) The board shall administer IC 4-13.6-4."

(Reference is to ESB 359 as reprinted February 28, 2006.)

HERSHMAN	MESSER
S. SMITH	MAHERN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1220.

RESKE

Roll Call 425: yeas 70, nays 20. Motion prevailed.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1117-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed House Bill 1117-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed House Bill 1117-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 426: yeas 95, nays 2. Report adopted.

Engrossed Senate Bill 106-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 106-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 106-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 427: yeas 98, nays 0. Report adopted.

Engrossed Senate Bill 355-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 355-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 355-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 428: yeas 98, nays 0. Report adopted.

Engrossed House Bill 1016-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1016-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1016-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 429: yeas 92, nays 3. Report adopted.

Engrossed Senate Bill 202-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 7 hours, all so that the following conference committee report may

be eligible to be placed before the House for action: Engrossed Senate Bill 202-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 7 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 202-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 430: yeas 98, nays 0. Report adopted.

Engrossed Senate Bill 359-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 359-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 359-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 431: yeas 87, nays 6. Report adopted.

Engrossed Senate Bill 305-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 305-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 305-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 432: yeas 95, nays 0. Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 87

Representative Wolkins introduced House Resolution 87:

A HOUSE RESOLUTION urging the interim study committee on eminent domain to study the use of eminent domain by small private utilities.

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to require the interim study committee on eminent domain to study the use of eminent domain by small private utilities.

SECTION 2. That the committee shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1080 Conferees: Behning, Chair, and Cheney
replacing Stutzman and E. Harris
Advisors: Stutzman and Porter

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 83-1; filed March 13, 2006, at 8:35 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 83 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, delete lines 18 through 27.

Page 3, delete line 31.

Renumber all SECTIONS consecutively

(Reference is to ESB 83 as reprinted February 24, 2006.)

LUBBERS	TORR
LANANE	BARDON
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 139-1; filed March 13, 2006, at 8:36 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 139 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. As used in this chapter, "caseworker" has the meaning set forth in IC 31-9-2-11.**

SECTION 2. IC 10-13-3-7.5, AS AMENDED BY SEA 132-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7.5. (a) As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by:**

- (1) the department of child services established by IC 31-25-1-1;
- (2) a law enforcement officer;

- (3) a caseworker;
- (4) a juvenile probation officer; or
- (5) a court;

as a result of exigent circumstances including an out-of-home placement under IC 31-34-2 or IC 31-34-4, or the sudden unavailability of the child's parent, guardian, or custodian, that require immediate placement with a person other than the child's parent, guardian, or custodian.

(b) The term includes any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian, as authorized under any of the following:

- (1) IC 31-34-2.
- (2) IC 31-34-2.5.
- (3) IC 31-34-4.
- (4) IC 31-34-5.
- (5) IC 31-37-4.
- (6) IC 31-37-5.
- (7) IC 31-37-6.

(c) The term does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing required under IC 31-34-5 or IC 31-37-6, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the health or safety of the child.

(d) The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

SECTION 3. IC 10-13-3-27.5, AS AMENDED BY SEA 132-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. (a) If:

- (1) exigent circumstances require the emergency placement of a child; and
- (2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by IC 31-25-1-1, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

- (1) use fingerprint identification to positively identify each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location; or
- (2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) calendar days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

- (1) notification to the subject of the check; and
- (2) the use of the results obtained based on the check of the

person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

- (1) a complete set of the individual's fingerprints; and
- (2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

- (1) department; and
- (2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

- (1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or
- (2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

SECTION 4. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the ~~division~~ **department of child services established by IC 31-25-1-1** of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the applicant;
- (B) **an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or**
- (C) **a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.**

- (2) A criminal conviction of the applicant, ~~or of an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,~~ or a volunteer of the applicant **who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,** of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.
- (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

- (3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

- (4) A determination by the division that the applicant made false statements in the records required by the division.

- (5) A determination by the division that the applicant previously operated a:

- (A) child care center without a license under this chapter; or
- (B) child care home without a license under IC 12-17.2-5.

- (b) Notwithstanding subsection (a)(2), if:

- (1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and
- (2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 5. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) **an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or**

(C) **a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.**

(2) A criminal conviction of the licensee, ~~or of an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,~~ or a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 6. IC 12-17.2-4-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect in a child care center.

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination under IC 31-33-8-12 that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to the appropriate licensing office of the division.

SECTION 7. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the ~~division~~ **department of child services established by IC 31-25-1-1** of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the applicant;

(B) **an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or**

(C) **a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.**

(2) A criminal conviction of the applicant, ~~or of an employee or of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,~~ a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant, or of a member of the applicant's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of:

(A) an employee or a volunteer of the applicant; or

(B) a member of the applicant's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the applicant; or

(B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 8. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by:

(A) the licensee;

(B) **an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or**

(C) **a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.**

(2) A criminal conviction of the licensee, ~~or of an employee or of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,~~ a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee, or of a member of the licensee's household, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.

(D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under IC 12-17.2-4; or

(B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

(A) an employee or a volunteer of the licensee's; or

(B) a resident of the licensee's household; and

(2) the division determines that the:

(A) employee or volunteer has been dismissed by the licensee; or

(B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 9. IC 12-17.2-5-37 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect at a child care home.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care home.

(c) If the department of child services makes a determination under IC 31-33-8-12 that abuse or neglect at the child care home is substantiated, the department shall send a copy of its report to the appropriate licensing office at the division.

SECTION 10. IC 16-37-2-2.1, AS AMENDED BY SEA 132-2006, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

- (1) a hospital; or
- (2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

- (1) provide an opportunity for:
 - (A) the child's mother; and
 - (B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

- (2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

- (1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.
- (2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

- (1) The mother's sworn statement asserting that a person described in subsection ~~(a)(2)~~ **(b)(1)(B)** is the child's biological father.
- (2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.
- (3) Written information furnished by the child support bureau of the department of child services:
 - (A) explaining the effect of an executed paternity affidavit as described in subsection (g); and
 - (B) describing the availability of child support enforcement services.
- (4) The Social Security number of each parent.

(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(g) A paternity affidavit executed under this section:

- (1) establishes paternity; ~~and~~
- (2) gives rise to parental rights and responsibilities of the person described in subsection (e)(2), including:
 - (A) the right of the child's mother or the Title IV-D agency to obtain a child support order against the person, which may include an order requiring the provision of health insurance coverage; and**
 - (B) reasonable parenting time rights unless another determination is made by a court in a proceeding under IC 31-14-14; and**
 - (3) may be filed with a court by the department of child services.**

However, if a paternity affidavit is executed under this section, the child's mother has sole legal custody of the child unless another

custody determination is made by a court in a proceeding under IC 31-14.

(h) Notwithstanding any other law,

- ~~(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or~~
- ~~(2) a man who is a party to a paternity affidavit executed under this section~~

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court:

- (1) has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit; and**
- (2) at the request of a man described in subsection (h), has ordered a genetic test, and the test indicates that the man is excluded as the father of the child.**

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection ~~(g)(2)~~ **(g)(2)(A)** of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court ~~shall may not~~ set aside the paternity affidavit ~~upon a showing from unless~~ a genetic test that sufficiently demonstrates that ~~ordered under subsection (h) or (i) excludes~~ the person who executed the paternity affidavit is ~~excluded~~ as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity.

(m) Except as provided in this section, if a man has executed a paternity affidavit in accordance with this section, the executed paternity affidavit conclusively establishes the man as the legal father of a child without any further proceedings by a court.

SECTION 11. IC 31-9-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. "Caseworker", for purposes of the juvenile law, means ~~a child welfare worker of the county office of family and children; an employee of the department of child services who is classified as a family case manager.~~

SECTION 12. IC 31-9-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.

(b) "Custodian", for purposes of ~~IC 31-34-1-1 through IC 31-34-1-9; IC 31-34-1~~, includes any person responsible for the ~~child's welfare who is employed by a public or private residential school or foster care facility; who is:~~

- (1) a license applicant or licensee of:**
 - (A) a foster home or residential child care facility that is required to be licensed or is licensed under IC 31-27;**
 - (B) a child care center that is required to be licensed or is licensed under IC 12-17.2-4; or**
 - (C) a child care home that is required to be licensed or is licensed under IC 12-17.2-5; or**
- (2) a person who is responsible for care, supervision, or welfare of children while providing services as an employee or volunteer at:**
 - (A) a home, center, or facility described in subdivision (1); or**
 - (B) a school, as defined in IC 31-9-2-113.5.**

SECTION 13. IC 31-9-2-113.5, AS AMENDED BY P.L.1-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 113.5. "School", for purposes of **section 31 of this chapter and IC 31-39-2-13.8**, means a:

- (1) public school (including a charter school as defined in IC 20-24-1-4); or
- (2) nonpublic school (as defined in IC 20-18-2-12);

that must comply with the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) to be eligible to receive designated federal education funding.

SECTION 14. IC 31-9-2-123 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 123. "Substantiated", ~~for purposes of IC 31-33 IC 31-34-8-4, and IC 31-37-9-5; when used~~

in reference to a child abuse or neglect report made under IC 31-33, means a determination regarding the status of ~~a~~ the report made under ~~IC 31-33~~ whenever facts obtained during an investigation of the report provide ~~credible~~ a preponderance of evidence that child abuse or neglect has occurred.

SECTION 15. IC 31-9-2-134.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 134.5. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:

- (1) physical custody of the child;
- (2) care and supervision of the child;
- (3) child's visitation with parents, relatives, or other individuals; and
- (4) medical care and treatment of the child.

(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9.

SECTION 16. IC 31-17-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) This section applies if a custodial parent or guardian of a child dies or becomes unable to care for the child.

(b) Except as provided in subsection (d), if a person other than a parent files a petition:

- (1) seeking to determine custody of the child; or
- (2) to modify custody of the child;

that person may request an initial hearing by alleging, as part of the petition, or in a separate petition, the facts and circumstances warranting emergency placement with a person other than the noncustodial parent, pending a final determination of custody.

(c) If a hearing is requested under subsection (b), the court shall set an initial hearing not later than four (4) business days after the petition is filed to determine whether emergency placement of the child with a person other than the child's noncustodial parent should be granted, pending a final determination of custody.

(d) A court is not required to set an initial hearing in accordance with this section if:

- (1) it appears from the pleadings that no emergency requiring placement with a person other than the noncustodial parent exists;
- (2) it appears from the pleadings that the petitioner does not have a reasonable likelihood of success on the merits; or
- (3) manifest injustice would result.

SECTION 17. IC 31-19-2-12, AS AMENDED BY SEA 132-2006, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. As soon as a petition for adoption is found to be in proper form, the clerk of the court shall forward one (1) copy of the petition for adoption to:

- ~~(1) the department;~~
- ~~(2)~~ (1) a licensed child placing agency as described in IC 31-19-7-1, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and
- ~~(3)~~ (2) the county office of family and children whenever a subsidy is requested in a petition for adoption sponsored by a licensed child placing agency.

SECTION 18. IC 31-25-3-1, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The child support bureau is established within the department. The bureau is charged with the administration of Title IV-D of the federal Social Security Act.

(b) The state's plan for the administration of Title IV-D must comply with all provisions of state law and with the federal statutes and regulations governing the program.

(c) The state central collection unit is established within the child support bureau. The unit shall collect all noncash child support payments and process child support paid through income

withholding.

SECTION 19. IC 31-25-4-13, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

- (1) a prosecuting attorney;
- (2) a private attorney if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee established by IC 33-24-11-1; or
- (3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1 before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and, if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(b) The hiring of an attorney by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(c) Subject to section 14 of this chapter, a prosecuting attorney with whom the bureau contracts under subsection (a):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(f) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(g) This section expires December 31, 2006.

SECTION 20. IC 31-25-4-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.1. (a) This section applies after December 31, 2006.

(b) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

- (1) a prosecuting attorney;
- (2) a private attorney or private entity if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee (established by IC 33-24-11-1); or
- (3) a collection agency licensed under IC 25-11 to collect

arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years; in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(c) The hiring of a private attorney or private entity by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(d) Subject to section 14.1 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (b):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(e) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(f) At the time that an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(g) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(h) An agreement made under subsection (b) must contain requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse incentive money based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (b).

SECTION 21. IC 31-25-4-14, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 18 of this chapter to contract with a collection agency licensed under IC 25-11 to provide child support enforcement services.

(b) The bureau shall:

- (1) establish a list of approved collection agencies with which a prosecuting attorney may contract under this section;
- (2) establish requirements for participation in the program established under this section to assure:
 - (A) effective administration of the plan; and
 - (B) compliance with all federal and state statutes, regulations, and rules;
- (3) update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting attorney annually; and
- (4) preapprove or approve all contracts between a collection agency and a prosecuting attorney.

(c) A contract between a prosecuting attorney and a collection agency under this section must include the following provisions:

(1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.

(2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(d) Not later than July 1, 2006, the bureau shall provide the legislative council with a report:

(1) evaluating the effectiveness of the program established under this section; and

(2) evaluating the impact of arrearage reductions for child support orders under which collection agencies have collected under ~~IC 12-17-2-18(c)~~ IC 31-25-4-13.

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

(1) must:

(A) be in writing;

(B) include:

- (i) all fees, charges, and costs, including administrative and application fees; and
- (ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

- (i) source of each payment received for arrearage on a child support order;
- (ii) form of each payment received for arrearage on a child support order;
- (iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and
- (iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrears collected per case.

(h) A collection agency that contracts with the bureau or a prosecuting attorney under this section may, in addition to the collection of arrears on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the terms of the contract described in subsection (g).

(i) This section expires December 31, 2006.

SECTION 22. IC 31-25-4-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.1. (a) This section applies after December 31, 2006.

(b) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 13.1 of this chapter to contract with a collection agency licensed under IC 25-11 to provide child support enforcement services.

(c) The bureau shall:

(1) establish a list of approved collection agencies with which a prosecuting attorney may contract under this section;

(2) establish requirements for participation in the program established under this section to assure:

- (A) effective administration of the plan; and
- (B) compliance with all federal and state statutes, regulations, and rules;

(3) update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting

attorney annually; and

(4) preapprove or approve all contracts between a collection agency and a prosecuting attorney.

(d) A contract between a prosecuting attorney and a collection agency under this section must include the following provisions:

(1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.

(2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

(1) must:

(A) be in writing;

(B) include:

(i) all fees, charges, and costs, including administrative and application fees; and

(ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

(i) source of each payment received for arrearage on a child support order;

(ii) form of each payment received for arrearage on a child support order;

(iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and

(iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrearages collected per case.

(h) A collection agency that contracts with the bureau or a prosecuting attorney under this section may, in addition to the collection of arrearages on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the terms of the contract described in subsection (g).

SECTION 23. IC 31-25-4-23, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) Subject to subsection (d), the Title IV-D agency shall provide incentive payments to counties for enforcing and collecting the support rights that have been assigned to the state. The incentive payments shall be made by the Title IV-D agency directly to the county and deposited in the county treasury for distribution on a quarterly basis and in equal shares to the following manner:

(1) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the county general fund.

(2) Thirty-three and four-tenths percent (33.4%) of the incentive payments shall be distributed to the operating budget of the prosecuting attorney.

(3) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the operating budget of the circuit court clerk.

(b) Notwithstanding IC 36-2-5-2(b), distribution from the county treasury under subsection (a) shall be made without the necessity of first obtaining an appropriation from the county fiscal body.

(c) The amount that a county receives and the terms under which the incentive payment is paid must be in accordance with relevant federal statutes and the federal regulations promulgated under the statutes. However, amounts received as incentive payments may not, without the approval of the county fiscal body, be used to increase or supplement the salary of an elected official. The amounts received as incentive payments must be used to supplement, rather than take the place of, other funds used for Title IV-D program activities.

(d) The Title IV-D agency shall retain twenty-two and two-tenths percent (22.2%) of the incentive payments described in subsection (a).

SECTION 24. IC 31-25-4-24, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) Each circuit court clerk shall do the following:

(1) Before January 1, 2007, receive the support money assigned to the state and paid under the terms of a court order in the clerk's jurisdiction and pay the money to the Title IV-D agency within the time limits established by P.L.93-647, as amended, and any related regulations that are promulgated.

(2) Maintain all records concerning the payment or nonpayment of support money that have been assigned to the state and transmit the records to the Title IV-D agency upon request.

(3) Contract with the Title IV-D agency for the performance and the remuneration for the performance of duties prescribed in this section.

(b) Beginning January 1, 2007, for purposes of subsection (a)(1), each circuit court clerk may accept only support money that is paid in cash.

SECTION 25. IC 31-25-4-25, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: The amounts appropriated for duties performed by prosecuting attorneys, circuit court clerks, or other agents under this chapter shall be distributed directly from the department of child services.

SECTION 26. IC 31-27-2-1, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The department shall perform the following duties:

(1) Administer the licensing and monitoring of child caring institutions, foster family homes, group homes, and child placing agencies in accordance with this article.

(2) Ensure that a criminal history background check of an applicant is completed before issuing a license.

(3) Provide for the issuance, denial, ~~suspension~~, and revocation of licenses.

(4) Cooperate with governing bodies of child caring institutions, foster family homes, group homes, and child placing agencies and their staffs to improve standards of child care.

(5) Prepare at least biannually a directory of licensees, except for foster family homes, with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(6) Deposit all license application fees collected under section 2 of this chapter in the department of child services child care fund established by IC 31-25-1-16.

SECTION 27. IC 31-27-3-13, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A license for a child caring institution expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary or ~~suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the department.

(c) When a licensee submits a timely application for renewal, the current license remains in effect until the department issues a license or denies the application.

(d) A current license must be publicly displayed.

SECTION 28. IC 31-27-3-14, AS ADDED BY SEA 132-2006,

SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The department may ~~grant a place a licensee on probationary license to a licensee who status if the licensee~~ is temporarily unable to comply with a rule **and if:**

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the department, state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and
- (3) the department, state department of health, or state fire marshal approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) A license is invalidated when a probationary license is issued:~~

~~(d) (c) At the expiration of a probationary license, status period,~~ the department shall: ~~reinstate~~

- (1) ~~reactivate the original~~ license to the end of the original term of the license; ~~issue a new license;~~
- (2) **extend the probationary status period as permitted under subsection (b); or**
- (3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.~~

SECTION 29. IC 31-27-3-27, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) After a license is revoked, ~~or suspended;~~ the department shall notify in writing each person responsible for each child in care to ensure that those children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the child caring institution has been revoked. ~~or suspended:~~

SECTION 30. IC 31-27-3-32, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) A licensee shall operate a child caring institution in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 19 through 22 of this chapter, the department may ~~impose any of the following sanctions~~ **revoke the license** when the department finds that a licensee has committed a violation under subsection (a).

- ~~(1) Suspend the license for not more than six (6) months;~~
- ~~(2) Revoke the license;~~

SECTION 31. IC 31-27-4-16, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A license for a foster family home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the department.

(c) A foster family home shall have the foster family home's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the department issues a license or denies the application.

SECTION 32. IC 31-27-4-17, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) The department may ~~grant a place a licensee on probationary license to a licensee who status if the licensee~~ is temporarily unable to comply with a rule **and if:**

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the department to correct the areas of noncompliance within the probationary period; and
- (3) the department approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than

six (6) months. **However**, the department may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) An existing license is invalidated when a probationary license is issued:~~

~~(d) (c) At the expiration of a probationary license, status period,~~ the department shall: ~~reinstate~~

- (1) ~~reactivate the original~~ license to the end of the original term of the license; ~~issue a new license;~~ **or**
- (2) **extend the probationary status period as permitted under subsection (b); or**
- (3) revoke the license.

~~(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.~~

SECTION 33. IC 31-27-4-30, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) After the license of a foster family home is revoked, ~~or suspended;~~ the department shall notify in writing each person responsible for each child in care, to ensure that the children are removed from the foster family home.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the foster family home has been revoked. ~~or suspended:~~

SECTION 34. IC 31-27-4-33, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 33. (a) A licensee shall operate a foster family home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 22 through 25 of this chapter, the department may ~~impose the following sanctions~~ **may revoke the license** when the department finds that a licensee has committed a violation under subsection (a).

- ~~(1) Suspend the license of the licensee for not more than six (6) months;~~
- ~~(2) Revoke the license of the licensee;~~

However, the department shall permanently revoke the license of a licensee who has been convicted of any of the felonies described in section 13(a)(1) through 13(a)(19) of this chapter. The department may permanently revoke the license of a person who has been convicted of a felony that is not described in section 13(a)(1) through 13(a)(19) of this chapter.

SECTION 35. IC 31-27-5-14, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A license for a group home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the department.

(c) A current license shall be publicly displayed.

(d) If a licensee submits a timely application for renewal, the current license remains in effect until the department issues a license or denies the application.

SECTION 36. IC 31-27-5-15, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The department may ~~grant a place a licensee on probationary license to a licensee who is status if the licensee~~ is temporarily unable to comply with a rule **and if:**

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children in the care of the licensee;
- (2) the licensee files a plan with the department, the state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and
- (3) the department, the state department of health, or the state fire marshal approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

(c) A licensee's existing license is invalidated when a probationary license is issued to the licensee.

~~(d)~~ (c) At the expiration of a probationary license, status period, the department shall: ~~reinstate~~

(1) reactivate the original license to the end of the original license's term ~~issue a new~~ of the license;

(2) extend the probationary status period as permitted in subsection (b); or

(3) revoke the license.

(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.

SECTION 37. IC 31-27-5-27, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) After the license of a group home is revoked, ~~or suspended~~, the department shall notify in writing each person responsible for each child in care to ensure that the children are removed from the group home.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the group home has been revoked. ~~or suspended~~.

SECTION 38. IC 31-27-5-32, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) A licensee shall operate a group home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 19 through 22 of this chapter, the department may ~~impose any of the following sanctions revoke the license~~ when the department finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license of the licensee for not more than six (6) months.~~

~~(2) Revoke the license of the licensee.~~

SECTION 39. IC 31-27-6-10, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A license for a child placing agency expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

(1) is not transferable;

(2) applies only to the licensee and the location stated in the application; and

(3) remains the property of the department.

(c) A child placing agency shall have the child placing agency's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the department issues a license or denies the application.

SECTION 40. IC 31-27-6-11, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The department may ~~grant a place a licensee on probationary license to a licensee who status if the licensee~~ is temporarily unable to comply with a rule ~~and if~~:

(1) the noncompliance does not present an immediate threat to the health and well-being of the children in the care of the licensee;

(2) the licensee files a plan with the department to correct the areas of noncompliance within the probationary period; and

(3) the department approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) A licensee's existing license is invalidated when a probationary license is issued to the licensee.~~

~~(d)~~ (c) At the expiration of a probationary license, status period, the department shall: ~~reinstate~~

(1) reactivate the original license to the end of the original license's term ~~issue a new~~ of the license;

(2) extend the probationary status period as permitted in subsection (b); or

(3) revoke the original license.

(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.

SECTION 41. IC 31-27-6-24, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) After the license of a child placing agency is revoked, ~~or suspended~~, the department shall notify in writing each person responsible for each child in care to ensure that the children are removed from the child placing agency.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the child placing agency has been revoked. ~~or suspended~~.

SECTION 42. IC 31-27-6-29, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A licensee shall operate a child placing agency in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 16 through 19 of this chapter, the department may ~~impose any of the following sanctions revoke the license~~ when the department finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license of the licensee for not more than six (6) months.~~

~~(2) Revoke the license of the licensee.~~

SECTION 43. IC 31-33-18-2, AS AMENDED BY SEA 132-2006, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

(1) Persons authorized by this article.

(2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.

(3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.

(4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.

(5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

SECTION 44. IC 31-33-20-4, AS AMENDED BY P.L.234-2005, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) **Subject to the accessibility to files provided in subsection (b)**, at least ten (10) levels of security for confidentiality in the system must be maintained.

(b) The system must have a comprehensive system of limited access to information as follows:

(1) The system must be accessed only by the entry of an operator identification number and a person's secret password.

(2) Child welfare caseworkers ~~and investigators~~ must be allowed to access only:

(A) cases that are assigned to the caseworker; ~~or investigator;~~ and

(B) other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A).

(3) Child welfare supervisors may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker ~~or an investigator~~ who reports to the supervisor.

(C) Other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A) or (B).

~~(D)~~ Cases that are unassigned.

(4) To preserve confidentiality in the workplace, ~~case~~ child welfare managers, as designated by the department, may access any case, except restricted cases involving a state employee or the immediate family member of a state employee who has access to the system. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.

(5) Access to records of authorized users, including passwords, is restricted to:

(A) users designated by the department as an administrator; and

(B) the administrator's level of administration as determined by the department.

(6) Ancillary programs that may be designed for the system may not be executed in a manner that would circumvent the system's log on security measures.

(7) Certain system functions must be accessible only to system operators with specified levels of authorization as determined by the department.

(8) Files containing passwords must be encrypted.

(9) There must be two (2) additional levels of security for confidentiality as determined by the department.

SECTION 45. IC 31-34-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. **If the juvenile court releases a child to the child's parent, guardian, or custodian under section 3 of this chapter, the court may impose conditions on the child or the child's parent, guardian, or custodian to ensure the safety of the child's physical or mental health.**

SECTION 46. IC 31-34-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **Except as provided in subsection (b)**, unless the allegations of a petition have been admitted, the juvenile court shall ~~not~~ **complete** a factfinding hearing **not more than sixty (60) days after a petition alleging that a child is a child in need of services is filed in accordance with IC 31-34-9.**

(b) **The juvenile court may extend the time to complete a factfinding hearing, as described in subsection (a), for an additional sixty (60) days if all parties in the action consent to the additional time.**

SECTION 47. IC 31-34-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), at the close of all the evidence and before judgment is entered, the court may continue the case for not more than twelve (12) months.

(b) If the:

(1) child; ~~or the~~

(2) child's parent, guardian, or custodian; ~~or~~

(3) department;

requests that judgment be entered, the judgment shall be entered not later than thirty (30) days after the request is made.

(c) If the child is in a juvenile detention facility, the child shall be released not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, pending the entry of judgment. A child released from a juvenile detention facility pending the entry of judgment may be detained in a shelter care facility.

SECTION 48. IC 31-34-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The juvenile court shall ~~not~~ **complete** a dispositional hearing **not more than thirty (30) days after the date the court finds that a child is a child in need of services** to consider the following:

(1) Alternatives for the care, treatment, rehabilitation, or placement of the child.

(2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.

(3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.

SECTION 49. IC 31-34-19-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) Efforts made, if the child is a child in need of services, to:
 - (A) prevent the child's removal from; or
 - (B) reunite the child with;
 the child's parent, guardian, or custodian in accordance with federal law.
- (4) Family services that were offered and provided to:
 - (A) a child in need of services; or
 - (B) the child's parent, guardian, or custodian;
 in accordance with federal law.
- (5) The court's reasons for the disposition.

(b) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

SECTION 50. IC 31-34-20-1, AS AMENDED BY SEA 132-2006, SECTION 311, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office or the department.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~
- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian;
 to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.

SECTION 51. IC 31-34-21-1, AS AMENDED BY SEA 132-2006, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order

- ~~(1) the department or~~
- ~~(2) the probation department;~~

to file a report on the progress made in implementing the decree.

(b) The juvenile court shall order the department to file a report every three (3) months after the dispositional decree is entered on the progress made in implementing the decree.

~~(b) (c)~~ If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

SECTION 52. IC 31-34-21-2, AS AMENDED BY SEA 132-2006, SECTION 314, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~In accordance with federal law,~~ The case of each child in need of services under the supervision of the county office or the department must be reviewed at least once every six (6) months, or more often, if ordered by the court.

(b) The first of these periodic case reviews must occur:

- (1) at least six (6) months after the date of the child's removal from the child's parent, guardian, or custodian; or
- (2) at least six (6) months after the date of the dispositional decree;

whichever comes first.

(c) Each periodic case review must be conducted by the juvenile court in a formal court hearing.

(d) The court may perform a periodic case review any time after a progress report is filed as described in section 1 of this chapter.

SECTION 53. IC 31-34-22-2, AS AMENDED BY P.L.129-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child, and the child's parent, **foster parent**, guardian, guardian ad litem, court appointed special advocate, or custodian within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, **foster parent**, guardian, or custodian, the court **is not required to make the report available to the person as required in subsection (a). However, the court** shall provide a copy of the report to the following:

- (1) Each attorney or guardian ad litem representing the child.
- (2) Each attorney representing the child's parent, guardian, or custodian.
- (3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, **foster parent**, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 54. IC 31-35-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Except when a hearing is required after June 30, 1999, under section 4.5 of this chapter, the person filing the petition may request the court to set the petition for a hearing. Whenever a hearing is requested under this chapter, the court shall:

- (1) commence a hearing on the petition not more than ninety (90) days after a petition is filed under this chapter; and**
- (2) complete a hearing on the petition not more than one hundred eighty (180) days after a petition is filed under this chapter.**

SECTION 55. IC 31-37-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:

- (1) the child is unlikely to appear for subsequent proceedings;
- (2) detention is essential to protect the child or the community;
- (3) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child;
- (4) return of the child to the child's home is or would be:
 - (A) contrary to the best interests and welfare of the child; and
 - (B) harmful to the safety or health of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

However, the findings under this subsection are not required if the child is ordered to be detained in the home of the child's parent, guardian, or custodian or is released subject to any condition listed in subsection (d).

(b) If a child is detained for a reason specified in subsection (a)(3), (a)(4), or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) If a child is detained for a reason specified in subsection (a)(4), the court shall make written findings and conclusions that include the following:

- (1) The factual basis for the finding specified in subsection (a)(4).
- (2) A description of the family services available and efforts made to provide family services before removal of the child.

(3) The reasons why efforts made to provide family services did not prevent removal of the child.

(4) Whether efforts made to prevent removal of the child were reasonable.

(d) Whenever the court releases a child under this section, the court may impose conditions upon the child, including:

- (1) home detention;
- (2) electronic monitoring;
- (3) a curfew restriction;
- (4) a protective order;
- (5) a no contact order;
- (6) an order to comply with Indiana law; or
- (7) an order placing any other reasonable conditions on the child's actions or behavior.

(e) If the juvenile court releases a child to the child's parent, guardian, or custodian under this section, the court may impose conditions on the child's parent, guardian, or custodian to ensure:

- (1) the safety of the child's physical or mental health;**
- (2) the public's physical safety; or**
- (3) that any combination of subdivisions (1) and (2) is satisfied.**

SECTION 56. IC 31-37-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. **(a)** The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) The court's reasons for the disposition.

(b) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

SECTION 57. IC 31-37-19-1, AS AMENDED BY SEA 132-2006, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department, or the county office or the department.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian; to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.

SECTION 58. IC 31-37-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided by subsection (b), a report prepared by the state:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) for use at a periodic case review or hearing under IC 31-37-20-2 or IC 31-37-20-3;

shall be made available to the child, and the child's parent, **foster parent**, guardian, guardian ad litem, custodian, or court appointed special advocate within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, **foster parent**, guardian, or custodian, the court **is not required to make the report available to the person as required under subsection (a). However, the court** shall provide a copy of the report to the following:

- (1) Each attorney or a guardian ad litem representing the child.
- (2) Each attorney representing the child's parent, guardian, or custodian.
- (3) A court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, **foster parent**, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 59. IC 33-37-5-6, AS AMENDED BY HEA 1040-2006, SECTION 508, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) This section applies to an action in which a final court order requires a person to pay support or maintenance payments through the clerk **or the state central collection unit**.

(b) The clerk **or the state central collection unit** shall collect a fee in addition to support and maintenance payments. The fee is ~~the~~ following:

- ~~(1) Twenty dollars (\$20) for the calendar year in which the initial order is entered; unless the first payment is due after June 30 of that calendar year;~~
- ~~(2) Ten dollars (\$10) for the calendar year in which the initial order was entered; if the first payment is due after June 30 of that calendar year;~~
- ~~(3) In each subsequent year in which the initial order or a modified order is in effect, twenty dollars (\$20) if the fee is paid before February 1; or thirty dollars (\$30) if paid after January 31;~~

thirty dollars (\$30) for each calendar year.

(c) The fee required under subsection (b) is due at the time that the first support or maintenance payment for the calendar year in which the fee must be paid is due.

(d) The clerk may not deduct the fee from a support or maintenance payment.

(e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(g), **if a fee is collected under this section by the clerk**, the clerk shall forward the fee ~~collected under this section~~ to the county auditor in accordance with IC 33-37-7-12(a). **If a fee is collected under this section by the central collection unit, the fee shall be deposited in the state general fund.**

(f) Income payors required to withhold income under IC 31-16-15 shall pay the annual fee required by subsection (b) through the income withholding procedures described in IC 31-16-15-1.

SECTION 60. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 31-27-3-23; IC 31-27-3-24; IC 31-27-3-25; IC 31-27-4-26; IC 31-27-4-27; IC 31-27-4-28; IC 31-27-5-23; IC 31-27-5-24; IC 31-27-5-25; IC 31-27-6-20; IC 31-27-6-21; IC 31-27-6-22.

SECTION 61. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding the amendment of IC 12-17.2-2-3(a) by SEA 132-2006, SECTION 93, and notwithstanding SEA 132-2006, SECTION 378, requiring that the balance of the child care fund shall be transferred to the division of family resources child care fund on June 30, 2006, the child care fund shall remain in existence after June 30, 2006, until the entire balance of the child care fund is transferred to the division of family resources child care fund.**

(b) This SECTION expires January 1, 2007.

SECTION 62. **An emergency is declared for this act.**

(Reference is to ESB 139 as reprinted March 3, 2006.)

C. LAWSON	BELL
LANANE	SUMMERS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 259-1; filed March 13, 2006, at 8:37 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 259 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-17-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 9.5. The:**

- (1) **members of the authority;**
- (2) **officers and employees of the authority; and**
- (3) **executive director;**

executing bonds, leases, obligations, or other agreements under this chapter are not subject to personal liability or accountability by reason of any act authorized by this chapter.

SECTION 2. IC 5-1-17-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 18.5. (a) This section applies to bids received with respect to a capital improvement under this chapter:**

- (1) **that is constructed by, for, or on behalf of the authority; and**
- (2) **for which only one (1) bid was received from a responsible bidder.**

(b) The board may attempt to negotiate a more advantageous proposal and contract with the bidder if the board determines that rebidding:

- (1) **is not practicable or advantageous; or**
- (2) **would adversely affect the construction schedule or budget of the project.**

(c) The board shall prepare a bid file containing the following information:

- (1) **A copy of all documents that are included as part of the invitation for bids.**
- (2) **A list of all persons to whom copies of the invitation for bids were given, including the following information:**
 - (A) **The name and address of each person who received an invitation for bids.**
 - (B) **The name of each bidder who responded and the dollar amount of the bid.**
 - (C) **A summary of the bid received.**
- (3) **The basis on which the bid was accepted.**
- (4) **Documentation of the board's negotiating process with the bidder. The documentation must include the following:**
 - (A) **A log of the dates and times of each meeting with the bidder.**
 - (B) **A description of the nature of all communications with the bidder.**
 - (C) **A copy of all written communications, including electronic communications, with the bidder.**
- (5) **The entire contents of the contract file except for proprietary information included with the bid, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids.**

SECTION 3. IC 34-30-2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 8.5. IC 5-1-17-9.5 (Concerning members, officers, employees, and the executive director of the Indiana stadium and convention building authority for acts authorized by law).**

SECTION 4. IC 36-1-12-13.1 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.1. (a) Except as provided in subsection (f), this section applies to contracts for public work only if the cost of the public work is estimated to be more than one hundred thousand dollars (\$100,000).**

(b) The contractor shall execute a payment bond to the appropriate political subdivision or agency, approved by and for the benefit of the political subdivision or agency, in an amount equal to the contract price. The payment bond is binding on the contractor, the subcontractor, and their successors and assigns for the payment of all indebtedness to a person for labor and service performed, material furnished, or services rendered. The payment bond must state that it is for the benefit of the subcontractors, laborers, material suppliers, and those performing services.

(c) The payment bond shall be deposited with the board. The payment bond must specify that:

- (1) **a modification, omission, or addition to the terms and conditions of the public work contract, plans, specifications, drawings, or profile;**
- (2) **a defect in the public work contract; or**
- (3) **a defect in the proceedings preliminary to the letting and awarding of the public work contract;**

does not discharge the surety. The surety of the payment bond may not be released until one (1) year after the board's final settlement with the contractor.

(d) A person to whom money is due for labor performed, material furnished, or services provided shall, within sixty (60) days after the completion of the labor or service, or within sixty (60) days after the last item of material has been furnished, file with the board signed duplicate statements of the amount due. The board shall forward to the surety of the payment bond one (1) of the signed duplicate statements. However, failure of the board to forward a signed duplicate statement does not affect the rights of a person to whom money is due. In addition, a failure to forward the statement does not operate as a defense for the surety.

(e) An action may not be brought against the surety until thirty (30) days after the filing of the signed duplicate statements with the board. If the indebtedness is not paid in full at the end of that thirty (30) day period the person may bring an action in court. The court action must be brought within sixty (60) days after the date of the final completion and acceptance of the public work.

(f) This subsection applies to contracts for a capital improvement entered into by, for, or on behalf of the Indiana stadium and convention building authority created by IC 5-1-17-6. The board awarding the contract for the capital improvement project may waive any payment bond requirement if the board, after public notice and hearing, determines:

- (1) **that:**
 - (A) **an otherwise responsive and responsible bidder is unable to provide the payment bond; or**
 - (B) **the cost or coverage of the payment bond is not in the best interest of the project; and**
- (2) **that an adequate alternative is provided through a letter of credit, additional retainage of at least ten percent (10%) of the contract amount, a joint payable check system, or other sufficient protective mechanism.**

SECTION 5. IC 36-1-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14. (a) This section applies to public work contracts in excess of one hundred thousand dollars (\$100,000) for projects other than highways, roads, streets, alleys, bridges, and appurtenant structures situated on streets, alleys, and dedicated highway rights-of-way. This section also applies to a lessor corporation qualifying under IC 21-5-11 or IC 21-5-12 or any other lease-back arrangement containing an option to purchase, notwithstanding the statutory provisions governing those leases.**

(b) A board that enters into a contract for public work, and a contractor who subcontracts parts of that contract, shall include in their respective contracts provisions for the retainage of portions of payments by the board to contractors, by contractors to subcontractors, and for the payment of subcontractors. At the discretion of the contractor, the retainage shall be held by the board or shall be placed in an escrow account with a bank, savings and loan institution, or the state as the escrow agent. The escrow agent shall be selected by mutual agreement between board and contractor or

contractor and subcontractor under a written agreement among the bank or savings and loan institution and:

- (1) the board and the contractor; or
- (2) the subcontractor and the contractor.

The board shall not be required to pay interest on the amounts of retainage that it holds under this section.

(c) To determine the amount of retainage to be withheld, the board shall:

- (1) withhold no more than ten percent (10%) of the dollar value of all work satisfactorily completed until the public work is fifty percent (50%) completed, and nothing further after that; or
- (2) withhold no more than five percent (5%) of the dollar value of all work satisfactorily completed until the public work is substantially completed.

If upon substantial completion of the public work minor items remain uncompleted, an amount computed under subsection (f) of this section shall be withheld until those items are completed.

(d) The escrow agreement must contain the following provisions:

- (1) The escrow agent shall invest all escrowed principal in obligations selected by the escrow agent.
- (2) The escrow agent shall hold the escrowed principal and income until receipt of notice from the board and the contractor, or the contractor and the subcontractor, specifying the part of the escrowed principal to be released from the escrow and the person to whom that portion is to be released. After receipt of the notice, the escrow agent shall remit the designated part of escrowed principal and the same proportion of then escrowed income to the person specified in the notice.
- (3) The escrow agent shall be compensated for the agent's services. The parties may agree on a reasonable fee comparable with fees being charged for the handling of escrow accounts of similar size and duration. The fee shall be paid from the escrowed income.

The escrow agreement may include other terms and conditions consistent with this subsection, including provisions authorizing the escrow agent to commingle the escrowed funds with funds held in other escrow accounts and limiting the liability of the escrow agent.

(e) **Except as provided by subsection (i),** the contractor shall furnish the board with a performance bond equal to the contract price. If acceptable to the board, the performance bond may provide for incremental bonding in the form of multiple or chronological bonds that, when taken as a whole, equal the contract price. The surety on the performance bond may not be released until one (1) year after the date of the board's final settlement with the contractor. The performance bond must specify that:

- (1) a modification, omission, or addition to the terms and conditions of the public work contract, plans, specifications, drawings, or profile;
- (2) a defect in the public work contract; or
- (3) a defect in the proceedings preliminary to the letting and awarding of the public work contract;

does not discharge the surety.

(f) The board or escrow agent shall pay the contractor within sixty-one (61) days after the date of substantial completion, subject to sections 11 and 12 of this chapter. Payment by the escrow agent shall include all escrowed principal and escrowed income. If within sixty-one (61) days after the date of substantial completion there remain uncompleted minor items, an amount equal to two hundred percent (200%) of the value of each item as determined by the architect-engineer shall be withheld until the item is completed. Required warranties begin not later than the date of substantial completion.

(g) Actions against a surety on a performance bond must be brought within one (1) year after the date of the board's final settlement with the contractor.

(h) This subsection applies to public work contracts of less than two hundred fifty thousand dollars (\$250,000). The board may waive the performance bond requirement of subsection (e) and accept from a contractor an irrevocable letter of credit for an equivalent amount from an Indiana financial institution approved by the department of financial institutions instead of a performance bond. Subsections (e) through (g) apply to a letter of credit submitted under this subsection.

(i) This subsection applies to the Indiana stadium and

convention building authority created by IC 5-1-17-6. The board awarding the contract for a capital improvement project may waive any performance bond requirement if the board, after public notice and hearing, determines:

(1) that:

(A) an otherwise responsive and responsible bidder is unable to provide the performance bond; or

(B) the cost or coverage of the performance bond is not in the best interest of the project; and

(2) that an adequate alternative is provided through a letter of credit, additional retainage of at least ten percent (10%) of the contract amount, a joint payable check system, or other sufficient protective mechanism.

SECTION 6. IC 36-7-31-14.1, AS ADDED BY P.L.214-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.1. (a) The budget director appointed under IC 4-12-1-3 may determine that, commencing July 1, 2007, there may be captured in the tax area up to eleven million dollars (\$11,000,000) per year in addition to the up to five million dollars (\$5,000,000) of state revenue to be captured by the tax area under section 14 of this chapter, for up to thirty-four (34) consecutive years. The budget director's determination must specify that the termination date of the tax area for purposes of the collection of the additional eleven million dollars (\$11,000,000) per year is extended to not later than:

(1) January 1, 2041; or

(2) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26.

Following the budget director's determination, and commencing July 1, 2007, the maximum total amount of revenue captured by the tax area for years ending before January 1, 2041, shall be sixteen million dollars (\$16,000,000) per year.

(b) The additional revenue captured pursuant to a determination under subsection (a) shall be distributed to the capital improvement board or its designee. So long as there are any current or future obligations owed by the capital improvement board to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board or its designee shall deposit the additional revenue received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(c) Notwithstanding the budget director's determination under subsection (a), after January 1, 2010, the capture of the additional eleven million dollars (\$11,000,000) per year described in subsection (a) terminates on January 1 of the year following the first year in which no obligations of the capital improvement board described in subsection (b) remain outstanding.

SECTION 7. **An emergency is declared for this act.**

(Reference is to ESB 259 as reprinted March 1, 2006.)

KENLEY	ESPICH
HUME	CRAWFORD
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1155-1; filed March 13, 2006, at 8:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1155 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this

chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- ~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.**
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- ~~(12) Prescribe or approve forms as required under IC 5-2-12-~~
- ~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~
- (12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.**

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) ~~establish and maintain support~~ the **Indiana sex and violent offender directory registry** under ~~IC 5-2-12;~~ **IC 11-8-8;**
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12;~~ **IC 11-8-8.**
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement ~~agencies agency~~ shall release ~~or allow inspection of~~ a limited criminal history to **or allow inspection of a limited criminal history by** noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at

the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the division of family and children;

(13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12, IC 11-8-8~~; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 6. IC 10-13-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana sex and violent offender directory registry** under ~~IC 5-2-6 IC 11-8-8~~ or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12, IC 11-8-8~~.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who

is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

(2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4 IC 11-8-8-5~~ if committed by an adult; and

(B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12, IC 11-8-8~~.

SECTION 8. IC 10-13-6-10, AS AMENDED BY P.L.142-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies to the following:

(1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):

(A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

(A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:

(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; ~~or~~

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation; ~~or~~

(3) agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27.

A person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

SECTION 9. IC 10-13-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the:

(1) county sheriff or designee of the county sheriff under section 10(b)(2) of this chapter; or

(2) supervising agency or designee of the supervising agency under section 10(b)(3) of this chapter.

The superintendent shall provide each county sheriff ~~and~~

supervising agency with the guidelines issued under this subsection. A county sheriff and **supervising agency** shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) **or 10(b)(3)** of this chapter in one (1) or more counties until the earlier of the following:

- (1) A date set by the superintendent.
- (2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) **or 10(b)(3)** of this chapter or terminates a delay under section 10(b)(2) **or 10(b)(3)** of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 10. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12. The department shall do the following:**

(1) **Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.**

(2) **Prescribe and approve a format for sex offender registration as required by IC 11-8-8.**

(3) **Provide:**

- (A) judges;
- (B) law enforcement officials;
- (C) prosecuting attorneys;
- (D) parole officers;
- (E) probation officers; and
- (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) **Upon request of a neighborhood association:**

- (A) **transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or**
- (B) **provide instructional materials concerning the use of the Indiana sex offender registry to the neighborhood association.**

SECTION 11. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) The Indiana sex offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.**

(b) The department shall do the following:

- (1) **Ensure that the Indiana sex offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).**
- (2) **Publish the Indiana sex offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex offender registry displays the following or similar words:**

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex offense or has been adjudicated a delinquent child for an act that would be a sex offense if committed by an adult."

SECTION 12. IC 11-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:**

- (1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.
- (2) Information relating to a pending investigation of alleged criminal activity or other misconduct.
- (3) Information which, if disclosed, might result in physical harm to that person or other persons.
- (4) Sources of information obtained only upon a promise of

confidentiality.

(5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;
- (2) to employees of the department who need the information in the performance of their lawful duties;
- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;
- (4) to the governor or the governor's designee;
- (5) for research purposes in accord with IC 4-1-6-8.6(b);
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; or
- (7) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

- (1) **A provider of sex offender management, treatment, or programming.**
- (2) **A provider of mental health services.**
- (3) **Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.**

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

SECTION 13. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 8. Sex Offender Registration

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

Sec. 2. As used in this chapter, "local law enforcement authority" means the:

- (1) chief of police of a consolidated city; or
- (2) sheriff of a county that does not contain a consolidated city.

Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender.

Sec. 4. As used in this chapter, "register" means to provide a local law enforcement authority with the information required under section 8 of this chapter.

Sec. 5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is

less than eighteen (18) years of age.

(13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).

(14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13).

(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:

(A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days; during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is

required to register under subsection (b) or (c).

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and

(2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration.

Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex offender.
- (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
- (6) If the sex offender is required to register for life, that the sex offender is required to register for life.
- (7) Any other information required by the department.

Sec. 9. (a) Not more than seven (7) days before an Indiana sex offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

- (1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.
- (2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.
- (3) Obtain the address where the sex offender expects to reside after the sex offender's release.
- (4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.

(b) Not more than seventy-two (72) hours after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

- (1) The sex offender's fingerprints, photograph, and identification factors.
- (2) The address where the sex offender expects to reside after the sex offender's release.
- (3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.
- (4) Information regarding the sex offender's past treatment for mental disorders.
- (5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties

required under subsections (a) and (b).

Sec. 10. Notwithstanding any other law, upon receiving a sex offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

- (1) principal residence address; or
- (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;

the sex offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered.

(b) If a sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

(d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex offender moves the sex offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and
- (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration under subdivision (1).

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.

Sec. 13. (a) To verify a sex offender's current residence, the

local law enforcement authority shall do the following:

(1) Mail a reply form to each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(2) Mail a reply form to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

(1) a valid driver's license issued by the state in which the sex offender resides; or

(2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:

(A) under this section; or

(B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

(1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or

(2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

Sec. 16. (a) A sex offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex offender who is required to register under this chapter changes the sex offender's name due to marriage, the sex offender must register with the local law enforcement authority not more than seven (7) days after the name change.

Sec. 17. A sex offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually

violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 19. (a) Except as provided in subsections (b) through (e), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life.

Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of:

- (1) the sex offender's name, date of relocation, and new address; and
- (2) the sex offense or delinquent act committed by the sex offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
- (2) whether an out of state sex offender is a sexually violent predator; and
- (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex offender in Indiana.

SECTION 14. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under

rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is

having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
 - (2) The date of the offense.
 - (3) The date of the conviction.
 - (4) The felony of which the prisoner was convicted.
 - (5) The sentence imposed.
 - (6) The amount of time served.
 - (7) The date and location of the interview (if applicable).
 - (h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:
 - (1) nature and circumstances of the crime for which the offender is committed;
 - (2) offender's prior criminal record;
 - (3) offender's conduct and attitude during the commitment; and
 - (4) offender's parole plan.
 - (i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:
 - (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
 - (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
 - (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
 - (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
 - (5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.
 - (j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:
 - (1) will engage in further specified criminal activity; or
 - (2) will not conform to appropriate specified conditions of parole.
 - (k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:
 - (1) finds that special circumstances exist for the holding of a hearing; and
 - (2) gives reasonable notice to the person being considered for parole.
 - (l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.
 - (m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:
 - (1) the community in which the crime committed by the offender occurred;
 - (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
 - (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
 - (4) friends or relatives of the offender.
- If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any

supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 15. IC 11-13-3-4, AS AMENDED BY SEA 246-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to:

- (A) participate in a treatment program for sex offenders approved by the parole board; and
- (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
 - (i) receives the parole board's approval; or
 - (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

- (A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to register with a sheriff ~~(or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**;

- (B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, **unless the sex offender obtains written approval from the parole board;** ~~and~~

- (C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex

offense **unless the sex offender obtains a waiver under IC 35-38-2-2.5; and**

(D) prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) **As a condition of parole, the parole board:**

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 16. IC 11-13-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ victims' rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1)~~ IC 11-8-8-5.

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

SECTION 17. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).

- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~; **IC 11-8-8-5**).

SECTION 18. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:**

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or**
- (2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:**
 - (A) by using or threatening the use of deadly force;**
 - (B) while armed with a deadly weapon; or**
 - (C) that resulted in serious bodily injury.**

SECTION 19. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by:
 - (A) the probation department; or
 - (B) the county office of family and children.
 As a condition of probation under this subdivision, the juvenile court shall after a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-5** require a child who is adjudicated a delinquent child for an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12~~; **IC 11-8-8**.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Order the child to surrender the child's driver's license to the court for a specified period of time.
- (4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.
- (7) Order the child to perform community restitution or service for a specified period of time.
- (8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 20. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section

applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~, **IC 11-8-8-5**, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

- (1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and
- (2) committed an act that, if committed by an adult, would be:
 - (A) murder (IC 35-42-1-1);
 - (B) kidnapping (IC 35-42-3-2);
 - (C) rape (IC 35-42-4-1);
 - (D) criminal deviate conduct (IC 35-42-4-2); or
 - (E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 21. IC 35-38-1-7.5, AS AMENDED BY SEA 246-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in ~~IC 5-2-12-4~~ **IC 11-8-8-5**. The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under **IC 11-8-8-20**. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

- (1) **being at least eighteen (18) years of age**, commits an offense described in: ~~IC 5-2-12-4~~;
 - ~~(A) by using or threatening the use of deadly force;~~
 - ~~(B) while armed with a deadly weapon; or~~
 - ~~(C) that results in serious bodily injury to a person other than a defendant;~~
- ~~(2) is at least eighteen (18) years of age and commits an offense described in IC 5-2-12-4 against a child less than twelve (12) years of age; or~~
- ~~(3) commits an offense described in IC 5-2-12-4 while having a previous unrelated conviction for an offense described in IC 5-2-12-4 for which the person is required to register as an offender under IC 5-2-12;~~
 - ~~(A) IC 35-42-4-1;~~
 - ~~(B) IC 35-42-4-2;~~
 - ~~(C) IC 35-42-4-3 as a Class A or Class B felony;~~
 - ~~(D) IC 35-42-4-5(a)(1);~~
 - ~~(E) IC 35-42-4-5(a)(2);~~
 - ~~(F) IC 35-42-4-5(a)(3);~~
 - ~~(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;~~
 - ~~(H) IC 35-42-4-5(b)(2); or~~
 - ~~(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony; or~~
- (2) commits an offense described in IC 11-8-8-5 while having a previous unrelated conviction for an offense described in IC 11-8-8-5 for which the person is required to register as an offender under IC 11-8-8;**

is a sexually violent predator.

(c) This section applies whenever a court sentences a person for a sex offense listed in ~~IC 5-2-12-4~~ **IC 11-8-8-5** for which the person is required to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12~~; **IC 11-8-8**.

(d) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator under subsection (b).

(e) If the court does not find the person to be a sexually violent predator under subsection (b), the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders to determine if the person is a sexually violent predator under subsection (a).

(f) If the court finds that a person is a sexually violent predator:

- (1) the person is required to register with the ~~sheriff (or the~~

police chief of a consolidated city) local law enforcement authority as provided in ~~IC 5-2-12-13(b)~~ **IC 11-8-8**; and
 (2) the court shall send notice of its finding under this subsection to the ~~criminal justice institute~~ **department of correction**.

(g) A person who is found by a court to be a sexually violent predator ~~under subsection (e)~~ may petition the court to consider whether the person ~~is~~ **should** no longer ~~be considered~~ a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

- (1) the sentencing court makes its finding under subsection (e); **or**
- (2) **a person found to be a sexually violent predator under subsection (b) is released from incarceration.**

A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is ~~should~~ **should** no longer ~~be considered~~ a sexually violent predator, the court shall send notice to the ~~Indiana criminal justice institute~~ **department of correction** that the person is no longer considered a sexually violent predator. **Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.**

SECTION 22. IC 35-38-1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) **If a court imposes a sentence that does not involve a commitment to the department of correction, the court shall require a person:**

- (1) **convicted of an offense described in IC 10-13-6-10; and**
- (2) **who has not previously provided a DNA sample in accordance with IC 10-13-6;**

to provide a DNA sample as a condition of the sentence.

(b) **If a person described in subsection (a) is confined at the time of sentencing, the court shall order the person to provide a DNA sample immediately after sentencing.**

(c) **If a person described in subsection (a) is not confined at the time of sentencing, the agency supervising the person after sentencing shall establish the date, time, and location for the person to provide a DNA sample. However, the supervising agency must require that the DNA sample be provided not more than seven (7) days after sentencing. A supervising agency's failure to obtain a DNA sample not more than seven (7) days after sentencing does not permit a person required to provide a DNA sample to challenge the requirement that the person provide a DNA sample at a later date.**

(d) **A person's failure to provide a DNA sample is grounds for revocation of the person's probation, community corrections placement, or other conditional release.**

SECTION 23. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of probation for ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-5**), the court shall:

- (1) require the sex offender to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**; and
- (2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

SECTION 24. IC 35-38-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility established for the instruction,

recreation, or residence of persons on probation.

(4) Support the person's dependents and meet other family responsibilities.

(5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

(6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

(7) Pay a fine authorized by IC 35-50.

(8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

(9) Report to a probation officer at reasonable times as directed by the court or the probation officer.

(10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

(11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

(12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

(13) Perform uncompensated work that benefits the community.

(14) Satisfy other conditions reasonably related to the person's rehabilitation.

(15) Undergo home detention under IC 35-38-2.5.

(16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or

(B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).

(17) Refrain from any direct or indirect contact with an individual.

(18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(b) When a person is placed on probation, the person shall be

given a written statement specifying:

- (1) the conditions of probation; and
- (2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

- (A) One (1) year after the termination of probation.
- (B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

- (1) the term of imprisonment;
- (2) the days or parts of days during which a person is to be confined; and
- (3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

to provide a DNA sample as a condition of probation.

SECTION 25. IC 35-38-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) to:

- (1) participate in a treatment program for sex offenders approved by the court; and
- (2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:
 - (A) receives the court's approval; or
 - (B) successfully completes the treatment program referred to in subdivision (1).

SECTION 26. IC 35-38-2-2.5, AS AMENDED BY SEA 246-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

- (1) who will be placed on probation shall provide the sentencing

court and the probation department with the address where the offender intends to reside during the period of probation:

- (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
- (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense **unless the offender first obtains a waiver from the:**

- (1) court, if the offender is placed on probation; or**
- (2) parole board, if the offender is placed on parole;**

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;**
- (2) the offender is in compliance with all terms of the offender's probation or parole; and**
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.**

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 27. IC 35-38-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) As a condition of remaining on probation or parole after a conviction for stalking (IC 35-45-10-5), a court may prohibit a person from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(b) A person:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the person intends to reside during the period of probation:

- (A) at the time of sentencing if the person will be placed on probation without first being incarcerated; or**
- (B) before the person's release from incarceration if the person will be placed on probation after completing a term of incarceration; or**

(2) who will be placed on parole shall provide the parole board with the address where the person intends to reside during the period of parole.

(c) A person, while on probation or parole, may not reside within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver under subsection (d) from the:

- (1) court, if the person is placed on probation; or**
- (2) parole board, if the person is placed on parole.**

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

- (1) the person is in compliance with all terms of the person's probation or parole; and**
- (2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the**

stalking.

(e) **If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.**

(f) **The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).**

SECTION 28. IC 35-38-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

(1) A requirement that the offender be confined to the offender's home at all times except when the offender is:

- (A) working at employment approved by the court or traveling to or from approved employment;
- (B) unemployed and seeking employment approved for the offender by the court;
- (C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;
- (D) attending an educational institution or a program approved for the offender by the court;
- (E) attending a regularly scheduled religious service at a place of worship; or
- (F) participating in a community work release or community restitution or service program approved for the offender by the court.

(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under IC 35-44-3-5.

(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

- (A) a working telephone in the offender's home; and
- (B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

provide a DNA sample.

SECTION 29. IC 35-38-2.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement. **A court shall require a person:**

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 30. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or
- (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through DNA~~ (deoxyribonucleic acid) ~~evidence~~; ~~analysis~~; or
- (2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through DNA~~ (deoxyribonucleic acid) ~~evidence analysis~~ by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002.~~

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

- (1) at any time; and
- (2) regardless of the amount of time that passes between:
 - (A) the date a person allegedly commits the elements of murder; and
 - (B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

- (1) IC 35-42-4-3(a) (Child molesting).
- (2) IC 35-42-4-5 (Vicarious sexual gratification).
- (3) IC 35-42-4-6 (Child solicitation).
- (4) IC 35-42-4-7 (Child seduction).
- (5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

- (1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~
- (2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
- (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

- (1) The date of filing of an indictment, information, or

complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 31. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.**

(b) A sexually violent predator who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;

(2) at a youth program center; or

(3) at a public park;

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under this chapter.

SECTION 32. IC 35-42-4-11, AS ADDED BY SEA 246-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) As used in this section, "offender against children" means a person required to register as a sex offender under IC 11-8-8 who has been:**

(1) found by a court to be a sexually violent predator under

(A) IC 35-38-1-7.5; or

(B) the law of another jurisdiction that identifies the person as being likely to repeatedly commit a sex offense; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).

(b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

SECTION 33. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) A person who:**

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is not a sex offender or was not required to register as a sex offender;

(iv) the property damaged was a locomotive, a railroad

car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;

(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or

(vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is a sex offender or was required to register as a sex offender;

(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;

(vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or

(vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 34. IC 35-44-3-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.3. (a) As used in this section, "contraband" means the following:**

(1) Alcohol.

(2) A cigarette or tobacco product.

(3) A controlled substance.

(4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a

juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

- (1) An adult or juvenile pretrial detainee.
- (2) A person serving an intermittent term of imprisonment or detention.
- (3) A person serving a term of imprisonment or detention as:
 - (A) a condition of probation;
 - (B) a condition of a community corrections program;
 - (C) part of a community transition program;
 - (D) part of a reentry court program;
 - (E) part of a work release program; or
 - (F) part of a community based program that is similar to a program described in clauses (A) through (E).
- (4) A person who has escaped from incarceration or walked away from secure detention.
- (5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).
- (c) A person who, with the intent of providing contraband to an inmate outside a facility:
 - (1) delivers contraband to an inmate outside a facility; or
 - (2) places contraband in a location where an inmate outside a facility could obtain the contraband;

commits trafficking with an inmate outside a facility, a Class A misdemeanor. However, the offense is a Class D felony if the contraband is an item described in subsection (a)(3), and a Class C felony if the contraband is an item described in subsection (a)(4).

SECTION 35. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 11-8-8-5 that was committed by the person commits a Class D felony if, at the time of the violation:

- (1) the person's lifetime parole has been revoked two (2) or more times; or
- (2) the person has completed the person's sentence, including any credit time the person may have earned.
- (b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 36. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

- (A) murder (IC 35-42-1-1);
- (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (P) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (Q) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;
- (R) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or
- (S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 37. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

- (1) it has been set aside; or
- (2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 38. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) **or (e)**, when a person imprisoned for a felony completes ~~his~~ **the person's** fixed term of imprisonment, less the credit time ~~he~~ **the person** has earned with respect to that term, ~~he~~ **the person** shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if ~~his~~ **the** sentence included a period of probation.

(b) ~~Except as provided in subsection (d); This subsection does not apply to a person described in subsection (d), (e), or (f).~~ A person released on parole remains on parole from the date of ~~his~~ release until ~~his~~ **the person's** fixed term expires, unless ~~his~~ **the person's** parole is revoked or ~~he~~ **the person** is discharged from that term by the parole board. In any event, if ~~his~~ **the person's** parole is not revoked, the parole board shall discharge ~~him~~ **the person** after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part** of the remainder of ~~his~~ **the person's** fixed term. However, ~~he~~ **the person** shall again be released on parole when ~~he~~ **the person** completes that remainder, less the credit time ~~he~~ **the person** has earned since the revocation. The parole board may reinstate ~~him~~ **the person** on parole at any time after the revocation.

(d) **This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.** When ~~an offender~~ **a sex offender** (as defined in ~~IC 35-2-12-4~~ **IC 11-8-8-5**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the **sex** offender shall be placed on parole for not more than ten (10) years.

(e) **This subsection applies to a person who is a sexually violent**

predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) **The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.**

SECTION 39. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he~~ **the person** has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) **If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.**
- (6) **If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.**

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine ~~his~~ **the person's** guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive ~~his~~ **the person's** right to the hearing.

(c) Any part of the credit time of which a person is deprived under

this section may be restored.

SECTION 40. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain ~~a~~ **an Indiana** sex offender web site, known as the Indiana ~~sheriffs'~~ sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least ~~every seven (7) days~~ **daily**.

(b) The **Indiana** sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required ~~to be included in the sex offender directory (IC 5-2-12-6)~~ **under IC 11-8-8-8**.

(c) Every time a sex offender ~~submits a new registration form to the sheriff registers~~, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the **Indiana** sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 41. IC 33-40-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A supplemental public defender services fund is established in each county. The fund consists of amounts deposited under:

- (1) section 9 of this chapter; **and**
- (2) **IC 35-33-8-3.3**.

SECTION 42. IC 35-33-8-3.2, AS AMENDED BY P.L.10-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. (a) A court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:

- (1) Require the defendant to:
 - (A) execute a bail bond with sufficient solvent sureties;
 - (B) deposit cash or securities in an amount equal to the bail;
 - (C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail; or
 - (D) post a real estate bond.

The defendant must also pay the fee required by subsection (d). (2) Require the defendant to execute a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail. If the defendant is convicted, the court may retain all or a part of the cash or

securities to pay fines, costs, fees, and restitution, if ordered by the court. A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision the following:

- (A) Fines, costs, fees, and restitution as ordered by the court.
- (B) Publicly paid costs of representation that shall be disposed of in accordance with subsection (b).
- (C) In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution.
- (D) The fee required by subsection (d).

The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

(3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.

(4) Require the defendant to refrain from any direct or indirect contact with an individual.

(5) Place the defendant under the reasonable supervision of a probation officer, **pretrial services agency**, or other appropriate public official. **If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.**

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

(7) Release the defendant on personal recognizance unless:

- (A) the state presents evidence relevant to a risk by the defendant:
 - (i) of nonappearance; or
 - (ii) to the physical safety of the public; and
- (B) the court finds by a preponderance of the evidence that the risk exists.

(8) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed or the defendant is acquitted or convicted of the charges.

(d) Except as provided in subsection (e), the clerk of the court shall:

- (1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and
- (2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the public employees' retirement fund for deposit in ~~the~~ the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).

(e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day

and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.

(f) When a court imposes a condition of bail described in subsection (a)(4):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 43. IC 35-33-8-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.3. (a) This section does not apply to a defendant charged in a city or town court.

(b) If a defendant who has a prior unrelated conviction for any offense is charged with a new offense and placed under the supervision of a probation officer or pretrial services agency, the court may order the defendant to pay the pretrial services fee prescribed under subsection (e) if:

- (1) the defendant has the financial ability to pay the fee; and
- (2) the court finds by clear and convincing evidence that supervision by a probation officer or pretrial services agency is necessary to ensure the:
 - (A) defendant's appearance in court; or
 - (B) physical safety of the community or of another person.

(c) If a clerk of a court collects a pretrial services fee, the clerk may retain not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee. The clerk shall deposit amounts retained under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2.

(d) If a clerk of a court collects a pretrial services fee from a defendant, upon request of the county auditor, the clerk shall transfer not more than three percent (3%) of the fee to the county auditor for deposit in the county general fund.

(e) The court may order a defendant who is supervised by a probation officer or pretrial services agency and charged with an offense to pay:

- (1) an initial pretrial services fee of at least twenty-five dollars (\$25) and not more than one hundred dollars (\$100);
- (2) a monthly pretrial services fee of at least fifteen dollars (\$15) and not more than thirty dollars (\$30) for each month the defendant remains on bail and under the supervision of a probation officer or pretrial services agency; and
- (3) an administrative fee of one hundred dollars (\$100);

to the probation department, pretrial services agency, or clerk of the court if the defendant meets the conditions set forth in subsection (b).

(f) The probation department, pretrial services agency, or clerk of the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

- (1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and
- (2) to supplement the salary of:
 - (A) an employee of a pretrial services agency; or
 - (B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year does not revert

to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

- (1) one (1) initial pretrial services fee; and
- (2) one (1) monthly pretrial services fee per month.

(i) A probation department or pretrial services agency may petition a court to:

- (1) impose a pretrial services fee on a defendant; or
- (2) increase a defendant's pretrial services fee;

if the financial ability of the defendant to pay a pretrial services fee changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

- (1) is a judgment lien that, upon the defendant's conviction:
 - (A) attaches to the property of the defendant;
 - (B) may be perfected;
 - (C) may be enforced to satisfy any payment that is delinquent under this section; and
 - (D) expires;

in the same manner as a judgment lien created in a civil proceeding;

- (2) is not discharged by the disposition of charges against the defendant or by the completion of a sentence, if any, imposed on the defendant;
- (3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and
- (4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

(k) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

(l) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles to not issue a driver's license or permit to the defendant until the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.

(m) In addition to other methods of payment allowed by law, a probation department or pretrial services agency may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency receives payment or credit from the institution responsible for making the payment or credit.

(n) The probation department or pretrial services agency may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services agency, or charged directly to the account of the probation department or pretrial services agency, the probation department or pretrial services agency may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the fee or fees the defendant may be required to pay under subsection (e).

(o) The probation department or pretrial services agency shall forward a credit card service fee collected under subsection (n) to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 44. IC 5-2-1-9, AS AMENDED BY P.L.2-2005, SECTION 12, P.L.52-2005, SECTION 6, P.L.170-2005, SECTION 8, AND P.L.227-2005, SECTION 2, IS CORRECTED AND

AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. ~~Such~~ The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

- (1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.
- (2) Minimum standards for law enforcement training schools administered by towns, cities, counties, ~~the northwest Indiana law enforcement training center, centers, agencies, or departments of the state.~~
- (3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.
- (4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.
- (5) Minimum qualifications for instructors at approved law enforcement training schools.
- (6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.
- (7) Minimum basic training requirements which law enforcement officers ~~not appointed for probationary terms but~~ appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.
- (8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.
- (9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the ~~law enforcement training~~ board.
- (10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:**
 - (A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).
 - (B) Identification of human and sexual trafficking.
 - (C) Communicating with traumatized persons.
 - (D) Therapeutically appropriate investigative techniques.
 - (E) Collaboration with federal law enforcement officials.
 - (F) Rights of and protections afforded to victims.
 - (G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.
 - (H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power

of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which ~~in such cases~~ shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), ~~and (l), and (m);~~ (q), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy ~~at the southwest Indiana law enforcement training academy under section 10.5 of this chapter,~~ or at ~~the northwest Indiana~~ a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) ~~This subsection does not apply to a gaming agent employed as a law enforcement officer by the Indiana gaming commission.~~ Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, ~~the lawful use of force, and firearm qualification: the operation of an emergency vehicle.~~ The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of ~~at least~~ forty (40) hours of course work. The board may prepare ~~a~~ the classroom part of the pre-basic course ~~on videotape that must be used using available technology in~~ conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed ~~the~~ basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes ~~a minimum of sixteen (16) hours each year of inservice training in any subject area included in the law enforcement academy's basic training course or other job related subjects that are approved by the board as determined by the law enforcement department's or agency's needs: the mandatory inservice training requirements established by rules adopted by the board.~~ Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the ~~law enforcement training board, in addition, a certified academy staff may develop and make available~~ inservice training programs on a regional or local basis. **and training concerning human and sexual trafficking.** The board may approve courses offered by other public or private training entities, including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to ~~any~~ either of the

following:

- (1) An emergency situation.
 - (2) The unavailability of courses.
 - (h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:
 - (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
 - (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
 - (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having ~~no~~ not more than one (1) marshal and two (2) deputies.
 - (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
 - (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.
 - (i) The board shall adopt rules under IC 4-22-2 to establish ~~a~~ *police chief* an executive training program. The executive training program must include training in the following areas:
 - (1) Liability.
 - (2) Media relations.
 - (3) Accounting and administration.
 - (4) Discipline.
 - (5) Department policy making.
 - ~~(6) Firearm policies.~~
 - (6) Lawful use of force.
 - (7) Department programs.
 - (8) Emergency vehicle operation.
 - (9) Cultural diversity.
 - (j) A police chief shall apply for admission to the ~~police chief~~ executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the ~~police chief~~ executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow ~~the police chief to complete completion of the executive training program~~ within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered ~~to the police chief~~ after the police chief initially takes office.
 - (k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until ~~the police chief has completed the police chief completion of the~~ executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:
 - (1) the police chief of any city; ~~and~~
 - (2) the police chief of any town having a metropolitan police department; and
 - (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.
- A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the ~~police chief~~ executive training program.
- (l) ~~An A~~ fire investigator in the ~~arson division of the office of the state fire marshal division of fire and building safety~~ appointed ~~(1) before January 1, 1994, is not required; or~~
(2) after December 31, 1993, is required to comply with the basic training standards established under this ~~section~~ chapter.
 - (m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).
 - (n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:
 - (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;

- (2) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);
 - (3) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
 - (4) completed a basic training course certified by the board before the officer is hired under subdivision (1).
 - (o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:
 - (1) arrest;
 - (2) search; and
 - (3) seizure.
 - (p) A law enforcement officer who:
 - (1) has completed a basic training course certified by the board; and
 - (2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer;
 is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers.
 - ~~(n)~~ (q) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:
 - (1) the agent successfully completes the pre-basic course established in subsection (f); and
 - (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.
- SECTION 45. IC 12-13-5-2, AS AMENDED BY P.L.234-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division shall administer the following:
- (1) Any sexual offense services.
 - (2) A child development associate scholarship program.
 - (3) Any school age dependent care program.
 - (4) Migrant day care services.
 - (5) Prevention services to high risk youth.
 - (6) Any commodities program.
 - (7) The migrant nutrition program.
 - (8) Any emergency shelter programs.
 - (9) Any weatherization programs.
 - (10) The Housing Assistance Act of 1937 (42 U.S.C. 1437).
 - (11) The home visitation and social services program.
 - (12) The educational consultants program.
 - (13) Community restitution or service programs.
 - (14) The crisis nursery program.
 - (15) Energy assistance programs.
 - (16) Domestic violence programs.
 - (17) Social services programs.
 - (18) Assistance to migrants and seasonal farmworkers.
 - (19) The step ahead comprehensive early childhood grant program.
 - (20) Assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as appropriate.
 - ~~(20)~~ (21) Any other program:
 - (A) designated by the general assembly; or
 - (B) administered by the federal government under grants consistent with the duties of the division.
- SECTION 46. IC 31-9-2-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:
- (1) A homicide offense under IC 35-42-1.
 - (2) A battery offense under IC 35-42-2.
 - (3) Kidnapping or confinement under IC 35-42-3.
 - (4) A sex offense under IC 35-42-4.

- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.**

SECTION 47. IC 35-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who commits the offense of:

- (1) kidnapping; ~~or~~
- (2) criminal confinement;
- (3) human trafficking;**
- (4) promotion of human trafficking; or**
- (5) sexual trafficking of a minor;**

may be tried in a county in which the victim has traveled or has been confined during the course of the offense.

(b) A person who commits the offense of criminal confinement or interference with custody may be tried in a county in which the child who was removed, taken, concealed, or detained in violation of a child custody order:

- (1) was a legal resident at the time of the taking, concealment, or detention;
- (2) was taken, detained, or concealed; or
- (3) was found.

SECTION 48. IC 35-37-4-6, AS AMENDED BY P.L.2-2005, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) Battery upon a child (IC 35-42-2-1(a)(2)(B)).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).**
- ~~(6) (7)~~ **(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (5): (6).**

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) Battery (IC 35-42-2-1).
- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).
- (5) Home improvement fraud (IC 35-43-6).
- (6) Fraud (IC 35-43-5).
- (7) Identity deception (IC 35-43-5-3.5).
- (8) Theft (IC 35-43-4-2).
- (9) Conversion (IC 35-43-4-3).
- (10) Neglect of a dependent (IC 35-46-1-4).

(11) Human and sexual trafficking crimes (IC 35-42-3.5).

(c) As used in this section, "protected person" means:

- (1) a child who is less than fourteen (14) years of age;
- (2) a mentally disabled individual who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:
 - (A) is manifested before the individual is eighteen (18) years of age;
 - (B) is likely to continue indefinitely;
 - (C) constitutes a substantial impairment of the individual's ability to function normally in society; and
 - (D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or
- (3) an individual who is:

- (A) at least eighteen (18) years of age; and
- (B) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of:
 - (i) managing or directing the management of the individual's property; or
 - (ii) providing or directing the provision of self-care.

(d) A statement or videotape that:

- (1) is made by a person who at the time of trial is a protected person;
- (2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and
- (3) is not otherwise admissible in evidence;

is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

- (1) The court finds, in a hearing:
 - (A) conducted outside the presence of the jury; and
 - (B) attended by the protected person;
 that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.
- (2) The protected person:
 - (A) testifies at the trial; or
 - (B) is found by the court to be unavailable as a witness for one (1) of the following reasons:

(i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.

(ii) The protected person cannot participate in the trial for medical reasons.

(iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

- (1) The mental and physical age of the person making the statement or videotape.
- (2) The nature of the statement or videotape.
- (3) The circumstances under which the statement or videotape was made.
- (4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

- (1) transcript; or
- (2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 49. IC 35-37-4-8, AS AMENDED BY P.L.2-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This section applies to a criminal action under the following:

- (1) Sex crimes (IC 35-42-4).
- (2) Battery upon a child (IC 35-42-2-1(a)(2)(B)).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).**
- ~~(7)~~ (7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through ~~(5)~~ (6).

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

- (1) allows the protected person to see the accused and the trier of fact; and
- (2) allows the accused and the trier of fact to see and hear the protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

- (1) the testimony to be taken is the testimony of a protected person who:

(A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and

(B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:

- (i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;
- (ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or
- (iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;

(2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and

(3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

- (1) A defense attorney if:
 - (A) the defendant is represented by the defense attorney; and
 - (B) the prosecuting attorney is also in the same room.
- (2) The prosecuting attorney if:
 - (A) the defendant is represented by a defense attorney; and
 - (B) the defense attorney is also in the same room.
- (3) Persons necessary to operate the closed circuit television equipment.
- (4) Persons whose presence the court finds will contribute to the protected person's well-being.
- (5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

- (1) The judge.
- (2) The prosecuting attorney.
- (3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (4) Persons necessary to operate the electronic equipment.
- (5) The court reporter.
- (6) Persons whose presence the court finds will contribute to the protected person's well-being.
- (7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.

(h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:

- (1) The prosecuting attorney.
- (2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (3) The judge.

SECTION 50. IC 35-41-1-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.**
- ~~(4)~~ (5) A sex offense under IC 35-42-4.
- ~~(5)~~ (6) Robbery under IC 35-42-5.
- ~~(6)~~ (7) Arson or mischief under IC 35-43-1.
- ~~(7)~~ (8) Burglary or trespass under IC 35-43-2.
- ~~(8)~~ (9) Disorderly conduct under IC 35-45-1.
- ~~(9)~~ (10) Intimidation or harassment under IC 35-45-2.
- ~~(10)~~ (11) Voyeurism under IC 35-45-4.
- ~~(11)~~ (12) Stalking under IC 35-45-10.
- ~~(12)~~ (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

SECTION 51. IC 35-42-1-1, AS AMENDED BY ESB 193-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, **human trafficking, promotion of human trafficking, sexual trafficking of a minor, or carjacking;**
- (3) kills another human being while committing or attempting to commit:

- (A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
- (B) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);
- (C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- (E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365); commits murder, a felony.

SECTION 52. IC 35-42-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.5. Human and Sexual Trafficking

Sec. 1. (a) A person who knowingly or intentionally recruits, harbors, or transports another person by force, threat of force, or fraud:

- (1) to engage the other person in:**
 - (A) forced labor; or**
 - (B) involuntary servitude; or**

(2) to force the other person into:

(A) marriage; or

(B) prostitution;

commits promotion of human trafficking, a Class B felony.

(b) A parent, guardian, or custodian of a child less than eighteen (18) years of age who knowingly or intentionally sells or transfers custody of the child for the purpose of prostitution commits sexual trafficking of a minor, a Class A felony.

(c) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

(1) forced labor;

(2) involuntary servitude; or

(3) prostitution;

commits human trafficking, a Class C felony.

Sec. 2. In addition to any sentence or fine imposed for a conviction of an offense under section 1 of this chapter, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.

Sec. 3. (a) If a person is convicted of an offense under section 1 of this chapter, the victim of the offense:

(1) has a civil cause of action against the person convicted of the offense; and

(2) may recover the following from the person in the civil action:

(A) Actual damages.

(B) Court costs.

(C) Punitive damages, when determined to be appropriate by the court.

(D) Reasonable attorney's fees.

(b) An action under this section must be brought not more than two (2) years after the date the person is convicted of the offense under section 1 of this chapter.

Sec. 4. (a) An alleged victim of an offense under section 1 of this chapter:

(1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;

(2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and

(3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the offense, including:

(A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and

(B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the division of family resources, as appropriate.

(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under section 1 of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall reconsider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

SECTION 53. IC 35-45-6-1, AS AMENDED BY ESB 193-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing,

photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(8)~~ (9) Child exploitation (IC 35-42-4-4).

~~(9)~~ (10) Robbery (IC 35-42-5-1).

~~(10)~~ (11) Carjacking (IC 35-42-5-2).

~~(11)~~ (12) Arson (IC 35-43-1-1).

~~(12)~~ (13) Burglary (IC 35-43-2-1).

~~(13)~~ (14) Theft (IC 35-43-4-2).

~~(14)~~ (15) Receiving stolen property (IC 35-43-4-2).

~~(15)~~ (16) Forgery (IC 35-43-5-2).

~~(16)~~ (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).

~~(17)~~ (18) Bribery (IC 35-44-1-1).

~~(18)~~ (19) Official misconduct (IC 35-44-1-2).

~~(19)~~ (20) Conflict of interest (IC 35-44-1-3).

~~(20)~~ (21) Perjury (IC 35-44-2-1).

~~(21)~~ (22) Obstruction of justice (IC 35-44-3-4).

~~(22)~~ (23) Intimidation (IC 35-45-2-1).

~~(23)~~ (24) Promoting prostitution (IC 35-45-4-4).

~~(24)~~ (25) Promoting professional gambling (IC 35-45-5-4).

~~(25)~~ (26) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

~~(26)~~ (27) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

~~(27)~~ (28) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(28)~~ (29) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(29)~~ (30) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(30)~~ (31) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

~~(31)~~ (32) Money laundering (IC 35-45-15-5).

~~(32)~~ (33) A violation of IC 35-47-5-5.

SECTION 54. IC 35-50-5-3, AS AMENDED BY EHB 1101-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as provided in subsection (i) or (j), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

(1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);

(2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;

- (3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;
- (4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and
- (5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), or (i), or (j) is a judgment lien that:

- (1) attaches to the property of the person subject to the order;
- (2) may be perfected;
- (3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
- (4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

- (1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:
 - (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
 - (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or
- (2) a probation department that shall forward restitution or part of restitution to:
 - (A) a victim of a crime;
 - (B) a victim's estate; or
 - (C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), or (j), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

- (1) The name and address of the person that is to receive the restitution.
- (2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), or (j), does not bar a civil action for:

- (1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and
- (2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), or (j), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution

order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

- (1) The gross income or value to the person of the victim's labor or services.**
 - (2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:**
 - (A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or**
 - (B) IC 22-2-2 (Minimum Wage);**
- whichever is greater.**

SECTION 55. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 56. [EFFECTIVE JULY 1, 2006] (a) The sentencing policy study committee shall study issues related to human and sexual trafficking.

(b) This SECTION expires December 31, 2006.

SECTION 57. [EFFECTIVE JULY 1, 2006] IC 11-8-8-15, IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-10, and IC 35-44-3-13, all as added by this act, and IC 35-42-4-11 and IC 35-43-1-2, both as amended by this act, apply only to crimes committed after June 30, 2006.

SECTION 58. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 10-13-6-10, IC 10-13-6-11, IC 35-38-2-2.3, IC 35-38-2.5-6, and IC 35-38-2.6-3, all as amended by this act, and IC 35-38-1-27, as added by this act, a probation department, community corrections department, or other agency supervising an offender on conditional release is not required to collect a DNA sample before October 1, 2006. However, a probation department, community corrections department, or other agency supervising an offender on conditional release is authorized to collect a DNA sample before October 1, 2006, and a DNA sample collected before October 1, 2006, may be analyzed and placed in the convicted offender data base.

SECTION 59. [EFFECTIVE JULY 1, 2006] IC 35-38-2-2.6 and IC 35-50-6-1, both as added by this act, apply only to crimes committed after June 30, 2006.

SECTION 60. [EFFECTIVE UPON PASSAGE] (a) The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.

(b) This SECTION expires July 1, 2007.

SECTION 61. [EFFECTIVE JULY 1, 2006] (a) The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for sex offenders. The report must include information relating to:

- (1) the expense of lifetime parole and GPS monitoring;
- (2) recidivism; and
- (3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires November 2, 2010.

SECTION 62. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) ensure that sentencing laws and policies protect the public safety;
- (2) establish fairness and uniformity in sentencing laws and policies;
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;
- (2) the availability of sentencing options; and
- (3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

- (1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:

- (A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.
- (B) The deterrent effect a particular classification may have on the commission of the offense.
- (C) The current incidence of the offense in Indiana.
- (D) The rights of the victim.

- (2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:

- (A) The nature and characteristics of the offense.
- (B) The severity of the offense in relation to other offenses.
- (C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.
- (D) The defendant's number of prior convictions.
- (E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.
- (F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

- (3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

- (4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

- (5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

- (6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

- (7) Recommend a comprehensive community corrections strategy based on the following:

- (A) A review of existing community corrections programs.
- (B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.
- (C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.
- (D) The identification of necessary changes in state oversight and coordination of community corrections programs.
- (E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.
- (F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

- (8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

- (9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

- (A) lifetime parole;**
- (B) GPS or other electronic monitoring;**
- (C) a classification system for sex offenders;**
- (D) recidivism; and**
- (E) treatment.**

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. **The committee may meet as often as necessary.**

(f) The committee consists of ~~nineteen (19)~~ **twenty (20)** members appointed as follows:

- (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.
- (3) The chief justice of the supreme court or the chief justice's designee.
- (4) The commissioner of the department of correction or the commissioner's designee.
- (5) The director of the Indiana criminal justice institute or the director's designee.
- (6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.
- (7) The executive director of the public defender council of Indiana or the executive director's designee.
- (8) One (1) person with experience in administering community corrections programs, appointed by the governor.
- (9) One (1) person with experience in administering probation programs, appointed by the governor.
- (10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee.**

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the **voting** members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 63. [EFFECTIVE JULY 1, 2006] IC 35-44-3-9.3, as added by this act, applies only to crimes committed after June 30, 2006.

SECTION 64. An emergency is declared for this act.

(Reference is to EHB 1155 as reprinted March 1, 2006.)

BUDAK	LONG
BARDON	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1018-1; filed March 13, 2006, at 8:52 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1018 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-18-16-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A nonprofit water utility may adopt a resolution approved by its board of directors under this section that reconstitutes the nonprofit water utility as a water authority to be named as provided in the resolution.

(b) A resolution adopted under this section must allow:

- (1) the structure of the board of directors; and
- (2) the rules governing the water authority;

to remain the same as those applicable to the nonprofit water utility.

(c) The water authority shall retain all its powers, privileges, rights, and exemptions as a nonprofit water utility under:

- (1) its existing bylaws and articles; and
- (2) all laws applicable to nonprofit water utilities and local water corporations, including powers granted under IC 32-24-4-1.

(d) **Except as provided in subsection (g),** a water authority constituted under this section is a political subdivision of the state.

(e) A copy of a resolution adopted under this section must be filed with the secretary of state. When the secretary of state receives a copy of a resolution under this subsection, the secretary of state shall dissolve the corporate status of the nonprofit water utility for purposes of state law.

(f) A water authority constituted under this section shall:

- (1) remain obligated under any existing contracts or agreements; and
- (2) remain obligated and assume the indebtedness;

of the nonprofit water utility.

(g) Notwithstanding any other law and subject to ~~subsection~~ **subsections (h) and (i),** a water authority constituted under this section is subject only to the laws applicable to nonprofit water utilities and local water corporations **and is not subject to the following:**

- (1) IC 5-3.
- (2) IC 5-4-1.
- (3) IC 5-11.
- (4) IC 5-13.
- (5) IC 5-14-1.5.
- (6) IC 5-14-3.
- (7) IC 5-22.
- (8) IC 36-1-8.
- (9) IC 36-1-10.
- (10) IC 36-1-10.5.
- (11) IC 36-1-11.
- (12) IC 36-1-12.
- (13) IC 36-1-15.

(h) A water authority constituted under this section is subject to IC 8-1.5-3-8 for purposes of setting rates and charges.

(i) **For each fiscal or calendar year of a water authority constituted under this section that ends after December 31, 2006, the water authority:**

(1) shall:

- (A) have an audit of its financial records performed by an independent certified public accounting firm; and
- (B) keep the audit report on file at the water authority; and

(2) **notwithstanding IC 5-11-1-9, is not subject to the following:**

- (A) **Audit or examination by the state board of accounts.**
- (B) **The examination guidelines and reporting requirements of the state board of accounts.**

(Reference is to EHB 1018 as reprinted March 2, 2006.)

J. LUTZ	HERSHMAN
ROBERTSON	LEWIS
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1114-1; filed March 13, 2006, at 8:53 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1114 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-5-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this chapter, "credit services organization" means a person that, with respect to the extension of credit by another person, sells, provides, performs, or represents that the person can or will sell, provide, or perform, in return for the payment of money or other valuable consideration, any of the following services:

- (1) Improving a buyer's credit record, credit history, or credit rating.
- (2) Obtaining an extension of credit for a buyer.
- (3) **Obtaining a delay or forbearance of a buyer's obligation under a mortgage.**
- ~~(3)~~ (4) Providing advice or assistance to a buyer concerning the services described in subdivision (1), ~~or~~ (2), or ~~both~~ (3).

(b) The term "credit services organization" does not include any of the following:

- (1) A person authorized to make loans or extensions of credit

under state or federal laws that is subject to regulation and supervision under state or federal laws, or a lender approved by the United States Secretary of Housing and Urban Development for participation in a mortgage insurance program under the federal National Housing Act (12 U.S.C. 1701 et seq.).

(2) A bank or savings association or a subsidiary of a bank or savings association that has deposits or accounts that are eligible for insurance by the Federal Deposit Insurance Corporation.

(3) A credit union doing business in Indiana.

(4) A nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(5) A person licensed as a real estate broker under IC 25-34.1 if the person is acting within the course and scope of the person's license.

(6) A person admitted to the practice of law in Indiana if the person is acting within the course and scope of the person's practice as an attorney.

(7) A broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission if the broker-dealer is acting within the course and scope of the broker-dealer's regulation.

(8) A consumer reporting agency (as defined in the Federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)).

SECTION 2. IC 24-5-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "extension of credit" means the right to:

- (1) defer payment of debt ~~or offered or granted primarily for personal, family, or household purposes;~~
- (2) incur debt and defer payment of the debt offered or granted primarily for personal, family, or household purposes; ~~or~~
- (3) **delay or avoid foreclosure on a buyer's residence.**

SECTION 3. IC 24-5-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The following are deceptive acts:

(1) To charge or receive money or other valuable consideration before the complete performance of services that a credit services organization has agreed to perform for or on behalf of a consumer, unless the credit services organization has under section 8 of this chapter:

- (A) obtained a surety bond issued by a surety company admitted to do business in Indiana; or
- (B) established an irrevocable letter of credit.

(2) To charge or receive money or other valuable consideration to refer a buyer to a retail seller that will or may extend credit to the buyer if the extension of credit is made upon substantially the same terms as those available to the general public.

(3) To make or to advise a buyer to make a statement with respect to the buyer's creditworthiness, credit standing, or credit capacity that is:

- (A) false or misleading; or
- (B) that should be known by the exercise of reasonable care to be false or misleading;

to a consumer reporting agency or to a person that has extended credit to the buyer or to whom the buyer is applying for an extension of credit.

(4) To make or use a false or misleading representation in an offer to sell or a sale of the services of a credit services organization, including:

- (A) guaranteeing to "erase bad credit" or using words to that effect unless the representation clearly discloses that this can be done only if a person's credit history is inaccurate or obsolete;
- (B) guaranteeing an extension of credit regardless of the buyer's previous credit history unless the representation clearly discloses the eligibility requirements for obtaining the extension of credit; or
- (C) requiring a buyer to waive a right protected by a state or federal law.

(5) To take a power of attorney from a buyer for any purpose other than inspecting documents as provided by law.

SECTION 4. IC 24-5-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Before doing

business in Indiana, a credit services organization must obtain a surety bond in the amount of ~~ten~~ **twenty-five** thousand dollars ~~(\$10,000)~~ **(\$25,000)**, issued by a surety company authorized to do business in Indiana in favor of the state for the benefit of a person that is damaged by a violation of this chapter.

(b) The attorney general may waive the bonding requirement under subsection (a) and, instead of the bond, accept an irrevocable letter of credit for an equivalent amount issued in favor of the state for the benefit of a person that is damaged by a violation of this chapter.

SECTION 5. IC 27-7-3.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.6. Title Insurance Enforcement Fund

Sec. 1. The title insurance enforcement fund is established for the following purposes:

- (1) To provide supplemental funding for department operations that are related to title insurance.**
- (2) To pay the costs of hiring and employing staff in the area of enforcement of title insurance law.**

Sec. 2. The title insurance enforcement fund shall be administered by the commissioner. The expenses of administering the title insurance enforcement fund shall be paid from money in the fund.

Sec. 3. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

Sec. 4. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. The budget agency may augment the appropriation for the department of insurance from balances in the fund.

Sec. 6. The following shall be deposited in the title insurance enforcement fund:

- (1) Policy reporting fees remitted by title insurers to the commissioner under section 7 of this chapter.**
- (2) All fines, monetary penalties, and costs imposed upon persons by the department as authorized by law for violation of IC 27-7-3.5.**
- (3) Other amounts remitted to the commissioner or the department that are required by law to be deposited into the title insurance enforcement fund.**

Sec. 7. (a) A person that purchases a title insurance policy shall pay to the title insurer that issues the title insurance policy a fee of five dollars (\$5) as a fee for the title insurance enforcement fund at the time of payment for the title insurance policy.

(b) A title insurer shall:

- (1) retain two dollars (\$2) of the fee collected under subsection (a) as an administrative fee; and**
- (2) pay to the department three dollars (\$3) of the fee collected under subsection (a) for deposit in the title insurance enforcement fund.**

SECTION 6. IC 32-21-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. A conveyance of land may incorporate by reference a recorded covenant, restriction, easement, or other encumbrance on the use of the land with a clause that is substantially similar to either of the following:**

- (1) "Subject to the _____ (insert the type of encumbrance) recorded on _____ (insert the date of recording) in _____ (insert the book and page number on which the encumbrance is recorded or the instrument number in which the encumbrance is recorded)."**
- (2) "Subject to _____ (insert the type of encumbrance) of record."**

SECTION 7. IC 32-21-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 1. In any suit to establish title to land or real estate, possession of the land or real estate is not adverse to the owner in a manner as to establish title or rights in and to the land or real estate unless the adverse possessor or claimant pays and discharges all taxes and special assessments that the adverse possessor or claimant reasonably believes in good faith to be due on the land or real estate during the period the adverse possessor or claimant claims to have**

possessed the land or real estate adversely. However, this section does not relieve any adverse possessor or claimant from proving all the elements of title by adverse possession required by law.

SECTION 8. IC 33-37-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the clerk receives payment or credit from the institution responsible for making the payment or credit.

(b) The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. ~~However, Subject to subsection (d), if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk shall collect a credit card service fee equal to the vendor transaction charge or discount fee from the person using the bank or credit card.~~ **shall collect a fee from the person using the bank card or credit card.** The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(c) Subject to subsection (d), the clerk may contract with a payment processing company, which may collect a transaction fee from the person using the bank card or credit card. The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(d) The clerk shall collect and deposit in the appropriate fund an amount not less than the amount the clerk would collect and deposit if the clerk received payment by a means other than a bank card or credit card.

SECTION 9. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

- (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.
- (4) One dollar (\$1) for each cross-reference of a recorded document.
- (5) One dollar (\$1) per page not larger than eight and one-half (8 ½) inches by fourteen (14) inches for furnishing copies of records produced by a photographic process, and two dollars (\$2) per page that is larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (6) Five dollars (\$5) for acknowledging or certifying to a document.
- (7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).
- (8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.
- (9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.
- (10) A supplemental fee of three dollars (\$3) for recording a

document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

~~(c)~~ **(d)** The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

~~(d)~~ **(e)** As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

~~(e)~~ **(f)** The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

~~(f)~~ **(g)** The county recorder may not tax or collect any fee for:

- (1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or
- (2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

~~(g)~~ **(h)** The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

SECTION 10. IC 36-2-7-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.1. (a) As used in this section, "bulk form" means:

- (1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;
- (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or
- (3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

- (1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
- (2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall

charge bulk users the following for bulk form copies:

- (1) Five cents (\$0.05) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.
- (2) Five cents (\$0.05) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

- (1) in the ordinary course of the business of the bulk user; and
- (2) by customers of the bulk user.

The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(k) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with ~~IC 36-2-7-10(c)~~; **section 10(c) of this chapter.**

(l) This section does not apply to enhanced access under IC 5-14-3-3.

SECTION 11. IC 36-2-7.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. This chapter does not apply to a federal lien on real property or federal tax lien on personal property as described in IC 36-2-11-25.**

SECTION 12. IC 36-2-7.5-2, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "redacting technology" refers to technology that has the ability to:

- (1) search recorded **and filed** documents; and
- (2) redact Social Security numbers from recorded **and filed** documents.

SECTION 13. IC 36-2-7.5-4, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A document may not be submitted to the county recorder for recording **or filing** if the document contains the Social Security number of an individual, unless required by law.

SECTION 14. IC 36-2-7.5-5, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An individual preparing a document for recording **or filing** shall **affirm, under the penalties for perjury, that the individual has:**

- (1) ~~reviewed the entire document before submitting the document for recording for the purpose of identifying and; to the extent permitted by law, redacting all Social Security numbers; and~~
- (2) ~~taken reasonable care to redact each Social Security number in the document.~~

(b) ~~An individual shall make the affirmation required under subsection (a) on a form prescribed by the state board of accounts; make the affirmation and statement required by IC 36-2-11-15(c) and IC 36-2-11-15(d).~~

SECTION 15. IC 36-2-7.5-6, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. ~~(a) A county recorder may not accept a document for recording without the completed and executed form described in section 5 of this chapter attached to the document. A form attached to a document under this subsection is considered part of the document for purposes of the fee charged under subsection (b) in accordance with IC 36-2-7-10.~~

~~(b) (a) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document under this chapter in accordance with IC 36-2-7-10; addition to the fees required by IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11).~~

~~(c) (b) The county recorder shall deposit two dollars (\$2) of the fee charged under subsection (b) (a) in the county identification security protection fund established by section 11 of this chapter. This subsection expires July 1, 2011.~~

SECTION 16. IC 36-2-7.5-7, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The state board of accounts shall establish reasonable procedures for a county recorder to follow:

- (1) when receiving and reviewing a document submitted for recording **or filing**; and
- (2) in order to comply with this chapter.

SECTION 17. IC 36-2-7.5-8, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) This section applies after December 31, 2007.

(b) To the extent ~~possible~~, **practicable and as permitted by law**, a county recorder may not disclose a recorded **or filed** document for public inspection under IC 5-14-3 until the county recorder has:

- (1) searched the document for a Social Security number; and
- (2) to the extent ~~possible~~, **practicable**, redacted any Social Security numbers contained in the document;

using redacting technology.

SECTION 18. IC 36-2-7.5-9, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A county recorder shall post a notice in the county recorder's office that states the:

- (1) duties of:
 - (A) an individual preparing **or reviewing** a document for recording **or filing**; and
 - (B) the county recorder; under this chapter; and
- (2) penalties under section 12 of this chapter.

SECTION 19. IC 36-2-7.5-11, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification security protection fund to be administered by the county recorder. The county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section ~~6(c)~~ **6(b)** of this chapter. Money in a fund does not revert to the county general fund.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the county recorder.

SECTION 20. IC 36-2-7.5-12, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) This section applies after June 30, 2008.

(b) A county recorder or an employee of a county recorder who **knowingly, intentionally, or recklessly** discloses a recorded **or filed** document that contains a Social Security number without having the document searched, to the extent technologically ~~possible~~, **practicable and as permitted by law**, using redacting technology commits a Class A infraction.

SECTION 21. IC 36-2-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section does not apply to:

- (1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate; ~~or~~
- (4) an instrument executed or acknowledged outside Indiana; **or**
- (5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.**

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

- (1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; **and**
- (2) all Social Security numbers in the document are redacted, unless required by law.**

(c) An instrument complies with ~~this section~~ subsection (b)(1) if it contains a statement in the following form: "This instrument was prepared by (name).".

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form: "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (name)".

SECTION 22. IC 36-2-11-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) This section applies to:

- (1) a lien arising under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (commonly known as the Superfund Law); **and**
- (2) any other federal lien on real property or any federal tax lien on personal property provided for in the statutes or regulations of the United States.

In order for a lien covered by this section to be perfected, notice of the lien must be filed in the office of the recorder of the county in which the real or personal property subject to the lien is located.

(b) When a notice of a lien covered by this section is presented to the recorder for filing, the recorder shall enter it appropriately in the entry book and in the miscellaneous record. The entries made under this subsection must show the date of filing, the book and page number or instrument number, the name of the person named in the notice, a legal description of the property, if appropriate, and any serial number or other identifying number given in the notice.

(c) When a certificate of discharge of a federal lien covered by this section is issued by the proper officer and presented for filing in the office of the recorder of the county where the notice of lien was filed, the recorder shall record the certificate of discharge as a release of the lien. However, to be recorded under this subsection, the certificate must refer to the recorder's book and page number or instrument number under which the lien was recorded.

(d) When recording a release of a lien under subsection (c), the recorder shall inscribe, in the margin of each entry made to record the lien under subsection (a), a reference to the place where the release is recorded.

(e) Upon the recording of the certificate of discharge as a release under subsection (c) and the inscribing of the references to the release under subsection (d), a certificate of discharge of a lien covered by this section operates as a full discharge and satisfaction of the lien, unless the references to the release inscribed under subsection (d) specifically note the release as a partial lien release.

(f) A federal lien on real property and a federal tax lien on personal property are not subject to the:

- (1) requirement to redact Social Security numbers as described in IC 36-2-7.5-1.5; or**
- (2) requirements to include statements in a recorded or filed instrument as described in section 15(c) and 15(d) of this chapter.**

SECTION 23. IC 36-2-11-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. **(a) A payment to the county recorder for any purpose may be made by any of the following financial instruments that the county recorder authorizes to use:**

- (1) Cash.**
- (2) Check.**
- (3) Bank draft.**
- (4) Money order.**
- (5) Bank card or credit card.**
- (6) Electronic funds transfer.**
- (7) Any other financial instrument authorized by the county recorder.**

(b) If there is a charge to the county recorder for the use of a financial instrument other than a bank card or credit card, the county recorder shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) The county recorder may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the county recorder receives payment or credit from the institution responsible for making the payment or credit. Subject to subsection (e), if there is a vendor transaction card or discount fee, whether billed to the county recorder or charged directly to the county recorder's account, the county recorder shall collect a fee from the person using the bank card or credit card. The fee is a permitted charge under IC 24-4.5-3-202.

(d) Subject to subsection (e), the county recorder may contract with a payment processing company, which may collect a transaction fee from the person using the bank card or credit card.

(e) The county recorder shall collect and deposit in the appropriate fund an amount not less than the amount the county recorder would collect and deposit if the county recorder received payment by a means other than a bank card or credit card.

(f) Funds described in subsection (c) may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 24. **An emergency is declared for this act.**

(Reference is to EHB 1114 as reprinted March 3, 2006.)

FOLEY	STEELE
VAN HAAFTEN	BRODEN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1029-1; filed March 13, 2006, at 8:54 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1029 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The bank may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this article, including:

- (1) the purchase or acquisition of securities;
- (2) the making of loans to or agreements with qualified entities through the purchase of securities;
- (3) the payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the bonds or notes or interest to be paid, funded, or refunded have or have not become due; ~~and~~
- (4) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bank incident to and necessary or convenient to carry out its corporate purposes and powers; **and**
- (5) the acquisition of school buses to be leased or sold to school corporations (as defined in IC 36-1-2-17).**

(b) Except as otherwise provided in this article or by the board, every issue of bonds or notes shall be general obligations of the bank

payable out of the revenues or funds of the bank, subject only to agreements with the holders of a particular series of bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States, a qualified entity, or a person or a pledge of income or revenues, funds, or money of the bank from any source.

(c) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except:

- (1) bonds or notes issued to fund or refund bonds or notes; and
- (2) bonds or notes issued for the purpose of purchasing an agreement executed by a qualified entity under IC 21-1-5;

may not exceed one billion dollars (\$1,000,000,000) for qualified entities described in IC 5-1.5-1-8(1) through IC 5-1.5-1-8(4) and IC 5-1.5-1-8(8) through IC 5-1.5-1-8(11).

(d) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except bonds or notes issued to fund or refund bonds or notes, may not exceed two hundred million dollars (\$200,000,000) for qualified entities described in IC 5-1.5-1-8(5) through IC 5-1.5-1-8(6).

(e) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except bonds or notes issued to fund or refund bonds or notes, may not exceed thirty million dollars (\$30,000,000) for qualified entities described in IC 5-1.5-1-8(7).

(f) The limitations contained in subsections (c), (d), and (e) do not apply to bonds, notes, or other obligations of the bank if:

- (1) the bonds, notes, or other obligations are not secured by a reserve fund under IC 5-1.5-5; or
- (2) funds and investments, and the anticipated earned interest on those funds and investments, are irrevocably set aside in amounts sufficient to pay the principal, interest, and premium on the bonds, notes, or obligations at their respective maturities or on the date or dates fixed for redemption.

SECTION 2. IC 5-1.5-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Every qualified entity is authorized and empowered to contract with the bank with respect to the loan or purchase of its securities, and the contracts shall contain the terms and conditions of the loan or purchase and may be in any form agreed to by the bank and the qualified entity, including a customary form of bond ordinance or resolution. Every qualified entity is authorized and empowered to pay fees and charges required to be paid to the bank for its services.

(b) Notwithstanding any statute applicable to or constituting any limitation on the sale of bonds or notes or on entry into an agreement, any qualified entity may sell its securities to the bank, without limitation as to denomination, at a private sale at such price or prices as may be determined by the bank and the qualified entity.

(c) Notwithstanding any law that applies to or constitutes a limitation on the leasing or disposition of materials or other property, **and subject to subsection (d)**, any qualified entity, or any purchasing agency (as defined in IC 5-22-2-25) of a qualified entity, may:

- (1) assign or sell a lease **or purchase contract** for property to the bank; **or**
- (2) enter into a lease **or purchase contract** for property with the bank; **or**
- (3) **buy property from or sell property to the bank;**

at any price and under any other terms and conditions as may be determined by the bank and the qualified entity. ~~However,~~

(d) This subsection does not apply to a school corporation that buys or leases a school bus from the bank under IC 5-1.5-4-1(a)(5). Before making taking an assignment or sale of a lease or entering into a lease action described under this subsection (c)(1) through (c)(3) that would otherwise be subject to IC 5-22, the a qualified entity or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to the sale, purchase contract, or the lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

SECTION 3. IC 6-1.1-19-8, AS AMENDED BY P.L.1-2005, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A school corporation must file a petition requesting approval from the department of local government finance to incur bond indebtedness, enter into a lease

rental agreement, or repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5 not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances. A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

This restriction does not apply to ad valorem property taxes which a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. **In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1.**

(b) The department of local government finance may either approve, disapprove, or modify then approve a school corporation's proposed lease rental agreement, bond issue or school bus purchase loan. Before it approves or disapproves a proposed lease rental agreement, bond issue or school bus purchase loan, the department of local government finance may seek the recommendation of the tax control board.

(c) The department of local government finance shall render a decision not more than three (3) months after the date it receives a request for approval under subsection (a). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the school corporation. A school corporation may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) After December 31, 1995, the department of local government finance may not approve a school corporation's proposed lease rental agreement or bond issue to finance the construction of additional classrooms unless the school corporation first:

- (1) establishes that additional classroom space is necessary; and
- (2) conducts a feasibility study, holds public hearings, and hears public testimony on using a twelve (12) month school term (instead of the nine (9) month school term (as defined in IC 20-30-2-7)) rather than expanding classroom space.

(e) This section does not apply to school bus purchase loans made by a school corporation which will be repaid solely from the general fund of the school corporation.

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 4. IC 6-3-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.

(b) As used in this section, "taxpayer" means:

- (1) an individual filing a single return; or
- (2) a married couple filing a joint return.

(c) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

- (1) Twenty percent (20%) of the amount of each contribution made by the taxpayer to a college choice 529 education savings plan during the taxable year.
- (2) One thousand dollars (\$1,000).
- (3) The amount of the taxpayer's adjusted gross income tax

imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(d) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

(e) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

(f) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

SECTION 5. IC 20-12-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to ~~section sections~~ **sections 16 and 17** of this chapter, bonds may be issued in an amount or amounts that do not exceed the maximum amount determined by the governing board of the issuing corporation.

(b) The bonds may be issued in the form and upon the terms and conditions, at the rate or rates of interest, and in the denominations which may be made convertible into different denominations as the governing board of the corporation may determine by the adoption of a resolution or approval of a form of trust indenture between the corporation and a designated corporate trustee, or both.

(c) The resolution or the indenture may include provisions for:

- (1) protecting and enforcing the rights and remedies of the holders of the bonds being issued;
- (2) covenants setting forth the duties of the corporation and its officers in relation to the acquisition, construction, operation, maintenance, use, and abandonment of the building facility, and insurance thereof;
- (3) the custody, safeguarding, application, and investment of all money;
- (4) the rights and remedies of the trustee and the holders of the bonds being issued;
- (5) the issuance of additional bonds as provided in the resolution or indenture; and
- (6) other terms, conditions, and covenants as the governing board of the corporation determines are proper, including provision for the establishment of a debt service reserve by:

- (A) the use of bond proceeds or other sources;
- (B) the furnishing of an insurance policy, surety bond, or letter of credit; or
- (C) any combination of clause (A) or (B).

(d) The bonds shall be sold at public or negotiated sale as provided by IC 4-1-5.

(e) All bonds and the interest coupons appertaining to the bonds issued under this chapter shall be negotiable instruments within the meaning and for all purposes under the laws of this state, subject only to the provisions of the bonds for registration as to principal or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

(f) No action to contest the validity of any bonds issued under this chapter shall be brought after the fifteenth day following:

- (1) the first publication of notice of the sale or intent to sell the bonds under IC 4-1-5, if the bonds are sold at public sale; or
- (2) the publication one (1) time in newspapers described in IC 4-1-5-1 of notice of execution and delivery of the contract of sale for the bonds, if the bonds are sold at negotiated sale.

(g) The corporation shall publish notice under subsection (f)(2) if it sells bonds at negotiated sale within thirty (30) days of execution of the contract of sale for the bonds.

(h) The rate or rates of interest of the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture pursuant to which the bonds are issued. The interest may be payable semiannually, annually, or at any other interval or intervals as may be provided in the resolution or indenture, or the interest may be compounded and paid at maturity or at any other times as specified in the resolution or indenture.

(i) The bonds may be made subject, at the option of the holders, to mandatory redemption by the corporation at the times and under the circumstances set forth in the authorizing resolution or indenture.

(j) A resolution or the indenture may contain provisions regarding the investment of money, sale, exchange, or disposal of property and the manner of authorizing and making payments, notwithstanding IC 5-13 or any general statute relating to these matters.

SECTION 6. IC 20-12-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The term "bond" or "bonds" as used in this chapter means any bonds (including refunding bonds), notes, temporary, interim, or permanent certificates of indebtedness, debentures, or other obligations evidencing indebtedness for borrowed money. **The term does not include installment contracts or similar instruments under section 2 of this chapter.**

SECTION 7. IC 20-12-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Except for notes issued under section 8.5 of this chapter and except as provided in subsections ~~(d) and~~ **(e) through (g)**, no bonds shall be issued for a project by the corporations under this chapter unless the general assembly:

- (1) has specifically approved the project to be financed through the issuance and sale of these bonds; and
- (2) has provided the amount of bonds which may be issued to fund the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping the specific project approved.

(b) In addition to and in connection with the amount of bonds that may be issued by a corporation for a specific project as provided in subsection (a)(2), the corporations may also issue bonds in amounts necessary to provide funds for debt service reserves, bond or reserve insurance, and other costs without additional approval by the general assembly, if these costs are incidental to the issuance of bonds for the project.

(c) The bonds, regardless of when the amount of bonds was approved by the general assembly, may be issued in an amount not exceeding:

- (1) the amount of bonds approved by the general assembly together with the amounts described in subsection (b); plus
- (2) the amount of the discount below par value, if bonds are sold at a price below par value under IC 4-1-5-1.

(d) As used in this subsection, "fee replacement" means payments to a corporation to be used to pay indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes. A power granted under this section to issue bonds without the specific approval of the general assembly shall not be construed to permit the issuance of the bonds without the specific approvals required under section 16 of this chapter. Bonds issued without the specific approval of the general assembly are not eligible for fee replacement.

~~(d)~~ **(e)** Bonds may be issued by a corporation without the approval of the general assembly if, after the issuance, the total amount of outstanding bonds issued by the corporation without approval will not exceed ~~one two~~ million dollars ~~(\$1,000,000)~~ **(\$2,000,000)**. However, the bonds must be approved as provided in section 16 of this chapter.

~~(e)~~ **(f)** Bonds may be issued by a corporation without the approval of the general assembly to finance a qualified energy savings project (as defined in IC 20-12-5.5) if ~~(f)~~ **(f)** annual operating savings to ~~a~~ the corporation arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. ~~and (2)~~ **However**, the amount of bonds that may be issued ~~by each outstanding for~~ the corporation at any time for **qualified energy savings projects**, other than refunding bonds and exclusive of costs described in subsections (b) and (c), ~~does~~ may not exceed ten million dollars (\$10,000,000).

(g) Bonds may be issued by the trustees of Purdue University without the approval of the general assembly for deferred expenditures, as determined under accounting principles approved by the state board of accounts, to:

- (1) repair, rehabilitate, remodel, renovate, or reconstruct existing facilities or buildings;
- (2) improve or replace utilities or fixed equipment; or
- (3) perform related site improvement work.

However, the total amount of bonds issued for the corporation under this subsection without the approval of the general assembly, other than refunding bonds and exclusive of costs described in subsections (b) and (c), may not exceed sixty million dollars (\$60,000,000).

SECTION 8. IC 20-12-7-7, AS AMENDED BY P.L.235-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) No bonds shall be issued by the respective trustees under the provisions of this chapter without the specific approval of:

- (1) the budget agency, if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the institution makes the findings described in subsection (b); and
- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) An institution may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the institution finds that the refunding or advance refunding will effect a benefit to the institution because:

- (1) a net savings to the institution will be effected; or
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

SECTION 9. IC 20-12-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The trustees of Indiana University, the trustees of Purdue University, Indiana State University board of trustees, the University of Southern Indiana board of trustees, and the Ball State University board of trustees are authorized and empowered, from time to time, if the governing boards of these corporations find that a necessity exists, to erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage:

- (1) dormitories and other housing facilities for single and married students and school personnel;
- (2) food service facilities;
- (3) student infirmaries and other health service facilities including revenue-producing hospital facilities serving the general public, together with parking facilities and other appurtenances in connection with any of the foregoing; or
- (4) parking facilities in connection with academic facilities; or
- (5) medical research; facilities associated with a school of medicine; if the facilities will generate revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds for the facility for each fiscal year that the bonds are outstanding;

at or in connection with Indiana University, Purdue University, Indiana State University, the University of Southern Indiana, and Ball State University, for the purposes of the respective institutions. These

(b) The trustees of Indiana University and the trustees of Purdue University may, from time to time, if the governing boards of these corporations find that a necessity exists, erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage facilities used for clinical, medical, scientific, engineering, or other similar qualitative, quantitative, or experimental research, if revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements is available in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds and the costs to operate the facility for each fiscal year that the bonds are outstanding at or in connection with any of the following campuses of Indiana University or Purdue University:

- (1) Purdue University-West Lafayette Campus.
- (2) Indiana University-Purdue University at Indianapolis (IUPUI).
- (3) Indiana University-Bloomington Campus.

Neither student fees nor money appropriated by the general assembly may be used to pay the debt service requirements or the maintenance expenses of a facility described in this subsection.

(c) The corporations described in subsection (a) or (b) are also authorized and empowered to acquire, by purchase, lease, condemnation, gift or otherwise, any property, real or personal, that in the judgment of these corporations is necessary for the purposes set forth in this section. The corporations may improve and use any property acquired for the purposes set forth in this section.

(d) Title to all property so acquired, including the improvements located on the property, shall be taken and held by and in the name of the corporations. If the governing board of any of these corporations determines that real estate, the title to which is in the name of the state, for the use and benefit of the corporation or institution under its control, is reasonably required for any of the purposes set forth in this section, the real estate may, upon request in writing of the governing board of the corporation to the governor of the state and upon the approval of the governor, be conveyed by deed from the state to the corporation. The governor shall be authorized to execute and deliver the deed in the name of the state, signed on behalf of the state by the governor, attested by the auditor of state and with the seal of the state affixed to the deed.

SECTION 10. IC 20-12-8-7, AS AMENDED BY P.L.235-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) No bonds shall be issued by the corporations under the provisions of this chapter without the specific approval of:

- (1) the budget agency, if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the corporation makes the findings described in subsection (b); and
- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) A corporation may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the corporation finds that the refunding or advance refunding will effect a benefit to the corporation because:

- (1) a net savings to the corporation will be effected; or
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

SECTION 11. [EFFECTIVE JULY 1, 2006] The trustees of Indiana State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, furnishing, and equipping the Student Recreation Center Project, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed twenty-four million dollars (\$24,000,000). The project is not eligible for fee replacement or plant expansion funding.

SECTION 12. [EFFECTIVE JULY 1, 2006] The trustees of Ball State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of renovation and expansion of a recreation center, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed thirty-nine million dollars (\$39,000,000). The project is not eligible for fee replacement or plant expansion funding.

SECTION 13. [EFFECTIVE JULY 1, 2006] The trustees of the University of Southern Indiana may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for

the purpose of constructing, furnishing, and equipping a university center expansion, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed four million dollars (\$4,000,000). The project is not eligible for fee replacement or plant expansion funding.

SECTION 14. [EFFECTIVE JANUARY 1, 2007] IC 6-3-3-12, as added by this act, applies to taxable years beginning after December 31, 2006.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-12-1-12, a state educational institution that did not set 2006-2007 tuition and fee rates for:

- (1) nonresident undergraduate students; and
- (2) resident and nonresident graduate and professional students;

at the time that the state educational institution set resident undergraduate tuition and fee rates, is authorized to set tuition and fee rates for students described in subdivisions (1) and (2) for the 2006-2007 year only. The percentage increase for the 2006-2007 tuition and fee rates set under this SECTION may not exceed the percentage increase set for 2005-2006.

(b) A state educational institution shall hold a public hearing before setting any tuition and fee rates under this SECTION. The state educational institution shall give public notice of the hearing at least ten (10) days before the hearing. The public notice must include the specific proposal for tuition and fee rate increases and the expected uses of the revenue to be raised by the proposed increases. The hearing shall be held on or before May 15, 2006.

(c) This SECTION expires June 30, 2006.

SECTION 16. An emergency is declared for this act.

(Reference is to EHB 1029 as reprinted March 1, 2006.)

BUELL	KENLEY
KLINKER	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 10:20 p.m. with the Speaker in the Chair.

Representative Grubb was excused for the rest of the day.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
EHB 1392-1; filed March 13, 2006, at 9:29 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1392 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-10-2-1, AS ADDED BY HEA 1006-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A school corporation individually, in collaboration with other school corporations, and through the educational services centers may undertake action to reduce noninstructional expenditures and allocate the resulting savings to student instruction and learning. Actions taken under this section include the following:

- (1) Pooling of resources with other school corporations for liability insurance, property and casualty insurance, worker's compensation insurance, employee health insurance, vision insurance, dental insurance, or other insurance, whether by pooling risks for coverage or for the purchase of coverage, or by the creation of or participation in insurance programs, trusts,

subject to the following:

(A) School corporations that elect to pool property and casualty risks assets for insurance coverage are must create a trust under Indiana law for the assets. The trust is subject to regulation by the department of insurance as follows:

(i) The program trust must register be registered with the department of insurance.

(ii) The program trust shall obtain both specific and aggregate levels of stop loss insurance issued by an insurer authorized to do business in Indiana each with a an aggregate retention level of an amount approved by the department of insurance: not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.

(iii) Contributions by the school corporations must be set at a level approved by the department of insurance: one hundred percent (100%) of the aggregate retention plus all other costs of the trust.

(iv) Each program The trust shall submit an actuarial study of a type and nature maintain a fidelity bond in an amount approved by the department of insurance. The program shall pay the costs of the actuarial study. Each program shall fund one hundred percent (100%) of the actuarial study's projection for annual losses, plus the fixed costs of the program: fidelity bond must cover each person responsible for the trust for acts of fraud or dishonestly in servicing the trust.

(v) The program trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The program trust shall file an annual financial statement in the form required by the department of insurance IC 27-1-3-13 not later than one hundred twenty (120) days after the end of the program's fiscal March 1 of each year.

(vii) The program trust is not covered by the Indiana insurance guaranty fund created under IC 27-6-8. The liability of each school corporation is joint and several.

(viii) The program trust is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the program: trust.

(ix) The department of insurance may deny, suspend, or revoke the registration of a program trust if the commissioner finds that the program trust is in a hazardous financial condition, the program trust refuses to be examined or produce records for examination, or the program trust has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Each school corporation, and more than one (1) school corporation acting jointly, may elect to aggregate purchases of natural gas commodity supply from any available natural gas commodity seller for all schools included in the aggregated purchases. A rate schedule that is:

(A) filed by a natural gas utility; and

(B) approved by the Indiana utility regulatory commission; must include provisions that allow a school corporation or school corporations acting jointly to elect to make aggregated purchases of natural gas commodity supply. Upon request from a school corporation, a natural gas utility shall summarize the rates and charges for providing services to each school in the school corporation on one (1) summary bill for remitting payment to the utility.

(3) Consolidating purchases with other school corporations or units of government of the following:

(A) School buses and other vehicles and vehicle fleets.

(B) Fuel, maintenance, or other services for vehicles or vehicle fleets.

(C) Food services.

(D) Facilities management services.

(E) Transportation management services.

(F) Textbooks, technology, and other school materials and

supplies.

(G) Any other purchases a school corporation may require. Purchases may be made by contiguous school corporations, as part of regional consolidated purchasing arrangements, or from consolidated sources under multistate cooperative bidding arrangements.

SECTION 2. IC 27-1-12.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Notwithstanding any other provision of law:

- (1) the commissioner has the sole authority to regulate the issuance and sale of funding agreements;
- (2) a funding agreement is not considered a covered policy under IC 27-8-8-1(a) **or IC 27-8-8-2.3(d)**; and
- (3) a claim for payments under a funding agreement must be treated as a loss claim described in Class 2 of IC 27-9-3-40.

SECTION 3. IC 27-1-15.6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. ~~(a)~~ An insurance producer may not receive compensation for the sale, solicitation, negotiation, or renewal of any insurance policy issued to any person or entity for whom the insurance producer, for a fee, acts as a consultant for that policy unless:

- (1) the insurance producer provides to the insured a written agreement in accordance with section 23(c) of this chapter; and
- (2) the insurance producer discloses to the insured the following information prior to the sale, solicitation, negotiation, or renewal of any policy:
 - (A) The fact that the insurance producer will receive compensation for the sale of the policy.
 - (B) The method of compensation.

~~(b) The requirements of this subsection are in addition to the requirements set forth in subsection (a): A risk manager described in IC 27-1-22-2.5(b)(2) shall, before providing risk management services to an exempt commercial policyholder (as defined in IC 27-1-22-2.5); disclose in writing to the exempt commercial policyholder whether the risk manager will receive or expects to receive any commission, fee, or other consideration from an insurer in connection with the purchase of a commercial insurance policy by the exempt commercial policyholder. However, if the risk manager charges the exempt commercial policyholder a fee for risk management services, the risk manager shall disclose in writing to the exempt commercial policyholder the specific amount of any commission, fee, or other consideration that the risk manager may receive from an insurer in connection with the purchase of the policy. The risk manager shall, before providing the risk management services, obtain from the exempt commercial policyholder a written acknowledgment of the disclosures made by the risk manager to the exempt commercial policyholder under this subsection.~~

SECTION 4. IC 27-1-15.6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) An individual or corporation shall not engage in the business of an insurance consultant until a consultant license has been issued to the individual or corporation by the commissioner. However, a consultant license is not required for the following:

- (1) An attorney licensed to practice law in Indiana acting in the attorney's professional capacity.
- (2) A duly licensed insurance producer or surplus lines producer.
- (3) A trust officer of a bank acting in the normal course of the trust officer's employment.
- (4) An actuary or a certified public accountant who provides information, recommendations, advice, or services in the actuary's or certified public accountant's professional capacity.

(b) An application for a license to act as an insurance consultant shall be made to the commissioner on forms prescribed by the commissioner. An applicant may limit the scope of the applicant's consulting services by stating the limitation in the application. The areas of allowable consulting services are:

- (1) Class 1, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 1; and
- (2) Class 2 and Class 3, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 2 and Class 3.

Within a reasonable time after receipt of a properly completed application form, the commissioner shall hold a written examination

for the applicant that is limited to the type of consulting services designated by the applicant, and may conduct investigations and propound interrogatories concerning the applicant's qualifications, residence, business affiliations, and any other matter that the commissioner considers necessary or advisable in order to determine compliance with this chapter or for the protection of the public.

(c) For purposes of this subsection, "consultant's fee" does not include a late fee charged under section 24 of this chapter or fees otherwise allowed by law. A consultant shall provide consultant services as outlined in a written agreement. The agreement must be signed by the person receiving services, and a copy of the agreement must be provided to the person receiving services before any services are performed. The agreement must outline the nature of the work to be performed by the consultant and the method of compensation of the consultant. The signed agreement must be retained by the consultant for not less than two (2) years after completion of the services. A copy of the agreement shall be made available to the commissioner. In the absence of an agreement on the consultant's fee, the consultant shall not be entitled to recover a fee in any action at law or in equity.

(d) An individual or corporation shall not concurrently hold a consultant license and an insurance producer's license, surplus lines producer's license, or limited lines producer's license at any time.

(e) A licensed consultant shall not:

- (1) employ;
- (2) be employed by;
- (3) be in partnership with; or
- (4) receive any remuneration whatsoever;

from a licensed insurance producer, surplus lines producer, or limited lines producer or insurer, except that a consultant may be compensated by an insurer for providing consulting services to the insurer.

(f) A consultant license shall be valid for not longer than twenty-four (24) months and may be renewed and extended in the same manner as an insurance producer's license. The commissioner shall designate on the license the consulting services that the licensee is entitled to perform.

(g) All requirements and standards relating to the denial, revocation, or suspension of an insurance producer's license, including penalties, apply to the denial, revocation, and suspension of a consultant license as nearly as practicable.

(h) A consultant is obligated under the consultant's license to:

- (1) serve with objectivity and complete loyalty solely the insurance interests of the consultant's client; and
- (2) render the client such information, counsel, and service as within the knowledge, understanding, and opinion, in good faith of the licensee, best serves the client's insurance needs and interests.

~~(i) Except as provided in subsection (j), The form of a written agreement required by subsection (c) must be filed with the commissioner not less than thirty (30) days before the form is used. If the commissioner does not expressly approve or disapprove the form within thirty (30) days after filing, the form is considered approved. At any time after notice and for cause shown, the commissioner may withdraw approval of a form effective thirty (30) days after the commissioner issues notice that the approval is withdrawn.~~

~~(j) Subsection (i) does not apply to the form of a written agreement under subsection (c) that is executed by an insurance producer and an exempt commercial policyholder (as defined in IC 27-1-22-2.5).~~

SECTION 5. IC 27-1-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Whenever a foreign or an alien insurance company desires to be admitted to do an insurance business in this state, it shall execute in the English language and present the following to the department, at its office, accompanied by the fees prescribed by law:

- ~~(a)~~ (1) A copy of its articles of incorporation or association, with all amendments thereto, duly authenticated by the proper officer of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States.

~~(b)~~ (2) An application for admission, executed in the manner provided in this chapter, setting forth:

- (1) (A) the name of such company;
- (2) (B) the location of its principal office or place of business without this state;
- (3) (C) the names of the states in which it has been admitted or qualified to do business;
- (4) (D) the character of insurance business under its articles of incorporation or association which it intends to transact in this state, which must conform to the class or classes set forth in the provisions of IC 27-1-5-1;
- (5) (E) the total authorized capital stock of the company and the amount thereof issued and outstanding, and the surplus required of such company by the laws of the state, country, province, or government under which it is organized, or the state in which it is domiciled in the United States, if a stock company, which shall equal at least the requirements set forth in section 5(a) of this chapter;
- (6) (F) the total amount of assets and the surplus of assets over all its liabilities, if other than a stock company, which shall equal at least the requirements set forth in section 5(b) of this chapter;
- (7) (G) if an alien company, the surplus of assets invested according to the laws of the state in the United States where it has its deposit, which shall equal at least the requirements set forth in section 5(c) of this chapter; and
- (8) (H) such further and additional information as the department may from time to time require.

The application shall be signed in duplicate, in the form prescribed by the department, by the president or a vice president and the secretary or an assistant secretary of the corporation, and verified under oath by the officers signing the same.

- (3) A statement of its financial condition and business, in the form prescribed by law for annual statements, signed and sworn to by the president or secretary or other principal officers of the company; provided, however, that an alien company shall also furnish a separate statement comprising only its condition and business in the United States, which shall be signed and sworn to by its United States manager.
- (4) A copy of the last report of examination certified to by the insurance commissioner or other proper supervisory official of the state in which such company is domiciled; provided, however, that the commissioner may cause an examination to be made of the condition and affairs of such company before authority to transact business in this state is given.
- (5) A certificate from the proper official of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States, that it is duly organized or incorporated under those laws and authorized to make the kind or kinds of insurance which it proposes to make in this state.
- (6) A copy of its bylaws or regulations, if any, certified to by the secretary or similar officer of the insurance company.
- (7) A duly executed power of attorney in a form prescribed by the department which constitutes and appoints an individual or a corporate resident of Indiana, or an authorized Indiana insurer, as the insurance company's agent, its true and lawful attorney upon whom, **except as provided in section 4.2 of this chapter**, all lawful processes in any action in law or in equity against it shall be served. Such power of attorney shall contain an agreement by the insurance company that any lawful process against it which may be served upon the agent as its attorney shall be of the same force and validity as if served upon the insurance company and that such power of attorney shall continue in force and be irrevocable so long as any liability of the insurance company remains outstanding in this state. Such power of attorney shall be executed by the president and secretary of the insurance company or other duly authorized officers under its seal and shall be accompanied by a certified copy of the resolution of the board of directors of the company making said appointment and authorizing the execution of said power of attorney. Service of any lawful process shall be by delivering to and leaving with the agent two (2) copies of such process, with copy of the pertinent complaint attached. The

agent shall forthwith transmit to the defendant company at its last known principal place of business by registered or certified mail, return receipt requested, one (1) of the copies of such process, with complaint attached, the other copy to be retained in a record which shall show all process served upon and transmitted by him. Such service shall be sufficient provided the returned receipt or, if the defendant company shall refuse to accept such mailing, the registered mail together with an affidavit of plaintiff or his attorney stating that service was made upon the agent and forwarded as above set forth but that such mail was returned by the post office department is filed with the court. The agent shall make information and receipts available to plaintiff, defendant or their attorneys. No plaintiff or complainant shall be entitled to a judgment by default based on service authorized by this section until the expiration of at least thirty (30) days from the date on which either the post office receipt or the unclaimed mail together with affidavit is filed with the court. Nothing in this section shall limit or abridge the right to serve any process, notice or demand upon any company in any other manner permitted by law.

(8) Proof which satisfies the department that it has complied with the financial requirements imposed in this chapter upon foreign and alien insurance companies which transact business in this state and that it is entitled to public confidence and that its admission to transact business in this state will not be prejudicial to public interest.

SECTION 6. IC 27-1-17-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. (a) A foreign or alien insurance company that provides a surety bond that is required or permitted under the law of the United States shall execute a power of attorney in a form prescribed by the department irrevocably appointing the commissioner as the insurance company's agent for service of process in an action on the surety bond if the:**

- (1) surety bond was provided in Indiana; and
- (2) service of process under this section is in addition to another method of service of process authorized by law or court rule.

(b) Service of process under this section has the same effect as personal service on the insurance company.

(c) Upon receipt of process described in this section, the commissioner shall forward the process to the resident agent designated by the insurance company under section 4(7) of this chapter.

(d) The commissioner may adopt rules under IC 4-22-2 to establish reasonable fees for the acceptance of process described in this section. Fees collected under rules adopted under this subsection must be deposited in the department of insurance fund established by IC 27-1-3-28.

SECTION 7. IC 27-1-22-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. (a) As used in this chapter, "exempt "commercial policyholder" means an a business, nonprofit, or governmental entity that purchases a**

(1) makes written certification to the entity's insurer on a form prescribed by the department that the entity is an exempt commercial policyholder;

(2) has purchased the policy of commercial insurance through an insurance producer licensed under IC 27-1-15.6 or IC 27-1-15.8. and

(3) meets any three (3) of the following criteria:

(A) Has a net worth of more than twenty-five million dollars (\$25,000,000) at the time the policy of insurance is issued.

(B) Has a net revenue or sales of more than fifty million dollars (\$50,000,000) in the preceding fiscal year.

(C) Has more than twenty-five (25) employees per individual company or fifty (50) employees per holding company aggregate at the time the policy of insurance is issued.

(D) Has aggregate annual commercial insurance premiums, excluding any worker's compensation and professional liability insurance premiums, of more than seventy-five thousand dollars (\$75,000) in the preceding fiscal year.

(E) Is a nonprofit or a public entity with an annual budget of

at least twenty-five million dollars (\$25,000,000) or assets of at least twenty-five million dollars (\$25,000,000) in the preceding fiscal year.

(F) Procures commercial insurance with the services of a risk manager.

An entity meets the written certification requirement under subdivision (1) if the entity provides a copy of a certification previously submitted under subdivision (1) and if there has been no significant material change in the entity's status.

(b) As used in this chapter, "risk manager" means a person qualified to assess an exempt commercial policyholder's insurance needs and analyze and negotiate a policy of insurance on behalf of an exempt commercial policyholder. A risk manager may be:

(1) a full-time employee of an exempt commercial policyholder who is qualified through education and experience or training and experience; or

(2) a person retained by an exempt commercial policyholder who holds a professional designation relevant to the type of insurance to be purchased by the exempt commercial policyholder.

SECTION 8. IC 27-1-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Every insurer shall file with the commissioner every manual of classifications, rules, and rates, every rating schedule, every rating plan, and every modification of any of the foregoing which it proposes to use.

(b) The following types of insurance are exempt from the requirements of subsections (a) and (j):

(1) Inland marine risks, which by general custom of the business are not written according to manual rates or rating plans.

(2) Insurance, other than workers compensation insurance, or professional liability insurance; that is:

(A) written by an insurer that:

(i) complies with subsection (m); and

(ii) maintains at least a B rating by A.M. Best or an equivalent rating by another independent insurance rating organization; and

(B) issued to exempt commercial policyholders.

(c) Every such filing shall indicate the character and extent of the coverage contemplated and shall be accompanied by the information upon which the filer supports such filing.

(d) The information furnished in support of a filing may include:

(1) the experience and judgment of the insurer or rating organization making the filing;

(2) its interpretation of any statistical data it relies upon;

(3) the experience of other insurers or rating organizations; or

(4) any other relevant factors.

The commissioner shall have the right to request any additional relevant information. A filing and any supporting information shall be open to public inspection as soon as stamped "filed" within a reasonable time after receipt by the commissioner, and copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

(e) Filings shall become effective upon the date of filing by delivery or upon date of mailing by registered mail to the commissioner, or on a later date specified in the filing.

(f) Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

(g) Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the commissioner to accept such filings on its behalf, provided that nothing contained in this chapter shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the commissioner to accept such filings on its behalf.

(h) Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the commissioner to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

(1) that any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the commissioner and to the rating organization and may then make its own independent filings for

any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; and

(2) that any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the commissioner:

(A) requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty (30) days after receipt of such request, either:

(i) to make such filing as a rating organization filing;

(ii) to make such filing on an agency basis solely on behalf of the requesting member; or

(iii) to decline the request of such member; and

(B) excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

(i) Under such rules as the commissioner shall adopt, the commissioner may, by written order, suspend or modify the requirement of filing as to any kinds of insurance, or subdivision, or classes of risk, or parts or combinations of any of the foregoing, the rates for which can not practicably be filed before they are used. Such orders and rules shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as the commissioner may deem advisable to ascertain whether any rates affected by such order are excessive, inadequate, or unfairly discriminatory.

(j) Upon the written application of the insured, stating the insured's reasons therefor, filed with the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(k) An insurer shall not make or issue a policy or contract except in accordance with filings which are in effect for that insurer or in accordance with the provisions of this chapter. Subject to the provisions of section 6 of this chapter, any rates, rating plans, rules, classifications, or systems in effect on May 31, 1967, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

(l) The commissioner shall have the right to make an investigation and to examine the pertinent files and records of any insurer, insurance producer, or insured in order to ascertain compliance with any filing for rate or coverage which is in effect. The commissioner shall have the right to set up procedures necessary to eliminate noncompliance, whether on an individual policy, or because of a system of applying charges or discounts which results in failure to comply with such filing.

(m) The department may adopt rules to:

(1) implement the exemption under subsection (b);

(2) impose disclosure requirements the commissioner determines are necessary to adequately protect exempt commercial policyholders; and

(3) establish the form of the report required by subsection (n).

(n) Each insurer who issues insurance to an exempt commercial policyholder shall file an annual report with the department by February 1 of each year. The annual report may not disclose the identity of an exempt commercial policyholder and must include only the following information regarding each exempt commercial policyholder:

(1) The account number, policy number, or other number used by the insurer to identify the insured;

(2) The amount of aggregate annual commercial premium;

(3) The inception date and expiration date of commercial insurance coverage provided by the insurer;

(4) The criteria in section 2-5(a)(3) of this chapter used to establish the entity as an exempt commercial policyholder;

(o) The annual report filed under subsection (n) must be accompanied by the fee prescribed by IC 27-1-3-15(c). For purposes of calculating the required fee, each policy purchased by an exempt commercial policyholder shall be considered a product filing under IC 27-1-3-15(c).

(m) This subsection applies to an insurer that issues a commercial property or commercial casualty insurance policy to a commercial policyholder. Not more than thirty (30) days after the insurer begins using a commercial property or commercial casualty insurance:

- (1) rate;
- (2) rating plan;
- (3) manual of classifications; or
- (4) modification of an item specified in subdivision (1), (2), or (3);

the insurer shall file with the department, for informational purposes only, the item specified in subdivision (1), (2), (3), or (4). Use of an item specified in subdivision (1), (2), (3), or (4) is not conditioned on review or approval by the department. This subsection does not require filing of an individual policy rate if the original manuals, rates, and rules for the insurance plan or program to which the individual policy conforms has been filed with the department.

(n) Subsection (m) does not apply to policy forms.

SECTION 9. IC 27-8-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in The definitions in this section apply throughout this chapter.

(b) "Account" means one (1) of the ~~three (3)~~ two (2) accounts created under section 3 of this chapter.

(c) "Annuity contract", except as provided in section 2.3(e) of this chapter, includes:

- (1) a guaranteed investment contract;
- (2) a deposit administration contract;
- (3) a structured settlement annuity;
- (4) an annuity issued to or in connection with a government lottery; and
- (5) an immediate or a deferred annuity contract.

(d) "Assessment base year" means, for an impaired insurer or insolvent insurer, the most recent calendar year for which required premium information is available preceding the calendar year during which the impaired insurer's or insolvent insurer's coverage date occurs.

(e) "Association", except when the context otherwise requires, means the Indiana life and health insurance guaranty association created under by section 3 of this chapter.

(f) "Benefit plan" means a specific plan, fund, or program that is established or maintained by an employer or an employee organization, or both, that:

- (1) provides retirement income to employees; or
- (2) results in a deferral of income by employees for a period extending to or beyond the termination of employment.

(g) "Board" refers to the board of directors of the association selected under IC 27-8-8-4.

(h) "Called", when used in the context of assessments, means that notice has been issued by the association to member insurers requiring the member insurers to pay, within a time frame set forth in the notice, an assessment that has been authorized by the board.

(i) "Commissioner" refers to the insurance commissioner of insurance appointed under IC 27-1-1-2.

(j) "Contractual obligation" means an enforceable obligation under a covered policies: policy for which and to the extent that coverage is provided under section 2.3 of this chapter.

(k) "Coverage date" means, with respect to a member insurer, the date on which the earlier of the following occurs:

- (1) The member insurer becomes an insolvent insurer.
- (2) The association determines that the association will provide coverage under section 5(a) of this chapter with respect to the member insurer.

(l) "Covered policy" means any a:

- (1) nongroup policy or contract; that is of a type described in section 1(a) of this chapter and is not excluded by section 1(b) of this chapter;
- (2) certificate under a group policy or contract; or
- (3) part of a policy, contract, or certificate described in subdivisions (1) and (2);

for which coverage is provided under section 2.3 of this chapter.

(m) "Extracontractual claims" includes claims that relate to

bad faith in the payment of claims, punitive or exemplary damages, or attorney's fees and costs.

(n) "Funding agreement" has the meaning set forth in IC 27-1-12.7-1.

(o) "Impaired insurer" means a member insurer deemed by the commissioner to be potentially unable to fulfill its contractual obligations: that is:

- (1) not an insolvent insurer; and
- (2) placed under an order of rehabilitation or conservation by a court with jurisdiction.

(p) "Insolvent insurer" means a member insurer who becomes insolvent and that is placed under a ~~final~~ an order of liquidation, rehabilitation, or conservation with a finding of insolvency by a court with jurisdiction.

(q) "Member insurer" means any person that is ~~licensed~~ or holds a certificate of authority to transact in Indiana any kind of insurance for which coverage is provided under section 2.3 of this chapter. The term includes ~~any~~ an insurer whose license or certificate of authority to transact such insurance in Indiana may have been suspended, revoked, not renewed, or voluntarily withdrawn but does not include the following:

- (1) A for-profit or nonprofit hospital or medical and hospital service organization.
- (2) A health maintenance organization under IC 27-13.
- (3) A fraternal benefit society under IC 27-11.
- (4) The Indiana Comprehensive Health Insurance Association or any other mandatory state pooling plan or arrangement.
- (5) An assessment company or ~~any other~~ another person that operates on an assessment plan (as defined in IC 27-1-2-3(y)).
- (6) An interinsurance or reciprocal exchange authorized by IC 27-6-6.
- (7) A prepaid limited ~~health~~ service health maintenance organization or a limited service health maintenance organization under IC 27-13-34.
- ~~(8) A special service health care delivery plan under IC 27-8-7.~~
- ~~(9) (8) A farm mutual insurance company under IC 27-5.1.~~
- ~~(9) A person operating as a Lloyds under IC 27-7-1.~~
- (10) The political subdivision risk management fund established by IC 27-1-29-10 and the political subdivision catastrophic liability fund established by IC 27-1-29.1-7.
- (11) The small employer health reinsurance board established by IC 27-8-15.5-5.
- ~~(10) Any~~ (12) A person similar to any person described in subdivisions (1) through ~~(9)~~ (11).

(r) "Moody's Corporate Bond Yield Average" means:

- (1) the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.; or
- (2) if the monthly average described in subdivision (1) is no longer published, an alternative publication of interest rates or yields determined appropriate by the association.

(s) "Multiple employer welfare arrangement" has the meaning set forth in IC 27-1-34-1.

(t) "Owner" means the person:

- (1) identified as the legal owner of a policy or contract according to the terms of the policy or contract; or
- (2) otherwise vested with legal title to a policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer.

The term does not include a person with a mere beneficial interest in a policy or contract.

(u) "Person" means an individual, a corporation, a limited liability company, a partnership, an association, a governmental entity, a voluntary organization, a trust, a trustee, or another business entity or organization.

(v) "Plan sponsor" refers to only one (1) of the following with respect to a benefit plan:

- (1) The employer, in the case of a benefit plan established or maintained by a single employer.
- (2) The holding company or controlling affiliate, in the case of a benefit plan established or maintained by affiliated companies comprising a consolidated corporation.

(3) The employee organization, in the case of a benefit plan established or maintained by an employee organization.

(4) In a case of a benefit plan established or maintained:

(A) by two (2) or more employers;

(B) by two (2) or more employee organizations; or

(C) jointly by one (1) or more employers and one (1) or more employee organizations;

and that is not of a type described in subdivision (2), the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the benefit plan.

(w) "Premiums" means direct gross insurance premiums and annuity amounts, deposits, and considerations received on covered policies, less ~~return~~ returned premiums, returned deposits, and returned considerations, and dividends, paid or credited to policyholders on direct business. ~~It and experience credits. The term does not include premiums the following:~~

(1) Amounts, deposits, and considerations on contracts between insurers and reinsurers. For purposes of assessments made under section 6 of this chapter, "premiums" for covered policies shall not be reduced on account of any limitation on benefits for which the association is obligated under section 5(1) of this chapter. However, "premiums" for assessment purposes does not include that portion of any premium exceeding received for policies or contracts or parts of policies or contracts for which coverage is not provided under section 2.3(d) of this chapter, as qualified by section 2.3(e) of this chapter, except that an assessable premium must not be reduced on account of the limitations set forth in section 2.3(e)(3), 2.3(e)(15), or 2.3(f)(2) of this chapter.

(2) Premiums in excess of five million dollars (\$5,000,000) for any one (1) on an unallocated annuity contract not issued or not connected with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code.

"Person" means any natural person; corporation; limited liability company; partnership; association; voluntary organization; trust; governmental organization or entity; or other business organization or entity.

(x) "Principal place of business" refers to the single state in which individuals who establish policy for the direction, control, and coordination of the operations of an entity as a whole primarily exercise the direction, control, and coordination, as determined by the association in the association's reasonable judgment by considering the following factors:

(1) The state in which the primary executive and administrative headquarters of the entity is located.

(2) The state in which the principal office of the chief executive officer of the entity is located.

(3) The state in which the board of directors or similar governing person of the entity conducts the majority of the board of directors' or governing person's meetings.

(4) The state in which the executive or management committee of the board of directors or similar governing person of the entity conducts the majority of the committee's meetings.

(5) The state from which the management of the overall operations of the entity is directed.

However, in the case of a plan sponsor, if more than fifty percent (50%) of the participants in the plan sponsor's benefit plan are employed in a single state, that state is considered to be the principal place of business of the plan sponsor. The principal place of business of a plan sponsor of a benefit plan described in subsection (v)(4), if more than fifty percent (50%) of the participants in the plan sponsor's benefit plan are not employed in a single state, is considered to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the benefit plan and, in the absence of a specific or clear designation of a principal place of business, is considered to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question on the coverage date.

(y) "Receivership court" refers to the court in an insolvent insurer's or impaired insurer's state that has jurisdiction over the conservation, rehabilitation, or liquidation of the insolvent insurer or impaired insurer.

(z) "Resident" means any a person who that resides or has the person's principal place of business in Indiana at the time the association becomes obligated for an impaired or insolvent insurer. Persons other than natural persons are considered to reside in the state where their principal place of business is located: on the applicable coverage date.

(aa) "State" includes a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate.

(bb) "Structured settlement annuity" means an annuity purchased to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

(cc) "Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract.

(dd) "Unallocated annuity contract" means an annuity contract or group annuity certificate: that is not issued to and held by a natural person (excluding a natural person acting as a trustee);

(1) the owner of which is not a natural person; and

(2) that does not identify at least one (1) specific natural person as an annuitant;

except to the extent of any annuity benefits guaranteed to a natural person by an insurer under the contract or certificate. For the purposes of section 1.5 of this chapter, an unallocated annuity contract shall not be considered a group covered policy or group contract.

(b) For purposes of this chapter, a policy, contract, or certificate is considered to be held by the person identified on the policy, contract, or certificate as the holder or owner of the policy, contract, or certificate.

SECTION 10. IC 27-8-8-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) For purposes of this chapter:

(1) a policy or contract issued on a blanket basis is a group policy or group contract;

(2) each individual insured under a policy or contract issued on a blanket basis is a certificate holder under the policy or contract; and

(3) a policy or contract issued on a franchise plan to members of a qualified group is a nongroup policy or nongroup contract.

(b) For purposes of this chapter, a benefit plan may have only one (1) plan sponsor.

SECTION 11. IC 27-8-8-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) Except as otherwise excluded or limited by this chapter, this chapter provides coverage for policies and contracts specified in subsection (d) as follows:

(1) To a person, other than a certificate holder under a group policy or a group contract, that, regardless of where the person resides, is the beneficiary, nonowner assignee, or payee of a person covered under subdivision (2).

(2) To a person that is a certificate holder under a group policy or group contract, and to a person that is the owner of a nongroup policy or nongroup contract that is not an unallocated annuity contract or a structured settlement annuity, and that:

(A) is a resident; or

(B) is not a resident if all the following conditions are satisfied:

(i) The member insurer that issued the policy or contract is domiciled in Indiana.

(ii) The state in which the person resides has an association similar to the association.

(iii) The nonresident is not eligible for coverage by the other association referred to in item (ii) solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty

association law of the state of residence.

(3) For an unallocated annuity contract, subdivisions (1) and (2) do not apply, and this chapter provides coverage to the following:

(A) A person that is the owner of the unallocated annuity contract, if the contract was issued to or in connection with a benefit plan whose plan sponsor is a resident or, if the plan sponsor is not a resident, if all the following conditions are satisfied:

- (i) The member insurer that issued the unallocated annuity contract is domiciled in Indiana.
- (ii) The state in which the plan sponsor resides has an association similar to the association.
- (iii) The other association referred to in item (ii) does not provide coverage of the unallocated annuity contract solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(B) A person that is the owner of an unallocated annuity contract issued to or in connection with a government lottery, if the owner is a resident or, if the owner is not a resident, if all the following conditions are satisfied:

- (i) The member insurer that issued the unallocated annuity contract is domiciled in Indiana.
- (ii) The state in which the owner resides has an association similar to the association.
- (iii) The other association referred to in item (ii) does not provide coverage of the unallocated annuity contract solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(4) For a structured settlement annuity, subdivisions (1) and (2) do not apply, and this chapter provides coverage to a person that is a payee under the structured settlement annuity (or beneficiary of a payee if the payee is deceased), if the payee:

- (A) is a resident, regardless of where the contract owner resides; or
- (B) is not a resident if all the following conditions are satisfied:

- (i) The member insurer that issued the structured settlement annuity is domiciled in Indiana.
- (ii) The state in which the payee resides has an association similar to the association.
- (iii) Neither the payee nor the beneficiary of the payee (if the payee is deceased) is eligible for coverage by the other association referred to in item (ii) solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(b) This chapter does not provide coverage to a person that is:

- (1) a payee or beneficiary of a contract owner that is a resident, if the payee or beneficiary is afforded any coverage by the association of another state; or
- (2) otherwise covered under subsection(a)(3), if any coverage is provided to the person by the association of another state.

(c) To avoid duplicate coverage, if a person that would otherwise receive coverage under this chapter is provided coverage under the laws of another state, the person is not eligible for coverage under this chapter. In determining the application of this subsection when a person may be covered by the association of more than one (1) state as an owner, a payee, a beneficiary, or an assignee, this chapter must be construed in conjunction with the laws of the other state to result in coverage by only one (1) association.

(d) Except as otherwise excluded or limited by this chapter, this chapter provides coverage to the persons specified in subsection (a) for:

- (1) direct nongroup life, health, or annuity policies and contracts and supplemental contracts to direct nongroup life, health, or annuity policies and contracts;

(2) certificates under direct group life, health, and annuity policies and contracts; and

(3) unallocated annuity contracts;

issued by member insurers.

(e) This chapter does not provide coverage for or with respect to the following:

(1) A part of a certificate, policy, or contract:

- (A) not guaranteed by the insurer; or
- (B) under which the risk is borne by the payee, certificate holder, or the policy or contract owner.

(2) A reinsurance policy or contract, unless and to the extent that assumption certificates have been issued under the reinsurance policy or contract.

(3) A part of a certificate, policy, or contract to the extent that the certificate's, policy's, or contract's interest rate, crediting rate, or similar factor employed in calculating returns or changes in values, whether expressly stated in the certificate, policy, or contract or determined by use of an index or other external referent stated in the certificate, policy, or contract, either:

- (A) when averaged over a period of four (4) years immediately before the applicable coverage date, exceeds the rate of interest determined by subtracting two (2) percentage points from Moody's Corporate Bond Yield Average averaged for the same four (4) year period or for a lesser period if the certificate, policy, or contract was issued less than four (4) years before the applicable coverage date; or
- (B) in effect under the certificate, policy, or contract on and after the applicable coverage date, exceeds the rate of interest determined by subtracting three (3) percentage points from Moody's Corporate Bond Yield Average as most recently available on the applicable coverage date.

(4) The obligations of a plan or program of an employer, an association, or another person to provide life, health, or annuity benefits to the employer's, association's, or other person's employees, members, or others, including obligations arising under and benefits payable by the employer, association, or other person under a multiple employer welfare arrangement.

(5) A minimum premium group insurance plan.

(6) A stop-loss or excess loss insurance policy or contract providing for the indemnification of or payment to a policy owner, a contract owner, a plan, or another person obligated to pay life, health, or annuity benefits or to provide services in connection with a benefit plan or another plan, fund, or program for the provision of employee welfare or pension benefits.

(7) An administrative services only contract.

(8) A part of a certificate, policy, or contract to the extent that the certificate, policy, or contract provides for:

- (A) dividends or experience rating credits;
- (B) voting rights; or
- (C) payment of fees or allowances to a person, including the certificate holder or policy or contract owner, in connection with service with respect to or administration of the certificate, policy, or contract.

(9) A certificate, policy, or contract issued in Indiana by a member insurer when the member insurer did not have a certificate of authority to issue the certificate, policy, or contract in Indiana.

(10) An unallocated annuity contract issued to or in connection with a benefit plan protected by the federal Pension Benefit Guaranty Corporation, regardless of whether the federal Pension Benefit Guaranty Corporation has yet been required to make payments with respect to the benefit plan.

(11) An unallocated annuity contract or part of an unallocated annuity contract that is not issued to or in connection with a benefit plan or a government lottery.

(12) A certificate, policy, or contract or part of a certificate, policy, or contract with respect to which the Class B assessments contemplated by section 6 of this chapter may

not be made or collected under federal or state law.

(13) An obligation or claim that does not arise under the express written terms of the policy or contract issued by the member insurer to the contract owner or policy owner, including any of the following obligations and claims:

- (A) Obligations and claims based on marketing materials.
- (B) Obligations and claims based on side letters, riders, or other documents issued by the member insurer without meeting applicable policy form filing or approval requirements.
- (C) Obligations and claims based on actual or alleged misrepresentations.
- (D) Obligations and claims that are extracontractual claims.
- (E) Obligations and claims for penalties or consequential, incidental, punitive, or exemplary damages.

(14) An obligation to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the:

- (A) benefit plan; or
- (B) benefit plan's trustee;

that is not an affiliate of the member insurer.

(15) A part of a certificate, policy, or contract to the extent the:

- (A) certificate, policy, or contract provides for the certificate's, policy's, or contract's interest rate, crediting rate, or similar factor employed in calculating returns or changes in values, to be determined by use of an index or other external referent stated in the certificate, policy, or contract; and
- (B) returns or changes in value have not been credited to the certificate, policy, or contract, or as to which the certificate holder's or policy or contract owner's rights are subject to forfeiture, as of the applicable coverage date.

If a certificate's, policy's, or contract's returns or changes in values are credited to the certificate, policy, or contract less frequently than annually, for purposes of determining the returns and values that have been credited and are not subject to forfeiture under this subdivision, the returns and changes in value determined by using the procedures defined in the certificate, policy, or contract must be considered credited as if the contractual date of crediting returns or changes in values were the applicable coverage date, and those credited returns or changes in value are not subject to forfeiture under this subdivision, but will be subject to any other applicable limitations under this chapter.

(16) A funding agreement.

(17) An annuity not subject to regulation as described in IC 27-1-12.4.

(f) The benefits that the association is obligated to cover do not exceed the lesser of the following:

- (1) The contractual obligations for which the member insurer is liable or would have been liable if the member insurer were not an impaired insurer or insolvent insurer.
- (2) The applicable limitations as follows:

(A) With respect to certificates, policies, and contracts not subject to clause (B), (C), (E), or (F), with respect to one (1) life, regardless of the number of policies or contracts, the following limitations:

- (i) Three hundred thousand dollars (\$300,000) in life insurance death benefits, but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values.
- (ii) Three hundred thousand dollars (\$300,000) in health insurance benefits, but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values.
- (iii) One hundred thousand dollars (\$100,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values.

(B) With respect to unallocated annuity contracts issued to or in connection with a governmental benefit plan

established under Section 401, 403(b), or 457 of the United States Internal Revenue Code, one hundred thousand dollars (\$100,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, per participant.

(C) With respect to structured settlement annuities, one hundred thousand dollars (\$100,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, per payee.

(D) In addition to the foregoing limitations, the association is not obligated to cover more than:

- (i) an aggregate of three hundred thousand dollars (\$300,000) in benefits with respect to any one (1) person under clauses (A), (B), and (C); or
- (ii) with respect to one (1) owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, a firm, a corporation, or another person, and whether the persons insured are officers, managers, employees, or other persons, five million dollars (\$5,000,000) in benefits, including net cash surrender and net cash withdrawal values, regardless of the number of policies and contracts held by the owner.

(E) With respect to unallocated annuity contracts issued to or in connection with a government lottery, five million dollars (\$5,000,000) in benefits per contract owner, regardless of the number of contracts held by the contract owner.

(F) With respect to unallocated annuity contracts:

- (i) issued to or in connection with a benefit plan; and
 - (ii) not subject to clause (B);
- five million dollars (\$5,000,000) in benefits per plan sponsor, regardless of the number of unallocated annuity contracts entitled to coverage under this chapter.

(g) The limitations set forth in subsection (f) are limitations on the benefits for which the association is obligated before taking into account the:

- (1) association's subrogation and assignment rights; or
- (2) extent to which the benefits could be provided out of the assets of the impaired insurer or insolvent insurer attributable to covered policies.

The costs of discharging the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association under the association's subrogation and assignment rights.

(h) In discharging the association's obligations to provide coverage under this chapter, the association is not required to:

- (1) guarantee, assume, reinsure, or perform;
- (2) cause to be guaranteed, assumed, reinsured, or performed; or
- (3) otherwise assure the discharge of;

the obligations of the insolvent insurer or impaired insurer under a covered policy that do not materially affect the economic values or economic benefits of the covered policy.

SECTION 12. IC 27-8-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a nonprofit legal entity referred to as the Indiana Life and Health Insurance Guaranty Association. **A member insurer shall be and remain a member of the association as a condition of the member insurer's authority to transact insurance in Indiana. an insurer must be a member of the association:** The association shall perform its functions under the plan of operation established in ~~and~~ **approved under** section 7 of this chapter. ~~The association shall exercise its powers are to be exercised through a board of directors established under section 4 of this chapter. For purposes of administration and assessment the association shall maintain three (3) the following two (2) accounts:~~

- (1) The health insurance account.
- (2) The life insurance and annuity account, **which includes the following subaccounts:**
 - (A) The life insurance subaccount.
 - (B) The annuity subaccount, which includes annuity contracts issued to or in connection with a governmental

benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code, but otherwise excludes unallocated annuities.

(C) The unallocated annuity subaccount, which excludes annuity contracts issued to or in connection with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code.

(3) The annuity account.

(b) The association is under the immediate supervision of the commissioner and subject to ~~Indiana~~ **the applicable provisions of the insurance law.** From the assessments specified in section 6 of this chapter, the association shall pay administrative costs and general expenses incurred by the commissioner in supervising the association and discharging the commissioner's obligations under this chapter. **laws of Indiana.**

SECTION 13. IC 27-8-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board of directors of the association shall consist of not less than five (5) nor more than nine (9) member insurers **serving terms established in the plan of operation.** The members of the board shall be selected by member insurers subject to the approval of the commissioner.

(b) Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner.

~~(b) (c)~~ To select the initial board of directors, and initially organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. At the organizational meeting, each member insurer is entitled to one (1) vote in person or by proxy. If the board of directors is not selected within sixty (60) days after notice of the organizational meeting, the commissioner may appoint the initial members **of the board.**

~~(c) (d)~~ In approving selections ~~or in appointing members~~ to the board, the commissioner shall consider whether all member insurers are fairly represented.

~~(d) (e)~~ Members of the board may be reimbursed from the assets of the association ~~only~~ for expenses incurred **by the members** as members of the board. ~~of directors.~~ **The association shall not otherwise compensate members of the board for the members' services on the board.**

SECTION 14. IC 27-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a **domestic member** insurer is an impaired insurer, the association may, **in the association's sole discretion and** subject to any conditions imposed by the association ~~other than those that do not~~ impair the contractual obligations of the impaired insurer ~~and subject to the approval of the impaired insurer and that are approved by the commissioner:~~

(1) guarantee, ~~or assume~~, reinsure, ~~or perform~~, or cause to be guaranteed, assumed, ~~or reinsured~~, ~~or performed~~, **the contractual obligations of any of the covered policies of the impaired insurer or otherwise assure the discharge of the contractual obligations of the covered policies of the impaired insurer; and**

(2) provide money, pledges, loans, notes, guarantees, or use other means as ~~are proper determined by the association in the association's sole discretion to be necessary or appropriate to effectuate subdivision (1). and assure payment of the contractual obligations of the impaired insurer pending action under subdivision (1); and~~

(3) loan money to the impaired insurer.

~~(b)~~ If a domestic insurer is an insolvent insurer, the association shall, subject to the approval of the commissioner:

(1) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of the insolvent insurer;

(2) assure payment of the contractual obligations of the insolvent insurer; and

(3) provide money, pledges, notes, guarantees, or other means as are necessary to discharge the contractual obligations of the insolvent insurer.

However, if the domestic insurer is subject to proceedings under IC 27-9-3 and the initial petition was filed after December 31, 1985,

this subsection applies only to the covered policies of residents and nonresidents to whom coverage is provided under section 1-5(d) of this chapter and the contractual obligation of the insolvent insurer to residents and nonresidents to whom coverage is provided under section 1-5(d) of this chapter.

(c) If a foreign or alien insurer is an insolvent insurer, the association shall, subject to the approval of the commissioner:

(1) guarantee, assume, or reinsure or cause to be guaranteed, assumed, or reinsured the covered policies of residents to whom coverage is provided under section 1-5(d) of this chapter;

(2) assure payment of the contractual obligations of the insolvent insurer to residents to whom coverage is provided under section 1-5(d) of this chapter; and

(3) provide money, pledges, notes, guarantees, or other means as are necessary to discharge its duties.

The association may appear, intervene, assert objections, or take other action as is necessary and appropriate to protect the interests of Indiana residents to whom coverage is provided under section 1-5(d) of this chapter who are policyholders of the foreign or alien insurer, in any insolvency proceeding involving the foreign or alien insurer, whether the proceeding is inside or outside Indiana.

(d) Subsection (c) shall not apply when the commissioner determines that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides by statute protection that is substantially similar to that provided by this chapter for residents of Indiana.

(b) An obligation undertaken by the association under subsection (a) with respect to a covered policy of an impaired insurer ceases on the date the covered policy is replaced by the policy owner, insured, or association.

(c) If a member insurer is an insolvent insurer, the association shall, in the association's sole discretion, do one (1) of the following for each covered policy:

(1) Guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed, reinsured, or performed, the contractual obligations of the covered policy or otherwise assure the discharge of the contractual obligations of the covered policy.

(2) Terminate existing benefits and coverage and provide benefits and coverages in accordance with the following provisions:

(A) For premiums identical to the premiums that would have been payable under the covered policy, assure payment of benefits arising under the contractual obligations, except for terms of conversion and nonrenewability, for:

(i) with respect to a group covered policy, claims incurred not later than the earlier of the next renewal date under the covered policy or forty-five (45) days, but not less than thirty (30) days, after the coverage date for the insolvent insurer; and

(ii) with respect to a nongroup covered policy, claims incurred not later than the earlier of the next renewal date under the covered policy or one (1) year, but in no event less than thirty (30) days, after the coverage date for the insolvent insurer.

(B) Make diligent efforts to provide each:

(i) known insured or annuitant, for a nongroup covered policy; and

(ii) owner, for a group covered policy;

at least thirty (30) days notice of the termination of the benefits provided.

(C) Make available substitute coverage, on an individual basis, to each:

(i) owner of a nongroup covered policy if the owner had a right to continue the nongroup covered policy in force until a specified age or for a specified period, during which time the insurer had no unilateral right to make changes in the nongroup covered policy's provisions or had only a unilateral right to make changes in premiums only by class; and

(ii) insured or annuitant under a group covered policy if the insured or annuitant is not eligible for any replacement group coverage and had a right, before

termination of the group covered policy, to convert to individual coverage.

(D) In making available any substitute coverage under clause (C), the association may offer to reissue the terminated coverage or to issue an alternative policy or contract. If made available under clause (C), alternative or reissued policies and contracts must be offered without requiring evidence of insurability and must not impose any waiting period or coverage exclusion, other than a waiting period or coverage exclusion provided for in this chapter, that would not have applied under the terminated covered policy. The association may cause any alternative or reissued policy or contract to be assumed or reinsured.

(E) Use of alternative policies and contracts by the association is subject to the approval of the domiciliary insurance regulatory authority and the receivership court. The association may adopt alternative policies and contracts of various types for future issuance without regard to any particular impairment or insolvency. Alternative policies and contracts must contain at least the minimum statutory provisions required in Indiana and provide benefits that are reasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates adopted by the association. The premium must:

- (i) reflect the amount of insurance to be provided and the age and class of risk of each insured; and
- (ii) not reflect changes in the health of the insured after the terminated covered policy was last underwritten.

Subject to coverage exceptions, exclusions, and limitations provided for in this chapter, an alternative policy or contract issued by the association must provide coverage similar, in material respects, to the coverage under the terminated covered policy as determined by the association.

(F) If the association elects to reissue terminated coverage at a premium rate different from the premium rate charged under the terminated covered policy, the association shall set the premium in accordance with a table of rates adopted by the association. The premium:

- (i) must reflect the amount of insurance to be provided and the age and class of risk of each insured; and
- (ii) is subject to approval of the domiciliary insurance regulatory authority and the receivership court.

(G) The association's obligations with respect to coverage under a covered policy of an insolvent insurer or under a reissued or alternative policy or contract ceases on the date the coverage or covered policy is replaced by another similar policy by the policy owner, insured, or association.

(H) Subject to subsection (u), when proceeding under this subdivision with respect to a covered policy carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with section 2.3(e)(3) of this chapter.

(3) Take any combination of the actions set forth in subdivisions (1) and (2).

(d) The association may provide money, pledges, loans, notes, or guarantees, or use other means that the association, in the association's sole discretion, determines are necessary or appropriate to discharge the association's duties under subsection (c).

(e) Failure to pay premiums within thirty-one (31) days after the date that payment is due under the terms of a guaranteed, assumed, alternative, or reissued policy or contract or substitute coverage terminates the association's obligations under this chapter with respect to the policy, contract, or coverage, except with respect to claims incurred or net cash surrender value due under this chapter.

(f) Premiums due for coverage after the coverage date for an impaired insurer or insolvent insurer belong to and are payable at the direction of the association, and the association is liable for

unearned premiums payable to policy or contract owners with respect to premiums received by the association.

(g) The protection provided by this chapter does not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired insurer or insolvent insurer if the domiciliary state is a state other than Indiana.

(e) (h) In carrying out its duties under subsections (b); and subsection (c), permanent policy liens or contract liens may be imposed by the association in connection with a guarantee, assumption, or reinsurance agreement, if a court may, subject to approval by a court in Indiana, impose:

(1) permanent policy or contract liens, if the association finds that:

(A) the amounts that can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations; association's duties under this chapter; or that the

(B) economic or financial conditions, as they affect member insurers, are sufficiently adverse so as to render the imposition of the permanent policy or contract liens to be in the public interest; and

(2) approves the specific policy liens or contract liens to be used:

A court may make findings under subdivision (1) and approve policy liens or contract liens under subdivision (2) in any proceeding under IC 27-9 with respect to an insolvent insurer (including a proceeding under IC 27-9-4 in which affected policyholders or contract holders are given reasonable notice and an opportunity to be heard); or in an original proceeding involving a foreign or alien insurer instituted by the association against affected policyholders or contract holders who are residents of Indiana. Any policyholder or contract holder affected by a court's decision under this subsection may appeal the decision in the manner that appeals are taken from final judgments in other civil actions. All parties to the proceeding shall take note of and be bound by the appeal; but the appeal does not stay the proceeding.

(f) Before being obligated under subsections (b) and (c), the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of cash or policy loan values:

(2) temporary moratoriums or liens on payments of cash values and policy loans or any other right to withdraw funds held in conjunction with a covered policy, in addition to any contractual provisions for deferral of cash or policy loan value.

In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payments of cash values or policy loans or any other right to withdraw funds held in conjunction with a covered policy out of the assets of the impaired insurer or insolvent insurer, the association may defer the payment of cash values, policy loans, or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

(i) A deposit in Indiana, held by law or required by the commissioner for the benefit of creditors, including policy owners, that is not turned over to the domiciliary receiver before or promptly after the coverage date for an impaired insurer or insolvent insurer under IC 27-9-4-3 must be promptly paid to the association. The association:

(1) may retain a part of an amount paid to the association under this subsection equal to the percentage determined by dividing the aggregate amount of policy owners' claims related to the impairment or insolvency for which the association provides statutory benefits by the aggregate amount of all policy owners' claims in Indiana related to the impairment or insolvency; and

(2) shall remit to the domiciliary receiver the difference between the amount paid to the association and the amount retained by the association under this subsection.

An amount retained by the association under this subsection must be treated as a distribution of estate assets under IC 27-9-3-32 or similar provision of the state of domicile of the impaired insurer or insolvent insurer.

~~(g)~~ (j) If the association fails to act within a reasonable period of time as provided in subsections (b), and subsection (c) of this section, with respect to an insolvent insurer, the commissioner has the powers and duties of the association under this chapter with respect to the insolvent insurers insurer.

~~(h)~~ Upon request, (k) The association may, upon the commissioner's request, assist and advise the commissioner concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of an impaired insurer or insolvent insurer.

~~(i)~~ (l) The association is entitled has standing and the right to appear or intervene before any a court or an agency in Indiana or elsewhere with jurisdiction over an impaired insurer or insolvent insurer to whom for which the association is or may become obligated under this chapter or with jurisdiction over a person or property against which the association may have rights through subrogation or otherwise. Standing extends to all matters germane to the rights, powers, and duties of the association, including proposals for reinsuring, modifying, or guaranteeing the covered policies or contracts of the impaired insurer or insolvent insurer and the determination of the covered policies or contracts and contractual obligations.

~~(j)~~ (m) A person receiving benefits under this chapter assigns is considered to have assigned:

(1) the person's rights under; and

(2) any cause of action against another person for losses arising under, resulting from, or otherwise relating to;

the covered policy to the association to the extent of the benefits received by that person because of this chapter, whether the benefits are payments of or on account of contractual obligations or continuation of coverage or provision of substitute or alternative coverage. The association may require an assignment to it of those rights and causes of action by a payee, policy or contract owner, certificate holder, beneficiary, insured, or annuitant as a condition precedent to the receipt of any rights right or benefits conferred by this chapter on that the person. The association is subrogated to these rights against the assets of an insolvent insurer.

~~(k)~~ (n) The subrogation rights of the association under subsections (m) and (o) have the same priority against the assets of the impaired insurer or insolvent insurer as those possessed by the person entitled to receive benefits under this chapter.

~~(l)~~ (t) The association may not become liable for the contractual obligations of an insolvent insurer in excess of what the contractual obligations of the insolvent insurer would have been in the absence of an insolvency, unless the obligations are reduced as permitted by subsection (e). However, the aggregate liability of the association with respect to covered policies other than unallocated annuity contracts is not to exceed one hundred thousand dollars (\$100,000) in cash values; or three hundred thousand dollars (\$300,000) for all benefits, including cash values; with respect to any one (1) life. The aggregate liability of the association with respect to covered unallocated annuity contracts shall not exceed five million dollars (\$5,000,000) for all benefits, including cash values; with respect to any one (1) contract holder, irrespective of the number of unallocated annuity contracts held by the contract holder.

(o) In addition to the rights conferred by subsections (m) and (n), the association has all common law rights of subrogation and any other equitable or legal remedy with respect to a covered policy that would have been available to the:

(1) impaired insurer or insolvent insurer;

(2) owner, beneficiary, or payee of a policy or contract with respect to the policy or contract, including, in the case of a structured settlement annuity, rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received under this chapter, against a person:

(A) who is originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment for the annuity; and

(B) whose responsibility is not solely because of the

person serving as an assignee in respect of a qualified assignment under Section 130 of the Internal Revenue Code; and

(3) certificate holder, or the beneficiary or payee of the certificate holder, with respect to a certificate.

(p) If subsection (m), (n), or (o) is invalid or ineffective with respect to a person or claim, the amount payable by the association with respect to the related covered policies must be reduced by the amount realized by another person with respect to the person or claim that is attributable to the covered policies.

(q) If the association provides benefits with respect to a covered policy and a person recovers amounts to which the association has rights as described in subsection (m), (n), or (o), the person shall pay to the association the part of the recovery attributable to the covered policies.

~~(m)~~ (r) The association may do the following:

(1) Enter into contracts necessary or appropriate to carry out the provisions and purposes of this chapter.

(2) Sue or, subject to section 14 of this chapter, be sued, including taking legal actions necessary or appropriate to recover unpaid assessments under section 6 of this chapter and to resolve claims or potential claims against or on behalf of the association.

(3) Borrow money to effect the provisions purposes of this chapter and issue notes or other evidences of indebtedness of the association with respect to borrowings. Notes or other evidences of indebtedness described in this subdivision that are not in default are legal investments for domestic insurers and may be carried as admitted assets.

(4) Employ or retain persons necessary or appropriate to handle the financial transactions of the association or and to perform other functions necessary or appropriate under this chapter.

~~(5)~~ negotiate and contract with a liquidator, a rehabilitator, a conservator, or an ancillary receiver to carry out the powers and duties of the association;

~~(6)~~ (5) Take legal action necessary or appropriate to avoid or recover payment of improper claims. and

~~(7)~~ (6) Exercise, for the purposes of this chapter and to the extent approved by the commissioner, the powers of a domestic life or health insurer. However, in no case may the association issue insurance policies or annuity contracts other than those issued to perform the contractual association's obligations of the impaired or insolvent insurer under this chapter.

(7) Request information from a person seeking coverage from the association to aid the association in determining and discharging the association's obligations under this chapter with respect to the person. The person shall promptly comply with the request.

(8) Settle claims and potential claims by or against the association.

(9) Exercise all rights, privileges, and powers granted to the association by any other laws of Indiana or another jurisdiction.

(10) Take other necessary or appropriate action to discharge the association's duties and obligations under this chapter or to exercise the association's rights and powers under this chapter.

(s) The association may belong to one (1) or more organizations of one (1) or more other state associations of similar purpose to further the purpose and administer the powers and duties of the association.

~~(n)~~ Any notes or other evidence of indebtedness of (t) The association not in default are legal investments for domestic insurers has discretion and may be carried as admitted assets: exercise reasonable business judgment to determine the means by which the association is to discharge, in an economical and efficient manner, the association's obligations under this chapter.

(u) In discharging the association's obligations and exercising the association's rights and powers under subsections (a) and (c), the association may, subject to approval of the receivership court, provide substitute coverage for a covered policy that provides for the covered policy's interest rate, crediting rate, or similar factor

employed in calculating returns or changes in value to be determined by use of an index or other external referent stated in the covered policy by issuing an alternative policy or contract in accordance with the following provisions:

(1) Instead of the index or other external referent stated in the covered policy, the alternative policy or contract may provide for:

- (A) a fixed interest rate;
- (B) payment of dividends with minimum guarantees; or
- (C) a different method for calculating returns or changes in value.

(2) A:

- (A) requirement for evidence of insurability; or
- (B) waiting period or an exclusion, other than a waiting period or an exclusion provided for in this chapter;

that would not have applied under the covered policy may not be imposed.

(3) The alternative policy or contract must provide coverage similar, in material respects, to the coverage under the covered policy, after taking into account the exceptions, exclusions, and limitations provided for in this chapter, as determined by the association.

SECTION 15. IC 27-8-8-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) At any time within one (1) year after the coverage date for an impaired insurer or insolvent insurer, the association may elect, subject to subdivisions (1) through (4), to succeed to the rights and obligations of the impaired insurer or insolvent insurer that accrue on or after the coverage date and that relate to covered policies under one (1) or more indemnity reinsurance agreements entered into by the impaired insurer or insolvent insurer as a ceding insurer. However, the association may not exercise an election with respect to a reinsurance agreement if the receiver, rehabilitator, or liquidator of the impaired insurer or insolvent insurer has previously and expressly disaffirmed the reinsurance agreement. The election by the association must be effected by a notice to the receiver, rehabilitator, or liquidator and to the affected reinsurers specifying the reinsurance agreement concerning which the association has made the foregoing election. If the association makes an election, the following apply with respect to the agreements selected by the association:

(1) The association is responsible for:

- (A) all unpaid premiums due under the agreements for periods before and after the coverage date; and
- (B) the performance of all other obligations of the impaired insurer or insolvent insurer to be performed after the coverage date;

that relate to covered policies. The association may charge covered policies that are only partially covered by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association.

(2) The association is entitled to any amount payable by the reinsurer under the selected agreements:

- (A) with respect to losses or events that occur during periods after the coverage date; and
- (B) that relate to covered policies.

Of the amount received from the reinsurer, the association is obliged to pay to the beneficiary under the covered policy on account of which the amount was paid a portion of the amount equal to the excess of the amount received by the association over benefits paid by the association on account of the covered policy less the retention of the impaired insurer or insolvent insurer applicable to the loss or event.

(3) Within thirty (30) days after the association's election, the association and each indemnity reinsurer shall calculate the net balance due to or from the association under each reinsurance agreement as of the date of the association's election, giving full credit to all items paid by the:

- (A) impaired insurer or insolvent insurer, or the impaired insurer's or insolvent insurer's receiver, rehabilitator, or liquidator; or
- (B) indemnity reinsurer;

during the period between the coverage date and the date of the association's election. Either the association or indemnity reinsurer shall pay the net balance due the other not more than five (5) days after the completion of the calculation. If the receiver, rehabilitator, or liquidator has received any amount due the association under subdivision (2), the receiver, rehabilitator, or liquidator shall remit the amount to the association as promptly as practicable.

(4) If the association, within sixty (60) days of the election, pays the premiums due for periods before and after the coverage date that relate to covered policies, the reinsurer is not entitled to:

- (A) terminate the reinsurance agreements insofar as the agreements relate to covered policies; or
- (B) set off any unpaid premium due for periods before the coverage date against amounts due the association.

(b) If the association transfers any of the association's obligations to another insurer, and if the association and the other insurer agree, the other insurer succeeds to the rights and obligations of the association under subsection (a) with respect to the transferred obligations effective as of the date agreed upon by the association and the other insurer and regardless of whether the association has made the election referred to in subsection (a), except that the:

- (1) indemnity reinsurance agreements automatically terminate for new reinsurance unless the indemnity reinsurer and the other insurer agree to the contrary; and
- (2) obligations of the association described in subsection (a)(2) no longer apply on and after the date the indemnity reinsurance agreement is transferred to the third party insurer.

This subsection does not apply if the association has previously notified the receiver, rehabilitator, or liquidator and the affected reinsurer in writing that the association will not exercise the election referred to in subsection (a).

(c) Subsections (a) and (b) supersede any other law or affected reinsurance agreement that provides for or requires payment of reinsurance proceeds, on account of losses or events that occur after the coverage date, to the receiver, liquidator, or rehabilitator of the impaired insurer or insolvent insurer. The receiver, rehabilitator, or liquidator remains entitled to amounts payable by the reinsurer under the reinsurance agreement with respect to losses or events that occur before the coverage date, subject to applicable setoff provisions.

(d) Except as provided in subsections (a), (b), and (c), this chapter does not alter or modify the terms and conditions of indemnity reinsurance agreements of the insolvent insurer.

(e) This chapter does not:

- (1) abrogate or limit the rights of a reinsurer to claim that the reinsurer is entitled to rescind a reinsurance agreement; or
- (2) give a policy owner or beneficiary an independent cause of action against an indemnity reinsurer that is not otherwise set forth in the indemnity reinsurance agreement.

SECTION 16. IC 27-8-8-5.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. If the association has arranged or offered to discharge the association's obligations under this chapter with respect to contractual obligations owed to a person entitled to coverage under this chapter:

- (1) the person, and any other person claiming by, through, or under the person, is not entitled to benefits from the association in addition to or other than benefits arranged or offered by the association; and
- (2) the association is relieved of further obligation with respect to the contractual obligations if the person rejects, declines, or otherwise fails to accept the association's arrangement or offer.

SECTION 17. IC 27-8-8-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Venue in a suit against the association is in Marion County.

(b) The association is not required to give an appeal bond in an appeal that relates to a cause of action arising under or with

respect to this chapter.

SECTION 18. IC 27-8-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For the purpose of providing funds necessary to carry out the powers and duties of the association and necessary to pay administrative costs and expenses incurred by the commissioner in supervising the association and discharging the commissioner's obligations under this chapter, the board of directors shall assess the member insurers, separately for each account, as established in section 3 of this chapter, at a time and for amounts as the board finds necessary. Assessments are due **not less than thirty (30) days after prior written notice to the member insurers and accrue interest at six percent (6%) per year annum** on and after the due date.

(b) ~~Three (3)~~ **There are two (2) classes of assessments are established as follows:**

(1) ~~The first, to be referred to as Class A consists of assessments made are assessments that are authorized and called by the board for the purpose of meeting administrative and legal costs and other general expenses, including examinations conducted under section 9(f) of this chapter Class A assessments may be authorized and called whether or not related to a particular impaired insurer or insolvent insurer.~~

(2) ~~The second class, to be referred to as Class B consists of assessments made are assessments that are authorized and called by the board to the extent necessary to carry out the powers and duties of the association under section 5 of this chapter with regard to an impaired insurer or insolvent domestic insurer.~~

(3) ~~The third class, to be referred to as Class C, consists of assessments made to the extent necessary to carry out the powers and duties of the association under section 5 of this chapter with regard to an insolvent foreign or alien insurer.~~

(c) ~~The amount of a Class B or C assessment must be allocated among the three (3) accounts, set out in section 3 of this chapter, in proportion to the contractual obligations on the policies covered by each account.~~

(d) ~~The amount of a Class A assessment to be paid by each member insurer shall be determined by the board and may be made on a nonproportional basis. The amount assessed a member insurer each calendar year may not exceed fifty dollars (\$50); and the amount must be credited against future insolvency assessments.~~

(e) ~~Except as provided in subsection (c), a member insurer shall only pay a proportion of a Class B assessment for those accounts that the member has in common with the impaired or insolvent domestic insurer in each state that the impaired or insolvent domestic insurer and member insurer have been authorized to transact the business of insurance. For each account that the member has in common with the impaired or insolvent domestic insurer in each state, the member insurer shall pay an amount equal to the product of:~~

(1) ~~the total amount of the Class B assessment allocated to the account; multiplied by~~

(2) ~~a fraction:~~

(A) ~~the numerator of which is the premiums received on business in that state on policies covered by the account for the year preceding the year in which this assessment is made; and~~

(B) ~~the denominator of which is the premiums received by all assessed member insurers on business in that state for the calendar year preceding the year this assessment is made.~~

(f) ~~A member insurer shall only pay a proportion of a Class C assessment that the member has in common with the insolvent foreign or alien insurer. For each account that the member insurer has in common with the insolvent foreign or alien insurer, the member insurer shall pay an amount equal to the product of:~~

(1) ~~the total amount of the Class C assessment allocated to the account; multiplied by~~

(2) ~~a fraction:~~

(A) ~~the numerator of which is the premiums received on business in Indiana on policies covered by the account for the year preceding the year in which this assessment is made; and~~

(B) ~~the denominator of which is the premiums received by all member insurers on business in Indiana for the calendar year~~

~~preceding the year this assessment is made.~~

(g) ~~Assessments shall not be made~~

(c) **The amount of a Class A assessment must be determined by the board and may be authorized and called on a pro rata or non-pro rata basis. If pro rata, the board may provide that the assessment be credited against future Class B assessments. The total of all non-pro rata assessments must not exceed one hundred fifty dollars (\$150) per member insurer in any one (1) calendar year.**

(d) **The amount of a Class B assessment must be allocated for assessment purposes among the accounts under an allocation formula that may be based on the premiums or reserves of the impaired insurer or insolvent insurer or another standard considered by the board in the board's sole discretion as fair and reasonable under the circumstances.**

(e) **Class B assessments against member insurers for each account and subaccount with respect to an impaired insurer or insolvent insurer must be allocated among the assessed member insurers in the proportion that the premiums received in Indiana by each assessed member insurer on policies and contracts covered by the account or subaccount during the assessment base year for the impaired insurer or insolvent insurer bears to premiums received in Indiana by all assessed members on policies and contracts covered by the same account or subaccount during the same assessment base year.**

(f) **Assessments for funds to meet the requirements of the association with respect to an impaired insurer or insolvent insurer must not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection (b) and computation of assessments under subsections (c), (d), and (e) must be made as accurately as possible, with a reasonable degree of accuracy, recognizing that exact determinations are not always possible. The association shall notify each member insurer of the member insurer's anticipated share of an assessment that has been authorized but not yet called not more than one hundred eighty (180) days after the assessment is authorized.**

(h) **(g) The association may abate or defer, in whole or in part, the amount of an assessment that of a member insurer is to pay if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual policy and contract obligations. In the event an assessment against a member insurer is abated or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the computation provided for basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay assessments that were deferred under a repayment plan approved by the association.**

(i) **(h) Subject to subsection (i), the total amount of all assessments to be paid by authorized by the association in one (1) calendar year against a member insurer for each a given subaccount of the life insurance and annuity account in any one (1) calendar year may or for the health insurance account with respect to any single assessment base year must not exceed two percent (2%) of the member insurer's premiums received by the insurer from business in Indiana during the calendar year preceding the assessment on the policies and contracts covered by each the subaccount or account during the applicable assessment base year.**

(j) **If two (2) or more assessments are authorized in one (1) calendar year with respect to impaired insurers or insolvent insurers having different assessment base years, the annual premium used for purposes of determining the aggregate assessment percentage limitation referenced in subsection (h) must be equal to the higher of the annual premiums for the applicable subaccount or account as calculated under this section.**

(k) **If the maximum assessment, for each account together with other assets of the association in that an account, does not provide in one (1) year in the account an amount sufficient to carry out the responsibilities of the association, for one (1) year, additional funds must be assessed as soon as permitted by this chapter.**

(l) **The board may provide in the plan of operation a method of or procedure for allocating funds among claims relating to one**

(1) or more impaired insurers or insolvent insurers when the maximum assessment is insufficient to cover anticipated claims.

(l) If the maximum assessment for a subaccount of the life insurance and annuity account in one (1) year does not provide an amount sufficient to carry out the responsibilities of the association, the board shall, under subsection (e), access the other subaccounts of the life insurance and annuity account for the necessary additional amount, subject to the maximum stated in subsections (h) and (i).

~~(k)~~ (m) The board may, by an equitable method or procedure as established in the plan of operation, refund to member insurers, in proportion to ~~their~~ the contribution of each member insurer to the account, the amount by which the assets of the account exceed the amount the board determines is necessary to carry out the obligations of the association with regard to the account, including assets accruing from assignment, subrogation, net realized gains, and income from investments. ~~exceed the amount the board finds necessary to carry out the obligations of the association. A reasonable amount may be retained in an account to provide funds for the continuing expenses of the association and for the future losses if refunds are impractical.~~ discharge of the association's obligations.

~~(h)~~ ~~An~~ (n) It is proper for a member insurer, in determining its premium rates and policyowner dividends as to any type of insurance within the scope of this chapter, may take into consideration to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

~~(m)~~ (o) The association shall issue to each member insurer paying an assessment under this chapter, other than a Class B or C Class A assessment, a certificate of contribution, in a form prescribed by the commissioner, for the amount of ~~each~~ the assessment paid. All outstanding certificates are of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the member insurer in its financial statement as an asset in a the form and for an the amount and period of time as the commissioner may approve.

(n) The board may, as established in the plan of operation, agree to accord a member insurer a credit against the amount of a Class B or C assessment otherwise payable by that member insurer with respect to contractual obligations of an impaired or insolvent insurer to the extent, but only to the extent, that the member insurer has, by means of payment, guarantee, assumption, or reinsurance, taken action to reduce the contractual obligations of the impaired or insolvent insurer with respect to which the assessment is made and for which the association would otherwise be responsible.

(o) Notwithstanding subsection (e); this subsection applies where a domestic insurer has been subject to proceedings under IC 27-9-3 and the initial proceeding was filed after December 31, 1985. A member insurer shall only pay a proportion of a Class B assessment for those accounts that the member has in common with the impaired or insolvent domestic insurer in Indiana. For each account that the member has in common with the impaired or insolvent domestic insurer in Indiana, the member insurer shall pay an amount equal to the product of:

(1) the total amount of the Class B assessment allocated to the account; multiplied by

(2) a fraction:

(A) the numerator of which is the premiums received on business in Indiana on policies covered by the account for the year preceding the year in which this assessment is made; and

(B) the denominator of which is the premiums received by all assessed member insurers on business in Indiana for the calendar year preceding the year this assessment is made.

SECTION 19. IC 27-8-8-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) A member insurer that wishes to protest all or part of an assessment made under section 6 of this chapter shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment is available to meet association obligations during the pendency of the protest or a subsequent appeal. Payment must be accompanied by a statement in writing that the payment is made under protest and set forth a brief statement of the

grounds for the protest.

(b) Not more than sixty (60) days after the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of the association's determination with respect to the protest (unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest).

(c) Not more than sixty (60) days after receipt of notice of the association's determination with respect to a protest, the protesting member insurer may appeal the determination to the commissioner.

(d) Instead of making a determination with respect to a protest based on a question regarding the assessment base, the association may refer the protest to the commissioner for a determination, with or without a recommendation from the association.

(e) If a protest of an assessment is upheld, the amount paid by the protesting member insurer in error or excess must be returned to the member insurer. Interest on a refund due to a protesting member insurer must be paid at the rate actually earned by the association.

SECTION 20. IC 27-8-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) The association may request information from a member insurer to aid in the exercise of the association's power under sections 6 and 6.2 of this chapter.

(b) A member insurer that receives a request under subsection (a) shall promptly comply with the request.

SECTION 21. IC 27-8-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The association shall submit to the commissioner a plan of operation and any amendments to it the plan of operation that are necessary or appropriate to assure the fair, reasonable, and equitable administration of the association. The plan of operation is and an amendment to the plan of operation are effective:

(1) if the plan or amendment is not disapproved by the commissioner within thirty (30) days after being submitted to the commissioner; or

(2) upon the commissioner's written approval, which must be written. All member insurers must comply with the plan of operation: if sooner than the time set in subdivision (1).

(b) If the association fails to submit a suitable plan of operation within one hundred eighty (180) days from September 1, 1978, or if at any other time the association fails to submit suitable amendments to the plan, the commissioner shall adopt rules under IC 4-22-2 necessary to effectuate the provisions of this chapter. The rules continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(c) A member insurer shall comply with the plan of operation.

~~(e)~~ (d) The plan of operation must, in addition to requirements stated elsewhere in this chapter establish:

(1) procedures for handling the assets of the association;

(2) the amount and method of reimbursing members of the board of directors under section 4 of this chapter;

(3) regular places and times for meetings, including, if desired by the association, telephone conference calls, of the board; of directors;

(4) procedures for records to be kept of all financial transactions of the association, its agents, and the board; of directors;

(5) procedures whereby selections for the board of directors will be made and submitted to the commissioner; and

(6) any additional procedures for assessments under section sections 6 and 6.2 of this chapter. and

~~(f)~~ (e) The plan of operation may contain additional provisions necessary or appropriate for the execution of the powers and duties of the association.

~~(d)~~ (e) The plan of operation may provide that any or all powers and duties of the association, except those under subdivision 5(m)(3) and section sections 5(r)(3), 6, 6.2, and 6.5 of this chapter, are may be delegated to a corporation, association, or other organization that performs or will perform functions similar to those of this the

association, or its equivalent, in two (2) or more states. The corporation, association, or organization ~~is to must~~ be reimbursed for payments made on behalf of the association and ~~is to must~~ be paid for its performance **of any function of the association**. A delegation under this subsection takes effect only ~~upon with the~~ approval of both the board of directors and the commissioner and may be made only to a corporation, association, or organization that extends protection that is **not substantially similar to less favorable and effective than** that provided by this chapter.

(f) To the extent and in the manner specified in the plan of operation, the board may create one (1) or more committees, each of which may exercise the authority of the board to the extent specified in the plan of operation or by the board.

SECTION 22. IC 27-8-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The commissioner shall **do the following**:

(1) Upon request of the board, ~~of directors~~, provide the association with a statement of the premiums in ~~the Indiana and other~~ appropriate states for each member insurer.

(2) When an impairment is declared and the amount of the impairment is determined, serve a demand on the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders. The failure of the insurer to promptly comply with the demand shall not excuse the association from the performance of its powers and duties under this chapter.

(3) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. ~~and~~

~~(4) if a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, be appointed conservator.~~

(b) The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in Indiana of a member insurer ~~who that~~ fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on a member insurer ~~who that~~ fails to pay an assessment when due. A forfeiture shall not exceed five percent (5%) of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars (\$100) per month.

(c) ~~Any A final~~ action of the ~~association or the board of directors or the association~~ may be appealed to the commissioner by a member insurer ~~an if the appeal must be is taken within thirty (30) sixty (60) days of the member insurer's receipt of notice of the final action being appealed.~~ A final action or order of the commissioner is subject to judicial review **in a court with jurisdiction in accordance with the Indiana law that applies to the actions or orders of the commissioner.**

(d) The liquidator, rehabilitator, or conservator of an impaired insurer **or insolvent insurer must** may notify all interested persons of the effect of this chapter.

SECTION 23. IC 27-8-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) To aid in the detection and prevention of insurer insolvencies or impairments, the commissioner shall **do the following**:

(1) Notify the ~~commissioners insurance regulatory authorities~~ of all the other states ~~territories of the United States and the District of Columbia not more than thirty (30) days after the date an action taken by the commissioner occurs when he the commissioner~~ takes any of the following actions against a member insurer:

(A) ~~Revokes its license; the member insurer's certificate of authority.~~

(B) ~~Suspends its licenses; or the member insurer's certificate of authority.~~

(C) ~~makes any Issues~~ a formal order that a company the member insurer restrict its premium writing, obtain additional contributions to surplus, withdraw from Indiana, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of ~~policyholders~~ **policy owners** or creditors.

(2) Report to the ~~board of directors association~~ when ~~he the commissioner~~ takes any of the actions set forth in subdivision

~~(a)(1) (1) or when he the commissioner~~ has received a report from any other ~~commissioner insurance regulatory authority~~ indicating that an action has been taken in another state. The report to the ~~board of directors association~~ must contain all significant details of the action taken or of the report received from another ~~commissioner; insurance regulatory authority.~~

(3) Report to the ~~board of directors association~~ when ~~he the commissioner~~ has reasonable cause to believe from ~~any an~~ examination, whether completed or in process, of a member ~~company insurer that the member insurer may be an impaired or insolvent insurer; and~~

(4) Furnish to the ~~board of directors the NAIC Early Warning Tests association the NAIC Insurance Regulatory Information System (IRIS) ratios and listings of companies not included in the ratios developed by the National Association of Insurance Commissioners. The board association may use the information contained in those tests the ratios and listings in carrying out its duties and responsibilities under this chapter. The report shall and the information contained in the report must be kept confidential by the association until made public by the commissioner or other lawful authority.~~

~~(b) The notice required under subdivision 9(a)(1) must be mailed to all commissioners within thirty (30) days from the action taken.~~

~~(c) (b) The commissioner may seek the advice and recommendations of the board of directors association concerning a matter affecting his the commissioner's duties and responsibilities in regard to the financial condition of member companies insurers and companies seeking admission to transact insurance business in Indiana.~~

~~(d) (c) The association may, upon majority vote by the board, of directors may make reports and recommendations to the commissioner on any matter related germane to the solvency, liquidation, rehabilitation, or conservation of a member insurer or related germane to the solvency of any company seeking to do an insurance business in Indiana. The reports and recommendations are not public documents.~~

~~(e) (d) The association may, upon majority vote by the board, of directors shall notify the commissioner of any information indicating that a member insurer is may be impaired or insolvent.~~

~~(f) Upon majority vote, the board of directors may request that the commissioner order an examination of a member insurer the board believes to be impaired or insolvent. Within thirty (30) days of the receipt of the request, the commissioner shall begin an examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by persons designated by the commissioner. The cost of the examination shall be paid by the association and the examination report shall be treated as all other examination reports. In no event may the examination report be released to the board of directors before its release to the public; but this does not preclude the commissioner from complying with subsections (a) and (b) of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination is to be kept on file by the commissioner but it is not open to public inspection before the release of the examination report.~~

~~(g) (e) The association may, upon majority vote by the board, of directors may make recommendations to the commissioner for the detection and prevention of insurer insolvencies.~~

~~(h) The board of directors shall, at the conclusion of an insurer insolvency in which the association was obligated to pay covered claims; prepare a report to the commissioner containing information on the history and causes of the insolvency. The board shall also cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes for insolvency of an insurer; and may adopt by reference any report prepared by other associations.~~

SECTION 24. IC 27-8-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a) Nothing in this chapter shall be construed as reducing the liability for unpaid assessments of the insureds on an impaired or insolvent insurer operating under a plan with assessment liability.~~

(b) ~~(a)~~ Records must be kept of all negotiations and meetings in which the association or its representatives were involved in discussing of the board to discuss the activities of the association in carrying out its powers and duties under section sections 5, 5.2, and 5.4 of this chapter. Records of negotiations or meetings are to be made public only upon the association with respect to an impaired insurer or insolvent insurer must not be disclosed except:

- (1) after the termination of a the liquidation, rehabilitation, or conservation proceeding involving the impaired insurer or insolvent insurer; or
- (2) termination of the impairment of insolvency of the insurer; or
- (3) court order.
- (2) upon the order of a court with jurisdiction if the order is made before the time described in subdivision (1).

(c) ~~Nothing in subsection (a) limits~~ This subsection does not limit the duty of the association to present submit a report of its activities under section 12 of this chapter.

(d) ~~(b)~~ For the purpose of carrying out its obligations under this chapter, the association is a creditor of the impaired insurer or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which that the association is entitled has received, from a person other than the impaired insurer or insolvent insurer, as subrogee under section 5 section 5(m), 5(o), and 5(q) of this chapter. Assets of the impaired insurer or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired insurer or insolvent insurer as required by this chapter. "Assets attributable to covered policies", as used in this subsection, is that proportion of the assets that the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired insurer or insolvent insurer.

(c) As a creditor of an impaired insurer or insolvent insurer under subsection (b) and consistent with IC 27-9-3-32, the association and other similar associations are entitled to receive disbursements of assets out of the marshaled assets, as the assets become available to reimburse the association or another similar association, as a credit against contractual obligations under this chapter. If the liquidator has not, within one hundred twenty (120) days after a member insurer becomes an insolvent insurer, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, the association is entitled to make application to the receivership court for approval of the association's own proposal to disburse the assets.

(e) ~~(d)~~ Before the termination of a liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policy owners of the impaired insurer or insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the impaired insurer or insolvent insurer. Consideration should be given to In making the determination, the court shall consider the welfare of the policyholders policy owners of the continuing or successor insurer.

(f) ~~No~~ (e) A distribution to stockholders of an impaired insurer or insolvent insurer may must not be made until the total amount of valid claims of the association, with interest, for funds expended by in carrying out the association association's powers and duties under sections 5, 5.2, 5.4, and 5.5 of this chapter with respect to the impaired insurer or insolvent insurer, have been fully recovered by the association.

SECTION 25. IC 27-8-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Subject to subsections (b) through (d), if an order for liquidation or rehabilitation of an insurer domiciled in Indiana has been entered, the receiver appointed under the order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five (5) years preceding the filing of the petition for liquidation or rehabilitation.

(b) ~~No dividend~~ A distribution described in subsection (a) is not recoverable if the insurer shows that when the dividend distribution was paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual the insurer's policy and contract obligations.

(c) A person who was an affiliate controlling that controlled the insurer at the time the distributions were a distribution described in subsection (a) was paid is liable up to the amount of distributions he the person received. A person who was an affiliate controlling that controlled the insurer at the time the distributions were declared shall be liable up to the amount of distributions he that would have been received if they the distributions had been paid immediately. If two (2) or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(d) The maximum amount recoverable under this section shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual policy and contract obligations of the insolvent insurer.

(e) If a person liable under this section subsection (c) is insolvent, the affiliates controlling it that controlled the person at the time the dividend distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

SECTION 26. IC 27-8-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The association is subject to examination and regulation by the commissioner. The board of directors association shall annually submit to the commissioner, not later than May + of each one hundred twenty (120) days after the end of the association's fiscal year, a financial report for the preceding calendar year, in a form approved by the commissioner and a report of its activities during the preceding calendar fiscal year.

(b) Upon the request of a member insurer, the association shall provide to the member insurer a copy of the reports described in subsection (a).

SECTION 27. IC 27-8-8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A member insurer or its and the member insurer's agents or and employees, the association or its and the association's agents or and employees, members of the board of directors or and representatives of the members of the board, and the commissioner or his and the commissioner's representatives are not liable for and no cause of action of any nature arises or may be brought against them because of their performance for or in connection with an action or omission by any of them in the exercise and performance of their rights, powers, and duties under this chapter.

(b) Immunity under this section extends to:

- (1) the participation in an organization of one (1) or more other state associations of similar purpose; and
- (2) an organization described in subdivision (1) and an agent or employee of the organization.

SECTION 28. IC 27-8-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. All proceedings in which an insolvent insurer is a party in any court in Indiana shall be stayed for sixty (60) days from the date an order of liquidation rehabilitation, or conservation is final entered to permit proper legal action by the association on matters related germane to its powers or duties. As to judgment under any decision, order, verdict, or finding based on default, the association may apply to have any the judgment set aside by the same court that made the judgment and is entitled to defend against the suit on the merits.

SECTION 29. IC 27-8-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. A member insurers who, during any preceding calendar year, have paid one (1) or more assessments levied under this chapter insurer may either:

- (1) take as a credit against premium taxes, adjusted gross income taxes, or any combination of them upon revenue or income of member insurers that may be imposed by Indiana the state up to upon the member insurer's revenue or income not more than twenty percent (20%) of an the amount of each assessment described in section 6 of this chapter for each

calendar year following the year in which those assessments were the assessment was paid until the assessment has been offset by either credits against the taxes or refunds from the association. If the aggregate of those member insurer ceases doing business, all uncredited assessments have been offset by either credits against those may be credited against the member insurer's premium taxes, adjusted gross income taxes, or refunds from the association; or

(2) include in the rates and premiums charged for insurance policies to which this chapter applies amounts sufficient to recoup a sum equal to the amounts paid to the association by the member less any amounts returned to a combination of the premium taxes and adjusted gross income taxes of the member insurer by the association and the rates are not excessive by virtue of including an amount reasonably calculated to recoup assessments paid by the member for the year the member insurer ceases doing business.

SECTION 30. IC 27-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Sums acquired by refund under section 6(m) of this chapter from the association that have been written off by member insurers and offset against taxes as provided by section 16 of this chapter and not needed for the purposes of this chapter; shall be paid by the member insurers to the state in the manner required by the tax authorities.

(b) The association to shall notify the commissioner for deposit with the state treasurer for deposit in the general fund: when refunds under section 6 of this chapter have been made.

SECTION 31. IC 27-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) A person, including an insurer, insurance producer, employee, agent, or affiliate of an insurer, shall not make, publish, disseminate, circulate, or place before the public or cause, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, an advertisement, an announcement, or a statement, written or oral, that uses the existence of the association for the purpose of sales; the sale of, solicitation of, or inducement to purchase any form of insurance covered by this chapter. This section does not apply to the association or any other entity that does not sell or solicit insurance.

(b) Not later than January 1, 2007, the association shall:

(1) prepare a summary document:

(A) describing the general purposes and current limitations of this chapter; and

(B) complying with subsection (c); and

(2) submit the summary document to the commissioner for approval.

Sixty (60) days after the date on which the commissioner approves the summary document, a member insurer may not deliver a policy or contract to a policy or contract owner unless the summary document is delivered to the policy or contract owner at the time of delivery of the policy or contract. The summary document must also be available upon request by a policy owner. The distribution, delivery, or contents or interpretation of the summary document does not guarantee that the policy or contract or the owner of the policy or contract is covered in the event of the impairment or insolvency of a member insurer. The summary document must be revised by the association as amendment to this chapter requires. Failure to receive the summary document does not give a policy owner, a contract owner, a certificate holder, or an insured greater rights than the rights specified in this chapter.

(c) The summary document prepared under subsection (b) must contain a clear and conspicuous disclaimer on the face of the summary document. The commissioner shall approve the form and content of the disclaimer. The disclaimer must, at a minimum, convey all the following:

(1) State the name and address of the association and the department of insurance.

(2) Prominently warn that:

(A) the association might not cover the policy or

contract; and

(B) even if coverage were currently provided, coverage is:

(i) subject to substantial limitations and exclusions;

(ii) generally conditioned on continued residence in Indiana; and

(iii) subject to possible change as a result of future amendments to this chapter and court decisions.

(3) State the types of policies for which the association currently provides coverage.

(4) State that the member insurer and the member insurer's agents are prohibited by law from using the existence of the association for the purpose of selling, soliciting, or inducing purchase of any form of insurance.

(5) State that the policy owner or contract owner should not rely on coverage under this chapter when selecting an insurer.

(6) Explain:

(A) rights available following; and

(B) procedures for filing a complaint to allege; a violation of any provision of this chapter.

(7) Provide other information as directed by the commissioner, including sources for information that:

(A) is not proprietary; and

(B) is subject to disclosure under IC 5-14-3; concerning the financial condition of an insurer.

(d) A member insurer shall retain evidence of compliance with subsection (b) until the policy or contract for which the notice is given is no longer in effect.

SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 27-8-8-1; IC 27-8-8-1.5.

SECTION 33. IC 27-1-20-34 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 34. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 27-8-2, as amended by this act, apply throughout this SECTION.

(b) The association's coverage obligations under IC 27-8-8 with respect to a member insurer that has a coverage date before the effective date of this act are not affected by changes made by this act.

(c) The association's coverage obligations under IC 27-8-8 with respect to a member insurer that has a coverage date before the effective date of this act are governed by IC 27-8-8 as it existed on January 1, 2006.

SECTION 35. [EFFECTIVE JULY 1, 2006] (a) The definitions in IC 27-1-29.1 apply throughout this SECTION.

(b) This SECTION applies to a member that:

(1) has been a member of the fund for at least ten (10) years; and

(2) provided a withdrawal notice in 2005 for the 2006 calendar year insured period.

(c) A member described in subsection (b) may:

(1) withdraw from the fund with proper notice; and

(2) elect to receive a one-time rebate of fifteen percent (15%) of the member's prior assessments, not to exceed one million dollars (\$1,000,000), from the reserve account established under IC 27-1-29.1-8 to establish a self-insured retainage account.

(d) The commission shall pay a rebate described in subsection (c) to a member making an election under subsection (c) at any time the reserve account exceeds the five million dollar (\$5,000,000) balance required under IC 27-1-29.1-8(a).

(e) Notwithstanding IC 27-1-29.1-21, after a member described in this SECTION withdraws from the fund and receives a rebate under this SECTION:

(1) the member is released from all liability to the fund related to claims based on acts or omissions of other members that took place while the member was a member of the fund; and

(2) the fund is released from all liability related to claims based on acts or omissions of the member that took place while the member was a member of the fund.

(f) This SECTION expires December 31, 2008.

SECTION 36. An emergency is declared for this act.

(Reference is to EHB 1392 as printed February 17, 2006.)

RIPLEY	PAUL
FRY	LEWIS
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 47-1; filed March 13, 2006, at 9:46 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 47 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.177-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

- (1) that has been in existence for at least ten (10) years; and
- (2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

(B) is a home health agency licensed under IC 16-27-1;

(C) is a community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-39);

(D) is a supervised group living facility licensed under IC 12-28-5;

(E) is an area agency on aging designated under IC 12-10-1;

(F) is a community action agency (as defined in IC 12-14-23-2);

(G) is the owner or operator of a hospice program licensed under IC 16-25-3; or

(H) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the division of family and children or a county office of family and children if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 12-17.4.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of ~~an~~ **a prospective or current** employee or **a prospective or current** adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution (as defined in IC 20-12-0.5-1). The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

- (1) by a state agency; and
- (2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by

the health professions bureau **Indiana professional licensing agency** established by IC 25-1-5-3 if the request is:

- (1) made through the computer gateway that is administered by the office of technology; and
- (2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal history record if:

(1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and

(3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a child care ministry registered under IC 12-17.2-6.

SECTION 2. IC 12-17.2-3.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) **Except as provided in subsection (f)**, a provider shall, at no expense to the state, maintain and make available to the division upon request a copy of a limited criminal history for:

- (1) the provider, if the provider is an individual;
- (2) if the provider operates a child care program in the provider's home, any individual who resides with the provider and who is:

(A) at least eighteen (18) years of age; or

(B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and

- (3) any individual who:

(A) is employed; or

(B) volunteers;

as a caregiver at the facility where the provider operates a child care program.

A provider shall apply for a limited criminal history for an individual described in subdivision (3) before the individual is employed or allowed to volunteer as a caregiver.

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:

(1) police investigations;

(2) arrests; and

(3) criminal convictions;

not listed on a limited criminal history obtained under subsection (a) regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the provider receives the limited criminal history required under subsection (a) from the state police department if:

- (1) the provider:

(A) has applied for the limited criminal history required under subsection (a); and

(B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer as a caregiver; and

- (2) the local criminal history does not reveal that an individual has been convicted of a:

(A) felony;

(B) misdemeanor related to the health or safety of a child;

(C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a limited criminal history is required under this section has been convicted of a:

- (1) felony;

(2) misdemeanor related to the health or safety of a child;

(3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(4) misdemeanor for operating a child care home without a

license under IC 12-17.2-5-35;
until the individual is dismissed from employment or volunteer service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a limited criminal history is required under this section to report any criminal convictions of the individual to the provider.

(f) The state police department may not charge a church or religious society any fees or costs for responding to a request for a release of a limited criminal history record of a prospective or current employee or a prospective or current volunteer of a child care ministry registered under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are met.

(Reference is to ESB 47 as reprinted February 24, 2006.)

HERSHMAN	McCLAIN
CRAYCRAFT	KUZMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 172-1; filed March 13, 2006, at 9:46 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 172 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 31 through 38.

(Reference is to ESB 172 as reprinted March 2, 2006.)

LUBBERS	BEHNING
ROGERS	PORTER
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1235-1; filed March 13, 2006, at 9:52 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1235 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-194.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a dangerous communicable disease (as described in IC 16-18-2-91 and 410 IAC 1-2.3-47), in order to prevent or limit the transmission of the disease to an uninfected individual.**

SECTION 2. IC 16-18-2-298.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 298.5. "Public health authority", for purposes of IC 16-22-8 and IC 16-41-9, means:**

- (1) the state health commissioner of the state department;
- (2) a deputy or an assistant state health commissioner appointed by the state health commissioner, or an agent expressly authorized by the state health commissioner;
- (3) the local health officer; or
- (4) a health and hospital corporation established under IC 16-22-8-6.

SECTION 3. IC 16-18-2-302.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a**

group of individuals who have been exposed to a dangerous communicable disease (as described in IC 16-18-2-91 and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 4. IC 16-21-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. With the approval of the budget director and upon the recommendation of the budget committee, each county that has incurred costs for a carrier (other than costs incurred under IC 16-41-9-11) under:**

- (1) IC 16-41-1;
- (2) IC 16-41-2;
- (3) IC 16-41-3;
- (4) IC 16-41-5;
- (5) IC 16-41-6;
- (6) IC 16-41-7;
- (7) IC 16-41-8;
- (8) IC 16-41-9; or
- (9) IC 16-41-13;

is entitled to a pro rata share of the money remaining at the end of the state fiscal year in the fund established under this chapter.

SECTION 5. IC 16-22-8-31, AS AMENDED BY P.L.184-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 31. (a) The director of the division of public health has the powers, functions, and duties of a local health officer.**

(b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), or IC 36-1-6-4.

(c) ~~Orders, health directives, and restrictions issued by the state health commissioner, the state health commissioner's legally authorized agent, a designated health official, or the director of the division of public health~~ **A public health authority may be enforced by the corporation in a petition a circuit or superior court with jurisdiction for an order of isolation or quarantine by filing a civil action in accordance with ~~IC 16-41-9-1 or IC 16-41-9-11.~~ IC 16-41-9.**

(d) **Unless otherwise provided by law,** a change of venue from the county may not be granted for court proceedings initiated under this section.

SECTION 6. IC 16-41-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) If the public health authority has reason to believe that:**

(1) an individual:

(A) has been infected with; or

(B) has been exposed to;

a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance is likely to expose an uninfected person to a dangerous communicable disease or outbreak.

(c) If an individual is restricted from appearing in person

under subsection (b), the court shall hold the hearing in a manner that allows all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may issue an order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) is likely to expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard, the public health authority may seek in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

- (1) isolation or quarantine should be imposed on an individual; and
- (2) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard.

The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(f) If the public health authority proves by clear and convincing evidence that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak;
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and
- (3) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard;

the court may issue an emergency order imposing isolation or quarantine on the individual. The court shall establish the duration and other conditions of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(g) A court may issue an emergency order of isolation or quarantine without the verified petition required under subsection (e) if the court receives sworn testimony of the same facts required in the verified petition:

- (1) in a nonadversarial, recorded hearing before the judge;
- (2) orally by telephone or radio;
- (3) in writing by facsimile transmission (fax); or
- (4) through other electronic means approved by the court.

If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (2), the court shall direct the public health authority to sign the judge's name and to write the time and date of issuance on the proposed emergency order. If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (3), the court shall direct the public health authority to transmit a proposed emergency order to the court, which the court shall sign, add the date of issuance, and transmit back to the public health authority. A court may modify the conditions of a proposed emergency order.

(h) If an emergency order of isolation or quarantine is issued under subsection (g)(2), the court shall record the conversation on audiotape and order the court reporter to type or transcribe

the recording for entry in the record. The court shall certify the audiotape, the transcription, and the order retained by the judge for entry in the record.

(i) If an emergency order of isolation or quarantine is issued under subsection (g)(3), the court shall order the court reporter to retype or copy the facsimile transmission for entry in the record. The court shall certify the transcription or copy and order retained by the judge for entry in the record.

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or copied entry upon receiving notice from the court reporter.

(k) The public health authority may issue an immediate order imposing isolation or quarantine on an individual if exigent circumstances, including the number of affected individuals, exist that make it impracticable for the public health authority to seek an order from a court, and obtaining the individual's voluntary compliance is or has proven impracticable or ineffective. An immediate order of isolation or quarantine expires after seventy-two (72) hours, excluding Saturdays, Sundays, and legal holidays, unless renewed in accordance with subsection (l). The public health authority shall establish the other conditions of isolation or quarantine. The public health authority shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public. If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

(1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

- (A) the court that granted the emergency order of isolation or quarantine; or
- (B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in isolation or quarantine and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

- (A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous communicable disease or outbreak;
- (B) cross-examine witnesses; and
- (C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

- (A) the petition applies to a group of individuals; and
 - (B) it is impracticable to provide individual notice;
- by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the

individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

- (1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or
- (2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

- (1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;
- (2) the law and the facts concerning the individuals are similar; and
- (3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

- (1) shall allow the parent or guardian of a child who is quarantined under this section; and
- (2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a dangerous communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

- (1) voluntary compliance with isolation and quarantine;
- (2) quarantine locations and logistical support; and
- (3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not

preclude the public health authority from implementing any provision of this section.

SECTION 7. IC 16-41-9-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.6. (a) A public health authority may impose or petition a court to impose a quarantine and do the following:

- (1) Distribute information to the public concerning:
 - (A) the risks of the disease;
 - (B) how the disease is transmitted;
 - (C) available precautions to reduce the risk of contracting the disease;
 - (D) the symptoms of the disease; and
 - (E) available medical or nonmedical treatments available for the disease.
- (2) Instruct the public concerning social distancing.
- (3) Request that the public inform the public health authority or a law enforcement agency if a family member contracts the disease.
- (4) Instruct the public on self quarantine and provide a distinctive means of identifying a home that is self quarantined.
- (5) Instruct the public on the use of masks, gloves, disinfectant, and other means of reducing exposure to the disease.
- (6) Close schools, athletic events, and other nonessential situations in which people gather.
- (7) If a quarantine is imposed under section 1.5 of this chapter, the public health authority shall ensure that, to the extent possible, quarantined individuals have sufficient supplies to remain in their own home.

(b) If an out of home, nonhospital quarantine is imposed on an individual, the individual shall be housed as close as possible to the individual's residence.

(c) In exercising the powers described in this section or in section 1.5 of this chapter, the public health authority may not prohibit a person lawfully permitted to possess a firearm from possessing one (1) or more firearms unless the person is quarantined in a mass quarantine location. The public health authority may not remove a firearm from the person's home, even if the person is quarantined in a mass quarantine location.

(d) This section does not prohibit a public health authority from adopting rules and enforcing rules to implement this section if the rules are not inconsistent with this section.

SECTION 8. IC 16-41-9-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.7. (a) An immunization program established by a public health authority to combat a public health emergency involving a dangerous communicable disease must comply with the following:

- (1) The state department must develop and distribute or post information concerning the risks and benefits of immunization.
- (2) No person may be required to receive an immunization without that person's consent. No child may be required to receive an immunization without the consent of the child's parent, guardian, or custodian. The state department may implement the procedures described in section 1.5 of this chapter concerning a person who refuses to receive an immunization or the child of a parent, guardian, or custodian who refuses to consent to the child receiving an immunization.

(b) The state department shall adopt rules to implement this section. The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 9. IC 16-41-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) ~~A designated health official~~ The local health officer may file a report with the court that states that a carrier who has been detained under this article may be discharged without danger to the health or life of others.

(b) The court may enter an order of release based on information presented by the ~~designated health official~~ local health officer or

other sources.

SECTION 10. IC 16-41-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The court shall determine what part of the cost of care or treatment ordered by the court, if any, the carrier can pay and whether there are other available sources of public or private funding responsible for payment of the carrier's care or treatment. The carrier shall provide the court documents and other information necessary to determine financial ability. If the carrier cannot pay the full cost of care and other sources of public or private funding responsible for payment of the carrier's care or treatment are not available, the county is responsible for the cost. If the carrier:

- (1) provides inaccurate or misleading information; or
- (2) later becomes able to pay the full cost of care;

the carrier becomes liable to the county for costs paid by the county.

(b) Except as provided in subsections (c) and (d), the costs incurred by the county under this chapter are limited to the costs incurred under ~~section 11~~ **section 1.5** of this chapter.

(c) However, subsection (b) does not relieve the county of the responsibility for the costs of a carrier who is ordered by the court under this chapter to a county facility.

(d) Costs, other than costs described in subsections (b) and (c) that are incurred by the county for care ordered by the court under this chapter, shall be reimbursed by the state under IC 16-21-7 to the extent funds have been appropriated for reimbursement.

SECTION 11. IC 16-42-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An organization that is:

- (1) **organized for nonreligious or noneducational purposes;**
- (2) exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and
- (3) that offers food for sale to the final consumer at an event held for the benefit of the organization;

is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event if the following conditions are met:

- ~~(1) Members of the organization prepare the food that will be sold;~~
- ~~(2) events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year.~~
- ~~(3) The name of each member who has prepared a food item is attached to the container in which the food item has been placed;~~

(b) An organization:

- (1) that is organized for:
 - (A) religious; or
 - (B) educational purposes in a non-public educational setting;
- (2) that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and
- (3) that offers food for sale to the final consumer at an event held for the benefit of the organization;

is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(c) A restaurant or cafeteria setting described in subsection (b) does not include the following:

- (1) A pitch in.
- (2) A bake sale.
- (3) A fish fry, chili supper, spaghetti supper, or similar event with a limited menu.
- (4) Food prepared by a licensed retail food establishment.
- (5) A concession stand.
- (6) Heating or serving precooked foods.
- (7) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.
- (8) Preparing or serving nonalcoholic or alcoholic beverages that are not potentially hazardous or ice.
- (9) Preparing or serving packaged or unpackaged foods that are not potentially hazardous foods, including elephant

ears, funnel cakes, cotton candy, confectionaries, baked goods, popcorn, and chips and grinding coffee beans.

(10) Providing prepackaged food in the food's original package.

~~(b)~~ (d) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter.

(e) It is recommended that an organization that is exempt under this section should still follow safe food handling practices.

(f) This section expires January 1, 2008.

SECTION 12. IC 34-6-2-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 55. (a) "Health care services", for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).

(b) "Health care services", for purposes of IC 34-30-13.5, means:

- (1) any services provided by an individual licensed under:**
 - (A) IC 25-2.5;
 - (B) IC 25-10;
 - (C) IC 25-13;
 - (D) IC 25-14;
 - (E) IC 25-22.5;
 - (F) IC 25-23;
 - (G) IC 25-23.5;
 - (H) IC 25-23.6;
 - (I) IC 25-24;
 - (J) IC 25-26;
 - (K) IC 25-27;
 - (L) IC 25-27.5;
 - (M) IC 25-29;
 - (N) IC 25-33;
 - (O) IC 25-34.5; or
 - (P) IC 25-35.6;
- (2) services provided as the result of hospitalization;**
- (3) services incidental to the furnishing of services described in subdivisions (1) or (2);**
- (4) any services by individuals certified as:**
 - (A) paramedics;
 - (B) emergency medical technicians-intermediate;
 - (C) emergency medical technicians-advanced;
 - (D) emergency medical technicians basic-advanced; or
 - (E) emergency medical technicians under IC 16-31-2;
- (5) any services provided by individuals certified as first responders under IC 16-31-2; or**
- (6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.**

SECTION 13. IC 34-6-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13.5. Health Care: Immunity for Persons Providing Services in a Disaster

Sec. 1. Except as provided in section 2 of this chapter, a person who meets the following criteria may not be held civilly liable for an act or omission relating to the provision of health care services in response to an event that is declared a disaster emergency under IC 10-14-3-12, regardless of whether the provision of health care services occurred before or after the declaration of a disaster emergency:

- (1) Has a license to provide health care services under Indiana law or the law of another state.
- (2) Provides a health care service:
 - (A) within the scope of the person's license to another person; and
 - (B) at a location where health care services are provided during an event that is declared as a disaster.

Sec. 2. A person described in this chapter is not immune from civil liability if the damages resulting from the act or omission relating to the provision of the health care services resulted from the person's gross negligence or willful misconduct.

Sec. 3. A facility or other location that is providing health care services in response to an event that is declared as a disaster emergency may not be held civilly liable for an act or omission relating to the provision of health care services in response to that

event by a health professional licensed to provide the health care service under Indiana law or the law of another state if the person is acting during an event that is declared as a disaster emergency, regardless of whether the provision of health care services occurred before or after the declaration of a disaster emergency.

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 16-41-9-1; IC 16-41-9-2; IC 16-41-9-4; IC 16-41-9-11; IC 16-41-9-14.

SECTION 15. [EFFECTIVE JULY 1, 2006] **IC 16-41-9-1.5(t), as added by this act, applies only to crimes committed after June 30, 2006.**

SECTION 16. [EFFECTIVE JULY 1, 2006] **In carrying out its duties under IC 16-41-9, a public health authority (as defined in IC 16-18-2-298.5, as added by this act) shall attempt to seek the cooperation of cases, carriers, contacts, or suspect cases to implement the least restrictive but medically necessary procedures to protect the public health.**

(Reference is to EHB 1235 as reprinted February 28, 2006.)

RUPPEL	MILLER
WELCH	BREAUX
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 333-1; filed March 13, 2006, at 9:56 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 333 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-1-8-1, AS AMENDED BY SEA 132-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family resources;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services;
 - and
 - (D) the office of Medicaid policy and planning;
 of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) The department of child services.
- (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (14) The Indiana state teachers' retirement fund.
- (15) The state police benefit system.

(16) The alcohol and tobacco commission.

(17) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.

(2) That an individual include the individual's Social Security number on an application for registration.

(3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 2. IC 15-5-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter:

"Accredited college of veterinary medicine" means a veterinary college or division of a university or college that:

- (1) offers the degree doctor of veterinary medicine or its equivalent;
- (2) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (3) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

"Animal" means any animal other than man and includes birds, fish, mammals, and reptiles, wild or domestic.

"Approved program" means a program in veterinary technology that:

- (1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Board" means the Indiana board of veterinary medical examiners created by this chapter.

"Bureau" refers to the health professions bureau established by IC 25-1-5-3.

"ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

"Extern" means a senior veterinary student enrolled in an accredited college of veterinary medicine, or a second year student

enrolled in an approved program in veterinary technology, employed by or working with a licensed veterinarian and under ~~his~~ **the licensed veterinarian's** direct supervision.

"Licensed veterinarian" means an individual who is licensed pursuant to this chapter to practice veterinary medicine in this state.

"Person" means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

"Practice of veterinary medicine" means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches or using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (2) accepting remuneration for doing any of the things described in subdivisions (3) through (6);
- (3) diagnosing a specific disease or injury, or identifying and describing a disease process of animals, or performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals;
- (4) prescribing a drug, medicine, appliance or application, or treatment of whatever nature for the prevention, cure, or relief of bodily injury or disease of animals;
- (5) performing a surgical or dental operation upon an animal; or
- (6) administering a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance, application, or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

"Registered veterinary technician" means a veterinary technician registered pursuant to this chapter to work under the direct supervision of a licensed veterinarian.

"Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

"Veterinary technician" means an individual who has successfully completed a program in veterinary technology of at least two (2) years in a school that conforms to the standards required for accreditation by the American Veterinary Medical Association and that is accredited by the American Veterinary Medical Association.

SECTION 3. IC 15-5-1.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year but it may hold more. The ~~bureau~~ **agency** shall give notice of the time and place for each examination at least ninety (90) days in advance of the date set for the examination. A person desiring to take an examination must make application not later than the time the board may prescribe under section 8(e) of this chapter.

(b) The preparation, administration, and grading of examinations shall be approved by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to practice veterinary medicine or to act as a veterinary technician, as the case may be. The board may adopt and use examinations approved by the National Board ~~Examination Committee of Veterinary Medical Examiners~~.

(c) To qualify for a license as a veterinarian or to be registered as a veterinary technician, the applicant must attain a passing score in the examinations.

(d) After the examinations, the ~~bureau~~ **agency** shall notify each examinee of the result of the examinee's examinations and the board shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The ~~bureau~~ **agency** shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. However, payment of the examination fee shall not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

~~(f)~~ **(g)** A license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date of issuance.

SECTION 4. IC 16-39-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section applies to all health records except mental health records, which are governed by IC 16-39-2, IC 16-39-3, and IC 16-39-4.

(b) This article applies to all health records, except:

- (1) records regarding communicable diseases, which are governed by IC 16-41-8-1; or
- (2) records regarding alcohol and other drug abuse patient records, which are governed by 42 CFR, Part 2.

(c) On written request and reasonable notice, a provider shall supply to a patient the health records possessed by the provider concerning the patient. **Subject to 15 U.S.C. 7601 et seq. and 16 CFR Part 315**, information regarding contact lenses must be given using the following guidelines:

- (1) After the release of a patient from an initial fitting and follow-up period of not more than six (6) months, the contact lens prescription must be released to the patient at the patient's request.
- (2) A prescription released under subdivision (1) must contain all information required to properly duplicate the contact lenses.
- (3) A contact lens prescription must include the following:
 - (A) An expiration date of ~~not more than~~ one (1) year.
 - (B) The number of refills permitted.
- (4) Instructions for use must be consistent with:
 - (A) recommendations of the contact lens manufacturer;
 - (B) clinical practice guidelines; and
 - (C) the professional judgment of the prescribing optometrist or physician licensed under IC 25-22.5.

After the release of a contact lens prescription under this subsection, liability for future fittings or dispensing of contact lenses under the original prescription lies with the dispensing company or practitioner.

(d) On a patient's written request and reasonable notice, a provider shall furnish to the patient or the patient's designee the following:

- (1) A copy of the patient's health record used in assessing the patient's health condition.
- (2) At the option of the patient, the pertinent part of the patient's health record relating to a specific condition, as requested by the patient.

(e) A request made under this section is valid for sixty (60) days after the date the request is made.

SECTION 5. IC 16-41-35-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The state department shall adopt rules under IC 4-22-2 to regulate who may operate a radiation machine and what level of training and experience the operator must have. Rules adopted by the state department must exempt from testing to establish initial qualifications an individual who:

- (1) holds a valid certificate issued by; and
- (2) is currently registered with;

the American Registry of Radiologic Technologists.

(b) The state department may by rule exempt an individual who:

- (1) is currently licensed in another state as a radiologic technologist; or
- (2) performs the function of a radiologic technologist in another state that does not require the licensure of a radiologic technologist;

from testing to establish initial qualifications.

(c) The state department shall issue a license to an individual meeting the requirements of the rules adopted under subsection (a) for a radiologic technologist upon the payment to the state department of a sixty dollar (\$60) fee and the cost of testing to establish initial qualifications. The license is valid for twenty-four (24) months. The

state department shall establish a fee for the renewal or duplication of a license issued under this section not to exceed sixty dollars (\$60). In addition to the renewal fee, a penalty fee of sixty dollars (\$60) shall be imposed by the state department for processing an application for license renewal received after the expiration of the previous license. The state department may waive the penalty fee for a showing of good cause.

(d) An individual who applies for a license issued under subsection (c) or who holds a license issued under subsection (c) shall provide the individual's Social Security number to the state department.

(e) The state department shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(f) Notwithstanding IC 4-1-10-3, the state department may allow access to the Social Security number of each person who is licensed under this section or has applied for a license under this section to:

(1) a testing service that provides the examination for licensure as a radiologic technologist to the state department; or

(2) an individual state regulatory board of radiologic technology or an organization composed of state regulatory boards of radiologic technology for the purpose of coordinating licensure and disciplinary activities among the individual states.

(g) Every owner of a radiation machine, including an industrial radiation machine, shall have the machine inspected in accordance with procedures and standards established by the state department. The state department shall adopt rules under IC 4-22-2 establishing the procedures and standards applicable to inspections of radiation machines.

SECTION 6. IC 16-42-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A veterinarian licensed to practice veterinary medicine in Indiana.
- (3) A dentist licensed to practice dentistry in Indiana.
- (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.
- (6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

SECTION 7. IC 16-42-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatry in Indiana.
- (4) A veterinarian licensed to practice veterinary medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.

SECTION 8. IC 16-42-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatric medicine in Indiana.
- (4) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.
- (5) An advanced practice nurse licensed and granted the authority to prescribe legend drugs under IC 25-23.

SECTION 9. IC 20-28-1-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. "School psychology" means the following:

(1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:

- (A) education;
- (B) developmental status;
- (C) attention skills; and
- (D) social, emotional, and behavioral functioning;

as they relate to the student's learning or training in the academic or vocational environment.

(2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community resources to:

- (A) students;
- (B) parents of students;
- (C) teachers;
- (D) school administrators; and
- (E) school staff;

concerning learning and performance in the educational process.

(3) Participating in or conducting research relating to a student's learning and performance in the educational process:

- (A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or
- (B) screening social, affective, and behavioral functioning of the student.

(4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools, parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

(A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing and language disorders; or

(B) an occupational therapist certified under IC 25-23.5 for occupational therapy services;

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR 440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and developmentally disabled adults.

SECTION 10. IC 25-1-4-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.2. As used in this chapter, "approved organization" refers to the following:

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

SECTION 11. IC 25-1-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:

- (1) Indiana board of veterinary medical examiners (~~IC~~

~~15-5-1-1~~;

- (1) **Indiana board of accountancy (IC 25-2.1-2-1).**
- (2) **Board of registration for architects and landscape architects (IC 25-4-1-2).**
- ~~(2)~~ (3) **Indiana athletic trainers board (IC 25-5.1-2-1).**
- (4) **Indiana auctioneer commission (IC 25-6.1-2-1).**
- (5) **State board of barber examiners (IC 25-7-5-1).**
- (6) **State boxing commission (IC 25-9-1).**
- ~~(3)~~ (7) **Board of chiropractic examiners (IC 25-10-1).**
- (8) **State board of cosmetology examiners (IC 25-8-3-1).**
- ~~(4)~~ (9) **State board of dentistry (IC 25-14-1).**
- ~~(5)~~ (10) **Indiana dietitians certification board (IC 25-14.5-2-1).**
- (11) **State board of registration for professional engineers (IC 25-31-1-3).**
- (12) **Board of environmental health specialists (IC 25-32).**
- (13) **State board of funeral and cemetery service (IC 25-15-9).**
- ~~(6)~~ (14) **Indiana state board of health facility administrators (IC 25-19-1).**
- ~~(7)~~ (15) **Committee on hearing aid dealer examiners (IC 25-20-1-1.5).**
- (16) **Home inspectors licensing board (IC 25-20.2-3-1).**
- ~~(8)~~ (17) **Indiana hypnotist committee (IC 25-20.5-1-7).**
- (18) **State board of registration for land surveyors (IC 25-21.5-2-1).**
- (19) **Manufactured home installer licensing board (IC 25-23.7).**
- ~~(9)~~ (20) **Medical licensing board of Indiana (IC 25-22.5-2).**
- ~~(10)~~ (21) **Indiana state board of nursing (IC 25-23-1).**
- ~~(11)~~ (22) **Occupational therapy committee (IC 25-23.5).**
- ~~(12)~~ **Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).**
- ~~(13)~~ (23) **Indiana optometry board (IC 25-24).**
- ~~(14)~~ (24) **Indiana board of pharmacy (IC 25-26).**
- ~~(15)~~ (25) **Indiana physical therapy committee (IC 25-27-1).**
- ~~(16)~~ (26) **Physician assistant committee (IC 25-27.5).**
- (27) **Indiana plumbing commission (IC 25-28.5-1-3).**
- ~~(17)~~ (28) **Board of podiatric medicine (IC 25-29-2-1).**
- ~~(18)~~ **Board of environmental health specialists (IC 25-32).**
- (29) **Private detectives licensing board (IC 25-30-1-5.1).**
- ~~(19)~~ (30) **State psychology board (IC 25-33).**
- (31) **Indiana real estate commission (IC 25-34.1-2).**
- (32) **Real estate appraiser licensure and certification board (IC 25-34.1-8).**
- ~~(20)~~ (33) **Respiratory care committee (IC 25-34.5).**
- (34) **Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).**
- ~~(21)~~ (35) **Speech-language pathology and audiology board (IC 25-35.6-2).**
- (36) **Indiana board of veterinary medical examiners (IC 15-5-1.1).**

SECTION 12. IC 25-1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction that is approved by an approved organization or the board and that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

SECTION 13. IC 25-1-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:

- (1) The practitioner shall provide the board with a sworn statement ~~signed~~ **executed** by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.
- (2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with

copies of the certificates of completion upon the board's request for a compliance audit.

~~(b) Every two (2) years~~ **Following every license renewal period,** the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 14. IC 25-1-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) **Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter at the time that the practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board shall do the following:**

- (1) Send the practitioner notice of noncompliance by certified mail.
- (2) As a condition of license renewal, require the practitioner to comply with subsection (b).
- (3) Issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).
- (b) **Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:**

(1) **If the practitioner believes that the practitioner has complied with this chapter, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.**

(2) **If the practitioner does not disagree with the board's determination of noncompliance, do the following:**

(A) **Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.**

(B) **Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.**

(C) **Comply with all other provisions of this chapter.**

(c) **If a practitioner fails to comply with subsection (b), the board shall immediately suspend the license of the practitioner and send notice of the suspension to the practitioner by certified mail.**

(d) **If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).**

(e) **The board shall:**

(1) **reinstate a practitioner suspended under subsection (c); or**

(2) **renew the practitioner's license in place of the conditional license issued under subsection (a)(3);**

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1).

SECTION 15. IC 25-1-4-6 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) **Notwithstanding any other law, if at the time a practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:**

(1) **Provide the practitioner notice of noncompliance by certified mail.**

(2) **Deny the practitioner's application for license renewal.**

(b) **The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:**

(1) **Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).**

(2) **Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.**

(3) **The practitioner otherwise complies with this chapter.**

SECTION 16. IC 25-1-4-7 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

SECTION 17. IC 25-1-4-8 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 18. IC 25-1-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.

(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

SECTION 19. IC 25-1-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

SECTION 20. IC 25-1-8-6, AS AMENDED BY P.L.206-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "board" has the meaning set forth in ~~IC 25-1-4-0.3~~; means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).

(15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).

(16) Home inspectors licensing board (IC 25-20.2-3-1).

(17) Indiana hypnotist committee (IC 25-20.5-1-7).

(18) State board of registration for land surveyors (IC 25-21.5-2-1).

(19) Manufactured home installer licensing board (IC 25-23.7).

(20) Medical licensing board of Indiana (IC 25-22.5-2).

(21) Indiana state board of nursing (IC 25-23-1).

(22) Occupational therapy committee (IC 25-23.5).

(23) Indiana optometry board (IC 25-24).

(24) Indiana board of pharmacy (IC 25-26).

(25) Indiana physical therapy committee (IC 25-27).

(26) Physician assistant committee (IC 25-27.5).

(27) Indiana plumbing commission (IC 25-28.5-1-3).

(28) Board of podiatric medicine (IC 25-29-2-1).

(29) Private detectives licensing board (IC 25-30-1-5.1).

(30) State psychology board (IC 25-33).

(31) Indiana real estate commission (IC 25-34.1-2).

(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(33) Respiratory care committee (IC 25-34.5).

(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(35) Speech-language pathology and audiology board (IC 25-35.6-2).

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 21. IC 25-4-1-14, AS AMENDED BY P.L.194-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the

registered architect's certificate of registration and pay the required renewal fee. A registered architect whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under ~~IC 25-1-8-7~~ **IC 25-1-8-6**.

(b) Subject to subsection (c), any architect registered or licensed in this state who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate renewed at any time within a period of five (5) years after the registration expired upon:

- (1) making application to the board for renewal of the registration; and
- (2) paying a fee required under ~~IC 25-1-8-7~~ **IC 25-1-8-6**.

(c) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice. The statement shall be entered upon the records of the board. During the period of the architect's retirement, the architect is not liable for any renewal or restoration fees. If any retired architect desires to return to the practice of architecture in Indiana within a period of five (5) years from the date that the architect files a statement under this subsection, the retired architect must:

- (1) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and
- (2) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter.

SECTION 22. IC 25-4-1-16, AS AMENDED BY P.L.194-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be established under ~~IC 25-1-8-7~~ **IC 25-1-8-6**. The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be established by the board under IC 25-1-8-2.

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

SECTION 23. IC 25-4-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for architects.
- (2) Set minimum requirements for continuing education and training for architects.
- (3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require an architect to comply with the following: ~~renewal requirements~~:

- (1) The architect shall provide the board with a sworn statement signed by the architect that the architect has fulfilled the continuing education requirements required by the board.
- (2) ~~The architect shall retain copies of certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. The architect shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit: requirements under IC 25-1-4.~~

~~(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the architects required to take continuing education courses.~~

SECTION 24. IC 25-4-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for landscape architects.
- (2) Set minimum requirements for continuing education and

training for landscape architects.

(3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require a landscape architect to comply with the following: ~~renewal requirements~~:

(1) The landscape architect shall provide the board with a sworn statement signed by the landscape architect that the landscape architect has fulfilled the continuing education requirements required by the board.

(2) ~~The landscape architect shall retain copies of certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. The landscape architect shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit: requirements under IC 25-1-4.~~

~~(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the landscape architects required to take continuing education courses.~~

SECTION 25. IC 25-6.1-3-2, AS AMENDED BY P.L.194-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;
- (3) not have a conviction for:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or
 - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

- (1) The value of real estate and of various goods commonly sold at an auction.
- (2) Bid calling.
- (3) Sale preparation, sale advertising, and sale summary.
- (4) Mathematics.
- (5) The provisions of this article and the commission's rules.
- (6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

- (1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.
- (2) Pay the license fee prescribed by section 5 of this chapter.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not more than one (1) year after the date it expired upon the payment of the renewal fee plus the reinstatement fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** and submission of proof that the applicant has complied with the continuing education requirement. If

the license has expired for a period of more than one (1) year, the person must file an application and take the required examination. However, an applicant for reinstatement of an expired license is not required to complete the initial eighty (80) hour education requirement under this section in order to reinstate the expired license. The holder of an expired license shall cease to display the original wall certificate at the holder's place of business and shall return the wall certificate to the commission upon notification by the commission of the expiration of the holder's license.

(j) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

- (1) is licensed to act as an auctioneer in the state of the applicant's domicile;
- (2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;
- (3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;
- (4) is a resident of a state that grants the same privileges to the licensees of Indiana; and
- (5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(k) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

(m) An applicant for a temporary permit must do the following:

- (1) File an examination application.
- (2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(n) An individual who does not pass the examination required under subsection (m) may not be issued a temporary permit.

SECTION 26. IC 25-7-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. The agency shall do the following:

- (1) Furnish the board with suitable quarters to conduct the board's business.
- (2) Maintain a record of:
 - (A) the proceedings of the board;
 - (B) each person licensed under this article, including the person's name and address; **and**
 - (C) the licenses issued under this article, including the:
 - (i) number assigned to the license by the agency;
 - (ii) date the license was issued; and
 - (iii) actions taken by the board concerning the license, including any renewal ~~suspension~~; or ~~revocation~~; **and action taken under IC 25-1-11.**

~~(D) rejected applications for a license under this article.~~

SECTION 27. IC 25-7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall conduct ~~an~~ **a written** examination of the applicants for a barber license at least four (4) times each year. The ~~tests~~ **examinations** described in this section:

- (1) shall be conducted at the times and places determined by the board; **and**
- (2) **must concern the licensed activity of barbering, as the licensed activity is customarily taught in a barber school.**

The examination may be administered through computer based

testing.

(b) ~~The examinations described in subsection (a) must include:~~

- ~~(1) Each applicant must pass a practical demonstration examination of the acts permitted by the license. and~~
- ~~(2) a written examination concerning the licensed activity; as the licensed activity is customarily taught in a barber school.~~

SECTION 28. IC 25-7-6-14, AS AMENDED BY P.L.194-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. An expired barber license may be reinstated by payment of the reinstatement and renewal fees required under IC 25-1-8-2 and ~~IC 25-1-8-7~~ **IC 25-1-8-6** within five (5) years of the expiration date of the license. After five (5) years from the date that a barber license expires under this section, the person whose license has expired may reinstate the license only by:

- (1) applying for reinstatement of the license;
- (2) paying the fees set forth under IC 25-7-11 and ~~IC 25-1-8-7~~ **IC 25-1-8-6**; and
- (3) taking the same examination required under IC 25-7-10 for an applicant for a license to practice as a registered barber.

SECTION 29. IC 25-7-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;
- (2) not more than eight (8) hours of course work may be taken by a student during one (1) day;
- (3) the course work will provide instruction to students in all theories and practical applications of barbering, including:
 - (A) the scientific fundamentals for barbering, hygiene, and bacteriology;
 - (B) the histology of hair, skin, muscles, and nerves;
 - (C) the structure of the head, face, and neck;
 - (D) elementary chemistry relating to sterilization and antiseptics;
 - (E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and
 - (F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;
- (4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;
- (5) the school will be operated under the personal supervision of a licensed barber instructor;
- (6) the applicant has obtained:
 - (A) a building permit;
 - (B) a certificate of occupancy; or
 - (C) any other planning approval required under IC 22-15-3 and IC 36-7-4;

required to operate the school;

(7) the school, if located in the same building as a residence, will:

- (A) be separated from the residence by a substantial floor to ceiling partition; and
- (B) have a separate entrance; ~~and~~

(8) as a requirement for graduation, the proposed school must:

- (A) administer; and**
- (B) require the student to pass;**

a final practical demonstration examination of the acts permitted by the license; and

~~(8) (9) the applicant has paid the fee set forth in IC 25-7-11-2.~~

SECTION 30. IC 25-7-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) **A barber school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.**

(b) **The board shall consider an applicant for the barbering professional examination as fulfilling the practical examination requirement established in IC 25-7-6-5 after successfully completing the final practical demonstration examination.**

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) A barber school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

- (1) As a result of a complaint received.
- (2) As part of random observations.
- (3) To collect data.

SECTION 31. IC 25-7-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~(a)~~ The application described in section 2 of this chapter must state that the applicant:

- (1) is either:
 - (A) at least eighteen (18) years of age; or
 - (B) at least seventeen (17) years of age and is a graduate of an accredited high school;
- (2) has graduated from an approved barber school with not less than one thousand five hundred (1,500) hours of training;
- (3) has received a satisfactory grade (as described in IC 25-7-6-6) on an examination for barber license applicants prescribed by the board;
- (4) has not committed an act that could subject the applicant to discipline under IC 25-1-11; and
- (5) has a certificate from a physician licensed in Indiana stating:
 - (A) that the applicant is free from any contagious, infectious, or communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the practice of barbering; and
 - (B) the results of a tubercular and a Wasserman test; and
- ~~(6)~~ (5) has paid the fee set forth in IC 25-7-11 for the issuance of a license under this chapter.

~~(b) The certificate required by subsection (a)(5) must be dated less than thirty (30) days before the date that the applicant is examined under IC 25-7-6.~~

SECTION 32. IC 25-7-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) If a person does not receive a satisfactory grade on the written examination described in IC 25-7-6-5, the person may repeat the examination within ninety (90) days after the date of the examination without completing any additional study in barbering.

(b) If a person does not receive a satisfactory grade on the repeat examination described in subsection (a), the person will be permitted to repeat the examination only upon proof of completion of two hundred fifty (250) additional hours of training at an approved barber school.

SECTION 33. IC 25-7-11-2, AS AMENDED BY P.L.194-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to establish fees for the application, issuance, and renewal of barber school licenses under IC 25-1-8-2.

(b) In addition to the fee charged under subsection (a), the board shall charge a fee for reinstating a barber school license under ~~IC 25-1-8-7~~ IC 25-1-8-6.

(c) A barber school license may not be reinstated if at least one (1) year has passed since the license expired. However, the barber school may obtain a new license by:

- (1) making application;
- (2) meeting the requirements for licensure; and
- (3) paying a fee established by the board under IC 25-1-8-2.

SECTION 34. IC 25-7-11-5, AS AMENDED BY P.L.194-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall establish fees under IC 25-1-8-2 for providing an examination to an applicant for a barber license.

(b) The board shall establish fees under IC 25-1-8-2 for issuing or renewing a barber license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ IC 25-1-8-6 for reinstating a barber license.

SECTION 35. IC 25-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck,

shoulders, torso, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
- (3) Arching eyebrows.
- (4) Using depilatories.
- (5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6; or
- (3) in performing shampooing operations; or**
- ~~(3) (4)~~ without compensation.

SECTION 36. IC 25-8-2-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. "Cosmetology professional" refers to the following:

- ~~(1) A master cosmetologist licensed under IC 25-8-8.~~
- ~~(2) (1)~~ A cosmetologist licensed under IC 25-8-9.
- ~~(3) (2)~~ An electrologist licensed under IC 25-8-10.
- ~~(4) (3)~~ A manicurist licensed under IC 25-8-11.
- ~~(5) A shampoo operator licensed under IC 25-8-12.~~
- ~~(6) (4)~~ An esthetician licensed under IC 25-8-12.5.
- ~~(7) (5)~~ An instructor licensed under IC 25-8-6.

SECTION 37. IC 25-8-3-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. ~~(a)~~ A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon; or
- (5) a cosmetology school;

during its regular business hours.

~~(b) A member of the board, an inspector, or an investigator must inspect the salon or school at least once after the applicant applies for a renewal under IC 25-8-4-18 and before the license is renewed.~~

SECTION 38. IC 25-8-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a) Each applicant must pass a final practical demonstration examination of the acts permitted by the license. The applicant's cosmetology school shall administer the final practical demonstration examination.**

(b) The board shall conduct an a written examination of the applicants for a cosmetologist license at least once each month. The board shall conduct an a written examination of the applicants for all other licenses issued under this article at least four (4) times each year. The tests written examinations described in this section:

- (1) shall be conducted at the times and places determined by the board; and**
- (2) may be administered through computer based testing.**

SECTION 39. IC 25-8-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. The board shall renew a license if the license holder

- ~~(1) pays the fee set forth in IC 25-8-13 to renew the license before the license is to expire. and~~
- ~~(2) fulfills the continuing education requirements under IC 25-8-15.~~

SECTION 40. IC 25-8-4-21, AS AMENDED BY P.L.194-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

- (1) pays renewal fees established by the board under IC 25-1-8-2;
- (2) pays the license reinstatement fee established under ~~IC 25-1-8-7~~ IC 25-1-8-6; and
- (3) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination

prescribed by the board. and

~~(4) fulfills the continuing education requirements under IC 25-8-15.~~

SECTION 41. IC 25-8-4-23, AS AMENDED BY P.L.194-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. The board may reinstate a license issued under this article held by a person described in section 22(a) of this chapter if the applicant:

- (1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;
- (2) pays the examination fee set forth in IC 25-8-13;
- (3) pays the reinstatement fee established under ~~IC 25-1-8-7;~~ **IC 25-1-8-6;** and
- (4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated.

SECTION 42. IC 25-8-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application described in section 2 of this chapter must state that:

- (1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;
- (2) no more than eight (8) hours of course work may be taken by a student during one (1) day;
- (3) the course work will instruct the students in all theories and practical application of the students' specific course of study;
- (4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;
- (5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;
- (6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under IC 22-15-3 and IC 36-7-4 to operate the school;
- (7) the school, if located in the same building as a residence, will:

(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entry; and

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

~~(8) (9) the applicant has paid the fee set forth in IC 25-8-13-3.~~

SECTION 43. IC 25-8-5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.

(b) The board shall consider an applicant for the cosmetology professional examination as fulfilling the practical examination requirement established by IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

- (1) As a result of a complaint received.
- (2) As part of random observations.
- (3) To collect data.

SECTION 44. IC 25-8-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, manicuring, ~~shampooing~~, or the instruction of cosmetology, esthetics, or electrology.

SECTION 45. IC 25-8-9-8 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit;
- (4) manicurist work permit;
- ~~(5) shampoo operator work permit;~~
- ~~(6) (5) cosmetology instructor work permit;~~
- ~~(7) (6) esthetics instructor work permit; or~~
- ~~(8) (7) electrology instructor work permit;~~

with the board on a form prescribed by the board to obtain that work permit.

SECTION 46. IC 25-8-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and
- (2) has filed an application under:

- (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
- (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and

(2) has filed an application under:

- (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
- (B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice esthetics under the supervision of an esthetician; and

(2) has filed an application under:

- (A) IC 25-8-12.5-3, but has not taken the examination described in ~~IC 25-8-12.5-4(a)(4);~~ **IC 25-8-12.5-4(4);** or
- (B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice manicuring under the supervision of a cosmetologist or manicurist; and

(2) has filed an application under:

- (A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or
- (B) IC 25-8-4-2 and is awaiting a board determination.

~~(e) The temporary shampoo operator work permit application described in section 8 of this chapter must state that the applicant:~~

- ~~(1) will practice shampooing under the supervision of a cosmetologist; and~~

~~(2) has filed an application under:~~

- ~~(A) IC 25-8-12-2, but has not taken the examination described in IC 25-8-12-3(4); or~~
- ~~(B) IC 25-8-4-2 and is awaiting a board determination.~~

~~(f) (e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:~~

- ~~(1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and~~

~~(2) has filed an application under:~~

- ~~(A) IC 25-8-6-2, but has not taken the examination described in IC 25-8-6-3(6); or~~
- ~~(B) IC 25-8-4-2 and is awaiting a board determination.~~

~~(g) (f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:~~

- ~~(1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and~~

~~(2) has filed an application under:~~

- ~~(A) IC 25-8-6.1-2, but has not taken the examination described in IC 25-8-6.1-3(6); or~~
- ~~(B) IC 25-8-4-5 and is awaiting a board determination described in IC 25-8-4-2.~~

~~(h) (g) The temporary electrology instructor work permit~~

application described in section 8 of this chapter must state that the applicant:

- (1) will practice the instruction of electrology under the supervision of an electrology instructor; and
- (2) has filed an application under:
 - (A) IC 25-8-6.2-2, but has not taken the examination described in IC 25-8-6.2-3(6); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 47. IC 25-8-13-3, AS AMENDED BY P.L.194-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a cosmetology school license.

SECTION 48. IC 25-8-13-4, AS AMENDED BY P.L.194-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology instructor license;
- (2) an esthetics instructor license; or
- (3) an electrology instructor license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an instructor license.

SECTION 49. IC 25-8-13-5, AS AMENDED BY P.L.194-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating:

- (1) a cosmetology salon license;
- (2) an electrology salon license;
- (3) an esthetic salon license; or
- (4) a manicurist salon license.

SECTION 50. IC 25-8-13-7, AS AMENDED BY P.L.194-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a cosmetologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a cosmetologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a cosmetologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person who holds a license from another jurisdiction that meets the requirements set forth in IC 25-8-4-2.

SECTION 51. IC 25-8-13-8, AS AMENDED BY P.L.194-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an electrologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an electrologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 52. IC 25-8-13-9, AS AMENDED BY P.L.194-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a manicurist license.

(c) The board shall charge a fee required under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a manicurist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 53. IC 25-8-13-11, AS AMENDED BY P.L.194-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an esthetician license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an esthetician license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 54. IC 25-8-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. An individual with an inactive license:

(1) may not perform an act that requires a cosmetology professional license listed under IC 25-8-2-5.5; and

~~(2) is not required to fulfill the continuing education requirements under IC 25-8-15; and~~

~~(3) (2) is not required to pay any fees that a licensee is required to pay until the inactive cosmetology professional applies for reinstatement of the individual's license.~~

SECTION 55. IC 25-8-16-3, AS AMENDED BY P.L.194-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If an inactive cosmetology professional intends to apply for reinstatement of the professional's license, the cosmetology professional shall notify the board of that intent. The board may reinstate the cosmetology professional's license upon notification and receipt of:

(1) an application; and

~~(2) evidence of completion during the preceding four (4) years of at least sixteen (16) hours of continuing education in a continuing education course approved by the board under IC 25-8-15.~~

~~(2) the fee established by the board under IC 25-1-8-2 for restoration of an inactive license.~~

SECTION 56. IC 25-13-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. ~~(a) Subject to IC 25-1-4-3, every two (2) years The board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of and the dental hygienists required to take hygienist shall comply with the requirements under IC 25-1-4 concerning continuing education. courses.~~

~~(b) When requested by the board, a dental hygienist shall provide the board with a copy of each verification of attendance retained by the dental hygienist for the previous three (3) years.~~

SECTION 57. IC 25-14-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. ~~(a) Subject to IC 25-1-4-3, every two (2) years The board shall randomly audit for compliance at least one percent (1%) but not more than ten percent (10%) of the dentists required to take and the dentist shall comply with the requirements under IC 25-1-4 concerning continuing education. courses.~~

~~(b) When requested by the board, a dentist shall provide the board with a copy of each verification of attendance retained by the dentist for the previous three (3) years.~~

SECTION 58. IC 25-15-6-4, AS AMENDED BY P.L.194-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The board shall reinstate the expired license of an individual who:

(1) was licensed as a funeral director or embalmer;

(2) applies for reinstatement of the funeral director license or embalmer license within two (2) years or four (4) years of the date that the license expired as set by the board;

(3) pays a fee established under ~~IC 25-1-8-7; IC 25-1-8-6;~~ and

(4) meets the continuing education requirements set by the

board.

SECTION 59. IC 25-15-6-6, AS AMENDED BY P.L.194-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The board may reinstate the license of:

- (1) a person that has allowed a funeral home license to expire only if the person reapplies for a funeral home license, pays a fee established under ~~IC 25-1-8-7~~, IC 25-1-8-6, and otherwise meets the requirements in IC 25-15-4-1;
- (2) an individual whose funeral director intern license has expired only if the individual reapplies for a funeral director intern license, takes another examination, if required by the board, pays a fee established under ~~IC 25-1-8-7~~, IC 25-1-8-6, and otherwise meets the requirements in IC 25-15-4-2; or
- (3) an individual whose funeral director license has expired after the time set in section 4 of this chapter has run only if the individual reapplies for a funeral director license, takes another examination, pays a fee established under ~~IC 25-1-8-7~~, IC 25-1-8-6, and otherwise meets the requirements in IC 25-15-4-3(b).

The board may not reinstate an embalmer license or a funeral director license for a person qualified only under IC 25-15-4-3(d) after the time set under section 4 of this chapter has expired.

SECTION 60. IC 25-22.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of ~~his the physician's~~ intention to retire. ~~and shall surrender his license to practice to the board.~~ Upon receipt of this notice, ~~and license,~~ the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician ~~surrenders his~~ ~~retires the physician's~~ license to practice medicine or osteopathic medicine in this state, reinstatement of the license may be considered by the board upon written request. The board may impose any conditions it considers appropriate to the ~~surrender retirement~~ or to the reinstatement of a ~~surrendered retired~~ license. If any disciplinary proceedings under this chapter are pending against a physician, ~~he the physician~~ may not surrender ~~his or retire the physician's~~ license to practice without the written approval of the board.

(b) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to become inactive in the practice of medicine shall notify the board in writing that:

- (1) ~~he the physician~~ will not maintain an office or practice; and
- (2) if ~~he the physician~~ does render a service that constitutes the practice of medicine, ~~he the physician~~ will not charge a fee for that service.

The board shall then classify the physician's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the registration fee.

(c) If a physician holding an inactive license intends to maintain an office or practice or charge a fee for ~~his the physician's~~ medical services, ~~he the physician~~ shall notify the board of the intent to reactivate a license to practice medicine or osteopathy. As a condition of reactivation, the board may require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than four (4) years and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status. Upon:

- (1) notification; ~~and~~
- (2) receipt of the regular registration fee for a physician's license, ~~less the amount paid for the current inactive license;~~ and
- (3) either:
 - (A) verification of active licensure in another jurisdiction; or
 - (B) completion of other reasonable requirements imposed by the board, after the physician's work history has been established;

the board shall reinstate that physician's license.

SECTION 61. IC 25-22.5-12 IS ADDED TO THE INDIANA

CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Residency Pilot Program for Qualified International Medical School Graduates

Sec. 1. As used in this chapter, "graduate" means a qualified international medical school graduate.

Sec. 2. As used in this chapter, "resident" means a graduate who has been accepted in the residency pilot program under this chapter.

Sec. 3. The board shall work with primary care residency programs, limited to family medicine, pediatrics, and internal medicine residency programs, to develop a pilot program for a period of seven (7) academic years to better identify, evaluate, and prepare qualified graduates for future practice in Indiana.

Sec. 4. The board shall allow family medicine, pediatrics, and internal medicine residency programs in Indiana that elect to participate in the residency pilot program to accept graduates from medical schools that:

- (1) are not on the board's list of approved medical schools; and
- (2) are not on the list of schools disapproved for postgraduate medical education training.

Sec. 5. The board shall develop an application process for each approved residency program's participation in the residency pilot program.

Sec. 6. The list of disapproved medical schools must be updated by August 1 of each year to the best ability of the board to exclude any medical schools that are not known to be qualified educational institutions.

Sec. 7. The program director of a residency pilot program that wants to participate in the residency program shall submit a letter to the board requesting that the accepted residency candidate receive a temporary permit for residency training. A representative of the residency pilot program must appear with the candidate for a hearing of the board.

Sec. 8. A temporary permit to participate in residency training may be:

- (1) issued to a graduate for one (1) year; and
- (2) renewed for two (2) additional one (1) year periods; until completion of the residency program. The board may require the graduate to appear before the board.

Sec. 9. A candidate for the residency program must be certified by the Education Commission for Foreign Medical Graduates (ECFMG) to participate in the residency pilot program.

Sec. 10. The director of a participating residency pilot program shall submit a written progress report to the board within three (3) months after the beginning of training of a resident to verify that the resident is providing the quality of medical care to patients expected at the level of medical experience and training of the resident.

Sec. 11. The residency program director shall promptly inform the board in writing if a pilot program resident is:

- (1) dismissed for failure to meet the professional expectations of the residency program; or
- (2) incapable of competent medical practice.

Sec. 12. The residency program director shall submit a report concerning the progress of each resident to the board at the completion of the first and second years of the resident's training recommending renewal of the temporary medical permit for one (1) additional year if the resident's performance is satisfactory.

Sec. 13. (a) Upon the resident's completion of the three (3) year training program, the residency program director may be required to appear before the board to:

- (1) verify the competency of the resident; and
- (2) recommend that the candidate be issued a license to enable the candidate to practice medicine in Indiana.

If the resident was granted a temporary permit under the residency pilot program, a graduate participating in the program may not be issued a permanent license until the graduate completes the three (3) years of pilot program residency training and completes two (2) years of practice in Indiana to complete the pilot program requirements. The type of license the graduating resident obtains for the two (2) years of practice after residency shall be determined by the board. The board may defer the

practice requirement if the resident requests a delay to participate in an Accreditation Council on Graduate Medical Education (ACGME) accredited fellowship program that enhances the practice of primary care. The candidate must appear before the board for permanent license approval.

(b) Failure to complete the residency pilot program for reasons including:

- (1) negligence;
- (2) incompetency; or
- (3) issues of professionalism;

is an adverse event reportable to medical licensing boards in other states. Issues not related to performance are not reportable events.

Sec. 14. International medical school graduates who have successfully completed the residency pilot program and have met all requirements of this chapter:

- (1) shall be given equal standing for licensure with other international medical school graduates who have graduated from approved medical schools; and
- (2) must meet all other licensure requirements under IC 25-22.5-3-1.

Sec. 15. The board shall collect information and data during the residency pilot program concerning the:

- (1) successes of;
- (2) failures of;
- (3) difficulties encountered in; and
- (4) number of residents involved in, entering, and graduating from;

the program.

The information must include data based on the six (6) required ACGME competencies used to evaluate all residents.

Sec. 16. There may not be more than two (2) graduates allowed under this pilot program for each approved primary care residency program.

Sec. 17. This chapter expires December 31, 2013.

SECTION 62. IC 25-23-1-19.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.8. (a) Before December 31 of an even-numbered year, the ~~bureau~~ **Indiana professional licensing agency** or the ~~bureau's agency's~~ designee shall randomly audit at least one percent (1%) but not more than ten percent (10%) of the practice agreements of advanced practice nurses with authority to prescribe legend drugs under section 19.5 of this chapter to determine whether the practice agreement meets the requirements of this chapter or rules adopted by the board.

(b) The ~~bureau~~ **Indiana professional licensing agency** shall establish an audit procedure, which may include the following:

- (1) Requiring the advanced practice nurse to provide the ~~bureau~~ **agency** with a copy of verification of attendance at or completion of a continuing education course or program the advanced practice nurse attended during the previous two (2) years.
- (2) Requiring the advanced practice nurse and the licensed practitioner who have entered into a practice agreement to submit information on a form prescribed by the ~~bureau~~ **agency** that must include a sworn statement signed by the advanced practice nurse and the licensed practitioner that the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.
- (3) Reviewing patient health records and other patient information at the practice location or by requiring the submission of accurate copies to determine if the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.
- (4) After a reasonable determination that the advanced practice nurse and the licensed practitioner who have entered into a practice agreement are not operating within the terms of the practice agreement, requiring the parties to appear before the ~~bureau~~ **agency** or the ~~bureau's agency's~~ designee to provide evidence of compliance with the practice agreement.

(c) Not more than sixty (60) days after the completion of the audit required in subsection (a), the ~~bureau~~ **Indiana professional licensing agency** shall provide the board with the following:

- (1) A summary of the information obtained in the audit.

- (2) A statement regarding whether an advanced practice nurse and a licensed practitioner who have entered into a practice agreement that is audited under subsection (a) are operating within the terms of the practice agreement.

The ~~bureau~~ **agency** shall also provide a copy of the information described in this subsection to the board that regulates the licensed practitioner.

(d) The ~~bureau~~ **Indiana professional licensing agency** may cause to be served upon the advanced practice nurse an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the advanced practice nurse for the advanced practice nurse's failure to comply with:

- (1) an audit conducted under this section; or
- (2) the requirements of a practice agreement under this chapter.

(e) **Except for a violation concerning continuing education requirements under IC 25-1-4**, the board shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (d).

(f) The board that regulates the licensed practitioner may cause to be served upon the licensed practitioner an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the licensed practitioner for the licensed practitioner's failure to comply with:

- (1) an audit conducted under this section; or
- (2) the requirements of a practice agreement under this chapter.

(g) The board that regulates the licensed practitioner shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (f).

(h) An order to show cause issued under this section must comply with the notice requirements of IC 4-21.5.

(i) The licensed practitioner may divulge health records and other patient information to the ~~bureau~~ **Indiana professional licensing agency** or the ~~bureau's agency's~~ designee. The licensed practitioner is immune from civil liability for any action based upon release of the patient information under this section.

SECTION 63. IC 25-23.7-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Notwithstanding IC 25-1-2, **the holder of a license issued under IC 25-23.7-5 expires must renew the license and pay the required renewal fee every four (4) years after it is issued at a time and on or before the date designated established by the board: Indiana professional licensing agency under IC 25-1-6-4.**

SECTION 64. IC 25-24-1-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. (a) Notwithstanding section 3 of this chapter, the board may issue or renew a limited license to practice optometry at the Indiana University School of Optometry if the applicant:

- (1) holds an active license in another jurisdiction; and
- (2) meets the continuing education requirements under section 14.1 of this chapter.

(b) A limited license issued under this section is valid for two (2) years.

(c) A limited license issued under this section does not allow the holder of the license to be granted or have renewed a certificate to administer, dispense, or prescribe legend drugs unless the holder of the license meets the requirements of ~~IC 25-26-15-15, IC 25-26-15-16, and IC 25-26-15-18. IC 25-24-3-12, IC 25-24-3-13, and IC 25-23-3-15.~~

SECTION 65. IC 25-24-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3. Optometric Legend Drugs

Sec. 1. As used in this chapter, "associated structures of the eye" means the:

- (1) eyelids;
- (2) eyebrows;
- (3) conjunctiva;
- (4) lachrymal apparatus; and
- (5) orbital tissues.

Sec. 2. As used in this chapter, "administer" means the direct application of a legend drug by an optometrist to a patient.

Sec. 3. As used in this chapter, "board" means the Indiana optometry board established by IC 25-24-1-1.

Sec. 4. As used in this chapter, "diagnostic legend drug" means a pharmacological agent approved by the board that is used in the examination of the human eye to detect abnormalities.

Sec. 5. As used in this chapter, "dispense" means to deliver a legend drug to an ultimate user by or pursuant to a lawful order of an optometrist. The term includes the:

- (1) prescribing;
- (2) administering;
- (3) packaging;
- (4) labeling; or
- (5) compounding;

necessary to prepare the drug for delivery.

Sec. 6. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term does not include controlled substances (as defined in IC 35-48-1-9).

Sec. 7. As used in this chapter, "optometrist" means an individual licensed as an optometrist under IC 25-24-1.

Sec. 8. As used in this chapter, "prescription" means a written order or an order transmitted by other means of communication that is immediately reduced to writing by the pharmacist or, for electronically transmitted orders, recorded in an electronic format from an optometrist to or for an ultimate user for a drug or device, containing:

- (1) the name and address of the patient;
- (2) the date of issue;
- (3) the name and strength or size (if applicable) of the drug or device;
- (4) the amount to be dispensed (unless indicated by directions and duration of therapy);
- (5) adequate directions for the proper use of the drug or device by the patient;
- (6) the name and certification number of the prescribing optometrist; and
- (7) if the prescription:
 - (A) is in written form, the signature of the optometrist; or
 - (B) is in electronic form, the electronic signature of the optometrist.

Sec. 9. As used in this chapter, "therapeutic legend drug" means a pharmacological agent that is used in the treatment of a diagnosed condition of the:

- (1) human eye; or
- (2) associated structures of the human eye.

Sec. 10. The board shall do the following:

- (1) Adopt rules under IC 4-22-2 to do the following:
 - (A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.
 - (B) Set fees described in IC 25-1-8.
 - (C) Carry out this chapter.
- (2) Establish education and training requirements in ocular pharmacology required for certification to do the following:
 - (A) Administer therapeutic legend drugs.
 - (B) Dispense legend drugs.
 - (C) Prescribe legend drugs.
- (3) Establish continuing education requirements for renewal of the certificate issued under this chapter.

Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

- (1) may be independently prescribed by an optometrist; or
- (2) must be dependently prescribed by an optometrist.

(b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

- (1) those legend drugs for which the optometrist must notify only the patient's physician that the optometrist is prescribing the legend drug; and
- (2) those legend drugs for which the optometrist must consult with the patient's physician before prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

- (1) the patient's physician has been contacted; or

(2) the patient has indicated to the optometrist that the patient has no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may prescribe the legend drug without notifying the patient's physician.

Sec. 12. The board shall issue a certificate to a licensed optometrist who:

- (1) applies; and
- (2) successfully fulfills all the requirements of this chapter.

Sec. 13. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet the following requirements:

- (1) Apply in the form and manner prescribed by the board.
- (2) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.
- (3) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in Optometry.
- (4) Pay the fee established by the board.

Sec. 14. An applicant must hold a license to practice optometry in order to hold a certificate.

Sec. 15. The board shall renew a certificate issued under this chapter:

- (1) concurrently with the renewal of the optometrist's license to practice optometry;
- (2) upon payment of the renewal fee established by the board; and
- (3) upon completion of continuing education requirements established under section 10 of this chapter.

Sec. 16. (a) Optometrists may administer topical diagnostic legend drugs limited to:

- (1) miotics;
- (2) mydriatics;
- (3) anesthetics; and
- (4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize an optometrist holding a certificate issued under this chapter to:

- (1) administer for therapeutic use;
- (2) dispense; or
- (3) prescribe;

legend drugs that are included in the formulary established by the board under section 10 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye.

Sec. 17. (a) An optometrist may not:

- (1) administer, dispense, or prescribe therapeutic legend drugs; or
- (2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 66. IC 25-26-13-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. Pharmacists licensed by Indiana may fill prescriptions of optometrists who are:

- (1) licensed by Indiana; and
- (2) certified under ~~IC 25-26-15~~; IC 25-24-3;

for a drug that is included in the formulary adopted under ~~IC 25-26-15-13~~; IC 25-24-3-10.

SECTION 67. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. (a) Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of private

detective as an individual with the assistance of a licensed or unlicensed person.

SECTION 68. IC 25-30-1-16, AS AMENDED BY P.L.194-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Unless a license is renewed, a license and the identification cards of the licensee's employees issued under this chapter expire on a date specified by the licensing agency under IC 25-1-6-4 and expire biennially after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) A licensee desiring a renewal license must:

- (1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and
- (2) meet the license renewal requirements determined by the board.

(d) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

- (1) Files an application for renewal with the board.
- (2) Meets the license requirements determined by the board.
- (3) Pays a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6**.

(e) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

SECTION 69. IC 25-33-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) A person who:

- (1) is licensed to practice psychology by any board or licensing agency of another state or jurisdiction; and
- (2) meets the requirements established by the board;

may be issued a temporary psychology permit limited by terms and conditions considered appropriate by the board. A limited scope temporary psychology permit issued under this subsection is valid for a nonrenewable period of not more than thirty (30) days. A psychologist may practice under a limited scope psychology permit not more than thirty (30) days every two (2) years.

(b) The board may adopt rules under section 3 of this chapter establishing requirements for limited scope temporary psychology permits.

(c) An individual who holds a limited scope temporary psychology permit under this section may be disciplined by the board under IC 25-1-9.

SECTION 70. IC 25-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~Subject to IC 25-1-4-3, every two (2) years The board shall randomly audit and licensed psychologists to ensure compliance of shall comply with the requirements concerning continuing education requirement: under IC 25-1-4.~~

(b) ~~When requested by the board, a psychologist shall provide the board with a copy of each verification of attendance retained by the psychologist for the previous three (3) years.~~

SECTION 71. IC 25-34.1-3-3.1, AS AMENDED BY P.L.194-2005, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. (a) To obtain a salesperson license, an individual must:

- (1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

- (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
- (B) a crime that has a direct bearing on the individual's ability to practice competently; or
- (C) a crime that indicates the individual has the propensity to endanger the public;

- (2) have successfully completed courses in the principles, practices, and law of real estate, totaling eight (8) semester credit hours, or their equivalent, as a student at an accredited college or university or have successfully completed an approved salesperson course as provided in IC 25-34.1-5-5(a);
- (3) apply for a license by submitting the ~~application~~ fee

prescribed by the commission and an application containing the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the principal broker's address where the business is to be conducted, proof of compliance with subdivision (2), and any other information the commission requires;

(4) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(5) submit not more than one ~~hundred twenty (120) days~~ **(1) year** after passing the written examination under subdivision (4)

~~(A) the license fee established by the commission under IC 25-1-8-2; and~~

~~(B) a sworn certification of a principal broker that the principal broker intends to associate with the applicant and maintain that association until notice of termination of the association is given to the commission.~~

(b) Upon the applicant's compliance with the requirements of subsection (a), the commission shall:

(1) issue a wall certificate in the name of the salesperson to the principal broker who certified the applicant's association with the principal broker; and

(2) issue to the salesperson a pocket identification card which certifies that the salesperson is licensed and indicates the expiration date of the license and the name of the principal broker.

(c) Notice of passing the commission examination serves as a temporary permit to act as a salesperson as soon as the applicant sends, by registered or certified mail with return receipt requested, the ~~license fee and certification as prescribed in subsection (a)(5)(A) and (a)(5)(B).~~ **(a)(5).** The temporary permit expires the earliest of the following:

- (1) The date the license is issued.
- (2) The date the applicant's association with the certifying principal broker is terminated.

The temporary permit may not be renewed, extended, reissued, or otherwise effective for any association other than with the initial certifying principal broker.

(d) A salesperson shall:

- (1) act under the auspices of the principal broker responsible for that salesperson's conduct under this article;
- (2) be associated with only one (1) principal broker;
- (3) maintain evidence of licensure in the office, branch office, or sales outlet of the principal broker;
- (4) advertise only in the name of the principal broker, with the principal broker's name in letters of advertising larger than that of the salesperson's name; and
- (5) not maintain any real estate office apart from that office provided by the principal broker.

(e) Upon termination of a salesperson's association with a principal broker, the salesperson's license shall be returned to the commission within five (5) business days. The commission shall reissue the license to any principal broker whose certification, as prescribed in subsection ~~(a)(5)(B);~~ **(a)(5),** is filed with the commission, and the commission shall issue a new identification card to the salesperson reflecting that change.

(f) Unless a license is renewed, a salesperson license expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action. If a salesperson fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless that salesperson again complies with the requirements of subsection (a)(3), (a)(4), and (a)(5).

(g) A salesperson license may be issued to an individual who is not yet associated with a principal broker but who otherwise meets the requirements of subsection (a). A license issued under this subsection shall be held by the commission in an unassigned status until the date the individual submits the certification of a principal broker required by subsection (a)(5). If the individual does not submit the application

for licensure within one ~~hundred twenty (120) days~~ **(1) year** after passing the commission examination, the commission shall void the application and may not issue a license to that applicant unless the applicant again complies with the requirements of subsection (a)(4) through (a)(5).

(h) If an individual holding a salesperson license is not associated with a principal broker for two (2) successive renewal periods, the commission shall notify the individual in writing that the individual's license will become void if the individual does not associate with a principal broker within thirty (30) days from the date the notification is mailed. A void license may not be renewed.

SECTION 72. IC 25-34.1-3-4.1, AS AMENDED BY P.L.194-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

(A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;

(B) a crime that has a direct bearing on the individual's ability to practice competently; or

(C) a crime that indicates the individual has the propensity to endanger the public;

(2) have satisfied section 3.1(a)(2) of this chapter and have had continuous active experience for one (1) year immediately preceding the application as a licensed salesperson in Indiana. However, this one (1) year experience requirement may be waived by the commission upon a finding of equivalent experience;

(3) have successfully completed an approved broker course of study as prescribed in IC 25-34.1-5-5(b);

(4) apply for a license by submitting the application fee prescribed by the commission and an application specifying the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the address where the business is to be conducted, proof of compliance with subdivisions (2) and (3), and any other information the commission requires;

(5) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(6) within one ~~hundred twenty (120) days~~ **(1) year** after passing the commission examination, submit the license fee established by the commission under IC 25-1-8-2. If an individual applicant fails to file a timely license fee, the commission shall void the application and may not issue a license to that applicant unless that applicant again complies with the requirements of subdivisions (4) and (5) and this subdivision.

(b) To obtain a broker license, a partnership must:

(1) have as partners only individuals who are licensed brokers;

(2) have at least one (1) partner who:

(A) is a resident of Indiana; or

(B) is a principal broker under IC 25-34.1-4-3(b);

(3) cause each employee of the partnership who acts as a broker or salesperson to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the name and residence address of each partner and the information prescribed in subsection (a)(4).

(c) To obtain a broker license, a corporation must:

(1) have a licensed broker:

(A) residing in Indiana who is either an officer of the corporation or, if no officer resides in Indiana, the highest ranking corporate employee in Indiana with authority to bind the corporation in real estate transactions; or

(B) who is a principal broker under IC 25-34.1-4-3(b);

(2) cause each employee of the corporation who acts as a broker or salesperson to be licensed; and

(3) submit the license fee established by the commission under IC 25-1-8-2, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state.

(d) To obtain a broker license, a limited liability company must:

(1) if a member-managed limited liability company:

(A) have as members only individuals who are licensed brokers; and

(B) have at least one (1) member who is:

(i) a resident of Indiana; or

(ii) a principal broker under IC 25-34.1-4-3(b);

(2) if a manager-managed limited liability company, have a licensed broker:

(A) residing in Indiana who is either a manager of the company or, if no manager resides in Indiana, the highest ranking company officer or employee in Indiana with authority to bind the company in real estate transactions; or

(B) who is a principal broker under IC 25-34.1-4-3(b);

(3) cause each employee of the limited liability company who acts as a broker or salesperson to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the information prescribed in subsection (a)(4), together with:

(A) if a member-managed company, the name and residence address of each member; or

(B) if a manager-managed company, the name and residence address of each manager, or of each officer if the company has officers.

(e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:

(1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or

(2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company satisfying subsection (d)(2);

terminates the license of that partnership, corporation, or limited liability company.

(f) Upon the applicant's compliance with the requirements of subsection (a), (b), or (c), the commission shall issue the applicant a broker license and an identification card which certifies the issuance of the license and indicates the expiration date of the license. The license shall be displayed at the broker's place of business.

(g) Notice of passing the commission examination serves as a temporary permit for an individual applicant to act as a broker as soon as the applicant sends, by registered or certified mail with return receipt requested, a timely license fee as prescribed in subsection (a)(6). The temporary permit expires the earlier of one ~~hundred twenty (120) days~~ **(1) year** after the date of the notice of passing the examination or the date a license is issued.

(h) Unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action. If a broker fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless the broker again complies with the requirements of subsection (a)(4), (a)(5), and (a)(6).

(i) A partnership, corporation, or limited liability company may not be a broker-salesperson except as authorized in IC 23-1.5. An individual broker who associates as a broker-salesperson with a principal broker shall immediately notify the commission of the name and business address of the principal broker and of any changes of principal broker that may occur. The commission shall then change the address of the broker-salesperson on its records to that of the principal broker.

SECTION 73. IC 25-34.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A salesperson licensed under section 3.1 of this chapter or a broker licensed under section 4.1 of this chapter may apply for and receive an inactive

license from the commission.

(b) An individual may not be granted an inactive license without the approval of the commission if a disciplinary or suspension hearing is pending against the individual.

(c) An individual with an inactive license:

- (1) may not perform an act that requires a salesperson or broker's license;
- (2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;
- (3) is required to pay any fees that a licensee is required to pay; and
- (4) must fulfill the ~~requirement requirements~~ under ~~IC 25-34.1-9-11(1)~~ **IC 25-34.1-9-11** for the current licensing period before applying for reactivation of the individual's license.

(d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt rules under IC 4-22-2 establishing continuing education requirements for individuals who have reactivated a license with less than twelve (12) months remaining in the licensing period.

SECTION 74. IC 25-34.1-9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. ~~(a)~~ **Subject to IC 25-1-4**, the commission may deny renewal of the license of a licensee that does not fulfill the requirements of this chapter.

~~(b) Suspension proceedings shall be conducted in accordance with IC 4-21.5 and the commission has all powers granted under IC 4-21.5.~~

SECTION 75. IC 25-35.6-1-7, AS AMENDED BY HEA 1040-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: Sec. 7. (a) The professional standards board may issue **the following**:

- (1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.
- (2) **A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.**

(b) The professional standards board shall issue a license as a speech-language pathologist to an individual who:

- (1) is licensed as a speech-language pathologist under this article; and
- (2) requests licensure.

~~(b)~~ (c) A speech-language pathologist licensed by the professional standards board shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

~~(c)~~ (d) The professional standards board may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

~~(d)~~ (e) The professional standards board may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

~~(e)~~ (f) An individual who:

- (1) if:
 - (A) the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or
 - (B) the individual is an audiologist, works in an educational setting;
- (2) has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and
- (3) has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same

benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 25-1-8-7; IC 25-7-10-13; IC 25-8-2-2.5; IC 25-8-2-16; IC 25-8-2-18; IC 25-8-4-8.5; IC 25-8-8; IC 25-8-12; IC 25-8-13-6; IC 25-8-13-10; IC 25-8-15; IC 25-13-2-8; IC 25-13-2-11; IC 25-13-2-12; IC 25-13-2-13; IC 25-14-3-10; IC 25-14-3-13; IC 25-14-3-14; IC 25-14-3-15; IC 25-20-1-4; IC 25-26-15; IC 25-33-2-3.

SECTION 77. [EFFECTIVE JULY 1, 2006] (a) **The rules adopted by the optometric legend drug prescription advisory committee under IC 25-26-15-13, as repealed by this act, before July 1, 2006, and in effect on June 30, 2006, shall be treated after June 30, 2006, as the rules of the Indiana optometry board under IC 25-24-3, as added by this act.**

(b) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the optometric legend drug prescription advisory committee shall be treated after June 30, 2006, as a reference to the Indiana optometry board.

SECTION 78. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 4-1-8-1, this SECTION applies instead of IC 4-1-8-1.

(b) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, this subsection does not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (13) The Indiana state teachers' retirement fund.
- (14) The state police benefit system.
- (15) The alcohol and tobacco commission.
- (16) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(c) The bureau of motor vehicles, notwithstanding the prohibition set forth in subsection (b), may require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(d) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(e) The department of correction may require a committed offender to provide the offender's Social Security number for

purposes of matching data with the Social Security Administration to determine benefit eligibility.

(f) The Indiana gaming commission, notwithstanding the prohibition set forth in subsection (b), may require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(g) Notwithstanding the prohibition set forth in subsection (b), the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

(h) This SECTION expires July 1, 2006.

SECTION 79. An emergency is declared for this act.

(Reference is to ESB 333 as reprinted March 1, 2006.)

DILLON	T. HARRIS
BRODEN	OXLEY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 12-1; filed March 13, 2006, at 10:12 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 12 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.

~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

~~(12) Prescribe or approve forms as required under IC 5-2-12.~~

~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~

~~(14)~~ **(12)** Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) ~~establish and maintain support the Indiana sex and violent offender directory registry under IC 5-2-12; IC 11-8-8;~~
- (3) provide training for persons to assist victims; and

(4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~ **IC 11-8-8**.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement ~~agencies~~ **agency** shall release ~~or allow inspection of~~ a limited criminal history to ~~or allow inspection of a limited criminal history by~~ noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;
- (12) is being sought by the parent locator service of the child support bureau of the division of family and children;
- (13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~ **IC 11-8-8**; or
- (14) has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b)).
 - (E) Possession of child pornography (IC 35-42-4-4(c)).
 - (F) Vicarious sexual gratification (IC 35-42-4-5).
 - (G) Child solicitation (IC 35-42-4-6).
 - (H) Child seduction (IC 35-42-4-7).
 - (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the

United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana sex and violent offender directory registry** under ~~IC 5-2-6~~ **IC 11-8-8** or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:
 - (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult; and
 - (B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 8. IC 10-13-6-10, AS AMENDED BY P.L.142-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies to the following:

- (1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):
 - (A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or
 - (B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.
- (2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a

felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

- (A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or
- (B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:

- (A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or
- (B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

- (1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; ~~or~~
- (2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation; ~~or~~
- (3) **agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27.**

A person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

SECTION 9. IC 10-13-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the:

- (1) county sheriff or designee of the county sheriff under section 10(b)(2) of this chapter; ~~or~~
- (2) **supervising agency or designee of the supervising agency under section 10(b)(3) of this chapter.**

The superintendent shall provide each county sheriff ~~and supervising agency~~ with the guidelines issued under this subsection. A county sheriff ~~and supervising agency~~ shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) ~~or 10(b)(3)~~ of this chapter in one (1) or more counties until the earlier of the following:

- (1) A date set by the superintendent.
- (2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) ~~or 10(b)(3)~~ of this chapter or terminates a delay under section 10(b)(2) ~~or 10(b)(3)~~ of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 10. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. **The department shall do the following:**

- (1) **Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.**
 - (2) **Prescribe and approve a format for sex offender registration as required by IC 11-8-8.**
 - (3) **Provide:**
 - (A) judges;
 - (B) law enforcement officials;
 - (C) prosecuting attorneys;
 - (D) parole officers;
 - (E) probation officers; and
 - (F) community corrections officials;
- with information and training concerning the requirements**

of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) **Upon request of a neighborhood association:**

- (A) **transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or**
- (B) **provide instructional materials concerning the use of the Indiana sex offender registry to the neighborhood association.**

SECTION 11. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) **The Indiana sex offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.**

(b) **The department shall do the following:**

- (1) **Ensure that the Indiana sex offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).**
- (2) **Publish the Indiana sex offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex offender registry displays the following or similar words:**

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex offense or has been adjudicated a delinquent child for an act that would be a sex offense if committed by an adult."

SECTION 12. IC 11-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

- (1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.
- (2) Information relating to a pending investigation of alleged criminal activity or other misconduct.
- (3) Information which, if disclosed, might result in physical harm to that person or other persons.
- (4) Sources of information obtained only upon a promise of confidentiality.
- (5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;
- (2) to employees of the department who need the information in the performance of their lawful duties;
- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;
- (4) to the governor or the governor's designee;
- (5) for research purposes in accord with IC 4-1-6-8.6(b);
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; or
- (7) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) **The department may disclose confidential information to the following:**

- (1) **A provider of sex offender management, treatment, or programming.**
- (2) **A provider of mental health services.**
- (3) **Any other service provider working with the department to assist in the successful return of an offender to the**

community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

SECTION 13. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 8. Sex Offender Registration

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

Sec. 2. As used in this chapter, "local law enforcement authority" means the:

- (1) chief of police of a consolidated city; or
- (2) sheriff of a county that does not contain a consolidated city.

Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender.

Sec. 4. As used in this chapter, "register" means to provide a local law enforcement authority with the information required under section 8 of this chapter.

Sec. 5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).
- (14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13).
- (15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

- (1) a person who is required to register as a sex offender in any jurisdiction; and
- (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

- (1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:
 - (A) The sex offender spends or intends to spend at least

seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days;

during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit. (3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than

seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and
- (2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration.

Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex offender.
- (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
- (6) If the sex offender is required to register for life, that the sex offender is required to register for life.
- (7) Any other information required by the department.

Sec. 9. (a) Not more than seven (7) days before an Indiana sex

offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

- (1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.
- (2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.
- (3) Obtain the address where the sex offender expects to reside after the sex offender's release.
- (4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.

(b) Not more than seventy-two (72) hours after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

- (1) The sex offender's fingerprints, photograph, and identification factors.
- (2) The address where the sex offender expects to reside after the sex offender's release.
- (3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.
- (4) Information regarding the sex offender's past treatment for mental disorders.
- (5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties required under subsections (a) and (b).

Sec. 10. Notwithstanding any other law, upon receiving a sex offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

- (1) principal residence address; or
- (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;

the sex offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered.

(b) If a sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

(d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana,

the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex offender moves the sex offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and
- (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration under subdivision (1).

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.

Sec. 13. (a) To verify a sex offender's current residence, the local law enforcement authority shall do the following:

- (1) Mail a reply form to each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (2) Mail a reply form to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement

authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

Sec. 16. (a) A sex offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex offender who is required to register under this chapter changes the sex offender's name due to marriage, the sex offender must register with the local law enforcement authority not more than seven (7) days after the name change.

Sec. 17. A sex offender who knowingly or intentionally:

- (1) fails to register when required to register under this

chapter;

- (2) fails to register in every location where the sex offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 19. (a) Except as provided in subsections (b) through (e), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life.

Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of:

- (1) the sex offender's name, date of relocation, and new address; and
- (2) the sex offense or delinquent act committed by the sex offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
- (2) whether an out of state sex offender is a sexually violent predator; and
- (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex offender in Indiana.

SECTION 14. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or

(6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
- (2) The date of the offense.
- (3) The date of the conviction.
- (4) The felony of which the prisoner was convicted.
- (5) The sentence imposed.
- (6) The amount of time served.
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) nature and circumstances of the crime for which the offender is committed;
- (2) offender's prior criminal record;
- (3) offender's conduct and attitude during the commitment; and
- (4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and

(5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and
- (2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 15. IC 11-13-3-4, AS AMENDED BY SEA 246-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen

(16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to register with a ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**;

(B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, **unless the sex offender obtains written approval from the parole board; and**

(C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense **unless the sex offender obtains a waiver under IC 35-38-2-2.5; and**

(D) **prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.**

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, **even if the sex offender obtains a waiver under IC 35-38-2-2.5.**

(i) As a condition of parole, the parole board:

(1) **shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and**

(2) **may require a parolee who is a sex offender (as defined in IC 11-8-8-5);**

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) **As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.**

SECTION 16. IC 11-13-6-5.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ **victims'** rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1)~~ **IC 11-8-8-5.**

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

(1) discharge from the department of correction;

(2) release from the department of correction under any temporary release program administered by the department;

(3) release on parole;

(4) parole release hearing under this chapter;

(5) parole violation hearing under this chapter; or

(6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

(1) at least forty (40) days before a discharge, release, or hearing occurs; and

(2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

(1) The name of the delinquent offender.

(2) The date of the delinquent act.

(3) The date of the adjudication as a delinquent offender.

(4) The delinquent act of which the delinquent offender was adjudicated.

(5) The disposition imposed.

(6) The amount of time for which the delinquent offender was committed to the department.

(7) The date and location of the interview (if applicable).

SECTION 17. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

(1) the adoption requested is in the best interest of the child;

(2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;

- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
 - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ **a sex offender** (as defined in ~~IC 5-2-12-4~~; **IC 11-8-8-5**).

SECTION 18. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or**

(2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

- (A) by using or threatening the use of deadly force;**
- (B) while armed with a deadly weapon; or**
- (C) that resulted in serious bodily injury.**

SECTION 19. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by:**
 - (A) the probation department; or**
 - (B) the county office of family and children.**

As a condition of probation under this subdivision, the juvenile court shall after a determination under ~~IC 5-2-12-4~~ IC 11-8-8-5 require a child who is adjudicated a delinquent child for an act that would be an offense described in ~~IC 5-2-12-4~~ IC 11-8-8-5 if committed by an adult to register with the sheriff (or the police chief of a consolidated city) local law enforcement authority under ~~IC 5-2-12-4~~ IC 11-8-8.

(2) Order the child to receive outpatient treatment:

- (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or**
- (B) from an individual practitioner.**

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 20. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~ IC 11-8-8-5, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

- (1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and**
- (2) committed an act that, if committed by an adult, would be:**

- (A) murder (IC 35-42-1-1);**
- (B) kidnapping (IC 35-42-3-2);**
- (C) rape (IC 35-42-4-1);**
- (D) criminal deviate conduct (IC 35-42-4-2); or**
- (E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;**

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 21. IC 35-38-1-7.5, AS AMENDED BY SEA 246-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in ~~IC 5-2-12-4~~ IC 11-8-8-5. The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).

(b) A person who:

(1) **being at least eighteen (18) years of age, commits an offense described in: ~~IC 5-2-12-4;~~**

(A) **by using or threatening the use of deadly force;**

(B) **while armed with a deadly weapon; or**

(C) **that results in serious bodily injury to a person other than a defendant;**

(2) **is at least eighteen (18) years of age and commits an offense described in ~~IC 5-2-12-4~~ against a child less than twelve (12) years of age; or**

(3) **commits an offense described in ~~IC 5-2-12-4~~ while having a previous unrelated conviction for an offense described in ~~IC 5-2-12-4~~ for which the person is required to register as an offender under ~~IC 5-2-12;~~**

(A) **IC 35-42-4-1;**

(B) **IC 35-42-4-2;**

(C) **IC 35-42-4-3 as a Class A or Class B felony;**

(D) **IC 35-42-4-5(a)(1);**

(E) **IC 35-42-4-5(a)(2);**

(F) **IC 35-42-4-5(a)(3);**

(G) **IC 35-42-4-5(b)(1) as a Class A or Class B felony;**

(H) **IC 35-42-4-5(b)(2); or**

(I) **IC 35-42-4-5(b)(3) as a Class A or Class B felony; or**

(2) **commits an offense described in IC 11-8-8-5 while having a previous unrelated conviction for an offense described in IC 11-8-8-5 for which the person is required to register as an offender under IC 11-8-8;**

is a sexually violent predator.

(c) This section applies whenever a court sentences a person for a sex offense listed in ~~IC 5-2-12-4~~ **IC 11-8-8-5** for which the person is required to register with the ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ under ~~IC 5-2-12;~~ **IC 11-8-8.**

(d) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator under subsection (b).

(e) If the court does not find the person to be a sexually violent predator under subsection (b), the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders to determine if the person is a sexually violent predator under subsection (a).

(f) If the court finds that a person is a sexually violent predator:

(1) **the person is required to register with the ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ as provided in ~~IC 5-2-12-13(b)~~ IC 11-8-8; and**

(2) **the court shall send notice of its finding under this subsection to the ~~criminal justice institute department of correction.~~**

(g) A person who is found by a court to be a sexually violent predator ~~under subsection (e)~~ may petition the court to consider whether the person **is should** no longer **be considered** a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) **the sentencing court makes its finding under subsection (e); or**

(2) **a person found to be a sexually violent predator under subsection (b) is released from incarceration.**

A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person **is should** no longer **be considered** a sexually violent predator, the court shall send notice to the ~~Indiana criminal justice institute department of correction~~ that the person is no longer considered a sexually violent predator. **Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.**

SECTION 22. IC 35-38-1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) **If a court imposes a sentence that does not involve a commitment to the department of correction, the court shall require a person:**

(1) **convicted of an offense described in IC 10-13-6-10; and**

(2) **who has not previously provided a DNA sample in**

accordance with IC 10-13-6;

to provide a DNA sample as a condition of the sentence.

(b) **If a person described in subsection (a) is confined at the time of sentencing, the court shall order the person to provide a DNA sample immediately after sentencing.**

(c) **If a person described in subsection (a) is not confined at the time of sentencing, the agency supervising the person after sentencing shall establish the date, time, and location for the person to provide a DNA sample. However, the supervising agency must require that the DNA sample be provided not more than seven (7) days after sentencing. A supervising agency's failure to obtain a DNA sample not more than seven (7) days after sentencing does not permit a person required to provide a DNA sample to challenge the requirement that the person provide a DNA sample at a later date.**

(d) **A person's failure to provide a DNA sample is grounds for revocation of the person's probation, community corrections placement, or other conditional release.**

SECTION 23. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of probation for ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**), the court shall:

(1) **require the sex offender to register with the ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ under ~~IC 5-2-12-5;~~ IC 11-8-8; and**

(2) **prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.**

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

SECTION 24. IC 35-38-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) **Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.**

(2) **Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.**

(3) **Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.**

(4) **Support the person's dependents and meet other family responsibilities.**

(5) **Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.**

(6) **Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.**

(7) **Pay a fine authorized by IC 35-50.**

(8) **Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.**

(9) **Report to a probation officer at reasonable times as directed by the court or the probation officer.**

(10) **Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.**

(11) **Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.**

(12) **Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.**

(13) **Perform uncompensated work that benefits the community.**

(14) **Satisfy other conditions reasonably related to the person's rehabilitation.**

(15) Undergo home detention under IC 35-38-2.5.

(16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or

(B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).

(17) Refrain from any direct or indirect contact with an individual.

(18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

SECTION 25. IC 35-38-2-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require ~~at~~ **a sex offender** (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) to:

(1) participate in a treatment program for sex offenders approved by the court; and

(2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:

(A) receives the court's approval; or

(B) successfully completes the treatment program referred to in subdivision (1).

SECTION 26. IC 35-38-2-2.5, AS AMENDED BY SEA 246-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense **unless the offender first obtains a waiver from the:**

(1) court, if the offender is placed on probation; or

(2) parole board, if the offender is placed on parole; for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

(1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;

(2) the offender is in compliance with all terms of the offender's probation or parole; and

(3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver

under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

~~(f)~~ (h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 27. IC 35-38-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) As a condition of remaining on probation or parole after a conviction for stalking (IC 35-45-10-5), a court may prohibit a person from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(b) A person:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the person intends to reside during the period of probation:

(A) at the time of sentencing if the person will be placed on probation without first being incarcerated; or

(B) before the person's release from incarceration if the person will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the person intends to reside during the period of parole.

(c) A person, while on probation or parole, may not reside within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver under subsection (d) from the:

(1) court, if the person is placed on probation; or

(2) parole board, if the person is placed on parole.

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

(1) the person is in compliance with all terms of the person's probation or parole; and

(2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the stalking.

(e) If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).

SECTION 28. IC 35-38-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

(1) A requirement that the offender be confined to the offender's home at all times except when the offender is:

(A) working at employment approved by the court or traveling to or from approved employment;

(B) unemployed and seeking employment approved for the offender by the court;

(C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;

(D) attending an educational institution or a program approved for the offender by the court;

(E) attending a regularly scheduled religious service at a place of worship; or

(F) participating in a community work release or community restitution or service program approved for the offender by the court.

(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under IC 35-44-3-5.

(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

(A) a working telephone in the offender's home; and

(B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

provide a DNA sample.

SECTION 29. IC 35-38-2.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement. A court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 30. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers the identity of evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) evidence; analysis; or

(2) could have discovered the identity of evidence sufficient to charge the offender with the offense through DNA (deoxyribonucleic acid) evidence analysis by the exercise of due diligence.

However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and

before July 1, 2001; the one (1) year period provided in this subsection is extended to July 1, 2002:

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3(a) (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 31. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.**

(b) A sexually violent predator who knowingly or intentionally works for compensation or as a volunteer:

(1) on school property;

(2) at a youth program center; or

(3) at a public park;

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under this chapter.

SECTION 32. IC 35-42-4-11, AS ADDED BY SEA 246-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) As used in this section, "offender against children" means a person required to register as an offender under IC 35-42-1-2 IC 11-8-8 who has been:**

(1) found by a court to be a sexually violent predator under

(A) IC 35-38-1-7.5; or

(B) the law of another jurisdiction that identifies the person as being likely to repeatedly commit a sex offense; or

(2) convicted of one (1) or more of the following offenses:

(A) Child molesting (IC 35-42-4-3).

(B) Child exploitation (IC 35-42-4-4(b)).

(C) Child solicitation (IC 35-42-4-6).

(D) Child seduction (IC 35-42-4-7).

(E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).

(b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

(A) school property;

(B) a youth program center; or

(C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

SECTION 33. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) A person who:**

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is not a sex offender or was not required to register as a sex offender;

(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;

(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or

(vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) the property damaged or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is a sex offender or was required to register as a sex offender;

(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;

(vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or

(vii) the damage causes substantial interruption or

impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship;
- (2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 34. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 11-8-8-5 that was committed by the person commits a Class D felony if, at the time of the violation:**

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 35. IC 35-49-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) Except as provided in subsection (b), a person who knowingly or intentionally:**

(1) disseminates matter to minors that is harmful to minors;

(2) displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;

(3) sells, rents, or displays for sale or rent to any person matter that is harmful to minors within five hundred (500) feet of the nearest property line of a school or church;

(4) engages in or conducts a performance before minors that is harmful to minors;

(5) engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;

(6) misrepresents the minor's age for the purpose of obtaining admission to an area from which minors are restricted because of the display of matter or a performance that is harmful to minors; or

(7) misrepresents that the person is a parent or guardian of a minor for the purpose of obtaining admission of the minor to an area where minors are being restricted because of display of matter or performance that is harmful to minors;

commits a Class D felony.

(b) This section does not apply if a person disseminates, displays, or makes available the matter described in subsection (a) through the Internet, computer electronic transfer, or a computer network unless:

(1) the matter is obscene under IC 35-49-2-1;

(2) the matter is child pornography under IC 35-42-4-4; or

(3) the person distributes the matter to a child less than eighteen (18) years of age believing or intending that the recipient is a child less than eighteen (18) years of age.

SECTION 36. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.**

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3-7:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);

(E) confinement (IC 35-42-3-3) with a deadly weapon;

(F) rape (IC 35-42-4-1) as a Class A felony;

(G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

(H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;

(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;

(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;

(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;

(L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;

(M) escape (IC 35-44-3-5) with a deadly weapon;

(N) rioting (IC 35-45-1-2) with a deadly weapon;

(O) dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center;

(P) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3)

years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(Q) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

(R) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

(S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 37. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

- (1) it has been set aside; or
- (2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 38. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) **or (e)**, when a person imprisoned for a felony completes ~~his the person's~~ fixed term of imprisonment, less the credit time ~~he the person~~ has earned with respect to that term, ~~he the person~~ shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if ~~his the~~ sentence included a period of probation.

(b) Except as provided in subsection (d), This subsection does not apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of ~~his~~ release until ~~his the person's~~ fixed term expires, unless ~~his the person's~~ parole is revoked or ~~he the person~~ is discharged from that term by the parole board. In any event, if ~~his the person's~~ parole is not revoked, the parole board shall discharge ~~him the person~~ after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part of** the remainder of ~~his the person's~~ fixed term. However, ~~he the person~~ shall again be released on parole when ~~he the person~~ completes that remainder, less the credit time ~~he the person~~ has earned since the revocation. The parole board may reinstate ~~him the person~~ on parole at any time after the revocation.

(d) This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5. When ~~an offender a sex offender~~ (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from

imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 39. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he the person~~ has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.**
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.**

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine ~~his the person's~~ guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive ~~his the person's~~ right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 40. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain ~~a~~ **an Indiana** sex offender web site, known as the Indiana ~~sheriffs~~ sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least ~~every seven (7) days~~ **daily**.

(b) The **Indiana** sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required ~~to be included in the sex offender directory (IC 5-2-12-6)~~ **under IC 11-8-8-8.**

(c) Every time a sex offender ~~submits a new registration form to the sheriff registers~~, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the **Indiana** sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required

for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 42. [EFFECTIVE JULY 1, 2006] **IC 11-8-8-15, IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-10, and IC 35-44-3-13, all as added by this act, and IC 35-43-1-2, IC 35-42-4-11, and IC 35-49-3-3, all as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 43. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 10-13-6-10, IC 10-13-6-11, IC 35-38-2-2.3, IC 35-38-2.5-6, and IC 35-38-2.6-3, all as amended by this act, and IC 35-38-1-27, as added by this act, a probation department, community corrections department, or other agency supervising an offender on conditional release is not required to collect a DNA sample before October 1, 2006. However, a probation department, community corrections department, or other agency supervising an offender on conditional release is authorized to collect a DNA sample before October 1, 2006, and a DNA sample collected before October 1, 2006, may be analyzed and placed in the convicted offender data base.

SECTION 44. [EFFECTIVE JULY 1, 2006] **IC 35-38-2-2.6 and IC 35-50-6-1, both as added by this act, apply only to crimes committed after June 30, 2006.**

SECTION 45. [EFFECTIVE UPON PASSAGE] (a) **The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.**

(b) **This SECTION expires July 1, 2007.**

SECTION 46. [EFFECTIVE JULY 1, 2006] (a) **The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for sex offenders. The report must include information relating to:**

- (1) the expense of lifetime parole and GPS monitoring;**
- (2) recidivism; and**
- (3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.**

(b) **The report described in subsection (a) must be in an electronic format under IC 5-14-6.**

(c) **This SECTION expires November 2, 2010.**

SECTION 47. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) ensure that sentencing laws and policies protect the public safety;
- (2) establish fairness and uniformity in sentencing laws and policies;
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;
- (2) the availability of sentencing options; and
- (3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

(1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:

- (A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.
- (B) The deterrent effect a particular classification may have on the commission of the offense.
- (C) The current incidence of the offense in Indiana.
- (D) The rights of the victim.

(2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:

- (A) The nature and characteristics of the offense.
- (B) The severity of the offense in relation to other offenses.
- (C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.
- (D) The defendant's number of prior convictions.
- (E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.
- (F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based on the following:

- (A) A review of existing community corrections programs.
- (B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.
- (C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.
- (D) The identification of necessary changes in state oversight and coordination of community corrections programs.
- (E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.
- (F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

- (A) lifetime parole;**
- (B) GPS or other electronic monitoring;**
- (C) a classification system for sex offenders;**
- (D) recidivism; and**
- (E) treatment.**

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. **The committee may meet as often as necessary.**

(f) The committee consists of ~~nineteen (19)~~ **twenty (20)** members appointed as follows:

- (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.
- (3) The chief justice of the supreme court or the chief justice's designee.
- (4) The commissioner of the department of correction or the commissioner's designee.
- (5) The director of the Indiana criminal justice institute or the director's designee.
- (6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.
- (7) The executive director of the public defender council of Indiana or the executive director's designee.
- (8) One (1) person with experience in administering community corrections programs, appointed by the governor.
- (9) One (1) person with experience in administering probation programs, appointed by the governor.
- (10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee.**

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the **voting** members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 48. **An emergency is declared for this act.**
(Reference is to ESB 12 as reprinted February 24, 2006.)

LONG	ULMER
MRVAN	KUZMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1259-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 5 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1259-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 5 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1259-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 433: yeas 93, nays 0. Report adopted.

Engrossed Senate Bill 112-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 7 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 112-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 7 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 112-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 434: yeas 97, nays 0. Report adopted.

Engrossed Senate Bill 168-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative

Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 8 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 168-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 8 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 168-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 435: yeas 96, nays 0. Report adopted.

Engrossed Senate Bill 193-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 193-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 193-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 436: yeas 97, nays 0. Report adopted.

Engrossed Senate Bill 253-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 253-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration

after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 253-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 437: yeas 97, nays 0. Report adopted.

Engrossed Senate Bill 258-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 258-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 258-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 438: yeas 85, nays 11. Report adopted.

Engrossed Senate Bill 266-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 266-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 266-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 439: yeas 94, nays 0. Report adopted.

Engrossed Senate Bill 321-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks

for 6 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 321-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 6 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 321-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 440: yeas 96, nays 1. Report adopted.

Engrossed House Bill 1010-2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1010-2.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1010-2.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 441: yeas 89, nays 8. Report adopted.

Engrossed House Bill 1025-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1025-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House

Bill 77-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 447: yeas 83, nays 13. Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 58 because it conflicts with HEA 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had Engrossed Senate Bill 58 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 58 be corrected as follows:

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. IC 5-10.4-4-8, AS ADDED BY HEA 1134, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

(b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to active teaching service not later than eighteen (18) months after the completion of active military service.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to a four (4) year approved college teacher training program not later than eighteen (18) months after the completion of active military service and subsequently completes that program.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state institution of higher education.

A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

- (1) The member received an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to baccalaureate or post-baccalaureate education not later than eighteen (18) months after completion of active military service and subsequently completes that education.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(e) The board shall extend the eighteen (18) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than eighteen (18) months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(f) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (e), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(g) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(h) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

- (1) The member has at least one (1) year of credited service in the fund.
- (2) The member serves on active duty in the armed services of the United States for at least six (6) months.
- (3) The member receives an honorable discharge from the armed services.
- (4) Before the member retires, the member makes contributions to the fund as follows:

- (A) Contributions that are equal to the product of:
 - (i) the member's salary at the time the member actually makes a contribution for the service credit;
 - (ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and
 - (iii) the number of years of service credit the member intends to purchase.
- (B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly

allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(i) The following apply to the purchase of service credit under subsection (h):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(j) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan."

Delete pages 3 through 6.

(Reference is to ESB 58 as printed February 17, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
BUELL, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 132 because it conflicts with HEA 1040-2006 and SEA 151-2006 without properly recognizing the existence of HEA 1040-2006 and SEA 151-2006, has had Engrossed Senate Bill 132 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 132 be corrected as follows:

Page 9, line 16, after "IC 5-20-1-2" insert ", AS AMENDED BY HEA 1040-2006, SECTION 105,".

Page 9, line 30, delete "finance" and insert "and community development".

Page 53, line 20, after "IC 12-13-12-3" insert ", AS AMENDED BY HEA 1040-2006, SECTION 186,".

Page 53, line 42, after "of the" insert "Indiana".

Page 54, line 2, delete "director of the department of commerce" and insert "lieutenant governor".

Page 54, line 2, delete "director's" and insert "lieutenant governor's".

Page 57, line 30, delete "P.L.162-2005," and insert "SEA 151-2006, SECTION 1,".

Page 57, line 31, delete "SECTION 1,".

Page 58, line 26, delete "home." and insert "home or information identifying an individual child.".

Page 67, line 20, after "IC 12-17.2-6-6" insert ", AS AMENDED BY HEA 1040-2006, SECTION 195,".

Page 67, line 23, delete "office of the state fire marshal" and insert "division of fire and building safety".

Page 67, line 38, delete "STATE FIRE" and insert "DIVISION OF FIRE AND BUILDING SAFETY".

Page 67, delete line 39.

(Reference is to ESB 132 as printed February 24, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
BUDAK, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 192 because it conflicts with HEA 1040-2006 without properly

recognizing the existence of HEA 1040-2006, has had Engrossed Senate Bill 192 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 192 be corrected as follows:

Page 1, line 1, delete "P.L.10-2005," and insert "HEA 1040-2006, SECTION 528,".

Page 1, line 2, delete "SECTION 4,".

Page 3, line 35, delete "the the" and insert "the".

(Reference is to ESB 192 as printed February 24, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
FOLEY, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 379 because it conflicts with SEA 234-2006 without properly recognizing the existence of SEA 234-2006, has had Engrossed Senate Bill 379 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 379 be corrected as follows:

Page 8, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 8. IC 4-22-2-28.1, AS AMENDED BY SEA 234-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter **or by IC 13-14-9-3** is published by an agency ~~after June 30, 2005~~ **or by any of the boards (as defined in IC 13-11-2-18).**

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" means any person, firm, corporation, limited liability company, partnership, or association that:

(1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;

(2) is independently owned and operated;

(3) employs not more than one hundred (100) full-time employees; and

(4) has gross annual receipts of not more than five million dollars (\$5,000,000).

(e) For each ~~(1)~~ rulemaking action and ~~(2)~~ rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

(1) in the case of a proposed rule, the agency's notice of intent to adopt the rule published under section 23 of this chapter; or (2) in the case of a rule proposed by the department of environmental management or any of the boards (as defined in IC 13-11-2-18), the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule.

Subject to subsection (f), in the case of a rule finally adopted, ~~by the agency~~, the final rule, as published in the Indiana Register, ~~and the Indiana Administrative Code~~, must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or any of the boards (as defined in IC 13-11-2-18) under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 **or in the findings published under IC 13-14-9-8(b)(1), whichever applies**, and in the publication of the final rule in the Indiana Register: ~~and the Indiana Administrative Code~~:

- (1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;
- (2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;
- (3) if applicable, a statement of:
 - (A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and
 - (B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3); and
- (4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

(g) If the notice provided under IC 13-14-9-3 is not published as allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

- (1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.
- (2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.
- (3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.
- (4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3; and
- (2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall

deliver the record, along with any accompanying documents submitted by small businesses, to the director:

- (1) not later than ten (10) days after the date on which the rule is ~~file stamped by the secretary of state~~ **submitted to the publisher** under section 35 of this chapter; and
- (2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

- (1) compile the records received from all of the agency's coordinators under subsection (j);
- (2) prepare a report that sets forth:
 - (A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;
 - (B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;
 - (C) the total number of staff serving as coordinators under this section during the most recent state fiscal year;
 - (D) the agency's costs in complying with this section during the most recent state fiscal year; and
 - (E) the projected budget required by the agency to comply with this section during the current state fiscal year; and
- (3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the Indiana economic development corporation established by IC 5-28-3."

Delete pages 9 through 10.

Page 11, delete lines 1 through 11.

(Reference is to ESB 379 as printed February 14, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
HEIM, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1076 because it conflicts with HEA 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had Engrossed House Bill 1076 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1076 be corrected as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-4, AS AMENDED BY HEA 1134-2006, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

- (1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.
- (2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.
- (3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:
 - (A) the purchase of meals, decorations, memorabilia, or awards;
 - (B) provision for expenses incurred in interviewing job applicants; or
 - (C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers necessary for school purposes.

(C) Provide for energy conservation measures through utility energy efficiency programs or under a guaranteed energy savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made.

The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians, dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers ~~is~~ **are** subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item. To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance; to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a

limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law."

Delete pages 2 through 6.

Page 7, delete lines 1 through 13.

(Reference is to EHB 1076 as printed February 10, 2006.)

WHETSTONE, Chair

PELATH, R.M.M.

FRIEND, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1128 because it conflicts with SEA 145-2006 without properly recognizing the existence of SEA 145-2006, has had Engrossed House Bill 1128 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1128 be corrected as follows:

Page 1, line 1, before "IS" insert ", AS AMENDED BY SEA 145-2006, SECTION 5,".

Page 2, line 17, reset in roman "If the court grants probationary driving".

Page 2, reset in roman lines 18 through 21.

Page 2, line 22, reset in roman "under IC 9-30-8.".

Page 3, line 37, before "IS" insert ", AS AMENDED BY SEA 145-2006, SECTION 10,".

Page 3, line 38, reset in roman "(a)".

Page 3, line 41, reset in roman "except as provided in subsection (b),".

Page 4, reset in roman lines 4 through 6.

(Reference is to EHB 1128 as reprinted March 1, 2006.)

WHETSTONE, Chair

PELATH, R.M.M.

DUNCAN, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1158 because it conflicts with HEA 1123-2006 and HEA 1040-2006 without properly recognizing the existence of HEA 1123-2006 and HEA 1040-2006, has had Engrossed House Bill 1158 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1158 be corrected as follows:

Page 8, line 14, delete "P.L.176-2005," and insert "HEA 1123-2006, SECTION 3,".

Page 8, line 15, delete "SECTION 16,".

Page 9, line 33, delete "fund" and insert "account".

Page 9, line 34, delete "IC 16-19-13-6" and insert "IC 4-23-25-11(i)".

Page 14, line 19, after "IC 33-37-7-11" insert ", AS AMENDED BY HEA 1040-2006, SECTION 512,".

Page 14, line 27, delete "3 or".

(Reference is to EHB 1158 as reprinted March 2, 2006.)

WHETSTONE, Chair

PELATH, R.M.M.

RICHARDSON, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1347 because it conflicts with HEA 1093-2006 without properly recognizing the existence of HEA 1093-2006, has had Engrossed House Bill 1347 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1347 be corrected as follows:

Page 4, line 38, delete "ADDED BY P.L.1-2005, SECTION".

Page 4, line 39, delete "4," and insert "AMENDED BY HEA

1093-2006, SECTION 1,".

Page 5, line 37, after "including" insert":

(A)".

Page 5, line 39, delete "." and insert "; and

(B) the number of incidents reported under IC 20-33-9.".

(Reference is to EHB 1347 as printed February 17, 2006.)

WHETSTONE, Chair

PELATH, R.M.M.

MESSER, Author

Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 303 Conferees: T. Harris replacing Oxley

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1101, 1123, 1138, 1239, 1281, 1285, 1306, and 1307 on March 13.

The Speaker announced that Lieutenant Governor Skillman had signed House Enrolled Acts 1106 and 1232 on March 13.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 41-1; filed March 13, 2006, at 10:23 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 41 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-3.5-5, AS AMENDED BY P.L.127-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

- (1) the director of the Indiana state library;
- (2) the election division; and
- (3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

- (1) The auditor of state, for distribution of money from the following:
 - (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
 - (B) Excise tax revenue allocated under IC 7.1-4-7-8.
 - (C) The local road and street account in accordance with IC 8-14-2-4.
 - (D) The repayment of loans from the Indiana University permanent endowment funds under IC 21-7-4.
- (2) The board of trustees of Ivy Tech Community College of Indiana, for the board's division of Indiana into service regions under IC 20-12-61-9.
- (3) The lieutenant governor, for the distribution of money from the rural development fund under IC 4-4-9.
- (4) The division of disability ~~aging~~, and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.
- (5) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(6) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.

(7) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

(8) The Indiana library and historical board, for distribution of money to eligible public library districts under IC 4-23-7.1-29.

(9) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

SECTION 2. IC 2-5-27.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

- (A) Community residential and family support services.
- (B) Services for aging families caring for their children who are mentally retarded and developmentally disabled adults.
- (C) Services for families in emergency or crisis situations.
- (D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability ~~aging~~, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

SECTION 3. IC 4-1-8-1, AS AMENDED BY HEA 1040-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability ~~aging~~, and rehabilitative services;
 - (D) the division of aging; and
 - ~~(D)~~ (E) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.

- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (13) The Indiana state teachers' retirement fund.
- (14) The state police benefit system.
- (15) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
- (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 4. IC 4-15-2-3.8, AS AMENDED BY HEA 1040-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability ~~aging~~, and rehabilitative services, ~~division of aging~~, Fort Wayne State Developmental Center, ~~Muscatatuck State Developmental Center~~, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville

Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 5. IC 4-15-2-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.5. (a) As used in this section, "individual with a disability" means an individual:

- (1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; or
- (2) who:
 - (A) has a record of; or
 - (B) is regarded as;
 - having an impairment described in subdivision (1).

(b) Notwithstanding other provisions of this chapter, the director may waive minimum qualifications and an examination for an approved individual upon certification by an Indiana rehabilitation facility or the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services that the individual:

- (1) is an individual with a disability; and
- (2) possesses the required knowledge, skill, and ability to perform the essential functions of a position classification with or without reasonable accommodation or with special accommodation for supported employment.

(c) The names of applicants with a disability qualified under subsection (b) shall be certified with or in addition to the names certified on the eligibility list under section 19 of this chapter.

SECTION 6. IC 4-23-20-3, AS AMENDED BY P.L.4-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The committee consists of at least six (6) members appointed by the governor and must include representatives of the following:

- (1) The Indiana economic development corporation.
- (2) The department of workforce development.
- (3) The division of disability ~~aging~~, and rehabilitative services.
- (4) The commission on vocational and technical education of the department of workforce development.
- (5) The state human resource investment council.
- (6) The department of education.

SECTION 7. IC 5-1-16-1, AS AMENDED BY P.L.235-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana health and educational facility financing authority.

"Bonds" includes bonds, refunding bonds, notes, interim certificates, bond anticipation notes, and other evidences of indebtedness of the authority, issued under this chapter.

"Building" or "buildings" or similar words mean any building or part of a building or addition to a building for health care purposes. The term includes the site for the building (if a site is to be acquired), equipment, heating facilities, sewage disposal facilities, landscaping, walks, drives, parking facilities, and other structures, facilities, appurtenances, materials, and supplies that may be considered necessary to render a building suitable for use and occupancy for health care purposes.

"Cost" includes the following:

- (1) The cost and the incidental and related costs of the acquisition, repair, restoration, reconditioning, refinancing, or installation of health facility property.
- (2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.
- (3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.

(4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.

(5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing and startup costs related to health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing.

(6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.

(7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.

(8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

(1) is determined by the authority to be necessary or helpful, directly or indirectly, to provide:

- (A) health care;
- (B) medical research;
- (C) training or teaching of health care personnel;
- (D) habilitation, rehabilitation, or therapeutic services; or
- (E) any related supporting services;

regardless of whether such property is in existence at the time of, or is to be provided after the making of, such finding;

(2) is a residential facility for:

- (A) the physically, mentally, or emotionally disabled;
- (B) the physically or mentally ill; or
- (C) the elderly; or

(3) is a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located.

"Health facility" means any facility or building that is:

(1) owned or used by a participating provider;

(2) located:

- (A) in Indiana; or
- (B) outside Indiana, if the participating provider that operates the facility or building, or an affiliate of the participating provider, also operates a substantial health facility or facilities, as determined by the authority, in Indiana; and

(3) utilized, directly or indirectly:

- (A) in:
 - (i) health care;
 - (ii) habilitation, rehabilitation, or therapeutic services;
 - (iii) medical research;
 - (iv) the training or teaching of health care personnel; or
 - (v) any related supporting services;

(B) to provide a residential facility for:

- (i) the physically, mentally, or emotionally disabled;
- (ii) the physically or mentally ill; or
- (iii) the elderly; or

(C) as a child caring institution and provides residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the facility or building is located.

"Net revenues" means the revenues of a hospital remaining after

provision for proper and reasonable expenses of operation, repair, replacement, and maintenance of the hospital.

"Participating provider" means a person, corporation, municipal corporation, political subdivision, or other entity, public or private, which:

(1) is located in Indiana or outside Indiana;

(2) contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property that is located:

- (A) in Indiana; or
- (B) outside Indiana, if the financing, refinancing, lease, or other acquisition also includes a substantial component, as determined by the authority, for the benefit of a health facility or facilities located in Indiana;

(3) is:

(A) licensed under IC 12-25, IC 16-21, IC 16-28, or corresponding laws of the state in which the property is located;

(B) a regional blood center;

(C) a community mental health center or community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding provisions of laws of the state in which the property is located);

(D) an entity that:

- (i) contracts with the division of disability ~~aging~~ and rehabilitative services or the division of mental health and addiction to provide the program described in IC 12-11-1.1-1(e) or IC 12-22-2; or
- (ii) provides a similar program under the laws of the state in which the entity is located;

(E) a vocational rehabilitation center established under IC 12-12-1-4.1(a)(1) or corresponding provisions of the laws of the state in which the property is located;

(F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching of health care personnel, or any related supporting services, or of a residential facility for the physically, mentally, or emotionally disabled, physically or mentally ill, or the elderly;

(G) a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located;

(H) an integrated health care system between or among providers, a health care purchasing alliance, a health insurer or third party administrator that is a participant in an integrated health care system, a health maintenance or preferred provider organization, or a foundation that supports a health care provider; or

(I) an individual, a business entity, or a governmental entity that owns an equity or membership interest in any of the organizations described in clauses (A) through (H); and

(4) in the case of a person, corporation, municipal corporation, political subdivision, or other entity located outside Indiana, is owned or controlled by, under common control with, affiliated with, or part of an obligated group that includes an entity that provides one (1) or more of the following services or facilities in Indiana:

(A) A facility that provides:

- (i) health care;
- (ii) habilitation, rehabilitation, or therapeutic services;
- (iii) medical research;
- (iv) training or teaching of health care personnel; or
- (v) any related supporting services.

(B) A residential facility for:

- (i) the physically, mentally, or emotionally disabled;
- (ii) the physically or mentally ill; or
- (iii) the elderly.

(C) A child caring institution providing residential care described in IC 12-7-2-29(1).

"Regional blood center" means a nonprofit corporation or

corporation created under 36 U.S.C. 1 that:

- (1) is:
 - (A) accredited by the American Association of Blood Banks; or
 - (B) registered or licensed by the Food and Drug Administration of the Department of Health and Human Services; and
- (2) owns and operates a health facility that is primarily engaged in:
 - (A) drawing, testing, processing, and storing human blood and providing blood units or components to hospitals; or
 - (B) harvesting, testing, typing, processing, and storing human body tissue and providing this tissue to hospitals.

SECTION 8. IC 5-22-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "bureau" refers to the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services established under IC 12-12-1-1.

SECTION 9. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application on forms prescribed by the department of local government finance with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family and children, or the division of disability ~~aging~~, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he~~ **the individual** is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 10. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records; and
- (4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with

training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the division of family and children and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.
- (5) Development and implementation of individual education programs for eligible children in:
 - (A) accordance with applicable requirements of state and federal laws and rules; and
 - (B) in coordination with:
 - (i) individual case plans; and
 - (ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.
- (6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability ~~aging~~, and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 11. IC 12-7-2-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. "Ancillary services", for purposes of ~~IC 12-10-17; IC 12-10-17.1~~, has the meaning set forth in ~~IC 12-10-17-2; IC 12-10-17.1-2~~.

SECTION 12. IC 12-7-2-18.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.3. "Attendant care services", for purposes of ~~IC 12-10-17; IC 12-10-17.1~~, has the meaning set forth in ~~IC 12-10-17-3; IC 12-10-17.1-3~~.

SECTION 13. IC 12-7-2-20.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.7. "Basic services", for purposes of ~~IC 12-10-17; IC 12-10-17.1~~, has the meaning set forth in ~~IC 12-10-17-4; IC 12-10-17.1-4~~.

SECTION 14. IC 12-7-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. "Bureau" means the following:

- (1) For purposes of IC 12-10, the bureau of aging and in-home services established by IC 12-10-1-1.
- (2) For purposes of IC 12-11, the bureau of developmental disabilities services established by IC 12-11-1.1-1.
- (3) For purposes of IC 12-12, the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services

established by IC 12-12-1-1.

(4) For purposes of IC 12-12.5, the bureau of quality improvement services established by IC 12-12.5-1-1.

(5) For purposes of IC 12-17-2, the meaning set forth in IC 12-17-2-1.

SECTION 15. IC 12-7-2-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. "Community mental retardation and other developmental disabilities centers", for purposes of IC 12-29 (except as provided in IC 12-29-3-6), means a program of services that meets the following conditions:

(1) Is approved by the division of disability ~~aging~~, and rehabilitative services.

(2) Is organized for the purpose of providing multiple services for persons with developmental disabilities.

(3) Is operated by one (1) of the following or any combination of the following:

(A) A city, a town, a county, or another political subdivision of Indiana.

(B) An agency of the state.

(C) An agency of the United States.

(D) A political subdivision of another state.

(E) A hospital owned or operated by a unit of government described in clauses (A) through (D).

(F) A building authority organized for the purpose of constructing facilities to be leased to units of government.

(G) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.

(H) A nonprofit corporation incorporated in another state.

(I) A university or college.

(4) Is accredited for the services provided by one (1) of the following organizations:

(A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.

(C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(D) The National Commission on Quality Assurance, or its successor.

(E) An independent national accreditation organization approved by the secretary.

SECTION 16. IC 12-7-2-64, AS AMENDED BY P.L.234-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Director" refers to the following:

(1) With respect to a particular division, the director of the division.

(2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.

(3) For purposes of IC 12-10-15, the term refers to the director of the division of ~~disability~~ aging, ~~and rehabilitative services~~.

(4) For purposes of IC 12-19-5, the term refers to the director of the department of child services established by IC 31-33-1.5-2.

(5) For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.

(6) For purposes of IC 12-26, the term:

(A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and

(B) includes the director's designee.

(7) If subdivisions (1) through (6) do not apply, the term refers to the director of any of the divisions.

SECTION 17. IC 12-7-2-69, AS AMENDED BY P.L.234-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

(1) The division of disability ~~aging~~, and rehabilitative services established by IC 12-9-1-1.

(2) The division of aging established by IC 12-9.1-1-1.

~~(2)~~ **(3)** The division of family resources established by IC 12-13-1-1.

~~(3)~~ **(4)** The division of mental health and addiction established

by IC 12-21-1-1.

(b) The term refers to the following:

(1) For purposes of the following statutes, the division of disability ~~aging~~, and rehabilitative services established by IC 12-9-1-1:

(A) IC 12-9.

~~(B) IC 12-10.~~

~~(C)~~ **(B)** IC 12-11.

~~(D)~~ **(C)** IC 12-12.

~~(E)~~ **(D)** IC 12-12.5.

(2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:

(A) IC 12-9.1.

(B) IC 12-10.

~~(2)~~ **(3)** For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:

(A) IC 12-13.

(B) IC 12-14.

(C) IC 12-15.

(D) IC 12-16.

(E) IC 12-17.2.

(F) IC 12-18.

(G) IC 12-19.

(H) IC 12-20.

~~(3)~~ **(4)** For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

(A) IC 12-21.

(B) IC 12-22.

(C) IC 12-23.

(D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 18. IC 12-7-2-99 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 99. "A person with a disability" means, for purposes of the following statutes, an individual who has a physical or mental disability and meets the program eligibility requirements of the division of disability ~~aging~~, and rehabilitative services:

(1) IC 12-8-1-11.

(2) IC 12-12-1.

(3) IC 12-12-6.

SECTION 19. IC 12-7-2-103.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103.5. "Health related services":

(1) for purposes of IC 12-10-15, has the meaning set forth in IC 12-10-15-2; and

(2) for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-5~~, **IC 12-10-17.1-5**.

SECTION 20. IC 12-7-2-117.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 117.1. "Individual in need of self-directed in-home care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-6~~, **IC 12-10-17.1-6**.

SECTION 21. IC 12-7-2-122.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 122.9. "Licensed health professional", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-7~~, **IC 12-10-17.1-7**.

SECTION 22. IC 12-7-2-137.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 137.3. "Personal services attendant", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-8~~, **IC 12-10-17.1-8**.

SECTION 23. IC 12-7-2-138 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 138. "Physician" means the following:

(1) For purposes of ~~IC 12-10-17~~ **IC 12-10-17.1** and IC 12-15-35, an individual who is licensed to practice medicine in Indiana under IC 25-22.5.

(2) For purposes of IC 12-26, either of the following:

(A) An individual who holds a license to practice medicine

under IC 25-22.5.

(B) A medical officer of the United States government who is in Indiana performing the officer's official duties.

SECTION 24. IC 12-7-2-174.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 174.5. "Self-directed in-home health care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-9~~, **IC 12-10-17.1-9**.

SECTION 25. IC 12-7-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 184. (a) "State institution" means an institution:

- (1) owned or operated by the state;
 - (2) for the observation, care, treatment, or detention of an individual; and
 - (3) under the administrative control of a division.
- (b) The term includes the following:
- ~~(1) Central State Hospital.~~
 - ~~(2) (1) Evansville State Hospital.~~
 - ~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~
 - ~~(4) (3) Fort Wayne State Developmental Center.~~
 - ~~(5) (4) Larue D. Carter Memorial Hospital.~~
 - ~~(6) (5) Logansport State Hospital.~~
 - ~~(7) (6) Madison State Hospital.~~
 - ~~(8) Muscatatuck State Developmental Center.~~
 - ~~(9) (7) Richmond State Hospital.~~

SECTION 26. IC 12-8-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

- (1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
- (2) Formulating overall policy for family, health, and social services in Indiana.
- (3) Coordinating activities between the programs of the division of family and children and the maternal and child health programs of the state department of health.
- (4) Coordinating activities concerning long term care between the division of disability ~~aging~~, and rehabilitative services and the state department of health.
- (5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

SECTION 27. IC 12-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

- (1) The family and social services committee established by IC 12-8-3-2.
- (2) The following advisory councils:
 - (A) The division of disability ~~aging~~, and rehabilitative services advisory council.
 - (B) The division of family and children advisory council.
 - (C) The division of mental health and addiction advisory council.
- (3) A body:
 - (A) established by statute for a division; and
 - (B) whose enabling statute makes this chapter applicable to the body.

SECTION 28. IC 12-8-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The office and the division of disability ~~aging~~, and rehabilitative services shall develop a written memorandum of understanding that provides the following:

- (1) Program responsibilities for the provision of care and treatment for developmentally disabled and long term care recipients.
- (2) Responsibilities to educate and inform vendors of the proper billing procedures.
- (3) Responsibilities in administering the state plan.
- (4) Responsibilities for Medicaid fiscal and quality accountability and audits for developmentally disabled and long

term care services.

(5) That the division shall recommend options and services to be reimbursed under the state plan.

(6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., developmentally disabled individuals and long term care recipients cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.

(7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for the developmentally disabled and long term care recipients.

(8) That the division shall develop rate setting policies for medical assistance services for the developmentally disabled and long term care recipients.

(9) That the office, with the assistance of the division, shall apply for waivers from the United States Department of Health and Human Services to fund community and home based long term care services as alternatives to institutionalization.

(10) Policies to facilitate communication between the office and the division.

(11) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of developmentally disabled or long term care services.

SECTION 29. IC 12-8-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

(1) Money appropriated or allocated to a state agency from money received by the state under the **federal** Social Services Block Grant Act (42 U.S.C. 1397 et seq.).

(2) The division of ~~disability~~ aging, and ~~rehabilitative services~~, except this chapter does not apply to money expended under the following:

(A) The following statutes, unless application of this chapter is required by another subdivision of this section:

- (i) IC 12-10-6.
- (ii) IC 12-10-12.

(B) Epilepsy services.

(3) The division of family and children, for money expended under the following:

(A) The following statutes:

- (i) IC 12-14-10.
- (ii) IC 12-14-11.
- (iii) IC 12-14-12.

(B) The following programs:

- (i) The child development associate scholarship program.
- (ii) The dependent care program.
- (iii) Migrant day care.
- (iv) The youth services bureau.
- (v) The project safe program.
- (vi) The commodities program.
- (vii) The migrant nutrition program.
- (viii) Any emergency shelter program.
- (ix) The energy weatherization program.
- (x) Programs for individuals with developmental disabilities.

(4) The state department of health, for money expended under the following statutes:

- (A) IC 16-19-10.
- (B) IC 16-38-3.

(5) The group.

(6) All state agencies, for any other money expended for the purchase of services if all the following apply:

(A) The purchases are made under a contract between the state agency and the office of the secretary.

(B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.

(C) The contract is approved by the budget agency.

(7) The division of mental health and addiction.

SECTION 30. IC 12-8-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family and children, the division of disability ~~aging~~, and rehabilitative services, **the division of aging**, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development, and the department of correction, including case management and service coordination.

SECTION 31. IC 12-9-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division of disability ~~aging~~, and rehabilitative services is established.

SECTION 32. IC 12-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division consists of the following bureaus:

(1) Disability determination bureaus required or permitted under IC 12-9-6.

~~(2) The bureau of aging and in-home services established by IC 12-10-1-1.~~

~~(3) (2) The rehabilitation services bureau established by IC 12-12-1-1.~~

~~(4) (3) The bureau of developmental disabilities services established by IC 12-11-1.1-1.~~

~~(5) (4) The bureau of quality improvement services established by IC 12-12.5-1-1.~~

SECTION 33. IC 12-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "council" refers to the division of disability ~~aging~~, and rehabilitative services advisory council established by this chapter.

SECTION 34. IC 12-9-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of disability ~~aging~~, and rehabilitative services advisory council is established.

SECTION 35. IC 12-9-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall administer money appropriated or allocated to the division by the state, including money appropriated or allocated from the following:

~~(1) The Older Americans Act (42 U.S.C. 3001 et seq.).~~

~~(2) The United States Department of Agriculture (7 U.S.C. 612C et seq.).~~

~~(3) (1) The federal Vocational Rehabilitation Act (29 U.S.C. 701).~~

~~(4) (2) The federal Social Services Block Grant in-home services for the elderly and disabled (42 U.S.C. 1397 et seq.).~~

~~(5) (3) The federal Randolph Sheppard Act (20 U.S.C. 107 et seq.).~~

~~(6) (4) Medicaid waiver in-home services for the elderly and disabled (42 U.S.C. 1396 et seq.) for treatment of developmental disabilities.~~

~~(7) (5) Office of Disability Determination (42 U.S.C. 1302 and 42 U.S.C. 1383).~~

~~(8) (6) The federal Technology Related Assistance to Individuals with Disabilities Act (29 U.S.C. 2201).~~

~~(9) (7) The federal Social Security Act Payments for Vocational Rehabilitation Services (42 U.S.C. 422).~~

~~(10) (8) Money appropriated or allocated to the division to administer a program under this title.~~

~~(11) (9) Other funding sources that are designated by the general assembly or that are available from the federal government under grants that are consistent with the duties of the division.~~

SECTION 36. IC 12-9-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division shall administer the following programs:

(1) Programs established under any of the following statutes:

(A) This article.

~~(B) IC 12-10.~~

~~(C) (B) IC 12-11.~~

~~(D) (C) IC 12-12.~~

~~(E) (D) IC 12-12.5.~~

(2) Programs under the following statutes, to the extent the

division has responsibilities for programs under those statutes:

(A) IC 12-24.

(B) IC 12-26.

(C) IC 12-27.

(D) IC 12-28.

(E) IC 12-29.

~~(F) IC 12-30.~~

(3) Supported employment for a person with developmental disabilities.

(4) Epilepsy service centers program.

(5) Epilepsy clinic program.

(6) Medicaid waivers for in-home services **for treatment of developmental disabilities.**

SECTION 37. IC 12-9-5-5, AS ADDED BY P.L.212-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Notwithstanding any other law:

(1) home health agencies licensed under IC 16-27-1 are approved to provide home health services; and

(2) personal services agencies licensed under IC 16-27-4 are approved to provide personal services;

under any federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n.

(b) In determining whether to approve an entity described in subsection (a) to provide services for a program administered by the office of the secretary, the office of the secretary may use the survey performed by the state department of health in licensing the entity.

SECTION 38. IC 12-9.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 9.1. DIVISION OF AGING

Chapter 1. Establishment of Division

Sec. 1. The division of aging is established.

Sec. 2. IC 12-8-8 applies to the division.

Sec. 3. The bureau of aging and in-home services established by IC 12-10-1-1 is part of the division.

Chapter 2. Director of Division

Sec. 1. The division shall be administered by a director appointed under IC 12-8-8-1.

Sec. 2. IC 12-8-8 applies to the director.

Sec. 3. (a) The director may do the following:

(1) Employ experts and consultants to assist the division in carrying out the division's functions.

(2) Use, with their consent, the services and facilities of other state agencies without reimbursement.

(3) Accept in the name of the division, for use in carrying out the functions of the division, money or property received by gift, bequest, or otherwise.

(4) Accept voluntary and uncompensated services.

(5) Expend money made available to the division according to policies enforced by the budget agency.

(6) Adopt rules under IC 4-22-2 necessary to carry out the functions of the division. However, rules adopted by the director must be approved by the family and social services committee established by IC 12-8-3-2 before submission to the attorney general under IC 4-22-2-31.

(7) Establish and implement the policies and procedures necessary to carry out the functions of the division.

(8) Perform any other acts necessary to carry out the functions of the division.

(b) The director shall compile information and statistics from each bureau concerning the ethnicity and gender of a program or service recipient. The director may adopt rules under IC 4-22-2 necessary to implement this subsection.

Sec. 4. The director may, with the approval of the budget agency, hire the personnel necessary to perform the duties of the division.

Chapter 3. Personnel of Division

Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies to all employees of the division.

Sec. 2. (a) If a member, an officer, or an employee of the division is accused of an offense or sued for civil damages because

of an act performed:

(1) within the course of the individual's employment; or
 (2) under the authority or order of a superior officer;
 the attorney general shall defend the individual in an action for civil damages. If the action or proceeding is criminal in nature, the governor shall designate counsel to represent and defend the accused, and the state is financially responsible for the expense of the defense.

(b) This section does not do either of the following:

- (1) Deprive an individual of the right to select defense counsel of the individual's choice at the individual's expense.
- (2) Relieve any person from responsibility in civil damages.

Chapter 4. Duties of Division

Sec. 1. The division shall administer money appropriated or allocated to the division by the state, including money appropriated or allocated from the following:

- (1) The federal Older Americans Act (42 U.S.C. 3001 et seq.).
- (2) The United States Department of Agriculture (7 U.S.C. 612C et seq.).
- (3) Medicaid waiver in-home services for the elderly and disabled (42 U.S.C. 1396 et seq.) for treatment of medical conditions.
- (4) Money appropriated or allocated to the division to administer a program under this title.
- (5) Other funding sources that are designated by the general assembly or available from the federal government under grants that are consistent with the duties of the division.

Sec. 2. The division shall administer the following programs:

- (1) Programs established under any of the following statutes:
 - (A) This article.
 - (B) IC 12-10.
- (2) Programs under IC 12-30, to the extent the division has responsibilities for programs under IC 12-30.
- (3) Medicaid waivers for in-home services for treatment of medical conditions.

Sec. 3. Notwithstanding any other law:

(1) home health agencies licensed under IC 16-27-1 are approved to provide home health services; and
 (2) personal services agencies licensed under IC 16-27-4 are approved to provide personal services;
 under any federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n that provides services for treatment of medical conditions.

SECTION 39. IC 12-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The bureau shall administer the following programs:

- (1) The federal Older Americans Act under ~~IC 12-9-5-1~~ **IC 12-9.1-4-1**.
- (2) Area agencies on aging services under this article.
- (3) Adult protective services under IC 12-10-3.
- (4) Room and board assistance and assistance to residents in county homes under IC 12-10-6.
- (5) Adult guardianship program under IC 12-10-7.
- (6) Community and home options for the elderly and disabled under IC 12-10-10.
- (7) Nursing home preadmission screening under IC 12-10-12.
- (8) Long term care advocacy under IC 12-10-13.
- (9) Nutrition services and home delivered meals.
- (10) Title III B supportive services.
- (11) Title III D in-home services.
- (12) Aging programs under the Social Services Block Grant.
- (13) United States Department of Agriculture elderly feeding program.
- (14) Title V senior employment.
- (15) PASARR under older adult services.

SECTION 40. IC 12-10-3-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 29.5. (a) Except as provided in subsection (b), an adult protective services unit or a staff member of the adult protective services unit on the basis of the staff member's employment may not be designated as:**

- (1) a personal representative;
 - (2) a health care representative;
 - (3) a guardian;
 - (4) a guardian ad litem; or
 - (5) any other type of representative;
- for an endangered adult.

(b) The:

- (1) county prosecutor in the county in which the adult protective services unit is located; or
 - (2) head of the governmental entity if the adult protective services unit is operated by a governmental entity;
- may give written permission for an adult protective services unit or a staff member of the adult protective services unit to be designated as a representative described in subsection (a)(1) through (a)(5).

SECTION 41. IC 12-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) An individual who:

- (1) is at least sixty-five (65) years of age, blind, or disabled; and
 - (2) is a resident of a county home;
- is eligible to receive assistance payments from the state if the individual would be eligible for assistance under the federal Supplemental Security Income program except for the fact that the individual is residing in a county home.

(b) The amount of nonmedical assistance to be paid on behalf of a resident in a county home must be based on the daily rate established by the division. The rate for facilities under this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division.

(c) The rate for facilities under this section but not licensed under IC 16-28 must be the lesser of:

- (1) an upper rate limit established by a rule adopted by the division; or
- (2) a reasonable and adequate rate to meet the costs, determined by generally accepted accounting principles, that are incurred by efficiently and economically operated facilities in order to provide care and services in conformity with quality and safety standards and applicable laws and rules.

(d) The recipient shall be paid or allowed to retain from the recipient's income a monthly personal allowance. The amount:

- (1) is fifty-two dollars (\$52);
- (2) is exempt from income eligibility consideration by the division; and
- (3) may be exclusively used by the recipient for personal needs.

(e) In addition to the amount that may be retained as a personal allowance under this section, an individual is allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax liability for the calendar quarter in which the month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay state or local income taxes owed.

(f) In addition to the amounts that may be retained under subsections (d) and (e), an eligible individual may retain a Holocaust victim's settlement payment. The payment is exempt from income eligibility consideration by the division.

(g) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half (1/2) of the remainder of:

- (1) gross earned income for that month; minus
- (2) the sum of:
 - (A) sixteen dollars (\$16); plus
 - (B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus
 - (C) transportation expenses for that month; plus
 - (D) any mandatory expenses required by the employer as a condition of employment.

(h) The division, ~~of disability, aging, and rehabilitative services;~~ in cooperation with the state department of health taking into account

licensure requirements under IC 16-28, shall adopt rules under IC 4-22-2 governing the reimbursement to facilities under this section. The rules must be designed to determine the costs that must be incurred by efficiently and economically operated facilities to provide room, board, laundry, and other services, along with minimal administrative direction to individuals who receive residential care in the facilities under this section. A rule adopted under this subsection by:

- (1) the division; or
- (2) the state department of health;

must conform to the rules for residential care facilities that are licensed under IC 16-28.

(i) A rate established under this section may be appealed according to the procedures under IC 4-21.5.

(j) The division shall annually review each facility's rate using the following:

- (1) Generally accepted accounting principles.
- (2) The costs incurred by efficiently and economically operated facilities in order to provide care and services in conformity with quality and safety standards and applicable laws and rules.

SECTION 42. IC 12-10-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) An individual who is incapable of residing in the individual's own home may apply for residential care assistance under this section. The determination of eligibility for residential care assistance is the responsibility of the division. Except as provided in subsections (g) and (i), an individual is eligible for residential care assistance if the division determines that the individual:

- (1) is a recipient of Medicaid or the federal Supplemental Security Income program;
- (2) is incapable of residing in the individual's own home because of dementia, mental illness, or a physical disability;
- (3) requires a degree of care less than that provided by a health care facility licensed under IC 16-28; and
- (4) can be adequately cared for in a residential care setting.

(b) Individuals suffering from mental retardation may not be admitted to a home or facility that provides residential care under this section.

(c) A service coordinator employed by the division may:

- (1) evaluate a person seeking admission to a home or facility under subsection (a); or
- (2) evaluate a person who has been admitted to a home or facility under subsection (a), including a review of the existing evaluations in the person's record at the home or facility.

If the service coordinator determines the person evaluated under this subsection is mentally retarded, the service coordinator may recommend an alternative placement for the person.

(d) Except as provided in section 5 of this chapter, residential care consists of only room, board, and laundry, along with minimal administrative direction. State financial assistance may be provided for such care in a boarding or residential home of the applicant's choosing that is licensed under IC 16-28 or a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal. Payment for such care shall be made to the provider of the care according to division directives and supervision. The amount of nonmedical assistance to be paid on behalf of a recipient living in a boarding home, residential home, or Christian Science facility shall be based on the daily rate established by the division. The rate for facilities that are referred to in this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division. The recipient may retain from the recipient's income a monthly personal allowance of fifty-two dollars (\$52). This amount is exempt from income eligibility consideration by the division and may be exclusively used by the recipient for the recipient's personal needs. However, if the recipient's income is less than the amount of the personal allowance, the division shall pay to the recipient the difference between the amount of the personal allowance and the recipient's income. A reserve or an accumulated balance from such a source, together with other sources, may not be allowed to exceed the state's resource allowance allowed for adults eligible for state supplemental assistance or Medicaid as established

by the rules of the office of Medicaid policy and planning.

(e) In addition to the amount that may be retained as a personal allowance under this section, an individual shall be allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax liability for the calendar quarter in which that month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay any state or local income taxes owed.

(f) In addition to the amounts that may be retained under subsections (d) and (e), an eligible individual may retain a Holocaust victim's settlement payment. The payment is exempt from income eligibility consideration by the division.

(g) The rate of payment to the provider shall be determined in accordance with a prospective prenegotiated payment rate predicated on a reasonable cost related basis, with a growth of profit factor, as determined in accordance with generally accepted accounting principles and methods, and written standards and criteria, as established by the division. The division shall establish an administrative appeal procedure to be followed if rate disagreement occurs if the provider can demonstrate to the division the necessity of costs in excess of the allowed or authorized fee for the specific boarding or residential home. The amount may not exceed the maximum established under subsection (d).

(h) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half (1/2) of the remainder of:

- (1) gross earned income for that month; minus
- (2) the sum of:
 - (A) sixteen dollars (\$16); plus
 - (B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus
 - (C) transportation expenses for that month; plus
 - (D) any mandatory expenses required by the employer as a condition of employment.

(i) An individual who, before September 1, 1983, has been admitted to a home or facility that provides residential care under this section is eligible for residential care in the home or facility.

(j) The director of the division may contract with the division of mental health and addiction or the division of disability ~~aging~~ and rehabilitative services to purchase services for individuals suffering from mental illness or a developmental disability by providing money to supplement the appropriation for community residential care programs established under IC 12-22-2 or community residential programs established under IC 12-11-1.1-1.

(k) A person with a mental illness may not be placed in a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., unless the facility is licensed under IC 16-28.

SECTION 43. IC 12-10-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

- (1) Homemaker services and attendant care, including personal care services.
- (2) Respite care services and other support services for primary or family caregivers.
- (3) Adult day care services.
- (4) Home health services and supplies.
- (5) Home delivered meals.
- (6) Transportation.
- (7) Attendant care services provided by a registered personal services attendant under ~~IC 12-10-17~~ IC 12-10-17.1 to persons described in ~~IC 12-10-17-6~~ IC 12-10-17.1-6.
- (8) Other services necessary to prevent institutionalization of eligible individuals when feasible.

SECTION 44. IC 12-10-17.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]:

Chapter 17.1. Individuals in Need of Self-Directed In-Home Care

Sec. 1. This chapter does not apply to the following:

- (1) An individual who provides attendant care services and who is employed by and under the direct control of a home health agency (as defined in IC 12-15-34-1).
- (2) An individual who provides attendant care services and who is employed by and under the direct control of a licensed hospice program under IC 16-25.
- (3) An individual who provides attendant care services and who is employed by and under the control of an employer that is not the individual who is receiving the services.
- (4) A practitioner (as defined in IC 25-1-9-2) who is practicing under the scope of the practitioner's license (as defined in IC 25-1-9-3).

Sec. 2. As used in this chapter, "ancillary services" means services ancillary to the basic services provided to an individual in need of self-directed in-home care who needs at least one (1) of the basic services (as defined in section 4 of this chapter). The term includes the following:

- (1) Homemaker services, including shopping, laundry, cleaning, and seasonal chores.
- (2) Companion services, including transportation, letter writing, mail reading, and escort services.
- (3) Assistance with cognitive tasks, including managing finances, planning activities, and making decisions.

Sec. 3. As used in this chapter, "attendant care services" means those basic and ancillary services that the individual chooses to direct and supervise a personal services attendant to perform and that enable an individual in need of self-directed in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility.

Sec. 4. As used in this chapter, "basic services" means a function that could be performed by the individual in need of self-directed in-home care if the individual were not physically disabled. The term includes the following:

- (1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.
- (2) Assistance with routine bodily functions, including:
 - (A) health related services (as defined in section 5 of this chapter);
 - (B) bathing and personal hygiene;
 - (C) dressing and grooming; and
 - (D) feeding, including preparation and cleanup.

Sec. 5. As used in this chapter, "health related services" means those medical activities that, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, could be performed by the individual if the individual were physically capable, and if the medical activities can be safely performed in the home, and:

- (1) are performed by a person who has been trained or instructed on the performance of the medical activities by an individual in need of self-directed in-home care who is, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, capable of training or instructing the person who will perform the medical activities; or
- (2) are performed by a person who has received training or instruction from a licensed health professional, within the professional's scope of practice, in how to properly perform the medical activity for the individual in need of self-directed in-home care.

Sec. 6. As used in this chapter, "individual in need of self-directed in-home care" means a disabled individual, or person responsible for making health related decisions for the disabled individual, who:

- (1) is approved to receive Medicaid waiver services under 42 U.S.C. 1396n(c), or is a participant in the community and home options to institutional care for the elderly and disabled program under IC 12-10-10;
- (2) is in need of attendant care services because of

impairment;

(3) requires assistance to complete functions of daily living, self-care, and mobility, including those functions included in attendant care services;

(4) chooses to self-direct a paid personal services attendant to perform attendant care services; and

(5) assumes the responsibility to initiate self-directed in-home care and exercise judgment regarding the manner in which those services are delivered, including the decision to employ, train, and dismiss a personal services attendant.

Sec. 7. As used in this chapter, "licensed health professional" means any of the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A certified occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

Sec. 8. As used in this chapter, "personal services attendant" means an individual who is registered to provide attendant care services under this chapter and who has entered into a contract with an individual and acts under the individual's direction to provide attendant care services that could be performed by the individual if the individual were physically capable.

Sec. 9. As used in this chapter, "self-directed in-home health care" means the process by which an individual, who is prevented by a disability from performing basic and ancillary services that the individual would perform if not disabled, chooses to direct and supervise a paid personal services attendant to perform those services in order for the individual to live in the individual's home and community rather than an institution.

Sec. 10. (a) An individual may not provide attendant care services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program for an individual in need of self-directed in-home care services unless the individual is registered under section 12 of this chapter.

(b) An individual who is a legally responsible relative of an individual in need of self-directed in-home care, including a parent of a minor individual and a spouse, is precluded from providing attendant care services for compensation under this chapter.

Sec. 11. An individual who desires to provide attendant care services must register with the division or with an organization designated by the division.

Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 10-13-3 or another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.
- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.
- (7) Any other information required by the division.

(b) A registration is valid for two (2) years. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has

changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division and any organization designated under section 11 of this chapter shall maintain a file for each personal services attendant that contains:

(1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and

(2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

(1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.

(2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c).

(c) The division may charge a fee for shipping, handling, and copying expenses.

Sec. 13. The case manager of an individual in need of self-directed in-home care shall maintain an attending physician's written opinion submitted under section 5 of this chapter in a case file that is maintained for the individual by the case manager.

Sec. 14. (a) A personal services attendant who is hired by the individual in need of self-directed in-home care is an employee of the individual in need of self-directed in-home care.

(b) The division is not liable for any actions of a personal services attendant or an individual in need of self-directed in-home care.

(c) A personal services attendant and an individual in need of self-directed in-home care are each liable for any negligent or wrongful act or omission in which the person personally participates.

Sec. 15. (a) Except as provided in subsection (b), an individual in need of self-directed in-home care is responsible for recruiting, hiring, training, paying, certifying any employment related documents, dismissing, and supervising in the individual's home during service hours a personal services attendant who provides attendant care services for the individual.

(b) If an individual in need of self-directed in-home care is:

(1) less than twenty-one (21) years of age; or

(2) unable to direct in-home care because of a brain injury or mental deficiency;

the individual's parent, spouse, legal guardian, or a person possessing a valid power of attorney for the individual, may make employment, care, and training decisions and certify any employment related documents on behalf of the individual.

(c) An individual in need of self-directed in-home care or an individual under subsection (b) and the individual's case manager shall develop an authorized care plan. The authorized care plan must include a list of weekly services or tasks that must be performed to comply with the authorized care plan.

Sec. 16. The division shall adopt rules under IC 4-22-2 concerning:

(1) the method of payment to a personal services attendant who provides authorized services under this chapter; and

(2) record keeping requirements for personal attendant services.

Sec. 17. The individual in need of self-directed in-home care and the personal services attendant must each sign a contract, in a form approved by the division, that includes, at a minimum, the following provisions:

(1) The responsibilities of the personal services attendant.

(2) The frequency the personal services attendant will provide attendant care services.

(3) The duration of the contract.

(4) The hourly wage of the personal services attendant. The wage may not be less than the federal minimum wage or more than the rate that the recipient is eligible to receive under a Medicaid home and community based services waiver or the community and home options to institutional care for the elderly and disabled program for attendant

care services.

(5) Reasons and notice agreements for early termination of the contract.

Sec. 18. (a) The office shall amend the home and community based services waiver program under the state Medicaid plan to provide for the payment for attendant care services provided by a personal services attendant for an individual in need of self-directed in-home care under this chapter, including any related record keeping and employment expenses.

(b) The office shall not, to the extent permitted by federal law, consider as income money paid under this chapter to or on behalf of an individual in need of self-directed in-home care to enable the individual to employ registered personal services attendants, for purposes of determining the individual's income eligibility for services under this chapter.

Sec. 19. The division may:

(1) initiate demonstration projects to test new ways of providing attendant care services; and

(2) research ways to best provide attendant care services in urban and rural areas.

Sec. 20. (a) The division and office may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

(b) The office shall apply for any federal waivers necessary to implement this chapter.

Sec. 21. The division shall adopt rules under IC 4-22-2 concerning the following:

(1) The receipt, review, and investigation of complaints concerning the:

(A) neglect;

(B) abuse;

(C) mistreatment; or

(D) misappropriation of property;

of an individual in need of self-directed in-home care by a personal services attendant.

(2) Establishing notice and administrative hearing procedures in accordance with IC 4-21.5.

(3) Appeal procedures, including judicial review of administrative hearings.

(4) Procedures to place a personal services attendant who has been determined to have been guilty of:

(A) neglect;

(B) abuse;

(C) mistreatment; or

(D) misappropriation of property;

of an individual in need of self-directed in-home care on the state nurse aide registry.

SECTION 45. IC 12-10.5-1-4, AS AMENDED BY P.L.37-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The division of ~~disability, aging and rehabilitative services~~ established by ~~IC 12-9-1-1~~ IC 12-9.1-1-1 shall administer the caretaker support program established under this chapter.

(b) The division of ~~disability, aging and rehabilitative services~~ shall do the following:

(1) Subject to section 9 of this chapter, adopt rules under IC 4-22-2 for the coordination and administration of the caretaker support program.

(2) Administer any money for the caretaker support program that is appropriated by the general assembly.

SECTION 46. IC 12-12-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The commission consists of at least fourteen (14) members appointed by the governor as follows:

(1) Three (3) members representing advocacy groups for:

(A) individuals with:

(i) physical;

(ii) cognitive;

(iii) sensory; and

(iv) mental;

disabilities; or

(B) parents, guardians, or advocates of individuals with disabilities who have difficulty or who are unable to represent themselves.

- (2) At least one (1) member representing current or former applicants for vocational rehabilitation services or recipients of vocational rehabilitation services.
- (3) At least one (1) representative of the statewide Independent Living Council.
- (4) At least one (1) representative of a parent training and information center established by the individuals with disabilities education act.
- (5) At least one (1) representative of the Indiana protection and advocacy services agency.
- (6) At least one (1) representative of community rehabilitation program service providers.
- (7) Four (4) representatives of business, industry, and labor.
- (8) The director of the division of disability ~~aging~~, and rehabilitative services shall serve as an ex officio member.
- (9) A vocational rehabilitation counselor shall serve as an ex officio nonvoting member.

(b) Not more than seven (7) members of the commission may be from the same political party.

(c) At least fifty-one percent (51%) of the commission must be persons with disabilities who are not employees of the division of disability ~~aging~~, and rehabilitative services.

SECTION 47. IC 12-12-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The commission shall do the following:

- (1) Advise the division concerning the division's performance in the following areas:
 - (A) Eligibility and order of selection.
 - (B) Scope, extent, and effectiveness of services.
 - (C) Functions of state agencies in addition to vocational rehabilitation affecting individuals in achieving rehabilitation goals.
- (2) Advise the secretary of family and social services and the division of disability ~~aging~~, and rehabilitative services concerning the state plan, applications, and the strategic plan.
- (3) Review and analyze the effectiveness and consumer satisfaction with the functions of the agencies dealing with persons with disabilities and with vocational rehabilitation services.
- (4) Prepare and submit an annual report to the governor and the rehabilitation services administration commissioner on the status of vocational rehabilitation programs in Indiana.
- (5) Coordinate with other councils in Indiana.
- (6) Advise and provide for coordination and working relationships between the state agency and the Independent Living Council and Independent Living centers.

SECTION 48. IC 12-12-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The commission, in conjunction with the division of disability ~~aging~~, and rehabilitative services, may employ staff and other personnel as necessary.

SECTION 49. IC 12-12-8-2, AS AMENDED BY P.L.217-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "consumer control" means, with respect to a center for independent living or an eligible agency: ~~that~~:

- (1) ~~that~~ the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services; and
- (2) ~~that~~:
 - (A) at least fifty-one percent (51%) of the **members of the center's board have significant disabilities**; and
 - (B) **a majority of the center's staff and employees in decision making positions** are individuals with disabilities.

SECTION 50. IC 12-12-8-3.8, AS ADDED BY P.L.217-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. As used in this chapter, "state plan" means the materials jointly developed and submitted by the council and the division to the commissioner containing the state's proposals for the following:

- (1) The ~~provision of statewide proposal for providing independent living services with federal funds under Title VII, Part B of the federal act.~~
- (2) The development and support of a statewide network of

centers for independent living.

(3) Working relationships among:

- (A) programs providing independent living services and independent living centers; and
- (B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.

SECTION 51. IC 12-12-8-5, AS ADDED BY P.L.217-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:

- (1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.
- (2) To provide administrative ~~assistance to support services to independent living programs and the activities of centers for independent living programs under Title VII, Part B of the federal act.~~
- (3) To keep records and take actions with respect to the records as required by the commissioner.
- (4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 52. IC 12-12-8-6, AS ADDED BY P.L.217-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) There is established a statewide independent living council. The council is not a part of a state agency.

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

- (1) Each director of a center for independent living located in Indiana.
- (2) Nonvoting members from state agencies that provide services for individuals with disabilities.
- (3) Other members, who may include the following:
 - (A) Representatives of centers for independent living.
 - (B) Parents and guardians of individuals with disabilities.
 - (C) Advocates for individuals with disabilities.
 - (D) Representatives from private business.
 - (E) ~~Representative~~ **Representatives** of organizations that provide services for individuals with disabilities.
 - (F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

- (1) provide statewide representation;
- (2) represent a broad range of individuals with disabilities from diverse backgrounds;
- (3) be knowledgeable about centers for independent living and independent living services; and
- (4) include a majority of members who:
 - (A) are individuals with ~~significant~~ disabilities; and
 - (B) are not employed by a state agency or a center for independent living.

SECTION 53. IC 12-12-9-2, AS AMENDED BY P.L.218-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The office of the secretary shall, on the first business day of each month, send a copy of a report filed under section 1 of this chapter to the following persons:

- (1) For persons less than seventeen (17) years of age, to the following:
 - (A) The Indiana School for the Blind and Visually Impaired.
 - (B) The division of disability ~~aging~~, and rehabilitative services.
 - (C) The division of special education of the department of education.
- (2) For persons at least seventeen (17) years of age, to the following:
 - (A) The division of disability ~~aging~~, and rehabilitative services.
 - (B) On request, organizations serving the blind or visually impaired and the state department of health.

SECTION 54. IC 12-12-9-4, AS AMENDED BY P.L.218-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) On receiving a report under

this chapter, the division of disability ~~aging~~, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind and Visually Impaired:

- (1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and
- (2) shall notify the division of disability ~~aging~~, and rehabilitative services and the department of education of the school's findings.

SECTION 55. IC 12-15-32-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) An applicant for Medicaid who desires to be placed in a community residential facility must first receive a diagnostic evaluation to be provided by the division of disability ~~aging~~, and rehabilitative services.

(b) Subsequent diagnostic evaluations by the division of disability ~~aging~~, and rehabilitative services shall be provided at least every twelve (12) months to review the individual's need for services.

(c) The office shall consider the evaluations in determining the appropriateness of placement.

SECTION 56. IC 12-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "affected agency" means any of the following:

- (1) The department of correction.
- (2) The state department of health.
- (3) The division of mental health and addiction.
- (4) The division of disability ~~aging~~, and rehabilitative services.

SECTION 57. IC 12-16-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The hospital care for the indigent program does not apply to inmates and patients of institutions of the department of correction, the state department of health, the division of mental health and addiction, **the division of aging**, or the division of disability ~~aging~~, and rehabilitative services.

SECTION 58. IC 12-16-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall, with the advice of the division's medical staff, the division of mental health and addiction, **the division of aging**, the division of disability ~~aging~~, and rehabilitative services, and other individuals selected by the director of the division, adopt rules under IC 4-22-2 to do the following:

- (1) Provide for review and approval of services paid under the hospital care for the indigent program.
- (2) Establish limitations consistent with medical necessity on the duration of services to be provided.
- (3) Specify the amount of and method for reimbursement for services.
- (4) Specify the conditions under which payments will be denied and improper payments will be recovered.

SECTION 59. IC 12-17-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "agency" means a department, a commission, a council, a board, a bureau, a division, a service, an office, or an administration that is responsible for providing services to infants and toddlers with disabilities and their families, including the following:

- (1) The division of mental health and addiction.
- (2) The state department of health.
- (3) The division of family and children.
- (4) The division of disability ~~aging~~, and rehabilitative services.
- (5) The department of education.

SECTION 60. IC 12-20-16-3, AS AMENDED BY P.L.73-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The township trustee may, in cases of necessity, authorize the payment from township assistance money for essential utility services, including the following:

- (1) Water services.
- (2) Gas services.
- (3) Electric services.
- (4) Fuel oil services for fuel oil used for heating or cooking.
- (5) Coal, wood, or liquid propane used for heating or cooking.

(b) The township trustee may authorize the payment of delinquent bills for the services listed in subsection (a)(1) through (a)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than

twenty-four (24) months. The township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.

(c) The township trustee is not required to pay for any utility service:

- (1) that is not properly charged to:
 - (A) an adult member of a household;
 - (B) an emancipated minor who is head of the household; or
 - (C) a landlord or former member of the household if the applicant proves that the applicant:
 - (i) received the services as a tenant residing at the service address at the time the cost was incurred; and
 - (ii) is responsible for payment of the bill;
- (2) received as a result of a fraudulent act by any adult member of a household requesting township assistance; or
- (3) that includes the use of township assistance funds for the payment of:
 - (A) a security deposit; or
 - (B) damages caused by a township assistance applicant to utility company property.

(d) The amount paid by the township trustee, as administrator of township assistance, and the amount charged for water services may not exceed the minimum rate charged for the service as fixed by the Indiana utility regulatory commission.

(e) This subsection applies only during the part of each year when applications for assistance are accepted by the division under IC 12-14-11. A township trustee may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the township trustee that includes the following:

- (1) Evidence of application for assistance for heating fuel or electric services from the division under IC 12-14-11.
- (2) The amount of assistance received or the reason for denial of assistance.

The township trustee shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and electric services may be available from the division under IC 12-14-11 and that the township trustee may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 12-14-11. However, if the applicant household is eligible under criteria established by the division of disability ~~aging~~, and rehabilitative services for energy assistance under IC 12-14-11, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the division of disability ~~aging~~, and rehabilitative services within the period established for the acceptance of applications. If the trustee follows this certification procedure, no other application is required for assistance under IC 12-14-11.

(f) If an individual or a member of an individual's household has received assistance under subsection (b), the individual must, before the individual or the member of the individual's household may receive further assistance under subsection (b), certify whether the individual's or household's income, resources, or household size has changed since the individual filed the most recent application for township assistance. If the individual or a member of the individual's household certifies that the income, resources, or household size has changed, the township trustee shall review the individual's or household's eligibility and may make any necessary adjustments in the level of assistance provided to the individual or to a member of the individual's household.

SECTION 61. IC 12-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The director of the division of disability ~~aging~~, and rehabilitative services has administrative control of and responsibility for the following state institutions:

- (1) Fort Wayne State Developmental Center.
- ~~(2) Muscatatuck State Developmental Center.~~
- ~~(3)~~ (2) Any other state owned or operated developmental center.

SECTION 62. IC 12-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The director of

the division of mental health and addiction has administrative control of and responsibility for the following state institutions:

- ~~(1) Central State Hospital.~~
- ~~(2) (1) Evansville State Hospital.~~
- ~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~
- ~~(4) (3) Larue D. Carter Memorial Hospital.~~
- ~~(5) (4) Logansport State Hospital.~~
- ~~(6) (5) Madison State Hospital.~~
- ~~(7) (6) Richmond State Hospital.~~
- ~~(8) (7) Any other state owned or operated mental health institution.~~

(b) Subject to the approval of the director of the budget agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of Larue D. Carter Memorial Hospital.

(c) The following applies only to the institutions described in subsection ~~(a)(2)~~ **(a)(1)** and ~~(a)(3)~~ **(a)(2)**:

(1) Notwithstanding any other statute or policy, the division of mental health and addiction may not do the following after December 31, 2001, unless specifically authorized by a statute enacted by the general assembly:

- (A) Terminate, in whole or in part, normal patient care or other operations at the facility.
- (B) Reduce the staffing levels and classifications below those in effect at the facility on January 1, 2002.
- (C) Terminate the employment of an employee of the facility except in accordance with IC 4-15-2.

(2) The division of mental health and addiction shall fill a vacancy created by a termination described in subdivision (1)(C) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2002.

(3) Notwithstanding any other statute or policy, the division of mental health and addiction may not remove, transfer, or discharge any patient at the facility unless the removal, transfer, or discharge is in the patient's best interest and is approved by:

- (A) the patient or the patient's parent or guardian;
- (B) the individual's gatekeeper; and
- (C) the patient's attending physician.

(d) The Evansville State Psychiatric Treatment Center for Children shall remain independent of Evansville State Hospital and the southwestern Indiana community mental health center, and the Evansville State Psychiatric Treatment Center for Children shall continue to function autonomously unless a change in administration is specifically authorized by an enactment of the general assembly.

SECTION 63. IC 12-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Each state institution shall post a notice that a resident, the legal representative of the resident, or another individual designated by the resident may request from the individual in charge of each shift information that designates the names of all nursing personnel or direct care staff on duty by job classification for the:

- (1) wing;
- (2) unit; or
- (3) other area as routinely designated by the state institution; where the resident resides.

(b) The notice required under subsection (a) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public.
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
- (3) Contain the:
 - (A) business telephone number of the superintendent of the state institution; and
 - (B) toll free telephone number for filing complaints with the division that is administratively in charge of the state institution.
- (4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the information described in subsection (a) from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual

designated by the resident may do any of the following:

- (A) Contact the superintendent of the state institution.
- (B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number.

(c) The director of the:

- (1) division of disability ~~aging~~ and rehabilitative services; and
- (2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

SECTION 64. IC 12-24-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A director shall produce a statistical report semiannually for each state institution that is under the director's administrative control. The statistical report must list the following information:

- (1) The number of total hours worked in the state institution by each classification of personnel for which the director maintains data.
- (2) The resident census of the state institution for which the director maintains data.

(b) The director shall provide a compilation of the statistical reports prepared under subsection (a) to the following:

- (1) Each state institution that is under the director's administrative control.
- (2) The adult protective services unit under IC 12-10-3.

(c) Each state institution shall:

- (1) make available in a place that is readily accessible to residents and the public a copy of the compilation of statistical reports provided under this section; and
- (2) post a notice that a copy of the compilation of statistical reports may be requested from the individual in charge of each shift.

(d) The notice required under subsection (c)(2) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public.
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
- (3) Contain the:
 - (A) business telephone number of the superintendent of the state institution; and
 - (B) toll free telephone number for filing complaints with the division that is administratively in charge of the state institution.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the compilation of statistical reports from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

- (A) Contact the superintendent of the state institution.
- (B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number.

(e) The director of the:

- (1) division of disability ~~aging~~ and rehabilitative services; and
- (2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

SECTION 65. IC 12-24-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section applies to an individual who has a primary diagnosis of developmental disability.

(b) Action contemplated by a patient under this section includes action by the patient's parent or guardian if the patient is not competent.

(c) If a patient is admitted to a state institution, the staff of the state institution shall, before the patient is discharged, ask the patient whether the patient's medical and treatment records may be sent to a service coordinator employed by the division of disability ~~aging~~ and rehabilitative services under IC 12-11-2.1 so the service coordinator may send the records to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside.

(d) If a patient agrees to release the records, the patient shall sign

a form permitting the state institution to release to a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services under IC 12-11-2.1 a copy of the patient's medical and treatment records to forward to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside. The form must read substantially as follows:

AUTHORIZATION TO RELEASE
MEDICAL AND TREATMENT
RECORDS

I agree to permit _____
(name of state institution)
to release a copy of the medical and treatment records of _____
to _____
(patient's name) (name of local agency
serving the needs of
developmentally disabled
individuals)

(date) (signature)

(address)

(signature of individual
securing release of
medical and treatment
records) (relationship to patient if
signature is not that of the
patient)

(e) If a patient knowingly signs the form for the release of medical records under subsection (d), a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services under IC 12-11-2.1 shall allow local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside to obtain the following:

- (1) The patient's name.
- (2) The address of the patient's intended residence.
- (3) The patient's medical records.
- (4) A complete description of the treatment the patient was receiving at the state institution at the time of the patient's discharge.

(f) If the local agency does not obtain a patient's records, the state institution shall deliver the medical records to the local agency before or at the time the patient is discharged.

(g) If a patient does not agree to permit the release of the patient's medical and treatment records, the service coordinator shall deliver:

- (1) the patient's name; and
- (2) the address of the patient's intended residence;

to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside before or at the time the patient is discharged.

SECTION 66. IC 12-24-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

- (1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.
- (2) For an individual with a developmental disability, a division of disability ~~aging~~, and rehabilitative services service coordinator under IC 12-11-2.1.
- (3) For an individual entering an addictions program, an addictions treatment provider that is certified by the division of mental health and addiction.

(b) The division is the gatekeeper for the following:

- (1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.
- (2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.
- (3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony under IC 35-41-1.
- (4) An individual placed under the supervision of the division

for addictions treatment under IC 12-23-7 and IC 12-23-8.

(5) An individual transferred from the department of correction under IC 11-10-4.

SECTION 67. IC 12-26-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is mentally ill and either dangerous or gravely disabled, the court may order the individual to:

- (1) be committed to an appropriate facility; or
- (2) enter an outpatient treatment program under IC 12-26-14 for a period of not more than ninety (90) days.

(b) The court's order must require that the superintendent of the facility or the attending physician file a treatment plan with the court within fifteen (15) days of the individual's admission to the facility under a commitment order.

(c) If the commitment ordered under subsection (a) is to a state institution administered by the division of mental health and addiction, the record of commitment proceedings must include a report from a community mental health center stating both of the following:

- (1) That the community mental health center has evaluated the individual.
- (2) That commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(d) The physician who makes the statement required by section 2(c) of this chapter may be affiliated with the community mental health center that submits to the court the report required by subsection (c).

(e) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from a community mental health center is not required.

(f) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability ~~aging~~, and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability ~~aging~~, and rehabilitative services under this chapter is appropriate.

SECTION 68. IC 12-26-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A petition filed under section 2 of this chapter must include a physician's written statement that states both of the following:

- (1) The physician has examined the individual within the past thirty (30) days.
- (2) The physician believes that the individual is:
 - (A) mentally ill and either dangerous or gravely disabled; and
 - (B) in need of custody, care, or treatment in a facility for a period expected to be more than ninety (90) days.

(b) Except as provided in subsection (d), if the commitment is to a state institution administered by the division of mental health and addiction, the record of the proceedings must include a report from a community mental health center stating both of the following:

- (1) The community mental health center has evaluated the individual.
- (2) Commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(c) The physician who makes the statement required by subsection (a) may be affiliated with the community mental health center that makes the report required by subsection (b).

(d) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital, as set forth in IC 12-21-2-3, the report from a community mental health center is not required.

(e) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability ~~aging~~, and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability ~~aging~~, and

rehabilitative services under this chapter is appropriate.

SECTION 69. IC 12-28-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. For residential facilities for the developmentally disabled that are certified for financial participation under the Medicaid program, the division of disability ~~aging~~, and rehabilitative services shall recommend staffing limitations consistent with the program needs of the residents as a part of the office of Medicaid policy and planning's rate setting procedures.

SECTION 70. IC 12-28-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. For residential facilities for the developmentally disabled that are not certified for financial participation under the Medicaid program, the division of disability ~~aging~~, and rehabilitative services shall approve appropriate staffing limitations consistent with the program needs of the residents as a part of the division's rate setting procedures.

SECTION 71. IC 12-28-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The office of Medicaid policy and planning and the division of disability ~~aging~~, and rehabilitative services shall enter into a memorandum of agreement that defines the staffing limitations to be used by the office of Medicaid policy and planning in establishing reimbursement rates. The staffing limitations under section 5 of this chapter may not exceed the staffing limitations defined by the memorandum of agreement between the office of Medicaid policy and planning and the division of disability ~~aging~~, and rehabilitative services under section 4 of this chapter.

SECTION 72. IC 12-28-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Subject to the availability of money and consistent with needs assessment, the division of disability ~~aging~~, and rehabilitative services shall give priority to the establishment of residential facilities, other than the facilities described in section 3 of this chapter, in counties in which the ratio of the number of residential facility beds to county population is in the lowest twenty-five percent (25%) when compared to all other Indiana counties. The division of disability ~~aging~~, and rehabilitative services may operate residential facilities established under this section.

(b) Before the division of disability ~~aging~~, and rehabilitative services takes any steps to establish a residential facility under this section, the division shall place at least two (2) legal advertisements in a newspaper having a general circulation in the county. These advertisements must be aimed at recruiting private parties to serve as operators of residential facilities in the county. The advertisements must be published at intervals at least one (1) month apart.

SECTION 73. IC 12-28-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The division of disability ~~aging~~, and rehabilitative services may operate a program known as the development and lease effort. Under the program, the division of disability ~~aging~~, and rehabilitative services may develop contracts under which the state agrees to lease buildings from private parties for use as residential facilities for mentally ill individuals or autistic or other developmentally disabled individuals. Notwithstanding any other law, each contract may include provisions that ensure the following:

- (1) That the state will lease a building for not more than ten (10) years for use as a residential facility for autistic individuals.
- (2) That the state will retain the right to extend the term of the lease for not more than ten (10) years at the conclusion of the first ten (10) years.
- (3) That the state will retain the right to sublease the building to a person who agrees to operate the building as a residential facility for autistic individuals under this chapter.

(b) Leases entered into under this section are subject to the approval of the Indiana department of administration, the attorney general, the governor, and the budget agency, as provided by law.

SECTION 74. IC 12-28-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The community residential facilities council is established. The council consists of the following members appointed by the governor:

- (1) One (1) professional possessing specialized training in the field of human development.
- (2) One (1) member of the professional staff of the division of

disability ~~aging~~, and rehabilitative services.

(3) One (1) member of the professional staff of the office of Medicaid policy and planning.

(4) One (1) member of the professional staff of the state department of health.

(5) One (1) individual possessing a special interest in developmentally disabled individuals.

(6) One (1) individual possessing a special interest in mentally ill individuals.

(7) One (1) individual who is the chief executive officer of a facility providing both day services and residential services for developmentally disabled individuals.

(8) One (1) individual who is the chief executive officer of a facility providing residential services only for developmentally disabled individuals.

(9) One (1) individual who is a member of the professional staff of the Indiana protection and advocacy services commission. The individual appointed under this subdivision is an ex officio member of the council.

(10) One (1) individual who is the chief executive officer of an entity providing only supported living services.

(11) One (1) individual who is receiving services through the bureau of developmental disabilities services.

(12) Two (2) members of the public. One (1) member appointed under this subdivision may be a member of a representative organization of state employees.

(b) Except for the members designated by subsection (a)(7), (a)(8), and (a)(10), a member of the council may not have an indirect or a direct financial interest in a residential facility for the developmentally disabled.

SECTION 75. IC 12-28-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. In conjunction with the division of disability ~~aging~~, and rehabilitative services, the council shall do the following:

(1) Determine the current and projected needs of each geographic area of Indiana for residential services for developmentally disabled individuals.

(2) Determine how the provision of developmental or vocational services for residents in these geographic areas affects the availability of developmental or vocational services to developmentally disabled individuals living in their own homes.

(3) Develop standards for licensure of supervised group living facilities regarding the following:

(A) A sanitary and safe environment for residents and employees.

(B) Classification of supervised group living facilities.

(C) Any other matters that will ensure that the residents will receive a residential environment.

(4) Develop standards for the approval of entities providing supported living services.

(5) Recommend social and habilitation programs to the Indiana health facilities council for developmentally disabled individuals who reside in health facilities licensed under IC 16-28.

(6) Develop and update semiannually a report that identifies the numbers of developmentally disabled individuals who live in health facilities licensed under IC 16-28. The Indiana health facilities council shall assist in developing and updating this report.

SECTION 76. IC 12-28-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. The division of disability ~~aging~~, and rehabilitative services shall provide the staff for the council to accomplish the council's functions. The council may require any other agency of state government to assist the council in performing a review of a supervised group living facility to determine if the supervised group living facility should be licensed.

SECTION 77. IC 12-28-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. The division of disability ~~aging~~, and rehabilitative services is the primary state agency responsible for planning, developing, coordinating, and implementing the plan and program of supervised group living facilities and services, including developmental and vocational services, needed for developmentally disabled individuals residing in those facilities.

Other state agencies authorized by law or rule to carry out activities and control money that have a direct bearing upon the provision of supervised group living services shall enter into memoranda of understanding or contracts with the division of disability ~~aging~~, and rehabilitative services to ensure a coordinated utilization of resources and responsibilities.

SECTION 78. IC 12-29-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) On the first Monday in October, the county auditor shall certify to:

- (1) the division of disability ~~aging~~, and rehabilitative services, for a community mental retardation and other developmental disabilities center; and
- (2) the president of the board of directors of each center; the amount of money that will be provided to the center under this chapter.

(b) The county payment to the center shall be paid by the county treasurer to the treasurer of each center's board of directors in the following manner:

- (1) One-half (½) of the county payment to the center shall be made on the second Monday in July.
- (2) One-half (½) of the county payment to the center shall be made on the second Monday in December.
- (c) Payments by the county fiscal body are in place of grants from agencies supported within the county solely by county tax money.

SECTION 79. IC 12-29-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "community mental retardation and other developmental disabilities center" means a community center that is:

- (1) incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17;
- (2) organized for the purpose of providing services for mentally retarded and other individuals with a developmental disability;
- (3) approved by the division of disability ~~aging~~, and rehabilitative services; and
- (4) accredited for the services provided by one (1) of the following organizations:
 - (A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
 - (B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
 - (C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.
 - (D) The National Commission on Quality Assurance, or its successor.
 - (E) An independent national accreditation organization approved by the secretary.

(b) The county executive of a county may authorize the furnishing of financial assistance to a community mental retardation and other developmental disabilities center serving the county.

(c) Upon the request of the county executive, the county fiscal body may appropriate annually, from the general fund of the county, money to provide financial assistance in an amount not to exceed the amount that could be collected from the annual tax levy of sixty-seven hundredths of one cent (\$0.0067) on each one hundred dollars (\$100) of taxable property.

SECTION 80. IC 16-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this chapter, "home health agency" means a person that provides or offers to provide only a home health service for compensation.

(b) The term does not include the following:

- (1) An individual health care professional who provides professional services to a patient in the temporary or permanent residence of the patient.
- (2) A local health department as described in IC 16-20 or IC 16-22-8.
- (3) A person that:
 - (A) is approved by the division of disability ~~aging~~, and rehabilitative services to provide supported living services or supported living supports to individuals with developmental disabilities;
 - (B) is subject to rules adopted under IC 12-11-2.1; and
 - (C) serves only individuals with developmental disabilities who are in a placement authorized under IC 12-11-2.1-4.

SECTION 81. IC 16-27-1-5, AS AMENDED BY P.L.212-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "home health services" means services that:

- (1) are provided to a patient by:
 - (A) a home health agency; or
 - (B) another person under an arrangement with a home health agency;
 in the temporary or permanent residence of the patient; and
- (2) either, are required by law to be:
 - (A) ordered by a licensed physician, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist for the service to be performed; or
 - (B) performed only by a health care professional.

(b) The term includes the following:

- (1) Nursing treatment and procedures.
- (2) Physical therapy.
- (3) Occupational therapy.
- (4) Speech therapy.
- (5) Medical social services.
- (6) Home health aide services.
- (7) Other therapeutic services.

(c) The term does not apply to the following:

- (1) Services provided by a physician licensed under IC 25-22.5.
- (2) Incidental services provided by a licensed health facility to patients of the licensed health facility.
- (3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.
- (4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the patient's church or religious denomination.
- (5) Services that are allowed to be performed by an attendant under IC 16-27-1-10.
- (6) Authorized services provided by a personal services attendant under ~~IC 12-10-17~~; **IC 12-10-17.1**.

SECTION 82. IC 16-27-4-4, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this chapter, "personal services" means:

- (1) attendant care services;
- (2) homemaker services that assist with or perform household tasks, including housekeeping, shopping, laundry, meal planning and preparation, and cleaning; and
- (3) companion services that provide fellowship, care, and protection for a client, including transportation, letter writing, mail reading, and escort services;

that are provided to a client at the client's residence.

(b) The term does not apply to the following:

- (1) Incidental services provided by a licensed health facility to patients of the licensed health facility.
- (2) Services provided by employers or membership organizations for their employees, members, and families of the employees or members if the services are not the predominant purpose of the employer or the membership organization's business.
- (3) Services that are allowed to be performed by a personal services attendant under ~~IC 12-10-17~~; **IC 12-10-17.1**.
- (4) Services that require the order of a health care professional for the services to be lawfully performed in Indiana.
- (5) Assisted living Medicaid waiver services.
- (6) Services that are performed by a facility described in IC 12-10-15.

SECTION 83. IC 16-27-4-5, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "personal services agency" means a person that provides or offers to provide a personal service for compensation, whether through the

agency's own employees or by arrangement with another person.

(b) The term does not include the following:

(1) An individual who provides personal services only to the individual's family or to not more than three (3) individuals per residence and not more than a total of seven (7) individuals concurrently. As used in this subdivision, "family" means the individual's spouse, child, parent, parent-in-law, grandparent, grandchild, brother, brother-in-law, sister, sister-in-law, aunt, aunt-in-law, uncle, uncle-in-law, niece, and nephew.

(2) A local health department as described in IC 16-20 or IC 16-22-8.

(3) A person that:

(A) is approved by the division of disability ~~aging~~, and rehabilitative services to provide supported living services or supported living support to individuals with developmental disabilities;

(B) is subject to rules adopted under IC 12-11-2.1; and

(C) serves only individuals with developmental disabilities who are in a placement authorized under IC 12-11-2.1-4.

SECTION 84. IC 16-28-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana health facilities council is created. The council consists of fourteen (14) members as follows:

(1) One (1) licensed physician.

(2) Two (2) administrators, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.

(3) One (1) administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.

(4) One (1) registered nurse licensed under IC 25-23.

(5) One (1) registered pharmacist licensed under IC 25-26.

(6) Two (2) citizens having knowledge or experience in the field of gerontology.

(7) One (1) representative of a statewide senior citizens organization.

(8) One (1) citizen having knowledge or experience in the field of mental health.

(9) One (1) nurse-educator of a practical nurse program.

(10) The commissioner.

(11) The director of the division of family and children or the director's designee.

(12) The director of the division of ~~disability~~, aging and rehabilitative services or the director's designee.

(b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article.

SECTION 85. IC 16-28-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "other unlicensed employee" means:

(1) an employee of a health facility;

(2) a hospital based health facility; or

(3) a personal services attendant (as defined by ~~IC 12-10-17-8~~; in IC 12-10-17.1-8);

who is not licensed (as defined in IC 25-1-9-3) by a board (as defined in IC 25-1-9-1).

(b) The term does not include an employee of an ambulatory outpatient surgical center, a home health agency, a hospice program, or a hospital that is not licensed (as defined in IC 25-1-9-3) by a board (as defined in IC 25-1-9-1).

SECTION 86. IC 16-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The committee shall be composed of the following members:

(1) The director of the division of disability ~~aging~~, and rehabilitative services or the director's designee.

(2) The commissioner of the Indiana department of

administration or the commissioner's designee.

(3) The executive director of the governor's planning council on people with disabilities.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) Three (3) members appointed by the governor to represent the public at large.

SECTION 87. IC 16-32-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The members of the committee shall be reimbursed for expenses at a rate equal to that of state employees on a per diem basis by the division of disability ~~aging~~, and rehabilitative services.

SECTION 88. IC 16-32-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The director of the division of disability ~~aging~~, and rehabilitative services shall designate a staff member to act as executive secretary to the committee.

SECTION 89. IC 16-36-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The superintendent shall compile a report of all medically necessary treatments approved under this chapter during each calendar quarter and send the report to the director of the division of mental health and addiction or the director of the division of disability ~~aging~~, and rehabilitative services not more than one (1) month after the end of that quarter. The report must contain the following information:

(1) The name of the patient.

(2) The type of action taken.

(3) The date of the action.

(4) The reason for the action.

(5) The names of the treating physician, the physician independent of the appropriate facility, and any other physician who entered an opinion that was contrary to the treating physician's opinion.

SECTION 90. IC 16-39-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A record for each patient receiving mental health services shall be maintained by the provider. The mental health record must contain the information that the division of mental health and addiction, the division of disability ~~aging~~, and rehabilitative services, or the state department requires by rule. The provider is:

(1) the owner of the mental health record;

(2) responsible for the record's safekeeping; and

(3) entitled to retain possession of the record.

The information contained in the mental health record belongs to the patient involved as well as to the provider. The provider shall maintain the original mental health record or a microfilm of the mental health record for at least seven (7) years.

SECTION 91. IC 16-39-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

(1) To individuals who meet the following conditions:

(A) Are employed by:

(i) the provider at the same facility or agency;

(ii) a managed care provider (as defined in IC 12-7-2-127(b)); or

(iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

(B) Are involved in the planning, provision, and monitoring of services.

(2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.

(3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.

(4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability ~~aging~~, and rehabilitative services, or the rules of the provider.

(5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed

care providers (as defined in IC 12-7-2-127(b)) who are operating under a contract with the division of mental health and addiction.

(6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.

(7) To a law enforcement agency if any of the following conditions are met:

(A) A patient escapes from a facility to which the patient is committed under IC 12-26.

(B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.

(C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.

(D) A patient is in the custody of a law enforcement officer or agency for any reason and:

(i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and

(ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

(8) To a coroner or medical examiner, in the performance of the individual's duties.

(9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.

(10) To the extent necessary to satisfy reporting requirements under the following statutes:

(A) IC 12-10-3-10.

~~(B) IC 12-17-2-16.~~

~~(C) (B) IC 12-24-17-5.~~

~~(D) (C) IC 16-41-2-3.~~

~~(E) (D) IC 31-33-5-4.~~

~~(F) (E) IC 34-30-16-2.~~

~~(G) (F) IC 35-46-1-13.~~

(11) To the extent necessary to satisfy release of information requirements under the following statutes:

(A) IC 12-24-11-2.

(B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.

(C) IC 12-26-11.

(12) To another health care provider in a health care emergency.

(13) For legitimate business purposes as described in IC 16-39-5-3.

(14) Under a court order under IC 16-39-3.

(15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:

(A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).

(B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.

(C) The request specifies an individual patient.

(D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.

(E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.

(F) The mental health record information disclosed to the United States Secret Service includes only:

(i) the patient's name, age, and address;

(ii) the date of the patient's admission to or discharge from the facility; and

(iii) any information that indicates whether or not the

patient has a history of violence or presents a danger to the person under protection.

(16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.

(b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.

(c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.

SECTION 92. IC 16-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), each:

(1) physician;

(2) superintendent of a hospital;

(3) director of a local health department;

(4) director of a county office of family and children;

(5) director of the division of disability ~~aging~~, and rehabilitative services;

(6) superintendent of a state institution serving the handicapped; or

(7) superintendent of a school corporation;

who diagnoses, treats, provides, or cares for a person with a disability shall report the disabling condition to the state department within sixty (60) days.

(b) Each:

(1) physician holding an unlimited license to practice medicine; or

(2) optometrist licensed under IC 25-24-1;

shall file a report regarding a blind or visually impaired person with the office of the secretary of family and social services in accordance with IC 12-12-9.

SECTION 93. IC 20-26-11-2.5, AS ADDED BY SEA 39-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) In the case of a student described in section 2(3) of this chapter, the:

(1) parent granted physical custody by a court; or

(2) student, if the student is at least eighteen (18) years of age; may, not later than fourteen (14) days before the first student day of the school year, elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the ~~resident residence~~ of the student's father.

(b) An election under subsection (a) may be made only on a yearly basis.

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

SECTION 94. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

(1) by or with the consent of the division of family and children;

(2) by a court order; or

(3) by a child placing agency licensed by the division of family and children;

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

(1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and

(2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall

notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under ~~IC 20-35-2-1(c)(5)~~. IC 20-35-2-1(b)(5).

(c) A student who is placed in:

- (1) an institution operated by the division of disability ~~aging~~, and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability ~~aging~~, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

- (1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and
- (2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 95. IC 20-34-3-15, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) Whenever the test required under section 14 of this chapter discloses that the hearing of a student is impaired and the student cannot be taught advantageously in regular classes, the governing body of the school corporation shall provide appropriate remedial measures and correctional devices. The governing body shall advise the student's parent of the proper medical care, attention, and treatment needed. The governing body shall provide approved mechanical auditory devices and prescribe courses in lip reading by qualified, competent, and approved instructors. The state superintendent and the director of the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services shall:

- (1) cooperate with school corporations to provide assistance under this section; and
- (2) provide advice and information to assist school corporations in complying with this section.

The governing body may adopt rules for the administration of this section.

(b) Each school corporation may receive and accept bequests and donations for immediate use or as trusts or endowments to assist in meeting costs and expenses incurred in complying with this section. When funds for the full payment of the expenses are not otherwise available in a school corporation, an unexpended balance in the state treasury that is available for the use of local schools and is otherwise unappropriated may be loaned to the school corporation for that purpose by the governor. A loan made by the governor under this section shall be repaid to the fund in the state treasury from which the loan came not more than two (2) years after the date it was advanced. Loans under this section shall be repaid through the levying of taxes in the borrowing school corporation.

SECTION 96. IC 20-35-2-1, AS ADDED BY P.L.218-2005,

SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

- (A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability ~~aging~~, and rehabilitative services, and the division of mental health and addiction.
- (B) Coordinate the work of schools described in clause (A).

For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

- (2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.
- (3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.
- (4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.
- (5) To adopt, with the approval of the state board, the following:

- (A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.
- (B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

- (A) The number of teacher aides recommended for each exceptionality included within the class size ranges.
- (B) The role of the teacher aide.
- (C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-17-15-7 to ensure that the preschool special education programs required IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-17-15.

(c) The director or the state board may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 97. IC 20-35-3-1, AS ADDED BY P.L.218-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four

(4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

- (1) citizens of Indiana;
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:
 - (A) The commissioner of the state department of health or the commissioner's designee.
 - (B) The director of the division of disability ~~aging~~, and rehabilitative services or the director's designee.
 - (C) The director of the division of mental health and addiction or the director's designee.
 - (D) The director of the division of family and children or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative from each of the following:
 - (A) The Indiana School for the Blind and Visually Impaired board.
 - (B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:

- (1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
- (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
- (3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
- (4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
- (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
- (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
- (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

- (1) Organize with a chairperson selected by the state superintendent.
- (2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

- (1) Designate the director to act as executive secretary of the state advisory council.
- (2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed

to the state advisory council are required for the state advisory council to take action.

SECTION 98. IC 20-35-4-10, AS AMENDED BY HEA 1040-2006, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) For purposes of this section, "comprehensive plan" means a plan for educating the following:

- (1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter.
- (2) The additional children with disabilities that the school corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

- (1) The Indiana School for the Blind and Visually Impaired board.
- (2) The Indiana School for the Deaf board.

(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-2, the state board may:

- (1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two (22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and
- (2) use agencies that serve children with disabilities other than the public schools.

(e) The state board shall adopt rules under IC 4-22-2 requiring the:

- (1) department of correction;
- (2) state department of health;
- (3) division of disability ~~aging~~, and rehabilitative services;
- (4) Indiana School for the Blind and Visually Impaired board;
- (5) Indiana School for the Deaf board; and
- (6) division of mental health and addiction;

to submit to the state superintendent a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The state superintendent shall furnish professional consultant services to school corporations and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.

SECTION 99. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

- (1) Public school corporations that operate programs individually or cooperatively with other school corporations.
- (2) Community agencies operated or supported by the office of the secretary of family and social services.
- (3) State developmental centers operated by the division of disability ~~aging~~, and rehabilitative services.
- (4) State hospitals operated by the division of mental health and addiction.
- (5) State schools and programs operated by the state department of health.
- (6) Programs operated by the department of correction.
- (7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the division of family and children, or other public entity.

SECTION 100. IC 20-35-7-8, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The division of disability ~~aging~~, and rehabilitative services, the division of mental health and addiction, and the department of workforce development shall

provide each school corporation with written material describing the following:

- (1) The adult services available to students.
- (2) The procedures to be used to access those services.

(b) The material shall be provided in sufficient numbers to allow each student and, if the student's parent is involved, each student's parent to receive a copy at the annual case review if the purpose of the meeting is to discuss transition services.

SECTION 101. IC 20-35-7-11, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The division shall monitor public agency compliance with the requirements of this chapter as part of the division's ongoing program monitoring responsibilities.

(b) The division of disability ~~aging~~, and rehabilitative services shall monitor compliance with this chapter by vocational rehabilitation services programs.

(c) The division and the division of disability ~~aging~~, and rehabilitative services shall confer, at least annually, to do the following:

- (1) Review compliance with the requirements of this chapter.
- (2) Ensure that students with disabilities are receiving appropriate and timely access to services.

SECTION 102. IC 20-35-8-2, AS ADDED BY P.L.218-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

- (1) The student's first entrance and final departure each school year.
- (2) Round trip transportation each school holiday period.
- (3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

- (1) The quotient of:
 - (A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by
 - (B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).
- (2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) If a student receives a special education:

- (1) in a facility operated by:
 - (A) the state department of health;
 - (B) the division of disability ~~aging~~, and rehabilitative services; or
 - (C) the division of mental health and addiction;
- (2) at the Indiana School for the Blind and Visually Impaired; or
- (3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

(d) If a student is placed in a private facility under IC 20-35-6-2 in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall

pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

SECTION 103. IC 22-1-5-2, AS ADDED BY P.L.212-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "companion type services" refers to services described in ~~IC 12-10-17-2(2)~~; IC 12-10-17.1-2(2).

SECTION 104. IC 22-3-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As used in this section, "volunteer worker" means a person who:

- (1) performs services:
 - (A) for a state institution (as defined in IC 12-7-2-184); and
 - (B) for which the person does not receive compensation of any nature; and
- (2) has been approved and accepted as a volunteer worker by the director of:
 - (A) the division of disability ~~aging~~, and rehabilitative services; or
 - (B) the division of mental health and addiction.

(b) Services of any nature performed by a volunteer worker for a state institution (as defined in IC 12-7-2-184) are governmental services. A volunteer worker is subject to the medical benefits described under this chapter through IC 22-3-6. However, a volunteer worker is not under this chapter through IC 22-3-6.

SECTION 105. IC 22-3-12-2, AS AMENDED BY P.L.2-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. When any compensable injury requires the filing of a first report of injury by an employer, the employer's worker's compensation insurance carrier or the self-insured employer shall forward a copy of the report to the central office of the division of disability ~~aging~~, and rehabilitative services, rehabilitation services bureau at the earlier of the following occurrences:

- (1) When the compensable injury has resulted in temporary total disability of longer than twenty-one (21) days.
- (2) When it appears that the compensable injury may be of such a nature as to permanently prevent the injured employee from returning to the injured employee's previous employment.

SECTION 106. IC 25-22.5-1-2, AS AMENDED BY P.L.212-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.

(5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.

(6) A person administering a domestic or family remedy to a member of the person's family.

(7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.

(8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

- (A) a physician;
- (B) a psychiatric hospital;
- (C) a hospital;
- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;
- (F) a dentist;
- (G) a registered or licensed practical nurse;
- (H) a midwife;

- (I) an optometrist;
- (J) a podiatrist;
- (K) a chiropractor;
- (L) a physical therapist; or
- (M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under ~~IC 12-10-17~~ **IC 12-10-17.1**.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 107. IC 25-23-1-27.1, AS AMENDED BY P.L.212-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.1. (a) As used in this section, "licensed health professional" means:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (4) a licensed dentist;
- (5) a licensed chiropractor;
- (6) a licensed optometrist;
- (7) a licensed pharmacist;
- (8) a licensed physical therapist;
- (9) a licensed psychologist;
- (10) a licensed podiatrist; or
- (11) a licensed speech-language pathologist or audiologist.

(b) This chapter does not prohibit:

- (1) furnishing nursing assistance in an emergency;
- (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;
- (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;
- (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;
- (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:
 - (A) with personal care;
 - (B) in the administration of a domestic or family remedy; or
 - (C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;
- (6) performance of tasks by persons who provide health care

services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;

(7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession;

(8) a school corporation or school employee from acting under IC 34-30-14;

(9) a personal services attendant from providing authorized attendant care services under ~~IC 12-10-17~~; **IC 12-10-17.1**; or

(10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

SECTION 108. IC 25-23.6-1-3.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family and children, the division of mental health and addiction, the division of disability ~~aging~~, and rehabilitative services, **the division of aging**, the department of correction, or the state department of health in one (1) of the following classifications:

(1) 2AA3 Behavioral clinician 3.

(2) 2AA4 Behavioral clinician 4.

(3) 2AA5 Clinical associate 5.

(4) 2FL1 Mental health administrator 1.

(5) 2FL2 Mental health administrator 2.

(6) 2FL3 Mental health administrator 3.

(7) 2AN3 Substance abuse counselor 3.

(8) 2AN4 Substance abuse counselor 4.

(9) 2AN5 Substance abuse counselor 5.

(10) 2AH2 Social services specialist 2.

(11) 2AH3 Social services specialist 3.

(12) 2AH4 Social services specialist 4.

(13) 2AI1 Psychiatric services director 1.

(14) 2AE2 Psychiatric social services specialist 2.

(15) 2AE3 Psychiatric social services specialist 3.

SECTION 109. IC 27-8-12-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.1. The department of insurance shall adopt rules under IC 4-22-2 that establish standards for the qualification of a long term care policy under IC 12-15-39.6. The rules must include the following:

(1) The standards adopted under section 7 of this chapter.

(2) The requirement that an insurer or other person who issues a qualified long term care policy must at a minimum offer to each policyholder or prospective policyholder a policy that provides both:

(A) long term care facility coverage; and

(B) home and community care coverage.

(3) A provision that an insurer or other person who complies with subdivision (2) may elect to also offer a qualified long term care policy that provides only long term care facility coverage.

(4) The submission of data by insurers that will allow the department of insurance, the office of Medicaid policy and planning, and the division of ~~disability aging and rehabilitative services~~ to administer the Indiana long term care program under IC 12-15-39.6.

(5) Other standards needed to administer the Indiana long term care program.

SECTION 110. IC 29-3-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The chief of social services (or a person designated by the chief of social services) at any institution under the control of the division of mental health and addiction or the division of disability ~~aging~~, and rehabilitative services may execute the necessary documents to make applications on behalf of a patient in the institution to receive public assistance or to transfer the patient to an alternate care facility without the appointment of a guardian or other order of court.

SECTION 111. IC 34-30-2-43.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43.9. ~~IC 12-10-17-13(b)~~ **IC 12-10-17.1-14(b)** (Concerning actions of a personal services attendant).

SECTION 112. IC 35-46-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A person who:

(1) believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation as prohibited by this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E); and

(2) knowingly fails to report the facts supporting that belief to the division of disability ~~aging~~, and rehabilitative services, **the division of aging**, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a Class B misdemeanor.

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of ~~disability aging and rehabilitative services~~ under IC 12-10-3-12 through IC 12-10-3-16 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E) shall immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction.

SECTION 113. IC 36-2-14-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

(1) The name, age, address, sex, and race of the deceased.

(2) The address where the dead body was found, or if there is no address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

(A) the probable cause of death;

(B) the probable manner of death; and

(C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner

shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of:

- (1) the director of the division of disability ~~aging~~, and rehabilitative services established by IC 12-9-1-1; ~~or~~
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; ~~or~~
- (3) **the director of the division of aging established by IC 12-9.1-1-1;**

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

SECTION 114. [EFFECTIVE JULY 1, 2006] **(a) As used in this SECTION, "program" refers to the self-directed in-home care program under IC 12-10-17.1, as added by this act.**

(b) The office of the secretary of family and social services established by IC 12-8-1-1 shall submit a report in electronic format under IC 5-14-6 to the legislative council before November 1, 2009, concerning the:

- (1) implementation; and**
- (2) outcome;**

of the program.

(c) This SECTION expires December 31, 2010.

SECTION 115. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-10-17; IC 12-24-1-10.

SECTION 116. [EFFECTIVE JULY 1, 2006] **(a) The office of Medicaid policy and planning shall do the following:**

- (1) Study possible changes to the state Medicaid program or other new programs that would limit or restrict a future increase in the number of Medicaid recipients in health facilities licensed under IC 16-28.**
- (2) Prepare a comprehensive cost comparison of Medicaid and Medicaid waiver services and other expenditures in the following settings:**
 - (A) Home care.**
 - (B) Community care.**
 - (C) Health facilities.**

The cost comparison must include a comparison of similar services that are provided in the different settings.

(b) Before October 1, 2006, the office of Medicaid policy and planning shall report its findings under subsection (a) to the select joint commission on Medicaid oversight established by IC 2-5-26-3.

(c) This SECTION expires January 1, 2007.

SECTION 117. **An emergency is declared for this act.**

(Reference is to ESB 41 as reprinted February 17, 2006.)

MILLER	T. BROWN
SIPES	C. BROWN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 338 and 339.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1212.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 84.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 296.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 362.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Tuesday, March 14, 2006 at 9:00 a.m.

T. BROWN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Wolkins, the House adjourned at 11:35 p.m., this thirteenth day of March, 2006, until Tuesday, March 14, 2006, at 9:00 a.m.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

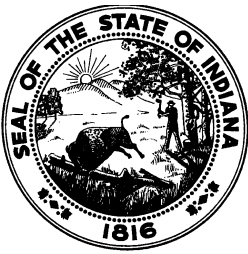
Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bill 1353.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 12, 77, 106, 112, 202, 266, 284, 305, 321, 340, and 355.

MARY C. MENDEL
Principal Secretary of the Senate



Journal of the House

State of Indiana

114th General Assembly

Second Regular Session

Twenty-ninth Meeting Day

Tuesday Morning

March 14, 2006

The House convened at 9:00 a.m. with Speaker Brian C. Bosma in the Chair.

The Pledge of Allegiance to the Flag was led by Representative Randy L. Borrer.

The Speaker ordered the roll of the House to be called:

Aguilera	Koch
Austin	Kromkowski
Avery	Kuzman
Ayres	L. Lawson
Bardon	Lehe
Bauer	Leonard
Behning	J. Lutz
Bell	Mahern
Bischoff	Mays
Borders	McClain
Borrer	Messer
C. Bottorff	Micon
Bright	Moses
C. Brown	Murphy
T. Brown	Neese
Buck	Noe
Budak	Orentlicher
Buell	Oxley
Burton	Pelath
Cheney	Pflum
Cherry	Pierce
Cochran	Pond
Crawford	Porter
Crooks	Reske
Crouch	Richardson
Davis	Ripley
Day	Robertson
Denbo	Ruppel
Dickinson	Saunders
Dobis	J. Smith
Dodge	V. Smith
Duncan	Stevenson
Dvorak	Stilwell
Espich	Stutzman
Foley	Summers
Friend	Thomas
Frizzell	Thompson
Fry	Tincher
GiaQuinta	Torr
Goodin	Turner
Grubb	Tyler
Gutwein	Ulmer
E. Harris	VanHaaften
T. Harris	Walorski
Heim	Welch
Hinkle	Whetstone
Hoffman	Wolkins
Hoy	Woodruff
Kersey	Yount
Klinker	Mr. Speaker

Roll Call 448: 100 present. The Speaker announced a quorum in attendance.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Governor has this 13th day of March, 2006, approved Senate Enrolled Acts 33, 36, 39, 69, 146, 151, 154, 169, 173, 191, 201, 205, 308, and 374 and the same have been deposited with the Secretary of State.

MARY C. MENDEL
Principal Secretary of the Senate

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1227 and that the House now concur in the Senate amendments to said bill.

BUDAK

Roll Call 449: yeas 89, nays 0. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House reconsider its actions whereby it dissented from the Senate amendments to Engrossed House Bill 1420 and that the House now concur in the Senate amendments to said bill.

T. BROWN

Roll Call 450: yeas 69, nays 23. Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1267.

BORROR

Roll Call 451: yeas 51, nays 46. Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1011 because it conflicts with HEA 1156-2006 without properly recognizing the existence of HEA 1156-2006, has had Engrossed House Bill 1011 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1011 be corrected as follows:

Page 81, line 7, delete "P.L.2-2005," and insert "HEA 1156-2006, SECTION 13,".

Page 81, delete line 8.

Page 81, line 9, delete "CORRECTED AND".

Page 81, line 17, delete "1996 2008" and insert "2008".

Page 81, line 20, delete "2000 2006" and insert "2006".

Page 81, line 21, delete "nine (9)" and insert "ten (10)".

Page 81, line 28, delete "IC 3-11-2. IC 3-11." and insert "IC 3-11.".

Page 81, line 29, delete "1996 2008" and insert "2008".

Page 81, line 31, delete "fifteen (15)" and insert "sixteen (16)".

Page 81, line 32, delete "2000 2006" and insert "2006".

Page 81, line 33, delete "seventeen".

Page 81, line 34, delete "(17)" and insert "twenty (20)".
(Reference is to EHB 1011 as reprinted February 24, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
RICHARDSON, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1212 because it conflicts with SEA 71-2006 without properly recognizing the existence of SEA 71-2006, has had Engrossed House Bill 1212 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1212 be corrected as follows:

Page 25, delete lines 28 through 29, begin a new line block indented and insert:

"(4) The exemptions under IC 6-1.1-10-2, IC 6-1.1-10-4, and IC 6-1.1-10-5 do not apply to assessments imposed under this chapter.

(d) Not later than June 1 of each year, the county treasurer shall, in the manner specified by the state land office, send to the state land office a list of all properties:

(1) for which one (1) or more assessment payments under this section are delinquent; and

(2) that are owned by:

(A) the state; or

(B) a state agency."

(Reference is to EHB 1212 as reprinted March 2, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
DODGE, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 84 because it conflicts with SEA 246-2006 without properly recognizing the existence of SEA 246-2006, has had Engrossed Senate Bill 84 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 84 be corrected as follows:

Page 1, line 1, after "IC 11-13-3-4" insert ", AS AMENDED BY SEA 246-2006, SECTION 2,".

Page 3, line 1, delete "parole, unless the offender obtains written" and insert "parole;".

Page 3, line 2, delete "approval from the parole board;".

Page 3, line 5, after "offense" insert ".".

Page 3, line 5, delete "unless".

Page 3, delete lines 6 through 10.

Page 3, line 13, delete "confidential, even if the offender obtains a waiver under" and insert "confidential.".

Page 3, delete line 14.

(Reference is to ESB 84 as printed February 14, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
FOLEY, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 153 because it conflicts with SEA 132 AND HEA 1040-2006 without properly recognizing the existence of SEA 132 AND HEA 1040-2006, has had Engrossed Senate Bill 153 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 153 be corrected as follows:

Page 9, line 38, after "IC 31-14-11-11" insert ", AS AMENDED BY SEA 132-2006, SECTION 225,".

Page 9, line 42, delete "IC 12-17-2" and insert "IC 31-25-3 or IC 31-25-4".

Page 23, line 41, after "IC 33-32-4-5" insert ", AS AMENDED BY SEA 132-2006, SECTION 366,".

Page 24, line 15, delete "division of family and children;".

Page 24, line 15, reset in roman "department of child services".

Page 25, line 3, after "IC 33-37-5-6" insert ", AS AMENDED BY HEA 1040-2006, SECTION 508,".

Page 25, line 26, delete ", IC 33-37-7-1(g),".

(Reference is to ESB 153 as reprinted February 28, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
RICHARDSON, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 296 because it conflicts with HEA 300-2006 without properly recognizing the existence of HEA 300-2006, has had Engrossed Senate Bill 296 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 296 be corrected as follows:

Page 1, line 1, after "IC 5-2-6.1-41" insert ", AS AMENDED BY SEA 300-2006, SECTION 19,".

Page 1, line 4, reset in roman "IC 34-51-3-6,".

(Reference is to ESB 296 as printed February 22, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
FOLEY, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 362 because it conflicts with SEA 132-2006 without properly recognizing the existence of SEA 132-2006, has had Engrossed Senate Bill 362 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 362 be corrected as follows:

Page 6, line 9, after "IC 6-8.1-7-1" insert ", AS AMENDED BY SEA 132-2006, SECTION 19,".

Page 6, line 39, delete "and".

Page 6, line 40, delete "children,".

Page 6, line 40, reset in roman "resources,".

(Reference is to ESB 362 as reprinted February 28, 2006.)

WHETSTONE, Chair
PELATH, R.M.M.
TURNER, Sponsor

Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1008 Conferees: Espich replacing Bauer

EHB 1315 Advisor: Mays

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1110-1; filed March 14, 2006, at 10:10 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1110 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-5.5-14 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.
- (2) Repayment proceeds of loans made from the fund.
- (3) Gifts and donations.
- (4) Money from the solid waste management fund.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

- (1) persons in establishing new recycling businesses;
- (2) in the expansion of existing recycling businesses; and
- (3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

- (1) amounts;
- (2) terms; and
- (3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

(i) The board may transfer money in the fund to the state solid waste management fund established by IC 13-20-22-2 for use by the department of environmental management to make payments under IC 13-20-17.7-6.

SECTION 2. IC 13-11-2-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.3. (a) "Automotive salvage recycler", for purposes of this chapter, means a business that:**

- (1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;**
- (2) dismantles and processes the vehicles or remains for the reclamation and sale of reusable components and parts; and**
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 3. IC 13-11-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. (a) "Automobile scrapyard", for purposes of this chapter, means a business organized for any of the following purposes:**

- (1) Processing scrap metal.**
- (2) Wrecking automobiles.**
- (3) Operating a junkyard.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 4. IC 13-11-2-66.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 66.9. (a) "End of life vehicle", for purposes of IC 13-20-17.7, means a motor vehicle that is:**

- (1) sold; or**
- (2) otherwise conveyed;**

to a motor vehicle recycler for the purpose of recycling.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 5. IC 13-11-2-71, AS AMENDED BY SEA 234-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 71. "Environmental management laws" refers to the following:**

- (1) IC 13-12-2 and IC 13-12-3.**
- (2) IC 13-13.**
- (3) IC 13-14.**
- (4) IC 13-15.**
- (5) IC 13-16.**

(6) IC 13-17-3-15, IC 13-17-8-10, IC 13-17-10, and IC 13-17-11.

(7) IC 13-18-12 and IC 13-18-15 through IC 13-18-20.

(8) IC 13-19-1 and IC 13-19-4.

(9) IC 13-20-1, IC 13-20-2, IC 13-20-4 through IC 13-20-15, IC 13-20-17.7, and IC 13-20-19 through IC 13-20-21.

(10) IC 13-22.

(11) IC 13-23.

(12) IC 13-24.

(13) IC 13-25-1 through IC 13-25-5.

(14) IC 13-27-8.

(15) IC 13-30, except IC 13-30-1.

SECTION 6. IC 13-11-2-104.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 104.5. (a) "Hulk crusher", for purposes of this chapter, means an enterprise that engages in the business of handling and flattening, compacting, or otherwise demolishing motor vehicles or their remains for economical delivery to a scrap metal processor or other appropriate facility.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 7. IC 13-11-2-128.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 128.8. (a) "Mercury switch", for purposes of IC 13-20-17.7, means a convenience light switch that:**

(1) is located in the hood or trunk lid of a motor vehicle; and

(2) contains mercury.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 8. IC 13-11-2-130.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.1. (a) "Motor vehicle", for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a motorized bicycle.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 9. IC 13-11-2-130.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.2. (a) "Motor vehicle manufacturer", for purposes of this chapter, means a person that is engaged in the business of manufacturing or assembling new motor vehicles for sale to any of the following:**

- (1) Dealers.**
- (2) Wholesale dealers.**
- (3) Distributors.**
- (4) The general public.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 10. IC 13-11-2-130.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.3. (a) "Motor vehicle recycler", for purposes of IC 13-20-17.7, means any of the following:**

- (1) An automotive salvage recycler.**
- (2) An automobile scrapyard.**
- (3) A hulk crusher.**
- (4) A scrap metal processor.**
- (5) A vehicle disposal facility.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 11. IC 13-11-2-136.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 136.5. (a) "National mercury switch recovery program", for purposes of IC 13-20-17.7, means a national program:**

- (1) that accomplishes, as determined by the commissioner, the goals of IC 13-20-17.7; and**
- (2) in which the state participates.**

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 12. IC 13-11-2-196.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 196.5. (a) "Scrap metal processor", for purposes of this chapter, means a private, commercial, or governmental enterprise:

- (1) that has facilities for processing iron, steel, or nonferrous scrap; and
- (2) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.

(b) The term does not include a steel mill.

(c) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 13. IC 13-11-2-245.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 245.2. (a) "Vehicle disposal facility", for purposes of this chapter, means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

- (1) An automotive salvage recycler.
- (2) A hulk crusher.

(c) The term does not include a scrap metal processor.

(d) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 14. IC 13-14-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The officials collecting the following shall remit the money to the treasurer of state:

(1) Money collected under the following:

- (A) IC 13-30-4-1.
- (B) IC 13-30-4-2.
- (C) IC 13-30-5-1.

(2) Fees collected under IC 13-16-1-2 through IC 13-16-1-5.

(b) Except as provided in subsection (c), the treasurer of state shall credit the money to the environmental management special fund.

(c) With respect to the money collected under subsection (a)(1)(A) and (a)(1)(B):

(1) the commissioner may direct the treasurer of state to credit all or a part of the money to the solid waste management fund established by IC 13-20-22-2; and

(2) the treasurer of state shall:

- (A) credit money as directed by the commissioner under subdivision (1); and
- (B) credit to the environmental management special fund only money that is not credited under subdivision (1).

SECTION 15. IC 13-20-17.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 17.7. Mercury Switches in End of Life Vehicles

Sec. 1. (a) Except as provided in subsection (b), motor vehicle manufacturers engaged on July 1, 2006, in the business of offering motor vehicles for sale in Indiana shall, individually or collectively:

(1) develop a plan to:

- (A) remove;
- (B) collect;
- (C) recover; and
- (D) recycle or dispose of;

mercury switches from end of life vehicles;

(2) submit the plan to the commissioner before October 1, 2006; and

(3) implement the plan as required under section 4(b) of this chapter.

(b) Subsection (a) does not apply to a motor vehicle manufacturer that has never installed mercury switches in the manufacturer's motor vehicles.

Sec. 2. (a) A plan described in section 1 of this chapter must include the following:

(1) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:

(A) Educational materials about the program.

(B) Information identifying which end of life vehicles might contain mercury switches by make, model, and year of manufacture.

(C) Instructions on safe and environmentally sound methods to remove mercury switches.

(2) The provision of containers for collecting and storing mercury switches.

(3) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.

(4) Procedures for the recycling, storage, and disposal of mercury.

(5) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting measures of the effectiveness of the program, including the following:

(A) The number of mercury switches collected from end of life vehicles.

(B) The amount of mercury collected.

(6) Procedures for implementing the plan.

(b) The department shall:

(1) prepare an annual report that includes the information tracked under subsection (a)(5); and

(2) provide the report to:

(A) the legislative council in an electronic format under IC 5-14-6; and

(B) the environmental quality service council.

Sec. 3. Motor vehicle manufacturers that submit plans, individually or collectively, under this chapter shall pay the following costs incurred for implementing the plans:

(1) Educational materials.

(2) Training.

(3) Packaging for transporting mercury switches to recycling, storage, or disposal facilities.

(4) Shipping of mercury switches to recycling, storage, or disposal facilities.

(5) Recycling, storage, or disposal of mercury switches.

(6) Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination.

Sec. 4. (a) The commissioner shall do the following:

(1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice of a period of at least thirty (30) days during which the public may submit written comments on the plan to the commissioner.

(2) Not more than one hundred twenty (120) days after receiving a plan, determine whether the entire plan complies with this chapter and:

(A) if the entire plan complies with this chapter, approve the plan in its entirety;

(B) if no part of the plan complies with this chapter, reject the plan in its entirety; or

(C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall make a determination on a revised plan not more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section

1 of this chapter, the commissioner shall complete, on behalf of the manufacturer, any part of the plan that has not yet been approved.

(d) After a plan has been approved under this section, the commissioner shall:

(1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and

(2) work with the motor vehicle manufacturers to agree with the manufacturers on appropriate modifications to the plan.

(e) Motor vehicle manufacturers are not required to resubmit a plan modified under subsection (d) to the commissioner for approval.

Sec. 5. (a) Beginning thirty (30) days after the earliest date the commissioner approves a plan under section 4 of this chapter, a motor vehicle recycler is required to remove all mercury switches from each end of life vehicle the motor vehicle recycler receives upon receipt of the vehicle.

(b) After a mercury switch is removed from a vehicle, the mercury switch shall be collected, stored, transported, and otherwise handled in accordance with the plan approved under section 4 of this chapter.

(c) Notwithstanding subsection (a), a motor vehicle recycler may accept an end of life vehicle containing mercury switches that has not been intentionally flattened, crushed, or baled if the motor vehicle recycler assumes responsibility for removing the mercury switches.

(d) A motor vehicle recycler or any other person that removes mercury switches in accordance with this section shall maintain records that document the number of:

(1) end of life vehicles the person processed for recycling;

(2) end of life vehicles the person processed that contained mercury switches; and

(3) mercury switches the person collected.

A person that maintains records under this section shall retain the records for at least three (3) years.

(e) A person may not represent that mercury switches have been removed from a motor vehicle being sold or otherwise conveyed for recycling if the person has not removed the mercury switches from the vehicle.

(f) A motor vehicle recycler or other person that receives an intentionally flattened, crushed, or baled end of life vehicle may not be considered to be in violation of this section if a mercury switch is found in the vehicle after the person acquires the vehicle.

Sec. 6. (a) Subject to subsections (b), (c), and (d), a person is entitled to payment from the department for each mercury switch the person removes from an end of life vehicle under section 5(a) of this chapter.

(b) The commissioner shall establish:

(1) the amount of the payment under subsection (a), which must be:

(A) at least one dollar (\$1); and

(B) not more than five dollars (\$5);

per mercury switch; and

(2) a procedure for claims for payment under this section.

(c) The commissioner shall determine:

(1) whether to use money in the state solid waste management fund; and

(2) if the commissioner determines under subdivision (1) to use money in that fund, the amount of money from the fund to be used;

to make payments under this section.

(d) The department is required to make payments under this section only to the extent of the amount of money determined by the commissioner under subsection (c)(2).

Sec. 7. The board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

Sec. 8. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter is subject to the penalties set forth in the following:

(1) IC 13-30-4.

(2) IC 13-30-5.

(3) IC 13-30-6.

(4) IC 13-30-8.

Sec. 9. This chapter expires on the earlier of:

(1) the date on which a national mercury switch recovery program takes effect, as determined by the commissioner; or

(2) July 1, 2016.

SECTION 16. IC 13-20-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The state solid waste management fund is established to provide money for the following:

(1) Programs that provide grants and loans that provide education and promote the following:

(A) Recycling and the use of recycled materials.

(B) Waste reduction.

(C) Management of yard waste.

(2) Providing grants to implement household hazardous waste source reduction or recycling projects.

(3) Providing grants for household hazardous waste and conditionally exempting small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(4) **Payments by the department under IC 13-20-17.7-6.**

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are the following:

(1) All fees deposited into the fund under section 12(2) of this chapter.

(2) Accrued interest and other investment earnings of the fund.

(3) Appropriations made by the general assembly.

(4) Gifts and donations from any person to the fund.

(5) **Civil penalties imposed under IC 13-30-4 and fines imposed under IC 13-30-6 for violations of IC 13-20-17.7.**

(6) **Subject to subsection (f), assets assigned and other contributions made by persons.**

(7) **Transfers from the Indiana recycling promotion and assistance fund under IC 4-23-5.5-14(i).**

(8) **Money credited to the fund from the environmental management special fund under IC 13-14-12-1(c).**

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) **Money in the fund resulting from assets assigned and other contributions made under subsection (c)(6) may be used only by the department of environmental management to make payments under IC 13-20-17.7-6.**

(Reference is to EHB 1110 as reprinted February 28, 2006.)

T. BROWN

GARD

C. BROWN

TALLIAN

House Conferees

Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 303-1; filed March 14, 2006, at 10:23 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 303 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-16-1-7, AS ADDED BY P.L.221-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.**

~~(a)~~ **(b)** On each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~, IC 3-5-2-18), all full service license branches **that provide state identification cards** must remain open

from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

~~(b)~~ **(c)** On the day before each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~, **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

~~(c)~~ **(d)** The commission shall:

- (1) designate another day as **compensatory** time off; or
- (2) authorize overtime pay;

for license branch personnel required to work on an election day.

SECTION 2. IC 9-23-2-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. (a) A person licensed under this article shall be issued a special event permit from the bureau for a special event meeting the following conditions:**

- (1) The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.**
- (2) The vehicles to be auctioned are:**
 - (A) at least fifteen (15) years old; or**
 - (B) classified as classic, collector, or antique vehicles under rules adopted by the bureau.**
- (3) At least one hundred (100) vehicles will be auctioned during the special event.**
- (4) An application for a special event permit has been submitted to the bureau not later than thirty (30) days before the beginning date of the special event.**
- (5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.**

(b) Not more than two (2) special event permits may be issued by the bureau within a twelve (12) month period to the same applicant.

SECTION 3. IC 9-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as provided in section 6 or 7 of this chapter, an individual must have a valid Indiana:

- (1) operator's license;
- (2) chauffeur's license;
- (3) public passenger chauffeur's license;
- ~~(4) learner's permit;~~
- ~~(5) (4) commercial driver's license; or~~
- ~~(6) (5) driver's license listed in subdivision (1), (2), (3) or (4) with a motorcycle operator's license or endorsement; or~~
- (6) learner's permit;**

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

SECTION 4. IC 9-24-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Except as provided in section 3 of this chapter, an individual must meet one (1) of the following conditions to receive an operator's license:

- (1) The applicant meets the following conditions:
 - (A) Is at least sixteen (16) years and thirty (30) days of age.
 - (B) Has held a valid learner's permit at least sixty (60) days.
 - (C) Has obtained an instructor's certification that the applicant has satisfactorily completed an approved driver education course.
 - (D) Has passed the required examination.**
- (2) The applicant meets the following conditions:
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age.
 - (B) Has held a valid learner's permit for at least sixty (60) days.
 - (C) Has passed the required examination.
- ~~(3) The applicant meets the following conditions:~~
 - ~~(A) Is at least eighteen (18) years of age;~~
 - ~~(B) Has operated a motor vehicle for at least one (1) year;~~
 - ~~(C) Passes the required examination.~~
- ~~(4) (3) The applicant meets the following conditions:~~
 - ~~(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.~~

(B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.

(C) Passes the required examination.

~~(5) (4) The applicant meets the following conditions:~~

- ~~(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.~~
- ~~(B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.~~
- ~~(C) Has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.~~
- ~~(D) Passes the required examination.~~

SECTION 5. IC 9-24-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

- (1) Satisfies the age requirements described in section 2 of this chapter.
- (2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.
- (3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.
- (4) Has operated a motor vehicle for ~~one (1) year;~~ **at least two (2) years.**
- (5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.
- (6) Pays the fee prescribed in IC 9-29-9.
- (7) Is at least eighteen (18) years of age.**

SECTION 6. IC 9-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~(a) Except as provided in subsection (b);~~ An individual must be at least ~~twenty-one (21)~~ **eighteen (18)** years of age to receive a public passenger chauffeur's license.

~~(b) A public passenger chauffeur's license may be issued to an individual who is at least eighteen (18) years of age for the purpose of driving a taxicab only. An application for the license must be endorsed by the parent or guardian of the individual as well as by a licensed taxicab company.~~

SECTION 7. IC 9-24-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A public passenger chauffeur's license entitles the licensee to operate any motor vehicle, except a **commercial vehicle or a motorcycle**, upon a highway.

SECTION 8. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who **is at least twenty-one (21) years of age and** holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (4) While:
 - (A) the holder is enrolled in an approved driver education course;
 - (B) the holder is participating in practice driving after having commenced an approved driver education course; and
 - (C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 9. IC 9-24-8-4, AS AMENDED BY HEA 1286-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsections (c) and (d), the bureau shall:

- (1) issue a motorcycle operator's license; or
- (2) validate an operator's, a chauffeur's, or a public passenger chauffeur's license for motorcycle operation upon a highway by endorsement;

to a person who meets the conditions in subsection (b).

(b) A person must meet at least one (1) of the following conditions to obtain a license or validation under subsection (a):

~~(1) Satisfactorily complete an approved motorcycle driver education and training course and pass the written test required by this section;~~

~~(2) (1) Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and:~~

~~(A) satisfactorily complete the an approved operational skills test; or~~

~~(B) satisfactorily complete a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9.~~

~~(3) (2) Hold a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully complete the written test.~~

(c) The bureau may not issue a motorcycle operator's license or endorsement to an individual less than sixteen (16) years and thirty (30) days of age.

(d) If an applicant for a motorcycle license or license endorsement is less than eighteen (18) years of age, the bureau may not issue a license or validate a license described in subsection ~~(a)(2)~~ (a) if the applicant is ineligible under IC 9-24-2-1.

(e) The bureau shall develop and implement both a written test and an operational skills test that must be designed to determine whether an applicant for a motorcycle operator's license or endorsement is competent to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules by July 1, 2007, under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle operator's license or endorsement must pass the ~~operational skills test~~ **written exam** before taking the ~~written exam: operational skills test~~. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning motorcycle operator licensing or endorsement.

(f) An individual who:

(1) has held a motorcycle learner's permit for at least ~~two (2) months;~~ **thirty (30) days;** or

(2) holds a temporary motorcycle learner's permit, has successfully completed an approved motorcycle driver education and training course, and possesses a valid operator's, chauffeur's, or public passenger chauffeur's license;

may apply for a motorcycle operator's license or endorsement not later than the expiration date of the holder's permit. However, not more than three (3) examinations may be allowed a holder during the period the permit is valid. A holder of a learner's permit or a temporary learner's permit who does not pass the written and operating skills examination during the period for which the permit is valid must obtain a new learner's permit.

SECTION 10. IC 9-24-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application of an individual less than eighteen (18) years of age for a permit or license under this chapter must be signed and sworn to or affirmed by one (1) of the following **in order of preference**:

(1) The parent having custody of the minor applicant **or a designee of the custodial parent specified by the custodial parent.**

(2) The noncustodial parent (as defined in IC 31-9-2-83) of

the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent.

~~(2) (3) The guardian having custody of the minor applicant.~~

~~(3) If neither parent is living in Indiana and the applicant has no guardian, the person having custody or an employer of the minor applicant;~~

~~(4) If there is no parent, guardian, or employer, In the absence of a person described in subdivisions (1) through (3), any other responsible individual adult who is willing to assume the obligations imposed by the provisions of this chapter.~~

SECTION 11. IC 9-24-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

~~(1) is valid for not more than four (4) years from the date the license is issued;~~

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

SECTION 12. IC 9-24-12-1, AS AMENDED BY HEA 1103-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b) and section 10 of this chapter, an operator's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 and 11 of this chapter, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in ~~subsection~~ **subsections (b) and (d)** and sections 10 and 11 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires at midnight of the twenty-first birthday of the holder.

SECTION 13. IC 9-24-12-2, AS AMENDED BY HEA 1103-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, and except as provided in **subsection (c)** and sections 10 and 11 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Except as provided in subsection (b) and section 10 of this chapter, a chauffeur's license issued after June 30, 2006, to an

applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 14. IC 9-24-12-5, AS AMENDED BY P.L.210-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. An individual applying for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

- (1) Pass an eyesight examination.
- (2) Pass a written examination if:
 - (A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or
 - (B) the applicant holds a valid operator's license, ~~but~~ has not reached the applicant's twenty-first birthday, **and has active points on the applicant's driving record maintained by the bureau.**

SECTION 15. IC 9-24-12-7, AS AMENDED BY HEA 1103-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Except as provided in subsection (b) and section 10 of this chapter, a motorcycle operator's license issued after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 and 11 of this chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b) and section 11 of this chapter, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.~~

SECTION 16. IC 9-29-3-8, AS AMENDED BY P.L.210-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a) The service charge for each of the first two thousand (2,000) operator's licenses including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). This subsection expires December 31, 2005.~~

~~(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). This subsection expires December 31, 2005.~~

~~(c) (a) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.~~

~~(d) (b) After December 31, 2005, The service charge for an operator's license is three dollars (\$3).~~

SECTION 17. IC 9-29-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.5. The permit fee for a special event permit issued under IC 9-23-2-16 is two hundred fifty dollars (\$250).**

SECTION 18. IC 9-29-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. All money collected by the bureau from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses **and permit fees** under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5.

SECTION 19. IC 9-29-9-2, AS AMENDED BY P.L.210-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~(a) The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars (\$6). This subsection expires December 31, 2005.~~

~~(b) After December 31, 2005; (a) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual~~

who is:

- (1) less than seventy-five (75) years of age is nine dollars (\$9); and
- (2) at least seventy-five (75) years of age is six dollars (\$6).

(b) After June 30, 2006, the fee for a probationary license issued under IC 9-24-11-3(d) is six dollars (\$6).

SECTION 20. IC 9-29-9-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.**

SECTION 21. IC 9-29-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Each application for an original or a renewal school license fee under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) **corporate check;** or
- (3) United States postal money order;

in the amount of one hundred dollars (\$100).

SECTION 22. IC 9-29-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Each application for an original or a renewal instructor's license under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) **corporate check;** or
- (3) United States postal money order;

in the amount of ten dollars (\$10).

SECTION 23. IC 10-11-2-26, AS AMENDED BY P.L.210-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21.
- (15) IC 9-24-1-1 through ~~IC 9-24-1-3~~ **IC 9-24-1-2.**
- (16) IC 9-24-1-7.
- (17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
- (18) IC 9-24-4.
- (19) IC 9-24-5.
- (20) IC 9-24-11-4.
- (21) IC 9-24-13-3.
- (22) IC 9-24-18-1 through IC 9-24-18-2.
- (23) IC 9-25-4-3.
- (24) IC 9-28-4.
- (25) IC 9-28-5.
- (26) IC 9-28-6.
- (27) IC 9-29-5-11 through IC 9-29-5-13.
- (28) IC 9-29-5-42.
- (29) IC 9-29-6-1.
- (30) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
- (31) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned

under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 24. IC 24-4-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **This section does not apply to a person that holds a special event permit issued under IC 9-23-2-16.**

(b) A person who engages in the business of buying, selling, or trading motor vehicles on Sunday commits a Class B misdemeanor.

SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 9-24-1-3; IC 9-24-12-8.

SECTION 26. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 9-23-2-16 (a), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it by IC 9-23-2-16(a), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.**

(b) **This SECTION expires the earlier of the following:**

(1) **The date rules are adopted under IC 9-23-2-16(a), as added by this act.**

(2) **December 31, 2007.**

SECTION 27. **An emergency is declared for this act.**

(Reference is to ESB 303 as reprinted March 2, 2006.)

KRUSE	DAVIS
L. LUTZ	T. HARRIS
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 87-1; filed March 14, 2006, at 10:36 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 87 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 7, delete lines 16 through 40.

Page 8, line 22, delete "15-9-2-4" and insert "15-9-2-4.5".

Page 8, line 24, delete "4" and insert "4.5".

Renumber all SECTIONS consecutively.

(Reference is to ESB 87 as reprinted February 24, 2006.)

JACKMAN	GUTWEIN
R. YOUNG	GRUBB
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1380-1; filed March 14, 2006, at 10:55 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1380 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development and taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-1.1-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. **The legislative services agency, under the direction of the legislative council, shall establish a process that permits small business impact comments concerning proposed legislation to be posted on the general assembly's web site after submission by the office of management and budget under IC 4-3-22-16.**

SECTION 2. IC 4-3-22-16 IS ADDED TO THE INDIANA CODE

AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) **As used in this section, "coordinator" means the following:**

(1) **A small business regulatory coordinator (as defined in IC 4-22-2-28.1(b)).**

(2) **An ombudsman designated under IC 13-28-3-2.**

(b) **Each coordinator may review proposed legislation affecting the small businesses that are regulated by the agency or that would be regulated by the agency under proposed legislation. A coordinator may submit to the OMB written comments concerning the impact of proposed legislation on small business.**

(c) **The OMB may review comments received under subsection (b). The OMB may amend the comments. After completing its review, the OMB shall transmit the comments to the legislative services agency for posting on the general assembly's web site. The comments submitted under this section shall be transmitted electronically in a format suitable for posting to the general assembly's web site as determined by the legislative services agency.**

SECTION 3. IC 6-2.5-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 41. (a) **As used in this section, "motion picture production" means:**

(1) **a feature length film, including a short feature and an independent or studio production, or a documentary; or**

(2) **a television series, program, or feature;**

produced for any combination of theatrical or television viewing, or as a television pilot. The term includes preproduction, production, and postproduction work. However, the term does not include a motion picture that is obscene (under the standard set forth in IC 35-49-2-1) or television coverage of news or athletic events.

(b) **Except as provided in subsection (d), a transaction involving tangible personal property is exempt from the state gross retail tax if the person acquiring the property acquires it for the person's direct use in a motion picture production in Indiana after December 31, 2006.**

(c) **For purposes of this section, the following are not considered to be directly used in the production of a motion picture production:**

(1) **Food and beverage services.**

(2) **A vehicle or other means of transportation used to transport actors, crew members, or any other individual involved in a motion picture production.**

(3) **Fuel, parts, supplies, or other consumables used in a vehicle or other means of transportation used to transport actors, crew members, or any other individual involved in a motion picture production.**

(4) **Lodging.**

(5) **Packaging materials.**

(d) **A person is not entitled to an exemption under this section with respect to a transaction involving tangible personal property acquired for direct use in a motion picture production in Indiana if the transaction occurs after December 31, 2008.**

SECTION 4. IC 6-3.1-13-15.5, AS AMENDED BY P.L.197-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 15.5. This section applies to an application proposing to retain existing jobs in Indiana. After receipt of an application, the corporation may enter into an agreement with the applicant for a credit under this chapter if the corporation determines that all the following conditions exist:

(1) **The applicant's project will retain existing jobs performed by the employees of the applicant in Indiana.**

(2) **The applicant is engaged in research and development, manufacturing, or business services, according to the NAICS Manual of the United States Office of Management and Budget.**

(3) **The average compensation (including benefits) provided to the applicant's employees during the applicant's previous fiscal year exceeds the greater of the following:**

(A) **for an application submitted before January 1, 2006, the average compensation paid during that same period to all employees in the county in which the applicant's business is located by at least five percent (5%); or**

(B) for an application submitted after December 31, 2005, the amount specified by the calculation associated with one (1) of the following descriptions that characterizes the number of businesses in the NAICS industry sector to which the applicant's business belongs:

(i) (A) If there is more than one (1) business in the same NAICS industry sector **as the applicant's business** in the county in which the applicant's business is located, ~~determine~~ the average compensation paid during that same period to all employees working in ~~the same that~~ NAICS industry sector in ~~the that~~ county in which the applicant's business is located multiplied by one hundred five percent (105%).

(ii) (B) If the applicant's business is the only business in the same NAICS industry sector in the county in which the applicant's business is located but there is more than one (1) business in the same NAICS industry sector **as the applicant's business** in Indiana, ~~determine~~ the average compensation paid during that same period to all employees working in ~~the that~~ NAICS industry sector throughout Indiana multiplied by one hundred five percent (105%).

(iii) If the applicant's business is the only business in the same NAICS industry sector in Indiana, **determine (C)** The compensation for that same period corresponding to the federal minimum wage multiplied by two hundred percent (200%).

(4) The applicant employs at least ~~seventy-five (75)~~ **thirty-five (35)** employees in Indiana.

(5) The applicant has prepared a plan for the use of the credits under this chapter for:

(A) investment in facility improvements or equipment and machinery upgrades, repairs, or retrofits; or

(B) other direct business related investments, including but not limited to training.

(6) Receiving the tax credit is a major factor in the applicant's decision to go forward with the project, and not receiving the tax credit will increase the likelihood of the applicant reducing jobs in Indiana.

(7) Awarding the tax credit will result in an overall positive fiscal impact to the state, as certified by the budget agency using the best available data.

(8) The applicant's business and project are economically sound and will benefit the people of Indiana by increasing or maintaining opportunities for employment and strengthening the economy of Indiana.

(9) The communities affected by the potential reduction in jobs or relocation of jobs to another site outside Indiana have committed local incentives with respect to the retention of jobs in an amount determined by the corporation. For purposes of this subdivision, local incentives include, but are not limited to, cash grants, tax abatements, infrastructure improvements, investment in facility rehabilitation, construction, and training investments.

(10) The credit is not prohibited by section 16 of this chapter.

(11) If the business is located in a community revitalization enhancement district established under IC 36-7-13 or a certified technology park established under IC 36-7-32, the legislative body of the political subdivision establishing the district or park has adopted an ordinance recommending the granting of a credit amount that is at least equal to the credit amount provided in the agreement.

SECTION 5. IC 6-3.1-13-18, AS AMENDED BY P.L.197-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 18. (a) The corporation shall determine the amount and duration of a tax credit awarded under this chapter. The duration of the credit may not exceed ten (10) taxable years. The credit may be stated as a percentage of the incremental income tax withholdings attributable to the applicant's project and may include a fixed dollar limitation. In the case of a credit awarded for a project to create new jobs in Indiana, the credit amount may not exceed the incremental income tax withholdings. However, the credit amount claimed for a taxable year may exceed the taxpayer's state tax liability for the taxable year, in which case the excess may, at the discretion of the corporation, be refunded to the taxpayer.

(b) For state fiscal years ~~2004, 2005, year 2006 and 2007, each state fiscal year thereafter~~, the aggregate amount of credits awarded under this chapter for projects to retain existing jobs in Indiana may not exceed ~~five ten~~ million dollars (~~\$5,000,000~~) (**\$10,000,000**) per year.

SECTION 6. IC 6-3.1-26-8, AS AMENDED BY P.L.199-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this chapter, "qualified investment" means the amount of the taxpayer's expenditures in Indiana for:

(1) the purchase of new telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution equipment;

(2) the purchase of new computers and related equipment;

(3) costs associated with the modernization of existing telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution facilities;

(4) onsite infrastructure improvements;

(5) the construction of new telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution facilities;

(6) costs associated with retooling existing machinery and equipment;

(7) costs associated with the construction of special purpose buildings and foundations for use in the computer, software, biological sciences, or telecommunications industry; and

(8) costs associated with the purchase ~~before January 1, 2008,~~ of machinery, equipment, or special purpose buildings used to make motion pictures or audio productions;

that are certified by the corporation under this chapter as being eligible for the credit under this chapter.

(b) The term does not include property that can be readily moved outside Indiana.

SECTION 7. IC 6-3.1-26-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) This chapter applies to taxable years beginning after December 31, 2003.

(b) Notwithstanding the other provisions of this chapter, ~~a taxpayer is not entitled to the corporation may not approve~~ a credit for a qualified investment made after December 31, ~~2007-2011~~. However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2008, 2012~~, forward to a taxable year beginning after December 31, ~~2007, 2011~~, in the manner provided by section 15 of this chapter.

SECTION 8. IC 6-3.1-30-2, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 2. As used in this chapter, "eligible business" means a business that:

(1) is engaged in either interstate or intrastate commerce;

(2) maintains a corporate headquarters at a location outside Indiana;

(3) has not previously maintained a corporate headquarters at a location in Indiana;

(4) had annual worldwide revenues of at least ~~five one~~ hundred million dollars (~~\$500,000,000~~) (**\$100,000,000**) for the taxable year immediately preceding the business's application for a tax credit under section 12 of this chapter; and

(5) commits contractually to relocating its corporate headquarters to Indiana.

SECTION 9. IC 6-3.1-30-8, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) A taxpayer that:

(1) is an eligible business;

(2) completes a qualifying project; ~~and~~

(3) incurs relocation costs; **and**

(4) **employees at least seventy-five (75) employees in Indiana;**

is entitled to a credit against the taxpayer's state tax liability for the taxable year in which the relocation costs are incurred. The credit

allowed under this section is equal to the amount determined under section 9 of this chapter.

(b) For purposes of establishing the employment level required by subsection (a)(4), a taxpayer may include:

(1) individuals who:

(A) were employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and

(B) remain employed in Indiana after the completion of the taxpayer's qualifying project; and

(2) individuals who:

(A) were not employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and

(B) are employed in Indiana by the taxpayer as a result of the completion of the taxpayer's qualifying project.

SECTION 10. IC 6-3.1-30-12, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department:

(1) proof of the taxpayer's relocation costs;

(2) proof that the taxpayer is employing in Indiana the number of employees required by section 8 of this chapter; and

(3) all other information that the department determines is necessary for the calculation of the credit provided by this chapter.

SECTION 11. IC 6-3.5-7-13.1, AS AMENDED BY P.L.118-2005, SECTION 2, AND AS AMENDED BY P.L.214-2005, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

~~(3)~~ (4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. In a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(4)~~ (5).

~~(4)~~ (5) This subdivision applies only in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(3)~~ (4) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(5)~~ (6) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(c) As used in this section, an economic development project is any project that:

- (1) the county, city, or town determines will:
 - (A) promote significant opportunities for the gainful employment of its citizens;
 - (B) attract a major new business enterprise to the unit; or
 - (C) retain or expand a significant business enterprise within the unit; and
- (2) involves an expenditure for:
 - (A) the acquisition of land;
 - (B) interests in land;
 - (C) site improvements;
 - (D) infrastructure improvements;
 - (E) buildings;
 - (F) structures;
 - (G) rehabilitation, renovation, and enlargement of buildings and structures;
 - (H) machinery;
 - (I) equipment;
 - (J) furnishings;
 - (K) facilities;
 - (L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);
 - (M) operating expenses authorized under subsection (b)(2)(E); or
 - (N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit; or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 12. IC 6-3.5-7-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.5. (a) The general assembly finds that counties and municipalities in Indiana have a need to foster economic development, the development of new technology, and industrial and commercial growth. The general assembly finds that it is necessary and proper to provide an alternative method for counties and municipalities to foster the following:**

- (1) Economic development.**
- (2) The development of new technology.**
- (3) Industrial and commercial growth.**
- (4) Employment opportunities.**
- (5) The diversification of industry and commerce.**

The fostering of economic development and the development of new technology under this section or section 13.6 of this chapter for the benefit of the general public, including industrial and commercial enterprises, is a public purpose.

(b) The fiscal bodies of two (2) or more counties or municipalities may, by resolution, do the following:

(1) Determine that part or all the taxes received by the units under this chapter should be combined to foster:

- (A) economic development;
- (B) the development of new technology; and
- (C) industrial and commercial growth.

(2) Establish a regional venture capital fund.

(c) Each unit participating in a regional venture capital fund established under subsection (b) may deposit the following in the fund:

(1) Taxes distributed to the unit under this chapter.

(2) The proceeds of public or private grants.

(d) A regional venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The fund is subject to an annual audit by the state board of accounts. The fund shall bear the full costs of the audit.

(e) The fiscal body of each participating unit shall approve an interlocal agreement created under IC 36-1-7 establishing the terms for the administration of the regional venture capital fund. The terms must include the following:

- (1) The membership of the governing board.
- (2) The amount of each unit's contribution to the fund.
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.

(f) An interlocal agreement made by the participating units under subsection (e) must provide that:

- (1) each of the participating units is represented by at least one (1) member of the governing board; and
- (2) the membership of the governing board is established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) An interlocal agreement made by the participating units under subsection (e) must be submitted to the Indiana economic development corporation for approval before the participating units may contribute to the fund.

(i) A majority of members of a governing board of a regional venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

- (1) To promote significant employment opportunities for the residents of the units participating in the regional venture capital fund.
- (2) To attract a major new business enterprise to a participating unit.
- (3) To develop, retain, or expand a significant business enterprise in a participating unit.

(k) The expenditures of a borrower or grantee of money from a regional venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

- (1) Research and development of technology.
- (2) Job training and education.
- (3) Acquisition of property interests.
- (4) Infrastructure improvements.
- (5) New buildings or structures.
- (6) Rehabilitation, renovation, or enlargement of buildings or structures.
- (7) Machinery, equipment, and furnishings.
- (8) Funding small business development with respect to:
 - (A) prototype products or processes;
 - (B) marketing studies to determine the feasibility of new products or processes; or
 - (C) business plans for the development and production of new products or processes.

SECTION 13. IC 6-3.5-7-13.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.6. (a) The fiscal body of a county or municipality may, by resolution, establish a local venture capital fund.

(b) A unit establishing a local venture capital fund under subsection (a) may deposit the following in the fund:

- (1) Taxes distributed to the unit under this chapter.
- (2) The proceeds of public or private grants.

(c) A local venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The fund is subject to an annual audit by the state board of accounts. The fund shall bear the full costs of the audit.

(d) The fiscal body of a unit establishing a local venture capital fund under subsection (a) shall establish the terms for the administration of the local venture capital fund. The terms must include the following:

- (1) The membership of the governing board.
- (2) The amount of the unit's contribution to the fund.
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.

(e) A unit establishing a local venture capital fund under subsection (a) must be represented by at least one (1) member of the governing board.

(f) The membership of the governing board must be established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) The terms established under subsection (d) for the administration of the local venture capital fund must be submitted to the Indiana economic development corporation for approval before a unit may contribute to the fund.

(i) A majority of members of a governing board of a local venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

- (1) To promote significant employment opportunities for the residents of the unit establishing the local venture capital fund.

- (2) To attract a major new business enterprise to the unit.
- (3) To develop, retain, or expand a significant business enterprise in the unit.

(k) The expenditures of a borrower or grantee of money from a local venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

- (1) Research and development of technology.
- (2) Job training and education.
- (3) Acquisition of property interests.
- (4) Infrastructure improvements.
- (5) New buildings or structures.
- (6) Rehabilitation, renovation, or enlargement of buildings or structures.
- (7) Machinery, equipment, and furnishings.
- (8) Funding small business development with respect to:
 - (A) prototype products or processes;
 - (B) marketing studies to determine the feasibility of new products or processes; or
 - (C) business plans for the development and production of new products or processes.

SECTION 14. IC 27-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. The following provisions apply to standard companies and extended companies:

- (1) IC 27-1-3.
- (2) IC 27-1-3.1.
- (3) IC 27-1-5-3.
- (4) IC 27-1-7-14 through IC 27-1-7-16.
- (5) IC 27-1-7-21 through IC 27-1-7-23.
- (6) IC 27-1-9.
- (7) IC 27-1-10.
- (8) IC 27-1-13-3 through IC 27-1-13-4.
- (9) IC 27-1-13-6 through IC 27-1-13-9.
- (10) IC 27-1-15.6.
- (11) IC 27-1-18-2.
- ~~(12)~~ (12) IC 27-1-20-1.
- ~~(13)~~ (13) IC 27-1-20-4.
- ~~(14)~~ (14) IC 27-1-20-6.
- ~~(15)~~ (15) IC 27-1-20-9 through IC 27-1-20-11.
- ~~(16)~~ (16) IC 27-1-20-14.
- ~~(17)~~ (17) IC 27-1-20-19 through IC 27-1-20-21.3.
- ~~(18)~~ (18) IC 27-1-20-23.
- ~~(19)~~ (19) IC 27-1-20-30.
- ~~(20)~~ (20) IC 27-1-22.
- ~~(21)~~ (21) IC 27-4-1.
- ~~(22)~~ (22) Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.
- ~~(23)~~ (23) IC 27-6-2.
- ~~(24)~~ (24) IC 27-7-2.
- ~~(25)~~ (25) IC 27-9.
- ~~(26)~~ (26) IC 34-30-17.

SECTION 15. [EFFECTIVE JANUARY 1, 2007] IC 6-2.5-5-41, as added by this act, applies to transactions occurring after December 31, 2006.

SECTION 16. [EFFECTIVE APRIL 1, 2006] IC 6-3.1-13-15.5, as amended by this act, applies to applications for credits filed under IC 6-3.1-13 after March 31, 2006.

SECTION 17. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: (a) The definitions set forth in IC 6-3.1-30, including IC 6-3.1-30-2, as amended by this act, apply throughout this SECTION.

(b) Notwithstanding the effective dates included in P.L.193-2005, SECTION 21 of P.L.193-2005 takes effect January 1, 2006, and not January 1, 2007.

(c) Notwithstanding SECTION 24 of P.L.193-2005, an eligible business is entitled to a credit under IC 6-3.1-30 for relocation costs that are incurred for a qualifying project during a taxable year beginning after December 31, 2005.

(d) Notwithstanding SECTION 21 of P.L.193-2005 and SECTION 24 of P.L.193-2005, IC 6-3.1-20-2, IC 6-3.1-30-8, and IC 6-3.1-30-12, all as amended by this act, apply to taxable years beginning after December 31, 2005.

SECTION 18. [EFFECTIVE JANUARY 1, 2006

(RETROACTIVE)] IC 27-5.1-2-8, as amended by this act, applies only to taxable years beginning after December 31, 2005.

SECTION 19. An emergency is declared for this act.

(Reference is to EHB 1380 as printed February 14, 2006.)

J. SMITH	FORD
AUSTIN	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1323-2; filed March 14, 2006, at 11:06 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1323 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-20-2-2, AS AMENDED BY P.L.210-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this section, "farm vehicle loaded with a farm product" includes a truck hauling unprocessed leaf tobacco.

(b) Except for interstate highway travel, this article does not apply to the following:

(1) Machinery or equipment used in highway construction or maintenance by the Indiana department of transportation, counties, or municipalities.

(2) Implements of agriculture when used during farming operations or when constructed so that the implements can be moved without material damage to the highways.

(3) Farm drainage machinery.

(c) This article does not apply to firefighting apparatus owned or operated by a political subdivision or volunteer fire department (as defined in IC 36-8-12-2).

(d) Except for interstate highway travel, this article does not limit the width or height of a farm vehicle loaded with a farm product.

SECTION 2. IC 9-20-5-4, AS AMENDED BY SEA 154-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) In addition to the highways established and designated as heavy duty highways under section 1 of this chapter, the following highways are designated as extra heavy duty highways:

(1) Highway 41, from 129th Street in Hammond to Highway 312.

(2) Highway 312, from Highway 41 to State Road 912.

(3) Highway 912, from Michigan Avenue in East Chicago to the U.S. 20 interchange.

(4) Highway 20, from Clark Road in Gary to Highway 39.

(5) Highway 12, from one-fourth (1/4) mile west of the Midwest Steel entrance to Highway 249.

(6) Highway 249, from Highway 12 to Highway 20.

(7) Highway 12, from one and one-half (1 1/2) miles east of the Bethlehem Steel entrance to Highway 149.

(8) Highway 149, from Highway 12 to a point thirty-six hundredths (.36) of a mile south of Highway 20.

(9) Highway 39, from Highway 20 to the Michigan state line.

(10) Highway 20, from Highway 39 to Highway 2.

(11) Highway 2, from Highway 20 to Highway 31.

(12) Highway 31, from the Michigan state line to Highway 23.

(13) Highway 23, from Highway 31 to Olive Street in South Bend.

(14) Highway 35, from South Motts Parkway thirty-four hundredths (.34) of a mile southeast to the point where Highway 35 intersects with the overpass for Highway 20/Highway 212.

(15) State Road 249 from U.S. 12 to the point where State Road 249 intersects with Nelson Drive at the Port of Indiana.

(16) State Road 912 from the 15th Avenue and 169th Street interchange one and six hundredths (1.06) miles north to the U.S. 20 interchange.

(17) U.S. 20 from the State Road 912 interchange three and seventeen hundredths (3.17) miles east to U.S. 12.

(18) U.S. 6 from the Ohio state line to State Road 9.

(19) U.S. 30 from Allen County/Whitley County Line Road (also known as County Road 800 East) to State Road 9.

(20) State Road 9 from U.S. 30 to U.S. 6.

(21) State Road 39 from Interstate 80 to U.S. 20.

(b) For purposes of this subsection, "designated highway" refers to U.S. 6 from State Road 9 to State Road 15 and then north on State Road 15 to the Michigan state line. The designated highway is designated as an extra heavy duty highway beginning July 1 after the Indiana department of transportation completes all improvements, upgrades, and rehabilitation necessary to make the designated highway (including all bridges on the designated highway) suitable to safely bear loads permitted by law for an extra heavy duty highway. Not later than November 1 of each year, the Indiana department of transportation shall provide a report in an electronic format under IC 5-14-6 to the legislative council describing the progress made toward completing the work described by this subsection. The report is not required for any year after the year all work is completed.

SECTION 3. An emergency is declared for this act.

(Reference is to EHB 1323 as printed February 17, 2006.)

DODGE	KRUSE
MOSES	MRVAN
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 2:35 p.m. with Representative Benjamin E. GiaQuinta, who is retiring from legislative service, in the Chair.

RESOLUTIONS ON SECOND READING

House Resolution 33

The Chair handed down on its passage House Resolution 33, introduced by Representative Koch:

A HOUSE RESOLUTION in support of the United States remaining a leader in space exploration and development.

The resolution was read a second time and adopted by voice vote.

Representative GiaQuinta yielded the gavel to the Speaker.

RESOLUTIONS ON FIRST READING

House Resolution 88

Representatives Thompson and Walorski introduced House Resolution 88:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study the social, emotional, and behavioral health screening of children.

Whereas, Under IC 20-19-5-1, the department of education, in cooperation with the department of child services, the department of correction, and the division of mental health and addiction, shall develop and coordinate a child's social, emotional, and behavioral health plan; and

Whereas, The state of Indiana should fully study the uses of screenings to develop and coordinate a health plan and ensure that parents are given adequate notice of their rights: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to establish a committee to study the social, emotional, behavioral health screening of children.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and that the committee

shall issue a final report when directed to do so by the council.

The resolution was read a first time and referred to the Committee on Rules and Legislative Procedures.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1240-1; filed March 14, 2006, at 11:38 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1240 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 11.

Page 1, between lines 13 and 14, begin a new paragraph and insert: "SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20-18-2 apply to this SECTION.

(b) Before November 1, 2006, the department and the state board shall review the current statewide testing program and develop a long term plan that is subject to the approval of the state board for the transition to a testing program with the following objectives:

(1) To provide a long term plan for student assessments.

(2) To review the existing annual tests for students in grades 3 through 10.

(3) To develop a testing program that:

(A) reflects a student's proficiency in and mastery of the state's academic standards;

(B) is, to the greatest extent possible, more concise, less time consuming, and less expensive to administer than the current tests while maintaining the current level of rigor of the tests;

(C) provides prompt results to students, parents, and teachers;

(D) explores all options for timing and use of summative tests, including giving a summative test in the fall or the spring;

(E) measures individual student growth from school year to school year;

(F) explores all options for diagnostic tests for use by teachers to support ongoing remediation;

(G) is compatible with a transition to the use of online testing; and

(H) assesses student proficiency in written communication.

(4) To move to the use of online assessments for Core 40 subjects.

(c) In developing the plan under subsection (b), the department and the state board shall:

(1) solicit information from educators, administrators, parents, and the public concerning the program;

(2) look at tests and testing practices in use by or in development by other states;

(3) solicit information from testing companies concerning:

(A) parameters and costs of tests;

(B) steps to be taken to ensure the validity and reliability of the tests;

(C) steps to move the longitudinal data from the current testing program to the new testing program; and

(D) any other information the department or the state board considers useful in developing the testing program;

(4) develop a plan to move to online tests;

(5) determine the most effective means to assess student proficiency in written communication; and

(6) include specifications for diagnostic tests for use by teachers during the school year.

(d) Before November 1, 2006, the state board shall approve and submit a report concerning the testing program to the budget committee, the legislative council, and the office of management and budget. The report must explain the testing program and provide the estimated costs for the program beginning with tests

given during the 2007-2008 school year. The report to the legislative council must be in an electronic format under IC 5-14-6.

(e) A contract for testing students during the 2006-2007 school year may be issued. However, contracts for testing students during any subsequent school year must follow the state board's approval of the testing plan.

(f) This SECTION expires July 1, 2008.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding P.L.246-2005, SECTION 9, Subsection B, stipends for mentor teachers may be paid from the appropriations made FOR THE DEPARTMENT OF EDUCATION, PROFESSIONAL STANDARDS DIVISION, for FY 2005-2006 and FY 2006-2007, or from funds provided to the department of education by private donors.

(b) This SECTION expires July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1240, Printer's Error, printed February 17, 2006.)

BEHNING

PORTER

House Conferees

LUBBERS

ROGERS

Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

EHB 1214-1; filed March 14, 2006, at 11:39 a.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1214 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~For purposes of (a)~~ The definitions in this section apply throughout this chapter.

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(f) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(g) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(h) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(i) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(j) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(k) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

(i) (1) the total price per unit; minus

(ii) (2) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(l) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(m) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(n) "Prepayment rate" means a rate per gallon of gasoline rounded to the nearest one-tenth of one cent (\$0.001); determined by the

department by determining the product of:

- (1) the statewide average retail price per gallon of gasoline excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%);

under section 14 of this chapter for use in calculating prepayment amounts of gross retail tax under section 9 of this chapter.

(o) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(p) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(q) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(r) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 2. IC 6-2.5-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Before June 10 and December 10 of each year, the department shall determine and provide to:

- (1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect prepayments of the state gross retail tax under this chapter; and
- (2) any other person that makes a request;

a notice of the prepayment rate to be used during the following six (6) month period. The department shall also have the prepayment rate published in the June and December issues of the Indiana Register.

(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.

(c) The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:

STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.

STEP TWO: Determine the product of the following:

- (A) The STEP ONE amount.
- (B) The Indiana gross retail tax rate.
- (C) Ninety percent (90%).

STEP THREE: Determine the lesser of:

- (A) the STEP TWO result; or
- (B) the product of:
 - (i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by
 - (ii) one hundred twenty-five percent (125%).

STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001).

SECTION 3. IC 6-6-1.1-515 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 515. **The administrator may require that all reports required to be filed under section 209, 501, 502, 504, or 606 of this chapter must be filed in an electronic format prescribed by the administrator.**

SECTION 4. IC 6-6-2.5-72 IS ADDED TO THE CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1,

2006]: Sec. 72. **The administrator may require that all reports required to be filed under section 56.5, 57, or 60 of this chapter must be filed in an electronic format prescribed by the administrator.**

SECTION 5. IC 6-6-4.1-4.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.8. (a) This section applies only to a claim for a proportional use credit under section 4(d) or 4.5(d) of this chapter for taxes first due and payable after July 31, 1999.

(b) In order to obtain a proportional use credit against taxes imposed under section 4 or 4.5 of this chapter, a carrier must file a claim with the department. The claim must be submitted on a form prescribed by the department and must be filed with the quarterly return for the taxable period for which the proportional use credit is claimed. A carrier is not entitled to a proportional use credit under section 4(d) or 4.5(d) of this chapter unless the carrier:

- (1) has paid in full the taxes to which the credit applies; and
- (2) has filed a claim for the credit on or before the due date of the corresponding quarterly return for the taxable period for which the proportional use credit is claimed.

A credit approved under this section shall, subject to this section, be refunded to the carrier without interest.

(c) The department shall determine the aggregate amount of proportional use credits claimed under section 4(d) or 4.5(d) of this chapter for each quarter. The department may approve the full amount of a proportional use credit claimed by a carrier if the aggregate amount of proportional use credits claimed for the quarter and for the fiscal year do not exceed the limits set forth in subsection (d). If the aggregate amount of proportional use credits claimed in a quarter exceeds the limits set forth in subsection (d), the department shall pay the claims for that quarter on a pro rata basis.

(d) The department may not approve more than three million five hundred thousand dollars (\$3,500,000) of proportional use credits under this section in a state fiscal year. In addition, the amount of proportional use credits the department may approve under this section for a quarter may not exceed the following:

- (1) For the quarter ending September 30 of a year, an amount equal to one million three hundred seventy-five thousand dollars (\$1,375,000).
- (2) For the quarter ending December 31 of a year, an amount equal to:
 - (A) six hundred twenty-five thousand dollars (\$625,000); plus
 - (B) the greater of zero (0) or the result of:
 - (i) the limit determined for the previous quarter under this subsection; minus
 - (ii) the aggregate amount of claims approved for the previous quarter.
- (3) For the quarter ending March 31 of a year, an amount equal to:
 - (A) six hundred twenty-five thousand dollars (\$625,000); plus
 - (B) the greater of zero (0) or the result of:
 - (i) the limit determined for the previous quarter under this subsection; minus
 - (ii) the aggregate amount of claims approved for the previous quarter.
- (4) For the quarter ending June 30 of a year, an amount equal to:
 - (A) eight hundred seventy-five thousand dollars (\$875,000); plus
 - (B) the greater of zero (0) or the result of:
 - (i) the limit determined for the previous quarter under this subsection; minus
 - (ii) the aggregate amount of claims approved for the previous quarter.

SECTION 6. IC 6-8.1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The department shall establish a registration center to service owners of commercial motor vehicles.

(b) The registration center is under the supervision of the department through the motor carrier services division.

(c) An owner or operator of a commercial motor vehicle may apply

to the registration center for the following:

- (1) Vehicle registration (IC 9-18).
- (2) Motor carrier fuel tax annual permit.
- (3) Proportional use credit certificate (IC 6-6-4.1-4.7).
- (4) Certificate of operating authority.
- (5) Oversize vehicle permit (IC 9-20-3).
- (6) Overweight vehicle permit (IC 9-20-4).
- (7) Payment of the commercial vehicle excise tax imposed under IC 6-6-5.5.

(d) The commissioner may deny an application described in subsection (c) if the applicant fails to do any of the following with respect to a listed tax:

- (1) File all tax returns or information reports.
- (2) Pay all taxes, penalties, and interest.

(e) The commissioner may suspend or revoke any registration, permit, certificate, or authority if the person to whom the registration, permit, certificate, or authority is issued fails to do any of the following with respect to a listed tax:

- (1) File all tax returns or information reports.
- (2) Pay all taxes, penalties, and interest.

(f) Funding for the development and operation of the registration center shall be taken from the motor carrier regulation fund (IC 8-2.1-23-1).

(g) The department shall recommend to the general assembly other functions that the registration center may perform.

SECTION 7. IC 6-8.1-10-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A person that:

- (1) obtains a permit, license plate, cab card, or any other credential issued by the registration center established under IC 6-8.1-4-4; and
- (2) alters the permit, license plate, cab card, or other credential;

is subject to a civil penalty of five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) A person that:

- (1) is required to obtain a permit, a license plate, a cab card, or other credential issued by the registration center established under IC 6-8.1-4-4; and
- (2) operates without obtaining the required permit, license plate, cab card, or other credential;

is subject to a civil penalty of five thousand dollars (\$5,000) for each violation.

(c) A civil penalty imposed under this section:

- (1) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1; and
- (2) is in addition to any fines levied by a court.

SECTION 8. IC 8-2.1-22-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A person may not operate any motor vehicle over the public highways for hire, unless the operations are specifically exempt under this chapter, without first having obtained appropriate operating authority from the department to do so, and having otherwise complied with all other applicable provisions of this chapter.

(b) The department or the state police department may apply to an administrative law judge of the department or a court with jurisdiction for an order to impound a motor vehicle that is offered by a motor carrier to the general public for the transportation of passengers for hire if:

- (1) the motor carrier has not obtained the required authority from the department to operate the motor vehicle for hire; and
- (2) there is probable cause to believe that the motor vehicle has been operated on an Indiana highway to transport passengers for hire.

A hearing on an application to impound a motor vehicle under this subsection may not be held sooner than three (3) days after the date on which a notice of hearing on the application is served on the motor carrier. The motor carrier may contest the application to impound the motor vehicle at the hearing.

(c) A motor carrier that operated a motor vehicle impounded under this section may not obtain possession of the impounded

motor vehicle unless the motor carrier obtains the required authority to operate the motor vehicle for hire.

SECTION 9. IC 8-2.1-22-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. (a) All applications under this chapter for a common carrier certificate or a contract carrier permit to operate motor vehicles, intrastate or interstate, shall be made on forms prescribed by the department.

(b) All applications for a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate on the public highways, which applications require a public hearing thereon, shall be accompanied by a filing fee of ~~fifty one hundred dollars (\$50)~~ **(\$100). Each petition for reinstatement of a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate, on the highways of this state, shall be accompanied by a filing fee of fifty dollars (\$50).**

(c) All applications for a temporary certificate of public convenience and necessity, or for a contract carrier permit to operate motor vehicles on the highways of this state in intrastate commerce, shall be accompanied by a filing fee of ~~fifty one hundred dollars (\$50)~~ **(\$100).**

(d) All applications for a change in the name of the holder of a common carrier certificate of public convenience and necessity, of a common carrier certificate of authority or certificate of registration, or of a contract carrier permit, which change of name does not involve a change in the ownership of the operating rights of the certificate or permit holder, shall be made by verified petition to the department, and the applications shall be accompanied by a filing fee of twenty-five dollars (\$25).

(e) In addition to the filing fees prescribed in subsection (b), all applications for a common carrier certificate of public convenience and necessity, or for a contract carrier permit, to operate motor vehicles intrastate, on the public highways, which applications require a public hearing thereon, shall be accompanied by a publication fee of ~~twenty eighty dollars (\$20)~~ **(\$80). Whenever any republication is required through no fault of the department, the party responsible therefor shall be required to pay an additional publication fee of ~~twenty eighty dollars (\$20)~~ **(\$80)** for each republication.**

(f) Each petition for rehearing of an application for a common carrier certificate of public convenience and necessity, or for a contract carrier permit, to operate motor vehicles intrastate, on the public highways, shall be accompanied by a filing fee of twenty-five dollars (\$25).

(g) Each application or petition for alteration or change of a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate, on the public highways, shall be accompanied by a filing fee of fifty dollars (\$50).

(h) Each application requesting permission to deviate from the department's tariff publishing regulations shall be accompanied by a filing fee of fifteen dollars (\$15).

SECTION 10. IC 8-2.1-24-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. Before a motor carrier engaged in the transportation of property for compensation may operate a motor vehicle upon a public highway providing intrastate transportation, the motor carrier must be properly registered as required under the single state registration system in accordance with rules adopted by the department under IC 4-22-2. This section does not apply to a person exclusively engaged in the private transportation of **nonhazardous property.**

SECTION 11. IC 8-2.1-24-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. (a) Pursuant to an operations out of service order issued by the United States Department of Transportation or the Federal Highway Administration affecting a motor carrier operating in Indiana, the department of state revenue or the state police department may revoke and confiscate any registrations, license plates, or cab cards issued under IC 9-18.

(b) The department of state revenue may not register or title a motor carrier:

- (1) if the motor carrier fails to comply with federal regulations under 49 CFR 386;
- (2) under an operations out of service order issued by a federal agency; or

(3) if the motor carrier's ability to operate has been terminated or denied by a federal agency.

SECTION 12. IC 9-20-18-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) The civil penalties imposed under this section are in addition to the other civil penalties that may be imposed under IC 8 and IC 9. **Notwithstanding section 12 of this chapter, a civil penalty imposed under this section:**

(1) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1; and

(2) is in addition to any fines imposed by a court.

(b) A person who violates IC 9-20-5-7 is subject to a civil penalty of five hundred dollars (\$500) for each violation. ~~as determined by the court. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.~~

~~(c) A person who operates a vehicle subject to IC 9-20-5-7 on a route other than a route designated under IC 9-20-5-4 is subject to a civil penalty of five hundred dollars (\$500) for each violation as determined by the court. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23.~~

(c) A person who obtains a permit under this article and violates this article is subject to a civil penalty of five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(d) A person who transports heavy vehicles or loads subject to this article and fails to obtain a permit required under this article is subject to a civil penalty of five thousand dollars (\$5,000) for each violation.

(e) A civil penalty imposed under this section may be assessed against a person only after an administrative hearing has been conducted at which the person has an opportunity to present information as to why the civil penalty should not be assessed.

(Reference is to EHB 1214 as reprinted March 2, 2006.)

DAVIS	LONG
PELATH	LANANE
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 349-1; filed March 14, 2006, at 1:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 349 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 27-1-15.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this section, "insurer" does not include an officer, director, employee, subsidiary, or affiliate of an insurer.

(b) This chapter does not require an insurer to obtain an insurance producer license.

(c) The following are not required to be licensed as an insurance producer:

(1) An officer, director, or employee of an insurer or of an insurance producer, if the officer, director, or employee does not receive any commission on policies written or sold to insure risks that reside, are located, or are to be performed in Indiana, and if:

(A) the officer, director, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer, director, or employee's function relates to underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers and the officer, director, or employee's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation, or negotiation of insurance.

(2) A person who secures and furnishes information for the purpose of:

(A) group life insurance, group property and casualty insurance, group annuities, group or blanket accident and sickness insurance;

(B) enrolling individuals under plans;

(C) issuing certificates under plans or otherwise assisting in administering plans; or

(D) performing administrative services related to mass marketed property and casualty insurance;

where no commission is paid to the person for the service.

(3) A person identified in clauses (A) through (C) who is not in any manner compensated, directly or indirectly, by a company issuing a contract, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the employer's or association's employees, or for the employees of a subsidiary or affiliate of the employer or association, that involves the use of insurance issued by an insurer:

(A) An employer or association.

(B) An officer, director, or employee of an employer or association.

(C) The trustees of an employee trust plan.

(4) An:

(A) employee of an insurer; or

(B) organization employed by insurers;

that is engaged in the inspection, rating, or classification of risks, or in the supervision of the training of insurance producers, and that is not individually engaged in the sale, solicitation, or negotiation of insurance.

(5) A person whose activities in Indiana are limited to advertising, without the intent to solicit insurance in Indiana, through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of Indiana, provided that the person does not sell, solicit, or negotiate insurance that would insure risks residing, located, or to be performed in Indiana.

(6) A person who is not a resident of Indiana and who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one state insured under that contract, provided that:

(A) the person is otherwise licensed as an insurance producer to sell, solicit, or negotiate the insurance in the state where the insured maintains its principal place of business; and

(B) the contract of insurance insures risks located in that state.

(7) A salaried full-time employee who counsels or advises the employee's employer about the insurance interests of the employer or of the subsidiaries or business affiliates of the employer, provided that the employee does not sell or solicit insurance or receive a commission.

(8) An officer, employee, or representative of a rental company (as defined in IC 24-4-9-7) who negotiates or solicits insurance incidental to and in connection with the rental of a motor vehicle.

(9) An individual who:

(A) furnishes only title insurance rate information at the request of a consumer; and

(B) does not discuss the terms or conditions of a title insurance policy.

(10) A licensed attorney when acting as a title insurance producer (as defined in IC 27-7-3.5-16) or a title insurance agent (as defined in IC 27-7-3.5-19).

SECTION 2. IC 27-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.5. Title Insurance

Sec. 1. As used in this chapter, "abstract of title" means a written history, synopsis, or summary of recorded instruments affecting the title to real property.

Sec. 2. As used in this chapter, "affiliated business" means a part of a title insurance agent's business written in Indiana that was referred to the title insurance agent by a producer of title insurance business or an associate of a producer of title insurance business, in circumstances in which the producer or the associate, or both, have a financial interest in the title insurance agent.

Sec. 3. As used in this chapter, "alien title insurer" means a title insurer that is incorporated or organized under the laws of a foreign nation or a foreign province or territory.

Sec. 4. As used in this chapter, "associate" means the following:

- (1) A business organized for profit in which a producer of title insurance business is a director, an officer, a partner, an employee, or an owner of a financial interest in the business.
- (2) An employee of a producer of title insurance business.
- (3) A franchiser or franchisee of a producer of title insurance business.
- (4) A spouse, parent, or child of a producer of title insurance business.
- (5) A person, other than a natural person, that controls, is controlled by, or is under common control with a producer of title insurance business.
- (6) A person with whom a producer of title insurance business or an associate of a producer of title insurance business has an agreement, arrangement, or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to the producer or associate for the referral of title insurance business.

Sec. 5. As used in this chapter, "bona fide employee" means an individual:

- (1) who devotes substantially all of the individual's time to performing services on behalf of a title insurer or title insurance agent; and
- (2) whose compensation for the services described in subdivision (1) is in the form of salary or the equivalent paid by the title insurer or title insurance agent.

Sec. 6. As used in this chapter, "chattels real" means an interest in real estate that is less than a freehold or fee interest.

Sec. 7. As used in this chapter, "closing protection letter" means an indemnification of or undertaking to a party to a real estate transaction by a principal, such as a title insurance company, setting forth in writing the extent to which the principal is responsible for intentional or unintentional misconduct or errors of the principal's agent in closing the real estate transaction.

Sec. 8. As used in this chapter, "commissioner" means the insurance commissioner appointed under IC 27-1-1-2, the commissioner's representative, or the commissioner, director, or superintendent of insurance in another state.

Sec. 9. As used in this chapter, "department" refers to the department of insurance created by IC 27-1-1-1.

Sec. 10. As used in this chapter, "escrow" means written instruments, money, or other items deposited by a party with a depository, an escrow agent, or an escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event.

Sec. 11. As used in this chapter, "financial interest" means a:

- (1) direct or indirect; and
- (2) legal or beneficial;

interest in an entity, in which the holder of the interest is or will be entitled to at least five percent (5%) of the net profits or net worth of the entity.

Sec. 12. As used in this chapter, "foreign title insurer" means a title insurer that is incorporated or organized under the laws of another state, the District of Columbia, or another jurisdiction of the United States.

Sec. 13. As used in this chapter, "person" means a natural person, a partnership, an association, a cooperative, a corporation, a trust, a limited liability company, or another legal entity.

Sec. 14. As used in this chapter, "premium" means the charge:

- (1) specified under a rule adopted by the commissioner;
- (2) that is made by a title insurer for a title insurance policy, including the charge for:
 - (A) performance of primary title services by a title insurer, title insurance agent, or title agency; and
 - (B) incurring the risks incident to the title insurance policy;
 under the several classifications of title insurance policies and forms; and
- (3) upon which a premium tax is paid.

Sec. 15. As used in this chapter, "primary title services" means the following services:

- (1) Evaluation of a title search or an abstract of title to determine the insurability of title.
- (2) Clearance of underwriting objections.
- (3) Issuance and assumption of responsibility for the issuance of a title insurance policy.
- (4) Issuance of closing protection letters.

Sec. 16. (a) As used in this chapter, "producer" means a person, including an officer, director, or owner of five percent (5%) or more of the equity or capital of a person, that is engaged in Indiana in the trade, business, occupation, or profession of:

- (1) buying or selling interests in real property;
- (2) making loans secured by interests in real property; or
- (3) acting as a broker, an agent, or a representative of a person who:
 - (A) buys or sells an interest in real property; or
 - (B) lends or borrows money using an interest in real property as security for the loan.

(b) The term does not include an insurance producer or a limited lines producer (both as defined in IC 27-1-15.6-2).

Sec. 17. As used in this chapter, "referral" means the direction or the exercise of a power or influence over the direction of title insurance business, regardless of whether the consent or approval of another person is sought or obtained with respect to the direction or exercise.

Sec. 18. As used in this chapter, "security deposit" means funds or other property received by a title insurance agent as collateral to secure an indemnitor's obligation under an indemnity agreement under which a title insurer:

- (1) agrees to provide coverage:
 - (A) under a title insurance policy; and
 - (B) that would otherwise be excluded under a specific exception to coverage; and
- (2) is granted a perfected security interest in the collateral in exchange for agreeing to provide the coverage described in subdivision (1).

Sec. 19. As used in this chapter, "title insurance agent" means an authorized person, other than a bona fide employee of a title insurer or an attorney licensed to practice law in Indiana, who:

- (1) is licensed as a limited lines producer under IC 27-1-15.6; and
- (2) on behalf of a title insurer performs the following acts in conjunction with the issuance of a title insurance report or title insurance policy:

- (A) Determines insurability and issues a title insurance report or a title insurance policy, or both, based on the performance or review of a title search, an examination of title, or an abstract of title.
- (B) Performs one (1) or more of the following functions:
 - (i) Collection or disbursement of premiums, escrow, security deposits, or other funds.
 - (ii) Management of escrow, settlement, or closing.
 - (iii) Solicitation or negotiation of title insurance business.

The term includes a title agency.

Sec. 20. As used in this chapter, "title insurance business" means any of the following:

- (1) Issuing or offering to issue, as a title insurer, a title insurance policy.
- (2) Transacting or proposing to transact, as a title insurance agent or title insurer, any of the following activities when conducted or performed in contemplation of or in

conjunction with the issuance of a title insurance policy:

- (A) Solicitation or negotiation of the issuance of a title insurance policy.
- (B) Guaranteeing, warranting, or otherwise insuring the correctness of a title search for instruments affecting the title to:
 - (i) real property;
 - (ii) chattels real;
 - (iii) cooperative units; and
 - (iv) proprietary leases;
 and liens or charges affecting the property described in items (i) through (iv).
- (C) Management of escrow, settlement, or closing.
- (D) Execution of title insurance policies.
- (E) Effectuation of contracts of reinsurance.
- (F) Abstraction, searches, or examination of titles.
- (G) Issuance of closing protection letters.
- (3) Guaranteeing, warranting, or insuring searches or examinations of title to real property or chattels real.
- (4) Guaranteeing or warranting the status of title concerning:
 - (A) ownership of; or
 - (B) liens on;
 real property and chattels real by a person other than a principal to a transaction related to issuance of a title insurance policy.

Sec. 21. As used in this chapter, "title insurance policy" means a contract insuring or indemnifying the owner of, or another person that is lawfully interested in, real or personal property or chattels real, against loss or damage arising from any of the following conditions existing on or before the title insurance policy date and not excepted or excluded:

- (1) Defects in or liens or encumbrances on the insured title.
- (2) Unmarketability of the insured title.
- (3) Invalidity, lack of priority, or unenforceability of liens or encumbrances on the property.
- (4) Lack of legal right of access to real property.
- (5) Unenforceability of rights in title to real property.

Sec. 22. As used in this chapter, "title insurance report" means a preliminary report, commitment, or binder:

- (1) issued before the issuance of a title insurance policy; and
- (2) containing the terms, conditions, exceptions, and other matters incorporated by reference under which a title insurer will issue a title insurance policy.

Sec. 23. As used in this chapter, "title insurance subagent" means a person, other than a bona fide employee of a title insurance agent, who on behalf of a title insurance agent determines insurability and issues a title insurance report or title insurance policy, or both, based on the performance or review of a title search or abstract of title. The term does not include a licensed attorney that performs legal services, including title examination or closing services.

Sec. 24. As used in this chapter, "title insurer" means the following:

- (1) A company organized under Indiana law to transact title insurance business.
- (2) A foreign title insurer or alien title insurer that is licensed in Indiana to transact title insurance business.

Sec. 25. As used in this chapter, "underwrite" means to accept or reject risk:

- (1) on behalf of a title insurer; and
- (2) under authority granted by the title insurer.

Sec. 26. (a) The commissioner shall adopt rules under IC 4-22-2 to establish criteria and a process for licensure of the following:

- (1) A title agency.
- (2) A title insurance agent.

(b) A license may be issued under this section if each person named on the license possesses all qualifications determined appropriate by the commissioner.

(c) A person shall not act as a title agency or title insurance agent, and a title insurer may not contract with a person to act as a title agency or title insurance agent, with respect to risks located in Indiana unless the person is licensed under this section

as a title agency, title insurance agent, or licensed attorney in Indiana.

(d) An individual:

- (1) employed by or contracted by a title agency, title insurance agent, or title insurer;
- (2) to whom the title agency, title insurance agent, or title insurer delegates authority to act on the title agency's, title insurance agent's, or title insurer's behalf; and
- (3) who engages in title insurance business;

shall be individually licensed under this section. This subsection does not require licensure of an individual who performs only clerical or administrative functions, including quoting title insurance fees.

(e) An applicant for a title agency license or a title insurance agent license under this section must also satisfy the requirements of IC 27-1-15.6 that apply to the title agency or title insurance agent.

(f) A title insurer that engages or employs a title agency shall file with the department, on a form prescribed by the department, an application certifying that the proposed title agency meets both of the following requirements:

- (1) The title agency has obtained a fidelity bond in an amount that is acceptable to the title insurer, but not less than fifty thousand dollars (\$50,000).
- (2) The title agency has obtained an errors and omissions insurance policy:

- (A) that provides coverage for an opinion of title;
- (B) from an insurer that is acceptable to the title insurer; and
- (C) in an amount acceptable to the title insurer, but not less than two hundred fifty thousand dollars (\$250,000) per claim with an aggregate limit.

The department shall adopt rules under IC 4-22-2 to specify an alternative method of compliance with subdivisions (1) and (2) if a fidelity bond or errors and omissions insurance is generally unavailable.

(g) A title agency shall provide to a title insurer with which the title agency places title insurance business, in a timely manner, information requested by the title insurer to comply with reporting requirements of the department.

(h) To obtain an initial license under this section, a title agency shall comply with the requirements of section 27(a) of this chapter.

Sec. 27. (a) To obtain an initial license under section 26 of this chapter, a title agency shall:

- (1) have deposited with the department securities of the type described in IC 27-1-13-3(b) and having at all times a market value of not less than ten thousand dollars (\$10,000); or
- (2) post a surety bond of not less than ten thousand dollars (\$10,000) payable to the department;

to secure the title agency's performance of the title agency's duties and responsibilities under the contract described in section 30 of this chapter and entered into between the title agency and each title insurer for which the title agency is appointed. If a surety bond is generally unavailable, the department may adopt rules under IC 4-22-2 to establish alternative methods by which a title agency may comply with this subsection.

(b) The deposit made or bond posted under subsection (a) is for the benefit of a person insured under a title insurance policy and damaged by the title agency's violation of this chapter or of a contractual duty or responsibility described in subsection (a).

(c) A title insurer shall not, directly or indirectly on behalf of a title agency, provide a deposit or bond required under subsection (a).

(d) A title agency may:

- (1) exchange or substitute securities:
 - (A) described in IC 27-1-13-3(b); and
 - (B) of like quality and value;

for securities on deposit;

- (2) receive interest and other income accruing on securities deposited; and

(3) at reasonable times, inspect a deposit of securities made; under subsection (a)(1).

(e) If a properly documented claim is timely filed with the department by a person described in subsection (b), the department may remit to the person in payment of the claim an appropriate amount of:

- (1) a deposit made under subsection (a); or
- (2) proceeds that are received from the surety.

(f) A deposit or bond described in subsection (a) must remain unimpaired while the title agency continues in business in Indiana and for one (1) year after termination of all title agency appointments held by the title agency. If there are no claims outstanding against the deposit or bond one (1) year after termination of the appointments, the department shall return the deposit or bond and any accrued interest to the title agency.

Sec. 28. (a) A title agency or title insurance agent that is licensed under section 26 of this chapter shall comply with the requirements of IC 27-1-15.7 that apply to the title agency or title insurance agent.

(b) A continuing education course must be approved under IC 27-1-15.7-4.

(c) An individual who teaches an approved course of instruction or lectures at an approved seminar qualifies for the same number of continuing education hours as would be granted to an individual who takes and successfully completes the course or seminar.

(d) The department may grant an individual waiver of the continuing education requirements of IC 27-1-15.7 upon a showing by a licensee that it is not feasible for the licensee to satisfy the requirements before the licensee's license renewal date for an acceptable reason, including the licensee's:

- (1) serious physical injury or illness; or
- (2) active duty in the armed services for an extended period.

(e) An individual who is subject to this section shall furnish, in a manner satisfactory to the department, certification of the individual's completion of courses, programs, or seminars required by this section.

Sec. 29. (a) In addition to the requirements of sections 26(f) and 27 of this chapter, the commissioner may require a title insurance agent to maintain, for the benefit of a title insurer, an insured, or a depositor, under terms and conditions to be prescribed by the commissioner, in amounts commensurate with the title insurance agent's average exposure and the volume and nature of the title insurance agent's business, a sufficient net worth to ensure the title insurance agent's solvency and commitment to the purpose of being a title insurance agent.

(b) In determining the precise amount and terms and conditions described in subsection (a), the commissioner may adopt rules under IC 4-22-2 that:

- (1) specify acceptable alternatives to the net worth requirements described in subsection (a); and
- (2) exempt certain persons from complying with all or part of the net worth requirements described in subsection (a) or specified alternatives to the net worth requirements by virtue of:

- (A) the person's actual or expected volume of business; or
- (B) individual circumstances that show that the requirements would pose an undue hardship on the title insurance agent and the title insurance agent's services will be needed by and desirable to insureds.

(c) The commissioner may adopt rules under IC 4-22-2 to specify information that must be provided to evidence sufficiency of a title insurance agent's net worth as described in subsection (a).

(d) Financial information provided to evidence sufficiency of a title insurance agent's net worth under this section is confidential.

(e) A title insurance agent shall perform, through the title insurance agent's bona fide employees, primary title services to receive compensation for the services the title insurance agent renders.

Sec. 30. (a) A person, firm, association, or corporation that acts as a title insurance agent shall not place title insurance business with a title insurer unless a written contract is in force between the title insurance agent and the title insurer that:

- (1) specifies the responsibilities of each party;

(2) if both parties share responsibility for a particular function, specifies the division of the responsibilities; and

(3) contains the following minimum provisions:

(A) The title insurer may terminate the contract upon written notice if one (1) of the following occurs:

- (i) Fraud, insolvency, appointment of a receiver or conservator, bankruptcy, cancellation of the title insurance agent's license to do title insurance business, or the commencement of legal proceedings by the state of domicile of the title insurance agent that, if successful, will lead to cancellation of the title insurance agent's license to do title insurance business.
- (ii) Material breach of a provision of the contract.
- (iii) Notice of cancellation is provided in accordance with contract termination requirements.

(B) Upon notice of termination, the title insurance agent shall immediately discontinue all underwriting on behalf of the title insurer.

This subdivision does not relieve a title insurance agent or title insurer of a contractual obligation not specified in this subdivision.

(b) A title insurance agent shall render accounts detailing all transactions, and remit all funds, due to a title insurer under the contract described in subsection (a) to the title insurer before the later of the following:

- (1) Forty-five (45) days after the end of the month of the effective date of the title insurance policy.
- (2) Within the time specified by the underwriting contract.

(c) Funds collected by a title insurance agent for the account of a title insurer:

- (1) must be held in a fiduciary capacity in a bank that is a qualified financial institution; and
- (2) are the property of the title insurer for whom the funds are collected.

(d) A title insurance agent shall keep records concerning funds described in subsection (c) in a manner that permits identification of funds that belong to a particular title insurer.

(e) At a title insurer's request, a title insurance agent or a title insurance agent's successor in interest, transferee, or receiver shall provide access to and the right to copy all escrow files and underwriting files involving a transaction in which a title insurance report or title insurance policy is issued or will be issued by the title insurance agent.

(f) A title insurance agent shall provide to a title insurer access to and a right to copy accounts and records maintained by the title insurance agent with respect to title insurance business placed with the title insurer.

(g) A contract described in subsection (a) may not be assigned in whole or in part by a title insurance agent without the expressed written consent of the title insurer.

(h) It is the duty of a title insurance agent to immediately report and forward to a title insurer all title related escrow claims and title claims reported to the title insurance agent by a policyholder or another person. However, if the contract described in subsection (a) permits the title insurance agent to settle claims on behalf of the title insurer:

(1) the title insurance agent shall send a copy of the claim file to the title insurer at the title insurer's request or as soon as it is known by the title insurance agent that the claim:

- (A) has the potential to exceed an amount established by the title insurer;
- (B) involves a coverage dispute;
- (C) may exceed the title insurance agent's claims settlement authority;
- (D) is open for more than six (6) months; or
- (E) is closed by payment exceeding an amount established by the title insurer;

(2) files related to title and title related escrow claims settled by the title insurance agent are the property of the title insurer; and

(3) the title insurer may:

- (A) suspend a settlement authority granted to the title insurance agent during a pending dispute regarding a

cause for termination of the contract described in subsection (a); or

(B) upon:

- (i) the title insurer's written notice to the title insurance agent; or
- (ii) the termination of the contract described in subsection (a);

immediately terminate a settlement authority granted to the title insurance agent.

This subdivision does not relieve a title insurance agent or title insurer of any other contractual obligation.

(i) If electronic claims files exist in the records of a title insurance agent, the contract described in subsection (a) must address the immediate transmission of the data contained in the electronic claims files.

(j) A title insurance agent shall not:

- (1) bind reinsurance or retrocession on behalf of a title insurer; or
- (2) appoint a title insurance subagent, without the expressed written consent of the title insurance underwriter that provides underwriting services under a contract with a title insurer.

(k) The contract described in subsection (a) must include specific terms of a title insurance agent's compensation.

(l) A title insurance agent shall maintain an inventory of title insurance policy forms or title insurance policy numbers assigned to the title insurance agent by a title insurer.

(m) A title insurance agent shall:

- (1) annually;
- (2) within a time specified by the contract described in subsection (a); or
- (3) concurrent with the renewal date of the title insurance agent's contract with a title insurer;

furnish a title insurer with proof that the title insurance agent is in compliance with section 26 of this chapter.

(n) A:

- (1) title insurer; or
- (2) title insurance agent on behalf of a title insurer;

shall issue a title insurance policy not later than sixty (60) days after all conditions or requirements specified in the title insurance report have been satisfied. However, if a title insurance policy cannot be issued within the period set forth in this subsection due to an act of God or war, the policy must be issued within a reasonable period determined by the department.

Sec. 31. (a) If:

- (1) a title insurance agent or title insurer provides settlement services and issues a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of residential real estate securing the loan; and
- (2) an owner's title insurance policy has not been requested;

the title insurance agent or title insurer shall, at the time the title insurance report is prepared, provide written notice described in subsection (b) to the purchaser-mortgagor or the purchaser-mortgagor's representative.

(b) Notice provided under subsection (a) must explain:

- (1) that a lender's title insurance policy will be issued to protect the mortgage lender;
- (2) that the lender's title insurance policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased;
- (3) what an owner's title insurance policy insures against;
- (4) what possible risks exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's title insurance policy; and
- (5) that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner for an additional cost.

(c) A title insurer or title insurance agent shall, at the time the title insurance report is prepared, provide written notice to all parties that receive the title insurance report that a closing protection letter may be purchased.

(d) The department shall adopt rules under IC 4-22-2 to specify the content of each notice required under this section.

Sec. 32. (a) A title insurance agent shall maintain sufficient records of the title insurance agent's affairs, including the title insurance agent's escrow operations and escrow trust accounts, to allow the commissioner to adequately ensure that the title insurance agent is in compliance with this chapter.

(b) The commissioner may prescribe:

- (1) specific record entries and documents that must be maintained under subsection (a); and
- (2) the length of time for which the records and documents must be maintained.

Sec. 33. (a) A title insurance agent, an officer, a director, or an employee of a title insurance agent, or a person associated with a title insurance agent or an officer, a director, or an employee of a title insurance agent, who:

- (1) is an independent contractor for bookkeeping or similar purposes; and
- (2) knowingly or intentionally converts or misappropriates funds received or held in escrow or in trust by the title insurance agent;

or a person who knowingly or intentionally receives or conspires to receive funds described in subdivision (2) commits an offense described in IC 35-43-9-7.

(b) If a title insurance agent or title agency defalcates, converts, or misappropriates funds held by the title insurance agent or title agency and the title insurance agent or title agency is convicted of an offense under IC 35-43-9-7, the following apply:

- (1) The title insurer is liable for the defalcation, conversion, or misappropriation by the title insurance agent or title agency.
- (2) If the title insurance agent or title agency is a title insurance agent or title agency for two (2) or more title insurers, the liability must be borne by the title insurer upon which a title insurance report or title insurance policy was issued before the illegal act.

However, a title insurer's liability under this subsection is limited to the amount payable under a title insurance policy issued or committed, or a closing protection letter issued, in connection with the real estate closing or escrow in relation to which the defalcation, conversion, or misappropriation is committed, plus reasonable attorney's fees.

(c) A title insurer shall, at least annually, conduct an on-site review of the underwriting, claims, and escrow practices of a title insurance agent, including a review of the title insurance agent's title insurance policy blank inventory and processing operations. If the title insurance agent does not maintain separate bank or trust accounts for each title insurer that the title insurance agent represents, the title insurer shall verify that the funds held on the title insurer's behalf are reasonably ascertainable from the books of account and records of the title insurance agent.

Sec. 34. (a) The commissioner shall establish a title insurance enforcement unit to enforce this chapter.

(b) The title insurance enforcement unit shall do the following:

- (1) Investigate deceptive acts in connection with title insurance.
- (2) Investigate violations of this chapter.
- (3) Cooperate with federal, state, and local law enforcement agencies in the investigation of:
 - (A) deceptive acts in connection with title insurance; and
 - (B) violations of the federal Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.).

(c) The following may cooperate with the title insurance enforcement unit, including sharing information that is otherwise confidential, to enforce compliance with this chapter:

- (1) The professional licensing agency and appropriate licensing boards with respect to a person licensed under IC 25.
- (2) The department of financial institutions.
- (3) The securities division of the office of the secretary of state.
- (4) The supreme court disciplinary commission, with respect to attorney misconduct.
- (5) The housing and community development authority.
- (6) The department of state revenue.

- (7) The state police department.
- (8) A prosecuting attorney.
- (9) Local law enforcement agencies.
- (10) The Indiana real estate commission.

(d) The commissioner may file a complaint with an entity specified in subsection (c) to enforce this chapter.

(e) This section does not limit the jurisdiction of an entity described in subsection (c).

Sec. 35. The commissioner may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 36. (a) If the commissioner, after notice and hearing under IC 4-21.5, determines that a person has violated this chapter, the commissioner may:

- (1) impose a civil penalty of not more than ten thousand dollars (\$10,000) for each violation; and
- (2) if the person is a title insurance agent, order revocation or suspension of the title insurance agent's license.

(b) If an order of rehabilitation or liquidation of a title insurer has been entered under IC 27-9, and:

- (1) the receiver appointed under the order determines that a title insurance agent or another person has violated this chapter; and
- (2) the title insurer has suffered a resulting loss or damage;

the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the title insurer and the title insurer's policyholders and creditors.

(c) This section does not:

- (1) affect the right of the commissioner to impose another penalty under this title; or
- (2) limit or restrict the rights of policyholders, claimants, or creditors.

Sec. 37. The commissioner or attorney general may bring an action in a court with jurisdiction to enjoin violations of the federal Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.).

(Reference is to ESB 349 as reprinted March 1, 2006.)

WALTZ	BURTON
MRVAN	MAHERN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1287-1; filed March 14, 2006, at 1:29 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1287 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-23-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. The department shall:

- (1) give notice of the time and place for the receiving of bids under this chapter in accordance with IC 5-3-1; and
- (2) provide electronic access to a notice of the date, time, and place for the receiving of bids under this chapter through the computer gateway administered by the office of technology.

SECTION 2. IC 9-13-2-173.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 173.3. "State highway system" has the meaning set forth in IC 8-23-1-40.

SECTION 3. IC 9-16-1-7, AS ADDED BY P.L.221-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.

(a) (b) On each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; IC 3-5-2-18), all full service license branches that provide state identification cards must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(b) (c) On the day before each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; IC 3-5-2-18), all full service license branches that provide state identification cards must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(c) (d) The commission shall:

- (1) designate another day as compensatory time off; or
- (2) authorize overtime pay;

for license branch personnel required to work on an election day.

SECTION 4. IC 9-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) It is unlawful for a person to knowingly fail to comply with a lawful order or direction of a law enforcement officer invested by law with authority to direct, control, or regulate traffic.

(b) Except as otherwise provided in this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 5. IC 9-21-8-56 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 56. A person who operates a vehicle in a highway worksite zone:

- (1) in a reckless manner; or
- (2) attempting to endanger the safety or property of individuals authorized by the Indiana department of transportation or the appropriate local entities to be in a highway worksite zone;

commits a Class A misdemeanor.

SECTION 6. IC 9-22-1-4, AS AMENDED BY P.L.104-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (c), the person who owns an abandoned vehicle or parts is:

- (1) responsible for the abandonment; and
- (2) liable for all of the costs incidental to the removal, storage, and disposal;

of the vehicle or the parts under this chapter.

(b) The costs for storage of an abandoned vehicle may not exceed one thousand five hundred dollars (\$1,500).

(c) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, the person who previously owned the vehicle is not responsible for storage fees.

(d) If an abandoned vehicle is sold by a person who removed, towed, or stored the vehicle, and proceeds from the sale of the vehicle covered the removal, towing, and storage expenses, any remaining proceeds from the sale of the vehicle shall be returned to the previous owner of the vehicle if the previous owner is known.

SECTION 7. IC 9-22-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11.5. An officer who finds or is notified of a vehicle or part believed to be abandoned on a highway in the state highway system shall attach a notice tag in a prominent place on the vehicle or part. The notice tag must contain the following information:

- (1) The date and time the notice is attached.
- (2) The officer's name.
- (3) The name, address, and telephone number of the public agency or the Indiana department of transportation that may be contacted for information.
- (4) That the vehicle or part is considered abandoned.
- (5) That the vehicle or part will be removed after twenty-four (24) hours.
- (6) That the person who owns the vehicle or part will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or part.
- (7) That the person who owns the vehicle or part may avoid costs described in subdivision (6) by removing the vehicle or part within twenty-four (24) hours.

SECTION 8. IC 9-22-1-12 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. If a vehicle or a part tagged under section 11 **or 11.5** of this chapter is not removed within the ~~seventy-two (72) hour specified~~ period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

SECTION 9. IC 9-22-1-13, AS AMENDED BY P.L.104-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) If in the opinion of the officer the market value of an abandoned vehicle or parts determined in accordance with section 12 of this chapter is less than:

- (1) five hundred dollars (\$500); or
- (2) in a municipality that has adopted an ordinance under subsection (b), the amount established by the ordinance;

the officer shall immediately dispose of the vehicle to a ~~towing service~~ **storage yard**. A copy of the abandoned vehicle report and photographs relating to the abandoned vehicle shall be forwarded to the bureau. ~~The~~ A towing service may dispose of the abandoned vehicle not less than thirty (30) days after the date on which the towing service removed the abandoned vehicle. A **municipal corporation (as defined in IC 36-1-2-10) that operates a storage yard as authorized under IC 36-9-30-3 may dispose of the abandoned vehicle to an automobile scrapyard or an automotive salvage recycler upon removal of the abandoned vehicle.** The public agency disposing of the vehicle shall retain the original records and photographs for at least two (2) years.

(b) The legislative body of a municipality (as defined in IC 36-1-2-11) may adopt an ordinance that establishes the market value below which an officer may dispose of a vehicle or parts under subsection (a). However, the market value established by the ordinance may not be more than seven hundred fifty dollars (\$750).

SECTION 10. IC 9-22-1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. (a) This section applies only to an abandoned vehicle or part abandoned on a highway within the state highway system.**

(b) If, in the opinion of the officer, the market value of the abandoned vehicle or part determined in accordance with section 12 of this chapter is at least:

- (1) five hundred dollars (\$500); or**
- (2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;**

the officer, before placing a notice tag on the vehicle or part, shall make a reasonable effort to ascertain the person who owns the vehicle or part or who may be in control of the vehicle or part.

(c) After twenty-four (24) hours, the officer shall require the vehicle or part to be towed to a storage yard or towing service.

SECTION 11. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard or towing service under section 13, 14, **14.5**, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

- (1) The make.
- (2) The model.
- (3) The identification number.
- (4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

- (1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for

seventy-two (72) hours; and

(2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle.

SECTION 12. IC 33-37-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section applies to criminal, infraction, and ordinance violation actions that are traffic offenses (as defined in IC 9-30-3-5).

(b) The clerk shall collect a highway worksite zone fee of fifty cents (\$0.50). However, the clerk shall collect a highway worksite zone fee of twenty-five dollars and fifty cents (\$25.50) if:

- (1) the criminal action, infraction, or ordinance violation is:
 - (A) exceeding a worksite speed limit (as provided in IC 9-21-5-2 and authorized by IC 9-21-5-3); ~~or~~
 - (B) failure to merge (as provided in IC 9-21-8-7.5); ~~and or~~
 - (C) reckless driving that endangers the safety of an individual authorized by the Indiana department of transportation or the appropriate local entities to be in a highway worksite zone (as provided in IC 9-21-8-56); and**
- (2) the judge orders the clerk to collect the fee for exceeding a worksite speed limit, ~~or~~ failure to merge, ~~or reckless driving that endangers the safety of an individual authorized by the Indiana department of transportation or the appropriate local entities to be in a highway worksite zone.~~

SECTION 13. IC 9-21-8-49 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 14. **An emergency is declared for this act.**

(Reference is to EHB 1287 as printed February 17, 2006.)

DUNCAN	LANDSKE
VAN HAAFTEN	ROGERS
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT ESB 148-1; filed March 14, 2006, at 2:21 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 148 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.5-1.1-2.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.8. (a) This section applies to:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); and
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900).

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, or equip:
 - (A) jail facilities;
 - (B) juvenile court, detention, and probation facilities;
 - (C) other criminal justice facilities; and
 - (D) related buildings and parking facilities;
- located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and
- (2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain:

- (1) jail facilities;**
- (2) juvenile court, detention, and probation facilities;**
- (3) other criminal justice facilities; and**
- (4) related buildings and parking facilities;**

located in the county. A county council of a county described in subsection (a)(1) or (a)(2) may make a determination under both this subsection and subsection (b).

~~(c)~~ (d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes ~~the~~ a finding and determination set forth in subsection (b) or (c). **The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.**

(e) **This subsection applies only to a county described in subsection (a)(1). If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:**

- (1) **the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and**
- (2) **all bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;**

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities referred to in subsection (b)(1)(A).

(f) The tax imposed under this section may be imposed only until the ~~later last of the date on which~~ following dates:

- (1) **The date on which** the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed. ~~or~~
- (2) The date on which the last of any bonds issued **(including any refunding bonds)** or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.
- (3) **If the county imposing the tax under this section is a county described in subsection (a)(1), the date on which an ordinance adopted under subsection (c) is rescinded.**

(g) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

~~(d)~~ If the county council makes a determination under subsection (b); the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of carrying out the purposes described in subsection (b)(1).

~~(c)~~ (h) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

~~(f)~~ (i) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

~~(g)~~ (j) Notwithstanding any other law, ~~funds accumulated from the county adjusted gross income tax imposed under this section after:~~

- (1) ~~the completion of the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b);~~
- (2) ~~the payment or provision for payment of all the costs for activities described in subdivision (1);~~
- (3) ~~the redemption of bonds issued; and~~
- (4) ~~the final payment of lease rentals due under a lease entered into under this section;~~

money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 2. IC 6-3.5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
- (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;
 under section 2.8 of this chapter;
- (3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;
- (4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or
- (5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 3. IC 6-3.5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
- (2) revenue that must be used to pay the costs of:
- (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;
- under section 2.8 of this chapter;
- (3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;
- (4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or
- (5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY	PROPERTY TAX REPLACEMENT CREDITS	CERTIFIED SHARES
ADJUSTED GROSS INCOME TAX RATE		
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter

SECTION 4. **An emergency is declared for this act.**

(Reference is to ESB 148 as reprinted February 22, 2006.)

RIEGSECKER	HEIM
BRODEN	OXLEY
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 14, 2006, I signed into law House Enrolled Acts 1065, 1103, 1107, 1234, 1249, 1286, and 1331.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 14, 2006, I signed into law House Enrolled Act 1279.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following

Senators a conference committee to confer on Engrossed House Bill 1080:

Conferees: Drozda and Sipes
Advisors: Lubbers and Skinner

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the President Pro Tempore of the Senate has appointed the following Senators a conference committee to confer on Engrossed House Bill 1315:

Conferees: Hershman and Hume
Advisors: Wyss and Rogers

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1016, 1018, 1025, 1029, and 1099 and Conference Committee Report 2 on Engrossed House Bill 1010.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1102.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1155.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1235.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 12.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 41.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 47.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 231 for

signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Act 235 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1018-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1018-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1018-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 452: yeas 89, nays 0. Report adopted.

Engrossed House Bill 1029-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1029-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1029-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 453: yeas 88, nays 0. Report adopted.

The Speaker yielded the gavel to Representative Robert A. Hoffman, who is retiring from legislative service.

RESOLUTIONS ON SECOND READING

House Resolution 34

The Chair handed down on its passage House Resolution 34, introduced by Representatives Crawford, Yount, Thomas, Porter, C. Brown, Mays, Summers, Dickinson, V. Smith, and Aguilera:

A HOUSE RESOLUTION urging Hoosiers to be aware of the dangers of diabetes.

The resolution was read a second time and adopted by voice vote.

Representative Hoffman yielded the gavel to the Speaker.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1099-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 14 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1099-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 14 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1099-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. On the motion of Representative Grubb the previous question was called. Representative Turner was excused from voting, pursuant to House Rule 46. Roll Call 454: yeas 59, nays 35. Report adopted.

A meeting of the Committee on Rules and Legislative Procedures was announced; Representatives Foley, Frizzell, E. Harris, Pelath, Turner, and Whetstone were excused.

Engrossed House Bill 1110-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1110-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following

conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1110-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 455: yeas 88, nays 1. Report adopted.

The Speaker yielded the gavel to Representative Thomas S. Kromkowski, who is retiring from legislative service.

RESOLUTIONS ON SECOND READING

House Resolution 35

The Chair handed down on its passage House Resolution 35, introduced by Representative Borders:

A HOUSE RESOLUTION to urge the Congress of the United States to give due consideration to the readiness of the Republic of China on Taiwan for membership in the United Nations.

The resolution was read a second time and adopted by voice vote.

Representative Kromkowski yielded the gavel to the Speaker.

Representatives T. Brown, Burton, Oxley, and Stilwell were excused.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1155-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1155-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1155-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 456: yeas 88, nays 0. Report adopted.

Representatives Heim and Thompson were excused

Engrossed House Bill 1235-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks

for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1235-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1235-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. On the motion of Representative Messer the previous question was called. Roll Call 457: yeas 78, nays 7. Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT EHB 1315-1; filed March 14, 2006, at 2:44 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1315 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-34-16, AS ADDED BY HEA 1279-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in section 21 of this chapter, after June 30, 2006:

(1) the commission is the sole franchising authority (as defined in 47 U.S.C. 522(10)) for the provision of video service in Indiana; and

(2) a unit may not:

(A) require a provider to obtain a separate franchise; or
(B) impose any fee, gross receipt tax, licensing requirement, rate regulation, or build-out requirement on a provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

(1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:

(A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering video service in Indiana.

(B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.

(C) That the applicant agrees to:

(i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and

(ii) recognize the police powers of a unit to enforce the ordinance or regulation.

(D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person, under

~~the terminated franchise until such time as the local franchise would otherwise terminate or expire, as required by section 22 of this chapter.~~

(2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.

(3) The address and telephone number of the applicant's principal place of business, along with contact information for the person responsible for ongoing communications with the commission.

(4) The names and titles of the applicant's principal officers.

(5) The legal name, address, and telephone number of the applicant's parent company, if any.

(6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.

(7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).

(8) A list of other states in which the applicant provides video service.

(9) If the applicant will terminate an existing local franchise under section 21(b) of this chapter, a copy of the written notice sent to the municipality under section 21(c) of this chapter.

(10) Any other information the commission considers necessary to:

(A) monitor the provision of video service to Indiana customers; and

(B) prepare the commission's annual report to the regulatory flexibility committee under IC 8-1-2.6-4.

This subsection does not empower the commission to require an applicant to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

(c) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter.

SECTION 2. IC 8-1-34-22, AS ADDED BY HEA 1279-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) A provider that elects to terminate a local franchise under section 21 of this chapter remains subject to the contractual rights, duties, and obligations incurred by the provider ~~under the terms and conditions of the terminated local franchise that are owed to any private person, including a subscriber.~~

(b) ~~The obligations that a provider owes to a private person under subsection (a) include any obligations based on the gross income received by the provider:~~

(1) ~~after the provider becomes a holder of a certificate under this chapter; and~~

(2) ~~for video service provided in the service area covered by the terminated local franchise;~~

~~if, under the terms of the terminated local franchise, the obligations would have been based on the gross income received by the provider for video service provided in the service area covered by the terminated local franchise:~~

(c) ~~(b) All liens, security interests, royalties, and other contracts, rights, and interests arising out of the terminated local franchise and owed to a private person, shall:~~

(1) ~~continue in full force and effect without the need for renewal, extension, or continuance; and~~

(2) ~~be paid or performed by the provider after becoming a holder of a certificate under this chapter. and~~

(3) ~~apply as though the gross revenue of the provider continued to be generated under the terminated local franchise with respect to any revenue generated in the service area covered by the terminated local franchise.~~

(d) ~~(c) The commission shall condition the issuance or renewal of a certificate under this chapter on a provider's payment and performance of the rights, duties, and obligations described in this section. until the time the terminated local franchise would ordinarily terminate or expire if the provider had not made the election under~~

~~section 21 of this chapter.~~ In applying for an initial certificate or a renewal certificate under this chapter, a provider shall agree to pay or perform the obligations described in this section, as required by section 16(b)(1)(D) of this chapter.

~~(c) (d)~~ A private person that claims to be:

(1) owed any rights, duties, or obligations by a holder under this section; and

(2) aggrieved by a holder's alleged violation of this section; may bring an action in a court with jurisdiction to enforce the rights, duties, or obligations claimed to be owed to the person.

~~(f) (e)~~ As used in this section, "private person" does not include:

(1) the unit that issued the terminated local franchise;

(2) a political subdivision (as defined in IC 36-1-2-13) not described in subdivision (1); or

(3) any official, agent, or employee of:

(A) the unit that issued the terminated local franchise; or

(B) a political subdivision described in subdivision (2); in the individual's official capacity.

SECTION 3. **An emergency is declared for this act.**

(Reference is to EHB 1315 as reprinted February 28, 2006.)

THOMPSON

HERSHMAN

HOY

HUME

House Conferees

Senate Conferees

The conference committee report was filed and read a first time.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1362 Conferees: Yount replacing Mahern

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 4:05 p.m. with Representative A. Lucas Messer, who is retiring from legislative service, in the Chair.

Representatives T. Brown, Burton, Foley, Frizzell, E. Harris, Heim, Oxley, Pelath, Stilwell, Thompson, Turner, and Whetstone, who had been excused, were present. Representative Walorski was excused.

RESOLUTIONS ON SECOND READING

House Resolution 46

The Chair handed down on its passage House Resolution 46, introduced by Representatives Dobis, Aguilera, Cheney, Kuzman, Lehe, Stevenson, C. Brown, E. Harris, Ayres, L. Lawson, and V. Smith:

A HOUSE RESOLUTION urging the Northwest Indiana Regional Development Authority to begin spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

The resolution was read a second time and adopted by voice vote.

Representative Messer yielded the gavel to the Speaker.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

EHB 1172 Conferees: Woodruff replacing E. Harris

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 345-1; filed March 14, 2006, at 4:01 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House

Amendments to Engrossed Senate Bill 345 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-21-10, AS AMENDED BY HEA 1040-2006, SECTION 139, AND AS AMENDED BY HEA 1134-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) There is established a property tax replacement fund board to consist of the commissioner of the department, the commissioner of the department of local government finance, the director of the budget agency, and two (2) ex officio nonvoting representatives of the general assembly of the state of Indiana. The speaker of the house of representatives shall appoint one (1) member of the house as one (1) of the ex officio nonvoting representatives, and the president pro tempore of the senate shall appoint one (1) senator as the other ex officio nonvoting representative, each to serve at the will of the appointing officer. The commissioner of the department shall be the chairman of the board, and the director of the budget agency shall be the secretary of the board.

(b) The schedule to be used in making distributions to county treasurers during the periods set forth in section 4(b) of this chapter is as follows:

January	0.00%
February	0.00%
March	16.70%
April	16.70%
May	0.00% 6.20%
June	0.00%
July	16.60% 10.40%
August	0.00%
September	16.70%
October	16.70%
November	16.60%
December	0.00%

The board may authorize the department to distribute the estimated distributions to counties earlier than what is required under section 4(b) of this chapter.

(c) The board is also authorized to transfer funds from the property tax replacement fund for the purpose of providing state tuition support distributions to school corporations as provided in IC 20-20-33 and IC 20-43.

SECTION 2. [EFFECTIVE JULY 1, 2006] (a) The purpose of this SECTION is to reduce accrued payment delay balances that were created because of the amendment to IC 6-1.1-21-10 made by P.L.192-2002(ss), SECTION 43, to move the May distribution to July beginning with the May 2003 distribution and a continuation of the practice of delayed payments in subsequent years.

(b) There is appropriated to the property tax replacement board one hundred thirty-six million five hundred thousand dollars (\$136,500,000) from the state general fund and the property tax replacement fund, in the percentage determined by the budget agency, for its use to distribute the amount of the increase in the May 2007 distribution required under IC 6-1.1-21-10, as amended by this act, beginning July 1, 2006, and ending June 30, 2007.

(c) A distribution described in subsection (b) raises the maximum permissible distribution for property tax replacement credits and homestead credits that may be made in the state fiscal year beginning July 1, 2006, and ending June 30, 2007, by the amount of the distribution.

(d) A distribution described in subsection (b) shall be treated as a distribution under IC 6-1.1-21 for the calendar year in which the distribution is made. An early additional distribution described in subsection (b) reduces the amount of the distribution that would otherwise have been made in July 2007 under IC 6-1.1-21-10, as effective before the amendment made by this act, by the amount of the additional distribution.

SECTION 3. [EFFECTIVE JULY 1, 2006] (a) The purpose of this SECTION is to reduce accrued payment delay balances to state educational institutions and IHETS that were created because of the distribution of eleven-twelfths (11/12) of the budgeted amount in the state fiscal year ending June 30, 2002, and a continuation of the practice of delayed payments in subsequent state fiscal years through the state fiscal year ending June 30, 2005.

(b) The following definitions apply throughout this SECTION:

(1) "IHETS" refers to the Indiana Higher Education Telecommunications System.

(2) "State educational institution" has the meaning set forth in IC 20-12-0.5-1.

(c) There is appropriated to the budget agency forty million dollars (\$40,000,000) from the state general fund for its use for general repair and rehabilitation or for repair and rehabilitation of dormitories or other student housing of state educational institutions, beginning July 1, 2006, and ending June 30, 2007, as follows:

INDIANA UNIVERSITY - TOTAL SYSTEM	\$15,667,060
PURDUE UNIVERSITY - TOTAL SYSTEM	10,795,022
INDIANA STATE UNIVERSITY	2,399,680
UNIVERSITY OF SOUTHERN INDIANA	1,225,670
BALL STATE UNIVERSITY	4,077,062
VINCENNES UNIVERSITY	1,190,030
IVY TECH COMMUNITY COLLEGE OF INDIANA	4,645,476
	<u>\$40,000,000</u>

(d) Notwithstanding P.L.246-2005, SECTION 32, after review by the budget committee, the budget agency shall distribute to a state educational institution after June 30, 2006, and before July 1, 2007, the amount appropriated to the state educational institution under subsection (c). The distributions under subsection (c):

(1) may be made in one (1) or more installments after June 30, 2006, and before July 1, 2007, on the schedule determined by the budget agency after review of the schedule by the budget committee; and

(2) shall be separately allotted.

(e) An appropriation under subsection (c) is in addition to the appropriations for general repair and rehabilitation made in P.L.246-2005, SECTION 32, or any other law. Notwithstanding any other law, an appropriation under subsection (c) does not revert to the general fund under IC 4-13-2-19.

(f) The amount appropriated under subsection (c), when distributed to a state educational institution, shall be treated as reducing any claim that the total system of the state educational institution has to one-twelfth (1/12) of the amount budgeted for the state educational institution in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. Subject to subsection (g), the amount of the claim reduction for each state educational institution is equal to the amount distributed to the state educational institution. The amount of the claim reduction for the entire system and the amount apportioned for each institution individually shall be computed by the budget agency. The budget agency makes the final determination.

(g) An amount appropriated under subsection (c), when distributed to Indiana University, shall be treated as reducing any claim that IHETS has to one-twelfth (1/12) of the amount budgeted for the IHETS in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. The amount of the claim reduction is a part of the amount distributed to Indiana University-Total System apportioned as determined by the budget agency.

(Reference is to ESB 345 as reprinted February 28, 2006.)

MEEKS	ESPICH
SIMPSON	COCHRAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1392-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1392-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1392-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative Murphy was excused from voting, pursuant to House Rule 46. Roll Call 458: yeas 90, nays 1. Report adopted.

Representative Cheney was excused.

Engrossed Senate Bill 12-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 10 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 12-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 10 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 12-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 459: yeas 94, nays 0. Report adopted.

Engrossed Senate Bill 41-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks

for 10 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 41-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 10 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 41-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 460: yeas 95, nays 0. Report adopted.

Engrossed Senate Bill 47-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 47-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 47-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 461: yeas 93, nays 0. Report adopted.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Turner.

Engrossed Senate Bill 83-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 83-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following

conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 83-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 462: yeas 88, nays 5. Report adopted.

Engrossed Senate Bill 87-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 87-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 87-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 463: yeas 92, nays 1. Report adopted.

Engrossed Senate Bill 139-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 139-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 139-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 464: yeas 92, nays 1. Report adopted.

Engrossed Senate Bill 259-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and

recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 259-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 259-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 465: yeas 87, nays 7. Report adopted.

Engrossed Senate Bill 284-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 284-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2: Engrossed Senate Bill 284-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 466: yeas 95, nays 0. Report adopted.

Engrossed Senate Bill 303-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 303-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 303-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 467:

yeas 92, nays 0. Report adopted.

Engrossed Senate Bill 333-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 333-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 333-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 468: yeas 88, nays 5. Report adopted.

Engrossed Senate Bill 340-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 14 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 340-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 14 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 340-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative Crawford was excused from voting, pursuant to House Rule 46. Roll Call 469: yeas 90, nays 0. Report adopted.

Representative Bauer was excused.

Engrossed House Bill 1114-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report

may be eligible to be placed before the House for action: Engrossed House Bill 1114-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 12 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1114-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representatives T. Harris and Whetstone were excused from voting, pursuant to House Rule 46. Roll Call 470: yeas 77, nays 14. Report adopted.

Engrossed House Bill 1214-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1214-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1214-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 471: yeas 70, nays 21. Report adopted.

Representatives Friend and Whetstone were excused.

Engrossed House Bill 1287-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 1 hour, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1287-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 1 hour, all so that the following conference committee report may

be eligible to be placed before the House for action: Engrossed House Bill 1287-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 472: yeas 81, nays 9. Report adopted.

Engrossed House Bill 1323-2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1323-2.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 4 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1323-2.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 473: yeas 87, nays 2. Report adopted.

Representative Friend, who had been excused, was present.

Engrossed House Bill 1380-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 5 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1380-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 5 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1380-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 474: yeas 91, nays 1. Report adopted.

Engrossed Senate Bill 148-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative

Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 1 hour, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 148-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 1 hour, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 148-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 475: yeas 55, nays 36. Report adopted.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 349-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 2 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 349-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 2 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 349-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative T. Harris was excused from voting, pursuant to House Rule 46. Roll Call 476: yeas 93, nays 0. Report adopted.

Representatives Bauer, Cheney, Walorski, and Whetstone, who had been excused, were present.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1006.

NOE

Roll Call 477: yeas 51, nays 47. Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE**MESSAGE FROM THE SENATE**

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed House Bill 1362:

Conferees: Delph replacing Broden

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 83, 139, 168, 172, and 193.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 112, 338, and 339 for signature of the Speaker of the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 72 and the same is herewith returned to the House.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 59 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING**House Resolution 89**

Representative Reske introduced House Resolution 89:

A HOUSE RESOLUTION honoring Lance Corporal Tom Kraeszig, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Lance Corporal Tom Kraeszig was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Lance Corporal Tom Kraeszig displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Lance Corporal Tom Kraeszig of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Lance Corporal Tom Kraeszig, Second Battalion, Fourth Marine Regiment, First

Marine Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Lance Corporal Tom Kraeszig.

The resolution was read a first time and adopted by voice vote.

House Resolution 90

Representative Reske introduced House Resolution 90:

A HOUSE RESOLUTION honoring Staff Sergeant Damean Rodriguez, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Staff Sergeant Damean Rodriguez was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Staff Sergeant Damean Rodriguez displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Staff Sergeant Damean Rodriguez of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Staff Sergeant Damean Rodriguez, Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Staff Sergeant Damean Rodriguez.

The resolution was read a first time and adopted by voice vote.

House Resolution 91

Representative Reske introduced House Resolution 91:

A HOUSE RESOLUTION honoring Corporal Joseph Hayes, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Corporal Joseph Hayes was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Corporal Joseph Hayes displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Corporal Joseph Hayes of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Corporal Joseph Hayes, Second Battalion, Fourth Marine Regiment, First

Marine Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Corporal Joseph Hayes.

The resolution was read a first time and adopted by voice vote.

House Resolution 92

Representative Reske introduced House Resolution 92:

A HOUSE RESOLUTION honoring Captain Rob Scott, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Captain Rob Scott was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Captain Rob Scott displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Captain Rob Scott of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Captain Rob Scott, Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Captain Rob Scott.

The resolution was read a first time and adopted by voice vote.

House Resolution 93

Representative Reske introduced House Resolution 93:

A HOUSE RESOLUTION honoring Lance Corporal Peter Flom, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Lance Corporal Peter Flom was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Lance Corporal Peter Flom displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Lance Corporal Peter Flom of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Lance Corporal Peter Flom, Second Battalion, Fourth Marine Regiment, First Marine

Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Lance Corporal Peter Flom.

The resolution was read a first time and adopted by voice vote.

House Resolution 94

Representative Reske introduced House Resolution 94:

A HOUSE RESOLUTION honoring Sergeant Jon Embrey, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Sergeant Jon Embrey was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Sergeant Jon Embrey displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Sergeant Jon Embrey of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Sergeant Jon Embrey, Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Sergeant Jon Embrey.

The resolution was read a first time and adopted by voice vote.

House Resolution 95

Representative Reske introduced House Resolution 95:

A HOUSE RESOLUTION honoring Captain Christopher Bronzi, assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during Operation Iraqi Freedom.

Whereas, The men and women of the United States Marine Corps have proudly served their country in war and peace since the American Revolution;

Whereas, The Marines of Second Battalion, Fourth Marine Regiment, First Marine Division, distinguished themselves by showing gallantry and bravery at the risk of their lives above and beyond the call of duty while engaged in action against the enemy;

Whereas, Captain Christopher Bronzi was assigned to Second Battalion, Fourth Marine Regiment, First Marine Division, during a period of intense combat in the Anabar Province, Iraq;

Whereas, Captain Christopher Bronzi displayed courage, valor, and bravery while engaged in combat; and

Whereas, The history of the Marine Corps is a long and proud heritage of faithful service to the United States; and Captain Christopher Bronzi of the Second Battalion, Fourth Marine Regiment, First Marine Division, displayed the proud character of a United States Marine: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives recognizes the courage, valor, and honor displayed by Captain Christopher Bronzi, Second Battalion, Fourth Marine Regiment, First

Marine Division, during Operation Iraqi Freedom.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Captain Christopher Bronzi.

The resolution was read a first time and adopted by voice vote.

House Resolution 96

Representatives Ruppel and Turner introduced House Resolution 96:

A HOUSE RESOLUTION honoring Jessica A. Quear.

Whereas, Nineteen-year-old Jessica A. Quear is the 2005-2006 Indiana FFA state northern region vice president;

Whereas, As state northern region vice president, Jessica will spend the coming year traveling the state promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Jessica is responsible for developing relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Jessica has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter president and section II director;

Whereas, Jessica has attended several leadership conferences, including the Premier Leadership Training, Leadership Development Workshop, SOAR, F.I.R.E., and Summer Challenge;

Whereas, Jessica has participated in several career development events and in evaluations of soils, meats, crops, and livestock;

Whereas, As a freshman, Jessica was given the opportunity to compete at a national soils contest in Oklahoma, and she has participated in the extemporaneous speaking, horticulture demonstration, creed speaking, quiz bowl, chapter meeting, and Female Ambassador contest, placing in the top four in each contest;

Whereas, Jessica's supervised agricultural experience is sheep production, expanding her flock to four times the size over the past four years; and

Whereas, After serving the Indiana FFA and its members, Jessica plans to attend Purdue University and major in agriculture economics; after graduating from Purdue University, she plans to study law with a goal of pursuing a career in agricultural policy: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Jessica A. Quear on her selection as the 2005-2006 Indiana FFA state northern region vice president and wishes her success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Jessica A. Quear and her parents, Douglas and Teresa Quear.

The resolution was read a first time and adopted by voice vote.

House Resolution 97

Representatives Ruppel and Thompson introduced House Resolution 97:

A HOUSE RESOLUTION honoring David E. Mohler.

Whereas, Eighteen-year-old David E. Mohler is the 2005-2006 Indiana FFA state treasurer;

Whereas, As state treasurer, David will spend the coming year traveling the state promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, David is responsible for developing relationships with leaders in government, education, business, and agriculture sectors;

Whereas, David has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter vice president, sentinel, assistant reporter, district IV treasurer, and vice president;

Whereas, David has attended several leadership conferences, including the Premier Leadership Training, Leadership Development Workshop, and served as a counselor at Seeking Opportunities: Achieving Results and the Washington Leadership Conference;

Whereas, David's participation in the FFA has allowed him to receive honors such as the Chapter Scholarship Award, the Star Farmers, and the WILO Determination Award;

Whereas, David has participated in several career development events on the chapter, district, and state levels, including the Agricultural Issues and Extemporaneous Public Speaking Contest, the Essay, Agricultural Issues, Entomology Judging, and Male Leadership Ambassador; David was on the fourth place team at the National Land Judging contest in Oklahoma;

Whereas, David's supervised agricultural experience is forage production, custom baling ten acres of hay and 60 acres of straw; and

Whereas, After serving the Indiana FFA and its members, David plans to attend Purdue University or the University of Hawaii at Hilo and major in agriculture education with a goal of teaching high school agriculture in central Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates David E. Mohler on his selection as the 2005-2006 Indiana FFA state treasurer and wishes him success at whatever university he attends.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to David E. Mohler and his parents, Allen and Jane Mohler.

The resolution was read a first time and adopted by voice vote.

House Resolution 98

Representatives Ruppel and Cherry introduced House Resolution 98:

A HOUSE RESOLUTION honoring Bruce L. Cooley.

Whereas, Eighteen-year-old Bruce L. Cooley is the 2005-2006 Indiana FFA state president;

Whereas, As state president, Bruce will spend the coming year traveling the state promoting agricultural education and the FFA, speaking to more than 9,000 students and FFA supporters, presenting numerous workshops and conferences, and participating in goodwill tours;

Whereas, In addition to these duties, Bruce is responsible for developing relationships with leaders in government, education, business, and agriculture;

Whereas, Bruce has been an active member of the FFA at the chapter, district, state, and national levels, serving as chapter vice president, chapter president, district vice president, and district president;

Whereas, Bruce has attended several leadership conferences, including the Washington Leadership Conference, Premier Leadership Training, F.I.R.E., Leadership Development Workshop, Made for Excellence, and Advanced Leadership Development, and participated in the National Agricultural Ambassador Program;

Whereas, Bruce has participated in several career development events, including the freshmen Creed speaking, crops, dairy judging, livestock judging, and natural resource demonstration; he has also participated in and placed in the top four in several contests, including the soils evaluation, extemporaneous public speaking, and Leadership Ambassador;

Whereas, Bruce's supervised agricultural experience is Equine Placement; and

Whereas, After serving the Indiana FFA and its members, Bruce plans to attend Purdue University and major in agriculture engineering with a goal of pursuing a career in the field of agriculture: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Bruce L. Cooley on his selection as the 2005-2006 Indiana FFA state president and wishes him success at Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Bruce L. Cooley and his parents, Newt and Alice Cooley.

The resolution was read a first time and adopted by voice vote.

House Resolution 99

Representative Ruppel introduced House Resolution 99:

A HOUSE RESOLUTION honoring Melinda Salmons.

Whereas, Eighteen-year-old Melinda Salmons is the 2005-2006 Indiana FFA state reporter.

Whereas, Melinda is the daughter of Debie and John Salmons;

Whereas, While in office, Melinda will speak to over 9,000 students and FFA supporters, present numerous workshops and conferences, and participate in goodwill tours throughout the state;

Whereas, Over the past four years of FFA membership, Melinda has been active on the chapter, district, and state levels and has served as a chapter officer for three years, as well as District President and Secretary;

Whereas, Melinda's supervised Agriculture Experience involved writing for a local newspaper where she would compose, edit, proofread, and submit articles; and

Whereas, After serving the Indiana FFA Organization and its members, Melinda looks forward to attending Bethel College to major in secondary English education, with a double minor in political science and pre-law: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Melinda Salmons on her selection as the 2005-2006 state reporter for the Indiana Future Farmers of America and wishes her success at Bethel College.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Melinda Salmons and her parents, Debie and John Salmons.

The resolution was read a first time and adopted by voice vote.

House Resolution 100

Representatives Ruppel and Borders introduced House Resolution 100:

A HOUSE RESOLUTION to honor Sawyer Sparks.

Whereas, Eighteen-year-old Sawyer Sparks is the 2005-2006 Indiana FFA state southern region vice president;

Whereas, Sawyer is the son of Ron and Sue Sparks;

Whereas, While in office, Sawyer will speak to over 9,000 students and FFA supporters, present numerous workshops and conferences, and participate in goodwill tours throughout the state;

Whereas, One of Sawyer's responsibilities as a state officer is to develop relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, Over the past four years, Sawyer has been active on the chapter, district, state, and national level and has served as the chapter president and reporter as well as the district president and reporter;

Whereas, Sawyer's supervised agricultural experience is beef production and he has expanded his beef production project by working closely with his father on the family farm;

Whereas, He also raises horses for show purposes for 4-H and open shows; and

Whereas, After serving the Indiana FFA Organization, Sawyer plans to attend Vincennes University to major in agriculture and then plans on attending Purdue University to double major in agriculture sales, marketing and agriculture education: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Sawyer Sparks on his selection as the 2005-2006 state southern region vice president for the Indiana Future Farmers of America and wishes him success at Vincennes University and Purdue University.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Sawyer Sparks and his parents, Ron and Sue Sparks.

The resolution was read a first time and adopted by voice vote.

House Resolution 101

Representatives Ruppel and Ripley introduced House Resolution 101:

A HOUSE RESOLUTION honoring Nathan Lehman.

Whereas, Eighteen-year-old Nathan Lehman is the 2005-2006 Indiana FFA state sentinel;

Whereas, Nathan is the son of Sondra and Jeff Lehman;

Whereas, While in office, Nathan will speak to over 9,000 students and FFA supporters, present numerous workshops and conferences, and participate in goodwill tours throughout the state;

Whereas, Over the past four years of FFA membership, Nathan has been active on the chapter, district, state, and national level and has served as chapter vice president, reporter, sentinel, and district president and secretary;

Whereas, Nathan's supervised agricultural experience is agricultural placement;

Whereas, Nathan has expanded his agriculture placement working closely with his family on their feed and grain elevator; and

Whereas, After serving the Indiana FFA organization and its members, Nathan looks forward to attending the University of Northwestern Ohio and major in agricultural business and marketing technology: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Nathan Lehman on his selection as the 2005-2006 state sentinel for the Indiana Future Farmers of America and wishes him success at the University of Northwestern Ohio.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Nathan Lehman and his parents, Sondra and Jeff Lehman.

The resolution was read a first time and adopted by voice vote.

House Resolution 102

Representative Ruppel introduced House Resolution 102:

A HOUSE RESOLUTION honoring Shawn Gearhart.

Whereas, Eighteen-year-old Shawn Gearhart is the 2005-2006 Indiana FFA state secretary;

Whereas, Shawn is the son of Robert and Pam Gearhart;

Whereas, While in office, Shawn will speak to over 9,000 students and FFA supporters, present numerous workshops and conferences, and participate in goodwill tours throughout the state;

Whereas, As a state officer, Shawn will develop relationships with leaders in the government, education, business, and agriculture sectors;

Whereas, over the past four years of FFA membership, Shawn has been active on the chapter, district, state, and national level and has

served as his chapter's secretary and vice president, as well as district treasurer;

Whereas, Shawn has received a silver emblem at the national convention for his work in his proficiency;

Whereas, Shawn's supervised agriculture experience in forest products and management consisted of working at home with forest products and his employment with Mike's Tree Removal; and

Whereas, After serving the Indiana FFA Organization and its members, Shawn looks forward to attending college where he plans to major in agribusiness management and eventually pursue a career in the agricultural sales industry: Therefore,

Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives congratulates Shawn Gearhart on his selection as the 2005-2006 State Secretary for the Indiana Future Farmers of America.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to Eric Barnard and his parents, Robert and Pam Gearhart.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 59

The Speaker handed down Senate Concurrent Resolution 59, sponsored by Representative Buell:

A CONCURRENT RESOLUTION honoring Kevin Wright.

Whereas, Kevin Wright, coach of Warren Central High School's football team, Indiana's Class 5A high school football champions, will be leaving the school to take a new position at an Oklahoma high school;

Whereas, Under his tenure, the Warren Central Warriors won the past three Class 5A state championships;

Whereas, With this year's victory, Coach Wright and his father (Sheridan coach Bud Wright) became the only father-son duo to win football state championships in the same season;

Whereas, Kevin Wright amassed a 71-12 record in his six seasons at Warren Central;

Whereas, Before coming to Warren Central, Kevin Wright previously coached at Frankfort, Noblesville, and Louisville Trinity and has a 127-49 record in 15 seasons; and

Whereas, Kevin Wright has positively influenced the lives of countless young men and women while serving as head football coach for Warren Central High School; his dedication to young people and his work ethic are a shining example for all students: Therefore,

Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Kevin Wright on his many accomplishments and his great success while serving as Warren Central High School head football coach and wishes him continued success in his future endeavors.

SECTION 2. That the Secretary of the Senate transmit a copy of this resolution to Kevin Wright and his family and to Tony Burchett, principal of Warren Central High School.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
ESB 260-1; filed March 14, 2006, at 4:11 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 260 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments

and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business.

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots; to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) Except as provided in subsections (h) and (i), if:

(1) land assessed on an acreage basis is subdivided into lots; ~~the land shall be reassessed on the basis of lots. If or~~

(2) land is rezoned for, or put to, a different use; the land shall be reassessed on the basis of its new classification.

(e) If improvements are added to real property, the improvements shall be assessed.

(f) An assessment or reassessment made under this section is effective on the next assessment date. ~~However, if land assessed on an acreage basis is subdivided into lots, the lots may not be reassessed until the next assessment date following a transaction which results in a change in legal or equitable title to that lot.~~

(g) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(h) Subject to subsection (i), land in inventory may not be reassessed until the next assessment date following the earliest of:

(1) the date on which title to the land is transferred by:

(A) the land developer; or

(B) a successor land developer that acquires title to the land;

to a person that is not a land developer;

(2) the date on which construction of a structure begins on the land; or

(3) the date on which a building permit is issued for construction of a building or structure on the land.

(i) Subsection (h) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

SECTION 2. IC 6-1.1-4-28.5, AS AMENDED BY P.L.88-2005, SECTION 7, AND AS AMENDED BY P.L.228-2005, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property, including the computerization of assessment records;

(2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;

(3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;

(4) the updating of plat books; ~~and~~

(5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors, members of a county property tax assessment board of appeals, and assessing officials;

(6) making annual adjustments under section 4.5 of this chapter; and

(7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3.

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund, and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance

with IC 5-13-9, invest any money accumulated in the property reassessment fund, until the money is needed to pay general reassessment expenses. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.

SECTION 3. IC 6-1.1-5.5-5, AS AMENDED BY P.L.228-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number of the parcel (as defined in IC 6-1.1-1-8.5).
- (2) Whether the entire parcel is being conveyed.
- (3) The address of the property.
- (4) The date of the execution of the form.
- (5) The date the property was transferred.
- (6) Whether the transfer includes an interest in land or improvements, or both.
- (7) Whether the transfer includes personal property.
- (8) An estimate of any personal property included in the transfer.
- (9) The name, address, and telephone number of:
 - (A) each transferor and transferee; and
 - (B) the person that prepared the form.
- (10) The mailing address to which the property tax bills or other official correspondence should be sent.
- (11) The ownership interest transferred.
- (12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
- (13) The total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.
- (14) The terms of seller provided financing, such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.
- (15) Any family or business relationship existing between the transferor and the transferee.
- (16) Other information as required by the department of local government finance to carry out this chapter.

If a form under this section includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) **The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).**

SECTION 4. IC 6-1.1-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The county auditor may not accept a conveyance document if:

- (1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or
- (2) the sales disclosure form does not contain the information described in ~~section 5~~ **section 5(a)** of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed a completed sales disclosure form with the county auditor.

SECTION 5. IC 6-1.1-8-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Each year the department of local government finance shall notify each public utility company of:

- (1) the department's tentative assessment of the company's distributable property; and
- (2) the value of the company's distributable property used by the department to determine the tentative assessment.

(b) The department of local government finance shall give the notice ~~on or before required by subsection (a) not later than:~~

- (1) September 1 in the case of railroad car companies; and ~~shall give the notice on or before~~
- (2) June 1 in the case of all other public utility companies.

~~(b) Within (c) Not later than~~ ten (10) days after a public utility company receives the notice of the department of local government finance's tentative assessment, **required by subsection (a),** the company may:

- (1) file with the department its objections to the tentative assessment; and
- (2) ~~demand~~ **request** that the department hold a **hearing preliminary conference** on the tentative assessment.

~~(d) If the public utility company does not file with the department of local government finance its objections to the tentative assessment under subsection (c)(1) within the time allowed:~~

- (1) the tentative assessment is **considered** final; and
- (2) ~~the company may not be appealed:~~ **appeal the assessment under section 30 of this chapter.**

SECTION 6. IC 6-1.1-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a public utility company files its objections to ~~and demands a hearing on;~~ a tentative assessment within the time allowed **under section 28(c) of this chapter,** the department of local government finance ~~shall~~ **may** hold a **hearing preliminary conference** on the tentative assessment at a time and place fixed by the department. After the ~~hearing;~~ **preliminary conference,** if any, the department of local government finance shall:

- (1) make a final assessment of the company's distributable property; and ~~shall~~
- (2) notify the company of the final assessment. ~~However,~~

(b) The department of local government finance must give notice of the final assessment ~~before;~~ **under this section not later than:**

- (1) September 30 in the case of railroad car companies; and ~~before~~
- (2) June 30 in the case of all other public utility companies.

SECTION 7. IC 6-1.1-8-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. ~~If (a) A public utility company files its objections to the department of local government finance's tentative assessment of the company's distributable property in the manner prescribed in section 28 of this chapter, the company may initiate an appeal of the department's final assessment of that the company's distributable property by filing a petition with the Indiana board not more later than forty-five (45) days after:~~

- (1) **the public utility company receives notice of the tentative assessment under section 28(a) of this chapter if the final assessment becomes final under section 28(d) of this chapter; or**
- (2) the department of local government finance gives the public utility company notice of the final determination ~~The~~ **under section 29(a) of this chapter.**

(b) A public utility company may petition for judicial review of the Indiana board's final determination to the tax court under IC 4-21.5-5. However, the company must:

- (1) file a verified petition for judicial review; and
- (2) mail to the county auditor of each county in which the public utility company's distributable property is located:
 - (A) a notice that the complaint was filed; and
 - (B) instructions for obtaining a copy of the complaint;

within not later than forty-five (45) days after the date of the notice of the Indiana board's final determination.

SECTION 8. IC 6-1.1-8.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) For purposes of the general reassessment under IC 6-1.1-4-4 or a new assessment, the department of local government finance shall assess each industrial facility in a qualifying county.

(b) The following may not assess an industrial facility in a qualifying county:

- (1) A county assessor.
- (2) An assessing official.
- (3) A county property tax assessment board of appeals.

SECTION 9. IC 6-1.1-9-10 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 10. (a) If in the course of a review of a taxpayer's personal property assessment under this chapter an assessing official or the assessing official's representative or contractor discovers an error indicating that the taxpayer has overreported a personal property assessment, the assessing official shall:**

- (1) adjust the personal property assessment to correct the error; and**
- (2) process a refund or credit for any resulting overpayment.**

(b) Application of subsection (a) is subject to the restrictions of IC 6-1.1-11-1.

SECTION 10. IC 6-1.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) Subject to subsections (e), ~~and (f), and (g),~~ an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually ~~on or~~ before May 15 on forms prescribed by the department of local government finance. Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter shall contain the following information:

- (1) A description of the property claimed to be exempt in sufficient detail to afford identification.
- (2) A statement showing the ownership, possession, and use of the property.
- (3) The grounds for claiming the exemption.
- (4) The full name and address of the applicant.
- (5) For the year that ends on the assessment date of the property, identification of:
 - (A) each part of the property used or occupied; and
 - (B) each part of the property not used or occupied;
 for one (1) or more exempt purposes under IC 6-1.1-10 during the time the property is used or occupied.
- (6) Any additional information which the department of local government finance may require.

(d) A person who signs an exemption application shall attest in writing and under penalties of perjury that, to the best of the person's knowledge and belief, a predominant part of the property claimed to be exempt is not being used or occupied in connection with a trade or business that is not substantially related to the exercise or performance of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real property under subsection (a) or section 5 of this chapter a copy of the township assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation of the assessed value of the real property for the assessment date for which the exemption is claimed. Upon receipt of the exemption application, the county assessor shall examine that record and determine if the real property for which the exemption is claimed is properly assessed. If the county assessor determines that the real property is not properly assessed, the county assessor shall direct the township assessor of the township in which the real property is located to:

- (1) properly assess the real property; and
- (2) notify the county assessor and county auditor of the proper assessment.

(f) If the county assessor determines that the applicant has not filed with an application for exemption a copy of the record referred to in subsection (e), the county assessor shall notify the applicant in writing of that requirement. The applicant then has thirty (30) days after the date of the notice to comply with that requirement. The county property tax assessment board of appeals shall deny an application described in this subsection if the applicant does not comply with that requirement within the time permitted under this subsection.

(g) This subsection applies whenever a law requires an exemption to be claimed on or in an application accompanying a

personal property tax return. The claim or application may be filed on or with a personal property tax return not more than thirty (30) days after the filing date for the personal property tax return, regardless of whether an extension of the filing date has been granted under IC 6-1.1-3-7.

SECTION 11. IC 6-1.1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided by section 1 of this chapter must file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the person wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property. Upon receipt of the statement and the recorded contract or recorded memorandum of the contract, the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury, and the statement must contain the following information:

- (1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which the deduction is claimed.
- (2) The assessed value of the real property, mobile home, or manufactured home.
- (3) The full name and complete residence address of the person and of the mortgagee or contract seller.
- (4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.
- (5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.
- (6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.
- (7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.
- (8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(c) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

SECTION 12. IC 6-1.1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An individual who satisfies the requirements of section 3 of this chapter may file a claim for a deduction, or deductions, provided by section 1 of this chapter during the twelve (12) months before ~~May~~ **June** 11 of the year following the year in which ~~he~~ **the individual** is discharged from military service. The individual shall file the claim, on the forms prescribed for claiming a deduction under section 2 of this chapter, with the auditor of the county in which the real property is located. The claim shall specify the particular year, or years, for which the deduction is claimed. The individual shall attach to the claim an affidavit which states the facts concerning the individual's

absence as a member of the United States armed forces.

(b) The county property tax assessment board of appeals shall examine the individual's claim and shall determine the amount of deduction, or deductions, ~~he the individual~~ is entitled to and the year, or years, for which deductions are due. Based on the board's determination, the county auditor shall calculate the excess taxes paid by the individual and shall refund the excess to the individual from funds not otherwise appropriated. The county auditor shall issue, and the county treasurer shall pay, a warrant for the amount, if any, to which the individual is entitled.

SECTION 13. IC 6-1.1-12-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed between January 15 and March 31, inclusive of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) the source and exact amount of gross income received by the individual and ~~his the individual's~~ spouse during the preceding calendar year;
- (2) the description and assessed value of the real property, mobile home, or manufactured home;
- (3) the individual's full name and ~~his~~ complete residence address;
- (4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and
- (5) any additional information which the department of local government finance may require.

(c) In order to substantiate ~~his the~~ deduction statement, the applicant shall submit for inspection by the county auditor a copy of ~~his the applicant's~~ and a copy of ~~his the applicant's~~ spouse's income tax returns for the preceding calendar year. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 14. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children~~, resources, or the division of disability, aging, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this

state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he the individual~~ is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 15. IC 6-1.1-12-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 16. IC 6-1.1-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the surviving spouse wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and
- (2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 17. IC 6-1.1-12-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must file the statement during the twelve (12) months before ~~May~~ **June 11** of each year for which the veteran wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) a description and the assessed value of the real property, mobile home, or manufactured home;
- (2) the veteran's full name and complete residence address;
- (3) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and
- (4) any additional information which the department of local government finance may require.

SECTION 18. IC 6-1.1-12-17.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.8. (a) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who remains eligible for the deduction in the following year is not required to file a statement to apply for the deduction in the following year.

(b) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the real property, mobile home, or manufactured home for which ~~he~~ **the individual** claims the deduction is located of ~~his~~ **the individual's** ineligibility before ~~May 10~~ **June 11** of the year in which ~~he~~ **the individual** becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter to each individual who received the deduction in the preceding year unless the auditor determines that the individual is no longer eligible for the deduction.

(d) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the deduction in the following year is not required to file a statement to reapply for the deduction following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of the property in a divorce decree.

SECTION 19. IC 6-1.1-12-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~May 10~~ **June 11** of the year in which

the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before ~~April 10~~ **May 11** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (2) statements of the ownership of the property;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the number of dwelling units on the property;
- (5) the number of dwelling units rehabilitated;
- (6) the increase in assessed value resulting from the rehabilitation; and
- (7) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 20. IC 6-1.1-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~May 10~~ **June 11** of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before ~~April 10~~ **May 11** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) the name of the property owner;
- (2) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the increase in the assessed value of improvements resulting from the rehabilitation; and
- (5) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application being filed.

(e) On verification of the correctness of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 21. IC 6-1.1-12-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 30. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement between March 1 and ~~May 10~~ **June 11**, inclusive, of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to

assessment, the county auditor shall allow the deduction.

SECTION 22. IC 6-1.1-12-35.5, AS AMENDED BY P.L.214-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and ~~May 10~~ **June 11**, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification before ~~April 10~~ **May 11** of the assessment year, the department shall determine whether the system or device qualifies for a deduction before ~~May 10~~ **June 11** of the assessment year. If the department fails to make a determination under this subsection before ~~May 10~~ **June 11** of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and ~~May 15~~ **June 11**, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 4-4-30-5, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before ~~April 10~~ **May 11** of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before ~~May 10~~ **June 11** of the assessment year; and
- (2) if the center fails to make a determination before ~~May 10~~ **June 11** of the assessment year, the building is considered certified.

SECTION 23. IC 6-1.1-12-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 38. (a) A person is entitled to a deduction from the assessed

value of the person's property in an amount equal to the difference between:

- (1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11; minus
- (2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11. The statement and certification must be filed before ~~May 10~~ **June 11** of the year preceding the year the deduction will first be applied. Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, the county auditor shall allow the deduction.

SECTION 24. IC 6-1.1-12.1-1, AS AMENDED BY P.L.216-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1. For purposes of this chapter:

(1) "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes:

(A) any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

(B) a residentially distressed area, except as otherwise provided in this chapter.

(2) "City" means any city in this state, and "town" means any town incorporated under IC 36-5-1.

(3) "New manufacturing equipment" means ~~any~~ tangible personal property ~~which:~~ **that a deduction applicant:**

(A) ~~was installed~~ **installs** after February 28, 1983, and on or before the approval deadline determined under section 9 of this chapter, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) ~~is used~~ **uses** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; ~~and~~

(C) ~~was acquired by its owner~~ **acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant** for use as described in clause (B); and

(D) ~~was never before used by its owner~~ **for any purpose in Indiana before the installation described in clause (A).**

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

- (4) "Property" means a building or structure, but does not include land.
- (5) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:
- (A) on unimproved real estate; or
 - (B) on real estate upon which a prior existing structure is demolished to allow for a new construction.
- (6) "Rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.
- (7) "Designating body" means the following:
- (A) For a county that does not contain a consolidated city, the fiscal body of the county, city, or town.
 - (B) For a county containing a consolidated city, the metropolitan development commission.
- (8) "Deduction application" means: ~~either:~~
- (A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter; ~~or~~
 - (B) the application filed in accordance with section 5.4 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter; ~~or~~
 - (C) the application filed in accordance with section 5.3 of this chapter by a property owner that desires to obtain the deduction provided by section 4.8 of this chapter.**
- (9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.
- (10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).
- (11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.
- (12) "New research and development equipment" means tangible personal property that:
- ~~(A) is installed a deduction applicant installs~~ after June 30, 2000, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;
 - (B) consists of:
 - (i) laboratory equipment;
 - (ii) research and development equipment;
 - (iii) computers and computer software;
 - (iv) telecommunications equipment; or
 - (v) testing equipment;
 - (C) is used the deduction applicant uses** in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; ~~and~~
 - (D) is acquired by the property owner the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant** for purposes described in this subdivision; ~~and was~~
 - (E) the deduction applicant never before used by the owner** for any purpose in Indiana **before the installation described in clause (A).**

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

- (13) "New logistical distribution equipment" means tangible personal property that:
- ~~(A) is installed a deduction applicant installs~~ after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;
 - (B) consists of:

- (i) racking equipment;
- (ii) scanning or coding equipment;
- (iii) separators;
- (iv) conveyors;
- (v) fork lifts or lifting equipment (including "walk behinds");
- (vi) transitional moving equipment;
- (vii) packaging equipment;
- (viii) sorting and picking equipment; or
- (ix) software for technology used in logistical distribution;

(C) is used the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant and uses for the storage or distribution of goods, services, or information; and

(D) before being used as described in clause (C); was the deduction applicant never used by its owner for any purpose in Indiana **before the installation described in clause (A).**

(14) "New information technology equipment" means tangible personal property that:

- ~~(A) is installed a deduction applicant installs~~ after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;
- (B) consists of equipment, including software, used in the fields of:
 - (i) information processing;
 - (ii) office automation;
 - (iii) telecommunication facilities and networks;
 - (iv) informatics;
 - (v) network administration;
 - (vi) software development; and
 - (vii) fiber optics; ~~and~~
- (C) the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant; and**
- ~~(E) before being installed as described in clause (A); was (D) the deduction applicant never used by its owner~~ for any purpose in Indiana **before the installation described in clause (A).**

(15) "Deduction applicant" means an owner of tangible personal property who makes a deduction application.

(16) "Affiliate" means an entity that effectively controls or is controlled by a deduction applicant or is associated with a deduction applicant under common ownership or control, whether by shareholdings or other means.

(17) "Eligible vacant building" means a building that:

- (A) is zoned for commercial or industrial purposes; and**
- (B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.**

SECTION 25. IC 6-1.1-12.1-2, AS AMENDED BY P.L.216-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A designating body may find that a particular area within its jurisdiction is an economic revitalization area. However, the deduction provided by this chapter for economic revitalization areas not within a city or town shall not be available to retail businesses.

(b) In a county containing a consolidated city or within a city or town, a designating body may find that a particular area within its jurisdiction is a residentially distressed area. Designation of an area as a residentially distressed area has the same effect as designating an area as an economic revitalization area, except that the amount of the deduction shall be calculated as specified in section 4.1 of this chapter and the deduction is allowed for not more than five (5) years. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings

described in subsection (c):

- (1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.
- (2) Any dwellings in the area are not permanently occupied and are:
 - (A) the subject of an order issued under IC 36-7-9; or
 - (B) evidencing significant building deficiencies.
- (3) Parcels of property in the area:
 - (A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
 - (B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

- (1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.
- (2) A significant number of dwelling units within the area are:
 - (A) the subject of an order issued under IC 36-7-9; or
 - (B) evidencing significant building deficiencies.
- (3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States.
- (4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection as an alternative to one (1) of the additional findings described in subsection (b).

(d) A designating body is required to attach the following conditions to the grant of a residentially distressed area designation:

- (1) The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- (2) If a designation application is filed, the designating body may require that the redevelopment or rehabilitation be completed within a reasonable period of time.

(e) To make a designation described in subsection (a) or (b), the designating body shall use procedures prescribed in section 2.5 of this chapter.

(f) The property tax deductions provided by ~~sections~~ **section 3, and 4.5, or 4.8** of this chapter are only available within an area which the designating body finds to be an economic revitalization area.

(g) The designating body may adopt a resolution establishing general standards to be used, along with the requirements set forth in the definition of economic revitalization area, by the designating body in finding an area to be an economic revitalization area. The standards must have a reasonable relationship to the development objectives of the area in which the designating body has jurisdiction. The following ~~three~~ **(3) four** (4) sets of standards may be established:

- (1) One (1) relative to the deduction under section 3 of this chapter for economic revitalization areas that are not residentially distressed areas.
- (2) One (1) relative to the deduction under section 3 of this chapter for residentially distressed areas.
- (3) One (1) relative to the deduction allowed under section 4.5 of this chapter.
- (4) One (1) relative to the deduction allowed under section 4.8 of this chapter.**

(h) A designating body may impose a fee for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area. The fee may be sufficient to defray

actual processing and administrative costs. However, the fee charged for filing a designation application for a parcel that contains one (1) or more owner-occupied, single-family dwellings may not exceed the cost of publishing the required notice.

(i) In declaring an area an economic revitalization area, the designating body may:

- (1) limit the time period to a certain number of calendar years during which the economic revitalization area shall be so designated;
- (2) limit the type of deductions that will be allowed within the economic revitalization area to ~~either~~ the deduction allowed under section 3 of this chapter, ~~or~~ the deduction allowed under section 4.5 of this chapter, **the deduction allowed under section 4.8 of this chapter, or any combination of these deductions;**
- (3) limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment if a deduction under this chapter had not been filed before July 1, 1987, for that equipment;
- (4) limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988;
- (5) limit the dollar amount of the deduction that will be allowed under section 4.8 of this chapter with respect to the occupation of an eligible vacant building; or**
- ~~(5) (6)~~ impose reasonable conditions related to the purpose of this chapter or to the general standards adopted under subsection (g) for allowing the deduction for the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

To exercise one (1) or more of these powers, a designating body must include this fact in the resolution passed under section 2.5 of this chapter.

(j) Notwithstanding any other provision of this chapter, if a designating body limits the time period during which an area is an economic revitalization area, that limitation does not:

- (1) prevent a taxpayer from obtaining a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment installed on or before the approval deadline determined under section 9 of this chapter, but after the expiration of the economic revitalization area if:
 - (A) the economic revitalization area designation expires after December 30, 1995; and
 - (B) the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment was described in a statement of benefits submitted to and approved by the designating body in accordance with section 4.5 of this chapter before the expiration of the economic revitalization area designation; or
- (2) limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under section 4, ~~or~~ 4.5, **or 4.8** of this chapter.

(k) Notwithstanding any other provision of this chapter, deductions:

- (1) that are authorized under section 3 of this chapter for property in an area designated as an urban development area before March 1, 1983, and that are based on an increase in assessed valuation resulting from redevelopment or rehabilitation that occurs before March 1, 1983; or
- (2) that are authorized under section 4.5 of this chapter for new manufacturing equipment installed in an area designated as an urban development area before March 1, 1983;

apply according to the provisions of this chapter as they existed at the time that an application for the deduction was first made. No deduction that is based on the location of property or new manufacturing equipment in an urban development area is authorized

under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) If property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), an application for the property tax deduction provided by this chapter may not be approved unless the commission that designated the allocation area adopts a resolution approving the application.

SECTION 26. IC 6-1.1-12.1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) If a designating body finds that an area in its jurisdiction is an economic revitalization area, it shall either:

- (1) prepare maps and plats that identify the area; or
- (2) prepare a simplified description of the boundaries of the area by describing its location in relation to public ways, streams, or otherwise.

(b) After the compilation of the materials described in subsection (a), the designating body shall pass a resolution declaring the area an economic revitalization area. The resolution must contain a description of the affected area and be filed with the county assessor. A resolution adopted after June 30, 2000, may include a determination of the number of years a deduction under section 3, **4.5, or 4.8** of this chapter is allowed. ~~In addition, if the resolution is adopted after June 30, 2000, the resolution may include a determination of the number of years a deduction under section 4.5 of this chapter is allowed.~~

(c) After approval of a resolution under subsection (b), the designating body shall do the following:

- (1) Publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1.
- (2) File the following information with each taxing unit that has authority to levy property taxes in the geographic area where the economic revitalization area is located:
 - (A) A copy of the notice required by subdivision (1).
 - (B) A statement containing substantially the same information as a statement of benefits filed with the designating body before the hearing required by this section under ~~sections section 3, and 4.5, or 4.8~~ of this chapter.

The notice must state that a description of the affected area is available and can be inspected in the county assessor's office. The notice must also name a date when the designating body will receive and hear all remonstrances and objections from interested persons. The designating body shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. After considering the evidence, the designating body shall take final action determining whether the qualifications for an economic revitalization area have been met and confirming, modifying and confirming, or rescinding the resolution. This determination is final except that an appeal may be taken and heard as provided under subsections (d) and (e).

(d) A person who filed a written remonstrance with the designating body under this section and who is aggrieved by the final action taken may, within ten (10) days after that final action, initiate an appeal of that action by filing in the office of the clerk of the circuit or superior court a copy of the order of the designating body and ~~his the person's~~ remonstrance against that order, together with ~~his the person's~~ bond conditioned to pay the costs of ~~his the person's~~ appeal if the appeal is determined against ~~him: the person~~. The only ground of appeal that the court may hear is whether the proposed project will meet the qualifications of the economic revitalization area law. The burden of proof is on the appellant.

(e) An appeal under this section shall be promptly heard by the court without a jury. All remonstrances upon which an appeal has been taken shall be consolidated and heard and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal, and may confirm the final action of the designating body or sustain the appeal. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

SECTION 27. IC 6-1.1-12.1-4.5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

- (1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.
- (2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and
- (B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

- (3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.
- (4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

- (1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.
- (2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and
- (B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

- (3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.
- (4) With respect to new manufacturing equipment used to

dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), **and subject to subsection (i)**, an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, **and subject to subsection (i)**, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%

6th 25%

7th and thereafter 0%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

- (1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or
- (2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

- (1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by
- (2) the quotient of:
 - (A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by
 - (B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

- (i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and
- (ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 28. IC 6-1.1-12.1-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.8. (a) A property owner that is an applicant for a deduction under this section must provide a statement of benefits to the designating body.

(b) If the designating body requires information from the property owner for the designating body's use in deciding whether to designate an economic revitalization area, the property owner must provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the property owner must submit the completed statement of benefits form to the designating body before the occupation of the eligible vacant building for which the property owner desires to claim a deduction.

(c) The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

- (1) A description of the eligible vacant building that the property owner or a tenant of the property owner will occupy.
- (2) An estimate of the number of individuals who will be employed or whose employment will be retained by the property owner or the tenant as a result of the occupation of the eligible vacant building, and an estimate of the annual salaries of those individuals.
- (3) Information regarding efforts by the owner or a previous owner to sell, lease, or rent the eligible vacant building during the period the eligible vacant building was unoccupied.
- (4) Information regarding the amount for which the eligible vacant building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

(d) With the approval of the designating body, the statement of benefits may be incorporated in a designation application. A

statement of benefits is a public record that may be inspected and copied under IC 5-14-3.

(e) The designating body must review the statement of benefits required by subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, after the designating body has made the following findings:

- (1) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.
- (2) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.
- (3) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed occupation of the eligible vacant building.
- (4) Whether the occupation of the eligible vacant building will increase the tax base and assist in the rehabilitation of the economic revitalization area.
- (5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction under this section unless the findings required by this subsection are made in the affirmative.

(f) Except as otherwise provided in this section, the owner of an eligible vacant building located in an economic revitalization area is entitled to a deduction from the assessed value of the building if the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes. The property owner is entitled to the deduction:

- (1) for the first year in which the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes; and
- (2) for subsequent years determined under subsection (g).

(g) The designating body shall determine the number of years for which a property owner is entitled to a deduction under this section. However, the deduction may not be allowed for more than two (2) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by a resolution adopted not more than sixty (60) days after the designating body receives a copy of the property owner's deduction application from the county auditor.

A certified copy of a resolution under subdivision (2) shall be sent to the county auditor, who shall make the deduction as provided in section 5.3 of this chapter. A determination concerning the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by using the procedure under subdivision (2).

(h) Except as provided in section 2(i)(5) of this chapter and subsection (k), the amount of the deduction the property owner is entitled to receive under this section for a particular year equals the product of:

- (1) the assessed value of the building or part of the building that is occupied by the property owner or a tenant of the property owner; multiplied by
- (2) the percentage set forth in the table in subsection (i).

(i) The percentage to be used in calculating the deduction under subsection (h) is as follows:

- (1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%

- (2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%

(j) The amount of the deduction determined under subsection (h) shall be adjusted in accordance with this subsection in the

following circumstances:

- (1) If a general reassessment of real property occurs within the period of the deduction, the amount of the assessed value determined under subsection (h)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.
 - (2) If an appeal of an assessment is approved and results in a reduction of the assessed value of the property, the amount of a deduction under this section shall be adjusted to reflect the percentage decrease that resulted from the appeal.
 - (k) The maximum amount of a deduction under this section may not exceed the lesser of:
 - (1) the annual amount for which the eligible vacant building was offered for lease or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied; or
 - (2) an amount, as determined by the designating body in its discretion, that is equal to the annual amount for which similar buildings in the county or contiguous counties were leased or rented or offered for lease or rent during the period the eligible vacant building was unoccupied.
 - (l) The department of local government finance may adopt rules under IC 4-22-2 to implement this section.
- SECTION 29. IC 6-1.1-12.1-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.3. (a) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter must file a deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the eligible vacant building is located. Except as otherwise provided in this section, the deduction application must be filed before May 10 of the year in which the property owner or a tenant of the property owner initially occupies the eligible vacant building.
- (b) If notice of the assessed valuation or new assessment for a year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the property owner at the address shown on the records of the township assessor.
- (c) The deduction application required by this section must contain the following information:
- (1) The name of the property owner and, if applicable, the property owner's tenant.
 - (2) A description of the property for which a deduction is claimed.
 - (3) The amount of the deduction claimed for the first year of the deduction.
 - (4) Any other information required by the department of local government finance or the designating body.
- (d) A deduction application filed under this section applies to the year in which the property owner or a tenant of the property owner occupies the eligible vacant building and in the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed.
- (e) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter but that did not file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year. A deduction application filed under this subsection applies to the year in which the deduction application is filed and the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed. The amount of the deduction under this subsection is the amount that would have been applicable to the year under section 4.8 of this chapter if the deduction application had been filed in accordance with subsection (a) or (b).
- (f) Subject to subsection (i), the county auditor shall do the following:
- (1) If a determination concerning the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county

auditor shall make the appropriate deduction.

- (2) If a determination concerning the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.
 - (g) The amount and period of the deduction provided by section 4.8 of this chapter are not affected by a change in the ownership of the eligible vacant building or a change in the property owner's tenant, if the new property owner or the new tenant:
 - (1) continues to occupy the eligible vacant building in compliance with any standards established under section 2(g) of this chapter; and
 - (2) files an application in the manner provided by subsection (e).
 - (h) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the eligible vacant building is located review the deduction application.
 - (i) A property owner may appeal a determination of the county auditor under subsection (f) by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the property owner notice of the determination. An appeal under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.
 - (j) In addition to the requirements of subsection (c), a property owner that files a deduction application under this section must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.8 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable:
 - (1) at the same time that the property owner or the property owner's tenant files a personal property tax return for property located at the eligible vacant building for which the deduction was granted; or
 - (2) if subdivision (1) does not apply, before May 15 of each year.
 - (k) The following information is a public record if filed under this section:
 - (1) The name and address of the property owner.
 - (2) The location and description of the eligible vacant building for which the deduction was granted.
 - (3) Any information concerning the number of employees at the eligible vacant building for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.
 - (4) Any information concerning the total of the salaries paid to the employees described in subdivision (3), including estimated totals that are provided as part of the statement of benefits.
 - (5) Any information concerning the assessed value of the eligible vacant building, including estimates that are provided as part of the statement of benefits.
 - (l) Information concerning the specific salaries paid to individual employees by the property owner or tenant is confidential.
- SECTION 30. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.193-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) This section does not apply to:
- (1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or
 - (2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.
- (b) Not later than forty-five (45) days after receipt of the information described in section 5.1, 5.3(j), or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under

section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:

- (1) An explanation of the reasons for the designating body's determination.
- (2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.
- (c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

(d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:

- (1) the property owner;
- (2) the county auditor; and
- (3) if the deduction applied under section 4.5 of this chapter, the township assessor.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

(e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 31. IC 6-1.1-12.1-8, AS AMENDED BY P.L.193-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Not later than December 31 of each year, the county auditor shall publish the following in a newspaper of general interest and readership and not one of limited subject matter:

- (1) A list of the deduction applications that were filed under this chapter during that year that resulted in deductions being applied under this chapter for that year. The list must contain the following:
 - (A) The name and address of each person approved for or receiving a deduction that was filed for during the year.
 - (B) The amount of each deduction that was filed for during the year.

(C) The number of years for which each deduction that was filed for during the year will be available.

(D) The total amount for all deductions that were filed for and applied during the year.

(2) The total amount of all deductions for real property that were in effect under section 3 of this chapter during the year.

(3) The total amount of all deductions for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that were in effect under section 4.5 of this chapter during the year.

(4) The total amount of all deductions for eligible vacant buildings that were in effect under section 4.8 of this chapter during the year.

(b) The county auditor shall file the information described in subsection (a)(2), ~~and~~ (a)(3), **and (a)(4)** with the department of local government finance not later than December 31 of each year.

SECTION 32. IC 6-1.1-12.1-9, AS AMENDED BY P.L.216-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Notwithstanding any other provision of this chapter, a designating body may not approve a statement of benefits for a deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter after the approval deadline, which is determined in the following manner:

- (1) The initial approval deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial approval deadline and subsequent approval deadlines are automatically extended in increments of five (5) years, so that approval deadlines subsequent to the initial approval deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an approval deadline determined under subdivision (2), the general assembly may enact a law that:

- (A) terminates the automatic extension of approval deadlines under subdivision (2); and
- (B) specifically designates a particular date as the final approval deadline.

SECTION 33. IC 6-1.1-12.1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 9.5. (a) **As used in this section, "clerical error" includes mathematical errors and omitted signatures.**

(b) Except as provided in section 9 of this chapter, the designating body may by resolution waive noncompliance with the following requirements in this chapter with respect to a particular deduction under this chapter:

- (1) a filing deadline applicable to an application, a statement of benefits, or another document that is required to be filed under this chapter; or**
- (2) a clerical error in an application, a statement of benefits, or another document that is required to be filed under this chapter;**

if the taxpayer otherwise qualifies for the deduction and the document is filed or the clerical error is corrected before the resolution is adopted. The resolution must specifically identify the property, deductions, and taxpayer that are effected by the resolution, specifically identify the noncompliance that is the subject of the resolution, and include a finding that the noncompliance has been corrected before the adoption of the resolution.

(c) The designating body shall certify a copy of a resolution adopted under this section to the taxpayer and the department of local government finance.

(d) If a noncompliance with this chapter has been corrected and a resolution is adopted under this section, the taxpayer shall be treated as if the taxpayer had complied with the procedural requirements of this chapter. However, if the designating body determines that granting the relief permitted by this section would result in a delay in the issuance of tax bills, require the recalculation of tax rates or tax levies for a particular year, or otherwise cause an undue burden on a taxing unit, the designating body may require that the deduction that the taxpayer would be entitled to receive for a particular year be

applied to a subsequent year in the manner prescribed by the department of local government finance.

SECTION 34. IC 6-1.1-12.1-11.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.3. (a) This section applies only to the following requirements:

(1) Failure to provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter.

(2) Failure to submit the completed statement of benefits form to the designating body before the:

- (A) initiation of the redevelopment or rehabilitation; ~~or the~~
- (B) installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; ~~or~~

(C) occupation of an eligible vacant building;

for which the person desires to claim a deduction under this chapter.

(3) Failure to designate an area as an economic revitalization area before the initiation of the:

- (A) redevelopment;
- (B) installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; ~~or~~
- (C) rehabilitation; ~~or~~

(D) occupation of an eligible vacant building;

for which the person desires to claim a deduction under this chapter.

(4) Failure to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment under section 2, 3, ~~or~~ 4.5, ~~or~~ 4.8 of this chapter.

(5) Failure to file a:

- (A) timely; or
- (B) complete;

deduction application under section 5, 5.3, or 5.4 of this chapter.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified in the resolution. Before adopting a waiver under this subsection, the designating body shall conduct a public hearing on the waiver.

SECTION 35. IC 6-1.1-12.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A property owner that has received a deduction under section 3, or 4.5 of this chapter is subject to the provisions of this section if the designating body adopts a resolution incorporating the provisions of this section for the economic revitalization area in which the property owner is located.

(b) If:

(1) the property owner (**or, in the case of a deduction under section 4.8 of this chapter, the property owner or a tenant of the property owner**) ceases operations at the facility for which the deduction was granted; and

(2) the designating body finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operations at the facility;

the property owner shall pay the amount determined under subsection (e) to the county treasurer.

(c) A property owner may appeal the designating body's decision under subsection (b) by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined not more than thirty (30) days after the time of the filing of the appeal. The court shall hear evidence

on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is a final determination that may be appealed in the same manner as other civil actions.

(d) If an appeal under subsection (c) is pending, the payment required by this section is not due until after the appeal is finally adjudicated and the property owner's liability for the payment is finally determined.

(e) The county auditor shall determine the amount to be paid by the property owner according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Multiply the sum determined under STEP TWO by one and one-tenth (1.1).

(f) The county treasurer shall distribute money paid under this section on a pro rata basis to the general fund of each taxing unit that contains the property that was subject to the deduction. The amount to be distributed to the general fund of each taxing unit shall be determined by the county auditor according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner to the taxing unit if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Divide the STEP TWO sum by the sum determined under STEP TWO of subsection (e).

STEP FOUR: Multiply the amount paid by the property owner under subsection (e) by the STEP THREE quotient.

SECTION 36. IC 6-1.1-12.1-14, AS AMENDED BY P.L.193-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 2004.

(b) A property owner that receives a deduction under section 3, ~~or~~ 4.5, ~~or~~ 4.8 of this chapter is subject to this section only if the designating body, with the consent of the property owner, incorporates this section, including the percentage to be applied by the county auditor for purposes of STEP TWO of subsection (c), into its initial approval of the property owner's statement of benefits and deduction at the time of that approval.

(c) During each year in which a property owner's property tax liability is reduced by a deduction applied under this chapter, the property owner shall pay to the county treasurer a fee in an amount determined by the county auditor. The county auditor shall determine the amount of the fee to be paid by the property owner according to the following formula:

STEP ONE: Determine the additional amount of property taxes that would have been paid by the property owner during the year if the deduction had not been in effect.

STEP TWO: Multiply the amount determined under STEP ONE by the percentage determined by the designating body under subsection (b), which may not exceed fifteen percent (15%). The percentage determined by the designating body remains in effect throughout the term of the deduction and may not be changed.

STEP THREE: Determine the lesser of the STEP TWO product or one hundred thousand dollars (\$100,000).

(d) Fees collected under this section must be distributed to one (1) or more public or nonprofit entities established to promote economic development within the corporate limits of the city, town, or county served by the designating body. The designating body shall notify the county auditor of the entities that are to receive distributions under this section and the relative proportions of those distributions. The county auditor shall distribute fees collected under this section in accordance with the designating body's instructions.

(e) If the designating body determines that a property owner has not paid a fee imposed under this section, the designating body may adopt a resolution terminating the property owner's deduction under

section 3, ~~or~~ 4.5, or 4.8 of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

SECTION 37. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
- (2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
- (2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to personal property at a facility listed in IC 6-1.1-12.1-3(e).

SECTION 38. IC 6-1.1-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) After holding the hearings referred to in section 4 of this chapter, the department of local government finance shall, in order to equalize assessed values in any county or in the state as a whole, issue an order increasing or decreasing assessed values of any tangible property if the department finds:

- (1) that the assessed values in any county are not uniform and equal as to townships, portions of the same township, or classes of property; or
- (2) that the assessed values in this state are not uniform and equal either as between counties or as to classes of property.

(b) The department of local government finance may not issue an equalization order to increase or decrease assessed values under this section more than twelve (12) months after the county estimates of assessed valuation required under ~~IC 6-1.1-17-1~~ IC 6-1.1-17-1(a) are filed with the department.

(c) If the department of local government finance issues an equalization order under this section, the department shall state in the order the percentage to be added to or deducted from the assessed

value of the tangible property affected by the order.

(d) In issuing an equalization order under this section, the department of local government finance may not reduce or increase the aggregate assessed values of any township beyond the amounts actually necessary for a just and proper equalization of assessments within the entire state.

SECTION 39. IC 6-1.1-15-4, AS AMENDED BY P.L.199-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may:

(1) assign:

- (A) full;
- (B) limited; or
- (C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

(2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the following:

(1) The action of the county property tax assessment board of appeals with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (c) may:

- (A) attend the hearing; and
- (B) offer testimony.

A taxing unit that receives a notice from the county auditor under subsection (c) is not a party to the appeal. The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit.

(c) If, after receiving notice of a hearing under subsection (b), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. **A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal.** Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(d) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(e) The Indiana board shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The Indiana board shall issue instructions for completion of the form. The form must require the Indiana board to indicate agreement or disagreement with each item that is:

- (1) if the county or township official held a preliminary conference under section 1(f) of this chapter, indicated on the petition submitted under that section by the taxpayer and the official; and
- (2) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the Indiana board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(f) After the hearing the Indiana board shall give the petitioner, the township assessor, the county assessor, **and** the county auditor: ~~and the affected taxing units required to be notified under subsection (e):~~

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (e); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

The county auditor shall provide copies of the documents described in subdivisions (1) through (3) to the taxing units entitled to notice under subsection (c).

(g) Except as provided in subsection (h), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(i) Except as provided in subsection (j), the Indiana board shall make a determination not later than the later of:

- (1) ninety (90) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(j) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall make a determination not later than the later of:

- (1) one hundred eighty (180) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(k) ~~Except as provided in subsection (p);~~ The Indiana board may not extend the final determination date under subsection (i) or (j) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this ~~subsection;~~ **section after a hearing**, the entity that initiated the petition may:

- (1) take no action and wait for the Indiana board to make a final determination; or
- (2) petition for judicial review under section 5(g) of this chapter.

(l) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(m) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county property tax assessment board of appeals in support of those issues only if all persons participating in the hearing required under subsection (a) agree to the limitation. A person participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals.

(n) The Indiana board:

- (1) may require the parties to the appeal to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and
- (2) may require the parties to the appeal to file not more than

fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(o) A party to a proceeding before the Indiana board shall provide to another party to the proceeding the information described in subsection (n) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (n).

(p) The county assessor may:

- (1) appear as an additional party if the notice of appearance is filed before the review proceeding; or
- (2) with the approval of the township assessor, represent the township assessor;

in a review proceeding under this section.

(q) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

- (1) order that a final determination under this subsection has no precedential value; or
- (2) specify a limited precedential value of a final determination under this subsection.

SECTION 40. IC 6-1.1-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A class action suit against the Indiana board **or the department of local government finance** may not be maintained in any court, including the Indiana tax court, on behalf of a person who has not complied with the requirements of this chapter or IC 6-1.1-26 before the certification of the class.

SECTION 41. IC 6-1.1-17-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the assessed value of tangible property that meets the following conditions:

- (1) The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by a taxing unit. ~~(as defined in IC 6-1.1-1-21);~~
- (2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.
- (3) The owner of the property has discontinued all business operations on the property.
- (4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing unit located in the county, the county auditor may reduce for a calendar year the taxing unit's assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing unit for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing unit's assessed value under this subsection only to enable the taxing unit to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from successful appeals of the assessed value of property located in the taxing unit. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing unit's assessed value for a calendar year under subsection (d) may not exceed the lesser of:

- (1) two percent (2%) of the assessed value of tangible property subject to assessment in the taxing unit in that calendar year; or**
- (2) the total amount of reductions in the assessed value of tangible property subject to assessment in the taxing unit**

that:

- (A) applied for the assessment date in the immediately preceding year; and
- (B) resulted from successful appeals of the assessed value of the property.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

- (1) county property tax assessment board of appeals;
- (2) Indiana board; or
- (3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 42. IC 6-1.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

- (1) information concerning the assessed valuation in the political subdivision for the next calendar year;
- (2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;
- (3) the current assessed valuation as shown on the abstract of charges;
- (4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance; and

(5) the amount of the political subdivision's assessed valuation reduction determined under section 0.5(d) of this chapter; and

~~(5) (6) any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.~~

(b) The estimate of taxes to be distributed shall be based on:

- (1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and
- (2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e) and except as provided in subsection (f), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

- (1) the fiscal officer of each political subdivision affected by the amendment; and**
- (2) the department of local government finance.**

(e) Except as provided in subsection (g), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) Subsection (d) does not apply to an adjustment of assessed valuation under IC 36-7-15.1-26.9(d).

(g) The county auditor is not required to hold a public hearing under subsection (e) if:

- (1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier

certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 43. IC 6-1.1-17-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) If a county auditor reduces a taxing unit's assessed valuation under section 0.5(d) of this chapter, the department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budget, tax rate, and tax levy of the taxing unit.

(b) The county auditor may appeal to the department of local government finance to reduce a taxing unit's assessed valuation by an amount that exceeds the limits set forth in section 0.5(e) of this chapter. The department of local government finance:

- (1) may require the county auditor to submit supporting information with the county auditor's appeal;
- (2) shall consider the appeal at the time of the review required by subsection (a); and
- (3) may approve, modify and approve, or reject the amount of the reduction sought in the appeal.

SECTION 44. IC 6-1.1-17-16, AS AMENDED BY P.L.228-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), ~~IC 6-1.1-19, IC 20-45, IC 20-46, or IC 6-1.1-18.5~~, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has one (1) week from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office specifying how to make the required reductions in the amount budgeted by fund. The department of local government finance shall make reductions as specified in the political subdivision's response if the response is provided as required by this subsection and sufficiently specifies all necessary reductions. The department of local

government finance may make a revision, a reduction, or an increase in a political subdivision's budget only by fund.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the **taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; the statement filed to initiate the appeal;** and
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.
- (2) If the department:

(A) acts under an appeal initiated by **one (1) or more** taxpayers under section 13 of this chapter; **or**

(B) **fails to act on the appeal before the department certifies its action under subsection (f);**

a taxpayer who signed the ~~petition under that section~~ **statement filed to initiate the appeal.**

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

- (1) requested in writing by the officers of the political subdivision;
- (2) either:
 - (A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or
 - (B) results from an inadvertent mathematical error made in determining the levy; and
- (3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in IC 6-1.1-17-12 is published at least ten (10) days before the date of the hearing.

SECTION 45. IC 6-1.1-18-12, AS AMENDED BY HEA 1134-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

(1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and

(2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;

(2) IC 8-22-3-11;

(3) IC 8-22-3-25;

(4) IC 12-29-1-1;

(5) IC 12-29-1-2;

(6) IC 12-29-1-3;

(7) IC 12-29-3-6;

(8) IC 13-21-3-12;

(9) IC 13-21-3-15;

(10) IC 14-27-6-30;

(11) IC 14-33-7-3;

(12) IC 14-33-21-5;

(13) IC 15-1-6-2;

(14) IC 15-1-8-1;

(15) IC 15-1-8-2;

(16) IC 16-20-2-18;

(17) IC 16-20-4-27;

(18) IC 16-20-7-2;

(19) IC 16-22-14;

~~(19)~~ **(20)** IC 16-23-1-29;

~~(20)~~ **(21)** IC 16-23-3-6;

~~(21)~~ **(22)** IC 16-23-4-2;

~~(22)~~ **(23)** IC 16-23-5-6;

~~(23)~~ **(24)** IC 16-23-7-2;

~~(24)~~ **(25)** IC 16-23-8-2;

~~(25)~~ **(26)** IC 16-23-9-2;

~~(26)~~ **(27)** IC 16-41-15-5;

~~(27)~~ **(28)** IC 16-41-33-4;

~~(28)~~ **(29)** IC 20-46-2-3;

(30) IC 20-46-6-5;

~~(29)~~ **(31)** IC 20-49-2-10;

~~(30)~~ **(32)** IC 23-13-17-1;

~~(31)~~ **(33)** IC 23-14-66-2;

~~(32)~~ **(34)** IC 23-14-67-3;

~~(33)~~ **(35)** IC 36-7-13-4;

~~(34)~~ **(36)** IC 36-7-14-28;

~~(35)~~ **(37)** IC 36-7-15.1-16;

~~(36)~~ **(38)** IC 36-8-19-8.5;

~~(37)~~ **(39)** IC 36-9-6.1-2;

~~(38)~~ **(40)** IC 36-9-17.5-4;

~~(39)~~ **(41)** IC 36-9-27-73;

~~(40)~~ **(42)** IC 36-9-29-31;

~~(41)~~ **(43)** IC 36-9-29.1-15;

~~(42)~~ **(44)** IC 36-10-6-2;

~~(43)~~ **(45)** IC 36-10-7-7;

~~(44)~~ **(46)** IC 36-10-7-8;

~~(45)~~ **(47)** IC 36-10-7.5-19;

~~(46)~~ **(48)** IC 36-10-13-5;

~~(47)~~ **(49)** IC 36-10-13-7;

~~(48)~~ **(50)** IC 36-10-14-4;

~~(49)~~ **(51)** IC 36-12-7-7;

~~(50)~~ **(52)** IC 36-12-7-8;

~~(51)~~ **(53)** IC 36-12-12-10; and

~~(52)~~ **(54)** any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

- (i) property taxes; or
- (ii) special benefits taxes; imposed by a political subdivision; and
- (B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

- (A) Zero (0).
- (B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

SECTION 46. IC 6-1.1-18.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means **the greater of:**

(1) the remainder of:

(A) the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; minus

(B) one-half (1/2) of the remainder of:

(i) the civil taxing unit's maximum permissible ad valorem property tax levy referred to in clause (A); minus

(ii) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year referred to in subdivision (2); or

(2) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined by the department of local government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17, and after eliminating the effects of temporary excessive levy appeals and temporary adjustments made to the working maximum levy

for the calendar year immediately preceding the ensuing calendar year, as determined by the department of local government finance.

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

"Unadjusted assessed value" means the assessed value of a civil taxing unit as determined by local assessing officials and the department of local government finance in a particular calendar year before the application of an annual adjustment under IC 6-1.1-4-4.5 for that particular calendar year or any calendar year since the last general reassessment preceding the particular calendar year.

SECTION 47. IC 6-1.1-18.5-13, AS AMENDED BY HEA 1156-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. With respect to an appeal filed under section 12 of this chapter, the local government tax control board may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

- (A) the cost of personal services (including fringe benefits);
- (B) the cost of supplies; and
- (C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and ~~three-hundredths (1.03)~~ **two-hundredths (1.02):**

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties

under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars

(\$100) of assessed valuation before the increase.

(7) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

(i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);

(ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);

(iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);

(iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or

(v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

(i) was issued by a federal district court; and

(ii) has not been terminated;

(C) that operates a county jail that fails to meet:

(i) American Correctional Association Jail Construction Standards; and

(ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a purpose other than property tax relief.

SECTION 48. IC 6-1.1-18.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 17. (a) As used in this section, "levy excess" means the part of the ad valorem property tax levy actually collected by a civil taxing unit, for taxes first due and payable during a particular calendar year, that exceeds the civil taxing unit's ad valorem property tax levy, as approved by the department of local government finance under IC 6-1.1-17. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are**

collected.

(b) A civil taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds the civil taxing unit's levy limit for the applicable calendar year. However, the civil taxing unit shall deposit, except as provided in subsection (h), its levy excess in a special fund to be known as the civil taxing unit's levy excess fund.

(c) The chief fiscal officer of a civil taxing unit may invest money in the civil taxing unit's levy excess fund in the same manner in which money in the civil taxing unit's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the levy excess fund.

(d) The department of local government finance shall require a civil taxing unit to include the amount in its levy excess fund in the civil taxing unit's budget fixed under IC 6-1.1-17.

(e) Except as provided by subsection (f), a civil taxing unit may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under this chapter, a civil taxing unit shall treat the money in its levy excess fund that the department of local government finance permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.

(f) A civil taxing unit may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the civil taxing unit as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a civil taxing unit may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund of a civil taxing unit for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the unit for that year.

SECTION 49. IC 6-1.1-19-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1.7. (a) As used in this section, "levy excess" means that portion of the ad valorem property tax levy actually collected by a school corporation, for taxes first due and payable during a particular calendar year, which exceeds the school corporation's total levy, as approved by the department of local government finance under IC 6-1.1-17, for those property taxes. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.**

(b) A school corporation's levy excess is valid, and the general fund portion of a school corporation's levy excess may not be contested on the grounds that it exceeds the school corporation's general fund levy limit for the applicable calendar year. However, the school corporation shall deposit, except as provided in subsection (h), its levy excess in a special fund to be known as the school corporation's levy excess fund.

(c) The chief fiscal officer of a school corporation may invest money in the school corporation's levy excess fund in the same manner in which money in the school corporation's general fund may be invested. However, any income derived from investment of the money shall be deposited in and become a part of the levy excess fund.

(d) The department of local government finance shall require a school corporation to include the amount in the school corporation's levy excess fund in the school corporation's budget fixed under IC 6-1.1-17.

(e) Except as provided in subsection (f), a school corporation may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits fixed under this chapter, a school corporation shall treat the money in its levy excess fund that the department of local government finance permits the school corporation to spend during a particular calendar year as part of the school corporation's ad valorem property tax levy for that same calendar year.

(f) A school corporation may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the school corporation as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a school corporation may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would be deposited in the levy excess fund of a school corporation for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the school corporation for that year.

SECTION 50. IC 6-1.1-20.9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An individual who desires to claim the credit provided by section 2 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement shall include the parcel number or key number of the real estate and the name of the city, town, or township in which the real estate is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of the year prior to the first year for which the person wishes to obtain the credit for the homestead. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of the first year for which the individual wishes to obtain the credit. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding year for which the credit is allowed.

(b) The certified statement referred to in subsection (a) shall contain the name of any other county and township in which the individual owns or is buying real property.

(c) If an individual who is receiving the credit provided by this chapter changes the use of the individual's real property, so that part or all of that real property no longer qualifies for the homestead credit provided by this chapter, the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use within sixty (60) days after the date of that change. An individual who changes the use of the individual's real property and fails to file the statement required by this subsection is liable for the amount of the credit ~~he~~ **the individual** was allowed under this chapter for that real property.

(d) An individual who receives the credit provided by section 2 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the credit in the following year is not required to file a statement to reapply for the credit following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of property in a divorce decree.

SECTION 51. IC 6-1.1-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The department of local government finance shall keep a record of its proceedings and orders. The department of local government finance's record is a public record. A copy of the appropriate portion of the record is sufficient evidence in all courts or proceedings to prove an action, rule, or order of the department of local government finance if the copy is:

- (1) certified by the commissioner of the department; and
- (2) attested to by ~~the deputy~~ **a designee of the** commissioner of the department.

SECTION 52. IC 6-1.1-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) With respect to the assessment of real property, the rules of the department of local government finance shall provide for:

- (1) the classification of land on the basis of:
 - (i) acreage;
 - (ii) lots;
 - (iii) size;

- (iv) location;
- (v) use;
- (vi) productivity or earning capacity;
- (vii) applicable zoning provisions;
- (viii) accessibility to highways, sewers, and other public services or facilities; and
- (ix) any other factor that the department determines by rule is just and proper; and

(2) the classification of improvements on the basis of:

- (i) size;
- (ii) location;
- (iii) use;
- (iv) type and character of construction;
- (v) age;
- (vi) condition;
- (vii) cost of reproduction; and
- (viii) any other factor that the department determines by rule is just and proper.

(b) With respect to the assessment of real property, the rules of the department of local government finance shall include instructions for determining:

- (1) the proper classification of real property;
- (2) the size of real property;
- (3) the effects that location and use have on the value of real property;
- ~~(4) the depreciation, including physical deterioration and obsolescence, of real property;~~
- ~~(5) the cost of reproducing improvements;~~
- ~~(6) (4) the productivity or earning capacity of:~~
 - (A) agricultural land; and
 - (B) real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more;
- ~~(7) (5) sales data for generally comparable properties; and~~
- ~~(8) (6) the true tax value of real property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper.~~

(c) With respect to the assessment of real property, true tax value does not mean fair market value. Subject to this article, true tax value is the value determined under the rules of the department of local government finance.

SECTION 53. IC 6-1.1-36-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) **Subject to subsections (b) and (c), and except as provided in subsection (d), a document, including a form, a return, or a writing of any type, which must be filed by a due date under this article or IC 6-1.5, is considered to be filed by the due date if the document is:**

- (1) received on or before the due date by the appropriate recipient;
- (2) deposited in United States first class mail:
 - (A) properly addressed to the appropriate recipient;
 - (B) with sufficient postage; and
 - (C) postmarked by the United States Postal Service as mailed on or before the due date;
- (3) deposited with a nationally recognized express parcel carrier and is:
 - (A) properly addressed to the appropriate recipient; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received by the express parcel carrier on or before the due date; or
- (4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:
 - (A) properly addressed to the appropriate recipient;
 - (B) with sufficient postage; and
 - (C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the

envelope or package containing a payment.

(b) If a document is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the document is considered to have filed the document on or before the due date if the person can show by reasonable evidence that the document was deposited in the United States mail on or before the due date.

(c) If a document is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the document is considered to have filed the document on or before the due date if the person:

(1) can show by reasonable evidence that the document was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) files a duplicate document within thirty (30) days after the date the person is notified that the document was not received.

(d) This section does not apply to a payment addressed in IC 6-1.1-37-10(f).

SECTION 54. IC 6-1.1-36-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) A board of county commissioners, a county assessor, or an elected township assessor may enter into a properly approved contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

(1) examine and verify the accuracy of personal property returns filed by taxpayers with a township assessor of a township in the county; and

(2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

(b) The investigation and collection expenses of a contract under subsection (a) may be deducted from the gross amount of taxes collected on the undervalued or omitted property that is so discovered. The remainder of the taxes collected on the undervalued or omitted property shall be distributed to the appropriate taxing units.

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

(1) All contract fees and other costs related to the contract.

(2) After the payments required by subdivision (1) have been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.

(c) A board of county commissioners, a county assessor, or an elected township assessor may not contract for services under subsection (a) on a percentage basis.

SECTION 55. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Except as provided in section 10.5 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty equal to ten percent (10%) of the amount of delinquent taxes shall be added to the unpaid portion in the year of the initial delinquency.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the

initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date ~~to~~ by the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in the United States **first class** mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) ~~certified~~ or postmarked by the United States Postal Service as mailed on or before the due date; ~~or~~

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received by the express parcel carrier on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic fund transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United states mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 56. IC 6-1.1-39-5, AS AMENDED BY P.L.4-2005,

SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1, 1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

(3) When the money in the fund is sufficient to pay all outstanding principal of and interest (to the earliest date on which the obligations can be redeemed) on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district, money in the special fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(b) Property tax proceeds allocable to the economic development district under subsection (a)(2) must, subject to subsection (a)(3), be irrevocably pledged by the unit for payment as set forth in subsection (a)(2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
(2) the base assessed value.

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable property in the economic development district, for purposes of tax limitation, property tax replacement (except as provided in IC 6-1.1-21-3(c), IC 6-1.1-21-4(a)(3), and IC 6-1.1-21-5(c)), and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or
(2) the base assessed value.

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures

that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this section.** However, the ~~adjustment~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1.

(g) As used in this section, "property taxes" means:

(1) taxes imposed under this article on real property; and
(2) any part of the taxes imposed under this article on depreciable personal property that the unit has by ordinance allocated to the economic development district. However, the ordinance may not limit the allocation to taxes on depreciable personal property with any particular useful life or lives.

If a unit had, by ordinance adopted before May 8, 1987, allocated to an economic development district property taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the ordinance continues in effect until an ordinance is adopted by the unit under subdivision (2).

(h) As used in this section, "base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Subdivision (2) applies only to economic development districts established after June 30, 1997, and to additional areas established after June 30, 1997.

SECTION 57. IC 6-1.1-40-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 1.5. As used in this chapter, "affiliate" means an entity that effectively controls or is controlled by an applicant for a deduction under this chapter or is associated with an applicant for a deduction under this chapter under common ownership or control, whether by shareholdings or other means.**

SECTION 58. IC 6-1.1-40-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4. As used in this chapter, "new manufacturing equipment" means any tangible personal property that **an applicant for the deduction under section 11 of this chapter:**

(1) ~~is installed~~ **installs** in a district;

(2) ~~is used~~ **uses** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property; ~~and~~

(3) ~~was acquired by its owner~~ **acquires in an arms length transaction from an entity that is not an affiliate of the applicant** for use as described in subdivision (2); and

(4) ~~was never before used by its owner~~ **is never used before the installation described in subdivision (1).**

SECTION 59. IC 6-1.1-40-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) **Subject to subsection (e)**, an owner of new manufacturing equipment or inventory, or both, whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment and inventory for a period of ten (10) years. Except as provided in subsections (c) and (d), **and subject to subsection (e)**, for the first five (5) years, the amount of the deduction for new manufacturing equipment that an owner is entitled to for a particular year equals the assessed value of the new manufacturing equipment. **Subject to subsection (e)**, for the sixth through the tenth year, the amount of the deduction equals the product of:

(1) the assessed value of the new manufacturing equipment; multiplied by

(2) the percentage prescribed in the following table:

YEAR OF DEDUCTION	PERCENTAGE
6th	100%
7th	95%
8th	80%
9th	65%
10th	50%
11th and thereafter	0%

(b) For the first year the amount of the deduction for inventory equals the assessed value of the inventory. For the next nine (9) years, the amount of the deduction equals:

- (1) the assessed value of the inventory for that year; multiplied by
- (2) the owner's export sales ratio for the previous year, as certified by the department of state revenue under IC 6-3-2-13.

(c) A deduction under this section is not allowed in the first year the deduction is claimed for new manufacturing equipment to the extent that it would cause the assessed value of all of the personal property of the owner in the taxing district in which the equipment is located to be less than the assessed value of all of the personal property of the owner in that taxing district in the immediately preceding year.

(d) If a deduction is not fully allowed under subsection (c) in the first year the deduction is claimed, then the percentages specified in subsection (a) apply in the subsequent years to the amount of deduction that was allowed in the first year.

(e) For purposes of subsection (a), the assessed value of new manufacturing equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

- (1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by**
- (2) the quotient of:**
 - (A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by**
 - (B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:**
 - (i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and**
 - (ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.**

SECTION 60. IC 6-1.1-45-9, AS ADDED BY P.L.214-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) **Subject to subsection (c),** a taxpayer that makes a qualified investment is entitled to a deduction from the assessed value of the taxpayer's enterprise zone property located at the enterprise zone location for which the taxpayer made the qualified investment. The amount of the deduction is equal to the remainder of:

- (1) the total amount of the assessed value of the taxpayer's enterprise zone property assessed at the enterprise zone location on a particular assessment date; minus
- (2) the total amount of the base year assessed value for the enterprise zone location.

(b) To receive the deduction allowed under subsection (a) for a particular year, a taxpayer must comply with the conditions set forth in this chapter.

(c) A taxpayer that makes a qualified investment in an enterprise zone established under IC 5-28-15-11 that is under the jurisdiction of a military base reuse authority board created under IC 36-7-14.5 or IC 36-7-30-3 is entitled to a deduction under this section only if the deduction is approved by the military base reuse authority board.

SECTION 61. IC 6-1.5-4-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. In order to obtain**

information that is necessary to the Indiana board's conduct of a necessary or proper inquiry, the Indiana board or a board administrative law judge may:

- (1) subpoena and examine witnesses;**
- (2) administer oaths; and**
- (3) subpoena and examine books or papers that are in the hands of any person.**

SECTION 62. IC 6-1.5-5-2, AS AMENDED BY P.L.199-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) After receiving a petition for review that is filed under a statute listed in section 1(a) of this chapter, the Indiana board shall, at its earliest opportunity:

- (1) conduct a hearing; or
- (2) cause a hearing to be conducted by an administrative law judge.

The Indiana board may determine to conduct the hearing under subdivision (1) on its own motion or on request of a party to the appeal.

(b) In its resolution of a petition, the Indiana board may:

- (1) assign:
 - (A) full;
 - (B) limited; or
 - (C) no;
 evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and
- (2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(c) The Indiana board shall give notice of the date fixed for the hearing by mail to:

- (1) the taxpayer;
- (2) the department of local government finance; and
- (3) the appropriate:
 - (A) township assessor;
 - (B) county assessor; and
 - (C) county auditor.

(d) With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notices required under subsection (c) must include the following:

- (1) The action of the department of local government finance with respect to the appealed items.
- (2) A statement that a taxing unit receiving the notice from the county auditor under subsection (e) may:
 - (A) attend the hearing;
 - (B) offer testimony; and
 - (C) file an amicus curiae brief in the proceeding.

A taxing unit that receives a notice from the county auditor under subsection (e) is not a party to the appeal:

(e) If, after receiving notice of a hearing under subsection (c), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. **A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal.** Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(f) The Indiana board shall give the notices required under subsection (c) at least thirty (30) days before the day fixed for the hearing.

SECTION 63. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, ~~the affected taxing units required to be notified under section 2(e) of this chapter;~~ and the department of local government finance:

- (1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and
- (2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court

review of the final determination of the Indiana board.

The county auditor shall provide copies of the documents described in subdivisions (1) and (2) to the taxing units entitled to notice under section 2(e) of this chapter.

SECTION 64. IC 6-1.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The Indiana board shall conduct a hearing or cause a hearing to be conducted within six (6) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(b) The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days.

(c) The failure of the Indiana board to conduct a hearing within the period prescribed in this section does not constitute notice to the person of an Indiana board final determination.

~~(c) The failure of~~ **(d) If the Indiana board fails to make a final determination within the time allowed by this section shall be treated as a final determination of after a hearing, the entity that initiated the petition may:**

(1) take no action and wait for the Indiana board to deny the petition; make a final determination; or

(2) initiate a proceeding for judicial review by taking the action required by IC 6-1.1-15-5(b) at any time after the maximum time elapses.

(e) If:

(1) a judicial proceeding is initiated under subsection (d); and

(2) the Indiana board has not issued a determination;

the tax court shall determine the matter de novo.

SECTION 65. IC 8-1.5-5-32, AS ADDED BY SEA 71-2006, SECTION 1, AND HEA 1212-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.

(2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the ~~district municipality~~ is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date

of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 66. IC 8-22-3.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) The state board of accounts and the department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department consider appropriate for the implementation of this chapter.

(b) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

(c) After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

SECTION 67. IC 16-22-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 14. Levy for Emergency Medical Services

Sec. 1. As used in this chapter, "qualified expenses" means expenses incurred by a county hospital to provide emergency medical services (as defined in IC 16-18-2-110).

Sec. 2. The governing board of a county hospital may request support from the county for qualified expenses, either by:

(1) appropriation from the county general fund; or

(2) a separate tax levy;

by filing with the county executive on or before August 1 a written budget of the amount estimated to be required to fund qualified expenses for the ensuing year.

Sec. 3. Subject to sections 4 and 5 of this chapter, a county may establish a separate property tax levy for a county hospital to compensate the county hospital for the county hospital's qualified expenses.

Sec. 4. The property tax rate imposed under this chapter may not exceed the lesser of the following:

(1) Six cents (\$0.06) on each one hundred dollars (\$100) of assessed valuation.

(2) The property tax rate that is necessary to generate tax revenues in an amount equal to the county hospital's qualified expenses in the ensuing year, as estimated in the governing body's budget request under section 2 of this chapter.

Sec. 5. Property taxes imposed under this chapter are subject to the county's levy limitations imposed under IC 6-1.1-18.5-3.

Sec. 6. The amount levied under this chapter is in addition to any other amount levied for a county hospital.

Sec. 7. An amount levied under this chapter:

(1) must be appropriated as other county funds are appropriated; and

(2) may be used only for qualified expenses.

SECTION 68. IC 20-44-3-2, AS ADDED BY HEA 1134-2006, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "levy excess" means that part of the property tax levy actually collected by a school corporation for taxes first due and payable during a particular calendar year that exceeds the school corporation's total levy, as approved by the department of local government finance

under IC 6-1.1-17, for those property taxes. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.**

SECTION 69. IC 20-46-6-5, AS ADDED BY HEA 1134-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Subject to ~~IC 6-1.1-18-13~~ **IC 6-1.1-18-12** and IC 6-1.1-18.5-9.9, to provide for the fund, the governing body may, for each year in which a plan is in effect, impose a property tax rate that does not exceed forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation of the school corporation. The actual rate imposed by the governing body must be advertised in the same manner as other property tax rates.

SECTION 70. IC 33-26-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~The office of~~ **Subject to IC 4-6-2-11, IC 4-6-5-3, and the written approval of the attorney general, shall represent a township assessor, a county assessor, a county auditor, a member of a county property tax assessment board of appeals, or a county property tax assessment board of appeals that:**

- (1) made an original determination that is the subject of a judicial proceeding in the tax court; and
 - (2) is a defendant in a judicial proceeding in the tax court;
- may elect to be represented in the judicial proceeding by an attorney selected and paid by the defendant, the township, or the county.**

SECTION 71. IC 36-7-14-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) In order to:

- (1) undertake survey and planning activities under this chapter;
 - (2) undertake and carry out any redevelopment project, ~~or~~ **urban renewal project, or housing program;**
 - (3) pay principal and interest on any advances;
 - (4) pay or retire any bonds and interest on them; or
 - (5) refund loans previously made under this section;
- the redevelopment commission may apply for and accept advances, short term and long term loans, grants, contributions, and any other form of financial assistance from the federal government, or from any of its agencies. The commission may also enter into and carry out contracts and agreements in connection with that financial assistance upon the terms and conditions that the commission considers reasonable and appropriate, as long as those terms and conditions are not inconsistent with the purposes of this chapter. The provisions of such a contract or agreement in regard to the handling, deposit, and application of project funds, as well as all other provisions, are valid and binding on the unit or its executive departments and officers, as well as the commission, notwithstanding any other provision of this chapter.

(b) The redevelopment commission may issue and sell bonds, notes, or warrants to the federal government to evidence short term or long term loans made under this section, without notice of sale being given or a public offering being made.

(c) Notwithstanding the provisions of this or any other chapter, bonds, notes, or warrants issued by the redevelopment commission under this section may:

- (1) be in the amounts, form, or denomination;
 - (2) be either coupon or registered;
 - (3) carry conversion or other privileges;
 - (4) have a rank or priority;
 - (5) be of such description;
 - (6) be secured (subject to other provisions of this section) in such manner;
 - (7) bear interest at a rate or rates;
 - (8) be payable as to both principal and interest in a medium of payment, at a time or times (which may be upon demand) and at a place or places;
 - (9) be subject to terms of redemption (with or without premium);
 - (10) contain or be subject to any covenants, conditions, and provisions; and
 - (11) have any other characteristics;
- that the commission considers reasonable and appropriate.

(d) Bonds, notes, or warrants issued under this section are not an indebtedness of the unit or taxing district within the meaning of any constitutional or statutory limitation of indebtedness. The bonds, notes, or warrants are not payable from or secured by a levy of taxes, but are payable only from and secured only by income, funds, and properties of the project becoming available to the redevelopment commission under this chapter, as the commission specifies in the resolution authorizing their issuance.

(e) Bonds, notes, or warrants issued under this section are exempt from taxation for all purposes.

(f) Bonds, notes, or warrants issued under this section must be executed by the appropriate officers of the unit in the name of the "City (or Town or County) of _____, Department of Redevelopment", and must be attested by the appropriate officers of the unit.

(g) Following the adoption of the resolution authorizing the issuance of bonds, notes, or warrants under this section, the redevelopment commission shall certify a copy of that resolution to the officers of the unit who have duties with respect to bonds, notes, or warrants of the unit. At the proper time, the commission shall deliver to the officers the unexecuted bonds, notes, or warrants prepared for execution in accordance with the resolution.

(h) All bonds, notes, or warrants issued under this section shall be sold by the officers of the unit who have duties with respect to the sale of bonds, notes, or warrants of the unit. If an officer whose signature appears on any bonds, notes, or warrants issued under this section leaves office before their delivery, the signature remains valid and sufficient for all purposes as if ~~he~~ **the officer** had remained in office until the delivery.

(i) If at any time during the life of a loan contract or agreement under this section the redevelopment commission can obtain loans for the purposes of this section from sources other than the federal government at interest rates not less favorable than provided in the loan contract or agreement, and if the loan contract or agreement so permits, the commission may do so and may pledge the loan contract and any rights under that contract as security for the repayment of the loans obtained from other sources. Any loan under this subsection may be evidenced by bonds, notes, or warrants issued and secured in the same manner as provided in this section for loans from the federal government. These bonds, notes, or warrants may be sold at either public or private sale, as the commission considers appropriate.

(j) Money obtained from the federal government or from other sources under this section, and money that is required by a contract or agreement under this section to be used for project expenditure purposes, repayment of survey and planning advances, or repayment of temporary or definitive loans, may be expended by the redevelopment commission without regard to any law pertaining to the making and approval of budgets, appropriations, and expenditures.

(k) Bonds, notes, or warrants issued under this section are declared to be issued for an essential public and governmental purpose.

SECTION 72. IC 36-7-14-39, AS AMENDED BY P.L.216-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in

a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

- (A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

- (1) Except as otherwise provided in this section, the proceeds of

the taxes attributable to the lesser of:

- (A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.

(D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements in or serving that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.

(G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) in or serving that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in or serving that allocation area under any lease entered into under IC 36-1-10.

(I) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by
- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses

incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the commission.

(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1). The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the

allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the ~~adjustment adjustments~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment~~ **these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

- (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
- (B) specifically designates a particular date as the final allocation deadline.

SECTION 73. IC 36-7-14-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 45. (a) The commission may establish a program for housing by resolution. The program, which may include any relevant elements the commission considers appropriate, may be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 39 and 48 of this chapter for the accomplishment of the program. The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter.**

(b) The notice and hearing provisions of sections 17 and 17.5 of this chapter, including notice under section 17(c) of this chapter to a taxing unit that is wholly or partly located within an allocation area, apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 18 of this chapter.

(c) Before formal submission of any housing program to the commission, the department of redevelopment:

- (1) shall consult with persons interested in or affected by the proposed program;**

- (2) shall provide the affected neighborhood associations, residents, and township assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program; and
- (3) shall hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.

SECTION 74. IC 36-7-14-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. (a) Except as provided in subsection (b), all the rights, powers, privileges, and immunities that may be exercised by the commission in blighted, deteriorated, or deteriorating areas may be exercised by the commission in implementing its program for housing, including the following:

- (1) The special tax levied in accordance with section 27 of this chapter may be used to accomplish the housing program.
- (2) Bonds may be issued under this chapter to accomplish the housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area except for refunding bonds or bonds issued in an amount necessary to complete a housing program for which bonds were previously issued.
- (3) Leases may be entered into under this chapter to accomplish the housing program.
- (4) The tax exemptions set forth in section 37 of this chapter are applicable.
- (5) Property taxes may be allocated under section 39 of this chapter.

(b) A commission may not exercise the power of eminent domain in implementing its program for housing.

SECTION 75. IC 36-7-14-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 47. The commission must make the following findings in the resolution adopting a housing program under section 45 of this chapter:

- (1) Not more than twenty-five (25) acres of the area included in the allocation area has been annexed during the preceding five (5) years.
- (2) No area within the allocation area has been annexed within the preceding five (5) years over a remonstrance of a majority of the owners of land within the annexed area.
- (3) The program cannot be accomplished by regulatory processes or by the ordinary operation of private enterprise because of:

- (A) the lack of public improvements;
- (B) the existence of improvements or conditions that lower the value of the land below that of nearby land; or
- (C) other similar conditions.

- (4) The public health and welfare will be benefited by accomplishment of the program.
- (5) The accomplishment of the program will be of public utility and benefit as measured by:

- (A) the provision of adequate housing for low and moderate income persons;
- (B) an increase in the property tax base; or
- (C) other similar public benefits.

- (6) At least one-third (1/3) of the parcels in the allocation area established by the program are vacant.
- (7) At least seventy-five percent (75%) of the allocation area is used for residential purposes or is planned to be used for residential purposes.
- (8) At least one-third (1/3) of the residential units in the allocation area were constructed before 1941.
- (9) At least one-third (1/3) of the parcels in the allocation area have at least one (1) of the following characteristics:

- (A) The dwelling unit on the parcel is not permanently occupied.
- (B) The parcel is the subject of a governmental order, issued under a statute or an ordinance, requiring the correction of a housing code violation or unsafe building condition.
- (C) Two (2) or more property tax payments on the parcel

are delinquent.

(D) The parcel is owned by local, state, or federal government.

- (10) The total area within the county or municipality that is included in any allocation area established for a housing program under section 45 of this chapter does not exceed one hundred fifty (150) acres.

SECTION 76. IC 36-7-14-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

- (1) The construction, rehabilitation, or repair of residential units within the allocation area.
- (2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.
- (3) The acquisition of real property and interests in real property within the allocation area.
- (4) The demolition of real property within the allocation area.
- (5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.
- (6) The provision of financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).
- (7) Providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4(a)(1) that is attributable to the taxing district; by
- (B) the amount determined under STEP ONE.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each

installment of taxes (as defined in IC 6-1.1-21-2) that under IC 6-1.1-22-9 are due and payable on May 10 and November 10 of a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

- (1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.
- (2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.
- (3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may only be used to do one (1) or more of the following:

- (1) Accomplish one (1) or more of the actions set forth in section 39(b)(2)(A) through 39(b)(2)(H) and 39(b)(2)(J) of this chapter for property that is residential in nature.
- (2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before July 15 of each year:

- (1) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary:
 - (A) to make, when due, principal and interest payments on bonds described in section 39(b)(2) of this chapter;
 - (B) to pay the amount necessary for other purposes described in section 39(b)(2) of this chapter; and
 - (C) to reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).
- (2) Notify the county auditor of the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20-9-1) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2).

SECTION 77. IC 36-7-15.1-26, AS AMENDED BY P.L.216-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

- (1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated

tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements in that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocated area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection

(g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and

procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the **adjustment adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and **the adjustment these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 78. IC 36-7-15.1-53, AS AMENDED BY P.L.216-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment

project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements in that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

- (1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.
- (2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:
 - (A) Businesses operating in the enterprise zone.
 - (B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.
- (3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district

under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the **adjustment adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and **the adjustment these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

- (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
- (B) specifically designates a particular date as the final allocation deadline.

SECTION 79. IC 36-7-30-25, AS AMENDED BY P.L.4-2005, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

- (A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
- (B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus
- (C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

- (1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the reuse authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 27 of this chapter in the same year.

(F) Pay expenses incurred by the reuse authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the reuse authority.

(3) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 19 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under IC 6-1.1-21.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for

residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base reuse district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section.** However, the ~~adjustment adjustments~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the~~ **adjustment these adjustments** may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 80. IC 36-7-30.5-30, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 30. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or benefitting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefitting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefitting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the development authority.

(3) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the appropriate county auditor of the amount, if any, of the amount of excess property taxes that the development authority has determined may be paid to the

respective taxing units in the manner prescribed in subdivision (1). The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under IC 6-1.1-21.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base development district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district**

under this section. However, the adjustment adjustments under this subsection may not include the effect of property tax abatements under IC 6-1.1-12.1, and the adjustment these adjustments may not produce less property tax proceeds allocable to the military base development district under subsection (b)(2) than would otherwise have been received if the general reassessment or annual adjustment had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 81. IC 36-7-32-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 19. (a) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department of local government finance consider appropriate for the implementation of an allocation area under this chapter.

(b) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter.**

SECTION 82. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.

SECTION 83. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-12.1 apply throughout this SECTION.

(b) As used in this SECTION, "department" refers to the department of local government finance.

(c) As used in this SECTION, "taxpayer" means a person:

- (1) who operates a grey iron foundry located in Grant County;
- (2) who applied in 2001 for property tax deductions under IC 6-1.1-12.1 for new manufacturing equipment located in an economic revitalization area; and
- (3) whose applications described in subdivision (2) were denied.

(d) References to the Indiana Code in this SECTION refer to the Indiana Code in effect on March 1, 2001, unless otherwise stated.

(e) Notwithstanding any other law, a taxpayer who complies with the requirements of this SECTION is entitled to the property tax deduction for new manufacturing equipment in the amounts and for the number of years provided under IC 6-1.1-12.1-4.5, as determined by the department under subsection (h).

(f) The taxpayer shall provide the department with copies of the taxpayer's:

- (1) statement of benefits; and
- (2) applications for deductions from assessed value;

for new manufacturing equipment placed in service in an economic revitalization area that the taxpayer filed in 2001.

(g) If there are any deficiencies in the taxpayer's filings described in subsection (f), the department shall assist the taxpayer in completing the information necessary to determine:

- (1) the assessed value of the new manufacturing equipment; and
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION.

(h) The department shall determine:

- (1) the amount of the assessed value of the new manufacturing equipment;
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION; and
- (3) the percentages used to compute the taxpayer's deductions;

in accordance with IC 6-1.1-12.1-4.5(d) and IC 6-1.1-12.1-4.5(e) as if the taxpayer's applications for deductions had been approved in 2001.

(i) Notwithstanding IC 6-1.1-26 (as in effect on January 1,

2006), when the department has completed the department's determinations under subsection (h), the department shall issue an order to the county auditor of the county in which the economic revitalization area is located:

- (1) describing the department's determinations under subsection (h); and
- (2) requiring the county auditor to accept the taxpayer's refund claims as if the taxpayer's deduction applications had been approved in 2001.

The department shall provide the taxpayer with a copy of the order issued under this subsection.

(j) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the taxpayer may file refund claims for property taxes paid in previous years that are affected by the department's order issued under subsection (i). The taxpayer must attach a copy of the order issued under subsection (i) to the taxpayer's refund claim.

(k) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the county auditor shall pay the refund claims of the taxpayer filed under subsection (j) if the refund claims are fully consistent with the department's order issued under subsection (i).

SECTION 84. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to property that:

- (1) is used for a fraternity for students attending Butler University;
- (2) is owned by a nonprofit corporation that was, before the effective date of this SECTION, determined by the auditor of the county in which the property is located to be eligible to receive a property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24; and
- (3) is not eligible for the property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24 for property taxes first due and payable in 2001, 2002, 2003, and 2004 because the nonprofit corporation failed to timely file an application under IC 6-1.1-11-3.5.

(b) Notwithstanding IC 6-1.1-11-1 and IC 6-1.1-11-3.5, the auditor of the county in which the property described in subsection (a) is located shall:

- (1) waive the noncompliance with the timely filing requirement for the exemption application in question; and
- (2) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to:

- (1) property taxes first due and payable in 2001;
- (2) property taxes first due and payable in 2002;
- (3) property taxes first due and payable in 2003; and
- (4) property taxes first due and payable in 2004.

(d) This SECTION expires July 1, 2007.

SECTION 85. P.L.228-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE] SECTION 35. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "taxpayer" means a nonprofit corporation that is an owner of land and improvements:

- (1) that were:
 - (A) owned and occupied by the taxpayer during the period preceding the assessment date in 1999 and continuing through the date that this SECTION is effective; and
 - (B) used to prepare and create a soccer facility to provide youths with the opportunity to play supervised and organized soccer against other youths;
- (2) for which the property tax liability imposed for property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 exceeded ~~thirty-three~~ thirty thousand dollars (~~\$33,000~~) (\$30,000), in total, which has been paid by the taxpayer;
- (3) that would have qualified for an exemption under IC 6-1.1-10 from property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 if the taxpayer had complied with the filing requirements for the exemption in a timely manner; and
- (4) that have been granted an exemption under IC 6-1.1-10 from property taxes first due and payable in 2005.

(c) Land and improvements described in subsection (b) are exempt under IC 6-1.1-10-16 from property taxes first due and payable in 2003 and 2004, notwithstanding that the taxpayer failed to make a

timely application for the exemption for those years.

(d) The taxpayer may file claims with the county auditor for a refund for the amounts paid toward property taxes on land and improvements described in subsection (b) that were billed to the taxpayer for property taxes first due and payable in 2003 and 2004. The claims must be filed as set forth in IC 6-1.1-26-1(1) through IC 6-1.1-26-1(3). The claims must present sufficient facts for the county auditor to determine whether the claimant is a person that meets the qualifications described in subsection (b) and the amount that should be refunded to the taxpayer.

(e) Upon receiving a claim filed under this SECTION, the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the county auditor shall submit the claim under IC 6-1.1-26-4 to the county board of commissioners for review. The only grounds for disallowing the claim under IC 6-1.1-26-4 are that the claimant is not a person that meets the qualifications described in subsection (b) or that the amount claimed is not the amount due to the taxpayer. If the claim is allowed, the county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount due the claimant under this SECTION. The amount of the refund must equal the amount of the claim allowed. Notwithstanding IC 6-1.1-26-5, no interest is payable on the refund.

(f) This SECTION shall be liberally construed in favor of the taxpayer to give effect to the purposes of this SECTION.

(g) This SECTION expires December 31, 2007.

SECTION 86. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) IC 6-1.1-12.1-1 and IC 6-1.1-40-4, both as amended by this act, apply only to:

- (1) new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment installed and initially used in an economic revitalization area; or
- (2) new manufacturing equipment installed and initially used in a maritime opportunity district;

after December 31, 2005.

(b) It is the intent of the general assembly that the amendment of IC 6-1.1-12.1-1 and IC 6-1.1-40-4 by this act be interpreted to expand the equipment that is eligible for a deduction under IC 6-1.1-12.1 or IC 6-1.1-40 to include equipment that is ineligible for a deduction under IC 6-1.1-12.1 or IC 6-1.1-40 solely because the equipment was used in Indiana by a person other than a deduction applicant (as defined in IC 6-1.1-12.1-1(15), as added by this act) before being installed by the deduction applicant in an economic revitalization area or a maritime opportunity district.

SECTION 87. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "eligible district" means a fire protection district established under IC 36-8-11:

- (1) that expanded its territory after 1998; and
- (2) for which the quotient of:

- (A) the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 2004; divided by
 - (B) subject to subsection (b), the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 1999;
- is at least one and one-half (1.5).

(b) To account for the change in the definition of "assessed value" reflected in IC 6-1.1-1-3(a)(1) and IC 6-1.1-1-3(a)(2), the taxable assessed value to be used for purposes of subsection (a)(2)(B) is the product of:

- (1) the actual taxable assessed value; multiplied by
- (2) three (3).

(c) An eligible district may, before September 20, 2006, appeal to the department of local government finance for relief from the levy limitations imposed by IC 6-1.1-18.5 for property taxes first due and payable in 2007. In the appeal the district must:

- (1) state that it will be unable to carry out the governmental functions committed to it by law unless the appeal is approved; and
- (2) present evidence that it is an eligible district.

(d) The maximum increase in an eligible district's levy allowed under this SECTION is four hundred twenty-five thousand dollars (\$425,000).

(e) The department of local government finance shall process the appeal in the same manner that the department processes appeals under IC 6-1.1-18.5-12.

(f) For purposes of computing an eligible district's ad valorem property tax levy for taxes first due and payable in 2008, the district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2007 under STEP ONE of IC 6-1.1-18.5-3(a) or STEP ONE of IC 6-1.1-18.5-3(b) includes the amount of any increase in the district's levy approved under this SECTION for property taxes first due and payable in 2007.

(g) This SECTION expires January 1, 2009.

SECTION 88. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a taxpayer that:

- (1) is an entity that was established for the purpose of providing youths with the opportunity to play supervised and organized baseball against other youths;
- (2) before 2002 qualified as a nonprofit corporation under Indiana law;
- (3) during 2002, 2003, 2004, and 2005 did not maintain its status as a nonprofit corporation under Indiana law due to the failure to make certain filings;
- (4) regained its status as a nonprofit corporation beginning in 2006; and
- (5) was assessed by the department of state revenue for delinquent state gross retail taxes owed for 2002, 2003, 2004, and 2005 and has paid those assessments.

(b) A taxpayer described in subsection (a) is entitled to a refund of the payments described in subsection (a)(5) to the extent that the state gross retail taxes for which the assessments were made would not have been owed if the taxpayer had maintained its status as a nonprofit corporation during the years for which the assessments were made.

(c) A taxpayer that is entitled to a refund under this SECTION shall claim the refund under IC 6-8.1-9 in the manner prescribed by the department of state revenue.

(d) This SECTION expires July 1, 2008.

SECTION 89. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the county property tax assessment board of appeals.

(b) This SECTION applies to an organization that:

- (1) is located in a county containing a consolidated city;
- (2) is dedicated to nurturing and celebration of the arts and culture from an African-American perspective and provides a forum for arts and cultural programming directed toward cross-cultural appreciation;
- (3) filed an application under IC 6-1.1-11 for exemption from property taxes on the organization's property first due and payable in 2005, which was denied by the board because the organization failed to attend the board's hearing on the exemption application; and
- (4) filed an application under IC 6-1.1-11 for exemption from property taxes on the organization's property first due and payable in 2006, which was approved by the board.

(c) An organization described in subsection (b) is entitled to exemption from property taxes on the organization's property first due and payable in 2005 in the same percentage approved by the board with respect to the organization's exemption application described in subsection (b)(4).

(d) The organization entitled to an exemption under subsection (c) may file a claim under IC 6-1.1-26-1 before July 1, 2006, with the county auditor for a refund for any payment of property taxes first due and payable in 2005, including any paid interest and penalties, with respect to the exempt property.

(e) Upon receiving a claim for a refund filed under subsection (d), the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount of the refund due the claimant. No interest is payable on the refund.

(f) This SECTION expires January 1, 2007.

SECTION 90. [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)] (a) This SECTION applies:

- (1) to an assessment date occurring after December 31, 2004, and before January 1, 2006; and
- (2) for property taxes first due and payable after December 31, 2005, and before January 1, 2007.

(b) Notwithstanding any other law requiring a property tax exemption to be claimed on or in an application accompanying a personal property tax return, a claim or an application that was filed on or with a personal property tax return not more than thirty (30) days after the filing date for the personal property tax return, regardless of whether an extension of the filing date was granted under IC 6-1.1-3-7, is considered to have been timely filed.

(c) A claim or an application filed in the manner described in subsection (b) is subject to all other requirements of IC 6-1.1-11 or any other statute requiring the claim or application to be filed on or with a personal property tax return.

(d) A county auditor shall grant an exemption claimed on or filed with a personal property tax return filed in the time permitted under subsection (b) upon the county auditor's determination that:

- (1) the taxpayer's claim or application satisfies all other applicable requirements; and
- (2) the taxpayer's property is otherwise eligible for the claimed exemption.

An exemption granted under this subsection shall be made in the manner prescribed by subsection (e).

(e) A county auditor shall apply an exemption granted under this SECTION by:

- (1) adjusting the second installment of the taxpayer's property taxes that are first due and payable in 2006; and
- (2) if necessary, refunding any property taxes paid in the taxpayer's first installment of property taxes in 2006 that are attributable to the exempt property.

A taxpayer is not required to apply for any refund due under this SECTION. The auditor shall, without an appropriation being required, issue a warrant to the taxpayer payable from the county general fund for the amount of the refund, if any, due the taxpayer. No interest is payable on the refund.

(f) This SECTION expires January 1, 2007.

SECTION 91. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) As used in this SECTION:

- (1) "department" refers to the department of local government finance; and
- (2) "maximum levy" means the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3.

(b) This SECTION applies only in a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000).

(c) Notwithstanding IC 6-1.1-18.5-3, the maximum levy for property taxes first due and payable in 2007 for:

- (1) a public library that:
 - (A) is located in a county described in subsection (b); and
 - (B) has a maximum levy for property taxes first due and payable in 2006 that is more than three hundred thousand dollars (\$300,000);
 is five hundred twenty-four thousand five hundred dollars (\$524,500); and
- (2) a county contractual library located in a county described in subsection (b) is equal to three hundred eighty six thousand hundred dollars (\$386,000).

(d) This SECTION expires January 1, 2008.

SECTION 92. [EFFECTIVE UPON PASSAGE] IC 6-1.1-8.5-8, as amended by this act, applies to the assessment date in each year in which IC 6-1.1-8.5 applied or applies in a qualifying county.

SECTION 93. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies notwithstanding IC 6-1.1-8 or 50 IAC 5.1.

(b) As used in this SECTION, "amended return" means a return:

- (1) that was filed after July 31, 2005; and
- (2) that the department accepts as a taxpayer's final amended return for the assessment date.

(c) As used in this SECTION, "assessment date" means the March 1, 2005, assessment date.

(d) As used in this SECTION, "department" refers to the department of local government finance.

(e) As used in this SECTION, "return" means the statement of value and description of property required under IC 6-1.1-8-19 that is filed on the Annual Report (U.D. Form 45), as prescribed by the department, and is filed with the department on or before July 31, 2005.

(f) As used in this SECTION, "taxpayer" means a taxpayer that meets the requirements of subsection (g).

(g) This SECTION applies to any taxpayer that:

- (1) is a public utility that provides water utility services in Indiana and is subject to taxation under IC 6-1.1-8;
- (2) is required to file a return under IC 6-1.1-8-19;
- (3) filed a return with the department with respect to the assessment date; and
- (4) filed an amended return with the department with respect to the assessment date.

(h) Before June 1, 2006, the department shall review the assessed value identified on line 47 of the taxpayer's amended return as the assessed value of all the taxpayer's distributable property as of the assessment date. If the department determines that this assessed value:

- (1) is correct; and
- (2) is less than the assessed value identified in the taxpayer's return as the assessed value of all the taxpayer's distributable property as of the assessment date;

the taxpayer is entitled to a credit under this SECTION.

(i) Before July 1, 2006, the department shall determine the amount of the credit to which a taxpayer is entitled under this SECTION and notify the county auditor of that amount. For purposes of this subsection, the department shall assume that the taxpayer will pay the full amount of the taxpayer's installment or installments of property taxes first due and payable after June 30, 2006, and before January 1, 2007.

(j) The amount of the credit under this SECTION:

(1) is the remainder of:

(A) the amount of property taxes the taxpayer pays with respect to its distributable property for taxes first due and payable in 2006; minus

(B) the amount of property taxes for which the taxpayer would have been liable with respect to its distributable property for taxes first due and payable in 2006 if those property taxes had been based on the assessed value identified on line 47 of the taxpayer's amended return instead of the assessed value identified in the taxpayer's return; and

(2) applies proportionately to the taxpayer's installments of property taxes first due and payable in 2007.

(k) Interest does not apply in the determination of the amount of the credit under this SECTION.

(l) The county auditor shall adjust the assessed value used in setting property tax rates for each political subdivision in the county for property taxes first due and payable in 2007 to eliminate levy reductions that would otherwise result from the application of credits under this SECTION.

(m) In setting property tax rates for property taxes first due and payable in 2007 for each political subdivision in the county, the department shall:

- (1) use the assessed value as adjusted by the county auditor under subsection (l); or
- (2) further adjust the assessed value for the following purposes:

(A) To ensure the elimination of levy reductions that would otherwise result from the application of credits under this SECTION.

(B) To account for a failure of the taxpayer to pay property taxes in the amount assumed under subsection (i).

SECTION 94. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a township that:

- (1) has a population of more than seven thousand twenty-five (7,025) but less than seven thousand five

hundred (7,500); and

(2) is located in a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(b) A township described in subsection (a) may appeal to the department of local government finance for permission to increase its levy in excess of the limitations established under IC 6-1.1-18.5-3 for 2006 ad valorem property taxes first due and payable in 2007. The department may:

(1) refer the appeal to the local government tax control board for a recommendation; and

(2) approve the appeal if the department finds that the township needs the increase to pay the costs of providing emergency medical services by paramedics in the township.

(c) This SECTION expires January 1, 2008.

SECTION 95. [EFFECTIVE UPON PASSAGE] (a) The department of local government finance shall:

- (1) develop a recommendation for an amendment to IC 6-1.1-18.5, as amended by this act, to adjust maximum permissible levies under that chapter for property taxes first due and payable after 2007 to effect for those years the type of adjustment that results for property taxes first due and payable in 2007 from the amendment by this act of the definition of "maximum permissible ad valorem property tax levy for the preceding calendar year" in IC 6-1.1-18.5-1; and
- (2) report its recommendation under subdivision (1) before November 1, 2006, to the legislative council in an electronic format under IC 5-14-6.

(b) This SECTION expires January 1, 2007.

SECTION 96. [EFFECTIVE UPON PASSAGE] (a) The department of local government finance may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-1.1-12.4, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date that the department of local government finance adopts another temporary rule under this SECTION that repeals, amends, or supersedes the previously adopted temporary rule.

(2) The date that the department of local government finance adopts a permanent rule under IC 4-22-2 that repeals, amends, or supersedes the previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

(b) This SECTION expires July 1, 2007.

SECTION 97. [EFFECTIVE UPON PASSAGE] The following, all as added or amended by this act, apply only to property taxes first due and payable after December 31, 2006:

(1) IC 6-1.1-8-28.

(2) IC 6-1.1-8-29.

(3) IC 6-1.1-8-30.

(4) IC 6-1.1-11-3.

(5) IC 6-1.1-12-2.

(6) IC 6-1.1-12-4.

(7) IC 6-1.1-12-10.1.

(8) IC 6-1.1-12-12.

(9) IC 6-1.1-12-15.

(10) IC 6-1.1-12-17.

(11) IC 6-1.1-12-17.5.

(12) IC 6-1.1-12-17.8.

(13) IC 6-1.1-12-20.

(14) IC 6-1.1-12-24.

(15) IC 6-1.1-12-30.

(16) IC 6-1.1-12-35.5.

(17) IC 6-1.1-12-38.

(18) IC 6-1.1-12.1-4.5.

(19) IC 6-1.1-12.4-3.

(20) IC 6-1.1-18.5-1.

(21) IC 6-1.1-18.5-13.

(22) IC 6-1.1-20.9-3.

(23) IC 6-1.1-40-10.

(24) IC 6-1.1-45-9.

SECTION 98. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.**

SECTION 99. **An emergency is declared for this act.**

(Reference is to ESB 260 as reprinted February 22, 2006.)

KENLEY	ESPICH
SIMPSON	WELCH
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1327-1; filed March 14, 2006, at 4:25 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1327 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning government finance.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 15, 2006 (RETROACTIVE)]:

Sec. 1. (a) **The following definitions apply throughout this section:**

(1) **"Agreement" means any agreement that includes terms, representations, or provisions relating to:**

(A) **credit enhancement of, or rate covenants supporting, any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);**

(B) **any indenture or provision regarding any indenture relating to any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);**

(C) **payment of any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b) in the event of a termination of the agreement; or**

(D) **public works, capital improvements, or economic development projects.**

(2) **"Leasing body" means a not-for-profit corporation, limited purpose corporation, or authority that has leased land and a building or buildings to an entity named in subsection (b) other than another leasing body.**

(3) **"Swap agreement" has the meaning set forth in IC 8-9.5-9-4.**

(b) **All bonds, notes, evidences of indebtedness, swap agreements, agreements, leases, or other written obligations issued or executed by or in the name of any:**

(1) **state agency, county, township, city, incorporated town, school corporation, state educational institution, state supported institution of higher learning, political subdivision, joint agency created under IC 8-1-2.2, leasing body, separate body corporate and politic, or any other political, municipal, public or quasi-public corporation; or in the name of any**

(2) **special assessment or taxing district; or in the name of any**

(3) **board, commission, authority, or authorized body of any such entity; and**

any pledge, dedication or designation of revenues, conveyance, or mortgage securing these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations are hereby legalized and declared valid if these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations have been executed before March 15, ~~2000~~: **2006. All governance, organizational, or other** proceedings had and actions taken under which the bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations were issued **or executed** or the pledge, dedication or designation of revenues, conveyance, or mortgage was granted, are

hereby fully legalized and declared valid.

(c) All contracts for the purchase of electric power and energy or utility capacity or service:

(1) entered into by a joint agency created under IC 8-1-2.2; and **its members;**

(2) **used by the members of the joint agency** for the purpose of securing payment of principal and interest on bonds, notes, evidences of indebtedness, leases, or other written obligations issued by or in the name of such joint agency;

are hereby legalized and declared valid if entered into before March 15, ~~2000~~: **2006. All proceedings held and actions taken under which contracts for the purchase of electric power and energy or utility capacity or service were executed or entered into are hereby fully legalized and declared valid.**

(d) All interlocal cooperation agreements entered into by political subdivisions or governmental entities under IC 36-1-7 are hereby legalized and declared valid if entered into before March 15, ~~2000~~: **2006. All proceedings held and actions taken under which interlocal cooperation agreements were executed or entered into are hereby fully legalized and validated.**

SECTION 2. IC 6-2.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) In determining the amount of state gross retail and use taxes which a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:

(1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the purchaser;

(2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and

(3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from retail transactions for the particular reporting period in which the retail merchant makes the collection.

(c) This subsection applies only to retail transactions occurring after June 30, ~~2004~~: **2007. As used in this subsection, "affiliated group" means any combination of the following:**

(1) **An affiliated group within the meaning provided in Section 1504 of the Internal Revenue Code (except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%)) or a relationship described in Section 267(b)(11) of the Internal Revenue Code.**

(2) **Two (2) or more partnerships (as defined in IC 6-3-1-19), including limited liability companies and limited liability partnerships, that have the same degree of mutual ownership as an affiliated group described in subdivision (1), as determined under the rules adopted by the department.**

The right to a deduction under this section is **not** assignable ~~only~~ if the retail merchant that paid the state gross retail or use tax liability assigned the right to the deduction in writing: **to an individual or entity that is not part of the same affiliated group as the assignor.**

(d) The following provisions apply to a deduction for a receivable treated as uncollectible debt under subsection (a):

(1) The deduction does not include interest.

(2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to exclude:

(A) financing charges or interest;

(B) sales or use taxes charged on the purchase price;

(C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;

(D) expenses incurred in attempting to collect any debt; and

(E) repossessed property.

(3) The deduction shall be claimed on the return for the period during which the receivable is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subdivision, a claimant who is not required to file federal income tax returns may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off as uncollectible in the claimant's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the claimant were required to file a federal income tax return.

(4) If the amount of uncollectible receivables claimed as a deduction by a retail merchant for a particular reporting period exceeds the amount of the retail merchant's taxable sales for that reporting period, the retail merchant may file a refund claim under IC 6-8.1-9. However, the deadline for the refund claim shall be measured from the due date of the return for the reporting period on which the deduction for the uncollectible receivables could first be claimed.

(5) If a retail merchant's filing responsibilities have been assumed by a certified service provider (as defined in IC 6-2.5-11-2), the certified service provider may claim, on behalf of the retail merchant, any deduction or refund for uncollectible receivables provided by this section. The certified service provider must credit or refund the full amount of any deduction or refund received to the retail merchant.

(6) For purposes of reporting a payment received on a previously claimed uncollectible receivable, any payments made on a debt or account shall be applied first proportionally to the taxable price of the property and the state gross retail tax or use tax thereon, and secondly to interest, service charges, and any other charges.

(7) A retail merchant claiming a deduction for an uncollectible receivable may allocate that receivable among the states that are members of the streamlined sales and use tax agreement if the books and records of the retail merchant support that allocation.

SECTION 3. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).

(4) Subtract one thousand dollars (\$1,000) for:

(A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;

(B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and

(C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(5) Subtract:

(A) **for taxable years beginning after December 31, 2004**, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code **for taxable years beginning after December 31, 1996; (as effective January 1, 2004);** and

(B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

(6) Subtract an amount equal to the lesser of:

(A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or

(B) two thousand dollars (\$2,000).

(7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.

(8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.

(9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

(i) including any part of 2004, the amount determined under subsection (f); and

(ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross

income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the

company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September

11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 4. IC 6-3-1-11, AS AMENDED BY P.L.246-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~2005~~, 2006.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2005~~, 2006, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2005~~, 2006, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2005~~, 2006, that is effective for any taxable year that began before January 1, ~~2005~~, 2006, and that affects:

- (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- (4) life insurance company taxable income (as defined in

Section 801(b) of the Internal Revenue Code);

(5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or

(6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

SECTION 5. IC 6-3.5-1.1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) This section applies only to a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000).

(b) As used in this section, "fiscal year" means a twelve (12) month period beginning July 1 and ending June 30.

(~~bb~~) (c) The county council of a county described in subsection (a) may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to fund the operation and maintenance of a jail and juvenile detention center opened after July 1, 1998.

(~~cc~~) (d) Notwithstanding section 2 of this chapter, if the county council adopts an ordinance under subsection (~~bb~~) (c), the county council may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) on adjusted gross income for fiscal years beginning before July 1, 2011. However, a county may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) for only eight (8) years. For fiscal years beginning after the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) for eight (8) years June 30, 2011, the rate is reduced to one percent (1%). If the county council imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%), the county council may decrease the rate or rescind the tax in the manner provided under this chapter.

(~~dd~~) (e) If a county imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under this section, the revenue derived from a tax rate of one-tenth percent (0.1%) on adjusted gross income:

- (1) shall be paid to the county treasurer;
- (2) may be used only to pay the costs of operating a jail and juvenile detention center opened after July 1, 1998; and
- (3) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

SECTION 6. IC 6-3.5-6-18, AS AMENDED BY P.L.207-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i); ~~and~~
- (6) make distributions of distributive shares to the civil taxing units of a county; ~~and~~
- (7) make the distributions permitted under section 29 of this chapter.

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; ~~and~~

(2) the amount of an additional tax rate imposed under section 29 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

(1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

(1) The amount to be distributed as distributive shares during that month; multiplied by

(2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 7. IC 6-3.5-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:

(1) maintaining low property tax rates is essential to economic development; and

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, or March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 8. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1)

if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate

of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), or (s), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), or (t), or (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
 - (A) fifteen-hundredths percent (0.15%);
 - (B) two-tenths percent (0.2%); or
 - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and:
 - (A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or
 - (B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

- (1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and
- (2) the:

- (A) county economic development income tax; and
- (B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section. However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

SECTION 9. IC 6-9-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If the tax is imposed by a municipality under this chapter, the tax terminates January 1, ~~2007~~ **2012**.

(b) This chapter expires July 1, ~~2007~~ **2012**.

SECTION 10. IC 6-9-27-9.5, AS ADDED BY P.L.214-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.5. (a) A city shall use money in the fund established under section 8.5 of this chapter for only the following:

- (1) Renovating the city hall.
- (2) Constructing new police or fire stations, or both.
- (3) Improving the city's sanitary sewers or wastewater treatment facilities, or both.
- (4) Improving the city's storm water drainage systems.
- (5) Other projects involving the city's water system or protecting the city's well fields, as determined by the city fiscal body.

Money in the fund may not be used for the operating costs of a project. In addition, the city may not initiate a project under this chapter after December 31, ~~2010~~ **2015**.

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city or a special taxing district in the city to provide the projects described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (b) is enforceable under IC 5-1-14-4.

SECTION 11. IC 21-2-21-1.8, AS ADDED BY P.L.214-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.8. (a) For purposes of this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

- (1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or
- (2) issued bonds under IC 20-5-4-1.7:
 - (A) before April 14, 2003; or
 - (B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter,

a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) ~~The A~~ school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006. **A school corporation described in subsection (b)(2)(B) must file a petition with the department of local government finance under IC 6-1.1-19-8 requesting approval to incur bond indebtedness under this section before July 1, 2006.**

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7; minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7;

for a school corporation that issued bonds under IC 20-5-4-1.7 ~~before April 14, 2003~~ **as described in subsection (b)(2).**

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, or art association and historical society funds in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

SECTION 12. [EFFECTIVE JULY 1, 2006] **If the general assembly amends IC 6-2.5-6-9 in more than one (1) act, the laws shall be read together and interpreted to implement the policies enacted in each act.**

SECTION 13. **An emergency is declared for this act.**

(Reference is to EHB 1327 as printed February 15, 2006.)

ESPICH	KENLEY
CRAWFORD	SIMPSON
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1172-1; filed March 14, 2006, at 5:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1172 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-34-2-1.1, AS AMENDED BY P.L.36-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) An abortion shall not be performed except with the voluntary and informed consent of the

pregnant woman upon whom the abortion is to be performed. Except in the case of a medical emergency, consent to an abortion is voluntary and informed only if the following conditions are met:

(1) At least eighteen (18) hours before the abortion and in the presence of the pregnant woman, the physician who is to perform the abortion, the referring physician or a physician assistant (as defined in IC 25-27.5-2-10), an advanced practice nurse (as defined in IC 25-23-1-1(b)), or a midwife (as defined in IC 34-18-2-19) to whom the responsibility has been delegated by the physician who is to perform the abortion or the referring physician has orally informed the pregnant woman of the following:

- (A) The name of the physician performing the abortion.
- (B) The nature of the proposed procedure or treatment.
- (C) The risks of and alternatives to the procedure or treatment.
- (D) The probable gestational age of the fetus, including an offer to provide:
 - (i) a picture or drawing of a fetus;
 - (ii) the dimensions of a fetus; and
 - (iii) relevant information on the potential survival of an unborn fetus;

at this stage of development.

(E) The medical risks associated with carrying the fetus to term.

(F) The availability of fetal ultrasound imaging and auscultation of fetal heart tone services to enable the pregnant woman to view the image and hear the heartbeat of the fetus and how to obtain access to these services.

(G) The fetus might feel pain.

(2) At least eighteen (18) hours before the abortion, the pregnant woman will be orally informed of the following:

- (A) That medical assistance benefits may be available for prenatal care, childbirth, and neonatal care from the county office of family and children.
- (B) That the father of the unborn fetus is legally required to assist in the support of the child. In the case of rape, the information required under this clause may be omitted.
- ~~(C) That adoption alternatives are available and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.~~

(3) At least eighteen (18) hours before the abortion, the pregnant woman will be informed in writing of the following:

(A) That adoption alternatives are available, that there are many couples who are willing and waiting to adopt a child, and that adoptive parents may legally pay the costs of prenatal care, childbirth, and neonatal care.

(B) That there are physical risks to the woman in having an abortion, both during the abortion procedure and after.

(C) That human physical life begins when a human ovum is fertilized by a human sperm.

~~(4)~~ (4) The pregnant woman certifies in writing, before the abortion is performed, that the information required by subdivisions (1) ~~and (2)~~ through (3) has been provided.

(b) Before an abortion is performed, the pregnant woman may, upon the pregnant woman's request, view the fetal ultrasound imaging and hear the auscultation of the fetal heart tone if the fetal heart tone is audible.

(Reference is to EHB 1172 as printed February 24, 2006.)

T. HARRIS	DROZDA
WOODRUFF	CRAYCRAFT
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1329-1; filed March 14, 2006, at 5:32 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1329 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana code concerning health and human services.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-15-12-19, AS AMENDED BY P.L.48-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) This section applies to an individual who is a Medicaid recipient.

(b) Subject to subsection (c), the office shall develop the following programs regarding individuals described in subsection (a):

(1) A disease management program for recipients with any of the following chronic diseases:

- (A) Asthma.
- (B) Diabetes.
- (C) Congestive heart failure or coronary heart disease.
- (D) Hypertension.
- (E) Kidney disease.

(2) A case management program for recipients described in subsection (a) who are at high risk of chronic disease, that is based on a combination of cost measures, clinical measures, and health outcomes identified and developed by the office with input and guidance from the state department of health and other experts in health care case management or disease management programs.

(c) The office shall implement:

(1) a pilot program for at least two (2) of the diseases listed in subsection (b) not later than July 1, 2003; and

(2) a statewide chronic disease program as soon as practicable after the office has done the following:

- (A) Evaluated a pilot program described in subdivision (1).
- (B) Made any necessary changes in the program based on the evaluation performed under clause (A).

(d) The office shall develop and implement a program required under this section in cooperation with the state department of health and shall use the following persons to the extent possible:

- (1) Community health centers.
- (2) Federally qualified health centers (as defined in 42 U.S.C. 1396d(l)(2)(B)).
- (3) Rural health clinics (as defined in 42 U.S.C. 1396d(l)(1)).
- (4) Local health departments.
- (5) Hospitals.
- (6) Public and private third party payers.

(e) The office may contract with an outside vendor or vendors to assist in the development and implementation of the programs required under this section.

(f) The office and the state department of health shall provide the select joint commission on Medicaid oversight established by IC 2-5-26-3 with an evaluation and recommendations on the costs, benefits, and health outcomes of the pilot programs required under this section. The evaluations required under this subsection must be provided not more than twelve (12) months after the implementation date of the pilot programs.

(g) The office and the state department of health shall report to the select joint commission on Medicaid oversight established by IC 2-5-26-3 not later than November 1 of each year regarding the programs developed under this section.

(h) The disease management program services for a recipient diagnosed with diabetes or hypertension must include education for the recipient on kidney disease and the benefits of having evaluations and treatment for chronic kidney disease according to accepted practice guidelines.

SECTION 2. IC 16-28-11-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) **This section does not apply to the Indiana Veterans' Home.**

(b) **A health facility licensed under IC 16-28 as a comprehensive care facility must do the following:**

(1) **Have an automatic fire sprinkler system throughout the facility before July 1, 2011.**

(2) If an automatic fire sprinkler system is not installed throughout the health facility before July 1, 2009, submit before July 1, 2009, a plan to the state department for completion of the automatic fire sprinkler system before July 1, 2011.

(c) The state department shall adopt rules under IC 4-22-2 to implement this section.

SECTION 3. IC 16-28-11-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The state department shall disclose, in the department's consumer guide to nursing homes, whether a health facility is:**

- (1) fully;
- (2) partially; or
- (3) not;

equipped with sprinklers.

SECTION 4. IC 16-28-11-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. The state department shall disclose the following information in the department's consumer guide to nursing homes:**

(1) Whether a health facility has:

- (A) battery operated;
- (B) hard wired; or
- (C) no;

smoke detectors in each resident's room.

(2) If a health facility has hard wired or wireless smoke detectors in each resident's room, whether the smoke detectors:

- (A) provide a visual and audible signal at the nurses' stations that attend each room;
- (B) transmit to a central station service; and
- (C) connect to the facility's fire alarm system.

SECTION 5. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "commissioner" has the meaning set forth in IC 16-18-2-340.

(b) Notwithstanding IC 16-28-11-5, as added by this act, the state department of health shall carry out the duties imposed upon the state department of health under IC 16-28-11-5, as added by this act, under interim written guidelines approved by the commissioner.

(c) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 16-28-11-5, as added by this act.
- (2) January 1, 2008.

SECTION 6. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) As used in this SECTION, "net worth" has the meaning set forth in IC 27-13-12-1.

(b) Notwithstanding IC 27-13-12, the department of insurance may accept from a health maintenance organization, instead of requiring the health maintenance organization to meet the minimum net worth requirements, either:

- (1) a performance bond; or
- (2) a cash deposit;

in an amount equal to the difference between the minimum net worth requirement set forth in IC 27-13-12 and the risk based capital requirement imposed under IC 27-1-36.

(c) This SECTION expires July 1, 2007.

SECTION 7. [EFFECTIVE JANUARY 1, 2007] (a) As used in this SECTION, "office" refers to the office of Medicaid policy and planning established by IC 12-8-6-1.

(b) The office or a managed care organization shall reimburse at a rate of:

- (1) one hundred percent (100%) of rates payable under the Medicaid fee structure; or
- (2) a contractually agreed upon rate between the physician and the managed care organization;

for professional emergency physician screening services provided under current procedural terminology (CPT) codes 99281 through 99283.

(c) The office may adopt rules to provide reimbursement for screening services provided in an emergency department of a hospital licensed under IC 16-21 that are not already a covered service.

(d) This SECTION expires December 31, 2007.

SECTION 8. **An emergency is declared for this act.**

(Reference is to EHB 1329 as printed February 24, 2006.)

T. HARRIS	MILLER
MAYS	SIPEs
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
EHB 1001-1; filed March 14, 2006, at 5:39 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1001 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the amendment made by the committee report of the committee of one adopted March 1, 2006.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-12-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 37. (a) Each year a person who is entitled to receive the homestead credit provided under IC 6-1.1-20.9 for property taxes payable in the following year is entitled to a standard deduction from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that qualifies for the homestead credit. The auditor of the county shall record and make the deduction for the person qualifying for the deduction.**

(b) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) one-half (½) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) **for property taxes first due and payable:**

(A) **before January 1, 2007, thirty-five thousand dollars (\$35,000);**

(B) **after December 31, 2006, and before January 1, 2008, forty-five thousand dollars (\$45,000); and**

(C) **after December 31, 2007, thirty-five thousand dollars (\$35,000).**

(c) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

SECTION 2. IC 6-1.1-15-1, AS AMENDED BY P.L.199-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. (a) A taxpayer may obtain a review by the county property tax assessment board of appeals of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, the taxpayer shall also be informed in writing of:**

(1) the opportunity for review under this section, including an informal preliminary conference with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain review under this section.

(b) In order to appeal ~~a current an assessment and have a change in the assessment~~ effective for the ~~most recent~~ assessment date ~~that applies to property taxes first due and payable in the current calendar year:~~

(1) the taxpayer must request in writing a preliminary conference with the county or township official referred to in subsection (a) ~~(+)~~ not later than forty-five (45) days after notice of a change in the assessment **for the current calendar year** is given to the taxpayer; or

(2) if the current year is:

(A) before 2010 and a notice of a change in assessment is not given to the taxpayer, the taxpayer must request in writing a preliminary conference with the county or township official referred to in subsection (a) on or before May 10 of that the year in which the assessment date occurs; and

(B) if the current calendar year is a calendar year after 2009, not later than forty-five (45) days after notice of the statement under IC 6-1.1-17-3.

~~whichever is later:~~ The preliminary conference required under this subsection is a prerequisite to a review by the county property tax assessment board of appeals under subsection (i).

(c) A change in an assessment made as a result of an appeal filed:

(1) in the same year that notice of a change in the assessment is given to the taxpayer; and

(2) after the time prescribed in subsection (b);

becomes effective for the next assessment date.

(d) A taxpayer may appeal a current real property assessment in a year even if the taxpayer has not received a notice of assessment in the year. If an appeal is filed on or before May 10 of a year in which the taxpayer has not received notice of assessment, a change in the assessment resulting from the appeal is effective for the most recent assessment date. If the appeal is filed after May 10, the change becomes effective for the next assessment date.

(e) The written request for a preliminary conference that is required under subsection (b) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(f) The county or township official referred to in subsection (a) shall, not later than thirty (30) days after the receipt of a written request for a preliminary conference, attempt to hold a preliminary conference with the taxpayer to resolve as many issues as possible by:

(1) discussing the specifics of the taxpayer's reassessment;

(2) reviewing the taxpayer's property record card;

(3) explaining to the taxpayer how the reassessment was determined;

(4) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the reassessment;

(5) noting and considering objections of the taxpayer;

(6) considering all errors alleged by the taxpayer; and

(7) otherwise educating the taxpayer about:

(A) the taxpayer's reassessment;

(B) the reassessment process; and

(C) the reassessment appeal process.

Not later than ten (10) days after the conference, the county or township official referred to in subsection (a) shall forward to the county auditor and the county property tax assessment board of appeals the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The official and the taxpayer shall each retain a copy of the form for their records.

(g) The form submitted to the county property tax assessment board of appeals under subsection (f) must specify the following:

(1) The physical characteristics of the property in issue that bear on the assessment determination.

(2) All other facts relevant to the assessment determination.

(3) A list of the reasons the taxpayer believes that the assessment determination by the county or township official referred to in subsection (a) is incorrect.

(4) An indication of the agreement or disagreement by the official with each item listed under subdivision (3).

(5) The reasons the official believes that the assessment determination is correct.

(h) If after the conference there are no items listed on the form submitted to the county property tax assessment board of appeals under subsection (f) on which there is disagreement:

(1) the county or township official referred to in subsection (a) shall give notice to the taxpayer, the county property tax assessment board of appeals, and the county assessor of the assessment in the amount agreed to by the taxpayer and the

official; and

(2) the county property tax assessment board of appeals may reserve the right to change the assessment under IC 6-1.1-13.

(i) If after the conference there are items listed in the form submitted under subsection (f) on which there is disagreement, the county property tax assessment board of appeals shall hold a hearing. The taxpayer and county or township official whose original determination is under review are parties to the proceeding before the board of appeals. Except as provided in subsections (k) and (l), the hearing must be held not later than ninety (90) days after the official's receipt of the taxpayer's written request for a preliminary conference under subsection (b). The taxpayer may present the taxpayer's reasons for disagreement with the assessment. The county or township official referred to in subsection (a) must present the basis for the assessment decision on these items to the board of appeals at the hearing and the reasons the taxpayer's appeal should be denied on those items. The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than sixty (60) days after the hearing, except as provided in subsections (k) and (l).

(j) If the township assessor does not attempt to hold a preliminary conference, the taxpayer may file a request in writing with the county assessor for a hearing before the property tax assessment board of appeals. If the board determines that the county or township official referred to in subsection (a) did not attempt to hold a preliminary conference, the board shall hold a hearing. The taxpayer and the county or township official whose original determination is under review are parties to the proceeding before the board of appeals. The hearing must be held not later than ninety (90) days after the receipt by the board of appeals of the taxpayer's hearing request under this subsection. The requirements of subsection (i) with respect to:

(1) participation in the hearing by the taxpayer and the township assessor or county assessor; and

(2) the procedures to be followed by the county board;

apply to a hearing held under this subsection.

(k) This subsection applies to a county having a population of more than three hundred thousand (300,000). In the case of a petition filed after December 31, 2000, the county property tax assessment board of appeals shall:

(1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and

(2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

(l) This subsection applies to a county having a population of three hundred thousand (300,000) or less. With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the county property tax assessment board of appeals shall:

(1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and

(2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

(m) The county property tax assessment board of appeals:

(1) may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (i) or (j); and

(2) may amend the form submitted under subsection (f) if the board determines that the amendment is warranted.

(n) Upon receiving a request for a preliminary conference under subsection (b), the county or township official referred to in subsection (a) shall notify the county auditor in writing that the assessment is under appeal. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the appellant's name and address, the assessed value of the appealed items for the assessment date immediately preceding the assessment date for which the appeal was filed, and the assessed value of the appealed items on the most recent assessment date. If the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for

the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

SECTION 3. IC 6-1.1-17-3, AS AMENDED BY P.L.234-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. **Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.**

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);**
- (2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:**

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);**
- (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;**
- (C) any credits that apply in the determination of the tax liability; and**
- (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;**

- (3) a prominently displayed notation that:**

- (A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and**
- (B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate;**

- (4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and**
- (5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).**

- (c) The department of local government finance shall:**
 - (1) prescribe a form for; and**

(2) provide assistance to county auditors in preparing; statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

(b)(d) The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

(b)(e) The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

(b)(f) A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 4. IC 6-1.1-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) The department, with the assistance of the auditor of state and the department of local government finance, shall determine an amount equal to the eligible property tax replacement amount, which is the estimated property tax replacement.

(b) The department of local government finance shall certify to the department the amount of homestead credits provided under IC 6-1.1-20.9 which are allowed by the county for the particular calendar year. The department of local government finance shall make the certification based on the best information available at the time the certification is made.

(c) If there are one (1) or more taxing districts in the county that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter, the department of local government finance shall estimate an additional distribution for the county in the same report required under subsection (a). This additional distribution equals the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Estimate that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the estimated property tax replacement amount attributable to the taxing district; by**
- (B) the STEP ONE sum.**

STEP THREE: Multiply:

- (A) the STEP TWO quotient; times**
- (B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.**

(d) The sum of the amounts determined under subsections (a) through (c) is the particular county's estimated distribution for the calendar year.

SECTION 5. IC 6-1.1-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a) If a petition and remonstrance process is commenced under section 3-2 of this chapter, This section applies to a political subdivision that adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease. During the~~

period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under section 3.2(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the petition or remonstrance by doing any of the following:

- (1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.
- (2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance ~~(except as necessary to explain the project to the public)~~ or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.
- (3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime, **or otherwise compelling an employee to promote a position on the petition or remonstrance at any time.**
- (4) In the case of a school corporation, promoting a position on a petition or remonstrance by:
 - (A) using students to transport written materials to their residences **or in any way directly involving students in a school organized promotion of a position;** or
 - (B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the employee's office or agency.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a petition or remonstrance.

(d) A person or an organization that has a contract or arrangement (whether formal or informal) with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on the petition or remonstrance. A person who violates this subsection:

- (1) commits a Class A infraction; and**
- (2) is barred from performing any services with respect to the controlled project.**

SECTION 6. IC 6-1.1-20-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. **(a) This section applies to the determination of the validity of a signature on a document required for a petition and remonstrance procedure under this chapter.**

(b) If:

- (1) the validity of a signature is uncertain; and**
- (2) this section does not establish a standard to be applied in that case;**

a reasonable doubt must be resolved in favor of the validity of the signature.

(c) Whenever the name of an individual, as printed or signed, contains a minor variation from the name of the individual as set

forth in the relevant county records, the signature is considered valid.

(d) Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered valid.

(e) Notwithstanding subsection (c) or (d), if the residence address or mailing address of an individual contains a substantial variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered invalid.

(f) If the signature of an individual does not substantially conform with the signature of the individual in the relevant county records, the signature is considered invalid. In determining whether a signature substantially conforms with an individual's in the relevant county records, consideration shall be given to whether that lack of conformity may reasonably be attributed to the age, disability, or impairment of the individual.

SECTION 7. IC 6-1.1-20.6-4, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "qualified residential property" refers to any of the following that a county fiscal body specifically makes eligible for a credit under this chapter in an ordinance adopted under section 6 of this chapter **and to all the following for purposes of section 6.5 of this chapter:**

- (1) An apartment complex.
- (2) A homestead.
- (3) Residential rental property.

SECTION 8. IC 6-1.1-20.6-6, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) This section applies only to property taxes first due and payable before:**

- (1) January 1, 2007, in Lake County; and**
- (2) January 1, 2008, in a county other than Lake County.**

(a) (b) A county fiscal body:

- (1) may adopt an ordinance to authorize the application of the credit under this chapter for one (1) or more calendar years to qualified residential property in the county; and
- (2) must adopt an ordinance under subdivision (1) before July 1 of a calendar year to authorize the credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

(b) (c) An ordinance adopted under this section must specify the categories of residential property listed in section 4 of this chapter that are eligible for the credit provided under this chapter.

SECTION 9. IC 6-1.1-20.6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. **(a) This subsection applies only to property taxes first due and payable after December 31, 2006, and before January 1, 2007, attributable to qualified residential property located in Lake County. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property. However, the county fiscal body may, by ordinance adopted before January 1, 2007, limit the application of the credit granted by this subsection to homesteads.**

(b) This subsection applies only to property taxes first due and payable after December 31, 2007, and before January 1, 2010. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property.

(c) This subsection applies only to property taxes first due and payable after December 31, 2009. A person is entitled to a credit each calendar year under section 7(b) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property.

SECTION 10. IC 6-1.1-20.6-7, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~If the~~ **(a) In the case of a**

credit under this chapter is authorized under ~~section 2~~ **section 6** of this chapter **or provided by section 6.5(a) or 6.5(b) of this chapter** for property taxes first due and payable in a calendar year:

- (1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property located in the county; and
- (2) the amount of the credit is the amount by which the person's property tax liability attributable to the person's qualified residential property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the qualified residential property for property taxes first due and payable in that calendar year.

(b) In the case of a credit provided by section 6.5(c) of this chapter for property taxes first due and payable in a calendar year:

- (1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property located in the county; and
- (2) the amount of the credit is the amount by which the person's property tax liability attributable to the person's real property and personal property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the real property and personal property for property taxes first due and payable in that calendar year.

SECTION 11. IC 6-1.1-20.6-8, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person is not required to file an application for the credit under this chapter. The county auditor shall:

- (1) identify ~~qualified residential~~ the property in the county eligible for the credit under this chapter; and
- (2) apply the credit under this chapter to property tax liability on the identified ~~qualified residential~~ property.

SECTION 12. IC 6-1.1-20.6-9, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) This section applies only to credits under this chapter against property taxes first due and payable before January 1, 2007.**

~~(a)~~ **(b)** The fiscal body of a county may adopt an ordinance to authorize the county fiscal officer to borrow money repayable over a term not to exceed five (5) years in an amount sufficient to compensate the political subdivisions located wholly or in part in the county for the reduction of property tax collections in a calendar year that results from the application of the credit under this chapter for that calendar year.

~~(b)~~ **(c)** The county fiscal officer shall distribute in a calendar year to each political subdivision located wholly or in part in the county loan proceeds under subsection ~~(a)~~ **(b)** for that calendar year in the amount by which the property tax collections of the political subdivision in that calendar year are reduced as a result of the application of the credit under this chapter for that calendar year.

~~(c)~~ **(d)** If the county fiscal officer distributes money to political subdivisions under subsection ~~(b)~~ **(c)**, the political subdivisions that receive the distributions shall repay the loan under subsection ~~(a)~~ **(b)** over the term of the loan. Each political subdivision that receives a distribution under subsection ~~(b)~~ **(c)**:

- (1) shall:
 - (A) appropriate for each year in which the loan is to be repaid an amount sufficient to pay the part of the principal and interest on the loan attributable to the distribution received by the political subdivision under subsection ~~(b)~~ **(c)**; and
 - (B) raise property tax revenue in each year in which the loan is to be repaid in the amount necessary to meet the appropriation under clause (A); and
- (2) other than the county, shall transfer to the county fiscal officer money dedicated under this section to repayment of the

loan in time to allow the county to meet the loan repayment schedule.

~~(d)~~ **(e)** Property taxes imposed under subsection ~~(c)(1)(B)~~ **(d)(1)(B)** are subject to levy limitations under IC 6-1.1-18.5 or IC 6-1.1-19.

~~(e)~~ **(f)** The obligation to:

- (1) repay; or
- (2) contribute to the repayment of;

the loan under subsection ~~(a)~~ **(b)** is not a basis for a political subdivision to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 6-1.1-19.

~~(f)~~ **(g)** The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(h) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in subsection (b) for the political subdivision for that year.

SECTION 13. IC 6-1.1-20.6-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.5. **(a) This section applies only to credits under this chapter against property taxes first due and payable after December 31, 2006.**

(b) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(c) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction of property tax collections referred to in subsection (b) for the political subdivision for that year.

(d) A political subdivision may not borrow money to compensate the political subdivision or any other political subdivision for the reduction of property tax collections referred to in subsection (b).

SECTION 14. IC 6-1.1-20.9-2, AS AMENDED BY P.L.246-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 2. (a) Except as otherwise provided in section 5 of this chapter, an individual who on March 1 of a particular year either owns or is buying a homestead under a contract that provides the individual is to pay the property taxes on the homestead is entitled each calendar year to a credit against the property taxes which the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

(b) The amount of the credit to which the individual is entitled equals the product of:

- (1) the percentage prescribed in subsection (d); multiplied by
- (2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is:

- (A) attributable to the homestead during the particular calendar year; and
- (B) determined after the application of the property tax replacement credit under IC 6-1.1-21.

(c) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

(d) The percentage of the credit referred to in subsection (b)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
1996	8%
1997	6%
1998 through 2002	10%
2003 and thereafter through 2005	20%
2006	28%

2007 and thereafter**20%**

However, the property tax replacement fund board established under IC 6-1.1-21-10 shall increase the percentage of the credit provided in the schedule for any year if the budget agency determines that an increase is necessary to provide the minimum tax relief authorized under IC 6-1.1-21-2.5. If the board increases the percentage of the credit provided in the schedule for any year, the percentage of the credit for the immediately following year is the percentage provided in the schedule for that particular year, unless as provided in this subsection the board must increase the percentage of the credit provided in the schedule for that particular year. However, the percentage credit allowed in a particular county for a particular year shall be increased if on January 1 of a year an ordinance adopted by a county income tax council was in effect in the county which increased the homestead credit. The amount of the increase equals the amount designated in the ordinance.

(e) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(f) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(g) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

- (1) an individual uses the residence as the individual's principal place of residence;
- (2) the residence is located in Indiana;
- (3) the individual has a beneficial interest in the taxpayer;
- (4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and
- (5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

SECTION 15. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The county treasurer shall either:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

- (1) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized

by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

- (A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or
- (B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

- (1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

- (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
- (B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

- (A) The homestead credit and all property tax deductions.
- (B) The procedure and deadline for filing for the homestead credit and each deduction.
- (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
- (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(5) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property

transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

- (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
- (2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).

(h) This section expires January 1, 2008.

SECTION 16. IC 6-1.1-22-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.1. (a) This section applies only to property taxes and special assessments first due and payable after December 31, 2007.

(b) The county treasurer shall:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (c).

(c) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (b) that includes at least the following:

- (1) A statement of the taxpayer's current and delinquent taxes and special assessments.
- (2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (3) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.
- (5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (6) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

- (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
- (B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(7) An explanation of the following:

- (A) The homestead credit and all property tax deductions.
- (B) The procedure and deadline for filing for the homestead credit and each deduction.
- (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment

liability.

(D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (b).

(d) The county treasurer may mail or transmit the statement one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(e) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(f) The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included in the statement under subsection (c).

(g) The information to be included in the statement under subsection (c) must be simply and clearly presented and understandable to the average individual.

(h) After December 31, 2007, a reference in a law or rule to IC 6-1.1-22-8 shall be treated as a reference to this section.

SECTION 17. IC 6-2.3-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. "Gross consideration" refers to anything of value, including cash or other tangible or intangible property, that a taxpayer pays in consideration for the retail purchase of utility services for consumption before deduction of any costs incurred in providing the utility services.

SECTION 18. IC 6-2.3-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Subject to IC 6-2.3-2 and this chapter, gross receipts derived from activities or businesses or any other sources within Indiana include furnishing utility services to an end user in Indiana for consumption in Indiana, regardless of whether the:

- (1) utility services are delivered through the pipelines, transmission lines, or other property of another person;
- (2) taxpayer providing the utility service is or is not a resident or a domiciliary of Indiana; or
- (3) transaction is subject to a deduction under IC 6-2.3-5-5.

SECTION 19. IC 6-2.3-5-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 5.5. Utility Services Use Tax

Sec. 1. An excise tax, known as the utility services use tax, is imposed on the retail consumption of utility services in Indiana that are billed after June 30, 2006.

Sec. 2. The utility services use tax is measured by the gross consideration received by the seller from the sale of the commodities or services listed in IC 6-2.3-1-14(1) through IC 6-2.3-1-14(6).

Sec. 3. The utility services use tax is imposed at the same rate as the utility receipts tax under IC 6-2.3-2-2.

Sec. 4. The retail consumption of utility services in Indiana is exempt from the utility services use tax if the:

- (1) transaction is subject to utility receipts tax (including a public utility (as defined in IC 8-1-2-1) and the utility receipts tax is paid on the gross receipts from the utility services;

(2) gross receipts from the transaction are not taxable under IC 6-2.3-3 and the utility services are consumed for the purposes for which the gross receipts were excluded from taxation;

(3) utility services were acquired in a transaction that is wholly or partially exempt from the utility receipts tax under IC 6-2.3-4 and the utility services are consumed for the purpose for which the utility services were exempted; or

(4) utility services were acquired in a transaction that is wholly or partially subject to a deduction from the utility receipts tax under IC 6-2.3-5-6 and the utility services are consumed for the purpose for which the utility services deduction was given.

Sec. 5. A person is entitled to a credit against the utility services use tax imposed on the retail consumption of utility services equal to the amount, if any, of utility services use tax paid to another state. Payment of a general sales tax, purchase tax, or use tax to another state does not qualify for a credit under this section.

Sec. 6. The person who consumes utility services is personally liable for the utility services use tax.

Sec. 7. The department shall establish procedures for the collection of the utility services use tax from users, including deposit and reporting requirements, deposit dates, and reporting dates. Failure to comply with the procedures is subject to the penalties in IC 6-8.1.

Sec. 8. Any seller of utility services may elect to register with the department to collect utility services use tax on behalf of persons liable for the utility services use tax imposed under this chapter. A seller must comply with the collection and reporting procedures specified by the department only if the seller enters into an agreement with the department under this section.

Sec. 9. (a) This subsection applies only to a person who receives utility services from a seller that enters into an agreement under section 8 of this chapter. The person liable for the utility services use tax shall pay the tax to the seller from whom the person purchased the utility services, and the seller shall collect the tax as an agent for the state, if the seller has departmental permission from the department to collect the tax.

(b) In all other cases, the person liable for the utility services use tax shall pay the utility services use tax directly to the department.

Sec. 10. When a seller collects the utility services use tax from a person, the seller shall, upon request, issue a receipt to that person for the utility services use tax collected.

Sec. 11. If:

(1) the department assesses the utility services use tax against a person for the person's retail consumption of utility services; and

(2) the person has already paid the utility services use tax in relation to the utility services to a seller permitted to collect the utility services use tax under section 8 of this chapter;

the person may avoid paying the utility services use tax to the department if the person can produce a receipt or other written evidence showing that the person paid the utility services use tax to the seller.

Sec. 12. (a) An individual who:

(1) is an employee, officer, or member of a corporation, partnership, or limited liability company that is a seller of utility services; and

(2) has a duty to remit utility services use tax to the department under an agreement entered into by the seller of utility services under section 8 of this chapter by virtue of the individual's responsibilities within the corporation, partnership, or limited liability company;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

(b) An individual described in subsection (a) who knowingly fails to collect or remit the specified taxes to the state commits a Class D felony.

SECTION 20. IC 6-2.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption

of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

(1) is acquired in a transaction that is an isolated or occasional sale; and

(2) is required to be titled, licensed, or registered by this state for use in Indiana.

(c) The use tax is imposed on the addition of tangible personal property to a structure or facility, if, after its addition, the property becomes part of the real estate on which the structure or facility is located. However, the use tax does not apply to additions of tangible personal property described in this subsection, if:

(1) the state gross retail or use tax has been previously imposed on the sale or use of that property; or

(2) the ultimate purchaser or recipient of that property would have been exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.

(d) The use tax is imposed on a person who:

(1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and

(2) uses, stores, distributes, or consumes tangible personal property in Indiana.

(e) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property, if:

(1) the property is delivered into Indiana by or for the purchaser of the property;

(2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and

(3) the property is subsequently transported out of state for use solely outside Indiana.

SECTION 21. IC 6-2.5-4-5, AS AMENDED BY P.L.203-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, refining, oil extraction, mineral extraction, irrigation, agriculture, or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

- (i) relocates all or part of its operations to a facility; or
- (ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area, the business must satisfy at least one (1) of the following criteria:

- (i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).
- (ii) The business is a United States Department of Defense contractor.
- (iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

(5) The power subsidiary or person sells services or commodities that:

(A) are referred to in subsection (b); and

(B) qualify as home energy (as defined in IC 6-2.5-5-16.5);

to a person who acquires the services or commodities after June 30, 2006, and before July 1, 2007, through home energy assistance (as defined in IC 6-2.5-5-16.5).

SECTION 22. IC 6-2.5-5-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. (a) The following definitions apply throughout this section:**

(1) "Home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.

(2) "Home energy assistance" means programs administered by the state to supply home energy through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8261 et seq.

(b) Transactions involving home energy are exempt from the state gross retail tax if the person acquiring the home energy acquires it after June 30, 2006, and before July 1, 2007, through home energy assistance.

SECTION 23. IC 6-2.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 9. (a) In determining the amount of state gross retail and use taxes which a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:**

- (1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the**

purchaser;

(2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and

(3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from retail transactions for the particular reporting period in which the retail merchant makes the collection.

(c) This subsection applies only to retail transactions occurring after June 30, 2004, December 31, 2006. As used in this subsection, "affiliated group" means any combination of the following:

(1) An affiliated group within the meaning provided in Section 1504 of the Internal Revenue Code, except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%).

(2) Two (2) or more partnerships (as defined in IC 6-3-1-19), including limited liability companies and limited liability partnerships, that have the same degree of mutual ownership as an affiliated group described in subdivision (1), as determined under the rules adopted by the department.

The right to a deduction under this section is **not** assignable ~~only if the retail merchant that paid the state gross retail or use tax liability assigned the right to the deduction in writing: to an individual or entity that is not part of the same affiliated group as the assignor.~~

(d) The following provisions apply to a deduction for a receivable treated as uncollectible debt under subsection (a):

(1) The deduction does not include interest.

(2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to exclude:

- (A) financing charges or interest;**
- (B) sales or use taxes charged on the purchase price;**
- (C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;**
- (D) expenses incurred in attempting to collect any debt; and**
- (E) repossessed property.**

(3) The deduction shall be claimed on the return for the period during which the receivable is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subdivision, a claimant who is not required to file federal income tax returns may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off as uncollectible in the claimant's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the claimant were required to file a federal income tax return.

(4) If the amount of uncollectible receivables claimed as a deduction by a retail merchant for a particular reporting period exceeds the amount of the retail merchant's taxable sales for that reporting period, the retail merchant may file a refund claim under IC 6-8.1-9. However, the deadline for the refund claim shall be measured from the due date of the return for the reporting period on which the deduction for the uncollectible receivables could first be claimed.

(5) If a retail merchant's filing responsibilities have been assumed by a certified service provider (as defined in IC 6-2.5-11-2), the certified service provider may claim, on behalf of the retail merchant, any deduction or refund for uncollectible receivables provided by this section. The certified service provider must credit or refund the full amount of any deduction or refund received to the retail merchant.

(6) For purposes of reporting a payment received on a previously claimed uncollectible receivable, any payments made on a debt or account shall be applied first proportionally to the taxable price of the property and the state gross retail tax or use tax thereon, and secondly to interest, service charges, and any

other charges.

(7) A retail merchant claiming a deduction for an uncollectible receivable may allocate that receivable among the states that are members of the streamlined sales and use tax agreement if the books and records of the retail merchant support that allocation.

SECTION 24. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and
 - (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

- (6) Subtract an amount equal to the lesser of:
 - (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
 - (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
- (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
- (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).
- (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.
- (11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.
- (12) Subtract an amount equal to the amount of federal Social

Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

- (A) for a taxable year:
 - (i) including any part of 2004, the amount determined under subsection (f); and
 - (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
- (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.
- (3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (4) Subtract an amount equal to the amount included in the

corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section

831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid

property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 25. IC 6-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

- (1) income from real or tangible personal property located in this state;
- (2) income from doing business in this state;
- (3) income from a trade or profession conducted in this state;
- (4) compensation for labor or services rendered within this state; and
- (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter.

In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter) only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (r) is considered derived from sources within Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, ~~then the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by a fraction the numerator of which is the property factor plus the payroll factor plus the sales factor; and the denominator of which is three (3). However, after a period of two (2) consecutive quarters of income growth and one (1) additional quarter (regardless of any income growth); the fraction shall be computed as follows: the following:~~

(1) For all taxable years that begin ~~within the first calendar year immediately following the period; after December 31, 2006, and before January 1, 2008, a fraction. The:~~

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus ~~one hundred thirty-three percent (133%) the product of the sales factor multiplied by three (3); and the~~

(B) denominator of the fraction is ~~three and thirty-three hundredths (3.33); five (5).~~

(2) For all taxable years that begin ~~within the second calendar year following the period; after December 31, 2007, and before January 1, 2009, a fraction. The:~~

(A) numerator of the fraction is the property factor plus the payroll factor plus ~~one hundred sixty-seven percent (167%) the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and the~~

(B) denominator of the fraction is ~~three six and sixty-seven hundredths (3.67); (6.67).~~

(3) For all taxable years beginning ~~on or after January 1 of the third calendar year following the period; December 31, 2008, and before January 1, 2010, a fraction. The:~~

(A) numerator of the fraction is the property factor plus the payroll factor plus ~~two hundred percent (200%) the product of the sales factor multiplied by eight (8); and the~~

(B) denominator of the fraction is ~~four (4); ten (10).~~

(4) For all taxable years beginning ~~after December 31, 2009, and before January 1, 2011, a fraction. The:~~

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and

(B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning ~~after December 31, 2010, the sales factor.~~

For purposes of this subsection, income growth occurs when the state's nonfarm personal income for a calendar quarter increases in comparison with the state's nonfarm personal income for the immediately preceding quarter at an annualized compound rate of five percent (5%) or more; as determined by the budget agency based on current dollar figures provided by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency. The annualized compound rate shall be computed in accordance with the formula $(1+N)^4 - 1$, where N equals the percentage change in the state's current dollar nonfarm personal income from one (1) quarter to the next. As soon as possible after two (2) consecutive quarters of income growth, the budget agency shall advise the department of the growth.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

- (1) the individual's service is performed entirely within the state;
- (2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or
- (3) some of the service is performed in this state and:

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or

(B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere

during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter. **Regardless of the f.o.b. point or other conditions of the sale,** sales of tangible personal property are in this state if:

(1) the property is delivered or shipped to a purchaser **that is within Indiana,** other than the United States government; ~~within this state, regardless of the f.o.b. point or other conditions of the sale;~~ or

(2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and:

(A) the purchaser is the United States government; or

(B) the taxpayer is not taxable in the state of the purchaser.

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than receipts from intangible property covered by subsection (e) and sales of tangible personal property, are in this state if:

(1) the income-producing activity is performed in this state; or
(2) the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

(i) if and to the extent that the property is utilized in this state; or

(ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

(i) the property had a situs in this state at the time of the sale; or

(ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

(i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or

(ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing

in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

(1) separate accounting;

(2) **for a taxable year beginning before January 1, 2011,** the exclusion of any one (1) or more of the factors, **except the sales factor;**

(3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or

(4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

(1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or

(2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

(1) a foreign corporation; or

(2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. **A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.**

(r) This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

(1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and

(2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's annual statement filed with the department of insurance.

SECTION 26. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. (a) The following definitions apply throughout this section:

(1) "Affiliated group" has the meaning provided in Section 1504 of the Internal Revenue Code, except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%).

(2) "Directly related intangible interest expenses" means interest expenses that are paid to, or accrued or incurred as a liability to, a recipient if:

(A) the amounts represent, in the hands of the recipient, income from making one (1) or more loans; and

(B) the funds loaned were originally received by the recipient from the payment of intangible expenses by any of the following:

(i) The taxpayer.

(ii) A member of the same affiliated group as the taxpayer.

(iii) A foreign corporation.

(3) "Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and would be a member of the same affiliated group as the taxpayer if the corporation were organized under the laws of the United States.

(4) "Intangible expenses" means the following amounts to the extent these amounts are allowed as deductions in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deduction and special deductions for the taxable year:

(A) Expenses, losses, and costs directly for, related to, or in connection with the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property.

(B) Royalty, patent, technical, and copyright fees.

(C) Licensing fees.

(D) Other substantially similar expenses and costs.

(5) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and substantially similar types of intangible assets.

(6) "Interest expenses" means amounts that are allowed as deductions under Section 163 of the Internal Revenue Code in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deductions and special deductions for the taxable year.

(7) "Makes a disclosure" means a taxpayer provides the following information regarding a transaction with a member of the same affiliated group or a foreign corporation involving an intangible expense and any directly related intangible interest expense with the taxpayer's tax return on the forms prescribed by the department:

(A) The name of the recipient.

(B) The state or country of domicile of the recipient.

(C) The amount paid to the recipient.

(D) A copy of federal Form 851, Affiliation Schedule, as filed with the taxpayer's federal consolidated tax return.

(E) The information needed to determine the taxpayer's status under the exceptions listed in subsection (c).

(8) "Recipient" means:

(A) a member of the same affiliated group as the taxpayer; or

(B) a foreign corporation;

to which is paid an item of income that corresponds to an intangible expense or any directly related intangible interest

expense.

(9) "Unrelated party" means a person that, with respect to the taxpayer, is not a member of the same affiliated group or a foreign corporation.

(b) Except as provided in subsection (c), in determining its adjusted gross income under IC 6-3-1-3.5(b), a corporation subject to the tax imposed by IC 6-3-2-1 shall add to its taxable income under Section 63 of the Internal Revenue Code:

(1) intangible expenses; and

(2) any directly related intangible interest expenses; paid, accrued, or incurred with one (1) or more members of the same affiliated group or with one (1) or more foreign corporations.

(c) The addition of intangible expenses or any directly related intangible interest expenses otherwise required in a taxable year under subsection (b) is not required if one (1) or more of the following apply to the taxable year:

(1) The taxpayer and the recipient are both included in the same consolidated tax return filed under IC 6-3-4-14 or in the same combined return filed under IC 6-3-2-2(q) for the taxable year.

(2) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the item of income corresponding to the intangible expenses and any directly related intangible interest expenses was included within the recipient's income that is subject to tax in:

(i) a state or possession of the United States; or

(ii) a country other than the United States;

that is the recipient's commercial domicile and that imposes a net income tax, a franchise tax measured, in whole or in part, by net income, or a value added tax;

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient was made at a commercially reasonable rate and at terms comparable to an arm's length transaction; and

(C) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(3) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient regularly engages in transactions involving intangible property with one (1) or more unrelated parties on terms substantially similar to those of the subject transaction; and

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(4) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the payment was received from a person or entity that is an unrelated party, and on behalf of that unrelated party, paid that amount to the recipient in an arm's length transaction; and

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(5) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient paid, accrued, or incurred a liability to an unrelated party during the taxable year for an equal or greater amount that was directly for, related to, or in connection with the same intangible property giving rise to the intangible expenses; and

(B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses

between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(6) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient is engaged in:

(i) substantial business activities from the acquisition, use, licensing, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property; or

(ii) other substantial business activities separate and apart from the business activities described in item (i); as evidenced by the maintenance of a permanent office space and an adequate number of full-time, experienced employees;

(B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose; and

(C) the transactions were made at a commercially reasonable rate and at terms comparable to an arm's length transaction.

(7) The taxpayer and the department agree, in writing, to the application or use of an alternative method of allocation or appointment under section 2(l) or 2(m) of this chapter.

(8) Upon request by the taxpayer, the department determines that the adjustment otherwise required by this section is unreasonable.

(d) For purposes of this section, intangible expenses or directly related intangible interest expenses shall be considered to be at a commercially reasonable rate or at terms comparable to an arm's length transaction if the intangible expenses or directly related intangible interest expenses meet the arm's length standards of United States Treasury Regulation 1.482-1(b).

(e) If intangible expenses or directly related intangible expenses are determined not to be at a commercially reasonable rate or at terms comparable to an arm's length transaction for purposes of this section, the adjustment required by subsection (b) shall be made only to the extent necessary to cause the intangible expenses or directly related intangible interest expenses to be at a commercially reasonable rate and at terms comparable to an arm's length transaction.

(f) For purposes of this section, transactions giving rise to intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient shall be considered as having Indiana tax avoidance as the principal purpose if:

(1) there is not one (1) or more valid business purposes that independently sustain the transaction notwithstanding any tax benefits associated with the transaction; and

(2) the principal purpose of tax avoidance exceeds any other valid business purpose.

SECTION 27. IC 6-3.5-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The county council of any county in which the county option income tax will not be in effect on July 1 of a year under an ordinance adopted during a previous calendar year may impose the county adjusted gross income tax on the adjusted gross income of county taxpayers of its county effective July 1 of that year.

(b) Except as provided in section 2.3, 2.5, 2.7, 2.8, 2.9, 3.3, 3.5, or 3.6 of this chapter, the county adjusted gross income tax may be imposed at a rate of one-half of one percent (0.5%), three-fourths of one percent (0.75%), or one percent (1%) on the adjusted gross income of resident county taxpayers of the county. Any county imposing the county adjusted gross income tax must impose the tax on the nonresident county taxpayers at a rate of one-fourth of one percent (0.25%) on their adjusted gross income. If the county council elects to decrease the county adjusted gross income tax, the county council may decrease the county adjusted gross income tax rate in increments of one-tenth of one percent (0.1%).

(c) To impose the county adjusted gross income tax, the county council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council imposes the county adjusted gross income tax on the county taxpayers of _____ County. The county adjusted gross income tax is imposed at a rate of _____ percent (____%) on the resident county taxpayers of the county and one-fourth of one percent (0.25%) on the nonresident county taxpayers of the county. This tax takes effect July 1 of this year."

(d) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(e) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(f) If the county adjusted gross income tax had previously been adopted by a county under IC 6-3.5-1 (before its repeal on March 15, 1983) and that tax was in effect at the time of the enactment of this chapter, then the county adjusted gross income tax continues in that county at the rates in effect at the time of enactment until the rates are modified or the tax is rescinded in the manner prescribed by this chapter. If a county's adjusted gross income tax is continued under this subsection, then the tax shall be treated as if it had been imposed under this chapter and is subject to rescission or reduction as authorized in this chapter.

SECTION 28. IC 6-3.5-1.1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) This section applies to Jasper County.

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain any of the facilities described in subsection (b)(1)(A) through (b)(1)(D) that are located in the county. The county council may make a determination under both this subsection and subsection (b).

(d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes a finding and determination set forth in subsection (b) or (c).

(e) If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and

(2) all bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities described in subsection (b)(1)(A). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(f) An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance

adopted under this section after May 31, 2006, and March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(g) The tax imposed under this section may be imposed only until the latest of the following:

(1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.

(2) The date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.

(3) The date on which an ordinance adopted under subsection (c) is rescinded.

(h) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(i) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(j) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(k) Notwithstanding any other law, money remaining in the criminal justice facilities revenue fund established under subsection (i) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 29. IC 6-3.5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (½) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (½) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

(1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.

(2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.

(3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.

(4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period

described in this subsection shall be made as provided in subsection (a).

(c) Except for:

(1) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.3 of this chapter;

(2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

(3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, or equipping facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

(4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

(6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 30. IC 6-3.5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

(1) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.3 of this chapter;

(2) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

(3) revenue that must be used to pay the costs of:

(A) financing, constructing, acquiring, improving, renovating, or equipping facilities and buildings;

(B) debt service on bonds; or

(C) lease rentals;

under section 2.8 of this chapter;

(4) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(5) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

(6) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next

succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY ADJUSTED GROSS INCOME TAX RATE	PROPERTY TAX REPLACEMENT CREDITS	CERTIFIED SHARES
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter.

SECTION 31. IC 6-3.5-6-18, AS AMENDED BY P.L.207-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i); ~~and~~
- (6) make distributions of distributive shares to the civil taxing units of a county; **and**
- (7) make the distributions permitted under sections 27, 28, and 29 of this chapter.**

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; **and**
- (2) the amount of an additional tax rate imposed under section 27, 28, or 29 of this chapter.**

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 32. IC 6-3.5-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) **This section applies only to Scott County. Scott County is a county in which:**

- (1) **maintaining low property tax rates is essential to economic development; and**
- (2) **the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:**

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition

of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, and March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 33. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), ~~or~~ (s), ~~or~~ (v), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), ~~or~~ (t), ~~or~~ (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to

impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
 - (A) fifteen-hundredths percent (0.15%);
 - (B) two-tenths percent (0.2%); or
 - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine

hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) **or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county**, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided

in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

SECTION 34. IC 6-3.5-7-26, AS AMENDED BY P.L.199-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This section applies only to homestead and property tax replacement credits for property taxes first due and payable after calendar year 2006.

~~(b) For purposes of The following definitions apply throughout this section:~~

(1) "Adopt" includes amend.

(2) "Adopting entity" means:

~~(1) (A)~~ the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

~~(2) (B)~~ any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) "Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9.

(4) "Residential" refers to the following:

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. An ordinance must be adopted under this subsection after **January 1, 2006, and before June 1, 2006, or, in a year following 2006, after January 1 but before April 1 of a calendar year.** The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section 16(c) of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for **one (1) of the following, as determined by the adopting entity:**

(A) Uniformly applied increased homestead credits as provided in subsection (f). or

(B) Uniformly applied increased residential credits as provided in subsection (g).

~~(C) Allocated increased homestead credits as provided in subsection (h); (i).~~

(D) Allocated increased residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection ~~(f)~~; **(k)**; and
 (2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16(c) of this chapter to increase:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), the homestead credit allowed in the county under IC 6-1.1-20.9 for a year; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), the property tax replacement credit allowed in the county under IC 6-1.1-21-5 for a year for the residential property;

to offset the effect on homesteads **or residential property, as applicable**, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42. **The amount of an additional residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 or another law other than IC 6-1.1-20.6.**

(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform increased residential credits under subsection (c)(2)(B), the county auditor shall determine for each calendar year in which an increased homestead credit percentage is authorized under this section:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit percentage for the year;

(2) the amount of uniformly applied residential property tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of residential property tax replacement credit that equates to the amount of residential property tax replacement credits determined under subdivision (2).

~~(g)~~ **(h)** The increased percentage of homestead credit determined by the county auditor under subsection (f) **or the increased percentage of residential property tax replacement credit determined by the county auditor under subsection (g)** applies uniformly in the county in the calendar year for which the increased percentage is determined.

~~(h)~~ **(i)** If the imposing entity specifies the application of allocated increased homestead credits under subsection ~~(c)(2)(B)~~; **(c)(2)(C)**, the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and

(2) except as provided in subsection ~~(f)~~; **(l)**, an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(j) If the imposing entity specifies the application of allocated increased residential property tax replacement credits under

subsection (c)(2)(D), the county auditor shall determine for each calendar year in which an increased residential property tax replacement credit is authorized under this section:

(1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit for the year; and

(2) except as provided in subsection (l), an increased percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of increased residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

~~(i)~~ **(k)** The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit **or residential property tax replacement credit** within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

(1) as if the money were from property tax collections; and

(2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit **or residential property tax replacement credit.**

~~(j)~~ **(l)** Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

(1) homestead credit determined under subsection ~~(h)~~(2) (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or

(2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.

SECTION 35. IC 6-8.1-1-1, AS AMENDED BY P.L.214-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the river boat admissions tax (IC 4-33-12); the river boat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1) (repealed); the utility receipts ~~tax and utility services use taxes~~ (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the municipal option income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 36. IC 6-9-39 IS ADDED TO THE INDIANA CODE

AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 39. County Option Dog Tax

Sec. 1. As used in this chapter, "animal care facility" includes an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane treatment of animals.

Sec. 2. As used in this chapter, "taxable dog" means a dog at least six (6) months of age.

Sec. 3. (a) The fiscal body of a county may adopt an ordinance to impose a tax on a person who harbors or keeps a taxable dog in or near the person's premises in the county, regardless of who owns the taxable dog. A person who harbors or keeps a taxable dog in the county is liable for the tax.

(b) A tax imposed under this section may not exceed five dollars (\$5) per year for each taxable dog.

(c) The maximum amount of county option dog tax per year that may be imposed by an ordinance adopted under this section for taxable dogs kept in a kennel for breeding, boarding, training, or sale is an amount equal to the lesser of:

- (1)** the county option dog tax liability calculated without regard to this subsection for taxable dogs kept in the kennel for breeding, boarding, training, or sale; or
- (2)** for a kennel in which:

- (A)** more than six (6) taxable dogs are kept for breeding, boarding, training, or sale, fifty dollars (\$50); or
- (B)** not more than six (6) taxable dogs are kept for breeding, boarding, training, or sale, thirty dollars (\$30).

Sec. 4. If an ordinance adopted under section 3 of this chapter is in effect in a county, the fiscal body of the county may rescind the ordinance imposing the county option dog tax.

Sec. 5. (a) The fiscal body of a county may collect a county option dog tax imposed under section 3 of this chapter by any combination of the following methods:

- (1)** By designating one (1) or more persons in the county to collect the tax.
- (2)** By requiring a person who harbors or keeps a taxable dog to submit a complete and accurate county option dog tax return.
- (3)** By a method other than a method described in subdivision (1) or (2) as determined by the fiscal body of the county.

(b) A designee under subsection (a)(1) may retain a fee from the tax collected for each taxable dog in an amount determined by the fiscal body not to exceed seventy-five cents (\$0.75). A designee shall remit the balance of the money collected to the county treasurer by the tenth day of each month.

(c) If a fiscal body chooses to collect a county option dog tax imposed under section 3 of this chapter by requiring the submission of a county option dog tax return under subsection (a), the county treasurer may include a county option dog tax return form with every property tax statement that is mailed to a person under IC 6-1.1-22-8(a)(1).

(d) The department of local government finance shall prescribe a county option dog tax return form that a county may use for the reporting of county option dog tax liability.

Sec. 6. (a) If a county fiscal body adopts an ordinance under section 3 of this chapter, the county treasurer shall establish a county option dog tax fund.

(b) At the time a county option dog tax fund is established under subsection (a), the county treasurer shall establish a canine research and education account within the county option dog tax fund established under subsection (a).

(c) Interest and investment income derived from money in a county option dog tax fund becomes part of the county option dog tax fund.

(d) Money in a county's county option dog tax fund at the end of a calendar year does not revert to the county's general fund.

Sec. 7. (a) A county treasurer that receives county option dog tax revenue under section 5 of this chapter shall deposit the money in the county option dog tax fund according to the following allocation:

- (1)** Twenty percent (20%) for the canine research and education account established under section 6(b) of this

chapter.

(2) Eighty percent (80%) for the uses designated by the fiscal body of the county under subsection (c).

(b) If an ordinance adopted under section 3 of this chapter is in effect in a county, the county auditor and the county treasurer shall include the county option dog tax revenue received by the county treasurer in the settlement procedures described in IC 6-1.1-27. Amounts accumulated in the county canine research and education account shall be paid to the state treasurer in accordance with the procedure described under IC 6-1.1-27-3.

(c) The fiscal body of a county that imposes a tax under this chapter may appropriate money in the county option dog tax fund, other than money allocated to the canine research and education account established under section 6(b) of this chapter, for any of the following purposes:

- (1)** The use of animal care facilities.
- (2)** Animal control, including dead animal disposal.
- (3)** Reimbursement to farmers for livestock kills.
- (4)** Reimbursement to people who have undergone rabies post exposure prophylaxis.

(d) The fiscal body of a county that imposes a tax under this chapter may establish requirements according to which individuals or entities are eligible to receive distributions of money appropriated for a purpose described in subsection (c).

Sec. 8. (a) A special canine research and education account within the state general fund shall be established. Any payments issued to the state under section 7(b) of this chapter shall be deposited in the canine research and education account in the state general fund.

(b) Any income earned on money held in the canine research and education account established under subsection (a) becomes a part of that account.

(c) Any revenue remaining in the canine research and education account established under subsection (a) at the end of a fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the Purdue University School of Veterinary Science and Medicine from the canine research and education account established under subsection (a) an amount equal to the sum of money deposited in the canine research and education account during the state fiscal year for its use in conducting canine disease research and education.

(e) On or about August 1 of each year, if there is a positive amount in the canine research and education account established under subsection (a), the auditor of state shall issue a warrant to the Purdue University School of Veterinary Science and Medicine for an amount equal to the amount of money accumulated in the canine research and education account.

Sec. 9. After July 1, 2006, a county or a municipality (as defined in IC 36-1-2-11) of the county may not adopt an ordinance implementing a licensing system for dogs unless the county option dog tax under this chapter is in effect in the county.

SECTION 37. IC 15-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.** If a dog kills or injures any livestock while the livestock is in the care, custody, and control of the livestock's owner or his the owner's agent, the owner or harbinger of the dog is liable to the owner of the livestock for all damages sustained, including his reasonable attorney's fees and the court costs. ~~if the appropriate dog tax has not been paid on the dog, triple damages may be awarded.~~

SECTION 38. IC 15-5-7-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a)** The following losses and expenses are chargeable to the county in which an attack or exposure occurs:

(1) Damages, less compensation by insurance or otherwise, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

- (A)** Sheep.
- (B)** Cattle.
- (C)** Horses.
- (D)** Swine.
- (E)** Goats.
- (F)** Mules.
- (G)** Chickens.
- (H)** Geese.

- (I) Turkeys.
- (J) Ducks.
- (K) Guineas.
- (L) Tame rabbits.
- (M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
- (N) Bison.
- (O) Farm raised cervidae.
- (P) Ratitae.
- (Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

(b) A person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.

(d) A county auditor shall establish procedures in accordance with the requirements of subsection (a) and section 4 of this chapter by which claimants may submit claims to the county auditor or a designee of the county auditor.

(e) A county auditor who:

- (1) receives a verified claim under subsection (a) from a claimant; and
- (2) is satisfied that the claim meets the requirements of subsection (a) and section 4 of this chapter;

shall immediately issue a warrant or check to the claimant for the verified amount of the claim. If a county option dog tax adopted under IC 6-9-39 is not in effect in the county, a claim under this section may be paid out of nonappropriated funds. A county auditor who is not satisfied that a claim meets the requirements of subsection (a) and section 4 of this chapter shall promptly notify the claimant.

(f) A person whose claim under subsection (a) is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and section 4 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or section 4 of this chapter in evaluating the person's claim, the court may fashion an appropriate remedy, including an order directed to the county auditor to reconsider the person's claim.

SECTION 39. IC 15-5-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An owner desiring to make a claim under section 3(a)(1) of this chapter must do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

- (A) A law enforcement officer.
- (B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss, report the loss to the county auditor as follows:

- (A) Under oath, the owner shall state:
 - (i) the number, age, and value of the stock, fowl, or game; and
 - (ii) the damages sustained, less compensation by insurance or otherwise.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

- (i) disinterested; and
- (ii) not related by blood or marriage to the claimant.

(C) An appraisement of the stock, fowl, or game that were killed, maimed, or damaged may not exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.

(b) In addition to the requirements of subsection (a), the claimant, if requested to do so by the county auditor or a person designated by the county auditor, must grant the right of subrogation to the county for the total amount paid on the claim to the claimant by the county on a form prescribed by the county auditor.

(c) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark each killed, maimed, or damaged animal so that the animal can support only one (1) claim under this chapter.

(d) A person desiring to make a claim under section 3(a)(2) of this chapter must provide the county auditor with documentation that the person, or a person for whom the claimant is financially responsible, underwent rabies post exposure prophylaxis.

SECTION 40. IC 20-42-1-11, AS ADDED BY HEA 1134-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. In a county where the total amount in the:

- (1) fund; or
- (2) congressional township school fund;

accumulates to the amount of at least one thousand dollars (\$1,000), a county may not borrow and use the funds or any part of the funds for any lawful purpose for a period not exceeding five (5) years.

SECTION 41. IC 20-42-2-11, AS ADDED BY HEA 1134-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. In a county where the total amount in the:

- (1) common school fund; or
- (2) fund;

accumulates to the amount of at least one thousand dollars (\$1,000), a county may not borrow and use the funds, or any part of the funds, for any lawful purpose for a period not exceeding five (5) years.

SECTION 42. IC 20-43-2-2, AS ADDED BY HEA 1134-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The maximum state distribution for a calendar year for all school corporations is:

(1) the greater of:

(A) three billion seven hundred fifty-four million seven hundred thousand dollars (~~\$3,754,700,000~~) (\$3,802,900,000); or

(B) the amount necessary to enable the department of education to make tuition support distributions in 2006 in accordance with IC 21-1-30 and this article without requiring a reduction in the amount distributed for tuition support under this section;

in 2006; and

(2) three billion seven hundred forty-seven million two hundred thousand dollars (\$3,747,200,000) in 2007.

SECTION 43. IC 20-43-2-3, AS ADDED BY HEA 1134-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as provided in subsection (b), if the total amount to be distributed:

- (1) as basic tuition support;
- (2) for academic honors diploma awards;
- (3) for primetime distributions;
- (4) for special education grants; and
- (5) for vocational education grants;

for a particular year exceeds the maximum state distribution for a calendar year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.

(b) The department of education shall distribute the full amount of tuition support to school corporations in the second six (6) months of 2006 in accordance with this article without a reduction under this section.

SECTION 44. IC 20-45-1-21, AS ADDED BY HEA 1134-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. "Total assessed value" with

respect to a school corporation means **for**:

- (1) **2006**, the total assessed value of all taxable property for property taxes first due and payable during the year; **and**
- (2) **2007**, the lesser of the following:

- (A) **The total assessed value of all taxable property for property taxes first due and payable during calendar year 2006.**

- (B) **The total assessed value of all taxable property for property taxes first due and payable during calendar year 2007, as certified by the department of local government finance.**

SECTION 45. IC 20-45-3-5, AS ADDED BY HEA 1134-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A school corporation's tax rate floor is the tax rate determined under this section.

(b) This subsection applies only if the school corporation's guaranteed minimum revenue for the calendar year is not equal to the school corporation's foundation amount revenue for a calendar year. The school corporation's tax rate floor for the calendar year is the result under STEP SIX of the following formula:

STEP ONE: Divide the school corporation's **total** assessed ~~valuation~~ **value** by the school corporation's current ADM.

STEP TWO: Divide the STEP ONE result by ten thousand (10,000).

STEP THREE: Determine the greater of the following:

- (A) The STEP TWO result.
- (B) Thirty-six dollars and thirty cents (\$36.30).

STEP FOUR: Determine the result under clause (B):

- (A) Subtract the school corporation's foundation amount revenue for the calendar year from the school corporation's guaranteed minimum revenue for the calendar year.
- (B) Divide the clause (A) result by the school corporation's current ADM.

STEP FIVE: Divide the STEP FOUR result by the STEP THREE result.

STEP SIX: Divide the STEP FIVE result by one hundred (100).

(c) This subsection applies only if the school corporation's guaranteed minimum revenue for the calendar year is equal to the school corporation's foundation amount revenue for a calendar year and the STEP ONE result is greater than zero (0). The school corporation's tax rate floor for the calendar year is the result under STEP SEVEN of the following formula:

STEP ONE: Add the following:

- (A) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.
- (B) The part of the unadjusted tuition support levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

STEP TWO: Divide the STEP ONE result by the school corporation's current ADM.

STEP THREE: Divide the school corporation's **total** assessed ~~valuation~~ **value** by the school corporation's current ADM.

STEP FOUR: Divide the STEP THREE result by ten thousand (10,000).

STEP FIVE: Determine the greater of the following:

- (A) The STEP FOUR result.
- (B) Thirty-six dollars and thirty cents (\$36.30).

STEP SIX: Divide the STEP TWO result by the STEP FIVE amount.

STEP SEVEN: Divide the STEP SIX result by one hundred (100).

SECTION 46. IC 20-45-3-6, AS ADDED BY HEA 1134-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A school corporation's target property tax rate for a calendar year is the sum of:

(1) **in**:

- (A) **2006**, seventy-two cents (\$0.72); ~~in 2006 and seventy-two~~

- (B) **2007**, the greater of:

- (i) seventy-two and ninety-two hundredths cents

(\$0.7292); ~~in 2007; or~~

- (ii) **the rate determined under subsection (b); plus**

- (2) if applicable, the school corporation's minimum equalization tax rate.

(b) If using the best information available to the department of local government finance, the department of local government finance determines that the result of:

(1) the lesser of:

- (A) two billion thirty-five million nine hundred thousand dollars (\$2,035,900,000); or

- (B) the result of:

- (i) the sum of the tuition support levies certified by the department of local government finance for all school corporations for 2006; multiplied by

- (ii) one and forty-one thousandths (1.041); minus

- (2) the sum of all maximum permissible tuition support levies for all school corporations in 2007, as determined by using the tax rate specified in subsection (a)(1)(B)(i);

would exceed one million dollars (\$1,000,000) in 2007, the department of local government finance, shall, before February 16, 2007, adjust the tax rate used in subsection (a)(1)(B) for 2007 so that the difference determined by subtracting the sum of all maximum permissible tuition support levies (as defined in IC 20-45-1-15) for all school corporations determined by using the adjusted tax rate from the amount determined under subdivision (1) does not exceed one million dollars (\$1,000,000). To carry out this subsection the department of local government finance may increase a school corporation's tax rate and levy to a rate and amount that exceeds the rate originally advertised or fixed by the school corporation. Before adjusting a tax rate under this subsection, the department of local government finance shall review the recommendations of the department of education and the budget agency.

SECTION 47. IC 27-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. The following provisions apply to standard companies and extended companies:

- (1) IC 27-1-3.
- (2) IC 27-1-3.1.
- (3) IC 27-1-5-3.
- (4) IC 27-1-7-14 through IC 27-1-7-16.
- (5) IC 27-1-7-21 through IC 27-1-7-23.
- (6) IC 27-1-9.
- (7) IC 27-1-10.
- (8) IC 27-1-13-3 through IC 27-1-13-4.
- (9) IC 27-1-13-6 through IC 27-1-13-9.
- (10) IC 27-1-15.6.
- (11) **IC 27-1-18-2.**
- ~~(12)~~ (12) IC 27-1-20-1.
- ~~(13)~~ (13) IC 27-1-20-4.
- ~~(14)~~ (14) IC 27-1-20-6.
- ~~(15)~~ (15) IC 27-1-20-9 through IC 27-1-20-11.
- ~~(16)~~ (16) IC 27-1-20-14.
- ~~(17)~~ (17) IC 27-1-20-19 through IC 27-1-20-21.3.
- ~~(18)~~ (18) IC 27-1-20-23.
- ~~(19)~~ (19) IC 27-1-20-30.
- ~~(20)~~ (20) IC 27-1-22.
- ~~(21)~~ (21) IC 27-4-1.
- ~~(22)~~ (22) Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.
- ~~(23)~~ (23) IC 27-6-2.
- ~~(24)~~ (24) IC 27-7-2.
- ~~(25)~~ (25) IC 27-9.
- ~~(26)~~ (26) IC 34-30-17.

SECTION 48. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The assessor shall perform the duties prescribed by statute, including

- ~~(1)~~ assessment duties prescribed by IC 6-1.1. ~~and~~
- ~~(2)~~ administration of the dog tax and dog fund; as prescribed by ~~IC 15-5-9.~~

SECTION 49. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 15-5-9; IC 15-5-10.

SECTION 50. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-20.6-6, as in effect January 1, 2006, a

county may adopt an ordinance under this SECTION to apply the credit authorized by IC 6-1.1-20.6, as in effect January 1, 2006, to property taxes first due and payable in 2006.

(b) If a county has not issued property tax statements under IC 6-1.1-22-8 to the persons liable for property taxes in the county for property taxes first due and payable in 2006, the county fiscal body may adopt an ordinance to apply the credit under IC 6-1.1-20.6, as in effect January 1, 2006, to the property taxes first due and payable in 2006. A county fiscal body may not adopt an ordinance under this subsection after statements are issued under IC 6-1.1-22-8 for the property taxes first due and payable in 2006.

(c) Except as provided in subsection (a), IC 6-1.1-20.6, as in effect January 1, 2006, applies to a credit authorized by an ordinance adopted under this SECTION.

(d) This SECTION expires January 1, 2007.

SECTION 51. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding the repeal of IC 15-5-9-10 by this act, if any money remains in the state dog account of the state general fund on June 30, 2006, the auditor of state shall, on July 1, 2006, abolish the account and distribute the money as follows:

(1) Fifty percent (50%) to Purdue University School of Veterinary Science and Medicine, to be used solely for canine disease research.

(2) Fifty percent (50%) to the counties identified under subsection (b).

(b) Money to be distributed under subsection (a)(2) shall be divided among the counties that paid to the auditor of state, under IC 15-5-9-10(j) (before its repeal by this act), the surplus money remaining in the counties' county dog funds on May 1, 2006.

(c) Each county's share of the total amount distributed under this SECTION must be proportional to the county's share of the total amount paid to the auditor of state in 2006 under IC 15-5-9-10(j) (before its repeal by this act).

(d) On or before August 1, 2006, the county auditor of each county shall distribute to the township trustees of the townships located in the county:

(1) money distributed to the county under subsection (b); and

(2) any money remaining in the county dog fund.

An equal share of the money described in this subsection shall be distributed to each township trustee.

(e) A township trustee who receives a distribution under subsection (d) shall use the distribution:

(1) to pay claims filed under IC 15-5-9-9.1 (before its repeal by this act);

(2) to pay fees and charges under IC 15-5-9-10 (before its repeal by this act);

(3) to provide funding for the humane society designated by the county legislative body under IC 15-5-9-8(d) (before its repeal by this act) to receive a part of each dog tax payment; or

(4) if the county legislative body did not designate a humane society under IC 15-5-9-8(d) (before its repeal by this act), to provide funding for the township general fund.

(f) If any part of the money distributed to a township trustee under subsection (d) has not been not expended by July 1, 2007, for a purpose allowed under subsection (e), the township trustee shall distribute the remainder of the distribution received under subsection (d) to the county treasurer. If the county option dog tax under IC 6-9-39, as added by this act, is in effect in the county on July 1, 2007, the county treasurer shall deposit the money in the county option dog tax fund established under IC 6-9-39-6(a), as added by this act. However, notwithstanding IC 6-9-39-7(a), as added by this act, none of the money distributed to the county treasurer under this subsection shall be allocated to the county canine research and education account established under IC 6-9-39-6(b), as added by this act. If the county option dog tax under IC 6-9-39, as added by this act, is not in effect in the county on July 1, 2007, the county treasurer shall deposit the money in the county general fund.

(g) This SECTION expires January 1, 2008.

SECTION 52. [EFFECTIVE JANUARY 1, 2006

(RETROACTIVE)]: IC 27-5.1-2-8, as amended by this act, applies only to taxable years beginning after December 31, 2005.

SECTION 53. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "taxable year" has the meaning set forth in IC 6-3-1-16.

(b) IC 6-3-2-20, as added by this act, applies only to taxable years beginning after June 30, 2006.

(c) The addition of IC 6-3-2-20, as added by this act, does not affect the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006. Any determination of:

(1) the department of state revenue; or

(2) a court reviewing a department of state revenue determination;

of the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006, shall be made without regard to IC 6-3-2-20, as added by this act.

(d) The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-3-2-20, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.

(2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

(e) If the general assembly enacts more than one (1) law in the 2006 regular session of the general assembly that amends IC 6-3-1-3.5, the laws shall be read together to implement the policies enacted in each act.

SECTION 54. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "home energy" has the meaning set forth in IC 6-2.5-5-16.5.

(b) IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act, apply to transactions involving home energy that occur after June 30, 2006, and before July 1, 2007.

SECTION 55. [EFFECTIVE UPON PASSAGE] The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-2.3-1-3.5, IC 6-2.3-3-11, and IC 6-2.3-5.5, all as added by this act, IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.

(2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

SECTION 56. [EFFECTIVE JANUARY 1, 2007] IC 6-3-2-2, as amended by this act, applies to taxable years beginning after December 31, 2006.

SECTION 57. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.9, and IC 6-1.1-21 apply throughout this SECTION.

(b) As used in this SECTION, "additional 2006 homestead credit" means the part of the homestead credit percentage exceeding twenty percent (20%) that is granted under IC 6-1.1-20.9-2, as amended by this act for 2006.

(c) A county auditor:

(1) may apply the entire amount of the additional 2006 homestead credit equally to all installments of property taxes first due from the taxpayer in 2006; or

(2) if application of the credit to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements

and apply the entire credit to the property tax due in a later installment.

IC 6-1.1-22.5-6 does not apply if the county auditor elects to proceed under subdivision (2). The department of local government finance may prescribe procedures to apply the additional 2006 homestead credit to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(d) If a county implements this SECTION by mailing or transmitting a revised tax statement under subsection (c)(2), the county:

- (1) shall prominently include an instruction in the tax statement or on a separate insert included with the tax statement that assists the recipient of the statement in discovering that the amount payable in the second installment is less than the amount specified in the previous tax statement sent to the recipient and alerts the recipient not to make a payment that exceeds the amount due; and
- (2) is entitled to an additional distribution equal to one dollar (\$1) for each revised tax statement containing the statement described in subdivision (1) that is mailed or transmitted to a taxpayer or a mortgagee holding an escrow account for the taxpayer.

(e) The property tax replacement fund board shall provide for an additional distribution to taxing units from the property tax replacement fund to replace revenue lost to a county as the result of the granting of additional 2006 homestead credits and to reimburse counties for mailing or transmitting revised tax statements. The distribution shall be made before November 30, 2006, on the schedule determined by the property tax replacement fund board. A distribution described in this subsection is not subject to any law limiting the maximum amount that may be distributed under IC 6-1.1-21, including P.L.246-2005. Augmentation allowed (as defined in P.L.246-2005, SECTION 1) to make distributions described in this subsection. The amount distributed under this subsection is not included in the amount used to determine the minimum amount that must be distributed or maximum distribution that may not be exceeded under IC 6-1.1-21.

(f) This subsection applies to the part of any excessive property tax payment for property taxes first due and payable in 2006:

- (1) equal to the amount of the taxpayer's additional 2006 homestead credit; and
- (2) made before a tax statement or revised tax statement was mailed or transmitted for the taxpayer's homestead that reflected the taxpayer's reduced tax liability resulting from the taxpayer's additional 2006 homestead credit.

Notwithstanding IC 6-1.1-21-7, the amount of the taxpayer's excessive tax payment shall be applied first to the taxpayer's delinquent taxes (if any) in the manner provided in IC 6-1.1-23-5(b). Any remaining amount shall be retained and applied to the tax liability imposed on the homestead property in the immediately following year.

(g) This SECTION expires January 1, 2007.

SECTION 58. [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]:

(a) There is appropriated to the department of education the greater of the following from the state general fund for the purposes of making the distributions for tuition support described in IC 21-3-1.7-9 (as effective before July 1, 2006) beginning July 1, 2005, and ending June 30, 2006:

- (1) Twenty million one hundred thousand dollars (\$20,100,000).
- (2) An amount sufficient to enable the department of education to make tuition support distributions after December 31, 2005, and before July 1, 2006, in accordance with IC 21-1-30 (as effective before July 1, 2006) and IC 21-3 (as effective before July 1, 2006) without requiring a reduction in tuition support distributions to school corporations in the first six (6) months of 2006.

The amount appropriated under this SECTION is in addition to the amount appropriated by P.L.246-2005, SECTION 9, to the department of education for distribution for tuition support but is subject to the terms and conditions specified in P.L.246-2005, SECTION 9, for the distribution for tuition support.

(b) The deficiency appropriation made by this SECTION is not subject to transfer to any other fund or subject to transfer, assignment, or reassignment for any other use or purpose by:

- (1) the state board of finance, notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or
- (2) the budget agency, notwithstanding IC 4-12-1-12 or any other law.

(c) If the department of education determines that the provisions of IC 20-45-1-21, IC 20-45-3-5, and IC 20-45-3-6, all as amended by this act, will adversely affect the policy of taxpayer tax equalization as a result of the effects of an annual adjustment under IC 6-1.1-4-4.5 or other factors, the department of education may develop an alternative tuition support levy calculation that more closely complies with the taxpayer tax equalization policies embodied in the school funding formula for 2007. After review by the budget committee and approval by the budget agency, the department of local government finance shall adjust tax rates and tax levies in 2007, as necessary, to implement the alternative calculation developed under this subsection.

SECTION 59. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "OMB" refers to the office of management and budget established by IC 4-3-22-3.

(b) The OMB shall develop a proposal under which the state and state employees may make monetary contributions to a health savings account, a deferred compensation account, or another tax advantaged savings program. The proposal must include at least the following elements:

- (1) The proposal must contain estimates of future health care premium costs for state employees.
- (2) The goal of the proposal must be to actuarially fund a major portion of the expected retirement health care premium costs for a typical state employee through contributions made throughout the entire career of the state employee.
- (3) The proposal must make use of federal tax advantages to the greatest extent possible.
- (4) The proposal may include a variety of contribution options under which the state and a state employee may make voluntary or mandatory contributions to the employee's retirement health care account.
- (5) The proposal may explore the feasibility of:
 - (A) using the concept of "paid time off" (PTO) days in exchange for vacation days, personal days, holidays, and sick days; and
 - (B) permitting employees to exchange PTO days for contributions to the employee's retirement health care account.
- (6) The proposal may include estimates of the monetary savings of the following:
 - (A) Reduced overtime expense.
 - (B) Savings from employee turnover.
- (7) For an employee who has already served most of the employee's career in public service, the proposal must include a transition program that provides a retirement health care funding mechanism under which the employee would make contributions for the remainder of the employee's career that would be supplemented by the state in order to provide a benefit similar to the benefit that will be provided by the long term funding plan.

(c) The OMB shall present the proposal required by this SECTION and any other findings and recommendations to the budget committee before November 1, 2006.

SECTION 60. An emergency is declared for this act.

(Reference is to EHB 1001 as reprinted March 1, 2006, and as amended by the committee report of the committee of one adopted March 1, 2006.)

ESPICH	KENLEY
CRAWFORD	HUME
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 6:30 p.m. with the Speaker in the Chair.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT
 EHB 1362-1; filed March 14, 2006, at 5:48 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1362 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. IC 36-1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "Clerk" means:

- (1) clerk of the circuit court, for a county;
- (2) county auditor, for a board of county commissioners or county council;
- (3) clerk of the city-county council, for a consolidated city;
- (4) city clerk, for a second class city;
- (5) clerk-treasurer, for a third class city; or
- (6) clerk-treasurer, for a town; or
- (7) **chief executive officer of a political subdivision not described in subdivisions (1) through (6).**

SECTION 2. IC 36-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city-county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) township board, for a township; or
- (6) governing body or budget approval body, for any other political subdivision **that has a governing body or budget approval body;** or
- (7) **chief executive officer of any other political subdivision that does not have a governing body or budget approval body.**

SECTION 3. IC 36-1-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means **the:**

- (1) board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;
- (2) county council, for a county subject to IC 36-2-3.5;
- (3) city-county council, for a consolidated city or county having a consolidated city;
- (4) common council, for a city other than a consolidated city;
- (5) town council, for a town; or
- (6) township board, for a township;
- (7) **governing body of any other political subdivision that has a governing body; or**
- (8) **chief executive officer of any other political subdivision that does not have a governing body.**

SECTION 4. IC 36-1.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 1.5. GOVERNMENT MODERNIZATION

Chapter 1. General Provisions

Sec. 1. The purpose of this article is to do the following:

- (1) Grant broad powers to enable political subdivisions to operate more efficiently by eliminating restrictions under existing law that:
 - (A) impede the economy of operation of;
 - (B) interfere with the ease of administration of;
 - (C) inhibit cooperation among; and
 - (D) thwart better government by;
- political subdivisions.

(2) Encourage efficiency by and cooperation among political subdivisions to:

- (A) reduce reliance on property taxes; and
- (B) enhance the ability of political subdivisions to provide critical and necessary services.

(3) Strengthen the financial condition of state government.

Sec. 2. This article contains full and complete authority for the following:

- (1) Reorganization of political subdivisions.
- (2) Exercise of governmental functions under a cooperative agreement under this article.
- (3) Transfer of responsibilities between offices and officers under this article.

Sec. 3. Except as provided in this article, no law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by a political subdivision or any officer, department, agency, or instrumentality of the state or a political subdivision is required for political subdivisions to:

- (1) reorganize;
- (2) enter into or exercise governmental functions under a cooperative agreement; or
- (3) transfer responsibilities between offices and officers;

under this article.

Sec. 4. A political subdivision may exercise the powers granted under this article to reorganize or enter into cooperative agreements without complying with the provisions of any other law, statute, or rule.

Sec. 5. This article shall be liberally construed to effect the purposes of this article.

Sec. 6. Except as otherwise specifically provided by law, to the extent the provisions of this article are inconsistent with the provisions of any other general, special, or local law, the provisions of this article are controlling, and compliance with this article shall be treated as compliance with the conflicting law.

Sec. 7. This article does not prohibit the:

- (1) reorganization of one (1) or more political subdivisions;
- (2) exercise of governmental functions under an interlocal cooperation agreement or a cooperative agreement; or
- (3) transfer of responsibilities between offices and officers;

under another law that is not included in this article.

Sec. 8. More than one (1) resolution permitted under this article may be consolidated into a combined resolution.

Sec. 9. Political subdivisions and reorganization committees acting under this article are subject to IC 5-14-1.5 (open door law) and IC 5-14-3 (public records law).

Chapter 2. Definitions

Sec. 1. Except as provided in section 4 of this chapter, the definitions in IC 3-5-2 and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Plan of reorganization" refers to a plan of reorganization approved by the legislative body of each reorganizing political subdivision under this article.

Sec. 4. "Political subdivision" has the meaning set forth in IC 36-1-2, except that the term does not include a local hospital authority or corporation.

Sec. 5. "Reorganization" means a change in the structure or administration of a political subdivision described in IC 36-1.5-4-3 and IC 36-1.5-4-4.

Sec. 6. "Reorganization committee" refers to a committee established under this article to assist reorganizing political subdivisions with developing a plan of reorganization.

Sec. 7. "Reorganized political subdivision" means the political subdivision that is the successor to the reorganizing political subdivisions participating in a reorganization.

Sec. 8. "Reorganizing political subdivision" refers to a political subdivision in which:

- (1) a resolution has been adopted under IC 36-1.5-4-10; or
- (2) a petition has been filed under IC 36-1.5-4-11.

Chapter 3. Adjustment of Maximum Permissible Levies, Tax Rates, and Budgets

Sec. 1. A certified copy of an ordinance or a resolution, including any incorporated agreement, that is adopted under this

article must be submitted to the department of local government finance.

Sec. 2. The department of local government finance may take an action under this chapter in the manner prescribed by the department of local government finance in its rules adopted under IC 4-22-2.

Sec. 3. A political subdivision may petition for judicial review of a final determination of the department of local government finance under this chapter. The petition must be filed in the tax court not more than forty-five (45) days after the department of local government finance enters its order under this chapter.

Sec. 4. Subject to this chapter, the department of local government finance shall adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budgets of political subdivisions that enter into a reorganization under this article as the department of local government finance determines necessary to do the following:

- (1) Eliminate double taxation by different political subdivisions for services or goods provided under this article.
- (2) Eliminate any excess by which the amount of property taxes imposed by a political subdivision exceeds the amount necessary to pay for services or goods provided under this article.
- (3) Restore taxing powers of a political subdivision after the termination of a reorganization under this article that are necessary to fund governmental services to the individuals and entities served by the political subdivision.
- (4) Restore taxing powers of a political subdivision after the withdrawal of a party from a reorganization under this article that are necessary to fund governmental services to the individuals and entities served by the political subdivision.

Sec. 5. The department shall establish a formula for adjusting maximum permissible property tax levies, maximum permissible property tax rates, and budgets under this chapter that permits a political subdivision (or a successor political subdivision) that realizes a:

- (1) savings to its taxpayers; or
- (2) reduction in the reasonably foreseeable expenses that would otherwise be incurred by its taxpayers;

through a reorganization under this article to continue to levy part of the realized savings or reduction. The adjustment under this section may not exceed fifty percent (50%) of the savings or reduction realized in the first full year of operation after the reorganization is implemented, as determined by the department of local government finance.

Chapter 4. Reorganization by Referendum

Sec. 1. (a) Any of the following may reorganize under this chapter:

- (1) Two (2) or more counties. A county reorganizing under this subdivision must be adjacent to at least one (1) other county participating in the reorganization.
- (2) Two (2) or more townships located entirely within the same county. A township reorganizing under this subdivision must be adjacent to at least one (1) other township participating in the reorganization.
- (3) Two (2) or more municipalities. A municipality reorganizing under this subdivision must be adjacent to at least one (1) other municipality participating in the reorganization.
- (4) Two (2) or more school corporations. A school corporation reorganizing under this subdivision must be adjacent to at least one (1) other school corporation participating in the reorganization.
- (5) Two (2) or more municipal corporations, other than a unit or a school corporation, that have substantially equivalent powers. A municipal corporation reorganizing under this subdivision must be adjacent to at least one (1) other municipal corporation participating in the reorganization.
- (6) Two (2) or more special taxing districts that are adjacent to at least one (1) other special taxing district participating in the reorganization.

(7) A township and a municipality that is located in any part of the same township.

(8) A county and one (1) or more townships that are located in the county.

(9) A municipality and a county that does not contain a consolidated city.

(10) A school corporation and a county or municipality in which a majority of the students of the school corporation have legal settlement (as defined by IC 20-18-2-11).

(11) A municipal corporation, other than a unit or a school corporation, and a county or municipality in which a majority of the population of the municipal corporation resides.

(b) If a political subdivision reorganizes under this article with one (1) or more other political subdivisions:

- (1) any political subdivisions that did not participate in the public question on the reorganization are not reorganized under this article;
- (2) the reorganization affects only those political subdivisions in which the reorganization is approved as specified in this article; and
- (3) the reorganization does not affect the rights, powers, and duties of any political subdivisions in the county in which the reorganization is not approved as specified in this article.

Sec. 2. For purposes of this chapter, two (2) political subdivisions may not be treated as adjacent if the political subdivisions are connected by a strip of land that is less than one hundred fifty (150) feet wide.

Sec. 3. Political subdivisions described in section 1 of this chapter may participate under this chapter in any of the following types of reorganization:

- (1) Consolidation of the participating political subdivisions into a single new political subdivision.
- (2) Consolidation of the participating political subdivisions into one (1) of the participating political subdivisions.

Sec. 4. As part of a reorganization in a finally approved plan of reorganization, one (1) or more of the reorganizing political subdivisions or the reorganized political subdivision may do the following:

- (1) Adjust any of its boundaries.
- (2) Establish a joint service area with another political subdivision.
- (3) Transfer the functions of an office to another office.
- (4) Provide for a legislative body, an executive, or a fiscal body of the reorganized political subdivision to exercise the powers of a legislative body, an executive, or a fiscal body of a reorganizing political subdivision.
- (5) Change the name of the political subdivision or select a new name.

Sec. 5. (a) Except as provided in subsection (b), a reorganization approved under this chapter takes effect when all of the following have occurred:

- (1) The later of:
 - (A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:
 - (i) the reorganization has been approved by the voters of each reorganizing political subdivision; or
 - (ii) in the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) of this chapter; is recorded as required by section 31 of this chapter; or
 - (B) the date specified in the finally adopted plan of reorganization.
- (2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:
 - (A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not being consolidated into one (1) of the reorganizing political subdivisions;
 - (B) the reorganized political subdivision will have

different boundaries than any of the reorganizing political subdivisions;

(C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or

(D) the finally adopted plan of reorganization requires new appointed or elected officers before the reorganization becomes effective.

(b) A reorganization approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A consolidation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

Sec. 6. When a reorganization under this chapter is effective:

(1) all of the participating political subdivisions, except the reorganized political subdivision, cease to exist;

(2) unless the plan of reorganization provides for the continuation of the term of office, the term of each of the elected offices of each of the reorganizing political subdivisions is terminated;

(3) if the plan of reorganization transfers the responsibilities of any office to another office, the office from which the responsibilities were transferred is abolished;

(4) the executives, legislative bodies, and fiscal bodies of the reorganizing political subdivisions (other than any reorganizing political subdivision that is treated under the plan of reorganization as the successor reorganized political subdivision) are abolished, and the responsibilities of the executives, legislative bodies, and fiscal bodies are transferred to the executive, legislative body, and fiscal body of the reorganized political subdivision; and

(5) the property and liabilities of the reorganizing political subdivisions become the property and liabilities of the reorganized political subdivision, subject to section 40 of this chapter.

Sec. 7. In the year before the year in which the participating political subdivisions are reorganized under this chapter:

(1) the fiscal bodies of the reorganizing political subdivisions shall, in the manner provided by IC 6-1.1-17, adopt tax levies, tax rates, and a budget for the reorganized political subdivision either through the adoption of substantially identical resolutions adopted by each of the fiscal bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the fiscal bodies on which the members of each of the fiscal bodies are represented; and

(2) if the reorganized political subdivision will have elected offices and different election districts than any of the reorganizing political subdivisions, the legislative bodies of the reorganizing political subdivisions shall establish the election districts either through the adoption of substantially identical resolutions adopted by each of the legislative bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the legislative bodies on which the members of each of the legislative bodies are represented.

Sec. 8. The department of local government finance may prescribe forms for petitions, resolutions, certifications, and other writings required under this chapter. A petition, resolution, certification, or other writing related to a reorganization must be substantially in the form prescribed by the department of local government finance.

Sec. 9. A reorganization may be initiated by:

- (1) adopting a resolution under section 10 of this chapter; or
- (2) filing a petition under section 11 of this chapter.

Sec. 10. (a) The legislative body of a political subdivision may initiate a proposed reorganization under this chapter by adopting a resolution that:

- (1) proposes a reorganization;
- (2) names the political subdivisions that would be reorganized in the proposed reorganization; and
- (3) only in the case of a proposed reorganization described in section 1(a)(9) of this chapter, states whether the vote on

the public question regarding the reorganization shall be:

(A) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(B) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(b) The clerk of the political subdivision adopting the resolution shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

(1) proposes a reorganization; and

(2) names the political subdivisions that would be reorganized in the proposed reorganization.

(b) If the written petition is signed by at least five percent (5%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to the legislative body of the political subdivision.

Sec. 12. (a) If a petition is certified to the legislative body of a political subdivision under section 11 of this chapter, the legislative body shall conduct a public hearing on the proposed reorganization not sooner than five (5) days after publishing a notice of the public hearing under IC 5-3-1. Not more than thirty (30) days after the conclusion of the public hearing the legislative body shall adopt a resolution, substantially in the form prescribed by the department of local government finance, to do any of the following:

(1) Decline to participate in the proposed reorganization.

(2) Propose a reorganization with the political subdivisions named in the petition.

(3) Propose a reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in the petition.

(b) In the case of a resolution adopted under this section proposing a reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 or 12 of this chapter may do any of the following:

(1) Adopt a resolution declining to participate in a proposed reorganization.

(2) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.

(3) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.

(b) In the case of a resolution adopted under this section proposing to participate in a proposed reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

(1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10, 12, or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions.

Sec. 15. Not later than thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the substantially identical resolution to all of the political subdivisions named in the resolution, the reorganizing political subdivisions shall appoint the number of individuals specified in section 16 of this chapter to serve on a reorganization committee to develop a plan of reorganization for the reorganizing political subdivisions.

Sec. 16. (a) Members shall be appointed to a reorganization committee as follows:

(1) In accordance with an agreement adopted by the reorganizing political subdivisions. An agreement under this subdivision must provide that not more than a simple majority of the members appointed by each political subdivision may be members of the same political party.

(2) If an agreement does not provide for the membership of a reorganization committee under this chapter, three (3) members shall be appointed by the executive of each political subdivision participating in the reorganization. Not more than two (2) of the members appointed by an executive of a political subdivision may be members of the same political party.

(b) The members of a reorganization committee serve at the pleasure of the appointing authority. The reorganization committee shall select a chairperson and any other officers that the reorganization committee determines necessary from the members of the reorganization committee.

(c) The members of a reorganization committee serve without compensation. The members, however, are entitled to reimbursement from the reorganizing political subdivisions for the necessary expenses incurred in the performance of their duties.

(d) The reorganizing political subdivisions shall provide necessary office space, supplies, and staff to the reorganization committee. The reorganizing political subdivisions may employ attorneys, accountants, consultants, and other professionals for the reorganization committee.

(e) Except as otherwise provided in an agreement adopted by the reorganizing political subdivisions, claims for expenditures for the reorganization committee shall be made to the fiscal officer for the reorganizing political subdivision with the largest population. The fiscal officer shall pay the necessary expenditures and obtain reimbursement from the reorganizing political subdivisions:

- (1) in accordance with an agreement adopted by the reorganizing political subdivisions; or
- (2) in the absence of an agreement, in proportion to the population of each reorganizing political subdivision.

Sec. 17. A reorganization committee may do the following:

- (1) Adopt procedures governing the internal management of the reorganization committee.
- (2) Conduct public hearings on the plan of reorganization as the reorganization committee determines necessary or appropriate.
- (3) Review the books and records of any reorganizing political subdivision.
- (4) Administer oaths.
- (5) Issue and enforce subpoenas and discovery orders under IC 4-21.5.

Sec. 18. (a) A reorganization committee shall prepare a comprehensive plan of reorganization for the reorganizing political subdivisions. The plan of reorganization governs the actions, duties, and powers of the reorganized political subdivision that are not specified by law.

(b) The plan of reorganization must include at least the following:

- (1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political

subdivisions.

(2) A description of the boundaries of the reorganized political subdivision.

(3) Subject to section 40 of this chapter, a description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivisions will be imposed.

(4) A description of the membership of the legislative body, fiscal body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.

(5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.

(6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.

(7) Any other matter that the:

(A) reorganization committee determines to be necessary or appropriate; or

(B) legislative bodies of the reorganizing political subdivisions require the reorganization committee; to include in the plan of reorganization.

(8) In the case of a reorganization described in section 1(a)(9) of this chapter, if the legislative bodies of the reorganizing political subdivisions have specified that the vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold, the reorganization committee shall include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.

(9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be greater than fifty percent (50%).

(c) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee may not change the decision of the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

Sec. 19. The legislative body of each of the reorganizing political subdivisions shall provide for the following:

(1) Consideration of a plan of reorganization presented by a reorganization committee in the form of a resolution incorporating the plan of reorganization in full or by reference.

(2) Reading of the resolution incorporating the plan of reorganization in at least two (2) separate meetings of the legislative body of the political subdivision.

(3) Conducting a public hearing on the plan of reorganization:

- (A) not sooner than five (5) days after notice of the public hearing is published under IC 5-3-1; and
- (B) before the legislative body takes final action on the resolution to adopt the plan of reorganization.

Sec. 20. At a public hearing on a plan of reorganization conducted under section 19 of this chapter, or in a public meeting held not more than thirty (30) days after the public hearing concludes, a legislative body of a reorganizing political subdivision shall do one (1) of the following:

- (1) Adopt the plan of reorganization as presented to the legislative body.
- (2) Adopt the plan of reorganization with modifications.
- (3) Reject the plan of reorganization and order a reorganization committee to submit a new plan of reorganization within thirty (30) days after the legislative body rejects the plan of reorganization.

Sec. 21. Any modifications in a plan of reorganization that are adopted by a legislative body of a reorganizing political subdivision must be adopted by the legislative body of each of the reorganizing political subdivisions before the modifications are effective.

Sec. 22. The legislative body of each reorganizing political subdivision shall take any of the actions described in section 20 of this chapter on a revised plan of reorganization submitted by a reorganization committee and each resolution modifying a plan of reorganization or revised plan of reorganization in the same manner as the legislative body may take action on the initially submitted plan of reorganization.

Sec. 23. The legislative body of a reorganizing political subdivision shall certify the legislative body's final action on a plan of reorganization or revised plan of reorganization, as modified by the legislative body, in the manner prescribed by the department of local government finance, to the following:

- (1) The chair of the reorganization committee.
- (2) The clerk of each reorganizing political subdivision.
- (3) The county fiscal officer of each county in which a reorganizing political subdivision is located.
- (4) The county recorder of each county in which a reorganizing political subdivision is located.

Sec. 23.5. The following apply if the legislative bodies of all political subdivisions that have been presented with a plan of reorganization under section 18(d) of this chapter have not adopted a plan of reorganization, either as presented by the reorganization committee or as modified by all of the political subdivisions, within one (1) year after the initial plan of reorganization is presented:

- (1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.
- (2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:
 - (A) hold a hearing on the final plan of reorganization; and
 - (B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

- (3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.
- (4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political subdivision in which the final plan of reorganization was rejected by a legislative body under subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later

than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

- (A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and
- (B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.

Sec. 24. The legislative body of the reorganizing political subdivision with the largest population shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter:

- (1) The county recorder of each county in which a reorganizing political subdivision is located.
- (2) The department of local government finance.
- (3) If any of the reorganizing political subdivisions is a school corporation, the department of education.
- (4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office.

Sec. 25. Each county recorder receiving a certification under section 23 of this chapter, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision, shall record the certification and the plan of reorganization in the records of the county recorder without charge.

Sec. 26. When a county recorder has received certifications under this chapter from all of the reorganizing political subdivisions, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision, the county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that a public question on a plan of reorganization is eligible to be placed on the ballot for consideration of the voters of each of the reorganizing political subdivisions or (in the case of a reorganization described in section 1(a)(9) of this chapter) for consideration by the voters of the entire county.

Sec. 27. After the county recorder of each county in which reorganizing political subdivisions are located has notified the county election board that a public question on a plan of reorganization is eligible to be placed on the ballot, the county election board shall place the public question on the ballot in accordance with IC 3-10-9 on the first regularly scheduled election that will occur in all of the precincts of the reorganizing political subdivisions at least sixty (60) days after the required notices are received.

Sec. 28. A public question under this chapter shall be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

"Shall _____ (insert name of political subdivision) and _____ (insert name of political subdivision) reorganize as a single political subdivision?"

Sec. 29. IC 3 applies to the election at which a public question under this chapter is considered.

Sec. 30. (a) Except as provided in subsection (b), at the same time that election results are certified under IC 3, the circuit court clerk of each of the counties in which a public question under this chapter is on the ballot shall jointly issue, in the form prescribed by the state election board, a certificate declaring whether the public question is approved or rejected by a majority of the voters voting on the public question in each of the

reorganizing political subdivisions. In addition to any other requirements in IC 3 concerning filing of the certification, the certification shall be sent to each of the following:

- (1) The clerk of each of the reorganizing political subdivisions.
 - (2) The county auditor of each county in which a reorganizing political subdivision is located.
 - (3) The county recorder of each county in which a reorganizing political subdivision is located.
 - (4) The state board of accounts.
 - (5) The department of local government finance.
 - (6) The department of state revenue.
 - (7) The budget agency.
 - (8) If any of the reorganizing political subdivisions is a school corporation, the department of education.
- (b) In the case of a public question on a reorganization described in section 1(a)(9) of this chapter:

- (1) the public question on a plan of reorganization shall be placed on the ballot for consideration by the voters of the entire county;
- (2) the vote on the public question by the voters of the entire county shall be tabulated;
- (3) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the vote on the public question by the voters of:
 - (A) each reorganizing municipality; and
 - (B) the county (excluding the voters of the reorganizing municipalities);

shall be tabulated separately; and

- (4) the circuit court clerk shall issue, in a form prescribed by the state election board, separate certificates regarding whether the public question is approved or rejected by the voters of:

- (A) the entire county;
- (B) each reorganizing municipality (if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold); and
- (C) the county, excluding the voters of the reorganizing municipalities (if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold);

voting on the public question

Sec. 31. Each county recorder receiving a certification from a circuit court clerk under section 30 of this chapter shall file the certification without charge with the plan of reorganization recorded under section 25 of this chapter.

Sec. 32. (a) This subsection does not apply to a reorganization described in section 1(a)(9) of this chapter. A reorganization as specified in the plan of reorganization is approved if a majority of the voters in each reorganizing political subdivision voting on the public question approve the public question on the reorganization. The vote of voters of a reorganizing political subdivision (for example, a city) who also are voters in a second reorganizing political subdivision (for example, a township) that is geographically larger than the first political subdivision and that includes the territory of the first political subdivision shall be included only in the tally of votes for the first reorganizing political subdivision in which the voters reside.

(b) This subsection applies only to a reorganization described in section 1(a)(9) of this chapter. The reorganization is approved only if:

- (1) the percentage of voters voting on the public question who vote, on a countywide basis, in favor of the proposed reorganization is at least equal to the countywide vote approval percentage specified in the final reorganization plan;
- (2) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public

question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan; and

- (3) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan.

If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then in tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside.

Sec. 33. Except in the case of a reorganization described in section 1(a)(9) of this chapter, if a reorganization is not approved by the majority of the voters in each reorganizing political subdivision voting on the public question, the reorganization is terminated. A political subdivision in which voters of the political subdivision approved the reorganization may continue with a reorganization with another political subdivision in which the reorganization was approved only if a new plan of reorganization is approved by the voters of each political subdivision in the manner provided by this chapter. The reorganization committee shall adopt a plan to specify how matters related to the termination of the reorganization shall be handled.

Sec. 34. (a) This section applies if:

- (1) in the case of a reorganization that is not described in section 1(a)(9) of this chapter, the majority of the voters of each of the reorganizing political subdivisions voting on the public question approve the public question concerning the reorganization; or
- (2) in the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization is approved as set forth in section 32(b) of this chapter.

(b) The political subdivisions are reorganized in the form and under the conditions specified by the legislative bodies of the reorganizing political subdivisions in the plan of reorganization filed with the county recorder under this chapter.

Sec. 35. (a) This section applies to an initial election:

- (1) of the members of a governing body or officers that are elected by the voters for a reorganized political subdivision that:

- (A) is a town; and
- (B) has town boundaries that encompass part of another town that was part of the reorganization;
- (2) that is conducted before the reorganization takes effect; and
- (3) to which IC 3-10-7-1 applies.

(b) The members of each precinct board shall be jointly appointed by the town election boards of each of the reorganizing political subdivisions.

Sec. 36. (a) This section applies if section 5 of this chapter requires an election for a reorganization to become effective.

(b) At the next:

- (1) general election, if the reorganized political subdivision is not a municipality or a school corporation;
- (2) municipal election, if the reorganized political subdivision is a municipality; or
- (3) primary or general election, as specified in an election plan adopted in substantially identical resolutions by the legislative body of each of the participating political subdivisions if the reorganized political subdivision is a school corporation;

after the voters approve a reorganization, one (1) set of officers for the reorganized political subdivision having the combined population of the reorganizing political subdivisions shall be elected by the voters in the territory of the reorganized political subdivision as prescribed by statute.

(c) In the election described in subsection (b):

(1) one (1) member of the legislative body of the reorganized political subdivision shall be elected from each election district established by the reorganizing political subdivisions in substantially identical resolutions adopted by the legislative body of each of the reorganizing political subdivisions; and

(2) the total number of at large members shall be elected as prescribed by statute for the reorganized political subdivision.

(d) If appointed officers are required in the reorganized political subdivision, one (1) set of appointed officers shall be appointed for the reorganized political subdivision. The appointments shall be made as required by statute for the reorganized political subdivision. Any statute requiring an appointed officer to reside in the political subdivision where the appointed officer resides shall be treated as permitting the appointed officer to reside in any part of the territory of the reorganized political subdivision.

Sec. 37. The legislative bodies of the reorganizing political subdivisions and an adjacent political subdivision may change the boundaries of the reorganized political subdivision by adopting substantially identical resolutions clearly describing the boundary changes. The resolutions must be filed as required by law for a boundary change for the reorganized political subdivision and may not provide for a territory that is smaller than the territory permitted by law for any of the political subdivisions. If the law establishes additional procedures for the annexation or disannexation of the territory of a political subdivision, the political subdivisions changing boundaries must comply with the annexation or disannexation procedures required by law.

Sec. 38. A reorganized political subdivision has the powers granted by statute to a political subdivision of the same type as the reorganized political subdivision. However, if authorized by the plan of reorganization approved by the voters in a public question under this chapter, the reorganized political subdivision will exercise a power or have the officers or number of offices that a statute would have permitted any of the reorganizing political subdivisions to have.

Sec. 39. If a law does not permit the reorganized political subdivision to exercise generally throughout the territory of the reorganized political subdivision a power that any of the reorganizing political subdivisions had before the reorganization, the reorganized political subdivision may exercise the power outside the original territory of the reorganizing political subdivision only by following the laws applicable to the expansion of the service area of the reorganizing political subdivision.

Sec. 40. The following apply in the case of a reorganization under this article:

(1) Indebtedness that was incurred by a political subdivision before the reorganization:

(A) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the reorganization; and

(B) must be paid by the taxpayers that were responsible for payment of the indebtedness before the reorganization.

(2) Pension obligations existing as of the effective date of the reorganization:

(A) may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the reorganization; and

(B) must be paid by the taxpayers that were responsible for payment of the pension obligations before the reorganization.

Sec. 41. (a) Notwithstanding any other law, an individual:

(1) who is employed as a firefighter or a police officer by a political subdivision that is reorganized under this article;

(2) who is a member of the 1977 fund before the effective date of the reorganization under this article; and

(3) who, after the reorganization, becomes an employee of the fire department, police department, or county police department of the reorganized political subdivision;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter or police officer shall receive credit for any service as a member of the 1977 fund before the reorganization to determine the firefighter's or police officer's eligibility for benefits under IC 36-8-8.

(b) Notwithstanding any other law, an individual:

(1) who is employed as a firefighter by a political subdivision that is reorganized under this article;

(2) who is a member of the 1937 fund before the effective date of the reorganization under this article; and

(3) who, after the reorganization, becomes an employee of the fire department of the reorganized political subdivision; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the reorganization to determine the firefighter's eligibility for benefits under IC 36-8-7.

(c) Notwithstanding any other law, an individual:

(1) who is employed as a member of a county police department by a political subdivision that is reorganized under this article;

(2) who is a member of the sheriff's pension trust before the effective date of the reorganization under this article; and

(3) who, after the reorganization, becomes a law enforcement officer of the reorganized political subdivision; remains a member of the sheriff's pension trust. The individual shall receive credit for any service as a member of the sheriff's pension trust before the reorganization to determine the individual's eligibility for benefits under IC 36-8-10.

(d) Notwithstanding any other law, an individual:

(1) who is employed as a police officer by a political subdivision that is reorganized under this article;

(2) who is a member of the 1925 fund or 1953 fund before the effective date of the reorganization under this article; and

(3) who, after the reorganization, becomes an employee of the police department or county police department of the reorganized political subdivision; remains a member of the 1925 fund or 1953 fund. The police officer shall receive credit for any service as a member of the 1925 fund or 1953 fund before the reorganization to determine the police officer's eligibility for benefits under IC 36-8-6 or IC 36-8-7.5.

(e) Notwithstanding any other law, an individual:

(1) who is employed by a political subdivision that is reorganized under this article;

(2) who is a member of the pre-1996 account (as defined in IC 21-6.1-1-6.9) before the effective date of the reorganization under this article; and

(3) who, after the reorganization, becomes an employee of the reorganized political subdivision in a position that qualifies the individual for service credit in the Indiana state teachers' retirement fund; remains a member of the pre-1996 account.

Sec. 42. If the functions of an elected office are transferred to another elected office by a reorganization under this article, any law, rule, or agreement that requires or permits an action by an elected officer shall be treated after the functions of the elected officer are transferred as referring to the elected officer to which the functions have been transferred by the reorganization.

Sec. 43. The legislative body or voters of a reorganized political subdivision may terminate a reorganization or restore one (1) or more of the reorganizing political subdivisions participating in a reorganization in the same manner that a reorganization may be initiated under this chapter. If the voters in the reorganized political subdivision approve a public question approving termination of the reorganization or restoration of a reorganizing political subdivision, the reorganized political subdivision shall terminate the reorganization and restore the reorganizing political subdivisions in the same manner as a reorganization is completed under this chapter.

Chapter 5. Cooperative Agreements and Transfers of Responsibilities

Sec. 1. Notwithstanding any other law, two (2) or more political subdivisions may enter into a cooperative agreement under this chapter by using the same procedures set forth in this article for the initiation and approval of a reorganization under this article. A cooperative agreement under this chapter may be initiated and approved only in the manner set forth in this article for the initiation and approval of a reorganization under this article.

Sec. 2. (a) A cooperative agreement under this chapter must provide at least for the following:

- (1) Its duration.
- (2) Its purpose.
- (3) The manner of financing, staffing, and supplying any joint undertaking and of establishing and maintaining a budget for any joint undertaking that is the subject of the cooperative agreement.
- (4) The methods that may be employed in accomplishing the partial or complete termination of the cooperative agreement and for disposing of property upon partial or complete termination of the cooperative agreement.
- (5) The manner in which the cooperative agreement is to be administered.
- (6) The manner of acquiring, holding, and disposing of real and personal property that is the subject of the cooperative agreement.

(b) A cooperative agreement may include any condition or term that is necessary or appropriate.

Sec. 3. (a) The cooperative agreement may transfer the functions of an employee or a department of a political subdivision, including an elected office, to another employee or department of any political subdivision that has entered into the cooperative agreement.

(b) The functions of an elected office may be transferred only to another elected office.

(c) The cooperative agreement may provide for the abolishment of an elected office that is not required by the Constitution of the State of Indiana.

Sec. 4. A political subdivision may enter into a cooperative agreement with an entity to share the services of an employee employed by any party to the agreement.

Sec. 5. A cooperative agreement may provide that a political subdivision:

- (1) may appropriate and pledge any legally available revenues to the payment of the bonds, leases, or other obligations of another political subdivision that is a party to the cooperative agreement; and
- (2) will appropriate legally available revenues for any other payment under the cooperative agreement;

if the political subdivision's fiscal body finds that it is necessary, desirable, and in the best interests of the residents of that political subdivision.

Sec. 6. (a) A cooperative agreement may not permit an entity or another instrumentality established to administer the cooperative agreement to take any action that at least one (1) of the parties to the cooperative agreement could not carry out on its own.

(b) A cooperative agreement may permit the transfer of money from one (1) fund of a political subdivision for a use authorized by the cooperative agreement.

Sec. 7. (a) A cooperative agreement transferring the functions of an elected office becomes effective only at the end of the term of the incumbent that holds the office.

(b) Any law, rule, or agreement that requires or permits an action by an employee or elected officer after the functions of the employee or elected officer are transferred shall be treated as referring to the employee or elected officer to which the functions have been transferred by the cooperative agreement.

Sec. 8. The department of local government finance shall adjust as necessary tax rates, tax levies, and budgets of political subdivisions that enter into a cooperative agreement under this chapter in the same manner as tax rates, tax levies, and budgets are adjusted under IC 36-1.5-3 for reorganizing political subdivisions.

SECTION 5. An emergency is declared for this act.

(Reference is to EHB 1362 as reprinted March 1, 2006.)

BUCK	RIEGSECKER
YOUNT	DELPH
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT
ESB 1-1; filed March 14, 2006, at 6:21 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 1 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.9. (a) An employee of a township who:

- (1) is a member of the public employees' retirement fund;
- (2) has not attained vested status; and
- (3) is terminated from employment with the township as the result of a consolidation under IC 36-3-1-6.1;

may make the election described in subsection (b).

(b) A member described in subsection (a) may elect, in the manner prescribed by the board of trustees of the public employees' retirement fund, not later than sixty (60) days after the date the member separates from township service, to receive from the public employees' retirement fund a distribution under subsection (c).

(c) This subsection applies to a member who elects under subsection (b) to receive a distribution. The member is entitled to receive a distribution that is equal to the present value, as determined by the board on the member's separation date, of the pension portion of the monthly retirement benefit computed as if the member had been:

- (1) eligible for normal retirement; and
- (2) at least sixty-five (65) years of age;

on the member's separation date, multiplied by a fraction. The numerator of the fraction is the number of months of creditable service earned by the member as an employee of the state before the member's separation date. The denominator of the fraction is one hundred twenty (120).

(d) To the extent permitted by the Internal Revenue Code, the distribution under subsection (c) must be made directly to any of the following designated by the terminating employee:

- (1) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.
- (2) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (3) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (4) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(e) Creditable service used in computing a distribution under this section may not be used to compute a normal or early retirement benefit under this article.

(f) The board of trustees of the public employees' retirement fund may adopt reasonable procedures and standards to implement this section.

(g) This section applies only if the public employees' retirement fund has received from the Internal Revenue Service any approvals or rulings that the board of trustees of the public employees' retirement fund considers necessary or appropriate.

SECTION 2. IC 5-10.3-6-8.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.8. (a) This section applies when employees of a township in particular departmental,

occupational, or other definable classifications are terminated from employment with the township as a result of a consolidation under IC 36-3-1-6.1.

(b) The township executive shall request coverage under this section from the board whenever an employee of the township is terminated as described in subsection (a).

(c) The board must approve a request from the township executive under subsection (b) unless approval violates subsection (i), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

- (1) is at least fifty (50) years of age; and
- (2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
- (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

(1) The township executive has requested coverage under this section and provided written notice of the following to the board:

(A) The intent of the township to terminate the employees from employment.

(B) The names of the terminated employees as of the date that the termination is to occur.

(2) The expiration of a thirty (30) day period following the filing of the notice with the board.

(3) The consolidated city complies with subsection (g).

(g) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

(1) The consolidated city shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 that is sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.

(2) The maximum amount of creditable service that the consolidated city may purchase for a member under this subsection is twenty-four (24) months.

(3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(h) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 3. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a township, a county containing a consolidated city, or a fire protection district under IC 36-8-14.

(b) For purposes of computing the ad valorem property tax levy limit imposed on a township or a fire protection district under section 3 of this chapter, the township's, the county's, or the fire protection district's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-14.

SECTION 4. IC 6-1.1-18.5-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by the consolidated fire department taxing district established in IC 36-3-1-6.4 to pay or fund the following:

(1) Any indebtedness of a township, a fire protection territory, or an excluded city that is related to fire protection facilities or fire protection equipment and is assumed, defeased, paid, or refunded by the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3.

(2) Any indebtedness issued by the consolidated city to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

SECTION 5. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, if a consolidated fire department is established under IC 36-3-1-6.1, beginning with the calendar year following the consolidation and for each year thereafter, a percentage of the revenues to be distributed as distributive shares during each year to a township that has consolidated its fire department shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund. The percentage to be distributed to the consolidated fire department taxing district shall be equal to the percentage, if any, of the township's distributive shares received in the 2006 budget year that are used by the township for fire protection services.

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, beginning with the calendar year following the consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

SECTION 6. IC 8-1.5-5-32, AS ADDED BY SEA 71-2006, SECTION 1, AND HEA 1212-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal

legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.

(2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the ~~district municipality~~ is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 7. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

If:

(1) the legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances providing that adopts an ordinance under IC 36-3-1-6.1 providing that:

(A) the fire department of the airport authority is consolidated into the fire department of the consolidated city created by IC 36-3-1-6.1; and that

(B) the fire department of the consolidated city shall provide fire protection services for the airport authority; if ordinances are adopted under this section;

and the executive of the consolidated city approves the ordinance;

(2) the legislative body of the consolidated city adopts an ordinance under IC 36-3-1-6.1 adopting the transition plan and the executive of the consolidated city approves the ordinance; and

(3) the consolidation is approved in the public question under IC 36-3-1-6.1;

the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of

the airport authority in the ordinances: **January 1, 2008, or a later effective date specified under IC 36-3-1-6.1.**

SECTION 8. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

(b) After December 31, 2006, the duties of a township trustee under this chapter shall be transferred to the consolidated city.

SECTION 9. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*Cirsium arvense*), Johnson grass, sorghum alumum (*Sorghum halphense*), bur cucumber (*Sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "fund" means:

(1) the township fund for a township in a county not having a consolidated city; or

(2) the appropriate fund of the consolidated city for a county having a consolidated city.

~~(b)~~ (c) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state, or a political subdivision, or a group of those persons acting in concert.

(d) As used in this chapter, "township trustee" or "trustee" means:

(1) a township trustee for a township in a county not having a consolidated city; or

(2) the consolidated city for a township in a county having a consolidated city.

~~(c)~~ (e) A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 10. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate ~~in the a township that comprises all or a part of the township trustee's jurisdiction that have not been destroyed as described in section 1 of this chapter, the trustee of the township in which the real estate is located~~ township trustee shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

(1) by mail, using certified mail; or

(2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

(1) if sent by mail, on the earlier of:

(A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

SECTION 11. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of with the trustee, of the township~~, and when the bill has been approved, the trustee shall pay the bill out of the township fund. The trustee ~~of the township~~ shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is in a county having a consolidated city, the office of the city controller.**

(f) The auditor ~~or the city controller~~ shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds fund~~ for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township fund~~ for that purpose, ~~the township board~~ upon finding an emergency exists:

(1) the township legislative body shall act under IC 36-6-6-14(b) or IC 36-6-6-15; or

(2) a consolidated city shall act under IC 36-3-4; to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~ legislative body for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township **or the consolidated city** the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax

exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 12. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city, the city controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county, and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, ~~or townships, or consolidated city~~, the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund.

SECTION 13. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
- (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;
- (3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;
- (4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or
- (5) knowingly sells Canada thistle (*cirsium arvense*) seed; commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the ~~trustee's township funds fund~~ for use at the discretion of the trustee **or the consolidated city**.

SECTION 14. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township ~~officials~~ **trustee** to comply with this chapter.

SECTION 15. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or a consolidated city** shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

SECTION 16. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

- (1) One (1) **member appointed as follows:**
 - (A) **In a county not having a consolidated city, a township trustee of a township in the county.**
 - (B) **In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.**
- (2) One (1) soil and water conservation district supervisor.
- (3) A representative from the agricultural community of the county.
- (4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~
- (5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the

unexpired term in the same manner as initial appointments. The board shall elect a chairman and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants, and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 17. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a consolidated city**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 18. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.5. As used in this chapter, "assessor" means:

- (1) **for a township located in a county not having a consolidated city:**
 - (A) **the township assessor elected under IC 36-6-5-1; or**
 - (B) **the township trustee who is required by law to act as the assessor for the township the trustee serves; or**
- (2) **for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.**

SECTION 19. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The ~~township~~ assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the ~~township~~ assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

- (1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).
- (2) For each nonneutered dog, four dollars (\$4).
- (3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbinger of a dog after the dog census by the ~~township~~ assessor or any owner or harbinger of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbinger of a dog, apply to the assessor or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

- (1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).
- (2) For a minor kennel, consisting of less than fifteen (15) dogs, a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the ~~township~~ assessor ~~(or trustee who collects the fee)~~ shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the an~~ assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the a township~~ trustee shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the ~~township~~ assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming

the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the ~~township~~ assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) ~~A township assessor (or a township trustee who has the duties of a township assessor)~~ An assessor ~~for a township trustee who has the duties of a township assessor~~ may designate one (1) or more licensed veterinarians or humane societies in the assessor's township ~~or county, as the case may be,~~ to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the ~~township trustee assessor who designated the designee~~ by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 20. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which shall be designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the ~~township~~ assessor, **except an assessor in a county having a consolidated city**, shall turn over to the township trustee all the records kept by the assessor relating to the collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The assessor shall assess against each person who failed to pay to the assessor the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the ~~township trustee assessor~~ shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the ~~township~~ assessor under this chapter.

SECTION 21. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section does not apply to a township in a county having a consolidated city or to a consolidated city.** The ~~township~~ assessor shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by ~~the an~~ assessor shall be turned over by the assessor to the township trustee of the assessor's township. The county auditor shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund.

SECTION 22. IC 15-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each ~~township~~ assessor shall perform the duties imposed by this chapter. If a dog owner has failed to turn in a dog for taxation purposes, the assessor shall notify the owner that the assessor is listing the unpaid taxes within a period of ten (10) days, at which time the person will be assessed double the amount of taxes provided by this chapter unless the person owning the dog appears voluntarily within the ten (10) days and:

- (1) proves to the satisfaction of the assessor that the person owned no such dog at the time the census was made; or
- (2) makes an affidavit to be kept on file by the assessor to the

effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each assessor shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor has completed the census, the person shall report the dog to and pay to the assessor the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 23. IC 15-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ An assessor ~~or assessor's designee or township trustee who:~~

- (1) fails to perform the duties imposed by this chapter; or
- (2) fails to make a complete report within the time specified in this chapter;

commits a Class C infraction.

SECTION 24. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person liable to taxation in any township and residing in the township when listed for taxation shall make and subscribe to an oath to the ~~township~~ assessor in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 25. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund that the township trustee or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city,** shall use in the manner provided in this chapter for the payment of the following:

- (1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

- (A) Sheep.
- (B) Cattle.
- (C) Horses.
- (D) Swine.
- (E) Goats.
- (F) Mules.
- (G) Chickens.
- (H) Geese.
- (I) Turkeys.
- (J) Ducks.
- (K) Guinea.
- (L) Tame rabbits.
- (M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
- (N) Bison.
- (O) Farm raised cervidae.
- (P) Ratitae.

- (2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia. ~~within any township of Indiana.~~

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund **or, in the case of a county having a consolidated city, the**

county dog fund.

SECTION 26. IC 15-5-9-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) In order to qualify for payment for damages by a township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city** under this chapter, the owner of stock, fowl, or game listed in section 8(a)(1) of this chapter killed, maimed, or damaged by dogs shall do the following:

- (1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:
 - (A) A law enforcement officer.
 - (B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.
- (2) Within twenty (20) days from the time of the loss, report the loss to the trustee ~~of his township of the owner's township or, in a township located in a county having a consolidated city, to the controller of the consolidated city~~ as follows:
 - (A) Under oath, the owner shall state:
 - (i) the number, age, and value of the stock, fowl, or game; and
 - (ii) the damages, less any insurance proceeds, sustained.
 - (B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:
 - (i) disinterested; and
 - (ii) not related by blood or marriage to the claimant.
 - (C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.
 - (D) The owner shall provide verification of the loss by an officer under subdivision (1).
 - (E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 27. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The ~~trustees township trustee or the controller of the consolidated city~~ shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee **or the controller of the consolidated city** for stock, fowl, or game listed in section 8(a)(1) of this chapter:

- (1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;
 - (2) for which the person received from another person an amount equal to the actual damages; or
 - (3) for which the owner has not complied with section 9.1 of this chapter.
- (c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the existence of such disease shall be proven by:
- (1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or
 - (2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the **township trustee or controller of the consolidated city** shall do the following:

- (1) Remove or have removed the head of the dog.
- (2) Pay from the township dog fund **or, in the case of a**

township located in a county having a consolidated city, the county dog fund, the following:

- (A) A reasonable fee for the removal of the dog's head.
 - (B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the **appropriate** dog fund, ~~of the township,~~ then such necessary fees shall be paid out of the township **general fund or, in the case of a township located in a county having a consolidated city, the county general fund,** without appropriations having been made.
- (e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:
- (1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.
 - (2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.
- (f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:
- (1) **Except for a township located in a county having a consolidated city,** among the townships of the county in which the orders drawn against the dog fund exceed the money on hand.
 - (2) To a humane society designated under section 8 of this chapter.
- (g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs ~~of all the townships~~ in the county, the distribution shall be made, **except in a township located in a county having a consolidated city,** in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.
- (h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:
- (1) All receipts into the dog fund of the township.
 - (2) All orders drawn against the township fund in the order in which the orders were drawn.
- (i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year **or, in the case of a township located in a county having a consolidated city, the county dog fund,** are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township **or county, as the case may be,** during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.
- (j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:
- (1) paid to the auditor of state; and
 - (2) placed in a separate account of the general fund of the state treasury known as the state dog account.
- SECTION 28. IC 15-5-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before the first day of May of each year, the trustee of each township shall make a report in writing, to the county auditor, of the amount of all claims in ~~his the trustee's~~ township for livestock, fowls, or game which have been destroyed or damaged by dogs, and which claims have been filed before March 9, 1937, or which may be filed thereafter but have not been paid for lack of funds. On or before the second Monday in May of each year, the auditor of each county, **or, in a county having a consolidated city, the controller of the consolidated city,** shall make a report, in writing, to the auditor of state, in such form as the auditor of state shall prescribe, of the amount of all such claims in ~~his the~~ county which have been filed and

which have not been paid for lack of funds, and on or before the second Monday in July, the auditor of state shall issue ~~his~~ **the auditor's** warrant, payable to the auditor of each such county **or, in a county having a consolidated city, the controller of the consolidated city**, for the amount of the unpaid claims. The warrant shall be drawn on the state dog account. Upon the receipt of the money, the auditor of the county **or, in a county having a consolidated city, the controller of the consolidated city**, shall distribute the funds to the respective townships of ~~his~~ **the** county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city**, and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his~~ **the** township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in a county having a consolidated city**, shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after such annual distribution shall have been made as hereinbefore provided, shall be distributed by the auditor of state in the manner following:

(a) (1) One-half (1/2) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, shall be distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.

(b) (2) The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, shall be distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties.

SECTION 29. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the ~~township~~ assessor, the assessor, at the time when the assessor issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid, and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one (1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number, and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the assessor upon application by the owner of the dog and upon the production of the receipt and a sworn statement of the facts regarding the loss of the tag. No license tag is transferable to another dog.

SECTION 30. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, in a county having a consolidated city, the duties and obligations of a township trustee under this chapter are the responsibility of the consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush

trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state**. If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation shall immediately:

(1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and

(2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city**, county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 31. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.6. As used in this chapter, "township" means:

(1) a township in a county not having a consolidated city; or

(2) the consolidated city for a township located in a county having a consolidated city.

SECTION 32. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:

(1) a township trustee for a township in a county not having a consolidated city; or

(2) the consolidated city for a township in a county having a consolidated city.

SECTION 33. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under

subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.
- (2) A straight rail fence four and one-half (4 1/2) feet high.
- (3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

- (1) related to any of the interested property owners; or
- (2) an interested property owner;

the trustee of any other township who resides nearest to where the fence is located shall appoint another official to act under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two

dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 34. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 35. IC 36-2-9.5-10, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county auditor shall examine and settle all accounts and demands that are:

- (1) chargeable against the county or city; and
- (2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:

- (1) sums of money settled and allowed by the county auditor;
- (2) sums of money settled and allowed by another official; or
- (3) settlements and allowances fixed by statute;

and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the **controller** **county auditor** shall record the number, date, amount, payee, and purpose of issue of each warrant at the time of issuance.

SECTION 36. IC 36-2-9.5-13, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The county auditor is responsible for the issuance of warrants for payments from county and city funds. **The signature of the county auditor may not be signed on, imprinted on, or affixed to any warrant for the payment of county or city funds without the approval of the county auditor.**

(b) The county auditor is responsible for:

- (1) accounting;
- (2) payroll, accounts payable, and accounts receivable;
- (3) revenue and tax distributions; and
- (4) maintenance of property records;

for all city and county departments, offices, and agencies.

(c) The county auditor may take actions necessary to carry out the functions under subsection (b) without the approval of the controller of the consolidated city.

SECTION 37. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

- (1) the county assessor; or

(2) another township assessor in the county; to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) In a county having a consolidated city, the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.

SECTION 38. IC 36-3-1-6.1, AS AMENDED BY HEA 1040-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The legislative body of the consolidated city may adopt an ordinance approved by the mayor of the consolidated city to consolidate the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):~~

- (1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.
- (2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1); county having a consolidated city.
- (3) The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.

(b) The legislative body of the consolidated city may not adopt an ordinance under subsection (a) unless the legislative body first:

- (1) holds a public hearing on the proposed consolidation; and
- (2) determines that:
 - (A) reasonable and adequate fire protection can be provided through the consolidation; and
 - (B) the consolidation is in the public interest.

(c) If the requirements of subsections (a) and (b) are satisfied, the following shall be submitted to the voters in a public question:

- (1) The question of whether the fire departments shall be consolidated.
- (2) The following two (2) options regarding the governance structure that shall apply if the fire departments are consolidated:
 - (A) One (1) option must provide for a permanent metropolitan board of fire commissioners with the powers and duties specified in subsection (h) concerning the consolidated fire department.
 - (B) The other option must provide for the consolidated fire department to be under the control and authority of the mayor as provided by law. The choice of which option shall be implemented shall be determined by the voters in a public question under subsection (g).

(d) If the requirements of subsections (a) and (b) are satisfied, the mayor of the consolidated city shall prepare and disseminate to the citizens a proposed transition plan providing for a consolidated fire department to be under the control and authority of the mayor as provided by law.

(e) If the requirements of subsections (a) and (b) are satisfied, a metropolitan board of fire commissioners is established. The board consists of the following members:

- (1) The mayor of the consolidated city, who shall serve as the board's chairperson.
- (2) The nine (9) township trustees in the county containing a consolidated city. If a member serving under this subdivision ceases to be a township trustee, the new township trustee becomes a member of the board in place of the previous township trustee.
- (3) Two (2) members of the legislative body of the consolidated city, who must be from different political parties, appointed by the president of the legislative body of the consolidated city.

At the board's first meeting, the members of the board shall elect a vice chairperson from among the township trustees serving on

the board. Meetings of the board shall be called by the chairperson or by the vice chairperson and any two (2) other members. An affirmative vote of a majority of the members appointed to the board is required for the board to take final action. The members of the board may not receive a salary or per diem for participation on the board. The board shall prepare and disseminate a proposed transition plan providing that the board shall be a permanent body and have the powers and duties specified in subsection (h). The legislative body of the consolidated city shall provide personnel to staff the board. The legislative body shall appropriate sufficient funds to pay for attorneys hired or retained by the board. The board shall choose the attorneys that are hired or retained by the board. If the voters do not vote in favor of the board in the public question under subsection (g), the board expires June 1, 2007.

(f) If:

- (1) before August 1, 2006, the legislative body adopts an ordinance under subsection (a);
 - (2) the mayor of the consolidated city approves the ordinance adopted under subsection (a); and
 - (3) the public question under subsection (g) on whether the fire department consolidation shall occur is approved;
- the fire department consolidation becomes effective on January 1, 2008. However, notwithstanding any other statute, if the legislative body does not adopt an ordinance, approved by the mayor of the consolidated city, under subsection (a) before August 1, 2006, the effective date of the consolidation is not January 1, 2008, but is instead the date specified by the legislative body in the ordinance adopting the transition plan.

(g) If an ordinance providing for consolidation is adopted by the legislative body and approved by the mayor, the following public questions shall be placed on the ballot:

- (1) A public question regarding approval of the fire department consolidation shall be placed on the ballot in the county (except in an excluded city) at the May 2007 primary election. The county election board shall specify the language of the public question. If the majority of the voters voting on the public question approve the fire department consolidation, the fire department consolidation becomes effective on January 1, 2008, or the later date specified by the legislative body. If a majority of the voters voting on the public question do not approve the fire department consolidation, the requirements of this subsection are not satisfied and none of the fire departments of the townships in the county or any fire protection territory in those townships may be consolidated into the fire department of the consolidated city. The county election board and the circuit court clerk of the county shall provide for and conduct the public question under this section. The public question under this subsection must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.
- (2) A public question regarding which of the two (2) options described in subsections (c)(2) shall be implemented if the fire department consolidation is approved under subdivision (1) shall also be placed on the ballot in the county (except in an excluded city) at the May 2007 primary election. The county election board shall specify the language of the public question. If the majority of the voters voting on the public question approve the option described in subsection (c)(2)(A), the board shall be a permanent board with the powers specified in subsection (h). If the majority of the voters voting on the public question approve the option described in subsection (c)(2)(B), the consolidated fire department shall instead be under the control and authority of the mayor as provided by law. The county election board and the circuit court clerk of the county shall provide for and conduct the public question under this section. The public question under this subsection must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(h) Subject to approval of the voters in the public question under subsection (g)(2) if the fire departments are consolidated, the board established under subsection (e) and the executive of

the consolidated city have the following duties and responsibilities:

(1) The board:

(A) must approve any station closings in areas formerly served by township fire departments consolidated under this section; and

(B) shall approve a plan to integrate all merit positions and safety board positions into the consolidated fire department.

The board is not authorized to approve station closings within the fire special service district. The mayor of the consolidated city must approve all station closings within the fire special service district.

(2) The board shall oversee all assets of the consolidated fire department and reallocation of assets.

(3) The board must approve all equipment purchases for the consolidated fire department and all facility purchases for the consolidated fire department.

(4) The board shall nominate three (3) candidates for fire chief of the consolidated fire department. The mayor shall select the fire chief of the consolidated fire department from the nominated candidates.

(5) The board shall permanently have the authority to appoint one (1) member to the merit commission of the consolidated fire department. A member of the merit commission appointed under this subdivision shall replace a member appointed by the mayor of the consolidated city. Each member of the merit commission appointed under this subdivision shall serve a four (4) year term. Notwithstanding any other law, the mayor shall designate which of the mayor's appointees to the merit board is removed from the merit board and replaced by the initial member appointed under this subdivision.

(6) The controller of the consolidated city shall prepare a budget proposal for the consolidated fire department. After review and any modifications by the board, the controller shall submit the budget proposal to the legislative body of the consolidated city for approval.

(7) The board shall provide advice and make recommendations to the chief of the consolidated fire department regarding the operation of the consolidated fire department and the provision of emergency medical services.

(8) The board shall review labor agreements assumed or to be assumed by the consolidated city and make recommendations concerning labor agreements needed to integrate firefighters from all townships into the consolidated fire department.

(9) The board is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(10) The board shall meet at least once each month.

(11) The board shall nominate ranking officers who shall be in charge of territory formerly served by township fire departments consolidated under this section.

(12) The board shall review and approve the annual capital plan of the consolidated fire department. However, the annual capital plan of the consolidated fire department is subject to approval of the legislative body of the consolidated city as part of the consolidated city's budget.

(13) The board shall study ISO ratings throughout the county.

(14) The legislative body of the consolidated city shall include funding in the consolidated city's budget that shall be used by the board to coordinate community education programs.

If the voters under subsection (c)(1) vote in favor of the board, the board is a permanent body and shall continue to exercise its powers and carry out its duties under this subsection.

(i) If voters in the public question under subsection (g)(2) approve a consolidated fire department under the control and authority of the mayor, the consolidated fire department shall be under the control and authority of the mayor as provided by law.

(b) If the requirements of subsection (g) are satisfied; (j) Except as provided in section 6.3 of this chapter, if a consolidated fire

department is established under this section, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied the consolidated fire department taxing district beginning on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city- January 1, 2008, or the date specified under subsection (e) by the legislative body of the consolidated city.

(c) (k) Except as otherwise provided, if the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department departments consolidated into the fire department of the consolidated city are:

- (1) transferred to; or
- (2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located: January 1, 2008, or the date specified under subsection (e) by the legislative body of the consolidated city. In the case of a building that was partially funded from sources other than taxes imposed for fire protection purposes, only that part of the building that was funded from taxes imposed for fire protection purposes and that is used by the township for fire protection purposes shall be transferred to the consolidated city. Any balance in a township's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before January 1, 2008, shall not be transferred to the consolidated city but shall be transferred first to a dedicated township fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the township has any unfunded liability for pension obligations for township firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations, the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the township before January 1, 2008. The balances in any funds established by a township for any purpose are not transferred to the consolidated city. The Emergency Services Education Center in Wayne Township shall remain the property of Wayne Township. The Emergency Services Education Center and any debt related to the Emergency Services Education Center shall not be transferred to the consolidated city.

(d) (l) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation: January 1, 2008, or a later effective date of the consolidation specified by the legislative body of the consolidated city under subsection (e). However, an employee may not become an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(e) (m) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services facilities or fire protection equipment incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may

not be assumed, defeased, paid, or refunded by the consolidated city and may be paid from property taxes imposed by the consolidated fire department taxing district. Indebtedness related to fire protection operations (excluding indebtedness related to fire protection facilities or fire protection equipment) that is incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness related to fire protection facilities or fire protection equipment, the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness. However, the consolidated city may not assume all or any part of the indebtedness that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur. The rights of the trustee and the bondholders with respect to any:

- (1) bonds or other indebtedness; or
- (2) bond resolution, trust agreement, or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness;

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all of those powers, duties, agreements, and liabilities. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) (n) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department departments that is are consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city, and the requirements of this subsection are satisfied, the consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (o) The following apply if the requirements of subsection (g) are satisfied: fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city:

- (1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.
- (2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

- (A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and
- (B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) (3) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township entities listed in subsection (a) are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were

members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section:

(8) (4) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

- (A) the amount of any cost savings, operational efficiencies, or improved service levels; and
- (B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 39. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter: territory of the consolidated fire department taxing district.

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 40. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) A consolidated fire department may not provide fire protection services for:

- (1) an excluded city; or
- (2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

- (1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.
- (2) The ordinances described in subdivision (1) must:
 - (A) specify the effective date of the consolidation; and
 - (B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b) and except as otherwise provided, all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city. Any balance in an excluded city's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before the effective date of the consolidation shall not be transferred to the consolidated city but shall be transferred first to a dedicated city fund and used to pay pension obligations under the 1937 firefighters' pension fund,

if the excluded city has any unfunded liability for pension obligations for its firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the excluded city before the effective date of the consolidation. The balances in any funds established by an excluded city for any purpose are not transferred to the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect after the effective date of the consolidation described in subsection (b); and
- (2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

However, an employee of the excluded city may not become an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection facilities or fire protection equipment incurred before the effective date of the consolidation described in subsection (b) by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b). Indebtedness related to fire protection operations (excluding indebtedness related to fire protection facilities or fire protection equipment) that is incurred before the effective date of the consolidation by the excluded city whose fire department is consolidated into the consolidated fire department shall remain the debt of the excluded city and does not become and may not be assumed by the consolidated city.

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness related to fire protection facilities or fire protection equipment under subsection (f), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

- (1) indebtedness or bonds; or
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the consolidated fire department.

(l) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), commencing with the calendar year following consolidation and for each year thereafter, the excluded city's monthly distributive share of county option income tax revenues distributed under IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the ordinances adopted under subsection (b), and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

SECTION 41. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.4. (a) This section applies only to a county having a consolidated city and only if a consolidated fire department is established in the county under section 6.1 of this chapter.

(b) As used in this section, "taxing district" refers to the consolidated fire department taxing district established in subsection (c).

(c) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated fire department taxing district is established in the county. The taxing district consists of all territory in the county except territory of an excluded city that has not consolidated its fire department under section 6.3 of this chapter.

(d) Subject to subsection (f), the taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

(1) Providing fire protection services and emergency ambulance services within the territory of the taxing district and providing for the operation of the consolidated fire department.

(2) Providing any equipment, buildings, or land that is necessary for the consolidated fire department and for providing fire protection services and emergency ambulance services within the territory of the taxing district.

The property tax levy under this section is separate from other property tax levies of the consolidated city, and a separate maximum permissible property tax levy shall be collected for the taxing district. All revenue collected from the tax levied under this subsection shall be deposited in a consolidated fire department fund.

(e) Subject to subsection (f), the taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

(1) Any indebtedness related to fire protection facilities or fire protection equipment assumed, defeased, paid, or refunded under section 6.1 or 6.3 of this chapter.

(2) Any indebtedness issued by the consolidated city, either before or after the consolidated fire department is established, to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

The property tax levy collected under this subsection shall be deposited in a consolidated fire department debt service fund.

(f) This subsection applies only during the first four (4) calendar years that the taxing district levies a property tax under this section. Notwithstanding any other statute, the total property tax rate imposed by the taxing district for a year in those parts of the taxing district that are within a particular township, but not within the boundaries of the fire special service district, may not exceed the total property tax rate imposed by the township (and a fire protection territory in the township) for fire protection services (including property taxes imposed for debt related to fire protection services) in the year preceding the year in which the taxing district first levies a property tax under this section.

(g) Money in the consolidated fire department fund shall be used for the purposes described in subsection (d), and money in

the consolidated fire department debt service fund shall be used for the purposes described in subsection (e). The controller of the consolidated city shall administer the funds and is responsible for the issuance of warrants for payments from the funds.

(h) Property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the consolidated city on the later of December 31, 2007, or the day preceding the effective date of the consolidation specified under IC 36-3-1-6.1 by the legislative body of the consolidated city may be levied only by the fire special service district created by section 6 of this chapter within the territory of the fire special service district and may not be levied by the taxing district.

(i) In the case of a township or an excluded city that consolidates its fire department under this section:

(1) the liability for the payment of pension obligations under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the township or excluded city at the time of the consolidation remains with the township or excluded city; and

(2) property taxes to fund the township's or excluded city's pension obligation described in subdivision (1) may be imposed by the township or excluded city only within the township or excluded city.

(j) For property taxes first due and payable in the first calendar year in which property taxes are imposed under this section in the taxing district, the maximum permissible ad valorem property tax levy of the taxing district under IC 6-1.1-18.5 is equal to the sum of:

(1) the sum of the property tax levies for taxes first due and payable in the preceding year for fire protection and related services (excluding debt) by each:

(A) township;

(B) airport authority; or

(C) fire protection territory;

whose fire department is consolidated into the fire department of the consolidated city under section 6.1 of this chapter, excluding amounts paid for pension obligations under IC 36-8-7 for members of the 1937 firefighters fund;

(2) the amount paid from the consolidated city's property tax levy during the preceding year for fire protection and related services (excluding debt); and

(3) the amount paid from the fire special service district's property tax levy during the preceding year for fire protection and related services, excluding amounts paid from the fire special service district's property tax levy to pay the consolidated city's pension obligation under IC 36-8-7 for members of the 1937 firefighters' pension fund.

However, the department of local government finance shall adjust any budgets, tax rates, and tax levies of the consolidated city, townships in the county, the taxing district, excluded cities that have consolidated fire departments under section 6.3 of this chapter, and the airport authority as necessary to reflect the establishment of a consolidated fire department.

(k) For property taxes first due and payable in the first calendar year in which property taxes are imposed under this section in the taxing district, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is decreased for each township, the airport authority, and any fire protection territory by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(1) from the township, airport authority, or fire protection territory;

(2) is decreased for the consolidated city by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(2); and

(3) is decreased for the fire special service district by an amount equal to the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(3).

(l) The maximum levy for a consolidated city is increased for property taxes first due and payable in the year that property taxes are first imposed under this section and each subsequent

calendar year by an amount equal to the lesser of:

- (1) the difference between:
 - (A) the maximum levy for the current year for the consolidated city's fire special service district created under section 6 of this chapter; and
 - (B) the amount levied for the current year for the fire special service district; or
- (2) ten percent (10%) of the maximum levy for the consolidated city's fire special service district created under section 6 of this chapter for property taxes first due and payable in the year that property taxes are first imposed under this section.

SECTION 42. IC 36-3-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies if:

- (1) a township fire department, fire protection district, or fire protection territory is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and
- (2) the township fire department, fire protection district, or fire protection territory has at least one (1) full-time, fully paid firefighter.

(b) A firefighter described in subsection (a)(2) is entitled to employment as a full-time, fully paid firefighter of the fire department of the consolidated city at not less than:

- (1) the same merit or permanent rank; or
- (2) a rank in the merit system of the fire department of a consolidated city that is equivalent to the merit or permanent rank;

that the firefighter held on the later of the date this section was enacted into law or the date the firefighter fills a vacant position through a merit testing process. Ranks achieved after the passage of Senate Enrolled Act 1 of the 2006 regular session of the general assembly may be reviewed by the merit board to determine if those ranks were achieved through a bona fide merit process.

(c) The fire department of:

- (1) the consolidated city; and
- (2) the township, fire protection district, or fire protection territory;

may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the consolidation because of or to facilitate the consolidation, except as negotiated in an agreement between the consolidated city and the bargaining unit representing firefighters.

(d) This section does not prohibit a fire department, fire protection district, or fire protection territory from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending, reducing in rank, or discharging the firefighter.

(e) This section does not apply to a firefighter employed by the airport authority on the effective date of the consolidation.

SECTION 43. IC 36-3-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies after June 30, 2006. This section applies to all political subdivisions in Marion County.

(b) As used in this section, "relative" means:

- (1) a husband;
- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or
- (12) a nephew.

(c) An individual who is a relative of a member of a board, committee, council, or commission or the head of any office, department, or institution may not:

- (1) be employed in any position with the:

(A) board, committee, council, or commission of which the individual's relative is a member; or

(B) office, department, or institution that is headed by the individual's relative; or

(2) receive any compensation as an employee for services from any appropriation by a political subdivision subject to this chapter.

(d) An individual may not be employed in a position in which the individual would have a direct supervisory or subordinate relationship with the individual's relative.

(e) This section does not apply to the following:

(1) An individual employed in the same position with the board, committee, council, commission, office, department, or institution for at least twelve (12) consecutive months immediately before the appointment or election of the individual's relative as a member of the board, committee, council, or commission or head of the office, department, or institution.

(2) The employment of any law enforcement officer or firefighter who is under the jurisdiction of a merit commission established under IC 36-8-3.5.

(f) This section does not require the termination or reassignment of any employee of a political subdivision from any position held by that individual on and continuously after June 30, 2006.

SECTION 44. IC 36-3-5-2.7, AS ADDED BY P.L.227-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) The office of finance and management is established and is responsible for:

- (1) budgeting, except as provided in subsection (c);
- (2) financial reporting and audits;
- (3) purchasing; and
- (4) fixed assets;

for all city and county departments, offices, and agencies.

(b) The controller:

- (1) serves as the director of; and
- (2) may organize into divisions;

the office of finance and management.

(c) The office of finance and management is not responsible for the issuance of warrants for payments from county and city funds. A person may not sign or imprint the signature of the county auditor on, or affix the signature of the county auditor to, any warrant for the payment of county or city funds without the approval of the county auditor.

SECTION 45. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.8. (a) Except as provided in subsections (b), ~~and~~ (c), (d), and (e), the controller:

- (1) has all the powers; and
- (2) performs all the duties;

of the county auditor under law.

(b) The controller:

- (1) does not have the powers; and
- (2) may not perform the duties;

of the county auditor under IC 36-2-9.5 and IC 36-3-6, or as a member of the board of commissioners of the county under IC 36-3-3-10.

(c) Notwithstanding subsection (a) or any other law, the executive, with the approval of the legislative body, may allocate the duties of the county auditor, except the duties referred to in subsection (b), among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials.

(d) The county auditor is responsible for the payroll functions and duties for all city and county departments, offices, and agencies, and the controller may not perform these functions and duties, except as requested by the county auditor.

(e) The approval of the controller is not required for a human resources policy or personnel policy established under IC 36-3-7-6 by an elected county officer.

SECTION 46. IC 36-3-6-4.1 IS ADDED TO THE INDIANA

CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. Notwithstanding IC 36-8-7, if a consolidated fire department is established under IC 36-3-1-6.1, the city-county legislative body shall adopt an ordinance to levy a property tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14 for persons who are employees or retired employees of the consolidated city on the later of December 31, 2007, or the day preceding the effective date of the consolidation specified under IC 36-3-1-6.1 by the legislative body of the consolidated city.

SECTION 47. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each elected county officer is responsible for establishing the human resources policies and personnel policies that apply to employees of the county officer. An elected county officer may establish these policies without the approval of any other person, except for approval of the county legislative body required under IC 36-3-6 for compensation of employees.

SECTION 48. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1, in the name of:

- (1) a township;
- (2) an airport authority;
- (3) a fire protection territory; or
- (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1.

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.3 by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3.

SECTION 49. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Township Review Board

Sec. 1. This chapter applies only to a county containing a consolidated city.

Sec. 2. As used in this chapter, "board" refers to the township review board established by section 3 of this chapter.

Sec. 3. The township review board is established.

Sec. 4. (a) The board consists of the following members:

- (1) The deputy mayor for public and neighborhood affairs of the consolidated city.
- (2) The township trustee of each of the nine (9) townships in the county.
- (3) Two (2) members, who must represent different political parties, appointed by the president of the city-county council.
- (4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.
- (5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.
- (6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) An appointing authority must make appointments under subsection (a) not later than July 1, 2006.

(c) The deputy mayor for public and neighborhood affairs must call the first meeting of the board before August 1, 2006. At the first meeting of the board, the members of the board shall elect a chairperson.

(d) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

Sec. 6. Members of the board are not entitled to any salary or per diem for participation on the board.

Sec. 7. The board shall do the following:

- (1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.
- (2) Make recommendations concerning the number and location of community resource centers in the county.
- (3) Identify city and township services that may be provided jointly or through interlocal cooperation agreements, and make recommendations concerning the joint location of those services with other federal, state, or local government agencies.
- (4) Identify which of the services provided by the township trustees or recommended to be transferred to township trustees may be located in the community resource centers.
- (5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.
- (6) Review functions performed in the county by township trustees under IC 36-6-4-3 and make recommendations concerning any statutory changes necessary to achieve greater efficiency and lower costs in the provision of those services.
- (7) Identify any services performed by the state under IC 12-8 that should be transferred to or administered jointly with townships in the county.
- (8) Review the operation of small claims courts in the county.
- (9) Study and make recommendations concerning the role and composition of the existing township board structure.
- (10) Provide a report before December 31 of each year to the legislative body of the county containing a consolidated city and in an electronic format under IC 5-14-6 to the legislative council.

Sec. 8. (a) The board is abolished December 31, 2008.

(b) This chapter expires January 1, 2009.

SECTION 50. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.
- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer *poor relief* township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26, **except in a township that is located in a county having a consolidated city as provided in IC 32-26-9.**
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, *except in a township that:*
 - (A) is located in a county having a consolidated city; and
 - (B) consolidated the township's fire department under

IC 36-3-1-6.1.

- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10, **except in a township that is located in a county having a consolidated city.**
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4, **except in a township that is located in a county having a consolidated city.**
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 51. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1,** the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1,** the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 52. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b),** the assessor shall perform the duties prescribed by statute, including:

- (1) assessment duties prescribed by IC 6-1.1; and
- (2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

(b) In a township located in a county having a consolidated city, the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the controller's designee.

SECTION 53. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county containing a consolidated city shall consist of ~~seven (7)~~ **five (5)** members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 54. IC 36-8-4.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to a police ~~or fire~~ special service district created by IC 36-3-1-6 **and to a consolidated fire department established under IC 36-3-1-6.1.**

SECTION 55. IC 36-8-4.3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** shall pay for the care of:

- (1) a full-time, paid police officer who:
 - (A) suffers an injury; or
 - (B) contracts an illness;
 during the performance of the officer's duty; or
- (2) a full-time, paid firefighter who:
 - (A) suffers an injury; or
 - (B) contracts an illness;
 during the performance of the firefighter's duty.

(b) The special service district **or the consolidated fire department established under IC 36-3-1-6.1** shall pay for the following expenses incurred by a police officer or firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the special service district.

(d) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** that has paid for the care of a police officer or firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer or firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The special service district's **or consolidated fire department's** cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer or firefighter against the third party.

SECTION 56. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;
- (4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 **provided that or IC 36-3-1-6.3; however,** the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 57. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:

(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and

(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d),** if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 58. IC 36-8-8-7, AS AMENDED BY HEA 1040-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7

(both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

(2) whose employer is consolidated into the consolidated law

enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6 a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or the fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(1) (A)~~ retired for purposes of section 10 of this chapter; or

~~(2) (B)~~ disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 59. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all units except counties. **However, this chapter applies to a county containing a consolidated city if a consolidated fire department is established under IC 36-3-1-6.1.**

SECTION 60. IC 36-8-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To provide for the cumulative building and equipment fund established under this chapter, the legislative body may levy a tax on all taxable property within the ~~taxing district unit, fire protection district, or territory of a consolidated fire department taxing district~~ in compliance with IC 6-1.1-41. The tax rate may not exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation of property in the ~~taxing district unit, fire protection district, or consolidated fire department taxing district.~~

(b) As the tax is collected, it shall be deposited in a qualified public depository or depositories and held in a special fund to be known as:

(1) the "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality **or consolidated fire department taxing district;** or as

(2) the "building or remodeling and fire equipment fund" in the case of a township or fire protection district.

(c) **Notwithstanding IC 6-1.1-41 or any other law, if a consolidated fire department is established under IC 36-3-1-6.1:**

(1) a cumulative building and equipment fund is established for the county containing a consolidated city; and

(2) the legislative body of the county containing a consolidated city may levy a tax under this chapter beginning in the calendar year following the year in which the consolidated fire department is established.

A tax levied under this chapter by a county containing a consolidated city may only be levied within the territory of the consolidated fire department taxing district.

SECTION 61. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (b),** this chapter applies to the townships indicated in each section.

(b) After December 31, 2006:

(1) this chapter does not apply to a township in a county having a consolidated city; and

(2) all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.

SECTION 62. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (b),** this chapter applies to ~~all townships:~~ a township.

(b) After December 31, 2006:

(1) this chapter does not apply to a township in a county having a consolidated city; and

(2) all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.

SECTION 63. [EFFECTIVE JULY 1, 2006] (a) **This SECTION applies only to a township in a county having a consolidated city.**

(b) IC 36-6-6-2, as amended by this act, does not affect the term of a township legislative body member that expires on January 1, 2009.

(c) **After June 30, 2006, a township legislative body shall adopt a resolution under IC 36-6-6-2.5, dividing the township into five (5) legislative body districts in accordance with IC 36-6-6-2, as amended by this act. A five (5) member township legislative body shall be elected in accordance with IC 36-6-6-2, as amended by this act, at the 2008 general election.**

(d) This SECTION expires January 1, 2009.

SECTION 64. [EFFECTIVE JANUARY 1, 2007] (a) All assets, property rights, equipment, records, personnel, and contracts and all else connected with:

(1) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(2) administering the dog tax and dog fund under IC 15-5-9;

(3) performing duties regarding fences under IC 32-26; and

(4) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4;

by a township in a county having a consolidated city are transferred to the consolidated city on January 1, 2007.

(b) Any indebtedness regarding the activities set forth in subsection (a)(1) through (a)(5) that was incurred by a township before January 1, 2007, shall be assumed or defeased by the consolidated city, notwithstanding any other provision of Indiana law requiring completion of certain procedures and approvals for the incurrence of indebtedness; however, the indebtedness (or any part of the indebtedness) may not be assumed by the consolidated city if the assumption would cause the consolidated city to exceed any limitation on the amount of indebtedness that may be incurred by the consolidated city.

(c) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5 do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under subsection (b).

SECTION 65. [EFFECTIVE JULY 1, 2006] (a) **For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:**

(1) is increased for a consolidated city by the amount levied in 2006 by each township in the county having a consolidated city for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4; and

(2) is reduced for a township in a county having a consolidated city by the amount levied in 2006 for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(b) This SECTION expires January 1, 2008.

SECTION 66. [EFFECTIVE UPON PASSAGE] **The general assembly finds that the consolidated city and townships in the county containing a consolidated city are unique because of their size, population density, and absence of unincorporated areas.**

SECTION 67. [EFFECTIVE UPON PASSAGE] **The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.**

SECTION 68. An emergency is declared for this act.

(Reference is to ESB 1 as reprinted March 2, 2006.)

M. YOUNG	BUCK
C. LAWSON	HOFFMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

[Journal Clerk's Note: Representative Hoffman signed conference committee report 1 on Engrossed Senate Bill 1, although his appointment as a conferee had not yet been announced. At 9:05 p.m., the Speaker announced Representative Hoffman replacing Representative Mahern as a conferee and, at 10:12 p.m., conference committee report 2 was filed, properly signed by Representative Hoffman.]

CONFERENCE COMMITTEE REPORT

EHB 1008-1; filed March 14, 2006, at 6:22 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1008 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the amendment made by the committee report of the committee of one adopted March 2, 2006.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-4-10.9-1.2, AS ADDED BY P.L.235-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, **IC 4-4-11.4**, IC 4-4-21, IC 4-13.5, IC 8-1-33, IC 8-9.5, IC 8-14.5, IC 8-15, **IC 8-15.5**, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, IC 14-14, and IC 15-7-5.

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.235-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet

an emergency.

(10) An emergency rule adopted by the Indiana ~~transportation~~ finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:

- (A) the variance procedures are included in the rules; and
- (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34.

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33.

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

- (i) establishing enforcement procedures; and
- (ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(b) The following do not apply to rules described in subsection (a):

- (1) Sections 24 through 36 of this chapter.
- (2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall

determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

- (1) accept the rule for filing; and
- (2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

- (1) The effective date of the statute delegating authority to the agency to adopt the rule.
- (2) The date and time that the rule is accepted for filing under subsection (e).
- (3) The effective date stated by the adopting agency in the rule.
- (4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), ~~and~~ (k), **and (l)**, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

- (1) sections 24 through 36 of this chapter; or
- (2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

- (1) The expiration date stated by the adopting agency in the rule.
- (2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

SECTION 3. IC 5-10.3-6-8.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: Sec. 8.9.

(a) This section applies when certain employees of the state in particular departmental, occupational, or other definable classifications are terminated from employment with the state as a result of:

- (1) a lease or other transfer of state property to a nongovernmental entity; or
- (2) a contractual arrangement with a nongovernmental entity to perform certain state functions.

(b) The governor shall request coverage under this section from the board whenever an employee of the state is terminated as described in subsection (a).

(c) The board must approve a request from the governor

under subsection (b) unless approval violates subsection (k), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

- (1) is at least fifty (50) years of age; and
- (2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
- (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

- (1) The governor has requested coverage under this section and provided written notice of the following to the board:

(A) The intent of the state to terminate the employees from employment.

(B) The names of the terminated employees as of the date that the termination is to occur.

- (2) The expiration of a thirty (30) day period following the filing of the notice with the board.

- (3) The state complies with subsections (g) and (i).

(g) A member who:

- (1) is an employee of the state described in subsection (a) with at least twenty-four (24) months of creditable service as of the date of the notice under subsection (f); and
- (2) is listed in the notice under subsection (f);

is vested in the pension portion of the member's retirement benefit. The state must contribute to the fund the amount the board determines is necessary to completely fund the vested benefit. The contribution by the state must be made in a lump sum or in a series of payments determined by the board. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(h) A member who is covered by subsection (g) and who is at least sixty-five (65) years of age as of the date of the notice under subsection (f) may elect to retire under IC 5-10.2-4-1 even if the member has less than ten (10) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(i) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

- (1) The state shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 and payable from the sources described in subsection (j) sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.

(2) The maximum amount of creditable service that the state may purchase for a member under this subsection is twenty-four (24) months.

(3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(j) The amounts that the state is required to contribute to the fund under subsection (i) must come from the following sources:

- (1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the

nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (i).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (i), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (i) in the next biennial state budget.

(k) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 4. IC 6-3.5-7-13.1, AS AMENDED BY P.L.118-2005, SECTION 2, AND AS AMENDED BY P.L.214-2005, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

~~(4)~~ (4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred forty-five thousand (145,000) but less than one

hundred forty-eight thousand (148,000), the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. In a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(4)~~. (5).

~~(5)~~ (5) This subdivision applies only in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(5)~~ (4) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(6)~~ (6) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the

ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(7) This subdivision applies only to a county:

(A) that has a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); and

(B) in which:

(i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision (8).

(8) This subdivision applies only to a county described in subdivision (7). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision (7) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit

under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 5. IC 8-14-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Major Moves Construction Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 3. As used in this chapter, "fund" refers to the major moves construction fund established by section 5 of this chapter.

Sec. 4. As used in this chapter, "transportation plan" refers to the department's long range comprehensive transportation plan developed under IC 8-23-2-5.

Sec. 5. (a) The major moves construction fund is established for the purpose of:

(1) funding projects under IC 8-15.7 or IC 8-15-3;

(2) funding other projects in the department's transportation plan; and

(3) funding distributions under sections 6 and 7 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5.

However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

- (1) Distributions to the fund from the toll road fund under IC 8-15.5-11.
- (2) Distributions to the fund from the next generation trust fund under IC 8-14-15.
- (3) Appropriations to the fund.
- (4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.
- (5) Revenues arising from:
 - (A) a tollway under IC 8-15-3 or IC 8-23-7-22; or
 - (B) a toll road under IC 8-15-2 or IC 8-23-7-23;
 that the department designates as part of, and deposits in, the fund.
- (6) Payments made to the authority or the department from operators under IC 8-15.7.
- (7) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

Sec. 6. (a) If the authority enters into a public-private agreement concerning the Indiana Toll Road under IC 8-15.5, the auditor of state shall make the following distributions from the fund for the indicated purposes:

- (1) One hundred fifty million dollars (\$150,000,000) to the treasurer of state for deposit in the motor vehicle highway account established by IC 8-14-1. Notwithstanding IC 8-14-1, on or before October 15, 2006, and on or before October 15, 2007, the auditor of state shall distribute seventy-five million dollars (\$75,000,000) of the money deposited in the motor vehicle highway account under this subdivision to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1. The auditor of state:

(A) shall make the distributions required by this subdivision separately from distributions required by IC 8-14-1; and

(B) may not combine the distributions required by this subdivision with distributions required by IC 8-14-1.

Money distributed under this subdivision may be used only for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1.

(2) The following amounts to the northwest Indiana regional development authority for deposit in the development authority fund established under IC 36-7.5-4-1:

- (A) Forty million dollars (\$40,000,000) during the state fiscal year beginning July 1, 2006. During the state fiscal year beginning July 1, 2006, the regional development authority must pay at least twenty million dollars (\$20,000,000) of the distribution received under this clause to an airport authority that is carrying out an airport expansion project described in IC 36-7.5-2-1(2).
- (B) Eighty million dollars (\$80,000,000) to be distributed in installments of ten million dollars (\$10,000,000) during the state fiscal year beginning July 1, 2007, and each of the seven (7) state fiscal years thereafter.

However, no distributions may be made under clause (B) until the development authority's comprehensive strategic development plan prepared under IC 36-7.5-3-4 has been reviewed by the budget committee and approved by the

director of the office of management and budget. In addition, no distributions may be made under clause (B) during the state fiscal years beginning July 1, 2009, July 1, 2011, and July 1, 2013, unless the budget committee has reviewed the status of the plan and any changes to the plan. (3) The following amounts to each of the following counties on or before September 15, 2006, for deposit in local major moves construction funds under IC 8-14-16:

(A) Forty million dollars (\$40,000,000) to each county described in IC 8-14-16-1(1) through IC 8-14-16-1(5). However, if a county described in IC 8-14-16-1(3) becomes a member of the northwest Indiana regional development authority, the distribution to that county is twenty-five million dollars (\$25,000,000) instead of forty million dollars (\$40,000,000).

(B) Twenty-five million dollars (\$25,000,000) to each county described in IC 8-14-16-1(6).

(C) Fifteen million dollars (\$15,000,000) to each county described in IC 8-14-16-1(7).

(4) One hundred seventy-nine million dollars (\$179,000,000) during the state fiscal year beginning July 1, 2006, to the state highway fund for use by the department for preliminary engineering, purchase of rights-of-way, or construction of highways, roads, and bridges. After review by the budget committee, and subject to the approval of the governor, the budget agency may augment this distribution from balances available in the fund.

(5) An amount sufficient to provide for the payments owed by the authority as a result of a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles, or to establish or replenish the reserves therefore, to the administration account of the toll road fund. The budget agency shall determine the amount of the distributions required to be made by this subdivision for each state fiscal year beginning with the state fiscal year ending June 30, 2007, and ending with the state fiscal year ending June 30, 2016.

(6) An amount sufficient to make any payments required by IC 5-10.3-6-8.9 as a result of a public-private agreement under IC 8-15.5.

(b) There is annually appropriated from the fund an amount sufficient to make any distributions required by subsection (a).

Sec. 7. In addition to any distributions required by section 6 of this chapter, money in the fund may be used for any of the following purposes:

(1) The payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5, or IC 8-15.7 in connection with the execution and performance of a public-private agreement under IC 8-15.5 or IC 8-15.7, including establishing reserves.

(2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.

(3) Distributions to the treasurer of state for deposit in the state highway fund, for the funding of any project in the department's transportation plan.

Sec. 8. (a) The total amount of distributions from the fund for projects or purposes that benefit a county traversed by the Indiana Toll Road may not be less than thirty-four percent (34%) of:

(1) the money that is transferred to the fund from the toll road fund under IC 8-15.5-11; plus

(2) the amount initially set aside in the administration account of the toll road fund to establish an escrow account to implement a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles.

(b) The budget agency shall determine the amount of distributions required by this section. In making the determination, the budget agency shall include the following amounts:

(1) Amounts distributed to counties traversed by the Indiana Toll Road under section 6(a)(1) of this chapter.

- (2) Money distributed to the northwest Indiana regional development authority under this chapter.
- (3) Money distributed under section 6(a)(3) of this chapter.
- (4) Projects carried out by the department in counties traversed by the Indiana Toll Road and funded with money distributed under section 6(a)(4) of this chapter.
- (5) The amount initially set aside in the administration account of the toll road fund to establish an escrow account to implement a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles.
- (6) Money transferred to the administration account of the toll road fund under section 6(a)(5) of this chapter.
- (7) Payments to the public employees' retirement fund required by section 6(a)(6) of this chapter.

SECTION 6. IC 8-14-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Next Generation Trust Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "trust" refers to the next generation trust fund established under this chapter.

Sec. 3. As used in this chapter, "trustee" refers to the trustee of the trust designated under section 7 of this chapter.

Sec. 4. (a) The authority shall establish a next generation trust fund to hold title to proceeds transferred to the trust under IC 8-15.5-11 to be used exclusively for the provision of highways, roads, and bridges for the benefit of the people of Indiana and the users of those facilities.

(b) The trust shall be established as a charitable trust, separate from the state, but for the benevolent public purpose provided in this section.

(c) The trust consists of the proceeds transferred to the trust under IC 8-15.5-11 and any income that accrues from the investment of these proceeds.

Sec. 5. The chairman of the authority shall enter into a trust agreement on behalf of the authority with the treasurer of state in conformity with IC 30-4-2-1. Any provision of the trust agreement entered into under this section that is inconsistent with the provisions or intent of this chapter is void and of no further force or effect.

Sec. 6. A trust established under this chapter must be an irrevocable trust and may not be revoked or terminated by the authority or any other person, nor may it be amended or altered by the authority or any other person. However, the terms of the trust must provide that the trust terminates when no funds remain in the trust.

Sec. 7. The treasurer of state shall act as the trustee of the trust.

Sec. 8. (a) The trustee shall:

- (1) administer and manage the trust;
- (2) invest the money in the trust; and
- (3) deposit in the trust any interest that accrues from the investment of these funds.

(b) Notwithstanding IC 5-13, the trustee shall invest the money in the trust not currently needed to meet the obligations of the trust in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the trustee may not invest the money in the trust in equity securities. The trustee shall also comply with the prudent investor rule set forth in IC 30-4-3.5. The trustee may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the trust and may pay the state expenses incurred under those contracts from the trust.

(c) IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to a trust established under this chapter.

(d) Money in the trust at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. IC 30-4 (trust code) applies to a trust established under this chapter.

Sec. 10. (a) The principal of the trust may not be diminished during the term of the trust.

(b) The income that accrues from investment of the trust shall

be deposited in the trust.

(c) On March 15, 2011, March 15, 2016, and March 15 every five (5) years thereafter, the treasurer of state shall transfer all interest accruing to the trust to the major moves construction fund.

Sec. 11. The report required under IC 30-4-5-12 is a public record. The attorney general may petition for an accounting as permitted by IC 30-4-5-12.

Sec. 12. (a) This section applies if a person does any of the following with respect to a trust created under this chapter:

- (1) Commits a breach of the trust.
- (2) Violates the mandate of the trust or trust agreement.
- (3) Violates a duty imposed by this chapter, the trust agreement, or IC 30-4.

(b) The attorney general may petition a court to impose one (1) or more of the remedies described in IC 30-4-5.5-1.

Sec. 13. Any records, files, or documents relating to the trust may be examined by the state board of accounts at a time selected by the state board of accounts. The trustee shall upon request of the state board of accounts:

- (1) produce and submit any records, files, or documents related to the trust; and
- (2) assist in every way the state board of accounts in its work in making an examination.

SECTION 7. IC 8-14-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Local Major Moves Construction Funds

Sec. 1. This chapter applies only to the following counties:

- (1) A county having a population of more than thirty-three thousand two hundred (33,200) but less than thirty-three thousand six hundred (33,600).
- (2) A county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950).
- (3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).
- (4) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).
- (5) A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).
- (6) A county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).
- (7) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. As used in this chapter, "fund" refers to a local major moves construction fund established under section 4 of this chapter.

Sec. 3. Money distributed to a county described in section 1 of this chapter from the major moves construction fund under IC 8-14-14-6(a)(3) shall be distributed by the county auditor among the county and each of the cities and towns in the county that is eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1, in the same proportion among the county, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1.

Sec. 4. (a) Each county, city, or town that receives a distribution under section 3 of this chapter shall establish a local major moves construction fund.

(b) The fund consists of money distributed to the county, city, or town from the major moves construction fund under section 3 of this chapter.

(c) The fiscal officer of the county, city, or town shall administer the fund.

(d) Subject to subsection (f), the fiscal body of the county, city, or town may appropriate money in the fund for a purpose described in section 5 of this chapter. The appropriations of money in the fund must be included as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

(e) Money remaining in the fund at the end of a particular calendar year remains in the fund and does not revert to any other fund.

(f) A county fiscal body must consult with the county executive before making an appropriation under this section.

Sec. 5. Money in the fund may be expended only for the following purposes:

- (1) Construction of highways, roads, and bridges.
- (2) In a county that is a member of the northwest Indiana regional development authority, or in a city or town located in such a county, any purpose for which the regional development authority may make expenditures under IC 36-7.5.
- (3) Providing funding for economic development projects (as defined in IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(K)).
- (4) Matching federal grants for a purpose described in this section.
- (5) Providing funding for interlocal agreements under IC 36-1-7 for a purpose described in this section.
- (6) Providing the county's or city's contribution to the northwest Indiana regional development authority, in the case of a county described in section 1(3) of this chapter or a city described in IC 36-7.5-2-3(e),

SECTION 8. IC 8-15-2-1, AS AMENDED BY P.L.214-2005, SECTION 51, AND AS AMENDED BY P.L.235-2005, SECTION 115, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In order to remove the handicaps and hazards on the congested highways in Indiana, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:

- (1) **subject to subsection (d)**, construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;
- (2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;
- (3) finance, develop, construct, reconstruct, improve, or maintain ~~public improvements such as roads and streets, sewerlines, waterlines, and sidewalks~~ for manufacturing, or commercial, or public transportation activities within a county through which a toll road passes; ~~if these improvements are within the county and are within an area that is located:~~
 - (A) ~~ten (10) miles on either side of the center line of a toll road project; or~~
 - (B) ~~two (2) miles on either side of the center line of any limited access highway that interchanges with a toll road project.~~
- (4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within ~~ten (10) miles of the center line of a county through which a toll road project passes~~ and that:
 - (A) interchanges with a toll road project; or
 - (B) intersects with a road or a street that interchanges with a toll road project;
- (5) ~~assist in~~ finance improvements necessary for developing ~~existing~~ transportation corridors in northwestern Indiana; and
- (6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) This chapter:

- (1) applies to the authority only when acting for the purposes set forth in this chapter; and
- (2) does not apply to the authority when acting under any other statute for any other purpose.

(d) Notwithstanding any other law, neither the authority nor an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

- (1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).
- (2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 9. IC 8-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The authority may do the following:

- (1) Construct, maintain, repair, police, and operate toll road projects (as defined in this chapter), public improvements, and arterial streets and roads under section 1 of this chapter and establish rules for the use of any such toll road project, public improvement, or arterial street or road.
- (2) Issue toll road revenue bonds of the state, payable solely from an allocation of money from the rural transportation road fund under IC 8-9.5-8-16 or from revenues or from the proceeds of bonds issued under this chapter and earnings thereon, or from all three (3), for the purpose of paying all or any part of the cost of any one (1) or more toll road projects or for the purpose of refunding any other toll road revenue bonds.
- (3) Establish reserves from the proceeds of the sale of bonds or from other funds, or both, to secure the payment of the bonds.
- (4) Fix and revise from time to time and charge and collect tolls for transit over each toll road project constructed by it.
- (5) Acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner as provided by this chapter, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this chapter. The authority may also:
 - (A) sell, transfer, and convey any such land or any interest therein so acquired, or any portion thereof, whether by purchase, condemnation, or otherwise, and whether such land or interest therein had been public or private, when the same shall no longer be needed for such purposes; and
 - (B) transfer and convey any such lands or interest therein as may be necessary or convenient for the construction and operation of any toll road project, or as otherwise required under the provisions of this chapter to a state agency or political subdivision.
- (6) Designate the locations and establish, limit, and control such points of ingress to and egress from each toll road project as may be necessary or desirable in the judgment of the authority to ensure the proper operation and maintenance of such projects, and to prohibit entrance to such project from any point not so designated. The authority shall not grant, for the operation of transient lodging facilities, either ingress to or egress from any project, including the service areas thereof on which are located service stations and restaurants, and including toll plazas and paved portions of the right-of-way. The authority shall cause to be erected, at its cost, at all points of ingress and egress, large and suitable signs facing traffic from each direction on the toll road. Such signs shall designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities with a population of five thousand (5,000) or more within a distance of seventy-five (75) miles on such roads of ingress or egress, and the distance in miles to such designated

municipalities.

(7) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, ~~or IC 8-9.5-8, or IC 8-15.5.~~ When the cost under any such contract or agreement, other than:

- (A) a contract for compensation for personal services;
- (B) a contract with the department under IC 8-9.5-8-7; ~~or~~
- (C) a lease with the department under IC 8-9.5-8-8; ~~or~~
- (D) a contract, a lease, or another agreement under IC 8-15.5;**

involves an expenditure of more than ten thousand dollars (\$10,000), the authority shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the authority shall determine. Such notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The authority may reject any and all bids. A bond with good and sufficient surety shall be required by the authority of all contractors in an amount equal to at least fifty percent (50%) of the contract price, conditioned upon the faithful performance of the contract.

(8) Employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, bond counsel, other attorneys with the approval of the attorney general, and other employees and agents as may be necessary in its judgment to carry out the provisions of this chapter, and to fix their compensation. However, all such expenses shall be payable solely from the proceeds of toll road revenue bonds issued under the provisions of this chapter or from revenues.

(9) Receive and accept from any federal agency, subject to IC 8-23-3, grants for or in aid of the construction of any toll road project, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made, and repay any grant to the authority or to the department from a federal agency if such repayment is necessary to free the authority from restrictions which the authority determines to be in the public interest to remove.

(10) Establish fees, charges, terms, or conditions for any expenditures, loans, or other form of financial participation in projects authorized as public improvements on arterial streets and roads under section 1 of this chapter.

(11) Accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to the aid.

(12) Accept transfer of a state highway to the authority under IC 8-23-7-23 and pay the cost of conversion of the state highway to a toll road project.

(13) Enter into contracts or leases with the department under IC 8-9.5-8-7 or IC 8-9.5-8-8 and in connection with the contracts or leases agree with the department for coordination of the operation and the repair and maintenance of toll road projects and tollways which are contiguous parts of the same public road, including joint toll collection facilities and equitable division of tolls.

(14) Enter into public-private agreements under IC 8-15.5 and do all acts and things necessary or proper to carry out the purposes set forth in IC 8-15.5.

~~(14)~~ **(15) Do all acts and things necessary or proper to carry out this chapter.**

SECTION 10. IC 8-15-2-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.2. The authority may not sell, convey, or mortgage a toll road project.**

SECTION 11. IC 8-15-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The authority may:

(1) fix, revise, charge, and collect tolls for the use of each toll road project by any person, partnership, association, limited liability company, or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion and for placing thereon telephone, telegraph, electric light, or power lines; ~~and~~

(2) fix the terms, conditions, and rates of charge for such use, **including assessments for the failure to pay required tolls,** subject, however, to the state's police power; **and**

(3) collect tolls, user fees, or other charges through manual or nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under IC 8-15-2-17.2(a)(10), global positioning systems and photo or video based toll collection or toll collection enforcement systems.

(b) Notwithstanding subsection (a), no toll or charge shall be made by the authority **under this section or under a public-private agreement entered into under IC 8-15.5** for:

(1) the operation of temporary lodging facilities located upon or adjacent to any project, nor may the authority itself operate or gratuitously permit the operation of such temporary lodging facilities by other persons without any toll or charge; or

(2) placing in, on, along, over, or under such project, such telephone, telegraph, electric light or power lines, equipment, or facilities as may be necessary to serve establishments located on the project or as may be necessary to interconnect any public utility facilities on one (1) side of the toll road project with those on the other side.

(c) All contracts executed by the authority shall be preserved in the principal office of the authority.

(d) In the case of a toll road project that is not leased to the department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for each toll road project so that the aggregate of the tolls from the project, together with other revenues that are available to the authority without prior restriction or encumbrance, will at least be adequate to pay:

(1) the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements;

(2) the principal of and the interest on bonds issued in connection with the toll road project, as the principal and interest becomes due and payable, including any reserve or sinking fund required for the project; and

(3) the payment of principal of and interest on toll road bonds issued by the authority in connection with any other toll road project, including any reserve or sinking fund required for the project, but only to the extent that the authority provides by resolution and subject to the provisions of any trust agreement relating to the project.

(e) Not less than one (1) year before the date that final payment of all such bonds, interest, and reimbursement is expected by the chairman of the authority to be completed, the chairman shall notify the state budget committee in writing of the expected date of final payment.

(f) Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the state.

(g) The tolls, rents, and all other revenues derived by the authority from the toll road project, **except those received in accordance with a public-private agreement under IC 8-15.5,** shall be used as follows:

(1) To pay the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements, to the extent that those costs are not paid out of other funds.

(2) To the extent provided for in the resolution authorizing the issuance of bonds under this chapter or in the trust agreement securing the bonds, to pay:

(A) the principal of and interest on any bonds as the principal

and interest become due; or

(B) the redemption price or purchase price of the bonds retired by call or purchase.

(3) Except as prohibited by the resolution authorizing the issuance of bonds under this chapter or the trust agreement securing them, for any purpose relating to any toll road project, including the subject toll road project, as the authority provides by resolution.

(h) Neither the resolution nor any trust agreement by which a pledge is created needs to be filed or recorded except in the records of the authority.

(i) The use and disposition of moneys to the credit of any sinking fund shall be subject to the provisions of any resolution or resolutions authorizing the issuance of any bonds or of any trust agreement. Except as may otherwise be provided in this chapter or in any resolution or any trust agreement, any sinking fund shall be a fund for all bonds without distinction or priority of one over another, subject, however, to such priorities as may arise from prior pledges.

(j) In the case of a toll road project that is leased to the department under IC 8-9.5-8-8, the lease must require that the department fix tolls for the toll road project that comply with IC 8-9.5-8-8(c)(6).

(k) User fees (as defined in IC 8-15.5-2-10) for a toll road project that is subject to a public-private agreement under IC 8-15.5 shall be set in accordance with IC 8-15.5-7.

SECTION 12. IC 8-15-2-14.5, AS AMENDED BY P.L.214-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) Subject to the provisions and requirements of any trust agreement providing for the issuance of toll road revenue bonds and only to the extent permitted by such trust agreement, the authority shall fix the tolls for any toll road under its jurisdiction.

(b) Subsection (a) does not apply to tolls fixed, authorized, or established in accordance with a public-private agreement under IC 8-15.5.

SECTION 13. IC 8-15-2-14.7, AS ADDED BY P.L.214-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) As used in this section, "development authority" refers to the development authority established under IC 36-7.5-2-1.

(b) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsection (d), the authority shall distribute to the development authority in calendar year 2006 and calendar year 2007 from revenues accruing to the authority from the toll road at least five million dollars (\$5,000,000) and not more than ten million dollars (\$10,000,000) each year. The amount of the distribution for a year shall be determined by the authority. The amount to be distributed each year shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of 2006 and 2007. The amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(c) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsections (d) and (e), after 2007, the authority may distribute to the development authority amounts from revenues accruing to the authority from the toll road. The amount of any distribution for a year shall be determined by the authority. Any amounts to be distributed for the year under this subsection shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of the year. Any amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(d) A distribution may be made by the authority (b) An appropriation made by the general assembly to the development authority under subsection (b) or (c) may be distributed to the development authority only if all transfers required from cities and counties to the development authority under IC 36-7.5-4-2 have been made.

(e) A distribution may be made by the authority (c) An appropriation made by the general assembly to the development authority may be distributed to the development authority under subsection (c) only after:

(1) the budget committee has reviewed; the development authority's comprehensive strategic development plan under

IC 36-7.5-3-4 and

(2) the director of the office of management and budget has approved;

the comprehensive strategic development plan submitted in accordance with IC 36-7.5-3-4.

(f) (d) If the Indiana Toll Road is sold or leased before January 1, 2008 (other than a lease to the department), and the sale or lease agreement does not require the purchaser or lessee to continue making the distributions required by subsection (b), the treasurer of state shall pay an amount equal to the greater of zero (0) or the result of:

(1) twenty million dollars (\$20,000,000); minus

(2) any amounts transferred to the development authority under this subsection before the sale or lease;

from the state general fund the amount, if any, appropriated by the general assembly to the development authority fund established under IC 36-7.5-4-1.

(g) (e) Amounts distributed or paid to the development authority under this section may be used for any purpose of the development authorized under IC 36-7.5.

(h) The amounts necessary to make any distributions or payments required or authorized by this section are appropriated.

SECTION 14. IC 8-15-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this chapter. Such funds shall be kept in depositories as selected by the authority and may be invested until expended, all as provided by law.

(b) The resolution authorizing the issuance of bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such moneys shall be paid shall:

(1) act as trustee of such moneys; and

(2) hold and apply the same for the purposes of this chapter, subject to such regulations as this chapter and such resolution or trust agreement may provide.

(c) This section does not apply to money paid or received with respect to a toll road project that is the subject of a public-private agreement under IC 8-15.5.

SECTION 15. IC 8-15-2-17.2, AS AMENDED BY P.L.151-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

(1) Establishing weight and size limitations for vehicles using a toll road project, subject to the following:

(A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights as set out by the authority in rules and regulations shall apply to the authority in writing, for an application for a special hauling permit, which application must be in compliance with all the terms thereof, and which application must be received at least seven (7) days prior to the time of permitted entry should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and the driver of the vehicle shall have a copy to present to the toll attendant on duty at the point of entry.

(B) The authority shall assess a fee for issuing a special hauling permit. In assessing the fee, the authority shall take into consideration the following factors:

(i) The administrative cost of issuing the permit.

(ii) The potential damage the vehicle represents to the project.

(iii) The potential safety hazard the vehicle represents.

(2) Establishing the minimum speed that a motor vehicle may be driven on the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a toll road project.

(4) Determining the manner of operation of motor vehicles entering and leaving traffic lanes on a toll road project.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing motor vehicles on a toll road project.

(6) Determining the establishment and enforcement of traffic control signs and signals for motor vehicles in traffic lanes,

acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.

(7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

- (A) the offering or display of goods or services for sale;
- (B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and
- (C) the operation of a mobile or stationary public address system.

(10) Establishing enforcement procedures and making assessments for the failure to pay required tolls.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

- (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
- (2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated:

- (1) a size or weight limitation established by the authority under this section; or

(2) a rule adopted under subsection (a)(10);

for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of the person's current chauffeur's license only if the violation was committed knowingly.

SECTION 16. IC 8-15-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The authority may, after adopting a resolution and after receiving the governor's approval, at any time determine under IC 8-23-7 that a toll road project constructed or operated by the authority, **other than a toll road project that is subject to a public-private agreement under IC 8-15.5**, should become a part of the system of state highways free of tolls or become a tollway under IC 8-15-3.

(b) Any resolution as to any project described in subsection (a) shall not become effective until all bonds to which the revenues of any project were pledged for payment, together with all interest thereon, is paid, or a sufficient amount for the payment of all bonds and the interest thereon to maturity is set aside in trust for the benefit of bondholders.

(c) Until any resolution is adopted by the authority under subsection (a) and becomes effective as provided in subsection (b), **and subject to the terms of any public-private agreement under IC 8-15.5**, any project constructed by the authority or its predecessors remains under the jurisdiction of the authority and the authority shall continue to maintain and operate the project and levy and collect tolls as provided in this chapter. ~~Subject to any agreement entered into by the Secretary of Commerce of the United States, acting by and through the federal highway administrator, the Indiana toll road commission, and the state, acting by and through the Indiana department of transportation;~~ Tolls on any project may be continued after the date of the payment of the principal of and interest on bonds issued for the construction of that project.

SECTION 17. IC 8-15-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. **(a) Except as provided in subsection (b), and notwithstanding any other provision of this chapter, funds generated by tolls or any other means from a toll road project that was in existence and in use on or before January 1, 1986, shall be used exclusively for purposes that are authorized and described in this chapter.**

(b) If the authority enters into a public-private agreement with respect to a toll road project under IC 8-15.5, funds generated by tolls or any other means from that project shall be used as provided in IC 8-15.5.

SECTION 18. IC 8-15-2-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **If the authority is a party to a public-private agreement under IC 8-15.5, the authority may authorize the operator under that agreement to exercise any or all of the powers specified in sections 1, 6, 18, and 24 of this chapter, subject to the terms of that agreement.**

SECTION 19. IC 8-15-2-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. **A United States flag shall be displayed at the primary administrative building of the Indiana Toll Road.**

SECTION 20. IC 8-15-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **"Operator" refers to one (1) or more private individuals or entities that enter into a public-private agreement to do one (1) or more of the following with respect to one (1) or more tollways:**

- (1) Planning.**
- (2) Design.**
- (3) Development.**
- (4) Construction.**
- (5) Reconstruction.**
- (6) Maintenance.**
- (7) Repair.**
- (8) Financing.**
- (9) Operation.**

A public entity may provide services to an operator as a subcontractor or subconsultant without affecting the private status of the operator and the entity's or operator's ability to enter into a public-private agreement.

SECTION 21. IC 8-15-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. **"Public-private agreement" has the meaning set forth in IC 8-15.7-2-15.**

SECTION 22. IC 8-15-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter, "tollway" **means includes any combination or part of:**

- (1) an express highway, superhighway, bridge, tunnel, or motor way, including express lanes and managed lanes, constructed under this chapter or IC 8-15.7 or, subject to section 10 of this chapter, converted to a tollway under IC 8-23-7-22; The term includes**
- (2) any bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service station, or administration, storage, or other buildings or facilities, including temporary facilities and buildings, facilities, and structures that will not be tolled, that the department considers appurtenant to or necessary or desirable for the financing, construction, operation, of the tollway: The term also includes or maintenance of one (1) or more of the items described in subdivision (1); and**
- (3) any subsequent improvement, betterment, enlargement, extension, or reconstruction of a tollway, including any section, which is one (1) or more items described in this section, including any nontolled part, that are separately designated by name or number.**

SECTION 23. IC 8-15-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Subject to subsection (e), the governor must approve the location of any tollway.**

(b) The department may, **in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.**

(c) The department may, **in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer**

lines, and water lines, and other utilities if these improvements are:

- (1) adjacent or appurtenant to a tollway; or
- (2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.

(d) The department may, in any combination, plan, design, develop, construct, reconstruct, or improve, maintain, repair, operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

- (1) is adjacent to, appurtenant to, or interchanges with a tollway; or
- (2) intersects with a road or street that interchanges with a tollway.

(e) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

- (1) Approve the location of a tollway, other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).
- (2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).
- (3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 24. IC 8-15-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The department may fix, revise, charge, and collect, retain, and use tolls for transit over each tollway the department constructs or converts from a state highway to a tollway under IC 8-23-7-22, or part of a tollway. The tolls and the setting of toll rates are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state.

SECTION 25. IC 8-15-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The department may transfer to the tollway or lease, license, or otherwise transfer to the authority or the operator of a tollway any real property or interest in real property acquired by it under section 13 or 31 of this chapter, IC 8-23-7, or otherwise that is necessary, desirable, or convenient for the financing, construction, maintenance, and operation of any tollway or part of a tollway, or as otherwise required under this chapter.

SECTION 26. IC 8-15-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in subsection (b), the department may designate the locations and establish, limit, and control points of ingress and egress from each tollway as necessary or desirable to:

- (1) ensure the proper operation and maintenance of the tollway;
- (2) finance the tollway;
- (2) (3) prohibit entrance to the tollway from any point that is not designated as an entrance; and
- (3) (4) provide for and permit the interconnection of a tollway with a toll road that is leased or operated by the department.

(b) The department may not grant ingress to or egress from any tollway, service area, or toll collection area having direct access to the tollway for the operation of transient lodging facilities, including the service areas on which are located service stations and restaurants and toll plazas and paved parts of the right-of-way.

(c) The department shall erect at its cost, at all points of ingress and egress large and suitable signs facing traffic from each direction on the tollway. These signs must designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities having a population of at least five thousand (5,000) within a distance of seventy-five (75) miles on the roads of ingress or egress, and the distance in miles to those designated municipalities.

SECTION 27. IC 8-15-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. The

department may make and enter into all leases, licenses, conveyances, contracts, and agreements necessary or incidental to the performance of the department's duties and the execution of the department's powers under this chapter and IC 8-15-7.

SECTION 28. IC 8-15-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The department may employ consulting engineers, superintendents, managers, other engineers, construction and experts, financial advisers, accounting experts, attorneys, (with the approval of the attorney general), and other consultants, contractors, employees, and agents necessary to carry out this chapter or IC 8-15-7, and fix their compensation.

SECTION 29. IC 8-15-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. The department may receive and accept in any combination from any federal, state, or local agency, subject to IC 8-9-5-6-1, IC 8-23-3, loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, and grants for or in aid of the planning, design, construction, financing, repair, rehabilitation, expansion, improvement, operation, or maintenance of all or part of any tollway, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which those loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, grants, or contributions are made. The department may distribute any part of loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, and grants received under this section to an operator as permitted by the terms of the loan, line of credit, credit guarantee, or grant. The department, the authority, or an operator, as required by a public-private agreement, shall repay any loan, line of credit, credit guarantee, or grant from a federal, state, or local agency, if a repayment is necessary to free the department from restrictions that the department determines to be in the public interest to remove.

SECTION 30. IC 8-15-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The department may accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance from any source and agree to and comply with conditions attached to it. Subject to the conditions agreed to by the department, the department may distribute any gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance received under this section to an operator, as set forth in a public-private agreement.

SECTION 31. IC 8-15-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The exercise of the powers granted by this chapter to the department or the authority must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department or the authority constitutes the performance of essential governmental functions, neither the department nor the authority is not required to pay any taxes or assessments upon a tollway or any property acquired or used by the department under this chapter or IC 8-15-7 or upon the income from a tollway.

(c) The operator under a public-private agreement is not required to pay taxes or assessments upon a tollway, any property or property interest acquired by the operator under a public-private agreement, or any possessory interest in the tollway or in property granted or created by the public-private agreement under this chapter or IC 8-15-7.

(d) An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in:

- (1) a tollway; or
- (2) property granted or created by the public-private agreement;

is entitled to the exemption from gross retail tax and use tax provided under IC 6-2.5-4-9(b) and IC 6-2.5-3-2(c), respectively,

with respect to that tangible personal property.

SECTION 32. IC 8-15-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b), the department may:

- (1) fix, revise, charge, and collect tolls, **fees, or charges** for:
 - (A) the use of a tollway or any part of a tollway, including the right-of-way adjoining the paved part of the tollway; and
 - (B) placing on a tollway or part of a tollway telephone, telegraph, electric light, **cable, communication, gas, water, sewer, or power lines; and**
 - (C) **the initiation, administration, and maintenance of customer accounts, late payment procedures, credit card and other electronic transactions, and enforcement actions for collection of unpaid amounts; and**
 - (D) **equipment used by customers in connection with electronic tolling, including transponders;**

- (2) fix the terms, conditions, and rates of charge for use of a tollway; and

- (3) **retain and use tolls, fees, or charges collected in accordance with this article.**

(b) A toll or charge may not be made by the department for the following:

- (1) The operation of temporary lodging facilities located upon or adjacent to a tollway.
- (2) Placing in, on, along, over, or under a tollway any telephone, telegraph, electric light, **cable, communication, gas, water, sewer, or power lines, equipment, or facilities** that are necessary to serve establishments located on the tollway or that are necessary to interconnect any public utility facilities on one (1) side of the tollway with those on the other side.

(c) Tollway tolls that are collected shall be deposited in a special fund so that the tolls from each tollway project may be accounted for and used only for the purposes of operating and maintaining the facility from which the tolls were collected:

(d) (c) The department ~~shall~~ **may** fix the tolls for a tollway so that, to the extent feasible, the tolls for any class of traffic are substantially uniform according to the mileage between interchanges. A reduced rate of toll is not allowed within a class except through the use of commutation or other tickets or privileges based upon frequency or volume of use: by establishing maximum amounts and may provide that tolls or any maximum tolls established, and any increases or decreases to those tolls or maximum tolls, may be based on the indices or methodologies that the department considers appropriate. The department may set an increased toll for any class of traffic for any lane or other part of a tollway if the department determines that an increased toll is necessary or appropriate for financing the tollway or to reduce traffic congestion, increase mobility, improve connectivity, promote fuel conservation, achieve operating efficiencies, or promote public safety. The department shall specify the times or conditions under which an increased toll will be imposed. A reduced rate of toll is not allowed within a class, except:

- (1) through the use of commutation or other tickets or privileges based upon frequency or volume of use;
- (2) as permitted under an electronic tolling program;
- (3) as permitted under a managed lane program under section 27.5 of this chapter;
- (4) as necessary, desirable, or appropriate for financing the tollway;
- (5) on a part of a tollway designated by the department, in its discretion, as an area free of tolls;
- (6) as determined appropriate by the department; or
- (7) as permitted under a public-private agreement.

(d) A person that passes a toll gate or other area of a tollway where a toll, charge, or fee is due without paying that amount commits a Class C infraction.

SECTION 33. IC 8-15-3-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The department may adopt rules under IC 4-22-2 for the following:

- (1) The control and regulation of traffic on a tollway.
- (2) The protection and preservation of property under the department's **or operator's** jurisdiction and control.
- (3) The maintenance and preservation of good order within the

property under the department's **or operator's** control.

(b) Rules adopted under this chapter must provide that law enforcement officers be afforded ready access, while in the performance of their official duties, to all property under the department's jurisdiction without the payment of tolls.

(c) **A person who violates a rule adopted under this section commits a Class C infraction.**

SECTION 34. IC 8-15-3-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. (a) The rules adopted under section 26 or 27 of this chapter may include restrictions on the use of one (1) or more lanes on any part of a tollway as necessary, appropriate, or desirable for financing the tollway or to reduce congestion, increase mobility, promote fuel conservation, achieve operating efficiencies, or promote public safety. The restrictions may include limiting use of one (1) or more lanes to private vehicles, high occupancy vehicles, vehicles that participate in an electronic tolling program, trucks, commercial vehicles, special fuel vehicles, transit vehicles, or vehicles that pay a higher toll for exclusive use of a dedicated lane. The rules may require a person eligible to use a restricted lane to obtain the permit specified by the department or an operator, as permitted under a public-private agreement.

(b) The department may require that an electronic device or other identification device specified by the department or by an operator as permitted under a public-private agreement be maintained in a vehicle using a restricted lane on a tollway.

(c) The department may construct barriers or implement other design, construction, or operational features to implement a managed lane, express lane, or other program under this section.

SECTION 35. IC 8-15-3-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.7. (a) The rules adopted under section 26 or 27 of this chapter may establish an electronic tolling program. The rules must provide at least the following:

(1) A participant must enter into a written agreement containing the terms and conditions approved by the department.

(2) An agreement must require the participant to do the following:

(A) Establish the account specified by the department and maintain the balance of funds in the account specified by the department.

(B) Hold and use any device provided to register use of a tollway that is chargeable to the participant's account in the manner specified in the rules and participant's agreement.

(C) Pay the fees, charges, and tolls specified by the department or an operator, as permitted under a public-private agreement.

(D) Comply with any other necessary or appropriate terms and conditions specified by the department or an operator, as permitted under a public-private agreement.

(3) A method for resolving disputed charges with account holders, including an agreement by the account holder to hold the department and its agents harmless for the payment of any unpaid financial obligation incurred by the account holder.

(4) The program will comply with all applicable federal and state laws, regulations, and rules regulating credit transactions between the entity holding the account and the account holder.

(5) Notice will be provided to the participant of all federal and state privacy, credit, and other laws, regulations, and policies applicable to an account and the program.

(b) The department may establish reasonable fees and charges to be charged to account holders and business entities participating in the electronic tolling program and to recover costs of administration, account initiation and maintenance, late payments, credit card and other electronic transactions, enforcement, and improvement of the program. The fees and charges shall be deposited in the appropriate special funds account for the tollways covered by the program, as specified by the department, or used, retained, or deposited as permitted

under a public-private agreement.

(c) The identifying credit and tollway use information of an electronic tolling program participant may not be used by the department or an operator for commercial purposes not related to the tollway.

SECTION 36. IC 8-15-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. Subject to any public-private agreement that applies to a tollway, including terms applicable to the financing of the tollway, the department may, after issuing an order and after receiving the governor's approval, at any time determine that a tollway under its jurisdiction should become a part of the system of state highways free of tolls.

SECTION 37. IC 8-15-3-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. The department may arrange for the use and employment of police officers to police a tollway. The police officers employed under this section are vested with all necessary police powers to enforce state laws. A police officer employed under this section has the same powers within the property limits of a tollway as a law enforcement officer (as defined in IC 35-41-1-17) within the law enforcement officer's jurisdiction. A warrant of arrest issued by the proper authority of the state may be executed within the property limits of the tollway by a police officer employed by the department or an operator.

SECTION 38. IC 8-15-3-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) If a public-private agreement is entered into under IC 8-15.7 with respect to a project, the department may authorize:

- (1) the authority to exercise all or a part of the powers of the department under this chapter necessary or desirable to accomplish the purposes of this chapter or IC 8-15.7; and
- (2) the operator under the public-private agreement to exercise all or a part of the powers of the department under sections 9, 16, 29, and 30 of this chapter under the public-private agreement.

(b) The department may authorize the authority to exercise all or a part of the powers of the department under this chapter necessary or desirable to accomplish the purposes of this chapter.

SECTION 39. IC 8-15.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 15.5. PUBLIC-PRIVATE AGREEMENTS FOR TOLL ROAD PROJECTS

Chapter 1. General Provisions

Sec. 1. The powers conferred by this article are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Notwithstanding any other law, after August 1, 2006, neither the authority nor the department may:

- (1) issue a request for proposals for; or
- (2) enter into;

a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, unless the general assembly adopts a statute authorizing the imposition of tolls.

(c) Notwithstanding any other law, neither the authority nor an operator may carry out any of the following activities under this article unless the general assembly enacts a statute

authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

Sec. 3. The general assembly finds and determines that:

(1) the state has limited resources to fund the maintenance and expansion of the state transportation system, including toll roads, and therefore alternative funding sources should be developed to supplement public revenue sources;

(2) the Indiana finance authority should be authorized to solicit, evaluate, negotiate, and administer agreements with the private sector for the purposes described in subdivision (1); and

(3) it is necessary to serve the public interest and to provide for the public welfare by adopting this article for the purposes described in this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Authority" refers to the Indiana finance authority.

Sec. 3. "Department" refers to the Indiana department of transportation.

Sec. 4. "Offeror" means a private entity that has submitted a proposal for a public-private agreement under this article.

Sec. 5. "Operator" means a private entity that has entered into a public-private agreement with the authority.

Sec. 6. "Private entity" means any individual, sole proprietorship, corporation, limited liability company, joint venture, general partnership, limited partnership, nonprofit entity, or other private legal entity. A public agency may provide services to a private entity without affecting the private status of the private entity and the ability to enter into a public-private agreement.

Sec. 7. "Project" or "toll road project" has the meaning set forth in IC 8-15-2-4(4).

Sec. 8. "Public-private agreement" means an agreement under this article between a private entity and the authority under which the private entity, acting on behalf of the authority as lessee, licensee, or franchisee, will plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a toll road project.

Sec. 9. "Request for proposals" means all materials and documents prepared by or on behalf of the authority to solicit proposals from offerors to enter into a public-private agreement.

Sec. 10. "User fees" means the rates, tolls, or fees imposed for the use of, or incidental to, all or any part of a toll road project under a public-private agreement.

Chapter 3. Authority to Enter Into Public-Private Agreements

Sec. 1. Subject to the other provisions of this article, the authority and a private entity may enter into a public-private agreement with respect to a toll road project. Subject to the requirements of this article, a public-private agreement may provide that the private entity is partially or entirely responsible for any combination of the following activities with respect to the project:

- (1) Planning.
- (2) Design.
- (3) Acquisition.
- (4) Construction.
- (5) Reconstruction.
- (6) Improvement.
- (7) Extension or expansion.
- (8) Operation.
- (9) Repair.
- (10) Management.
- (11) Maintenance.
- (12) Financing.

Chapter 4. Selection of Operator by Request for Proposals

Sec. 1. Before entering into a public-private agreement under this article, the authority must issue a request for proposals as set forth in this chapter. A request for proposals for a toll road project may be issued by the authority in one (1) or more phases and may include a request for qualifications.

Sec. 2. A request for proposals issued by the authority must include the following:

- (1) The factors or criteria that will be used in evaluating the proposals.
- (2) A statement that a proposal must be accompanied by evidence of financial responsibility as considered appropriate and satisfactory by the authority.
- (3) A statement concerning whether discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.
- (4) A statement concerning any other information that the authority may consider in evaluating the proposals.
- (5) A statement that, except as otherwise required by law or under order from a court with jurisdiction, the authority may not disclose the contents of proposals during:

(A) discussions; or

(B) negotiations;

with eligible offerors to other eligible offerors.

Sec. 3. Notice of a request for proposals shall be given by publication in accordance with IC 5-3-1.

Sec. 4. As provided in a request for proposals, discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.

Sec. 5. Eligible offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

Sec. 6. (a) The authority may not disclose the contents of proposals during discussions or negotiations with eligible offerors.

(b) The authority may, in its discretion in accordance with IC 5-14-3, treat as confidential all records relating to discussions or negotiations between the authority and eligible offerors if those records are created while discussions or negotiations are in progress.

(c) Notwithstanding subsections (a) and (b), and with the exception of parts that are confidential under IC 5-14-3, the terms of the selected offer negotiated under this article shall be available for inspection and copying under IC 5-14-3 after negotiations with the offerors have been completed.

(d) When disclosing the terms of the selected offer under subsection (c), the authority shall certify that the information being disclosed accurately and completely represents the terms of the selected offer.

Sec. 7. (a) The authority shall negotiate with one (1) or more responsible offerors who submit proposals that are determined to be reasonably capable of being selected for a public-private agreement and may seek to obtain a final offer from one (1) or more responsible offerors.

(b) In determining whether one (1) or more responsible offerors are reasonably capable of being selected for a public-private agreement, the authority must consider all the following:

- (1) The responsible offeror's expertise, qualifications, competence, skills, and know-how to perform its obligations under the proposed public-private agreement in accordance with the public-private agreement.
- (2) The financial strength of the responsible offeror, including its capitalization.
- (3) The experience of the responsible offeror in operating toll roads and highways and other similar projects and the quality of the responsible offeror's past or present performance on other similar or equivalent projects.
- (4) The integrity, background, and reputation of the responsible offeror, including the absence of criminal, civil, or regulatory claims or actions against the responsible offeror.

(c) The requirements set forth in subsection (b) also apply to

the approval by the authority of any successor or replacement operator under the public-private agreement after the execution of the public-private agreement under section 11 of this chapter.

(d) In making its determination under subsection (b) or (c), the authority shall consider the offeror or operator as well as any private entity that controls the actions of the offeror or operator.

Sec. 8. After the final offers from responsible offerors have been negotiated under section 7 of this chapter, the authority shall:

- (1) make a preliminary selection of an offeror as the operator for the related toll road project, whose final offer is referred to in this article as the "selected offer"; or
- (2) terminate the request for proposal process.

Sec. 9. If the authority makes a preliminary selection of an operator under section 8 of this chapter, the authority shall schedule a public hearing on the preliminary selection and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the related toll road project and of the public-private agreement to be awarded.
- (4) The identity of the offeror that has been preliminarily selected as the operator for the project.
- (5) The address and telephone number of the authority.
- (6) A statement indicating that, subject to section 6 of this chapter, and except for those portions that are confidential under IC 5-14-3, the selected offer and an explanation of the basis upon which the preliminary selection was made are available for public inspection and copying at the principal office of the authority during regular business hours.

Sec. 10. (a) Subject to section 6 of this chapter, and except for those parts that are confidential under IC 5-14-3, the selected offer and a written explanation of the basis upon which the preliminary selection was made shall be made available for inspection and copying in accordance with IC 5-14-3 at least seven (7) days before the hearing scheduled under section 9 of this chapter.

(b) At the hearing, the authority shall allow the public to be heard on the preliminary selection.

Sec. 11. (a) After the procedures required in this chapter have been completed, the authority shall make a determination as to whether the offeror that submitted the selected offer should be designated as the operator for the related toll road project and shall submit the authority's determination to the governor and the budget committee.

(b) After review of the authority's determination by the budget committee, the governor may accept or reject the determination of the authority. If the governor accepts the determination of the authority, the governor shall designate the offeror who submitted the selected offer as the operator for the related toll road project. The authority shall publish notice of the designation of the operator for the related toll road project one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the operator for the related toll road project, the authority may execute the public-private agreement with that operator.

Sec. 12. Any action to contest the validity of a public-private agreement entered into under this chapter may not be brought after the fifteenth day following the publication of the notice of the designation of an operator under the public-private agreement as provided in section 11 of this chapter.

Sec. 13. The authority shall disclose the contents of all proposals, except the parts of the proposals that may be treated as confidential in accordance with IC 5-14-3, when either:

- (1) the request for proposal process is terminated under section 8 of this chapter; or
- (2) the public-private agreement has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted.

Chapter 5. Terms and Conditions of Public-Private Agreements

Sec. 1. (a) Before developing or operating a toll road project,

a private entity that has been selected as the operator of a toll road project under this article shall enter into a public-private agreement with the authority setting forth the rights and duties of the operator under this article.

(b) A public-private agreement entered into under this article must be approved by the governor before its execution.

Sec. 2. A public-private agreement entered into under this article must provide for the following:

(1) The original term of the public-private agreement, which may not exceed seventy-five (75) years.

(2) Provisions for a:

(A) lease, franchise, or license of the toll road project and the real property owned by the authority upon which the toll road project is located or is to be located; or

(B) management agreement or other contract to operate the toll road project and the real property owned by the authority upon which the toll road project is located or is to be located;

for a predetermined period. The public-private agreement must provide for ownership of all improvements and real property by the authority in the name of the state.

(3) Monitoring of the operator's maintenance practices by the authority and the taking of actions by the authority that it considers appropriate to ensure that the toll road project is properly maintained.

(4) The basis upon which user fees that may be collected by the operator, as determined under this article, are established.

(5) Compliance with applicable state and federal laws and local ordinances.

(6) Grounds for termination of the public-private agreement by the authority or the operator.

(7) The date of termination of the operator's authority and duties under this article.

(8) Procedures for amendment of the agreement.

Sec. 3. In addition to the requirements of section 2 of this chapter, a public-private agreement may include additional provisions concerning the following:

(1) Review and approval by the authority of the operator's plans for the development and operation of the toll road project.

(2) Inspection by the authority of construction of or improvements to the toll road project.

(3) Maintenance by the operator of a policy or policies of public liability insurance (copies of which shall be filed with the authority, accompanied by proofs of coverage) or self-insurance, each in a form and amount satisfactory to the authority to insure coverage of tort liability to the public and employees and to enable the continued operation of the toll road project.

(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the authority.

(5) Filing by the operator, on a periodic basis, of appropriate traffic reports in a form acceptable to the authority.

(6) Payments to the operator. These payments may consist of one (1) or more of the following:

(A) The retention by the operator of the revenues collected by the operator in the operation and management of the toll road project.

(B) Payments made to the operator by the authority.

(C) Other sources of payment or revenue to the operator, if any.

(7) Financing obligations of the operator and the authority, including entering into agreements for the benefit of the financing parties.

(8) Apportionment of expenses between the operator and the authority.

(9) The rights and duties of the operator, the authority, and other state and local governmental entities with respect to use of the toll road project, including the state police department and other law enforcement and public safety agencies.

(10) Arbitration or other dispute resolution mechanisms or remedies for the settlement of claims and other disputes arising under the agreement.

(11) Payment of money to either party upon default or delay, or upon termination of the public-private agreement, with the payments to be used:

(A) in the form of liquidated damages to compensate the operator for demonstrated unamortized costs, lost profits, or other amounts as provided in the agreement;

(B) to retire or refinance indebtedness related to the toll road project or the public-private agreement; or

(C) for any other purpose mutually agreeable to the operator and the authority.

(12) Indemnification of the operator by the authority under conditions specified in the agreement.

(13) Assignment, subcontracting, or other delegation of responsibilities of the operator or the authority under the agreement to third parties, including other private entities, the department, and other state agencies.

(14) Sale or lease to the operator of personal property related to the toll road project.

(15) Other lawful terms and conditions to which the operator and the authority mutually agree.

Sec. 4. (a) The operator may finance its obligations with respect to the toll road project and the public-private agreement in the amounts and upon the terms and conditions determined by the operator.

(b) The operator may:

(1) issue debt, equity, or other securities or obligations;

(2) enter into sale and leaseback transactions; and

(3) secure any financing with a pledge of, security interest in, or lien on any user fees charged and collected for the use of the toll road project and any property interest of the operator in the toll road project.

However, any bonds, debt, other securities, or other financing issued for the purposes of this article shall not be considered to constitute a debt of the state or any political subdivision of the state or a pledge of the faith and credit of the state or any political subdivision.

(c) The operator may deposit the user fees charged and collected for the use of the toll road project in a separate account held by a trustee or escrow agent for the benefit of the secured parties of the operator.

Sec. 5. Notwithstanding any contrary provision of this article, the authority may enter into a public-private agreement with multiple private entities if the authority determines in writing that it is in the public interest to do so.

Sec. 6. The department or any other state agency may perform any duties and exercise any powers of the authority under this article or the public-private agreement that have been assigned, subcontracted, or delegated to it by the authority.

Chapter 6. Construction and Operating Standards for Toll Road Projects

Sec. 1. The plans and specifications for each toll road project constructed under this article must comply with:

(1) the authority's standards for other projects of a similar nature, except as otherwise provided in the public-private agreement; and

(2) any other applicable state or federal standards.

Sec. 2. Unless otherwise provided by federal law, the operator or any contractor or subcontractor of the operator engaged in the construction of a toll road project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

Sec. 3. The operator or any contractor or subcontractor of the operator engaged in the construction of a toll road project is subject to:

(1) the provisions of 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes; and

(2) the provisions that may be established by the authority in a public-private agreement with respect to awarding contracts to Indiana businesses (as defined in IC 5-22-15-20.5).

Sec. 4. Each toll road project constructed or operated under this article is considered to be part of the state highway system designated under IC 8-23-4-2 for purposes of identification, maintenance standards, and enforcement of traffic laws.

Sec. 5. An operator may enter into agreements for maintenance or other services under this article with the authority, the department, or other state agencies. The authority may:

(1) with the assistance of all applicable state agencies, establish a unified permitting and licensing process for the processing and issuance of all necessary permits and licenses for toll road projects under this article, including, but not limited to, all environmental permits and business and tax licenses; and

(2) provide other services for which the authority is reimbursed, including, but not limited to, preliminary planning, environmental certification (including the procurement of all necessary environmental permits), and preliminary design of toll road projects under this article.

Sec. 6. The authority shall seek the cooperation of federal and local agencies to expedite all necessary federal and local permits, licenses, and approvals necessary for toll road projects under this article.

Chapter 7. User Fees

Sec. 1. (a) Notwithstanding IC 8-9.5-8 and IC 8-15-2-14(j), the authority may fix and revise the amounts of user fees that an operator may charge and collect for the use of any part of a toll road project in accordance with the public-private agreement.

(b) In fixing the amounts referred to in subsection (a), the authority may:

(1) establish maximum amounts for the user fees; and
(2) provide for increases or decreases of the user fees or the maximum amounts established based upon the indices, methodologies, or other factors that the authority considers appropriate.

Sec. 2. A schedule of the current user fees shall be made available by the operator to any member of the public on request.

Sec. 3. User fees established by the authority under this article are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state, or by any political subdivision.

Sec. 4. User fees established by the authority under section 1 of this chapter for the use of a toll road project must be nondiscriminatory and may:

(1) include different user fees based on categories such as vehicle class, vehicle size, vehicle axles, vehicle weight, volume, location, or traffic congestion or such other means or classification as the authority determines to be appropriate;

(2) vary by time of day or year; or

(3) be based on one (1) or more factors considered relevant by the authority, which may include any combination of:

(A) the costs of:

(i) operation;

(ii) maintenance; and

(iii) repair and rehabilitation;

(B) debt service payments on bonds or other obligations;

(C) adequacy of working capital;

(D) depreciation;

(E) payment of user fees, any state, federal, or local taxes, or payments in lieu of taxes; and

(F) the sufficiency of income to:

(i) maintain the toll road project in a sound physical and financial condition to render adequate and efficient service; and

(ii) induce an operator to enter into a public-private agreement.

Sec. 5. A public-private agreement may:

(1) grant an operator a license or franchise to charge and collect tolls for the use of the toll road project;

(2) authorize the operator to adjust the user fees charged and collected for the use of the toll road project, so long as the amounts charged and collected by the operator do not exceed the maximum amounts established by the authority under section 1 of this chapter;

(3) provide that any adjustment by the operator permitted under subdivision (2) may be based on such indices, methodologies, or other factors as described in the public-private agreement or as approved by the authority;

(4) authorize the operator to charge and collect user fees through manual and nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under IC 8-15-2-17.2(a)(10), global positioning systems and photo or video based toll collection or toll collection enforcement systems; and

(5) authorize the collection of user fees charges by a third party.

Sec. 6. (a) As used in this section, "Class 2 vehicle" means any vehicle with two (2) axles, including motorcycles.

(b) If the authority enters into a public-private agreement concerning the operation of the Indiana Toll Road, the authority shall enter into a written agreement with the operator concerning the implementation of electronic or nonmanual means of collecting user fees imposed on Class 2 vehicles.

Sec. 7. (a) After expiration of a public-private agreement, the authority may:

(1) continue to charge user fees for the use of the toll road project; or

(2) delegate to a third party the authority to continue to collect the user fees.

(b) Revenues collected under this section must first be used for operations and maintenance of the toll road project. Any revenues determined by the authority to be excess must be paid to the authority for deposit in the toll road fund established by IC 8-15.5-11.

Sec. 8. Any action to contest the validity of user fees fixed under this chapter may not be brought after the fifteenth day following the effective date of a rule fixing the user fees adopted under IC 4-22-2-37.1(a)(30).

Chapter 8. Taxation of Operators

Sec. 1. A toll road project and tangible personal property used exclusively in connection with a toll road project that are:

(1) owned by the authority and leased, franchised, licensed, or otherwise conveyed to an operator; or

(2) acquired, constructed, or otherwise provided by an operator in connection with the toll road project;

under the terms of a public-private agreement are considered to be public property devoted to an essential public and governmental function and purpose and the property, and an operator's leasehold estate, franchise, license, and other interests in the property, are exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

Sec. 2. Income received by an operator under the terms of a public-private agreement is subject to taxation in the same manner as income received by other private entities.

Sec. 3. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in the toll road project is not exempt from the application of the gross retail or use tax under IC 6-2.5 with respect to such a purchase.

Chapter 9. Records of Operators

Sec. 1. Records that are provided by an operator to the authority that relate to compliance by an operator with the terms of a public-private agreement are subject to inspection and copying in accordance with IC 5-14-3.

Chapter 10. Additional Powers of the Authority Concerning Toll Road Projects

Sec. 1. The authority may exercise any powers provided under this article in participation or cooperation with the department or any other governmental entity and enter into any contracts to

facilitate that participation or cooperation without compliance with any other statute.

Sec. 2. (a) The authority may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's duties and the execution of the authority's powers under this article. These contracts or agreements are not subject to any approvals other than the approval of the authority and may be for any term of years and contain any terms that are considered reasonable by the authority.

(b) The department and any other state agency may make and enter into all contracts and agreements necessary or incidental to the performance of the duties and the execution of the powers granted to the department or the state agency in accordance with this article or the public-private agreement. These contracts or agreements are not subject to any approvals other than the approval of the department or state agency and may be for any term of years and contain any terms that are considered reasonable by the department or the state agency.

Sec. 3. (a) The authority may pay any amounts owed by the authority under a public-private agreement entered into under this article from any funds available to the authority under this article or any other statute.

(b) Subject to review by the budget committee established by IC 4-12-1-3 and approval by the budget director appointed under IC 4-12-1-3, a public-private agreement entered into under this article may:

- (1) establish a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to pay any amounts owed by the authority under a public-private agreement; or
- (2) otherwise create a moral obligation of the state to pay any amounts owed by the authority under the public-private agreement.

(c) The authority may issue bonds under IC 4-4-11 or IC 8-15-2 to provide funds for any amounts identified under this section without complying with IC 8-9.5-8-10.

Sec. 4. For purposes of this article, the authority may authorize an operator under a public-private agreement to perform any of its duties under IC 8-15-2-1, IC 8-15-2-6, IC 8-15-2-18, and IC 8-15-2-24.

Sec. 5. The authority may exercise any of its powers under IC 8-15-2 or any other provision of the Indiana Code as necessary or desirable for the performance of the authority's duties and the execution of the authority's powers under this article.

Sec. 6. The authority may not take any action under this chapter that would impair the public-private agreement entered into under this article.

Sec. 7. (a) The authority shall enter into an agreement between and among the operator, the authority, and the state police department concerning the provision of law enforcement assistance with respect to a toll road project that is the subject of a public-private agreement under this article.

(b) The authority shall enter into arrangements with the state police department related to costs incurred in providing law enforcement assistance under this article.

(c) All law enforcement officers of the state and any political subdivision have the same powers and jurisdiction within the limits of a toll road project as they have in their respective areas of jurisdiction, including the roads and highways of the state. These law enforcement officers shall have access to a toll road project that is the subject of a public-private agreement to exercise their powers and jurisdiction.

Chapter 11. Toll Road Fund

Sec. 1. As used in this chapter, "account" refers to an account established within the fund.

Sec. 2. As used in this chapter, "fund" refers to the toll road fund established by section 3 of this chapter.

Sec. 3. (a) The toll road fund is established to provide funds to:

- (1) pay or defease certain bonds in the manner provided by this chapter;
- (2) pay amounts owed by the authority in connection with the execution and performance of a public-private agreement under this article, including operating expenses

of the authority; and

(3) make distributions to the next generation trust fund and the major moves construction fund.

(b) The authority shall hold, administer, and manage the fund.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

- (1) Money received from an operator under a public-private agreement.
- (2) Appropriations, if any, made by the general assembly.
- (3) Grants and gifts intended for deposit in the fund.
- (4) Interest, premiums, gains, or other earnings on the fund.
- (5) Amounts transferred to the fund under subsection (i).
- (6) Amounts transferred to the fund under IC 8-14-14-6(a)(5)

(e) The authority shall establish the following separate accounts within the fund:

- (1) The bond retirement account.
- (2) The administration account.
- (3) The eligible project account.

(f) Money in the fund shall be deposited, paid, and secured in the manner provided by IC 4-4-11-32. Notwithstanding IC 5-13, the authority shall invest the money in the fund that is not needed to meet the obligations of the fund in the manner provided by an investment policy established by resolution of the authority.

(g) The fund is not part of the state treasury and is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) As soon as practicable after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall determine the total balance remaining in all toll road funds and accounts established under IC 8-15-2. Subject to any applicable trust indentures securing toll road bonds, the authority may retain from those funds and accounts the amounts necessary to pay outstanding obligations with respect to the operation of the Indiana Toll Road incurred before the effective date of the public-private agreement, and shall transfer all remaining balances in the toll road funds and accounts to the fund.

Sec. 4. (a) Before any allocations are made from the fund under this chapter, the authority shall determine:

- (1) the extent to which outstanding bonds issued by the authority under IC 8-14.5-6 or IC 8-15-2 should be repaid, defeased, or otherwise retired;
- (2) the total amount necessary to repay, defease, or otherwise retire the bonds selected by the authority for repayment, defeasance, or retirement; and
- (3) the total amount necessary to pay the amounts owed by the authority related to the execution and performance of a public-private agreement under this article, including establishing reserves, plus the amount necessary to establish an escrow account to implement a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles.

The authority shall make a separate determination of the amount described in subdivision (3) for each public-private agreement. The amount described in subdivision (3) is payable solely from money received by the authority under the public-private agreement for which the amounts owed were incurred, and are not payable from lease payments received under IC 8-9.5 or IC 8-14.5.

(b) Before making any allocations from the fund under subsection (c) or (d), the authority shall allocate the amount determined under subsection (a)(2) to the bond retirement account. Money in this account may be used only for the purpose described in section 3(a)(1) of this chapter.

(c) After making the allocation required by subsection (b) and before making the allocations required by subsection (d), the

authority shall allocate the amount determined under subsection (a)(3) to the administration account. Money in this account may be used only for the purpose described in section 3(a)(2) of this chapter.

(d) After making the allocations required by subsections (b) and (c), the remaining money received during each state fiscal year under a public-private agreement under this article shall be allocated to the eligible project account. Money in this account may be used only for the purposes described in section 3(a)(3) of this chapter. Within thirty (30) days after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall transfer:

(1) five hundred million dollars (\$500,000,000) of the money in the eligible project account to the next generation trust fund established under IC 8-14-15; and

(2) the remainder of the money in the eligible project account to the major moves construction fund.

In addition, any amounts transferred to the fund under section 3(i) of this chapter after the date described in this subsection shall be transferred to the major moves construction fund.

Sec. 5. The money allocated to the eligible project account must be used to make distributions to the next generation trust fund and the major moves construction fund, as provided by section 4 of this chapter.

Chapter 12. Prohibited Local Action

Sec. 1. A political subdivision (as defined in IC 36-1-2-13) may not take any action that would have the effect of impairing a public-private agreement under this article.

Chapter 13. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in an operator.
- (2) The person is an officer of an operator.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in an operator.
- (4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the operator is a party to a public-private agreement entered into under this article.
- (2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony.

SECTION 40. IC 8-15.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 15.7. PUBLIC-PRIVATE PARTNERSHIPS

Chapter 1. General Provisions

Sec. 1. The general assembly finds the following:

(1) There is a public need for timely development and operation of transportation facilities in Indiana that address the needs identified by the department, through the department's transportation plan and otherwise, by accelerating project delivery, improving safety, reducing congestion, increasing mobility, improving connectivity, increasing capacity, enhancing economic efficiency, promoting economic development, or any combination of those methods.

(2) This public need may not be wholly satisfied by existing methods of procurement and project delivery in which transportation facilities are developed, financed, or operated.

(3) Authorizing private entities to do all or part of the development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing, and operation of one (1) or more transportation facilities may result in the availability of the transportation facilities to the public in a more timely, more efficient, or less costly fashion, thereby serving the public safety and welfare.

Sec. 2. An action, other than an approval by the authority or the department under IC 8-15.7-4, serves the public purpose of this article if the action facilitates the timely development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing, or operation of a qualifying project.

Sec. 3. It is the intent of this article to:

- (1) encourage investment in Indiana by private entities that facilitates the development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing, and operation of transportation facilities; and
- (2) grant public and private entities the greatest possible flexibility in contracting with each other for the provision of the public services that are the subject of this article.

Sec. 4. The powers conferred by this article shall be liberally construed in order to accomplish their purposes and are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article.

(b) Notwithstanding any other law, the department, the authority, or an operator may not carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

- (1) Issuing a request for proposals for, or entering into, a public-private agreement concerning a project other than Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.
- (2) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).
- (3) Imposing user fees on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

Sec. 6. To the extent that this article permits or requires the authority, the department, or a private entity to carry out any

law other than this article under a public-private agreement, the action shall be carried out in conformity with this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Affected jurisdiction" means the following:

- (1) Any county, city, or town in which all or a part of a qualifying project is located.
- (2) Any other public entity directly affected by the qualifying project.

Sec. 3. "Authority" or "Indiana finance authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 4. "Department" refers to the Indiana department of transportation.

Sec. 5. "Develop" or "development" means to do one (1) or more of the following:

- (1) Plan.
- (2) Design.
- (3) Develop.
- (4) Lease.
- (5) Acquire.
- (6) Install.
- (7) Construct.
- (8) Reconstruct.
- (9) Rehabilitate.
- (10) Extend.
- (11) Expand.

Sec. 6. "Highway, street, or road" has the meaning set forth in IC 8-23-1-23.

Sec. 7. "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.

Sec. 8. "Maintenance" includes ordinary maintenance, repair, rehabilitation, capital maintenance, maintenance replacement, and any other categories of maintenance that may be designated by the department.

Sec. 9. "Offeror" means a private entity that has submitted a qualification submittal or a proposal for a public-private agreement under this article.

Sec. 10. "Operate" or "operation" means to do one (1) or more of the following:

- (1) Maintain.
- (2) Improve.
- (3) Equip.
- (4) Modify.
- (5) Otherwise operate.

Sec. 11. "Operator" means a private entity that has entered into a public-private agreement with the department to provide services to or on behalf of the department.

Sec. 12. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 13. "Private entity" means any combination of one (1) or more individuals, corporations, general partnerships, limited liability companies, limited partnerships, joint ventures, business trusts, nonprofit entities, or other business entities that are parties to a proposal for a qualifying project or a public-private agreement related to a qualifying project. A public agency may provide services to an operator as a subcontractor or subconsultant without affecting the private status of the private entity and the entity's or operator's ability to enter into a public-private agreement.

Sec. 14. Subject to IC 8-15.7-1-5, "project" means all or part of the following:

- (1) A limited access facility (as defined in IC 8-23-1-28).
- (2) A tollway.
- (3) Roads and bridges.
- (4) All or part of a bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service area, or administration, storage, or other building or facility, including temporary facilities and buildings or facilities and structures that will not be tolled, that the department determines is appurtenant, necessary, or desirable for the development, financing, or operation of the facilities described in subdivisions (1), (2), and (3).

(5) An improvement, betterment, enlargement, extension, or reconstruction of all or part of any of the facilities described in this section, including a nontolled part, that is separately designated by name or number.

Sec. 15. "Public-private agreement" means the public-private agreement between the operator and the department that relates to any combination of the development, financing, or operation of a qualifying project and is entered into under this article.

Sec. 16. "Qualifying project" means one (1) or more projects developed, financed, or operated by an operator under this article.

Sec. 17. "Request for proposals" means all materials and documents prepared by or on behalf of the department to solicit proposals from offerors to enter into a public-private agreement.

Sec. 18. "Request for qualifications" means all materials and documents prepared by or on behalf of the department to solicit qualification submittals from offerors to enter into a public-private agreement.

Sec. 19. "Revenues" means all revenues, including any combination of:

- (1) income;
- (2) earnings and interest;
- (3) user fees;
- (4) lease payments;
- (5) allocations;
- (6) federal, state, and local appropriations, grants, loans, lines of credit, and credit guarantees;
- (7) bond proceeds;
- (8) equity investments; or
- (9) other receipts;

arising out of or in connection with a qualifying project, including the development, financing, and operation of a qualifying project. The term includes money received as grants, loans, lines of credit, credit guarantees, or otherwise in aid of a qualifying project from the federal government, the state, a political subdivision, or any agency or instrumentality of the federal government, the state, or a political subdivision.

Sec. 20. "Tollway" has the meaning set forth in IC 8-15-3-7.

Sec. 21. "Transportation plan" has the meaning set forth in IC 8-23-1-41.

Sec. 22. "User fees" means the rates, tolls, or fees imposed for use of, or incidental to, all or part of a qualifying project under a public-private agreement.

Chapter 3. Formation of an Agreement

Sec. 1. Subject to IC 8-15.7-1-5, the department may exercise the powers granted by this article to carry out:

- (1) the development;
- (2) the financing;
- (3) the operation; or
- (4) any combination of the development, financing, and operation;

of all or part of one (1) or more projects through public-private agreements with one (1) or more private entities. The parties to a public-private agreement that relates to a tollway or a project that otherwise charges user fees may exercise any of the powers granted to the party under IC 8-15-3. The department may use the revenues arising out of one (1) project or public-private agreement for all or part of the development, financing, and operation of any part of one (1) or more other projects through public-private agreements with one (1) or more private entities or as otherwise considered appropriate by the department.

Sec. 2. An operator has:

- (1) all powers allowed by law generally to a private entity having the same form of organization as the operator; and
- (2) the power to develop, finance, and operate the qualifying project and impose user fees in connection with the use of the qualifying project.

Tolls or user fees may not be imposed by the operator except as set forth in a public-private agreement. User fees and the setting of user fee rates are not subject to supervision or regulation by any commission, board, bureau, or agency of the state or any municipality, other than the department to the extent set forth in the public-private agreement.

Sec. 3. The operator may own, lease, or acquire any property

interest or other right to develop, finance, or operate the qualifying project.

Sec. 4. In operating the qualifying project, the operator may do the following:

- (1) Make user classifications as permitted in the public-private agreement.
- (2) As permitted in the public-private agreement or otherwise with the consent of the department, make and enforce reasonable rules to the same extent that the department may make and enforce rules with respect to a similar project.

Sec. 5. The department shall establish a program to facilitate participation in qualifying projects by:

- (1) small businesses that qualify for a small business set-aside under IC 4-13.6-2-11;
- (2) businesses certified under IC 4-13-16.5 as a minority business enterprise;
- (3) businesses certified under IC 4-13-16.5 as a women's business enterprise;
- (4) businesses treated as disadvantaged business enterprises under federal or state law; and
- (5) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations.

Chapter 4. Procurement Process

Sec. 1. (a) The department may request proposals from private entities for all or part of the development, financing, and operation of one (1) or more projects.

(b) If all or part of the project will consist of a tollway, the department shall take the following steps before the commencement of the procurement process under this chapter:

(1) The department shall cause to be prepared a preliminary feasibility study on that part of the project consisting of a tollway by a firm or firms internationally recognized in the preparation of studies or reports on the financial feasibility of proposed toll road projects. The preliminary feasibility study must be based upon a public-private financial and project delivery structure.

(2) After the completion of the preliminary feasibility study, the department shall schedule a public hearing on the proposed project and the preliminary feasibility study and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (A) The date, time, and place of the hearing.
- (B) The subject matter of the hearing.
- (C) A description of the proposed project, its location, the part of the project consisting of a tollway, and, consistent with the assessments reached in the preliminary feasibility study, the estimated total cost of the acquisition, construction, installation, equipping, and improving of the proposed project, as well as the part of the project consisting of a tollway.
- (D) The address and telephone number of the department.

(3) At the hearing, the department shall allow the public to be heard on the proposed project and the preliminary feasibility study.

(4) After the public hearing described in subdivision (2), the department shall submit the preliminary feasibility study to the budget committee for its review before the commencement of the procurement process under this chapter.

Sec. 2. (a) This section establishes the competitive proposal procedure that the department shall use to enter into a public-private agreement with an operator under this article.

(b) The department may pursue a competitive proposal procedure using a request for qualifications and a request for proposals process or proceed directly to a request for proposals.

(c) If the department elects to use a request for qualifications phase, it must provide a public notice of the request for qualifications, for the period considered appropriate by the department, before the date set for receipt of submittals in response to the solicitation. The department shall provide the

notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, submittals in response to the solicitation may be solicited directly from potential offerors.

(d) The department shall evaluate qualification submittals based on the requirements and evaluation criteria set forth in the request for qualifications.

(e) If the department has undertaken a request for qualifications phase resulting in one (1) or more prequalified or shortlisted offerors, the request for proposals shall be limited to those offerors that have been prequalified or shortlisted.

(f) If the department has not issued a request for qualifications and intends to use only a one (1) phase request for proposals procurement, the department must provide a public notice of the request for proposals for the period considered appropriate by the department, before the date set for receipt of proposals. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, proposals may be solicited directly from potential offerors.

(g) The department shall submit a draft of the request for proposals to the budget committee for its review before the issuance by the department of the request for proposals to potential offerors. The request for proposals must:

- (1) indicate in general terms the scope of work, goods, and services sought to be procured;
- (2) contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement and the qualifying project;
- (3) specify the factors, criteria, and other information that will be used in evaluating the proposals;
- (4) specify any requirements or goals for use of:

(A) minority business enterprises and women's business enterprises certified under IC 4-13-16.5;

(B) disadvantaged business enterprises under federal or state law;

(C) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations; and

(D) businesses that qualify for a small business set-aside under IC 4-13.6-2-11;

(5) if all or part of the project will consist of a tollway, require any offeror to submit a proposal based upon that part of the project that will consist of a tollway, as set forth in the request for proposals, and permit any offeror to submit one (1) or more alternative proposals based upon the assumption that a different part or none of the project will consist of a tollway;

(6) contain or incorporate by reference the other applicable contractual terms and conditions; and

(7) contain or incorporate by reference any other provisions, materials, or documents that the department considers appropriate.

(h) The department shall determine the evaluation criteria that are appropriate for each project and shall set those criteria forth in the request for proposals. The department may use a selection process that results in selection of the proposal offering the best value to the public, a selection process that results in selection of the proposal offering the lowest price or cost or the highest payment to, or revenue sharing with, the department, or any other selection process that the department determines is in the best interests of the state and the public.

(i) The department shall evaluate proposals based on the requirements and evaluation criteria set forth in the request for proposals.

(j) The department may select one (1) or more offerors for negotiations based on the evaluation criteria set forth in the request for proposals. If the department believes that negotiations with the selected offeror or offerors are not likely to result in a public-private agreement, or, in the case of a best value selection process, no longer reflect the best value to the state and the public, the department may commence negotiations with other responsive offerors, if any, and may suspend, terminate, or continue negotiations with the original offeror or offerors. If

negotiations are unsuccessful, the department shall terminate the procurement, may not award the public-private agreement, and may commence a new procurement for a public-private agreement. If the department determines that negotiations with an offeror have been successfully completed, the department shall, subject to the other requirements of this article, award the public-private agreement to the offeror.

(k) Before awarding a public-private agreement to an operator, the department shall schedule a public hearing on the proposed public-private agreement and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the agreement to be awarded.
- (4) The recommendation that has been made to award the agreement to an identified offeror or offerors.
- (5) The address and telephone number of the department.

(l) At the hearing, the department shall allow the public to be heard on the proposed public-private agreement.

(m) When the terms and conditions of multiple awards are specified in the request for proposals, awards may be made to more than one (1) offeror.

Sec. 3. (a) After the procedures required in this chapter have been completed, the department shall make a determination as to whether the successful offeror should be designated as the operator for the project and shall submit its decision to the governor and the budget committee.

(b) After review of the department's determination by the budget committee, the governor may accept or reject the determination of the department. If the governor accepts the determination of the department, the governor shall designate the successful offeror as the operator for the project. The department shall publish notice of the designation of the operator one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the successful offeror as the operator for the project, the department may execute the public-private agreement.

(d) An action to contest the validity of a public-private agreement entered into under this chapter may not be brought after the fifteenth day following the publication of the notice of the designation of the operator under the public-private agreement under subsection (b).

Sec. 4. The department may pay a stipulated amount to an unsuccessful offeror that submits a responsive proposal in response to a request for proposals under this chapter, in exchange for the work product contained in that proposal. The use by the department of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the department and does not confer liability on the recipient of the stipulated amount under this section. After payment of the stipulated amount:

- (1) the department and the unsuccessful offeror jointly own the rights to, and may make use of any work product contained in, the proposal, including the technologies, techniques, methods, processes, ideas, and information contained in the proposal, project design, and project financial plan; and
- (2) the use by the unsuccessful offeror of any part of the work product contained in the proposal is at the sole risk of the unsuccessful offeror and does not confer liability on the department.

Sec. 5. In addition to any other rights under this article, in connection with any procurement under this chapter, the department may:

- (1) withdraw a request for qualifications or a request for proposals at any time and, in its discretion, publish a new request for qualifications or request for proposals;
- (2) decline to award a public-private agreement for any reason;
- (3) request clarifications to any qualification submittal or request for proposals or seek one (1) or more revised proposals or one (1) or more best and final offers;
- (4) modify the terms, provisions, and conditions of a request

for qualification, request for proposals, technical specifications, or form of public-private agreement during the pendency of a procurement; and

(5) interview offerors.

Sec. 6. (a) The department may not disclose the contents of proposals during discussions or negotiations with potential offerors.

(b) The department may, in its discretion in accordance with IC 5-14-3, treat as confidential all records relating to discussions or negotiations between the department and potential offerors if those records are created while discussions or negotiations are in progress.

(c) Notwithstanding subsections (a) and (b), and with the exception of portions that are confidential under IC 5-14-3, the terms of the selected offer negotiated under this article shall be available for inspection and copying under IC 5-14-3 after negotiations with the offerors have been completed.

(d) When disclosing the terms of the selected offer under subsection (c), the department shall certify that the information being disclosed accurately and completely represents the terms of the selected offer.

(e) The department shall disclose the contents of all proposals, except the parts of the proposals that may be treated as confidential in accordance with IC 5-14-3, when either:

- (1) the request for proposal process is terminated under section 5 of this chapter; or
- (2) the public-private agreement has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted.

Chapter 5. Public-Private Agreements

Sec. 1. (a) Before beginning:

- (1) the development;
- (2) the financing;
- (3) the operation; or
- (4) any combination of the development, financing, or operation;

of a qualifying project, the operator must enter into a public-private agreement with the department. Subject to the other provisions of this article, the department and a private entity may enter into a public-private agreement with respect to a project. Subject to the requirements of this article, a public-private agreement may provide that the private entity, acting on behalf of the department or the authority, is partially or entirely responsible for any combination of developing, financing, or operating the qualifying project.

(b) The public-private agreement may, as determined appropriate by the department for the particular qualifying project, provide for all or part of the following:

- (1) Delivery of performance and payment bonds or other performance security determined suitable by the department, including letters of credit, United States bonds and notes, parent guaranties, and cash collateral, in connection with the development, financing, or operation of the qualifying project, in the forms and amounts set forth in the public-private agreement or otherwise determined as satisfactory by the department to protect the department and payment bond beneficiaries who have a direct contractual relationship with the operator or a subcontractor of the operator to supply labor or material. A payment or performance bond or alternative form of performance security required under a public-private agreement shall not be required for the part of a public-private agreement that includes only design, planning, or financing services, the performance of preliminary studies, or the acquisition of real property.
- (2) Review of plans for any development or operation, or both, of the qualifying project by the department.
- (3) Inspection of any construction or improvements to the qualifying project by the department or another entity designated by the department or under the public-private agreement to ensure that the construction or improvements conform to the standards set forth in the public-private agreement or are otherwise acceptable to the department.
- (4) Maintenance of:

(A) one (1) or more policies of public liability insurance (copies of which shall be filed with the department accompanied by proofs of coverage); or

(B) self-insurance;

each in the form and amount required by the public-private agreement or otherwise satisfactory to the department as reasonably sufficient to insure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project.

(5) If operations are included within the operator's obligations under the public-private agreement, monitoring of the maintenance practices of the operator by the department or another entity designated by the department or under the public-private agreement, and the taking of the actions that the department finds appropriate to ensure that the qualifying project is properly maintained.

(6) Reimbursement to be paid to the department as set forth in the public-private agreement for services provided by the department.

(7) Filing of appropriate financial statements and reports as set forth in the public-private agreement or as otherwise in a form acceptable to the department on a periodic basis.

(8) Compensation or payments to the operator, attorneys, bankers, financial advisors, or other professionals. Compensation or payments may include one (1) or more of the following:

(A) A development fee, payable on a lump sum basis, progress payment basis, time and materials basis, or any other basis considered appropriate by the department.

(B) An operations fee, payable on a lump sum basis, time and material basis, periodic basis, or any other basis considered appropriate by the department.

(C) All or part of the revenues, if any, arising out of operation of the qualifying project.

(D) A maximum rate of return on investment or return on equity or a combination of the two (2).

(E) In kind services, materials, property, equipment, or other items.

(F) Compensation in the event of any termination.

(G) A cash payment to pay part of the project cost.

(H) Other compensation set forth in the public-private agreement or otherwise considered appropriate by the department.

(9) Compensation or payments to the department, if any. Compensation or payments may include one (1) or more of the following:

(A) A concession payment, lease payment, or other fee, which may be payable in a lump sum, on a periodic basis, or on any other basis considered appropriate by the department.

(B) Sharing of revenues, if any, from the operation of the qualifying project.

(C) Payment for any services, materials, equipment, personnel, or other items provided by the department to the operator under the public-private agreement or in connection with the qualifying project.

(D) Other compensation set forth in the public-private agreement or otherwise considered appropriate by the department.

(10) The date and terms of termination of the operator's authority and duties under this article, and circumstances under which the operator's authority and duties may be terminated before that date.

(11) Reversion of the qualifying project to the department at the termination or expiration of the public-private agreement.

(12) Rights and remedies of the department if the operator defaults or otherwise fails to comply with the terms of the public-private agreement.

(c) A public-private agreement may not provide that the state or the department is responsible for any debt incurred by an operator in connection with the delivery of a project.

Sec. 2. (a) The department may fix and revise the amounts of user fees that an operator may charge and collect for the use of

any part of a qualifying project in accordance with the public-private agreement. In fixing these amounts, the department may:

(1) establish maximum amounts for the user fees; and

(2) provide for increases or decreases of the maximum amounts based upon the indices, methodologies, or other factors that the department considers appropriate.

(b) User fees established by the department for the use of a qualifying project must be nondiscriminatory and may:

(1) include different user fees based on categories such as vehicle class, vehicle size, vehicle axles, vehicle weight, volume, location, traffic congestion, or other means or classification that the department determines to be appropriate;

(2) vary by time of day or year; and

(3) be based on one (1) or more factors considered relevant by the department, which may include any combination of:

(A) lease payments;

(B) financing costs and charges;

(C) debt repayment, including principal and interest;

(D) costs of development;

(E) costs of operation;

(F) working capital;

(G) reserves;

(H) depreciation;

(I) compensation to the operator;

(J) compensation to the department; and

(K) other costs, expenses, and factors set forth in the public-private agreement or otherwise considered appropriate by the department.

(c) A public-private agreement may:

(1) authorize the operator to adjust the user fees for the use of the qualifying project, so long as the amounts charged and collected by the operator do not exceed the maximum amounts established by the department under this chapter;

(2) provide that any adjustment by the operator permitted under subdivision (1) may be based on indices, methodologies, or other factors described in the public-private agreement or approved by the department;

(3) authorize the operator to charge and collect user fees through manual and nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the department, global positioning systems and photo or video based toll collection enforcement systems; and

(4) authorize the collection of user fees by a third party.

(d) A schedule of the current user fees shall be made available by the operator to any member of the public on request. User fees and the setting of user fee rates are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state or any municipality, except to the extent set forth in the public-private agreement.

(e) Any action to contest the validity of user fees fixed under this chapter may not be brought after the fifteenth day following the effective date of a rule fixing the user fees.

Sec. 3. In the public-private agreement, the department may agree to make grants or loans for the development or operation, or both, of the qualifying project from amounts received from the federal government, any agency or instrumentality of the federal government, or any state or local agency.

Sec. 4. The public-private agreement must incorporate the duties of the operator under this article and may contain the other terms and conditions that the department determines serve the public purpose of this article. The public-private agreement may contain provisions under which the department or the authority agrees to provide notice of default and cure rights for the benefit of the operator and the persons or entities described in the public-private agreement that are providing financing for the qualifying project. The public-private agreement may contain any other lawful term or condition to which the operator and the department mutually agree, including provisions regarding change orders, dispute resolution, required upgrades to the qualifying project, tolling policies, changes and modifications to

the qualifying project, unavoidable delays, or provisions for a loan or grant of public funds for the development or operation, or both, of one (1) or more qualifying projects.

Sec. 5. To the extent that the department receives any payment or compensation under the public-private agreement other than repayment of a loan or grant or reimbursement for services provided by the department to the operator, the payment or compensation shall be distributed at the direction of the department to the:

- (1) major moves construction fund established under IC 8-14-14;
- (2) department for deposit in the state highway fund established by IC 8-23-9-54; or
- (3) operator or the authority for debt reduction.

Sec. 6. (a) Upon the termination or expiration of the public-private agreement, including a termination for default, the department may take over the qualifying project and succeed to all of the right, title, and interest in the qualifying project. The department may agree to accept the qualifying project subject to any liens on revenues previously granted by the operator to any person providing financing for the qualifying project.

(b) If the department elects to take over a qualifying project, the department may do all or part of the following:

- (1) Develop, finance, or operate the project.
- (2) Impose, collect, retain, and use user fees, if any, for the project.

(c) The department may use any revenues collected under this section for any of the following purposes or any other authorized use under this article:

- (1) Making payments to individuals or entities in connection with the financing of the qualifying project.
- (2) Paying development costs of the project.
- (3) Paying current operation costs of the project or facilities, including compensation to the department for the services of the department in operating the qualifying project.
- (4) Paying the operator for any compensation or payment owing upon termination.

(d) The full faith and credit of the state or any political subdivision or the authority is not pledged to secure any financing of the operator by the election to take over the qualifying project. Assumption of development or operation, or both, of the qualifying project does not obligate the state or any political subdivision or the authority to pay any obligation of the operator.

Sec. 7. Any changes in the terms of the public-private agreement agreed to by the parties shall be added to the public-private agreement by written amendment.

Sec. 8. Notwithstanding any other provision of this article, the department may enter into a public-private agreement with multiple private entities if the department determines in writing that it is in the public interest to do so.

Sec. 9. The public-private agreement may provide for all or part of the development, financing, or operation of phases or segments of the qualifying project.

Sec. 10. The department may enter into one (1) or more memoranda of understanding with respect to the implementation and administration of a public-private agreement. The memoranda may provide that the department has responsibility for, and shall administer and oversee certain aspects of the implementation of, the public-private agreement under this article, including:

- (1) undertaking any oversight and monitoring of the operator as provided under the public-private agreement;
- (2) reviewing plans for development and operation, as applicable, as provided under the public-private agreement;
- (3) granting or denying all consents and approvals as provided under the public-private agreement, except for consents and approvals relating to financial matters that the department is not permitted to grant or deny under applicable law, in which case the authority shall execute the consents and approvals prepared by the department;
- (4) receiving all development, operations, and financial reports prepared by the operator or others, as provided

under the public-private agreement;

- (5) preparing, negotiating, and executing any change orders and amendments to the public-private agreement;
- (6) issuing other written correspondence and communications on behalf of the authority as provided under the public-private agreement;
- (7) preparing and issuing noncompliance letters and reports, warning notices, and default letters to the operator as provided under the public-private agreement; and
- (8) exercising rights and remedies for a breach or default by the operator as provided under the public-private agreement, except for rights and remedies relating to financial matters that the department is not permitted to exercise under applicable law, in which case the authority shall exercise the rights and remedies.

Chapter 6. Development and Operations Standards for Projects

Sec. 1. The plans and specifications, if any, for each project developed under this article must comply with:

- (1) the department's standards for other projects of a similar nature, except as otherwise provided in the public-private agreement; and
- (2) any other applicable state or federal standards.

Sec. 2. Unless otherwise provided by federal law, the operator or any contractor or subcontractor of the operator engaged in the construction of a project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

Sec. 3. Each project constructed or operated under this article is considered to be part of the state highway system designated under IC 8-23-4-2 for purposes of identification, maintenance standards, and enforcement of traffic laws.

Sec. 4. An operator may enter into agreements for maintenance or other services under this article with the department and other local or state agencies. The department may:

- (1) with the assistance of all applicable local and state agencies, establish a unified permitting and licensing process for the processing and issuance of all necessary permits and licenses for projects under this article, including, but not limited to, all environmental permits and business and tax licenses; and
- (2) provide other services for which the department may be reimbursed, including, but not limited to, preliminary planning, environmental certification (including the procurement of all necessary environmental permits), right-of-way acquisition, utility relocations and adjustments, and preliminary design of projects under this article.

Sec. 5. The department shall seek the cooperation of federal and local agencies to expedite all necessary federal and local permits, licenses, and approvals necessary for projects under this article.

Chapter 7. Taxation of Operators

Sec. 1. A project under this article and tangible personal property used exclusively in connection with a project that are:

- (1) owned by the authority or the department and leased, licensed, financed, or otherwise conveyed to an operator; or
- (2) acquired, constructed, or otherwise provided by an operator on behalf of the authority or the department;

under the terms of a public-private agreement are considered to be public property devoted to an essential public and governmental function and purpose. The property, and an operator's leasehold estate or interests in the property, are exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

Sec. 2. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in a project is entitled to the exemption from gross retail

tax and use tax provided under IC 6-2.5-4-9(b) and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

Sec. 3. Income received by an operator under the terms of a public-private agreement is subject to taxation in the same manner as income received by other private entities.

Chapter 8. Financial Arrangements

Sec. 1. The authority or the department may do any combination of applying for, executing, or endorsing applications submitted by private entities to obtain federal, state, or local credit assistance for qualifying projects developed, financed, or operated under this article, including grants, loans, lines of credit, and guarantees.

Sec. 2. The authority or the department may take any action authorized by this article to obtain federal, state, or local assistance for a qualifying project that serves the public purpose of this article and may enter into any contracts required to receive the assistance.

Sec. 3. The authority or the department may agree to make grants or loans for any combination of the development, financing, or operation of a qualifying project from amounts received from the federal, state, or local government or any agency or instrumentality of the federal, state, or local government.

Sec. 4. The financing of a qualifying project may be in the amounts and upon the terms and conditions that are determined by the parties to the public-private agreement.

Sec. 5. For the purpose of financing a qualifying project, the operator and the authority or the department may do the following:

- (1) Propose to use all or part of the revenues available to them.
- (2) Enter into grant agreements.
- (3) Access any designated transportation trust funds.
- (4) Access any other funds available to the authority or the department and the operator.
- (5) Accept grants from the authority, the port commission, any other state infrastructure bank, or any other agency or entity.

Sec. 6. (a) For the purpose of financing a qualifying project, the authority may enter into agreements, leases, or subleases with the department or an operator, or both, and do the following:

- (1) Issue bonds, debt, or other obligations under IC 4-4-11, IC 8-15-2, or IC 8-15-7-9.
- (2) Enter into loan agreements or other credit facilities.
- (3) Secure any financing with a pledge of, security interest in, or lien on all or part of a property subject to the agreement, including all of the party's property interests in the qualifying project.
- (4) Subject to review by the budget committee established in IC 4-12-1-3 and approval by the budget director appointed under IC 4-12-1-3:

- (A) establish a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to pay costs incurred under a public-private agreement; or
- (B) otherwise create a moral obligation of the state to pay all or part of any costs incurred by the authority under a public-private agreement.

(b) The department and an operator may transfer any interest in property that the department or operator has to the authority to secure the financing.

Sec. 7. Public funds may be used for the purpose of financing a qualifying project and may be mixed and aggregated with funds provided by or on behalf of the operator or other private entities.

Sec. 8. For the purpose of financing a qualifying project, the authority and the operator may apply for, obtain, issue, and use private activity bonds available under any federal law or program.

Sec. 9. Any bonds, debt, other securities, or other financing issued for the purposes of this article shall not be considered to constitute a debt of the state or any political subdivision of the state or a pledge of the faith and credit of the state or any political subdivision.

Chapter 9. Issuance of Debt by Authority

Sec. 1. (a) The authority may, by resolution, issue and sell bonds or notes of the authority for the purpose of providing funds to carry out the provisions of this article with respect to the development, financing, or operation of a project or projects or the refunding of any bonds or notes, together with any costs associated with a transaction.

(b) Bonds or notes issued under this chapter shall be issued in accordance with IC 8-14.5-6 except that the bonds or notes are not required to comply with IC 8-14.5-6-2, IC 8-14.5-6-3, or IC 8-14.5-6-5(b).

Sec. 2. (a) The authority may enter into a lease with the department or the operator, or both, of a project or projects financed under this chapter. The department may lease a project financed under this chapter to the authority or an operator under a public-private agreement.

(b) A lease of a project to the department under this chapter must comply with IC 8-14.5-5 except that:

- (1) the lease is not required to comply with IC 8-14.5-5-3(a)(1); and
- (2) notwithstanding IC 8-14.5-5-2(a)(2), a lease under this chapter may be extended from biennium to biennium, with the extensions not to exceed a lease term of seventy-five (75) years unless the department gives notice of nonextension at least six (6) months before the end of the biennium, in which event the lease expires at the end of the biennium in which the notice is given.

Sec. 3. The department shall pay lease rentals for leases that the department has entered into under this chapter that secure bonds issued under this chapter from any legally available revenues, including:

- (1) payments received from an operator;
- (2) federal highway revenues, subject to the limitations in IC 8-14.5-7;
- (3) distributions from the state highway fund; and
- (4) other funds available to the department for such purpose.

Sec. 4. The bonds or notes issued under this chapter:

- (1) constitute the corporate obligations of the authority;
- (2) do not constitute an indebtedness of the state within the meaning or application of any constitutional provision or limitation; and
- (3) are payable solely as to both principal and interest from:
 - (A) the revenues from a lease to the department, if any;
 - (B) proceeds of bonds or notes, if any;
 - (C) investment earnings on proceeds of bonds or notes; or
 - (D) other funds available to the authority for such purpose.

Chapter 10. Acquisition of Property

Sec. 1. (a) A public entity may dedicate any property interest that it has for public use as a qualifying project if the public entity finds that dedication of the property interest will serve the public purpose of this article. In connection with the dedication, a public entity may convey any property interest that the public entity has to the operator, subject to the:

- (1) conditions imposed by general law governing conveyances; and
- (2) provisions of this article;

for the consideration that the public entity considers appropriate.

(b) Consideration for a transfer under this section may include an agreement with the operator to develop, finance, or operate the qualifying project. The property interests that the public entity may convey to the operator in connection with a dedication under this section may include licenses, franchises, easements, or any other right or interest that the public entity considers appropriate.

Sec. 2. The authority, the department, and an operator may enter into the leases, licenses, easements, and other grants of property interests that the department determines necessary to carry out this article.

Chapter 11. Law Enforcement

Sec. 1. All law enforcement officers of the state and of each affected jurisdiction have the same powers and jurisdiction

within the limits of the qualifying project as they have in their respective areas of jurisdiction.

Sec. 2. Law enforcement officers shall have access to the qualifying project at any time for the purpose of exercising the law enforcement officer's powers and jurisdiction. This authority does not extend to the private offices, buildings, garages, and other improvements of the operator to any greater degree than the police power extends to any other private buildings and improvements.

Sec. 3. (a) The traffic and motor vehicle laws of Indiana or, if applicable, any local jurisdiction apply to conduct on a qualifying project to the same extent as they apply to conduct on similar projects in Indiana or the local jurisdiction.

(b) Punishment for infractions and offenses shall be as prescribed by law for conduct occurring on similar projects in Indiana or the local jurisdiction.

Chapter 12. Resolution of Disputes

Sec. 1. The department has exclusive jurisdiction to adjudicate all matters specifically committed to the department's jurisdiction by this article.

Sec. 2. The department shall establish an expedited method for resolving disputes between the department and the parties to a public-private agreement and shall set forth that method in the public-private agreement.

Sec. 3. The department may pay, pursue, mediate, and settle any claim arising out of a public-private agreement.

Sec. 4. A public-private agreement may permit a party to the agreement to submit any claim arising under the agreement to arbitration or alternative dispute resolution under IC 34-57.

Chapter 13. Term of Agreement; Reversion of Property to State

Sec. 1. The term of a public-private agreement, including all extensions, may not exceed seventy-five (75) years. For purposes of measuring the term, the term begins on the date on which operations of a part of the qualifying project by the operator commences.

Sec. 2. The department shall terminate the operator's authority and duties under the public-private agreement on the date set forth in the public-private agreement.

Sec. 3. Upon termination of the public-private agreement, the authority and duties of the operator under this article cease, except for any duties and obligations that extend beyond the termination as set forth in the public-private agreement, and the qualifying project reverts to the department and shall be dedicated to the department for public use.

Chapter 14. Additional Powers of the Authority and the Department With Respect to Qualifying Projects

Sec. 1. The authority or the department may exercise any powers provided under this article in participation or cooperation with any governmental entity and enter into any contracts to facilitate that participation or cooperation without compliance with any other statute.

Sec. 2. The authority or the department may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's or department's duties and the execution of the authority's or department's powers under this article. These contracts or agreements are not subject to any approvals other than the approval of the authority or the department, as applicable, and may be for any term of years and contain any terms that are considered reasonable by the authority or the department.

Sec. 3. The authority or the department may pay the costs incurred under a public-private agreement entered into under this article from any funds legally available to the authority or the department under this article or any other statute.

Sec. 4. For purposes of this article, the department may authorize an operator under a public-private agreement to perform any of its duties under IC 8-15-3-9, IC 8-15-3-16, IC 8-15-3-29, IC 8-15-3-30, and IC 8-15-3-33.

Sec. 5. The department may exercise any of its powers under IC 8-15-3 as necessary or desirable for the performance of its duties and the execution of its powers under this article. In connection with or in anticipation of the exercise by the authority of any powers granted to the authority by this article, the

department may authorize the authority to exercise all or part of the powers of the department under this article as necessary or desirable to accomplish the purposes of this article.

Sec. 6. The authority or the department may not take any action under this chapter that would impair the public-private agreement entered into under this article.

Sec. 7. (a) The department shall enter into an agreement between and among the operator, the department, and the state police department concerning the provision of law enforcement assistance with respect to a qualifying project that is the subject of a public-private agreement under this article.

(b) The department may enter into arrangements with the state police department related to costs incurred in providing law enforcement assistance under this article.

Chapter 15. Prohibited Local Action

Sec. 1. A political subdivision (as defined in IC 36-1-2-13) may not take any action that would impair a public-private agreement under this article.

Chapter 16. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in an operator.
- (2) The person is an officer of an operator.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in an operator.
- (4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the operator is a party to a public-private agreement entered into under this article.
- (2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony.

SECTION 41. IC 8-23-7-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Subject to subsection (b), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15-7. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Determine that a highway, other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740), should become a tollway.

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 42. IC 8-23-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) Subject to subsection (c), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a toll road. An order under this section does not become effective unless the authority adopts a resolution to accept the designated state highway, or part of the highway, as a toll road project under the conditions contained in the order. An order issued by the department under this section must set forth the conditions upon which the transfer of the state highway, or part of the highway, to the authority must occur, including the following:

(1) The consideration, if any, to be paid by the authority to the department.

(2) A requirement that the authority:

(A) enter into a contract or lease with the department with respect to the toll road project under IC 8-9.5-8-7 or IC 8-9.5-8-8; or

(B) enter into a public-private agreement with an operator with respect to the toll road under IC 8-15.5.

(b) To complete a transfer under this section, the department must, with the governor's approval, execute a certificate describing the real and personal property constituting or to be transferred with the state highway that is to become a toll road project. Upon delivery of the certificate to the authority, the real and personal property described in the certificate is under the jurisdiction and control of the authority.

(c) Notwithstanding any other law, neither the authority nor an operator may carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 43. IC 8-23-9-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 54. (a) To provide funds for carrying out the provisions of this chapter, there is created a state highway fund from the following sources:

(1) All money in the general fund to the credit of the state highway account.

(2) All money that is received from the Department of Transportation or other federal agency and known as federal aid.

(3) All money paid into the state treasury to reimburse the state for money paid out of the state highway fund.

(4) All money provided by Indiana law for the construction, maintenance, reconstruction, repair, and control of public highways, as provided under this chapter.

(5) All money that on May 22, 1933, was to be paid into the state highway fund under contemplation of any statute in force as of May 22, 1933.

(6) All money that may at any time be appropriated from the state treasury.

(7) Any part of the state highway fund unexpended at the expiration of any fiscal year, which shall remain in the fund and be available for the succeeding years.

(8) Any money credited to the state highway fund from the motor vehicle highway account under IC 8-14-1-3(4).

(9) Any money credited to the state highway fund from the highway road and street fund under IC 8-14-2-3.

(10) Any money credited to the state highway fund under IC 6-6-1.1-801.5, IC 6-6-4.1-5, or IC 8-16-1-17.1.

(11) Any money distributed to the state highway fund under IC 8-14-14, IC 8-15.5, or IC 8-15.7.

(b) All expenses incurred in carrying out this chapter shall be paid out of the state highway fund.

SECTION 44. IC 9-13-2-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. "Automated traffic law enforcement system", for purposes of IC 9-21, has the meaning set forth in IC 9-21-3.5-2.

SECTION 45. IC 9-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Automated Traffic Law Enforcement System

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "automated traffic law enforcement system" means a device that:

- (1) has one (1) or more motor vehicle sensors; and
- (2) is capable of producing a photographically recorded image of a motor vehicle, including an image of the vehicle's front or rear license plate, as the vehicle proceeds through a tollgate, toll zone, or other area on a tollway, qualifying project, or toll road that is marked as required by the department, the authority, or an operator as a place where a person using the tollway, qualifying project, or toll road must pay a toll or is otherwise subject to a fee for using the tollway, qualifying project, or toll road.

Sec. 3. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 4. As used in this chapter, "operator" has the meaning set forth in IC 8-15.5-2-5 or IC 8-15.7-2-11.

Sec. 5. As used in this chapter, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18;
- (2) the laws of another state;
- (3) the laws of a foreign country; or
- (4) the International Registration Plan.

Sec. 6. As used in this chapter, "qualifying project" has the meaning set forth in IC 8-15.7-2-16.

Sec. 7. As used in this chapter, "toll road" has the meaning set forth for "toll road project" in IC 8-15-2-4(4).

Sec. 8. As used in this chapter, "tollway" has the meaning set forth in IC 8-15-3-7.

Sec. 9. The owner of a motor vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility on a toll road, tollway, or qualifying project shall pay the proper toll.

Sec. 10. The department or the authority may adopt and enforce rules concerning:

- (1) the placement and use of automated traffic law enforcement systems to enforce collection of user fees;
- (2) required notification to owners of toll violations;
- (3) the process for collection and enforcement of unpaid amounts;
- (4) the amount of fines, charges, and assessments for toll violations; and
- (5) other matters relating to automated traffic law enforcement systems that the department or the authority considers appropriate.

Sec. 11. Before enforcing a rule adopted under section 10 of this chapter, the department, the authority, or an operator must install advance warning signs along the tollways, toll roads, or

qualifying projects proceeding to the location at which an automated traffic law enforcement system is located.

Sec. 12. (a) In the prosecution of a toll violation, proof that the motor vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, a photograph, an electronic recording, or other appropriate evidence, including evidence obtained by an automated traffic law enforcement system.

(b) In the prosecution of a toll violation:

(1) it is presumed that any notice of nonpayment was received on the fifth day after the date of mailing; and

(2) a computer record of the department, the authority, or the operator of the registered owner of the vehicle is prima facie evidence of its contents and that the toll violator was the registered owner of the vehicle at the time of the underlying event of nonpayment.

Sec. 13. (a) For purposes of this section, "transponder" means a device, placed on or within a motor vehicle, that is capable of transmitting information used to assess or collect tolls. A transponder is "insufficiently funded" when there are no remaining funds in the account in connection with which the transponder was issued.

(b) Any police officer of Indiana may seize a stolen or insufficiently funded transponder and return it to the department, the authority, or an operator, except that an insufficiently funded transponder may not be seized from the holder of an account sooner than the thirtieth day after the date the department, the authority, or an operator has sent a notice of delinquency to the holder of the account.

(c) The department or the authority may enter into an agreement with one (1) or more persons to market and sell transponders for use on tollways, toll roads, or qualifying projects.

(d) The department, the authority, or an operator may charge reasonable fees for initiating, administering, and maintaining electronic toll collection customer accounts.

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under IC 5-14-3. A contract for the acquisition, construction, maintenance, or operation of a tollway, toll road, or qualifying project must ensure the confidentiality of all electronic toll collection customer account information.

SECTION 46. IC 22-4-25-1, AS AMENDED BY P.L.202-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures, except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands

so acquired which are deemed necessary by the board for the proper administration of this article. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(d) Whenever the balance in the special employment and training services fund is deemed excessive by the board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

(e) Subject to the approval of the board, the commissioner may use not more than five million dollars (\$5,000,000) during a program year for training provided by the state educational institution established under IC 20-12-61 to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training. Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs, and the remaining fifty (50%) percent is designated for building trade programs.

(f) The commissioner shall allocate an amount not to exceed four hundred fifty thousand dollars (\$450,000) annually for training and counseling assistance under IC 22-4-14-2 provided by state educational institutions (as defined in IC 20-12-0.5-1) or counseling provided by the department of workforce development for individuals who:

- (1) have been unemployed for at least four (4) weeks;**
- (2) are not otherwise eligible for training and counseling assistance under any other program; and**

(3) are not participating in programs that duplicate those programs described in subsection (c):

Training or counseling provided under IC 22-4-14-2 does not excuse the claimant from complying with the requirements of IC 22-4-14-3. Eligibility for training and counseling assistance under this subsection shall not be determined until after the fourth week of eligibility for unemployment training compensation benefits. The training and counseling assistance programs funded by this subsection must be approved by the United States Department of Labor's Bureau of Apprenticeship Training:

SECTION 47. IC 22-4-25-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) In support of IC 8-14-14, IC 8-15-2, IC 8-15-3, and IC 8-15.5, the commissioner shall allocate an amount not to exceed two million dollars (\$2,000,000) annually for pre-apprenticeship and apprenticeship training and counseling assistance relating to the construction trades for individuals who:

- (1) are not otherwise eligible for training and counseling assistance under any other program; and
- (2) are not participating in programs that duplicate those programs described in section 1(e) of this chapter.

Priority shall be granted to training or counseling persons who are members of a minority group (as defined by IC 4-13-16.5-1). The training and counseling assistance programs funded by this section must be approved by the department.

(b) This section expires December 31, 2012.

SECTION 48. IC 34-13-3-3, AS AMENDED BY P.L.208-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.
- (5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:
 - (A) a set of rules governing the use of the extreme sport area;
 - (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
 - (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

- (6) The initiation of a judicial or an administrative proceeding.
- (7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.
- (8) The adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment.
- (9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.
- (10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.
- (11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.
- (12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health

or safety.

(13) Entry upon any property where the entry is expressly or impliedly authorized by law.

(14) Misrepresentation if unintentional.

(15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.

(16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.

(17) Injury to the person or property of a person under supervision of a governmental entity and who is:

- (A) on probation; or
- (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.

(18) Design of a highway (as defined in IC 9-13-2-73), toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15-7-2-14) if the claimed loss occurs at least twenty (20) years after the public highway, toll road project, tollway, or project was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-33-8-7(b).

(21) An error resulting from or caused by a failure to recognize the year 1999, 2000, or a subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by:

- (A) a computer;
- (B) an information system; or
- (C) equipment using microchips;

that is owned or operated by a governmental entity. However, this subdivision does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct, or intentional misconduct. For purposes of this subdivision, evidence of gross negligence may be established by a party by showing failure of a governmental entity to undertake an effort to review, analyze, remediate, and test its electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss. However, this subdivision expires June 30, 2003.

(22) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(23) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

- (A) the loss is a result of reckless conduct; or
- (B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

SECTION 49. IC 36-7.5-1-11, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. "Eligible county" refers to the following counties:

- (1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (2) A county having a population of more than one hundred

forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000), if:

(A) the fiscal body of the county has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

SECTION 50. IC 36-7.5-1-12, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. "Eligible political subdivision" means the following:

(1) An airport authority.

(2) A commuter transportation district.

(3) A regional bus authority under IC 36-9-3-2(c).

(4) A regional transportation authority established under IC 36-9-3-2.

~~(4)~~ **(5) A shoreline development commission under IC 36-7-13.5.**

SECTION 51. IC 36-7.5-1-13, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. "Project" means an airport authority project, a commuter transportation district project, an economic development project, a regional bus authority project, **a regional transportation authority project**, or a shoreline development commission project.

SECTION 52. IC 36-7.5-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.3. "Regional transportation authority" means a regional transportation authority established under IC 36-9-3-2.**

SECTION 53. IC 36-7.5-1-15.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.6. "Regional transportation authority project" means a project that can be financed with the proceeds of bonds issued by a regional transportation authority under IC 36-9-3.**

SECTION 54. IC 36-7.5-2-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article; ~~and~~

(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, **regional transportation authority projects and services**, shoreline development projects and activities, and economic development projects in northwestern Indiana; **and**

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana.

SECTION 55. IC 36-7.5-2-3, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) **Except as provided in subsections (e) and (f),** the development board is composed of the following seven (7) members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision must be an individual nominated under subsection (d). The members appointed by the governor under this subdivision serve at the pleasure of the governor.

(2) The following members from a county having a population of more than four hundred thousand (400,000) but less than

seven hundred thousand (700,000):

(A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.

(B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.

(C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.

(D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause (A), (B), or (C).

(3) One (1) member appointed jointly by the county executive and county fiscal body of a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(c) A member appointed to the development board must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:

(1) Rail transportation or air transportation.

(2) Regional economic development.

(3) Business or finance.

(d) The mayor of the largest city in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) members from which the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(e) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000) shall be an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance before September 15, 2006, providing that the county is joining the development authority, and the fiscal body of a city that is located in the county and that has a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000) adopts an ordinance before September 15, 2006, providing that the city is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under this subsection and the county becomes an eligible county participating in the development authority:

(1) the development board shall be composed of nine (9) members rather than seven (7) members; and

(2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment

under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(f) (g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

SECTION 56. IC 36-7.5-2-4, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b) for the initial appointments to the development board, a member appointed to the development board serves a four (4) year term. However, a member serves at the pleasure of the appointing authority. A member may be reappointed to subsequent terms.

(b) The terms of the initial members appointed to the development board are as follows:

(1) The initial member appointed by the governor who is not nominated under section 3(d) or 3(f) of this chapter shall serve a term of four (4) years.

(2) The initial member appointed by the governor who is nominated under section 3(d) of this chapter shall serve a term of two (2) years. **If a member is appointed under section 3(e)(2)(A) of this chapter, the initial member who is appointed under that provision shall serve a term of two (2) years.**

(3) The initial member appointed under section 3(b)(2)(D) of this chapter shall serve a term of three (3) years.

(4) The initial member appointed under section 3(b)(3) of this chapter shall serve a term of three (3) years.

(5) The initial members appointed under section 3(b)(2)(A) through 3(b)(2)(C) of this chapter shall serve a term of two (2) years.

(6) If a member is appointed under section 3(e)(2)(B) of this chapter, the initial member appointed under that provision shall serve a term of three (3) years.

(c) If a vacancy occurs on the development board, the appointing authority that made the original appointment shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) Each member appointed to the development board, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the development board.

(e) A member appointed to the development board is not entitled to receive any compensation for performance of the member's duties. However, a member is entitled to a per diem from the development authority for the member's participation in development board meetings. The amount of the per diem is equal to the amount of the per diem provided under IC 4-10-11-2.1(b).

SECTION 57. IC 36-7.5-2-5, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The member appointed by the governor under section 3(b)(1) of this chapter but not nominated under section 3(d) or 3(f) of this chapter shall serve as chair of the development board until January 2013. At the election under subsection (b) in 2013 and each year thereafter, the chair shall be elected from among the members of the development board.

(b) In January of each year, the development board shall hold an organizational meeting at which the development board shall elect the following officers from the members of the development board:

(1) After December 31, 2012, a chair.

(2) A vice chair.

(3) A secretary-treasurer.

(c) Not more than two (2) members from any particular county may serve as an officer described in subsection (a) or elected under subsection (b). The affirmative vote of at least five (5) members of the development board is necessary to elect an officer under subsection (b). **However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, the affirmative vote of at least six (6) members of the**

development board is necessary to elect an officer under subsection (b).

(d) An officer elected under subsection (b) serves from the date of the officer's election until the officer's successor is elected and qualified.

SECTION 58. IC 36-7.5-2-6, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The development board shall meet at least quarterly.

(b) The chair of the development board or any two (2) members of the development board may call a special meeting of the development board.

(c) Five (5) members of the development board constitute a quorum. **However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, six (6) members of the development board constitute a quorum.**

(d) The affirmative votes of at least five (5) members of the development board are necessary to authorize any action of the development authority. **However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, the affirmative votes of at least six (6) members of the development board are necessary to authorize any action of the development authority.**

(e) Notwithstanding any other provision of this article, the minimum number of ~~at least five (5)~~ affirmative votes required under subsection (d) to take any of the following actions must include the affirmative vote of the member appointed by the governor who is not nominated under section 3(d) or 3(f) of this chapter:

(1) Making loans, loan guarantees, or grants or providing any other funding or financial assistance for projects.

(2) Acquiring or condemning property.

(3) Entering into contracts.

(4) Employing an executive director or any consultants or technical experts.

(5) Issuing bonds or entering into a lease of a project.

SECTION 59. IC 36-7.5-3-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The development authority shall do the following:

(1) Assist in the coordination of local efforts concerning projects.

(2) Assist a commuter transportation district, an airport authority, a shoreline development commission, **a regional transportation authority**, and a regional bus authority in coordinating regional transportation and economic development efforts.

(3) Fund projects as provided in this article.

(4) Fund bus services (including fixed route services and flexible or demand-responsive services) and projects related to bus services and bus terminals, stations, or facilities.

SECTION 60. IC 36-7.5-3-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The development authority may do any of the following:

(1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county.

(2) Lease land or a project to an eligible political subdivision.

(3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.

(4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.

(5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain

relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:

- (A) A commuter transportation district.
- (B) An airport authority or airport development authority.
- (C) A shoreline development commission.
- (D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:
 - (i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.
 - (ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(E) A regional transportation authority.

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county.

(8) Provide funding to assist an airport authority located in an eligible county in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

~~(9)~~ **(10)** Provide funding to assist a shoreline development commission in carrying out the purposes of IC 36-7-13.5.

~~(10)~~ **(11)** Provide funding for economic development projects in an eligible county.

~~(11)~~ **(12)** Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county.

~~(12)~~ **(13)** After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

~~(13)~~ **(14)** Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

~~(14)~~ **(15)** Sue, be sued, plead, and be impleaded.

~~(15)~~ **(16)** Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

~~(16)~~ **(17)** Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

~~(17)~~ **(18)** Accept loans, grants, and other forms of financial assistance from the federal government, the state government, a political subdivision, or any other public or private source.

~~(18)~~ **(19)** Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

~~(19)~~ **(20)** Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

- (1) describes the real property sought to be acquired and the purpose for which the real property is to be used;
- (2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and
- (3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the

proposed acquisition.

SECTION 61. IC 36-7.5-4-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (b)**, beginning in 2006 the fiscal officer of each city and county described in IC 36-7.5-2-3(b) ~~(other than the two (2) largest cities in a county described in IC 36-7.5-2-3(b)(1))~~ shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;

(2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

(3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

Beginning in 2007, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars (\$2,625,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. Beginning in 2007, the fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

~~(b)~~ **(c)** The following apply to the transfers required by ~~subsection (a)~~ **subsections (a) and (b):**

(1) Except for transfers of money described in subdivision (4)(D), the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), after December 31, 2005, each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) After December 31, 2006, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2007. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2007.

~~(3)~~ **(4)** The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any county economic development income tax revenue received under IC 6-3.5-7 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

SECTION 62. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "authority" and "user fees" have the meanings

set forth in IC 8-15.5-2, as added by this act.

(b) The authority shall adopt a rule under IC 4-22-2-37.1, as amended by this act, fixing user fees, including a schedule of the user fees provided for under a public-private agreement entered into under IC 8-15.5-4, as added by this act, on or before January 1, 2007.

(c) This SECTION expires July 1, 2007.

SECTION 63. [EFFECTIVE UPON PASSAGE] The Indiana department of transportation may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1, as amended by this act, to implement IC 8-15-3, as amended by this act, and IC 8-15.7, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

- (1) The date that another temporary rule adopted under this SECTION supersedes or repeals the previously adopted temporary rule.
- (2) The date that a permanent rule adopted under IC 4-22-2 supersedes or repeals the temporary rule.
- (3) The date specified in the temporary rule.
- (4) January 1, 2008.

SECTION 64. [EFFECTIVE UPON PASSAGE] The provisions of this act are severable in the manner provided by IC 1-1-1-8(b).

SECTION 65. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 8-15.5-2, as added by this act, apply throughout this SECTION.

(b) Actions taken with respect to:

- (1) the issuance of a request for proposals;
- (2) the determination of responsible and eligible offerors; and
- (3) the preliminary selection of an operator by the authority;

for a public-private agreement before the effective date of this act that would have been valid under IC 8-15.5, as added by this act, are legalized and validated.

SECTION 66. An emergency is declared for this act.

(Reference is to EHB 1008 as reprinted March 2, 2006, and as amended by the committee report of the committee of one adopted March 2, 2006.)

BORROR	MEEKS
ESPICH	HOWARD
House Conferees	Senate Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT EHB 1338-1; filed March 14, 2006, at 6:29 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill 1338 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) ~~As used~~ **The following definitions apply** in this section:

- (1) "Abuse" means:
 - (A) conduct that causes bodily injury (as defined in IC 35-41-1-4) or damage to property; or
 - (B) a threat of conduct that would cause bodily injury (as defined in IC 35-41-1-4) or damage to property.
- (2) "County law enforcement agency" includes:
 - (A) university police officers appointed under IC 20-12-3.5; and
 - (B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each county a county law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-6.

(c) A county law enforcement agency receiving amounts based

upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the county law enforcement continuing education fund.

(d) Distribution of money in the county law enforcement continuing education fund shall be made to a county law enforcement agency without the necessity of first obtaining an appropriation from the county fiscal body.

(e) Money in excess of one hundred dollars (\$100) that is unencumbered and remains in a county law enforcement continuing education fund for at least one (1) entire calendar year from the date of its deposit shall, at the end of a county's fiscal year, be deposited by the county auditor in the law enforcement training fund established under IC 5-2-1-13(b).

(f) To make a claim under IC 33-37-8-6, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(g) A law enforcement agency shall submit a claim for fees under this section in the same county fiscal year in which the fees are collected under IC 33-37-4.

(h) A county law enforcement agency program shall provide to each law enforcement officer employed by the county and may provide to each law enforcement officer employed by a city or town law enforcement agency within the county continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which a child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

(i) A county law enforcement agency may enter into an agreement with other law enforcement agencies to provide the continuing education required by this section and section 2(f) of this chapter.

SECTION 2. IC 5-2-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~As used~~ **The following definitions apply** in this section:

- (1) "Abuse" has the meaning set forth in section 1(a) of this chapter.
- (2) "City or town law enforcement agency" includes:
 - (A) university police officers appointed under IC 20-12-3.5; and
 - (B) school corporation police officers appointed under IC 20-26-16.

(b) There is established in each city and in each town with a city or town court a local law enforcement continuing education program. The program is funded by amounts appropriated under IC 33-37-8-4 and fees collected under IC 9-29-4-2, IC 9-29-11-1, and

IC 35-47-2-3.

(c) A city or town law enforcement agency receiving amounts based upon claims for law enforcement continuing education funds under IC 33-37-8-4 or IC 33-37-8-6 shall deposit each fee collected into the local law enforcement continuing education fund.

(d) Distribution of money in a local law enforcement continuing education fund shall be made to a city or town law enforcement agency without the necessity of first obtaining an appropriation from the fiscal body of the city or town.

(e) To make a claim under IC 33-37-8-4, a law enforcement agency shall submit to the fiscal body a verified statement of cause numbers for fees collected that are attributable to the law enforcement efforts of that agency.

(f) A city or town law enforcement agency shall provide to each law enforcement officer employed by the city or town law enforcement agency continuing education concerning the following:

- (1) Duties of a law enforcement officer in enforcing restraining orders, protective orders, temporary injunctions, and permanent injunctions involving abuse.
- (2) Guidelines for making felony and misdemeanor arrests in cases involving abuse.
- (3) Techniques for handling incidents of abuse that:
 - (A) minimize the likelihood of injury to the law enforcement officer; and
 - (B) promote the safety of a victim.
- (4) Information about the nature and extent of abuse.
- (5) Information about the legal rights of and remedies available to victims of abuse.
- (6) How to document and collect evidence in an abuse case.
- (7) The legal consequences of abuse.
- (8) The impact on children of law enforcement intervention in abuse cases.
- (9) Services and facilities available to victims of abuse and abusers.
- (10) Verification of restraining orders, protective orders, temporary injunctions, and permanent injunctions.
- (11) Policies concerning arrest or release of suspects in abuse cases.
- (12) Emergency assistance to victims of abuse and criminal justice options for victims of abuse.
- (13) Landlord-tenant concerns in abuse cases.
- (14) The taking of an abused child into protective custody.
- (15) Assessment of a situation in which the child may be seriously endangered if the child is left in the child's home.
- (16) Assessment of a situation involving an endangered adult (as defined in IC 12-10-3-2).
- (17) Response to a sudden, unexpected infant death.

(g) A city or town law enforcement agency may enter into an agreement with other county, city, or town law enforcement agencies to provide the continuing education required by this section and section 1(h) of this chapter.

SECTION 3. IC 5-10-10-4, AS AMENDED BY P.L.10-2005, SECTION 1, AS AMENDED BY P.L.170-2005, SECTION 16, AND AS AMENDED BY P.L.227-2005, SECTION 3, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public safety officer" means any of the following:

- (1) A state police officer.
- (2) A county sheriff.
- (3) A county police officer.
- (4) A correctional officer.
- (5) An excise police officer.
- (6) A county police reserve officer.
- (7) A city police reserve officer.
- (8) A conservation enforcement officer.
- (9) A town marshal.
- (10) A deputy town marshal.
- (11) A probation officer.
- (12) A state university, college, or junior college police officer appointed under IC 20-12-3.5.
- (13) A police officer whose employer purchases coverage under section 4.5 of this chapter.

~~(13)~~ (14) An emergency medical services provider (as defined in IC 16-41-10-1) who is:

- (A) employed by a political subdivision (as defined in IC 36-1-2-13); and
- (B) not eligible for a special death benefit under IC 36-8-6-20, IC 36-8-7-26, IC 36-8-7.5-22, or IC 36-8-8-20.

~~(14)~~ (15) A firefighter who is employed by the fire department of a state university.

(16) A firefighter whose employer purchases coverage under section 4.5 of this chapter.

~~(15)~~ (17) A member of a consolidated law enforcement department established under IC 36-3-1-5.1.

~~(16)~~ (18) A gaming agent of the Indiana gaming commission.

(19) A school corporation police officer appointed under IC 20-26-16.

SECTION 4. IC 20-25-4-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. The governing body of a school city may establish a police department under IC 20-26-16.

SECTION 5. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. School Corporation Police Departments

Sec. 1. This chapter applies to a school corporation, including a school city (as defined in IC 20-25-2-12).

Sec. 2. The governing body of a school corporation may establish a school corporation police department under this chapter.

Sec. 3. The governing body of a school corporation shall do the following for the school corporation police department:

- (1) Appoint school corporation police officers.
- (2) Prescribe the duties and direct the conduct of school corporation police officers.
- (3) Prescribe distinctive uniforms.
- (4) Provide emergency vehicles.
- (5) Limit the jurisdiction of the school corporation police officers to school property (as defined in IC 35-41-1-24.7).

Sec. 4. An individual appointed as a school corporation police officer must successfully complete at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

Sec. 5. (a) Notwithstanding section 4 of this chapter and IC 5-2-1-9, an individual appointed as a school corporation police officer before July 1, 2006, must complete, not later than July 1, 2009, at least:

- (1) the pre-basic training course established under IC 5-2-1-9(f); and
- (2) the minimum basic training and educational requirements adopted by the law enforcement training board under IC 5-2-1-9 as necessary for employment as a law enforcement officer.

(b) As set forth in IC 5-2-1-9, an individual appointed as a school corporation police officer may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the school corporation police officer successfully completes a pre-basic training course under IC 5-2-1-9(f).

Sec. 6. A school corporation police officer appointed under this chapter:

- (1) is a law enforcement officer (as defined in IC 5-2-1-2(1));
- (2) must take an appropriate oath of office in a form and manner prescribed by the governing body;
- (3) serves at the governing body's pleasure;
- (4) performs the duties that the governing body assigns; and
- (5) has full police powers when requested by other law enforcement to enforce all the penal laws of the state and possesses, with respect to those laws, the power to effect

arrests for offenses committed in the school corporation police officer's presence on school property.

Sec. 7. However, a school corporation police officer does not have the powers described in section 6 of this chapter outside school property except for an emergency in which a law enforcement officer (as defined in IC 35-41-1-17) requests assistance.

Sec. 8. A school corporation police department established before July 1, 2006, shall be considered, after June 30, 2006, a school corporation police department established under this chapter.

SECTION 6. IC 20-28-5-3, AS ADDED BY P.L.246-2005, SECTION 157, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The department shall designate:

- (1) the grade point average required for each type of license; and
- (2) the types of licenses to which the teachers' minimum salary laws apply, including nonrenewable one (1) year limited licenses.

(b) The department shall determine details of licensing not provided in this chapter, including requirements regarding the following:

- (1) The conversion of one (1) type of license into another.
- (2) The accreditation of teacher education schools and departments.
- (3) The exchange and renewal of licenses.
- (4) The endorsement of another state's license.
- (5) The acceptance of credentials from teacher education institutions of another state.
- (6) The academic and professional preparation for each type of license.
- (7) The granting of permission to teach a high school subject area related to the subject area for which the teacher holds a license.
- (8) The issuance of licenses on credentials.
- (9) The type of license required for each school position.
- (10) The size requirements for an elementary school requiring a licensed principal.
- (11) Any other related matters.

The department shall establish at least one (1) system for renewing a teaching license that does not require a graduate degree.

(c) Beginning July 1, 2006, the board, before issuing an initial teaching license at any grade level to an undergraduate individual seeking an initial teaching license, shall require the applicant for a license to show evidence that the applicant meets one (1) of the following:

- (1) Has successfully completed a course approved by the board in:**
 - (A) cardiopulmonary resuscitation that includes a test demonstration on a mannequin;**
 - (B) removing a foreign body causing an obstruction in an airway; and**
 - (C) the Heimlich maneuver.**
- (2) Holds a valid certification in the procedures described in subdivision (1) issued by:**
 - (A) the American Red Cross;**
 - (B) the American Heart Association; or**
 - (C) a comparable organization or institution approved by the board.**
- (3) Has physical limitations that make it impracticable for the applicant to complete a course or certification described in subdivision (1) or (2).**

(d) The department shall periodically publish bulletins regarding:

- (1) the details described in subsection (b);
- (2) information on the types of licenses issued;
- (3) the rules governing the issuance of each type of license; and
- (4) other similar matters.

SECTION 7. IC 20-31-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Additional School Improvement Criteria and Awards

Sec. 1. As used in this chapter, the following terms have the following meanings:

- (1) "Graduation rate" has the meaning set forth in IC 20-26-13-6.
- (2) "High achieving" means a score that is in the ninetieth percentile or above on a section of the ISTEP program test.
- (3) "High performing" means placement by the state board in the exemplary or commendable performance category.
- (4) "Professional development" refers to activities that conform to the requirements set forth in IC 20-20-31.
- (5) "Program" refers to the school improvement award program established by section 2 of this chapter.

Sec. 2. The school improvement award program is established to reward schools that:

- (1) show improvement over previous years' academic performance; or
- (2) achieve or maintain a high level of academic performance;

with a graduated series of awards.

Sec. 3. (a) The department shall administer the program.

(b) In addition to money appropriated by the general assembly, the department may use gifts and grants to provide funding for awards under this chapter.

Sec. 4. In addition to an assessment of improvement under IC 20-31-8-1, a school shall have the school's progress in school improvement determined by comparing the following performance factors with the same performance factors for the school in previous years:

- (1) ISTEP scores, with the scores for the following categories of students reported and compared separately:
 - (A) Minority groups (as defined in IC 4-13-16.5-1).
 - (B) Limited English proficiency.
 - (C) Students receiving free or reduced price lunch under the national school lunch program.
 - (D) High achieving.
- (2) Designation as a high performing school.
- (3) For high schools, graduation rates.

Sec. 5. In addition to grants and awards received under IC 20-31-7 and IC 20-31-11, a participating school's progress in school improvement may be recognized with a performance award in the amount determined by the department.

Sec. 6. An award granted under this chapter may be used for any combination of the following purposes:

- (1) Grants to certificated employees (as defined in IC 20-29-2-4) for professional development.
- (2) School programs to increase parental involvement.
- (3) Enhanced curriculum or instruction, or both.

Sec. 7. The principal of the school receiving an award under this chapter shall determine the manner in which the award is to be used after consulting a school improvement committee established under IC 20-31-5-1.

SECTION 8. IC 20-33-11 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 11. Interrogation of a Student

Sec. 1. The definitions in IC 20-33-8 apply to this chapter.

Sec. 2. A school shall comply with section 3 or 4 of this chapter.

Sec. 3. If a student who is at least eighteen (18) years of age is interrogated by a law enforcement officer:

- (1) on school property; and
- (2) regarding an investigation in which the student may be a suspect;

the school principal must notify the student's parent of the interrogation not later than twelve (12) hours after the interrogation occurs.

Sec. 4. If a school has a policy that requires a student's parent to be notified by the school if the student is interrogated on school property by a law enforcement officer, the school policy must apply to all students, regardless of the age of the student.

SECTION 9. IC 34-30-14-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5.** A teacher who:

(1) meets the requirement of IC 20-28-5-3(c); and

(2) performs:

(A) cardiopulmonary resuscitation; or

(B) the Heimlich maneuver;

on or removes a foreign body that is obstructing an airway of another person in the course of employment as a teacher; is not liable in a civil action for damages resulting from an act or omission occurring during the performance of a function under this section unless the act or omission constitutes gross negligence or willful and wanton misconduct.

SECTION 10. [EFFECTIVE UPON PASSAGE] (a) Although IC 20-28-5-3(c), as amended by this act, applies beginning July 1, 2006, a college or university located in Indiana may recommend to a person who has been accepted in a teacher training program before July 1, 2006, that the person should meet the requirements of IC 20-28-5-3(c), as amended by this act.

(b) This SECTION expires June 30, 2008.

SECTION 11. [EFFECTIVE JULY 1, 2006] (a) An individual appointed as a school corporation police officer before January 1, 2006, must begin the training and education required under IC 20-26-16-5, as added by this act, not later than January 1, 2007. However, an individual who is unable to begin the training and education not later than January 1, 2007, due to the existence of a waiting list for the training and education must begin the training and education as soon as possible after January 1, 2007.

(b) An individual appointed as a school corporation police officer after December 31, 2005, and before July 1, 2006, must begin the training and education required under IC 20-26-16-5, as added by this act, not later than one (1) year after the individual's appointment. However, an individual who is unable to begin the training and education within one (1) year after the individual's appointment due to the existence of a waiting list for the training and education must begin the training and education as soon as possible after the expiration of the one (1) year period.

(c) Notwithstanding IC 20-26-16-5, as added by this act, an individual appointed as a school corporation police officer before July 1, 2006, who is unable to complete the training and education required under IC 20-26-16-5, as added by this act, not later than July 1, 2009, due to the existence of a waiting list for the training and education must complete the training and education as soon as possible after July 1, 2009.

(d) This SECTION expires January 1, 2010.

SECTION 12. An emergency is declared for this act.

(Reference is to EHB 1338 as reprinted March 2, 2006.)

T. HARRIS

LUBBERS

PORTER

BREAUX

House Conferees

Senate Conferees

The conference committee report was filed and read a first time.

A meeting of the Committee on Rules and Legislative Procedures was announced; the House recessed until the fall of the gavel.

RECESS

The House reconvened at 9:05 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 81(c) of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferees appointments to Engrossed Senate Bill 1:

Conferees: C. Lawson replacing Breaux

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on

Engrossed House Bills 1102, 1114, 1155, 1259, and 1392.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 6, 41, 47, and 75.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 253, 258, 259, 333, and 359.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I hereby transmit Senate Enrolled Acts 266, 305, 321, and 379 for signature of the Speaker of the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1029.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1261.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolutions 23, 56, and 58 and the same are herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 70 and the same is herewith returned to the House.

MARY C. MENDEL

Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 68 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1029 because it conflicts with HEA 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had Engrossed House Bill 1029 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1029 be corrected as follows:

In the conference committee report for EHB1029, page 9, between lines 49 and 50, begin a new paragraph and insert:

"SECTION 11. IC 20-46-7-8, AS ADDED BY HEA 1134-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A school corporation must file a petition requesting approval from the department of local government finance to:

- (1) incur bond indebtedness;
- (2) enter into a lease rental agreement; or
- (3) repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5;

not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances.

(b) A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

(c) This restriction does not apply to property taxes that a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. **In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1.**

(d) This section does not apply to school bus purchase loans made by a school corporation that will be repaid solely from the general fund of the school corporation."

In the conference committee report for EHB1029, renumber all SECTIONS consecutively.

(Reference is to EHB 1029 as reprinted March 1, 2006, and as amended by the conference committee report for EHB1029.)

WHETSTONE, Chair
PELATH, R.M.M.
BUELL, Author

Report adopted.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the following changes in appointment of Representatives as conferees and advisors:

ESB 1 Conferees: Hoffman replacing Mahern

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 9:20 p.m. with the Deputy Speaker Pro Tempore, Representative T. Brown, in the Chair.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1008-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the

House for action: Engrossed House Bill 1008-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1008-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Representative Reske was excused from voting, pursuant to House Rule 46. Roll Call 478: yeas 51, nays 48. Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 1-2; filed March 14, 2006, at 10:12 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 1 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.9. (a) An employee of a township who:**

- (1) is a member of the public employees' retirement fund;
- (2) has not attained vested status; and
- (3) is terminated from employment with the township as the result of a consolidation under IC 36-3-1-6.1;

may make the election described in subsection (b).

(b) A member described in subsection (a) may elect, in the manner prescribed by the board of trustees of the public employees' retirement fund, not later than sixty (60) days after the date the member separates from township service, to receive from the public employees' retirement fund a distribution under subsection (c).

(c) This subsection applies to a member who elects under subsection (b) to receive a distribution. The member is entitled to receive a distribution that is equal to the present value, as determined by the board on the member's separation date, of the pension portion of the monthly retirement benefit computed as if the member had been:

- (1) eligible for normal retirement; and
- (2) at least sixty-five (65) years of age;

on the member's separation date, multiplied by a fraction. The numerator of the fraction is the number of months of creditable service earned by the member as an employee of the state before the member's separation date. The denominator of the fraction is one hundred twenty (120).

(d) To the extent permitted by the Internal Revenue Code, the distribution under subsection (c) must be made directly to any of the following designated by the terminating employee:

- (1) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.
- (2) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.
- (3) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.
- (4) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b)

of the Internal Revenue Code.

(e) Creditable service used in computing a distribution under this section may not be used to compute a normal or early retirement benefit under this article.

(f) The board of trustees of the public employees' retirement fund may adopt reasonable procedures and standards to implement this section.

(g) This section applies only if the public employees' retirement fund has received from the Internal Revenue Service any approvals or rulings that the board of trustees of the public employees' retirement fund considers necessary or appropriate.

SECTION 2. IC 5-10.3-6-8.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.8. (a) This section applies when employees of a township in particular departmental, occupational, or other definable classifications are terminated from employment with the township as a result of a consolidation under IC 36-3-1-6.1.

(b) The township executive shall request coverage under this section from the board whenever an employee of the township is terminated as described in subsection (a).

(c) The board must approve a request from the township executive under subsection (b) unless approval violates subsection (i), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

- (1) is at least fifty (50) years of age; and
- (2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
- (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

- (1) The township executive has requested coverage under this section and provided written notice of the following to the board:

- (A) The intent of the township to terminate the employees from employment.
- (B) The names of the terminated employees as of the date that the termination is to occur.

- (2) The expiration of a thirty (30) day period following the filing of the notice with the board.

- (3) The consolidated city complies with subsection (g).

(g) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

- (1) The consolidated city shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 that is sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.
- (2) The maximum amount of creditable service that the consolidated city may purchase for a member under this subsection is twenty-four (24) months.
- (3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(h) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of

1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 3. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) The ad valorem property tax levy limits imposed by section 3 of this chapter do not apply to ad valorem property taxes imposed by a township, a county containing a consolidated city, or a fire protection district under IC 36-8-14.

(b) For purposes of computing the ad valorem property tax levy limit imposed on a township or a fire protection district under section 3 of this chapter, the township's, the county's, or the fire protection district's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-14.

SECTION 4. IC 6-1.1-18.5-21.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21.5. The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by the consolidated fire department taxing district established in IC 36-3-1-6.4 to pay or fund the following:

(1) Any indebtedness of a township, a fire protection territory, or an excluded city that is related to fire protection facilities or fire protection equipment and is assumed, defeased, paid, or refunded by the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3.

(2) Any indebtedness issued by the consolidated city to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

SECTION 5. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, if a consolidated fire department is established under IC 36-3-1-6.1, beginning with the calendar year following the consolidation and for each year thereafter, a percentage of the revenues to be distributed as distributive shares during each year to a township that has consolidated its fire department shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund. The percentage to be distributed to the consolidated fire department taxing district shall be equal to the percentage, if any, of the township's distributive shares received in the 2006 budget year that are used by the township for fire protection services.

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, beginning with the calendar

year following the consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

SECTION 6. IC 8-1.5-5-32, AS ADDED BY SEA 71-2006, SECTION 1, AND HEA 1212-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.

(2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the ~~district~~ **municipality** is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 7. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

If:

(1) the legislative body of the consolidated city ~~and the governing body of the airport authority may adopt substantially similar ordinances providing that adopts an ordinance under IC 36-3-1-6.1 providing that:~~

(A) the fire department of the airport authority is

consolidated into the fire department of the consolidated city created by IC 36-3-1-6.1; and ~~that~~

(B) the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~If ordinances are adopted under this section;~~

and the executive of the consolidated city approves the ordinance;

(2) the legislative body of the consolidated city adopts an ordinance under IC 36-3-1-6.1 adopting the transition plan and the executive of the consolidated city approves the ordinance; and

(3) the consolidation is approved in the public question under IC 36-3-1-6.1;

the consolidation shall take effect on ~~the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances: January 1, 2008, or a later effective date specified under IC 36-3-1-6.1.~~

SECTION 8. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

(b) After December 31, 2006, the duties of a township trustee under this chapter shall be transferred to the consolidated city.

SECTION 9. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 1. (a)** As used in this chapter, "detrimental plant" includes Canada thistle (*Cirsium arvense*), Johnson grass, sorghum alumun (*Sorghum halphense*), bur cucumber (*Sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

(b) As used in this chapter, "fund" means:

(1) the township fund for a township in a county not having a consolidated city; or

(2) the appropriate fund of the consolidated city for a county having a consolidated city.

~~(b)~~ **(c)** As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state, or a political subdivision, or a group of those persons acting in concert.

(d) As used in this chapter, "township trustee" or "trustee" means:

(1) a township trustee for a township in a county not having a consolidated city; or

(2) the consolidated city for a township in a county having a consolidated city.

~~(c)~~ **(e)** A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 10. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 2. (a)** A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in ~~the a township that comprises all or a part of the township trustee's jurisdiction~~ that have not been destroyed as described in section 1 of this chapter, ~~the trustee of the township in which the real estate is located~~ **township trustee** shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person

employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

(1) by mail, using certified mail; or

(2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

(1) if sent by mail, on the earlier of:

(A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

SECTION 11. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 3. (a)** The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of with the trustee, of the township,~~ and when the bill has been approved, the trustee shall pay the bill out of the ~~township~~ fund. The trustee ~~of the township~~ shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is in a county having a consolidated city, the office of the city controller.**

(f) The auditor **or the city controller** shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds fund~~ for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township~~ fund for that purpose, ~~the township board~~ upon finding an emergency exists:

(1) the township legislative body shall act under IC 36-6-6-14(b) or IC 36-6-6-15; or

(2) a consolidated city shall act under IC 36-3-4;

to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~

legislative body for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township **or the consolidated city** the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 12. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city, the city controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county, and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, **or townships, or consolidated city**, the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the **township** fund.

SECTION 13. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A person who:

- (1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;
 - (2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;
 - (3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;
 - (4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the detrimental plants, fails to cut them down or eradicate them by chemicals, as prescribed in this chapter; or
 - (5) knowingly sells Canada thistle (*cirsium arvense*) seed;
- commits a Class C infraction. Each day this section is violated constitutes a separate infraction.

(b) All judgments collected under this section shall be paid to the trustee and placed in the **trustee's township funds fund** for use at the discretion of the trustee **or the consolidated city**.

SECTION 14. IC 15-3-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. When the annual budget is prepared, a sufficient amount shall be appropriated to enable the township **officials trustee** to comply with this chapter.

SECTION 15. IC 15-3-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The Purdue University cooperative extension service shall provide technical assistance to township trustees for the control of detrimental plants.

(b) All law enforcement agencies having jurisdiction in a township **or a consolidated city** shall assist the township trustee in carrying out the duties imposed on the trustee under this chapter.

SECTION 16. IC 15-3-4.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The weed control board consists of the following members to be appointed by the authorizing body:

- (1) One (1) **member appointed as follows:**

(A) In a county not having a consolidated city, a township trustee of a township in the county.

(B) In a county having a consolidated city, the director of the department of the consolidated city that is responsible for the destruction of detrimental plants described in this chapter or the director's designee.

- (2) One (1) soil and water conservation district supervisor.
- (3) A representative from the agricultural community of the county.
- (4) A representative from the county highway department or an appointee of the county commissioners. ~~and~~
- (5) A cooperative extension service agent from the county to serve in non-voting advisory capacity.

Each board member shall be appointed for a term of four (4) years. All vacancies in the membership of the board shall be filled for the unexpired term in the same manner as initial appointments. The board shall elect a chairman and a secretary. The members of the board are not entitled to receive any compensation, but are entitled to such traveling and other expenses as may be necessary in the discharge of their duties. The board may appoint an executive director and employ necessary technical, professional, and other assistants, and it shall fix the qualifications, duties, and salaries of these employees subject to the permission of the county council. The county highway supervisor and the soil and water conservation district supervisor or employee serving the county shall serve as inspectors for the board. They shall make periodic inspections and report their findings to the board and the executive director, if any.

SECTION 17. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a consolidated city**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 18. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.5. As used in this chapter, "assessor" means:

- (1) for a township located in a county not having a consolidated city:
 - (A) the township assessor elected under IC 36-6-5-1; or
 - (B) the township trustee who is required by law to act as the assessor for the township the trustee serves; or
- (2) for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.

SECTION 19. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The **township** assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the **township** assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

- (1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).
- (2) For each nonneutered dog, four dollars (\$4).
- (3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbored of a dog after the dog census by the **township** assessor or any owner or harbored of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbored of a dog, apply to the assessor or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

- (1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).
- (2) For a minor kennel, consisting of less than fifteen (15) dogs,

a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter, the ~~township assessor (or trustee who collects the fee)~~ shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the an~~ assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the a~~ **township trustee** shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the ~~township~~ assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the ~~township~~ assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) ~~A township~~ **An assessor (for a township trustee who has the duties of a township assessor)** may designate one (1) or more licensed veterinarians or humane societies in the assessor's township **or county, as the case may be**, to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the ~~township trustee assessor who designated the designee~~ by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 20. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which shall be designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the ~~township~~ assessor, **except an assessor in a county having a consolidated city**, shall turn over to the township trustee all the records kept by the assessor relating to the collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The assessor shall assess against each person who failed to pay to the assessor the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the ~~township trustee assessor~~ shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the ~~township~~ assessor under this chapter.

SECTION 21. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section does not apply to a township in a county having a consolidated city or to a consolidated city.** The ~~township~~ assessor shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by ~~the an~~ assessor shall be turned over by the assessor to the township trustee of the assessor's township. The county auditor

shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund.

SECTION 22. IC 15-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each ~~township~~ assessor shall perform the duties imposed by this chapter. If a dog owner has failed to turn in a dog for taxation purposes, the assessor shall notify the owner that the assessor is listing the unpaid taxes within a period of ten (10) days, at which time the person will be assessed double the amount of taxes provided by this chapter unless the person owning the dog appears voluntarily within the ten (10) days and:

- (1) proves to the satisfaction of the assessor that the person owned no such dog at the time the census was made; or
- (2) makes an affidavit to be kept on file by the assessor to the effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each assessor shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor has completed the census, the person shall report the dog to and pay to the assessor the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 23. IC 15-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township~~ **An assessor or assessor's designee or township trustee who:**

- (1) fails to perform the duties imposed by this chapter; or
- (2) fails to make a complete report within the time specified in this chapter;

commits a Class C infraction.

SECTION 24. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person liable to taxation in any township and residing in the township when listed for taxation shall make and subscribe to an oath to the ~~township~~ assessor in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 25. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund** that the township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city**, shall use in the manner provided in this chapter for the payment of the following:

- (1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

- (A) Sheep.
- (B) Cattle.
- (C) Horses.
- (D) Swine.
- (E) Goats.
- (F) Mules.
- (G) Chickens.
- (H) Geese.
- (I) Turkeys.
- (J) Ducks.
- (K) Guineas.
- (L) Tame rabbits.
- (M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
- (N) Bison.
- (O) Farm raised cervidae.
- (P) Ratitae.

- (2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to

have hydrophobia. ~~within any township of Indiana.~~

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund **or, in the case of a county having a consolidated city, the county dog fund.**

SECTION 26. IC 15-5-9-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) In order to qualify for payment for damages by a township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city** under this chapter, the owner of stock, fowl, or game listed in section 8(a)(1) of this chapter killed, maimed, or damaged by dogs shall do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Within twenty (20) days from the time of the loss, report the loss to the trustee ~~of his township of the owner's township or, in a township located in a county having a consolidated city, to the controller of the consolidated city~~ as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages, less any insurance proceeds, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 27. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The ~~trustees township trustee or the controller of the consolidated city~~ shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee **or the controller of the consolidated city** for stock, fowl, or game listed in section 8(a)(1) of this chapter:

(1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;

(2) for which the person received from another person an amount equal to the actual damages; or

(3) for which the owner has not complied with section 9.1 of this chapter.

(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the

existence of such disease shall be proven by:

(1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or

(2) affidavit of an attending legally qualified graduate veterinarian;

the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the ~~township trustee or controller of the consolidated city~~ shall do the following:

(1) Remove or have removed the head of the dog.

(2) Pay from the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund,** the following:

(A) A reasonable fee for the removal of the dog's head.

(B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the ~~appropriate~~ dog fund, ~~of the township,~~ then such necessary fees shall be paid out of the township **general fund or, in the case of a township located in a county having a consolidated city, the county general fund,** without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

(1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.

(2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.

(f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:

(1) **Except for a township located in a county having a consolidated city,** among the townships of the county in which the orders drawn against the dog fund exceed the money on hand.

(2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs ~~of all the townships~~ in the county, the distribution shall be made, **except in a township located in a county having a consolidated city,** in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.

(h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:

(1) All receipts into the dog fund of the township.

(2) All orders drawn against the township fund in the order in which the orders were drawn.

(i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year **or, in the case of a township located in a county having a consolidated city, the county dog fund,** are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township **or county, as the case may be,** during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.

(j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:

(1) paid to the auditor of state; and

(2) placed in a separate account of the general fund of the state treasury known as the state dog account.

SECTION 28. IC 15-5-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before the first day of May of each year, the trustee of each township shall make a report in writing, to the county auditor, of the amount of all claims in ~~his the trustee's~~ township for livestock, fowls, or game which have been destroyed or damaged by dogs, and which claims have been filed before March 9, 1937, or which may be filed thereafter but have not been paid for lack of funds. On or before the second Monday in May of each year, the auditor of each county, **or, in a county having a consolidated city, the controller of the consolidated city,** shall make a report, in writing, to the auditor of state, in such form as the auditor of state shall prescribe, of the amount of all such claims in ~~his the~~ county which have been filed and which have not been paid for lack of funds, and on or before the second Monday in July, the auditor of state shall issue ~~his the auditor's~~ warrant, payable to the auditor of each such county **or, in a county having a consolidated city, the controller of the consolidated city,** for the amount of the unpaid claims. The warrant shall be drawn on the state dog account. Upon the receipt of the money, the auditor of the county **or, in a county having a consolidated city, the controller of the consolidated city,** shall distribute the funds to the respective townships of ~~his the~~ county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city,** and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his the~~ township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in a county having a consolidated city,** shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after such annual distribution shall have been made as hereinbefore provided, shall be distributed by the auditor of state in the manner following:

(a) (1) One-half (½) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, shall be distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.

(b) (2) The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, shall be distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties.

SECTION 29. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the ~~township~~ assessor, the assessor, at the time when the assessor issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid, and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one (1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number, and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the assessor upon application by the owner of the dog and upon the production of the receipt and a sworn statement of the facts regarding

the loss of the tag. No license tag is transferable to another dog.

SECTION 30. IC 32-26-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The trustee of each township, the county highway superintendent, the Indiana department of transportation, or other officer in control of the maintenance of a highway shall between January 1 and April 1 of each year, examine all hedges, live fences, natural growths along highways, and other obstructions described in section 1 of this chapter in their respective jurisdictions. **However, in a county having a consolidated city, the duties and obligations of a township trustee under this chapter are the responsibility of the consolidated city.** If there are hedges, live fences, other growths, or obstructions along the highways that have not been cut, trimmed down, and maintained in accordance with this chapter, the owner shall be given written notice to cut or trim the hedge or live fence and to burn the brush trimmed from the hedge or live fence and remove any other obstructions or growths.

(b) The notice required under subsection (a) must be served by reading the notice to the owner or by leaving a copy of the notice at the owner's usual place of residence.

(c) If the owner is not a resident of the township, county, or state where the hedge, live fence, or other obstructions or growth is located, the notice shall be served upon the owner's agent or tenant residing in the township, **county, or state.** If an agent or a tenant of the owner does not reside in the township, the notice shall be served by mailing a copy of the notice to the owner, directed to the owner's last known post office address.

(d) If the owner, agents, or tenants do not proceed to cut and trim the fences and burn the brush trimmed from the fences or remove any obstructions or growths within ten (10) days after notice is served, the township trustee, **consolidated city,** county highway superintendent, or Indiana department of transportation shall immediately:

- (1) cause the fences to be cut and trimmed or obstructions or growths removed in accordance with this chapter; and
- (2) burn the brush trimmed from the fences.

All expenses incurred under this subsection shall be assessed against and become a lien upon the land in the same manner as road taxes.

(e) The township trustee, **consolidated city,** county highway superintendent, or Indiana department of transportation having charge of the work performed under subsection (d) shall prepare an itemized statement of the total cost of the work of removing the obstructions or growths and shall sign and certify the statement to the county auditor of the county in which the land is located. The county auditor shall place the statement on the tax duplicates. The county treasurer shall collect the costs entered on the duplicates at the same time and in the same manner as road taxes are collected. The treasurer may not issue a receipt for road taxes unless the costs entered on the duplicates are paid in full at the same time the road taxes are paid. If the costs are not paid when due, the costs shall become delinquent, bear the same interest, be subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 31. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.6. As used in this chapter, "township" means:

- (1) a township in a county not having a consolidated city; or
- (2) the consolidated city for a township located in a county having a consolidated city.

SECTION 32. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:

- (1) a township trustee for a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

SECTION 33. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence,

whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee of a township is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

- (1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.
- (2) A straight rail fence four and one-half (4 ½) feet high.
- (3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

- (1) related to any of the interested property owners; or
- (2) an interested property owner;

the trustee of any other township who resides nearest to where the fence is located shall appoint another official to act under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 34. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, a consolidated city, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 35. IC 36-2-9.5-10, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county auditor shall examine and settle all accounts and demands that are:

- (1) chargeable against the county or city; and
- (2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:

- (1) sums of money settled and allowed by the county auditor;
- (2) sums of money settled and allowed by another official; or
- (3) settlements and allowances fixed by statute;

and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the controller county auditor shall record the number, date, amount, payee, and purpose of issue of each warrant at the time of issuance.

SECTION 36. IC 36-2-9.5-13, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The county auditor is responsible for the issuance of warrants for payments from county and city funds. **The signature of the county auditor may not be signed on, imprinted on, or affixed to any warrant for the payment of county or city funds without the approval of the county auditor.**

(b) The county auditor is responsible for:

- (1) accounting;
- (2) payroll, accounts payable, and accounts receivable;
- (3) revenue and tax distributions; and
- (4) maintenance of property records;

for all city and county departments, offices, and agencies.

(c) The county auditor may take actions necessary to carry out the functions under subsection (b) without the approval of the controller of the consolidated city.

SECTION 37. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

- (1) the county assessor; or
- (2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

(d) In a county having a consolidated city, the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.

SECTION 38. IC 36-3-1-6.1, AS AMENDED BY HEA 1040-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The legislative body of the consolidated city may adopt an ordinance approved by the mayor of the consolidated city to consolidate the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):~~

- (1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.
- (2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1): county having a consolidated city.
- (3) The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.

(b) The legislative body of the consolidated city may not adopt an ordinance under subsection (a) unless the legislative body first:

- (1) holds a public hearing on the proposed consolidation; and
- (2) determines that:
 - (A) reasonable and adequate fire protection can be provided through the consolidation; and
 - (B) the consolidation is in the public interest.

(c) If the requirements of subsections (a) and (b) are satisfied, the following shall be submitted to the voters in a public question:

- (1) The question of whether the fire departments shall be consolidated.
- (2) The following two (2) options regarding the governance structure that shall apply if the fire departments are consolidated:
 - (A) One (1) option must provide for a permanent metropolitan board of fire commissioners with the powers and duties specified in subsection (h) concerning the consolidated fire department.
 - (B) The other option must provide for the consolidated fire department to be under the control and authority of the mayor as provided by law. The choice of which option shall be implemented shall be determined by the voters in a public question under subsection (g).

(d) If the requirements of subsections (a) and (b) are satisfied, the mayor of the consolidated city shall prepare and disseminate to the citizens a proposed transition plan providing for a consolidated fire department to be under the control and authority of the mayor as provided by law.

(e) If the requirements of subsections (a) and (b) are satisfied,

a metropolitan board of fire commissioners is established. The board consists of the following members:

- (1) The mayor of the consolidated city, who shall serve as the board's chairperson.
- (2) The nine (9) township trustees in the county containing a consolidated city. If a member serving under this subdivision ceases to be a township trustee, the new township trustee becomes a member of the board in place of the previous township trustee.
- (3) Two (2) members of the legislative body of the consolidated city, who must be from different political parties, appointed by the president of the legislative body of the consolidated city.

At the board's first meeting, the members of the board shall elect a vice chairperson from among the township trustees serving on the board. Meetings of the board shall be called by the chairperson or by the vice chairperson and any two (2) other members. An affirmative vote of a majority of the members appointed to the board is required for the board to take final action. The members of the board may not receive a salary or per diem for participation on the board. The board shall prepare and disseminate a proposed transition plan providing that the board shall be a permanent body and have the powers and duties specified in subsection (h). The legislative body of the consolidated city shall provide personnel to staff the board. The legislative body shall appropriate sufficient funds to pay for attorneys hired or retained by the board. The board shall choose the attorneys that are hired or retained by the board. If the voters do not vote in favor of the board in the public question under subsection (g), the board expires June 1, 2007.

(f) If:

- (1) before August 1, 2006, the legislative body adopts an ordinance under subsection (a);
- (2) the mayor of the consolidated city approves the ordinance adopted under subsection (a); and
- (3) the public question under subsection (g) on whether the fire department consolidation shall occur is approved;

the fire department consolidation becomes effective on January 1, 2008. However, notwithstanding any other statute, if the legislative body does not adopt an ordinance, approved by the mayor of the consolidated city, under subsection (a) before August 1, 2006, the effective date of the consolidation is not January 1, 2008, but is instead the date specified by the legislative body in the ordinance adopting the transition plan.

(g) If an ordinance providing for consolidation is adopted by the legislative body and approved by the mayor, the following public questions shall be placed on the ballot:

- (1) A public question regarding approval of the fire department consolidation shall be placed on the ballot in the county (except in an excluded city) at the May 2007 primary election. The county election board shall specify the language of the public question. If the majority of the voters voting on the public question approve the fire department consolidation, the fire department consolidation becomes effective on January 1, 2008, or the later date specified by the legislative body. If a majority of the voters voting on the public question do not approve the fire department consolidation, the requirements of this subsection are not satisfied and none of the fire departments of the townships in the county or any fire protection territory in those townships may be consolidated into the fire department of the consolidated city. The county election board and the circuit court clerk of the county shall provide for and conduct the public question under this section. The public question under this subsection must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.
- (2) A public question regarding which of the two (2) options described in subsections (c)(2) shall be implemented if the fire department consolidation is approved under subdivision (1) shall also be placed on the ballot in the county (except in an excluded city) at the May 2007 primary election. The county election board shall specify the language of the public question. If the majority of the voters voting on the

public question approve the option described in subsection (c)(2)(A), the board shall be a permanent board with the powers specified in subsection (h). If the majority of the voters voting on the public question approve the option described in subsection (c)(2)(B), the consolidated fire department shall instead be under the control and authority of the mayor as provided by law. The county election board and the circuit court clerk of the county shall provide for and conduct the public question under this section. The public question under this subsection must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(h) Subject to approval of the voters in the public question under subsection (g)(2) if the fire departments are consolidated, the board established under subsection (e) and the executive of the consolidated city have the following duties and responsibilities:

(1) The board:

(A) must approve any station closings in areas formerly served by township fire departments consolidated under this section; and

(B) shall approve a plan to integrate all merit positions and safety board positions into the consolidated fire department.

The board is not authorized to approve station closings within the fire special service district. The mayor of the consolidated city must approve all station closings within the fire special service district.

(2) The board shall oversee all assets of the consolidated fire department and reallocation of assets.

(3) The board must approve all equipment purchases for the consolidated fire department and all facility purchases for the consolidated fire department.

(4) The board shall nominate three (3) candidates for fire chief of the consolidated fire department. The mayor shall select the fire chief of the consolidated fire department from the nominated candidates.

(5) The board shall permanently have the authority to appoint one (1) member to the merit commission of the consolidated fire department. A member of the merit commission appointed under this subdivision shall replace a member appointed by the mayor of the consolidated city. Each member of the merit commission appointed under this subdivision shall serve a four (4) year term. Notwithstanding any other law, the mayor shall designate which of the mayor's appointees to the merit board is removed from the merit board and replaced by the initial member appointed under this subdivision.

(6) The controller of the consolidated city shall prepare a budget proposal for the consolidated fire department. After review and any modifications by the board, the controller shall submit the budget proposal to the legislative body of the consolidated city for approval.

(7) The board shall provide advice and make recommendations to the chief of the consolidated fire department regarding the operation of the consolidated fire department and the provision of emergency medical services.

(8) The board shall review labor agreements assumed or to be assumed by the consolidated city and make recommendations concerning labor agreements needed to integrate firefighters from all townships into the consolidated fire department.

(9) The board is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(10) The board shall meet at least once each month.

(11) The board shall nominate ranking officers who shall be in charge of territory formerly served by township fire departments consolidated under this section.

(12) The board shall review and approve the annual capital plan of the consolidated fire department. However, the annual capital plan of the consolidated fire department is subject to approval of the legislative body of the consolidated city as part of the consolidated city's budget.

(13) The board shall study ISO ratings throughout the county.

(14) The legislative body of the consolidated city shall include funding in the consolidated city's budget that shall be used by the board to coordinate community education programs.

If the voters under subsection (c)(1) vote in favor of the board, the board is a permanent body and shall continue to exercise its powers and carry out its duties under this subsection.

(i) If voters in the public question under subsection (g)(2) approve a consolidated fire department under the control and authority of the mayor, the consolidated fire department shall be under the control and authority of the mayor as provided by law.

(b) If the requirements of subsection (g) are satisfied; (j) Except as provided in section 6.3 of this chapter, if a consolidated fire department is established under this section, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied the consolidated fire department taxing district beginning on the date agreed to in the resolution of the township legislative body and the ordinance of the legislative body of the consolidated city: January 1, 2008, or the date specified under subsection (e) by the legislative body of the consolidated city.

(c) (k) Except as otherwise provided, if the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department departments consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located: January 1, 2008, or the date specified under subsection (e) by the legislative body of the consolidated city. In the case of a building that was partially funded from sources other than taxes imposed for fire protection purposes, only that part of the building that was funded from taxes imposed for fire protection purposes and that is used by the township for fire protection purposes shall be transferred to the consolidated city. Any balance in a township's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before January 1, 2008, shall not be transferred to the consolidated city but shall be transferred first to a dedicated township fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the township has any unfunded liability for pension obligations for township firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations, the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the township before January 1, 2008. The balances in any funds established by a township for any purpose are not transferred to the consolidated city. The Emergency Services Education Center in Wayne Township shall remain the property of Wayne Township. The Emergency Services Education Center and any debt related to the Emergency Services Education Center shall not be transferred to the consolidated city.

(d) (l) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation: January 1, 2008, or a later effective date of the consolidation specified by the legislative body of the consolidated city under subsection (e). However, an employee may not become an employee of the consolidated fire department under this subsection unless the employee has completed a

criminal history background check. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(c) (m) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services facilities or fire protection equipment incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city and may be paid from property taxes imposed by the consolidated fire department taxing district. Indebtedness related to fire protection operations (excluding indebtedness related to fire protection facilities or fire protection equipment) that is incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness related to fire protection facilities or fire protection equipment, the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness. However, the consolidated city may not assume all or any part of the indebtedness that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur. The rights of the trustee and the bondholders with respect to any:

- (1) bonds or other indebtedness; or
- (2) bond resolution, trust agreement, or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness;

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all of those powers, duties, agreements, and liabilities. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) (n) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department departments that is are consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire

department of the township into the fire department of the consolidated city, and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (o) The following apply if the requirements of subsection (g) are satisfied: fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) (3) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township entities listed in subsection (a) are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) (4) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

- (A) the amount of any cost savings, operational efficiencies, or improved service levels; and
- (B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 39. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter: territory of the consolidated fire department taxing district.

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 40. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.3. (a) A consolidated fire department may not provide fire protection services for:

- (1) an excluded city; or
- (2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

- (1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.
- (2) The ordinances described in subdivision (1) must:

(A) specify the effective date of the consolidation; and

(B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b) and except as otherwise provided, all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city. Any balance in an excluded city's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before the effective date of the consolidation shall not be transferred to the consolidated city but shall be transferred first to a dedicated city fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the excluded city has any unfunded liability for pension obligations for its firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the excluded city before the effective date of the consolidation. The balances in any funds established by an excluded city for any purpose are not transferred to the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect after the effective date of the consolidation described in subsection (b); and
- (2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

However, an employee of the excluded city may not become an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection facilities or fire protection equipment incurred before the effective date of the consolidation described in subsection (b) by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b). Indebtedness related to fire protection operations (excluding indebtedness related to fire protection facilities or fire protection equipment) that is incurred before the effective date of the consolidation by the excluded city whose fire department is consolidated into the consolidated fire department shall remain the debt of the excluded city and does not become and may not be assumed by the consolidated city.

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness related to fire protection facilities or fire protection equipment under subsection (f), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

- (1) indebtedness or bonds; or
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and

liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the consolidated fire department.

(l) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), commencing with the calendar year following consolidation and for each year thereafter, the excluded city's monthly distributive share of county option income tax revenues distributed under IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the ordinances adopted under subsection (b), and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.

SECTION 41. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.4. (a) This section applies only to a county having a consolidated city and only if a consolidated fire department is established in the county under section 6.1 of this chapter.

(b) As used in this section, "taxing district" refers to the consolidated fire department taxing district established in subsection (c).

(c) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated fire department taxing district is established in the county. The taxing district consists of all territory in the county except territory of an excluded city that has not consolidated its fire department under section 6.3 of this chapter.

(d) Subject to subsection (f), the taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

- (1) Providing fire protection services and emergency ambulance services within the territory of the taxing district and providing for the operation of the consolidated fire department.
- (2) Providing any equipment, buildings, or land that is necessary for the consolidated fire department and for providing fire protection services and emergency ambulance services within the territory of the taxing district.

The property tax levy under this section is separate from other property tax levies of the consolidated city, and a separate maximum permissible property tax levy shall be collected for the taxing district. All revenue collected from the tax levied under this subsection shall be deposited in a consolidated fire department fund.

(e) Subject to subsection (f), the taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

- (1) Any indebtedness related to fire protection facilities or fire protection equipment assumed, defeased, paid, or refunded under section 6.1 or 6.3 of this chapter.
- (2) Any indebtedness issued by the consolidated city, either before or after the consolidated fire department is established, to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

The property tax levy collected under this subsection shall be deposited in a consolidated fire department debt service fund.

(f) This subsection applies only during the first four (4) calendar years that the taxing district levies a property tax under this section. Notwithstanding any other statute, the total property tax rate imposed by the taxing district for a year in those parts of the taxing district that are within a particular township, but not within the boundaries of the fire special service district, may not exceed the total property tax rate imposed by the township (and a fire protection territory in the township) for fire protection services (including property taxes imposed for debt related to fire protection services) in the year preceding the year in which the taxing district first levies a property tax under this section.

(g) Money in the consolidated fire department fund shall be used for the purposes described in subsection (d), and money in the consolidated fire department debt service fund shall be used for the purposes described in subsection (e). The controller of the consolidated city shall administer the funds and is responsible for the issuance of warrants for payments from the funds.

(h) Property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the consolidated city on the later of December 31, 2007, or the day preceding the effective date of the consolidation specified under IC 36-3-1-6.1 by the legislative body of the consolidated city may be levied only by the fire special service district created by section 6 of this chapter within the territory of the fire special service district and may not be levied by the taxing district.

(i) In the case of a township or an excluded city that consolidates its fire department under this section:

- (1) the liability for the payment of pension obligations under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the township or excluded city at the time of the consolidation remains with the township or excluded city; and
- (2) property taxes to fund the township's or excluded city's pension obligation described in subdivision (1) may be imposed by the township or excluded city only within the township or excluded city.

(j) For property taxes first due and payable in the first calendar year in which property taxes are imposed under this section in the taxing district, the maximum permissible ad valorem property tax levy of the taxing district under IC 6-1.1-18.5 is equal to the sum of:

- (1) the sum of the property tax levies for taxes first due and payable in the preceding year for fire protection and related services (excluding debt) by each:
 - (A) township;
 - (B) airport authority; or
 - (C) fire protection territory;

whose fire department is consolidated into the fire department of the consolidated city under section 6.1 of this chapter, excluding amounts paid for pension obligations under IC 36-8-7 for members of the 1937 firefighters fund;

- (2) the amount paid from the consolidated city's property tax levy during the preceding year for fire protection and related services (excluding debt); and
- (3) the amount paid from the fire special service district's property tax levy during the preceding year for fire protection and related services, excluding amounts paid from the fire special service district's property tax levy to pay the consolidated city's pension obligation under IC 36-8-7 for members of the 1937 firefighters' pension fund.

However, the department of local government finance shall adjust any budgets, tax rates, and tax levies of the consolidated city, townships in the county, the taxing district, excluded cities that have consolidated fire departments under section 6.3 of this chapter, and the airport authority as necessary to reflect the establishment of a consolidated fire department.

(k) For property taxes first due and payable in the first calendar year in which property taxes are imposed under this section in the taxing district, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

- (1) is decreased for each township, the airport authority, and any fire protection territory by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(1) from the township, airport authority, or fire protection territory;
- (2) is decreased for the consolidated city by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(2); and
- (3) is decreased for the fire special service district by an amount equal to the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(3).

(I) The maximum levy for a consolidated city is increased for property taxes first due and payable in the year that property taxes are first imposed under this section and each subsequent calendar year by an amount equal to the lesser of:

- (1) the difference between:
 - (A) the maximum levy for the current year for the consolidated city's fire special service district created under section 6 of this chapter; and
 - (B) the amount levied for the current year for the fire special service district; or
- (2) ten percent (10%) of the maximum levy for the consolidated city's fire special service district created under section 6 of this chapter for property taxes first due and payable in the year that property taxes are first imposed under this section.

SECTION 42. IC 36-3-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies if:

- (1) a township fire department, fire protection district, or fire protection territory is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and
- (2) the township fire department, fire protection district, or fire protection territory has at least one (1) full-time, fully paid firefighter.

(b) A firefighter described in subsection (a)(2) is entitled to employment as a full-time, fully paid firefighter of the fire department of the consolidated city at not less than:

- (1) the same merit or permanent rank; or
- (2) a rank in the merit system of the fire department of a consolidated city that is equivalent to the merit or permanent rank;

that the firefighter held on the later of the date this section was enacted into law or the date the firefighter fills a vacant position through a merit testing process. Ranks achieved after the passage of Senate Enrolled Act 1 of the 2006 regular session of the general assembly may be reviewed by the merit board to determine if those ranks were achieved through a bona fide merit process.

(c) The fire department of:

- (1) the consolidated city; and
- (2) the township, fire protection district, or fire protection territory;

may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the consolidation because of or to facilitate the consolidation, except as negotiated in an agreement between the consolidated city and the bargaining unit representing firefighters.

(d) This section does not prohibit a fire department, fire protection district, or fire protection territory from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending, reducing in rank, or discharging the firefighter.

(e) This section does not apply to a firefighter employed by the airport authority on the effective date of the consolidation.

SECTION 43. IC 36-3-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies after June 30, 2006. This section applies to all political subdivisions in Marion County.

(b) As used in this section, "relative" means:

- (1) a husband;

- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or
- (12) a nephew.

(c) An individual who is a relative of a member of a board, committee, council, or commission or the head of any office, department, or institution may not:

- (1) be employed in any position with the:
 - (A) board, committee, council, or commission of which the individual's relative is a member; or
 - (B) office, department, or institution that is headed by the individual's relative; or
- (2) receive any compensation as an employee for services from any appropriation by a political subdivision subject to this chapter.

(d) An individual may not be employed in a position in which the individual would have a direct supervisory or subordinate relationship with the individual's relative.

(e) This section does not apply to the following:

- (1) An individual employed in the same position with the board, committee, council, commission, office, department, or institution for at least twelve (12) consecutive months immediately before the appointment or election of the individual's relative as a member of the board, committee, council, or commission or head of the office, department, or institution.
- (2) The employment of any law enforcement officer or firefighter who is under the jurisdiction of a merit commission established under IC 36-8-3.5.

(f) This section does not require the termination or reassignment of any employee of a political subdivision from any position held by that individual on and continuously after June 30, 2006.

SECTION 44. IC 36-3-5-2.7, AS ADDED BY P.L.227-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) The office of finance and management is established and is responsible for:

- (1) budgeting, except as provided in subsection (c);
- (2) financial reporting and audits;
- (3) purchasing; and
- (4) fixed assets;

for all city and county departments, offices, and agencies.

(b) The controller:

- (1) serves as the director of; and
- (2) may organize into divisions;

the office of finance and management.

(c) The office of finance and management is not responsible for the issuance of warrants for payments from county and city funds. A person may not sign or imprint the signature of the county auditor on, or affix the signature of the county auditor to, any warrant for the payment of county or city funds without the approval of the county auditor.

SECTION 45. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.8. (a) Except as provided in subsections (b), ~~and~~ (c), (d), and (e), the controller:

- (1) has all the powers; and
- (2) performs all the duties;

of the county auditor under law.

(b) The controller:

- (1) does not have the powers; and
- (2) may not perform the duties;

of the county auditor under IC 36-2-9.5 and IC 36-3-6, or as a member of the board of commissioners of the county under IC 36-3-3-10.

(c) Notwithstanding subsection (a) or any other law, the executive,

with the approval of the legislative body, may allocate the duties of the county auditor, except the duties referred to in subsection (b), among:

- (1) the controller;
- (2) the county assessor;
- (3) the county auditor; or
- (4) other appropriate city or county officials.

(d) The county auditor is responsible for the payroll functions and duties for all city and county departments, offices, and agencies, and the controller may not perform these functions and duties, except as requested by the county auditor.

(e) The approval of the controller is not required for a human resources policy or personnel policy established under IC 36-3-7-6 by an elected county officer.

SECTION 46. IC 36-3-6-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.1. Notwithstanding IC 36-8-7, if a consolidated fire department is established under IC 36-3-1-6.1, the city-county legislative body shall adopt an ordinance to levy a property tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14 for persons who are employees or retired employees of the consolidated city on the later of December 31, 2007, or the day preceding the effective date of the consolidation specified under IC 36-3-1-6.1 by the legislative body of the consolidated city.

SECTION 47. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Each elected county officer is responsible for establishing the human resources policies and personnel policies that apply to employees of the county officer. An elected county officer may establish these policies without the approval of any other person, except for approval of the county legislative body required under IC 36-3-6 for compensation of employees.

SECTION 48. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1, in the name of:

- (1) a township;
- (2) an airport authority;
- (3) a fire protection territory; or
- (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;

to satisfy the requirements of IC 36-3-1-6.1.

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.3 by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

to satisfy the requirements of IC 36-3-1-6.3.

SECTION 49. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 8. Township Review Board

Sec. 1. This chapter applies only to a county containing a consolidated city.

Sec. 2. As used in this chapter, "board" refers to the township review board established by section 3 of this chapter.

Sec. 3. The township review board is established.

Sec. 4. (a) The board consists of the following members:

- (1) The deputy mayor for public and neighborhood affairs of the consolidated city.
- (2) The township trustee of each of the nine (9) townships in the county.
- (3) Two (2) members, who must represent different political parties, appointed by the president of the city-county

council.

(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) An appointing authority must make appointments under subsection (a) not later than July 1, 2006.

(c) The deputy mayor for public and neighborhood affairs must call the first meeting of the board before August 1, 2006. At the first meeting of the board, the members of the board shall elect a chairperson.

(d) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

Sec. 6. Members of the board are not entitled to any salary or per diem for participation on the board.

Sec. 7. The board shall do the following:

- (1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.
- (2) Make recommendations concerning the number and location of community resource centers in the county.
- (3) Identify city and township services that may be provided jointly or through interlocal cooperation agreements, and make recommendations concerning the joint location of those services with other federal, state, or local government agencies.
- (4) Identify which of the services provided by the township trustees or recommended to be transferred to township trustees may be located in the community resource centers.
- (5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.
- (6) Review functions performed in the county by township trustees under IC 36-6-4-3 and make recommendations concerning any statutory changes necessary to achieve greater efficiency and lower costs in the provision of those services.
- (7) Identify any services performed by the state under IC 12-8 that should be transferred to or administered jointly with townships in the county.
- (8) Review the operation of small claims courts in the county.
- (9) Study and make recommendations concerning the role and composition of the existing township board structure.
- (10) Provide a report before December 31 of each year to the legislative body of the county containing a consolidated city and in an electronic format under IC 5-14-6 to the legislative council.

Sec. 8. (a) The board is abolished December 31, 2008.

(b) This chapter expires January 1, 2009.

SECTION 50. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the following:

- (1) Keep a written record of official proceedings.
- (2) Manage all township property interests.
- (3) Keep township records open for public inspection.

- (4) Attend all meetings of the township legislative body.
- (5) Receive and pay out township funds.
- (6) Examine and settle all accounts and demands chargeable against the township.
- (7) Administer ~~poor relief~~ township assistance under IC 12-20 and IC 12-30-4.
- (8) Perform the duties of fence viewer under IC 32-26, **except in a township that is located in a county having a consolidated city as provided in IC 32-26-9.**
- (9) Act as township assessor when required by IC 36-6-5.
- (10) Provide and maintain cemeteries under IC 23-14.
- (11) Provide fire protection under IC 36-8, *except in a township that:*
 - (A) is located in a county having a consolidated city; and
 - (B) consolidated the township's fire department under IC 36-3-1-6.1.
- (12) File an annual personnel report under IC 5-11-13.
- (13) Provide and maintain township parks and community centers under IC 36-10, **except in a township that is located in a county having a consolidated city.**
- (14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4, **except in a township that is located in a county having a consolidated city.**
- (15) Provide insulin to the poor under IC 12-20-16.
- (16) Perform other duties prescribed by statute.

SECTION 51. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1,** the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1,** the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 52. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b),** the assessor shall perform the duties prescribed by statute, including:

- (1) assessment duties prescribed by IC 6-1.1; and
- (2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

(b) In a township located in a county having a consolidated city, the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the controller's designee.

SECTION 53. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county containing a consolidated city shall consist of ~~seven~~ **(7) five (5)** members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 54. IC 36-8-4.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter

applies to a police ~~or fire~~ special service district created by IC 36-3-1-6 **and to a consolidated fire department established under IC 36-3-1-6.1.**

SECTION 55. IC 36-8-4.3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** shall pay for the care of:

- (1) a full-time, paid police officer who:
 - (A) suffers an injury; or
 - (B) contracts an illness;
 during the performance of the officer's duty; or
- (2) a full-time, paid firefighter who:
 - (A) suffers an injury; or
 - (B) contracts an illness;
 during the performance of the firefighter's duty.

(b) The special service district **or the consolidated fire department established under IC 36-3-1-6.1** shall pay for the following expenses incurred by a police officer or firefighter described in subsection (a):

- (1) Medical and surgical care.
- (2) Medicines and laboratory, curative, and palliative agents and means.
- (3) X-ray, diagnostic, and therapeutic service, including during the recovery period.
- (4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the special service district.

(d) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** that has paid for the care of a police officer or firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer or firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The special service district's **or consolidated fire department's** cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer or firefighter against the third party.

SECTION 56. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;
- (4) a park ranger who:

- (A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

- (5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 **provided that or IC 36-3-1-6.3; however,** the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;
- (6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 57. IC 36-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3)**, for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:

(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and

(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 58. IC 36-8-8-7, AS AMENDED BY HEA 1040-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior

years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

(1) completed at least the number of weeks of training at the

Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
(3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

(1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

(2) whose employer is consolidated into the consolidated law enforcement department or the fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and

(3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, if:

(1) before a consolidation under IC 8-22-3-11.6 a police officer or firefighter provides law enforcement services or fire protection services for an entity in a consolidated city;

(2) the provision of those services is consolidated into the **consolidated** law enforcement department or the fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and

(3) after the consolidation, the police officer or firefighter becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6;

the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

~~(A)~~ (A) retired for purposes of section 10 of this chapter; or

~~(B)~~ (B) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; and

(2) **shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).**

SECTION 59. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all units except counties. **However, this chapter applies to a county containing a consolidated city if a consolidated fire department is established under IC 36-3-1-6.1.**

SECTION 60. IC 36-8-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To provide for the cumulative building and equipment fund established under this chapter, the legislative body may levy a tax on all taxable property within the ~~taxing district unit, fire protection district, or territory of a consolidated fire department taxing district~~ in compliance with IC 6-1.1-41. The tax rate may not exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation of property in the ~~taxing district unit, fire protection district, or consolidated fire department taxing district~~.

(b) As the tax is collected, it shall be deposited in a qualified public depository or depositories and held in a special fund to be known as:

(1) the "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality **or consolidated fire department taxing district;** or as

(2) the "building or remodeling and fire equipment fund" in the case of a township or fire protection district.

(c) **Notwithstanding IC 6-1.1-41 or any other law, if a**

consolidated fire department is established under IC 36-3-1-6.1:

(1) **a cumulative building and equipment fund is established for the county containing a consolidated city; and**

(2) **the legislative body of the county containing a consolidated city may levy a tax under this chapter beginning in the calendar year following the year in which the consolidated fire department is established.**

A tax levied under this chapter by a county containing a consolidated city may only be levied within the territory of the consolidated fire department taxing district.

SECTION 61. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (b), this chapter applies to the townships indicated in each section.**

(b) **After December 31, 2006:**

(1) **this chapter does not apply to a township in a county having a consolidated city; and**

(2) **all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.**

SECTION 62. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as provided in subsection (b), this chapter applies to all townships: a township.**

(b) **After December 31, 2006:**

(1) **this chapter does not apply to a township in a county having a consolidated city; and**

(2) **all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.**

SECTION 63. [EFFECTIVE JULY 1, 2006] (a) **This SECTION applies only to a township in a county having a consolidated city.**

(b) **IC 36-6-6-2, as amended by this act, does not affect the term of a township legislative body member that expires on January 1, 2009.**

(c) **After June 30, 2006, a township legislative body shall adopt a resolution under IC 36-6-6-2.5, dividing the township into five (5) legislative body districts in accordance with IC 36-6-6-2, as amended by this act. A five (5) member township legislative body shall be elected in accordance with IC 36-6-6-2, as amended by this act, at the 2008 general election.**

(d) **This SECTION expires January 1, 2009.**

SECTION 64. [EFFECTIVE JANUARY 1, 2007] (a) **All assets, property rights, equipment, records, personnel, and contracts and all else connected with:**

(1) **providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;**

(2) **administering the dog tax and dog fund under IC 15-5-9;**

(3) **performing duties regarding fences under IC 32-26; and**

(4) **destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4;**

by a township in a county having a consolidated city are transferred to the consolidated city on January 1, 2007.

(b) **Any indebtedness regarding the activities set forth in subsection (a)(1) through (a)(5) that was incurred by a township before January 1, 2007, shall be assumed or defeased by the consolidated city, notwithstanding any other provision of Indiana law requiring completion of certain procedures and approvals for the incurrence of indebtedness; however, the indebtedness (or any part of the indebtedness) may not be assumed by the consolidated city if the assumption would cause the consolidated city to exceed any limitation on the amount of indebtedness that may be incurred by the consolidated city.**

(c) **The ad valorem property tax levy limits imposed by IC 6-1.1-18.5 do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under subsection (b).**

SECTION 65. [EFFECTIVE JULY 1, 2006] (a) **For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:**

(1) **is increased for a consolidated city by the amount levied in 2006 by each township in the county having a consolidated city for:**

(A) **providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;**

(B) **administering the dog tax and dog fund under**

IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4; and

(2) is reduced for a township in a county having a consolidated city by the amount levied in 2006 for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(b) This SECTION expires January 1, 2008.

SECTION 66. [EFFECTIVE UPON PASSAGE] The general assembly finds that the consolidated city and townships in the county containing a consolidated city are unique because of their size, population density, and absence of unincorporated areas.

SECTION 67. [EFFECTIVE UPON PASSAGE] The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

SECTION 68. An emergency is declared for this act.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as reprinted March 2, 2006.)

M. YOUNG	BUCK
C. LAWSON	HOFFMAN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

CONFERENCE COMMITTEE REPORT

ESB 349-2; filed March 14, 2006, at 10:42 p.m.

Mr. Speaker: Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed House Amendments to Engrossed Senate Bill 349 respectfully reports that said two committee have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 27-1-15.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this section, "insurer" does not include an officer, director, employee, subsidiary, or affiliate of an insurer.

(b) This chapter does not require an insurer to obtain an insurance producer license.

(c) The following are not required to be licensed as an insurance producer:

(1) An officer, director, or employee of an insurer or of an insurance producer, if the officer, director, or employee does not receive any commission on policies written or sold to insure risks that reside, are located, or are to be performed in Indiana, and if:

(A) the officer, director, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer, director, or employee's function relates to underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers and the officer, director, or employee's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation, or negotiation of insurance.

(2) A person who secures and furnishes information for the purpose of:

(A) group life insurance, group property and casualty insurance, group annuities, group or blanket accident and sickness insurance;

(B) enrolling individuals under plans;

(C) issuing certificates under plans or otherwise assisting in administering plans; or

(D) performing administrative services related to mass marketed property and casualty insurance;

where no commission is paid to the person for the service.

(3) A person identified in clauses (A) through (C) who is not in any manner compensated, directly or indirectly, by a company issuing a contract, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the employer's or association's employees, or for the employees of a subsidiary or affiliate of the employer or association, that involves the use of insurance issued by an insurer:

(A) An employer or association.

(B) An officer, director, or employee of an employer or association.

(C) The trustees of an employee trust plan.

(4) An:

(A) employee of an insurer; or

(B) organization employed by insurers;

that is engaged in the inspection, rating, or classification of risks, or in the supervision of the training of insurance producers, and that is not individually engaged in the sale, solicitation, or negotiation of insurance.

(5) A person whose activities in Indiana are limited to advertising, without the intent to solicit insurance in Indiana, through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of Indiana, provided that the person does not sell, solicit, or negotiate insurance that would insure risks residing, located, or to be performed in Indiana.

(6) A person who is not a resident of Indiana and who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one state insured under that contract, provided that:

(A) the person is otherwise licensed as an insurance producer to sell, solicit, or negotiate the insurance in the state where the insured maintains its principal place of business; and

(B) the contract of insurance insures risks located in that state.

(7) A salaried full-time employee who counsels or advises the employee's employer about the insurance interests of the employer or of the subsidiaries or business affiliates of the employer, provided that the employee does not sell or solicit insurance or receive a commission.

(8) An officer, employee, or representative of a rental company (as defined in IC 24-4-9-7) who negotiates or solicits insurance incidental to and in connection with the rental of a motor vehicle.

(9) An individual who:

(A) furnishes only title insurance rate information at the request of a consumer; and

(B) does not discuss the terms or conditions of a title insurance policy.

(10) A licensed attorney when acting as a title insurance producer (as defined in IC 27-7-3.5-16) or a title insurance agent (as defined in IC 27-7-3.5-19).

SECTION 2. IC 27-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.5. Title Insurance

Sec. 1. As used in this chapter, "abstract of title" means a written history, synopsis, or summary of recorded instruments affecting the title to real property.

Sec. 2. As used in this chapter, "affiliated business" means a part of a title insurance agent's business written in Indiana that was referred to the title insurance agent by a producer of title insurance business or an associate of a producer of title insurance business, in circumstances in which the producer or the associate,

or both, have a financial interest in the title insurance agent.

Sec. 3. As used in this chapter, "alien title insurer" means a title insurer that is incorporated or organized under the laws of a foreign nation or a foreign province or territory.

Sec. 4. As used in this chapter, "associate" means the following:

- (1) A business organized for profit in which a producer of title insurance business is a director, an officer, a partner, an employee, or an owner of a financial interest in the business.
- (2) An employee of a producer of title insurance business.
- (3) A franchiser or franchisee of a producer of title insurance business.
- (4) A spouse, parent, or child of a producer of title insurance business.
- (5) A person, other than a natural person, that controls, is controlled by, or is under common control with a producer of title insurance business.
- (6) A person with whom a producer of title insurance business or an associate of a producer of title insurance business has an agreement, arrangement, or understanding, or pursues a course of conduct, the purpose or effect of which is to provide financial benefits to the producer or associate for the referral of title insurance business.

Sec. 5. As used in this chapter, "bona fide employee" means an individual:

- (1) who devotes substantially all of the individual's time to performing services on behalf of a title insurer or title insurance agent; and
- (2) whose compensation for the services described in subdivision (1) is in the form of salary or the equivalent paid by the title insurer or title insurance agent.

Sec. 6. As used in this chapter, "chattels real" means an interest in real estate that is less than a freehold or fee interest.

Sec. 7. As used in this chapter, "closing protection letter" means an indemnification of or undertaking to a party to a real estate transaction by a principal, such as a title insurance company, setting forth in writing the extent to which the principal is responsible for intentional or unintentional misconduct or errors of the principal's agent in closing the real estate transaction.

Sec. 8. As used in this chapter, "commissioner" means the insurance commissioner appointed under IC 27-1-1-2, the commissioner's representative, or the commissioner, director, or superintendent of insurance in another state.

Sec. 9. As used in this chapter, "department" refers to the department of insurance created by IC 27-1-1-1.

Sec. 10. As used in this chapter, "escrow" means written instruments, money, or other items deposited by a party with a depository, an escrow agent, or an escrowee for delivery to another party upon the performance of a specified condition or the happening of a certain event.

Sec. 11. As used in this chapter, "financial interest" means a:

- (1) direct or indirect; and
- (2) legal or beneficial;

interest in an entity, in which the holder of the interest is or will be entitled to at least five percent (5%) of the net profits or net worth of the entity.

Sec. 12. As used in this chapter, "foreign title insurer" means a title insurer that is incorporated or organized under the laws of another state, the District of Columbia, or another jurisdiction of the United States.

Sec. 13. As used in this chapter, "person" means a natural person, a partnership, an association, a cooperative, a corporation, a trust, a limited liability company, or another legal entity.

Sec. 14. As used in this chapter, "premium" means the charge:

- (1) specified under a rule adopted by the commissioner;
- (2) that is made by a title insurer for a title insurance policy, including the charge for:
 - (A) performance of primary title services by a title insurer, title insurance agent, or title agency; and
 - (B) incurring the risks incident to the title insurance policy;

under the several classifications of title insurance policies and forms; and

(3) upon which a premium tax is paid.

Sec. 15. As used in this chapter, "primary title services" means the following services:

- (1) Evaluation of a title search or an abstract of title to determine the insurability of title.
- (2) Clearance of underwriting objections.
- (3) Issuance and assumption of responsibility for the issuance of a title insurance policy.
- (4) Issuance of closing protection letters.

Sec. 16. (a) As used in this chapter, "producer" means a person, including an officer, director, or owner of five percent (5%) or more of the equity or capital of a person, that is engaged in Indiana in the trade, business, occupation, or profession of:

- (1) buying or selling interests in real property;
- (2) making loans secured by interests in real property; or
- (3) acting as a broker, an agent, or a representative of a person who:
 - (A) buys or sells an interest in real property; or
 - (B) lends or borrows money using an interest in real property as security for the loan.

(b) The term does not include an insurance producer or a limited lines producer (both as defined in IC 27-1-15.6-2).

Sec. 17. As used in this chapter, "referral" means the direction or the exercise of a power or influence over the direction of title insurance business, regardless of whether the consent or approval of another person is sought or obtained with respect to the direction or exercise.

Sec. 18. As used in this chapter, "security deposit" means funds or other property received by a title insurance agent as collateral to secure an indemnitor's obligation under an indemnity agreement under which a title insurer:

- (1) agrees to provide coverage:
 - (A) under a title insurance policy; and
 - (B) that would otherwise be excluded under a specific exception to coverage; and
- (2) is granted a perfected security interest in the collateral in exchange for agreeing to provide the coverage described in subdivision (1).

Sec. 19. As used in this chapter, "title insurance agent" means an authorized person, other than a bona fide employee of a title insurer or an attorney licensed to practice law in Indiana, who:

- (1) is licensed as a limited lines producer under IC 27-1-15.6; and
- (2) on behalf of a title insurer performs the following acts in conjunction with the issuance of a title insurance report or title insurance policy:

- (A) Determines insurability and issues a title insurance report or a title insurance policy, or both, based on the performance or review of a title search, an examination of title, or an abstract of title.
- (B) Performs one (1) or more of the following functions:
 - (i) Collection or disbursement of premiums, escrow, security deposits, or other funds.
 - (ii) Management of escrow, settlement, or closing.
 - (iii) Solicitation or negotiation of title insurance business.

The term includes a title agency.

Sec. 20. As used in this chapter, "title insurance business" means any of the following:

- (1) Issuing or offering to issue, as a title insurer, a title insurance policy.
- (2) Transacting or proposing to transact, as a title insurance agent or title insurer, any of the following activities when conducted or performed in contemplation of or in conjunction with the issuance of a title insurance policy:
 - (A) Solicitation or negotiation of the issuance of a title insurance policy.
 - (B) Guaranteeing, warranting, or otherwise insuring the correctness of a title search for instruments affecting the title to:
 - (i) real property;
 - (ii) chattels real;

- (iii) cooperative units; and
 - (iv) proprietary leases;
- and liens or charges affecting the property described in items (i) through (iv).
- (C) Management of escrow, settlement, or closing.
 - (D) Execution of title insurance policies.
 - (E) Effectuation of contracts of reinsurance.
 - (F) Abstraction, searches, or examination of titles.
 - (G) Issuance of closing protection letters.
- (3) Guaranteeing, warranting, or insuring searches or examinations of title to real property or chattels real.
- (4) Guaranteeing or warranting the status of title concerning:
- (A) ownership of; or
 - (B) liens on;
- real property and chattels real by a person other than a principal to a transaction related to issuance of a title insurance policy.

Sec. 21. As used in this chapter, "title insurance policy" means a contract insuring or indemnifying the owner of, or another person that is lawfully interested in, real or personal property or chattels real, against loss or damage arising from any of the following conditions existing on or before the title insurance policy date and not excepted or excluded:

- (1) Defects in or liens or encumbrances on the insured title.
- (2) Unmarketability of the insured title.
- (3) Invalidity, lack of priority, or unenforceability of liens or encumbrances on the property.
- (4) Lack of legal right of access to real property.
- (5) Unenforceability of rights in title to real property.

Sec. 22. As used in this chapter, "title insurance report" means a preliminary report, commitment, or binder:

- (1) issued before the issuance of a title insurance policy; and
- (2) containing the terms, conditions, exceptions, and other matters incorporated by reference under which a title insurer will issue a title insurance policy.

Sec. 23. As used in this chapter, "title insurance subagent" means a person, other than a bona fide employee of a title insurance agent, who on behalf of a title insurance agent determines insurability and issues a title insurance report or title insurance policy, or both, based on the performance or review of a title search or abstract of title. The term does not include a licensed attorney that performs legal services, including title examination or closing services.

Sec. 24. As used in this chapter, "title insurer" means the following:

- (1) A company organized under Indiana law to transact title insurance business.
- (2) A foreign title insurer or alien title insurer that is licensed in Indiana to transact title insurance business.

Sec. 25. As used in this chapter, "underwrite" means to accept or reject risk:

- (1) on behalf of a title insurer; and
- (2) under authority granted by the title insurer.

Sec. 26. (a) The commissioner shall adopt rules under IC 4-22-2 to establish criteria and a process for licensure of the following:

- (1) A title agency.
- (2) A title insurance agent.

(b) A license may be issued under this section if each person named on the license possesses all qualifications determined appropriate by the commissioner.

(c) A person shall not act as a title agency or title insurance agent, and a title insurer may not contract with a person to act as a title agency or title insurance agent, with respect to risks located in Indiana unless the person is licensed under this section as a title agency, title insurance agent, or licensed attorney in Indiana.

(d) An individual:

- (1) employed by or contracted by a title agency, title insurance agent, or title insurer;
- (2) to whom the title agency, title insurance agent, or title insurer delegates authority to act on the title agency's, title insurance agent's, or title insurer's behalf; and

(3) who engages in title insurance business; shall be individually licensed under this section. This subsection does not require licensure of an individual who performs only clerical or administrative functions, including quoting title insurance fees.

(e) An applicant for a title agency license or a title insurance agent license under this section must also satisfy the requirements of IC 27-1-15.6 that apply to the title agency or title insurance agent.

(f) A title insurer that engages or employs a title agency shall file with the department, on a form prescribed by the department, an application certifying that the proposed title agency meets both of the following requirements:

(1) The title agency has obtained a fidelity bond in an amount that is acceptable to the title insurer, but not less than fifty thousand dollars (\$50,000).

(2) The title agency has obtained an errors and omissions insurance policy:

- (A) that provides coverage for an opinion of title;
- (B) from an insurer that is acceptable to the title insurer; and
- (C) in an amount acceptable to the title insurer, but not less than two hundred fifty thousand dollars (\$250,000) per claim with an aggregate limit.

The department shall adopt rules under IC 4-22-2 to specify an alternative method of compliance with subdivisions (1) and (2) if a fidelity bond or errors and omissions insurance is generally unavailable.

(g) A title agency shall provide to a title insurer with which the title agency places title insurance business, in a timely manner, information requested by the title insurer to comply with reporting requirements of the department.

(h) To obtain an initial license under this section, a title agency shall comply with the requirements of section 27(a) of this chapter.

Sec. 27. (a) To obtain an initial license under section 26 of this chapter, a title agency shall:

(1) have deposited with the department securities of the type described in IC 27-1-13-3(b) and having at all times a market value of not less than ten thousand dollars (\$10,000); or

(2) post a surety bond of not less than ten thousand dollars (\$10,000) payable to the department;

to secure the title agency's performance of the title agency's duties and responsibilities under the contract described in section 30 of this chapter and entered into between the title agency and each title insurer for which the title agency is appointed. If a surety bond is generally unavailable, the department may adopt rules under IC 4-22-2 to establish alternative methods by which a title agency may comply with this subsection.

(b) The deposit made or bond posted under subsection (a) is for the benefit of a person insured under a title insurance policy and damaged by the title agency's violation of this chapter or of a contractual duty or responsibility described in subsection (a).

(c) A title insurer shall not, directly or indirectly on behalf of a title agency, provide a deposit or bond required under subsection (a).

(d) A title agency may:

(1) exchange or substitute securities:

- (A) described in IC 27-1-13-3(b); and
- (B) of like quality and value;

for securities on deposit;

(2) receive interest and other income accruing on securities deposited; and

(3) at reasonable times, inspect a deposit of securities made; under subsection (a)(1).

(e) If a properly documented claim is timely filed with the department by a person described in subsection (b), the department may remit to the person in payment of the claim an appropriate amount of:

- (1) a deposit made under subsection (a); or
- (2) proceeds that are received from the surety.

(f) A deposit or bond described in subsection (a) must remain unimpaired while the title agency continues in business in Indiana

and for one (1) year after termination of all title agency appointments held by the title agency. If there are no claims outstanding against the deposit or bond one (1) year after termination of the appointments, the department shall return the deposit or bond and any accrued interest to the title agency.

Sec. 28. (a) A title agency or title insurance agent that is licensed under section 26 of this chapter shall comply with the requirements of IC 27-1-15.7 that apply to the title agency or title insurance agent.

(b) A continuing education course must be approved under IC 27-1-15.7-4.

(c) An individual who teaches an approved course of instruction or lectures at an approved seminar qualifies for the same number of continuing education hours as would be granted to an individual who takes and successfully completes the course or seminar.

(d) The department may grant an individual waiver of the continuing education requirements of IC 27-1-15.7 upon a showing by a licensee that it is not feasible for the licensee to satisfy the requirements before the licensee's license renewal date for an acceptable reason, including the licensee's:

- (1) serious physical injury or illness; or
- (2) active duty in the armed services for an extended period.

(e) An individual who is subject to this section shall furnish, in a manner satisfactory to the department, certification of the individual's completion of courses, programs, or seminars required by this section.

Sec. 29. (a) In addition to the requirements of sections 26(f) and 27 of this chapter, the commissioner may require a title insurance agent to maintain, for the benefit of a title insurer, an insured, or a depositor, under terms and conditions to be prescribed by the commissioner, in amounts commensurate with the title insurance agent's average exposure and the volume and nature of the title insurance agent's business, a sufficient net worth to ensure the title insurance agent's solvency and commitment to the purpose of being a title insurance agent.

(b) In determining the precise amount and terms and conditions described in subsection (a), the commissioner may adopt rules under IC 4-22-2 that:

- (1) specify acceptable alternatives to the net worth requirements described in subsection (a); and
- (2) exempt certain persons from complying with all or part of the net worth requirements described in subsection (a) or specified alternatives to the net worth requirements by virtue of:

- (A) the person's actual or expected volume of business; or
- (B) individual circumstances that show that the requirements would pose an undue hardship on the title insurance agent and the title insurance agent's services will be needed by and desirable to insureds.

(c) The commissioner may adopt rules under IC 4-22-2 to specify information that must be provided to evidence sufficiency of a title insurance agent's net worth as described in subsection (a).

(d) Financial information provided to evidence sufficiency of a title insurance agent's net worth under this section is confidential.

(e) A title insurance agent shall perform, through the title insurance agent's bona fide employees, primary title services to receive compensation for the services the title insurance agent renders.

Sec. 30. (a) A person, firm, association, or corporation that acts as a title insurance agent shall not place title insurance business with a title insurer unless a written contract is in force between the title insurance agent and the title insurer that:

- (1) specifies the responsibilities of each party;
- (2) if both parties share responsibility for a particular function, specifies the division of the responsibilities; and
- (3) contains the following minimum provisions:

(A) The title insurer may terminate the contract upon written notice if one (1) of the following occurs:

- (i) Fraud, insolvency, appointment of a receiver or conservator, bankruptcy, cancellation of the title insurance agent's license to do title insurance business,

or the commencement of legal proceedings by the state of domicile of the title insurance agent that, if successful, will lead to cancellation of the title insurance agent's license to do title insurance business.

(ii) Material breach of a provision of the contract.

(iii) Notice of cancellation is provided in accordance with contract termination requirements.

(B) Upon notice of termination, the title insurance agent shall immediately discontinue all underwriting on behalf of the title insurer.

This subdivision does not relieve a title insurance agent or title insurer of a contractual obligation not specified in this subdivision.

(b) A title insurance agent shall render accounts detailing all transactions, and remit all funds, due to a title insurer under the contract described in subsection (a) to the title insurer before the later of the following:

(1) Forty-five (45) days after the end of the month of the effective date of the title insurance policy.

(2) Within the time specified by the underwriting contract.

(c) Funds collected by a title insurance agent for the account of a title insurer:

(1) must be held in a fiduciary capacity in a bank that is a qualified financial institution; and

(2) are the property of the title insurer for whom the funds are collected.

(d) A title insurance agent shall keep records concerning funds described in subsection (c) in a manner that permits identification of funds that belong to a particular title insurer.

(e) At a title insurer's request, a title insurance agent or a title insurance agent's successor in interest, transferee, or receiver shall provide access to and the right to copy all escrow files and underwriting files involving a transaction in which a title insurance report or title insurance policy is issued or will be issued by the title insurance agent.

(f) A title insurance agent shall provide to a title insurer access to and a right to copy accounts and records maintained by the title insurance agent with respect to title insurance business placed with the title insurer.

(g) A contract described in subsection (a) may not be assigned in whole or in part by a title insurance agent without the expressed written consent of the title insurer.

(h) It is the duty of a title insurance agent to immediately report and forward to a title insurer all title related escrow claims and title claims reported to the title insurance agent by a policyholder or another person. However, if the contract described in subsection (a) permits the title insurance agent to settle claims on behalf of the title insurer:

(1) the title insurance agent shall send a copy of the claim file to the title insurer at the title insurer's request or as soon as it is known by the title insurance agent that the claim:

(A) has the potential to exceed an amount established by the title insurer;

(B) involves a coverage dispute;

(C) may exceed the title insurance agent's claims settlement authority;

(D) is open for more than six (6) months; or

(E) is closed by payment exceeding an amount established by the title insurer;

(2) files related to title and title related escrow claims settled by the title insurance agent are the property of the title insurer; and

(3) the title insurer may:

(A) suspend a settlement authority granted to the title insurance agent during a pending dispute regarding a cause for termination of the contract described in subsection (a); or

(B) upon:

(i) the title insurer's written notice to the title insurance agent; or

(ii) the termination of the contract described in subsection (a);

immediately terminate a settlement authority granted to

the title insurance agent.

This subdivision does not relieve a title insurance agent or title insurer of any other contractual obligation.

(i) If electronic claims files exist in the records of a title insurance agent, the contract described in subsection (a) must address the immediate transmission of the data contained in the electronic claims files.

(j) A title insurance agent shall not:

- (1) bind reinsurance or retrocession on behalf of a title insurer; or
- (2) appoint a title insurance subagent, without the expressed written consent of the title insurance underwriter that provides underwriting services under a contract with a title insurer.

(k) The contract described in subsection (a) must include specific terms of a title insurance agent's compensation.

(l) A title insurance agent shall maintain an inventory of title insurance policy forms or title insurance policy numbers assigned to the title insurance agent by a title insurer.

(m) A title insurance agent shall:

- (1) annually;
- (2) within a time specified by the contract described in subsection (a); or
- (3) concurrent with the renewal date of the title insurance agent's contract with a title insurer;

furnish a title insurer with proof that the title insurance agent is in compliance with section 26 of this chapter.

(n) A:

- (1) title insurer; or
- (2) title insurance agent on behalf of a title insurer;

shall issue a title insurance policy not later than sixty (60) days after all conditions or requirements specified in the title insurance report have been satisfied. However, if a title insurance policy cannot be issued within the period set forth in this subsection due to an act of God or war, the policy must be issued within a reasonable period determined by the department.

Sec. 31. (a) If:

- (1) a title insurance agent or title insurer provides settlement services and issues a lender's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of residential real estate securing the loan; and
- (2) an owner's title insurance policy has not been requested;

the title insurance agent or title insurer shall, at the time the title insurance report is prepared, provide written notice described in subsection (b) to the purchaser-mortgagor or the purchaser-mortgagor's representative.

(b) Notice provided under subsection (a) must explain:

- (1) that a lender's title insurance policy will be issued to protect the mortgage lender;
- (2) that the lender's title insurance policy does not provide title insurance protection to the purchaser-mortgagor as the owner of the property being purchased;
- (3) what an owner's title insurance policy insures against;
- (4) what possible risks exist for the purchaser-mortgagor that could be insured against through the purchase of an owner's title insurance policy; and
- (5) that the purchaser-mortgagor may obtain an owner's title insurance policy protecting the property owner for an additional cost.

(c) A title insurer or title insurance agent shall, at the time the title insurance report is prepared, provide written notice to all parties that receive the title insurance report that a closing protection letter may be purchased.

(d) The department shall adopt rules under IC 4-22-2 to specify the content of each notice required under this section.

Sec. 32. (a) A title insurance agent shall maintain sufficient records of the title insurance agent's affairs, including the title insurance agent's escrow operations and escrow trust accounts, to allow the commissioner to adequately ensure that the title insurance agent is in compliance with this chapter.

(b) The commissioner may prescribe:

- (1) specific record entries and documents that must be maintained under subsection (a); and

- (2) the length of time for which the records and documents must be maintained.

Sec. 33. (a) A title insurance agent, an officer, a director, or an employee of a title insurance agent, or a person associated with a title insurance agent or an officer, a director, or an employee of a title insurance agent, who:

- (1) is an independent contractor for bookkeeping or similar purposes; and
- (2) knowingly or intentionally converts or misappropriates funds received or held in escrow or in trust by the title insurance agent;

or a person who knowingly or intentionally receives or conspires to receive funds described in subdivision (2) commits an offense described in IC 35-43-9-7.

(b) If a title insurance agent or title agency defalcates, converts, or misappropriates funds held by the title insurance agent or title agency and the title insurance agent or title agency is convicted of an offense under IC 35-43-9-7, the following apply:

- (1) The title insurer is liable for the defalcation, conversion, or misappropriation by the title insurance agent or title agency.
- (2) If the title insurance agent or title agency is a title insurance agent or title agency for two (2) or more title insurers, the liability must be borne by the title insurer upon which a title insurance report or title insurance policy was issued before the illegal act.

However, a title insurer's liability under this subsection is limited to the amount payable under a title insurance policy issued or committed, or a closing protection letter issued, in connection with the real estate closing or escrow in relation to which the defalcation, conversion, or misappropriation is committed, plus reasonable attorney's fees.

(c) A title insurer shall, at least annually, conduct an on-site review of the underwriting, claims, and escrow practices of a title insurance agent, including a review of the title insurance agent's title insurance policy blank inventory and processing operations. If the title insurance agent does not maintain separate bank or trust accounts for each title insurer that the title insurance agent represents, the title insurer shall verify that the funds held on the title insurer's behalf are reasonably ascertainable from the books of account and records of the title insurance agent.

Sec. 34. (a) The commissioner shall establish a title insurance enforcement unit to enforce this chapter.

(b) The title insurance enforcement unit shall do the following:

- (1) Investigate deceptive acts in connection with title insurance.
- (2) Investigate violations of this chapter.
- (3) Cooperate with federal, state, and local law enforcement agencies in the investigation of:

- (A) deceptive acts in connection with title insurance; and
- (B) violations of the federal Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.).

(c) The following may cooperate with the title insurance enforcement unit, including sharing information that is otherwise confidential, to enforce compliance with this chapter:

- (1) The professional licensing agency and appropriate licensing boards with respect to a person licensed under IC 25.
- (2) The department of financial institutions.
- (3) The securities division of the office of the secretary of state.
- (4) The supreme court disciplinary commission, with respect to attorney misconduct.
- (5) The housing and community development authority.
- (6) The department of state revenue.
- (7) The state police department.
- (8) A prosecuting attorney.
- (9) Local law enforcement agencies.
- (10) The Indiana real estate commission.

(d) The commissioner may file a complaint with an entity specified in subsection (c) to enforce this chapter.

(e) This section does not limit the jurisdiction of an entity described in subsection (c).

Sec. 35. The commissioner may adopt rules under IC 4-22-2 to implement this chapter.

Sec. 36. (a) If the commissioner, after notice and hearing under IC 4-21.5, determines that a person has violated this chapter, the commissioner may:

- (1) impose a civil penalty of not more than ten thousand dollars (\$10,000) for each violation; and
- (2) if the person is a title insurance agent, order revocation or suspension of the title insurance agent's license.

(b) If an order of rehabilitation or liquidation of a title insurer has been entered under IC 27-9, and:

- (1) the receiver appointed under the order determines that a title insurance agent or another person has violated this chapter; and
- (2) the title insurer has suffered a resulting loss or damage; the receiver may maintain a civil action for recovery of damages or other appropriate sanctions for the benefit of the title insurer and the title insurer's policyholders and creditors.

(c) This section does not:

- (1) affect the right of the commissioner to impose another penalty under this title; or
- (2) limit or restrict the rights of policyholders, claimants, or creditors.

Sec. 37. The commissioner or attorney general may bring an action in a court with jurisdiction to enjoin violations of the federal Real Estate Settlement Procedures Act (12 U.S.C. 2601 et seq.)

(Reference is to ESB 349 as reprinted March 1, 2006.)

WALTZ	BURTON
MRVAN	MAHERN
Senate Conferees	House Conferees

The conference committee report was filed and read a first time.

ACTION ON RULES SUSPENSIONS AND CONFERENCE COMMITTEE REPORTS

Engrossed House Bill 1327-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1327-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1327-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 479: yeas 99, nays 0. Report adopted.

Engrossed House Bill 1172-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following

conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1172-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1172-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 480: yeas 75, nays 23. Report adopted.

Engrossed House Bill 1362-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1362-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1362-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 481: yeas 88, nays 8. Report adopted.

Engrossed Senate Bill 345-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 345-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the

House for action: Engrossed Senate Bill 345–1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 482: yeas 95, nays 0. Report adopted.

Engrossed Senate Bill 260–1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 260–1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 260–1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 483: yeas 83, nays 15. Report adopted.

Engrossed House Bill 1315–1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1315–1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1315–1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 484: yeas 83, nays 15. Report adopted.

Representative Buck was excused.

Engrossed House Bill 1240–1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following

conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1240–1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 3 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1240–1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 485: yeas 94, nays 0. Report adopted.

Representative Whetstone was excused.

Engrossed House Bill 1329–1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1329–1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1329–1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 486: yeas 93, nays 1. Report adopted.

Engrossed House Bill 1338–1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1338–1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration

after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1338-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 487: yeas 94, nays 0. Report adopted.

Representative Buck, who had been excused, was present.

Engrossed Senate Bill 172-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 172-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report may be laid over on the members' desks for 11 hours, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 172-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 488: yeas 97, nays 0. Report adopted.

Representative Whetstone, who had been excused, was present.

Engrossed Senate Bill 1-2

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 1-2.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed Senate Bill 1-2.

WHETSTONE, Chair

Motion prevailed.

Representative Pelath rose to a point of order stating that custom in the House requires that language in a conference committee report must have passed one of the two houses and that the conference

committee report 2 on Engrossed Senate Bill 1 contained new language not passed by either house.

The Speaker withdrew the conference committee report from further consideration.

Representative Bauer was excused.

Engrossed House Bill 1001-1

COMMITTEE REPORT

Mr. Speaker: Your Committee on Rules and Legislative Procedures has had under consideration House Rule 162.2 and recommends that Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1001-1.

WHETSTONE, Chair

Report adopted.

HOUSE MOTION

Mr. Speaker: I move House Rule 162.2 be suspended so that the following conference committee report is eligible for consideration after March 2 and that Rule 164.3 be suspended so that the following conference committee report does not have to be on the members' desks for any specified time requirement, all so that the following conference committee report may be eligible to be placed before the House for action: Engrossed House Bill 1001-1.

WHETSTONE, Chair

Motion prevailed.

The conference committee report was reread. Roll Call 489: yeas 95, nays 1. Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1102 because it conflicts with HEA 1114-2006 without properly recognizing the existence of HEA 1114-2006, has had Engrossed House Bill 1102 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1102 be corrected as follows:

In the conference committee report to EHB 1102-2006, page 46, line 24, after "IC 36-2-7-10" insert ", AS AMENDED BY HEA 1114-2006, SECTION 9,".

In the conference committee report to EHB 1102-2006, page 47, between lines 27 and 28, begin a new paragraph and insert:

"(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.".

In the conference committee report to EHB 1102-2006, page 47, line 28, delete "(c)" and insert "(d)".

In the conference committee report to EHB 1102-2006, page 47, line 35, delete "(d)" and insert "(e)".

In the conference committee report to EHB 1102-2006, page 47, line 37, delete "(e)" and insert "(f)".

In the conference committee report to EHB 1102-2006, page 47, line 40, delete "(f)" and insert "(g)".

In the conference committee report to EHB 1102-2006, page 47, line 51, delete "(g)" and insert "(h)".

(Reference is to EHB 1102 as reprinted February 28, 2006, and as corrected under Senate rule 33(c) adopted March 1, 2006, and as amended by the conference committee report to EHB 1102.)

WHETSTONE, Chair
PELATH, R.M.M.
AYRES, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1155 because it conflicts with SEA 132-2006 without properly recognizing the existence of SEA 132-2006, has had Engrossed House Bill 1155 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1155 be corrected as follows:

In the conference committee report to EHB 1155-2006, page 3, line 46, delete "P.L.234-2005," and insert "SEA 132-2006, SECTION 27,".

In the conference committee report to EHB 1155-2006, page 3, line 47, delete "SECTION 9,".

In the conference committee report to EHB 1155-2006, page 4, line 20, delete "IC 31-33-1.5-2)" and insert "IC 31-25-1-1)".

In the conference committee report to EHB 1155-2006, page 4, line 31, delete "division of family and children;" and insert "department of child services;".

In the conference committee report to EHB 1155-2006, page 5, line 13, after "IC 10-13-3-30" insert ", AS AMENDED BY SEA 132-2006, SECTION 29,".

In the conference committee report to EHB 1155-2006, page 5, line 27, delete "division of" and insert "department of child services.".

In the conference committee report to EHB 1155-2006, page 5, delete line 28.

In the conference committee report to EHB 1155-2006, page 7, line 23, delete "IC 11-8-2-12" and insert "IC 11-8-2-12.4".

In the conference committee report to EHB 1155-2006, page 7, line 25, delete "12." and insert "12.4".

In the conference committee report to EHB 1155-2006, page 7, line 50, delete "12" and insert "12.4".

(Reference is to EHB 1155 as reprinted March 1, 2006, and as amended by the conference committee report to EHB 1155.)

WHETSTONE, Chair
PELATH, R.M.M.
BUDAK, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed House Bill 1235 because it conflicts with HEA 1395-2006 without properly recognizing the existence of HEA 1395-2006, has had Engrossed House Bill 1235 under consideration and begs leave to report back to the House with the recommendation that Engrossed House Bill 1235 be corrected as follows:

In the conference committee report to EHB 1235-2006, page 2, line 30, delete "P.L.184-2005," and insert "HEA 1395-2006,".

In the conference committee report to EHB 1235-2006, page 2, line 31, delete "34," and insert "4".

In the conference committee report to EHB 1235-2006, page 2, between lines 49 and 50, begin a new paragraph and insert:

"(e) A change of venue from a judge must meet the requirements in IC 34-35-3-3 for court proceedings initiated under this section.".

(Reference is to EHB 1235 as reprinted February 28, 2006, and as amended by the conference committee report to EHB 1235.)

WHETSTONE, Chair
PELATH, R.M.M.
RUPPEL, Author

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 12 because it conflicts with SEA 132-2006 without properly recognizing the existence of SEA 132-2006, has had Engrossed Senate Bill 12 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 12 be corrected as follows:

In the conference committee report to ESB 12-2006, page 3, line 45, delete "P.L.234-2005" and insert "SEA 132-2006, SECTION

27,".

In the conference committee report to ESB 12-2006, page 3, line 46, delete "SECTION 9,".

In the conference committee report to ESB 12-2006, page 4, line 19, delete "IC 31-33-1.5-2)" and insert "IC 31-25-1-1)".

In the conference committee report to ESB 12-2006, page 4, line 30, delete "division of family and children;" and insert "department of child services;".

In the conference committee report to ESB 12-2006, page 5, line 12, after "IC 10-13-3-30" insert ", AS AMENDED BY SEA 132-2006, SECTION 29,".

In the conference committee report to ESB 12-2006, page 5, line 26, delete "division of" and insert "department of child services.".

In the conference committee report to ESB 12-2006, page 5, delete line 27.

In the conference committee report to ESB 12-2006, page 7, line 22, delete "IC 11-8-2-12" and insert "IC 11-8-2-12.4".

In the conference committee report to ESB 12-2006, page 7, line 24, delete "12." and insert "12.4".

In the conference committee report to ESB 12-2006, page 7, line 49, delete "12" and insert "12.4".

(Reference is to ESB 12 as reprinted February 24, 2006, and as amended by the conference committee report to ESB 12.)

WHETSTONE, Chair
PELATH, R.M.M.
FOLEY, Sponsor

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedures, to which was referred Engrossed Senate Bill 47 because it conflicts with SEA 132-2006 without properly recognizing the existence of SEA 132-2006, has had Engrossed Senate Bill 47 under consideration and begs leave to report back to the House with the recommendation that Engrossed Senate Bill 47 be corrected as follows:

In the conference committee report to ESB 47-2006, page 1, line 2, delete "P.L.177-2005," and insert "SEA 132-2006,".

In the conference committee report to ESB 47-2006, page 2, line 5, delete "division of family and children" and insert "department of child services".

In the conference committee report to ESB 47-2006, page 2, line 6, delete "a county office of family and children" and insert "the division of family resources".

In the conference committee report to ESB 47-2006, page 2, line 8, delete "IC 12-17.4." and insert "IC 31-27.".

In the conference committee report to ESB 47-2006, page 2, line 30, delete "health".

In the conference committee report to ESB 47-2006, page 2, line 31, delete "professions bureau".

In the conference committee report to ESB 47-2006, page 2, line 31, reset in roman "Indiana professional licensing agency".

(Reference is to ESB 47 as reprinted February 24, 2006, and as amended by the conference committee report to ESB 47.)

WHETSTONE, Chair
PELATH, R.M.M.
McCLAIN, Sponsor

Report adopted.

RESOLUTIONS ON FIRST READING

House Resolution 103

Representative Bauer introduced House Resolution 103:

A HOUSE RESOLUTION honoring Representative Ben GiaQuinta.

Whereas, The Indiana House of Representatives will be losing a valuable and integral part of the family with the retirement of Representative Ben GiaQuinta;

Whereas, Representative GiaQuinta has been a member of the

Indiana House of Representatives from 1990-1994 and again from 1996-2006;

Whereas, Representative GiaQuinta is the only World War II veteran in the House of Representatives, and his service to his country speaks volumes for his character;

Whereas, Representative GiaQuinta has served the constituency of House District 80 to the best of his ability, serving on the Courts and Criminal Code, Public Policy, Ethics and Veterans Affairs, and Ways and Means Committees;

Whereas, Representative GiaQuinta is also a member of the American Institute of Parliamentarians, the National Association of Realtors, the Indiana Association of Realtors, the Fort Wayne Area Association of Realtors, Toastmasters International, American Legion Post 296, and the Wayne Township Advisory Board;

Whereas, Representative GiaQuinta received a Bachelor of Arts degree from Louisiana State University; and

Whereas, The retirement of Representative Ben GiaQuinta will be a sad day for his legislative family and his constituents: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Ben GiaQuinta for his years of dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Ben GiaQuinta and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 104

Representative Bauer introduced House Resolution 104:

A HOUSE RESOLUTION honoring Representative Tom Kromkowski.

Whereas, The Indiana House of Representatives will be losing a valued family member with the retirement of Representative Tom Kromkowski;

Whereas, Representative Kromkowski has been a member of the Indiana House of Representatives since 1980;

Whereas, Representative Kromkowski served his country honorably in the United States Army and is a veteran of Vietnam;

Whereas, Representative Kromkowski has served the constituency of House District 7 to the best of his ability, serving on the Elections, Interstate and International Cooperation, and Labor and Employment Committees;

Whereas, Representative Kromkowski is also a member of the VFW, the M.R. Polish Falcons of America, the Westside Democratic and Civic Club of South Bend, and serves as Chairman of the United Auto Workers of St. Joseph-LaPorte County C.A.P. Council;

Whereas, Representative Kromkowski is a member of St. John the Baptist Catholic Church; and

Whereas, The retirement of Representative Tom Kromkowski will be a sad day for his legislative family and his constituents: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative Tom Kromkowski for his years of dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Tom Kromkowski and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 105

Representative Bauer introduced House Resolution 105:

A HOUSE RESOLUTION honoring Representative John Aguilera.

Whereas, The Indiana House of Representatives will be losing a valued member of the family with the retirement of Representative John Aguilera;

Whereas, Representative Aguilera has been a member of the Indiana House of Representatives since 2000;

Whereas, Representative Aguilera has served the constituency of House District 12 to the best of his ability, serving on the Local Government, Road and Transportation, and Ways and Means Committees;

Whereas, Before becoming a member of the Indiana House of Representatives, Representative Aguilera served on the Lake County Council;

Whereas, Representative Aguilera is also a member of the Boys and Girls Club, United Way, and the Hispanic Coordinating Council;

Whereas, Representative Aguilera attended Calumet College of St. Joseph and the University of Indianapolis;

Whereas, Representative Aguilera is a member of St. Mary's and St. Stenisleus Catholic Churches; and

Whereas, The retirement of Representative John Aguilera will be a sad day for his legislative family and his constituents: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives thanks Representative John Aguilera for his years of dedicated and honorable service to his constituency and the state of Indiana and wishes him happiness and contentment in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative John Aguilera and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 106

Representative Bosma introduced House Resolution 106:

A HOUSE RESOLUTION to honor Representative Robert Hoffman upon his retirement and to recognize his distinguished service to the people of House District 55 and the state of Indiana during his ten year tenure in the House of Representatives.

Whereas, Robert Hoffman became a state legislator after being the vocational director at Connersville Area Vocational School for 30 years;

Whereas, Robert Hoffman received his bachelor of science degree from Indiana State University and his master of science degree in vocational administration from Indiana State University;

Whereas, Robert Hoffman began his service in the General Assembly in 1996, becoming known for all time as the senior member of the "six-pack";

Whereas, Robert Hoffman has served his community as past president of Leadership Fayette County, chairman of Bethany Lutheran Church, past president of the Fayette Memorial Hospital Board, 1993 chairman of the Indiana Association of Area Vocational School Districts, Indiana Council of Vocational Directors, and a member of the Advisory Board of Purdue University-East, the Connersville Economic Development Committee, the County Extension Board, the Workforce Development Committee, and the Connersville Chamber of Commerce. He also won the Small Business Champion award of the Indiana Chamber Small Business Council, was elected to the Fayette County School Corporation Education Hall of Fame as a Master Educator, was named a Kentucky Colonel in 1989, and is director emeritus of Connersville Area Vocational School;

Whereas, Robert Hoffman is a true renaissance man, taking time to enjoy hunting wild game and fishing;

Whereas, Representative Hoffman has exhibited culinary expertise ranging from hog roasting to preparing souffles;

Whereas, Those who are invited to partake in his hospitality might dine on the vegetables grown in his garden, the fish he caught, or the fowl that he hunted and possibly even raised from birth;

Whereas, Robert Hoffman is not only a great chef in the finest French tradition but also an extraordinary sommelier and enologist, who offers the wine that he makes and, sometime in the future, may be serving it on a table with chairs that he is crafting by hand;

Whereas, Hoffman "The Fearless" is never afraid to try anything once, including attempting to make homemade caviar and inventing the chimney-top turkey roaster;

Whereas, Representative Hoffman has worn his elected position as a comfortable extension of his adventuresome aura;

Whereas, Robert Hoffman has served on the Committees on Education, Insurance, Financial Institutions, and Natural Resources with great personal interest and distinction;

Whereas, During his tenure as Chairman of the Committee on Natural Resources, Robert Hoffman worked to pass legislation to protect and sustain our valuable state parks, forests, and farmland and single-handedly made the most out of Groundhog Day by passing legislation to protect and manage the mighty groundhog;

Whereas, Representative Hoffman championed education issues and supported the work and goals of Indiana's teachers;

Whereas, Robert Hoffman served the residents of House District 55, which includes parts of Fayette, Union, Franklin, Wayne, and Dearborn counties;

Whereas, Robert and his wife, Phyllis, have three grown children, Dr. Loraine Phillips, Ben Hoffman, and Dr. Ann Wieman, and five grandchildren, Joe, Rob, Marty, Hollie, and Max;

Whereas, Robert Hoffman is undoubtedly a man of many exceptional creative gifts and abilities, and we are thankful for his years of service in the House of Representatives; and

Whereas, Robert Hoffman will be dearly missed by his colleagues and staff in the Indiana General Assembly: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the members of the Indiana House of Representatives bid their colleague a fond farewell and wish him health, happiness, and continued success in all his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Representative Hoffman and his family.

The resolution was read a first time and adopted by voice vote.

House Resolution 107

Representative Bosma introduced House Resolution 107:

A HOUSE RESOLUTION to honor Representative Luke Messer upon his retirement and recognize his distinguished service to the people of House District 57 and the State of Indiana during his tenure in the House of Representatives.

Whereas, Luke Messer served two terms as a State Representative for House District 57, representing Shelby and Bartholomew Counties;

Whereas, Luke Messer graduated from Wabash College, where he was affectionately referred to as "Wally Wabash";

Whereas, Luke Messer received his law degree from Vanderbilt University School of Law;

Whereas, Luke Messer is the proud husband to wife, Jennifer and father to daughters, Emma and Ava;

Whereas, Sometimes Luke Messer's day job, Executive Director of the Indiana Republican Party, at times was a challenge to both the Democrat and Republican caucuses;

Whereas, It could be said that Representative Messer was easier to find in the hallway on his cell phone rather than in the House Chamber during session;

Whereas, Luke Messer has always been, is now and always will be 15 to 20 minutes late;

Whereas, Representative Messer worked tirelessly on education issues such as high school graduation rates and early childhood education;

Whereas, Representative Messer always brought passion to the debate on the House floor and we recognize his contribution to the State of Indiana with his service and sacrifices;

Whereas, Luke Messer will be genuinely missed, and never forgotten, by his colleagues and the staff in the Indiana General Assembly; and

Whereas, those who have had the privilege of working for and with Representative Messer know what a true honor that time has been and wish him the best of luck in future endeavors: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors Luke Messer upon his retirement and recognizes his distinguished service to the people of District 57 and the State of Indiana during his four year tenure in the House of Representatives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Luke Messer.

The resolution was read a first time and adopted by voice vote.

House Resolution 108

Representative Bosma introduced House Resolution 108:

A HOUSE RESOLUTION to honor Representative David Yount upon his retirement and recognize his distinguished service to the people of House District 59 and the State of Indiana during his ten year tenure in the Indiana House of Representatives.

Whereas, David Yount was first elected to the General Assembly in 1996, as part of the class affectionately known as the "Six Pack";

Whereas, David Yount served as Republican Whip, Assistant Republican Floor Leader, Assistant Republican Caucus Chairman, and Assistant Republican Whip;

Whereas, The House Republican Class of 1996 is affectionately referred to as the "Six Pack" and Representative Yount's fellow class members include: Representative Hoffman, Representative Ripley, Representative Saunders, Representative Torr, and Representative Whetstone;

Whereas, David Yount was born in Columbus, Indiana, and attended Columbus East High School;

Whereas, David Yount graduated from Indiana University, Bloomington in 1984;

Whereas, David Yount is married to his beautiful wife Carol and they have two children, David and Abby;

Whereas, David Yount served as President of the Columbus Enterprise Development Corporation from 1991-2000;

Whereas, Representative Yount believed that in order to be an effective leader and accountable to constituents one must be able to explain their vote to the folks back home;

Whereas, Representative Yount assisted in crafting Indiana's "Do Not Call" list in 2001, one of the most popular consumer measures ever passed by the Indiana House of Representatives;

Whereas, Representative Yount's expertise and knowledge in the area of economic development proved to be a valuable asset to both his caucus and the Indiana House of Representatives;

Whereas, David Yount's special interest was in helping senior citizens in his district;

Whereas, David Yount had a quiet, good-natured manner, and his gentleman's demeanor allowed him to get issues resolved;

Whereas, Representative Yount always carried himself with professionalism and his character earned respect from both sides of the aisle;

Whereas, David Yount's knowledge of Indiana history and politics is amazing and this interest has led to an impressive political memorabilia collection;

Whereas, David Yount is otherwise known as the "King of eBay" and surfs the Internet like a race car driver zooms around the track;

Whereas, "The Workingman's Friend" may go out of business without his patronage;

Whereas, David Yount will be moving to Indianapolis from Columbus soon. Columbus' loss is Indianapolis' gain; and

Whereas, David Yount will be truly missed by his colleagues and staff in the Indiana House of Representatives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana House of Representatives honors David Yount upon his retirement and recognizes his distinguished service to the people of District 59 and the State of Indiana during his ten-year tenure in the House of Representatives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to David Yount.

The resolution was read a first time and adopted by voice vote.

Senate Concurrent Resolution 68

The Speaker handed down Senate Concurrent Resolution 68, sponsored by Representatives Bosma and Bauer:

A CONCURRENT RESOLUTION fixing the date for the Second Regular Technical Session of the General Assembly.

Whereas, IC 2-2.1-1-2.5 authorizes the General Assembly to fix a date for the Second Regular Technical Session of the General Assembly;

Whereas, The General Assembly finds that it is in the best interest of the State of Indiana to fix a date for the Technical Session; and

Whereas, It is prudent to allow the Speaker of the House of Representatives and the President Pro Tempore of the Senate to jointly order that the Technical Session not convene if they determined its cost and inconvenience do not justify meeting in Technical Session: Now, therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The date for the Technical Session of the General Assembly is hereby fixed for April 19, 2006, at 1:30 pm.

SECTION 2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may issue a joint order that the General Assembly not convene in Technical Session if they determined that the cost and inconvenience of meeting in Technical Session are not justified.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

RESOLUTIONS ON SECOND READING

House Resolution 73

The Speaker handed down on its passage House Resolution 73, introduced by Representatives Turner, Mays, and Murphy:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study restraint on trade of contact lenses.

The resolution was read a second time and adopted by voice vote.

House Resolution 88

The Speaker handed down on its passage House Resolution 88, introduced by Representatives Thompson and Walorski:

A HOUSE RESOLUTION urging the establishment of an interim study committee to study the social, emotional, and behavioral health screening of children.

The resolution was read a second time and adopted by voice vote.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1117, 1176, 1227, 1257, 1353, and 1420 and Senate Enrolled

Acts 22, 42, 100, 112, 145, 157, 161, 231, 234, 235, 247, 266, 269, 283, 297, 300, 305, 321, 338, 339, 353, 369, 379, and 382 on March 14.

The Speaker announced that Lieutenant Governor Skillman had signed House Enrolled Acts 1013, 1017, 1022, 1024, 1028, 1089, 1097, 1101, 1108, 1112, 1113, 1117, 1123, 1124, 1136, 1138, 1150, 1156, 1207, 1236, 1238, 1239, 1257, 1280, 1281, 1285, 1300, 1306, 1307, 1353, 1368, 1395, 1397, and 1418 on March 14.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bill 1001.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1008, 1315, 1327, and 1362.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed House Bills 1110, 1214, 1235, 1240, and 1380.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 87 and 303.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the Conference Committee Report 1 on Engrossed Senate Bills 148, 260, and 345.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Governor has this 14th day of March, 2006, approved Senate Enrolled Acts 56, 57, 72, 73, 81, 85, 86, 94, 133, 208, 229, and 275 and Enrolled Senate Joint Resolution 2 and the same have been deposited with the Secretary of State.

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 49 and 64 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the adoption of House Resolution 1, Roll Call 214, on February 13, 2006. In support of this petition, I submit the following reason:

"Because the House seldom has roll call votes on resolution and since three of my four grandchildren were present at the State House,

I was away from my desk and was unable to vote. I respectfully ask to be recorded as voting yea on House Resolution 1."

FRY

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the adoption of House Resolution 1, Roll Call 214, on February 13, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

PFLUM

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representative Fry and Pflum changes the vote tally for Roll Call 214 to 85 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1006, Roll Call 477, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote nay."

DAY

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1006, Roll Call 477, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote nay."

HOY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Day and Hoy changes the vote tally for Roll Call 477 to 51 yeas, 47 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1022, Roll Call 379, on March 6, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine failed to record my vote. I intended to vote yea."

DAVIS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 379 to 91 yeas, 6 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed House Bill 1099, Roll Call 454, on March 14, 2006. In support of this petition, I submit the following reason:

"I was unable to record my vote before the voting period was closed. I intended to vote nay."

HEIM

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed House Bill 1099, Roll Call 454, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but I was unable to record my vote before the voting period was closed. I intended to vote nay."

WALORSKI

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Heim and Walorski changes the vote tally for Roll Call 454 to 59 yeas, 35 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed House Bill 1102, Roll Call 443, on March 13, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

MAYS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 443 to 72 yeas, 25 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1108, Roll Call 403, on March 8, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

RESKE

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1108, Roll Call 403, on March 8, 2006. In support of this petition, I submit the following reason:

"I was present in a conference committee meeting during the roll call. I intended to vote yea."

VAN HAAFTEN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Reske and VanHaaften changes the vote tally for Roll Call 403 to 86 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed House Bill 1117, Roll Call 426, on March 13, 2006. In support of this petition, I submit the following reason:

"I was present in the Senate, conducting legislative business. I intended to vote yea."

KLINKER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 426 to 95 yeas, 2 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed House Bill 1155, Roll Call 456, on March 14, 2006. In support of this petition, I submit the following reason:

"I was off the Chamber floor in a meeting. I intended to vote yea."

AUSTIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 456 to 88 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1156, Roll Call 156, on February 1, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

KOCH

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 156 to 78 yeas, 19 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1220, Roll Call 425, on March 13, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

AUSTIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1220, Roll Call 425, on March 13, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Austin and Tyler changes the vote tally for Roll Call 425 to 70 yeas, 20 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1232, Roll Call 389, on March 6, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

KUZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 389 to 95 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1236, Roll Call 390, on March 6, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

KUZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 390 to 95 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1238, Roll Call 391, on March 6, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

KUZMAN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 391 to 95 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1285, Roll Call 405, on March 8, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

HOY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 405 to 87 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed House Bill 1362, Roll Call 481, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote nay."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 481 to 88 yeas, 8 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 6, Roll Call 285, on February 28, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

STEVENSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 285 to 95 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 22, Roll Call 308, on March 1, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 308 to 91 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Burton's second reading amendment 3 to Engrossed Senate Bill 27, Roll Call 347, on March 1, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the nay button when I intended to vote yea."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 347 to 50 yeas, 44 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 47, Roll Call 461, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

MAYS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 461 to 93 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 77, Roll Call 239, on February 23, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

GRUBB

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 239 to 79 yeas, 18 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 87, Roll Call 463, on March 14, 2006. In support of this petition, I submit the following reason:

"I was temporarily not on the floor and was unable to reach my voting machine in time. I intended to vote nay."

BRIGHT

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 463 to 92 yeas, 1 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 94, Roll Call 296, on February 28, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

L. LAWSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 296 to 92 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 111, Roll Call 297, on February 28, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

BARDON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes*

the vote tally for Roll Call 297 to 72 yeas, 24 nays.]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 117, Roll Call 373, on March 2, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote nay."

GOODIN

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 373 to 51 yeas, 47 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 139, Roll Call 464, on March 14, 2006. In support of this petition, I submit the following reason:

"I was temporarily not on the floor and was unable to reach my voting machine in time. I intended to vote nay."

BRIGHT

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 464 to 92 yeas, 1 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 148, Roll Call 314, on March 1, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

DAY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 314 to 56 yeas, 37 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 148, Roll Call 475, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

BORDERS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 475 to 55 yeas, 36 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 258, Roll Call 438, on March 13, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

L. LAWSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 438 to 85 yeas, 11 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 259, Roll Call 465, on March 14, 2006. In

support of this petition, I submit the following reason:

"I was temporarily away from my desk and was unable to reach my voting machine in time to cast my vote. I intended to vote yea."

CROUCH

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 465 to 87 yeas, 7 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 260, Roll Call 483, on March 14, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

MAYS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 483 to 83 yeas, 15 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 269, Roll Call 258, on February 27, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

HOY

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 258 to 81 yeas, 10 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 308, Roll Call 368, on March 2, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

BARDON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 368 to 97 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 321, Roll Call 367, on March 2, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yeas."

WELCH

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 367 to 60 yeas, 37 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 332, Roll Call 253, on February 27, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

AUSTIN

There being a constitutional majority voting in favor of the

petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 253 to 91 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 333, Roll Call 366, on March 2, 2006. In support of this petition, I submit the following reason:

"I was temporarily away from my desk and failed to reach my voting machine in time to cast my vote. I intended to vote yea."

BEHNING

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 366 to 92 yeas, 2 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 340, Roll Call 364, on March 2, 2006. In support of this petition, I submit the following reason:

"I was not present and in my seat. I intended to vote yea."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 364 to 95 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the ruling of the Chair concerning a second reading amendment to Engrossed Senate Bill 359, Roll Call 266, on February 27, 2006. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

MAYS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 266 to 50 yeas, 43 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on conference committee report 1 on Engrossed Senate Bill 359, Roll Call 431, on March 13, 2006. In support of this petition, I submit the following reason:

"I was present in my seat and voted yea, when I intended to abstain from voting."

RESKE

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 431 to 87 yeas, 6 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate Bill 362, Roll Call 356, on March 2, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

L. LAWSON

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 356 to 97 yeas, 0 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed Senate

Bill 382, Roll Call 352, on March 2, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

TYLER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 352 to 91 yeas, 6 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the concurrence on Engrossed House Bill 1279, Roll Call 301, on February 28, 2006. In support of this petition, I submit the following reason:

"I was present and in the chamber, but when I attempted to vote, the machine had closed. I intended to vote yea."

ORENTLICHER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 301 to 79 yeas, 18 nays.*]

HOUSE MOTION

Mr. Speaker: I move that the House reconsider language adopted in House Resolution 1 to reflect the following change: "Whereas, During the past session of the General Assembly the invocation was offered by clerics representing the Catholic, **Protestant**, Jewish, and Muslim faiths as well as those with no formal religious affiliations".

WHETSTONE

Motion prevailed.

ADJOURNMENT OF THE SECOND REGULAR SESSION

HOUSE MOTION

Mr. Speaker: I move that all requests for interim studies, including those made by concurrent resolution, bills which failed to pass both Houses of the General Assembly, or written or oral requests to the Speaker of the House, are hereby referred to the Legislative Council for further consideration as it deems necessary or appropriate.

FRIEND

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Senate for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives.

FRIEND

Motion prevailed. The Speaker appointed Representatives Yount, Hoffman, Tyler, and C. Bottorff.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed by the Speaker to ascertain whether the Senate has further legislative business to transact hereby reports that your committee has waited upon the Senate and that the Senate has no further legislative business to transact with the House of Representatives.

YOUNT
TYLER

HOFFMAN
C. BOTTORFF

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to confer with the Governor for the purpose of

ascertaining if the Governor has any further communication to make to the House of Representatives.

FRIEND

Motion prevailed. The Speaker appointed Representatives Messer, Wolkins, Kromkowski, and GiaQuinta.

COMMITTEE REPORT

Mr. Speaker: Your Committee which was appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the House of Representatives hereby reports that your committee has waited upon the Governor and that the Governor has no further communications to make to the House of Representatives.

MESSER
KROMKOWSKI

WOLKINS
GIA QUINTA

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Senate that the House of Representatives has completed its business and is ready to adjourn.

FRIEND

Motion prevailed. The Speaker appointed Representatives Walorski, Borrer, Aguilera, and Fry.

COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Senate that the House of Representatives has completed its business and is ready to adjourn reports that it has notified the Senate of the message of the House of Representatives.

WALORSKI
AGUILERA

BORROR
FRY

Report adopted.

HOUSE MOTION

Mr. Speaker: I move that the Speaker of the House of Representatives appoint a committee of four members of the House of Representatives to notify the Governor that the House of Representatives has completed its business and is ready to adjourn.

FRIEND

Motion prevailed. The Speaker appointed Representatives Whetstone, T. Brown, Orentlicher, and Crooks.

COMMITTEE REPORT

Mr. Speaker: Your Committee appointed to notify the Governor that the House of Representatives has completed its business and is ready to adjourn hereby reports that it has notified the Governor of the message of the House of Representatives.

WHETSTONE
ORENTLICHER

T. BROWN
CROOKS

Report adopted.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following committee report:

"Your committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee of Senators Becker and L. Lutz has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate."

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adopted the following committee report:

“Your committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your Committee of Senators Harrison and Craycraft has waited upon the Governor and that the Governor has no further communications to make to the Senate.”

MARY C. MENDEL
Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has adjourned the Second Regular Session of the 114th Indiana General Assembly *sine die* at 11:59 p.m. on the fourteenth day of March, 2006.

MARY C. MENDEL
Principal Secretary of the Senate

HOUSE MOTION

Mr. Speaker: I move that the House of Representatives of the Second Regular Session of the 114th General Assembly do now adjourn *sine die* at 11:59 p.m., this fourteenth day of March, 2006.

GIA QUINTA

Motion prevailed. The House adjourned *sine die*.

BRIAN C. BOSMA
Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives

ENROLLED ACTS SIGNED AFTER ADJOURNMENT OF THE SECOND REGULAR SESSION

MARCH 15, 2006

The Speaker announced that he had signed House Enrolled Act 1008 and Senate Enrolled Acts 58, 77, 84, 106, 192, 202, 296, and 362.

The Speaker announced that Lieutenant Governor Skillman had signed House Enrolled Acts 1008, 1176, and 1420.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 15, 2006, I signed into law House Enrolled Acts 1008, 1134, and 1299.

MITCHELL E. DANIELS, JR.
Governor

MARCH 16, 2006

The Speaker announced Lieutenant Governor Skillman had signed House Enrolled Act 1227.

MARCH 17, 2006

The Speaker announced that he had signed Senate Enrolled Acts 75 and 355.

The Speaker announced that Lieutenant Governor Skillman had signed House Enrolled Acts 1001, 1006, 1010, 1011, 1016, 1018, 1025, 1029, 1040, 1076, 1099, 1102, 1110, 1114, 1128, 1155, 1158, 1212, 1214, 1220, 1235, 1240, 1259, 1261, 1267, 1315, 1327, 1347, 1362, 1380, and 1392.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 17, 2006, I signed into law House Enrolled Acts 1013, 1022, 1024, 1089, 1093, 1097, 1106, 1108, 1112, 1113, 1136, 1150, 1156, 1207, 1232, 1236, 1238, 1280, 1300, 1314, 1339, 1395, and 1397.

MITCHELL E. DANIELS, JR.
Governor

MARCH 20, 2006

The Speaker announced that he had signed House Enrolled Acts 1001, 1006, 1010, 1011, 1016, 1018, 1025, 1029, 1040, 1076, 1099, 1102, 1110, 1114, 1128, 1155, 1158, 1212, 1214, 1220, 1235, 1240, 1259, 1261, 1267, 1315, 1327, 1347, 1362, 1380, and 1392 and Senate Enrolled Acts 6, 12, 41, 47, 83, 87, 132, 139, 148, 153, 168, 172, 193, 253, 258, 259, 260, 284, 303, 333, 340, 345, 359, and 370.

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 20, 2006, I signed into law House Enrolled Acts 1017, 1124, 1368, and 1418.

MITCHELL E. DANIELS, JR.
Governor

MARCH 21, 2006

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 21, 2006, I

signed into law House Enrolled Acts 1028, 1101, 1123, 1176, 1239, 1257, 1281, and 1306.

MITCHELL E. DANIELS, JR.
Governor

MARCH 22, 2006

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 22, 2006, I signed into law House Enrolled Acts 1117, 1138, 1285, 1307, 1353, and 1420.

MITCHELL E. DANIELS, JR.
Governor

MARCH 23, 2006

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 23, 2006, I signed into law House Enrolled Act 1235.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 23, 2006, I signed into law House Enrolled Act 1380.

MITCHELL E. DANIELS, JR.
Governor

MARCH 24, 2006

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 24, 2006, I signed into law House Enrolled Acts 1001, 1010, 1011, 1016, 1018, 1025, 1040, 1076, 1102, 1110, 1114, 1128, 1155, 1158, 1212, 1214, 1220, 1227, 1240, 1259, 1261, 1267, 1315, 1327, 1347, and 1362.

MITCHELL E. DANIELS, JR.
Governor

MARCH 27, 2006

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 27, 2006, I signed into law House Enrolled Act 1099.

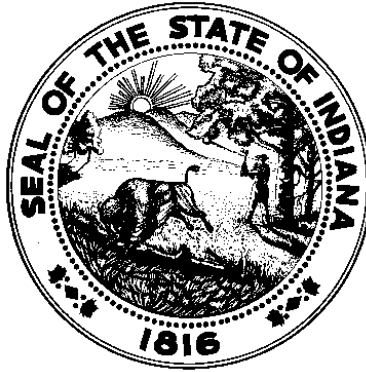
MITCHELL E. DANIELS, JR.
Governor

MARCH 28, 2006

MESSAGE FROM THE GOVERNOR

Mr. Speaker and Members of the House: On March 28, 2006, I signed into law House Enrolled Acts 1006, 1029, and 1392.

MITCHELL E. DANIELS, JR.
Governor



Roll Calls
Roll Call Index
Miscellaneous Index

INDIANA HOUSE OF REPRESENTATIVES
114TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2006

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 5

01-10-06

Roll Call 9: PASSED

HB 1134 Foley
Recodification of Title 21 and related
provisions.
3rd Reading

Yeas: 93
Nays: 3
Excused: 1
N/Voting: 3

VOTING YEA: 93

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stilwell
Bauer	Duncan	Mahern	Stutzman
Behning	Dvorak	Mays	Summers
Bell	Espich	McClain	Thomas
Bischoff	Foley	Messer	Thompson
Borders	Friend	Micon	Tincher
Borrer	Frizzell	Moses	Torr
Bottorff	GiaQuinta	Murphy	Turner
Bright	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: 3

Brown,C	Fry	Pelath
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EXCUSED FROM VOTING: 1

Lawson

NOT VOTING: 3

Denbo	Stevenson	Mr. Speaker
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Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 5

01-10-06

Roll Call 10: PASSED

HB 1040 Foley
Technical corrections bill.

Yeas: 97
Nays: 1
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lehe	Smith, J
Ayres	Dickinson	Leonard	Smith,V
Bardon	Dobis	Lutz	Stevenson
Bauer	Dodge	Mahern	Stilwell
Behning	Duncan	Mays	Stutzman
Bell	Dvorak	McClain	Summers
Bischoff	Espich	Messer	Thomas
Borders	Foley	Micon	Thompson
Borrer	Friend	Moses	Tincher
Bottorff	Frizzell	Murphy	Torr
Bright	GiaQuinta	Neese	Turner
Brown,C	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 1

Lawson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 7

01-17-06

Roll Call 15: PREVAILED

HB 1001 Espich

Yeas: 86
Nays: 10
Excused: 4
N/Voting: 0

Committee Report

VOTING YEA: 86

Aguilera	Denbo	Lehe	Smith, J
Austin	Dobis	Leonard	Smith,V
Avery	Dodge	Lutz	Stevenson
Ayres	Duncan	Mahern	Stilwell
Behning	Dvorak	Mays	Stutzman
Bell	Espich	McClain	Thomas
Bischoff	Foley	Messer	Thompson
Borders	Friend	Micon	Tincher
Borrer	Frizzell	Murphy	Torr
Bottorff	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Reske	Wolkins
Crawford	Kersey	Richardson	Woodruff
Crooks	Klinker	Ripley	Yount
Crouch	Koch	Robertson	Mr. Speaker
Davis	Kuzman	Ruppel	
Day	Lawson	Saunders	

VOTING NAY: 10

Bardon	Fry	Kromkowski	Summers
Bauer	GiaQuinta	Moses	
Cheney	Hoy	Porter	

EXCUSED FROM VOTING: 4

Bright	Brown,C	Dickinson	Pond
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NOT VOTING: NONE

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MEETING DAY 7

01-17-06

Roll Call 16: SUSTAINED

HB 1111 T. Brown
Life insurance and Medicaid.

Yeas: 48
Nays: 46
Excused: 3
N/Voting: 3

Ruling of the Chair

VOTING YEA: 48

Ayres	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Stutzman
Bell	Espich	Lutz	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Torr
Brown,T	Frizzell	Murphy	Turner
Buck	Gutwein	Neese	Ulmer
Budak	Harris, T	Noe	Walorski
Burton	Heim	Richardson	Whetstone
Cherry	Hinkle	Ripley	Wolkins
Crouch	Hoffman	Ruppel	Woodruff
Davis	Koch	Saunders	Yount

VOTING NAY: 46

Aguilera	Denbo	Kuzman	Reske
Austin	Dobis	Lawson	Robertson
Avery	Dvorak	Mahern	Smith,V
Bardon	Fry	Mays	Stevenson
Bauer	GiaQuinta	Micon	Stilwell
Bischoff	Goodin	Moses	Summers
Bottorff	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	
Day	Kromkowski	Porter	

EXCUSED FROM VOTING: 3

Bright	Brown,C	Dickinson
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NOT VOTING: 3

Buell	Pond	Mr. Speaker
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MEETING DAY 7

01-17-06

Roll Call 17: FAILED

HB 1114 Foley
Various property matters.
Pierce amendment
2nd Reading Amend. #1

Yeas: 44
Nays: 49
Excused: 3
N/Voting: 4

VOTING YEA: 44

Aguilera	Day	Kuzman	Porter
Austin	Denbo	Lawson	Reske
Avery	Dobis	Mahern	Robertson
Bardon	Dvorak	Mays	Smith,V
Bauer	GiaQuinta	Micon	Stevenson
Bischoff	Goodin	Moses	Stilwell
Bottorff	Harris, E	Orentlicher	Summers
Cheney	Hoy	Oxley	Tincher
Cochran	Kersey	Pelath	Tyler
Crawford	Klinker	Pflum	VanHaaften
Crooks	Kromkowski	Pierce	Welch

VOTING NAY: 49

Ayres	Dodge	Leonard	Stutzman
Behning	Duncan	Lutz	Thomas
Bell	Espich	McClain	Thompson
Borders	Foley	Messer	Torr
Borrer	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	
Davis	Lehe	Smith, J	

EXCUSED FROM VOTING: 3

Bright	Brown,C	Dickinson
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NOT VOTING: 4

Fry	Grubb	Walorski	Mr. Speaker
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Indiana House of Representatives
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01-17-06

Roll Call 18: PASSED

HB 1013 Burton
In God We Trust license plate.

Yeas: 94
Nays: 2
Excused: 3
N/Voting: 1

3rd Reading

VOTING YEA: 94

Aguilera	Day	Lawson	Saunders
Austin	Denbo	Lehe	Smith, J
Avery	Dobis	Leonard	Smith,V
Ayres	Dodge	Lutz	Stevenson
Bardon	Duncan	Mahern	Stilwell
Bauer	Dvorak	Mays	Stutzman
Behning	Espich	McClain	Summers
Bell	Foley	Messer	Thomas
Bischoff	Friend	Micon	Thompson
Borders	Frizzell	Moses	Tincher
Borrer	GiaQuinta	Murphy	Torr
Bottorff	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pond	Whetstone
Cherry	Hoffman	Porter	Wolkins
Cochran	Kersey	Reske	Woodruff
Crawford	Klinker	Richardson	Yount
Crooks	Koch	Ripley	Mr. Speaker
Crouch	Kromkowski	Robertson	
Davis	Kuzman	Ruppel	

VOTING NAY: 2

Hoy Pierce

EXCUSED FROM VOTING: 3

Bright Brown,C Dickinson

NOT VOTING: 1

Fry

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01-19-06

Roll Call 20: PASSED

HB 1021 Grubb
Hay baling on interstate
rights-of-way.
3rd Reading

Yeas: 88
Nays: 1
Excused: 3
N/Voting: 8

VOTING YEA: 88

Aguilera	Dickinson	Kuzman	Ripley
Austin	Dobis	Lawson	Robertson
Avery	Dodge	Lehe	Ruppel
Ayres	Duncan	Leonard	Saunders
Behning	Dvorak	Lutz	Smith, J
Bell	Espich	Mahern	Smith,V
Bischoff	Foley	Mays	Stevenson
Borders	Friend	McClain	Stilwell
Borrer	Frizzell	Micon	Stutzman
Bottorff	GiaQuinta	Moses	Summers
Bright	Goodin	Murphy	Thomas
Brown,T	Grubb	Neese	Thompson
Buck	Gutwein	Noe	Tincher
Budak	Harris, T	Orentlicher	Turner
Buell	Heim	Oxley	Tyler
Burton	Hinkle	Pelath	Ulmer
Cheney	Hoffman	Pflum	VanHaaften
Crawford	Hoy	Pierce	Walorski
Crooks	Kersey	Pond	Whetstone
Crouch	Klinker	Porter	Wolkins
Davis	Koch	Reske	Woodruff
Denbo	Kromkowski	Richardson	Yount

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 3

Brown,C	Cherry	Welch
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NOT VOTING: 8

Bardon	Cochran	Harris, E	Torr
Bauer	Day	Messer	Mr. Speaker

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Roll Call 21: PASSED

HB 1023 Ayres
Addiction treatment facilities.

Yeas:	93
Nays:	0
Excused:	3
N/Voting:	4

3rd Reading

VOTING YEA: 93

Aguilera	Dobis	Lawson	Ruppel
Austin	Dodge	Lehe	Saunders
Avery	Duncan	Leonard	Smith, J
Ayres	Dvorak	Lutz	Smith,V
Bardon	Espich	Mahern	Stevenson
Behning	Foley	Mays	Stilwell
Bell	Friend	McClain	Stutzman
Bischoff	Frizzell	Messer	Summers
Borders	Fry	Micon	Thomas
Borrer	GiaQuinta	Moses	Thompson
Bottorff	Goodin	Murphy	Tincher
Bright	Grubb	Neese	Torr
Brown,T	Gutwein	Noe	Turner
Buck	Harris, E	Orentlicher	Tyler
Budak	Harris, T	Oxley	Ulmer
Buell	Heim	Pelath	VanHaaften
Burton	Hinkle	Pflum	Walorski
Cheney	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	
Denbo	Kromkowski	Ripley	
Dickinson	Kuzman	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown, C **Cherry** **Welch**

NOT VOTING: 4

Bauer	Cochran	Day	Mr. Speaker
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01-19-06

Roll Call 22: PASSED

HB 1103 Yount
Bureau of motor vehicles matters.

Yeas: 94
Nays: 0
Excused: 3
N/Voting: 3

3rd Reading

VOTING YEA: 94

Aguilera	Dickinson	Kuzman	Robertson
Austin	Dobis	Lawson	Ruppel
Avery	Dodge	Lehe	Saunders
Ayres	Duncan	Leonard	Smith, J
Bardon	Dvorak	Lutz	Smith,V
Behning	Espich	Mahern	Stevenson
Bell	Foley	Mays	Stilwell
Bischoff	Friend	McClain	Stutzman
Borders	Frizzell	Messer	Summers
Borrer	Fry	Micon	Thomas
Bottorff	GiaQuinta	Moses	Thompson
Bright	Goodin	Murphy	Tincher
Brown,T	Grubb	Neese	Torr
Buck	Gutwein	Noe	Turner
Budak	Harris, E	Orentlicher	Tyler
Buell	Harris, T	Oxley	Ulmer
Burton	Heim	Pelath	VanHaaften
Cheney	Hinkle	Pflum	Walorski
Crawford	Hoffman	Pierce	Whetstone
Crooks	Hoy	Pond	Wolkins
Crouch	Kersey	Porter	Woodruff
Davis	Klinker	Reske	Yount
Day	Koch	Richardson	
Denbo	Kromkowski	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Cherry Welch

NOT VOTING: 3

Bauer Cochran Mr. Speaker

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01-19-06

Roll Call 23: PASSED

HB 1106 Crouch
Automatic external defibrillators.

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

3rd Reading

VOTING YEA: 96

Aguilera	Day	Koch	Richardson
Austin	Denbo	Kromkowski	Ripley
Avery	Dickinson	Kuzman	Robertson
Ayres	Dobis	Lawson	Ruppel
Bardon	Dodge	Lehe	Saunders
Bauer	Duncan	Leonard	Smith, J
Behning	Dvorak	Lutz	Smith,V
Bell	Espich	Mahern	Stevenson
Bischoff	Foley	Mays	Stilwell
Borders	Friend	McClain	Stutzman
Borrer	Frizzell	Messer	Summers
Bottorff	Fry	Micon	Thomas
Bright	GiaQuinta	Moses	Thompson
Brown,T	Goodin	Murphy	Tincher
Buck	Grubb	Neese	Torr
Budak	Gutwein	Noe	Turner
Buell	Harris, E	Orentlicher	Tyler
Burton	Harris, T	Oxley	Ulmer
Cheney	Heim	Pelath	VanHaaften
Cochran	Hinkle	Pflum	Walorski
Crawford	Hoffman	Pierce	Whetstone
Crooks	Hoy	Pond	Wolkins
Crouch	Kersey	Porter	Woodruff
Davis	Klinker	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Brown,C Cherry Welch

NOT VOTING: 1

Mr. Speaker

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01-19-06

Roll Call 24: PASSED

HB 1111 T. Brown
Life insurance and Medicaid.

Yeas: 79
Nays: 15
Excused: 3
N/Voting: 3

3rd Reading

VOTING YEA: 79

Aguilera	Denbo	Lawson	Robertson
Austin	Dobis	Lehe	Ruppel
Avery	Dodge	Leonard	Saunders
Ayres	Duncan	Lutz	Smith, J
Bardon	Dvorak	Mahern	Smith,V
Behning	Espich	McClain	Stevenson
Bell	Foley	Messer	Stutzman
Bischoff	Friend	Micon	Thomas
Borders	Frizzell	Moses	Thompson
Borrer	GiaQuinta	Murphy	Tincher
Bottorff	Grubb	Neese	Torr
Bright	Gutwein	Noe	Turner
Brown,T	Harris, E	Orentlicher	Ulmer
Buck	Harris, T	Oxley	VanHaaften
Budak	Heim	Pflum	Walorski
Buell	Hinkle	Pierce	Whetstone
Burton	Hoffman	Pond	Wolkins
Cheney	Hoy	Reske	Woodruff
Crouch	Klinker	Richardson	Yount
Davis	Koch	Ripley	

VOTING NAY: 15

Cochran	Dickinson	Kromkowski	Stilwell
Crawford	Fry	Mays	Summers
Crooks	Goodin	Pelath	Tyler
Day	Kersey	Porter	

EXCUSED FROM VOTING: 3

Brown,C	Cherry	Welch
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NOT VOTING: 3

Bauer	Kuzman	Mr. Speaker
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MEETING DAY 8

01-19-06

Roll Call 26: PASSED

HB 1150 Crooks
Use of antique license plates on
motor vehicles.
3rd Reading

Yeas: 92
Nays: 1
Excused: 3
N/Voting: 4

VOTING YEA: 92

Aguilera	Dickinson	Kuzman	Ripley
Austin	Dobis	Lawson	Robertson
Avery	Dodge	Lehe	Ruppel
Ayres	Duncan	Leonard	Saunders
Bardon	Dvorak	Lutz	Smith, J
Behning	Espich	Mahern	Smith,V
Bell	Foley	Mays	Stevenson
Bischoff	Friend	McClain	Stilwell
Borders	Frizzell	Messer	Stutzman
Borrer	GiaQuinta	Micon	Summers
Bottorff	Goodin	Moses	Thomas
Bright	Grubb	Murphy	Thompson
Brown,T	Gutwein	Neese	Tincher
Buck	Harris, E	Noe	Torr
Budak	Harris, T	Orentlicher	Turner
Buell	Heim	Oxley	Tyler
Burton	Hinkle	Pelath	Ulmer
Cheney	Hoffman	Pflum	VanHaaften
Crooks	Hoy	Pierce	Walorski
Crouch	Kersey	Pond	Whetstone
Davis	Klinker	Porter	Wolkins
Day	Koch	Reske	Woodruff
Denbo	Kromkowski	Richardson	Yount

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 3

Brown,C	Cherry	Welch
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NOT VOTING: 4

Bauer	Cochran	Crawford	Mr. Speaker
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MEETING DAY 9

01-23-06

Roll Call 29: FAILED

HB 1007 T. Harris
Various business tax changes.
Pelath amendment
2nd Reading Amend. #2

Yeas: 48
Nays: 49
Excused: 1
N/Voting: 2

VOTING YEA: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

VOTING NAY: 49

Ayres	Davis	Leonard	Thomas
Behning	Dodge	McClain	Thompson
Bell	Duncan	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Heim	Ripley	Woodruff
Buell	Hinkle	Ruppel	Yount
Burton	Hoffman	Saunders	
Cherry	Koch	Smith, J	
Crouch	Lehe	Stutzman	

EXCUSED FROM VOTING: 1

Espich

NOT VOTING: 2

Lutz Mr. Speaker

Indiana House of Representatives
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01-23-06

Roll Call 30: FAILED

HB 1009 Torr
Redistricting commission.
Denbo amendment
2nd Reading Amend. #3

Yeas: 48
Nays: 49
Excused: 2
N/Voting: 1

VOTING YEA: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

VOTING NAY: 49

Ayres	Davis	Leonard	Thomas
Behning	Dodge	McClain	Thompson
Bell	Duncan	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Heim	Ripley	Woodruff
Buell	Hinkle	Ruppel	Yount
Burton	Hoffman	Saunders	
Cherry	Koch	Smith, J	
Crouch	Lehe	Stutzman	

EXCUSED FROM VOTING: 2

Espich Lutz

NOT VOTING: 1

Mr. Speaker

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01-23-06

Roll Call 31: FAILED

HB 1362 Buck
Local government reorganization.
Crawford amendment
2nd Reading Amend. #5

Yeas: 47
Nays: 48
Excused: 2
N/Voting: 3

VOTING YEA: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	GiaQuinta	Moses	Summers
Brown,C	Goodin	Orentlicher	Tincher
Cheney	Grubb	Oxley	Tyler
Cochran	Harris, E	Pelath	VanHaaften
Crawford	Hoy	Pflum	Welch
Crooks	Kersey	Pierce	

VOTING NAY: 48

Ayres	Crouch	Koch	Saunders
Behning	Davis	Lehe	Smith, J
Bell	Dodge	Leonard	Stutzman
Borders	Duncan	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount

EXCUSED FROM VOTING: 2

Espich Lutz

NOT VOTING: 3

Mays Torr Mr. Speaker

Indiana House of Representatives
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01-23-06

Roll Call 32: FAILED

HB 1362 Buck
Local government reorganization.
VanHaaften amendment
2nd Reading Amend. #1

Yeas: 48
Nays: 49
Excused: 2
N/Voting: 1

VOTING YEA: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

VOTING NAY: 49

Ayres	Davis	Leonard	Thomas
Behning	Dodge	McClain	Thompson
Bell	Duncan	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Heim	Ripley	Woodruff
Buell	Hinkle	Ruppel	Yount
Burton	Hoffman	Saunders	
Cherry	Koch	Smith, J	
Crouch	Lehe	Stutzman	

EXCUSED FROM VOTING: 2

Espich Lutz

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 9

01-23-06

Roll Call 33: PREVAILED

HB 1307 Torr
Worker's compensation.
Torr amendment
2nd Reading Amend. #7

Yeas: 52
Nays: 45
Excused: 2
N/Voting: 1

VOTING YEA: 52

Ayres	Davis	Leonard	Stevenson
Behning	Dodge	McClain	Stutzman
Bell	Duncan	Messer	Thomas
Borders	Foley	Murphy	Thompson
Borrer	Friend	Neese	Torr
Bright	Frizzell	Noe	Turner
Brown,T	Gutwein	Pierce	Ulmer
Buck	Harris, T	Pond	Walorski
Budak	Heim	Richardson	Welch
Buell	Hinkle	Ripley	Whetstone
Burton	Hoffman	Ruppel	Wolkins
Cherry	Koch	Saunders	Woodruff
Crouch	Lehe	Smith, J	Yount

VOTING NAY: 45

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stilwell
Bischoff	Fry	Mays	Summers
Bottorff	GiaQuinta	Micon	Tincher
Brown,C	Goodin	Moses	Tyler
Cheney	Grubb	Orentlicher	VanHaaften
Cochran	Harris, E	Oxley	
Crawford	Hoy	Pelath	
Crooks	Kersey	Pflum	

EXCUSED FROM VOTING: 2

Espich Lutz

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 9

01-23-06

Roll Call 34: FAILED

HB 1307 Torr
Worker's compensation.
Stilwell amendment
2nd Reading Amend. #3

Yeas: 48
Nays: 49
Excused: 2
N/Voting: 1

VOTING YEA: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

VOTING NAY: 49

Ayres	Davis	Leonard	Thomas
Behning	Dodge	McClain	Thompson
Bell	Duncan	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Heim	Ripley	Woodruff
Buell	Hinkle	Ruppel	Yount
Burton	Hoffman	Saunders	
Cherry	Koch	Smith, J	
Crouch	Lehe	Stutzman	

EXCUSED FROM VOTING: 2

Espich Lutz

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 9

01-23-06

Roll Call 35: FAILED

HB 1142 Leonard
Skills 2016 training fund.
Stilwell amendment
2nd Reading Amend. #3

Yeas: 47
Nays: 49
Excused: 2
N/Voting: 2

VOTING YEA: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pierce	

VOTING NAY: 49

Ayres	Davis	Leonard	Thomas
Behning	Dodge	McClain	Thompson
Bell	Duncan	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Heim	Ripley	Woodruff
Buell	Hinkle	Ruppel	Yount
Burton	Hoffman	Saunders	
Cherry	Koch	Smith, J	
Crouch	Lehe	Stutzman	

EXCUSED FROM VOTING: 2

Espich Lutz

NOT VOTING: 2

Pflum Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 10

01-24-06

Roll Call 37: FAILED

HB 1010 Wolkins
Eminent domain.
VanHaaften amendment
2nd Reading Amend. #5

Yeas: 48
Nays: 51
Excused: 0
N/Voting: 1

VOTING YEA: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 10

01-24-06

Roll Call 38: FAILED

HB 1010 Wolkins
Eminent domain.
Dvorak amendment
2nd Reading Amend. #14

Yeas: 48
Nays: 51
Excused: 0
N/Voting: 1

VOTING YEA: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 40: PREVAILED

HB 1279 Murphy
Telecommunications.
Messer amendment
2nd Reading Amend. #7

Yeas: 56
Nays: 42
Excused: 1
N/Voting: 1

VOTING YEA: 56

Austin	Crooks	Harris, T	Porter
Avery	Crouch	Heim	Robertson
Ayres	Davis	Hinkle	Saunders
Bardon	Day	Hoy	Smith, J
Bauer	Denbo	Klinker	Smith,V
Behning	Dickinson	Messer	Stutzman
Bottorff	Dodge	Micon	Summers
Bright	Duncan	Moses	Tincher
Buck	Dvorak	Noe	Ulmer
Budak	Espich	Orentlicher	VanHaaften
Buell	Foley	Oxley	Walorski
Cherry	Friend	Pelath	Welch
Cochran	GiaQuinta	Pierce	Wolkins
Crawford	Goodin	Pond	Woodruff

VOTING NAY: 42

Aguilera	Fry	Leonard	Stevenson
Bell	Grubb	Lutz	Stilwell
Bischoff	Gutwein	Mahern	Thomas
Borders	Harris, E	Mays	Thompson
Borrer	Hoffman	McClain	Torr
Brown,C	Kersey	Murphy	Turner
Brown,T	Koch	Neese	Tyler
Burton	Kromkowski	Pflum	Whetstone
Cheney	Kuzman	Reske	Yount
Dobis	Lawson	Ripley	
Frizzell	Lehe	Ruppel	

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 41: PREVAILED

HB 1279 Murphy
Telecommunications.
Moses amendment
2nd Reading Amend. #21

Yeas: 90
Nays: 7
Excused: 1
N/Voting: 2

VOTING YEA: 90

Aguilera	Davis	Kromkowski	Ripley
Austin	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Ruppel
Ayres	Dickinson	Lehe	Saunders
Bardon	Dobis	Leonard	Smith, J
Behning	Dodge	Lutz	Smith,V
Bell	Duncan	Mahern	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Borders	Espich	McClain	Stutzman
Borrer	Foley	Messer	Summers
Bottorff	Frizzell	Micon	Thomas
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Buck	Goodin	Neese	Tyler
Budak	Grubb	Noe	Ulmer
Buell	Gutwein	Orentlicher	VanHaaften
Burton	Harris, E	Oxley	Walorski
Cheney	Harris, T	Pelath	Welch
Cherry	Heim	Pflum	Whetstone
Cochran	Hoy	Pierce	Woodruff
Crawford	Kersey	Pond	Yount
Crooks	Klinker	Porter	
Crouch	Koch	Reske	

VOTING NAY: 7

Brown,T	Hinkle	Thompson	Wolkins
Friend	Hoffman	Turner	

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 2

Bauer Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 42: FAILED

HB 1279 Murphy
Telecommunications.
Micon amendment
2nd Reading Amend. #23

Yeas: 29
Nays: 68
Excused: 1
N/Voting: 2

VOTING YEA: 29

Bardon	Dvorak	Kuzman	Stilwell
Bauer	Fry	Micon	Summers
Cheney	GiaQuinta	Moses	Tincher
Crawford	Grubb	Orentlicher	Tyler
Crooks	Harris, E	Oxley	Welch
Day	Kersey	Pelath	
Denbo	Klinker	Pierce	
Dickinson	Kromkowski	Porter	

VOTING NAY: 68

Aguilera	Cochran	Koch	Ruppel
Austin	Crouch	Lawson	Saunders
Avery	Davis	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith, V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stutzman
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Torr
Bottorff	Frizzell	Murphy	Turner
Bright	Goodin	Neese	Ulmer
Brown, C	Gutwein	Noe	VanHaaften
Brown, T	Harris, T	Pflum	Walorski
Buck	Heim	Pond	Whetstone
Budak	Hinkle	Reske	Wolkins
Buell	Hoffman	Ripley	Woodruff
Cherry	Hoy	Robertson	Yount

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 2

Burton Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 43: FAILED

HB 1001 Espich
Assessment officials.
Klinker amendment
2nd Reading Amend. #3

Yeas: 45
Nays: 52
Excused: 2
N/Voting: 1

VOTING YEA: 45

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Reske
Avery	Dobis	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stevenson
Bauer	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	
Crooks	Kersey	Pflum	
Day	Klinker	Pierce	

VOTING NAY: 52

Ayres	Crouch	Koch	Smith, J
Behning	Davis	Lehe	Stutzman
Bell	Dodge	Leonard	Thomas
Bischoff	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Neese	Ulmer
Brown,T	Frizzell	Noe	Walorski
Buck	Gutwein	Pond	Welch
Budak	Harris, T	Ripley	Whetstone
Buell	Heim	Robertson	Wolkins
Burton	Hinkle	Ruppel	Woodruff
Cherry	Hoffman	Saunders	Yount

EXCUSED FROM VOTING: 2

Murphy Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 44: PREVAILED

HB 1001 Espich
Assessment officials.
Dobis amendment
2nd Reading Amend. #5

Yeas: 98
Nays: 0
Excused: 2
N/Voting: 0

VOTING YEA: 98

Aguilera	Davis	Koch	Ruppel
Austin	Day	Kromkowski	Saunders
Avery	Denbo	Kuzman	Smith, J
Ayres	Dickinson	Lawson	Smith,V
Bardon	Dobis	Lehe	Stevenson
Bauer	Dodge	Leonard	Stilwell
Behning	Duncan	Lutz	Stutzman
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Grubb	Orentlicher	VanHaaften
Budak	Gutwein	Oxley	Walorski
Buell	Harris, E	Pelath	Welch
Burton	Harris, T	Pflum	Whetstone
Cheney	Heim	Pierce	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Porter	Yount
Crawford	Hoy	Reske	Mr. Speaker
Crooks	Kersey	Ripley	
Crouch	Klinker	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Murphy Richardson

NOT VOTING: NONE

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 45: SUSTAINED

HB 1001 Espich
Assessment officials.

Yeas: 49
Nays: 48
Excused: 2
N/Voting: 1

Ruling of the Chair

VOTING YEA: 49

Ayres	Davis	Lehe	Thomas
Behning	Dodge	Leonard	Thompson
Bell	Duncan	Lutz	Torr
Borders	Espich	McClain	Turner
Borrer	Foley	Messer	Ulmer
Bright	Friend	Neese	Walorski
Brown,T	Frizzell	Noe	Whetstone
Buck	Gutwein	Pond	Wolkins
Budak	Harris, T	Ripley	Woodruff
Buell	Heim	Ruppel	Yount
Burton	Hinkle	Saunders	
Cherry	Hoffman	Smith, J	
Crouch	Koch	Stutzman	

VOTING NAY: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

EXCUSED FROM VOTING: 2

Murphy Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 46: FAILED

HB 1001 Espich
Assessment officials.
Crawford amendment
2nd Reading Amend. #12

Yeas: 45
Nays: 48
Excused: 2
N/Voting: 5

VOTING YEA: 45

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Smith,V
Avery	Dickinson	Lawson	Stevenson
Bardon	Dobis	Mahern	Stilwell
Bauer	Dvorak	Mays	Summers
Bischoff	Fry	Micon	Tincher
Bottorff	GiaQuinta	Moses	Tyler
Brown,C	Goodin	Oxley	VanHaaften
Cheney	Harris, E	Pelath	Welch
Cochran	Hoy	Pierce	
Crawford	Kersey	Porter	
Crooks	Klinker	Reske	

VOTING NAY: 48

Ayres	Crouch	Hoffman	Smith, J
Behning	Davis	Koch	Stutzman
Bell	Dodge	Lehe	Thomas
Borders	Duncan	Leonard	Thompson
Borrer	Espich	Lutz	Torr
Bright	Foley	McClain	Turner
Brown,T	Friend	Messer	Ulmer
Buck	Frizzell	Neese	Walorski
Budak	Gutwein	Noe	Whetstone
Buell	Harris, T	Pond	Wolkins
Burton	Heim	Ripley	Woodruff
Cherry	Hinkle	Ruppel	Yount

EXCUSED FROM VOTING: 2

Murphy Richardson

NOT VOTING: 5

Grubb	Pflum	Mr. Speaker
Orentlicher	Saunders	

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-25-06

Roll Call 47: PREVAILED

HB 1008 Borrer
Public-private agreements for
transportation.
Committee Report

Yeas: 50
Nays: 46
Excused: 3
N/Voting: 1

VOTING YEA: 50

Ayres	Davis	Lehe	Thomas
Behning	Dodge	Leonard	Thompson
Bell	Duncan	Lutz	Torr
Borders	Espich	McClain	Turner
Borrer	Foley	Messer	Ulmer
Bright	Friend	Neese	Walorski
Brown,T	Frizzell	Noe	Whetstone
Buck	Gutwein	Pond	Wolkins
Budak	Harris, T	Ripley	Woodruff
Buell	Heim	Ruppel	Yount
Burton	Hinkle	Saunders	Mr. Speaker
Cherry	Hoffman	Smith, J	
Crouch	Koch	Stutzman	

VOTING NAY: 46

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Robertson
Avery	Dickinson	Kuzman	Smith,V
Bardon	Dobis	Lawson	Stevenson
Bauer	Dvorak	Mahern	Stilwell
Bischoff	Fry	Mays	Summers
Bottorff	GiaQuinta	Micon	Tincher
Brown,C	Goodin	Moses	Tyler
Cheney	Grubb	Orentlicher	VanHaaften
Cochran	Harris, E	Oxley	Welch
Crawford	Hoy	Pelath	
Crooks	Kersey	Pierce	

EXCUSED FROM VOTING: 3

Murphy	Reske	Richardson
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NOT VOTING: 1

Pflum

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 11

01-26-06

Roll Call 48: PREVAILED

HB 1355 Friend
Selection of superintendent of
public instruction.
Committee Report

Yeas: 49
Nays: 47
Excused: 2
N/Voting: 2

VOTING YEA: 49

Ayres	Davis	Lehe	Thomas
Behning	Dodge	Leonard	Thompson
Bell	Duncan	Lutz	Torr
Borders	Espich	McClain	Turner
Borrer	Foley	Messer	Ulmer
Bright	Friend	Neese	Walorski
Brown,T	Frizzell	Noe	Whetstone
Buck	Gutwein	Pond	Wolkins
Budak	Harris, T	Ripley	Woodruff
Buell	Heim	Ruppel	Yount
Burton	Hinkle	Saunders	
Cherry	Hoffman	Smith, J	
Crouch	Koch	Stutzman	

VOTING NAY: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pierce	

EXCUSED FROM VOTING: 2

Murphy Richardson

NOT VOTING: 2

Pflum Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 12

01-26-06

Roll Call 50: PASSED

HB 1001 Espich
Assessment.

3rd Reading

Yeas: 97
Nays: 1
Excused: 1
N/Voting: 1

VOTING YEA: 97

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Kuzman	Saunders
Avery	Dickinson	Lawson	Smith, J
Ayres	Dobis	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bauer	Duncan	Lutz	Stilwell
Behning	Dvorak	Mahern	Stutzman
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: 1

Crawford

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 12

01-26-06

Roll Call 51: PASSED

HB 1007 T. Harris
Various business tax changes.

Yeas: 81
Nays: 17
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 81

Aguilera	Denbo	Kuzman	Stevenson
Austin	Dobis	Lehe	Stilwell
Avery	Dodge	Leonard	Stutzman
Ayres	Duncan	Lutz	Thomas
Bardon	Espich	McClain	Thompson
Behning	Foley	Messer	Tincher
Bell	Friend	Micon	Torr
Bischoff	Frizzell	Moses	Turner
Borders	Fry	Neese	Tyler
Borrer	GiaQuinta	Noe	Ulmer
Bottorff	Goodin	Orentlicher	VanHaaften
Bright	Grubb	Oxley	Walorski
Brown,T	Gutwein	Pflum	Welch
Buck	Harris, T	Pierce	Whetstone
Budak	Heim	Pond	Wolkins
Buell	Hinkle	Reske	Woodruff
Burton	Hoffman	Ripley	Yount
Cherry	Hoy	Robertson	Mr. Speaker
Crooks	Kersey	Ruppel	
Crouch	Klinker	Saunders	
Davis	Koch	Smith, J	

VOTING NAY: 17

Bauer	Day	Lawson	Smith,V
Brown,C	Dickinson	Mahern	Summers
Cheney	Dvorak	Mays	
Cochran	Harris, E	Pelath	
Crawford	Kromkowski	Porter	

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 1

Murphy

Indiana House of Representatives
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MEETING DAY 12

01-26-06

Roll Call 53: PASSED

HB 1009 Torr
Redistricting commission.

3rd Reading

Yeas: 54
Nays: 43
Excused: 1
N/Voting: 2

VOTING YEA: 54

Ayres	Davis	Leonard	Stutzman
Bardon	Dodge	Lutz	Thomas
Behning	Duncan	McClain	Thompson
Bell	Espich	Messer	Torr
Borders	Foley	Micon	Turner
Borrer	Friend	Moses	Ulmer
Bright	Frizzell	Murphy	Walorski
Brown,T	Gutwein	Neese	Whetstone
Buck	Harris, T	Noe	Wolkins
Budak	Heim	Pond	Woodruff
Buell	Hinkle	Ripley	Yount
Burton	Hoffman	Ruppel	Mr. Speaker
Cherry	Koch	Saunders	
Crouch	Lehe	Smith, J	

VOTING NAY: 43

Aguilera	Denbo	Klinker	Reske
Austin	Dickinson	Kromkowski	Robertson
Avery	Dobis	Kuzman	Smith,V
Bauer	Dvorak	Lawson	Stevenson
Bischoff	Fry	Mahern	Stilwell
Bottorff	GiaQuinta	Mays	Summers
Brown,C	Goodin	Oxley	Tincher
Cheney	Grubb	Pelath	Tyler
Cochran	Harris, E	Pflum	VanHaaften
Crawford	Hoy	Pierce	Welch
Crooks	Kersey	Porter	

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 2

Day Orentlicher

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 12

01-26-06

Roll Call 54: PASSED

HB 1010 Wolkins
Eminent domain.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Kuzman	Saunders
Avery	Dickinson	Lawson	Smith, J
Ayres	Dobis	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bauer	Duncan	Lutz	Stilwell
Behning	Dvorak	Mahern	Stutzman
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crooks	Kersey	Reske	Mr. Speaker
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 1

Crawford

Indiana House of Representatives
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MEETING DAY 12

01-26-06

Roll Call 55: PASSED

HB 1016 Ayres
Pretrial fees.

Yeas: 96
Nays: 0
Excused: 1
N/Voting: 3

3rd Reading

VOTING YEA: 96

Aguilera	Davis	Klinker	Ripley
Austin	Day	Koch	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith, V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown, C	Fry	Moses	Tincher
Brown, T	GiaQuinta	Murphy	Torr
Buck	Goodin	Neese	Turner
Budak	Grubb	Noe	Tyler
Buell	Gutwein	Orentlicher	Ulmer
Burton	Harris, E	Oxley	VanHaaften
Cheney	Harris, T	Pelath	Walorski
Cherry	Heim	Pflum	Welch
Cochran	Hinkle	Pierce	Whetstone
Crawford	Hoffman	Pond	Wolkins
Crooks	Hoy	Porter	Woodruff
Crouch	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 3

Bauer Kromkowski Mr. Speaker

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Roll Call 56: PASSED

HB 1017 Welch
Property appraisers.

3rd Reading

Yeas: 90
Nays: 1
Excused: 1
N/Voting: 8

VOTING YEA: 90

Aguilera	Davis	Koch	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	Mays	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Tincher
Bottorff	Friend	Micon	Torr
Brown,C	Frizzell	Moses	Turner
Brown,T	Fry	Neese	Tyler
Buck	GiaQuinta	Noe	Ulmer
Budak	Goodin	Orentlicher	VanHaaften
Buell	Grubb	Oxley	Walorski
Burton	Gutwein	Pelath	Welch
Cheney	Harris, E	Pflum	Whetstone
Cherry	Harris, T	Pierce	Wolkins
Cochran	Heim	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Ripley	

VOTING NAY: 1

Murphy

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 8

Bauer	Hinkle	Kromkowski	Summers
Bright	Hoffman	Stutzman	Mr. Speaker

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Roll Call 57: PASSED

HB 1018 Robertson
Water authority audits.

Yeas: 94
Nays: 0
Excused: 1
N/Voting: 5

3rd Reading

VOTING YEA: 94

Aguilera	Day	Koch	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crooks	Hoy	Porter	Woodruff
Crouch	Kersey	Reske	
Davis	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 5

Bauer	Kromkowski	Mr. Speaker
Crawford	Yount	

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Roll Call 58: PASSED

HB 1020 Avery
Regulation of teen clubs.

Yeas: 95
Nays: 0
Excused: 1
N/Voting: 4

3rd Reading

VOTING YEA: 95

Aguilera	Crouch	Kersey	Ripley
Austin	Davis	Klinker	Robertson
Avery	Day	Koch	Ruppel
Ayres	Denbo	Kromkowski	Saunders
Bardon	Dickinson	Kuzman	Smith, J
Bauer	Dobis	Lehe	Smith,V
Behning	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stutzman
Bischoff	Dvorak	Mays	Summers
Borders	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Moses	Torr
Brown,C	Fry	Murphy	Turner
Brown,T	GiaQuinta	Neese	Tyler
Buck	Goodin	Noe	Ulmer
Budak	Grubb	Orentlicher	VanHaaften
Buell	Gutwein	Oxley	Walorski
Burton	Harris, E	Pelath	Welch
Cheney	Harris, T	Pflum	Whetstone
Cherry	Heim	Pierce	Wolkins
Cochran	Hinkle	Pond	Woodruff
Crawford	Hoffman	Porter	Yount
Crooks	Hoy	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 4

Lawson	Mahern	Stilwell	Mr. Speaker
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Roll Call 59: PASSED

HB 1022 Ruppel
State fair commission.

Yeas: 95
Nays: 0
Excused: 1
N/Voting: 4

3rd Reading

VOTING YEA: 95

Aguilera	Crouch	Kersey	Reske
Austin	Davis	Klinker	Ripley
Avery	Day	Koch	Robertson
Ayres	Denbo	Kromkowski	Ruppel
Bardon	Dickinson	Kuzman	Saunders
Bauer	Dobis	Lawson	Smith, J
Behning	Dodge	Lehe	Smith,V
Bell	Duncan	Leonard	Stevenson
Bischoff	Dvorak	Lutz	Stutzman
Borders	Espich	Mays	Summers
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	GiaQuinta	Murphy	Turner
Buck	Goodin	Neese	Tyler
Budak	Grubb	Noe	Ulmer
Buell	Gutwein	Orentlicher	VanHaaften
Burton	Harris, E	Oxley	Walorski
Cheney	Harris, T	Pelath	Welch
Cherry	Heim	Pflum	Whetstone
Cochran	Hinkle	Pierce	Woodruff
Crawford	Hoffman	Pond	Yount
Crooks	Hoy	Porter	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 4

Mahern Stilwell Wolkins Mr. Speaker

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Roll Call 61: PASSED

HB 1049 Bell
Controlled substances crimes.

Yeas: 98
Nays: 0
Excused: 2
N/Voting: 0

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	Mr. Speaker
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: NONE

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Roll Call 62: PASSED

HB 1065 Gutwein
Pesticide application.

Yeas: 69
Nays: 23
Excused: 3
N/Voting: 5

3rd Reading

VOTING YEA: 69

Aguilera	Cherry	Klinker	Smith,V
Austin	Cochran	Lawson	Stilwell
Avery	Crouch	Lehe	Stutzman
Ayres	Day	Leonard	Summers
Bauer	Denbo	Lutz	Thomas
Behning	Dobis	McClain	Thompson
Bell	Dodge	Messer	Tincher
Bischoff	Duncan	Micon	Torr
Borders	Espich	Murphy	Turner
Borrer	Foley	Noe	Ulmer
Bottorff	Friend	Pflum	Walorski
Brown,C	Frizzell	Pierce	Welch
Brown,T	GiaQuinta	Pond	Whetstone
Buck	Grubb	Reske	Wolkins
Budak	Gutwein	Ripley	Yount
Buell	Hoffman	Robertson	
Burton	Hoy	Ruppel	
Cheney	Kersey	Saunders	

VOTING NAY: 23

Bardon	Heim	Moses	Smith, J
Bright	Koch	Neese	Stevenson
Crooks	Kromkowski	Orentlicher	Tyler
Davis	Kuzman	Oxley	VanHaaften
Dvorak	Mahern	Pelath	Woodruff
Harris, T	Mays	Porter	

EXCUSED FROM VOTING: 3

Goodin	Hinkle	Richardson
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NOT VOTING: 5

Crawford	Fry	Mr. Speaker
Dickinson	Harris, E	

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Roll Call 63: PASSED

HB 1073 Walorski
Tax on recreational vehicles and cargo
trailers.
3rd Reading

Yeas: 94
Nays: 0
Excused: 3
N/Voting: 3

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Saunders
Austin	Day	Kuzman	Smith, J
Avery	Denbo	Lawson	Smith,V
Ayres	Dickinson	Lehe	Stevenson
Bardon	Dobis	Leonard	Stilwell
Bauer	Dodge	Lutz	Stutzman
Behning	Duncan	Mays	Summers
Bell	Dvorak	McClain	Thomas
Bischoff	Espich	Messer	Thompson
Borders	Foley	Micon	Tincher
Borrer	Friend	Murphy	Torr
Bottorff	Frizzell	Neese	Turner
Bright	Fry	Noe	Tyler
Brown,C	GiaQuinta	Orentlicher	Ulmer
Brown,T	Grubb	Oxley	VanHaaften
Buck	Gutwein	Pelath	Walorski
Budak	Harris, E	Pflum	Welch
Buell	Harris, T	Pierce	Whetstone
Burton	Heim	Pond	Wolkins
Cheney	Hoffman	Porter	Woodruff
Cherry	Hoy	Reske	Yount
Cochran	Kersey	Ripley	Mr. Speaker
Crooks	Klinker	Robertson	
Crouch	Koch	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Goodin	Hinkle	Richardson
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NOT VOTING: 3

Crawford	Mahern	Moses
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Roll Call 64: PASSED

HB 1076 Friend
Contracts for public water and
wastewater projects.
3rd Reading

Yeas: 89
Nays: 0
Excused: 2
N/Voting: 9

VOTING YEA: 89

Aguilera	Davis	Kuzman	Saunders
Austin	Denbo	Lawson	Smith, J
Avery	Dobis	Lehe	Smith,V
Ayres	Dodge	Leonard	Stevenson
Bardon	Duncan	Lutz	Stutzman
Bauer	Dvorak	Mahern	Summers
Behning	Espich	McClain	Thomas
Bell	Foley	Messer	Thompson
Bischoff	Friend	Micon	Tincher
Borders	Frizzell	Moses	Torr
Borrer	Fry	Murphy	Turner
Bottorff	GiaQuinta	Neese	Tyler
Bright	Grubb	Noe	Ulmer
Brown,T	Gutwein	Orentlicher	VanHaaften
Buck	Harris, T	Oxley	Walorski
Budak	Heim	Pelath	Welch
Buell	Hinkle	Pflum	Whetstone
Burton	Hoffman	Pierce	Wolkins
Cheney	Hoy	Pond	Woodruff
Cherry	Kersey	Reske	Yount
Cochran	Klinker	Ripley	
Crooks	Koch	Robertson	
Crouch	Kromkowski	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 9

Brown,C	Dickinson	Porter
Crawford	Harris, E	Stilwell
Day	Mays	Mr. Speaker

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Roll Call 65: PASSED

HB 1086 Buck
Agricultural enterprise zones.

3rd Reading

Yeas: 89
Nays: 1
Excused: 2
N/Voting: 8

VOTING YEA: 89

Aguilera	Denbo	Lawson	Smith,V
Austin	Dobis	Lehe	Stevenson
Avery	Dodge	Leonard	Stilwell
Ayres	Duncan	Lutz	Stutzman
Bardon	Dvorak	Mahern	Summers
Behning	Espich	McClain	Thomas
Bell	Foley	Messer	Thompson
Bischoff	Friend	Micon	Tincher
Borders	Frizzell	Moses	Torr
Borrer	Fry	Murphy	Turner
Bottorff	GiaQuinta	Neese	Tyler
Bright	Grubb	Noe	Ulmer
Brown,T	Gutwein	Orentlicher	VanHaaften
Buck	Harris, E	Oxley	Walorski
Budak	Harris, T	Pelath	Welch
Buell	Heim	Pflum	Whetstone
Burton	Hinkle	Pierce	Wolkins
Cheney	Hoffman	Pond	Woodruff
Cherry	Hoy	Reske	Yount
Cochran	Kersey	Ripley	Mr. Speaker
Crooks	Klinker	Robertson	
Crouch	Koch	Ruppel	
Davis	Kuzman	Saunders	

VOTING NAY: 1

Kromkowski

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 8

Bauer	Crawford	Dickinson	Porter
Brown,C	Day	Mays	Smith, J

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Roll Call 66: PASSED

HB 1101 Walorski
Security breach disclosure and
identity deception.
3rd Reading

Yeas: 92
Nays: 0
Excused: 2
N/Voting: 6

VOTING YEA: 92

Aguilera	Davis	Kromkowski	Ruppel
Austin	Denbo	Kuzman	Saunders
Avery	Dobis	Lawson	Smith, J
Ayres	Dodge	Lehe	Smith,V
Bardon	Duncan	Leonard	Stevenson
Bauer	Dvorak	Lutz	Stilwell
Behning	Espich	Mahern	Stutzman
Bell	Foley	McClain	Summers
Bischoff	Friend	Messer	Thomas
Borders	Frizzell	Micon	Thompson
Borrer	Fry	Moses	Tincher
Bottorff	GiaQuinta	Murphy	Torr
Bright	Grubb	Neese	Turner
Brown,T	Gutwein	Noe	Tyler
Buck	Harris, E	Orentlicher	Ulmer
Budak	Harris, T	Oxley	VanHaaften
Buell	Heim	Pelath	Walorski
Burton	Hinkle	Pflum	Welch
Cheney	Hoffman	Pierce	Whetstone
Cherry	Hoy	Pond	Wolkins
Cochran	Kersey	Reske	Woodruff
Crooks	Klinker	Ripley	Yount
Crouch	Koch	Robertson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 6

Brown,C	Day	Mays
Crawford	Dickinson	Porter

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Roll Call 67: PASSED

HB 1102 Ayres
Local government matters.

Yeas: 91
Nays: 0
Excused: 2
N/Voting: 7

3rd Reading

VOTING YEA: 91

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Kuzman	Saunders
Avery	Dobis	Lawson	Smith, J
Ayres	Dodge	Lehe	Smith,V
Bardon	Duncan	Leonard	Stevenson
Bauer	Dvorak	Lutz	Stilwell
Behning	Espich	Mahern	Stutzman
Bell	Foley	McClain	Summers
Bischoff	Friend	Messer	Thomas
Borders	Frizzell	Micon	Thompson
Borrer	Fry	Moses	Tincher
Bottorff	GiaQuinta	Murphy	Torr
Bright	Grubb	Neese	Turner
Brown,T	Gutwein	Noe	Tyler
Buck	Harris, E	Orentlicher	Ulmer
Budak	Harris, T	Oxley	VanHaaften
Buell	Heim	Pelath	Walorski
Burton	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Ripley	Yount
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 7

Brown,C	Crawford	Mays	Mr. Speaker
Cheney	Dickinson	Porter	

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Roll Call 68: PASSED

HB 1107 Crouch
Funding of warning systems under the
Barrett law.
3rd Reading

Yeas: 92
Nays: 0
Excused: 2
N/Voting: 6

VOTING YEA: 92

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dobis	Lawson	Smith, J
Bardon	Dodge	Lehe	Smith,V
Bauer	Duncan	Leonard	Stevenson
Behning	Dvorak	Lutz	Stilwell
Bell	Espich	Mahern	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Ripley	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 6

Brown,C	Dickinson	Porter
Crawford	Mays	Mr. Speaker

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01-26-06

Roll Call 69: PASSED

HB 1127 Davis
DOE use of funds for mentor teacher
stipends.
3rd Reading

Yeas: 93
Nays: 0
Excused: 2
N/Voting: 5

VOTING YEA: 93

Aguilera	Day	Kuzman	Smith, J
Austin	Denbo	Lawson	Smith,V
Avery	Dobis	Lehe	Stevenson
Ayres	Dodge	Leonard	Stilwell
Bardon	Duncan	Lutz	Stutzman
Bauer	Dvorak	Mahern	Summers
Behning	Espich	McClain	Thomas
Bell	Foley	Messer	Thompson
Bischoff	Friend	Micon	Tincher
Borders	Frizzell	Moses	Torr
Borrer	Fry	Murphy	Turner
Bottorff	GiaQuinta	Neese	Tyler
Bright	Grubb	Noe	Ulmer
Brown,T	Gutwein	Orentlicher	VanHaaften
Buck	Harris, E	Oxley	Walorski
Budak	Harris, T	Pelath	Welch
Buell	Heim	Pflum	Whetstone
Burton	Hinkle	Pierce	Wolkins
Cheney	Hoffman	Pond	Woodruff
Cherry	Hoy	Reske	Yount
Cochran	Kersey	Ripley	Mr. Speaker
Crooks	Klinker	Robertson	
Crouch	Koch	Ruppel	
Davis	Kromkowski	Saunders	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 5

Brown,C	Dickinson	Porter
Crawford	Mays	

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Roll Call 70: PASSED

HB 1142 Leonard
Skills 2016 training fund.

Yeas: 51
Nays: 45
Excused: 2
N/Voting: 2

3rd Reading

VOTING YEA: 51

Ayres	Davis	Lehe	Stutzman
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Ripley	Woodruff
Burton	Hinkle	Ruppel	Yount
Cherry	Hoffman	Saunders	Mr. Speaker
Crouch	Koch	Smith, J	

VOTING NAY: 45

Aguilera	Day	Kuzman	Reske
Austin	Denbo	Lawson	Smith,V
Avery	Dickinson	Mahern	Stevenson
Bardon	Dobis	Mays	Stilwell
Bauer	Dvorak	Micon	Summers
Bischoff	GiaQuinta	Moses	Tincher
Bottorff	Grubb	Orentlicher	Tyler
Brown,C	Harris, E	Oxley	VanHaaften
Cheney	Hoy	Pelath	Welch
Cochran	Kersey	Pflum	
Crawford	Klinker	Pierce	
Crooks	Kromkowski	Porter	

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 2

Fry Robertson

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Roll Call 71: PASSED

HB 1207 Pond
Home improvement fraud.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 1

Mr. Speaker

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Roll Call 72: PASSED

HB 1209 Turner
Public transportation
smoking prohibition.
3rd Reading

Yeas: 92
Nays: 5
Excused: 2
N/Voting: 1

VOTING YEA: 92

Aguilera	Crooks	Klinker	Reske
Austin	Crouch	Koch	Ripley
Avery	Davis	Kromkowski	Robertson
Ayres	Day	Kuzman	Ruppel
Bardon	Denbo	Lawson	Saunders
Bauer	Dickinson	Lehe	Smith, J
Behning	Dobis	Leonard	Smith,V
Bell	Dodge	Lutz	Stevenson
Bischoff	Duncan	Mays	Stilwell
Borders	Espich	McClain	Stutzman
Borrer	Foley	Messer	Summers
Bottorff	Friend	Micon	Thomas
Bright	Frizzell	Moses	Thompson
Brown,C	Fry	Murphy	Tincher
Brown,T	GiaQuinta	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Woodruff
Crawford	Kersey	Porter	Yount

VOTING NAY: 5

Dvorak	Mahern	Wolkins
Heim	Torr	

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 1

Mr. Speaker

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Roll Call 73: PASSED

HB 1234 Ruppel
Public safety officer death
benefit.
3rd Reading

Yeas: 97
Nays: 1
Excused: 2
N/Voting: 0

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Woodruff
Cherry	Hoffman	Pond	Yount
Cochran	Hoy	Porter	Mr. Speaker
Crawford	Kersey	Reske	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: 1

Wolkins

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: NONE

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Roll Call 74: PASSED

HB 1238 Welch
Emergency management mobile support.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 1

Mr. Speaker

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Roll Call 75: PASSED

HB 1249 Messer
County drug free community fund.

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

3rd Reading

VOTING YEA: 95

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Behning	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Moses	Tincher
Brown,C	Fry	Murphy	Torr
Brown,T	GiaQuinta	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 3

Bauer Mahern Mr. Speaker

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01-26-06

Roll Call 76: PASSED

HB 1257 Bell
Postsecondary proprietary
education.
3rd Reading

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

VOTING YEA: 96

Aguilera	Crouch	Klinker	Ripley
Austin	Davis	Koch	Robertson
Avery	Day	Kromkowski	Ruppel
Ayres	Denbo	Kuzman	Saunders
Bardon	Dickinson	Lawson	Smith, J
Bauer	Dobis	Lehe	Smith,V
Behning	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Moses	Tincher
Brown,C	Fry	Murphy	Torr
Brown,T	GiaQuinta	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 2

Mahern Mr. Speaker

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01-26-06

Roll Call 77: PASSED

HB 1261 Burton
Housing and community development
authority.
3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 1

Mr. Speaker

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01-26-06

Roll Call 78: PASSED

HB 1280 Murphy
Unsolicited facsimile
advertisements.
3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 1

Mr. Speaker

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01-26-06

Roll Call 79: PASSED

HB 1299 Bardon
Financial institutions.

3rd Reading

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Wolkins
Cochran	Hoy	Pond	Woodruff
Crawford	Kersey	Porter	Yount
Crooks	Klinker	Reske	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Borrer	Goodin	Whetstone
Espich	Richardson	

NOT VOTING: 1

Mr. Speaker

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01-26-06

Roll Call 80: PASSED

HB 1307 Torr
Worker's compensation.

Yeas: 51
Nays: 47
Excused: 2
N/Voting: 0

3rd Reading

VOTING YEA: 51

Ayres	Davis	Lehe	Stutzman
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Ripley	Woodruff
Burton	Hinkle	Ruppel	Yount
Cherry	Hoffman	Saunders	Mr. Speaker
Crouch	Koch	Smith, J	

VOTING NAY: 47

Aguilera	Day	Kromkowski	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Robertson
Bardon	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	GiaQuinta	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: NONE

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01-26-06

Roll Call 81: PASSED

HB 1314 Klinker
Substance and alcohol use during
pregnancy.
3rd Reading

Yeas: 98
Nays: 0
Excused: 2
N/Voting: 0

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	Mr. Speaker
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: NONE

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01-26-06

Roll Call 82: PASSED

HB 1327 Espich
Update of references to the Internal
Revenue Code.
3rd Reading

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

VOTING YEA: 96

Aguilera	Crouch	Koch	Ripley
Austin	Davis	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 2

Day Mr. Speaker

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01-26-06

Roll Call 83: PASSED

HB 1339 T. Harris
Real estate broker and salesperson
licenses.
3rd Reading

Yeas: 56
Nays: 38
Excused: 2
N/Voting: 4

VOTING YEA: 56

Austin	Dobis	Koch	Ripley
Ayres	Dodge	Lehe	Ruppel
Behning	Duncan	Leonard	Saunders
Borrer	Espich	Lutz	Smith, J
Brown,T	Foley	Mays	Thomas
Buck	Friend	McClain	Thompson
Budak	Frizzell	Messer	Torr
Buell	GiaQuinta	Moses	Turner
Burton	Gutwein	Murphy	Ulmer
Cherry	Harris, T	Neese	Walorski
Cochran	Hinkle	Noe	Welch
Crawford	Hoffman	Pierce	Whetstone
Crooks	Kersey	Pond	Wolkins
Crouch	Klinker	Reske	Yount

VOTING NAY: 38

Aguilera	Cheney	Lawson	Stevenson
Avery	Davis	Mahern	Stilwell
Bardon	Day	Micon	Stutzman
Bauer	Denbo	Orentlicher	Summers
Bell	Dvorak	Oxley	Tincher
Bischoff	Fry	Pelath	Tyler
Borders	Grubb	Pflum	VanHaaften
Bottorff	Heim	Porter	Woodruff
Bright	Hoy	Robertson	
Brown,C	Kromkowski	Smith,V	

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 4

Dickinson Harris, E Kuzman Mr. Speaker

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01-26-06

Roll Call 84: PASSED

HB 1353 Walorski
Trademarks, service marks, rights of
publicity.
3rd Reading

Yeas: 92
Nays: 0
Excused: 3
N/Voting: 5

VOTING YEA: 92

Aguilera	Crooks	Koch	Robertson
Austin	Crouch	Kromkowski	Ruppel
Avery	Davis	Lawson	Saunders
Ayres	Denbo	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	GiaQuinta	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, T	Oxley	VanHaaften
Buell	Heim	Pelath	Walorski
Burton	Hinkle	Pflum	Welch
Cheney	Hoffman	Pierce	Whetstone
Cherry	Hoy	Pond	Wolkins
Cochran	Kersey	Porter	Woodruff
Crawford	Klinker	Ripley	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Goodin	Kuzman	Richardson
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NOT VOTING: 5

Day	Harris, E	Mr. Speaker
Dickinson	Reske	

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01-26-06

Roll Call 85: PASSED

HB 1362 Buck
Local government reorganization.

Yeas: 73
Nays: 23
Excused: 2
N/Voting: 2

3rd Reading

VOTING YEA: 73

Austin	Denbo	Leonard	Stutzman
Avery	Dobis	Lutz	Thomas
Ayres	Dodge	McClain	Thompson
Behning	Espich	Messer	Tincher
Bell	Foley	Micon	Torr
Bischoff	Friend	Moses	Turner
Borders	Frizzell	Neese	Tyler
Borror	GiaQuinta	Noe	Ulmer
Bright	Grubb	Orentlicher	VanHaaften
Brown,T	Gutwein	Oxley	Walorski
Buck	Harris, T	Pierce	Welch
Budak	Heim	Pond	Whetstone
Buell	Hinkle	Reske	Wolkins
Burton	Hoffman	Ripley	Woodruff
Cherry	Hoy	Robertson	Yount
Crooks	Klinker	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	
Davis	Kuzman	Smith, J	
Day	Lehe	Stevenson	

VOTING NAY: 23

Aguilera	Cochran	Harris, E	Pelath
Bardon	Crawford	Kersey	Pflum
Bauer	Dickinson	Kromkowski	Porter
Bottorff	Duncan	Lawson	Smith,V
Brown,C	Dvorak	Mahern	Summers
Cheney	Fry	Mays	

EXCUSED FROM VOTING: 2

Goodin Richardson

NOT VOTING: 2

Murphy Stilwell

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01-26-06

Roll Call 86: PASSED

HB 1380 J. Smith
Various economic development matters.

Yeas: 94
Nays: 4
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 94

Aguilera	Davis	Kuzman	Ruppel
Austin	Day	Lawson	Saunders
Avery	Denbo	Lehe	Smith, J
Ayres	Dickinson	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	Mr. Speaker
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: 4

Bauer	Fry	Kromkowski	Stilwell
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EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 1

Dobis

Indiana House of Representatives
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MEETING DAY 12

01-26-06

Roll Call 87: PASSED

HB 1392 Ripley
Life and health guaranty
association.
3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 1

Mr. Speaker

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01-26-06

Roll Call 88: PASSED

HB 1418 Ayres
Kennel licenses.

Yeas: 79
Nays: 16
Excused: 1
N/Voting: 4

3rd Reading

VOTING YEA: 79

Aguilera	Crooks	Lawson	Ripley
Austin	Crouch	Lehe	Robertson
Avery	Day	Leonard	Ruppel
Ayres	Denbo	Lutz	Saunders
Bardon	Dodge	Mahern	Smith,V
Behning	Duncan	Mays	Stevenson
Bell	Espich	Messer	Stilwell
Bischoff	Foley	Micon	Stutzman
Borders	Friend	Moses	Summers
Borrer	Frizzell	Murphy	Thomas
Bottorff	GiaQuinta	Neese	Torr
Brown,C	Goodin	Noe	Turner
Brown,T	Grubb	Orentlicher	Tyler
Buck	Gutwein	Oxley	Ulmer
Budak	Harris, E	Pelath	VanHaaften
Buell	Hinkle	Pflum	Walorski
Burton	Hoy	Pierce	Welch
Cheney	Kersey	Pond	Whetstone
Cochran	Klinker	Porter	Yount
Crawford	Kuzman	Reske	

VOTING NAY: 16

Bauer	Dvorak	Koch	Thompson
Bright	Harris, T	Kromkowski	Tincher
Cherry	Heim	McClain	Wolkins
Davis	Hoffman	Smith, J	Woodruff

EXCUSED FROM VOTING: 1

Richardson

NOT VOTING: 4

Dickinson	Dobis	Fry	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 13

01-30-06

Roll Call 94: FAILED

HB 1029 Buell
Education finance and tax credits.
VanHaaften amendment
2nd Reading Amend. #2

Yeas: 49
Nays: 49
Excused: 0
N/Voting: 2

VOTING YEA: 49

Aguilera	Day	Kuzman	Robertson
Austin	Dickinson	Lawson	Smith,V
Avery	Dobis	Mahern	Stevenson
Bardon	Dvorak	Mays	Stilwell
Bauer	Fry	Micon	Summers
Bischoff	GiaQuinta	Moses	Tincher
Bottorff	Goodin	Orentlicher	Tyler
Bright	Grubb	Oxley	VanHaaften
Brown,C	Harris, E	Pelath	Welch
Cheney	Hoy	Pflum	Woodruff
Cochran	Kersey	Pierce	
Crawford	Klinker	Porter	
Crooks	Kromkowski	Reske	

VOTING NAY: 49

Ayres	Dodge	Leonard	Stutzman
Behning	Duncan	Lutz	Thomas
Bell	Espich	McClain	Thompson
Borders	Foley	Messer	Torr
Borrer	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	
Davis	Lehe	Smith, J	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Denbo Mr. Speaker

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01-30-06

Roll Call 95: FAILED

HB 1089 J. Lutz
Annexation of property zoned agricultural.
Orentlicher amendment
2nd Reading Amend. #1

Yeas: 37
Nays: 57
Excused: 0
N/Voting: 6

VOTING YEA: 37

Aguilera	Crawford	Kromkowski	Robertson
Austin	Crooks	Kuzman	Smith,V
Avery	Day	Lawson	Stevenson
Bardon	Dickinson	Mays	Stilwell
Borders	Dvorak	Orentlicher	Thompson
Bottorff	Fry	Oxley	VanHaaften
Bright	Grubb	Pelath	Woodruff
Brown,C	Harris, E	Pflum	
Cheney	Hoy	Porter	
Cochran	Kersey	Richardson	

VOTING NAY: 57

Ayres	Espich	Lutz	Stutzman
Behning	Foley	McClain	Summers
Bell	Friend	Messer	Thomas
Bischoff	Frizzell	Micon	Tincher
Borrer	GiaQuinta	Moses	Torr
Brown,T	Goodin	Murphy	Turner
Buck	Gutwein	Neese	Tyler
Budak	Harris, T	Noe	Ulmer
Buell	Heim	Pierce	Walorski
Burton	Hinkle	Pond	Whetstone
Cherry	Hoffman	Reske	Wolkins
Crouch	Klinker	Ripley	Yount
Davis	Koch	Ruppel	
Dodge	Lehe	Saunders	
Duncan	Leonard	Smith, J	

EXCUSED FROM VOTING: NONE

NOT VOTING: 6

Bauer	Dobis	Welch
Denbo	Mahern	Mr. Speaker

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01-30-06

Roll Call 96: FAILED

HB 1140 Leonard
Abatements for used Indiana equipment.
Pelath amendment
2nd Reading Amend. #1

Yeas: 47
Nays: 51
Excused: 0
N/Voting: 2

VOTING YEA: 47

Aguilera	Day	Kromkowski	Porter
Austin	Dickinson	Kuzman	Reske
Avery	Dobis	Lawson	Robertson
Bardon	Dvorak	Mahern	Smith,V
Bauer	Fry	Mays	Stevenson
Bischoff	GiaQuinta	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Denbo Mr. Speaker

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01-30-06

Roll Call 97: PREVAILED

HB 1176 Woodruff
Handgun license renewal.
Woodruff amendment
2nd Reading Amend. #1

Yeas: 82
Nays: 16
Excused: 0
N/Voting: 2

VOTING YEA: 82

Aguilera	Dobis	Kuzman	Smith, J
Ayres	Dodge	Lehe	Stevenson
Bardon	Duncan	Leonard	Stilwell
Behning	Dvorak	Lutz	Stutzman
Bell	Espich	McClain	Thomas
Bischoff	Foley	Messer	Thompson
Borders	Friend	Micon	Tincher
Borrer	Frizzell	Moses	Torr
Bottorff	Fry	Murphy	Turner
Bright	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Grubb	Oxley	VanHaaften
Budak	Gutwein	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pond	Whetstone
Cherry	Hinkle	Reske	Wolkins
Cochran	Hoffman	Richardson	Woodruff
Crooks	Kersey	Ripley	Yount
Crouch	Klinker	Robertson	Mr. Speaker
Davis	Koch	Ruppel	
Denbo	Kromkowski	Saunders	

VOTING NAY: 16

Austin	Crawford	Hoy	Orentlicher
Avery	Day	Lawson	Pierce
Brown,C	Dickinson	Mahern	Porter
Cheney	Harris, E	Mays	Smith,V

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Bauer Summers

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Roll Call 99: FAILED

HB 1213 Noe
Study of teacher incentives.
Turner amendment
2nd Reading Amend. #1

Yeas: 27
Nays: 71
Excused: 0
N/Voting: 2

VOTING YEA: 27

Behning	Cherry	Gutwein	Stutzman
Bell	Davis	Harris, T	Thompson
Borders	Dodge	Heim	Torr
Borrer	Espich	Leonard	Turner
Brown,T	Foley	Messer	Whetstone
Buck	Friend	Noe	Woodruff
Burton	Frizzell	Smith, J	

VOTING NAY: 71

Aguilera	Denbo	Lawson	Richardson
Austin	Dickinson	Lehe	Ripley
Avery	Dobis	Lutz	Robertson
Ayres	Duncan	Mahern	Ruppel
Bardon	Dvorak	Mays	Saunders
Bauer	Fry	McClain	Smith,V
Bischoff	GiaQuinta	Micon	Stevenson
Bottorff	Goodin	Moses	Stilwell
Bright	Grubb	Murphy	Summers
Brown,C	Harris, E	Neese	Thomas
Budak	Hinkle	Orentlicher	Tincher
Buell	Hoffman	Oxley	Tyler
Cheney	Hoy	Pelath	VanHaaften
Cochran	Kersey	Pflum	Walorski
Crawford	Klinker	Pierce	Welch
Crooks	Koch	Pond	Wolkins
Crouch	Kromkowski	Porter	Yount
Day	Kuzman	Reske	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Ulmer Mr. Speaker

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Roll Call 100: FAILED

HB 1240 Behning
ISTEP.
Cheney amendment
2nd Reading Amend. #7

Yeas: 23
Nays: 77
Excused: 0
N/Voting: 0

VOTING YEA: 23

Aguilera	Day	Harris, E	Pflum
Bardon	Dickinson	Hoy	Pierce
Bauer	Dobis	Kersey	Porter
Brown,C	Dvorak	Lawson	Smith,V
Cheney	Fry	Mahern	Stevenson
Crawford	Goodin	Orentlicher	

VOTING NAY: 77

Austin	Denbo	Lutz	Stutzman
Avery	Dodge	Mays	Summers
Ayres	Duncan	McClain	Thomas
Behning	Espich	Messer	Thompson
Bell	Foley	Micon	Tincher
Bischoff	Friend	Moses	Torr
Borders	Frizzell	Murphy	Turner
Borrer	GiaQuinta	Neese	Tyler
Bottorff	Grubb	Noe	Ulmer
Bright	Gutwein	Oxley	VanHaaften
Brown,T	Harris, T	Pelath	Walorski
Buck	Heim	Pond	Welch
Budak	Hinkle	Reske	Whetstone
Buell	Hoffman	Richardson	Wolkins
Burton	Klinker	Ripley	Woodruff
Cherry	Koch	Robertson	Yount
Cochran	Kromkowski	Ruppel	Mr. Speaker
Crooks	Kuzman	Saunders	
Crouch	Lehe	Smith, J	
Davis	Leonard	Stilwell	

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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Roll Call 101: FAILED

HB 1240 Behning
ISTEP.
Orentlicher amendment
2nd Reading Amend. #6

Yeas: 45
Nays: 51
Excused: 0
N/Voting: 4

VOTING YEA: 45

Aguilera	Dickinson	Kuzman	Reske
Austin	Dobis	Lawson	Robertson
Avery	Dvorak	Mahern	Smith,V
Bardon	Fry	Mays	Stevenson
Bischoff	GiaQuinta	Micon	Stilwell
Bottorff	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	
Day	Klinker	Pierce	
Denbo	Kromkowski	Porter	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: NONE

NOT VOTING: 4

Bauer	Brown,C	Summers	Mr. Speaker
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Roll Call 102: FAILED

HB 1240 Behning
ISTEP.
Porter amendment
2nd Reading Amend. #3

Yeas: 50
Nays: 50
Excused: 0
N/Voting: 0

VOTING YEA: 50

Aguilera	Crooks	Klinker	Porter
Austin	Day	Kromkowski	Reske
Avery	Denbo	Kuzman	Robertson
Ayres	Dickinson	Lawson	Smith,V
Bardon	Dobis	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Summers
Bottorff	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Orentlicher	Tyler
Budak	Grubb	Oxley	VanHaaften
Cheney	Harris, E	Pelath	Welch
Cochran	Hoy	Pflum	
Crawford	Kersey	Pierce	

VOTING NAY: 50

Behning	Duncan	Lutz	Thomas
Bell	Espich	McClain	Thompson
Borders	Foley	Messer	Torr
Borrer	Friend	Murphy	Turner
Bright	Frizzell	Neese	Ulmer
Brown,T	Gutwein	Noe	Walorski
Buck	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	Mr. Speaker
Davis	Lehe	Smith, J	
Dodge	Leonard	Stutzman	

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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Roll Call 103: PREVAILED

HB 1250 Messer
Alcohol beverage matters.
Orentlicher amendment
2nd Reading Amend. #4

Yeas: 66
Nays: 29
Excused: 1
N/Voting: 4

VOTING YEA: 66

Aguilera	Dickinson	Kuzman	Smith,V
Avery	Dobis	Lawson	Stevenson
Ayres	Dodge	Lehe	Stilwell
Bardon	Dvorak	Leonard	Stutzman
Bischoff	Foley	Mays	Summers
Borders	Frizzell	Micon	Thomas
Bottorff	Fry	Moses	Thompson
Brown,C	GiaQuinta	Neese	Tincher
Budak	Grubb	Orentlicher	Tyler
Burton	Gutwein	Oxley	Ulmer
Cheney	Harris, E	Pelath	VanHaaften
Cochran	Heim	Pflum	Walorski
Crawford	Hinkle	Pond	Welch
Crouch	Hoy	Porter	Wolkins
Davis	Kersey	Ruppel	Woodruff
Day	Klinker	Saunders	
Denbo	Kromkowski	Smith, J	

VOTING NAY: 29

Austin	Cherry	Lutz	Robertson
Behning	Duncan	Mahern	Torr
Bell	Espich	McClain	Turner
Borrer	Friend	Messer	Whetstone
Bright	Goodin	Noe	Yount
Brown,T	Harris, T	Pierce	
Buck	Hoffman	Richardson	
Buell	Koch	Ripley	

EXCUSED FROM VOTING: 1

Murphy

NOT VOTING: 4

Bauer	Crooks	Reske	Mr. Speaker
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Bauer Welch Mr. Speaker

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Roll Call 106: FAILED

HB 1287 Duncan
Transportation.
Fry amendment
2nd Reading Amend. #1

Yeas: 47
Nays: 51
Excused: 1
N/Voting: 1

VOTING YEA: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pierce	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 107: SUSTAINED

HB 1312 Behning
Various education matters.

Yeas: 50
Nays: 47
Excused: 1
N/Voting: 2

Ruling of the Chair

VOTING YEA: 50

Ayres	Davis	Lehe	Stutzman
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Smith, J	

VOTING NAY: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pierce	

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 2

Saunders Mr. Speaker

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Roll Call 108: FAILED

HB 1355 Friend
Superintendent of public instruction.
V. Smith amendment
2nd Reading Amend. #1

Yeas: 40
Nays: 53
Excused: 2
N/Voting: 5

VOTING YEA: 40

Aguilera	Day	Kersey	Porter
Austin	Denbo	Klinker	Reske
Bardon	Dickinson	Kromkowski	Robertson
Bischoff	Dobis	Kuzman	Smith,V
Bottorff	Dvorak	Lawson	Stevenson
Brown,C	Fry	Mays	Stilwell
Cheney	Goodin	Micon	Summers
Cochran	Grubb	Oxley	Tincher
Crawford	Harris, E	Pelath	Tyler
Crooks	Hoy	Pierce	VanHaaften

VOTING NAY: 53

Avery	Davis	Lehe	Smith, J
Ayres	Dodge	Leonard	Stutzman
Behning	Duncan	Lutz	Thomas
Bell	Espich	Mahern	Thompson
Borders	Foley	McClain	Torr
Borrer	Friend	Messer	Turner
Bright	Frizzell	Murphy	Ulmer
Brown,T	GiaQuinta	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Woodruff
Buell	Heim	Richardson	Yount
Burton	Hinkle	Ripley	
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 2

Pflum Welch

NOT VOTING: 5

Bauer	Orentlicher	Mr. Speaker
Moses	Wolkins	

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01-30-06

Roll Call 109: FAILED

HB 1355 Friend
Superintendent of public instruction.
V. Smith amendment
2nd Reading Amend. #2

Yeas: 43
Nays: 50
Excused: 2
N/Voting: 5

VOTING YEA: 43

Aguilera	Day	Kersey	Pierce
Austin	Denbo	Klinker	Porter
Avery	Dickinson	Kromkowski	Robertson
Bardon	Dobis	Kuzman	Smith,V
Bischoff	Dvorak	Lawson	Stevenson
Bottorff	Fry	Mahern	Stilwell
Brown,C	GiaQuinta	Mays	Summers
Cheney	Goodin	Micon	Tincher
Cochran	Grubb	Orentlicher	Tyler
Crawford	Harris, E	Oxley	VanHaaften
Crooks	Hoy	Pelath	

VOTING NAY: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 2

Pflum Welch

NOT VOTING: 5

Bauer	Reske	Mr. Speaker
Moses	Wolkins	

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MEETING DAY 14

01-31-06

Roll Call 111: PREVAILED

HB 1008 Borrer
Public-private transportation agreements.
Neese amendment
2nd Reading Amend. #40

Yeas: 91
Nays: 8
Excused: 1
N/Voting: 0

VOTING YEA: 91

Aguilera	Denbo	Kuzman	Saunders
Ayres	Dobis	Lawson	Smith, J
Bardon	Dodge	Lehe	Smith,V
Bauer	Duncan	Leonard	Stevenson
Behning	Dvorak	Lutz	Stilwell
Bell	Espich	Mahern	Stutzman
Bischoff	Foley	Mays	Summers
Borders	Friend	McClain	Thomas
Borrer	Frizzell	Messer	Thompson
Bottorff	Fry	Micon	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Oxley	Ulmer
Budak	Harris, E	Pelath	VanHaaften
Buell	Harris, T	Pflum	Walorski
Burton	Heim	Pierce	Welch
Cheney	Hinkle	Pond	Whetstone
Cherry	Hoffman	Porter	Wolkins
Crawford	Kersey	Richardson	Woodruff
Crooks	Klinker	Ripley	Yount
Crouch	Koch	Robertson	Mr. Speaker
Davis	Kromkowski	Ruppel	

VOTING NAY: 8

Austin	Cochran	Dickinson	Moses
Avery	Day	Hoy	Orentlicher

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: NONE

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01-31-06

Roll Call 112: PREVAILED

HB 1008 Borrer
Public-private transportation agreements.
Walorski amendment
2nd Reading Amend. #11

Yeas: 58
Nays: 41
Excused: 1
N/Voting: 0

VOTING YEA: 58

Ayres	Dodge	Lehe	Stutzman
Bardon	Duncan	Leonard	Thomas
Behning	Espich	Lutz	Thompson
Bell	Foley	McClain	Torr
Borders	Friend	Messer	Turner
Borrer	Frizzell	Murphy	Ulmer
Bright	Fry	Neese	Walorski
Brown,T	GiaQuinta	Noe	Welch
Buck	Gutwein	Pond	Whetstone
Budak	Harris, T	Richardson	Wolkins
Buell	Heim	Ripley	Woodruff
Burton	Hinkle	Robertson	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Klinker	Saunders	
Davis	Koch	Smith, J	

VOTING NAY: 41

Aguilera	Day	Kuzman	Porter
Austin	Denbo	Lawson	Smith,V
Avery	Dickinson	Mahern	Stevenson
Bauer	Dobis	Mays	Stilwell
Bischoff	Dvorak	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	Tyler
Cheney	Harris, E	Oxley	VanHaaften
Cochran	Hoy	Pelath	
Crawford	Kersey	Pflum	
Crooks	Kromkowski	Pierce	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: NONE

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01-31-06

Roll Call 113: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Crawford amendment
2nd Reading Amend. #21

Yeas: 47
Nays: 51
Excused: 1
N/Voting: 1

VOTING YEA: 47

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 1

Mr. Speaker

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01-31-06

Roll Call 114: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Aguilera amendment
2nd Reading Amend. #8

Yeas: 45
Nays: 51
Excused: 1
N/Voting: 3

VOTING YEA: 45

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Robertson
Avery	Dobis	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stilwell
Bauer	Fry	Mays	Summers
Bischoff	GiaQuinta	Micon	Tincher
Bottorff	Goodin	Moses	Tyler
Brown,C	Grubb	Orentlicher	VanHaaften
Cheney	Harris, E	Oxley	Welch
Crawford	Hoy	Pelath	
Crooks	Kersey	Pflum	
Day	Klinker	Pierce	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 3

Cochran Stevenson Mr. Speaker

Indiana House of Representatives
114th General Assembly
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MEETING DAY 14

01-31-06

Roll Call 115: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Crooks amendment
2nd Reading Amend. #14

Yeas: 47
Nays: 51
Excused: 1
N/Voting: 1

VOTING YEA: 47

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
114th General Assembly
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MEETING DAY 14

01-31-06

Roll Call 116: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Aguilera amendment
2nd Reading Amend. #15

Yeas: 45
Nays: 51
Excused: 1
N/Voting: 3

VOTING YEA: 45

Aguilera	Denbo	Kromkowski	Robertson
Austin	Dickinson	Kuzman	Smith,V
Avery	Dobis	Lawson	Stevenson
Bardon	Dvorak	Mahern	Stilwell
Bischoff	Fry	Mays	Summers
Bottorff	GiaQuinta	Micon	Tincher
Brown,C	Goodin	Moses	Tyler
Cheney	Grubb	Orentlicher	VanHaaften
Cochran	Harris, E	Oxley	Welch
Crawford	Hoy	Pelath	
Crooks	Kersey	Pierce	
Day	Klinker	Porter	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 3

Bauer Pflum Mr. Speaker

Indiana House of Representatives
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MEETING DAY 14

01-31-06

Roll Call 117: FAILED

HB 1008 Borrer
Public-private transportation agreements.
V. Smith amendment
2nd Reading Amend. #41

Yeas: 46
Nays: 50
Excused: 1
N/Voting: 3

VOTING YEA: 46

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Robertson
Avery	Dobis	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stevenson
Bauer	Fry	Mays	Stilwell
Bischoff	GiaQuinta	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	Tyler
Cheney	Harris, E	Oxley	VanHaaften
Cochran	Hoy	Pelath	Welch
Crawford	Kersey	Pflum	
Crooks	Klinker	Pierce	

VOTING NAY: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 3

Day Wolkins Mr. Speaker

Indiana House of Representatives
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MEETING DAY 14

01-31-06

Roll Call 118: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Orentlicher amendment
2nd Reading Amend. #38

Yeas: 46
Nays: 51
Excused: 1
N/Voting: 2

VOTING YEA: 46

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Robertson
Avery	Dobis	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stevenson
Bauer	Fry	Mays	Stilwell
Bischoff	GiaQuinta	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	Tyler
Cheney	Harris, E	Oxley	VanHaaften
Cochran	Hoy	Pelath	Welch
Crawford	Kersey	Pflum	
Crooks	Klinker	Pierce	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 2

Day Mr. Speaker

Indiana House of Representatives
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01-31-06

Roll Call 119: FAILED

HB 1008 Borrer
Public-private transportation agreements.
V. Smith amendment
2nd Reading Amend. #29

Yeas: 44
Nays: 51
Excused: 1
N/Voting: 4

VOTING YEA: 44

Aguilera	Crooks	Kersey	Pierce
Austin	Denbo	Klinker	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Orentlicher	Tincher
Cheney	Grubb	Oxley	Tyler
Cochran	Harris, E	Pelath	VanHaaften
Crawford	Hoy	Pflum	Welch

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 4

Day	Kromkowski	Moses	Mr. Speaker
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Roll Call 120: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Welch amendment
2nd Reading Amend. #27

Yeas: 46
Nays: 51
Excused: 1
N/Voting: 2

VOTING YEA: 46

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Tincher
Brown,C	Goodin	Moses	Tyler
Cheney	Grubb	Orentlicher	VanHaaften
Cochran	Harris, E	Oxley	Welch
Crawford	Hoy	Pelath	
Crooks	Kersey	Pflum	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 2

Summers Mr. Speaker

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01-31-06

Roll Call 121: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Orentlicher amendment
2nd Reading Amend. #17

Yeas: 46
Nays: 51
Excused: 1
N/Voting: 2

VOTING YEA: 46

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Tincher
Brown,C	Goodin	Moses	Tyler
Cheney	Grubb	Orentlicher	VanHaaften
Cochran	Harris, E	Oxley	Welch
Crawford	Hoy	Pelath	
Crooks	Kersey	Pflum	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 2

Summers Mr. Speaker

Indiana House of Representatives
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01-31-06

Roll Call 122: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Avery amendment
2nd Reading Amend. #25

Yeas: 46
Nays: 51
Excused: 1
N/Voting: 2

VOTING YEA: 46

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Tincher
Brown,C	Goodin	Moses	Tyler
Cheney	Grubb	Orentlicher	VanHaaften
Cochran	Harris, E	Oxley	Welch
Crawford	Hoy	Pelath	
Crooks	Kersey	Pflum	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 2

Summers Mr. Speaker

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01-31-06

Roll Call 123: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Orentlicher amendment
2nd Reading Amend. #9

Yeas: 46
Nays: 51
Excused: 1
N/Voting: 2

VOTING YEA: 46

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Robertson
Avery	Dobis	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stevenson
Bauer	Fry	Mays	Stilwell
Bischoff	GiaQuinta	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	Tyler
Cheney	Harris, E	Oxley	VanHaaften
Cochran	Hoy	Pelath	Welch
Crawford	Kersey	Pflum	
Crooks	Klinker	Pierce	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 2

Day Mr. Speaker

Indiana House of Representatives
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01-31-06

Roll Call 124: FAILED

HB 1008 Borrer
Public-private transportation agreements.
Pierce amendment
2nd Reading Amend. #36

Yeas: 47
Nays: 51
Excused: 1
N/Voting: 1

VOTING YEA: 47

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 1

Mr. Speaker

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Roll Call 125: PREVAILED

HB 1008	Borrer	Yeas:	98
	Public-private transportation agreements.	Nays:	0
	Stilwell amendment	Excused:	1
	2nd Reading Amend. #31	N/Voting:	1

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Ruppel
Austin	Denbo	Kuzman	Saunders
Avery	Dickinson	Lawson	Smith, J
Ayres	Dobis	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bauer	Duncan	Lutz	Stilwell
Behning	Dvorak	Mahern	Stutzman
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Richardson	Mr. Speaker
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 1

Day

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01-31-06

Roll Call 126: PREVAILED

HB 1349 Ulmer
Animal hunting preserves.
Goodin amendment
2nd Reading Amend. #2

Yeas: 93
Nays: 3
Excused: 0
N/Voting: 4

VOTING YEA: 93

Aguilera	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bauer	Dobis	Leonard	Smith,V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pflum	Wolkins
Cherry	Hinkle	Pierce	Woodruff
Cochran	Hoy	Pond	Yount
Crawford	Kersey	Porter	Mr. Speaker
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	
Davis	Kromkowski	Robertson	

VOTING NAY: 3

Hoffman	Torr	Ulmer
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EXCUSED FROM VOTING: NONE

NOT VOTING: 4

Austin	Bardon	Fry	Reske
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Roll Call 127: PREVAILED

HB 1383 Turner
Restricting public aid for illegal aliens.
Aguilera amendment
2nd Reading Amend. #1

Yeas: 55
Nays: 43
Excused: 0
N/Voting: 2

VOTING YEA: 55

Aguilera	Denbo	Kuzman	Reske
Austin	Dickinson	Lawson	Saunders
Avery	Dobis	Mahern	Smith,V
Bardon	Dvorak	Mays	Stevenson
Bauer	Foley	McClain	Stilwell
Bell	Fry	Messer	Stutzman
Bischoff	GiaQuinta	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	Tyler
Cheney	Harris, E	Oxley	Ulmer
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	Wolkins
Day	Kromkowski	Porter	

VOTING NAY: 43

Ayres	Crouch	Hoffman	Ruppel
Behning	Davis	Koch	Smith, J
Borders	Dodge	Lehe	Thomas
Borrer	Duncan	Leonard	Thompson
Bright	Espich	Lutz	Torr
Brown,T	Friend	Murphy	Turner
Buck	Frizzell	Neese	Walorski
Budak	Gutwein	Noe	Whetstone
Buell	Harris, T	Pond	Woodruff
Burton	Heim	Richardson	Yount
Cherry	Hinkle	Ripley	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Robertson Mr. Speaker

Indiana House of Representatives
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MEETING DAY 15

02-01-06

Roll Call 129: FAILED

HB 1008 Borrer
Public-private agreements for
transportation.
Closing debate

Yeas: 40
Nays: 58
Excused: 1
N/Voting: 1

VOTING YEA: 40

Bell	Duncan	Leonard	Thomas
Borders	Espich	Lutz	Thompson
Borrer	Foley	McClain	Torr
Bright	Friend	Messer	Turner
Brown,T	Frizzell	Murphy	Ulmer
Buck	Gutwein	Noe	Walorski
Burton	Harris, T	Pond	Whetstone
Cherry	Hinkle	Richardson	Wolkins
Davis	Hoffman	Ruppel	Woodruff
Dodge	Lehe	Smith, J	Yount

VOTING NAY: 58

Aguilera	Crooks	Klinker	Porter
Austin	Crouch	Koch	Ripley
Avery	Day	Kromkowski	Robertson
Ayres	Denbo	Kuzman	Saunders
Bardon	Dickinson	Lawson	Smith,V
Bauer	Dobis	Mahern	Stevenson
Behning	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Stutzman
Bottorff	GiaQuinta	Moses	Summers
Brown,C	Goodin	Neese	Tincher
Budak	Grubb	Orentlicher	Tyler
Buell	Harris, E	Oxley	VanHaaften
Cheney	Heim	Pelath	Welch
Cochran	Hoy	Pflum	
Crawford	Kersey	Pierce	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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Roll Call 130: PASSED

HB 1008 Borrer
Public-private agreements for
transportation.
3rd Reading

Yeas: 52
Nays: 47
Excused: 1
N/Voting: 0

VOTING YEA: 52

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	Mr. Speaker

VOTING NAY: 47

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: NONE

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Roll Call 132: PASSED

HB 1011 Richardson
Miscellaneous election law
matters.
3rd Reading

Yeas: 81
Nays: 0
Excused: 0
N/Voting: 19

VOTING YEA: 81

Avery	Day	Kuzman	Ruppel
Ayres	Denbo	Lehe	Saunders
Bauer	Dickinson	Leonard	Smith, J
Behning	Dodge	Lutz	Smith,V
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	McClain	Stutzman
Borders	Espich	Messer	Summers
Borrer	Foley	Moses	Thomas
Bottorff	Friend	Murphy	Thompson
Bright	Frizzell	Neese	Torr
Brown,C	GiaQuinta	Noe	Turner
Brown,T	Goodin	Oxley	Ulmer
Buck	Gutwein	Pelath	VanHaaften
Budak	Harris, E	Pflum	Walorski
Buell	Harris, T	Pierce	Whetstone
Burton	Heim	Pond	Wolkins
Cheney	Hinkle	Porter	Woodruff
Cherry	Hoffman	Reske	Yount
Crooks	Hoy	Richardson	
Crouch	Koch	Ripley	
Davis	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 19

Aguilera	Dobis	Lawson	Tincher
Austin	Fry	Mays	Tyler
Bardon	Grubb	Micon	Welch
Cochran	Kersey	Orentlicher	Mr. Speaker
Crawford	Klinker	Stevenson	

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Roll Call 133: PASSED

HB 1025 J. Smith
Innkeeper's taxes.

Yeas: 58
Nays: 33
Excused: 0
N/Voting: 9

3rd Reading

VOTING YEA: 58

Ayres	Duncan	Leonard	Smith, J
Behning	Espich	Lutz	Smith,V
Bell	Foley	Mahern	Stutzman
Borrer	Friend	McClain	Summers
Brown,T	Frizzell	Messer	Thomas
Buck	Grubb	Micon	Thompson
Budak	Gutwein	Murphy	Torr
Buell	Harris, T	Neese	Turner
Burton	Heim	Noe	Ulmer
Cheney	Hinkle	Pierce	Walorski
Cherry	Hoffman	Pond	Whetstone
Crouch	Kersey	Richardson	Wolkins
Davis	Klinker	Ripley	Yount
Day	Koch	Ruppel	
Dodge	Lehe	Saunders	

VOTING NAY: 33

Aguilera	Brown,C	Kuzman	Reske
Austin	Crooks	Lawson	Robertson
Avery	Denbo	Mays	Stilwell
Bardon	Dvorak	Moses	Tincher
Bauer	Fry	Orentlicher	VanHaaften
Bischoff	GiaQuinta	Oxley	Woodruff
Borders	Goodin	Pelath	
Bottorff	Hoy	Pflum	
Bright	Kromkowski	Porter	

EXCUSED FROM VOTING: NONE

NOT VOTING: 9

Cochran	Dobis	Tyler
Crawford	Harris, E	Welch
Dickinson	Stevenson	Mr. Speaker

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Roll Call 134: PASSED

HB 1028 Koch
Firearms and self-defense.

Yeas: 82
Nays: 18
Excused: 0
N/Voting: 0

3rd Reading

VOTING YEA: 82

Aguilera	Dobis	Kuzman	Smith, J
Austin	Dodge	Lehe	Stevenson
Ayres	Duncan	Leonard	Stilwell
Behning	Dvorak	Lutz	Stutzman
Bell	Espich	McClain	Thomas
Bischoff	Foley	Messer	Thompson
Borders	Friend	Micon	Tincher
Borrer	Frizzell	Moses	Torr
Bottorff	Fry	Murphy	Turner
Bright	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Grubb	Oxley	VanHaaften
Budak	Gutwein	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pond	Whetstone
Cherry	Hinkle	Reske	Wolkins
Cochran	Hoffman	Richardson	Woodruff
Crooks	Kersey	Ripley	Yount
Crouch	Klinker	Robertson	Mr. Speaker
Davis	Koch	Ruppel	
Denbo	Kromkowski	Saunders	

VOTING NAY: 18

Avery	Crawford	Lawson	Porter
Bardon	Day	Mahern	Smith,V
Bauer	Dickinson	Mays	Summers
Brown,C	Harris, E	Orentlicher	
Cheney	Hoy	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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Roll Call 135: PASSED

HB 1029 Buell
Education finance and tax credits.

Yeas: 99
Nays: 0
Excused: 0
N/Voting: 1

3rd Reading

VOTING YEA: 99

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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Roll Call 136: PASSED

HB 1056 Duncan
Certificate of salvage title.

Yeas: 99
Nays: 0
Excused: 0
N/Voting: 1

3rd Reading

VOTING YEA: 99

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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Roll Call 137: PASSED

HB 1062 Hinkle
School corporation police department.

Yeas: 95
Nays: 3
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 95

Aguilera	Day	Koch	Richardson
Austin	Denbo	Kromkowski	Ripley
Avery	Dickinson	Kuzman	Robertson
Ayres	Dobis	Lawson	Ruppel
Bardon	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Stevenson
Bell	Dvorak	Lutz	Stilwell
Bischoff	Espich	Mahern	Stutzman
Borders	Foley	Mays	Summers
Borrer	Friend	McClain	Thomas
Bottorff	Frizzell	Messer	Thompson
Bright	Fry	Micon	Tincher
Brown,C	GiaQuinta	Moses	Torr
Buck	Goodin	Murphy	Turner
Budak	Grubb	Neese	Tyler
Buell	Gutwein	Noe	Ulmer
Burton	Harris, E	Orentlicher	VanHaaften
Cheney	Harris, T	Oxley	Walorski
Cherry	Heim	Pelath	Welch
Cochran	Hinkle	Pflum	Whetstone
Crawford	Hoffman	Pierce	Wolkins
Crooks	Hoy	Pond	Woodruff
Crouch	Kersey	Porter	Yount
Davis	Klinker	Reske	

VOTING NAY: 3

Brown,T Saunders Smith,V

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Bauer Mr. Speaker

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Roll Call 138: DEFEATED

HB 1063 Hinkle
Registering interior designers.

Yeas: 30
Nays: 68
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 30

Behning	Dodge	Klinker	Stutzman
Bell	Friend	Leonard	Torr
Borrer	Frizzell	Micon	Turner
Brown,T	Grubb	Orentlicher	Welch
Buck	Gutwein	Pierce	Wolkins
Buell	Heim	Richardson	Yount
Denbo	Hinkle	Stevenson	
Dobis	Kersey	Stilwell	

VOTING NAY: 68

Aguilera	Crouch	Kuzman	Reske
Austin	Davis	Lawson	Ripley
Avery	Day	Lehe	Robertson
Ayres	Dickinson	Lutz	Ruppel
Bardon	Duncan	Mahern	Saunders
Bischoff	Dvorak	Mays	Smith, J
Borders	Espich	McClain	Smith,V
Bottorff	Foley	Messer	Summers
Bright	Fry	Moses	Thomas
Brown,C	GiaQuinta	Murphy	Thompson
Budak	Goodin	Neese	Tincher
Burton	Harris, E	Noe	Tyler
Cheney	Harris, T	Oxley	Ulmer
Cherry	Hoffman	Pelath	VanHaaften
Cochran	Hoy	Pflum	Walorski
Crawford	Koch	Pond	Whetstone
Crooks	Kromkowski	Porter	Woodruff

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Bauer Mr. Speaker

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Roll Call 139: PASSED

HB 1080 Stutzman
Abortion facilities.

Yeas: 60
Nays: 38
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 60

Ayres	Crouch	Klinker	Robertson
Behning	Davis	Koch	Ruppel
Bell	Denbo	Kromkowski	Saunders
Bischoff	Dobis	Lehe	Smith, J
Borders	Dodge	Leonard	Stutzman
Borrer	Duncan	Lutz	Thomas
Bright	Espich	McClain	Thompson
Brown,T	Foley	Messer	Torr
Buck	Friend	Micon	Turner
Budak	Frizzell	Murphy	Walorski
Buell	Goodin	Neese	Whetstone
Burton	Gutwein	Oxley	Wolkins
Cherry	Harris, T	Pelath	Woodruff
Cochran	Heim	Richardson	Yount
Crooks	Hoffman	Ripley	Mr. Speaker

VOTING NAY: 38

Aguilera	Dvorak	Mahern	Stevenson
Austin	Fry	Mays	Stilwell
Avery	GiaQuinta	Moses	Summers
Bardon	Grubb	Orentlicher	Tincher
Bottorff	Harris, E	Pflum	Tyler
Brown,C	Hinkle	Pierce	Ulmer
Cheney	Hoy	Pond	VanHaaften
Crawford	Kersey	Porter	Welch
Day	Kuzman	Reske	
Dickinson	Lawson	Smith,V	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Bauer Noe

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Roll Call 140: PASSED

HB 1081 Yount
Home energy sales tax exemption.

Yeas: 97
Nays: 0
Excused: 0
N/Voting: 3

3rd Reading

VOTING YEA: 97

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Lawson	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	GiaQuinta	Neese	Turner
Brown,T	Goodin	Noe	Tyler
Buck	Grubb	Orentlicher	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, E	Pelath	Walorski
Burton	Harris, T	Pflum	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Porter	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 3

Bauer Kuzman Mr. Speaker

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Roll Call 141: PASSED

HB 1089 J. Lutz
Annexation of property zoned
agricultural.
3rd Reading

Yeas: 83
Nays: 13
Excused: 1
N/Voting: 3

VOTING YEA: 83

Aguilera	Davis	Kuzman	Saunders
Austin	Denbo	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	McClain	Stilwell
Bischoff	Espich	Messer	Stutzman
Borders	Foley	Micon	Thomas
Borrer	Friend	Moses	Thompson
Bottorff	Frizzell	Murphy	Tincher
Bright	GiaQuinta	Neese	Torr
Brown,C	Grubb	Noe	Turner
Brown,T	Gutwein	Oxley	Tyler
Buck	Harris, E	Pelath	Ulmer
Budak	Harris, T	Pflum	VanHaaften
Buell	Heim	Pierce	Walorski
Burton	Hinkle	Pond	Welch
Cheney	Hoffman	Reske	Whetstone
Cherry	Kersey	Richardson	Wolkins
Cochran	Klinker	Ripley	Woodruff
Crooks	Koch	Robertson	Yount
Crouch	Kromkowski	Ruppel	

VOTING NAY: 13

Avery	Dvorak	Mahern	Summers
Bardon	Fry	Mays	
Day	Hoy	Orentlicher	
Dickinson	Lawson	Porter	

EXCUSED FROM VOTING: 1

Goodin

NOT VOTING: 3

Bauer	Crawford	Mr. Speaker
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Roll Call 142: PASSED

HB 1097 Frizzell
Discount medical card programs.

Yeas: 93
Nays: 0
Excused: 2
N/Voting: 5

3rd Reading

VOTING YEA: 93

Aguilera	Davis	Klinker	Robertson
Austin	Day	Koch	Ruppel
Avery	Denbo	Kromkowski	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Behning	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stutzman
Bischoff	Dvorak	Mays	Summers
Borders	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Moses	Torr
Brown,C	Fry	Murphy	Turner
Brown,T	GiaQuinta	Neese	Tyler
Buck	Goodin	Noe	Ulmer
Budak	Grubb	Orentlicher	VanHaaften
Buell	Gutwein	Oxley	Walorski
Burton	Harris, E	Pflum	Welch
Cheney	Harris, T	Pierce	Wolkins
Cherry	Heim	Pond	Woodruff
Cochran	Hinkle	Porter	Yount
Crawford	Hoffman	Reske	
Crooks	Hoy	Richardson	
Crouch	Kersey	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Kuzman Whetstone

NOT VOTING: 5

Bauer	Pelath	Mr. Speaker
Mahern	Stilwell	

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Roll Call 144: PASSED

HB 1108 T. Brown
Aggressive driving and criminal
recklessness.
3rd Reading

Yeas: 90
Nays: 2
Excused: 2
N/Voting: 6

VOTING YEA: 90

Aguilera	Day	Klinker	Reske
Avery	Denbo	Koch	Richardson
Ayres	Dickinson	Kromkowski	Ripley
Bardon	Dobis	Lawson	Robertson
Behning	Dodge	Lehe	Ruppel
Bell	Duncan	Leonard	Saunders
Bischoff	Dvorak	Lutz	Smith, J
Borders	Espich	Mahern	Smith, V
Borrer	Foley	Mays	Stevenson
Bottorff	Friend	McClain	Stilwell
Bright	Frizzell	Messer	Stutzman
Brown, T	Fry	Micon	Summers
Buck	GiaQuinta	Moses	Thomas
Budak	Goodin	Murphy	Thompson
Buell	Grubb	Neese	Torr
Burton	Gutwein	Noe	Tyler
Cheney	Harris, E	Orentlicher	Ulmer
Cherry	Harris, T	Oxley	VanHaaften
Cochran	Heim	Pelath	Walorski
Crawford	Hinkle	Pflum	Wolkins
Crooks	Hoffman	Pierce	Woodruff
Crouch	Hoy	Pond	
Davis	Kersey	Porter	

VOTING NAY: 2

Brown, C Tincher

EXCUSED FROM VOTING: 2

Kuzman Whetstone

NOT VOTING: 6

Austin	Turner	Yount
Bauer	Welch	Mr. Speaker

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Roll Call 145: PASSED

HB 1110 T. Brown
Removal of mercury switches from motor
vehicles.
3rd Reading

Yeas: 95
Nays: 0
Excused: 3
N/Voting: 2

VOTING YEA: 95

Aguilera	Davis	Klinker	Richardson
Austin	Day	Koch	Ripley
Avery	Denbo	Kromkowski	Robertson
Ayres	Dickinson	Lawson	Ruppel
Bardon	Dobis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Smith,V
Bischoff	Dvorak	Mahern	Stevenson
Borders	Espich	Mays	Stilwell
Borrer	Foley	McClain	Stutzman
Bottorff	Friend	Messer	Summers
Bright	Frizzell	Micon	Thomas
Brown,C	Fry	Moses	Thompson
Brown,T	GiaQuinta	Murphy	Tincher
Buck	Goodin	Neese	Torr
Budak	Grubb	Noe	Tyler
Buell	Gutwein	Orentlicher	Ulmer
Burton	Harris, E	Oxley	VanHaaften
Cheney	Harris, T	Pelath	Walorski
Cherry	Heim	Pflum	Welch
Cochran	Hinkle	Pierce	Wolkins
Crawford	Hoffman	Pond	Woodruff
Crooks	Hoy	Porter	Yount
Crouch	Kersey	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Bauer Kuzman Whetstone

NOT VOTING: 2

Turner Mr. Speaker

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02-01-06

Roll Call 146: PASSED

HB 1112 Foley
Communications of sympathy.

Yeas: 93
Nays: 0
Excused: 3
N/Voting: 4

3rd Reading

VOTING YEA: 93

Aguilera	Davis	Klinker	Ripley
Austin	Day	Koch	Robertson
Avery	Denbo	Kromkowski	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	GiaQuinta	Murphy	Tyler
Buck	Goodin	Neese	Ulmer
Budak	Grubb	Noe	VanHaaften
Buell	Gutwein	Orentlicher	Walorski
Burton	Harris, E	Oxley	Welch
Cheney	Harris, T	Pelath	Wolkins
Cherry	Heim	Pflum	Woodruff
Cochran	Hinkle	Pierce	Yount
Crawford	Hoffman	Pond	
Crooks	Hoy	Reske	
Crouch	Kersey	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Bauer	Kuzman	Whetstone
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NOT VOTING: 4

Porter	Summers	Turner	Mr. Speaker
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02-01-06

Roll Call 147: PASSED

HB 1113 Foley
Liability connected with consumption of
food, beverages.
3rd Reading

Yeas: 76
Nays: 21
Excused: 1
N/Voting: 2

VOTING YEA: 76

Aguilera	Crooks	Kersey	Ripley
Austin	Crouch	Klinker	Robertson
Ayres	Davis	Koch	Ruppel
Bauer	Denbo	Kuzman	Saunders
Behning	Dobis	Lehe	Smith, J
Bell	Dodge	Leonard	Stutzman
Bischoff	Duncan	Lutz	Summers
Borders	Espich	Mays	Thomas
Borrer	Foley	McClain	Thompson
Bottorff	Friend	Messer	Tincher
Bright	Frizzell	Micon	Torr
Brown,T	GiaQuinta	Moses	Turner
Buck	Goodin	Murphy	Tyler
Budak	Grubb	Neese	Walorski
Buell	Gutwein	Noe	Welch
Burton	Harris, T	Oxley	Whetstone
Cheney	Heim	Pond	Wolkins
Cherry	Hinkle	Reske	Woodruff
Cochran	Hoffman	Richardson	Yount

VOTING NAY: 21

Avery	Fry	Pelath	Stilwell
Brown,C	Harris, E	Pflum	Ulmer
Crawford	Hoy	Pierce	VanHaaften
Day	Kromkowski	Porter	
Dickinson	Lawson	Smith,V	
Dvorak	Mahern	Stevenson	

EXCUSED FROM VOTING: 1

Bardon

NOT VOTING: 2

Orentlicher Mr. Speaker

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02-01-06

Roll Call 148: PASSED

HB 1117 Wolkins
Environmental law.

3rd Reading

Yeas: 97
Nays: 1
Excused: 1
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Mr. Speaker

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Roll Call 149: PASSED

HB 1123 Budak
Sexual assault standards and
certification board.
3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Mr. Speaker

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02-01-06

Roll Call 150: PASSED

HB 1124 Buck
Rainy day fund loans to political
subdivisions.
3rd Reading

Yeas: 97
Nays: 1
Excused: 1
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: 1

Day

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 15

02-01-06

Roll Call 151: PASSED

HB 1128 Duncan
Ignition interlock devices.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Mr. Speaker

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02-01-06

Roll Call 152: PASSED

HB 1136 Burton
Brokers' liens on commercial real
estate.
3rd Reading

Yeas: 97
Nays: 1
Excused: 1
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: 1

Denbo

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Mr. Speaker

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02-01-06

Roll Call 153: PASSED

HB 1138 Bell
Hunting and lifetime license trust fund.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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02-01-06

Roll Call 155: PASSED

HB 1155 Budak
Child molesting.

3rd Reading

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

VOTING YEA: 97

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 2

Crawford Mr. Speaker

Indiana House of Representatives
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02-01-06

Roll Call 156: PASSED

HB 1156 Richardson
Various provisions concerning courts.

Yeas: 78
Nays: 19
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 78

Aguilera	Dickinson	Lehe	Ripley
Avery	Dobis	Leonard	Ruppel
Ayres	Dodge	Lutz	Saunders
Behning	Duncan	Mahern	Smith,V
Bell	Espich	Mays	Stevenson
Borrer	Foley	McClain	Stilwell
Brown,C	Friend	Messer	Thomas
Brown,T	Frizzell	Moses	Thompson
Buck	GiaQuinta	Murphy	Tincher
Budak	Grubb	Neese	Torr
Buell	Gutwein	Noe	Turner
Burton	Harris, E	Orentlicher	Ulmer
Cheney	Harris, T	Oxley	VanHaaften
Cherry	Hinkle	Pelath	Welch
Cochran	Hoffman	Pflum	Whetstone
Crawford	Kersey	Pierce	Wolkins
Crooks	Klinker	Pond	Yount
Crouch	Koch	Porter	Mr. Speaker
Day	Kromkowski	Reske	
Denbo	Lawson	Richardson	

VOTING NAY: 19

Austin	Bright	Heim	Stutzman
Bardon	Davis	Hoy	Tyler
Bischoff	Dvorak	Micon	Walorski
Borders	Fry	Robertson	Woodruff
Bottorff	Goodin	Smith, J	

EXCUSED FROM VOTING: 1

Summers

NOT VOTING: 2

Bauer Kuzman

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02-01-06

Roll Call 157: PASSED

HB 1158 Richardson
Small claims, civil actions, sheriff's
fees.
3rd Reading

Yeas: 72
Nays: 24
Excused: 3
N/Voting: 1

VOTING YEA: 72

Aguilera	Dickinson	Lehe	Ripley
Avery	Dobis	Leonard	Ruppel
Ayres	Dodge	Mahern	Saunders
Behning	Duncan	Mays	Smith,V
Bell	Espich	McClain	Stevenson
Borrer	Foley	Messer	Stilwell
Bottorff	Friend	Moses	Stutzman
Brown,T	Frizzell	Murphy	Thomas
Buck	GiaQuinta	Neese	Thompson
Budak	Grubb	Noe	Tincher
Buell	Gutwein	Orentlicher	Torr
Burton	Harris, E	Pelath	Turner
Cheney	Harris, T	Pflum	Tyler
Cherry	Hinkle	Pierce	Ulmer
Cochran	Hoffman	Pond	VanHaaften
Crawford	Kersey	Porter	Welch
Crouch	Klinker	Reske	Whetstone
Denbo	Lawson	Richardson	Yount

VOTING NAY: 24

Austin	Crooks	Heim	Oxley
Bardon	Davis	Hoy	Robertson
Bischoff	Day	Koch	Smith, J
Borders	Dvorak	Kromkowski	Walorski
Bright	Fry	Lutz	Wolkins
Brown,C	Goodin	Micon	Woodruff

EXCUSED FROM VOTING: 3

Bauer	Kuzman	Summers
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NOT VOTING: 1

Mr. Speaker

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MEETING DAY 15

02-01-06

Roll Call 158: PASSED

HB 1172 T. Harris
Information on pain and anesthetic for a
fetus.
3rd Reading

Yeas: 70
Nays: 30
Excused: 0
N/Voting: 0

VOTING YEA: 70

Ayres	Dobis	Koch	Saunders
Bauer	Dodge	Kromkowski	Smith, J
Behning	Duncan	Lehe	Stilwell
Bell	Dvorak	Leonard	Stutzman
Bischoff	Espich	Lutz	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Torr
Bright	Frizzell	Micon	Turner
Brown,T	GiaQuinta	Murphy	Tyler
Buck	Goodin	Neese	Walorski
Buell	Grubb	Noe	Welch
Burton	Gutwein	Oxley	Whetstone
Cherry	Harris, T	Pelath	Wolkins
Cochran	Heim	Reske	Woodruff
Crooks	Hinkle	Richardson	Yount
Crouch	Hoffman	Ripley	Mr. Speaker
Davis	Kersey	Robertson	
Denbo	Klinker	Ruppel	

VOTING NAY: 30

Aguilera	Crawford	Mahern	Smith,V
Austin	Day	Mays	Stevenson
Avery	Dickinson	Moses	Summers
Bardon	Fry	Orentlicher	Tincher
Bottorff	Harris, E	Pflum	Ulmer
Brown,C	Hoy	Pierce	VanHaaften
Budak	Kuzman	Pond	
Cheney	Lawson	Porter	

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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Roll Call 159: PASSED

HB 1173 T. Harris
Lifelong learning matching grant.

Yeas: 63
Nays: 30
Excused: 0
N/Voting: 7

3rd Reading

VOTING YEA: 63

Ayres	Denbo	Koch	Ruppel
Behning	Dodge	Lehe	Saunders
Bell	Duncan	Leonard	Smith, J
Bischoff	Espich	Lutz	Stutzman
Borders	Foley	Mays	Thomas
Borrer	Frizzell	McClain	Thompson
Bottorff	GiaQuinta	Messer	Torr
Bright	Goodin	Micon	Turner
Brown,T	Grubb	Murphy	Ulmer
Buck	Gutwein	Neese	Walorski
Budak	Harris, T	Noe	Welch
Buell	Heim	Orentlicher	Whetstone
Burton	Hinkle	Reske	Wolkins
Cherry	Hoffman	Richardson	Woodruff
Crouch	Kersey	Ripley	Yount
Davis	Klinker	Robertson	

VOTING NAY: 30

Aguilera	Day	Mahern	Smith,V
Austin	Dvorak	Moses	Stevenson
Avery	Fry	Oxley	Stilwell
Bardon	Harris, E	Pelath	Tincher
Brown,C	Hoy	Pflum	Tyler
Cheney	Kromkowski	Pierce	VanHaaften
Cochran	Kuzman	Pond	
Crooks	Lawson	Porter	

EXCUSED FROM VOTING: NONE

NOT VOTING: 7

Bauer	Dickinson	Friend	Mr. Speaker
Crawford	Dobis	Summers	

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02-01-06

Roll Call 160: PASSED

HB 1176 Woodruff
Handgun license renewal.

Yeas: 78
Nays: 21
Excused: 0
N/Voting: 1

3rd Reading

VOTING YEA: 78

Ayres	Duncan	Lehe	Stevenson
Bardon	Dvorak	Leonard	Stilwell
Behning	Espich	Lutz	Stutzman
Bell	Foley	McClain	Thomas
Bischoff	Friend	Messer	Thompson
Borders	Frizzell	Micon	Tincher
Borrer	Fry	Murphy	Torr
Bottorff	GiaQuinta	Neese	Turner
Bright	Goodin	Noe	Tyler
Brown,T	Grubb	Oxley	Ulmer
Buck	Gutwein	Pelath	VanHaaften
Budak	Harris, T	Pflum	Walorski
Buell	Heim	Pond	Welch
Burton	Hinkle	Reske	Whetstone
Cherry	Hoffman	Richardson	Wolkins
Crooks	Kersey	Ripley	Woodruff
Crouch	Klinker	Robertson	Yount
Davis	Koch	Ruppel	Mr. Speaker
Denbo	Kromkowski	Saunders	
Dodge	Kuzman	Smith, J	

VOTING NAY: 21

Aguilera	Cochran	Lawson	Porter
Austin	Crawford	Mahern	Smith,V
Avery	Day	Mays	Summers
Bauer	Dickinson	Moses	
Brown,C	Harris, E	Orentlicher	
Cheney	Hoy	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Dobis

Indiana House of Representatives
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02-01-06

Roll Call 162: PASSED

HB 1203 Thompson
Preliminary orders in juvenile cases.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 1

Mr. Speaker

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02-01-06

Roll Call 163: PASSED

HB 1212 Dodge
Drainage assessments, sanitation districts,
storm water district.
3rd Reading

Yeas: 70
Nays: 23
Excused: 1
N/Voting: 6

VOTING YEA: 70

Aguilera	Denbo	Klinker	Ruppel
Ayres	Dickinson	Koch	Saunders
Behning	Dobis	Kuzman	Smith, J
Bell	Dodge	Lawson	Stevenson
Bischoff	Duncan	Lehe	Stutzman
Borders	Espich	Leonard	Thomas
Borrer	Foley	Lutz	Thompson
Bottorff	Friend	McClain	Tincher
Bright	Frizzell	Messer	Torr
Brown, T	GiaQuinta	Micon	Ulmer
Buck	Goodin	Murphy	Walorski
Budak	Grubb	Neese	Welch
Buell	Gutwein	Noe	Whetstone
Burton	Harris, T	Pierce	Wolkins
Cherry	Heim	Pond	Woodruff
Crooks	Hinkle	Reske	Yount
Crouch	Hoffman	Richardson	
Davis	Kersey	Ripley	

VOTING NAY: 23

Austin	Crawford	Kromkowski	Porter
Avery	Day	Mahern	Smith, V
Bauer	Dvorak	Mays	Stilwell
Brown, C	Fry	Oxley	Summers
Cheney	Harris, E	Pelath	Tyler
Cochran	Hoy	Pflum	

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 6

Bardon	Orentlicher	VanHaaften
Moses	Turner	Mr. Speaker

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02-01-06

Roll Call 164: DEFEATED

HB 1213 Noe
Study of teacher incentives.

Yeas: 41
Nays: 56
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 41

Behning	Duncan	Lehe	Thomas
Bell	Espich	Leonard	Thompson
Borders	Foley	Lutz	Torr
Borrer	Friend	Messer	Turner
Brown,T	Frizzell	Murphy	Ulmer
Buck	Gutwein	Noe	Whetstone
Buell	Harris, T	Richardson	Wolkins
Burton	Heim	Ripley	Yount
Cherry	Hinkle	Saunders	
Crouch	Hoffman	Smith, J	
Dodge	Koch	Stutzman	

VOTING NAY: 56

Aguilera	Crooks	Klinker	Pond
Austin	Davis	Kromkowski	Porter
Avery	Day	Kuzman	Reske
Ayres	Denbo	Lawson	Ruppel
Bardon	Dickinson	Mahern	Smith,V
Bauer	Dobis	Mays	Stevenson
Bischoff	Dvorak	McClain	Stilwell
Bottorff	Fry	Micon	Summers
Bright	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Neese	Tyler
Budak	Grubb	Oxley	VanHaaften
Cheney	Harris, E	Pelath	Walorski
Cochran	Hoy	Pflum	Welch
Crawford	Kersey	Pierce	Woodruff

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 2

Orentlicher Mr. Speaker

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02-01-06

Roll Call 165: PASSED

HB 1214 Davis
Indemnity agreements in motor carrier
contracts.
3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 1

Mr. Speaker

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02-01-06

Roll Call 166: PASSED

HB 1220 Reske
Professional investigation funds.

Yeas: 73
Nays: 24
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 73

Aguilera	Denbo	Lawson	Richardson
Avery	Dickinson	Lehe	Ripley
Ayres	Dobis	Leonard	Ruppel
Bauer	Dodge	Lutz	Saunders
Behning	Duncan	Mahern	Smith,V
Bell	Espich	Mays	Stevenson
Borrer	Foley	McClain	Stilwell
Bottorff	Friend	Messer	Stutzman
Brown,C	Frizzell	Moses	Summers
Brown,T	GiaQuinta	Murphy	Thomas
Buck	Grubb	Neese	Thompson
Budak	Gutwein	Noe	Turner
Buell	Harris, E	Oxley	Ulmer
Burton	Harris, T	Pelath	Welch
Cheney	Hoffman	Pflum	Whetstone
Cherry	Kersey	Pierce	Yount
Cochran	Klinker	Pond	
Crawford	Kromkowski	Porter	
Day	Kuzman	Reske	

VOTING NAY: 24

Austin	Crouch	Hoy	Torr
Bardon	Davis	Koch	Tyler
Bischoff	Dvorak	Micon	VanHaaften
Borders	Goodin	Orentlicher	Walorski
Bright	Heim	Smith, J	Wolkins
Crooks	Hinkle	Tincher	Woodruff

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 2

Fry Mr. Speaker

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02-01-06

Roll Call 167: PASSED

HB 1222 Moses
Redevelopment commission housing
programs.
3rd Reading

Yeas: 76
Nays: 18
Excused: 1
N/Voting: 5

VOTING YEA: 76

Aguilera	Dobis	Kuzman	Reske
Austin	Duncan	Lawson	Ripley
Avery	Dvorak	Lehe	Ruppel
Bardon	Espich	Lutz	Saunders
Bauer	Foley	Mahern	Smith,V
Bischoff	Friend	Mays	Stevenson
Borders	Frizzell	Messer	Stilwell
Bottorff	GiaQuinta	Micon	Stutzman
Brown,C	Goodin	Moses	Summers
Buck	Grubb	Murphy	Thomas
Budak	Gutwein	Neese	Tincher
Buell	Harris, E	Noe	Torr
Burton	Harris, T	Orentlicher	Turner
Cheney	Heim	Oxley	Tyler
Cochran	Hinkle	Pelath	Ulmer
Crooks	Hoy	Pflum	VanHaaften
Crouch	Kersey	Pierce	Walorski
Denbo	Klinker	Pond	Welch
Dickinson	Kromkowski	Porter	Wolkins

VOTING NAY: 18

Ayres	Brown,T	Leonard	Whetstone
Behning	Cherry	McClain	Woodruff
Bell	Davis	Richardson	Yount
Borrer	Hoffman	Smith, J	
Bright	Koch	Thompson	

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 5

Crawford	Dodge	Mr. Speaker
Day	Fry	

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MEETING DAY 16

02-02-06

Roll Call 169: PASSED

HB 1093 Dobis
Offenses on school property or against
school employees.
3rd Reading

Yeas: 94
Nays: 2
Excused: 1
N/Voting: 3

VOTING YEA: 94

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Ruppel
Avery	Dobis	Lawson	Saunders
Ayres	Dodge	Lehe	Smith, J
Bardon	Duncan	Leonard	Stevenson
Bauer	Dvorak	Lutz	Stilwell
Behning	Espich	Mahern	Stutzman
Bell	Foley	Mays	Summers
Bischoff	Friend	McClain	Thomas
Borders	Frizzell	Messer	Thompson
Borrer	Fry	Micon	Tincher
Bottorff	GiaQuinta	Moses	Torr
Bright	Goodin	Murphy	Turner
Brown,T	Grubb	Neese	Tyler
Buck	Gutwein	Noe	Ulmer
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Oxley	Walorski
Burton	Heim	Pelath	Welch
Cheney	Hinkle	Pflum	Whetstone
Cherry	Hoffman	Pierce	Wolkins
Cochran	Hoy	Pond	Woodruff
Crooks	Kersey	Porter	Yount
Crouch	Klinker	Reske	
Davis	Koch	Richardson	

VOTING NAY: 2

Brown,C Smith,V

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 3

Crawford Dickinson Mr. Speaker

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MEETING DAY 16

02-02-06

Roll Call 170: PASSED

HB 1099 Frizzell
Fireworks sales and discharge.

Yeas: 64
Nays: 30
Excused: 3
N/Voting: 3

3rd Reading

VOTING YEA: 64

Austin	Duncan	Lawson	Richardson
Ayres	Dvorak	Lehe	Ripley
Behning	Espich	Leonard	Saunders
Bell	Foley	Lutz	Stevenson
Bischoff	Friend	Mahern	Stilwell
Borrer	Frizzell	McClain	Stutzman
Bottorff	Goodin	Messer	Summers
Buck	Grubb	Micon	Thomas
Buell	Gutwein	Moses	Thompson
Burton	Harris, T	Murphy	Tyler
Cherry	Hinkle	Noe	Ulmer
Crawford	Hoffman	Orentlicher	VanHaaften
Crooks	Kersey	Oxley	Welch
Crouch	Koch	Pelath	Whetstone
Davis	Kromkowski	Porter	Wolkins
Denbo	Kuzman	Reske	Woodruff

VOTING NAY: 30

Aguilera	Cheney	Harris, E	Smith, J
Avery	Cochran	Heim	Smith, V
Bardon	Day	Hoy	Tincher
Borders	Dickinson	Neese	Torr
Bright	Dobis	Pflum	Walorski
Brown, C	Dodge	Pierce	Yount
Brown, T	Fry	Pond	
Budak	GiaQuinta	Ruppel	

EXCUSED FROM VOTING: 3

Mays	Robertson	Turner
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NOT VOTING: 3

Bauer	Klinker	Mr. Speaker
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Roll Call 171: PASSED

HB 1227 Budak
Retired state employees.

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

3rd Reading

VOTING YEA: 95

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dodge	Lehe	Smith,V
Behning	Duncan	Leonard	Stevenson
Bell	Dvorak	Lutz	Stilwell
Bischoff	Espich	Mahern	Stutzman
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	Mr. Speaker
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Mays Robertson

NOT VOTING: 3

Bauer Dobis Summers

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Roll Call 172: PASSED

HB 1232 Ayres
Curfew.

Yeas: 96
Nays: 0
Excused: 1
N/Voting: 3

3rd Reading

VOTING YEA: 96

Aguilera	Davis	Koch	Richardson
Austin	Day	Kromkowski	Ripley
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith, V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown, C	Fry	Moses	Tincher
Brown, T	GiaQuinta	Murphy	Torr
Buck	Goodin	Neese	Turner
Budak	Grubb	Noe	Tyler
Buell	Gutwein	Orentlicher	Ulmer
Burton	Harris, E	Oxley	VanHaaften
Cheney	Harris, T	Pelath	Walorski
Cherry	Heim	Pflum	Welch
Cochran	Hinkle	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 3

Bauer Hoffman Mr. Speaker

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Roll Call 173: PASSED

HB 1235 Ruppel
Isolation and quarantine.

Yeas: 69
Nays: 28
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 69

Aguilera	Crooks	Heim	Porter
Avery	Crouch	Hinkle	Reske
Ayres	Day	Hoffman	Richardson
Behning	Denbo	Hoy	Ruppel
Bell	Dickinson	Kersey	Smith,V
Bischoff	Dobis	Klinker	Stevenson
Borders	Dodge	Kuzman	Stilwell
Borrer	Duncan	Lawson	Thomas
Bottorff	Espich	Lehe	Tincher
Brown,C	Foley	Lutz	Turner
Brown,T	Friend	Mahern	Tyler
Budak	Frizzell	McClain	Ulmer
Buell	Fry	Neese	VanHaaften
Burton	GiaQuinta	Oxley	Welch
Cheney	Goodin	Pelath	Wolkins
Cherry	Grubb	Pflum	
Cochran	Gutwein	Pierce	
Crawford	Harris, E	Pond	

VOTING NAY: 28

Austin	Koch	Murphy	Summers
Bardon	Kromkowski	Noe	Thompson
Bright	Leonard	Orentlicher	Torr
Buck	Mays	Ripley	Walorski
Davis	Messer	Saunders	Whetstone
Dvorak	Micon	Smith, J	Woodruff
Harris, T	Moses	Stutzman	Yount

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 2

Bauer Mr. Speaker

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Roll Call 174: PASSED

HB 1236 Ruppel
Capitol police salary matrix.

Yeas: 96
Nays: 1
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 96

Aguilera	Davis	Koch	Richardson
Austin	Day	Kromkowski	Ripley
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith, V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown, C	GiaQuinta	Moses	Tincher
Brown, T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 2

Bauer

Mr. Speaker

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Roll Call 175: PASSED

HB 1239 Ripley
Preexisting conditions.

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bauer	Duncan	Lutz	Stilwell
Behning	Dvorak	Mahern	Stutzman
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 2

Dobis Mr. Speaker

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Roll Call 176: PASSED

HB 1240 Behning
ISTEP.

Yeas: 52
Nays: 47
Excused: 0
N/Voting: 1

3rd Reading

VOTING YEA: 52

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	Mr. Speaker

VOTING NAY: 47

Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch
Day	Klinker	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Aguilera

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Roll Call 177: PASSED

HB 1006 Noe
Allocation of school resources; homeless
students.
3rd Reading

Yeas: 56
Nays: 40
Excused: 1
N/Voting: 3

VOTING YEA: 56

Ayres	Davis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Stutzman
Borders	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bottorff	Friend	Micon	Torr
Bright	Frizzell	Murphy	Turner
Brown,T	Gutwein	Neese	Ulmer
Buck	Harris, T	Noe	Walorski
Budak	Heim	Pond	Whetstone
Buell	Hinkle	Richardson	Wolkins
Burton	Hoffman	Ripley	Woodruff
Cherry	Hoy	Robertson	Yount
Crouch	Koch	Ruppel	Mr. Speaker

VOTING NAY: 40

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Smith,V
Bardon	Dobis	Mahern	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Brown,C	Fry	Moses	Summers
Cheney	GiaQuinta	Oxley	Tincher
Cochran	Goodin	Pelath	Tyler
Crawford	Grubb	Pflum	VanHaaften
Crooks	Kersey	Pierce	Welch

EXCUSED FROM VOTING: 1

Harris, E

NOT VOTING: 3

Bauer	Kromkowski	Orentlicher
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Roll Call 178: PASSED

HB 1250 Messer
Alcohol beverage matters.

Yeas: 68
Nays: 27
Excused: 1
N/Voting: 4

3rd Reading

VOTING YEA: 68

Aguilera	Dodge	Kuzman	Saunders
Ayres	Dvorak	Lawson	Smith, J
Behning	Foley	Lehe	Smith,V
Bell	Frizzell	Leonard	Stevenson
Borrer	Fry	Lutz	Stutzman
Bottorff	GiaQuinta	Mays	Summers
Brown,C	Grubb	McClain	Thompson
Buck	Gutwein	Messer	Tincher
Budak	Harris, E	Micon	Torr
Burton	Harris, T	Neese	Tyler
Cheney	Heim	Noe	Ulmer
Crawford	Hinkle	Orentlicher	VanHaaften
Crouch	Hoffman	Pelath	Walorski
Davis	Hoy	Pond	Welch
Day	Kersey	Porter	Whetstone
Dickinson	Klinker	Ripley	Wolkins
Dobis	Kromkowski	Ruppel	Woodruff

VOTING NAY: 27

Austin	Buell	Friend	Pierce
Avery	Cherry	Goodin	Reske
Bardon	Cochran	Koch	Richardson
Bischoff	Crooks	Mahern	Robertson
Borders	Denbo	Moses	Thomas
Bright	Duncan	Oxley	Turner
Brown,T	Espich	Pflum	

EXCUSED FROM VOTING: 1

Murphy

NOT VOTING: 4

Bauer	Stilwell	Yount	Mr. Speaker
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Roll Call 179: PASSED

HB 1259 Koch
Military base development.

Yeas: 97
Nays: 0
Excused: 0
N/Voting: 3

3rd Reading

VOTING YEA: 97

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Lawson	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith, V
Bardon	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown, C	GiaQuinta	Neese	Turner
Brown, T	Goodin	Noe	Tyler
Buck	Grubb	Orentlicher	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, E	Pelath	Walorski
Burton	Harris, T	Pflum	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Porter	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 3

Bauer Kuzman Mr. Speaker

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Roll Call 180: PASSED

HB 1266 Borrer
Headquarters relocation tax
credit.
3rd Reading

Yeas: 90
Nays: 7
Excused: 0
N/Voting: 3

VOTING YEA: 90

Aguilera	Dodge	Lehe	Saunders
Avery	Duncan	Leonard	Smith, J
Ayres	Dvorak	Lutz	Smith,V
Behning	Espich	Mahern	Stevenson
Bell	Foley	Mays	Stilwell
Bischoff	Friend	McClain	Stutzman
Borders	Frizzell	Messer	Thomas
Borrer	Fry	Micon	Thompson
Bottorff	GiaQuinta	Moses	Tincher
Bright	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crooks	Hoy	Pond	Wolkins
Crouch	Kersey	Reske	Woodruff
Davis	Klinker	Richardson	Yount
Day	Koch	Ripley	Mr. Speaker
Denbo	Kromkowski	Robertson	
Dobis	Lawson	Ruppel	

VOTING NAY: 7

Bauer	Cheney	Dickinson	Summers
Brown,C	Crawford	Porter	

EXCUSED FROM VOTING: NONE

NOT VOTING: 3

Austin	Bardon	Kuzman
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Roll Call 181: PASSED

HB 1267 Borrer
Employment certificates for
children.
3rd Reading

Yeas: 51
Nays: 48
Excused: 0
N/Voting: 1

VOTING YEA: 51

Ayres	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Stutzman
Bell	Espich	Lutz	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Torr
Bright	Frizzell	Murphy	Turner
Brown,T	Goodin	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Buell	Harris, T	Pond	Whetstone
Burton	Heim	Richardson	Wolkins
Cherry	Hinkle	Ripley	Woodruff
Crouch	Hoffman	Ruppel	Yount
Davis	Koch	Saunders	

VOTING NAY: 48

Aguilera	Crooks	Klinker	Pierce
Austin	Day	Kromkowski	Porter
Avery	Denbo	Kuzman	Reske
Bardon	Dickinson	Lawson	Robertson
Bauer	Dobis	Mahern	Smith,V
Bischoff	Dvorak	Mays	Stevenson
Bottorff	Fry	Micon	Stilwell
Brown,C	GiaQuinta	Moses	Summers
Budak	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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Roll Call 182: PASSED

HB 1279 Murphy
Telecommunications.

Yeas: 85
Nays: 14
Excused: 0
N/Voting: 1

3rd Reading

VOTING YEA: 85

Aguilera	Denbo	Kuzman	Ruppel
Austin	Dobis	Lawson	Saunders
Avery	Dodge	Lehe	Smith, J
Ayres	Duncan	Leonard	Smith,V
Behning	Espich	Lutz	Stevenson
Bell	Foley	Mahern	Stilwell
Bischoff	Friend	Mays	Stutzman
Borders	Frizzell	McClain	Thomas
Borrer	Fry	Messer	Thompson
Bottorff	GiaQuinta	Micon	Torr
Bright	Goodin	Murphy	Turner
Brown,C	Grubb	Neese	Tyler
Brown,T	Gutwein	Noe	Ulmer
Buck	Harris, E	Oxley	VanHaaften
Budak	Harris, T	Pelath	Walorski
Buell	Hinkle	Pflum	Welch
Burton	Hoffman	Pond	Whetstone
Cheney	Hoy	Porter	Woodruff
Cherry	Kersey	Reske	Yount
Cochran	Klinker	Richardson	
Crouch	Koch	Ripley	
Davis	Kromkowski	Robertson	

VOTING NAY: 14

Bardon	Day	Moses	Tincher
Bauer	Dickinson	Orentlicher	Wolkins
Crawford	Dvorak	Pierce	
Crooks	Heim	Summers	

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Mr. Speaker

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Roll Call 183: PASSED

HB 1281 Murphy
Domestic violence.

Yeas: 100
Nays: 0
Excused: 0
N/Voting: 0

3rd Reading

VOTING YEA: 100

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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Roll Call 184: PASSED

HB 1285 Heim
Alternative fuels.

Yeas: 98
Nays: 0
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith, V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown, C	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Turner Mr. Speaker

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Roll Call 185: PASSED

HB 1286 Duncan
Motorcycle operational skills
test.
3rd Reading

Yeas: 98
Nays: 0
Excused: 0
N/Voting: 2

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Turner Mr. Speaker

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Roll Call 186: PASSED

HB 1287 Duncan
Transportation.

Yeas: 68
Nays: 30
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 68

Austin	Dobis	Klinker	Robertson
Ayres	Dodge	Koch	Ruppel
Behning	Duncan	Kuzman	Saunders
Bell	Espich	Lehe	Smith, J
Borders	Foley	Leonard	Smith, V
Borrer	Friend	Lutz	Stutzman
Bottorff	Frizzell	Mahern	Thomas
Bright	GiaQuinta	McClain	Thompson
Brown, T	Goodin	Messer	Tincher
Buck	Grubb	Micon	Torr
Budak	Gutwein	Murphy	Ulmer
Buell	Harris, E	Neese	Walorski
Burton	Harris, T	Noe	Welch
Cherry	Heim	Pond	Whetstone
Cochran	Hinkle	Reske	Wolkins
Crouch	Hoffman	Richardson	Woodruff
Davis	Kersey	Ripley	Yount

VOTING NAY: 30

Aguilera	Crooks	Lawson	Porter
Avery	Day	Mays	Stevenson
Bardon	Denbo	Moses	Stilwell
Bauer	Dickinson	Orentlicher	Summers
Bischoff	Dvorak	Oxley	Tyler
Brown, C	Fry	Pelath	VanHaaften
Cheney	Hoy	Pflum	
Crawford	Kromkowski	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Turner Mr. Speaker

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MEETING DAY 16

02-02-06

Roll Call 187: PASSED

HB 1300 Mahern
Commercial driver's licenses and
permits.
3rd Reading

Yeas: 96
Nays: 0
Excused: 0
N/Voting: 4

VOTING YEA: 96

Aguilera	Crouch	Klinker	Reske
Austin	Davis	Koch	Richardson
Avery	Day	Kromkowski	Ripley
Ayres	Denbo	Kuzman	Robertson
Bardon	Dickinson	Lawson	Ruppel
Bauer	Dodge	Lehe	Saunders
Behning	Duncan	Leonard	Smith, J
Bell	Dvorak	Lutz	Smith, V
Bischoff	Espich	Mahern	Stevenson
Borders	Foley	Mays	Stilwell
Borrer	Friend	McClain	Stutzman
Bottorff	Frizzell	Messer	Thomas
Bright	Fry	Micon	Thompson
Brown, C	GiaQuinta	Moses	Tincher
Brown, T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, E	Orentlicher	VanHaaften
Burton	Harris, T	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pflum	Whetstone
Cochran	Hoffman	Pierce	Wolkins
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Porter	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 4

Dobis	Summers	Turner	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 16

02-02-06

Roll Call 188: PASSED

HB 1306 Bright
Various corporate law matters.

Yeas: 86
Nays: 11
Excused: 0
N/Voting: 3

3rd Reading

VOTING YEA: 86

Aguilera	Day	Leonard	Saunders
Austin	Denbo	Lutz	Smith, J
Ayres	Dobis	Mays	Smith,V
Behning	Dodge	McClain	Stevenson
Bell	Duncan	Messer	Stutzman
Bischoff	Espich	Micon	Summers
Borders	Foley	Moses	Thomas
Borrer	Friend	Murphy	Thompson
Bottorff	Frizzell	Neese	Tincher
Bright	GiaQuinta	Noe	Torr
Brown,T	Goodin	Orentlicher	Turner
Buck	Gutwein	Oxley	Tyler
Budak	Harris, T	Pelath	Ulmer
Buell	Heim	Pflum	VanHaaften
Burton	Hinkle	Pierce	Walorski
Cheney	Hoffman	Pond	Welch
Cherry	Kersey	Porter	Whetstone
Cochran	Klinker	Reske	Wolkins
Crawford	Koch	Richardson	Woodruff
Crooks	Kuzman	Ripley	Yount
Crouch	Lawson	Robertson	
Davis	Lehe	Ruppel	

VOTING NAY: 11

Avery	Brown,C	Fry	Kromkowski
Bardon	Dickinson	Harris, E	Stilwell
Bauer	Dvorak	Hoy	

EXCUSED FROM VOTING: NONE

NOT VOTING: 3

Grubb	Mahern	Mr. Speaker
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Roll Call 189: PASSED

HB 1315 Thompson
Sprinkler systems in nursing homes.

Yeas: 98
Nays: 0
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	GiaQuinta	Neese	Turner
Brown,T	Goodin	Noe	Tyler
Buck	Grubb	Orentlicher	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, E	Pelath	Walorski
Burton	Harris, T	Pflum	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Porter	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Lawson Mr. Speaker

Indiana House of Representatives
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02-02-06

Roll Call 190: PASSED

HB 1318 Borrer
Property tax abatement.

Yeas: 84
Nays: 10
Excused: 0
N/Voting: 6

3rd Reading

VOTING YEA: 84

Aguilera	Davis	Lehe	Ruppel
Austin	Denbo	Leonard	Saunders
Avery	Dobis	Lutz	Smith, J
Ayres	Dodge	Mahern	Smith,V
Bardon	Duncan	McClain	Stevenson
Behning	Dvorak	Messer	Stilwell
Bell	Espich	Micon	Stutzman
Bischoff	Foley	Moses	Thomas
Borders	Friend	Murphy	Thompson
Borrer	Frizzell	Neese	Tincher
Bottorff	GiaQuinta	Noe	Torr
Bright	Goodin	Orentlicher	Turner
Brown,C	Grubb	Oxley	Tyler
Brown,T	Gutwein	Pelath	Ulmer
Buck	Harris, T	Pflum	VanHaaften
Budak	Heim	Pierce	Walorski
Buell	Hinkle	Pond	Welch
Burton	Hoffman	Reske	Whetstone
Cherry	Klinker	Richardson	Wolkins
Crooks	Koch	Ripley	Woodruff
Crouch	Kuzman	Robertson	Yount

VOTING NAY: 10

Crawford	Fry	Kersey	Summers
Day	Harris, E	Kromkowski	
Dickinson	Hoy	Mays	

EXCUSED FROM VOTING: NONE

NOT VOTING: 6

Bauer	Cochran	Porter
Cheney	Lawson	Mr. Speaker

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Roll Call 191: PASSED

HB 1323 Dodge
Extra heavy duty highways.

3rd Reading

Yeas: 92
Nays: 2
Excused: 0
N/Voting: 6

VOTING YEA: 92

Aguilera	Day	Klinker	Reske
Austin	Denbo	Koch	Richardson
Avery	Dickinson	Kromkowski	Ripley
Ayres	Dobis	Kuzman	Ruppel
Bardon	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Stevenson
Bell	Dvorak	Lutz	Stilwell
Bischoff	Espich	Mahern	Stutzman
Borders	Foley	Mays	Summers
Borrer	Friend	McClain	Thomas
Bottorff	Frizzell	Messer	Thompson
Brown,C	Fry	Micon	Tincher
Brown,T	GiaQuinta	Moses	Torr
Buck	Goodin	Murphy	Turner
Budak	Grubb	Neese	Tyler
Buell	Gutwein	Noe	Ulmer
Burton	Harris, E	Orentlicher	VanHaaften
Cheney	Harris, T	Oxley	Walorski
Cherry	Heim	Pelath	Welch
Crawford	Hinkle	Pflum	Whetstone
Crooks	Hoffman	Pierce	Wolkins
Crouch	Hoy	Pond	Woodruff
Davis	Kersey	Porter	Yount

VOTING NAY: 2

Bright Saunders

EXCUSED FROM VOTING: NONE

NOT VOTING: 6

Bauer	Lawson	Smith,V
Cochran	Robertson	Mr. Speaker

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02-02-06

Roll Call 192: PASSED

HB 1329 Mays
Medicaid disease management and
kidney disease.
3rd Reading

Yeas: 96
Nays: 0
Excused: 0
N/Voting: 4

VOTING YEA: 96

Aguilera	Day	Koch	Ripley
Austin	Denbo	Kromkowski	Robertson
Avery	Dickinson	Kuzman	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Stutzman
Borrer	Friend	Messer	Summers
Bottorff	Frizzell	Micon	Thomas
Bright	Fry	Moses	Thompson
Brown,C	GiaQuinta	Murphy	Tincher
Brown,T	Goodin	Neese	Torr
Buck	Grubb	Noe	Turner
Budak	Gutwein	Orentlicher	Tyler
Buell	Harris, E	Oxley	Ulmer
Burton	Harris, T	Pelath	VanHaaften
Cherry	Heim	Pflum	Walorski
Cochran	Hinkle	Pierce	Welch
Crawford	Hoffman	Pond	Whetstone
Crooks	Hoy	Porter	Wolkins
Crouch	Kersey	Reske	Woodruff
Davis	Klinker	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 4

Bauer	Cheney	Lawson	Mr. Speaker
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MEETING DAY 16

02-02-06

Roll Call 193: PASSED

HB 1331 Hoffman
Out-of-state boat registration.

Yeas: 100
Nays: 0
Excused: 0
N/Voting: 0

3rd Reading

VOTING YEA: 100

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith, V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown, C	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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02-02-06

Roll Call 194: PASSED

HB 1332 Friend
Alternative fuel production and use.

Yeas: 96
Nays: 2
Excused: 0
N/Voting: 2

3rd Reading

VOTING YEA: 96

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith, V
Bell	Duncan	Lutz	Stevenson
Bischoff	Espich	Mahern	Stilwell
Borders	Foley	Mays	Stutzman
Borrer	Friend	McClain	Summers
Bottorff	Frizzell	Messer	Thomas
Bright	Fry	Micon	Thompson
Brown, C	GiaQuinta	Moses	Tincher
Brown, T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pflum	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Whetstone
Crawford	Hoy	Porter	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount

VOTING NAY: 2

Dvorak Pelath

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Bauer Mr. Speaker

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02-02-06

Roll Call 195: PASSED

HB 1338 T. Harris
School improvement progress and awards.

Yeas: 97
Nays: 0
Excused: 0
N/Voting: 3

3rd Reading

VOTING YEA: 97

Aguilera	Day	Kuzman	Ruppel
Austin	Denbo	Lawson	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dodge	Leonard	Smith, V
Bardon	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown, C	Goodin	Neese	Turner
Brown, T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	
Davis	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 3

Bauer Dobis Mr. Speaker

Indiana House of Representatives
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02-02-06

Roll Call 196: PASSED

HB 1344 Hinkle
Government consolidation in
Vanderburgh County.
3rd Reading

Yeas: 93
Nays: 5
Excused: 0
N/Voting: 2

VOTING YEA: 93

Aguilera	Day	Kuzman	Saunders
Austin	Denbo	Lawson	Smith, J
Avery	Dickinson	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Bardon	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Moses	Torr
Brown,C	GiaQuinta	Neese	Turner
Brown,T	Goodin	Noe	Tyler
Buck	Grubb	Orentlicher	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, E	Pelath	Walorski
Burton	Harris, T	Pierce	Welch
Cheney	Heim	Pond	Whetstone
Cherry	Hinkle	Porter	Wolkins
Cochran	Hoffman	Reske	Woodruff
Crawford	Hoy	Richardson	Yount
Crooks	Kersey	Ripley	
Crouch	Klinker	Robertson	
Davis	Koch	Ruppel	

VOTING NAY: 5

Bauer	Fry	Pflum
Borders	Kromkowski	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Murphy Mr. Speaker

Indiana House of Representatives
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02-02-06

Roll Call 197: PASSED

HB 1347 Messer
Various education matters.

Yeas: 100
Nays: 0
Excused: 0
N/Voting: 0

3rd Reading

VOTING YEA: 100

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith, V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown, C	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pflum	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: NONE

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Roll Call 198: PASSED

HB 1349 Ulmer
Hunting facilities and licenses.

Yeas: 53
Nays: 29
Excused: 16
N/Voting: 2

3rd Reading

VOTING YEA: 53

Austin	Crooks	Klinker	Smith, J
Ayres	Davis	Koch	Stutzman
Behning	Denbo	Kuzman	Thomas
Bell	Dobis	Lehe	Thompson
Borders	Duncan	Leonard	Torr
Borrer	Dvorak	Lutz	Turner
Bottorff	Foley	Messer	Ulmer
Bright	Friend	Micon	Walorski
Brown,T	Frizzell	Murphy	Welch
Buck	Goodin	Noe	Whetstone
Budak	Gutwein	Pond	Wolkins
Burton	Harris, T	Ripley	
Cherry	Heim	Robertson	
Cochran	Hoffman	Ruppel	

VOTING NAY: 29

Avery	Fry	Orentlicher	Summers
Bauer	Harris, E	Oxley	Tincher
Bischoff	Hoy	Pierce	Tyler
Brown,C	Lawson	Porter	VanHaaften
Cheney	Mahern	Richardson	Yount
Crouch	Mays	Saunders	
Day	Moses	Smith,V	
Dickinson	Neese	Stevenson	

EXCUSED FROM VOTING: 16

Aguilera	Espich	Kersey	Pflum
Buell	GiaQuinta	Kromkowski	Reske
Crawford	Grubb	McClain	Stilwell
Dodge	Hinkle	Pelath	Woodruff

NOT VOTING: 2

Bardon Mr. Speaker

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02-02-06

Roll Call 199: PASSED

HB 1367 Thomas
Study of liability for 501(c)(3)
organizations.
3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Robertson

NOT VOTING: 1

Mr. Speaker

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02-02-06

Roll Call 201: PASSED

HB 1368 Neese
PERF and TRF cost of living adjustments.

Yeas: 82
Nays: 0
Excused: 15
N/Voting: 3

3rd Reading

VOTING YEA: 82

Aguilera	Dickinson	Lehe	Saunders
Austin	Dobis	Leonard	Smith, J
Avery	Dodge	Lutz	Smith,V
Behning	Dvorak	Mahern	Stevenson
Bell	Espich	Mays	Stilwell
Bischoff	Foley	McClain	Stutzman
Borders	Friend	Messer	Summers
Borrer	Frizzell	Micon	Thomas
Bottorff	Fry	Moses	Thompson
Bright	GiaQuinta	Murphy	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Gutwein	Noe	Turner
Buck	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Crooks	Hoy	Pierce	Whetstone
Crouch	Koch	Porter	Woodruff
Davis	Kromkowski	Reske	Yount
Day	Kuzman	Richardson	
Denbo	Lawson	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 15

Ayres	Crawford	Kersey	Ruppel
Bauer	Duncan	Klinker	Tyler
Buell	Grubb	Pond	Wolkins
Cochran	Hoffman	Robertson	

NOT VOTING: 3

Bardon	Budak	Mr. Speaker
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02-02-06

Roll Call 202: PASSED

HB 1378 Lehe
Corn checkoffs.

3rd Reading

Yeas: 86
Nays: 9
Excused: 2
N/Voting: 3

VOTING YEA: 86

Aguilera	Davis	Koch	Richardson
Austin	Day	Kuzman	Ripley
Ayres	Denbo	Lawson	Ruppel
Bardon	Dickinson	Lehe	Saunders
Behning	Dobis	Leonard	Smith, J
Bell	Dodge	Lutz	Smith,V
Borders	Duncan	Mahern	Stevenson
Borrer	Dvorak	Mays	Stilwell
Bottorff	Espich	McClain	Stutzman
Bright	Foley	Messer	Summers
Brown,C	Friend	Micon	Thompson
Brown,T	Frizzell	Moses	Torr
Buck	GiaQuinta	Murphy	Tyler
Budak	Goodin	Neese	Ulmer
Buell	Gutwein	Noe	VanHaaften
Burton	Harris, E	Orentlicher	Walorski
Cheney	Harris, T	Oxley	Welch
Cherry	Heim	Pflum	Whetstone
Cochran	Hinkle	Pierce	Woodruff
Crawford	Hoffman	Pond	Yount
Crooks	Hoy	Porter	
Crouch	Klinker	Reske	

VOTING NAY: 9

Avery	Fry	Pelath
Bauer	Kersey	Thomas
Bischoff	Kromkowski	Tincher

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 3

Turner Wolkins Mr. Speaker

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02-02-06

Roll Call 203: DEFEATED

HB 1381 Behning
Kindergarten tax credit.

Yeas: 46
Nays: 52
Excused: 2
N/Voting: 0

3rd Reading

VOTING YEA: 46

Behning	Dodge	Lutz	Thompson
Bell	Espich	McClain	Torr
Borders	Foley	Messer	Turner
Borrer	Friend	Murphy	Ulmer
Bright	Frizzell	Neese	Walorski
Brown,T	Gutwein	Noe	Whetstone
Buck	Harris, T	Pond	Wolkins
Burton	Heim	Richardson	Woodruff
Cherry	Hinkle	Ripley	Yount
Crouch	Koch	Saunders	Mr. Speaker
Davis	Lehe	Smith, J	
Day	Leonard	Stutzman	

VOTING NAY: 52

Aguilera	Crawford	Kersey	Pierce
Austin	Crooks	Klinker	Porter
Avery	Denbo	Kromkowski	Reske
Ayres	Dickinson	Kuzman	Ruppel
Bardon	Dobis	Lawson	Smith,V
Bauer	Duncan	Mahern	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Bottorff	Fry	Micon	Summers
Brown,C	GiaQuinta	Moses	Thomas
Budak	Goodin	Orentlicher	Tincher
Buell	Harris, E	Oxley	Tyler
Cheney	Hoffman	Pelath	VanHaaften
Cochran	Hoy	Pflum	Welch

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: NONE

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02-02-06

Roll Call 204: DEFEATED

HB 1383 Turner
Restrictions for illegal aliens.

Yeas: 19
Nays: 74
Excused: 2
N/Voting: 5

3rd Reading

VOTING YEA: 19

Borders	Dodge	Koch	Thompson
Bright	Espich	Lehe	Tincher
Buck	Friend	Noe	Turner
Buell	Harris, T	Ripley	Woodruff
Burton	Heim	Ruppel	

VOTING NAY: 74

Aguilera	Day	Lawson	Richardson
Austin	Dickinson	Leonard	Saunders
Avery	Dobis	Lutz	Smith, J
Ayres	Duncan	Mahern	Smith, V
Bardon	Dvorak	Mays	Stevenson
Bauer	Foley	McClain	Stilwell
Behning	Frizzell	Messer	Summers
Bell	Fry	Micon	Thomas
Borrer	GiaQuinta	Moses	Torr
Bottorff	Goodin	Murphy	Tyler
Brown, C	Gutwein	Neese	Ulmer
Brown, T	Harris, E	Orentlicher	VanHaaften
Budak	Hinkle	Oxley	Walorski
Cheney	Hoffman	Pelath	Welch
Cherry	Hoy	Pflum	Whetstone
Cochran	Kersey	Pierce	Wolkins
Crawford	Klinker	Pond	Yount
Crouch	Kromkowski	Porter	
Davis	Kuzman	Reske	

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 5

Bischoff	Denbo	Mr. Speaker
Crooks	Stutzman	

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MEETING DAY 16

02-02-06

Roll Call 205: PASSED

HB 1395 Buell
Marion County health and hospital
corporation.
3rd Reading

Yeas: 94
Nays: 0
Excused: 3
N/Voting: 3

VOTING YEA: 94

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stutzman
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,T	GiaQuinta	Murphy	Tyler
Buck	Goodin	Neese	Ulmer
Budak	Gutwein	Noe	VanHaaften
Buell	Harris, E	Orentlicher	Walorski
Burton	Harris, T	Oxley	Welch
Cheney	Heim	Pelath	Whetstone
Cherry	Hinkle	Pflum	Wolkins
Cochran	Hoffman	Pierce	Woodruff
Crawford	Hoy	Pond	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Grubb Porter Robertson

NOT VOTING: 3

Brown,C Stilwell Mr. Speaker

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02-02-06

Roll Call 206: PASSED

HB 1396 Whetstone
Administration of charity gaming.

Yeas: 96
Nays: 1
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 96

Aguilera	Crouch	Koch	Richardson
Austin	Davis	Kromkowski	Ripley
Avery	Day	Kuzman	Ruppel
Ayres	Denbo	Lawson	Saunders
Bardon	Dickinson	Lehe	Smith, J
Bauer	Dobis	Leonard	Smith, V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Moses	Tincher
Brown, C	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 1

Mr. Speaker

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02-02-06

Roll Call 207: PASSED

HB 1397 Whetstone
State ethics standards.

3rd Reading

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

VOTING YEA: 96

Aguilera	Crouch	Klinker	Reske
Austin	Davis	Koch	Richardson
Avery	Day	Kromkowski	Ripley
Ayres	Denbo	Kuzman	Ruppel
Bardon	Dickinson	Lawson	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	GiaQuinta	Murphy	Turner
Buck	Goodin	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, E	Orentlicher	VanHaaften
Burton	Harris, T	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pflum	Whetstone
Cochran	Hoffman	Pierce	Wolkins
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Porter	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 2

Summers Mr. Speaker

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MEETING DAY 16

02-02-06

Roll Call 208: PASSED

HB 1414 Austin
Human and sexual trafficking.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 1

Mr. Speaker

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02-02-06

Roll Call 209: PASSED

HB 1415 Mays
Department of child services
caseworkers.
3rd Reading

Yeas: 92
Nays: 3
Excused: 2
N/Voting: 3

VOTING YEA: 92

Aguilera	Crouch	Kromkowski	Ripley
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, T	Oxley	Ulmer
Buell	Heim	Pelath	VanHaaften
Burton	Hinkle	Pflum	Walorski
Cheney	Hoffman	Pierce	Welch
Cherry	Hoy	Pond	Whetstone
Cochran	Kersey	Porter	Wolkins
Crawford	Klinker	Reske	Woodruff
Crooks	Koch	Richardson	Yount

VOTING NAY: 3

Behning	Davis	Foley
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EXCUSED FROM VOTING: 2

Grubb	Robertson
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NOT VOTING: 3

Harris, E	Orentlicher	Mr. Speaker
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MEETING DAY 16

02-02-06

Roll Call 210: PASSED

HB 1420 T. Brown
Tobacco use.

Yeas: 75
Nays: 19
Excused: 2
N/Voting: 4

3rd Reading

VOTING YEA: 75

Aguilera	Crouch	Kuzman	Ruppel
Austin	Davis	Lehe	Saunders
Avery	Day	Leonard	Smith, J
Ayres	Denbo	Lutz	Smith,V
Behning	Dobis	Mahern	Stevenson
Bell	Dodge	Mays	Stutzman
Borders	Duncan	McClain	Summers
Borror	Espich	Messer	Thomas
Bright	Foley	Micon	Thompson
Brown,C	Friend	Moses	Turner
Brown,T	Frizzell	Murphy	Tyler
Buck	Gutwein	Neese	Ulmer
Budak	Harris, E	Noe	VanHaaften
Buell	Harris, T	Pflum	Walorski
Burton	Hinkle	Pierce	Welch
Cheney	Hoffman	Pond	Wolkins
Cherry	Kersey	Reske	Woodruff
Crawford	Klinker	Richardson	Yount
Crooks	Koch	Ripley	

VOTING NAY: 19

Bardon	Dickinson	Hoy	Stilwell
Bauer	Dvorak	Kromkowski	Tincher
Bischoff	Fry	Oxley	Torr
Bottorff	Goodin	Pelath	Whetstone
Cochran	Heim	Porter	

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 4

GiaQuinta Lawson Orentlicher Mr. Speaker

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MEETING DAY 16

02-02-06

Roll Call 211: PASSED

HJR 3 Messer
Common school fund for early education.

Yeas: 92
Nays: 2
Excused: 2
N/Voting: 4

3rd Reading

VOTING YEA: 92

Aguilera	Crooks	Koch	Richardson
Austin	Crouch	Kromkowski	Ripley
Avery	Davis	Kuzman	Ruppel
Ayres	Day	Lawson	Saunders
Bardon	Denbo	Lehe	Smith, J
Bauer	Dickinson	Leonard	Smith,V
Behning	Dobis	Lutz	Stevenson
Bell	Dodge	Mahern	Stilwell
Bischoff	Duncan	Mays	Stutzman
Borders	Dvorak	McClain	Summers
Borrer	Espich	Messer	Thomas
Bottorff	Foley	Micon	Tincher
Bright	Friend	Moses	Torr
Brown,C	Frizzell	Murphy	Turner
Brown,T	Fry	Neese	Tyler
Buck	Goodin	Orentlicher	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hoffman	Pierce	Whetstone
Cherry	Hoy	Pond	Wolkins
Cochran	Kersey	Porter	Woodruff
Crawford	Klinker	Reske	Yount

VOTING NAY: 2

Noe Thompson

EXCUSED FROM VOTING: 2

Grubb Robertson

NOT VOTING: 4

GiaQuinta Harris, E Hinkle Mr. Speaker

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MEETING DAY 18

02-13-06

Roll Call 214: PREVAILED

HR 1 Friend

Yeas: 85
Nays: 0
Excused: 7
N/Voting: 8

House Resolution

VOTING YEA: 85

Aguilera	Dodge	Lehe	Smith,V
Austin	Duncan	Leonard	Stevenson
Avery	Dvorak	Lutz	Stilwell
Ayres	Espich	Mays	Stutzman
Bauer	Foley	McClain	Summers
Bell	Friend	Messer	Thomas
Bischoff	Frizzell	Micon	Thompson
Borders	Fry	Murphy	Tincher
Borrer	Goodin	Neese	Torr
Bottorff	Grubb	Noe	Turner
Bright	Gutwein	Oxley	Tyler
Brown,T	Harris, E	Pelath	VanHaaften
Buck	Harris, T	Pflum	Walorski
Budak	Heim	Pond	Welch
Buell	Hinkle	Porter	Whetstone
Burton	Hoffman	Reske	Wolkins
Cochran	Hoy	Richardson	Woodruff
Crawford	Kersey	Ripley	Yount
Crouch	Klinker	Robertson	Mr. Speaker
Davis	Koch	Ruppel	
Denbo	Kromkowski	Saunders	
Dobis	Kuzman	Smith, J	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Behning	Cherry	GiaQuinta	Ulmer
Cheney	Crooks	Orentlicher	

NOT VOTING: 8

Bardon	Day	Lawson	Moses
Brown,C	Dickinson	Mahern	Pierce

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MEETING DAY 19

02-16-06

Roll Call 216: SUSTAINED

SB 147 Ripley
Insurance payments to health care providers.

Yeas: 51
Nays: 45
Excused: 1
N/Voting: 3

Ruling of the Chair

VOTING YEA: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	

VOTING NAY: 45

Aguilera	Denbo	Kuzman	Reske
Austin	Dickinson	Lawson	Robertson
Avery	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Summers
Bottorff	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Orentlicher	Tyler
Cheney	Grubb	Oxley	VanHaaften
Cochran	Hoy	Pelath	Welch
Crawford	Kersey	Pflum	
Crooks	Klinker	Pierce	
Day	Kromkowski	Porter	

EXCUSED FROM VOTING: 1

Stilwell

NOT VOTING: 3

Bardon	Harris, E	Turner
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MEETING DAY 19

02-16-06

Roll Call 217: SUSTAINED

SB 147 Ripley
Insurance payments to health care providers.

Yeas: 51
Nays: 46
Excused: 1
N/Voting: 2

Ruling of the Chair

VOTING YEA: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

VOTING NAY: 46

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Reske
Avery	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	
Day	Klinker	Pierce	

EXCUSED FROM VOTING: 1

Stilwell

NOT VOTING: 2

Bardon Mr. Speaker

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MEETING DAY 20

02-21-06

Roll Call 219: PREVAILED

SB 370 Torr
Workforce development system.

Committee Report

Yeas: 50
Nays: 44
Excused: 2
N/Voting: 4

VOTING YEA: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

VOTING NAY: 44

Aguilera	Crooks	Kromkowski	Pierce
Austin	Day	Kuzman	Porter
Avery	Denbo	Lawson	Reske
Bardon	Dickinson	Mahern	Robertson
Bauer	Dvorak	Mays	Smith,V
Bischoff	Fry	Micon	Stevenson
Bottorff	Goodin	Moses	Stilwell
Brown,C	Harris, E	Orentlicher	Tincher
Cheney	Hoy	Oxley	Tyler
Cochran	Kersey	Pelath	VanHaaften
Crawford	Klinker	Pflum	Welch

EXCUSED FROM VOTING: 2

GiaQuinta Ulmer

NOT VOTING: 4

Dobis Grubb Summers Mr. Speaker

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MEETING DAY 20

02-21-06

Roll Call 220: PREVAILED

SB 71 Dodge
Drainage assessments on state property.
Hinkle amendment
2nd Reading Amend. #2

Yeas: 48
Nays: 45
Excused: 2
N/Voting: 5

VOTING YEA: 48

Ayres	Crouch	Koch	Ruppel
Behning	Davis	Lehe	Saunders
Bell	Dodge	Leonard	Smith, J
Borders	Duncan	Lutz	Thomas
Borrer	Espich	McClain	Thompson
Bright	Foley	Messer	Torr
Brown,T	Friend	Murphy	Turner
Buck	Gutwein	Neese	Walorski
Budak	Harris, T	Noe	Whetstone
Buell	Heim	Pond	Wolkins
Burton	Hinkle	Richardson	Woodruff
Cherry	Hoffman	Ripley	Yount

VOTING NAY: 45

Aguilera	Day	Kromkowski	Porter
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stevenson
Bauer	Frizzell	Mays	Stilwell
Bischoff	Fry	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	VanHaaften
Cheney	Harris, E	Oxley	Welch
Cochran	Hoy	Pelath	
Crawford	Kersey	Pflum	
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 2

GiaQuinta Ulmer

NOT VOTING: 5

Dobis	Stutzman	Mr. Speaker
Reske	Tyler	

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02-21-06

Roll Call 221: PREVAILED

SB 77 Heim
Shooting preserves near state property.
Wolkins amendment
2nd Reading Amend. #1

Yeas: 47
Nays: 46
Excused: 2
N/Voting: 5

VOTING YEA: 47

Avery	Crawford	Hinkle	Pierce
Ayres	Crooks	Kersey	Pond
Bardon	Day	Kromkowski	Porter
Behning	Denbo	Lutz	Richardson
Bischoff	Dickinson	Mays	Ruppel
Borrer	Duncan	McClain	Saunders
Brown,C	Dvorak	Messer	Tincher
Buck	Espich	Moses	VanHaaften
Budak	Friend	Orentlicher	Welch
Buell	Frizzell	Oxley	Whetstone
Burton	Goodin	Pelath	Wolkins
Cheney	Harris, E	Pflum	

VOTING NAY: 46

Aguilera	Dobis	Lawson	Smith,V
Austin	Dodge	Lehe	Stevenson
Bauer	Foley	Leonard	Stilwell
Bell	Fry	Mahern	Summers
Borders	Grubb	Micon	Thomas
Bottorff	Gutwein	Murphy	Thompson
Bright	Harris, T	Neese	Torr
Brown,T	Heim	Noe	Tyler
Cherry	Hoffman	Reske	Walorski
Cochran	Klinker	Ripley	Woodruff
Crouch	Koch	Robertson	
Davis	Kuzman	Smith, J	

EXCUSED FROM VOTING: 2

GiaQuinta Ulmer

NOT VOTING: 5

Hoy	Turner	Mr. Speaker
Stutzman	Yount	

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02-21-06

Roll Call 222: FAILED

SB 247 Ruppel
Various homeland security matters.
Tincher amendment
2nd Reading Amend. #2

Yeas: 45
Nays: 49
Excused: 3
N/Voting: 3

VOTING YEA: 45

Aguilera	Dickinson	Lawson	Robertson
Austin	Dobis	Mahern	Smith,V
Avery	Dvorak	Mays	Stevenson
Bardon	Fry	Micon	Stilwell
Bauer	Goodin	Moses	Summers
Bischoff	Grubb	Orentlicher	Tincher
Bottorff	Harris, E	Oxley	Tyler
Brown,C	Hoy	Pelath	VanHaaften
Cheney	Kersey	Pflum	Welch
Cochran	Klinker	Pierce	
Crooks	Kromkowski	Pond	
Day	Kuzman	Porter	

VOTING NAY: 49

Ayres	Davis	Lehe	Stutzman
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Walorski
Brown,T	Frizzell	Neese	Whetstone
Buck	Gutwein	Noe	Wolkins
Budak	Harris, T	Richardson	Woodruff
Buell	Heim	Ripley	Yount
Burton	Hinkle	Ruppel	
Cherry	Hoffman	Saunders	
Crouch	Koch	Smith, J	

EXCUSED FROM VOTING: 3

Denbo	GiaQuinta	Ulmer
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NOT VOTING: 3

Crawford	Reske	Mr. Speaker
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02-21-06

Roll Call 223: PREVAILED

SB 247 Ruppel
Various homeland security matters.
Dvorak amendment
2nd Reading Amend. #3

Yeas: 49
Nays: 45
Excused: 3
N/Voting: 3

VOTING YEA: 49

Aguilera	Dickinson	Lawson	Saunders
Austin	Dobis	Mahern	Smith,V
Avery	Dodge	Mays	Stevenson
Bardon	Dvorak	Micon	Stilwell
Bauer	Fry	Moses	Summers
Bischoff	Goodin	Orentlicher	Tincher
Bottorff	Grubb	Oxley	Tyler
Brown,C	Harris, E	Pelath	VanHaaften
Cheney	Hoy	Pflum	Welch
Cochran	Kersey	Pierce	Yount
Crawford	Klinker	Porter	
Crooks	Kromkowski	Reske	
Day	Kuzman	Robertson	

VOTING NAY: 45

Ayres	Crouch	Koch	Ruppel
Behning	Davis	Lehe	Smith, J
Bell	Duncan	Leonard	Thomas
Borders	Espich	Lutz	Thompson
Borrer	Foley	McClain	Torr
Bright	Friend	Messer	Turner
Brown,T	Frizzell	Murphy	Walorski
Buck	Gutwein	Neese	Whetstone
Budak	Harris, T	Noe	Woodruff
Buell	Heim	Pond	
Burton	Hinkle	Richardson	
Cherry	Hoffman	Ripley	

EXCUSED FROM VOTING: 3

Denbo	GiaQuinta	Ulmer
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NOT VOTING: 3

Stutzman	Wolkins	Mr. Speaker
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MEETING DAY 20

02-21-06

Roll Call 224: SUSTAINED

SB 269 Duncan
License plates.

Yeas: 49
Nays: 45
Excused: 3
N/Voting: 3

Ruling of the Chair

VOTING YEA: 49

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Walorski
Brown,T	Frizzell	Neese	Whetstone
Buck	Gutwein	Noe	Wolkins
Budak	Harris, T	Pond	Woodruff
Buell	Heim	Richardson	Yount
Burton	Hinkle	Ripley	
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

VOTING NAY: 45

Aguilera	Day	Kuzman	Robertson
Austin	Dickinson	Lawson	Smith,V
Avery	Dobis	Mahern	Stevenson
Bardon	Dvorak	Mays	Stilwell
Bauer	Fry	Micon	Summers
Bischoff	Goodin	Moses	Tincher
Bottorff	Grubb	Orentlicher	Tyler
Brown,C	Harris, E	Oxley	VanHaaften
Cheney	Hoy	Pelath	Welch
Cochran	Kersey	Pierce	
Crawford	Klinker	Porter	
Crooks	Kromkowski	Reske	

EXCUSED FROM VOTING: 3

Denbo	GiaQuinta	Ulmer
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NOT VOTING: 3

Pflum	Torr	Mr. Speaker
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Indiana House of Representatives
114th General Assembly
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MEETING DAY 20

02-21-06

Roll Call 225: FAILED

SB 283 Bischoff
Emergency telephone notification system.
Ruppel amendment
2nd Reading Amend. #1

Yeas: 40
Nays: 54
Excused: 3
N/Voting: 3

VOTING YEA: 40

Austin	Burton	Hoffman	Reske
Ayres	Cherry	Koch	Richardson
Behning	Day	Lehe	Ruppel
Bell	Dodge	Leonard	Thomas
Bischoff	Duncan	Lutz	Thompson
Borrer	Espich	McClain	Torr
Brown,T	Foley	Messer	Turner
Buck	Friend	Murphy	Whetstone
Budak	Frizzell	Noe	Wolkins
Buell	Gutwein	Pond	Yount

VOTING NAY: 54

Aguilera	Dickinson	Lawson	Smith, J
Avery	Dobis	Mahern	Smith,V
Bardon	Dvorak	Mays	Stevenson
Bauer	Fry	Micon	Stilwell
Borders	Goodin	Moses	Stutzman
Bottorff	Harris, E	Neese	Summers
Bright	Harris, T	Orentlicher	Tincher
Brown,C	Heim	Oxley	Tyler
Cheney	Hinkle	Pelath	VanHaaften
Cochran	Hoy	Pierce	Walorski
Crawford	Kersey	Porter	Welch
Crooks	Klinker	Ripley	Woodruff
Crouch	Kromkowski	Robertson	
Davis	Kuzman	Saunders	

EXCUSED FROM VOTING: 3

Denbo	GiaQuinta	Ulmer
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NOT VOTING: 3

Grubb	Pflum	Mr. Speaker
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Indiana House of Representatives
114th General Assembly
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MEETING DAY 21

02-23-06

Roll Call 227: PREVAILED

SB 112 Woodruff
Transfer of first steps program.
T. Brown amendment
2nd Reading Amend. #4

Yeas: 60
Nays: 34
Excused: 2
N/Voting: 4

VOTING YEA: 60

Ayres	Crouch	Klinker	Robertson
Behning	Davis	Koch	Ruppel
Bell	Dodge	Lehe	Smith, J
Bischoff	Duncan	Leonard	Stutzman
Borders	Espich	Lutz	Thomas
Borrer	Foley	McClain	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Pflum	Walorski
Buell	Harris, T	Pond	Welch
Burton	Heim	Reske	Whetstone
Cherry	Hinkle	Richardson	Woodruff
Cochran	Hoffman	Ripley	Yount

VOTING NAY: 34

Aguilera	Day	Kuzman	Porter
Austin	Dickinson	Lawson	Smith, V
Avery	Dobis	Mahern	Stevenson
Bardon	Dvorak	Mays	Stilwell
Bauer	Fry	Moses	Summers
Brown, C	Harris, E	Orentlicher	Tyler
Cheney	Hoy	Oxley	VanHaaften
Crawford	Kersey	Pelath	
Crooks	Kromkowski	Pierce	

EXCUSED FROM VOTING: 2

GiaQuinta Messer

NOT VOTING: 4

Denbo Saunders Wolkins Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 229: PASSED

SB 11 Burton
Various securities matters.

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 97

Aguilera	Day	Kuzman	Ruppel
Austin	Denbo	Lawson	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Bauer	Duncan	Mahern	Stilwell
Behning	Dvorak	Mays	Stutzman
Bell	Espich	McClain	Summers
Bischoff	Foley	Messer	Thomas
Borders	Friend	Micon	Thompson
Borrer	Frizzell	Moses	Tincher
Bottorff	Fry	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,C	Grubb	Noe	Tyler
Brown,T	Gutwein	Orentlicher	Ulmer
Buck	Harris, E	Oxley	VanHaaften
Budak	Harris, T	Pelath	Walorski
Buell	Heim	Pflum	Welch
Burton	Hinkle	Pierce	Whetstone
Cheney	Hoffman	Pond	Wolkins
Cherry	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	
Davis	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 2

Crawford Mr. Speaker

Indiana House of Representatives
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Roll Call 230: PASSED

SB 40 Duncan
Relocation issues in family law matters.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 231: PASSED

SB 41 T. Brown
Division of aging.

3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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Roll Call 232: PASSED

SB 42 Frizzell
FSSA evaluation survey.

3rd Reading

Yeas: 95
Nays: 2
Excused: 1
N/Voting: 2

VOTING YEA: 95

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lehe	Saunders
Ayres	Dobis	Leonard	Smith, J
Bardon	Dodge	Lutz	Smith,V
Behning	Duncan	Mahern	Stevenson
Bell	Dvorak	Mays	Stilwell
Bischoff	Espich	McClain	Stutzman
Borders	Foley	Messer	Summers
Borrer	Friend	Micon	Thomas
Bottorff	Frizzell	Moses	Thompson
Bright	Fry	Murphy	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Grubb	Noe	Turner
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	Ulmer
Buell	Harris, T	Pelath	VanHaaften
Burton	Heim	Pflum	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Cochran	Hoy	Porter	Wolkins
Crawford	Kersey	Reske	Woodruff
Crooks	Klinker	Richardson	Yount
Crouch	Koch	Ripley	

VOTING NAY: 2

Bauer Dickinson

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 2

Lawson Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 233: PASSED

SB 55 Buell
Public safety deferred retirement
option plan.
3rd Reading

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lehe	Smith, J
Ayres	Dickinson	Leonard	Smith,V
Bardon	Dobis	Lutz	Stevenson
Bauer	Dodge	Mahern	Stilwell
Behning	Duncan	Mays	Stutzman
Bell	Dvorak	McClain	Summers
Bischoff	Espich	Messer	Thomas
Borders	Foley	Micon	Thompson
Borrer	Friend	Moses	Tincher
Bottorff	Frizzell	Murphy	Torr
Bright	Fry	Neese	Turner
Brown,C	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 2

Lawson Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 234: PASSED

SB 57 Buell
Pension fund administrative
issues.
3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

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02-23-06

Roll Call 235: PASSED

SB 58 Buell
Teachers' retirement fund administrative
issues.
3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	
Davis	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Austin GiaQuinta

NOT VOTING: 1

Mr. Speaker

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02-23-06

Roll Call 236: PASSED

SB 69 Koch
Governance of rural telephone
cooperatives.
3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

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Roll Call 237: PASSED

SB 71 Dodge
Drainage assessments and storm water.

Yeas: 76
Nays: 22
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 76

Aguilera	Crouch	Koch	Saunders
Austin	Davis	Kromkowski	Smith, J
Avery	Denbo	Kuzman	Smith,V
Ayres	Dodge	Lehe	Stilwell
Behning	Duncan	Leonard	Stutzman
Bell	Dvorak	Lutz	Thomas
Bischoff	Espich	McClain	Thompson
Borders	Foley	Messer	Tincher
Borrer	Friend	Micon	Torr
Bright	Frizzell	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, T	Pflum	Walorski
Burton	Heim	Pond	Welch
Cherry	Hinkle	Reske	Whetstone
Cochran	Hoffman	Richardson	Wolkins
Crawford	Kersey	Ripley	Woodruff
Crooks	Klinker	Ruppel	Yount

VOTING NAY: 22

Bardon	Dickinson	Mahern	Porter
Bauer	Dobis	Mays	Robertson
Bottorff	Fry	Moses	Stevenson
Brown,C	Harris, E	Orentlicher	Summers
Cheney	Hoy	Pelath	
Day	Lawson	Pierce	

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 238: PASSED

SB 72 Borrer
IURC proceedings.

Yeas: 81
Nays: 17
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 81

Aguilera	Denbo	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Behning	Dodge	Lutz	Stilwell
Bell	Duncan	Mahern	Stutzman
Bischoff	Dvorak	McClain	Summers
Borders	Espich	Messer	Thomas
Borrer	Foley	Micon	Thompson
Bottorff	Friend	Murphy	Tincher
Bright	Frizzell	Neese	Torr
Brown,C	Goodin	Noe	Turner
Brown,T	Grubb	Orentlicher	Tyler
Buck	Gutwein	Oxley	Ulmer
Budak	Harris, E	Pflum	Walorski
Buell	Harris, T	Pierce	Welch
Burton	Heim	Pond	Whetstone
Cherry	Hinkle	Richardson	Wolkins
Cochran	Hoffman	Ripley	Woodruff
Crawford	Kersey	Robertson	Yount
Crooks	Klinker	Ruppel	
Crouch	Koch	Saunders	
Davis	Lawson	Smith, J	

VOTING NAY: 17

Austin	Day	Kuzman	Reske
Avery	Dickinson	Mays	VanHaaften
Bardon	Fry	Moses	
Bauer	Hoy	Pelath	
Cheney	Kromkowski	Porter	

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

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Roll Call 239: PASSED

SB 77 Heim
Shooting preserves.

3rd Reading

Yeas: 79
Nays: 18
Excused: 1
N/Voting: 2

VOTING YEA: 79

Aguilera	Crouch	Koch	Reske
Ayres	Day	Kromkowski	Richardson
Bardon	Denbo	Kuzman	Ripley
Bauer	Dickinson	Lawson	Robertson
Behning	Dobis	Lehe	Ruppel
Bell	Dodge	Leonard	Saunders
Bischoff	Duncan	Lutz	Smith,V
Borders	Espich	McClain	Stilwell
Borrer	Foley	Messer	Stutzman
Bottorff	Friend	Micon	Thomas
Brown,T	Frizzell	Moses	Thompson
Buck	Goodin	Murphy	Tincher
Budak	Gutwein	Noe	Turner
Buell	Harris, E	Orentlicher	Tyler
Burton	Harris, T	Oxley	Ulmer
Cheney	Heim	Pelath	VanHaaften
Cherry	Hinkle	Pflum	Walorski
Cochran	Hoffman	Pierce	Welch
Crawford	Kersey	Pond	Wolkins
Crooks	Klinker	Porter	

VOTING NAY: 18

Austin	Fry	Neese	Whetstone
Avery	Grubb	Smith, J	Woodruff
Bright	Hoy	Stevenson	Yount
Davis	Mahern	Summers	
Dvorak	Mays	Torr	

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 2

Brown,C Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 240: PASSED

SB 84 Foley
Reentry courts.

3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

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Roll Call 241: PASSED

SB 85 Buell
Prosecuting attorneys' pensions.

3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kuzman	Ruppel
Austin	Day	Lawson	Saunders
Avery	Denbo	Lehe	Smith, J
Ayres	Dickinson	Leonard	Smith,V
Bardon	Dobis	Lutz	Stevenson
Bauer	Dodge	Mahern	Stilwell
Behning	Duncan	Mays	Stutzman
Bell	Espich	McClain	Summers
Bischoff	Foley	Messer	Thomas
Borders	Friend	Micon	Thompson
Borrer	Frizzell	Moses	Tincher
Bottorff	Fry	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,C	Grubb	Noe	Tyler
Brown,T	Gutwein	Orentlicher	Ulmer
Buck	Harris, E	Oxley	VanHaaften
Budak	Harris, T	Pelath	Walorski
Buell	Heim	Pflum	Welch
Burton	Hinkle	Pierce	Whetstone
Cheney	Hoffman	Pond	Wolkins
Cherry	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crawford	Klinker	Richardson	
Crooks	Koch	Ripley	
Crouch	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Dvorak GiaQuinta

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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Roll Call 242: PASSED

SB 100 Whetstone
Charity gaming.

Yeas: 73
Nays: 25
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 73

Aguilera	Crouch	Kuzman	Ripley
Avery	Denbo	Lawson	Ruppel
Ayres	Dickinson	Lehe	Saunders
Bauer	Dobis	Leonard	Smith,V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borrer	Espich	McClain	Summers
Brown,C	Foley	Messer	Thomas
Brown,T	Friend	Murphy	Tincher
Buck	Frizzell	Noe	Torr
Budak	Fry	Oxley	Turner
Buell	Grubb	Pelath	Ulmer
Burton	Gutwein	Pflum	Welch
Cheney	Harris, E	Pierce	Whetstone
Cherry	Hoffman	Pond	Yount
Cochran	Kersey	Porter	
Crawford	Klinker	Reske	
Crooks	Kromkowski	Richardson	

VOTING NAY: 25

Austin	Goodin	Moses	VanHaaften
Bardon	Harris, T	Neese	Walorski
Borders	Heim	Orentlicher	Wolkins
Bottorff	Hinkle	Robertson	Woodruff
Bright	Hoy	Smith, J	
Davis	Koch	Thompson	
Day	Micon	Tyler	

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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02-23-06

Roll Call 243: PASSED

SB 102 Foley
Anatomical gift liability.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 21

02-23-06

Roll Call 244: PASSED

SB 106 Walorski
Sales tax on recreational vehicles
and cargo trailers.
3rd Reading

Yeas: 97
Nays: 1
Excused: 1
N/Voting: 1

VOTING YEA: 97

Aguilera	Denbo	Lawson	Saunders
Austin	Dickinson	Lehe	Smith, J
Avery	Dobis	Leonard	Smith,V
Ayres	Dodge	Lutz	Stevenson
Bardon	Duncan	Mahern	Stilwell
Bauer	Dvorak	Mays	Stutzman
Behning	Espich	McClain	Summers
Bell	Foley	Messer	Thomas
Bischoff	Friend	Micon	Thompson
Borders	Frizzell	Moses	Tincher
Borrer	Fry	Murphy	Torr
Bottorff	Goodin	Neese	Turner
Bright	Grubb	Noe	Tyler
Brown,C	Gutwein	Orentlicher	Ulmer
Brown,T	Harris, E	Oxley	VanHaaften
Buck	Harris, T	Pelath	Walorski
Budak	Heim	Pflum	Welch
Buell	Hinkle	Pierce	Whetstone
Burton	Hoffman	Pond	Wolkins
Cheney	Hoy	Porter	Woodruff
Cherry	Kersey	Reske	Yount
Cochran	Klinker	Richardson	Mr. Speaker
Crooks	Koch	Ripley	
Crouch	Kromkowski	Robertson	
Davis	Kuzman	Ruppel	

VOTING NAY: 1

Crawford

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 1

Day

Indiana House of Representatives
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MEETING DAY 21

02-23-06

Roll Call 245: PASSED

SB 114 Foley
Probate and trust matters.

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kuzman	Ruppel
Austin	Denbo	Lawson	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Bauer	Duncan	Mahern	Stilwell
Behning	Dvorak	Mays	Stutzman
Bell	Espich	McClain	Summers
Bischoff	Foley	Messer	Thomas
Borders	Friend	Micon	Thompson
Borrer	Frizzell	Moses	Tincher
Bottorff	Fry	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,C	Grubb	Noe	Tyler
Brown,T	Gutwein	Orentlicher	Ulmer
Buck	Harris, E	Oxley	VanHaaften
Budak	Harris, T	Pelath	Walorski
Buell	Heim	Pflum	Welch
Burton	Hinkle	Pierce	Whetstone
Cheney	Hoffman	Pond	Wolkins
Cherry	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crawford	Klinker	Richardson	
Crooks	Koch	Ripley	
Crouch	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: 2

Day Mr. Speaker

Indiana House of Representatives
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MEETING DAY 22

02-27-06

Roll Call 247: PASSED

SB 75 Borrer
Military family relief fund.

Yeas: 94
Nays: 0
Excused: 4
N/Voting: 2

3rd Reading

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	Mr. Speaker
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

GiaQuinta	Moses	Summers	Wolkins
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NOT VOTING: 2

Bardon	Dickinson
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Roll Call 248: PASSED

SB 384 Saunders
Financial institutions.

Yeas: 90
Nays: 0
Excused: 7
N/Voting: 3

3rd Reading

VOTING YEA: 90

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Lawson	Saunders
Avery	Dickinson	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Murphy	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Grubb	Noe	Turner
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	Ulmer
Buell	Harris, T	Pelath	VanHaaften
Burton	Heim	Pflum	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crooks	Kersey	Richardson	Yount
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Bauer	Espich	Moses	Whetstone
Borror	GiaQuinta	Reske	

NOT VOTING: 3

Crawford	Kuzman	Mr. Speaker
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Indiana House of Representatives
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02-27-06

Roll Call 249: PASSED

SB 379 Heim
Publication of administrative rules.

Yeas: 93
Nays: 0
Excused: 4
N/Voting: 3

3rd Reading

VOTING YEA: 93

Aguilera	Day	Kromkowski	Saunders
Austin	Denbo	Lawson	Smith, J
Avery	Dickinson	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Bardon	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Murphy	Torr
Bright	Fry	Neese	Turner
Brown,C	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Richardson	Yount
Crooks	Kersey	Ripley	
Crouch	Klinker	Robertson	
Davis	Koch	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Moses	Reske
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NOT VOTING: 3

Crawford	Kuzman	Mr. Speaker
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02-27-06

Roll Call 250: PASSED

SB 373 Foley
Payments for funeral and burial
expenses.
3rd Reading

Yeas: 93
Nays: 0
Excused: 4
N/Voting: 3

VOTING YEA: 93

Aguilera	Day	Kromkowski	Saunders
Austin	Denbo	Lawson	Smith, J
Avery	Dickinson	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Bardon	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Murphy	Torr
Bright	Fry	Neese	Turner
Brown,C	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Richardson	Yount
Crooks	Kersey	Ripley	
Crouch	Klinker	Robertson	
Davis	Koch	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Moses	Reske
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NOT VOTING: 3

Crawford	Kuzman	Mr. Speaker
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02-27-06

Roll Call 251: PASSED

SB 354 Ulmer
Forestry issues.

Yeas: 62
Nays: 30
Excused: 4
N/Voting: 4

3rd Reading

VOTING YEA: 62

Aguilera	Denbo	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stilwell
Bischoff	Espich	Mahern	Stutzman
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Oxley	Walorski
Buell	Harris, T	Pond	Whetstone
Burton	Heim	Richardson	Wolkins
Cherry	Hinkle	Ripley	Woodruff
Cochran	Hoffman	Robertson	Yount
Crooks	Klinker	Ruppel	
Davis	Koch	Saunders	

VOTING NAY: 30

Austin	Day	Lawson	Stevenson
Avery	Dickinson	Mays	Summers
Ayres	Dvorak	Micon	Tincher
Bardon	Fry	Orentlicher	Tyler
Brown,C	Harris, E	Pelath	VanHaaften
Budak	Hoy	Pflum	Welch
Cheney	Kersey	Pierce	
Crouch	Kromkowski	Porter	

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Moses	Reske
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NOT VOTING: 4

Crawford	Dobis	Kuzman	Mr. Speaker
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Roll Call 252: PASSED

SB 339 Duncan
Certificate of salvage titles.

3rd Reading

Yeas: 92
Nays: 0
Excused: 4
N/Voting: 4

VOTING YEA: 92

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Murphy	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Grubb	Noe	Turner
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	Ulmer
Buell	Harris, T	Pelath	VanHaaften
Burton	Heim	Pflum	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Cochran	Hoy	Porter	Wolkins
Crooks	Kersey	Richardson	Woodruff
Crouch	Klinker	Ripley	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Moses	Reske
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NOT VOTING: 4

Crawford	Dobis	Kuzman	Mr. Speaker
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Roll Call 253: PASSED

SB 332 Buell
Department of correction pension
benefits.
3rd Reading

Yeas: 91
Nays: 0
Excused: 4
N/Voting: 5

VOTING YEA: 91

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crooks	Kersey	Richardson	Yount
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Moses	Reske
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NOT VOTING: 5

Crawford	Kuzman	Mr. Speaker
Dodge	Smith,V	

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Roll Call 254: DEFEATED

SB 314 Friend
Soil and water conservation districts
and wild animals.
3rd Reading

Yeas: 41
Nays: 53
Excused: 5
N/Voting: 1

VOTING YEA: 41

Bell	Denbo	Hoffman	Stutzman
Borders	Dodge	Koch	Thompson
Bottorff	Espich	Lehe	Torr
Bright	Foley	Leonard	Turner
Brown,T	Friend	Lutz	Ulmer
Buck	Frizzell	McClain	Walorski
Budak	Goodin	Micon	Wolkins
Buell	Grubb	Pond	Woodruff
Burton	Gutwein	Ripley	
Cherry	Harris, T	Robertson	
Davis	Hinkle	Ruppel	

VOTING NAY: 53

Aguilera	Day	Mays	Smith, J
Austin	Dickinson	Messer	Smith,V
Avery	Dobis	Murphy	Stevenson
Ayres	Duncan	Neese	Stilwell
Bardon	Dvorak	Noe	Summers
Behning	Fry	Orentlicher	Thomas
Bischoff	Harris, E	Oxley	Tincher
Borrer	Heim	Pelath	Tyler
Brown,C	Hoy	Pflum	VanHaaften
Cheney	Kersey	Pierce	Welch
Cochran	Klinker	Porter	Yount
Crawford	Kromkowski	Reske	
Crooks	Lawson	Richardson	
Crouch	Mahern	Saunders	

EXCUSED FROM VOTING: 5

Bauer	Kuzman	Whetstone
GiaQuinta	Moses	

NOT VOTING: 1

Mr. Speaker

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Roll Call 255: PASSED

SB 310 Behning
Alternate methods for earning high
school credits.
3rd Reading

Yeas: 92
Nays: 0
Excused: 5
N/Voting: 3

VOTING YEA: 92

Aguilera	Crouch	Klinker	Richardson
Austin	Davis	Koch	Ripley
Avery	Day	Kromkowski	Robertson
Ayres	Dickinson	Lawson	Ruppel
Bardon	Dobis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Smith,V
Bischoff	Dvorak	Mahern	Stevenson
Borders	Espich	Mays	Stilwell
Borrer	Foley	McClain	Stutzman
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Murphy	Tincher
Brown,T	Goodin	Neese	Torr
Buck	Grubb	Noe	Turner
Budak	Gutwein	Orentlicher	Tyler
Buell	Harris, E	Oxley	Ulmer
Burton	Harris, T	Pelath	VanHaaften
Cheney	Heim	Pflum	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bauer	Kuzman	Whetstone
GiaQuinta	Moses	

NOT VOTING: 3

Denbo	Summers	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 22

02-27-06

Roll Call 256: PASSED

SB 283 Bischoff
Emergency telephone notification system.

Yeas: 94
Nays: 0
Excused: 4
N/Voting: 2

3rd Reading

VOTING YEA: 94

Aguilera	Davis	Koch	Ruppel
Austin	Day	Kromkowski	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Behning	Dodge	Lutz	Stilwell
Bell	Duncan	Mahern	Stutzman
Bischoff	Dvorak	Mays	Summers
Borders	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Murphy	Torr
Brown,C	Fry	Neese	Turner
Brown,T	Goodin	Noe	Tyler
Buck	Grubb	Orentlicher	Ulmer
Budak	Gutwein	Oxley	VanHaaften
Buell	Harris, E	Pelath	Walorski
Burton	Harris, T	Pflum	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Reske	Woodruff
Crawford	Hoy	Richardson	Yount
Crooks	Kersey	Ripley	
Crouch	Klinker	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Kuzman	Moses
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NOT VOTING: 2

Porter	Mr. Speaker
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02-27-06

Roll Call 257: PASSED

SB 277 C. Brown
Genesis Convention Center board of
managers.
3rd Reading

Yeas: 82
Nays: 11
Excused: 4
N/Voting: 3

VOTING YEA: 82

Aguilera	Dickinson	Lawson	Ruppel
Austin	Dobis	Lehe	Saunders
Avery	Dodge	Leonard	Smith,V
Ayres	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Brown,C	Frizzell	Micon	Thompson
Brown,T	Fry	Murphy	Tincher
Buck	Goodin	Noe	Torr
Budak	Grubb	Orentlicher	Turner
Buell	Gutwein	Oxley	Tyler
Burton	Harris, E	Pelath	Ulmer
Cheney	Hinkle	Pflum	VanHaaften
Cherry	Hoffman	Pierce	Walorski
Cochran	Hoy	Pond	Welch
Crawford	Kersey	Porter	Wolkins
Crooks	Klinker	Reske	Yount
Crouch	Koch	Ripley	
Day	Kromkowski	Robertson	

VOTING NAY: 11

Behning	Davis	Neese	Whetstone
Borrer	Harris, T	Richardson	Woodruff
Bright	Heim	Smith, J	

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Kuzman	Moses
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NOT VOTING: 3

Bardon	Denbo	Mr. Speaker
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02-27-06

Roll Call 258: PASSED

SB 269 Duncan
License plates.

3rd Reading

Yeas: 81
Nays: 10
Excused: 4
N/Voting: 5

VOTING YEA: 81

Aguilera	Day	Lutz	Smith,V
Austin	Dobis	Mahern	Stevenson
Ayres	Dodge	Mays	Stilwell
Behning	Duncan	McClain	Stutzman
Bell	Dvorak	Messer	Summers
Bischoff	Espich	Micon	Thomas
Borders	Foley	Murphy	Thompson
Borrer	Friend	Neese	Tincher
Bottorff	Frizzell	Noe	Torr
Bright	Grubb	Orentlicher	Turner
Brown,T	Gutwein	Oxley	Tyler
Buck	Harris, T	Pflum	Ulmer
Budak	Heim	Pierce	Walorski
Buell	Hinkle	Pond	Welch
Burton	Hoy	Porter	Whetstone
Cheney	Kersey	Reske	Wolkins
Cherry	Klinker	Richardson	Woodruff
Cochran	Koch	Ripley	Yount
Crawford	Lawson	Robertson	
Crooks	Lehe	Ruppel	
Davis	Leonard	Smith, J	

VOTING NAY: 10

Avery	Fry	Kromkowski	VanHaaften
Brown,C	Goodin	Pelath	
Dickinson	Harris, E	Saunders	

EXCUSED FROM VOTING: 4

Bauer	GiaQuinta	Kuzman	Moses
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NOT VOTING: 5

Bardon	Denbo	Mr. Speaker
Crouch	Hoffman	

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02-27-06

Roll Call 259: PASSED

SB 258 Espich
Taxation and state and local finance.

Yeas: 91
Nays: 4
Excused: 3
N/Voting: 2

3rd Reading

VOTING YEA: 91

Aguilera	Day	Kuzman	Robertson
Austin	Denbo	Lawson	Ruppel
Avery	Dickinson	Lehe	Saunders
Ayres	Dobis	Leonard	Smith, J
Bardon	Dodge	Lutz	Smith,V
Behning	Duncan	Mahern	Stevenson
Bell	Dvorak	Mays	Stilwell
Bischoff	Espich	McClain	Stutzman
Borders	Foley	Messer	Summers
Borrer	Friend	Micon	Thomas
Bottorff	Fry	Murphy	Thompson
Bright	Goodin	Neese	Tincher
Brown,C	Grubb	Noe	Torr
Budak	Gutwein	Orentlicher	Turner
Buell	Harris, E	Oxley	Tyler
Burton	Harris, T	Pelath	Ulmer
Cheney	Heim	Pflum	VanHaaften
Cherry	Hinkle	Pierce	Walorski
Cochran	Hoffman	Pond	Welch
Crawford	Hoy	Porter	Whetstone
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount
Davis	Koch	Ripley	

VOTING NAY: 4

Brown,T	Buck	Frizzell	Kromkowski
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EXCUSED FROM VOTING: 3

Bauer	GiaQuinta	Moses
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NOT VOTING: 2

Wolkins	Mr. Speaker
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MEETING DAY 22

02-27-06

Roll Call 260: FAILED

SJR 2 Richardson
Overseas voters.
Mahern amendment
2nd Reading Amend. #1

Yeas: 45
Nays: 51
Excused: 3
N/Voting: 1

VOTING YEA: 45

Aguilera	Denbo	Kuzman	Robertson
Austin	Dickinson	Lawson	Smith,V
Avery	Dobis	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Summers
Bottorff	Goodin	Orentlicher	Tincher
Brown,C	Grubb	Oxley	Tyler
Cheney	Harris, E	Pelath	VanHaaften
Cochran	Hoy	Pflum	Welch
Crawford	Kersey	Pierce	
Crooks	Klinker	Porter	
Day	Kromkowski	Reske	

VOTING NAY: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 1

Bardon

Indiana House of Representatives
114th General Assembly
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MEETING DAY 22

02-27-06

Roll Call 261: PREVAILED

SB 370 Torr
Workforce development system.
Borders amendment
2nd Reading Amend. #1

Yeas: 90
Nays: 1
Excused: 3
N/Voting: 6

VOTING YEA: 90

Aguilera	Crouch	Koch	Ripley
Austin	Davis	Kromkowski	Robertson
Avery	Day	Kuzman	Ruppel
Ayres	Denbo	Lawson	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Goodin	Neese	Tincher
Brown,T	Grubb	Noe	Torr
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	Ulmer
Buell	Harris, T	Pelath	VanHaaften
Burton	Heim	Pflum	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 6

Bardon	Murphy	Whetstone
Dickinson	Turner	Mr. Speaker

Indiana House of Representatives
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MEETING DAY 22

02-27-06

Roll Call 262: FAILED

SB 370 Torr
Workforce development system.
Cheney amendment
2nd Reading Amend. #5

Yeas: 44
Nays: 50
Excused: 3
N/Voting: 3

VOTING YEA: 44

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Reske
Avery	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	Goodin	Micon	Stilwell
Cheney	Grubb	Orentlicher	Summers
Cochran	Harris, E	Oxley	Tincher
Crawford	Hoy	Pelath	Tyler
Crooks	Kersey	Pflum	VanHaaften
Day	Klinker	Pierce	Welch

VOTING NAY: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 3

Bardon	Brown,C	Mr. Speaker
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MEETING DAY 22

02-27-06

Roll Call 263: FAILED

SB 370 Torr
Workforce development system.
Cheney amendment
2nd Reading Amend. #6

Yeas: 46
Nays: 50
Excused: 3
N/Voting: 1

VOTING YEA: 46

Aguilera	Day	Kromkowski	Reske
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Smith,V
Bardon	Dobis	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Summers
Bottorff	Goodin	Orentlicher	Tincher
Brown,C	Grubb	Oxley	Tyler
Cheney	Harris, E	Pelath	VanHaaften
Cochran	Hoy	Pflum	Welch
Crawford	Kersey	Pierce	
Crooks	Klinker	Porter	

VOTING NAY: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 22

02-27-06

Roll Call 264: FAILED

SB 370 Torr
Workforce development system.
Cheney amendment
2nd Reading Amend. #7

Yeas: 46
Nays: 50
Excused: 3
N/Voting: 1

VOTING YEA: 46

Aguilera	Day	Kromkowski	Reske
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Smith,V
Bardon	Dobis	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Summers
Bottorff	Goodin	Orentlicher	Tincher
Brown,C	Grubb	Oxley	Tyler
Cheney	Harris, E	Pelath	VanHaaften
Cochran	Hoy	Pflum	Welch
Crawford	Kersey	Pierce	
Crooks	Klinker	Porter	

VOTING NAY: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 1

Mr. Speaker

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MEETING DAY 22

02-27-06

Roll Call 265: FAILED

SB 362 Turner
Collection of delinquent taxes.
Avery amendment
2nd Reading Amend. #1

Yeas: 46
Nays: 47
Excused: 3
N/Voting: 4

VOTING YEA: 46

Aguilera	Crooks	Kromkowski	Reske
Austin	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Smith,V
Bardon	Dickinson	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Summers
Borders	Goodin	Orentlicher	Tincher
Bottorff	Grubb	Oxley	Tyler
Brown,C	Harris, E	Pelath	VanHaaften
Cheney	Hoy	Pflum	Welch
Cochran	Kersey	Pierce	
Crawford	Klinker	Porter	

VOTING NAY: 47

Ayres	Davis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Stutzman
Borrer	Espich	McClain	Thomas
Bright	Friend	Messer	Thompson
Brown,T	Frizzell	Murphy	Torr
Buck	Gutwein	Neese	Turner
Budak	Harris, T	Noe	Walorski
Buell	Heim	Pond	Whetstone
Burton	Hinkle	Richardson	Woodruff
Cherry	Hoffman	Ripley	Yount
Crouch	Koch	Ruppel	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 4

Dobis	Foley	Ulmer	Mr. Speaker
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MEETING DAY 22

02-27-06

Roll Call 266: SUSTAINED

SB 359 Messer
Procurement and state public works.

Yeas: 50
Nays: 43
Excused: 3
N/Voting: 4

Ruling of the Chair

VOTING YEA: 50

Austin	Crouch	Lehe	Smith, J
Ayres	Davis	Leonard	Stutzman
Behning	Dodge	Lutz	Thomas
Bell	Duncan	McClain	Thompson
Borders	Espich	Messer	Torr
Borrer	Foley	Murphy	Turner
Bright	Friend	Neese	Ulmer
Brown,T	Frizzell	Noe	Walorski
Buck	Gutwein	Pond	Whetstone
Budak	Harris, T	Richardson	Woodruff
Buell	Heim	Ripley	Yount
Burton	Hoffman	Ruppel	
Cherry	Koch	Saunders	

VOTING NAY: 43

Aguilera	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	Goodin	Micon	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 4

Day	Hinkle	Reske	Mr. Speaker
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Roll Call 267: SUSTAINED

SB 359 Messer
Procurement and state public works.

Yeas: 50
Nays: 41
Excused: 3
N/Voting: 6

Ruling of the Chair

VOTING YEA: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Woodruff
Buell	Heim	Richardson	Yount
Burton	Hinkle	Ripley	Mr. Speaker
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

VOTING NAY: 41

Aguilera	Dickinson	Lawson	Smith,V
Austin	Dobis	Mahern	Stevenson
Avery	Dvorak	Mays	Stilwell
Bardon	Fry	Micon	Summers
Bauer	Goodin	Orentlicher	Tincher
Bottorff	Grubb	Oxley	Tyler
Brown,C	Harris, E	Pelath	VanHaaften
Cheney	Hoy	Pflum	Welch
Cochran	Kersey	Pierce	
Crawford	Klinker	Porter	
Crooks	Kuzman	Robertson	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 6

Bischoff	Denbo	Reske
Day	Kromkowski	Turner

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Roll Call 268: SUSTAINED

SB 359 Messer
Procurement and state public works.

Yeas: 50
Nays: 45
Excused: 3
N/Voting: 2

Ruling of the Chair

VOTING YEA: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

VOTING NAY: 45

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Smith,V
Avery	Dickinson	Lawson	Stevenson
Bardon	Dobis	Mahern	Stilwell
Bauer	Dvorak	Mays	Summers
Bischoff	Fry	Micon	Tincher
Bottorff	Goodin	Orentlicher	Tyler
Brown,C	Grubb	Oxley	VanHaaften
Cheney	Harris, E	Pelath	Welch
Cochran	Hoy	Pflum	
Crawford	Kersey	Pierce	
Crooks	Klinker	Porter	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 2

Reske Mr. Speaker

Indiana House of Representatives
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02-27-06

Roll Call 269: FAILED

SB 355 Ayres
Property taxes.
Orentlicher amendment
2nd Reading Amend. #5

Yeas: 41
Nays: 51
Excused: 2
N/Voting: 6

VOTING YEA: 41

Aguilera	Dickinson	Lawson	Smith,V
Austin	Dobis	Mahern	Stevenson
Avery	Dvorak	Micon	Stilwell
Bardon	Goodin	Orentlicher	Summers
Bischoff	Grubb	Oxley	Tincher
Bottorff	Harris, E	Pelath	Tyler
Brown,C	Hoy	Pflum	VanHaaften
Cheney	Kersey	Pierce	Welch
Cochran	Klinker	Porter	
Day	Kromkowski	Reske	
Denbo	Kuzman	Robertson	

VOTING NAY: 51

Ayres	Crouch	Hoffman	Saunders
Behning	Davis	Koch	Smith, J
Bell	Dodge	Lehe	Stutzman
Borders	Duncan	Leonard	Thomas
Borrer	Espich	Lutz	Thompson
Bright	Foley	McClain	Torr
Brown,T	Friend	Murphy	Turner
Buck	Frizzell	Neese	Ulmer
Budak	Fry	Noe	Walorski
Buell	Gutwein	Pond	Whetstone
Burton	Harris, T	Richardson	Woodruff
Cherry	Heim	Ripley	Yount
Crooks	Hinkle	Ruppel	

EXCUSED FROM VOTING: 2

GiaQuinta Moses

NOT VOTING: 6

Bauer	Mays	Wolkins
Crawford	Messer	Mr. Speaker

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Roll Call 270: FAILED

SB 345 Espich
Taxation and government finance.
Aguilera amendment
2nd Reading Amend. #3

Yeas: 17
Nays: 74
Excused: 3
N/Voting: 6

VOTING YEA: 17

Aguilera	Crawford	Klinker	Stevenson
Avery	Day	Kuzman	Summers
Brown,C	Dickinson	Lawson	
Cheney	Dobis	Porter	
Cochran	Harris, E	Smith,V	

VOTING NAY: 74

Ayres	Dodge	Leonard	Saunders
Bardon	Duncan	Lutz	Smith, J
Behning	Dvorak	McClain	Stilwell
Bell	Espich	Messer	Stutzman
Bischoff	Foley	Micon	Thomas
Borders	Friend	Murphy	Thompson
Borrer	Frizzell	Neese	Tincher
Bottorff	Goodin	Noe	Torr
Bright	Grubb	Orentlicher	Turner
Brown,T	Gutwein	Oxley	Tyler
Buck	Harris, T	Pelath	Ulmer
Budak	Heim	Pflum	VanHaaften
Buell	Hinkle	Pierce	Walorski
Burton	Hoffman	Pond	Welch
Cherry	Hoy	Reske	Whetstone
Crooks	Kersey	Richardson	Woodruff
Crouch	Koch	Ripley	Yount
Davis	Kromkowski	Robertson	
Denbo	Lehe	Ruppel	

EXCUSED FROM VOTING: 3

GiaQuinta	Moses	Wolkins
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NOT VOTING: 6

Austin	Fry	Mays
Bauer	Mahern	Mr. Speaker

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Roll Call 271: SUSTAINED

SB 345 Espich
Taxation and government finance.

Yeas: 50
Nays: 45
Excused: 4
N/Voting: 1

Ruling of the Chair

VOTING YEA: 50

Ayres	Davis	Lehe	Stutzman
Behning	Dodge	Leonard	Summers
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Neese	Turner
Brown,T	Frizzell	Noe	Ulmer
Buck	Gutwein	Pond	Walorski
Budak	Harris, T	Richardson	Whetstone
Buell	Heim	Ripley	Woodruff
Burton	Hinkle	Ruppel	Yount
Cherry	Hoffman	Saunders	
Crouch	Koch	Smith, J	

VOTING NAY: 45

Aguilera	Day	Kromkowski	Reske
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Smith,V
Bardon	Dobis	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	Fry	Micon	Tincher
Bottorff	Goodin	Orentlicher	Tyler
Brown,C	Grubb	Oxley	VanHaaften
Cheney	Harris, E	Pelath	Welch
Cochran	Hoy	Pflum	
Crawford	Kersey	Pierce	
Crooks	Klinker	Porter	

EXCUSED FROM VOTING: 4

GiaQuinta	Moses	Murphy	Wolkins
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NOT VOTING: 1

Mr. Speaker

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02-27-06

Roll Call 273: PREVAILED

SB 303 Duncan
Various motor vehicle matters.
Orentlicher amendment
2nd Reading Amend. #2

Yeas: 67
Nays: 16
Excused: 5
N/Voting: 12

VOTING YEA: 67

Austin	Davis	Koch	Reske
Ayres	Denbo	Kromkowski	Robertson
Bardon	Dobis	Kuzman	Ruppel
Bauer	Dodge	Lawson	Smith, J
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	McClain	Stutzman
Borders	Frizzell	Messer	Thomas
Bottorff	Fry	Micon	Thompson
Bright	Grubb	Neese	Tincher
Budak	Gutwein	Noe	Turner
Buell	Harris, T	Orentlicher	Tyler
Burton	Heim	Oxley	VanHaaften
Cheney	Hinkle	Pelath	Walorski
Cochran	Hoy	Pflum	Welch
Crooks	Kersey	Pierce	Woodruff
Crouch	Klinker	Pond	

VOTING NAY: 16

Avery	Cherry	Leonard	Saunders
Borrer	Foley	Murphy	Torr
Brown, T	Friend	Richardson	Whetstone
Buck	Lehe	Ripley	Yount

EXCUSED FROM VOTING: 5

GiaQuinta	Moses	Wolkins
Goodin	Ulmer	

NOT VOTING: 12

Aguilera	Day	Hoffman	Smith, V
Brown, C	Dickinson	Mays	Summers
Crawford	Harris, E	Porter	Mr. Speaker

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Roll Call 274: FAILED

SB 297 Foley
Penalty for false information to BMV.
Pierce amendment
2nd Reading Amend. #2

Yeas: 44
Nays: 49
Excused: 5
N/Voting: 2

VOTING YEA: 44

Aguilera	Crooks	Kromkowski	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Robertson
Bardon	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	Grubb	Orentlicher	Summers
Brown,C	Harris, E	Oxley	Tincher
Cheney	Hoy	Pelath	Tyler
Cochran	Kersey	Pflum	VanHaaften
Crawford	Klinker	Pierce	Welch

VOTING NAY: 49

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Woodruff
Buell	Heim	Richardson	Yount
Burton	Hinkle	Ripley	
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

EXCUSED FROM VOTING: 5

GiaQuinta	Moses	Wolkins
Goodin	Ulmer	

NOT VOTING: 2

Day Mr. Speaker

Indiana House of Representatives
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02-27-06

Roll Call 275: FAILED

SB 284 T. Brown
Statewide trauma system & food establishments.
C. Brown amendment
2nd Reading Amend. #1

Yeas: 19
Nays: 72
Excused: 5
N/Voting: 4

VOTING YEA: 19

Aguilera	Crawford	Kuzman	Porter
Austin	Dickinson	Lawson	Smith,V
Brown,C	Dobis	Mays	Stevenson
Cheney	Fry	Orentlicher	Summers
Cochran	Harris, E	Pierce	

VOTING NAY: 72

Avery	Denbo	Kromkowski	Robertson
Ayres	Dodge	Lehe	Ruppel
Behning	Duncan	Leonard	Saunders
Bell	Dvorak	Lutz	Smith, J
Bischoff	Espich	Mahern	Stilwell
Borders	Foley	McClain	Stutzman
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Grubb	Murphy	Tincher
Brown,T	Gutwein	Neese	Torr
Buck	Harris, T	Noe	Turner
Budak	Heim	Oxley	Tyler
Buell	Hinkle	Pelath	VanHaaften
Burton	Hoffman	Pflum	Walorski
Cherry	Hoy	Pond	Welch
Crooks	Kersey	Reske	Whetstone
Crouch	Klinker	Richardson	Woodruff
Davis	Koch	Ripley	Yount

EXCUSED FROM VOTING: 5

GiaQuinta	Moses	Wolkins
Goodin	Ulmer	

NOT VOTING: 4

Bardon	Bauer	Day	Mr. Speaker
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Roll Call 276: SUSTAINED

SB 153 Richardson
Central collection unit and child support.

Yeas: 50
Nays: 42
Excused: 5
N/Voting: 3

Ruling of the Chair

VOTING YEA: 50

Ayres	Davis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Stutzman
Borders	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bright	Friend	Murphy	Torr
Brown,T	Frizzell	Neese	Turner
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Reske	Woodruff
Burton	Hinkle	Richardson	Yount
Cherry	Hoffman	Ripley	
Crouch	Koch	Ruppel	

VOTING NAY: 42

Aguilera	Crooks	Kromkowski	Porter
Austin	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Smith,V
Bardon	Dickinson	Mahern	Stevenson
Bauer	Dobis	Mays	Stilwell
Bischoff	Dvorak	Micon	Tincher
Bottorff	Grubb	Orentlicher	Tyler
Brown,C	Harris, E	Oxley	VanHaaften
Cheney	Hoy	Pelath	Welch
Cochran	Kersey	Pflum	
Crawford	Klinker	Pierce	

EXCUSED FROM VOTING: 5

GiaQuinta	Moses	Wolkins
Goodin	Ulmer	

NOT VOTING: 3

Fry	Summers	Mr. Speaker
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MEETING DAY 22

02-27-06

Roll Call 277: PASSED

SB 253 Hoffman
Activities along shorelines.

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

3rd Reading

VOTING YEA: 93

Aguilera	Crouch	Kromkowski	Robertson
Austin	Davis	Kuzman	Ruppel
Avery	Day	Lawson	Saunders
Ayres	Denbo	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Murphy	Tincher
Bright	Fry	Neese	Torr
Brown,C	Grubb	Noe	Turner
Brown,T	Gutwein	Orentlicher	Tyler
Buck	Harris, E	Oxley	VanHaaften
Budak	Harris, T	Pelath	Walorski
Buell	Heim	Pflum	Welch
Burton	Hinkle	Pierce	Whetstone
Cheney	Hoffman	Pond	Woodruff
Cherry	Hoy	Porter	Yount
Cochran	Kersey	Reske	
Crawford	Klinker	Richardson	
Crooks	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dickinson	Goodin	Ulmer
GiaQuinta	Moses	Wolkins

NOT VOTING: 1

Mr. Speaker

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02-27-06

Roll Call 278: PASSED

SB 247 Ruppel
Various homeland security matters.

Yeas: 84
Nays: 6
Excused: 6
N/Voting: 4

3rd Reading

VOTING YEA: 84

Aguilera	Crooks	Klinker	Porter
Austin	Crouch	Koch	Reske
Avery	Davis	Kuzman	Richardson
Ayres	Day	Lawson	Robertson
Bardon	Denbo	Lehe	Ruppel
Bauer	Dobis	Leonard	Smith, J
Behning	Dodge	Lutz	Smith,V
Bell	Duncan	Mahern	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Borders	Espich	McClain	Stutzman
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Murphy	Tincher
Brown,C	Fry	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Heim	Oxley	Walorski
Buell	Hinkle	Pelath	Welch
Burton	Hoffman	Pflum	Whetstone
Cheney	Hoy	Pierce	Woodruff
Cochran	Kersey	Pond	Yount

VOTING NAY: 6

Cherry	Kromkowski	Saunders
Harris, T	Ripley	Summers

EXCUSED FROM VOTING: 6

Dickinson	Goodin	Ulmer
GiaQuinta	Moses	Wolkins

NOT VOTING: 4

Crawford	Harris, E	Torr	Mr. Speaker
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Roll Call 279: PASSED

SB 246 Foley
Sex offenders.

3rd Reading

Yeas: 93
Nays: 0
Excused: 6
N/Voting: 1

VOTING YEA: 93

Aguilera	Davis	Kuzman	Ruppel
Austin	Day	Lawson	Saunders
Avery	Denbo	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Bauer	Duncan	Mahern	Stilwell
Behning	Dvorak	Mays	Stutzman
Bell	Espich	McClain	Summers
Bischoff	Foley	Messer	Thomas
Borders	Friend	Micon	Thompson
Borrer	Frizzell	Murphy	Tincher
Bottorff	Fry	Neese	Torr
Bright	Grubb	Noe	Turner
Brown,C	Gutwein	Orentlicher	Tyler
Brown,T	Harris, E	Oxley	VanHaaften
Buck	Harris, T	Pelath	Walorski
Budak	Heim	Pflum	Welch
Buell	Hinkle	Pierce	Whetstone
Burton	Hoffman	Pond	Woodruff
Cheney	Hoy	Porter	Yount
Cherry	Kersey	Reske	Mr. Speaker
Cochran	Klinker	Richardson	
Crooks	Koch	Ripley	
Crouch	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dickinson	Goodin	Ulmer
GiaQuinta	Moses	Wolkins

NOT VOTING: 1

Crawford

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Roll Call 280: PASSED

SB 236 Friend
Driver training schools.

3rd Reading

Yeas: 91
Nays: 0
Excused: 6
N/Voting: 3

VOTING YEA: 91

Aguilera	Crooks	Klinker	Reske
Austin	Crouch	Koch	Richardson
Avery	Davis	Kromkowski	Ripley
Ayres	Day	Kuzman	Robertson
Bardon	Denbo	Lawson	Ruppel
Bauer	Dobis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Smith, V
Bischoff	Dvorak	Mahern	Stevenson
Borders	Espich	Mays	Stilwell
Borrer	Foley	McClain	Stutzman
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown, C	Fry	Murphy	Tincher
Brown, T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Oxley	Walorski
Burton	Heim	Pelath	Welch
Cheney	Hinkle	Pflum	Whetstone
Cherry	Hoffman	Pierce	Woodruff
Cochran	Hoy	Pond	Yount
Crawford	Kersey	Porter	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dickinson	Goodin	Ulmer
GiaQuinta	Moses	Wolkins

NOT VOTING: 3

Summers	Torr	Mr. Speaker
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Roll Call 281: PASSED

SB 235 Duncan
Special group recognition license
plates.
3rd Reading

Yeas: 90
Nays: 2
Excused: 6
N/Voting: 2

VOTING YEA: 90

Aguilera	Crouch	Kromkowski	Robertson
Austin	Davis	Kuzman	Ruppel
Avery	Day	Lawson	Saunders
Ayres	Denbo	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mays	Stilwell
Bell	Dvorak	McClain	Stutzman
Bischoff	Espich	Messer	Summers
Borders	Foley	Micon	Thomas
Borrer	Friend	Murphy	Thompson
Bottorff	Frizzell	Neese	Tincher
Bright	Grubb	Noe	Torr
Brown,C	Gutwein	Orentlicher	Turner
Brown,T	Harris, E	Oxley	Tyler
Buck	Harris, T	Pelath	VanHaaften
Budak	Heim	Pflum	Walorski
Buell	Hinkle	Pierce	Welch
Burton	Hoffman	Pond	Whetstone
Cheney	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crawford	Klinker	Richardson	
Crooks	Koch	Ripley	

VOTING NAY: 2

Cherry Fry

EXCUSED FROM VOTING: 6

Dickinson	Goodin	Ulmer
GiaQuinta	Moses	Wolkins

NOT VOTING: 2

Mahern Mr. Speaker

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Roll Call 282: PASSED

SB 232 Foley
Jury service exemptions.

3rd Reading

Yeas: 91
Nays: 0
Excused: 6
N/Voting: 3

VOTING YEA: 91

Aguilera	Crooks	Klinker	Ripley
Austin	Crouch	Koch	Robertson
Avery	Davis	Kromkowski	Ruppel
Ayres	Day	Kuzman	Saunders
Bardon	Denbo	Lawson	Smith, J
Bauer	Dobis	Lehe	Smith,V
Behning	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Murphy	Tincher
Brown,C	Fry	Neese	Torr
Brown,T	Grubb	Noe	Turner
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Dickinson	Goodin	Ulmer
GiaQuinta	Moses	Wolkins

NOT VOTING: 3

Mahern	Reske	Mr. Speaker
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02-28-06

Roll Call 284: PASSED

SB 5 Ulmer
Disorderly conduct at funerals and
intimidation.
3rd Reading

Yeas: 94
Nays: 0
Excused: 4
N/Voting: 2

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dobis	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bauer	Duncan	Lutz	Stilwell
Behning	Dvorak	Mahern	Stutzman
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Fry	Micon	Tincher
Bottorff	GiaQuinta	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,C	Grubb	Noe	Tyler
Brown,T	Gutwein	Oxley	Ulmer
Buck	Harris, E	Pelath	VanHaaften
Budak	Harris, T	Pflum	Walorski
Buell	Heim	Pierce	Welch
Burton	Hinkle	Pond	Whetstone
Cheney	Hoffman	Porter	Woodruff
Cherry	Hoy	Reske	Yount
Cochran	Kersey	Richardson	Mr. Speaker
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Dickinson	Frizzell	Moses	Wolkins
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NOT VOTING: 2

Crawford	Orentlicher
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MEETING DAY 23

02-28-06

Roll Call 285: PASSED

SB 6 Ulmer
Lifetime parole for child molesters.

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

3rd Reading

VOTING YEA: 95

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Fry	Micon	Thompson
Bottorff	GiaQuinta	Murphy	Tincher
Bright	Goodin	Neese	Torr
Brown,C	Grubb	Noe	Turner
Brown,T	Gutwein	Orentlicher	Tyler
Buck	Harris, E	Oxley	Ulmer
Budak	Harris, T	Pelath	VanHaaften
Buell	Heim	Pflum	Walorski
Burton	Hinkle	Pierce	Welch
Cheney	Hoffman	Pond	Whetstone
Cherry	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crooks	Klinker	Richardson	Mr. Speaker
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Dickinson	Frizzell	Moses	Wolkins
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NOT VOTING: 1

Crawford

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MEETING DAY 23

02-28-06

Roll Call 286: PASSED

SB 12 Foley
Sex offender registry & commission for drug
free Indiana.
3rd Reading

Yeas: 92
Nays: 0
Excused: 5
N/Voting: 3

VOTING YEA: 92

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dobis	Lawson	Saunders
Bardon	Dodge	Lehe	Smith, J
Bauer	Duncan	Leonard	Smith,V
Behning	Dvorak	Lutz	Stevenson
Bell	Espich	Mahern	Stilwell
Bischoff	Foley	Mays	Stutzman
Borders	Friend	McClain	Summers
Borrer	Fry	Messer	Thomas
Bottorff	GiaQuinta	Micon	Thompson
Bright	Goodin	Murphy	Tincher
Brown,C	Grubb	Neese	Torr
Brown,T	Gutwein	Noe	Turner
Buck	Harris, E	Orentlicher	Tyler
Budak	Harris, T	Oxley	Ulmer
Buell	Heim	Pelath	VanHaaften
Burton	Hinkle	Pflum	Walorski
Cheney	Hoffman	Pierce	Welch
Cherry	Hoy	Pond	Whetstone
Cochran	Kersey	Reske	Woodruff
Crooks	Klinker	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Crouch	Frizzell	Wolkins
Dickinson	Moses	

NOT VOTING: 3

Crawford	Porter	Mr. Speaker
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MEETING DAY 23

02-28-06

Roll Call 287: PASSED

SB 33 Koch
Volunteer advocates for incapacitated
adults.
3rd Reading

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Fry	Micon	Thompson
Bottorff	GiaQuinta	Murphy	Tincher
Bright	Goodin	Neese	Torr
Brown,C	Grubb	Noe	Turner
Brown,T	Gutwein	Orentlicher	Tyler
Buck	Harris, E	Oxley	Ulmer
Budak	Harris, T	Pelath	VanHaaften
Buell	Heim	Pflum	Walorski
Burton	Hinkle	Pierce	Welch
Cheney	Hoffman	Pond	Whetstone
Cherry	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crawford	Klinker	Richardson	
Crooks	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Crouch	Frizzell	Wolkins
Dickinson	Moses	

NOT VOTING: 1

Mr. Speaker

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Roll Call 288: PASSED

SB 36 Noe
Commission on mental health.

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

3rd Reading

VOTING YEA: 93

Aguilera	Davis	Kuzman	Ruppel
Austin	Day	Lawson	Saunders
Avery	Denbo	Lehe	Smith, J
Ayres	Dobis	Leonard	Smith,V
Bardon	Dodge	Lutz	Stevenson
Bauer	Duncan	Mahern	Stilwell
Behning	Dvorak	Mays	Stutzman
Bell	Espich	McClain	Summers
Bischoff	Foley	Messer	Thomas
Borders	Friend	Micon	Thompson
Borrer	Fry	Murphy	Tincher
Bottorff	GiaQuinta	Neese	Torr
Bright	Goodin	Noe	Turner
Brown,C	Grubb	Orentlicher	Tyler
Brown,T	Gutwein	Oxley	Ulmer
Buck	Harris, E	Pelath	VanHaaften
Budak	Harris, T	Pflum	Walorski
Buell	Heim	Pierce	Welch
Burton	Hoffman	Pond	Whetstone
Cheney	Hoy	Porter	Woodruff
Cherry	Kersey	Reske	Yount
Cochran	Klinker	Richardson	
Crawford	Koch	Ripley	
Crooks	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Crouch	Frizzell	Wolkins
Dickinson	Moses	

NOT VOTING: 2

Hinkle Mr. Speaker

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Roll Call 289: PASSED

SB 39 Thomas
Legal settlement in a school
corporation.
3rd Reading

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Fry	Micon	Thompson
Bottorff	GiaQuinta	Murphy	Tincher
Bright	Goodin	Neese	Torr
Brown,C	Grubb	Noe	Turner
Brown,T	Gutwein	Orentlicher	Tyler
Buck	Harris, E	Oxley	Ulmer
Budak	Harris, T	Pelath	VanHaaften
Buell	Heim	Pflum	Walorski
Burton	Hinkle	Pierce	Welch
Cheney	Hoffman	Pond	Whetstone
Cherry	Hoy	Porter	Woodruff
Cochran	Kersey	Reske	Yount
Crawford	Klinker	Richardson	
Crooks	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Crouch	Frizzell	Wolkins
Dickinson	Moses	

NOT VOTING: 1

Mr. Speaker

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Roll Call 290: PASSED

SB 47 McClain
Criminal background checks.

Yeas: 92
Nays: 0
Excused: 7
N/Voting: 1

3rd Reading

VOTING YEA: 92

Aguilera	Davis	Koch	Richardson
Austin	Day	Kromkowski	Ripley
Avery	Denbo	Kuzman	Robertson
Ayres	Dobis	Lawson	Ruppel
Bardon	Dodge	Lehe	Saunders
Behning	Duncan	Leonard	Smith, J
Bell	Dvorak	Lutz	Smith,V
Bischoff	Espich	Mahern	Stevenson
Borders	Foley	Mays	Stutzman
Borrer	Friend	McClain	Summers
Bottorff	Fry	Messer	Thomas
Bright	GiaQuinta	Micon	Thompson
Brown,C	Goodin	Murphy	Tincher
Brown,T	Grubb	Neese	Torr
Buck	Gutwein	Noe	Turner
Budak	Harris, E	Orentlicher	Tyler
Buell	Harris, T	Oxley	Ulmer
Burton	Heim	Pelath	VanHaaften
Cheney	Hinkle	Pflum	Walorski
Cherry	Hoffman	Pierce	Welch
Cochran	Hoy	Pond	Whetstone
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Bauer	Dickinson	Moses	Wolkins
Crouch	Frizzell	Stilwell	

NOT VOTING: 1

Mr. Speaker

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Roll Call 291: PASSED

SB 54 Woodruff
Handgun licensing.

3rd Reading

Yeas: 79
Nays: 13
Excused: 6
N/Voting: 2

VOTING YEA: 79

Aguilera	Denbo	Koch	Ruppel
Austin	Dobis	Kromkowski	Saunders
Ayres	Dodge	Lawson	Smith, J
Bardon	Duncan	Lehe	Stevenson
Behning	Dvorak	Leonard	Stutzman
Bell	Espich	Lutz	Thomas
Bischoff	Foley	Mays	Thompson
Borders	Friend	McClain	Tincher
Borrer	Frizzell	Messer	Torr
Bottorff	Fry	Micon	Turner
Bright	GiaQuinta	Murphy	Tyler
Brown,T	Goodin	Neese	Ulmer
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pond	Whetstone
Cherry	Hinkle	Reske	Woodruff
Cochran	Hoffman	Richardson	Yount
Crooks	Kersey	Ripley	Mr. Speaker
Davis	Klinker	Robertson	

VOTING NAY: 13

Avery	Day	Orentlicher	Summers
Brown,C	Harris, E	Pierce	
Cheney	Hoy	Porter	
Crawford	Mahern	Smith,V	

EXCUSED FROM VOTING: 6

Bauer	Dickinson	Stilwell
Crouch	Moses	Wolkins

NOT VOTING: 2

Kuzman	Oxley
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Roll Call 292: PASSED

SB 56 Buell
Pension relief fund distributions.

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

3rd Reading

VOTING YEA: 93

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dobis	Lawson	Saunders
Ayres	Dodge	Lehe	Smith, J
Bardon	Duncan	Leonard	Smith, V
Behning	Dvorak	Lutz	Stevenson
Bell	Espich	Mahern	Stutzman
Bischoff	Foley	Mays	Summers
Borders	Friend	McClain	Thomas
Borrer	Frizzell	Messer	Thompson
Bottorff	Fry	Micon	Tincher
Bright	GiaQuinta	Moses	Torr
Brown, C	Goodin	Murphy	Turner
Brown, T	Grubb	Neese	Tyler
Buck	Gutwein	Noe	Ulmer
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bauer	Dickinson	Wolkins
Crouch	Stilwell	

NOT VOTING: 2

Oxley Mr. Speaker

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Roll Call 293: PASSED

SB 73 Davis
Indemnity agreements in motor carrier
contracts.
3rd Reading

Yeas: 92
Nays: 0
Excused: 5
N/Voting: 3

VOTING YEA: 92

Aguilera	Davis	Klinker	Richardson
Austin	Day	Koch	Ripley
Avery	Denbo	Kromkowski	Robertson
Ayres	Dobis	Kuzman	Ruppel
Bardon	Dodge	Lawson	Saunders
Behning	Duncan	Lehe	Smith, J
Bell	Dvorak	Leonard	Smith,V
Bischoff	Espich	Lutz	Stevenson
Borders	Foley	Mahern	Stutzman
Borrer	Friend	McClain	Summers
Bottorff	Frizzell	Messer	Thomas
Bright	Fry	Micon	Thompson
Brown,C	GiaQuinta	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Pelath	VanHaaften
Cheney	Heim	Pflum	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Whetstone
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bauer	Dickinson	Wolkins
Crouch	Stilwell	

NOT VOTING: 3

Mays	Oxley	Mr. Speaker
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Roll Call 294: PASSED

SB 81 Stutzman
Bungee jump facility inspection.

3rd Reading

Yeas: 88
Nays: 3
Excused: 5
N/Voting: 4

VOTING YEA: 88

Aguilera	Davis	Klinker	Reske
Austin	Day	Koch	Richardson
Avery	Denbo	Kromkowski	Ripley
Ayres	Dobis	Kuzman	Robertson
Bardon	Dodge	Lawson	Ruppel
Behning	Duncan	Lehe	Saunders
Bell	Dvorak	Leonard	Smith, J
Bischoff	Espich	Lutz	Smith, V
Borders	Foley	Mahern	Stevenson
Borrer	Friend	Mays	Stutzman
Bottorff	Frizzell	McClain	Summers
Bright	Fry	Messer	Thomas
Brown, T	GiaQuinta	Micon	Tincher
Buck	Goodin	Moses	Turner
Budak	Grubb	Neese	Tyler
Buell	Gutwein	Noe	Ulmer
Burton	Harris, T	Orentlicher	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Porter	Yount

VOTING NAY: 3

Murphy	Thompson	Torr
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EXCUSED FROM VOTING: 5

Bauer	Dickinson	Wolkins
Crouch	Stilwell	

NOT VOTING: 4

Brown, C	Harris, E	Oxley	Mr. Speaker
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02-28-06

Roll Call 295: PASSED

SB 83 Torr
Resisting law enforcement.

Yeas: 83
Nays: 11
Excused: 3
N/Voting: 3

3rd Reading

VOTING YEA: 83

Aguilera	Day	Klinker	Ripley
Austin	Denbo	Koch	Robertson
Ayres	Dobis	Kromkowski	Ruppel
Bardon	Dodge	Kuzman	Saunders
Behning	Duncan	Lawson	Smith, J
Bell	Dvorak	Lehe	Stevenson
Bischoff	Espich	Leonard	Stilwell
Borders	Foley	Lutz	Stutzman
Borrer	Friend	McClain	Thomas
Bottorff	Frizzell	Messer	Thompson
Bright	Fry	Micon	Tincher
Brown, T	GiaQuinta	Moses	Torr
Buck	Goodin	Murphy	Turner
Budak	Grubb	Neese	Tyler
Buell	Gutwein	Noe	Ulmer
Burton	Harris, T	Orentlicher	Walorski
Cherry	Heim	Oxley	Welch
Cochran	Hinkle	Pelath	Whetstone
Crooks	Hoffman	Pond	Woodruff
Crouch	Hoy	Reske	Yount
Davis	Kersey	Richardson	

VOTING NAY: 11

Avery	Crawford	Mays	Summers
Brown, C	Harris, E	Pierce	VanHaaften
Cheney	Mahern	Smith, V	

EXCUSED FROM VOTING: 3

Bauer	Dickinson	Wolkins
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NOT VOTING: 3

Pflum	Porter	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 296: PASSED

SB 94 Dodge
Lakes management work group.

3rd Reading

Yeas: 92
Nays: 0
Excused: 3
N/Voting: 5

VOTING YEA: 92

Aguilera	Davis	Klinker	Richardson
Austin	Day	Koch	Ripley
Avery	Denbo	Kromkowski	Robertson
Ayres	Dobis	Kuzman	Ruppel
Bardon	Dodge	Lawson	Saunders
Behning	Duncan	Lehe	Smith, J
Bell	Dvorak	Leonard	Smith,V
Bischoff	Espich	Lutz	Stevenson
Borders	Foley	Mahern	Stilwell
Borrer	Friend	Mays	Stutzman
Bottorff	Frizzell	McClain	Summers
Bright	Fry	Messer	Thomas
Brown,C	GiaQuinta	Micon	Thompson
Brown,T	Goodin	Moses	Tincher
Buck	Grubb	Murphy	Torr
Budak	Gutwein	Neese	Turner
Buell	Harris, E	Noe	Tyler
Burton	Harris, T	Orentlicher	Ulmer
Cheney	Heim	Oxley	Walorski
Cherry	Hinkle	Pelath	Welch
Cochran	Hoffman	Pierce	Whetstone
Crooks	Hoy	Pond	Woodruff
Crouch	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Bauer Dickinson Wolkins

NOT VOTING: 5

Crawford Porter Mr. Speaker
Pflum VanHaaften

Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 297: PASSED

SB 111 T. Brown
Student nutrition and physical
activity.
3rd Reading

Yeas: 72
Nays: 24
Excused: 3
N/Voting: 1

VOTING YEA: 72

Aguilera	Crooks	Hoy	Pond
Austin	Crouch	Kersey	Porter
Avery	Day	Klinker	Reske
Ayres	Denbo	Kromkowski	Robertson
Bardon	Dobis	Kuzman	Ruppel
Behning	Dodge	Lawson	Smith,V
Bischoff	Duncan	Lutz	Stevenson
Borders	Dvorak	Mahern	Stilwell
Bottorff	Foley	Mays	Summers
Bright	Friend	McClain	Thomas
Brown,C	Fry	Messer	Tincher
Brown,T	GiaQuinta	Micon	Tyler
Budak	Goodin	Moses	Ulmer
Buell	Grubb	Orentlicher	VanHaaften
Burton	Harris, E	Oxley	Welch
Cheney	Harris, T	Pelath	Whetstone
Cochran	Hinkle	Pflum	Woodruff
Crawford	Hoffman	Pierce	Yount

VOTING NAY: 24

Bell	Frizzell	Murphy	Smith, J
Borrer	Gutwein	Neese	Stutzman
Buck	Heim	Noe	Thompson
Cherry	Koch	Richardson	Torr
Davis	Lehe	Ripley	Turner
Espich	Leonard	Saunders	Walorski

EXCUSED FROM VOTING: 3

Bauer	Dickinson	Wolkins
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NOT VOTING: 1

Mr. Speaker

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MEETING DAY 23

02-28-06

Roll Call 298: PREVAILED

SB 324 Behning
Various education matters.
Thompson amendment
2nd Reading Amend. #6

Yeas: 70
Nays: 25
Excused: 3
N/Voting: 2

VOTING YEA: 70

Aguilera	Crawford	Lawson	Smith, J
Austin	Crouch	Lehe	Stevenson
Avery	Davis	Leonard	Stutzman
Ayres	Day	Lutz	Thomas
Bardon	Dobis	Mays	Thompson
Behning	Dodge	McClain	Tincher
Bell	Duncan	Messer	Torr
Borders	Espich	Micon	Turner
Borrer	Foley	Murphy	Tyler
Bright	Friend	Neese	Ulmer
Brown,C	Frizzell	Noe	VanHaaften
Brown,T	GiaQuinta	Orentlicher	Walorski
Buck	Gutwein	Pond	Welch
Budak	Harris, T	Reske	Whetstone
Buell	Hoffman	Richardson	Woodruff
Burton	Kersey	Ripley	Yount
Cherry	Koch	Ruppel	
Cochran	Kuzman	Saunders	

VOTING NAY: 25

Bauer	Dvorak	Mahern	Robertson
Bischoff	Fry	Moses	Smith,V
Bottorff	Grubb	Oxley	Stilwell
Cheney	Harris, E	Pelath	Summers
Crooks	Hoy	Pflum	
Denbo	Klinker	Pierce	
Dickinson	Kromkowski	Porter	

EXCUSED FROM VOTING: 3

Goodin	Heim	Wolkins
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NOT VOTING: 2

Hinkle	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 299: FAILED

SB 324 Behning
Various education matters.
Porter amendment
2nd Reading Amend. #9

Yeas: 49
Nays: 49
Excused: 2
N/Voting: 0

VOTING YEA: 49

Aguilera	Denbo	Kromkowski	Reske
Austin	Dickinson	Kuzman	Robertson
Avery	Dobis	Lawson	Smith,V
Bardon	Dvorak	Mahern	Stevenson
Bauer	Fry	Mays	Stilwell
Bischoff	GiaQuinta	Micon	Summers
Bottorff	Goodin	Moses	Tincher
Brown,C	Grubb	Orentlicher	Tyler
Cheney	Harris, E	Oxley	VanHaaften
Cochran	Hinkle	Pelath	Welch
Crawford	Hoy	Pflum	
Crooks	Kersey	Pierce	
Day	Klinker	Porter	

VOTING NAY: 49

Ayres	Davis	Lutz	Thomas
Behning	Dodge	McClain	Thompson
Bell	Duncan	Messer	Torr
Borders	Espich	Murphy	Turner
Borrer	Foley	Neese	Ulmer
Bright	Friend	Noe	Walorski
Brown,T	Frizzell	Pond	Whetstone
Buck	Gutwein	Richardson	Woodruff
Budak	Harris, T	Ripley	Yount
Buell	Hoffman	Ruppel	Mr. Speaker
Burton	Koch	Saunders	
Cherry	Lehe	Smith, J	
Crouch	Leonard	Stutzman	

EXCUSED FROM VOTING: 2

Heim Wolkins

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 300: PREVAILED

SB 266 T. Brown
Bariatric surgery.
T. Brown amendment
2nd Reading Amend. #2

Yeas: 49
Nays: 48
Excused: 2
N/Voting: 1

VOTING YEA: 49

Ayres	Davis	Leonard	Stutzman
Behning	Dodge	Lutz	Thomas
Bell	Duncan	McClain	Thompson
Borders	Espich	Messer	Torr
Borrer	Foley	Murphy	Turner
Bright	Friend	Neese	Ulmer
Brown,T	Frizzell	Noe	Walorski
Buck	Gutwein	Pond	Whetstone
Budak	Harris, T	Richardson	Woodruff
Buell	Hinkle	Ripley	Yount
Burton	Hoffman	Ruppel	
Cherry	Koch	Saunders	
Crouch	Lehe	Smith, J	

VOTING NAY: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

EXCUSED FROM VOTING: 2

Heim Wolkins

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 23

02-28-06

Roll Call 301: PREVAILED

HB 1279 Murphy
Telecommunications.

Concur

Yeas: 79
Nays: 18
Excused: 2
N/Voting: 1

VOTING YEA: 79

Aguilera	Dodge	Lehe	Robertson
Ayres	Duncan	Leonard	Ruppel
Bell	Espich	Lutz	Smith, J
Bischoff	Foley	Mahern	Smith,V
Borders	Friend	Mays	Stevenson
Borrer	Frizzell	McClain	Stilwell
Bright	Fry	Messer	Stutzman
Brown,C	Goodin	Micon	Thomas
Brown,T	Grubb	Murphy	Thompson
Buck	Gutwein	Neese	Torr
Buell	Harris, E	Noe	Turner
Burton	Harris, T	Orentlicher	Tyler
Cheney	Hinkle	Oxley	Ulmer
Cherry	Hoffman	Pelath	VanHaaften
Cochran	Kersey	Pflum	Walorski
Crouch	Klinker	Pond	Welch
Davis	Koch	Porter	Whetstone
Denbo	Kromkowski	Reske	Yount
Dickinson	Kuzman	Richardson	Mr. Speaker
Dobis	Lawson	Ripley	

VOTING NAY: 18

Austin	Bottorff	Dvorak	Summers
Avery	Budak	GiaQuinta	Tincher
Bardon	Crawford	Hoy	Woodruff
Bauer	Crooks	Pierce	
Behning	Day	Saunders	

EXCUSED FROM VOTING: 2

Heim Wolkins

NOT VOTING: 1

Moses

Indiana House of Representatives
114th General Assembly
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MEETING DAY 23

02-28-06

Roll Call 302: SUSTAINED

SB 117 T. Brown
Various employment matters.

Yeas: 49
Nays: 47
Excused: 2
N/Voting: 2

Ruling of the Chair

VOTING YEA: 49

Ayres	Dodge	Lutz	Thomas
Behning	Duncan	McClain	Thompson
Bell	Espich	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Hinkle	Ripley	Woodruff
Buell	Hoffman	Ruppel	Yount
Burton	Koch	Saunders	
Crouch	Lehe	Smith, J	
Davis	Leonard	Stutzman	

VOTING NAY: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Orentlicher	Tincher
Cheney	Grubb	Oxley	Tyler
Cochran	Harris, E	Pelath	VanHaaften
Crawford	Hoy	Pflum	Welch
Crooks	Kersey	Pierce	

EXCUSED FROM VOTING: 2

Heim Moses

NOT VOTING: 2

Cherry Mr. Speaker

Indiana House of Representatives
114th General Assembly
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MEETING DAY 23

02-28-06

Roll Call 303: PREVAILED

SB 117 T. Brown
Various employment matters.

Yeas: 49
Nays: 46
Excused: 2
N/Voting: 3

Closing debate

VOTING YEA: 49

Ayres	Dodge	Lutz	Thomas
Behning	Duncan	McClain	Thompson
Bell	Espich	Messer	Torr
Borders	Foley	Murphy	Turner
Borrer	Friend	Neese	Ulmer
Bright	Frizzell	Noe	Walorski
Brown,T	Gutwein	Pond	Whetstone
Buck	Harris, T	Richardson	Wolkins
Budak	Hinkle	Ripley	Woodruff
Buell	Hoffman	Ruppel	Yount
Burton	Koch	Saunders	
Crouch	Lehe	Smith, J	
Davis	Leonard	Stutzman	

VOTING NAY: 46

Aguilera	Day	Kromkowski	Reske
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Smith,V
Bardon	Dobis	Mahern	Stevenson
Bauer	Dvorak	Mays	Stilwell
Bischoff	GiaQuinta	Micon	Summers
Bottorff	Goodin	Orentlicher	Tincher
Brown,C	Grubb	Oxley	Tyler
Cheney	Harris, E	Pelath	VanHaaften
Cochran	Hoy	Pflum	Welch
Crawford	Kersey	Pierce	
Crooks	Klinker	Porter	

EXCUSED FROM VOTING: 2

Heim Moses

NOT VOTING: 3

Cherry Fry Mr. Speaker

Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 304: FAILED

SB 117 T. Brown
Various employment matters.

Yeas: 31
Nays: 65
Excused: 2
N/Voting: 2

2nd Reading Amend. #6

VOTING YEA: 31

Behning	Espich	Leonard	Ruppel
Bell	Foley	Lutz	Stutzman
Borrer	Friend	Messer	Thompson
Bright	Frizzell	Neese	Torr
Brown,T	Gutwein	Noe	Turner
Burton	Harris, T	Pond	Walorski
Davis	Hinkle	Richardson	Wolkins
Dodge	Hoffman	Ripley	

VOTING NAY: 65

Aguilera	Crouch	Kuzman	Smith, J
Austin	Day	Lawson	Smith,V
Avery	Denbo	Lehe	Stevenson
Ayres	Dickinson	Mahern	Stilwell
Bardon	Dobis	Mays	Summers
Bauer	Duncan	McClain	Thomas
Bischoff	Dvorak	Micon	Tincher
Borders	Fry	Murphy	Tyler
Bottorff	GiaQuinta	Orentlicher	Ulmer
Brown,C	Goodin	Oxley	VanHaaften
Buck	Grubb	Pelath	Welch
Budak	Harris, E	Pflum	Whetstone
Buell	Hoy	Pierce	Woodruff
Cheney	Kersey	Porter	Yount
Cochran	Klinker	Reske	
Crawford	Koch	Robertson	
Crooks	Kromkowski	Saunders	

EXCUSED FROM VOTING: 2

Heim Moses

NOT VOTING: 2

Cherry Mr. Speaker

Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 305: FAILED

SB 86 Messer
Medication of horses in pari-mutuel events.

2nd Reading Amend. #5

Yeas: 32
Nays: 64
Excused: 2
N/Voting: 2

VOTING YEA: 32

Avery	Denbo	Messer	Stevenson
Bardon	Dobis	Murphy	Summers
Bauer	Dodge	Orentlicher	Tincher
Bottorff	Fry	Pflum	Turner
Brown,C	Goodin	Porter	Tyler
Buell	Hoy	Richardson	Whetstone
Cherry	Kersey	Robertson	Wolkins
Cochran	McClain	Smith,V	Yount

VOTING NAY: 64

Aguilera	Crouch	Klinker	Pond
Austin	Davis	Koch	Reske
Ayres	Day	Kromkowski	Ripley
Behning	Dickinson	Kuzman	Ruppel
Bell	Duncan	Lawson	Saunders
Bischoff	Dvorak	Lehe	Smith, J
Borders	Espich	Leonard	Stilwell
Borrer	Foley	Lutz	Stutzman
Bright	Friend	Mahern	Thomas
Brown,T	Frizzell	Mays	Thompson
Buck	GiaQuinta	Micon	Torr
Budak	Grubb	Neese	Ulmer
Burton	Gutwein	Noe	VanHaaften
Cheney	Harris, T	Oxley	Walorski
Crawford	Hinkle	Pelath	Welch
Crooks	Hoffman	Pierce	Woodruff

EXCUSED FROM VOTING: 2

Heim Moses

NOT VOTING: 2

Harris, E Mr. Speaker

Indiana House of Representatives
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MEETING DAY 23

02-28-06

Roll Call 306: FAILED

SB 86 Messer
Medication of horses in pari-mutuel events.
2nd Reading Amend. #6

Yeas: 27
Nays: 68
Excused: 2
N/Voting: 3

VOTING YEA: 27

Bardon	Fry	Messer	Summers
Bauer	Goodin	Oxley	Tincher
Bottorff	Grubb	Pelath	Turner
Brown,C	Kersey	Richardson	Tyler
Cherry	Kromkowski	Robertson	Whetstone
Denbo	Kuzman	Stevenson	Yount
Dobis	McClain	Stilwell	

VOTING NAY: 68

Aguilera	Crawford	Hoy	Porter
Austin	Crooks	Klinker	Reske
Avery	Crouch	Koch	Ripley
Ayres	Davis	Lawson	Ruppel
Behning	Dickinson	Lehe	Saunders
Bell	Dodge	Leonard	Smith, J
Bischoff	Duncan	Lutz	Smith,V
Borders	Dvorak	Mahern	Stutzman
Borrer	Espich	Mays	Thomas
Bright	Foley	Micon	Thompson
Brown,T	Friend	Murphy	Torr
Buck	Frizzell	Neese	Ulmer
Budak	GiaQuinta	Noe	VanHaaften
Buell	Gutwein	Orentlicher	Walorski
Burton	Harris, T	Pflum	Welch
Cheney	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff

EXCUSED FROM VOTING: 2

Heim Moses

NOT VOTING: 3

Day Harris, E Mr. Speaker

Indiana House of Representatives
114th General Assembly
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MEETING DAY 24

03-01-06

Roll Call 308: PASSED

SB 22 Wolkins
Pipeline safety.

Yeas: 91
Nays: 0
Excused: 5
N/Voting: 4

3rd Reading

VOTING YEA: 91

Aguilera	Crouch	Kromkowski	Ruppel
Austin	Davis	Kuzman	Saunders
Avery	Day	Lawson	Smith, J
Ayres	Dobis	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bauer	Duncan	Mahern	Stilwell
Behning	Dvorak	Mays	Stutzman
Bell	Espich	McClain	Summers
Bischoff	Foley	Messer	Thomas
Borders	Friend	Micon	Thompson
Borrer	Fry	Moses	Tincher
Bottorff	GiaQuinta	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pierce	Welch
Cheney	Hinkle	Pond	Whetstone
Cherry	Hoffman	Porter	Wolkins
Cochran	Hoy	Reske	Woodruff
Crawford	Kersey	Richardson	Yount
Crooks	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 4

Brown,C	Dickinson	Robertson	Mr. Speaker
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MEETING DAY 24

03-01-06

Roll Call 309: PASSED

SB 86 Messer
Medication of horses in pari-mutuel
events.
3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Aguilera	Davis	Kuzman	Saunders
Austin	Day	Lawson	Smith, J
Avery	Dickinson	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Bardon	Dodge	Mahern	Stilwell
Bauer	Duncan	Mays	Stutzman
Behning	Dvorak	McClain	Summers
Bell	Espich	Messer	Thomas
Bischoff	Foley	Micon	Thompson
Borders	Friend	Moses	Tincher
Borrer	Fry	Murphy	Torr
Bottorff	GiaQuinta	Neese	Turner
Bright	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pierce	Welch
Burton	Heim	Pond	Whetstone
Cheney	Hinkle	Porter	Wolkins
Cherry	Hoffman	Reske	Woodruff
Cochran	Hoy	Richardson	Yount
Crawford	Kersey	Ripley	
Crooks	Klinker	Robertson	
Crouch	Kromkowski	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 2

Brown,C Mr. Speaker

Indiana House of Representatives
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MEETING DAY 24

03-01-06

Roll Call 310: PASSED

SB 112 Woodruff
Transfer of first steps program.

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

3rd Reading

VOTING YEA: 93

Aguilera	Davis	Lawson	Smith, J
Austin	Day	Lehe	Smith,V
Avery	Dickinson	Leonard	Stevenson
Ayres	Dodge	Mahern	Stilwell
Bardon	Duncan	Mays	Stutzman
Bauer	Dvorak	McClain	Summers
Behning	Espich	Messer	Thomas
Bell	Foley	Micon	Thompson
Bischoff	Friend	Moses	Tincher
Borders	Fry	Murphy	Torr
Borrer	GiaQuinta	Neese	Turner
Bottorff	Goodin	Noe	Tyler
Bright	Grubb	Orentlicher	Ulmer
Brown,T	Gutwein	Oxley	VanHaaften
Buck	Harris, E	Pelath	Walorski
Budak	Harris, T	Pierce	Welch
Buell	Heim	Pond	Whetstone
Burton	Hinkle	Porter	Wolkins
Cheney	Hoffman	Reske	Woodruff
Cherry	Hoy	Richardson	Yount
Cochran	Kersey	Ripley	Mr. Speaker
Crawford	Klinker	Robertson	
Crooks	Kromkowski	Ruppel	
Crouch	Kuzman	Saunders	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 2

Brown,C	Dobis
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Indiana House of Representatives
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MEETING DAY 24

03-01-06

Roll Call 311: PASSED

SB 132 Budak
Correction of 2005 child services
legislation.
3rd Reading

Yeas: 92
Nays: 0
Excused: 5
N/Voting: 3

VOTING YEA: 92

Aguilera	Crouch	Kromkowski	Robertson
Austin	Davis	Kuzman	Ruppel
Avery	Day	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Mahern	Stevenson
Behning	Duncan	Mays	Stilwell
Bell	Dvorak	McClain	Stutzman
Bischoff	Espich	Messer	Summers
Borders	Foley	Micon	Thomas
Borrer	Friend	Moses	Thompson
Bottorff	Fry	Murphy	Tincher
Bright	GiaQuinta	Neese	Torr
Brown,T	Goodin	Noe	Turner
Buck	Grubb	Orentlicher	Tyler
Budak	Gutwein	Oxley	Ulmer
Buell	Harris, T	Pelath	VanHaaften
Burton	Heim	Pierce	Walorski
Cheney	Hinkle	Pond	Welch
Cherry	Hoffman	Porter	Whetstone
Cochran	Hoy	Reske	Wolkins
Crawford	Kersey	Richardson	Woodruff
Crooks	Klinker	Ripley	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 3

Brown,C	Harris, E	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 24

03-01-06

Roll Call 312: PASSED

SB 146 Wolkins
Property transfer disclosure form.

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

3rd Reading

VOTING YEA: 93

Aguilera	Davis	Kuzman	Saunders
Austin	Day	Lawson	Smith, J
Avery	Dickinson	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Bardon	Dodge	Mahern	Stilwell
Bauer	Duncan	Mays	Stutzman
Behning	Dvorak	McClain	Summers
Bell	Espich	Messer	Thomas
Bischoff	Foley	Micon	Thompson
Borders	Friend	Moses	Tincher
Borrer	Fry	Murphy	Torr
Bottorff	GiaQuinta	Neese	Turner
Bright	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pierce	Welch
Burton	Heim	Pond	Whetstone
Cheney	Hinkle	Porter	Wolkins
Cherry	Hoffman	Reske	Woodruff
Cochran	Hoy	Richardson	Yount
Crawford	Kersey	Ripley	
Crooks	Klinker	Robertson	
Crouch	Kromkowski	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 2

Brown,C Mr. Speaker

Indiana House of Representatives
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MEETING DAY 24

03-01-06

Roll Call 313: PASSED

SB 147 Ripley
Insurance payments to health care
providers.
3rd Reading

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

VOTING YEA: 93

Aguilera	Davis	Kuzman	Saunders
Austin	Day	Lawson	Smith, J
Avery	Dickinson	Lehe	Smith,V
Ayres	Dobis	Leonard	Stevenson
Bardon	Dodge	Mahern	Stilwell
Bauer	Duncan	Mays	Stutzman
Behning	Dvorak	McClain	Summers
Bell	Espich	Messer	Thomas
Bischoff	Foley	Micon	Thompson
Borders	Friend	Moses	Tincher
Borrer	Fry	Murphy	Torr
Bottorff	GiaQuinta	Neese	Turner
Bright	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pierce	Welch
Burton	Heim	Pond	Whetstone
Cheney	Hinkle	Porter	Wolkins
Cherry	Hoffman	Reske	Woodruff
Cochran	Hoy	Richardson	Yount
Crawford	Kersey	Ripley	
Crooks	Klinker	Robertson	
Crouch	Kromkowski	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 2

Brown,C Mr. Speaker

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Roll Call 314: PASSED

SB 148 Heim
Use of CAGIT revenue by certain
counties.
3rd Reading

Yeas: 56
Nays: 37
Excused: 5
N/Voting: 2

VOTING YEA: 56

Aguilera	Dodge	Messer	Smith,V
Ayres	Duncan	Murphy	Stevenson
Behning	Espich	Neese	Stutzman
Bell	Foley	Noe	Summers
Borrer	Friend	Orentlicher	Thomas
Brown,T	Gutwein	Oxley	Thompson
Buck	Heim	Pierce	Torr
Budak	Hinkle	Pond	Turner
Buell	Hoffman	Porter	Ulmer
Burton	Klinker	Reske	Walorski
Cherry	Lehe	Richardson	Welch
Crawford	Leonard	Ripley	Whetstone
Day	Mays	Ruppel	Wolkins
Dickinson	McClain	Saunders	Yount

VOTING NAY: 37

Austin	Crooks	Harris, T	Robertson
Avery	Crouch	Hoy	Smith, J
Bardon	Davis	Kersey	Stilwell
Bauer	Dobis	Kromkowski	Tincher
Bischoff	Dvorak	Kuzman	Tyler
Borders	Fry	Lawson	VanHaaften
Bottorff	GiaQuinta	Mahern	Woodruff
Bright	Goodin	Micon	
Cheney	Grubb	Moses	
Cochran	Harris, E	Pelath	

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 2

Brown,C Mr. Speaker

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03-01-06

Roll Call 315: PASSED

SB 151 Turner
Child care regulation.

3rd Reading

Yeas: 92
Nays: 1
Excused: 5
N/Voting: 2

VOTING YEA: 92

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Mahern	Stevenson
Bell	Dvorak	Mays	Stilwell
Bischoff	Espich	McClain	Stutzman
Borders	Foley	Messer	Summers
Borrer	Friend	Micon	Thomas
Bottorff	Fry	Moses	Thompson
Bright	GiaQuinta	Murphy	Tincher
Brown,T	Goodin	Neese	Torr
Buck	Grubb	Noe	Turner
Budak	Gutwein	Orentlicher	Tyler
Buell	Harris, E	Oxley	Ulmer
Burton	Harris, T	Pelath	VanHaaften
Cheney	Heim	Pierce	Walorski
Cherry	Hinkle	Pond	Welch
Cochran	Hoffman	Porter	Whetstone
Crawford	Hoy	Reske	Wolkins
Crooks	Kersey	Richardson	Woodruff
Crouch	Klinker	Ripley	Yount

VOTING NAY: 1

Avery

EXCUSED FROM VOTING: 5

Denbo	Koch	Pflum
Frizzell	Lutz	

NOT VOTING: 2

Brown,C Mr. Speaker

Indiana House of Representatives
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Roll Call 316: PASSED

SB 154 Heim
Extra heavy duty highway.

Yeas: 63
Nays: 31
Excused: 3
N/Voting: 3

3rd Reading

VOTING YEA: 63

Austin	Dodge	Leonard	Smith, J
Ayres	Duncan	Lutz	Stutzman
Behning	Dvorak	Mahern	Thomas
Bell	Espich	McClain	Thompson
Borders	Foley	Messer	Tincher
Borrer	Friend	Micon	Torr
Bright	GiaQuinta	Murphy	Turner
Brown,T	Gutwein	Neese	Tyler
Buck	Harris, T	Noe	Ulmer
Budak	Heim	Pond	Walorski
Buell	Hinkle	Reske	Welch
Burton	Hoffman	Richardson	Whetstone
Cheney	Hoy	Ripley	Wolkins
Cherry	Klinker	Robertson	Woodruff
Crouch	Koch	Ruppel	Yount
Davis	Lehe	Saunders	

VOTING NAY: 31

Aguilera	Crooks	Kersey	Pierce
Avery	Day	Kromkowski	Porter
Bardon	Dickinson	Lawson	Smith,V
Bauer	Dobis	Mays	Stevenson
Bischoff	Fry	Moses	Stilwell
Bottorff	Goodin	Orentlicher	Summers
Cochran	Grubb	Oxley	VanHaaften
Crawford	Harris, E	Pelath	

EXCUSED FROM VOTING: 3

Denbo	Frizzell	Pflum
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NOT VOTING: 3

Brown,C	Kuzman	Mr. Speaker
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Roll Call 317: PASSED

SB 157 Hoffman
Natural resources advisory councils.

Yeas: 92
Nays: 0
Excused: 3
N/Voting: 5

3rd Reading

VOTING YEA: 92

Aguilera	Crouch	Klinker	Richardson
Austin	Davis	Koch	Ripley
Avery	Day	Kromkowski	Robertson
Ayres	Dickinson	Kuzman	Ruppel
Bardon	Dobis	Lawson	Saunders
Bauer	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Smith,V
Bell	Dvorak	Lutz	Stevenson
Bischoff	Espich	Mahern	Stilwell
Borders	Foley	McClain	Stutzman
Borrer	Friend	Messer	Summers
Bottorff	Fry	Micon	Thomas
Bright	GiaQuinta	Moses	Thompson
Brown,T	Goodin	Murphy	Tincher
Buck	Grubb	Neese	Torr
Budak	Gutwein	Noe	Turner
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Denbo Frizzell Pflum

NOT VOTING: 5

Brown,C Tyler Mr. Speaker
Mays VanHaaften

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Roll Call 318: PASSED

SB 160 Ulmer
Witnesses at an execution.

Yeas: 82
Nays: 12
Excused: 3
N/Voting: 3

3rd Reading

VOTING YEA: 82

Aguilera	Day	Lawson	Smith, J
Austin	Dobis	Lehe	Smith,V
Ayres	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Moses	Tincher
Bottorff	Fry	Murphy	Turner
Bright	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Grubb	Orentlicher	VanHaaften
Budak	Gutwein	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pond	Whetstone
Cheney	Hinkle	Reske	Wolkins
Cherry	Hoffman	Richardson	Woodruff
Cochran	Hoy	Ripley	Yount
Crooks	Kersey	Robertson	Mr. Speaker
Crouch	Koch	Ruppel	
Davis	Kromkowski	Saunders	

VOTING NAY: 12

Avery	Dickinson	Kuzman	Pierce
Bardon	Harris, E	Mays	Summers
Bauer	Klinker	Micon	Torr

EXCUSED FROM VOTING: 3

Denbo	Frizzell	Pflum
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NOT VOTING: 3

Brown,C	Crawford	Porter
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MEETING DAY 24

03-01-06

Roll Call 319: PASSED

SB 161 T. Brown
Moratorium on comprehensive care
beds.
3rd Reading

Yeas: 88
Nays: 0
Excused: 1
N/Voting: 11

VOTING YEA: 88

Aguilera	Day	Kromkowski	Richardson
Austin	Denbo	Kuzman	Ripley
Avery	Dickinson	Lawson	Robertson
Ayres	Dodge	Lehe	Ruppel
Behning	Duncan	Leonard	Saunders
Bell	Dvorak	Lutz	Smith, J
Bischoff	Espich	Mahern	Smith,V
Borders	Foley	Mays	Stilwell
Borrer	Friend	McClain	Stutzman
Bottorff	Fry	Messer	Thomas
Bright	GiaQuinta	Micon	Thompson
Brown,C	Goodin	Moses	Tincher
Brown,T	Grubb	Murphy	Torr
Buck	Gutwein	Neese	Tyler
Budak	Harris, E	Noe	Ulmer
Buell	Harris, T	Orentlicher	VanHaaften
Burton	Hinkle	Oxley	Walorski
Cheney	Hoffman	Pelath	Welch
Cherry	Hoy	Pflum	Whetstone
Crooks	Kersey	Pierce	Wolkins
Crouch	Klinker	Pond	Woodruff
Davis	Koch	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 11

Bardon	Crawford	Porter	Turner
Bauer	Dobis	Stevenson	Mr. Speaker
Cochran	Heim	Summers	

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Roll Call 320: PASSED

SB 168 Foley
Medicaid fraud and credit services
organizations.
3rd Reading

Yeas: 94
Nays: 0
Excused: 1
N/Voting: 5

VOTING YEA: 94

Aguilera	Davis	Kromkowski	Ripley
Austin	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Ruppel
Ayres	Dickinson	Lehe	Saunders
Bauer	Dobis	Leonard	Smith, J
Behning	Dodge	Lutz	Smith,V
Bell	Duncan	Mahern	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Borders	Espich	McClain	Stutzman
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Hinkle	Pflum	Whetstone
Cherry	Hoffman	Pierce	Wolkins
Cochran	Hoy	Pond	Woodruff
Crawford	Kersey	Porter	Yount
Crooks	Klinker	Reske	
Crouch	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 5

Bardon	Summers	Mr. Speaker
Heim	Turner	

Bardon **Turner** **Mr. Speaker**

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Roll Call 322: PASSED

SB 172 Behning
Teacher shortages.

3rd Reading

Yeas: 95
Nays: 0
Excused: 1
N/Voting: 4

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Smith,V
Bischoff	Dvorak	Mahern	Stevenson
Borders	Espich	Mays	Stilwell
Borrer	Foley	McClain	Stutzman
Bottorff	Friend	Messer	Summers
Bright	Fry	Micon	Thomas
Brown,C	GiaQuinta	Moses	Thompson
Brown,T	Goodin	Murphy	Tincher
Buck	Grubb	Neese	Torr
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 4

Bardon	Bauer	Turner	Mr. Speaker
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03-01-06

Roll Call 323: PASSED

SB 153 Richardson
State central collection unit and
child support.
3rd Reading

Yeas: 91
Nays: 5
Excused: 1
N/Voting: 3

VOTING YEA: 91

Aguilera	Day	Lawson	Robertson
Austin	Denbo	Lehe	Ruppel
Avery	Dobis	Leonard	Saunders
Ayres	Dodge	Lutz	Smith, J
Bardon	Duncan	Mahern	Smith,V
Behning	Espich	Mays	Stevenson
Bell	Foley	McClain	Stilwell
Bischoff	Friend	Messer	Stutzman
Borders	Fry	Micon	Summers
Borrer	GiaQuinta	Moses	Thomas
Bottorff	Goodin	Murphy	Thompson
Bright	Grubb	Neese	Tincher
Brown,C	Gutwein	Noe	Torr
Brown,T	Harris, T	Orentlicher	Tyler
Buck	Heim	Oxley	Ulmer
Budak	Hinkle	Pelath	VanHaaften
Buell	Hoffman	Pflum	Walorski
Burton	Hoy	Pierce	Welch
Cheney	Kersey	Pond	Whetstone
Cherry	Klinker	Porter	Wolkins
Crooks	Koch	Reske	Woodruff
Crouch	Kromkowski	Richardson	Yount
Davis	Kuzman	Ripley	

VOTING NAY: 5

Cochran	Dickinson	Harris, E
Crawford	Dvorak	

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 3

Bauer	Turner	Mr. Speaker
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Indiana House of Representatives
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03-01-06

Roll Call 324: PASSED

SB 173 Behning
Informational student counts.

Yeas: 94
Nays: 1
Excused: 1
N/Voting: 4

3rd Reading

VOTING YEA: 94

Aguilera	Day	Kuzman	Robertson
Austin	Denbo	Lawson	Ruppel
Avery	Dickinson	Lehe	Saunders
Ayres	Dodge	Leonard	Smith, J
Bardon	Duncan	Lutz	Smith,V
Behning	Dvorak	Mahern	Stevenson
Bell	Espich	Mays	Stilwell
Bischoff	Foley	McClain	Stutzman
Borders	Friend	Messer	Summers
Borrer	Fry	Micon	Thomas
Bottorff	GiaQuinta	Moses	Thompson
Bright	Goodin	Murphy	Tincher
Brown,T	Grubb	Neese	Torr
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount
Crouch	Koch	Richardson	
Davis	Kromkowski	Ripley	

VOTING NAY: 1

Brown,C

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 4

Bauer Dobis Turner Mr. Speaker

Indiana House of Representatives
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03-01-06

Roll Call 327: PASSED

SB 193 Foley
Controlled substances.

3rd Reading

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 2

Turner Mr. Speaker

Indiana House of Representatives
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03-01-06

Roll Call 328: PASSED

SB 201 Walorski
Manufactured home installation.

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

3rd Reading

VOTING YEA: 96

Aguilera	Crouch	Koch	Richardson
Austin	Davis	Kromkowski	Ripley
Avery	Day	Kuzman	Robertson
Ayres	Denbo	Lawson	Ruppel
Bardon	Dickinson	Lehe	Saunders
Bauer	Dobis	Leonard	Smith, J
Behning	Dodge	Lutz	Smith,V
Bell	Duncan	Mahern	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Borders	Foley	McClain	Stutzman
Borrer	Friend	Messer	Summers
Bottorff	Fry	Micon	Thomas
Bright	GiaQuinta	Moses	Thompson
Brown,C	Goodin	Murphy	Tincher
Brown,T	Grubb	Neese	Torr
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Espich Frizzell

NOT VOTING: 2

Turner Mr. Speaker

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03-01-06

Roll Call 329: PASSED

SB 202 T. Brown
Pharmacy, cigarette and distributor matters.

Yeas: 95
Nays: 0
Excused: 1
N/Voting: 4

3rd Reading

VOTING YEA: 95

Aguilera	Crouch	Koch	Ripley
Austin	Davis	Kromkowski	Robertson
Avery	Day	Kuzman	Ruppel
Ayres	Denbo	Lawson	Saunders
Bardon	Dickinson	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Fry	Micon	Thompson
Bright	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 4

Dobis	Murphy	Turner	Mr. Speaker
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03-01-06

Roll Call 333: PASSED

SB 229 Turner
Independent college self-insurance
program.
3rd Reading

Yeas: 95
Nays: 1
Excused: 1
N/Voting: 3

VOTING YEA: 95

Aguilera	Davis	Kuzman	Robertson
Austin	Day	Lawson	Ruppel
Avery	Dickinson	Lehe	Saunders
Ayres	Dobis	Leonard	Smith, J
Bardon	Dodge	Lutz	Smith,V
Bauer	Duncan	Mahern	Stevenson
Behning	Dvorak	Mays	Stilwell
Bell	Espich	McClain	Stutzman
Bischoff	Foley	Messer	Summers
Borders	Friend	Micon	Thomas
Borrer	GiaQuinta	Moses	Thompson
Bottorff	Goodin	Murphy	Tincher
Bright	Grubb	Neese	Torr
Brown,C	Gutwein	Noe	Turner
Buck	Harris, E	Orentlicher	Tyler
Budak	Harris, T	Oxley	Ulmer
Buell	Heim	Pelath	VanHaaften
Burton	Hinkle	Pflum	Walorski
Cheney	Hoffman	Pierce	Welch
Cherry	Hoy	Pond	Whetstone
Cochran	Kersey	Porter	Wolkins
Crawford	Klinker	Reske	Woodruff
Crooks	Koch	Richardson	Yount
Crouch	Kromkowski	Ripley	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 3

Brown,T

Denbo

Mr. Speaker

Indiana House of Representatives
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03-01-06

Roll Call 334: PASSED

SB 231 Behning
Academic honors diploma grants.

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 2

Turner Mr. Speaker

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03-01-06

Roll Call 336: PASSED

SB 259 Espich
Stadium funding.

3rd Reading

Yeas: 94
Nays: 3
Excused: 1
N/Voting: 2

VOTING YEA: 94

Aguilera	Crouch	Kuzman	Ruppel
Austin	Davis	Lawson	Saunders
Avery	Day	Lehe	Smith, J
Ayres	Denbo	Leonard	Smith,V
Bardon	Dickinson	Lutz	Stevenson
Bauer	Dobis	Mahern	Stilwell
Behning	Dodge	Mays	Stutzman
Bell	Duncan	McClain	Summers
Bischoff	Espich	Messer	Thomas
Borders	Foley	Micon	Thompson
Borrer	Friend	Moses	Tincher
Bottorff	GiaQuinta	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown,C	Grubb	Noe	Tyler
Brown,T	Gutwein	Orentlicher	Ulmer
Buck	Harris, E	Oxley	VanHaaften
Budak	Harris, T	Pflum	Walorski
Buell	Heim	Pierce	Welch
Burton	Hinkle	Pond	Whetstone
Cheney	Hoy	Porter	Wolkins
Cherry	Kersey	Reske	Woodruff
Cochran	Klinker	Richardson	Yount
Crawford	Koch	Ripley	
Crooks	Kromkowski	Robertson	

VOTING NAY: 3

Dvorak	Fry	Pelath
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EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 2

Hoffman	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 24

03-01-06

Roll Call 337: PASSED

SB 260 Espich
Various property tax issues.

Yeas: 92
Nays: 6
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 92

Aguilera	Davis	Kuzman	Ripley
Austin	Day	Lawson	Robertson
Avery	Denbo	Lehe	Ruppel
Ayres	Dickinson	Leonard	Saunders
Bardon	Dobis	Lutz	Smith, J
Behning	Dodge	Mahern	Smith,V
Bell	Duncan	Mays	Stilwell
Bischoff	Dvorak	McClain	Stutzman
Borders	Espich	Messer	Summers
Borrer	Foley	Micon	Thomas
Bottorff	Friend	Moses	Thompson
Bright	GiaQuinta	Murphy	Tincher
Brown,T	Grubb	Neese	Torr
Buck	Gutwein	Noe	Turner
Budak	Harris, T	Orentlicher	Tyler
Buell	Heim	Oxley	Ulmer
Burton	Hinkle	Pelath	VanHaaften
Cheney	Hoffman	Pflum	Walorski
Cherry	Hoy	Pierce	Welch
Cochran	Kersey	Pond	Whetstone
Crawford	Klinker	Porter	Wolkins
Crooks	Koch	Reske	Woodruff
Crouch	Kromkowski	Richardson	Yount

VOTING NAY: 6

Bauer	Fry	Harris, E
Brown,C	Goodin	Stevenson

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 1

Mr. Speaker

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03-01-06

Roll Call 338: PASSED

SB 264 Duncan
Offsite vehicle sales.

3rd Reading

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 24

03-01-06

Roll Call 339: PASSED

SB 266 T. Brown
Bariatric surgery.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Fry	Moses	Torr
Bright	GiaQuinta	Neese	Turner
Brown,C	Goodin	Noe	Tyler
Brown,T	Grubb	Orentlicher	Ulmer
Buck	Gutwein	Oxley	VanHaaften
Budak	Harris, E	Pelath	Walorski
Buell	Harris, T	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Frizzell Murphy

NOT VOTING: 1

Mr. Speaker

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03-01-06

Roll Call 340: PASSED

SB 275 Foley
Forensic diversion programs.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 1

Mr. Speaker

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03-01-06

Roll Call 341: PASSED

SB 284 T. Brown
Statewide trauma system and food
establishments.
3rd Reading

Yeas: 86
Nays: 9
Excused: 2
N/Voting: 3

VOTING YEA: 86

Austin	Denbo	Lawson	Ruppel
Avery	Dobis	Lehe	Saunders
Ayres	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Thomas
Borror	Friend	Messer	Thompson
Bottorff	GiaQuinta	Micon	Tincher
Bright	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, T	Orentlicher	Ulmer
Buell	Heim	Oxley	VanHaaften
Burton	Hinkle	Pelath	Walorski
Cheney	Hoffman	Pflum	Welch
Cherry	Hoy	Pierce	Whetstone
Cochran	Kersey	Pond	Wolkins
Crooks	Klinker	Reske	Woodruff
Crouch	Koch	Richardson	Yount
Davis	Kromkowski	Ripley	
Day	Kuzman	Robertson	

VOTING NAY: 9

Aguilera	Dickinson	Moses
Brown,C	Fry	Smith,V
Crawford	Harris, E	Summers

EXCUSED FROM VOTING: 2

Frizzell Porter

NOT VOTING: 3

Bardon Bauer Mr. Speaker

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03-01-06

Roll Call 343: PASSED

SB 296 Foley
Punitive damages.

Yeas: 90
Nays: 8
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 90

Aguilera	Davis	Lawson	Ruppel
Austin	Day	Lehe	Saunders
Avery	Denbo	Leonard	Smith, J
Ayres	Dobis	Lutz	Smith,V
Bardon	Dodge	Mahern	Stevenson
Bauer	Duncan	Mays	Stilwell
Behning	Espich	McClain	Stutzman
Bell	Foley	Messer	Thomas
Bischoff	Friend	Micon	Thompson
Borders	GiaQuinta	Moses	Tincher
Borrer	Goodin	Murphy	Torr
Bottorff	Grubb	Neese	Turner
Bright	Gutwein	Noe	Tyler
Brown,T	Harris, T	Orentlicher	Ulmer
Buck	Heim	Oxley	VanHaaften
Budak	Hinkle	Pelath	Walorski
Buell	Hoffman	Pflum	Welch
Burton	Hoy	Pierce	Whetstone
Cheney	Kersey	Pond	Wolkins
Cherry	Klinker	Reske	Woodruff
Cochran	Koch	Richardson	Yount
Crooks	Kromkowski	Ripley	
Crouch	Kuzman	Robertson	

VOTING NAY: 8

Brown,C	Dickinson	Fry	Porter
Crawford	Dvorak	Harris, E	Summers

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 1

Mr. Speaker

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03-01-06

Roll Call 344: PASSED

SB 297 Foley
Penalty for false information given to
the BMV.
3rd Reading

Yeas: 76
Nays: 20
Excused: 1
N/Voting: 3

VOTING YEA: 76

Austin	Denbo	Kuzman	Robertson
Ayres	Dobis	Lawson	Ruppel
Bardon	Dodge	Lehe	Saunders
Bauer	Duncan	Leonard	Smith, J
Behning	Espich	Lutz	Stevenson
Bell	Foley	McClain	Stutzman
Bischoff	Friend	Messer	Summers
Borrer	GiaQuinta	Micon	Thomas
Bottorff	Goodin	Murphy	Thompson
Bright	Grubb	Neese	Tincher
Buck	Gutwein	Noe	Torr
Budak	Harris, T	Orentlicher	Turner
Buell	Heim	Oxley	Tyler
Burton	Hinkle	Pelath	Ulmer
Cheney	Hoffman	Pflum	VanHaaften
Cherry	Kersey	Pond	Walorski
Crouch	Klinker	Reske	Welch
Davis	Koch	Richardson	Whetstone
Day	Kromkowski	Ripley	Yount

VOTING NAY: 20

Aguilera	Cochran	Harris, E	Pierce
Avery	Crawford	Hoy	Porter
Borders	Crooks	Mahern	Smith,V
Brown,C	Dickinson	Mays	Stilwell
Brown,T	Dvorak	Moses	Wolkins

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 3

Fry	Woodruff	Mr. Speaker
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03-01-06

Roll Call 345: PASSED

SB 300 Foley
Victim's compensation fund.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 1

Mr. Speaker

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03-01-06

Roll Call 346: PASSED

SB 303 Duncan
Various motor vehicle matters.

Yeas: 66
Nays: 30
Excused: 2
N/Voting: 2

3rd Reading

VOTING YEA: 66

Austin	Davis	Lawson	Smith, J
Ayres	Day	Lehe	Stutzman
Bardon	Dobis	Leonard	Thomas
Behning	Dodge	Lutz	Thompson
Bell	Duncan	Mahern	Torr
Bischoff	Espich	McClain	Turner
Borders	Foley	Messer	Tyler
Borrer	Friend	Murphy	Ulmer
Brown,T	GiaQuinta	Noe	VanHaaften
Buck	Goodin	Orentlicher	Walorski
Budak	Gutwein	Oxley	Welch
Buell	Harris, T	Pflum	Whetstone
Burton	Heim	Pond	Wolkins
Cheney	Hinkle	Reske	Woodruff
Cherry	Hoffman	Richardson	Yount
Crooks	Klinker	Ripley	
Crouch	Koch	Ruppel	

VOTING NAY: 30

Aguilera	Dickinson	Mays	Saunders
Avery	Dvorak	Micon	Smith,V
Bottorff	Fry	Moses	Stevenson
Bright	Grubb	Neese	Stilwell
Brown,C	Harris, E	Pelath	Summers
Cochran	Hoy	Pierce	Tincher
Crawford	Kersey	Porter	
Denbo	Kromkowski	Robertson	

EXCUSED FROM VOTING: 2

Bauer Frizzell

NOT VOTING: 2

Kuzman Mr. Speaker

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MEETING DAY 24

03-01-06

Roll Call 347: PREVAILED

SB 27 Stutzman
Alcohol and tobacco matters.
Burton amendment
2nd Reading Amend. #3

Yeas: 50
Nays: 44
Excused: 3
N/Voting: 3

VOTING YEA: 50

Bardon	Davis	Kromkowski	Thompson
Borders	Day	Lehe	Tincher
Borrer	Dickinson	Leonard	Torr
Brown,C	Dodge	McClain	Tyler
Brown,T	Espich	Micon	Ulmer
Buck	Friend	Neese	VanHaaften
Budak	Fry	Pelath	Walorski
Buell	Goodin	Pflum	Welch
Burton	Gutwein	Ripley	Wolkins
Cherry	Harris, E	Ruppel	Woodruff
Cochran	Heim	Saunders	Yount
Crawford	Hinkle	Smith, J	
Crouch	Hoy	Smith,V	

VOTING NAY: 44

Aguilera	Denbo	Kuzman	Pond
Austin	Dobis	Lawson	Reske
Avery	Duncan	Lutz	Richardson
Ayres	Dvorak	Mahern	Robertson
Behning	GiaQuinta	Mays	Stevenson
Bell	Grubb	Messer	Stilwell
Bischoff	Harris, T	Moses	Stutzman
Bottorff	Hoffman	Noe	Summers
Bright	Kersey	Orentlicher	Thomas
Cheney	Klinker	Oxley	Turner
Crooks	Koch	Pierce	Whetstone

EXCUSED FROM VOTING: 3

Bauer	Frizzell	Murphy
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NOT VOTING: 3

Foley	Porter	Mr. Speaker
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03-01-06

Roll Call 348: PREVAILED

SB 1 Buck
Marion County government matters.

Yeas: 99
Nays: 0
Excused: 1
N/Voting: 0

2nd Reading Amend. #1

VOTING YEA: 99

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	Mr. Speaker
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: NONE

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03-01-06

Roll Call 349: FAILED

SB 1 Buck
Marion County government matters.

Yeas: 47
Nays: 50
Excused: 1
N/Voting: 2

2nd Reading Amend. #4

VOTING YEA: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	GiaQuinta	Moses	Summers
Brown,C	Goodin	Orentlicher	Tincher
Cheney	Grubb	Oxley	Tyler
Cochran	Harris, E	Pelath	VanHaaften
Crawford	Hoy	Pflum	Welch
Crooks	Kersey	Pierce	

VOTING NAY: 50

Ayres	Davis	Leonard	Stutzman
Behning	Dodge	Lutz	Thomas
Bell	Duncan	McClain	Thompson
Borders	Espich	Messer	Torr
Borrer	Foley	Murphy	Turner
Bright	Friend	Neese	Ulmer
Brown,T	Gutwein	Noe	Walorski
Buck	Harris, T	Pond	Whetstone
Budak	Heim	Richardson	Wolkins
Buell	Hinkle	Ripley	Woodruff
Burton	Hoffman	Ruppel	Yount
Cherry	Koch	Saunders	
Crouch	Lehe	Smith, J	

EXCUSED FROM VOTING: 1

Frizzell

NOT VOTING: 2

Mays Mr. Speaker

Indiana House of Representatives
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MEETING DAY 25

03-02-06

Roll Call 351: PASSED

SJR 2 Richardson
Overseas voters.

Yeas: 98
Nays: 0
Excused: 2
N/Voting: 0

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	GiaQuinta	Murphy	Tyler
Brown,T	Goodin	Neese	Ulmer
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pierce	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Porter	Yount
Crawford	Hoy	Reske	Mr. Speaker
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: NONE

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03-02-06

Roll Call 352: PASSED

SB 382 Crouch
Airport development zone.

3rd Reading

Yeas: 91
Nays: 6
Excused: 2
N/Voting: 1

VOTING YEA: 91

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Dickinson	Kuzman	Ruppel
Ayres	Dobis	Lawson	Saunders
Bardon	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Smith, V
Bell	Dvorak	Lutz	Stevenson
Bischoff	Espich	Mahern	Summers
Borders	Foley	Mays	Thomas
Borrer	Friend	McClain	Thompson
Bottorff	Frizzell	Messer	Tincher
Brown, C	GiaQuinta	Micon	Torr
Brown, T	Goodin	Moses	Turner
Buck	Grubb	Murphy	Tyler
Budak	Gutwein	Neese	Ulmer
Buell	Harris, E	Noe	VanHaaften
Burton	Harris, T	Orentlicher	Walorski
Cheney	Heim	Oxley	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	

VOTING NAY: 6

Bauer	Denbo	Pelath
Bright	Fry	Stilwell

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 353: PASSED

SB 374 T. Brown
Child passenger restraint systems
exception.
3rd Reading

Yeas: 92
Nays: 4
Excused: 2
N/Voting: 2

VOTING YEA: 92

Aguilera	Crooks	Hoffman	Porter
Austin	Crouch	Kersey	Reske
Avery	Davis	Klinker	Richardson
Ayres	Day	Koch	Ripley
Bardon	Denbo	Kromkowski	Robertson
Bauer	Dickinson	Kuzman	Ruppel
Behning	Dobis	Lawson	Smith, J
Bell	Dodge	Lehe	Smith, V
Bischoff	Duncan	Leonard	Stevenson
Borders	Dvorak	Lutz	Stilwell
Borrer	Espich	Mahern	Summers
Bottorff	Foley	Mays	Thomas
Bright	Friend	McClain	Thompson
Brown, C	Frizzell	Messer	Tincher
Brown, T	Fry	Micon	Torr
Buck	GiaQuinta	Moses	Turner
Budak	Goodin	Murphy	Tyler
Buell	Grubb	Neese	Ulmer
Burton	Gutwein	Noe	VanHaaften
Cheney	Harris, E	Oxley	Walorski
Cherry	Harris, T	Pelath	Whetstone
Cochran	Heim	Pierce	Woodruff
Crawford	Hinkle	Pond	Yount

VOTING NAY: 4

Hoy	Orentlicher	Saunders	Wolkins
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EXCUSED FROM VOTING: 2

Pflum	Stutzman
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NOT VOTING: 2

Welch	Mr. Speaker
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03-02-06

Roll Call 354: PASSED

SB 370 Torr
Workforce development system.

Yeas: 51
Nays: 47
Excused: 2
N/Voting: 0

3rd Reading

VOTING YEA: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	

VOTING NAY: 47

Aguilera	Day	Klinker	Porter
Austin	Denbo	Kromkowski	Reske
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pierce	

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: NONE

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03-02-06

Roll Call 355: PASSED

SB 369 Wolkins
Drought planning.

3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	GiaQuinta	Murphy	Tyler
Brown,T	Goodin	Neese	Ulmer
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pierce	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Porter	Yount
Crawford	Hoy	Reske	
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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Roll Call 356: PASSED

SB 362 Turner
Collection of delinquent taxes.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	GiaQuinta	Murphy	Tyler
Brown,T	Goodin	Neese	Ulmer
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pierce	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Porter	Yount
Crawford	Hoy	Reske	
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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Roll Call 357: PASSED

SB 359 Messer
Procurement and state public works.

Yeas: 75
Nays: 20
Excused: 3
N/Voting: 2

3rd Reading

VOTING YEA: 75

Aguilera	Crouch	Koch	Saunders
Avery	Davis	Kuzman	Smith, J
Ayres	Denbo	Lawson	Smith,V
Behning	Dobis	Lehe	Stevenson
Bell	Dodge	Leonard	Thomas
Bischoff	Duncan	Lutz	Thompson
Borders	Espich	Mahern	Tincher
Borrer	Foley	McClain	Torr
Bottorff	Friend	Messer	Turner
Bright	Frizzell	Murphy	Tyler
Brown,C	Goodin	Neese	Ulmer
Brown,T	Grubb	Noe	VanHaaften
Buck	Gutwein	Oxley	Walorski
Budak	Harris, E	Pelath	Welch
Buell	Harris, T	Pond	Whetstone
Burton	Heim	Richardson	Wolkins
Cheney	Hoffman	Ripley	Woodruff
Cherry	Kersey	Robertson	Yount
Crooks	Klinker	Ruppel	

VOTING NAY: 20

Austin	Day	Hoy	Orentlicher
Bardon	Dickinson	Kromkowski	Pierce
Bauer	Dvorak	Mays	Porter
Cochran	Fry	Micon	Stilwell
Crawford	GiaQuinta	Moses	Summers

EXCUSED FROM VOTING: 3

Pflum	Reske	Stutzman
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NOT VOTING: 2

Hinkle	Mr. Speaker
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03-02-06

Roll Call 358: PASSED

SB 355 Ayres
Property taxes.

3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	GiaQuinta	Murphy	Tyler
Brown,T	Goodin	Neese	Ulmer
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pierce	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Porter	Yount
Crawford	Hoy	Reske	
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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Roll Call 359: PASSED

SB 353 Gutwein
Alternative fuel use and production.

Yeas: 88
Nays: 8
Excused: 2
N/Voting: 2

3rd Reading

VOTING YEA: 88

Aguilera	Davis	Klinker	Robertson
Austin	Day	Koch	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dobis	Lawson	Smith, J
Bardon	Dodge	Lehe	Smith,V
Behning	Duncan	Leonard	Stevenson
Bell	Dvorak	Lutz	Stilwell
Bischoff	Espich	Mahern	Summers
Borders	Foley	Mays	Thomas
Borrer	Friend	McClain	Thompson
Bottorff	Frizzell	Messer	Tincher
Bright	Fry	Micon	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pierce	Walorski
Cheney	Heim	Pond	Welch
Cherry	Hinkle	Porter	Whetstone
Cochran	Hoffman	Reske	Wolkins
Crooks	Hoy	Richardson	Woodruff
Crouch	Kersey	Ripley	Yount

VOTING NAY: 8

Bauer	Crawford	GiaQuinta	Moses
Brown,C	Dickinson	Kromkowski	Pelath

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 2

Murphy Mr. Speaker

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03-02-06

Roll Call 360: PASSED

SB 349 Burton
Insurance.

3rd Reading

Yeas: 96
Nays: 0
Excused: 3
N/Voting: 1

VOTING YEA: 96

Aguilera	Crouch	Klinker	Richardson
Austin	Davis	Koch	Ripley
Avery	Day	Kromkowski	Robertson
Ayres	Denbo	Kuzman	Ruppel
Bardon	Dickinson	Lawson	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Summers
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	GiaQuinta	Murphy	Turner
Buck	Goodin	Neese	Tyler
Budak	Grubb	Noe	Ulmer
Buell	Gutwein	Orentlicher	VanHaaften
Burton	Harris, E	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Harris, T Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 361: PASSED

SB 345 Espich
Taxation and government finance.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	GiaQuinta	Murphy	Tyler
Brown,T	Goodin	Neese	Ulmer
Buck	Grubb	Noe	VanHaaften
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pierce	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Porter	Yount
Crawford	Hoy	Reske	
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 362: PASSED

SB 342 Messer
Electronic prescription
tracking program.
3rd Reading

Yeas: 96
Nays: 1
Excused: 2
N/Voting: 1

VOTING YEA: 96

Aguilera	Crouch	Klinker	Richardson
Austin	Davis	Koch	Ripley
Avery	Day	Kromkowski	Robertson
Ayres	Denbo	Kuzman	Ruppel
Bardon	Dickinson	Lawson	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Espich	Mahern	Stilwell
Borders	Foley	Mays	Summers
Borrer	Friend	McClain	Thomas
Bottorff	Frizzell	Messer	Thompson
Bright	Fry	Micon	Tincher
Brown,C	GiaQuinta	Moses	Torr
Brown,T	Goodin	Murphy	Turner
Buck	Grubb	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, E	Orentlicher	VanHaaften
Burton	Harris, T	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: 1

Dvorak

EXCUSED FROM VOTING: 2

Pflum Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 365: PASSED

SB 338 Frizzell
False identification and criminal gang
enhancement.
3rd Reading

Yeas: 94
Nays: 2
Excused: 2
N/Voting: 2

VOTING YEA: 94

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dobis	Lawson	Saunders
Ayres	Dodge	Lehe	Smith, J
Bardon	Duncan	Leonard	Smith,V
Behning	Dvorak	Lutz	Stevenson
Bell	Espich	Mahern	Stilwell
Bischoff	Foley	Mays	Summers
Borders	Friend	McClain	Thomas
Borrer	Frizzell	Messer	Thompson
Bottorff	Fry	Micon	Tincher
Bright	GiaQuinta	Moses	Torr
Brown,C	Goodin	Murphy	Turner
Brown,T	Grubb	Neese	Tyler
Buck	Gutwein	Noe	Ulmer
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Oxley	Walorski
Burton	Heim	Pelath	Welch
Cheney	Hinkle	Pflum	Whetstone
Cherry	Hoffman	Pierce	Wolkins
Cochran	Hoy	Pond	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: 2

Crawford Dickinson

EXCUSED FROM VOTING: 2

Bauer Stutzman

NOT VOTING: 2

Porter Mr. Speaker

Indiana House of Representatives
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MEETING DAY 25

03-02-06

Roll Call 366: PASSED

SB 333 T. Harris
Professional licensing and health.

Yeas: 92
Nays: 2
Excused: 4
N/Voting: 2

3rd Reading

VOTING YEA: 92

Aguilera	Day	Koch	Richardson
Austin	Denbo	Kromkowski	Ripley
Ayres	Dickinson	Kuzman	Robertson
Behning	Dobis	Lawson	Ruppel
Bell	Dodge	Lehe	Saunders
Bischoff	Duncan	Leonard	Smith, J
Borders	Dvorak	Lutz	Smith,V
Borrer	Espich	Mahern	Stevenson
Bottorff	Foley	Mays	Stilwell
Bright	Friend	McClain	Summers
Brown,C	Frizzell	Messer	Thomas
Brown,T	GiaQuinta	Moses	Thompson
Buck	Goodin	Murphy	Tincher
Budak	Grubb	Neese	Torr
Buell	Gutwein	Noe	Tyler
Burton	Harris, E	Orentlicher	Ulmer
Cheney	Harris, T	Oxley	VanHaaften
Cherry	Heim	Pelath	Walorski
Cochran	Hinkle	Pflum	Welch
Crawford	Hoffman	Pierce	Whetstone
Crooks	Hoy	Pond	Wolkins
Crouch	Kersey	Porter	Woodruff
Davis	Klinker	Reske	Yount

VOTING NAY: 2

Avery Fry

EXCUSED FROM VOTING: 4

Bardon Bauer Micon Stutzman

NOT VOTING: 2

Turner Mr. Speaker

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Roll Call 367: PASSED

SB 321 Torr
Unemployment insurance.

Yeas: 60
Nays: 37
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 60

Ayres	Davis	Klinker	Ruppel
Behning	Denbo	Koch	Saunders
Bell	Dodge	Lehe	Smith, J
Bischoff	Duncan	Leonard	Thomas
Borders	Espich	Lutz	Thompson
Borrer	Foley	McClain	Tincher
Bright	Friend	Messer	Torr
Brown,T	Frizzell	Moses	Turner
Buck	GiaQuinta	Murphy	Ulmer
Budak	Goodin	Neese	Walorski
Buell	Gutwein	Noe	Welch
Burton	Harris, T	Pflum	Whetstone
Cherry	Heim	Pond	Wolkins
Crooks	Hinkle	Richardson	Woodruff
Crouch	Hoffman	Ripley	Yount

VOTING NAY: 37

Aguilera	Dickinson	Lawson	Robertson
Austin	Dobis	Mahern	Smith,V
Avery	Dvorak	Mays	Stevenson
Bardon	Fry	Micon	Stilwell
Bottorff	Grubb	Orentlicher	Summers
Brown,C	Harris, E	Oxley	Tyler
Cheney	Hoy	Pelath	VanHaaften
Cochran	Kersey	Pierce	
Crawford	Kromkowski	Porter	
Day	Kuzman	Reske	

EXCUSED FROM VOTING: 2

Bauer Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 368: PASSED

SB 308 T. Brown
Medicaid income spend down.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

3rd Reading

VOTING YEA: 97

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bauer Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 369: PASSED

SB 305 Hinkle
School and transportation
matters.
3rd Reading

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Bauer Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 370: PASSED

SB 145 Duncan
Vehicle forfeiture and driving while
intoxicated.
3rd Reading

Yeas: 92
Nays: 3
Excused: 2
N/Voting: 3

VOTING YEA: 92

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Ayres	Denbo	Kuzman	Ruppel
Bardon	Dobis	Lehe	Saunders
Behning	Dodge	Leonard	Smith, J
Bell	Duncan	Lutz	Smith,V
Bischoff	Dvorak	Mahern	Stevenson
Borders	Espich	Mays	Stilwell
Borrer	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Murphy	Tincher
Brown,T	GiaQuinta	Neese	Torr
Buck	Goodin	Noe	Turner
Budak	Grubb	Orentlicher	Tyler
Buell	Gutwein	Oxley	Ulmer
Burton	Harris, T	Pelath	VanHaaften
Cheney	Heim	Pflum	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Whetstone
Crawford	Hoy	Porter	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount

VOTING NAY: 3

Avery	Dickinson	Harris, E
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EXCUSED FROM VOTING: 2

Bauer	Stutzman
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NOT VOTING: 3

Lawson	Moses	Mr. Speaker
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Roll Call 371: PASSED

SB 139 Bell
Department of child services matters.

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

3rd Reading

VOTING YEA: 98

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 372: PASSED

SB 133 Dodge
Permits for oversized tractor-
semitrailers.
3rd Reading

Yeas: 92
Nays: 6
Excused: 1
N/Voting: 1

VOTING YEA: 92

Aguilera	Crouch	Kersey	Reske
Austin	Davis	Klinker	Richardson
Ayres	Denbo	Koch	Ripley
Bardon	Dickinson	Kromkowski	Robertson
Bauer	Dobis	Kuzman	Ruppel
Behning	Dodge	Lawson	Saunders
Bell	Duncan	Lehe	Smith, J
Bischoff	Dvorak	Leonard	Smith, V
Borders	Espich	Lutz	Stevenson
Borrer	Foley	Mahern	Summers
Bottorff	Friend	Mays	Thomas
Bright	Frizzell	McClain	Thompson
Brown, C	Fry	Messer	Torr
Brown, T	GiaQuinta	Micon	Turner
Buck	Goodin	Moses	Tyler
Budak	Grubb	Murphy	Ulmer
Buell	Gutwein	Neese	VanHaaften
Burton	Harris, E	Noe	Walorski
Cheney	Harris, T	Oxley	Welch
Cherry	Heim	Pflum	Whetstone
Cochran	Hinkle	Pierce	Wolkins
Crawford	Hoffman	Pond	Woodruff
Crooks	Hoy	Porter	Yount

VOTING NAY: 6

Avery	Orentlicher	Stilwell
Day	Pelath	Tincher

EXCUSED FROM VOTING: 1

Stutzman

NOT VOTING: 1

Mr. Speaker

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03-02-06

Roll Call 373: PASSED

SB 117 T. Brown
Various employment matters.

Yeas: 51
Nays: 47
Excused: 2
N/Voting: 0

3rd Reading

VOTING YEA: 51

Ayres	Davis	Koch	Smith, J
Behning	Denbo	Lehe	Thomas
Bell	Dodge	Leonard	Thompson
Borders	Duncan	Lutz	Torr
Borrer	Espich	McClain	Turner
Bright	Foley	Messer	Ulmer
Brown,T	Friend	Neese	Walorski
Buck	Frizzell	Noe	Whetstone
Budak	Gutwein	Pond	Wolkins
Buell	Harris, T	Richardson	Woodruff
Burton	Heim	Ripley	Yount
Cherry	Hinkle	Ruppel	Mr. Speaker
Crouch	Hoffman	Saunders	

VOTING NAY: 47

Aguilera	Day	Kromkowski	Porter
Austin	Dickinson	Kuzman	Reske
Avery	Dobis	Lawson	Robertson
Bardon	Dvorak	Mahern	Smith,V
Bauer	Fry	Mays	Stevenson
Bischoff	GiaQuinta	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 2

Murphy Stutzman

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 25

03-02-06

Roll Call 374: PASSED

SB 87 Gutwein
Energy, agriculture, and rural
development rules.
3rd Reading

Yeas: 67
Nays: 31
Excused: 1
N/Voting: 1

VOTING YEA: 67

Aguilera	Crooks	Kersey	Ripley
Austin	Crouch	Klinker	Robertson
Ayres	Davis	Koch	Ruppel
Bardon	Denbo	Kuzman	Smith, J
Bell	Dobis	Lehe	Smith,V
Borders	Dodge	Leonard	Summers
Borrer	Foley	Lutz	Thomas
Bottorff	Friend	McClain	Thompson
Bright	Frizzell	Messer	Torr
Brown,T	Fry	Micon	Turner
Buck	GiaQuinta	Moses	Ulmer
Budak	Goodin	Murphy	Walorski
Buell	Grubb	Noe	Welch
Burton	Gutwein	Pelath	Whetstone
Cherry	Harris, T	Pond	Wolkins
Cochran	Hinkle	Porter	Woodruff
Crawford	Hoffman	Reske	

VOTING NAY: 31

Avery	Duncan	Mahern	Saunders
Bauer	Dvorak	Mays	Stevenson
Behning	Espich	Neese	Stilwell
Bischoff	Harris, E	Orentlicher	Tincher
Brown,C	Heim	Oxley	Tyler
Cheney	Hoy	Pflum	VanHaaften
Day	Kromkowski	Pierce	Yount
Dickinson	Lawson	Richardson	

EXCUSED FROM VOTING: 1

Stutzman

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 25

03-02-06

Roll Call 375: PASSED

SB 35 Wolkins
Zoning ordinance changes.

3rd Reading

Yeas: 95
Nays: 3
Excused: 1
N/Voting: 1

VOTING YEA: 95

Aguilera	Crouch	Kersey	Richardson
Austin	Davis	Klinker	Ripley
Avery	Day	Koch	Robertson
Ayres	Denbo	Kromkowski	Ruppel
Bardon	Dickinson	Kuzman	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stilwell
Borders	Espich	Mays	Summers
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	GiaQuinta	Murphy	Turner
Buck	Goodin	Neese	Tyler
Budak	Grubb	Noe	Ulmer
Buell	Gutwein	Orentlicher	VanHaaften
Burton	Harris, E	Oxley	Walorski
Cheney	Harris, T	Pelath	Welch
Cherry	Heim	Pflum	Wolkins
Cochran	Hinkle	Pond	Woodruff
Crawford	Hoffman	Porter	Yount
Crooks	Hoy	Reske	

VOTING NAY: 3

Lawson	Pierce	Whetstone
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EXCUSED FROM VOTING: 1

Stutzman

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 25

03-02-06

Roll Call 376: PASSED

SB 1 Buck
Marion County government matters.

Yeas: 51
Nays: 48
Excused: 1
N/Voting: 0

3rd Reading

VOTING YEA: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	

VOTING NAY: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Reske
Bardon	Dobis	Lawson	Robertson
Bauer	Dvorak	Mahern	Smith,V
Bischoff	Fry	Mays	Stevenson
Bottorff	GiaQuinta	Micon	Stilwell
Brown,C	Goodin	Moses	Summers
Cheney	Grubb	Orentlicher	Tincher
Cochran	Harris, E	Oxley	Tyler
Crawford	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch

EXCUSED FROM VOTING: 1

Stutzman

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 378: PREVAILED

HB 1017 Welch
Property appraisers.

Concur

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	Goodin	Neese	Tyler
Brown,T	Grubb	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Cochran	Hoy	Porter	Yount
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

GiaQuinta Stutzman

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 379: PREVAILED

HB 1022 Ruppel
State fair commission.

Concur

Yeas: 91
Nays: 6
Excused: 2
N/Voting: 1

VOTING YEA: 91

Aguilera	Crouch	Klinker	Richardson
Austin	Davis	Koch	Ripley
Avery	Day	Kuzman	Robertson
Ayres	Denbo	Lawson	Ruppel
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Summers
Bischoff	Espich	Mays	Thomas
Borders	Foley	McClain	Thompson
Borrer	Friend	Messer	Tincher
Bottorff	Frizzell	Micon	Torr
Bright	Fry	Moses	Turner
Brown,C	Goodin	Murphy	Tyler
Brown,T	Grubb	Neese	Ulmer
Buck	Gutwein	Noe	VanHaaften
Budak	Harris, E	Orentlicher	Walorski
Buell	Harris, T	Oxley	Welch
Burton	Heim	Pflum	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Porter	Yount
Crooks	Kersey	Reske	

VOTING NAY: 6

Cherry	Kromkowski	Saunders
Dickinson	Pelath	Stevenson

EXCUSED FROM VOTING: 2

GiaQuinta Stutzman

NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 380: PREVAILED

HB 1028 Koch
Firearms and self-defense.

Concur

Yeas: 81
Nays: 10
Excused: 4
N/Voting: 5

VOTING YEA: 81

Aguilera	Denbo	Lawson	Ruppel
Austin	Dobis	Lehe	Saunders
Avery	Dodge	Leonard	Smith, J
Ayres	Duncan	Lutz	Stevenson
Bardon	Dvorak	Mahern	Stilwell
Behning	Espich	Mays	Thomas
Bell	Foley	McClain	Thompson
Bischoff	Friend	Messer	Tincher
Borders	Frizzell	Micon	Torr
Bottorff	Fry	Moses	Tyler
Bright	Goodin	Murphy	Ulmer
Brown, T	Grubb	Noe	VanHaaften
Buck	Gutwein	Oxley	Walorski
Budak	Harris, T	Pelath	Welch
Buell	Heim	Pflum	Whetstone
Burton	Hoffman	Pierce	Wolkins
Cherry	Kersey	Pond	Woodruff
Crooks	Klinker	Reske	Yount
Crouch	Koch	Richardson	
Davis	Kromkowski	Ripley	
Day	Kuzman	Robertson	

VOTING NAY: 10

Brown, C	Dickinson	Orentlicher	Summers
Cheney	Harris, E	Porter	
Crawford	Hoy	Smith, V	

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 5

Cochran	Neese	Mr. Speaker
Hinkle	Turner	

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03-06-06

Roll Call 381: PREVAILED

HB 1097 Frizzell
Discount medical card programs.

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

Concur

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 382: PREVAILED

HB 1106 Crouch
Automatic external defibrillators.

Yeas: 94
Nays: 0
Excused: 4
N/Voting: 2

Concur

VOTING YEA: 94

Aguilera	Denbo	Kuzman	Robertson
Austin	Dickinson	Lawson	Ruppel
Avery	Dobis	Lehe	Saunders
Ayres	Dodge	Leonard	Smith, J
Bardon	Duncan	Lutz	Smith,V
Behning	Dvorak	Mahern	Stevenson
Bell	Espich	Mays	Stilwell
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	
Day	Kromkowski	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 2

Cochran	Mr. Speaker
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03-06-06

Roll Call 383: PREVAILED

HB 1112 Foley
Communications of sympathy.

Yeas: 91
Nays: 2
Excused: 4
N/Voting: 3

Concur

VOTING YEA: 91

Aguilera	Day	Koch	Ripley
Austin	Denbo	Kromkowski	Robertson
Avery	Dickinson	Kuzman	Ruppel
Ayres	Dobis	Lawson	Saunders
Bardon	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Smith,V
Bell	Dvorak	Lutz	Stevenson
Bischoff	Espich	Mahern	Stilwell
Borders	Foley	Mays	Summers
Bottorff	Friend	McClain	Thomas
Bright	Frizzell	Micon	Thompson
Brown,T	Fry	Moses	Tincher
Buck	Goodin	Murphy	Torr
Budak	Grubb	Neese	Turner
Buell	Gutwein	Orentlicher	Tyler
Burton	Harris, E	Oxley	Ulmer
Cheney	Harris, T	Pelath	Walorski
Cherry	Heim	Pflum	Welch
Cochran	Hinkle	Pierce	Whetstone
Crawford	Hoffman	Pond	Wolkins
Crooks	Hoy	Porter	Woodruff
Crouch	Kersey	Reske	Yount
Davis	Klinker	Richardson	

VOTING NAY: 2

Messer VanHaaften

EXCUSED FROM VOTING: 4

Bauer Borrer GiaQuinta Stutzman

NOT VOTING: 3

Brown,C Noe Mr. Speaker

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MEETING DAY 26

03-06-06

Roll Call 384: PREVAILED

HB 1113 Foley
Liability connected with consumption of
food, beverages.
Concur

Yeas: 75
Nays: 20
Excused: 4
N/Voting: 1

VOTING YEA: 75

Aguilera	Denbo	Lawson	Saunders
Austin	Dobis	Lehe	Smith, J
Ayres	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Espich	McClain	Stilwell
Bischoff	Foley	Messer	Summers
Borders	Friend	Micon	Thomas
Bottorff	Frizzell	Moses	Thompson
Bright	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, T	Oxley	Ulmer
Buell	Heim	Pflum	Walorski
Burton	Hinkle	Pond	Welch
Cheney	Hoffman	Reske	Whetstone
Cherry	Kersey	Richardson	Wolkins
Crooks	Klinker	Ripley	Woodruff
Crouch	Koch	Robertson	Yount
Davis	Kuzman	Ruppel	

VOTING NAY: 20

Avery	Day	Hoy	Pelath
Bardon	Dickinson	Kromkowski	Pierce
Brown,C	Dvorak	Mahern	Porter
Cochran	Fry	Mays	Tincher
Crawford	Harris, E	Orentlicher	VanHaaften

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 385: PREVAILED

HB 1124 Buck
Rainy day fund loans to political
subdivisions.
Concur

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 386: PREVAILED

HB 1128 Duncan
Ignition interlock devices.

Concur

Yeas: 95
Nays: 1
Excused: 4
N/Voting: 0

VOTING YEA: 95

Aguilera	Day	Kuzman	Robertson
Austin	Denbo	Lawson	Ruppel
Avery	Dickinson	Lehe	Saunders
Ayres	Dobis	Leonard	Smith, J
Bardon	Dodge	Lutz	Smith,V
Behning	Duncan	Mahern	Stevenson
Bell	Dvorak	Mays	Stilwell
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Moses	Tincher
Brown,C	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount
Crouch	Koch	Richardson	Mr. Speaker
Davis	Kromkowski	Ripley	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 387: PREVAILED

HB 1156 Richardson
Various provisions concerning courts.

Yeas: 75
Nays: 20
Excused: 4
N/Voting: 1

Concur

VOTING YEA: 75

Aguilera	Denbo	Leonard	Robertson
Avery	Dickinson	Lutz	Ruppel
Ayres	Dobis	Mahern	Saunders
Bardon	Dodge	Mays	Smith,V
Behning	Duncan	McClain	Stevenson
Bell	Espich	Messer	Stilwell
Brown,C	Foley	Moses	Summers
Brown,T	Friend	Murphy	Thomas
Buck	Frizzell	Neese	Thompson
Budak	Goodin	Noe	Tincher
Buell	Gutwein	Orentlicher	Torr
Burton	Harris, E	Pelath	Turner
Cheney	Hinkle	Pflum	Ulmer
Cherry	Hoffman	Pierce	VanHaaften
Cochran	Klinker	Pond	Welch
Crawford	Koch	Porter	Whetstone
Crooks	Kuzman	Reske	Wolkins
Crouch	Lawson	Richardson	Yount
Day	Lehe	Ripley	

VOTING NAY: 20

Austin	Davis	Heim	Oxley
Bischoff	Dvorak	Hoy	Smith, J
Borders	Fry	Kersey	Tyler
Bottorff	Grubb	Kromkowski	Walorski
Bright	Harris, T	Micon	Woodruff

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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03-06-06

Roll Call 388: PREVAILED

HB 1207 Pond
Home improvement fraud.

Concur

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 389: PREVAILED

HB 1232 Ayres
Curfew.

Concur

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Yount
Crouch	Klinker	Reske	Mr. Speaker
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Woodruff

Indiana House of Representatives
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MEETING DAY 26

03-06-06

Roll Call 390: PREVAILED

HB 1236 Ruppel
Capitol police salary matrix.

Concur

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

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03-06-06

Roll Call 391: PREVAILED

HB 1238 Welch
Emergency management mobile support.

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

Concur

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

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Roll Call 392: PREVAILED

HB 1300 Mahern
Commercial driver's licenses and
permits.
Concur

Yeas: 95
Nays: 0
Excused: 4
N/Voting: 1

VOTING YEA: 95

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

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Roll Call 393: PREVAILED

HB 1395 Buell
Marion County health and hospital
corporation.
Concur

Yeas: 94
Nays: 0
Excused: 5
N/Voting: 1

VOTING YEA: 94

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	Goodin	Murphy	Turner
Buck	Grubb	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, E	Orentlicher	VanHaaften
Burton	Harris, T	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pflum	Whetstone
Cochran	Hoffman	Pierce	Wolkins
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bauer	GiaQuinta	Stutzman
Borrer	Porter	

NOT VOTING: 1

Mr. Speaker

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Roll Call 394: PREVAILED

HB 1397 Whetstone
State ethics standards.

Yeas: 96
Nays: 0
Excused: 4
N/Voting: 0

Concur

VOTING YEA: 96

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: NONE

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Roll Call 395: PREVAILED

HB 1418 Ayres
Kennel licenses.

Concur

Yeas: 79
Nays: 16
Excused: 4
N/Voting: 1

VOTING YEA: 79

Aguilera	Day	Kuzman	Richardson
Austin	Denbo	Lawson	Ripley
Avery	Dickinson	Lehe	Robertson
Ayres	Dobis	Leonard	Ruppel
Bardon	Dodge	Lutz	Saunders
Behning	Duncan	Mays	Smith,V
Bell	Espich	McClain	Stevenson
Bischoff	Foley	Messer	Stilwell
Bottorff	Friend	Moses	Summers
Brown,C	Frizzell	Murphy	Thomas
Buck	Fry	Neese	Tincher
Budak	Goodin	Noe	Torr
Buell	Grubb	Orentlicher	Turner
Burton	Gutwein	Oxley	Ulmer
Cheney	Harris, E	Pelath	VanHaaften
Cherry	Hinkle	Pflum	Walorski
Cochran	Hoffman	Pierce	Welch
Crawford	Kersey	Pond	Whetstone
Crooks	Klinker	Porter	Yount
Crouch	Koch	Reske	

VOTING NAY: 16

Borders	Dvorak	Kromkowski	Thompson
Bright	Harris, T	Mahern	Tyler
Brown,T	Heim	Micon	Wolkins
Davis	Hoy	Smith, J	Woodruff

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: 1

Mr. Speaker

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Roll Call 396: PREVAILED

HB 1347 Messer
Various education matters.

Yeas: 96
Nays: 0
Excused: 4
N/Voting: 0

Concur

VOTING YEA: 96

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: NONE

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Roll Call 397: PREVAILED

HB 1368 Neese
PERF and TRF cost of living adjustments.

Yeas: 79
Nays: 0
Excused: 17
N/Voting: 4

Concur

VOTING YEA: 79

Aguilera	Dickinson	Lehe	Smith, J
Austin	Dobis	Leonard	Smith,V
Avery	Dodge	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bright	Fry	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Oxley	Ulmer
Burton	Harris, T	Pelath	VanHaaften
Cheney	Heim	Pflum	Walorski
Cherry	Hinkle	Pierce	Welch
Crooks	Hoy	Porter	Whetstone
Crouch	Koch	Reske	Wolkins
Davis	Kromkowski	Richardson	Woodruff
Day	Kuzman	Ripley	Yount
Denbo	Lawson	Saunders	

VOTING NAY: NONE

EXCUSED FROM VOTING: 17

Ayres	Cochran	Kersey	Ruppel
Bauer	Crawford	Klinker	Stutzman
Bottorff	Duncan	Moses	
Brown,C	GiaQuinta	Pond	
Buell	Hoffman	Robertson	

NOT VOTING: 4

Bardon	Harris, E	Orentlicher	Mr. Speaker
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Roll Call 398: FAILED

HB 1267 Borrer
Employment certificates for
children.
Concur

Yeas: 50
Nays: 47
Excused: 2
N/Voting: 1

VOTING YEA: 50

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Neese	Walorski
Buck	Gutwein	Noe	Whetstone
Budak	Harris, T	Pond	Wolkins
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	
Crouch	Koch	Saunders	

VOTING NAY: 47

Aguilera	Day	Kromkowski	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Robertson
Bardon	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 2

GiaQuinta Stutzman

NOT VOTING: 1

Mr. Speaker

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Roll Call 396: PREVAILED

HB 1347 Messer
Various education matters.

Yeas: 96
Nays: 0
Excused: 4
N/Voting: 0

Concur

VOTING YEA: 96

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith,V
Bell	Dvorak	Mahern	Stevenson
Bischoff	Espich	Mays	Stilwell
Borders	Foley	McClain	Summers
Bottorff	Friend	Messer	Thomas
Bright	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Borrer	GiaQuinta	Stutzman
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NOT VOTING: NONE

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03-08-06

Roll Call 401: PREVAILED

HB 1024 J. Smith
Criminal confinement.

Concur

Yeas: 83
Nays: 4
Excused: 2
N/Voting: 11

VOTING YEA: 83

Aguilera	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dobis	Lawson	Smith, J
Bardon	Dodge	Lehe	Stevenson
Behning	Duncan	Leonard	Stilwell
Bell	Dvorak	Lutz	Stutzman
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown, T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Buell	Gutwein	Orentlicher	Walorski
Burton	Heim	Oxley	Welch
Cheney	Hinkle	Pflum	Whetstone
Cherry	Hoffman	Pierce	Wolkins
Cochran	Hoy	Pond	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	Mr. Speaker
Davis	Koch	Ripley	

VOTING NAY: 4

Brown, C	Crawford	Dickinson	Harris, E
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EXCUSED FROM VOTING: 2

Budak	Saunders
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NOT VOTING: 11

Austin	Harris, T	Pelath	Summers
Bauer	Mahern	Porter	VanHaaften
GiaQuinta	Mays	Smith, V	

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Roll Call 402: PREVAILED

HB 1089 J. Lutz
Annexation of property zoned
agricultural.
Concur

Yeas: 68
Nays: 15
Excused: 8
N/Voting: 9

VOTING YEA: 68

Aguilera	Denbo	Lehe	Smith, J
Austin	Dodge	Leonard	Stevenson
Ayres	Duncan	Lutz	Stilwell
Borders	Espich	Mays	Stutzman
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Moses	Thompson
Bright	Frizzell	Murphy	Tincher
Brown,T	Fry	Neese	Torr
Buck	Gutwein	Noe	Turner
Buell	Heim	Oxley	Tyler
Burton	Hinkle	Pflum	Ulmer
Cheney	Hoffman	Pierce	Walorski
Cherry	Klinker	Reske	Welch
Cochran	Koch	Richardson	Whetstone
Crawford	Kromkowski	Ripley	Wolkins
Crooks	Kuzman	Robertson	Woodruff
Crouch	Lawson	Ruppel	Yount

VOTING NAY: 15

Avery	Day	Grubb	Micon
Bardon	Dickinson	Harris, E	Orentlicher
Bischoff	Dobis	Hoy	Pond
Brown,C	Dvorak	Kersey	

EXCUSED FROM VOTING: 8

Bauer	Bell	GiaQuinta	Messer
Behning	Budak	Goodin	Saunders

NOT VOTING: 9

Davis	Pelath	Summers
Harris, T	Porter	VanHaaften
Mahern	Smith,V	Mr. Speaker

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Roll Call 403: PREVAILED

HB 1108 T. Brown
Aggressive driving and criminal
recklessness.
Concur

Yeas: 86
Nays: 0
Excused: 7
N/Voting: 7

VOTING YEA: 86

Aguilera	Denbo	Kromkowski	Ruppel
Austin	Dickinson	Kuzman	Smith, J
Avery	Dobis	Lawson	Stevenson
Ayres	Dodge	Lehe	Stilwell
Bardon	Duncan	Leonard	Stutzman
Bischoff	Dvorak	Lutz	Thomas
Borders	Espich	Mays	Thompson
Borrer	Foley	McClain	Tincher
Bottorff	Friend	Micon	Torr
Bright	Frizzell	Moses	Turner
Brown,T	Fry	Murphy	Tyler
Buck	Goodin	Neese	Ulmer
Budak	Grubb	Noe	VanHaaften
Buell	Gutwein	Orentlicher	Walorski
Burton	Harris, E	Oxley	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crooks	Hoy	Reske	Yount
Crouch	Kersey	Richardson	Mr. Speaker
Davis	Klinker	Ripley	
Day	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Bauer	Bell	Harris, T	Saunders
Behning	GiaQuinta	Messer	

NOT VOTING: 7

Brown,C	Mahern	Porter	Summers
Crawford	Pelath	Smith,V	

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Roll Call 404: PREVAILED

HB 1150 Crooks
Use of antique license plates on
motor vehicles.
Concur

Yeas: 87
Nays: 1
Excused: 7
N/Voting: 5

VOTING YEA: 87

Aguilera	Davis	Klinker	Ripley
Austin	Day	Koch	Robertson
Avery	Denbo	Kromkowski	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bischoff	Dodge	Leonard	Stevenson
Borders	Duncan	Lutz	Stilwell
Borrer	Dvorak	Mays	Stutzman
Bottorff	Espich	McClain	Thomas
Bright	Foley	Micon	Thompson
Brown,C	Friend	Moses	Tincher
Brown,T	Frizzell	Murphy	Torr
Buck	Goodin	Neese	Turner
Budak	Grubb	Noe	Tyler
Buell	Gutwein	Orentlicher	Ulmer
Burton	Harris, E	Oxley	Walorski
Cheney	Harris, T	Pelath	Welch
Cherry	Heim	Pflum	Whetstone
Cochran	Hinkle	Pierce	Wolkins
Crawford	Hoffman	Pond	Woodruff
Crooks	Hoy	Reske	Yount
Crouch	Kersey	Richardson	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 7

Bauer	Bell	Mahern	VanHaaften
Behning	GiaQuinta	Messer	

NOT VOTING: 5

Kuzman	Smith,V	Mr. Speaker
Porter	Summers	

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Roll Call 405: PREVAILED

HB 1285 Heim
Alternative fuels.

Concur

Yeas: 87
Nays: 0
Excused: 7
N/Voting: 6

VOTING YEA: 87

Aguilera	Davis	Kersey	Richardson
Austin	Day	Klinker	Ripley
Avery	Denbo	Koch	Robertson
Ayres	Dickinson	Kromkowski	Ruppel
Bardon	Dobis	Lawson	Saunders
Bischoff	Dodge	Lehe	Smith, J
Borders	Duncan	Leonard	Stevenson
Borrer	Dvorak	Lutz	Stilwell
Bottorff	Espich	Mays	Thomas
Bright	Foley	McClain	Thompson
Brown,C	Friend	Micon	Tincher
Brown,T	Frizzell	Moses	Torr
Buck	Fry	Murphy	Turner
Budak	Goodin	Neese	Tyler
Buell	Grubb	Noe	Ulmer
Burton	Gutwein	Orentlicher	Walorski
Cheney	Harris, E	Oxley	Welch
Cherry	Harris, T	Pelath	Whetstone
Cochran	Heim	Pflum	Wolkins
Crawford	Hinkle	Pierce	Woodruff
Crooks	Hoffman	Pond	Yount
Crouch	Hoy	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 7

Bauer	Bell	Mahern	VanHaaften
Behning	GiaQuinta	Messer	

NOT VOTING: 6

Kuzman	Smith,V	Summers
Porter	Stutzman	Mr. Speaker

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Roll Call 406: PREVAILED

HB 1013 Burton
License plates.

Concur

Yeas: 85
Nays: 1
Excused: 7
N/Voting: 7

VOTING YEA: 85

Aguilera	Day	Koch	Ruppel
Austin	Denbo	Kromkowski	Saunders
Avery	Dobis	Kuzman	Smith, J
Ayres	Dodge	Lehe	Stevenson
Bardon	Duncan	Leonard	Stilwell
Bischoff	Dvorak	Lutz	Stutzman
Borders	Espich	Mays	Thomas
Borror	Foley	McClain	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Moses	Torr
Brown,C	Fry	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	Walorski
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cheney	Heim	Pflum	Wolkins
Cherry	Hinkle	Pond	Woodruff
Cochran	Hoffman	Reske	Yount
Crawford	Hoy	Richardson	
Crooks	Kersey	Ripley	
Davis	Klinker	Robertson	

VOTING NAY: 1

Pierce

EXCUSED FROM VOTING: 7

Bauer	Bell	Mahern	VanHaaften
Behning	GiaQuinta	Messer	

NOT VOTING: 7

Crouch	Lawson	Smith,V	Mr. Speaker
Dickinson	Porter	Summers	

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Roll Call 407: PREVAILED

HB 1123 Budak
Sexual assault standards and
certification board.
Concur

Yeas: 94
Nays: 0
Excused: 4
N/Voting: 2

VOTING YEA: 94

Aguilera	Day	Kromkowski	Ruppel
Austin	Denbo	Kuzman	Saunders
Avery	Dickinson	Lawson	Smith, J
Ayres	Dobis	Lehe	Smith,V
Bardon	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stutzman
Bischoff	Dvorak	Mahern	Summers
Borders	Espich	Mays	Thomas
Borrer	Foley	McClain	Thompson
Bottorff	Friend	Micon	Tincher
Bright	Frizzell	Moses	Torr
Brown,C	Fry	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pflum	Whetstone
Cherry	Hinkle	Pierce	Wolkins
Cochran	Hoffman	Pond	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	Mr. Speaker
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Behning	GiaQuinta	Messer
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NOT VOTING: 2

Porter	Stilwell
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Roll Call 408: PREVAILED

HB 1136 Burton
Brokers' liens on commercial real estate.

Yeas: 88
Nays: 5
Excused: 4
N/Voting: 3

Concur

VOTING YEA: 88

Aguilera	Day	Koch	Richardson
Austin	Denbo	Kromkowski	Ripley
Avery	Dobis	Kuzman	Robertson
Ayres	Dodge	Lawson	Ruppel
Bardon	Duncan	Lehe	Saunders
Bell	Dvorak	Leonard	Smith, J
Bischoff	Espich	Lutz	Stevenson
Borders	Foley	Mahern	Stutzman
Borrer	Friend	Mays	Thomas
Bottorff	Frizzell	McClain	Thompson
Bright	Fry	Micon	Tincher
Brown,T	Goodin	Moses	Torr
Buck	Grubb	Murphy	Turner
Budak	Gutwein	Neese	Tyler
Buell	Harris, E	Noe	Ulmer
Burton	Harris, T	Orentlicher	VanHaaften
Cheney	Heim	Oxley	Walorski
Cherry	Hinkle	Pelath	Welch
Cochran	Hoffman	Pflum	Whetstone
Crooks	Hoy	Pierce	Wolkins
Crouch	Kersey	Pond	Woodruff
Davis	Klinker	Reske	Yount

VOTING NAY: 5

Brown,C	Dickinson	Summers
Crawford	Smith,V	

EXCUSED FROM VOTING: 4

Bauer	Behning	GiaQuinta	Messer
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NOT VOTING: 3

Porter	Stilwell	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 27

03-08-06

Roll Call 409: PREVAILED

HB 1158 Richardson
Small claims, civil actions, sheriff's
fees.
Concur

Yeas: 70
Nays: 25
Excused: 4
N/Voting: 1

VOTING YEA: 70

Aguilera	Denbo	Leonard	Ripley
Austin	Dickinson	Lutz	Ruppel
Avery	Dobis	Mahern	Stevenson
Ayres	Dodge	Mays	Stutzman
Bardon	Duncan	McClain	Summers
Bell	Espich	Moses	Thomas
Bischoff	Foley	Murphy	Thompson
Borrer	Friend	Neese	Tincher
Brown,T	Frizzell	Noe	Torr
Buck	Gutwein	Orentlicher	Turner
Budak	Hinkle	Oxley	Ulmer
Buell	Hoffman	Pelath	VanHaaften
Burton	Kersey	Pflum	Welch
Cheney	Klinker	Pierce	Whetstone
Cherry	Kromkowski	Pond	Wolkins
Crooks	Kuzman	Porter	Yount
Crouch	Lawson	Reske	
Day	Lehe	Richardson	

VOTING NAY: 25

Borders	Dvorak	Hoy	Stilwell
Bottorff	Fry	Koch	Tyler
Bright	Goodin	Micon	Walorski
Brown,C	Grubb	Robertson	Woodruff
Cochran	Harris, E	Saunders	
Crawford	Harris, T	Smith, J	
Davis	Heim	Smith,V	

EXCUSED FROM VOTING: 4

Bauer	Behning	GiaQuinta	Messer
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NOT VOTING: 1

Mr. Speaker

Indiana House of Representatives
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03-08-06

Roll Call 410: PREVAILED

HB 1176 Woodruff
Handgun license renewal.

Concur

Yeas: 78
Nays: 19
Excused: 3
N/Voting: 0

VOTING YEA: 78

Aguilera	Dodge	Lehe	Stevenson
Ayres	Duncan	Leonard	Stilwell
Bell	Dvorak	Lutz	Stutzman
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Murphy	Torr
Bright	Fry	Neese	Turner
Brown,T	Goodin	Noe	Tyler
Buck	Grubb	Oxley	Ulmer
Budak	Gutwein	Pelath	VanHaaften
Buell	Harris, T	Pflum	Walorski
Burton	Heim	Pond	Welch
Cherry	Hinkle	Reske	Whetstone
Cochran	Hoffman	Richardson	Wolkins
Crooks	Kersey	Ripley	Woodruff
Crouch	Klinker	Robertson	Yount
Davis	Koch	Ruppel	Mr. Speaker
Denbo	Kromkowski	Saunders	
Dobis	Kuzman	Smith, J	

VOTING NAY: 19

Austin	Crawford	Lawson	Pierce
Avery	Day	Mahern	Porter
Bardon	Dickinson	Mays	Smith,V
Brown,C	Harris, E	Moses	Summers
Cheney	Hoy	Orentlicher	

EXCUSED FROM VOTING: 3

Bauer	Behning	GiaQuinta
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NOT VOTING: NONE

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03-08-06

Roll Call 411: PREVAILED

HB 1212 Dodge
Drainage assessments, sanitation and storm
water districts.
Concur

Yeas: 77
Nays: 19
Excused: 3
N/Voting: 1

VOTING YEA: 77

Austin	Denbo	Leonard	Smith, J
Avery	Dobis	Lutz	Stevenson
Ayres	Dodge	Mahern	Stutzman
Bell	Duncan	McClain	Thomas
Bischoff	Espich	Messer	Thompson
Borders	Foley	Micon	Tincher
Borrer	Friend	Moses	Torr
Bottorff	Frizzell	Murphy	Turner
Bright	Grubb	Neese	Tyler
Brown,T	Gutwein	Noe	Ulmer
Buck	Harris, T	Orentlicher	VanHaaften
Budak	Heim	Pflum	Walorski
Buell	Hinkle	Pierce	Welch
Burton	Hoffman	Pond	Whetstone
Cheney	Kersey	Reske	Wolkins
Cherry	Klinker	Richardson	Woodruff
Cochran	Koch	Ripley	Yount
Crouch	Kuzman	Robertson	
Davis	Lawson	Ruppel	
Day	Lehe	Saunders	

VOTING NAY: 19

Aguilera	Dickinson	Hoy	Porter
Bardon	Dvorak	Kromkowski	Smith,V
Brown,C	Fry	Mays	Stilwell
Crawford	Goodin	Oxley	Summers
Crooks	Harris, E	Pelath	

EXCUSED FROM VOTING: 3

Bauer	Behning	GiaQuinta
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NOT VOTING: 1

Mr. Speaker

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MEETING DAY 27

03-08-06

Roll Call 412: PREVAILED

HB 1239 Ripley
Preexisting conditions.

Concur

Yeas: 92
Nays: 0
Excused: 4
N/Voting: 4

VOTING YEA: 92

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bell	Dodge	Leonard	Smith,V
Bischoff	Duncan	Lutz	Stevenson
Borders	Dvorak	Mahern	Stilwell
Borrer	Espich	Mays	Stutzman
Bottorff	Foley	McClain	Thomas
Bright	Friend	Messer	Thompson
Brown,C	Frizzell	Micon	Tincher
Brown,T	Fry	Moses	Torr
Buck	Goodin	Neese	Turner
Budak	Grubb	Noe	Tyler
Buell	Gutwein	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Porter	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 4

Bauer	Behning	GiaQuinta	Murphy
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NOT VOTING: 4

Harris, E	Pond	Summers	Mr. Speaker
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MEETING DAY 27

03-08-06

Roll Call 413: PREVAILED

HB 1257 Bell
Postsecondary proprietary education.

Concur

Yeas: 88
Nays: 4
Excused: 6
N/Voting: 2

VOTING YEA: 88

Aguilera	Denbo	Lawson	Ripley
Austin	Dickinson	Lehe	Robertson
Ayres	Dobis	Leonard	Ruppel
Bardon	Dodge	Lutz	Saunders
Bell	Duncan	Mahern	Smith, J
Bischoff	Dvorak	Mays	Stevenson
Borders	Espich	McClain	Stilwell
Borrer	Friend	Messer	Stutzman
Bottorff	Frizzell	Micon	Summers
Bright	Fry	Moses	Thomas
Brown,T	Goodin	Murphy	Thompson
Buck	Grubb	Neese	Tincher
Budak	Gutwein	Noe	Torr
Buell	Harris, T	Orentlicher	Turner
Burton	Heim	Oxley	Tyler
Cheney	Hinkle	Pelath	VanHaaften
Cherry	Hoffman	Pflum	Walorski
Cochran	Hoy	Pierce	Welch
Crooks	Kersey	Pond	Whetstone
Crouch	Klinker	Porter	Wolkins
Davis	Koch	Reske	Woodruff
Day	Kromkowski	Richardson	Yount

VOTING NAY: 4

Avery	Brown,C	Crawford	Smith,V
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EXCUSED FROM VOTING: 6

Bauer	Foley	Kuzman
Behning	GiaQuinta	Ulmer

NOT VOTING: 2

Harris, E	Mr. Speaker
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03-08-06

Roll Call 414: PREVAILED

HB 1261 Burton
Housing and community development authority.

Concur

Yeas: 85
Nays: 5
Excused: 6
N/Voting: 4

VOTING YEA: 85

Aguilera	Day	Leonard	Saunders
Austin	Denbo	Lutz	Smith, J
Avery	Dobis	Mahern	Smith,V
Ayres	Dodge	Mays	Stevenson
Bardon	Duncan	McClain	Stilwell
Bell	Dvorak	Messer	Stutzman
Bischoff	Espich	Micon	Thomas
Borders	Friend	Moses	Thompson
Borrer	Frizzell	Murphy	Tincher
Bottorff	Goodin	Neese	Torr
Bright	Grubb	Noe	Turner
Brown,T	Gutwein	Orentlicher	Tyler
Buck	Harris, T	Oxley	VanHaaften
Budak	Heim	Pflum	Walorski
Buell	Hinkle	Pierce	Welch
Burton	Hoffman	Pond	Whetstone
Cherry	Hoy	Porter	Wolkins
Cochran	Kersey	Reske	Woodruff
Crawford	Klinker	Richardson	Yount
Crooks	Koch	Ripley	
Crouch	Lawson	Robertson	
Davis	Lehe	Ruppel	

VOTING NAY: 5

Cheney	Fry	Pelath
Dickinson	Kromkowski	

EXCUSED FROM VOTING: 6

Bauer	Foley	Kuzman
Behning	GiaQuinta	Ulmer

NOT VOTING: 4

Brown,C	Harris, E	Summers	Mr. Speaker
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03-08-06

Roll Call 415: PREVAILED

HB 1280 Murphy
Unsolicited facsimile advertisements.

Yeas: 92
Nays: 0
Excused: 6
N/Voting: 2

Concur

VOTING YEA: 92

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Lawson	Robertson
Avery	Dickinson	Lehe	Ruppel
Ayres	Dobis	Leonard	Saunders
Bardon	Dodge	Lutz	Smith, J
Bell	Duncan	Mahern	Smith, V
Bischoff	Dvorak	Mays	Stevenson
Borders	Espich	McClain	Stilwell
Borrer	Friend	Messer	Stutzman
Bottorff	Frizzell	Micon	Summers
Bright	Fry	Moses	Thomas
Brown, T	Goodin	Murphy	Thompson
Buck	Grubb	Neese	Tincher
Budak	Gutwein	Noe	Torr
Buell	Harris, E	Orentlicher	Turner
Burton	Harris, T	Oxley	Tyler
Cheney	Heim	Pelath	VanHaaften
Cherry	Hinkle	Pflum	Walorski
Cochran	Hoffman	Pierce	Welch
Crawford	Hoy	Pond	Whetstone
Crooks	Kersey	Porter	Wolkins
Crouch	Klinker	Reske	Woodruff
Davis	Koch	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 6

Bauer	Foley	Kuzman
Behning	GiaQuinta	Ulmer

NOT VOTING: 2

Brown, C Mr. Speaker

Indiana House of Representatives
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03-08-06

Roll Call 416: PREVAILED

HB 1306 Bright
Various corporate law matters.

Concur

Yeas: 83
Nays: 7
Excused: 6
N/Voting: 4

VOTING YEA: 83

Aguilera	Denbo	Lutz	Saunders
Austin	Dobis	Mahern	Smith, J
Avery	Dodge	Mays	Smith,V
Ayres	Duncan	McClain	Stevenson
Bell	Espich	Messer	Stilwell
Bischoff	Friend	Micon	Stutzman
Borders	Frizzell	Moses	Summers
Borrer	Goodin	Murphy	Thomas
Bottorff	Grubb	Neese	Thompson
Bright	Gutwein	Noe	Tincher
Brown,T	Harris, E	Orentlicher	Torr
Buck	Harris, T	Oxley	Turner
Budak	Heim	Pflum	Tyler
Buell	Hinkle	Pierce	VanHaaften
Burton	Hoffman	Pond	Walorski
Cheney	Hoy	Porter	Welch
Cherry	Kersey	Reske	Whetstone
Crawford	Klinker	Richardson	Wolkins
Crooks	Koch	Ripley	Woodruff
Crouch	Lehe	Robertson	Yount
Davis	Leonard	Ruppel	

VOTING NAY: 7

Bardon	Dickinson	Fry	Pelath
Day	Dvorak	Kromkowski	

EXCUSED FROM VOTING: 6

Bauer	Foley	Kuzman
Behning	GiaQuinta	Ulmer

NOT VOTING: 4

Brown,C	Cochran	Lawson	Mr. Speaker
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03-08-06

Roll Call 417: PREVAILED

HB 1101 Walorski
Security breach disclosure and
identity deception.
Concur

Yeas: 84
Nays: 7
Excused: 6
N/Voting: 3

VOTING YEA: 84

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Lawson	Robertson
Avery	Dobis	Lehe	Ruppel
Ayres	Dodge	Leonard	Saunders
Bell	Duncan	Lutz	Smith, J
Bischoff	Dvorak	Mahern	Stevenson
Borders	Espich	McClain	Stilwell
Borrer	Friend	Messer	Stutzman
Bottorff	Frizzell	Micon	Thomas
Bright	Fry	Moses	Thompson
Brown,T	Goodin	Murphy	Tincher
Buck	Grubb	Neese	Torr
Budak	Gutwein	Noe	Turner
Buell	Harris, T	Orentlicher	Tyler
Burton	Heim	Oxley	VanHaaften
Cheney	Hinkle	Pelath	Walorski
Cherry	Hoffman	Pflum	Welch
Cochran	Hoy	Pierce	Whetstone
Crooks	Kersey	Pond	Wolkins
Crouch	Klinker	Reske	Woodruff
Davis	Koch	Richardson	Yount

VOTING NAY: 7

Brown,C	Dickinson	Porter	Summers
Crawford	Mays	Smith,V	

EXCUSED FROM VOTING: 6

Bauer	Foley	Kuzman
Behning	GiaQuinta	Ulmer

NOT VOTING: 3

Bardon	Harris, E	Mr. Speaker
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Indiana House of Representatives
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03-08-06

Roll Call 418: PREVAILED

HB 1281 Murphy
Domestic violence.

Concur

Yeas: 95
Nays: 0
Excused: 5
N/Voting: 0

VOTING YEA: 95

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Lawson	Ruppel
Avery	Denbo	Lehe	Saunders
Ayres	Dickinson	Leonard	Smith, J
Bardon	Dobis	Lutz	Smith,V
Bauer	Dodge	Mahern	Stevenson
Bell	Duncan	Mays	Stilwell
Bischoff	Dvorak	McClain	Stutzman
Borders	Espich	Messer	Summers
Borrer	Friend	Micon	Thomas
Bottorff	Frizzell	Moses	Thompson
Bright	Fry	Murphy	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Grubb	Noe	Turner
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	Mr. Speaker
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Behning	GiaQuinta	Ulmer
Foley	Kuzman	

NOT VOTING: NONE

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MEETING DAY 27

03-08-06

Roll Call 419: PREVAILED

HB 1138 Bell
Hunting and lifetime license trust fund.

Yeas: 87
Nays: 7
Excused: 5
N/Voting: 1

Concur

VOTING YEA: 87

Aguilera	Davis	Kromkowski	Ripley
Austin	Day	Lawson	Robertson
Avery	Denbo	Lehe	Ruppel
Ayres	Dobis	Leonard	Saunders
Bardon	Dodge	Lutz	Smith, J
Bauer	Duncan	Mahern	Stevenson
Bell	Dvorak	Mays	Stilwell
Bischoff	Espich	McClain	Stutzman
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, T	Orentlicher	VanHaaften
Buell	Heim	Oxley	Walorski
Burton	Hinkle	Pelath	Welch
Cheney	Hoffman	Pflum	Whetstone
Cherry	Hoy	Pierce	Wolkins
Cochran	Kersey	Pond	Woodruff
Crooks	Klinker	Reske	Yount
Crouch	Koch	Richardson	

VOTING NAY: 7

Brown,C	Dickinson	Porter	Summers
Crawford	Harris, E	Smith,V	

EXCUSED FROM VOTING: 5

Behning	GiaQuinta	Ulmer
Foley	Kuzman	

NOT VOTING: 1

Mr. Speaker

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MEETING DAY 27

03-08-06

Roll Call 420: SUSTAINED

HEA 1142 T. Brown
Medicaid matters and organ procurement.
(2005 vetoed bill)
Veto Action

Yeas: 7
Nays: 90
Excused: 2
N/Voting: 1

VOTING YEA: 7

Bauer	Cheney	Kromkowski	Tincher
Bischoff	Dickinson	Smith,V	

VOTING NAY: 90

Aguilera	Denbo	Lawson	Ruppel
Austin	Dobis	Lehe	Saunders
Avery	Dodge	Leonard	Smith, J
Ayres	Duncan	Lutz	Stevenson
Bardon	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Torr
Brown,C	Goodin	Murphy	Turner
Brown,T	Grubb	Neese	Tyler
Buck	Gutwein	Noe	Ulmer
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Oxley	Walorski
Burton	Heim	Pelath	Welch
Cherry	Hinkle	Pflum	Whetstone
Cochran	Hoffman	Pierce	Wolkins
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	Mr. Speaker
Davis	Koch	Ripley	
Day	Kuzman	Robertson	

EXCUSED FROM VOTING: 2

Behning	GiaQuinta
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NOT VOTING: 1

Porter

Indiana House of Representatives
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MEETING DAY 27

03-08-06

Roll Call 421: SUSTAINED

HEA 1224 Koch
Aerospace initiative.
(2005 vetoed bill)
Veto Action

Yeas: 48
Nays: 50
Excused: 2
N/Voting: 0

VOTING YEA: 48

Aguilera	Day	Kromkowski	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Robertson
Bardon	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	Wolkins

VOTING NAY: 50

Ayres	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	
Davis	Lehe	Smith, J	

EXCUSED FROM VOTING: 2

Behning GiaQuinta

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 27

03-08-06

Roll Call 422: PREVAILED

HB 1011 Richardson
Miscellaneous election law
matters.
Concur

Yeas: 52
Nays: 47
Excused: 1
N/Voting: 0

VOTING YEA: 52

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	Mr. Speaker

VOTING NAY: 47

Aguilera	Day	Kromkowski	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Robertson
Bardon	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 1

GiaQuinta

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 27

03-08-06

Roll Call 423: PREVAILED

HB 1307 Torr
Worker's compensation.

Concur

Yeas: 51
Nays: 47
Excused: 2
N/Voting: 0

VOTING YEA: 51

Ayres	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	Mr. Speaker
Davis	Lehe	Smith, J	

VOTING NAY: 47

Aguilera	Day	Kromkowski	Porter
Austin	Denbo	Kuzman	Reske
Avery	Dickinson	Lawson	Robertson
Bardon	Dobis	Mahern	Smith,V
Bauer	Dvorak	Mays	Stevenson
Bischoff	Fry	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Orentlicher	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crawford	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	

EXCUSED FROM VOTING: 2

Behning GiaQuinta

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 28

03-13-06

Roll Call 425: PREVAILED

HB 1220 Reske
Professional investigation funds.

Yeas: 70
Nays: 20
Excused: 1
N/Voting: 9

Concur

VOTING YEA: 70

Aguilera	Crooks	Lehe	Ruppel
Austin	Crouch	Leonard	Saunders
Avery	Day	Lutz	Smith,V
Ayres	Denbo	Mahern	Stevenson
Bardon	Dobis	Mays	Stilwell
Behning	Dodge	McClain	Stutzman
Bell	Duncan	Moses	Thomas
Bischoff	Espich	Murphy	Thompson
Borrer	Foley	Neese	Tincher
Brown,C	Friend	Noe	Torr
Brown,T	Frizzell	Orentlicher	Turner
Buck	GiaQuinta	Oxley	VanHaaften
Budak	Gutwein	Pierce	Welch
Buell	Hinkle	Pond	Whetstone
Burton	Hoffman	Porter	Wolkins
Cheney	Kersey	Reske	Yount
Cherry	Kromkowski	Richardson	
Cochran	Lawson	Ripley	

VOTING NAY: 20

Borders	Fry	Hoy	Robertson
Bottorff	Goodin	Koch	Smith, J
Bright	Grubb	Messer	Tyler
Davis	Harris, T	Micon	Walorski
Dvorak	Heim	Pelath	Woodruff

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 9

Bauer	Harris, E	Summers
Crawford	Klinker	Ulmer
Dickinson	Kuzman	Mr. Speaker

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Roll Call 426: PREVAILED

HB 1117 Wolkins
Environmental law.

Conference Report #1

Yeas: 95
Nays: 2
Excused: 1
N/Voting: 2

VOTING YEA: 95

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pierce	Welch
Cherry	Hinkle	Pond	Whetstone
Cochran	Hoffman	Porter	Wolkins
Crawford	Hoy	Reske	Woodruff
Crooks	Kersey	Richardson	Yount
Crouch	Klinker	Ripley	

VOTING NAY: 2

Bright Fry

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 2

Moses Mr. Speaker

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Roll Call 427: PREVAILED

SB 106 Walorski
State gross retail tax.

Conference Report #1

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Porter	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 428: PREVAILED

SB 355 Ayres
Taxation.

Conference Report #1

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Porter	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 429: PREVAILED

HB 1016 Ayres
Alcohol and tobacco matters.

Conference Report #1

Yeas: 92
Nays: 3
Excused: 2
N/Voting: 3

VOTING YEA: 92

Aguilera	Davis	Kersey	Robertson
Austin	Day	Klinker	Ruppel
Avery	Denbo	Koch	Saunders
Ayres	Dickinson	Kuzman	Smith, J
Bardon	Dobis	Lawson	Smith,V
Bauer	Dodge	Lehe	Stevenson
Behning	Duncan	Leonard	Stilwell
Bell	Dvorak	Lutz	Stutzman
Bischoff	Espich	Mahern	Summers
Borrer	Foley	Mays	Thomas
Bottorff	Friend	McClain	Thompson
Bright	Frizzell	Messer	Tincher
Brown,C	Fry	Micon	Torr
Brown,T	GiaQuinta	Moses	Turner
Buck	Goodin	Neese	Tyler
Budak	Grubb	Noe	Ulmer
Buell	Gutwein	Orentlicher	VanHaaften
Burton	Harris, E	Oxley	Walorski
Cheney	Harris, T	Pierce	Welch
Cherry	Heim	Pond	Whetstone
Cochran	Hinkle	Reske	Wolkins
Crooks	Hoffman	Richardson	Woodruff
Crouch	Hoy	Ripley	Yount

VOTING NAY: 3

Borders	Kromkowski	Pelath
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EXCUSED FROM VOTING: 2

Murphy	Pflum
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NOT VOTING: 3

Crawford	Porter	Mr. Speaker
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Roll Call 430: PREVAILED

SB 202 T. Brown
Pharmacy and wholesale drug
distributor matters.
Conference Report #1

Yeas: 98
Nays: 0
Excused: 1
N/Voting: 1

VOTING YEA: 98

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Ruppel
Avery	Denbo	Kuzman	Saunders
Ayres	Dickinson	Lawson	Smith, J
Bardon	Dobis	Lehe	Smith,V
Bauer	Dodge	Leonard	Stevenson
Behning	Duncan	Lutz	Stilwell
Bell	Dvorak	Mahern	Stutzman
Bischoff	Espich	Mays	Summers
Borders	Foley	McClain	Thomas
Borrer	Friend	Messer	Thompson
Bottorff	Frizzell	Micon	Tincher
Bright	Fry	Moses	Torr
Brown,C	GiaQuinta	Murphy	Turner
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Walorski
Burton	Harris, T	Pelath	Welch
Cheney	Heim	Pierce	Whetstone
Cherry	Hinkle	Pond	Wolkins
Cochran	Hoffman	Porter	Woodruff
Crawford	Hoy	Reske	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 431: PREVAILED

SB 359 Messer
Procurement and state public works.

Yeas: 87
Nays: 6
Excused: 2
N/Voting: 5

Conference Report #1

VOTING YEA: 87

Aguilera	Davis	Koch	Robertson
Austin	Day	Kromkowski	Saunders
Avery	Denbo	Kuzman	Smith, J
Ayres	Dickinson	Lawson	Smith,V
Bauer	Dobis	Lehe	Stevenson
Behning	Dodge	Leonard	Stilwell
Bell	Duncan	Lutz	Stutzman
Bischoff	Espich	Mahern	Thomas
Borders	Foley	Mays	Thompson
Borrer	Friend	McClain	Tincher
Bottorff	Frizzell	Messer	Torr
Bright	GiaQuinta	Micon	Turner
Brown,C	Goodin	Murphy	Tyler
Brown,T	Grubb	Neese	Ulmer
Buck	Gutwein	Noe	VanHaaften
Budak	Harris, E	Orentlicher	Walorski
Buell	Harris, T	Oxley	Welch
Burton	Heim	Pelath	Whetstone
Cheney	Hinkle	Pierce	Wolkins
Cherry	Hoffman	Pond	Woodruff
Crooks	Kersey	Richardson	Yount
Crouch	Klinker	Ripley	

VOTING NAY: 6

Bardon	Fry	Porter
Dvorak	Moses	Summers

EXCUSED FROM VOTING: 2

Pflum	Reske
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NOT VOTING: 5

Cochran	Hoy	Mr. Speaker
Crawford	Ruppel	

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Roll Call 432: PREVAILED

SB 305 Hinkle
Special purpose buses & emergency exits on
buses.
Conference Report #1

Yeas: 95
Nays: 0
Excused: 1
N/Voting: 4

VOTING YEA: 95

Aguilera	Day	Koch	Robertson
Austin	Denbo	Kromkowski	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Walorski
Cheney	Heim	Pierce	Welch
Cherry	Hinkle	Pond	Whetstone
Cochran	Hoffman	Porter	Wolkins
Crooks	Hoy	Reske	Woodruff
Crouch	Kersey	Richardson	Yount
Davis	Klinker	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Pflum

NOT VOTING: 4

Bauer	Crawford	Kuzman	Mr. Speaker
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Roll Call 433: PREVAILED

HB 1259 Koch
Military bases.

Conference Report #1

Yeas: 93
Nays: 0
Excused: 2
N/Voting: 5

VOTING YEA: 93

Aguilera	Crouch	Klinker	Robertson
Austin	Davis	Koch	Ruppel
Avery	Day	Kromkowski	Saunders
Ayres	Denbo	Kuzman	Smith, J
Bardon	Dickinson	Lawson	Smith,V
Bauer	Dobis	Lehe	Stevenson
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Bischoff	Dvorak	Mays	Thompson
Borders	Espich	McClain	Tincher
Borrer	Foley	Messer	Torr
Bottorff	Friend	Micon	Turner
Bright	Frizzell	Moses	Tyler
Brown,C	Fry	Murphy	Ulmer
Brown,T	GiaQuinta	Neese	VanHaaften
Buck	Goodin	Noe	Walorski
Budak	Gutwein	Orentlicher	Welch
Buell	Harris, E	Oxley	Whetstone
Burton	Harris, T	Pierce	Wolkins
Cheney	Heim	Pond	Woodruff
Cherry	Hinkle	Porter	Yount
Cochran	Hoffman	Reske	
Crawford	Hoy	Richardson	
Crooks	Kersey	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 5

Mahern	Stilwell	Mr. Speaker
Pelath	Summers	

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Roll Call 434: PREVAILED

SB 112 Woodruff
Transfer of first steps program.

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

Conference Report #1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 435: PREVAILED

SB 168 Foley
Medicaid fraud.

Conference Report #1

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

VOTING YEA: 96

Aguilera	Crouch	Klinker	Ripley
Austin	Davis	Koch	Robertson
Avery	Day	Kromkowski	Ruppel
Ayres	Denbo	Kuzman	Saunders
Bardon	Dickinson	Lawson	Smith, J
Bauer	Dobis	Lehe	Smith,V
Behning	Dodge	Leonard	Stevenson
Bell	Duncan	Lutz	Stilwell
Bischoff	Dvorak	Mahern	Stutzman
Borders	Espich	Mays	Summers
Borrer	Foley	McClain	Thomas
Bottorff	Friend	Messer	Thompson
Bright	Frizzell	Micon	Tincher
Brown,C	Fry	Moses	Torr
Brown,T	GiaQuinta	Murphy	Turner
Buck	Goodin	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, E	Orentlicher	VanHaaften
Burton	Harris, T	Oxley	Walorski
Cheney	Heim	Pelath	Welch
Cherry	Hinkle	Pierce	Whetstone
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Reske	Woodruff
Crooks	Kersey	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 2

Porter Mr. Speaker

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Roll Call 436: PREVAILED

SB 193 Foley
Controlled substances.

Conference Report #1

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 437: PREVAILED

SB 253 Hoffman
Activities along shorelines.

Conference Report #1

Yeas: 97
Nays: 0
Excused: 2
N/Voting: 1

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Ruppel
Austin	Day	Kuzman	Saunders
Avery	Denbo	Lawson	Smith, J
Ayres	Dickinson	Lehe	Smith,V
Bardon	Dobis	Leonard	Stevenson
Bauer	Dodge	Lutz	Stilwell
Behning	Duncan	Mahern	Stutzman
Bell	Dvorak	Mays	Summers
Bischoff	Espich	McClain	Thomas
Borders	Foley	Messer	Thompson
Borrer	Friend	Micon	Tincher
Bottorff	Frizzell	Moses	Torr
Bright	Fry	Murphy	Turner
Brown,C	GiaQuinta	Neese	Tyler
Brown,T	Goodin	Noe	Ulmer
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Porter	Woodruff
Cochran	Hoy	Reske	Yount
Crawford	Kersey	Richardson	
Crooks	Klinker	Ripley	
Crouch	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 438: PREVAILED

SB 258 Espich
Streamlined sales tax provisions.

Conference Report #1

Yeas: 85
Nays: 11
Excused: 2
N/Voting: 2

VOTING YEA: 85

Aguilera	Dobis	Lutz	Smith,V
Austin	Dodge	Mahern	Stevenson
Avery	Duncan	Mays	Stilwell
Ayres	Dvorak	McClain	Stutzman
Bauer	Espich	Messer	Summers
Behning	Foley	Micon	Thomas
Bell	Friend	Moses	Thompson
Borrer	GiaQuinta	Murphy	Tincher
Bottorff	Gutwein	Neese	Torr
Bright	Harris, E	Orentlicher	Turner
Budak	Harris, T	Oxley	Tyler
Buell	Heim	Pelath	Ulmer
Cheney	Hinkle	Pierce	VanHaaften
Cherry	Hoffman	Pond	Walorski
Cochran	Hoy	Porter	Welch
Crawford	Kersey	Reske	Whetstone
Crooks	Klinker	Richardson	Wolkins
Crouch	Kromkowski	Ripley	Woodruff
Davis	Kuzman	Robertson	Yount
Day	Lawson	Ruppel	
Denbo	Lehe	Saunders	
Dickinson	Leonard	Smith, J	

VOTING NAY: 11

Bardon	Brown,T	Frizzell	Koch
Bischoff	Buck	Fry	Noe
Borders	Burton	Goodin	

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 2

Brown,C Mr. Speaker

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Roll Call 440: PREVAILED

SB 321 Torr
Unemployment insurance.

Conference Report #1

Yeas: 96
Nays: 1
Excused: 2
N/Voting: 1

VOTING YEA: 96

Aguilera	Crouch	Koch	Ripley
Austin	Davis	Kromkowski	Robertson
Avery	Day	Kuzman	Ruppel
Ayres	Denbo	Lawson	Saunders
Bardon	Dickinson	Lehe	Smith, J
Bauer	Dobis	Leonard	Smith, V
Behning	Dodge	Lutz	Stevenson
Bell	Duncan	Mahern	Stilwell
Bischoff	Dvorak	Mays	Stutzman
Borders	Espich	McClain	Summers
Borrer	Foley	Messer	Thomas
Bottorff	Friend	Micon	Thompson
Bright	Frizzell	Moses	Tincher
Brown, C	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Cochran	Hoy	Porter	Wolkins
Crawford	Kersey	Reske	Woodruff
Crooks	Klinker	Richardson	Yount

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 441: PREVAILED

HB 1010 Wolkins
Eminent domain.

Conference Report #2

Yeas: 89
Nays: 8
Excused: 2
N/Voting: 1

VOTING YEA: 89

Aguilera	Day	Lawson	Saunders
Austin	Denbo	Lehe	Smith, J
Avery	Dobis	Leonard	Stevenson
Ayres	Dodge	Lutz	Stilwell
Bardon	Duncan	Mahern	Stutzman
Behning	Dvorak	Mays	Thomas
Bell	Espich	McClain	Thompson
Bischoff	Foley	Messer	Tincher
Borders	Friend	Micon	Torr
Borrer	Frizzell	Moses	Turner
Bottorff	GiaQuinta	Murphy	Tyler
Bright	Goodin	Neese	Ulmer
Brown,T	Gutwein	Noe	VanHaaften
Buck	Harris, T	Orentlicher	Walorski
Budak	Heim	Oxley	Welch
Buell	Hinkle	Pelath	Whetstone
Burton	Hoffman	Pierce	Wolkins
Cheney	Hoy	Pond	Woodruff
Cherry	Kersey	Reske	Yount
Cochran	Klinker	Richardson	Mr. Speaker
Crooks	Koch	Ripley	
Crouch	Kromkowski	Robertson	
Davis	Kuzman	Ruppel	

VOTING NAY: 8

Brown,C	Dickinson	Harris, E	Smith,V
Crawford	Fry	Porter	Summers

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 1

Bauer

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Roll Call 442: PREVAILED

HB 1025 J. Smith
Innkeeper's taxes.

Conference Report #1

Yeas: 62
Nays: 32
Excused: 2
N/Voting: 4

VOTING YEA: 62

Austin	Duncan	Lutz	Stevenson
Ayres	Espich	Mays	Stilwell
Behning	Foley	McClain	Stutzman
Bell	Friend	Micon	Thomas
Borrer	Frizzell	Murphy	Thompson
Brown,T	Gutwein	Neese	Torr
Buck	Harris, T	Noe	Turner
Budak	Heim	Pierce	Tyler
Buell	Hinkle	Pond	Ulmer
Burton	Hoffman	Reske	Walorski
Cherry	Kersey	Richardson	Welch
Cochran	Klinker	Ripley	Whetstone
Crawford	Koch	Ruppel	Wolkins
Crouch	Lawson	Saunders	Yount
Dobis	Lehe	Smith, J	
Dodge	Leonard	Smith,V	

VOTING NAY: 32

Aguilera	Cheney	GiaQuinta	Orentlicher
Avery	Crooks	Goodin	Oxley
Bardon	Davis	Hoy	Pelath
Bischoff	Day	Kromkowski	Robertson
Borders	Denbo	Kuzman	Summers
Bottorff	Dickinson	Mahern	Tincher
Bright	Dvorak	Messer	VanHaaften
Brown,C	Fry	Moses	Woodruff

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 4

Bauer Harris, E Porter Mr. Speaker

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Roll Call 443: PREVAILED

HB 1102 Ayres
Local government matters.

Conference Report #1

Yeas: 72
Nays: 25
Excused: 2
N/Voting: 1

VOTING YEA: 72

Aguilera	Dobis	Lawson	Robertson
Austin	Dodge	Lehe	Ruppel
Ayres	Duncan	Leonard	Saunders
Bardon	Dvorak	Lutz	Smith, J
Behning	Espich	Mahern	Stevenson
Bell	Foley	McClain	Stutzman
Borders	Friend	Micon	Thomas
Borrer	Frizzell	Moses	Thompson
Bottorff	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, T	Orentlicher	Ulmer
Buell	Heim	Oxley	VanHaaften
Burton	Hinkle	Pierce	Walorski
Cheney	Hoffman	Pond	Welch
Cherry	Hoy	Reske	Whetstone
Crouch	Koch	Richardson	Wolkins
Day	Kuzman	Ripley	Yount

VOTING NAY: 25

Avery	Crooks	Klinker	Stilwell
Bauer	Davis	Kromkowski	Summers
Bischoff	Denbo	Mays	Tincher
Bright	Dickinson	Messer	Woodruff
Brown, C	Fry	Pelath	
Cochran	Harris, E	Porter	
Crawford	Kersey	Smith, V	

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 1

Mr. Speaker

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Roll Call 444: PREVAILED

HB 1353 Walorski
Trademarks and service marks.

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

Conference Report #1

VOTING YEA: 96

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith, V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown, C	GiaQuinta	Murphy	Torr
Brown, T	Goodin	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Whetstone
Crawford	Hoy	Porter	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 2

Cheney Mr. Speaker

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Roll Call 445: PREVAILED

SB 6 Ulmer
Sex offenders.

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

Conference Report #1

VOTING YEA: 96

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dickinson	Lawson	Saunders
Bardon	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Cochran	Hoy	Porter	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 2

Crawford Mr. Speaker

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Roll Call 446: PREVAILED

SB 75 Borrer
Military family relief fund.

Yeas: 96
Nays: 0
Excused: 2
N/Voting: 2

Conference Report #1

VOTING YEA: 96

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bauer	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Brown,C	Fry	Moses	Tincher
Brown,T	GiaQuinta	Murphy	Torr
Buck	Goodin	Neese	Turner
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Whetstone
Crawford	Hoy	Porter	Wolkins
Crooks	Kersey	Reske	Woodruff
Crouch	Klinker	Richardson	Yount
Davis	Koch	Ripley	Mr. Speaker

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 2

Bardon Bright

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Roll Call 447: PREVAILED

SB 77 Heim
Shooting preserves.

Conference Report #1

Yeas: 83
Nays: 13
Excused: 2
N/Voting: 2

VOTING YEA: 83

Aguilera	Crooks	Koch	Robertson
Austin	Crouch	Kuzman	Ruppel
Avery	Davis	Lawson	Saunders
Ayres	Denbo	Lehe	Smith, J
Bardon	Dobis	Leonard	Stevenson
Behning	Dodge	Lutz	Stilwell
Bell	Duncan	Mahern	Thomas
Bischoff	Dvorak	McClain	Thompson
Borders	Espich	Messer	Tincher
Borrer	Foley	Micon	Torr
Bottorff	Friend	Moses	Turner
Bright	Frizzell	Murphy	Tyler
Brown,T	GiaQuinta	Neese	Ulmer
Buck	Goodin	Noe	VanHaaften
Budak	Gutwein	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Reske	Woodruff
Cochran	Kersey	Richardson	Yount
Crawford	Klinker	Ripley	

VOTING NAY: 13

Bauer	Fry	Orentlicher	Summers
Brown,C	Harris, E	Porter	
Day	Hoy	Smith,V	
Dickinson	Kromkowski	Stutzman	

EXCUSED FROM VOTING: 2

Grubb Pflum

NOT VOTING: 2

Mays Mr. Speaker

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Roll Call 449: PREVAILED

HB 1227 Budak
Retired state employees.

Concur

Yeas: 89
Nays: 0
Excused: 0
N/Voting: 11

VOTING YEA: 89

Aguilera	Davis	Kuzman	Saunders
Austin	Day	Lehe	Smith, J
Avery	Denbo	Leonard	Smith,V
Ayres	Dodge	Lutz	Stevenson
Bardon	Duncan	Mahern	Stilwell
Bauer	Dvorak	McClain	Stutzman
Behning	Espich	Messer	Summers
Bell	Foley	Micon	Thomas
Bischoff	Friend	Moses	Thompson
Borders	Frizzell	Murphy	Tincher
Borrer	GiaQuinta	Neese	Torr
Bottorff	Goodin	Noe	Turner
Bright	Grubb	Orentlicher	Tyler
Brown,C	Gutwein	Oxley	Ulmer
Brown,T	Harris, T	Pelath	VanHaaften
Buck	Heim	Pflum	Walorski
Budak	Hinkle	Pierce	Welch
Buell	Hoffman	Pond	Whetstone
Burton	Hoy	Porter	Woodruff
Cheney	Kersey	Richardson	Yount
Cherry	Klinker	Ripley	
Crooks	Koch	Robertson	
Crouch	Kromkowski	Ruppel	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 11

Cochran	Dobis	Lawson	Wolkins
Crawford	Fry	Mays	Mr. Speaker
Dickinson	Harris, E	Reske	

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Roll Call 450: PREVAILED

HB 1420 T. Brown
Employee tobacco use.

Concur

Yeas: 69
Nays: 23
Excused: 0
N/Voting: 8

VOTING YEA: 69

Austin	Denbo	Leonard	Stutzman
Ayres	Dobis	Lutz	Thomas
Bardon	Dodge	Mahern	Thompson
Behning	Duncan	Mays	Tincher
Bell	Espich	McClain	Torr
Borders	Foley	Messer	Turner
Borrer	Friend	Micon	Tyler
Bright	Frizzell	Moses	Ulmer
Brown,C	GiaQuinta	Murphy	VanHaaften
Brown,T	Grubb	Neese	Walorski
Buck	Gutwein	Noe	Welch
Budak	Harris, T	Pflum	Whetstone
Buell	Hinkle	Pond	Wolkins
Burton	Hoffman	Richardson	Woodruff
Cherry	Kersey	Ripley	Yount
Crooks	Klinker	Ruppel	
Crouch	Koch	Saunders	
Davis	Lehe	Smith, J	

VOTING NAY: 23

Aguilera	Dvorak	Kuzman	Robertson
Avery	Goodin	Orentlicher	Smith,V
Bischoff	Harris, E	Oxley	Stevenson
Bottorff	Heim	Pelath	Stilwell
Cheney	Hoy	Pierce	Summers
Day	Kromkowski	Porter	

EXCUSED FROM VOTING: NONE

NOT VOTING: 8

Bauer	Crawford	Fry	Reske
Cochran	Dickinson	Lawson	Mr. Speaker

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Roll Call 451: PREVAILED

HB 1267 Borrer
Employment certificates for
children.
Concur

Yeas: 51
Nays: 46
Excused: 0
N/Voting: 3

VOTING YEA: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Wolkins
Burton	Hinkle	Ripley	Woodruff
Cherry	Hoffman	Ruppel	Yount
Crouch	Koch	Saunders	

VOTING NAY: 46

Aguilera	Denbo	Kuzman	Reske
Austin	Dobis	Lawson	Robertson
Avery	Dvorak	Mahern	Smith,V
Bardon	Fry	Mays	Stevenson
Bauer	GiaQuinta	Micon	Stilwell
Bischoff	Goodin	Moses	Summers
Bottorff	Grubb	Orentlicher	Tincher
Brown,C	Harris, E	Oxley	Tyler
Cheney	Hoy	Pelath	VanHaaften
Cochran	Kersey	Pflum	Welch
Crooks	Klinker	Pierce	
Day	Kromkowski	Porter	

EXCUSED FROM VOTING: NONE

NOT VOTING: 3

Crawford Dickinson Mr. Speaker

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Roll Call 452: PREVAILED

HB 1018 Robertson
Water authority audits.

Conference Report #1

Yeas: 89
Nays: 0
Excused: 0
N/Voting: 11

VOTING YEA: 89

Aguilera	Denbo	Kromkowski	Ruppel
Austin	Dickinson	Kuzman	Saunders
Avery	Dodge	Lawson	Smith, J
Ayres	Duncan	Lehe	Smith,V
Bauer	Dvorak	Leonard	Stevenson
Behning	Espich	Lutz	Stilwell
Bell	Foley	Mays	Stutzman
Bischoff	Friend	McClain	Thomas
Borders	Frizzell	Messer	Thompson
Borrer	Fry	Micon	Tincher
Bottorff	GiaQuinta	Moses	Torr
Bright	Goodin	Murphy	Turner
Brown,T	Grubb	Neese	Tyler
Buck	Gutwein	Noe	Ulmer
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Oxley	Welch
Burton	Heim	Pelath	Whetstone
Cheney	Hinkle	Pflum	Wolkins
Cherry	Hoffman	Pierce	Woodruff
Crawford	Hoy	Pond	Yount
Crooks	Kersey	Richardson	
Crouch	Klinker	Ripley	
Davis	Koch	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 11

Bardon	Day	Porter	Walorski
Brown,C	Dobis	Reske	Mr. Speaker
Cochran	Mahern	Summers	

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Roll Call 453: PREVAILED

HB 1029 Buell
Education.

Conference Report #1

Yeas: 88
Nays: 0
Excused: 0
N/Voting: 12

VOTING YEA: 88

Aguilera	Dickinson	Koch	Ripley
Austin	Dobis	Kromkowski	Robertson
Avery	Dodge	Lawson	Ruppel
Ayres	Duncan	Lehe	Saunders
Behning	Dvorak	Leonard	Smith, J
Bell	Espich	Lutz	Smith,V
Bischoff	Foley	Mahern	Stevenson
Borders	Friend	McClain	Stilwell
Borrer	Frizzell	Messer	Stutzman
Bottorff	Fry	Micon	Thomas
Bright	GiaQuinta	Moses	Thompson
Brown,T	Goodin	Murphy	Tincher
Buck	Grubb	Neese	Torr
Budak	Gutwein	Noe	Turner
Buell	Harris, E	Orentlicher	Tyler
Burton	Harris, T	Oxley	Ulmer
Cheney	Heim	Pelath	VanHaaften
Cherry	Hinkle	Pflum	Welch
Crooks	Hoffman	Pierce	Whetstone
Crouch	Hoy	Pond	Wolkins
Davis	Kersey	Reske	Woodruff
Denbo	Klinker	Richardson	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 12

Bardon	Cochran	Kuzman	Summers
Bauer	Crawford	Mays	Walorski
Brown,C	Day	Porter	Mr. Speaker

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Roll Call 454: PREVAILED

HB 1099 Frizzell
Fireworks sales, discharge, safety
fees, and injuries.
Conference Report #1

Yeas: 59
Nays: 35
Excused: 1
N/Voting: 5

VOTING YEA: 59

Ayres	Denbo	Klinker	Porter
Behning	Dodge	Koch	Reske
Bell	Duncan	Kromkowski	Richardson
Bischoff	Dvorak	Kuzman	Ripley
Borders	Espich	Lehe	Smith, J
Borrer	Foley	Leonard	Stutzman
Bright	Friend	Lutz	Summers
Buck	Frizzell	Mahern	Thomas
Budak	Goodin	McClain	Thompson
Buell	Grubb	Messer	Torr
Burton	Gutwein	Murphy	Tyler
Cherry	Harris, T	Noe	Welch
Crooks	Hinkle	Oxley	Whetstone
Crouch	Hoffman	Pelath	Wolkins
Davis	Kersey	Pflum	

VOTING NAY: 35

Aguilera	Dickinson	Moses	Stevenson
Austin	Dobis	Neese	Stilwell
Avery	Fry	Orentlicher	Tincher
Bottorff	GiaQuinta	Pierce	Ulmer
Brown,C	Harris, E	Pond	VanHaaften
Brown,T	Heim	Robertson	Walorski
Cheney	Hoy	Ruppel	Woodruff
Crawford	Lawson	Saunders	Yount
Day	Micon	Smith,V	

EXCUSED FROM VOTING: 1

Turner

NOT VOTING: 5

Bardon	Cochran	Mr. Speaker
Bauer	Mays	

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Roll Call 455: PREVAILED

HB 1110 T. Brown
Environmental law.

Conference Report #1

Yeas: 88
Nays: 1
Excused: 6
N/Voting: 5

VOTING YEA: 88

Aguilera	Davis	Koch	Richardson
Avery	Day	Kromkowski	Ripley
Ayres	Denbo	Kuzman	Robertson
Bauer	Dickinson	Lawson	Ruppel
Behning	Dobis	Lehe	Saunders
Bell	Dodge	Leonard	Smith, J
Bischoff	Duncan	Lutz	Smith,V
Borders	Dvorak	Mays	Stevenson
Borrer	Espich	McClain	Stilwell
Bottorff	Friend	Messer	Stutzman
Bright	Fry	Micon	Summers
Brown,C	GiaQuinta	Moses	Thomas
Brown,T	Goodin	Murphy	Thompson
Buck	Grubb	Neese	Tincher
Budak	Gutwein	Noe	Torr
Buell	Harris, T	Orentlicher	Tyler
Burton	Heim	Oxley	Ulmer
Cheney	Hinkle	Pflum	VanHaaften
Cherry	Hoffman	Pierce	Walorski
Crawford	Hoy	Pond	Welch
Crooks	Kersey	Porter	Wolkins
Crouch	Klinker	Reske	Woodruff

VOTING NAY: 1

Yount

EXCUSED FROM VOTING: 6

Foley	Harris, E	Turner
Frizzell	Pelath	Whetstone

NOT VOTING: 5

Austin	Cochran	Mr. Speaker
Bardon	Mahern	

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Roll Call 456: PREVAILED

HB 1155 Budak
Sex offenders.

Conference Report #1

Yeas: 88
Nays: 0
Excused: 10
N/Voting: 2

VOTING YEA: 88

Aguilera	Crouch	Klinker	Richardson
Austin	Davis	Koch	Ripley
Avery	Day	Kromkowski	Robertson
Ayres	Denbo	Kuzman	Ruppel
Bardon	Dickinson	Lawson	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mahern	Stutzman
Borders	Espich	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Fry	Micon	Thompson
Bright	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Murphy	Torr
Buck	Grubb	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, T	Orentlicher	VanHaaften
Cheney	Heim	Pflum	Walorski
Cherry	Hinkle	Pierce	Welch
Cochran	Hoffman	Pond	Wolkins
Crawford	Hoy	Porter	Woodruff
Crooks	Kersey	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 10

Brown,T	Frizzell	Pelath	Whetstone
Burton	Harris, E	Stilwell	
Foley	Oxley	Turner	

NOT VOTING: 2

Mays Mr. Speaker

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Roll Call 457: PREVAILED

HB 1235 Ruppel
Isolation, quarantine, and
health matters.
Conference Report #1

Yeas: 78
Nays: 7
Excused: 12
N/Voting: 3

VOTING YEA: 78

Aguilera	Davis	Koch	Ripley
Austin	Day	Kromkowski	Robertson
Avery	Denbo	Kuzman	Ruppel
Ayres	Dobis	Lawson	Smith, J
Bardon	Dodge	Lehe	Stevenson
Bauer	Duncan	Leonard	Stutzman
Behning	Dvorak	Lutz	Summers
Bell	Espich	Mahern	Thomas
Bischoff	Friend	McClain	Tincher
Borders	Fry	Messer	Torr
Bottorff	GiaQuinta	Micon	Tyler
Bright	Goodin	Moses	Ulmer
Buck	Grubb	Neese	VanHaaften
Budak	Gutwein	Noe	Walorski
Buell	Harris, T	Orentlicher	Welch
Cheney	Hinkle	Pflum	Wolkins
Cherry	Hoffman	Pierce	Woodruff
Cochran	Hoy	Pond	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	

VOTING NAY: 7

Brown,C	Dickinson	Murphy	Smith,V
Crawford	Mays	Saunders	

EXCUSED FROM VOTING: 12

Brown,T	Frizzell	Oxley	Thompson
Burton	Harris, E	Pelath	Turner
Foley	Heim	Stilwell	Whetstone

NOT VOTING: 3

Borrer	Porter	Mr. Speaker
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Roll Call 458: PREVAILED

HB 1392 Ripley
Insurance matters.

Conference Report #1

Yeas: 90
Nays: 1
Excused: 2
N/Voting: 7

VOTING YEA: 90

Aguilera	Crouch	Klinker	Robertson
Austin	Davis	Koch	Ruppel
Avery	Day	Kromkowski	Saunders
Ayres	Denbo	Kuzman	Smith, J
Bardon	Dickinson	Lawson	Smith,V
Bauer	Dobis	Lehe	Stevenson
Behning	Dodge	Leonard	Stilwell
Bell	Duncan	Lutz	Stutzman
Bischoff	Dvorak	Mays	Summers
Borders	Espich	McClain	Thomas
Borrer	Foley	Messer	Thompson
Bottorff	Friend	Moses	Tincher
Bright	Frizzell	Neese	Torr
Brown,C	Fry	Noe	Turner
Brown,T	GiaQuinta	Orentlicher	Tyler
Buck	Goodin	Oxley	Ulmer
Budak	Grubb	Pelath	VanHaaften
Buell	Gutwein	Pflum	Welch
Burton	Heim	Pierce	Whetstone
Cheney	Hinkle	Pond	Wolkins
Cherry	Hoffman	Reske	Yount
Cochran	Hoy	Richardson	
Crooks	Kersey	Ripley	

VOTING NAY: 1

Woodruff

EXCUSED FROM VOTING: 2

Murphy Walorski

NOT VOTING: 7

Crawford	Harris, T	Micon	Mr. Speaker
Harris, E	Mahern	Porter	

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Roll Call 459: PREVAILED

SB 12 Foley
Sex offenders.

Yeas: 94
Nays: 0
Excused: 2
N/Voting: 4

Conference Report #1

VOTING YEA: 94

Aguilera	Day	Koch	Ripley
Austin	Denbo	Kromkowski	Robertson
Avery	Dickinson	Kuzman	Ruppel
Ayres	Dobis	Lawson	Saunders
Bardon	Dodge	Lehe	Smith, J
Bauer	Duncan	Leonard	Smith,V
Behning	Dvorak	Lutz	Stevenson
Bell	Espich	Mahern	Stilwell
Bischoff	Foley	Mays	Stutzman
Borders	Friend	McClain	Summers
Borrer	Frizzell	Messer	Thomas
Bottorff	Fry	Micon	Thompson
Bright	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Tyler
Buck	Gutwein	Noe	Ulmer
Budak	Harris, E	Orentlicher	VanHaaften
Buell	Harris, T	Oxley	Welch
Burton	Heim	Pelath	Whetstone
Cherry	Hinkle	Pflum	Woodruff
Cochran	Hoffman	Pierce	Yount
Crooks	Hoy	Pond	Mr. Speaker
Crouch	Kersey	Reske	
Davis	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 4

Crawford Porter Turner Wolkins

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Roll Call 460: PREVAILED

SB 41 T. Brown
Division of Aging and long term care.

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

Conference Report #1

VOTING YEA: 95

Aguilera	Day	Koch	Ripley
Austin	Denbo	Kromkowski	Robertson
Avery	Dickinson	Kuzman	Ruppel
Ayres	Dobis	Lawson	Saunders
Bardon	Dodge	Lehe	Smith, J
Bauer	Duncan	Leonard	Smith,V
Behning	Dvorak	Lutz	Stevenson
Bell	Espich	Mahern	Stilwell
Bischoff	Foley	Mays	Stutzman
Borders	Friend	McClain	Summers
Borrer	Frizzell	Messer	Thomas
Bottorff	Fry	Micon	Thompson
Bright	GiaQuinta	Moses	Tincher
Brown,C	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Welch
Cherry	Hinkle	Pflum	Whetstone
Cochran	Hoffman	Pierce	Wolkins
Crooks	Hoy	Pond	Woodruff
Crouch	Kersey	Reske	Yount
Davis	Klinker	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 3

Crawford Porter Mr. Speaker

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Roll Call 461: PREVAILED

SB 47 McClain
Criminal background checks.

Conference Report #1

Yeas: 93
Nays: 0
Excused: 2
N/Voting: 5

VOTING YEA: 93

Aguilera	Dickinson	Kuzman	Ruppel
Austin	Dobis	Lawson	Saunders
Avery	Dodge	Lehe	Smith, J
Ayres	Duncan	Leonard	Smith,V
Bardon	Dvorak	Lutz	Stevenson
Bauer	Espich	Mahern	Stilwell
Behning	Foley	Mays	Stutzman
Bell	Friend	McClain	Summers
Bischoff	Frizzell	Messer	Thomas
Borders	Fry	Micon	Thompson
Borrer	GiaQuinta	Moses	Tincher
Bottorff	Goodin	Murphy	Torr
Bright	Grubb	Neese	Turner
Brown,T	Gutwein	Noe	Tyler
Buck	Harris, E	Orentlicher	Ulmer
Budak	Harris, T	Oxley	VanHaaften
Buell	Heim	Pelath	Welch
Burton	Hinkle	Pflum	Whetstone
Cherry	Hoffman	Pierce	Wolkins
Crooks	Hoy	Pond	Woodruff
Crouch	Kersey	Reske	Yount
Davis	Klinker	Richardson	
Day	Koch	Ripley	
Denbo	Kromkowski	Robertson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 5

Brown,C	Crawford	Mr. Speaker
Cochran	Porter	

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Roll Call 462: PREVAILED

SB 83 Torr
Resisting law enforcement and
deadly weapons.
Conference Report #1

Yeas: 88
Nays: 5
Excused: 2
N/Voting: 5

VOTING YEA: 88

Aguilera	Crouch	Hoy	Reske
Austin	Davis	Kersey	Richardson
Avery	Day	Klinker	Ripley
Ayres	Denbo	Koch	Robertson
Bardon	Dobis	Kromkowski	Ruppel
Bauer	Dodge	Kuzman	Saunders
Behning	Duncan	Lawson	Smith, J
Bell	Dvorak	Lehe	Stevenson
Bischoff	Espich	Leonard	Stilwell
Borders	Foley	Lutz	Thomas
Borrer	Friend	Mahern	Thompson
Bottorff	Frizzell	McClain	Tincher
Bright	Fry	Messer	Torr
Brown,C	GiaQuinta	Micon	Turner
Brown,T	Goodin	Murphy	Tyler
Buck	Grubb	Neese	Ulmer
Budak	Gutwein	Noe	VanHaaften
Buell	Harris, E	Orentlicher	Welch
Burton	Harris, T	Oxley	Whetstone
Cherry	Heim	Pelath	Wolkins
Cochran	Hinkle	Pflum	Woodruff
Crooks	Hoffman	Pond	Yount

VOTING NAY: 5

Dickinson	Pierce	Summers
Mays	Smith,V	

EXCUSED FROM VOTING: 2

Cheney	Walorski
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NOT VOTING: 5

Crawford	Porter	Mr. Speaker
Moses	Stutzman	

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Roll Call 463: PREVAILED

SB 87 Gutwein
Energy, agriculture, and energy development
rules.
Conference Report #1

Yeas: 92
Nays: 1
Excused: 2
N/Voting: 5

VOTING YEA: 92

Aguilera	Day	Klinker	Richardson
Austin	Denbo	Koch	Ripley
Avery	Dickinson	Kromkowski	Robertson
Ayres	Dobis	Kuzman	Ruppel
Bardon	Dodge	Lawson	Saunders
Bauer	Duncan	Lehe	Smith, J
Behning	Dvorak	Leonard	Smith,V
Bell	Espich	Lutz	Stevenson
Bischoff	Foley	Mahern	Stilwell
Borders	Friend	Mays	Stutzman
Borrer	Frizzell	McClain	Summers
Bottorff	Fry	Messer	Thomas
Brown,C	GiaQuinta	Micon	Thompson
Brown,T	Goodin	Moses	Tincher
Buck	Grubb	Murphy	Torr
Budak	Gutwein	Noe	Tyler
Buell	Harris, E	Orentlicher	Ulmer
Burton	Harris, T	Oxley	VanHaaften
Cherry	Heim	Pelath	Welch
Cochran	Hinkle	Pflum	Whetstone
Crooks	Hoffman	Pierce	Wolkins
Crouch	Hoy	Pond	Woodruff
Davis	Kersey	Reske	Yount

VOTING NAY: 1

Bright

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 5

Crawford	Porter	Mr. Speaker
Neese	Turner	

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Roll Call 464: PREVAILED

SB 139 Bell
Department of child services matters.

Conference Report #1

Yeas: 92
Nays: 1
Excused: 2
N/Voting: 5

VOTING YEA: 92

Aguilera	Davis	Kersey	Reske
Austin	Day	Klinker	Richardson
Avery	Denbo	Koch	Ripley
Ayres	Dickinson	Kromkowski	Robertson
Bardon	Dobis	Lawson	Ruppel
Bauer	Dodge	Lehe	Saunders
Behning	Duncan	Leonard	Smith, J
Bell	Dvorak	Lutz	Smith, V
Bischoff	Espich	Mahern	Stevenson
Borders	Foley	Mays	Stutzman
Borrer	Friend	McClain	Summers
Bottorff	Frizzell	Messer	Thomas
Brown, C	Fry	Micon	Thompson
Brown, T	GiaQuinta	Moses	Tincher
Buck	Goodin	Murphy	Torr
Budak	Grubb	Neese	Tyler
Buell	Gutwein	Noe	Ulmer
Burton	Harris, E	Orentlicher	VanHaaften
Cherry	Harris, T	Oxley	Welch
Cochran	Heim	Pelath	Whetstone
Crawford	Hinkle	Pflum	Wolkins
Crooks	Hoffman	Pierce	Woodruff
Crouch	Hoy	Pond	Yount

VOTING NAY: 1

Bright

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 5

Kuzman	Stilwell	Mr. Speaker
Porter	Turner	

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Roll Call 465: PREVAILED

SB 259 Espich
Stadium funding and contracts.

Conference Report #1

Yeas: 87
Nays: 7
Excused: 2
N/Voting: 4

VOTING YEA: 87

Aguilera	Davis	Koch	Ripley
Austin	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Ruppel
Ayres	Dickinson	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith, V
Bell	Espich	Mahern	Stilwell
Bischoff	Foley	Mays	Stutzman
Borders	Friend	McClain	Summers
Borrer	Frizzell	Messer	Thomas
Bottorff	GiaQuinta	Micon	Thompson
Bright	Goodin	Moses	Tincher
Brown, C	Grubb	Murphy	Torr
Brown, T	Gutwein	Neese	Tyler
Buck	Harris, E	Noe	Ulmer
Budak	Harris, T	Orentlicher	VanHaaften
Buell	Heim	Oxley	Welch
Burton	Hinkle	Pflum	Whetstone
Cochran	Hoffman	Pierce	Wolkins
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Reske	Yount
Crouch	Klinker	Richardson	

VOTING NAY: 7

Bauer	Dvorak	Kromkowski	Stevenson
Cherry	Fry	Pelath	

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 4

Dobis	Porter	Turner	Mr. Speaker
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Roll Call 466: PREVAILED

SB 284 T. Brown
Statewide trauma system.

Conference Report #1

Yeas: 95
Nays: 0
Excused: 2
N/Voting: 3

VOTING YEA: 95

Aguilera	Davis	Klinker	Richardson
Austin	Day	Koch	Ripley
Avery	Denbo	Kromkowski	Robertson
Ayres	Dickinson	Kuzman	Ruppel
Bardon	Dobis	Lawson	Saunders
Bauer	Dodge	Lehe	Smith, J
Behning	Duncan	Leonard	Smith,V
Bell	Dvorak	Lutz	Stevenson
Bischoff	Espich	Mahern	Stilwell
Borders	Foley	Mays	Stutzman
Borrer	Friend	McClain	Summers
Bottorff	Frizzell	Messer	Thomas
Bright	Fry	Micon	Thompson
Brown,C	GiaQuinta	Moses	Tincher
Brown,T	Goodin	Murphy	Torr
Buck	Grubb	Neese	Tyler
Budak	Gutwein	Noe	Ulmer
Buell	Harris, E	Orentlicher	VanHaaften
Burton	Harris, T	Oxley	Welch
Cherry	Heim	Pelath	Whetstone
Cochran	Hinkle	Pflum	Wolkins
Crawford	Hoffman	Pierce	Woodruff
Crooks	Hoy	Pond	Yount
Crouch	Kersey	Reske	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 3

Porter Turner Mr. Speaker

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Roll Call 467: PREVAILED

SB 303 Duncan
Various motor vehicle matters.

Yeas: 92
Nays: 0
Excused: 2
N/Voting: 6

Conference Report #1

VOTING YEA: 92

Aguilera	Crouch	Kersey	Richardson
Austin	Davis	Klinker	Ripley
Avery	Day	Koch	Robertson
Ayres	Denbo	Kuzman	Ruppel
Bardon	Dickinson	Lawson	Saunders
Bauer	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Dvorak	Mays	Stilwell
Borders	Espich	McClain	Stutzman
Borrer	Foley	Messer	Summers
Bottorff	Friend	Micon	Thomas
Bright	Frizzell	Moses	Thompson
Brown,C	GiaQuinta	Murphy	Tincher
Brown,T	Goodin	Neese	Torr
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Harris, T	Pelath	Welch
Cherry	Heim	Pflum	Whetstone
Cochran	Hinkle	Pierce	Wolkins
Crawford	Hoffman	Pond	Woodruff
Crooks	Hoy	Reske	Yount

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Cheney Walorski

NOT VOTING: 6

Fry	Mahern	Turner
Kromkowski	Porter	Mr. Speaker

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Roll Call 468: PREVAILED

SB 333 T. Harris
Professional licensing.

Conference Report #1

Yeas: 88
Nays: 5
Excused: 2
N/Voting: 5

VOTING YEA: 88

Austin	Davis	Koch	Richardson
Ayres	Day	Kuzman	Ripley
Bardon	Dickinson	Lawson	Robertson
Bauer	Dodge	Lehe	Ruppel
Behning	Duncan	Leonard	Saunders
Bell	Dvorak	Lutz	Smith, J
Bischoff	Espich	Mahern	Smith,V
Borders	Foley	Mays	Stevenson
Borrer	Friend	McClain	Stilwell
Bottorff	Frizzell	Messer	Summers
Bright	GiaQuinta	Micon	Thomas
Brown,C	Goodin	Moses	Thompson
Brown,T	Grubb	Murphy	Tincher
Buck	Gutwein	Neese	Torr
Budak	Harris, E	Noe	Tyler
Buell	Harris, T	Orentlicher	Ulmer
Burton	Heim	Oxley	VanHaaften
Cherry	Hinkle	Pelath	Welch
Cochran	Hoffman	Pflum	Whetstone
Crawford	Hoy	Pierce	Wolkins
Crooks	Kersey	Pond	Woodruff
Crouch	Klinker	Reske	Yount

VOTING NAY: 5

Aguilera	Denbo	Stutzman
Avery	Fry	

EXCUSED FROM VOTING: 2

Cheney	Walorski
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NOT VOTING: 5

Dobis	Porter	Mr. Speaker
Kromkowski	Turner	

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Roll Call 469: PREVAILED

SB 340 Borrer
Salary and PERF protection for state
employees.
Conference Report #1

Yeas: 90
Nays: 0
Excused: 3
N/Voting: 7

VOTING YEA: 90

Aguilera	Day	Klinker	Ripley
Austin	Denbo	Koch	Robertson
Avery	Dickinson	Kuzman	Ruppel
Ayres	Dobis	Lawson	Saunders
Bardon	Dodge	Lehe	Smith, J
Bauer	Duncan	Leonard	Smith,V
Behning	Dvorak	Lutz	Stevenson
Bell	Espich	Mays	Stilwell
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Tyler
Buck	Grubb	Noe	Ulmer
Budak	Gutwein	Orentlicher	VanHaaften
Buell	Harris, E	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cherry	Heim	Pflum	Wolkins
Cochran	Hinkle	Pierce	Woodruff
Crooks	Hoffman	Pond	Yount
Crouch	Hoy	Reske	
Davis	Kersey	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 3

Cheney	Crawford	Walorski
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NOT VOTING: 7

Brown,C	Mahern	Stutzman	Mr. Speaker
Kromkowski	Porter	Turner	

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Roll Call 470: PREVAILED

HB 1114 Foley
Various property matters.

Yeas: 77
Nays: 14
Excused: 5
N/Voting: 4

Conference Report #1

VOTING YEA: 77

Aguilera	Denbo	Leonard	Ruppel
Austin	Dickinson	Lutz	Saunders
Ayres	Dodge	Mahern	Smith,V
Bardon	Duncan	Mays	Stevenson
Behning	Espich	McClain	Stilwell
Bell	Foley	Messer	Stutzman
Bischoff	Friend	Moses	Summers
Borrer	Frizzell	Murphy	Thomas
Bottorff	Goodin	Neese	Thompson
Brown,C	Grubb	Noe	Tincher
Brown,T	Gutwein	Orentlicher	Torr
Buck	Harris, E	Oxley	Ulmer
Budak	Hinkle	Pelath	VanHaaften
Buell	Hoffman	Pflum	Welch
Burton	Kersey	Pierce	Wolkins
Cochran	Klinker	Pond	Woodruff
Crawford	Koch	Reske	Yount
Crooks	Kuzman	Richardson	
Crouch	Lawson	Ripley	
Day	Lehe	Robertson	

VOTING NAY: 14

Avery	Davis	Heim	Smith, J
Borders	Dvorak	Hoy	Tyler
Bright	Fry	Kromkowski	
Cherry	GiaQuinta	Micon	

EXCUSED FROM VOTING: 5

Bauer	Harris, T	Whetstone
Cheney	Walorski	

NOT VOTING: 4

Dobis	Porter	Turner	Mr. Speaker
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Roll Call 471: PREVAILED

HB 1214 Davis
Motor carrier enforcement.

Yeas: 70
Nays: 21
Excused: 3
N/Voting: 6

Conference Report #1

VOTING YEA: 70

Aguilera	Dickinson	Lehe	Saunders
Austin	Dobis	Leonard	Smith, J
Ayres	Dodge	Lutz	Smith,V
Bardon	Duncan	Mahern	Stevenson
Behning	Espich	McClain	Stilwell
Bell	Foley	Moses	Stutzman
Bischoff	Friend	Murphy	Summers
Borrer	Frizzell	Noe	Thomas
Brown,T	Goodin	Orentlicher	Thompson
Buck	Grubb	Oxley	Torr
Budak	Gutwein	Pelath	Ulmer
Buell	Harris, T	Pflum	VanHaaften
Burton	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Crooks	Kersey	Reske	Wolkins
Crouch	Klinker	Richardson	Yount
Davis	Kuzman	Ripley	
Day	Lawson	Ruppel	

VOTING NAY: 21

Avery	Crawford	Koch	Tincher
Borders	Dvorak	Kromkowski	Tyler
Bottorff	Fry	Messer	Woodruff
Bright	Harris, E	Micon	
Brown,C	Heim	Neese	
Cochran	Hoy	Robertson	

EXCUSED FROM VOTING: 3

Bauer	Cheney	Walorski
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NOT VOTING: 6

Denbo	Mays	Turner
GiaQuinta	Porter	Mr. Speaker

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Roll Call 472: PREVAILED

HB 1287 Duncan
Procurement and state public works.

Yeas: 81
Nays: 9
Excused: 5
N/Voting: 5

Conference Report #1

VOTING YEA: 81

Aguilera	Day	Kuzman	Robertson
Austin	Denbo	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Smith, V
Bell	Espich	Mahern	Stevenson
Bischoff	Foley	McClain	Stutzman
Borders	Frizzell	Messer	Thomas
Borrer	Goodin	Micon	Thompson
Bottorff	Grubb	Moses	Tincher
Bright	Gutwein	Murphy	Torr
Brown, T	Harris, E	Neese	Tyler
Buck	Harris, T	Noe	Ulmer
Budak	Heim	Orentlicher	VanHaaften
Buell	Hinkle	Oxley	Welch
Burton	Hoffman	Pelath	Wolkins
Cherry	Hoy	Pflum	Woodruff
Cochran	Kersey	Pond	Yount
Crooks	Klinker	Reske	
Crouch	Koch	Richardson	
Davis	Kromkowski	Ripley	

VOTING NAY: 9

Avery	Dickinson	Pierce
Brown, C	Dvorak	Stilwell
Crawford	Fry	Summers

EXCUSED FROM VOTING: 5

Bauer	Friend	Whetstone
Cheney	Walorski	

NOT VOTING: 5

GiaQuinta	Porter	Mr. Speaker
Mays	Turner	

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Roll Call 473: PREVAILED

HB 1323 Dodge
Vehicle size and weight regulation.

Yeas: 87
Nays: 2
Excused: 5
N/Voting: 6

Conference Report #2

VOTING YEA: 87

Aguilera	Davis	Kromkowski	Ripley
Austin	Denbo	Lawson	Robertson
Avery	Dickinson	Lehe	Ruppel
Ayres	Dodge	Leonard	Saunders
Behning	Duncan	Lutz	Smith, J
Bell	Dvorak	Mahern	Smith, V
Bischoff	Espich	Mays	Stevenson
Borders	Foley	McClain	Stilwell
Borrer	Frizzell	Messer	Stutzman
Bottorff	Fry	Micon	Summers
Bright	GiaQuinta	Moses	Thomas
Brown, C	Grubb	Murphy	Thompson
Brown, T	Gutwein	Neese	Tincher
Buck	Harris, E	Noe	Torr
Budak	Harris, T	Orentlicher	Tyler
Buell	Heim	Oxley	Ulmer
Burton	Hinkle	Pelath	VanHaaften
Cherry	Hoffman	Pflum	Welch
Cochran	Hoy	Pierce	Wolkins
Crawford	Kersey	Pond	Woodruff
Crooks	Klinker	Reske	Yount
Crouch	Koch	Richardson	

VOTING NAY: 2

Day Goodin

EXCUSED FROM VOTING: 5

Bauer	Friend	Whetstone
Cheney	Walorski	

NOT VOTING: 6

Bardon	Kuzman	Turner
Dobis	Porter	Mr. Speaker

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Roll Call 474: PREVAILED

HB 1380 J. Smith
Various economic development matters.

Yeas: 91
Nays: 1
Excused: 4
N/Voting: 4

Conference Report #1

VOTING YEA: 91

Aguilera	Davis	Klinker	Reske
Austin	Day	Koch	Richardson
Avery	Denbo	Kromkowski	Ripley
Ayres	Dickinson	Kuzman	Robertson
Bardon	Dodge	Lawson	Ruppel
Behning	Duncan	Lehe	Saunders
Bell	Dvorak	Leonard	Smith, J
Bischoff	Espich	Lutz	Smith, V
Borders	Foley	Mahern	Stevenson
Borrer	Friend	Mays	Stutzman
Bottorff	Frizzell	McClain	Summers
Bright	Fry	Messer	Thomas
Brown, C	GiaQuinta	Micon	Thompson
Brown, T	Goodin	Moses	Tincher
Buck	Grubb	Murphy	Torr
Budak	Gutwein	Neese	Tyler
Buell	Harris, E	Noe	Ulmer
Burton	Harris, T	Orentlicher	VanHaaften
Cherry	Heim	Oxley	Welch
Cochran	Hinkle	Pelath	Wolkins
Crawford	Hoffman	Pflum	Woodruff
Crooks	Hoy	Pierce	Yount
Crouch	Kersey	Pond	

VOTING NAY: 1

Stilwell

EXCUSED FROM VOTING: 4

Bauer	Cheney	Walorski	Whetstone
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NOT VOTING: 4

Dobis	Porter	Turner	Mr. Speaker
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Roll Call 475: PREVAILED

SB 148 Heim
Use of CAGIT revenue by certain counties.

Yeas: 55
Nays: 36
Excused: 4
N/Voting: 5

Conference Report #1

VOTING YEA: 55

Aguilera	Dobis	Koch	Ripley
Ayres	Dodge	Lawson	Ruppel
Behning	Duncan	Lehe	Saunders
Bell	Espich	Leonard	Smith, J
Borrer	Foley	Lutz	Smith,V
Brown,T	Friend	McClain	Stevenson
Buck	Frizzell	Messer	Stutzman
Budak	Goodin	Murphy	Thomas
Buell	Gutwein	Neese	Thompson
Burton	Harris, T	Noe	Torr
Cherry	Heim	Pierce	Ulmer
Cochran	Hinkle	Pond	Welch
Crawford	Hoffman	Reske	Wolkins
Denbo	Klinker	Richardson	

VOTING NAY: 36

Austin	Davis	Kromkowski	Pflum
Avery	Day	Kuzman	Robertson
Bardon	Dickinson	Mahern	Stilwell
Bischoff	Dvorak	Mays	Summers
Borders	Fry	Micon	Tincher
Bottorff	GiaQuinta	Moses	Tyler
Bright	Grubb	Orentlicher	VanHaaften
Crooks	Hoy	Oxley	Woodruff
Crouch	Kersey	Pelath	Yount

EXCUSED FROM VOTING: 4

Bauer	Cheney	Walorski	Whetstone
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NOT VOTING: 5

Brown,C	Porter	Mr. Speaker
Harris, E	Turner	

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Roll Call 476: PREVAILED

SB 349 Burton
Title insurance.

Yeas: 93
Nays: 0
Excused: 5
N/Voting: 2

Conference Report #1

VOTING YEA: 93

Aguilera	Day	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dickinson	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	GiaQuinta	Murphy	Torr
Brown,T	Goodin	Neese	Turner
Buck	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, E	Oxley	VanHaaften
Burton	Heim	Pelath	Welch
Cherry	Hinkle	Pflum	Wolkins
Cochran	Hoffman	Pierce	Woodruff
Crawford	Hoy	Pond	Yount
Crooks	Kersey	Reske	
Crouch	Klinker	Richardson	
Davis	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 5

Bauer	Harris, T	Whetstone
Cheney	Walorski	

NOT VOTING: 2

Porter Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 477: PREVAILED

HB 1006 Noe
Allocation of school resources; homeless
students.
Concur

Yeas: 51
Nays: 47
Excused: 0
N/Voting: 2

VOTING YEA: 51

Ayres	Davis	Lehe	Stutzman
Behning	Dodge	Leonard	Thomas
Bell	Duncan	Lutz	Thompson
Borders	Espich	McClain	Torr
Borrer	Foley	Messer	Turner
Bright	Friend	Murphy	Ulmer
Brown,T	Frizzell	Noe	Walorski
Buck	Gutwein	Pond	Whetstone
Budak	Harris, T	Richardson	Wolkins
Buell	Heim	Ripley	Woodruff
Burton	Hinkle	Ruppel	Yount
Cherry	Hoffman	Saunders	Mr. Speaker
Crouch	Koch	Smith, J	

VOTING NAY: 47

Aguilera	Denbo	Kromkowski	Porter
Austin	Dickinson	Kuzman	Reske
Avery	Dobis	Lawson	Robertson
Bardon	Dvorak	Mahern	Smith,V
Bauer	Fry	Mays	Stevenson
Bischoff	GiaQuinta	Micon	Stilwell
Bottorff	Goodin	Moses	Summers
Brown,C	Grubb	Neese	Tincher
Cheney	Harris, E	Oxley	Tyler
Cochran	Hoy	Pelath	VanHaaften
Crooks	Kersey	Pflum	Welch
Day	Klinker	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Crawford Orentlicher

Indiana House of Representatives
114th General Assembly
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MEETING DAY 29

03-14-06

Roll Call 478: PREVAILED

HB 1008 Borrer
Public-private agreements for
transportation.
Conference Report #1

Yeas: 51
Nays: 48
Excused: 1
N/Voting: 0

VOTING YEA: 51

Ayres	Davis	Lehe	Smith, J
Behning	Dodge	Leonard	Stutzman
Bell	Duncan	Lutz	Thomas
Borders	Espich	McClain	Thompson
Borrer	Foley	Messer	Torr
Bright	Friend	Murphy	Turner
Brown,T	Frizzell	Neese	Ulmer
Buck	Gutwein	Noe	Walorski
Budak	Harris, T	Pond	Whetstone
Buell	Heim	Richardson	Woodruff
Burton	Hinkle	Ripley	Yount
Cherry	Hoffman	Ruppel	Mr. Speaker
Crouch	Koch	Saunders	

VOTING NAY: 48

Aguilera	Day	Klinker	Pierce
Austin	Denbo	Kromkowski	Porter
Avery	Dickinson	Kuzman	Robertson
Bardon	Dobis	Lawson	Smith,V
Bauer	Dvorak	Mahern	Stevenson
Bischoff	Fry	Mays	Stilwell
Bottorff	GiaQuinta	Micon	Summers
Brown,C	Goodin	Moses	Tincher
Cheney	Grubb	Orentlicher	Tyler
Cochran	Harris, E	Oxley	VanHaaften
Crawford	Hoy	Pelath	Welch
Crooks	Kersey	Pflum	Wolkins

EXCUSED FROM VOTING: 1

Reske

NOT VOTING: NONE

Indiana House of Representatives
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MEETING DAY 29

03-14-06

Roll Call 479: PREVAILED

HB 1327 Espich
Taxation and government
finance.
Conference Report #1

Yeas: 99
Nays: 0
Excused: 0
N/Voting: 1

VOTING YEA: 99

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dobis	Leonard	Smith,V
Bauer	Dodge	Lutz	Stevenson
Behning	Duncan	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, E	Oxley	VanHaaften
Buell	Harris, T	Pelath	Walorski
Burton	Heim	Pflum	Welch
Cheney	Hinkle	Pierce	Whetstone
Cherry	Hoffman	Pond	Wolkins
Cochran	Hoy	Porter	Woodruff
Crawford	Kersey	Reske	Yount
Crooks	Klinker	Richardson	Mr. Speaker
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 1

Dvorak

Indiana House of Representatives
114th General Assembly
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MEETING DAY 29

03-14-06

Roll Call 480: PREVAILED

HB 1172 T. Harris
Written information before an abortion.

Conference Report #1

Yeas: 75
Nays: 23
Excused: 0
N/Voting: 2

VOTING YEA: 75

Ayres	Denbo	Koch	Ruppel
Bauer	Dobis	Kromkowski	Saunders
Behning	Dodge	Lehe	Smith, J
Bell	Duncan	Leonard	Stilwell
Bischoff	Dvorak	Lutz	Stutzman
Borders	Espich	Mahern	Thomas
Borrer	Foley	McClain	Thompson
Bottorff	Friend	Messer	Tincher
Bright	Frizzell	Micon	Torr
Brown, T	GiaQuinta	Murphy	Turner
Buck	Goodin	Neese	Tyler
Budak	Grubb	Noe	Walorski
Buell	Gutwein	Oxley	Welch
Burton	Harris, T	Pelath	Whetstone
Cherry	Heim	Pond	Wolkins
Cochran	Hinkle	Reske	Woodruff
Crooks	Hoffman	Richardson	Yount
Crouch	Kersey	Ripley	Mr. Speaker
Davis	Klinker	Robertson	

VOTING NAY: 23

Aguilera	Crawford	Lawson	Porter
Austin	Dickinson	Mays	Smith, V
Avery	Fry	Moses	Stevenson
Bardon	Harris, E	Orentlicher	Summers
Brown, C	Hoy	Pflum	Ulmer
Cheney	Kuzman	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Day VanHaaften

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 481: PREVAILED

HB 1362 Buck
Local government reorganization.

Yeas: 88
Nays: 8
Excused: 0
N/Voting: 4

Conference Report #1

VOTING YEA: 88

Aguilera	Crouch	Koch	Robertson
Austin	Davis	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dobis	Lehe	Smith, J
Behning	Dodge	Leonard	Smith,V
Bell	Duncan	Lutz	Stevenson
Bischoff	Espich	McClain	Stilwell
Borders	Foley	Messer	Stutzman
Borrer	Friend	Micon	Thomas
Bottorff	Frizzell	Murphy	Thompson
Bright	GiaQuinta	Neese	Tincher
Brown,C	Goodin	Noe	Torr
Brown,T	Grubb	Orentlicher	Turner
Buck	Gutwein	Oxley	Tyler
Budak	Harris, E	Pelath	Ulmer
Buell	Harris, T	Pflum	VanHaaften
Burton	Heim	Pierce	Walorski
Cheney	Hinkle	Pond	Welch
Cherry	Hoffman	Porter	Whetstone
Cochran	Hoy	Reske	Wolkins
Crawford	Kersey	Richardson	Woodruff
Crooks	Klinker	Ripley	Yount

VOTING NAY: 8

Bardon	Dvorak	Kromkowski	Mays
Dickinson	Fry	Mahern	Moses

EXCUSED FROM VOTING: NONE

NOT VOTING: 4

Bauer	Day	Summers	Mr. Speaker
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Indiana House of Representatives
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MEETING DAY 29

03-14-06

Roll Call 482: PREVAILED

SB 345 Espich
Reversal of payment delays.

Yeas: 95
Nays: 0
Excused: 0
N/Voting: 5

Conference Report #1

VOTING YEA: 95

Aguilera	Davis	Kromkowski	Robertson
Austin	Denbo	Kuzman	Ruppel
Avery	Dobis	Lehe	Saunders
Ayres	Dodge	Leonard	Smith, J
Bardon	Duncan	Lutz	Smith,V
Behning	Dvorak	Mahern	Stevenson
Bell	Espich	Mays	Stilwell
Bischoff	Foley	McClain	Stutzman
Borders	Friend	Messer	Summers
Borrer	Frizzell	Micon	Thomas
Bottorff	Fry	Moses	Thompson
Bright	GiaQuinta	Murphy	Tincher
Brown,C	Goodin	Neese	Torr
Brown,T	Grubb	Noe	Turner
Buck	Gutwein	Orentlicher	Tyler
Budak	Harris, E	Oxley	Ulmer
Buell	Harris, T	Pelath	VanHaaften
Burton	Heim	Pflum	Walorski
Cheney	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Cochran	Hoy	Porter	Wolkins
Crawford	Kersey	Reske	Woodruff
Crooks	Klinker	Richardson	Yount
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: NONE

NOT VOTING: 5

Bauer	Dickinson	Mr. Speaker
Day	Lawson	

Indiana House of Representatives
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MEETING DAY 29

03-14-06

Roll Call 483: PREVAILED

SB 260 Espich
Taxation.

Conference Report #1

Yeas: 83
Nays: 15
Excused: 0
N/Voting: 2

VOTING YEA: 83

Austin	Denbo	Kuzman	Ruppel
Avery	Dobis	Lehe	Saunders
Ayres	Dodge	Leonard	Smith, J
Bardon	Duncan	Lutz	Stilwell
Behning	Dvorak	Mahern	Stutzman
Bell	Espich	Mays	Summers
Bischoff	Foley	McClain	Thomas
Borders	Friend	Messer	Thompson
Borrer	Frizzell	Micon	Tincher
Bottorff	GiaQuinta	Murphy	Torr
Bright	Goodin	Neese	Turner
Brown, T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	Ulmer
Budak	Harris, T	Oxley	VanHaaften
Buell	Heim	Pflum	Walorski
Burton	Hinkle	Pierce	Welch
Cherry	Hoffman	Pond	Whetstone
Crooks	Hoy	Reske	Wolkins
Crouch	Kersey	Richardson	Woodruff
Davis	Klinker	Ripley	Yount
Day	Koch	Robertson	

VOTING NAY: 15

Aguilera	Crawford	Kromkowski	Porter
Brown, C	Dickinson	Lawson	Smith, V
Cheney	Fry	Moses	Stevenson
Cochran	Harris, E	Pelath	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Bauer Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 484: PREVAILED

HB 1315 Thompson
Video service franchises.

Yeas: 83
Nays: 15
Excused: 0
N/Voting: 2

Conference Report #1

VOTING YEA: 83

Aguilera	Dobis	Kuzman	Robertson
Avery	Dodge	Lawson	Ruppel
Ayres	Duncan	Lehe	Smith, J
Bauer	Espich	Leonard	Smith,V
Behning	Foley	Lutz	Stevenson
Bell	Friend	Mahern	Stilwell
Bischoff	Frizzell	Mays	Stutzman
Borders	Fry	McClain	Thomas
Borrer	GiaQuinta	Messer	Thompson
Bottorff	Goodin	Micon	Torr
Bright	Grubb	Murphy	Turner
Brown,T	Gutwein	Neese	Tyler
Buck	Harris, T	Noe	Ulmer
Budak	Heim	Orentlicher	VanHaaften
Buell	Hinkle	Oxley	Walorski
Burton	Hoffman	Pelath	Welch
Cherry	Hoy	Pflum	Whetstone
Cochran	Kersey	Pond	Wolkins
Crouch	Klinker	Reske	Woodruff
Davis	Koch	Richardson	Yount
Denbo	Kromkowski	Ripley	

VOTING NAY: 15

Austin	Crawford	Dvorak	Saunders
Bardon	Crooks	Harris, E	Summers
Brown,C	Day	Moses	Tincher
Cheney	Dickinson	Pierce	

EXCUSED FROM VOTING: NONE

NOT VOTING: 2

Porter Mr. Speaker

Indiana House of Representatives
114th General Assembly
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MEETING DAY 29

03-14-06

Roll Call 485: PREVAILED

HB 1240 Behning
Statewide testing program; mentor
teacher stipends.
Conference Report #1

Yeas: 94
Nays: 0
Excused: 1
N/Voting: 5

VOTING YEA: 94

Aguilera	Denbo	Kuzman	Robertson
Austin	Dickinson	Lawson	Ruppel
Avery	Dobis	Lehe	Saunders
Ayres	Dodge	Leonard	Smith, J
Bauer	Duncan	Lutz	Smith,V
Behning	Dvorak	Mahern	Stevenson
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Cheney	Heim	Pelath	Walorski
Cherry	Hinkle	Pflum	Welch
Cochran	Hoffman	Pierce	Whetstone
Crawford	Hoy	Pond	Wolkins
Crooks	Kersey	Porter	Woodruff
Crouch	Klinker	Reske	Yount
Davis	Koch	Richardson	
Day	Kromkowski	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Buck

NOT VOTING: 5

Bardon	Harris, E	Mr. Speaker
Burton	Stilwell	

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 486: PREVAILED

HB 1329 Mays
Health and human services matters.

Yeas: 93
Nays: 1
Excused: 2
N/Voting: 4

Conference Report #1

VOTING YEA: 93

Aguilera	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Ruppel
Ayres	Dickinson	Lehe	Saunders
Bardon	Dobis	Leonard	Smith, J
Bauer	Dodge	Lutz	Smith,V
Behning	Duncan	Mahern	Stevenson
Bell	Dvorak	Mays	Stutzman
Bischoff	Espich	McClain	Summers
Borders	Foley	Messer	Thomas
Borrer	Friend	Micon	Thompson
Bottorff	Frizzell	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Wolkins
Cochran	Hoy	Pond	Woodruff
Crawford	Kersey	Porter	Yount
Crooks	Klinker	Reske	
Crouch	Koch	Richardson	
Davis	Kromkowski	Ripley	

VOTING NAY: 1

Fry

EXCUSED FROM VOTING: 2

Buck Whetstone

NOT VOTING: 4

Austin Harris, E Stilwell Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 487: PREVAILED

HB 1338 T. Harris
School improvement awards; teacher
licensing; policing.
Conference Report #1

Yeas: 94
Nays: 0
Excused: 2
N/Voting: 4

VOTING YEA: 94

Aguilera	Day	Kromkowski	Ripley
Austin	Denbo	Kuzman	Robertson
Avery	Dickinson	Lawson	Ruppel
Ayres	Dobis	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Bauer	Duncan	Lutz	Smith,V
Behning	Dvorak	Mahern	Stevenson
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Budak	Gutwein	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Wolkins
Crawford	Hoy	Pond	Woodruff
Crooks	Kersey	Porter	Yount
Crouch	Klinker	Reske	
Davis	Koch	Richardson	

VOTING NAY: NONE

EXCUSED FROM VOTING: 2

Buck Whetstone

NOT VOTING: 4

Cochran Harris, E Stilwell Mr. Speaker

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 488: PREVAILED

SB 172 Behning
Teacher shortages.

Conference Report #1

Yeas: 97
Nays: 0
Excused: 1
N/Voting: 2

VOTING YEA: 97

Aguilera	Davis	Kromkowski	Robertson
Austin	Day	Kuzman	Ruppel
Avery	Denbo	Lawson	Saunders
Ayres	Dickinson	Lehe	Smith, J
Bardon	Dodge	Leonard	Smith,V
Bauer	Duncan	Lutz	Stevenson
Behning	Dvorak	Mahern	Stilwell
Bell	Espich	Mays	Stutzman
Bischoff	Foley	McClain	Summers
Borders	Friend	Messer	Thomas
Borrer	Frizzell	Micon	Thompson
Bottorff	Fry	Moses	Tincher
Bright	GiaQuinta	Murphy	Torr
Brown,C	Goodin	Neese	Turner
Brown,T	Grubb	Noe	Tyler
Buck	Gutwein	Orentlicher	VanHaaften
Budak	Harris, E	Oxley	Walorski
Buell	Harris, T	Pelath	Welch
Burton	Heim	Pflum	Wolkins
Cheney	Hinkle	Pierce	Woodruff
Cherry	Hoffman	Pond	Yount
Cochran	Hoy	Porter	Mr. Speaker
Crawford	Kersey	Reske	
Crooks	Klinker	Richardson	
Crouch	Koch	Ripley	

VOTING NAY: NONE

EXCUSED FROM VOTING: 1

Whetstone

NOT VOTING: 2

Dobis Ulmer

Indiana House of Representatives
114th General Assembly
Second Regular Session

MEETING DAY 29

03-14-06

Roll Call 489: PREVAILED

HB 1001 Espich
Various tax matters.

Conference Report #1

Yeas: 95
Nays: 1
Excused: 1
N/Voting: 3

VOTING YEA: 95

Aguilera	Davis	Kromkowski	Ripley
Austin	Day	Kuzman	Robertson
Avery	Denbo	Lawson	Ruppel
Ayres	Dickinson	Lehe	Saunders
Bardon	Dodge	Leonard	Smith, J
Behning	Duncan	Lutz	Stevenson
Bell	Dvorak	Mahern	Stilwell
Bischoff	Espich	Mays	Stutzman
Borders	Foley	McClain	Summers
Borrer	Friend	Messer	Thomas
Bottorff	Frizzell	Micon	Thompson
Bright	Fry	Moses	Tincher
Brown,C	Goodin	Murphy	Torr
Brown,T	Grubb	Neese	Turner
Buck	Gutwein	Noe	Tyler
Budak	Harris, E	Orentlicher	Ulmer
Buell	Harris, T	Oxley	VanHaaften
Burton	Heim	Pelath	Walorski
Cheney	Hinkle	Pflum	Welch
Cherry	Hoffman	Pierce	Whetstone
Cochran	Hoy	Pond	Wolkins
Crawford	Kersey	Porter	Woodruff
Crooks	Klinker	Reske	Yount
Crouch	Koch	Richardson	

VOTING NAY: 1

Dobis

EXCUSED FROM VOTING: 1

Bauer

NOT VOTING: 3

GiaQuinta Smith,V Mr. Speaker

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STATE OF INDIANA



JOURNAL OF THE SENATE

114TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

Convening November 22, 2005

Reconvening January 9, 2006

Adjourning March 14, 2006

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OFFICERS OF THE SENATE

Rebecca S. Skillman, *Lieutenant Governor and President*

Robert D. Garton, *President Pro Tempore*

Sue Landske, *Assistant President Pro Tempore*

Joseph W. Harrison, *Majority Floor Leader Emeritus*

David C. Long, *Majority Floor Leader*

Patricia L. Miller, *Assistant Majority Floor Leader*

James W. Merritt, Jr., *Majority Caucus Chair*

Richard D. Bray, *Assistant Majority Caucus Chair*

Connie Lawson, *Assistant Majority Caucus Chair*

Joseph C. Zakas, *Majority Whip*

Ron J. Alting, *Assistant Majority Whip*

Richard D. Young, Jr., *Minority Floor Leader*

Earline S. Rogers, *Assistant Minority Floor Leader*

Timothy S. Lanane, *Minority Floor Leader Pro Tempore*

James A. Lewis, *Minority Caucus Chair*

Allie V. Craycraft, Jr., *Assistant Minority Caucus Chair*

Anita O. Bowser, *Assistant Minority Caucus Chair*

Lindel O. Hume, *Minority Whip*

Billie Breaux, *Assistant Minority Whip*

Mary C. Mendel, *Principal Secretary*

Diane M. Marshall, *Assistant Majority Secretary*

Emma Keys, *Deputy Minority Secretary*

Gene R. Leeuw, *Parliamentarian*

Kathleen Cord Cash, *Chief Counsel to Majority Caucus*

Patrick J. Cunningham, *Minority Attorney*

Russell Plummer, *Principal Doorkeeper*

Joseph M. Fierek, *Postmaster*



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

First Meeting Day

Tuesday Morning

November 22, 2005

The members of the Senate of the One Hundred and Fourteenth General Assembly of the State of Indiana assembled in the Senate Chambers in the State House in the City of Indianapolis on Tuesday, the twenty-second day of November, 2005, A.D., at 10:34 a.m., being the day fixed by law for the convening of the Second Regular Session of the General Assembly, viz:

"...the second regular session of each term of the General Assembly shall convene on the third Tuesday after the first Monday of November of each odd numbered year for the purpose of establishing the first day of the second regular session."

The Senate was called to order by the Honorable Rebecca S. Skillman Lieutenant Governor and President of the Senate.

Prayer was offered by Pastor David Williamson, Milroy United Methodist Church, the guest of Senator Robert N. Jackman.

The Pledge of Allegiance to the Flag was led by Senator Jackman.

The roll was called and the following members answered to their names:

Alting, Ron J., District 22, Jasper, Tippecanoe, and White Counties

Becker, Vaneta G., District 50, Vanderburgh and Warrick Counties

Bowser, Anita O., District 8, LaPorte and St. Joseph Counties

Bray, Richard D., District 37, Clay, Morgan, Owen, Putnam, and Vigo Counties

Breaux, Billie J., District 34, Marion County

Broden, John E., District 10, St. Joseph County

Craycraft, Allie V., Jr., District 26, Blackford, Delaware, and Jay Counties

Dillon, Gary P., District 17, Allen, Grant, Huntington, Kosciusko, Wabash, and Whitley Counties

Drozda, Jeffery, A., District 21, Boone, Hamilton, Howard, and Tipton Counties

Ford, David C., District 19, Adams, Allen, Blackford, Delaware, Grant, Jay, Madison, and Wells Counties

Gard, Beverly J., District 28, Delaware, Fayette, Hamilton, Hancock, Henry, and Madison Counties

Garton, Robert D., District 41, Bartholomew, Johnson, and Shelby Counties

Harrison, Joseph W., District 23, Boone, Clinton, Fountain, Hendricks, Montgomery, and Warren Counties

Heinold, Victor R., District 5, LaPorte, Marshall, Porter, St. Joseph, and Starke Counties

Hershman, Brandt E., District 7, Carroll, Clinton, Howard, Jasper,

Pulaski, Starke, Tippecanoe, and White Counties

Howard, Glenn L., District 33, Marion County

Hume, Lindel O., District 48, Daviess, Dubois, Gibson, Greene, Martin, Orange, and Pike Counties

Jackman, Robert N., District 42, Decatur, Fayette, Franklin, Rush, and Shelby Counties

Kenley, Howard A. "Luke" III, District 20, Grant, Hamilton, Howard, Madison, and Tipton Counties

Kruse, Dennis, K., District 14, Adams, Allen, Dekalb, and Steuben Counties

Lanane, Timothy, District 25, Delaware, Henry, and Madison Counties

Landske, Dorothy S. "Sue", District 6, Jasper, Lake, and Newton Counties

Lawson, Connie, District 24, Boone, Hendricks, Montgomery, Parke, and Putnam Counties

Lewis, James A., District 45, Clark, Jackson, Jefferson, Jennings, Scott, Switzerland, and Washington Counties

Long, David C., District 16, Allen County

Lubbers, Teresa S., District 30, Hamilton and Marion Counties

Lutz, Larry E., District 49, Posey and Vanderburgh Counties

Meeks, Robert L., District 13, Dekalb, Kosciusko, LaGrange, Noble, and Steuben Counties

Merritt, James W., Jr., District 31, Marion County

Miller, Patricia L., District 32, Johnson and Marion Counties

Mishler, Ryan D., District 9, Elkhart, Kosciusko, Marshall, and St. Joseph Counties

Nugent, Johnny, District 43, Dearborn, Franklin, Jefferson, Jennings, Ohio, Ripley, Switzerland, and Union Counties

Paul, Allen E., District 27, Jay, Randolph, and Wayne Counties

Riegsecker, Marvin D., District 12, Elkhart and Kosciusko Counties

Rogers, Earline S., District 3, Lake County

Sipes, Connie L., District 46, Clark and Floyd Counties

Skinner, Timothy D., District 38, Parke, Vermillion, Vigo, and Warren Counties

Smith, Samuel, Jr., District 2, Lake County

Steele, Brent E., District 44, Jackson, Lawrence, Monroe, Orange, and Washington Counties

Waltz, D. Brent, Jr., District 36, Johnson and Marion Counties

Waterman, John M., District 39, Clay, Greene, Knox, Monroe, Owen, Sullivan, and Vigo Counties

Weatherwax, Thomas K., District 18, Carroll, Cass, Fulton, Kosciusko, Marshall, Miami, and Pulaski Counties

Wyss, Thomas J., District 15, Allen County

Young, Richard D., District 47, Crawford, Dubois, Harrison, Perry, Spencer, and Warrick Counties

Young, R. Michael, District 35, Johnson, Marion, and Morgan Counties

Zakas, Joseph C., District 11, Elkhart and St. Joseph Counties

Senator J. Murray Clark, District 29, Hamilton and Marion Counties resigned effective November 14, 2005.

Senators excused: Rose Ann Antich-Carr, District 4, Lake and Porter Counties; Vi Simpson, District 40, Brown, Monroe, and Owen Counties; Frank Mrvan, Jr., District 1, Lake County.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on September 19, 2005, Senator Greg Server resigned his seat at the Indiana State Senate.

Pursuant to the provisions of IC 3-13-5-6 and IC 3-13-5-7, the attached documents are submitted for inclusion in the Journal of the Senate:

1. President Pro Tempore's Notification to the Indiana Republican Party State Chairman of Senator Server's resignation.
2. Indiana Republican Party State Chairman's Certification of Selection of Vaneta Becker to fill the vacancy in the office of the Indiana Senate, District 50.
3. President Pro Tempore's Notice to the Indiana Secretary of State of the Indiana Republican Party State Chairman's Certification of Selection of Vaneta Becker.
4. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Vaneta Becker to fill the vacancy in the office of the Indiana Senate, District 50.
5. President Pro Tempore's acknowledgment of receipt of the Certificate of Selection from the Indiana Secretary of State.
6. Report of the President Pro Tempore on administration of the oath of office by Chief Justice Randall T. Shepard on September 29, 2005.
7. Memorandum to Senators and Staff regarding Amended Senate Standing Committee Assignments.

GARTON

Report adopted.

September 8, 2005

Mr. James Kittle
Republican State Chairman
Indiana Republican State Committee
47 South Meridian Street, Suite 200
Indianapolis, Indiana 46204

Dear Mr. Chairman:

Pursuant to IC 5-8-3.5-1 (b), I hereby officially notify you of Senator

Greg Server's resignation from the Indiana State Senate effective at 8:00 a.m. on Monday, September 19, 2005. A copy of his letter is enclosed.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp
Enclosure

CERTIFICATION OF APPOINTMENT TO A VACANT STATE LEGISLATIVE OFFICE TO THE HONORABLE ROBERT GARTON PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 50, on September 19, 2005, due to the resignation of the Honorable Greg Server, who was elected to office as a candidate of the Indiana Republican party;

WHEREAS, The duly elected and acting state chairman of the Indiana Republican Party set the place, date, and time of a caucus comprised of the eligible precinct committeemen from Indiana Senate District 50 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date and time of the meeting;

WHEREAS, The duly appointed designee of the state chairman presided over the aforesaid caucus, which was conducted on September 26, 2005, this date being not later than thirty (30) days after the vacancy occurred;

WHEREAS, The caucus, voting by secret ballot, and a majority vote of those casting a vote for the candidate, selected an individual who resides within Indiana Senate District 50 to fill this vacancy;

WHEREAS, The individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Secretary of the Senate, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, Under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to President Pro Tempore of the Indiana Senate; and

WHEREAS, Under Indiana Code 3-13-5-6, the President Pro Tempore of the Senate is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana Senate on the day when the individual is seated, (or if this certificate is received after the adjournment sine die of the General Assembly, on the first day that the Indiana Senate is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of State of Indiana;

November 22, 2005

Senate 3

**NOW, THEREFORE, AS THE
DULY ELECTED AND ACTING CHAIRMAN
OF THE INDIANA REPUBLICAN STATE COMMITTEE,**

- (1) I certify that Vaneta Becker was selected by the aforesaid caucus to fill the vacancy existing in the office of the Indiana Senate, District 50.
- (2) I request that the President Pro Tempore of the Senate acknowledge receipt of this Certificate by his signature below as provided for by Indiana Code 3-13-5-6.
- (3) I request that the President Pro Tempore include a copy of this Certificate in the Journal of the Indiana Senate as provided by Indiana Code 3-13-5-6.
- (4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS THE 27TH DAY OF SEPTEMBER, 2005.
Jim Kittle, Jr.

**ACKNOWLEDGMENT OF RECEIPT
BY THE PRESIDENT PRO TEMPORE
OF THE INDIANA SENATE**

I hereby acknowledge receipt of this Certificate by my signature below this 27th day of September, 2005.

Robert D. Garton
President Pro Tempore of the Indiana Senate

September 27, 2005

The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to officially notify you that this office has received from the Chair of the Indiana Republican State Committee, a copy of the certification of the election of Vaneta Becker to represent State Senate District 50, filling the vacancy created by the resignation of Senator Greg Server. Senator Becker was duly elected on September 26, 2005, in a caucus of precinct committee persons in District 50.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp
Enclosure: Certification
copy Senator Vaneta Becker
4017 Cobblefield Drive
Evansville, Indiana 47711

**CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE
TO THE HONORABLE ROBERT D. GARTON
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE**

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 50, on September 19, 2005, due to the resignation of the Honorable Greg Server, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, On September 26, 2005, a caucus composed of Republican Party precinct committeemen from Indiana Senate District 50 selected Vaneta Becker to fill the vacancy in Senate District 50;

WHEREAS, On September 27, 2005, the State Chairman of the Indiana Republican Party certified the selection of Vaneta Becker to fill the vacancy in Senate District 50 to the President Pro Tempore of the Indiana State Senate and the President Pro Tempore acknowledged receipt of the certification thereon;

WHEREAS, On September 27, 2005, the President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING
SECRETARY OF THE STATE OF INDIANA, I certify that the
Honorable Vaneta Becker has been selected to fill the vacancy
existing in the office of the Indiana State Senator, District 50.

Given under my hand and the Seal of the State of Indiana, at the
City of Indianapolis, this 7th day of October, 2005, being the
230th year of the Independence of the United States, and the
190th year of the Statehood of Indiana.

Todd Rokita
Secretary of the State of Indiana

November 16, 2005

The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to acknowledge receipt of your Certificate of Selection to the State Legislative Office of Vaneta Becker to fill the vacancy created by the resignation of Senator Greg Server. Senator Becker was duly elected on September 26, 2005, in a caucus of precinct committee persons to represent State Senate District 50.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on September 29, 2005, Senator Vaneta Becker was sworn-in to office to represent District 50. Chief Justice Randall T. Shepard administered the oath of office in the Senate Chamber.

GARTON

Report adopted.

September 29, 2005

Message from Senator Garton for all Senators and Staff:

As you know, Senator Greg Server recently resigned from the State Senate to assume the position of Commissioner at the Indiana Utility Regulatory Commission. Effective immediately, I have appointed Senator Sue Landske Chair of our Commerce and Transportation Standing Committee. She will serve as Chair for one year.

Senator Marvin Riegsecker has replaced Senator Server on our Appropriations Committee and has been removed from our Pensions and Labor Committee.

Senator Hershman has been appointed to replace Senator Server as Chair of the Regulatory Affairs Subcommittee of our Homeland Security, Utilities, and Public Policy Committee and has been removed from the Public Safety Subcommittee.

Our new member, Senator Vaneta Becker, was sworn in this morning by Chief Justice Shepard. Her Senate committee appointments are as follows:

Commerce and Transportation
Health and Provider Services (Provider Services Subcommittee)
Homeland Security, Utilities, and Public Policy (Public Safety Subcommittee)
Pensions and Labor

If you have any questions, let me know.

Best regards,
Senator Bob Garton

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on November 14, 2005, Senator J. Murray Clark resigned his seat at the Indiana State Senate. Subsequently, on November 16, 2005, I notified the Indiana Republican Party State Chairman of Senator Clark's resignation.

GARTON

November 16, 2005

Mr. James Kittle
Republican State Chairman
Indiana Republican State Committee
47 South Meridian Street, Suite 200
Indianapolis, Indiana 46204

Dear Mr. Chairman:

Pursuant to IC 5-8-3.5-1 (b), I hereby officially notify you of Senator Murray Clark's resignation from the Indiana State Senate effective at midnight last Monday, November 14, 2005. A copy of his letter is enclosed.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp
Enclosure

RESOLUTIONS ON FIRST READING

Senate Resolution 1

Senate Resolution 1, introduced by Senator Garton:

A SENATE RESOLUTION to authorize the Postmaster of the Indiana Senate to receive from the Postmaster of the City of Indianapolis all mail belonging to the Senate.

Whereas, The Postmaster of the Indiana Senate is hereby authorized to receive from the Postmaster of the City of Indianapolis all mail which may belong to the Indiana Senate and to the several members and employees thereof and which may be directed to the general delivery or care of the Senate: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Secretary of the Senate be directed to send a certified copy of this Resolution to the Postmaster of the City of Indianapolis.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 4

Senate Concurrent Resolution 4, introduced by Senator Garton:

A CONCURRENT RESOLUTION to allow the Senate and the House of Representatives of the 114th Indiana General Assembly to adjourn and recess separately throughout the Second Regular Session for periods in excess of three (3) consecutive days as the need, in the judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, respectively, may arise.

Whereas, The Indiana Senate and the House of Representatives met for the purpose of organization of each House and to conduct the public business of the people of the State of Indiana;

Whereas, The Indiana Senate and the House of Representatives shall operate on their own respective schedules, having been separated from each other pursuant to IC 2-2.1-1-3;

Whereas, During the consideration of legislative business, each House may, in the respective judgment of the President Pro Tempore of the Senate and the Speaker of the House of Representatives, deem it necessary to adjourn and recess for periods in excess of three (3) consecutive days and to operate on a schedule different from the other House;

Whereas, Article 4, Section 10 of the Constitution of the State of Indiana states that neither House shall, without consent of the other, adjourn for more than three (3) consecutive days;

Whereas, Each House desires to consent to any adjournment or recess by the other House which might last more than three (3) days during the Second Regular Session of the 114th General Assembly; and

Whereas, The House of Representatives and the Senate intend to recess after November 22, 2005, and the House of Representatives will reconvene on January 4, 2006 and the Senate will convene on January 9, 2006, to conduct legislative business: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That each House of the 114th Indiana General Assembly hereby consents to any adjournment or recess of the other House during the Second Regular Session of the 114th Indiana General Assembly for a period in excess of three (3) days, where such recess or adjournment is approved, in the case of the Senate, by the President Pro Tempore of the Senate, or, in the case of the House of Representatives, by the Speaker of the House of Representatives.

SECTION 2. The Secretary of the Senate is directed to inform the House of Representatives of the passage of the Resolution.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Friend.

Senate Resolution 2

Senate Resolution 2, introduced by Senator R. Young:

A SENATE RESOLUTION to memorialize those individuals who lost their lives, and honor those individuals and communities affected by a tornado and severe storms in southwestern Indiana on November 6, 2005.

Whereas, During the very early morning hours of Sunday, November 6, 2005, "Mother Nature" unleashed her fury upon the residents of Warrick and Vanderburgh counties with residual damage

to the counties of Dubois, Gibson, Pike, Posey and Spencer in the form of a tornado and severe storms that cut a path of death and destruction 3/4 of a mile wide and 20 miles long;

Whereas, Twenty-two (22) people lost their lives and over 200 were injured, many while asleep and unaware of the extreme weather conditions including wind speeds in excess of 200 miles an hour;

Whereas, Almost 500 homes and businesses were destroyed and 21,000 were left without power;

Whereas, Thousands of individuals from the public and private sectors turned out to assist in the rescue and recovery processes deserve our sincerest appreciation and praise for their combined efforts in aiding those persons affected by the horrific events of November 6th;

Whereas, The local communities hardest hit by the deaths and destruction should be commended for their courage, strength and dedication during these difficult times;

Whereas, Hoosiers' values and character will help these communities become stronger in honor of those who lost their lives: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Senators of Indiana express our sincere appreciation for the great many volunteers and our sympathetic hearts to the many who lost their lives.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to each county executive body of Warrick, Vanderburgh, Dubois, Gibson, Pike, Posey and Spencer counties.

The resolution was read in full and adopted by standing vote.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Nugent, Paul, Riegsecker, Rogers, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 2.

R. YOUNG

Motion prevailed.

Senate Concurrent Resolution 3

Senate Concurrent Resolution 3, introduced by Senator Miller:

A CONCURRENT RESOLUTION honoring Ron Wuensch.

Whereas, Ron Wuensch retired as the executive director of the Indiana Optometric Association after 44 years of dedicated service

to that organization;

Whereas, The Indiana Society of Association Executives, for whom Ron served as president from 1973-1974, honored Ron by making him the first recipient of its Association Executive of the Year Award in 1982;

Whereas, Ron also received the National Management Achievement Award from the American Society of Association Executives in 1965, 1967, and 1968, and was elected a Certified Association Executive, an honor bestowed on only a very select group of association executives in the United States;

Whereas, During his years as executive director of the Indiana Optometric Association, Ron felt that to be a truly effective administrator, the executive director must personally experience the legislative process and its effect on the association;

Whereas, Therefore, Ron could be seen daily in the halls of the State House ensuring that the best interests of his organization were being met;

Whereas, Ron was dedicated to making sure that he was fully informed regarding all the issues affecting his association;

Whereas, Ron believed that grassroots work and collaboration were the keys to success for the Indiana Optometric Association and helped its local societies around the state put on a pre-legislative conference to bring health care issues to the attention of legislators and candidates; and

Whereas, Ron Wuensch worked diligently to further the Indiana Optometric Association's primary goal, which is "the continuing development and the participation therein of quality eye/vision care for Hoosier citizens": Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana Senate thanks Ron Wuensch for his dedicated service to the Indiana Optometric Association and the state of Indiana and its citizens and wishes him happiness and contentment in his retirement.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Ron Wuensch and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative T. Brown.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Mishler, Mrvan, Nugent, Paul,

Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 3.

MILLER

Motion prevailed.

Senate Concurrent Resolution 2

Senate Concurrent Resolution 2, introduced by Senator Wyss:

A CONCURRENT RESOLUTION honoring Clarian Health Partners (Methodist Hospital, Indiana University Hospital, and Riley Hospital for Children), Indiana University School of Medicine, and the outstanding doctors who serve the health care needs of the citizens of Indiana.

Whereas, Leaders in cancer research and treatment from Indiana University School of Medicine and Clarian Health Partners were recently selected to be included in the first edition of America's Top Doctors for Cancer;

Whereas, 18 specialists from Indiana University Hospital and Riley Hospital for Children were among the nearly 2,000 leading cancer specialists profiled in this premiere edition;

Whereas, Doctors listed in this first edition publication were selected by a physician-led research team based on comprehensive national surveys of physicians and medical leaders. The doctors represent more than 40 medical specialties involved in the diagnosis and treatment of cancers in adults and children;

Whereas, Thanks to better methods of preventing, finding, and treating the disease, the death rate from cancer is slowly but steadily decreasing in the United States; and

Whereas, It is through organizations like Clarian Health Partners, Indiana University School of Medicine, and their dedicated doctors that the death rate from cancer is decreasing and their continued efforts will possibly help to eliminate cancer as a cause of death throughout the world: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly thanks Clarian Health Partners, Indiana University School of Medicine, and their dedicated doctors for their efforts to bring the citizens of Indiana the best possible cancer care and improved treatment capabilities and congratulates them on their well deserved recognition.

SECTION 2. That the Indiana General Assembly congratulates Dr. John J. Coleman, Dr. Lawrence Einhorn, Dr. Robert J. Fallon, Dr. Richard S. Foster, Dr. Robert J. Goulet, Dr. Jay L. Grosfeld, Dr. Valerie P. Jackson, Dr. Keith Douglas Lillemoe, Dr. Patrick J. Loehrer, Dr. Katherine Look, Dr. Richard T. Miyamoto, Dr. David H.

Moore, Dr. Scott A. Shapiro, Dr. George W. Sledge, Jr., Dr. Frederick B. Stehman, Dr. Thomas M. Ulbright, Dr. Terry A. Vik, and Dr. Stephen D. Williams for their inclusion in the list of top cancer specialists in the nation.

SECTION 3. That copies of this resolution be transmitted by the Secretary of the Senate to Daniel F. Evans, Jr., President and Chief Executive Officer of Clarian Health Partners; D. Craig Brater, M.D., Dean of the Indiana University School of Medicine; and each Indiana doctor profiled in *America's Top Doctors for Cancer*.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Welch and Buell.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mryan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 2.

WYSS

Motion prevailed.

Senate Concurrent Resolution 6

Senate Concurrent Resolution 6, introduced by Senator Nugent:

A CONCURRENT RESOLUTION to honor Ed Noel on his retirement from the Greendale Fire Department.

Whereas, Ed Noel joined the Greendale Fire Department in 1965. During his tenure, he has held the positions of Lieutenant and Assistant Chief and was elected Chief in 1978;

Whereas, At the end of this year, Chief Noel will have completed 40 years of service with the Greendale Fire Department and plans to retire;

Whereas, One of Chief Noel's major goals was to oversee construction of a new Fire Station that was more centrally located and provided more space to meet the needs of the City of Greendale. This was achieved when the fire department moved into a new station in December 2004;

Whereas, Chief Noel has always believed that training made the difference between a good department and a great department and has promoted at least two training sessions per month since becoming Chief;

Whereas, Along with his duties at the fire department, Chief Noel has trained and worked with his search dog, Sammy, for the last four

years. They have aided several police departments in searches for missing persons;

Whereas, Ed has also served as President of the Dearborn County Fire Chiefs Association and has been a member of the county's Fire Investigation Team;

Whereas, When not on duty, Ed has been active in coaching Little League baseball and soccer, as well as serving on the Dearborn County Local Emergency Planning Committee, the Dearborn County Communications Board, and the County Advisory Board for Emergency Management;

Whereas, Ed has been married to his wife, Bev, for 45 years and they have two married children and five grandchildren; and

Whereas, Chief Noel has dedicated many years to the betterment of Dearborn County and the Greendale Fire Department: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Ed Noel on his retirement after 40 successful years of service to the Greendale Fire Department.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ed Noel and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Bischoff.

Senate Concurrent Resolution 5

Senate Concurrent Resolution 5, introduced by Senator Nugent:

A CONCURRENT RESOLUTION to honor State Senator Allen E. Paul for his heroic actions on September 19, 1968, and to recognize him for being awarded a Bronze Star Medal with a valor device.

Whereas, While serving as a radio-telephone operator with Battery A, 1st Battalion (Airmobile), 77th Artillery during a combat mission in the Republic of Vietnam, then Private First Class Allen Paul performed a heroic deed;

Whereas, On September 19th, 1968, his unit became heavily engaged with a large enemy force and sustained several casualties;

Whereas, With complete disregard for his own safety, Private First Class Paul volunteered to move forward in an attempt to reach the wounded soldiers;

Whereas, Exposing himself to intense hostile fire, Private First Class Paul crossed an open area to administer first aid and evacuate

the injured men;

Whereas, Private First Class Paul's actions saved the lives of several fellow soldiers;

Whereas, The Bronze Star Medal is awarded to any person who, while serving in any capacity in or with the military of the United States after December 6, 1941, distinguished himself by heroic or meritorious achievement or service while engaged in an action against an enemy of the United States;

Whereas, The Bronze Star Medal is a United States Armed Forces individual military decoration and is the fourth highest award for bravery, heroism or meritorious service;

Whereas, Private First Class Paul was awarded a Bronze Star Medal with a valor device in 1968; however, since the medal allocation system in place at that time allowed for the distribution of only a few medals per month, Private First Class Paul did not receive his medal, but instead received an Army Commendation Medal;

Whereas, On October 2, 2005, in a ceremony dedicating Freedom Park in Portland, Indiana, U.S. Representative Mike Pence presented the Bronze Star Medal with a valor device to Allen Paul;

Whereas, This was the second Bronze Star Medal received by Allen Paul. His first was for meritorious service during a battle in which his unit participated. The ribbon worn for the first medal carries the "M" device;

Whereas, In his capacity as a State Senator, Allen Paul has worked tirelessly to assure that other veterans have received their long overdue recognition; and

Whereas, Senator Allen Paul risked his life in order to save others and it is fitting that the Indiana General Assembly acknowledge the sacrifice and dedication of one of its own members: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Senator Allen E. Paul for his exemplary service in the United States Army and congratulates him on being awarded and receiving a Bronze Star Medal with a valor device for his dedication to the United States of America.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Allen E. Paul and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Davis, Hoffman, Saunders, and Pflum.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 5.

NUGENT

Motion prevailed.

House Concurrent Resolution 5

House Concurrent Resolution 5, sponsored by Senators Kenley and Lubbers:

A CONCURRENT RESOLUTION honoring the Carmel Symphony Orchestra on their 30th anniversary season.

Whereas, The Carmel Symphony Orchestra was founded in 1976 as a community orchestra;

Whereas, The 70 member orchestra is comprised of professional and volunteer musicians who share the joy of making music;

Whereas, During the past 30 years the Carmel Symphony Orchestra has grown into an arts organization with a professional administrative staff, a talented musical director and a dedicated governing board;

Whereas, The Carmel Symphony Orchestra provides several unique concerts throughout the year that include a mix of the classics along with a pop repertoire;

Whereas, The Carmel Symphony Orchestra prides itself on bringing "family-friendly" concerts to the community as well as educational concerts for elementary students;

Whereas, This season includes "Family Fun!", a concert dedicated to young children who are interested in sitting among the orchestra musicians and learning more about the instruments they play;

Whereas, More than half of the orchestra musicians are involved in music education;

Whereas, This involvement in music education has lead to strong partnerships with other arts and educational organizations such as the Indianapolis Children's Choir, Hamilton Southeastern High School, Carmel High School Symphony, the Carmel High School Wind Symphony, the Indianapolis Youth Orchestra, and an ongoing yearly partnership with Anderson University Chorale and Symphonic Chorus;

Whereas, The Carmel Symphony Orchestra is unique nationally in that it is a hybrid of professional and volunteer musicians with high artistic standards that has chosen to focus especially on serving children and their families;

Whereas, The 2005-2006 Board of Directors includes: Don Bennett, President; Tom Akins, Vice President; Paul Sweeney, Secretary; Carl Mills, Treasurer; Bob Land; Dan Moriarity; Ersal Ozdemir; Tracy Phillips; Maryann Snyder; Ann Manship, Orchestra President; Melinda Bowman, Orchestra Representative; Alan Davis, Ex-officio; David Bowden, Ex-officio;

Whereas, The 2005-2006 members of the Carmel Symphony Orchestra include: David Bowden, Music Director and Conductor; Larry Shapiro, Concertmaster; Kate Withrow, Assistant Concertmaster; Shara Cutts; Hebe de Champeaux; Teresa Fritsche; Ingrid Hobbs; Andrew Ling; Ann Manship; Mary McLean; Blake Richardson; Reinhold Strnat; Hannah Yim; Kathy Schemine, Principal; Andrea Byers; Mary Cole; Amanda Cornet; Sandy Fartouh; Kara Hazen; John Kassebaum; Jill Kirk; Chuck Okada; Eugene Paik; Anne-Marie Schreiber; Pat Williams-Price; Kris Zaloudek; Suzane Um, Principal; Sarah Belt; Melinda Bowman; Katie Garvey; Rachel Gries; Robin Hong; Karen Hutchins; Barbara Jeffries; Rachel Morris; Julie Hampton Scull; Nancy Smith, Principal; Nancy Boettner; Jan Brill; Eunjung Hwang; Kelly Makeever, Joerg Schreiber; Jennifer Weber; Rose Meyers, Principal; Matt Greven; Andy Katt; Don McKibben; Hennessey Ng; Laura Payne; Karen Sheely, Principal; Kathy Sassemann; Kim Coplen; Monika Spangler; Steve Nelson, Principal; Sharon McCullough; Tama Poncar; Ed Staubach, Principal; Laura Richardson; Kate Engle; Pawel Wnuk, Principal; Erin Johnson; Matthew Hogan; Dan Poncar, Principal; Ginny Kundrat; Larry Lemon; Bill Richardson; Steve Pfoer, Principal; Bob Bonner; Mitch Spencer; Jim Rodenbeck, Principal; Tom Price; Ken Shearer; Andy Meyer; Jason Spangler; Mark Stempel, Principal; Ken Belt; Jeff Dick; Keli Welsh; Alissa Shoemaker, Principal; Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to congratulate the Carmel Symphony Orchestra on their 30th year anniversary season.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Don Bennett, President of the Board of Directors and David Bowden, Music Director and Conductor of the Carmel Symphony Orchestra.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 1

House Concurrent Resolution 1, sponsored by Senator Wyss:

A CONCURRENT RESOLUTION recognizing Operation Hoosier Relief.

Whereas, Governor Mitch Daniels signed Executive Order 05-24 to create Operation Hoosier Relief, an effort to help fellow Americans devastated by Hurricane Katrina;

Whereas, Operation Hoosier Relief authorized and established mobile support units to respond to requests for assistance in the aftermath of Hurricane Katrina;

Whereas, State Police officers, medical and mental health professionals, Department of Homeland Security employees, Department of National Resources employees, Department of Transportation employees, fire professionals, and National Guard members made up Operation Hoosier Relief, the largest deployment ever sent by the state of Indiana;

Whereas, Operation Hoosier Relief members established "Camp Indiana" and began to respond to requests made by the Mississippi Emergency Operations Center;

Whereas, The members of Operation Hoosier Relief had one mission: secure the safety and well-being of Mississippi Gulf Coast citizens; and

Whereas, Operation Hoosier Relief stands as a shining example of the goodness and compassion that exists in the hearts of Hoosiers: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the efforts of the members of Operation Hoosier Relief for their hours of dedicated service helping the victims of Hurricane Katrina.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Operation Hoosier Relief.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul,

Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 1.

WYSS

Motion prevailed.

House Concurrent Resolution 2

House Concurrent Resolution 2, sponsored by Senator Wyss:

A CONCURRENT RESOLUTION honoring the medical and mental health professionals of Operation Hoosier Relief.

Whereas, Some of the most important members of relief teams are the dedicated medical and mental health professionals;

Whereas, These tireless professionals offer spiritual and physical help to the injured and those administering to them;

Whereas, People devastated by Hurricane Katrina needed medicine for their wounds and salve for their psyche;

Whereas, Devastation such as that caused by Hurricane Katrina affects every aspect of life;

Whereas, The dedicated medical professionals of Operation Hoosier Relief spent countless hours treating injuries ranging from minor wounds to serious infections and administering life saving prescription medications to those suffering from serious illnesses, like heart disease and diabetes;

Whereas, Deeper than the physical destruction of Hurricane Katrina, however, is the human toll;

Whereas, Mental health professionals were called upon to offer support and advice to people who had lost everything and to rescue workers who were forced to deal with death and loss;

Whereas, Rescue workers and public safety officials are often confronted with unfamiliar emotions;

Whereas, Without the help of these dedicated medical and mental health professionals, the rescue effort would have been far less successful; and

Whereas, Throughout history there have been tales of the dedication and bravery of medical and mental health professionals in times of great distress, and the members of Operation Hoosier Relief have added their own stories to this history: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly recognize the dedicated medical and mental health professionals of Operation Hoosier Relief and commend them on their dedication to duty and compassion for their fellow man.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the medical and mental health professionals of Operation Hoosier Relief.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 3

House Concurrent Resolution 3, sponsored by Senator Wyss:

A CONCURRENT RESOLUTION praising the people of Southaven, Mississippi.

Whereas, Hurricane Katrina destroyed the lives of countless people in the Gulf Coast area;

Whereas, In times of desperation, acts of true kindness and selflessness shine through the despair like rays of hope;

Whereas, Operation Hoosier Relief team members arrived in Southaven, Mississippi, and took shelter in a Wal-Mart store that had been converted into an evacuee shelter;

Whereas, The Southaven residents welcomed the Hoosiers with open arms, providing them with food and shelter;

Whereas, The people of Southaven proved to be rays of hope for the first team of Operation Hoosier Relief;

Whereas, These warm and generous people reached out to the first team members of Operation Hoosier Relief with help and comfort in a time of chaos and destruction;

Whereas, Southaven officials briefed the team members on what to expect but were unable to prepare them for the devastation they encountered; and

Whereas, Countless people lost their homes, their possessions, and sadly family and friends, but the people of Southaven were still able to extend a hand of friendship and help the members of Operation Hoosier Relief prepare for the difficult job they faced: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly wish to thank the residents of Southaven, Mississippi, for their hospitality and the help they gave the members of Operation Hoosier

Relief during their time in the Gulf Coast.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Charles G. "Greg" Davis of Southaven, Mississippi.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 4

House Concurrent Resolution 4, sponsored by Senator Kenley:

A CONCURRENT RESOLUTION congratulating Susan Guilkey on being named Miss Indiana 2005.

Whereas, Susan Guilkey was crowned Miss Indiana 2005 on Saturday, June 25, in Zionsville;

Whereas, Susan Guilkey graduated from Huntington University in May 2005 with a degree in communication studies;

Whereas, Susan has chosen the promotion of Girls, Inc., as her platform during her reign as Miss Indiana and hopes to inspire young girls to be "strong, smart, and bold";

Whereas, Susan became familiar with Girls, Inc., during the spring semester of her senior year at Huntington University when she completed an internship with the Indianapolis chapter of Girls, Inc.;

Whereas, During her reign as Miss Indiana, Susan Guilkey hopes to travel nationally and locally on behalf of Girls, Inc., to gain a greater understanding of the diverse issues facing girls today, to help in the expansion of Girls, Inc., into Hamilton County, and to raise awareness and funds for the Girls, Inc., Indiana affiliates through the sale of Girls, Inc., awareness bracelets;

Whereas, Susan Guilkey currently works as a public relations specialist for MMY Consulting and hopes to obtain a master's degree in professional communications at Purdue University; and

Whereas, Susan Guilkey is a wonderful ambassador for Indiana and will represent Hoosiers with pride throughout her reign: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Susan Guilkey on being named Miss Indiana 2005.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Susan Guilkey and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 7

House Concurrent Resolution 7, sponsored by Senators Becker and Lutz:

A CONCURRENT RESOLUTION lamenting the devastation and loss of life caused by the November 6, 2005, tornado in Vanderburgh and Warrick counties in southern Indiana.

Whereas, In the pre-dawn hours of Sunday, November 6, 2005, at least one tornado ripped through southern Indiana, killing at least 25 people and injuring approximately 230 in Vanderburgh and Warrick counties, making this the deadliest twister to hit the area since 1974;

Whereas, The tornado touched down about 2 a.m. in Henderson County, Kentucky, then crossed the Ohio River and hit an Evansville mobile home park before moving into Warrick County;

Whereas, The greatest loss of life occurred in a mobile home park in Evansville, where witnesses said several trailers were picked up by the winds and tossed into a nearby lake;

Whereas, There was severe property damage to residences and businesses in Warrick County;

Whereas, The path of damage caused by the tornado was estimated to be approximately 3/4 of a mile wide and 20 miles long;

Whereas, Rescuers searched for survivors throughout the day and into the night amid the ruins of destroyed buildings and shattered lives; and

Whereas, Although Mother Nature has shown her strength in Vanderburgh and Warrick counties, but the citizens of these counties, along with their fellow Hoosiers throughout the state, will rise above this catastrophe and rebuild their homes and their lives: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the members of the Indiana General Assembly express their sympathy for the residents of Vanderburgh and Warrick counties and offer support along the road to recovery.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Evansville mayor Jonathon Weinzapfel and to the County Councils and County Commission members of Vanderburgh and Warrick counties.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of

the resolution.

House Concurrent Resolution 6

House Concurrent Resolution 6, sponsored by Senator Drozda:

A CONCURRENT RESOLUTION recognizing Kokomo, Indiana, on the occasion of the 150th anniversary of its founding.

Whereas, Kokomo was originally part of a tract of land known as the Big Miami Reserve and given to the Miami Indians in a treaty signed in 1818;

Whereas, In the years following the signing of this treaty, the Miami Indians sold most of this land to the state of Indiana and began moving west to the Kansas Territory;

Whereas, During that time, a Miami chief named Jean Baptiste de Richardville was awarded seven sections of land in Indiana in what is now Howard County;

Whereas, After de Richardville's death in 1841, his son-in-law, Francis Lafountain, took over as chief and sold some of the land along Wildcat Creek to Allen Hamilton;

Whereas, This land along Wildcat Creek, which Hamilton later sold to David Foster for a sum of \$4,000, became the city of Kokomo;

Whereas, Foster constructed a log cabin to serve as a trading post and a family home, naming the land Ko-Ko-Mo after a Miami Indian named Ma-Ko-Ko-Mo;

Whereas, Foster's original cabin became the first church and school in the community;

Whereas, Kokomo's future changed dramatically with the discovery of a huge natural gas well by the Kokomo Natural Gas & Oil Co. in 1886, attracting several factories and businesses and increasing employment and commerce in Howard County;

Whereas, The increased commerce caused close to 250 new houses to be built in Kokomo;

Whereas, Unfortunately, excessive use and waste of the gas took its toll, and by the end of the 1890's, the gas was almost gone;

Whereas, During these years, Elwood Haynes came to Kokomo;

Whereas, Haynes invented such things as the first successful "Horseless Carriage", Stellite alloy, and stainless steel and put Howard County on the map, and is the major reason Kokomo is called the "City of Firsts";

Whereas, Through the years, Kokomo has continued to grow and develop into a world-class city offering its residents many cultural,

educational, and economic opportunities;

Whereas, Kokomo was recently named the number one city in the United States for European manufacturing investments by Expansion Management Magazine, Industry Week ranked Kokomo first in the United States and eighth worldwide as a Manufacturing Metropolitan Area, and Entrepreneur magazine and the National Policy Research Council named Kokomo as one of the nation's hottest places for entrepreneurs, ranking it 97th in the rapid growth category and 105th overall in the small cities division; and

Whereas, The residents of Kokomo should be extremely proud of their city, which sets an example for cities throughout the United States to emulate: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the residents of Kokomo on the occasion of the 150th anniversary of the city's founding.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Matt McKillip.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 1, 2, 3, 4, 5, and 6 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Heinold, Mishler, Lutz, and Rogers be appointed as a committee of four members of the Senate to notify the House of Representatives that the Senate has met, has formed a quorum, and is now prepared to proceed with legislative business and to receive any communications which the House of Representatives may transmit. Senator Heinold shall serve as Chair of the Committee.

GARTON

Motion prevailed.

COMMITTEE REPORT

Madam President: The committee appointed to notify the House of Representatives that the Senate has met, has formed a quorum and is organized and ready for the transaction of legislative business

respectfully reports that it has so informed the House of Representatives.

HEINOLD, Chair
MISHLER
LUTZ
ROGERS

Report adopted.

SENATE MOTION

Madam President: I move that Senators Harrison, Miller, Craycraft, and Skinner be appointed as a committee of four members of the Senate to act with a like committee of the House of Representatives to wait upon the Governor and to notify him of the convening of both Houses of the General Assembly and to inform him that they are ready for the transaction of legislative business and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly. Senator Harrison shall serve as Chair of the Committee.

GARTON

Motion prevailed.

COMMITTEE REPORT

Madam President: The committee appointed to act with a like committee of the House of Representatives to wait upon the Governor to notify him of the convening of both Houses of the General Assembly, to inform him that they are ready to transact legislative business, and to learn from him when it will suit his convenience to submit whatever communication he may have to offer to the General Assembly has performed the duties assigned to it. The Committee begs leave to report that it has learned that the Governor will communicate with the General Assembly on a date and at a time to be fixed at a later date.

HARRISON, Chair
MILLER
CRAYCRAFT
SKINNER

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 7 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 9, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 12:17 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Second Meeting Day

Monday Afternoon

January 9, 2006

The Senate convened at 1:35 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the following section from Judge Hamilton's Order dated November 30, 2005, in the captioned case:

ANTHONY HINRICHS, et al.,

Plaintiffs,

v.

BRIAN BOSMA, in his official capacity
as Speaker of the House of Representatives of the
Indiana General Assembly,

Defendant.

FINAL DECLARATORY JUDGMENT AND PERMANENT INJUNCTION

This matter having been tried to the court, and the court having issued its findings of fact and conclusions of law, it is hereby ORDERED, ADJUDGED, AND DECREED:

1. That defendant Speaker of the House of Representatives of the Indiana General Assembly, in his official capacity, is permanently enjoined from permitting sectarian prayers to be offered as part of the official proceedings of the House of Representatives. If the Speaker chooses to continue to permit non-sectarian prayers as part of the official proceedings, he shall advise all persons offering such prayers (a) that the prayers must be non-sectarian and must not be used to proselytize or advance any one faith or belief or to disparage any other faith or belief, and (b) that the prayers should not use Christ's name or title or any other denominational appeal. This injunction applies to the Speaker, and to his agents, servants, employees, and attorneys, and all other persons in active concert with them who receive actual notice of this injunction by personal service or otherwise.

DAVID F. HAMILTON, JUDGE
United States District Court
Southern District of Indiana

Silent Prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler

Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

[Note: Senator J. Murray Clark resigned effective Monday, November 14, 2005. Senator Rose Ann Antich-Carr resigned effective Friday, November 25, 2005.]

Roll Call 2: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: On Organization Day, I reported that on November 14, 2005, Senator J. Murray Clark resigned his seat at the Indiana State Senate and on November 16, 2005, I notified the Indiana Republican Party State Chairman of Senator Clark's resignation.

Pursuant to the provisions of IC 3-13-5-6 and IC 3-13-5-7, the attached documents are submitted for inclusion in the Journal of the Senate:

1. Indiana Republican Party State Chairman's Certification of Selection of Mike Delph to fill the vacancy in the office of the Indiana Senate, District 29.
2. President Pro Tempore's Notice to the Indiana Secretary of State of the Indiana Republican Party State Chairman's Certification of Selection of Mike Delph.
3. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Mike Delph to fill the vacancy in the office of the Indiana Senate, District 29.
4. President Pro Tempore's acknowledgment of receipt of the Certificate of Selection from the Indiana Secretary of State.

5. Report of the President Pro Tempore on administration of the oath of office by Chief Justice Randall T. Shepard on December 21, 2005.

GARTON

Report adopted.

**CERTIFICATION
APPOINTMENT TO A VACANT
STATE LEGISLATIVE OFFICE**

TO THE HONORABLE ROBERT GARTON
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 29, on November 14, 2005, due to the resignation of the Honorable Murray Clark, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, The duly elected and acting state chairman of the Indiana Republican Party set the place, date and time of a caucus comprised of the eligible precinct committeemen from Indiana Senate District 29 and sent a notice by first class mail to all precinct committeemen in the caucus at least ten (10) days before the date of the meeting, setting forth the purpose, place, date and time of the meeting;

WHEREAS, The duly appointed designee of the state chairman presided over the aforesaid caucus, which was conducted on December 8, 2005, this date being not later than thirty (30) days after the vacancy occurred;

WHEREAS, The caucus, voting by secret ballot, and a majority vote of those casting a vote for the candidate, selected an individual who resides within Indiana Senate District 29 to fill this vacancy;

WHEREAS, The individual selected to fill the aforesaid vacancy had filed a declaration of candidacy with the chairman of the caucus, and had previously filed a statement of economic interests under Indiana Code 2-2.1-3-2 with the Principal Secretary of the Senate, at least seventy-two (72) hours before the time fixed for the caucus, all as required by Indiana Code 3-13-5-3;

WHEREAS, Under Indiana Code 3-13-5-6, the state chairman is required to certify the name of the individual selected under Indiana Code 3-13-5-1 to fill this vacancy to President Pro Tempore of the Indiana Senate; and

WHEREAS, Under Indiana Code 3-13-5-6, the President Pro Tempore of the Senate is required to acknowledge receipt of this certification, submit a copy of the certificate to be included in the Journal of the Indiana Senate on the day when the individual is seated, (or if this certificate is received after the adjournment sine die of the General Assembly, on the first day that the Indiana State Senate is in session following receipt of this certificate), and immediately forward the certificate to the Secretary of State of Indiana;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING
CHAIRMAN OF THE INDIANA REPUBLICAN STATE

COMMITTEE,

(1) I certify that Mike Delph was selected by the aforesaid caucus to fill the vacancy existing in the Office of the Indiana Senate, District 29.

(2) I request that the President Pro Tempore of the Senate acknowledge receipt of this certificate by his signature below as provided for by IC 3-13-5-6.

(3) I request that the President Pro Tempore include a copy of this Certificate in the Journal of the Indiana Senate as provided by Indiana Code 3-13-5-6.

(4) I request that this Certificate be immediately forwarded to the Secretary of State, as provided by Indiana Code 3-13-5-6.

CERTIFIED, THIS THE 12th DAY OF DECEMBER, 2005.
Jim Kittle, Jr.

**ACKNOWLEDGMENT OF RECEIPT
BY THE PRESIDENT PRO TEMPORE
OF THE INDIANA SENATE**

I hereby acknowledge receipt of this Certificate by my signature below this 12th day of December, 2005.

Robert D. Garton
President Pro Tempore of the Indiana Senate

December 12, 2005
The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to officially notify you that this office has received from the Chair of the Indiana Republican State Committee, a copy of the certification of the election of Mike Delph to represent State Senate District 29, filling the vacancy created by the resignation of Senator Murray Clark. Senator Delph was duly elected on December 8, 2005, in a caucus of precinct committee persons in District 29.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp
Enclosure: Certification

**CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE**

TO THE HONORABLE ROBERT D. GARTON
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 29, on November 14, 2005, due to the resignation of the Honorable Murray Clark, who was elected to office as a candidate of the Indiana Republican Party;

WHEREAS, On December 8, 2005, a caucus composed of Republican Party precinct committeemen from Indiana Senate District 29 selected Mike Delph to fill the vacancy in Senate District 29;

WHEREAS, On December 12, 2005, the State Chairman of the Indiana Republican Party certified the selection of Mike Delph to fill the vacancy in Senate District 29 to the President Pro Tempore of the Indiana State Senate and the President Pro Tempore acknowledged receipt of the certification thereon;

WHEREAS, On December 12, 2005, the President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Mike Delph has been selected to fill the vacancy existing in the office of the Indiana State Senator, District 29.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 19th day of December, 2005, being the 230th year of the Independence of the United States, and the 190th year of the Statehood of Indiana.

Todd Rokita
Secretary of the State of Indiana

December 20, 2005
The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to acknowledge receipt of your Certificate of Selection to the State Legislative Office of Mike Delph to fill the vacancy created by the resignation of Senator Murray Clark. Senator Delph was duly elected on December 8, 2005, in a caucus of precinct committee persons to represent State Senate District 29.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on December 21, 2005, Senator Mike Delph has sworn-in to office to represent District 29, Chief Justice Randall T. Shepard administered the oath of office in the Senate Chamber.

GARTON

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that in a letter dated November 21, 2005, Senator Rose Ann Antich-Carr resigned her seat at the Indiana State Senate effective at midnight on November 25, 2005.

Pursuant to the provisions of IC 3-13-5-6 and IC 3-13-5-7, the attached documents are submitted for inclusion in the Journal of the Senate:

1. President Pro Tempore's Notification to the Indiana Democratic Party State Chairman of Senator Antich-Carr's resignation.
2. Indiana Democratic Party State Chairman's Certification of Selection of Karen Tallian to fill the vacancy in the office of the Indiana Senate, District 4.
3. President Pro Tempore's Notice to the Indiana Secretary of State of the Indiana Democratic Party State Chairman's Certification of Selection of Karen Tallian.
4. Indiana Secretary of State's Certificate of Selection to State Legislative Office certifying the selection of Karen Tallian to fill the vacancy in the office of the Indiana Senate, District 4.
5. President Pro Tempore's acknowledgment of receipt of the Certificate of Selection from the Indiana Secretary of State.
6. Report of the President Pro Tempore on administration of the oath of office by Chief Justice Randall T. Shepard on December 12, 2005.
7. Indiana Democratic Party State Chairman's Amended Certification of Selection of Karen Tallian to fill the vacancy in the office of the Indiana Senate, District 4, correcting the date the caucus was held and the date the appointment of Karen Tallian became effective.
8. Indiana Secretary of State's Amended Certificate of Selection to State Legislative Office reflecting the above changes in the Indiana Democratic Party State Chairman's Amended Certification of Selection.

GARTON

Report adopted.

November 22, 2005
Mr. Daniel Parker
Democrat State Chairman
Indiana Democratic State Committee
One North Capitol, Suite 200
Indianapolis, Indiana 46204

Dear Mr. Chairman:
Pursuant to IC 5-8-3.5-1 (b), I hereby officially notify you of Senator Rose Ann Antich-Carr's resignation from the Indiana State Senate effective at midnight, November 25, 2005. A copy of her letter is enclosed.

Best regards,
Robert D. Garton
President Pro Tempore
RDG/gp
Enclosure

CERTIFICATE OF APPOINTMENT TO FILL A VACANCY IN A
STATE SENATE OFFICE
BY A PRECINCT COMMITTEEMAN CAUCUS
(IC 3-13-5-6)
TO THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE
SENATE

This is to certify the following:

- (1) A vacancy occurred in the office of State Senate, District 4.
- (2) The vacancy occurred due to the resignation of Rose Ann Antich.
- (3) The incumbent was elected or appointed as a candidate of the Democratic Party.
- (4) I am the state chairman, or person designated by the state chairman to conduct the caucus of the Democratic Party.
- (5) A caucus of eligible precinct committeemen was held on December 12, 2005, to fill the vacancy in this office. The caucus was held following the giving of notice required under Indiana Code 3-13-5-2.
- (6) The members of the caucus selected, by majority vote of those casting a vote for a candidate, the person named below to hold an appointment to this office for the remaining unexpired term.
- (7) The person holding the appointment to this office is a registered voter of a precinct within the election district for the office, complies with the other requirements imposed under Indiana law for this office, and consents to this appointment by the declaration of candidacy, which was timely filed in accordance with Indiana Code 3-13-5-3, and is incorporated by reference in this certificate.
- (8) This appointment is effective December 12th, 2005.
- (9) Name of Person Appointed to Office: Karen Tallian, 35 Aspen Road, Ogden Dunes, Indiana 46368.

I, the State Chairman, or person designated by state chairman to conduct this caucus, of the Democratic Party, certify that the information in this Certificate is true and complete.

Leon West
County Chairman
December 12, 2005

State of Indiana County of Porter
Subscribed and sworn to before me this 10th day of December, 2005.

Helen L. Dame
Notary Public
My Commission expires November 3, 2006, County of Residence:
Porter

December 12, 2005

The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to officially notify you that this office has received from the

Chair of the Indiana Democratic State Committee, a copy of the certification of the election of Karen Tallian to represent State Senate District 4, filling the vacancy created by the resignation of Senator Rose Antich-Carr. Senator Tallian was duly elected on December 10, 2005, in a caucus of precinct committee persons in District 4.

Best regards,

Robert D. Garton
President Pro Tempore
RDG/gp
Enclosure: Certification

**CERTIFICATE OF SELECTION
TO STATE LEGISLATIVE OFFICE**

**TO THE HONORABLE ROBERT D. GARTON
PRESIDENT PRO TEMPORE OF THE INDIANA SENATE**

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 4, due to the resignation of the Honorable Rose Ann Antich, who was elected to office as a candidate of the Indiana Democratic Party;

WHEREAS, On December 12, 2005, a caucus composed of Democratic Party precinct committeemen from Indiana Senate District 4 selected Karen Tallian to fill the vacancy in Senate District 4;

WHEREAS, On December 12, 2005, the State Chairman of the Indiana Democratic Party certified the selection of Karen Tallian to fill the vacancy in Senate District 4 to the President Pro Tempore of the Indiana State Senate and the President Pro Tempore acknowledged receipt of the certification thereon;

WHEREAS, On December 12, 2005, the President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Karen Tallian has been selected to fill the vacancy existing in the office of the Indiana State Senator, District 4.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 19th day of December, 2005, being the 230th year of the Independence of the United States, and the 191st year of the Statehood of Indiana.

Todd Rokita
Secretary of the State of Indiana

December 20, 2005
The Honorable Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, Indiana 46204

Dear Todd:

This is to acknowledge receipt of your Certificate of Selection to the State Legislative Office of Karen Tallian to fill the vacancy created by the resignation of Senator Rose Ann Antich. Senator Tallian was duly elected on December 10, 2005, in a caucus of precinct committee persons to represent State Senate District 4.

Best regards,
Robert D. Garton
President Pro Tempore
RDG/gp

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that on December 12, 2005, Senator Karen Tallian was sworn-in to office to represent District 4. Chief Justice Randall T. Shepard administered the oath of office in the Senate Chamber.

GARTON

Report adopted.

CERTIFICATE OF APPOINTMENT TO FILL A VACANCY IN A STATE SENATE OFFICE BY A PRECINCT COMMITTEEMAN CAUCUS (IC 3-13-5-6) TO THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

This is to certify the following:

- (1) A vacancy occurred in the office of State Senate, District 4.
- (2) The vacancy occurred due to the resignation of Rose Ann Antich.
- (3) The incumbent was elected or appointed as a candidate of the Democratic Party.
- (4) I am the state chairman, or person designated by the state chairman to conduct the caucus of the Democratic Party.
- (5) A caucus of eligible precinct committeemen was held on December 10, 2005, to fill the vacancy in this office. The caucus was held following the giving of notice required under Indiana Code 3-13-5-2.
- (6) The members of the caucus selected, by majority vote of those casting a vote for a candidate, the person named below to hold an appointment to this office for the remaining unexpired term.
- (7) The person holding the appointment to this office is a registered voter of a precinct within the election district for the office, complies with the other requirements imposed under Indiana law for this office, and consents to this appointment by the declaration of candidacy, which was timely filed in accordance with Indiana Code 3-13-5-3, and is incorporated by reference in this certificate.

(8) This appointment is effective December 10, 2005.

(9) Name of Person Appointed to Office: Karen Tallian, 35 Aspen Road, Ogden Dunes, Indiana 46368.

I, the State Chairman, or person designated by state chairman to conduct this caucus, of the Democratic Party, certify that the information in this Certificate is true and complete.

Leon West
County Chairman
December 10, 2005

State of Indiana County of Porter
Subscribed and sworn to before me this 10th day of December, 2005.

Douglas W. Olson
Mayor, City of Portage

CERTIFICATE OF SELECTION TO STATE LEGISLATIVE OFFICE

TO THE HONORABLE ROBERT D. GARTON PRESIDENT PRO TEMPORE OF THE INDIANA SENATE

WHEREAS, A vacancy occurred in the office of Indiana State Senator, District 4, due to the resignation of the Honorable Rose Ann Antich, who was elected to office as a candidate of the Indiana Democratic Party;

WHEREAS, On December 10 2005, a caucus composed of Democratic Party precinct committeemen from Indiana Senate District 4 selected Karen Tallian to fill the vacancy in Senate District 4;

WHEREAS, On December 12, 2005, the State Chairman of the Indiana Democratic Party certified the selection of Karen Tallian to fill the vacancy in Senate District 4 to the President Pro Tempore of the Indiana State Senate and the President Pro Tempore acknowledged receipt of the certification thereon;

WHEREAS, On December 12, 2005, the President Pro Tempore of the Indiana Senate forwarded the aforesaid certification to the Secretary of State, in accordance with Indiana Code 3-13-5-6; and

WHEREAS, Pursuant to Indiana Code 3-13-5-7, the Secretary of State is required to certify the individual selected to fill a vacant legislative office;

NOW, THEREFORE, AS THE DULY ELECTED AND ACTING SECRETARY OF THE STATE OF INDIANA, I certify that the Honorable Karen Tallian has been selected to fill the vacancy existing in the office of the Indiana State Senator, District 4.

Given under my hand and the Seal of the State of Indiana, at the City of Indianapolis, this 9th day of January, 2006, being the 230th year of the Independence of the United States, and the

191st year of the Statehood of Indiana.

Todd Rokita
Secretary of the State of Indiana

**PRESIDENT PRO TEMPORE REPORT OF
AMENDED COMMITTEE, SUBCOMMITTEE
AND CHAIRPERSON APPOINTMENTS**

Madam President: Due to the resignation of Senator Greg Server on September 19, 2005, Senator J. Murray Clark on November 14, 2005, and Senator Rose Antich-Carr on November 25, 2005, President Pro Tempore Robert D. Garton hereby announces and reports the following amended committee, subcommittee and chairperson appointments, pursuant to Rule 30(c) of the Standing Rules and Orders of the Senate of the 114th General Assembly.

Agriculture & Small Business

Senator Nugent, Chair	Senator R. Young, RMM
Senator Jackman, RM	Senator Hume
Senator Heinold	Senator Lewis
Senator Mishler	Senator Mrvan
Senator Paul	
Senator Waterman	
Senator Weatherwax	

Appointments & Claims

Senator Merritt, Chair	Senator Rogers, RMM
Senator Landske, RM	Senator Lewis
Senator Bray	Senator Smith
Senator Harrison	
Senator Wyss	

Appropriations

Senator Meeks, Chair	Senator Simpson, RMM
Senator Wyss, RM	Senator Breaux
Senator Hershman	Senator Craycraft
Senator Jackman	Senator Hume
Senator Kenley	
Senator Miller	
Senator Riegsecker	
Senator Zakas	

Commerce & Transportation

Senator Landske, Chair	Senator Howard, RMM
Senator Nugent, RM	Senator Craycraft
Senator Becker	Senator Lanane
Senator Heinold	Senator Tallian
Senator Jackman	
Senator Merritt	
Senator Weatherwax	

Corrections, Criminal, & Civil Matters

Senator Long, Chair	Senator Broden, RMM
Senator M. Young, RM	

Civil Matters Subcommittee

Senator Steele, Chair	Senator Broden
Senator Long	Senator Howard
Senator M. Young	

Corrections & Criminal Subcommittee

Senator Zakas, Chair	Senator Bowser
Senator Bray	Senator Lanane
Senator Waltz	
Senator Waterman	

Economic Development & Technology

Senator Ford, Chair	Senator Mrvan, RMM
Senator Kruse, RM	

Economic Development Subcommittee

Senator Alting, Chair	Senator Mrvan
Senator Delph	Senator Sipes
Senator Kruse	
Senator Lubbers	

Technology Subcommittee

Senator Harrison, Chair	Senator Howard
Senator Ford	Senator Simpson
Senator Waltz	

Education & Career Development

Senator Lubbers, Chair	Senator Sipes, RMM
Senator Alting, RM	Senator Breaux
Senator Drozda	Senator Rogers
Senator Ford	Senator Skinner
Senator Kenley	
Senator Miller	
Senator Waltz	

Elections & Civic Affairs

Senator Lawson, Chair	Senator Lutz, RMM
Senator Landske, RM	

Elections Subcommittee

Senator M. Young, Chair	Senator Lutz
Senator Kruse	Senator Breaux
Senator Landske	
Senator Lawson	

Civic Affairs Subcommittee

Senator Merritt, Chair	Senator Bowser
Senator Heinold	Senator Smith
Senator Steele	

Energy & Environmental Affairs

Senator Gard, Chair	Senator Tallian RMM
Senator Riegsecker RM	Senator Broden
Senator Bray	Senator Hume
Senator Drozda	Senator Lanane
Senator Miller	
Senator Mishler	
Senator Waterman	

Ethics

Senator Zakas, Chair	Senator Craycraft, RMM
Senator Bray, RM	Senator Bowser
Senator Long	Senator Hume

Governmental Affairs & Interstate Cooperation

Senator Riegsecker, Chair Senator Rogers, RMM
 Senator Hershman, RM

Governmental Affairs Subcommittee

Senator M. Young, Chair Senator Broden
 Senator Delph Senator Lutz
 Senator Hershman
 Senator Wyss

Interstate Cooperation Subcommittee

Senator Kruse, Chair Senator Rogers
 Senator Gard Senator Smith
 Senator Riegsecker

Health & Provider Services

Senator Miller, Chair Senator Breaux, RMM
 Senator Dillon, RM

Public Health Subcommittee

Senator Gard, Chair Senator Breaux
 Senator Dillon Senator Sipes
 Senator Riegsecker

Provider Services Subcommittee

Senator Lawson, Chair Senator Simpson
 Senator Becker Senator Skinner
 Senator Miller
 Senator Mishler

Homeland Security, Utilities, & Public Policy

Senator Wyss, Chair Senator Craycraft, RMM
 Senator Merritt, RM

Regulatory Affairs Subcommittee

Senator Hershman, Chair Senator Rogers
 Senator Gard Senator Sipes
 Senator Wyss

Public Safety Subcommittee

Senator Heinold, Chair Senator Craycraft
 Senator Becker Senator Lutz
 Senator Delph
 Senator Merritt

Insurance & Financial Institutions

Senator Paul, Chair Senator Lewis, RMM
 Senator Steele, RM

Insurance Subcommittee

Senator Long, Chair Senator Howard
 Senator Delph Senator Tallian
 Senator Lubbers
 Senator Paul

Financial Institutions Subcommittee

Senator Nugent, Chair Senator Lewis
 Senator Steele Senator Mrvan
 Senator Waltz

Judiciary

Senator Bray, Chair Senator Lanane, RMM
 Senator Zakas, RM

Courts & Juvenile Justice Subcommittee

Senator Drozda, Chair Senator Bowser
 Senator Ford Senator Lanane
 Senator Lubbers

Probate Code & Trusts Subcommittee

Senator Zakas, Chair Senator Broden
 Senator Bray Senator Smith
 Senator Long
 Senator Steele

Natural Resources

Senator Weatherwax, Chair Senator Skinner, RMM
 Senator Waterman, RM Senator Craycraft
 Senator Dillon Senator Lewis
 Senator Jackman Senator R. Young
 Senator Meeks
 Senator Nugent
 Senator Paul

Pensions & Labor

Senator Harrison, Chair Senator Bowser, RMM
 Senator M. Young, RM Senator Lutz
 Senator Becker Senator Smith
 Senator Dillon Senator Tallian
 Senator Drozda
 Senator Kruse
 Senator Mishler

Tax & Fiscal Policy

Senator Kenley, Chair Senator Hume, RMM
 Senator Weatherwax, RM Senator Mrvan
 Senator Altting Senator Simpson
 Senator Dillon Senator Skinner
 Senator Ford
 Senator Landske
 Senator Lawson
 Senator Meeks

Rules and Legislative Procedure

Senator Garton, Chair Senator R. Young, RMM
 Harrison, RM Senator Hume
 Senator Landske Senator Lewis
 Senator Long Senator Rogers
 Senator Paul
 Senator Wyss
 Senator Zakas

Joint Rules

Senator Garton (ex officio) Senator R. Young
 Senator Long, Chair Senator Lewis
 Senator Harrison

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 2 — Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 3 — Drozda (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 4 — Drozda (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 5 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 6 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 7 — Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 8 — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 9 — Steele (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

SB 10 — Steele (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 11 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 12 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 13 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers. (Vehicle Bill)

SB 14 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 15 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning health. (Vehicle Bill)

SB 16 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources. (Vehicle Bill)

SB 17 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

SB 18 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning human services. (Vehicle Bill)

SB 19 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law. (Vehicle Bill)

SB 20 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety. (Vehicle Bill)

SB 21 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 22 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation. (Vehicle Bill)

SB 23 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 24 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration. (Vehicle Bill)

SB 25 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 26 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 27 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly. (Vehicle Bill)

SB 28 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly. (Vehicle Bill)

SB 29 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

SB 30 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration. (Vehicle Bill)

SB 31 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration. (Vehicle Bill)

SB 32 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration. (Vehicle Bill)

SB 33 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning probate. (Vehicle Bill)

SB 34 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance. (Vehicle Bill)

SB 35 — Garton (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 36 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 37 — Lawson, Breaux, Landske, Craycraft (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 38 — Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 39 — Ford (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 40 — Ford, Breaux, Steele, Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 41 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 42 — Miller (Health and Provider Services)

A BILL FOR AN ACT concerning human services.

SB 43 — Drozda (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 44 — Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 45 — Drozda (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 46 — Waltz (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 47 — Hershman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning

public safety.

SB 48 — Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 49 — Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 50 — Landske (Appropriations)

A BILL FOR AN ACT concerning state offices and administration and to make an appropriation.

SB 51 — Nugent (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 52 — Nugent (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 53 — Nugent (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 54 — Nugent (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 55 — Harrison (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 56 — Harrison (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 57 — Harrison (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 58 — Harrison (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 59 — Harrison (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 60 — Kenley (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 61 — Craycraft (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 62 — Craycraft (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 63 — Craycraft (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

SB 64 — Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 65 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 66 — Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 67 — Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 68 — Lanane (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 69 — Weatherwax (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 70 — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 71 — Ford, Gard, Heinold (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 72 — Long (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 73 — Long, Lanane (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 74 — Long (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 75 — Long (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 76 — Long (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 77 — Heinold (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 78 — Heinold (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning

taxation.

SB 79 — Heinold (Rules and Legislative Procedure)

A BILL FOR AN ACT concerning general provisions.

SB 80 — Meeks (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 81 — Meeks (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 82 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 83 — Lubbers (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 84 — Long, Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 85 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SJR 2 — Lawson (Elections and Civic Affairs)

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

SJR 3 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 4 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 5 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 6 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 7 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 8 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SJR 9 — Garton (Rules and Legislative Procedure)

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)

SB 86 — Jackman (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

SB 87 — Jackman (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 88 — Wyss (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 89 — Gard (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 90 — Hershman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 91 — Hershman (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 92 — Paul (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 93 — Paul (Rules and Legislative Procedure)

A BILL FOR AN ACT concerning elections.

SB 94 — Meeks (Natural Resources)

A BILL FOR AN ACT concerning natural and cultural resources.

SB 95 — Meeks (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 96 — Lanane (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 97 — Kenley (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 98 — Kenley (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 99 — Jackman, Nugent (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 100 — Jackman (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 101 — Becker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 102 — Becker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 103 — Becker (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 104 — Rogers (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 105 — Rogers, Steele, Dillon, Craycraft, Sipes (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 106 — M. Young (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 107 — M. Young (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 108 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 109 — Steele (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 110 — Steele (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 111 — Becker (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 112 — Riegsecker (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 113 — Lanane (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 114 — Zakas (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 115 — Zakas (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 116 — Zakas (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

SB 117 — Gard (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 118 — Gard (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 119 — Lubbers (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 120 — Waterman (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 121 — Waterman (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 122 — Waterman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 123 — Waterman (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

SB 124 — Gard (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 125 — Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 126 — Dillon (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 127 — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 128 — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 129 — Alting (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 130 — Alting, Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 131 — Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 132 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning

family law and juvenile law and to make an appropriation.

SB 133 — Kruse (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 134 — Kruse (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 135 — Kruse (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 136 — Kruse (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 137 — Kruse (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 138 — Waterman (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 139 — Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 140 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 7

Senate Concurrent Resolution 7, introduced by Senator Heinold:

A CONCURRENT RESOLUTION promoting the use of the "A Child is Missing" program.

Whereas, A Child is Missing ("ACIM") was founded in 1996 as a nonprofit organization headquartered in Fort Lauderdale, Florida;

Whereas, ACIM is devoted to assisting law enforcement in search and early recovery efforts during the critical initial hours following the disappearance of a child or an elderly or disabled person with a rapid-response neighborhood notification program;

Whereas, ACIM's services, which can be initiated only by law enforcement officials, are currently available in 13 different states, including Indiana;

Whereas, ACIM uses high-tech telephony to make 1,000 calls in 60 seconds, allowing ACIM to rapidly reach thousands of people in the area surrounding a disappearance;

Whereas, At least 83 individuals have been recovered using the services of ACIM, at least four of whom were located in Indiana; and

Whereas, ACIM is a beneficial resource and the Indiana General Assembly seeks to promote awareness of this service and encourage all Indiana law enforcement officials to use the program: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly encourages all law enforcement officials throughout Indiana to use the "A Child is Missing" program to assist in locating a child or an elderly or disabled person who has disappeared.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this resolution to the Indiana Sheriff's Association, the Indiana Association of Cities and Towns, and the Indiana Fraternal Order of Police.

The resolution was read in full and referred to the Committee on Corrections, Criminal, and Civil Matters.

Senate Concurrent Resolution 8

Senate Concurrent Resolution 8, introduced by Senator Wyss:

A CONCURRENT RESOLUTION urging the legislative council to assign to a committee for further study the topic of establishing a commercial vehicle court with exclusive jurisdiction over commercial motor vehicle (CMV) and commercial driver's license (CDL) cases.

Whereas, Court cases involving commercial motor vehicles and commercial driver's licenses are technical and complicated cases that place an undue burden on local trial courts in Indiana; and

Whereas, The creation of a new commercial vehicle court with exclusive jurisdiction over CMV and CDL cases would reduce local trial court caseloads, assure uniform compliance and enforcement of CMV and CDL laws, enhance Homeland Security programs, and simplify reporting and enforcement programs administered by the Bureau of Motor Vehicles: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to assign to a committee for further study the topic of establishing a commercial vehicle court with exclusive jurisdiction over commercial motor vehicle (CMV) and commercial driver's license (CDL) cases.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Concurrent Resolution 9

Senate Concurrent Resolution 9, introduced by Senator Riegsecker:

A CONCURRENT RESOLUTION naming the Family and Social Services Administration as lead agency to oversee and update the development of a comprehensive plan for services for individuals of all ages with autism.

Whereas, Under IC 12-11-7-5, the Indiana Commission on Autism is directed to oversee and update the development of a comprehensive plan for services for individuals of all ages with autism;

Whereas, Currently no plan exists;

Whereas, There is a need for a single agency to take the lead in establishing a comprehensive plan for services for individuals with autism; and

Whereas, The Indiana Commission on Autism believes that the Family and Social Services Administration is best suited to develop a working relationship among the department of education, the division of mental health and addiction, the division of disability, aging, and rehabilitative services, and other appropriate agencies and interested parties necessary to establish this comprehensive plan: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly urges the Indiana Commission on Autism to name the Family and Social Services Administration as lead agency to oversee and update the development of a comprehensive plan for services for individuals of all ages with autism.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Concurrent Resolution 10

Senate Concurrent Resolution 10, introduced by Senator Riegsecker:

A CONCURRENT RESOLUTION urging the Legislative Council to assign to a study committee the topic of requiring the use of "people first" or respectful language when referring to people with disabilities in all Indiana laws.

Whereas, People with disabilities make up our nation's largest minority group;

Whereas, This group is inclusive and diverse, representing both genders, all ages, religions, socioeconomic levels, and ethnicities;

Whereas, Old and inaccurate medical descriptors and the inappropriate use of these descriptors help to preserve negative stereotypes;

Whereas, When people are described by their medical diagnosis, they are devalued and disrespected as individuals;

Whereas, It is the state's responsibility to ensure that its laws do not perpetuate negative stereotypes or disrespect Hoosiers with disabilities; and

Whereas, In order to ensure that all people are treated respectfully, it is necessary to determine if Indiana's laws use respectful language when referring to people with disabilities: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Legislative Council is urged to assign to a study committee the topic of requiring the use of "people first" or respectful language when referring to people with disabilities in all Indiana laws.

SECTION 2. That the Commission on Mental Retardation and Developmental Disabilities endorses the adoption of this resolution.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Concurrent Resolution 11

Senate Concurrent Resolution 11, introduced by Senator Riegsecker:

A CONCURRENT RESOLUTION encouraging medical schools to require medical students, specifically pediatric and family majors, to complete a rotation in a clinic with a history of diagnosing and treating people with autism spectrum disorder.

Whereas, As future physicians, medical students must be fully aware of the relationship between a patient's medical problems and autism spectrum disorder;

Whereas, An understanding of the relationship between medical problems and autism spectrum disorder is particularly important for medical students in the areas of pediatric and family medicine; and

Whereas, Medical students who complete a rotation in a clinic with a history of diagnosing and treating autism spectrum disorder can broaden their clinical approach and learn to make the best possible decisions under all conditions: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly and the Indiana Commission on Autism encourage medical students, specifically pediatric and family majors, to complete a rotation in a psychiatry clinic.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Concurrent Resolution 12

Senate Concurrent Resolution 12, introduced by Senator Riegsecker:

A CONCURRENT RESOLUTION directing the medical licensing board to include autism as a topic for continuing education credits.

Whereas, Autism spectrum disorder is the fastest-growing developmental disability;

Whereas, Autism spectrum disorder affects each individual differently and at varying degrees, making early diagnosis and care extremely crucial;

Whereas, Understanding of autism spectrum disorder's etiology, diagnosis, and treatment has dramatically changed during the last decade; and

Whereas, It is vitally necessary that medical professionals have the most up to date information and strategies concerning autism spectrum disorder available to them in order to provide their patients with the best possible care: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly and the Indiana Commission on Autism direct the medical licensing board to include autism spectrum disorder as a required topic for continuing education credit.

The resolution was read in full and referred to the Committee on Health and Provider Services.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 1 — M. Young (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 141 — Lanane (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 142 — Lanane (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 143 — Dillon (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 144 — Zakas (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 145 — M. Young (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 146 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 147 — Gard (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 148 — Riegsecker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 149 — Riegsecker (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 150 — Riegsecker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 151 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 152 — Lawson (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 153 — Lawson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 154 — Heinold (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 155 — Heinold (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 156 — Lewis, Steele (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

SB 157 — Lewis, Weatherwax (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 158 — Simpson (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 159 — Simpson (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 160 — Wyss (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 161 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 162 — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning

insurance.

SB 163 — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 164 — Paul (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 165 — Becker (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 166 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 167 — Miller (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 168 — Miller (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 169 — Miller (Health and Provider Services)

A BILL FOR AN ACT concerning health.

SB 170 — Breaux (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 171 — Wyss (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 172 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 173 — Lubbers (Education and Career Development)

A BILL FOR AN ACT concerning education.

SB 174 — M. Young (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 175 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning elections. (Vehicle Bill)

SB 176 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration. (Vehicle Bill)

SB 177 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles. (Vehicle Bill)

SB 178 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning

human services. (Vehicle Bill)

SB 179 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration. (Vehicle Bill)

SB 180 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning local government. (Vehicle Bill)

SB 181 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly. (Vehicle Bill)

SB 182 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education. (Vehicle Bill)

SB 183 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation. (Vehicle Bill)

SB 184 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation. (Vehicle Bill)

SB 185 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law. (Vehicle Bill)

SB 186 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure. (Vehicle Bill)

SB 187 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers. (Vehicle Bill)

SB 188 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety. (Vehicle Bill)

SB 189 — R. Young (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance. (Vehicle Bill)

SB 190 — R. Young (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 191 — Wyss (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 192 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 193 — Bray, Hume (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 194 — Hume (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 195 — Mrvan (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

SB 196 — Mrvan (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 197 — Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT concerning taxation.

SB 198 — Mrvan (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 199 — M. Young (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 200 — Riegsecker (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 201 — Riegsecker (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 202 — Riegsecker (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 203 — Riegsecker (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 204 — Drozda (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 205 — Drozda (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 206 — Drozda (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 207 — Dillon (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 208 — Dillon (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 209 — Dillon (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 210 — Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 211 — Miller (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 212 — Broden (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 213 — Broden (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

SB 214 — Broden (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 215 — Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 216 — Broden (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 217 — Broden (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 218 — Tallian (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

SB 219 — Tallian (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 220 — Tallian (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 221 — Tallian (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

SB 222 — Tallian (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 223 — Tallian (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 224 — Lanane (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning

health and to make an appropriation.

SB 225 — Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 226 — Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 227 — Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 228 — Craycraft (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans' affairs and to make an appropriation.

SB 229 — Lubbers (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 230 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 231 — Alting (Education and Career Development)

A BILL FOR AN ACT concerning education finance.

SB 232 — Gard (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 233 — Gard (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 234 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

SB 235 — Gard (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

SB 236 — Drozda (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 237 — Kruse (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 238 — Lutz (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 239 — Lutz (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

SB 240 — Lutz (Corrections, Criminal, and Civil Matters)

- A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 241** — Lutz (Governmental Affairs and Interstate Cooperation)
A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.
- SB 242** — Lutz (Elections and Civic Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning elections.
- SB 243** — Lutz (Governmental Affairs and Interstate Cooperation)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.
- SB 244** — Hershman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 245** — Hershman, Wyss, Hume, Rogers (Homeland Security, Utilities, and Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.
- SB 246** — Wyss, Broden, Long (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 247** — Wyss (Homeland Security, Utilities, and Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 248** — Ford (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 249** — Ford (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.
- SB 250** — Craycraft (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.
- SJR 1** — M. Young (Judiciary)
A JOINT RESOLUTION proposing an amendment to Article 7 of the Constitution of the State of Indiana concerning courts and court officers.
- SJR 10** — R. Young (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)
- SJR 11** — R. Young (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Joint Vehicle Resolution)
- SJR 12** — R. Young (Rules and Legislative Procedure)
A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Indiana. (Vehicle Joint Resolution)
- SJR 13** — Hume, Bray (Tax and Fiscal Policy)
A JOINT RESOLUTION proposing an amendment to Articles 8 and 10 of the Constitution of the State of Indiana concerning taxation.
- SB 251** — Weatherwax (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 252** — Weatherwax, Merritt (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 253** — Weatherwax (Natural Resources)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 254** — Becker (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning property.
- SB 256** — Landske, Mrvan (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 257** — Alting (Appropriations)
A BILL FOR AN ACT concerning education finance and to make an appropriation.
- SB 258** — Kenley (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 259** — Kenley (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.
- SB 260** — Kenley (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.
- SB 261** — Sipes (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.
- SB 262** — Sipes (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.
- SB 263** — Waterman (Natural Resources)
A BILL FOR AN ACT concerning natural and cultural resources.
- SB 264** — Weatherwax (Commerce & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.
- SB 265** — Lubbers (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.
- SB 266** — Miller (Health and Provider Services)
A BILL FOR AN ACT to amend the Indiana Code concerning

health.

SB 267 — Miller (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 268 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 269 — Miller (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 270 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 271 — Breaux (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 272 — Breaux (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 273 — Miller (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 274 — Long (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 275 — Long, Lanane (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 276 — Rogers (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 277 — Rogers (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 278 — Rogers (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 279 — Zakas (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 280 — Zakas (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

SB 281 — R. Young (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 282 — R. Young (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans' affairs.

SB 283 — R. Young (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 284 — Wyss, Broden (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 285 — Wyss (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 286 — Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

SB 287 — Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 288 — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 289 — Simpson (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 290 — Simpson (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 291 — R. Young (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 292 — Howard (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 293 — Howard (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 294 — Howard (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 295 — Paul (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 296 — Kenley (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

SB 297 — Hershman (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 298 — Long, Bray (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 299 — Long, Bray (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 300 — Long, Bray (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 301 — Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 302 — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 303 — Kruse (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 304 — Craycraft (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 305 — Rogers (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 306 — Sipes (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 307 — Simpson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 308 — Simpson (Health and Provider Services)

A BILL FOR AN ACT concerning Medicaid.

SB 309 — Simpson, Breaux, Sipes, Rogers, Skinner (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education and to make an appropriation.

SB 310 — Alting (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on January 9, 2006, to render an advisory opinion with regard to the question raised by Senator Delph about his

participation in upcoming votes on Senate Bill 245 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Delph and hereby recommends that Senator Delph be excused from participation in all votes pertaining to Senate Bill 245, both in committee and on the Senate floor, because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 6-0.

ZAKAS, Chair

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 11, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 23-2-1-2 IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The following securities are exempted from the registration requirements of section 3 of this chapter:

(1) A security (including a revenue obligation) issued or guaranteed by the United States, a state, a political subdivision of a state, or an agency or corporate or other instrumentality of one (1) or more of the foregoing or a certificate of deposit for any of the foregoing.

(2) A security issued or guaranteed by Canada, a Canadian province, a political subdivision of a Canadian province, an agency, or corporate or other instrumentality of one (1) or more of the foregoing, or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by the issuer or guarantor.

(3) A security issued by and representing an interest in or a debt of, or guaranteed by a bank organized under the laws of the United States, a bank, savings institution, or trust company organized and supervised under the laws of a state, a federal savings association, a savings association organized under the laws of a state and authorized to do business in Indiana, a federal credit union or a credit union, industrial loan association, or similar association organized and supervised under the laws of this state, or a corporation or organization whose issuance of securities is required by any other law to be passed upon and authorized by the department of financial institutions or by a federal agency or authority.

(4) A security issued or guaranteed by a railroad or other common or contract carrier, a public utility, or a common or contract carrier or public utility holding company. However, an issuer or guarantor must be subject to regulation or supervision as to the issuance of its own securities by a public commission, board, or officer of the government of the United States, of a

state, territory, or insular possession of the United States, of a municipality located in a state, territory, or insular possession, of the District of Columbia, or of the Dominion of Canada or a province of Canada.

(5) A security listed or approved for listing upon notice of issuance on the New York Stock Exchange, the American Stock Exchange, the Chicago Stock Exchange, or on any other exchange approved and designated by the commissioner, any other security of the same issuer that is of senior rank or substantially equal rank, a security called for by subscription rights or warrants so listed or approved, or a warrant or right to purchase or subscribe to any of the foregoing.

(6) A promissory note, draft, bill of exchange, or banker's acceptance that is evidence of:

(A) an obligation;

(B) a guarantee of an obligation;

(C) a renewal of an obligation; or

(D) a guarantee of a renewal of an obligation;

to pay cash within nine (9) months after the date of issuance, excluding grace days, that is issued in denominations of at least fifty thousand dollars (\$50,000) and receives a rating in one (1) of the three (3) highest rating categories from a nationally recognized statistical rating organization.

(7) A security issued in connection with an employee stock purchase, savings, pension, profit-sharing, or similar benefit plan.

(8) A security issued by an association incorporated under IC 15-7-1.

(9) A security that is an industrial development bond (as defined in Section 103(b)(2) of the Internal Revenue Code of 1954) the interest of which is excludable from gross income under Section 103(a)(1) of the Internal Revenue Code of 1954 if, by reason of the application of paragraph (4) or (6) of Section 103(b) of the Internal Revenue Code of 1954 (determined as if paragraphs (4)(A), (5), and (7) were not included in Section 103(b)), paragraph (1) of Section 103(b) does not apply to the security.

(10) A security issued by a nonprofit corporation that meets the requirements of Section 103(e) of the Internal Revenue Code of 1954 and is designated by the governor as the secondary market for guaranteed student loans under IC 20-12-21.2.

(11) A security designated or approved for designation upon notice of issuance on the National Association of Securities Dealers Automatic Quotation National Market System or any other national market system approved and designated by the commissioner, any other security of the same issuer that is of senior rank or substantially equal rank, a security called for by subscription rights or warrants so listed or approved, or a warrant or right to purchase or subscribe to any of the foregoing.

(12) A security that is a "qualified bond" (as defined in Section 141(e) of the Internal Revenue Code, as amended).

(b) The following transactions are exempted from the registration requirements of section 3 of this chapter:

(1) An isolated nonissuer offer or sale, whether effected through a broker-dealer or not.

(2) A nonissuer sale effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy.

(3) A nonissuer offer or sale by a registered broker-dealer, acting either as principal or agent, of issued and outstanding securities if the following conditions are satisfied:

(A) The securities are sold at prices reasonably related to the current market price at the time of sale, and if the registered broker-dealer is acting as agent, the commission collected by the registered broker-dealer on account of the sale is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics.

(B) The securities do not constitute an unsold allotment to or subscription by the broker-dealer as a participant in the distribution of the securities by the issuer or by or through an underwriter.

(C) Either:

(i) information consisting of the names of the issuer's officers and directors, a balance sheet of the issuer as of a date not more than eighteen (18) months prior to the date of the sale, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations is published in a securities manual approved by the commissioner;

(ii) the issuer is required to file reports with the Securities and Exchange Commission pursuant to sections 13 and 15 of the Securities Exchange Act of 1934 (15 U.S.C. 78m and 78o) and is not delinquent in the filing of the reports on the date of the sale; or

(iii) information consisting of the names of the issuer's officers and directors, a balance sheet of the issuer as of a date not more than sixteen (16) months prior to the date of the sale, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations is on file with the commissioner. The information required by this item to be on file with the commissioner must be on a form and made in a manner as the commissioner prescribes. The fee for the initial filing of the form shall be twenty-five dollars (\$25). The fee for the annual renewal filing shall be fifteen dollars (\$15). When a filing is withdrawn or is not completed by the issuer, the commissioner must retain the filing fee.

(D) There has been compliance with section 6(l) of this chapter.

(E) Unless the issuer is registered under the Investment Company Act of 1940, all the following must be true at the time of the transaction:

(i) The security belongs to a class that has been in the hands of the public for at least ninety (90) days.

(ii) The issuer of the security is a going concern, is actually engaged in business, and is not in bankruptcy or receivership.

(iii) Except as permitted by order of the commissioner, the issuer and any predecessors have been in continuous operation for at least five (5) years. An issuer or predecessor is in continuous operation only if the issuer or predecessor has gross operating revenue in each of the five (5) years immediately preceding the issuer's or predecessor's claim of exemption and has had total gross

operating revenue of at least two million five hundred thousand dollars (\$2,500,000) for those five (5) years or has had gross operating revenue of at least five hundred thousand dollars (\$500,000) in not less than three (3) of those five (5) years.

The commissioner may revoke the exemption afforded by this subdivision with respect to any securities by issuing an order:

- (i) if the commissioner finds that the further sale of the securities in this state would work or tend to work a fraud on purchasers of the securities;
- (ii) if the commissioner finds that the financial condition of the issuer is such that it is in the public interest and is necessary for the protection of investors to revoke or restrict the exemption afforded by this subsection; or
- (iii) if the commissioner finds that, due to the limited number of shares in the hands of the public or due to the limited number of broker-dealers making a market in the securities, there is not a sufficient market for the securities so that there is not a current market price for the securities.

(4) A transaction between the issuer or other person on whose behalf the offering is made by an underwriter, or among underwriters.

(5) A transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness, is offered and sold as a unit.

(6) A transaction by an executor, administrator, personal representative, sheriff, marshal, receiver, trustee in bankruptcy, guardian, conservator, or a person acting in a trust or fiduciary capacity where the transaction is effected pursuant to the authority of or subject to approval by a court of competent jurisdiction.

(7) A transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) An offer or sale to a bank, a savings institution, a trust company, an insurance company, an investment company (as defined in the Investment Company Act of 1940 (15 U.S.C. 80a-1 through 80a-52)), a pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in a fiduciary capacity.

(9) The offer or sale of securities of an issuer:

(i) to a person who is:

- (A) a director, an executive officer, a general partner, an administrator, or a person who performs similar functions for or who is similarly situated with respect to the issuer;
- (B) a director, an executive officer, or a general partner of a general partner of the issuer; or
- (C) any other natural person employed on a full-time basis by the issuer as an attorney or accountant if the person has been acting in this capacity for at least one (1) year immediately prior to the offer or sale;

(ii) to an entity affiliated with the issuer;

(iii) if the issuer is a corporation, to a person who is the

owner of shares of the corporation or of an affiliated corporation representing and possessing ten percent (10%) or more of the total combined voting power of all classes of stock (of the corporation or affiliated corporation) issued and outstanding and who is entitled to vote; or

(iv) if the issuer is a limited liability company, to a person who is the owner of an interest in the limited liability company representing and possessing at least ten percent (10%) of the total combined voting power of all classes of such interests (of the limited liability company or affiliated limited liability company) issued and outstanding.

(10) The offer or sale of a security by the issuer of the security if all of the following conditions are satisfied:

(A) The issuer reasonably believes that either:

- (i) there are no more than thirty-five (35) purchasers of the securities from the issuer in an offering pursuant to this subsection, including purchasers outside Indiana; or
- (ii) there are no more than twenty (20) purchasers in Indiana.

In either case, there shall be excluded in determining the number of purchasers a purchaser whom the issuer reasonably believes to be an accredited investor or who purchases the securities after they are registered under this chapter.

(B) The issuer does not offer or sell the securities by means of a form of general advertisement or general solicitation.

(C) The issuer reasonably believes that each purchaser of the securities is acquiring the securities for the purchaser's own investment and is aware of any restrictions imposed on transferability and resale of the securities. The basis for reasonable belief may include:

- (i) obtaining a written representation signed by the purchaser that the purchaser is acquiring the securities for the purchaser's own investment and is aware of any restrictions imposed on the transferability and resale of the securities; and
- (ii) placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under section 3 of this chapter, and setting forth or referring to the restrictions on transferability and sale of the securities.

(D) The issuer:

- (i) files with the commissioner and provides to each purchaser in this state an offering statement that sets forth all material facts with respect to the securities; and
- (ii) reasonably believes immediately before making a sale that each purchaser who is not an accredited investor either alone or with a purchaser representative has knowledge and experience in financial and business matters to the extent that the purchaser is capable of evaluating the merits and risks of the prospective investment.

(E) If the aggregate offering price of the securities in an offering pursuant to this subdivision (including securities sold outside of Indiana) does not exceed five hundred thousand dollars (\$500,000), the issuer is not required to comply with clause (D) if the issuer files with the

commissioner and provides to each purchaser in Indiana the following information and materials:

- (i) copies of all written materials, if any, concerning the securities that have been provided by the issuer to any purchaser; and
- (ii) unless clearly presented in all written materials, a written notification setting forth the name, address, and form of organization of the issuer and any affiliate, the nature of the principal businesses of the issuer and any affiliate, and the information required in section 5(b)(1)(B), 5(b)(1)(C), 5(b)(1)(D), 5(b)(1)(E), 5(b)(1)(H), and 5(b)(1)(I) of this chapter.

(F) The commissioner does not disallow the exemption provided by this subdivision within ten (10) full business days after receipt of the filing required by clause (D) or (E). The issuer may make offers (but not sales) before and during the ten (10) day period, if:

- (i) each prospective purchaser is advised in writing that the offer is preliminary and subject to material change; and
- (ii) no enforceable offer to purchase the securities may be made by a prospective purchaser, and no consideration in any form may be accepted or received (directly or indirectly) from a prospective purchaser, before the expiration of the ten (10) day period and the vacation of an order disallowing the exemption.

(G) The issuer need not comply with clause (D), (E), or (F) if:

- (i) each purchaser has access to all the material facts with respect to the securities by reason of the purchaser's active involvement in the organization or management of the issuer or the purchaser's family relationship with a person actively involved in the organization or management of the issuer;
- (ii) there are not more than fifteen (15) purchasers in Indiana and each Indiana purchaser is an accredited investor or is a purchaser described in item (i); or
- (iii) the aggregate offering price of the securities, including securities sold outside Indiana, does not exceed five hundred thousand dollars (\$500,000), the total number of purchasers, including purchasers outside of Indiana, does not exceed twenty-five (25) and each purchaser either receives all of the material facts with respect to the security or is an accredited investor or a purchaser described in item (i).

(H) If the issuer makes or is required to make a filing with the commissioner under clause (D) or (E), the issuer must also file with the commissioner at the time of the filing the consent to service of process required by section 16 of this chapter. The issuer shall also file with the commissioner, at the times and in the forms as the commissioner may prescribe, notices of sales made in reliance upon this subdivision.

(I) The commissioner may by rule deny exemption provided in this subdivision to a particular class of issuers, or may make the exemption available to the issuers upon compliance with additional conditions and requirements, if appropriate

in furtherance of the intent of this chapter.

(11) An offer or sale of securities to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety (90) days of their issuance if no commission or other remuneration (other than a standby commission) is paid or given for soliciting a security holder in this state.

(12) An offer (but not a sale) of a security for which registration statements or applications have been filed under this chapter and the Securities Act of 1933 (15 U.S.C. 77a-77aa), if no stop order or refusal order is in effect and no public proceeding or examination looking toward an order is pending under either law.

(13) The deposit of shares under a voting-trust agreement and the issue of voting-trust certificates for the deposit.

(14) The offer or sale of a commodity futures contract.

(15) The offer or sale of securities to or for the benefit of security holders incident to a vote by the security holders pursuant to the articles of incorporation or applicable instrument, on a ~~merger or share exchange under IC 23-1-40 or the laws of another state~~, **statutorily approved merger or share exchange**, reclassification of securities, exchange of securities under IC 28-1-7.5, or sale of assets of the issuer in consideration of the issuance of securities of the same or another issuer.

(16) A limited offering transactional exemption, which may be created by rule adopted by the commissioner. The exemption must further the objectives of compatibility with federal exemptions and uniformity among the states.

(c) The commissioner may consider and determine if a proposed sale, transaction, issue, or security is entitled to an exemption accorded by this section. The commissioner may decline to exercise the commissioner's authority as to a proposed sale, transaction, issue, or security. An interested party desiring the commissioner to exercise the commissioner's authority must submit to the commissioner a verified statement of all material facts relating to the proposed sale, transaction, issue, or security, which must be accompanied by a request for a ruling as to the particular exemption claimed, together with a filing fee of one hundred dollars (\$100). After notice to the interested parties as the commissioner determines is proper and after a hearing, if any, the commissioner may enter an order finding the proposed sale, transaction, issue, or security entitled or not entitled to the exemption claimed. An order entered, unless an appeal is taken from it in the manner prescribed in section 20 of this chapter, is binding upon the commissioner and upon all interested parties, provided that the proposed sale, transaction, issue, or security when consummated or issued conforms in every relevant and material particular with the facts as set forth in the verified statement submitted.

(d) The commissioner may by order deny or revoke an exemption specified in subsection (a)(6), (a)(7), or (b) with respect to a specific security or transaction, if the commissioner finds that the securities to which the exemption applies would not qualify for registration under sections 4 and 5 of this chapter. No order may be entered without appropriate prior notice to all interested parties, opportunity for hearing, and written findings of fact and conclusions of law, except

that the commissioner may by order summarily deny or revoke any of the specific exemptions pending final determination of a proceeding under this subsection. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered, of the reasons for the order, and that within fifteen (15) days of the receipt of a written request the matter will be set down for hearing. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to all interested persons, may modify or vacate the order or extend it until final determination. No order under this subsection may operate retroactively. No person may be considered to have violated section 3 of this chapter by reason of an offer or sale effected after the entry of an order under this subsection if the person sustains the burden of proof that the person did not know, and in the exercise of reasonable care could not have known, of the order.

(e) If, with respect to an offering of securities, any notices or written statements are required to be filed with the commissioner under subsection (b)(10), the first filing made with respect to the offering must be accompanied by a filing fee of one hundred dollars (\$100).

(f) A condition, stipulation, or provision requiring a person acquiring a security to waive compliance with this chapter or a rule or order under this chapter is void.

SECTION 2. IC 23-2-1-10 IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A registered broker-dealer shall make and keep accounts, correspondence, memoranda, papers, books, and other records as the commissioner requires by rule or otherwise. The commissioner's requirements may not exceed the limitations provided in Section 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78o).

(b) An investment adviser shall make and keep accounts, correspondence, memoranda, papers, books, and other records as the commissioner requires by rule or otherwise. The commissioner's requirements may not exceed the limitations provided in Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a). The commissioner may prescribe by rule or otherwise the period that an investment adviser must retain records.

(c) All the records of a registered broker-dealer or an investment adviser are subject at any time to reasonable periodic, special, or other examinations by representatives of the commissioner, within or without Indiana, as the commissioner deems necessary or appropriate in the public interest or for the protection of investors. No charges or other examination fees may be assessed against a registered broker-dealer or an investment adviser as a result of an examination under this subsection unless the examination results in an investigation or examination made under section 16(d) of this chapter. To avoid duplication of examinations of records, the commissioner may cooperate with the securities administrators of other states, the Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities and Exchange Act of 1934 (15 U.S.C. 77b et seq.).

(d) Every registered broker-dealer and investment adviser shall file financial reports and other reports as the commissioner by rule or order prescribes. The commissioner's reporting requirements for registered broker-dealers may not exceed the limitations provided in

Section 15 of the Securities and Exchange Act of 1934 (15 U.S.C. 78o). The commissioner's reporting requirements for investment advisers may not exceed the limitations provided in Section 222 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-18a).

(e) If the information contained in a document filed with the commissioner is or becomes inaccurate or incomplete in any material respect, the registrant shall promptly file a correcting amendment.

(f) The commissioner may require investment advisers to furnish or disseminate certain information necessary or appropriate for the public interest or to protect investors or clients. The commissioner may determine that the information furnished to clients or prospective clients of an investment adviser under the Investment Advisers Act of 1940 (15 U.S.C. 80a-1 et seq.) and the rules adopted under the Investment Advisers Act of 1940 may be used to satisfy this requirement.

(g) The commissioner may annually select as many as twenty-five percent (25%) of all Indiana home and branch offices of registered broker-dealers for completion of compliance reports. ~~The offices shall be selected at random.~~ Each broker-dealer office that is selected shall file its compliance report according to rules adopted by the commissioner under IC 4-22-2 not more than ninety (90) days after being notified of selection under this subsection. No charges or other examination fees may be assessed against a registered broker-dealer as a result of the examination of a compliance report filed under this subsection unless the examination results in an investigation or examination made under section 16(d) of this chapter.

SECTION 3. IC 23-2-1-15 IS amended TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This chapter shall be administered by a division of the office of the secretary of state. The secretary of state shall appoint a securities commissioner who shall be responsible for the direction and supervision of the division and the administration of this chapter under the direction and control of the secretary of state. The salary of the securities commissioner shall be paid out of the funds appropriated for the administration of this chapter. The commissioner shall serve at the will of the secretary of state.

(b) The secretary of state:

(1) shall employ a chief deputy, a senior investigator, a senior accountant, and other deputies, investigators, accountants, clerks, stenographers, and other employees necessary for the administration of this chapter; and

(2) shall fix their compensation with the approval of the budget agency.

The chief deputy, other deputies, the senior investigator, and the senior accountant, once employed under this chapter, may be dismissed only for cause by the secretary of state upon ten (10) days notice in writing stating the reasons for dismissal. Within fifteen (15) days after dismissal, the chief deputy, other deputies, the senior investigator, and the senior accountant may appeal to the state personnel board. The state personnel board shall hold a hearing, and if it finds that the appealing party was dismissed for a political, social, religious, or racial reason, the appealing party shall be reinstated to the appealing party's position without loss of pay. In all other cases, if the decision is favorable to the appealing party, the secretary of state shall follow the findings and recommendations of the board, which may include reinstatement and payment of salary or wages lost. The hearing and any subsequent proceedings or appeals shall be

governed by the provisions of IC 4-15-2 and IC 4-21.5.

(c) Fees and funds of whatever character accruing from the administration of this chapter shall be accounted for by the secretary of state and shall be deposited with the treasurer of state to be deposited by the treasurer of state in the general fund of the state. Expenses incurred in the administration of this chapter shall be paid from the general fund upon appropriation being made for the expenses in the manner provided by law for the making of those appropriations. However, costs of investigations recovered under sections 16(d) and 17.1(c) of this chapter shall be deposited with the treasurer of state to be deposited by the treasurer of state in a separate account to be known as the securities division enforcement account. The funds in the account shall be available, with the approval of the budget agency, to augment and supplement the funds appropriated for the administration of this chapter. The funds in the account do not revert to the general fund at the end of any fiscal year.

(d) In connection with the administration and enforcement of the provisions of this chapter, the attorney general shall render all necessary assistance to the securities commissioner upon the commissioner's request, and to that end, the attorney general shall employ legal and other professional services as are necessary to adequately and fully perform the service under the direction of the securities commissioner as the demands of the securities division shall require. Expenses incurred by the attorney general for the purposes stated in this subsection shall be chargeable against and paid out of funds appropriated to the attorney general for the administration of the attorney general's office.

(e) Neither the secretary of state, the securities commissioner, nor an employee of the securities division shall be liable in their individual capacity, except to the state, for an act done or omitted in connection with the performance of their respective duties under this chapter.

(f) The commissioner, subject to the approval of the secretary of state, may adopt rules, orders, and forms necessary to carry out this chapter, including rules and forms concerning registration statements, applications, reports, and the definitions of any terms if the definitions are consistent with this chapter. The commissioner may by rule or order allow for exemptions from registration requirements under sections 3 and 8 of this chapter if the exemptions are consistent with the public interest and this chapter.

(g) The provisions of this chapter delegating and granting power to the secretary of state, the securities division, and the securities commissioner shall be liberally construed to the end that:

- (1) the practice or commission of fraud may be prohibited and prevented;
- (2) disclosure of sufficient and reliable information in order to afford reasonable opportunity for the exercise of independent judgment of the persons involved may be assured; and
- (3) the qualifications may be prescribed to assure availability of reliable broker-dealers, investment advisers, and agents engaged in and in connection with the issuance, barter, sale, purchase, transfer, or disposition of securities in this state.

It is the intent and purpose of this chapter to delegate and grant to and vest in the secretary of state, the securities division, and the securities commissioner full and complete power to carry into effect and accomplish the purpose of this chapter and to charge them with full and complete responsibility for its effective administration.

(h) It is the duty of a prosecuting attorney, as well as of the attorney general, to assist the securities commissioner upon the commissioner's request in the prosecution to final judgment of a violation of the penal provisions of this chapter and in a civil proceeding or action arising under this chapter. If the commissioner determines that an action based on the securities division's investigations is meritorious:

- (1) the commissioner or a designee empowered by the commissioner shall certify the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed;
- (2) the commissioner and the securities division shall assist the prosecuting attorney in prosecuting an action under this section, which may include a securities division attorney serving as a special deputy prosecutor appointed by the prosecuting attorney;
- (3) a prosecuting attorney to whom facts concerning fraud are certified under subdivision (1) may refer the matter to the attorney general; and
- (4) if a matter has been referred to the attorney general under subdivision (3), the attorney general may:
 - (A) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and
 - (B) prosecute the alleged offense.

(i) The securities commissioner shall take, prescribe, and file the oath of office prescribed by law. The securities commissioner, ~~senior investigator, the chief deputy commissioner, and each deputy attorney or investigator designated by the commissioner~~ are police officers of the state and shall:

- (1) have all the powers and duties of police officers in making arrests for violations of this chapter, or in serving any process, notice, or order connected with the enforcement of this chapter by whatever officer or authority or court issued; ~~The securities commissioner, the deputy commissioners for enforcement, and the investigators and~~
 - (2) comprise the enforcement department of the division;
- and are considered a criminal justice agency for purposes of IC 5-2-4 and IC 10-13-3.

(j) The securities commissioner and each employee of the securities division shall be reimbursed for necessary hotel and travel expenses when required to travel on official duty. Hotel and travel reimbursements shall be paid in accordance with the travel regulations prescribed by the budget agency.

(k) It is unlawful for the secretary of state, the securities commissioner, or the securities division's employees to use for personal benefit information that is filed with or obtained by the securities division and that is not made public. No provision of this chapter authorizes the secretary of state, the securities commissioner, or the employees of the securities division to disclose information except among themselves, or when necessary or appropriate, in a proceeding or investigation under this chapter. No provision of this chapter either creates or derogates from a privilege that exists at common law or otherwise when documentary or other evidence is sought under a subpoena directed to the secretary of state, the securities commissioner, or the securities division or its employees.

(l) The commissioner may honor requests from interested persons for interpretative opinions and from interested persons for determinations that the commissioner will not institute enforcement proceedings against specified persons for specified activities. A determination not to institute enforcement proceedings must be consistent with this chapter. A person may not request an interpretive opinion concerning an activity that:

- (1) occurred before; or
- (2) is occurring on;

the date that the opinion is requested. The commissioner shall charge a fee of one hundred dollars (\$100) for an interpretative opinion or determination.

SECTION 4. IC 23-2-1-17.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17.1. (a) Whenever it appears to the commissioner that a person has engaged in or is about to engage in an act or practice constituting a violation of this chapter or a rule or order under this chapter, the commissioner may investigate and may issue, with or without a prior hearing, orders and notices as the commissioner determines to be in the public interest, including cease and desist orders, orders to show cause, and notices. After notice and hearing, the commissioner may enter an order of rescission, restitution, or disgorgement, including interest at the rate of eight percent (8%) per year, directed to a person who has violated this chapter or a rule or order under this chapter. In addition to all other remedies, the commissioner may bring an action in the name and on behalf of the state against the person and any other person participating in or about to participate in a violation of this chapter, to enjoin the person from continuing or doing an act furthering a violation of this chapter and may obtain the appointment of a receiver or conservator. Upon a proper showing by the commissioner, the court shall enter an order of the commissioner directing rescission, restitution, or disgorgement to a person who has violated this chapter or a rule or order under this chapter. In a court proceeding, the commissioner may apply for and on due showing be entitled to have issued the court's subpoena requiring the appearance of a defendant and the defendant's employees or agents and the production of documents, books, and records as may appear necessary for the hearing of the petition, to testify and give evidence concerning the acts or conduct or things complained of in the action. In the action, the circuit or superior courts shall have jurisdiction of the subject matter. The court may not require the commissioner to post a bond.

(b) Upon the issuance of an order or notice by the commissioner under subsection (a), the commissioner shall promptly notify the respondent that it has been issued and the reasons it has been issued and that upon the receipt of a written request the matter will be set down for a hearing to commence within forty-five (45) business days after receipt of the request unless the respondent consents to a later date. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of an opportunity for hearing may modify or vacate the order or extend it until final determination.

(c) In a proceeding in a circuit or superior court under this section, the commissioner shall be entitled to recover all costs and expenses of investigation to which the commissioner would be entitled in an administrative proceeding under section 16(d) of this chapter, and the court shall include the costs in its final judgment.

(d) The commissioner shall notify the insurance commissioner when an administrative action or civil proceeding is filed under this section.

(e) A person who has:

(1) an order of rescission, restitution, or disgorgement entered against the person; or

(2) a civil penalty imposed upon the person;

under this chapter that has not been satisfied in full is not eligible for issuance or renewal of any license from any agency, board, commissioner, officer, department, or bureau of state government.

SECTION 5. IC 23-2-1-18.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18.1. (a) A person who knowingly violates this chapter commits a Class C felony.

(b) An action for a violation of section 3 or 8(a) of this chapter may be brought in:

(1) the county where the violation allegedly occurred; or

(2) Marion County.

SECTION 6. IC 23-2-2.5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. A registration by notification may be renewed by submitting to the commissioner a registration renewal form ~~no not~~ later than ~~thirty (30) days prior to the expiration of the registration unless that thirty (30) day period is waived by the commissioner: the date the registration is due to expire.~~ If no stop order or other order under section 14 of this chapter is in effect, registration of the offer is renewed at the time the registration would have expired. A renewal is effective for a period of one (1) year unless the commissioner specified a shorter period.

SECTION 7. IC 23-2-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Whenever it appears to the commissioner that a person has engaged in or is about to engage in an act or a practice constituting a violation of this chapter or a rule or an order under this chapter, the commissioner may investigate and may issue, with a prior hearing if there exists no substantial threat of immediate irreparable harm or without a prior hearing, if there exists a substantial threat of immediate irreparable harm, orders and notices as the commissioner determines to be in the public interest, including cease and desist orders, orders to show cause, and notices. After notice and hearing, the commissioner may enter an order of rescission, restitution, or disgorgement, including interest at the rate of eight percent (8%) per year, directed to a person who has violated this chapter or a rule or order under this chapter.

(b) Upon the issuance of an order or notice without a prior hearing by the commissioner under subsection (a), the commissioner shall promptly notify the respondent:

(1) that the order or notice has been issued;

(2) of the reasons the order or notice has been issued; and

(3) that upon the receipt of a written request the matter will be set down for a hearing to commence within fifteen (15) business days after receipt of the request unless the respondent consents to a later date.

If a hearing is not requested and not ordered by the commissioner, an order remains in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of an opportunity for hearing, may modify or vacate the order or extend it until final determination.

(c) The commissioner may deny, suspend, or revoke the license of a licensee or the registration of a registrant if the licensee or the

registrant:

- (1) fails to maintain the bond required under section 5 of this chapter;
- (2) is insolvent;
- (3) has violated any provision of this chapter;
- (4) has knowingly filed with the commissioner any document or statement containing any false representation of a material fact or omitting to state a material fact or if a representation becomes false after the filing but during the term of a license or certificate of registration as provided in subsection (g); or
- (5) has been convicted, within ten (10) years before the date of the application, renewal, or review, of any crime involving fraud or deceit.

(d) The commissioner may not enter a final order denying, suspending, or revoking the license of a licensee or the registration of a registrant without prior notice to all interested parties, opportunity for a hearing, and written findings of fact and conclusions of law. However, the commissioner may by summary order deny, suspend, or revoke a license or certificate of registration pending final determination of any proceeding under this section. Upon the entry of a summary order, the commissioner shall promptly notify all interested parties that it has been entered, of the reasons for the summary order, and that upon receipt by the commissioner of a written request from a party, the matter will be set for hearing to commence within fifteen (15) business days after receipt of the request. If no hearing is requested and none is ordered by the commissioner, the order remains in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of the hearing has been given to all interested persons and the hearing has been held, may modify or vacate the order or extend it until final determination.

(e) IC 4-21.5 does not apply to a proceeding under this section.

(f) If:

- (1) a licensee desires to have a previously unregistered employee begin engaging in origination activities; or
- (2) an individual who was previously registered under this chapter is employed by another licensee who desires to have the registrant engage in origination activities;

the employer licensee shall, within ~~fifteen (15)~~ **five (5) business** days after the employee first conducts origination activities, submit to the commissioner, on a form prescribed by the commissioner, notice of the registrant's employment. If the employee has not previously been registered, the licensee shall submit evidence that the employee has completed the education requirements of section 21 of this chapter.

(g) If a material fact or statement included in an application under this chapter changes after the application has been submitted, the applicant shall provide written notice to the commissioner of the change. The commissioner may revoke or refuse to renew the license or registration of any person who:

- (1) is required to submit a written notice under this subsection and fails to provide the required notice within two (2) business days after the person discovers or should have discovered the change; or
- (2) would not qualify for licensure or registration under this chapter as a result of a change in material fact or statement.

SECTION 8. IC 23-2-5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The

commissioner may do the following:

- (1) Adopt rules under IC 4-22-2 to implement this chapter.
- (2) Make investigations and examinations:
 - (A) in connection with any application for licensure or for registration of a licensee or registrant or with any license or certificate of registration already granted; or
 - (B) whenever it appears to the commissioner, upon the basis of a complaint or information, that reasonable grounds exist for the belief that an investigation or examination is necessary or advisable for the more complete protection of the interests of the public.
- (3) Charge as costs of investigation or examination all reasonable expenses, including a per diem prorated upon the salary of the commissioner or employee and actual traveling and hotel expenses. All reasonable expenses are to be paid by the party or parties under investigation or examination if the party has violated this chapter.
- (4) Issue notices and orders, including cease and desist notices and orders, after making an investigation or examination under subdivision (2). The commissioner may also bring an action on behalf of the state to enjoin a person from violating this chapter. The commissioner shall notify the person that an order or notice has been issued, the reasons for it, and that a hearing will be set within fifteen (15) days after the commissioner receives a written request from the person requesting a hearing.
- (5) Sign all orders, official certifications, documents, or papers issued under this chapter or delegate the authority to sign any of those items to a deputy.
- (6) Hold and conduct hearings.
- (7) Hear evidence.
- (8) Conduct inquiries with or without hearings.
- (9) Receive reports of investigators or other officers or employees of the state of Indiana or of any municipal corporation or governmental subdivision within the state.
- (10) Administer oaths, or cause them to be administered.
- (11) Subpoena witnesses, and compel them to attend and testify.
- (12) Compel the production of books, records, and other documents.
- (13) Order depositions to be taken of any witness residing within or without the state. The depositions shall be taken in the manner prescribed by law for depositions in civil actions and made returnable to the commissioner.
- (14) Order that each witness appearing under the commissioner's order to testify before the commissioner shall receive the fees and mileage allowances provided for witnesses in civil cases.
- (15) Provide interpretive opinions or issue determinations that the commissioner will not institute a proceeding or an action under this chapter against a specified person for engaging in a specified act, practice, or course of business if the determination is consistent with this chapter. The commissioner may adopt rules to establish fees for individuals requesting an interpretive opinion or a determination under this subdivision. A person may not request an interpretive opinion or a determination concerning an activity that:**
 - (A) occurred before; or**
 - (B) is occurring on;**

the date the opinion or determination is requested.

(b) If a witness, in any hearing, inquiry, or investigation conducted under this chapter, refuses to answer any question or produce any item, the commissioner may file a written petition with the circuit or superior court in the county where the hearing, investigation, or inquiry in question is being conducted requesting a hearing on the refusal. The court shall hold a hearing to determine if the witness may refuse to answer the question or produce the item. If the court determines that the witness, based upon the witness's privilege against self-incrimination, may properly refuse to answer or produce an item, the commissioner may make a written request that the court grant use immunity to the witness. Upon written request of the commissioner, the court shall grant use immunity to a witness. The court shall instruct the witness, by written order or in open court, that:

- (1) any evidence the witness gives, or evidence derived from that evidence, may not be used in any criminal proceedings against that witness, unless the evidence is volunteered by the witness or is not responsive to a question; and
- (2) the witness must answer the questions asked and produce the items requested.

A grant of use immunity does not prohibit evidence that the witness gives in a hearing, investigation, or inquiry from being used in a prosecution for perjury under IC 35-44-2-1. If a witness refuses to give the evidence after ~~he~~ **the witness** has been granted use immunity, the court may find ~~him~~ **the witness** in contempt.

(c) In any prosecution, action, suit, or proceeding based upon or arising out of this chapter, the commissioner may sign a certificate showing compliance or noncompliance with this chapter by any person. This shall constitute prima facie evidence of compliance or noncompliance with this chapter and shall be admissible in evidence in any action at law or in equity to enforce this chapter.

(d) If:

(1) a person disobeys any lawful:

- (A) subpoena issued under this chapter; or**
- (B) order or demand requiring the production of any books, accounts, papers, records, documents, or other evidence or information as provided in this chapter; or**

(2) a witness refuses to:

- (A) appear when subpoenaed;**
- (B) testify to any matter about which the witness may be lawfully interrogated; or**
- (C) take or subscribe to any oath required by this chapter;**

the circuit or superior court of the county in which the hearing, inquiry, or investigation in question is held, if demand is made or if, upon written petition, the production is ordered to be made, or the commissioner or a hearing officer appointed by the commissioner, shall compel compliance with the lawful requirements of the subpoena, order, or demand, compel the production of the necessary or required books, papers, records, documents, and other evidence and information, and compel any witness to attend in any Indiana county and to testify to any matter about which the witness may lawfully be interrogated, and to take or subscribe to any oath required.

(e) If a person fails, refuses, or neglects to comply with a court order under this section, the person shall be punished for contempt of court.

SECTION 9. IC 23-2-5-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 22. (a) An appeal may be taken by:**

- (1) any loan broker or principal upon whose application for registration for a loan broker license is granted or denied, from any final order of the commissioner concerning the application or registration;**
- (2) any applicant for registration as a loan broker or originator, from any final order of the commissioner affecting the application or registration as a loan broker or originator;**
- (3) any person against whom a civil penalty is imposed under section 14(a) of this chapter, from the final order of the commissioner imposing the civil penalty; or**
- (4) any person who is named as a respondent, from any final order issued by the commissioner under section 10 or 11 of this chapter;**

to the Marion circuit court or to the circuit or superior court of the county where the person taking the appeal resides or maintains a place of business.

(b) Not later than twenty (20) days after the entry of the order, the commissioner shall be served with:

- (1) a written notice of the appeal stating the court to which the appeal will be taken and the grounds upon which a reversal of the final order is sought;**
- (2) a demand in writing from the appellant for a certified transcript of the record and of all papers on file in the commissioner's office affecting or relating to the order; and**
- (3) a bond in the penal sum of five hundred dollars (\$500) to the state of Indiana with sufficient surety to be approved by the commissioner, conditioned upon the faithful prosecution of the appeal to final judgment and the payment of all costs that are adjudged against the appellant.**

(c) Not later than ten (10) days after the commissioner is served with the items listed in subsection (b), the commissioner shall make, certify, and deliver to the appellant the transcript, and the appellant shall, not later than five (5) days after the date the appellant receives the transcript, file the transcript and a copy of the notice of appeal with the clerk of the court. The notice of appeal serves as the appellant's complaint. The commissioner may appear and file any motion or pleading and form the issue. The cause shall be entered on the trial calendar for trial de novo and given precedence over all matters pending in the court.

(d) The court shall receive and consider any pertinent oral or written evidence concerning the order of the commissioner from which the appeal is taken. If the order of the commissioner is reversed, the court shall in its mandate specifically direct the commissioner as to the commissioner's further action in the matter. The commissioner is not barred from revoking or altering the order for any proper cause that accrues or is discovered after the order is entered. If the order is affirmed, the appellant is not barred after thirty (30) days from the date the order is affirmed from filing a new application if the application is not otherwise barred or limited. During the pendency of the appeal, the order from which the appeal is taken is not suspended but remains in effect unless otherwise ordered by the court. An appeal may be taken from the judgment of the court on the same terms and conditions as an appeal is taken in civil actions.

(Reference is to SB 11 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Insurance and Financial Institutions.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 14, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-41-1-17, AS amended BY P.L.222-2005, SECTION 46, IS amended TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) "Law enforcement officer" means:

- (1) a police officer, sheriff, constable, marshal, prosecuting attorney, special prosecuting attorney, special deputy prosecuting attorney, or the inspector general;
- (2) a deputy of any of those persons;
- (3) an investigator for a prosecuting attorney or for the inspector general;
- (4) a conservation officer; ~~or~~
- (5) an enforcement officer of the alcohol and tobacco ~~commission; or~~ **commission; or**
- (6) **an officer of the department of corrections.**

- (b) "Federal enforcement officer" means any of the following:
 - (1) A Federal Bureau of Investigation special agent.
 - (2) A United States Marshals Service marshal or deputy.
 - (3) A United States Secret Service special agent.
 - (4) A United States Fish and Wildlife Service special agent.
 - (5) A United States Drug Enforcement Agency agent.
 - (6) A Bureau of Alcohol, Tobacco, ~~and~~ Firearms **and Explosives** agent.
 - (7) A United States Forest Service law enforcement officer.
 - (8) A United States Department of Defense police officer or criminal investigator.
 - (9) A United States Customs Service agent.
 - (10) A United States Postal Service investigator.
 - (11) A National Park Service law enforcement commissioned ranger.
 - (12) United States Department of Agriculture, Office of Inspector General special agent.
 - (13) A United States Immigration and Naturalization Service special agent.
 - (14) An individual who is:
 - (A) an employee of a federal agency; and
 - (B) authorized to make arrests and carry a firearm in the performance of the individual's official duties.

SECTION 2. **An emergency is declared for this act.**
(Reference is to SB 14 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 19, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 31-9-2-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec.28.5. "Covenant marriage", for purposes of IC 31-11-4, IC 31-11-4.5, and IC 31-15 means a marriage entered into by one (1) male and one (1) female who:**

- (1) understand and agree that the marriage between them is a lifelong relationship;**
- (2) have received counseling emphasizing the nature, purposes, and responsibilities of marriage;**
- (3) understand and agree that only when there has been a complete and total breach of the marital covenant may the nonbreaching party seek a dissolution of the marriage; and**
- (4) declare their intent to enter into a covenant marriage on:**
 - (A) their application for a marriage license under IC 31-11-4-4; or**
 - (B) a declaration of intent to designate their existing marriage as a covenant marriage under IC 31-11-4.5-2.**

SECTION 2. IC 31-11-4-4 IS amended TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An application for a marriage license must be written and verified. The application must contain the following information concerning each of the applicants:

- (1) Full name.
- (2) Birthplace.
- (3) Residence.
- (4) Age.
- (5) Names of dependent children.
- (6) Full name, including the maiden name of a mother, last known residence, and, if known, the place of birth of:
 - (A) the birth parents of the applicant if the applicant is not adopted; or
 - (B) the adoptive parents of the applicant if the applicant is adopted.
- (7) A statement of facts necessary to determine whether any legal impediment to the proposed marriage exists.
- (8) Except as provided in subsection (e), an acknowledgment that both applicants must sign, affirming that the applicants have received the information described in section 5 of this chapter, including a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome). The acknowledgment required by this subdivision must be in the following form:

ACKNOWLEDGMENT

I acknowledge that I have received information regarding dangerous communicable diseases that are sexually transmitted and a list of test sites for the virus that causes AIDS (acquired immune deficiency syndrome).

_____ Signature of Applicant	_____ Date
_____ Signature of Applicant	_____ Date

- (9) If the parties intend to enter into a covenant marriage:
 (A) a statement that both applicants must sign; and
 (B) the documents required under IC 31-11-4.5-1.

The statement under clause (A) for a covenant marriage must be in the following form:

COVENANT MARRIAGE

We, _____ (name of intended husband) and _____ (name of intended wife), do hereby declare our intent to contract a covenant marriage and, accordingly, have executed a declaration of intent and filed it with this application for a marriage license.

 Signature of Intended Husband Date

 Signature of Intended Wife Date

(b) The clerk of the circuit court shall record the application, including the license and certificate of marriage, in a book provided for that purpose. This book is a public record.

(c) The state department of health shall develop uniform forms for applications for marriage licenses, **which must indicate whether the individuals applying for the marriage license are declaring an intent to enter into a covenant marriage.** The state department of health shall furnish these forms to the circuit court clerks. The state department of health may periodically revise these forms.

(d) The state department of health shall require that the record of marriage form developed under subsection (c) must include each applicant's Social Security number. Any Social Security numbers collected on the record of marriage form shall be kept confidential and used only to carry out the purposes of the Title IV-D program. A person who knowingly or intentionally violates confidentiality regarding an applicant's Social Security ~~numbers~~ **number** as described in this subsection commits a Class A infraction.

(e) Notwithstanding subsection (a), a person who objects on religious grounds is not required to:

- (1) verify the application under subsection (a) by oath or affirmation; or
- (2) sign the acknowledgment described in subsection (a)(8).

However, before the clerk of the circuit court may issue a marriage license to a member of the Old Amish Mennonite church, the bishop of that member must sign a statement that the information in the application is true.

(f) If a person objects on religious grounds to:

- (1) verifying the application under subsection (a) by oath or affirmation; or
 - (2) signing the acknowledgment described in subsection (a)(8);
- the clerk of the circuit court shall indicate that fact on the application for a marriage license.

SECTION 3. IC 31-11-4-15 IS amended TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. Each marriage license must have two (2) certificates attached to the license. The state department of health shall prescribe a uniform ~~form~~ **forms** for these certificates. One (1) certificate must be marked "Original", and one (1) certificate must be marked "Duplicate". Each certificate must contain the following:

- (1) For individuals not declaring their marriage a covenant marriage:

MARRIAGE CERTIFICATE

I _____ (name) certify that on _____ (date) at _____ in

_____ County, Indiana, _____ of _____ County, _____ (state) and _____ of _____ County, _____ (state) were married by me as authorized under a marriage license that was issued by the Clerk of the Circuit Court of _____ County, Indiana, dated _____.

Signed

(OFFICIAL DESIGNATION)

- (2) For individuals declaring their marriage a covenant marriage:

MARRIAGE CERTIFICATE

I _____ (name) certify that on _____ (date) at _____ in _____ County, Indiana, _____ of _____ County, _____ (state) and _____ of _____ County, _____ (state) were married by me into a covenant marriage as authorized under a marriage license that was issued by the Clerk of the Circuit Court of _____ County, Indiana, dated _____.

Signed

(OFFICIAL DESIGNATION)

SECTION 4. IC 31-11-4-18 IS amended TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The clerk of the circuit court shall forward marriage records to the state department of health on at least a monthly basis.

(b) The state department of health shall:

- (1) prescribe:

- (A) a form for recording marriages **that provides a manner for the clerk of the circuit court to indicate whether the marriage was declared a covenant marriage; and**
- (B) a form for recording declarations of a covenant marriage filed under IC 31-11-4.5-2;

(2) accept a court order under section 17 of this chapter (or IC 31-7-3-15.5 before its repeal) in place of a marriage certificate;

(3) prepare an annual index of all marriages solemnized in Indiana **that:**

- (A) distinguishes between a marriage designated as a covenant marriage and a marriage not designated as a covenant marriage; and
- (B) indicates declarations of a covenant marriage filed under IC 31-11-4.5-2;

and furnish at least one (1) index to the Indiana state library; ~~and~~ (4) furnish **to the Indiana state library** reports on records of marriage published by the state department of health ~~to the Indiana state library that:~~

- (A) distinguish between a marriage designated as a covenant marriage and a marriage not designated as a covenant marriage; and
- (B) indicate declarations of a covenant marriage filed under IC 31-11-4.5-2; and

(5) develop an informational pamphlet entitled "Covenant Marriage Law", which outlines in sufficient detail the consequences of entering into a covenant marriage. The state department of health shall make this informational pamphlet available upon request to any priest, minister, rabbi, clerk of the Religious Society of Friends, clergyman of any religious sect, or marriage counselor.

SECTION 5. IC 31-11-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]:

Chapter 4.5. Covenant Marriage

Sec. 1. (a) Individuals applying for a marriage license under IC 31-11-4 may, at the time of filing an application for a marriage license, file a declaration of intent to enter into a covenant marriage, consisting of the following documents:

(1) A recitation to the following effect, with the signatures of both parties witnessed by a notary public:

A COVENANT MARRIAGE

"We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything that could adversely affect the decision to enter into this marriage. We have received premarital counseling on the nature, purposes, and responsibilities of marriage. We have read the "Covenant Marriage Law" informational pamphlet, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Indiana law on covenant marriages, and we promise to love, honor, and care for one another as husband and wife for the rest of our lives."

(2) An affidavit by the parties that they have received premarital counseling from a priest, minister, rabbi, clerk of the Religious Society of Friends, clergyman of any religious sect, or marriage counselor that included a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for obtaining a judgment of legal separation or for legally dissolving a covenant marriage.

(3) A notarized attestation, signed by the counselor and attached to or included in the parties' affidavit, confirming that the parties were counseled as to the nature and purpose of the marriage and the grounds for termination of the marriage and acknowledging that the counselor provided to the parties the informational pamphlet "Covenant Marriage Law" developed by the state department of health.

(4) If one (1) or both of the parties are minors, the consent required by IC 31-11-2.

(b) The recitation required under subsection (a)(1) shall be prepared in duplicate originals, one (1) of which shall be retained by the parties and the other of which shall be filed with the clerk of the circuit court and attached to the duplicate marriage certificate when filed with the clerk of the circuit court.

Sec. 2. (a) A married couple may execute a declaration of intent to designate their marriage as a covenant marriage to be governed by the laws governing covenant marriages. The declaration consists of the following documents:

(1) A recitation to the following effect, with the signatures of both parties witnessed by a notary public:

A COVENANT MARRIAGE

"We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We understand the nature, purposes, and responsibilities of marriage. We have read the "Covenant Marriage Law" informational pamphlet, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Indiana law on covenant marriages, and we renew our promise to love, honor, and care for one another as husband and wife for the rest of our lives."

(2) An affidavit by the parties that they have discussed their intent to designate their marriage as a covenant marriage with a priest, minister, rabbi, clerk of the Religious Society of Friends, clergyman of any religious sect, or marriage counselor, and that the discussion included a discussion of the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for obtaining a judgment of legal separation or for legally dissolving a covenant marriage.

(3) A notarized attestation, signed by the counselor and attached to or included in the parties' affidavit, acknowledging that the counselor provided to the parties the informational pamphlet "Covenant Marriage Law" developed by the state department of health.

(b) The recitation required under subsection (a)(1) shall be prepared in duplicate originals, one (1) of which shall be retained by the parties and the other of which shall be filed as determined under subsection (c).

(c) The documents required under subsection (a) shall be filed with the clerk of the circuit court:

(1) in which the couple's marriage license is filed, if the couple was married in Indiana; or

(2) in the county where the couple is domiciled, if the couple was married outside Indiana.

(d) If the couple is married outside Indiana, the documents required under subsection (a) must be accompanied by a certified copy of the couple's marriage certificate.

(e) Upon receipt of a declaration designating a marriage as a covenant marriage under this section, the clerk of the circuit court shall make a notation on the marriage certificate of the declaration and attach a copy of the declaration to the certificate.

SECTION 6. IC 31-15-1-2 IS amended TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The purposes and policies of this article are as follows:

(1) To abolish the existing grounds for absolute and limited divorce and to provide as the basis for dissolution of marriage:

(A) irretrievable breakdown of the marriage;

(B) the conviction of either party, subsequent to the marriage, of a felony;

(C) impotence existing at the time of the marriage; and

(D) incurable insanity of either party for a period of at least two (2) years.

~~(2)~~ (1) To provide for the appropriate procedures for the dissolution of marriage.

~~(3)~~ (2) To provide for the disposition of property, child support, and child custody.

~~(4)~~ (3) To provide for separation agreements.

~~(5)~~ (4) To provide for a temporary legal separation.

SECTION 7. IC 31-15-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a) Except as provided in subsection (b), dissolution of marriage shall be decreed upon a finding by a court of one (1) of the following grounds and no other ground:**

(1) Irretrievable breakdown of the marriage.

(2) The conviction of either of the parties, subsequent to the marriage, of a felony.

(3) Impotence existing at the time of the marriage.

(4) Incurable insanity of either party for a period of at least two (2) years.

(b) Dissolution of a marriage declared to be a covenant marriage under IC 31-11-4.5 shall be granted only upon a finding by a court of one (1) of the following grounds:

(1) The nonpetitioning spouse has:

(A) committed adultery;

(B) committed a felony and has been sentenced to death or life imprisonment without the possibility of parole;

(C) abandoned the marital residence for at least one (1) year and refuses to return; or

(D) physically or sexually abused the petitioning spouse or any child.

(2) The spouses have been living separate and apart continuously without reconciliation for at least:

(A) two (2) years; or

(B) one (1) year from the date a judgment of legal separation was signed.

SECTION 8. IC 31-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. A petition for dissolution of marriage must:

(1) be verified; and

(2) set forth the following:

(A) The residence of each party and the length of residence in the state and county.

(B) The date of the marriage.

(C) The date on which the parties separated.

(D) The name, age, and address of:

(i) any living child less than twenty-one (21) years of age; and

(ii) any incapacitated child;

of the marriage and whether the wife is pregnant.

(E) The grounds for dissolution of the marriage.

(F) The relief sought.

(G) If applicable, a statement that the marriage has been declared a covenant marriage.

SECTION 9. IC 31-15-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A proceeding for legal separation is commenced by the filing of a petition entitled, "In Re the legal separation of _____ and _____". The petition must:

(1) be verified; and

(2) set forth the following:

(A) The residence of each party and the length of residence in the state and county.

(B) The date of the marriage.

(C) The date on which the parties separated.

(D) The names, ages, and addresses of:

(i) any living child less than twenty-one (21) years of age; and

(ii) any incapacitated child;

of the marriage and whether the wife is pregnant.

(E) The grounds for legal separation.

(F) The relief sought.

(G) If applicable, a statement that the marriage has been declared a covenant marriage.

SECTION 10. IC 31-15-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) Except as provided in subsection (b), in an action for legal separation under section 2 of this chapter, the court may grant a decree for a separation of the parties to the marriage for a period not to exceed one (1) year if the court finds that:**

(1) conditions in or circumstances of the marriage make it currently intolerable for both parties to live together;

(2) the marriage should be maintained; and

(3) neither party has filed a petition or counter petition for dissolution of marriage under IC 31-15-2 (or IC 31-1-11.5 before its repeal).

(b) A court may grant a decree for a legal separation of the parties to a covenant marriage for a period not to exceed one (1) year if the court finds that:

(1) the nonpetitioning spouse has:

(A) committed adultery;

(B) committed a felony and has been sentenced to death or life imprisonment without the possibility of parole;

(C) abandoned the marital residence for at least one (1) year and refuses to return; or

(D) physically or sexually abused the petitioning spouse or any child;

(2) the spouses have been living separate and apart continuously without reconciliation for at least two (2) years; or

(3) the nonpetitioning spouse has exhibited habitual intemperance, excesses, cruel treatment, or outrages of such a nature as to render the parties' continued living together unsupportable.

SECTION 11. IC 31-15-4-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. The court may require the parties to seek counseling for themselves or for a child of the parties under such terms and conditions that the court considers appropriate if:

(1) either party makes a motion for counseling in an effort to improve conditions of their marriage;

(2) a party, the child of the parties, the child's guardian ad litem or court appointed special advocate, or the court makes a motion for counseling for the child; or

(3) the court makes a motion for counseling for parties who:

(A) are the parents of a child less than eighteen (18) years of age; or

(B) have declared the marriage to be a covenant marriage.

SECTION 12. [EFFECTIVE UPON PASSAGE] (a) The state department of health shall develop, before July 1, 2006, an informational pamphlet entitled "Covenant Marriage Law", as provided under IC 31-11-4-18, as amended by this act, that outlines in sufficient detail the consequences of entering into a covenant marriage. The state department of health shall make this informational pamphlet available upon request to any priest, minister, rabbi, clerk of the Religious Society of Friends, clergyman of any religious sect, or marriage counselor who provides marriage counseling as provided for by this act.

(b) This SECTION expires December 31, 2006.

SECTION 13. An emergency is declared for this act.

(Reference is to SB 19 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that the committee of four members of the House be appointed by the Speaker to act with a like committee of the Senate to wait upon the Governor and to notify him of the organization of both houses of the General Assembly and to inform him that they are ready for the transaction of legislative business."

The Speaker has appointed Representatives Bell, Crouch, Grubb, and Porter.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 2, 3, 4, 5, and 6 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the following motion:

"I move that Representatives Turner, Bauer, T. Brown, and Stilwell be appointed as a committee of four members of the House of Representatives to notify the Senate that the House of Representatives has met, has formed a quorum, and is now prepared to proceed with legislative business to receive any communications which the Senate may transmit."

M. CAROLINE SPOTTS
Principal Clerk of the House

STATE OF INDIANA EXECUTIVE DEPARTMENT INDIANAPOLIS

EXECUTIVE ORDER 05-23

FOR: CLEMENCY FOR ARTHUR PAUL BAIRD II, DOC NO. 872036

TO ALL WHOM THESE PRESENTS MAY COME, GREETINGS.

WHEREAS, In 1987, a Montgomery County jury found Arthur Paul Baird II guilty of the September 1985, murders of his pregnant wife, Nadine Baird, his mother, Kathryn Baird, and his father, Arthur Baird I;

WHEREAS, The Montgomery Circuit Court followed the jury's recommendation and sentenced Baird to death for the murder of his parents; the trial court also imposed a sixty-year sentence for the murder of Baird's wife and an eight-year sentence for the feticide involving his unborn child;

WHEREAS, Baird is guilty of the murders of Nadine Baird, Arthur Paul Baird I and Kathryn Baird and is legally eligible for the death penalty under IC 35-50-2-9(b)(8);

WHEREAS, Baird's claims have received proper and thorough consideration in the judicial system;

WHEREAS, Baird has asked that his sentence of death be commuted to Life Without Parole;

WHEREAS, There exists sufficient reasons to commute Baird's sentence, as explained in detail in the document titled Grant of Commutation to Arthur Paul Baird II, attached hereto and incorporated by reference in this Executive Order; and

WHEREAS, My review of the facts of this case leads me to exercise clemency by commuting Baird's sentence. This decision is based on the unique circumstances of this case. All the facts, not one single element, cause me to grant clemency.

NOW, THEREFORE, I, Mitchell E. Daniels, Jr., the Governor of the State of Indiana, by virtue of the power vested in me by the Constitution and laws of the State of Indiana, hereby commute the death sentence imposed on Arthur Paul Baird II for the murders of Arthur Paul Baird I and Kathryn Baird to Life Without Parole.

IN TESTIMONY WHEREOF, I, Mitchell E. Daniels, Jr., have hereunto set my hand and caused to be affixed the Great Seal of the State of Indiana on this 29th day of August, 2005.

Mitchell E. Daniels, Jr.
Governor of Indiana

ATTEST: Todd Rokita
Secretary of State

GRANT OF COMMUTATION TO ARTHUR PAUL BAIRD II

The case of Arthur Baird would justify the death penalty based upon the nature of his crimes, the unchallenged certainty that he committed them, and the care and completeness of the legal process in imposing that sentence and in consistently upholding it over the years since those crimes occurred. Nonetheless, given certain unusual, probably unique circumstances in this case, a different outcome seems more just. These circumstances include:

- Life without parole was not an option in Indiana when Mr. Baird was sentenced. Such a sentence has since become an option and would be available to the jury today.

- The unanimous sentiment expressed by family members at the time of the trial and years later demonstrates that they believed life without parole was the most appropriate penalty for Mr. Baird. All members of the jury whose views are known also indicate that, had life without parole been an alternative available to them, they would have imposed it instead of the death penalty.
- Further reflecting that consensus, the State offered the equivalent of life without parole in a plea agreement that Mr. Baird appeared ready to accept before trial. However, at the time of submitting his plea, he suddenly reversed course and, apparently due to his delusional state, rejected the bargain the State saw fit to offer him.

Courts recognized Mr. Baird as suffering from mental illness at the time he committed the murders, and Indiana Supreme Court Justice Ted Boehm recently wrote that Mr. Baird is "insane in the ordinary sense of the word." It is difficult to find reasons not to agree.

However, I reached today's decision without substituting my judgment for others on the ambiguous issue of Mr. Baird's degree of insanity. To me, it suffices to note that, had the sentence of life without parole been available in 1987, the jury and the State would have imposed it with the support of the victims' families.

I conclude that the proper and just result in this case is for Arthur Paul Baird II to serve a term of life without parole, and I therefore commute his sentence accordingly.

MEMORANDUM

To: Mary Mendel, Principal Secretary
 From: Senator Vaneta Becker
 Date: January 4, 2006
 Subject: Senate Bill withdrawal
 Pursuant to Rule 44(a), I would like to request that Senate Bill 255 be withdrawn from further consideration.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 11 and that Senator Drozda be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 14 and that Senator Waterman be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 19 and that Senator Kruse be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as second author of Senate Bill 69.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Senate Bill 78.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Senate Bill 87.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Senate Bill 160.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Kruse be added as coauthors of Senate Bill 245.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 10, 2006.

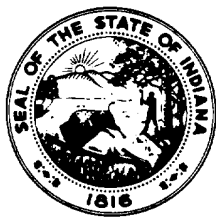
LONG

Motion prevailed.

The Senate adjourned at 2:16 p.m.

MARY C. MENDEL
 Secretary of the Senate

REBECCA S. SKILLMAN
 President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Third Meeting Day

Tuesday Afternoon

January 10, 2006

The Senate convened at 1:51 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax <input checked="" type="checkbox"/>
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 3: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 311 — Dillon (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 312 — Kenley (Rules and Legislative Procedure)
A BILL FOR AN ACT concerning the general assembly.

SB 313 — Hershman (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 314 — Nugent (Agriculture and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 315 — Mrvan (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 316 — Mrvan (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 317 — Mrvan (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 318 — Mrvan (Governmental Affairs and Interstate Cooperation)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 319 — Skinner (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 320 — Skinner (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 321 — Kruse (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 322 — Kruse (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 323 — Lubbers (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 324 — Alting (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 325 — Paul (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 326 — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 327 — Merritt (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 328 — Merritt (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

SB 329 — Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 330 — Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 331 — Broden (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 332 — M. Young (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 333 — Dillon (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 334 — Waterman, M. Young (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 335 — Landske, Craycraft (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 336 — Landske (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 337 — Landske (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

SB 338 — Merritt (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 339 — Merritt (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 340 — Wyss, Long (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning

state offices and administration.

SB 341 — Wyss, Broden (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 342 — Riegsecker (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 343 — Bowser (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

SB 344 — Bowser (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

SB 345 — Meeks (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

SB 346 — Meeks (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 347 — Meeks (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 348 — Waltz (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 349 — Waltz (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

SB 350 — Dillon (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 351 — Lanane (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 352 — Lanane (Appropriations)

A BILL FOR AN ACT concerning utilities and transportation and to make an appropriation.

SB 353 — Weatherwax, Hershman, Gard, Jackman, Waterman, Drozda, R. Young, Hume (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 354 — Weatherwax (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 355 — Lawson (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning

taxation.

SB 356 — Steele (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

SB 357 — Howard (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 358 — Meeks (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 359 — Hershman (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 360 — Ford (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 73, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 30, before "utility" insert "**regulated public**".

Page 2, line 30, after "utility" insert ", **including an energy utility**".

Page 2, line 30, delete "IC 8-1-1.1-1)" and insert "**IC 8-1-2.5-2) or an affiliate of an energy utility**".

Page 2, line 31, delete "product or" and insert "**utility product,**".

Page 2, line 31, delete "service" and insert "**service, or business operation. For purposes of this subdivision, a contract relates to a utility product, service, or business operation if it involves an activity necessary for or ancillary to the production or delivery of heat, power and light, or a product or service**".

Page 2, line 32, after "commission" insert "**(as described by IC 8-1-1)**".

(Reference is to SB 73 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 47, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 5, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, after "it" insert ":

(1)".

Page 1, line 17, delete "(1) a cemetery (as defined in IC 23-14-33-7) during", begin a new line double block indented, and insert:

"(A) the location where".

Page 2, line 1, delete "burial;" and insert "**burial is being performed;**".

Page 2, line 2, delete "(2)", begin a new line double block indented and insert:

"(B)".

Page 2, line 3, delete "(3)", begin a new line double block indented and insert:

"(C)".

Page 2, line 5, delete "(4)", begin a new line double block indented and insert:

"(D)".

Page 2, line 6, delete "." and insert "**; and**

(2) adversely affects the funeral, burial, viewing, funeral procession, or memorial service."

(Reference is to SB 5 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 259, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Concurrent Resolution 7, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 8 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker has appointed Representatives Hoffman, Whetstone, Klinker, and Kromkowski to wait upon and escort the Governor to convene a joint convention of the Senate and House for the purpose of receiving the Governor's State of the State message on January 11, 2006.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 13

House Concurrent Resolution 13, sponsored by Senator Drozda:

A CONCURRENT RESOLUTION honoring Zionsville Community High School.

Whereas, The Midwestern Regional Office of the College Board recognized Zionsville Community High School as the number one Indiana school based on students' success in college level advanced placement classes for schools with at least 250 in their senior class;

Whereas, This ranking is based on data relating to students' access to and success in advanced placement classes;

Whereas, Advanced placement classes offer high school students the opportunity to earn credit or advanced standing at most colleges and universities;

Whereas, Advanced placement classes help students gain the edge in college preparation, stand out in the college admissions process, and broaden their intellectual horizons;

Whereas, Zionsville Community High School offered 18 advanced placement classes during the 2005-2006 school year;

Whereas, The number of advanced placement classes at Zionsville

Community High School will be raised to 22 during school year 2006-2007; and

Whereas, Through their excellent showing in the advanced placement classes, the students at Zionsville Community High School have demonstrated a strong desire to learn and a willingness to work hard: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly commends Zionsville Community High School for its diligence and dedication to excellence and encourages the school's students to continue to strive for excellence throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to James Eggers, Principal of Zionsville Community High School, and Dr. Howard J. Hull, Superintendent of the Zionsville Community School Corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective

- techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- ~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.**
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- ~~(12) Prescribe or approve forms as required under IC 5-2-12.~~
- ~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~
- ~~(14)~~ **(12)** Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund.

Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) ~~establish and maintain support~~ the **Indiana sex and violent offender directory registry** under ~~IC 5-2-12~~; **IC 11-8-8**;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~; **IC 11-8-8**.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement ~~agencies~~ **agency** shall release ~~or allow inspection of~~ a limited criminal history to ~~or allow inspection of a limited criminal history by~~ noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement

agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the division of family and children;

(13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12, IC 11-8-8~~; or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.

(B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.

(C) Child molesting (IC 35-42-4-3).

(D) Child exploitation (IC 35-42-4-4(b)).

(E) Possession of child pornography (IC 35-42-4-4(c)).

(F) Vicarious sexual gratification (IC 35-42-4-5).

(G) Child solicitation (IC 35-42-4-6).

(H) Child seduction (IC 35-42-4-7).

(I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

(1) Federally chartered or insured banking institutions.

(2) Officials of state and local government for any of the following purposes:

(A) Employment with a state or local governmental entity.

(B) Licensing.

(3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

(1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.

(2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.

(3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

(1) has been requested; and

(2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana sex and violent offender directory registry** under ~~IC 5-2-6 IC 11-8-8~~ or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12, IC 11-8-8~~.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

(1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

(2) A petition alleging that the child is a delinquent child.

(3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).

(4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4 11-8-8-4~~ if committed by an adult; and

(B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12, IC 11-8-8~~.

SECTION 8. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. **The department shall do the following:**

(1) Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.

(2) Prescribe and approve a format for sex offender registration as required by IC 11-8-8.

(3) Provide:

(A) judges;

- (B) law enforcement officials;
- (C) prosecuting attorneys;
- (D) parole officers;
- (E) probation officers; and
- (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) Upon request of a neighborhood association:

- (A) transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or
- (B) provide instructional material concerning the use of the Indiana sex offender registry to the neighborhood association.

SECTION 9. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) The Indiana sex offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.**

(b) The department shall do the following:

- (1) Ensure that the Indiana sex offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).
- (2) Publish the Indiana sex offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex offense or has been adjudicated a delinquent child for an act that would be a sex offense if committed by an adult."

SECTION 10. IC 11-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:**

- (1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.
- (2) Information relating to a pending investigation of alleged criminal activity or other misconduct.
- (3) Information which, if disclosed, might result in physical harm to that person or other persons.
- (4) Sources of information obtained only upon a promise of confidentiality.
- (5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;
- (2) to employees of the department who need the information in the performance of their lawful duties;

- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;
- (4) to the governor or the governor's designee;
- (5) for research purposes in accord with IC 4-1-6-8.6(b);
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; or
- (7) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

- (1) A provider of sex offender management, treatment, or programming.
- (2) A provider of mental health services.
- (3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

SECTION 11. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 8. Sex Offender Registration

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

Sec. 2. As used in this chapter, "local law enforcement authority" means the:

- (1) chief of police of a consolidated city; or
- (2) sheriff of a county that does not contain a consolidated city.

Sec. 3. As used in this chapter, "register" means to provide a local law enforcement authority with the information required under IC 11-8-8-7.

Sec. 4. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).
- (14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13).

(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Sec. 5. As used in this chapter, "sexually violent predator" means a sex offender convicted of a sex offense:

(1) in Indiana who has been determined to be a sexually violent predator under IC 35-38-1-7.5; or

(2) in another jurisdiction who has been found by a court in that jurisdiction to suffer from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in section 4 of this chapter.

Sec. 6. (a) Subject to section 14 of this chapter, the following persons must register under this chapter:

(1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:

(A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex offender not described in subdivision (1) who works or carries on a vocation or intends to work or carry on a vocation full time or part time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days; during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex offender not described in subdivision (1) who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority of each county in which the sex offender resides.

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority of the county where the sex offender is or intends to be employed or carry on a vocation.

If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority of each county.

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority of the county where the sex offender is enrolled or intends to be enrolled as a student.

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located.

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first.

(h) Whenever a sex offender registers with a local law enforcement authority, the local law enforcement authority shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

(1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and

(2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration.

Sec. 7. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, Social Security number, driver's license number, and home address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 6(a)(2) or 6(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex offender.
- (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
- (6) Any other information required by the department.

Sec. 8. (a) Not more than seven (7) days before an Indiana sex offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

- (1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.
- (2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.
- (3) Obtain the address where the sex offender expects to reside after the sex offender's release.
- (4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside of the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.

(b) Not more than three (3) days after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

- (1) The sex offender's fingerprints, photograph, and identification factors.
- (2) The address where the sex offender expects to reside after the sex offender's release.
- (3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.
- (4) Information regarding the sex offender's past treatment for mental disorders.

(5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation or in a community corrections program without confining the sex offender in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties required under subsections (a) and (b).

Sec. 9. Notwithstanding any other law, upon receiving a sex offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

Sec. 10. (a) If a sex offender who is required to register under this chapter changes:

- (1) home address; or
 - (2) if section 6(a)(2) or 6(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;
- the sex offender shall register not more than seventy two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered.

(b) If the sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 11 of this chapter within seven (7) days after receiving the notice.

(c) If a sex offender who is required to register under section 6(a)(2) or 6(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

(d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex offender moves the sex offender's residence, place of employment, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

Sec. 11. (a) To verify a sex offender's current residence, the local law enforcement authority shall do the following:

(1) Mail a reply form to each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 14 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(2) Mail a reply form to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 15 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 12. (a) A sex offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex offender who is required to register under this chapter changes the sex offender's name due to marriage, the sex offender must register with the local law enforcement authority not more than seven (7) days after the name change.

Sec. 13. A sex offender who knowingly or intentionally fails to register:

- (1) when required to register under this chapter; or
- (2) in every location where the sex offender is required to register under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex offender has a prior unrelated offense under this section.

Sec. 14. (a) Except as provided in subsections (b) and (c), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) A sex offender who is found to be a sexually violent

predator by a court under IC 35-38-1-7.5(b) is required to register for life.

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life.

Sec. 15. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of:

- (1) the sex offender's name, date of relocation, and new address; and
- (2) the sex offense or delinquent act committed by the sex offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
- (2) whether an out of state sex offender is a sexually violent predator; and
- (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex offender in Indiana.

SECTION 12. IC 11-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) to:
 - (A) participate in a treatment program for sex offenders approved by the parole board; and
 - (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:
 - (i) receives the parole board's approval; or
 - (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

- (A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) to register with a ~~sheriff (or the police chief of a consolidated city) under IC 5-2-12-5; local law enforcement authority under IC 11-8-8;~~
- (B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the sex offender obtains written approval from the parole board; and
- (C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5.

If the parole board allows the sex offender to reside within one

thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

SECTION 13. IC 11-13-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ **victims** rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1);~~ **IC 11-8-8-4.**

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the

motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

SECTION 14. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or
 - (B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court

may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ **a sex offender** (as defined in ~~IC 5-2-12-4~~; **IC 11-8-8-4**).

SECTION 15. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by:
 - (A) the probation department; or
 - (B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-4** require a child who is adjudicated a delinquent child for an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-4** if committed by an adult to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-4~~ **IC 11-8-8**.

(2) Order the child to receive outpatient treatment:

- (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
- (B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may

challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 16. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~, **IC 11-8-8-4**, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

(1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and

(2) committed an act that, if committed by an adult, would be:

(A) murder (IC 35-42-1-1);

(B) kidnapping (IC 35-42-3-2);

(C) rape (IC 35-42-4-1);

(D) criminal deviate conduct (IC 35-42-4-2); or

(E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 17. IC 35-38-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this section, "sexually violent predator" has the meaning set forth in ~~IC 5-2-12-4.5~~, **IC 11-8-8-5**.

(b) This section applies whenever a court sentences a person for a sex offense listed in ~~IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10)~~ **IC 11-8-8-4** for which the person is required to register with the ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ under ~~IC 5-2-12-5~~, **IC 11-8-8**.

(c) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator. Before making a determination under this section, the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders.

(d) If the court finds that a person is a sexually violent predator:

(1) the person is required to register with the ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ as provided in ~~IC 5-2-12-13(b)~~, **IC 11-8-8**; and

(2) the court shall send notice of its finding under this subsection to the ~~criminal justice institute~~, **department of correction**.

(e) A person who is found by a court to be a sexually violent predator under subsection (c) may petition the court to consider whether the person is no longer a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after the sentencing court makes its finding under

subsection (c). A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is no longer a sexually violent predator, the court shall send notice to the ~~Indiana criminal justice institute~~ **department of correction** that the person is no longer considered a sexually violent predator.

SECTION 18. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of probation for ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-4**), the court shall:

(1) require the sex offender to register with the ~~sheriff (or the police chief of a consolidated city) local law enforcement authority~~ under ~~IC 5-2-12-5~~, **IC 11-8-8-6**; and

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

SECTION 19. IC 35-38-2-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require a sex offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) to:

(1) participate in a treatment program for sex offenders approved by the court; and

(2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:

(A) receives the court's approval; or

(B) successfully completes the treatment program referred to in subdivision (1).

SECTION 20. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who:

(1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or

(2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

(i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);

(ii) the property damaged was a moving motor vehicle;

(iii) the property damaged ~~or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8~~ and the person is not a sex offender or was not required to register as a sex offender;

(iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;

(v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching

system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;

(vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or

(vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

(i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);

(ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;

(iii) the damage is to a public record;

(iv) the property damaged ~~or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8~~ and the person is a sex offender or was required to register as a sex offender;

(v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;

(vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or

(vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is

satisfied with the removal, painting, or other restitution performed by the person.

SECTION 21. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

(A) murder (IC 35-42-1-1);

(B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

(C) sexual battery (IC 35-42-4-8) with a deadly weapon;

(D) kidnapping (IC 35-42-3-2);

(E) confinement (IC 35-42-3-3) with a deadly weapon;

(F) rape (IC 35-42-4-1) as a Class A felony;

(G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

(H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;

(I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;

(J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;

(K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;

(L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;

(M) escape (IC 35-44-3-5) with a deadly weapon;

(N) rioting (IC 35-45-1-2) with a deadly weapon;

(O) dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(Q) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

(R) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

(S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 22. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d), when a person imprisoned for a felony completes ~~his the person's~~ fixed term of imprisonment, less the credit time ~~he has~~ earned with respect to that term, ~~he the person~~ shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if ~~his the~~ sentence included a period of probation.

(b) Except as provided in subsection (d), a person released on parole remains on parole from the date of ~~his~~ release until ~~his the~~ fixed term expires, unless ~~his the person's~~ parole is revoked or ~~he the~~

person is discharged from that term by the parole board. In any event, if ~~his the person's~~ parole is not revoked, the parole board shall discharge ~~him the person~~ after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for the remainder of ~~his the person's~~ fixed term. However, ~~he the person~~ shall again be released on parole when ~~he the person~~ completes that remainder, less the credit time ~~he the person~~ has earned since the revocation. The parole board may reinstate ~~him the person~~ on parole at any time after the revocation.

(d) When ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) completes the offender's fixed term of imprisonment, less credit time earned with respect to that term, the offender shall be placed on parole for not more than ten (10) years.

SECTION 23. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time he has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-4) and refuses to register before being released from the department as required under IC 11-8-8-6.**
- (6) If the person is a sex offender (as defined in IC 11-8-8-4) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.**

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine his guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive his right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 24. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain a **Indiana** sex offender web site, known as the Indiana ~~sheriffs'~~ sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least ~~every seven (7) days~~ **daily**.

(b) The **Indiana** sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required to be included in the Indiana sex offender ~~directory registry (IC 5-2-12-6)~~; **under IC 11-8-8-7.**

(c) Every time a sex offender ~~submits a new registration form to the sheriff registers~~, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the **Indiana** sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 26. [EFFECTIVE JULY 1, 2006] **IC 11-8-8-13, as added by this act, and IC 35-43-1-2, as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 27. An emergency is declared for this act.

(Reference is to SB 12 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

GARTON, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 8

House Concurrent Resolution 8, sponsored by Senators Garton and R. Young:

A CONCURRENT RESOLUTION to convene a Joint Session of

the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 7:00 p.m., on Wednesday, January 11th, 2006, to receive the Governor's message which will be given in compliance with Section 13 of Article 5 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereon.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 10

House Concurrent Resolution 10, sponsored by Senator Garton:

A CONCURRENT RESOLUTION to convene a Joint Session of the 114th General Assembly of the State of Indiana.

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That a joint convention of the Senate and House of Representatives be convened, to meet in the Chambers of the House of Representatives at 1:30 p.m., on Thursday, January 12th, 2006, to receive the Chief Justice's message, which will be given in compliance with Section 3 of Article 7 of the Constitution of the State of Indiana and the Speaker is hereby directed to appoint a committee of four members of this House to transmit this resolution to the Senate and report to this House such action as the Senate may take thereof.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 27, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-3-1.5-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.2. As used in this chapter,**

"applicant" means a person who applies for a trainer certificate under this chapter to train:

- (1) alcohol servers; and**
- (2) individuals who plan to become certified trainers; on the selling, serving, and consumption of alcoholic beverages.**

SECTION 2. IC 7.1-3-1.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.3. As used in this chapter, "certified trainer" means a person who is issued a trainer certificate under section 4.6 of this chapter.**

SECTION 3. IC 7.1-3-1.5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. As used in this chapter, "server certificate" means a certificate issued by the commission under this chapter to an individual who completes a program established or approved under section 6 of this chapter.**

SECTION 4. IC 7.1-3-1.5-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.4. As used in this chapter, "trainer certificate" means a certificate issued by the commission under this chapter to an applicant who meets the requirements under section 4.6 of this chapter.**

SECTION 5. IC 7.1-3-1.5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.6. The commission shall issue a trainer certificate to an applicant who:**

- (1) files the application and pays the fees established by the commission under section 5 of this chapter;**
- (2) completes a program established or approved under section 6 of this chapter; and**
- (3) meets the requirements under this chapter and rules adopted by the commission.**

SECTION 6. IC 7.1-3-1.5-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.8. A certified trainer may train:**

- (1) alcohol servers; and**
- (2) individuals who plan to become certified trainers; on the selling, serving, and consumption of alcohol beverages.**

SECTION 7. IC 7.1-3-1.5-5, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) The commission shall adopt rules under IC 4-22-2 to establish:**

- (1) an application form;**
- (2) standards; and**
- (3) fees;**

for certification of a program under this chapter.

(b) The commission shall adopt rules under IC 4-22-2 to otherwise carry out this chapter:

SECTION 8. IC 7.1-3-1.5-6, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The commission shall require the following standards for certification of a program under this chapter: (a) The commission shall:**

- (1) establish a program; and**
- (2) approve a program established by a third party that meets the requirements of this chapter;**

that is designed to educate alcohol servers and individuals who

plan to become certified trainers on the selling, serving, and consumption of alcoholic beverages.

(b) A program established or approved under subsection (a) must include the following:

- (1) Training by an instructor who:**
 - (A) has knowledge in the subject areas described in this section; and**
 - (B) is a certified trainer under this chapter.**
- (2) Information on specific subject areas as required by the commission.**
- (3) A minimum of at least two (2) hours of training to complete the program.**
- (4) Information on:**
 - (A) state laws and rules regarding the sale and service of alcoholic beverages;**
 - (B) the classification of alcohol as a depressant and the effect of alcohol on the human body, particularly on the ability to drive a motor vehicle;**
 - (C) the effects of alcohol:**
 - (i) when taken with commonly used prescription and nonprescription drugs; and**
 - (ii) on human behavior;**
 - (D) methods of:**
 - (i) identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and**
 - (ii) handling situations involving an underage or intoxicated person;**
 - (E) methods for properly and effectively:**
 - (i) checking the identification of an individual;**
 - (ii) identifying an illegal identification of an individual; and**
 - (iii) handling situations involving individuals who have provided illegal identification;**
 - (F) security and law enforcement issues regarding the sale and service of alcoholic beverages; and**
 - (G) recognizing certain behavior to assess the amount of alcohol an individual:**
 - (i) has consumed; and**
 - (ii) may safely consume.**
- (5) One (1) or both of the following:**
 - (A) A written test.**
 - (B) An oral test.**

SECTION 9. IC 7.1-3-1.5-8, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8. (a) A trainer certificate issued under this chapter expires at a time and date designated by the commission: three (3) years after the date the trainer certificate was issued.**

(b) The commission shall adopt rules to establish:

- (1) an application form; and**
- (2) fees;**

for the renewal of a certificate under this chapter:

(c) (b) The commission shall send written notice of the upcoming expiration of a certificate to each certificate holder at least sixty (60) days before the expiration of the certificate. The notice must inform the certificate holder of the need to renew and the requirement of payment of the renewal fee. If notice of expiration is not sent by the

commission; the certificate holder is not subject to a sanction for failure to renew if, once notice is received from the commission, the certificate is renewed within forty-five (45) days after the receipt of the notice; **notify a:**

- (1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and
 - (2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;
- of the renewal requirements for a trainer certificate under this chapter.**

SECTION 10. IC 7.1-3-1.5-9, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. To renew a **trainer** certificate under this chapter, the **certificate holder certified trainer** must:

- (1) file the renewal application established and provided by the commission; ~~and~~
- (2) pay ~~the~~ a renewal fee in the amount established by the commission; **of forty-five dollars (\$45); and**
- (3) **complete a refresher course established or approved by the commission;**

not later than the expiration date of the **trainer** certificate.

SECTION 11. IC 7.1-3-1.5-12, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who ~~operates a program~~ **trains:**

- (1) **alcohol servers; or**
- (2) **individuals who plan to become certified trainers;**

without a **trainer** certificate under this chapter commits a Class B infraction.

SECTION 12. IC 7.1-3-1.5-13, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

- (1) ensure that each alcohol server completes a program **certified under this established or approved under section 6 of this chapter not later than ninety (90) one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;**
- (2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the program subject areas described in section 6 of this chapter ~~as required by the commission;~~ **every three (3) years after the date the alcohol server completes a program; and**
- (3) maintain training verification records of each alcohol server.

(b) A retailer permittee, ~~or a dealer permittee, or a management representative of a retailer or dealer permittee~~ must complete a program ~~certified under established or approved under section 6 of this chapter:~~

- (1) not later than ~~ninety (90)~~ **one hundred twenty (120) days** after the date:
 - (~~1~~) **(A)** the dealer permittee is issued a permit described in section 2 of this chapter; or
 - (~~2~~) **(B)** the retailer permittee is issued a permit described in section 4 of this chapter; **and**
- (2) **every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the**

retailer or dealer permittee completes a program.

(c) The commission shall notify a:

- (1) **dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and**
 - (2) **retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;**
- of the requirements under subsections (a) and (b).**

(~~c~~) (d) The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

SECTION 13. IC 7.1-3-1.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. A program established or approved under section 6 of this chapter must provide a server certificate to an individual who successfully completes the program.**

SECTION 14. IC 7.1-3-1.5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15. The commission may attend and observe training by a certified trainer under a program established or approved under section 6 of this chapter at any time.**

SECTION 15. IC 7.1-3-1.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. The commission shall adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 16. IC 7.1-3-1.5-7 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 17. P.L.161-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4. (a) **As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) **As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.**

(~~a~~) (c) As used in this SECTION, "commission" refers to the alcohol and tobacco commission established by IC 7.1-2-1-1.

(~~b~~) (d) As used in this SECTION, "dealer permittee" has the meaning set forth in IC 7.1-3-1.5-2. ~~as added by this act:~~

(~~c~~) ~~As used in this SECTION, "program" has the meaning set forth in IC 7.1-3-1.5-3; as added by this act:~~

(~~d~~) (e) As used in this SECTION, "retailer permittee" has the meaning set forth in IC 7.1-3-1.5-4. ~~as added by this act:~~

(f) **As used in this SECTION, "trainer certificate" has the meaning set forth in IC 7.1-3-1.5-4.4, as added by this act.**

(~~e~~) (g) Notwithstanding IC 7.1-3-1.5-12, ~~as added by this act,~~ a person who is ~~operating a program before July 1, 2005,~~ **training alcohol servers or individuals who plan to become certified trainers before July 1, 2006,** may continue to ~~operate the program train alcohol servers or individuals who plan to become certified trainers~~ without a certificate issued under IC 7.1-3-1.5, ~~as added by this act,~~ pending the processing of an application for a **trainer** certificate under this SECTION.

(~~f~~) (h) The person described in subsection (~~e~~) (g) may submit to the commission an application for a **trainer** certificate ~~to operate a program under IC 7.1-3-1.5. as added by this act:~~ To be entitled to continue ~~operating training~~ without a **trainer** certificate under

subsection ~~(e)~~, **(g)**, the person must submit the application before March 1, ~~2006~~, **2007**.

~~(g)~~ **(i)** The person described in subsection ~~(e)~~ **(g)** shall cease ~~operating a program training alcohol servers and individuals who plan to become certified trainers if:~~

(1) the person fails to submit an application within the time allowed under subsection ~~(f)~~, **(h)**; or

(2) the commission notifies the person that the commission has rejected the application submitted by the person under this SECTION.

~~(h)~~ **(j)** Notwithstanding IC 7.1-3-1.5-13: ~~as added by this act:~~

(1) a retailer permittee or dealer permittee who is operating an establishment where alcoholic beverages are served or sold must ensure that each alcohol server completes a program ~~certified established or approved~~ under ~~IC 7.1-3-1.5~~, **IC 7.1-3-1.5-6**, as ~~added~~ **amended** by this act, not later than:

(A) January 1, ~~2008~~, **2009**; or

(B) ~~ninety (90)~~ **one hundred twenty (120)** days after the date the alcohol server begins employment at the establishment;

whichever is later; and

(2) a retailer permittee, ~~or~~ dealer permittee, **or a management representative of a retailer or dealer permittee** must complete a program ~~certified established or approved~~ under ~~IC 7.1-3-1.5~~, **IC 7.1-3-1.5-6**, as ~~added~~ **amended** by this act, not later than:

(A) January 1, ~~2008~~, **2009**; or

(B) ~~ninety (90)~~ **one hundred twenty (120)** days after the date the retailer permittee or dealer permittee is issued a retailer permit or dealer permit under IC 7.1-1.5-12;

whichever is later.

~~(i)~~ **(k)** This SECTION expires December 31, ~~2009~~, **2010**.

SECTION 18. [EFFECTIVE JULY 1, 2006] **(a) As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.

(c) Notwithstanding IC 7.1-3-1.5, as amended by this act, a person may be certified by the alcohol and tobacco commission to train alcohol servers and individual who plan to become certified trainers without meeting the requirements under IC 7.1-3-1.5, as amended by this act, before July 1, 2007.

(d) This SECTION expires January 1, 2008.

(Reference is to SB 27 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

GARTON, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Senators Harrison, Merritt, Lutz, and Craycraft be appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 11, 2006.

Senator Harrison shall serve as chairman of the committee.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray, Lubbers, Lanane, and Sipes be appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly on January 12, 2006.

Senator Bray shall serve as chairman of the committee.

GARTON

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 9, 10, 11, and 12 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 13 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Lewis be added as second author of Senate Bill 110.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Paul, Nugent, Weatherwax, and Lewis be added as coauthors of Senate Bill 245.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 154.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 80.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author and Senators Kruse, Waterman, and Steele be added as coauthors of Senate Bill 51.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author and Senators Waterman and Steele be added as coauthors of Senate Bill 54.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 260.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 111.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 87.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Concurrent Resolution 7.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 280.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as coauthor of Senate Bill 156.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Bill 287.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as second sponsor of House Concurrent Resolution 10.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as second sponsor of House Concurrent Resolution 8.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 27 and that Senator Long be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 12 and that Senator Long be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:00 p.m., Wednesday, January 11, 2006.

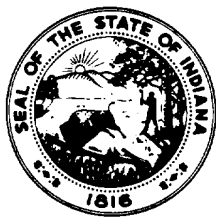
LONG

Motion prevailed.

The Senate adjourned at 2:19 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Fourth Meeting Day

Wednesday Afternoon

January 11, 2006

The Senate convened at 1:08 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux <input type="checkbox"/>	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith <input type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman <input type="checkbox"/>
Kruse	Weatherwax <input type="checkbox"/>
Lanane <input type="checkbox"/>	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 4: present 45; excused 5. [Note: A ☐ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

SB 361 — Ford (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 362 — Ford (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 363 — Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 364 — Waterman (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 365 — Kenley (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 366 — Breaux (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

SB 367 — Jackman (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 368 — Becker (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

SB 369 — R. Young (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

SB 370 — Kruse (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

SB 371 — Lutz (Ethics)

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

SB 372 — Mishler (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 373 — Mishler (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

SB 374 — Mishler (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 375 — Mishler (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SB 376 — Dillon (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 377 — Tallian (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

SB 378 — Tallian (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

SB 379 — Ford (Economic Development and Technology)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

SB 380 — Zakas (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

SB 381 — Rogers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

SB 382 — Becker (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 383 — Nugent (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

SB 384 — Paul (Insurance and Financial Institutions)

A BILL FOR AN ACT concerning financial institutions.

SB 385 — Rogers (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

SB 386 — Howard (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 387 — Howard (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

SB 388 — Lewis (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 389 — Lewis (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 390 — Hume (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 391 — Bowser (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

SB 392 — Mrvan (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

SB 393 — Mrvan (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

SB 394 — Breaux (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

SJR 14 — Rogers (Judiciary)

A JOINT RESOLUTION proposing an amendment to Article 5 of the Constitution of the State of Indiana concerning appointments within the executive department.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 14

Senate Concurrent Resolution 14, introduced by Senator Bray:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee on appellate issues.

Whereas, Due to the increased caseload of the appellate courts, the Indiana General Assembly should study the issues relating to the creation of a court of appeals for the sixth district; and

Whereas, An interim study committee should also consider the issues of the selection and retention of judges of the court of appeals and other issues relating to the court of appeals: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to establish a committee to study appellate issues.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Concurrent Resolution 15

Senate Concurrent Resolution 15, introduced by Senator Skinner:

A CONCURRENT RESOLUTION urging the establishment of an interim study committee to examine the need for homeschool guidelines.

Whereas, Homeschooling is increasing in popularity; recent statistics indicate that as many as 2,000,000 children are homeschooled, roughly 2% of the school-aged population of our country;

Whereas, Homeschooling is legal in all 50 U.S. states, but the laws

vary from state to state; and

Whereas, Since it is likely that the number of homeschool children will continue to grow, it behooves the state of Indiana to study the possible need for some defined homeschooling guidelines: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the legislative council is urged to establish a committee to examine the need for establishing homeschool guidelines.

SECTION 2. That the committee, if established, shall operate under the direction of the legislative council and shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 3

Senate Resolution 3, introduced by Senator Delph:

A SENATE RESOLUTION expressing the support of the Indiana Senate in encouraging clergy to pray according to the dictates of their conscience and thus ensuring religious liberty.

Whereas, The Declaration of Independence states, "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness . . .";

Whereas, The First Amendment to the Constitution states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech, the press, or the right of the people to peaceably assemble, and to petition the government for a redress of grievances;

Whereas, President Washington felt that it was the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and to humbly implore His protection and favor;

Whereas, At the Constitutional Convention of 1787, Edmund Jennings Randolph moved "that a sermon be preached at the request of the Convention on the 4th of July, the anniversary of Independence; & thenceforward prayers be used in ye Convention every morning" and that prayers have opened both Houses of Congress ever since (Notes of Debates in the Federal Convention of 1787, pp. 210-211);

Whereas, Article 3 of the Northwest Ordinance of 1787, which helped to establish the government of Indiana, states that religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education, shall forever be encouraged and that it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and

favor;

Whereas, The December 1, 1817 Journal of the Indiana House of Representatives notes that a committee was appointed to "wait on the Rev. B. Adams, and request him to attend in the Representative Chamber immediately and open the present session of the General Assembly, by solemn prayer" and "the Rev. B. Adams...came in, performed divine service, by solemn prayer and then withdrew";

Whereas, The delegates to the State Constitutional Revision Convention on October 8, 1850, adopted a resolution directing "that the Secretary confer with the Clergy of this city, and request them to make such arrangements among themselves, as that one of their number open the Convention each day with prayer";

Whereas, Throughout Indiana's history, the journals of the Senate and the House of Representatives demonstrate a solid connection between the people and their religious beliefs as evidenced by Governor Conrad Baker's State of the State address on January 10, 1873, in which he "invokes the choicest benedictions of the Good Father upon our beloved State now and at every step in her future progress";

Whereas, For many years the rules of the Senate and the House of Representatives have included prayer as an Order of Business (House Rule 10.2 and Senate Rule 5(a));

Whereas, President Ronald Reagan designated 1983 as the national "Year of the Bible" and stated that "Many of our great national leaders - among them Presidents Washington, Jackson, Lincoln, and Wilson - paid tribute to the surpassing influence of the Bible in our country's development, as in the words of President Jackson that the Bible is 'the Rock on which our Republic rests'";

Whereas, Former Governor Evan Bayh declared November 20-26, 1994, as "Christian Heritage Week" and noted "Religious holidays, festivals, and celebrations add to the cultural mosaic of our state....Churches are a functional part of many communities in our state often providing charitable assistance to those in need....Thanksgiving week is a fitting time to enter attention on the religious heritage of our state" (Executive Proclamation dated April 18, 1994); and

Whereas, Governor Mitch Daniels has expressed his belief that the decree issued by Judge David Hamilton is "regrettable": Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That it is contrary to the history and traditions of these United States and of the State of Indiana to have the federal government or other government authority dictate the content of prayer.

SECTION 2. That the Indiana Senate respects the rule of law and the Constitutions of these United States and of the State of Indiana.

SECTION 3. That the Indiana Senate supports the Speaker of the House in his efforts to take all legal measures to ensure that members

of the clergy and others who lead any house of the Indiana General Assembly in prayer should be able to pray according to the dictates of their conscience.

SECTION 4. That copies of this Resolution be transmitted by the Secretary of the Senate to the Speaker of the House of Representatives, the Governor of Indiana, the Attorney General of Indiana, and members of the Indiana Congressional delegation.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 40, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 84, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, delete lines 15 through 23.

Page 7, line 24, delete "Sec. 14" and insert "**Sec. 13**".

Page 7, line 35, delete "Sec. 15" and insert "**Sec. 14**".

Page 9, line 7, delete "IC 33-23-14-15" and insert "**IC 33-23-14-14**".

(Reference is to SB 84 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 245, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.

Page 3, delete lines 4 through 42.

Delete pages 4 through 18

Page 19, delete lines 1 through 26.

Page 21, line 32, after "(a)" insert "**This section does not apply to a corporation that has withdrawn from the jurisdiction of the commission under:**

(1) IC 8-1-13-18.5; or

(2) IC 8-1-17-22.5.

(b)".

Page 22, line 14, delete "(b)" and insert "**(c) This subsection does not apply to a communications service provider that is a corporation organized under IC 8-1-13 (or a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13).**".

Page 22, line 25, delete "(c)" and insert "**(d)**".

Page 22, line 38, delete "(d)" and insert "**(e)**".

Page 22, line 40, delete "(a);" and insert "**(b);**".

Page 22, line 42, delete "(b);" and insert "**(c);**".

Page 23, line 2, delete "(c)," and insert "**(d),**".

Page 23, line 7, delete "(c)," and insert "**(d),**".

Page 23, line 12, delete "(e) Subject to subsection (g)," and insert "**(f) Subject to subsection (h),**".

Page 23, line 30, delete "(f)" and insert "**(g)**".

Page 23, line 31, delete "(e)" and insert "**(f)**".

Page 23, line 33, delete "(g)," and insert "**(h),**".

Page 24, line 5, delete "(e)" and insert "**(f)**".

Page 24, line 8, delete "(g)" and insert "**(h)**".

Page 24, line 9, after "not" insert ":

(1)".

Page 24, line 11, delete "." and insert "; **or**".

Page 24, between lines 11 and 12, begin a new line block indented and insert:

"(2) require any person to comply with this section if the person is exempt from federal laws or regulations concerning rates and conditions for pole attachments or other connections to facilities."

Page 25, between lines 27 and 28, begin a new paragraph and insert:

"(c) The term does not include a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1."

Page 28, line 31, delete "has the meaning set forth in IC 8-1-35-1." and insert "**means a connection to the Internet that provides capacity for transmission at an average speed of at least one and one-half (1.5) megabits per second downstream and at least three hundred eighty-four (384) kilobits per second upstream, regardless of the technology or medium used to provide the connection. The term includes a connection to the Internet provided by wireless technology, copper wire, fiber optic cable, coaxial cable, broadband over power lines, or other facilities or future technologies. The term does not include any of the following:**

(1) Value added services in which computer processing applications are used to act on the form, content, code, or protocol of any information transmitted.

(2) Value added services providing text, graphic, video, or audio program content for a purpose other than transmission.

(3) The transmission of video programming or other programming:

(A) provided by; or

(B) generally considered comparable to programming provided by;

a television broadcast station or a radio broadcast station, including cable TV, direct broadcast satellite, and digital television.

(4) A connection to the Internet provided through satellite technology."

Page 30, line 21, after "area," insert **"at the average speeds set forth in subsection (a)."**

Page 32, line 12, delete "Notwithstanding:".

Page 32, delete lines 13 through 18.

Page 32, line 19, delete "(b)".

Page 32, run in lines 12 through 19.

Page 32, line 22, delete "or".

Page 32, line 24, after ";" insert **"or"**.

Page 32, between lines 24 and 25, begin a new line block indented and insert:

"(3) the unbundled access of one (1) provider to the network elements of another provider for purposes of 47 U.S.C. 251(c)(3);"

Page 32, line 28, delete "(c) Except as provided in subsection (a) and subject" and insert **"(b) Subject"**.

Page 33, line 2, delete "(d) Subject to subsection (a), if" and insert **"(c) If"**.

Page 37, line 17, delete "2004, except that:" and insert **"2004. However, a provider may do either of the following:"**.

Page 37, line 18, delete "the parties to a settlement agreement may renegotiate" and insert **"Renegotiate"**.

Page 37, line 20, delete ";" and insert **","**.

Page 37, line 21, delete "the commission shall allow a provider subject to a".

Page 37, line 22, delete "settlement agreement to increase" and insert **"Increase"**.

Page 38, line 36, delete "1.5(c)" and insert **"1.5(b)"**.

Page 39, line 37, delete "This" and insert **"The commission may revoke a certificate issued to a communications service provider under IC 8-1-32.5 if the communications service provider fails or refuses to report any information required by the commission under this subdivision. However, this"**.

Page 47, after line 42, begin a new paragraph and insert:

"SECTION 40. IC 8-1-6-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. (a) As used in this section, "communications service provider" refers to a communications service provider (as defined in IC 8-1-32.5-4) that has a certificate of territorial authority on file with the commission under IC 8-1-32.5.

(b) As used in this section, "division" refers to the division of consumer protection of the office of the attorney general created by IC 4-6-9-1.

(c) The communications service provider account is established in the state general fund to pay the expenses of:

(1) the commission in:

(A) performing any duties described in IC 8-1-2.6-13(d); and

(B) performing any other duties lawfully assigned to the commission under state or federal law with respect to communications service providers; and

(2) the division in performing any of the division's duties under IC 8-1-2.6-13(e).

The commission shall administer the account.

(d) The account consists of the following:

(1) Amounts appropriated by the general assembly under subsection (f).

(2) Any funds received from the federal government for the commission's use in performing any duties lawfully assigned to the commission with respect to communications service providers.

(e) All appropriations paid out of the account are subject to the prior approval of the general assembly, the governor, and the budget agency.

(f) There is annually appropriated to the commission and the division from the state general fund an amount not in excess of the respective annual expenses of the commission and the division described in subsection (c). The expenses described in subsection (c) shall be determined by totaling:

(1) the commission's annual budget with respect to communications service providers, as approved by the governor and the budget agency; and

(2) the division's annual budget with respect to communications service providers, as approved by the governor and the budget agency;

plus any amount approved by the governor and the budget agency to be used for contingencies.

SECTION 41. IC 8-1-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. **(a)** The term "public utility", as used in this chapter, shall mean and embrace every corporation, company, cooperative organization of any kind, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever that on or after March 15, 1969, may own, operate, manage, or control any plant or equipment within the state ~~for the conveyance of telegraph or telephone messages; or~~ for the production, transmission, delivery, or furnishing of heat, light, water, or power or for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste, for service directly or indirectly to the public, but said term shall not include a municipality that may after March 14, 1969, acquire, own, or operate any of the foregoing facilities.

(b) The term "gross revenue", as used in this chapter, shall include all intrastate operating revenue received by a public utility ~~for the conveyance of telegraph or telephone messages or~~ for the production, transmission, delivery, or furnishing of heat, light, water, or power or for the collection, treatment, purification, or disposal in any sanitary manner of liquid or solid waste, sewage, night soil, and industrial waste for service directly or indirectly to the public. Provided, however, that such term shall not include revenue derived by a public utility in the sale of public utility services, products, or commodities to another public or municipal utility for resale by the latter."

Page 73, between lines 29 and 30, begin a new line double block indented and insert:

"(F) That the provider agrees to report, at the times required by the commission, any information required by the commission under IC 8-1-2.6-13(d)(9)."

Page 73, line 39, after "effect." insert **"For purposes of this subsection, if a corporation organized under IC 8-1-13 (or a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a corporation organized under IC 8-1-13) holds a certificate of public convenience and necessity issued by the commission**

before, on, or after July 1, 2009, that certificate may serve as the certificate required under this chapter with respect to any communications service offered by the corporation, subject to the commission's right to require the corporation to provide any information that an applicant is otherwise required to submit under subsection (a) or that a holder is required to report under IC 8-1-2.6-13(d)(9)."

Page 80, line 17, delete "communications service provider account established by" and insert **"state general fund."**

Page 80, delete line 18.

Page 84, between lines 24 and 25, begin a new paragraph and insert:

"(c) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter."

Page 96, line 32, after ";" insert **"and"**.

Page 96, line 34, delete ";" and insert **"."**.

Page 96, delete lines 35 through 36.

Page 99, line 25, delete "is not a person" and insert **"are not at least two (2) persons"**.

Page 99, line 26, delete "provides" and insert **"provide"**.

Page 99, line 28, delete "intends" and insert **"intend"**.

Page 100, line 32, delete "is not a person" and insert **"are not at least two (2) persons"**.

Page 100, line 33, delete "provides" and insert **"provide"**.

Page 100, line 35, delete "intends" and insert **"intend"**.

Page 101, line 15, delete "is not a" and insert **"are not at least two (2) persons that"**.

Page 101, line 16, delete "person that provides or intends" and insert **"provide or intend"**.

Page 101, line 19, delete "does not receive a" and insert **"receives one (1) or no"**.

Page 101, line 20, delete "response" and insert **"responses"**.

Page 101, line 24, delete "one (1)" and insert **"two (2)"**.

Page 101, line 25, delete "indicates" and insert **"indicate"**.

Page 101, line 28, after "that" insert **"one (1) or"**.

Page 101, line 31, delete "one (1)" and insert **"two (2)"**.

Page 101, line 32, delete "indicates" and insert **"indicate"**.

Page 101, line 37, after "that" insert **"one (1) or"**.

Page 103, line 42, after "company" insert **";"**.

Page 103, line 42, strike "(as defined in IC 8-1-2-88".

Page 103, line 42, delete "(before its".

Page 104, delete line 1.

Page 106, line 24, delete "IC 8-1-2.6-1.5(c)," and insert **"IC 8-1-2.6-1.5(b),"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 245 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

WYSS, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1040 and 1134 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed the following motion:

"I move that Representatives Foley, Ulmer, Pierce, and Van Haaften appointed by the Speaker of the House of Representatives, to act with a like committee of the Senate to wait upon the Chief Justice and to escort him to the Chamber of the House of Representatives to deliver his message to the General Assembly."

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 3.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author and Senators Long, Drozda, Steele, and Hershman be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 165.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 254.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden, Lawson, and Breaux be added as coauthors of Senate Bill 111.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 365.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 245.

HERSHMAN

Motion prevailed.

1:24 p.m.

The Chair declared a recess until 7:00 p.m.

Recess

(The message of Governor Mitchell E. Daniels, Jr., is recorded in the House Journal.)

The Senate reconvened at 7:37 p.m., with Senator Garton in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:00 p.m., Thursday, January 12, 2006.

HARRISON

Motion prevailed.

The Senate adjourned at 7:44 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Fifth Meeting Day

Thursday Afternoon

January 12, 2006

The Senate convened at 1:05 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison <input checked="" type="checkbox"/>	Sipes
Heinold	Skinner <input checked="" type="checkbox"/>
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax <input checked="" type="checkbox"/>
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 5: present 46; excused 4. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on January 12, 2006, to render an advisory opinion with regard to the question raised by Senator Waltz about his participation in upcoming votes on Senate Bill 73 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Waltz and hereby concludes that there is no conflict of interest that would prevent Senator Waltz from participating in all debate and votes pertaining to Senate Bill 73.

The vote of the Committee was 6-0.

ZAKAS, Chair

Report adopted.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 69, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 20, delete "June 30" and insert "**March 20**".

Page 2, after line 26, begin a new paragraph and insert:

"SECTION 2. **An emergency is declared for this act.**".

(Reference is to SB 69 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 39, has had the same under consideration and begs leave to report the same back to the

Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 201, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 105, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 256, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-20.6-6, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Before July 1, 2006, the county fiscal body**

(1) may adopt an ordinance to authorize the application of the credit under this chapter for one (1) or more calendar years to qualified residential property in the county; and

(2) must adopt an ordinance under subdivision (1) before July 1 of a calendar year to authorize the credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

(b) An ordinance adopted under this section of each county must adopt an ordinance to specify that one (1) or more of the categories of residential property listed in section 4 of this chapter that are eligible for the credit provided under this chapter for property taxes first due and payable after December 31, 2006.

(b) An ordinance adopted under subsection (a) may not be repealed but may be amended. An amendment to the ordinance:

(1) must be adopted before July 1 of a calendar year;

(2) applies to property taxes first due and payable after December 31 of that calendar year; and

(3) may change the categories of residential property listed in section 4 of this chapter that are eligible for the credit, but may not eliminate the credit as to all of those

categories."

Page 1, line 8, reset in roman "qualified residential property".

Page 1, line 9, delete "homestead".

Page 1, line 11, reset in roman "qualified".

Page 1, line 12, reset in roman "residential property".

Page 1, line 12, delete "homestead".

Page 1, line 15, reset in roman "qualified residential property".

Page 1, line 15, delete "homestead".

Page 1, delete line 17.

Page 2, delete lines 1 through 7.

Page 3, delete lines 12 through 14.

Page 3, line 32, delete "2007." and insert "2008."

Page 3, line 33, after "PASSAGE]" insert "IC 6-1.1-20.6-6,".

Page 3, line 34, delete "IC 6-1.1-20.6-8,".

Renumber all SECTIONS consecutively.

(Reference is to SB 256 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "The advisory council" insert "**may review the corporation's wellness policies on a yearly basis and suggest to the school board for approval changes to the policies that comply with the requirements of federal Public Law 108-265 and IC 5-22-15-24(c) before July 1 of each year.**"

Page 1, delete lines 6 through 7.

Page 2, delete lines 4 through 7.

Page 3, between lines 15 and 16, begin a new line double block indented and insert:

"(D) **Isotonic beverages.**"

Page 3, line 26, delete "limits:" and insert "**limits if the food item contains more than two hundred ten (210) calories.**"

Page 3, line 28, delete "either:".

Page 3, line 29, delete "(A)".

Page 3, line 29, delete "ounces; or" and insert "**ounces.**"

Page 3, run in lines 28 through 29.

Page 3, delete lines 30 through 31.

Page 4, after line 32, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2006] (a) **Notwithstanding IC 20-26-9-19(c), as added by this act, the following percentages**

of foods and beverages sold at school or on school grounds must qualify as a better choice food or a better choice beverage, as described in IC 20-26-9-19(c), as added by this act:

(1) Thirty-five percent (35%), beginning July 1, 2006, through August 31, 2007.

(2) Fifty percent (50%), beginning September 1, 2007.

(b) This SECTION expires December 31, 2008."

Renumber all SECTIONS consecutively.

(Reference is to SB 111 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 17

Senate Concurrent Resolution 17, introduced by Senators Becker, Gard, Miller, and Simpson:

A CONCURRENT RESOLUTION recognizing Barbara Levy Tobey for her dedication to promoting community awareness and developing programs pertaining to numerous women's health issues.

Whereas, In 1998, Barbara Levy Tobey assumed the responsibilities of organizing and directing the newly-formed Office of Women's Health at the Indiana State Department of Health;

Whereas, Since its inception into law by legislative action in 1999, Barbara has served as the Director of the Office of Women's Health;

Whereas, While working to address many areas of women's health issues, Barbara has been particularly focused on issues affecting underserved women;

Whereas, During her tenure as director, the Office of Women's Health has developed and implemented a mini-grant initiative which provides funding for women's health programming statewide. In addition, the office has created women's health programs concerned with cardiovascular disease, osteoporosis, girls' health, physical activity and obesity;

Whereas, Additional initiatives of the Women's Health Division include Heart Truth/WomenHeart, a cardiovascular disease awareness campaign, and an osteoporosis division which provides free bone mineral density screenings to women throughout the state; and

Whereas, Under Barbara's guidance, the Women's Health Division has also published two documents titled, Indiana Takes Action for Women's Health 1999 and Women Count in Indiana: County Data Book 2001. In 2005, Barbara also oversaw the development of an osteoporosis prevention initiative called "Jump Kids Jump!"; Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Barbara Levy Tobey for her service to the State of Indiana as Director of the Women's Health Division of the Indiana Department of Health and expresses gratitude for her dedication to developing programs to address numerous women's health issues.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Barbara Levy Tobey.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Budak and Mays.

SENATE MOTION

Madam President: I move that Senators Lawson and Wyss be added as coauthors of Senate Concurrent Resolution 17.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as second author of Senate Bill 315.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be removed as author of Senate Bill 383 and that Senator Steele be substituted therefor.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 383.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author and Senators Zakas, Breaux, and Craycraft be added as coauthors of Senate Bill 257.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 376.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be removed as author of Senate Bill 324 and that Senator Drozda be substituted therefor.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Jackman be added as coauthor of Senate Bill 257.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be added as second author and Senator Simpson be added as coauthor of Senate Bill 135.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 134.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan and Craycraft be added as coauthors of Senate Bill 237.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators R. Young and Hume be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 145.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as second author of Senate Bill 194.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse, Miller, Lawson, Landske, Merritt, Zakas, Paul, Nugent, Rogers, Craycraft, Lewis, Broden, and Lutz be added as coauthors of Senate Bill 340.

WYSS

Motion prevailed.

1:26 p.m.

The Chair declared a recess until 2:00 p.m.

Recess

(The message of Chief Justice Randall T. Shepard, is recorded in the House Journal.)

The Senate reconvened at 2:43 p.m., with Senator Garton in the Chair.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 17, 2006.

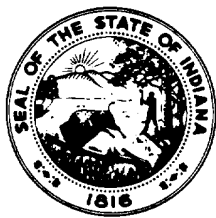
HARRISON

Motion prevailed.

The Senate adjourned at 2:44 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Sixth Meeting Day

Tuesday Afternoon

January 17, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 6: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 285,

has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 247, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 27 through 42, begin a new paragraph and insert:

"SECTION 3. IC 5-14-1.5-6.1, AS AMENDED BY P.L.235-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) As used in this section, "public official" means a person:

(1) who is a member of a governing body of a public agency; or
(2) whose tenure and compensation are fixed by law and who executes an oath.

(b) Executive sessions may be held only in the following instances:

(1) Where authorized by federal or state statute.
(2) For discussion of strategy with respect to any of the following:

(A) Collective bargaining.
(B) Initiation of litigation or litigation that is either pending or has been threatened specifically in writing.
(C) The implementation of security systems.
(D) The purchase or lease of real property by the governing body up to the time a contract or option to purchase or lease is executed by the parties.

However, all such strategy discussions must be necessary for competitive or bargaining reasons and may not include competitive or bargaining adversaries.

(3) For discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.

(4) Interviews with industrial or commercial prospects or agents of industrial or commercial prospects by the Indiana economic development corporation, the office of tourism development, the Indiana finance authority, or economic development commissions.

(5) To receive information about and interview prospective employees.

(6) With respect to any individual over whom the governing body has jurisdiction:

(A) to receive information concerning the individual's alleged misconduct; and

(B) to discuss, before a determination, the individual's status as an employee, a student, or an independent contractor who is:

- (i) a physician; or
- (ii) a school bus driver.

(7) For discussion of records classified as confidential by state or federal statute.

(8) To discuss before a placement decision an individual student's abilities, past performance, behavior, and needs.

(9) To discuss a job performance evaluation of individual employees. This subdivision does not apply to a discussion of the salary, compensation, or benefits of employees during a budget process.

(10) When considering the appointment of a public official, to do the following:

- (A) Develop a list of prospective appointees.
- (B) Consider applications.
- (C) Make one (1) initial exclusion of prospective appointees from further consideration.

Notwithstanding IC 5-14-3-4(b)(12), a governing body may release and shall make available for inspection and copying in accordance with IC 5-14-3-3 identifying information concerning prospective appointees not initially excluded from further consideration. An initial exclusion of prospective appointees from further consideration may not reduce the number of prospective appointees to fewer than three (3) unless there are fewer than three (3) prospective appointees. Interviews of prospective appointees must be conducted at a meeting that is open to the public.

(11) To train school board members with an outside consultant about the performance of the role of the members as public officials.

(12) To prepare or score examinations used in issuing licenses, certificates, permits, or registrations under IC 15-5-1.1 or IC 25.

(13) To discuss information and intelligence intended to prevent, mitigate, or respond to the threat of terrorism.

(c) A final action must be taken at a meeting open to the public.

(d) Public notice of executive sessions must state the subject matter by specific reference to the enumerated instance or instances for which executive sessions may be held under subsection (b). The requirements stated in section 4 of this chapter for memoranda and minutes being made available to the public is modified as to executive sessions in that the memoranda and minutes must identify the subject matter considered by specific reference to the enumerated instance or instances for which public notice was given. The governing body shall certify by a statement in the memoranda and minutes of the governing body that no subject matter was discussed in the executive session other than the subject matter specified in the public notice.

(e) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection.

SECTION 4. IC 5-14-3-4, AS AMENDED BY P.L.210-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following public records are excepted from section 3 of this chapter and may not be disclosed by a public agency, unless access to the records is specifically required by a state or federal statute or is ordered by a

court under the rules of discovery:

- (1) Those declared confidential by state statute.
- (2) Those declared confidential by rule adopted by a public agency under specific authority to classify public records as confidential granted to the public agency by statute.
- (3) Those required to be kept confidential by federal law.
- (4) Records containing trade secrets.
- (5) Confidential financial information obtained, upon request, from a person. However, this does not include information that is filed with or received by a public agency pursuant to state statute.
- (6) Information concerning research, including actual research documents, conducted under the auspices of an institution of higher education, including information:
 - (A) concerning any negotiations made with respect to the research; and
 - (B) received from another party involved in the research.
- (7) Grade transcripts and license examination scores obtained as part of a licensure process.
- (8) Those declared confidential by or under rules adopted by the supreme court of Indiana.
- (9) Patient medical records and charts created by a provider, unless the patient gives written consent under IC 16-39.
- (10) Application information declared confidential by the ~~twenty-first century research and technology fund~~ board of the ~~Indiana economic development corporation~~ under ~~IC 4-4-5.1-1~~ **IC 5-28-16**.
- (11) A photograph, a video recording, or an audio recording of an autopsy, except as provided in IC 36-2-14-10.
- (12) A Social Security number contained in the records of a public agency.

(b) Except as otherwise provided by subsection (a), the following public records shall be excepted from section 3 of this chapter at the discretion of a public agency:

- (1) Investigatory records of law enforcement agencies. However, certain law enforcement records must be made available for inspection and copying as provided in section 5 of this chapter.
- (2) The work product of an attorney representing, pursuant to state employment or an appointment by a public agency:
 - (A) a public agency;
 - (B) the state; or
 - (C) an individual.
- (3) Test questions, scoring keys, and other examination data used in administering a licensing examination, examination for employment, or academic examination before the examination is given or if it is to be given again.
- (4) Scores of tests if the person is identified by name and has not consented to the release of the person's scores.
- (5) The following:
 - (A) Records relating to negotiations between the Indiana economic development corporation, the Indiana ~~development~~ finance authority, ~~the film commission~~, ~~the Indiana business modernization and technology corporation~~, or economic development commissions with industrial, research, or commercial prospects, if the records are created while negotiations are in progress.

(B) Notwithstanding clause (A), the terms of the final offer of public financial resources communicated by the Indiana economic development corporation, the Indiana ~~development~~ finance authority, ~~the Indiana film commission, the Indiana business modernization and technology corporation,~~ or economic development commissions to an industrial, a research, or a commercial prospect shall be available for inspection and copying under section 3 of this chapter after negotiations with that prospect have terminated.

(C) When disclosing a final offer under clause (B), the Indiana economic development corporation shall certify that the information being disclosed accurately and completely represents the terms of the final offer.

(6) Records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making.

(7) Diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal.

(8) Personnel files of public employees and files of applicants for public employment, except for:

(A) the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, or dates of first and last employment of present or former officers or employees of the agency;

(B) information relating to the status of any formal charges against the employee; and

(C) the factual basis for a disciplinary action in which final action has been taken and that resulted in the employee being suspended, demoted, or discharged.

However, all personnel file information shall be made available to the affected employee or the employee's representative. This subdivision does not apply to disclosure of personnel information generally on all employees or for groups of employees without the request being particularized by employee name.

(9) Minutes or records of hospital medical staff meetings.

(10) Administrative or technical information that would jeopardize a record keeping or security system.

(11) Computer programs, computer codes, computer filing systems, and other software that are owned by the public agency or entrusted to it and portions of electronic maps entrusted to a public agency by a utility.

(12) Records specifically prepared for discussion or developed during discussion in an executive session under IC 5-14-1.5-6.1. However, this subdivision does not apply to that information required to be available for inspection and copying under subdivision (8).

(13) The work product of the legislative services agency under personnel rules approved by the legislative council.

(14) The work product of individual members and the partisan staffs of the general assembly.

(15) The identity of a donor of a gift made to a public agency if:

(A) the donor requires nondisclosure of the donor's identity as a condition of making the gift; or

(B) after the gift is made, the donor or a member of the donor's family requests nondisclosure.

(16) Library or archival records:

(A) which can be used to identify any library patron; or

(B) deposited with or acquired by a library upon a condition that the records be disclosed only:

(i) to qualified researchers;

(ii) after the passing of a period of years that is specified in the documents under which the deposit or acquisition is made; or

(iii) after the death of persons specified at the time of the acquisition or deposit.

However, nothing in this subdivision shall limit or affect contracts entered into by the Indiana state library pursuant to IC 4-1-6-8.

(17) The identity of any person who contacts the bureau of motor vehicles concerning the ability of a driver to operate a motor vehicle safely and the medical records and evaluations made by the bureau of motor vehicles staff or members of the driver licensing medical advisory board regarding the ability of a driver to operate a motor vehicle safely. However, upon written request to the commissioner of the bureau of motor vehicles, the driver must be given copies of the driver's medical records and evaluations.

(18) School safety and security measures, plans, and systems, including emergency preparedness plans developed under 511 IAC 6.1-2-2.5.

(19) A record or a part of a record, the public disclosure of which would have a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack. A record described under this subdivision includes:

(A) a record assembled, prepared, or maintained to prevent, mitigate, or respond to an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2;

(B) vulnerability assessments;

(C) risk planning documents;

(D) needs assessments;

(E) threat assessments;

(F) **intelligence assessments;**

(G) domestic preparedness strategies;

~~(H)~~ (H) the location of community drinking water wells and surface water intakes;

~~(I)~~ (I) the emergency contact information of emergency responders and volunteers;

~~(J)~~ (J) infrastructure records that disclose the configuration of critical systems such as communication, electrical, ventilation, water, and wastewater systems; and

~~(K)~~ (K) detailed drawings or specifications of structural elements, floor plans, and operating, utility, or security systems, whether in paper or electronic form, of any building or facility located on an airport (as defined in IC 8-21-1-1) that is owned, occupied, leased, or maintained by a public agency. A record described in this clause may not be released for public inspection by any public agency without the prior approval of the public agency that owns, occupies, leases, or maintains the airport. The public agency that owns, occupies,

leases, or maintains the airport:

- (i) is responsible for determining whether the public disclosure of a record or a part of a record has a reasonable likelihood of threatening public safety by exposing a vulnerability to terrorist attack; and
- (ii) must identify a record described under item (i) and clearly mark the record as "confidential and not subject to public disclosure under IC 5-14-3-4(b)(19)(J) without approval of (insert name of submitting public agency)".

This subdivision does not apply to a record or portion of a record pertaining to a location or structure owned or protected by a public agency in the event that an act of terrorism under IC 35-47-12-1 or an act of agricultural terrorism under IC 35-47-12-2 has occurred at that location or structure, unless release of the record or portion of the record would have a reasonable likelihood of threatening public safety by exposing a vulnerability of other locations or structures to terrorist attack.

(20) The following personal information concerning a customer of a municipally owned utility (as defined in IC 8-1-2-1):

- (A) Telephone number.
- (B) Address.
- (C) Social Security number.

(21) The following personal information about a complainant contained in records of a law enforcement agency:

- (A) Telephone number.
- (B) The complainant's address. However, if the complainant's address is the location of the suspected crime, infraction, accident, or complaint reported, the address shall be made available for public inspection and copying.

(c) Nothing contained in subsection (b) shall limit or affect the right of a person to inspect and copy a public record required or directed to be made by any statute or by any rule of a public agency.

(d) Notwithstanding any other law, a public record that is classified as confidential, other than a record concerning an adoption, shall be made available for inspection and copying seventy-five (75) years after the creation of that record.

(e) Notwithstanding subsection (d) and section 7 of this chapter:

- (1) public records subject to IC 5-15 may be destroyed only in accordance with record retention schedules under IC 5-15; or
- (2) public records not subject to IC 5-15 may be destroyed in the ordinary course of business."

Page 3, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to SB 247 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 88, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 72, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee appointed to act with a like committee of the House of Representatives to wait upon the Chief Justice and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

BRAY, Chair
LUBBERS
LANANE
SIPES

Report adopted.

COMMITTEE REPORT

Madam President: The Committee appointed to act with a like committee of the House of Representatives to wait upon the Governor and to escort him to the Chambers of the House of Representatives to deliver his message to the General Assembly begs leave to report that it has performed the duties assigned to it.

HARRISON, Chair
MERRITT
LUTZ
CRAYCRAFT

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 7

Senator Heinold called up Senate Concurrent Resolution 7 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ayres and Heim.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 11. (a) An individual is entitled to a credit each taxable year against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year in an amount equal to the lesser of:**

- (1) the amount of the tolls paid by the individual during the taxable year to drive on the Indiana toll road; or**
- (2) three hundred dollars (\$300).**

(b) Notwithstanding subsection (a), a husband and wife filing a joint adjusted gross income tax return for a particular taxable year may not claim a credit under this section of more than three hundred dollars (\$300).

(c) Notwithstanding subsection (a), the credit permitted under this section may not exceed the amount of the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(d) To receive the credit provided by this section, an individual must claim the credit on the individual's annual state tax return in the manner prescribed by the department. The individual shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

SECTION 2. [EFFECTIVE JANUARY 1, 2007] **IC 6-3-3-11, as added by this act, applies to taxable years beginning after December 31, 2006.**

(Reference is to SB 17 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-22.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. As used in this chapter, unless otherwise provided:**

(a) The term "gas" means natural gas, flammable gas, or gas which is toxic or corrosive.

(b) The term "transportation" ~~of gas~~ means:

- (1) the gathering, transmission or distribution of gas, ~~hazardous liquids, or carbon dioxide fluid~~ by pipeline; or**
- (2) the storage of gas, ~~hazardous liquids, or carbon dioxide fluids.~~**

~~except that it shall~~ **The term does not include the gathering of gas in those rural locations which lie outside the limits of any incorporated or unincorporated city, town, village, or any other designated residential or commercial area such as a subdivision, a business or shopping center, a community development, or any similar populated area which the commission may define as a nonrural area.**

(c) The term "pipeline" means all parts of those physical facilities through which gas, ~~hazardous liquids, or carbon dioxide fluid~~ moves in transportation, including pipe, valves, and other appurtenances attached to pipe, compressor units, metering stations, regulator stations, delivery stations, holders, and fabricated assemblies, but excluding motor vehicles of all kinds and pipelines serving not less than ten (10) customers with petroleum gas from a common source.

(d) The term "pipeline facilities" means and includes, without limitation, new and existing pipelines, rights-of-way and any equipment, facility, or building used in: ~~the~~

(1) transportation; ~~of gas or in~~

(2) the treatment of gas, ~~hazardous liquids, or carbon dioxide fluid~~ during the course of transportation. ~~but excluding~~

The term excludes motor vehicles of all kinds and pipelines serving not less than ten (10) customers with petroleum gas from a common source.

(e) The term "person" means any individual, firm, joint venture, partnership, corporation, limited liability company, association, municipality, cooperative association, or joint stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(f) The term "municipality" means a city, county, or any political subdivision of the state.

~~(h)~~ **(g) The term "division" means the pipeline safety division to be established under this chapter.**

~~(i)~~ **(h) The term "maximum allowable operating pressure" means the maximum pressure at which a pipeline or a segment of a pipeline may be operated.**

(i) The term "hazardous liquid" means petroleum, petroleum products, or anhydrous ammonia.

(j) The term "carbon dioxide fluid" means a fluid consisting of more than ninety percent (90%) carbon dioxide molecules compressed to a supercritical state.

SECTION 2. IC 8-1-22.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. There is hereby established within the Commission a Pipeline Safety Division. The Division shall be charged with the regulation of: ~~the~~**

(1) transportation; ~~of gas and of~~

(2) related pipeline facilities and ~~the their~~ operations; ~~thereof,~~ in order to promote the public safety.

SECTION 3. IC 8-1-22.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. The division, acting through the commission, shall:**

~~(a)~~ **(1) Administer and require compliance with federal safety standards applicable to ~~the~~ transportation ~~of natural and other gas~~ and for related pipeline facilities used in this transportation established and in effect, from time to time, pursuant to under the Natural Gas Pipeline Safety Act of 1968 (~~Public Law 90-481, 49 U.S.C. 1671 et seq.~~) as the same may be amended (~~referred to in this chapter as the "Federal Pipeline Safety Act";~~ (49 U.S.C. 60101 et seq.), and otherwise administer this chapter in such manner as may be required in order to maintain and continue in effect certification of the commission under ~~Section 5 of the Federal Pipeline Safety Act.~~ 49 U.S.C. 60105.**

~~(b) As soon as practicable after March 30, 1971,~~ **(2) Establish, by rules and regulations of the commission, minimum state**

safety standards for the transportation of gas and related pipeline facilities. Such standards shall not be less stringent than the **applicable** federal safety standards ~~as established under the Federal Pipeline Safety Act~~, and shall apply to the design, installation, inspection (including the taking possession of pipe and pipeline components), testing, construction, extension, operation, replacement, and maintenance of such pipeline facilities. Such new standards affecting the design, installation, construction, initial inspection, and initial testing shall not be applicable to pipeline facilities in existence prior to the date such standards are established. In establishing such standards, the following shall be considered:

- ~~(1)~~ **(A)** relevant available pipeline safety data;
- ~~(2)~~ **(B)** whether such standards are appropriate for the particular type of pipeline transportation;
- ~~(3)~~ **(C)** the reasonableness of any proposed standards;
- ~~(4)~~ **(D)** the extent to which such standards will contribute to public safety; and
- ~~(5)~~ **(E)** federal safety standards established under ~~the Federal Pipeline Safety Act~~; **49 U.S.C. 60101 et seq.**

~~Any person engaged in the transportation of gas or who owns, operates, or leases pipeline facilities shall certify annually to the division that it has complied with federal safety standards, in force and effect from time to time, applicable to the determination of change in class location and of confirmation or revision of maximum allowable operating pressure.~~

~~(c)~~ **(3)** Whenever a particular pipeline facility is found to be hazardous to human life or property, require, through the issuance of a hazardous condition order, the person who owns, operates, or leases such pipeline facility to take such action necessary to remove such hazards. Except in cases where immediate or extreme emergency is found to exist, such order shall not be issued until such person is afforded an opportunity to present ~~his~~ **the person's** views and any facts bearing on the situation. In any event, unless such order is issued after notice and hearing, the person to whom such order is directed shall be entitled to prompt notice and hearing on the question as to whether such order shall be continued in effect.

~~(d)~~ **(4)** Review ~~and summarize annually~~ all incidents reported within the state involving accidents resulting in personal injury requiring hospitalization, death, or property damage in excess of ~~three fifty thousand dollars (\$3,000)~~; **(\$50,000)**, when the same is accompanied by an explosion, misapplication, and/or escapement of gas. Copies of ~~this summary any official report of the division~~ shall be available for distribution to all interested persons, for the purpose of promoting pipeline safety.

~~(e)~~ **(5)** Keep itself informed as to research and development regarding pipeline safety. ~~including the feasibility of pipeline safety equipment.~~

SECTION 4. IC 8-1-22.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Upon application by any person **engaged who engages** in the transportation of gas or who owns, operates, or leases pipeline facilities, the commission may, after notice and opportunity for public hearing, and under such terms and conditions and to such extent as the commission deems appropriate, issue an order waiving in whole or in part compliance with any standard or standards established under this chapter, if the

commission determines that such waiver of compliance with such standard or standards is not inconsistent with **gas** pipeline safety. The commission shall state in such order its reasons for any such waiver and shall otherwise comply with the provisions of ~~the Federal Pipeline Safety Act~~ **49 U.S.C. 60101 et seq.** with regard to such waiver.

SECTION 5. IC 8-1-22.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Any person **engaged who engages** in the transportation of gas or who owns, operates, or leases pipeline facilities shall:

- (a) Comply with this chapter and all safety standards established pursuant to this chapter. ~~from and after March 30, 1971.~~
- (b) Inspect such pipeline facilities and report the findings to the division as prescribed by standards established pursuant to this chapter.
- (c) File with the division a plan for ~~inspection operation~~ and maintenance of such pipeline facilities owned, operated, or leased by such person, and any change in such plan, as prescribed by ~~standards rules~~ established pursuant to this chapter. Such plan shall be subject to approval by the division, and if at any time such plan is determined by the division to be inadequate to achieve safe operation, upon recommendation by the director, the commission shall, after notice and opportunity for public hearing, order the plan revised. Any plan required under this chapter shall be practicable and designed to meet the need for pipeline safety.
- (d) Establish and maintain such records, make such reports, and provide such information as the division, acting through the commission, may reasonably require to enable it to determine whether such person has acted or is acting in compliance with this chapter and the standards established under this chapter.

Each person upon request of an authorized representative of the division shall permit such representative access and entry for the purpose of inspection of such pipeline facilities, and inspection of books, papers, records, and documents (including the right to copy the same) as is reasonably necessary in order to determine whether such person has acted or is acting in compliance with this chapter and the standards established pursuant to this chapter.

SECTION 6. IC 8-1-22.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A person who is engaged in ~~the transportation of gas~~ or owns, operates, or leases pipeline facilities who violates any provision of this chapter or any regulations issued pursuant to this chapter, is subject to a civil penalty not to exceed ~~ten twenty-five thousand dollars (\$10,000)~~ **(\$25,000)** for each violation for each day that the violation persists. However, the maximum civil penalty may not exceed ~~five hundred thousand one million dollars (\$500,000)~~ **(\$1,000,000)** for any related series of violations.

(b) The commission may, after notice and opportunity for public hearing, impose a civil penalty not to exceed the amount specified in subsection (a) against a person who violates this chapter or any rules issued pursuant to this chapter, and may compromise and collect the penalties which are payable to the state as otherwise provided by law. However, a penalty may not be assessed or collected for any violation for which the person has been found liable under ~~the Federal Pipeline Safety Act~~; **49 U.S.C. 60101 et seq.**

(Reference is to SB 22 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Energy and Environmental Affairs.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 23, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-46 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:

Chapter 46. Communications Service Infrastructure Tax Abatement

Sec. 1. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 2. (a) As used in this chapter, "communications service" refers to any of the following:

- (1) Telecommunications service (as defined in 47 U.S.C. 153(46)).
- (2) Information service (as defined in 47 U.S.C. 153(20)).
- (b) The term includes:
 - (1) video service (as defined in IC 8-1-34-14);
 - (2) broadband service (as defined in IC 8-1-35-1);
 - (3) advanced services (as defined in 47 CFR 51.5); and
 - (4) Internet Protocol enabled services;

however classified by the Federal Communications Commission.

Sec. 3. (a) As used in this chapter, "communications service distributable property" means property that is:

- (1) necessary to make communications service available to subscribers in one (1) or more service areas in Indiana;
- (2) owned or used by a public utility company subject to taxation under IC 6-1.1-8;
- (3) part of the public utility company's rights-of-way, transmission system, or distribution system; and
- (4) assessed by the department of local government finance under IC 6-1.1-8.

The term includes real property and tangible personal property, other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) The term does not include the locally assessed property of a public utility company.

Sec. 4. (a) As used in this chapter, "communications service personal property" means tangible personal property, other than inventory (as defined in IC 6-1.1-3-11(a)), that:

- (1) is necessary to make communications service available to subscribers in one (1) or more service areas in Indiana;
- (2) is owned by or leased to a provider;
- (3) is located outside the subscriber's premises; and
- (4) before being installed, was never used by its owner for any purpose in Indiana.

The term includes all facilities, equipment, hardware, software (other than computer application software), and other personal property necessary to offer communications service. However,

the term does not include computers, modems, set top boxes, and related items used by a subscriber to access communications service within the subscriber's home or business.

(b) The term includes the following:

- (1) Personal property that is:
 - (A) assessed under IC 6-1.1-3; and
 - (B) not owned or used by a public utility company subject to taxation under IC 6-1.1-8.
- (2) Personal property that is:
 - (A) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and
 - (B) assessed as locally assessed personal property under IC 6-1.1-8.

(c) The term does not include personal property that is:

- (1) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and
- (2) assessed as distributable property by the department of local government finance under IC 6-1.1-8.

Sec. 5. As used in this chapter, "communications service property" refers to any of the following:

- (1) Communications service distributable property.
- (2) Communications service personal property.
- (3) Communications service real property.

Sec. 6. (a) As used in this chapter, "communications service real property" means real property that is:

- (1) necessary to make communications service available to subscribers in one (1) or more service areas in Indiana; and
- (2) owned by or leased to a provider.

The term includes all buildings, improvements, and structures necessary to offer communications service.

(b) The term includes the following:

- (1) Real property that is:
 - (A) assessed under IC 6-1.1-4; and
 - (B) not owned or used by a public utility company subject to taxation under IC 6-1.1-8.
- (2) Real property that is:
 - (A) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and
 - (B) assessed as locally assessed real property under IC 6-1.1-8.

(c) The term does not include real property that is:

- (1) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and
- (2) assessed as distributable property by the department of local government finance under IC 6-1.1-8.

Sec. 7. (a) As used in this chapter, "developer" refers to a person that installs, develops, or redevelops communications service property in Indiana.

(b) The term includes an individual, a corporation, a rural electric membership corporation, a limited or general partnership, a joint venture, a limited liability company, or a nonprofit organization.

Sec. 8. As used in this chapter, "development", with respect to communications service real property, means the construction of new communications service real property on:

- (1) unimproved real estate; or
- (2) real estate upon which an existing structure is demolished to allow for the new construction.

Sec. 9. As used in this chapter, "distributable property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-9 (as in effect January 1, 2006).

Sec. 10. As used in this chapter, "install", with respect to:

- (1) communications service personal property; or
- (2) communications service distributable property;

has the meaning set forth in 50 IAC 10-1-2 (as in effect January 1, 2006).

Sec. 11. As used in this chapter, "locally assessed personal property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-15 (as in effect January 1, 2006).

Sec. 12. As used in this chapter, "locally assessed property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-16 (as in effect January 1, 2006).

Sec. 13. As used in this chapter, "locally assessed real property", with respect to property that is assessed under IC 6-1.1-8, has the meaning set forth in 50 IAC 5.1-1-17 (as in effect January 1, 2006).

Sec. 14. As used in this chapter, "provider" refers to a person that offers communications service to subscribers in Indiana.

Sec. 15. As used in this chapter, "public utility company" has the meaning set forth in IC 6-1.1-8-2(8).

Sec. 16. As used in this chapter, "redevelopment", with respect to communications service real property, means:

- (1) the remodeling, repair, or betterment of property in any manner; or
- (2) any enlargement or extension of property.

Sec. 17. As used in this chapter, "subscriber" refers to a customer that receives communications service from a provider.

Sec. 18. As used in this chapter, "taxpayer" refers to a developer that is liable under this article for ad valorem property taxes on communications service property regardless of whether the developer's property is assessed and taxed under:

- (1) IC 6-1.1-3;
- (2) IC 6-1.1-4; or
- (3) IC 6-1.1-8.

Sec. 19. (a) Except as provided in section 27 of this chapter, a taxpayer that installs, develops, or redevelops communications service property is entitled to a deduction from the assessed value of the communications service property if the installation, development, or redevelopment meets the following conditions:

- (1) In the case of communications service personal property and communications service distributable property:

- (A) the property to be installed as communications service property is first acquired or produced by the taxpayer after December 31, 2005, and before January 1, 2009; and
- (B) the communications service property is installed not later than two (2) years after the date on which the taxpayer first acquires or produces the property under clause (A).

- (2) In the case of communications service real property:

- (A) the taxpayer begins the physical work of development or redevelopment of the communications service property after December 31, 2005, and before January 1, 2009; and

(B) the communications service property first qualifies for assessment under this article not later than two (2) years after the date on which the taxpayer begins the physical work of development or redevelopment under clause (A).

(b) The deduction provided by this section is first available on the first assessment date:

- (1) after the communications service property is installed, in the case of communications service personal property or communications service distributable property; or
- (2) on which the communications service property first qualifies for assessment under this article, in the case of communications service real property.

(c) The deduction applies with respect to the taxpayer's property taxes that are first due and payable in the five (5) years immediately following the year that includes the assessment date described in subsection (b).

Sec. 20. (a) This section applies to a taxpayer that develops or redevelops communications service real property.

(b) The amount of the deduction that the taxpayer is entitled to receive under section 19 of this chapter for a particular year is determined as follows:

- (1) If the taxpayer develops communications service real property, an amount equal to the product of:

- (A) the assessed value of the communications service real property, as determined on the assessment date described in section 19(b)(2) of this chapter; multiplied by
- (B) the percentage prescribed in the table set forth in subsection (c).

- (2) If the taxpayer redevelops communications service real property, an amount equal to the product of:

- (A) the increase in the assessed value resulting from the redevelopment, as determined on the assessment date described in section 19(b)(2) of this chapter; multiplied by
- (B) the percentage prescribed in the table set forth in subsection (c).

(c) The percentage to be used in calculating the deduction under subsection (b) is as follows:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(d) The amount of the deduction determined under subsection (b) shall be adjusted in accordance with this subsection in the following circumstances:

- (1) If a general reassessment of real property occurs within the period of the deduction, the amount determined under subsection (b)(1)(A) or (b)(2)(A) shall be adjusted to reflect the percentage increase or decrease in assessed value that results from the general reassessment.
- (2) If an appeal of an assessment is approved that results in a reduction of the assessed value of the communications service real property, the amount of any deduction shall be adjusted to reflect the percentage decrease that results from

the appeal.

The department of local government finance shall adopt rules under IC 4-22-2 to implement this subsection.

Sec. 21. (a) This section applies to a taxpayer that installs communications service personal property.

(b) The amount of the deduction that the taxpayer is entitled to receive under section 19 of this chapter for a particular year equals the product of:

- (1) the assessed value of the communications service personal property as of the assessment date for the particular year of the deduction; multiplied by
- (2) the percentage prescribed in the table set forth in subsection (c).

(c) The percentage to be used in calculating the deduction under subsection (b) is as follows:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

Sec. 22. (a) This section applies to a taxpayer that:

- (1) is a public utility company subject to taxation under IC 6-1.1-8; and
- (2) installs communications service distributable property.

(b) The amount of the deduction that the taxpayer is entitled to receive under section 19 of this chapter for a particular year equals the product of:

- (1) the assessed value of the communications service distributable property as of the assessment date for the particular year of the deduction; multiplied by
- (2) the percentage prescribed in the table set forth in subsection (c).

(c) The percentage to be used in calculating the deduction under subsection (b) is as follows:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

Sec. 23. (a) This section applies to a taxpayer that wishes to obtain the deduction provided by section 19 of this chapter for:

- (1) communications service real property; or
- (2) communications service personal property.

Communications service distributable property is not required to be certified by the commission under this section.

(b) A taxpayer that wishes to obtain the deduction provided by section 19 of this chapter with respect to communications service real property or communications service personal property must apply to the commission for a certification that the property qualifies as communications service property under section 4 or 6 of this chapter. The taxpayer shall apply to the commission for a certificate under this section before the taxpayer:

- (1) begins the physical work of development or redevelopment of the communications service property, as described in section 19(a)(2)(A) of this chapter, in the case of a deduction for communications service real property; or
- (2) first acquires or produces the property to be installed as communications service property, as described in section 19(a)(1)(A) of this chapter, in the case of a deduction for communications service personal property.

(c) The application required under subsection (b) must include the following:

- (1) The name and address of the taxpayer.
- (2) A description of the property for which certification is sought.
- (3) An identification of one (1) or more service areas in Indiana in which the property will be used to make communications service available to subscribers.
- (4) A description of the type or types of communications service to be provided in each area identified under subdivision (3).
- (5) If the taxpayer seeks a deduction for communications service real property, an estimate of the taxpayer's costs to develop or redevelop the property.
- (6) If the taxpayer seeks a deduction for communications service personal property, an estimate of the taxpayer's costs:

- (A) to acquire or produce the property to be installed as communications service property, as described in section 19(a)(1)(A) of this chapter; and
- (B) to install the property, as described in section 19(a)(1)(B) of this chapter.

(7) If the taxpayer seeks a deduction for communications service real property, an estimate of the dates on which:

- (A) the taxpayer will begin the physical work of development or redevelopment, in accordance with section 19(a)(2)(A) of this chapter; and
- (B) the property will first qualify for assessment under this article, in accordance with section 19(a)(2)(B) of this chapter.

(8) If the taxpayer seeks a deduction for communications service personal property, an estimate of the dates on which:

- (A) the taxpayer will first acquire or produce the property to be installed as communications service property, in accordance with section 19(a)(1)(A) of this chapter; and
- (B) the property will be installed, in accordance with section 19(a)(1)(B) of this chapter.

(9) Any other information that the commission considers relevant in determining whether the property qualifies as communications service property under section 4 or 6 of this chapter.

Information provided by the taxpayer under subdivisions (5) and (6) is confidential. This subsection does not empower the commission to require taxpayers to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

(d) If the commission determines that the property to be installed, developed, or redeveloped by the taxpayer qualifies as communications service property, the commission shall issue a preliminary certification, on a form prescribed by the commission, for the taxpayer's proposed installation, development, or redevelopment plan.

(e) To receive a deduction under this chapter, the taxpayer must do the following:

(1) For a deduction with respect to communications service real property:

(A) within the time frame set forth in section 19(a)(2)(A) of this chapter, begin the physical work of development or redevelopment of the communications service property certified by the commission under subsection (d); and

(B) within the two (2) year period allowed under section 19(a)(2)(B) of this chapter, develop or redevelop the communications service property to a condition or state of readiness and availability to provide communications service to subscribers, so as to qualify the property for assessment under this article.

(2) For a deduction with respect to communications service personal property:

(A) within the time frame set forth in section 19(a)(1)(A) of this chapter, acquire or produce the property to be installed as communications service property; and

(B) within the time frame set forth in section 19(a)(1)(B) of this chapter, install the communications service property certified by the commission under subsection (d).

(f) Upon meeting the requirements of subsection (e), the taxpayer shall provide proof of the following dates to the commission:

(1) For a deduction with respect to communications service real property:

(A) the date on which the taxpayer began the physical work of development or redevelopment of the communications service property; and

(B) the first assessment date on which the communications service property is eligible for assessment under this article.

(2) For a deduction with respect to communications service personal property:

(A) the date on which the taxpayer began acquiring or producing the property to be installed as communications service property; and

(B) the date on which the communications service property was installed.

The taxpayer shall provide the proof required by this subsection not later than seven (7) days after the date identified in subdivision (1)(B) or (2)(B), whichever applies.

(g) Upon receiving proof from a taxpayer under subsection (f), the commission shall verify the dates identified by the taxpayer under subsection (f). If the commission determines that:

(1) the dates identified by the taxpayer under subsection (f) are accurate; and

(2) the property for which a deduction is sought is the property certified by the commission under subsection (d);

the commission shall issue to the taxpayer a certificate of eligibility for the deduction provided by this chapter. The commission shall issue a certificate under this subsection not later than fourteen (14) days after receiving proof from a taxpayer under subsection (f).

(h) If the commission determines under subsection (g) that:

(1) the taxpayer did not comply with the time periods set forth in section 19(a) of this chapter with respect to any property for which a deduction is sought; or

(2) any property for which a deduction is sought was not certified by the commission under subsection (d);

the taxpayer forfeits the right to a deduction under this chapter with respect to that property.

(i) The commission may adopt rules under IC 4-22-2 to implement this section.

Sec. 24. (a) This section applies to a taxpayer that seeks to obtain the deduction provided by section 20 of this chapter with respect to communications service real property.

(b) A taxpayer to which this section applies must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the communications service real property is located. Except as otherwise provided in subsection (c) or (f), the deduction application must be filed before May 10 of the year that includes the assessment date described in section 19(b)(2) of this chapter.

(c) If notice of the:

(1) assessment for communications service real property described in section 20(b)(1) of this chapter; or

(2) increase in assessed value of communications service real property described in section 20(b)(2) of this chapter;

for any year is not given to the taxpayer before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice of the assessment or the increase in assessed value is mailed to the taxpayer at the address shown on the records of the township assessor.

(d) The deduction application required by this section must include the following:

(1) The name and address of the taxpayer.

(2) A description, in sufficient detail to afford identification, of the communications service real property for which a deduction is claimed.

(3) In the case of communications service real property described in section 20(b)(1) of this chapter, the assessed value of the communications service real property.

(4) In the case of communications service real property described in section 20(b)(2) of this chapter:

(A) the assessed value of the property before the redevelopment of the property; and

(B) the increase in the assessed value of the property resulting from the redevelopment of the property.

(5) The amount of the deduction claimed for the first year of the deduction.

(6) A copy of the:

(A) preliminary certification issued by the commission under section 23(d) of this chapter; and

(B) certificate of eligibility issued by the commission under section 23(g) of this chapter.

(e) A deduction application filed under subsection (b) or (c) applies to the year in which the:

- (1) assessment of the communications service real property is made, in the case of communications service real property described in section 20(b)(1) of this chapter; or
- (2) addition to assessed value is made, in the case of communications service real property described in section 20(b)(2) of this chapter.

After the year described in subdivision (1) or (2), the deduction is allowed for the number of years described in section 19(c) of this chapter without any additional deduction application being filed with respect to those years.

(f) A taxpayer that fails to file a deduction application within the dates prescribed in subsection (b) or (c), may file a deduction application between March 1 and May 10 of a subsequent year, as long as the taxpayer has:

- (1) met the requirements of section 23(e) of this chapter; and
- (2) received a certificate of eligibility from the commission under section 23(g) of this chapter.

An application filed under this subsection applies to the year filed and the number of subsequent years allowed under section 19(c) of this chapter, without any additional deduction application needed with respect to the amount of the deduction that would apply to each year allowed under section 19(c) of this chapter if a deduction application had been filed in accordance with subsection (b) or (c).

(g) Upon receipt of an application filed under this section, the county auditor may request that the township assessor of the township in which the property is located review the application. After reviewing the application, and taking into consideration any recommendation made by the township assessor, the county auditor may approve, deny, or alter the deduction amount claimed in the application. If the county auditor does not deny the deduction, the county auditor shall apply the deduction in the amount:

- (1) claimed in the deduction application; or
- (2) as altered by the county auditor.

A county auditor who denies a deduction under this subsection or alters the amount of the deduction shall notify the taxpayer of the county auditor's action.

(h) The amount and period of the deduction provided by section 20 of this chapter are not affected by a change in the ownership of the communications service real property if the new owner of the property:

- (1) continues to make the property available to provide communications service to subscribers in the service areas in Indiana identified in the original application to the commission under section 23(c)(3) of this chapter;
- (2) notifies:
 - (A) the commission; and
 - (B) subscribers in the affected service areas;
 of the change in ownership; and
- (3) files an application in the manner provided by subsection (f).

(i) The township assessor shall include a notice of the deadlines for filing a deduction application under subsections (b) and (c) with each notice to a taxpayer of:

- (1) a new assessment; or
- (2) an addition to assessed value.

(j) A taxpayer may appeal any determination of the county auditor under subsection (g) to deny or alter the amount of the deduction by requesting in writing, not later than forty-five (45) days after the county auditor gives the taxpayer notice of the determination, a preliminary conference with the county auditor. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

Sec. 25. (a) This section applies to a taxpayer that seeks to obtain the deduction provided by section 21 of this chapter with respect to communications service personal property.

(b) A taxpayer to which this section applies must file a certified deduction schedule on a form prescribed by the department of local government finance with the township assessor of the township in which the communications service personal property is installed. Except as provided in subsection (e), the deduction is applied in the amount claimed in a certified schedule that a person files with:

- (1) a timely personal property return under IC 6-1.1-3-7(a) or IC 6-1.1-3-7(b);
- (2) a timely amended personal property return under IC 6-1.1-3-7.5; or
- (3) a timely statement under IC 6-1.1-8-23, in the case of communications service personal property that is:
 - (A) owned or used by a public utility company subject to taxation under IC 6-1.1-8; and
 - (B) assessed as locally assessed personal property under IC 6-1.1-8.

The township assessor shall forward to the county auditor and the county assessor a copy of each certified deduction schedule filed under this subsection.

(c) The deduction schedule required by this section must contain the following:

- (1) The name and address of the taxpayer.
- (2) A description, in sufficient detail to afford identification, of the communications service personal property for which a deduction is claimed.
- (3) The amount of the deduction claimed for the first year of the deduction.
- (4) A copy of the:
 - (A) preliminary certification issued by the commission under section 23(d) of this chapter; and
 - (B) certificate of eligibility issued by the commission under section 23(g) of this chapter.

(d) A deduction schedule must be filed under this section in the year in which the communications service personal property is installed and in each of the immediately succeeding years the deduction is allowed under section 19(c) of this chapter.

(e) The township assessor or the county assessor may:

- (1) review the deduction schedule; and
- (2) before the March 1 that next succeeds the assessment date for which the deduction is claimed, deny or alter the amount of the deduction.

If the township assessor or the county assessor does not deny the deduction, the county auditor shall apply the deduction in the amount claimed in the deduction schedule or in the amount as altered by the township assessor or the county assessor. A township assessor or a county assessor who denies a deduction under this subsection or alters the amount of the deduction shall notify the taxpayer and the county auditor of the assessor's action. The county auditor shall notify the county property tax assessment board of appeals of all deductions applied under this section.

(f) If the ownership of the communications service personal property changes, the deduction provided by section 21 of this chapter continues to apply to the communications service personal property if the new owner:

(1) continues to make the property available to provide communications service to subscribers in the service areas in Indiana identified in the original application to the commission under section 23(c)(3) of this chapter;

(2) notifies:

(A) the commission; and

(B) subscribers in the affected service areas;

of the change in ownership; and

(3) files the deduction schedules required by this section.

(g) After a change in ownership described in subsection (f), the amount of the deduction for a particular year equals the product of:

(1) the percentage under section 21 of this chapter that would have applied if the ownership of the communications service personal property had not changed; multiplied by

(2) the assessed value of the communications service personal property for the year the deduction is claimed by the new owner.

(h) A taxpayer may appeal a determination of the township assessor or the county assessor under subsection (e) to deny or alter the amount of the deduction by requesting in writing, not later than forty-five (45) days after the township assessor or the county assessor gives the taxpayer notice of the determination, a preliminary conference with the township assessor or the county assessor. Except as provided in subsection (i), an appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(i) The county assessor is recused from any action the county property tax assessment board of appeals takes with respect to an appeal under subsection (h) of a determination by the county assessor.

Sec. 26. (a) This section applies to a taxpayer that seeks a deduction under section 22 of this chapter with respect to communications service distributable property.

(b) A taxpayer to which this section applies shall file a certified deduction schedule with:

(1) the department of local government finance; and

(2) the county assessor and county auditor of each county containing one (1) or more taxing districts to which the assessed value of the communications service distributable property is to be distributed, as determined by the department of local government finance under IC 6-1.1-8-25(b).

The taxpayer shall file a deduction schedule under this section not later than June 30 of the year that includes the assessment date described in section 19(b) of this chapter.

(c) The deduction schedule required by this section must contain the following:

(1) The name and address of the taxpayer.

(2) A description, in sufficient detail to afford identification, of the communications service distributable property for which a deduction is claimed.

(3) The assessed value of the communications service distributable property, as:

(A) determined by the department of local government finance under IC 6-1.1-8-26; and

(B) stated in the notice sent to the taxpayer under IC 6-1.1-8-28.

(4) The amount of the deduction claimed for the first year of the deduction, as calculated under section 22(b) of this chapter based on the assessed value reported under subdivision (3).

(d) A deduction schedule must be filed under this section in the year in which the communications service distributable property is installed and in each of the immediately succeeding years the deduction is allowed under section 19(c) of this chapter.

(e) Upon receiving a deduction schedule filed under this section, the department of local government finance shall review the schedule and may approve, deny, or alter the deduction amount claimed in the schedule. Not later than thirty (30) days after receiving the deduction schedule, the department of local government finance shall notify the county auditor, the county assessor, and the taxpayer of the department's decision to approve, deny, or alter the deduction amount claimed in the schedule. If the department of local government finance does not deny the deduction, the county auditor shall apply the deduction in the amount:

(1) claimed in the deduction schedule; or

(2) as altered by the department.

(f) The amount of the deduction allowed under section 22 of this chapter is not affected by a change in the ownership of the communications service distributable property if the new owner of the property:

(1) continues to make the property available to provide communications service to subscribers in Indiana;

(2) notifies:

(A) the department of local government finance; and

(B) subscribers in the affected service areas;

of the change in ownership; and

(3) files the deduction schedules required by this section.

(g) After a change in ownership described in subsection (f), the amount of the deduction for a particular year equals the product of:

(1) the percentage under section 22 of this chapter that would have applied if the ownership of the communications service distributable property had not changed; multiplied by

(2) the assessed value of the communications service distributable property for the year the deduction is claimed by the new owner.

(h) The department of local government finance shall include a notice of the deadlines for filing a certified deduction schedule under this section with each notice to a taxpayer of the department's tentative assessment of the taxpayer's distributable property under IC 6-1.1-8-28.

(i) A taxpayer may appeal any determination of the department of local government finance under subsection (e) to deny or alter the amount of the deduction. The taxpayer shall initiate any appeal under this subsection by filing the taxpayer's objections to the department's determination under subsection (e) in the same manner as the taxpayer may file objections to the department's assessment of the taxpayer's distributable property under IC 6-1.1-8. An appeal initiated under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-8.

Sec. 27. (a) A taxpayer that qualifies for a deduction for a particular year under:

- (1) this chapter; and**
- (2) another statute;**

with respect to the same installation, development, or redevelopment of communications service property may not receive a deduction under both statutes for the installation, development, or redevelopment for that year.

(b) A taxpayer may not receive a deduction under this chapter with respect to communications service property located in an allocation area (as defined in IC 6-1.1-21.2-3), unless the governing body (as defined in IC 6-1.1-21.2-6) of the allocation area adopts a resolution approving the deduction.

(c) The deduction provided by this chapter is not available for any installation, development, or redevelopment of communications service property that a taxpayer is required to make under the terms and conditions of a settlement agreement approved before July 29, 2004, by the commission under IC 8-1-2.6.

Sec. 28. The department of local government finance may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 23 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Tax and Fiscal Policy.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. IC 4-31-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) As used in this section, "live racing day" means a day on which at least eight (8) live horse races are conducted.

(b) Upon request by a permit holder from time to time, the commission may authorize the permit holder to conduct pari-mutuel

wagering at the permit holder's racetrack on televised simulcasts of horse races from other racetracks in Indiana or in other states or countries where horse racing and wagering are permitted by law. The commission may adopt rules regarding simulcasting. A permit holder that conducts at least one hundred twenty (120) live racing days annually may request an unlimited number of days of simulcasting per year. However, the requirement for one hundred twenty (120) live racing days does not apply if the commission determines that the permit holder is prevented from conducting live horse racing as a result of a natural disaster or other event over which the permit holder has no control. In addition, if the initial racing meeting conducted by a permit holder commences at such a time as to make it impractical to conduct one hundred twenty (120) live racing days during the permit holder's first year of operations, the commission may authorize the permit holder to conduct simulcast wagering during the first year of operations with fewer than one hundred twenty (120) live racing days. A permit holder that conducts fewer than one hundred twenty (120) live racing days annually may request permission to conduct simulcasting only during the hours on a racing day when racing is being conducted at the permit holder's racetrack. The televised simulcasts must comply with the Interstate Horse Racing Act of 1978 (15 U.S.C. 3001 et seq.).

(c) A permit holder that conducts simulcasts on a day that is not a live racing day may not simulcast races conducted in other states unless the permit holder also simulcasts all available races conducted in Indiana on that day.

(d) A permit holder shall not at the permit holder's racetrack or satellite facilities, simulcast races conducted in other states unless the out-of-state simulcast racing program is available to all Indiana permit holders and their satellite facilities in this state open and operating on that day, whether serving as simulcast hosts or simulcast guests, under terms and conditions no less advantageous to such Indiana permit holders and their satellite facilities as those prevailing among unrelated parties in the national marketplace.

SECTION 2. An emergency is declared for this act.

(Reference is to SB 24 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Utilities, and Public Policy.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Senate Bill 259.

Page 2, line 20, after "described" insert "in".

(Reference is to SB 259 as printed January 11, 2006.)

GARTON

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report

that, Senate Bill 347 currently assigned to the Committee on Commerce and Transportation, be reassigned to the Committee on Health and Provider Services.

GARTON

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 14 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 17 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

ACTION ON GUBERNATORIAL VETOES

VETO MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: By the authority vested in me as Governor of Indiana, under the provisions of Article 5, Section 14, of the Constitution of the State of Indiana, I do hereby veto Senate Enrolled Act 218, enacted during the regular session of the 114th General Assembly and related to the use of safety belts in vehicles.

I understand that the initial impetus behind this bill was a desire to address what some consider to be an unfair and illogical standard in Indiana law related to the use of seatbelts. Proponents point to the inconsistency between Indiana's requirement of seatbelt use, on the one hand, and the inadmissibility of evidence of seatbelt nonuse as a means of allocating comparative fault, on the other. It strikes me that a change in the law to address this incongruity would be consistent not only with our Comparative Fault Act but also with Hoosiers' fundamental notions of fairness.

Although its origins may have been directed toward this end, SEA 218 in its final form suffers from a number of flaws from both legal and policy perspectives and fails, in my opinion, to achieve the goals it was intended to address. The Act authorizes, for the first time, the introductions of evidence of seatbelt nonuse, but it contemplates that such evidence be heard at the damages phase, as opposed to the fault phase of a trial. Such an approach is inconsistent with the logic expressed in the Indiana Supreme Court's March 30, 2005 opinion in Kocher v. Getz. There the Court noted that, in comparative fault cases, conduct by a plaintiff *before* an accident that constitutes failure to avoid an injury or to mitigate damages is to be considered in determining "fault." SEA 218 is inconsistent with this view to the extent that it provides for the admission of evidence only at the "damages" phase of a trial, after fault has already been determined.

SEA 218 does advance one of its proponents' original goals by providing for a reduction in damages based on a plaintiff's failure to wear a seatbelt. However, its utility is undermined by a 4% cap on the

amount of that reduction and by the defendant's need to overcome significant evidentiary hurdles—including the need for expert testimony—to prove both noncompliance and the extent of the reduction of damages.

Another aspect of the bill—the admission of evidence of a defendant's drunk driving or other violations of law during the damages phase of a trial—gives rise to an additional concern. SEA 218 runs counter to the long-standing practice of allowing a defendant to concede such violations and admit full liability at the outset, so that the court may proceed directly to a determination of damages, thus reducing court time and costs.

I note that many of those who would be impacted by this legislation have not reached consensus. I will support future efforts to resolve the discrepancy in Indiana law between the requirement of seatbelt use and the prohibition on the admission of evidence of seatbelt nonuse at trial, with legislation that enjoys broader support and that does not suffer from the flaws described in this letter.

MITCHELL E. DANIELS, JR.
Governor

The Chair handed down Senate Enrolled Act 218, passed by the One hundred and fourteenth General Assembly, First Regular Session, entitled:

AN ACT to amend the Indiana Code concerning motor vehicles.

The question was, Shall Senate Enrolled Act 218 pass, the Governor's veto notwithstanding?

Roll Call 7: yeas 11, nays 38. The Governor's veto was sustained.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 15

House Concurrent Resolution 15, sponsored by Senator Sipes:

A CONCURRENT RESOLUTION recognizing the Indiana University Jacobs School of Music.

Whereas, The Indiana University Jacobs School of Music is one of the most comprehensive and acclaimed institutions of its kind, playing a key role in educating performers, scholars, composers, and music educators who influence music performance and education around the globe;

Whereas, The Indiana University Jacobs School of Music supports the largest and most accomplished resident faculty of any music educational institution worldwide;

Whereas, More than 1,400 students from throughout the United States and 35 foreign countries attend the Indiana University Jacobs School of Music during the school year;

Whereas, The Indiana University Jacobs School of Music, Indiana's largest center for the performance of music and ballet with more than 1,100 public events each year, has been ranked first in the

nation by Change magazine, the Chronicle of Higher Education, and U.S. News and World Report;

Whereas, The Indiana University Opera Theater, the country's leading collegiate opera program, stages up to eight complete productions each year, including the world premiere of Ned Rorem's opera, Our Town, based on Thornton Wilder's Pulitzer Prize winning play;

Whereas, Through the support and interest of Indiana University and the General Assembly, the Indiana University Jacobs School of Music, which will celebrate its 100th anniversary in 2010, has achieved a level of excellence and world-renown beyond compare; and

Whereas, The Indiana University Jacobs School of Music has a stellar faculty and graduates, including international artists Sylvia McNair, Angela Brown, Timothy Noble, Joshua Bell, and David Baker, and alumni of the Indiana University Jacobs School of Music have been named music directors of 26 symphony orchestras throughout the United States: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly acknowledges the wonderful contributions that have been made by the faculty and students of the Indiana University Jacobs School of Music throughout the years. The faculty and students have given the citizens of Indiana and the world countless hours of musical enjoyment.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Gwyn Richards, Dean of the Indiana University Jacobs School of Music.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 16

House Concurrent Resolution 16, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring the Carmel High School Marching Band.

Whereas, The Carmel High School Marching Band earned the title of Grand National Champion at the annual Bands of America Grand National Championships on Saturday, November 12, in the RCA Dome in Indianapolis;

Whereas, The Bands of America Grand National Championships is recognized as the top event for the nation's marching bands;

Whereas, The Bands of America Grand National Championships provides a showcase for America's outstanding high school bands and an experience that excites and motivates band programs on all

levels;

Whereas, The Carmel marching band had stiff competition during the three-day event, which drew more than 90 bands from 25 states;

Whereas, The semifinal round reduced the participating bands to 30, including nine Indiana schools;

Whereas, The Carmel High School Marching Band is one of only two marching bands that has been a consistent contender for the national title each year since 1996;

Whereas, The Carmel High School Marching Band has enjoyed an excellent year, placing second at the Bands of America Super Regional contest, its only loss during the year, and winning the Indianapolis Regional competition;

Whereas, In addition to their devotion to music and marching, the band members maintain consistently high academic standards; and

Whereas, The members of the Carmel High School Marching Band have shown strength of character and dedication, which have given them the edge that is needed in order to excel in any field of endeavor: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Carmel High School Marching Band on earning the title of Grand National Champion at the annual Bands of America Grand National Championships and wishes the band members well in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the members of the Carmel High Marching Band, Band Director Richard Saucedo, Principal John Williams, and Superintendent Dr. Barbara Underwood.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 5

Senate Resolution 5, introduced by Senator Bowser:

A SENATE RESOLUTION to celebrate and honor Benjamin Franklin on this the 300th Anniversary of his birth.

Whereas, He was born on the 17th day of January, 1706 in Boston Massachusetts and died on the 17th day of April, 1790 in Philadelphia, Pennsylvania; and

Whereas, He was a noted scientist who had a natural curiosity that served him well in his dedication to making people's lives better

by way of his various inventions which included bifocals, a flexible medical catheter, the lightning rod, the iron furnace or "Franklin stove", the odometer, the long arm, swim fins, the glass armonica, the discovery of the principle of refrigeration and the scientific fields of electricity and meteorology; and

Whereas, He was a celebrated scholar; building his skills initially while assisting his brother James at the first truly independent newspaper in the colonies, the New England Courant, and wrote letters briefly for the paper under the well-known pseudonym 'Silence Dogood'; and eventually became the sole owner and publisher of Philadelphia's Pennsylvania Gazette and published the Poor Richard's Almanac annually; and

Whereas, He was an economist who believed in the "American Dream" of each person being created equal and having the same opportunity to achieve success; and as he utilized his printing skills to print paper money, helping to establish the currency system we currently use in America; and

Whereas, He was the first national and international figure in American history, and as Minister to France during the revolution his success in securing French military and financial aid was decisive for the American victory over Britain; and

Whereas, He was an ardent public servant; creating the Union Fire Company, the first volunteer firefighting company in America, and later establishing the first fire insurance company; set up the postal system in Philadelphia; organized the first militia; initially proposed the idea of Daylight Savings Time; began the first public library in America; helped establish the University of Pennsylvania and the Franklin and Marshall College; and chartered the first hospital in America, the Pennsylvania Hospital; and

Whereas, He was a dedicated statesman hailed as the 'First American' and is the only person to have signed all four of the documents which helped to create the United States: the Declaration of Independence, the Treaty of Alliance, Amity, and Commerce with France, the Treaty of Peace between England, France, and the United States, and the Constitution; was elected President of the Pennsylvania Society for Promoting the Abolition of Slavery; played a central role in convincing Parliament to repeal the Stamp Act; headed the Pennsylvania delegation to the Albany Congress in 1754 where he introduced a plan including many elements which were used in the Articles of Confederation; served as Postmaster General under the Continental Congress; and was President of the Supreme Executive Council of Pennsylvania; and

Whereas, He was a visionary philosopher who is credited with various poignant and timeless pieces of advice including the quote "Well done is better than well said" which accurately sums up his commitment to the betterment of the people and society around him through his actions;

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Senate of the General Assembly celebrates and honors Benjamin Franklin for his many accomplishments on this the 300th Anniversary of his birth.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to the President of Franklin College, Franklin, Indiana.

The resolution was read in full and adopted by voice vote.

SENATE BILLS ON SECOND READING

Senate Bill 5

Senator Steele called up Senate Bill 5 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 39

Senator Ford called up Senate Bill 39 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 40

Senator Ford called up Senate Bill 40 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 40-2)

Madam President: I move that Senate Bill 40 be amended to read as follows:

Page 6, between lines 10 and 11, begin a new paragraph and insert: "SECTION 8. IC 31-17-5-4 IS AMENDED TO READ AS FOLLOWS: Sec. 4. A grandparent seeking visitation rights shall file a petition requesting reasonable visitation rights:

- (1) in a ~~circuit or superior circuit~~, **superior or probate** court of the county in which the child resides in a case described in section 1(a)(1), 1(a)(3), or 10 of this chapter; or
- (2) in the court having jurisdiction over the dissolution of the parents' marriage in a case described in section 1(a)(2) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 40 as printed January 12, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 42

Senator Miller called up Senate Bill 42 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 47

Senator Hershman called up Senate Bill 47 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 69

Senator Weatherwax called up Senate Bill 69 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 102

Senator Becker called up Senate Bill 102 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 111

Senator Becker called up Senate Bill 111 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 201

Senator Riegsecker called up Senate Bill 201 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 231

Senator Alting called up Senate Bill 231 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 231-1)

Madam President: I move that Senate Bill 231 be amended to read as follows:

Page 1, line 2, delete "a" and insert "each".

Page 1, line 2, delete "that," and insert "may use".

Page 1, line 3, delete "before January 1, 2006, used".

Page 1, line 4, delete "each year".

Page 1, line 5, after "who" insert ":".

Page 1, line 5, delete "earned academic honors".

Page 1, delete lines 6 through 8.

(Reference is to SB 231 as printed January 13, 2006.)

SIPES

The Chair ordered a division of the Senate. Yeas 23, nays 21.

2:47 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:54 p.m., with the President of the Senate in the Chair.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 259

Senator Kenley called up Senate Bill 259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 105

Senator Rogers called up Senate Bill 105 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 105-1)

Madam President: I move that Senate Bill 105 be amended to read as follows:

Page 1, line 3, after "7." insert "**(a) This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.**".

Page 1, line 3, beginning with "(a)" begin a new paragraph.

Page 1, line 3, strike "(a)" and insert "**(b)**".

Page 1, line 9, strike "(b)" and insert "**(c)**".

Page 1, line 15, strike "(c)" and insert "**(d)**".

(Reference is to SB 105 as printed January 13, 2006.)

HEINOLD

Motion prevailed. The bill was ordered engrossed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 15 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 16 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 84.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 256.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as cosponsor of House Concurrent Resolution 16.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as coauthor of Senate Bill 51.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waltz be added as coauthor of Senate Bill 54.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Bill 245.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be removed as author of Senate Bill 388 and that Senator Smith be substituted therefor.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second author of Senate Bill 75.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be removed as author of Senate Bill 385 and that Senator Smith be substituted therefor.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be removed as author of Senate Bill 389 and that Senator Smith be substituted therefor.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 140.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author of Senate Bill 311.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Ford be added as second author of Senate Bill 168.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Heinold and Mishler be added as coauthors of Senate Bill 148.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 172.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author of Senate Bill 191.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 246.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senator Delph be added as coauthor of Senate Bill 285.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senator Delph be added as coauthor of Senate Bill 247.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author and Senator Becker be added as coauthor of Senate Bill 88.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 17 and that Senator Zakas be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 22 and that Senator Gard be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 23 and that Senator Hershman be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as

author of Senate Bill 24 and that Senator Jackman be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 111.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 145.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Paul and Smith be added as coauthors of Senate Bill 105.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller, Merritt, Waltz, and Delph be added as coauthors of Senate Bill 1.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 79.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Waterman and Lawson be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan, M. Young, and Kruse be added as coauthors of Senate Bill 6.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele, Breaux, and Bowser be added as coauthors of Senate Bill 39.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 19, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 3:03 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Seventh Meeting Day

Thursday Afternoon

January 19, 2006

The Senate convened at 1:33 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 8: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 246, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 10.

Page 1, line 13, strike "means an individual who".

Page 1, line 15, delete "has".

Page 1, line 16, delete "committed an offense".

Page 1, line 16, strike "described in section 4 of this chapter".

Page 1, line 16, delete "and who:" and insert "**has the meaning set forth in IC 35-38-1-7.5.**".

Page 1, delete line 17.

Delete pages 2 through 10.

Page 11, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 2. IC 11-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

(1) retained by the parolee;

(2) forwarded to any person charged with the parolee's supervision; and

(3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

(1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test

required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex and violent offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is an offender (as defined in IC 5-2-12-4) to register with a sheriff (or the police chief of a consolidated city) under IC 5-2-12-5;

(B) prohibit the offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole; ~~unless the offender obtains written approval from the parole board; and~~

(C) prohibit a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the offender's sex offense. ~~unless the offender obtains a waiver under IC 35-38-2-2.5.~~

~~If the parole board allows the offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the offender's residence of the order.~~

(h) The address of the victim of a parolee who is an offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential. ~~even if the offender obtains a waiver under IC 35-38-2-2.5."~~

Page 11, line 18, delete "IC 5-2-12-9.5" and insert "IC 35-42-4-10".

Page 11, line 20, delete "Sec. 9.5." and insert "**Sec. 10. (a) As used in this section, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.**

(b)".

Page 11, line 22, delete "property (as defined by IC 35-41-1-24.7);" and insert "**property;**".

Page 11, line 23, delete "center (as defined by IC 35-41-1-29);" and insert "**center;**".

Page 11, line 25, delete "park (as defined by IC 35-41-1-23.7);" and insert "**park;**".

Page 12, line 22, strike "has the meaning set forth in" and insert "**means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in IC 5-2-12-4.**

(b) A person who:

(1) commits an offense described in IC 5-2-12-4:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that results in serious bodily injury to a person other than a defendant;

(2) is at least eighteen (18) years of age and commits an offense described in IC 5-2-12-4 against a child less than twelve (12) years of age; or

(3) commits an offense described in IC 5-2-12-4 while having a previous unrelated conviction for an offense described in IC 5-2-12-4 for which the person is required to register as an offender under IC 5-2-12;

is a sexually violent predator."

Page 12, strike line 23.

Page 12, line 24, strike "(b)" and insert "**(c)**".

Page 12, line 29, strike "(c)" and insert "**(d)**".

Page 12, line 31, delete "IC 5-2-12-4.5(1) or" and insert "**subsection (b).**".

Page 12, delete line 32.

Page 12, line 33, delete "(d)" and insert "**(e)**".

Page 12, line 34, delete "IC 5-2-12-4.5(1) or IC 5-2-12-4.5(2)," and insert "**subsection (b).**".

Page 12, line 38, delete "IC 5-2-12-4.5(3)." and insert "**subsection (a).**".

Page 12, line 39, delete "(e)" and insert "**(f)**".

Page 13, line 2, delete "(f)" and insert "**(g)**".

Page 13, line 3, delete "(d)" and insert "**(e)**".

Page 13, line 6, delete "(d)." and insert "**(e).**".

Page 13, delete lines 12 through 15, begin a new paragraph and insert:

"SECTION 6. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Child exploitation (IC 35-42-4-4(b)).

(5) Vicarious sexual gratification (IC 35-42-4-5).

(6) Child solicitation (IC 35-42-4-6).

(7) Child seduction (IC 35-42-4-7).

(8) Sexual battery (IC 35-42-4-8).

(9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).

(10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

(A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or

(B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a ~~new~~ residence within one (1) mile of the residence of the victim of the offender's sex offense. ~~unless the offender first obtains a waiver from the~~

(1) court, if the offender is placed on probation; or
 (2) parole board, if the offender is placed on parole;
 for the change of address under subsection (f):

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
- (2) the offender is in compliance with all terms of the offender's probation or parole; and
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) (f) The address of the victim of the offender's sex offense is confidential. ~~even if the court or parole board grants a waiver under subsection (f):~~

SECTION 7. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or
- (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence; analysis; or~~
- (2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence analysis~~ by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002.~~

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

- (1) at any time; and
- (2) regardless of the amount of time that passes between:
 - (A) the date a person allegedly commits the elements of murder; and
 - (B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

- (1) IC 35-42-4-3(a) (Child molesting).
- (2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

- (1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~
- (2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
- (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

- (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.
- (2) The date of issuance of a valid arrest warrant.
- (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 8. IC 35-42-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this section, "offender against children" means a person required to register as an offender under IC 5-2-12 who has been:

(1) found by a court to be a sexually violent predator under:

- (A) IC 35-38-1-7.5; or
- (B) the law of another jurisdiction that identifies the person as being likely to repeatedly commit a sex offense; or

(2) convicted of one (1) or more of the following offenses:

- (A) Child molesting (IC 35-42-4-3).
- (B) Child exploitation (IC 35-42-4-4(b)).
- (C) Child solicitation (IC 35-42-4-6).
- (D) Child seduction (IC 35-42-4-7).
- (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).

(b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.

(c) **An offender against children who knowingly or intentionally:**

(1) **resides within one thousand (1,000) feet of:**

(A) **school property;**

(B) **a youth program center; or**

(C) **a public park; or**

(2) **establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;**

commits a sex offender residency offense, a Class D felony.

SECTION 9. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

(1) it has been set aside; or

(2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 10. [EFFECTIVE JULY 1, 2006] **IC 35-42-4-10 and IC 35-42-4-11, both as added by this act, apply only to crimes committed after June 30, 2006.**

Renumber all SECTIONS consecutively.

(Reference is to SB 246 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 11, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 7, line 2, delete "11-8-8-4" and insert "IC 11-8-8-5".

Page 9, between lines 8 and 9, begin a new paragraph and insert:

"(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person."

Page 9, between lines 19 and 20, begin a new paragraph and insert:

"Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

(1) does not own or lease a residence; or

(2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender."

Page 9, line 20, delete "Sec. 3." and insert "Sec. 4."

Page 9, line 22, delete "IC 11-8-8-7." and insert **"section 8 of this chapter."**

Page 9, line 23, delete "Sec. 4." and insert **"Sec. 5."**

Page 10, line 21, delete "Sec. 5." and insert **"Sec. 6."**

Page 10, line 29, delete "4" and insert **"5"**.

Page 10, line 29, delete "chapter." and insert **"chapter, including a person who has been determined to be a sexually violent predator in accordance with section 20 of this chapter."**

Page 10, line 30, delete "Sec. 6." and insert **"Sec. 7."**

Page 10, line 30, delete "14" and insert **"19"**.

Page 10, line 39, delete "not described in subdivision (1)".

Page 11, line 5, delete "not described in subdivision (1)".

Page 11, line 15, after "resides." insert **"If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

Page 11, line 21, after "county." insert **"If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

Page 11, line 24, after "student." insert **"If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

Page 11, line 27, after "located." insert **"If the sex offender is also required to register under subsection (a)(1), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions."**

LONG, Chair

Page 11, line 33, after "(g)" insert **"This subsection does not apply to a sex offender who is a sexually violent predator."**

Page 12, line 4, after "first." insert **"A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county."**

Page 12, line 5, delete "Whenever a sex offender registers with a local law" and insert **"This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:**

- (1) is released from a penal facility (as defined in IC 35-41-1-21);**
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);**
- (3) is released from a juvenile detention facility;**
- (4) is transferred to a community transition program;**
- (5) is placed on parole;**
- (6) is placed on probation;**
- (7) is placed on home detention; or**
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);**

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county."

Page 12, delete lines 6 through 8.

Page 12, line 11, delete "sheriffs".

Page 12, line 12, after "IC 36-2-13-5.5." insert **"The local law enforcement authority shall make a photograph of a sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year."**

Page 12, line 17, delete "sheriffs".

Page 12, line 32, delete "Sec. 7." and insert **"Sec. 8."**

Page 12, line 36, after "eye color," insert **"any scars, marks, or tattoos,"**

Page 12, line 37, delete ", and home" and insert **"or state identification number, principal residence"**.

Page 12, line 37, delete "." and insert **", and mailing address, if different from the sex offender's principal residence address."**

Page 12, line 42, delete "6(a)(2)" and insert **"7(a)(2)"**.

Page 13, line 1, delete "6(a)(3)" and insert **"7(a)(3)"**.

Page 13, line 9, after "(6)" insert **"If the sex offender is required to register for life, that the sex offender is required to register for life.**

(7)".

Page 13, line 10, delete "Sec. 8." and insert **"Sec. 9."**

Page 13, line 33, delete "three (3) days" and insert **"seventy-two (72) hours"**.

Page 14, line 12, delete "Sec. 9." and insert **"Sec. 10."**

Page 14, line 16, delete "Sec. 10." and insert **"Sec. 11."**

Page 14, line 18, delete "home" and insert **"principal residence"**.

Page 14, line 19, delete "6(a)(2)" and insert **"7(a)(2)"**.

Page 14, line 19, delete "6(a)(3)" and insert **"7(a)(3)"**.

Page 14, line 31, delete "11" and insert **"13"**.

Page 14, line 32, delete "within" and insert **"not more than"**.

Page 14, line 34, delete "6(a)(2)" and insert **"7(a)(2)"**.

Page 14, line 34, delete "6(a)(3)" and insert **"7(a)(3)"**.

Page 15, between lines 16 and 17, begin a new paragraph and insert:

"Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and**
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.**

(b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and**
- (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration in subdivision (1).**

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority."

Page 15, line 17, delete "Sec. 11." and insert **"Sec. 13."**

Page 15, line 22, delete "14" and insert **"11 or 20"**.

Page 15, line 35, delete "15" and insert **"11 or 20"**.

Page 16, between lines 2 and 3, begin a new line block indented and insert:

"(3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 14 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;**
 - (B) placed in a community transition program;**
 - (C) placed in a community corrections program;**
 - (D) placed on parole; or**
 - (E) placed on probation;**
- whichever occurs first.**

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 15 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;**
- (B) placed in a community transition program;**

(C) placed in a community corrections program;
 (D) placed on parole; or
 (E) placed on probation;
 whichever occurs first."

Page 16, line 4, after "person," insert "not later than fourteen (14) days after mailing, or appears not to reside at the listed address,".

Page 16, between lines 5 and 6, begin a new paragraph and insert:
 "Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b)."

Page 16, line 6, delete "Sec. 12." and insert "Sec. 16."

Page 16, line 12, delete "Sec. 13." and insert "Sec. 17."

Page 16, line 12, delete "intentionally fails to" and insert "intentionally:".

Page 16, delete line 13.

Page 16, line 14, after "(1)" insert "fails to register".

Page 16, line 14, delete "or".

Page 16, line 15, after "(2)" insert "fails to register".

Page 16, between lines 16 and 17, begin a new line block indented and insert:

"(3) makes a material misstatement or omission while registering as a sex offender under this chapter; or

(4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;".

Page 16, line 18, after "unrelated" insert "conviction for an".

Page 16, line 18, delete "section." and insert "section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter."

Page 16, between lines 18 and 19, begin a new paragraph and insert:

"Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

(1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.

(2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.

(3) How long the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

(1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.

(2) The location where the sexually violent predator will be located while spending time in the county.

(3) How long the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter."

Page 16, line 19, delete "Sec. 14." and insert "Sec. 19."

Page 16, line 32, delete "found to be".

Page 16, line 33, delete "by a court under IC 35-38-1-7.5(b)".

Page 17, line 10, delete "Sec. 15." and insert "Sec. 20."

Page 18, line 39, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 7, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 19, line 31, delete "IC 11-8-8-4." and insert "IC 11-8-8-5".

Page 22, line 37, delete "IC 11-8-8-4)." and insert "IC 11-8-8-5)".

Page 23, line 6, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 8, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 23, line 33, delete "IC 11-8-8-4," and insert "IC 11-8-8-5".

Page 24, line 12, delete "IC 11-8-8-5." and insert "IC 11-8-8-6".

Page 24, line 42, delete "IC 11-8-8-4)," and insert "**IC 11-8-8-5)**".
 Page 25, line 3, delete "IC 11-8-8-6;" and insert "**IC 11-8-8;**".
 Page 25, line 15, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 29, line 22, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 30, line 15, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 30, line 33, delete "IC 11-8-8-4)" and insert "**IC 11-8-8-5)**".
 Page 30, line 35, delete "IC 11-8-8-6." and insert "**IC 11-8-8-7.**".
 Page 30, line 36, delete "IC 11-8-8-4." and insert "**IC 11-8-8-5.**".
 Page 31, line 26, delete "IC 11-8-8-7" and insert "**IC 11-8-8-8**".
 (Reference is to SB 12 as printed January 11, 2006.)
 Page 32, line 16, delete "IC 11-8-8-13," and insert "**IC 11-8-8-15, IC 11-8-8-17, and IC 11-8-8-18, all**".
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 6, line 30, delete "parole," and insert "parole;".
 Page 6, line 30, strike "unless the offender obtains written".
 Page 6, line 31, strike "approval from the parole board;".
 Page 6, line 34, after "offense" insert ".".
 Page 6, line 34, strike "unless".
 Page 6, strike lines 35 through 39.
 Page 6, line 42, delete "confidential," and insert "confidential".
 Page 6, line 42, strike "even if the offender obtains a waiver under".
 Page 7, strike line 1.
 Page 7, line 5, delete "of" and insert "**of:**
(A)".
 Page 7, line 6, delete "(IC 35-42-4-3)" and insert "**(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense;**".
 Page 7, line 6, delete "of", begin a new line double block indented, and insert:
"(B)".
 Page 7, line 7, delete "molesting;" and insert "**molesting if the person was at least eighteen (18) years of age at the time the person committed the offense;**".
 Page 7, line 8, delete "defined" and insert "**described**".
 Page 7, line 8, after "IC 35-38-2.5-3)" delete "." and insert "**that can transmit information twenty-four (24) hours each day regarding a person's precise location.**".
 Page 7, between lines 8 and 9, begin a new paragraph and insert:
"SECTION 3. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.
(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b)).
 - (5) Vicarious sexual gratification (IC 35-42-4-5).
 - (6) Child solicitation (IC 35-42-4-6).
 - (7) Child seduction (IC 35-42-4-7).
 - (8) Sexual battery (IC 35-42-4-8).
 - (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - (10) Incest (IC 35-46-1-3).
- (c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.
- (d) An offender:
- (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:
 - (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or
 - (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.
- (e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense. ~~unless the offender first obtains a waiver from the:~~
- (1) court; if the offender is placed on probation; or
 - (2) parole board; if the offender is placed on parole;
- for the change of address under subsection (f):
- (f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:
- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
 - (2) the offender is in compliance with all terms of the offender's probation or parole; and
 - (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.
- (g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.
- (h) (f) The address of the victim of the offender's sex offense is confidential. ~~even if the court or parole board grants a waiver under subsection (f).~~
- Page 7, line 13, after "parole" insert "**that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person**".
- Page 7, line 19, delete "if:" and insert "if".
- Page 7, line 20, delete "(1)".

Page 7, run in lines 19 through 20.

Page 7, delete line 21 and insert "section".

Page 7, delete lines 22 through 32.

Page 8, line 20, delete "(IC 35-42-4-3)." and insert "**(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense.**".

Page 8, line 25, delete "(IC 35-42-4-3)." and insert "**(IC 35-42-4-3) who was at least eighteen (18) years of age at the time the person committed the offense.**".

Page 8, line 26, after "molesting" insert "**who was at least eighteen (18) years of age at the time the person committed the offense**".

Page 8, line 32, delete "(IC 35-42-4-3)." and insert "**(IC 35-42-4-3) if the person was at least eighteen (18) years of age at the time the person committed the offense.**".

Page 8, line 38, after "molesting" insert "**and who was at least eighteen (18) years of age at the time the person committed the offense**".

Page 8, line 40, delete "Indiana," and insert "**Indiana who was at least eighteen (18) years of age at the time the person committed the offense,**".

Page 9, line 1, delete "defined" and insert "**described**".

Page 9, line 1, after "IC 35-38-2.5-3)" delete "." and insert "**that can transmit information twenty-four (24) hours each day regarding a person's precise location.**".

Page 9, line 26, delete "person:" and insert "**person who commits a crime after June 30, 2006.**".

Page 9, delete lines 27 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 6 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 9, delete "As" and insert "**(a) Except as provided in subsection (b), as**".

Page 2, between lines 14 and 15, begin a new paragraph and insert:

"(b) The term does not include an employee of the department who is a teacher and a member of the Indiana state teachers' retirement fund."

Page 3, between lines 11 and 12, begin a new line blocked left and insert:

"However, an employee of the department who is a teacher and a member of the Indiana state teachers' retirement fund may not become a member of the fund established under this chapter."

Page 6, line 20, delete "Each" and insert "**Except as provided in subsection (c), each**".

Page 6, line 26, delete "Each" and insert "**Except as provided in subsection (c), each**".

Page 6, between lines 32 and 33, begin a new paragraph and insert: "**(c) An individual who is a teacher and a member of the Indiana state teachers' retirement fund may not become a member of the fund.**".

Page 6, line 36, delete "or the Indiana state" and insert ".".

Page 6, delete line 37.

Page 6, line 39, delete "or the" and insert ".".

Page 6, delete line 40.

Page 7, line 2, delete "or the Indiana state teachers'" and insert ".".

Page 7, delete line 3.

Page 7, line 6, delete "or the Indiana state teachers' retirement fund".

Page 7, line 11, delete "or the Indiana state" and insert ".".

Page 7, delete line 12.

Page 8, line 40, delete "or the Indiana state teachers' retirement fund".

Page 9, line 8, delete "or the".

Page 9, line 9, delete "Indiana state teachers' retirement fund".

Page 9, line 17, delete "or the Indiana state teachers' retirement fund".

Page 13, line 9, delete "or the" and insert ",".

Page 13, line 10, delete "Indiana state teachers' retirement fund,".

Page 13, line 14, delete "or the Indiana state teacher's" and insert ".".

Page 13, delete line 15.

Page 13, line 19, delete "or the Indiana state teacher's retirement fund".

Page 14, line 5, delete "or the Indiana state teachers'" and insert ";".

Page 14, line 6, delete "retirement fund;".

Page 14, line 8, delete "or the".

Page 14, line 9, delete "Indiana state teachers' retirement fund".

Page 15, line 42, delete "or the Indiana state teachers' retirement fund".

Page 16, line 2, delete "or the Indiana state".

Page 16, line 3, delete "teachers' retirement fund".

Page 19, line 4, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 19, line 11, after "department" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 19, line 31, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 20, line 9, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

Page 20, line 29, after "correction" insert ", **other than an employee who is a teacher and a member of the Indiana state teachers' retirement fund,**".

(Reference is to SB 332 as introduced.)

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 75, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.
 Delete page 2.
 Page 3, delete lines 1 through 5.
 Page 3, line 42, delete "trust".
 Page 4, line 4, delete "Trust".
 Page 4, line 26, delete "trust".
 Page 4, line 30, delete "trust".
 Page 4, line 32, after "other" insert **"essential family support"**.
 Page 5, delete line 1.
 Page 5, line 2, delete "(2)" and insert **"(1)"**.
 Page 5, line 3, delete "(3)" and insert **"(2)"**.
 Page 5, line 4, delete "(4)" and insert **"(3)"**.
 Page 5, line 5, delete "(5)" and insert **"(4)"**.
 Page 5, line 6, delete "(6)" and insert **"(5)"**.
 Page 5, delete lines 8 through 9.
 Page 5, line 10, delete "(c)" and insert **"(b)"**.
 Page 5, delete lines 14 through 16.
 Page 5, line 17, delete "(e)" and insert **"(c)"**.
 Page 5, line 19, delete "(f) Except as provided by an enactment of the general assembly," and insert **"(d)"**.
 Page 5, line 20, delete "there" and insert **"There"**.
 Page 5, line 21, after "fund" insert **"received from donations"**.
 Page 5, between lines 32 and 33, begin a new paragraph and insert:
"Sec. 11. The director or a member of the commission may make a request to the general assembly for an appropriation to the fund."
 Page 5, delete lines 33 through 35.
 Page 6, after line 4, begin a new paragraph and insert:
"SECTION 4. [EFFECTIVE UPON PASSAGE] The director of veterans' affairs, after consultation with the veterans' affairs commission, shall report to the budget committee before August 1, 2006, on the topics described in IC 10-17-12-10, as added by this act.
SECTION 5. An emergency is declared for this act."
 Renumber all SECTIONS consecutively.
 (Reference is to SB 75 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 17, after "issued" delete "." and insert **"or renewed."**.
 Page 3, between lines 11 and 12, begin a new paragraph and insert:
"SECTION 2. IC 6-2.5-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. A certificate issued under section 3 or 4 of this chapter is valid so long as the

business or exempt organization is in existence."

Page 4, between lines 10 and 11, begin a new paragraph and insert:
"SECTION 4. IC 6-8.1-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As used in this section, "letter of finding" includes a supplemental letter of finding.

~~(a)~~ **(b)** If the department reasonably believes that a person has not reported the proper amount of tax due, the department shall make a proposed assessment of the amount of the unpaid tax on the basis of the best information available to the department. The amount of the assessment is considered a tax payment not made by the due date and is subject to IC 6-8.1-10 concerning the imposition of penalties and interest. The department shall send the person a notice of the proposed assessment through the United States mail.

~~(b)~~ **(c)** If the person has a surety bond guaranteeing payment of the tax for which the proposed assessment is made, the department shall furnish a copy of the proposed assessment to the surety. The notice of proposed assessment is prima facie evidence that the department's claim for the unpaid tax is valid. The burden of proving that the proposed assessment is wrong rests with the person against whom the proposed assessment is made.

~~(c)~~ **(d)** The notice shall state that the person has ~~sixty (60)~~ **thirty (30)** days from the date the notice is mailed to pay the assessment or to file a written protest. If the person files a protest and requires a hearing on the protest, the department shall:

- (1) set the hearing at the department's earliest convenient time; and
- (2) notify the person by United States mail of the time, date, and location of the hearing.

~~(d)~~ **(e)** The department may hold the hearing at the location of its choice within Indiana if that location complies with IC 6-8.1-3-8.5.

~~(e)~~ **(f)** No later than sixty (60) days after conducting a hearing on a protest, or after making a decision on a protest when no hearing is requested, the department shall issue a letter of findings and shall send a copy of the letter through the United States mail to the person who filed the protest and to the person's surety, if the surety was notified of the proposed assessment under subsection ~~(a)~~: **(b)**. The department may continue the hearing until a later date if the taxpayer presents additional information at the hearing or the taxpayer requests an opportunity to present additional information after the hearing.

~~(f)~~ **(g)** A person that disagrees with a decision in a letter of finding may request a rehearing not more than thirty (30) days after the date on which the letter of finding is issued by the department. The department shall consider the request and may grant the rehearing if the department reasonably believes that a rehearing would be in the best interests of the taxpayer and the state.

~~(g)~~ **(h)** If a person disagrees with a decision in a letter of finding, the person may appeal the decision to the tax court. However, the tax court does not have jurisdiction to hear an appeal that is filed more than ~~one hundred eighty (180)~~ **forty-five (45)** days after the date on which:

- (1) the letter of finding is issued by the department, **if the person does not make a timely request for a rehearing under subsection (g) on the letter of finding; or**
- (2) the department issues a denial of the person's timely request for a rehearing under subsection (g) on the letter of finding.

~~(f)~~ **(i)** The tax court shall hear an appeal under subsection ~~(g)~~ **(h)** de novo and without a jury. The tax court may do the following:

- (1) Uphold or deny any part of the assessment that is appealed.
- (2) Assess the court costs in a manner that the court believes to be equitable.
- (3) Enjoin the collection of a listed tax under IC 33-26-6-2.

~~(j)~~ **(j)** The department shall demand payment, as provided in IC 6-8.1-8-2(a), of any part of the proposed tax assessment, interest, and penalties that it finds owing because:

- (1) the person failed to properly respond within the ~~sixty (60)~~ **thirty (30)** day period;
- (2) the person requested a hearing but failed to appear at that hearing; or
- (3) after consideration of the evidence presented in the protest or hearing, the department finds that the person still owes tax.

~~(k)~~ **(k)** The department shall make the demand for payment in the manner provided in IC 6-8.1-8-2.

~~(l)~~ **(l)** Subsection ~~(a)~~ **(b)** does not apply to a motor carrier fuel tax return."

Page 12, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 9. IC 6-8.1-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) If the department finds that a person has paid more tax for a taxable year than is legally due, the department shall apply the amount of the excess against any amount of that same tax that is assessed and is currently due. The department may then apply any remaining excess against any of the listed taxes that have been assessed against the person and that are currently due. If any excess remains after the department has applied the overpayment against the person's tax liabilities, the department shall either refund the amount to the person or, at the person's request, credit the amount to the person's future tax liabilities.

(b) If a court determines that a person has paid more tax for a taxable year than is legally due, the department shall refund the excess amount to the person.

(c) An excess tax payment that is not refunded or credited against a current or future tax liability within ninety (90) days after the date the refund claim is filed, the date the tax payment was due, or the date the tax was paid, whichever is latest, accrues interest from the date the ~~tax payment was due or the date the tax was paid; whichever refund claim is later filed~~ at the rate established under IC 6-8.1-10-1 until a date, determined by the department, that does not precede by more than thirty (30) days, the date on which the refund or credit is made.

(d) As used in subsection (c), "refund claim" includes an amended return that indicates an overpayment of tax."

Re-number all SECTIONS consecutively.

(Reference is to SB 362 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 148, has had the same under consideration and begs leave to report the same back to the Senate

with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 2, line 3, delete "This subsection applies only to the county specified in".

Page 2, line 4, delete "subsection (a)(1)".

Page 2, line 19, delete "(b)(1)" and insert **"(b)"**.

Page 2, line 21, delete "This subsection applies only to the county specified in".

Page 2, line 22, delete "subsection (a)(1)".

Page 2, line 35, delete "This subsection applies only to the county specified in".

Page 2, line 36, delete "subsection (a)(2)".

Page 2, line 40, strike "or".

Page 3, line 2, delete "paid." and insert "paid; **or**".

Page 3, between lines 2 and 3, begin a new line block indented and insert:

"(3) an ordinance adopted under subsection (c) is rescinded."

Page 3, line 25, delete "This subsection applies only to a county that has not made".

Page 3, line 26, delete "a determination under subsection (c)".

Page 3, strike lines 27 through 36.

Page 3, line 37, before "shall" insert **"money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f)"**.

Re-number all SECTIONS consecutively.

(Reference is to SB 148 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, after "Sec." insert "1."

Page 1, line 6, delete "except as" and insert **"other than health benefits provided by the employer;"**.

Page 1, delete line 7.

Page 1, line 8, delete "and Accountability Act of 1996 (P.L. 104-191);".

Page 1, run in lines 6 through 8.

(Reference is to SB 117 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 234, has had the same under consideration and begs leave to report the same back

to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-21.5-2-5, AS AMENDED BY P.L.4-2005, SECTION 19, P.L.229-2005, SECTION 1, AND P.L.235-2005, SECTION 60, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. This article does not apply to the following agency actions:

- (1) The issuance of a warrant or jeopardy warrant for the collection of taxes.
- (2) A determination of probable cause or no probable cause by the civil rights commission.
- (3) A determination in a factfinding conference of the civil rights commission.
- (4) A personnel action, except review of a personnel action by the state employees appeals commission under IC 4-15-2 or a personnel action that is not covered by IC 4-15-2 but may be taken only for cause.
- (5) A resolution, directive, or other action of any agency that relates solely to the internal policy, organization, or procedure of that agency or another agency and is not a licensing or enforcement action. Actions to which this exemption applies include the statutory obligations of an agency to approve or ratify an action of another agency.
- (6) An agency action related to an offender within the jurisdiction of the department of correction.
- (7) A decision of the Indiana economic development corporation, *the office of tourism development*, the department of environmental management, the tourist information and grant fund review committee **(before the repeal of the statute that created the tourist information and grant fund review committee)**, the Indiana ~~development~~ finance authority, the corporation for innovation development, or the lieutenant governor that concerns a grant, loan, bond, tax incentive, or financial guarantee.
- (8) A decision to issue or not issue a complaint, summons, or similar accusation.
- (9) A decision to initiate or not initiate an inspection, investigation, or other similar inquiry that will be conducted by the agency, another agency, a political subdivision, including a prosecuting attorney, a court, or another person.
- (10) A decision concerning the conduct of an inspection, investigation, or other similar inquiry by an agency.
- (11) The acquisition, leasing, or disposition of property or procurement of goods or services by contract.
- (12) Determinations of the department of workforce development under IC 22-4-18-1(g)(1), IC 22-4-40, or IC 22-4-41.
- (13) A decision under IC 9-30-12 of the bureau of motor vehicles to suspend or revoke ~~the~~ a driver's license, a driver's permit, a vehicle title, or a vehicle registration of an individual who presents a dishonored check.
- (14) An action of the department of financial institutions under IC 28-1-3.1 or a decision of the department of financial institutions to act under IC 28-1-3.1.

(15) A determination by the NVRA official under IC 3-7-11 concerning an alleged violation of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg) or IC 3-7.

(16) Imposition of a civil penalty under IC 4-20.5-6-8 if the rules of the Indiana department of administration provide an administrative appeals process.

(17) A determination of status as a member of or participant in an environmental performance based program developed and implemented under IC 13-27-8."

Page 11, between lines 6 and 7, begin a new line double block indented and insert:

"(B) Waste minimization."

Page 11, line 7, delete "(B)" and insert "(C)".

Page 11, line 8, delete "(C)" and insert "(D)".

Page 12, line 3, after "prevention" insert **"and waste minimization"**.

Page 12, between lines 4 and 5, begin a new paragraph and insert: "SECTION 13. P.L.231-2003, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4.

(a) As used in this SECTION, "board" refers to the water pollution control board established by IC 13-18-1.

(b) All waters designated under 327 IAC 2-1.5-19(b) as outstanding state resource waters shall be maintained and protected in their present quality in accordance with the antidegradation implementation procedures for the outstanding state resource waters established by the board for waters in the Great Lakes system. ~~This SECTION does not affect~~ **Nothing except IC 13-18-3-2 affects** the authority of the board to amend 327 IAC 5-2-11.7. Any rule adopted by the board contrary to this standard is void.

(c) All waters designated as outstanding state resource waters under 327 IAC 2-1-2(3) and waters designated as exceptional use waters under 327 IAC 2-1-6(i) shall be maintained and protected in accordance with 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2). If a permittee seeks a new or increased discharge for which a new or increased permit limit is required and that amounts to a significant lowering of water quality, the permittee shall demonstrate an overall improvement in water quality in the outstanding state resource water or exceptional use water, subject to:

- (1) the approval of the department of environmental management; and
- (2) IC 13-18-3-2(m)(2)(A) and IC 13-18-3-2(m)(2)(B).

(d) Any rule adopted by the board before ~~the effective date of this SECTION~~ **July 1, 2006**, is void to the extent that it:

- (1) is inconsistent with this SECTION; or
- (2) requires protection of waters beyond the protection required by 327 IAC 2-1-2(1) and 327 IAC 2-1-2(2).

(e) Before July 1, ~~2004~~, **2008**, the board shall amend 327 IAC 2-1-2, 327 IAC 2-1-6, and 327 IAC 2-1.5-4 to reflect this SECTION.

(f) This SECTION expires on the earlier of:

- (1) the effective date of the rule amendments adopted by the board under subsection (e); or
- (2) July 1, ~~2006~~, **2008**.

SECTION 14. P.L.231-2003, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 5.

(a) Until July 1, ~~2004~~, **2008**, the following apply to a water body designated before October 1, 2002, as an exceptional use water:

(1) The water body is subject to the overall water quality improvement provisions of IC 13-18-3-2(l).

(2) The water body is not subject to a standard of having its water quality maintained and protected without degradation consistent with the provisions of P.L.140-2000.

(b) Before July 1, ~~2004~~, **2008**, the water pollution control board established under IC 13-18-1 shall:

(1) determine whether, effective July 1, ~~2004~~, **2008**, to designate as an outstanding state water each water designated before October 1, 2002, as an exceptional use water under 327 IAC 2-1-11; and

(2) complete rulemaking to make any designation determined under subdivision (1).

(c) This SECTION expires July 1, ~~2006~~, **2008**.

Renumber all SECTIONS consecutively.

(Reference is to SB 234 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 147, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "if" and insert "**in cases of fraud by**".

Page 1, line 15, delete "has been charged with or convicted of fraud".

Page 2, line 9, after "(B)" insert "**if ascertainable**".

Page 2, line 27, delete "if" and insert "**in cases of fraud by**".

Page 2, line 27, delete "has".

Page 2, line 28, delete "been charged with or convicted of fraud".

Page 2, line 39, after "(B)" insert "**if ascertainable**".

(Reference is to SB 147 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 191, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 15 and 16, begin a new paragraph and insert: "SECTION 2. IC 10-13-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this chapter, "limited criminal history" means information with respect to any arrest or criminal charge, which must include:

(1) a disposition; and

(2) **a photograph of the person who is the subject of the limited criminal history, if a photograph is available.**

(b) However, the term includes information about any arrest or criminal charge that occurred less than one (1) year before the date of

a request even if no disposition has been entered."

Page 2, line 5, delete "At" and insert "**Except as provided in subsection (e), at**".

Page 2, after line 18, begin a new paragraph and insert:

"(e) Notwithstanding subsections (c) and (d):

(1) the department is not required to process; and

(2) a sheriff, police department, or criminal justice agency is not required to submit;

a photograph under this section unless the department has sufficient funding available to process photographs submitted under this section."

Renumber all SECTIONS consecutively.

(Reference is to SB 191 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 370, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 13. IC 22-4-18.1-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.5. (a) This section applies to a meeting of the council at which at least four (4) members of the council are physically present at the place where the meeting is conducted.**

(b) A member of the council may participate in a meeting of the council using a means of communication that permits:

(1) all other members of the council participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting and may vote on any matter properly presented during the meeting.

(d) The memorandum of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:

(1) was physically present at the place where the meeting was conducted;

(2) participated in the meeting using a means of communication described in subsection (b); and

(3) was absent."

Page 12, line 34, after "executive of a" insert "**second or third class**".

Page 12, line 35, delete "(5,000);" and insert "**(5,000) and is located in a regional workforce area;**".

Page 14, line 11, after "based" insert "**or faith based**".

Page 15, line 6, delete "All of the local elected officials" and insert "**Each county**".

Page 15, line 7, delete "agreement," and insert **"agreement of all the local elected officials in that county,"**.

Page 15, line 11, delete "five" and insert **"one"**.

Page 15, line 11, delete "(500,000)" and insert **"(100,000)"**.

Page 15, line 15, delete "one" and insert **"five"**.

Page 15, line 15, delete "(100,000)" and insert **"(500,000)"**.

Page 16, line 1, delete "Assist in the selection of" and insert **"Select"**.

Page 16, line 1, after "operator" insert **"on behalf of its workforce investment board"**.

Page 16, line 3, delete "Assist in the selection of" and insert **"Select"**.

Page 16, line 5, after "providers" insert **"on behalf of its workforce development board"**.

Page 16, line 8, delete "Assist in the oversight of" and insert **"Oversee on behalf of its workforce investment board"**.

Page 16, line 10, delete "Assist in the development of" and insert **"Develop an"**.

Page 16, line 10, delete "plans" and insert **"plan"**.

Page 16, line 11, delete "encourage" and insert **"encourages"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 370 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 4.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 10.

Page 6, line 18, after "sale" insert **"or rent"**.

Page 7, delete lines 2 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 2 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "and maintaining".

(Reference is to SB 295 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 87, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 2. IC 4-4-9.7-1, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "director" refers to the director of the office of **community and** rural affairs appointed under section 5 of this chapter.

SECTION 3. IC 4-4-9.7-2, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "office" refers to the office of **community and** rural affairs established by section 4 of this chapter.

SECTION 4. IC 4-4-9.7-4, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The office of **community and** rural affairs is established.

SECTION 5. IC 4-4-9.7-6, AS ADDED BY P.L.83-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The office shall do the following:

(1) Administer the rural **economic** development fund under ~~IC 4-4-9: section 9 of this chapter.~~

(2) Administer the rural development administration fund under ~~IC 4-4-9.3:~~

(3) Provide administrative and staff support for the Indiana rural development council under ~~IC 4-4-9.5:~~

(4) (2) Administer the Indiana main street program under IC 4-4-16.

(5) (3) Administer the community development block grant program.

(6) Administer the duties of the high speed communications director."

Page 2, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 7. IC 4-4-9.7-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. The director shall establish a board to advise the office in the implementation of the duties of the office.

SECTION 8. IC 4-4-9.7-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The rural economic development fund is established for the purpose of enhancing and developing rural communities. The fund shall be administered by the office.

(b) The expenses of administering the fund shall be paid from the money in the fund.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund under IC 5-10.3-5. The treasurer of state may contract with investment management professionals, investment advisers, and legal counsel to assist in the management of the fund and may pay the state expenses incurred under those contracts.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Money in the fund may be used for the following purposes:

(1) To create, assess, and assist a pilot project to enhance the economic and community development in a rural area.

(2) To establish a local revolving loan fund for:

(A) an industrial;

(B) a commercial;

(C) an agricultural; or

(D) a tourist;

venture.

(3) To provide a loan for an economic development project in a rural area.

(4) To provide technical assistance to a rural organization.

(5) To assist in the development and creation of a rural cooperative.

(6) To address rural workforce development challenges.

(7) To assist in addressing telecommunications needs in a rural area.

(8) To provide funding for rural economic development projects concerning the following issues:

(A) Infrastructure, including water, wastewater, and storm water infrastructure needs.

(B) Housing.

(C) Health care.

(D) Local planning.

(E) Land use.

(F) Other rural economic development issues, as determined by the office.

(9) To provide funding for the establishment of new regional rural development groups and the operation of existing regional rural development groups.

(f) Expenditures from the fund are subject to appropriation by the general assembly and approval by the office."

Page 2, between lines 9 and 10, begin a new paragraph and insert: "SECTION 10. IC 4-12-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The tobacco farmers and rural community impact fund advisory board is established. The advisory board shall meet at least quarterly and at the call of the ~~commissioner of agriculture~~ **director of the department of agriculture** to make recommendations concerning expenditures of money from the fund.

(b) The advisory board consists of the following:

(1) The ~~commissioner of agriculture~~, director of the department of agriculture, who is an ex officio member and serves as chairperson of the advisory board.

(2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate.

(3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives.

(4) The following appointees by the governor who represent the following organizations or interests:

(A) Two (2) tobacco growers.

(B) One (1) tobacco quota owner.

(C) Two (2) persons with knowledge and experience in state and regional economic development needs.

(D) One (1) person representing small towns or rural communities.

~~(E) One (1) person representing the Indiana Rural Development Council.~~

~~(F) (E) One (1) person representing the Southern Indiana Rural Development Project.~~

~~(G) (F) One (1) person representing agricultural programs at universities located in Indiana.~~

The members of the advisory board listed in subdivisions (1) through (3) are nonvoting members. The members of the advisory board listed in subdivision (4) are voting members.

(c) The term of office of a legislative member of the advisory board is four (4) years. However, a legislative member of the advisory board ceases to be a member of the advisory board if the member:

(1) is no longer a member of the chamber from which the member was appointed; or

(2) is removed from the advisory board under subsection (d).

(d) A legislative member of the advisory board may be removed at any time by the appointing authority who appointed the legislative member.

(e) The term of office of a member of the advisory board appointed under subsection ~~(a)(4)~~ (b)(4) is four (4) years. However, these members serve at the pleasure of the governor and may be removed for any reason.

(f) If a vacancy exists on the advisory board with respect to a legislative member or the members appointed under subsection ~~(a)(4)~~, (b)(4), the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy for the balance of the unexpired term.

(g) Five (5) voting members of the advisory board constitute a quorum for the transaction of business at a meeting of the advisory board. The affirmative vote of at least five (5) voting members of the advisory board is necessary for the advisory board to take action.

(h) Each member of the advisory board who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(i) Each member of the advisory board who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) Each member of the advisory board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(k) Payments authorized for members of the advisory board under subsections (h) through (i) are payable from the tobacco farmers and

rural community impact fund."

Page 2, between lines 14 and 15, begin a new paragraph and insert: "SECTION 12. IC 5-29-4-2, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The council consists of the following members:

- (1) The lieutenant governor.
- (2) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate, for a term of one (1) year.
- (3) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives, for a term of one (1) year.
- (4) Six (6) regional tourism industry representatives, appointed by the respective tourism regions, for a term of one (1) year.
- (5) Twelve (12) representatives of the private sector, appointed by the governor, for a term of two (2) years. One (1) representative must own or operate an agritourism business.
- (6) The director.
- (7) The commissioner of the Indiana department of transportation.
- (8) The director of the department of natural resources.
- (9) A member appointed by the Indiana Hotel and Lodging Association, for a term of one (1) year.
- (10) A member appointed by the Restaurant and Hospitality Association of Indiana, for a term of one (1) year.
- (11) A member appointed by the Association of Indiana Convention and Visitor Bureaus, for a term of one (1) year.
- (12) A member appointed by the Council of Indiana Attractions, for a term of one (1) year.
- (13) A member appointed by the Indiana Gaming Association, for a term of one (1) year.
- (14) A member appointed by the Recreation Vehicle Indiana Council, for a term of one (1) year.
- (15) A member appointed by the Indiana Bed and Breakfast Association, for a term of one (1) year.
- (16) A member appointed by the Indiana State Festival Association, for a term of one (1) year.
- ~~(17) A member who lives in a rural community and is interested in agritourism, appointed by the Indiana rural development council, for a term of one (1) year.~~

SECTION 13. IC 5-29-4-3, AS ADDED BY P.L.229-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) ~~Eighteen (18)~~ **Seventeen (17)** members of the council constitute a quorum.

(b) The affirmative votes of a majority of the members appointed to the council are required for the council to take action.

(c) The lieutenant governor shall serve as chairperson of the council.

(d) The council shall adopt written procedures to govern the transaction of business by the council.

(e) A member of the council who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also not entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties.

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 4-4-9; IC 4-4-9.3; IC 4-4-9.5.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "fund" means the rural development administration fund under IC 4-4-9.3-2, before its repeal by this act.

(b) The:

- (1) balance of;
- (2) appropriations made to; and
- (3) obligations of;

the fund are transferred to the rural economic development fund established by IC 4-4-9.7-9, as added by this act.

(c) This SECTION expires July 1, 2007.

SECTION 16. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "fund" means the rural development council fund under IC 4-4-9.5-4, before its repeal by this act.

(b) The:

- (1) balance of;
- (2) appropriations made to; and
- (3) obligations of;

the fund are transferred to the rural economic development fund established in IC 4-4-9.7-9, as added by this act.

(c) This SECTION expires July 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 87 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 161, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 7 through 8.

Page 2, line 9, delete "(2)" and insert "(1)".

Page 2, line 20, delete "(3)" and insert "(2)".

Page 3, line 2, delete "June 30, 2008." and insert "**June 30, 2007.**".

(Reference is to SB 161 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 41, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, line 21, strike "Muscatatuck State Developmental Center,".

Page 15, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 12. IC 12-7-2-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. "Ancillary services", for purposes of ~~IC 12-10-17~~, IC 12-10-17.1, has the meaning set forth in ~~IC 12-10-17-2~~; IC 12-10-17.1-2.

SECTION 13. IC 12-7-2-18.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.3. "Attendant care services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-3~~. **IC 12-10-17.1-3**.

SECTION 14. IC 12-7-2-20.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.7. "Basic services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-4~~. **IC 12-10-17.1-4**."

Page 18, between lines 2 and 3, begin a new paragraph and insert: "SECTION 20. IC 12-7-2-103.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103.5. "Health related services":

(1) for purposes of IC 12-10-15, has the meaning set forth in IC 12-10-15-2; and

(2) for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-5~~. **IC 12-10-17.1-5**.

SECTION 21. IC 12-7-2-117.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 117.1. "Individual in need of self-directed in-home care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-6~~. **IC 12-10-17.1-6**.

SECTION 22. IC 12-7-2-122.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 122.9. "Licensed health professional", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-7~~. **IC 12-10-17.1-7**.

SECTION 23. IC 12-7-2-137.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 137.3. "Personal services attendant", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-8~~. **IC 12-10-17.1-8**.

SECTION 24. IC 12-7-2-138 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 138. "Physician" means the following:

(1) For purposes of ~~IC 12-10-17~~ **IC 12-10-17.1** and IC 12-15-35, an individual who is licensed to practice medicine in Indiana under IC 25-22.5.

(2) For purposes of IC 12-26, either of the following:

(A) An individual who holds a license to practice medicine under IC 25-22.5.

(B) A medical officer of the United States government who is in Indiana performing the officer's official duties.

SECTION 25. IC 12-7-2-174.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 174.5. "Self-directed in-home health care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-9~~. **IC 12-10-17.1-9**.

SECTION 26. IC 12-7-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 184. (a) "State institution" means an institution:

(1) owned or operated by the state;

(2) for the observation, care, treatment, or detention of an individual; and

(3) under the administrative control of a division.

(b) The term includes the following:

~~(1) Central State Hospital.~~

~~(2) (1) Evansville State Hospital.~~

~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~

~~(4) (3) Fort Wayne State Developmental Center.~~

~~(5) (4) Larue D. Carter Memorial Hospital.~~

~~(6) (5) Logansport State Hospital.~~

~~(7) (6) Madison State Hospital.~~

~~(8) Muscatatuck State Developmental Center.~~

~~(9) (7) Richmond State Hospital."~~

Page 19, line 40, strike "disability".

Page 19, line 40, reset in roman "aging,".

Page 19, line 40, strike "and rehabilitative services,".

Page 20, line 41, after "services," insert "**the division of aging,**".

Page 25, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 40. IC 12-10-3-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 29.5. (a) Except as provided in subsection (b), an adult protective services unit or a staff member of the adult protective services unit on the basis of the staff member's employment may not be designated as:**

(1) a personal representative;

(2) a health care representative;

(3) a guardian;

(4) a guardian ad litem; or

(5) any other type of representative;

for an endangered adult.

(b) The:

(1) county prosecutor in the county in which the adult protective services unit is located; or

(2) head of the governmental entity if the adult protective services unit is operated by a governmental entity;

may give written permission for an adult protective services unit or a staff member of the adult protective services unit to be designated as a representative described in subsection (a)(1) through (a)(5)."

Page 30, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 43. IC 12-10-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

(1) Homemaker services and attendant care, including personal care services.

(2) Respite care services and other support services for primary or family caregivers.

(3) Adult day care services.

(4) Home health services and supplies.

(5) Home delivered meals.

(6) Transportation.

(7) Attendant care services provided by a registered personal services attendant under ~~IC 12-10-17~~ **IC 12-10-17.1** to persons described in ~~IC 12-10-17-6~~. **IC 12-10-17.1-6**.

(8) Other services necessary to prevent institutionalization of eligible individuals when feasible.

SECTION 44. IC 12-10-17.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17.1. Individuals in Need of Self-Directed In-Home Care

Sec. 1. This chapter does not apply to the following:

- (1) An individual who provides attendant care services and who is employed by and under the direct control of a home health agency (as defined in IC 12-15-34-1).
- (2) An individual who provides attendant care services and who is employed by and under the direct control of a licensed hospice program under IC 16-25.
- (3) An individual who provides attendant care services and who is employed by and under the control of an employer that is not the individual who is receiving the services.
- (4) A practitioner (as defined in IC 25-1-9-2) who is practicing under the scope of the practitioner's license (as defined in IC 25-1-9-3).

Sec. 2. As used in this chapter, "ancillary services" means services ancillary to the basic services provided to an individual in need of self-directed in-home care who needs at least one (1) of the basic services (as defined in section 4 of this chapter). The term includes the following:

- (1) Homemaker services, including shopping, laundry, cleaning, and seasonal chores.
- (2) Companion services, including transportation, letter writing, mail reading, and escort services.
- (3) Assistance with cognitive tasks, including managing finances, planning activities, and making decisions.

Sec. 3. As used in this chapter, "attendant care services" means those basic and ancillary services that the individual chooses to direct and supervise a personal services attendant to perform and that enable an individual in need of self-directed in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility.

Sec. 4. As used in this chapter, "basic services" means a function that could be performed by the individual in need of self-directed in-home care if the individual were not physically disabled. The term includes the following:

- (1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.
- (2) Assistance with routine bodily functions, including:
 - (A) health related services (as defined in section 5 of this chapter);
 - (B) bathing and personal hygiene;
 - (C) dressing and grooming; and
 - (D) feeding, including preparation and cleanup.

Sec. 5. As used in this chapter, "health related services" means those medical activities that, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, could be performed by the individual if the individual were physically capable, and if the medical activities can be safely performed in the home, and:

- (1) are performed by a person who has been trained or instructed on the performance of the medical activities by an individual in need of self-directed in-home care who is, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, capable of training or instructing the person who will perform the medical activities; or

- (2) are performed by a person who has received training or instruction from a licensed health professional, within the professional's scope of practice, in how to properly perform the medical activity for the individual in need of self-directed in-home care.

Sec. 6. As used in this chapter, "individual in need of self-directed in-home care" means a disabled individual, or person responsible for making health related decisions for the disabled individual, who:

- (1) is approved to receive Medicaid waiver services under 42 U.S.C. 1396n(c), or is a participant in the community and home options to institutional care for the elderly and disabled program under IC 12-10-10;
- (2) is in need of attendant care services because of impairment;
- (3) requires assistance to complete functions of daily living, self-care, and mobility, including those functions included in attendant care services;
- (4) chooses to self-direct a paid personal services attendant to perform attendant care services; and
- (5) assumes the responsibility to initiate self-directed in-home care and exercise judgment regarding the manner in which those services are delivered, including the decision to employ, train, and dismiss a personal services attendant.

Sec. 7. As used in this chapter, "licensed health professional" means any of the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A certified occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

Sec. 8. As used in this chapter, "personal services attendant" means an individual who is registered to provide attendant care services under this chapter and who has entered a contract with an individual and acts under the individual's direction to provide attendant care services that could be performed by the individual if the individual were physically capable.

Sec. 9. As used in this chapter, "self-directed in-home health care" means the process by which an individual, who is prevented by a disability from performing basic and ancillary services that the individual would perform if not disabled, chooses to direct and supervise a paid personal services attendant to perform those services in order for the individual to live in the individual's home and community rather than an institution.

Sec. 10. (a) An individual may not provide attendant care services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program for an individual in need of self-directed in-home care services unless the individual is registered under section 12 of this chapter.

(b) An individual who is a legally responsible relative of an individual in need of self-directed in-home care, including a parent of a minor individual and a spouse, is precluded from providing attendant care services for compensation under this chapter.

Sec. 11. An individual who desires to provide attendant care services must register with the division or with an organization designated by the division.

Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 10-13-3 or another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.
- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.
- (7) Any other information required by the division.

(b) A registration is valid for two (2) years. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division and any organization designated under section 11 of this chapter shall maintain a file for each personal services attendant that contains:

- (1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and
- (2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

- (1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.
- (2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

Sec. 13. The case manager of an individual in need of self-directed in-home care shall maintain an attending physician's written opinion submitted under section 5 of this chapter in a case file that is maintained for the individual by the case manager.

Sec. 14. (a) A personal services attendant who is hired by the individual in need of self-directed in-home care is an employee of the individual in need of self-directed in-home care.

(b) The division is not liable for any actions of a personal services attendant or an individual in need of self-directed in-home care.

(c) A personal services attendant and an individual in need of self-directed in-home care are each liable for any negligent or wrongful act or omission in which the person personally participates.

Sec. 15. (a) Except as provided in subsection (b), an individual in need of self-directed in-home care is responsible for recruiting, hiring, training, paying, certifying any employment related documents, dismissing, and supervising in the individual's home during service hours a personal services attendant who provides attendant care services for the individual.

(b) If an individual in need of self-directed in-home care is:

- (1) less than twenty-one (21) years of age; or
- (2) unable to direct in-home care because of a brain injury or mental deficiency;

the individual's parent, spouse, legal guardian, or a person possessing a valid power of attorney may make employment, care, and training decisions and certify any employment related documents on behalf of the individual.

(c) An individual in need of self-directed in-home care or an individual under subsection (b) and the individual's case manager shall develop an authorized care plan. The authorized care plan must include a list of weekly services or tasks that must be performed to comply with the authorized care plan.

Sec. 16. The division shall adopt rules under IC 4-22-2 concerning:

- (1) the method of payment to a personal services attendant who provides authorized services under this chapter; and
- (2) record keeping requirements for personal attendant services.

Sec. 17. The individual in need of self-directed in-home care and the personal services attendant must each sign a contract, in a form approved by the division, that includes, at a minimum, the following provisions:

- (1) The responsibilities of the personal services attendant.
- (2) The frequency the personal services attendant will provide attendant care services.
- (3) The duration of the contract.
- (4) The hourly wage of the personal services attendant. The wage may not be less than the federal minimum wage or more than the rate that the recipient is eligible to receive under a Medicaid home and community based services waiver or the community and home options to institutional care for the elderly and disabled program for attendant care services.
- (5) Reasons and notice agreements for early termination of the contract.

Sec. 18. (a) The office shall amend the home and community based services waiver program under the state Medicaid plan to provide for the payment for attendant care services provided by a personal services attendant for an individual in need of self-directed in-home care under this chapter, including any related record keeping and employment expenses.

(b) The office shall not, to the extent permitted by federal law, consider as income money paid under this chapter to or on behalf of an individual in need of self-directed in-home care to enable

the individual to employ registered personal services attendants, for purposes of determining the individual's income eligibility for services under this chapter.

Sec. 19. The division may:

- (1) initiate demonstration projects to test new ways of providing attendant care services; and
- (2) research ways to best provide attendant care services in urban and rural areas.

Sec. 20. (a) The division and office may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

(b) The office shall apply for any federal waivers necessary to implement this chapter.

Sec. 21. The division shall adopt rules under IC 4-22-2 concerning the following:

(1) The receipt, review, and investigation of complaints concerning the:

- (A) neglect;**
- (B) abuse;**
- (C) mistreatment; or**
- (D) misappropriation of property;**

of an individual in need of self-directed in-home care by a personal services attendant.

(2) Establishing notice and administrative hearing procedures in accordance with IC 4-21.5.

(3) Appeal procedures, including judicial review of administrative hearings.

(4) Procedures to place a personal services attendant who has been determined to have been guilty of:

- (A) neglect;**
- (B) abuse;**
- (C) mistreatment; or**
- (D) misappropriation of property;**

of an individual in need of self-directed in-home care on the state nurse aide registry."

Page 35, strike line 31.

Page 35, line 32, strike "(3)" and insert "(2)".

Page 35, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 58. IC 12-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The director of the division of mental health and addiction has administrative control of and responsibility for the following state institutions:

- ~~(1) Central State Hospital.~~
- ~~(2) (1) Evansville State Hospital.~~
- ~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~
- ~~(4) (3) Larue D. Carter Memorial Hospital.~~
- ~~(5) (4) Logansport State Hospital.~~
- ~~(6) (5) Madison State Hospital.~~
- ~~(7) (6) Richmond State Hospital.~~
- ~~(8) (7) Any other state owned or operated mental health institution.~~

(b) Subject to the approval of the director of the budget agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of Larue D. Carter Memorial Hospital.

(c) The following applies only to the institutions described in subsection ~~(a)(2)~~ **(a)(1)** and ~~(a)(3)~~ **(a)(2)**:

(1) Notwithstanding any other statute or policy, the division of mental health and addiction may not do the following after December 31, 2001, unless specifically authorized by a statute enacted by the general assembly:

- (A) Terminate, in whole or in part, normal patient care or other operations at the facility.
- (B) Reduce the staffing levels and classifications below those in effect at the facility on January 1, 2002.
- (C) Terminate the employment of an employee of the facility except in accordance with IC 4-15-2.

(2) The division of mental health and addiction shall fill a vacancy created by a termination described in subdivision (1)(C) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2002.

(3) Notwithstanding any other statute or policy, the division of mental health and addiction may not remove, transfer, or discharge any patient at the facility unless the removal, transfer, or discharge is in the patient's best interest and is approved by:

- (A) the patient or the patient's parent or guardian;
- (B) the individual's gatekeeper; and
- (C) the patient's attending physician.

(d) The Evansville State Psychiatric Treatment Center for Children shall remain independent of Evansville State Hospital and the southwestern Indiana community mental health center, and the Evansville State Psychiatric Treatment Center for Children shall continue to function autonomously unless a change in administration is specifically authorized by an enactment of the general assembly."

Page 37, delete lines 34 through 42.

Delete pages 38 through 39.

Page 40, delete lines 1 through 3.

Page 48, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 77. IC 16-27-1-5, AS AMENDED BY P.L.212-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "home health services" means services that:

(1) are provided to a patient by:

- (A) a home health agency; or
- (B) another person under an arrangement with a home health agency;

in the temporary or permanent residence of the patient; and

(2) either, are required by law to be:

- (A) ordered by a licensed physician, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist for the service to be performed; or
- (B) performed only by a health care professional.

(b) The term includes the following:

- (1) Nursing treatment and procedures.
- (2) Physical therapy.
- (3) Occupational therapy.
- (4) Speech therapy.
- (5) Medical social services.
- (6) Home health aide services.
- (7) Other therapeutic services.

(c) The term does not apply to the following:

- (1) Services provided by a physician licensed under IC 25-22.5.
- (2) Incidental services provided by a licensed health facility to

patients of the licensed health facility.

(3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.

(4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the patient's church or religious denomination.

(5) Services that are allowed to be performed by an attendant under IC 16-27-1-10.

(6) Authorized services provided by a personal services attendant under ~~IC 12-10-17~~; **IC 12-10-17.1**.

SECTION 78. IC 16-27-4-4, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this chapter, "personal services" means:

- (1) attendant care services;
- (2) homemaker services that assist with or perform household tasks, including housekeeping, shopping, laundry, meal planning and preparation, and cleaning; and
- (3) companion services that provide fellowship, care, and protection for a client, including transportation, letter writing, mail reading, and escort services;

that are provided to a client at the client's residence.

(b) The term does not apply to the following:

- (1) Incidental services provided by a licensed health facility to patients of the licensed health facility.
- (2) Services provided by employers or membership organizations for their employees, members, and families of the employees or members if the services are not the predominant purpose of the employer or the membership organization's business.
- (3) Services that are allowed to be performed by a personal services attendant under ~~IC 12-10-17~~; **IC 12-10-17.1**.
- (4) Services that require the order of a health care professional for the services to be lawfully performed in Indiana.
- (5) Assisted living Medicaid waiver services.
- (6) Services that are performed by a facility described in IC 12-10-15."

Page 50, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 81. IC 16-28-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "other unlicensed employee" means:

- (1) an employee of a health facility;
- (2) a hospital based health facility; or
- (3) a personal services attendant (as defined by ~~IC 12-10-17-8~~; **in IC 12-10-17.1-8**);

who is not licensed (as defined in IC 25-1-9-3) by a board (as defined in IC 25-1-9-1).

(b) The term does not include an employee of an ambulatory outpatient surgical center, a home health agency, a hospice program, or a hospital that is not licensed (as defined in IC 25-1-9-3) by a

board (as defined in IC 25-1-9-1)."

Page 63, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 98. IC 22-1-5-2, AS ADDED BY P.L.212-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "companion type services" refers to services described in ~~IC 12-10-17-2(2)~~; **IC 12-10-17.1-2(2)**."

Page 64, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 101. IC 25-22.5-1-2, AS AMENDED BY P.L.212-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
- (6) A person administering a domestic or family remedy to a member of the person's family.
- (7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
- (8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).

(9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.

(10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.

(11) A dentist practicing the dentist's profession under IC 25-14.

(12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.

(13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

(14) An optometrist practicing the optometrist's profession under IC 25-24.

(15) A pharmacist practicing the pharmacist's profession under IC 25-26.

(16) A physical therapist practicing the physical therapist's profession under IC 25-27.

(17) A podiatrist practicing the podiatrist's profession under IC 25-29.

(18) A psychologist practicing the psychologist's profession under IC 25-33.

(19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.

(20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.

(21) A hospital licensed under IC 16-21 or IC 12-25.

(22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:

- (A) a physician;
- (B) a psychiatric hospital;
- (C) a hospital;
- (D) a health maintenance organization or limited service health maintenance organization;
- (E) a health facility;

(F) a dentist;

(G) a registered or licensed practical nurse;

(H) a midwife;

(I) an optometrist;

(J) a podiatrist;

(K) a chiropractor;

(L) a physical therapist; or

(M) a psychologist.

(23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.

(24) A physician providing medical treatment under IC 25-22.5-1-2.1.

(25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under ~~IC 12-10-17~~ **IC 12-10-17.1**.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 102. IC 25-23-1-27.1, AS AMENDED BY P.L.212-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec.27.1. (a) As used in this section, "licensed health professional" means:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (4) a licensed dentist;
- (5) a licensed chiropractor;
- (6) a licensed optometrist;
- (7) a licensed pharmacist;
- (8) a licensed physical therapist;
- (9) a licensed psychologist;
- (10) a licensed podiatrist; or

- (11) a licensed speech-language pathologist or audiologist.
- (b) This chapter does not prohibit:
- (1) furnishing nursing assistance in an emergency;
 - (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;
 - (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;
 - (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;
 - (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:
 - (A) with personal care;
 - (B) in the administration of a domestic or family remedy; or
 - (C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;
 - (6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;
 - (7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession;
 - (8) a school corporation or school employee from acting under IC 34-30-14;
 - (9) a personal services attendant from providing authorized attendant care services under ~~IC 12-10-17~~; **IC 12-10-17.1**; or
 - (10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5)."

Page 65, line 17, strike "disability".

Page 65, line 17, delete "aging," and insert "aging".

Page 65, line 17, strike "and rehabilitative".

Page 65, line 18, strike "services".

Page 65, line 26, after "addiction" delete ",".

Page 65, line 26, reset in roman "or".

Page 65, line 26, after "services" delete ",".

Page 65, line 27, delete "or the division of aging".

Page 65, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 106. IC 34-30-2-43.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43.9. ~~IC 12-10-17-13(b)~~ **IC 12-10-17.1-14(b)** (Concerning actions of a personal services attendant)."

Page 67, after line 28, begin a new paragraph and insert:

"SECTION 109. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "program" refers to the self-directed in-home care program under IC 12-10-17.1, as added by this act.

(b) The office of the secretary of family and social services established by IC 12-8-1-1 shall submit a report in electronic format under IC 5-14-6 to the legislative council before November 1, 2009 concerning the:

- (1) implementation; and
 - (2) outcome;
- of the program.

(c) This SECTION expires December 31, 2010.

SECTION 110. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-10-17; IC 12-24-1-10.

SECTION 111. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to SB 41 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 260, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business.

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots;

to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) Except as provided in subsections (h) and (i), if:

(1) land assessed on an acreage basis is subdivided into lots; ~~the land shall be reassessed on the basis of lots. If or~~

(2) land is rezoned for, or put to, a different use; the land shall be reassessed on the basis of its new classification.

(e) If improvements are added to real property, the improvements shall be assessed.

(f) An assessment or reassessment made under this section is effective on the next assessment date. ~~However, if land assessed on an acreage basis is subdivided into lots, the lots may not be reassessed until the next assessment date following a transaction which results in a change in legal or equitable title to that lot.~~

(g) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(h) Subject to subsection (i), land in inventory may not be reassessed until the next assessment date following the earlier of:

(1) the date title to the land is transferred by:

(A) the land developer; or

(B) a successor land developer that acquires title to the land;

to a person that is not a land developer; or

(2) the date on which construction of a structure begins on the land.

(i) Subsection (h) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

SECTION 2. IC 6-1.1-5.5-5, AS AMENDED BY P.L.228-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number of the parcel (as defined in IC 6-1.1-1-8.5).
- (2) Whether the entire parcel is being conveyed.
- (3) The address of the property.
- (4) The date of the execution of the form.
- (5) The date the property was transferred.
- (6) Whether the transfer includes an interest in land or improvements, or both.
- (7) Whether the transfer includes personal property.
- (8) An estimate of any personal property included in the transfer.
- (9) The name, address, and telephone number of:
 - (A) each transferor and transferee; and
 - (B) the person that prepared the form.
- (10) The mailing address to which the property tax bills or other official correspondence should be sent.
- (11) The ownership interest transferred.
- (12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
- (13) The total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.
- (14) The terms of seller provided financing, such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.
- (15) Any family or business relationship existing between the transferor and the transferee.
- (16) Other information as required by the department of local government finance to carry out this chapter.

If a form under this section includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).

SECTION 3. IC 6-1.1-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The county auditor may not accept a conveyance document if:

- (1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or
- (2) the sales disclosure form does not contain the information described in ~~section 5~~ **section 5(a)** of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed a completed sales disclosure form with the county auditor."

Page 9, between lines 29 and 30, begin a new paragraph and insert: "SECTION 15. IC 6-1.1-12.1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

- (1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.
- (2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and
- (B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

- (3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.
- (4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

- (1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.
- (2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste

or hazardous waste into energy or other useful products; and
(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), **and subject to subsection (i)**, an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, **and subject to subsection (i)**, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%
7th and thereafter	0%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

- (1) the deduction under this section as in effect on March 1, 2001; and
- (2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

- (1) is convicted of a violation under IC 13-7-13-3 (repealed),

IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

- (i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and**
- (ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9."**

Page 10, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 17. IC 6-1.1-15-4, AS AMENDED BY P.L.199-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may:

(1) assign:

- (A) full;
- (B) limited; or
- (C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

(2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the following:

- (1) The action of the county property tax assessment board of appeals with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (c) may:

- (A) attend the hearing; and
- (B) offer testimony.

~~A taxing unit that receives a notice from the county auditor under subsection (c) is not a party to the appeal.~~ The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit.

(c) If, after receiving notice of a hearing under subsection (b), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. **A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal.** Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(d) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(e) The Indiana board shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The Indiana board shall issue instructions for completion of the form. The form must require the Indiana board to indicate agreement or disagreement with each item that is:

- (1) if the county or township official held a preliminary conference under section 1(f) of this chapter, indicated on the petition submitted under that section by the taxpayer and the official; and
- (2) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the Indiana board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(f) After the hearing the Indiana board shall give the petitioner, the township assessor, the county assessor, **and** the county auditor: ~~and the affected taxing units required to be notified under subsection (c):~~

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (e); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

The county auditor shall provide copies of the documents described in subdivisions (1) through (3) to the taxing units entitled to notice under subsection (c).

(g) Except as provided in subsection (h), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(i) Except as provided in subsection (j), the Indiana board shall make a determination not later than the later of:

- (1) ninety (90) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(j) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall make a determination not later than the later of:

- (1) one hundred eighty (180) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(k) ~~Except as provided in subsection (p);~~ The Indiana board may not extend the final determination date under subsection (i) or (j) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this ~~subsection,~~ **section after a hearing,** the entity that initiated the petition may:

- (1) take no action and wait for the Indiana board to make a final determination; or
- (2) petition for judicial review under section 5(g) of this chapter.

(l) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(m) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county property tax assessment board of appeals in support of those issues only if all persons participating in the hearing required under subsection (a) agree to the limitation. A person participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals.

(n) The Indiana board:

- (1) may require the parties to the appeal to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and
- (2) may require the parties to the appeal to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(o) A party to a proceeding before the Indiana board shall provide to another party to the proceeding the information described in subsection (n) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (n).

(p) The county assessor may:

- (1) appear as an additional party if the notice of appearance is filed before the review proceeding; or
- (2) with the approval of the township assessor, represent the township assessor;

in a review proceeding under this section.

(q) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

- (1) order that a final determination under this subsection has no precedential value; or
- (2) specify a limited precedential value of a final determination under this subsection."

Page 11, line 27, after "." insert **"If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor."**

Page 11, line 31, delete "if the amendment under subsection (d) is" and insert "if:".

Page 11, delete line 32.

Page 11, line 33, after "(1)" insert **"the amendment under subsection (d) is proposed to"**.

Page 11, line 35, delete "or".

Page 11, line 36, after "(2)" insert **"the amendment under subsection (d) is proposed to"**.

Page 11, line 39, delete "." and insert **"; or"**

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision."

Page 11, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 21. IC 6-1.1-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

- (1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.
- (2) The fiscal body of a second class city, not later than September 30.
- (3) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:
 - (A) the time required in section 5.6(b) of this chapter; or
 - (B) September 20 if a resolution adopted under section 5.6(d) of this chapter is in effect.
- (4) The proper officers of all other political subdivisions, not

later than September 20.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) a statement that specifies the amount and revenue sources used to temporarily decrease the tax rate and levy fixed by the political subdivision for the ensuing budget year, in the form prescribed by the department of local government finance;

~~(2)~~ **(3)** two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

~~(3)~~ **(4)** two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 22. IC 6-1.1-17-15.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.2 (a) This section does not apply to a school corporation.**

(b) When the county auditor certifies the levy, tax rate, and budget of a political subdivision to the department of local government finance for review, the county auditor shall forward with the political subdivision's levy, tax rate, and budget the political subdivision's statement that specifies the amount and revenue sources used to temporarily decrease the tax rate and levy fixed by the political subdivision for the ensuing budget year, in the form prescribed by the department of local government finance."

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"Levy excess" has the meaning set forth in section 17 of this chapter."

Page 15, between lines 13 and 14, begin a new paragraph and insert:

"Temporary adjustment" refers to an adjustment in the part of a civil taxing unit's ad valorem property tax levy subject to the ad valorem property tax limits under section 3 of this chapter that results from the inclusion of any of the following in the civil taxing unit's levy or budget:

- (1) A levy excess.**
- (2) Surplus operating cash balances.**
- (3) Revenue received by the civil taxing unit under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7.**
- (4) Any other levy adjustment determined by the department of local government finance to be extraordinary."**

Page 15, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 25. IC 6-1.1-18.5-13.7 IS ADDED TO TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.7. (a) With respect to an appeal filed under section 12 of this chapter, the local government tax control board may recommend that the department of local government finance give permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit meets the following criteria:

- (1) The civil taxing unit's per capita ad valorem tax levy for the calendar year immediately preceding the ensuing calendar year is below the statewide average for similar civil taxing units in Indiana for the same year.**
- (2) Subject to subsection (b), the civil taxing unit's rate of population increase during the calendar year that immediately precedes the calendar year described in subdivision (1) is greater than the statewide rate of population increase during the same calendar year.**

(b) For purposes of:

- (1) determining a civil taxing unit's population during the year described in subsection (a)(2); and**
- (2) comparing that population to the population of the civil taxing unit during the calendar year immediately preceding that year, in order to compute a rate of population increase under subsection (a)(2);**

the department of local government finance shall reduce the civil taxing unit's population by the amount of any population increase that is attributable to an annexation or other expansion of the civil taxing unit's territory that takes effect during the year described in subsection (a)(2).

(c) Notwithstanding IC 1-1-3.5, if the department of local government finance determines that information available from the Bureau of the Census is not sufficient for the purposes of making accurate determinations of population under this section, the civil taxing unit shall submit the information that the department considers necessary to make a determination under this subdivision."

Page 17, between lines 21 and 22, begin a new paragraph and

insert:

"SECTION 28. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The county treasurer shall either:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or**
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.**

(b) The county treasurer may include the following in the statement:

- (1) An itemized listing for each property tax levy, including:**
 - (A) the amount of the tax rate;**
 - (B) the entity levying the tax owed; and**
 - (C) the dollar amount of the tax owed.**

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

- (A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after**

December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

(1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the ~~percentage~~ change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

(A) The homestead credit and all property tax deductions.

(B) The procedure and deadline for filing for the homestead credit and each deduction.

(C) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(5) A checklist that shows:

(A) the homestead credit and all property tax deductions; and

(B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

(1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or

(2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000)."

Page 18, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 31. IC 6-1.1-36-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) Subject to subsections (b) and (c), and except as provided in subsection (d), a document, including a form, a return, or a writing of any type, which must be filed by a due date under this article or IC 6-1.5, is considered to be filed by the due date if the document is:**

(1) received on or before the due date by the appropriate recipient;

(2) deposited in United States first class mail:

(A) properly addressed to the appropriate recipient;

(B) with sufficient postage; and

(C) postmarked by the United States Postal Service as mailed on or before the due date;

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the appropriate recipient; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received by the express parcel carrier on or before the due date; or

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the appropriate recipient;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(b) If a document is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the document is considered to have filed the document on or before the due date if the person can show by reasonable evidence that the document was deposited in the United States mail on or before the due date.

(c) If a document is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the document is considered to have filed the document on or before the due date if the person:

(1) can show by reasonable evidence that the document was deposited in the United States mail, or with the express

parcel carrier, on or before the due date; and

(2) files a duplicate document within thirty (30) days after the date the person is notified that the document was not received.

(d) This section does not apply to a payment addressed in IC 6-1.1-37-10(f).

SECTION 32. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Except as provided in section 10.5 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty equal to ten percent (10%) of the amount of delinquent taxes shall be added to the unpaid portion in the year of the initial delinquency.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) Subject to subsections (g) and (h), a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date ~~to~~ **by** the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in ~~the~~ United States **first class** mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) ~~certified or~~ postmarked by the United States Postal Service as mailed on or before the due date; ~~or~~

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received **by the express parcel carrier** on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic fund transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United states mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 33. IC 6-1.1-40-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) **Subject to subsection (e),** an owner of new manufacturing equipment or inventory, or both, whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment and inventory for a period of ten (10) years. Except as provided in subsections (c) and (d), **and subject to subsection (e),** for the first five (5) years, the amount of the deduction for new manufacturing equipment that an owner is entitled to for a particular year equals the assessed value of the new manufacturing equipment. **Subject to subsection (e),** for the sixth through the tenth year, the amount of the deduction equals the product of:

(1) the assessed value of the new manufacturing equipment; multiplied by

(2) the percentage prescribed in the following table:

YEAR OF DEDUCTION	PERCENTAGE
6th	100%
7th	95%
8th	80%
9th	65%
10th	50%
11th and thereafter	0%

(b) For the first year the amount of the deduction for inventory equals the assessed value of the inventory. For the next nine (9) years, the amount of the deduction equals:

(1) the assessed value of the inventory for that year; multiplied by

(2) the owner's export sales ratio for the previous year, as certified by the department of state revenue under IC 6-3-2-13.

(c) A deduction under this section is not allowed in the first year the deduction is claimed for new manufacturing equipment to the extent that it would cause the assessed value of all of the personal property of the owner in the taxing district in which the equipment is located to be less than the assessed value of all of the personal property of the owner in that taxing district in the immediately preceding year.

(d) If a deduction is not fully allowed under subsection (c) in the first year the deduction is claimed, then the percentages specified in subsection (a) apply in the subsequent years to the amount of deduction that was allowed in the first year.

(e) For purposes of subsection (a), the assessed value of new manufacturing equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 34. IC 6-1.5-4-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. In order to obtain information that is necessary to the Indiana board's conduct of a necessary or proper inquiry, the Indiana board or a board administrative law judge may:**

(1) subpoena and examine witnesses;

(2) administer oaths; and

(3) subpoena and examine books or papers that are in the hands of any person.

SECTION 35. IC 6-1.5-5-2, AS AMENDED BY P.L.199-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) After receiving a petition for review that is filed under a statute listed in section 1(a) of this chapter, the Indiana board shall, at its earliest opportunity:**

(1) conduct a hearing; or

(2) cause a hearing to be conducted by an administrative law judge.

The Indiana board may determine to conduct the hearing under subdivision (1) on its own motion or on request of a party to the appeal.

(b) In its resolution of a petition, the Indiana board may:

(1) assign:

(A) full;

(B) limited; or

(C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

(2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(c) The Indiana board shall give notice of the date fixed for the hearing by mail to:

(1) the taxpayer;

(2) the department of local government finance; and

(3) the appropriate:

(A) township assessor;

(B) county assessor; and

(C) county auditor.

(d) With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notices required under subsection (c) must include the following:

(1) The action of the department of local government finance with respect to the appealed items.

(2) A statement that a taxing unit receiving the notice from the county auditor under subsection (e) may:

(A) attend the hearing;

(B) offer testimony; and

(C) file an amicus curiae brief in the proceeding.

A taxing unit that receives a notice from the county auditor under subsection (e) is not a party to the appeal.

(e) If, after receiving notice of a hearing under subsection (c), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(f) The Indiana board shall give the notices required under subsection (c) at least thirty (30) days before the day fixed for the hearing.

SECTION 36. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, the affected taxing units required to be notified under section 2(e) of this chapter, and the department of local government finance:**

(1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and

(2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

The county auditor shall provide copies of the documents described in subdivisions (1) and (2) to the taxing units entitled to notice under section 2(e) of this chapter.

SECTION 37. IC 6-1.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) The Indiana**

board shall conduct a hearing or cause a hearing to be conducted within six (6) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(b) The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days.

(c) The failure of the Indiana board to conduct a hearing within the period prescribed in this section does not constitute notice to the person of an Indiana board final determination.

~~(c) The failure of~~ **(d) If the Indiana board fails to make a final determination within the time allowed by this section shall be treated as a final determination of after a hearing, the entity that initiated the petition may:**

(1) take no action and wait for the Indiana board to deny the petition; make a final determination; or

(2) initiate a proceeding for judicial review by taking the action required by IC 6-1.1-15-5(b) at any time after the maximum time elapses.

(e) If:

(1) a judicial proceeding is initiated under subsection (d); and

(2) the Indiana board has not issued a determination;

the tax court shall determine the matter de novo."

Page 19, delete lines 1 through 3.

Page 19, line 5, after "as" insert **"added or"**.

Page 19, between lines 17 and 18, begin a new line block indented and insert:

"(12) IC 6-1.1-12.1-4.5.

(13) IC 6-1.1-17-5.

(14) IC 6-1.1-17-15.2."

Page 19, line 18, delete "(12)" and insert **"(15)"**.

Page 19, between lines 18 and 19, begin a new line block indented and insert:

"(16) IC 6-1.1-18.5-13.7."

Page 19, line 19, delete "(13)" and insert **"(17)"**.

Page 19, line 20, delete "(14)" and insert **"(18)"**.

Page 19, between lines 20 and 21, begin a new line block indented and insert:

"(19) IC 6-1.1-40-10.

SECTION 39. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.

SECTION 40. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies notwithstanding IC 6-1.1-8 or 50 IAC 5.1.

(b) As used in this SECTION, "amended return" means a return:

(1) that was filed after July 31, 2005; and

(2) that the department accepts as a taxpayer's final amended return for the assessment date.

(c) As used in this SECTION, "assessment date" means the March 1, 2005, assessment date.

(d) As used in this SECTION, "department" refers to the department of local government finance.

(e) As used in this SECTION, "return" means the statement of value and description of property required under IC 6-1.1-8-19

that is filed on the Annual Report (U.D. Form 45), as prescribed by the department, and is filed with the department on or before July 31, 2005.

(f) As used in this SECTION, "taxpayer" means a taxpayer that meets the requirements of subsection (g).

(g) This SECTION applies to any taxpayer that:

(1) is a public utility that provides water utility services in Indiana and is subject to taxation under IC 6-1.1-8;

(2) is required to file a return under IC 6-1.1-8-19;

(3) filed a return with the department with respect to the assessment date; and

(4) filed an amended return with the department with respect to the assessment date.

(h) Before June 1, 2006, the department shall review the assessed value identified on line 47 of the taxpayer's amended return as the assessed value of all the taxpayer's distributable property as of the assessment date. If the department determines that this assessed value:

(1) is correct; and

(2) is less than the assessed value identified in the taxpayer's return as the assessed value of all the taxpayer's distributable property as of the assessment date;

the taxpayer is entitled to a credit under this SECTION.

(i) Before July 1, 2006, the department shall determine the amount of the credit to which a taxpayer is entitled under this SECTION and notify the county auditor of that amount. For purposes of this subsection, the department shall assume that the taxpayer will pay the full amount of the taxpayer's installment or installments of property taxes first due and payable after June 30, 2006, and before January 1, 2007.

(j) The amount of the credit under this SECTION:

(1) is the remainder of:

(A) the amount of property taxes the taxpayer pays with respect to its distributable property for taxes first due and payable in 2006; minus

(B) the amount of property taxes for which the taxpayer would have been liable with respect to its distributable property for taxes first due and payable in 2006 if those property taxes had been based on the assessed value identified on line 47 of the taxpayer's amended return instead of the assessed value identified in the taxpayer's return; and

(2) applies proportionately to the taxpayer's installments of property taxes first due and payable in 2007.

(k) Interest does not apply in the determination of the amount of the credit under this SECTION.

(l) The county auditor shall adjust the assessed value used in setting property tax rates for each political subdivision in the county for property taxes first due and payable in 2007 to eliminate levy reductions that would otherwise result from the application of credits under this SECTION.

(m) In setting property tax rates for property taxes first due and payable in 2007 for each political subdivision in the county, the department shall:

(1) use the assessed value as adjusted by the county auditor under subsection (l); or

(2) further adjust the assessed value for the following purposes:

(A) To ensure the elimination of levy reductions that would otherwise result from the application of credits under this SECTION.

(B) To account for a failure of the taxpayer to pay property taxes in the amount assumed under subsection (i)."

Renumber all SECTIONS consecutively.

(Reference is to SB 260 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, between lines 1 and 2, begin a new paragraph and insert:

"Sec. 17. (a) A family shall participate in the cost of programs and services provided under this chapter to the extent allowed by federal law according to the following cost participation schedule:

Percentage of Federal Income Poverty Level		Copayment Per Treatment	Maximum Monthly Cost Share
At Least	But Not More Than		
0%	250%	\$ 0	\$ 0
251%	350%	\$ 3	\$ 24
351%	450%	\$ 6	\$ 48
451%	550%	\$ 15	\$ 120
551%	650%	\$ 25	\$ 200
651%	750%	\$ 50	\$ 400
751%	850%	\$ 75	\$ 600
851%	1000%	\$ 100	\$ 800
1001%		\$ 120	\$ 960

(b) A cost participation plan used by the division for families to participate in the cost of the programs and services provided under this chapter:

(1) must:

(A) be based on income and ability to pay;

(B) provide for a review of a family's cost participation amount:

(i) annually; and

(ii) within thirty (30) days after the family reports a reduction in income; and

(C) allow the division to waive a required copayment if:

(i) other medical expenses or personal care needs expenses for any member of the family reduce the level of income the family has available to pay copayments under this section; or

(ii) the program receives payment from the family's health care coverage;

(2) may allow a family to voluntarily contribute payments that exceed the family's required cost participation amount;

(3) must require the family to allow the division access to all health care coverage information that the family has concerning the infant or toddler who is to receive services;

(4) must require families to consent to the division billing third party payors for early intervention services provided; and

(5) may allow the division to waive the billing to third party payors if the family is able to demonstrate financial or personal hardship on the part of the family member.

(c) Funds received through a cost participation plan under this section must be used to fund programs described in section 18 of this chapter."

Page 13, line 2, delete "Sec. 17. (a)" and insert "Sec. 18."

Page 13, delete lines 8 through 42.

Page 14, delete lines 1 through 14.

Page 14, line 15, delete "(f)" and insert "Sec. 19."

Page 14, line 36, delete "Sec. 18." and insert "Sec. 20."

(Reference is to SB 112 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 203, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, line 3, delete "(a) A public employee, a public official, or an employee".

Page 13, delete lines 4 through 7.

Page 13, line 8, delete "(b)".

Page 13, run in lines 3 through 8.

Page 13, delete lines 23 through 26.

(Reference is to SB 203 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 92, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 2-5-28 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 28. License Branch Operation and Closure Commission

Sec. 1. Except as provided in this chapter, the definitions in IC 9-13-2 apply throughout this chapter.

Sec. 2. As used in this chapter, "commission" refers to the license branch operation and closure commission established by section 3 of this chapter.

Sec. 3. The license branch operation and closure commission is established.

Sec. 4. The commission consists of the following:

(1) Four (4) members of the senate appointed by the president pro tempore of the senate. Not more than two (2) members appointed under this subdivision may be members of the same political party.

(2) Four (4) members of the house of representatives appointed by the speaker of the house of representatives. Not more than two (2) members appointed under this subdivision may be members of the same political party.

Sec. 5. The commission shall study all aspects of the operation of license branches.

Sec. 6. (a) Before the bureau may close or relocate a license branch, the commissioner must submit to the commission a detailed report describing the proposal and the reasons for the proposal.

(b) Upon receiving a report under this section, the commission's chair shall call a meeting of the commission to act upon the report. The commission shall act upon the report not later than sixty (60) days after submission by the commissioner.

(c) The bureau may not implement the proposal until the commissioner responds to the commission's recommendation.

Sec. 7. The commission shall operate under the policies governing study committees adopted by the legislative council."

Page 1, delete lines 5 through 11, begin a new paragraph and insert:

"(b) Operation of license branches are subject to this article and IC 2-5-28.

SECTION 3. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "commission" refers to the license branch operation and closure commission established by IC 2-5-28, as added by this act.

(b) The commission shall study and determine the efficacy of the closing of the license branches at the following locations:

- (1) Bicknell.
- (2) Brownstown.
- (3) Butler.
- (4) Cambridge City.
- (5) Cayuga.
- (6) Chesterton.
- (7) Churubusco.
- (8) Clay City.
- (9) Dunkirk.
- (10) Elwood.
- (11) Garrett.
- (12) Gary.
- (13) Hagerstown.
- (14) Knightstown.
- (15) Lowell.
- (16) Middletown.
- (17) Montpelier.
- (18) Mooresville.
- (19) Morristown.
- (20) Mount Vernon.
- (21) Newburgh.

(22) North Judson.

(23) North Manchester.

(24) Odon.

(25) Ossian.

(26) Parker City.

(27) Rockport.

(28) Summitville.

(29) Syracuse.

(30) Union City.

(31) Warren.

(c) The commission shall include the results of the study in the commission's report to the legislative council.

(d) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 92 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17-2-18, AS AMENDED BY P.L.234-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

(1) a prosecuting attorney;

(2) a private attorney **or private entity** if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee (established by IC 33-24-11-1); or

(3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(b) The hiring of ~~an~~ **a private attorney or private entity** by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(c) Subject to section 18.5 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (a):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time that an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(f) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(g) An agreement made under subsection (a) must contain requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse:

- (1) incentive money; or**
- (2) federal reimbursement funds;**

based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (a)."

Page 3, between lines 13 and 14, begin a new paragraph and insert:
 "SECTION 3. IC 12-17-2-26, AS AMENDED BY P.L.2-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) **Subject to subsection (d),** the Title IV-D agency shall provide incentive payments to counties for enforcing and collecting the support rights that have been assigned to the state. The incentive payments shall be made by the Title IV-D agency directly to the county and deposited in the county treasury for distribution on a quarterly basis and in ~~equal shares to~~ the following manner:

- (1) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the county general fund.**
- (2) Thirty-three and four-tenths percent (33.4%) of the incentive payments shall be distributed to the operating budget of the prosecuting attorney.**
- (3) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the operating budget of the circuit court clerk.**

(b) Notwithstanding IC 36-2-5-2(b), distribution from the county treasury under subsection (a) shall be made without the necessity of first obtaining an appropriation from the county fiscal body.

(c) The amount that a county receives and the terms under which the incentive payment is paid must be in accordance with relevant federal statutes and the federal regulations promulgated under the statutes. However, amounts received as incentive payments may not, without the approval of the county fiscal body, be used to increase or supplement the salary of an elected official. The amounts received as incentive payments must be used to supplement, rather than take the place of, other funds used for Title IV-D program activities.

(d) The Title IV-D agency shall retain twenty-two and two-tenths percent (22.2%) of the incentive payments described in subsection (a)."

Page 18, between lines 5 and 6, begin a new paragraph and insert:
"(d) The state central collection unit may collect any unpaid fee through any lawful means, including income withholding."

Page 20, line 5, delete "twenty-six dollars (\$26)" and insert **"thirty dollars (\$30)".**

Page 20, line 5, delete "If an".

Page 20, delete lines 6 through 11.

Renumber all SECTIONS consecutively.

(Reference is to SB 153 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 6, Nays 4.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 296, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 6.

Renumber all SECTIONS consecutively.

(Reference is to SB 296 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 133, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 12, delete "vehicle" and insert **"tractor-semitrailer and load that:**

- (1) exceeds the maximum length limitation under this chapter; and**
- (2) is".**

Page 1, line 13, after "chapter" insert ";".

Page 1, line 13, beginning with "from" begin a new line blocked left.

(Reference is to SB 133 as introduced.)

and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 208, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, strike lines 30 through 38.

Page 2, line 39, delete "(g)" and insert "(f)".

Page 3, line 6, after "condition." insert "**The permittee or licensee is responsible for the accuracy of the information concerning the medical condition submitted under this subsection.**

(g) The bureau may adopt rules under IC 4-22-2 to carry out this section."

Page 4, strike lines 2 through 10.

Page 4, line 11, delete "(e)" and insert "(d)".

Page 4, line 20, after "condition." insert "**The applicant for an identification card is responsible for the accuracy of the information concerning the medical condition submitted under this subsection."**

(Reference is to SB 208 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 168, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12.

Re-number all SECTIONS consecutively.

(Reference is to SB 168 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 139, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 3. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee**

or volunteer of the applicant.

(2) A criminal conviction of the applicant, or of an employee or a volunteer of the applicant, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and

(2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 4. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, or of an employee or a volunteer of the licensee, of any of the following:

(A) A felony.

(B) A misdemeanor related to the health or safety of a child.

(C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.

(D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

(A) child care center without a license under this chapter; or

(B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and

(2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 5. IC 12-17.2-4-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or**

neglect in a child care center.

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to the appropriate licensing office of the division.

SECTION 6. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the ~~division~~ **department of child services established by IC 31-33-1.5-2** of child abuse or neglect (as defined in IC 31-9-2-14) by the applicant **or by an employee or volunteer of the applicant.**

(2) A criminal conviction of the applicant, of an employee or a volunteer of the applicant, or of a member of the applicant's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license application is denied due to a criminal conviction of:
 - (A) an employee or a volunteer of the applicant; or
 - (B) a member of the applicant's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the applicant; or
- (B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 7. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by the licensee **or by an employee or volunteer of the licensee.**

(2) A criminal conviction of the licensee, of an employee or a volunteer of the licensee, or of a member of the licensee's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

(1) a license is revoked due to a criminal conviction of:

- (A) an employee or a volunteer of the licensee's; or
- (B) a resident of the licensee's household; and

(2) the division determines that the:

- (A) employee or volunteer has been dismissed by the licensee; or
- (B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 8. IC 12-17.2-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect at a child care home.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care home.

(c) If the department of child services makes a determination, under IC 31-33-8-12, that abuse or neglect at the child care home is substantiated, the department shall send a copy of its report to the appropriate licensing office at the division."

Page 11, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 10. IC 31-9-2-135 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 135. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:**

- (1) physical custody of the child;**
- (2) care and supervision of the child;**
- (3) child's visitation with parents, relatives, or other individuals; and**
- (4) medical care and treatment of the child.**

(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9."

Page 11, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 31. IC 31-33-18-2, AS AMENDED BY P.L.234-2005, SECTION 155, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:
 - (A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and
 - (B) the individual requires the information in the report or record to determine whether to place the child in protective custody.
- (6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.
- (7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.
- (8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.
- (9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.
- (10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.
- (11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.
- (12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.
- (13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.
- (14) A person about whom a report has been made, with

protection for the identity of:

- (A) any person reporting known or suspected child abuse or neglect; and
 - (B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.
- (15) An employee of the division of family resources, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 12-14-25.5-3, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:
- (A) child at imminent risk of placement;
 - (B) child in need of services; or
 - (C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

- (16) A local child fatality review team established under IC 12-13-15-6.
- (17) The statewide child fatality review committee established by IC 12-13-15.1-6.
- (18) The department.

(19) The division of family resources, if the investigation report:

- (A) is classified as substantiated; and**
 - (B) concerns:**
 - (i) an applicant for a license to operate;**
 - (ii) a person licensed to operate;**
 - (iii) an employee of; or**
 - (iv) a volunteer providing services at;**
- a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5."**

Page 14, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 32. IC 31-34-20-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~
- (5) Partially or completely emancipate the child under section 6 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian; to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child."

Page 15, after line 42, begin a new paragraph and insert:

"SECTION 36. IC 31-37-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department or the county office of family and children.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian;
 to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child."

Renumber all SECTIONS consecutively.

(Reference is to SB 139 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 38, delete "no objections" and insert **"the written authorization of all interested persons"**.

(Reference is to SB 114 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 25.

Page 3, line 20, after "trusts." insert **"The following apply to this subdivision:**

(A) School corporations that elect to pool assets for coverage must create a trust for the assets. The trust is subject to regulation by the department of insurance as follows:

(i) The trust must register with the department of insurance.

(ii) The trust shall obtain stop-loss insurance issued by an insurer authorized to do business with an aggregate retention of not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.

(iii) Contributions by the school corporations must be set to fund one hundred percent (100%) of the aggregate retention plus all other costs of the trust.

(iv) The trust shall maintain a fidelity bond in an amount approved by the department of insurance, covering each person responsible for the trust, to protect against acts of fraud or dishonesty in servicing the trust.

(v) The trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The trust shall file an annual financial statement in the form required by IC 27-1-3-13 by March 1.

(vii) The trust is not covered by the Indiana insurance guaranty fund created under IC 27-6-8. The liability of each school corporation is joint and several.

(viii) The trust is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the trust.

(ix) The department of insurance may deny, suspend, or revoke the registration of a trust if the commissioner finds that the trust is in a hazardous financial condition, the trust refuses to be examined or produce records for examination, or the trust has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Each school corporation, and more than one (1) school corporation acting jointly, may be considered a single purchaser of natural gas energy by the school corporation's or school corporations' natural gas utility provider to qualify to purchase natural gas from any available natural gas seller. A rate schedule that is:

(A) filed by a natural gas utility; and

(B) approved by the Indiana utility regulatory commission; must include provisions that allow a school corporation or school corporations acting jointly to elect to be billed as a single purchaser of natural gas energy under reasonable terms and conditions."

Page 3, line 21, delete "(2)" and insert **"(3)"**.

Page 3, delete lines 26 through 28.

Page 3, line 29, delete "(D)" and insert **"(C)"**.

Page 3, line 30, delete "(E)" and insert **"(D)"**.

Page 3, line 30, delete "maintenance" and insert **"management"**.

Page 3, line 31, delete "(F)" and insert "(E)".
 Page 3, line 32, delete "(G)" and insert "(F)".
 Page 3, line 34, delete "(H)" and insert "(G)".
 Page 4, line 1, delete "facilities maintenance," and insert **"facilities,"**.
 Page 4, line 14, delete "clusters of".
 Page 4, line 22, delete "An" and insert **"School corporations and"**.
 Page 4, line 22, delete "center" and insert **"centers"**.
 Page 4, line 24, delete "for school corporation actions".
 Page 4, line 40, delete "periodically" and insert **"annually"**.
 Page 5, line 9, delete "budget," and insert **"budget and school corporation officials,"**.
 Page 5, line 19, delete "clusters," and insert **"common management,"**.
 Page 5, line 24, delete "budget and" and insert **"budget,"**.
 Page 5, line 24, after "department," insert **"and school corporation officials,"**.
 Page 5, line 29, delete "instructional activities expenditures, specifying all" and insert **"academic achievement expenditures."**.
 Page 5, delete lines 30 through 32.
 Page 5, line 33, delete "expenditures, including all" and insert **"expenditures."**.
 Page 5, delete lines 34 through 35.
 Page 5, line 36, delete "Operational expenditures, including all sums spent on or" and insert **"Overhead and operational expenditures."**.
 Page 5, delete line 37.
 Page 5, line 38, delete "expenditures, including all sums spent on" and insert **"expenditures."**.
 Page 5, delete lines 39 through 40.
 Page 6, line 7, delete "November 1," and insert **"December 31,"**.
 Page 6, line 22, after "recognize" insert **"publicly"**.
 Page 6, line 26, after "budget" insert **"and the division of finance of the department"**.
 Page 6, line 26, after "shall" insert **"be available to"**.
 Page 6, line 31, after "public" insert **"in the school corporation's annual performance report"**.
 Page 8, line 13, delete "system;" and insert **"system, including a plan for the department to work with the officials in each school corporation who are responsible for the management of the school corporation's finance, organizations, and other resources to create programs and curricula to develop the officials' financial management skills and abilities as well as train them in the use of the system;"**.
 Page 8, delete lines 21 through 25.
 Page 8, line 26, delete "(g)" and insert **"(f)"**.
 Renumber all SECTIONS consecutively.
 (Reference is to SB 323 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 310, has had the

same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, after "a" insert **"course or"**.
 Page 1, line 17, delete "subject area." and insert **"course without taking the course."**.
 Page 2, line 5, after "a" insert **"course or"**.
 Page 2, line 7, after "a" insert **"course or"**.
 Page 2, line 10, after "more" insert **"courses or"**.
 (Reference is to SB 310 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 60, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, line 23, delete "and".
 Page 7, line 26, delete "parent." and insert **"parent; and (3) shall include the student in the school corporation's ADM."**.
 Page 8, line 33, delete "13(b)" and insert **"14(b)"**.
 Page 9, line 38, delete "The" and insert **"Except as provided in section 12 of this chapter, the"**.
 Page 10, between lines 28 and 29, begin a new paragraph and insert:
"Sec. 12. (a) This section applies to a student who, at the time a transfer is granted, is enrolled in either an accredited or a nonaccredited nonpublic school.
(b) The school that enrolls a student to whom this section applies shall include the student in the school's ADM.".
 Page 10, line 29, delete "12." and insert **"13."**.
 Page 10, line 29, delete "13(b)" and insert **"14(b)"**.
 Page 10, line 36, delete "13." and insert **"14."**.
 Page 10, line 42, delete "12" and insert **"13"**.
 Page 11, line 4, delete "14." and insert **"15."**.
 Page 11, line 7, delete "15." and insert **"16."**.
 Page 11, line 11, delete "16." and insert **"17."**.
 Page 11, line 13, delete "17." and insert **"18."**.
 (Reference is to SB 60 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Joint Resolution 2, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.
 Committee Vote: Yeas 7, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 4, Nays 3.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 321, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 2.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 258, has had the same under

consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 78, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 7, Nays 5.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 297, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 379, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 205, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 269, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 154, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 169, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 355, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 346, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Resolution 3, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 132, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-7-15-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The general assembly finds that the following offices in Indiana provide public assistance within the scope of NVRA:

(1) Each county office of family and children established under IC 12-19-1 that administers:

(A) the Aid to Families with Dependent Children program (AFDC) under IC 12-14; or

(B) the Medicaid program under IC 12-15.

(2) Each office of the division of family ~~and children resources~~ that administers the food stamp program under federal law.

(3) Each office of the state department of health that administers the Special Supplemental Nutrition Program for the Women, Infants and Children Program (WIC) under IC 16-35-1.5.

SECTION 2. IC 3-10-8-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. Whenever the election division receives a notice under section 4 of this chapter, the election division shall notify the following offices and agencies that a special election will be conducted within all or part of Indiana:

(1) Each agency serving persons with disabilities and designated as a voter registration site under IC 3-7-16.

(2) Armed forces recruitment offices in accordance with procedures established under IC 3-7-17.

(3) Each agency designated as a voter registration site and subject to IC 3-7-18.

(4) The alcohol and tobacco commission for purposes of enforcing IC 7.1-5-10-1.

(5) The bureau of motor vehicles for voter registration purposes under IC 9-24-2.5.

(6) The adjutant general for purposes of enforcing IC 10-16-7-17.

(7) The division of family ~~and children resources~~ for voter registration purposes under IC 12-14-1.5, IC 12-14-25, and IC 12-15-1.5.

(8) The state department of health for voter registration purposes under IC 16-35-1.6.

(9) The Federal Voting Assistance Program of the United States Department of Defense, for notification of absent uniformed services voters and overseas voters.

SECTION 3. IC 4-1-8-1, AS AMENDED BY P.L.246-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal

requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family ~~and children~~; **resources**;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- ~~(10) Health professions bureau;~~
- ~~(11) (10) Indiana professional licensing agency.~~
- ~~(12) (11) Department of insurance, with respect to licensing of insurance producers.~~
- (12) The department of child services.**
- ~~(13) (13) A pension fund administered by the board of trustees of the public employees' retirement fund.~~
- ~~(14) (14) The Indiana state teachers' retirement fund.~~
- ~~(15) (15) The state police benefit system.~~
- ~~(16) (16) The alcohol and tobacco commission.~~
- (b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:
 - (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
 - (2) That an individual include the individual's Social Security number on an application for registration.
 - (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.
- (c) The Indiana department of administration, the Indiana department of transportation, ~~the health professions bureau~~, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.
- (d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.
- (e) The Indiana gaming commission may, notwithstanding this chapter, require the following:
 - (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
 - (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an

application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 4. IC 4-12-1-14.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.2. Notwithstanding any other law, all oil overcharge funds received from the federal government are annually appropriated to the division of family ~~and children~~ **resources** for the division's use in carrying out the home energy assistance program. The amount of this annual appropriation for a state fiscal year is equal to:

- (1) the total amount necessary to carry out the program during that fiscal year; minus
- (2) the amount of federal low income energy assistance funds available for the program during that state fiscal year.

SECTION 5. IC 4-15-2-3.8, AS AMENDED BY P.L.218-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, ~~department of fire and building services~~, ~~state emergency management agency~~ **department of homeland security** (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family ~~and children~~; **resources**, **department of child services**, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations

board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department."

Page 5, between lines 16 and 17, begin a new paragraph and insert: "SECTION 12. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than fourteen (14) years of age at a methamphetamine laboratory shall notify the ~~division of family and children~~ **department of child services**."

Page 8, between lines 31 and 32, begin a new paragraph and insert: "SECTION 14. IC 5-20-1-4, AS AMENDED BY P.L.235-2005, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The authority has all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this chapter, including the power:

- (1) to make or participate in the making of construction loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;
- (2) to make or participate in the making of mortgage loans to sponsors of multiple family residential housing that is federally assisted or assisted by a government sponsored enterprise, such as the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Agricultural Mortgage Corporation, the Federal Home Loan Bank, and other similar entities approved by the authority;
- (3) to purchase or participate in the purchase from mortgage lenders of mortgage loans made to persons of low and moderate income for residential housing;
- (4) to make loans to mortgage lenders for the purpose of furnishing funds to such mortgage lenders to be used for making mortgage loans for persons and families of low and moderate income. However, the obligation to repay loans to mortgage lenders shall be general obligations of the respective mortgage lenders and shall bear such date or dates, shall mature at such time or times, shall be evidenced by such note, bond, or other certificate of indebtedness, shall be subject to prepayment, and shall contain such other provisions consistent with the purposes of this chapter as the authority shall by rule or resolution determine;
- (5) to collect and pay reasonable fees and charges in connection with making, purchasing, and servicing of its loans, notes, bonds, commitments, and other evidences of indebtedness;
- (6) to acquire real property, or any interest in real property, by conveyance, including purchase in lieu of foreclosure, or foreclosure, to own, manage, operate, hold, clear, improve, and rehabilitate such real property and sell, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such real property where such use of real property is necessary or appropriate to the purposes of the authority;
- (7) to sell, at public or private sale, all or any part of any mortgage or other instrument or document securing a construction loan, a land development loan, a mortgage loan, or

a loan of any type permitted by this chapter;

(8) to procure insurance against any loss in connection with its operations in such amounts and from such insurers as it may deem necessary or desirable;

(9) to consent, subject to the provisions of any contract with noteholders or bondholders which may then exist, whenever it deems it necessary or desirable in the fulfillment of its purposes to the modification of the rate of interest, time of payment of any installment of principal or interest, or any other terms of any mortgage loan, mortgage loan commitment, construction loan, loan to lender, or contract or agreement of any kind to which the authority is a party;

(10) to enter into agreements or other transactions with any federal, state, or local governmental agency for the purpose of providing adequate living quarters for such persons and families in cities and counties where a need has been found for such housing;

(11) to include in any borrowing such amounts as may be deemed necessary by the authority to pay financing charges, interest on the obligations (for a period not exceeding the period of construction and a reasonable time thereafter or if the housing is completed, two (2) years from the date of issue of the obligations), consultant, advisory, and legal fees and such other expenses as are necessary or incident to such borrowing;

(12) to make and publish rules respecting its lending programs and such other rules as are necessary to effectuate the purposes of this chapter;

(13) to provide technical and advisory services to sponsors, builders, and developers of residential housing and to residents and potential residents, including housing selection and purchase procedures, family budgeting, property use and maintenance, household management, and utilization of community resources;

(14) to promote research and development in scientific methods of constructing low cost residential housing of high durability;

(15) to encourage community organizations to participate in residential housing development;

(16) to make, execute, and effectuate any and all agreements or other documents with any governmental agency or any person, corporation, association, partnership, limited liability company, or other organization or entity necessary or convenient to accomplish the purposes of this chapter;

(17) to accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance and any other aid from any source whatsoever and to agree to, and to comply with, conditions attached thereto;

(18) to sue and be sued in its own name, plead and be impleaded;

(19) to maintain an office in the city of Indianapolis and at such other place or places as it may determine;

(20) to adopt an official seal and alter the same at pleasure;

(21) to adopt and from time to time amend and repeal bylaws for the regulation of its affairs and the conduct of its business and to prescribe rules and policies in connection with the performance of its functions and duties;

(22) to employ fiscal consultants, engineers, attorneys, real estate counselors, appraisers, and such other consultants and employees as may be required in the judgment of the authority and to fix and pay their compensation from funds available to the authority

therefor;

(23) notwithstanding IC 5-13, but subject to the requirements of any trust agreement entered into by the authority, to invest:

(A) the authority's money, funds, and accounts;

(B) any money, funds, and accounts in the authority's custody; and

(C) proceeds of bonds or notes;

in the manner provided by an investment policy established by resolution of the authority;

(24) to make or participate in the making of construction loans, mortgage loans, or both, to individuals, partnerships, limited liability companies, corporations, and organizations for the construction of residential facilities for the developmentally disabled or for the mentally ill or for the acquisition or renovation, or both, of a facility to make it suitable for use as a new residential facility for the developmentally disabled or for the mentally ill;

(25) to make or participate in the making of construction and mortgage loans to individuals, partnerships, corporations, limited liability companies, and organizations for the construction, rehabilitation, or acquisition of residential facilities for children;

(26) to purchase or participate in the purchase of mortgage loans from:

(A) public utilities (as defined in IC 8-1-2-1); or

(B) municipally owned gas utility systems organized under IC 8-1.5;

if those mortgage loans were made for the purpose of insulating and otherwise weatherizing single family residences in order to conserve energy used to heat and cool those residences;

(27) to provide financial assistance to mutual housing associations (IC 5-20-3) in the form of grants, loans, or a combination of grants and loans for the development of housing for low and moderate income families;

(28) to service mortgage loans made or acquired by the authority and to impose and collect reasonable fees and charges in connection with such servicing; and

(29) subject to the authority's investment policy, to enter into swap agreements (as defined in IC 8-9.5-9-4) in accordance with IC 8-9.5-9-5 and IC 8-9.5-9-7.

The omission of a power from the list in this subsection does not imply that the authority lacks that power. The authority may exercise any power that is not listed in this subsection but is consistent with the powers listed in this subsection to the extent that the power is not expressly denied by the Constitution of the State of Indiana or by another statute.

(b) The authority shall structure and administer any program conducted under subsection (a)(3) or (a)(4) in order to assure that no mortgage loan shall knowingly be made to a person whose adjusted family income shall exceed one hundred twenty-five percent (125%) of the median income for the geographic area within which the person resides and at least forty percent (40%) of the mortgage loans so financed shall be for persons whose adjusted family income shall be below eighty percent (80%) of the median income for such area.

(c) In addition to the powers set forth in subsection (a), the authority may, with the proceeds of bonds and notes sold to retirement plans covered by IC 5-10-1.7, structure and administer a program of purchasing or participating in the purchasing from

mortgage lenders of mortgage loans made to qualified members of retirement plans and other individuals. The authority shall structure and administer any program conducted under this subsection to assure that:

(1) each mortgage loan is made as a first mortgage loan for real property:

(A) that is a single family dwelling, including a condominium or townhouse, located in Indiana;

(B) for a purchase price of not more than ninety-five thousand dollars (\$95,000);

(C) to be used as the purchaser's principal residence; and

(D) for which the purchaser has made a down payment in an amount determined by the authority;

(2) no mortgage loan exceeds seventy-five thousand dollars (\$75,000);

(3) any bonds or notes issued which are backed by mortgage loans purchased by the authority under this subsection shall be offered for sale to the retirement plans covered by IC 5-10-1.7; and

(4) qualified members of a retirement plan shall be given preference with respect to the mortgage loans that in the aggregate do not exceed the amount invested by their retirement plan in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under this subsection.

(d) As used in this section, "a qualified member of a retirement plan" means an active or retired member:

(1) of a retirement plan covered by IC 5-10-1.7 that has invested in bonds and notes issued by the authority that are backed by mortgage loans purchased by the authority under subsection (c); and

(2) who for a minimum of two (2) years preceding the member's application for a mortgage loan has:

(A) been a full-time state employee, teacher, judge, police officer, or firefighter;

(B) been a full-time employee of a political subdivision participating in the public employees' retirement fund;

(C) been receiving retirement benefits from the retirement plan; or

(D) a combination of employment and receipt of retirement benefits equaling at least two (2) years.

(e) Beginning with the 1991 program year, the authority, when directed by the governor, shall administer:

(1) the rental rehabilitation program established by the Housing Assistance Act of 1937 (42 U.S.C. 1437o); and

(2) federal funds allocated to the rental rehabilitation program under the Housing Assistance Act of 1937 (42 U.S.C. 1437o).

(f) The authority may contract with the division of family ~~and children resources~~ and the department of commerce so that the authority may administer the program and funds described under subsection (e) for program years before 1991.

(g) Beginning May 15, 2005, the authority shall identify, promote, assist, and fund home ownership education programs conducted throughout Indiana by nonprofit counseling agencies certified by the authority using funds appropriated under section 27 of this chapter. The attorney general and the entities listed in IC 4-6-12-4(a)(1) through IC 4-6-12-4(a)(10) shall cooperate with the authority in

implementing this subsection.

SECTION 15. IC 5-20-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The housing trust fund advisory committee is established.

(b) The committee consists of sixteen (16) members to be appointed by the governor as follows:

- (1) One (1) member of the division of mental health and addiction.
- (2) One (1) member of the division of family ~~and children resources~~.
- (3) One (1) member of the division of disability, aging, and rehabilitative services.
- (4) One (1) member of the ~~department of commerce; office of the lieutenant governor~~.
- (5) One (1) member to represent residential real estate developers.
- (6) One (1) member to represent construction trades.
- (7) One (1) member to represent banks and other lending institutions.
- (8) One (1) member to represent the interests of persons with disabilities.
- (9) One (1) member to represent service providers.
- (10) Two (2) members to represent neighborhood groups.
- (11) One (1) member to represent low income families.
- (12) One (1) member to represent nonprofit community based organizations and community development corporations.
- (13) One (1) member to represent real estate brokers or salespersons.
- (14) One (1) member to represent the Indiana Apartment Owner's Association.
- (15) One (1) member to represent the manufactured housing industry.

At least three (3) members of the committee shall be from a city with a population of less than thirty-five thousand (35,000), a town, or a rural area.

(c) Members of the advisory committee shall serve a term of three (3) years. However, the governor may remove for cause an appointed member of the advisory committee and fill vacancies of appointed members on the advisory committee.

(d) The advisory committee shall make recommendations to the housing ~~finance and community development~~ authority regarding:

- (1) the development of policies and procedures under section 14 of this chapter; and
- (2) long term sources to capitalize the housing trust fund, including the following:
 - (A) Revenue from development ordinances, fees, or taxes.
 - (B) Market based or private revenue.
 - (C) Revenue generated from government programs, foundations, private individuals, or corporations.

(e) The advisory committee shall prepare and present an annual report that:

- (1) describes disbursements under the housing trust fund; and
- (2) makes recommendations to the board of the Indiana housing ~~finance and community development~~ authority regarding long term sources to capitalize the housing trust fund."

Page 8, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 17. IC 5-22-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "division" refers to the division of family ~~and children resources~~ established by IC 12-13-1-1.

(b) As used in this section, "EBT program" refers to an electronic benefits transfer program.

(c) Notwithstanding section 3 of this chapter, the division may enter into a contract for supplies and services to implement an EBT program for an initial period not to exceed five (5) years. The division may renew the contract for any number of successive periods not to exceed two (2) years each.

SECTION 18. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children resources~~, or the division of disability, aging, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that he is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 19. IC 6-3.1-21-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The division of family ~~and children resources~~ shall apply the refundable portion of the credits provided under this chapter as expenditures toward Indiana's maintenance of effort under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 265).

(b) The department of state revenue shall collect and provide the data requested by the division of family ~~and children resources~~ that is necessary to comply with this section.

SECTION 20. IC 6-4.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The department, the department's counsel, agents, clerks, stenographers, other employees, or former employees, or any other person who gains access to the inheritance tax files shall not divulge any information disclosed by the documents required to be filed under this article. However, disclosure may be made in the following cases:

- (1) To comply with an order of a court.
- (2) To the members and employees of the department.
- (3) To the members and employees of county offices and courts to the extent they need the information for inheritance tax purposes. IC 5-14-3-6.5 does not apply to this subdivision.
- (4) To the governor.
- (5) To the attorney general.
- (6) To any other legal representative of the state in any action pertaining to the tax due under this article.
- (7) To any authorized officer of the United States, when the recipient agrees that the information is confidential and will be used solely for official purposes.
- (8) Upon the receipt of a certified request, to any designated officer of a tax department of any other state, district, territory, or possession of the United States, when the state, district, territory, or possession permits the exchange of like information with the taxing officials of Indiana and when the recipient agrees that the information is confidential and will be used solely for tax collection purposes.
- (9) Upon receipt of a written request, to the director of the **department of child services or to the director of the** division of family ~~and children resources~~ and to any county director of family and children, when the recipient agrees that the information is confidential and will be used only in connection with their official duties.
- (10) To the attorney listed on the inheritance tax return under IC 6-4.1-4-1 or IC 6-4.1-4-7.
- (11) To a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent for whom an inheritance tax return was filed or, upon the receipt of a written request, to an agent or attorney of a devisee, an heir, a successor in interest, or a surviving joint tenant of the decedent.

(b) Any person who knowingly violates this section:

- (1) commits a Class C misdemeanor; and
- (2) shall be immediately dismissed from the person's office or employment, if the person is an officer or employee of the state.

SECTION 21. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

- (1) members and employees of the department;
- (2) the governor;
- (3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or
- (4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed

upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

- (1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and
- (2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family ~~and children resources~~, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.

SECTION 22. IC 6-8.1-9.5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) Notwithstanding IC 6-8.1-7 or any other provision of law prohibiting disclosure of a taxpayer's records or information, all information exchanged among the department, the claimant agency, and the debtor necessary to accomplish the purpose of this chapter is lawful.

(b) Whenever the child support bureau of the ~~division of family and children~~ **department of child services** seeks to enforce a child support obligation through a setoff against a debtor's tax refund, the department shall make the following information available to that agency and to any other state's Title IV-D agency that is enforcing the child support order against the debtor:

- (1) The debtor's Social Security account number (or numbers, if the debtor has more than one (1) number).
- (2) The debtor's home address.

SECTION 23. IC 8-23-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. As used in this chapter, "gross monthly income" means the average of such income during the twelve (12) month period immediately preceding displacement and includes income from all sources whether or not such income is taxable under any state or federal law, and also includes any public assistance received under the following:

- AFDC assistance.
- AFDC burials.
- AFDC IMPACT/J.O.B.S.
- AFDC-UP assistance.
- ARCH.
- Blind relief.
- Child care.
- Child welfare adoption assistance.
- Child welfare adoption opportunities.
- Child welfare assistance.
- Child welfare child care improvement.

- Child welfare child abuse.
- Child welfare child abuse and neglect prevention.
- Child welfare children's victim advocacy program.
- Child welfare foster care assistance.
- Child welfare independent living.
- Child welfare medical assistance to wards.
- Child welfare program review action group (PRAG).
- Child welfare special needs adoption.
- Food Stamp administration.
- Health care for indigent (HIC).
- ICES.
- IMPACT (food stamps).
- Title IV-D (ICETS).
- Title IV-D child support administration.
- Title IV-D child support enforcement (parent locator).
- Medicaid assistance.
- Medical services for inmates and patients (590).
- Room and board assistance (RBA).
- Refugee social service.
- Refugee resettlement.
- Repatriated citizens.
- SSI burials and disabled examinations.
- Title XIX certification.
- Any other law of this state administered by the division of family ~~and children~~ **resources or the department of child services.**

SECTION 24. IC 8-23-17-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) All amounts paid to displaced persons under this chapter are exempt from taxation under IC 6-3.

(b) A payment received under this chapter is not considered as income for the purpose of determining the eligibility or extent of eligibility of any person for public assistance under the following:

- AFDC assistance.
- AFDC burials.
- AFDC IMPACT/J.O.B.S.
- AFDC-UP assistance.
- ARCH.
- Blind relief.
- Child care.
- Child welfare adoption assistance.
- Child welfare adoption opportunities.
- Child welfare assistance.
- Child welfare child care improvement.
- Child welfare child abuse.
- Child welfare child abuse and neglect prevention.
- Child welfare children's victim advocacy program.
- Child welfare foster care assistance.
- Child welfare independent living.
- Child welfare medical assistance to wards.
- Child welfare program review action group (PRAG).
- Child welfare special needs adoption.
- Food Stamp administration.
- Health care for indigent (HIC).
- ICES.
- IMPACT (food stamps).
- Title IV-D (ICETS).
- Title IV-D child support administration.

Title IV-D child support enforcement (parent locator).
 Medicaid assistance.
 Medical services for inmates and patients (590).
 Room and board assistance (RBA).
 Refugee social service.
 Refugee resettlement.
 Repatriated citizens.
 SSI burials and disabled examinations.
 Title XIX certification.

Any other Indiana law administered by the division of family and children: resources or the department of child services."

Page 13, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 31. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the ~~division of family and children: department of~~ **child services**.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the sex and violent offender directory under IC 5-2-6 or concerns a person required to register as a sex and violent offender under IC 5-2-12."

Page 14, line 9, strike "a county office of family and children" and insert "**the division of family resources**".

Page 14, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 33. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records; and
- (4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the ~~division of family and children department of~~ **child services** and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.
- (5) Development and implementation of individual education programs for eligible children in:
 - (A) accordance with applicable requirements of state and federal laws and rules; and
 - (B) in coordination with:
 - (i) individual case plans; and
 - (ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.
- (6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability, aging, and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center."

Page 18, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 44. IC 12-7-2-46 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. "County director" refers to a director of a county office or a director of a district office of the division of family ~~and children~~ **resources or the department of child services**."

Page 25, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 63. IC 12-7-2-191 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 191. "Title IV-A Agency", for purposes of IC 12-17, refers to the division of family ~~and children~~ **resources**."

Page 26, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 65. IC 12-8-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

- (1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
- (2) Formulating overall policy for family, health, and social services in Indiana.
- (3) Coordinating activities between the programs of the division of family ~~and children~~ **resources** and the maternal and child health programs of the state department of health.
- (4) Coordinating activities concerning long term care between the division of disability, aging, and rehabilitative services and the state department of health.
- (5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

SECTION 66. IC 12-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

- (1) The family and social services committee established by IC 12-8-3-2.
- (2) The following advisory councils:
 - (A) The division of disability, aging, and rehabilitative services advisory council.
 - (B) The division of family ~~and children~~ **resources** advisory council.
 - (C) The division of mental health and addiction advisory council.
- (3) A body:
 - (A) established by statute for a division; and
 - (B) whose enabling statute makes this chapter applicable to the

body.

SECTION 67. IC 12-8-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The office, ~~and the~~ division of family ~~and children~~ **resources, and the department of child services** shall develop a written memorandum of understanding that provides the following:

- (1) Program responsibilities for the provision of care and treatment for recipients served by the division.
- (2) Responsibilities to educate and inform vendors of the proper billing procedures.
- (3) Responsibilities in administering the state plan.
- (4) Responsibilities for Medicaid fiscal and quality accountability and audits for services administered by the division.
- (5) That the division shall recommend options and services to be reimbursed under the Medicaid state plan.
- (6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., recipients served by the division cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.
- (7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for recipients served by the division.
- (8) That the division shall develop rate setting policies for medical assistance services administered by the division.
- (9) Policies to facilitate communication between the office and the division.
- (10) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of services.

SECTION 68. IC 12-8-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

- (1) Money appropriated or allocated to a state agency from money received by the state under the Social Services Block Grant Act (42 U.S.C. 1397 et seq.).
- (2) The division of disability, aging, and rehabilitative services, except this chapter does not apply to money expended under the following:
 - (A) The following statutes, unless application of this chapter is required by another subdivision of this section:
 - (i) IC 12-10-6.
 - (ii) IC 12-10-12.
 - (B) Epilepsy services.
- (3) The division of family ~~and children~~ **resources**, for money expended under the following:
 - (A) The following statutes:
 - (i) IC 12-14-10.
 - (ii) IC 12-14-11.
 - (iii) IC 12-14-12.
 - (B) The following programs:
 - (i) The child development associate scholarship program.

- (ii) The dependent care program.
- (iii) Migrant day care.
- (iv) The youth services bureau.
- (v) The project safe program.
- (vi) The commodities program.
- (vii) The migrant nutrition program.
- (viii) Any emergency shelter program.
- (ix) The energy weatherization program.
- (x) Programs for individuals with developmental disabilities.
- (4) The state department of health, for money expended under the following statutes:
 - (A) IC 16-19-10.
 - (B) IC 16-38-3.
- (5) The group.
- (6) All state agencies, for any other money expended for the purchase of services if all the following apply:
 - (A) The purchases are made under a contract between the state agency and the office of the secretary.
 - (B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.
 - (C) The contract is approved by the budget agency.
- (7) The division of mental health and addiction.

SECTION 69. IC 12-8-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family ~~and children~~ **resources**, the division of disability, aging, and rehabilitative services, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development, and the department of correction, including case management and service coordination.

SECTION 70. IC 12-10-11-2, AS AMENDED BY P.L.137-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board consists of the following fifteen (15) members:

- (1) The director of the division of family ~~and children resources~~ or the director's designee.
- (2) The chairman of the Indiana state commission on aging or the chairman's designee.
- (3) Three (3) citizens at least sixty (60) years of age, nominated by two (2) or more organizations that:
 - (A) represent senior citizens; and
 - (B) have statewide membership.
- (4) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:
 - (A) represent individuals with disabilities; and
 - (B) have statewide membership.
- (5) One (1) citizen less than sixty (60) years of age nominated by one (1) or more organizations that:
 - (A) represent individuals with mental illness; and
 - (B) have statewide membership.
- (6) One (1) provider who provides services under IC 12-10-10.
- (7) One (1) licensed physician, nurse, or nurse practitioner who specializes either in the field of gerontology or in the field of disabilities.
- (8) Two (2) home care services advocates or policy specialists

nominated by two (2) or more:

- (A) organizations;
- (B) associations; or
- (C) nongovernmental agencies;

that advocate on behalf of home care consumers, including an organization listed in subdivision (3) that represents senior citizens or persons with disabilities.

- (9) Two (2) members of the senate, who may not be members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.
- (10) Two (2) members of the house of representatives, who may not be members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

The members of the board listed in subdivisions (9) and (10) are nonvoting members.

(b) The members of the board designated by subsection (a)(3) through (a)(8) shall be appointed by the governor for terms of two (2) years. In case of a vacancy, the governor shall appoint an individual to serve for the remainder of the unexpired term.

(c) The division shall establish notice and selection procedures to notify the public of the board's nomination process described in this chapter. Information must be distributed through:

- (1) the area agencies on aging; and
- (2) all organizations, associations, and nongovernmental agencies that work with the division on home care issues and programs."

Page 27, between lines 5 and 6, begin a new paragraph and insert: "SECTION 72. IC 12-11-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The comprehensive plan required by section 5(3) of this chapter must include an interagency cooperation agreement among the following:

- (1) The department of education.
- (2) The division of mental health and addiction.
- (3) The division of family ~~and children~~ **resources**.
- (4) The division.
- (5) **The department of child services.**
- (6) Any other appropriate agencies.

SECTION 73. IC 12-11-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The following shall cooperate with the commission and each other in developing and updating the comprehensive plan required by section 5(3) of this chapter and in developing and complying with the interagency cooperation agreement required by section 6 of this chapter:

- (1) The department of education.
- (2) The division of mental health and addiction.
- (3) The division of family ~~and children~~ **resources**.
- (4) The division.
- (5) **The department of child services.**
- (6) Any other appropriate agencies.

SECTION 74. IC 12-13-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "council" refers to the division of family ~~and children~~ **resources** advisory council established by this chapter.

SECTION 75. IC 12-13-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of family ~~and children~~ **resources** advisory council is established."

Page 28, between lines 26 and 27, begin a new paragraph and

insert:

"SECTION 77. IC 12-13-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commission consists of nineteen (19) members appointed as follows:

- (1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.
- (2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.
- (3) The director of the division of family ~~and children resources~~ or the director's designee.
- (4) The director of the division of mental health and addiction or the director's designee.
- (5) The commissioner of the state department of health or the commissioner's designee.
- (6) The superintendent of public instruction or the superintendent's designee.
- (7) The commissioner of the department of correction or the commissioner's designee.
- (8) The director of the civil rights commission or the director's designee.
- (9) The commissioner of the department of administration or the commissioner's designee.
- (10) The director of the department of commerce or the director's designee.
- (11) A minority business person, appointed by the governor.
- (12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.
- (13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) of the persons appointed under this subdivision may be members of the same political party.

SECTION 78. IC 12-13-12-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The division of family ~~and children resources~~ shall provide staff and administrative support to the commission.

SECTION 79. IC 12-13-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The ~~division of family and children department of child services~~ shall prepare a report in an electronic format under IC 5-14-6 for the general assembly regarding the ~~division's department's~~ management of child abuse and neglect cases."

Page 29, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 81. IC 12-14-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The bureau of family resources is established within the division of family ~~and children resources~~.

SECTION 82. IC 12-14-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The codirectors of the election division shall notify the division of family ~~and children resources and the department of child services~~ of the following:

- (1) The scheduled date of each primary, general, municipal, and special election.

- (2) The jurisdiction in which the election will be held.

SECTION 83. IC 12-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A county office shall serve as an agent of the division of family ~~and children resources~~.

SECTION 84. IC 12-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division of family ~~and children resources~~ shall supervise the county offices **regarding services provided under this chapter**.

SECTION 85. IC 12-15-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The office and the division of family ~~and children resources~~ shall formulate written protocols that specify the following:

- (1) That the county offices are responsible for all eligibility determinations made under the state Medicaid program.
- (2) That the office is responsible for payment of a claim made under the state Medicaid plan.

(b) The office may enter into any contract to implement the state program.

SECTION 86. IC 12-15-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The codirectors of the election division shall provide the division of family ~~and children resources and the department of child services~~ with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of registration in each county. The division shall promptly forward the list and each revision of the list to each county office.

(b) The codirectors shall provide the division of family ~~and children resources and the department of child services~~ with pre-addressed packets for county offices to transmit applications under section 6(1) or 6(2) of this chapter.

SECTION 87. IC 12-15-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. An individual:

- (1) who is less than eighteen (18) years of age;
- (2) who is described in 42 U.S.C. 1396a(a)(10)(A)(ii); and
- (3) who is:
 - (A) a child in need of services (as defined in IC 31-34-1);
 - (B) a child placed in the custody of the ~~division of family and children department of child services~~ or a county office under IC 31-35-6-1 (or IC 31-6-5-5 before its repeal); or
 - (C) a child placed under the supervision or in the custody of the ~~division of family and children department of child services~~ or a county office by an order of the court;

is eligible to receive Medicaid.

SECTION 88. IC 12-15-9-0.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. (a) The office's claim against assets that are not included in the individual's probate estate may be enforced as set out in IC 32-17-13.

(b) Enforcement of a claim against assets that are not included in an individual's probate estate must be commenced not more than nine (9) months after the decedent's death. This limit does not apply to any assets that were not reported to the local office of the division of family ~~and children resources~~.

SECTION 89. IC 12-17-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "applicant" means either:

- (1) a school corporation; or
- (2) a nonprofit organization that:
 - (A) is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code; and
 - (B) has provided extracurricular activities or services to children continuously for at least one (1) year before the date of application for a grant under this chapter;

that applies to the division of family ~~and children resources~~ for a grant from the school age child care fund for the purpose of establishing and operating a school age child care program or for the purpose of maintaining an existing school age child care program."

Page 29, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 91. IC 12-17-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "agency" means a department, a commission, a council, a board, a bureau, a division, a service, an office, or an administration that is responsible for providing services to infants and toddlers with disabilities and their families, including the following:

- (1) The division of mental health and addiction.
- (2) The state department of health.
- (3) The division of family ~~and children resources~~.
- (4) The division of disability, aging, and rehabilitative services.
- (5) The department of education.

SECTION 92. IC 12-17.2-2-1.5, AS AMENDED BY P.L.1-2005, SECTION 135, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) The division shall require all child care centers or child care homes to submit a report containing the names and birth dates of all children who are enrolled in the child care center or child care home within three (3) months from the date the child care center or child care home accepts its first child, upon receiving the consent of the child's parent, guardian, or custodian as required under subsection (b). The division shall require all child care centers and child care homes that receive written consent as described under subsection (b) to submit a monthly report of the name and birth date of each additional child who has been enrolled in or withdrawn from the child care center or child care home during the preceding thirty (30) days.

(b) The division shall require all child care centers or child care homes to request whether the child's parent, guardian, or custodian desires the center or home to include the child's name and birth date in the reports described under subsection (a) before enrolling the child in the center or home. No child's name or birth date may be included on the report required under subsection (a) without the signed consent of the child's parent, guardian, or custodian. The consent form must be in the following form:

"I give my permission for _____ (name of day care center or home) to report the name and birth date of my child or children to the division of family ~~and children resources~~ pursuant to IC 12-17.2-2-1.5.

Name of child _____

Birth date _____

Signature of parent, guardian, or custodian _____

Date _____"

(c) The division shall submit a monthly report of the information provided under subsection (a) to the Indiana clearinghouse on missing

children established under IC 10-13-5.

(d) The division shall require that a person who transports children who are in the care of the child care center on a public highway (as defined in IC 9-25-2-4) within or outside Indiana in a vehicle designed and constructed for the accommodation of more than ten (10) passengers must comply with the same requirements set forth in IC 20-27-9-12 for a public elementary or secondary school or a preschool operated by a school corporation."

Page 30, between lines 2 and 3, begin a new paragraph and insert: "SECTION 94. IC 12-17.2-2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The division may grant a variance or waiver of a rule governing child care centers, ~~or child care homes. child caring institutions, foster homes, group homes, or child placing agencies.~~ A variance or waiver granted under this section must promote statewide practices and must protect the rights of persons affected by this article.

(b) The division may grant a variance to a rule if an applicant for a license or a licensee under this chapter does the following:

- (1) Submits to the division a written request for the variance in the form and manner specified by the division.
- (2) Documents that compliance with an alternative method of compliance approved by the division will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the variance, as determined by the division.

(c) A variance granted under subsection (b) must be conditioned upon compliance with the alternative method approved by the division. Noncompliance constitutes the violation of a rule of the division and may be the basis for revoking the variance.

(d) The division may grant a waiver of a rule if an applicant for a license or a licensee under this chapter does the following:

- (1) Submits to the division a written request for the waiver in the form and manner specified by the division.
- (2) Documents that compliance with the rule specified in the application for the waiver will create an undue hardship on the applicant for the waiver, as determined by the division.
- (3) Documents that the applicant for the waiver will be in substantial compliance with the rules adopted by the division after the waiver is granted, as determined by the division.
- (4) Documents that noncompliance with the rule specified in the application for a waiver will not be adverse to the health, safety, or welfare of a child receiving services from the applicant for the waiver, as determined by the division.

(e) Except for a variance or waiver of a rule governing child care homes, ~~or foster homes~~, a variance or waiver of a rule under this section that conflicts with a building rule or fire safety rule adopted by the fire prevention and building safety commission is not effective until the variance or waiver is approved by the fire prevention and building safety commission.

SECTION 95. IC 12-17.2-3.2-2, AS ADDED BY P.L.107-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The committee on child care is established.

(b) The committee consists of the following voting members:

- (1) Two (2) members of the house of representatives appointed by the speaker of the house of representatives. Members appointed under this subdivision may not be members of the same political party.

(2) Two (2) members of the senate appointed by the president pro tempore of the senate. Members appointed under this subdivision may not be members of the same political party.

(3) The director of the division of family ~~and children resources~~ or the director's designee.

(4) The commissioner of the department of workforce development or the commissioner's designee.

(5) One (1) individual who holds a degree in the study of early childhood development.

(6) One (1) administrator of an elementary school.

(7) One (1) individual who operates or administers a Head Start program.

(8) One (1) individual who operates or administers a child care center.

(9) One (1) individual who operates or administers a class I child care home.

(10) One (1) individual who operates or administers a class II child care home.

(11) One (1) individual who operates or administers a child care ministry.

(12) One (1) individual who operates or administers an after school care program.

(13) One (1) individual who operates or administers child care in an employer offered setting.

(14) One (1) individual who is a consumer of child care and who does not operate or administer a child care program.

(15) The state fire marshal or the state fire marshal's designee.

(c) The president pro tempore of the senate shall appoint the members listed in ~~subsections~~ **subsection** (b)(5), (b)(8), (b)(9), (b)(12), and (b)(14). In making the appointments, the president pro tempore of the senate shall attempt to appoint individuals that represent both rural and urban areas. The president pro tempore of the senate shall appoint a member described in subsection (b)(2) as chairperson of the committee in 2006.

(d) The speaker of the house of representatives shall appoint the members listed in subsections (b)(6), (b)(7), (b)(10), (b)(11), and (b)(13). In making the appointments, the speaker of the house of representatives shall attempt to appoint individuals that represent both rural and urban areas. The speaker of the house of representatives shall appoint a member described in subsection (b)(1) as chairperson of the committee in 2005.

SECTION 96. IC 12-17.2-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A license may be issued only if a child care center is in compliance with food, health, safety, and sanitation standards as determined by the division under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(b) A license may be issued only if the child care center is in substantial compliance with the fire and life safety rules as determined by the state fire marshal under rules adopted by the division under IC 12-17.2-2-4 or in accordance with a variance or waiver approved by the division under IC 12-17.2-2-10.

(c) The division may issue a waiver or variance regarding a determination by the division or the state fire marshal under subsections (a) and (b).

(d) At least one (1) adult individual who maintains annual certification in a course of cardiopulmonary resuscitation applicable to all age groups of children cared for by the child care center shall be present at all times when a child is in the care of a child care center.

(e) An individual who:

(1) is employed; or

(2) volunteers;

as a caregiver at a child care center shall maintain current certification in first aid applicable to all age groups of children cared for by the child care center.

(f) Upon request, the county office of family and children shall provide, within forty-eight (48) hours, excluding weekends and holidays, copies of substantiated noncompliances and other substantiated complaints filed with the division of family ~~and children resources~~ concerning a licensed child care center.

SECTION 97. IC 12-17.2-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care center license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) The applicant must submit with the application a statement attesting that the applicant:

(1) has not been convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35; and

(2) has not been charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under section 35 of this chapter; or

(D) a misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15~~ **IC 10-13-3-39**.

(e) The applicant must do the following:

(1) Conduct a criminal history check of the applicant's employees and volunteers.

(2) Maintain records of each criminal history check.

SECTION 98. IC 12-17.2-4-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care center and report the division's findings to the attorney general and to the ~~county department of public welfare~~ **division's** attorney and the prosecuting attorney in the county where the child care center is located.

(b) The attorney general or the ~~county department of public welfare~~ **division's** attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care center if there is reasonable cause to believe that:

(A) the child care center is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care center is operating without a license required under this article.

(c) The division may provide for the removal of children from child care centers described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 99. IC 12-17.2-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) An applicant must apply for a child care home license on forms provided by the division.

(b) An applicant must submit the required information as part of the application.

(c) An applicant must submit with the application a statement attesting that the applicant has not been:

(1) convicted of:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter; and

(2) charged with:

(A) a felony;

(B) a misdemeanor relating to the health or safety of children;

(C) a misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or

(D) a misdemeanor for operating a child care home without a license under section 35 of this chapter;

during the pendency of the application.

(d) An applicant must submit the necessary information, forms, or consents for the division to:

(1) conduct a criminal history check on the applicant's spouse; and

(2) obtain a national criminal history background check on the applicant through the state police department under ~~IC 5-2-5-15~~. **IC 10-13-3-39.**

(e) An applicant must do the following:

(1) Conduct a criminal history check of the applicant's:

(A) employees;

(B) volunteers; and

(C) household members who are:

(i) at least eighteen (18) years of age; or

(ii) less than eighteen (18) years of age but have previously been waived from juvenile court to adult court.

(2) Maintain records of each criminal history check.

SECTION 100. IC 12-17.2-5-6.5, AS AMENDED BY P.L.162-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet:

(A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, except for any illumination requirements, in effect at the time the class II child care home provider initially applies for licensure; and

(B) the illumination requirements established in section 6.3(b)(2)(D) of this chapter.

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family ~~and children resources~~ for class II child care homes.

(9) Complete the training course taught or approved by the division concerning safe sleeping practices for a child within the person's care as described in IC 12-17.2-2-1(10).

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center.

SECTION 101. IC 12-17.2-5-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) The division shall investigate a report of an unlicensed child care home and report the division's findings to the attorney general and to the ~~county department of public welfare division's~~ attorney and the prosecuting attorney in the county where the child care home is located.

(b) The attorney general or the county department of public welfare attorney may do the following:

(1) Seek the issuance of a search warrant to assist in the investigation.

(2) File an action for injunctive relief to stop the operation of a child care home if there is reasonable cause to believe that:

(A) the child care home is operating without a license required under this article; or

(B) a licensee's noncompliance with this article and the rules adopted under this article creates an imminent danger of serious bodily injury to a child or an imminent danger to the health of a child.

(3) Seek in a civil action a civil penalty not to exceed one hundred dollars (\$100) a day for each day a child care home is operating without a license required under this article.

(c) The division may provide for the removal of children from child care homes described in subsection (b).

(d) An opportunity for an informal meeting with the division shall be available after the injunctive relief is ordered.

(e) The civil penalties collected under this section shall be deposited in the child care fund.

(f) Section 34 of this chapter does not apply to the civil penalties imposed under this section.

SECTION 102. IC 12-17.2-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon the completion of the inspections required under this chapter, a notice signed by the inspectors from the division and the office of the state fire marshal shall be issued to the operator of each child care ministry found to be in compliance. The notice shall be placed in a conspicuous place in the child care ministry, and must be in substantially the following form:

"THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state rules concerning health and sanitation in child care ministries.

DATE _____

SIGNATURE _____

DIVISION OF FAMILY ~~AND CHILDREN~~ **RESOURCES**
THIS UNLICENSED REGISTERED CHILD CARE MINISTRY has been inspected and complies with state law concerning fire safety and life safety.

DATE _____

SIGNATURE _____

STATE FIRE
MARSHAL'S OFFICE".

Page 30, line 26, strike "protection".

Page 30, line 26, after "services" insert "(as defined in IC 12-19-7-1)".

Page 30, line 29, delete "IC 31-33" and insert "IC 31-25 through IC 31-40".

Page 32, line 21, after "by" insert "the department or".

Page 32, line 21, after "county" insert "office".

Page 32, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 105. IC 12-20-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A township trustee is not under the jurisdiction of the division of family ~~and children~~ **resources**.

(b) The division of family ~~and children~~ **resources**:

(1) may not subject a township trustee to investigation concerning the trustee's official duties; and

(2) has no authority to make a report with reference to the official duties of a township trustee.

SECTION 106. IC 12-20-6-3, AS AMENDED BY P.L.73-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Each township trustee shall obtain information about public assistance programs and services administered by the division of family ~~and children~~ **resources** and county offices under this article, the Social Security Administration, the federal Food Stamp program (7 U.S.C. 2011 et seq.), or by another federal or state governmental entity. If a trustee believes a township assistance applicant or a member of the applicant's household may be eligible for a public assistance program, the trustee may not extend aid to the applicant or the applicant's household unless the applicant verifies that:

(1) the applicant has filed, within the one hundred eighty (180) days preceding the application for township assistance, an application for assistance under a federal or state public assistance program administered by the division of family ~~and children~~ **resources** and county offices or by another federal or state governmental entity;

(2) the applicant or a member of the applicant's household is receiving assistance under a public assistance program administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity; or

(3) the applicant or a member of the applicant's household has an emergency need that the trustee determines must be met immediately.

SECTION 107. IC 12-20-6-5, AS AMENDED BY P.L.73-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If the township trustee determines that an applicant or a member of the applicant's household who is granted emergency township assistance under section 3(3) of this chapter may be eligible for public assistance other than township assistance, the applicant shall, not more than fifteen (15) working days after the date that emergency township assistance was granted, file an application for public assistance and comply with all the requirements necessary for completing the application process for public assistance administered by the division of family ~~and children~~ **resources** and county offices or another federal or state governmental entity. An applicant or a member of the applicant's household who fails to file an application for public assistance not more than fifteen (15) working days after the date that emergency township assistance was granted may not be granted township assistance for sixty (60) days following the grant of township assistance on an emergency basis.

SECTION 108. IC 12-20-6-5.5, AS AMENDED BY P.L.73-2005, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section does not apply in an emergency.

(b) If, before granting township assistance, the township trustee determines that an applicant or a member of an applicant's household may be eligible for public assistance other than township assistance, the applicant or household member shall, when referred by the township trustee, make an application and comply with all necessary requirements for completing the application process for public assistance administered by:

(1) the division of family ~~and children~~ **resources** and county offices; or

- (2) any other federal or state governmental entity.
- (c) An applicant or a household member who fails to:
 - (1) file an application as specified in subsection (b); and
 - (2) show evidence that the application, as referred by the township trustee, was filed not more than fifteen (15) working days after the township trustee's referral;

may be denied township assistance for not more than sixty (60) days.

SECTION 109. IC 12-20-7-1, AS AMENDED BY P.L.73-2005, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Each applicant and each adult member of the applicant's household seeking township assistance must consent to a disclosure and release of information about the applicant and the applicant's household before township assistance may be provided by the township trustee. The consent must be made by signing a form prescribed by the state board of accounts. The form must include the following:

- (1) The applicant's name, case number, and address.
- (2) The types of information being solicited, including the following:
 - (A) Countable income.
 - (B) Countable assets.
 - (C) Wasted resources.
 - (D) Relatives capable of providing assistance.
 - (E) Past or present employment.
 - (F) Pending claims or causes of action.
 - (G) A medical condition if relevant to work or workfare requirements.
 - (H) Any other information required by law.
- (3) The names of individuals, agencies, and township trustee offices that will receive the information.
- (4) The expiration date of the permission to disclose information.
- (b) Information that is declared to be confidential by state or federal statute may not be obtained under the consent form prescribed by this section.
- (c) The township trustee shall keep on file and shall make available to the division of family ~~and children~~ **resources** and office of Medicaid policy and planning upon request a copy of the signed consent form described in subsection (a).
- (d) The township trustee shall send to the county office a copy of the signed consent form described in subsection (a).
- (e) The division of family ~~and children~~ **resources**, county offices, and the office of Medicaid policy and planning shall make available to the township trustee upon request a copy of signed consent to disclosure and release of information forms in each entity's files.
- (f) If an individual who is required to sign a form under this section is unable to sign the form in the township trustee's office due to a physical or mental disability or illness, the township trustee shall make alternate arrangements to obtain the individual's signature.

SECTION 110. IC 12-20-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The division of family ~~and children~~ **resources** and county offices shall use the consent forms received under this chapter to do the following:

- (1) Assist in making eligibility determinations for public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.
- (2) Assist in reducing fraud and abuse in public assistance programs administered by the division of family ~~and children~~ **resources** and county offices.

resources and county offices.

SECTION 111. IC 12-20-7-5, AS AMENDED BY P.L.73-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Information that is received through the use of a consent form described in section 1 of this chapter and that is not a public record open to inspection and copying under any statute may be used only in connection with the following:

- (1) The administration of the township trustee's township assistance program.
- (2) The administration of public assistance programs that are administered by the division of family ~~and children~~ **resources** and county offices.

SECTION 112. IC 12-20-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A township trustee, an assistant of a township trustee, or an employee or a director of the division of family ~~and children~~ **resources**, the office of Medicaid policy and planning, and county offices who knowingly discloses or uses information that is obtained through the use of a consent form described in section 1 of this chapter, except as authorized by this chapter, commits a Class A misdemeanor.

SECTION 113. IC 12-20-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A township trustee may not provide food assistance for more than thirty (30) days unless an individual files an application with the township trustee that includes the following:

- (1) Evidence of application for food stamps from the division of family ~~and children~~ **resources**.
- (2) The amount of assistance received or the reason for denial of assistance.

(b) The township trustee shall inform an applicant for food assistance that food stamps may be available from the division of family ~~and children~~ **resources** and that the township trustee may not provide food assistance for more than thirty (30) days unless the individual files an application for food stamps with the division of family ~~and children~~ **resources**.

SECTION 114. IC 12-20-25-8, AS AMENDED BY P.L.73-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Upon receipt of a certification under section 7 of this chapter, the governor shall appoint a four (4) member management committee to assume the township trustee's duties as administrator of township assistance. The committee must consist of one (1) representative from each of the following:

- (1) The budget agency. This member serves as chairperson.
- (2) The state board of accounts.
- (3) The department.
- (4) The division of family ~~and children~~ **resources**.

SECTION 115. IC 12-20-25-29, AS AMENDED BY P.L.73-2005, SECTION 130, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A township assistance control board is established for each distressed township. The governor shall appoint the following members to the control board:

- (1) The budget director or the director's designee, who shall serve as the chairman of the board.
- (2) One (1) representative of the state board of accounts.
- (3) One (1) representative of the department.
- (4) One (1) representative of the division of family ~~and children~~ **resources**.

- (5) One (1) elected public official of the county.
- (6) One (1) township trustee.
- (7) One (1) individual who:
 - (A) resides in the county or is employed in the county by an employer paying taxes in the county; and
 - (B) is or agrees to become familiar with township assistance.
- (8) The township trustee of the distressed township, who shall serve as a nonvoting ex officio member of the control board.
- (b) The members of the control board serve at the pleasure of the governor.

(c) Each member of the board who is not a state employee or an elected official is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 116. IC 12-20-28-3, AS AMENDED BY P.L.180-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The definitions in this section apply to a report that is required to be filed under this section.

(b) As used in this section, "case contact" means any act of service in which a township employee has reason to enter a comment or narrative into the record of an application for township assistance under this article regardless of whether the applicant receives or does not receive township assistance funds.

(c) As used in this section, "total number of households containing township assistance recipients" means the sum to be determined by counting the total number of individuals who file an application for which assistance is granted. A household may be counted only once during a calendar year regardless of the number of times assistance is provided if the same individual makes the application for assistance.

(d) As used in this section, "total number of recipients" means the number of individuals who are members of a household that receives assistance on at least one (1) occasion during the calendar year. An individual may be counted only one (1) time during a calendar year regardless of the:

- (1) number of times assistance is provided; or
- (2) number of households in which the individual resides during a particular year.

(e) As used in this section, "total number of requests for assistance" means the number of times an individual or a household separately requests any type of township assistance.

(f) The township trustee shall file an annual statistical report on township housing, medical care, utility assistance, food assistance, burial assistance, food pantry assistance, services related to representative payee programs, services related to special nontraditional programs, and case management services with the state board of accounts. The township trustee shall provide a copy of the annual statistical report to the county auditor. The county auditor shall keep the copy of the report in the county auditor's office. Except as provided in subsection (k), the report must be made on a form provided by the state board of accounts. The report must contain the following information:

- (1) The total number of requests for assistance.
- (2) The total number of each of the following:

- (A) Recipients of township assistance.
- (B) Households containing recipients of township assistance.
- (C) Case contacts made with or on behalf of:
 - (i) recipients of township assistance; or
 - (ii) members of a household receiving township assistance.
- (3) The total value of benefits provided to recipients of township assistance.
- (4) The total value of benefits provided through the efforts of township staff from sources other than township funds.
- (5) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving utility assistance.
 - (B) Recipients assisted by township staff in receiving utility assistance from sources other than township funds.
- (6) The total value of benefits provided for the payment of utilities, including the value of benefits of utility assistance provided through the efforts of township staff from sources other than township funds.
- (7) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving housing assistance.
 - (B) Recipients assisted by township staff in receiving housing assistance from sources other than township funds.
- (8) The total value of benefits provided for housing assistance, including the value of benefits of housing assistance provided through the efforts of township staff from sources other than township funds.
- (9) The total number of each of the following:
 - (A) Recipients of township assistance and households receiving food assistance.
 - (B) Recipients assisted by township staff in receiving food assistance from sources other than township funds.
- (10) The total value of food assistance provided, including the value of food assistance provided through the efforts of township staff from sources other than township funds.
- (11) The total number of each of the following:
 - (A) Recipients of township assistance and households provided health care.
 - (B) Recipients assisted by township staff in receiving health care assistance from sources other than township funds.
- (12) The total value of health care provided, including the value of health care assistance provided through the efforts of township staff from sources other than township funds.
- (13) The total number of funerals, burials, and cremations.
- (14) The total value of funerals, burials, and cremations, including the difference between the:
 - (A) actual value of the funerals, burials, and cremations; and
 - (B) amount paid by the township for the funerals, burials, and cremations.
- (15) The total of each of the following:
 - (A) Number of nights of emergency shelter provided to the homeless.
 - (B) Number of nights of emergency shelter provided to homeless individuals through the efforts of township staff from sources other than township funds.
 - (C) Value of the nights of emergency shelter provided to homeless individuals by the township and the value of the

nights of emergency shelter provided through the efforts of the township staff from sources other than township funds.

(16) The total of each of the following:

(A) Number of referrals of township assistance applicants to other programs.

(B) Value of the services provided by the township in making referrals to other programs.

(17) The total number of training programs or job placements found for recipients of township assistance with the assistance of the township trustee.

(18) The number of hours spent by recipients of township assistance at workfare.

(19) The total value of the services provided by workfare to the township and other agencies.

(20) The total amount of reimbursement for assistance received from:

(A) recipients;

(B) members of recipients' households; or

(C) recipients' estates;

under IC 12-20-6-10, IC 12-20-27-1, or IC 12-20-27-1.5.

(21) The total amount of reimbursement for assistance received from medical programs under IC 12-20-16-2(e).

(22) The total of each of the following:

(A) Number of individuals assisted through a representative payee program.

(B) Amount of funds processed through the representative payee program that are not township funds.

(23) The total of each of the following:

(A) Number of individuals assisted through special nontraditional programs provided through the township without the expenditure of township funds.

(B) Amount of funds used to provide the special nontraditional programs that are not township funds.

(24) The total of each of the following:

(A) Number of hours an investigator of township assistance spends providing case management services to a recipient of township assistance or a member of a household receiving township assistance.

(B) Value of the case management services provided.

(25) The total number of housing inspections performed by the township.

If the total number or value of any item required to be reported under this subsection is zero (0), the township trustee shall include the notation "0" in the report where the total number or value is required to be reported.

(g) The state board of accounts shall compare and compile all data reported under subsection (f) into a statewide statistical report. The department shall summarize the data compiled by the state board of accounts that relate to the fixing of township budgets, levies, and tax rates and shall include the department's summary within the statewide statistical report prepared under this subsection. Before July 1, of each year, the state board of accounts shall file the statewide statistical report prepared under this subsection with the executive director of the legislative services agency in an electronic format under IC 5-14-6.

(h) The state board of accounts shall forward a copy of:

(1) each annual report forwarded to the board under subsection (f); and

(2) the statewide statistical report under subsection (g); to the department and the division of family ~~and children~~ **resources**.

(i) The division of family ~~and children~~ **resources** shall include in the division's periodic reports made to the United States Department of Health and Human Services concerning the Temporary Assistance to Needy Families (TANF) and Supplemental Security Income (SSI) programs information forwarded to the division under subsection (h) concerning the total number of recipients of township assistance and the total dollar amount of benefits provided.

(j) The department may not approve the budget of a township trustee who fails to file an annual report under subsection (f) in the preceding calendar year.

(k) This section does not prevent the electronic transfer of data required to be reported under IC 12-2-1-40 (before its repeal) or this section if the following conditions are met:

(1) The method of reporting is acceptable to both the township trustee reporting the information and the governmental entity to which the information is reported.

(2) A written copy of information reported by electronic transfer is on file with the township trustee reporting information by electronic means.

(l) The information required to be reported by the township trustee under this section shall be maintained by the township trustee in accordance with IC 5-15-6."

Page 32, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 118. IC 12-22-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The bureau head is responsible for the following:

(1) Developing a definition and criteria for emotional disturbance and serious emotional disturbance.

(2) Assessing current and projected needs for emotionally disturbed children and youth within geographic areas of Indiana.

(3) Developing an annual plan for children's mental health services, including an implementation plan and fiscal requirements.

(4) Developing the budget and budget requests for the bureau.

(5) Implementing plans required under federal Public Law 99-660 (1986).

(6) Developing and coordinating programs and services for prevention and family support.

(7) Providing technical assistance and oversight of children's mental health programs and services within mental health facilities that are licensed or certified by the state.

(8) Coordinating with the director of the ~~division of family and children~~ **department of child services** on matters concerning children with mental health needs.

(9) Coordinating with other bureaus of the division.

(10) Maintaining sufficient staff to carry out the duties of the bureau.

SECTION 119. IC 12-24-13-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The ~~division of family and children~~ **department of child services** or a county office is responsible for the cost of treatment or maintenance of a child under the ~~division's~~ **department's** or county office's custody or

supervision who is placed in a state institution only if the cost is reimbursable under the state Medicaid program under IC 12-15.

SECTION 120. IC 12-26-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the comfort and the care of an individual are not otherwise provided:

- (1) from the individual's estate;
- (2) by the individual's relatives or friends; or
- (3) through financial assistance from the **department of child services, the division of family and children resources**, or a county office;

the court may order the assistance furnished and paid for out of the general fund of the county.

SECTION 121. IC 12-30-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The superintendent of a county home shall carefully observe the rules prescribed by the board of commissioners and shall be guided by suggestions that are made by the division of family ~~and children resources~~ and the county office. The superintendent shall make reports to the board of commissioners when the board of commissioners orders and shall make reports to the division of family ~~and children resources~~ when directed by the division.

SECTION 122. IC 12-30-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The members of the county home board serve without salary, but are entitled to receive for each mile actually and necessarily traveled:

- (1) within the county in going to and from officially called meetings of the county home board; and
- (2) within Indiana in going to and from meetings of the county home board officially called by the division of family ~~and children resources~~;

an amount for mileage at a rate determined by the county fiscal body.

(b) A member not holding other lucrative elective or appointive office may receive a per diem allowance of not more than twenty-five dollars (\$25) for attendance at any regularly called meeting of the county home board. Per diem allowances may not exceed twenty-five dollars (\$25) to any one (1) member in a calendar month and may be paid only if the amount has been made available by appropriation.

SECTION 123. IC 12-30-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) This section applies to a county having a consolidated city.

(b) The county home board shall fix a schedule of charges for the care and maintenance of patients or residents and the effective date of the schedule. A schedule of charges established under this section is not effective until after the charges have been approved by resolution of the city-county council. In establishing the schedule of charges, the county home board may fix different rates based on different types or classes of care. If the home is licensed under state or federal laws that authorize or fix different classes of care, those classifications authorized or fixed by law are a sufficient basis for classification in the schedule of charges. The schedule of charges may also provide that separate and additional charges may be charged for special treatments, drugs, medical service, appliances, and other auxiliary services that are not included in the classification of care.

(c) This section is the exclusive basis of determining the charges to be made to patients and residents of a county home and the provisions of any other laws regarding those rates, including laws concerning county institutions, relief of poor persons, township trustees, county

offices of the division of family ~~and children resources~~, and boards of commissioners, do not apply. However, a rate established under this section must be based on a fair and reasonable estimate of the cost of the care and may not anticipate any profit from rendering the care."

Page 34, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 126. IC 16-21-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The hospital council is created.

(b) The council consists of nine (9) members appointed by the governor as follows:

- (1) One (1) must be a licensed physician.
- (2) One (1) must be a registered nurse licensed under IC 25-23 and experienced in providing acute care services.
- (3) Three (3) must be individuals engaged in hospital administration.
- (4) One (1) must be an individual engaged in freestanding ambulatory outpatient surgical center administration.
- (5) One (1) must be from the division of family ~~and children resources~~.
- (6) One (1) must be the state health commissioner.
- (7) One (1) must be an individual who is not associated with hospitals, except as a consumer.

(c) Except for the members of the council appointed under subsection (b)(3) and (b)(4), a member of the council may not have a pecuniary interest in the operation of, or provide professional services through employment or under contract to, an institution or agency licensed under this article.

SECTION 127. IC 16-22-8-34, AS AMENDED BY P.L.184-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) The board or corporation may do all acts necessary or reasonably incident to carrying out the purposes of this chapter, including the following:

- (1) As a municipal corporation, sue and be sued in any court with jurisdiction.
- (2) To serve as the exclusive local board of health and local department of health within the county with the powers and duties conferred by law upon local boards of health and local departments of health.
- (3) To adopt and enforce ordinances consistent with Indiana law and administrative rules for the following purposes:
 - (A) To protect property owned or managed by the corporation.
 - (B) To determine, prevent, and abate public health nuisances.
 - (C) To establish quarantine regulations, impose restrictions on persons having infectious or contagious diseases and contacts of the persons, and regulate the disinfection of premises.
 - (D) To license, regulate, and establish minimum sanitary standards for the operation of a business handling, producing, processing, preparing, manufacturing, packing, storing, selling, distributing, or transporting articles used for food, drink, confectionery, or condiment in the interest of the public health.
 - (E) To control:
 - (i) rodents, mosquitos, and other animals, including insects, capable of transmitting microorganisms and disease to humans and other animals; and
 - (ii) the animal's breeding places.

- (F) To require persons to connect to available sewer systems and to regulate the disposal of domestic or sanitary sewage by private methods. However, the board and corporation has no jurisdiction over publicly owned or financed sewer systems or sanitation and disposal plants.
- (G) To control rabies.
- (H) For the sanitary regulation of water supplies for domestic use.
- (I) To protect, promote, or improve public health. For public health activities and to enforce public health laws, the state health data center described in IC 16-19-10 shall provide health data, medical information, and epidemiological information to the corporation.
- (J) To detect, report, prevent, and control disease affecting public health.
- (K) To investigate and diagnose health problems and health hazards.
- (L) To regulate the sanitary and structural conditions of residential and nonresidential buildings and unsafe premises.
- (M) To license and regulate the design, construction, and operation of public pools, spas, and beaches.
- (N) To regulate the storage, containment, handling, use, and disposal of hazardous materials.
- (O) To license and regulate tattoo parlors and body piercing facilities.
- (4) To manage the corporation's hospitals, medical facilities, and mental health facilities.
- (5) To furnish health and nursing services to elementary and secondary schools within the county.
- (6) To furnish medical care to the indigent within the county unless medical care is furnished to the indigent by the division of family ~~and children~~ **resources**.
- (7) To determine the public health policies and programs to be carried out and administered by the corporation.
- (8) To adopt an annual budget ordinance and levy taxes.
- (9) To incur indebtedness in the name of the corporation.
- (10) To organize the personnel and functions of the corporation into divisions and subdivisions to carry out the corporation's powers and duties and to consolidate, divide, or abolish the divisions and subdivisions.
- (11) To acquire and dispose of property.
- (12) To receive and make gifts.
- (13) To receive and distribute federal, state, local, or private grants.
- (14) To erect buildings or structures or improvements to existing buildings or structures.
- (15) To determine matters of policy regarding internal organization and operating procedures.
- (16) To do the following:
 - (A) Adopt a schedule of reasonable charges for nonresidents of the county for medical and mental health services.
 - (B) Collect the charges from the patient or from the governmental unit where the patient resided at the time of the service.
 - (C) Require security for the payment of the charges.
- (17) To adopt a schedule of and to collect reasonable charges for patients able to pay in full or in part.

- (18) To enforce Indiana laws, administrative rules, and the code of the health and hospital corporation of the county.
- (19) To purchase supplies, materials, and equipment for the corporation.
- (20) To employ personnel and establish personnel policies to carry out the duties, functions, and powers of the corporation.
- (21) To employ attorneys admitted to practice law in Indiana.
- (22) To acquire, erect, equip, and operate the corporation's hospitals, medical facilities, and mental health facilities.
- (23) To dispose of surplus property in accordance with a policy by the board.
- (24) To determine the duties of officers and division directors.
- (25) To fix the compensation of the officers and division directors.
- (26) To carry out the purposes and object of the corporation.
- (27) To obtain loans for hospital expenses in amounts and upon terms agreeable to the board. The board may secure the loans by pledging accounts receivable or other security in hospital funds.
- (28) To establish fees for licenses, services, and records. The corporation may accept payment by credit card for fees.

(b) The board shall exercise the board's powers and duties in a manner consistent with Indiana law, administrative rules, and the code of the health and hospital corporation of the county.

SECTION 128. IC 16-28-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana health facilities council is created. The council consists of fourteen (14) members as follows:

- (1) One (1) licensed physician.
- (2) Two (2) administrators, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.
- (3) One (1) administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.
- (4) One (1) registered nurse licensed under IC 25-23.
- (5) One (1) registered pharmacist licensed under IC 25-26.
- (6) Two (2) citizens having knowledge or experience in the field of gerontology.
- (7) One (1) representative of a statewide senior citizens organization.
- (8) One (1) citizen having knowledge or experience in the field of mental health.
- (9) One (1) nurse-educator of a practical nurse program.
- (10) The commissioner.
- (11) The director of the division of family ~~and children~~ **resources** or the director's designee.
- (12) The director of the division of disability, aging, and rehabilitative services or the director's designee.
- (b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.
- (c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.
- (d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this

article.

SECTION 129. IC 16-28-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The council shall do the following:

- (1) Propose the adoption of rules by the department under IC 4-22-2 governing the following:
 - (A) Health and sanitation standards necessary to protect the health, safety, security, rights, and welfare of patients.
 - (B) Qualifications of applicants for licenses issued under this article to assure the proper care of patients.
 - (C) Operation, maintenance, management, equipment, and construction of facilities required to be licensed under this article if jurisdiction is not vested in any other state agency.
 - (D) Manner, form, and content of the license, including rules governing disclosure of ownership interests.
 - (E) Levels of medical staffing and medical services in cooperation with the office of Medicaid policy and planning, division of family and children resources, and other agencies authorized to pay for the services.
- (2) Recommend to the fire prevention and building safety commission fire safety rules necessary to protect the health, safety, security, rights, and welfare of patients.
- (3) Classify health facilities in health care categories.
- (4) Encourage the development of social and habilitative programs in health facilities, as recommended by the community residential facilities council.
- (5) Act as an advisory body for the division, commissioner, and state department.
- (6) Adopt rules under IC 4-22-2. ~~as provided in IC 16-29-1-13.~~

SECTION 130. IC 16-33-4-11, AS AMENDED BY P.L.1-2005, SECTION 147, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) After an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including consideration of appropriateness of placement, and with the approval of the state health commissioner or the commissioner's designee, the superintendent of the home shall receive as a resident in the home a child if the child meets the requirements under subsection (b).

(b) Before the child may be received as a resident in the home under subsection (a) the child must meet the following requirements:

- (1) The parent or parents of the child are Indiana residents immediately before application or the child is physically present in Indiana immediately before application.
- (2) The child is at least three (3) years of age but less than eighteen (18) years of age.
- (3) The child is in need of residential care and education.

(c) If the applications of all children of members of the armed forces have been considered and space is available, the superintendent of the home may, if a child meets the requirements under subsection (b), receive as residents in the home the:

- (1) grandchildren;
- (2) stepchildren;
- (3) brothers;
- (4) sisters;
- (5) nephews; and
- (6) nieces;

of members of the armed forces who are in need of residential care

and education.

(d) If the applications of all children eligible for residence under subsections (a) through (c) have been considered and if space is available, the superintendent may accept for residence children referred:

- (1) by the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1; IC 31-33-1.5-2~~; or
- (2) by the division of special education established by IC 20-35-2-1;

subject to an adequate investigation as determined by the superintendent of the home or the superintendent's designee, including a consideration of appropriateness of placement, and the approval of the state health commissioner or the commissioner's designee.

SECTION 131. IC 16-33-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) An application for admission to the home may be made by a responsible parent, a guardian, a representative of the court, or the county office of family and children.

(b) If an application is submitted by a person other than a responsible parent or guardian, the superintendent of the home shall cooperate with the appropriate county office of family and children, either directly or through the ~~division of family and children;~~ **department of child services**, to ensure that an appropriate case study is made upon application and continued throughout the period the child resides at the home.

SECTION 132. IC 16-33-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Each child, the estate of the child, the parent or parents of the child, or the guardian of the child, individually or collectively, are liable for the payment of the costs of maintenance of the child of up to one hundred percent (100%) of the per capita cost, except as otherwise provided. The cost shall be computed annually by dividing the total annual cost of operation for the fiscal year, exclusive of the cost of education programs, construction, and equipment, by the total child days each year. The maintenance cost shall be referred to as maintenance charges. The charge may not be levied against any of the following:

- (1) The ~~division of family and children~~ **department of child services** or the county office of family and children to be derived from county tax sources.
- (2) A child orphaned by reason of the death of the natural parents.

(b) The billing and collection of the maintenance charges as provided for in subsection (a) shall be made by the superintendent of the home based on the per capita cost for the preceding fiscal year. All money collected shall be deposited in a fund to be known as the Indiana soldiers' and sailors' children's home maintenance fund. The fund shall be used by the state health commissioner for the:

- (1) preventative maintenance; and
- (2) repair and rehabilitation;

of buildings of the home that are used for housing, food service, or education of the children of the home.

(c) The superintendent of the home may, with the approval of the state health commissioner, agree to accept payment at a lesser rate than that prescribed in subsection (a). The superintendent of the home shall, in determining whether or not to accept the lesser amount, take into consideration the amount of money that is necessary to maintain or support any member of the family of the child. All agreements to

accept a lesser amount are subject to cancellation or modification at any time by the superintendent of the home with the approval of the state health commissioner.

(d) A person who has been issued a statement of amounts due as maintenance charges may petition the superintendent of the home for a release from or modification of the statement and the superintendent shall provide for hearings to be held on the petition. The superintendent of the home may, with the approval of the state health commissioner and after the hearing, cancel or modify the former statement and at any time for due cause may increase the amounts due for maintenance charges to an amount not to exceed the maximum cost as determined under subsection (a).

(e) The superintendent of the home may arrange for the establishment of a graduation or discharge trust account for a child by arranging to accept a lesser rate of maintenance charge. The trust fund must be of sufficient size to provide for immediate expenses upon graduation or discharge.

(f) The superintendent may make agreements with instrumentalities of the federal government for application of any monetary awards to be applied toward the maintenance charges in a manner that provides a sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied toward the settlement of maintenance charges may not exceed the amount specified in subsection (a).

(g) The superintendent of the home may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable under this chapter.

(2) Make determinations of the ability of:

(A) the estate of the child;

(B) the legal guardian of the child; or

(C) each of the responsible parents of the child;

to pay maintenance charges.

(3) Set a standard as a basis of judgment of ability to pay that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as maintenance charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged, an amount not exceeding the maximum cost as determined under this chapter."

Page 35, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 134. IC 16-37-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

(1) a hospital; or

(2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

(1) provide an opportunity for:

(A) the child's mother; and

(B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

(2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

(1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.

(2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

(1) The mother's sworn statement asserting that a person described in subsection (a)(2) is the child's biological father.

(2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.

(3) Written information furnished by the ~~division of family and children~~ **child support bureau of the department of child services**:

(A) explaining the effect of an executed paternity affidavit as described in subsection (g); and

(B) describing the availability of child support enforcement services.

(4) The Social Security number of each parent.

(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(g) A paternity affidavit executed under this section:

(1) establishes paternity; and

(2) gives rise to parental rights and responsibilities of the person described in subsection (e)(2), including the right of the child's mother or the Title IV-D agency to obtain a child support order against the person.

However, if a paternity affidavit is executed under this section, the child's mother has sole legal custody of the child unless another custody determination is made by a court in a proceeding under IC 31-14.

(h) Notwithstanding any other law:

(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or

(2) a man who is a party to a paternity affidavit executed under this section;

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court has determined that fraud, duress,

or material mistake of fact existed in the execution of the paternity affidavit.

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection (g)(2) of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court shall set aside the paternity affidavit upon a showing from a genetic test that sufficiently demonstrates that the person who executed the paternity affidavit is excluded as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity."

Page 37, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 136. IC 16-41-40-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, ~~"division"~~ **"department"** refers to the ~~division of family and children~~ **department of child services** established by ~~IC 12-13-1-1; IC 31-33-1.5-2.~~

Page 38, line 28, delete "IC 12-7-2-149.1(4))" and insert **"IC 12-7-2-149.1 or IC 31-9-2-99.3)".**

Page 38, line 29, after "division" insert **"or the department of child services"**.

Page 38, line 31, after "division" insert **"or the department of child services"**.

Page 39, between lines 8 and 9, begin a new paragraph and insert: "SECTION 141. IC 16-46-6-4, AS AMENDED BY P.L.2-2005, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The council consists of the following twenty-one (21) members:

- (1) Two (2) members of the house of representatives from different political parties appointed by the speaker of the house of representatives.
- (2) Two (2) members of the senate from different political parties appointed by the president pro tempore of the senate.
- (3) The governor or the governor's designee.
- (4) The state health commissioner or the commissioner's designee.
- (5) The director of the division of family ~~and children~~ **resources** or the director's designee.
- (6) The director of the office of Medicaid policy and planning or the director's designee.
- (7) The director of the division of mental health and addiction or the director's designee.
- (8) The commissioner of the department of correction or the commissioner's designee.
- (9) One (1) representative of a local health department appointed by the governor.
- (10) One (1) representative of a public health care facility appointed by the governor.
- (11) One (1) psychologist appointed by the governor who:
 - (A) is licensed to practice psychology in Indiana; and
 - (B) has knowledge and experience in the special health needs of minorities.
- (12) One (1) member appointed by the governor based on the recommendation of the Indiana State Medical Association.

(13) One (1) member appointed by the governor based on the recommendation of the National Medical Association.

(14) One (1) member appointed by the governor based on the recommendation of the Indiana Hospital and Health Association.

(15) One (1) member appointed by the governor based on the recommendation of the American Cancer Society.

(16) One (1) member appointed by the governor based on the recommendation of the American Heart Association.

(17) One (1) member appointed by the governor based on the recommendation of the American Diabetes Association.

(18) One (1) member appointed by the governor based on the recommendation of the Black Nurses Association.

(19) One (1) member appointed by the governor based on the recommendation of the Indiana Minority Health Coalition.

(b) At least fifty-one percent (51%) of the members of the council must be minorities.

SECTION 142. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

- (1) by or with the consent of the ~~division of family and children;~~ **department of child services;**
- (2) by a court order; or
- (3) by a child placing agency licensed by the ~~division of family and children;~~ **department of child services;**

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on transfer tuition shall be made under this subsection and the procedures adopted by the state board under ~~IC 20-35-2-1(c)(5).~~

IC 20-35-2-1(b)(5).

(c) A student who is placed in:

- (1) an institution operated by the division of disability, aging, and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability, aging, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

- (1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and
- (2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support."

Page 39, line 16, after "after" insert **"the department of child services or"**.

Page 39, line 16, after "county" insert **"office of family and children"**.

Page 39, line 17, after "student, the" insert **"department of child services or the"**.

Page 39, line 17, after "county" insert **"office of family and children"**.

Page 39, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 144. IC 20-26-11-12, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) If a student is transferred under section 5 of this chapter from a school corporation in Indiana to a public school corporation in another state, the transferor corporation shall pay the transferee corporation the full tuition fee charged by the transferee corporation. However, the amount of the full tuition fee may not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount may not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(b) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided all educational programs and services by a public school corporation in the state where the child is placed, whether at the facility, the public school, or another location;

the county office of family and children for the county placing the child shall pay from the county family and children's fund to the public school corporation in which the child is enrolled the amount of

transfer tuition specified in subsection (c).

(c) The transfer tuition for which a county office is obligated under subsection (b) is equal to the following:

- (1) The amount under a written agreement among the county office, the institution or other facility, and the governing body of the public school corporation in the other state that specifies the amount and method of computing transfer tuition.
- (2) The full tuition fee charged by the transferee corporation, if subdivision (1) does not apply. However, the amount of the full tuition fee must not exceed the amount charged by the transferor corporation for the same class of school, or if the school does not have the same classification, the amount must not exceed the amount charged by the geographically nearest school corporation in Indiana that has the same classification.

(d) If a child is:

- (1) placed by a court order in an out-of-state institution or other facility; and
- (2) provided:

(A) onsite educational programs and services either through the facility's employees or by contract with another person or organization that is not a public school corporation; or

(B) educational programs and services by a nonpublic school; the county office of family and children for the county placing the child shall pay from the county family and children's fund in an amount and in the manner specified in a written agreement between the county office and the institution or other facility.

(e) An agreement described in subsection (c) or (d) is subject to the approval of the director of the ~~division of family and children~~ **department of child services**. However, for purposes of IC 4-13-2, the agreement shall not be treated as a contract.

SECTION 145. IC 20-26-13-10, AS ADDED BY P.L.242-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. Except as provided in section 11 of this chapter, the graduation rate for a cohort in a high school is the percentage determined under STEP SEVEN of the following formula:

STEP ONE: Determine the grade 9 enrollment at the beginning of the reporting year three (3) years before the reporting year for which the graduation rate is being determined.

STEP TWO: Add:

(A) the number determined under STEP ONE; and

(B) the number of students who:

- (i) have enrolled in the high school after the date on which the number determined under STEP ONE was determined; and
- (ii) have the same expected graduation year as the cohort.

STEP THREE: Add:

(A) the sum determined under STEP TWO; and

(B) the number of retained students from earlier cohorts who became members of the cohort for whom the graduation rate is being determined.

STEP FOUR: Add:

(A) the sum determined under STEP THREE; and

(B) the number of students who:

- (i) began the reporting year in a cohort that expects to graduate during a future reporting year; and
- (ii) graduate during the current reporting year.

STEP FIVE: Subtract from the sum determined under STEP FOUR the number of students who have left the cohort for any of the following reasons:

- (A) Transfer to another public or nonpublic school.
- (B) Removal by the student's parents under IC 20-33-2-28 to provide instruction equivalent to that given in the public schools.
- (C) Withdrawal because of a long term medical condition or death.
- (D) Detention by a law enforcement agency or the department of correction.
- (E) Placement by a court order or the ~~division of family and children~~ **department of child services**.
- (F) Enrollment in a virtual school.
- (G) Graduation before the beginning of the reporting year.
- (H) Leaving school, if the student attended school in Indiana for less than one (1) school year and the location of the student cannot be determined.
- (I) Leaving school, if the location of the student cannot be determined and the student has been reported to the Indiana clearinghouse for information on missing children.
- (J) Withdrawing from school before graduation, if the student is a high ability student (as defined in IC 20-36-1-3) who is a full-time student at an accredited institution of higher education during the semester in which the cohort graduates.

STEP SIX: Determine the total number of students who have graduated during the current reporting year.

STEP SEVEN: Divide:

- (A) the number determined under STEP SIX; by
- (B) the remainder determined under STEP FIVE.

SECTION 146. IC 20-35-3-1, AS ADDED BY P.L.218-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

- (1) citizens of Indiana;
- (2) representative of the state's population; and
- (3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

- (1) Parents of children with disabilities.
- (2) Individuals with disabilities.
- (3) Teachers.
- (4) Representatives of higher education institutions that prepare special education and related services personnel.
- (5) State and local education officials.
- (6) Administrators of programs for children with disabilities.
- (7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including

the following:

- (A) The commissioner of the state department of health or the commissioner's designee.
- (B) The director of the division of disability, aging, and rehabilitative services or the director's designee.
- (C) The director of the division of mental health and addiction or the director's designee.
- (D) The director of the ~~division of family and children~~ **department of child services** or the director's designee.
- (8) Representatives of nonpublic schools and freeway schools.
- (9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.
- (10) Representatives of the department of correction.
- (11) A representative from each of the following:
 - (A) The Indiana School for the Blind and Visually Impaired board.
 - (B) The Indiana School for the Deaf board.
- (d) The responsibilities of the state advisory council are as follows:
 - (1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
 - (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
 - (3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
 - (4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
 - (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
 - (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
 - (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.
- (e) The state advisory council shall do the following:
 - (1) Organize with a chairperson selected by the state superintendent.
 - (2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.
- (f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.
- (g) The state superintendent shall do the following:
 - (1) Designate the director to act as executive secretary of the state advisory council.
 - (2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.
- (h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 147. IC 20-35-6-1, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Before February 1 of each calendar year, a program for preschool children with disabilities that is supported by the division of family ~~and children resources~~ shall notify a school corporation of the numbers and disabling conditions of the children who are likely to enter into a program of special education in the school corporation in the immediately following school year.

SECTION 148. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

- (1) Public school corporations that operate programs individually or cooperatively with other school corporations.
- (2) Community agencies operated or supported by the office of the secretary of family and social services.
- (3) State developmental centers operated by the division of disability, aging, and rehabilitative services.
- (4) State hospitals operated by the division of mental health and addiction.
- (5) State schools and programs operated by the state department of health.
- (6) Programs operated by the department of correction.
- (7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the ~~division of family and children~~, **department of child services**, or other public entity.

SECTION 149. IC 21-3-1.6-1.1, AS AMENDED BY P.L.1-2005, SECTION 170, AND AS AMENDED BY P.L.246, SECTION 191, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. As used in this chapter:

(a) "School corporation" means any local public school corporation established under Indiana law. Except as otherwise indicated, the term includes a charter school.

(b) "School year" means a year beginning July 1 and ending the next succeeding June 30.

(c) "State distribution" due a school corporation means the amount of state funds to be distributed to a school corporation in any calendar year under this chapter.

(d) "Average daily membership" or "ADM" of a school corporation means the number of eligible pupils enrolled in the school corporation or in a transferee corporation on a day to be fixed annually by the Indiana state board of education and ~~beginning in the school year that ends in the 2005 calendar year~~, as subsequently adjusted not later than January 30 under the rules adopted by the state board of education. The initial day of the count shall fall within the first thirty (30) days of the school term. If, however, extreme patterns of student in-migration, illness, natural disaster, or other unusual conditions in a particular school corporation's enrollment on either the day fixed by the Indiana state board of education or on the subsequent adjustment date, cause the enrollment to be unrepresentative of the school corporation's enrollment throughout a school year, the Indiana state board of education may designate another day for determining the school corporation's enrollment. The Indiana state board of education

shall monitor changes that occur after the fall count, in the number of students enrolled in programs for children with disabilities and shall, before December 2 of that same year and, beginning in the 2004 calendar year, before April 2 of the following calendar year, make an adjusted count of students enrolled in programs for children with disabilities. The superintendent of public instruction shall certify the December adjusted count to the budget committee before February 5 of the following year and the April adjusted count not later than May 31 immediately after the date of the April adjusted count. In determining the ADM, each kindergarten pupil shall be counted as one-half (1/2) pupil. Where a school corporation commences kindergarten in a school year, the ADM of the current and prior calendar years shall be adjusted to reflect the enrollment of the kindergarten pupils. In determining the ADM, each pupil enrolled in a public school and a nonpublic school is to be counted on a full-time equivalency basis as provided in section 1.2 of this chapter.

(e) "Additional count" of a school corporation, or comparable language, means the aggregate of the additional counts of the school corporation for certain pupils as set out in section 3 of this chapter (repealed) and as determined at the times for calculating ADM. "Current additional count" means the initial computed additional count of the school corporation for the school year ending in the calendar year. "Prior year additional count" of a school corporation used in computing its state distribution in a calendar year means the initial computed additional count of the school corporation for the school year ending in the preceding calendar year.

(f) For purposes of this subsection, "school corporation" does not include a charter school. "Adjusted assessed valuation" of any school corporation used in computing state distribution for a calendar year means the assessed valuation in the school corporation, adjusted as provided in IC 6-1.1-34. The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property owned by a railroad or other corporation under the jurisdiction of a federal court under the federal bankruptcy laws (11 U.S.C. 101 et seq.) if as a result of the corporation being involved in a bankruptcy proceeding the corporation is delinquent in payment of its Indiana real and personal property taxes for the year to which the valuation applies. If the railroad or other corporation in some subsequent calendar year makes payment of the delinquent taxes, then the state superintendent of public instruction shall prescribe adjustments in the distributions of state funds pursuant to this chapter as are thereafter to become due to a school corporation affected by the delinquency as will ensure that the school corporation will not have been unjustly enriched under the provisions of P.L.382-1987(ss). The amount of the valuation shall also be adjusted downward by the department of local government finance to the extent it consists of real or personal property described in IC 6-1.1-17-0.5(b).

(g) "General fund" means a fund established under IC 21-2-11-2.

(h) "Teacher" means every person who is required as a condition of employment by a school corporation to hold a teacher's license issued or recognized by the state, except substitutes and any person paid entirely from federal funds.

(i) For purposes of this subsection, "school corporation" does not include a charter school. "Teacher ratio" of a school corporation used in computing state distribution in any calendar year means the ratio assigned to the school corporation pursuant to section 2 of this

chapter.

(j) "Eligible pupil" means a pupil enrolled in a school corporation if:

- (1) the school corporation has the responsibility to educate the pupil in its public schools without the payment of tuition;
- (2) subject to subdivision (5), the school corporation has the responsibility to pay transfer tuition under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11, because the pupil is transferred for education to another school corporation (the "transferee corporation");
- (3) the pupil is enrolled in a school corporation as a transfer student under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-6 or entitled to be counted for ADM or additional count purposes as a resident of the school corporation when attending its schools under any other applicable law or regulation;
- (4) the state is responsible for the payment of transfer tuition to the school corporation for the pupil under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11; or
- (5) all of the following apply:

- (A) The school corporation is a transferee corporation.
- (B) The pupil does not qualify as a qualified pupil in the transferee corporation under subdivision (3) or (4).
- (C) The transferee corporation's attendance area includes a state licensed private or public health care facility, child care facility, or foster family home where the pupil was placed:
 - (i) by or with the consent of the ~~division of family and children~~, **department of child services**;
 - (ii) by a court order;
 - (iii) by a child placing agency licensed by the ~~division of family and children~~, **department of child services**; or
 - (iv) by a parent or guardian under ~~IC 20-8.1-6.1~~, IC 20-8.1-6.1 (before its repeal) or IC 20-26-11-8.

For purposes of IC 21-3-12, the term includes a student enrolled in a charter school.

(k) "General fund budget" of a school corporation means the amount of the budget approved for a given year by the department of local government finance and used by the department of local government finance in certifying a school corporation's general fund tax levy and tax rate for the school corporation's general fund as provided for in IC 21-2-11. The term does not apply to a charter school.

~~(l) "At risk index" means the following:~~

~~(1) For a school corporation that is not a charter school, the sum of:~~

~~(A) the product of sixteen-hundredths (0.16) multiplied by the percentage of families in the school corporation with children who are less than eighteen (18) years of age and who have a family income below the federal income poverty level (as defined in IC 12-15-2-1);~~

~~(B) the product of four-tenths (0.4) multiplied by the percentage of families in the school corporation with a single parent; and~~

~~(C) the product of forty-four hundredths (0.44) multiplied by the percentage of the population in the school corporation who are at least twenty (20) years of age with less than a twelfth grade education.~~

~~The data to be used in making the calculations under this subdivision must be the data from the 2000 federal decennial census.~~

~~(2) For a charter school, the index determined under subdivision (1) for the school corporation in which the charter school is located.~~

~~(m) (l) "ADM of the previous year" or "ADM of the prior year" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the preceding calendar year.~~

~~(n) (m) "Current ADM" used in computing a state distribution in a calendar year means the initial computed ADM for the school year ending in the calendar year.~~

SECTION 150. IC 24-6-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The division of weights and measures shall take charge of the standards adopted by this chapter as the standards of the state, cause them to be kept in a fireproof building belonging to the state, and from which they shall not be removed except for repairs or for certification, and take all other necessary precautions for their safekeeping.

(b) The division shall maintain the state standards in good order and shall submit them once in ten (10) years to the National Institute of Standards and Technology for certification. The division or inspectors at the division's direction, shall correct the standards of the several cities and counties, and as often as once in two (2) years compare the same with those in the division's possession, and where not otherwise provided by law the division shall have the general supervision of the weights, measures, and measuring and weighing devices in use in Indiana.

(c) The division of weights and measures is also authorized to adopt rules, specifications, and tolerances necessary for the enforcement of this chapter. The division shall, upon the written request of any Indiana citizen, firm, corporation, limited liability company, or institution, test or calibrate weights, measures, weighing, or measuring devices and instruments or apparatus used as standards in Indiana. The division or inspectors at the division's direction, shall at least once annually test all scales, weights, and measures and devices used in checking the receipt or disbursement of supplies in every institution under the jurisdiction of the ~~division of family and children~~ **department of child services** and the division shall report in writing the findings to the executive officer of the institution concerned.

(d) The division of weights and measures shall keep a complete record of the standards, balances, and other apparatus belonging to the state and take a receipt for the same from the successor in office to the head of the division.

(e) The division or inspectors at the division's direction, shall at least once in two (2) years visit the various cities and counties in Indiana that have appointed sealers of weights and measures in order to inspect the work of the local sealers. In the performance of such duties, the division may inspect the weights, measures, balances, or any other weighing or measuring appliances of any person.

(f) The division of weights and measures shall issue from time to time rules for the guidance of state, county, and city sealers or inspectors. The rules shall govern the procedure to be followed by those officers in the discharge of their duties."

Page 42, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 152. IC 25-16-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The term "employment agency", as used in this chapter, means any person, firm, limited liability company, or corporation, who for hire or with a view to profit, shall undertake or offer to secure employment or help through the medium of card, circular, pamphlet, or any medium whatsoever, or through the display of a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured.

(b) Nothing in this chapter shall apply to the business and vocation of babysitting.

(c) Nothing in this chapter shall apply to charitable and benevolent organizations and associations approved by the division of family ~~and children~~ **resources**. All charitable and benevolent organizations and associations approved by the division of family ~~and children~~ **resources** shall, before being authorized to conduct such employment agency or department, secure a permit from the department of state revenue by filing an application giving such information as may be required. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revocable.

SECTION 153. IC 25-19-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) There is created the Indiana state board of health facility administrators composed of fourteen (14) members as follows:

- (1) The state health commissioner or the commissioner's designee.
- (2) The director of the division of family ~~and children~~ **resources** or the director's designee.
- (3) The state long term care ombudsman or the state long term care ombudsman's designee.
- (4) The chief administrative officer of the Indiana University medical center at Indianapolis or the chief administrative officer's designee.
- (5) One (1) member of the medical profession holding an unlimited license to practice medicine in Indiana.
- (6) One (1) hospital administrator who must hold an executive position in an Indiana hospital.
- (7) Four (4) administrators of licensed proprietary health facilities.
- (8) Two (2) administrators of licensed nonproprietary health facilities.
- (9) Two (2) members representing the public at large, who:
 - (A) are residents of Indiana; and
 - (B) have never been associated with health facility services or administration in any way other than as a resident or a family member of a resident of a health facility.

(b) Those members of the board other than the representatives of state agencies and institutions shall be appointed by the governor after consultation with the associations and societies appropriate to the disciplines and professions representative of the position to be filled. The original and all subsequent physician and hospital administrator appointments shall be for terms of four (4) years. All appointments shall be for four (4) year terms, except that in case of a vacancy prior to term completion, the appointment shall be for the remainder of the unexpired term. Any vacancy, either prior to or at term completion, shall be filled by the governor after consultation with the associations and societies appropriate to the discipline or professions

representative of the vacancy. In all cases, the appointees shall serve until their successors are appointed and qualified.

(c) The governor may remove any member of the board other than the representative of a state agency or institution for misconduct, incapacity, incompetence, or neglect of duty after the member has been served with a written statement of charges and has been given an opportunity to be heard. Designated representatives of the state agencies or institutions may be removed by the original appointing authority for any of those causes.

SECTION 154. IC 25-23.6-1-3.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family ~~and children~~ **resources**, the division of mental health and addiction, the division of disability, aging, and rehabilitative services, the department of correction, or the state department of health in one (1) of the following classifications:

- (1) 2AA3 Behavioral clinician 3.
- (2) 2AA4 Behavioral clinician 4.
- (3) 2AA5 Clinical associate 5.
- (4) 2FL1 Mental health administrator 1.
- (5) 2FL2 Mental health administrator 2.
- (6) 2FL3 Mental health administrator 3.
- (7) 2AN3 Substance abuse counselor 3.
- (8) 2AN4 Substance abuse counselor 4.
- (9) 2AN5 Substance abuse counselor 5.
- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3."

Page 48, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 160. IC 29-3-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. "Person" means an individual, an organization, an association, a nonprofit corporation, a corporation for profit, a limited liability company, a partnership, a financial institution, a trust, the division of family ~~and children~~ **resources** or other governmental entity, or other legal entity.

SECTION 161. IC 29-3-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~division of family and children~~ **department** or county office of family and children shall investigate and report to the court concerning the conditions and circumstances of a minor or an alleged incapacitated person or protected person and the fitness and conduct of the guardian or the proposed guardian whenever ordered to do so by the court."

Page 49, line 35, delete "IC 31-25-4" and insert "**IC 31-25**".

Page 52, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 163. IC 31-9-2-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. "County office", for purposes of **IC 31-25 through IC 31-40** and the juvenile law, refers to a county office of family and children."

Page 52, delete lines 40 through 42.

Page 53, delete lines 1 through 25.

Page 55, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 191. IC 31-9-2-48.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 48.5. "Group home", for purposes of IC 31-27, means a residential structure in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children.**

SECTION 192. IC 31-9-2-64 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Interested person", for purposes of IC 31-19-20 and IC 31-19-24, means any of the following:

- (1) An adoptee.
- (2) A birth parent.
- (3) An adoptive parent.
- (4) A relative of a birth parent.
- (5) A relative of an adoptive parent.
- (6) The ~~division of family and children~~ **department** or a county office of family and children.
- (7) An adoption agency.
- (8) A court."

Page 57, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 205. IC 31-9-2-106 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 106. (a) "Registry", for purposes of IC 31-19-5, refers to the putative father registry established by IC 31-19-5-2.

(b) "Registry", for purposes of IC 31-33, refers to the child abuse registry established by the ~~division of family and children~~ **department** under IC 31-33-17."

Page 60, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 214. IC 31-14-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A paternity action may be filed by the following persons:

- (1) The mother or expectant mother.
- (2) A man alleging that:
 - (A) he is the child's biological father; or
 - (B) he is the expectant father of an unborn child.
- (3) The mother and a man alleging that he is her child's biological father, filing jointly.
- (4) The expectant mother and a man alleging that he is the biological father of her unborn child, filing jointly.
- (5) A child.
- (6) The ~~division of family and children~~ **department** or a county office of family and children under section 3 of this chapter.
- (7) The prosecuting attorney under section 2 of this chapter.

SECTION 215. IC 31-14-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Upon the request of:

- (1) the child;
- (2) the mother or expectant mother;
- (3) a man alleging to be the father or expectant father;
- (4) the ~~division of family and children~~ **department**; or
- (5) the county office of family and children;

the prosecuting attorney shall file a paternity action and represent the child in that action.

(b) A prosecuting attorney's office may file a paternity action if the child is:

- (1) or is alleged to be, a child in need of services; and
- (2) under the supervision of the ~~division of family and children~~ **department** or the county office of family and children as the result of a court ordered out-of-home placement.

SECTION 216. IC 31-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The ~~division of family and children~~ **department** or a county office of family and children may file a paternity action if:

- (1) the mother;
- (2) the person with whom the child resides; or
- (3) the director of the county office of family and children;

has executed an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669).

SECTION 217. IC 31-14-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does not apply to an action filed by the ~~division of family and children~~ **department** or its agents under section 4 of this chapter (or IC 31-6-6.1-6(c) before its repeal).

(b) The mother, a man alleging to be the child's father, or the ~~division of family and children~~ **department** or its agents must file a paternity action not later than two (2) years after the child is born, unless:

- (1) both the mother and the alleged father waive the limitation on actions and file jointly;
- (2) support has been furnished by the alleged father or by a person acting on his behalf, either voluntarily or under an agreement with:

- (A) the mother;
- (B) a person acting on the mother's behalf; or
- (C) a person acting on the child's behalf;

(3) the mother, the ~~division of family and children~~ **department**, or the county office of family and children files a petition after the alleged father has acknowledged in writing that he is the child's biological father;

(4) the alleged father files a petition after the mother has acknowledged in writing that he is the child's biological father;

(5) the petitioner was incompetent at the time the child was born; or

(6) a responding party cannot be served with summons during the two (2) year period.

(c) If any of the conditions described in subsection (b) exist, the paternity petition must be filed not later than two (2) years after the condition described in subsection (b) ceases to exist.

SECTION 218. IC 31-14-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If:

- (1) public assistance has been furnished for the child by the division of family ~~and children~~ **resources**; and
- (2) an assignment of support rights under Title IV-D of the federal Social Security Act (42 U.S.C. 651 through 669) has been executed on behalf of the child;

the division of family ~~and children~~ **resources** or the county office of family and children may file an action before the child becomes nineteen (19) years of age or graduates from high school, whichever occurs first."

Page 63, between lines 39 and 40, begin a new paragraph and insert:

"SECTION 232. IC 31-16-12.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A custodial parent may file a petition for a setoff of child support from a state income tax refund payable to a child support obligor in:

- (1) the court that entered the original child support order; or
- (2) a court of competent jurisdiction located in the county of residence of the custodial parent.

(b) The petition must be verified and must include all of the following:

- (1) The full name of:
 - (A) the obligor;
 - (B) the custodial parent; and
 - (C) each child to whom the obligor owes child support.
- (2) An averment that:
 - (A) the obligor's aggregate child support arrearage on the date the petition is filed is at least one thousand five hundred dollars (\$1,500); and
 - (B) the obligor has intentionally violated the terms of the most recent child support order.
- (3) An indication of whether the custodial parent:
 - (A) has received or is receiving assistance under the Title IV-A program; or
 - (B) has assigned child support payments under IC 12-14-7-1; during the period of time for which child support is owed by the obligor.

(c) The court shall notify the child support bureau of the ~~division of family and children department~~ of the pendency of an action under this chapter if the petition:

- (1) indicates under subsection (b)(3)(A) that the custodial parent has received or is receiving assistance; or
- (2) indicates under subsection (b)(3)(B) that an assignment has occurred.

(d) The state has a right to intervene as a party in a hearing under this chapter if the custodial parent has received or is receiving assistance as described in subsection (b)(3)(A) or if an assignment as described in subsection (b)(3)(B) has occurred.

SECTION 233. IC 31-16-15-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. The child support bureau of the ~~division of family and children department~~ shall send notice to an employer, using the National Medical Support Notice described in 45 CFR 303.3, that:

- (1) a parent ordered to pay support has been ordered to provide insurance coverage as part of the parent's employee benefit plan under IC 31-16-6-4; or
- (2) an obligation to provide insurance coverage under subdivision (1) is no longer in effect.

SECTION 234. IC 31-16-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Any of the following may prosecute a civil action for support of a parent:

- (1) The parent.
- (2) The township trustee.
- (3) The county director of the county office of family and children.
- (4) The director of the division of family ~~and children resources~~.
- (5) The prosecuting attorney.

(b) Costs may not be taxed against:

- (1) the prosecuting attorney;
- (2) the county director of the county office of family and children;
- (3) the township trustee; or
- (4) the director of the division of family ~~and children resources~~.

Page 64, between lines 3 and 4, begin a new paragraph and insert: "SECTION 236. IC 31-18-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. If the ~~division of family and children department~~ determines that an agent of the Title IV-D agency is neglecting or refusing to provide services to an individual, the ~~division department~~ may:

- (1) direct the agent to perform duties of the agent under this article; or
- (2) provide the services directly to the individual.

SECTION 237. IC 31-18-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The ~~division of family and children department~~ is the state information agency for Indiana under this article.

(b) The ~~division of family and children department~~ shall do the following:

- (1) Compile and maintain a current list, including addresses, of each Indiana tribunal that has jurisdiction under this article and transmit a copy of the list to the state information agency of every state.
- (2) Maintain a registry of tribunals and support enforcement agencies received from other states.
- (3) Forward to the appropriate tribunal in the location in Indiana in which:
 - (A) the obligee or the obligor resides; or
 - (B) the obligor's property is believed to be located;
 all documents concerning a proceeding under this article received from an initiating tribunal or the state information agency of the initiating state.
- (4) Obtain information concerning the location of the obligor and the obligor's property within Indiana that is not exempt from execution by the following methods:

- ~~(1)~~ (A) Postal verification.
- ~~(2)~~ (B) Federal or state locator services.
- ~~(3)~~ (C) Examination of telephone directories.
- ~~(4)~~ (D) Requests for the obligor's address from employers.
- ~~(5)~~ (E) Examination of governmental records, including, to the extent not prohibited by other law, records relating to the following:
 - ~~(A)~~ (i) Real property.
 - ~~(B)~~ (ii) Vital statistics.
 - ~~(C)~~ (iii) Law enforcement.
 - ~~(D)~~ (iv) Taxation.
 - ~~(E)~~ (v) Motor vehicles.
 - ~~(F)~~ (vi) Driver's licenses.
 - ~~(G)~~ (vii) Social Security.
 - ~~(H)~~ (viii) Worker's compensation."

Page 79, line 38, delete "child" and insert "department".

Page 79, line 39, delete "protection services system".

Page 79, line 40, delete "representatives," and insert "representatives in carrying out the responsibility of the department under section 7 of this chapter,".

Page 80, line 22, delete "child" and insert "**department**".

Page 80, line 23, delete "protection services system".

Page 80, line 24, delete "representatives," and insert "**representatives in carrying out the responsibility of the department under section 7 of this chapter,**".

Page 108, line 28, delete "department" and insert "**county office**".

Page 109, line 22, delete "department's" and insert "**department of the county office's**".

Page 109, line 33, delete "department" and insert "**county office**".

Page 109, line 36, delete "department" and insert "**county office**".

Page 110, line 13, after "be" insert "**filed with and**".

Page 118, line 31, delete "fund." and insert "**fund established by IC 12-17.2-2-3.**".

Page 119, delete line 31.

Page 124, line 42, delete "check" and insert "**check, as defined by IC 31-9-2-22.5,**".

Page 125, line 16, delete "department," and insert "**office,**".

Page 129, line 28, delete "attorney".

Page 129, line 30, delete "county office attorney" and insert "**department**".

Page 130, line 36, after "office" delete "attorney".

Page 130, line 39, delete "county office attorney" and insert "**department**".

Page 131, line 40, delete "470 IAC 3-1-1 et seq." and insert "**465 IAC 2-1-1 et seq.**".

Page 132, line 1, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 132, line 9, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 132, line 33, delete "470 IAC 3-1-1 et seq." and insert "**465 IAC 2-1-1 et seq.**".

Page 132, line 40, delete "470 IAC 3-1-1 et seq.;" and insert "**465 IAC 2-1-1 et seq.;**".

Page 140, line 17, after "office" delete "attorney".

Page 140, line 20, delete "county office attorney" and insert "**department**".

Page 140, line 30, delete "fund." and insert "**fund established by IC 12-17.2-2-3.**".

Page 143, line 38, delete "departments" and insert "**office**".

Page 148, line 3, after "office" delete "attorney".

Page 148, line 5, delete "county office attorney" and insert "**department**".

Page 149, line 13, after "office" delete "attorney".

Page 149, line 16, delete "county office attorney" and insert "**department**".

Page 154, line 27, after "office" delete "attorney".

Page 154, line 29, delete "county office attorney" and insert "**department**".

Page 155, line 35, after "office" delete "attorney".

Page 155, line 38, delete "county office attorney" and insert "**department**".

Page 165, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 276. IC 31-33-17-6, AS AMENDED BY P.L.234-2005, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Upon request, a person or an organization may have access to information contained

in the registry as follows:

- (1) A law enforcement agency or the **department division of family resources** may have access to a substantiated report.
- (2) A person may have access to information consisting of an identifiable notation of a conviction arising out of a report of child abuse or neglect.
- (3) Upon submitting written verification of an application for employment or a consent for release of information signed by a child care provider, a person or an agency may obtain the following information contained in the child abuse registry regarding an individual who has applied for employment or volunteered for services in a capacity that would place the individual in a position of trust with children less than eighteen (18) years of age or regarding a child care provider who is providing or may provide child care for the person's child:
 - (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.
 - (B) Whether criminal charges were filed against the applicant, volunteer, or child care provider based on a report of child abuse or neglect naming the applicant, volunteer, or child care provider as the alleged perpetrator.
 - (C) Whether a court has issued an arrest warrant for the applicant, volunteer, or child care provider based on a report of child abuse or neglect in which the applicant, volunteer, or child care provider is named as the alleged perpetrator.
- (4) A person may have access to whatever information is contained in the registry pertaining to the person, with protection for the identity of:
 - (A) the person who reports the alleged child abuse or neglect; and
 - (B) any other appropriate person.
- (5) A person or an agency to whom child abuse and neglect reports are available under IC 31-33-18 may also have access to information contained in the registry.
- (6) If a child care provider provides child care in the provider's home, upon submitting a consent for release of information signed by an individual who is at least eighteen (18) years of age, who resides with the child care provider, and who may have direct contact with children for whom the provider provides child care, a person may obtain the following information contained in the child abuse registry regarding the individual:
 - (A) Whether a child was found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.
 - (B) Whether criminal charges were filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.
 - (C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.
- (7) The **department division of family resources** may use the following information contained in the registry regarding an individual described in IC 12-17.2-3.5-4.1(a) for purposes of determining the eligibility of a child care provider to receive a voucher payment (as defined in IC 12-17.2-3.5-3):

(A) Whether a child has been found by a court to be a child in need of services based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(B) Whether criminal charges have been filed against the individual based on a report of child abuse or neglect naming the individual as the alleged perpetrator.

(C) Whether a court has issued an arrest warrant for the individual based on a report of child abuse or neglect in which the individual is named as the alleged perpetrator.

The ~~department~~ **division** may not disclose information used in connection with the ~~department's~~ **division's** activities under this subdivision."

Page 176, line 10, after "(6)" delete "a" and insert "**the**".

Page 178, between lines 5 and 6, begin a new paragraph and insert: "SECTION 283. IC 31-34-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The ~~division of family and children~~ **department** may not:

(1) initiate a court proceeding to:

(A) terminate the parental rights concerning; or

(B) transfer legal custody of; or

(2) require a parent, guardian, or custodian to consent to:

(A) the termination of parental rights; or

(B) transfer of legal custody of;

a child with an emotional, a behavioral, or a mental disorder or a developmental or physical disability who is voluntarily placed out of the home for the purpose of obtaining special treatment or care, solely because the parent, guardian, or custodian is unable to provide the treatment or care. Relinquishment of custody of a child described in this subsection may not be made a condition for receipt of services or care delivered or funded by the ~~division~~ **department or the county office** of family and children.

(b) When a child described in subsection (a) is voluntarily placed out of the home to receive special treatment or care, the ~~division of family and children~~ **department** and the parent, guardian, or custodian of the child may execute a voluntary placement agreement that includes the following:

(1) A statement that, by entering into a voluntary placement agreement, the parent, guardian, or custodian of the child is not transferring legal custody of the child to the ~~division of family and children~~ **department**.

(2) A statement specifying the legal status of the child.

(3) A statement specifying the rights and obligations of the parent, guardian, or custodian."

Page 178, line 23, delete "is:" and insert "is".

Page 178, line 24, strike "(1)".

Page 178, line 25, delete "placement; or" and insert "placement. or".

Page 178, strike line 26.

Page 178, line 27, delete "department,".

Page 178, line 27, strike "expected to be residing in the location designated as".

Page 178, strike lines 28 through 29.

Page 178, run in lines 23 through 29.

Page 184, line 19, after "office" insert "**or department**".

Page 186, line 13, reset in roman "a county office".

Page 186, line 13, after "children," insert "**or**".

Page 186, line 15, reset in roman "county office".

Page 186, line 15, after "office" insert "**or the**".

Page 186, line 19, reset in roman "a county".

Page 186, line 20, reset in roman "office".

Page 186, line 20, after "children" insert "**or**".

Page 186, line 23, reset in roman "county office".

Page 186, line 23, after "office" insert "**or the**".

Page 186, line 31, reset in roman "county office".

Page 186, line 31, after "children." insert "**or the**".

Page 187, line 14, reset in roman "a county office".

Page 187, line 14, after "children" insert "**or**".

Page 189, line 20, reset in roman "county office".

Page 189, line 20, after "children" insert "**or the**".

Page 191, line 37, reset in roman "county office".

Page 191, line 37, after "children" insert "**or the**".

Page 196, line 4, delete "or".

Page 196, line 6, reset in roman "county office".

Page 196, line 6, after "office" insert ";".

Page 196, line 6, reset in roman "or".

Page 196, line 7, after "(B)" insert "**(C)**".

Page 196, line 14, delete "or".

Page 196, line 16, reset in roman "county office".

Page 196, line 16, after "office" insert ";".

Page 196, line 16, reset in roman "or".

Page 196, line 17, after "(B)" insert "**(C)**".

Page 199, line 34, after "member of" reset in roman "the".

Page 199, line 34, reset in roman "staff of".

Page 201, line 25, reset in roman "county office".

Page 201, line 26, after "children;" insert "**or the**".

Page 207, line 22, reset in roman "a county office".

Page 207, line 22, after "children," insert "**or**".

Page 207, line 40, after "department" insert ",".

Page 207, line 40, strike "or".

Page 207, line 41, reset in roman "county office".

Page 207, line 41, after "children." insert "**or the**".

Page 208, line 26, strike "or".

Page 208, line 27, reset in roman "county office".

Page 208, line 27, delete "department." and insert "; or

(C) the department.".

Page 209, line 14, reset in roman "county office".

Page 209, line 15, after "children" insert "**or the**".

Page 210, line 4, reset in roman "county office".

Page 210, line 4, after "children" insert "**or the**".

Page 210, line 30, reset in roman "county office".

Page 210, line 30, after "children" insert "**or the**".

Page 213, line 13, reset in roman "county office".

Page 213, line 13, after "office" insert "**or the**".

Page 216, line 39, strike "IC 12-7-2-29)," and insert "**IC 31-9-2-16.7)**".

Page 219, line 4, after "for the" insert "**department on behalf of the**".

Page 219, line 6, strike "county office or the".

Page 219, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 356. IC 33-32-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "Indiana support enforcement tracking system (ISETS)" refers to the statewide automated system for the collection,

disbursement, and distribution of child support payments established by the ~~division of family and children~~ **department of child services**.

SECTION 357. IC 33-32-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The clerk is not personally liable or liable in the clerk's official capacity on the clerk's official bond for funds received if the clerk:

(1) through error or in accordance with the best information available to the clerk, disbursed the funds to a person the clerk reasonably believed to be entitled to receive the funds and to comply with a:

(A) child support order; or

(B) garnishment order;

(2) inappropriately disbursed or misapplied child support funds, arising without the knowledge or approval of the clerk, that resulted from:

(A) an action by an employee of, or a consultant to, the ~~division of family and children~~ **department of child services**;

(B) an ISETS technological error; or

(C) information generated by ISETS;

(3) disbursed funds that the clerk reasonably believed were available for disbursement but that were not actually available for disbursement;

(4) disbursed child support funds paid to the clerk by a personal check that was later dishonored by a financial institution; and

(5) did not commit a criminal offense as a part of the disbursement.

SECTION 358. IC 34-30-2-45.2, AS ADDED BY P.L.145-2005, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45.2. IC 12-16-2.5-6.5 (Concerning administering agreements between the hospital and the division of family ~~and children~~ **resources** under the hospital care for the indigent program).".

Page 220, line 41, reset in roman "a county office".

Page 220, line 42, after "children;" insert "or".

Page 222, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 363. IC 35-46-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who recklessly, knowingly, or intentionally exerts unauthorized use of the personal services or the property of:

(1) an endangered adult; or

(2) a dependent eighteen (18) years of age or older;

for the person's own profit or advantage or for the profit or advantage of another person commits exploitation of a dependent or an endangered adult, a Class A misdemeanor.

(b) The offense described in subsection (a) is a Class D felony if:

(1) the fair market value of the personal services or property is more than ten thousand dollars (\$10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(c) Except as provided in subsection (d), a person who recklessly, knowingly, or intentionally deprives an endangered adult or a dependent of the proceeds of the endangered adult's or the dependent's benefits under the Social Security Act or other retirement program that the division of family ~~and children~~ **resources** or county office of family and children has budgeted for the endangered adult's

or dependent's health care commits financial exploitation of an endangered adult or a dependent, a Class A misdemeanor.

(d) The offense described in subsection (c) is a Class D felony if:

(1) the amount of the proceeds is more than ten thousand dollars (\$10,000); or

(2) the endangered adult or dependent is at least sixty (60) years of age.

(e) It is not a defense to an offense committed under subsection (b)(2) or (d)(2) that the accused person reasonably believed that the endangered adult or dependent was less than sixty (60) years of age at the time of the offense.

(f) It is a defense to an offense committed under subsection (a), (b), or (c) if the accused person:

(1) has been granted a durable power of attorney or has been appointed a legal guardian to manage the affairs of an endangered adult or a dependent; and

(2) was acting within the scope of the accused person's fiduciary responsibility.".

Page 223, between lines 5 and 6, begin a new paragraph and insert: "SECTION 365. IC 36-7-4-1108 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1108. (a) This section applies only to a child care home that is used as the primary residence of the person who operates the child care home.

(b) As used in this section, "child care home" has the meaning set forth in IC 12-7-2-28.6.

(c) Except as provided in subsection (e), a zoning ordinance may not do any of the following:

(1) Exclude a child care home from a residential area solely because the child care home is a business.

(2) Impose limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8.

(3) Impose requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety commission.

(d) Notwithstanding subsection (c), a child care home may be required to meet the same:

(1) zoning requirements;

(2) developmental standards; and

(3) building codes;

that apply to other residential structures in the same residential district or classification as the child care home.

(e) A zoning ordinance:

(1) that is in effect on July 1, 1993; and

(2) that:

(A) excludes a child care home from a residential area solely because the child care home is a business;

(B) imposes limits on the number of children that may be served by a child care home at any one (1) time that vary from the limits set forth in IC 12-7-2-33.7 and IC 12-7-2-33.8; or

(C) imposes requirements or restrictions upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the division of family ~~and children~~ **resources** or the fire prevention and building safety commission;

is not subject to subsection (c) until July 1, 1994.

SECTION 366. IC 36-7-18-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A unit may establish a housing authority if the fiscal body of the unit, by resolution, declares that there is a need for an authority in the unit.

(b) The determination as to whether or not there is a need for an authority may be made by the fiscal body:

- (1) on its own motion;
- (2) on the filing of a petition signed by twenty-five (25) residents of the unit and stating that there is a need for an authority in the unit; or
- (3) on receipt of an order from the division of family ~~and children~~ resources.

(c) A resolution may be passed under this section only after a public hearing. Notice of the time, place, and purpose of the hearing must be given by the fiscal body by publication in accordance with IC 5-3-1.

(d) The fiscal body of a unit may adopt a resolution declaring that there is need for a housing authority in the unit if it finds that:

- (1) unsanitary or unsafe dwelling accommodations are inhabited in the unit; or
- (2) there is a shortage of safe or sanitary dwelling accommodations available in the unit for persons of low income at rentals they can afford.

In determining whether dwelling accommodations are unsafe or unsanitary, the fiscal body may consider the degree of overcrowding, the percentage of land coverage, the light, air, space, and access available to inhabitants, the size and arrangement of the rooms, the sanitary facilities, and the extent to which conditions in the buildings endanger life or property by fire or other causes.

(e) In any proceeding involving any contract of a housing authority, the authority shall be conclusively presumed to have become established and authorized to transact business and exercise its powers under this chapter on proof of the adoption of a resolution by the fiscal body declaring the need for the authority. The resolution is sufficient if it declares that there is a need for an authority and finds that either or both of the conditions listed in subsection (d) exist in the unit. A copy of the resolution certified by the clerk of the fiscal body is admissible in evidence in any proceeding."

Page 223, line 15, after "IC 16-41-40-1;" insert "IC 31-9-2-41.2;".

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

Senator Garton yielded the gavel to Senator Wyss.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-24-13-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Each ~~patient in a state institution and the responsible parties of the patient, individually or collectively,~~ shall pay for the ensuing fiscal year an

amount not to exceed the per capita cost at that state institution: **establish a charge structure for institutional services and treatment. The charge structure must be approved by the director of the division before July 1 of each year and, once approved, the charge structure must be effective for the following state fiscal year.**

(b) Except as provided in section 5 of this chapter, each patient in a state institution and the responsible parties, individually or collectively, are liable for the payment of the ~~cost of charges for the~~ treatment and maintenance of the patient.

SECTION 2. IC 12-24-13-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. If a patient in a state institution has insurance coverage that covers hospitalization or medical services in psychiatric hospitals, all benefits under the insurance coverage ~~in an amount not to exceed the cost of treatment and maintenance of the patient;~~ shall be assigned to the appropriate division.

SECTION 3. IC 12-24-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The appropriate division shall issue to any party liable under this chapter for any type of psychiatric service statements of sums due as maintenance charges. The division shall require the liable party to pay monthly, quarterly, or otherwise as may be arranged an amount not exceeding the maximum ~~cost charge~~ as determined under this chapter.

SECTION 4. IC 12-24-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. The estate of a patient who receives care, treatment, maintenance, or any other service furnished by the division at the state's expense is liable for payment ~~of the cost of the charges as determined under this chapter~~ for the service. The estate is exempt from the requirements of section 10 of this chapter or any part of this chapter directly in conflict with the intent of the chapter to hold a patient's estate liable for payment.

SECTION 5. IC 12-24-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. The billing and collection of maintenance ~~expenses~~ **charges** under this article shall be made by the division or a unit of the division designated by the director.

SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 12-24-13-3; IC 12-24-13-8; IC 12-24-13-9.

SECTION 7. **An emergency is declared for this act.**

(Reference is to SB 18 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

GARTON, Chairperson

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 29-3-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. "Volunteer advocate for ~~seniors~~ **incapacitated adults**" means an individual

who:

- (1) is a volunteer;
- (2) has completed a limited guardian training program approved by a court;
- (3) is supervised by a community volunteer advocates for **seniors incapacitated adults** program;
- (4) is appointed by a court to serve as a limited guardian for an incapacitated person or protected person who is at least ~~fifty-five (55)~~ **eighteen (18)** years of age; and
- (5) provides reports and makes recommendations to a court.

SECTION 2. IC 29-3-8.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A court in a proceeding under this article may appoint a volunteer advocate for **seniors incapacitated adults**.

SECTION 3. IC 29-3-8.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A volunteer advocate for **seniors incapacitated adults** shall submit to the court:

- (1) a progress report fifteen (15) days after the date of appointment describing the matters required by the court; and
- (2) a final report sixty (60) days after the date of appointment:
 - (A) describing the matters required by the court; and
 - (B) making recommendations to the court as to whether a need exists for continued representation of the incapacitated or protected person.

SECTION 4. IC 29-3-8.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A volunteer advocate for **seniors incapacitated adults** shall:

- (1) serve as a limited guardian to represent and protect the interests of an incapacitated or protected person who is at least ~~fifty-five (55)~~ **eighteen (18)** years of age;
- (2) investigate and gather information regarding the health, welfare, and financial circumstances of the incapacitated or protected person, as directed by a court;
- (3) facilitate and authorize health care, social welfare, and residential placement services as needed by the incapacitated or protected person;
- (4) advocate for the rights of the incapacitated or protected person;
- (5) facilitate legal representation for the incapacitated or protected person; and
- (6) perform any other duty required by a court.

SECTION 5. IC 29-3-8.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A volunteer advocate for **seniors incapacitated adults** may:

- (1) consent to medical and other professional care and treatment for the incapacitated or protected person's health and welfare;
- (2) secure the appointment of a guardian or coguardian in another state;
- (3) take custody of the incapacitated or protected person and establish the person's place of abode within Indiana or another state in accordance with IC 29-3-9-2;
- (4) institute proceedings or take other appropriate action to compel the performance by any person of a duty to support the incapacitated or protected person's health or welfare; and
- (5) delegate to the incapacitated or protected person certain responsibilities for decisions affecting the person's business affairs and well-being.

SECTION 6. IC 29-3-8.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. If a court appoints

an individual to serve as a volunteer advocate for **seniors incapacitated adults**, the appointment shall be for a period of sixty (60) days. After the initial sixty (60) day period, the court may, upon petition by the volunteer or upon the court's own motion, extend the appointment for a period as determined by the court to be necessary to protect the interests of the incapacitated or protected person.

SECTION 7. IC 29-3-8.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A volunteer advocate for **seniors incapacitated adults** is considered an officer of the court for the purpose of representing the interests of an incapacitated or protected person.

SECTION 8. IC 29-3-8.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The court may appoint an attorney to represent a volunteer advocate for **seniors incapacitated adults**.

SECTION 9. IC 29-3-8.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Except for gross misconduct:

- (1) a volunteer advocate for **seniors incapacitated adults** program that;
- (2) an employee of a volunteer advocates for **seniors incapacitated adults** program who; or
- (3) a volunteer for a volunteer advocates for **seniors incapacitated adults** program who;

performs duties in good faith is immune from any civil liability resulting from the program's, employee's, or volunteer's performance.

SECTION 10. IC 29-3-8.5-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. A volunteer advocate for **seniors incapacitated adults** under this chapter is not authorized to consent to or refuse health care (as defined in IC 16-36-1-1) for an individual if:

- (1) a spouse, a parent, an adult child, or an adult sibling of the individual or the individual's religious superior, if the individual is a member of a religious order, is available, capable, and suitable to consent to or refuse the health care on behalf of the individual; or
- (2) the individual has previously:
 - (A) appointed a health care representative under IC 16-36-1;
 - (B) authorized health care under IC 16-36-1.5, IC 16-36-4, or IC 16-36-5;
 - (C) executed a power of attorney under IC 30-5-4; or
 - (D) had a guardian appointed by the court under IC 29-3.

SECTION 11. IC 29-3-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A guardian (other than a temporary guardian) or volunteer advocate for **seniors incapacitated adults** appointed under IC 29-3-8.5 may, with the approval of and under such conditions as may be imposed by the court after notice and hearing, change the physical presence of the protected person to another place in Indiana or to another state if the court finds that such a change is in the best interests of the protected person. Upon such a change, the guardianship may be limited or terminated by the court.

SECTION 12. IC 34-30-2-125.5, AS AMENDED BY P.L.2-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 125.5. IC 29-3-8.5-8 (Concerning a volunteer advocate for **seniors incapacitated adults**).

(Reference is to SB 33 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chairperson

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-7-4-610 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 610. (a) After adoption of a zoning ordinance under section 606 of this chapter, the plan commission shall publish a notice of adoption in accordance with IC 5-3-1. The notice of adoption (which the plan commission shall have prepared) must:

- (1) summarize the subject matter of the ordinance;
- (2) give the date of adoption;
- (3) specify the places or areas that would be directly affected by the ordinance (this subdivision does not require the identification of any real property by metes and bounds);
- (4) specify the penalty or forfeiture prescribed for a violation of the ordinance; and
- (5) give two (2) locations open to the public where the entire text of the ordinance is available for inspection.

(b) After adoption of a zoning ordinance under section 606 or 607 of this chapter, the plan commission shall print the text of the ordinance in book or pamphlet form (or arrange for the inclusion of the zoning ordinance in the code of ordinances printed by the unit under IC 36-1-5), and no other printing or publication of any zoning ordinance is required. Printing of the text of a zoning ordinance in compliance with this subsection constitutes presumptive evidence:

- (1) of the text of the ordinance that is contained in the code of ordinances, book, or pamphlet (and supplement, if any);
- (2) of the date of adoption of the ordinance, and of any amendment to the ordinance that is contained in the code of ordinances, book, or pamphlet (and supplement, if any); and
- (3) that the ordinance, along with any amendment to the ordinance that is contained in the code of ordinances, book, or pamphlet (and supplement, if any), has been properly signed, attested, and recorded.

(c) Zone maps incorporated by reference into the zoning ordinance are not required to be printed in the code of ordinances, book, or pamphlet printed under this section, but the plan commission shall keep them available at its office for public inspection.

(d) Unless a zoning ordinance provides for a later effective date, the ordinance takes effect when it is adopted under section 606, 607, or 608 of this chapter, subject to ~~subsection (c)~~ **subsections (e) and (h).**

(e) When a provision prescribing a penalty or forfeiture for a violation is printed under this section, it may not take effect until fourteen (14) days after the later of the following:

- (1) The final day on which notice of its adoption is published under subsection (a).
- (2) The day on which it is filed in the clerk's office under subsection (f).

(f) A zoning ordinance is not required to be included in the code of ordinances printed by a unit under IC 36-1-5. However, if the zoning ordinance is not included in that code, then two (2) copies of the book or pamphlet (and supplement, if any) printed under this section shall

be filed in the office of the clerk of each participating legislative body, and these copies shall be kept on file in that office for public inspection.

(g) If the zoning ordinance is not included in the code of ordinances, the clerk shall keep additional copies of the book or pamphlet (and supplement, if any) in the office for the purpose of sale or distribution. However, if the zoning ordinance is included in the code of ordinances, copies of the zoning ordinance shall also be made available to the public in accordance with IC 5-14-3.

(h) A zoning ordinance that is adopted under section 606, 607, or 608 of this chapter without the written consent of an affected property owner that has the effect of materially altering the development standards applicable to the affected property owner's property or prohibiting a use previously permitted on the affected property owner's property is not effective or binding on the affected property owner or the affected property owner's property until the earlier of:

(1) three (3) years after the date of adoption of such zoning ordinance; or

(2) the date fee simple title to the affected property is conveyed to a subsequent owner.

SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 35 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

GARTON, Chairperson

Report adopted.

REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, Senate Bill 339, currently assigned to the Committee on Corrections, Criminal, and Civil Matters, be reassigned to the Committee on Insurance and Financial Institutions.

GARTON

Report adopted.

REPORT OF THE PRESIDENT
PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, Senate Bill 373, currently assigned to the Committee on Appropriations, be reassigned to the Committee on Judiciary.

GARTON

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 17

House Concurrent Resolution 17, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring Butler University on the occasion of the 150th anniversary of its founding.

Whereas, In 1855, two professors, some assistant teachers, and 20 students walked through the doors of Butler University and began

what was to become years of academic excellence and innovation;

Whereas, Because there were no high schools or adequate private academies, Butler University operated its own preparatory department until 1907, enrolling 60 students and another 54 in the prep classes the first year;

Whereas, Butler University was originally called North Western Christian University and was located at 18th Street and College Avenue;

Whereas, From its creation, the school began establishing unheard of precedents, including admitting women on an equal basis with men, admitting students representing minorities, and allowing students, with parental consent, to choose subjects suited to their needs under a new "elective" system;

Whereas, Butler University also appointed Catharine Merrill as Demia Butler professor, and she became the first female professor of English literature in Indiana in 1870, making Butler the first in the nation to establish an endowed chair specifically for a female professor and only the second university to appoint a woman to the faculty;

Whereas, In 1875, the board of directors sold the downtown campus and moved the campus to Irvington;

Whereas, In 1879 the school became known as Butler University in honor of Ovid Butler, a prominent Indianapolis attorney and abolitionist who wrote the university's charter in 1850;

Whereas, Butler University continued to grow, adding the College of Education in 1930, the College of Business Administration in 1937, the College of Pharmacy in 1945, and the Jordan College of Music in 1951;

Whereas, To keep up with the growing needs of the academic community, Butler began offering evening courses in 1899, established a summer session in 1905, and created a graduate division in 1932; and

Whereas, Butler University will continue to grow on the solid foundation laid by its founders in 1855 and will continue to offer visionary ideas and innovative academic concepts to its students: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Butler University on the 150th anniversary of its founding and recognizes its many contributions to the city of Indianapolis and the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Butler University president Dr. Bobby Fong.

Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 22

House Concurrent Resolution 22, sponsored by Senator Paul:

A CONCURRENT RESOLUTION honoring Richmond, Indiana, on the occasion of the 200th anniversary of its founding.

Whereas, Richmond was originally founded by North Carolina Quakers John Smith and Jeremiah Cox who settled along the Whitewater River in 1806;

Whereas, John Smith opened the first general store south of present day Main Street, and Jeremiah Cox built the first grist mill on land north of present day Main Street;

Whereas, In 1818, Jeremiah Cox was convinced that a town would inevitably be at that site and joined John Smith to form a town;

Whereas, On September 1, 1818, 24 qualified voters of the settlement met and voted to incorporate the town, naming it Richmond;

Whereas, The National Road, now U.S. 40, was surveyed to Richmond in 1827;

Whereas, A covered bridge across the Whitewater River in the Whitewater Valley Gorge was completed in 1836, alleviating a barrier to westward expansion;

Whereas, Earlham College, which is recognized today as one of the nation's best liberal arts colleges, was established by the Society of Friends in 1847;

Whereas, The first locomotive entered Richmond in March 1853, and the rail line was extended in 1854 to reach New Castle and, eventually, Chicago;

Whereas, The first library was established in 1864 by one of the earliest merchants, Robert Morrison, at a cost of \$20,000;

Whereas, In 1881, Richmond became the "Rose City" when E.G. Hill and his father, Joseph, began a general floral catalogue business that eventually became one of the world's largest producers of roses;

Whereas, By the early 20th century, Richmond had grown steadily in size, accomplishment, and confidence;

Whereas, Products manufactured such as Starr pianos, a variety of motor vehicles, McGuire lawnmowers, Gennett recordings, and Hill roses found world markets;

Whereas, A tragic explosion in 1968, which took 41 lives and did \$15,000,000 in damages, brought determined city leaders, merchants, and citizens together to create a new sense of community and a new downtown;

The resolution was read in full and adopted by voice vote. The

Whereas, Richmond is considered the Eastern Gateway of Indiana and, because of its ideal location along Interstate 70 on the border of Indiana and Ohio, has continued to offer its residents many great cultural, educational, and economic opportunities; and

Whereas, The residents of Richmond should be extremely proud of their city, which has continued to grow and develop into a world class community as it sets an example for cities throughout the United State of America: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the residents of Richmond on the occasion of the 200th anniversary of the city's founding.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Mayor Sally Hutton.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 21

House Concurrent Resolution 21, sponsored by Senators Smith, Rogers, Breaux, and Howard:

A CONCURRENT RESOLUTION honoring Reverend James R. Flint, Jr.

Whereas, Reverend James R. Flint, Jr. has dedicated his life to helping people live a Christian life;

Whereas, The objective set forth by Reverend Flint is to teach the principles of Christian living and to inform others that the Bible can show all how to live victoriously;

Whereas, Reverend James R. Flint, Jr. strives to stay Biblically rooted and spiritually directed while remaining current with the time;

Whereas, It is the goal of Reverend James R. Flint, Jr. to stay fresh and innovative in method in order to minister to the masses seeking direction in a transitional world; and

Whereas, Reverend James R. Flint, Jr. has graced the Indiana Black Legislative Caucus' eleventh annual Prayer and Praise Breakfast and has inspired all present to live a Christian life: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the contributions made by Reverend James R. Flint, Jr. and thanks him for his hours of dedicated service.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Reverend James R. Flint, Jr. and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1013 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 7 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 17, 18, 19, 20, 21, and 22 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical correction is to be made to Engrossed Senate Bill 40.

Page 6, line 12, after "FOLLOWS" insert "[EFFECTIVE JULY 1, 2006]".

(Reference is to Engrossed Senate Bill 40 as reprinted January 18, 2006.)

GARTON

Report adopted.

SENATE BILLS ON SECOND READING

Senate Bill 73

Senator Long called up Senate Bill 73 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 84

Senator Long called up Senate Bill 84 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 172

Senator Lubbers called up Senate Bill 172 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 172-1)

Madam President: I move that Senate Bill 172 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert: "SECTION 1. IC 20-28-1-2, AS ADDED BY P.L.246-2005, SECTION 133, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Applicant" refers to an applicant for:

- (1) a new license;
- (2) a renewal license; ~~or~~
- (3) a substitute teacher certificate; ~~or~~
- (4) a transition to teaching permit;**

issued by the department."

Page 2, delete line 1.

Page 2, line 2, delete "(d) This subsection" and insert "SECTION 2. IC 20-28-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) This section**".

Page 2, line 3, delete "geographic area;" and insert "**school corporation;**".

Page 2, line 6, after "teachers." begin a new paragraph and insert "**(b)**".

Page 2, line 8, delete "an individual who is in the process of obtaining" and insert "**a program participant**".

Page 2, delete line 9.

Page 2, line 10, delete "to teaching program established by IC 20-28-4-2".

Page 2, line 10, delete "individual" and insert "**program participant**".

Page 2, line 11, delete "geographic area" and insert "**school corporation**".

Page 2, line 12, delete "subsection" and insert "**section**".

Page 2, delete lines 13 through 15, begin a new paragraph and insert:

"(c) Before employing a program participant under subsection (b), the superintendent of the school corporation must make a determination that one (1) of the following conditions exists:

- (1) There is no fully certified and highly qualified teacher available for the position.**
- (2) The program participant is the best qualified candidate for the position.**

(d) A program participant who is employed under this section is eligible to receive a transition to teaching permit. The transition to teaching permit is valid for three (3) years, and may not be renewed. IC 20-28-5-9 applies to a program participant who applies for a transition to teaching permit.

(e) A program participant who is employed under this section:

- (1) shall enter into either:**
 - (A) a regular teacher's contract under IC 20-28-6-5; or**
 - (B) a temporary teacher's contract under IC 20-28-6-6;**
- (2) is eligible to participate in a mentor teacher program; and**
- (3) satisfies the field or classroom experience component of the program under section 4(3) of this chapter.**

(f) The state board:

(1) shall review; and

(2) may renew;

the designation of a school corporation or a subject area as having an insufficient supply of licensed teachers not more than two (2) years following the initial designation under subsection (a)."

Renumber all SECTIONS consecutively.

(Reference is to SB 172 as printed January 13, 2006.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 5

Senator Steele called up Engrossed Senate Bill 5 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 9: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Grubb.

Engrossed Senate Bill 39

Senator Ford called up Engrossed Senate Bill 39 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 10: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas, Duncan, Summers, and Kersey.

Engrossed Senate Bill 40

Senator Ford called up Engrossed Senate Bill 40 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 11: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, Thomas, Summers, and Kersey.

SENATE MOTION

Madam President: I move that Senator Garton be removed as

author of Senate Bill 33 and that Senator Alting be substituted therefor.

GARTON

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 47

Senator Hershman called up Engrossed Senate Bill 47 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 12: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative McClain.

Engrossed Senate Bill 69

Senator Weatherwax called up Engrossed Senate Bill 69 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 13: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, Borror, Bischoff, and Stilwell.

Engrossed Senate Bill 102

Senator Becker called up Engrossed Senate Bill 102 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 14: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Van Haaften.

Engrossed Senate Bill 105

Senator Rogers called up Engrossed Senate Bill 105 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 15: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, V. Smith, C. Brown, and Tyler.

Engrossed Senate Bill 111

Senator Becker called up Engrossed Senate Bill 111 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 16: yeas 42, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, C. Brown, and Budak.

Engrossed Senate Bill 201

Senator Riegsecker called up Engrossed Senate Bill 201 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 17: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Walorski, Ulmer, and Neese.

Engrossed Senate Bill 231

Senator Alting called up Engrossed Senate Bill 231 for third reading:

A BILL FOR AN ACT concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 18: yeas 35, nays 14. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, Klinker, T. Brown, and Micon.

Engrossed Senate Bill 259

Senator Kenley called up Engrossed Senate Bill 259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 19: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Espich.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 14

House Concurrent Resolution 14, sponsored by Senators Rogers, Smith, Howard, and Breaux:

A CONCURRENT RESOLUTION commemorating Martin Luther King, Jr. Day.

Whereas, Dr. Martin Luther King, Jr. was one of our nation's truly great leaders;

Whereas, Dr. Martin Luther King, Jr. had many dreams: of an America where "justice rolls down like waters and righteousness like a mighty stream"; of an America where neighbors look "beyond the external accidents and discern those inner qualities that make all men human and, therefore, brothers"; of a time when "this nation will rise up and live out the true meaning of its creed, "we hold these truths to be self evident: that all men are created equal";

Whereas, Dr. Martin Luther King, Jr. had a dream for a better society -- a dream where "the sons of former slaves and the sons of former slave owners will be able to sit together at the table of brotherhood";

Whereas, The visions of Dr. Martin Luther King, Jr. continue to bring hope and inspiration to people of all nations;

Whereas, All Americans must continue to gather inspiration from the life of Dr. Martin Luther King, Jr. and strive to realize his dreams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That it is fitting and proper that Dr. Martin Luther King, Jr. be remembered and recognized by future generations of Americans.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1021, 1023, 1103, 1106, 1111, 1114, and 1150 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 105.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 310.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Craycraft be added as coauthors of Senate Bill 365.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Engrossed Senate Bill 69.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Engrossed Senate Bill 47.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Engrossed Senate Bill 102.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second author of Senate Bill 100.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Nugent be added as second author of Senate Bill 86.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 24.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 18 and that Senator Miller be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 35 and that Senator Long be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lewis and Mrvan be added as coauthors of Senate Bill 383.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as second author and Senators M. Young, Mishler, Zakas, Paul, Dillon, Drozda, Jackman, Heinold, Gard, Kruse, Nugent, Long, Meeks, Wyss, Riegsecker, Weatherwax, Hershman, and Bray be added as coauthors of Engrossed Senate Bill 5.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as coauthor of Senate Bill 70.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Hume be added as coauthors of Senate Bill 345.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 162.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lawson be added as coauthor of Senate Bill 88.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, M. Young, and Bowser be added as coauthors of Senate Bill 340.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as coauthor of Senate Bill 340.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 258.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Senate Bill 370.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 147.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 151.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be removed as coauthor of Senate Bill 6.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be removed as coauthor of Senate Bill 6.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be removed as coauthor of Senate Bill 6.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senators Meeks, Bray, Wyss, Mrvan, Zakas, Miller, M. Young, Lanane, Bowser, and Kruse be added as coauthors of Senate Bill 6.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 246.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill 154.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Lanane be added as coauthors of Senate Bill 84.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Senate Bill 12.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 111.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 139.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske, Paul, Wyss, and M. Young be added as coauthors of Senate Resolution 3.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be removed as author of Senate Bill 213 and that Senator Dillon be substituted therefor.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as coauthor of Senate Bill 331.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 23, 2006.

GARTON

Motion prevailed.

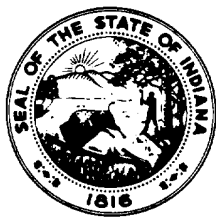
January 19, 2006

Senate 183

The Senate adjourned at 3:45 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Eighth Meeting Day

Monday Afternoon

January 23, 2006

The Senate convened at 1:34 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker <input checked="" type="checkbox"/>	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele <input checked="" type="checkbox"/>
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 20: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 253, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 17, after "licensing" insert ", including temporary structures,".

(Reference is to SB 253 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 6, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 94, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 77, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 157, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Bill 354, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

WEATHERWAX, Chair

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Resolution 3

Senator Delph called up Senate Resolution 3 for second reading. The resolution was read a second time by title and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 370.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Harrison be added as coauthor of Senate Bill 321.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 154.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 356.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Senate Bill 217.

BRODEN

Motion prevailed.

2:06 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:33 p.m., with Senator Garton in the Chair.

STATEMENT OF THE PRESIDENT PRO TEMPORE OF THE SENATE CONCERNING SENATE BILL 245

The Chair notes that Senator Delph is excused from voting on Senate Bill 245, pursuant to the Report of the Committee on Ethics adopted on January 9, 2006, and asks that it be so recorded in the Journal of the Senate.

GARTON

SENATE BILLS ON SECOND READING

Senate Bill 245

Senator Hershman called up Senate Bill 245 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 245-12)

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 3, begin a new paragraph and insert: "SECTION 1. IC 8-1-1.1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 5.5. (a) After June 30, 2009, the counselor shall have jurisdiction over the following:**

(1) All duties and responsibilities exercised by the commission's consumer protection division before July 1, 2009, with respect to telecommunications providers.

(2) The responsibilities of the commission under IC 8-1-2.9 to:

(A) approve a telecommunications provider's petition to provide caller ID service; and

(B) approve either per-call or per-line blocking of caller ID service for law enforcement and crisis intervention agencies;

before July 1, 2009.

(b) As necessary to fulfill its duties under this section with respect to telecommunications providers, the counselor may exercise any power available to commission under IC 8-1-2 with respect to public utilities, including the power to investigate a complaint filed by a consumer against a telecommunications provider."

Page 4, line 39, after "enabled" insert "retail".

Page 5, delete lines 8 through 42.

Delete pages 6 through 7.

Page 8, delete line 1.

Page 11, line 37, after "enabled" insert "retail".

Page 12, line 15, delete "The" and insert "Except as otherwise provided under IC 8-1-2-5, the".

Page 13, line 17, delete "A" and insert "Subject to subsection (h), a".

Page 13, line 23, after "increase" insert "in the flat monthly rate".

Page 14, line 9, delete "subsection (e)," and insert "subsections (e) and (h),".

Page 16, between lines 3 and 4, begin a new paragraph and insert: "**(h) If, at any time during the rate transition period, the commission determines in accordance with IC 8-1-2-113 that an emergency exists, the commission may act under IC 8-1-2-113 to temporarily alter, amend, or suspend the limits on the flat monthly rate increases set forth in subsections (c) and (d) if necessary to maintain a provider's financial integrity and ability to provide adequate basic telecommunications service. The commission shall reimplement the limits on flat monthly rate increases, as set forth in subsections (c) and (d), when the commission is satisfied the emergency no longer exists."**

Page 16, line 39, after "actions." insert "This subsection does not affect the commission's authority under IC 8-1-2-5."

Page 17, line 5, delete "47 U.S.C. 252(e);" and insert **"47 U.S.C. 252(e), including the authority to establish service quality metrics and liquidated damages;"**.

Page 17, line 8, delete "or".

Page 17, line 12, delete "article." and insert **"article; or"**.

Page 17, between lines 12 and 13, begin a line block indented and insert:

"(6) the commission's authority to resolve an interconnection dispute between providers under the expedited procedures set forth in 170 IAC 7-7."

Page 18, line 1, delete "hearing;" and insert **hearing, unless:**

(A) the commission determines that an emergency exists that requires the commission or a provider to take immediate action to:

(i) prevent injury to the business or interests of the citizens of Indiana; or

(ii) maintain a provider's financial integrity and ability to provide adequate basic telecommunications service;

(B) the commission is authorized under IC 8-1-2 to adopt a particular rule or issue a particular order without the necessity of a hearing; or

(C) after receiving notice of the commission's proposed action, all parties to a proceeding consent to the commission taking action without a hearing; and"

Page 18, delete line 2.

Page 19, between lines 4 and 5, begin a new paragraph and insert:

"(e) This section does not affect the commission's authority under IC 8-1-2-5."

Page 21, line 28, delete "do either of the following:".

Page 21, line 29, delete "(1) Renegotiate" and insert **"renegotiate"**.

Page 21, run in lines 28 through 29.

Page 21, delete lines 32 through 38.

Page 22, line 17, delete "chapter:" and insert **"chapter, except as otherwise provided in this subsection:"**.

Page 23, line 6, delete "Perform" and insert **"After June 30, 2009, perform"**.

Page 23, line 17, delete "Require" and insert **"After June 30, 2009, require"**.

Page 23, line 18, delete "commission, not more often than quarterly," and insert **"commission on an annual basis, or more frequently at the option of the provider,"**.

Page 24, between lines 19 and 20, begin a new line block indented and insert:

"(11) Perform the commission's duties under IC 8-1-2-5 with respect to interconnection."

Page 24, line 21, delete "division of consumer protection of the" and insert **"office of utility consumer counselor created by IC 8-1-1.1-2,"**.

Page 24, delete line 22.

Page 24, line 23, delete "the division's authority under IC 4-6-9,".

Page 24, line 27, delete "involving the investigation and" and insert **"with respect to telecommunications providers."**

Page 24, delete lines 28 through 29.

Page 24, delete lines 36 through 38.

Page 26, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 27. IC 8-1-2.6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "payphone service provider" means an entity, other than an incumbent local exchange carrier, that owns and operates:

(1) public or semipublic pay telephones; or

(2) pay telephones used to provide telephone service in correctional institutions.

(b) Notwithstanding any other statute, the commission shall retain jurisdiction to establish just and reasonable rates that may be charged by an incumbent local exchange carrier to a payphone service provider. Rates established under this section must be:

(1) based on the costs incurred by the incumbent local exchange carrier to provide the service;

(2) consistent with the requirements of 47 U.S.C. 276;

(3) nondiscriminatory; and

(4) consistent with the pricing guidelines for payphone service providers established by the Federal Communications Commission."

Page 31, line 21, after "chapter," insert **"office" refers to the office of utility consumer counselor created by IC 8-1-1.1-2."**

Page 31, delete lines 22 through 23.

Page 32, line 5, delete "division;" and insert **"office;"**.

Page 32, line 7, delete "division." and insert **"office."**

Page 32, line 14, delete "division" and insert **"office"**.

Page 32, delete lines 15 through 42.

Page 33, delete lines 1 through 15.

Page 60, line 20, delete "division of consumer protection of the office of the" and insert **"office of utility consumer counselor created by IC 8-1-1.1-2."**

Page 60, delete line 21.

Page 61, line 8, delete "division of consumer protection of the office of the" and insert **"office of utility consumer counselor created by IC 8-1-1.1-2."**

Page 61, delete line 9.

Page 64, delete lines 34 through 36.

Page 64, line 37, delete "Sec. 5. As used in this section," and insert **"Sec. 4. As used in this chapter,"**.

Page 65, between lines 2 and 3, begin a new paragraph and insert: **"Sec. 5. As used in this chapter, "office" refers to the office of utility consumer counselor created by IC 8-1-1.1-2."**

Page 66, line 18, delete "division;" and insert **"office;"**.

Page 66, line 19, delete "division" and insert **"office"**.

Page 66, line 23, delete "division." and insert **"office."**

Page 66, line 30, delete "division" and insert **"office"**.

Page 84, line 18, delete "The" and insert **"Except as otherwise provided in this chapter, the"**.

Page 85, line 37, delete "Determines, after conducting," and insert **"Conducts"**.

Page 85, line 38, delete "chapter, that there are not at least two (2) persons that:" and insert **"chapter to determine whether there is any person that:"**.

Page 85, line 39, delete "provide" and insert **"provides"**.

Page 85, line 41, delete "intend" and insert **"intends"**.

Page 86, line 3, delete "Holds" and insert **"Not earlier than ninety (90) days after the deadline specified under section 7(b)(2) of this chapter for all communications service providers to respond to the political subdivision's inquiry under section 7 of this chapter, hold"**.

Page 87, line 2, delete "determines, after conducting" and insert "conducts".

Page 87, line 3, delete "chapter, that there are not at least two (2)" and insert **"chapter to determine whether there is any person that:"**.

Page 87, delete line 4.

Page 87, line 5, delete "provide" and insert **"provides"**.

Page 87, line 7, delete "intend" and insert **"intends"**.

Page 87, line 22, after "must" insert **"**:

(1) inquire as to whether the person:

(A) provides broadband service; or

(B) intends to provide broadband service not later than three (3) months after the date of the political subdivision's written request under this subsection;

in the designated area; and

(2) require the person to respond to the inquiry described in subdivision (1) not later than sixty (60) days after the date the request under this subsection is postmarked.

(c) The political subdivision shall make available:

(1) for public inspection at the appropriate offices of the political subdivision; and

(2) at the public hearing required under section 5(c)(2) of this chapter;

a written summary of the results of the inquiry conducted under this section. However, the summary required under this subsection must not reveal any confidential or proprietary business plans or other confidential information reported by a person under this section. The political subdivision shall exercise all necessary caution to avoid disclosure of confidential information reported by a person under this section, including the redaction of confidential information from the summary."

Page 87, delete lines 23 through 42.

Page 88, delete lines 1 through 14.

Page 90, between lines 6 and 7, begin a new paragraph and insert:
"Sec. 11. Notwithstanding section 1(b)(2) and 1(b)(3) of this chapter, after June 30, 2009, a political subdivision that provides broadband service in an area in the political subdivision's jurisdiction in accordance with this chapter may provide:

(1) value added services providing text, graphic, video, or audio program content for a purpose other than transmission; or

(2) video programming or other programming described in section 1(b)(3) of this chapter;

through the same facilities, equipment, or technology used by the political subdivision to provide broadband service under this chapter.

Sec. 12. (a) This section applies to a political subdivision that controls, owns, or otherwise has an interest in any facilities, equipment, or technology that may be used to provide communications service.

(b) This chapter does not prohibit a political subdivision described in subsection (a) from entering into an agreement at any time with another person to allow the other person to use the political subdivision's facilities, equipment, or technology to provide communications service, including any services described in section 11 of this chapter, to an area in the political subdivision's jurisdiction. However, a political subdivision that enters into an agreement under this section shall not be responsible for:

(1) determining the content or programming offered as part of the communications service provided through the political subdivision's facilities, equipment, or technology;

(2) billing, advertising, or other operational functions associated with the communications service provided through the political subdivision's facilities, equipment, or technology; or

(3) otherwise providing services directly or indirectly to retail customers."

Page 92, line 27, delete **"division"** refers to the division of" and insert **"office"** refers to the office of utility consumer counselor created by IC 8-1-1.1-2."

Page 92, delete lines 28 through 29.

Page 93, delete lines 2 through 10.

Page 93, line 11, delete **"(g)"** and insert **"(f)"**.

Page 93, line 12, delete **"division"** and insert **"office"**.

Page 93, line 12, delete **"2009:"** and insert **"2009, take any action necessary"**.

Page 93, delete lines 13 through 14.

Page 93, run in lines 12 through 15.

Page 93, line 18, delete **"(h)"** and insert **"(g)"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 245 as printed January 12, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION (Amendment 245-3)

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 70, between lines 2 and 3, begin a new line double block indented and insert:

"(E) That the applicant agrees to offer, in each service area in Indiana to be served by the applicant, at least one (1) service tier or package that allows a subscriber to choose the programming channels that comprise the service tier or package, to the extent such a service tier or package is authorized under federal law."

Page 72, between lines 2 and 3, begin a new paragraph and insert:

"(e) The commission shall require, as a condition of receiving or holding a certificate under this chapter, a provider to offer, in each service area included in the provider's certificate, at least one (1) service tier or package described in section 16(b)(1)(E) of this chapter."

(Reference is to SB 245 as printed January 12, 2006.)

WYSS

Motion prevailed.

SENATE MOTION (Amendment 245-14)

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 1, delete lines 1 through 15.

Delete page 2.

Page 3, delete lines 1 through 3, begin a new paragraph and insert:

"SECTION 1. IC 8-1-1.1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2009]: **Sec. 5.5. (a) After June 30, 2009, the counselor shall have jurisdiction over the following:**

(1) All duties and responsibilities exercised by the commission's consumer protection division before July 1, 2009, with respect to telecommunications providers.

(2) The responsibilities of the commission under IC 8-1-2.9 to:

(A) approve a telecommunications provider's petition to provide caller ID service; and

(B) approve either per-call or per-line blocking of caller ID service for law enforcement and crisis intervention agencies;

before July 1, 2009.

(b) As necessary to fulfill its duties under this section with respect to telecommunications providers, the counselor may exercise any power available to commission under IC 8-1-2 with respect to public utilities, including the power to investigate a complaint filed by a consumer against a telecommunications provider."

Page 16, between lines 3 and 4, begin a new paragraph and insert:

"(h) After June 30, 2009, a provider that offers basic telecommunications service in Indiana must offer a flat monthly rate with unlimited local calling for basic telecommunications service in each local exchange area in Indiana in which the provider offers basic telecommunications service."

Page 22, line 17, "chapter:" and insert **"chapter, except as otherwise provided in this subsection:"**.

Page 23, line 6, delete "Perform," and insert **"After June 30, 2009, perform"**.

Page 23, line 17, delete "Require" and insert **"After June 30, 2009, require"**.

Page 24, between lines 19 and 20, begin a new line block indented and insert:

"(11) Establish and administer the Indiana Lifeline assistance program under IC 8-1-36."

Page 24, line 21, delete "division of consumer protection of the" and insert **"office of utility consumer counselor created by IC 8-1-1.1-2,"**.

Page 24, delete line 22.

Page 24, line 23, delete "the division's authority under IC 4-6-9,".

Page 24, line 27, delete "involving the investigation and" and insert **"with respect to telecommunications providers."**

Page 24, delete lines 28 through 29.

Page 24, delete lines 36 through 38.

Page 31, line 21, after "chapter," insert **"office" refers to the office of utility consumer counselor created by IC 8-1-1.1-2."**

Page 31, delete lines 22 through 23.

Page 32, line 5, delete "division;" and insert **"office;"**.

Page 32, line 7, delete "division." and insert **"office."**

Page 32, line 14, delete "division" and insert **"office"**.

Page 32, delete lines 15 through 42.

Page 33, delete lines 1 through 15.

Page 60, line 20, delete "division of consumer protection of the office of the" and insert **"office of utility consumer counselor created by IC 8-1-1.1-2."**

Page 60, delete line 21.

Page 61, line 8, delete "division of consumer protection of the office of the" and insert **"office of utility consumer counselor**

created by IC 8-1-1.1-2."

Page 61, delete line 9.

Page 64, delete lines 34 through 36.

Page 64, line 37, delete "Sec. 5. As used in this section," and insert **"Sec. 4. As used in this chapter,"**.

Page 65, between lines 2 and 3, begin a new paragraph and insert:

"Sec. 5. As used in this chapter, "office" refers to the office of utility consumer counselor created by IC 8-1-1.1-2."

Page 65, line 8, delete "A" and insert **"After March 27, 2006, a"**.

Page 65, line 28, delete "void." and insert **"void if the contract, agreement, or arrangement is entered into after March 27, 2006. However, a contract, an agreement, or any other arrangement that otherwise violates this section remains in effect until such time as it would normally terminate or expire if the contract, agreement, or arrangement is entered into before March 28, 2006."**

Page 66, line 18, delete "division;" and insert **"office;"**.

Page 66, line 19, delete "division" and insert **"office"**.

Page 66, line 23, delete "division." and insert **"office."**

Page 66, line 30, delete "division" and insert **"office"**.

Page 90, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 59. IC 8-1-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 36. Indiana Lifeline Assistance Program

Sec. 1. This chapter applies to an incumbent local exchange carrier that offers basic telecommunications service in one (1) or more exchange areas in Indiana.

Sec. 2. Except as otherwise provided in this chapter, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 3. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 4. As used in this chapter, "customer" refers to a residential customer that receives basic telecommunications service from an incumbent local exchange carrier.

Sec. 5. As used in this chapter, "eligible customer" refers to a customer who:

(1) is not a qualifying low-income consumer (as defined in

47 CFR 54.400(a)) under the federal Lifeline program; but

(2) is eligible for the Indiana Lifeline assistance program

under section 11 of this chapter.

Sec. 6. As used in this chapter, "eligible telecommunications carrier" refers to an incumbent local exchange carrier that is designated as an eligible telecommunications carrier by the commission under 47 CFR 54.201.

Sec. 7. As used in this chapter, "federal Lifeline program" refers to the retail local service offering:

(1) available only to qualifying low-income consumers (as defined in 47 CFR 54.400(a));

(2) for which qualifying low-income consumers pay reduced charges as a result of the application of the Lifeline support amount described in 47 CFR 54.403; and

(3) that includes the services and functionalities set forth in 47 CFR 54.101(a)(1) through (a)(9);

as described in 47 CFR 54.401.

Sec. 8. As used in this chapter, "participant" refers to an eligible customer who applies for and receives assistance through the program.

Sec. 9. As used in this chapter, "program" refers to the Indiana Lifeline assistance program established by the commission under section 10 of this chapter.

Sec. 10. (a) Not later than July 1, 2008, the commission shall adopt rules under IC 4-22-2 to establish the Indiana Lifeline assistance program. The program shall offer reduced charges for basic telecommunications service to eligible customers. The rules adopted by the commission under this section must do the following:

- (1) Require an eligible telecommunications carrier to offer toll limitation (as defined in 47 CFR 54.400(d)) to an eligible customer who applies for assistance under the program. The rules must specify that an eligible telecommunications carrier may not charge a participant an administrative charge or any other additional amount for toll limitation.
- (2) Allow an eligible telecommunications carrier to block a participant's access to interexchange service, except for access to toll free numbers, if the participant owes an outstanding amount for basic telecommunications service. The rules must require an eligible telecommunications carrier to remove the block without additional cost to the participant upon payment of the outstanding amount.
- (3) Prohibit an eligible telecommunications carrier from discontinuing basic telecommunications service to a participant because of nonpayment by the participant of charges for other services billed by the eligible telecommunications carrier, including interexchange service.

(b) The following costs of the program shall be paid from the telecommunications budgets of the commission and the office of utility consumer counselor as determined under IC 8-1-6-1:

- (1) The costs of reimbursing eligible telecommunications carriers for lost revenues associated with providing reduced charges for basic telecommunications service to participants.
- (2) Reasonable expenses incurred by the commission and eligible telecommunications carriers to:
 - (A) administer the program; and
 - (B) publicize the availability of the program in a manner reasonably designed to reach eligible customers.

(c) The rules adopted by the commission under IC 4-22-2 to establish the program must:

- (1) take effect not later than July 1, 2009;
- (2) be consistent with this chapter.

Upon the effective date of the rules adopted by the commission under this section, an eligible telecommunications carrier shall offer basic telecommunications service to an eligible customer at the reduced rates established under the rules.

Sec. 11. A customer is eligible to receive reduced rates for basic telecommunications service under the program if:

- (1) the customer's income (as defined in 47 CFR 54.400(f)) does not exceed one hundred fifty percent (150%) of the federal poverty guidelines; or
- (2) any person in the customer's household receives or has a child who receives any of the following:
 - (A) Medicaid.
 - (B) Food stamps.
 - (C) Supplemental Security Income.
 - (D) Federal public housing assistance.

(E) Home energy assistance under a program administered by the division of family resources under IC 12-14-11.

(F) Assistance under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).

(G) Free lunches under the national school lunch program.

Sec. 12. An eligible telecommunications carrier may seek Tier Three federal Lifeline support under 47 CFR 54.403(a)(3) in connection with support provided by the eligible telecommunications carrier under this chapter."

Page 92, line 27, delete "'division" refers to the division of" and insert "'office" refers to the office of utility consumer counselor created by IC 8-1-1.1-2."

Page 92, delete lines 28 through 29.

Page 93, delete lines 2 through 10.

Page 93, line 11, delete "(g)" and insert "(f)".

Page 93, line 12, delete "division" and insert "office".

Page 93, line 12, delete "2009:" and insert "**2009, take any action necessary**".

Page 93, delete lines 13 through 14.

Page 93, run in lines 12 through 15.

Page 93, line 18, delete "(h)" and insert "(g)".

Renumber all SECTIONS consecutively.

(Reference is to SB 245 as printed January 12, 2006.)

CRAYCRAFT

Motion prevailed.

SENATE MOTION

(Amendment 245-4)

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 19, delete lines 27 through 38.

Page 19, line 39, delete "(3)" and insert "(2)".

Page 23, delete lines 13 through 16.

Page 23, line 17, delete "(9)" and insert "(8)".

Page 24, line 16, delete "(10)" and insert "(9)".

Page 25, line 15, delete "(d)(9)(A)." and insert "(d)(8)(A).".

Page 57, line 13, delete "video service (as defined in IC 8-1-34-14);" and insert "**cable service (as defined in 47 U.S.C. 522(6)) or another functionally equivalent service that involves the transmission of video programming (as defined in 47 U.S.C. 522(20)) or other programming service (as defined in 47 U.S.C. 522(14)) to subscribers, without regard to the technology used;**".

Page 64, line 22, delete "video service (as defined in IC 8-1-34-14);" and insert "**cable service (as defined in 47 U.S.C. 522(6)) or another functionally equivalent service that involves the transmission of video programming (as defined in 47 U.S.C. 522(20)) or other programming service (as defined in 47 U.S.C. 522(14)) to subscribers, without regard to the technology used;**".

Page 64, line 29, delete "IC 8-1-34-1)" and insert "IC 23-1-43-1)".

Page 67, delete lines 23 through 42.

Delete pages 68 through 83.

Page 84, delete lines 1 through 4.

Page 84, line 40, delete "video service (as defined in IC 8-1-34-14);" and insert "**cable service (as defined in 47 U.S.C. 522(6)) or another functionally equivalent service that involves**".

the transmission of video programming (as defined in 47 U.S.C. 522(20)) or other programming service (as defined in 47 U.S.C. 522(14)) to subscribers, without regard to the technology used;"

Renumber all SECTIONS consecutively.

(Reference is to SB 245 as printed January 12, 2006.)

FORD

Upon request of Senator Ford the President ordered the roll of the Senate to be called. Roll Call 21: yeas 13, nays 32.

Motion failed.

SENATE MOTION
(Amendment 245-6)

Madam President: I move that Engrossed Senate Bill 245 be amended to read as follows:

Page 9, between lines 17 and 18, begin a new line block indented and insert:

"(5) Not more than three (3) additional vertical services through or for the customer's primary line, including any of the following:

(A) Call waiting.

(B) Caller ID.

(C) An additional directory listing.

(D) Automatic call return.

(E) Three-way calling.

(F) Call blocking.

(G) Automatic redial."

Page 9, line 42, delete "contracts;" and insert **"contracts that provide services other than those set forth in section 0.1(b)(5) of this chapter for a residential customer;"**.

Page 12, delete lines 20 through 42.

Delete pages 13 through 15.

Page 16, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 245 as printed January 12, 2006.)

FORD

Motion withdrawn.

SENATE MOTION
(Amendment 245-13)

Madam President: I move that Engrossed Senate Bill 245 be amended to read as follows:

Page 16, between lines 3 and 4, begin a new paragraph and insert:

"(h) After June 30, 2009, a provider that offers basic telecommunications service in Indiana:

(1) must offer a flat monthly rate with unlimited local calling for basic telecommunications service in each local exchange area in Indiana in which the provider offers basic telecommunications service; and

(2) may not, in any local exchange area in Indiana in which the provider offers basic telecommunications service, offer any service plan for basic telecommunications service that includes measured local service."

Page 64, line 37, delete "section," and insert **"chapter,"**.

(Reference is to SB 245 as printed January 12, 2006.)

SIMPSON

Motion prevailed.

SENATE MOTION
(Amendment 245-15)

Madam President: I move that Senate Bill 245 be amended to read as follows:

Page 15, between lines 30 and 31, begin a new paragraph and insert:

"(g) If, after a hearing under subsection (e), the commission determines that the provider offers broadband service to fifty percent (50%) of the households in the local exchange area as required under subsection (e), the provider shall reinvest an amount equal to the incremental revenue accruing to the provider as a result of all rate increases imposed by the provider under subsection (c) or (d) in any of the following:

(1) Facilities, equipment, or technology used to provide communications service (as defined in section 13 of this chapter) to Indiana customers, including customers in underserved or rural areas.

(2) Service quality initiatives designed to improve the delivery of basic telecommunications service to Indiana customers.

(3) Other programs and infrastructure designed to benefit Indiana customers."

Page 15, line 31, delete "(g)" and insert **"(h)"**.

Page 16, between lines 3 and 4, begin a new paragraph and insert:

"(i) After June 30, 2009, a provider may not raise the provider's rates for basic telecommunications service for a particular customer class in Indiana above the rates for basic telecommunications service for the particular customer class that are in effect on June 30, 2009."

Page 16, line 12, delete "The" and insert **"A tariff filed under this subdivision may not include rates for basic telecommunications service that exceed those allowed under section 1.3(i) of this chapter. Subject to section 1.3(i) of this chapter, the"**.

Page 16, line 22, delete "to the sole issue of the provider's compliance with the" and insert **"to one (1) or both of the following issues:**

(1) The filed tariff's compliance with section 1.3(i) of this chapter.

(2) The provider's compliance with the filed tariff."

Page 16, line 23, delete "filed tariff."

(Reference is to SB 245 as printed January 12, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 22: yeas 16, nays 29.

Motion failed. The bill was ordered engrossed.

Senate Bill 161

Senator Miller called up Senate Bill 161 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 88

Senator Wyss called up Senate Bill 88 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 355

Senator Lawson called up Senate Bill 355 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 355-1)

Madam President: I move that Senate Bill 355 be amended to read as follows:

Page 5, line 8, delete ":" and insert "**the taxpayer or the taxpayer's representative**".

Page 5, line 9, delete "the taxpayer".

Page 5, line 12, delete "the taxpayer".

Page 5, line 15, delete "An" and insert "**The taxpayer or an**".

Page 5, line 17, delete "An" and insert "**The taxpayer or an**".

Page 5, line 18, after "taxpayer" insert "**or the taxpayer's representative**".

Page 5, line 25, after "taxpayer" insert "**or a taxpayer's representative**".

Page 5, line 29, after "taxpayer" insert "**or the taxpayer's representative**".

(Reference is to SB 355 as printed January 20, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 191

Senator Wyss called up Senate Bill 191 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 208

Senator Dillon called up Senate Bill 208 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 208-1)

Madam President: I move that Senate Bill 208 be amended to read as follows:

Page 3, line 8, after "subsection." insert "**The bureau shall inform an applicant that submission of information under this subsection is voluntary**".

Page 4, line 26, after "subsection." insert "**The bureau shall inform an applicant that submission of information under this subsection is voluntary**".

(Reference is to SB 208 as printed January 20, 2006.)

TALLIAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 2

Senator Drozda called up Senate Bill 2 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 362

Senator Ford called up Senate Bill 362 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 234

Senator Gard called up Senate Bill 234 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 234-1)

Madam President: I move that Senate Bill 234 be amended to read as follows:

Page 11, line 35, delete "existing" and insert "**designated**".

(Reference is to SB 234 as printed January 20, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senator Garton yielded the gavel to Senator Merritt.

Pursuant to prior authorization from Senator Jackman, Senator Gard called up Senate Bill 87 for Second Reading.

Senate Bill 87

Senator Gard called up Senate Bill 87 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 256

Senator Landske called up Senate Bill 256 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 154

Senator Heinold called up Senate Bill 154 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 247

Senator Wyss called up Senate Bill 247 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 297

Senator Hershman called up Senate Bill 297 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 133

Senator Kruse called up Senate Bill 133 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 296

Senator Kenley called up Senate Bill 296 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 258

Senator Kenley called up Senate Bill 258 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 258-1)

Madam President: I move that Senate Bill 258 be amended to read as follows:

Page 1, line 10, delete "a single itemized" and insert "**one (1) non-itemized**".

(Reference is to SB 258 as printed January 20, 2006.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 92

Senator Paul called up Senate Bill 92 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 260

Senator Kenley called up Senate Bill 260 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 260-1)

Madam President: I move that Senate Bill 260 be amended to read as follows:

Page 38, between lines 7 and 8, begin a new paragraph and insert: "SECTION 31. IC 6-1.1-36-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) **For purposes of this section**, a board of county commissioners, a county assessor, or an elected township assessor may enter into a ~~properly approved~~ contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

(1) examine and verify the accuracy of personal property returns filed by taxpayers with a township assessor of a township in the county; and

(2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

(b) The investigation and collection expenses of a contract under subsection (a) may be deducted from the gross amount of taxes collected on the undervalued or omitted property that is so discovered. **Subject to subsection (c)**, the remainder of the taxes collected on the undervalued or omitted property shall be distributed to the appropriate taxing units.

(c) **This subsection applies if funds are not budgeted for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer may deposit the net amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county. The fund remains in existence during the term of the contract. Distributions shall be made from the fund only for the following purposes:**

- (1) All refunds due to taxpayers as a result of the contract.**
- (2) All contract fees and other costs related to the contract.**
- (3) After the payments required by subdivisions (1) and (2) have been made and the contract has expired, all money remaining in the fund shall be distributed by the county auditor to the appropriate taxing units in the county.**

(c) (d) A board of county commissioners, a county assessor, or an elected township assessor may not contract for services under subsection (a) on a percentage basis."

Renumber all SECTIONS consecutively.

(Reference is to SB 260 as printed January 20, 2006.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senator Merritt yielded the gavel to Senator Garton.

Senate Bill 295

Senator Paul called up Senate Bill 295 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 12

Senator Long called up Senate Bill 12 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 379

Senator Ford called up Senate Bill 379 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 169

Senator Miller called up Senate Bill 169 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 346

Senator Meeks called up Senate Bill 346 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 114

Senator Zakas called up Senate Bill 114 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 41

Senator Miller called up Senate Bill 41 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 246

Senator Wyss called up Senate Bill 246 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 78

Senator Heinold called up Senate Bill 78 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 78-1)

Madam President: I move that Senate Bill 78 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-1-11, AS AMENDED BY P.L.214-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Subject to the limitation contained in subsection (b), "personal property" means:

- (1) nursery stock that has been severed from the ground;
- (2) florists' stock of growing crops which are ready for sale as pot plants on benches;
- (3) billboards and other advertising devices which are located on real property that is not owned by the owner of the devices;
- (4) motor vehicles, mobile houses, airplanes, boats not subject to the boat excise tax under IC 6-6-11, and trailers not subject to the trailer tax under IC 6-6-5;
- (5) foundations (other than foundations which support a building or structure) on which machinery or equipment is installed;

(6) fences that are:

(A) installed or placed in service after March 15, 2006; and

(B) used for the purpose of providing security for a fertilizer or pesticide by:

- (i) restricting access to or control of; or**
- (ii) conducting surveillance on or detecting unauthorized access to;**

the fertilizer or pesticide; and

~~(6)~~ **(7) all other tangible property (other than real property) which is being:**

- (A) held for sale in the ordinary course of a trade or business;**
- (B) held, used, or consumed in connection with the production of income; or**
- (C) held as an investment.**

(b) Personal property does not include the following:

- (1) Commercially planted and growing crops while they are in the ground.**
- (2) Computer application software that is not held as inventory (as defined in IC 6-1.1-3-11)."**

Page 2, line 1, after "of" insert **"any tangible personal property that is:**

- (1) installed or placed in service after March 15, 2006; and**
- (2) used for the purpose of providing security for a fertilizer or pesticide by:**

(A) restricting access to or control of; or

(B) conducting surveillance on or detecting unauthorized access to;

the fertilizer or pesticide."

Page 2, delete lines 2 through 7.

Page 2, delete lines 15 through 20, begin a new paragraph and insert:

"(d) The total annual amount of the deduction that a person may receive under:

(1) subsection (b) for tangible personal property installed or placed in service; and

(2) subsection (c) for the assessed value of a chemical added to and designed to deter the theft of a fertilizer or pesticide; at a facility may not exceed fifty thousand dollars (\$50,000)."

Page 2, line 24, delete "With respect".

Page 2, delete line 25.

Page 2, line 26, delete "of the assessment year. With respect to personal property, the" and insert **"In addition to the certified statement, the person must file a certification by the state chemist that the property for which the deduction is claimed has been installed or placed in service. The"**.

Page 2, line 27, after "statement" insert **"and certification"**.

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(f) A person that qualifies for a deduction for a year under this section and under IC 6-1.1-12.4 with respect to the same property may not receive a deduction under both this section and IC 6-1.1-12.4 for the property."

Page 2, line 38, delete "2007." and insert **"2006."**

Page 2, after line 38, begin a new paragraph and insert:

"SECTION 4. An emergency is declared for this act."

Renumber all SECTIONS consecutively.

(Reference is to SB 78 as printed January 20, 2006.)

WEATHERWAX

Motion prevailed. The bill was ordered engrossed.

Senate Bill 147

Senator Gard called up Senate Bill 147 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 60

Senator Kenley called up Senate Bill 60 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 148

Senator Riegsecker called up Senate Bill 148 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 112

Senator Riegsecker called up Senate Bill 112 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 168

Senator Miller called up Senate Bill 168 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 269

Senator Miller called up Senate Bill 269 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 310

Senator Alting called up Senate Bill 310 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 310-1)

Madam President: I move that Senate Bill 310 be amended to read as follows:

Page 1, line 6, delete "may" and insert "**shall**".

Page 2, delete lines 6 through 7.

Page 2, line 8, delete "(6)" and insert "**(5)**".

(Reference is to SB 310 as printed January 20, 2006.)

ALTING

Motion prevailed. The bill was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Senate Bill 75.

Delete the title and insert the following:

"A BILL FOR AN ACT to amend the Indiana Code concerning veteran's affairs."

(Reference is to SB 75 as printed January 20, 2006.)

GARTON

Report adopted.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 42

Senator Miller called up Engrossed Senate Bill 42 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 23: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Engrossed Senate Bill 84

Senator Long called up Engrossed Senate Bill 84 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 24: yeas 46, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley, Kuzman, Ulmer, and Van Haaften.

Senator Garton yielded the gavel to Senator Harrison.

Engrossed Senate Bill 172

Senator Lubbers called up Engrossed Senate Bill 172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 25: yeas 31, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

SENATE MOTION

Madam President: I move that Senator Kenley be added as coauthor of Senate Bill 217.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Wyss and Howard be added as coauthors of Engrossed Senate Bill 84.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author of Senate Bill 235.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Senate Bill 78.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Hume be added as coauthors of Engrossed Senate Bill 346.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Engrossed Senate Bill 114.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan and Delph be added as coauthors of Senate Bill 363.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 55.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as second author of Senate Bill 56.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 2.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 2.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane and Heinold be added as coauthors of Senate Bill 208.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 33.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as second author of Senate Bill 314.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 24, 2006.

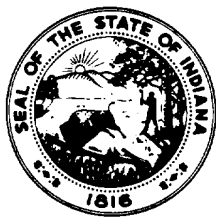
GARTON

Motion prevailed.

The Senate adjourned at 6:48 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Ninth Meeting Day

Tuesday Afternoon

January 24, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker <input checked="" type="checkbox"/>	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele <input checked="" type="checkbox"/>
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 26: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

The Senate recessed for the remarks of United States Congressman Dan Burton.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 146, has had

the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 1, delete "(a)".

Page 1, line 8, strike "inquiry" and insert "inquiries".

Page 1, line 9, strike "property".

Page 1, line 9, after "as" insert "facility".

Page 1, line 10, delete "for exemption".

Page 1, line 11, delete "from liability".

Page 1, line 16, strike "property" and insert "facility".

Page 1, line 17, delete "for an exemption from" and insert "to avoid".

Page 2, line 1, delete "42 U.S.C. 9601(35)(B) and 42 U.S.C. 9607(b)(3)" and insert "the federal Comprehensive Environmental Response, Compensation and Liability Act".

Page 9, delete lines 7 through 11, begin a new paragraph and insert:

"V. FURTHER ACTION UPON COMPLETION OF THE FORM

A. The transferor must comply with the delivery requirements of IC 13-25-3-2 and the filing and recording requirements of IC 13-25-3-8.

B. The transferee must comply with the recording requirements of IC 13-25-3-8."

(Reference is to SB 146 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 22, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 15, delete "." and insert ", hazardous liquid, or carbon dioxide fluid."

(Reference is to SB 22 as printed January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 128, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 9, line 23, strike "IC 3-11-8-25;" and insert "IC 3-11-8-25.1;"

Page 10, delete lines 30 through 39.
 (Reference is to SB 128 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 10, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 127, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "," and insert "**or (c),**".

Page 2, line 4, reset in roman "or makes an expenditure".

Page 2, between lines 5 and 6, begin a new paragraph and insert:

"(c) A group of individuals all of whom are related by blood, marriage, or adoption is not considered a political action committee.

(d) For purposes of subsection (c), an individual is considered to be related to another individual by blood, marriage, or adoption if the individual is the spouse, parent, father-in-law, mother-in-law, child, son-in-law, daughter-in-law, grandparent, grandchild, brother, sister, brother-in-law, sister-in-law, uncle, aunt, nephew, or niece of the other individual as the result of birth, marriage, or adoption."

Page 4, line 19, after "An" insert "**individual or**".

Page 4, line 19, delete "may not make" and insert "**that makes an expenditure for the purpose of financing**".

Page 4, line 20, delete "unless:" and insert "**is required to report the expenditure in accordance with IC 3-9-8.**".

Page 4, delete lines 21 through 28, begin a new paragraph and insert:

"SECTION 3. IC 3-9-4-16, AS AMENDED BY P.L.221-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 16. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

- (1) Fails to file with the election division a report in the manner required under IC 3-9-5 **or IC 3-9-8.**
- (2) Fails to file a statement of organization required under IC 3-9-1.
- (3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
- (4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions on the committee's behalf.
- (5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
- (6) Makes a contribution in the name of another person.
- (7) Accepts a contribution made by one (1) person in the name of another person.
- (8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.

(9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.
 (10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Violates IC 3-9-2-12.

(12) Fails to designate a contribution as required by IC 3-9-2-5(c).

(13) Violates IC 3-9-3-5.

(14) Serves as a treasurer of a committee in violation of any of the following:

(A) IC 3-9-1-13(1).

(B) IC 3-9-1-13(2).

(C) IC 3-9-1-18.

(15) Fails to comply with section 4(d) of this chapter.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the commission determines that a person failed to file the amended report or statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the commission may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the commission determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the commission shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report or statement is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the election division. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the commission determines that a person is subject to a civil penalty under subsection (a), the commission may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the election division.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the commission determines that a person is subject to a civil penalty under subsection (a)(5), the commission may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the election division.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the commission determines that a candidate or the candidate's committee has violated IC 3-9-2-12, the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

(1) Two (2) times the amount of any contributions received.

(2) One thousand dollars (\$1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the commission determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the commission shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the election division:

- (1) Two (2) times the amount of the contributions undesignated.
- (2) One thousand dollars (\$1,000).

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has violated IC 3-9-3-5, the commission may assess a civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(i) This subsection applies to a person who is subject to a civil penalty under subsection (a)(14). If the commission determines, by unanimous vote of the entire membership of the commission, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(14), the commission may assess a civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the election division.

(j) This subsection applies to a person who is subject to a civil penalty under subsection (a)(15). The commission may assess a civil penalty equal to the costs incurred by the election division for the manual entry of the data contained in the report or statement, plus any investigative costs incurred and documented by the election division.

(k) All civil penalties collected under this section shall be deposited with the treasurer of state in the campaign finance enforcement account.

(l) Proceedings of the commission under this section are subject to IC 4-21.5.

SECTION 4. IC 3-9-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 17. (a) In addition to any other penalty imposed, a person who does any of the following is subject to a civil penalty under this section:

- (1) Fails to file with a county election board a report in the manner required under IC 3-9-5 **or IC 3-9-8.**
- (2) Fails to file a statement of organization required under IC 3-9-1.
- (3) Is a committee or a member of a committee who disburses or expends money or other property for any political purpose before the money or other property has passed through the hands of the treasurer of the committee.
- (4) Makes a contribution other than to a committee subject to this article or to a person authorized by law or a committee to receive contributions in the committee's behalf.
- (5) Is a corporation or labor organization that exceeds any of the limitations on contributions prescribed by IC 3-9-2-4.
- (6) Makes a contribution in the name of another person.
- (7) Accepts a contribution made by one (1) person in the name of another person.
- (8) Is not the treasurer of a committee subject to this article, and pays any expenses of an election or a caucus except as authorized by this article.
- (9) Commingles the funds of a committee with the personal funds of an officer, a member, or an associate of the committee.

(10) Wrongfully uses campaign contributions in violation of IC 3-9-3-4.

(11) Fails to designate a contribution as required by IC 3-9-2-5(c).

(12) Violates IC 3-9-3-5.

(13) Serves as a treasurer of a committee in violation of any of the following:

- (A) IC 3-9-1-13(1).
- (B) IC 3-9-1-13(2).
- (C) IC 3-9-1-18.

(b) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for filing a defective report or statement. If the county election board determines that a person failed to file the report or a statement of organization not later than noon five (5) days after being given notice under section 14 of this chapter, the county election board may assess a civil penalty. The penalty is ten dollars (\$10) for each day the report is late after the expiration of the five (5) day period, not to exceed one hundred dollars (\$100) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(c) This subsection applies to a person who is subject to a civil penalty under subsection (a)(1) or (a)(2) for a delinquent report or statement. If the county election board determines that a person failed to file the report or statement of organization by the deadline prescribed under this article, the board shall assess a civil penalty. The penalty is fifty dollars (\$50) for each day the report is late, with the afternoon of the final date for filing the report or statement being calculated as the first day. The civil penalty under this subsection may not exceed one thousand dollars (\$1,000) plus any investigative costs incurred and documented by the board. The civil penalty limit under this subsection applies to each report separately.

(d) This subsection applies to a person who is subject to a civil penalty under subsection (a)(3), (a)(4), (a)(6), (a)(7), (a)(8), (a)(9), or (a)(10). If the county election board determines that a person is subject to a civil penalty under subsection (a), the board may assess a civil penalty of not more than one thousand dollars (\$1,000), plus any investigative costs incurred and documented by the board.

(e) This subsection applies to a person who is subject to a civil penalty under subsection (a)(5). If the county election board determines that a person is subject to a civil penalty under subsection (a)(5), the board may assess a civil penalty of not more than three (3) times the amount of the contribution in excess of the limit prescribed by IC 3-9-2-4, plus any investigative costs incurred and documented by the board.

(f) This subsection applies to a person who is subject to a civil penalty under subsection (a)(11). If the county election board determines that a corporation or a labor organization has failed to designate a contribution in violation of IC 3-9-2-5(c), the board shall assess a civil penalty equal to the greater of the following, plus any investigative costs incurred and documented by the board:

- (1) Two (2) times the amount of the contributions undesignated.
- (2) One thousand dollars (\$1,000).

(g) This subsection applies to a person who is subject to a civil penalty under subsection (a)(12). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has violated IC 3-9-3-5, the board may assess a civil

penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the board.

(h) This subsection applies to a person who is subject to a civil penalty under subsection (a)(13). If the county election board determines, by unanimous vote of the entire membership of the board, that a person has served as the treasurer of a committee in violation of any of the statutes listed in subsection (a)(13), the board may assess a civil penalty of not more than five hundred dollars (\$500), plus any investigative costs incurred and documented by the board.

(i) All civil penalties collected under this section shall be deposited with the county treasurer to be deposited by the county treasurer in a separate account to be known as the campaign finance enforcement account. The funds in the account are available, with the approval of the county fiscal body, to augment and supplement the funds appropriated for the administration of this article.

(j) Money in the campaign finance enforcement account does not revert to the county general fund at the end of a county fiscal year.

(k) Proceedings of the county election board under this section are subject to IC 4-21.5.

SECTION 5. IC 3-9-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 8. Reports Required for Certain Campaign Expenditures

Sec. 1. Except as provided in section 2 of this chapter, this chapter applies to an individual or an organization:

- (1) that makes a large expenditure; or
- (2) on whose behalf a large expenditure was made;

for the purpose of financing express advocacy communications through a newspaper, a magazine, an outdoor advertising facility, a poster, a yard sign, a direct mailing, or any other type of general public political advertising.

Sec. 2. (a) This chapter does not apply to the following:

- (1) Candidate's committees.
- (2) Regular party committees.
- (3) Political action committees.
- (4) A legislative caucus committee.
- (5) An auxiliary party organization.

(b) This chapter does not apply to:

- (1) a membership organization that is exempt from federal income taxation under Section 501(c) of the Internal Revenue Code, to the extent that the organization's express advocacy communications are made solely to the organization's members; or
- (2) an individual who makes an expenditure using only the individual's own resources.

Sec. 3. (a) As used in this chapter, "express advocacy communication" means a communication that expressly advocates the election or defeat of a clearly identified candidate.

(b) For the purposes of subsection (a), a candidate is clearly identified if any of the following apply:

- (1) The name of the candidate involved appears.
- (2) A photograph or drawing of the candidate appears.
- (3) The identity of the candidate is apparent by unambiguous reference.

Sec. 4. As used in this chapter, "large expenditure" means:

- (1) a single expenditure of at least ten thousand dollars (\$10,000); or

- (2) an aggregate of expenditures that totals at least ten thousand dollars (\$10,000).

Sec. 5. (a) An individual or organization that makes a large expenditure described in section 1 of this chapter shall file a report, in a form prescribed by the commission, with:

- (1) the election division, if the express advocacy communication is attempting to influence the election of a candidate for state or legislative office; or
- (2) the county election board of each county comprising part of the affected election district, if the express advocacy communication is attempting to influence the election of a candidate for local or school board office.

(b) The report required under subsection (a) must be filed not later than forty-eight (48) hours after an expenditure that constitutes a large expenditure under this chapter is made.

Sec. 6. A report required by section 5 of this chapter must contain the following information for each expenditure reported:

- (1) The full name, the full mailing address, the occupation, and the principal place of business, if any, of the person making the expenditure.
- (2) The full name, the full mailing address, the occupation, and the principal place of business, if any, of each person to whom the expenditure was made.
- (3) The total amount of the expenditure.
- (4) The date and time the expenditure was made.
- (5) The name of and the office sought by the candidate who is the subject of the communication financed by the expenditure.
- (6) The full name, the full mailing address, the occupation, and the principal place of business of each person who contributed or paid at least one hundred dollars (\$100) of the expenditure.
- (7) The full name and the full mailing address of the person filing the report.

Sec. 7. Except where a provision conflicts with this chapter or cannot be practicably applied, IC 3-9-4 governs a report filed under this chapter."

Renumber all SECTIONS consecutively.

(Reference is to SB 127 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 70, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "section 515" and insert "IC 24-4.5-3.5-5,".

Page 1, line 4, delete "of this chapter,".

Page 4, line 21, delete "section 515" and insert "IC 24-4.5-3.5-5,".

Page 4, line 22, delete "of this chapter,".

Page 5, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 3. IC 24-4.5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Supervised Small Installment Loans

Sec. 1. Except as otherwise provided, all provisions of this article applying to consumer loans apply to supervised small installment loans, as defined in this chapter.

Sec. 2. As used in this chapter, "supervised small installment loan" refers to an unsecured supervised loan (as defined in IC 24-4.5-3-501(1)) that:

- (1) is made after March 28, 2006;
- (2) is for a principal amount of at least two hundred dollars (\$200) but not more than one thousand dollars (\$1,000);
- (3) has a minimum term of four (4) months;
- (4) has a maximum term of twelve (12) months; and
- (5) is payable in substantially equal monthly installments at equal periodic intervals.

Sec. 3. As used in this chapter, "supervised lender" includes:

- (1) all persons licensed to make loans under this article or any person who facilitates, enables, or acts as a conduit for any lender who is or may be exempt from licensing under IC 24-4.5-3-502;
- (2) a bank, savings association, credit union, or other state or federally regulated financial institution, except those that are specifically exempt regarding limitations on interest rates and fees; or
- (3) a person, if the department determines that a transaction is:
 - (A) in substance a disguised supervised small installment loan; or
 - (B) the application of subterfuge for the purpose of avoiding this chapter.

Sec. 4. (a) A debtor may rescind a supervised small installment loan:

- (1) under the same procedures; and
- (2) within the same three (3) rescission day period;

set forth in Section 125 of the Federal Consumer Credit Protection Act (15 U.S.C. 1635).

(b) A supervised lender may not accrue interest during the rescission period described in subsection (a)(2).

(c) A supervised lender must make available for disbursement the proceeds of a supervised small installment loan on the later of:

- (1) the date the supervised lender is reasonably satisfied that the debtor has not rescinded the supervised small installment loan; or
- (2) the first business day after the expiration of the rescission period described in subsection (a)(2).

Sec. 5. (a) Except as provided in subsection (f), a supervised lender may charge both of the following charges, instead of the maximum finance charge permitted under IC 24-4.5-3-508:

- (1) An origination fee for making the supervised small installment loan in an amount not exceeding ten percent (10%) of the principal amount.
- (2) An installment account finance charge in an amount not exceeding the following:
 - (A) Twelve dollars (\$12) per month for a loan for a principal amount of at least two hundred dollars (\$200) but not more than three hundred dollars (\$300).
 - (B) Fourteen dollars (\$14) per month for a loan for a

principal amount of more than three hundred dollars (\$300) but not more than four hundred dollars (\$400).

(C) Sixteen dollars (\$16) per month for a loan for a principal amount of more than four hundred dollars (\$400) but not more than five hundred dollars (\$500).

(D) Seventeen dollars (\$17) per month for a loan for a principal amount of more than five hundred dollars (\$500) but not more than eight hundred dollars (\$800).

(E) Twenty dollars (\$20) per month for a loan for a principal amount of more than eight hundred dollars (\$800) but not more than one thousand dollars (\$1,000).

(b) The origination fee under subsection (a)(1) is not subject to rebate, except that if a supervised small installment loan is prepaid in full, refinanced, or consolidated not later than sixty (60) days after the date the supervised small installment loan is made, the first ten dollars (\$10) of the origination fee shall be retained by the supervised lender and a portion of the remainder shall be rebated at the rate of one-sixtieth (1/60) of the amount of the remainder of the origination fee per day, beginning on the day after the date of the prepayment, refinancing, or consolidation and ending on the sixtieth day after the date the supervised small installment loan was made. However, a supervised lender is not required to provide a rebate under this subsection if the amount of the rebate calculated under this subsection is less than one dollar (\$1).

(c) Upon prepayment in full, refinancing, or consolidation of the outstanding balance of a supervised small installment loan under this chapter, the unearned part of the installment account finance charge under subsection (a)(2) shall be refunded to the debtor according to the actuarial method, calculated as of the next scheduled installment due date following the date of prepayment, refinancing, or consolidation. However, a supervised lender is not required to provide a rebate under this subsection if the amount of the rebate calculated under this subsection is less than one dollar (\$1).

(d) The dollar amounts in subsections (a) and (b) are subject to change under the provisions on adjustment of dollar amounts (IC 24-4.5-1-106). For the adjustment of the amount of ten dollars (\$10) in subsection (b), the Reference Base Index to be used is the Index for October 1992.

(e) A supervised lender may not charge or contract for any other charge with respect to a supervised small installment loan except as authorized by this chapter. However, a supervised lender may charge the following for a supervised small installment loan:

- (1) A delinquency charge under IC 24-4.5-3-203.5.
- (2) A charge under IC 24-4.5-3-202(1)(f) for a returned check, negotiable order of withdrawal, or share draft.

(f) The charges allowed under this section may not be imposed on a supervised small installment loan to a debtor that has more than one (1) loan outstanding with the supervised lender.

Sec. 6. A supervised lender making a supervised small installment loan shall not commit or cause to be committed any of the following acts:

- (1) Threatening to use or using the criminal process in any state to collect on a supervised small installment loan.
- (2) Threatening to take an action against a debtor that is prohibited by this chapter.

(3) Making a misleading or deceptive statement regarding a supervised small installment loan or a consequence of taking a supervised small installment loan.

(4) Contracting for and collecting attorney's fees on supervised small installment loans made under this chapter.

(5) Entering any other transaction with the debtor that is designed to evade the applicability of this chapter.

(6) Engaging in unfair, deceptive, or fraudulent practices in the making or collecting of a supervised small installment loan.

(7) Charging to cash a check representing the proceeds of a supervised small installment loan.

(8) Including any of the following provisions in a supervised small installment loan document:

(A) A hold harmless clause.

(B) A confession of judgment clause.

(C) A mandatory arbitration clause, unless the terms and conditions of the arbitration have been approved by the director of the department.

(D) An assignment of or order for payment of wages or other compensation for services.

(E) A provision in which the debtor agrees not to assert a claim or defense arising out of contract.

(F) A waiver of any provision of this chapter.

(9) Selling insurance of any kind in connection with the making or collecting of a supervised small installment loan.

Sec. 7. (a) A supervised lender shall disclose to the debtor to whom a supervised small installment loan is made the information required by the Federal Consumer Credit Protection Act.

(b) In addition to the requirements of subsection (a), the supervised lender must conspicuously display in bold type a notice to the public, both in the lending area of each of the supervised lender's business locations and in all loan application documents, informing potential borrowers of the following:

(1) That the supervised lender may obtain consumer credit information about an applicant from one (1) or more private consumer credit reporting services in determining whether to make a supervised small installment loan to the applicant.

(2) That if the supervised lender makes a supervised small installment loan to a debtor, both positive and negative information concerning the debtor's payment activities with respect to the loan will be reported to one (1) or more private consumer credit reporting services."

Page 5, delete lines 35 through 42.

Delete page 6.

Page 7, delete lines 1 through 21.

(Reference is to SB 70 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 162, has had

the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-15.6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. (a) An insurance producer may not receive compensation for the sale, solicitation, negotiation, or renewal of any insurance policy issued to any person or entity for whom the insurance producer, for a fee, acts as a consultant for that policy unless:

(1) the insurance producer provides to the insured a written agreement in accordance with section 23(c) of this chapter; and

(2) the insurance producer discloses to the insured the following information prior to the sale, solicitation, negotiation, or renewal of any policy:

(A) The fact that the insurance producer will receive compensation for the sale of the policy.

(B) The method of compensation.

(b) The requirements of this subsection are in addition to the requirements set forth in subsection (a): A risk manager described in IC 27-1-22-2.5(b)(2) shall, before providing risk management services to an exempt commercial policyholder (as defined in IC 27-1-22-2.5), disclose in writing to the exempt commercial policyholder whether the risk manager will receive or expects to receive any commission, fee, or other consideration from an insurer in connection with the purchase of a commercial insurance policy by the exempt commercial policyholder. However, if the risk manager charges the exempt commercial policyholder a fee for risk management services, the risk manager shall disclose in writing to the exempt commercial policyholder the specific amount of any commission, fee, or other consideration that the risk manager may receive from an insurer in connection with the purchase of the policy. The risk manager shall, before providing the risk management services, obtain from the exempt commercial policyholder a written acknowledgment of the disclosures made by the risk manager to the exempt commercial policyholder under this subsection.

SECTION 2. IC 27-1-15.6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) An individual or corporation shall not engage in the business of an insurance consultant until a consultant license has been issued to the individual or corporation by the commissioner. However, a consultant license is not required for the following:

(1) An attorney licensed to practice law in Indiana acting in the attorney's professional capacity.

(2) A duly licensed insurance producer or surplus lines producer.

(3) A trust officer of a bank acting in the normal course of the trust officer's employment.

(4) An actuary or a certified public accountant who provides information, recommendations, advice, or services in the actuary's or certified public accountant's professional capacity.

(b) An application for a license to act as an insurance consultant shall be made to the commissioner on forms prescribed by the commissioner. An applicant may limit the scope of the applicant's consulting services by stating the limitation in the application. The areas of allowable consulting services are:

(1) Class 1, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 1; and

(2) Class 2 and Class 3, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 2 and Class 3.

Within a reasonable time after receipt of a properly completed application form, the commissioner shall hold a written examination for the applicant that is limited to the type of consulting services designated by the applicant, and may conduct investigations and propound interrogatories concerning the applicant's qualifications, residence, business affiliations, and any other matter that the commissioner considers necessary or advisable in order to determine compliance with this chapter or for the protection of the public.

(c) For purposes of this subsection, "consultant's fee" does not include a late fee charged under section 24 of this chapter or fees otherwise allowed by law. A consultant shall provide consultant services as outlined in a written agreement. The agreement must be signed by the person receiving services, and a copy of the agreement must be provided to the person receiving services before any services are performed. The agreement must outline the nature of the work to be performed by the consultant and the method of compensation of the consultant. The signed agreement must be retained by the consultant for not less than two (2) years after completion of the services. A copy of the agreement shall be made available to the commissioner. In the absence of an agreement on the consultant's fee, the consultant shall not be entitled to recover a fee in any action at law or in equity.

(d) An individual or corporation shall not concurrently hold a consultant license and an insurance producer's license, surplus lines producer's license, or limited lines producer's license at any time.

(e) A licensed consultant shall not:

- (1) employ;
- (2) be employed by;
- (3) be in partnership with; or
- (4) receive any remuneration whatsoever;

from a licensed insurance producer, surplus lines producer, or limited lines producer or insurer, except that a consultant may be compensated by an insurer for providing consulting services to the insurer.

(f) A consultant license shall be valid for not longer than twenty-four (24) months and may be renewed and extended in the same manner as an insurance producer's license. The commissioner shall designate on the license the consulting services that the licensee is entitled to perform.

(g) All requirements and standards relating to the denial, revocation, or suspension of an insurance producer's license, including penalties, apply to the denial, revocation, and suspension of a consultant license as nearly as practicable.

(h) A consultant is obligated under the consultant's license to:

- (1) serve with objectivity and complete loyalty solely the insurance interests of the consultant's client; and
- (2) render the client such information, counsel, and service as within the knowledge, understanding, and opinion, in good faith of the licensee, best serves the client's insurance needs and interests.

(i) ~~Except as provided in subsection (j);~~ The form of a written agreement required by subsection (c) must be filed with the commissioner not less than thirty (30) days before the form is used.

If the commissioner does not expressly approve or disapprove the form within thirty (30) days after filing, the form is considered approved. At any time after notice and for cause shown, the commissioner may withdraw approval of a form effective thirty (30) days after the commissioner issues notice that the approval is withdrawn.

~~(j) Subsection (i) does not apply to the form of a written agreement under subsection (c) that is executed by an insurance producer and an exempt commercial policyholder (as defined in IC 27-1-22-2.5):~~

Page 1, line 3, strike "exempt" and insert "".

Page 1, line 3, strike "an" and insert "**a business, nonprofit, or governmental**".

Page 1, line 3, delete ":" and insert "**purchases a**".

Page 1, strike lines 4 through 6.

Page 1, line 7, strike "(2) has purchased the".

Page 1, line 7, after "of" insert "**commercial**".

Page 1, line 8, delete ";" and insert ".".

Page 1, line 8, strike "and".

Page 1, strike lines 9 through 17.

Page 2, strike lines 1 through 23.

Page 2, line 2, delete "ten".

Page 2, line 3, delete "(\$10,000)".

Page 2, after line 23, begin a new paragraph and insert:

"SECTION 4. IC 27-1-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Every insurer shall file with the commissioner every manual of classifications, rules, and rates, every rating schedule, every rating plan, and every modification of any of the foregoing which it proposes to use.

(b) **Except as provided in subsection (m),** the following types of insurance are exempt from the requirements of subsections (a) and (j):

- (1) Inland marine risks, which by general custom of the business are not written according to manual rates or rating plans.
- (2) Insurance, other than workers compensation insurance, ~~or professional liability insurance~~, issued to ~~exempt~~ commercial policyholders.

(c) Every such filing shall indicate the character and extent of the coverage contemplated and shall be accompanied by the information upon which the filer supports such filing.

(d) The information furnished in support of a filing may include:

- (1) the experience and judgment of the insurer or rating organization making the filing;
- (2) its interpretation of any statistical data it relies upon;
- (3) the experience of other insurers or rating organizations; or
- (4) any other relevant factors.

The commissioner shall have the right to request any additional relevant information. A filing and any supporting information shall be open to public inspection as soon as stamped "filed" within a reasonable time after receipt by the commissioner, and copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

(e) Filings shall become effective upon the date of filing by delivery or upon date of mailing by registered mail to the commissioner, or on a later date specified in the filing.

(f) Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

(g) Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating

organization which makes such filings and by authorizing the commissioner to accept such filings on its behalf, provided that nothing contained in this chapter shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the commissioner to accept such filings on its behalf.

(h) Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the commissioner to accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

(1) that any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the commissioner and to the rating organization and may then make its own independent filings for any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; and

(2) that any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the commissioner:

(A) requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty (30) days after receipt of such request, either:

- (i) to make such filing as a rating organization filing;
- (ii) to make such filing on an agency basis solely on behalf of the requesting member; or
- (iii) to decline the request of such member; and

(B) excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

(i) Under such rules as the commissioner shall adopt, the commissioner may, by written order, suspend or modify the requirement of filing as to any kinds of insurance, or subdivision, or classes of risk, or parts or combinations of any of the foregoing, the rates for which can not practicably be filed before they are used. Such orders and rules shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as the commissioner may deem advisable to ascertain whether any rates affected by such order are excessive, inadequate, or unfairly discriminatory.

(j) Upon the written application of the insured, stating the insured's reasons therefor, filed with the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(k) An insurer shall not make or issue a policy or contract except in accordance with filings which are in effect for that insurer or in accordance with the provisions of this chapter. Subject to the provisions of section 6 of this chapter, any rates, rating plans, rules, classifications, or systems in effect on May 31, 1967, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

(l) The commissioner shall have the right to make an investigation and to examine the pertinent files and records of any insurer,

insurance producer, or insured in order to ascertain compliance with any filing for rate or coverage which is in effect. The commissioner shall have the right to set up procedures necessary to eliminate noncompliance, whether on an individual policy, or because of a system of applying charges or discounts which results in failure to comply with such filing.

(m) The department may adopt rules to

(1) implement the exemption under subsection (b);

(2) impose disclosure requirements the commissioner determines are necessary to adequately protect exempt commercial policyholders; and

(3) establish the form of the report required by subsection (n).

(n) Each insurer who issues insurance to an exempt commercial policyholder shall file an annual report with the department by February 1 of each year. The annual report may not disclose the identity of an exempt commercial policyholder and must include only the following information regarding each exempt commercial policyholder:

(1) The account number, policy number, or other number used by the insurer to identify the insured;

(2) The amount of aggregate annual commercial premium;

(3) The inception date and expiration date of commercial insurance coverage provided by the insurer;

(4) The criteria in section 2-5(a)(3) of this chapter used to establish the entity as an exempt commercial policyholder;

(o) The annual report filed under subsection (n) must be accompanied by the fee prescribed by IC 27-1-3-15(e). For purposes of calculating the required fee, each policy purchased by an exempt commercial policyholder shall be considered a product filing under IC 27-1-3-15(e).

(m) This subsection applies to an insurer that issues a commercial property or commercial casualty insurance policy to a commercial policyholder. Not more than thirty (30) days after the insurer begins using a commercial property or commercial casualty insurance:

(1) rate;

(2) rating plan;

(3) manual of classifications; or

(4) modification of an item specified in subdivision (1), (2), or (3);

the insurer shall file with the department, for informational purposes only, the item specified in subdivision (1), (2), (3), or (4). Use of an item specified in subdivision (1), (2), (3), or (4) is not conditioned on review or approval by the department. This subsection does not require filing of an individual policy rate if the original manuals, rates, and rules for the insurance plan or program to which the individual policy conforms has been filed with the department.

SECTION 5. [EFFECTIVE JULY 1, 2006] IC 27-1-20-34 IS REPEALED."

Renumber all SECTIONS consecutively.

(Reference is to SB 162 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 383, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "IC 24-4.5-3-502." and insert **"IC 24-4.5-3-502, other than an employee of a lender acting within the scope of the employee's duties for the lender."**

Page 2, between lines 7 and 8, begin a new paragraph and insert: **"(c) This chapter does not apply to:**

- (1) any supervised financial institution;**
- (2) any supervised lender licensed to do business in the state; or**
- (3) the employee of a supervised financial institution or a supervised lender while acting within the scope of the employee's duties."**

Page 2, between lines 15 and 16, begin a new paragraph and insert: **"Sec. 5. As used in this chapter, "motor vehicle" has the meaning set forth in IC 9-13-2-105(a). However, the term does not include a recreational vehicle (as defined in IC 9-13-2-150(a)) or a watercraft (as defined in IC 9-13-2-198.5)."**

Page 2, line 16, delete "5." and insert "6."

Page 2, line 17, delete "pledge." and insert **"pledge secured by the bailment of a motor vehicle title left in possession of the lender."**

Page 2, line 18, delete "6." and insert "7."

Page 2, line 19, after "secured by" insert **"the bailment of"**.

Page 2, line 21, delete "7." and insert "8."

Page 2, line 25, delete "8." and insert "9."

Page 2, line 28, delete "9." and insert **"10."**

Page 2, line 28, delete ":".

Page 2, line 29, delete "(1)".

Page 2, line 29, delete "; and" and insert ".".

Page 2, run in lines 28 through 29.

Page 2, delete lines 30 through 34.

Page 2, between line 34 and 35, begin a new paragraph and insert: **"Sec. 11. As used in this chapter, "unencumbered certificate of title" means a motor vehicle title that does not list a lienholder on the certificate of title and for which the lender holding the motor vehicle title has not applied for and does not intend to apply for a new certificate of title in order to record the lender's security interest."**

Page 2, line 35, delete "10." and insert **"12."**

Page 2, line 39, delete "11" and insert **"13"**.

Page 2, line 40, delete "11." and insert **"13."**

Page 3, line 2, delete "12." and insert **"14."**

Page 3, line 3, delete "Truth in" and insert **"Consumer Credit Protection Act."**

Page 3, delete line 4.

Page 3, line 36, after "WRITING." begin a new line block indented and insert:

"MOTOR VEHICLE TITLE LOANS ARE REGULATED BY THE STATE OF INDIANA DEPARTMENT OF FINANCIAL INSTITUTIONS."

Page 4, line 7, delete "13." and insert **"15."**

Page 4, line 7, delete "at".

Page 4, line 8, delete "least".

Page 4, line 14, delete "may" and insert **"shall"**.

Page 4, line 14, delete "of some or all of".

Page 4, line 14, after "of a" insert **"principal reduction"**.

Page 4, line 16, after "amount." insert **"After the tenth renewal of a motor vehicle title loan, the balance on the motor vehicle title loan must be paid in full. However, the borrower and lender may agree to enter into a simple interest loan that is payable in installments not later than seven (7) days after the date the tenth renewal is due."**

Page 4, line 17, delete "14." and insert **"16."**

Page 5, line 4, after "return the" insert **"original loan check or"**.

Page 5, between lines 9 and 10, begin a new paragraph and insert: **"(h) A motor vehicle title lender shall keep a record of the following information along with the loan agreement for a period of two (2) years from the date the title loan agreement was executed:**

(1) A description of the pledged motor vehicle, including the:

(A) make;

(B) model; and

(C) vehicle number.

(2) The amount of the loan.

(3) A record of all principal, interest, and fees collected.

(4) The name, date of birth, and copy of a government issued identification card of the borrower.

(5) The date the motor vehicle title loan was executed."

Page 5, line 10, delete "15." and insert **"17."**

Page 5, line 13, delete "16." and insert **"18."**

Page 5, line 13, delete "(a) This section does not apply to a person that is".

Page 5, delete lines 14 through 15.

Page 5, line 16, delete "(b)".

Page 5, run in lines 13 through 16.

Page 5, line 27, delete "17." and insert **"19."**

Page 5, line 29, delete "borrower other than charges authorized by this chapter." and insert **"borrower, except where the borrower chooses to redeem a repossessed motor vehicle and must reimburse any repossession charges the motor vehicle title lender paid to a third party."**

Page 5, line 32, delete "the".

Page 5, line 33, delete "borrower at".

Page 5, line 34, delete "vehicle." and insert **"vehicle not earlier than ten (10) days after the default."**

Page 5, line 35, delete "ten (10)" and insert **"twenty (20)"**.

Page 5, line 37, delete "ten (10)" and insert **"twenty (20)"**.

Page 6, line 9, delete "ten (10)" and insert **"twenty (20)"**.

Page 6, line 23, delete "18." and insert **"20."**

Page 7, line 5, delete "19." and insert **"21."**

Page 7, line 41, delete "enforceable" and insert **"unenforceable"**.

Page 8, between lines 6 and 7, begin a new line block indented and insert:

"(10) Require or accept from a consumer a set of keys to the motor vehicle the title of which secures the title loan."

Page 8, line 7, delete "20." and insert **"22."**

Page 8, line 9, delete "21." and insert **"23."**

Page 8, line 18, delete "22." and insert **"24."**

Page 8, line 29, delete "23." and insert **"25."**

Page 8, delete lines 31 through 42.
 Delete pages 9 through 11.
 Renumber SECTIONS consecutively.
 (Reference is to SB 383 as introduced.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 2.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 100, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, after line 5, begin a new paragraph and insert:

"SECTION 3. IC 4-32-9-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) Except:

(1) where a qualified organization or its affiliate is having a convention or other annual meeting of its membership; or

(2) as provided in subsection (c);

a qualified organization may only conduct an allowable event in the county where the principal office of the qualified organization is located as determined under subsection (b).

(b) The principal office of a qualified organization shall be determined as follows:

(1) Except as provided in subdivision (3) or ~~subdivision~~ (4), if a qualified organization is a corporation, the principal office shall be determined by the street address of the corporation's registered office on file with the secretary of state.

(2) If a qualified organization is not a corporation, the principal office shall be determined by the street address of the organization on file with the Internal Revenue Service, the department, or county property tax assessment board of appeals for tax exempt purposes.

(3) If a qualified organization is affiliated with a parent organization that:

(A) is organized in Indiana; and

(B) has been in existence for at least five (5) years; the principal office shall be determined by the principal place of business of the qualified organization.

(4) If a qualified organization is affiliated with a parent organization that:

(A) is a nationally recognized charitable organization;

(B) serves a majority of counties in Indiana; and

(C) has been in existence for at least twenty-five (25) years; the principal office shall be deemed to be present in every county served by the organization.

(c) A qualified organization that is a bona fide political organization may conduct an allowable event in any county."

Renumber all SECTIONS consecutively.

(Reference is to SB 100 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Senate Bill 37, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-49.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

(b) This section expires December 31, 2009."

Page 14, between lines 3 and 4, begin a new paragraph and insert:

"SECTION 33. IC 3-7-39-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a voter who changes residence from a precinct in a county to another precinct in the same county.

(b) As required under 42 U.S.C. 1973gg-6(f), the ~~circuit court clerk or board of county voter~~ registration office:

(1) shall correct the address shown on the voter registration records for a voter subject to this section; and

(2) may not remove the voter from the voter registration records due to a change of address, except as provided in ~~IC 3-7-44~~ this title.

(c) A voter described in this section, who is otherwise eligible to vote, may vote as provided in IC 3-10-11 or IC 3-10-12."

Page 20, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 51. IC 3-8-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.

(b) A:

(1) declaration of intent to be a write-in candidate; or

(2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon seventy-four (74) days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon seventy-one (71) days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election. The county election board shall determine all questions regarding the validity of the declaration not later than noon fifty-four (54) days before the date of the primary election.

SECTION 52. IC 3-8-2-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) This

subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

SECTION 53. IC 3-8-2-4, AS AMENDED BY P.L.230-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) **This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.** A declaration of intent to be a write-in candidate must be filed:

- (1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and
- (2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

- (1) candidacy may be filed for an office that will appear on the primary election ballot; or
- (2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count."

Page 20, line 9, delete "[EFFECTIVE".

Page 20, line 10, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 22, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 57. IC 3-9-5-6, AS AMENDED BY P.L.221-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This subsection applies to a candidate's committee other than a candidate's committee of a candidate for a state office. Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before the nomination date.
- (2) Twenty-five (25) days before the general, municipal, or special election.
- (3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
- (2) Twenty-five (25) days before a general election conducted in an even-numbered year.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

- (1) A report covering the period from January 1 through March 31 of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.
- (2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.
- (3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.
- (4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.
- (5) A report covering the period from the date that is ~~fifteen (15)~~ **fourteen (14)** days before the date of the election through December 31 of the year of the report. A report required by this subdivision must:

- (A) provide cumulative totals from January 1 through December 31 of the year of the report; and
- (B) be filed not later than the deadline specified in section 10

of this chapter.

SECTION 58. IC 3-9-5-8, AS AMENDED BY P.L.221-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section:

- (1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and
- (2) does not apply to a candidate for nomination to a state office by a ~~major~~ political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention."

Page 28, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 70. IC 3-11-1.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A county executive must submit a proposed precinct establishment order to the co-directors before the county executive establishes a precinct under this chapter.

(b) To ensure sufficient time for review to determine whether a proposed precinct establishment order complies with this chapter, the co-directors may fix a date and time by which a county executive must submit an order under section 15 of this chapter if the county wishes to have the proposed order take effect before the beginning of the next period specified under section 25 of this chapter. The election division shall notify each county election board of the date fixed under this subsection at least ninety (90) days before the date occurs.

(c) If a county submits an order after the date and time fixed under subsection (b), the co-directors may review the order only after completing the review of orders submitted in compliance with subsection (b).

(d) This subsection applies to an order submitted after the date and time fixed under subsection (b). If the co-directors are unable to determine whether a proposed order complies with this chapter before the beginning of the next period specified under section 25 of this chapter, the co-directors shall complete the review so that, if the proposed order is otherwise approved under this chapter, the order may take effect following the end of the next period specified under section 25 of this chapter.

SECTION 71. IC 3-11-1.5-18, AS AMENDED BY P.L.221-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If the election division determines that the proposed precinct establishment order would comply with this chapter, the election division shall issue an order authorizing the county executive to establish the proposed precincts.

(b) The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

- (1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.
- (2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.
- (3) The mailing address of the election division.
- (4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

(g) If the co-directors determine that the expiration of the ten (10) day period described in subsection (d) will occur:

- (1) after the next period specified under section 25 of this chapter begins; or**
- (2) without sufficient time for a county or an objector to receive notice of a hearing before the commission concerning an objection before the next period specified under section 25 of this chapter begins;**

the co-directors may request a hearing before the commission under section 21 of this chapter and notify the county executive of the request.

SECTION 72. IC 3-11-1.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the co-directors and request a hearing before the commission.

(b) The co-directors may request a hearing before the commission under section 18(g) of this chapter.

(c) The hearing under this section shall be conducted in accordance with IC 4-21.5.

~~(b)~~ (d) If the commission determines that the proposed precinct establishment order complies with this chapter, the co-directors shall advise the county executive that the order complies with this chapter and may be issued by the county executive."

Page 29, line 3, delete "circuit court clerk or board of" and insert "county voter".

Page 29, line 3, after "registration" delete "." and insert "office".

Page 29, line 32, reset in roman "of".

Page 29, line 33, reset in roman "ANY party".

Page 30, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 79. IC 3-11-3-22, AS AMENDED BY P.L.221-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a ~~ballot card~~ voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in ~~voting~~ candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must ~~direct~~ inform all voters that a voter:

- (1) who ~~want~~ wants to cast write-in votes to request a write-in ballot from an election official: may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

~~(b)~~ (c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards."

Page 33, line 36, reset in roman "(f)".

Page 33, line 36, delete "each" and insert "Each".

Page 33, line 36, reset in roman "county shall purchase at".

Page 33, reset in roman lines 37 through 38.

Page 33, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 83. IC 3-11-6.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the secretary of state with the consent of the co-directors of the election division shall, subject to this section, reimburse the county from the fund an amount to be determined by the secretary of state with the consent of the co-directors of the election division.

(b) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

~~(d) This section expires January 1, 2006."~~

Page 50, line 2, delete "[EFFECTIVE".

Page 50, line 3, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 50, line 13, strike "July 1, 2003;" and insert "**October 1, 2005;**".

Page 50, line 14, strike "July 1, 2003;" and insert "**October 1, 2005;**".

Page 50, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 106. IC 3-11-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18. Vote Centers

Sec. 1. This chapter applies to a county designated as a vote center pilot county under this chapter.

Sec. 2. The secretary of state may designate a county as a vote center pilot county under this chapter.

Sec. 3. For a county to be designated a vote center pilot county:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of an application to be designated a vote center pilot county;
- (2) all members of the board must sign the application; and
- (3) the application must be filed with the secretary of state.

Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

- (1) The total number of vote centers to be established.
- (2) The location of each vote center and the municipality, if any, in which the vote center is located.
- (3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.
- (4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.
- (5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.
- (6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.
- (7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.
- (8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.
- (9) For each vote center designated under subdivision (2):
 - (A) the number and type of ballot variations that will be provided at the vote center; and
 - (B) whether these ballots will be:
 - (i) delivered to the vote center before the opening of the polls; or
 - (ii) printed on demand for a voter's use.
- (10) A detailed description of any hardware, firmware, or software used:
 - (A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.

Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000) in the municipalities listed in the plan, the following applies:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

Sec. 7. Before approving an application to designate a county as a vote center pilot county under this chapter, the secretary of state must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct election officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officers, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

Sec. 8. The designation of a county as a vote center pilot county takes effect immediately unless otherwise specified by the secretary of state.

Sec. 9. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

Sec. 10. (a) An order issued by a county to:

(1) designate the polls for a precinct or to locate the polls for a precinct at the polls for an adjoining precinct under IC 3-10 or IC 3-11; or

(2) omit precinct election officers under IC 3-6-6-38 at a specified precinct;

is suspended during the period that the voters of that precinct are entitled to cast a ballot at a vote center.

(b) An order suspended under subsection (a) is revived and in full force and effect without further action by a county when the voters of that precinct are no longer entitled to cast a ballot at a vote center under this chapter.

Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, IC 3, and the plan submitted with the application under section 4 of this chapter.

Sec. 12. Notwithstanding any other law, a voter who resides in a vote center pilot county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must be capable of capturing an electronic image of the signature of a voter on the list; and

(2) may be in a format approved by the secretary of state.

Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center pilot county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

Sec. 15. (a) In addition to the precinct election officers appointed under IC 3-6-6, a county election board by the unanimous vote of the entire membership may appoint one (1) or more greeters to:

(1) direct voters entering the vote center to the appropriate location for the voters to sign the electronic poll list; and

(2) provide other instructions to facilitate the efficient movement of individuals within the vote center.

(b) An individual appointed as a greeter under this section must bear credentials issued by the county election board stating the name of the individual and the individual's status as a greeter.

Sec. 16. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

Sec. 17. (a) The secretary of state may permit a county to amend a plan submitted under section 4 of this chapter.

(b) For a county to amend its plan:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of a request to amend the plan;**
- (2) all members of the board must sign the request; and**
- (3) the request must be filed with the secretary of state.**

(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.

Sec. 18. The designation of a county as a vote center pilot county may be revoked by the secretary of state:

- (1) following the filing of a request for revocation approved by the unanimous vote of the entire membership of the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4) and signed by all members of the board; or**
- (2) upon a determination by the secretary of state that the administration of the vote center pilot program within the county does not comply with:**

(A) federal or state law; or

(B) the plan submitted under section 4 of this chapter.

Sec. 19. Notwithstanding IC 4-22-2, the secretary of state may adopt guidelines to administer the pilot program under this chapter.

Sec. 20. This chapter expires December 31, 2009."

Page 51, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 108. IC 3-12-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount no later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day. If a petition for a recount is filed for an office for which voters in more than one (1) county vote, a cross-petition for a recount may be filed in a county other than the one in which the first petition was filed."

Page 51, line 26, delete "[EFFECTIVE".

Page 51, line 27, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 52, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 110. IC 3-12-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount with the election division not later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day.

SECTION 111. IC 3-12-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter who desires a recount under this chapter must file a verified petition no

later than noon ~~seven (7)~~ **fourteen (14)** days after election day. The petition must be filed:

- (1) in the circuit court of each county in which is located a precinct in which the voter desires a recount; and
- (2) with the election division."

Page 55, line 18, delete "IC 3-11-6.5-5;".

Page 55, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 123. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) The secretary of state may designate up to three (3) counties as vote center pilot counties under IC 3-11-18, as added by this act. If the designation of a county as a vote center pilot county is revoked in accordance with IC 3-11-18, as added by this act, the secretary of state may designate a replacement county as a vote center pilot county.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18, as added by this act, not later than August 1, 2006.

(d) The secretary of state shall act in accordance with IC 3-11-18, as added by this act, and this SECTION to designate a county as a vote center pilot county not later than October 1, 2006.

(e) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 384, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 13, line 12, after "organization" insert "**or a collection agency licensed under IC 25-11-1**".

Page 13, line 41, strike "includes:".

Page 14, line 2, after "resides." insert "**may include**:".

Page 17, line 23, after "organization," insert "**but not including a collection agency licensed under IC 25-11-1,**".

Page 18, line 11, strike "lender" and insert "**person**".

Page 25, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 25. IC 26-2-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this chapter, "credit agreement" means an agreement to:

- (1) lend or forbear repayment of money, goods, or things in action;
- (2) otherwise extend credit; or
- (3) make any other financial accommodation.

(b) The term includes an agreement to modify an agreement described in subsection (a).

SECTION 26. IC 26-2-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A debtor may

bring an action upon assert:

(1) a claim for legal or equitable relief; or

(2) a defense in a claim;

arising from a credit agreement only if the credit agreement at issue satisfies the requirements set forth in subsection (b).

(b) A debtor may assert a claim or defense under subsection (a) only if the credit agreement at issue:

(1) is in writing;

(2) sets forth all material terms and conditions of the credit agreement, including the loan amount, rate of interest, duration, and security; and

(3) is signed by the creditor and the debtor."

Page 26, between lines 7 and 8, begin a new paragraph and insert: "SECTION 27. IC 28-1-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Every corporation has the capacity to act that is possessed by a natural person, but has the authority to perform only those acts that are necessary, convenient, or expedient to accomplish the purposes for which it is formed and that are not repugnant to law.

(b) Subject to any limitations or restrictions imposed by law or by the articles of incorporation, each corporation has the following general rights, powers, and privileges:

(1) To continue as a corporation, under its corporate name, for the period limited in its articles of incorporation, or, if the period is not so limited, then perpetually.

(2) To sue and be sued in its corporate name.

(3) To have a corporate seal and to alter such seal at its pleasure.

(4) To acquire, own, hold, use, lease, mortgage, pledge, sell, convey, or otherwise dispose of property, real and personal, tangible and intangible, in the manner and to the extent hereinafter provided.

(5) To borrow money and to mortgage or pledge its property to secure the payment thereof, in the manner and to the extent hereinafter provided; but no financial institution having power to accept deposits of money shall pledge any of the assets of such financial institution as security for the safekeeping and prompt payment of any money so deposited, except that any such financial institution may, for the safekeeping and prompt payment of any money so deposited, give security of the kind authorized by any statute of this state or by the Congress of the United States.

(6) To conduct business in this state and elsewhere.

(7) To appoint such officers and agents as the business of the corporation may require **and to do the following with respect to any officers or agents appointed:**

to (A) Define their duties.

to (B) Fix their compensation, which may include compensation paid pursuant to any plan of deferred compensation approved by ~~its~~ **the corporation's** board of directors.

to (C) Enter into employment contracts with ~~its~~ **the corporation's** officers and agents which set forth terms and conditions of employment.

to (D) Provide ~~its~~ **the corporation's** officers, agents, and employees with individual or group life insurance.

~~and to~~ (E) Procure and maintain in effect for the benefit of

the bank, insurance on the life or lives of designated officers or directors.

(8) To make bylaws for the government and regulation of its affairs.

(9) To cease doing business and to dissolve and surrender its corporate franchise.

(10) To do all acts and things necessary, convenient, or expedient to carry out the purposes for which it is formed.

(c) **Subject to any limitations or restrictions that the department may impose by rule or policy, each corporation may purchase and hold life insurance as follows:**

(1) **Life insurance purchased or held in connection with employee compensation or benefit plans approved by the corporation's board of directors.**

(2) **Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the corporation's board of directors.**

(3) **Life insurance on the lives of borrowers.**

(4) **Life insurance held as security for a loan.**

(5) **Life insurance that a national bank may purchase or hold under 12 U.S.C. 24 (Seventh)."**

Page 35, line 10, delete "1(1)" and insert "**1(1), 1(3), or 1(4)**".

Page 37, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 34. IC 28-6.1-6-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A savings bank may solicit and write insurance as an insurance producer or a broker for any insurance company authorized to do business in the state or states where the insurance producer or broker operates.

(b) A savings bank or its affiliate (as defined in IC 28-6.2-1-4) may act as an insurance producer for the sale of any life insurance policy or annuity contract issued by a life insurance company (as defined in IC 27-1-2-3) authorized to do business in the state or states where the insurance producer operates.

(c) A savings bank or its affiliate that acts as an insurance producer for the sale of a life insurance policy or an annuity contract under subsection (b):

(1) is subject to all requirements of IC 27 with respect to the insurance producer's activity in Indiana; and

(2) must comply with the disclosure requirements under IC 27-1-38.

(d) A savings bank or its affiliate may not condition:

(1) an extension of credit;

(2) a lease or sale of real or personal property;

(3) the performance of a service; or

(4) the amount charged for:

(A) extending credit;

(B) leasing or selling real or personal property; or

(C) performing services;

upon a person's purchase of a life insurance policy or an annuity contract from the savings bank or its affiliate.

(e) This section does not prohibit a savings bank or its affiliate from requiring that a person, as a condition to a transaction, obtain a life insurance policy from an insurance company acceptable to the savings bank or its affiliate.

(f) **Subject to any limitations or restrictions that the department may impose by rule or policy, a savings bank may purchase and hold life insurance as follows:**

(1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the savings bank's board.

(2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the savings bank's board.

(3) Life insurance on the lives of borrowers.

(4) Life insurance held as security for a loan.

(5) Life insurance that a national bank may purchase or hold under 12 U.S.C. 24 (Seventh)."

Page 42, line 1, delete "includes:" and insert "~~includes~~:".

Page 42, line 2, after "resides." insert "**may include**:".

Page 43, line 21, delete "ninety (90)" and insert "**thirty (30)**".

Page 50, line 2, delete "includes:" and insert "~~includes~~:".

Page 50, line 3, after "resides." insert "**may include**:".

Page 56, line 5, delete "includes:" and insert "~~includes~~:".

Page 56, line 6, after "resides." insert "**may include**:".

Page 65, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 77. IC 28-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** Savings associations may do the following:

(1) Accept deposit accounts.

(2) Issue evidence of deposit account ownership.

(3) Declare and distribute earnings to members.

(4) Pay, in part or in full, withdrawal requests of deposit accounts.

(5) Subject to the provisions and restrictions of 12 U.S.C. 84 and 12 CFR 32:

(A) Make loans to members on the security of deposit accounts.

(B) Make property improvement loans.

(C) Make other loans as provided under IC 28-15-8.

(D) Make mortgage loans.

(E) Accept additional collateral on mortgage loans.

(F) Purchase and sell loans.

(G) Negotiate loan servicing agreements.

(H) Purchase and sell participating interests in loans.

(I) Issue letters of credit with specific expiration dates.

(J) Make secured or unsecured loans, which are partially insured or guaranteed in any manner by any state of the United States, the United States government, or any of its agencies or government sponsored enterprises.

(K) Purchase commercial paper that is denominated in United States currency and rated by at least one (1) nationally recognized investment rating service in one (1) of the two (2) highest grades.

(L) Make, purchase, or participate in alternative mortgage loans as provided in IC 28-15-11.

(6) Acquire and sell real estate in satisfaction of debts previously contracted.

(7) Acquire real estate for the convenient transaction of its business. A savings association has the same powers under this subdivision as a bank or trust company has under IC 28-1-11-5.

(8) Notwithstanding any other law, establish, maintain, or relocate one (1) or more branch offices by following the provisions of IC 28-2-13, IC 28-2-17, or IC 28-2-18 as if the

savings association were a bank.

(9) Become a member in any agency or instrumentality of the federal government. For the purposes of this subdivision, membership in an agency or instrumentality of the federal government may include:

(A) purchasing stock;

(B) purchasing notes and debentures; or

(C) borrowing money.

(10) Subject to any limitations imposed by the department through policy:

(A) invest the money deposited in the savings association in the shares of the capital stock, bonds, debentures, notes, or other obligations of a federal home loan bank of the United States;

(B) become a member of the federal home loan bank of the district in which Indiana is located or an adjoining district;

(C) borrow money from:

(i) a federal home loan bank described in clause (B);

(ii) the Federal Deposit Insurance Corporation; or

(iii) any other corporation;

(D) transfer, assign to, and pledge with a federal home loan bank described in clause (B), the Federal Deposit Insurance Corporation, or any other corporation any of the bonds, notes, contracts, mortgages, securities, or other property of the savings association held or acquired as security for the payment of loans entered into under clause (C); and

(E) exercise all rights, powers, and privileges conferred upon, and do all things and perform all acts required of, members or shareholders of a federal home loan bank by the Federal Home Loan Bank Act (12 U.S.C. 1421 through 1449).

(11) Subject to the provisions and restrictions of 12 U.S.C. 24 and 12 CFR 1, invest in the following types of securities:

(A) Bonds, notes, certificates, and other valid obligations of the United States government or any agency of the United States government.

(B) Accounts offered by federally insured banks, savings banks, and savings associations.

(C) Bonds, notes, or other evidences of indebtedness that are general obligations supported by the full faith and credit of any state in the United States or any city, town, or other political subdivision in any state in the United States if the obligations have been assigned one (1) of the four (4) highest grades by a nationally recognized investment rating service.

(D) Shares of stock of a subsidiary that does not exercise a power or engage in any activity that is not authorized for the savings association. The investment power granted by this subdivision is separate from the investment power granted by IC 28-15-9.

(E) Corporate debt securities that are denominated in United States currency and rated by at least one (1) nationally recognized investment rating service in one (1) of the four (4) highest grades. Corporate debt securities in which a savings association invests under this clause must be convertible into stock at the sole option of the holder, and a savings association is prohibited from exercising the conversion option.

- (F) Shares of open end investment companies that are eligible for purchase by national banks.
- (G) Bankers' acceptances that are eligible for purchase by national banks.
- (12) For the purpose of:
- (A) check and deposit sorting and posting;
 - (B) computation and posting of interest and other credits and charges;
 - (C) preparation and mailing of checks, statements, notices, and similar items; or
 - (D) other clerical, bookkeeping, accounting, statistical, or similar functions performed by a savings association;
- invest in a corporation organized in any state to perform those functions for two (2) or more savings associations, each of which owns a portion of the capital stock of the corporation. The total investment of a savings association under this subdivision may not exceed ten percent (10%) of the capital and surplus of the savings association. A savings association may not invest in this type of corporation unless the corporation furnishes assurances to the department that it will subject itself to examination by the department to the same extent as if the services were performed by the savings association.
- (13) Lend money to other savings associations:
- (A) the deposits of which are insured by the Federal Deposit Insurance Corporation; and
 - (B) that are incorporated and operating under the laws of any state or of the United States.
- (14) Borrow money and mortgage or pledge its property to secure payment.
- (15) Issue subordinated notes or debentures.
- (16) Assess and collect interest, fees, and other charges.
- (17) Insure its deposit accounts with the Federal Deposit Insurance Corporation or its successor.
- (18) Act as an agent for the United States or its instrumentalities.
- (19) Accept property for safe keeping or escrow.
- (20) Rent or lease safe deposit boxes.
- (21) Issue and sell checks, drafts, money orders, and other instruments for the transmission or payment of money.
- (22) Exercise all the powers that:
- (A) are incidental and proper; or
 - (B) may be necessary and usual;
- in carrying on the business of the savings association.
- (23) Purchase or construct buildings, hold legal title to the buildings, and lease the buildings for public purposes to municipal corporations or other public authorities that have resources sufficient to make payment of all rentals as they become due. Each lease agreement entered into under this subdivision must provide that, upon expiration, the lessee will become the owner of the building.
- (24) Open or establish automated teller machines at any location. An automated teller machine opened or established under this subdivision may be owned and operated individually or jointly on a cost sharing or fee basis.
- (25) Act:
- (A) in any fiduciary capacity in which a bank or trust company is permitted to act under this title; and

- (B) as an agent for the sale of real estate, without bond or other security.
- (26) Accept and maintain demand deposit accounts if the savings association is insured by the Federal Deposit Insurance Corporation or its successor.
- (27) Without the approval of the department, to the extent authorized by the board of directors of the savings association, establish or maintain agencies that:
- (A) only service and originate, but do not approve, loans and contracts; or
 - (B) manage or sell real estate owned by the savings association.
- An agency established or maintained under this subdivision may offer any services not referred to in this subdivision with the approval of the department, except for accepting payment on savings accounts. An agency shall maintain records of all business it transacts and transmit copies to a branch or home office of the savings association.
- (b) Subject to any limitations or restrictions that the department may impose by rule or policy, a savings association may purchase and hold life insurance as follows:**
- (1) Life insurance purchased or held in connection with employee compensation or benefit plans approved by the savings association's board of directors.**
 - (2) Life insurance purchased or held to recover the cost of providing preretirement or postretirement employee benefits approved by the savings association's board of directors.**
 - (3) Life insurance on the lives of borrowers.**
 - (4) Life insurance held as security for a loan.**
 - (5) Life insurance that a national bank may purchase or hold under 12 U.S.C. 24 (Seventh)."**
- Renumber all SECTIONS consecutively.
(Reference is to SB 384 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 11, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 16, between lines 36 and 37, begin a new paragraph and insert:

"(e) In addition to the notice required under subsection (d), the commissioner shall send a certified copy of every final order that:

- (1) suspends or revokes a person's registration under this chapter; or**
 - (2) orders a person who is not registered under this chapter to cease and desist from violating this chapter;**
- to the insurance commissioner appointed under IC 27-1-1-2. The insurance commissioner shall act in accordance with IC 27-1-15.6-29.5."**

Page 16, delete lines 37 through 42.

Page 17, delete line 1.

Page 23, after line 22, begin a new paragraph and insert:

"SECTION 10. IC 27-1-15.6-29.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **If the commissioner receives a copy of a final order from the securities commissioner under IC 23-2-1-17.1(e), the commissioner shall:**

(1) determine whether the person who is the subject of the final order is licensed by the department under this chapter; and

(2) if the person is licensed under this chapter, institute proceedings to determine whether the person's license should be suspended or revoked.

The determination under subdivision (2) may be based solely on the final order by the securities commissioner."

Renumber all SECTIONS consecutively.

(Reference is to SB 11 as printed January 10, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Senate Bill 301, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 24, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 27, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 81, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 283, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 374, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 19

Senate Concurrent Resolution 19, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION congratulating the Brebeuf Jesuit Girls Volleyball Team on winning the 2005 Class 3A State Championship Title.

Whereas, The Brebeuf Braves took on the Boonville Pioneers in the Indiana Class 3A State Volleyball Championship at Hinkle Fieldhouse on November 15, 2005;

Whereas, In a hard-fought, four-game match, the Brebeuf Jesuit Girls Volleyball Team capped off a stellar 2005 season by winning their second state championship title in three years;

Whereas, Each member of the team played a key role in the championship match. In addition to scoring the winning point in the final game, Claire McElheny led all players with 4 block assists and contributed 2 service aces and 12 kills. Kim Kristoff recorded a match-high 17 kills and added a solo block and 2 block assists;

Whereas, Sam Gray accumulated 45 assists, 2 service aces and three block assists for the Braves. Sally Fischer and Sarah Kish anchored the Brebeuf defense with a match-high 15 digs apiece;

Whereas, Senior Sarah Kish, who has been an all-around athlete and high honor roll student while at Brebeuf, also received individual recognition winning the 2005 IHSAA Class 3A Mental Attitude Award presented by members of the IHSAA Executive Committee; and

Whereas, The Indiana General Assembly commends the members of the Brebeuf Girls Volleyball Team for their hard work and dedication throughout the 2005 season: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Brebeuf Jesuit Girls Volleyball Team on achieving a 37-1 season record and winning the 2005 Class 3A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Brebeuf Jesuit Preparatory School Principal, Kathee Gaskin, Girls Volleyball Coach, Brian Murray, and each member of the championship team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Orentlicher.

RESOLUTIONS ON SECOND READING

Senate Joint Resolution 2

Senator Lawson called up Senate Joint Resolution 2 for second reading. The resolution was read a second time by title, and there being no amendments was ordered engrossed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed Senate Bill 114.

Page 3, line 9, delete "stipes" and insert "stirpes".

(References is to Senate Bill 114 as printed January 20, 2006.)

GARTON

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: I hereby report that Senator Delph has been excused from voting on Engrossed Senate Bill 245, pursuant to the Report of the Committee on Ethics adopted on January 9, 2006.

GARTON

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 20

House Concurrent Resolution 20, sponsored by Senator Riegsecker:

A CONCURRENT RESOLUTION honoring the Concord Marching Minutemen for finishing first in Class B at the Indiana State School Music Association's 2005 Marching Band State Finals.

Whereas, The Concord High School Marching Minutemen are the 2005 Class B champions in the Indiana State School Music Association's Marching Band State Finals;

Whereas, This victory marked the third time the Marching Minutemen have placed first in the Class B state finals;

Whereas, The Marching Minutemen finished second in the competition in 2002 and 2004;

Whereas, This was Gay Burton's first time at the RCA Dome as a head director for band, although she had been Concord's assistant director for 13 years in the 1980s and 1990s;

Whereas, Band Director Burton credited the victory to the fact that band members helped and encouraged one another; something Burton considers to be the hallmark of success; and

Whereas, It is through effort and determination that we succeed, and these characteristics are present in each member of the Marching Minutemen: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Concord Marching Minutemen on their victory in the Indiana State School Music Association's 2005 Marching Band State Finals and wishes them continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to band members, band director Gay Burton, and principal Dan Cunningham.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE BILLS ON SECOND READING

Senate Bill 72

Senator Long called up Senate Bill 72 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 72-1)

Madam President: I move that Senate Bill 72 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE UPON PASSAGE]".

SECTION 2. **An emergency is declared for this act.**
(Reference is to SB 72 as printed January 18, 2006.)

LONG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 75

Senator Long called up Senate Bill 75 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 117

Senator Gard called up Senate Bill 117 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 117-1)

Madam President: I move that Senate Bill 117 be amended to read as follows:

Page 1, line 2, delete "An" and insert "**(a) Except as provided in subsection (b), an**".

Page 1, line 6, delete ", other than" and insert ";".

Page 1, line 7, delete "health benefits provided by the employer;".

Page 1, after line 11, begin a new paragraph and insert:

"(b) An employer may implement financial incentives:

(1) intended to reduce tobacco use; and

(2) related to employee health benefits provided by the employer."

(Reference is to SB 117 as printed January 20, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 205

Senator Drozda called up Senate Bill 205 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 205-1)

Madam President: I move that Senate Bill 205 be amended to read as follows:

Page 2, line 42, strike "following".

Page 3, line 1, after "addresses)" insert "**described in subdivisions (1) through (3)**".

Page 3, line 1, after "to" insert "**any individual or entity for political purposes and may not be used by any individual or entity for political purposes. In addition, the lists of names and addresses (including electronic mail account addresses) described in subdivisions (1) through (3) may not be disclosed by public agencies to**".

Page 3, line 3, delete ":" and insert ". **The prohibition in this subsection against the disclosure of lists for political or commercial purposes applies to the following lists of names and addresses (including electronic mail account addresses):**".

Page 3, line 12, after "(A)" insert "**with respect to disclosure**

related to a commercial purpose,".

Page 3, line 13, strike "or".

Page 3, line 14, after "(B)" insert "**with respect to disclosure related to a commercial purpose,**".

Page 3, line 16, delete "." and insert "; **or**".

Page 3, between lines 16 and 17, begin a new line double block indented and insert:

"(C) with respect to disclosure related to a political purpose, prohibiting the disclosure of the list to individuals and entities for political purposes."

Page 3, line 17, strike "(3)" and insert "**(3)(A) or (3)(B)**".

Page 3, line 18, after "entities." insert "**For purposes of this subsection, "political purposes" means influencing the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question or attempting to solicit a contribution to influence the election of a candidate for federal, state, legislative, local, or school board office or the outcome of a public question."**

(Reference is to SB 205 as printed January 20, 2006.)

DROZDA

Motion prevailed. The bill was ordered engrossed.

Senate Bill 285

Senator Wyss called up Senate Bill 285 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 285-1)

Madam President: I move that Senate Bill 285 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. "Authorized emergency vehicle" means the following:

(1) The following vehicles:

(A) Fire department vehicles.

(B) Police department vehicles.

(C) Ambulances.

(D) Emergency vehicles operated by or for hospitals or health and hospital corporations under IC 16-22-8.

(2) Vehicles designated as emergency vehicles by the Indiana department of transportation under IC 9-21-20-1.

(3) Motor vehicles that, subject to IC 9-21-20-2, are approved by the Indiana emergency medical services commission that are:

(A) ambulances that are owned by persons, firms, limited liability companies, or corporations other than hospitals; or

(B) not ambulances and that provide emergency medical services, including extrication and rescue services (as defined in IC 16-18-2-110).

(4) Vehicles of the department of correction that, subject to IC 9-21-20-3, are:

(A) designated by the department of correction as emergency vehicles; and

(B) responding to an emergency.

(5) Vehicles of the department of homeland security established under IC 10-19-2-1 that are designated by the

department of homeland security as emergency vehicles.

(6) Vehicles of a county emergency management organization established under IC 10-14-3-17 or an interjurisdictional disaster agency established under IC 10-14-3-17.5 that are designated by the county emergency management organization or interjurisdictional disaster agency as emergency vehicles."

Page 1, line 4, delete "or a local disaster agency." and insert ".".

Page 1, delete lines 10 through 13.

Page 5, reset in roman lines 9 through 10.

Page 5, between lines 10 and 11, begin a new paragraph and insert:

"(e) Notwithstanding subsection (c), after December 31, 2006, the county executive shall, by resolution or ordinance, appoint the members of the county emergency management advisory council in accordance with the following:

(1) At least one (1) representative from each of the following categories:

(A) An elected county official, including a member of the county executive or a member of the county fiscal body.

(B) An elected city official from a city in the county, if there is a city in the county.

(C) An elected town official from a town in the county.

(D) An officer or member of a fire department located within the county.

(E) A law enforcement officer of the county or a unit of government in the county.

(F) A public health officer of the county or a unit of government in the county.

(G) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.

(2) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.

(3) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(4) Appointments are not effective until approved by the department of homeland security established under IC 10-19-2."

Page 5, line 11, delete "(e)" and insert "(f)".

Page 5, line 31, delete "(f)" and insert "(g)".

Page 5, line 42, delete "(g)" and insert "(h)".

Page 6, line 24, delete "(h)" and insert "(i)".

Page 6, line 34, delete "(i)" and insert "(j)".

Page 7, line 4, delete "(j)" and insert "(k)".

Page 7, line 8, delete "(k)" and insert "(l)".

Page 7, line 14, delete "(l)" and insert "(m)".

Page 8, line 21, delete "(m)" and insert "(n)".

Page 8, line 26, delete "(n)" and insert "(o)".

Page 8, line 40, delete "include the following individuals, or their" and insert "comply with the following:

(A) At least one (1) representative from each of the following categories:

(i) An elected county official, including a member of the county executive or a member of the county fiscal body.

(ii) An elected city official from a city in the county, if there is a city in the county.

(iii) An elected town official from a town in the county.

(iv) An officer or member of a fire department located within the county.

(v) A law enforcement officer of the county or a unit of government in the county.

(vi) A public health officer of the county or a unit of government in the county.

(vii) A representative of other public and private agencies or organizations located within the county, including the local civil air patrol, a hospital or medical care provider, an emergency medical services provider, a hazardous materials response team, a public or private utility, a disaster relief organization, a local transportation agency, a search and rescue organization, a local public works agency, and a public or private airport.

(B) Not more than thirteen (13) members may be appointed. The number of appointments must be an odd number.

(C) Not more than fifty percent (50%) of the appointed members may be employed by or officers of the same political subdivision. If at least nine (9) members are appointed, not more than four (4) members may be employed by or officers of the same political subdivision.

(D) After the initial approval of an agreement establishing the interjurisdictional disaster agency under subsection (c), new or replacement appointments are not effective until approved by the department of homeland security established under IC 10-19-2."

Page 8, delete lines 41 through 42.

Page 9, delete lines 1 through 15.

Page 13, line 28, after "(C)" insert "for a county organization,".

Renumber all SECTIONS consecutively.

(Reference is to SB 285 as printed January 18, 2006.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 321

Senator Kruse called up Senate Bill 321 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 321-1)

Madam President: I move that Senate Bill 321 be amended to read as follows:

Page 12, delete lines 7 through 42.

Page 13, delete lines 1 through 39.

Page 15, line 20, after "commissioner" insert "department".

Page 15, line 20, reset in roman "shall".

Page 15, line 20, delete "department may".

Page 18, line 23, delete " States or" and insert "**States;**".
 Page 18, delete line 24.
 Page 18 line 36, delete "one" and insert "**one-half**".
 Page 18 line, 36, delete "(1%)" and insert "**(0.5%)**".
 Page 20, line 31, delete "an individual forfeits any wage".
 Page 20, delete line 32.
 Page 20, line 33, delete "otherwise be payable to the individual".
 Page 20, line 33, before "individual knowingly:" delete "the" and insert "**an**".

Page 20, line 39, delete "." and insert ", **the individual forfeits any wage credits earned or any benefits or extended benefits that might otherwise be payable to the individual for the period in which the failure to disclose or falsification occurs.**".

Page 26, reset in roman lines 39 through 40.

Page 26, line 41, reset in roman "shall not notify the employer".

Page 26, line 41, after "made." insert "**of the claimant's current address or physical location.**".

Page 33, line 30, delete "information" and insert "Information **concerning the claimant's current address or physical location**".

Page 33, line 30, reset in roman "shall not be disclosed to the employer or any other person.".

Page 44, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 64. IC 22-4-16-1 IS REPEALED [EFFECTIVE JULY 1, 2006].".

Renumber all SECTIONS consecutively.

(Reference is to SB 321 as printed January 20, 2006.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 323

Senator Lubbers called up Senate Bill 323 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 323-3)

Madam President: I move that Senate Bill 323 be amended to read as follows:

Page 2, between lines 4 and 5, begin a new paragraph and insert:
"Sec. 2. This article is supplemental to and does not abrogate the powers given to school corporations under the home rule provisions of IC 20-26-3, and those powers remain in full effect."

Page 2, line 5, delete "2." and insert "**3.**".

Page 3, line 18, after "may" insert "**elect to**".

Page 6, line 5, delete "December 31, 2006," and insert "**June 30, 2007,**".

Page 6, line 37, before "chapter;" insert "**chapter and whether the school corporation met the goals established for the previous school year under section 6 of this**".

Page 6, line 40, delete "and".

Page 7, line 2, delete "year." and insert "**year; and**

(D) the goals established under section 6 of this chapter for the current school year.".

Page 7, line 8, after "6." insert "**(a)**".

Page 7, line 8, delete "the state" and insert "**each governing body**".

Page 7, delete lines 9 through 18 and insert "**shall establish goals for each category of expenditures set forth in section 4 of this chapter that will increase the school corporation's allocation of taxpayer resources directly to student instruction and learning.**

(b) The state board shall recognize and reward the school corporations that have met the goals described in subsection (a)."

Page 7, line 23, delete "modify;" and insert "**modify before approving;**".

Page 7, line 27, after "principles" insert "**based on the system of accounting used by school corporations and schools on June 30, 2006,**".

Page 8, line 27, delete "2008." and insert "**2009.**".

(Reference is to SB 323 as printed January 20, 2006.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 331

Senator Broden called up Senate Bill 331 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 331-1)

Madam President: I move that Senate Bill 331 be amended to read as follows:

Page 2, line 7, strike "five hundred dollars (\$500)" and insert "**one thousand dollars (\$1000)**".

(Reference is to SB 331 as printed January 20, 2006.)

RIEGSECKER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 370

Senator Kruse called up Senate Bill 370 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 370-1)

Madam President: I move that Senate Bill 370 be amended to read as follows:

Page 4, line 12, after "Act," insert "**and**".

Page 4, line 13, delete ", and the employment and training" and insert ".".

Page 4, delete lines 14 through 16.

Page 6, line 29, reset in roman "six (6)".

Page 6, line 29, delete "three (3)".

Page 6, line 30, reset in roman "annually".

Page 6, line 30, delete "every two (2) years".

Page 6, line 31, reset in roman "three (3) hours".

Page 6, line 31, delete "one (1) hour." and insert ".".

Page 8, line 21, delete ":".

Page 8, line 22, delete "(A)".

Page 8, line 22, beginning with "the Food", begin a new line blocked left.

Page 8, line 23, delete "; and".

Page 8, delete lines 24 through 25.

Page 13, line 22, reset in roman "physical".

Page 13, line 25, reset in roman "onsite".

Page 14, line 40, after "of" insert ":

(i)".

Page 14, line 41, after "area" delete "." and insert "; or

(ii) a statewide labor organization."

(Reference is to SB 370 as printed January 20, 2006.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 310

Senator Alting called up Engrossed Senate Bill 310 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 27: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning, T. Brown, Klinker, and Micon.

Engrossed Senate Bill 41

Senator Miller called up Engrossed Senate Bill 41 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 28: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 245

Senator Hershman called up Engrossed Senate Bill 245 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 29: yeas 40, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, Murphy, Grubb, and Mays.

Engrossed Senate Bill 168

Senator Miller called up Engrossed Senate Bill 168 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 30: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 234

Senator Gard called up Engrossed Senate Bill 234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 31: yeas 46, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Dvorak.

Engrossed Senate Bill 88

Senator Wyss called up Engrossed Senate Bill 88 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 32: yeas 26, nays 21. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crouch, Welch, Lawson, and C. Brown

Engrossed Senate Bill 114

Senator Zakas called up Engrossed Senate Bill 114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 33: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Foley.

Engrossed Senate Bill 208

Senator Dillon called up Engrossed Senate Bill 208 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 34: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Welch.

Engrossed Senate Bill 2

Senator Drozda called up Engrossed Senate Bill 2 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 35: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives J. Smith, Foley, and Ulmer.

Engrossed Senate Bill 362

Senator Ford called up Engrossed Senate Bill 362 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 36: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Turner.

Engrossed Senate Bill 147

Senator Gard called up Engrossed Senate Bill 147 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 37: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the

Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ripley and Pelath.

Pursuant to prior authorization from Senator Jackman, Senator Gard called up Engrossed Senate Bill 87 for Third Reading.

Engrossed Senate Bill 87

Senator Gard called up Engrossed Senate Bill 87 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 38: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Gutwein and Grubb.

Engrossed Senate Bill 92

Senator Paul called up Engrossed Senate Bill 92 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Senator Paul withdrew the call.

Engrossed Senate Bill 154

Senator Heinold called up Engrossed Senate Bill 154 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 39: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Heim.

Engrossed Senate Bill 12

Senator Long called up Engrossed Senate Bill 12 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 40: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley, Kuzman, Ulmer, and Van Haften.

Engrossed Senate Bill 258

Senator Kenley called up Engrossed Senate Bill 258 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 41: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Espich.

Engrossed Senate Bill 296

Senator Kenley called up Engrossed Senate Bill 296 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 42: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Torr.

Engrossed Senate Bill 133

Senator Kruse called up Engrossed Senate Bill 133 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 43: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Dodge.

Engrossed Senate Bill 260

Senator Kenley called up Engrossed Senate Bill 260 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 44: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsor: Representative Espich.

Engrossed Senate Bill 295

Senator Paul called up Engrossed Senate Bill 295 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 45: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders, Hoffman, and Pflum.

Engrossed Senate Bill 355

Senator Lawson called up Engrossed Senate Bill 355 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 46: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Ayres.

Engrossed Senate Bill 246

Senator Wyss called up Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 47: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley, Van Haaften, Ulmer, and Kuzman.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed Senate Bill 114.

Page 6, line 18, delete "Do any of the following:".

Page 6, line 19, delete "(A)".

Page 6, run in lines 18 through 19.

Page 6, line 22, delete (B), begin a new line block indented and insert: "(20)".

Page 6, line 23, delete (C), begin a new line block indented and insert: "(21)".

Page 6, line 28, strike "(20)" and insert "(22)".

Page 6, line 30, strike "(21)" and insert "(23)".

Page 6, line 38, strike "(22)" and insert "(24)".

Page 7, line 7, strike "(23)" and insert "(25)".

Page 7, line 24, delete "(24)" and insert "(26)".

Page 7, line 31, delete "(25)" and insert "(27)".

Page 8, line 3, delete "(26)" and insert "(28)".

Page 8, line 27, delete "(27)" and insert "(29)".

(Reference is to ESB 114 as printed January 20, 2006.)

GARTON

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 73

Senator Long called up Engrossed Senate Bill 73 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 48: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Davis and Stilwell.

Engrossed Senate Bill 60

Senator Kenley called up Engrossed Senate Bill 60 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 49: yeas 30, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Ruppel.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 19 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Riegsecker be removed as

coauthor of Senate Bill 106.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author and Senator Paul be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan and Alting be added as coauthors of Senate Bill 217.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Senate Bill 369.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as coauthor of Engrossed Senate Bill 247.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 260.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Engrossed Senate Bill 133.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Senate Bill 301.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 92.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 2.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 154.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Bill 284.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Engrossed Senate Bill 246.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 148.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan and Tallian be added as coauthors of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux and Sipes be added as coauthors of Senate Bill 336.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Senate Bill 216.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Smith and Sipes be added as coauthors of Senate Bill 373.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 75.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Mrvan, Lanane, Meeks, Drozda, Miller, Zakas, Steele, Kruse, and Broden be added as coauthors of Engrossed Senate Bill 12.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Engrossed Senate Bill 92.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Skinner, Ford, and Lanane be added as coauthors of Senate Bill 353.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author of Senate Bill 305.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Riegsecker and Mishler be added as coauthors of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as second author and Senators Delph and Smith be added as coauthors of Senate Bill 374.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Senate Bill 217.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 92, which is eligible for third reading, be returned to second reading for purposes of amendment.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 246.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, January 26, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 5:50 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Tenth Meeting Day

Thursday Afternoon

January 26, 2006

The Senate convened at 1:36 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele <input checked="" type="checkbox"/>
Hume	Tallian
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 50: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1013 — Miller, Craycraft (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning

motor vehicles.

HB 1021 — Weatherwax, Lewis (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1023 — Heinold, Miller, Tallian (Health and Provider Services)

A BILL FOR AN ACT concerning human services.

HB 1040 — Kenley, Landske, Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

HB 1103 — Steele, Broden (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1106 — Becker, Breaux, Dillon (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1111 — Kenley (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1114 — Steele (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1134 — Landske, Kenley, Bowser (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1150 — Kruse, Skinner (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 277, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 8, Nays 0.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 274, has

had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 373, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 206, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 3.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 275, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 160, has had the same under consideration and begs leave to report the

same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 299, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 85, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 58, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 57, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 71, has had the same under consideration and begs leave to report the same back to

the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 86, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 360, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, between lines 1 and 2, begin a new paragraph and insert:

"(b) A person scheduled to appear for jury service has the right to defer the date of the person's initial appearance for jury service one (1) time upon a showing of hardship, extreme inconvenience, or necessity. The court shall grant a prospective juror's request for deferral if the following conditions are met:

(1) The prospective juror has not previously been granted a deferral.

(2) The prospective juror requests a deferral by contacting the jury commissioner:

(A) by telephone;

(B) by electronic mail;

(C) in writing; or

(D) in person.

(3) The prospective juror selects another date on which the prospective juror will appear for jury service that is:

(A) not more than one (1) year after the date upon which the prospective juror was originally scheduled to appear; and

(B) a date when the court will be in session.

(4) The court determines that the prospective juror has demonstrated that a deferral is necessary due to:

(A) hardship;

(B) extreme inconvenience; or

(C) necessity."

Page 3, line 2, reset in roman "(c)".

Page 3, line 2, delete "(b)".

Page 3, line 7, reset in roman "(d)".

Page 3, line 7, delete "(c)".

Page 3, line 10, reset in roman "(e)".

Page 3, line 10, delete "(d)".

Page 3, line 12, reset in roman "(f)".

Page 3, line 12, delete "(e)".

Page 3, line 14, reset in roman "(g)".

Page 3, line 14, delete "(f)".

Page 3, line 16, delete "(g)".

Page 3, line 16, reset in roman "(i)".

Page 3, line 16, reset in roman "(l)".

Page 3, line 16, delete "(k)".

Page 3, line 23, reset in roman "(h)".

Page 3, line 23, delete "(g)".

Page 4, line 1, reset in roman "(i)".

Page 4, line 1, delete "(h)".

Page 4, line 3, reset in roman "(i)".

Page 4, line 3, delete "(h)".

Page 4, line 5, reset in roman "(j)".

Page 4, line 5, delete "(i)".

Page 4, line 8, reset in roman "(k)".

Page 4, line 8, delete "(j)".

Page 4, line 9, reset in roman "(h)".

Page 4, line 9, delete "(g)".

Page 4, line 11, reset in roman "(l)".

Page 4, line 11, delete "(k)".

Page 4, line 29, after "annual" delete ",".

Page 4, line 29, after "vacation" delete ",".

Page 4, line 33, after "annual" delete ",".

Page 4, line 34, after "vacation" delete ",".

Page 4, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 4. IC 33-28-5-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) The supervising judge or the jury commissioner shall determine solely on the basis of information provided on a juror qualification form or interview with a prospective juror whether the prospective juror is disqualified for jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form or electronic data processing facsimile and on the alphabetical list of names drawn from the master list.

(b) A person may not be automatically excused under this chapter. Upon request of a prospective juror, the supervising judge or jury commissioner shall determine on the basis of information provided on:

(1) the juror qualification form;

(2) correspondence from the prospective juror; or

(3) an interview with the prospective juror;

whether the prospective juror may be excused from jury service. The jury commissioner shall enter this determination in the space provided on the juror qualification form.

(c) A person who is not disqualified for jury service may be excused from jury service only upon a showing of:

~~(1) undue hardship;~~

~~(2) extreme inconvenience; or~~

~~(3) public necessity;~~

until the time of the next drawing when the person is resummoned. Appropriate records must be maintained by the jury commissioner to facilitate resummoning: in accordance with IC 33-28-4-8.

(d) Requests for excuse, other than those accompanying the return of the qualification form, must be made by the prospective juror in writing to the jury commissioner not later than three (3) days before the date when the prospective juror has been summoned to appear."

Page 5, line 5, after "annual" delete ",".

Page 5, line 5, after "vacation" delete ",".

Page 5, line 9, after "annual" delete ",".

Page 5, line 10, after "vacation" delete ",".

Page 6, line 32, strike "only upon a showing".

Page 6, line 33, strike "of undue hardship, extreme inconvenience, or public necessity."

Page 6, line 35, before "The" insert **"in accordance with IC 33-28-4-8."**

Page 7, line 13, after "annual" delete ",".

Page 7, line 13, after "vacation" delete ",".

Page 7, line 17, after "annual" delete ",".

Page 7, line 18, after "vacation" delete ",".

Renumber all SECTIONS consecutively.

(Reference is to SB 232 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 33, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 12, begin a new paragraph, and insert:

"SECTION 1. IC 29-3-1-15.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15.5. "Volunteer advocate for incapacitated adults means an individual who:**

(1) is a volunteer;

(2) has completed a limited guardian training program approved by a court;

(3) is supervised by a community volunteer advocates for adults program;

(4) is appointed by a court to serve as a limited guardian for an incapacitated person or protected person who is at least eighteen (18) years of age; and

(5) provides reports and makes recommendations to a court."

Page 1, line 16, reset in roman "seniors".

Page 1, line 16, after "seniors" delete "." and insert **"or a volunteer advocate for"**.

Page 2, line 2, reset in roman "seniors".

Page 2, line 2, after "seniors" insert **"or a volunteer advocate for"**.

Page 2, line 12, reset in roman "seniors".

Page 2, line 12, after "seniors" insert **"or a volunteer advocate for"**.

Page 2, line 14, after "person" insert ";".

Page 2, line 14, strike "who is at least".

Page 2, line 15, delete "eighteen (18)".

Page 2, line 15, strike "years of age;".

Page 2, line 29, reset in roman "seniors".

Page 2, line 29, after "seniors" insert **"or a volunteer advocate for"**.

Page 3, line 3, reset in roman "seniors".

Page 3, line 3, after "seniors" delete "," and insert **"or a volunteer advocate for"**.

Page 3, line 11, reset in roman "seniors".

Page 3, line 11, after "seniors" insert **"or a volunteer advocate for"**.

Page 3, line 16, reset in roman "seniors".

Page 3, line 16, after "seniors" delete "." and insert **"or a volunteer advocate for"**.

Page 3, line 21, reset in roman "seniors".

Page 3, line 21, after "seniors" insert **"program or a volunteer advocate for"**.

Page 3, line 23, reset in roman "seniors".

Page 3, line 23, after "seniors" insert **"program or a volunteer advocate for"**.

Page 3, line 25, reset in roman "seniors".

Page 3, line 25, after "seniors" insert **"program or a volunteer advocate for"**.

Page 3, line 31, reset in roman "seniors".

Page 3, line 31, after "seniors" insert **"or a volunteer advocate for"**.

Page 4, line 5, after "guardian)" insert ",".

Page 4, line 5, strike "or" and insert **"a"**.

Page 4, line 5, reset in roman "seniors".

Page 4, line 5, after "seniors" insert **", or a volunteer advocate for"**.

Page 4, line 16, reset in roman "seniors")."

Page 3, line 25, after "seniors" delete ")." and insert **"or a volunteer advocate for"**.

(Reference is to SB 33 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 25.

Page 17, delete lines 22 through 42.

Page 18, delete lines 1 through 31.

Page 22, delete lines 33 through 42.

Delete pages 23 through 24.

Page 25, delete lines 1 through 19.

Page 31, line 7, after "Sec. 8." insert **"(a)"**.

Page 31, between lines 21 and 22, begin a new paragraph and insert:

"(b) The board, by an affirmative vote of at least two-thirds (2/3) of the voting members, may determine that the units described in subsection (a) shall jointly perform, by entering into interlocal cooperation agreements under IC 36-1-7, additional functions not listed in subsection (a)."

Page 34, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 50. IC 36-3-10 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 10. Community Resource Center Transition Board

Sec. 1. This chapter applies only to a county containing a consolidated city.

Sec. 2. As used in this chapter, "board" refers to the community resource center transition board established by section 3 of this chapter.

Sec. 3. The community resource center transition board is established.

Sec. 4. (a) The board consists of the following members:

(1) The deputy mayor for public and neighborhood affairs of the consolidated city, who shall serve as the board chairperson.

(2) The township trustee of each of the nine (9) townships in the county.

(3) One (1) member appointed by the president of the city-county council.

(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

Sec. 6. Each member of the board who is not an employee of the state or the consolidated city is entitled to a salary per diem equal to the per diem received by a city-county councilor for attendance at council committee meetings.

Sec. 7. The board shall do the following:

(1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.

(2) Identify city and township services that may be provided jointly, and make recommendations concerning the joint

location of those services with other federal, state, or local government agencies.

(3) Make recommendations concerning the number and location of community resource centers in the county.

(4) Identify which of the services provided by the township trustees may be located in the community resource centers.

(5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.

Sec. 8. (a) This chapter expires December 31, 2008.

(b) The city-county council may by resolution extend the term of the board."

Page 36, delete lines 10 through 42.

Delete pages 37 through 47.

Page 48, delete lines 1 through 6.

Page 49, line 2, after ";" insert **"and"**.

Page 49, delete line 3.

Page 49, line 4, delete "(5)" and insert **"(4)"**.

Page 49, delete line 33.

Page 49, run in lines 32 through 34.

Page 49, line 35, delete "(E)" and insert **"(D)"**.

Page 50, delete line 2.

Page 50, run in lines 1 through 3.

Page 50, line 4, delete "(E)" and insert **"(D)"**.

Page 50, delete lines 7 through 36.

Page 51, delete lines 7 through 25.

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 89, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 9, after "number of" insert **"different"**.

Page 2, line 10, delete "each gathering" and insert **"any of the series of gatherings"**.

Page 2, line 26, delete "or".

Page 2, line 29, delete "." and insert **"; or**

(6) a gathering to receive information about an industrial or a commercial prospect. The gathering may not include a discussion of the terms of a request or an offer of public financial resources."

Page 5, line 24, delete "board".

Page 5, line 25, delete "of trustees" and insert **"governing body"**.

Page 5, line 26, delete "board" and insert **"governing body"**.

Page 5, line 28, delete "board" and insert **"governing body"**.

Page 6, line 5, after "state board" insert **"or a committee of the state board"**.

Page 6, line 5, after "the board" insert **"or the committee"**.

Page 6, line 7, after "board" insert **"or a committee of the state board"**.

Page 6, line 8, after "board" insert **"or a committee of the state board"**.

Page 6, line 26, after "trustees" insert **"or a committee of the board of trustees"**.

Page 6, line 27, after "board" insert **"or the committee"**.

Page 6, line 29, after "board" insert **"or a committee of the board"**.

Page 6, line 30, after "board" insert **"or the committee"**.

(Reference is to SB 89 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 192, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, after "cash" insert **"or cash and another form of security"**.

Page 2, line 1 delete "in an".

Page 2, line 2, delete "amount equal to the" and insert **"as"**.

Page 2, line 2, delete "under clause (B)".

Page 2, line 2, delete "shall" and insert **"may"**.

(Reference is to SB 192 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed Senate Bill 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 41, delete "606,".

Page 2, line 41, after "607" delete ",".

Page 3, line 6, delete "the earlier of:".

Page 3, line 7, delete "(1)".

Page 3, run in lines 6 through 7.

Page 3, line 7, delete "three (3) years" and insert **"eighteen (18) months"**.

Page 3, line 7, delete "such" and insert **"the"**.

Page 3, line 8, delete "; or" and insert ".".

Page 3, delete lines 9 through 10.

(Reference is to SB 35 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 359, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill be amended as follows:

Page 5, delete lines 14 through 29.

Renumber all SECTIONS consecutively.

(Reference is to SB 359 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

HERSHMAN, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 10 through 17, begin a new paragraph and insert:

"(c) A school corporation may dismiss students for either:

(1) three (3) full school days; or

(2) six (6) partial school days;

but not both, during a school year to conduct professional development activities or parent-teacher conferences.

(d) Not more than:

(1) one-half (1/2) school day of the three (3) full school days under subsection (c)(1); or

(2) two (2) of the six (6) partial days under subsection (c)(2);

may be used for parent-teacher conferences.

(e) All full days or partial days during which students are dismissed under subsection (c) shall be counted as student instructional days under IC 20-30-2-3."

Page 2, delete lines 1 through 4.

(Reference is to SB 194 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 173, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, after "conduct" insert **"an"**.

Page 1, line 10, delete "counts" and insert **"count"**.

Page 1, line 10, after "on" insert **"May 1, 2007, May 1, 2008, and May 1, 2009."**

Page 1, delete lines 11 through 12.

(Reference is to SB 173 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career

Development, to which was referred Senate Bill 236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 6, after "training" insert **"during which an instructor is present"**.

(Reference is to SB 236 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 324, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, delete "in".

Page 1, line 7, delete "6, 7," and insert "7".

Page 1, line 9, delete "6;" and insert "7;".

Page 2, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 3. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The state board shall analyze annually state, local, and other:**

- (1) statutes;
- (2) rules;
- (3) policies; and
- (4) related requirements;

that affect school corporations and public schools to identify the statutes, rules, policies, and related requirements that restrict or inhibit the ability of school corporations and public schools to maximize the allocation of resources to, and focus efforts on, student instruction and learning, or to develop and implement innovative approaches to improving student achievement.

(b) In conducting the analysis required under subsection (a), the state board may retain the assistance the state board considers necessary, including the assistance of the following:

- (1) The office of management and budget.
- (2) A government efficiency commission that addresses schools.
- (3) Consultants.

(c) Following the annual identification of statutes, rules, policies, and related requirements under subsection (a), the state board may take one (1) or more of the following actions:

- (1) Repeal the rules, policies, or requirements that are within the authority of the state board. A repeal under this subdivision may be undertaken:

- (A) at any time;
- (B) following public comment; and
- (C) by emergency rule.

- (2) Recommend to the general assembly the repeal of statutes. The recommendations under this subdivision must be made:

- (A) annually not later than September 1; and
- (B) to the executive director of the legislative services

agency in an electronic format under IC 5-14-6.

(3) Report to the governor, the general assembly, and the state superintendent concerning the statutes, rules, policies, and requirements that are not within the authority of the state board or general assembly. A report under this subdivision:

(A) may be made at any time; and

(B) when made to the general assembly, must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 6. IC 20-26-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Deregulated School Corporations

Sec. 1. The governing body of a school corporation may designate the school corporation as a deregulated school corporation that is free to focus on improving the academic achievement of the school corporation's students by using freedom from regulation to:

- (1) allocate resources toward; and
- (2) focus efforts on;

student instruction and learning.

Sec. 2. (a) To designate a school corporation as a deregulated school corporation that is free to focus on improving academic improvement, a governing body shall submit notice of the school corporation's intent to become a deregulated school corporation to the state board. The notice must:

- (1) be in writing;
- (2) attest that the governing body has voted to become a deregulated school corporation that is free to focus on improving academic achievement; and
- (3) inform the state board that the school corporation will become a deregulated school corporation on the July 1 next following the date of the notice.

(b) A notice under this section is effective upon receipt by the state board.

Sec. 3. A school corporation becomes a deregulated school corporation that is free to focus on improving academic achievement on the July 1 next following the date of the governing body's notice to the state board.

Sec. 4. The following apply to a deregulated school corporation:

- (1) Except as specifically provided in this chapter, the following do not apply to a deregulated school corporation:

- (A) An Indiana statute applicable to a governing body or school corporation.
- (B) A rule or guideline adopted by the state board.
- (C) A rule or guideline adopted by the advisory board of the division of professional standards established by IC 20-28-2-2, except for those rules that assist a teacher in gaining or renewing a standard or advanced license.
- (D) A local regulation or policy adopted by the governing body of the deregulated school corporation, unless the regulation or policy is specifically readopted by the governing body after the governing body has voted to become a deregulated school corporation.

(2) The school corporation and schools within the school corporation must continue to comply with the following:

- (A) Applicable federal laws.
- (B) The Constitution of the State of Indiana.
- (C) Federal and state laws that prohibit discrimination.
- (D) Bidding, wage determination, and other statutes and rules that apply to the use of public funds for the construction, reconstruction, alteration, or renovation of a public building.
- (E) The following statutes:
 - (i) IC 5-10.3 (public employees' retirement fund).
 - (ii) IC 5-11-1-9 (required audits by the state board of accounts).
 - (iii) IC 20-26-5-6 (subject to regulation by state agencies).
 - (iv) IC 20-26-5-10 and IC 20-28-5-9 (criminal history).
 - (v) IC 20-26-6-2 (unified accounting system).
 - (vi) IC 20-28-4 (transition to teaching).
 - (vii) IC 20-28-6, IC 20-28-7, IC 20-28-8, IC 20-28-9, and IC 20-28-10 (contracts with teachers and administrators, salary, and conditions of employment).
 - (viii) IC 20-29 (collective bargaining).
 - (ix) IC 20-30-2 (calendar).
 - (x) IC 20-30-3-2 and IC 20-30-3-4 (patriotic and commemorative observances).
 - (xi) IC 20-30-5-0.5 (concerning the pledge of allegiance).
 - (xii) IC 20-30-10 (college preparation curriculum).
 - (xiii) IC 20-30-11 (postsecondary enrollment program).
 - (xiv) IC 20-31 (accountability for school performance and improvement).
 - (xv) IC 20-32 (student standards, assessment, and performance).
 - (xvi) IC 20-33-2 (compulsory school attendance).
 - (xvii) IC 20-33-3 (limitations on employment of children).
 - (xviii) IC 20-33-7 (parental access to education records).
 - (xix) IC 20-33-8 (student discipline).
 - (xx) IC 20-33-9 (reporting of student violations of law).
 - (xxi) IC 20-34-3 (health and safety measures).
 - (xxii) IC 20-34-4 (immunizations).
 - (xxiii) IC 20-35 (special education).
 - (xxiv) IC 21 (school finance).
 - (xxv) IC 21-6.1 (teacher retirement).

Sec. 5. (a) A deregulated school corporation shall submit periodic reports, at the times set by the state board, to the department and state board, with the content and in formats prescribed by the state board, containing the following information:

- (1) Financial information.
- (2) Student performance data, including the results of all standardized testing, ISTEP program testing, and the graduation examination.
- (3) A description of the educational methods and teaching methods employed.

(4) Daily attendance records.

(5) Graduation statistics, including the number of students attaining Core 40 and academic honors diplomas.

(6) Student enrollment data, including the following:

- (A) The number of students enrolled in the school corporation and each school in the school corporation.
- (B) The number of students suspended or expelled from schools in the school corporation, including the reasons for the suspensions or expulsions.
- (C) The number of students who ceased to attend schools in the school corporation, including the reasons for the cessation.

(7) Any information necessary to comply with federal or state reporting requirements.

(8) Any other information specified by the state board.

(b) A deregulated school corporation and each school within the school corporation shall publish the annual performance report required under IC 20-20-8.

Sec. 6. (a) Before becoming a deregulated school corporation under section 3 of this chapter, a governing body may waive any statutes, rules, or policies that the governing body may waive under section 4 of this chapter.

(b) A governing body shall submit notice of the statutes, rules, or policies the governing body seeks to waive to the state board under section 2 of this chapter.

(c) Unless the state board, with the advice of the department, provides written notice to the governing body of reasons the governing body may not waive a specific statute, rule, or policy, a waiver under this section takes effect ninety (90) days after the state board receives notice of the waiver.

Sec. 7. The state board may revoke the deregulated status of a school corporation at any time if the state board determines that at least one (1) of the following has occurred:

- (1) The school corporation fails to comply with applicable laws or conditions established under this chapter.
- (2) The school corporation fails to meet the educational and financial goals for the school corporation established by federal or state law, or by the state board.
- (3) The school corporation fails to comply with financial management, accounting, or reporting requirements.

Sec. 8. Not later than December 31 of each year, the state board shall issue a report to the governor and the general assembly concerning the status, actions, and academic and financial results of a deregulated school corporation. A report to the general assembly must be made to the executive director of the legislative services agency in an electronic format under IC 5-14-6."

Page 3, line 40, delete "gasoline." and insert "fuel."

Page 8, delete lines 15 through 42.

Delete page 9.

Page 10, delete lines 1 through 40.

Page 11, line 9, delete "fifty".

Page 11, line 9, delete "(\$150,000)" and insert "(\$100,000)".

Page 13, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 16. IC 36-1-12-22 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 22. (a) A school corporation may purchase the following materials for a public work project as provided in IC 5-22:**

- (1) Roofing materials.
- (2) Commercial floor coverings.
- (3) Athletic resurfacing materials.
- (4) Playground equipment.

(b) Labor used in any part of a public work project for which materials are purchased under subsection (a) from a contractor selected by a competitive sealed bidding process through a cooperative purchasing program may be included in the purchase if:

- (1) the labor is performed by an Indiana based contractor or subcontractor;
- (2) the labor is subject to IC 5-16-7, except that the wage scale must be established two (2) weeks before the issuance of a contract for the actual performance of the work; and
- (3) the employees of each Indiana based contractor or subcontractor providing labor have completed or are enrolled in an apprenticeship program certified by the United States Department of Labor Bureau of Apprenticeship and Training.

(c) Notwithstanding the manner in which materials and labor are purchased under this section, the cost of a public work project under this section shall be determined in accordance with IC 36-1-12-19.

(d) A purchase of materials and labor for a public work project under this section is exempt from publishing notice under IC 5-3-1."

Page 13, line 26, delete "or license".

Page 13, line 27, delete "certificate or".

Page 13, line 27, delete "by a professional" and insert "**under IC 25-23;**".

Page 13, delete line 28.

Page 13, line 29, delete "serves" and insert "**services**".

Renumber all SECTIONS consecutively.

(Reference is to SB 324 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LUBBERS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 9

House Concurrent Resolution 9, sponsored by Senator Bray:

A CONCURRENT RESOLUTION congratulating the members of the Martinsville High School girls softball team on the occasion of their victory in the 2005 Indiana High School Athletic Association Class 4A State Softball Championship.

Whereas, The Martinsville High School girls softball team defeated Lafayette McCutcheon 3-2 to win the 2005 Indiana High School Athletic Association (IHSAA) Class 4A State Softball Championship on June 11, 2005, at Ben Davis High School in Indianapolis, giving sixth-year coach Ken Rhoden and the Artesians

their first softball state championship;

Whereas, This year's win was even sweeter coming after last year's 2-0 semifinal loss to 4A runner-up Center Grove;

Whereas, Junior catcher Jessica Breeden rocketed a two-out double in the bottom of the ninth inning to drive in senior second baseman Allison Lewis to give Martinsville High School the victory;

Whereas, Allison Lewis started the ninth-inning, two-out rally by doubling to right center, setting the stage for the dramatic finish;

Whereas, Sophomore Abby Calloway, who hit a two-RBI single in the bottom of the third, gave 28-1-1 Martinsville a strong performance on the mound, improving her record to 9-1 for the season and allowing only one earned run and five hits in the nine-inning game;

Whereas, The Artesians advanced to the Class 4A final game with victories over Terre Haute North, Mooresville, and Terre Haute South in the Terre Haute North Sectional; East Central and Castle in the Jeffersonville Regional; and Brownsburg in the Semi-Finals;

Whereas, The Championship victory capped off an amazing season for the Artesians;

Whereas, The team entered the 2004-2005 season with high expectations;

Whereas, Winning its last 21 games by an average of 4.5 - 0.8 and pitching 14 shutout games, the team met or exceeded all pre-season expectations;

Whereas, Coach Ken Rhoden attributes the outstanding season to hard work, dedication, and contributions made by everyone; and

Whereas, The Martinsville High School girls softball team stands as an example of what can come of hard work and discipline: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the members and coaches of the Martinsville High School girls softball team on their victory in the 2005 IHSAA Class 4A State Softball Championship and wishes them success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to team members Emily Sullivan, Jordan Baldrige, Lynn Zloty, Sarah Walls, Allison Baldrige, Abby Calloway, Jodi Porter, Jessica Breeden, Ryanne Gluff, Jessica Stoner, Leah Hoffman, Allison Lewis, Elizabeth Gwaltney, Logan Lucas, Mikala Trimble, Alaina Zloty, Brittany Pruitt, Megan Michel, Melissa Daniels, and Chelsea Scott; head coach Ken Rhoden; assistant coaches Rob Rhoden, John Roddy, Sarah Agler, Nicki Ewing, Katie Baughn, and Sarah Currier; athletic

director Don Lipps; principal Don Alkire; and superintendent Ron Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 11

House Concurrent Resolution 11, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School volleyball team for its victory in the Indiana High School Athletic Association Class 4A state volleyball championship.

Whereas, On Saturday, November 5, at Hinkle Fieldhouse on the campus of Butler University, the Martinsville High School volleyball team defeated Cathedral High School to become the 2005 Indiana High School Athletic Association (IHSAA) Class 4A state volleyball champions;

Whereas, This victory marked the 37-2 Artesians' first volleyball state title since 1996, although they appeared in the state championship game in 1990, 1991, 1994, and 1995;

Whereas, Martinsville trailed 11-10 in game one until senior middle blocker Jessica Breeden accounted for four straight points; Cathedral never came closer than two points the rest of the game;

Whereas, Cathedral won game two, 25-10;

Whereas, Game three was tight the entire way before the Artesians closed it out with three straight points, including kills by Danielle Goodnight and Mikindra Morin;

Whereas, Danielle Goodnight finished game three with a double-double of 17 kills and 15 digs, and Mikindra Morin had a match-high 48 assists and a team-high 16 digs;

Whereas, The fourth game was tied at 18 when Martinsville took a 24-20 lead, and sealed the state title on a kill by Jessica Breeden, who helped the Artesians to a softball state championship last spring;

Whereas, On the road to victory, the Artesians defeated number one ranked defending champion Muncie Central (34-4) in the semifinals;

Whereas, The Artesians' Mikindra Morin was chosen as the Mental Attitude Award winner, whose recipients are players who excel in mental attitude, scholarship, leadership, and athletic ability in volleyball;

Whereas, Mikindra Morin ranks 15th in her class of 345 with a 3.988 cumulative grade point average, is a National Honor Society student, and is a volunteer for the Humane Society and the youth volleyball league; and

Whereas, Excellence in athletics is achieved through dedication and determination; the Martinsville High School volleyball team has displayed outstanding ability and desire in achieving this level of excellence: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School volleyball team on its recent victory in the Class 4A IHSAA volleyball state championship and wishes the team continued success in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Kelsie Deaton, Mikindra Morin, Leann Cook, Jessica Long, Lyndy Errett, Carly Cramer, Shea Doran, Brittany Hamilton, Danielle Goodnight, Jessica Breeden, Sara Cramer, Elann Poe, Coach Sandy Garrard, Assistant Sherri Smiley, Assistant Michelle Chandler, Assistant Natalie Rhoden, Assistant Heather DeVaughn, Assistant Jon Presley, Principal Don D. Alkire, Athletic Director Don Lipps, and Superintendent Dr. Ron Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 12

House Concurrent Resolution 12, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School Academic Spell Bowl Team.

Whereas, The Martinsville High School Academic Spell Bowl Team became the 2005 Class One Spell Bowl State Champion with a perfect score of 90 points;

Whereas, The 2005 victory marks the 12th consecutive year that Martinsville spellers have won or been runner-up in the Class One division, which features between 60 and 70 state schools;

Whereas, This year's victory was Martinsville High School's sixth spell bowl state championship and the 17th state championship by an academic team competing in an event sponsored by the Indiana Association of School Principals, tying Bloomington High School South for the most Class One state championships since the beginning of competition in 1985;

Whereas, Coach Wayne Babbitt credits the team's success to its dedication and outstanding work ethic;

Whereas, This team began practice the first week of school in August and have continued every school day since that date;

Whereas, Excellence in academics deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Martinsville High School Spell Bowl Team on its victory and wishes the team continued success in future competitions.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to team members Courtney Abshire, Robert Astleford, Josh Blanford, Eric Campbell, Mileah Davis, Evan Kirsch, Clayton Knox, Andy Lane, Sarah Mosier, Amanda Schoolcraft, Megan Ward, Morgan Ward, and Phoebe Wood, and to Principal Don Alkire and Superintendent Ron D. Furniss.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE JULY 1, 2006]".

Page 2, line 5, strike "and".

Page 2, line 7, delete "Indiana." and insert "Indiana; and".

Page 2, delete lines 8 through 42, begin a new line block indented and insert:

"(5) in the case of a transaction involving a cargo trailer or recreational vehicle, the cargo trailer or recreational vehicle will be titled or registered in a state or country that provides an exemption from sales, use, or similar taxes imposed on a cargo trailer or recreational vehicle that is purchased in that state or country by an Indiana resident and will be titled or registered in Indiana.

A transaction involving a cargo trailer or recreational vehicle that does not meet the requirements of subdivision (5) is not exempt from the state gross retail tax. The amount of the exemption for a cargo trailer or recreational vehicle is determined in subsection (d):

(d) The amount of the exemption for a cargo trailer or a recreational vehicle under this section is equal to the amount of:

(1) the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered in Indiana; minus

(2) the sales, use, or similar tax that would have been imposed on the transaction under the laws of the state or country in which the purchaser affirms the cargo trailer or recreational vehicle will be registered.

The amount of the exemption under this section may not exceed the amount of the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered

in Indiana. A retail merchant that accepts an exemption claim for a cargo trailer or recreational vehicle under this section shall, within sixty (60) days after the date of the transaction, have on file a copy of the purchaser's title or registration of the cargo trailer or recreational vehicle outside Indiana or pay to the state the amount of the exemption.

(c) Any state gross retail tax due after the application of the exemption provided by this section must be paid to the retail merchant.

(f) (d) A purchaser must claim an exemption under this section by submitting to the retail merchant an affidavit stating the purchaser's intent to:

(1) transport the cargo trailer, recreational vehicle, or aircraft to a destination outside Indiana within thirty (30) days after delivery; and

(2) title or register the cargo trailer, recreational vehicle, or aircraft for use in another state or country.

The department shall prescribe the form of the affidavit, **which must include an affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.** The affidavit must identify the state or country in which the cargo trailer, recreational vehicle, or aircraft will be titled or registered. ~~Within sixty (60) days after the date of the transaction, the purchaser shall provide to the retail merchant a copy of the purchaser's title or registration of the cargo trailer, recreational vehicle, or aircraft outside Indiana.~~

(g) (e) The department shall provide the information necessary to ~~calculate the amount of~~ **determine a purchaser's eligibility for an** exemption claimed under this section to retail merchants in the business of selling cargo trailers or recreational vehicles."

Page 3, delete lines 1 through 4.

Page 3, delete line 8.

(Reference is to SB 106 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 382, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 5.

Page 6, delete lines 1 through 7.

Page 8, line 29, delete "following taxes" and insert "**county option income tax**".

Page 8, line 34, delete ":" and insert ".".

Page 8, delete lines 35 through 37.

Page 8, line 38, after "Sec. 15." insert "**(a)**".

Page 8, line 38, after "chapter," insert "**and subject to subsection (b),**".

Page 8, line 40, delete "county adjusted gross income tax,".

Page 8, line 41, delete ", and county economic".

Page 8, line 42, delete "development income taxes".

Page 9, between lines 6 and 7, begin a new paragraph and insert:
"(b) The amount determined under subsection (a)(1) does not include any revenue that is attributable to:

- (1) an increase in the county option income tax rate; or**
- (2) the replacement of the county option income tax with another local option tax that may be used for the same purposes as the county option income tax and has a higher maximum permissible rate;**

that is authorized by a statute enacted after January 1, 2006."

Page 18, line 16, delete "following taxes" and insert **"county option income tax"**.

Page 18, line 19, delete ":" and insert ".".

Page 18, delete lines 20 through 22.

Page 19, line 33, delete "fifty (50)" and insert **"thirty (30)"**.

Page 20, line 13, delete "five (5)" and insert **"three (3)"**.

Page 21, delete lines 7 through 9.

Renumber all SECTIONS consecutively.

(Reference is to SB 382 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 17, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, after "(1)" insert **"one-half (1/2) of"**.

Page 1, delete lines 10 through 13.

Page 1, line 14, delete "(c)" and insert **"(b)"**.

Page 2, line 2, delete "(d)" and insert **"(c)"**.

(Reference is to SB 17 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 4.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 217, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, delete lines 36 through 42.

Delete page 4.

Page 5, line 1, delete "chapter."

Page 5, line 2, delete "IC 36-7-14-46" and insert "IC 36-7-14-45".

Page 5, line 4, delete "46." and insert **"45."**

Page 5, line 5, after "any" insert **"relevant"**.

Page 5, line 9, delete "49" and insert **"48"**.

Page 5, line 9, after "program." insert **"The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter."**

Page 5, line 11, after "chapter" insert **", including notice under section 17(c) of this chapter to a taxing unit that is wholly or partly located within an allocation area,"**.

Page 5, line 22, delete "may" and insert **"shall"**.

Page 5, line 24, delete "IC 36-7-14-47" and insert "IC 36-7-14-46".

Page 5, line 26, delete "47. All" and insert **"46. (a) Except as provided in subsection (b), all"**.

Page 6, between lines 1 and 2, begin a new paragraph and insert:
"(b) A commission may not exercise the power of eminent domain in implementing its program for housing."

Page 6, line 2, delete "IC 36-7-14-48" and insert "IC 36-7-14-47".

Page 6, line 4, delete "48." and insert **"47."**

Page 6, line 5, delete "46" and insert **"45"**.

Page 6, line 7, delete "The program meets the purposes of section 45 of this" and insert **"Not more than twenty-five (25) acres of the area included in the allocation area has been annexed during the preceding five (5) years."**

Page 6, delete line 8.

Page 6, line 26, delete "One hundred percent (100%)" and insert **"At least seventy-five percent (75%)"**.

Page 7, line 1, delete "allocation area" and insert **"county or municipality that is included in any allocation area established for a housing program under section 45 of this chapter"**.

Page 7, line 3, delete "IC 36-7-14-49" and insert "IC 36-7-14-48".

Page 7, line 5, delete "49." and insert **"48."**

Page 7, line 7, delete "46" and insert **"45"**.

Page 7, line 9, delete "land" and insert **"property, other than personal property,"**.

Page 7, delete lines 12 through 13.

Page 7, line 16, delete "46" and insert **"45"**.

Page 8, line 5, delete "46" and insert **"45"**.

Page 9, line 6, delete "46" and insert **"45"**.

Page 9, line 19, delete "46" and insert **"45"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 217 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Senate Bill 314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 11, delete "of the" and insert **"for"**.

Page 4, line 12, delete "conservation districts." and insert **"conservation."**

Page 5, line 15, after "department" insert **"of natural resources"**.

(Reference is to SB 314 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 305, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, line 10, after "16," reset in roman "or".

Page 1, line 10, delete ", or 18".

Page 1, between lines 11 and 12, begin a new paragraph and insert:

"(c) A person who violates section 18 of this chapter commits a Class A infraction."

Page 2, line 20, after "doors," insert **"emergency exit"**.

(Reference is to SB 305 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, after "document" insert **"not issued by a government entity"**.

(Reference is to SB 338 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 54, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "An" and insert **"The superintendent may establish a system to permit an"**.

Page 2, line 4, delete "may" and insert **"to"**.

(Reference is to SB 54 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "shall" and insert **"may"**.

Page 1, line 10, delete "include" and insert **"allow a Medicaid recipient to elect to participate in"**.

Page 1, line 15, delete "The" and insert **"If the office applies for the amendment described in this SECTION, the"**.

Page 2, line 3, delete "shall" and insert **"may"**.

Page 2, line 3, delete "amendment not more" and insert **"amendment."**

Page 2, delete line 4.

(Reference is to SB 308 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 36, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 17, after "commission" insert **"for a term of four (4) years"**.

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"Sec. 9. This chapter expires June 30, 2011."

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "commission" refers to the commission on mental health established by IC 12-21-6.5-2, as added by this act.

(b) The initial members of the board shall serve for the following terms:

(1) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for one (1) year.

(2) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for two (2) years.

(3) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for three (3) years.

(4) One (1) member appointed under IC 12-21-6.5-3(2)(A), as added by this act, for four (4) years.

(5) One (1) member appointed under IC 12-21-6.5-3(2)(B), as added by this act, for one (1) year.

(6) One (1) member appointed under IC 12-21-6.5-3(2)(B), as added by this act, for three (3) years.

(7) One (1) member appointed under IC 12-21-6.5-3(2)(C), as added by this act, for two (2) years.

(8) One (1) member appointed under IC 12-21-6.5-3(2)(C), as added by this act, for four (4) years.

(9) One (1) member appointed under IC 12-21-6.5-3(2)(D), as added by this act, for one (1) year.

(10) One (1) member appointed under IC 12-21-6.5-3(2)(D), as added by this act, for three (3) years.

(11) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is a representative of a for-profit psychiatric provider, for two (2) years.

(12) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is a physician licensed under IC 25-22.5, for three (3) years.

(13) One (1) member appointed under IC 12-21-6.5-3(2)(E), as added by this act, who is not described in subdivision (11) or (12), for four (4) years.

(c) This SECTION expires December 31, 2011."

Renumber all SECTIONS consecutively.

(Reference is to SB 36 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 166, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 2, line 27, reset in roman "or".
- Page 2, delete lines 29 through 30.
- Page 2, line 32, delete "Except as otherwise".
- Page 2, delete lines 33 through 35.
- Page 3, line 38, after "the" insert "**individual's**".

(Reference is to SB 166 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 4.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 202, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 7, line 19, strike "issued".
- Page 7, line 19, strike "subsection (a) of".
- Page 7, line 35, delete "of" and insert "**relating to the practice of pharmacy performed by**".
- Page 7, line 36, delete "physically".
- Page 7, line 36, after "review" insert "**in person**".
- Page 15, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 18. IC 25-26-14-15.5, AS ADDED BY P.L.212-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15.5. (a) A wholesale drug distributor that is an authorized distributor of a manufacturer is not considered to be an authorized distributor of the manufacturer under this chapter unless:

- (1) the manufacturer files the manufacturer's monthly updated list of authorized distributors with the board;
- (2) the list is available from the manufacturer upon request or on the Internet; and
- (3) the manufacturer notifies the board of any change to the list within ten (10) days after the change.

(b) ~~The board shall make available on the board's Internet web site a manufacturer's list of authorized distributors filed as described in subsection (a).~~"

- Page 30, line 7, delete "from" and insert "**of**".
- Page 30, line 8, delete "body." and insert "**body's decision by the board.**".

Renumber all SECTIONS consecutively.
(Reference is to SB 202 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 284, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

- Page 2, delete lines 4 through 5.
- (Reference is to SB 284 as introduced.)
- and when so amended that said bill do pass.
- Committee Vote: Yeas 9, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 336, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 5, after "Sec. 1." insert "**The department and the state department of health shall:**

- (1) develop and implement a pilot program that meets the requirements of this chapter not later than July 1, 2007; and**
- (2) implement this chapter statewide not later than July 1, 2009.**

Sec. 2."

- Page 1, line 9, delete "9" and insert "**10**".
- Page 1, line 10, delete "Sec. 2." and insert "**Sec. 3.**".
- Page 1, line 11, delete "6" and insert "**7**".
- Page 1, line 13, delete "Sec. 3." and insert "**Sec. 4.**".
- Page 1, line 16, delete "Sec. 4." and insert "**Sec. 5.**".
- Page 2, line 6, delete "Sec. 5." and insert "**Sec. 6.**".
- Page 2, line 8, delete "Sec. 6." and insert "**Sec. 7.**".
- Page 2, line 35, delete "Sec. 7." and insert "**Sec. 8.**".
- Page 3, line 7, delete "Sec. 8." and insert "**Sec. 9.**".
- Page 3, line 19, delete "Sec. 9." and insert "**Sec. 10.**".
- Page 4, line 16, delete "Sec. 10." and insert "**Sec. 11.**".
- Page 4, line 23, delete "9" and insert "**10**".
- Page 4, line 34, delete ":" and insert "**in carrying out the student's individualized health plan:**".

- Page 5, line 3, delete "Sec. 11." and insert "**Sec. 12.**".
- Page 5, line 17, delete "Sec. 12." and insert "**Sec. 13.**".

(Reference is to SB 336 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 151, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 7, after "(b)" insert "**This subsection is effective January 1, 2007.**".

Page 5, delete lines 3 through 42, begin a new paragraph and insert:

"SECTION 5. IC 12-17.2-4-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) A child care center shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for an

individual who:

- (1) is employed; or
- (2) volunteers;

as a caregiver at the child care center. The drug testing results required under this subsection must be obtained before the individual is employed or allowed to volunteer as a caregiver.

(b) A child care center shall maintain a written policy specifying the following:

(1) That the:

(A) use of:

- (i) tobacco; or
- (ii) a potentially toxic substance in a manner other than the substance's intended purpose; and

(B) use or possession of alcohol or an illegal substance; is prohibited in the child care center when child care is being provided.

(2) That drug testing of individuals who serve as caregivers at the child care center will be:

(A) performed ~~on a random basis~~, based on a protocol established or approved by the division; and

(B) required if an individual is suspected of noncompliance with the requirements specified under subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care center shall immediately suspend or terminate the individual's employment or volunteer service.

(d) A child care center that suspends an individual described in subsection (c) shall maintain a written policy providing for reinstatement of the individual following rehabilitation and drug testing results that are negative for a prohibited substance described in subsection (b)(1)(A)(ii) or (b)(1)(B).

(e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(f) A child care center that does not comply with this section is subject to:

(1) denial of an application for a license; or

(2) suspension or revocation of a license issued;

under this chapter.

SECTION 6. IC 12-17.2-5-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. (a) A child care home shall, at no expense to the state, maintain and make available to the division upon request a copy of drug testing results for:

(1) the provider;

(2) an individual who resides with the provider and who is at least eighteen (18) years of age; and

(3) an individual who:

(A) is employed; or

(B) volunteers;

as a caregiver at the child care home.

The drug testing results for an individual described in subdivision (3) must be obtained before the individual is employed or allowed to volunteer as a caregiver.

(b) A child care home shall maintain a written policy specifying the

following:

(1) That the:

(A) use of:

(i) tobacco;

(ii) alcohol; or

(iii) a potentially toxic substance in a manner other than the substance's intended purpose; and

(B) use or possession of an illegal substance;

is prohibited in the child care home when child care is being provided.

(2) That drug testing of individuals who serve as caregivers at the child care home will be:

(A) performed ~~on a random basis~~, based on a protocol established or approved by the division; and

(B) required if an individual is suspected of noncompliance with the requirements specified under subdivision (1).

(c) If:

(1) the drug testing results obtained under subsection (a) or (b) indicate the presence of a prohibited substance described in subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B); or

(2) an individual refuses to submit to a drug test;

the child care home shall immediately suspend or terminate the individual's employment or volunteer service.

(d) A child care home that suspends an individual described in subsection (c) shall maintain a written policy providing for reinstatement of the individual following rehabilitation and drug testing results that are negative for a prohibited substance described in subsection (b)(1)(A)(ii), (b)(1)(A)(iii), or (b)(1)(B).

(e) Drug testing results obtained under this section are confidential and may not be disclosed for any purpose other than the purpose described in this section.

(f) A child care home that does not comply with this section is subject to:

(1) denial of an application for a license; or

(2) suspension or revocation of a license issued;

under this chapter."

Page 6, delete lines 1 through 8.

Page 6, line 17, delete "division." and insert **"division, but not more than four (4) inspections per year per child care ministry."**

Page 6, delete lines 18 through 42.

Delete page 7.

Page 8, delete lines 1 through 32.

Re-number all SECTIONS consecutively.

(Reference is to SB 151 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 270, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 16 through 17.

Delete pages 2 through 6.

Page 12, delete lines 41 through 42.

Page 13, delete lines 1 through 23.

Page 25, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 32. IC 12-14-22-4.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 4.5. TANF records that would identify an individual who has applied for or is receiving cash assistance or supportive services under the TANF program:**

(1) **are not public records;**

(2) **are confidential; and**

(3) **are exempt from the disclosure requirements of IC 5-14-3-3."**

Page 26, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 37. IC 12-15-15-2.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 2.7. (a) This section applies after December 31, 2006.**

(b) If the office requires the collection of a copayment for nonemergency services that are provided to a Medicaid recipient in an emergency room, the copayment:

(1) must be collected by:

(A) the office; or

(B) the managed care organization, if the recipient is enrolled in a managed care organization; and

(2) may not be considered by the office, or a managed care organization if the recipient is enrolled in a managed care organization, in:

(A) determining the reimbursement rates; or

(B) reimbursing a provider;

for the nonemergency services."

Page 26, line 33, delete "ninety (90)" and insert "**sixty (60)**".

Page 26, line 40, delete "ninety (90)" and insert "**sixty (60)**".

Page 27, line 26, reset in roman "If the division does not make a determination of the".

Page 27, reset in roman lines 27 through 30.

Page 28, line 35, reset in roman "If the division does not make its determination".

Page 28, reset in roman lines 36 through 42.

Page 29, reset in roman line 1.

Page 29, line 7, delete "ninety (90)" and insert "**sixty (60)**".

Page 29, line 15, delete "ninety (90)" and insert "**sixty (60)**".

Page 32, line 18, after "waiver" insert "**on the later of the following:**

(1) January 1, 2007.

(2)".

Renumber all SECTIONS consecutively.

(Reference is to SB 270 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 266, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-40-3-2, AS ADDED BY P.L.196-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall:**

(1) monitor the patient for five (5) years following the patient's surgery, unless the physician is unable to locate the patient after making reasonable efforts; and

(2) report:

(A) to; and

(B) in a manner prescribed by;

the state department any death or serious complication of the patient.

(b) The report required in subsection (a) must include the following information:

(1) The gender of the patient.

(2) The name of the physician who performed the surgery.

(3) The location where the surgery was performed.

(4) Information concerning the death or complication and the circumstances in which the death or complication occurred."

Page 1, line 9, delete "chapter, including the names of" and insert "**chapter."**

Page 1, line 10, delete "the facilities in which the procedures were performed."

Renumber all SECTIONS consecutively.

(Reference is to SB 266 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 264, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 4 through 5, begin a new paragraph and insert:

"(d) A vehicle display is not considered an offsite sale if it is conducted by a new vehicle franchised dealer in an open area where no sales personnel or sales material are present."

(Reference is to SB 264 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 361, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as

follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 9-13-2-192 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 192. "Unit", for purposes of **IC 9-16-1** and IC 9-21-18, has the meaning set forth in IC 9-21-18-3."

Page 2, line 9, after "(5)", insert **"This subdivision does not apply to a contractor that is a unit."**

Page 2, after line 25, begin a new paragraph and insert:

"(c) Notwithstanding subsection (a), the commission is not required to replace any license branch with a license branch operated by a qualified person under subsection (a).

SECTION 3. IC 9-16-1-4.5, AS AMENDED BY P.L.210-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) The commission ~~may~~ **shall** contract with a qualified person to provide partial services at a qualified person's location, including locations within a facility used for other purposes, such as electronic titling and title application services and self-serve terminal access.

(b) A contract for providing motor vehicle registration and renewal services at a location must include the following provisions:

(1) The contractor must provide trained personnel to properly process motor vehicle registration and renewal transactions.

(2) The contractor shall do the following:

(A) Collect and transmit all bureau fees and taxes collected at the contract location.

(B) Deposit the taxes collected at the contract location with the county treasurer in the manner prescribed by IC 6-3.5 or IC 6-6-5.

(3) **This subdivision does not apply to a contractor that is a unit.** The contractor shall provide fidelity bond coverage in an amount prescribed by the commission.

(4) The contractor shall pay the cost of any post audits conducted by the commission or the state board of accounts on an actual cost basis.

(5) The commission must approve each location and physical facility used by a contractor.

(6) The term of the contract must be for a fixed period."

Renumber all SECTIONS consecutively.

(Reference is to SB 361 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 3.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, reset in roman "operator's license or".

Page 1, delete lines 16 through 17.

Page 2, delete lines 1 through 10.

Page 4, delete lines 20 through 28.

Page 4, reset in roman line 32.

Page 4, line 33, reset in roman "(2)".

Page 4, line 38, reset in roman "license or".

Page 5, line 10, reset in roman "operator's license".

Page 5, line 10, after "license" insert **"or"**.

Page 5, line 11, reset in roman "thirty".

Page 5, line 12, reset in roman "(30)".

Page 5, line 12, delete "sixty (60)".

Page 5, line 13, reset in roman "license or license".

Page 5, line 19, reset in roman "operator's license or".

Page 5, line 24, reset in roman "An individual applying for".

Page 5, reset in roman line 25.

Page 5, line 26, before "operational" insert **"written exam"**.

Page 5, line 26, reset in roman "before taking the".

Page 5, line 26, after "exam." insert **"operational skills test."**

Page 5, line 33, reset in roman "licensing or endorsement."

Page 5, line 33, delete "license endorsements."

Page 5, line 34, after "who" insert ":'".

Page 5, line 35, reset in roman "(1)".

Page 5, line 36, after "months;" insert **"thirty (30) days;"**.

Page 5, line 36, reset in roman "or".

Page 5, reset in roman lines 37 through 40.

Page 5, line 41, delete "thirty (30) days".

Page 5, line 41, reset in roman "operator's license".

Page 5, line 41, after "license" insert **"or"**.

Page 6, line 3, reset in roman "or a temporary learner's permit".

Page 6, line 3, reset in roman "written".

Page 6, line 4, reset in roman "and".

Page 6, line 11, reset in roman "having custody".

Page 7, delete lines 7 through 42.

Page 8, delete lines 1 through 19.

Page 9, delete lines 11 through 21.

Page 9, line 25, reset in roman "a motorcycle operator's,".

Page 10, delete lines 15 through 42.

Page 11, delete lines 1 through 11.

Page 11, delete lines 27 through 42.

Page 12, delete line 1.

Page 12, delete lines 14 through 17.

Page 14, line 1, after "an" insert ":

(1)".

Page 14, line 2, delete "IC 9-13-2-7)." and insert **"IC 9-13-2-7);**

or

(2) auctioneer under IC 25-6.1-1."

Page 14, line 6, delete "IC 9-24-8-2;".

Page 14, line 6, delete "IC 9-24-12-8;" and insert "IC 9-24-12-8."

Page 14, line 6, delete "IC 9-29-9-10."

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 145, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 4, line 15, after "if" insert **"in the previous five (5) years"**.

Page 4, line 15, delete "a" and insert **"two (2) or more"**.

Page 4, line 15, delete "conviction:" and insert **"convictions:"**.

Page 4, line 19, after "jurisdiction;" insert **"or"**.

Page 4, delete lines 20 through 26.

Page 4, line 27, delete "(C)" and insert **"(B)"**.

Page 4, line 28, delete "IC 9-24-19," and insert **"IC 9-24-19-2 through IC 9-24-19-4,"**.

Page 4, line 28, after "if" insert **"in the previous five (5) years"**.

Page 4, line 28, delete "a" and insert **"two (2) or more"**.

Page 4, line 29, delete "conviction:" and insert **"convictions:"**.

Page 4, line 33, delete ";" and insert **"."**.

Page 4, delete lines 34 through 41.

(Reference is to SB 145 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 27

House Concurrent Resolution 27, sponsored by Senator Craycraft:

A CONCURRENT RESOLUTION memorializing Representative Tiny Adams.

Whereas, Representative Tiny Adams passed away on December 7, 2005, from complications resulting from a stroke;

Whereas, Representative Adams was a long-time resident of Muncie and a dedicated servant of the people of Indiana;

Whereas, Stroke is the third leading cause of death in the United States;

Whereas, Symptoms of a stroke include sudden numbness or weakness of the face, arm, or leg, especially on one side of the body, confusion, trouble speaking or understanding, trouble seeing in one or both eyes, and sudden severe headache with no known cause;

Whereas, To pay tribute to the life and spirit of Tiny Adams and his dedication to his community and his state, fellow legislators should know their risk of heart disease and stroke by having their level of cholesterol, blood pressure, and glucose tested; and

Whereas, Tiny would encourage fellow legislators to know their risk for heart disease and stroke by getting tested during the Annual Legislative Screening Day, 8:30 a.m. until noon on Tuesday, January 17: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its sympathy and great feeling of loss at the passing of one of our family members. Tiny Adams will be greatly missed. He was a dedicated public servant who worked tirelessly on behalf of his constituents. The members of the Indiana General Assembly encourage all to be aware of the risks of heart disease and stroke and to have their cholesterol, blood pressure, and glucose levels tested regularly.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Tiny Adams.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 342, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 11, line 31, delete "practitioner, the advisory committee, or the INSPECT" and insert **"practitioner is immune from civil liability for an injury, death, or loss to a person solely due to a practitioner seeking or not seeking information from the INSPECT program. The civil immunity described in this subsection does not extend to a practitioner if the practitioner receives information directly from the INSPECT program and then negligently misuses this information. This subsection does not apply to an act or omission that is a result of gross negligence or intentional misconduct."**.

Page 11, delete lines 32 through 39.

(Reference is to SB 342 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "in" insert **"section 7 of"**.

Page 2, line 20, delete ":".

Page 2, delete lines 21 through 22.

Page 2, line 23, delete "(B)".

Page 2, run in lines 20 through 23.

Page 2, line 29, delete "(a)(4)(A)" and insert **"(a)(4)"**.

Page 2, line 29, after "IC 35-42-4" insert **"or a crime of domestic violence (as defined in IC 35-41-1-6.3)"**.

Page 2, line 33, delete "crime" and insert **"victim"**.

Page 3, delete lines 31 through 35.

Page 4, line 6, delete "a court has entered" and insert **"an information or indictment alleging the commission of a crime has been filed by a prosecuting attorney."**

Page 4, delete lines 7 through 8.

Page 5, line 13, after "payment" insert **"from the division"**.

Page 5, line 17, after "division" insert **"under this chapter"**.

Page 7, line 24, after "representation" insert **"that exceeds ten percent (10%) of the value of the award"**.

Page 9, between lines 13 and 14, begin a new paragraph and insert: **"SECTION 19. IC 35-41-1-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. "Crime of domestic violence," for purposes of IC 3-7-13-5, IC 5-2-6.1, and IC 33-28-4-8, means an offense or the attempt to commit an offense that:**

- (1) has as an element the:
 - (A) use of physical force; or
 - (B) threatened use of a deadly weapon; and
- (2) is committed against a:
 - (A) current or former spouse, parent, or guardian of the defendant;
 - (B) person with whom the defendant shared a child in common;
 - (C) person who was cohabiting with or had cohabited with the defendant as a spouse, parent, or guardian; or
 - (D) person who was or had been similarly situated to a spouse, parent, or guardian of the defendant."

Renumber all SECTIONS consecutively.

(Reference is to SB 300 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 5.

Page 1, delete lines 15 through 17.

Page 2, delete lines 1 through 18.

Page 4, line 23, delete "plate cycle under IC 9-18-2-47(a)." and insert **"calendar year."**

Page 4, line 24, delete "may" and insert **"must"**.

Page 4, line 24, delete "only one (1)" and insert **"a"**.

Page 4, line 25, delete "per plate cycle under IC 9-18-2-47(a)." and insert **"by July 1 of the year preceding the year for which the change has been requested. The group may request only one (1) change in the method of collection in a plate cycle."**

Page 4, line 36, delete "plate cycle under IC 9-18-2-47(a)." and insert **"calendar year."**

Page 4, line 37, delete "may" and insert **"must"**.

Page 4, line 37, delete "only one (1)" and insert **"a"**.

Page 4, line 38, delete "per plate cycle under IC 9-18-2-47(a)." and insert **"by July 1 of the year preceding the year for which the**

change has been requested. The group may request only one (1) change in the method of collection in a plate cycle."

Page 4, delete lines 39 through 40.

Renumber all SECTIONS consecutively.

(Reference is to SB 235 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 332, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 17.

Page 18, delete lines 1 through 29.

Page 18, line 42, delete "an" and insert **"a hazardous duty"**.

Page 18, line 42, delete ", other than"

Page 19, delete line 1.

Page 19, line 2, delete "state teachers' retirement fund,".

Page 19, line 8, delete "an" and insert **"a hazardous duty"**.

Page 19, line 9, delete ", other than an employee who is a"

Page 19, delete line 10.

Page 19, line 11, delete "fund,".

Page 19, line 31, after "(9)" insert **"hazardous duty"**.

Page 19, line 31, delete ", other than an"

Page 19, delete line 32.

Page 19, line 33, delete "teachers' retirement fund,".

Page 20, line 11, delete "an" and insert **"a hazardous duty"**.

Page 20, line 11, delete ", other than"

Page 20, delete line 12.

Page 20, line 13, delete "state teachers' retirement fund,".

Page 20, line 33, delete "an" and insert **"a hazardous duty"**.

Page 20, line 33, delete ", other than"

Page 20, delete line 34.

Page 20, line 35, delete "state teachers' retirement fund,".

Page 20, after line 41, begin a new paragraph and insert:

"SECTION 6. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "a hazardous duty worker" means an employee of the department of correction who:

- (1) works within a prison or juvenile facility; or**
- (2) performs parole or emergency response operations and functions.**

(b) Before November 1, 2006, the pension management oversight commission established by IC 2-5-12 shall study retirement and other employee benefits for hazardous duty workers and make recommendations, including any recommended legislation, concerning those benefits. The department of correction and the public employees' retirement fund shall provide assistance as requested by the commission.

(c) The commission shall operate under the policies governing study committees adopted by the legislative council.

(d) This SECTION expires December 31, 2006."

Renumber all SECTIONaS consecutively.

(Reference is to SB 332 as printed January 20, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 153, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 42, delete ":".
Page 3, line 1, delete "(1)".
Page 3, line 1, delete "; or".
Page 2, run in line 42 through page 3, line 1.
Page 3, delete line 2.
Page 3, run in lines 1 and 3.
Page 22, line 25, after "IC 33-37-7-2(g)," insert **"if a fee is collected under this section by the clerk,"**.
Page 22, line 25, strike "collected under this".
Page 22, line 26, strike "section".
Page 22, line 26, after "IC 33-37-7-12(a)." insert **"If a fee is collected under this section by the central collection unit, the fee shall be deposited in the state general fund."**

(Reference is to SB 153 as printed January 20, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 5, Nays 3.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 25, delete "only".
Page 3, line 25, delete "if:" and insert **"when"**.
Page 3, line 26, delete "(1)".
Page 3, run in lines 25 through 26.
Page 3, line 29, delete "(A)", begin a new line block indented and insert:
"(1)".

Page 3, line 31, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 3, line 32, delete ";" and insert ".".
Page 3, line 33, delete "(2) the state requests", begin a new paragraph and insert:

"(b) The governor shall request".

Page 3, line 34, delete "; and" and insert **"whenever an employee of the state is terminated as described in subsection (a)."**

Page 3, line 35, delete "(3) the", begin a new paragraph and insert:
"(c) The".

Page 3, line 35, delete "approves" and insert **"must approve"**.

Page 3, line 35, before "request" delete "the" and insert **"a"**.

Page 3, line 35, delete "." and insert **"from the governor under**

subsection (b) unless approval violates subsection (i), federal or state law, or the terms of the fund."

Page 3, line 36, delete "(b)" and insert **"(d)"**.

Page 3, line 41, delete "(c)" and insert **"(e)"**.

Page 4, line 8, delete "(d)" and insert **"(f)"**.

Page 4, line 12, delete "state" and insert **"governor"**.

Page 4, line 20, delete "fully".

Page 4, line 20, delete "subsections (e) and" and insert **"subsection"**.

Page 4, delete lines 21 through 34.

Page 4, line 35, delete "subsection (e)" and insert **"subsection (f)"**.

Page 4, line 36, delete "subsection (d)," and insert **"subsection (f),"**.

Page 4, line 41, after "IC 5-10.2-3-1.2" insert **"and payable from the sources described in subsection (h)"**.

Page 5, between lines 9 and 10, begin a new paragraph and insert:
"(h) The amounts that the state is required to contribute to the fund under subsection (g) must come from the following sources:

(1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (g).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (g), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (g) in the next biennial state budget."

Page 5, line 10, delete "(h)" and insert **"(i)"**.

(Reference is to SB 340 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 365, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14.

Page 2, line 2, after "2006" insert **", and before July 1, 2012"**.

Page 2, line 9, delete "and".

Page 2, line 11, after "seq." insert **"; and"**.

Page 2, between lines 11 and 12, begin a new line block indented and insert:

"(4) who is not an officer or agent eligible to participate in a plan under section 6 of this chapter."

Page 2, line 14, delete "." and insert ", except that the plan offered under this subsection covers only the:

(1) retired state employee; and

(2) spouse of the retired state employee.

However, the plan offered under this subsection does not cover the spouse of a retired state employee for any period that the spouse is eligible for health care benefits from the spouse's employer or from Medicare."

Page 2, line 15, after "and" insert ", subject to subsection (b),".

Page 2, line 18, after "to" insert **"one hundred fifty percent (150%) of"**.

Page 2, delete lines 23 through 25.

Page 2, line 26, delete "Except as provided in subsection (f), a" and insert "A".

Page 2, line 33, delete "Eligibility" and insert **"Subject to subsection (b), eligibility"**.

Page 2, line 39, delete "Except as provided in subsection (f), when" and insert **"When"**.

Page 3, delete lines 5 through 15.

Page 4, line 21, after "law," insert **"the state may establish a program under which"**.

Page 4, line 21, after "state" insert **"or state employees"**.

Page 4, line 23, delete "employee" and insert **"health care"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 365 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 5, reset in roman "(c) This section expires January 1,".

Page 2, line 5, after "2008." insert **"2009."**

(Reference is to SB 56 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 345, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 3, delete "16.70% 19.60%" and insert "16.70%".

Page 2, line 4, strike "0.00%" and insert **"6.20%"**.

Page 2, line 6, delete "13.70%" and insert **"10.40%"**.

Page 2, delete lines 18 through 19.

Page 2, line 27, delete "sixty-five" and insert **"one hundred thirty-six"**.

Page 2, line 27, after "million" insert **"five hundred thousand"**.

Page 2, line 27, delete "\$(\$65,000,000)" and insert **"(\$136,500,000)"**.

Page 2, line 30, delete "April" and insert **"May"**.

Page 2, delete lines 33 through 42.

Page 3, delete lines 1 through 7.

Page 3, line 8, delete "(d)" and insert **"(c)"**.

Page 3, line 8, delete "or (c)".

Page 3, line 11, delete "2007," and insert **"2006,"**.

Page 3, line 11, delete "2008," and insert **"2007,"**.

Page 3, line 13, delete "(e)" and insert **"(d)"**.

Page 3, line 13, delete "or (c)".

Page 3, line 15, delete ":",

Page 3, line 16, delete "(1)".

Page 3, run in lines 15 through 16.

Page 3, line 20, delete "; and" and insert ":",

Page 3, delete lines 21 through 42.

Page 4, delete lines 1 through 35.

Page 4, line 37, delete ":",

Page 4, line 38, delete "(1)".

Page 4, run in lines 37 through 38.

Page 5, line 2, delete "; and" and insert ":",

Page 5, delete lines 3 through 4.

Page 5, line 10, delete "twenty" and insert **"forty"**.

Page 5, line 11, delete "\$(\$20,000,000)" and insert **"(\$40,000,000)"**.

Page 5, line 12, after "rehabilitation" insert **"or repair and rehabilitation of dormitories or other student housing"**.

Page 5, delete lines 14 through 22, begin a new line block indented and insert:

"INDIANA UNIVERSITY - TOTAL SYSTEM	\$15,667,060
PURDUE UNIVERSITY - TOTAL SYSTEM	10,795,022
INDIANA STATE UNIVERSITY	2,399,680
UNIVERSITY OF SOUTHERN INDIANA	1,225,670
BALL STATE UNIVERSITY	4,077,062
VINCENNES UNIVERSITY	1,190,030
IVY TECH COMMUNITY COLLEGE	
OF INDIANA	4,645,476
	\$40,000,000"

Page 5, line 30, delete ";" and insert **"after review of the schedule by the budget committee;"**.

Page 5, delete lines 32 through 42.

Page 6, delete lines 1 through 8.

Page 6, line 9, delete "(f)" and insert **"(e)"**.

Page 6, line 9, delete "or (e)".

Page 6, line 12, delete "or (e)".

Page 6, line 14, delete "(g)" and insert **"(f)"**.

Page 6, line 14, delete "(c) or (e)," and insert **"(c),"**.

Page 6, line 20, delete "(h)," and insert **"(g),"**.

Page 6, line 26, delete "(h)" and insert **"(g)"**.

Page 6, line 26, delete "(c) or (e)," and insert **"(c),"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 345 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 143, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "attorney general" and insert "**legislative council**".

Page 1, line 3, after "a" insert "**concise and neutral**".

Page 1, delete lines 6 through 8.

Page 1, line 9, delete "(c)" and insert "**(b)**".

Page 1, line 12, delete "attorney general" and insert "**legislative council**".

Page 1, delete lines 16 through 17.

Page 2, line 1, delete "(C)" and insert "**(B)**".

Page 2, line 2, delete "(D)" and insert "**(C)**".

Page 2, line 3, delete "attorney general's" and insert "**general assembly's**".

Page 2, line 5, delete "attorney general" and insert "**legislative council**".

Page 2, line 7, delete "(d)" and insert "**(c)**".

Page 2, between lines 10 and 11, begin a new paragraph and insert: "**(d) The legislative council has absolute discretion to determine the contents of a summary prepared under this section. A person may not bring a cause of action based on the exercise of this discretion.**".

(Reference is to SB 143 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 83, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 35-41-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. **(a) Except as provided in subsection (b), "deadly weapon" means the following:**

(1) A loaded or unloaded firearm.

(2) A destructive device, weapon, device, ~~taser (as defined in IC 35-47-8-3) or electronic stun weapon (as defined in IC 35-47-8-1)~~; equipment, chemical substance, or other material that in the manner it is used, or could ordinarily be used, or is intended to be used, is readily capable of causing serious bodily injury.

(3) An animal (as defined in IC 35-46-3-3) that is:

(A) readily capable of causing serious bodily injury; and

(B) used in the commission or attempted commission of a crime.

(4) A biological disease, virus, or organism that is capable of causing serious bodily injury.

(b) The term does not include:

(1) a taser (as defined in IC 35-47-8-3);

(2) an electronic stun weapon (as defined in IC 35-47-8-1);

(3) a chemical designed to temporarily incapacitate a person; or

(4) another device designed to temporarily incapacitate a person;

if the device described in subdivisions (1) through (4) is used by a law enforcement officer who has been trained in the use of the device and who uses the device in accordance with the law enforcement officer's training."

Renumber all SECTIONS consecutively.

(Reference is to SB 83 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 341, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 22 with "[EFFECTIVE JANUARY 1, 2007]".

Replace the effective date in SECTION 43 with "[EFFECTIVE JANUARY 1, 2007]".

Page 7, line 26, after "(i)" insert "**the greater of**".

Page 7, line 26, reset in roman "twenty-five dollars (\$25)".

Page 7, line 26, after "for" insert "**or**".

Page 11, line 18, delete ", return receipt requested,".

Page 12, line 32, delete ", return receipt".

Page 12, line 33, delete "requested,".

Page 16, line 32, after "tract" insert "**or an item**".

Page 17, line 18, after "more" insert "**than**".

Page 17, between lines 19 and 20, begin a new line block indented and insert:

"(1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;".

Page 17, line 20, delete "(1)" and insert "**(2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice,**".

Page 17, line 20, after "apply the" insert "**surplus**".

Page 17, line 22, delete "(2)" and insert "**(3)**".

Page 17, line 25, delete "(3)" and insert "**(4)**".

Page 17, between lines 37 and 38, begin a new paragraph and insert:

"(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor."

Page 19, delete lines 37 through 42.

Page 20, delete lines 1 through 23.

Page 25, line 24, delete ", return receipt requested,".

Page 27, line 33, delete "verifying that the".

Page 27, delete lines 34 through 35.

Page 27, line 42, delete "The".

Page 28, delete line 1.

Page 28, line 2, delete "Trial Rule 5.".

Page 31, line 24, delete "," and insert **"in the first year the item of real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the item of real property."**

Page 31, delete lines 25 through 30.

Page 31, line 32, delete "(a)(2)" and insert **"(a)"**.

Page 31, line 32, after "into" insert **"the county general fund, the redevelopment fund,"**.

Page 31, line 32, after "building fund" insert **", or the housing trust fund"**.

Page 31, line 34, after "IC 36-7-15.1-15.5" insert **"."**.

Page 31, line 39, delete "continue for five (5) years" and insert **"terminate in the second year the item of real property is subject to taxation"**.

Page 34, line 30, delete "do any of the following:".

Page 34, line 31, delete "(1) Impose" and insert **"impose"**.

Page 34, run in lines 30 through 31.

Page 35, line 2, delete "an additional civil penalty" and insert **"one (1) or more additional civil penalties"**.

Page 35, line 3, delete ". The" and insert **"per civil penalty. An"**.

Page 35, line 4, delete ":".

Page 35, delete lines 5 through 8.

Page 35, line 9, delete "(C)".

Page 35, run in lines 4 through 9.

Page 35, line 10, delete "(i)", begin a new line block indented and insert:

"(1)".

Page 35, line 12, delete "(ii)", begin a new line block indented and insert:

"(2)".

Page 35, delete lines 17 through 20.

Page 35, line 40, delete "or fine".

Page 35, line 42, delete "or fine is" and insert **"is"**.

Page 35, line 42, delete "penalty or fine" and insert **"penalty"**.

Page 36, line 37, after "order" delete "," and insert **"under section 5(a)(1) of this chapter,"**

Page 36, line 39, after "interest" insert **"or present possessory interest"**.

Page 36, between lines 40 and 41, begin a new line block indented and insert:

"(2) service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest in the unsafe premises that are the subject of the order;".

Page 36, line 41, strike "(2)" and insert **"(3)"**.

Page 36, line 42, after "having a" insert **"known or recorded"**.

Page 36, line 42, after "interest" insert **", and persons holding a present possessory interest, as required,"**.

Page 37, line 4, strike "(3)" and insert **"(4)"**.

Page 37, line 6, strike "(4)" and insert **"(5)"**.

Page 37, line 24, after "a" insert **"known or recorded"**.

Page 39, line 27, after "a" insert **"known or recorded"**.

Page 44, line 42, after "interest" delete ";" and insert **"in the recorder's office of the county where the unsafe premises is located;"**.

Page 45, line 6, reset in roman "consent to".

Page 45, line 6, after "consent to" insert **"reasonable"**.

Page 45, line 6, reset in roman "action taken under this chapter".

Page 45, line 7, delete "waive" and insert **"for which notice would be required and relinquish a claim to"**.

Page 45, line 8, delete "section." and insert **"chapter."**.

Renumber all SECTIONS consecutively.

(Reference is to SB 341 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 251, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. For purposes of (a) The definitions in this section apply throughout this chapter.

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(f) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(g) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(h) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(i) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(j) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(k) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

(i) the total price per unit; minus

(ii) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(l) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(m) "Distributor" means a person who is the first purchaser of

gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(n) "Prepayment rate" means a rate per gallon of gasoline ~~rounded to the nearest one-tenth of one cent (\$0.001)~~, determined by the department by determining the product of:

- (1) the statewide average retail price per gallon of gasoline excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%);

under section 14 of this chapter for use in calculating prepayment amounts of gross retail tax under section 9 of this chapter.

(o) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(p) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(q) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(r) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 2. IC 6-2.5-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Before June 10 and December 10 of each year, the department shall determine and provide to:

- (1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect prepayments of the state gross retail tax under this chapter; and
- (2) any other person that makes a request;

a notice of the prepayment rate to be used during the following six (6) month period. The department shall also have the prepayment rate published in the June and December issues of the Indiana Register.

(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.

(c) **The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:**

STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.

STEP TWO: Determine the product of the following:

- (A) The STEP ONE amount.

(B) The Indiana gross retail tax rate.

(C) Ninety percent (90%).

STEP THREE: Determine the lesser of:

(A) the STEP TWO result; or

(B) the product of:

- (i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by

- (ii) one hundred twenty-five percent (125%).

STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001)."

Page 1, line 4, after "section" insert "209,".

Page 1, line 4, delete "or".

Page 1, line 4, after "504" insert ", or 606".

Page 1, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 3. IC 6-6-2.5-72 IS ADDED TO THE CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 72. The administrator may require that all reports required to be filed under section 56.5, 57, or 60 of this chapter must be filed in an electronic format prescribed by the administrator.**".

Page 6, delete lines 28 through 42.

Delete page 7.

Page 8, delete lines 1 through 5.

Renumber all SECTIONS consecutively.

(Reference is to SB 251 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 8 through 17, begin a new paragraph and insert:

"SECTION 2. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) **For purposes of The definitions in this section apply throughout** this chapter:

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) **"E85" has the meaning set forth in IC 6-6-1.1-103.**

(f) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(g) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(h) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(i) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(j) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(k) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(l) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

- (i) the total price per unit; minus
- (ii) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(m) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(n) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(o) "Prepayment rate" means a rate per gallon of gasoline, rounded to the nearest one-tenth of one cent (\$0.001), determined by the department by determining the product of:

- (1) the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%).

(p) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(q) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(r) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(s) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 3. IC 6-2.5-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Each retail merchant who dispenses gasoline or special fuel from a metered pump shall, in the manner prescribed in IC 6-2.5-6, report to the department the following information:

- (1) The total number of gallons of gasoline sold from a metered pump during the period covered by the report.
- (2) The total amount of money received from the sale of

gasoline described in subdivision (1) during the period covered by the report.

(3) That portion of the amount described in subdivision (2) which represents state and federal taxes imposed under this article, IC 6-6-1.1, or Section 4081 of the Internal Revenue Code.

(4) The total number of gallons of special fuel sold from a metered pump during the period covered by the report.

(5) The total amount of money received from the sale of special fuel during the period covered by the report.

(6) That portion of the amount described in subdivision (5) that represents state and federal taxes imposed under this article, IC 6-6-2.5, or Section 4041 of the Internal Revenue Code.

(7) The total number of gallons of E85 sold from a metered pump during the period covered by the report.

(b) Concurrently with filing the report, the retail merchant shall remit the state gross retail tax in an amount which equals five and sixty-six hundredths percent (5.66%) of the gross receipts, including state gross retail taxes but excluding Indiana and federal gasoline and special fuel taxes, received by the retail merchant from the sale of the gasoline and special fuel that is covered by the report and on which the retail merchant was required to collect state gross retail tax. The retail merchant shall remit that amount regardless of the amount of state gross retail tax which he has actually collected under this chapter. However, the retail merchant is entitled to deduct and retain the amounts prescribed in subsection (c), IC 6-2.5-6-10, and IC 6-2.5-6-11.

(c) A retail merchant is entitled to deduct from the amount of state gross retail tax required to be remitted under subsection (b) ~~an~~ **the amount equal to: determined under STEP THREE of the following formula:**

STEP ONE: Determine:

- ~~(1)~~ **(A)** the sum of the prepayment amounts made during the period covered by the retail merchant's report; minus
- ~~(2)~~ **(B)** the sum of prepayment amounts collected by the retail merchant, in the merchant's capacity as a qualified distributor, during the period covered by the retail merchant's report.

STEP TWO: Subject to subsection (d), for reporting periods ending before July 1, 2008, determine the product of:

- (A) ten cents (\$0.10); multiplied by**
- (B) the number of gallons of E85 sold at retail by the retail merchant during the period covered by the retail merchant's report.**

STEP THREE: Add the amounts determined under STEPS ONE and TWO.

For purposes of this section, a prepayment of the gross retail tax is presumed to occur on the date on which it is invoiced.

(d) The total amount of deductions allowed under subsection (c) STEP TWO may not exceed two million dollars (\$2,000,000) for all retail merchants in all reporting periods. A retail merchant is not required to apply for an allocation of deductions under subsection (c) STEP TWO. If the department determines that the sum of:

- (1) the deductions that would otherwise be reported under subsection (c) STEP TWO for a reporting period; plus**
- (2) the total amount of deductions granted under subsection**

(c) STEP TWO in all preceding reporting periods; will exceed two million dollars (\$2,000,000), the department shall publish in the Indiana Register a notice that the deduction program under subsection (c) STEP TWO is terminated after the date specified in the notice and that no additional deductions will be granted for retail transactions occurring after the date specified in the notice."

Delete pages 2 through 3.

Page 4, delete lines 1 through 16.

Page 4, line 21, delete "with a" and insert **"nominally consisting of twenty percent (20%)"**.

Page 4, line 21, delete "content of at least twenty percent" and insert **"and eighty percent (80%) petroleum diesel."**

Page 4, delete line 22.

Page 4, between lines 22 and 23, begin a new paragraph and insert: "SECTION 4. IC 6-3.1-27-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1. As used in this chapter, "biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats that meets American Society for Testing and Materials specification ~~D6751-02~~ **D6751-03a Standard Specification** for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels.

SECTION 5. IC 6-3.1-27-8, AS AMENDED BY P.L.191-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) Subject to section 9.5 of this chapter, a taxpayer that has been certified by the corporation as eligible for a credit under this section and produces biodiesel at a facility located in Indiana is entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) one dollar (\$1); multiplied by

(2) the number of gallons of biodiesel:

(A) produced at the Indiana facility during the taxable year; and

(B) used to produce blended biodiesel.

(b) The corporation shall determine the maximum amount of credits that a taxpayer (or, if the person producing the biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) is eligible to receive under this section. Subject to subsection (c), the total amount of credits allowed that the corporation may grant to a taxpayer (or, if the person producing the biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) under this section may not exceed three million dollars (\$3,000,000) for all taxable years.

(c) Notwithstanding subsection (b), the corporation may increase the total amount of credits allowed a taxpayer (or if the person producing biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) may be increased to an amount not to exceed a total of five million dollars (\$5,000,000) for all taxable years with the prior approval of the Indiana economic development corporation.

SECTION 6. IC 6-3.1-27-9, AS AMENDED BY P.L.191-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 9. (a) Subject to section 9.5 of this chapter, a taxpayer that has been certified by the corporation as eligible for a credit under this section and produces blended biodiesel at a facility located in Indiana is

entitled to a credit against the taxpayer's state tax liability equal to the product of:

(1) two cents (\$0.02); multiplied by

(2) the number of gallons of blended biodiesel:

(A) produced at the Indiana facility; and

(B) blended with biodiesel produced at a facility located in Indiana.

(b) The corporation shall determine the maximum amount of credits that a taxpayer (or, if the person producing the blended biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) is eligible to receive under this section. The total amount of credits ~~allowed that the corporation may grant to a taxpayer~~ (or, if the person producing the blended biodiesel is a pass through entity, the shareholders, partners, or members of the pass through entity) under this section may not exceed three million dollars (\$3,000,000) for all taxable years."

Page 4, line 25, delete "(a)".

Page 4, delete lines 35 through 42.

Delete page 5.

Page 6, delete lines 1 through 30.

Page 6, reset in roman line 42.

Page 7, reset in roman lines 1 through 2.

Page 7, line 3, reset in roman "(d)".

Page 7, line 3, delete "(c)".

Page 7, delete lines 5 through 42.

Delete pages 8 through 10.

Page 11, delete lines 1 through 21.

Page 12, line 17, after "used in" insert **"E85)",**.

Page 12, delete line 18.

Page 12, line 19, delete "specifications of 40 CFR 79.55),".

Page 13, delete lines 25 through 36, begin a new paragraph and insert:

"(s) "E85" means a fuel blend nominally consisting of eighty-five percent (85%) ethanol and fifteen percent (15%) gasoline (as described in subsection (g)(2)) that meets American Society for Testing and Materials standard specification 5798-99 for fuel ethanol for automotive spark-ignition engines (Ed75Ed85).

SECTION 11. IC 6-6-2.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "alternative fuel" means a liquefied petroleum gas, compressed natural gas product, or a combination of liquefied petroleum gas and a compressed natural gas product, **not including a biodiesel fuel or biodiesel blend**, used in an internal combustion engine or motor to propel any form of vehicle, machine, or mechanical contrivance. The term includes all forms of fuel commonly or commercially known or sold as butane, propane, or compressed natural gas.

SECTION 12. IC 6-6-2.5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) As used in this chapter, "biodiesel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from agricultural plant oils or animal fats that meets American Society for Testing and Materials specifications D6751-03a Standard Specification for Biodiesel Fuel (B100) Blend Stock for Distillate Fuels, as well as other fuels of the same derivation capable of use in the generation**

of power for the propulsion of a motor vehicle, airplane, or motorboat.

(b) As used in this chapter, "blended biodiesel" means a blend of biodiesel with petroleum diesel fuel so that the volume percentage of biodiesel in the blend is at least two percent (2%). A biodiesel blend may be described as "Bxx" where "xx" represents the volume percentage of biodiesel fuel. "B2" is the type of biodiesel blend with the least volume percentage of biodiesel fuel, and "B99" is the type of biodiesel fuel with the most volume percentage of biodiesel fuel. The term does not include biodiesel (B100).

SECTION 13. IC 6-6-2.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "blending" means the mixing of one (1) or more petroleum products, with or without another product, ~~regardless of the original character of the product blended;~~ **excluding biodiesel or blended biodiesel**, if the product obtained by the blending is capable of use in the generation of power for the propulsion of a motor vehicle, an airplane, or a motorboat. The term does not include that blending that occurs in the process of refining by the original refiner of crude petroleum or the blending of a de minimis amount of products such as carburetor detergent, oxidation inhibitor, lubricating oil, and greases.

SECTION 14. IC 6-6-2.5-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. As used in this chapter, "special fuel" means all combustible gases and liquids that are:

- (1) suitable for the generation of power in an internal combustion engine or motor; or
- (2) used exclusively for heating, industrial, or farm purposes other than for the operation of a motor vehicle.

Special fuel includes biodiesel and blended biodiesel (as defined in IC 6-6-2.5-1.5). However, the term does not include gasoline (as defined in IC 6-6-1.1-103), ethanol produced, stored, or sold for the manufacture of or compounding or blending with gasoline, alternative fuels, kerosene, and jet fuel (if the purchaser of the jet fuel has provided to the seller proof of the purchaser's federal jet fuel registration at or before the time of sale).

SECTION 15. IC 34-30-23 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 23. Immunity for Misuse of E85 Motor Fuel

Sec. 1. (a) As used in this chapter, "E85" has the meaning set forth in IC 6-6-1.1-103.

(b) As used in this chapter, "flexible fuel vehicle" means any vehicle that is equipped to operate when fueled entirely by E85.

(c) As used in this chapter, "qualified person or entity" means any person or entity that sells, supplies, distributes, manufactures, or refines E85.

Sec. 2. (a) Except as provided in subsection (b), a qualified person or entity is immune from civil liability for personal injury or property damage resulting from a person fueling any vehicle with E85 that is not a flexible fuel vehicle.

(b) This section does not apply:

- (1) to a qualified person or entity that fails to display all E85 warning signs required by federal or state law; or**
- (2) if a person's injury or property damage is a direct result**

of the gross negligence or willful or wanton misconduct of the qualified person or entity."

Renumber all SECTIONS consecutively.

(Reference is to SB 353 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Senate Bill 333, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 10, line 41, strike "Every two (2) years" and insert **"Following every license renewal period"**.

Page 34, delete lines 33 through 42.

Delete pages 35 through 37.

Page 38, delete lines 1 through 13.

Renumber all SECTIONS consecutively.

(Reference is to SB 333 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 193, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-2-6-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) As used in this section, "institute" means the Indiana criminal justice institute established by section 3 of this chapter.

(b) The institute shall adopt:

(1) guidelines; and

(2) a reporting form or a specified electronic format, or both;

for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute.

(d) The guidelines adopted under this section:

(1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14) that the institute determines to be relevant;

(2) may require the institute to report the information concerning methamphetamine abuse to one (1) or more

additional agencies or organizations;

(3) must require the institute to maintain reports filed under IC 5-2-16 in a manner permitting an accurate assessment of methamphetamine abuse in Indiana; and

(4) must require a law enforcement agency to report any other information that the institute determines to be relevant."

Page 1, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 3. IC 5-2-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Methamphetamine Abuse Reporting

Sec. 1. As used in this chapter, "law enforcement agency" has the meaning set forth in IC 10-11-8-2.

Sec. 2. As used in this chapter, "methamphetamine abuse" means the:

- (1) use;**
- (2) sale;**
- (3) manufacture;**
- (4) transport; or**
- (5) delivery;**

of methamphetamine or of a methamphetamine precursor, if the precursor is being used, sold, manufactured, transported, or delivered to facilitate the manufacture of methamphetamine.

Sec. 3. A law enforcement agency that discovers evidence of methamphetamine abuse shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-4-18.

SECTION 4. IC 11-12-3.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

- (1) Dealing in cocaine or a narcotic drug or ~~methamphetamine~~ (IC 35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.
- (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the person received only minimal consideration as a result of the drug transaction.**
- (3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.
- ~~(3)~~ **(4) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.**

SECTION 5. IC 16-31-3-14, AS AMENDED BY P.L.22-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the ~~state emergency management agency department of homeland security~~ determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;

(2) engaged in fraud or material deception in the course of professional services or activities;

(3) advertised services or goods in a false or misleading manner;

(4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;

(5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;

(6) is convicted of violating IC 9-19-14.5;

(7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;

(8) continues to practice if the certificate holder becomes unfit to practice due to:

- (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
- (B) failure to keep abreast of current professional theory or practice;
- (C) physical or mental disability; or
- (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;

(9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;

(10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;

(11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;

(12) assists another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

- (A) used by another person; or
- (B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The ~~state emergency management agency department of homeland security~~ may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the ~~state emergency management agency department of homeland security~~ determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

- (1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.
- (2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.
- (3) Censure of a certificate holder.
- (4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the ~~state emergency management agency~~, **department of homeland security**, the ~~state emergency management agency department of homeland security~~ may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the ~~state emergency management agency department of homeland security~~ upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the ~~state emergency management agency~~; **department of homeland security**;

(C) continue or renew professional education approved by the ~~state emergency management agency department of homeland security~~ until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the ~~state emergency management agency department of homeland security~~ considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The ~~state emergency management agency department of homeland security~~ may withdraw or modify this probation if the ~~state emergency management agency department of homeland security~~ finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the ~~state emergency management agency department of homeland security~~ may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the ~~state emergency management agency department of homeland security~~.

(d) The ~~state emergency management agency department of homeland security~~ may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The ~~state emergency management agency department of homeland security~~ may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a ~~state~~

~~emergency management agency department of homeland security~~ order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The ~~state emergency management agency department of homeland security~~ may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine under IC 35-48-4-6.

(2) **Possession of methamphetamine under IC 35-48-4-6.1.**

(3) Possession of a controlled substance under IC 35-48-4-7(a).

~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.

~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).

~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through ~~(11)~~ (12).

(h) A decision of the ~~state emergency management agency department of homeland security~~ under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The ~~state emergency management agency department of homeland security~~ may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the ~~state emergency management agency department of homeland security~~ finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the ~~state emergency management agency department of homeland security~~ must initiate an investigation against the person.

(k) The ~~state emergency management agency department of homeland security~~ shall conduct a factfinding investigation as the

~~state emergency management agency~~ **department of homeland security** considers proper in relation to the complaint.

(l) The ~~state emergency management agency~~ **department of homeland security** may reinstate a certificate that has been suspended under this section if the ~~state emergency management agency~~ **department of homeland security** is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the ~~state emergency management agency~~ **department of homeland security** may impose disciplinary or corrective measures authorized under this chapter.

(m) The ~~state emergency management agency~~ **department of homeland security** may not reinstate a certificate that has been revoked under this chapter.

(n) The ~~state emergency management agency~~ **department of homeland security** must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the ~~state emergency management agency's~~ **department of homeland security's** findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the ~~state emergency management agency~~; **department of homeland security**, and the ~~state emergency management agency~~ **department of homeland security** may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 6. IC 16-31-3-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in or manufacturing methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~; (9).

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~; (9).

~~(11)~~ (12) A crime of violence (as defined in IC 35-50-1-2(a)).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~; (12).

SECTION 7. IC 20-28-5-8, AS ADDED BY P.L.246-2005, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

- (1) The state superintendent.
- (2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.
- (3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

- (1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
- (12) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1).
- (13) **Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(14)~~ (15) Dealing in a schedule IV controlled substance

(IC 35-48-4-3).

~~(15)~~ **(16)** Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(16)~~ **(17)** Dealing in a counterfeit substance (IC 35-48-4-5).

~~(17)~~ **(18)** Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 8. IC 22-15-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;
- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary

action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:

(A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.

(B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(6) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the department upon the matters that are the basis of probation;
- (B) limit practice to those areas prescribed by the department;
- (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination

makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine ~~or~~ a narcotic drug ~~or~~ ~~methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(9)~~; **(10)**.
- ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (10).
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(11)~~; **(12)**.

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Dealing in cocaine ~~or~~ a narcotic drug ~~or~~ ~~methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(8)~~; **(9)**.

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (9).

~~(11)~~ (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(10)~~; **(11)**.

~~(12)~~ (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.

- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 9. IC 25-1-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).
- ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~ (12).

SECTION 10. IC 25-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in or manufacturing methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising,

distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.

~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~ (9).

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~ (9).

~~(11)~~ (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(10)~~ (11).

~~(12)~~ (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 11. IC 31-30-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-42-1-1 (murder);
- (2) IC 35-42-3-2 (kidnapping);
- (3) IC 35-42-4-1 (rape);
- (4) IC 35-42-4-2 (criminal deviate conduct);
- (5) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (6) IC 35-42-5-2 (carjacking);
- (7) IC 35-45-9-3 (criminal gang activity);
- (8) IC 35-45-9-4 (criminal gang intimidation);
- (9) IC 35-47-2-1 (carrying a handgun without a license);
- (10) IC 35-47-10 (children and firearms);
- (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- (12) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through (11);

if the individual was at least sixteen (16) years of age at the time of the alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1), **dealing in methamphetamine (IC 35-48-4-1.1)**, dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:

- (1) the individual has a prior unrelated conviction under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3; or
- (2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3;

and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) ~~or~~ (b) has been charged with any crime listed in subsection ~~(a)(1) through (a)(15)~~ (a) ~~or~~ (b), the court having adult criminal jurisdiction shall retain

jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 12. IC 34-24-1-1, AS AMENDED BY P.L.45-2005, SECTION 1, AS AMENDED BY P.L.160-2005, SECTION 17, AS AMENDED BY P.L.181-2005, SECTION 4, AND AS AMENDED BY P.L.212-2005, SECTION 75, IS CORRECTED AND AMENDED [EFFECTIVE UPON PASSAGE] TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

(i) Dealing in or manufacturing cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-1).

(ii) **Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**

(iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(iii)~~ (iv) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(iv)~~ (v) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(v)~~ (vi) Dealing in a counterfeit substance (IC 35-48-4-5).

~~(vi)~~ (vii) Possession of cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-6).

(viii) **Possession of methamphetamine (IC 35-48-4-6.1).**

~~(vii)~~ (ix) Dealing in paraphernalia (IC 35-48-4-8.5).

~~(viii)~~ (x) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-6-6.

(D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

(A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;

(B) used to facilitate any violation of a criminal statute; or

(C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

(A) commit, attempt to commit, or conspire to commit;

(B) facilitate the commission of; or

(C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-1).

(B) **Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).**

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(C)~~ (D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(D)~~ (E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(6) Equipment and recordings used by a person to commit fraud under ~~IC 35-43-5-4(11)~~ IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

~~(12) Cigarettes that are sold in violation of IC 24-3-5.2; cigarettes that a person attempts to sell in violation of IC 24-3-5.2; and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.2.~~

~~(13)~~ (12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

~~(14)~~ (13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

~~(15)~~ (14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or

indirectly as a result of the offense.

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine).

(2) **IC 35-48-4-1.1 (dealing in or manufacturing methamphetamine).**

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

~~(3)~~ (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

~~(4)~~ (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

~~(5)~~ (6) IC 35-48-4-6 (possession of cocaine **or** a narcotic drug **or** methamphetamine) as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

~~(6)~~ (8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony."

Page 3, between lines 28 and 29, begin a new paragraph and insert:
"SECTION 14. IC 35-42-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, or carjacking;
- (3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine (IC 35-48-4-1);

(B) **dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);**

(C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(C)~~ (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(D)~~ (E) dealing in a schedule V controlled substance; or

(4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);
commits murder, a felony.

SECTION 15. IC 35-45-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

(1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or

(2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

(1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.

(2) A violation of IC 35-45-9.

(3) A violation of IC 35-47.

(4) A violation of IC 35-49-3.

(5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Child exploitation (IC 35-42-4-4).

(9) Robbery (IC 35-42-5-1).

(10) Carjacking (IC 35-42-5-2).

(11) Arson (IC 35-43-1-1).

(12) Burglary (IC 35-43-2-1).

(13) Theft (IC 35-43-4-2).

(14) Receiving stolen property (IC 35-43-4-2).

(15) Forgery (IC 35-43-5-2).

(16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).

(17) Bribery (IC 35-44-1-1).

(18) Official misconduct (IC 35-44-1-2).

(19) Conflict of interest (IC 35-44-1-3).

(20) Perjury (IC 35-44-2-1).

(21) Obstruction of justice (IC 35-44-3-4).

(22) Intimidation (IC 35-45-2-1).

(23) Promoting prostitution (IC 35-45-4-4).

(24) Promoting professional gambling (IC 35-45-5-4).

(25) Dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine (IC 35-48-4-1).

(26) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

(27) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(27)~~ **(28)** Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(28)~~ **(29)** Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(29)~~ **(30)** Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

~~(30)~~ **(31)** Money laundering (IC 35-45-15-5).

~~(31)~~ **(32)** A violation of IC 35-47.5-5.

SECTION 16. IC 35-46-1-8, AS AMENDED BY P.L.2-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a Class C felony:

(1) if:

(A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:

- (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or
- (ii) a controlled substance (as defined in IC 35-48-1-9) or a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and

(B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or

(2) if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:

- (A) IC 35-48-4-1.
- (B) **IC 35-48-4-1.1**
- (C) IC 35-48-4-2.
- ~~(D)~~ **(D)** IC 35-48-4-3.
- ~~(E)~~ **(E)** IC 35-48-4-4.
- ~~(F)~~ **(F)** IC 35-48-4-4.5.
- ~~(G)~~ **(G)** IC 35-48-4-4.6.
- ~~(H)~~ **(H)** IC 35-48-4-5.

SECTION 17. IC 35-47-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

(1) committing a serious violent felony in:

- (A) Indiana; or
- (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

- (A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

- (1) murder (IC 35-42-1-1);
- (2) voluntary manslaughter (IC 35-42-1-3);
- (3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);
- (4) battery as a:
 - (A) Class A felony (IC 35-42-2-1(a)(5));
 - (B) Class B felony (IC 35-42-2-1(a)(4)); or
 - (C) Class C felony (IC 35-42-2-1(a)(3));
- (5) aggravated battery (IC 35-42-2-1.5);
- (6) kidnapping (IC 35-42-3-2);
- (7) criminal confinement (IC 35-42-3-3);
- (8) rape (IC 35-42-4-1);
- (9) criminal deviate conduct (IC 35-42-4-2);
- (10) child molesting (IC 35-42-4-3);
- (11) sexual battery as a Class C felony (IC 35-42-4-8);
- (12) robbery (IC 35-42-5-1);
- (13) carjacking (IC 35-42-5-2);
- (14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));
- (15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);
- (16) assisting a criminal as a Class C felony (IC 35-44-3-2);
- (17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);
- (18) escape as a Class B felony or Class C felony (IC 35-44-3-5);
- (19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);
- (20) criminal gang intimidation (IC 35-45-9-4);
- (21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);
- (22) incest (IC 35-46-1-3);
- (23) dealing in or manufacturing cocaine **or** a narcotic drug **or** methamphetamine (IC 35-48-4-1);
- (24) **dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);**
- (25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);
- ~~(25)~~ **(26)** dealing in a schedule IV controlled substance (IC 35-48-4-3); or
- ~~(26)~~ **(27)** dealing in a schedule V controlled substance (IC 35-48-4-4).

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 18. IC 35-48-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who:

- (1) knowingly or intentionally:
 - (A) manufactures;
 - (B) finances the manufacture of;
 - (C) delivers; or
 - (D) finances the delivery of;

cocaine **or** a narcotic drug, ~~or methamphetamine~~, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

- (A) manufacture;
- (B) finance the manufacture of;
- (C) deliver; or
- (D) finance the delivery of;

cocaine **or** a narcotic drug, ~~or methamphetamine~~, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine **or** a narcotic drug, ~~or methamphetamine~~, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

- (1) the amount of the drug involved weighs three (3) grams or more;
- (2) the person:
 - (A) delivered; or
 - (B) financed the delivery of;
 the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or
- (3) the person manufactured, delivered or financed the delivery of the drug:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 19. IC 35-48-4-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.1. (a) A person who:**

(1) knowingly or intentionally:

- (A) manufactures;**
- (B) finances the manufacture of;**
- (C) delivers; or**
- (D) finances the delivery of;**

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

- (A) manufacture;**
- (B) finance the manufacture of;**
- (C) deliver; or**
- (D) finance the delivery of;**

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

- (1) the amount of the drug involved weighs three (3) grams or more;
- (2) the person:
 - (A) delivered; or
 - (B) financed the delivery of;
 the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or
- (3) the person manufactured, delivered, or financed the delivery of the drug:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center.

SECTION 20. IC 35-48-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) **or** a narcotic drug (pure or adulterated) classified in schedule I or II, ~~or methamphetamine (pure or adulterated)~~ commits possession of cocaine **or** a narcotic drug, ~~or methamphetamine~~, a Class D felony, except as provided in subsection (b).**

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the cocaine **or** narcotic drug ~~or methamphetamine~~ possesses less than three (3) grams of pure or adulterated cocaine **or** a narcotic drug ~~or methamphetamine~~:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center; and

(3) a Class A felony if the person possesses the cocaine **or** narcotic drug ~~or methamphetamine~~ in an amount (pure or adulterated) weighing at least three (3) grams:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 21. IC 35-48-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.1. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Class D felony, except as provided in subsection (b).**

(b) The offense is:

(1) a Class C felony if:

- (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
- (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);

(2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or

- (iv) a youth program center; and
- (3) a Class A felony if the person possesses the methamphetamine in an amount (pure or adulterated) weighing at least three (3) grams:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center."

Page 4, delete line 32.

Page 6, line 11, strike "methamphetamine,".

Page 6, line 12, strike "schedule II".

Page 6, line 12, after "substance" insert ";".

Page 6, line 12, strike "under IC 35-48-2-6;".

Page 6, line 14, strike "methamphetamine,".

Page 6, line 14, strike "schedule II".

Page 6, line 15, strike "under IC 35-48-2-6".

Page 6, strike line 24.

Page 6, line 24, after "phentermine" insert "**a controlled substance**".

Page 9, between lines 33 and 34, begin a new paragraph and insert: "SECTION 24. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.
- (4) The felony committed was:
 - (A) murder (IC 35-42-1-1);
 - (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
 - (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 - (D) kidnapping (IC 35-42-3-2);
 - (E) confinement (IC 35-42-3-3) with a deadly weapon;
 - (F) rape (IC 35-42-4-1) as a Class A felony;
 - (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;

- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;**
- (ii) a public park;**
- (iii) a family housing complex; or**
- (iv) a youth program center;**

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

~~(R)~~ **(R)** an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

~~(R)~~ **(S)** an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

~~(S)~~ **(T)** aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of an offender's (as defined in IC 5-2-12-4) sentence that is suspendible under subsection (b), the court shall place the offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) **or IC 35-48-4-6.1(b)(1)(B)** may not be suspended."

Page 9, line 34, after "2006]" insert "**IC 35-48-4-1.1 and IC 35-48-4-6.1, both as added by this act, and IC 35-48-4-1, IC 35-48-4-6,**".

Page 9, line 34, after "IC 35-48-4-14.5" insert ",".

Page 9, line 35, delete "both" and insert "**all**".

Page 9, after line 36, begin a new paragraph and insert:

"**SECTION 26. An emergency is declared for this act.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 193 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LONG, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 27 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Senate Bill 230.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Tallian and Rogers be added as coauthors of Senate Bill 322.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Senate Bill 322.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as second author of Senate Bill 76.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Kruse be added as cosponsors of Engrossed House Bill 1013.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 206.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 345.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Senate Bill 216.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young and Rogers be added as coauthors of Senate Bill 360.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Meeks and Simpson be added as cosponsors of House Concurrent Resolution 27.

CRAYCRAFT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Senate Bill 235.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as second author and Senators Delph, Craycraft, and Wyss be added as coauthors of Senate Bill 283.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 212.

BRODEN

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical correction is to be made to Engrossed Senate Bill 321.

Page 19, line 5, delete "by" and insert "**be**".

(Reference is to ESB 321 as reprinted January 25, 2006.)

GARTON

Report adopted.

ENGROSSED SENATE BILLS
ON THIRD READING**Engrossed Senate Bill 161**

Senator Miller called up Engrossed Senate Bill 161 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 51: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 346

Senator Meeks called up Engrossed Senate Bill 346 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 52: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the

Secretary to inform the House of the passage of the bill. House sponsors: Representatives McClain and Tincher.

Engrossed Senate Bill 297

Senator Hershman called up Engrossed Senate Bill 297 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 53: yeas 45, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Kuzman.

Engrossed Senate Bill 169

Senator Miller called up Engrossed Senate Bill 169 for third reading:

A BILL FOR AN ACT concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 54: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 247

Senator Wyss called up Engrossed Senate Bill 247 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 55: yeas 46, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Bischoff.

Engrossed Senate Bill 256

Senator Landske called up Engrossed Senate Bill 256 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 56: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ayres and Aguilera.

Engrossed Senate Bill 148

Senator Riegsecker called up Engrossed Senate Bill 148 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 57: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Heim, Ulmer, Walorski, and Neese.

Engrossed Senate Bill 191

Senator Wyss called up Engrossed Senate Bill 191 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 58: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Lawson.

Engrossed Senate Bill 112

Senator Riegsecker called up Engrossed Senate Bill 112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 59: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ripley, Klinker, Woodruff, Walorski, T. Brown, and C. Brown.

Engrossed Senate Bill 269

Senator Miller called up Engrossed Senate Bill 269 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 60: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Duncan.

Engrossed Senate Bill 379

Senator Ford called up Engrossed Senate Bill 379 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 61: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Heim.

JOINT RESOLUTIONS ON THIRD READING

Engrossed Senate Joint Resolution 2

Senator Lawson called up Engrossed Senate Joint Resolution 2 for third reading:

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 2, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a) if the citizen is entitled to vote in a precinct under subsection (c), **subsection (d)**, or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(d) The General Assembly may provide that a citizen who:

(1) is the child of an individual who is a registered voter of Indiana; and

(2) currently resides outside the United States;

may vote in a precinct if the citizen meets all of the qualifications set forth in subsection (a) other than residence in a precinct in Indiana.

The resolution was read in full and placed upon its passage. The question was, Shall the resolution pass?

Roll Call 62: yeas 47, nays 0. The resolution was declared passed.

The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Richardson and Thomas.

SENATE BILLS ON SECOND READING

Senate Bill 77

Senator Heinold called up Senate Bill 77 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 92

Senator Paul called up Senate Bill 92 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 92-1)

Madam President: I move that Senate Bill 92 be amended to read as follows:

Page 2, between lines 3 and 4, begin a new line blocked left and insert: **"The president pro tempore of the senate shall designate one member to serve as chairperson of the commission."**

Page 2, line 6, delete "close or" and insert **"close,"**.

Page 2, line 6, after "relocate" insert **", or reduce the operating hours of"**.

(Reference is to ESB 92 as printed January 20, 2006.)

PAUL

Motion prevailed. The bill was ordered engrossed.

Senate Bill 94

Senator Meeks called up Senate Bill 94 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 139

Senator Lawson called up Senate Bill 139 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 139-3)

Madam President: I move that Senate Bill 139 be amended to read as follows:

Page 2, line 31, after "applicant" insert **",."**

Page 2, line 31, before "by an" delete "or".

Page 2, line 31, after "employee" insert **"of the applicant,"**.

Page 2, line 32, before "volunteer" insert **"by a"**.

Page 2, line 32, delete "applicant." and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**.

Page 2, line 33, strike "or of".

Page 2, line 33, after "employee" insert **"of the applicant,"**.

Page 2, line 34, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**.

Page 3, line 19, after "licensee" insert **",."**

Page 3, line 19, before "by" delete "or".

Page 3, line 19, after "employee" insert **"of the licensee,"**.

Page 3, line 19, before "volunteer" insert **"by a"**.

Page 3, line 19, delete "licensee." and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**.

Page 3, line 20, strike "or of".

Page 3, line 20, after "employee" insert **"of the licensee,"**.

Page 3, line 21, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**.

Page 4, line 18, after "applicant" insert **",."**

Page 4, line 18, before "by an" delete "or".

Page 4, line 18, after "employee" insert **"of the applicant,"**.

Page 4, line 19, before "volunteer" insert **"by a"**.

Page 4, line 19, delete "applicant." and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**.

Page 4, line 20, before "an employee" strike "of".

Page 4, line 20, strike "or" and insert **"of the applicant,"**.

Page 4, line 21, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**.

Page 4, line 21, after "or" strike "of".

Page 5, line 11, after "licensee" insert **",."**

Page 5, line 11, delete "or by".

Page 5, line 11, after "employee" insert **"of the licensee,"**.

Page 5, line 11, before "volunteer" insert **"a"**.

Page 5, line 11, delete "licensee." and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**.

Page 5, line 12, before "an employee" strike "of".

Page 5, line 12, after "employee" strike "or" and insert **"of the licensee,"**.

Page 5, line 13, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**.

Page 5, line 13, after "or" strike "of".

Page 14, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 28. IC 31-9-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.

(b) "Custodian", for purposes of ~~IC 31-34-1-1 through IC 31-34-1-9~~, **IC 31-34-1**, includes any person responsible for the child's welfare who is employed by a public or private residential school or foster care facility: who is:

(1) a license applicant or licensee of:

(A) a foster home or residential child care facility that is required to be licensed or is licensed under IC 12-17.4;

(B) a child care center that is required to be licensed or is licensed under IC 12-17.2-4; or

(C) a child care home that is required to be licensed or is licensed under IC 12-17.2-5; or

(2) a person who is responsible for care, supervision, or welfare of children while providing services as an employee or volunteer at:

(A) a home, center, or facility described in subdivision (1); or

(B) a school, as defined in IC 31-9-2-113.5.

SECTION 29. IC 31-9-2-113.5, AS AMENDED BY P.L.1-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 113.5. "School", for purposes of **section 31 of this chapter and IC 31-39-2-13.8**, means a:

(1) public school (including a charter school as defined in IC 20-24-1-4); or

(2) nonpublic school (as defined in IC 20-18-2-12);

that must comply with the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) to be eligible to receive designated federal education funding."

Renumber all SECTIONS consecutively.

(Reference is to SB 139 as printed January 20, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION

(Amendment 139-2)

Madam President: I move that Senate Bill 139 be amended to read as follows:

Page 19, line 15, delete "thirty (30)" and insert in bold "**forty-five (45)**".

Page 19, line 36, delete "forty-five" and insert in bold "**thirty**".

Page 19, line 37, delete "(45)" and insert in bold "**(30)**".

(Reference is to SB 139 as printed January 20, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 157

Senator Lewis called up Senate Bill 157 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 253

Senator Weatherwax called up Senate Bill 253 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 354

Senator Weatherwax called up Senate Bill 354 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 72

Senator Long called up Engrossed Senate Bill 72 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 63: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borror, Stevenson, Lutz, and Moses.

Engrossed Senate Bill 75

Senator Long called up Engrossed Senate Bill 75 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 64: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Borror and Reske.

Engrossed Senate Bill 117

Senator Gard called up Engrossed Senate Bill 117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 65: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative T. Brown.

Engrossed Senate Bill 205

Senator Drozda called up Engrossed Senate Bill 205 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 66: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch and Heim.

Engrossed Senate Bill 285

Senator Wyss called up Engrossed Senate Bill 285 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 67: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ruppel and Crouch.

Engrossed Senate Bill 321

Senator Kruse called up Engrossed Senate Bill 321 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 68: yeas 31, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Torr.

Engrossed Senate Bill 323

Senator Lubbers called up Engrossed Senate Bill 323 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 69: yeas 31, nays 17. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Noe.

Engrossed Senate Bill 370

Senator Kruse called up Engrossed Senate Bill 370 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Senator Kruse withdrew the call.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 323.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Engrossed Senate Bill 92.

PAUL

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 72.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and Howard be added as coauthors of Engrossed Senate Bill 75.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as second author of Engrossed Senate Bill 169.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 30, 2006.

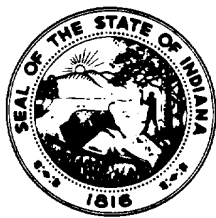
GARTON

Motion prevailed.

The Senate adjourned at 4:46 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Eleventh Meeting Day

Monday Afternoon

January 30, 2006

The Senate convened at 1:32 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 70: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 356, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 25, line 11, delete "(a) This subsection applies".

Page 25, delete lines 12 through 32.

Page 25, line 33, delete "(b)".

Page 25, run in lines 11 through 33.

Page 38, delete lines 37 through 42.

Page 39, delete lines 1 through 8.

Page 39, line 9, delete "(e)" and insert "(d)".

(Reference is to SB 356 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 349, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-1-15.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this section, "insurer" does not include an officer, director, employee, subsidiary, or affiliate of an insurer.

(b) This chapter does not require an insurer to obtain an insurance producer license.

(c) The following are not required to be licensed as an insurance producer:

(1) An officer, director, or employee of an insurer or of an insurance producer, if the officer, director, or employee does not receive any commission on policies written or sold to insure risks that reside, are located, or are to be performed in Indiana, and if:

(A) the officer, director, or employee's activities are executive, administrative, managerial, clerical, or a combination of these, and are only indirectly related to the sale, solicitation, or negotiation of insurance;

(B) the officer, director, or employee's function relates to underwriting, loss control, inspection, or the processing, adjusting, investigating, or settling of a claim on a contract of insurance; or

(C) the officer, director, or employee is acting in the capacity of a special agent or agency supervisor assisting insurance producers and the officer, director, or employee's activities are limited to providing technical advice and assistance to licensed insurance producers and do not include the sale, solicitation, or negotiation of insurance.

(2) A person who secures and furnishes information for the purpose of:

(A) group life insurance, group property and casualty insurance, group annuities, group or blanket accident and sickness insurance;

(B) enrolling individuals under plans;
 (C) issuing certificates under plans or otherwise assisting in administering plans; or
 (D) performing administrative services related to mass marketed property and casualty insurance;
 where no commission is paid to the person for the service.

(3) A person identified in clauses (A) through (C) who is not in any manner compensated, directly or indirectly, by a company issuing a contract, to the extent that the person is engaged in the administration or operation of a program of employee benefits for the employer's or association's employees, or for the employees of a subsidiary or affiliate of the employer or association, that involves the use of insurance issued by an insurer:

(A) An employer or association.

(B) An officer, director, or employee of an employer or association.

(C) The trustees of an employee trust plan.

(4) An:

(A) employee of an insurer; or

(B) organization employed by insurers;

that is engaged in the inspection, rating, or classification of risks, or in the supervision of the training of insurance producers, and that is not individually engaged in the sale, solicitation, or negotiation of insurance.

(5) A person whose activities in Indiana are limited to advertising, without the intent to solicit insurance in Indiana, through communications in printed publications or other forms of electronic mass media whose distribution is not limited to residents of Indiana, provided that the person does not sell, solicit, or negotiate insurance that would insure risks residing, located, or to be performed in Indiana.

(6) A person who is not a resident of Indiana and who sells, solicits, or negotiates a contract of insurance for commercial property and casualty risks to an insured with risks located in more than one state insured under that contract, provided that:

(A) the person is otherwise licensed as an insurance producer to sell, solicit, or negotiate the insurance in the state where the insured maintains its principal place of business; and

(B) the contract of insurance insures risks located in that state.

(7) A salaried full-time employee who counsels or advises the employee's employer about the insurance interests of the employer or of the subsidiaries or business affiliates of the employer, provided that the employee does not sell or solicit insurance or receive a commission.

(8) An officer, employee, or representative of a rental company (as defined in IC 24-4-9-7) who negotiates or solicits insurance incidental to and in connection with the rental of a motor vehicle.

(9) An individual who:

(A) furnishes only title insurance rate information at the request of a consumer; and

(B) does not discuss the terms or conditions of a title insurance policy.

(10) A licensed attorney when acting as a title insurance producer (as defined in IC 27-7-3.5-15) or a title insurance

agent (as defined in IC 27-7-3.5-18)".

Page 3, line 34, after "agent," insert "**or**".

Page 3, line 34, delete ", or an".

Page 3, line 35, delete "attorney".

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 12.

Page 4, line 13, delete "17." and insert "**16.**".

Page 4, line 18, delete "18." and insert "**17.**".

Page 4, line 29, delete "19." and insert "**18.**".

Page 4, line 31, delete "insurer," and insert "**insurer or an attorney licensed to practice law in Indiana,**".

Page 5, line 4, delete "20." and insert "**19.**".

Page 5, line 36, delete "21." and insert "**20.**".

Page 6, line 6, delete "22." and insert "**21.**".

Page 6, line 12, delete "23." and insert "**22.**".

Page 6, line 20, delete "24." and insert "**23.**".

Page 6, line 26, delete "25." and insert "**24.**".

Page 6, line 30, delete "26." and insert "**25.**".

Page 6, line 41, delete "agency or" and insert "**agency,**".

Page 6, line 41, delete "agent" and insert "**agent, or licensed attorney**".

Page 7, line 35, delete "27." and insert "**26.**".

Page 7, line 36, delete "26" and insert "**25**".

Page 8, line 34, delete "28." and insert "**27.**".

Page 8, line 34, delete "(a) If title insurance business to be written by a title".

Page 8, delete lines 35 through 42.

Page 9, delete lines 1 through 25.

Page 9, line 26, delete "(d)" and insert "**(a)**".

Page 9, line 26, delete "26(f)" and insert "**25(f)**".

Page 8, run in line 34 and page 9, line 26.

Page 9, line 35, delete "(e)" and insert "**(b)**".

Page 9, line 36, delete "(d)," and insert "**(a),**".

Page 9, line 39, delete "(d);" and insert "**(a);**".

Page 9, line 41, delete "(d)" and insert "**(a)**".

Page 10, line 7, delete "(f)" and insert "**(c)**".

Page 10, delete lines 11 through 21.

Page 10, line 22, delete "30." and insert "**28.**".

Page 12, line 23, after "agent" insert ".".

Page 12, line 32, after "insurer;" insert "**or**".

Page 12, line 36, delete "insurer; or" and insert "**insurer.**".

Page 12, delete lines 37 through 42.

Page 13, delete line 1.

Page 13, line 14, delete "26" and insert "**25**".

Page 13, line 15, delete "31." and insert "**29.**".

Page 13, line 39, delete "32." and insert "**30.**".

Page 14, line 7, delete "33." and insert "**31.**".

Page 14, line 7, delete "A title insurance agent may operate as an escrow,".

Page 14, delete lines 8 through 42.

Page 15, delete lines 1 through 12.

Page 15, line 13, delete "(3)" and insert "**(a)**".

Page 14, run in line 7 and page 15, line 13.

Page 15, line 17, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 15, line 19, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 15, line 22, beginning with "or" begin a new line blocked left.

Page 15, line 23, delete "clause (B)" and insert "**subdivision (2)**".

Page 15, line 25, delete "(4)", begin a new paragraph and insert "**(b)**".

Page 15, line 26, delete "in trust".

Page 15, line 28, delete "(A)", begin a new line block indented and insert:

"(1)".

Page 15, line 32, delete "(B)", begin a new line block indented and insert:

"(2)".

Page 15, line 37, delete "(C)", begin a new line block indented and insert:

"(3)".

Page 16, line 4, delete "(5)", begin a new paragraph and insert:

"(c)".

Page 16, line 14, delete "34." and insert "**32.**".

Page 16, line 32, delete "35" and insert "**33**".

Page 16, line 42, delete "35." and insert "**33**".

Page 17, line 3, delete "The fee must be specified as a line item on the closing" and insert "**If the person purchases both a lender's title insurance policy and an owner's title insurance policy in conjunction with a mortgage loan made simultaneously with the purchase of all or part of residential real estate securing the loan, the person shall pay one (1) fee of five dollars (\$5) at the time of the payment.**".

Page 17, delete lines 4 through 5.

Page 17, line 11, delete "34" and insert "**32**".

Page 17, line 12, delete "36." and insert "**34**".

Page 17, line 34, delete "finance authority." and insert "**and community development authority.**".

Page 17, delete line 39.

Page 17, line 40, delete "(11)" and insert "**(10)**".

Page 18, delete lines 3 through 42.

Page 19, delete lines 1 through 5.

Page 19, line 6, delete "39." and insert "**35**".

Page 19, line 8, delete "40." and insert "**36**".

Page 19, line 29, delete "41." and insert "**37**".

Renumber all SECTIONS consecutively.

(Reference is to SB 349 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 229, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 5 and 6, begin a new paragraph and insert:

"**Sec. 1. As used in this chapter, "commissioner" means the**

insurance commissioner appointed under IC 27-1-1-2."

Page 1, line 6, delete "1." and insert "**2**".

Page 1, line 7, delete "7" and insert "**10**".

Page 1, line 9, delete "2." and insert "**3**".

Page 1, line 10, delete "7" and insert "**10**".

Page 1, between lines 10 and 11, begin a new paragraph and insert: "**Sec. 4. As used in this chapter, "examiner" has the meaning set forth in IC 27-1-3.1-4.**"

Page 1, line 11, delete "3." and insert "**5**".

Page 1, line 17, delete "4." and insert "**6**".

Page 2, line 8, delete "5." and insert "**7**".

Page 2, line 10, delete "7" and insert "**10**".

Page 2, line 11, delete "6." and insert "**8**".

Page 2, between lines 17 and 18, begin a new paragraph and insert: "**Sec. 9. As used in this chapter, "service provider" means an individual or entity that enters into a contract with a consortium program to provide to the consortium program:**

(1) administrative;

(2) insurance brokerage;

(3) claims administration;

(4) risk control; or

(5) investment management;

services."

Page 2, line 18, delete "7." and insert "**10**".

Page 2, line 18, delete "five (5)" and insert "**two (2)**".

Page 2, line 35, delete "8." and insert "**11**".

Page 2, line 35, delete "body" and insert "**authority**".

Page 2, delete lines 37 through 42, begin a new paragraph and insert:

"**Sec. 12. Except as provided in this chapter, the development, administration, and operation of a consortium program does not constitute the business of insurance, and a consortium program is not subject to the insurance laws of Indiana.**

Sec. 13. (a) A consortium program shall:

(1) establish a self-insurance fund with a per claim limit and an aggregate limit on the total amount of self-insured risk retained by the members in a fiscal year; and

(2) maintain excess insurance coverage that has been reviewed and approved by the commissioner.

(b) A self-insurance fund established under subsection (a) must be:

(1) actuarially sound; and

(2) funded at the beginning of each fiscal year by a contribution from each member in an amount that reflects the member's share of self-insured risk and other costs of the consortium program.

(c) Annual contributions to the self-insurance fund under subsection (b) must be:

(1) determined using generally accepted actuarial standards; and

(2) set to fund, at the beginning of each fiscal year, at least one hundred percent (100%) of the self-insured risk retained by the members in a fiscal year plus the other costs of the consortium program, including premiums for excess insurance coverage.

Sec. 14. (a) The governing authority of the consortium program shall adopt bylaws, including the following:

- (1) A financial plan setting forth in general terms:
 - (A) the types of risks covered under the consortium program;
 - (B) the per claim limit and the aggregate limit on the total amount of self-insured risk retained by the consortium program in a fiscal year;
 - (C) the minimum amount of excess insurance coverage that must be maintained by the consortium program; and
 - (D) the procedure for determining each member's annual contribution to the self-insurance fund.
 - (2) A plan of management that provides for:
 - (A) the responsibility of the governing authority with regard to:
 - (i) maintaining the amount of reserves in the self-insurance fund;
 - (ii) disposing of surpluses; and
 - (iii) administering the consortium program in the event of termination;
 - (B) the basis on which new members may be admitted to the consortium program;
 - (C) the basis on which participating members may withdraw from the consortium program, including a:
 - (i) thirty (30) day period at the end of each fiscal year after the consortium program's first year of operation during which a member may withdraw; and
 - (ii) requirement that a withdrawing member remains jointly and severally liable for any claim arising during the period during which the withdrawing member was a member; and
 - (D) other provisions necessary or desirable for the operation of the consortium program.
 - (3) A conflict of interest policy for:
 - (A) employees; and
 - (B) service providers;
 of the consortium program.
 - (b) The following must be submitted to and approved by the commissioner before a consortium program may commence operations:
 - (1) A copy of the bylaws described in subsection (a).
 - (2) The form of any insurance contracts purchased by the consortium program, including contracts for excess insurance coverage.
 - (3) An accounting, based on generally accepted actuarial standards, of sufficient reserves committed to pay obligations of the consortium program.
 - (4) A copy of each coverage document form to be issued by the consortium program.
 - (5) Any other information determined necessary by the commissioner.
 - (c) If the commissioner does not disapprove the information submitted under subsection (b) earlier than thirty (30) days after the information is submitted, the information is considered approved.
- Sec. 15. (a) A consortium program may enter into a contract with a service provider to obtain the services of the service provider.
- (b) A contract entered into under subsection (a) must address

the following:

- (1) The term of the contract.
 - (2) The scope of services and responsibilities of the service provider.
 - (3) Compensation.
 - (4) Periodic reporting to the governing authority of the consortium program.
 - (5) The ownership and confidentiality of information and data utilized by the service provider in performing the service provider's responsibilities under the contract.
 - (6) Compliance with the conflict of interest policy established by the consortium program.
 - (7) Indemnification of the consortium program for negligence of the service provider and proof of errors and omissions insurance.
 - (8) Assignability of the contract.
 - (9) Competition between the service provider and the consortium program during and after the term of the contract.
 - (10) Cancellation of the contract.
- Sec. 16. (a) A consortium program shall have an annual audit performed by an independent certified public accounting firm according to guidelines established by the department of insurance.
- (b) Not later than one hundred eighty (180) calendar days after the close of a consortium program's fiscal year, the consortium program must furnish the consortium program's members with audited financial statements certified by an independent certified public accounting firm.
- (c) Copies of the audit report and certified financial statements required under this section must be provided to the commissioner and the state board of accounts not later than one hundred eighty (180) calendar days after the close of the consortium program's fiscal year.
- (d) A consortium program that fails to meet the deadline specified in subsection (c) without having obtained an extension from the commissioner is subject to a civil penalty of fifty dollars (\$50) per day until the required information is received by the commissioner.
- (e) If a consortium program fails to have the annual audit performed as required by subsection (a), the commissioner shall cause the audit to be performed at the expense of the consortium program.
- (f) The working papers of the certified public accountant and other records pertaining to the preparation of the audited financial statements required under this section may be reviewed by the commissioner. The cost of a review under this subsection must be paid by the consortium program.
- Sec. 17. Not later than sixty (60) calendar days after the beginning of a consortium program's fiscal year, the governing authority shall submit the following to the commissioner:
- (1) A copy of the bylaws adopted by the consortium program.
 - (2) A copy of each coverage document form issued by the consortium program.
 - (3) A copy of the insurance contracts purchased by the consortium program, including contracts for excess insurance coverage.

(4) A copy of each service provider contract entered into by the consortium program.

(5) A certification by an independent actuary that the reserves in the self-insurance fund are adequate to pay the obligations of the consortium program.

Sec. 18. (a) If a consortium program fails to comply with the requirements of this chapter, the commissioner shall issue a notice of noncompliance to the consortium program.

(b) Not later than thirty (30) calendar days after a consortium program receives a notice of noncompliance under subsection (a), the consortium program shall file with the commissioner a written request for time to restore compliance and a plan to restore compliance.

(c) The commissioner, on receiving the written request and plan to restore compliance filed under subsection (b), may grant a period not longer than one (1) year during which the consortium program may restore compliance.

(d) If:

(1) a plan to restore compliance is not filed under subsection (b);

(2) a plan to restore compliance is filed under subsection (b) and not approved by the commissioner; or

(3) a plan to restore compliance is filed under subsection (b) and approved by the commissioner, and at the end of a period granted under subsection (c) the consortium program is not in compliance with this chapter;

the commissioner may act to liquidate or rehabilitate the consortium program under IC 27-9 as if the consortium program were an insurance company.

Sec. 19. (a) The commissioner or an examiner:

(1) may conduct an examination of a consortium program under IC 27-1-3.1 as often as the commissioner, in the commissioner's sole discretion, considers appropriate; and

(2) shall conduct an examination of a consortium program under IC 27-1-3.1 at least once every five (5) years.

(b) Upon determining that an examination described in subsection (a) is necessary, the commissioner shall issue an examination warrant:

(1) appointing one (1) or more examiners to perform the examination; and

(2) instructing the examiners appointed under subdivision (1) concerning the scope of the examination.

(c) In conducting an examination under this section, an examiner shall observe the requirements set forth in the NAIC examiner's handbook (as defined in IC 27-1-3.1-6), to the extent that the requirements are consistent with this chapter. The commissioner may employ additional guidelines or procedures necessary to determine a consortium program's compliance with this chapter.

Sec. 20. (a) A consortium program is subject to IC 27-4-1 as if the consortium program were an insurance company.

(b) The rights of a claimant under a consortium program are in no event less than the rights of a claimant under an insurance contract issued by an insurance company authorized to do business under IC 27.

Sec. 21. The commissioner shall, not later than February 1 of each year, report to the legislative council in an electronic format

under IC 5-14-6. The report must include the following information for the previous calendar year:

(1) A description of the scope of the market of coverage under:

(A) insurance contracts; and

(B) consortium programs;

serving independent educational institutions.

(2) The number of complaints filed against a consortium program under IC 27-4-1.

(3) The number of independent educational institutions participating in consortium programs.

(4) The loss history of each consortium program.

Sec. 22. An insurance producer that conducts business with a consortium program must be licensed as an insurance producer under IC 27-1-15.6.

Sec. 23. (a) Motor vehicle coverage provided by a consortium program must provide the ability for a member to respond in damages for liability arising out of the ownership, maintenance, or use of a motor vehicle in amounts at least equal to the amounts required under IC 9-25-4.

(b) A member that participates in the motor vehicle coverage provided by a consortium program is considered to meet the financial responsibility requirements set forth in IC 9-25-4, and an application for a certificate of self-insurance under IC 9-25-4-11 is not required.

Sec. 24. Information regarding the:

(1) part of funds; or

(2) liability reserve;

established by a consortium program to satisfy a specific claim or cause of action is confidential and is not subject to subpoena or order to produce, except in a supplementary or ancillary proceeding to enforce a judgment.

Sec. 25. The department of insurance may adopt rules under IC 4-22-2 to implement this chapter."

Delete page 3.

(Reference is to SB 229 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Senate Bill 339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 34, after "(1)" insert "the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);".

(2)".

Page 2, line 34, delete "makes" and insert "completes".

Page 2, line 35, delete "shall notify the:" and insert "shall:

(A) obtain the certificate of title; and

(B) submit to the bureau:

(i) the certificate of title;

- (ii) the appropriate fee; and
- (iii) a request for a certificate of salvage title on a form prescribed by the bureau; and
- (3) after the bureau has received the items set forth in subdivision (2)(B), the bureau shall issue a certificate of salvage title to the owner."

Page 2, delete lines 36 through 42.

Page 3, delete lines 1 through 6.

Page 3, line 19, delete "subsection (c)(1)" and insert **"this section"**.
(Reference is to SB 339 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 55, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "or".

Page 1, line 7, delete "." and insert ";".

Page 1, reset in roman line 8.

Page 1, line 9, reset in roman "(4) December 31,".

Page 1, line 9, after "2007." insert **"2011."**

Page 1, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 2. IC 36-8-10-12.2, AS ADDED BY P.L.97-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12.2. (a) This section applies to a county that adopts a deferred retirement option plan as part of its retirement plan under this chapter.

(b) As used in this section, "DROP" refers to a deferred retirement option plan established under this section.

(c) As used in this section, "DROP frozen benefit" refers to a monthly pension benefit calculated under the provisions of a retirement plan established under this chapter based on the employee beneficiary's:

- (1) salary; and
- (2) years of service;

on the date the employee beneficiary enters the DROP.

(d) As used in this section, "maximum years of service" refers to the maximum number of years of service included in the monthly pension benefit calculation under a department's retirement plan.

(e) An employee beneficiary who:

- (1) is not yet credited with the maximum number of years of service; and
- (2) is eligible to receive an unreduced benefit immediately upon termination of employment;

may elect to enter a DROP. The employee beneficiary's election is irrevocable.

(f) The employee beneficiary exits a DROP on the earliest of the following:

- (1) The date that the employee beneficiary is credited with the maximum years of service under the retirement plan.
- (2) The employee beneficiary's retirement date.
- (3) The date any required benefit begins.

(g) The retirement benefit paid to the employee beneficiary who

participated in a DROP consists of:

- (1) the DROP frozen benefit; plus
- (2) an additional amount, paid as the employee beneficiary elects under subsection (h), determined in STEP THREE of the following formula:

STEP ONE: Multiply:

- (A) the DROP frozen benefit; by
- (B) the number of months the employee beneficiary participated in the DROP.

STEP TWO: Multiply the product determined in STEP ONE by an interest rate that does not exceed three percent (3%) annually.

STEP THREE: Add the product determined under STEP ONE and the product determined under STEP TWO.

(h) The employee beneficiary shall elect, at the employee beneficiary's retirement, to receive the additional amount calculated under subsection (g)(2) in one (1) of the following ways:

- (1) A lump sum.
- (2) An actuarially equivalent increase in the monthly pension benefit payable to the employee beneficiary.
- (3) A combination of (1) and (2).

(i) The cost of living payment determined under section 23 of this chapter does not apply to the additional amount calculated under subsection (g)(2). No cost of living payment is applied to a DROP frozen benefit while the employee beneficiary is participating in a DROP.

(j) If an employee beneficiary becomes disabled:

- (1) in the line of duty; or
- (2) other than in the line of duty;

benefits for the employee beneficiary are calculated as if the employee beneficiary had never entered the DROP.

(k) **Except as provided in subsection (m)**, if, before the employee beneficiary's monthly pension benefit begins, an employee beneficiary dies, in the line of duty or other than in the line of duty, death benefits are payable as follows:

- (1) The benefit under subsection (g)(2) is paid in a lump sum to the employee beneficiary's surviving spouse. If there is no surviving spouse, the lump sum must be divided equally among the employee beneficiary's surviving children. If there are no surviving children, the lump sum is paid to the employee beneficiary's parents. If there are no surviving parents, the lump sum is paid to the employee beneficiary's estate.
- (2) A benefit is paid on the DROP frozen benefit under the terms of the county's retirement plan.

(l) A DROP under this section must be designed to be actuarially cost neutral to the county's retirement plan.

(m) This subsection applies if:

- (1) **an employee beneficiary dies in the line of duty before payment of the employee beneficiary's monthly pension benefit begins; and**
- (2) **the calculation of a death benefit under the provisions of the county's retirement plan depends upon whether an employee beneficiary dies in the line of duty or other than in the line of duty.**

Death benefits for an employee beneficiary who dies in the line of duty are calculated under the provisions of the county's retirement plan as if the employee beneficiary had never entered the DROP and shall be adjusted as necessary to ensure

compliance with subsection (l)."

Page 1, after line 11, begin a new paragraph and insert:

"SECTION 4. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 36-8-10-12.2, as amended by this act, applies to an employee beneficiary of a county retirement plan established under IC 36-8-10-12 who dies in the line of duty after December 31, 2005.**

SECTION 5. **An emergency is declared for this act."**

Re-number all SECTIONS consecutively.

(Reference is to SB 55 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Senate Bill 322, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, delete ":" and insert **"any of the following crimes arising out of the participant's service as a public officer or employee, the PERF board shall take the actions described in subsection (d):"**.

Page 1, line 9, after "(1)" delete "a" and insert "A".

Page 1, line 12, delete ";" and insert ".".

Page 1, line 13, delete "bribery" and insert **"Bribery"**.

Page 1, line 13, delete ";" and insert ".".

Page 1, line 14, delete "official" and insert **"Official"**.

Page 1, line 15, delete ";" and insert ".".

Page 1, line 16, delete "conflict" and insert **"Conflict"**.

Page 1, line 16, delete ";" and insert ".".

Page 1, line 17, delete "computer" and insert **"Computer"**.

Page 1, line 17, delete ";" and insert ".".

Page 2, line 1, delete "identity" and insert **"Identity"**.

Page 2, line 1, delete ";" and insert ".".

Page 2, line 2, delete "ghost" and insert **"Ghost"**.

Page 2, line 2, delete ";" and insert ".".

Page 2, line 3, after "(8)" delete "an" and insert **"An"**.

Page 2, line 4, delete ";" or" and insert ".".

Page 2, line 5, delete "a" and insert **"A"**.

Page 2, line 7, delete ";" and insert ".".

Page 2, delete line 8.

Page 3, line 6, delete "relationship between the misconduct and the" and insert **"amount of the loss suffered by the state resulting from the participant's misconduct."**.

Page 3, delete line 7.

Page 5, line 15, delete ":" and insert **"any of the following crimes arising out of the member's service as a public officer or employee, the board shall take the actions described in subsection (d):"**.

Page 5, line 16, after "(1)" delete "a" and insert "A".

Page 5, line 19, delete ";" and insert ".".

Page 5, line 20, delete "bribery" and insert **"Bribery"**.

Page 5, line 20, delete ";" and insert ".".

Page 5, line 21, delete "official" and insert **"Official"**.

Page 5, line 22, delete ";" and insert ".".

Page 5, line 23, delete "conflict" and insert **"Conflict"**.

Page 5, line 23, delete ";" and insert ".".

Page 5, line 24, delete "computer" and insert **"Computer"**.

Page 5, line 24, delete ";" and insert ".".

Page 5, line 25, delete "identity" and insert **"Identity"**.

Page 5, line 25, delete ";" and insert ".".

Page 5, line 26, delete "ghost" and insert **"Ghost"**.

Page 5, line 26, delete ";" and insert ".".

Page 5, line 27, after "(8)" delete "an" and insert **"An"**.

Page 5, line 28, delete ";" or" and insert ".".

Page 5, line 29, delete "a" and insert **"A"**.

Page 5, line 31, delete ";" and insert ".".

Page 5, delete line 32.

Page 6, line 27, delete "relationship between the misconduct and the" and insert **"amount of the loss suffered by the state resulting from the member's misconduct."**.

Page 6, delete line 28.

Page 13, line 41, delete ":" and insert **"any of the following crimes arising out of the employee beneficiary's service as a public officer or employee, the pension advisory board shall take the actions described in subsection (c):"**.

Page 13, line 42, after "(1)" delete "a" and insert "A".

Page 14, line 3, delete ";" and insert ".".

Page 14, line 4, delete "bribery" and insert **"Bribery"**.

Page 14, line 4, delete ";" and insert ".".

Page 14, line 5, delete "official" and insert **"Official"**.

Page 14, line 6, delete ";" and insert ".".

Page 14, line 7, delete "conflict" and insert **"Conflict"**.

Page 14, line 7, delete ";" and insert ".".

Page 14, line 8, delete "computer" and insert **"Computer"**.

Page 14, line 8, delete ";" and insert ".".

Page 14, line 9, delete "identity" and insert **"Identity"**.

Page 14, line 9, delete ";" and insert ".".

Page 14, line 10, delete "ghost" and insert **"Ghost"**.

Page 14, line 10, delete ";" and insert ".".

Page 14, line 11, after "(8)" delete "an" and insert **"An"**.

Page 14, line 12, delete ";" or" and insert ".".

Page 14, line 13, delete "a" and insert **"A"**.

Page 14, line 15, delete ";" and insert ".".

Page 14, delete lines 16 and 17.

Page 15, line 18, delete "relationship between the misconduct and the employee" and insert **"amount of the loss suffered by the state resulting from the employee beneficiary's misconduct."**.

Page 15, delete line 19.

(Reference is to SB 322 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 4.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Senate Bill 369, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as

follows:

Page 1, line 11, after "2." insert "(a)".

Page 2, line 3, after "surface" insert "**and ground**".

Page 2, line 6, delete "uses, including habitat, that" and insert "**uses**".

Page 2, delete lines 7 through 9.

Page 2, line 11, delete "and establishing regulatory and capital" and insert ".".

Page 2, delete lines 12 through 17.

Page 2, line 26, delete "Describe" and insert "**Collect information concerning illustrative**".

Page 2, line 27, after "allocation conflicts" insert "**in the state**".

Page 2, delete lines 29 through 37, begin a new line block indented and insert:

"(4) To encourage units of local government to:

(A) pass ordinances that:

(i) promote water conservation; and

(ii) establish priorities of water usage during droughts, including suggested model ordinances for counties and municipalities; and

(B) publicize the need for local communities to be prepared for droughts.

(5) To prepare an annual report on progress in implementing the tasks listed in subdivisions (3) and (4).

(b) The task force shall provide the reports required under subsection (a) to:

(1) the water resources study committee established by IC 2-5-25-1; and

(2) the legislative council, in an electronic format under IC 5-14-6."

Page 2, line 38, delete "individuals" insert "**ten (10) individuals, not more than five (5) of whom may be members of the same political party,**".

Page 2, line 39, delete "governor" and insert "**director**".

Page 3, line 7, delete "Environmentalists speaking for habitat and other" and insert "**Environmentalists**".

Page 3, delete line 8.

Page 3, line 13, delete "and the department of environmental".

Page 3, line 14, delete "management".

Page 3, line 15, delete "The governmental advisory panel to the task force is" and insert "**Each of the following state agencies shall designate a representative to advise the task force:**".

Page 3, delete lines 16 through 17.

Page 3, delete lines 22 through 23.

Page 3, line 24, delete "members" and insert "**representatives**".

Page 3, delete lines 25 through 42, begin a new line blocked left and insert "**director may invite representatives of other state and federal agencies as appropriate to advise the task force.**

Sec. 5. The affirmative votes of a majority of the voting members of the task force are required for the task force to take action on a measure."

Page 4, delete lines 1 through 7.

Page 4, line 11, delete "governor" and insert "**director of the department of natural resources**".

Page 4, line 19, delete "governor" and insert "**director of the department of natural resources**".

(Reference is to SB 369 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, double block indent lines 6 through 11.

Page 11, after line 4, begin a new paragraph and insert:

"SECTION 8. [EFFECTIVE UPON PASSAGE] (a) The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.

(b) This SECTION expires July 1, 2007.

SECTION 9. An emergency is declared for this act."

(Reference is to SB 6 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 22

Senate Concurrent Resolution 22, introduced by Senator Craycraft:

A CONCURRENT RESOLUTION congratulating the Muncie Burris High School Girls' Volleyball Team for their outstanding accomplishment in the 2005 Indiana High School Association Class 2A Girls' State Volleyball Championship.

Whereas, The team defeated Brownstown Central, 25-18, 25-14, 25-16, at Butler University in the state championship game at historic Hinkle Fieldhouse in Indianapolis on Saturday, November 5, 2005; and

Whereas, The Muncie Burris Team Girls' Volleyball Team had a record of 36-4 for the 2005 season; and

Whereas, The team, with this victory, won their 16th Volleyball State Championship and 9th straight Championship in a row; and

Whereas, The team has won their 25th consecutive Mid Eastern Conference Championship and has won 62 straight State Tournament matches; and

Whereas, The team finished ranked 18th in the United States by PrepVolleyball.com; and

Whereas, The team has won 30 or more matches for 25 consecutive years; and

Whereas, Coach Steve Shondell's career record at Burris is 1,035 wins and only 83 losses, a winning percentage of 92.6%; and

Whereas, Team member Lauren Kaminsky, senior, became the 10th Muncie Burris recipient of the IHSAA Mental Attitude Award at the Indiana Volleyball State Finals; and

Whereas, The Muncie Burris High School Team was led by Head Coach Steve Shondell, Assistant Coaches Reece Peacock, Emily Sallee, and Lenny Kaminsky, Principal Dr. Jay McGee, Athletic Director Ray Dawson, and includes team members Molly Davis, Teresa Craig, Lauren Kaminsky, Shelly Surma, Ana Fuschetto, Caitlyn Vann, Karin Caudill, Taylor Hyman, Emily Brown, Paige Demaree, Leslie White, Bonnie Kaminsky, Christie Waters, Avery Mayfield, and Mia Tabberson: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the General Assembly congratulates the Muncie Burris High School Girls' Volleyball Team for its accomplishment in winning the 2005 IHSAA Class 2A Girls' State Volleyball Championship and extend it congratulations to the team members, coaching staff, their families, and the school.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to each team member, each member of the coaching staff, the Athletic Director, and the Principal.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Tyler.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1362 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1001, 1007, 1009, 1010, 1016, 1017, 1018, 1020, 1022, 1024, 1049, 1065, 1073, 1076, 1086, 1101, 1102, 1107, 1127, 1142, 1207, 1209, 1234, 1238, 1249, 1257, 1261, 1280, 1299, 1307, 1314, 1327, 1339, 1353, 1380, 1392, and 1418 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

1:49 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:42 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Bill 353.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as coauthor of Engrossed Senate Bill 78.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Riegsecker be added as second author of Senate Bill 277.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be added as second author of Senate Bill 308.

SIMPSON

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 27

Senator Long called up Senate Bill 27 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 275

Senator Long called up Senate Bill 275 for second reading. The bill was read a second time by title. There being no amendments, the

bill was ordered engrossed.

Senate Bill 106

Senator M. Young called up Senate Bill 106 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 160

Senator Wyss called up Senate Bill 160 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 353

Senator Weatherwax called up Senate Bill 353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 251

Senator Weatherwax called up Senate Bill 251 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 251-1)

Madam President: I move that Senate Bill 251 be amended to read as follows:

Page 7, line 6, after "may" insert "**apply to an administrative law judge of the department or a court with jurisdiction for an order to**".

Page 7, line 12, after "(2)" insert "**there is probable cause to believe that**".

Page 7, line 12, delete "is being" and insert "**has been**".

Page 7, line 13, delete "." and insert "**to transport passengers for hire**".

Page 7, between lines 13 and 14, begin a new line blocked left and insert:

"A hearing on an application to impound a motor vehicle under this subsection may not be held sooner than three (3) days after the date on which a notice of hearing on the application is served on the motor carrier. The motor carrier may contest the application to impound the motor vehicle at the hearing."

(Reference is to SB 251 as printed January 27, 2006.)

FORD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 264

Senator Weatherwax called up Senate Bill 264 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 145

Senator M. Young called up Senate Bill 145 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 85

Senator M. Young called up Senate Bill 85 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 332

Senator M. Young called up Senate Bill 332 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 308

Senator Simpson called up Senate Bill 308 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 305

Senator Rogers called up Senate Bill 305 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 202

Senator Riegsecker called up Senate Bill 202 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 54

Senator Nugent called up Senate Bill 54 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 345

Senator Meeks called up Senate Bill 345 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 345-1)

Madam President: I move that Senate Bill 345 be amended to read as follows:

Page 2, line 3, reset in roman "16.70%".

Page 2, line 3, delete "19.60%".

(Reference is to SB 345 as printed January 27, 2006.)

MEEKS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 373

Senator Mishler called up Senate Bill 373 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 18

Senator Miller called up Senate Bill 18 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 338

Senator Merritt called up Senate Bill 338 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 81

Senator Meeks called up Senate Bill 81 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 36

Senator Lawson called up Senate Bill 36 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 83

Senator Lubbers called up Senate Bill 83 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 83-1)

Madam President: I move that Senate Bill 83 be amended to read as follows:

Page 2, line 10, delete "." and insert "**and while lawfully engaged in the execution of official duties.**".

(Reference is to SB 83 as printed January 27, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 299

Senator Long called up Senate Bill 299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 58

Senator Harrison called up Senate Bill 58 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 37

Senator Lawson called up Senate Bill 37 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 37-1)

Madam President: I move that Senate Bill 37 be amended to read as follows:

Page 2, between lines 38 and 39, begin a new paragraph and insert: "SECTION 5. IC 3-7-13-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The registration period begins December 1 of each year (or the first Monday in December if December 1 falls on a Saturday or Sunday).

(b) The registration period continues through the twenty-ninth day before the date a primary election is scheduled under this title.

(c) The registration period resumes fourteen (14) days after primary election day and continues through the twenty-ninth day before the date a general or municipal election is scheduled under this article.

(d) This subsection applies in each precinct in which a special election is to be conducted. The registration period ceases in that precinct on the twenty-ninth day before a special election is conducted and resumes fourteen (14) days after the special election occurs.

(e) Notwithstanding subsections (b) through (d), a person may register or transfer registration on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49.

SECTION 6. IC 3-7-13-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A person desiring to register or transfer a registration may do so:

(1) at the office of the circuit court clerk or board of registration through the close of business on the twenty-ninth day before the election is scheduled to occur; **or**

(2) on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49 or IC 3-10-11."

Page 12, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 31. IC 3-7-36-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) This section applies only to a person described in subsection (b) who applies to register to vote:

(1) after the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**; and

(2) before the date that the certified list of voters is prepared under IC 3-7-29-1.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the circuit court clerk or board of registration:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)** of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~; **IC 3-7-13-11(1)**, of:

(i) the voter;

(ii) the voter's spouse; or

(iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) A voter who registers under this section may vote at the upcoming election as provided in this title.

SECTION 32. IC 3-7-36-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 14. (a) This section applies to a person described in subsection (b) who applies to register to vote during the period:

- (1) beginning on the date that the certified list of voters is prepared under IC 3-7-29-1; and
- (2) ending at noon election day.

(b) An absent uniformed services voter who is absent from Indiana during the registration period described in ~~IC 3-7-13-10~~ **IC 3-7-13-10(a) through IC 3-7-13-10(d)** and who otherwise would be entitled to register to vote under Indiana law may, upon returning to Indiana during the period described in subsection (a) following discharge from service or reassignment, register to vote by doing the following:

(1) Showing either of the following to the county voter registration office:

(A) A discharge from service, dated not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(B) A copy of the government movement orders, with a reporting date not earlier than the beginning of the registration period that ended on the date described in ~~IC 3-7-13-11~~, **IC 3-7-13-11(1)**, of:

- (i) the voter;
- (ii) the voter's spouse; or
- (iii) the individual of whom the voter is a dependent.

(2) Completing a registration affidavit.

(c) **Except as provided in subsection (g)**, a voter who registers under this section may vote at the upcoming election only by absentee ballot at the office of the circuit court clerk at the time the voter registers under this section or at any time after the voter registers under this section and before noon on election day. A voter who wants to vote under this subsection must do both of the following:

- (1) Complete an application for an absentee ballot.
- (2) Sign an affidavit that the voter has not voted at any other precinct in the election.

The voter may vote at subsequent elections as otherwise provided in this title.

(d) If the voter votes by absentee ballot under this section, the circuit court clerk shall do the following:

- (1) Certify in writing that the voter registered under this section.
- (2) Attach the certification to the voter's absentee ballot envelope.

(e) If the county has a board of registration, the board of registration shall promptly deliver the voter's registration affidavit to the circuit court clerk to permit the voter to vote under subsection (c).

(f) If the voter chooses not to vote under subsection (c), the county voter registration office shall register the voter on the first day of the next registration period.

(g) A person described in subsection (b) may register and vote on the day of a primary, general, municipal, school district, or special election as provided in IC 3-7-49."

Page 20, between lines 6 and 7, begin a new paragraph and insert:

"SECTION 53. IC 3-7-48-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) Except as otherwise provided by NVRA or in this chapter, a person whose name does not appear on the registration record may not vote, unless:

- (1) the circuit court clerk or board of registration provides a signed certificate of error in the office where the permanent registration record is kept showing that the voter is legally registered in the precinct where the voter resides; **or**
- (2) the voter has registered as provided in IC 3-7-49.**

(b) A person:

- (1) whose name does not appear on the registration record; **and**
- (2) who does not register as provided in IC 3-7-49;**

may cast a provisional ballot as provided in IC 3-11.7."

Page 20, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 55. IC 3-7-49 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 49. Election Day Registration

Sec. 1. (a) A person who is not registered to vote but is otherwise qualified to vote shall be allowed to vote at the polls in a primary, general, municipal, school district, or special election if the person registers at the polls under this chapter.

(b) In order to register to vote at a precinct under this chapter, the person:

- (1) must be a resident of the precinct;**
- (2) must be otherwise legally qualified to vote under IC 3-7-13-1;**
- (3) may not be registered to vote under IC 3-7-14 through IC 3-7-23;**
- (4) may not be qualified to vote under IC 3-7-39-7, IC 3-7-39-8, IC 3-7-48, IC 3-10-10, IC 3-10-11, or IC 3-10-12; and**
- (5) may not have already voted in the election.**

(c) Before allowing the person to vote, the poll clerk or other precinct election officer shall require the person to do the following:

- (1) Complete a voter registration form prescribed by IC 3-7-18, along with the affirmation described in section 3 of this chapter, and sign the form in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, then the inspector for the precinct shall sign the form as the second precinct election officer.**
- (2) Provide acceptable proof of residence.**

Sec. 2. (a) For purposes of this chapter, one (1) of the following forms of identification is acceptable as proof of residence:

- (1) A current and valid photo identification.**
- (2) A current utility bill, bank statement, government check, paycheck, or government document that shows the name and address of the person registering to vote.**
- (3) A statement signed by any other voter in the precinct that corroborates the information on the voter's registration form concerning the residency of the person registering to vote. The corroborator shall provide the identification listed**

in subdivision (1) or (2) as proof of the corroborator's residence and shall sign the statement in the presence of two (2) precinct election officers who must be from different political parties. If the county election board has not appointed precinct election officers from more than one (1) political party to the precinct election board, the inspector for the precinct shall sign the form as the second precinct election officer. The commission shall prescribe the form of the statement.

(b) If the person presents a document under subsection (a), the poll clerk shall add a notation to the poll list indicating the type of document presented by the person. The election division shall prescribe a standardized coding system to classify documents presented under this subsection for entry into the county voter registration system.

(c) If a person is unable to present the documentation required under subsection (a) to the poll clerk while present in the polls, the poll clerk shall notify the precinct election board. The board shall provide a provisional ballot to the voter under IC 3-11.7-2.

(d) The precinct election board shall advise the voter that the voter may file a copy of the documentation with:

- (1) the county voter registration office; or
- (2) the precinct election board in the voter's precinct;

to permit the provisional ballot to be counted under IC 3-11.7.

Sec. 3. The commission shall prescribe the affirmation required by section 1(c)(1) of this chapter. The affirmation must include a statement that the person has not already voted at the election for which the person is registering to vote.

Sec. 4. A person who registers to vote under this chapter:

- (1) may not be challenged on the grounds that the person's registration does not appear in the precinct registration book or poll list; and
- (2) is not required to obtain a certificate of error under IC 3-7-48 to vote.

Sec. 5. Before each primary, general, municipal, school district, or special election, the county election board shall provide each precinct election board with a sufficient number of registration forms, affirmations, and statements to meet the reasonable need for the forms under this chapter.

Sec. 6. The precinct election board shall attach the completed registration forms, affirmations, and statements to the poll list for processing by the county voter registration office under IC 3-10-1-31.1.

Sec. 7. (a) The precinct election board shall add the name and address of a person who registers to vote under this chapter to the poll list of the precinct.

(b) The county voter registration office shall add the name of a person who registers to vote under this chapter to the registration record of the county.

Sec. 8. The county voter registration office shall process under IC 3-7-33-5 the voter registration forms completed under section 1 of this chapter.

Sec. 9. If a notice mailed under IC 3-7-33-5 to a person who registered under this chapter is returned as undeliverable, the county voter registration office shall initiate steps under IC 3-7-33-6 to remove the person from the registration rolls.

Sec. 10. A registration completed under this chapter for which the notice mailed under IC 3-7-33-5 is not returned is effective to

the same extent as if the registration had been completed under IC 3-7-14 through IC 3-7-23."

Page 31, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 72. IC 3-10-1-31.1, AS AMENDED BY P.L.230-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots and other material during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d), after the recount or contest filing period, the election material (except for ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

- (1) IC 3-12-6-19 or IC 3-12-11-16; or
- (2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office may unseal the envelopes containing the poll lists. For the purposes of:

- (1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;
- (2) a transfer of registration conducted under IC 3-7-39, IC 3-7-40, or IC 3-7-42;
- (3) a change of name made under IC 3-7-41;
- (4) adding the registration of a voter under IC 3-7-48-8 or IC 3-7-49; or
- (5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;

the county voter registration office may inspect the poll lists and update the registration record of the county. The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c) for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the

political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12."

Page 32, between lines 6 and 7, begin a new paragraph and insert: "SECTION 75. IC 3-10-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) If the special election occurs during the period when registration is open under IC 3-7-13, the registration period continues through the twenty-ninth day before the special election occurs and resumes on the date specified by IC 3-7-13-10(d), **except that a person may register or transfer registration on the day of a special election as provided in IC 3-7-49.**

(b) The election board conducting the special election shall provide poll lists for use at the precincts that include the names of voters in the precinct who:

- (1) have registered through the twenty-ninth day before the special election is to be conducted; or
- (2) are absent uniformed services voters or overseas voters registered under IC 3-7-36.

(c) This subsection applies when a special election is ordered by a court under IC 3-12-8-17 or the state recount commission under IC 3-12-11-18. A candidate may not be placed on the special election ballot unless the candidate was on the ballot or was a declared write-in candidate for the office at the general election preceding the special election.

(d) The restrictions on the sale of alcoholic beverages set forth in IC 7.1-5-10-1 apply in each precinct in which the special election is conducted."

Page 41, between lines 5 and 6, begin a new paragraph and insert: "SECTION 92. IC 3-11-8-15, AS AMENDED BY P.L.230-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 15. (a) Only the following persons are permitted in the polls during an election:

- (1) Members of a precinct election board.
- (2) Poll clerks and assistant poll clerks.
- (3) Election sheriffs.
- (4) Deputy election commissioners.
- (5) Pollbook holders and challengers.
- (6) Watchers.
- (7) Voters for the purposes of:
 - (A) voting; or
 - (B) **for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7.**
- (8) Minor children accompanying voters as provided under IC 3-11-11-8.
- (9) An assistant to a precinct election officer appointed under IC 3-6-6-39.
- (10) An individual authorized to assist a voter in accordance with IC 3-11-9.

(11) A member of a county election board, acting on behalf of the board.

(12) A mechanic authorized to act on behalf of a county election board to repair a voting system (if the mechanic bears credentials signed by each member of the board).

(13) Either of the following who have been issued credentials signed by the members of the county election board:

(A) The county chairman of a political party.

(B) The county vice chairman of a political party.

(14) The secretary of state, as chief election officer of the state, unless the individual serving as secretary of state is a candidate for nomination or election to an office at the election.

(b) This subsection applies to a simulated election for minors conducted with the authorization of the county election board. An individual participating in the simulated election may be in the polls for the purpose of voting. A person supervising the simulated election may be in the polls to perform the supervision.

(c) The inspector of a precinct has authority over all simulated election activities conducted under subsection (b) and shall ensure that the simulated election activities do not interfere with the election conducted in that polling place.

SECTION 93. IC 3-11-8-16, AS AMENDED BY P.L.230-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 16. A person may not remain within a distance equal to the length of the chute (as defined in IC 3-5-2-10) of the entrance to the polls except for the purpose of:

- (1) offering to vote; or
- (2) **for voters registering to vote on election day under IC 3-7-49, filing a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7."**

Page 43, line 12, strike "the voter's name".

Page 43, line 13, delete ". A" and insert **"the voter's name and whether the voter wants to register to vote at the polls. If the voter wants to register and meets the conditions set forth in IC 3-7-49, the poll clerk or other precinct election officer shall register the voter in accordance with IC 3-7-49. If the voter is already registered, a"**.

Page 45, line 5, after "25.5." insert **"(a)"**.

Page 45, line 12, after "polls" insert **","**.

Page 45, line 12, strike "to cast a".

Page 45, line 13, strike "ballot at the election." and insert **"except as provided by subsection (b).**

(b) An individual who:

- (1) registers to vote on election day under IC 3-7-49; and
- (2) casts a provisional ballot under IC 3-11.7, because the individual is unable to present the documentation required under IC 3-7-49-2(a);

is entitled to reenter the polls solely to file a copy of the documentation required by IC 3-7-49-2(a) with the precinct election board in the voter's precinct, so that the individual's provisional ballot may be counted under IC 3-11.7."

Page 63, between lines 1 and 2, begin a new line block indented and insert:

"(4) An individual who is registering to vote at the polls but has not presented identification required under IC 3-7-49-2."

Page 63, line 5, after "IC 3-11-8-25;" insert "or".

Page 63, line 6, delete "or".

Page 63, line 9, after "cast;" insert "or

(3) presented identification required under IC 3-7-49-2 to the poll clerk before voting in person under IC 3-11-8-25.1;".

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as printed January 25, 2006.)

HOWARD

Upon request of Senator Howard the President ordered the roll of the Senate to be called. Roll Call 71: yeas 17, nays 32.

Motion failed.

SENATE MOTION
(Amendment 37-2)

Madam President: I move that Senate Bill 37 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 2. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40.5. **(a) Subject to subsections (b) and (c), an individual provides "proof of identification" refers to a document that satisfies all by presenting one of the following documents issued to the individual if (+) the document shows the name of the individual to whom the document was issued, and the name conforms to the name in the individual's voter registration record:**

(2) The document shows a photograph of the individual to whom the document was issued;

(3) The document includes an expiration date, and the document:

(A) is not expired; or

(B) expired after the date of the most recent general election;

(4) The document was issued by the United States or the state of Indiana;

(1) Identification issued by the state of Indiana or a county voter registration office.

(2) Identification issued by the United States.

(3) Identification issued by:

(A) a state educational institution (as defined in IC 20-12-0.5-1); or

(B) a private institution of higher education located in Indiana, including a university, college, vocational school, or technical school, that is accredited by a recognized regional accrediting agency.

(4) A copy of a current utility bill, bank statement, paycheck, government check, or another government document that shows the name and address of the voter.

(5) A driver's license or state identification card issued by a state other than Indiana.

(b) In addition to the method of providing proof of identification set forth in subsection (a), a voter provides proof of identification if two (2) precinct election officers who are members of different major political parties execute under the penalties of perjury an affidavit:

(1) that is on a form prescribed by the commission;

(2) that is signed by:

(A) the precinct election officers; and

(B) the voter; and

(3) in which the precinct election officers swear or affirm that:

(A) the precinct election officers have personal knowledge of the voter; and

(B) the voter is the individual whose name appears on the poll list.

(c) In addition to the method of providing proof of identification set forth in subsection (a), a voter provides proof of identification by executing under the penalties of perjury an affidavit:

(1) that is on a form prescribed by the commission; and

(2) in which the voter swears or affirms that the voter is the individual whose name appears on the poll list."

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as printed January 25, 2006.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 72: yeas 17, nays 32.

Motion failed.

SENATE MOTION
(Amendment 37-3)

Madam President: I move that Engrossed Senate Bill 37 be amended to read as follows:

Page 2, between lines 28 and 29, begin a new paragraph and insert: "SECTION 4. IC 3-6-6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "mid election day" refers to 1:30 p.m. on election day.**

SECTION 5. IC 3-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) A county chairman may make nominations for precinct election offices by filing the nominations in writing with the circuit court clerk not later than noon twenty-one (21) days before the election.

(b) This subsection does not apply to the office of precinct inspector. A county chairman may specify in the nomination of an individual for a precinct election office that the individual is nominated to serve until noon on mid election day and that another individual is nominated to serve in the same precinct election office beginning at noon on mid election day until the expiration of the term of the office under section 37(b) of this chapter.

SECTION 6. IC 3-6-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) A county election board shall appoint the individuals who are nominated for precinct election offices by the county chairmen if the individuals are otherwise eligible under this chapter to serve in the precinct election offices for which they are nominated.

(b) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made following a nomination by a county chairman under this chapter. The county election board shall provide that an appointment of an individual to a precinct election office:

- (1) expires at ~~noon on~~ mid election day; or
- (2) begins at ~~noon on~~ mid election day and expires under section 37(b) of this chapter;

if the nomination made by the county chairman specifies that the nomination is made for a term that begins or expires at those times.

(c) This subsection does not apply to the office of precinct inspector. This subsection applies to an appointment to a precinct election office made by a county election board under section 13(b) of this chapter. The county election board may appoint an individual to a precinct election office for a term that:

- (1) expires at ~~noon on~~ mid election day; or
- (2) begins at ~~noon on~~ mid election day and expires under section 37(b) of this chapter."

Page 39, line 8 strike "~~6 p.m.~~" and insert "**the time the polls are required to close**".

Page 39, line 8, delete "day," insert "**day under IC 3-11-8-8,**".

Page 41, between lines 5 and 6, begin a new paragraph and insert: "SECTION 84. IC 3-11-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. The polls in each precinct open at 6 a.m. and close at ~~6 p.m.~~ **9 p.m.** on election day."

Page 46, between lines 13 and 14, begin a new paragraph and insert: "SECTION 93. IC 3-11-10-11, AS AMENDED BY P.L.221-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) On election day each circuit court clerk (or an agent of the clerk) shall visit the appropriate post office to accept delivery of absentee envelopes at the latest possible time that will permit delivery of the ballots to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**

(b) Not later than noon on election day, the county voter registration office shall visit the appropriate post office to accept delivery of mail containing documentation submitted by a voter to comply with IC 3-7-33-4.5. The office shall immediately notify the county election board regarding the filing of this documentation to permit the board to provide certification of this filing to the appropriate precinct election boards before ~~6 p.m.~~ **the time the polls are required to close on election day under IC 3-11-8-8.**"

Page 47, between lines 10 and 11, begin a new paragraph and insert: "SECTION 94. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail:

- (1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (2) The voter will be absent from the precinct of the voter's residence on election day because of service as:
 - (A) a precinct election officer under IC 3-6-6;
 - (B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;
 - (C) a challenger or pollbook holder under IC 3-6-7; or
 - (D) a person employed by an election board to administer the election for which the absentee ballot is requested.
- (3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an

illness or injury during the entire ~~twelve (12) hours~~ **time** that the polls are open.

- (4) The voter is a voter with disabilities.
- (5) The voter is an elderly voter.
- (6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (7) The voter is scheduled to work at the person's regular place of employment during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.
- (9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire ~~twelve (12) hours~~ **time** that the polls are open.
- (10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

- (1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and
- (2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside the envelope provided by the county election board for that purpose.

The voter shall:

- (1) deposit the sealed envelope in the United States mail for delivery to the county election board; or
- (2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:
 - (A) deposit the sealed envelope in the United States mail; or
 - (B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

- (1) The name and residence address of the voter whose absentee ballot is being delivered.
- (2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.
- (3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.
- (4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.
- (5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter."

Page 56, between lines 13 and 14, begin a new paragraph and insert: "SECTION 8. IC 3-11-14-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. Each county election board shall be at its office from 5 a.m. until ~~6 p.m.~~ **the time the polls are required to close** on election day **under IC 3-11-8-8**. Upon notice that an electronic voting system is out of order or fails to work, the board shall be ready between those hours to deliver to any precinct in the county:

(1) necessary paper ballots;

(2) election booths with an adequate number of stalls;

(3) ballot boxes; and

(4) all necessary supplies and equipment as required by law."

Page 62, between lines 30 and 31, begin a new paragraph and insert: "SECTION 107. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be rejected:

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot security envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by any of the following:

(1) The absentee voter board under section 22 of this chapter.

(2) A member of the voter's household.

(3) An individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for the absentee ballot counters to determine that a signature or mark complies with subsection (a)(2).

(e) If the absentee ballot counters are unable to agree on a finding described under this section or section 12 of this chapter, the county election board shall make the finding.

(f) The absentee ballot counters or county election board shall issue a certificate to a voter whose ballot has been rejected under this section if the voter appears in person before the board not later than ~~5 p.m.~~ **one (1) hour before the time the polls are required to close** on election day **under IC 3-11-8-8**. The certificate must state that the voter's absentee ballot has been rejected and that the voter may vote in person under section 21 of this chapter if otherwise qualified to vote."

Page 63, between lines 20 and 21, begin a new paragraph and insert: "SECTION 108. IC 3-12-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) At ~~6 p.m.~~ **the time the polls are required to close** on each election day **under IC 3-11-8-8**, the county election board shall assemble in a room to canvass the certificates, poll lists, and tally papers returned by each inspector in the county and to declare the results of the election as provided in this chapter.

(b) The canvassing must be performed in public under IC 5-14-1.5. However, the board may restrict access to parts of the room where election material is being handled or transported to safeguard the material.

(c) Except as provided in section 7 of this chapter, the county executive shall provide a room in the courthouse that contains adequate space to permit members of the public to witness the canvassing of votes."

Renumber all SECTIONS consecutively.

(Reference is to SB 37 as printed January 25, 2006.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 73: yeas 17, nays 33.

Motion failed. The bill was ordered engrossed.

Senate Bill 86

Senator Jackman called up Senate Bill 86 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 277

Senator Rogers called up Senate Bill 277 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 303

Senator Kruse called up Senate Bill 303 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 303-1)

Madam President: I move that Senate Bill 303 be amended to read as follows:

Page 5, line 32, delete "applicant." and insert "applicant or a designee of the custodial parent specified by the custodial parent."

Page 5, between lines 32 and 33, begin a new line block indented and insert:

"(2) The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent."

Page 5, line 33, strike "(2)" and insert "(3)".

Page 5, line 37, reset in roman "(4)".

Page 5, line 37, delete "(3)".

Page 5, line 37, delete "Any" and insert "In the absence of a person described in subdivisions (1) through (3), any".

(Reference is to SB 303 as printed January 27, 2006.)

KRUSE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 56

Senator Harrison called up Senate Bill 56 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 100

Senator Jackman called up Senate Bill 100 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 194

Senator Hume called up Senate Bill 194 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 194-1)

Madam President: I move that Senate Bill 194 be amended to read as follows:

Page 1, line 14, after "conferences." insert "A decision concerning the dismissal of students under this subsection is exclusively and solely the province of the governing body, and is not the subject of collective bargaining under IC 20-29-6-4."

(Reference is to SB 194 as printed January 27, 2006.)

KENLEY

The Chair ordered a division of the Senate. Yeas 33, nays 17.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 333

Senator Dillon called up Senate Bill 333 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 333-1)

Madam President: I move that Senate Bill 333 be amended to read as follows:

Page 34, line 23, delete "impose any conditions it considers" and insert "**require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than two (2) renewal cycles and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status.**"

Page 34, delete lines 24 through 25.

Page 34, line 26, delete "physician's skills in the physician's intended area of practice."

Page 34, delete lines 30 through 31, begin a new line block indented and insert:

"(3) either:

(A) verification of active licensure in another jurisdiction; or

(B) completion of other reasonable requirements imposed by the board, after the physician's work history has been established;"

(Reference is to SB 333 as printed January 27, 2006.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 192

Senator Bray called up Senate Bill 192 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 57

Senator Harrison called up Senate Bill 57 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 22

Senator Gard called up Senate Bill 22 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 22-1)

Madam President: I move that Senate Bill 22 be amended to read as follows:

Page 1, line 7, after "transmission" insert ",".

Page 3, line 7, after "Act")," insert "**and the Hazardous Liquid Pipeline Safety Act of 1979**".

Page 3, line 16, delete "applicable".
 Page 3, line 16, reset in roman "established under".
 Page 3, line 17, after "Act," insert "**49 U.S.C. 60101 et seq.**".
 (Reference is to SB 22 as printed January 25, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 146

Senator Gard called up Senate Bill 146 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 146-1)

Madam President: I move that Senate Bill 146 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-25-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsections (b) and (c), a transferor of property shall deliver a disclosure document to each of the other parties to a transfer of property at least thirty (30) days before the transfer. The disclosure document must be in the form ~~set forth in section 7~~ **prescribed by the department under section 7.5** of this chapter and must include the information elicited by that form. However, the signature of the transferee is not required on the disclosure document delivered to a party involved in the transfer of property as a lender.

(b) If all of the other parties to a transfer of property waive the thirty (30) day deadline set forth in subsection (a) in written waivers that indicate that the parties are aware of the purpose and intent of the disclosure document, the transferor is not required to deliver the disclosure document to the other parties thirty (30) days before the transfer of the property. However, the transferor shall deliver a disclosure document that meets the requirements set forth in subsection (a) to each of the other parties to the transfer of property on or before the date on which the transfer of property is to become final.

(c) If a party involved in a transfer of property as a lender is not identified to the transferor at least thirty (30) days before the transfer, the thirty (30) day deadline set forth in subsection (a) does not apply to the delivery of a disclosure document by the transferor to that lender. However, if a lender is identified to a transferor less than thirty (30) days before the transfer, the transferor shall deliver a disclosure document to the lender immediately after the lender is identified to the transferor.

SECTION 2. IC 13-25-3-7.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7.5. The department shall prescribe the form of a disclosure document to be completed and delivered by a transferor of property under this chapter. The form must elicit at least the following information:**

- (1) **Property identification, including address, legal description, and property characteristics.**
- (2) **The nature of the transfer, including identities of the transferor and transferee.**
- (3) **Environmental information, including:**

(A) **regulatory information during the transferor's ownership; and**

(B) **site information under other ownership or operation.**

(4) **Certification by the transferor that the information submitted on the disclosure document is true and accurate to the best of the transferor's knowledge and belief.**

(5) **Certification by the transferee that the disclosure document was delivered with all elements completed.**

SECTION 3. IC 13-25-3-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Not more than thirty (30) days after the effective date of a transfer of property that requires the preparation of a disclosure document under this chapter:

- (1) the transferor or transferee shall record the disclosure document in the office of the county recorder of the county in which the property is located; and
- (2) the transferor shall file a copy of the disclosure document with the department.

~~(b) If a site plan must be attached to the disclosure document under section 7 of this chapter, the site plan shall be recorded and filed under subsection (a) along with the disclosure document to which the site plan must be attached.~~

~~(c)~~ (b) The transferor and transferee are jointly responsible for recording a disclosure document in the county recorder's office under this section. However, the recording of a disclosure document by one (1) person referred to in this subsection discharges the responsibility of the other person.

~~(d)~~ (c) A disclosure document recorded in the county recorder's office or filed with the department:

- (1) is a public record under IC 5-14-3; and
- (2) must be available for inspection and copying during normal business hours.

SECTION 4. IC 13-25-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in subsection (b), a person who:

- (1) is responsible for filing a disclosure document in the office of the county recorder under ~~section 8(a)(1) and 8(c)~~ **section 8(a)(1) and 8(b)** of this chapter; and
- (2) fails to record the disclosure document;

commits a Class A infraction.

(b) The failure of a transferee to record a disclosure document within the period allowed under section 8(a) of this chapter is not an infraction under this section if the disclosure document:

- (1) was not delivered to the transferee within the time allowed under section 2 of this chapter; or
- (2) contains one (1) or more false statements about substantive matters.

SECTION 5. IC 13-25-3-7 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 6. [EFFECTIVE UPON PASSAGE] (a) **Before July 1, 2006, the department of environmental management shall prescribe the form required under IC 13-25-3-7.5, as added by this act.**

(b) **This SECTION expires July 1, 2006.**

SECTION 7. **An emergency is declared for this act.**

(Reference is to SB 146 as printed January 25, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Senate Bill 301

Senator Ford called up Senate Bill 301 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 11

Senator Drozda called up Senate Bill 11 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 143

Senator Dillon called up Senate Bill 143 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 266

Senator Miller called up Senate Bill 266 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 236

Senator Drozda called up Senate Bill 236 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 217

Senator Broden called up Senate Bill 217 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 217-1)

Madam President: I move that Senate Bill 217 be amended to read as follows:

Page 5, after line 9, begin a new paragraph and insert:

"(2) No area within the allocation area has been annexed within the preceding five (5) years over a remonstrance of a majority of the owners of land within the annexed area."

Page 5, line 10 delete "(2)" and insert "(3)".

Page 5, line 17, delete "(3)" and insert "(4)".

Page 5, line 19, delete "(4)" and insert "(5)".

Page 5, line 25, delete "(5)" and insert "(6)".

Page 5, line 27, delete "(6)" and insert "(7)".

Page 5, line 30, delete "(7)" and insert "(8)".

Page 5, line 32, delete "(8)" and insert "(9)".

Page 6, line 2, delete "(9)" and insert "(10)".

(Reference is to SB 217 as printed January 27, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 193

Senator Bray called up Senate Bill 193 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 324

Senator Drozda called up Senate Bill 324 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 382

Senator Becker called up Senate Bill 382 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 382-1)

Madam President: I move that Senate Bill 382 be amended to read as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-22-3.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 3. (a) As used in this chapter, "qualified airport development project" means an airport development project that has a cost of the project (as defined in IC 4-4-10.9-5) greater than:

(1) five hundred million dollars (\$500,000,000), if the project is to be located in a county having a consolidated city; **or**

(2) two hundred fifty thousand dollars (\$250,000), if the project is to be located in:

(A) a city described in section 1(2) of this chapter; **or**

(B) in a county described in section 1(3), ~~or 1(4), or 1(5)~~ of this chapter.

~~(3) five hundred thousand dollars (\$500,000), if the project is to be located in a county described in section 1(5) of this chapter and is on the airport property; or~~

~~(4) two million dollars (\$2,000,000) if the project is to be located in a county described in section 1(5) of this chapter and is located outside of the airport property but within the area described in IC 8-22-3.5-5(f).~~

Except as provided by subsection (b), the term includes any portion or expansion of the original qualified airport development project used by one (1) or more successor tenants.

(b) For purposes of section 9 of this chapter, the definition of "qualified airport development project" does not include any portion of, or expansion of, the original qualified airport development project used by a successor tenant unless the commission adopts a resolution to amend the definition to include that portion or expansion.

SECTION 2. IC 8-22-3.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 5. (a) ~~Except as provided in subsection (f),~~ The commission may designate an area within the jurisdiction of an airport authority under IC 8-22-3 as an airport development zone if the commission finds by resolution the following:

(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone.

(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development zone.

(b) If the airport development zone will be located in a consolidated city or in a county described in section 1(3), 1(4), or 1(5) of this chapter, the resolution adopted under subsection (a) must also include a finding that there has been proposed a qualified airport development project to be located in the airport development zone, with the proposal supported by:

- (1) financial and economic data; and
- (2) preliminary commitments by business enterprises that evidence a reasonable likelihood that the proposed qualified airport development project will be initiated and accomplished.

(c) If the airport development zone will be located in a city described in section 1(2) of this chapter, the resolution adopted under subsection (a) must also include findings stating that the most recent federal decennial census for the city indicates that:

- (1) the unemployment rate for the city is at least thirteen percent (13%);
- (2) the population of the city has decreased by at least ten percent (10%) as compared to the population reported in the preceding federal decennial census for the city;
- (3) the median per capita income for city residents does not exceed eighty percent (80%) of the median per capita income for all residents of the United States; and
- (4) at least twenty-five percent (25%) of the population of the city is below the federal income poverty level (as defined in IC 12-15-2-1).

(d) The resolution adopted under subsection (a) must describe the boundaries of the area. The description may be by reference to the area's location in relation to public ways or streams, or otherwise, as determined by the commission.

(e) If the airport development zone will be located in a county described in section 1(4) or 1(5) of this chapter, the resolution adopted under subsection (a) and any qualified airport development project to be located in the airport development zone, must be approved by the executive of:

- (1) the county, if the entire airport development zone or qualified airport development project will be located outside the boundaries of any municipality located in the county;
- (2) a municipality located in the county, if the entire airport development zone or qualified airport development project will be located within the boundary of the municipality; or
- (3) the county and a municipality located in the county, if the airport development zone or qualified airport development project will be located within the boundary of the county and in part within the boundary of the municipality.

~~(f) If the airport development zone will be located in a county described in section 1(5) of this chapter, the commission may designate the airport plus the area outside of the airport property but not to exceed a total area of three (3) square miles as an airport development zone; if the commission finds by resolution the following:~~

- ~~(1) In order to promote opportunities for the gainful employment of the citizens of the eligible entity and the attraction of a qualified airport development project to the eligible entity, an area under the jurisdiction of the airport authority should be declared an airport development zone;~~
- ~~(2) The public health and welfare of the eligible entity will be benefited by designating the area as an airport development~~

~~zone.~~

SECTION 3. IC 8-22-3.5-9, AS AMENDED BY P.L.246-2005, SECTION 84, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 9. (a) As used in this section, "base assessed value" means:

- (1) the net assessed value of all the tangible property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the commission's resolution adopted under section 5 ~~or 9.5~~ of this chapter, notwithstanding the date of the final action taken under section 6 of this chapter; plus
- (2) to the extent it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

However, subdivision (2) applies only to an airport development zone established after June 30, 1997, and the portion of an airport development zone established before June 30, 1997, that is added to an existing airport development zone.

~~(b) Except in a county described in section 1(5) of this chapter,~~ A resolution adopted under section 5 of this chapter and confirmed under section 6 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section.

(c) The allocation provision must:

- (1) apply to the entire airport development zone; and
- (2) require that any property tax on taxable tangible property subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes in the airport development zone be allocated and distributed as provided in subsections (d) and (e).

~~(d) Except in a county described in section 1(5) of this chapter,~~ and as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

- (1) the assessed value of the tangible property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value;

shall be allocated and, when collected, paid into the funds of the respective taxing units.

~~(e) Except in a county described in section 1(5) of this chapter,~~ All of the property tax proceeds in excess of those described in subsection (d) shall be allocated to the eligible entity for the airport development zone and, when collected, paid into special funds as follows:

- (1) The commission may determine that a portion of tax proceeds shall be allocated to a training grant fund to be expended by the commission without appropriation solely for the purpose of reimbursing training expenses incurred by public or private entities in the training of employees for the qualified airport development project.
- (2) The commission may determine that a portion of tax proceeds shall be allocated to a debt service fund and dedicated to the payment of principal and interest on revenue bonds of the airport authority for a qualified airport development project, to the payment of leases for a qualified airport development

project, or to the payment of principal and interest on bonds issued by an eligible entity to pay for qualified airport development projects in the airport development zone or serving the airport development zone.

(3) Except as provided in subsection (f), all remaining tax proceeds after allocations are made under subdivisions (1) and (2) shall be allocated to a project fund and dedicated to the reimbursement of expenditures made by the commission for a qualified airport development project that is in the airport development zone or is serving the airport development zone.

(f) ~~Except in a county described in section 1(5) of this chapter;~~ If the tax proceeds allocated to the project fund in subsection (e)(3) exceed the amount necessary to satisfy amounts required under subsection (e), the excess in the project fund over that amount shall be paid to the respective taxing units in the manner prescribed by subsection (d).

(g) ~~Except in a county described in section 1(5) of this chapter;~~ When money in the debt service fund and in the project fund is sufficient to pay all outstanding principal and interest (to the earliest date on which the obligations can be redeemed) on revenue bonds issued by the airport authority for the financing of qualified airport development projects, all lease rentals payable on leases of qualified airport development projects, and all costs and expenditures associated with all qualified airport development projects, money in the debt service fund and in the project fund in excess of those amounts shall be paid to the respective taxing units in the manner prescribed by subsection (d).

(h) ~~Except in a county described in section 1(5) of this chapter;~~ Property tax proceeds allocable to the debt service fund under subsection (e)(2) must, subject to subsection (g), be irrevocably pledged by the eligible entity for the purpose set forth in subsection (e)(2).

(i) ~~Except in a county described in section 1(5) of this chapter;~~ and Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable tangible property situated upon or in, or added to, the airport development zone effective on the next assessment date after the petition.

(j) ~~Except in a county described in section 1(5) of this chapter;~~ and Notwithstanding any other law, the assessed value of all taxable tangible property in the airport development zone, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the tangible property as valued without regard to this section; or
- (2) the base assessed value.

SECTION 4. IC 8-22-3.5-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: **Sec. 9.5. (a) This section applies to a commission located in a county described in section 1(5) of this chapter.**

(b) The commission may amend a resolution adopted before January 1, 2006, under section 5 of this chapter to include a provision with respect to the allocation and distribution of property taxes.

(c) For purposes of determining the allocation and distribution of property taxes under this chapter, the "base assessed value" means the net assessed value of all the tangible property as finally

determined for the assessment date immediately preceding the effective date of the allocation provision of the commission's amended resolution adopted under this section.

(d) An amendment adopted under this section must be approved by the executive of:

- (1) the county, if the entire airport development zone is located outside the boundaries of any municipality located in the county;**
- (2) a municipality located in the county, if the entire airport development zone is located within the boundary of the municipality; or**
- (3) the county and a municipality located in the county, if the airport development zone is located within the boundary of the county and partly within the boundary of the municipality.**

SECTION 5. IC 8-22-3.5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: **Sec. 10. (a)** ~~Except in a county described in section 1(5) of this chapter and except as~~ provided in subsection (d), if the commission adopts the provisions of this section by resolution, each taxpayer in the airport development zone is entitled to an additional credit for taxes (as defined in IC 6-1.1-21-2) that, under IC 6-1.1-22-9, are due and payable in May and November of that year. Except as provided in subsection (d), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2). This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district that contains all or part of the airport development zone:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that would have been allocated to the special funds under section 9 of this chapter had the additional credit described in this section not been given.

The additional credit reduces the amount of proceeds allocated and paid into the special funds under section 9 of this chapter.

(b) The additional credit under subsection (a) shall be:

- (1) computed on an aggregate basis of all taxpayers in a taxing district that contains all or part of an airport development zone; and
- (2) combined on the tax statement sent to each taxpayer.

(c) Concurrently with the mailing or other delivery of the tax statement or any corrected tax statement to each taxpayer, as required by IC 6-1.1-22-8(a), each county treasurer shall for each tax statement also deliver to each taxpayer in an airport development zone who is entitled to the additional credit under subsection (a) a notice of additional credit. The actual dollar amount of the credit, the taxpayer's name and address, and the tax statement to which the credit applies shall be stated on the notice.

(d) This subsection applies to an airport development zone only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an airport development zone is entitled to an additional credit under subsection (a) for the taxes (as defined in IC 6-1.1-21-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2).

SECTION 6. IC 8-22-3.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 12. ~~(a)~~ Notwithstanding any other law, a taxpayer in an airport development zone is not entitled to a credit for property tax replacement under IC 6-1.1-21-5.

~~(b) Notwithstanding subsection (a), in a county described in section 1(5) of this chapter, a taxpayer is entitled to a property tax replacement credit under IC 6-1.1-21-5 for the portion of property taxes for which an inventory tax credit under section 16 of this chapter is not allowed.~~

~~(c) An amount equal to the total of all inventory tax credit available under section 16 of this chapter shall be excluded from the total county tax levy under IC 6-1.1-21-2(g).~~

SECTION 7. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 8-22-3.5-16; IC 8-22-3.5-17.

SECTION 8. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to SB 382 as printed January 27, 2006.)

KENLEY

Motion prevailed. The bill was ordered engrossed.

Senate Bill 33

Senator Alting called up Senate Bill 33 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 206

Senator Drozda called up Senate Bill 206 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 206-1)

Madam President: I move that Senate Bill 206 be amended to read as follows:

Page 1, between lines 6 and 7, begin a new paragraph and insert:
"Sec. 1. This chapter does not apply to an individual who, at any time during the individual's employment by the state or a political subdivision of the state as:

- (1) a member of a fire department (as defined in IC 36-8-1-8);**
- (2) an emergency medical services provider (as defined in IC 16-41-10-1); or**
- (3) a member of a police department (as defined in IC 36-8-1-9);**

uses tobacco products in any form."

Page 1, line 7, delete "Sec. 1." and insert "**Sec. 2.**".

Page 2, line 6, delete "Sec. 2." and insert "**Sec. 3.**".

Page 2, line 20, delete "Sec. 3." and insert "**Sec. 4.**".

Page 2, line 23, delete "Sec. 4." and insert "**Sec. 5.**".

Page 2, line 27, delete "Sec. 5." and insert "**Sec. 6.**".

Page 2, line 32, delete "Sec. 6." and insert "**Sec. 7.**".

Page 2, line 34, delete "Sec. 7." and insert "**Sec. 8.**".

Page 2, line 40, delete "Sec. 8." and insert "**Sec. 9.**".

Page 3, line 13, delete "Sec. 9." and insert "**Sec. 10.**".

(Reference is to SB 206 as printed January 27, 2006.)

DROZDA

The Chair ordered a division of the Senate. Yeas 32, nays 17.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 314

Senator Nugent called up Senate Bill 314 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 374

Senator Mishler called up Senate Bill 374 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

5:05 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 5:16 p.m., with the President of the Senate in the Chair.

SENATE BILLS ON SECOND READING

Senate Bill 230

Senator Lubbers called up Senate Bill 230 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 71

Senator Ford called up Senate Bill 71 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 89

Senator Gard called up Senate Bill 89 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 232

Senator Gard called up Senate Bill 232 for second reading. The

bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 127

Senator Lawson called up Senate Bill 127 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 128

Senator Lawson called up Senate Bill 128 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 128-1)

Madam President: I move that Senate Bill 128 be amended to read as follows:

Page 10, between lines 30 and 31, begin a new paragraph and insert:

"(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

(1) the affidavit of the voter who cast the provisional ballot; and

(2) the affidavit of a challenger challenging the voter who cast the provisional ballot;

the provisional ballot shall be counted."

(Reference is to SB 128 as printed January 25, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 284

Senator Wyss called up Senate Bill 284 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 235

Senator Gard called up Senate Bill 235 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 132

Senator Lawson called up Senate Bill 132 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 132-1)

Madam President: I move that Senate Bill 132 be amended to read

as follows:

Page 55, line 37, after "division" insert **"of family resources and the department of child services"**.

Page 57, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 91. IC 12-17.2-2-1, AS AMENDED BY P.L.162-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall perform the following duties:

(1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.

(2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 10-13-3-39 before issuing a license.

(3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.

(4) Provide for the issuance, denial, suspension, and revocation of licenses.

(5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.

(6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the **division of family resources** child care fund **established by IC 12-17.2-2-3**.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet site may not contain the address of a child care home. However, the site may include the county and ZIP code in which a child care home is located.

(10) Provide or approve training concerning safe sleeping practices for children to:

(A) a provider who operates a child care program in the provider's home as described in IC 12-17.2-3.5-5(b); and

(B) a child care home licensed under IC 12-17.2-5;

including practices to reduce the risk of sudden infant death syndrome."

Page 58, line 29, after "The" insert **"division of family resources"**.

Page 58, line 31, after "article" insert ".".

Page 58, line 31, after "article" strike "and".

Page 58, line 32, delete "IC 31-27."

Page 58, line 34, after "article" insert ".".

Page 58, line 34, strike "and".

Page 58, line 34, delete "IC 31-27."

Page 63, line 8, after "the" insert **"division of family resources"**.

Page 63, line 8, delete "." and insert **"established by IC 12-17.2-3-2."**

Page 63, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 99. IC 12-17.2-4-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars (\$1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-3-2."**

Page 65, line 33, after "the" insert **"division of family resources"**.

Page 65, line 33, delete "." and insert **"established by IC 12-17.2-3-2."**

Page 65, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 103. IC 12-17.2-5-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 34. (a) In addition to the other penalties imposed under this chapter, the division may impose a civil penalty of not more than one thousand dollars (\$1,000) for the violation of this article.

(b) The division shall deposit the civil penalties collected under this section in the **division of family resources** child care fund **established by IC 12-17.2-3-2."**

Page 66, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 106. IC 12-17.2-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The division shall charge a child care ministry a fifty dollar (\$50) fee for processing a registration under section 2 of this chapter.

(b) The division shall deposit the fees collected under subsection (a) in the **division of family resources** child care fund **established by IC 12-17.2-3-2."**

Page 158, line 31, delete "The decision of the director under this chapter are" and insert **"(a) The department of child services child care fund is established for the purpose of providing training and facilitating compliance with and enforcement of IC 31-25 through IC 31-28. The fund shall be administered by the department."**

(b) The fund consists of the fees and civil penalties collected under IC 31-25 through IC 31-28.

(c) The expenses of administering the fund shall be paid from money in the fund.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund."

Page 158, delete line 32.

Page 163, line 36, delete "bureau" and insert **"agency"**.

Page 163, line 39, delete "two bureaus of the department." and

insert **"bureau and the agency that administers Title IV-A of the Federal Social Security Act."**

Page 193, line 11, delete "who:" and insert **"who"**.

Page 193, line 12, delete "(1)".

Page 193, line 13, delete "placement; or" and insert **"placement"**.

Page 193, delete lines 14 through 17.

Page 193, run in lines 11 through 18.

Page 194, line 22, delete "adoption from a" and insert **"adoption."**

Page 194, delete line 23.

Page 195, line 2, after "the" insert **"department of child services"**.

Page 195, line 3, delete "IC 12-17.2-2-3." and insert **"IC 31-25-1-16."**

Page 201, line 36, delete "or of".

Page 201, line 36, after "employee" insert **"of the applicant,"**

Page 201, line 37, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant,"**

Page 206, line 27, before "an employee" delete "or".

Page 206, line 27, after "employee" insert **"of the licensee,"**

Page 206, line 28, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**

Page 207, line 24, after "the" insert **"department of child services"**.

Page 207, line 24, delete "fund." and insert **"fund established by IC 31-25-1-16."**

Page 210, line 28, delete "or of".

Page 210, line 28, after "employee" insert **"of the applicant"**.

Page 210, line 29, delete "," and insert **"who has direct contact with children who are under the direct supervision of the applicant,"**

Page 215, line 42, delete "or of".

Page 215, line 42, after "employee" insert **"of the licensee,"**

Page 216, line 1, delete "," and insert **"who has direct contact with children who are under the direct supervision of the applicant,"**

Page 216, line 41, after "the" insert **"department of child services"**.

Page 216, line 41, delete "IC 12-17.2-2-3." and insert **"IC 31-25-1-16."**

Page 220, line 13, delete "or of".

Page 220, line 13, after "employee" insert **"of the applicant,"**

Page 220, line 14, delete "applicant," and insert **"applicant who has direct contact with children who are under the direct supervision of the applicant."**

Page 225, line 1, delete "licensee or of" and insert **"licensee,"**

Page 225, line 1, after "employee" insert **"of the licensee,"**

Page 225, line 2, delete "licensee," and insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,"**

Page 225, line 41, after "the" insert **"department of child services"**.

Page 225, line 41, delete "fund." and insert **"fund established by IC 31-25-1-16."**

Page 226, line 42, delete "or of".

Page 226, line 42, after "employee" insert **"of the licensee,"**

Page 227, line 1, delete "licensee," and insert **licensee who has**

direct contact with children who are under the direct supervision of the licensee,".

Page 231, line 22, delete "or of".

Page 231, line 22, after "employee" insert **"of the licensee,".**

Page 231, line 23, delete "licensee," insert **"licensee who has direct contact with children who are under the direct supervision of the licensee,".**

Page 232, line 22, after "the" insert **"department of child services".**

Page 232, line 22, delete "fund." and insert **"fund, established by IC 31-25-1-16.".**

Page 252, delete lines 20 through 23.

Page 264, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 306. IC 31-34-18-6.1, AS AMENDED BY P.L.234-2005, SECTION 181, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker shall conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1) is currently residing in the location designated as the out-of-home placement. or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 266, line 3, delete "is:" and insert "is".

Page 266, line 4, strike "(1)".

Page 266, line 5, delete "chapter; or" and insert "chapter ~~or~~".

Page 266, strike lines 6 through 8.

Page 286, between lines 1 and 2, begin a new paragraph and insert: "SECTION 337. IC 31-37-17-6.1, AS AMENDED BY P.L.234-2005, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) The

predispositional report prepared by a probation officer or caseworker shall include the following information:

(1) A description of all dispositional options considered in preparing the report.

(2) An evaluation of each of the options considered in relation to the plan of care, treatment, rehabilitation, or placement recommended under the guidelines described in section 4 of this chapter.

(3) The name, occupation and position, and any relationship to the child of each person with whom the preparer of the report conferred as provided in section 1.1 of this chapter.

(b) If a probation officer or a caseworker is considering an out-of-home placement, including placement with a blood or an adoptive relative caretaker, the probation officer or caseworker must conduct a criminal history check (as defined in IC 31-9-2-22.5) for each person who

~~(1) is currently residing in the location designated as the out-of-home placement. or~~

~~(2) in the reasonable belief of the probation officer or caseworker, is expected to be residing in the location designated as the out-of-home placement during the time the child would be placed in the location.~~

The results of the criminal history check must be included in the predispositional report.

(c) A probation officer or caseworker is not required to conduct a criminal history check under this section if:

(1) the probation officer or caseworker is considering only an out-of-home placement to an entity or a facility that:

(A) is not a residence (as defined in IC 3-5-2-42.5); or

(B) is licensed by the state; or

(2) placement under this section is undetermined at the time the predispositional report is prepared."

Page 288, line 5, delete "is:" and insert "is".

Page 288, line 6, strike "(1)".

Page 288, line 8, delete "chapter; or" and insert "chapter ~~or~~".

Page 288, strike lines 9 through 12.

Renumber all SECTIONS consecutively.

(Reference is to SB 132 as printed January 20, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 153

Senator Lawson called up Senate Bill 153 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 363

Senator Ford called up Senate Bill 363 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 384

Senator Paul called up Senate Bill 384 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 340

Senator Wyss called up Senate Bill 340 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 162

Senator Paul called up Senate Bill 162 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 341

Senator Wyss called up Senate Bill 341 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 173

Senator Lubbers called up Senate Bill 173 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 70

Senator Paul called up Senate Bill 70 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 70-1)

Madam President: I move that Senate Bill 70 be amended to read as follows:

Page 9, after line 24, begin a new paragraph and insert: "SECTION 4. [UPON PASSAGE] **The department may adopt rules under IC 4-22-2 to carry out this chapter.**". Renumber all SECTIONS consecutively.

Renumber all SECTIONS consecutively.

(Reference is to SB 70 as printed January 25, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 77

Senator Heinold called up Engrossed Senate Bill 77 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 74: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Heim.

Engrossed Senate Bill 331

Senator Broden called up Engrossed Senate Bill 331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 75: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Neese and Dvorak.

Engrossed Senate Bill 94

Senator Meeks called up Engrossed Senate Bill 94 for third reading:

A BILL FOR AN ACT concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 76: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Dodge.

Engrossed Senate Bill 92

Senator Paul called up Engrossed Senate Bill 92 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 77: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders, Hoffman, and Pflum.

Engrossed Senate Bill 354

Senator Weatherwax called up Engrossed Senate Bill 354 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 78: yeas 30, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer, McClain, Goodin, and Denbo.

Engrossed Senate Bill 253

Senator Weatherwax called up Engrossed Senate Bill 253 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 79: yeas 42, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

Engrossed Senate Bill 139

Senator Lawson called up Engrossed Senate Bill 139 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 80: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bell, Budak, and Summers.

Engrossed Senate Bill 157

Senator Lewis called up Engrossed Senate Bill 157 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 81: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hoffman and Bischoff.

SENATE MOTION

Madam President: I move that Senator Long be added as second author and Senator Howard be added as coauthor of Engrossed Senate Bill 331.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 94.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as coauthor of Senate Bill 206.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as coauthor of Senate Bill 277.

ROGERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 36.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, January 31, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 6:34 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twelfth Meeting Day

Tuesday Afternoon

January 31, 2006

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 82: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 22 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 78

Senator Heinold called up Engrossed Senate Bill 78 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 83: yeas 33, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Gutwein.

Engrossed Senate Bill 370

Senator Kruse called up Engrossed Senate Bill 370 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was reread a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 84: yeas 29, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr and Borrer.

2:30 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:21 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Engrossed Senate Bill 370.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as

coauthor of Engrossed Senate Bill 206.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 33.

ALTING

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 229.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Engrossed Senate Bill 382.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as coauthor of Engrossed Senate Bill 332.

M. YOUNG

Motion prevailed.

SENATE BILLS ON SECOND READING

Senate Bill 1

Senator M. Young called up Senate Bill 1 for second reading. The bill was read a second time by title.

SENATE MOTION

(Amendment 1-1)

Madam President: I move that Senate Bill 1 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 6-1.1-18.5-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 21. (a) The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under IC 36-3-1-6.1 or IC 36-3-1-6.3.**

(b) For purposes of this section:

(1) "current year" means the calendar year that immediately precedes the first calendar year in which property taxes are first due and payable based on a consolidation under IC 36-

3-1-6.1 or IC 36-3-1-6.3;

(2) "ensuing year" means the calendar year that immediately succeeds the current year; and

(3) "maximum levy" means the maximum permissible ad valorem property tax levy under section 3 of this chapter.

(c) The maximum levy for a consolidated city is increased for property taxes first due and payable in the ensuing year and each subsequent calendar year by an amount equal to the lesser of:

(1) the difference between:

(A) the maximum levy for the current year for the consolidated city's fire special service district created under IC 36-3-1-6; and

(B) the amount levied for the current year for the fire special service district; or

(2) ten percent (10%) of the maximum levy for the consolidated city's fire special service district created under IC 36-3-1-6 for property taxes first due and payable in the ensuing year.

(d) The maximum levy for property taxes first due and payable in the ensuing year:

(1) is increased for a consolidated city by the amount equal to the property tax levy for taxes first due and payable in the current year for fire protection and related services by each:

(A) township;

(B) airport authority; or

(C) fire protection territory;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and

(2) is reduced for:

(A) a township;

(B) an airport authority; or

(C) a fire protection territory;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 by the amount equal to the property tax levy for taxes first due and payable in the current year for fire protection and related services by the township, airport authority, or fire protection territory.

(e) The balance on January 1 of the ensuing year in the cumulative building and equipment fund for fire protection and related services of each:

(1) township;

(2) airport authority; or

(3) fire protection territory;

whose fire department is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1 is transferred on that date to the consolidated city's cumulative building and equipment fund for fire protection and related services and may be used only for the purposes provided under IC 36-8-14.

SECTION 2. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as

distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in

which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

(c) Except with respect to Center Township, for each year after 2006, sixty-six percent (66%) of the revenues to be distributed as distributive shares during each month to the townships listed in this section are to be distributed as additional distributive shares to Indianapolis/Marion County and the township distributive shares are reduced by sixty-six percent (66%).

(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, commencing with the calendar year following that consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

SECTION 3. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

(b) If:

(1) the legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances providing that adopts an ordinance providing that:

(A) the fire department of the airport authority is consolidated into the fire department of the consolidated city **created by IC 36-3-1-6.1**; and ~~that~~

(B) the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~If ordinances are adopted under this section, and~~

(2) the executive of the consolidated city approves the ordinance;

the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances: **set forth in the ordinance.**

(c) The legislative body of the consolidated city and the governing body of the airport authority may adopt substantially similar ordinances **an ordinance under IC 36-3-1-5.1** providing that the law enforcement services of the airport authority are consolidated into the consolidated law enforcement department of the consolidated city **created by IC 36-3-1-5.1**, and that the law enforcement department of the consolidated city shall provide law enforcement services for the airport authority. ~~If ordinances are adopted under this section, the consolidation shall take effect on the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances."~~

Page 22, between lines 7 and 8, begin a new paragraph and insert:
 "SECTION 4. IC 36-3-1-6.1, AS ADDED BY P.L.227-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The legislative body of the consolidated city may adopt an ordinance, approved by the executive of the consolidated city, to consolidate the fire departments of the following are consolidated into the fire department of a consolidated city (referred to as "the consolidated fire department"):~~

(1) A township ~~for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.~~

(2) Any fire protection territory established under IC 36-8-19 that is located in a ~~township described in subdivision (1):~~ **county having a consolidated city.**

(3) ~~The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.~~

(b) The legislative body of the consolidated city may not adopt an ordinance under this section, unless the legislative body first:

(1) holds a public hearing on the proposed consolidation; and
 (2) determines that:

(A) **reasonable and adequate fire protection can be provided through the consolidation; and**

(B) **the consolidation is in the public interest.**

~~(b) (c) If the requirements of subsection (g) (a) are satisfied, except as provided in section 6.3 of this chapter, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied the county beginning on the date agreed to in the resolution of the township legislative body and set forth in the ordinance of the legislative body of the consolidated city.~~

~~(c) (d) If the requirements of subsection (g) are satisfied and the~~

~~fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department departments consolidated into the fire department of the consolidated city are:~~

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located: **Any funds transferred under this subsection to the consolidated city that represent balances in a cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 shall be deposited to the consolidated city's cumulative building and equipment fund for fire protection and related services established under this section and shall be used by the consolidated city for the funding of land, buildings, and equipment for fire protection and emergency medical services as provided under IC 36-8-14.**

~~(d) (e) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. The consolidated city shall assume all agreements with labor organizations that:~~

(1) are in effect on the effective date of the consolidation; and

(2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

~~(e) (f) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services incurred before the effective date of the consolidation by:~~

(1) the entity; or

(2) a building, holding, or leasing corporation on behalf of the entity;

whose fire department is consolidated into the consolidated fire department under subsection (a) shall ~~remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded~~ by the consolidated city. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(g) Notwithstanding any other law and subject to subsection (h), to assume, defease, pay or refund all or a part of the indebtedness described in subsection (f), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or any part of the indebtedness described

in subsection (f) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) bonds or other indebtedness described in subsection (f); or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all of those powers, duties, agreements and liabilities.

(f) (j) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire department departments that is are consolidated are dissolved on the effective date of the consolidation, and the duties of the merit boards are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) A township legislative body, after approval by the township trustee, may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection, the township legislative body shall, after approval from the township trustee, forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city, the legislative body of the consolidated city may adopt an ordinance, approved by the mayor of the consolidated city, approving the consolidation of the fire department of the township into the fire department of the consolidated city and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(h) (k) The following apply if the requirements of subsection (g) are satisfied: fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city:

(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.

(2) (1) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

(3) (2) Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) (3) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township entity whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township entity whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township entity.

(5) (4) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of IC 36-8-14 and IC 6-1.1-41 regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) (5) The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township entities listed in subsection (a) are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) (6) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit area served by the consolidated fire department to

provide for the payment of the expenses for the operation of the consolidated fire department. However, property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within **or that directly benefit** the territory of the ~~police~~ fire special service district. Property taxes to fund the pension obligation under ~~IC 36-8-8~~ for members of the 1977 police officers' and firefighters pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section:

(8) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and for the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee:

(l) An advisory commission designated as the "City of Consolidated Fire Department Advisory Commission" shall be formed not later than July 1, 2006, to:

(1) provide advice and make recommendations to the chief of the consolidated department regarding the operation of the consolidated fire department and the provision of emergency medical services, including:

(A) the building and closing of fire stations;

(B) the placement of apparatus;

(C) the purchasing of equipment;

(D) the integration of the merit systems;

(E) staffing levels; and

(F) other matters as requested by the chief of the consolidated fire department.

(2) review and comment on the annual capital budget for the consolidated fire department; and

(3) conduct public hearings on transition matters prior to the effective date of a consolidation.

(m) The advisory commission established under subsection (l) consists of the following members:

(1) The executive of each township located in the county.

(2) One (1) member appointed by the director of public safety for the consolidated city.

(3) One (1) member appointed by the legislative body of the consolidated city.

(4) One (1) member appointed by the local labor union representing firefighters employed by the consolidated fire department.

(5) The chief of the consolidated fire department, who shall serve as chairperson of the advisory commission.

(n) Members of the advisory commission appointed under subsection (m)(1) shall receive an annual salary for their services as members of the commission in an amount equal to ten percent (10%) of the annual salary of the executive of the consolidated city. Members of the advisory commission appointed under subsection (m)(2), (m)(3), (m)(4), or (m)(5) are not entitled to any additional salary for their service. The advisory commission may use the staff and budget of the consolidated fire department to carry on the commission's work.

(o) If a vacancy occurs on the advisory commission, the original appointing authority shall appoint an individual to serve on the commission for the unexpired term of the member.

(p) Seven (7) members of the commission constitute a quorum.

(q) The advisory commission is abolished after December 31, 2008, unless the commission is extended by resolution of the legislative body of the consolidated city. If the legislative body of the consolidated city extends the term of the advisory commission, the resolution authorizing the extension must set forth the terms of the members of the advisory commission."

SECTION 5. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.2. ~~(a)~~ If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in ~~the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter:~~

~~(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.~~

SECTION 6. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.3. (a) The consolidated fire department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

(1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire

department.

(2) The ordinances described in subdivision (1) must:

- (A) specify the effective date of the consolidation; and
- (B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b), all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect after the effective date of the consolidation described in subsection (b); and
- (2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection services incurred before the effective date of the consolidation described in subsection (b) by:

- (1) an excluded city; or
- (2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b).

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness described in subsection (f), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

- (1) indebtedness or bonds; or
- (2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the excluded city are dissolved, and their services are terminated not

later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively.

(k) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the merit board and merit system of the excluded city's fire department are dissolved, and the duties of the excluded city's merit board are transferred to and assumed by the merit board for the consolidated fire department.

(l) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), for property taxes first due and payable in the calendar year following the effective date of the consolidation, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

- (1) is increased for a consolidated city by the amount levied in the prior calendar year for fire protection and related services by the excluded city; and
- (2) is reduced for the excluded city by the amount levied in the prior calendar year for fire protection and related services by the excluded city.

(m) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), for property taxes first due and payable in the calendar year following the effective date of the consolidation, the amount levied under IC 6-1.1-41 and IC 36-8-14 in the prior calendar year by the excluded city for its cumulative building and equipment fund for firefighting and related services is transferred to the consolidated city's cumulative building and equipment fund for firefighting and related services, and the consolidated city is exempted from the requirements of IC 6-1.1-41 and IC 36-8-14 regarding an increase to the levy for its cumulative building and equipment fund for firefighting and related services.

(n) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), commencing with the calendar year following consolidation and for each year thereafter, the excluded city's monthly distributive share of county option income tax revenues distributed under IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the ordinances adopted under subsection (b), and those revenues shall instead be distributed as additional distributive shares to Indianapolis/Marion County.

(o) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the excluded city shall appoint one (1) representative to the fire department advisory commission established under IC 36-3-1-6.1, if such advisory commission is still in existence, and the legislative body of the consolidated city shall adjust the quorum requirements for the advisory commission accordingly.

Page 24, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 7. IC 36-3-6-4.1 IS ADDED TO INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.1. Notwithstanding IC 36-8-7, the city-county legislative body shall adopt an ordinance under section 7

of this chapter to levy a tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay the amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14."

Page 24, delete lines 30 through 42, begin a new paragraph and insert:

"SECTION 8. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1, in the name of:**

- (1) a township;**
 - (2) an airport authority;**
 - (3) a fire protection territory; or**
 - (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;**
- to satisfy the requirements of IC 36-3-1-6.1(f), IC 36-3-1-6.1(g), and IC 36-3-1-6.1(h).**

(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation described in IC 36-3-1-6.3(b) by:

- (1) an excluded city; or**
- (2) a building, holding, or leasing corporation on behalf of an excluded city;**

to satisfy the requirements of IC 36-3-1-6.3(f), IC 36-3-1-6.3(g), and IC 36-3-1-6.3(h)."

Delete pages 25 through 28.

Page 29, delete lines 1 through 39.

Page 31, delete lines 18 through 24.

Page 32, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 9. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 8. (a)** The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) Except in a township located in a county having a consolidated city, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) Except in a township located in a county having a consolidated city, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department."

Page 32, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 10. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 1.** This chapter applies to:

- (1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);
- (2) full-time fully paid firefighters hired or rehired after April 30, 1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);
- (3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;
- (4) a park ranger who:
 - (A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
 - (B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
 - (C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);
- (5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3; ~~provided that however,~~ the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;
- (6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;
- (7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and
- (8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 11. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 2.1. (a)** As used in this chapter, "local board" means the following:

- (1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.
- (2) Except as provided in subdivision (3), for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.
- (3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:
 - (A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and

(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.

~~(3)~~ (4) For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ (5) For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) Except as provided in subsection (d), if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:

(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and

(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.

SECTION 12. IC 36-8-8-7, AS AMENDED BY P.L.227-2005, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), **and** (m): ~~and (n):~~

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of service if the police officer or firefighter is receiving a benefit or is entitled to receive a benefit in the future from any other public pension plan with respect to the prior years of service.

(c) Except as provided in section 18 of this chapter, a police officer or firefighter is entitled to credit for all years of service after April 30, 1977, with the police or fire department of an employer covered by this chapter.

(d) A police officer or firefighter with twenty (20) years of service does not become a member of the 1977 fund and is not covered by this chapter, if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981); and

(3) is rehired after April 30, 1977, by the same employer.

(e) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) was rehired after April 30, 1977, but before February 1, 1979; and

(4) was made, before February 1, 1979, a member of a 1925, 1937, or 1953 fund.

(f) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the police officer or firefighter:

(1) was hired by the police or fire department of a unit before May 1, 1977;

(2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both of which were repealed September 1, 1981);

(3) is rehired by the police or fire department of another unit after December 31, 1981; and

(4) is made, by the fiscal body of the other unit after December 31, 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

If the police officer or firefighter is made a member of a 1925, 1937, or 1953 fund, the police officer or firefighter is entitled to receive credit for all the police officer's or firefighter's years of service, including years before January 1, 1982.

(g) As used in this subsection, "emergency medical services" and "emergency medical technician" have the meanings set forth in IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

(1) is employed by a unit that is participating in the 1977 fund;

(2) was employed as an emergency medical technician by a political subdivision wholly or partially within the department's jurisdiction;

(3) was a member of the public employees' retirement fund during the employment described in subdivision (2); and

(4) ceased employment with the political subdivision and was hired by the unit's fire department due to the reorganization of emergency medical services within the department's jurisdiction;

shall participate in the 1977 fund. A firefighter who participates in the 1977 fund under this subsection is subject to sections 18 and 21 of this chapter.

(h) A police officer or firefighter does not become a member of the 1977 fund and is not covered by this chapter if the individual was appointed as:

(1) a fire chief under a waiver under IC 36-8-4-6(c); or

(2) a police chief under a waiver under IC 36-8-4-6.5(c);

unless the executive of the unit requests that the 1977 fund accept the individual in the 1977 fund and the individual previously was a member of the 1977 fund.

(i) A police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996, is a member of the 1977 fund.

(j) A park ranger who:

- (1) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;
- (2) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and
- (3) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

is a member of the fund.

(k) Notwithstanding any other provision of this chapter, a police officer or firefighter:

- (1) who is a member of the 1977 fund before a consolidation under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**
- (2) whose employer is consolidated into the **consolidated law enforcement department or the** fire department of a consolidated city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and
- (3) who, after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(l) Notwithstanding any other provision of this chapter, a police officer or firefighter who:

- (1) before a consolidation under IC 36-3-1-5.1 or IC 36-3-1-6.1, provides law enforcement services or fire protection services for an entity in a consolidated city;
- (2) has the provision of those services consolidated into the **consolidated law enforcement department or the** fire department of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and
- (3) after the consolidation, becomes an employee of the consolidated law enforcement department or the consolidated fire department under IC 36-3-1-5.1 or IC 36-3-1-6.1;

is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

- ~~(1)~~ (A) retired for purposes of section 10 of this chapter; or
- ~~(2)~~ (B) disabled for purposes of section 12 of this chapter; solely because of a change in employer under the consolidation; **and**

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

Page 32, delete lines 41 and 42.

Page 33, delete lines 1 through 11.

Page 35, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 13. IC 36-8-4.3 IS REPEALED [EFFECTIVE JANUARY 1, 2007].

SECTION 14. [EFFECTIVE JULY 1, 2006] The general assembly finds the following:

(1) A consolidated city faces unique budget challenges due to a high demand for services combined with the large number of tax exempt properties located in a consolidated city as the seat of state government, home to several institutions of higher education, and home to numerous national, state, and regional nonprofit corporations.

(2) By virtue of its size and population density, a consolidated city has unique overlapping territories of county, city, and township government and an absence of unincorporated areas within its county.

(3) By virtue of its size, population, and absence of unincorporated areas, development extends to and across the boundaries of the contiguous governmental territories located within a county having a consolidated city, thus giving less meaning to boundaries of the governmental territories located within the county.

(4) By virtue of its size, population, absence of unincorporated areas, overlapping territories, and development to and across the boundaries of contiguous governmental territories, there is less need for differentiation of local governmental services within the separate governmental territories located within a county having a consolidated city, but rather the local governmental service needs are similar and more uniform within and across a county having a consolidated city.

(5) The provision of local governmental services by multiple governmental entities with overlapping territories, and by governmental entities with contiguous territories with less meaningful boundaries, results in disparate levels of local government services within a county having a consolidated city and results in the inefficient and poor use of taxpayer dollars.

(6) As the state capital and a center for professional sporting events, tourism, and culture in central Indiana, the consolidated city faces unique demands for protecting governmental property and securing the safety of large numbers of residents and visitors, which require innovative approaches to public safety resources.

(7) Substantial operational efficiencies, reduction of administrative costs, and economies of scale may be obtained in a consolidated city through further consolidation of county, city, and township services and operations.

(8) Consolidation of county, city, and township services and operations in the consolidated city will serve the public purpose by allowing the consolidated city to:

- (A) eliminate duplicative services;
- (B) provide better coordinated and more uniform delivery of local governmental services;
- (C) provide uniform oversight and accountability for the budgets for local governmental services;
- (D) simplify the system of property taxation;
- (E) provide more unified tax rates; and

(F) allow local government services to be provided more efficiently and at a lower cost than without consolidation.

(9) Efficient and fiscally responsible operation of local government benefits the health and welfare of the citizens of a consolidated city and is of public utility and benefit.

(10) The public purpose of this act is to provide a consolidated city with the means to perform essential governmental services for its citizens in an effective, efficient, and fiscally responsible manner."

SECTION 15. [EFFECTIVE JULY 1, 2006] **The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary."**

Renumber all SECTIONS consecutively.

(Reference is to SB 1 as amended January 27, 2006.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 85: yeas 18, nays 32.

Motion failed. The bill was ordered engrossed.

Senate Bill 24

Senator Jackman called up Senate Bill 24 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 108

Senator M. Young called up Senate Bill 108 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 108-12)

Madam President: I move that Senate Bill 108 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"(c) If an employee incurs:

(1) a fee for:

(A) a stop payment;

(B) insufficient funds in an account; or

(C) other reasons;

imposed by a financial institution;

(2) a late payment charge imposed by a creditor; or

(3) both of the items described in subdivision (1) and (2); as a result of an employer's payroll payment being delayed or denied for insufficient funds upon initial submission, deposit, or transfer of the payment to a financial institution or a check cashing service, the employer shall reimburse the employee for the fee or charge, or both not later than seven (7) days after the employee presents proof of the fees or charge, or both to the employer."

(Reference is to SB 108 as printed January 27, 2006.)

M. YOUNG

Motion prevailed.

SENATE MOTION (Amendment 108-13)

Madam President: I move that Senate Bill 108 be amended to read as follows:

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"(f) This subsection applies only to an employee whose average weekly wage from an employer is less than one thousand dollars (\$1,000) per week. If a court finds that an employer's failure to pay an employee's wages as set forth in section 1 of this chapter did not occur in good faith, the court may order the employer to pay:

(1) not more than two (2) times the amount of unpaid wages owed the employee; and

(2) reasonable attorney's fees."

(Reference is to SB 108 as printed January 27, 2006.)

M. YOUNG

Motion prevailed.

SENATE MOTION (Amendment 108-14)

Madam President: I move that Senate Bill 108 be amended to read as follows:

Page 3, line 41, before "tools" insert **"hand-held"**.

(Reference is to SB 108 as printed January 27, 2006.)

M. YOUNG

Motion prevailed.

SENATE MOTION (Amendment 108-15)

Madam President: I move that Senate Bill 108 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 22-2-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Every person, firm, corporation, limited liability company, or association, their trustees, lessees, or receivers appointed by any court, doing business in Indiana, shall pay each employee at least semimonthly or biweekly, if requested, the amount due the employee. The payment shall be made in lawful money of the United States, by negotiable check, draft, or money order, or by electronic transfer to the financial institution designated by the employee. Any contract in violation of this subsection is void.

(b) Payment shall be made for all wages earned to a date not more than ten (10) business days prior to the date of payment. However, this subsection does not prevent payments being made at shorter intervals than specified in this subsection, nor repeal any law providing for payments at shorter intervals. However, if an employee voluntarily leaves employment, either permanently or temporarily, the employer shall not be required to pay the employee an amount due the employee until the next usual and regular day for payment of wages, as established by the employer. If an employee leaves employment voluntarily, and without the employee's whereabouts or address being known to the employer, the employer is not subject to section 2 of this chapter until:

- (1) ten (10) **business** days have elapsed after the employee has made a demand for the wages due the employee; or
- (2) the employee has furnished the employer with the employee's address where the wages may be sent or forwarded."

Renumber all SECTIONS consecutively.

(Reference is to SB 108 as printed January 27, 2006.)

M. YOUNG

Motion prevailed.

SENATE MOTION
(Amendment 108-16)

Madam President: I move that Engrossed Senate Bill 108 be amended to read as follows:

Page 1, line 11, after "due." insert "**However, the maximum amount of interest that may be paid to an employee under this subsection may not exceed the lesser of:**

- (1) double the amount of wages due to the employee; or**
- (2) fifty thousand dollars (\$50,000)."**

Page 1, line 15, delete "two" and insert "**one**".

Page 1, line 16, delete "(\$200)." and insert "**(\$100). Amounts may be deducted under this subsection only for a purpose described in IC 22-2-6-2(b)."**

Page 2, line 7, after "employee" delete "," and insert ".".

Page 2, line 10, delete "along with" and insert "**The court shall award to the employee**".

Page 2, line 11, after "employee" delete "." and insert "**if the employee recovers any wages in a suit under this section.**".

Page 3, line 38, delete "Payment" and insert "**Subject to subsection (d) and IC 22-5-6, payment**".

Page 3, line 41, delete "Payment" and insert "**Subject to subsection (d) and IC 22-5-6, payment**".

Page 4, line 6, after "employer." insert "**An employee may make a wage assignment under this subdivision only if before beginning the education or the training program the employee and the employer execute a written instrument specifying the amount and conditions of the employee's payment or repayment.**

(c) The total amount of deductions from an employee's wages under any combination of wage assignments under subsection (b)(6), (b)(7), (b)(14), (b)(15), and (b)(16) for any work week may not exceed the lesser of:

- (1) twenty-five percent (25%) of the employee's disposable earnings for that week; or**
- (2) the amount by which the employee's disposable earnings for that week exceed thirty (30) times the federal minimum hourly wage prescribed by 29 U.S.C. 206(a)(1) in effect at the time the wages are payable.**

(d) An employee may make a wage assignment under subsection (b)(14) or (b)(15) only if:

- (1) the employer is not otherwise prohibited by contract or by law from charging for the purchase or maintenance of the uniforms or for the purchase or rental of the tools and equipment;**
- (2) the employer has a schedule of charges for the purchase, maintenance, or rental that is available to all of the employer's employees;**

(3) no additional charge or fee is imposed for making the wage assignment;

(4) if the wage assignment is for the purchase of uniforms, tools, or equipment:

(A) the employee makes a written request for the purchase; and

(B) the employee and the employer execute a written instrument specifying the terms and conditions of the purchase; and

(5) the wage assignment is voluntary and is made for a specific time."

Page 4, between lines 30 and 31, begin a new paragraph and insert:

"(c) An employer must issue a replacement payroll check to an employee who, not more than fifteen (15) days after the original payroll check is issued, submits a written request for the issuance of the replacement payroll check because of the theft, destruction, or other loss of the original payroll check. The issuance of a replacement payroll check under this subsection is subject to the payment of a fee computed under subsection (b)."

(Reference is to SB 108 as printed January 27, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 151

Senator Lawson called up Senate Bill 151 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 151-1)

Madam President: I move that Senate Bill 151 be amended to read as follows:

Page 3, delete lines 3 through 21.

Renumber all SECTIONS consecutively.

(Reference is to SB 151 as printed January 27, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Senate Bill 274

Senator Long called up Senate Bill 274 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 274-1)

Madam President: I move that Senate Bill 274 be amended to read as follows:

Page 2, line 23, delete "December 31," and insert "**April 1, 2006;**".

Page 2, line 24, delete "2005;".

(Reference is to SB 274 as printed January 27, 2006.)

LONG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 300

Senator Long called up Senate Bill 300 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 300-2)

Madam President: I move that Senate Bill 300 be amended to read as follows:

Page 2, line 28, after "IC 35-42-4" insert ", a crime of family violence (as defined in IC 35-41-1-6.5),".

Page 4, line 5, after "(a)" insert "**This subsection does not apply to reimbursement for forensic and evidence gathering services provided under section 39 of this chapter.**".

Page 4, line 6, strike "expense or indebtedness".

Page 4, strike line 7.

Page 4, line 8, strike "the bodily injury or death upon which the application is based".

Page 4, line 8, delete "that".

Page 4, delete lines 9 through 11 and insert "**an amount equal to the amount of reimbursement payable under IC 27-8-10-3 for each of the types of services and items provided to the victim as a result of the bodily injury or death upon which the application is based.**".

Page 4, line 20, after "devices" insert "**that do not exceed the claimant's out-of-pocket loss**".

Page 5, delete lines 15 through 20.

Page 6, line 28, after "any" insert "**paid or otherwise compensated**".

Page 6, line 31, after "of" insert "**paid or otherwise compensated**".

Page 7, line 25, strike "emergency" and insert "**forensic and evidence gathering**".

Page 8, line 6, strike "emergency" and insert "**forensic and evidence gathering**".

Page 8, line 34, after "for" insert "**the**".

Page 8, line 34, strike "in providing the following services:" and insert "**of providing forensic and evidence gathering services**".

Page 8, line 36, delete "(1)".

Page 8, line 36, strike "Appropriate procedures for acquiring adequate evidence".

Page 8, strike lines 37 through 38.

Page 8, line 39, delete "(2)".

Page 8, line 39, strike "Records of the results of examinations and tests made by".

Page 8, strike line 40.

Page 8, line 41, delete "(3)".

Page 8, line 41, strike "Appropriate counseling for the victim".

Page 9, between lines 9 and 10, begin a new paragraph and insert:

"SECTION 19. IC 16-18-2-139.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 139.5. "Forensic and evidence gathering services", for purposes of IC 16-21-8, means the following:**

(1) Appropriate procedures for acquiring evidence that may be used in a criminal proceeding against a person charged with a sex crime.

(2) Initial pregnancy and sexually transmitted disease testing related to the alleged sex crime.

(3) Alcohol and drug testing.

(4) Syphilis testing up to ninety (90) days after the alleged sex crime.

(5) Pregnancy testing up to thirty (30) days after the alleged sex crime.

(6) Other sexually transmitted disease testing up to thirty (30) days after the alleged sex crime.

(7) Suturing and care of wounds that stem directly from the sex crime, including anesthesia and prescribed medication.

(8) Mental health counseling concerning problems directly related to the sex crime.

SECTION 20. IC 16-21-8-0.6, AS ADDED BY P.L.90-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.6. As used in this chapter, "provider" means a hospital or licensed medical services provider that provides ~~emergency forensic and evidence gathering~~ services to a victim.

SECTION 21. IC 16-21-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A hospital licensed under IC 16-21-2 that provides general medical and surgical hospital services shall provide ~~emergency hospital service forensic and evidence gathering services~~, in accordance with rules adopted by the victim services division of the Indiana criminal justice institute, to all alleged sex crime victims who apply for ~~hospital emergency forensic and evidence gathering~~ services in relation to injuries or trauma resulting from the alleged sex crime.

(b) For the purposes of this chapter, the following crimes are considered sex crimes:

(1) Rape (IC 35-42-4-1).

(2) Criminal deviate conduct (IC 35-42-4-2).

(3) Child molesting (IC 35-42-4-3).

(4) Vicarious sexual gratification (IC 35-42-4-5).

(5) Sexual battery (IC 35-42-4-8).

(6) Sexual misconduct with a minor (IC 35-42-4-9).

SECTION 22. IC 16-21-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Community or areawide plans may be developed by the hospitals.

(b) A hospital may participate with at least one (1) other hospital in a community or an areawide plan to furnish ~~hospital emergency forensic and evidence gathering~~ services to alleged sex crime victims. A hospital participating in the plan must furnish the ~~hospital emergency forensic and evidence gathering~~ services that the plan designates to an alleged sex crime victim who applies for ~~hospital emergency forensic and evidence gathering~~ services for injuries or trauma resulting from the alleged sex crime.

SECTION 23. IC 16-21-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A hospital providing ~~emergency hospital that provides forensic and evidence gathering services~~ shall provide the forensic and evidence gathering services to an alleged sex crime victim under this chapter ~~shall provide the following~~ with the consent of the alleged sex crime victim and as ordered by the attending physician.

~~(1) Appropriate medical care.~~

~~(2) Appropriate procedures for acquiring adequate evidence that may be used in a criminal proceeding against a person accused of the sex crime.~~

~~(3) Records of the results of examinations and tests made by the hospital.~~

~~(4) Appropriate counseling for the victim.~~

SECTION 24. IC 16-21-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The victim services division of the Indiana criminal justice institute shall assist in the development and operation of programs that provide **emergency forensic and evidence gathering** services to alleged sex crime victims, and if necessary, provide grants to hospitals for this purpose.

SECTION 25. IC 16-21-8-5, AS AMENDED BY P.L.90-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The division may not award compensation or reimbursement under this chapter unless the following conditions are met:

(1) If the victim is at least eighteen (18) years of age:

(A) the sex crime must be reported to a law enforcement officer within ninety-six (96) hours after the crime's occurrence; and

(B) the victim must cooperate to the fullest extent possible with law enforcement personnel to solve the crime.

(2) If the victim is less than eighteen (18) years of age, a report of the sex crime must be made to child protective services or a law enforcement officer. The division may not deny an application for reimbursement under this subdivision based on the victim reporting the sex crime more than ninety-six (96) hours after the crime's occurrence.

(b) If the division finds a compelling reason for failure to report to or cooperate with law enforcement officials and justice requires, the division may suspend the requirements of this section.

(c) A claim filed for services provided at a time before the provision of the **emergency forensic and evidence gathering** services for which an application for reimbursement is filed is not covered under this chapter.

SECTION 26. IC 16-21-8-6, AS AMENDED BY P.L.90-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) When a provider provides **emergency services forensic and evidence gathering services** under this chapter to a victim, the provider shall furnish the services without charge.

(b) The division shall reimburse a provider for the cost for providing services and shall adopt rules and procedures to provide for reimbursement.

(c) The application for reimbursement must be filed not more than one hundred eighty (180) days after the date the service was provided.

(d) The division shall approve **or deny** an application for reimbursement filed under subsection (b) not more than one hundred twenty (120) days after receipt of the application for reimbursement.

(e) A provider may not charge the victim for services required under this chapter despite delays in reimbursement from the division."

Renumber all SECTIONS consecutively.

(Reference is to SB 300 as printed January 27, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Senate Bill 336

Senator Landske called up Senate Bill 336 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 336-1)

Madam President: I move that Senate Bill 336 be amended to read as follows:

Page 1, line 10, delete ""care assistant"" and insert **""unlicensed assistive personnel""**.

Page 1, line 12, delete "and".

Page 1, line 14, delete "." and insert "; and

(3) has immunity from liability under IC 34-30-14."

Page 2, line 14, delete "whose".

Page 2, line 15, delete "parent seeks care for the student's diabetes".

Page 2, line 18, after "parent" insert **"or guardian"**.

Page 2, line 20, delete "." and insert **"or another diabetes health care provider ordered in writing by the physician."**

Page 2, line 22, delete "receive" and insert **"need"**.

Page 2, line 27, delete "and".

Page 2, line 28, after "(3)" insert **"specify the care that may be performed by the student with an agreed upon level of supervision; and**

(4)".

Page 2, line 28, after "parent" insert **"or guardian"**.

Page 2, line 29, delete "." and insert **"or another diabetes health care provider ordered in writing by the physician."**

Page 2, line 30, after "parent" insert **"or guardian"**.

Page 2, line 30, delete "who seeks care for the student's" and insert **"with"**.

Page 2, line 31, delete "while the student is at" and insert **"who will be attending"**.

Page 2, line 41, delete "whose parent seeks care for" and insert **"with"**.

Page 2, line 41, delete "while the student" and insert **"who will be attending"**.

Page 2, line 42, delete "is at".

Page 3, line 1, delete "nurse, if the school has a nurse," and insert **"school nurse"**.

Page 3, line 3, after "parent" insert **"or guardian"**.

Page 3, line 5, after "treatment" insert **"or another diabetes health care provider ordered in writing by the physician"**.

Page 3, line 14, delete "care assistants;" and insert **"unlicensed assistive personnel;"**.

Page 3, line 15, delete ":" and insert **"adequate personnel to safely implement a diabetes case plan."**

Page 3, delete lines 16 through 19.

Page 3, line 20, delete "A care assistant serves" and insert **"Unlicensed assistive personnel serve"**.

Page 3, line 21, delete "principal." and insert **"school nurse."**

Page 3, line 23, delete "a care assistant." and insert **"unlicensed assistive personnel."**

Page 4, line 6, delete "care".

Page 4, line 7, delete "assistants," and insert **"unlicensed assistive personnel,"**.

Page 4, line 9, delete "care assistants" and insert "**unlicensed assistive personnel**".

Page 4, line 10, delete "individuals" and insert "**students**".

Page 4, line 25, delete "a care assistant" and insert "**unlicensed assistive personnel**".

Page 4, line 28, delete "A care assistant" and insert "**Unlicensed assistive personnel**".

Page 4, line 29, delete "individuals" and insert "**students**".

Page 4, line 30, delete "principal" and insert "**school nurse**".

Page 4, line 31, delete "a care".

Page 4, line 32, delete "assistant acts" and insert "**unlicensed assistive personnel act**".

Page 4, line 33, delete "A care assistant" and insert "**Unlicensed assistive personnel**".

Page 4, line 33, after "parent" insert "**or guardian**".

Page 4, line 35, delete "a care assistant" and insert "**unlicensed assistive personnel**".

Page 4, line 36, after "parent" insert "**or guardian**".

Page 4, line 37, delete "a care assistant" and insert "**unlicensed assistive personnel**".

Page 4, line 39, delete "A care assistant who assists" and insert "**Unlicensed assistive personnel who assist**".

Page 5, line 3, delete "may exercise reasonable judgment in deciding whether to" and insert "**shall**".

Page 5, line 8, delete "care assistants." and insert "**unlicensed assistive personnel**".

Page 5, delete lines 23 through 32.

(Reference is to SB 336 as printed January 27, 2006.)

LANDSKE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 342

Senator Riegsecker called up Senate Bill 342 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 342-2)

Madam President: I move that Senate Bill 342 be amended to read as follows:

Page 10, between lines 22 and 23, begin a new paragraph and insert: "**(C) upon a finding of probable cause and issuance of a warrant; and**".

(Reference is to SB 342 as printed January 27, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 365

Senator Kenley called up Senate Bill 365 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 383

Senator Steele called up Senate Bill 383 for second reading. The

bill was read a second time by title.

SENATE MOTION
(Amendment 383-3)

Madam President: I move that Senate Bill 383 be amended to read as follows:

Page 4, line 38, after "due." insert "**Any such loan shall be subject to the provisions of IC 24-4.5-3.**".

Page 5, line 21, after "lender's" insert "**third**".

(Reference is to SB 383 as printed January 25, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 283

Senator R. Young called up Senate Bill 283 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed Senate Bill 86, which is eligible for third reading, be returned to second reading for purposes of amendment.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Senate Bill Engrossed Senate Bill 206.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Engrossed Senate Bill 143.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Engrossed Senate Bill 333.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as coauthor of Engrossed Senate Bill 284.

WYSS

Motion prevailed.

REPORTS FROM COMMITTEES

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, subsequent to the adoption of the Pensions and Labor Committee Report on January 30, 2006, Senate Bill 322 was reassigned to the Committee on Rules and Legislative Procedure.

GARTON

Report adopted.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 11

Senator Drozda called up Engrossed Senate Bill 11 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 86: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Burton, Messer, and Crooks.

Engrossed Senate Bill 18

Senator Miller called up Engrossed Senate Bill 18 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 87: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 22

Senator Gard called up Engrossed Senate Bill 22 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 88: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Wolkins.

Engrossed Senate Bill 27

Senator Long called up Engrossed Senate Bill 27 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 89: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Stutzman, Kuzman, and Bell.

Engrossed Senate Bill 33

Senator Alting called up Engrossed Senate Bill 33 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning probate.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 90: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch, T. Brown, Klinker, and Micon.

Engrossed Senate Bill 36

Senator Lawson called up Engrossed Senate Bill 36 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 91: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Noe and C. Brown.

Engrossed Senate Bill 37

Senator Lawson called up Engrossed Senate Bill 37 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 92: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson and Thomas.

Engrossed Senate Bill 54

Senator Nugent called up Engrossed Senate Bill 54 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 93: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Woodruff, Koch, and Goodin.

Engrossed Senate Bill 56

Senator Harrison called up Engrossed Senate Bill 56 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 94: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 57

Senator Harrison called up Engrossed Senate Bill 57 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 95: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 58

Senator Harrison called up Engrossed Senate Bill 58 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 96: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 71

Senator Ford called up Engrossed Senate Bill 71 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 97: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Dodge, Friend, Moses, and Reske.

Engrossed Senate Bill 81

Senator Meeks called up Engrossed Senate Bill 81 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 98: yeas 44, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Stutzman.

Engrossed Senate Bill 83

Senator Lubbers called up Engrossed Senate Bill 83 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 99: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr and Bardon.

Engrossed Senate Bill 85

Senator M. Young called up Engrossed Senate Bill 85 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 100: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 89

Senator Gard called up Engrossed Senate Bill 89 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 101: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Koch and Pelath.

Engrossed Senate Bill 100

Senator Jackman called up Engrossed Senate Bill 100 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning gaming.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 102: yeas 38, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Whetstone and Pelath.

Engrossed Senate Bill 106

Senator M. Young called up Engrossed Senate Bill 106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Walorski, Davis, McClain, and Fry.

Engrossed Senate Bill 127

Senator Lawson called up Engrossed Senate Bill 127 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson and Thomas.

Engrossed Senate Bill 132

Senator Lawson called up Engrossed Senate Bill 132 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Budak and Summers.

Engrossed Senate Bill 143

Senator Dillon called up Engrossed Senate Bill 143 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Leonard and Moses.

Engrossed Senate Bill 145

Senator M. Young called up Engrossed Senate Bill 145 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 34, nays 16. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, Noe, and Behning.

SENATE MOTION

Madam President: I move that Senator Wyss be added as coauthor of Engrossed Senate Bill 83.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as second author of Engrossed Senate Bill 160.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second

author of Senate Bill 166.

SENATE MOTION

MILLER

Madam President: I move that Senator Breaux be added as coauthor of Engrossed Senate Bill 132.

Motion prevailed.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Senate Bill 270.

SENATE MOTION

MILLER

Madam President: I move that Senators Meeks, Craycraft, Howard, Alting, Drozda, Kruse, and Mishler be added as coauthors of Engrossed Senate Bill 106.

Motion prevailed.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Engrossed Senate Bill 18.

SENATE MOTION

MILLER

Madam President: I move that Senator Drozda be added as coauthor of Engrossed Senate Bill 145.

Motion prevailed.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as second author of Engrossed Senate Bill 266.

SENATE MOTION

MILLER

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 300.

Motion prevailed.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as coauthor of Engrossed Senate Bill 300.

SENATE MOTION

LONG

Madam President: I move that Senator Lewis be added as coauthor of Engrossed Senate Bill 100.

Motion prevailed.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Engrossed Senate Bill 83.

SENATE MOTION

LUBBERS

Madam President: I move that Senator Howard be added as coauthor of Engrossed Senate Bill 145.

Motion prevailed.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 17.

SENATE MOTION

ZAKAS

Madam President: I move we adjourn until 1:30 p.m., Wednesday, February 1, 2006.

Motion prevailed.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux and R. Young be added as coauthors of Engrossed Senate Bill 127.

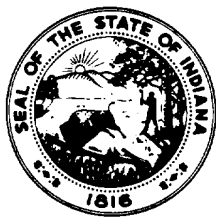
The Senate adjourned at 6:35 p.m.

LAWSON

Motion prevailed.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Thirteenth Meeting Day

Wednesday Afternoon

February 1, 2006

The Senate convened at 1:34 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 108: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1001 — Kenley (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1007 — Kenley, Simpson (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation and to make an appropriation.

HB 1010 — Bray, Drozda, Sipes, Lewis (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1016 — Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1017 — Becker, Broden, Long (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1018 — Hershman, R. Young (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1020 — Becker, Broden (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1022 — Merritt, Ford, Lewis, Craycraft (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1024 — Drozda (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1049 — M. Young, Dillon, Kruse (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1065 — Heinold, Nugent (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1073 — Riegsecker, M. Young (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1076 — Hershman, Weatherwax (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1086 — Heinold, Jackman, Hershman (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1101 — Hershman (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning commercial Law.

HB 1102 — Lawson (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1107 — Becker, Lutz (Governmental Affairs and Interstate Cooperation)
A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1127 — Lubbers (Appropriations)
A BILL FOR AN ACT concerning state offices and administration.

HB 1142 — M. Young, Dillon (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1207 — Wyss, Craycraft (Corrections, Criminal, and Civil Matters)
A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1209 — Dillon (Commerce & Transportation)
A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1234 — Dillon, Craycraft (Pensions and Labor)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1238 — Wyss, Craycraft, Becker, Sipes (Homeland Security, Utilities, and Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1249 — Kruse (Governmental Affairs and Interstate Cooperation)
A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1257 — Waltz (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1261 — Lubbers (Appropriations)
A BILL FOR AN ACT to amend the Indiana Code concerning human services.

HB 1280 — Ford, Steele (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1299 — Paul, Lanane (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

HB 1314 — Lawson, Simpson, Dillon, Rogers (Health and Provider Services)
A BILL FOR AN ACT concerning human services.

HB 1327 — Kenley, Simpson (Tax and Fiscal Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1339 — Merritt (Homeland Security, Utilities, and Public Policy)
A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1353 — Bray, Broden (Judiciary)
A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

HB 1380 — Ford, Long (Economic Development and Technology)
A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1392 — Paul (Insurance and Financial Institutions)
A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1418 — Heinold, Landske (Agriculture and Small Business)
A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1040, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1134, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 30

Senate Concurrent Resolution 30, introduced by Senator Landske:

A CONCURRENT RESOLUTION to memorialize and honor Ray Nichols.

Whereas, Ray Nichols was a pioneer of auto racing, beginning his career as a crew chief at the young age of 15;

Whereas, Throughout his career, Ray Nichols won multiple accolades for his engine-building efforts in the 1950s and 1960s, including the Indianapolis 500 Pole Mechanic of the Year in 1957;

Whereas, After over 20 years of experience in racing, Ray and his friend Paul Russo built the famed "Basement Bessie" car that set a series of world speed records;

Whereas, In addition, for the NASCAR Winter Grand Nationals at Daytona in 1957, Ray built a surprise-entry car for Pontiac that won the race;

Whereas, The knowledge that Ray Nichols originated is still fundamental in the building of engines and cars today. Drivers are still familiar with the design ingenuity attributed to Ray Nichols and the significant impact he has had on the racing industry as a whole;

Whereas, Despite his success, Ray always maintained a humble approach to life. In a fitting testament to his character, the annual sportsmanship award at Illiana Speedway in Schererville has been named for the Merrillville resident for several years; and

Whereas, Ray Nichols' life and contributions to racing will be honored at the Living Legends of Auto Racing annual banquet on February 15, 2006, in Daytona Beach, Florida. Bill LaDow's book about Nichols, "Conversations with a Winner," is scheduled for release coinciding with the Living Legends of Auto Racing banquet: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes and honors Ray Nichols for his lifetime achievements. He made tremendous contributions to the racing community and he will be greatly missed.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ray Nichols' wife, Eleanor Nichols, and to the Living Legends of Auto Racing.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Lehe.

1:45 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:14 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 30 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1418.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breau be added as cosponsor of Engrossed House Bill 1209.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as coauthor of Engrossed Senate Bill 301.

FORD

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 146

Senator Gard called up Engrossed Senate Bill 146 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Dvorak.

Engrossed Senate Bill 153

Senator Lawson called up Engrossed Senate Bill 153 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 41, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson, Budak, and Summers.

Engrossed Senate Bill 160

Senator Wyss called up Engrossed Senate Bill 160 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Kuzman.

Engrossed Senate Bill 162

Senator Paul called up Engrossed Senate Bill 162 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders, Hoffman, and Pflum.

Engrossed Senate Bill 173

Senator Lubbers called up Engrossed Senate Bill 173 for third reading:

A BILL FOR AN ACT concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 39, nays 11. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Behning.

Engrossed Senate Bill 192

Senator Bray called up Engrossed Senate Bill 192 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Ayres.

Engrossed Senate Bill 193

Senator Bray called up Engrossed Senate Bill 193 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 115: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley, Bell, and Van Haaften.

Engrossed Senate Bill 194

Senator Hume called up Engrossed Senate Bill 194 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 116: yeas 31, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thompson and Oxley.

The President of the Senate yielded the gavel to Senator Garton.

Engrossed Senate Bill 202

Senator Riegsecker called up Engrossed Senate Bill 202 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 117: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, Budak, and C. Brown.

Engrossed Senate Bill 206

Senator Drozda called up Engrossed Senate Bill 206 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 118: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 217

Senator Broden called up Engrossed Senate Bill 217 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 119: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ripley, Moses, Pond, and Dvorak.

Engrossed Senate Bill 230

Senator Lubbers called up Engrossed Senate Bill 230 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 120: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Behning and Micon.

Engrossed Senate Bill 232

Senator Gard called up Engrossed Senate Bill 232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 121: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Mays.

Engrossed Senate Bill 235

Senator Gard called up Engrossed Senate Bill 235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning

motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 122: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Duncan.

Engrossed Senate Bill 236

Senator Drozda called up Engrossed Senate Bill 236 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 123: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Friend and Turner.

Engrossed Senate Bill 251

Senator Weatherwax called up Engrossed Senate Bill 251 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 124: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Cherry, Buell, and Cochran.

Engrossed Senate Bill 264

Senator Weatherwax called up Engrossed Senate Bill 264 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 125: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan and Mahern.

Engrossed Senate Bill 266

Senator Miller called up Engrossed Senate Bill 266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 126: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

SENATE BILLS ON SECOND READING

Senate Bill 6

Senator Steele called up Senate Bill 6 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 6-1)

Madam President: I move that Senate Bill 6 be amended to read as follows:

Page 7, line 2, delete ":".

Page 7, delete lines 3 through 4.

Page 7, line 5, delete "(2)".

Page 7, run in lines 2 through 5.

Page 7, line 5, delete ":" and insert **"child molesting, or an offense in another jurisdiction that is substantially similar to child molesting, if the person was at least eighteen (18) years of age at the time the person committed the offense and the person:**

(1) has a prior unrelated conviction for child molesting or an offense in another jurisdiction that is substantially similar to child molesting; or

(2) is a sexually violent predator under IC 35-38-1-7.5;".

Page 7, delete lines 6 through 12.

Page 10, line 21, after "location" insert **", if applicable"**.

Page 11, between lines 11 and 12, begin a new paragraph and insert:

SECTION 9. [EFFECTIVE JULY 1, 2006] (a) The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for child molesters. The report must include information relating to:

(1) the expense of lifetime parole and GPS monitoring;

(2) recidivism; and

(3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires November 2, 2010.

SECTION 10. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

(1) ensure that sentencing laws and policies protect the public safety;

(2) establish fairness and uniformity in sentencing laws and policies;

(3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and

(4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

(1) the purposes of the criminal justice and corrections systems;

(2) the availability of sentencing options; and

(3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

(1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:

(A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.

(B) The deterrent effect a particular classification may have on the commission of the offense.

(C) The current incidence of the offense in Indiana.

(D) The rights of the victim.

(2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:

(A) The nature and characteristics of the offense.

(B) The severity of the offense in relation to other offenses.

(C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.

(D) The defendant's number of prior convictions.

(E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.

(F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

(A) standardizing procedures and establishing rules for the supervision of home detainees; and

(B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those

systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based on the following:

(A) A review of existing community corrections programs.

(B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.

(C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.

(D) The identification of necessary changes in state oversight and coordination of community corrections programs.

(E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.

(F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

(A) lifetime parole;

(B) GPS or other electronic monitoring;

(C) a classification system for sex offenders;

(D) recidivism; and

(E) treatment.

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair.

(f) The committee consists of nineteen (19) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The chief justice of the supreme court or the chief justice's designee.

(4) The commissioner of the department of correction or the commissioner's designee.

(5) The director of the Indiana criminal justice institute or the director's designee.

(6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(7) The executive director of the public defender council of Indiana or the executive director's designee.

(8) One (1) person with experience in administering community corrections programs, appointed by the governor.

(9) One (1) person with experience in administering probation programs, appointed by the governor.

(10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to SB 6 as printed January 30, 2006.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Senate Bill 17

Senator Zakas called up Senate Bill 17 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 17-5)

Madam President: I move that Senate Bill 17 be amended to read as follows:

Page 1, line 9, after "road" insert "**for a non-business purpose**". (Reference is to SB 17 as printed January 27, 2006.)

ZAKAS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 35

Senator Long called up Senate Bill 35 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 35-1)

Madam President: I move that Senate Bill 35 be amended to read as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 36-7-4-1109 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1109. (a) As used in this section, "local government agency" includes any agency, officer, board, or commission of a local unit of government that may issue:**

- (1) a permit; or**
- (2) an approval for the construction of a development, a building, or another structure.**

(b) As used in this section, "permit" means any of the following:

- (1) An improvement location permit.**
- (2) A building permit.**
- (3) A certificate of occupancy.**
- (4) Approval of a site-specific development plan.**
- (5) Approval of a primary or secondary plat.**
- (6) Approval of a conditional use, special exception or special use.**
- (7) Approval of a planned unit development.**

(c) If a person files a complete application as required by the effective ordinances or rules of a local government agency for a permit with the appropriate local governmental agency, the granting of the permit is governed by the statutes, ordinances, rules, development standards, and regulations in effect and applicable to the property when the application is filed, even if before the issuance of the permit or while the permit approval process is pending the statutes, ordinances, rules, development standards, or regulations governing the granting of the permit are changed by the general assembly or the applicable local legislative body or regulatory body.

(d) Subsection (e) applies if:

- (1) either:**
 - (A) a local governmental agency issues to a person a permit or grants a person approval for the construction of a development, a building, or another structure; or**
 - (B) a permit or approval is not required from the local governmental agency for the construction of the development, building, or structure;**
- (2) before beginning the construction of the development, building, or structure, the person must obtain a permit or approval for the construction of the development, building, or structure from a state governmental agency; and**
- (3) the person has applied for the permit or requested the approval for the construction of the development, building, or structure from the state governmental agency within ninety (90) days of declaration by the local unit of government that no local permit is required for the construction of the development, building, or structure or**

within ninety (90) days of issuance of the permit by the local governmental agency.

(e) Subject to subsection (f), if the conditions of subsection (d) are satisfied:

- (1) a permit or approval issued or granted to a person by the local governmental agency for the construction of the development, building, or structure; or**
- (2) the person's right to construct the development, building, or structure without a permit or approval from the local governmental agency;**

is governed by the statutes, ordinances, rules, development standards, regulations, and approvals in effect and applicable to the property when the person applies for the permit or requests approval from the state governmental agency for the construction of the development, building, or structure, even if before the commencement of the construction or while the permit application or approval request is pending with the state governmental agency the statutes governing the granting of the permit or approval from the local governmental agency are changed by the general assembly or the ordinances, rules, development standards, or regulations of the local governmental agency are changed by the applicable local legislative body or regulatory body or as the result of annexation, if the municipality performing the annexation has an agreement with the county to enforce its ordinances, rules, development standards, or regulations or if the annexation has occurred with a".

Page 2, delete lines 1 through 41.

Page 2, line 42, delete "of this chapter without the".

Run in page 1, line 1 and page 2, line 42.

Page 2, line 42, delete "consent of an affected" and insert **"agreement between the municipality and the"**.

Page 3, line 1, delete "that has the effect of materially altering the development" and insert **"on the applicable ordinances, rules, development standards, or regulations."**

(f) Subsection (d) does not apply to property when it is demonstrated by the local or state governmental agency that the construction of the development, building, or structure would cause imminent peril to life or property."

Page 3, delete lines 2 through 7.

Renumber all SECTIONS consecutively.

(Reference is to SB 35 as printed January 27, 2006.)

SIMPSON

The Chair ordered a division of the Senate. Yeas 44, nays 4.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 55

Senator Harrison called up Senate Bill 55 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 86

Senator Jackman called up Senate Bill 86 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 86-1)

Madam President: I move that Senate Bill 86 be amended to read

as follows:

Page 2, line 5, after "." insert **"Before adopting a rule with regard to permitting the use of any medication, the commission shall consider the model rules approved by the Association of Racing Commissioners International."**

(Reference is to SB 86 as printed January 27, 2006.)

JACKMAN

Motion prevailed. The bill was ordered engrossed.

Senate Bill 166

Senator Miller called up Senate Bill 166 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 166-2)

Madam President: I move that Senate Bill 166 be amended to read as follows:

Page 3, between lines 24 and 25, begin a new paragraph and insert: **"(e) Notwithstanding IC 25-10-1-14(f), a physical therapist may not perform a manipulation of the spinal column of an individual as described in IC 25-10-1-14(b)."**

(Reference is to SB 166 as printed January 27, 2006.)

ALTING

Motion prevailed.

SENATE MOTION (Amendment 166-4)

Madam President: I move that Engrossed Senate Bill 166 be amended to read as follows:

Page 3, line 40, delete "twelve (12)" and insert **"six (6)"**.

(Reference is to SB 166 as printed January 27, 2006.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 203

Senator Riegsecker called up Senate Bill 203 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 229

Senator Lubbers called up Senate Bill 229 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 229-1)

Madam President: I move that Senate Bill 229 be amended to read as follows:

Page 1, line 9, delete "10" and insert **"7"**.

Page 1, line 11, delete "'consortium program'" and insert **"'department'"**.

Page 1, line 11, after "to" insert **"the department of insurance created by IC 27-1-1-1."**

Page 1, delete lines 12 through 17.

Page 2, delete lines 1 through 3.

Page 2, line 4, delete "6." and insert **"4."**

Page 2, line 12, delete "7." and insert **"5."**

Page 2, line 14, delete "10" and insert **"7"**.

Page 2, line 15, delete "8." and insert **"6."**

Page 2, line 17, delete "members for losses" and insert **"the consortium;"**.

Page 2, delete line 18.

Page 2, line 19, delete "excess" and insert **"stop-loss"**.

Page 2, line 20, after "consortium" insert **"."**.

Page 2, delete lines 21 through 30.

Page 2, line 31, delete "10." and insert **"7. (a)"**.

Page 2, line 32, delete "enter into an agreement" and insert **"establish a trust under Indiana law"**.

Page 2, line 34, after "institutions" insert **"jointly"**.

Page 2, line 34, delete "program" and insert **"self-insurance fund"**.

Page 2, line 35, delete "of joint self-insurance".

Page 2, line 36, delete "excess" and insert **"stop-loss"**.

Page 2, line 36, delete ", including any of the following:" and insert **". The coverage for retained risks or stop-loss insurance coverage provided for through the trust may include any of the following types of coverage:**

- (1) Property and casualty coverage.**
- (2) Worker's compensation coverage.**
- (3) Employee health coverage.**
- (4) Employee vision coverage.**
- (5) Employee dental coverage.**
- (6) Other coverage.**

(b) If the coverage described in subsection (a)(3), (a)(4), or (a)(5) is provided through the self-insurance fund, the coverage must be provided through a multiple employer welfare arrangement regulated under IC 27-1-34."

Page 2, delete lines 37 through 42.

Page 3, delete lines 1 through 5.

Page 3, line 6, delete "11." and insert **"8."**

Page 3, delete lines 9 through 42, begin a new paragraph and insert:

"Sec. 9. A trust created under section 7 of this chapter is subject to regulation by the department as follows:

- (1) The trust be registered with the department.**
- (2) The trust shall:**

- (A) retain a total risk for the self-insurance fund of not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year; and**
- (B) obtain stop-loss insurance issued by an insurer authorized to do business in Indiana to cover losses in excess of the amount retained under clause (A).**

(3) Contributions by the members must be set to fund one hundred percent (100%) of the total risk retained under subdivision (2)(A) plus all other costs of the trust.

(4) The trust shall maintain a fidelity bond in an amount approved by the department, covering each person responsible for the trust, to protect against acts of fraud or dishonesty in servicing the trust.

(5) The trust is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(6) The trust shall, before March 1 of each year, file an annual financial statement in the form required by

IC 27-1-3-13.

(7) The trust is not a member of the Indiana insurance guaranty association under IC 27-6-8. The liability of each member is joint and several.

(8) The trust is subject to examination by the department. The trust shall pay all costs associated with an examination.

(9) The department may deny, suspend, or revoke the registration of the trust if the commissioner finds that the trust:

(A) is in a hazardous financial condition;

(B) refuses to be examined or produce records for examination; or

(C) has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

Sec. 10. The department may adopt rules under IC 4-22-2 to implement this chapter."

Delete pages 4 through 8.

(Reference is to SB 229 as printed January 30, 2006.)

LUBBERS

Motion prevailed. The bill was ordered engrossed.

Senate Bill 270

Senator Miller called up Senate Bill 270 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 270-1)

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 7, between lines 38 and 39, begin a new paragraph and insert: "SECTION 12. IC 12-10-10-4, AS AMENDED BY P.L.246-2005, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) As used in this chapter, "eligible individual" means an individual who:

(1) is a resident of Indiana;

(2) is:

(A) at least sixty (60) years of age; or

(B) disabled;

(3) has assets that do not exceed five hundred thousand dollars (\$500,000), as determined by the division; ~~and~~

(4) qualifies under criteria developed by the board as having an impairment that places the individual at risk of losing the individual's independence, as described in subsection (b); **and**

(5) beginning July 1, 2006, is able to establish that the individual has applied for assistance under the state Medicaid program and the individual:

(A) is waiting for an eligibility determination by the office of the secretary;

(B) has been denied Medicaid coverage by the office of the secretary;

(C) has been determined to be eligible for a Medicaid waiver but has been placed on the waiver's waiting list; or

(D) is receiving services under a Medicaid home and community-based waiver but requires an additional service that is:

(i) not covered under the Medicaid program;

(ii) covered under the program; and

(iii) necessary in order to prevent the placement of the individual in an institution.

(b) For purposes of subsection (a), an individual is at risk of losing the individual's independence if the individual is unable to perform two (2) or more activities of daily living. The use by or on behalf of the individual of any of the following services or devices does not make the individual ineligible for services under this chapter:

(1) Skilled nursing assistance.

(2) Supervised community and home care services, including skilled nursing supervision.

(3) Adaptive medical equipment and devices.

(4) Adaptive nonmedical equipment and devices."

Renumber all SECTIONS consecutively.

(Reference is to SB 270 as printed January 27, 2006.)

MILLER

Motion prevailed.

SENATE MOTION
(Amendment 270-2)

Madam President: I move that Senate Bill 270 be amended to read as follows:

Page 20, delete lines 14 through 22.

Page 26, line 37, delete "; IC 12-14-22-5;" and insert ".".

Page 26, delete line 38.

Renumber all SECTIONS consecutively.

(Reference is to SB 270 as printed January 27, 2006.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Senate Bill 339

Senator Merritt called up Senate Bill 339 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 349

Senator Waltz called up Senate Bill 349 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 359

Senator Hershman called up Senate Bill 359 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 360

Senator Ford called up Senate Bill 360 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senate Bill 361

Senator Ford called up Senate Bill 361 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 361-1)

Madam President: I move that Senate Bill 361 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 3 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 4 and 5, begin a new paragraph and insert: "SECTION 2. IC 9-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "qualified person" means any of the following:

- (1) A motor club that is any of the following:
 - (A) A domestic corporation.
 - (B) A foreign corporation qualified to transact business in Indiana under IC 23-1 or IC 23-17.
- (2) A financial institution (as defined in IC 28-1-1-3).
- (3) A new motor vehicle dealer licensed under IC 9-23-2.
- (4) An insurance producer (as defined in IC 27-1-15.6-2) licensed under IC 27-1-15.6.**
- ~~(4)~~ **(5) Other persons, including persons licensed under IC 9-23-2 that are not covered by subdivision (3), that the commission determines can meet the standards adopted by the commission under IC 9-15-2-1(7) and the requirements for partial service contractors under section 4.5 of this chapter."**

Page 1, line 6, after "(a)" insert **"If a qualified person demonstrates that the qualified person can meet the requirements of this section,"**.

Page 1, line 6, delete "The" and insert "the".

Page 1, line 7, strike "a" and insert **"the"**.

Page 1, line 7, delete ":".

Page 1, line 8, strike "(1)".

Page 1, line 9, delete ";" and insert ".".

Page 1, line 9, strike "or".

Page 1, line 10, strike "(2)".

Page 1, line 10, delete "the provision of".

Page 1, line 10, strike "partial services under section 4.5".

Page 1, strike line 11.

Page 2, line 15, delete "." and insert **"that is reasonably calculated to secure the contractor's performance. The commission may not require the contractor to post a cash bond."**

Page 2, line 18, strike "any" and insert **"annual"**.

Page 2, line 36, after "(a)" insert **"If a qualified person demonstrates that the qualified person can meet the requirements of this section,"**.

Page 2, line 36, delete "The" and insert "the".

Page 2, line 37, before "qualified person to" strike "a" and insert **"the"**.

Page 2, line 37, after "at" strike "a" and insert **"the"**.

Page 3, line 11, delete "." and insert **"that is reasonably calculated to secure the contractor's performance. The commission may not require the contractor to post a cash bond."**

Page 3, line 12, strike "any" and insert **"annual"**.

Page 3, after line 17, begin a new paragraph and insert:

"SECTION 5. IC 9-16-1-5, AS AMENDED BY P.L.210-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Each license branch, ~~full~~ **service provider, or partial services provider** shall collect the service charges prescribed by IC 9-29-3 and deposit the service charges in the

state license branch fund established under IC 9-29-14.

SECTION 6. IC 9-16-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) IC 9-29-3 does not apply to:**

(1) a license branch operated under a contract awarded under section 4 of this chapter; or

(2) a partial services facility operated under section 4.5 of this chapter.

(b) A contractor under section 4 or 4.5 of this chapter may charge and keep any service fees the contractor considers necessary, in the contractor's sole discretion, to operate the license branch or to provide partial services.

(c) Before October 1 of each year, the bureau and the state board of accounts shall determine the actual cost to the state to provide license branch services under this article during the most recently concluded state fiscal year. The state board of accounts shall determine a method to allocate these costs to license branch services on a transaction basis. Before January 1 of the following year, the bureau shall notify all contractors under section 4 or 4.5 of this chapter the amount of the per transaction cost determined under this subsection.

(d) A contractor under section 4 or 4.5 of this chapter shall:

(1) collect as a fee for each transaction processed after December 31 the transaction cost determined under subsection (c); and

(2) pay the money collected under subdivision (1) to the bureau as provided in the contract.

The fee required to be collected under this subsection is in addition to any fees the contractor may charge under subsection (b).

(e) The bureau shall deposit money paid to the bureau under subsection (d) in the motor vehicle highway account.

SECTION 7. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

(Reference is to SB 361 as printed January 27, 2006.)

FORD

Upon request of Senator Rogers the President ordered the roll of the Senate to be called. Roll Call 127: yeas 33, nays 17.

Motion prevailed. The bill was ordered engrossed.

Senate Bill 369

Senator R. Young called up Senate Bill 369 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 369-1)

Madam President: I move that Senate Bill 369 be amended to read as follows:

Page 3, between lines 19 and 20, begin a new line block indented and insert:

"(5) The state department of health."

(Reference is to SB 369 as printed January 30, 2006.)

MILLER

Motion prevailed. The bill was ordered engrossed.

6:04 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 6:25 p.m., with Senator Garton in the Chair.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 128

Senator Lawson called up Engrossed Senate Bill 128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 128: yeas 35, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Richardson, Mahern, and Thomas.

Engrossed Senate Bill 151

Senator Lawson called up Engrossed Senate Bill 151 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 129: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Turner, Budak, and Crawford.

Engrossed Senate Bill 274

Senator Long called up Engrossed Senate Bill 274 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 130: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Torr and Pelath.

Engrossed Senate Bill 283

Senator R. Young called up Engrossed Senate Bill 283 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 131: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Bischoff, Ruppel, and Tincher.

Engrossed Senate Bill 300

Senator Long called up Engrossed Senate Bill 300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 132: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Lawson.

Engrossed Senate Bill 336

Senator Landske called up Engrossed Senate Bill 336 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 133: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ayres, Welch, and Budak.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 336.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as second author of Engrossed Senate Bill 274.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as coauthor of Engrossed Senate Bill 300.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Engrossed Senate Bill 151.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Engrossed Senate Bill 151.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breau be added as coauthor of Engrossed Senate Bill 128.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 284.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Smith be added as coauthor of Engrossed Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 270.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1261.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 236.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Skinner and Lanane be added as coauthors of Engrossed Senate Bill 217.

BRODEN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Engrossed Senate Bill 283.

R. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Skinner and Rogers be added as coauthors of Engrossed Senate Bill 194.

HUME

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller and Riegsecker be added as coauthors of Engrossed Senate Bill 336.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hershman and Zakas be added as coauthors of Senate Bill 229.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 251.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Bill 6.

STEELE

Motion prevailed.

February 1, 2006

Senate 329

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Engrossed Senate Bill 194.

HUME

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bill 1008 and the same is herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 10:30 a.m., Thursday, February 2, 2006.

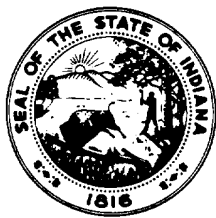
LONG

Motion prevailed.

The Senate adjourned at 7:00 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Fourteenth Meeting Day

Thursday Morning

February 2, 2006

The Senate convened at 10:35 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 134: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 23

Senate Concurrent Resolution 23, introduced by Senator Breaux:

A CONCURRENT RESOLUTION urging all citizens to wear red in recognition of the threat that heart disease poses to women.

Whereas, Heart attack, stroke and other cardiovascular diseases claim the lives of more than half a million women each year, more than the next seven causes of death combined; and

Whereas, In Indiana, over 7,800 women died from heart disease in 2003; and

Whereas, One in four females in the United States have some form of cardiovascular disease; and

Whereas, 1 out of 3 women die from heart disease, stroke and other cardiovascular diseases; and

Whereas, February is designated as American Heart Month; and

Whereas, The American Heart Association's Go Red For Women is a nationwide movement celebrating the energy, passion and power we have as women to band together and wipe out heart disease: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly, in recognition of the importance of empowering women with the knowledge that heart disease is their number one health threat and with the hope that by increasing awareness of the risk factors thousands of lives can be saved each year, encourages all citizens to wear red in recognition of family, friends and neighbors who suffer from heart disease.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to the American Heart Association, Senior Advocacy Director Danielle L. Patterson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Summers, Dickinson, and Mays.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 23.

BREAUX

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1025 and 1029 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1172, 1173, 1176, 1190, 1203, 1212, 1214, 1220, and 1222 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1011, 1028, 1056, 1062, 1080, 1081, 1089, 1097, 1098, 1108, 1110, 1112, 1113, 1117, 1123, 1124, 1128, 1136, 1138, 1140, 1155, 1156, and 1158 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 28

Senate Concurrent Resolution 28, introduced by Senators Becker, Merritt, and Lewis:

A CONCURRENT RESOLUTION recognizing and honoring William Carson for his years of distinguished service to the building industry and to offer congratulations on his retirement.

Whereas, Since graduating from Franklin College in 1961, William Carson has enjoyed a long and successful career in the building industry;

Whereas, After 42 years of service, Mr. Carson retired as Chief Executive Officer of the Indiana Builders Association (IBA) on January 1, 2006;

Whereas, During his career, Mr. Carson helped to enact numerous unique state laws to foster affordable housing in Indiana while serving as the registered lobbyist for housing and as the Chairman of the Board of the Association to Build a Better Indiana (the political action committee of the Indiana Builders Association);

Whereas, Mr. Carson also contributed to building industry publications as the editor of The Indiana Bildor, Indiana's monthly trade newspaper, and the author of "Diary of a Mad Home Builder," "Diary of a Mad Remodeler," and "High Pitches and Other Tall Tales";

Whereas, In addition to his involvement in the building industry, Mr. Carson has also been active in his community. He has served as the Chairman of the Marion County Sheriff's Advisory Board and is also known as a godfather of St. Mary's Child Center; and

Whereas, Mr. Carson's contributions to his profession have been recognized with several awards including the Seldon Hale Award, the nation's highest lifetime achievement honor from the National Association of Home Builders, and the John C. Hart Presidential Award, Indiana's highest housing award. In addition, William Carson has received multiple Sagamore of the Wabash awards in recognition of his contributions to the State: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly hereby recognizes the outstanding career and the many community contributions of William Carson and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to William Carson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Budak, Crouch, Borrer, and Klinker.

SENATE MOTION

Madam President: I move that Senators Alting, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Long, Lubbers, Lutz, Meeks, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 28.

BECKER

Motion prevailed.

ENGROSSED SENATE BILLS
ON THIRD READING

Engrossed Senate Bill 1

Senator M. Young called up Engrossed Senate Bill 1 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 135: yeas 31, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Buck.

Engrossed Senate Bill 24

Senator Jackman called up Engrossed Senate Bill 24 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 136: yeas 32, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer, Bottorff, Cherry, and Kuzman.

12:31 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 1:21 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 23 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 28 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Lanane be added as coauthor of Senate Bill 371.

LUTZ

Motion prevailed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 108

Senator M. Young called up Engrossed Senate Bill 108 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 137: yeas 12, nays 38. The bill was declared defeated.

Engrossed Senate Bill 275

Senator Long called up Engrossed Senate Bill 275 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 138: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Kuzman.

Engrossed Senate Bill 277

Senator Rogers called up Engrossed Senate Bill 277 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 139: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives C. Brown, V. Smith, Ayres, and Stevenson.

Engrossed Senate Bill 284

Senator Wyss called up Engrossed Senate Bill 284 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 140: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

Engrossed Senate Bill 299

Senator Long called up Engrossed Senate Bill 299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 141: yeas 50, nays 0. The bill was declared passed. The

question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Kuzman.

Engrossed Senate Bill 301

Senator Ford called up Engrossed Senate Bill 301 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 142: yeas 21, nays 29. The bill was declared defeated.

Engrossed Senate Bill 303

Senator Kruse called up Engrossed Senate Bill 303 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 143: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, Davis, and Goodin.

Engrossed Senate Bill 305

Senator Rogers called up Engrossed Senate Bill 305 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 144: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Hinkle and Klinker.

Engrossed Senate Bill 308

Senator Simpson called up Engrossed Senate Bill 308 for third reading:

A BILL FOR AN ACT concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 145: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House

sponsors: Representatives T. Brown, Welch, and Tyler.

Engrossed Senate Bill 314

Senator Nugent called up Engrossed Senate Bill 314 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 146: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Friend, Gutwein, Hoffman, and Grubb.

Engrossed Senate Bill 324

Senator Drozda called up Engrossed Senate Bill 324 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 147: yeas 30, nays 19. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Noe and Behning.

Engrossed Senate Bill 332

Senator M. Young called up Engrossed Senate Bill 332 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 148: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 333

Senator Dillon called up Engrossed Senate Bill 333 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 149: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Harris and Crooks.

Engrossed Senate Bill 338

Senator Merritt called up Engrossed Senate Bill 338 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 150: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Frizzell.

Engrossed Senate Bill 340

Senator Wyss called up Engrossed Senate Bill 340 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 151: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Berror and Pflum.

Engrossed Senate Bill 341

Senator Wyss called up Engrossed Senate Bill 341 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 152: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buck and Porter.

Engrossed Senate Bill 345

Senator Meeks called up Engrossed Senate Bill 345 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 153: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Espich.

Engrossed Senate Bill 353

Senator Weatherwax called up Engrossed Senate Bill 353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 154: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Gutwein, Friend, Grubb, and Dvorak.

Engrossed Senate Bill 363

Senator Ford called up Engrossed Senate Bill 363 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 155: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas and Austin.

Engrossed Senate Bill 373

Senator Mishler called up Engrossed Senate Bill 373 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 156: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Foley and Summers.

Engrossed Senate Bill 374

Senator Mishler called up Engrossed Senate Bill 374 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 157: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown, Duncan, Welch, and Summers.

Engrossed Senate Bill 382

Senator Becker called up Engrossed Senate Bill 382 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 158: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Crouch and Hoy.

Engrossed Senate Bill 384

Senator Paul called up Engrossed Senate Bill 384 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 159: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders, Hoffman, and Pflum.

Engrossed Senate Bill 6

Senator Steele called up Engrossed Senate Bill 6 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 160: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Ulmer and Grubb.

Engrossed Senate Bill 17

Senator Zakas called up Engrossed Senate Bill 17 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 161: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Walorski and Ayres.

Engrossed Senate Bill 35

Senator Long called up Engrossed Senate Bill 35 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 162: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins and Moses.

Engrossed Senate Bill 55

Senator Harrison called up Engrossed Senate Bill 55 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 163: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell and Kromkowski.

Engrossed Senate Bill 86

Senator Jackman called up Engrossed Senate Bill 86 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 164: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer, Gutwein, and Robertson.

Engrossed Senate Bill 166

Senator Miller called up Engrossed Senate Bill 166 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 165: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and Austin.

Engrossed Senate Bill 229

Senator Lubbers called up Engrossed Senate Bill 229 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 166: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Turner.

Engrossed Senate Bill 270

Senator Miller called up Engrossed Senate Bill 270 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 167: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives T. Brown and C. Brown.

5:16 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 5:31 p.m., with the President of the Senate in the Chair.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 339

Senator Merritt called up Engrossed Senate Bill 339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 168: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Duncan, Davis, and Goodin.

Engrossed Senate Bill 342

Senator Riegsecker called up Engrossed Senate Bill 342 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 169: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Messer.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 349

Senator Waltz called up Engrossed Senate Bill 349 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance and to make an appropriation.

SENATE MOTION (Amendment 349–2)

Madam President: I move that Engrossed Senate Bill 349 be recommitted to a Committee of One, consisting of Senator Waltz, with specific instruction to amend said bill as follows:

Page 15, line 37, delete "Interest that".

Page 15, delete line 38.

Page 16, delete lines 9 through 25.

Page 16, line 26, delete "Sec. 34." and insert "**Sec. 33.**".

Page 17, line 16, delete "Sec. 35." and insert "**Sec. 34.**".

Page 17, line 18, delete "Sec. 36." and insert "**Sec. 35.**".

Page 17, line 39, delete "Sec. 37." and insert "**Sec. 36.**".

(Reference is to ESB 349 as printed January 30, 2006.)

WALTZ

Motion prevailed.

REPORTS FROM COMMITTEES COMMITTEE REPORT

Madam President: Your Committee on Rules and Legislative Procedure, to which was referred the Motion to recommit Engrossed Senate Bill 349, to a Committee of One, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

GARTON

Motion prevailed.

COMMITTEE REPORT

Madam President: Your Committee of One, to which was referred Engrossed Senate Bill 349, begs leave to report that said Bill has been amended as directed.

WALTZ

Report adopted.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 170: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsor: Representative Burton.

6:00 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 6:23 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Bray be added as coauthor of Engrossed Senate Bill 353.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Engrossed Senate Bill 17.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as coauthor of Engrossed Senate Bill 374.

MISHLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as second author of Engrossed Senate Bill 35.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be removed as coauthor of Engrossed Senate Bill 332.

BOWSER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as second author and Senators Becker and Breaux be added as coauthors of Engrossed Senate Bill 332.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as coauthor of Engrossed Senate Bill 332.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Paul be added as coauthors of Engrossed Senate Bill 314.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane and Lawson be added as coauthors of Engrossed Senate Bill 308.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Breaux and Sipes be added as coauthors of Engrossed Senate Bill 308.

SIMPSON

Motion prevailed.

**ENGROSSED SENATE BILLS
ON THIRD READING**

Engrossed Senate Bill 359

Senator Hershman called up Engrossed Senate Bill 359 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 171: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Messer and Reske.

Engrossed Senate Bill 360

Senator Ford called up Engrossed Senate Bill 360 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 172: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Espich, Noe, and Crawford.

Engrossed Senate Bill 361

Senator Ford called up Engrossed Senate Bill 361 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 173: yeas 28, nays 22. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Saunders, T. Harris, Turner, and Koch.

Engrossed Senate Bill 365

Senator Kenley called up Engrossed Senate Bill 365 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 174: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Buell, Espich, and Crawford.

Engrossed Senate Bill 369

Senator R. Young called up Engrossed Senate Bill 369 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

The bill was read a third time by sections and placed upon its

passage. The question was, Shall the bill pass?

Roll Call 175: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Wolkins, Dvorak, and Thompson.

Engrossed Senate Bill 383

Senator Steele called up Engrossed Senate Bill 383 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 176: yeas 24, nays 25. The bill failed for lack of a constitutional majority.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1006, 1093, 1227, 1232, 1235, 1236, 1239, 1240, 1259, 1266, 1267, 1281, 1285, 1286, 1287, 1300, 1306, 1315, 1318, 1323, 1329, 1331, 1332, 1338, 1344, 1347, 1349, and 1367 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 29 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Miller and Lawson be added as coauthors of Engrossed Senate Bill 365.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as coauthor of Engrossed Senate Bill 365.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as cosponsor of Engrossed House Bill 1086.

HEINOLD

Motion prevailed.

February 2, 2006

Senate 339

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 6, 2006.

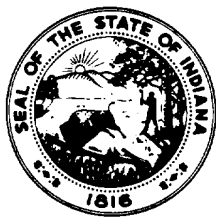
GARTON

Motion prevailed.

The Senate adjourned at 7:32 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Fifteenth Meeting Day

Monday Afternoon

February 6, 2006

The Senate convened at 1:33 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes <input checked="" type="checkbox"/>
Heinold	Skinner
Hershman <input checked="" type="checkbox"/>	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse <input checked="" type="checkbox"/>	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 177: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1006 — Lubbers, Drozda (Education and Career Development)
A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1008 — Meeks (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

HB 1011 — Lawson, Breaux (Elections and Civic Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

HB 1025 — Drozda (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1028 — Nugent, Steele (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning firearms and self-defense.

HB 1056 — Merritt (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1062 — Lawson (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1081 — Becker, Alting (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1089 — Lanane (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1093 — Wyss, Sipes, Garton, Steele (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning school safety.

HB 1097 — Miller (Insurance and Financial Institutions)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1108 — Long (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1110 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1112 — Kenley, Bray (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1113 — Bray (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1117 — Gard (Energy and Environmental Affairs)

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

HB 1123 — Becker, Lawson, Simpson (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

HB 1124 — Drozda, Hershman (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1128 — Wyss (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1136 — Long, Simpson (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning property.

HB 1138 — Weatherwax, Lewis, Dillon (Natural Resources)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1140 — Long, Wyss (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1155 — Long, Becker, Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1158 — Bray, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

HB 1173 — Ford (Economic Development and Technology)

A BILL FOR AN ACT concerning professions and occupations.

HB 1176 — Nugent, Waterman, Delph (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1190 — Weatherwax (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1203 — Bray, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1212 — Ford (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning

local government.

HB 1214 — Long, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1220 — Meeks, Craycraft (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

HB 1222 — Long, Kenley, Zakas, Broden (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1227 — Nugent, Becker, Sipes (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1232 — Bray, Ford (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1235 — Miller, Breaux, Wyss, Sipes (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1236 — Wyss, Alting, Craycraft (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

HB 1239 — Long (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

HB 1240 — Lubbers, Riegsecker (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1259 — Steele, Hume (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

HB 1266 — Ford, Long (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1267 — Harrison (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning employment.

HB 1281 — Lubbers, Broden (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

HB 1285 — Heinold, Weatherwax, Hershman (Energy and Environmental Affairs)

A BILL FOR AN ACT concerning renewable energy.

HB 1286 — Waterman, Lewis, Hume, Merritt (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1287 — Landske (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1306 — Long, Lanane (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

HB 1315 — Landske, Sipes (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1318 — Kruse (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

HB 1323 — Kruse, Heinold (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1329 — Miller (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

HB 1331 — Weatherwax, R. Young (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1332 — Weatherwax (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

HB 1338 — Lubbers (Education and Career Development)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1344 — Becker, Lutz (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT concerning local government.

HB 1367 — Long, Bray (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1368, 1378, 1395, 1396, 1397, 1414, 1415, 1420 and Senate Joint Resolution 3 and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 27

Senate Concurrent Resolution 27, introduced by Senator Nugent:

A CONCURRENT RESOLUTION recognizing the sesquicentennial celebration of the town of Sunman in 2006.

Whereas, In 1856, the town of Sunman was founded in Ripley County in southeastern Indiana;

Whereas, In celebration of the 150th anniversary of its founding, Sunman has planned a variety of events, including a Civil War reenactment and encampment, a queen contest, and a beard judging contest;

Whereas, On September 2, 2006, the celebration will culminate with a flag raising and monument unveiling following the sesquicentennial parade at noon; and

Whereas, Sunman's sesquicentennial celebration has been scheduled to coincide with the Sunman Wine and Fireworks Festival: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The Indiana General Assembly honors the town of Sunman on the one hundred fifty year anniversary of its founding.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Sunman Town Board members Wayne Jenner, John Campbell, and Mike Wolffe.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Duncan.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1040

Senator Kenley called up Engrossed House Bill 1040 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1134

Senator Landske called up Engrossed House Bill 1134 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 7, 2006.

GARTON

Motion prevailed.

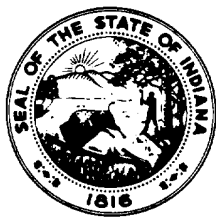
February 6, 2006

Senate 343

The Senate adjourned at 1:46 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Sixteenth Meeting Day

Tuesday Afternoon

February 7, 2006

The Senate convened at 1:54 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda <input checked="" type="checkbox"/>	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 178: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1009 — Dillon, Simpson, Lubbers (Elections and Civic Affairs)
A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly and to make an appropriation.

HB 1029 — Kenley, Simpson, Meeks (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

HB 1080 — Drozda, Delph, Kruse (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1098 — Landske, Rogers, Alting (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

HB 1099 — Weatherwax, Lewis (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1156 — Bray, Breaux (Judiciary)

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

HB 1172 — Drozda, Delph, Craycraft (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1250 — Landske (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

HB 1279 — Hershman, Wyss, Hume (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

HB 1300 — Wyss, Breaux (Commerce & Transportation)

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

HB 1307 — Harrison, Kruse, Craycraft (Pensions and Labor)

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

HB 1347 — Lubbers, Rogers (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning education.

HB 1349 — Weatherwax (Rules and Legislative Procedure)

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

HB 1362 — Delph, Riegsecker (Governmental Affairs and Interstate Cooperation)

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

HB 1368 — Meeks, Hume, Craycraft, Gard (Appropriations)

A BILL FOR AN ACT to amend the Indiana Code concerning

pensions.

HB 1378 — Heinold, Jackman (Agriculture and Small Business)

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

HB 1395 — Miller, Breaux (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning health.

HB 1396 — Merritt (Tax and Fiscal Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning gaming and to make an appropriation.

HB 1397 — Lawson (Ethics)

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

HB 1414 — Delph, Long, Lanane, Simpson (Corrections, Criminal, and Civil Matters)

A BILL FOR AN ACT to amend the Indiana Code concerning human and sexual trafficking.

HB 1415 — Lawson (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

HB 1420 — Gard, M. Young (Health and Provider Services)

A BILL FOR AN ACT to amend the Indiana Code concerning tobacco products.

HJR 3 — Kenley, Lubbers, Meeks, Rogers (Appropriations)

A JOINT RESOLUTION proposing an amendment to Article 8 of the Indiana Constitution concerning education.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1367, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Corrections, Criminal, and Civil Matters.

GARTON

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 32

Senate Concurrent Resolution 32, introduced by Senator Landske:

A CONCURRENT RESOLUTION to congratulate the Lowell High School Football Team on winning the 2005 Class 4A Football State Championship.

Whereas, The Lowell High School Football Team overcame a slow 1-4 start, winning eight straight games to advance to the Class 4A Semistate game;

Whereas, The Red Devils then defeated Fort Wayne South to earn the right to play Indianapolis Roncalli in the Class 4A State

Championship game at the RCA Dome on Saturday, November 26, 2005;

Whereas, In the championship game, the Lowell Red Devils found themselves off to a slow start again, trailing 21-7 at the half. Regrouping at halftime, the Red Devils, who had worked together to overcome adversity numerous times throughout the season, rallied back in the second half;

Whereas, Sparked by a blocked extra point attempt in the third quarter and a momentum changing interception in the fourth quarter, the Lowell Red Devils defeated Roncalli 28-27, becoming the 2005 Class 4A State Champions;

Whereas, This championship marked the first State Championship Title in any sport for Lowell High School and brought the school into the spotlight throughout the state of Indiana; and

Whereas, The members of the Lowell High School Football Team are to be commended for their determination and outstanding achievements during the 2005 season: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Lowell High School Football Team on winning the 2005 Class 4A State Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Superintendent of the Tri-Creek School Corporation, Dr. Alice Neal; Lowell High School Principal, James Koger; and Red Devil Football Coach, Kirk Kennedy.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Kuzman.

Senate Concurrent Resolution 33

Senate Concurrent Resolution 33, introduced by Senator Waltz:

A CONCURRENT RESOLUTION to congratulate Millard Fuller on receiving the first Servant's Heart Award presented by the People Helping People Network.

Whereas, The People Helping People Network is an Indianapolis-based non-profit organization, established by Jeff Cardwell in 2001, to provide an avenue for people in a community to connect and make a positive difference locally;

Whereas, The People Helping People Network awards the Servant's Heart Award to individuals who exemplify the program's philosophy by working to meet the needs of others and making the world a better place;

Whereas, In 1976, Millard Fuller, along with his wife Linda, founded Habitat for Humanity International, a Christian organization established to eliminate substandard housing. Since its

inception, Habitat for Humanity International has built more than 200,000 homes in more than 1,700 U.S. cities and 99 other countries;

Whereas, In 2005, after separating from Habitat for Humanity International, the Fullers formed a new enterprise, The Fuller Center for Housing. This new organization provides funding and other support for Habitat for Humanity affiliates and other organizations working to provide decent housing for people in need worldwide;

Whereas, Millard Fuller has earned many accolades for his work. Professional Builder Magazine named Fuller Builder of the Year in 1995. Then in 1996, President Clinton awarded him the Medal of Freedom. In addition, both the King Center and the State of Georgia granted him the Martin Luther King, Jr. Humanitarian Award. The Fullers have also received the prestigious Harry S. Truman Public Service Award; and

Whereas, On October 14, 2005, the Points of Light Foundation and former President George Bush and Barbara Bush honored the Fullers with the Points of Light Volunteer Award. A plaque honoring the Fullers is positioned on the Extra Mile Pathway, a new national monument adjacent to the White House: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Millard and Linda Fuller on receiving the Servant's Heart Award and commends them for their dedication to providing affordable housing to those in need.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Millard and Linda Fuller and Jeff Cardwell, President of the People Helping People Network.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Frizzell.

Senate Concurrent Resolution 26

Senate Concurrent Resolution 26, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION honoring Steven Kirsh on receiving a 2005 Angels in Adoption award.

Whereas, The Congressional Coalition on Adoption Institute (CCAI) provides an opportunity to all members of the U.S. Congress to honor constituents who have enriched the lives of foster children and orphans. The Angels in Adoption program is CCAI's signature public awareness program, which includes an annual event and gala in Washington, D.C.;

Whereas, Each member of Congress can nominate one constituent for the Angels in Adoption Program. In 2005, more than 190 members of Congress participated, making it the year's single most significant Congressional event pertaining to child welfare in the United States;

Whereas, Steven Kirsh, whose practice is based in Indianapolis, is the only attorney in the state of Indiana who specializes solely in adoption;

Whereas, Mr. Kirsh has worked with Indiana State legislators to conduct a comprehensive review of Indiana's adoption laws and regulations and has made recommendations for changes needed in order to make the process as easy and rewarding as possible for children and families. Mr. Kirsh's expertise and hard work have played an integral role in making Indiana's adoption laws and regulations the benchmark standard and national model for adoption laws across the nation;

Whereas, In addition to his involvement with Indiana adoption matters, Mr. Kirsh has also been very involved in promoting awareness of adoption at the national and international levels. Mr. Kirsh is an active member of the American Academy of Adoption Attorneys, where he has served as President and as a member of the Board of Trustees and currently holds the position of Treasurer. He is also a member of the official United States delegation to the drafting session of the Hague Convention on Inter-Country Adoption; and

Whereas, In recognition of his contributions to the field of adoption, Congressman Dan Burton nominated Steven Kirsh to receive an Angels in Adoption award for 2005: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Steven Kirsh for his dedication and contribution to the field of adoption both in Indiana and on a national and international level and congratulates him on his receipt of the Angels in Adoption award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Steven Kirsh.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Torr and Kuzman.

House Concurrent Resolution 31

House Concurrent Resolution 31, sponsored by Senator Howard:

A CONCURRENT RESOLUTION recognizing the Family Fun Filled Back-to-School Carnival Celebration.

Whereas, Seven years ago Sheryl Wise began the Family Fun Filled Back-to-School Carnival Celebration in partnership with Martindale, Brightwood, and Forest Manor residents, Metropolitan School District of Perry Township, Indianapolis Public Schools, Marion County Sheriff, Indianapolis Police Department, Indiana Minority Business/Magazine, Family Fun Filled, Inc., and the stations of Radio One;

Whereas, The purpose of the program is to encourage parents to participate in their child's educational process, direct families and

kids how to access community resources, bring together community partners through collaborative efforts, and celebrate that "it does take a whole village to raise a child";

Whereas, To encourage parents to participate, children must bring a parent to gain admission;

Whereas, Sheryl Wise knows the value of parents' involvement in their children's education;

Whereas, In Indianapolis Public Schools, 15% of schools have no active parent groups to raise money, chaperone field trips, or lead projects;

Whereas, During the Family Fun Filled Back-to-School Carnival Celebration, educational resources are shared, health and wellness issues are addressed, cultural awareness is highlighted, and carnival rides and activities are available; and

Whereas, The Family Fun Filled Back-to-School Carnival Celebration continues to grow, thanks to the efforts of Founder, Director, and Event Coordinator Sheryl Wise, who has made children her priority: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to thank Sheryl Wise and the Family Fun Filled Back-to-School Carnival Celebration for their efforts to help our youth and their families and for bringing together the churches, schools, and community centers in this effort.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sheryl Wise.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 29

House Concurrent Resolution 29, sponsored by Senator Kruse:

A CONCURRENT RESOLUTION honoring the Monroeville Community Park Board.

Whereas, The Monroeville Community Park Board was recently given the June Curry Trail Angel Award;

Whereas, The Trail Angel Award, named in honor of June Curry, the famous Cookie Lady of Afton, Virginia, refers to a "generous individual or group encountered during a bicycle tour that makes the cyclotourist's journey easier, or in some cases even possible, by helping the cyclist simply as a form of goodwill";

Whereas, Award winners are chosen from nominated individuals or groups who go out of their way to do something special for a

touring cyclist;

Whereas, The selection committee is comprised of the Adventure Cycling staff members and board of directors; and

Whereas, The Monroeville Community Park Board has displayed great kindness to cyclists: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the acts of kindness exhibited by the Monroeville Community Park Board enabling cyclists to enjoy their journeys more.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Monroeville Community Park Board.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1018, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1238, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "unit's" and insert "**units**".

Page 2, line 5, after "necessary" insert "**for the mobile support unit**".

Page 2, line 18, delete "or".

Page 2, line 19, delete "and" and insert "**or**

(H) mental health; and".

Page 3, line 21, after "while" insert "**the employee is**".

(Reference is to HB 1238 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

WYSS, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 30

House Concurrent Resolution 30, sponsored by Senator Landske:

A CONCURRENT RESOLUTION honoring Lowell High School.

Whereas, The Lowell High School Red Devils are the 2005 Class 4A state football champions;

Whereas, Lowell High School fought its way back from a 13-point fourth quarter deficit to defeat three time champ Roncalli High School and win the school's first state championship by a score of 28-27 in the RCA Dome in Indianapolis;

Whereas, The third quarter began with a 70-yard, 15-play drive culminating in a third-and-goal touchdown from the one yard line;

Whereas, Roncalli responded by going 71 yards in nine plays to make it 27-14, but Lowell blocked the extra point;

Whereas, The Red Devils answered with a 65-yard drive to score on a 21-yard pass with 9:12 left in the game;

Whereas, Lowell did not punt in the entire game; perhaps it was this persistence that influenced Roncalli's decision to pass on a third-and-11 from its own 30-yard line with less than eight minutes to play and a six-point lead;

Whereas, Lowell intercepted the pass and scored from the 28-yard line in four plays; and

Whereas, The story of the Lowell High School football team is one of persistence and dedication to a goal that led this team to become one of an elite group of state championship teams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Lowell High School Red Devils on their 11-4 season and on their victory in the Class 4A state football championship and recognizes their dedication and hard work that enabled them to achieve this victory.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the members of the team, head coach Kirk Kennedy, principal Jim Koger, and superintendent Dr. Alice Neal.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate

that the House has passed House Concurrent Resolution 30 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 28 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 31 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1040

Senator Kenley called up Engrossed House Bill 1040 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning general provisions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 179: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1134

Senator Landske called up Engrossed House Bill 1134 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 180: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Garton be removed as cosponsor of Engrossed House Bill 1093.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1150.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as cosponsor of Engrossed House Bill 1007.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1028.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume, Waterman, Waltz, Meeks, Bray, and Hershman be added as cosponsors of Engrossed House Bill 1028.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1001.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 9, 2006.

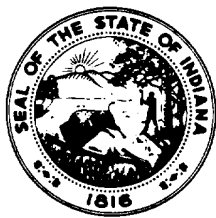
GARTON

Motion prevailed.

The Senate adjourned at 2:38 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



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State of Indiana

114th General Assembly

Second Regular Session

Seventeenth Meeting Day

Thursday Afternoon

February 9, 2006

The Senate convened at 1:30 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Senator Garton yielded the gavel to Senator Zakas.

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
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Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 181: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1101, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said

bill be amended as follows:

Page 4, between lines 11 and 12, begin a new paragraph and insert:

"(d) If a hospital governing board has two (2) physician members under IC 16-22-2-7 or IC 16-22-2-8, only one (1) physician member must be an active member of the medical staff of the hospital or hold a position that is equivalent to being an active member of the medical staff of the hospital."

Page 8, line 13, after "(a)" insert **"to more than one thousand (1,000) consumers"**.

Page 8, line 14, delete "1681a)" and insert **"1681a(p))"**.

Page 10, line 26, delete "any or all" and insert **"either or both"**.

Page 10, delete lines 30 through 34.

(Reference is to HB 1101 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1353, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 24-2-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. This chapter is intended to provide a system of state trademark registration and protection that is consistent with the federal system of trademark registration and protection under the Trademark Act of 1946. A judicial or an administrative interpretation of a provision of the federal Trademark Act may be considered as persuasive authority in construing a provision of this chapter."

Page 1, line 5, delete "If the use of a mark has been discontinued with the" and insert **"The person who owns the mark has discontinued use of the mark and does not intend to resume use of the mark. A person's intent not to resume use of the mark may be inferred from the circumstances."**

Page 1, delete line 6.

Page 1, line 7, delete "resume may be inferred from circumstances."

Page 1, line 9, delete "of abandonment of the mark." and insert **"that the use of the mark has been abandoned."**

Page 1, line 10, delete "If the" and insert **"The"**.

Page 1, line 10, delete "acts of" and insert **"an act or"**.

Page 1, line 10, after "omission" insert **"."**

Page 1, line 11, delete "and commission, causes" and insert **"has caused"**.

Page 5, line 21, delete "set".

Page 5, line 21, strike "forth, but".

Page 5, line 21, delete "is".

Page 5, line 21, strike "not limited to," and insert "**include**".
 Page 5, line 33, after "on" insert "**or in connection with**".
 Page 5, line 33, delete "and the" and insert ";".
 Page 5, line 34, delete "goods or services used".
 Page 5, line 34, strike "in connection with".
 Page 5, line 34, strike "the mark;".
 Page 6, line 34, delete "by" and insert "**under**".
 Page 7, line 31, delete "or reasons".
 Page 7, line 33, delete "or reasons".
 Page 7, line 37, delete "application must be reexamined." and insert "**secretary shall reexamine the application**".
 Page 7, line 41, after "which time" insert "**the secretary shall consider**".
 Page 7, line 42, delete "is considered to be abandoned." and insert "**to have been withdrawn**".
 Page 8, line 1, delete "finally refuses" and insert "**issues a final order refusing the**".
 Page 8, line 2, delete "seek a writ of mandamus" and insert "**bring a civil action in a court with jurisdiction**".
 Page 8, line 3, delete "writ" and insert "**court**".
 Page 8, line 3, delete "be granted" and insert "**order the secretary to register a mark**".
 Page 8, line 3, after "secretary" insert ",".
 Page 8, line 6, after "If" insert "**two (2) or more**".
 Page 8, line 40, after "on" insert "**or in connection with**".
 Page 8, delete lines 41 through 42.
 Page 9, line 1, delete "(5)" and insert "**(4)**".
 Page 9, line 2, delete "(6)" and insert "**(5)**".
 Page 9, line 3, delete "(7)" and insert "**(6)**".
 Page 11, line 36, delete "registered" and insert "**filed**".
 Page 15, line 13, after "mark" insert ",".
 Page 15, line 13, after "and" insert "**to**".
 Page 17, line 12, delete "in mandamus".
 Page 17, delete lines 14 through 15.
 Page 17, line 16, delete "(c)" and insert "**(b)**".
 Page 17, line 22, delete "(d)" and insert "**(c)**".
 (Reference is to HB 1353 as reprinted January 24, 2006.)
 and when so amended that said bill do pass.
 Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1150, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, delete lines 39 through 42, begin a new paragraph and insert:

"SECTION 3. IC 9-18-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, a vehicle required to be registered under this chapter may not be used or operated upon the highways if the motor vehicle displays any of the following:

- (1) A registration number belonging to any other vehicle.
- (2) A fictitious registration number.

(3) A sign or placard bearing the words "license applied for" or "in transit" or other similar signs.
 (b) Any other number may be displayed for any lawful purpose upon a:
 (1) motor vehicle;
 (2) trailer;
 (3) semitrailer; or
 (4) recreational vehicle;
 in addition to the license plates issued by the bureau under this chapter.

(c) After December 31, 2007, if a vehicle is registered as an antique motor vehicle under IC 9-18-12, an authentic Indiana license plate from the antique vehicle's model year may be displayed on the vehicle under IC 9-18-12-2.5.

SECTION 4. IC 9-18-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) An antique motor vehicle must be registered annually.

(b) The bureau may adopt a:
 (1) registration form; and
 (2) certificate of registration;
 to implement this chapter.

(c) After December 31, 2007, a person who:
(1) registers an antique motor vehicle under this chapter; and
(2) wishes to display on the antique motor vehicle an authentic license plate from the model year of the antique motor vehicle under section 2.5 of this chapter;
must pay the required fee under IC 9-29-5-32.5.

SECTION 5. IC 9-18-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) **Except as provided in section 2.5 of this chapter**, the bureau shall issue one (1) license plate to the person who owns an antique motor vehicle that is registered under this chapter.

(b) A license plate for an antique motor vehicle shall be:
 (1) manufactured of embossed steel; and
 (2) painted a cream color.
 (c) The lettering imprinted on a license plate issued under this chapter shall:
 (1) be painted in red;
 (2) contain:
 (A) the registration number assigned to the registration certificate by the bureau; and
 (B) the words "Historic Motor Vehicle, State of Indiana"; and
 (3) indicate the year for which the antique motor vehicle has been registered.

(d) Instead of issuing a new license plate each time that an antique motor vehicle is registered, the bureau may issue to the person who owns the antique motor vehicle a tag or sticker that indicates the year for which the motor vehicle has been registered.

(e) A license plate issued under this chapter shall be securely attached to the rear of an antique motor vehicle.

SECTION 6. IC 9-18-12-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. (a) After December 31, 2007, a person who registers an antique motor vehicle under this chapter may:**

(1) furnish; and
 (2) display on the antique motor vehicle;
 an Indiana license plate from the model year of the antique motor vehicle.

(b) A license plate furnished and displayed under this section must be an authentic license plate from the model year of the antique motor vehicle.

(c) Before a license plate is mounted on an antique motor vehicle under this section, the license plate must be inspected by the bureau to determine whether the license plate:

- (1) complies with this section;
- (2) is in suitable condition to be displayed; and
- (3) bears a unique plate number at the time of the registration of the antique motor vehicle.

The bureau may prohibit the display of an authentic license plate under this section if the authentic license plate is not in conformance with this subsection.

(d) If an Indiana license plate from the model year of the antique motor vehicle is displayed on a motor vehicle registered as an antique motor vehicle under this chapter, the current certificate of registration of the antique motor vehicle shall be:

- (1) kept at all times in the vehicle; and
- (2) made available for inspection upon the demand of a law enforcement officer.

Notwithstanding IC 9-18-2-21, this subsection is not satisfied by keeping a reproduction of the certificate of registration in the vehicle or making a reproduction of the certificate of registration available for inspection.

(e) The fee to register and display an authentic license plate from the model year of an antique motor vehicle is as provided in IC 9-29-5-32.5.

SECTION 7. IC 9-29-5-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. **Except as provided in IC 9-29-12-2.5(e) and section 32.5 of this chapter**, the registration fee for an antique motor vehicle under IC 9-18-12 is twelve dollars (\$12).

SECTION 8. IC 9-29-5-32.5, AS ADDED BY P.L.233-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32.5. The fee for a personalized license plate under IC 9-18-15 **or for the registration and display of an authentic license plate for the model year of an antique motor vehicle under IC 9-18-12-2.5** is as follows:

- (1) The applicable excise tax imposed under IC 6-6-5.
- (2) The regular vehicle registration fee imposed under this chapter.
- (3) A state fee of seven dollars (\$7) for the motor vehicle highway account established under IC 8-14-1.
- (4) A service charge of thirty dollars (\$30) for the state license branch fund established by IC 9-29-14-1."

Delete pages 5 through 7.

(Reference is to HB 1150 as reprinted January 18, 2006.)
 and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1249, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1076, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1103, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1013, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 1.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1049, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1207, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1107, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1140, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Tax and Fiscal Policy.

GARTON

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1347, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Education and Career Development.

GARTON

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 16

Senate Concurrent Resolution 16, introduced by Senators Garton and R. Young.

A CONCURRENT RESOLUTION to congratulate Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame.

Whereas, Sam Simmermaker and his wife, Fran, arrived in

Columbus, Indiana in December 1959 for what they believed would be a brief stop on a career path that was headed toward St. Louis;

Whereas, As a life-long St. Louis Cardinals baseball fan, Sam Simmermaker's goal was to one day be the club's sportscaster;

Whereas, Forty-seven years later, Sam Simmermaker's career path has instead made him a legendary sportscaster throughout the listening areas of the WCSI/WKKG radio stations, and specifically in Columbus;

Whereas, Sam Simmermaker has been the voice of the Columbus High School Bull Dogs Basketball Team, beginning with their powerhouse days in the 1960's and continuing through the present;

Whereas, Although high school basketball has seen many changes over the years, Sam has preserved his style, displaying an innate ability to paint a picture for fans when calling play-by-play action and incorporating his knowledge of the community while always maintaining a professional nature;

Whereas, Throughout his long career, Sam has received numerous awards including, the National Sportscasters and Sportswriters Association Indiana Sportscaster of the Year Award in 1976 and 1977 and induction into the Indiana Sportswriters and Sportscasters Hall of Fame in 1998;

Whereas, In 2006, Sam's dedication to the profession of sportscasting is once again being recognized as he is inducted into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner. This award is given to a person who makes a significant contribution to Indiana basketball in a role other than as a player or coach; and

Whereas, The City of Columbus is grateful to have this sports legend and friend as a long-time member of the community: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly honors Sam Simmermaker on his induction into the Indiana Basketball Hall of Fame as the St. Vincent Silver Medalist Winner.

SECTION 2. That the Indiana General Assembly congratulates Sam Simmermaker on a long and prosperous career in the sportscasting profession and recognizes his accomplishments and contributions to the Columbus, Indiana community.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Mr. Sam Simmermaker and family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representatives Yount, Messer, and Koch.

Senate Resolution 7

Senate Resolution 7, introduced by Senator Kenley:

A SENATE RESOLUTION to recognize the success of the Indiana/World Skating Academy and the accomplishments of its students in 2006 National Figure Skating Competition.

Whereas, The Indiana/World Skating Academy, located at the Pan American Plaza in Indianapolis, is one of the best facilities in the world for training to compete in ice sports;

Whereas, Students have year-round access to state of the art training facilities to develop their skills both on and off the ice under the direction of national and world class coaches;

Whereas, Several of the students who have been training for figure skating competition at the Indiana/World Skating Academy qualified to compete at the 2006 Junior Nationals held in Westminster, Colorado, on December 1-6;

Whereas, Cassie Andrews, Nicholas Anderson, Carly Powers, and David Powers, coached by former national Russian figure skating team members Serguei and Elena Zaitsev, qualified to compete in the Juvenile Pairs competition at the National Championships;

Whereas, Each of the pairs gave an outstanding performance with Carly and David placing 6th overall and Cassie and Nicholas capturing the Juvenile Pairs National Championship Title;

Whereas, In addition to competing in the Juvenile Pairs competition, Cassie Andrews also qualified for the Juvenile Ladies division where she finished 12th in the nation;

Whereas, In her first year of competition as a Senior Lady, Abigail Legg qualified to compete in the State Farm U.S. Figure Skating Championships in St. Louis, Missouri, from January 7-15, 2006. With the direction and encouragement of her coach, Pieter Kollen, Abigail skated to a 16th place overall finish in national competition; and

Whereas, Cassie, Nicholas, Carly, David, Abigail, and their coaches are to be commended for their hard work and success achieved in national competition. Each is an outstanding representative of the state of Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate recognizes the figure skaters and coaches from the Indiana/World Skating Academy and congratulates them on their accomplishments at the 2006 National Championships in figure skating.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Serguei Zaitsev, Elena Zaitsev, Pieter Kollen, Cassie Andrews, Nicholas Anderson, Carly Powers, David Powers, and Abigail Legg.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senator Mishler be added as cosponsor of Engrossed House Bill 1142.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1101.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Craycraft and Becker be added as cosponsors of Engrossed House Bill 1150.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as cosponsor of Engrossed House Bill 1249.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1013.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1280.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be removed as sponsor of Engrossed House Bill 1172 and that Senator Miller be substituted therefor.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second sponsor of Engrossed House Bill 1172.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Drozda and M. Young be added as cosponsors of Engrossed House Bill 1234.

DILLON

Motion prevailed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 33

House Concurrent Resolution 33, sponsored by Senators Howard and Breaux:

A CONCURRENT RESOLUTION memorializing Coretta Scott King.

Whereas, Coretta Scott King died on January 31, 2006, at the age of 78;

Whereas, Coretta Scott King had been in failing health for several years following a stroke;

Whereas, Coretta Scott King first gained widespread recognition as the wife of the Reverend Dr. Martin Luther King, Jr.;

Whereas, Coretta Scott King, however, was a tireless advocate for social and political issues in her own right;

Whereas, Coretta Scott King was born into poverty in Heiberger, Alabama, on April 27, 1927, one of three children;

Whereas, Coretta Scott King spent her childhood on her parents' farm in Heiberger, which had been in the family since the Civil War;

Whereas, The Scotts were so hard hit during the Depression that the children picked cotton to help earn money;

Whereas, Coretta Scott King's father, Obediah Scott, was the first black person in the district to own a truck and open a country store;

Whereas, As a young child, Coretta Scott King walked five miles each day to attend the one-room Crossroads School;

Whereas, When she was older, Coretta Scott King studied at Lincoln High School in Marion, Alabama, nine miles away; because this was too far to walk, her mother hired a bus and drove all the black students in the area to and from school;

Whereas, Coretta Scott King was an intelligent, hardworking student who did well in her schoolwork and was at the top of her class when she graduated in 1945;

Whereas, After graduation from high school, she enrolled at Antioch College, Ohio, where her sister Edythe had been the first full-time black student to live on campus;

Whereas, While at Antioch College, Coretta Scott King majored in music and education and took part in a work-study program, acting as a camp counselor, library assistant, and nursery school attendant;

Whereas, Upon graduation in 1951, Coretta Scott King decided to become a professional singer and was accepted by the New England Conservatory of Music in Boston;

Whereas, It was while she was studying at the conservatory she met Martin Luther King, Jr., also a student in Boston at the time; they were married in 1953 and had three children, Martin Luther III, Dexter, and Bernice;

Whereas, When Coretta Scott King graduated from the conservatory, the Kings moved to Montgomery, Alabama, and Martin Luther King, Jr. began his work as a minister;

Whereas, As the wife of a man committed to civil rights, Coretta Scott King did not have the normally quiet life of a minister's wife;

Whereas, With Martin Luther King's increased involvement in the civil rights movement came danger for the King family;

Whereas, The Montgomery bus boycott brought danger home in a terrifying way - the King house was bombed in 1956;

Whereas, Coretta Scott King was a full partner in her husband's work, walking beside him in marches, traveling abroad with him, and giving speeches when he was unable to do so;

Whereas, The threats to Martin Luther King were eventually carried out when, in Memphis, Tennessee, in 1968, he was assassinated;

Whereas, Coretta Scott King carried on with her husband's work when, just four days after his death, she led a march of 50,000 people through the streets of Memphis and took his place in the Poor People's March to Washington;

Whereas, Throughout her life, Coretta Scott King participated in the movement to secure equal rights and justice for all, including having a special audience with the Pope and preaching at St. Paul's Cathedral in London, probably the first woman ever to do so; but her greatest concern was the Martin Luther King Jr. Center for Nonviolent Social Change;

Whereas, Coretta Scott King worked tirelessly to raise funds for the center, which now covers three full blocks and houses a library and archives of the civil rights movement;

Whereas, Throughout her life, Coretta Scott King spoke out against injustice, especially racial injustice, and worked to ensure that her husband's dream of fairness and equality could come true: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes the life and accomplishments of a woman who spoke for justice and equality throughout her life. Coretta Scott King faced danger and did not flinch. She spoke out against injustice wherever she saw it. Coretta Scott King will live on in the hearts and minds of people everywhere.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the curator of the Martin Luther King, Jr. Center for Nonviolent Social Change.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 13

Senate Concurrent Resolution 13, introduced by Senator Wyss:

A CONCURRENT RESOLUTION recognizing the Brant family and the Indiana Oxygen Company.

Whereas, Eight years after the commercial production of oxygen began in the United States in 1907, the Indiana Oxygen Company became one of the first producers of the gas in central Indiana;

Whereas, Formed in 1915 by Walter and John Brant, the Indiana Oxygen Company remains a family-run operation and is currently guided by Walter L. Brant II;

Whereas, In 2005, the company received the prestigious "Entrepreneur of the Year" award for its entrepreneurial innovations;

Whereas, Through the guidance of the Brant family, the company has become a leader in the welding gas field and manufactures, sells, and distributes industrial gases, laboratory gases, medical gases, and welding supplies;

Whereas, The company is active in Indiana's growing life science initiative as a supplier to Indiana's medical laboratories, manufacturers, and research facilities;

Whereas, In 1911, the year of the first Indianapolis 500 race, Walter and John Brant, owners of the Indianapolis-based Lozier car agency and future company founders, sponsored two cars in the race;

Whereas, One of the cars, driven by Ralph Mulford, was first runner-up to the Marmon Wasp driven by winner Ray Harroun;

Whereas, After founding the company in 1915, the Brants continued their interest in racing, serving on Otis Porter's technical scoring staff and assisting with timing and pit stop data;

Whereas, The methods and technical procedures of inflating race

car tires with Indiana Oxygen compressed air became a subject of particular interest to the racing teams primarily because the use of compressed air decreased pit times;

Whereas, A short time later, as more sophisticated methods of manufacturing became known, Indiana Oxygen began to play a significant role in the development of advanced technologies through its production of nitrogen gas, the first gas substituted for compressed air for inflating tires in the late 1920s by Firestone;

Whereas, Indiana Oxygen, seeking new uses for gas, pioneered the use of nitrogen for refueling under pressure;

Whereas, From 1937 to 1964, when pressurized refueling was eliminated from the race, Indiana Oxygen continued to provide gases and welding services to the race teams;

Whereas, The Indiana Oxygen Company is statewide with a main headquarters, eight branch locations, 40 distributors, and customers in every state; and

Whereas, Indiana Oxygen has been keeping up with changing business techniques; currently 30% of its sales comes from the Internet: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly acknowledges the contributions the Brant family has made to the economic welfare of our state.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Walter L. Brant II, president of the Indiana Oxygen Company.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Noe.

Senate Concurrent Resolution 29

Senate Concurrent Resolution 29, introduced by Senator Paul:

A CONCURRENT RESOLUTION congratulating Earlham College's Dr. John Iverson for being named the 2005 Indiana Professor of the Year by the Carnegie Foundation for the Advancement of Teaching.

Whereas, The Carnegie Foundation for the Advancement of Teaching and the International Council for Advancement and Support of Education (CASE) have sponsored the Professor of the Year Program to recognize outstanding college and university professors from across the country since 1981;

Whereas, While the Carnegie Foundation accepts nominations of professors from four categories of institutions—community colleges, research universities, and institutions that grant bachelors and

masters degrees—each year, the Professor of the Year Program honors only one professor for each state;

Whereas, Nominees are assessed based on their impact on and involvement with undergraduate students, their scholarly approach to teaching and learning, their contributions to undergraduate education, and testimony from colleagues and current and former students;

Whereas, Dr. John Iverson is a Professor of Biology and Director of the Joseph Moore Museum of Natural History at Earlham College in Richmond, Indiana, where he has been a member of the faculty since 1978;

Whereas, To encourage students to become actively involved in the process of science, Dr. Iverson invites students to accompany him to his three long-term study sites. He attributes his success with students to "maintaining an active, hands-on, year-round research program that involves as many students as possible";

Whereas, Dr. Iverson sees himself as an "assistant in learning" and emphasizes collaboration in order to "learn more and teach better than we possibly could alone." Undergraduate students co-authored more than 40 of the approximately 150 scientific papers he has had published while at Earlham;

Whereas, As one of the world's leading herpetologists, specializing in the study of turtles and iguanas and their respective ecologies, Dr. Iverson has been instrumental, not only in continuing, but also enhancing Earlham's reputation for excellence in the natural sciences;

Whereas, Roughly one-fifth of Earlham's graduates have majored in biology. In addition, Earlham ranks eighth nationally—between Johns Hopkins and the Massachusetts Institute of Technology—in the percentage of its biology majors who have since gone on to earn a Ph.D. in the field; and

Whereas, More than 400 professors from various institutions in 40 states were nominated for consideration by the Carnegie Foundation judges. Dr. John Iverson was recognized as the Indiana Professor of the Year in a ceremony in Washington, D.C. on November 17, 2005: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Dr. John Iverson for being recognized as the 2005 Indiana Professor of the Year.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Earlham College President, Douglas Bennett, Independent Colleges of Indiana President, Hans Giesecke, and Dr. John Iverson.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Pflum, Saunders, and Hoffman.

House Concurrent Resolution 18

House Concurrent Resolution 18, sponsored by Senator Mishler:

A CONCURRENT RESOLUTION congratulating Jimtown High School on the occasion of its victory in the Class 2A state football championship.

Whereas, The Jimtown High School football season ended with one final victory over North Posey, earning the team a Class 2A state football championship;

Whereas, Patience, persistence, and a pair of interceptions helped the Jimtown High School team break open what had been a close game for a 35-7 victory over North Posey for the Class 2A state championship;

Whereas, In addition to this year's victory, the Jimtown football program claimed a Class A title in 1991 and Class 2A titles in 1997 and 1998;

Whereas, The Jimmies were lead by sophomore Ryan Konrath who rushed for 63 yards and two touchdowns, senior Ross Bauman who had a 55-yard punt return, and junior Brian DeShone who had a 76-yard interception for a score; and

Whereas, The Jimmies' 14-1 season is a prime example of hard work and dedication to a goal that can be seen throughout the athletic programs and classrooms of Indiana schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Jimtown High School on an excellent football season that ended with its victory in the Class 2A state football championship and wishes team members continued success in the years ahead.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members, head coach Bill Sharpe, and principal Nate Dean.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 19

House Concurrent Resolution 19, sponsored by Senator Mishler:

A CONCURRENT RESOLUTION honoring the NorthWood High

School football team.

Whereas, NorthWood High School is the 2005 Class 3A state football champion;

Whereas, NorthWood High School became the first team with six losses in the history of the Indiana High School Athletic Association tournament series to win a state championship with its 7-0 win over Indianapolis Bishop Chatard, marking the first time Bishop Chatard had been held scoreless since 2001;

Whereas, The 2005 state championship title is the first for the NorthWood Panthers in their six appearances at the RCA Dome and the school's second state championship in any sport;

Whereas, The victory was the first over Bishop Chatard after three previous championship game meetings;

Whereas, The championship game's only score came when NorthWood freshman quarterback Skyler Titus threw to junior Brant Ehret for a 10-yard touchdown, capping a nine play, 47-yard drive that included two key third down conversions;

Whereas, In the third quarter, NorthWood held Bishop Chatard to only 11 offensive yards on four plays from scrimmage; and

Whereas, Hard work and dedication helped the NorthWood Panthers become state champions, and these attributes will continue to help these talented young people throughout their lives: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the NorthWood High School Panthers on their outstanding season culminating in the Class 3A state football championship and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to team members, head coach Rich Dodson, principal Louis Bonacorsi, and superintendent Joe Sabo.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 32 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 26, 27, 32, and 33 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 33 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Lubbers and Merritt be added as coauthors of Senate Concurrent Resolution 13.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Concurrent Resolution 13.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1062.

LAWSON

Motion prevailed.

2:21 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:33 p.m., with Senator Zakas in the Chair.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman,

Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of House Concurrent Resolution 33.

HOWARD

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Engrossed House Bill 1028, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Corrections, Criminal, and Civil Matters.

GARTON

Report adopted.

2:35 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:40 p.m., with Senator Zakas in the Chair.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 18

Senate Concurrent Resolution 18, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana Congressional Delegation to support legislation calling for federal approval to extend the Lewis and Clark National Historic Trail.

Whereas, The Lewis and Clark Expedition is about President Thomas Jefferson's dream, the planning and preparation required for an early 19th-century military expedition, and then finally about the journey itself; and

Whereas, The Lewis and Clark Expedition met at Clarksville, Indiana and stayed with George Rogers Clark who was the Brother of William Clark; and

Whereas, Clarksville, Indiana was one of the bases of formation and the site of their beginning of the Expedition; and

Whereas, Members of the Indiana Congressional Delegation have supported and been the primary sponsors of legislation before Congress which would have amended the National Trails System Act by extending the Lewis and Clark National Historic Trail to include additional sites associated with the preparation or the return phase of the expedition; and

Whereas, Members of the Indiana Congressional Delegation will

introduce legislation calling for a feasibility study on extending the Lewis and Clark National Historic Trail to the East; and

Whereas, The Lewis and Clark Trail Heritage Foundation supports recognition of a continuous trail across the country on the National Park Service's official trail map and the right to post the official trail signs – Two Captains Pointing the Way – which are posted throughout the West; and

Whereas, The extension of the Lewis and Clark National Historic Trail from coast to coast would complete the story and expose a broader base of Americans to the educational and cultural aspects of the expedition; and

Whereas, The Lewis and Clark Trail Heritage Foundation believes that the status quo does not adequately recognize Monticello, the home of Thomas Jefferson where he dreamed his vision for America; Washington, D.C., where he shared his dream with Meriwether Lewis; or a variety of other significant places throughout the Eastern Legacy states; and

Whereas, The Lewis and Clark Trail Heritage Foundation partners with the National Park Service, the Bureau of Land Management and the Forest Service in caring for the Lewis and Clark National Historic Trail and also supports scholarships, educational efforts, and research on the expedition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly hereby supports and urges the Indiana Congressional Delegation to support legislation calling for federal approval to extend the Lewis and Clark National Historic Trail.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to each member of the Indiana Congressional Delegation.

The resolution was read in full and referred to the Committee on Natural Resources.

Senate Concurrent Resolution 25

Senate Concurrent Resolution 25, introduced by Senators Hershman and Heinold:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

Whereas, Scott A. Patrick was born September 12, 1975, to Ron and Sandy Patrick;

Whereas, Scott grew up in the Wheatfield area and graduated from Kankakee Valley High School with an academic honors

diploma;

Whereas, Scott then attended the University of Southern Indiana (USI) on an academic and carpenter's scholarship;

Whereas, While attending USI, Scott was a founding member of the Alpha Sigma Phi fraternity and excelled in sports as a starter for the rugby team and a participant in the intramural program;

Whereas, While attending USI, Scott met Melissa Clark, whom he married in July 2000;

Whereas, In January 2000, Scott began his career as an Indiana State Police Trooper, starting at the academy on January 23 and graduating on June 23;

Whereas, Upon graduation, Scott was assigned to the Lowell Post and he and Melissa moved to Valparaiso. Scott loved his job and strove to be the best trooper he could be;

Whereas, Scott was very committed to his family. Just prior to his death, Scott had learned that he was going to become a father and he beamed with pride every time someone mentioned fatherhood;

Whereas, Scott's child will never know the wonderful man who was his father because Scott gave his life protecting the citizens of Indiana; and

Whereas, Scott was a unique individual who touched the lives of everyone he came in contact with and his death leaves an enormous void in the lives of many people: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly wishes to express its deepest sympathy to the family of Trooper Scott A. Patrick and urges the Indiana Department of Transportation to rename State Road 10 between Wheatfield and Demotte in honor of Trooper Scott A. Patrick.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Scott's wife, Melissa; his parents, Ron and Sandy; his brothers, Jamie and Sean; and his sister, Dawn.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

Senate Concurrent Resolution 31

Senate Concurrent Resolution 31, introduced by Senators Landske and Rogers:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to study issues pertaining to the well-being of Hoosier children.

Whereas, More Indiana families struggle to pay for basic necessities than the poverty level indicates. In 2004, 4 in 10 Hoosier children and their families had incomes below the Indiana Self-Sufficiency Standard that defines the amount needed to meet a family's basic budget needs;

Whereas, Every Hoosier child will benefit from:

- (1) responsible and caring adult supervision;*
- (2) adequate nutrition;*
- (3) access to adequate clothing;*
- (4) access to affordable basic health care services;*
- (5) safe and nurturing child care;*
- (6) a safe and healthy home;*
- (7) educational opportunities that meet their individual needs;*
- (8) the opportunity to explore a broad range of career options; and*

Whereas, Review by an interim study committee would help ensure that children's needs are prioritized and addressed in an effective and efficient manner. It would also call attention to the roles that a wide array of public and private parties can play in helping to advance the futures of Hoosier children: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the importance of ensuring the well-being of Hoosier children.

SECTION 2. That the issues to be studied by the committee, if established, include, but are not limited to the following:

- (1) The determination of current and projected status across a broad range of basic needs (e.g., food, shelter, education, personal safety, and healthcare);*
- (2) A delineation of social, economic, and financial costs—both public and private, associated with the most serious needs identified;*
- (3) The development of policy recommendations for consideration by the General Assembly; and*
- (4) Any other issues pertaining to the well-being of Hoosier Children as determined necessary by the committee.*

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 9

Senate Resolution 9, introduced by Senator Kruse:

A SENATE RESOLUTION to encourage the development and application of a progressive molecular dissociation process, which

uses materials that might otherwise be classified as wastes, as feedstocks for manufacturing hydrogen and other primary industrial products in Indiana to:

- (a) support other manufacturing, business development, and environmental progress in Indiana; and
- (b) urge cooperation and guidance from:
 - (1) the Departments of Agriculture, Environmental Management, Health, Homeland Security, Labor, Natural Resources, Transportation, and Workforce Development;
 - (2) the Indiana Economic Development Commission, the Indiana Energy Group and the State Chemist; and
 - (3) other departments, offices, agencies and commissions that can help secure the economic, environmental, and strategic benefits that will be enabled.

Whereas, The Indiana Senate, recognizing:

- *the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and*
- *the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the State of Indiana and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to:*
- *foster and promote the general welfare,*
- *create and maintain conditions under which man and nature can exist in productive harmony, and*
- *fulfill the social, economic, and other requirements of present and future generations of Americans; and*

Whereas, In 2003, more than one billion pounds of production-related waste was managed in Indiana; and

Whereas, Progressive molecular dissociation offers a means of manufacturing important industrial products using waste and secondary materials instead of primary fossil fuels and virgin materials as feedstocks; and

Whereas, Progressive molecular dissociation is not incineration, but an extremely high temperature thermal process coupled with an intense ionized plasma stream which is capable of reducing any feedstock material to its most basic elemental form; and

Whereas, Progressive molecular dissociation can reduce the environmental impact and costs for businesses and taxpayers in Indiana; and

Whereas, Progressive molecular dissociation can create new research, business development, educational, and career opportunities for Hoosiers: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate urges the cooperation of all state departments, agencies, offices, and commissions to assist any applicant desiring to locate a progressive dissociation facility in Indiana for the purposes of using materials, which would otherwise be regarded as wastes, as manufacturing feedstocks.

SECTION 2. State organizations are encouraged to meet with prospective applicants, federal government representatives, and representatives of Discovery Park at Purdue University Centers for Advanced Manufacturing, Energy, the Environment, and Nanotechnology to facilitate an understanding of the regulatory requirements and processes and to educate local governments and the Indiana citizenry on the relative benefits of progressive molecular dissociation compared to current alternate practices.

SECTION 3. Departments and agencies are encouraged to carry out, in a timely and expeditious manner, all requests for collaboration with federal departments and agencies, local governments and solid waste management districts, letters of concurrence, waivers or permit applications for such facilities.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Department of Agriculture Director, Andy Miller; Indiana Department of Environmental Management Commissioner, Thomas Easterly; State Health Commissioner, Dr. Judith A. Monroe; Executive Director of Homeland Security, J. Eric Dietz; Department of Labor Commissioner, Miguel Rivera; Department of Natural Resources Director, Kyle Hupfer; Department of Transportation Commissioner, Thomas Sharp; Department of Workforce Development Commissioner, Ron Stiver; State Chemist, Dr. Rodney Noel; Secretary of Commerce, Michael Maurer; and to Lieutenant Governor Becky Skillman for the Indiana Energy Group.

The resolution was read in full and referred to the Committee on Economic Development and Technology.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 13, 2006.

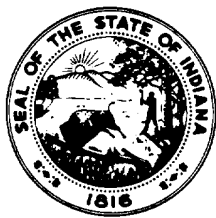
GARTON

Motion prevailed.

The Senate adjourned at 2:41 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Eighteenth Meeting Day

Monday Afternoon

February 13, 2006

The Senate convened at 1:37 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson <input checked="" type="checkbox"/>
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 182: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Resolution 8

Senate Resolution 8, introduced by Senator Breaux:

A SENATE RESOLUTION memorializing Mrs. Roselyn C. Richardson.

Whereas, Mrs. Roselyn C. Richardson passed away on July 8, 2005, leaving a void that will be very difficult for her family and friends to fill;

Whereas, Mrs. Roselyn C. Richardson was born on August 23, 1913, in Roberta, Georgia, to Arthur and Everlena (Walker) Comer;

Whereas, After graduating from Fort Valley Normal and Industrial School, she attended Clark College in Atlanta, Georgia;

Whereas, Mrs. Roselyn C. Richardson also received a certificate with a major in community organization and group work from the Atlanta School of Social Work;

Whereas, During the time Mrs. Richardson worked for the American Friends Service Committee, she worked covertly with progressive people in Atlanta advocating and planning racial integration, often risking arrest;

Whereas, On September 18, 1938, Roselyn married attorney and former Indiana legislator Henry J. Richardson, Jr. and together they raised two sons, Henry J. III and Rodney C.;

Whereas, While raising her sons, Mrs. Richardson was active in numerous civic, religious, educational, and political organizations including the Phyllis Wheatley Young Women's Christian Association, the Intercollegiate Co-educational Club of the Senate Avenue Young Men's Christian Association, the Flanner Guild, and the Women's Association of the Witherspoon United Presbyterian Church;

Whereas, Henry and Roselyn Richardson were at the forefront of the Indiana school desegregation movement when their older son was denied admission to Indianapolis Public School 43;

Whereas, Henry and Roselyn Richardson's struggle was the beginning of a state-wide movement that led to the passage of the 1949 Indiana school desegregation law;

Whereas, Mrs. Roselyn Richardson was very active in the parent-teacher organizations of her children's schools serving as a board member of the Shortridge High School PTA, organizing and serving as the first chairperson of the Pupil Motivation Committee that was developed to provide role models who would share their careers with students during study halls and free periods, and serving as the director of an experimental program known as the Career Sampling Program; and

Whereas, Throughout her life Mrs. Roselyn Richardson mentored and advised young people about education and personal values and was committed to justice and caring among all people: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its deepest sympathy to the family of Mrs. Roselyn C. Richardson and pays tribute to her for the many contributions she made to the city of Indianapolis and its young people. She will be greatly missed by her family, friends, and community members.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to her sons Henry J. Richardson III and Rodney C. Richardson and her sister Wilhelmina Carter.

The resolution was read in full and adopted by standing vote.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Senate Concurrent Resolution 18, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass. Committee Vote: Yeas 6, Nays 0.

WEATHERWAX, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Economic Development and Technology, to which was referred Engrossed House Bill 1380, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, delete lines 8 through 24.

Renumber all SECTIONS consecutively.

(Reference is to HB 1380 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 2.

FORD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1267, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 25 through 41.

Page 3, line 23, reset in roman "has:".

Page 3, line 23, delete "or employers have:".

Page 3, line 25, after "office" insert ".".

Page 3, line 26, delete "or the offices of the employers.".

Page 3, line 35, delete "Notwithstanding section 13.5(b) of this".

Page 3, line 36, delete "chapter, a" and insert "A".

Page 4, delete lines 13 through 27.

Renumber all SECTIONS consecutively.

(Reference is to HB 1267 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1234, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1142, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Tax and Fiscal Policy.

Committee Vote: Yeas 6, Nays 5.

HARRISON, Chair

Report adopted.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on February 13, 2006, to render an advisory opinion with regard to the question raised by Senator Delph about his participation in upcoming votes on Engrossed House Bill 1279 due to a potential conflict of interest.

The Senate Committee on Ethics has considered the facts presented by Senator Delph and hereby recommends that Senator Delph be excused from participation in all votes pertaining to Engrossed House Bill 1279, both in committee and on the Senate floor, because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 4-0.

ZAKAS

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1013

Senator Miller called up Engrossed House Bill 1013 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1013-1)

Madam President: I move that Engrossed House Bill 1013 be amended to read as follows:

Page 4, between lines 3 and 4, begin a new paragraph and insert: "SECTION 4. IC 9-29-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) As used in this section, "low numbered motor vehicle registration plate" means any motor vehicle registration plate numbered from one (1) to one hundred (100) before or after the county designation number or letter series designation, or both.

(b) As used in this section, "pull service charge" refers to the charge that the commission may require for a requested low numbered motor vehicle registration plate or a special numbered motor vehicle registration plate.

(c) As used in this section, "special numbered motor vehicle registration plate" means any plate, other than a low numbered motor vehicle registration plate, requested for issuance out of its established numerical sequence.

(d) Subject to subsections (e) and (f) and with the approval of the commission, the bureau may adopt rules under IC 4-22-2 to do the following:

- (1) Increase or decrease any of the service charges listed in sections 1 through 18 of this chapter.
- (2) Impose a service charge on any other license branch service that is not listed in sections 1 through 18 of this chapter.
- (3) Increase or decrease a service charge imposed under subdivision (2).

(e) The bureau's authority to adopt rules under subsection (d) is subject to the condition that a service charge must be uniform throughout all license branches and at all partial service locations in Indiana.

(f) The bureau may not impose a pull service charge for a requested passenger motor vehicle registration plate containing the numbers set forth in IC 9-18-2-28 for a **motor** vehicle:

- (1) issued a license plate under IC 9-18-17 that designates the **motor** vehicle as being owned by a former prisoner of war or by the surviving spouse of a former prisoner of war; **or**
- (2) **after December 31, 2006, issued a license plate under IC 9-18-19 that designates the motor vehicle as being owned by a person who has received a Purple Heart decoration.**

(g) The bureau may not impose a pull service charge of more than fifteen dollars (\$15) for a requested motor vehicle registration plate issued under IC 9-18-25 for a special group recognition license plate that commemorates the bicentennial of the Lewis and Clark expedition."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1013 as printed February 10, 2006.)

HUME

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1049

Senator M. Young called up Engrossed House Bill 1049 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1103

Senator Steele called up Engrossed House Bill 1103 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1107

Senator Becker called up Engrossed House Bill 1107 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1150

Senator Kruse called up Engrossed House Bill 1150 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1207

Senator Wyss called up Engrossed House Bill 1207 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1207-1)

Madam President: I move that Engrossed House Bill 1207 be amended to read as follows:

Page 2, line 4, delete "more; or" and insert "more, ~~or~~ **but less than seven thousand dollars (\$7,000);**".

Page 3, line 12, delete ";" and insert "**under this chapter or in another jurisdiction for an offense that is substantially similar to another offense described in this chapter;**".

Page 3, line 17, after "intention;" insert "**or**".

Page 3, line 19, after "is" insert "**at least seven thousand dollars (\$7,000), but less than**".

Page 3, line 19, after "(\$10,000)" insert ".".

Page 3, line 19, strike "or".

Page 3, line 20, strike "less;"

Page 3, line 20, delete "or".

Page 3, strike lines 21 through 22.

Page 3, line 23, strike "(\$1,000)".

Page 3, line 38, delete "12(a)(10);" and insert "**12(a)(9);**".

Page 4, line 13, delete "12(a)(10);" and insert "**12(a)(9);**".

(Reference is to EHB 1207 as printed February 10, 2006.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1238

Senator Wyss called up Engrossed House Bill 1238 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1249

Senator Kruse called up Engrossed House Bill 1249 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1280

Senator Ford called up Engrossed House Bill 1280 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1280-2)

Madam President: I move that Engrossed House Bill 1280 be amended to read as follows:

Page 2, line 16, reset in roman "However,".

Page 2, line 16, delete "The" and insert "the".

Page 2, line 20, delete "The offer of" and insert "**An unsolicited advertisement to a person by telephone facsimile machine offering**".

Page 2, line 22, delete "to a person by an" and insert ".".

Page 2, delete line 23.

Page 2, line 31, delete "transmitting" and insert "**using a telephone facsimile machine to transmit**".

Page 2, line 32, delete "facsimile".

Page 4, line 14, delete "'Unsolicited facsimile advertisement' means material" and insert "'**Telephone facsimile machine**' means **equipment that has the capacity to transcribe text or images, or both, from:**

(A) **paper into an electronic signal and to transmit that signal over a regular telephone line; or**

(B) **an electronic signal received over a regular telephone line onto paper.**

(13) **"Unsolicited advertisement" means material advertising the commercial availability or quality of:**

(A) **property;**

(B) **goods; or**

(C) **services;**

that is transmitted to a person without the person's prior express invitation or permission, in writing or otherwise."

Page 4, delete lines 15 through 24.

(Reference is to EHB 1280 as printed February 10, 2006.)

FORD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1353

Senator Bray called up Engrossed House Bill 1353 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1249.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1107.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as second author of Senate Concurrent Resolution 18.

LEWIS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as second sponsor of Engrossed House Bill 1172.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second sponsor and Senator Delph be added as cosponsor of Engrossed House Bill 1172.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as second sponsor of Engrossed House Bill 1080.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Drozda be added as second sponsor and Senator Delph be added as cosponsor of Engrossed House Bill 1080.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1150, which is eligible for third reading, be returned to second reading for purposes of amendment.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume and Waterman be added as cosponsors of Engrossed House Bill 1013.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Dillon be added as cosponsor of Engrossed House Bill 1280.

FORD

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 36 and the

same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 36

House Concurrent Resolution 36, sponsored by Senator Becker:

A CONCURRENT RESOLUTION honoring Wayne F. Henning on the occasion of his retirement.

Whereas, Wayne F. Henning will retire on February 23, 2006, capping a 42 year career with Old National Bank;

Whereas, Wayne F. Henning began his successful banking career with Old National Bank as an adjustor in April, 1964;

Whereas, Mr. Henning rose steadily through various positions in the retail area of the bank until he acquired his current position as Executive Vice President and Regional Chief Operating Officer for the Evansville Region;

Whereas, A life-long resident of Evansville, Mr. Henning graduated from Reitz Memorial High School, received a Bachelor of Science degree from St. Edward's University in 1963, and graduated from the Stonier Graduate School of Banking;

Whereas, Mr. Henning also saw active duty with the U.S. Army and the U.S. Army Reserve;

Whereas, Mr. Henning has been engaged in the legislative and governmental process throughout his banking career, most notably working with the Indiana General Assembly and the Governor to ensure the passage of the 1985 interstate banking statute, which permitted banks in Indiana to establish statewide branching networks and to merge with other banks inside and outside Indiana;

Whereas, While fulfilling his responsibilities with Old National Bank, Mr. Henning has been the epitome of a community and civic leader and an unashamed Evansville booster;

Whereas, Mr. Henning has also contributed his time and talents to many community organizations including the Evansville Freedom Festival, the Evansville Association of Commercial Banks, the Consumer Credit Counseling Services, the Greater Evansville Lenders Association, the Reitz Memorial High School Alumni Association, and the Memorial Athletic Booster Club;

Whereas, Mr. Henning has also served as the Associate General Chairman of the United Way, Financial Chairman of Holy Rosary Church, Vice-Chairman of the Evansville Chamber of Commerce, Chairman of the Southern Indiana Financial Institutions for I-69, and on the boards of the Evansville Association of Retarded Citizens, Roberts Stadium Foundation, Mesker Zoo, and the Evansville Airport Advisory Board;

Whereas, Mr. Henning has been deeply involved in the Evansville business and cultural community most of his adult life, impacting the lives of many of its residents;

Whereas, Mr. Henning has received many awards and recognitions including the Multiple Sclerosis "Hope" Award, the Memorial High School "Distinguished Service" Award, the Beacon Group "Community" Award, the Best of Evansville "Decades of Wisdom" Award, and the Buffalo Trace Council "2004 Distinguished Citizen" Award; and

Whereas, Evansville would not be the city it is today without Mr. Henning's generous service; his leadership, wisdom, and enthusiasm have made him highly honored in the community and the state: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly recognizes Wayne F. Henning's outstanding career, his many accomplishments, and his dedication to both the financial services community and the people of Indiana.

SECTION 2. That the Indiana General Assembly offers congratulations and best wishes to Wayne F. Henning on the occasion of his retirement.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Wayne F. Henning.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 14, 2006.

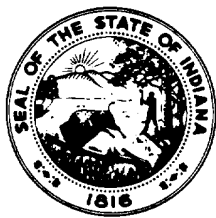
GARTON

Motion prevailed.

The Senate adjourned at 2:12 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Nineteenth Meeting Day

Tuesday Afternoon

February 14, 2006

The Senate convened at 1:34 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 183: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1331, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

Report adopted.

KENLEY, Chair

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1065, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

Senator Garton yielded the gavel to Senator Dillon.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1327, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 11, delete "and before January 1, 2006,".

Page 2, line 15, delete "and for taxable years beginning after" and insert ";".

Page 2, delete lines 16 through 19.

Page 2, line 20, delete "the Internal Revenue Code);".

(Reference is to HB 1327 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1102, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper:

(1) that:

(1) (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(2) (B) has been published for at least three (3) consecutive years in the same city or town;

(3) (C) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years as mailable matter of the periodicals class; and

(4) (D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; or

(2) that:

(A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;

(B) has been entered, authorized, and accepted by the United States Postal Service as mailable matter of the periodicals class;

(C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(D) meets the greater of the following conditions:

(i) The newspaper's highest monthly paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for that same month for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) during at least one (1) month during the preceding year."

Delete page 2.

Page 3, delete lines 1 through 8.

Page 4, line 29, delete "that is any of the" and insert **"for which notice is required to be given by publication in accordance with this chapter, a city or town must publish the required notice one (1) time at least ten (10) days before the event or action."**

Page 4, delete lines 30 through 42.

Page 5, delete lines 1 through 2.

Page 5, line 22, after "time." insert **"If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county auditor's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision."**

Page 11, line 3, delete "two (2) times" and insert **"one (1) time"**.

Page 11, line 4, delete ", at least one (1) week apart, with the second".

Page 11, line 5, delete "publication made".

Page 11, line 5, delete "seven (7)" and insert **"ten (10)"**.

Page 11, between lines 16 and 17, begin a new paragraph and insert:

"SECTION 10. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana; and

(2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

(1) two million dollars (\$2,000,000); or

(2) the product of:

(A) the increase in assessed value resulting from the purchase of the personal property; multiplied by

(B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

(1) identify the personal property eligible for the deduction to the county auditor; and

(2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

(1) make the deductions; and

(2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e)."

Page 11, line 34, delete "two (2) times" and insert **"one (1) time"**.

Page 11, line 34, delete ", at least one (1) week apart, with".

Page 11, line 35, delete "the second publication made".

Page 11, line 35, delete "seven (7)" and insert **"ten (10)"**.

Page 14, line 7, after "(j)" delete ",."

Page 14, line 7, before "(k)," reset in roman "and".

Page 14, line 7, delete "and (l),".

Page 15, line 4, strike "make".

Page 15, line 4, after "reductions" insert **"consider"**.

Page 15, line 6, after "subsection" delete ",."

Page 15, line 9, after "fund." insert **"and shall deliver a final decision to the political subdivision."**

Page 16, delete lines 29 through 39.

Page 17, line 7, delete "published two (2) times under" and insert **"given once in accordance with IC 5-3-1-2(n)."**

Page 17, delete lines 8 through 10.

Page 17, reset in roman lines 11 through 42.

Page 18, reset in roman lines 1 through 19.

Page 18, delete lines 20 through 42.

Page 19, delete lines 1 through 4.

Page 19, line 29, delete "Except as provided in subsection (g), the" and insert "The".

Page 20, delete lines 17 through 42.

Delete pages 21 through 22.

Page 23, delete lines 1 through 38.

Page 24, line 3, delete "seven" and insert "**ten (10)**".

Page 24, line 4, delete "(7)".

Page 24, delete lines 22 through 42.

Page 25, delete lines 1 through 29.

Page 26, line 24, delete "seven (7)" and insert "**ten (10)**".

Page 26, delete lines 36 through 42.

Delete page 27.

Page 28, delete lines 1 through 37.

Page 34, delete lines 4 through 42.

Delete pages 35 through 36.

Page 37, delete lines 1 through 20.

Page 38, delete lines 29 through 42.

Page 39, delete lines 1 through 19.

Page 43, line 35, after "made" delete ":".

Page 43, line 36, delete "(A)".

Page 43, run in lines 35 through 36.

Page 43, line 38, delete "; or" and insert ", **and be published one (1) time at least ten (10) days before the date by which proposals must be received, in the case of a governing body of a city or town;** and".

Page 43, delete lines 39 through 41.

Page 44, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 43. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

(1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records ~~produced by a photographic process~~, and two dollars (\$2) per page that is larger than eight and one-half (8 1/2)

inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(f) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(g) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes."

Page 45, delete lines 3 through 39.

Page 46, line 5, delete "two (2) times" and insert "**once**".

Page 46, line 5, delete "at least one (1) week apart,".

Page 46, line 6, delete "second".

Page 46, line 6, delete "seven (7)" and insert "**ten (10)**".

Page 46, line 23, strike "not".

Page 46, line 23, after "increased" insert "**or decreased by the executive**".

Page 46, line 24, after "fixed" delete "," and insert ".".

Page 46, line 24, strike "but may be reduced by the".

Page 46, line 25, strike "executive".

Page 46, delete lines 37 through 42.

Delete page 47.

Page 48, delete lines 1 through 38.

Page 50, delete lines 4 through 42.

Delete page 51.

Page 52, delete lines 1 through 18.

Page 53, line 8, delete "Twenty-seven (27)" and insert "**A majority of the**".

Page 53, line 15, delete "twenty-seven (27)" and insert "**a majority of the**".

Page 61, delete lines 22 through 42.

Page 62, delete lines 1 through 30, begin a new paragraph and insert:

"SECTION 62. IC 36-9-30-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ~~thirty (30)~~ **ten (10)** days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease."

Page 62, delete lines 37 through 38, begin a new paragraph and insert:

"Sec. 2. As used in this chapter, "board" means the following:

(1) A board described in IC 36-9-23-5.

(2) A board described in IC 36-9-25-2."

Renumber all SECTIONS consecutively.

(Reference is to HB 1102 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1017, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 4, delete "(2)" and insert "**(1)**".

Page 10, delete lines 10 through 21, begin a new line blocked left and insert:

"the county executive must ~~(1)~~ have the real property appraised at its true cash value by at least: ~~three (3)~~

(1) one (1) disinterested freeholders freeholder of the county; and

(2) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana. One (1) of the appraisers described in subdivision (2) must reside not more than fifty (50) miles from the property. The county executive may not pay more than the

appraised value for any real property and interests in real property."

Page 14, line 37, delete "ADDED" and insert "AMENDED".

Page 14, line 37, delete "P.L.1-2005," and insert "HEA 1134-2006,".

Page 14, line 38, delete "7," and insert "97,".

Page 15, line 12, delete "have accrued" and insert "accrue".

Page 15, line 19, delete "township;" and insert "town;".

Page 15, line 20, delete "town;" and insert "city;".

Page 15, line 21, delete "city;" and insert "township;".

Page 16, line 10, delete "special school" and insert "capital projects".

Page 16, line 10, after "corporation" insert "or other fund".

Page 16, line 11, before "fund" delete "capital outlay".

Page 16, line 11, delete "shall be" and insert "is".

Page 16, delete lines 24 through 42, begin a new paragraph and insert:

"SECTION 15. IC 20-47-2-15, AS ADDED BY HEA 1134-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation that proposes to lease such a school building, either alone or jointly with another school corporation, and owns the land on which it desires that the building or buildings be erected may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

(1) Before the sale may take place, the governing body of the school corporation must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of: ~~three (3)~~

(A) one (1) disinterested freeholders freeholder of the school corporation as **an appraiser; and**

(B) two (2) disinterested appraisers licensed under IC 25-34.1;

who are residents of Indiana to determine the fair market value of the land. One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.

(2) Upon their appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after their appointment.

(3) The school corporation may sell the land to the lessor corporation for an amount not less than the amount fixed as the fair market value by the three (3) appraisers, which shall be paid in cash upon delivery of the deed by the school corporation to the lessor corporation. However, if the land was acquired by the school corporation within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation for the land.

SECTION 16. IC 20-47-3-13, AS ADDED BY HEA 1134-2006, SECTION 170, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. The lessor corporation shall acquire, own, and hold in fee simple the land on which a school building or buildings are to be erected under this chapter. A school corporation that proposes to lease a school building, either alone or

jointly with another school corporation, and owns the land on which it desires to be erected the building or buildings may sell and transfer that land to the lessor corporation in fee simple, subject to the following conditions:

(1) Before the sale may take place, the governing body of the school corporation must file a petition with the circuit court of the county in which the school corporation is located, requesting the appointment of: ~~three (3)~~

(A) **one (1) disinterested freeholders freeholder** of the school corporation as **appraisers an appraiser; and**

(B) **two (2) disinterested appraisers licensed under IC 25-34.1;**

who are residents of Indiana to determine the fair market value of the land. **One (1) of the appraisers described in clause (B) must reside not more than fifty (50) miles from the land.**

(2) Upon appointment, the three (3) appraisers shall proceed to fix the fair market value of the land and shall report the amount fixed to the circuit court within two (2) weeks after the appointment.

(3) The school corporation may sell the land to the lessor corporation for an amount not less than the amount fixed by the three (3) appraisers as the fair market value, which shall be paid in cash upon delivery of the deed by the school corporation to the lessor corporation. However, if the land was acquired by the school corporation within three (3) years immediately preceding the date of the filing of the petition with the circuit court, the land may not be sold for an amount less than the amount paid by the school corporation for the land."

Page 17, delete lines 1 through 41.

Page 20, line 21, delete "subdivision (2)" and insert **"this subsection"**.

Page 22, line 10, delete "IC 25-34-1;" and insert **"IC 25-34.1;"**.

Renumber all SECTIONS consecutively.

(Reference is to HB 1017 as reprinted January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1124, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 22, after "board" insert **", after review by the budget committee,"**.

(Reference is to HB 1124 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1025, has had the

same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 37, delete ", 2014," and insert **"2012,"**.

Page 3, line 40, after "exceed" insert **":"**.

Page 3, delete lines 41 through 42, begin a new line block indented and insert:

"(1) five percent (5%) before July 1, 2007; 2012; and

(2) four percent (4%) after June 30, 2007; 2012."

Page 4, after line 31, begin a new paragraph and insert:

"SECTION 3. IC 6-9-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If the tax is imposed by a municipality under this chapter, the tax terminates January 1, 2007; 2012.

(b) This chapter expires July 1, 2007; 2012."

(Reference is to HB 1025 as reprinted February 2, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Elections and Civic Affairs, to which was referred Engrossed House Bill 1011, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 3-5-2-49.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49.9. (a) "Vote center" means a polling place where a voter who resides in the county in which the vote center is located may vote without regard to the precinct in which the voter resides.

(b) This section expires December 31, 2009."

Page 2, between lines 21 and 22, begin a new paragraph and insert:

"SECTION 4. IC 3-5-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Standards for Challenges to Voters

Sec. 1. This chapter applies to a challenge to a voter made by a precinct election officer, a watcher, a challenger, or a pollbook holder under this title.

Sec. 2. A person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

(1) enrollment in an educational institution; or

(2) registration to vote at an address that is housing provided for students by the educational institution.

Sec. 3. Except as permitted in a primary election under IC 3-10-1, a person may not challenge the right of an individual to vote at an election in the precinct solely on the basis of the individual's:

(1) actual or perceived affiliation with a political party; or

(2) support or opposition to a candidate or the adoption of a public question.

Sec. 4. If a county election board determines that a person has violated a provision of this chapter, the board may remove a precinct election officer from office or void the credentials of a watcher, challenger, or pollbook holder.

Sec. 5. If a county election board determines that a person has knowingly violated a provision of this chapter, the county election board may refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter).

SECTION 5. IC 3-5-5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~(a)~~ A person does not gain residency in a precinct into which the person moves for:

- (1) temporary employment;
- (2) educational purposes; or
- (3) other purposes;

without the intent of making a permanent home in the precinct.

~~(b) Notwithstanding subsection (a), a precinct election officer, a watcher, a challenger, or a pollbook holder may not challenge the right of an individual to vote in the precinct solely on the basis of the individual's:~~

- ~~(1) enrollment in an educational institution; or~~
- ~~(2) registration to vote at an address which is housing provided for students by the educational institution.~~

~~(c) A county election board may:~~

- ~~(1) remove a precinct election officer or void the credentials of a watcher, challenger, or pollbook holder; or~~
- ~~(2) refer the matter to the prosecuting attorney as a violation of IC 3-14-3-4 (obstruction of a voter);~~

if the board determines that the officer, watcher, challenger, or pollbook holder has violated subsection ~~(b)~~:

Page 5, between lines 30 and 31, begin a new paragraph and insert:
 "SECTION 13. IC 3-7-26.3-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 4.5. The state may enter into agreements with a county to use existing county property for purposes of maintaining the computerized list. If the county's equipment fails to perform properly in maintaining the computerized list, the state may cancel any existing agreement with the county and install additional state owned equipment in any county facility to ensure proper operation and maintenance of the computerized list.**"

Page 10, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 28. IC 3-7-33-5, AS AMENDED BY P.L.81-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) When the county voter registration office receives an application for a new registration or an application with information that revises or adds information to the applicant's current voter registration record, the county voter registration office shall determine if the applicant appears to be eligible to register to vote based on the information in the application.

(b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter registration office shall send a notice to each person from whom the county voter registration office receives a voter registration application. The county voter registration office shall send a notice to the applicant at the mailing address provided in the application.

(c) The notice required by subsection (b) must set forth the following:

- (1) A statement that the application has been received.
- (2) The disposition of the application by the county voter registration office.

(3) If the county voter registration office determines that the applicant appears to be eligible, the notice must state the following:

(A) **Except as provided under subsection (f)**, the applicant is registered to vote under the residence address when the applicant receives the notice. An applicant is presumed to have received the notice unless the notice is returned by the United States Postal Service due to an unknown or insufficient address and received by the county voter registration office not later than seven (7) days after the notice is mailed to the applicant.

(B) The name of the precinct in which the voter is registered.

(C) The address of the polling place for the precinct in which the voter is registered.

(D) The voter's voter identification number.

(4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter registration office has denied the application, the notice must include the reasons for the denial.

(d) The notice required by subsection (b) may include a voter registration card.

(e) If the notice is returned by the United States Postal Service due to an unknown or insufficient address, the county voter registration office shall determine that the applicant is ineligible and deny the application.

(f) During the seven (7) days following the mailing of the notice to the voter under this section, the county voter registration office shall indicate in the computerized list maintained under IC 3-7-26.3 that the application is pending. If the notice:

- (1) is not returned by the United States Postal Service and received by the county voter registration office at; **or**
- (2) **is received by the applicant by United States Postal Service delivery and presented in person by the applicant to the county voter registration office before;**

the expiration of the seven (7) day period under subsection (c), the county voter registration office shall indicate in the computerized list that the applicant is a registered voter.

(g) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period under subsection (c) expires before election day;
- (2) **the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f); and**
- (3) the applicant would otherwise have been included on the certified list;

the county voter registration office shall prepare a certificate of error under IC 3-7-48 to note the addition of the voter to the certified list.

(h) This subsection applies if the notice is mailed by the county voter registration office after the certified list is prepared under IC 3-7-29. If:

- (1) the seven (7) day period has not expired before election day; **and**

(2) the applicant has not presented the notice mailed under subsection (b) to the county voter registration office as provided under subsection (f);

the county voter registration office shall notify the county election board. The county election board shall certify to the inspector of the precinct where the applicant resides that the applicant's voter registration application is pending, and that the voter, subject to fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional ballot."

Page 14, between lines 3 and 4, begin a new paragraph and insert: "SECTION 37. IC 3-7-39-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies to a voter who changes residence from a precinct in a county to another precinct in the same county.

(b) As required under 42 U.S.C. 1973gg-6(f), the ~~circuit court clerk or board of county voter registration office:~~

(1) shall correct the address shown on the voter registration records for a voter subject to this section; and

(2) may not remove the voter from the voter registration records due to a change of address, except as provided in ~~IC 3-7-44:~~ **this title.**

(c) A voter described in this section, who is otherwise eligible to vote, may vote as provided in IC 3-10-11 or IC 3-10-12."

Page 20, between lines 7 and 8, begin a new paragraph and insert: "SECTION 55. IC 3-7-48-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. If a voter makes an oral or a written affirmation under section 5 or 7 of this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.**

SECTION 56. IC 3-8-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.6. (a) This section applies to a write-in candidate for a school board office to be elected on the same election day that a primary election is conducted.**

(b) A:

(1) declaration of intent to be a write-in candidate; or

(2) withdrawal of a declaration;

must be subscribed and sworn to before an individual authorized to administer oaths.

(c) A declaration of intent to be a write-in candidate for a school board office must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon seventy-four (74) days before the primary election.

(d) A candidate may withdraw a declaration of intent filed under subsection (c) not later than noon seventy-one (71) days before the primary election.

(e) A question concerning the validity of a declaration of intent to be a write-in candidate for a school board office must be filed with the county election board under IC 3-8-1-2(c) not later than noon sixty-seven (67) days before the date of the primary election. The county election board shall determine all questions regarding

the validity of the declaration not later than noon fifty-four (54) days before the date of the primary election.

SECTION 57. IC 3-8-2-2.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) **This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter.** A candidate may withdraw a declaration of intent to be a write-in candidate not later than noon July 15 before a general or municipal election.

(b) This subsection applies to a candidate who filed a declaration of intent to be a write-in candidate with the election division. The election division shall issue a corrected certification of write-in candidates under IC 3-8-7-30 as soon as practicable after a declaration is withdrawn under this section.

SECTION 58. IC 3-8-2-4, AS AMENDED BY P.L.230-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A declaration of candidacy for a primary election must be filed not later than noon seventy-four (74) days and not earlier than one hundred four (104) days before the primary election. The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(b) This subsection does not apply to a write-in candidate for school board office who is subject to section 2.6(c) of this chapter. A declaration of intent to be a write-in candidate must be filed:

(1) not earlier than the first date specified in IC 3-8-6-10(b) for the timely filing of a petition of nomination; and

(2) not later than noon on the date specified by IC 3-13-1-15(c) for a major political party to file a certificate of candidate selection.

The declaration must be subscribed and sworn to before a person authorized to administer oaths.

(c) During a year in which a federal decennial census, federal special census, special tabulation, or corrected population count becomes effective under IC 1-1-3.5, a declaration of:

(1) candidacy may be filed for an office that will appear on the primary election ballot; or

(2) intent to be a write-in candidate for an office that will appear on the general, municipal, or school board election ballot;

that year as a result of the new tabulation of population or corrected population count."

Page 20, line 9, delete "[EFFECTIVE".

Page 20, line 10, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 22, between lines 19 and 20, begin a new paragraph and insert:

"SECTION 62. IC 3-9-5-6, AS AMENDED BY P.L.221-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) This subsection applies to a candidate's committee other than a candidate's committee of a candidate for a state office. Except as otherwise provided in this chapter, each committee, the committee's treasurer, and each candidate shall complete a report required by this chapter current and dated as of the following dates:

(1) Twenty-five (25) days before the nomination date.

(2) Twenty-five (25) days before the general, municipal, or special election.

(3) The annual report filed and dated as required by section 10 of this chapter.

(b) This subsection applies to a regular party committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(c) This subsection applies to a legislative caucus committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required under this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election conducted in an even-numbered year.
- (2) Twenty-five (25) days before a general election conducted in an even-numbered year.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

A legislative caucus committee is not required to file any report concerning the committee's activity during an odd-numbered year other than the annual report filed and dated under section 10 of this chapter.

(d) This subsection applies to a political action committee. Except as otherwise provided in this chapter, each committee and the committee's treasurer shall complete a report required by this chapter current and dated as of the following dates:

- (1) Twenty-five (25) days before a primary election.
- (2) Twenty-five (25) days before a general, municipal, or special election.
- (3) The date of the annual report filed and dated as required under section 10 of this chapter.

(e) This subsection applies to a candidate's committee of a candidate for a state office. A candidate's committee is not required to file a report under section 8.2, 8.4, or 8.5 of this chapter. For a year in which an election to the state office is held, the treasurer of a candidate's committee shall file the following reports:

- (1) A report covering the period from January 1 through March 31 of the year of the report. A report required by this subdivision must be filed not later than noon April 15 of the year covered by the report.
- (2) A report covering the period from April 1 through June 30 of the year of the report. A report required by this subdivision must be filed not later than noon July 15 of the year covered by the report.
- (3) A report covering the period from July 1 through September 30 of the year of the report. A report required by this subdivision must be filed not later than noon October 15 of the year covered by the report.
- (4) A report covering the period from October 1 of the year of the report through the date that is fifteen (15) days before the date of the election. A report required by this subdivision must be filed not later than noon seven (7) days before the date of the election.
- (5) A report covering the period from the date that is ~~fifteen (15)~~ **fourteen (14)** days before the date of the election through

December 31 of the year of the report. A report required by this subdivision must:

- (A) provide cumulative totals from January 1 through December 31 of the year of the report; and
- (B) be filed not later than the deadline specified in section 10 of this chapter.

SECTION 63. IC 3-9-5-8, AS AMENDED BY P.L.221-2005, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section:

- (1) applies to a candidate for nomination to an office in a convention who becomes a candidate less than twenty-five (25) days before the nomination date for a candidate chosen at a convention; and
- (2) does not apply to a candidate for nomination to a state office by a ~~major~~ political party at a convention conducted under IC 3-8-4.

(b) A candidate is not required to file a report in accordance with section 6(a)(1) of this chapter. The candidate shall file the candidate's first report not later than noon twenty (20) days after the nomination date for a candidate chosen at a convention.

(c) The reporting period for the first report required for a candidate begins on the date that the individual became a candidate and ends on the day following the adjournment of the convention."

Page 23, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 67. IC 3-10-1-7.2, AS ADDED BY P.L.109-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a member of the precinct election board shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or ~~IC 3-11-8-22~~, **IC 3-11-8-22.1**, the voter may:

- (1) sign the poll list; and
- (2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election."

Page 27, line 19, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 27, line 31, strike "IC 3-11-8-22," and insert "**IC 3-11-8-22.1**,".

Page 27, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 74. IC 3-10-1-33, AS AMENDED BY P.L.221-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 33. (a) The county election board shall also make an additional duplicate showing the votes cast for each candidate required to file a declaration of candidacy with the election division under IC 3-8-2.

(b) The circuit court clerk shall, not later than noon on the second Monday following the primary election, send to the election division by certified mail or hand deliver to the election division one (1) complete copy of all returns for these candidates.

(c) **The circuit court clerk may send the document described in subsection (b) using the computerized list established under IC 3-7-26.3. A document sent under this subsection complies with any requirement for the document to be certified or sealed."**

Page 28, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 77. IC 3-10-10-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. If a voter executes an affidavit under this chapter and is then challenged under IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

SECTION 78. IC 3-10-11-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.5. If a voter executes an affidavit under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The affidavit executed under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7."**

Page 29, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 81. IC 3-10-12-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. If a voter makes an oral or a written affirmation under this chapter and is then challenged under IC 3-10-1 or IC 3-11-8 as ineligible to vote in the precinct, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot. The oral or written affirmation made under this chapter serves as a sufficient affidavit for the voter to receive a provisional ballot under IC 3-11.7.

SECTION 82. IC 3-11-1.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A county executive must submit a proposed precinct establishment order to the co-directors before the county executive establishes a precinct under this chapter.

(b) **To ensure sufficient time for review to determine whether a proposed precinct establishment order complies with this chapter, the co-directors may fix a date and time by which a county executive must submit an order under section 15 of this chapter if the county wishes to have the proposed order take effect before the beginning of the next period specified under section 25 of this chapter. The election division shall notify each county election board of the date fixed under this subsection at**

least ninety (90) days before the date occurs.

(c) **If a county submits an order after the date and time fixed under subsection (b), the co-directors may review the order only after completing the review of orders submitted in compliance with subsection (b).**

(d) **This subsection applies to an order submitted after the date and time fixed under subsection (b). If the co-directors are unable to determine whether a proposed order complies with this chapter before the beginning of the next period specified under section 25 of this chapter, the co-directors shall complete the review so that, if the proposed order is otherwise approved under this chapter, the order may take effect following the end of the next period specified under section 25 of this chapter.**

SECTION 83. IC 3-11-1.5-18, AS AMENDED BY P.L.221-2005, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) If the election division determines that the proposed precinct establishment order would comply with this chapter, the election division shall issue an order authorizing the county executive to establish the proposed precincts.

(b) The order issued by the election division under subsection (a) must state that the election division finds that the proposed precincts would comply with the standards set forth in this chapter. The election division shall promptly provide a copy of the order to the county executive.

(c) The county executive must give notice of the proposed order to the voters of the county by one (1) publication under IC 5-3-1-4. The notice must state the following:

- (1) The name of each existing precinct whose boundaries would be changed by the adoption of the proposed order by the county.
- (2) That any registered voter of the county may object to the proposed order by filing a sworn statement with the election division setting forth the voter's specific objections to the proposed order and requesting that a hearing be conducted by the commission under IC 4-21.5.
- (3) The mailing address of the election division.
- (4) The deadline for filing the objection with the election division under this section.

(d) An objection to a proposed precinct establishment order must be filed not later than noon ten (10) days after the publication of the notice by the county executive.

(e) If an objection is not filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may proceed immediately to adopt the proposed order.

(f) If an objection is filed with the election division by the date and time specified under subsection (d), the election division shall promptly notify the county executive. The county executive may not adopt the proposed order until the commission conducts a hearing under IC 4-21.5 and determines whether the proposed precincts would comply with the standards set forth in this chapter.

(g) **If the co-directors determine that the expiration of the ten (10) day period described in subsection (d) will occur:**

- (1) **after the next period specified under section 25 of this chapter begins; or**
- (2) **without sufficient time for a county or an objector to receive notice of a hearing before the commission concerning an objection before the next period specified under section 25 of this chapter begins;**

the co-directors may request a hearing before the commission under section 21 of this chapter and notify the county executive of the request.

SECTION 84. IC 3-11-1.5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) If the county executive believes that the proposed order described by section 19 of this chapter complies with this chapter, the county executive may resubmit the order to the co-directors and request a hearing before the commission.

(b) The co-directors may request a hearing before the commission under section 18(g) of this chapter.

(c) The hearing under this section shall be conducted in accordance with IC 4-21.5.

~~(b)~~ (d) If the commission determines that the proposed precinct establishment order complies with this chapter, the co-directors shall advise the county executive that the order complies with this chapter and may be issued by the county executive."

Page 29, line 24, delete "circuit court clerk or board of" and insert **"county voter"**.

Page 29, line 24, delete "." and insert **"office."**

Page 30, line 11, reset in roman "of".

Page 30, line 12, reset in roman "ANY party".

Page 30, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 91. IC 3-11-3-22, AS AMENDED BY P.L.221-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Each county election board shall have printed in at least 14 point type on cards in English, braille, and any other language that the board considers necessary, the following:

- (1) Instructions for the guidance of voters in preparing their ballots.
- (2) Instructions explaining the procedure for write-in voting.
- (3) Write-in voting notice cards that must be posted in each precinct that utilizes a ~~ballot card~~ voting system that does not permit a voter to alter the voter's ballot after making a voting mark for a write-in ~~voting~~ candidate so that the voter may vote for a candidate for that office whose name appears on the ballot.

(b) The write-in notice cards described in subsection (a)(3) must direct inform all voters that a voter:

- (1) who ~~want~~ wants to cast write-in votes to request a write-in ballot from an election official: may cast the voter's ballot on the voting system required to be available to all voters in the precinct under IC 3-11-15-13.3(e); and
- (2) may choose to cast the voter's ballot on the voting system described in subdivision (1) without being required to indicate to any individual that the voter wishes to cast a ballot on the voting system because the voter intends to cast a ballot for a write-in candidate.

~~(b)~~ (c) The board shall furnish the number of cards it determines to be adequate for each precinct to the inspector at the same time the board delivers the ballots for the precinct and shall furnish a magnifier upon request to a voter who requests a magnifier to read the cards."

Page 34, line 15, reset in roman "(f)".

Page 34, line 15, delete "each" and insert "Each".

Page 34, line 15, reset in roman "county shall purchase at".

Page 34, reset in roman lines 16 through 17.

Page 34, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 95. IC 3-11-6.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5. (a) If a county's application is approved under section 4 of this chapter, the secretary of state with the consent of the co-directors of the election division shall, subject to this section, reimburse the county from the fund an amount to be determined by the secretary of state with the consent of the co-directors of the election division.

(b) Payment of money from the fund is subject to the availability of money in the fund and the requirements of this chapter and HAVA.

(c) It is the intent of the general assembly that a county eligible for reimbursement under section 4 of this chapter be reimbursed from federal money received by the state to the maximum extent permitted by federal law.

~~(d) This section expires January 1, 2006."~~

Page 34, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 97. IC 3-11-8-22.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.1. (a) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who produces a certificate of error issued under IC 3-7-48-1.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-1(b), if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(b) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who makes an oral or a written affirmation in compliance with IC 3-7-48-5 that the voter continues to reside in the precinct at the address shown as the voter's former residence in the voter registration record.

If the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a ballot.

(c) This subsection applies to a voter:

- (1) whose name does not appear on the poll list for the precinct; and
- (2) who produces a registration receipt that complies with IC 3-7-48-7.

If the county election board provides the precinct election board with the information required under IC 3-7-48-7(a)(2) and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-7-48-7.5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot after complying with IC 3-7-48-7.5 if the voter wishes to cast a

ballot.

(d) This subsection applies to a voter:

(1) whose name does not appear on the poll list for the precinct; and

(2) who is not described by subsection (a), (b), or (c).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 instead of a regular official ballot if the voter wishes to cast a ballot. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot.

(e) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who no longer resides in the precinct but is entitled to vote at the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

If the voter executes an affidavit in compliance with IC 3-10-10, IC 3-10-11, or IC 3-10-12 and the voter is not challenged under IC 3-10-1 or this chapter, the voter shall be provided with a regular official ballot. However, as provided by IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, if the voter is challenged under IC 3-10-1 or this chapter, the voter must cast a provisional ballot if the voter wishes to cast a ballot.

(f) This subsection applies to a voter:

(1) whose name appears on the poll list for the precinct; and

(2) who is not described in subsection (e).

If the voter is challenged under IC 3-10-1 or this chapter, the voter shall be provided with a provisional ballot under IC 3-11.7 rather than a regular official ballot if the voter wishes to cast a vote. The voter may proceed to cast a provisional ballot after executing a challenged voter's affidavit under section 23 of this chapter if the voter wishes to cast a ballot."

Page 35, line 1, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 35, line 1, after "Sec. 23." insert "(a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b)".

Page 35, line 2, strike "section 22" and insert "section 22.1".

Page 35, line 23, after "list" insert ",".

Page 35, line 23, strike "and the individual is not entitled to".

Page 35, strike line 24.

Page 35, line 25, strike "IC 3-10-11-2, or IC 3-10-12,".

Page 35, line 37, delete "[EFFECTIVE]".

Page 35, line 38, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 36, line 15, strike "section 22" and insert "section 22.1".

Page 37, line 10, strike "section".

Page 37, line 11, strike "22" and insert "section 22.1".

Page 50, line 23, delete "[EFFECTIVE]".

Page 50, line 24, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 50, line 34, strike "July 1, 2003;" and insert "October 1, 2005;".

Page 50, line 35, strike "July 1, 2003;" and insert "October 1, 2005;".

Page 51, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 119. IC 3-11-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 18. Vote Centers

Sec. 1. This chapter applies to a county designated as a vote center pilot county under this chapter.

Sec. 2. The secretary of state may designate a county as a vote center pilot county under this chapter.

Sec. 3. For a county to be designated a vote center pilot county:

(1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of an application to be designated a vote center pilot county;

(2) all members of the board must sign the application; and

(3) the application must be filed with the secretary of state.

Sec. 4. The application must include a plan for the administration of vote centers in the county. The plan must include at least the following:

(1) The total number of vote centers to be established.

(2) The location of each vote center, and the municipality, if any, in which the vote center is located.

(3) A list of each municipality within the county that is entitled to conduct a municipal primary or municipal election, as of the date of the application.

(4) The total number of voters within each municipality, as of the date of the application, and the number of those voters within each municipality designated as "active" and "inactive" according to the county voter registration office.

(5) For each vote center designated under subdivision (2), a list of the precincts whose polls will be located at the vote center.

(6) For each vote center designated under subdivision (2), the number of precinct election boards that will be appointed to administer an election at the vote center.

(7) For each precinct election board designated under subdivision (6), the number and name of each precinct the precinct election board will administer.

(8) For each vote center designated under subdivision (2), the number and title of the precinct election officers who will be appointed to serve at the vote center.

(9) For each vote center designated under subdivision (2):
(A) the number and type of ballot variations that will be provided at the vote center; and

(B) whether these ballots will be:

(i) delivered to the vote center before the opening of the polls; or

(ii) printed on demand for a voter's use.

(10) A detailed description of any hardware, firmware, or software used:

(A) to create an electronic poll list for each precinct whose polls are to be located at a vote center; or

(B) to establish a secure electronic connection between the county election board and the precinct election officials administering a vote center.

(11) A description of the equipment and procedures to be used to ensure that information concerning a voter entered into any electronic poll list used by precinct election officers at a vote center is immediately accessible to:

(A) the county election board; and

(B) the electronic poll lists used by precinct election officers at all other vote centers in the county.

(12) For each precinct designated under subdivision (5), the number of electronic poll lists to be provided for the precinct.

(13) The security and contingency plans to be implemented by the county to:

(A) prevent a disruption of the vote center process; and

(B) ensure that the election is properly conducted if a disruption occurs.

(14) A certification that the vote center complies with the accessibility requirements applicable to polling places under IC 3-11-8.

(15) A sketch depicting the planned layout of the vote center, indicating the location of:

(A) equipment; and

(B) precinct election officers;

within the vote center.

(16) The total number of vote centers to be established at satellite offices that are established under IC 3-11-10-26.3 to allow voters to cast absentee ballots in accordance with IC 3-11.

Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) A vote center may not be used in a municipal primary or municipal election conducted within a municipality that is partially located in a county that has not been designated a vote center pilot county.

Sec. 6. When the total number of voters designated under section 4(4) of this chapter as "active" equals at least twenty-five thousand (25,000) in the municipalities listed in the plan, the following apply:

(1) The plan must provide for at least one (1) vote center for each ten thousand (10,000) active voters.

(2) In addition to the vote centers designated in subdivision (1), the plan must provide for a vote center for any fraction of ten thousand (10,000) voters.

Sec. 7. Before approving an application to designate a county as a vote center pilot county under this chapter, the secretary of state must determine the following:

(1) That the secure electronic connection as described under section 4(10)(B) of this chapter is sufficient to prevent:

(A) any voter from voting more than once; and

(B) unauthorized access by any person to:

(i) the electronic poll lists for a precinct whose polls are to be located at the vote center; or

(ii) the computerized list of voters of the county.

(2) That the planned design and location of the equipment and precinct officers will provide the most efficient access for:

(A) voters to enter the polls, cast their ballots, and leave the vote center; and

(B) precinct election officials, watchers, challengers, and pollbook holders to exercise their rights and perform their duties within the vote center.

Sec. 8. The designation of a county as a vote center pilot county takes effect immediately unless otherwise specified by the secretary of state.

Sec. 9. The county executive shall publish notice of the location of each vote center in accordance with IC 3-11-8-3.2.

Sec. 10. (a) An order issued by a county to:

(1) designate the polls for a precinct or to locate the polls for a precinct at the polls for an adjoining precinct under IC 3-10 or IC 3-11; or

(2) omit precinct election officers under IC 3-6-6-38 at a specified precinct;

is suspended during the period that the voters of that precinct are entitled to cast a ballot at a vote center.

(b) An order suspended under subsection (a) is revived and in full force and effect without further action by a county when the voters of that precinct are no longer entitled to cast a ballot at a vote center under this chapter.

Sec. 11. Except as otherwise provided by this chapter, the county shall administer an election conducted at a vote center in accordance with federal law, this title, and the plan submitted with the application under section 4 of this chapter.

Sec. 12. Notwithstanding any other law, a voter who resides in a vote center pilot county is entitled to cast an absentee ballot at a vote center located at a satellite office of the county election board established under IC 3-11-10-26.3 in the same manner and subject to the same restrictions applicable to a voter wishing to cast an absentee ballot before an absentee board located in the office of the circuit court clerk or board of elections and registration.

Sec. 13. Notwithstanding any other law, the electronic poll list used at each vote center:

(1) must be capable of capturing an electronic image of the signature of a voter on the list; and

(2) may be in a format approved by the secretary of state.

Sec. 14. Notwithstanding any other law, including IC 3-11-8-2 and IC 3-14-2-11, a voter who resides in a vote center pilot county is entitled to cast a ballot at any vote center established in the county without regard to the precinct in which the voter resides.

Sec. 15. (a) In addition to the precinct election officers appointed under IC 3-6-6, a county election board by the unanimous vote of the entire membership may appoint one (1) or more greeters to:

(1) direct voters entering the vote center to the appropriate location for the voters to sign the electronic poll list; and

(2) provide other instructions to facilitate the efficient movement of individuals within the vote center.

(b) An individual appointed as a greeter under this section must bear credentials issued by the county election board stating the name of the individual and the individual's status as a greeter.

Sec. 16. The precinct election board administering an election at a vote center shall keep the ballots cast in each precinct

separate from the ballots cast in any other precinct whose election is administered at the vote center, so that the votes cast for each candidate and on each public question in each of the precincts administered by the board may be determined.

Sec. 17. (a) The secretary of state may permit a county to amend a plan submitted under section 4 of this chapter.

(b) For a county to amend its plan:

- (1) the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4), by unanimous vote of the entire membership of the board, must approve the filing of a request to amend the plan;**
- (2) all members of the board must sign the request; and**
- (3) the request must be filed with the secretary of state.**

(c) The request for amendment must set forth the specific amendments proposed to be made to the plan.

Sec. 18. The designation of a county as a vote center pilot county may be revoked by the secretary of state:

- (1) following the filing of a request for revocation approved by the unanimous vote of the entire membership of the county election board (or board of elections and registration established under IC 3-6-5.2 or IC 3-6-5.4) and signed by all members of the board; or**
- (2) upon a determination by the secretary of state that the administration of the vote center pilot program within the county does not comply with:**
 - (A) federal or state law; or**
 - (B) the plan submitted under section 4 of this chapter.**

Sec. 19. Notwithstanding IC 4-22-2, the secretary of state may adopt guidelines to administer the pilot program under this chapter.

Sec. 20. This chapter expires December 31, 2009.

SECTION 120. IC 3-11.5-4-16, AS AMENDED BY P.L.109-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person.

(b) Except as provided in subsection (c), the challenge procedure under this section is the same as though the ballot was cast by the voter in person.

(c) An absentee voter is not required to provide proof of identification.

(d) If a proper affidavit by a qualified person in the form required by ~~IC 3-11-8-22~~ **IC 3-11-8-22.1** is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(e) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter."

Page 51, line 15, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 51, line 19, strike "not permitted to vote" and insert "challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error".

Page 51, line 19, after "IC 3-7-48-1" delete "," and insert ".".

Page 51, strike lines 20 through 21.

Page 52, between lines 3 and 4, begin a new paragraph and insert: "SECTION 122. IC 3-11.7-5-1, AS AMENDED BY P.L.221-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ~~on the second Monday~~ **ten (10) days** following the election.

SECTION 123. IC 3-11.7-5-1.5, AS ADDED BY P.L.221-2005, SECTION 99, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) ~~This section~~ **Subsection (c)** applies to a provisional ballot that ~~the county election board determines, by a majority vote of its members and in accordance with this title:~~

(1) has been marked and cast by a voter in compliance with this title; but

(2) may not otherwise be counted solely as the result of the act or failure to act of an election officer.

(b) Subsection (c) does not apply to either of the following:

(1) A provisional ballot cast by an individual who seeks to vote in an election as the result of a court or other order extending the time established for closing the polls under IC 3-11-8-8 if the county election board determines or is directed under a court or other order that all provisional ballots issued after regular poll closing hours are not to be counted.

(2) A provisional ballot that is required to be rejected by a county election board under section 2(b) of this chapter as the result of information or lack of information provided by a voter registration agency.

~~(b)~~ **(c) The sealed envelope containing a provisional ballot described in subsection (a) shall nevertheless be opened under section 4 of this chapter and the provisional ballot counted unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is demonstrated. The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.**

~~(c)~~ **(d) Notwithstanding subsection ~~(b)~~ (c), if the county election board, by a majority vote of its members, determines that there is evidence presented to the board demonstrating that the individual who cast the provisional ballot was ineligible to cast a regular ballot in that precinct, or evidence has been presented to the board demonstrating any other reason set forth in HAVA or this title not to count a provisional ballot, the provisional ballot may not be counted.**

(e) This subsection applies to a provisional ballot cast by a voter after the voter was challenged solely because the voter was unable or declined to provide proof of identification and not for any other reason. If the voter later complies with the requirements of this title for proof of identification, the provisional ballot cast by the voter shall be counted in accordance with sections 2 and 2.5 of this chapter.

(f) This subsection applies to a provisional ballot cast by a voter after the voter was challenged for any reason except the

voter's inability or declination to provide proof of identification. If the only evidence before the county election board on the question of counting of the provisional ballot cast by the voter is:

- (1) the affidavit of the voter who cast the provisional ballot; and**
- (2) the affidavit of a challenger challenging the voter who cast the provisional ballot;**

the provisional ballot shall be counted.

SECTION 124. IC 3-12-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount no later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day. If a petition for a recount is filed for an office for which voters in more than one (1) county vote, a cross-petition for a recount may be filed in a county other than the one in which the first petition was filed."

Page 52, line 5, delete "[EFFECTIVE".

Page 52, line 6, delete "JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

Page 52, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 126. IC 3-12-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A candidate who is nominated or elected to an office at an election on the face of the election returns may file a verified cross-petition for a recount with the election division not later than noon ~~fourteen (14)~~ **twenty-one (21)** days after election day.

SECTION 127. IC 3-12-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. A voter who desires a recount under this chapter must file a verified petition no later than noon ~~seven (7)~~ **fourteen (14)** days after election day. The petition must be filed:

- (1) in the circuit court of each county in which is located a precinct in which the voter desires a recount; and
- (2) with the election division."

Page 53, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 130. IC 3-14-3-16, AS AMENDED BY P.L.103-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) As used in this section, "electioneering" includes expressing support or opposition to any candidate or political party or expressing approval or disapproval of any public question in any manner that could reasonably be expected to convey that support or opposition to another individual. The term does not include expressing

- ~~(1)~~ support or opposition to a candidate or a political party or
- ~~(2)~~ expressing approval or disapproval of a public question in:
 - (1) material mailed to a voter; or**
 - (2) a telephone or an electronic communication with a voter.**

(b) A person who knowingly does any electioneering:

- (1) on election day within:
 - (A) the polls; or
 - (B) the chute;
- (2) within an area in the office of the circuit court clerk or a satellite office of the circuit court clerk established under IC 3-11-10-26.3 used by an absentee voter board to permit an individual to cast an absentee ballot; or

(3) except for a voter who is:

- (A) the person's spouse;
- (B) an incapacitated person (as defined in IC 29-3-1-7.5) for whom the person has been appointed the guardian (as defined in IC 29-3-1-6); or
- (C) a member of the person's household;

in the presence of a voter whom the person knows possesses an absentee ballot provided to the voter in accordance with Indiana law;

commits a Class A misdemeanor."

Page 53, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 132. IC 3-14-5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section, "governmental entity" refers to any of the following:

- (1) A city.**
- (2) A town.**
- (3) A school corporation.**
- (4) An agency of a governmental entity referred to in any of subdivisions (1) through (3).**

(b) As used in this section, "date of conviction" refers to the date when:

- (1) in a jury trial, a jury publicly announces a verdict against a person for a felony or Class A misdemeanor;**
- (2) in a bench trial, the court publicly announces a verdict against a person for a felony or Class A misdemeanor; or**
- (3) in a guilty plea hearing, a person pleads guilty or nolo contendere to a felony or Class A misdemeanor.**

(c) A person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for a governmental entity shall not:

- (1) continue employment with;**
- (2) obtain future employment with;**
- (3) contract with; or**
- (4) be a subcontractor under a contract with;**

any governmental entity for at least twenty (20) years after the date of conviction.

(d) For at least twenty (20) years after the person's date of conviction, a governmental entity may not:

- (1) employ;**
- (2) offer employment to;**
- (3) contract with; or**
- (4) maintain a contractual relationship when a subcontractor is;**

a person who is convicted under IC 3-14-2 of a felony or Class A misdemeanor that relates to an election for an office for any governmental entity.

(e) If:

- (1) a person was employed by a governmental entity;**
- (2) the person was convicted under IC 3-14-2 of a felony or Class A misdemeanor relating to an election for an office for a governmental entity;**
- (3) the person's employment with the governmental entity was discontinued under subsection (c) or (d); and**
- (4) the person's conviction is reversed, vacated, or set aside;**

the governmental entity shall reemploy the person in the same

position the person held before the person's conviction or in another position equivalent in benefits, pay, and working conditions to the position the person held before the person's conviction, and the person is entitled to receive any salary or other remuneration that the person would have received if the person's employment had not been discontinued under subsection (c) or (d).

(f) The attorney general may petition a court with jurisdiction for an injunction against a person who violates subsection (c) or a governmental entity that violates subsection (d).

(g) The attorney general may petition a court with jurisdiction to impose a civil penalty of not more than one thousand dollars (\$1,000) on a person who violates subsection (c)."

Page 54, line 12, after "4." insert "(a)".

Page 54, delete line 16.

Page 54, line 17, reset in roman "to the".

Page 54, line 17, after "board of" insert "county voter".

Page 54, line 17, reset in roman "registration".

Page 54, line 17, after "registration" insert "office".

Page 54, line 17, reset in roman "of the county".

Page 54, reset in roman line 18.

Page 54, line 19, reset in roman "application) is".

Page 54, line 19, delete "located;" and insert "located.".

Page 54, between lines 21 and 22, begin a new paragraph and insert:

"(b) The voter registration application shall be transmitted to the county voter registration office in an electronic format and on an expedited basis (as defined by IC 3-5-2-23.2) using the computerized list established under IC 3-7-26.3. The paper copy of the application shall be transmitted under subsection (a) to the county voter registration office not later than five (5) days after the application is accepted at the license branch.

SECTION 136. IC 9-24-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 6. A manager or an employee may use any of the following methods to transmit **paper copies** of voter registration applications under section 4 ~~or 5~~ of this chapter:

(1) Hand delivery to the ~~circuit court clerk or board of county~~ **voter registration office**.

(2) Certified mail, return receipt requested.

SECTION 137. IC 9-24-2.5-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 7. If a manager or an employee transmits **paper copies** of registration applications by hand delivery under section 6(1) of this chapter, the ~~circuit court clerk or board of county voter~~ **registration office** shall provide the manager or employee with a receipt for the forms. The receipt must state the date and time of delivery, and the printed name and signature of the person who received the forms."

Page 55, delete lines 30 through 32, begin a new paragraph and insert:

"SECTION 140. IC 3-11-8-22 IS REPEALED [EFFECTIVE UPON PASSAGE]."

Page 55, line 39, delete "IC 3-11-6.5-5;".

Page 55, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 142. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) The definitions in IC 3-5-2 apply throughout this SECTION.

(b) Notwithstanding IC 3-7 or IC 9-24-2.5, both as amended by this act, a county voter registration office shall process a voter registration application transmitted in electronic format from a license branch under IC 9-24-2.5 and is not required to receive the paper copy of the application from the license branch before approving or denying the application and mailing a notice of approval or denial to the applicant. The county voter registration office shall optically scan the voter's signature set forth on the paper copy of the application and attach the scanned image to the registration record of the voter in the manner permitted by the computerized list.

(c) This SECTION expires July 1, 2006."

Page 56, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 145. [EFFECTIVE UPON PASSAGE] (a) The definitions set forth in IC 3-5-2 apply to this SECTION.

(b) The secretary of state may designate up to three (3) counties as vote center pilot counties under IC 3-11-18, as added by this act. If the designation of a county as a vote center pilot county is revoked in accordance with IC 3-11-18, as added by this act, the secretary of state may designate a replacement county as a vote center pilot county.

(c) A county must file with the secretary of state an application to be designated a vote center pilot county under IC 3-11-18, as added by this act, not later than August 1, 2006.

(d) The secretary of state shall act in accordance with IC 3-11-18, as added by this act, and this SECTION to designate a county as a vote center pilot county not later than October 1, 2006.

(e) This SECTION expires December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to HB 1011 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Natural Resources, to which was referred Engrossed House Bill 1138, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 1, delete "There".

Page 2, delete lines 2 through 3.

Page 4, after line 41, begin a new paragraph and insert:

"SECTION 5. [EFFECTIVE JULY 1, 2005 (RETROACTIVE)] (a) In addition to any other appropriations to the department of natural resources, there is appropriated to the department of natural resources ten million dollars (\$10,000,000) from the lifetime hunting, fishing, and trapping license trust fund for its use in carrying out the purposes of IC 14-22-4-6, as amended by this act, beginning July 1, 2005 and ending July 1, 2007. Any part of the appropriation not expended or encumbered on June 30, 2006, continues to be available for the fiscal year beginning July 1, 2006 and ending June 30, 2007.

(b) This SECTION expires July 1, 2007.

SECTION 6. An emergency is declared for this act."

(Reference is to HB 1138 as printed January 26, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

WEATHERWAX, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 38

House Concurrent Resolution 38, sponsored by Senator Landske:

A CONCURRENT RESOLUTION honoring the South Newton High School 4-H soil judging team.

Whereas, Rob Hays, Lauren Walker, Ean Donohue, Ryan Hancock, and Andy Thomas brought a national championship soil judging title back to South Newton High School;

Whereas, The South Newton High School team earned the right to compete at the national competition when it placed fourth at the Indiana state contest;

Whereas, Students on the team determine six physical characteristics of soil at each of four pits, including texture-surface and subsurface, depth of soil, slope, erosion, permeability, and surface runoff and must recommend vegetative and mechanical treatments as well as fertilizer and soil amendments; and

Whereas, Agriculture is a staple of the economy of Indiana; it is vital to our economic welfare that we educate our young people in this area: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the members of the South Newton High School 4-H soil judging team on the member's victory in the national competition and wishes them success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Rob Hays, Lauren Walker, Ean Donahue, Ryan Hancock, and Andy Thomas, agriculture teacher Darrell Allen, the principal of South Newton High School, and the superintendent of the school corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 10

Senate Resolution 10, introduced by Senator Lubbers:

A SENATE RESOLUTION to commend the Indiana Career and Technical Education system and recipients of the 2006 Indiana Career and Technical Education Awards for Excellence.

Whereas, The Indiana Commission for Career and Technical Education, in cooperation with the Indiana Career and Technical Education Association, sponsor the Indiana Career and Technical Education Awards for Excellence Program;

Whereas, The Program, which was introduced in 1984, recognizes excellence in four categories: students, programs, guidance/career services, and active partnerships that contribute to high quality career and technical education in Indiana;

Whereas, In a highly competitive selection process, the Award recipients are chosen from statewide nominations by a committee of career-technical educators and private sector representatives. Award recipients are recognized at a Luncheon and Ceremony during National Career and Technical Education Week during the second full week in February each year;

Whereas, The 2006 Awards for Excellence recipients are as follows:

Students

Secondary:

- Brian Blume– Area 31 Career Center: IT Media
- Alison Burkett– Elkhart Area Career Center: Advertising Design
- Heather Dilling– New Castle Area Career Programs: Health Occupations
- Kristan Hoblit– New Castle Area Career Programs: Health Occupations
- Amy Louvier– Elkhart Area Career Center: Culinary Arts
- Jennifer Maberto– McKenzie Career Center: A+/Net + Certified
- Bradley Nowak– Elkhart Area Career Center: Computer Electronics/ Networking
- Gregory Pratt– C.A. Prosser School of Technology: Precision Machining
- Raul Ramirez– Patoka Valley Vocational Cooperative: Health Sciences
- Jason Roth– Elkhart Area Career Center: Computer Aided Drafting
- Lisa Whitworth– Porter County Career and Technical Education: Medical Terminology/Anatomy-Physiology

Postsecondary:

- Weston Blankenberger– Vincennes University: Broadcasting
- Cynthia Boyd– Ivy Tech Community College-Gary: Computer Information Systems/Office Administration
- Vicki Crandell– Ivy Tech Community College-Evansville: Early Childhood Education
- Vickie Davis– Vincennes University: Administrative Office Technology
- Ashley Johnson– Vincennes University: Administrative Office Technology
- Charles Lynch– Ivy Tech Community College-Columbus: Design CAD/CAM
- Wael Mekhimar– Vincennes University: Webmaster
- Michael Nice– Vincennes University: Broadcasting
- Todd Overbeck– Vincennes University: Aviation Maintenance Technology
- Angie Veach– Ivy Tech Community College-Logansport: Computer Information Systems

Programs**Secondary:**

- Modern Machining Technology, Porter County Career and Technical Education Center
- Project Lead The Way (PLTW) Pre-engineering Program, Kokomo Area Career Center
- Pike Central Welding Program, Patoka Valley Vocational Cooperative

Postsecondary:

- Automotive Services, Ivy Tech Community College-Terre Haute
- Computer Integrated Manufacturing, Vincennes University
- Early Childhood Education, Ivy Tech Community College-Kokomo

Guidance/Career Services

- Nontraditional Employment for Women (N.E.W.) Workshop, Wawasee Area Career & Technical Cooperative

Active Partnerships

- Columbus Regional Hospital Program
- Montgomery County Instructional Center Community Partnership
- Volunteer Income Tax Assistance (VITA) Program
- Haas Technical Education Center (HTEC)

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate commends the Indiana Career and Technical Education System and congratulates all recipients of the 2006 Indiana Career and Technical Education Awards for Excellence for their outstanding achievements.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Marnia Kennon, Chair of the Indiana Commission on Career and Technical Education (ICCTE), and to each recipient of the 2006 Indiana Career and Technical Education Awards for Excellence.

The resolution was read in full and adopted by voice vote.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 38 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 13, 16, and 29 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING**Senate Concurrent Resolution 18**

Senator Lewis called up Senate Concurrent Resolution 18 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bottorff, Saunders, and Goodin.

**ENGROSSED HOUSE BILLS
ON SECOND READING****Engrossed House Bill 1150**

Senator Kruse called up Engrossed House Bill 1150 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1150-1)

Madam President: I move that Engrossed House Bill 1150 be amended to read as follows:

Page 5, line 35, delete "A" and insert "**Subject to subsection (c), a**".

Page 5, line 35, delete ":".

Page 5, line 36, strike "(1)".

Page 5, line 36, strike "of embossed steel; and".

Page 5, line 37, strike "(2) painted a cream color." and insert "**according to the bureau's specifications.**".

Page 5, line 38, strike "The lettering imprinted on".

Page 5, line 38, delete "a" and insert "A".

Page 5, strike line 40.

Page 5, line 41, strike "(2)" and insert "**(1)**".

Page 6, line 3, strike "(3)" and insert "**(2)**".

(Reference is to EHB 1150 as printed February 10, 2006.)

BECKER

Motion prevailed. The bill was ordered engrossed.

**ENGROSSED HOUSE BILLS
ON THIRD READING****Engrossed House Bill 1049**

Senator M. Young called up Engrossed House Bill 1049 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 184: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1103

Senator Steele called up Engrossed House Bill 1103 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 185: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1107

Senator Becker called up Engrossed House Bill 1107 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 186: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1207

Senator Wyss called up Engrossed House Bill 1207 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 187: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1238

Senator Wyss called up Engrossed House Bill 1238 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 188: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1249

Senator Kruse called up Engrossed House Bill 1249 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 189: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1280

Senator Ford called up Engrossed House Bill 1280 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 190: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1353

Senator Bray called up Engrossed House Bill 1353 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 191: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1176.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1396.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1280.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1339.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as cosponsor of Engrossed House Bill 1025.

DROZDA

Motion prevailed.

**REPORT OF THE PRESIDENT
PRO TEMPORE**

Madam President: Pursuant to Senate Rule 65(b), I hereby report that subsequent to the adoption of the Natural Resources Committee Report on February 14, 2006, Engrossed House Bill 1138 was reassigned to the Committee on Appropriations.

GARTON

Report adopted.

SENATE MOTION

Madam President: I move that Senator Howard be added as cosponsor of Engrossed House Bill 1238.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Howard be added as cosponsor of Engrossed House Bill 1207.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 16, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 2:27 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twentieth Meeting Day

Thursday Afternoon

February 16, 2006

The Senate convened at 1:31 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss <input checked="" type="checkbox"/>
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 192: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1056, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 37 and 38, begin a new line block indented and insert:

"(1) the person who possesses the certificate of title shall surrender the certificate of title to the insurance company described in subdivision (2);".

Page 2, line 38, delete "(1)" and insert "(2)".

Page 2, line 38, delete "makes" and insert "completes".

Page 3, line 4, delete "(2)" and insert "(3)".

Page 3, line 5, delete "(1)(B)," and insert "(2)(B),".

(Reference is to HB 1056 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1279, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-7.1-40.5, AS ADDED BY P.L.136-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40.5. (a) For purposes of this section, "accessible electronic information service" means a service that provides to an eligible individual news and other timely information, including newspapers, from a multistate service center, using high speed computers and telecommunications technology for Internet acquisition of content and rapid distribution in a form appropriate for use by an eligible individual.

(b) For purposes of this section, "director" refers to the director of the Indiana talking books and braille division of the Indiana state library.

(c) For purposes of this section, "eligible individual" means an individual who is blind or disabled and qualifies for services under 36 CFR 701.10(b).

(d) For purposes of this section, "qualified entity" means an agency, instrumentality, or political subdivision of the state or a nonprofit organization that:

- (1) using computer technology, produces audio or braille editions of daily news reports, including newspapers, for the purpose of providing eligible individuals with access to news;
- (2) obtains electronic news text through direct transfer arrangements made with participating news organizations; and
- (3) provides a means of program administration and reader registration on the Internet.

(e) The director may enter into an agreement with a qualified entity to provide an accessible electronic information service for eligible individuals. This service shall be planned for continuation from year to year and make maximum use of federal and other funds available

by:

- (1) obtaining grants or in kind support from appropriate programs; and
- (2) securing access to low cost interstate rates for telecommunications by reimbursement or otherwise.

(f) The accessible electronic information service fund is established for purposes of this section. The fund consists of appropriations from the general assembly, loan proceeds, and gifts and grants to the fund.

(g) The treasurer of state shall invest the money in the accessible electronic information service fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

(h) The money in the accessible electronic information service fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund to be used exclusively for purposes of this section.

SECTION 2. IC 8-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The governor shall appoint a consumer counselor, for a term of four (4) years at a salary to be fixed by the governor. The counselor shall serve at the will and pleasure of the governor. The counselor shall be a practicing attorney, and qualified by knowledge and experience to practice in utility regulatory agency proceedings. The counselor shall apply ~~his~~ **the counselor's** full efforts to the duties of the office and may not ~~be actively engaged~~ **engage** in any ~~other~~ occupation, practice, profession or business **that would conflict with the duties of the office.**

SECTION 3. IC 8-1-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) **Except as provided in section 1.1 of this chapter,** "public utility", as used in this chapter, means every corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, that may own, operate, manage, or control any plant or equipment within the state for the:

- (1) conveyance of telegraph or telephone messages;
- (2) production, transmission, delivery, or furnishing of heat, light, water, or power; or
- (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate any of the foregoing facilities.

(b) "Municipal council", as used in this chapter, means the legislative body of any town or city in Indiana wherein the property of the public utility or any part thereof is located.

(c) "Municipality", as used in this chapter, means any city or town of Indiana.

(d) "Rate", as used in this chapter, means every individual or joint rate, fare, toll, charge, rental, or other compensation of any utility or any two (2) or more such individual or joint rates, fares, tolls, charges, rentals, or other compensation of any utility or any schedule or tariff thereof, but nothing in this subsection shall give the commission any control, jurisdiction, or authority over the rate charged by a municipally owned utility except as in this chapter expressly provided.

(e) "Service" is used in this chapter in its broadest and most inclusive sense and includes not only the use or accommodation afforded consumers or patrons but also any product or commodity

furnished by any public or other utility and the plant, equipment, apparatus, appliances, property, and facility employed by any public or other utility in performing any service or in furnishing any product or commodity and devoted to the purposes in which such public or other utility is engaged and to the use and accommodation of the public.

(f) "Commission", as used in this chapter, means the commission created by IC 8-1-1-2.

(g) "Utility", as used in this chapter, means every plant or equipment within the state used for:

- (1) the conveyance of telegraph and telephone messages;
- (2) the production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to the public; or
- (3) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

The term does not include a municipality that may acquire, own, or operate facilities for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste. A warehouse owned or operated by any person, firm, limited liability company, or corporation engaged in the business of operating a warehouse business for the storage of used household goods is not a public utility within the meaning of this chapter.

(h) "Municipally owned utility", as used in this chapter, includes every utility owned or operated by a municipality.

(i) "Indeterminate permit", as used in this chapter, means every grant, directly or indirectly from the state, to any corporation, company, partnership, limited liability company, individual, association of individuals, their lessees, trustees, or receivers appointed by a court, of power, right, or privilege to own, operate, manage, or control any plant or equipment, or any part of a plant or equipment, within this state, for the:

- (1) production, transmission, delivery, or furnishing of heat, light, water, or power, either directly or indirectly to or for the public;
- (2) collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste; or
- (3) furnishing of facilities for the transmission of intelligence by electricity between points within this state;

which shall continue in force until such time as the municipality shall exercise its right to purchase, condemn, or otherwise acquire the property of such public utility, as provided in this chapter, or until it shall be otherwise terminated according to law.

SECTION 4. IC 8-1-2-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.1. A person or an entity that:**

(1) transmits communications through Internet Protocol enabled retail services, including:

- (A) voice;**
- (B) data;**
- (C) video; or**
- (D) any combination of voice, data, and video communications; or**

(2) provides the necessary software, hardware, transmission service, or transmission path for communications described

in subdivision (1);
is not a public utility solely by reason of engaging in any activity described in subdivisions (1) through (2).

SECTION 5. IC 8-1-2-88.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 88.7. (a) As used in this section, "financial assistance" means:

- (1) a loan or loan guarantee; or
- (2) a lien accommodation provided to secure a loan made by another lender;

that is made by the Rural Electrification Administration of the United States Department of Agriculture (REA) or by the Rural Telephone Bank.

(b) As used in this section, "REA borrower" means a telephone company ~~regulated under~~ **subject to** this chapter that is the recipient of financial assistance.

(c) ~~In determining rates for a telephone company that is regulated under this chapter and that is An REA borrower once the commission determines that property of the REA borrower is used and useful for the provision of telephone service and has been placed in service; the commission shall approve rates to be charged by shall charge rates sufficient to enable the REA borrower that will enable it to:~~

- (1) satisfy its reasonable expenses and obligations; and
- (2) earn a rate of return on the property sufficient to cover the REA borrower's cost of capital, including any financial assistance and the interest thereon.

(d) So long as there remains any unpaid portion of any financial assistance associated with the property of an REA borrower, ~~determined under subsection (c) to be used and useful and placed in service; the rates of the REA borrower shall be set at a level sufficient to repay the financial assistance regardless of any change in the regulatory status of the property, including without limitation, the full or partial retirement of the property or any other change in the status of the property. as reasonably necessary or used and useful:~~

SECTION 6. IC 8-1-2.6-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.1. (a) As used in this chapter, "basic telecommunications service" means stand alone telephone exchange service (as defined in 47 U.S.C. 153(47)) that:

- (1) is provided to a residential customer through the customer's primary line; and
- (2) is:

- (A) the sole service purchased by the customer;
- (B) not part of a package of services, a promotion, or a contract; or
- (C) not otherwise offered at a discounted price.

(b) The term includes, at a minimum, the following:

- (1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.
- (2) Dual tone multifrequency signaling and single party service.
- (3) Access to:
 - (A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;
 - (B) operator services;
 - (C) local directory assistance;

- (D) telephone relay services; and
- (E) interexchange service.

(4) Toll limitation services for qualifying low income customers.

(c) The term does not include a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.

SECTION 7. IC 8-1-2.6-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.2. As used in this chapter, "incumbent local exchange carrier" has the meaning set forth in 47 U.S.C. 251(h).

SECTION 8. IC 8-1-2.6-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.3. (a) As used in this chapter, "nonbasic telecommunications service" means retail telecommunications service other than:

(1) basic telecommunications service, except when the service is purchased by the customer:

- (A) in conjunction with another service;
- (B) as part of a package of services, a promotion, or a contract; or
- (C) at an otherwise discounted price;

(2) commercial mobile radio service (as defined in 47 CFR 51.5);

(3) services outside the jurisdiction of the commission under section 1.1 of this chapter; and

(4) switched and special access services.

(b) The term includes services included in:

- (1) customer specific contracts;
- (2) volume, term, and discount pricing options; and
- (3) packages, bundles, and promotions, including offers designed to obtain new customers, retain existing customers, or bring back former customers.

SECTION 9. IC 8-1-2.6-0.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. As used in this chapter, "provider" means a person or an entity that offers basic or nonbasic telecommunications service.

SECTION 10. IC 8-1-2.6-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, "rates and charges", with respect to basic telecommunications service, means the monthly charge to a customer for basic telecommunications service, including:

- (1) recurring charges for flat rate and message rate service; and
- (2) any nonrecurring charge for installation or a line or service connection.

SECTION 11. IC 8-1-2.6-0.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.6. As used in this chapter, "telecommunications" has the meaning set forth in 47 U.S.C. 153(43).

SECTION 12. IC 8-1-2.6-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.7. As used in this chapter, "telecommunications service" has the meaning set forth in 47 U.S.C. 153(46).

SECTION 13. IC 8-1-2.6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The Indiana general assembly hereby declares that:

- (1) the maintenance of universal telephone service is a continuing goal of the commission in the exercise of its jurisdiction;
- (2) competition has become commonplace in the provision of ~~certain telephone telecommunications~~ services in Indiana and the United States;
- (3) advancements in and the convergence of technologies that provide voice, video, and data transmission, including:**
 - (A) landline, wireless, cable, satellite, and Internet transmissions; and**
 - (B) transmissions involving voice over Internet Protocol (VOIP), Internet Protocol enabled services, and voice over power lines;**

are substantially increasing consumer choice, reinventing the marketplace with unprecedented speed, and making available highly competitive products and services and new methods of delivering local exchange service;

~~(3)(4) traditional commission regulatory policies, and practices, and existing statutes are not designed to deal with a competitive environment and technological advancements;~~

~~(4)(5) an environment in which Indiana consumers will have available the widest array of state-of-the-art telephone telecommunications services at the most economic and reasonable cost possible will necessitate full and fair facilities based competition in the delivery of certain telephone telecommunications services throughout the state; Indiana; and~~

~~(5)(6) streamlining of, and flexibility in, the regulation of providers of telephone telecommunications services, regardless of the technology used, is essential to the well-being of the state; Indiana, its economy, and its citizens, and that the public interest requires that the commission be authorized to formulate and adopt rules and policies as will permit the commission, in the exercise of its expertise, to regulate and control the provision of telephone telecommunications services to the public in an increasingly competitive and technologically changing environment, giving due regard to the interests of consumers and the public, the ability of market forces to encourage innovation and investment, and to the continued universal availability of universal telephone basic telecommunications service.~~

SECTION 14. IC 8-1-2.6-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.1. The commission shall not exercise jurisdiction over:

- (1) advanced services (as defined in 47 CFR 51.5);
- (2) broadband service, however defined or classified by the Federal Communications Commission;
- (3) information services (as defined in 47 U.S.C. 153(20));
- (4) Internet Protocol enabled retail services:
 - (A) regardless of how the service is classified by the Federal Communications Commission; and
 - (B) except as expressly permitted under IC 8-1-2.8;
- (5) commercial mobile service (as defined in 47 U.S.C. 332); or

(6) any service not commercially available on March 28, 2006.

SECTION 15. IC 8-1-2.6-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. Except as provided in sections 1.5(c), 12, and 13 of this chapter, after March 27, 2006, the commission shall not exercise jurisdiction over any nonbasic telecommunications service.

SECTION 16. IC 8-1-2.6-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.3. (a) As used in this section, "broadband service" means a connection to the Internet that provides capacity for transmission at an average speed of at least one and one-half (1.5) megabits per second downstream and at least three hundred eighty-four (384) kilobits per second upstream, regardless of the technology or medium used to provide the connection. The term includes a connection to the Internet provided by wireless technology, copper wire, fiber optic cable, coaxial cable, broadband over power lines, or other facilities or future technologies. The term does not include any of the following:

(1) Value added services in which computer processing applications are used to act on the form, content, code, or protocol of any information transmitted.

(2) Value added services providing text, graphic, video, or audio program content for a purpose other than transmission.

(3) The transmission of video programming or other programming:

(A) provided by; or

(B) generally considered comparable to programming provided by;

a television broadcast station or a radio broadcast station, including cable TV, direct broadcast satellite, and digital television.

(4) A connection to the Internet provided through satellite technology.

(b) As used in this section, "rate transition period" refers to the period beginning March 28, 2006, and ending June 30, 2009, during which a provider may act under this section to increase the provider's flat monthly rate for basic telecommunications service offered in one (1) or more local exchange areas in Indiana.

(c) This subsection applies to a provider that offers basic telecommunications service in one (1) or more local exchange areas in Indiana on March 27, 2006. Subject to subsection (e), during the rate transition period, a provider may act without the prior approval of the commission to increase the provider's flat monthly rate for basic telecommunications service in any local exchange area in which the provider offers basic telecommunications service on March 27, 2006. Subject to subsection (h), a provider may increase the provider's flat monthly rate for basic telecommunications service in a local exchange area as follows:

(1) The provider may increase the flat monthly rate not more frequently than once during each successive twelve (12) month period during the period beginning March 28, 2006, and ending June 30, 2009. The amount of any increase in the flat monthly rate imposed during a twelve (12) month

period described in this subdivision may not exceed one dollar (\$1). If a provider:

- (A) does not impose an increase during any twelve (12) month period described in this subdivision; or
- (B) imposes an increase less than the maximum one dollar (\$1) increase allowed under this subdivision during any twelve (12) month period described in this subdivision; the provider may not impose the unused increase in any subsequent twelve (12) month period described in this subdivision.
- (2) The provider may increase the flat monthly rate not more frequently than three (3) times during the entire rate transition period. The amount of the total increase in the flat monthly rate during the transition period may not exceed three dollars (\$3), as calculated based on the flat monthly rate in effect in the local exchange area on March 27, 2006.

The provider shall provide the commission and all affected customers thirty (30) days advance notice of each rate increase under this subsection.

(d) This subsection applies to a provider that, at any time during the rate transition period, begins offering basic telecommunications service in a local exchange area in Indiana in which the provider did not offer basic telecommunications service on March 27, 2006. In accordance with the procedures set forth in IC 8-1-2, the commission shall approve the initial rates and charges for basic telecommunications service first offered by the provider in a local exchange area at any time during the rate transition period. Subject to subsections (e) and (h), beginning twelve (12) months after the commission approves the initial rates and charges for the local exchange area, the provider may increase the initial flat monthly rate for basic telecommunications service in accordance with subsection (c). However, subsection (c)(2) does not apply to a rate increase under this subsection. The provider may not increase the flat monthly rate under this subsection during the rate transition period more frequently than the number of twelve (12) month periods remaining in the rate transition period at the time the provider is first eligible to increase the initial flat monthly rate under this subsection. The amount of the total increase in the flat monthly rate during the rate transition period may not exceed the product of:

- (1) one dollar (\$1); multiplied by
- (2) the number of twelve (12) month periods remaining in the rate transition period at the time the provider is first eligible to increase the initial flat monthly rate under this subsection.

The provider shall provide the commission and all affected customers thirty (30) days advance notice of each rate increase under this subsection.

(e) This subsection applies to a provider that acts under subsection (c) or (d) to increase the provider's flat monthly rate for basic telecommunications service in a local exchange area in Indiana. Not later than eighteen (18) calendar months after the provider's first rate increase in the local exchange area under subsection (c) or (d), the provider must offer broadband service to at least fifty percent (50%) of the households located in the local exchange area, at the average speeds set forth in subsection (a), as determined by the commission after notice and an

opportunity for hearing. The commission may extend the eighteen (18) month period allowed under this subsection by not more than nine (9) additional calendar months for good cause shown by the provider. The commission shall hold a hearing and make a finding as to whether the provider offers broadband service to at least fifty percent (50%) of the households in the local exchange area not later than the earlier of the following:

- (1) Ninety (90) days after a request by the provider for a hearing and determination by the commission. The provider may request a hearing and determination under this subdivision at any time before the expiration of:

- (A) the eighteen (18) month period allowed by this subsection; or
- (B) any extension of the eighteen (18) month period allowed by the commission under this subsection.

- (2) Ninety (90) days after the expiration of:

- (A) the eighteen (18) month period allowed by this subsection; or
- (B) any extension of the eighteen (18) month period allowed by the commission under this subsection;

if the provider does not request a hearing and determination under subdivision (1).

(f) If, after a hearing under subsection (e), the commission determines that the provider does not offer broadband service to at least fifty percent (50%) of the households in the local exchange area not later than eighteen (18) months after the provider's first rate increase in the local exchange area under subsection (c) or (d), the commission may require the provider to:

- (1) refund to customers; or
- (2) pay to the commission as a civil penalty;

an amount equal to the incremental revenue accruing to the provider as a result of all rate increases imposed by the provider in the local exchange area under subsection (c) or (d), plus interest. The commission shall determine the amount of interest added to a refund or payment made under this subsection by applying the average interest rate paid during the eighteen (18) months after the provider's first rate increase to depositors by the fifteen (15) largest banks with their principal offices in Indiana. A determination by the commission under this subsection is subject to appeal under IC 8-1-3.

(g) This subsection applies to an incumbent local exchange carrier that offers basic telecommunications service in one (1) or more local exchange areas in Indiana on March 27, 2006. Throughout the rate transition period, the incumbent local exchange carrier shall continue to make available a flat monthly rate with unlimited local calling for basic telecommunications service in all local exchange areas in which the incumbent local exchange carrier offers basic telecommunications service on March 27, 2006, regardless of whether the incumbent local exchange carrier increases the flat monthly rate in any of those local exchange areas under subsection (c). Throughout the transition period, an extended area of service in which the incumbent local exchange carrier offers basic telecommunications service on March 27, 2006, may not be reduced in area or scope without the approval of the commission after notice and hearing.

(h) If, at any time during the rate transition period, the commission determines in accordance with IC 8-1-2-113 that an emergency exists, the commission may act under IC 8-1-2-113 to

temporarily alter, amend, or suspend the limits on the flat monthly rate increases set forth in subsections (c) and (d) if necessary to maintain a provider's financial integrity and ability to provide adequate basic telecommunications service. The commission shall reimplement the limits on flat monthly rate increases, as set forth in subsections (c) and (d), when the commission is satisfied the emergency no longer exists.

(i) After June 30, 2009, a provider that offers basic telecommunications service in Indiana:

- (1) must offer a flat monthly rate with unlimited local calling for basic telecommunications service in each local exchange area in Indiana in which the provider offers basic telecommunications service; and
- (2) may not, in any local exchange area in Indiana in which the provider offers basic telecommunications service, offer any service plan for basic telecommunications service that includes measured local service.

SECTION 17. IC 8-1-2.6-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.4. Except as provided in sections 1.5(c), 12, and 13 of this chapter, after June 30, 2009, the commission shall not exercise jurisdiction over basic telecommunications service.

SECTION 18. IC 8-1-2.6-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) In acting to impose any requirements or set any prices concerning:

- (1) interconnection with the facilities and equipment of providers for purposes of 47 U.S.C. 251(c)(2);
- (2) the resale of telecommunications service for purposes of 47 U.S.C. 251(c)(4); or
- (3) the unbundled access of one (1) provider to the network elements of another provider for purposes of 47 U.S.C. 251(c)(3);

the commission shall not exceed the authority delegated to the commission under federal laws and regulations with respect to those actions. This subsection does not affect the commission's authority under IC 8-1-2-5.

(b) Subject to any regulations adopted by the Federal Communications Commission, this section does not affect:

- (1) the commission's authority to mediate a dispute between providers under 47 U.S.C. 252(a);
- (2) the commission's authority to arbitrate a dispute between providers under 47 U.S.C. 252(b);
- (3) the commission's authority to approve an interconnection agreement under 47 U.S.C. 252(e), including the authority to establish service quality metrics and liquidated damages;
- (4) the commission's authority to review and approve a provider's statement of terms and conditions under 47 U.S.C. 252(f);
- (5) a provider's ability to file a complaint with the commission to have a dispute decided by the commission:
 - (A) after notice and hearing; and
 - (B) in accordance with this article; or
- (6) the commission's authority to resolve an interconnection dispute between providers under the expedited procedures set forth in 170 IAC 7-7.

(c) If a provider's rates and charges for intrastate switched or special access service are:

- (1) at issue in a dispute that the commission is authorized to mediate, arbitrate, or otherwise determine under state or federal law; or
- (2) included in an interconnection agreement or a statement of terms and conditions that the commission is authorized to review or approve under state or federal law;

the commission shall consider the provider's rates and charges for intrastate switched or special access service to be just and reasonable if the intrastate rates and charges mirror the provider's interstate rates and charges for switched or special access service.

SECTION 19. IC 8-1-2.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Notwithstanding any other statute, the commission may:

- (1) on its own motion;
- (2) at the request of the utility consumer counselor;
- (3) at the request of one (1) or more telephone companies; or
- (4) at the request of any class satisfying the standing requirements of IC 8-1-2-54;

enter an order, after notice and hearing, that the public interest requires the commission to commence an orderly process to decline to exercise, in whole or in part, its jurisdiction over telephone companies or certain telephone services. This section applies to rules and orders that:

- (1) concern telecommunications service or providers of telecommunications service; and
- (2) may be adopted or issued by the commission under the authority of state or federal law.

(b) Rules and orders described in this section:

- (1) may be adopted or issued only after notice and hearing, unless:

(A) the commission determines that an emergency exists that requires the commission or a provider to take immediate action to:

(i) prevent injury to the business or interests of the citizens of Indiana; or

(ii) maintain a provider's financial integrity and ability to provide adequate basic telecommunications service;

(B) the commission is authorized under IC 8-1-2 to adopt a particular rule or issue a particular order without the necessity of a hearing; or

(C) after receiving notice of the commission's proposed action, all parties to a proceeding consent to the commission taking action without a hearing; and

(2) must be:

(A) consistent with this chapter; and

(B) in the public interest, as determined by the commission under subsection (d).

(c) Rules and orders described in this section must promote one (1) or more of the following:

(1) Cost minimization for providers to the extent that a provider's quality of service and facilities are not diminished.

(2) A more accurate evaluation by the commission of a provider's physical or financial conditions or needs as well as a less costly regulatory procedure for either the provider,

the provider's customers, or the commission.

(3) Consumer access to affordable basic telecommunications service.

(4) Development of depreciation guidelines and procedures that recognize technological obsolescence.

(5) Increased provider management efficiency beneficial to customers.

(6) Regulation consistent with a competitive environment.

(b) (d) In determining whether the public interest will be served, **as required under subsection (b)**, the commission shall consider:

(1) whether technological change, competitive forces, or regulation by other state and federal regulatory bodies render the exercise of jurisdiction by the commission unnecessary or wasteful;

(2) whether the exercise of commission jurisdiction produces tangible benefits to ~~telephone company~~ **the customers of providers**; and

(3) whether the exercise of commission jurisdiction inhibits a regulated entity from competing with unregulated providers of functionally similar ~~telephone telecommunications~~ services or equipment.

(c) The commission may:

(1) on its own motion;

(2) at the request of the utility consumer counselor;

(3) at the request of one **(1)** or more telephone companies; or

(4) at the request of any class satisfying the standing requirements of ~~IC 8-1-2-54~~;

enter an order notifying any telephone company or class of telephone companies jurisdiction over which was either limited or not exercised according to this section that the commission will proceed to exercise jurisdiction over the telephone company, class of telephone companies, or class of telephone services provided by telephone companies to the extent the commission considers appropriate unless one **(1)** or more of those telephone companies formally request a hearing within fifteen **(15)** days following the date of such order.

(e) This section does not affect the commission's authority under IC 8-1-2-5.

SECTION 20. IC 8-1-2.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) A regulatory flexibility committee is established to monitor competition in the ~~telephone telecommunications~~ industry.

(b) The committee is composed of the members of a house standing committee selected by the speaker of the house of representatives and a senate standing committee selected by the president pro tempore of the senate. In selecting standing committees under this subsection, the speaker and president pro tempore shall determine which standing committee of the house of representatives and the senate, respectively, has subject matter jurisdiction that most closely relates to the electricity, gas, energy policy, and telecommunications jurisdiction of the regulatory flexibility committee. The chairpersons of the standing committees selected under this subsection shall co-chair the regulatory flexibility committee.

(c) The commission shall, by July 1 of each year, prepare for presentation to the regulatory flexibility committee ~~an analysis of a report that includes the following~~:

(1) An analysis of the effects of competition and technological

change on universal service and on pricing of all telephone telecommunications services under the jurisdiction of the commission offered in Indiana.

(2) An analysis of the status of competition and technological change in the provision of video service (as defined in IC 8-1-34-14) to Indiana customers, as determined by the commission in carrying out its duties under IC 8-1-34. The commission's analysis under this subdivision must include a description of:

(A) the number of multichannel video programming distributors offering video service to Indiana customers;

(B) the technologies used to provide video service to Indiana customers; and

(C) the effects of competition on the pricing and availability of video service in Indiana.

(3) Beginning with the report due July 1, 2007, and in each report due in an odd-numbered year after July 1, 2007:

(A) an identification of all telecommunications rules and policies that are eliminated by the commission under section 4.1 of this chapter during the two (2) most recent state fiscal years; and

(B) an explanation why the telecommunications rules and policies identified under clause (A) are no longer in the public interest or necessary to protect consumers.

(d) In addition to reviewing the commission report prepared under subsection (c), the regulatory flexibility committee shall also issue a report and recommendations to the legislative council by November 1 of each year that is based on a review of the following issues:

(1) The effects of competition and technological change in the telephone telecommunications industry and impact of competition on available subsidies used to maintain universal service.

(2) The status of modernization of the public telephone network publicly available telecommunications infrastructure in Indiana and the incentives required to further enhance this infrastructure.

(3) The effects on economic development and educational opportunities of this the modernization described in subdivision (2).

(4) The current method methods of regulating telephone companies providers, at both the federal and state levels, and the method's effectiveness of the methods.

(5) The economic and social effectiveness of current telephone telecommunications service pricing.

(6) All other telecommunications issues the committee deems appropriate.

The report and recommendations issued under this subsection to the legislative council must be in an electronic format under IC 5-14-6.

(e) The regulatory flexibility committee shall meet on the call of the co-chairpersons to study telecommunications issues described in subsection (d). The committee shall, with the approval of the commission, retain the independent consultants the committee considers appropriate to assist the committee in the review and study. The expenses for the consultants shall be paid by the commission.

SECTION 21. IC 8-1-2.6-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. (a) Not later than:**

(1) July 1, 2007; and

(2) July 1 of each odd-numbered year after July 1, 2007; the commission shall, through a rulemaking proceeding under IC 4-22-2 or another commission proceeding, identify and eliminate rules and policies concerning telecommunications service and telecommunications service providers if the rules or policies are no longer necessary in the public interest or for the protection of consumers as the result of meaningful economic competition between providers of telecommunications services.

(b) Not later than July 1, 2007, the commission shall adopt rules under IC 4-22-2 to require a telecommunications service provider, at any time the provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service, to notify the residential customer of:

(1) the option of basic telecommunications service; and

(2) any regulatory protections, including pricing or quality of service protections, that the residential customer would forego by switching to nonbasic telecommunications service.

(c) In carrying out this section, the commission shall promote the policies and purposes set forth in this chapter. Beginning in 2007, and in each odd-numbered year after 2007, the commission's annual report to the regulatory flexibility committee under section 4 of this chapter must:

(1) identify any regulation or policy eliminated by the commission under this section during the two (2) most recent state fiscal years; and

(2) explain why the regulation or policy is no longer in the public interest or necessary to protect consumers.

SECTION 22. IC 8-1-2.6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) As used in this section, "rate reduction" means a decrease in either recurring or nonrecurring rates or charges.

(b) Notwithstanding any other provision of this chapter or any other statute, a ~~telephone company~~ provider may ~~subject to the prior approval of the commission,~~ participate in any rate reduction program for residential customers funded from revenues provided by any governmental entity or other revenues administered by an agency of that entity.

SECTION 23. IC 8-1-2.6-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. This chapter does not terminate or otherwise change the terms and conditions of a settlement agreement approved by the commission under this chapter before July 29, 2004. However, a provider may renegotiate the terms and conditions of the settlement agreement at any time before the expiration of the settlement agreement.

SECTION 24. IC 8-1-2.6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) As used in this section, "communications service" has the meaning set forth in IC 8-1-32.5-3.

(b) As used in this section, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

(c) As used in this section, "dark fiber" refers to unused capacity in a communications service provider's communications network, including fiber optic cable or other facilities:

(1) in place within a public right-of-way; but

(2) not placed in service by a communications service provider.

(d) Notwithstanding sections 1.2, 1.4, and 1.5 of this chapter, the commission may do the following both during and after the rate transition period described in section 1.3 of this chapter, except as otherwise provided in this subsection:

(1) Subject to section 12 of this chapter, enforce the terms of a settlement agreement approved by the commission before July 29, 2004. The commission's authority under this subdivision continues for the duration of the settlement agreement.

(2) Fulfill the commission's duties under IC 8-1-2.8 concerning the provision of dual party relay services to hearing impaired and speech impaired persons in Indiana.

(3) Fulfill the commission's duties under IC 8-1-19.5 concerning the administration of the 211 dialing code for communications service used to provide access to human services information and referrals.

(4) Fulfill the commission's responsibilities under IC 8-1-29 to adopt and enforce rules to ensure that a customer of a telecommunications provider is not:

(A) switched to another telecommunications provider unless the customer authorizes the switch; or

(B) billed for services by a telecommunications provider that without the customer's authorization added the services to the customer's service order.

(5) Fulfill the commission's obligations under:

(A) the federal Telecommunications Act of 1996 (47 U.S.C. 151 et seq.); and

(B) IC 20-20-16;

concerning universal service and access to telecommunications service and equipment, including the designation of eligible telecommunications carriers under 47 U.S.C. 214.

(6) Perform any of the functions described in section 1.5(b) of this chapter.

(7) After June 30, 2009, perform the commission's responsibilities under IC 8-1-32.5 to:

(A) issue; and

(B) maintain records of;

certificates of territorial authority for communications service providers offering communications service to customers in Indiana.

(8) Perform the commission's responsibilities under IC 8-1-34 concerning the issuance of certificates of franchise authority to multichannel video programming distributors offering video service to Indiana customers.

(9) After June 30, 2009, require a communications service provider, other than a provider of commercial mobile service (as defined in 47 U.S.C. 332), to report to the commission on an annual basis, or more frequently at the option of the provider, any of the following information:

(A) Service quality goals and performance data. The commission shall make any information or data

submitted under this subsection available:

- (i) for public inspection and copying at the offices of the commission under IC 5-14-3; and
- (ii) electronically through the computer gateway administered by the office of technology established by IC 4-13.1-2-1;

to the extent the information or data are not exempt from public disclosure under IC 5-14-3-4(a).

(B) Information concerning the:

- (i) capacity;
- (ii) location; and
- (iii) planned or potential use of;

the communications service provider's dark fiber in Indiana.

(C) Information concerning the communications service offered by the communications service provider in Indiana, including:

- (i) the types of service offered; and
- (ii) the areas in Indiana in which the services are offered.

(D) Any information needed by the commission to prepare the commission's report to the regulatory flexibility committee under section 4 of this chapter.

(E) Any other information that the commission is authorized to collect from a communications service provider under state or federal law.

The commission may revoke a certificate issued to a communications service provider under IC 8-1-32.5 if the communications service provider fails or refuses to report any information required by the commission under this subdivision. However, this subdivision does not empower the commission to require a communications service provider to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subdivision.

(10) Perform the commission's duties under IC 8-1-32.4 with respect to telecommunications providers of last resort, to the extent of the authority delegated to the commission under federal law to perform those duties.

(11) Perform the commission's duties under IC 8-1-2-5 with respect to interconnection.

(12) Establish and administer the Indiana Lifeline assistance program under IC 8-1-36.

(13) After June 30, 2009, collect and maintain from a provider of commercial mobile service (as defined in 47 U.S.C. 332) the following information:

- (A) The address of the provider's website.
- (B) All toll free telephone numbers and other customer service telephone numbers maintained by the provider for receiving customer inquiries and complaints.
- (C) An address and other contact information for the provider, including any telephone number not described in clause (B).

The commission shall make any information submitted by a provider under this subdivision available on the commission's website. The commission may also make

available on the commission's website contact information for the Federal Communications Commission and the Cellular Telephone Industry Association.

(e) After June 30, 2009, the commission does not have jurisdiction over any of the following with respect to a communications service provider:

- (1) Rates and charges for communications service provided by the communications service provider, including the filing of schedules or tariffs setting forth the provider's rates and charges.
- (2) Depreciation schedules for any of the classes of property owned by the communications service provider.
- (3) Quality of service provided by the communications service provider, other than the imposition of a reporting requirement under subsection (d)(9)(A).
- (4) Long term financing arrangements or other obligations of the communications service provider.
- (5) Except as provided in subsection (d), any other aspect regulated by the commission under this title before July 1, 2009.

(f) After June 30, 2009, the commission has jurisdiction over a communications service provider only to the extent that jurisdiction is:

- (1) expressly granted by state or federal law, including:
 - (A) a state or federal statute;
 - (B) a lawful order or regulation of the Federal Communications Commission; or
 - (C) an order or a ruling of a state or federal court having jurisdiction; or
- (2) necessary to administer a federal law for which regulatory responsibility has been delegated to the commission by federal law.

SECTION 25. IC 8-1-2.6-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. This chapter does not affect the rights and obligations of any person or entity concerning the payment of switched network access rates or other carrier compensation concerning:

- (1) Internet Protocol enabled services;
- (2) advanced services (as defined in 47 CFR 51.5);
- (3) broadband service; or
- (4) other Internet access services.

SECTION 26. IC 8-1-2.6-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in subsection (b), if there is a conflict between this chapter and another provision of this article, this chapter controls.

(b) This chapter does not affect the rights of:

- (1) a provider that has withdrawn from the commission's jurisdiction under IC 8-1-2-88.5 or IC 8-1-17-22.5 before March 28, 2006, to remain outside the jurisdiction of the commission during the transition period described in section 1.3 of this chapter; or
- (2) a provider that:
 - (A) has not withdrawn from the commission's jurisdiction under IC 8-1-2-88.5 or IC 8-1-17-22.5 before March 28, 2006; and

(B) is otherwise eligible to withdraw from the commission's jurisdiction under IC 8-1-2-88.5 or IC 8-1-17-22.5;

to withdraw from the commission's jurisdiction under IC 8-1-2-88.5 or IC 8-1-17-22.5 at any time during the transition period described in section 1.3 of this chapter.

Except as provided in section 13(d)(5) of this chapter, after June 30, 2009, section 1.4 of this chapter applies to a provider described in this subsection.

SECTION 27. IC 8-1-2.6-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. (a) As used in this section, "payphone service provider" means an entity, other than an incumbent local exchange carrier, that owns and operates:**

- (1) public or semipublic pay telephones; or**
- (2) pay telephones used to provide telephone service in correctional institutions.**

(b) Notwithstanding any other statute, the commission shall retain jurisdiction to establish just and reasonable rates that may be charged by an incumbent local exchange carrier to a payphone service provider. Rates established under this section must be:

- (1) based on the costs incurred by the incumbent local exchange carrier to provide the service;**
- (2) consistent with the requirements of 47 U.S.C. 276;**
- (3) nondiscriminatory; and**
- (4) consistent with the pricing guidelines for payphone service providers established by the Federal Communications Commission.**

SECTION 28. IC 8-1-2.8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) As used in this chapter, "dual party relay services" means ~~telephone~~ telecommunications transmission services that provide the ability for a person who has a hearing impairment or speech impairment to engage in communication by wire or radio with a hearing person in a manner that is functionally equivalent to the ability of an individual who does not have a hearing impairment or speech impairment to communicate using voice communication services. ~~by wire or radio.~~**

(b) The term includes services that enable two-way communication between a person who uses a telecommunications device for the deaf or other nonvoice terminal and a person who does not use such a device.

SECTION 29. IC 8-1-2.8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. As used in this chapter, "local exchange ~~telephone~~ company" or "LEC" means a company authorized by the commission to provide, among other services, local exchange access service. ~~refers to any telecommunications service provider (as defined in IC 8-1-2.6-13(b))~~ that:**

- (1) has a certificate of territorial authority on file with the commission; and**
- (2) is required to provide dual party relay services to hearing impaired and speech impaired persons under federal law.**

SECTION 30. IC 8-1-2.8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. The general assembly finds and declares the following:**

- (1) That it is in the public interest of the state to promptly provide hearing impaired or speech impaired persons with**

access to ~~telephone~~ telecommunications services that are functionally equivalent to those provided to hearing persons.

(2) That Title IV of the ADA mandates that each telephone company providing telephone service within the state must provide dual party relay services on or before July 26, 1993, to hearing impaired and speech impaired persons within the territorial area or areas it serves in a manner that meets or exceeds the requirements of regulations prescribed by the FCC.

(3) That the most efficient, cost effective, and fair method for LECs to provide dual party relay services to hearing impaired and speech impaired persons and to comply with the federal mandate without the use of tax revenues is the establishment of the Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired under this chapter.

(4) That the provision of dual party relay services to hearing impaired and speech impaired persons can be enhanced by providing in appropriate circumstances in the sole discretion of the InTRAC telecommunications devices that facilitate access to the dual party relay services.

SECTION 31. IC 8-1-2.8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 18. The articles of incorporation of the InTRAC must provide the following:**

(1) The name of the corporation shall be "Indiana Telephone Relay Access Corporation for the Hearing and Speech Impaired".

(2) The sole purpose for which the InTRAC shall be organized and operated is to provide at the lowest cost reasonably possible:

(A) on behalf of ~~telephone companies~~ LECs and the citizens of Indiana; and

(B) in conjunction with ~~telephone companies;~~ LECs;

adequate and dependable dual party relay services that may include in appropriate circumstances in the sole discretion of the InTRAC telecommunications devices to hearing impaired and speech impaired persons within the territorial area in Indiana that ~~telephone companies~~ LECs serve in a manner that meets or exceeds the requirements of regulations prescribed by the FCC.

(3) The InTRAC must have authority to perform any lawful act that is necessary, convenient, or expedient to accomplish the purpose for which the InTRAC is formed.

(4) No part of the net earnings of the InTRAC may inure to the benefit of any member, director, or officer of the InTRAC, nor shall any member of the InTRAC receive any earnings from the corporation except as follows:

(A) A member may be an independent contractor, a supplier, a vendor, or an authorized agent of the InTRAC and may receive fair and reasonable compensation for the member's provision of goods or services.

(B) An officer may receive reasonable compensation for services that the officer performs in the officer's capacity as an officer of the InTRAC.

(C) A director may be reimbursed for expenses incurred by the director in the performance of the director's duties.

(5) The InTRAC may not:

(A) make an advancement for services to be performed in the future; or

(B) make a loan of money or property to any director or officer of the corporation.

(6) No member, director, or officer of the InTRAC or any private individual may share in the distribution of any of the assets of the InTRAC upon its dissolution.

(7) If there is a dissolution of the InTRAC, any of the assets of the InTRAC available for distribution shall be distributed to a charity:

(A) selected by the board of directors of the InTRAC; and

(B) having a purpose that includes providing services to hearing impaired and speech impaired persons.

(8) The InTRAC shall have one (1) class of members consisting of those ~~telephone companies~~ **communications service providers** that are designated as authorized LECs by the commission.

(9) Each member of the InTRAC shall serve as a member for as long as the commission finds that the member is a LEC. A member's:

(A) right to vote at meetings of the members of the InTRAC; and

(B) right, title, and interest in or to the corporation; cease on the termination of a member's membership.

(10) Each member present in person or by proxy at a meeting of the members of the InTRAC may cast one (1) vote upon each question voted upon at:

(A) all meetings of the members; and

(B) in any election of a director of the InTRAC.

(11) The board of directors of the InTRAC consists of seven (7) directors selected as follows:

(A) Six (6) directors elected by the members of the InTRAC.

(B) The director of the state office of deaf and hearing impaired services.

(12) The business, property, and affairs of the InTRAC are managed and controlled by the board of directors of the InTRAC.

SECTION 32. IC 8-1-2.8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20. (a) In pursuit of its purpose, the InTRAC may do the following:

(1) Perform audits and tests of the accounts of a LEC to verify the amounts described in section 12 of this chapter.

(2) Provide by contract dual party relay services to ~~telephone companies~~ **communications service providers** operating outside of the state ~~Indiana~~ if the effect of the contract:

(A) is to decrease the amount of surcharges imposed on the customers of members of the InTRAC; and

(B) does not sacrifice the quality of service that InTRAC provides for those customers in the absence of a contract.

(b) The actions described in subsection (a) are examples and are not intended to limit in any way the scope or types of actions that the InTRAC may take in pursuit of its purposes.

SECTION 33. IC 8-1-2.8-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The InTRAC shall do the following:

(1) Establish, implement, and administer, in whole or in part, a statewide dual party relay service system. Any contract for the supply or operation of a dual party relay service system or for the supply of telecommunications devices shall be provided

through a competitively selected vendor.

(2) Determine the terms and manner in which each LEC shall pay to the InTRAC the surcharge required under this chapter.

(3) Annually review the costs it incurred during prior periods, make reasonable projections of anticipated funding requirements for future periods, and file a report of the results of the review and projections with the commission by May 1 of each year.

(4) Annually employ an independent accounting firm to prepare audited financial statements for the end of each fiscal year of the InTRAC to consist of:

(A) a balance sheet;

(B) a statement of income; and

(C) a statement of cash flow;

and file a copy of these financial statements with the commission before May 2 of each year.

(5) Enter into contracts with any ~~telephone company~~ **authorized by the commission to provide services within Indiana LEC** to provide dual party relay services for the ~~telephone company~~ **LEC**, upon request by the ~~telephone company~~ **LEC**. However, the InTRAC:

(A) shall require reasonable compensation from the ~~telephone company~~ **LEC** for the provision of these services;

(B) is not required to contract with its members; and

(C) shall provide dual party relay services to InTRAC members **for communications service originating with the members' Indiana customers** for no consideration other than the payment to the InTRAC of the surcharges collected by the member under this chapter.

(6) Send to each of its members and file with the governor and the general assembly before May 2 of each year an annual report that contains the following:

(A) A description of the InTRAC's activities for the previous fiscal year.

(B) A description and evaluation of the dual party relay services that the InTRAC provides.

(C) A report of the volume of services the InTRAC provided during the previous fiscal year.

(D) A copy of the financial statements that subdivision (4) requires.

A report filed under this subdivision with the general assembly must be in an electronic format under IC 5-14-6.

SECTION 34. IC 8-1-2.8-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. If:

(1) a ~~telephone company~~ **communications service provider** that is not a member of InTRAC originates, carries, or terminates, in whole or in part, any telecommunication message that uses the InTRAC's dual party relay services; and

(2) refuses to:

(A) enter into a contract with the InTRAC as provided in section 21(5) of this chapter; or

(B) pay any sums due under such a contract;

the InTRAC may apply to the commission for an order requiring just and reasonable payments or the payments that are due under the contract. The InTRAC may enforce this order in the courts of the state.

SECTION 35. IC 8-1-2.8-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If the InTRAC meets the requirements of sections 18 and 21 of this chapter, the InTRAC:

- (1) is not a public utility;
- (2) is not a telephone company **or a communications service provider**; and
- (3) is free from the jurisdiction and oversight of the commission except as specifically provided in this chapter.

(b) The InTRAC is not an affiliated interest (as defined in IC 8-1-2-49). An officer, a director, or a member of the InTRAC may not be construed to be an affiliated interest solely because that person or entity is an officer, a director, or a member of the InTRAC.

SECTION 36. IC 8-1-2.8-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. The following are not liable in any civil action for any injuries or loss to persons or property incurred by any person as a result of any act or omission of any person or entity listed in subdivisions (1) through (3) in connection with the development, adoption, implementation, maintenance, or operation of any system that provides dual party relay services or telecommunications devices, except for injuries or losses incurred as a result of willful or wanton misconduct:

- (1) The InTRAC.
- (2) A ~~telephone company~~ LEC providing dual party relay services.
- (3) An employee, a director, an officer, or an agent of an entity listed in subdivision (1) or (2).

SECTION 37. IC 8-1-2.9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. As used in this chapter, **"telecommunications service provider" means a person that offers telecommunications service (as defined in 47 U.S.C. 153(46)).**

SECTION 38. IC 8-1-2.9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter, "caller ID service" means an optional service provided by a ~~telephone company~~ **telecommunications service provider** that permits a ~~telephone telecommunications service~~ customer equipped with a display device to view the telephone number ~~of the telephone~~ from which a call is being placed before answering the ~~telephone~~ **call**.

SECTION 39. IC 8-1-2.9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission shall approve any ~~telephone company~~ petition **by a telecommunications service provider** for commission approval of caller ID service. The commission may not require that caller ID service be provided with blocking, except that the commission may approve either per-call or per-line blocking for law enforcement and crisis intervention agencies that are certified by the commission.

(b) Rates and charges for caller ID services are not subject to commission approval **under this section**.

SECTION 40. IC 8-1-17-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.1. (a) If the requirements of subsection (b) are met, a local cooperative telephone corporation formed under Acts 1935, c.157 is considered to have been formed under this chapter and is subject to its requirements and not the requirements of IC 23-7-1.1 (before its repeal August 1, 1991)

or IC 23-17.

(b) A local cooperative telephone corporation described in subsection (a) shall amend its articles of incorporation in accordance with IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17 to conform to the requirements of this chapter and shall submit a copy of its amended articles to the commission for approval. After examining the articles, the commission shall approve the amended articles if they conform to the requirements of this chapter. The commission may approve the amended articles without conducting a hearing. The secretary of state may not issue a certificate of amendment before the commission approves the amended articles under this subsection.

(c) The certificate of public convenience and necessity or certificate of territorial authority previously issued to a local cooperative telephone corporation described in subsection (a) shall serve as the certificate required under section 6 of this chapter **(before its repeal July 1, 2009)**.

(d) Subsection (a) applies to a local telephone cooperative corporation as of the date the secretary of state issues a certificate of amendment under IC 23-7-1.1-26 (before its repeal August 1, 1991) or IC 23-17-17.

(e) The local cooperative telephone corporation shall record the amended articles of incorporation in the county where the local cooperative telephone corporation has its principal office.

SECTION 41. IC 8-1-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. As used in this chapter, the following terms have the following meanings unless a different meaning clearly appears from the context:

(1) "Acquire" means to obtain by construction, purchase, lease, devise, gift, eminent domain, or by any other lawful means.

(2) "Board" means the board of directors of a cooperative corporation.

(3) "Cooperative corporation" means a corporation formed under this chapter.

(4) "Facilities based local exchange carrier" has the meaning set forth in IC 8-1-32.4-5.

~~(4)~~ **(5)** "General cooperative corporation" means a cooperative corporation formed to render services to local cooperative corporations.

~~(5)~~ **(6)** "Improve" includes construct, reconstruct, extend, enlarge, alter, better, or repair.

~~(6)~~ **(7)** "Local cooperative corporation" means a cooperative corporation formed to render telephone services within Indiana.

~~(7)~~ **(8)** "Member" includes each individual signing the articles of incorporation of a cooperative corporation and each person admitted to membership of the cooperative corporation under law or the corporation's bylaws.

~~(8)~~ **(9)** "Obligations" includes negotiable bonds, notes, debentures, interim certificates or receipts, and other evidences of indebtedness, either issued or the payment of which is assumed by a cooperative corporation.

~~(9)~~ **(10)** "Person" or "inhabitant" includes an individual, a firm, an association, a corporation, a limited liability company, a business trust, and a partnership.

~~(10)~~ **(11)** "Service" or "services", when not accompanied by the word "telephone", means construction, engineering, financial, accounting, or educational services incidental to telephone

service.

~~(11)~~ **(12)** "System" includes any plant, works, system, facilities, or properties, together with all parts of and appurtenances to the plant, works, system, facilities, or properties, used or useful in telephone service.

(12) "Telephone company" means an individual, a firm, an association, a corporation, or a partnership owning, leasing, or operating any lines, facilities, or systems used in the furnishing of telephone service within Indiana.

(13) "Telephone facilities" includes all buildings, plants, works, structures, improvements, fixtures, apparatus, materials, supplies, machinery, tools, implements, poles, posts, crossarms, conduits, ducts, underground or overhead lines, wires, cables, exchanges, switches, desks, testboards, frames, racks, motors, generators, batteries, and other items of central office equipment, paystations, protectors, instruments, connections, and appliances, office furniture and equipment, work equipment, and all other property used in connection with the provision of telephone service, **and other telecommunications services.**

(14) "Telephone service" means that refers to **telecommunications** service (as defined in 47 U.S.C. 153(46)) provided by a telephone cooperative corporation, whereby the transmission of intelligence between at least two (2) points through the use of electricity is the intended use. The term includes all ~~telephone~~ facilities or systems used in the rendition of the service.

SECTION 42. IC 8-1-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) The individuals executing the articles of incorporation of a local cooperative corporation shall be residents of the area in which the operations of the cooperative corporation are to be conducted and shall be persons desirous of using telephone service to be furnished by the cooperative corporation.

(b) The individuals executing the articles of incorporation of a general cooperative corporation shall be members or prospective members of one (1) or more local cooperative corporations which are prospective members of such general cooperative corporation.

(c) The articles shall be executed in at least six (6) originals and shall be acknowledged by the subscribers before an officer authorized by law to take acknowledgments of deeds. When so acknowledged, three (3) originals of said articles shall be submitted to the commission. At the time the articles of incorporation are filed, ~~a petition~~ **an application for a certificate of territorial authority under IC 8-1-32.5** shall be filed with the commission ~~which petition if the applicant will operate as a local cooperative corporation. The application shall be executed by one (1) or more of the individuals executing the said articles, and shall pray the commission to grant a certificate of public convenience and necessity for the organization and operation of the proposed cooperative corporation; comply with the requirements of IC 8-1-32.5-6, as applicable.~~

(d) Upon the ~~submission receipt of such any articles to, and filing of such petition with, of incorporation and application for a certificate of territorial authority,~~ the commission it shall set the said petition for public hearing and give notice of the time, place and purpose thereof by publication in at least one ~~(1)~~ newspaper printed and published in each of the counties in which the said cooperative

corporation proposed to operate. The publication shall be at least ten ~~(10)~~ days prior to the date set for said hearing. The cost of such publication shall be paid by the petitioners at or before the time of such hearing; **conduct the review required under IC 8-1-32.5-8.** If it be the applicant is a local cooperative corporation, in addition to such published notice, the commission shall give written notice, by United States registered mail, of the time, place and purpose of such hearing, **filing of the application** to each telephone company **facilities based local exchange carrier** operating in territory contiguous to the area in which the ~~respective~~ cooperative corporation ~~proposed~~ **proposes** to render telephone service. The commission shall keep maps or records from which it can readily ascertain which telephone companies should receive notice as last provided; and information so available shall be used in the mailing of the aforesaid ~~notices; use the record maintained by the commission under IC 8-1-32.5-13 to determine which facilities based local exchange carriers are entitled to notice under this subsection.~~

(e) Any interested person may appear at such hearing, either in person or by attorney, and support or oppose the prayer of said petition. If the commission, after hearing the evidence introduced at said ~~conducting the review required by IC 8-1-32.5-8 and any hearing shall enter a finding that the convenience and necessity of the public proposed to be served in the territory in which the operations of the cooperative corporation are proposed to be conducted either with or will not be served by the organization and operation of the proposed cooperative corporation. If such finding be in the affirmative; allowed under IC 8-1-32.5-9, determines that the applicant meets the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5-8,~~ the commission shall:

(1) issue a certificate of territorial authority under IC 8-1-32.5; and

(2) enter an order approving the organization of such the cooperative corporation and the proposed articles of incorporation.

~~(f) If the said finding be in the negative, the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the applicant does not meet the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5-8, the commission shall: enter an order denying the approval of said articles of incorporation.~~

(1) request the applicant to provide additional information; or

(2) notify the applicant of the applicant's right to:
(A) appeal the commission's determination under IC 8-1-3; or
(B) file another application at a later date, without prejudice;

under IC 8-1-32.5-8.

~~(f)(g) If the commission approves the said articles of incorporation as provided in under subsection (e), the cooperative corporation shall submit the following documents, along with two (2) copies of each, to the secretary of state for filing:~~

(1) One (1) of the original articles of incorporation together with an attached executed by the corporation under subsection (c).

(2) A certified copy of the order of the commission shall be proffered in triplicate to the secretary of state for filing in his

~~office. After under subsection (e)(2).~~

(3) A certified copy of the certificate of territorial authority issued by the commission under subsection (e)(1).

If the secretary of state finds said articles and order determines that the documents described in subdivisions (1) through (3) comply with law, he the secretary of state shall forthwith endorse his approval thereon the documents and file one (1) set of such articles and order the documents in his the secretary of state's office and deliver the other two (2) sets, thereof, endorsed with his the secretary of state's approval, endorsed thereon, to the incorporators. The incorporators shall record one (1) of the approved originals original or certified copies of said articles with attached certified copy of the commission's order documents in the office of the recorder of the county in which the cooperative corporation has, or is to will have, its principal office.

~~(g)~~ **(h)** As soon as the provisions of this section have been complied with, the proposed cooperative corporation, described in the articles of incorporation so recorded **under subsection (g)**, under its designated name, ~~shall be~~ **is** a body corporate.

SECTION 43. IC 8-1-17-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. A cooperative corporation may do any and all acts or things necessary or convenient for carrying out the purpose for which it was formed, including the following:

- (1) To sue and be sued.
- (2) To have a seal and alter the same at pleasure.
- (3) To acquire, hold, and dispose of property, real and personal, tangible and intangible, or any interest in the property and to pay in cash or credit, and to secure and procure payment of all or any part of the purchase price on the terms and conditions as the board shall determine.
- (4) If it is a local cooperative corporation, to furnish, improve, and expand telephone service to its members, to governmental agencies and political subdivisions, and to other persons.
- (5) If it is a local cooperative corporation, to construct, purchase, lease as lessee, or otherwise acquire, and to improve, expand, install, equip, maintain, and operate, and to sell, assign, convey, lease as lessor, mortgage, pledge, or otherwise dispose of or encumber telephone facilities or systems, lands, buildings, structures, plants and equipment, exchanges, and any other real or personal property, tangible or intangible which ~~shall be deemed~~ **is** necessary or appropriate to accomplish the purpose for which the local cooperative corporation is organized.
- (6) To cease doing business and to dissolve and surrender its corporate franchise.
- (7) If it is a local cooperative corporation, to construct, operate, and maintain its telephone facilities across or along any street or public highway, or over lands that are the property of this state or a political subdivision of the state. Before telephone facilities are constructed across or along a highway in the state highway system, the local cooperative corporation shall first obtain the permit of the Indiana department of transportation to do so, and the location and setting of the telephone facilities shall be approved by and subject to the supervision of the Indiana department of transportation. Before telephone facilities are constructed on or across land belonging to the state, the local cooperative corporation shall first obtain the permit of the

department of state having charge of the lands to do so, and the location and setting of the telephone facilities shall be approved by and subject to the supervision of the department. The telephone facilities shall be erected and maintained so as not to interfere with the use and maintenance of the streets, highways, and lands, and no pole or appliance shall be located so as to interfere with the ingress or egress from any premises on the street or highway. Nothing in this section contained shall deprive the body having charge of the street or highway of the right to require the relocation of any pole or appliance which may affect the proper use of the street or highway for public travel, for drainage, or for the repair, construction, or reconstruction of the street or highway. The local cooperative corporation shall restore the street, highway, or lands to ~~its their~~ former condition or state as near as may be and shall not use the same in a manner to impair unnecessarily ~~its their~~ usefulness or to injure the property of others.

(8) To accept gifts or grants of property, real or personal, from any person, municipality, or federal agency and to accept voluntary and uncompensated services.

(9) If it is a local cooperative corporation, to connect and interconnect its telephone facilities or systems with other telephone facilities or systems. A connection or interconnection shall be in a manner and according to specifications as will avoid interference with or hazards to existing telephone facilities or systems.

(10) To issue membership certificates.

(11) To borrow money and otherwise contract indebtedness, and to issue or guarantee notes, bonds, and other evidences of indebtedness and to secure the payment thereof by mortgage, pledge, or deed of trust of, or any other encumbrance upon, any or all of its then owned or after-acquired real or personal property, assets, franchises, or revenues.

(12) To make any and all contracts necessary or convenient for the full exercise of the powers in this chapter granted, including, without limiting the generality of the foregoing, contracts with any person, federal agency, municipality, or other corporation for the interconnection of telephone service; for the management and conduct of the business of the cooperative corporation; **and** for the fixing of the rates, fees, or charges for service rendered or to be rendered by the local cooperative corporation. ~~subject to the approval of the commission as to all rates, fees, or charges for telephone service in the same manner and to the same extent as is provided by law for the regulation of rates, fees, or charges of telephone companies.~~

(13) To levy and collect reasonable fees, rents, tolls, and other charges for telephone service rendered. ~~subject to the approval of the commission as provided in this section.~~

(14) If it is a local cooperative corporation, to exercise the right of eminent domain in the manner provided by law for the exercise thereof by ~~telephone companies.~~ **communications service providers (as defined in IC 8-1-2.6-13(b)).**

(15) To adopt, amend, and repeal bylaws.

(16) If it is a local cooperative corporation, to become a member of a general cooperative corporation and if it is a general cooperative corporation, to have local cooperative corporations as its members.

(17) To recover, after a period of two (2) years, any unclaimed stocks, dividends, capital credits, patronage refunds, utility deposits, membership fees, account balances, or book equities for which the owner cannot be found and are the result of distributable savings of the corporation returned to the members on a pro rata basis pursuant to section 20 of this chapter.

SECTION 44. IC 8-1-17-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. ~~No~~ A local cooperative corporation may **not** sell, lease, exchange, mortgage, pledge, or otherwise sell all, or substantially all, of its property unless the **same** ~~shall be~~ **transaction is** authorized by a resolution duly adopted at a meeting of **its the corporation's** members duly called and held as provided in section 9 of this chapter. ~~which~~ **The** resolution ~~shall have received~~ **must receive** the affirmative vote of at least three-fourths (3/4) of **its the corporation's** members who are present at ~~such the~~ meeting and the affirmative vote of at least three-fourths (3/4) of **its the corporation's** directors who are present at a meeting of **its the** board of directors duly called and held as provided in **its the corporation's** bylaws. ~~and subject to the approval of the commission as provided by law applicable to a similar transaction by a public utility.~~

SECTION 45. IC 8-1-17-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) ~~Subject to the approval of the commission~~ A cooperative corporation shall have power and is hereby authorized, from time to time, to issue its obligations for any corporate purpose. ~~Said~~ **The** obligations may be authorized by resolution or resolutions of the board, and may bear such date or dates, mature at such time or times, not exceeding forty (40) years from their respective dates, bear interest at any rate, payable semi-annually, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption, not exceeding the principal amount ~~thereof of the obligations~~ plus accrued interest, as ~~such the board's~~ resolution or resolutions may provide.

(b) ~~Such~~ **The** obligations may be sold in such manner and upon such terms as the board may determine at not less than the principal amount ~~thereof of the obligations~~ plus accrued interest.

(c) Any provision of law to the contrary notwithstanding, any obligations and ~~the related~~ interest coupons, ~~appertaining thereto~~; if any, issued pursuant to this act shall possess all the qualities of negotiable instruments. ~~however~~; The commission's approval shall not be required for the issuance by a cooperative corporation of its bonds, notes, or other evidences of indebtedness. ~~which are:~~

- (1) ~~payable in less than one (1) year from date of execution; and~~
- (2) ~~in the aggregate do not exceed ten per cent (10%) of its net plant account.~~

SECTION 46. IC 8-1-17-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) Any two (2) or more cooperative corporations created under the provisions of this chapter and operating or authorized to operate in contiguous territory may enter into an agreement for the consolidation of ~~such the~~ cooperative corporations, which agreement shall be submitted for the ~~approval~~ **review** of the commission in the manner provided for in section 5 of this chapter. ~~Such~~ **The** agreement shall set forth the terms and conditions of the consolidation, the name of the proposed

consolidated cooperative corporation, the number of its directors, not less than three (3), the time of the annual election, and the names of the persons, not less than three (3), to be directors until the first annual meeting. Each ~~such~~ cooperative corporation **participating in the consolidation** shall duly call and hold a meeting of its members, as provided in section 9 of this chapter, at which the proposal of ~~such the~~ consolidation shall be presented. If at each ~~such~~ meeting, the ~~aforesaid consolidation~~ agreement is approved by a resolution duly adopted and receiving the affirmative vote of at least three-fourths (3/4) of the members ~~of the respective cooperative corporation~~; who attend ~~such each~~ meeting, the directors named in the agreement shall subscribe and acknowledge articles conforming substantially to the original articles of incorporation. ~~except that it~~ **The new articles** shall be entitled and endorsed "Articles of Consolidation of _____" (the blank space being filled in with the names of the cooperative corporations being consolidated) and ~~shall must~~ state:

- (1) the names of the cooperative corporations being consolidated;
- (2) the name of the consolidated cooperative corporation;
- (3) a statement that each consolidating cooperative corporation agrees to the consolidation;
- (4) the names and addresses of the directors of the new cooperative corporation; and
- (5) the terms and conditions of the consolidation and the mode of carrying the **same consolidation** into effect, including the manner in which members of the consolidating cooperative corporations may or shall become members of the new cooperative corporation.

~~and~~ **The new articles of incorporation** may contain any provisions not inconsistent with this chapter ~~deemed that are~~ necessary or advisable for the conduct of the business of the new cooperative corporation.

(b) ~~If~~ **After** the commission approves the ~~said~~ articles of consolidation ~~such under section 5 of this chapter, the~~ articles of consolidation or a certified copy or copies ~~thereof of the articles~~ shall be filed, together with the attached copy of the order of the commission **under section 5(e)(2) of this chapter**, in the same place as original articles of incorporation. ~~and thereupon~~ **Upon the filings required under section 5(g) of this chapter**, the proposed consolidated cooperative corporation, under its designated name, ~~shall be and constitute is~~ a body corporate with all the powers of a cooperative corporation as originally formed under this chapter. ~~If the commission does not approve the said articles of consolidation, permission for such consolidation shall be denied by the commission.~~

SECTION 47. IC 8-1-17-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. (a) In case of a consolidation, the existence of the consolidating cooperative corporations shall cease and the articles of consolidation ~~shall be deemed to be~~ **are considered** the articles of incorporation of the new cooperative corporation.

(b) All rights, privileges, immunities, and franchises and all property, real and personal, including without limitation applications for membership, all debts due on whatever account and all other choses in action, of each of the consolidating cooperative corporations ~~shall be deemed to be~~ **are** transferred to and vested in the new cooperative corporation without further act or deed.

(c) The new cooperative corporation shall be responsible and liable for all the liabilities and obligations of each of the consolidating cooperative corporations. Any claim existing or action or proceeding pending by or against any of the consolidating cooperative corporations may be prosecuted as if the consolidation had not taken place but the new cooperative corporation may be instituted in its place.

(d) The new cooperative corporation ~~shall be authorized to may~~ operate in all the areas in which the consolidating cooperative corporations ~~shall have been were~~ authorized to operate, ~~and shall not be authorized to~~ **Before the new corporation may** operate in any other area, ~~until or unless so authorized by it shall submit to the commission:~~

- (1) ~~an application for a new certificate of public convenience and necessity issued by the commission as provided in section 6 of this chapter; territorial authority under IC 8-1-32.5; or~~ **a notice of change under IC 8-1-32.5-12(7), as allowed by the commission.**

(e) ~~Neither~~ The rights of creditors ~~nor and~~ any liens upon the property of any ~~such consolidating~~ cooperative corporations shall ~~not be~~ impaired by ~~such consolidations; the consolidation.~~

SECTION 48. IC 8-1-17-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) A local cooperative corporation shall be required to furnish reasonably adequate telephone services and facilities. The charge made by any local cooperative corporation for any service rendered or to be rendered, either directly or in connection ~~therewith;~~ **with the service,** shall be nondiscriminatory, reasonable, and just, and every discriminatory, unjust, or unreasonable charge for telephone service is prohibited and declared unlawful. ~~A~~ Reasonable and just ~~charge~~ **charges** for telephone service within the meaning of this section ~~shall be such are those charges as shall that~~ produce sufficient revenue to pay all legal and other necessary expense incident to the operation of the local cooperative corporation's system, ~~to include; but not limited to;~~ **including** maintenance costs, operating charges, upkeep, repairs, interest charges on bonds or other obligations, to provide a sinking fund for the liquidation of bonds or other evidences of indebtedness, to provide adequate funds to be used as working capital, as well as funds for making extensions and replacements, and also for the payment of any taxes that may be assessed against ~~such the~~ cooperative corporation or its property. ~~it being the intent and purpose hereof that such Charges shall described in this section must produce an income sufficient to maintain such the local cooperative corporation's property in sound physical and financial condition to render adequate and efficient service. Any rate too low to meet the foregoing requirements shall be is unlawful. Revenues and receipts not needed for the above and foregoing purposes described in this section, or not needed in reserves for such those purposes, shall be returned to the patrons on a pro rata basis according to the amounts paid by them for telephone service. such returns Amounts returned under this section shall be either in cash or in abatement of current charges for telephone service, as the board may decide.~~

(b) As used in ~~subsections subsection~~ (d), ~~and (c);~~ "financial assistance" means:

- (1) a loan or loan guarantee; or
- (2) a lien accommodation provided to secure a loan made by another lender;

including ~~but not limited to~~ loans made by the Rural Electrification Administration of the United States Department of Agriculture (REA) or by the Rural Telephone Bank.

(c) As used in subsections (d) and (e), "REA borrower" means a corporation created under this chapter that is the recipient of financial assistance.

(d) In determining rates under this section, ~~once the commission determines that property of an REA borrower is reasonably necessary for the provision of telephone service and has been placed in service; the commission shall approve rates to be charged by the an REA borrower must charge rates~~ sufficient to enable the REA borrower to:

- (1) satisfy its reasonable expenses and obligations; and
- (2) repay the full amount of any financial assistance and the interest thereon.

(e) So long as there remains any unpaid portion of any financial assistance associated with the property of an REA borrower, ~~determined under subsection (d) to be reasonably necessary and placed in service;~~ the rates of the REA borrower shall be set at a level sufficient to repay the financial assistance, regardless of ~~any change in the regulatory status of the property; including; without limitation;~~ the full or partial retirement of the property or any other change in the status of the property. ~~as reasonably necessary or used and useful;~~

SECTION 49. IC 8-1-17-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. (a) A cooperative corporation may amend its articles of incorporation to change its corporate name, to increase or reduce the number of its directors, or ~~to change any other provisions therein; provided; that set forth in the articles. However,~~ any change of location of the principal office ~~may~~ **shall** be effected in the manner set forth in section 24 of this chapter. ~~and further provided that no cooperative corporation shall amend its articles of incorporation to embody therein any purpose, power, or provision which would not be authorized if its original articles of incorporation, including such additional or changed purpose, power, or provision, were offered for filing at the time articles under this section are offered. Such An amendment under this section may be accomplished by filing articles of amendment, which along with any notice of change required under IC 8-1-32.5-12, with the commission. The articles of amendment shall be entitled and endorsed "Articles of Amendment of _____" (the blank space being filled in with the name of the cooperative corporation) and state: must include the following:~~

- (1) The name of the cooperative corporation, and if it has been changed, the name under which it was originally incorporated.
- (2) The date of filing the articles of incorporation in each public office where filed.
- (3) Whether the statement of counties within which ~~its the~~ **corporation's** operations are to be conducted is to be changed, and if so ~~the a~~ new statement of ~~such the~~ **counties in which the corporation will operate.**
- (4) ~~The officer executing such articles of amendment shall make and annex thereto An affidavit, signed by the officer executing the articles of amendment, stating that the provisions of this section in respect to the amendment set forth in such articles were complied with.~~

(b) ~~Such The amended~~ articles shall be subscribed in the name of the cooperative corporation by the appropriate officers of the

cooperative corporation, who shall make and annex an affidavit stating that they have been authorized to execute and file ~~such the~~ **amended** articles by a resolution duly adopted at a meeting of the cooperative corporation duly called and held as provided in section 9 of this chapter. If by any ~~such~~ amendment to ~~the~~ articles of incorporation, the territory proposed to be served by the cooperative corporation is to be increased or decreased, ~~the articles of amendment, together with a petition executed by the appropriate officers of the cooperative corporation and praying for the permission of the commission shall be submitted~~ **submit** to the commission: ~~Thereupon;~~

(1) **an application for a new certificate of territorial authority under IC 8-1-32.5-6; or**

(2) **a notice of change under IC 8-1-32.5-12(7), as allowed by the commission.**

(c) **Upon receipt of an application or a notice of change under subsection (b), the commission shall set said petition for public hearing and shall give notice of the time and place thereof one (1) time in at least one (1) newspaper published in each of the counties in which lies any of the territory proposed to be added or omitted by such amendment, which publication shall be at least ten (10) days before such hearing. The cost of publication shall be paid by the petitioner when filing such petition. Also conduct the review required under IC 8-1-32.5-8. If the applicant is a local cooperative corporation, the commission shall give written notice of the time and place of such hearing shall be mailed proposed change in the corporation's territory to each telephone company facilities based local exchange carrier operating in contiguous territory in the manner provided in section 5 of this chapter. Any interested person may appear, personally or by attorney, at such hearing and aid or oppose the prayer of the petition. After such hearing, the commission shall grant or deny the petition and make its order accordingly. ~~No~~ If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the amended articles and the application or notice of change under IC 8-1-32.5 are accurate, complete, and properly verified, the commission shall:**

(1) **issue a new or amended certificate under IC 8-1-32.5 that reflects the increase or decrease in the territory served by the corporation; and**

(2) **enter an order approving the amended articles of the cooperative corporation.**

(d) **If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the amended articles or an application or notice of change under IC 8-1-32.5 are inaccurate, incomplete, or not properly verified, the commission shall:**

(1) **request the corporation to provide additional information; or**

(2) **notify the corporation of the corporation's right to:**

(A) **appeal the commission's determination under IC 8-1-3; or**

(B) **file the amended articles or an application or notice of change under IC 8-1-32.5 at a later date, without prejudice;**

under IC 8-1-32.5-8.

(e) **An amendment increasing or decreasing the territory to be served by such a cooperative corporation shall not be filed in the**

office of the secretary of state or of any county recorder unless there ~~be is attached thereto to the amendment~~ a certified copy of an order of the commission ~~consenting to such increase or decrease. Such~~ **under subsection (c)(2). The amended** articles shall be filed in the same places as the original articles of incorporation and ~~thereupon~~ **upon filing** the amendment shall be ~~deemed considered~~ to have been effected.

SECTION 50. IC 8-1-17-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. A cooperative corporation formed ~~hereunder under this chapter~~ may change the location of its principal office by filing in the office of the secretary of state a certificate reciting ~~such the~~ change of principal office and setting forth the resolution by its board of directors authorizing ~~such the~~ change and stating the time and place of its adoption. ~~which The~~ certificate shall be executed and acknowledged by the appropriate officers of the cooperative corporation with the corporate seal attached and attested by the appropriate officer of the cooperative corporation. **The cooperative corporation shall also notify the commission of the change as required under IC 8-1-32.5-12(3).**

SECTION 51. IC 8-1-17-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25. (a) Any cooperative corporation may dissolve by filing in the office of the secretary of state articles of dissolution ~~which shall be~~ entitled and endorsed "Articles of Dissolution of _____" (the blank space being filled in with the name of the cooperative corporation). ~~and The~~ **articles of dissolution shall state the following:**

(1) The name of the cooperative corporation, and if ~~such the~~ cooperative corporation is a corporation resulting from ~~the a~~ consolidation as provided in this chapter, the names of the original cooperative corporations.

(2) The date of filing of the articles of incorporation in the office of secretary of state and, if ~~such the~~ cooperative corporation is a corporation resulting from a consolidation as provided in this chapter, the dates on which the articles of incorporation of the original cooperative corporations were filed in the office of secretary of state.

(3) That the cooperative corporation elects to dissolve.

(4) The name and post office address of each of its directors, and the name, title, and post office address of each of its officers.

~~Such The~~ articles shall be subscribed and acknowledged by the appropriate officers of the cooperative corporation who shall make and annex an affidavit stating that they have been authorized to execute and file ~~such the~~ articles by a resolution duly adopted by the members of the cooperative corporation at a meeting ~~thereof~~ duly called and held as provided in section 9 of this chapter. Articles of dissolution or a certified copy or copies ~~thereof of the articles~~ shall be filed in the same places as original articles of incorporation. ~~and thereupon~~ **If the dissolving corporation is a local cooperative corporation, any certificate of territorial authority issued under IC 8-1-32.5 shall be relinquished, and the appropriate officers of the corporation shall notify the commission of the relinquishment under IC 8-1-32.5-12(5).**

(b) **Upon the filings required by subsection (a), the cooperative corporation shall be deemed to be dissolved. Such However, the cooperative corporation shall continue for the purpose of paying, satisfying, and discharging any existing liabilities or obligations and**

collecting or liquidating its assets, and doing all other acts required to adjust and wind up its business affairs, and may sue and be sued in its corporate name. Any assets remaining after all liabilities and obligations of the cooperative corporation have been satisfied and discharged shall be refunded pro rata to the patrons, their assignees, personal representatives, heirs, or legatees, who ~~shall~~ have paid for telephone service rendered by the cooperative corporation within ~~a~~ **the** five (5) year period ~~next immediately~~ preceding ~~such~~ **the** dissolution. Any assets not ~~so~~ refunded within ~~a~~ **the** two (2) year period after ~~such~~ **the** dissolution is completed shall pass to and become the property of the state. ~~of Indiana.~~

SECTION 52. IC 8-1-17-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) Any foreign corporation organized as a nonprofit corporation for the purpose of making telephone service available to the inhabitants of rural areas may be admitted to do business ~~within this state in Indiana~~ and shall have the same powers, restrictions, and liabilities as a cooperative corporation organized under this chapter. Whenever ~~such a~~ foreign corporation desires to be admitted to operate in ~~this state; Indiana,~~ it shall file with the commission a petition in as many original counterparts as there are counties in Indiana; in which it requests permission to make telephone service available; plus five (5); Said petition shall describe the territory in Indiana in which its operations are to be conducted and pray the commission to grant to it a certificate of public convenience and necessity for such operations. ~~To each such original petition; there an application for a certificate of territorial authority under IC 8-1-32.5. The appropriate officers of the corporation shall be attached attach to the application a copy of the articles of incorporation of said the foreign corporation, with and all amendments thereto, to the articles, duly authenticated by the proper officer of the state wherein it in which the corporation is incorporated. Upon the filing of such petition with the commission; receipt of the application and the articles of incorporation, the commission shall set the said petition for public hearing; and shall give notice of the time and place of such hearing by publication one (1) time in at least one (1) newspaper printed and published in each of the counties in which the said foreign corporation proposes to carry on its operations; which publication shall be had at least ten (10) days prior to the date set for such hearing; the cost of such publications to be paid by the petitioners at the time of filing said petition. Also conduct the review required under IC 8-1-32.5-8. The commission shall give written notice of the time and place of such hearing shall be mailed the filing of the application to each telephone company facilities based local exchange carrier operating in contiguous territory in the manner provided in section 5 of this chapter. Any interested person may appear at such hearing; either in person or by attorney; and support or oppose the prayer of said petition. The commission shall enter a finding that the convenience and necessity of the public proposed to be served in the Indiana territory in which the operations of the foreign corporation are proposed to be conducted either will or will not be served by such operations. If said finding be in the negative; the commission shall enter an order denying the petition. If such finding be in the affirmative;~~

(b) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the foreign corporation meets the requirements

for the issuance of a certificate of territorial authority under IC 8-1-32.5, the commission shall enter an order granting a certificate of ~~public convenience and necessity territorial authority under IC 8-1-32.5~~ for the proposed operations of ~~said the~~ foreign corporation in Indiana and shall attach a copy of ~~said the~~ order, duly certified by the secretary of the commission, to each ~~of the originals of said petition; filed as aforesaid; except two (2); original application filed with the commission and deliver the same applications and orders to the petitioner.~~

(c) If the commission, after conducting the review required by IC 8-1-32.5-8 and any hearing allowed under IC 8-1-32.5-9, determines that the foreign corporation does not meet the requirements for the issuance of a certificate of territorial authority under IC 8-1-32.5, the commission shall:

(1) request the foreign corporation to provide additional information; or

(2) notify the foreign corporation of the foreign corporation's right to:

(A) appeal the commission's determination under IC 8-1-3; or

(B) file another application at a later date, without prejudice;

under IC 8-1-32.5-8.

(d) If the commission issues a certificate of territorial authority under subsection (b), the foreign corporation shall ~~then~~ present to the secretary of state ~~of Indiana~~ all ~~such~~ sets of authenticated copy copies of its articles of incorporation, the original petitions, applications under IC 8-1-32.5, and the order of the commission under subsection (b), together with ~~such any~~ application for admission to do business in ~~this state; if any; as Indiana~~ that the secretary of state may require, and shall tender to the ~~said~~ secretary of state six dollars and fifty cents (\$6.50) to cover ~~his the~~ secretary of state's fees for filing; certificate and ~~seal~~. ~~under this subsection.~~ If the secretary of state ~~shall approve~~ approves the same, he documents submitted, the secretary of state shall endorse ~~his the~~ secretary of state's approval upon each of the aforesaid sets of documents, file one (1) thereof copy in ~~his the~~ secretary of state's office, return the remaining ~~ones~~ copies to the foreign corporation, and issue to it ~~his the foreign corporation~~ a certificate of admission to do business in ~~this state. Thereupon; and Indiana.~~ Before the foreign corporation ~~shall may~~ do any business in ~~this state; Indiana,~~ it shall file in the office of the recorder of each county in Indiana in which it is to ~~will~~ make telephone service available one (1) ~~of said sets set of the documents bearing the approval of the secretary of state endorsed thereon; under this subsection.~~

SECTION 53. IC 8-1-29.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 29.5. Enforcement Remedies for Prohibited Actions by Telecommunications Service Providers and Video Service Providers

Sec. 1. This chapter applies to a provider and a certificate holder.

Sec. 2. Except as otherwise provided, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 3. As used in this chapter, "certificate holder" refers to a person holding a certificate of franchise authority issued under

IC 8-1-34-17.

Sec. 4. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 5. As used in this chapter, "customer", with respect to a provider, refers to either of the following:

- (1) A residential customer.
- (2) A business customer.

Sec. 6. (a) If:

- (1) ten (10) or more customers of a provider or a certificate holder;
- (2) the utility consumer counselor; or
- (3) any class satisfying the standing requirements of IC 8-1-2-54;

files a complaint with the commission alleging that a service over which the commission has jurisdiction that is provided by a provider or a certificate holder is unsafe, unjustly discriminatory, or inadequate, or that any service cannot be obtained, the commission may investigate the complaint as the commission considers appropriate. The commission shall conduct an investigation under this section on an expedited basis.

(b) If, after notice and an opportunity for hearing, the commission determines from an investigation conducted under subsection (a) that a service over which the commission has jurisdiction that is provided by a provider or a certificate holder is unsafe, unjustly discriminatory, or inadequate, or that any service cannot be obtained, the commission may do any of the following:

- (1) Issue an order directing the provider or the certificate holder to cease and desist from any action resulting in unsafe, unjustly discriminatory, or inadequate service.
- (2) Mandate corrective action.
- (3) Revoke or modify the terms of:
 - (A) an indeterminate permit;
 - (B) a certificate of territorial authority;
 - (C) a certificate of franchise authority issued under IC 8-1-34; or
 - (D) another license or authorization;

issued to the provider or the certificate holder by the commission.

- (4) Impose a civil penalty of not more than ten thousand dollars (\$10,000) per offense, if the offense involves any of the following:

- (A) A willful disregard, as evidenced by a continuing pattern of conduct, by the provider or the certificate holder of its obligation to remedy the offense after the provider or the certificate holder becomes aware of the offense.
- (B) Repeated errors in bills issued to one (1) or more customer classes, if the errors:
 - (i) represent intentional misconduct or an act of fraud by the provider or the certificate holder or by any officer, accountant, or agent of the provider or the certificate holder; or
 - (ii) demonstrate, by a continuing pattern of conduct, a willful disregard by the provider or the certificate holder of its obligation to remedy the errors after the provider or the certificate holder becomes aware of the errors.

Subject to section 7(a)(1) of this chapter, for purposes of this subdivision, a single act, omission, occurrence, or event that results in multiple complaints being filed under subsection (a) constitutes a single offense and is not subject to more than one (1) civil penalty. The commission may not consider each day that a particular act, omission, occurrence, or event continues to be a separate offense.

(c) A matter resolved through voluntary mediation is not subject to any of the remedies allowed under subsection (b).

(d) A provider or a certificate holder may not be subject to both:

- (1) a civil penalty or order of the commission under this section; and
- (2) a penalty or remedy agreed to in a commission approved settlement agreement;

for the same offense. If the commission has approved a settlement agreement under IC 8-1-2.6 that includes penalties or remedies for noncompliance with specific provisions of the settlement agreement, the penalties or remedies provided in this section do not apply to those instances of noncompliance during the life of the settlement agreement.

(e) The attorney general may bring an action in the name of the state to enforce any action taken by the commission under subsection (b), including the collection of an unpaid civil penalty imposed by the commission.

(f) The following are subject to appeal by a provider under IC 8-1-3:

- (1) A determination by the commission under this section that a service is unsafe, unjustly discriminatory, or inadequate, or that a service cannot be obtained.
- (2) The appropriateness of any action taken by the commission under subsection (b)(1) through (b)(3).
- (3) The appropriateness of:
 - (A) the imposition of a civil penalty by the commission under subsection (b)(4); or
 - (B) the amount of the penalty imposed.

Upon the motion of a provider or a certificate holder, the commission shall stay the effect or enforceability of an order or penalty under this section pending an appeal, subject to the provider or the certificate holder posting a bond that complies with Rule 18 of the Indiana Rules of Appellate Procedure.

Sec. 7. (a) In imposing a civil penalty under section 6(b)(4) of this chapter, the commission may consider the following factors:

- (1) The duration and gravity of the offense, including the number of customers affected.
- (2) Economic benefits accrued by the provider or certificate holder as a result of the offense.
- (3) The amount of a civil penalty that will deter future offenses by the provider or certificate holder.
- (4) The market share of the provider or certificate holder in the affected service areas.
- (5) Good faith of the provider or certificate holder in attempting to remedy the offense after receiving notification of the offense.

(b) If the commission waives a civil penalty for any offense described in section 6(b)(4) of this chapter, the commission must make a written finding as to why it is waiving the civil penalty. The commission may waive a civil penalty under section 6(b)(4)

of this chapter if the commission finds that the offense is the result of any of the following:

- (1) Technological infeasibility.
- (2) An act of God.
- (3) A defect in, or prohibited use of, customer provided equipment.
- (4) A negligent act of a customer.
- (5) An emergency situation.
- (6) Unavoidable casualty.

(c) The secretary of the commission shall direct a civil penalty imposed and collected under section 6(b)(4) of this chapter as follows:

- (1) A civil penalty imposed for an offense that directly affects retail customers must be refunded directly to the customers of the provider or certificate holder in the form of credits on customer bills.
- (2) A civil penalty imposed for an offense not described in subdivision (1) must be deposited into an account designated by the Indiana finance authority for use by the authority in making loans or grants to broadband developers and operators under the Indiana broadband development program established by IC 8-1-33-15.

SECTION 54. IC 8-1-32.4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 32.4. Telecommunications Providers of Last Resort

Sec. 1. Except as otherwise provided, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 2. As used in this chapter, "approved alternative technology" refers to any technology that:

- (1) offers service and functionality comparable to that provided through an exiting provider's facilities, as determined by the commission;
- (2) may include a technology that does not require the use of any public right-of-way; and
- (3) is approved by the commission for deployment in a particular service area.

Sec. 3. As used in this chapter, "basic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.1.

Sec. 4. As used in this chapter, "exiting provider" means a provider that:

- (1) holds a certificate of territorial authority issued by the commission;
- (2) is the predominant local exchange carrier in a defined geographic area and provides telecommunications service using the provider's own facilities; and
- (3) ceases operation in all or part of the service area covered by the certificate of territorial authority.

Sec. 5. As used in this chapter, "facilities based local exchange carrier" means a local exchange carrier that provides local exchange service:

- (1) exclusively over facilities owned or leased by the carrier; or
- (2) predominantly over facilities owned or leased by the carrier, in combination with the resale of the telecommunications service (as defined in 47 U.S.C. 153(46)) of another carrier.

Sec. 6. As used in this chapter, "incumbent local exchange carrier" has the meaning set forth in 47 U.S.C. 251(h).

Sec. 7. As used in this chapter, "local exchange carrier" has the meaning set forth in 47 U.S.C. 153(26).

Sec. 8. As used in this chapter, "local exchange service" means the provision of telephone exchange service (as defined in 47 U.S.C. 153(47)) or exchange access (as defined in 47 U.S.C. 153(16)).

Sec. 9. As used in this chapter, "provider of last resort" means a provider that:

- (1) holds a certificate of territorial authority issued by the commission; and
- (2) is required to offer local exchange service throughout a defined geographic area.

Sec. 10. As used in this chapter, "successor provider" means a provider that:

- (1) holds a certificate of territorial authority issued by the commission; and
- (2) is, or is designated to become, the provider of last resort for a defined geographic area previously served by an exiting provider.

Sec. 11. Except as provided in:

- (1) IC 8-1-32.6-8;
- (2) section 13 of this chapter; or
- (3) section 16 of this chapter;

an incumbent local exchange carrier has the obligations of the provider of last resort. An incumbent local exchange carrier may meet the carrier's obligations under this section using any available technology.

Sec. 12. (a) This section applies to a provider that holds a certificate of territorial authority to provide local exchange service in Indiana. If a provider:

- (1) decides to cease serving all or part of the provider's defined service area; or
- (2) plans to file for bankruptcy;

the provider shall provide at least sixty (60) days advance notice to the commission and each affected customer and wholesale provider.

(b) A notice described in subsection (a) must:

- (1) be submitted in the form and manner prescribed by the commission; and
- (2) include at least one (1) toll free customer service telephone number maintained by the provider to facilitate the continuation of service and the transition of customers to other providers.

(c) The exiting provider is liable for all charges owed to other providers and is responsible for any provider change charges.

Sec. 13. (a) If the holder of a certificate of territorial authority to provide local exchange service installs facilities to provide telecommunications service, including local exchange service, in a defined geographic area and:

- (1) the holder is not the designated provider of last resort for the area; and
- (2) the designated provider of last resort for the area has not installed facilities to serve customers in the area;

the designated provider of last resort may petition the commission for an order relieving the designated provider of its obligations as the provider of last resort in the area.

(b) The commission shall relieve the petitioning provider from its obligations as the provider of last resort for the area described in subsection (a) and shall designate the holder making the installation under subsection (a) as the provider of last resort for the area if the commission determines that:

- (1) the petitioning provider does not have facilities in place to provide local exchange service to all customers in the area; and
- (2) the holder making the installation under subsection (a) has installed facilities adequate to provide local exchange service throughout the area.

The commission shall make the determinations required by this subsection not later than sixty (60) days after the date the petition is filed with the commission under subsection (a).

Sec. 14. (a) Except as provided in IC 8-1-32.6-8 or section 16 of this chapter, if:

- (1) the commission receives notice of an exiting provider's decision to cease operation in all or part of the service area covered by the provider's certificate of territorial authority; and
- (2) there is not another provider that:
 - (A) holds a certificate of territorial authority in the area; and
 - (B) has facilities sufficient to provide basic telecommunications service in the area;

the commission shall conduct a formal proceeding to determine the successor provider for the area.

(b) After determining the successor provider for the affected area under subsection (a), the commission shall, if applicable, allow the following with respect to the successor provider:

- (1) A reasonable time, determined by the commission and in accordance with industry practices, in which to:
 - (A) modify, construct, or obtain the facilities; or
 - (B) deploy an approved alternative technology; necessary to serve the customers of the exiting provider.
- (2) A temporary exemption from any lawful obligation to unbundle the successor provider's network elements. The exemption under this subdivision shall continue for a period determined by the commission to be reasonably necessary to allow the successor provider to:

- (A) modify, construct, or obtain the facilities; or
- (B) deploy an alternative technology;

that will allow the successor provider to serve the customers of the exiting provider.

- (3) A temporary exemption from any lawful obligation to provide telecommunications service for resale within the affected area. The exemption under this subdivision shall continue for a period determined by the commission to be reasonably necessary to allow the successor provider to:

- (A) modify, construct, or obtain the facilities; or
- (B) deploy an alternative technology;

that will allow the successor provider to serve the customers of the exiting provider.

(c) The successor provider is entitled to obtain funding from a state universal service fund to support the provider's assumption of obligations as the provider of last resort for the area. This section does not prohibit a provider from voluntarily:

- (1) serving customers in the affected area; or
- (2) purchasing the facilities of the exiting provider.

(d) A customer within the defined geographic area to be served by the successor provider is considered to have applied for basic telecommunications service from the successor provider on the effective date of the commission's designation of the successor provider. Each right, privilege, and obligation applicable to customers of the successor provider applies to a customer transferred to the successor provider under this section. A customer transferred to the successor provider under this section is subject to the successor provider's terms of service as specified in an applicable tariff or contract. This section does not prohibit a customer from seeking, at any time, service from a provider other than the successor provider.

Sec. 15. (a) The commission may, on its own motion or on the petition of an interested party, institute an expedited proceeding under this section if the commission determines that:

- (1) a facilities based local exchange carrier has a certificate of territorial authority to provide local exchange service in a defined geographic area;
- (2) there is not another provider that:
 - (A) holds a certificate of territorial authority in the area; and
 - (B) has facilities sufficient to provide local exchange service in the area; and
- (3) the facilities based local exchange carrier has:
 - (A) ceased providing local exchange service to the customers in the area; or
 - (B) abandoned the operation of the carrier's facilities in the area that are used to provide local exchange service.

(b) In a proceeding under this section, the commission may declare that an emergency exists and issue any order necessary to protect the health, safety, and welfare of affected customers and to expedite the restoration or continuation of local exchange service to the affected customers. An order issued under this subsection may:

- (1) provide for the temporary operation of the facilities based local exchange carrier's facilities by any provider, including a provider that has not been issued a certificate of territorial authority by the commission;
- (2) authorize one (1) or more third parties to enter the premises of any abandoned facilities; or
- (3) grant temporary waivers from quality of service requirements for any provider:
 - (A) providing service under subdivision (1); or
 - (B) designated as a successor provider by the commission under subsection (c).

(c) Except as provided in IC 8-1-32.6-8 or section 16 of this chapter, the commission may act under section 14 of this chapter to designate a successor provider in any proceeding under this section.

Sec. 16. (a) If a provider, other than the incumbent local exchange carrier, operates under an arrangement by which the provider is the exclusive provider of basic telecommunications service in a particular geographic area, building, or group of residences and businesses, the incumbent local exchange carrier is relieved of any provider of last resort obligations that the incumbent local exchange carrier would ordinarily have with

respect to the particular geographic area, building, or group of residences and buildings.

(b) If:

(1) a provider with an exclusive service arrangement described in subsection (a) decides to cease operations in all or part of the particular geographic area, building, or group of residences and buildings that the provider serves under the arrangement; and

(2) the incumbent local exchange carrier:

(A) has insufficient facilities to serve the affected customers of the exiting provider; and

(B) elects to purchase the facilities of the exiting provider;

the incumbent local exchange carrier has twelve (12) months to make any modifications necessary to the purchased facilities to allow the incumbent local exchange carrier to serve the affected customers of the exiting provider. The incumbent local exchange carrier may apply to the commission for an extension of the period allowed under this subsection, and the commission shall grant the extension upon good cause shown by the incumbent local exchange carrier.

(c) If:

(1) a provider with an exclusive service arrangement described in subsection (a) decides to cease operations in all or part of the particular geographic area, building, or group of residences and buildings that the provider serves under the arrangement; and

(2) the incumbent local exchange carrier:

(A) has insufficient facilities to serve the affected customers of the exiting provider; and

(B) elects not to purchase the facilities of the exiting provider;

the incumbent local exchange carrier has twelve (12) months to deploy an approved alternative technology necessary to allow the incumbent local exchange carrier to serve the affected customers of the exiting provider. The incumbent local exchange carrier may apply to the commission for an extension of the period allowed under this subsection, and the commission shall grant the extension upon good cause shown by the incumbent local exchange carrier.

SECTION 55. IC 8-1-32.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 32.5. Certificates of Territorial Authority for Communications Service Providers

Sec. 1. This chapter applies to a communications service provider that seeks to offer communications service to Indiana customers after June 30, 2009.

Sec. 2. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 3. (a) As used in this chapter, "communications service" refers to any of the following:

(1) Telecommunications service (as defined in 47 U.S.C. 153(46)).

(2) Information service (as defined in 47 U.S.C. 153(20)).

(b) The term includes:

(1) video service (as defined in IC 8-1-34-14);

(2) broadband service;

(3) advanced services (as defined in 47 CFR 51.5); and

(4) Internet Protocol enabled services;

however classified by the Federal Communications Commission.

Sec. 4. As used in this chapter, "communications service provider" means a person or an entity that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

Sec. 5. As used in this chapter, "facilities based local exchange carrier" means a local exchange carrier (as defined in 47 U.S.C. 153(26)) that provides telephone exchange service (as defined in 47 U.S.C. 153(47)) or exchange access (as defined in 47 U.S.C. 153(16)):

(1) exclusively over facilities owned or leased by the carrier; or

(2) predominantly over facilities owned or leased by the carrier, in combination with the resale of the telecommunications service (as defined in 47 U.S.C. 153(46)) of another carrier.

Sec. 6. (a) Except as provided in subsection (c), before a communications service provider may offer communications service to customers in Indiana, the communications service provider must apply to the commission for a certificate of territorial authority. A communications service provider that seeks a certificate under this chapter shall submit an application on a form prescribed by the commission. The form prescribed by the commission must require the communications service provider to report the following information:

(1) The provider's legal name and any name under which the provider does or will do business in Indiana, as authorized by the secretary of state.

(2) The provider's address and telephone number, along with contact information for the person responsible for ongoing communications with the commission.

(3) The legal name, address, and telephone number of the provider's parent company, if any.

(4) A description of each service area in Indiana in which the provider proposes to offer communications service.

(5) For each service area identified under subdivision (4), a description of each type of communications service that the provider proposes to offer in the service area.

(6) For each communications service identified under subdivision (5), whether the communications service will be offered to residential customers or business customers, or both.

(7) The expected date of deployment for each communications service identified under subdivision (5) in each service area identified in subdivision (4).

(8) A list of other states in which the provider offers communications service, including the type of communications service offered.

(9) Any other information the commission considers necessary to:

(A) monitor the type and availability of communications service provided to Indiana customers; and

(B) prepare the commission's annual report to the regulatory flexibility committee under IC 8-1-2.6-4.

The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 8 of this chapter.

(b) A communications service provider shall also submit, along with the application required by subsection (a), the following documents:

- (1) A certification from the secretary of state authorizing the provider to do business in Indiana.
- (2) Information demonstrating the provider's financial, managerial, and technical ability to provide each communications service identified in the provider's application under subsection (a)(5) in each service area identified under subsection (a)(4).

(3) A statement, signed under penalty of perjury by an officer or another person authorized to bind the provider, that affirms the following:

(A) That the provider has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering communications service in Indiana.

(B) That the provider agrees to comply with any customer notification requirements imposed by the commission under section 11(c) of this chapter.

(C) That the provider agrees to update the information provided in the application submitted under subsection (a) on a regular basis, as may be required by the commission under section 12 of this chapter.

(D) That the provider agrees to notify the commission when the provider commences offering communications service in each service area identified in the provider's application under subsection (a)(4).

(E) That the provider agrees to pay any lawful rate or charge for switched and special access services, as required under any:

- (i) applicable interconnection agreement; or
- (ii) lawful tariff or order approved or issued by a regulatory body having jurisdiction.

(F) That the provider agrees to report, at the times required by the commission, any information required by the commission under IC 8-1-2.6-13(d)(9).

(c) If:

- (1) a communications service provider has been issued a:
 - (A) certificate of territorial authority; or
 - (B) certificate of public convenience and necessity;
 by the commission before July 1, 2009; and
- (2) the certificate described in subdivision (1) is in effect on July 1, 2009;

the communications service provider is not required to submit an application under this section for as long as the certificate described in subdivision (1) remains in effect. For purposes of this subsection, if a corporation organized under IC 8-1-13 (or a corporation organized under IC 23-17-1 that is an electric cooperative and that has at least one (1) member that is a

corporation organized under IC 8-1-13) holds a certificate of public convenience and necessity issued by the commission before, on, or after July 1, 2009, that certificate may serve as the certificate required under this chapter with respect to any communications service offered by the corporation, subject to the commission's right to require the corporation to provide any information that an applicant is otherwise required to submit under subsection (a) or that a holder is required to report under IC 8-1-2.6-13(d)(9).

(d) This section does not empower the commission to require an applicant for a certificate under this chapter to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

Sec. 7. A communications service provider shall submit duplicate copies of the application and documents required by section 6 of this chapter to the commission. The commission shall prescribe the number of copies to be submitted by a communications service provider under this section.

Sec. 8. Not later than thirty (30) days after receiving the application and documents required by section 6 of this chapter, the commission shall review the application and documents for accuracy and completeness. If the commission determines that the application and documents are accurate, complete, and properly verified, the commission shall issue a certificate of territorial authority recognizing the communications service provider's authority to provide each communications service identified in the application. If the commission determines that the application and documents are inaccurate or incomplete, or are not properly verified, the commission shall return the application and documents to the provider with a brief statement of any additional information required. Not later than thirty (30) days after receipt of the request for additional information, the provider may:

- (1) provide the information requested;
- (2) appeal the decision of the commission under IC 8-1-3; or
- (3) decide to file another application at a later date, without prejudice.

Sec. 9. (a) A hearing is not required in connection with the issuance of a certificate under this chapter. However, the commission shall conduct a hearing, subject to the requirements for hearings under IC 8-1-2 for public utilities, upon the request of any of the following:

- (1) The communications service provider submitting the application.
- (2) Any facilities based local exchange carrier offering service in a service area identified in the provider's application under section 6(a)(4) of this chapter.
- (3) The office of utility consumer counselor created by IC 8-1-1.1-2.
- (4) The commission, on its own motion.

(b) A hearing conducted under this section shall be limited to consideration of one (1) or more of the following issues:

- (1) Whether the application and documents submitted under section 6 of this chapter are accurate, complete, and properly verified.

(2) The communications service provider's financial, managerial, and technical ability to provide the communications service for which it seeks a certificate under this chapter.

(c) The commission may not require a:

- (1) communications service provider; or
- (2) facilities based local exchange carrier offering service in a service area identified in the provider's application under section 6(a)(4) of this chapter;

to be represented by counsel at a hearing under this section.

Sec. 10. Subject to any notice requirements adopted by the commission under section 12 of this chapter, a certificate issued under this chapter may be:

- (1) sold, assigned, leased, or transferred by the holder to any communications service provider to which a certificate of territorial authority may be lawfully issued under this chapter; or
- (2) included in the property and rights encumbered under any indenture of mortgage or deed of trust of the holder.

Sec. 11. (a) The commission may not require a communications service provider to file a tariff in connection with, or as a condition of receiving, a certificate of territorial authority under this chapter.

(b) This subsection does not apply to a provider of commercial mobile service (as defined in 47 U.S.C. 332). The commission may require, in connection with the issuance of a certificate under this chapter, the communications service provider to provide advance notice to the provider's Indiana customers if the provider will do any of the following:

- (1) Increase the rates and charges for any communications service that the provider offers in any of the provider's service areas in Indiana.
- (2) Offer new communications service in any of the provider's service areas in Indiana.
- (3) Cease to offer any communications service that the provider offers in any of the provider's service areas in Indiana.

The commission shall prescribe any customer notification requirements under this subsection in a rule of general application adopted under IC 4-22-2.

Sec. 12. In connection with, or as a condition of receiving, a certificate of territorial authority under this chapter, the commission may require a communications service provider to notify the commission, after the issuance of a certificate, of any of the following changes involving the provider or the certificate issued:

- (1) Any transaction involving a change in the ownership, operation, control, or corporate organization of the provider, including a merger, acquisition, or reorganization.
- (2) A change in the provider's legal name or the adoption of, or change to, an assumed business name. The provider shall submit to the commission a certified copy of the:
 - (A) amended certificate of authority; or
 - (B) certificate of assumed business name;
 issued by the secretary of state to reflect the change.
- (3) A change in the provider's principal business address or in the name of the person authorized to receive notice on behalf of the provider.

(4) Any sale, assignment, lease, or transfer of the certificate to another communications service provider, as allowed by section 10 of this chapter. The provider shall identify the other communications service provider to which the sale, assignment, lease, or transfer is made.

(5) The relinquishment of any certificate issued under this chapter. The provider shall identify:

- (A) any other certificate of territorial authority issued under this chapter that will be retained by the provider;
- (B) the number of Indiana customers in the service area covered by the certificate being relinquished; and
- (C) the method by which the provider's customers were or will be notified of the relinquishment, if required in a rule adopted by the commission under section 11(c) of this chapter.

(6) This subdivision does not apply to a provider of commercial mobile service (as defined in 47 U.S.C. 332). A change in the communications service provided in one (1) or more of service areas identified in the provider's application under section 6(a)(4) of this chapter. However, if new services will be provided in one (1) or more of the service areas, the commission may require the provider to submit a new application under section 6 of this chapter with respect to those services.

(7) A change in one (1) or more of the service areas identified in the provider's application under section 6(a)(4) of this chapter that would increase or decrease the territory within the service area.

The commission shall prescribe the time in which a provider must report changes under this section. The commission may prescribe a form for the reporting of changes under this section.

Sec. 13. The commission shall maintain a record of all certificates of territorial authority issued under this chapter. The record must include all application forms, notices of change under section 12 of this chapter, and other documents filed with the commission under this chapter. The record must be made available:

- (1) for public inspection and copying in the office of the commission during regular business hours under IC 5-14-3; and
- (2) electronically through the computer gateway administered by the office of technology established by IC 4-13.1-2-1;

to the extent the information in the record is not exempt from public disclosure under IC 5-14-3-4(a).

Sec. 14. A communications service provider that holds a certificate issued under this chapter is exempt from local franchises and related fees to the same extent as a communications service provider that holds a certificate of territorial authority or an indeterminate permit issued under IC 8-1-2 before July 1, 2009.

Sec. 15. The commission may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 56. IC 8-1-32.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 32.6. Access to Real Property by Communications Service Providers

Sec. 1. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 2. (a) As used in this chapter, "communications service" refers to any of the following:

- (1) Telecommunications service (as defined in 47 U.S.C. 153(46)).
- (2) Information service (as defined in 47 U.S.C. 153(20)).
- (b) The term includes:
 - (1) video service (as defined in IC 8-1-34-14);
 - (2) broadband service;
 - (3) advanced services (as defined in 47 CFR 51.5); and
 - (4) Internet Protocol enabled services;

however classified by the Federal Communications Commission.

Sec. 3. As used in this chapter, "communications service provider" means a person or an entity, or an affiliate (as defined in IC 8-1-34-1) of a person or an entity, that offers communications service to customers in Indiana, without regard to the technology or medium used by the person or entity to provide the communications service. The term includes a provider of commercial mobile service (as defined in 47 U.S.C. 332).

Sec. 4. As used in this chapter, "multitenant real estate" means any:

- (1) geographic area;
- (2) building; or
- (3) group of buildings;

containing more than one (1) unit for business purposes. The term includes office buildings and office parks. The term does not include apartment buildings, condominiums, or subdivisions.

Sec. 5. As used in this chapter, "person" means an individual, a corporation, a limited liability company, a partnership, an unincorporated association, or a governmental entity.

Sec. 6. As used in this chapter, "provider of last resort" has the meaning set forth in IC 8-1-32.4-9.

Sec. 7. (a) After March 27, 2006, a communications service provider shall not enter into any contract, agreement, or other arrangement that does any of the following:

- (1) Requires any person to restrict or limit:
 - (A) the ability of another communications service provider to obtain easements or rights-of-way for the installation of facilities or equipment used to provide communications service to Indiana customers; or
 - (B) access to real property by another communications service provider.
- (2) Offers or grants incentives or rewards to an owner of real property if the incentives or rewards are contingent upon the property owner's agreement to restrict or limit:
 - (A) the ability of another communications service provider to obtain easements or rights-of-way for the installation of facilities or equipment used to provide communications service on the property; or
 - (B) access to the owner's real property by another communications service provider.

A contract, an agreement, or any other arrangement that violates this section is void if the contract, agreement, or arrangement is entered into after March 27, 2006. However, a contract, an agreement, or any other arrangement that otherwise violates this

section remains in effect until such time as it would normally terminate or expire if the contract, agreement, or arrangement is entered into before March 28, 2006.

(b) This section does not prohibit a communications service provider and a subscriber from entering into any lawful contract, agreement, or other arrangement concerning the communications service offered by the communications service provider to the subscriber.

(c) Upon:

(1) a complaint filed by:

- (A) another communications service provider;
- (B) a subscriber or potential subscriber of communications service;
- (C) the utility consumer counselor; or
- (D) any class satisfying the standing requirements of IC 8-1-2-54; or

(2) the commission's own motion;

the commission may investigate whether a communications service provider has violated this section. If, after notice and an opportunity for hearing, the commission determines that the communications service provider has violated this section, the commission may issue an order imposing a civil penalty of not more than five hundred dollars (\$500) for each violation. For purposes of this subsection, each day that a contract, an agreement, or an arrangement prohibited by this section remains in effect constitutes a separate violation.

(d) The attorney general may bring an action in the name of the state to enforce an order of the commission under subsection (c), including the collection of an unpaid civil penalty imposed by the commission.

(e) Civil penalties collected under this section shall be deposited in the state general fund.

(f) A determination by the commission under this section is subject to appeal under IC 8-1-3.

Sec. 8. (a) Notwithstanding IC 8-1-32.4-14, the commission may not require a communications service provider, including a provider of last resort, to provide any communications service to the occupants of multitenant real estate if the owner, operator, or developer of the multitenant real estate does any of the following to the benefit of another communications service provider:

- (1) Permits only one (1) communications service provider to install the provider's facilities or equipment during the construction or development phase of the multitenant real estate.
- (2) Accepts or agrees to accept incentives or rewards that:
 - (A) are offered by a communications service provider to the owner, operator, developer, or occupants of the multitenant real estate; and
 - (B) are contingent upon the provision of communications service by that provider to the occupants of the multitenant real estate, to the exclusion of any services provided by other communications service providers.
- (3) Collects from the occupants of the multitenant real estate any charges for the provision of communications service to the occupants, including charges collected through rent, fees, or dues.
- (4) Enters into an agreement with a communications service provider that is prohibited by section 7 of this chapter.

(b) This subsection applies to a communications service provider that is relieved under subsection (a) of an obligation to provide communications service to the occupants of multitenant real estate. This section does not prohibit the communications service provider from voluntarily offering service to the occupants of the multitenant real estate. However, the commission shall not exercise jurisdiction over the terms, conditions, rates, or availability of any communications service voluntarily offered by a communications service provider under this subsection.

SECTION 57. IC 8-1-33-13, AS ADDED BY P.L.235-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. As used in this chapter, "underserved area" means an area within Indiana that the authority determines does not have a person that:

- (1) provides broadband service in the area at the time of the authority's inquiry under section 14 of this chapter; or
- (2) intends to provide broadband service not later than three (3) months after the date of the authority's inquiry under section 14 of this chapter.

is not being adequately served with broadband service.

SECTION 58. IC 8-1-34 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 34. Video Service Franchises

Sec. 1. As used in this chapter, "affiliate" has the meaning set forth in IC 23-1-43-1. The term includes a parent company or a subsidiary.

Sec. 2. As used in this chapter, "certificate" refers to a certificate of franchise authority issued by the commission under section 17 of this chapter.

Sec. 3. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 4. As used in this chapter, "franchise" means an initial authorization, or a renewal of an authorization, that:

- (1) is issued by the commission under this chapter after June 30, 2006; and
- (2) authorizes the construction or operation of a video service system in a designated service area in Indiana.

Sec. 5. As used in this chapter, "gross revenue" means all consideration of any kind or nature, including cash, credits, property, and in kind contributions:

- (1) received by a holder from the operation of a video service system in a particular unit in Indiana; and
- (2) calculated by the holder under section 23 of this chapter.

Sec. 6. As used in this chapter, "holder" refers to a person that holds a certificate issued by the commission under this chapter after June 30, 2006.

Sec. 7. As used in this chapter, "incumbent provider" means the provider serving the largest number of video service subscribers in a particular local franchise service area on July 1, 2006.

Sec. 8. As used in this chapter, "local franchise" means an initial authorization, or a renewal of an authorization, that:

- (1) is issued by a unit before July 1, 2006; and
- (2) authorizes the construction or operation of a video service system in a designated service area in the unit.

Sec. 9. As used in this chapter, "other programming service" refers to information that a provider makes available to all subscribers generally.

Sec. 10. As used in this chapter, "person" means an individual, a corporation, a partnership, a limited liability company, an association, or another entity organized under the laws of any state.

Sec. 11. As used in this chapter, "provider" refers to a multichannel video programming distributor (as defined in 47 U.S.C. 522(13)).

Sec. 12. As used in this chapter, "unit" has the meaning set forth in IC 36-1-2-23.

Sec. 13. As used in this chapter, "video programming" has the meaning set forth in 47 U.S.C. 522(20).

Sec. 14. (a) As used in this chapter, "video service" means:

- (1) the transmission to subscribers of video programming and other programming service:
 - (A) through facilities located at least in part in a public right-of-way; and
 - (B) without regard to the technology used to deliver the video programming or other programming service; and
- (2) any subscriber interaction required for the selection or use of the video programming or other programming service.

(b) The term does not include commercial mobile service (as defined in 47 U.S.C. 332).

Sec. 15. (a) As used in this chapter, "video service system" means a system, consisting of a set of transmission paths and associated signal generation, reception, and control equipment, that is designed to provide video service directly to subscribers within a community. The term includes the:

- (1) optical spectrum wavelengths;
- (2) bandwidth; or
- (3) other current or future technological capacity;

used to provide the video service.

(b) The term does not include a system that transmits video service to subscribers without using any public right-of-way.

Sec. 16. (a) Except as provided in section 21 of this chapter, after June 30, 2006:

- (1) the commission is the sole franchising authority (as defined in 47 U.S.C. 522(10)) for the provision of video service in Indiana; and
- (2) a unit may not:

- (A) require a provider to obtain a separate franchise; or
- (B) impose any fee, gross receipt tax, licensing requirement, rate regulation, or build-out requirement on a provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

- (1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:
 - (A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission

before offering video service in Indiana.

(B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.

(C) That the applicant agrees to:

(i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and

(ii) recognize the police powers of a unit to enforce the ordinance or regulation.

(D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person under the terminated franchise until such time as the local franchise would otherwise terminate or expire, as required by section 22 of this chapter.

(2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.

(3) The address and telephone number of the applicant's principal place of business, along with contact information for the person responsible for ongoing communications with the commission.

(4) The names and titles of the applicant's principal officers.

(5) The legal name, address, and telephone number of the applicant's parent company, if any.

(6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.

(7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).

(8) A list of other states in which the applicant provides video service.

(9) If the applicant will terminate an existing local franchise under section 21(b) of this chapter, a copy of the written notice sent to the municipality under section 21(c) of this chapter.

(10) Any other information the commission considers necessary to:

(A) monitor the provision of video service to Indiana customers; and

(B) prepare the commission's annual report to the regulatory flexibility committee under IC 8-1-2.6-4.

This subsection does not empower the commission to require an applicant to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

(c) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter.

Sec. 17. (a) Not later than fifteen (15) business days after the commission receives an application under section 16 of this chapter, the commission shall determine whether the application is complete and properly verified. If the commission determines

that the application is incomplete or is not properly verified, the commission shall notify the applicant of the deficiency and allow the applicant to resubmit the application after correcting the deficiency. If the commission determines that the application is complete and properly verified, the commission shall issue the applicant a certificate of franchise authority. A certificate issued under this section must contain:

(1) a grant of authority to provide the video service requested in the application;

(2) a grant of authority to use and occupy public rights-of-way in the delivery of the video service, subject to:

(A) state and local laws and regulations governing the use and occupancy of public rights-of-way; and

(B) the police powers of local units to enforce local ordinances and regulations governing the use and occupancy of public rights-of-way; and

(3) a statement that the authority granted under subdivisions (1) and (2) is subject to the holder's lawful provision and operation of the video service.

(b) Except as provided in subsection (c) and section 28 of this chapter, the commission may not require a provider to:

(1) satisfy any build-out requirements;

(2) deploy, or make investments in, any infrastructure, facilities, or equipment; or

(3) pay an application fee, a document fee, a state franchise fee, a service charge, or any fee other than the franchise fee paid to a local unit under section 24 of this chapter;

as a condition of receiving or holding a certificate under this chapter.

(c) This section does not limit the commission's right to enforce any obligation described in subsection (b) that a provider is subject to under the terms of a settlement agreement approved by the commission before July 29, 2004.

(d) The general assembly, a state agency, or a unit may not adopt a law, rule, ordinance, or regulation governing the use and occupancy of public rights-of-way that:

(1) discriminates against any provider, or is unduly burdensome with respect to any provider, based on the particular facilities or technology used by the provider to deliver video service; or

(2) allows a video service system owned or operated by a unit to use or occupy public rights-of-way on terms or conditions more favorable or less burdensome than those that apply to other providers.

A law, a rule, an ordinance, or a regulation that violates this subsection is void.

Sec. 18. Subject to the notice requirements under section 20 of this chapter, a certificate issued under this chapter may be transferred to any successor in interest of the holder to which the certificate is originally granted.

Sec. 19. A certificate issued under this chapter may be terminated by the holder by submitting notice to the commission under section 20 of this chapter.

Sec. 20. (a) In connection with, or as a condition of receiving, a certificate under this chapter, the commission shall require a holder to notify the commission, after the issuance of a certificate, of any of the following changes involving the holder or the certificate issued:

(1) Any transaction involving a change in the ownership, operation, control, or corporate organization of the holder, including a merger, an acquisition, or a reorganization.

(2) A change in the holder's legal name or the adoption of, or change to, an assumed business name. The holder shall submit to the commission a certified copy of the:

(A) amended certificate of authority; or

(B) certificate of assumed business name;

issued by the secretary of state to reflect the change.

(3) A change in the holder's principal business address or in the name of the person authorized to receive notice on behalf of the holder.

(4) Any transfer of the certificate to a successor in interest of the holder allowed by section 18 of this chapter. The holder shall identify the successor in interest to which the transfer is made.

(5) The termination of any certificate issued under this chapter, as allowed by section 19 of this chapter. The holder shall identify:

(A) any other certificate issued under this chapter that will be retained by the holder;

(B) the number of Indiana customers in the service area covered by the certificate being terminated; and

(C) the method by which the holder's customers were notified of the termination, if required by the commission under subsection (c).

(6) A change in the video programming or other programming service provided in one (1) or more of the services areas identified under section 16(b)(6) of this chapter in the holder's most recent application for a certificate under this chapter.

(7) A change in one (1) or more of the service areas identified under section 16(b)(6) of this chapter that would increase or decrease the territory within the service area. The holder shall describe the new boundaries of the affected service areas after the proposed change is made.

The commission shall prescribe the time in which a holder must report changes under this section. The commission may prescribe a form for the reporting of changes under this section.

(b) In connection with, or as a condition of, receiving a certificate under this chapter, the commission shall require a holder to notify a unit:

(1) in which the holder does not already provide video service under:

(A) a local franchise issued by the unit before July 1, 2006; or

(B) another certificate issued under this chapter after June 30, 2006; and

(2) that is included in the holder's service area under the certificate being issued;

that the holder intends to provide video service in the unit's jurisdiction. The holder shall give the notice required under this subdivision not later than ten (10) days before the holder begins providing video service in the unit's jurisdiction.

(c) In connection with the issuance of a certificate under this chapter, the commission may require a holder to provide advance notice to the holder's Indiana customers if the holder will do any of the following:

(1) Change the rates and charges for video service that the holder offers in any of its service areas in Indiana.

(2) Cease to offer video service, or any specific video programming or other programming service, that the holder offers in any of the holder's service areas in Indiana.

The commission shall prescribe any customer notification requirements under this subsection in a rule of general application adopted under IC 4-22-2.

Sec. 21. (a) For purposes of this section, a provider is considered to be a holder of a local franchise on June 30, 2006, if:

(1) the provider; or

(2) any affiliate or successor entity of the provider;

holds a local franchise to provide video service in a unit on June 30, 2006.

(b) After June 30, 2006, a provider that is the holder of a local franchise on June 30, 2006, regardless of whether the provider is the incumbent provider in the local franchise service area, may elect to:

(1) continue providing video service under the local franchise until the local franchise expires; or

(2) subject to section 22 of this chapter, terminate the local franchise and apply to the commission for a certificate under this chapter.

(c) A provider that elects to terminate a local franchise under subsection (b) must provide written notice of the provider's election to:

(1) the commission; and

(2) the affected unit;

not later than November 1, 2006. The local franchise is terminated on the date the commission issues a certificate to the provider under this chapter.

(d) Not later than ninety (90) days after a local franchise is terminated under subsection (c), the provider that terminated the local franchise shall remit to the affected unit any accrued but unpaid franchise fees due under the local franchise. If the provider has credit remaining from any prepaid franchise fees, the provider may deduct the amount of the credit from any future fees or taxes owed to the affected unit.

Sec. 22. (a) A provider that elects to terminate a local franchise under section 21 of this chapter remains subject to the contractual rights, duties, and obligations:

(1) incurred by the provider under the terms and conditions of the terminated local franchise; and

(2) owed to any private person, including a subscriber.

(b) The obligations that a provider owes to a private person under subsection (a) include any obligations based on the gross income received by the provider:

(1) after the provider becomes a holder of a certificate under this chapter; and

(2) for video service provided in the service area covered by the terminated local franchise;

if, under the terms of the terminated local franchise, the obligations would have been based on the gross income received by the provider for video service provided in the service area covered by the terminated local franchise.

(c) All liens, security interests, royalties, and other contracts, rights, and interests arising out of the terminated local franchise and owed to a private person, shall:

- (1) continue in full force and effect without the need for renewal, extension, or continuance;
- (2) be paid or performed by the provider after becoming a holder of a certificate under this chapter; and
- (3) apply as though the gross revenue of the provider continued to be generated under the terminated local franchise with respect to any revenue generated in the service area covered by the terminated local franchise.

(d) The commission shall condition the issuance or renewal of a certificate under this chapter on a provider's payment and performance of the rights, duties, and obligations described in this section until the time the terminated local franchise would ordinarily terminate or expire if the provider had not made the election under section 21 of this chapter. In applying for an initial certificate or a renewal certificate under this chapter, a provider shall agree to pay or perform the obligations described in this section, as required by section 16(b)(1)(D) of this chapter.

(e) A private person that claims to be:

(1) owed any rights, duties, or obligations by a holder under this section; and

(2) aggrieved by a holder's alleged violation of this section; may bring an action in a court with jurisdiction to enforce the rights, duties, or obligations claimed to be owed to the person.

(f) As used in this section, "private person" does not include:

(1) the unit that issued the terminated local franchise;

(2) a political subdivision (as defined in IC 36-1-2-13) not described in subdivision (1); or

(3) any official, agent, or employee of:

(A) the unit that issued the terminated local franchise; or

(B) a political subdivision described in subdivision (2); in the individual's official capacity.

Sec. 23. (a) Except as provided in subsection (b), the holder of a certificate under this chapter shall, at the end of each calendar quarter, determine under subsections (c) and (d) the gross revenue received during that quarter from the holder's provision of video service in each unit included in the holder's service area under the certificate.

(b) This subsection applies to a holder or other provider providing video service in a unit in which a provider of video service is required on June 30, 2006, to pay a franchise fee based on a percentage of gross revenues. The holder's or provider's gross revenue shall be determined as follows:

(1) If only one (1) local franchise is in effect on June 30, 2006, the holder or provider shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006.

(2) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder or provider is subject to a local franchise in the unit on June 30, 2006;

the holder or provider shall determine gross revenue as the term is defined in the local franchise to which the holder or provider is subject on June 30, 2006.

(3) If:

(A) more than one (1) local franchise is in effect on June 30, 2006; and

(B) the holder is not subject to a local franchise in the unit on June 30, 2006;

the holder shall determine gross revenue as the term is defined in the local franchise in effect on June 30, 2006, that is most favorable to the unit.

(c) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Fees and charges charged to subscribers for video service provided by the holder. Fees and charges under this subdivision include the following:

(A) Recurring monthly charges for video service.

(B) Event based charges for video service, including pay per view and video on demand charges.

(C) Charges for the rental of set top boxes and other equipment.

(D) Service charges related to the provision of video service, including activation, installation, repair, and maintenance charges.

(E) Administrative charges related to the provision of video service, including service order and service termination charges.

(2) Revenue received by an affiliate of the holder from the affiliate's provision of video service, to the extent that treating the revenue as revenue of the affiliate, instead of revenue of the holder, would have the effect of evading the payment of fees that would otherwise be paid to the unit. However, revenue of an affiliate may not be considered revenue of the holder if the revenue is otherwise subject to fees to be paid to the unit.

(d) This subsection does not apply to a holder that is required to determine gross revenue under subsection (b). The holder shall not include the following in determining the gross revenue received during the quarter with respect to a particular unit:

(1) Revenue not actually received, regardless of whether it is billed. Revenue described in this subdivision includes bad debt.

(2) Revenue received by an affiliate or any other person in exchange for supplying goods and services used by the holder to provide video service under the holder's certificate.

(3) Refunds, rebates, or discounts made to subscribers, advertisers, the unit, or other providers leasing access to the holder's facilities.

(4) Revenue from providing service other than video service, including revenue from providing:

(A) telecommunications service (as defined in 47 U.S.C. 153(46));

(B) information service (as defined in 47 U.S.C. 153(20)), other than video service; or

(C) any other service not classified as cable service or video programming by the Federal Communications Commission.

(5) Any fee imposed on the holder under this chapter that is passed through to and paid by subscribers, including the franchise fee:

- (A) imposed under section 24 of this chapter for the quarter immediately preceding the quarter for which gross revenue is being computed; and
- (B) passed through to and paid by subscribers during the quarter for which gross revenue is being computed.
- (6) Revenue from the sale of video service for resale in which the purchaser collects a franchise fee under:
 - (A) this chapter; or
 - (B) a local franchise agreement in effect on July 1, 2006; from the purchaser's customers. This subdivision does not limit the authority of a unit, or the commission on behalf of a unit, to impose a tax, fee, or other assessment upon the purchaser under 42 U.S.C. 542(h).
- (7) Any tax of general applicability:
 - (A) imposed on the holder or on subscribers by a federal, state, or local governmental entity; and
 - (B) required to be collected by the holder and remitted to the taxing entity;
 including the state gross retail and use taxes (IC 6-2.5) and the utility receipts tax (IC 6-2.3).
- (8) Any forgone revenue from providing free or reduced cost cable video service to any person, including:
 - (A) employees of the holder;
 - (B) the unit; or
 - (C) public institutions, public schools, or other governmental entities, as required or permitted by this chapter or by federal law.
 However, any revenue that the holder chooses to forgo in exchange for goods or services through a trade or barter arrangement shall be included in gross revenue.
- (9) Revenue from the sale of:
 - (A) capital assets; or
 - (B) surplus equipment that is not used by the purchaser to receive video service from the holder.
- (10) Reimbursements that:
 - (A) are made by programmers to the holder for marketing costs incurred by the holder for the introduction of new programming; and
 - (B) exceed the actual costs incurred by the holder.
- (11) Late payment fees collected from customers.
- (12) Charges, other than those described in subsection (b)(1), that are aggregated or bundled with charges described in subsection (b)(1) on a customer's bill, if the holder can reasonably identify the charges on the books and records by the holder in the regular course of business.
- (e) If, under the terms of the holder's certificate, the holder provides video service to any unincorporated area in Indiana, the holder shall calculate the holder's gross income received from each unincorporated area served in accordance with:
 - (1) subsection (b); or
 - (2) subsections (c) and (d);
 whichever is applicable.
- (f) If a unit served by the holder under a certificate annexes any territory after the certificate is issued or renewed under this chapter, the holder shall:
 - (1) include in the calculation of gross revenue for the annexing unit any revenue generated by the holder from providing video service to the annexed territory; and

- (2) subtract from the calculation of gross revenue for any unit or unincorporated area:
 - (A) of which the annexed territory was formerly a part; and
 - (B) served by the holder before the effective date of the annexation;
 the amount of gross revenue determined under subdivision (1);
- beginning with the calculation of gross revenue for the calendar quarter in which the annexation becomes effective. The holder shall notify the commission of the new boundaries of the affected service areas as required under section 20(a)(7) of this chapter.
- Sec. 24. (a) Subject to subsection (e), not later than forty-five (45) days after the end of each calendar quarter, the holder shall pay to each unit included in the holder's service area under a certificate issued under this chapter a franchise fee equal to:
 - (1) the amount of gross revenue received from providing video service in the unit during the most recent calendar quarter, as determined under section 23 of this chapter; multiplied by
 - (2) a percentage equal to one (1) of the following:
 - (A) If a local franchise has never been in effect in the unit before July 1, 2006, five percent (5%).
 - (B) If no local franchise is in effect in the unit on July 1, 2006, but one (1) or more local franchises have been in effect in the unit before July 1, 2006, the percentage of gross revenue paid by the holder of the most recent local franchise in effect in the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%).
 - (C) If there is one (1) local franchise in effect in the unit on July 1, 2006, the percentage of gross revenue paid by the holder of that local franchise as a franchise fee to the unit, unless the unit elects to impose a different percentage, which may not exceed five percent (5%). Upon the expiration of a local franchise described in this clause, the percentage shall be determined by the unit but may not exceed five percent (5%).
 - (D) If there is more than one (1) local franchise in effect with respect to the unit on July 1, 2006, a percentage determined by the unit, which may not exceed the greater of:
 - (i) five percent (5%); or
 - (ii) the percentage paid by a holder of any local franchise in effect in the unit on July 1, 2006.
- (b) If the holder provides video service to an unincorporated area in Indiana, as described in section 23(e) of this chapter, the holder shall:
 - (1) calculate the franchise fee with respect to the unincorporated area in accordance with subsection (a); and
 - (2) remit the franchise fee to the county in which the unincorporated area is located.
- If an unincorporated area served by the provider is located in one (1) or more contiguous counties, the provider shall remit part of the franchise fee calculated under subdivision (1) to each county having territory in the unincorporated area served. The part of the franchise fee remitted to a county must bear the same proportion to the total franchise fee for the area, as calculated

under subdivision (1), that the number of subscribers in the county bears to the total number of subscribers in the unincorporated area served.

(c) With each payment of a franchise fee to a unit under this section, the holder shall include a statement explaining the basis for the calculation of the franchise fee. A unit may review the books and records of:

- (1) the holder; or
- (2) an affiliate of the holder, if appropriate;

to the extent necessary to ensure the holder's compliance with section 23 of this chapter in calculating the gross revenue upon which the remitted franchise fee is based. Each party shall bear the party's own costs of an examination under this subsection. If the holder and the unit cannot agree on the amount of gross revenue on which the franchise fee should be based, either party may petition the commission to determine the amount of gross revenue on which the franchise fee should be based. A determination of the commission under this subsection is final, subject to the right of direct appeal by either party.

(d) A franchise fee owed by a holder to a unit under this section may be passed through to, and collected from, the holder's subscribers in the unit. To the extent allowed under 43 U.S.C. 542(c), the holder may identify as a separate line item on each regular bill issued to a subscriber:

- (1) the amount of the total bill assessed as a franchise fee under this section; and
- (2) the identity of the unit to which the franchise fee is paid.

(e) A holder that elects under section 21(b)(1) of this chapter to continue providing video service under a local franchise is not required to pay the franchise fee prescribed under this section, but shall pay any franchise fee imposed under the terms of the local franchise.

Sec. 25. (a) This section applies in a unit that:

- (1) is included in the service area of a holder of a certificate issued under this chapter; and
- (2) requires a provider described in section 21(a) of this chapter to provide PEG channel capacity, facilities, or financial support under a local franchise issued to the provider by the unit before July 1, 2006, regardless of whether the provider elects to:
 - (A) continue the local franchise under section 21(b)(1) of this chapter; or
 - (B) terminate the local franchise under section 21(b)(2) of this chapter and continue providing video service in the unit under a certificate issued under this chapter.

(b) As used in this section, "PEG channel" refers to a channel made available by a provider on the provider's video service system for public, educational, and governmental programming.

(c) The holder of a certificate under this chapter shall provide in the unit at least the number of PEG channels that the provider described in section 21(a) of this chapter is required to provide in the unit under the terms of the local franchise described in subsection (a)(2).

(d) If the local franchise described in subsection (a)(2) requires the provider described in section 21(a) of this chapter to provide financial support for public, educational, or governmental programming in the unit, the holder of a certificate under this

chapter shall pay the unit the same cash payments on a per subscriber basis that the provider described in section 21(a) of this chapter is required to pay the unit under the terms of the local franchise. The holder shall remit payments under this subsection to the unit on a quarterly basis, along with the franchise fee paid to the unit under section 24 of this chapter. For each calendar quarter, the holder shall remit to the unit an amount equal to:

- (1) the cash payment for the quarter due from the provider described in section 21(a) of this chapter; multiplied by
- (2) a fraction, the numerator of which equals the number of subscribers served by the holder in the unit, and the denominator of which equals the total number of subscribers served by all providers in the unit.

(e) Any payments remitted to a unit under subsection (d):

- (1) are made:
 - (A) for the purposes set forth in 47 U.S.C. 531; and
 - (B) under the unit's authority under 47 U.S.C. 541(a)(4)(B); and
- (2) may not be credited against the franchise fee payable to the unit under section 24 of this chapter.

Sec. 26. (a) This section applies in a unit or an unincorporated area of Indiana that:

- (1) is included in the service area of a holder of a certificate issued under this chapter; and
- (2) does not require a provider described in section 21(a) of this chapter to provide PEG channel capacity, facilities, or financial support under a local franchise issued before July 1, 2006.

(b) As used in this section, "PEG channel" has the meaning set forth in section 25(b) of this chapter.

(c) As a condition of issuing or renewing a certificate to a holder under this chapter, and upon:

- (1) the petition of a unit or an unincorporated area included in the holder's service area under the certificate; or
- (2) the commission's own motion;

the commission may require the holder to provide PEG channel capacity, facilities, or financial support to one (1) or more units or unincorporated areas in the holder's service area under the certificate.

(d) As allowed by 47 U.S.C. 531, the commission may do the following in exercising its authority under this section:

- (1) Adopt rules and procedures for the designation or use of PEG channel capacity in each unit or unincorporated area in which the requirements apply.
- (2) Enforce any requirement concerning the provision or use of PEG channel capacity. The commission's enforcement authority under this subdivision includes the authority to enforce any provision that:
 - (A) is proposed by the holder and incorporated in the holder's certificate; and
 - (B) concerns services, facilities, or equipment related to PEG channel capacity;

regardless of whether the provision is required in rules or procedures adopted by the commission under subdivision (1).

(3) If PEG channel capacity is designated under the certificate, prescribe rules and procedures:

- (A) under which the holder is permitted to use the designated channel capacity to provide other services, if the channel capacity is not being used in the unit or unincorporated area for the designated purposes; and
- (B) that set forth the conditions under which the holder must cease any use permitted under clause (A).

Sec. 26.5. (a) This section applies in a unit:

- (1) that is included in the service area of a holder of a certificate issued under this chapter; and
- (2) in which a provider is required to provide PEG channel capacity:

- (A) under a local franchise issued to the provider by the unit before July 1, 2006; or

- (B) by the commission under section 26 of this chapter.

(b) As used in this section, "PEG channel" has the meaning set forth in section 25(b) of this chapter.

(c) As a condition of issuing or renewing a certificate to a holder under this chapter, and upon:

- (1) the petition of the unit; or
- (2) the commission's own motion;

the commission may require the holder to provide the unit with PEG channel capacity that is in addition to the channel capacity required to be provided in the unit under the existing local franchise or under an order of the commission under section 26 of this chapter.

Sec. 27. (a) The operation of a PEG channel provided under section 25, 26, or 26.5 of this chapter is the responsibility of the unit or unincorporated area that receives the benefit of the channel, and the holder or other provider is responsible only for the transmission of the channel.

(b) A unit or an unincorporated area that receives the benefit of a PEG channel provided under section 25, 26, or 26.5 of this chapter shall ensure that all transmissions, content, and programming that are transmitted over a channel or other facility of the provider are submitted to the provider in a manner or form that:

- (1) is capable of being accepted and transmitted by the provider over the provider's video service system;
- (2) does not require additional alteration or change in the content by the provider; and
- (3) is compatible with the technology or protocol used by the provider to deliver video service.

(c) If it is technically feasible to do so, the holder of a certificate under this section and a provider described in section 21(a) of this chapter may cooperate to interconnect their systems to provide PEG channel capacity required under section 25, 26, or 26.5 of this chapter. Interconnection under this section may be accomplished by direct cable, microwave link, satellite, or other reasonable method of connection. The parties shall negotiate the terms of the interconnection in good faith, and a provider described in section 21(a) of this chapter may not withhold interconnection of PEG channel capacity.

(d) A court with jurisdiction has exclusive authority to enforce any requirement under:

- (1) this section; or
- (2) section 25, 26, or 26.5 of this chapter.

Sec. 28. (a) This section applies to the following:

(1) A provider that holds a certificate issued by the commission under this chapter.

(2) A provider that provides video service under a local franchise, as permitted under section 21(b)(1) of this chapter.

(b) Subject to section 17(b) of this chapter, a provider may not deny access to video service to any group of potential residential subscribers based on the income level of the residents in the local area in which the group resides. However, a provider:

(1) shall have a reasonable time to become capable of providing video service to all households within a service area included in the provider's franchise; and

(2) may satisfy the requirements of this subsection through the use of an alternative technology that:

(A) offers content, service, and functionality comparable to that provided through the provider's video service system, as determined by the commission; and

(B) may include a technology that does not require the use of any public right-of-way.

(c) For purposes of this subsection, an "affected person" includes the following:

- (1) A potential subscriber of video service from a provider.
- (2) A local unit in which a person described in subdivision (1) resides, acting on behalf of the person or other similarly situated persons.

An affected person that alleges a violation of subsection (b) by a provider may petition the commission for equitable relief. Not later than forty-five (45) days after receiving a petition under this subsection, the commission shall, after notice and an opportunity for hearing, make a determination as to whether a violation of subsection (b) has occurred.

(d) If, after holding any hearing requested in the matter, the commission determines that no violation of subsection (b) has occurred, the commission's decision is final, subject to the petitioner's right to appeal the decision in a court having jurisdiction. If the commission determines that a violation of subsection (b) has occurred, the commission may issue an order requiring the provider to offer video service to those persons to whom access to the provider's video service has been denied. An order of the commission under this subsection must specify the following:

(1) A date by which the provider must offer video service to those persons to whom access has been denied as a result of the provider's violation. In specifying a date under this subdivision, the commission shall allow the provider a reasonable time to become capable of providing the required video service to the affected households.

(2) Any alternative technology described in subsection (b)(2) that the commission approves for use by the provider in making video service available to the affected households.

Except as provided in subsection (e), an order of the commission under this subsection is final.

(e) A provider may appeal:

(1) a determination by the commission under subsection (d) that a violation of subsection (b) has occurred; or

(2) any findings or requirements of the order issued in connection with the commission's finding of a violation;

in a court having jurisdiction.

Sec. 29. (a) This section applies to a provider that holds a local franchise to provide video service in a unit at any time before July 1, 2009, regardless of whether:

(1) the provider elects:

(A) under section 21(b)(1) of this chapter, to continue providing video service under the local franchise; or

(B) under section 21(b)(2) of this chapter, to terminate the local franchise and provide video service in the unit under a certificate issued under this chapter;

if the local franchise is in effect on June 30, 2009; or

(2) the provider will provide video service in the unit under a certificate issued under this chapter, if the local franchise expires before July 1, 2009.

(b) As used in this section, "local franchise" refers to:

(1) the existing local franchise, if subsection (a)(1)(A) applies;

(2) the terminated local franchise, if subsection (a)(1)(B) applies; or

(3) the most recent local franchise held by the provider in the unit, if subsection (a)(2) applies.

(c) A holder to which this section applies shall continue to provide the following services under the terms of the local franchise until January 1, 2009, or until the local franchise will expire or would have expired, whichever is later:

(1) Institutional network capacity, however defined or referenced in the local franchise, but generally including private line data network capacity for use by the unit for noncommercial purposes. Institutional network capacity provided under this subdivision shall continue to be provided at the same capacity as required under the terms of the local franchise.

(2) Video service to community public buildings, such as municipal buildings and public schools, however defined or referenced in the local franchise, but generally including cable drop connections to the buildings and a particular tier of video service provided to the buildings. Video service provided under this subdivision shall continue to be provided to the same extent as required under the terms of the local franchise.

Beginning January 1, 2009, or upon the date on which the local franchise will expire or would have expired, whichever is later, a provider that provides services under this subsection shall continue to provide the services under this subsection if the unit requests that the services continue after December 31, 2008, or after the date the local franchise will expire or would have expired, whichever is later.

(d) This subsection applies to services described in subsection (c) that are provided after December 31, 2008, or after the date the local franchise will expire or would have expired, whichever is later. The incremental costs of the services shall be apportioned among all holders of a franchise to provide video service within the unit. The amount of the incremental costs borne by a particular holder is equal to the total cost of providing the services multiplied by a fraction calculated as follows:

(1) The numerator of the fraction equals the number of subscribers to whom the holder provides video service in the unit.

(2) The denominator of the fraction equals the total number of subscribers to whom all holders provide video service in the unit.

SECTION 59. IC 8-1-36 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 36. Indiana Lifeline Assistance Program

Sec. 1. This chapter applies to an eligible telecommunications carrier that offers basic telecommunications service in one (1) or more exchange areas in Indiana.

Sec. 2. Except as otherwise provided in this chapter, the definitions in IC 8-1-2.6 apply throughout this chapter.

Sec. 3. As used in this chapter, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

Sec. 4. As used in this chapter, "eligible telecommunications carrier" refers to a local exchange carrier that is designated as an eligible telecommunications carrier by the commission under 47 CFR 54.201.

Sec. 5. As used in this chapter, "federal Lifeline program" refers to the retail local service offering:

(1) available only to qualifying low-income consumers (as defined in 47 CFR 54.400(a));

(2) for which qualifying low-income consumers pay reduced charges as a result of the application of the Lifeline support amount described in 47 CFR 54.403; and

(3) that includes the services and functionalities set forth in 47 CFR 54.101(a)(1) through 47 CFR 54.101(a)(9);

as described in 47 CFR 54.401.

Sec. 6. As used in this chapter, "participant" refers to an eligible customer who applies for and receives assistance through the program.

Sec. 7. As used in this chapter, "program" refers to the Indiana Lifeline assistance program established by the commission under section 8 of this chapter.

Sec. 8. (a) Not later than July 1, 2008, the commission shall adopt rules under IC 4-22-2 to establish the Indiana Lifeline assistance program. The program shall offer reduced charges for basic telecommunications service to eligible customers. The rules adopted by the commission under this section must do the following:

(1) Require an eligible telecommunications carrier to offer toll limitation (as defined in 47 CFR 54.400(d)) to an eligible customer who applies for assistance under the program. The rules must specify that an eligible telecommunications carrier may not charge a participant an administrative charge or any other additional amount for toll limitation.

(2) Allow an eligible telecommunications carrier to block a participant's access to interexchange service, except for access to toll free numbers, if the participant owes an outstanding amount for basic telecommunications service. The rules must require an eligible telecommunications carrier to remove the block without additional cost to the participant upon payment of the outstanding amount.

(3) Prohibit an eligible telecommunications carrier from discontinuing basic telecommunications service to a participant because of nonpayment by the participant of charges for other services billed by the eligible telecommunications carrier, including interexchange

service.

(b) **Funding for the following costs of the program shall be determined by the commission, after notice and hearing, in a manner based on and consistent with comparable federal funding mechanisms for the federal Lifeline program:**

(1) **The costs of reimbursing eligible telecommunications carriers for lost revenues associated with providing reduced charges for basic telecommunications service to participants.**

(2) **Reasonable expenses incurred by the commission and eligible telecommunications carriers to:**

(A) **administer the program; and**

(B) **publicize the availability of the program in a manner reasonably designed to reach eligible customers.**

(c) **The rules adopted by the commission under IC 4-22-2 to establish the program must:**

(1) **take effect not later than July 1, 2009; and**

(2) **be consistent with this chapter.**

Upon the effective date of the rules adopted by the commission under this section, an eligible telecommunications carrier shall offer basic telecommunications service to an eligible customer at the reduced rates established under the rules.

Sec. 9. A customer is eligible to receive reduced rates for basic telecommunications service under the program if:

(1) **the customer's income (as defined in 47 CFR 54.400(f)) does not exceed one hundred fifty percent (150%) of the federal poverty guidelines; or**

(2) **any person in the customer's household receives or has a child who receives any of the following:**

(A) **Medicaid.**

(B) **Food stamps.**

(C) **Supplemental Security Income.**

(D) **Federal public housing assistance.**

(E) **Home energy assistance under a program administered by the division of family resources under IC 12-14-11.**

(F) **Assistance under the federal Temporary Assistance to Needy Families (TANF) program (45 CFR 260 et seq.).**

(G) **Free lunches under the national school lunch program.**

Sec. 10. An eligible telecommunications carrier may seek Tier Three federal Lifeline support under 47 CFR 54.403(a)(3) in connection with support provided by the eligible telecommunications carrier under this chapter.

SECTION 60. IC 35-45-5-4.7, AS ADDED BY P.L.70-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.7. (a) An interactive computer service that handles or retransmits a commercial electronic mail message has a right of action against a person who initiates or assists the transmission of the commercial electronic mail message that violates this chapter.

(b) This chapter does not provide a right of action against:

(1) an interactive computer service;

(2) a telephone company; ~~(as defined in IC 8-1-2-88);~~

(3) a CMRS provider (as defined in IC 36-8-16.5-6);

(4) a cable operator (as defined in 47 U.S.C. 522(5)); or

(5) any other entity that primarily provides connectivity to an operator;

if the entity's equipment is used only to transport, handle, or retransmit information that violates this chapter and is not capable of blocking the retransmission of information that violates this chapter.

(c) It is a defense to an action under this section if the defendant shows by a preponderance of the evidence that the violation of this chapter resulted from a good faith error and occurred notwithstanding the maintenance of procedures reasonably adopted to avoid violating this chapter.

(d) If the plaintiff prevails in an action filed under this section, the plaintiff is entitled to the following:

(1) An injunction to enjoin future violations of this chapter.

(2) Compensatory damages equal to any actual damage proven by the plaintiff to have resulted from the initiation of the commercial electronic mail message. If the plaintiff does not prove actual damage, the plaintiff is entitled to presumptive damages of five hundred dollars (\$500) for each commercial electronic mail message that violates this chapter and that is sent by the defendant:

(A) to the plaintiff; or

(B) through the plaintiff's interactive computer service.

(3) The plaintiff's reasonable attorney's fees and other litigation costs reasonably incurred in connection with the action.

(e) A person outside Indiana who:

(1) initiates or assists the transmission of a commercial electronic mail message that violates this chapter; and

(2) knows or should know that the commercial electronic mail message will be received in Indiana;

submits to the jurisdiction of Indiana courts for purposes of this chapter.

SECTION 61. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 8-1-2.6-3; IC 8-1-2.6-5; IC 8-1-2.6-7; IC 8-1-33-14.

SECTION 62. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 8-1-2-88; IC 8-1-2-88.5; IC 8-1-2.6-6; IC 8-1-17-6; IC 8-1-17-21; IC 8-1-17-22; IC 8-1-17-22.5.

SECTION 63. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "basic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.1, as added by this act.

(b) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) As used in this SECTION, "provider" has the meaning set forth in IC 8-1-2.6-0.4, as added by this act.

(d) Notwithstanding IC 8-1-2.6-1.4, as added by this act, the commission may, before July 1, 2009, take any action necessary to divest itself, by July 1, 2009, of any jurisdiction that:

(1) is not described in IC 8-1-2.6-1.5(b), as added by this act, or IC 8-1-2.6-13(d), as added by this act; and

(2) the commission exercises over basic telecommunications service before July 1, 2009.

(e) This SECTION expires January 1, 2010.

SECTION 64. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 8-1-34, as added by this act, apply throughout this SECTION.

(b) As used in this SECTION, "commission" refers to the Indiana utility regulatory commission created by IC 8-1-1-2.

(c) For the period beginning July 1, 2006, and ending June 30, 2010, the commission shall conduct an analysis of the deployment

of video service in Indiana. In conducting the analysis required under this subsection, the commission shall determine and collect data on the following for each metropolitan statistical area in Indiana on at least an annual basis:

(1) The median per capita income of the metropolitan statistical area in relation to the median per capita income of the state.

(2) Whether the metropolitan statistical area is part of or includes an underserved area, as determined by the Indiana finance authority under IC 8-1-33-13, as amended by this act.

(3) An identification of each provider offering video service in the metropolitan statistical area. For each provider identified under this subdivision, the commission shall identify whether the provider offers video service in the metropolitan statistical area under:

(A) a local franchise; or

(B) a certificate issued by the commission under IC 8-1-34-17, as added by this act.

(4) For each provider identified under subdivision (3), the type of technology used to deliver the video service offered. In compiling the information required under this subdivision, the commission may prepare a map identifying the location of the infrastructure used to provide video service within the metropolitan statistical area.

(5) For each provider identified under subdivision (3), any infrastructure build out initiated or completed within the metropolitan statistical area during the particular data collection period. For a provider that offers video service in the metropolitan statistical area under a local franchise, the commission shall identify whether the build out identified under this subdivision is required under the local franchise. In compiling the information required under this subdivision, the commission may prepare a map identifying the location of any build out that is initiated or completed.

(6) For each provider identified under subdivision (3), the provider's compliance with IC 8-1-34-28, as added by this act. The commission shall include in the data collected under this subdivision information on any complaint filed by an affected person under IC 8-1-34-28(c), as added by this act, including the commission's resolution of the complaint under IC 8-1-34-28(d).

(d) In the commission's report under IC 8-1-2.6-4 that is due to the regulatory flexibility committee on July 1, 2010, the commission shall include the results of the commission's analysis under subsection (c). The results reported must include the data collected under subsection (c) for each metropolitan statistical area in Indiana for each annual data collection period monitored by the commission during the four year period specified under subsection (c).

SECTION 65. An emergency is declared for this act.

(Reference is to HB 1279 as reprinted February 3, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

WYSS, Chair

Report adopted.

1:36 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 1:52 p.m., with the President of the Senate in the Chair.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1176, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-13-3-40 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 40. (a) The criminal history data fund is established for the purpose of operating and maintaining the central repository for criminal history data. In addition, at the discretion of the superintendent, the fund may be used to establish, operate, or maintain an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7. The fund shall be administered by the department.**

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund. However, if at the end of a particular state fiscal year the amount of money that has been deposited in the state general fund in the state fiscal year from handgun license fees (as described in IC 35-47-2-4) is less than one million one hundred thousand dollars (\$1,100,000), the treasurer shall transfer from the fund to the state general fund the lesser of the balance in the fund or the difference between one million one hundred thousand dollars (\$1,100,000) and the amount of money that has been deposited in the state general fund in the state fiscal year from handgun license fees (as described in IC 35-47-2-4)."

Page 2, line 21, delete "to".

Page 2, line 21, after "training" insert "to".

Page 4, line 35, strike "or".

Page 4, line 36, after "address;" insert "or

(3) experiences a change, including an arrest or a conviction, that may affect the person's status as a proper person (as defined in IC 35-47-1-7) or otherwise disqualify the person from holding a license;"

Page 4, line 37, after "than" insert "**thirty (30) days after the date of a change described under subdivision (3), and not later than**".

Page 4, line 38, after "change" delete "," and insert "**described**".

under subdivision (1) or (2),".

Page 4, line 38, after "of" insert **"the event described under subdivision (3) or, in the case of a change under subdivision (1) or (2),"**.

Page 5, line 9, reset in roman ",."

Page 5, line 13, delete "." and insert ".".

Page 5, line 29, strike "fifteen dollars (\$15)" and insert **"thirty dollars (\$30)"**.

Page 5, line 36, delete "." and insert ".".

Page 5, line 37, strike "five dollar (\$5)" and insert **"twenty dollar (\$20)"**.

Page 5, line 39, strike "by the superintendent with the treasurer of state." and insert **"in accordance with subsection (e)."**

Page 6, between lines 8 and 9, begin a new paragraph and insert: **"(e) Fees collected under this section shall be deposited as follows:**

(1) One hundred percent (100%) of the fees for:

(A) a qualified license described in subsection (b)(1); and

(B) a four (4) year unlimited license described in subsection (b)(2)(A);

shall be deposited in the state general fund.

(2) Of the lifetime unlimited license fee from a person who does not currently possess a valid Indiana handgun license (as described in subsection (b)(2)(B)):

(A) forty-five dollars (\$45) shall be deposited in the state general fund; and

(B) thirty dollars (\$30) shall be deposited in the criminal history data fund established by IC 10-13-3-40.

(3) Of the lifetime unlimited license fee from a person who currently possesses a valid Indiana handgun license (as described in subsection (b)(2)(C)):

(A) thirty dollars (\$30) shall be deposited in the state general fund; and

(B) thirty dollars (\$30) shall be deposited in the criminal history data fund established by IC 10-13-3-40."

Renumber all SECTIONS consecutively.

(Reference is to HB 1176 as reprinted January 31, 2006.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 2.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1097, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 18, delete ":".

Page 8, delete line 19.

Page 8, line 20, delete "(2)".

Page 8, line 21, delete ":",

Page 8, run in lines 18 through 22.

Page 9, line 2, after "of a" delete "of".

(Reference is to HB 1097 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1392, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 17, delete ";" and insert **"or similar contract;"**.

(Reference is to HB 1392 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass and be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1286, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1113, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 9, after "injury" insert **", if the adulteration or misbranding relates to a labeling or purity requirement under state or federal law"**.

Page 1, line 10, after "knowing" insert **"and willful"**.

Page 1, line 12, after "injury" insert **", unless the alleged injury is unrelated to a pregnancy and arises from:**

(A) weight gain;

(B) obesity;

(C) a health condition associated with weight gain or obesity; or

(D) a generally known condition allegedly:

(i) caused by; or

(ii) likely to result from;
the long term consumption of food or beverages".

Page 2, line 3, after "advertiser" insert " or the advertising medium".

Page 2, line 4, after "(8)" insert "A person who prepares food or beverages."

(9)".

Page 2, line 5, delete "(7)" and insert "(8)".

Page 2, line 6, after "Sec. 3." insert "This section does not apply to weight gain associated with pregnancy."

(Reference is to HB 1113 as printed January 27, 2006.)
and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1108, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "IC 9-21-8-55(a)" and insert "IC 9-21-8-55(b)".

Page 1, line 7, after "(a)" insert "This section does not apply to a law enforcement official engaged in the law enforcement official's official duties.

(b)".

Page 2, line 8, delete "(b)" and insert "(c)".

Page 2, line 8, after "who" insert ", with the intent to harass or intimidate a person in another vehicle,".

Page 2, line 30, delete "and caused" and insert "that results in".

Page 2, line 37, delete "and caused" and insert "that results in".

(Reference is to HB 1108 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Commerce and Transportation, to which was referred Senate Concurrent Resolution 25, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1395, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 7, delete lines 29 through 42.

Page 8, delete lines 1 through 16.

Renumber all SECTIONS consecutively.

(Reference is to HB 1395 as printed January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1323, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, after "Sec. 4." insert "(a)".

Page 2, line 17, reset in roman "9".

Page 2, line 17, delete "15, then".

Page 2, delete line 18.

Page 2, after line 21, begin a new paragraph and insert:

"(b) For purposes of this subsection, "designated highway" refers to U.S. 6 from State Road 9 to State Road 15 and then north on State Road 15 to the Michigan state line. The designated highway is designated as an extra heavy duty highway beginning July 1 after the Indiana department of transportation completes all improvements, upgrades, and rehabilitation necessary to make the designated highway (including all bridges on the designated highway) suitable to safely bear loads permitted by law for an extra heavy duty highway."

(Reference is to HB 1323 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1236, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 10-11-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) The board shall provide, within amounts appropriated for the purpose, the uniforms and equipment necessary for the employees of the department to perform their respective duties.

(b) The uniforms and equipment provided to employees under this section remain the property of the state.

(c) The board may sell uniforms and equipment, with the consent of the governor, if the uniforms and equipment become unfit for use. Money received from a sale under this section must be paid into the state treasury and credited to the state general fund.

(d) The board shall charge against an employee of the department the value of any property of the department lost or destroyed through carelessness or neglect of the employee. If the board determines that the loss or destruction of the department's property was due to carelessness or neglect of an employee, the value of the equipment shall be deducted from the pay of the employee.

(e) An employee of the department may perform nonduty work, for compensation, using the issued uniform, radio, and firearm provided by the board, if that work is approved by the superintendent in accordance with the rules and employee policies of the department. The employee shall reimburse the department for the value of any uniforms or equipment lost or destroyed in the performance of the nonduty work."

Renumber all SECTIONS consecutively.

(Reference is to HB 1236 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1368, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, delete ":" and insert "**before January 1, 2006, shall be increased by two percent (2%).**".

Page 1, delete lines 9 through 12.

Page 2, after line 17, begin a new paragraph and insert:

"SECTION 3. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "fund" refers to the public employees' retirement fund established by IC 5-10.3-2-1.

(b) Not later than December 1, 2006, the fund shall pay the amount determined under subsection (c) to a member of the fund (or to a survivor or beneficiary of a member) who retired or was disabled before January 1, 2006, and who is entitled to receive a monthly benefit on November 1, 2006. The amount shall be paid as a single check and is not an increase in the pension portion of the monthly benefit.

(c) The amount paid under this SECTION to a member of the fund (or to a survivor or beneficiary of a member) who meets the requirements of subsection (b) is determined as follows:

If a Member's Creditable Service Is:	The Amount of the Check Is:
At least 10 years, but less than 15 years	\$50
At least 15 years, but less than 20 years	\$100
At least 20 years, but less than 25 years	\$150
At least 25 years, but less than 30 years	\$200
At least 30 years	\$250

(d) The creditable service used to determine the amount paid to a member (or to a survivor or beneficiary of a member) under this SECTION is the creditable service that was used to compute the member's retirement benefit under IC 5-10.2-4-4, except that partial years of creditable service may not be used to determine the amount paid under this SECTION.

(e) This SECTION expires December 1, 2006."

(Reference is to HB 1368 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 2.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1300, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 37, after "Sec. 5.5." insert "(a)".

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"(b) A:

(1) student of a truck driver training school; and

(2) truck driver training school;

are subject to applicable rules adopted by the department of state revenue."

(Reference is to HB 1300 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1023, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1239, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1209, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Insurance and Financial Institutions, to which was referred Engrossed House Bill 1299, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

PAUL, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1010, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 10, after "unless the" insert **"state agency or political subdivision provides reasonable compensation to the"**.

Page 1, line 10, delete "is compensated in accordance with" and insert **"for the loss of the sign."**

Page 1, delete line 11.

Page 1, between lines 11 and 12, begin a new paragraph and insert: "SECTION 2. IC 23-14-60-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) If:

(1) any number of persons have:

(A) acted together as an association or corporation;

(B) acquired, as an association or corporation, land for cemetery purposes;

(C) sold and granted to persons the right to bury the dead in lots located on the land; and

(D) actually managed and controlled the land as a cemetery for at least thirty (30) years; but

(2) the organization that the persons attempted to establish as a corporation or cemetery association is defective and incomplete because of a failure to comply with the formalities required by law in force at some time since the original parties first assumed to act as an association or corporation;

the owners of the right to bury the dead on lots in the cemetery and those who may acquire the right become and continue to be a cemetery association or corporation from March 14, 1913.

(b) The owners of the right to bury the dead on lots in a cemetery referred to in subsection (a) have all the rights and powers of a cemetery association or corporation organized under this article, IC 23-1, or IC 23-17. ~~including the power of eminent domain under IC 32-24-1.~~

SECTION 3. IC 23-14-75-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

~~(1) A:~~

~~(A) city;~~

~~(B) town;~~

~~(C) township;~~

~~(D) corporation or association;~~ or

~~(E) another owner;~~

~~that owns or controls a public cemetery that has been in existence for at least thirty (30) years.~~

~~(2) A:~~

~~(A) city, town, or township; or~~

~~(B) corporation or association a city, town or township that:~~

~~(1) owns a cemetery that has been in existence for at least thirty (30) years; or~~

~~that (2) desires to own a public cemetery.~~

SECTION 4. IC 23-14-75-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

(1) the legislative body of the city or town; or

(2) the executive of the township;

~~(3) the trustees or directors of the corporation or association; or~~

~~(4) the other owners;~~

~~have~~ **has** the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute."

Page 7, line 12, delete "to provide" and insert **"for the construction, reconstruction, improvement, maintenance, or repair of"**.

Page 7, line 14, after "(1)" insert **"if the construction, reconstruction, improvement, maintenance, or repair of the feeder road begins not later than five (5) years from the conclusion of the project"**.

Page 7, line 36, delete "or".

Page 7, line 37, after "IC 8-1-2.2" insert **", municipal sanitation department operating under IC 36-9-23, sanitary district operating under IC 36-9-25, or an agency operating as a stormwater utility"**.

Page 7, line 38, delete "." and insert **"or pipeline company."**

Page 7, line 40, after "utility" insert **"or pipeline company"**.

Page 8, line 1, after "offer" insert **"in writing"**.

Page 8, line 2, delete "," and insert **"or pipeline company,"**.

Page 8, line 4, after "utility" insert **"or pipeline company"**.

Page 8, line 6, after "utility" insert **"or pipeline company"**.

Page 8, line 7, after "utility" insert **"or pipeline company"**.

Page 8, line 10, delete "three (3)" and insert **"two (2)"**.

Page 9, line 14, after "objections" insert **"by not more than thirty (30) days"**.

Page 10, line 28, strike "(b) If there is a trial, the additional costs caused by the trial shall be".

Page 10, line 29, strike "paid as ordered by the court. However,".

Page 10, line 29, delete "except as provided in".

Page 10, line 30, delete "IC 32-24-4.5-5,".

Page 10, line 30, strike "if there is a trial and the amount of damages awarded".

Page 10, strike lines 31 through 35, begin a new paragraph and insert: **"(b) If the owner of a parcel of real property incurs attorney's fees because a plaintiff seeks to acquire the parcel through the exercise of eminent domain, the plaintiff shall reimburse the owner's reasonable attorney's fees. However, the total amount of attorney's fees that a plaintiff may be required to reimburse an owner under this subsection may not exceed one hundred thousand dollars (\$100,000)."**

Page 10, line 39, after "damages" insert **"and attorney's fees payable in accordance with section 14 of this chapter"**.

Page 11, line 1, after "assessed" insert **"and attorney's fees payable in accordance with section 14 of this chapter"**.

Page 11, line 3, after "assessed" insert **"and attorney's fees payable in accordance with section 14 of this chapter"**.

Page 11, line 7, after "assessed" insert **"and attorney's fees payable in accordance with section 14 of this chapter"**.

Page 11, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 12. IC 32-24-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 17. A landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

SECTION 13. IC 32-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4. (a)** After the appraisers file their report, any of the defendants may, within a reasonable time fixed by the court, file exceptions to the report, alleging that the appraisal of the property, as made by the appraisers, is not the true cash value of the property. If exceptions are filed, a trial on the exceptions shall be held by the court or before a jury, if asked by either party.

(b) The circuit court clerk shall give notice of filing of the appraisers' report to all known parties to the action and their attorneys of record by certified mail.

(c) Upon the trial of the exceptions, the court may revise, correct, amend, or confirm the appraisal in accordance with the finding of the court or verdict of the jury.

(d) The court shall apportion the costs accruing in the proceedings as justice may require. **However, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

(e) Changes of venue may be had as in other cases."

Page 11, line 27, delete "Except as".

Page 11, line 28, delete "provided in section 1.5 of this chapter, a" and insert "A".

Page 11, line 40, after "estate" delete "." and insert **"to accomplish the essential delivery of services described in subdivisions (1) and (2)."**

Page 12, delete lines 5 through 14.

Page 12, line 22, after "agency" insert **"for the purpose of providing the general public with fundamental services, including the construction, maintenance, and reconstruction of highways, bridges, airports, ports, intermodal facilities, parks, and publicly owned venues"**.

Page 12, between lines 22 and 23, begin a line block indented and insert:

"(2) leasing of a highway, bridge, airport, port, intermodal facility, park, or publicly owned venue by a public agency that retains ownership of the parcel by written lease with right of forfeiture; or".

Page 12, line 23, delete "(2)" and insert "(3)".

Page 12, line 24, delete ", including" and insert ",."

Page 12, line 25, delete ";" and insert ",."

Page 12, line 25, after "or" insert **"a pipeline company."**

Page 12, delete lines 26 through 33.

Page 12, after line 42, begin a new paragraph and insert:

"(c) This chapter does not apply twenty (20) years after the

acquisition of the real property."

Page 13, between lines 2 and 3, begin a new paragraph and insert: **"Sec. 3. As used in this chapter, "parcel" means the real property that is under common ownership and that the condemning authority is seeking to acquire.**

Sec. 4. As used in this chapter, "private person" means a person other than a public agency.

Sec. 5. As used in this chapter, "public agency" means:

(1) a state agency (as defined in IC 4-13-1-1);

(2) a unit (as defined in IC 36-1-2-23);

(3) a body corporate and politic created by state statute;

(4) a school corporation (as defined in IC 20-26-2-4); or

(5) another governmental unit or district with eminent domain powers.

The term does not include a state educational institution (as defined in IC 20-12-0.5-1).

Sec. 6. As used in this chapter, "relocation costs" mean relocation expenses payable in accordance with the federal Uniform Relocation Assistance Act (42 U.S.C. 4601 through 42 U.S.C. 4655)."

Page 13, line 3, delete "Sec. 3." and insert **"Sec. 7."**

Page 13, line 12, delete "private or".

Page 13, line 13, delete "dwelling" and insert **"structure"**.

Page 13, line 13, after "that" insert **"is unfit for human habitation or use because the structure"**.

Page 13, line 19, after "applicable" insert **"building codes or"**.

Page 13, line 34, delete "predominantly" and insert **"substantially"**.

Page 13, line 40, delete "." and insert **", and the neglect or lack of maintenance has not been corrected by the owner of the parcel within a reasonable time after the owner receives notice of the accumulation or infestation."**

Page 14, delete lines 2 through 5.

Page 14, line 6, delete "(H)" and insert **"(G)"**.

Page 14, line 8, delete "(I)" and insert **"(H)"**.

Page 14, delete lines 9 through 18.

Page 14, line 19, delete "(3)" and insert **"(2)"**.

Page 14, between lines 22 and 23, begin a new line block indented and insert:

"(3) If the owner files a request for mediation at the time the owner files an objection or exception to an eminent domain proceeding, the court shall appoint a mediator not later than ten (10) days after the request for mediation is filed. Mediation must be concluded not later than ninety (90) days after the appointment of the mediator. A condemnor shall engage in good faith mediation with the owner, including the consideration of a reasonable alternative to the exercise of eminent domain. The condemnor shall pay the costs of the mediator."

Page 14, line 26, delete "Sec. 4." and insert **"Sec. 8."**

Page 14, line 41, delete "not to exceed two hundred and fifty thousand" and insert **"including a loss incurred in a trade or business that is attributable to the exercise of eminent domain;"**.

Page 14, line 42, delete "dollars (\$250,000);"

Page 15, line 8, delete "not to exceed two hundred and fifty thousand" and insert **"including a loss incurred in a trade or business that is attributable to the exercise of eminent domain;"**.

Page 15, line 9, delete "dollars (\$250,000);"

Page 15, line 17, delete "not to exceed two hundred and fifty thousand" and insert **"including a loss incurred in a trade or business that is attributable to the exercise of eminent domain;"**.

Page 15, line 18, delete "dollars (\$250,000);".

Page 15, line 20, delete "Sec. 5." and insert **"Sec. 9."**.

Page 15, line 23, after "reimburse" insert **"the owner's reasonable"**.

Page 15, line 23, after "fees" delete ":" and insert ".".

Page 15, delete lines 24 through 28.

Page 15, line 31, delete "two" and insert **"one"**.

Page 15, line 31, delete "fifty".

Page 15, line 31, delete "(\$250,000)" and insert **"(\$100,000)"**.

Page 15, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 15. IC 32-24-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7. Procedure for Libraries

Sec. 1. This chapter applies to the exercise of eminent domain by a library board (as defined in IC 36-12-1-3). Notwithstanding any other law, a library board may exercise eminent domain only if it complies with this chapter.

Sec. 2. A library board may exercise eminent domain only if one (1) of the following legislative bodies adopts a resolution specifically authorizing the library board to exercise eminent domain over a particular parcel of land for a specific purpose:

(1) If the library district is located entirely within the corporate boundaries of a municipality, the legislative body of the municipality.

(2) If the library district:

(A) is not described by subdivision (1); and

(B) is located entirely within the boundaries of a township; the legislative body of the township.

(3) If the library district is not described by subdivision (1) or (2), the legislative body of each county in which the library district is located.

Sec. 3. The resolution described in section 2 of this chapter must specifically describe:

(1) the parcel of land that the library board seeks to acquire by exercising eminent domain;

(2) the purpose for which the parcel of land is to be acquired; and

(3) why the exercise of eminent domain is necessary to accomplish the library board's purpose."

Page 15, line 40, after "unless the" insert **"unit provides reasonable compensation to the"**.

Page 15, line 40, delete "is compensated in accordance with" and insert **"for the loss of the sign."**

Page 15, delete line 41.

Page 16, line 12, delete "IC 32-24-4.5-3(1)" and insert **"IC 32-24-4.5-7(1)"**.

Page 17, line 25, delete "IC 32-24-4.5-3(1)" and insert **"IC 32-24-4.5-7(1)"**.

Page 18, line 36, delete "This act applies" and insert **"(a) As used in this SECTION, "committee" refers to the interim study committee on eminent domain established by this SECTION.**

(b) There is established the interim study committee on eminent

domain. The committee shall study issues related to the exercise of eminent domain.

(c) The committee may meet as often as necessary to carry out its duties under this SECTION.

(d) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2007.

(e) The affirmative votes of a majority of the voting members appointed to the committee are required for the committee to take action on any measure, including final reports.

(f) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(g) This SECTION expires November 2, 2007."

Page 18, delete lines 37 through 38.

Renumber all SECTIONS consecutively.

(Reference is to HB 1010 as reprinted January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1232, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 11, after "the" insert **"prior"**.

(Reference is to HB 1232 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1112, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 16, delete "that is".

Page 1, line 17, delete "offered to prove the liability of the communicator for" and insert **"that relates to"**.

(Reference is to HB 1112 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1016, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 33-40-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A supplemental public defender services fund is established in each county. The fund consists of amounts deposited under:

- (1) section 9 of this chapter; and
- (2) **IC 35-33-8-3.3.**

Page 3, line 40, after "(a)" insert **"This section does not apply to a defendant charged in a city or town court. (b)".**

Page 4, line 1, delete "(d)" and insert **"(e)".**

Page 4, line 8, delete "(b)" and insert **"(c)".**

Page 4, line 13, delete "(c)" and insert **"(d)".**

Page 4, line 14, delete "and the defendant is:" and insert **",**.

Page 4, delete lines 15 through 18.

Page 4, line 19, delete "(2) not charged in a city or town court,".

Page 4, run in lines 14 and 19.

Page 4, line 23, delete "(d)" and insert **"(e)".**

Page 4, line 35, delete "(a)" and insert **"(b)".**

Page 4, delete line 36.

Page 4, line 37, delete "apply to a defendant charged in a city or town court.", begin a new paragraph and insert **"(f)".**

Page 4, line 39, delete "(d)(3)" and insert **"(e)(3)".**

Page 4, line 40, delete "(d)" and insert **"(e)".**

Page 4, line 40, delete "All" and insert **"Except for the money described in subsections (c) and (d), all".**

Page 5, line 1, after "deposit" insert **"fifty percent (50%) of".**

Page 5, line 2, after "fund" delete "." and insert **"and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1)".**

Page 5, delete lines 12 through 31.

Page 5, line 32, delete "or local".

Page 5, line 39, delete "or local".

Page 6, line 13, after "that" insert **", upon the defendant's conviction".**

Page 6, line 23, delete "and".

Page 6, line 25, delete "." and insert **"; and**

- (4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped."**

Page 6, line 27, after "may" insert **", upon the defendant's conviction,".**

Page 6, line 30, after "permit," insert **"upon the defendant's conviction,".**

Page 7, line 14, delete "(d)" and insert **"(e)".**

Page 7, line 17, delete "or city or town fiscal officer".

Page 7, line 18, delete "(e) or".

Renumber all SECTIONS consecutively.

(Reference is to HB 1016 as printed January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1287, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 12.

Page 2, delete lines 21 through 42, begin a new paragraph and insert:

"SECTION 2. IC 9-13-2-173.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 173.3. "State highway system" has the meaning set forth in IC 8-23-1-40.

SECTION 3. IC 9-21-8-49 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 49. Except as provided in sections 50, 51, 52, ~~and~~ 54, ~~and~~ 55 of this chapter, a person who violates this chapter commits a Class C infraction.

SECTION 4. IC 9-21-8-55 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 55. A person who operates a vehicle in a highway worksite zone:**

- (1) in a reckless manner; or**

- (2) attempting to endanger the safety or property of individuals authorized by the Indiana department of transportation or the appropriate local entities to be in a highway worksite zone;**

commits a Class A misdemeanor.

SECTION 5. IC 9-22-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. An officer who finds or is notified of a vehicle or parts believed to be abandoned on a highway that is part of the state highway system shall attach a notice tag in a prominent place on the vehicle or part. The notice tag must contain the following information:**

- (1) The date and time the notice is attached.**

- (2) The officer's name.**

- (3) The name, address, and telephone number of the public agency or the Indiana department of transportation that may be contacted for information.**

- (4) That the vehicle or parts are considered abandoned.**

- (5) That the vehicle or parts will be removed after twenty-four (24) hours.**

- (6) That the person who owns the vehicle or parts will be held responsible for all costs incidental to the removal, storage, and disposal of the vehicle or parts.**

- (7) That the person who owns the vehicle or parts may avoid costs described in subdivision (6) by removing the vehicle or parts within twenty-four (24) hours.**

SECTION 6. IC 9-22-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. If a vehicle or a part tagged under section 11 ~~or 11.5~~ of this chapter is not removed within the ~~seventy-two (72) hour~~ **specified time** period, the officer shall prepare a written abandoned vehicle report of the vehicle or parts, including information on the condition, missing parts, and other facts that might substantiate the estimated market value of the vehicle or parts. Photographs shall be taken to describe the condition of the vehicle or parts.

SECTION 7. IC 9-22-1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. (a) This section applies only to an abandoned vehicle or parts abandoned on a highway in the state highway system.**

(b) If, in the opinion of the officer, the market value of the abandoned vehicle or parts determined in accordance with section 12 of this chapter is at least:

(1) five hundred dollars (\$500); or

(2) in a municipality that has adopted an ordinance under section 13(b) of this chapter, the amount established by the ordinance;

the officer, before placing a notice tag on the vehicle or parts, shall make a reasonable effort to ascertain the person who owns the vehicle or parts or who may be in control of the vehicle or parts.

(c) After twenty-four (24) hours, the officer shall require the vehicle or parts to be towed to a storage yard or towing service.

SECTION 8. IC 9-22-1-19, AS AMENDED BY P.L.104-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) Within seventy-two (72) hours after removal of an abandoned vehicle to a storage yard or towing service under section 13, 14, **14.5**, or 16 of this chapter, the public agency or towing operator shall prepare and forward to the bureau an abandoned vehicle report containing a description of the vehicle, including the following information concerning the vehicle:

(1) The make.

(2) The model.

(3) The identification number.

(4) The number of the license plate.

(b) The public agency or towing operator shall request that the bureau advise the public agency or towing operator of the name and most recent address of the person who owns or holds a lien on the vehicle.

(c) Notwithstanding section 4 of this chapter, if the public agency or towing operator fails to notify the bureau of the removal of an abandoned vehicle within seventy-two (72) hours after the vehicle is removed as required by subsection (a), the public agency or towing operator:

(1) may not initially collect more in reimbursement for the costs of storing the vehicle than the cost incurred for storage for seventy-two (72) hours; and

(2) may collect further reimbursement under this chapter only for additional storage costs incurred after notifying the bureau of the removal of the abandoned vehicle."

Page 3, delete lines 1 through 40.

Page 4, line 12, after "transportation" insert "**or the appropriate local entities**".

Page 4, line 13, delete "IC 9-21-8-52(b));" and insert "**IC 9-21-8-55**";

Page 4, line 17, after "transportation" insert "**or the appropriate local entities**".

Page 4, delete lines 19 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career

Development, to which was referred Engrossed House Bill 1347, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, delete "meet all the following qualifications:" and insert "**be either:**

(1) at least nineteen (19) years of age and not enrolled in a school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently. The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at the state educational institution during each year the individual is included in the school corporation's ADM."

Page 1, delete lines 9 through 17.

Page 2, delete lines 1 through 2, begin a new paragraph and insert:

"(c) To complete the requirements for a high school diploma under this section, the individual must have:

(1) passed:"

Page 2, line 3, delete "passed".

Page 2, between lines 4 and 5, begin a new line double block indented and insert:

"(B) an examination for a general educational development diploma;"

Page 2, line 5, delete "(B) passed" and insert "**(C)**".

Page 2, line 9, delete "(C) passed" and insert "**(D)**".

Page 2, line 12, delete "department." and insert "**department; and**

(2) completed the coursework necessary to meet:

(A) the minimum high school course requirements established by the state board; and

(B) the requirements of the state educational institution."

Page 2, delete lines 13 through 15, begin a new paragraph and insert:

"(d) In addition to meeting the requirements set forth in subsections (b) and (c), an individual must have the credits toward graduation that the individual successfully completed in high school transferred to the state educational institution.

(e) The state educational institution shall notify the state board that an individual has successfully completed the requirements of a program established under this section. Upon receiving the notification, the state board shall:

(1) grant to the individual a high school diploma that states the name of the state educational institution at which the individual earned the high school diploma; and

(2) provide the diploma to the state educational institution to award to the individual.

(f) A state educational institution that establishes a program under this section shall report annually to the education roundtable established under IC 20-19-4 the number of program participants and diplomas granted."

Page 2, line 32, delete "Tech "" and insert "**Tech**".

Page 2, line 40, delete "meet all the following qualifications:" and insert "**be either:**

(1) at least nineteen (19) years of age and not enrolled in a school; or

(2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently. The

school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at Ivy Tech during each year the individual is included in the school corporation's ADM."

Page 2, delete lines 41 through 42.

Page 3, delete lines 1 through 8, begin a new paragraph and insert:
"(c) To complete the requirements for a high school diploma under this section, the individual must have:

(1) passed:"

Page 3, line 9, delete "passed".

Page 3, between lines 10 and 11, begin a new line double block indented and insert:

"(B) an examination for a general educational development diploma;"

Page 3, line 11, delete "(B) passed" and insert "(C)".

Page 3, line 15, delete "(C) passed" and insert "(D)".

Page 3, line 18, delete "department." and insert **"department; and (2) completed the coursework necessary to meet:**

(A) the minimum high school course requirements established by the state board; and

(B) the requirements of Ivy Tech."

Page 3, delete lines 19 through 21, begin a new paragraph and insert:

"(d) In addition to meeting the requirements set forth in subsections (b) and (c), an individual must have the credits toward graduation that the individual successfully completed in high school transferred to Ivy Tech.

(e) Ivy Tech shall notify the state board that an individual has successfully completed the requirements of a program established under this section. Upon receiving the notification, the state board shall:

(1) grant to the individual a high school diploma that states the individual earned the high school diploma at Ivy Tech; and

(2) provide the diploma to Ivy Tech to award to the individual.

(f) If Ivy Tech establishes a program under this section, Ivy Tech shall report annually to the education roundtable established under IC 20-19-4 the number of program participants and diplomas granted."

Page 3, between lines 32 and 33, begin a new paragraph and insert:
"SECTION 6. IC 20-19-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. The state board shall design a high school diploma to be granted to individuals who successfully complete a high school fast track to college program under IC 20-12-13-6, 20-12-75-14, or IC 23-13-18-28."

Page 5, line 36, delete "towards" and insert **"toward"**.

Page 7, line 18, delete "State" and insert **"Community"**.

Page 7, line 18, after "College" insert **"of Indiana"**.

Page 7, line 24, delete "is eligible" and insert **"shall"**.

Page 7, line 25, delete "for".

Page 7, line 25, after "the" insert **"terms and standards of the"**.

Page 7, line 25, delete "agreement." and insert **"agreement between the state educational institutions."**

Page 8, line 20, delete "If a" and insert **"A"**.

Page 8, line 20, delete "enrolls in a" and insert **"shall receive postsecondary credit toward meeting the degree requirements at the"**.

Page 8, line 20, delete "after" and insert **"at which the student successfully completed a dual credit course. If the student enrolls in a state educational institution other than the state educational institution at which a dual credit course was completed, the other state educational institution:**

(1) shall grant credit for courses that are in the core transfer library or subject to an articulation agreement; and

(2) may grant credit for other courses.

Sec. 8. After June 30, 2008, a state educational institution or campus of a state educational institution that offers dual credit courses in liberal arts, professional, or career and technical disciplines must be accredited by the National Alliance of Concurrent Enrollment Partnerships."

Page 8, delete lines 21 through 39, begin a new paragraph and insert:

"SECTION 11. IC 20-32-4-4, AS ADDED BY P.L.105-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: Sec. 4. Beginning with the 2005-2006 school year, a student who does not achieve a passing score on the graduation examination and who does not meet the requirements of section 1 of this chapter may be eligible to graduate if the student does all the following:

(1) Takes the graduation examination in each subject area in which the student did not achieve a passing score at least one (1) time every school year after the school year in which the student first takes the graduation examination.

(2) Completes remediation opportunities provided to the student by the student's school.

(3) Maintains a school attendance rate of at least ninety-five percent (95%) with excused absences not counting against the student's attendance.

(4) Maintains at least a "C" average or the equivalent in the courses comprising the credits specifically required for graduation by rule of the state board.

(5) Otherwise satisfies all state and local graduation requirements.

(6) Either:

(A) completes:

(i) the course and credit requirements for a general diploma, including the career academic sequence;

(ii) a workforce readiness assessment; and

(iii) at least one (1) career exploration internship, cooperative education, or workforce credential recommended by the student's school; or

(B) obtains a written recommendation from a teacher of the student in each subject area in which the student has not achieved a passing score on the graduation examination. The written recommendation must be concurred in by the principal of the student's school and be supported by documentation that the student has attained the academic standard in the subject area based on:

(i) tests other than the graduation examination; or

(ii) classroom work."

Page 9, line 13, strike "and".

Page 9, line 20, delete "school." and insert **"school; and**

(3) the withdrawal is due to:

- (A) financial hardship and the individual must be employed to support the individual's family or a dependent;**
- (B) illness; or**
- (C) an order by a court that has jurisdiction over the student."**

Page 12, line 13, delete "IC 23-13-18-28" and insert "IC 23-13-18-29".

Page 12, line 15, delete "28." and insert "**29.**".

Page 12, line 21, delete "meet all the following qualifications:" and insert "**be either:**

- (1) at least nineteen (19) years of age and not enrolled in a school; or**
- (2) at least seventeen (17) years of age and have consent from the high school the individual attended most recently. The school corporation in which an individual to whom this subdivision applies resides shall pay the individual's tuition for high school level courses taken at Vincennes University during each year the individual is included in the school corporation's ADM."**

Page 12, delete lines 22 through 31, begin a new paragraph and insert:

"(c) To complete the requirements for a high school diploma under this section, the individual must have:

(1) passed:"

Page 12, line 32, delete "passed".

Page 12, between lines 33 and 34, begin a new line double block indented and insert:

"(B) an examination for a general educational development diploma;"

Page 12, line 34, delete "(B) passed" and insert "(C)".

Page 12, line 39, delete "(C) passed" and insert "**(D)**".

Page 12, line 42, delete "education." and insert "**education; and**

(2) completed the coursework necessary to meet:

- (A) the minimum high school course requirements established by the state board of education; and**
- (B) the requirements of Vincennes University."**

Page 13, delete lines 1 through 3, begin a new paragraph and insert:

"(d) In addition to meeting the requirements set forth in subsections (b) and (c), an individual must have the credits toward graduation that the individual successfully completed in high school transferred to Vincennes University.

(e) Vincennes University shall notify the state board that an individual has successfully completed the requirements of a program established under this section. Upon receiving the notification, the state board shall:

- (1) grant to the individual a high school diploma that states the individual earned the high school diploma at Vincennes University; and**
- (2) provide the diploma to Vincennes University to award to the individual.**

(f) If Vincennes University establishes a program under this section, Vincennes University shall report annually to the education roundtable established under IC 20-19-4 the number of program participants and diplomas granted."

Renumber all SECTIONS consecutively.

(Reference is to HB 1347 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1006, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 15, delete "or".

Page 4, line 16, delete "units of government".

Page 4, line 19, delete "assets" and insert "**risks**".

Page 4, line 21, delete "trusts," and insert "**programs,**".

Page 4, line 22, delete "assets for" and insert "**property and casualty risks for insurance**".

Page 4, line 23, delete "must create a trust for the assets. The trust is" and insert "**are**".

Page 4, line 26, delete "trust" and insert "**program**".

Page 4, line 28, delete "trust" and insert "**program**".

Page 4, line 28, delete "stop-loss" and insert "**both specific and aggregate levels of**".

Page 4, line 29, delete "with an aggregate" and insert "**in Indiana, each with a**".

Page 4, line 30, delete "of not more than one hundred twenty-five" and insert "**level of an amount approved by the department of insurance.**".

Page 4, delete lines 31 through 32.

Page 4, line 33, after "set" insert "**at a level approved by the department of insurance.**".

Page 4, delete lines 34 through 39, begin a new line triple block indented and insert:

"(iv) Each program shall submit an actuarial study of a type and nature approved by the department of insurance. The program shall pay the costs of the actuarial study. Each program shall fund one hundred percent (100%) of the actuarial study's projection for annual losses, plus the fixed costs of the program."

Page 4, line 40, delete "trust" and insert "**program**".

Page 4, line 42, delete "trust" and insert "**program**".

Page 5, line 1, delete "IC 27-1-3-13 by March 1." and insert "**the department of insurance not later than one hundred twenty (120) days after the end of the program's fiscal year.**".

Page 5, line 2, delete "trust" and insert "**program**".

Page 5, line 3, delete "The liability of".

Page 5, delete line 4.

Page 5, line 5, delete "trust" and insert "**program**".

Page 5, line 7, delete "trust." and insert "**program.**".

Page 5, line 9, delete "trust" and insert "**program**".

Page 5, line 10, delete "trust" and insert "**program**".

Page 5, line 11, delete "trust" and insert "**program**".

Page 5, line 12, delete "trust" and insert "**program**".

Page 5, line 18, delete "be considered a single" and insert "**aggregate purchases**".

Page 5, line 19, delete "purchaser".

Page 5, line 19, delete "energy by the school corporation's" and insert **"commodity supply from any available natural gas commodity seller for all schools included in the aggregated purchases."**

Page 5, delete lines 20 through 21.

Page 5, line 26, delete "be billed as a" and insert **"make aggregated purchases of natural gas commodity supply. Upon request from a school corporation, a natural gas utility shall summarize the rates and charges for providing services to each school in the school corporation on one (1) summary bill for remitting payment to the utility."**

Page 5, delete line 27 through 28.

Page 7, line 18, delete "in the" and insert **"throughout Indiana."**

Page 7, delete line 19.

Page 9, line 16, delete "learning." and insert **"learning, in light of the unique circumstances present in the school corporation."**

(Reference is to HB 1006 as reprinted January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1240, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 12.

Page 2, line 15, delete "August" and insert **"October"**.

Page 2, line 16, after "shall" insert **"review the current testing program and"**.

Page 2, line 17, delete "ten (10) year" and insert **"long term"**.

Page 2, line 17, delete "diagnostic and summative" and insert **"assessments."**

Page 2, delete lines 18 through 42.

Page 3, delete lines 1 through 38.

Page 3, line 39, delete "Before October 1, 2006, the department," and insert **"The department shall report the results of the review conducted under subsection (a) to the state board, the legislative council, and"**.

Page 3, line 40, delete "budget, and the attorney general shall develop" and insert **"budget. The report to the legislative council must be in an electronic format under IC 5-14-6."**

Page 3, delete lines 41 through 42.

Page 4, delete lines 1 through 40, begin a new paragraph and insert: **"SECTION 2. IC 20-32-5-20 IS REPEALED [EFFECTIVE UPON PASSAGE]."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1240 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Pensions and Labor, to which was referred Engrossed House Bill 1307, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "The board shall adopt rules under IC 4-22-2 to amend its" and insert **"The following schedule of attorney's fees applies to an attorney who represents a claimant before the board when the claim for compensation results in a recovery:"**.

Page 2, delete lines 33 through 35.

Page 3, line 1, delete "out-of-pocket" and insert **"out-of-pocket"**.

Page 3, line 2, delete ";" and insert ".".

Page 3, delete lines 3 through 4.

Page 15, line 42, after "1999," insert **"Not later than January 31 of the following year, each entity identified in subdivisions (1) and (2) shall send to the board a statement of total paid losses and premiums (as defined in subsection (d)(4)) paid by employers during the previous calendar year."**

Page 16, line 6, delete "than".

Page 16, line 12, strike "For the".

Page 16, strike lines 13 through 17.

Page 16, line 37, after "fund," insert **"The assessment also must provide for the repayment of all loans made to the second injury fund for the purpose of paying valid claims."**

Page 17, line 25, delete "direct standard".

Page 17, line 28, delete "direct standard".

Page 17, between lines 30 and 31, begin a new line block indented and insert:

"(4) For purposes of the computation made under subdivision (3), "premium" means the entire written premium resulting from standard rating procedures and before the application of any of the following:

(A) Rate deviations.

(B) Premium discounts.

(C) Policyholder dividends.

(D) Premium adjustments under a retrospective rating plan.

(E) Premium credits provided under large deductible programs.

(F) Any other premium debits or credits."

Page 17, line 41, after "for" insert **"prorated"**.

Page 17, line 42, delete "." and insert **"during the period that the employer was self-insured."**

Page 18, line 1, strike "shall" and insert **"may employ a qualified employee or"**.

Page 18, delete lines 28 through 29.

Page 18, line 30, delete "injury fund".

Page 18, line 33, strike "and expense of medical".

Page 18, line 34, strike "examinations or treatment made and".

Page 55, delete lines 38 through 42.

Page 56, delete lines 1 through 15.

Page 57, delete lines 27 through 42.

Page 58, delete lines 1 through 2.

Renumber all SECTIONS consecutively.

(Reference is to HB 1307 as reprinted January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 3.

HARRISON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the Motion to Amend the Standing Rules and Orders of the Senate for the 114th Indiana General Assembly, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

GARTON, Chair

Upon request of Senator Zakas the President ordered the roll of the Senate to be called. Roll Call 193: yeas 49, nays 0.

Report adopted.

SENATE MOTION

Madam President: I move that, pursuant to Rule 33(b), the Standing Rules and Orders of the Senate for the 114th Indiana General Assembly be amended as follows:

97. (a) A Senator may not accept, from a lobbyist registered in Indiana or an organization that employs a lobbyist registered in Indiana, direct or indirect payment or reimbursement for transportation, lodging or other expenses associated with travel outside of the state for any purpose.

(b) This rule does not apply to expenses associated with travel outside of the state for any purpose that is paid for by an organization or corporation of which the Senator or the Senator's spouse is an officer, member of the board of directors, employee, or independent contractor.

(Reference is to the Standing Rules and Orders of the Senate adopted as amended on January 4, 2005.)

ZAKAS

Upon request of Senator Long the President ordered the roll of the Senate to be called. Roll Call 194: yeas 49, nays 0.

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 34

Senate Concurrent Resolution 34, introduced by Senator Craycraft:

A CONCURRENT RESOLUTION honoring Colonel Charles H. Greenwood for his dutiful four years of service as Wing Commander of the Indiana Wing of the U.S. Air Force's Auxiliary Civil Air Patrol upon completion of his tenure in the position.

Whereas, Colonel Greenwood has received undergraduate and graduate degrees in education from Ball State and a doctoral degree in education from Indiana University; and

Whereas, He served in various capacities both as a professor and as an administrator at Ball State University for over four decades, including serving in positions such as Assistant Dean of Undergraduate Programs and Assistant Dean of the School of Continuing Education; and

Whereas, He has served a long and dedicated career in the military, beginning his service in 1952 as a member of the U.S. Air Force ROTC program at Indiana University and advancing to his current position of Wing Commander of the Indiana Wing of the USAF Civil Air Patrol; and

Whereas, He is a dedicated public servant and has continuously and selflessly served the community in various positions such as Educational Director of the Academy for Community Leadership, Board of Directors for Ball Memorial Hospital, Member of the Muncie Redevelopment Commission, Indiana District Governor for Kiwanis International, and Board Member for the Muncie Housing Authority, among many others; and

Whereas, Colonel Greenwood will retire from his position as Wing Commander this Spring and will be honored for his dedicated service at Grissom Air Force Base on March 25, 2006;

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly hereby honors Colonel Charles H. Greenwood for his dutiful four years of service as Wing Commander of the Indiana Wing of the U.S. Air Force's Auxiliary Civil Air Patrol upon completion of his tenure in the position.

SECTION 2. The Secretary of the Senate shall transmit a copy of this resolution to Colonel Charles H. Greenwood, Ball State University, Major General Antonio J. Pineda, LTC Michael A. Moran, and LTC Ralph Bruns.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Tyler, Porter, Torr, and Richardson.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 34.

CRAYCRAFT

Motion prevailed.

House Concurrent Resolution 40

House Concurrent Resolution 40, sponsored by Senator Breaux:

A CONCURRENT RESOLUTION honoring Alpha Phi Alpha Fraternity, Inc.

Whereas, Alpha Phi Alpha Fraternity, Inc. was founded on December 4, 1906, at Cornell University in Ithaca, New York by Henry Arthur Callis, Charles Henry Chapman, Eugene Kinckle Jones, George Biddle Kelley, Nathaniel Allison Murray, Robert Harold Ogle, and Vertner Woodson Tandy;

Whereas, Alpha Phi Alpha Fraternity, the first intercollegiate Greek-letter fraternity established for African Americans, was founded to help fill a need for a strong bond of brotherhood among African descendants in this country;

Whereas, The seven original founders, known as "Jewels" of the fraternity, established the fraternity on a firm foundation reflecting their principles of scholarship, fellowship, good character, and the uplifting of humanity;

Whereas, Alpha Phi Alpha chapters were developed at other colleges and universities, many historically black institutions, after its founding at Cornell;

Whereas, In addition to stressing academic excellence, Alpha Phi Alpha urges its members to recognize the need to help correct educational, economic, political, and social injustices faced by African Americans;

Whereas, Alpha Phi Alpha has been a leader in the fight for civil rights, producing alumni like W.E.B. DuBois, Adam Clayton Powell, Jr., Edward Brooke, Martin Luther King, Jr., Thurgood Marshall, Andrew Young, William Gray, and Paul Robeson; and

Whereas, Alpha Phi Alpha Fraternity, Inc. is dedicated to the service of all mankind and has improved the lives of many people throughout the years: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly thanks the members of Alpha Phi Alpha Fraternity, Inc. for their many hours of service to the black community, the nation, and the state of Indiana and congratulates them on the occasion of the fraternity's 100th year of service.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the officers of Alpha Phi Alpha Fraternity, Inc.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 37 and the

same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 40 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 39 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 39

House Concurrent Resolution 39, sponsored by Senator Dillon:

A CONCURRENT RESOLUTION honoring Dr. William Dennis Dannacher.

Whereas, Dr. William Dennis Dannacher has witnessed tremendous medical changes throughout his long career;

Whereas, Dr. Dannacher has seen and used such medical breakthroughs as life-saving antibiotics and the polio vaccine;

Whereas, In a career that has spanned more than 40 years, Dr. Dannacher has helped to rewrite the medical textbooks on modern medical procedures, bringing sick and injured patients back from the brink of death, delivering babies, and performing countless surgeries;

Whereas, Dr. Dannacher served his country during World War II as a Navy surgeon in combat operations that included the invasions of North Africa and Normandy;

Whereas, Upon the completion of his military career, Dr. Dannacher returned to practice medicine in his hometown of Wabash, Indiana, where he practiced as a specialist in general surgery for 37 years at the Wabash County Hospital;

Whereas, Dr. Dannacher also owned and managed the Wabash Clinic;

Whereas, In addition to his duties at the hospital and the clinic, Dr. Dannacher served as a diplomate of the American Board of Abdominal Surgery, as a fellow of the International College of Surgeons, and one term as president of the Indiana Chapter of the I.C.S.;

Whereas, An avid pilot for more than 30 years, Dr. Dannacher has also served as a designated federal aviation medical examiner and as president of the Indiana Chapter of the Flying Physicians; and

Whereas, Dr. William Dennis Dannacher has dedicated his life to healing the sick and comforting the injured: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly thanks Dr. William Dennis Dannacher for the years of dedicated service to the citizens of the state of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. William Dennis Dannacher and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1018

Senator Hershman called up Engrossed House Bill 1018 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1018-1)

Madam President: I move that Engrossed House Bill 1018 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning water utilities.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2.7-1.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.3. (a) This chapter applies to the following:

(1) A public utility established to provide water service that is:
(A) privately owned and serves less than three hundred (300) customers;

(B) a not-for-profit utility (as defined in IC 8-1-2-125(a)); ~~or~~

(C) a cooperative corporation exempt from state and federal income taxation; ~~or~~

(D) a conservancy district (as described in IC 14-33).

(2) A public utility established to provide sewage disposal service (as defined in IC 8-1-2-89(a)(1)) that holds a certificate of territorial authority as required by IC 8-1-2-89, and that is:

(A) privately owned and serves less than three hundred (300) customers;

(B) a not-for-profit utility (as defined in IC 8-1-2-125(a)); or

(C) a cooperative corporation exempt from state and federal income taxation.

(3) Except as provided in subsection (b), a legal entity providing only sewage treatment service to a not-for-profit sewage disposal company.

(b) Subsection (a)(3) does not include a sewage treatment provider that is otherwise subject to the commission's jurisdiction.

SECTION 2. IC 8-1-2.7-1.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.4. As used in this chapter:

(1) "members" of a not-for-profit water or sewage disposal company; ~~and~~

(2) "shareholders" of a privately owned water or sewage disposal company; ~~and~~

(3) "freeholders" of a conservancy district (as described in IC 14-33); shall

also include the customers of ~~that the utility or district.~~

SECTION 3. IC 8-1-2.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A utility described in section 1.3(a)(1) or 1.3(a)(2) of this chapter that proposes to withdraw from the jurisdiction of the commission must first obtain approval from its members, ~~or~~ shareholders, **or freeholders.**

SECTION 4. IC 8-1-2.7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The board of directors of a utility described in section 1.3(a)(1) or 1.3(a)(2) of this chapter must conduct a referendum among its members, ~~or~~ shareholders, **or freeholders** to determine whether the members, ~~or~~ shareholders, **or freeholders** approve the withdrawal from commission jurisdiction.

SECTION 5. IC 8-1-2.7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The referendum must be conducted at a special meeting called by the board. Written notice of the meeting must be sent to every member, ~~or~~ shareholder, **or freeholder** of the withdrawing utility and to the secretary of the commission not less than thirty (30) days before the date of the meeting. The notice must contain the following information:

(1) The place, date, and hour of the meeting.

(2) The purpose of the meeting, including an explanation of what the withdrawal from commission jurisdiction entails.

(3) The fact that no proxies will be permitted.

SECTION 6. IC 8-1-2.7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. A quorum consisting of not less than five percent (5%) of the members, **shareholders, or freeholders** must be present at the meeting to transact business and to take official action regarding the jurisdiction question.

SECTION 7. IC 8-1-2.7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The board shall distribute secret written ballots to the members, ~~or~~ shareholders, **or freeholders** present at the meeting. The form of the ballots must be as follows:

☐ YES, I want to withdraw from the jurisdiction of the commission.

☐ NO, I want to remain under the jurisdiction of the commission.

Only those members, ~~or~~ shareholders, **or freeholders** present at the meeting are eligible to vote, and proxy votes are not permitted. Each member, ~~or~~ shareholder, **or freeholder** present is entitled to one (1) vote on the question of withdrawal from commission jurisdiction. If a majority of members, ~~or~~ shareholders, **or freeholders** present vote

in favor of the utility withdrawing from commission jurisdiction, the withdrawal becomes effective thirty (30) days after the date of the vote. If less than a majority of the members, ~~or~~ shareholders, **or freeholders** present vote in favor of withdrawal from commission jurisdiction, the utility is prohibited from seeking withdrawal for two (2) years following the date of the vote.

SECTION 8. IC 8-1-2.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) If a utility successfully withdraws from commission jurisdiction, the board of directors shall, within five (5) days of the meeting, send written confirmation to the secretary of the commission containing the following information:

- (1) The total membership or number of shareholders **or freeholders** of the utility.
- (2) The total number present at the meeting.
- (3) The vote totals both for and against withdrawal.
- (4) Written verification of notice of the meeting.
- (5) An affidavit, signed by all of the members of the board of directors, stating that all of the requirements of this chapter have been met.

(b) If a utility successfully withdraws from commission jurisdiction, the utility is not required to pay the public utility fee imposed under IC 8-1-6.

(c) Notwithstanding any other provision of this chapter, a utility described in section 1.3(a)(2) of this chapter that has withdrawn from commission jurisdiction remains subject to commission jurisdiction with regard to the requirements of IC 8-1-2-89(f).

(d) Whenever two (2) or more utilities described in section 1.3(a)(1) or 1.3(a)(2) of this chapter propose to consolidate, and at least one (1), but not all of the utilities have withdrawn from commission jurisdiction, then the following apply:

- (1) For purposes of the consolidation, all of the utilities are under the commission's jurisdiction.
- (2) The new corporation that is formed as a result of the consolidation is under the commission's jurisdiction for all purposes and must fully comply with this chapter in order to withdraw from commission jurisdiction.

(e) If two (2) or more utilities described in section 1.3(a)(1)(C) or 1.3(a)(2)(C) of this chapter propose to consolidate, and all of the cooperatives have withdrawn from commission jurisdiction, the new utility continues to operate outside the commission's jurisdiction under the terms of this section.

(f) The commission's approval is not required for consolidation of two (2) or more utilities that have all withdrawn from commission jurisdiction.

SECTION 9. IC 8-1-2.7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) Whenever the members, ~~or~~ shareholders, **or freeholders** of a utility desire to return to commission jurisdiction, they must petition the commission. A petition signed by:

- (1) at least fifteen percent (15%) of the members, ~~or~~ shareholders, **or freeholders**; or
- (2) the board of directors of the utility;

must first be submitted to the commission, informing that body of the utility's intent to conduct a referendum concerning the return to commission jurisdiction. The procedures outlined in sections 2 through 7 of this chapter must be followed when conducting a

referendum under this section, except that the form of the ballots must be as follows:

- ☐ YES, I want to return to the jurisdiction of the commission.
- ☐ NO, I want to remain outside of the jurisdiction of the commission.

(b) The question of returning to commission jurisdiction may not be submitted to the members, ~~or~~ shareholders, **or freeholders** within four (4) years after the date the utility withdrew from commission jurisdiction.

SECTION 10. IC 8-1-2.7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. If a utility returns to commission jurisdiction, the commission assumes jurisdiction thirty (30) days after the date of the vote over the following:

- (1) Rates and charges.
- (2) Stocks, bonds, notes, or other evidence of indebtedness.
- (3) Rules.
- (4) The annual report filing requirement.

If less than a majority of the members, ~~or~~ shareholders, **or freeholders** present vote in favor of returning to commission jurisdiction, a referendum on the question may not be conducted for four (4) years following the date of the vote.

SECTION 11. IC 8-1-2.7-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. If a utility attempts to return to commission jurisdiction, the board of directors shall, within five (5) days following the meeting, send written confirmation to the secretary of the commission containing the following information:

- (1) The total membership or number of shareholders **or freeholders** of the utility.
- (2) The total number present at the meeting.
- (3) The vote totals both for and against the return.
- (4) Written verification of notice of the meeting.
- (5) An affidavit, signed by all the members of the board of directors, stating that all of the requirements of this chapter have been met."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1018 as printed February 8, 2006.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1076

Senator Hershman called up Engrossed House Bill 1076 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1234

Senator Dillon called up Engrossed House Bill 1234 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1380

Senator Ford called up Engrossed House Bill 1380 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 37

House Concurrent Resolution 37, sponsored by Senators Miller and Waltz:

A CONCURRENT RESOLUTION congratulating Mrs. Janet Pernell on her selection as the 2005 Milken National Educator.

Whereas, The Milken National Educator Award is the nation's largest teacher recognition program;

Whereas, This award was developed by the Milken Family Foundation to reward, retain, and attract the highest quality kindergarten through 12th grade teachers to the teaching profession;

Whereas, 42 states participate in the Milken National Educator Awards;

Whereas, Milken educators are selected by an independent blue ribbon committee appointed by the Department of Education from each of the 42 participating states;

Whereas, This selection committee recommends the candidates directly to the Milken Family Foundation; there is no nomination or application procedure involved in this award;

Whereas, To be nominated by the selection committee, the candidates must meet the following criteria: possess exceptional educational talent as evidenced by outstanding instructional practices in the classroom, school, and profession; make outstanding accomplishments and have strong long-range potential for professional and policy leadership; and have an engaging and inspiring presence that motivates and affects students, colleagues, and community members;

Whereas, Mrs. Janet Pernell fulfills all these requirements;

Whereas, Mrs. Pernell, a 19-year educator, has spent her entire teaching career at Southport High School, where she teaches mathematics;

Whereas, Mrs. Pernell received a bachelor of science degree in mathematics from Purdue University and a master's degree in education from Indiana Wesleyan University;

Whereas, In addition to her selection as the 2005 Milken National Educator, Mrs. Pernell has been nominated for the Disney Educator Award;

Whereas, Mrs. Pernell sets high standards for all her students, accepts no excuses, and helps students find ways to succeed; and

Whereas, Terry Thompson, principal of Southport High School, describes Mrs. Pernell as imaginative, child-centered, and stimulating, and, he says, more importantly, these are the words her students use to describe their beloved teacher: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Mrs. Janet Pernell on her selection as the 2005 Milken National Educator and recognizes her dedication to her students and her devotion to the youth of our state. We urge Mrs. Pernell to continue to encourage our young people to further their education and to strive to do their best.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Mrs. Janet Pernell and her family; Terry Thompson, principal of Southport High School; and Dr. H. Douglas Williams, superintendent of the Metropolitan School District of Perry Township.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Kruse and Heinold be added as cosponsors of Engrossed House Bill 1279.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as second sponsor of Engrossed House Bill 1008.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lewis, Steele, and Lutz be added as cosponsors of Engrossed House Bill 1190.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Gard be added as cosponsor of Engrossed House Bill 1150.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as second sponsor and Senator Lutz be added as cosponsor of Engrossed House Bill 1287.

LANDSKE

Motion prevailed.

February 16, 2006

Senate 437

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 41 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move we adjourn until 2:00 p.m., Monday, February 20, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 2:36 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-first Meeting Day

Monday Afternoon

February 20, 2006

The Senate convened at 2:04 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 195: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Economic Development and Technology Committee, to which was referred Senate Resolution 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

FORD, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 23, 25, and 35 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 18 and 34 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 25

Senator Hershman called up Senate Concurrent Resolution 25 for second reading. The resolution was read a second time by title and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Gutwein, Ayres, and Budak.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as cosponsors of Senate Concurrent Resolution 25.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as cosponsor of Engrossed House Bill 1010.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Waterman be added as cosponsor of Engrossed House Bill 1234.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Rogers and Lewis be added as cosponsors of Engrossed House Bill 1279.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of Engrossed House Bill 1025.

DROZDA

Motion prevailed.

2:16 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:52 p.m., with Senator Garton in the Chair.

**ENGROSSED HOUSE BILLS
ON SECOND READING**

Engrossed House Bill 1006

Senator Lubbers called up Engrossed House Bill 1006 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1006-1)

Madam President: I move that Engrossed House Bill 1006 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 20-26-9-2, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a) This subsection applies before July 1, 2007.** As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least twenty-five percent (25%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and
- (2) lunches are served to students.

(b) This subsection applies after June 30, 2007. As used in this chapter, "qualifying school building" refers to a public school building in which:

- (1) at least fifteen percent (15%) of the students who were enrolled at that school building during the prior school year qualified for free or reduced price lunches under guidelines established under 42 U.S.C. 1758(b); and**
- (2) lunches are served to students."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1006 as printed February 17, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 196: yeas 18, nays 32.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1017

Senator Becker called up Engrossed House Bill 1017 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1023

Senator Heinold called up Engrossed House Bill 1023 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1025

Senator Drozda called up Engrossed House Bill 1025 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1025-1)

Madam President: I move that Engrossed House Bill 1025 be amended to read as follows:

Page 3, line 41, strike "July 1,".

Page 3, line 41, delete "2012;" and insert "**January 1, 2014;**".

Page 3, line 42, strike "June 30,".

Page 3, line 42, delete "2012." and insert "**December 31, 2013.**".

(Reference is to EHB 1025, Digest Correction, as printed February 15, 2006.)

DROZDA

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1056

Senator Merritt called up Engrossed House Bill 1056 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1065

Senator Heinold called up Engrossed House Bill 1065 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1106

Senator Becker called up Engrossed House Bill 1106 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1106-1)

Madam President: I move that Engrossed House Bill 1106 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 16-18-2-33.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 33.5. (a) "Basic life support", for purposes of IC 16-31, means the following:

- (1) Assessment of emergency patients.
- (2) Administration of oxygen.
- (3) Use of mechanical breathing devices.
- (4) Application of anti-shock trousers.
- (5) Performance of cardiopulmonary resuscitation.
- (6) Application of dressings and bandage materials.
- (7) Application of splinting and immobilization devices.
- (8) Use of lifting and moving devices to ensure safe transport.
- ~~(9) Use of an automatic or a semiautomatic defibrillator if the defibrillator is used in accordance with training procedures established by the Indiana emergency medical services commission.~~

~~(10)~~ (9) Administration by an emergency medical technician or emergency medical technician-basic advanced of epinephrine through an auto-injector.

~~(11)~~ (10) For an emergency medical technician-basic advanced, the following:

- (A) Electrocardiogram interpretation.
- (B) Manual external defibrillation.
- (C) Intravenous fluid therapy.

~~(12)~~ (11) Other procedures authorized by the Indiana emergency medical services commission, including procedures contained in the revised national emergency medical technician basic training curriculum guide.

(b) Except as provided by:

- (1) subsection ~~(a)(10)~~ (a)(9) and the training and certification standards established under ~~IC 16-31-2-9(4)~~; IC 16-31-2-9(3);
- (2) subsection ~~(a)(11)(C)~~; (a)(10)(C); and
- (3) the training standards established under ~~IC 16-31-2-9(5)~~; IC 16-31-2-9(4);

the term does not include invasive medical care techniques or advanced life support.

SECTION 2. IC 16-31-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The commission shall establish the following:

(1) Standards for persons who provide emergency medical services and who are not licensed or regulated under IC 16-31-3.

~~(2) Training and certification standards for the use of automatic and semiautomatic defibrillators by first responders.~~

~~(3)~~ (2) Training standards for the administration of antidotes, vaccines, and antibiotics to prepare for or respond to a terrorist or military attack.

~~(4)~~ (3) Training and certification standards for the administration of epinephrine through an auto-injector by:

- (A) an emergency medical technician; or
- (B) an emergency medical technician-basic advanced.

~~(5)~~ (4) Training standards to permit the use of antidote kits containing atropine and pralidoxime chloride for the treatment of exposure to nerve agents by an emergency medical technician-basic advanced, an emergency medical technician, or a first responder.

SECTION 3. IC 16-31-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as

provided in subsection (b), a person other than:

- (1) a licensed physician;
- (2) a registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) a person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

may not furnish, operate, conduct, maintain, advertise, or otherwise be engaged in providing emergency medical services, **except for the use of an automated external defibrillator**, as a part of the regular course of doing business, either paid or voluntary, unless that person holds a valid certificate issued by the commission.

(b) A:

- (1) licensed physician;
- (2) registered nurse or an individual acting under the supervision of a licensed physician; or
- (3) person providing health care in a hospital or an ambulatory outpatient surgical center licensed under IC 16-21;

who operates a business

- ~~(A)~~ of transporting emergency patients by ambulance or
- ~~(B)~~ using a nontransporting emergency medical services vehicle

must hold a valid certificate issued by the commission under this article."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1106 as printed February 17, 2006.)

DILLON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1108

Senator Long called up Engrossed House Bill 1108 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1112

Senator Kenley called up Engrossed House Bill 1112 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1113

Senator Bray called up Engrossed House Bill 1113 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1113-1)

Madam President: I move that Engrossed House Bill 1113 be amended to read as follows:

Page 2, line 24, after "**obesity**;" insert "**or**".

Page 2, line 25, delete ";" and insert ".".

Page 2, delete lines 26 through 30.

(Reference is to EHB 1113 as printed February 17, 2006.)

BRODEN

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1124

Senator Drozda called up Engrossed House Bill 1124 for second

reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1124-2)

Madam President: I move that Engrossed House Bill 1124 be amended to read as follows:

Page 2, line 22, after "board," insert "**not later than December 31, 2007, and**".

(Reference is to EHB 1124 as printed February 15, 2006.)

DROZDA

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1209

Senator Dillon called up Engrossed House Bill 1209 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1232

Senator Bray called up Engrossed House Bill 1232 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1236

Senator Wyss called up Engrossed House Bill 1236 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1267

Senator Harrison called up Engrossed House Bill 1267 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

**STATEMENT OF THE PRESIDENT
PRO TEMPORE OF THE SENATE
CONCERNING EHB 1279**

The Chair notes that Senator Delph is excused from voting on Engrossed House Bill 1279, pursuant to the Report of the Committee on Ethics adopted on February 13, 2006, and asks that it be so recorded in the Journal of the Senate.

GARTON

Engrossed House Bill 1279

Senator Hershman called up Engrossed House Bill 1279 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1279-1)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 74, line 17, delete "obligations:" and insert "**obligations incurred by the provider under the terms and conditions of the terminated local franchise that are owed to any private person, including a subscriber.**".

Page 74, delete lines 18 through 20.

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-2)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 15, line 7, after "determines" insert "**in accordance with IC 8-1-2-113**".

Page 48, line 1, before "complaint" insert "**verified**".

Page 55, line 11, after "declare" insert "**in accordance with IC 8-1-2-113**".

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

The Chair ordered a division of the Senate. Yeas 32, nays 17.

Motion prevailed.

SENATE MOTION
(Amendment 1279-4)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 92, between lines 6 and 7, begin a new paragraph and insert: "**SECTION 65. [EFFECTIVE JULY 1, 2006] (a) The definitions in IC 8-1-2.6 apply to this SECTION.**

(b) As used in this SECTION, "committee" refers to the regulatory flexibility committee established by IC 8-1-2.6-4.

(c) For purposes of this SECTION, a rate charged by a telecommunications provider is considered predatory if, for purposes of reporting to taxing authorities, the rate charged for a particular service is not set at or above the service's long run incremental cost.

(d) For the period beginning July 1, 2006, and ending June 30, 2008, the committee shall conduct an analysis of the rates charged by the telecommunications industry in Indiana for any service provided at the wholesale or retail level.

(e) The committee shall make a record of each instance of predatory pricing identified by the committee during the course of the analysis required under this SECTION.

(f) The committee shall report the findings of the analysis required under this SECTION to the legislative council before November 1, 2008. The report must include the committee's recommendation's, if any, for regulatory or legislative intervention.

(g) The report and recommendations issued under this SECTION to the legislative council must be in an electronic format under IC 5-14-6.

(h) This SECTION expires January 1, 2009."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-5)

Madam President: I move that Engrossed House Bill 1279 be

amended to read as follows:

Page 22, between lines 25 and 26, begin a new line block indented and insert:

"(14) Fulfill the commission's duties under any state or federal law concerning the administration of any universally applicable dialing code for any communications service."

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-6)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 66, between lines 36 and 37, begin a new paragraph and insert:

"Sec. 9. (a) Except as provided in subsection (b), the owner, operator, or developer of multitenant real estate located in a service area in which one (1) or more communications service providers are authorized to provide communications service may not do any of the following:

(1) Prevent a communications service provider from installing on the premises communications service equipment that an occupant requests.

(2) Interfere with a communications service provider's installation on the premises of communications service equipment that an occupant requests.

(3) Discriminate against a communications service provider or impose unduly burdensome conditions on the terms, conditions, and compensation for a communications service provider's installation of communications service equipment on the premises.

(4) Demand or accept an unreasonable payment from:

(A) an occupant; or

(B) a communications service provider;

in exchange for allowing the communications service provider access to the premises.

(5) Discriminate against or in favor of an occupant in any manner, including charging higher or lower rental charges to the occupant, because of the communications service provider from which the occupant receives communications service.

(b) This section does not prohibit the owner, operator, or developer of multitenant real estate from doing any of the following:

(1) Imposing a condition on a communications service provider that is reasonably necessary to protect:

(A) the safety, security, appearance, or condition of the property; or

(B) the safety and convenience of other persons.

(2) Imposing a reasonable limitation on the hours during which a communications service provider may have access to the premises to install communications service equipment.

(3) Imposing a reasonable limitation on the number of communications service providers that have access to the

premises, if the owner, operator, or developer can demonstrate a space constraint that requires the limitation.

(4) Requiring a communications service provider to agree to indemnify the owner, operator, or developer for damage caused by installing, operating, or removing communications service equipment on or from the premises.

(5) Requiring an occupant or a communications service provider to bear the entire cost of installing, operating, or removing communications service equipment.

(6) Requiring a communications service provider to pay compensation for access to or use of the premises, as long as the compensation is:

(A) reasonable; and

(B) nondiscriminatory;

among communications service providers.

(c) For purposes of this subsection, an "affected person" includes the following:

(1) An occupant that is a current or potential subscriber of communications service on the premises of multitenant real estate.

(2) A unit in which multitenant real estate is located, acting on behalf of:

(A) a person described in subdivision (1); or

(B) other similarly situated persons.

(3) A communications service provider.

An affected person that alleges a violation of this section by the owner, operator, or developer of multitenant real estate may seek equitable or compensatory relief in a court having jurisdiction. The party prevailing in any action filed under this section is entitled to recover the costs of the action, including reasonable attorney's fees as determined by the court.

Sec. 10. The commission may adopt rules under IC 4-22-2 to implement this chapter."

(Reference is to EHB 1279 as printed February 17, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1279-7)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 5, line 37, delete "stand alone telephone" and insert "telephone exchange service (as defined in 47 U.S.C. 153(47)) that is provided to a customer through the customer's primary line.

(b) The term includes, at a minimum, the following:

(1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.

(2) Dual tone multifrequency signaling and single party service.

(3) Unlimited local calling within the same local service area (as defined in 170 IAC 7-1.2-2(25)) available to a similarly situated customer on January 1, 2006.

(4) Access to:

(A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;

(B) operator services;
 (C) local directory assistance;
 (D) telephone relay services; and
 (E) interexchange service.

(5) Toll limitation services for qualifying low income customers.

(c) The term does not include the following:

(1) A functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.

(2) A monthly rate structure for local exchange telephone service based on usage.

(d) A service described in this section is a basic telecommunications service regardless of whether the service is purchased by the customer:

(1) in conjunction with another service;

(2) as part of:

(A) a package or bundle of services;

(B) a promotion; or

(C) a contract; or

(3) at a discounted price."

Page 5, delete lines 38 through 42.

Page 6, delete lines 1 through 21.

Page 6, line 32, delete "service, except when the service" and insert "service;"

Page 6, delete lines 33 through 37.

Page 9, line 12, delete "(a) As used in this section," and insert "A provider that offers basic telecommunications service in Indiana:

(1) must offer a flat monthly rate with unlimited local calling for basic telecommunications service in each local exchange area in Indiana in which the provider offers basic telecommunications service; and

(2) may not, in any local exchange area in Indiana in which the provider offers basic telecommunications service, offer any service plan for basic telecommunications service that includes measured local service."

Page 9, delete lines 13 through 42.

Delete pages 10 through 12.

Page 13, delete lines 1 through 19.

Page 13, line 22, delete "Except as provided in" and insert "Notwithstanding any other provision of this chapter, the commission shall continue to exercise jurisdiction over the rates, terms, and conditions of service for basic telecommunications service."

Page 13, delete lines 23 through 25.

Page 19, line 40, delete "1.2, 1.4," and insert "1.2".

Page 19, line 41, delete "following both during and after the rate" and insert "following,"

Page 19, line 42, delete "transition period described in section 1.3 of this chapter,"

Page 22, line 27, after "to" insert "nonbasic telecommunications service offered by"

Page 23, line 1, after "over" insert "nonbasic telecommunications service offered by"

Page 23, line 31, after "of the" insert "commission; or"

Page 23, delete lines 32 through 33.

Page 23, line 41, delete "IC 8-1-17-22.5 at any time during the" and insert "IC 8-1-17-22.5."

Page 23, delete line 42.

Page 24, delete lines 1 through 3.

Page 47, line 24, after "to" insert "nonbasic telecommunications service offered by"

Page 52, line 18, delete "using any available" and insert "using:

(1) basic telecommunications service; or

(2) any other available technology acceptable to the affected customer."

Page 52, delete line 19.

Page 90, delete lines 21 through 35.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

FORD

Upon request of Senator Becker the President ordered the roll of the Senate to be called. Roll Call 197: yeas 22, nays 27.

Motion failed.

SENATE MOTION (Amendment 1279-8)

Madam President: I move that Engrossed House Bill 1279 be amended to read as follows:

Page 5, delete lines 34 through 42.

Page 6, delete lines 1 through 21, begin a new paragraph and insert: "SECTION 6. IC 8-1-2.6-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.1. (a) As used in this chapter, "basic telecommunications service" means telephone exchange service (as defined in 47 U.S.C. 153 (47)) that is provided to a customer through the customer's primary line.

(b) The term includes, at a minimum, the following:

(1) Voice grade access to the public switched telephone network with minimum bandwidth of three hundred (300) to three thousand (3,000) hertz.

(2) Dual tone multifrequency signaling and single party service.

(3) Unlimited local calling within the same local service area (as defined in 170 IAC 7-1.2-2(25)) available to a similarly situated customer on January 1, 2006.

(4) Access to:

(A) emergency services, including access to 911 and enhanced 911 if provided by the local government having jurisdiction in the service area;

(B) operator services;

(C) local directory assistance;

(D) telephone relay services; and

(E) interexchange service.

(5) Toll limitation services for qualifying low income customers.

(c) The term does not include:

(1) a functionally equivalent service provided by a person or an entity described in IC 8-1-2-1.1.

(2) a monthly rate structure for local exchange telephone service based on usage.

(d) A service described in this section is a basic telecommunications service regardless of whether the service is purchased by the customer:

- (1) in conjunction with another service;
- (2) as part of a package or bundle of services, a promotion, or a contract; or
- (3) at an otherwise discounted price."

Page 6, delete lines 27 through 42.

Page 7, delete lines 1 through 6, begin a new paragraph and insert: "SECTION 8. IC 8-1-2.6-0.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.3. (a) As used in this chapter, "nonbasic telecommunications service" means retail telecommunications service other than:

- (1) basic telecommunications service;
- (2) commercial mobile radio service (as defined in 47 CFR 51.5);
- (3) services outside the jurisdiction of the commission under section 1.1 of this chapter; and
- (4) switched and special access services."

Page 13, delete lines 20 through 25, and insert: "SECTION 17. IC 8-1-2.6-1.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.4. (a) The term "effective competition", as used in this chapter, means the local exchange area:

- (1) is served by at least two, unaffiliated providers;
- (A) each of which offers basic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(B) the number of households subscribing to basic telecommunications service offered by providers, other than the largest provider of basic telecommunications service in the local exchange area, exceeds fifteen percent (15%) of the households in the local exchange area; or

- (2) is served by at least;
- (A) one (1) provider that offers basic telecommunications service throughout the local exchange area; and

(B) one (1) unaffiliated provider that:

(i) offers nonbasic telecommunications service to at least fifty percent (50%) of the households located in the local exchange area; and

(ii) the number of households subscribing to basic telecommunications service offered by providers is less than 85 percent (85%) of the households located in the local exchange area.

(b) Except as provided in sections 1.5(c), 12 and 13 of this chapter, after June 30, 2009, the commission shall not exercise jurisdiction over:

(1) the price, terms, and conditions of basic telecommunications service; or

(2) any provider of basic telecommunications service; in a local exchange area in which the commission finds, after notice and hearing that a provider is subject to effective competition.

Page 18, line 29, delete "residential".

Page 18, line 31, delete "residential".

Page 18, line 35, delete "residential".

Page 22, line 26, delete "After" and insert "Except as provided in IC 8-1-2.6-1.4, after".

Page 90, delete lines 21 through 36.

Page 92, between lines 6 and 7, begin a new paragraph and insert: "SECTION 65. [EFFECTIVE UPON PASSAGE] Within forty-five (45) days of the effective date of this Act, or in the first billing statement in which the rate change is effective, whichever comes first, a communications service provider that offers telecommunications service in one or more local exchange areas shall furnish written notice of any rate change resulting from this Act to its affected customers that fairly summarizes the nature and extent of the rate change."

Renummer all SECTIONS consecutively.

(Reference is to EHB 1279 as printed February 17, 2006.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 198: yeas 18, nays 31.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1286

Senator Waterman called up Engrossed House Bill 1286 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1287

Senator Landske called up Engrossed House Bill 1287 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1299

Senator Paul called up Engrossed House Bill 1299 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1300

Senator Wyss called up Engrossed House Bill 1300 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1300-1)

Madam President: I move that Engrossed House Bill 1300 be amended to read as follows:

Page 5, delete lines 10 through 12.

(Reference is to EHB 1300 as printed February 17, 2006.)

WYSS

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1323

Senator Kruse called up Engrossed House Bill 1323 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1327

Senator Kenley called up Engrossed House Bill 1327 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1327-1)

Madam President: I move that Engrossed House Bill 1327 be amended to read as follows:

Page 2, line 10, after "2004," insert "**and before January 1, 2006,**".

Page 2, line 14, delete ";" and insert "**and for taxable years beginning after December 31, 2005, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c) of the Internal Revenue Code for a dependent that qualifies as a qualifying child (as defined in Section 152 of the Internal Revenue Code);**".

(Reference is to EHB 1327 as printed February 15, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 199: yeas 17, nays 33.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1331

Senator Weatherwax called up Engrossed House Bill 1331 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1347

Senator Lubbers called up Engrossed House Bill 1347 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1347-2)

Madam President: I move that Engrossed House Bill 1347 be amended to read as follows:

Page 6, between lines 31 and 32, begin a new paragraph and insert: "SECTION 8. IC 20-26-5-1, AS ADDED BY P.L.1-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A school corporation shall:

- (1) conduct an educational program for all children who reside within the school corporation in kindergarten (**subject to subsection (e)**) and in grades 1 through 12; and
- (2) provide each preschool child with a disability with an appropriate special education as required under IC 20-35-4-9 only if the general assembly appropriates state funds for preschool special education.

(b) A school corporation may:

- (1) conduct an educational program for adults and children at least fourteen (14) years of age who do not attend a program described in subsection (a);
- (2) provide instruction in vocational, industrial, or manual training;
- (3) provide libraries for the schools of the school corporation;
- (4) provide public libraries open and free for the use and benefit of the residents and taxpayers of the school corporation where permitted by law;
- (5) provide vacation school and recreational programs;

(6) conduct other educational or other activities as are permitted or required to be performed by law by any school corporation; and

(7) provide a school age child care program that operates during periods when school is in session for students who are enrolled in a half-day kindergarten program.

(c) A school corporation shall develop a written policy that provides for:

(1) the implementation of a school age child care program for children who attend kindergarten through grade 6 that, at a minimum, operates after the school day and may include periods before school is in session or periods when school is not otherwise in session (commonly referred to as a latch key program) and is offered by the school corporation; or

(2) the availability of the school corporation's buildings or parts of the school corporation's buildings to conduct the type of program described in subdivision (1) by a nonprofit organization or a for-profit organization.

(d) The written policy required under subsection (c) must address compliance with certain standards of reasonable care for children served by a child care program offered under subsection (c), including:

- (1) requiring the offering entity to acquire a particular amount of liability insurance; and
- (2) establishing maximum adult to child ratios governing the overall supervision of the children served.

If a school corporation implements a child care program as described in subsection (c)(1) or enters into a contract with an entity described in subsection (c)(2) to provide a child care program, the school corporation may not assess a fee for the use of the building, and the contract between the school corporation and the entity providing the program must be in writing. However, the school corporation may assess a fee to reimburse the school corporation for providing security, maintenance, utilities, school personnel, or other costs directly attributable to the use of the building for the program. In addition, if a school corporation offers a child care program as described in subsection (c)(1), the school corporation may assess a fee to cover costs attributable to implementing the program.

(e) Beginning with the 2008-2009 school year, a school corporation may offer a full-day kindergarten program in any school within the school corporation that has kindergarten classes. However, a parent may elect:

- (1) not to send a child to kindergarten; or**
- (2) to send a child to kindergarten for only a half day.**

(f) By 2011-2012 school year, each school corporation shall offer a full-day kindergarten program in any school within the school corporation that has kindergarten classes.

~~(g)~~ (g) The powers under this section are purposes as well as powers."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1347 as printed February 17, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 200: yeas 17, nays 32.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1368

Senator Meeks called up Engrossed House Bill 1368 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senator Garton yielded the gavel to Senator Lubbers.

Engrossed House Bill 1392

Senator Paul called up Engrossed House Bill 1392 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1267, which is eligible for third reading, be returned to second reading for purposes of amendment.

HARRISON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas and Kruse be added as cosponsors of Engrossed House Bill 1414.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1155.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Miller and Sipes be added as cosponsors of Engrossed House Bill 1347.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1065.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 21, 2006.

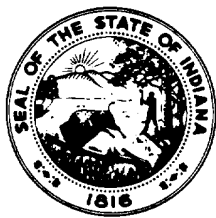
GARTON

Motion prevailed.

The Senate adjourned at 6:28 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-second Meeting Day

Tuesday Afternoon

February 21, 2006

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

KENLEY, Chair

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 201: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1396, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass. Committee Vote: Yeas 9, Nays 2.

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1110, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-5.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

(1) Appropriations from the general assembly.

(2) Repayment proceeds of loans made from the fund.

(3) Gifts and donations.

(4) Money from the solid waste management fund.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

(1) persons in establishing new recycling businesses;

(2) in the expansion of existing recycling businesses; and

(3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

(1) amounts;

(2) terms; and

(3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

(i) The board may transfer money in the fund to the state solid waste management fund established by IC 13-20-22-2 for use by the department of environmental management to make payments under IC 13-20-17.7-6.

SECTION 2. IC 13-11-2-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.3. "Automotive salvage recycler", for purposes of this chapter, means a business that:**

(1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;

- (2) dismantles and processes the vehicles or remains for the reclamation and sale of reusable components and parts; and
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility.

SECTION 3. IC 13-11-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. "Automobile scrapyard"**, for purposes of this chapter, means a business organized for any of the following purposes:

- (1) Processing scrap metal.
- (2) Wrecking automobiles.
- (3) Operating a junkyard."

Page 1, line 7, delete "or scrap recycling facility".

Page 2, between lines 10 and 11, begin a new paragraph and insert: "SECTION 6. IC 13-11-2-104.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 104.5. "Hulk crusher"**, for purposes of this chapter, means an enterprise that engages in the business of handling and flattening, compacting, or otherwise demolishing motor vehicles or their remains for economical delivery to a scrap metal processor or other appropriate facility."

Page 2, between lines 27 and 28, begin a new paragraph and insert: "SECTION 9. IC 13-11-2-130.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.1. "Motor vehicle"**, for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a motorized bicycle.

SECTION 10. IC 13-11-2-130.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.2. "Motor vehicle manufacturer"**, for purposes of this chapter, means a person that is engaged in the business of manufacturing or assembling new motor vehicles for sale to any of the following:

- (1) Dealers.
- (2) Wholesale dealers.
- (3) Distributors.
- (4) The general public.

SECTION 11. IC 13-11-2-130.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.3. "Motor vehicle recycler"**, for purposes of IC 13-20-17.7, means any of the following:

- (1) An automotive salvage recycler.
- (2) An automobile scrapyard.
- (3) A hulk crusher.
- (4) A scrap metal processor.
- (5) A vehicle disposal facility.

SECTION 12. IC 13-11-2-196.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 196.5. "Scrap metal processor"**, for purposes of this chapter, means a private, commercial, or governmental enterprise:

- (1) that has facilities for processing iron, steel, or nonferrous scrap; and
- (2) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.

SECTION 13. IC 13-11-2-245.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 245.2. (a) "Vehicle disposal facility"**, for purposes of this chapter, means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.

(b) The term includes the following enterprises:

- (1) An automotive salvage recycler.
- (2) A hulk crusher.

(c) The term does not include a scrap metal processor."

Page 2, line 32, delete "Manufacturers of motor vehicles" and insert "(a) Except as provided in subsection (b), motor vehicle manufacturers".

Page 2, line 41, delete "January 1," and insert "October 1, 2006;".

Page 2, line 42, delete "2007;".

Page 3, between lines 2 and 3, begin a new paragraph and insert: "(b) Subsection (a) does not apply to a motor vehicle manufacturer that has never installed mercury switches in the manufacturer's motor vehicles."

Page 3, line 3, after "Sec. 2." insert "(a)".

Page 3, delete lines 5 through 6.

Page 3, line 7, delete "(2)" and insert "(1)".

Page 3, line 11, after "vehicles" insert "might".

Page 3, line 16, delete "(3)" and insert "(2)".

Page 3, line 18, delete "(4)" and insert "(3)".

Page 3, line 20, delete "(5)" and insert "(4)".

Page 3, line 22, delete "(6)" and insert "(5)".

Page 3, line 25, delete "subdivision (8)" and insert "subdivision (7)".

Page 3, line 35, delete "(7)" and insert "(6)".

Page 3, line 36, delete "(8)" and insert "(7)".

Page 3, line 40, delete "and thereafter." and insert "through 2016".

Page 3, line 41, delete "(9)" and insert "(8)".

Page 4, between lines 1 and 2, begin a new paragraph and insert: "(b) The department shall:

(1) prepare an annual report that includes the information tracked under subsection (a)(5); and

(2) provide the report to:

- (A) the legislative council in an electronic format under IC 5-14-6; and
- (B) the environmental quality service council."

Page 4, line 19, delete "and solicit public comment on the plan." and insert "of a period of at least thirty (30) days during which the public may submit written comments on the plan to the commissioner."

Page 4, line 20, delete "ninety (90)" and insert "one hundred twenty (120)".

Page 4, line 42, delete "review" and insert "make a determination on".

Page 5, line 10, after "modify" insert "and implement".

Page 5, delete lines 12 through 15, begin a new paragraph and insert:

"Sec. 5. (a) Beginning thirty (30) days after the earliest date the commissioner approves a plan under section 4 of this chapter, a motor vehicle recycler is required to remove all mercury switches from each end of life vehicle the motor vehicle recycler receives upon receipt of the vehicle."

Page 5, line 20, delete "scrap recycling facility" and insert **"motor vehicle recycler"**.

Page 5, line 22, delete "scrap" and insert **"motor vehicle recycler"**.

Page 5, line 23, delete "recycling facility".

Page 5, line 25, delete "vehicle recycler, scrap recycling facility," and insert **"motor vehicle recycler"**.

Page 5, line 36, delete "scrap recycling facility" and insert **"motor vehicle recycler"**.

Page 5, between lines 39 and 40, begin a new paragraph and insert: **"Sec. 6. (a) Subject to subsections (b), (c), and (d), a person is entitled to payment from the department for each mercury switch the person removes from an end of life vehicle under section 5(a) of this chapter.**

(b) The commissioner shall establish:

(1) the amount of the payment under subsection (a), which must be:

(A) at least one dollar (\$1); and

(B) not more than five dollars (\$5);

per mercury switch; and

(2) a procedure for claims for payment under this section.

(c) The commissioner shall determine:

(1) whether to use money in the state solid waste management fund; and

(2) if the commissioner determines under subdivision (1) to use money in that fund, the amount of money from the fund to be used;

to make payments under this section.

(d) The department is required to make payments under this section only to the extent of the amount of money determined by the commissioner under subsection (c)(2)."

Page 5, line 40, delete "Sec. 6." and insert **"Sec. 7."**

Page 5, line 42, delete "Sec. 7." and insert **"Sec. 8."**

Page 6, line 7, delete "Sec. 8." and insert **"Sec. 9."**

Page 6, after line 7, begin a new paragraph and insert:

"SECTION 15. IC 13-20-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The state solid waste management fund is established to provide money for the following:

(1) Programs that provide grants and loans that provide education and promote the following:

(A) Recycling and the use of recycled materials.

(B) Waste reduction.

(C) Management of yard waste.

(2) Providing grants to implement household hazardous waste source reduction or recycling projects.

(3) Providing grants for household hazardous waste and conditionally exempting small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.

(4) Payments by the department under IC 13-20-17.7-6.

(b) The expenses of administering the fund shall be paid from money in the fund.

(c) The sources of money for the fund are the following:

(1) All fees deposited into the fund under section 12(2) of this chapter.

(2) Accrued interest and other investment earnings of the fund.

(3) Appropriations made by the general assembly.

(4) Gifts and donations from any person to the fund.

(5) Civil penalties imposed under IC 13-30-4 and fines imposed under IC 13-30-6 for violations of IC 13-20-17.7.

(6) Subject to subsection (f), assets assigned and other contributions made by persons interested in reducing mercury emissions into the environment.

(7) Transfers from the Indiana recycling promotion and assistance fund under IC 4-23-5.5-14(i).

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) Money in the fund resulting from assets assigned and other contributions made under subsection (c)(6) may be used only by the department of environmental management to make payments under IC 13-20-17.7-6.

SECTION 16. IC 13-30-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 4.5. Supplemental Environmental Project Credit Bank

Sec. 1. The commissioner may allow entities regulated by the department to bank:

(1) the documented value, as determined by the commissioner, of environmentally beneficial activities that are not required by law or by rule; and

(2) the actual value of contributions by the regulated entity to the solid waste management fund under IC13-20-22-2(c)(6).

Sec. 2. Subject to sections 3 and 4 of this chapter, the value of the credits of a regulated entity in the bank may be used to pay a portion of any gravity based penalty otherwise collectable under IC 13-30-4 that is assessed against that regulated entity after the date the credit is established.

Sec. 3. (a) Subject to subsection (b), the part of a regulated entity's assessed gravity based penalty that may be satisfied by the entity's credit balance in the bank may not exceed the product of:

(1) the amount of the penalty; multiplied by

(2) a percentage determined by the commissioner.

(b) The commissioner may not determine a percentage under subsection (a)(2) that exceeds ninety percent (90%).

Sec. 4. (a) Except as provided in subsection (b), the commissioner shall reduce the credit value of the credits in the bank by a factor determined by the commissioner so that the actual credit against an assessed gravity based penalty is not less than ten percent (10%) and not more than eighty percent (80%) of the nominal value of the credits.

(b) Subsection (a) does not apply to credits in the bank that result from cash contributions under section 1(2) of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to HB 1110 as printed January 27, 2006.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1117, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 2. IC 13-11-2-116 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 116. (a) "Landfill", for purposes of IC 13-20-2 **and IC 13-20-24**, means a solid waste disposal facility at which solid waste is deposited on or beneath the surface of the ground as an intended place of final location.

(b) "Landfill", for purposes of section 114.2 of this chapter and IC 13-20-11, means a facility operated under a permit issued under IC 13-15-3 or IC 13-7-10 (before its repeal) at which solid waste is disposed of by placement on or under the surface of the ground.

(c) "Landfill", for purposes of section 82 of this chapter and IC 13-21, means a solid waste disposal facility at which solid waste is deposited on or in the ground as an intended place of final location. The term does not include the following:

- (1) A site that is devoted solely to receiving one (1) or more of the following:
 - (A) Fill dirt.
 - (B) Vegetative matter subject to disposal as a result of:
 - (i) landscaping;
 - (ii) yard maintenance;
 - (iii) land clearing; or
 - (iv) any combination of activities referred to in this clause.
- (2) A facility receiving waste that is regulated under the following:
 - (A) IC 13-22-1 through IC 13-22-8.
 - (B) IC 13-22-13 through IC 13-22-14."

Page 3, between lines 39 and 40, begin a new paragraph and insert:
"SECTION 8. IC 13-20-21-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) **Subject to subsection (c)**, for solid waste, the disposal fees are as follows:

	Fee
Solid waste disposed into a municipal solid waste landfill per ton	\$ 0.10
Solid waste disposed into a nonmunicipal solid waste landfill per ton	\$ 0.10
Solid waste disposed into an incinerator per ton	\$ 0.05
Solid waste disposed into a construction\demolition waste site per ton	\$ 0.10

(b) There is no solid waste disposal fee for solid waste disposed into a solid waste landfill permitted to accept restricted waste solely generated by the person to which the permit is issued.

(c) **With respect to a municipal solid waste landfill, a nonmunicipal solid waste landfill, or a construction\demolition waste site:**

- (1) **located in a county that does not zone under IC 36-7-4;**
- (2) **for which the department issues an original permit for construction after June 30, 2006; and**
- (3) **for which a host agreement has not been entered into under IC 13-20-24;**

the county fiscal body may establish a disposal fee that does not exceed two dollars and fifty cents (\$2.50) per ton, which applies in addition to the disposal fee established in subsection (a).

SECTION 9. IC 13-20-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) **Except as provided in subsection (b)**, fees and delinquency charges collected under this chapter:

- (1) are payable to the department; and
- (2) shall be deposited in the environmental management permit operation fund established by IC 13-15-11-1.

(b) **Fees and delinquency charges collected under section 6(c) of this chapter are payable to the department. The department shall remit the revenue to the county treasurer of the county in which the landfill is located for deposit in the fund established by the county treasurer under IC 36-2-9-21."**

Page 5, delete lines 10 through 42, begin a new paragraph and insert:

"SECTION 11. IC 13-20-24 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 24. Host Agreement in a County Without Zoning

Sec. 1. With respect to a landfill or landfill expansion located or proposed to be located in the unincorporated area of a county that does not zone under IC 36-7-4, the county and another person may enter into a host agreement under this chapter.

Sec. 2. With respect to a landfill or landfill expansion located or proposed to be located in a municipality in a county that does not zone under IC 36-7-4, the municipality and another person may enter into a host agreement under this chapter.

Sec. 3. A host agreement under this chapter must provide that the person that enters into the host agreement with the county or municipality agrees, in exchange for permission from the county or municipality to construct or operate a landfill in the county or municipality, to do one (1) or more of the following during the term of the host agreement:

- (1) **Make one (1) or more payments in designated amounts to the county or municipality.**
- (2) **Construct, improve, or maintain infrastructure that supports or is otherwise related to the landfill.**
- (3) **Provide to the county or municipality other consideration that supports or is otherwise related to the landfill.**

Sec. 4. A county or municipality that receives a payment under section 3(1) of this chapter may use the revenue only for the construction, improvement, or maintenance of infrastructure that supports or is otherwise related to the landfill.

SECTION 12. IC 36-2-9-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. (a) **If a disposal fee is charged under IC 13-20-21-6(c), the county treasurer shall:**

- (1) **establish a dedicated fund for the purposes described in subsection (b); and**

(2) deposit in the fund all revenue remitted to the county treasurer under IC 13-20-21-14(b).

(b) Money in the fund established under subsection (a) may be used only to pay the costs of constructing, improving, or maintaining infrastructure that supports or is otherwise related to the landfill at which the disposal fees are charged.

(c) The county treasurer shall, in accordance with IC 5-13-9, invest any money accumulated in the fund established under subsection (a). Any interest received from investment of the money shall be paid into the fund.

SECTION 13. IC 36-9-31-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. **(a) Subject to subsection (b), any facility:**

(1) owned;

(2) operated; or

(3) financed after December 2, 2008;

under this chapter shall accept waste accumulated within the waste disposal district without discrimination as to whether or not the waste is collected by the **consolidated** city. The fees made by any such facility for any services rendered or to be rendered, either directly or in connection with them, must be nondiscriminatory, but they may vary based upon the volume, weight, hazardousness, or difficulty of disposal of the waste disposed of or processed by the facility.

(b) If a person enters into a contract with the consolidated city to accept the consolidated city's waste at a facility, the person may not be considered to be operating the facility for purposes of this section."

Page 6, delete lines 1 through 37.

Re-number all SECTIONS consecutively.

(Reference is to HB 1117 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Ethics, to which was referred Engrossed House Bill 1397, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 8, line 27, after "conducted," insert "**The commission may not conduct a hearing under section 4(b)(2)(G) of this chapter under this section."**

Page 16, delete lines 10 through 38.

Re-number all SECTIONS consecutively.

(Reference is to HB 1397 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 5, Nays 1.

ZAKAS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Energy and Environmental Affairs, to which was referred Engrossed House Bill 1285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be

amended as follows:

Page 1, between lines 13 and 14, begin a new line block indented and insert:

"(3) The regulation of outdoor wood-burning furnaces.

(4) The use of methane gas from landfills and anaerobic digestion as a fuel source."

(Reference is to HB 1285 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

RESOLUTIONS ON SECOND READING

Senate Resolution 9

Senator Kruse called up Senate Resolution 9 for second reading. The resolution was read a second time by title and adopted by voice vote.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 21

Senate Concurrent Resolution 21, introduced by Senator Hershman:

A CONCURRENT RESOLUTION honoring the Indiana Main Street Program for 20 years of service to Indiana cities and towns.

Whereas, The National Main Street Center was established by the National Trust for Historic Preservation in 1980. Since its inception, the Center has grown to be the largest full-service commercial district revitalization organization in the nation;

Whereas, Recognizing the crucial role the downtown business district plays in the overall image of a community, the Indiana General Assembly established the Indiana Main Street Program in 1985 to encourage the economic development, redevelopment, and improvement of downtown areas in Indiana cities and towns;

Whereas, Indiana Main Street is advised by the Indiana Main Street Council, a public/private advisory board appointed by Lieutenant Governor Becky Skillman;

Whereas, Rather than providing direct grants, Indiana Main Street emphasizes building local capacity and self-sufficiency through technical assistance and encourages local businesses, residents, and leaders to get involved in community projects;

Whereas, In order to address all of the needs of the community, Indiana Main Street utilizes the National Main Street Center's four-point approach to improving downtown areas: design, organization, promotion, and economic restructuring;

Whereas, The National Main Street revitalization project has proven to be one of the most successful economic development strategies in America. Research has shown that on a national average, for every dollar spent to operate a local Main Street

program, approximately thirty-eight dollars has been reinvested in the community; and

Whereas, Numerous local communities throughout the State of Indiana have benefitted from the Indiana Main Street Program's services to revitalize downtown communities over the last twenty years: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly expresses sincere gratitude to the Indiana Main Street Program for its on-going efforts to renew downtown business districts throughout the state.

SECTION 2. That the Indiana General Assembly commends the Indiana Main Street Program and the Indiana Main Street Council, as well as all of the businesses and community members that have participated in local programs, for their efforts to improve community image.

SECTION 3. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Lieutenant Governor Becky Skillman; Executive Director of Indiana Main Street, Ellen Harper; members of the Indiana Main Street Council, Steve Boyce, Amy Vaughan, Jon Smith, Mark Dollase, Amy MacDonell Shepard, Dr. James Segedy, Judy Gray, Mayor Don Stock, Todd Thackery, and Jim Grant; and former First Lady Judy O'Bannon.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Welch and Duncan.

Senate Concurrent Resolution 38

Senate Concurrent Resolution 38, introduced by Senator Landske:

A CONCURRENT RESOLUTION to honor and memorialize Colonel John Wheeler.

Whereas, John Wheeler was born in Connecticut on February 6, 1825. After Mr. Wheeler married Ann C. Jones in 1846, families moved to Lake County in 1847;

Whereas, Mr. Wheeler was a farmer and teacher. After working with his father to level and lay out pipes and ditches to drain swamplands throughout Lake County, Mr. Wheeler was elected County Surveyor in 1853 and served for three years;

Whereas, For four years after his County Surveyor term, he partnered with Zerah F. Summers editing and publishing the local newspaper called the Crown Point Register;

Whereas, Using his own money and influence, Mr. Wheeler raised a company of one hundred men for the Union army in 1861. Becoming part of the Twentieth Regiment of Indiana Volunteers, his company chose him for its Captain. His friends and neighbors presented him the gift of an elegant sword while his regiment was on parade in Indianapolis; and

Whereas, After thoroughly performing the duties of a soldier, Captain Wheeler was commissioned Major of the Regiment on February 16, 1862, and earned a promotion to the rank of Colonel in March of 1863. Leading his troops in the summer of 1863, Colonel Wheeler fell on July 2nd in the slaughter of the terrible conflict at Gettysburg: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes and honors Colonel John Wheeler for his achievements. His exemplary service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Colonel Wheeler's Great-great-grandson Boyd Cole.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ayres and Kuzman.

Senate Concurrent Resolution 40

Senate Concurrent Resolution 40, introduced by Senator Alting:

Whereas, Robert A. "Rob" Zell was a lifelong resident of Tippecanoe County;

Whereas, Rob was married to Kimberly for eleven years and had four children: Brent, Robert II, Brittany Mathes, and Rachelle;

Whereas, Rob was a dedicated family man who worked hard to provide for his family;

Whereas, Although Rob worked only a few months for the Indiana Department of Transportation, he truly enjoyed his position as a maintenance worker at the Fowler Sub District;

Whereas, Throughout his life Rob enjoyed many hobbies, including mushroom hunting, deer hunting, and playing video games;

Whereas, Rob was killed on February 3, 2005, when he was hit by a car while cleaning up debris on the side of the road on the Wabash River bridge on Interstate 65 in Tippecanoe County;

Whereas, It is important to remember that maintaining Indiana's roadways is a dangerous job and that it is important for motorists to always be aware when workers are present; and,

Whereas, Rob will be remembered by his friends and family as a great man who was devoted to his family: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the service of Robert Zell to the State of Indiana and memorializes his life.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Philip Zell, Kimberly Zell, and the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Klinker, T. Brown, and Micon.

Senate Concurrent Resolution 24

Senate Concurrent Resolution 24, introduced by Senator Steele:

A CONCURRENT RESOLUTION to memorialize and honor Paul Allen

Whereas, Paul Allen, the son of John Thomas and Ola Bays Allen was born on March 2, 1921 in McCameron Township, Indiana. McCameron Township no longer exists, as it was incorporated into the Naval Surface Warfare Center (NSWC) Crane;

Whereas, As a 10th grade student, Paul Allen volunteered to rescue citizens in Madison and Vevay during the Ohio River Flood of 1937. Working with his father's construction/restoration company, he assisted in rebuilding significant numbers of neighborhoods in Jefferson and Ohio Counties once the floodwaters receded;

Whereas, Paul attended the township school and earned a diploma from Burns City High School in 1940. After graduating, Paul received an academic scholarship to Duke University where he studied mathematics and chemistry. At the conclusion of his freshman year, Paul Allen enlisted in the United States Army, where he was initially assigned to the 259th Field Artillery;

Whereas, Prior to the Normandy Invasion, Paul Allen was transferred to Company 'C,' Second Ranger Battalion because of his knowledge of large caliber naval weaponry. On D-Day, his company captured and rendered harmless naval weapons situated on Pointe du Hoc. After the campaign to liberate Paris and Northern France, Paul participated in Operation Market Garden, the Ardennes Campaign, and the Invasion of Northern Germany.

Whereas, For bravery in action, Paul received the following decorations: the Purple Heart, bestowed by General George Patton; the Legion of Honor; the Bronze Star; the Belgian Croix de Guerre; the French Croix de Guerre, bestowed by General Charles DeGaulle; and numerous campaign medals;

Whereas, Upon returning to the United States, Paul obtained employment in the United States Navy's civilian service from 1950 until his retirement in 1974. During this time, he was stationed at Indiana's NSWC Crane; Naval Headquarters in Washington, D.C.; Mechanicsburg, Pennsylvania; Norfolk, Virginia; and Charleston, South Carolina;

Whereas, Upon his retirement, Paul assumed the position of assistant superintendent for the North Lawrence Community School Corporation. During his tenure, Paul was involved in the

construction of three elementary schools, the restoration of the Bedford, Fayetteville, and Dollens Schools, and the expansion of the Bedford-North Lawrence High School;

Whereas, In keeping with family tradition, Paul also supported the republican party by working as a fundraiser for the gubernatorial campaigns of both Dr. Otis R. Bowen and Robert Orr; and

Whereas, Paul Allen deserves recognition for his distinguished career of public service. Four days after open-heart surgery, Paul Allen passed away on July 19, 2004: Therefore:

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly memorializes and honors Paul Allen for his lifetime achievements. His service to his country and his community is commendable.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to David Allen, Paul Allen's son.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Koch.

SENATE MOTION

Madam President: I move that Senator Zakas be added as cosponsor of Engrossed House Bill 1281.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lewis be added as second sponsor and Senator Sipes be added as cosponsor of Engrossed House Bill 1097.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1281.

LUBBERS

Motion prevailed.

1:59 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:22 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 48 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 43 and 47 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 45 and 46 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 44 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 42 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senators Wyss, Craycraft, Sipes, and Rogers be added as cosponsors of Engrossed House Bill 1123.

BECKER

Motion prevailed.

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 43**

House Concurrent Resolution 43, sponsored by Senators Meeks and Simpson:

A CONCURRENT RESOLUTION honoring Hoosiers for Higher Education and its outstanding volunteer membership for its support of Indiana University.

Whereas, Hoosiers for Higher Education was established in 1991

as a grassroots organization that engages Indiana University students, parents, alumni, faculty, staff, and friends to advocate for legislative and policy issues important to Indiana University at both the state and federal levels;

Whereas, The 10,000 Hoosiers for Higher Education volunteer members are respected voices in their communities throughout Indiana and advocate for the benefits of public higher education;

Whereas, The Hoosiers for Higher Education program is nationally recognized as a leading higher education advocacy program;

Whereas, Students of Indiana University have the opportunity, through membership in Hoosiers for Higher Education, to learn about and participate in the democratic process via public discourse;

Whereas, This is the 15th year of the Hoosiers for Higher Education Annual State House Visit where members and advocates of Indiana University gather to meet with legislators and public officials to encourage their support for Indiana University and higher education;

Whereas, Sue Talbot, Kirk White, and Deborah Sibbitt have provided valuable service as directors of Hoosiers for Higher Education;

Whereas, 13 elected officials have been presented the Welsh-Bowen Distinguished Public Official Award at the Hoosiers for Higher Education Annual State House Visit proceedings, including U.S. Representative John Myers; State Representatives B. Patrick Bauer, Richard Bodiker, William Cochran, Sheila Klinker, Mark Kruzan, Vernon Smith, and Phil Warner, as well as State Senators Ron Alting, Robert Meeks, Kathy Smith-Andrew, and Vi Simpson; and

Whereas, The Hoosiers for Higher Education Annual State House Visit is the largest one-day rally of any higher education institution in the state, and over 4,000 Indiana University supporters have participated in this event: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates Hoosiers for Higher Education on the 15th anniversary of its first State House Visit and commends the recipients of the Welsh-Bowen Distinguished Public Official Award for their leadership.

SECTION 2. That the Indiana General Assembly thanks the Hoosiers for Higher Education volunteers for taking an active and constructive part in the democratic process.

SECTION 3. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the President and Trustees of Indiana University, the Indiana University Alumni Association, and Hoosiers for Higher Education.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 44

House Concurrent Resolution 44, sponsored by Senators Lubbers and Breaux:

A CONCURRENT RESOLUTION honoring St. Vincent Health and the Daughters of Charity as they celebrate 125 years of caring for the sick, poor, and vulnerable residents of the Hoosier state.

Whereas, On April 26, 1881, four Daughters of Charity arrived in Indianapolis with \$34.77 in their pockets to start a hospital that would serve the health care needs of the community;

Whereas, From its humble beginning on Indianapolis' eastside, St. Vincent Indianapolis Hospital has grown into a health system of more than 16 hospitals across the state, making it one of the largest employers in Indiana;

Whereas, The health system continues to be guided by core values that reflect commitment to quality, compassion, and affordability in health care;

Whereas, More than 11,600 St. Vincent Health associates and physicians continue to reach out to the local communities they serve and carry out the mission set forth by the original four Daughters of Charity; and

Whereas, Generations of residents of Indiana have experienced the spirit of caring for 125 years: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the extraordinary contributions of St. Vincent Health and the Daughters of Charity to the residents of Indiana and commends them for 125 years of dedication to caring for the sick, particularly those who are poor and vulnerable, in body, mind, and spirit.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the leadership of St. Vincent Health.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 48

House Concurrent Resolution 48, sponsored by Senators Rogers and Smith:

A CONCURRENT RESOLUTION honoring the Gary RailCats.

Whereas, In February 2001, the board of directors of the

Northern League approved Northwest Sports Ventures, LLC, to own and operate an expansion team for the 2002 season in Gary, Indiana, and the Gary RailCats were born;

Whereas, The Northern League is an independent minor league baseball league in the Midwestern United States and the Canadian provinces of Manitoba and Alberta;

Whereas, In June 2001, a lease was signed between the city of Gary and Victory Sports Group for a 6,000 seat state-of-the-art stadium and ground was broken for construction to begin;

Whereas, In May 2002, the Gary RailCats played their first official Northern League game in Sioux Falls, South Dakota;

Whereas, On May 28, the RailCats experienced their first victory, a 9-4 win over the Schaumburg Flyers that began a six-game winning streak for the team;

Whereas, RailCats' manager Joe Calfapietra was named Northern League manager of the year after leading the club to 35 wins despite playing all 90 games on the road;

Whereas, The team continued to improve and prosper, winning the Northern League championship in 2005; and

Whereas, The RailCats have continued to provide countless hours of enjoyment and relaxation for the citizens of northern Indiana: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the individual and economic contributions that the RailCats have made to the community of Gary and all of northern Indiana. We wish to thank them and to encourage them to continue "hitting it out of the park" for years to come.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the Gary RailCats management and Scott L. King, mayor of Gary, Indiana.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 46

House Concurrent Resolution 46, sponsored by Senator Skinner:

A CONCURRENT RESOLUTION recognizing the Networks Scholars Program at Indiana State University.

Whereas, Networks Financial Institute provides four-year scholarships to students at Indiana State University who are pursuing a major or minor in the College of Business and who are interested in careers in the financial services industry;

Whereas, In order to be awarded a Networks Scholarship, a student must: be a full-time student at Indiana State University; have a high school cumulative grade point average (GPA) of 3.25 or higher; rank in the top one-third of the student's high school graduating class; achieve an SAT score of at least 1,000 out of 1,600; have demonstrated leadership success; maintain at least a 3.0 cumulative GPA and a 3.2 GPA in business courses at Indiana State; participate in at least one internship; engage with both faculty and executive mentors; participate in Networks Scholars Program activities and College of Business events; and participate in professional development opportunities;

Whereas, The Networks Scholars Program has five categories of development: faculty and corporate mentoring, career and educational planning, professional development, student leadership experiences, and networking and experiential learning;

Whereas, Each recipient of a Networks Scholarship receives a four-year, \$20,000 scholarship to be used toward tuition and fees, professional development training opportunities, a professional development account, a laptop computer, internship opportunities, and international travel experience;

Whereas, A Networks Scholars Program participant is given opportunities that will enhance academic potential, employability, and advancement through active involvement in curricular and extracurricular activities;

Whereas, These opportunities and activities provide each student with insights into business that are invaluable in pursuing and developing a successful career;

Whereas, Indiana State University faculty members are available to help each scholar understand campus resources and services, discuss various education and career opportunities, improve decision-making skills, and develop personal growth and achievement plans; and

Whereas, Networks Financial Institute at Indiana State University works tirelessly to prepare students for careers in the financial industry and to help prepare them for the real world experiences they will encounter while establishing a successful career: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the Networks Scholars Program and Indiana State University for the help they provide to students interested in pursuing a degree from the College of Business and establishing a career in the financial services industry.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Indiana State University President Lloyd Benjamin.

The resolution was read in full and adopted by voice vote. The

Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 36

Senate Concurrent Resolution 36, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to name a section of State Road 3 near Paris Crossing in honor of Trooper George Forster.

Whereas, While on routine patrol near Paris Crossing in Jennings County on May 17, 1941, Trooper George Forster's patrol car was struck by a truck towing a horse trailer;

Whereas, Trooper Forster was killed in the accident;

Whereas, Trooper Forster's death was the first traffic related fatality to occur involving an on-duty Indiana State Police trooper;

Whereas, Trooper Forster, who was 25 years of age at the time of his death, had been appointed to the Indiana State Police on September 1, 1938, and had served as a patrolman working out of the Seymour post;

Whereas, Trooper Forster loved his job and strove to be the best trooper he could be;

Whereas, As a member of the Indiana State Police, Trooper Forster provided the best in quality service and earned the highest respect and confidence of the citizens of Indiana;

Whereas, Trooper Forster, along with all the men and women of the Indiana State Police, deserves special recognition; and

Whereas, Trooper Forster gave his life protecting the citizens of the state of Indiana, for which there is no greater sacrifice: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes the service of Trooper Forster and urges the Indiana department of transportation to name a section of State Road 3 near Paris Crossing in honor of Trooper George Forster.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Karl Forster, Dorothy Behrman, Imogene Schedit, and the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

Senate Concurrent Resolution 37

Senate Concurrent Resolution 37, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION requesting the Indiana

Education Roundtable to serve as the Indiana State Roundtable for purposes of participating in the Midwestern Education to Workforce Policy Initiative.

Whereas, The State of Indiana has entered into an interstate compact with other midwestern states to form the Midwestern Higher Education Commission. The State also participates extensively in the activities of the Midwest Council of Governments;

Whereas, The Midwestern Education to Workforce Policy Initiative was developed by the Midwestern Higher Education Commission; the Council of State Governments Midwestern Regional Office, representing the Midwestern Legislative Conference; and the Midwestern Governors Association;

Whereas, The Midwestern Higher Education Commission and the Midwest Council of Governments have received substantial funding from the Lumina Foundation for an Education to Workforce Policy Initiative. This Initiative is designed to facilitate the work of state teams of legislators, governors, educators, and business leaders to address linking P-16 education systems and workforce development efforts to generate a thriving 21st century economy in the Midwest;

Whereas, The Initiative held a summit in October 2005 convening government, business, education, and legislative leaders from around the Midwest. The Midwest Education to Workforce Policy Initiative Summit concluded that the nation as a whole, and the Midwest in particular, faces unprecedented competitiveness challenges to the size and quality of its workforce;

Whereas, The Summit participants determined that a prudent next step in the Initiative is to convene state-level Roundtables to receive information and develop workforce plans appropriate for each state; and

Whereas, Made up of members representing diverse constituencies in government, education, and business/industry, the Indiana Education Roundtable regularly considers broad education and workforce policy issues confronting the State: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. Recognizing the need for transitions from education and training to the workforce, the Indiana General Assembly requests that the Indiana Education Roundtable, established at IC 20-19-4-2, serve as Indiana's State Roundtable in the Midwestern Education to Workforce Policy Initiative developed by the Midwest Council of State Governments and the Midwestern Higher Education Commission.

SECTION 2. The Indiana General Assembly requests that the Indiana Education Roundtable address the following:

1. Identification of key education to workforce issues in Indiana
2. Assessment of Indiana-specific needs, barriers, and opportunities in developing seamless transitions from education and training to the workforce
3. Recommendation of specific changes to state education and

workforce policy

4. Development of an action plan for sustaining the Policy Initiative, including next steps.

SECTION 3. The Indiana General Assembly requests that a progress report on Indiana's involvement in the Education to Workforce Policy Initiative be submitted to the Legislative Council by June 30, 2007.

The resolution was read in full and referred to the Committee on Education and Career Development.

Senate Concurrent Resolution 39

Senate Concurrent Resolution 39, introduced by Senator Lewis:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of Trooper George Forster.

Whereas, While on routine patrol near Paris Crossing in Jennings County on May 17, 1941, Trooper George Forster's patrol car was struck by a truck towing a horse trailer;

Whereas, Trooper Forster was killed in the accident;

Whereas, Trooper Forster's death was the first traffic related fatality to occur involving an on-duty Indiana State Police trooper;

Whereas, Trooper Forster, who was 25 years of age at the time of his death, had been appointed to the Indiana State Police on September 1, 1938, and had served as a patrolman working out of the Seymour post;

Whereas, Trooper Forster loved his job and strove to be the best trooper he could be;

Whereas, As a member of the Indiana State Police, Trooper Forster provided the best in quality service and earned the highest respect and confidence of the citizens of Indiana;

Whereas, Trooper Forster, along with all the men and women of the Indiana State Police, deserves special recognition; and

Whereas, Trooper Forster gave his life protecting the citizens of the state of Indiana, for which there is no greater sacrifice: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the service of Trooper Forster and urges the Indiana department of transportation to name the new bridge over Big Graham Creek (near the intersection of State Road 3 and State Road 250) in honor of

Trooper George Forster.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Karl Forster, Dorothy Behrman, Imogene Scheidt, and the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 23

House Concurrent Resolution 23, sponsored by Senator Miller:

A CONCURRENT RESOLUTION urging the department of transportation to rename the section of Interstate Highway 65 running through Johnson County the Pearl Harbor Memorial Highway.

Whereas, It is important and fitting for our society to recognize and honor the contributions of those citizens who have served this nation in times of war;

Whereas, The December 7, 1941, attack on Pearl Harbor was a devastating attack on our nation's homeland that cost the lives of more than 2,000 American civilians, soldiers, sailors, and marines;

Whereas, As the Pearl Harbor Memorial Highway, Interstate 65 throughout Johnson County could stand as a tribute to those heroic men and women who gave their lives in defense of the United States of America and the freedom of its citizens; and

Whereas, In these times of danger throughout America, it is vital to remember the bravery of those citizens who made the ultimate sacrifice for their country and to ensure that all Americans will be ever vigilant so that tragedies like the attack on Pearl Harbor do not happen again: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana department of transportation to rename the part of Interstate Highway 65 that runs through Johnson County the Pearl Harbor Memorial Highway.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 25

House Concurrent Resolution 25, sponsored by Senator Hershman:

A CONCURRENT RESOLUTION urging the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

Whereas, The General Assembly recognizes the great sacrifices made by Indiana veterans in the service of their country in time of war;

Whereas, The ultimate cost of freedom is paid by many of those in the military who sacrifice their very lives in defense of liberty;

Whereas, The State of Indiana owes an eternal debt of gratitude to the men and women who bravely answer their country's call, and the people of Carroll County wish to recognize their bravery by designating the bridge over the Wabash River in Delphi in honor of the Carroll County veterans; and

Whereas, It is therefore fitting that the proper signage be placed on the bridge over the Wabash River in Delphi to recognize the designation of this bridge as the Carroll County Veterans Memorial Bridge in honor of these veterans: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly urges the Indiana Department of Transportation to name the bridge over the Wabash River in Delphi the Carroll County Veterans Memorial Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 35

House Concurrent Resolution 35, sponsored by Senator Landske:

A CONCURRENT RESOLUTION recognizing the need for protection of our environmental and economic resources.

Whereas, The Great Lakes are a tremendous value to Indiana as an environmental and economic resource, both as the world's largest body of fresh water and as a crucial international shipping channel;

Whereas, Aquatic invasive species have caused significant damage to native environments and industrial operations in the Great Lakes and around the world;

Whereas, Indiana ranks 14th in the nation for waterborne shipping with nearly 70 million tons of maritime cargo per year, and the state's Lake Michigan ports provide Indiana farmers, steel mills, and manufacturers with access to foreign markets through the Great

Lakes/St. Lawrence Seaway;

Whereas, Current federal laws governing the introduction of aquatic invasive species into United States waters via ballast water of ocean-going ships and other sources are inadequate;

Whereas, Because of the detrimental effects of imposing regional restrictions on an international shipping channel, there is a need for federal regulation; and

Whereas, There is currently no nationally accepted standard for ballast water quality nor any approved ballast treatment technologies available to ship operators: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly has a great concern for the protection of its environmental and economic resources.

SECTION 2. That the Indiana General Assembly urges the United States Congress to acknowledge the national urgency of this problem and move quickly to enact federal legislation to establish a strong ballast water regulatory program sufficient to prevent future introduction of aquatic invasive species into all United States waters.

SECTION 3. That the Indiana General Assembly declares its support for the efforts of the United States Coast Guard and International Maritime Organization to put in place an international ballast water treatment and regulatory program.

SECTION 4. That the Indiana General Assembly declares its support for the "Great Ships Initiative," a research and development project funded jointly by the Indiana Port Commission and other Great Lakes ports, the U.S. Department of Transportation, the National Fish and Wildlife Foundation, and other federal agencies with the goal of accelerating the development and availability of ballast water treatment technology.

SECTION 5. That the Principal Clerk of the House of Representatives shall transmit copies of this resolution to the President of the United States, the Indiana Congressional delegation, federal agencies that regulate maritime transportation, and the Great Lakes Commission.

The resolution was read in full and referred to the Committee on Energy and Environmental Affairs.

Senate Concurrent Resolution 20

Senate Concurrent Resolution 20, introduced by Senator Garton:

A CONCURRENT RESOLUTION to congratulate Tony Stewart on winning the 2005 NASCAR Nextel Cup Series Championship.

Whereas, Columbus, Indiana native Tony Stewart has a reputation as a fierce competitor driving the #20 Home Depot car in the

NASCAR racing series;

Whereas, Tony scored his first victory of the season on June 26 in Sonoma, California at the Dodge/Save Mart 350;

Whereas, In his most dominating performance of the year, Stewart led all but nine laps of the Pepsi 400 to score his second-straight win. Starting from the pole, he lost the lead only briefly after pit stops, breaking the record of 142 laps led in a race set by Cale Yarborough in 1968;

Whereas, From this point on, the Home Depot team seemed to have all the answers and Stewart finished ninth or better in 19 of the final 22 races;

Whereas, Despite great success throughout his NASCAR career, Stewart had never won in front of the hometown crowd at the Indianapolis Motor Speedway. In a career-defining moment, Stewart won the Allstate 400 at the Brickyard, a win that propelled him into first place in the 2005 standings, where he remained for 13 of the final 14 weeks;

Whereas, In Nextel Cup racing, following the 26th race of the season, all drivers in the NASCAR Top 10 and any other drivers within 400 points of the leader earn a berth in the "Chase for the Championship";

Whereas, Stewart was on top at the start of the 10-race Chase for the Championship and fell off the leader board just once, when he dropped to fifth after Round 2;

Whereas, A conservative approach in the season-ending Ford 400 netted a modest 15th place finish and secured the 2005 championship for Stewart, marking his second career NASCAR season championship;

Whereas, As a two-time winner, Tony Stewart became a member of a select group of only 14 NASCAR drivers who have won at least two season championships;

Whereas, Tony Stewart's hometown of Columbus held a parade to congratulate him on winning the NASCAR series championship and also honored him by declaring December 17th "Tony Stewart Day"; and

Whereas, From the beginning of his career more than a quarter century ago and continuing to his present role as driver of the #20 Home Depot Chevrolet in the NASCAR NEXTEL Cup Series, Tony Stewart has proven to be a champion every step of the way: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly recognizes Tony Stewart for his exemplary driving record in the NASCAR Nextel Cup Series Championship and congratulates him on winning his second NASCAR series championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Tony Stewart, his team, and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Yount, Burton, Messer, and Koch.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1016

Senator Bray called up Engrossed House Bill 1016 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1016-2)

Madam President: I move that Engrossed House Bill 1016 be amended to read as follows:

Page 4, line 6, after "offense" insert **"that he or she has previously been convicted of"**.

(Reference is to EHB 1016 as printed February 17, 2006.)

NUGENT

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1097

Senator Miller called up Engrossed House Bill 1097 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1097-2)

Madam President: I move that Engrossed House Bill 1097 be amended to read as follows:

Page 5, line 20, after "agreements;" delete "and".

Page 5, line 23, delete "(1)." and insert **"(1); and**

(3) determines the charge to cardholders for the discount prices."

Page 7, line 17, after "providers" insert **"in Indiana"**.

Page 8, after line 42, begin a new paragraph and insert:

"Sec. 3. A program provider is subject to IC 27-1-3.1."

Page 9, line 7, delete "as" and insert **"as:**

- (i) a disclaimer of a relationship between discount medical card program benefits and insurance;**
- (ii) a description of an insurance product connected with a discount medical card program; or**
- (iii)".**

Page 9, line 26, delete "provider" and insert **"physician licensed under IC 25-22.5"**.

Page 9, line 28, delete "provider." and insert **"physician."**

Page 10, between lines 18 and 19, begin a new paragraph and insert:

"(d) If the initial contact with a prospective cardholder is by telephone, the disclosures made under subsection (a) must be:

(1) made orally; and

(2) included in the initial written materials that describe the terms and conditions of the benefits under the discount medical card program provided to the prospective or new cardholder."

Page 11, line 28, delete "A:" and insert **"If the information is different from the initial application for a registration or from the last annual report, a:"**.

Page 11, line 40, after "cardholders" insert **"in Indiana"**.

Page 13, line 27, delete "License" and insert **"Registration"**.

Page 15, line 31, delete "a" and insert **"each"**.

(Reference is to EHB 1097 as printed February 17, 2006.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1267

Senator Harrison called up Engrossed House Bill 1267 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 1267-2)

Madam President: I move that Engrossed House Bill 1267 be amended to read as follows:

Page 2, line 22, after "issued." insert **"The issuing officer shall keep for each student who has been issued more than one (1) employment certificate a record of the maximum number of hours that the student may work each week for all employers."**

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 20-33-3-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13.5. (a) A child may hold more than one (1) employment certificate at a time. However, a child who holds more than one (1) employment certificate at a time is subject to the penalties set forth in section 38.5 of this chapter for any of the following:

(1) Hour violations under sections 22 through 28 of this chapter.

(2) A violation of section 23(3) or 24(3) of this chapter.

(b) An employer of a child who holds more than one (1) employment certificate under subsection (a) is subject to the penalties set forth in sections 39 and 40 of this chapter for:

(1) hour violations under sections 22 through 28 of this chapter; or

(2) a violation of section 23(3) or 24(3) of this chapter;

for the employment of the child with the employer only."

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 7. IC 20-33-3-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 38.5. For an hour violation

under sections 22 through 28 of this chapter or a violation of section 23(3) or 24(3) of this chapter committed by a child, the civil penalties are as follows:

(1) A warning letter for a first violation.

(2) Revocation of the employment certificate or certificates held by the child for thirty (30) calendar days.

(b) The department of labor shall assess the civil penalties set forth in subsection (a).

(c) If the department of labor revokes an employment certificate under this section, the issuing officer and the child's employer shall be notified in writing. This notice may be delivered in person or by registered mail. Immediately after receiving notice of revocation, the employer shall return the certificate to the issuing officer.

(d) A child whose employment certificate or certificates have been revoked may not be employed or allowed to work until the child legally has obtained a new employment certificate."

Page 3, line 17, strike "A person, firm, limited liability company, or" and insert "An individual who is an employer, a firm, a limited liability company, or a".

Page 3, between lines 35 and 36, begin a new paragraph and insert: "SECTION 9. IC 20-33-3-40, AS ADDED BY P.L.1-2005, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 40. ~~A person;~~ **An individual who is an employer,** a firm, a limited liability company, or a corporation that violates this chapter may be assessed the civil penalties described in this section by the department of labor. For an hour violation of more than thirty (30) minutes under ~~sections 21~~ **sections 22** through ~~29~~ **28** of this chapter, each violation of section 30 of this chapter, an age violation under section 31 or 32 of this chapter, each minor employed in violation of section 31(b) of this chapter, or a hazardous occupation violation under section 35 or 36 of this chapter, the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and occurs not more than two (2) years after a prior violation.

SECTION 10. IC 22-1-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006] Sec. 5. (a) The bureau of mines and mining safety shall do the following:

(1) have immediate charge of the administration of the underground mine laws of this state;

(2) provide safety consultation services to any surface or underground mine operator at the request of the operator;

(3) provide mine safety and health education information to all surface or underground mine operators;

(4) provide mine safety and health training as required by federal Mine Safety and Health Administration to all surface or underground mine operators and mine workers who do not

otherwise have training available; and

(5) investigate all fatalities occurring in surface or underground mine operations for the purpose of data collection; however, an investigation shall not interfere with investigations by the federal Mine Safety and Health Administration.

(b) The bureau of child labor shall have immediate charge of the supervision of children who are gainfully employed, **including employment certificate violations under IC 20-33-3-38.5, IC 20-33-3-39, and IC 20-33-3-40. A child employee under the jurisdiction of the bureau of child labor may file a complaint with the bureau of child labor if the employer of the child employee requires noncompliance by the child employee with the provisions of IC 20-33-3-38.5."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1267 as printed February 14, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1307

Senator Harrison called up Engrossed House Bill 1307 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1307-2)

Madam President: I move that Engrossed House Bill 1307 be amended to read as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 30.

Page 13, line 12, delete "July 1, 2007," and insert "**July 1, 2006,**".

Page 13, delete lines 22 through 42, begin a new line block indented and insert:

"2006, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree."

Page 14, delete lines 1 through 21.

Page 15, line 5, delete "and before July 1, 2007,".

Page 15, line 5, after "hundred" insert "**sixty-three**".

Page 15, line 5, delete "(\$900)." and insert "**(\$963).**".

Page 15, delete lines 6 through 42.

Delete pages 16 through 19.

Page 20, delete lines 1 through 3.

Page 24, line 15, delete ", and before July 1, 2007:" and insert ":

(A) not more than nine hundred sixty-three dollars (\$963); and

(B) not less than eighty-two dollars (\$82)."

Page 24, delete lines 16 through 31.

Page 27, line 42, delete "and before July 1, 2007,".

Page 27, line 42, after "hundred" insert "**eighteen**".

Page 27, line 42, after "dollars" insert "**(\$318,000)**".

Delete pages 28 through 29.

Page 30, delete lines 1 through 3.

Page 40, line 34, delete "July 1, 2007," and insert "**July 1, 2006**".

Page 40, line 42, after "degree." begin a new line block indented and insert:

"(9) With respect to disablements occurring on and after July 1, 2006, for each degree of permanent impairment from one (1) to ten (10), one thousand five hundred dollars (\$1,500) per degree; for each degree of permanent impairment from eleven (11) to thirty-five (35), one thousand seven hundred dollars (\$1,700) per degree; for each degree of permanent impairment from thirty-six (36) to fifty (50), two thousand seven hundred dollars (\$2,700) per degree; for each degree of permanent impairment above fifty (50), three thousand three hundred dollars (\$3,300) per degree."

Delete page 41.

Page 42, delete line 1.

Page 42, line 33, delete "and before July 1, 2007,".

Page 42, line 33, after "hundred" insert "**sixty-three**".

Page 42, line 33, delete "(\$900)." and insert "**(\$963)**".

Page 42, delete lines 34 through 41.

Page 48, line 14, delete ", and before July 1, 2007:" and insert ":

(A) not more than nine hundred sixty-three dollars (\$963); and

(B) not less than eighty-two dollars (\$82)".

Page 48, delete lines 15 through 30.

Page 50, line 36, delete "and before July 1, 2007,".

Page 50, line 36, after "hundred" insert "**eighteen**".

Page 50, line 37, delete "(\$300,000)." and insert "**(\$318,000)**".

Page 50, delete lines 38 through 42.

Page 51, delete lines 1 through 4.

Page 52, delete lines 22 through 42.

Delete pages 53 through 56.

Page 57, delete lines 1 through 18.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1307 as printed February 17, 2006.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 202: yeas 17, nays 32.

Motion failed.

SENATE MOTION (Amendment 1307-1)

Madam President: I move that Engrossed House Bill 1307 be amended to read as follows:

Page 3, delete lines 5 through 42.

Page 4, delete lines 1 through 30.

Page 28, delete lines 31 through 42.

Delete page 29.

Page 30, delete lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1307 as printed February 17, 2006.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 203: yeas 17, nays 33.

Motion failed.

SENATE MOTION (Amendment 1307-3)

Madam President: I move that Engrossed House Bill 1307 be amended to read as follows:

Page 4, between lines 30 and 31, begin a new paragraph and insert: "SECTION 4. IC 22-3-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "school to work student" refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) Except as provided in IC 22-3-7-2.5, a school to work student is entitled to the following compensation and benefits under this article:

(1) Medical benefits under IC 22-3-2 through IC 22-3-6.

(2) Permanent partial impairment compensation under IC 22-3-3-10. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.

(3) In the case that death results from the injury:

(A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under IC 22-3-3-18 through IC 22-3-3-20, or, if the student has no dependents, to the student's parents; and

(B) burial compensation under IC 22-3-3-21.

(c) For the sole purpose of modifying an award under IC 22-3-3-27, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this article:

(1) Temporary total disability compensation under IC 22-3-3-8.

(2) Temporary partial disability compensation under IC 22-3-3-9.

(e) Except for remedies available under IC 5-2-6.1 and IC 22-3-13, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student; on account of personal injury or death by accident arising out of and in the course of school to work employment.

SECTION 5. IC 22-3-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted to an employee subject to IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all other

rights and remedies of such employee, the employee's personal representatives, dependents, or next of kin, at common law or otherwise, on account of such injury or death, except for remedies available under IC 5-2-6.1."

Page 28, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 10. IC 22-3-6-1, AS AMENDED BY P.L.201-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. In IC 22-3-2 through IC 22-3-6, unless the context otherwise requires:

(a) "Employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the parent's, or the subsidiaries' employees for purposes of IC 22-3-2-6 and IC 22-3-3-31. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of IC 22-3-2-6 and IC 22-3-3-31. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth in IC 22-3-2-2.5. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) "Employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship, written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer.

(1) An executive officer elected or appointed and empowered in accordance with the charter and bylaws of a corporation, other than a municipal corporation or governmental subdivision or a charitable, religious, educational, or other nonprofit corporation, is an employee of the corporation under IC 22-3-2 through IC 22-3-6.

(2) An executive officer of a municipal corporation or other governmental subdivision or of a charitable, religious, educational, or other nonprofit corporation may, notwithstanding any other provision of IC 22-3-2 through IC 22-3-6, be brought within the coverage of its insurance contract by the corporation by specifically including the executive officer in the contract of insurance. The election to bring the executive officer within the coverage shall continue for the period the contract of insurance is in effect, and during this period, the executive officers thus brought within the

coverage of the insurance contract are employees of the corporation under IC 22-3-2 through IC 22-3-6.

(3) Any reference to an employee who has been injured, when the employee is dead, also includes the employee's legal representatives, dependents, and other persons to whom compensation may be payable.

(4) An owner of a sole proprietorship may elect to include the owner as an employee under IC 22-3-2 through IC 22-3-6 if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(5) A partner in a partnership may elect to include the partner as an employee under IC 22-3-2 through IC 22-3-6 if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under IC 22-3-2-14.5.

(6) Real estate professionals are not employees under IC 22-3-2 through IC 22-3-6 if:

(A) they are licensed real estate agents;

(B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and

(C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(7) A person is an independent contractor in the construction trades and not an employee under IC 22-3-2 through IC 22-3-6 if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(8) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or ~~49 CFR 1057~~, **49 CFR 376** to a motor carrier is not an employee of the motor carrier for purposes of IC 22-3-2 through IC 22-3-6. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(9) A member or manager in a limited liability company may elect to include the member or manager as an employee under IC 22-3-2 through IC 22-3-6 if the member or manager is actually engaged in the limited liability company business. If a member or manager makes this election, the member or manager must serve upon the member's or manager's insurance carrier and upon the board written notice of the election. A member or manager may not be considered an employee under IC 22-3-2 through IC 22-3-6 until the notice has been received.

(10) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth in IC 22-3-2-2.5.

(11) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of IC 22-3-2 through IC 22-3-6.

(c) "Minor" means an individual who has not reached seventeen (17) years of age.

(1) Unless otherwise provided in this subsection, a minor employee shall be considered as being of full age for all purposes of IC 22-3-2 through IC 22-3-6.

(2) If the employee is a minor who, at the time of the accident, is employed, required, suffered, or permitted to work in violation of IC 20-33-3-35, the amount of compensation and death benefits, as provided in IC 22-3-2 through IC 22-3-6, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the injury or death of the minor, and the employer shall be liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age and who at the time of the accident is employed, suffered, or permitted to work at any occupation which is not prohibited by law, this subdivision does not apply.

(3) A minor employee who, at the time of the accident, is a student performing services for an employer as part of an approved program under IC 20-37-2-7 shall be considered a full-time employee for the purpose of computing compensation for permanent impairment under IC 22-3-3-10. The average weekly wages for such a student shall be calculated as provided in subsection (d)(4).

(4) **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted in this subsection to a minor under IC 22-3-2 through IC 22-3-6 on account of personal injury or death by accident shall exclude all rights and remedies of the minor, the minor's parents, or the minor's personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of the injury or death. This subsection does not apply to minors who have reached seventeen (17) years of age.

(d) "Average weekly wages" means the earnings of the injured employee in the employment in which the employee was working at the time of the injury during the period of fifty-two (52) weeks immediately preceding the date of injury, divided by fifty-two (52), except as follows:

(1) If the injured employee lost seven (7) or more calendar days during this period, although not in the same week, then the earnings for the remainder of the fifty-two (52) weeks shall be divided by the number of weeks and parts thereof remaining after the time lost has been deducted.

(2) Where the employment prior to the injury extended over a period of less than fifty-two (52) weeks, the method of dividing the earnings during that period by the number of weeks and parts thereof during which the employee earned wages shall be followed, if results just and fair to both parties will be obtained. Where by reason of the shortness of the time during which the employee has been in the employment of the employee's employer or of the casual nature or terms of the employment it is impracticable to compute the average weekly wages, as defined in this subsection, regard shall be had to the average weekly amount which during the fifty-two (52) weeks previous to the injury was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, by a person in the same grade employed in the same class of employment in the same district.

(3) Wherever allowances of any character made to an employee in lieu of wages are a specified part of the wage contract, they shall be deemed a part of the employee's earnings.

(4) In computing the average weekly wages to be used in calculating an award for permanent impairment under IC 22-3-3-10 for a student employee in an approved training program under IC 20-37-2-7, the following formula shall be used. Calculate the product of:

- (A) the student employee's hourly wage rate; multiplied by
- (B) forty (40) hours.

The result obtained is the amount of the average weekly wages for the student employee.

(e) "Injury" and "personal injury" mean only injury by accident arising out of and in the course of the employment and do not include a disease in any form except as it results from the injury.

(f) "Billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(g) "Billing review standard" means the data used by a billing review service to determine pecuniary liability.

(h) "Community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

- (1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.
- (2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.

(3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.

(4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.

(5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.

(6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(i) "Medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under IC 22-3-2 through IC 22-3-6.

(j) "Pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under IC 22-3-2 through IC 22-3-6 in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products."

Page 30, between lines 3 and 4, begin a new paragraph and insert: "SECTION 12. IC 22-3-7-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "school to work student" refers to a student participating in on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.).

(b) A school to work student is entitled to the following compensation and benefits under this chapter:

(1) Medical benefits.

(2) Permanent partial impairment compensation under section 16 of this chapter. Permanent partial impairment compensation for a school to work student shall be paid in a lump sum upon agreement or final award.

(3) In the case that death results from the injury:

(A) death benefits in a lump sum amount of one hundred seventy-five thousand dollars (\$175,000), payable upon agreement or final award to any dependents of the student under sections 11 through 14 of this chapter, or, if the student has no dependents, to the student's parents; and

(B) burial compensation under section 15 of this chapter.

(c) For the sole purpose of modifying an award under section 27 of this chapter, a school to work student's average weekly wage is presumed to be equal to the federal minimum wage.

(d) A school to work student is not entitled to the following compensation under this chapter:

(1) Temporary total disability compensation under section 16 of this chapter.

(2) Temporary partial disability compensation under section 19 of this chapter.

(e) Except for remedies available under IC 5-2-6.1 and IC 22-3-13, recovery under subsection (b) is the exclusive right and remedy for:

(1) a school to work student; and

(2) the personal representatives, dependents, or next of kin, at common law or otherwise, of a school to work student; on account of disablement or death by occupational disease arising out of and in the course of school to work employment.

SECTION 13. IC 22-3-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted under this chapter to an employee subject to this chapter on account of disablement or death by occupational disease arising out of and in the course of the employment shall exclude all other rights and remedies of such employee, his personal representatives, dependents, or next of kin, at common law or otherwise, on account of such disablement or death.

SECTION 14. IC 22-3-7-9, AS AMENDED BY P.L.201-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) As used in this chapter, "employer" includes the state and any political subdivision, any municipal corporation within the state, any individual or the legal representative of a deceased individual, firm, association, limited liability company, or corporation or the receiver or trustee of the same, using the services of another for pay. A parent corporation and its subsidiaries shall each be considered joint employers of the corporation's, the parent's, or the subsidiaries' employees for purposes of sections 6 and 33 of this chapter. Both a lessor and a lessee of employees shall each be considered joint employers of the employees provided by the lessor to the lessee for purposes of sections 6 and 33 of this chapter. The term also includes an employer that provides on-the-job training under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) to the extent set forth under section 2.5 of this chapter. If the employer is insured, the term includes the employer's insurer so far as applicable. However, the inclusion of an employer's insurer within this definition does not allow an employer's insurer to avoid payment for services rendered to an employee with the approval of the employer. The term does not include a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to the extent the corporation enters into an independent contractor agreement with a person for the performance of youth coaching services on a part-time basis.

(b) As used in this chapter, "employee" means every person, including a minor, in the service of another, under any contract of hire or apprenticeship written or implied, except one whose employment is both casual and not in the usual course of the trade, business, occupation, or profession of the employer. For purposes of this chapter the following apply:

(1) Any reference to an employee who has suffered disablement, when the employee is dead, also includes the employee's legal representative, dependents, and other persons to whom compensation may be payable.

(2) An owner of a sole proprietorship may elect to include the owner as an employee under this chapter if the owner is actually engaged in the proprietorship business. If the owner makes this election, the owner must serve upon the owner's insurance

carrier and upon the board written notice of the election. No owner of a sole proprietorship may be considered an employee under this chapter unless the notice has been received. If the owner of a sole proprietorship is an independent contractor in the construction trades and does not make the election provided under this subdivision, the owner must obtain an affidavit of exemption under section 34.5 of this chapter.

(3) A partner in a partnership may elect to include the partner as an employee under this chapter if the partner is actually engaged in the partnership business. If a partner makes this election, the partner must serve upon the partner's insurance carrier and upon the board written notice of the election. No partner may be considered an employee under this chapter until the notice has been received. If a partner in a partnership is an independent contractor in the construction trades and does not make the election provided under this subdivision, the partner must obtain an affidavit of exemption under section 34.5 of this chapter.

(4) Real estate professionals are not employees under this chapter if:

- (A) they are licensed real estate agents;
- (B) substantially all their remuneration is directly related to sales volume and not the number of hours worked; and
- (C) they have written agreements with real estate brokers stating that they are not to be treated as employees for tax purposes.

(5) A person is an independent contractor in the construction trades and not an employee under this chapter if the person is an independent contractor under the guidelines of the United States Internal Revenue Service.

(6) An owner-operator that provides a motor vehicle and the services of a driver under a written contract that is subject to IC 8-2.1-24-23, 45 IAC 16-1-13, or 49 CFR 1057, to a motor carrier is not an employee of the motor carrier for purposes of this chapter. The owner-operator may elect to be covered and have the owner-operator's drivers covered under a worker's compensation insurance policy or authorized self-insurance that insures the motor carrier if the owner-operator pays the premiums as requested by the motor carrier. An election by an owner-operator under this subdivision does not terminate the independent contractor status of the owner-operator for any purpose other than the purpose of this subdivision.

(7) An unpaid participant under the federal School to Work Opportunities Act (20 U.S.C. 6101 et seq.) is an employee to the extent set forth under section 2.5 of this chapter.

(8) A person who enters into an independent contractor agreement with a nonprofit corporation that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code (as defined in IC 6-3-1-11(a)) to perform youth coaching services on a part-time basis is not an employee for purposes of this chapter.

(c) As used in this chapter, "minor" means an individual who has not reached seventeen (17) years of age. A minor employee shall be considered as being of full age for all purposes of this chapter. However, if the employee is a minor who, at the time of the last

exposure, is employed, required, suffered, or permitted to work in violation of the child labor laws of this state, the amount of compensation and death benefits, as provided in this chapter, shall be double the amount which would otherwise be recoverable. The insurance carrier shall be liable on its policy for one-half (1/2) of the compensation or benefits that may be payable on account of the disability or death of the minor, and the employer shall be wholly liable for the other one-half (1/2) of the compensation or benefits. If the employee is a minor who is not less than sixteen (16) years of age and who has not reached seventeen (17) years of age, and who at the time of the last exposure is employed, suffered, or permitted to work at any occupation which is not prohibited by law, the provisions of this subsection prescribing double the amount otherwise recoverable do not apply. **Except for rights and remedies granted under IC 22-3-13**, the rights and remedies granted to a minor under this chapter on account of disease shall exclude all rights and remedies of the minor, ~~his~~ **the minor's** parents, ~~his~~ **the minor's** personal representatives, dependents, or next of kin at common law, statutory or otherwise, on account of any disease.

(d) This chapter does not apply to casual laborers as defined in subsection (b), nor to farm or agricultural employees, nor to household employees, nor to railroad employees engaged in train service as engineers, firemen, conductors, brakemen, flagmen, baggagemen, or foremen in charge of yard engines and helpers assigned thereto, nor to their employers with respect to these employees. Also, this chapter does not apply to employees or their employers with respect to employments in which the laws of the United States provide for compensation or liability for injury to the health, disability, or death by reason of diseases suffered by these employees.

(e) As used in this chapter, "disablement" means the event of becoming disabled from earning full wages at the work in which the employee was engaged when last exposed to the hazards of the occupational disease by the employer from whom the employee claims compensation or equal wages in other suitable employment, and "disability" means the state of being so incapacitated.

(f) For the purposes of this chapter, no compensation shall be payable for or on account of any occupational diseases unless disablement, as defined in subsection (e), occurs within two (2) years after the last day of the last exposure to the hazards of the disease except for the following:

(1) In all cases of occupational diseases caused by the inhalation of silica dust or coal dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease.

(2) In all cases of occupational disease caused by the exposure to radiation, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within two (2) years from the date on which the employee had knowledge of the nature of the employee's occupational disease or, by exercise of reasonable diligence, should have known of the existence of such disease and its causal relationship to the employee's employment.

(3) In all cases of occupational diseases caused by the inhalation of asbestos dust, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within three (3) years after the last day of the last exposure to the hazards of the disease if the last day of the last exposure was before July 1, 1985.

(4) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1985, and before July 1, 1988, no compensation shall be payable unless disablement, as defined in subsection (e), occurs within twenty (20) years after the last day of the last exposure.

(5) In all cases of occupational disease caused by the inhalation of asbestos dust in which the last date of the last exposure occurs on or after July 1, 1988, no compensation shall be payable unless disablement (as defined in subsection (e)) occurs within thirty-five (35) years after the last day of the last exposure.

(g) For the purposes of this chapter, no compensation shall be payable for or on account of death resulting from any occupational disease unless death occurs within two (2) years after the date of disablement. However, this subsection does not bar compensation for death:

- (1) where death occurs during the pendency of a claim filed by an employee within two (2) years after the date of disablement and which claim has not resulted in a decision or has resulted in a decision which is in process of review or appeal; or
- (2) where, by agreement filed or decision rendered, a compensable period of disability has been fixed and death occurs within two (2) years after the end of such fixed period, but in no event later than three hundred (300) weeks after the date of disablement.

(h) As used in this chapter, "billing review service" refers to a person or an entity that reviews a medical service provider's bills or statements for the purpose of determining pecuniary liability. The term includes an employer's worker's compensation insurance carrier if the insurance carrier performs such a review.

(i) As used in this chapter, "billing review standard" means the data used by a billing review service to determine pecuniary liability.

(j) As used in this chapter, "community" means a geographic service area based on zip code districts defined by the United States Postal Service according to the following groupings:

- (1) The geographic service area served by zip codes with the first three (3) digits 463 and 464.
- (2) The geographic service area served by zip codes with the first three (3) digits 465 and 466.
- (3) The geographic service area served by zip codes with the first three (3) digits 467 and 468.
- (4) The geographic service area served by zip codes with the first three (3) digits 469 and 479.
- (5) The geographic service area served by zip codes with the first three (3) digits 460, 461 (except 46107), and 473.
- (6) The geographic service area served by the 46107 zip code and zip codes with the first three (3) digits 462.

(7) The geographic service area served by zip codes with the first three (3) digits 470, 471, 472, 474, and 478.

(8) The geographic service area served by zip codes with the first three (3) digits 475, 476, and 477.

(k) As used in this chapter, "medical service provider" refers to a person or an entity that provides medical services, treatment, or supplies to an employee under this chapter.

(l) As used in this chapter, "pecuniary liability" means the responsibility of an employer or the employer's insurance carrier for the payment of the charges for each specific service or product for human medical treatment provided under this chapter in a defined community, equal to or less than the charges made by medical service providers at the eightieth percentile in the same community for like services or products."

Page 57, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 21. IC 22-3-13 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13. Private Cause of Action

Sec. 1. As used in this chapter, "immediate family" means the:

- (1) parents of an individual without dependents;**
- (2) spouse of an individual; and**
- (3) dependent children of an individual.**

Sec. 2. If the death of an individual is caused by a violation of a federal or state law:

- (1) governing worker or workplace safety; and**
- (2) committed by the individual's employer;**

a cause of action may be brought against the employer under this chapter.

Sec. 3. A cause of action may be brought under this chapter only by the following:

- (1) A member of the deceased individual's immediate family.**
- (2) If the deceased individual does not have any immediate family, the personal representative of the deceased individual's estate.**

Sec. 4. A person who may bring an action under this chapter may recover only the following damages:

(1) Not more than four (4) times the total amount of the death benefit:

- (A) that is required to be paid to the deceased individual's dependents or parents under this article; or**
- (B) if the deceased individual does not have any dependents or parents, that would be required to be paid under this article if the deceased individual had dependents or parents that were required to be paid under this article.**

(2) Reasonable attorney's fees.

(3) Court costs.

SECTION 22. [EFFECTIVE JULY 1, 2006] IC 22-3-13, as added by this act, applies only to a cause of action that accrues after June 30, 2006."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1307 as printed February 17, 2006.)

BOWSER

Motion failed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1006

Senator Lubbers called up Engrossed House Bill 1006 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 204: yeas 34, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1013

Senator Miller called up Engrossed House Bill 1013 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 205: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1017

Senator Becker called up Engrossed House Bill 1017 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 206: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1023

Senator Heinold called up Engrossed House Bill 1023 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 207: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1025

Senator Drozda called up Engrossed House Bill 1025 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 208: yeas 46, nays 4. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1065

Senator Heinold called up Engrossed House Bill 1065 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 209: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1106

Senator Becker called up Engrossed House Bill 1106 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 210: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1112

Senator Kenley called up Engrossed House Bill 1112 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 211: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1113

Senator Bray called up Engrossed House Bill 1113 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 212: yeas 41, nays 9. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1124

Senator Drozda called up Engrossed House Bill 1124 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 213: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1150

Senator Kruse called up Engrossed House Bill 1150 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 214: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1209

Senator Dillon called up Engrossed House Bill 1209 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 215: yeas 24, nays 26. The bill was declared defeated.

Engrossed House Bill 1232

Senator Bray called up Engrossed House Bill 1232 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 216: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1234

Senator Dillon called up Engrossed House Bill 1234 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 217: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1236

Senator Wyss called up Engrossed House Bill 1236 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 218: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

STATEMENT OF THE PRESIDENT PRO TEMPORE OF THE SENATE CONCERNING EHB 1279

The Chair notes that Senator Delph is excused from voting on Engrossed House Bill 1279, pursuant to the Report of the Committee on Ethics adopted on February 13, 2006, and asks that it be so recorded in the Journal of the Senate.

GARTON

Engrossed House Bill 1279

Senator Hershman called up Engrossed House Bill 1279 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 219: yeas 42, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1286

Senator Waterman called up Engrossed House Bill 1286 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 220: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1287

Senator Landske called up Engrossed House Bill 1287 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 221: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1300

Senator Wyss called up Engrossed House Bill 1300 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 222: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1323

Senator Kruse called up Engrossed House Bill 1323 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 223: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1327

Senator Kenley called up Engrossed House Bill 1327 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 224: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1331

Senator Weatherwax called up Engrossed House Bill 1331 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 225: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1347

Senator Lubbers called up Engrossed House Bill 1347 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 226: yeas 49, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1368

Senator Meeks called up Engrossed House Bill 1368 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning pensions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 227: yeas 47, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1380

Senator Ford called up Engrossed House Bill 1380 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 228: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 21, 24, 38, and 40 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 21 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1368.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Long be added as cosponsor of Engrossed House Bill 1112.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1414.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as cosponsor of Engrossed House Bill 1155.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday, February 23, 2006.

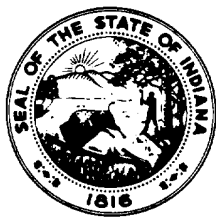
GARTON

Motion prevailed.

The Senate adjourned at 6:40 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-third Meeting Day

Thursday Afternoon

February 23, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long <input checked="" type="checkbox"/>
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman <input checked="" type="checkbox"/>
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 229: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

SENATE MOTION

Madam President: I move that the Committee Report to Engrossed House Bill 1062, filed February 22, 2006, be withdrawn from further consideration by the Senate.

WYSS

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Engrossed House Bill 1001, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT concerning taxation and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-4-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7. A reference in the Indiana Code to controlled taxes means a tax or tax rate that is subject to the limitations imposed under IC 6-12. The term applies only to the following taxes:**

(1) Property taxes (other than a property tax that a statute specifically treats as excluded from the controlled tax limits computed under IC 6-12).

(2) County income taxes imposed under IC 6-11 (other than a part of a county income tax imposed in a county that a statute specifically treats as excluded from the controlled tax limits computed under IC 6-12).

SECTION 2. IC 4-4-11-7.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. (a) This section applies to a meeting of the authority at which at least three (3) members of the authority are physically present at the place where the meeting is conducted.**

(b) A member of the authority may participate in a meeting of the authority by using a means of communication that permits:

(1) all other members participating in the meeting; and
(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:

(1) was physically present at the place where the meeting was conducted;
(2) participated in the meeting by using a means of communication described in subsection (b); and
(3) was absent.

Each member who participated in the meeting by using a means of communication described in subsection (b) must sign the memoranda of the meeting within sixty (60) days after the date of the meeting.

SECTION 3. IC 5-28-4-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) This section applies to:**

- (1) a meeting of the board at which at least seven (7) members of the board are physically present at the place where the meeting is conducted; or**
- (2) a meeting of a committee or subcommittee established by the board at which at least fifty percent (50%) of the members of the committee or subcommittee are physically present at the place where the meeting is conducted.**
- (b) A member of the board, committee, or subcommittee may participate in a meeting of the board, committee, or subcommittee by using a means of communication that permits:**
 - (1) all other members participating in the meeting; and**
 - (2) all members of the public physically present at the place where the meeting is conducted;**

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b) is considered to be present at the meeting.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of each member who:

- (1) was physically present at the place where the meeting was conducted;**
- (2) participated in the meeting by using a means of communication described in subsection (b); and**
- (3) was absent.**

Each member who participated in the meeting by using a means of communication described in subsection (b) must sign the memoranda of the meeting within sixty (60) days after the date of the meeting.

SECTION 4. IC 6-1.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 12. (a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business.**

(b) As used in this section, "land in inventory" means:

- (1) a lot; or**
- (2) a tract that has not been subdivided into lots; to which a land developer holds title in the ordinary course of the land developer's trade or business.**

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) Except as provided in subsections (h) and (i), if:

- (1) land assessed on an acreage basis is subdivided into lots; ~~the land shall be reassessed on the basis of lots. If or~~**
 - (2) land is rezoned for, or put to, a different use;**
- the land shall be reassessed on the basis of its new classification.**

(e) If improvements are added to real property, the improvements shall be assessed.

(f) An assessment or reassessment made under this section is effective on the next assessment date. ~~However, if land assessed on an acreage basis is subdivided into lots, the lots may not be reassessed until the next assessment date following a transaction which results in a change in legal or equitable title to that lot.~~

(g) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(h) Subject to subsection (i), land in inventory may not be reassessed until the next assessment date following the earliest of:

- (1) the date on which title to the land is transferred by:**
 - (A) the land developer; or**
 - (B) a successor land developer that acquires title to the land;**
- to a person that is not a land developer;**
- (2) the date on which construction of a structure begins on the land; or**
- (3) the date on which a building permit is issued for construction of a building or structure on the land.**

(i) Subsection (h) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

SECTION 5. IC 6-1.1-4-28.5, AS AMENDED BY P.L.88-2005, SECTION 7, AND AS AMENDED BY P.L.228-2005, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:**

- (1) the general reassessment of real property, including the computerization of assessment records;**
- (2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;**
- (3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;**
- (4) the updating of plat books; ~~and~~**
- (5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors, members of a county property tax assessment board of appeals, and assessing officials;**
- (6) making annual adjustments under section 4.5 of this chapter; and**
- (7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3.**

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund, and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund, until the money is needed to pay general reassessment expenses. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.

SECTION 6. IC 6-1.1-12-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 37. (a) Each year a person who is entitled to receive the homestead credit provided under IC 6-1.1-20.9 for property taxes payable in the following year is entitled to a standard deduction from the assessed value of the real property, mobile home not assessed as real property, or manufactured**

home not assessed as real property that qualifies for the homestead credit. The auditor of the county shall record and make the deduction for the person qualifying for the deduction.

(b) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) one-half (1/2) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) for property taxes first due and payable:

(A) before January 1, 2007, thirty-five thousand dollars (\$35,000); and

(B) after December 31, 2006, the greater of:

(i) thirty-five thousand dollars (\$35,000); or

(ii) the amount determined by the department of local government finance under subsection (d).

(c) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

(d) The amount referred to in subsection (b)(2)(B)(ii) is the result determined by the department of local government finance under STEP FOUR of the following formula:

STEP ONE: Determine the statewide average assessed value (before the application of any applicable deductions under this article) of all homesteads (as defined in IC 6-1.1-20.9-1) on the assessment date for the particular year to which the deduction applies.

STEP TWO: Determine the statewide average assessed value (before the application of any applicable deductions under this article) of all homesteads (as defined in IC 6-1.1-20.9-1) on the assessment date for the year preceding the year described in STEP ONE.

STEP THREE: Divide the STEP ONE amount by the STEP TWO amount, rounded to the nearest ten-thousandth (0.0001).

STEP FOUR: Determine the product of the STEP THREE amount multiplied by:

(A) thirty-five thousand dollars (\$35,000), for property taxes first due and payable in 2007; or

(B) the amount determined under this subsection for the previous year, for property taxes first due and payable after 2007;

rounded to the nearest one dollar (\$1) amount.

Before July 1 of 2006 and each year thereafter, the county auditor of each county shall provide to the department of local government finance information concerning assessed values of homesteads in that county as required by the department in order to determine statewide average assessed values of homesteads under this subsection. If a county auditor does not provide the information required by the department under this subsection, the department may estimate the assessed values of homesteads in that county as necessary to carry out this subsection. Before August 1 of 2006 and each year thereafter, the department shall notify each county auditor of the amount determined under

STEP FOUR of this subsection.

SECTION 7. IC 6-1.1-12.1-1, AS AMENDED BY P.L.216-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1. For purposes of this chapter:

(1) "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes:

(A) any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

(B) a residentially distressed area, except as otherwise provided in this chapter.

(2) "City" means any city in this state, and "town" means any town incorporated under IC 36-5-1.

(3) "New manufacturing equipment" means ~~any~~ tangible personal property ~~which:~~ **that a deduction applicant:**

(A) ~~was installed~~ **installs** after February 28, 1983, and on or before the approval deadline determined under section 9 of this chapter, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) ~~is used~~ **uses** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; ~~and~~

(C) ~~was acquired by its owner~~ **acquires** for use as described in clause (B); and

(D) ~~was never before used by its owner~~ **for any purpose in Indiana before the installation described in clause (A).**

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

(4) "Property" means a building or structure, but does not include land.

(5) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:

(A) on unimproved real estate; or

(B) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(6) "Rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of

property.

(7) "Designating body" means the following:

(A) For a county that does not contain a consolidated city, the fiscal body of the county, city, or town.

(B) For a county containing a consolidated city, the metropolitan development commission.

(8) "Deduction application" means either:

(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter; or

(B) the application filed in accordance with section 5.4 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter.

(9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) ~~is installed a deduction applicant installs~~ after June 30, 2000, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) laboratory equipment;
- (ii) research and development equipment;
- (iii) computers and computer software;
- (iv) telecommunications equipment; or
- (v) testing equipment;

(C) ~~is used the deduction applicant uses~~ in research and development activities devoted directly and exclusively to experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; and

(D) ~~is acquired by the property owner the deduction applicant acquires~~ for purposes described in this subdivision; and was

(E) ~~the deduction applicant never before used by the owner~~ for any purpose in Indiana ~~before the installation described in clause (A).~~

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

(13) "New logistical distribution equipment" means tangible personal property that:

(A) ~~is installed a deduction applicant installs~~ after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization

area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) racking equipment;
- (ii) scanning or coding equipment;
- (iii) separators;
- (iv) conveyors;
- (v) fork lifts or lifting equipment (including "walk behinds");
- (vi) transitional moving equipment;
- (vii) packaging equipment;
- (viii) sorting and picking equipment; or
- (ix) software for technology used in logistical distribution;

(C) ~~is used the deduction applicant uses~~ for the storage or distribution of goods, services, or information; and

(D) ~~before being used as described in clause (C); was the deduction applicant never used by its owner~~ for any purpose in Indiana ~~before the installation described in clause (A).~~

(14) "New information technology equipment" means tangible personal property that:

(A) ~~is installed a deduction applicant installs~~ after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of equipment, including software, used in the fields of:

- (i) information processing;
- (ii) office automation;
- (iii) telecommunication facilities and networks;
- (iv) informatics;
- (v) network administration;
- (vi) software development; and
- (vii) fiber optics; and

(C) ~~before being installed as described in clause (A); was the deduction applicant never used by its owner~~ for any purpose in Indiana ~~before the installation described in clause (A).~~

(15) "Deduction applicant" means an owner of tangible personal property who makes a deduction application.

SECTION 8. IC 6-1.1-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) ~~If a petition and remonstrance process is commenced under section 3.2 of this chapter, This section applies to a political subdivision that adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease. During the period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under section 3.2(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the petition or remonstrance by doing any of the following:~~

- (1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be

used for public relations purposes to promote a position on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance (except as necessary to explain the project to the public) or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime.

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

(A) using students to transport written materials to their residences **or in any way directly involving students in a school organized promotion of a position;** or

(B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the employee's office or agency.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a petition or remonstrance.

SECTION 9. IC 6-1.1-20.6-4, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "qualified residential property" refers to any of the following that a county fiscal body specifically makes eligible for a credit under this chapter in an ordinance adopted under section 6 of this chapter **and to all of the following for purposes of section 6.5 of this chapter:**

- (1) An apartment complex.
- (2) A homestead.
- (3) Residential rental property.

SECTION 10. IC 6-1.1-20.6-6, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. **(a) This section applies only to property taxes first due and payable before January 1, 2008.**

~~(a)~~ **(b)** A county fiscal body:

- (1) may adopt an ordinance to authorize the application of the credit under this chapter for one (1) or more calendar years to qualified residential property in the county; and
- (2) must adopt an ordinance under subdivision (1) before July 1 of a calendar year to authorize the credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

~~(b)~~ **(c)** An ordinance adopted under this section must specify the

categories of residential property listed in section 4 of this chapter that are eligible for the credit provided under this chapter.

SECTION 11. IC 6-1.1-20.6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.5. (a) This subsection applies only to property taxes first due and payable after December 31, 2007, and before January 1, 2010. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property.**

(b) This subsection applies only to property taxes first due and payable after December 31, 2009. A person is entitled to a credit each calendar year under section 7(b) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property.

SECTION 12. IC 6-1.1-20.6-7, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~If the~~ **(a) In the case of a credit under this chapter is authorized under section 2 section 6 of this chapter or provided by section 6.5(a) of this chapter for property taxes first due and payable in a calendar year:**

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property located in the county; and

(2) the amount of the credit is the amount by which the person's property tax liability attributable to the person's qualified residential property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the qualified residential property for property taxes first due and payable in that calendar year.

(b) In the case of a credit provided by section 6.5(b) of this chapter for property taxes first due and payable in a calendar year:

(1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property located in the county; and

(2) the amount of the credit is the amount by which the person's property tax liability attributable to the person's real property and personal property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the real property and personal property for property taxes first due and payable in that calendar year.

SECTION 13. IC 6-1.1-20.6-8, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person is not required to file an application for the credit under this chapter. The county auditor shall:

- (1) identify ~~qualified residential~~ the property in the county eligible for the credit under this chapter; and

(2) apply the credit under this chapter to property tax liability on the identified ~~qualified residential~~ property.

SECTION 14. IC 6-1.1-20.6-9, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. **(a) This section applies only to credits under this chapter against property taxes first due and payable before January 1, 2007.**

(b) The fiscal body of a county may adopt an ordinance to authorize the county fiscal officer to borrow money repayable over a term not to exceed five (5) years in an amount sufficient to compensate the political subdivisions located wholly or in part in the county for the reduction of property tax collections in a calendar year that results from the application of the credit under this chapter for that calendar year.

~~(b)~~ **(c)** The county fiscal officer shall distribute in a calendar year to each political subdivision located wholly or in part in the county loan proceeds under subsection ~~(a)~~ **(b)** for that calendar year in the amount by which the property tax collections of the political subdivision in that calendar year are reduced as a result of the application of the credit under this chapter for that calendar year.

~~(c)~~ **(d)** If the county fiscal officer distributes money to political subdivisions under subsection ~~(b)~~; **(c)**, the political subdivisions that receive the distributions shall repay the loan under subsection ~~(a)~~ **(b)** over the term of the loan. Each political subdivision that receives a distribution under subsection ~~(b)~~; **(c)**:

(1) shall:

(A) appropriate for each year in which the loan is to be repaid an amount sufficient to pay the part of the principal and interest on the loan attributable to the distribution received by the political subdivision under subsection ~~(b)~~; **(c)**; and

(B) raise property tax revenue in each year in which the loan is to be repaid in the amount necessary to meet the appropriation under clause (A); and

(2) other than the county, shall transfer to the county fiscal officer money dedicated under this section to repayment of the loan in time to allow the county to meet the loan repayment schedule.

~~(d)~~ **(e)** Property taxes imposed under subsection ~~(c)~~ **(1)(B)** are subject to levy limitations under IC 6-1.1-18.5 or IC 6-1.1-19.

~~(e)~~ **(f)** The obligation to:

(1) repay; or

(2) contribute to the repayment of;

the loan under subsection ~~(a)~~ **(b)** is not a basis for a political subdivision to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 6-1.1-19.

~~(f)~~ **(g)** The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(h) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in subsection (b) for the political subdivision for that year.

SECTION 15. IC 6-1.1-20.6-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 9.5. **(a) This section applies only to credits under this chapter against property taxes first due and payable after December 31, 2006.**

(b) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(c) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction of property tax collections referred to in subsection (b) for the political subdivision for that year.

(d) A political subdivision may not borrow money to compensate the political subdivision or any other political subdivision for the reduction of property tax collections referred to in subsection (b).

SECTION 16. IC 6-1.1-21-2, AS AMENDED BY P.L.1-2005, SECTION 92, AND AS AMENDED BY P.L.246-2005, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed on or before March 1 of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

~~(1)~~ the remainder of:

~~(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year; adjusted; however, for any postabstract adjustments which change the amount of the aggregate levy; minus~~

~~(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:~~

~~(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus~~

~~(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus~~

~~(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus~~

~~(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the~~

authority of IC 12-1-11.5 (repealed); IC 12-2-4.5 (repealed); IC 12-19-5; or IC 12-20-24; minus

(1) the total amount of:

(A) controlled property taxes imposed in the county that does not exceed the sum of the controlled levy limits of each political subdivision in the county, as determined under IC 6-12;

(B) that part of the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

- (i) is entered into after December 31, 1983; before January 1, 1984;
- (ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and or
- (iii) does not constitute constitutes debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (repealed) were satisfied prior to January 1, 1984; minus and

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

- (i) (C) that part of the total property taxes imposed in the county for the stated assessment year a cumulative building fund established or reestablished under authority of IC 21-2-6 (repealed) or under any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus (before its repeal)**
- (ii) to the total extent of the amount of property taxes imposed in the county for the fund for the 1984 stated assessment year; under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus**

(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 for a capital projects fund; plus
- (ii) IC 6-1.1-19-10 for a racial balance fund; plus
- (iii) IC 20-14-13 IC 36-12-12 for a library capital projects fund; plus
- (iv) IC 20-5-17.5-3 IC 36-10-13-7 for an art association fund; plus
- (v) IC 21-2-17 for a special education preschool fund; plus
- (vi) IC 21-2-11.6 for a referendum tax levy fund; plus
- (vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
- (viii) an appeal filed under IC 6-1.1-19-5.4 for an increase

in a school corporation's maximum permissible general fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19; including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county; the lesser of:

- (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE; whichever is applicable; plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or
- (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1; the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county; the sum of:

- (i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995; or for property taxes payable in each year after 1995; the amount determined under IC 12-19-7-4(b); and
- (ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995; or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid. plus

(3) the amounts; if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year; as provided in IC 6-3.5-1.1; plus

(4) the amounts; if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

- (A) the amount determined in IC 6-1.1-18.5-3(c) STEP FOUR; minus**
- (B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(c);**

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare on or before March 1 of each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, *except as otherwise provided by law*, equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) **The result of:**

(A) twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year; **minus**

(B) **twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for which a C corporation is liable for the property taxes for a stated assessment year.**

(3) **The following percentage of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for which a C corporation is liable for the property taxes for a stated assessment year:**

(A) **For property taxes first due and payable in 2007, nineteen percent (19%).**

(B) **For property taxes first due and payable in 2008, eighteen percent (18%).**

(C) **For property taxes first due and payable in 2009, seventeen percent (17%).**

(D) **For property taxes first due and payable in 2010, sixteen percent (16%).**

(E) **For property taxes first due and payable in 2011 and thereafter, fifteen percent (15%).**

(~~3~~) (4) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

(1) held for sale in the ordinary course of a trade or business; or
(2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, *except as otherwise provided by law*, the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) **The result of:**

(A) twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school

corporation that is part of the total county tax levy) on real property; **minus**

(B) **twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for which a C corporation is liable for the property taxes for a stated assessment year.**

(3) **The following percentage of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for which a C corporation is liable for the property taxes for a stated assessment year:**

(A) **For property taxes first due and payable in 2007, nineteen percent (19%).**

(B) **For property taxes first due and payable in 2008, eighteen percent (18%).**

(C) **For property taxes first due and payable in 2009, seventeen percent (17%).**

(D) **For property taxes first due and payable in 2010, sixteen percent (16%).**

(E) **For property taxes first due and payable in 2011 and thereafter, fifteen percent (15%).**

(~~3~~) (4) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) "*Board*" refers to the property tax replacement fund board established under section 10 of this chapter.

(p) "**C corporation**" has the meaning set forth in Section 1361 of the Internal Revenue Code.

SECTION 17. IC 6-1.1-21-2.5, AS ADDED BY P.L.246-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.5. (a) Annually, before the department determines the eligible property tax replacement amount for a year under section 3 of this chapter and the department of local government finance makes its certification under section 3(b) of this chapter, the budget agency shall determine the sum of the following:

(1) One billion one hundred twenty-one million seven hundred thousand dollars (\$1,121,700,000).

(2) An amount equal to the net amount of revenue, after deducting collection allowances and refunds, that the budget agency estimates will be collected in a particular calendar year from the part of the gross retail and use tax rate imposed under IC 6-2.5 equal to one percent (1%).

The estimate made under this subsection must be consistent with the latest technical forecast of state revenues that is prepared for distribution to the general assembly and the general public and available to the budget agency at the time that the estimate is made.

(b) The department may not distribute eligible property tax replacement amounts and eligible homestead credit replacement amounts for a year under this chapter that, in the aggregate, is less than the amount computed under subsection (a).

(c) Annually, before the department determines the eligible property tax replacement amount for a year under section 3 of this chapter and the department of local government finance makes its certification under section 3(b) of this chapter, the budget agency shall determine whether the total amount of property tax replacement credits granted in Indiana under section 5 of this chapter and homestead credits granted in Indiana under IC 6-1.1-20.9-2 for a year, determined without applying subsection (b), will be less than the amount determined under subsection (b). The budget agency shall give notice of its determination to the members of the board and, in an electronic format under IC 5-14-6, the general assembly. If the budget agency determines that the amount determined under subsection (b) will not be exceeded in a particular year, the board shall increase for that year the percentages used to determine a taxpayer's property tax replacement credit amount and the homestead credit percentage applicable under IC 6-1.1-20.9-2 so that the total amount of property tax replacement credits granted in Indiana under section 5 of this chapter and homestead credits granted in Indiana under IC 6-1.1-20.9-2 at least equals the amount determined under subsection (b). In making adjustments under this subsection, the board shall increase percentages in the following order until the total of property tax replacement credits granted under section 5 of this chapter and homestead credits granted under IC 6-1.1-20.9-2 for the year at least equals the amount determined under subsection (b):

(1) The homestead credit percentage specified in IC 6-1.1-20.9-2 until the homestead percentage reaches the lesser of:

(A) thirty percent (30%); or

(B) the percentage at which the total of property tax replacement credits granted under section 5 of this chapter and homestead credits granted under IC 6-1.1-20.9-2 for the year at least equals the amount determined under subsection (b).

(2) If the amount determined under subsection (b) is not exceeded after increasing the homestead percentage under subdivision (1), the board shall increase the property tax replacement credit percentage specified in section 2(j)(1) and 2(l)(1) of this chapter until the property tax replacement percentage reaches the lesser of:

(A) seventy percent (70%); or

(B) the percentage at which the total of property tax replacement credits granted under section 5 of this chapter and homestead credits granted under IC 6-1.1-20.9-2 for the year, as adjusted under this subsection, at least equals the amount determined under subsection (b).

(3) If the amount determined under subsection (b) is not exceeded after making all possible increases in credit percentages under subdivisions (1) and (2), the board shall increase the property tax replacement credit percentages specified in section 2(j)(2), 2(j)(3), **2(j)4**, 2(l)(2), ~~and 2(l)(3), and 2(l)(4)~~ of this chapter to the percentage at the total of property tax replacement credits granted under section 5 of this chapter and homestead credits granted under IC 6-1.1-20.9-2 for

the year, as adjusted under this subsection, at least equals the amount determined under subsection (b).

(d) The adjusted percentages set under subsection (c):

(1) are the percentages that apply under:

(A) section 5 of this chapter to determine a taxpayer's property tax replacement credit amount; and

(B) IC 6-1.1-20.9-2 to determine a taxpayer's homestead credit; and

(2) must be used by the:

(A) department in estimating the eligible property tax replacement amount under section 3 of this chapter; and

(B) department of local government finance in making its certification under section 3(b) of this chapter;

and for all other purposes under this chapter and IC 6-1.1-20.9 related to distributions under this chapter;

for the particular year covered by a budget agency's determination under subsection (c).

SECTION 18. IC 6-1.1-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) Each year the taxpayers of each county shall receive a credit for property tax replacement in the amount of each taxpayer's property tax replacement credit amount for taxes which:

(1) under IC 6-1.1-22-9 are due and payable in May and November of that year; or

(2) under IC 6-1.1-22-9.5 are due in installments established by the department of local government finance for that year.

The credit shall be applied to each installment of taxes. The dollar amount of the credit for each taxpayer shall be determined by the county auditor, based on data furnished by the department of local government finance.

(b) The tax liability of a taxpayer for the purpose of computing the credit for a particular year shall be based upon the taxpayer's tax liability **for that part of the total county tax levy imposed on the property of the taxpayer** as is evidenced by the tax duplicate for the taxes payable in that year, ~~plus the amount by which the tax payable by the taxpayer had been reduced due to the application of county adjusted gross income tax revenues to the extent the county adjusted gross income tax revenues were included in the determination of the total county tax levy for that year, as provided in sections 2(g) and 3 of this chapter;~~ adjusted, however, for any change in assessed valuation which may have been made pursuant to a postabstract adjustment if the change is set forth on the tax statement or on a corrected tax statement stating the taxpayer's tax liability, as prepared by the county treasurer in accordance with IC 6-1.1-22-8(a). ~~However, except when using the term under section 2(h)(1) of this chapter, the tax liability of a taxpayer does not include the amount of any property tax owed by the taxpayer that is attributable to that part of any property tax levy subtracted under section 2(g)(1)(B); 2(g)(1)(C); 2(g)(1)(D); 2(g)(1)(E); 2(g)(1)(F); 2(g)(1)(G); 2(g)(1)(H); 2(g)(1)(I); 2(g)(1)(J); or 2(g)(1)(K) of this chapter in computing the total county tax levy.~~

(c) The credit for taxes payable in a particular year with respect to mobile homes which are assessed under IC 6-1.1-7 is equivalent to the taxpayer's property tax replacement credit amount for the taxes payable with respect to the assessments. ~~plus the adjustments stated in this section.~~

(d) Each taxpayer in a taxing district that contains all or part of an economic development district that meets the requirements of section 5.5 of this chapter is entitled to an additional credit for property tax replacement. This credit is equal to the product of:

- (1) the STEP TWO quotient determined under section 4(a)(3) of this chapter for the taxing district; multiplied by
- (2) the taxpayer's taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

SECTION 19. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The county treasurer shall either:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

- (1) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body

shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

(1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

(2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

(A) The homestead credit and all property tax deductions.

(B) The procedure and deadline for filing for the homestead credit and each deduction.

(C) The procedure that a taxpayer must follow to:

(i) appeal a current assessment; or

(ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.

(D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county

treasurer.

(5) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

- (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
- (2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).

(h) This section expires January 1, 2008.

SECTION 20. IC 6-1.1-22-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8.1. (a) This section applies only to property taxes and special assessments first due and payable after December 31, 2007.**

(b) The county treasurer shall:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (c).

(c) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (b) that includes at least the following:

- (1) A statement of the taxpayer's current and delinquent taxes and special assessments.
- (2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (3) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.
- (5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(6) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

- (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
- (B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(7) An explanation of the following:

- (A) The homestead credit and all property tax deductions.
- (B) The procedure and deadline for filing for the homestead credit and each deduction.
- (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
- (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (b).

(d) The county treasurer may mail or transmit the statement one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(e) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(f) The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included in the statement under subsection (c).

(g) The information to be included in the statement under subsection (c) must be simply and clearly presented and understandable to the average individual.

SECTION 21. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:**

- (1) with respect to a homestead (as defined in IC 6-1.1-20.9-1); and
- (2) that are not payable in one (1) installment under section 9(b) of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with respect to:

- (1) real property that are based on the assessment of the property in the immediately preceding year; or
- (2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor, and the county treasurer~~ must approve a petition under this subsection.

(c) The department of local government finance:

(1) may not establish a date for:

- (A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;
- (B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or
- (C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

- (A) prescribe the form of the petition under subsection (b);
- (B) determine the information required on the form; and
- (C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

- (1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

- (A) used to repay temporary loans entered into by a political subdivision for; and
- (B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter.

SECTION 22. IC 6-1.1-40-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4. As used in this chapter, "new manufacturing equipment" means any tangible personal property that **an applicant for the deduction under section 11 of this chapter:**

- (1) is ~~installed~~ **installs** in a district;
- (2) is ~~used~~ **uses** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property; ~~and~~

(3) ~~was acquired by its owner~~ **acquires** for use as described in subdivision (2); and

(4) ~~was never before used by its owner~~ for any purpose in Indiana **before the installation described in subdivision (1).**

SECTION 23. IC 6-1.1-45-9, AS ADDED BY P.L.214-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) **Subject to subsection (c),** a taxpayer that makes a qualified investment is entitled to a deduction from the assessed value of the taxpayer's enterprise zone property located at the enterprise zone location for which the taxpayer made the qualified investment. The amount of the deduction is equal to the remainder of:

- (1) the total amount of the assessed value of the taxpayer's enterprise zone property assessed at the enterprise zone location on a particular assessment date; minus
- (2) the total amount of the base year assessed value for the enterprise zone location.

(b) To receive the deduction allowed under subsection (a) for a particular year, a taxpayer must comply with the conditions set forth in this chapter.

(c) A taxpayer that makes a qualified investment in an enterprise zone established under IC 5-28-15-11 that is under the jurisdiction of a military base reuse authority board created under IC 36-7-30-3 is entitled to a deduction under this section only if the deduction is approved by the military base reuse authority board.

SECTION 24. IC 6-2.3-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. **"Gross consideration" refers to anything of value, including cash or other tangible or intangible property, that a taxpayer pays in consideration for the retail purchase of utility services for consumption before deduction of any costs incurred in providing the utility services.**

SECTION 25. IC 6-2.3-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. **Subject to IC 6-2.3-2 and this chapter, gross receipts derived from activities or businesses or any other sources within Indiana include furnishing utility services to an end user in Indiana for consumption in Indiana, regardless of whether the:**

- (1) utility services are delivered through the pipelines, transmission lines, or other property of another person;
- (2) taxpayer providing the utility service is or is not a resident or a domiciliary of Indiana; or
- (3) **transaction is subject to a deduction under IC 6-2.3-5-5.**

SECTION 26. IC 6-2.3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 5.5. Utility Services Use Tax

Sec. 1. An excise tax, known as the utility services use tax, is imposed on the retail consumption of utility services in Indiana that are billed after June 30, 2006.

Sec. 2. The utility services use tax is measured by the gross consideration received by the seller from the sale of the commodities or services listed in IC 6-2.3-1-14(1) through IC 6-2.3-1-14(6).

Sec. 3. The utility services use tax is imposed at the same rate as the utility receipts tax under IC 6-2.3-2-2.

Sec. 4. The retail consumption of utility services in Indiana is exempt from the utility services use tax if the:

- (1) transaction is subject to utility receipts tax (including a public utility (as defined in IC 8-1-2-1) and the utility receipts tax is paid on the gross receipts from the utility services;
- (2) gross receipts from the transaction are not taxable under IC 6-2.3-3 and the utility services are consumed for the purposes for which the gross receipts were excluded from taxation;
- (3) utility services were acquired in a transaction that is wholly or partially exempt from the utility receipts tax under IC 6-2.3-4 and the utility services are consumed for the purpose for which the utility services were exempted; or
- (4) utility services were acquired in a transaction that is wholly or partially subject to a deduction from the utility receipts tax under IC 6-2.3-5-6 and the utility services are consumed for the purpose for which the utility services deduction was given.

Sec. 5. A person is entitled to a credit against the utility services use tax imposed on the retail consumption of utility services equal to the amount, if any, of utility services use tax paid to another state. Payment of a general sales tax, purchase tax, or use tax to another state does not qualify for a credit under this section.

Sec. 6. The person who consumes utility services is personally liable for the utility services use tax.

Sec. 7. The department shall establish procedures for the collection of the utility services use tax from users, including deposit and reporting requirements, deposit dates, and reporting dates. Failure to comply with the procedures is subject to the penalties in IC 6-8.1.

Sec. 8. Any seller of utility services may elect to register with the department to collect utility services use tax on behalf of persons liable for the utility services use tax imposed under this chapter. A seller must comply with the collection and reporting procedures specified by the department only if the seller enters into an agreement with the department under this section.

Sec. 9. (a) This subsection applies only to a person who receives utility services from a seller that enters into an agreement under section 8 of this chapter. The person liable for the utility services use tax shall pay the tax to the seller from whom the person purchased the utility services, and the seller shall collect the tax as an agent for the state, if the seller has departmental permission from the department to collect the tax.

(b) In all other cases, the person liable for the utility services use tax shall pay the utility services use tax directly to the department.

Sec. 10. When a seller collects the utility services use tax from a person, the seller shall, upon request, issue a receipt to that person for the utility services use tax collected.

Sec. 11. If:

- (1) the department assesses the utility services use tax against a person for the person's retail consumption of utility services; and
- (2) the person has already paid the utility services use tax in relation to the utility services to a seller permitted to collect the utility services use tax under section 8 of this chapter;

the person may avoid paying the utility services use tax to the department if the person can produce a receipt or other written evidence showing that the person paid the utility services use tax to the seller.

Sec. 12. (a) An individual who:

- (1) is an employee, officer, or member of a corporation, partnership, or limited liability company; and
- (2) has a duty to remit utility services use tax to the department under an agreement entered into under section 8 of this chapter or under section 9(b) of this chapter by virtue of the individual's responsibilities within the corporation, partnership, or limited liability company;

holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

(b) If an individual described in subsection (a) knowingly fails to collect or remit the specified taxes to the state, the individual commits a Class D felony.

SECTION 27. IC 6-2.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

- (1) is acquired in a transaction that is an isolated or occasional sale; and
- (2) is required to be titled, licensed, or registered by this state for use in Indiana.

(c) The use tax is imposed on the addition of tangible personal property to a structure or facility, if, after its addition, the property becomes part of the real estate on which the structure or facility is located. However, the use tax does not apply to additions of tangible personal property described in this subsection, if:

- (1) the state gross retail or use tax has been previously imposed on the sale or use of that property; or
- (2) the ultimate purchaser or recipient of that property would have been exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.

(d) The use tax is imposed on a person who:

- (1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and
- (2) uses, stores, distributes, or consumes tangible personal property in Indiana.

(e) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property, if:

- (1) the property is delivered into Indiana by or for the purchaser of the property;
- (2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and

(3) the property is subsequently transported out of state for use solely outside Indiana.

SECTION 28. IC 6-2.5-4-5, AS AMENDED BY P.L.203-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, refining, oil extraction, mineral extraction, irrigation, agriculture, or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

(i) relocates all or part of its operations to a facility; or

(ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area, the business must satisfy at least one (1) of the following criteria:

(i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(ii) The business is a United States Department of Defense contractor.

(iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

(5) The power subsidiary or person sells services or commodities that:

(A) are referred to in subsection (b); and

(B) qualify as home energy (as defined in IC 12-14-11-2); to a person who acquires the services or commodities after June 30, 2006, and before July 1, 2007, through a program administered by the division of family resources under IC 12-14-11.

SECTION 29. IC 6-2.5-5-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. (a) As used in this section, "home energy" has the meaning set forth in IC 12-14-11-2.

(b) Transactions involving home energy are exempt from the state gross retail tax if the person acquiring the home energy acquires it after June 30, 2006, and before July 1, 2007, through a program administered by the division of family resources under IC 12-14-11.

SECTION 30. IC 6-2.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) In determining the amount of state gross retail and use taxes which a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:

(1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the purchaser;

(2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and

(3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from

retail transactions for the particular reporting period in which the retail merchant makes the collection.

(c) This subsection applies only to retail transactions occurring after June 30, ~~2004~~ 2006. The right to a deduction under this section is **not** assignable. ~~only if the retail merchant that paid the state gross retail or use tax liability assigned the right to the deduction in writing.~~

(d) The following provisions apply to a deduction for a receivable treated as uncollectible debt under subsection (a):

- (1) The deduction does not include interest.
- (2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to exclude:
 - (A) financing charges or interest;
 - (B) sales or use taxes charged on the purchase price;
 - (C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;
 - (D) expenses incurred in attempting to collect any debt; and
 - (E) repossessed property.
- (3) The deduction shall be claimed on the return for the period during which the receivable is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subdivision, a claimant who is not required to file federal income tax returns may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off as uncollectible in the claimant's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the claimant were required to file a federal income tax return.
- (4) If the amount of uncollectible receivables claimed as a deduction by a retail merchant for a particular reporting period exceeds the amount of the retail merchant's taxable sales for that reporting period, the retail merchant may file a refund claim under IC 6-8.1-9. However, the deadline for the refund claim shall be measured from the due date of the return for the reporting period on which the deduction for the uncollectible receivables could first be claimed.
- (5) If a retail merchant's filing responsibilities have been assumed by a certified service provider (as defined in IC 6-2.5-11-2), the certified service provider may claim, on behalf of the retail merchant, any deduction or refund for uncollectible receivables provided by this section. The certified service provider must credit or refund the full amount of any deduction or refund received to the retail merchant.
- (6) For purposes of reporting a payment received on a previously claimed uncollectible receivable, any payments made on a debt or account shall be applied first proportionally to the taxable price of the property and the state gross retail tax or use tax thereon, and secondly to interest, service charges, and any other charges.
- (7) A retail merchant claiming a deduction for an uncollectible receivable may allocate that receivable among the states that are members of the streamlined sales and use tax agreement if the books and records of the retail merchant support that allocation.

SECTION 31. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and
 - (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).
 This amount is in addition to the amount subtracted under subdivision (4).
- (6) Subtract an amount equal to the lesser of:
 - (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
 - (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
- (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
- (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).
- (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples

filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

(A) for a taxable year:

- (i) including any part of 2004, the amount determined under subsection (f); and
- (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or

(B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year

equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as

defined in Section 801 of the Internal Revenue Code), adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
 - (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
 - (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
 - (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
 - (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
 - (6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.
 - (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
 - (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.
- (3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.
- (4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.
- (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not

been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

- (6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
 - (7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
 - (8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
 - (2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.
 - (3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
 - (4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.
 - (5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).
 - (6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.
- (f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal

to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 32. IC 6-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

- (1) income from real or tangible personal property located in this state;
- (2) income from doing business in this state;
- (3) income from a trade or profession conducted in this state;
- (4) compensation for labor or services rendered within this state; and
- (5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter.

In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter) only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (r) is considered derived from sources within Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, ~~then~~ the business income derived from sources within this state shall be determined by multiplying the business income derived from sources both within and without the state of Indiana by ~~a fraction the numerator of which is the property factor plus the payroll factor plus the sales factor, and the denominator of which is three (3). However, after a period of two (2) consecutive quarters of income growth and one (1) additional quarter (regardless of any income growth); the~~

~~fraction shall be computed as follows: the following:~~

(1) For all taxable years that begin ~~within the first calendar year immediately following the period; after December 31, 2006, and before January 1, 2008, a fraction.~~ The:

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus ~~one hundred thirty-three percent (133%)~~ **the product of the sales factor multiplied by three (3); and the**

(B) denominator of the fraction is ~~three and thirty-three hundredths (3.33): five (5).~~

(2) For all taxable years that begin ~~within the second calendar year following the period; after December 31, 2007, and before January 1, 2009, a fraction.~~ The:

(A) numerator of the fraction is the property factor plus the payroll factor plus ~~one hundred sixty-seven percent (167%)~~ **the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and the**

(B) denominator of the fraction is ~~three six and sixty-seven hundredths (3.67): (6.67).~~

(3) For all taxable years beginning ~~on or after January 1 of the third calendar year following the period; December 31, 2008, and before January 1, 2010, a fraction.~~ The:

(A) numerator of the fraction is the property factor plus the payroll factor plus ~~two hundred percent (200%)~~ **the product of the sales factor multiplied by eight (8); and the**

(B) denominator of the fraction is ~~four (4): ten (10).~~

(4) For all taxable years beginning ~~after December 31, 2009, and before January 1, 2011, a fraction.~~ The:

(A) numerator of the fraction is ~~the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and~~

(B) denominator of the fraction is ~~twenty (20).~~

(5) For all taxable years beginning ~~after December 31, 2010, the sales factor.~~

For purposes of this subsection, income growth occurs when the state's nonfarm personal income for a calendar quarter increases in comparison with the state's nonfarm personal income for the immediately preceding quarter at an annualized compound rate of five percent (5%) or more, as determined by the budget agency based on current dollar figures provided by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency. The annualized compound rate shall be computed in accordance with the formula $(1+N)^4 - 1$, where N equals the percentage change in the state's current dollar nonfarm personal income from one (1) quarter to the next. As soon as possible after two (2) consecutive quarters of income growth, the budget agency shall advise the department of the growth.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8)

times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

- (1) the individual's service is performed entirely within the state;
- (2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or
- (3) some of the service is performed in this state and:
 - (A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or
 - (B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter. **Regardless of the f.o.b. point or other conditions of the sale,** sales of tangible personal property are in this state if:

- (1) the property is delivered or shipped to a purchaser **who is within Indiana**, other than the United States government; **within this state, regardless of the f.o.b. point or other conditions of the sale;** or
- (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and:
 - (A) the purchaser is the United States government; or
 - (B) the taxpayer is not taxable in the state of the purchaser.

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than receipts from intangible property covered by subsection (e) and sales of tangible personal property, are in this state if:

- (1) the income-producing activity is performed in this state; or
- (2) the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

- (i) if and to the extent that the property is utilized in this state; or
- (ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

- (i) the property had a situs in this state at the time of the sale; or
- (ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

- (i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or
- (ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) separate accounting;
- (2) **for a taxable year beginning before January 1, 2011**, the exclusion of any one (1) or more of the factors, **except the sales factor**;
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

- (1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or
- (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

- (1) a foreign corporation; or
- (2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. **A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.**

(r) This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income

that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

- (1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and
- (2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's annual statement filed with the department of insurance.

SECTION 33. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The following definitions apply throughout this section:**

(1) **"Affiliated group" has the meaning provided in Section 1504 of the Internal Revenue Code, except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%).**

(2) **"Directly related intangible interest expenses" means interest expenses that are paid to, or accrued or incurred as a liability to, a recipient if:**

- (A) the amounts represent, in the hands of the recipient, income from making one (1) or more loans; and
- (B) the funds loaned were originally received by the recipient from the payment of intangible expenses by any of the following:
 - (i) The taxpayer.
 - (ii) A member of the same affiliated group as the taxpayer.
 - (iii) A foreign corporation.

(3) **"Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and would be a member of the same affiliated group as the taxpayer if the corporation were organized under the laws of the United States.**

(4) **"Intangible expenses" means the following amounts to the extent these amounts are allowed as deductions in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deduction and special deductions for the taxable year:**

- (A) Expenses, losses, and costs directly for, related to, or in connection with the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property.
- (B) Royalty, patent, technical, and copyright fees.
- (C) Licensing fees.
- (D) Other substantially similar expenses and costs.

(5) **"Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and substantially similar types of intangible assets.**

(6) **"Interest expenses" means amounts that are allowed as deductions under Section 163 of the Internal Revenue Code in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deductions and special deductions for the**

taxable year.

(7) "Makes a disclosure" means a taxpayer provides the following information regarding a transaction with a member of the same affiliated group or a foreign corporation involving an intangible expense and any directly related intangible interest expense with the taxpayer's tax return on the forms prescribed by the department:

- (A) The name of the recipient.
- (B) The state or country of domicile of the recipient.
- (C) The amount paid to the recipient.
- (D) A copy of federal Form 851, Affiliation Schedule, as filed with the taxpayer's federal consolidated tax return.
- (E) The information needed to determine the taxpayer's status under the exceptions listed in subsection (c).

(8) "Recipient" means:

- (A) a member of the same affiliated group as the taxpayer; or
- (B) a foreign corporation;

to which is paid an item of income that corresponds to an intangible expense or any directly related intangible interest expense.

(9) "Unrelated party" means a person that, with respect to the taxpayer, is not a member of the same affiliated group or a foreign corporation.

(b) Except as provided in subsection (c), in determining its adjusted gross income under IC 6-3-1-3.5(b), a corporation subject to the tax imposed by IC 6-3-2-1 shall add to its taxable income under Section 63 of the Internal Revenue Code:

- (1) intangible expenses; and
- (2) any directly related intangible interest expenses;

paid, accrued, or incurred with one (1) or more members of the same affiliated group or with one (1) or more foreign corporations.

(c) The addition of intangible expenses or any directly related intangible interest expenses otherwise required in a taxable year under subsection (b) is not required if one (1) or more of the following apply to the taxable year:

- (1) The taxpayer and the recipient are both included in the same consolidated tax return filed under IC 6-3-4-14 or in the same combined return filed under IC 6-3-2-2(q) for the taxable year.
- (2) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the item of income corresponding to the intangible expenses and any directly related intangible interest expenses was included within the recipient's income that is subject to tax in:

- (i) a state or possession of the United States; or
- (ii) a country other than the United States;

that is the recipient's commercial domicile and that imposes a net income tax, a franchise tax measured, in whole or in part, by net income, or a value added tax; and

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient was made at a

commercially reasonable rate and at terms comparable to an arm's length transaction.

(3) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

- (A) the recipient regularly engages in transactions involving intangible property with one (1) or more unrelated parties on terms substantially similar to those of the subject transaction; and
- (B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(4) The taxpayer and the department agree, in writing, to the application or use of an alternative method of allocation or appointment under section 2(l) or 2(m) of this chapter.

(5) Upon request by the taxpayer, the department determines that the adjustment otherwise required by this section is unreasonable.

(6) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

- (A) the recipient is engaged in:
 - (i) substantial business activities from the acquisition, use, licensing, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property; or
 - (ii) other substantial business activities separate and apart from the business activities described in item (i); as evidenced by the maintenance of a permanent office space and an adequate number of full-time, experienced employees;
- (B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose; and
- (C) the transactions were made at a commercially reasonable rate and at terms comparable to an arm's length transaction.

(7) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

- (A) the recipient paid, accrued, or incurred a liability to an unrelated party during the taxable year for an equal or greater amount that was directly for, related to, or in connection with the same intangible property giving rise to the intangible expenses; and
- (B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

SECTION 34. IC 6-3-4-4.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.1. (a) This section applies to taxable years beginning after December 31, 1993.

(b) Any individual required by the Internal Revenue Code to file estimated tax returns and to make payments on account of such estimated tax shall file estimated tax returns and make payments of the tax imposed by this article to the department at the time or times

and in the installments as provided by Section 6654 of the Internal Revenue Code. However, in applying Section 6654 of the Internal Revenue Code for the purposes of this article, "estimated tax" means the amount which the individual estimates as the amount of the adjusted gross income tax imposed by this article for the taxable year, minus the amount which the individual estimates as the sum of any credits against the tax provided by IC 6-3-3.

(c) Every individual who has adjusted gross income subject to the tax imposed by this article and from which tax is not withheld under the requirements of section 8 of this chapter shall make a declaration of estimated tax for the taxable year. However, no such declaration shall be required if the estimated tax can reasonably be expected to be less than four hundred dollars (\$400). In the case of an underpayment of the estimated tax as provided in Section 6654 of the Internal Revenue Code, there shall be added to the tax a penalty in an amount prescribed by IC 6-8.1-10-2.1(b).

(d) Every corporation subject to the adjusted gross income tax liability imposed by this article shall be required to report and pay an estimated tax equal to twenty-five percent (25%) of such corporation's estimated adjusted gross income tax liability for the taxable year. A taxpayer who uses a taxable year that ends on December 31 shall file the taxpayer's estimated adjusted gross income tax returns and pay the tax to the department on or before April 20, June 20, September 20, and December 20 of the taxable year. If a taxpayer uses a taxable year that does not end on December 31, the due dates for filing estimated adjusted gross income tax returns and paying the tax are on or before the twentieth day of the fourth, sixth, ninth, and twelfth months of the taxpayer's taxable year. The department shall prescribe the manner and forms for such reporting and payment.

(e) The penalty prescribed by IC 6-8.1-10-2.1(b) shall be assessed by the department on corporations failing to make payments as required in subsection (d) or (g). However, no penalty shall be assessed as to any estimated payments of adjusted gross income tax which equal or exceed:

- (1) twenty percent (20%) of the final tax liability for such taxable year; or
- (2) twenty-five percent (25%) of the final tax liability for the taxpayer's previous taxable year.

In addition, the penalty as to any underpayment of tax on an estimated return shall only be assessed on the difference between the actual amount paid by the corporation on such estimated return and twenty-five percent (25%) of the corporation's final adjusted gross income tax liability for such taxable year.

(f) The provisions of subsection (d) requiring the reporting and estimated payment of adjusted gross income tax shall be applicable only to corporations having an adjusted gross income tax liability which, after application of the credit allowed by IC 6-3-3-2 (repealed), shall exceed one thousand dollars (\$1,000) for its taxable year.

(g) If the department determines that a corporation's:

- (1) estimated quarterly adjusted gross income tax liability for the current year; or
- (2) average estimated quarterly adjusted gross income tax liability for the preceding year;

exceeds, before January 1, 1998, twenty thousand dollars (\$20,000), and, after December 31, 1997, ten thousand dollars (\$10,000), after the credit allowed by IC 6-3-3-2 (repealed), the corporation shall pay

the estimated adjusted gross income taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or overnight by courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(h) **Subject to subsection (i)**, if a corporation's adjusted gross income tax payment is made by electronic funds transfer, the corporation is not required to file an estimated adjusted gross income tax return.

(i) The reports required by the department to administer the county income tax under IC 6-11-11 shall be filed on the schedule determined by the department.

SECTION 35. IC 6-3-4-8.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8.1. (a) Any entity that is required to file a monthly return and make a monthly remittance of taxes under sections 8, 12, 13, and 15 of this chapter shall file those returns and make those remittances twenty (20) days (rather than thirty (30) days) after the end of each month for which those returns and remittances are filed, if that entity's average monthly remittance for the immediately preceding calendar year exceeds one thousand dollars (\$1,000).

(b) The department may require any entity to make the entity's monthly remittance and file the entity's monthly return twenty (20) days (rather than thirty (30) days) after the end of each month for which a return and payment are made if the department estimates that the entity's average monthly payment for the current calendar year will exceed one thousand dollars (\$1,000).

(c) If a person files a combined sales and withholding tax report and either this section or IC 6-2.5-6-1 requires the sales or withholding tax report to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.

(d) If the department determines that an entity's:

- (1) estimated monthly withholding tax remittance for the current year; or
- (2) average monthly withholding tax remittance for the preceding year;

exceeds ten thousand dollars (\$10,000), the entity shall remit the monthly withholding taxes due by electronic fund transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the remittance is due.

(e) **Subject to subsection (f)**, if an entity's withholding tax remittance is made by electronic fund transfer, the entity is not required to file a monthly withholding tax return.

(f) The reports required by the department to administer the county income tax under IC 6-11-11 shall be filed on the schedule determined by the department.

SECTION 36. IC 6-3.1-26-8, AS AMENDED BY P.L.199-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this chapter, "qualified investment" means the amount of the taxpayer's expenditures in Indiana for:

- (1) the purchase of new telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or

- logistical distribution equipment;
- (2) the purchase of new computers and related equipment;
- (3) costs associated with the modernization of existing telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution facilities;
- (4) onsite infrastructure improvements;
- (5) the construction of new telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution facilities;
- (6) costs associated with retooling existing machinery and equipment;
- (7) costs associated with the construction of special purpose buildings and foundations for use in the computer, software, biological sciences, or telecommunications industry; and
- (8) costs associated with the purchase ~~before January 1, 2008,~~ of machinery, equipment, or special purpose buildings used to make motion pictures or audio productions;

that are certified by the corporation under this chapter as being eligible for the credit under this chapter.

(b) The term does not include property that can be readily moved outside Indiana.

SECTION 37. IC 6-3.1-26-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) This chapter applies to taxable years beginning after December 31, 2003.

(b) Notwithstanding the other provisions of this chapter, ~~a taxpayer is not entitled to the corporation may not approve~~ a credit for a qualified investment made after December 31, ~~2007; 2009.~~ However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2008; 2010,~~ forward to a taxable year beginning after December 31, ~~2007; 2009,~~ in the manner provided by section 15 of this chapter.

SECTION 38. IC 6-3.5-1.1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) This section applies only to a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000).

(b) As used in this section, "fiscal year" means a twelve (12) month period beginning July 1 and ending June 30.

~~(b)~~ (c) The county council of a county described in subsection (a) may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to fund the operation and maintenance of a jail and juvenile detention center opened after July 1, 1998.

~~(c)~~ (d) Notwithstanding section 2 of this chapter, if the county council adopts an ordinance under subsection ~~(b)~~ (c), the county council may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) on adjusted gross income **for fiscal years beginning before July 1, 2011. However, a county may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) for only eight (8) years. For fiscal years beginning after the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) for eight (8) years June 30, 2011,** the rate is reduced to one percent (1%). If the county council imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%), the county council may decrease

the rate or rescind the tax in the manner provided under this chapter.

~~(d)~~ (e) If a county imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under this section, the revenue derived from a tax rate of one-tenth percent (0.1%) on adjusted gross income:

- (1) shall be paid to the county treasurer;
- (2) may be used only to pay the costs of operating a jail and juvenile detention center opened after July 1, 1998; and
- (3) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

SECTION 39. IC 6-3.5-1.1-2.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 2.8. (a) This section applies to:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); ~~and~~
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900); ~~and~~

(3) Jasper County.

(b) **Except as provided in subsection (h),** the county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, ~~or~~ **equip, operate, or maintain:**
 - (A) jail facilities;
 - (B) juvenile court, detention, and probation facilities;
 - (C) other criminal justice facilities; and
 - (D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes the finding and determination set forth in subsection (b). The tax imposed under this section may be imposed only until the later of the date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed or the date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid. The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of carrying out the purposes described in subsection (b)(1).

(e) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section.

County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(f) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(g) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

- (1) the completion of the financing, construction, acquisition, improvement, renovation, ~~and~~ equipping, **operation, and maintenance** described in subsection (b);
- (2) the payment or provision for payment of all the costs for activities described in subdivision (1);
- (3) the redemption of bonds issued; and
- (4) the final payment of lease rentals due under a lease entered into under this section;

shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

(h) In Jasper County, the additional county adjusted gross income tax revenue may be used only to operate or maintain:

- (1) jail facilities;
- (2) juvenile court, detention, and probation facilities;
- (3) other criminal justice facilities; and
- (4) related buildings and parking facilities;

located in the county.

SECTION 40. IC 6-8.1-1-1, AS AMENDED BY P.L.214-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the river boat admissions tax (IC 4-33-12); the river boat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1) (repealed); the utility receipts ~~tax~~ **and utility services use taxes** (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1) (**repealed**); the county option income tax (IC 6-3.5-6) (**repealed**); the county economic development income tax (IC 6-3.5-7) (**repealed**); the municipal option income tax (IC 6-3.5-8) (**repealed**); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); **the county income tax (IC 6-11)**; the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes

(IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 41. IC 6-9-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 39. County Option Dog Tax

Sec. 1. As used in this chapter, "animal care facility" includes an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane treatment of animals.

Sec. 2. (a) The fiscal body of a county may adopt an ordinance to impose a tax on dogs that a person harbors or keeps in or near the person's premises in the county, regardless of who owns the dog subject to the tax. The person who harbors or keeps a dog in the county is liable for the tax.

(b) The amount of the tax imposed under this section is equal to five dollars (\$5) per year for each dog subject to the tax.

Sec. 3. If an ordinance adopted under section 2 of this chapter is in effect in a county, the fiscal body of the county may rescind the ordinance imposing the county option dog tax.

Sec. 4. The fiscal body of a county may designate one (1) or more persons in the county to collect the tax imposed under section 2 of this chapter. A designee may retain a fee from the tax collected for each dog in an amount determined by the fiscal body not to exceed seventy-five cents (\$0.75). A designee shall remit the balance of the money collected to the county treasurer by the tenth day of each month.

Sec. 5. (a) If a county fiscal body adopts an ordinance under section 2 of this chapter, the county treasurer shall establish a county option dog tax fund.

(b) At the time a county option dog tax fund is established under subsection (a), the county treasurer shall establish a canine research account within the county option dog tax fund.

(c) Interest and investment income derived from money in a county option dog tax fund becomes part of the county option dog tax fund.

(d) Money in a county's county option dog tax fund at the end of a calendar year does not revert to the county's general fund.

Sec. 6. (a) A county treasurer that receives county option dog tax revenue under section 4 of this chapter shall deposit the money in the county option dog tax fund according to the following allocation:

- (1) Twenty percent (20%) for the canine research account.**
- (2) Eighty percent (80%) for the uses designated by the fiscal body of the county under subsection (c).**

(b) If an ordinance adopted under section 2 of this chapter is in effect in a county, the county auditor shall issue a warrant to the treasurer of state for the amount of money accumulated in the canine research account on or before each of the following dates:

- (1) January 31.**
- (2) April 30.**

(3) July 31.

(4) October 31.

If an ordinance adopted under section 2 of this chapter is rescinded under section 3 of this chapter, the county auditor shall issue a warrant to the auditor of state for the amount of money accumulated in the canine research account within ninety (90) days after the date on which the ordinance is rescinded.

(c) The fiscal body of a county that imposes a tax under this chapter may appropriate money in the county option dog tax fund, other than money allocated to the canine research account, for any of the following purposes:

(1) For the use of animal care facilities.

(2) For expenses associated with the pick up and disposal of dead animals.

(3) To reimburse farmers for livestock kills.

(d) The fiscal body of a county that imposes a tax under this chapter may establish requirements according to which individuals or entities are eligible to receive distributions of money appropriated for a purpose described in subsection (c).

Sec. 7. (a) A special canine research account within the state general fund shall be established. Any payments issued to the state under section 6(b) of this chapter shall be deposited in the canine research account in the state general fund.

(b) Any income earned on money held in the canine research account established under subsection (a) becomes a part of that account.

(c) Any revenue remaining in the canine research account established under subsection (a) at the end of a fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the Purdue University School of Veterinary Science and Medicine from the canine research account established under subsection (a) an amount equal to the sum of money deposited in the canine research account during the state fiscal year for its use in conducting canine disease research.

(e) On or about January 1 and July 1 of each year, if there is a positive balance in the canine research account established under subsection (a), the auditor of state shall issue a warrant to the Purdue University School of Veterinary Science and Medicine for an amount equal to the amount of money accumulated in the canine research account.

Sec. 8. (a) As used in this section, "municipality" has the meaning set forth in IC 36-1-2-11.

(b) The fiscal body of a municipality may levy a tax of up to two dollars (\$2) per year for each dog that a person harbors or keeps in or near the person's premises in the municipality, regardless of who owns the dog. The person who harbors or keeps the dog is liable for the tax.

(c) The fiscal body of a municipality that imposes a tax under subsection (a) shall determine the manner in which the tax is to be collected. The tax may be expended for any lawful purpose of the municipality.

(d) A tax imposed under this section is in addition to a tax imposed under section 2 of this chapter.

SECTION 42. IC 6-1-1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 11. COUNTY INCOME TAX

Chapter 1. Definitions

Sec. 1. The definitions in this chapter, IC 6-1.1, and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter, except sections 20 and 22 of this chapter, apply throughout IC 6-1.1-21, IC 6-12, IC 6-13, IC 6-14, IC 6-15, and IC 36-1-8-5.1.

Sec. 3. "Adjusted gross income" has the meaning set forth in IC 6-3-1-3.5.

Sec. 4. "Annual controlled tax increase" refers to the maximum amount by which the controlled taxes imposed for a political subdivision in an ensuing year may exceed the amount of controlled taxes imposed for a political subdivision in the immediately preceding year, as determined under IC 6-11-7.

Sec. 5. "Certified" refers to the certification by the department of a budget, tax, or tax rate under IC 6-13.

Sec. 6. "Controlled" means that a tax or tax rate is subject to the limitations imposed under IC 6-12. The term applies only to the following taxes:

(1) Property taxes (other than property taxes that qualify as excluded taxes).

(2) County income taxes (other than county income taxes that qualify as excluded taxes).

Sec. 7. "Controlled levy limit" refers to the maximum amount of controlled property taxes that are eligible for a state distribution under IC 6-1.1-21 to replace revenue lost from the granting of homestead credits under IC 6-1.1-20.9 and property tax replacement credits under IC 6-1.1-21-5.

Sec. 8. "Controlled tax limit" refers to the maximum total combination of controlled property taxes and controlled income taxes that may be imposed in a county in a year for a political subdivision, as determined under IC 6-12.

Sec. 9. "Council" refers to the county income tax council established in a county under IC 6-11-3.

Sec. 10. "County's total allowable tax increase amounts" refers to the sum of the annual controlled tax increases allowed in a county for each year after 2006.

Sec. 11. "Department" refers to the department of local government finance.

Sec. 12. "Eligible civil taxing unit" refers to a political subdivision eligible for a distribution of excluded taxes imposed under IC 6-11-8.

Sec. 13. "Excluded taxes" refers to any part of a:

(1) property tax levy or property tax rate; or

(2) county income tax or county income tax rate; that is not subject to the limitations imposed under IC 6-12.

Sec. 14. "Imposed" refers to:

(1) with respect to a property tax, the year in which the property tax is first due and payable (or would be first due and payable if the statement for the property taxes had been mailed before the date specified in IC 6-1.1-22-8); and

(2) with respect to an income tax, the year in which the tax is imposed on adjusted gross income regardless of when the tax is due.

Sec. 15. "Out-of-state resident", as it relates to a particular county, means an individual who:

(1) is not a resident of the county on the date specified in IC 6-11-4;

(2) maintains the individual's principal place of business or employment in the county on the date specified in IC 6-11-4; and

(3) is not a resident of another Indiana county on the date specified in IC 6-11-4.

Sec. 16. "Political subdivision's total allowable tax increase amount" refers to the sum of the annual controlled tax increases allowed in a county for a particular political subdivision for each year after 2006.

Sec. 17. "Property tax" refers to an ad valorem property tax.

Sec. 18. "Rainy day fund" refers to a political subdivision's rainy day fund established under IC 36-1-8-5.1.

Sec. 19. "Resident", as it relates to a particular county, means an individual who resides in the county on the date specified in IC 6-11-4.

Sec. 20. "Tax" refers to a county income tax.

Sec. 21. "Taxable property" means all tangible property that is subject to the tax imposed by IC 6-1.1 and is not exempt from the tax under IC 6-1.1-10 or any other law.

Sec. 22. "Taxpayer" refers to an individual who has tax liability in a county.

Chapter 2. Exempt Political Subdivisions

Sec. 1. This article does not apply to a political subdivision that does not have the power to impose a property tax.

Sec. 2. A political subdivision that is exempted by this chapter from the application of this article is not eligible for an allocation of county income taxes. However, a political subdivision that is eligible for an allocation of county income taxes may assign any part of the political subdivision's allocation to an entity that is not eligible for an allocation under this article.

Chapter 3. County Income Tax Council

Sec. 1. A council is established for each county in Indiana.

Sec. 2. The membership of each council consists of:

- (1) the fiscal body of the county;
- (2) the fiscal body of each city or town that lies either partially or entirely in the county; and
- (3) the fiscal body of each school corporation that lies partially or entirely in the county.

Sec. 3. (a) Every council has a total of one hundred fifty (150) votes. The county and each city and town that is located in any part in the county is allocated a percentage of a total of one hundred (100) votes that may be cast. Each school corporation that is located in any part in the county is allocated a percentage of a total of fifty (50) votes that may be cast.

(b) Subject to subsection (d), the percentage of votes that a city or town is allocated for a year equals the same percentage that the population of the city or town bears to the population of the county. In the case of a city or town that lies within more than one (1) county, the county auditor of each county shall base the allocations required by subsection (a) on the population of that part of the city or town that lies within the county for which the allocations are being made.

(c) Subject to subsection (d), the percentage that the county is allocated for a year equals the same percentage that the population of all areas in the county not located in a city or town bears to the population of the county.

(d) In the case of Marion County, the county, the consolidated city, all included towns (as described in IC 36-3-1-7), and the

remainder of the county that is not in an excluded city (as described in IC 36-3-1-7) shall be treated as one (1) political subdivision whose fiscal body is the fiscal body of the consolidated city.

(e) The percentage of votes that a school corporation is allocated for a year equals the same percentage that the population of the school corporation in the county has to the total population of the county.

(f) On or before January 1 of each year (or in 2006, before July 2), the county auditor shall certify to each member of the council the number of votes, rounded to the nearest one hundredth (0.01), the council has for that year.

Sec. 4. A council takes an action by adopting an ordinance.

Sec. 5. Except as otherwise provide in this article, a council may adopt an ordinance to amend or rescind a previously adopted ordinance.

Sec. 6. A member of the council may exercise its votes on the council for or against a proposed ordinance by:

- (1) passing a resolution that contains the text of an ordinance being proposed to the council; and
- (2) transmitting the resolution to the county auditor of the county.

Sec. 7. A resolution passed by a member of the council exercises all of the votes of the member. Except as permitted by the department, the votes on a resolution may not be changed during the year.

Sec. 8. A resolution must be substantially in the following general form:

"The (insert name of political subdivision's fiscal body) casts its (insert number of political subdivision's votes) votes (for or against) the proposed ordinance of the (insert name of the county) County Income Tax Council, which reads as follows:

(Insert text of ordinance being proposed to members of the council)."

Sec. 9. The text of a resolution and a proposed ordinance contained in a resolution must be substantially in the form prescribed by the department.

Sec. 10. A proposed ordinance adopting, increasing, or decreasing a tax rate must state that the tax rate in the proposed ordinance is subject to adjustment by the department before November 1 of the year, as necessary, to correct any error in the data or computations on which the estimated tax rate is based or to reflect changes in the department's forecast of economic conditions that will affect the amount of taxes raised by the tax rate.

Sec. 11. Subject to this article, a council may adopt an ordinance to do any of the following:

- (1) Adopt, amend, or rescind an ordinance adopted under IC 6-11-7-10.
- (2) Adopt a tax and set a tax rate for the county under IC 6-11-8 or IC 6-11-9.
- (3) Increase or decrease a tax rate imposed in the county under IC 6-11-8 or IC 6-11-9.
- (4) Rescind a tax imposed under IC 6-11-8 or IC 6-11-9 in the county.
- (5) Adopt, amend, or rescind any other action authorized under this article.

Sec. 12. An ordinance adopted by the council before September 16 initially applies to the ensuing year. Unless waived by the department for good cause, an ordinance adopted after September 15 in a year initially applies to the year following the year of adoption by two (2) years.

Sec. 13. Except as provided by this article, an ordinance adopted by a council remains in effect until the earlier of:

- (1) the date specified in the ordinance; or
- (2) the date on which a subsequent ordinance amending or rescinding the ordinance is effective.

Sec. 14. Any member of the council may present a proposed ordinance to the council for passage.

Sec. 15. (a) A member of the council may present an ordinance to the council for passage by:

(1) providing:

- (A) in the case of a resolution for a proposed ordinance under IC 6-11-7-10, the county auditor and the fiscal officer of each member of the council; and
- (B) the public;

with notice of the date, time, and place that a public hearing will be held on a resolution proposing an ordinance to the council;

- (2) conducting the public hearing; and
- (3) after the hearing, passing the resolution proposing the ordinance.

(b) The notice required by subsection (a) must be given in accordance with IC 5-3-1.

Sec. 16. (a) This section applies only to the hearing conducted for a proposed ordinance under IC 6-11-7-10.

(b) Notice must be given under:

- (1) section 15(a)(1)(A) of this chapter before August 2; and

(2) section 15(a)(1)(B) of this chapter before August 7; to be effective for the ensuing year.

(c) The hearing required under section 15 of this chapter must be conducted as part of the hearing required under IC 6-13-6.

Sec. 17. After passing a resolution proposing an ordinance, a member initiating the proposed ordinance shall distribute a copy of the proposed ordinance to the county auditor of the county and a certified tally of the member's vote on the proposed ordinance. The county auditor shall treat any proposed ordinance presented to the county auditor under this section as a casting of all that member's votes in favor of the proposed ordinance.

Sec. 18. The county auditor shall deliver copies of a proposed ordinance that is received from a member under section 17 of this chapter to all the other members of the council not later than ten (10) days after receiving the proposed ordinance.

Sec. 19. (a) Once a member receives a resolution containing a proposed ordinance from the county auditor, the member shall:

- (1) provide the public with notice of the date, time, and place a public hearing will be held on the proposed ordinance;
- (2) conduct the hearing, except for a resolution for a proposed ordinance under IC 6-11-7-10 if a hearing has been conducted as required in section 16 of this chapter; and

(3) vote on the proposed ordinance; not later than thirty (30) days after receipt of the proposed ordinance.

(b) The notice required by subsection (a) must be given in accordance with IC 5-3-1.

Sec. 20. After voting on a resolution concerning a proposed ordinance received under section 17 of this chapter, a member voting on the proposed ordinance shall distribute a copy of the proposed ordinance and a certified tally of the member's vote on the proposed ordinance to the county auditor.

Sec. 21. The county auditor shall record all votes taken on ordinances presented to the members of the council for a vote.

Sec. 22. The county auditor shall treat the ordinance as adopted if the proposed ordinance receives at least seventy-six (76) votes from the members of the council.

Sec. 23. If the council adopts an ordinance, the county auditor shall immediately send a certified copy of the:

- (1) ordinance; and
- (2) results of the vote on the ordinance;

to the department and the department of state revenue by certified mail.

Sec. 24. Not later than ten (10) days after an ordinance is adopted, the county auditor shall publish a notice of the action under IC 5-3-1.

Chapter 4. Determination of Residency

Sec. 1. For purposes of this article, an individual shall be treated as a resident of the county in which the individual:

- (1) maintains a home, if the individual maintains only one (1) home in Indiana;
- (2) if subdivision (1) does not apply, is registered to vote;
- (3) if subdivision (1) or (2) does not apply, registers the individual's personal automobile; or
- (4) if subdivision (1), (2), or (3) does not apply, spends the majority of the individual's time spent in Indiana during the taxable year in question.

Sec. 2. Subject to section 3 of this chapter, the residence or principal place of business or employment of an individual is to be determined on January 1 of the year in which the individual's taxable year commences. If an individual changes the location of the individual's residence or principal place of employment or business to another county in Indiana during a year, the individual's liability for the tax is not affected.

Sec. 3. If an individual becomes a resident for purposes of IC 36-7-27 during a year because the individual:

- (1) changes the location of the individual's residence to a county in which the individual begins employment or business at a qualified economic development tax project (as defined in IC 36-7-27-9); or
- (2) changes the location of the individual's principal place of employment or business to a qualified economic development tax project and does not reside in another county in which the tax is in effect;

the individual's adjusted gross income attributable to employment or business at the qualified economic development tax project is taxable only by the county containing the qualified economic development tax project.

Chapter 5. Exempt Taxpayers

Sec. 1. A council may pass an ordinance to enter into reciprocity agreements with the taxing authority of a city, town, municipality, county, or other similar local governmental entity of any other state. A reciprocity agreement must provide that the income of Indiana residents is exempt from income taxation by the other local governmental entity to the extent income of the out-of-state residents who reside in the other local governmental entity is exempt from the tax in the Indiana county entering into the agreement.

Sec. 2. A reciprocity agreement adopted under this section may not become effective until it is also made effective in the other local governmental entity that is a party to the agreement.

Sec. 3. The form and effective date of any reciprocity agreement described in this section must be approved by the department of state revenue.

Chapter 6. Imposition of Tax

Sec. 1. A county income tax is imposed in each county.

Sec. 2. The tax is imposed on the adjusted gross income of:

- (1) each resident of; and
- (2) each out-of-state resident who maintains the individual's principal place of business or employment in;

the county for which the council is established.

Sec. 3. The tax on an out-of-state resident may be imposed only on the part of the out-of-state resident's adjusted gross income that is derived from the individual's principal place of business or employment.

Sec. 4. In the case of a resident of Perry County, the tax may not be imposed on the part of the individual's adjusted gross income that is:

- (1) earned in a county that is:
 - (A) located in another state; and
 - (B) adjacent to the county in which the taxpayer resides; and
- (2) subject to an income tax imposed by a county, city, town, or other local governmental entity in the other state.

Sec. 5. The tax rate imposed in a county is the sum of the following:

- (1) The tax rate imposed under IC 6-11-7.
- (2) The tax rate imposed under IC 6-11-8.
- (3) The tax rate imposed under IC 6-11-9.

Sec. 6. If for any taxable year a taxpayer is subject to different tax rates for the tax imposed by a particular county, the taxpayer's tax rate for the county and that taxable year is the rate determined in STEP THREE of the following STEPS:

STEP ONE: Multiply the number of months in the taxpayer's taxable year that precede July 1 by the rate in effect before the rate change.

STEP TWO: Multiply the number of months in the taxpayer's taxable year that follow June 30 by the rate in effect after the rate change.

STEP THREE: Divide the sum of the amounts determined under STEPS ONE and TWO by twelve (12).

Sec. 7. If the tax is not in effect during a taxpayer's entire taxable year, the amount of tax that the taxpayer owes for that taxable year equals the product of:

- (1) the amount of tax the taxpayer would owe if the tax had been imposed during the taxpayer's entire taxable year; multiplied by

- (2) a fraction. The numerator of the fraction equals the number of days in the taxpayer's taxable year during which the county option income tax was in effect. The denominator of the fraction equals the total number of days in the taxpayer's taxable year.

However, if the taxpayer files state income tax returns on a year basis, the fraction to be applied under this section is one-half (1/2).

Chapter 7. Tax Rate to Fund Controlled Tax Increases

Sec. 1. Except as provided in section 10 of this chapter, in each year, in addition to the part of the tax rate in effect in the county under IC 6-11-8 or IC 6-11-9, or both, a tax is imposed in each county at the rate necessary to raise the county's total allowable tax increase amount.

Sec. 2. The department, with the assistance of the department of state revenue and the budget agency, shall establish the rate required under section 1 of this chapter based on the best available economic forecast data available to the department before the later of November 1 or the date set by the department.

Sec. 3. The total tax imposed under section 1 of this chapter shall be treated as a controlled tax.

Sec. 4. For purposes of this chapter, a county's total allowable tax increase amount under this chapter is equal to the sum of each political subdivision's total allowable tax increase amounts allowed in the county after 2006.

Sec. 5. For purposes of this chapter, a political subdivision's total allowable tax increase amount under this chapter is equal to the sum of the annual controlled tax increase amounts allowed in the county for the political subdivisions in each year after 2006.

Sec. 6. For purposes of this chapter, a political subdivision's annual controlled tax increase in a county for any particular year is the amount determined under STEP THREE of the following formula:

STEP ONE: Subtract the political subdivision's controlled tax limit in the county for the immediately preceding year from the political subdivision's controlled tax limit in the county for the ensuing year.

STEP TWO: Subtract the political subdivision's controlled levy limit in the county for the immediately preceding year from the political subdivision's controlled levy limit in the county for the ensuing year.

STEP THREE: Subtract the STEP TWO amount from the STEP ONE amount.

Sec. 7. Subject to section 8 of this chapter, a negative result for a political subdivision under section 6 of this chapter reduces the political subdivision's total allowable tax increase amount that may be funded from taxes imposed under this chapter.

Sec. 8. A political subdivision's total allowable tax increase amount under this chapter may not be less than zero (0).

Sec. 9. (a) This section applies to a school corporation.

(b) A separate annual controlled tax increase and total allowable tax increase amount shall be computed for each of the following:

- (1) A school corporation's school general fund and charter schools taxes imposed under IC 6-1.1-19-1.5.
- (2) A school corporation's transportation fund taxes imposed under IC 21-2-11.5-3.

(3) A school corporation's school bus replacement fund taxes imposed under IC 21-2-11.5-3.

(c) None of the separate school corporation's total allowable tax increase amounts under subsection (b) may be less than zero (0).

Sec. 10. Subject to section 11 of this chapter, instead of funding all of a county's total allowable tax increase amount from county income taxes, a council may adopt an ordinance to fund the annual controlled tax increases attributable to one (1) or more years from controlled property taxes. Adoption of the ordinance does not increase the controlled levy limit of any political subdivision in the county. Notice of the proposed ordinance must be given under IC 6-11-3-15 before the date specified in IC 6-11-3-16. If an ordinance adopted under this section applies to the annual controlled tax increases attributable to a particular year the ordinance must require that all of the annual controlled tax increases attributable to the particular year be funded by controlled property taxes.

Sec. 11. A council, either through an ordinance terminating a tax or an ordinance reducing the tax rate, may not decrease a tax imposed under this chapter below the tax rate necessary to continue the part of an allocation of taxes to a political subdivision that the political subdivision has pledged to pay or fund bonds, leases, or another obligation permitted by IC 5-1-14 or another law.

Sec. 12. Subject to IC 6-13-22-11 concerning the treatment of distributions to a county that qualify as excess revenue, the part of the tax imposed under this chapter is allocated among the political subdivisions in the county in proportion to the part of the county's total allowable tax increase amount that is:

- (1) attributable to each political subdivision; and
- (2) funded by taxes under this article.

Any annual controlled tax increase that is not funded by taxes under this chapter as the result of the adoption of an ordinance under section 10 of this chapter may not be considered in determining a political subdivision's allocation of taxes under this section.

Sec. 13. Subject to any law limiting the use of a political subdivision's revenues, a political subdivision may use taxes allocated to a political subdivision under this chapter for any governmental or public purpose, including any purpose for which a county adjusted gross income tax, a county option income tax, or a county economic development tax could be used before 2007.

Sec. 14. The county auditor shall retain from taxes allocated to a political subdivision under this chapter an amount equal to any:

- (1) reserve or settlement required under IC 6-11-13;
- (2) assignment authorized under IC 6-11-14; or
- (3) special allocation authorized under IC 6-11-15;

that is payable from taxes imposed under this chapter in the manner and under the schedule determined under IC 6-11-13.

Sec. 15. The remainder of an allocation of taxes imposed under this chapter shall be distributed to the political subdivisions in the county in the manner and under the schedule determined under IC 6-11-13.

Sec. 16. A political subdivision shall deposit the amount distributed to the political subdivision under this chapter among the funds of the political subdivision as provided in the political subdivision's budget for the year in which the tax being

distributed was imposed, including any amount budgeted for deposit in the political subdivision's rainy day fund. Money deposited in a fund under this section may be used for any purpose for which money in the fund may be used or transferred to another fund as authorized by law.

Sec. 17. The amount raised under this chapter and retained by a county auditor as an assignment or a special allocation may be used only for the purposes of the assignment or the special allocation.

Sec. 18. Subject to IC 6-13-22-11 concerning excess revenue, an amount retained in excess of the amount necessary for the purposes of a reserve, a settlement, an assignment, or a special allocation shall be distributed to the political subdivision from which the amount was retained. The amount distributed under this section does not reduce the controlled tax limit or allocation amount for a political subdivision in any year.

Chapter 8. Optional Additional Income Tax

Sec. 1. In addition to a tax in effect in the county under IC 6-11-7 or IC 6-11-9, or both, a council may adopt an additional tax under this chapter for the county.

Sec. 2. The tax rate imposed for a tax under this chapter in a county may not exceed the greater of the following:

- (1) One percent (1%).
- (2) The rate determined under sections 5 and 6 of this chapter, if sections 5 and 6 of this chapter apply to the county.

Sec. 3. A tax imposed under section 1 of this chapter (including a tax described in section 4 of this chapter) shall be treated as an excluded tax.

Sec. 4. An ordinance adopted in a county before April 1, 2006, that would have initially imposed any of the following in 2007 or authorized the continuation of any of the following after 2006 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed shall be treated after 2006 as an ordinance adopted under section 1 of this chapter:

- (1) County adjusted gross income tax.
- (2) County option income tax.
- (3) County economic development tax.

Sec. 5. Subject to the reductions under section 6 of this chapter, the tax rate imposed in 2007 under section 4 of this chapter is equal to the combined:

- (1) county adjusted gross income tax rate or county option income tax; and
- (2) county economic development rate;

that the county would have imposed in 2007 (after deducting any part of the tax rate attributable to a law listed in IC 6-11-9-11) if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed.

Sec. 6. Section 4 of this chapter does not prohibit a council from adopting an ordinance after June 30, 2006, to increase the tax rate determined under section 5 of this chapter as long as the total tax rate imposed under this chapter does not exceed the maximum rate specified in section 2 of this chapter.

Sec. 7. Taxes imposed under this chapter shall be allocated among the civil taxing units in the county based on the formulas described in the following:

OPTION	DESCRIPTION
Option 1	Section 18 of this chapter.
Option 2	Section 19 of this chapter.

Option 3	Section 20 of this chapter.
Option 4	Section 21 of this chapter.
Option 5	Section 22 of this chapter.

Sec. 8. The formulas to be applied in a county depends on the:

- (1) combination of county adjusted gross income taxes, county option income taxes, and county economic development taxes imposed in the county in 2006; and
- (2) elections adopted by the council after June 30, 2006.

Sec. 9. The department shall establish five (5) tax option ratios for each county.

Sec. 10. The sum of the ratios established under section 9 of this chapter must add to one (1).

Sec. 11. (a) This section applies to a county that would not have received a certified distribution of county adjusted gross income tax, county option income tax, or county economic development tax in 2007 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed.

(b) The county's tax option ratios are as follows:

OPTION	RATIO
Option 1	1
Option 2	0
Option 3	0
Option 4	0
Option 5	0

(c) The eligible civil units are the following:

- (1) Any political subdivision that has the power to impose a property tax, other than a school corporation or a county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113).
- (2) A county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) if a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving an allocation of taxes under this chapter.

(d) An eligible civil unit's allocation factor for a year is the eligible civil taxing unit's controlled tax limit for a year.

(e) The tax imposed under this chapter shall be allocated under Option 1 in section 18 of this chapter.

Sec. 12. (a) This section applies to a county that would have received a certified distribution of county adjusted gross income tax, county option income tax, or county economic development tax in 2007 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed.

(b) Subject to section 10 of this chapter, the tax option ratios that apply in the county are:

- (1) the ratios adopted by the council by ordinance; or
- (2) the ratios determined under sections 13 through 17 of this chapter, if subdivision (1) does not apply.

Sec. 13. (a) The Option 1 ratio in a county is:

- (1) if the county received a 2006 certified distribution of county option income taxes that was distributed under IC 6-3.5-6-18(e) and also received a 2006 certified distribution of county economic development taxes, the quotient determined by dividing:

(A) the county option income tax rate, excluding any part of the rate attributable to a law listed in

IC 6-11-9-11, that would have been in effect in the county in 2007 and distributed under IC 6-3.5-6-18(e) if IC 6-3.5-6 had not been repealed; by

(B) the sum of the county adjusted gross income tax rate, county option income tax rate, and county economic development income tax rate that would have been in effect in the county in 2007, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed;

(2) if the county did not receive a 2006 certified distribution of county option income taxes that was distributed under IC 6-3.5-6-18(e), zero (0); and

(3) if the county received a 2006 certified distribution of county option income taxes that was distributed under IC 6-3.5-6-18(e), and did not receive a 2006 certified distribution of county economic development taxes, one (1).

(b) The Option 1 eligible civil units are the following:

(1) Any political subdivision that has the power to impose a property tax, other than a school corporation or a county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113).

(2) A county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) if a majority of the members of each of the county fiscal bodies of the counties within the district passes a resolution approving an allocation of taxes under this chapter.

A resolution passed under IC 6-3.5-6-1.3 (before its repeal) that would have applied to a distribution of county adjusted gross income taxes or county option income taxes in 2007 if IC 6-3.5-1.1 and IC 6-3.5-6 had not been repealed shall be treated as a resolution adopted under section 1 of this chapter.

(c) An Option 1 eligible civil unit's allocation factor for a year is the sum of the following:

(1) The eligible civil taxing unit's controlled tax limit for a year.

(2) For an eligible civil taxing unit in a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic development income taxes in 2006, an amount equal to the property taxes imposed on taxable property by the county in 1999 for the county's welfare fund and welfare administration fund in the county.

(3) For an eligible civil taxing unit in a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic development income taxes in 2006, an amount equal to the property taxes levied in the county to fund or pay bonded indebtedness, lease rentals, or other obligations permitted by IC 5-1-14 or another law that were issued or entered into before July 1, 2005, including any refunding bonds or successor leases to the extent that the term does not exceed the term of the original obligation.

(4) For an eligible civil taxing unit in a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic

development income taxes in 2006, an amount equal to the lesser of the fixed rate levies (as defined in IC 6-15-1-3) imposed on taxable property by the civil taxing unit in the county in:

- (A) the year of distribution; or
- (B) 2006.

Sec. 14. (a) The Option 2 ratio in a county is equal to:

- (1) if the county received a 2006 certified distribution of county option income taxes that was distributed under IC 6-3.5-6-18.5 (repealed), one (1); or
- (2) if the county did not receive a 2006 certified distribution of county option income taxes that was distributed under IC 6-3.5-6-18.5 (repealed), zero (0).

(b) The Option 2 eligible civil units are any entity that would have been eligible to receive a distribution under IC 6-3.5-6-18.5 if IC 6-3.5-6 had not been repealed.

(c) An Option 2 eligible civil unit's allocation factor for a year is the sum of the following:

- (1) The eligible civil taxing unit's controlled tax limit for a year.
- (2) For an eligible civil taxing unit in a county that received a certified distribution of county economic development income taxes in 2006, an amount equal to the property taxes imposed on taxable property by the county in 1999 for the county's welfare fund and welfare administration fund in the county.

Sec. 15. (a) The Option 3 ratio in a county is equal to:

- (1) if the county received a 2006 certified distribution of county adjusted gross income taxes and also received a 2006 certified distribution of county economic development taxes, the quotient determined by dividing:

- (A) the county adjusted gross income tax rate, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, that would have been in effect in the county in 2007 and distributed under IC 6-3.5-1.1-15 if IC 6-3.5-1.1 had not been repealed; by
- (B) the sum of the county adjusted gross income tax rate, county option income tax rate, and county economic development income tax rate that would have been in effect in the county in 2007, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed;

- (2) if the county did not receive a 2006 certified distribution of county adjusted gross income taxes, zero (0); or
- (3) if the county received a 2006 certified distribution of county adjusted gross income taxes but did not receive a 2006 certified distribution of county economic income taxes, one (1).

(b) The Option 3 eligible civil units are the following:

- (1) Any political subdivision that has the power to impose a property tax, other than a school corporation or a county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113).
- (2) A county solid waste management district (as defined in IC 13-11-2-47) or a joint solid waste management district (as defined in IC 13-11-2-113) if a majority of the members

of each of the county fiscal bodies of the counties within the district passes a resolution approving an allocation of taxes under this chapter.

A resolution passed under IC 6-3.5-1.1-1.3 (before its repeal) that would have applied to a distribution of county adjusted gross income taxes or county option income taxes in 2007 if IC 6-3.5-1.1 and IC 6-3.5-6 had not been repealed shall be treated as a resolution adopted under section 1 of this chapter.

(c) An Option 3 eligible civil unit's allocation factor for a year is the sum of the following:

- (1) The eligible civil taxing unit's controlled tax limit for a year.
- (2) The controlled tax limit for a year of any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the eligible civil taxing unit.
- (3) The amount of federal revenue sharing funds and certified shares that were used by the eligible civil taxing unit (or any special taxing district, authority, board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to the eligible civil taxing unit) to reduce its ad valorem property tax levies below the limits imposed by IC 6-1.1-18.5 (repealed) in 2006.
- (4) For a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic development income taxes in 2006, an amount equal to the property taxes imposed on taxable property by the county in 1999 for the county's welfare fund and welfare administration fund in the county.

Sec. 16. (a) The Option 4 ratio in a county is equal to:

- (1) if the county also received a 2006 certified distribution of county economic development income taxes that was distributed under IC 6-3.5-7-12(b) and also received a 2006 certified distribution of county adjusted gross income taxes or county option income taxes, the quotient determined by dividing:

- (A) the county economic development income tax rate, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, that would have been in effect in the county in 2007 and distributed under IC 6-3.5-7-12(b) if IC 6-3.5-7 had not been repealed; by
- (B) the sum of the county adjusted gross income tax rate, county option income tax rate, and county economic development income tax rate that would have been in effect in the county in 2007, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed;

- (2) if the county did not receive a 2006 certified distribution of county economic development income taxes, zero (0);
- (3) if the county received a 2006 certified distribution of county economic development income taxes that was distributed under IC 6-3.5-7-12(c), zero (0); or
- (4) if the county received a 2006 certified distribution of county economic development income taxes that was distributed under IC 6-3.5-7-12(b) but did not receive a 2006 certified distribution of county adjusted gross income

tax or county option income tax, one (1).

(b) The Option 4 eligible civil units are the following:

(1) The county.

(2) Each city and town in the county.

(c) An Option 4 eligible civil unit's allocation factor for a year is the sum of the following:

(1) The eligible civil taxing unit's controlled tax limit for a year.

(2) For an eligible civil taxing unit in a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic development income taxes in 2006, an amount equal to the property taxes imposed on taxable property by the county in 1999 for the county's welfare fund and welfare administration fund in the county.

(3) For an eligible civil taxing unit in a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic development income taxes in 2006, an amount equal to the property taxes levied in the county to fund or pay bonded indebtedness, lease rentals, or other obligations permitted by IC 5-1-14 or another law that were issued or entered into before July 1, 2005, including any refunding bonds or successor leases to the extent that the term does not exceed the term of the original obligation.

(4) For an eligible civil taxing unit in a county that received a certified distribution of county adjusted gross income taxes, county option income taxes, or county economic development income taxes in 2006, an amount equal to the lesser of the fixed rate levies (as defined in IC 6-15-1-3) imposed on taxable property by the civil taxing unit in the county in:

(A) the year of distribution; or

(B) 2006.

Sec. 17. (a) The Option 5 ratio in a county is equal to:

(1) if the county received a 2006 certified distribution of county economic development income taxes that was distributed under IC 6-3.5-7-12(c) and also received a 2006 certified distribution of county adjusted gross income taxes or county option income taxes, the quotient determined by dividing:

(A) the county economic development income tax rate, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, that would have been in effect in the county in 2007 and distributed under IC 6-3.5-7-12(c) if IC 6-3.5-7 had not been repealed; by

(B) the sum of the county adjusted gross income tax rate, county option income tax rate, and county economic development income tax rate that would have been in effect in the county in 2007, excluding any part of the rate attributable to a law listed in IC 6-11-9-11, if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed;

(2) if the county did not receive a 2006 certified distribution of county economic development income taxes, zero (0);

(3) if the county received a 2006 certified distribution of county economic development income taxes that was distributed under IC 6-3.5-7-12(b), zero (0); or

(4) if the county received a 2006 certified distribution of county economic development income taxes that was distributed under IC 6-3.5-7-12(c) but did not receive a 2006 certified distribution of county adjusted gross income tax or county option income tax, one (1).

(b) The Option 5 eligible civil units are the following:

(1) The county.

(2) Each city and town in the county.

(c) An Option 5 eligible civil unit's allocation factor for a year is the eligible civil unit's population. For the purpose of applying this subsection to a county, only the population of the county in an unincorporated area shall be attributed to the county.

Sec. 18. The amount allocated to an eligible civil taxing unit under Option 1 is the amount determined under STEP SIX of the following formula:

STEP ONE: Determine the amount of revenue to be distributed under this chapter.

STEP TWO: Multiply the STEP ONE amount by the county's Option 1 ratio.

STEP THREE: Determine the Option 1 allocation factor for the eligible civil taxing unit for the year of distribution.

STEP FOUR: Determine the sum of the Option 1 allocation factors for all eligible civil units in the county for the year of distribution.

STEP FIVE: Divide the STEP THREE result by the STEP FOUR result.

STEP SIX: Multiply the STEP FIVE result by the STEP TWO amount.

Sec. 19. The amount allocated to an eligible civil taxing unit under Option 2 is the amount determined using STEP NINE of the following formula:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares under IC 6-3.5-6-18.5 (repealed) in 1995.

STEP TWO: Determine the amount of revenue from taxes imposed under this chapter in the current year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under this chapter.

STEP FIVE: Determine the ratio of:

(A) the Option 2 allocation factor for the eligible civil taxing unit; divided by

(B) the sum of the Option 2 allocation factors for all eligible civil taxing units of the county during the current year.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under this chapter.

STEP SEVEN: For each eligible civil taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each eligible civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under this chapter. The STEP THREE excess shall be distributed as provided in STEP NINE only to the

eligible civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the eligible civil taxing units qualifying for a distribution under STEP EIGHT, each eligible civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

- (A) the Option 2 allocation factor for the eligible civil taxing unit; divided by
- (B) the sum of the Option 2 allocation factors for all eligible civil taxing units of the county during the current year.

Sec. 20. The amount allocated to an eligible civil taxing unit under Option 3 is the amount determined under STEP SIX of the following formula:

STEP ONE: Determine the amount of revenue to be distributed under this chapter.

STEP TWO: Multiply the STEP ONE amount by the county's Option 3 ratio.

STEP THREE: Determine the Option 3 allocation factor for the eligible civil taxing unit for the year of distribution.

STEP FOUR: Determine the sum of the Option 3 allocation factors for all eligible civil units in the county for the year of distribution.

STEP FIVE: Divide the STEP THREE result by the STEP FOUR result.

STEP SIX: Multiply the STEP FIVE result by the STEP TWO result.

Sec. 21. The amount allocated to an eligible civil taxing unit under Option 4 is the amount determined under STEP SIX of the following formula:

STEP ONE: Determine the amount of revenue to be distributed under this chapter.

STEP TWO: Multiply the STEP ONE amount by the county's Option 4 ratio.

STEP THREE: Determine the Option 4 allocation factor for the eligible civil taxing unit for the year of distribution.

STEP FOUR: Determine the sum of the Option 4 allocation factors for all eligible civil units in the county for the year of distribution.

STEP FIVE: Divide the STEP THREE result by the STEP FOUR result.

STEP SIX: Multiply the STEP FIVE result by the STEP TWO amount.

Sec. 22. The amount allocated to an eligible civil taxing unit under Option 5 is the amount determined under STEP SIX of the following formula:

STEP ONE: Determine the amount of revenue to be distributed under this chapter.

STEP TWO: Multiply the STEP ONE amount by the county's Option 5 ratio.

STEP THREE: Determine the Option 5 allocation factor for the eligible civil taxing unit for the year of distribution.

STEP FOUR: Determine the sum of the Option 5 allocation factors for all eligible civil units in the county for the year of distribution.

STEP FIVE: Divide the STEP THREE result by the STEP FOUR result.

STEP SIX: Multiply the STEP FIVE result by the STEP TWO amount.

Sec. 23. A council, either through an ordinance terminating a tax or an ordinance reducing the tax rate, may not decrease a tax imposed under this chapter below the tax rate necessary to continue the part of an allocation of taxes to a civil taxing unit that the civil taxing unit has pledged to pay or fund bonds, leases, or another obligation permitted by IC 5-1-14 or another law. For purposes of this section, a pledge of county adjusted gross income taxes (before the repeal of IC 6-3.5-1 or IC 6-3.5-1.1), county option income taxes (before the repeal of IC 6-3.5-6), or county economic development taxes (before the repeal of IC 6-3.5-7) shall be treated as a pledge of an allocation of taxes under this chapter.

Sec. 24. Subject IC 6-13-19 or any other law limiting the use of a civil taxing unit's revenues, a civil taxing unit may use taxes allocated to a civil taxing unit under this chapter for any governmental or public purpose, including any purpose for which a county adjusted gross income tax, a county option income tax, or a county economic development tax could be used before 2007.

Sec. 25. The county auditor shall retain from taxes allocated to a civil taxing unit under this chapter an amount equal to any:

- (1) reserve or settlement under IC 6-11-13;
- (2) assignment under IC 6-11-14; or
- (3) special allocation under IC 6-11-16;

that is payable from taxes imposed under this chapter in the manner and under the schedule determined under IC 6-11-13.

Sec. 26. The remainder of an eligible civil unit's allocation of taxes imposed under this chapter shall be distributed to the eligible civil taxing unit in the manner and under the schedule determined under IC 6-11-13.

Sec. 27. An eligible taxing unit shall deposit the amount distributed to the political subdivision under this chapter as provided in the budget for the year among the funds of the year in which the distributed taxes were imposed, including any amount budgeted for deposit in the political subdivision's rainy day fund. Money deposited in a fund under this section may be used for any purpose for which money in the fund may be used or transferred to another fund as authorized by law.

Sec. 28. The amount raised under this chapter and retained by a county auditor as an assignment or a special allocation may be used only for the purposes of the assignment or the special allocation.

Sec. 29. Subject to IC 6-13-22-11 concerning excess revenue, an amount retained in excess of the amount necessary for the purposes of a reserve, a settlement, an assignment, or a special allocation shall be distributed to the civil taxing unit from which the amount was retained. The amount distributed under this section does not reduce the controlled tax limit or allocation amount for a civil taxing unit in any year.

Chapter 9. Excluded Taxes

Sec. 1. In addition to the tax rate in effect in the county under IC 6-11-7 or IC 6-11-8, or both, the governing body specified in any of the following may adopt an additional tax rate for the county under this chapter.

Sec. 2. An additional tax rate adopted under this chapter (including a tax described in section 3 of this chapter) shall be treated as an excluded tax.

Sec. 3. An ordinance adopted in a county before April 1, 2006, that would have imposed any of the additional rates listed in IC 6-11-9-11 after 2006 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed shall be treated after 2006 as an ordinance adopted under section 1 of this chapter.

Sec. 4. The tax rate imposed under section 3 of this chapter is equal to the combined total of the additional tax rates listed in IC 6-11-9-11 that the county would have imposed in 2007 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed.

Sec. 5. The tax rate imposed under section 3 of this chapter applies to 2007 and each year thereafter until the earlier of the following:

- (1) The tax expires by law.
- (2) The tax is rescinded or the tax rate is reduced by the council under this article.

Sec. 6. A fiscal body or council, either through an ordinance terminating a tax or an ordinance reducing the tax rate, may not decrease an excluded tax imposed under this chapter below the tax rate necessary to continue the part of an allocation of taxes to a political subdivision that the political subdivision has pledged to pay or fund bonds, leases, or another obligation permitted by IC 5-1-14 or another law. For purposes of this section, a pledge of county adjusted gross income taxes (before the repeal of IC 6-3.5-1 or IC 6-3.5-1.1), county option income taxes (before the repeal of IC 6-3.5-6), or county economic development taxes (before the repeal of IC 6-3.5-7) under a law listed in IC 6-11-9-11 shall be treated as a pledge of an allocation of taxes under this article.

Sec. 7. The county auditor shall retain from the distribution of taxes made to the county the amount of each excluded tax imposed in the county.

Sec. 8. The amount raised by an excluded tax, after deducting any necessary reserves and settlements under IC 6-11-13, may be used only for the purposes allowed under the law under which it was imposed or its successor law. Any amount raised in excess of the amount necessary for the purposes of the excluded tax shall be treated as excess revenue under IC 6-13-22-11 and applied to reduce the excluded tax rate for the following year or the later year determined by the department. Except as otherwise provided by law, IC 36-1-8-5 applies to an unused and unencumbered balance remaining from an excluded tax when the purposes for the excluded tax have been fulfilled.

Sec. 9. (a) Except to the extent waived for a year by the department, an additional tax rate is imposed in each county at the lesser of the following:

- (1) The rate necessary, after deducting any amount being raised as property taxes to replace money in a rainy day fund used as a temporary loan to a debt service fund, to maintain the balance of the rainy day funds of each political subdivision at six percent (6%) of the budget in the immediately preceding year for the political subdivision in the county; or
- (2) twenty percent (20%) of the increase in the tax rate imposed in the county under IC 6-11-7.

(b) The additional rate under this section is an excluded tax.

(c) The county auditor shall retain the amount of the additional tax rate under this section as a special allocation. The retained amount shall be allocated among political subdivisions

for deposit in each political subdivision's rainy day fund in proportion to the controlled tax limits for each political subdivision in the county until the political subdivision's rainy day fund balance is at least six percent (6%) of the political subdivision's controlled tax limit.

(d) The council may adopt an ordinance to increase the additional tax imposed under this section. The county auditor shall retain the amount of the additional tax rate under this subsection as a special allocation. The retained amount shall be allocated among political subdivisions for deposit in each political subdivision's rainy day fund in proportion to the controlled tax limits of each political subdivision in the county.

Sec. 10. (a) This section applies to any county, regardless of whether the county has adopted an ordinance under:

- (1) IC 6-11-15 to provide additional property tax replacement credits or homestead credits from the part of a tax that is a controlled tax imposed under IC 6-11-7;
- (2) IC 6-11-16 to provide additional property tax replacement credits or homestead credits from the part of an optional additional county income tax imposed as an excluded tax under IC 6-11-8; or
- (3) another provision of this chapter to provide additional property tax replacement credits or homestead credits.

(b) In addition to any other additional tax rate imposed under this article, a council may adopt an additional tax rate to replace revenue lost to a political subdivision as the result of granting an additional homestead credit under this section. A county that adopted an ordinance under IC 6-3.5-7-26 (before its repeal) shall be treated as if the county adopted an ordinance under this section. The amount of the additional tax is an excluded tax.

(c) The additional tax rate may not exceed twenty-five hundredths of one percent (0.25%).

(d) An additional homestead credit is established in each county to which this section applies to offset the effect on homesteads in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42. The department shall set the percentage of the homestead credit so that the total amount of additional homestead credits granted equals the amount of the additional tax collected under this section. The homestead credit adopted under this section shall be applied as specified in the ordinance. The ordinance may provide that the additional tax be:

- (1) uniformly applied to increase the homestead credit granted under IC 6-1.1-20.9 for all homesteads in the county; or
- (2) applied to increase the homestead credit granted under IC 6-1.1-20.9 for all homesteads in the county in the same proportion as the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.

(e) The county auditor shall retain the amount necessary for the homestead credit as a special allocation. The retained amount shall be allocated among political subdivisions in proportion to property tax revenue lost as the result of granting additional homestead credits under this section.

(f) Money received under this section shall be treated for all purposes as property tax levies.

Sec. 11. (a) This section applies to an additional tax imposed under any of the following before April 1, 2006, and that would have been in effect for a year after 2006 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed:

- (1) IC 6-3.5-1.1-2.5 (repealed).
- (2) IC 6-3.5-1.1-2.7 (repealed).
- (3) IC 6-3.5-1.1-2.8 (repealed).
- (4) IC 6-3.5-1.1-2.9 (repealed).
- (5) IC 6-3.5-1.1-3.3 (repealed).
- (6) IC 6-3.5-1.1-3.5 (repealed).
- (7) IC 6-3.5-1.1-3.6 (repealed).
- (8) IC 6-3.5-6-27 (repealed).
- (9) IC 6-3.5-6-28 (repealed).
- (10) IC 6-3.5-7-22 (repealed).
- (11) IC 6-3.5-7-24 (repealed).
- (12) IC 6-3.5-7-25 (repealed).
- (13) IC 6-3.5-7-27 (repealed).

(b) An additional tax rate is imposed in a county after 2006 for the purposes each law described in subsection (a). The amount of the additional tax rate is the tax rate imposed in 2006 under a law described in subsection (a). The additional tax rate is an excluded tax.

(c) An additional tax rate imposed under this section continues until the earliest of the following:

- (1) The date the additional tax rate is rescinded or reduced by the body establishing the additional rate.
- (2) The date that the purpose for which the tax rate was imposed is accomplished.
- (3) The date that the law described in subsection (a) would have terminated the additional tax rate.

(d) The county auditor shall retain the amount of the additional tax rate as a special allocation. The retained amount shall be allocated as provided in the applicable law described in subsection (a).

Sec. 12. (a) This section applies to any county, regardless of whether the county has adopted an ordinance under:

- (1) IC 6-11-15 to provide additional property tax replacement credits or homestead credits from the part of a tax that is a controlled tax imposed under IC 6-11-7;
- (2) IC 6-11-16 to provide additional property tax replacement credits or homestead credits from the part of an optional additional county income tax imposed as an excluded tax under IC 6-11-8; or
- (3) another provision of this chapter to provide additional property tax replacement credits or homestead credits.

(b) In addition to any other additional tax rate imposed under this article, a council may adopt an additional tax rate to replace revenue lost to a political subdivision as the result of granting an additional property tax replacement credit under this section. The amount of the additional tax is an excluded tax.

(c) The additional tax rate may not exceed one percent (1%).

(d) An additional property tax replacement credit is established in each county to which this section applies. The department shall set the percentage of the property tax replacement credit so that the total amount of additional property tax replacement credits granted equals the amount of

the additional tax collected under this section. The additional property tax replacement credit shall be uniformly applied to all taxpayer property tax liability for controlled property taxes imposed by the political subdivision.

(e) The county auditor shall retain the amount necessary for the property tax replacement credit as a special allocation. The retained amount shall be allocated among political subdivisions in proportion to property tax revenue lost as the result of granting additional property tax replacement credits under this section.

(f) Money received under this section shall be treated for all purposes as property tax levies.

Chapter 10. Credits

Sec. 1. (a) Except as provided in subsection (b), if for a particular taxable year a resident is liable for an income tax imposed by a county, city, town, or other local governmental entity located outside Indiana, that resident is entitled to a credit against the tax liability imposed under this article for that same taxable year. The amount of the credit equals the amount of tax imposed by the other governmental entity on income derived from sources outside Indiana and subject to the tax under this article. However, the credit provided by this section may not reduce a resident's tax liability under this article to an amount less than would have been owed if the income subject to taxation by the other governmental entity had been ignored.

(b) The credit provided by this section does not apply to a resident to the extent that the other governmental entity provides for a credit to the resident for the amount of taxes owed under this article.

(c) To claim the credit provided by this section, a resident must provide the department of state revenue with satisfactory evidence that the taxpayer is entitled to the credit.

Sec. 2. (a) If for a particular taxable year a taxpayer is, or a taxpayer and the taxpayer's spouse who file a joint return are, allowed a credit for the elderly or totally disabled under Section 22 of the Internal Revenue Code, the taxpayer is, or the taxpayer and the taxpayer's spouse are, entitled to a credit against the tax liability under this article for that same taxable year. The amount of the credit equals the lesser of:

(1) the product of:

- (A) the credit for the elderly or totally disabled for that same taxable year; multiplied by
- (B) a fraction, the:
 - (i) numerator of which is the tax rate imposed under this article against the taxpayer or the taxpayer and the taxpayer's spouse; and
 - (ii) denominator of which is fifteen-hundredths (0.15); or

(2) the amount of tax imposed on the taxpayer or the taxpayer and the taxpayer's spouse.

(b) If a taxpayer and the taxpayer's spouse file a joint return and are subject to different county income tax rates for the same taxable year, the taxpayer and the taxpayer's spouse shall compute the credit under this section by using the formula provided by subsection (a), except that they shall use the average of the two (2) county income tax rates imposed against them as the numerator referred to in subsection (a)(1)(B)(i).

Chapter 11. Administration

Sec. 1. Except as otherwise provided in this article, all provisions of the adjusted gross income tax law (IC 6-3) concerning:

- (1) definitions;
- (2) declarations of estimated tax;
- (3) filing of returns;
- (4) deductions or exemptions from adjusted gross income;
- (5) remittances;
- (6) incorporation of the provisions of the Internal Revenue Code;
- (7) penalties and interest; and
- (8) exclusion of military pay credits for withholding;

apply to the imposition, collection, and administration of the tax imposed by this article.

Sec. 2. The provisions of IC 6-3-1-3.5(a)(6), IC 6-3-3-3, IC 6-3-3-5, IC 6-3-4-4.1(h), IC 6-3-4-8.1(e), and IC 6-3-5-1 do not apply to the tax imposed by this article.

Sec. 3. Each employer, including an employer making payments by electronic funds transfer, shall report to the department of state revenue for each reporting period the amount of tax withholdings attributable to each county. The report must be made before the later of the time that an employer that is not making an electronic funds transfer is required to pay to the department of state revenue amounts withheld during the reporting period or the date specified by the department of state revenue.

Sec. 4. A taxpayer required to file estimated or annual state adjusted gross income tax returns under IC 6-3-4-4.1, including taxpayers making payments by electronic funds transfer, shall file estimated tax returns and make payments of the tax imposed by this article to the department of state revenue at the time or times and in the installments specified under IC 6-3-4-4.1 for making estimated state adjusted gross income tax returns by taxpayers not making an electronic funds transfer.

Chapter 12. Collection and Distribution of Revenue to a County

Sec. 1. (a) A special account within the state general fund shall be established for each county that adopts the tax. Estimated tax payments, wage withholding payments, and other revenue derived from the imposition of the tax by a county shall be deposited in that county's account in the state general fund on at least a monthly basis as the revenue is received.

(b) Overpayments of the county's tax deposited in a county's account and other amounts deposited in a county's account in error shall be withdrawn from the account whenever the amount of the excess deposit is determined. If the amount that must be withdrawn from a county's account exceeds the amount in the account, the budget agency shall advance to the county's account from the state general fund the amount necessary to make the withdrawal. The advance shall be repaid from the account on the schedule determined by the budget agency.

(c) Income earned on money held in a county's account becomes a part of that account.

(d) Revenue remaining in a county's account at the end of a fiscal year does not revert to the state general fund.

Sec. 2. The auditor of state shall distribute money in a county's account, less the reserve that the department of state

revenue determines is necessary to meet probable withdrawals from the fund for overpayments and other erroneous deposits, at least monthly.

Sec. 3. All distributions from an account shall be made by warrants issued by the auditor of state to the treasurer of state ordering the appropriate payments.

Sec. 4. The department of state revenue shall at least annually distribute to the county auditor for a county imposing a tax and to the department sufficient information for the county auditor and the department to determine that the distributions made to the county are correct and complete. To the extent that the information distributed under this section is confidential information under IC 6-8.1-7, the department of state revenue shall require the recipients to enter into an agreement under IC 6-8.1-7-1(b) before providing the information.

Sec. 5. The department of state revenue, in addition to offsetting withdrawals and the repayment of advances to an account against money deposited in an account, may on a settlement date seek repayment from a county of money erroneously distributed to the county. The county auditor shall reimburse the county's account for overpayments from county income tax distributions held by the county. The amount of the reimbursement shall be proportionately deducted from all allocations made to the political subdivisions in the county except allocations made to pay or fund any bonds, lease obligations, or other obligations (as defined in IC 5-1-3-1) for which county adjusted gross income tax, county option income tax, county economic development tax, or county income tax is pledged. If the amount held by the county is insufficient to reimburse the county's account, the county fiscal body may authorize an advance of money from the county general fund to make the reimbursement. The advance shall be repaid on the schedule determined by the county fiscal body.

Chapter 13. Distribution of Revenue by the County Auditor

Sec. 1. When taxes are distributed to a county under IC 6-11-12, the county auditor shall:

- (1) determine the part of the distribution that is attributable to the part of the tax imposed under IC 6-11-7, IC 6-11-8, and each additional excluded tax rate imposed under IC 6-11-9;
- (2) determine the part of each political subdivision's allocation of taxes imposed under IC 6-11-7 and IC 6-11-8 that must be retained under this article, including amounts retained as a result of assignments of taxes made by a political subdivision under IC 6-11-14; and
- (3) distribute the remainder of the taxes among the political subdivisions in the county according to the formulas established under this article.

Sec. 2. Amounts retained under section 1 of this chapter shall be distributed as required to carry out the purposes of the special allocation or other purpose for which the taxes are retained.

Sec. 3. To assist county auditors, the department shall compute allocations, amounts that must be retained, and amounts to be distributed for each purpose.

Sec. 4. The department shall establish a schedule for transmitting the information computed under section 3 of this chapter to each county auditor. The information must be accompanied by sufficient supporting work papers for the county

auditor to verify the accuracy and completeness of the computations.

Sec. 5. A county auditor shall provide each affected political subdivision, individual, or other entity entitled to a distribution with:

- (1) advance notice of the policies established under this chapter; and
- (2) sufficient documentation for the entity to verify the accuracy and completeness of the entity's distributions under this article.

The county auditor shall give the notices and documentation under this section on the schedule, if any, specified by the department.

Sec. 6. Subject to this chapter and any other law, a council may adopt an ordinance to establish the:

- (1) schedule on which distributions are made;
- (2) amount of reserve that the county auditor shall retain to reimburse the state for any overpayment to the county under IC 6-11-12;
- (3) schedule for apportioning amounts retained by the county auditor to the distributions that would otherwise be made under this article; and
- (4) formula and schedule for apportioning shortfalls among the distributions that would otherwise be made under this article.

Sec. 7. In the absence of an ordinance under section 6 of this chapter the:

- (1) schedule on which distributions are made;
- (2) amount of reserve that the county auditor shall retain to reimburse the state for any overpayment to the county under IC 6-11-12;
- (3) schedule for apportioning amounts retained by the county auditor to the distributions that would otherwise be made under this article; and
- (4) formula and schedule for apportioning shortfalls among the distributions that would otherwise be made under this article.

is the schedule, amount, and formula specified by the department under section 8 of this chapter or, in the absence of a policy under section 8 of this chapter, the county auditor.

Sec. 8. The department may establish the:

- (1) schedule on which distributions are made;
- (2) amount of reserve that a county auditor shall retain to reimburse the state for any overpayment to the county under IC 6-11-12;
- (3) schedule for apportioning amounts retained by the county auditor to the distributions that would otherwise be made under this article; and
- (4) formula and schedule for apportioning shortfalls among the distributions that would otherwise be made under this article.

Sec. 9. If the council adopts an ordinance under section 6 of this chapter, the department may establish under section 8 of this chapter a different standard than the standard adopted in the ordinance only as necessary to:

- (1) protect taxpayers;
- (2) protect the holders of bonds, leases, or other obligations;

(3) provide for uniform and just treatment of all political subdivisions in the county; or

(4) enforce a law.

Sec. 10. To the extent possible, the county auditor, council, and department shall provide for monthly distributions of a county's tax.

Sec. 11. An ordinance adopted under section 6 of this chapter or a policy established under section 3, 7, or 8 of this chapter may not adversely affect the payment or funding of any bonds, lease obligations, or other obligations (as defined in IC 5-1-3-1) for which:

- (1) county adjusted gross income tax, county option income tax, or county economic development tax was pledged before 2007; or
- (2) county income tax is pledged.

Sec. 12. A county auditor may not maintain a reserve to reimburse the state for any overpayment to the county under IC 6-11-12 that exceeds the probable net settlement to the state for taxes from which the reserve is retained.

Sec. 13. The county auditor shall retain from a county's distribution under IC 6-11-12 the amount of any settlement with the state required to eliminate overpayments to the county of taxes imposed under this article that are not covered by a reserve.

Chapter 14. Assignments of an Allocation

Sec. 1. The fiscal body of a political subdivision may by ordinance or resolution assign any part of the political subdivision's allocation, including a special allocation, of a county's distribution of taxes to another entity to carry out any governmental purpose, including any purpose for which county adjusted gross income taxes, county option income taxes, or county economic development taxes could have been pledged or assigned before 2007.

Sec. 2. An assignment of a political subdivision's share of:

- (1) county adjusted income taxes;
- (2) county option income taxes; or
- (3) county economic development income taxes;

that would have applied to a year after 2006 if IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-3.5-7 had not been repealed, shall be treated as an assignment of the political subdivision's allocation of a county's distribution of taxes under this article.

Sec. 3. Except as provided in section 2 of this chapter, if the political subdivision assigns an allocation, the fiscal body shall certify the allocation to the county auditor and the department.

Sec. 4. If a political subdivision fails to pay or fund bonds, lease obligations, or other obligations (as defined in IC 5-1-3-1) for which a pledge of county adjusted gross income tax, county option income tax, or county economic development tax was made, the department may order the county auditor to retain from the amount that would otherwise be allocated to the political subdivision the amount necessary to fulfill the political subdivision's obligations. The amount retained under this section shall be treated as an assignment of the political subdivision's allocation to meet the political subdivision's obligations under the pledge.

Sec. 5. The county auditor shall retain an assigned amount and directly distribute it to the assignee as if it were a distribution to the political subdivision.

Sec. 6. An assignment under this chapter (including an assignment described in section 2 of this chapter) applies until the fiscal body of the political subdivision rescinds or reduces the amount of an assignment in a subsequent ordinance.

Sec. 7. A political subdivision (or the department in the case of section 4 of this chapter) may not reduce or rescind an assignment to the extent that the reduction or rescission will adversely affect the payment or funding of any bonds, lease obligations, or other obligations (as defined in IC 5-1-3-1) for which county adjusted gross income tax, county option income tax, or county economic development tax, or county income tax is pledged.

Sec. 8. An assignment of controlled taxes does not change the political subdivision's controlled tax limit or controlled levy limit.

Chapter 15. Special Allocations From Controlled Taxes

Sec. 1. This chapter applies only to the part of a tax that is a controlled tax imposed under IC 6-11-7.

Sec. 2. (a) This section applies to any county.

(b) In addition to any other property tax replacement credit or homestead credit granted under this article, the fiscal body of a political subdivision may adopt an ordinance to retain part of the amount that would otherwise be allocated to the political subdivision under IC 6-11-7 to replace revenue lost to a political subdivision as the result of granting additional property tax replacement credits under this section. The ordinance must specify the amount to be retained. The amount retained under this section is not an excluded tax.

(c) An additional property tax replacement credit is established in each county to which this section applies. The additional property tax replacement credit applies to the controlled property taxes imposed by the political subdivision adopting an ordinance under this section. The department shall set the percentage of property tax replacement credits so that the total amount of additional property tax replacement credits granted equals the amount of the tax retained under this section. The additional property tax replacement credit shall be uniformly applied to all taxpayer property tax liability for controlled property taxes imposed by the political subdivision.

(d) The county auditor shall retain the amount necessary for the additional property tax replacement credit as a special allocation. The retained amount shall be allocated to the political subdivision in proportion to the controlled property tax revenue lost as the result of granting additional property tax replacement credits under this section.

(e) Money received under this section shall be treated for all purposes as controlled property tax levies.

Chapter 16. Special Allocations From Optional Additional County Income Taxes

Sec. 1. This chapter applies only to the part of the tax imposed under this article that is imposed as an excluded tax under IC 6-11-8.

Sec. 2. The amount of taxes allocated to a tax area under:

- (1) IC 36-7-13;
- (2) IC 36-7-31;
- (3) IC 36-7-31.3;
- (4) IC 36-7-32; or
- (5) another similar law;

shall be treated as a special allocation that reduces only the

amount that would otherwise be allocated to a political subdivision under IC 6-11-8. The amount of the special allocation under this section may not be considered in determining the controlled tax limit of a political subdivision or in setting tax rates under this article.

Sec. 3. (a) This section applies to a county that adopted an ordinance under IC 6-3.5-7-23 (before its repeal) to provide for an additional property tax replacement credit to replace library property taxes in the county.

(b) The county fiscal body may adopt an ordinance to retain part of the amount that would otherwise be allocated to political subdivisions under IC 6-11-8 to replace revenue lost to a public library as the result of granting an additional property tax replacement credit against library property taxes imposed in the county. An ordinance adopted under IC 6-3.5-7-23 (before its repeal) shall be treated as an ordinance adopted under this section. The county fiscal body may not designate for library property tax replacement purposes tax revenue that is generated by a tax rate of more than fifteen-hundredths percent (0.15%).

(c) An additional property tax replacement credit is established in each county to which this section applies. The department shall set the percentage of the property tax replacement credit so that the total amount of additional property tax replacement credits granted equals the amount of the tax retained under this section. The additional property tax credit shall be applied in the same manner as an additional property tax credit under IC 6-3.5-7-23 (before its repeal) would have been applied.

(d) The county auditor shall allocate the amount retained under this section as a special allocation. The retained amount shall be allocated among public libraries as an additional property tax credit under IC 6-3.5-7-23 (before its repeal) would have been allocated.

(e) Money received under this section shall be treated for all purposes as property tax levies.

(f) A special allocation and property tax replacement credit under this section continues in effect until rescinded or reduced by ordinance adopted by the county fiscal body.

Sec. 4. (a) This section applies to a county that received a certified distribution of county adjusted gross income taxes in 2006.

(b) In addition to any other property tax replacement credit or homestead credit granted under this chapter, part of the amount that would otherwise be allocated to political subdivisions under IC 6-11-8 must be retained to replace revenue lost to a political subdivision as the result of granting additional property tax replacement credits under this section.

(c) The amount to be retained is the amount raised by the tax rate that is equal to the part of the county adjusted gross income tax rate that was imposed to raise the part of the county's 2006 certified distribution that was allocated to civil taxing units (as defined in IC 6-3.5-1.1-1 (repealed)) and school corporations as property tax replacement credits.

(d) An additional property tax replacement credit is established in each county to which this section applies. The department shall set the percentage of property tax replacement credits so that the total amount of additional property tax replacement credits granted equals the amount of the tax

retained under this section. The additional property tax replacement credit shall be uniformly applied to property tax liability on taxable property in the county as follows:

(1) To the property tax liability of each eligible civil taxing unit, as determined under IC 6-11-8-15, for controlled property taxes.

(2) To the property tax liability of each school corporation for its general fund, debt service fund, capital projects fund, transportation fund, and special education preschool fund.

(e) The county auditor shall retain the amount necessary for the additional property tax replacement credit as a special allocation. The retained amount shall be allocated among political subdivisions in proportion to the property tax revenue lost as the result of granting additional property tax replacement credits under this section.

(f) Money received under this section shall be treated for all purposes as property tax levies.

Sec. 5. (a) This section applies to a county that received a certified distribution of county adjusted gross income taxes in 2006.

(b) In addition to any other property tax replacement credit or homestead credit granted under this chapter, part of the amount that would otherwise be allocated to each eligible civil taxing unit, as determined under IC 6-11-8-15, under IC 6-11-8 must be retained to replace revenue lost to an eligible civil taxing unit as the result of granting additional property tax replacement credits under this section.

(c) The amount to be retained is the amount raised by the tax rate that is equal to the part of the county adjusted gross income tax rate that was imposed to raise the part of the county's 2006 certified distribution that was:

(1) allocated to eligible civil taxing units (as determined under IC 6-11-8-15) as certified shares; and

(2) used as additional property tax replacement credits.

(d) An additional property tax replacement credit is established in each county to which this section applies. The department shall set the percentage of property tax replacement credits so that the total amount of additional property tax replacement credits granted equals the amount of the tax retained under this section. The additional property tax replacement credit shall be uniformly applied to property tax liability on taxable property in the county of each eligible civil taxing unit, as determined under IC 6-11-8-15, for controlled property taxes.

(e) The county auditor shall retain the amount necessary for the additional property tax replacement credit as a special allocation. The retained amount shall be allocated among political subdivisions in proportion to the property tax revenue lost as the result of granting additional property tax replacement credits under this section.

(f) Money received under this section shall be treated for all purposes as property tax levies.

Sec. 6. (a) This section applies to any county.

(b) In addition to any other property tax replacement credit or homestead credit granted under this chapter, a council may adopt an ordinance to retain part of the amount that would otherwise be allocated to political subdivisions under IC 6-11-8

to replace revenue lost to a political subdivision as the result of granting additional property tax replacement credits under this section. The ordinance must specify the amount to be retained.

(c) An additional property tax replacement credit is established in each county to which this section applies. The department shall set the percentage of property tax replacement credits so that the total amount of additional property tax replacement credits granted equals the amount of the tax retained under this section. The additional property tax replacement credit shall be uniformly applied to all controlled property tax liability in the county.

(d) The county auditor shall retain the amount necessary for the additional property tax replacement credit as a special allocation. The retained amount shall be allocated among political subdivisions in proportion to the controlled property tax revenue lost as the result of granting additional property tax replacement credits under this section.

(e) Money received under this section shall be treated for all purposes as controlled property tax levies.

Sec. 7. (a) This section applies to any county.

(b) In addition to any other additional property tax replacements or homestead credits granted under this chapter, a council may adopt an ordinance to retain part of the amount that would otherwise be allocated to political subdivisions under IC 6-11-8 to replace revenue lost to a political subdivision as the result of granting an additional homestead credit under this section. The amount retained is not an excluded tax. An ordinance adopted in a county under IC 6-3.5-6-13 (repealed) before April 1, 2006, shall be treated as an ordinance adopted under this section if the ordinance would have been in effect in a year after 2006 if IC 6-3.5-6 had not been repealed.

(c) The maximum amount that may be retained under this section for an ensuing year is the greater of:

(1) eight percent (8%) of the sum of the property taxes imposed in the county in the year immediately preceding the ensuing year; or

(2) the amount that the county retained under IC 6-3.5-6-18(b) (repealed) in 2006 for the purposes of granting homestead credits.

The ordinance must specify the amount to be retained.

(d) An additional homestead credit is established in each county to which this section applies. The department shall set the percentage of the homestead credit so that the total amount of additional homestead credits granted equals the amount of the additional tax collected under this section. The additional homestead credit shall be applied as an increase in the homestead credit allowed in a taxing district under IC 6-1.1-20.9 for a year. The homestead credit shall be uniformly applied to all homesteads in the county.

(e) The county auditor shall retain the amount necessary for the homestead credit as a special allocation. The retained amount shall be allocated among political subdivisions in proportion to property tax revenue lost as the result of granting additional homestead credits under this section.

(f) Money received under this section shall be treated for all purposes as property tax levies.

Sec. 8. (a) This section applies to any county.

(b) In addition to any other property tax replacement credit or homestead credit granted under this article, the fiscal body of a political subdivision may adopt an ordinance to retain part of the amount that would otherwise be allocated to the political subdivision under IC 6-11-8 to replace revenue lost to a political subdivision as the result of granting additional property tax replacement credits under this section. The ordinance must specify the amount to be retained. The ordinance may be combined with an ordinance adopted under IC 6-11-15.

(c) An additional property tax replacement credit is established in each county to which this section applies. The additional property tax replacement credit applies to the controlled property taxes imposed by the political subdivision adopting an ordinance under this section. The department shall set the percentage of property tax replacement credits so that the total amount of additional property tax replacement credits granted equals the amount of the tax retained under this section. The additional property tax replacement credit shall be uniformly applied to all taxpayer property tax liability for controlled property taxes imposed by the political subdivision.

(d) The county auditor shall retain the amount necessary for the additional property tax replacement credit as a special allocation. The retained amount shall be allocated to the political subdivision in proportion to the controlled property tax revenue lost as the result of granting additional property tax replacement credits under this section.

(e) Money received under this section shall be treated for all purposes as controlled property tax levies.

Chapter 17. Actions Taken by Fiscal Body Other Than Council

Sec. 1. This chapter applies to an action that under this article may be taken by a fiscal body that is not acting as a member of the council.

Sec. 2. A fiscal body may take an action after publishing a notice under IC 5-3-1.

Sec. 3. As soon as practical after its adoption, a certified copy of an ordinance or resolution adopted by a fiscal body shall be distributed to the:

- (1) county auditor;
- (2) department; and
- (3) department of state revenue.

Sec. 4. An ordinance or resolution adopted by a fiscal body may be amended or rescinded by adopting a subsequent ordinance or resolution.

Sec. 5. An ordinance or resolution adopted by a fiscal body before September 16 initially applies to the ensuing year. Unless waived by the department for good cause, an ordinance or resolution adopted after September 15 in a year initially applies to the year following the year of adoption by two (2) years.

Chapter 18. Bonds

Sec. 1. Notwithstanding any other law, if a political subdivision desires to issue obligations or enter into leases, payable wholly or in part by the tax, the obligations of the political subdivision or any lessor may be sold at public sale in accordance with IC 5-1-11 or at negotiated sale.

Sec. 2. A pledge of tax revenues under this article is enforceable in accordance with IC 5-1-14.

Sec. 3. With respect to obligations for which a pledge has been

made under this article, the general assembly covenants with the county and the purchasers or owners of those obligations that this article will not be repealed or amended in any manner that will adversely affect the tax collected under this article as long as the principal of or interest on those obligations is unpaid.

SECTION 43. IC 6-12 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 12. CONTROLLED TAX LIMIT

Chapter 1. Definitions

Sec. 1. The definitions in IC 6-1.1, IC 6-11, and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Adjustment" means an increase or a decrease of a:

- (1) political subdivision's controlled tax limit or controlled levy limit, or both;
- (2) political subdivision's property taxes or property tax rates;
- (3) county's income tax or income tax rate; or
- (4) political subdivision's allocation of income taxes; or

another action allowed under this article or IC 6-13.

Sec. 4. "Income tax" refers to a county income tax imposed under IC 6-13.

Sec. 5. "Indiana nonfarm personal income" means the estimate of total nonfarm personal income for Indiana in a year as computed by the federal Bureau of Economic Analysis using any actual data for the year and any estimated data determined to be appropriate by the federal Bureau of Economic Analysis.

Chapter 2. Excluded Taxes

Sec. 1. This article does not apply to the state or a political subdivision that does not have the power to impose a property tax.

Sec. 2. This article applies to the:

- (1) amount of controlled income taxes that may be imposed in a county for allocation to a political subdivision; and
- (2) controlled property taxes that may be imposed in a county by the political subdivision.

Sec. 3. The taxes described in section 2 of this chapter are controlled taxes subject to this article.

Sec. 4. This article does not apply to any part of:

- (1) an income tax imposed in a county; or
- (2) a property tax levy imposed by a political subdivision; that is designated as an excluded tax under this chapter or IC 6-11.

Sec. 5. A controlled tax limit or controlled levy limit calculated under this article does not apply to an excluded tax.

Sec. 6. An excluded tax may not be considered in calculating a controlled tax limit, controlled levy limit, or annual controlled tax increase for any political subdivision.

Sec. 7. A property tax imposed for a debt service fund (as defined in IC 6-14-1-8) is an excluded tax.

Sec. 8. A fixed rate levy (as defined in IC 6-15-1-3) is an excluded tax.

Sec. 9. A property tax imposed for any of the following is an excluded tax:

- (1) A referendum tax levy fund (IC 21-2-11.6).
- (2) A school capital projects fund (IC 21-2-15).

- (3) A special education preschool fund (IC 21-2-17).
- (4) A racial balance fund (IC 6-1.1-19-10 (repealed) or IC 21-2-22).
- (5) A cultural institution (IC 20-5-17.5-4 (repealed) or IC 36-10-13-8).

Sec. 10. A:

- (1) tax imposed under IC 6-1.1-21.2-12; or
- (2) special assessment imposed under IC 12-19-1.5-9;

for an allocation area is an excluded tax.

Sec. 11. A part of the income tax rate that is:

- (1) imposed under IC 6-11-8; or
- (2) otherwise designated by law as an excluded tax.

Chapter 3. Limitations on Controlled Taxes

Sec. 1. A:

- (1) controlled tax limit; and
- (2) controlled levy limit;

is established for each political subdivision.

Sec. 2. If the political subdivision is located in more than one (1) county, a controlled tax limit and controlled levy limit is established for each county in which the political subdivision is located. The controlled tax limit and the controlled levy limit in each county must reflect a proportionate share of the total amount of controlled taxes that may be imposed for the political subdivision. The apportionment must reflect the factors applicable to apportioning an adjustment under IC 6-12-5-5.

Sec. 3. A political subdivision's controlled tax limit specifies the maximum total amount of controlled taxes that may be imposed in a county in a year for the political subdivision. Subject to section 16 of this chapter, an action taken by a political subdivision, the council, or the department of local government is void to the extent that it allows controlled taxes to be imposed in a county in a year for a political subdivision that exceeds the political subdivision's controlled tax limit in the county for the year.

Sec. 4. A political subdivision's controlled levy limit does not limit the amount of controlled property taxes that a political subdivision may impose in a county in a year. However, the political subdivision's controlled levy limit specifies the maximum total amount of the political subdivision's controlled taxes that is eligible for:

- (1) homestead credits under IC 6-1.1-20.9-2 and property tax replacement credits under IC 6-1.1-21-5; and
- (2) distributions under IC 6-1.1-21 to replace revenue lost from the granting of homestead credits under IC 6-1.1-20.9-2 and property tax replacement credits under IC 6-1.1-21-5.

Sec. 5. If a county does not pay all of a political subdivision's total allowable tax increase amounts from income taxes the political subdivision may impose a controlled property tax to raise the amount that is not raised from income taxes. However, the additional amount of property taxes is not eligible for:

- (1) homestead credits under IC 6-1.1-20.9-2 and property tax replacement credits under IC 6-1.1-21-5; and
- (2) distributions under IC 6-1.1-21 to replace revenue lost from the granting of homestead credits under IC 6-1.1-20.9-2 and property tax replacement credits under IC 6-1.1-21-5.

Sec. 6. A political subdivision's allocation of income taxes under IC 6-11-7 is calculated based on the political subdivision's controlled tax limit.

Sec. 7. A political subdivision is not required to spend the entire amount of the political subdivision's controlled tax limit for a year or impose property taxes equal to the amount of the political subdivision's controlled levy limit.

Sec. 8. The use of controlled income taxes to increase the amount of money in:

- (1) the political subdivision's rainy day fund; or
- (2) another fund that the political subdivision is saving under a written plan approved by the department;

does not reduce the political subdivision's controlled tax limit or controlled levy limit.

Sec. 9. The use of controlled income taxes as property tax replacement credits, homestead credits, or other credits under IC 6-11-15 does not reduce the political subdivision's controlled tax limit or controlled levy limit.

Sec. 10. A temporary adjustment, as determined by the department, in the amount of controlled income taxes or controlled property taxes that are imposed for a political subdivision is disregarded for purposes of determining the political subdivision's controlled tax limit and controlled levy limit for the following year.

Sec. 11. The application of money from:

- (1) the political subdivision's rainy day fund;
- (2) an excess revenue fund account;
- (3) excluded income taxes under IC 6-11-9 or IC 6-11-16; or
- (4) another source;

to reduce the controlled income taxes or controlled property taxes imposed for the political subdivision in a year shall be treated as a temporary adjustment.

Sec. 12. For purposes of determining a political subdivision's controlled tax limit, controlled levy limit, and allocations of controlled income taxes, the assignment of controlled income taxes under IC 6-11-14 or controlled property taxes to another entity shall be treated as if the money were expended by the assigning political subdivision.

Sec. 13. A political subdivision is not prohibited by law from using controlled income taxes to pay expenditures for a purpose or from a fund when a law imposes a limit at or requires expenditure of a specified property tax levy or specified property tax rate. The law shall be construed to mean that the total of all controlled income taxes and controlled property taxes that may or must be expended is the amount that would be raised by the specified levy or rate.

Sec. 14. Regardless of whether a political subdivision's controlled tax limit or controlled levy limit would permit a higher tax or rate, the controlled taxes that may be imposed in a year for a particular fund or purpose may not exceed the maximum tax amount or rate specified by law, if any, for the fund or purpose.

Sec. 15. An unused part of a political subdivision's controlled tax limit or controlled levy limit that is attributable to a:

- (1) family and children's fund;
- (2) children's psychiatric residential treatment services fund;
- (3) school general fund;
- (4) school transportation fund; or

(5) school bus replacement fund; may not be reallocated and applied to increase the controlled tax limit or controlled levy limit for any other fund or purpose.

Sec. 16. If, as the result of applying the property tax and income tax rates certified by the department, more controlled taxes are raised for a political subdivision than the maximum amount allowed under the political subdivision's controlled tax limit, the collection of the excess is valid. The excess shall be treated as excess revenue under IC 6-13-22.

Chapter 4. Computation of Controlled Tax and Levy Limits

Sec. 1. A political subdivision's controlled tax limit and controlled levy limit for a county are the controlled tax limit and controlled levy limit calculated by the department.

Sec. 2. The department shall annually calculate a political subdivision's controlled tax limit and controlled levy limit under this article.

Sec. 3. (a) This section does not apply to a school corporation.

(b) Subject to any adjustment allowed or required under this article, a political subdivision's controlled tax limit in a county for the ensuing year is equal to the amount determined under STEP SEVEN of the following formula:

STEP ONE: Determine the amount of controlled property taxes, as adjusted under IC 6-13-4-10, and controlled income taxes under IC 6-11-7 imposed in the county for the political subdivision for the immediately preceding year, as certified by the department and adjusted to eliminate the:

- (A) effects of any temporary adjustments in the certified amount; and
- (B) cumulative effects of any incorrect data, computations, and advertisements on the certified amount;

as determined by the department.

STEP TWO: Multiply the STEP ONE amount by the greater of the political subdivision's:

- (A) tax growth quotient; or
- (B) assessed value growth quotient;

for the ensuing year.

STEP THREE: Determine the lesser of one and fifteen hundredths (1.15) or the quotient of:

- (A) the assessed value of all taxable property subject to the political subdivision's controlled property tax levy for the ensuing year; divided by
- (B) the assessed value of all taxable property that is subject to the political subdivision's controlled property tax levy:
 - (i) for the ensuing year; and
 - (ii) that is contained in the geographic area that was subject to the political subdivision's controlled property tax levy in the preceding year.

STEP FOUR: Determine the greater of:

- (A) the amount determined in STEP THREE; or
- (B) one (1).

STEP FIVE: Multiply the amount determined in STEP TWO by the amount determined in STEP FOUR.

STEP SIX: Add the amount determined under STEP TWO and:

- (A) the amount paid by the annexed area during the immediately preceding year for services that the political

subdivision must provide to that area during the ensuing year as a result of the annexation, if the boundary change involved an annexation of an area to which the political subdivision provided services on a contractual basis in the immediately preceding year; or

(B) zero dollars (\$0), if:

- (i) the boundary change did not involve an annexation of an area to which the political subdivision provided services on a contractual basis in the immediately preceding year; or
- (ii) the political subdivision will not continue to provide the services previously provided on a contractual basis in the ensuing year.

STEP SEVEN: Determine the greater of STEP FIVE or STEP SIX.

Sec. 4. A political subdivision's tax growth quotient for the ensuing year is the amount determined under STEP FOUR of the following formula:

STEP ONE: For each of the six (6) years preceding the year by two (2), divide the Indiana nonfarm personal income for the year by the Indiana nonfarm personal income for the year immediately preceding that year, rounding to the nearest one-thousandth (0.001).

STEP TWO: Determine the sum of the STEP ONE results.
STEP THREE: Divide the STEP TWO result by six (6), rounding to the nearest one-thousandth (0.001).

STEP FOUR: Determine the lesser of the following:

- (A) The STEP THREE quotient.
- (B) One and six-hundredths (1.06).

Sec. 5. A political subdivision's assessed value growth quotient for the ensuing year is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the three (3) years that most immediately precede the ensuing year and in which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the:

- (A) sum of:
 - (i) the political subdivision's total assessed value of all taxable property; plus
 - (ii) the total assessed value of property tax deductions in the political subdivision under IC 6-1.1-12-41 or IC 6-1.1-12-42;

in the particular year; divided by

- (B) the sum of:
 - (i) the political subdivision's total assessed value of all taxable property; plus
 - (ii) the total assessed value of property tax deductions in the political subdivision under IC 6-1.1-12-41 or IC 6-1.1-12-42;

in the year immediately preceding the particular year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

Sec. 6. (a) A separate controlled tax limit shall be computed for each of the following:

(1) The school corporation's school general fund and charter schools under IC 6-1.1-19-1.5.

(2) The school corporation's transportation fund under IC 21-2-11.5-3.

(3) The school corporation's school bus replacement fund under IC 21-2-11.5-3.

(b) A school corporation's controlled tax limit for the:

(1) school corporation's school general fund and charter schools under IC 6-1.1-19-1.5 is the maximum controlled tax that may be imposed in the county under IC 6-1.1-19-1.5;

(2) school corporation's transportation fund under IC 21-2-11.5-3 is the maximum controlled tax that may be imposed in the county under IC 21-2-11.5-3; and

(3) school corporation's school bus replacement fund under IC 21-2-11.5-3 is the maximum controlled tax that may be imposed in the county under IC 21-2-11.5-3.

Sec. 7. The department shall compute a controlled tax limit for each political subdivision that imposed a property tax in 2006 as if this chapter applied to the political subdivision in 2006. The controlled tax limit computed under this section shall be used in computing a political subdivision's:

(1) 2007 controlled tax limit under section 3 of this chapter; and

(2) annual controlled tax increase that is eligible to be funded from income taxes under IC 6-11.

Sec. 8. The 2006 controlled tax limit for a political subdivision, other than a school corporation, is the sum of the following:

(1) The remainder, without any adjustment under IC 6-13-4-10, of the total amount of property taxes certified by the department to be imposed in the county for the political subdivision in 2006:

(A) after deducting the property taxes attributable to excluded taxes, as certified by the department; and

(B) adjusted to eliminate the:

(i) cumulative effects of any temporary adjustments in the certified amount; and

(ii) cumulative effects of any incorrect data, computations, and advertisements on the certified amount;

as determined by the department.

(2) The amounts, if any, of county adjusted gross income taxes (before its repeal) that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units, as provided in IC 6-3.5-1.1 (before its repeal) in 2006.

(3) The amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT (before its repeal) in 2006.

(4) The difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR (before its repeal); minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e) (before its repeal);

in 2006.

Sec. 9. A school corporation's 2006 controlled tax limit is the school corporation's controlled tax limit, as determined under section 6 of this chapter for 2006.

Sec. 10. Except as permitted to be increased under IC 6-12-5-6, a political subdivision's controlled levy limit for the ensuing year is the lesser of the following:

(1) The political subdivision's controlled levy limit for the immediately preceding year.

(2) The political subdivision's controlled tax limit for the ensuing year.

Sec. 11. The department shall compute a controlled levy limit for each political subdivision that imposed a property tax in 2006 as if this chapter applied to the political subdivision in 2006. The controlled levy limit computed under this section shall be used in computing a political subdivision's:

(1) 2007 controlled levy limit under section 10 of this chapter; and

(2) annual controlled tax increase that is eligible to be funded from income taxes under IC 6-11.

Sec. 12. A political subdivision's 2006 controlled levy limit is equal to the political subdivision's 2006 controlled tax limit.

Sec. 13. (a) This section applies to the determination of the controlled tax limit and controlled levy limit for a political subdivision:

(1) for which no certified taxes were imposed in the immediately preceding year; and

(2) that existed on March 1 of the preceding year.

(b) The controlled tax limit for a political subdivision described in subsection (a) in the ensuing year is the amount certified under subsection (c).

(c) The political subdivision shall refer its proposed budget for the ensuing year to the department before July 2 of the immediately preceding year. The department shall make the final determination concerning the political subdivision's budget, controlled levy limit, and controlled tax limit for the ensuing year before the immediately following August 2. The amount certified under this section is the political subdivision's controlled levy limit and controlled tax limit for the ensuing year.

Chapter 5. Adjustments

Sec. 1. The department may make an adjustment for any of the reasons specified in this article or IC 6-13. The department may increase a controlled levy limit only as permitted under section 6 of this chapter.

Sec. 2. Subject to this article, an adjustment under this article may be made on the department's own motion or after an appeal under IC 6-13. To the extent possible, the department shall make adjustments required by this article before certifying a political subdivision's controlled tax limit and controlled tax levy to the political subdivision under IC 6-13-5.

Sec. 3. An adjustment may be a:

(1) permanent adjustment that affects the computation of the political subdivision's controlled tax limit or controlled tax levy, or both, in all future years; or

(2) temporary adjustment that affects the computation of the political subdivision's controlled tax limit or controlled tax levy, or both, in only the years specified by the department;

as determined by the department. The department may make an

adjustment as a temporary adjustment only if the department determines that a law specifies that the adjustment is temporary, a permanent adjustment is not reasonably necessary to carry out the continuing governmental responsibilities of a political subdivision, or the conditions that justify the adjustment will not have a continuing effect on the political subdivision.

Sec. 4. If an adjustment is temporary, the department shall determine the years to which the adjustment applies.

Sec. 5. If a political subdivision is located in more than one (1) county and an adjustment is not directly related to the controlled taxes raised in a particular county, the department may apportion the adjustment among the counties in which the political subdivision is located in proportion to any of the following:

- (1) Each county's share of the controlled taxes certified by the department for the political subdivision in the immediately preceding year, as determined without considering the adjustment.
- (2) Each county's share of the assessed valuation of taxable property in the political subdivision, if an apportionment under subdivision (1) does not justly reflect the obligation of each county to provide funding for the political subdivision.
- (3) The cost of the services provided to each county, if an apportionment under subdivisions (1) and (2) do not justly reflect the obligation of each county to provide funding for the political subdivision.
- (4) Any other formula that justly reflects the obligation of each county to provide funding for the political subdivision, if an apportionment under subdivisions (1) through (3) do not justly reflect the obligation of each county to provide funding for the political subdivision.

Sec. 6. The department may increase a political subdivision's controlled levy limit only:

- (1) as allowed under IC 6-11-4-13 concerning the establishment of a controlled tax limit and controlled levy limit for a new political subdivision;
- (2) to make a temporary adjustment to fund a shortfall in property taxes or correct the cumulative effects of incorrect data, computations, or advertisements on property taxes in appropriate circumstances; or
- (3) by the amount by which another political subdivision's controlled levy limit is reduced.

A political subdivision's controlled tax limit is increased by the amount and for the years that an increase is granted under this section.

Sec. 7. An adjustment under this article or IC 6-13 is subject to judicial review in the same manner as an appeal under IC 6-13.

Sec. 8. The department may make an adjustment if a political subdivision, in an appeal filed under IC 6-13, demonstrates that the political subdivision cannot carry out the governmental functions committed to it by law without the adjustment unless the political subdivision is given the authority for which it petitions. The amount of the adjustment is that which is reasonably necessary for the political subdivision to carry out its governmental functions committed to it by law.

Sec. 9. The department may make an adjustment if a political subdivision, in an appeal filed under IC 6-13, demonstrates that

the adjustment is reasonably necessary to fund the operation of:

- (1) a new facility opened by the political subdivision after December 31, 1972; or
- (2) an existing facility that has not been used for at least three (3) years and that is being reopened by the political subdivision after July 1, 1988.

The adjustment, if approved, shall be an amount equal to the increase in costs resulting from the activity described in subdivision (1) or (2). In determining the amount of the increased costs, the department shall consider the costs to the political subdivision of complying with safety, health, space, heat, or lighting standards required by state or federal law or regulation and the other physical operation costs that in the opinion of the department justify an adjustment.

Sec. 10. The department may make an adjustment if a political subdivision, in an appeal filed under IC 6-13, demonstrates that the adjustment is reasonably necessary due to increased costs of the political subdivision resulting from:

- (1) annexation;
- (2) consolidation; or
- (3) other extensions of governmental services by the political subdivision to additional geographic areas or persons.

The amount of the adjustment is the amount reasonably necessary to pay the increased costs.

Sec. 11. The department may make an adjustment to eliminate the effects of temporary adjustments made by the department.

Sec. 12. Subject to section 13 of this chapter, the department may make an adjustment to eliminate the cumulative effects of incorrect data, computations, or advertisements on controlled taxes. If the adjustment is made for an ensuing year after income tax rates have been certified, the department may order a distribution from the political subdivision's rainy day fund for the ensuing year to replace the amount lost in the ensuing year as a result of the incorrect data, computations, or advertisements.

Sec. 13. The primary method of funding a shortfall is to order a distribution from the rainy day fund to cover the shortfall. The amount used to cover the shortfall would be replaced through the imposition of an excluded income tax under IC 6-11-9 in the years determined by the department. However, for good cause, the department may make an adjustment to eliminate the effects of a shortfall of controlled taxes.

Sec. 14. The department may make a temporary adjustment to eliminate a political subdivision's excessive cash balances:

- (1) that a political subdivision:
 - (A) has accumulated; or
 - (B) will accumulate in the ensuing year if an adjustment is not made under this section; and
- (2) that are available for the purposes for which a controlled tax would otherwise be imposed.

Sec. 15. The department may not consider any of the following as excessive cash balances:

- (1) Money in a political subdivision's rainy day fund under IC 36-1-8-5.1.
- (2) Money that is being accumulated by a political subdivision in a rainy day fund or for another purpose approved by the department.
- (3) Gifts, bequests, and grants from a private individual, the federal government, or another entity.

(4) Money designated in a law as miscellaneous revenue or otherwise designated by law or rule of the department as revenue that is not to be considered in determining a political subdivision's controlled tax limit.

(5) Excluded taxes.

(6) The proceeds of bonds or other obligations approved by the department.

Sec. 16. The department shall consider money in a political subdivision's excess revenue fund account under IC 6-13-22 as an excessive cash balance.

Sec. 17. The department may make an adjustment to reflect a reduction in the:

- (1) political subdivision's services;
- (2) political subdivision's cost of services; or
- (3) geographic areas or persons served by the political subdivision.

Sec. 18. The department shall make the adjustments reasonably necessary to do the following:

(1) To pay the principal or interest on an obligation to meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1) other than loans and bonds payable under IC 6-15-3-8.

(2) To pay the principal or interest on an obligation to meet the requirements of the children's psychiatric residential treatment services fund for children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) other than loans and bonds payable under IC 6-15-3-8.

Chapter 6. Additional Relief and Requirements

Sec. 1. If grounds exist for an adjustment under this article or IC 6-13, the department may do any of the following:

(1) Order a transfer of money from the political subdivision's rainy day fund under IC 36-1-8-5.1 to temporarily replace the amount of the shortfall.

(2) Order a transfer from the political subdivision's excess revenue fund account.

(3) Grant any necessary permission for a grant or grants from any funds of the state that are available for the purpose.

(4) Grant any necessary permission for a loan or loans from any funds of the state that are available for the purpose.

(5) Grant any necessary permission for the political subdivision to borrow funds from a source other than the state or any necessary assistance in obtaining the loan.

(6) Grant any necessary permission for an advance or advances of funds that will become payable to the political subdivision under any law providing for the payment of state funds to the political subdivision.

(7) Grant permission to the political subdivision to:

(A) cancel any unpaid obligation of the political subdivision's general fund to the political subdivision's cumulative building fund; or

(B) use, for general fund purposes, any unobligated balance in the political subdivision's cumulative building fund and the proceeds of any levy made or to be made by the political subdivision for the political subdivision's cumulative building fund.

(8) Grant permission, subject to any agreement with the bondholders, to use, for general fund purposes, any

unobligated balance in any construction fund, including any unobligated proceeds of a sale of the political subdivision's general obligation bonds.

Sec. 2. (a) This section applies only to a school corporation.

(b) This section does not apply to an adjustment granted for any of the following:

(1) An adjustment for the transportation fund that is necessary because of a transportation operating cost increase of at least ten percent (10%) over the preceding year as a result of at least one (1) of the following:

(A) A fuel expense increase.

(B) A significant increase in the number of students enrolled in the school corporation who need transportation or a significant increase in the mileage traveled by the school corporation's buses due to students enrolled in the school corporation as compared to the previous year.

(C) A significant increase in the number of students enrolled in special education who need transportation or a significant increase in the mileage traveled by the school corporation's buses due to students enrolled in special education as compared to the previous year.

(D) Increased transportation operating costs due to compliance with a court ordered desegregation plan.

(E) The closure of a school building within the school corporation that results in a significant increase in the distances that students must be transported to attend school in another school building.

(2) An adjustment that is necessary because the amount of total revenue actually received or estimated to be received by the school corporation on behalf of students transferring to the school corporation is less than the total transfer tuition payments actually made or estimated to be made on behalf of students transferring from the school corporation.

(c) Every school corporation with respect to which the department authorizes an adjustment under IC 6-12-5-8 is, if the school corporation accepts the adjustment, prohibited throughout any year in which or for which the school corporation receives the adjustment from taking any of the prohibited actions described in this section without the prior approval of the department.

(d) The prohibited actions are any of the following:

(1) The acquisition of real estate for school building purposes, the construction of new school buildings, or the remodeling or renovation of existing school buildings.

(2) The making of a lease of real or personal property for an annual rental or the incurring of any other contractual obligation (except an employment contract for a new employee, which contract is to supersede the contract of a terminating employee) calling for an annual outlay by the school corporation in excess of ten thousand dollars (\$10,000).

(3) The purchase of personal property for a consideration in excess of ten thousand dollars (\$10,000).

(4) The adoption or advertising of a budget, tax levy, or tax rate for any year.

(e) If a school corporation subject to the controls described in this section takes any of the actions described in subsection (d)

without having obtained the prior approval of the department, the department may take appropriate steps to reduce or terminate any adjustment granted under IC 6-12-5 or any other relief granted under section 1 of this chapter.

Sec. 3. (a) In addition to, or instead of, any adjustment under IC 6-12-5, the department may permit a school corporation to make a referendum tax levy for the ensuing year under this section if a majority of the individuals voting in a referendum held in the school corporation approves the school corporation making a referendum tax levy.

(b) If the school corporation requests that the department take the steps necessary to cause a referendum to be conducted, the department shall proceed as follows:

(1) The question to be submitted to the voters in the referendum must read as follows:

"For the __ (insert number) year or years immediately following the holding of the referendum, shall the school corporation impose a property tax rate that does not exceed _____ (insert amount) cents (\$0.__) (insert amount) on each one hundred dollars (\$100) of assessed valuation and that is in addition to the school corporation's normal tax rate?".

The voters in a referendum may not approve a referendum tax levy that is imposed for more than seven (7) years. However, a referendum tax levy may be reimposed or extended under this section.

(2) The department shall act under IC 3-10-9-3 to certify the question to be voted on at the referendum to the county election board of each county in which any part of the school corporation lies. Each county clerk shall, upon receiving the question certified by the department, call a meeting of the county election board to make arrangements for the referendum. The referendum shall be held in the next primary or general election in which all the registered voters who are residents of the school corporation are entitled to vote after certification of the question under IC 3-10-9-3. However, if the referendum would be held at a primary or general election more than six (6) months after certification by the department, the referendum shall be held at a special election to be conducted not less than ninety (90) days after the question is certified to the circuit court clerk or clerks by the department. The school corporation shall notify each affected county election board of the date on which the school corporation desires that the referendum be held, and, if practicable, the referendum shall be held on the day specified by the school corporation. The referendum shall be held under the direction of the county election board, which shall take all steps necessary to carry out the referendum. If a primary election, general election, or special election is held during the sixty (60) days preceding or following the special election described in this subdivision and is held in an election district that includes some, but not all, of the school corporation, the county election board may also adopt orders to specify when the registration period for the elections cease and resume under IC 3-7-13-10. Not less than ten (10) days before the date on which the referendum is to be held, the county election board shall cause notice of the question that is to be voted

upon at the referendum to be published in accordance with IC 5-3-1. If the referendum is not conducted at a primary or general election, the school corporation in which the referendum is to be held shall pay all the costs of holding the referendum.

(3) Each county election board shall cause the question certified to the circuit court clerk by the tax control board to be placed on the ballot in the form prescribed by IC 3-10-9-4. The county election board shall also cause an adequate supply of ballots and voting equipment to be delivered to the precinct election board of each precinct in which the referendum is to be held.

(4) The individuals entitled to vote in the referendum are all the registered voters resident in the school corporation.

(5) Each precinct election board shall count the affirmative votes and the negative votes cast in the referendum and shall certify those two (2) totals to the county election board of each county in which the referendum is held. The circuit court clerk of each county shall, immediately after the votes cast in the referendum have been counted, certify the results of the referendum to the department. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the department, upon being notified of the result of the referendum, shall take prompt and appropriate steps to notify the school corporation that the appellant school corporation is authorized to collect, for the year that next follows the year in which the referendum is held, a referendum tax levy not greater than the amount approved in the referendum. The referendum tax levy may be imposed for the number of years approved by the voters following the referendum for the school corporation in which the referendum is held. If a majority of the individuals who voted in the referendum voted "yes" on the referendum question, the school corporation shall establish a referendum tax levy fund under IC 21-2-11.6. A school corporation's referendum tax levy may not be considered in the determination of the school corporation's state tuition support under IC 21-3-1.7 or the determination of the school corporation's controlled levy limit or controlled tax limit under this article and IC 21-3-1.7. If a majority of the persons who voted in the referendum did not vote "yes" on the referendum question, the school corporation may not make any referendum levy for its general fund, and another referendum under this section may not be held for a period of one (1) year after the date of the referendum.

Sec. 4. With respect to any political subdivision to which a loan or an advance of state funds is made under section 1 of this chapter, or for which a loan or an advance is recommended under section 1 of this chapter for purposes other than for the purpose of remedying a shortfall under IC 6-13-17-3, the department may authorize an additional excluded property tax levy for a specified year solely for the purpose of enabling the political subdivision to repay the loan or advance. The department shall, in the department's order, specify the amount of the authorized additional excluded property tax levy and take appropriate steps to ensure that the amount of the proceeds of the additional excluded property tax levy that should be used for loan repayment purposes is not used for any other purpose. The

department may not exercise the power described in this section for a particular subdivision for more than one (1) year in any period of four (4) consecutive years.

SECTION 44. IC 6-13 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 13. FIXING BUDGETS AND BUDGET REVENUES

Chapter 1. Definitions

Sec. 1. The definitions in IC 6-1.1, IC 6-11, and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Income tax" refers to a county income tax imposed under IC 6-11.

Chapter 2. Exempt Political Subdivisions

Sec. 1. This article applies to the imposition of controlled taxes and excluded taxes.

Sec. 2. This article applies to a political subdivision only if the political subdivision is granted the power by another law to impose a property tax, regardless of whether the political subdivision imposes a property tax.

Sec. 3. The budget of a political subdivision that:

- (1) does not have the power to impose a property tax; and
- (2) is a special taxing district, an authority, a board, or other entity formed to discharge governmental services or functions on behalf of or ordinarily attributable to a political subdivision that has the power to impose a property tax;

must be included, in the manner specified by the department, in the budget presented by a political subdivision with the power to impose a property tax.

Chapter 3. Local Government Tax Control Board

Sec. 1. As used in this chapter, "board" refers to the local government tax control board.

Sec. 2. The local government tax control board is established.

Sec. 3. Except in matters related to school construction, school bonds, and school leases, the board consists of seven (7) voting members and two (2) nonvoting members. In the case of matters related to school construction, bonds, and leases, the board consists of eleven (11) voting members and two (2) nonvoting members.

Sec. 4. Seven (7) voting members of the board shall be appointed as follows:

- (1) One (1) member appointed by the state board of accounts.
- (2) One (1) member appointed by the department.
- (3) Five (5) members appointed by the governor. Three (3) of the members appointed by the governor must be citizens of Indiana who do not hold a political or an elective office in state or local government. The governor may seek the recommendation of representatives of the cities, towns, and counties before appointing two (2) members to the board. The governor may seek the recommendation of the state superintendent of public instruction with regard to one (1) of the governor's appointments.

Sec. 5. The additional members of the board for purposes of matters related to school construction, bonds, and leases shall be

appointed as follows:

(1) One (1) member, appointed by the president pro tempore of the senate, who must be a business official of a school corporation and is not employed by a school corporation that is undergoing a construction project.

(2) One (1) member, appointed by the president pro tempore of the senate, who must be an engineer knowledgeable in the construction of school buildings but who is not actively employed by an engineering firm that is involved in a school building construction project or who is not otherwise a party to a contract for engineering services for a school building construction project.

(3) One (1) member, appointed by the speaker of the house of representatives, who must be an architect knowledgeable in the design of school buildings but who is not actively employed by an architectural firm that is involved in a school building construction project or who is not otherwise a party to a contract for architectural services for a school building construction project.

(4) One (1) member, appointed by the speaker of the house of representatives, who must be a financial adviser who is not actively employed as a financial adviser to a school corporation that is involved in a school building construction project or who is not otherwise a party to a contract for financial advisory services for a school building construction project.

Sec. 6. The nonvoting members of the board shall be appointed as follows:

(1) One (1) member of the house of representatives, appointed by the speaker of the house.

(2) One (1) member of the senate, appointed by the president pro tempore of the senate.

Sec. 7. A member of the board serves at the will of the member's appointing authority.

Sec. 8. The board shall annually hold an organizational meeting. At this organizational meeting, the board shall elect a chairperson and a secretary from its membership. The board shall meet after each organizational meeting as often as its business requires.

Sec. 9. The department shall provide the board with rooms, staff, and secretarial assistance for its meetings.

Sec. 10. (a) Members of the board serve without compensation, except as provided in this section.

(b) Each member of the board who is not a state employee is entitled to receive both of the following:

(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).

(2) Reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the board who is a state employee is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

Sec. 11. To carry out its responsibilities, the board has the power to:

- (1) conduct hearings; and
- (2) require any officer or member of a political subdivision to:
 - (A) appear before the board; or
 - (B) provide the board with any relevant records or books.

Sec. 12. If an officer or a member:

- (1) fails to appear at a hearing of the board after having been given written notice from the board requiring attendance of the officer or member; or
 - (2) fails to produce for the board's use the books and records that the local government tax control board by written notice required the officer or member to produce;
- the board may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

Sec. 13. Upon the filing of an affidavit under section 12 of this chapter, the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to:

- (1) appear before the board;
- (2) provide information to the board; or
- (3) produce books and records for the board's use;

as the case may be.

Sec. 14. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

Sec. 15. All expenses incident to the filing of an affidavit under section 12 of this chapter and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

Sec. 16. In considering an appeal, the board has the power to:

- (1) conduct hearings; and
- (2) require any officer or member of a political subdivision to:
 - (A) appear before the board; or
 - (B) provide the board with any relevant records or books.

Sec. 17. If an officer or a member:

- (1) fails to appear at a hearing of the board after having been given written notice from the board requiring attendance of the officer or member; or
 - (2) fails to produce for the board's use the books and records that the board by written notice required the officer or member to produce;
- the board may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

Sec. 18. Upon the filing of an affidavit under section 17 of this chapter, the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to:

- (1) appear before the board;
- (2) provide information to the board; or
- (3) produce books and records for the board's use;

as the case may be.

Sec. 19. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

Sec. 20. All expenses incident to the filing of an affidavit under section 17 of this chapter and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

Chapter 4. General Provisions

Sec. 1. Except as provided by this article, a political subdivision may not expend money that is not appropriated in conformity with this article.

Sec. 2. Except as corrected under IC 6-13-5 or adjusted under another provision of this article, the appropriation of any combination of:

- (1) property taxes; or
- (2) income taxes;

may not exceed the amount of income taxes and the property taxes advertised under IC 6-13-7.

Sec. 3. A:

- (1) political subdivision's budget, property taxes, property tax rates, and allocations of income tax; and
- (2) county's income tax and income tax rate;

for the ensuing year must be imposed or made at the amount or rate certified by the department, as adjusted after any appeal to the tax court as allowed by law. The excess is void.

Sec. 4. The excess of an expenditure that does not comply with section 1 of this chapter or the part of a tax that exceeds an amount or a rate permitted under sections 2 and 3 of this chapter is void.

Sec. 5. The department may prescribe the forms that must be used and the information to be included in forms used under this article. A form prescribed by the department must be approved by the state board of accounts.

Sec. 6. The department may delay the time in which any action required under this article must be completed for just cause. Notice of the delay must be given to the affected political subdivisions.

Sec. 7. A political subdivision shall:

- (1) use the forms prescribed by the department and approved by the state board of accounts; and
- (2) comply with any change in a deadline made under section 6 of this chapter.

Sec. 8. The department shall enforce this article, IC 6-11, IC 6-12, IC 6-14, IC 6-15, and all other laws governing budgets and the imposition of property taxes and income taxes by a political subdivision or the council.

Sec. 9. To the extent waived by the department, failure of the council, a political subdivision, the local government control board, or the department to complete any action within the time or time limits provided by this article or any other law does not invalidate any expenditure, tax, or tax rate. In exercising any waiver under this section, the department shall give taxpayers a reasonable opportunity to appeal budgets, taxes, and tax rates under this article.

Sec. 10. After 2006, for the purposes of certifying property taxes and property tax rates and applying homestead credits and property tax replacement credits:

- (1) the department;
- (2) county auditors; and
- (3) county treasurers;

shall compute, apply, and bill property taxes, property tax rates, homestead credits, and property tax replacement credits rates in counties that received a certified distribution of county adjusted gross income tax in 2006 the same way that the department calculates and applies property taxes, property tax rates, homestead credits, and property tax replacement credits in other counties.

Sec. 11. The department may establish the method by which calculations for controlled tax limits, controlled levy limits, total allowable tax increase amounts, annual controlled tax increases, taxes, tax rates, allocations, distributions, property tax replacement credits, homestead credits, and other related matters are rounded whenever a law does not establish the method for rounding.

Chapter 5. Exchange of Revenue Data and Assumptions; Correction of Errors

Sec. 1. Each year before July 2 or a later date specified by the department, a county auditor shall certify to the department the property tax and assessed value information specified by the department.

Sec. 2. Each year before August 2, the department shall certify the following information for each political subdivision:

- (1) The political subdivision's controlled tax limit for the current year and the political subdivision's controlled tax limit for the ensuing year, as determined before granting any appeals under IC 6-13-13 or making any corrections under this chapter.
- (2) The political subdivision's controlled levy limit for the current year and the political subdivision's controlled levy limit for the ensuing year.
- (3) The political subdivision's annual controlled tax increase for the ensuing year and the political subdivision's total allowable tax increase amount for all years after 2006.
- (4) The total amount that must be deposited in the political subdivision's rainy day fund and an estimate of the excluded income tax that must be imposed in the ensuing year to raise the amount of the deposit and the part of the amount imposed for the rainy day fund that is attributable to replacing amounts expended to fund shortfalls, appeals, or eliminate the effects of incorrect data, computations, and

advertisements.

(5) An estimate of the controlled income tax rate and excluded tax rate increases in the county that are necessary to the sum of the annual controlled tax increases and excluded tax increases that must be imposed in the ensuing year for all political subdivisions in the county.

(6) Any other information that the department determines is necessary for the political subdivision to adopt a budget, taxes, and tax rates.

Sec. 3. A separate calculation must be made under section 2 of this chapter for each county in which a political subdivision is located. The calculation for a county applies only to the part of the political subdivision that is located in the county.

Sec. 4. The department of state revenue and the budget agency shall assist the department in forecasting and computing income tax information.

Sec. 5. The information certified under section 2 of this chapter must be distributed to the:

- (1) fiscal officer of the political subdivision; and
- (2) county auditor of each county in which the political subdivision is located.

Sec. 6. The department shall provide with all tax rates, tax amounts, and other calculations distributed to a county auditor or political subdivision the supporting work papers needed to verify the accuracy and completeness of the tax rates, tax amounts, and other calculations.

Sec. 7. Each year before August 2, a county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department. The statement must contain at least the following:

- (1) Information concerning the assessed valuation in the political subdivision for the ensuing year.
- (2) An estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current year.
- (3) The current assessed valuation as shown on the abstract of charges.
- (4) The average growth in assessed valuation in the political subdivision over the preceding three (3) years, excluding years in which a general reassessment occurs, determined according to procedures established by the department.
- (5) The balance in the political subdivision's excess revenue fund account.
- (6) Any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

Sec. 8. The estimate of taxes to be distributed under section 7 of this chapter must be based on:

- (1) the abstract of taxes levied and collectible for the current year, less any taxes previously distributed for the year; and
- (2) any other information at the disposal of the county auditor that might affect the estimate.

Sec. 9. The fiscal officer of each political subdivision shall review and present the information received under this chapter to the proper officers of the political subdivision.

Sec. 10. If any information:

- (1) certified under this chapter;
- (2) distributed by the department to a council, county auditor, or political subdivision under any law;
- (3) distributed by the county auditor to a council, a political subdivision, or the department under any law; or
- (4) distributed by a political subdivision to a council, the county auditor, another political subdivision, or the department under any law;

relating to property taxes or income taxes contains an error, the authority distributing the information may correct the error by distributing an amended statement identifying the changes being made and the source of the error. If a fiscal officer discovers an error, the fiscal office shall notify the authority distributing the information to resolve the error.

Sec. 11. (a) The department may adjust taxes, tax rates, budgets, allocations, distributions, property tax replacement credits, homestead credits, controlled levy limits, and controlled tax limits, order a temporary distribution from a political subdivision's rainy day fund, or take any other action, as necessary, to eliminate the cumulative effect of incorrect data, computations, or advertisements if the proposed adjustment:

(1) either:

(A) is based on information first obtained by the political subdivision or council after the initial publication of a notice for a public hearing under this article or IC 6-11;

(B) results from:

- (i) an erroneous computation or any other mathematical error; or
- (ii) the use of erroneous data; or

(C) is based on an advertising error; and

(2) in the case of an adjustment affecting the amount of a tax or a tax rate, is published by the county auditor or a political subdivision according to a notice provided by the department.

(b) The department may take an action under this section:

- (1) on its own motion after notifying the affected political subdivision and the county auditor for the affected county;
- (2) after receiving notice of an error under section 10 of this chapter; or
- (3) as part of an appeal under IC 6-13-13.

A request under this section may be combined with a request under IC 6-13-17 to make up a shortfall.

Sec. 12. Information, as corrected under this chapter, shall be used in setting budgets, controlled tax limits, controlled levy limits, taxes, tax rates, allocations, and distributions of controlled taxes and excluded taxes.

Sec. 13. The department shall under IC 6-11 compute tax amounts, tax rates, allocations, reserves, retention amounts, and distribution amounts to be used by councils, county auditors, and political subdivisions in administering the county income tax.

Sec. 14. The department shall establish a regular schedule throughout each year for the distribution to county auditors and the fiscal officer of each political subdivision of supplemental income tax forecasts and other information that will assist political subdivisions in the administration of budgets and taxes.

Chapter 6. Annual Hearing on County Income Taxes

Sec. 1. IC 6-11 applies to the adoption of income taxes in a

county.

Sec. 2. Before August 7 of each year, the county auditor shall publish a notice under IC 5-3-1:

- (1) explaining the county income taxes for the ensuing year;
- (2) providing the public with notice of the date, time, and place that a public hearing will be held under IC 6-11-3-15 a resolution proposing an ordinance to the council;
- (3) notice of any ordinance being proposed under IC 6-11-7-10; and
- (4) an explanation of any pending actions before the council related to the adoption or change in an excluded income tax.

Sec. 3. Before August 21, the council shall conduct a public hearing in the county seat for the county. Each fiscal body that is a member of the council shall designate at least one (1) member of the council to attend the public hearing.

Sec. 4. Members of the council must be available at the public hearing to hear public testimony and to answer questions from the public about the county income tax.

Sec. 5. As soon as practicable after the public hearing, the county auditor shall prepare a written summary of the meeting and distribute the summary to the chair of each fiscal body that is a member of the council.

Chapter 7. Estimated Budget; Property Tax Levies; Public Notice

Sec. 1. The proper officers of a political subdivision shall formulate an estimated budget for the political subdivision that identifies the source of revenue for each proposed appropriation. However, state and federal government distributions for township assistance, unemployment relief, old age pensions, and other funds that may at any time be made available under The Economic Security Act or under any other federal act that provides for civil and public works projects need not be made part of the budget.

Sec. 2. The political subdivision shall give notice by publication to taxpayers of at least the following:

- (1) The estimated budget for the ensuing year that identifies the sources of revenue for each fund that the political subdivision proposes to use to fund the budget.
- (2) If any proposed ordinances are pending before the council in the county, a separate explanation of any changes the political subdivision will make in its budget or in the sources of revenue that the political subdivision proposes to use to fund its budget if the pending ordinances are adopted.
- (3) The current and proposed property tax levies of each fund.
- (4) The amount by which the political subdivision is seeking to increase the political subdivision's controlled tax limit or controlled levy limit, or both, by appeal under this article, the sources of revenue that the political subdivision intends to use in the ensuing year to fund the amount under appeal, and an explanation of the extent to which the appeal will permanently increase the amount and rate of taxes imposed in subsequent years.
- (5) The explanation of the political subdivision's budget, taxes, and other revenues that are required by the department.

Sec. 3. A notice under this chapter may not include an amount for a cumulative fund sinking fund, or other fund with a fixed rate levy that is subject to IC 6-15 if notice is not given to the department in conformity with IC 6-15.

Sec. 4. A political subdivision that is located in more than one (1) county must publish a notice in each county. The notice published for a county must separately state the amount of taxes to be raised in the county for the estimated budget.

Sec. 5. In the notice, the political subdivision shall state the date, time, and place at which at least one (1) public hearing will be held on the political subdivision's estimated budget and proposed sources of revenues to fund the estimated budget.

Sec. 6. The notice must be published at least two (2) times before the hearing in accordance with IC 5-3-1. The first publication of the notice must occur at least ten (10) days before the date fixed for the public hearing.

Sec. 7. A political subdivision shall conduct each public hearing on the political subdivision's estimated budget and proposed taxes and other sources of revenue to fund the estimated budget at the date, time, and place specified in the notices published under this chapter. However, the political subdivision may move the location of a hearing to another room by posting a notice at the door where the published notice indicates the meeting will be held if:

- (1) moving to another room is necessary to accommodate all persons who wish to attend the hearing or if circumstances make the original meeting place unuseable; and
- (2) the site of the relocated hearing is easily accessible from the original meeting place.

Sec. 8. A political subdivision that is located in more than one (1) county may conduct a hearing required under this chapter in any county in which the political subdivision is located. The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) shall conduct the public hearing required under this chapter in accordance with the annual notice of meetings published under IC 13-21-5-2.

Sec. 9. Except to the extent waived by the department, if a fiscal body does not formulate and publish:

- (1) its estimated budget; and
- (2) the proposed revenue sources needed to fund the estimated budget;

as required under this chapter, the most recent annual appropriations and estimated budget revenue sources needed to fund the estimated budget shall be treated as the estimated appropriations and estimated budget revenue sources needed to fund the estimated budget formulated by the political subdivision for the ensuing budget year.

Chapter 8. Objection to Estimated Budget or Proposed Taxes After Hearing

Sec. 1. Ten (10) or more property taxpayers may object to:

- (1) a political subdivision's budget; or
- (2) the property taxes proposed to fund the budget;

or both, by filing an objection petition with the fiscal officer of the political subdivision not more than seven (7) days after the hearing.

Sec. 2. The objection petition must specifically identify the provisions of the:

- (1) budget; and
 - (2) property taxes;
- to which the taxpayers object.

Chapter 9. Adoption of Budget

Sec. 1. The fiscal body shall meet each year to adopt one (1) or more ordinances to fix:

- (1) a budget for the political subdivision that identifies the sources of revenue for each appropriation; and
- (2) the property tax levies and property tax rates necessary to fund the adopted budget; for the ensuing year.

Sec. 2. Subject to section 7 of this chapter, the fiscal body must comply with section 1 of this chapter before October 1.

Sec. 3. Except for Indianapolis, Marion County, or a second class city, the last public hearing specified in the notice under IC 6-13-7 must be completed at least ten (10) days before the fiscal body of the political subdivision takes final action under section 1 of this chapter. A public hearing, by any committee or by the entire fiscal body, for Indianapolis, Marion County, or a second class city may be held at any time after introduction of the budget.

Sec. 4. If a petition is filed under IC 6-13-8 before the date that the fiscal body takes final action on the budget, property tax levies, and property tax rates, the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

Sec. 5. (a) After a political subdivision adopts one (1) or more ordinances under section 1 of this chapter, the political subdivision shall immediately file with the county auditor the information in subsection (b).

(b) The political subdivision must file the number of copies of the following specified by the department with the county auditor:

- (1) The budget for the political subdivision that identifies the sources of revenue for each appropriation.
- (2) The property tax levies and property tax rates that the political subdivision imposed to fund the adopted budget.
- (3) Any findings adopted under section 4 of this chapter.

Sec. 6. Except to the extent waived by the department, if a fiscal body does not:

- (1) fix a budget; and
- (2) impose property tax levies and property tax rates;

as required under this chapter, budget, property tax levies, and property tax rates most recently adopted in accordance with law shall be treated as the budget, property tax levies, and property tax rates adopted by the political subdivision for the ensuing year.

Sec. 7. (a) This section applies only to a school corporation that is engaged in a pilot project to operate under a budget year that is not a year.

(b) Before February 1 of each year, the officers of the school corporation shall meet to fix the budget for the school corporation for the ensuing budget year, with notice given by the same officers. However, if a resolution adopted under subsection (d) is in effect, the officers shall meet to fix the budget for the ensuing budget year before the date specified in section 2 of this chapter.

- (c) The school corporation shall file with the county auditor:
- (1) a statement of the budget revenue resources needed to fund the budget adopted by the school corporation for the ensuing budget year;
 - (2) two (2) copies of the budget adopted by the school corporation for the ensuing budget year; and
 - (3) any written notification from the department under this article that specifies a proposed revision, reduction, or increase in the budget adopted by the school corporation for the ensuing budget year.

(d) The governing body of the school corporation may adopt a resolution to cease using a school year budget year and return to using a calendar year budget year. A resolution adopted under this subsection must be adopted after January 1 and before July 1. The school corporation's initial calendar year budget year following the adoption of a resolution under this subsection begins on January 1 of the year following the year the resolution is adopted. The first six (6) months of the initial calendar year budget for the school corporation must be consistent with the last six (6) months of the final school year budget fixed by the department of local government finance before the adoption of a resolution under this subsection.

(e) A resolution adopted under subsection (d) may be rescinded by a subsequent resolution adopted by the governing body. If the governing body of the school corporation rescinds a resolution adopted under subsection (d) and returns to a school year budget year, the school corporation's initial school year budget year begins on July 1 following the adoption of the rescinding resolution and ends on June 30 of the following year. The first six (6) months of the initial school year budget for the school corporation must be consistent with the last six (6) months of the last calendar year budget fixed by the department of local government finance before the adoption of a rescinding resolution under this subsection.

Chapter 10. Review of Budget of Political Subdivision With Unelected Board

Sec. 1. IC 36-3-6-9 and not section 2 of this chapter applies to political subdivisions listed in IC 36-3-6-9.

Sec. 2. This chapter applies only:

- (1) to each governing body of a political subdivision that is not comprised of a majority of officials who are elected to serve on the governing body; and
- (2) if:
 - (A) either:
 - (i) the proposed budget of the political subdivision (other than a public library) that is to be funded from property taxes and income tax for the ensuing year is more than five percent (5%) greater than the amount funded from property taxes and income tax (or in 2006, county adjusted gross income tax, county option income tax, or county economic development tax) in the current year; or
 - (ii) the proposed operating budget of a public library that is to be funded from property taxes and income tax for the ensuing year is more than five percent (5%) greater than the amount funded from property taxes and income tax (or in 2006 county adjusted gross income tax, county option income tax, or county

economic development tax) in the current year;

(B) the political subdivision is not a school corporation; and

(C) the political subdivision is not listed in IC 36-3-6-9.

Sec. 3. The governing body of a political subdivision other than a public library shall submit its proposed budget, tax rates, and tax levies to the fiscal body determined under section 4 of this chapter. The governing body of a public library shall submit its proposed operating budget and tax rates and tax levies for the operating budget to the fiscal body determined under IC 36-12-1-14. The:

(1) proposed budget; and

(2) proposed tax levies needed to fund the proposed budget; fixed by the governing body shall be submitted at least fourteen (14) days before the appropriate fiscal body is required to hold budget approval hearings under IC 6-13-7.

Sec. 4. (a) The appropriate fiscal body required to conduct a review under section 5 of this chapter for a political subdivision other than a public library is the fiscal body determined under this section.

(b) If:

(1) the assessed valuation of a political subdivision without a majority of elected officials on its governing board is entirely contained within a city or town; or

(2) the assessed valuation of the political subdivision is not entirely contained within a city or town but the political subdivision was originally established by the city or town; the governing body shall submit the information required under section 2 of this chapter to the city or town fiscal body.

(c) If subsection (b) does not apply, the governing body of the political subdivision shall submit the information required under section 3 of this chapter to the county fiscal body in the county where the political subdivision has the most assessed valuation.

Sec. 5. The reviewing fiscal body shall review the information provided under section 3 of this chapter and adopt an ordinance fixing:

(1) a final budget; and

(2) property tax rates and property tax levies needed to fund the final budget;

for the political subdivision. The reviewing fiscal body may reduce or modify but not increase the proposed budget, property tax rates, and property tax levies needed to fund the proposed budget. However, the power to review information and adopt budgets, property tax rates, and property tax levies for a public library is limited to the operating budget of the public library.

Chapter 11. Notice of Adoption of Budget, Tax Rates, and Tax Levies

Sec. 1. Before October 1, the county auditor shall send a certified copy of:

(1) any income tax ordinance adopted in the year; and

(2) the results of the vote on the ordinance;

to the department and the department of state revenue by certified mail, if the county auditor has not previously sent the information under IC 6-11-3.

Sec. 2. In each year before October 15, the county auditor shall prepare a notice of the:

(1) property tax rates to be charged on each one hundred dollars (\$100) of assessed valuation in each taxing district

in;

(2) income taxes to be imposed in the county in; and
 (3) actions taken by the council in the year that affect income taxes in; the ensuing year. The notice shall also inform taxpayers that the department shall conduct a hearing under IC 6-13-14 on the budgets and taxes adopted in the county. To the extent reasonably determinable by the county auditor, the notice must indicate the extent to which a proposed tax or tax rate exceeds the limitations imposed by law on the income taxes and property taxes imposed for any political subdivision in the county. The notice must also inform the taxpayers of the manner in which they may initiate an appeal of a political subdivision's action. The county auditor shall post the notice at the county courthouse and publish it in two (2) newspapers that represent different political parties and have a general circulation in the county.

Sec. 3. The county auditor shall certify the:

- (1) budgets adopted for political subdivisions in the county for the ensuing year;
- (2) property tax levies, property tax rates, and income tax rate to be imposed in the county in the ensuing year; and
- (3) any other information required by the department;

to the department for final review.

Sec. 4. To the extent reasonably determinable by the county auditor, the certification under section 3 of this chapter must indicate the extent to which a proposed tax or tax rate exceeds the limitations imposed by law on income taxes or property taxes imposed for any political subdivision in the county. The county auditor shall give notice to the affected political subdivision of any certification made under this section.

Chapter 12. Taxpayer Appeal of Final Budget Action

Sec. 1. Except as provided in this chapter, ten (10) or more property taxpayers in a political subdivision may initiate an appeal to the department from a final action on:

- (1) any part of the budget adopted by the political subdivision; or
- (2) one (1) or more property tax levies or property tax rates imposed by the political subdivision;

for the ensuing year by filing a statement of their objections with the county auditor.

Sec. 2. An objection under section 1 of this chapter must be filed not later than ten (10) days after the publication of the notice required under IC 6-13-11.

Sec. 3. The statement must specifically identify the provisions of the budget, property tax levies, property tax rates, income tax, or income tax rate to which the taxpayers object.

Sec. 4. The county auditor shall forward an objection filed under this chapter to the department.

Sec. 5. This section applies to provisions of the budget and tax levy of a political subdivision:

- (1) against which an objection petition was filed under IC 6-13-8; and
- (2) that were not changed by the fiscal body of the political subdivision after hearing the objections.

A group of ten (10) or more property taxpayers may not initiate an appeal under section 1 of this chapter if less than seventy-five percent (75%) of the objecting taxpayers under IC 6-13-8 are

objecting taxpayers with respect to the objection statement filed under section 1 of this chapter.

Chapter 13. Political Subdivision Appeals

Sec. 1. A political subdivision or county auditor in any county where the political subdivision is located may use the procedures in this chapter to petition for an adjustment in any combination of the following:

- (1) The amount of a political subdivision's controlled tax limit or controlled levy limit for the ensuing year.
- (2) A political subdivision's property tax levy or property tax rate.
- (3) The amount of income tax that will be allocated to a political subdivision in a county where the political subdivision is located.
- (4) One (1) or more appropriations in a political subdivision's budget.
- (5) The amount of money:
 - (A) from a political subdivision's rainy day fund to be used to fund expenditures in the ensuing year; or
 - (B) to be deposited in the political subdivision's rainy day fund in the ensuing year.

Sec. 2. A petitioner may:

- (1) before October 1 of the year immediately preceding the ensuing year; or
- (2) in the case of a request related to a:
 - (A) correction of computations or data under IC 6-13-5; or
 - (B) shortfall under IC 6-13-17;

that does not affect an income tax rate before January 1 of the ensuing year;

appeal to the department for an adjustment described in section 1 of this chapter.

Sec. 3. In the appeal, the petitioner must state:

- (1) the nature of the requested adjustment; and
- (2) the grounds that authorize the adjustment.

The petitioner must support these allegations by reasonably detailed statements of fact.

Sec. 4. A taxpayer that files a proper objection under:

- (1) IC 6-13-12-1 concerning a budget, property tax rate, or property tax levy that is the subject of an appeal under this chapter is a party to the appeal under this chapter; and
- (2) IC 6-13-12-2 concerning an income tax or income tax rate that is the subject of an appeal under this chapter, is a party to the appeal under this chapter.

Sec. 5. The department shall promptly deliver to the local government tax control board every appeal petition it receives under section 2 of this chapter and any materials it receives relevant to those appeals.

Sec. 6. The department shall give expedited treatment to matters related to the following:

- (1) An income tax or income tax rate.
- (2) An emergency request for relief by a school that requires a referendum under IC 6-12.

Sec. 7. Upon receipt of an appeal petition, the local government tax control board shall immediately proceed to the examination and consideration of the merits of the petitioner's appeal.

Sec. 8. After the examination, the local government tax control board shall make a recommendation to the department.

Sec. 9. The department, upon receiving a recommendation from the local government tax control board, shall enter an order:

- (1) adopting;
- (2) rejecting; or
- (3) adopting in part and rejecting in part;

the recommendation of the local government tax control board.

Sec. 10. The department may make only the adjustments allowed by law. The department shall make the adjustments necessary to fund any appropriation that is required by law.

Sec. 11. The petitioner or any affected political subdivision may petition for judicial review of the final determination of the department under this chapter. The action must be taken to the tax court under IC 6-1.1-15 in the same manner that an action is taken to appeal a final determination of the Indiana board. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its final order under this chapter.

Chapter 14. State Review of Budgets and Budget Revenue Resources

Sec. 1. The department shall review and certify under this chapter the:

- (1) budget, property tax levies, and property tax rates of each political subdivision;
- (2) income tax and income tax rate imposed by each county; and
- (3) allocations of income taxes to each political subdivision;

for an ensuing year.

Sec. 2. The department shall revise or reduce budgets, taxes, tax rates, and allocations in order to limit:

- (1) property tax rates, property tax levies, income taxes, and income tax rates to the maximum amount permitted by law, after making any adjustments allowed by law; and
- (2) a budget to the amount of revenue, including cash balances and transfers from a rainy day fund, that is available in the ensuing year to the political subdivision to fund the budget.

Sec. 3. The department may increase:

- (1) a part of a budget that is funded from controlled taxes; or
- (2) the amount or rate of controlled taxes;

only as permitted under IC 6-12 and this article.

Sec. 4. The department shall make a revision or reduction in a political subdivision's budget only with respect to the total amounts budgeted for each office or department within each of the major budget classifications prescribed by the state board of accounts.

Sec. 5. Before the department reviews, revises, reduces, or increases:

- (1) a political subdivision's budget, taxes, or tax rates;
- (2) an income tax, an income tax rate, or an allocation of income taxes; or
- (3) a controlled tax limit or controlled levy limit;

the department must hold a public hearing on the matters described in this section. The department shall hold the hearing in the affected county. The department may hear matters

affecting more than one (1) political subdivision at the same public hearing.

Sec. 6. At least five (5) days before the date fixed for a public hearing, the department shall give notice of the date, time, and place of the hearing, the budgets, the taxes and tax rates, and the allocations to be considered at the hearing. If any matter is under appeal under IC 6-13-13, the department shall include a brief description of the matter in the notice. The department shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

Sec. 7. The department shall give the affected political subdivisions written notification specifying any revision, reduction, or increase the department proposes to make. If the adjustment is a reduction in a budget, tax, tax rate, or allocation, a political subdivision has one (1) week after the date the political subdivision receives the notice to provide a written response to the department's Indianapolis office specifying how to make the required reductions in the amount budgeted for each office or department. The department shall make reductions as specified in the political subdivision's response if the response is provided as required by this section and sufficiently specifies all necessary reductions.

Sec. 8. The department may not approve taxes, tax rates, or allocations for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

Sec. 9. The department shall certify its actions to:

- (1) the county auditor of each affected county; and
- (2) each affected political subdivision.

Sec. 10. The following may petition for judicial review of the final determination of the department under this chapter:

- (1) The political subdivision.
- (2) If an objection is filed under IC 6-13-12, a taxpayer who signed the objection.
- (3) The county auditor.
- (4) With respect to income tax rates, the department of state revenue.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under section 9 of this chapter.

Sec. 11. Except as otherwise provided, the department is expressly directed to complete the duties assigned to it under this chapter not later than:

- (1) November 1 immediately preceding the ensuing year for matters related to an income tax or income tax rate; and
- (2) February 15 of the ensuing year for all other matters.

Sec. 12. The department shall annually review the budget of each school corporation before April 2 each year. The department shall give the school corporation written notification specifying any revision, reduction, or increase the department

proposes in the school corporation's budget. A public hearing is not required in connection with this review of the budget.

Chapter 15. Publication of Final Tax Rates

Sec. 1. After the county auditor has prepared the tax duplicate for a year under IC 6-1.1-22-3, the county treasurer shall publish the notice required under IC 6-1.1-22-4.

Sec. 2. As part of the notice required under IC 6-1.1-22-4, the county treasurer also shall:

- (1) give notice of the total county income tax rate imposed in the county for the year; and
 - (2) separately identify the part of the total county income tax rate that is imposed:
 - (A) under IC 6-11-7;
 - (B) as an excluded tax rate under IC 6-11-8; and
 - (C) under each law authorizing an excluded tax rate in addition to the excluded rate imposed under IC 6-11-8;
- and the general purpose of each of the separate rates.

Chapter 16. Supplemental Budgets

Sec. 1. If the fiscal body of a political subdivision desires to appropriate more money for a particular year than the amount prescribed in the budget for that year as finally determined under this article, the fiscal body shall give notice of its proposed additional appropriation. The notice must state the date, time, and place at which a public hearing will be held on the proposal. The notice shall be given once in accordance with IC 5-3-1-2(b).

Sec. 2. After the public hearing, the political subdivision shall file a certified copy of its final proposal and any other relevant information to the department.

Sec. 3. If the additional appropriation by the political subdivision is made from:

- (1) a fund that receives distributions from the motor vehicle highway account established under IC 8-14-1-1 or the local road and street account established under IC 8-14-2-4;
- (2) a fund that receives revenue from property taxes; or
- (3) the cumulative bridge fund (and the appropriation meets the requirements under IC 8-16-3-3(c));

the political subdivision must report the additional appropriation to the department and comply with sections 4 through 8 of this chapter.

Sec. 4. (a) This section applies only to an appropriation to which section 3 of this chapter applies.

(b) When the department receives a certified copy of a proposal for an additional appropriation, the department shall determine whether sufficient funds are available or will be available for the proposal. The determination shall be made in writing and sent to the political subdivision not more than fifteen (15) days after the department receives the proposal.

Sec. 5. (a) This section applies only to an appropriation to which section 3 of this chapter applies.

(b) In making the determination under section 4 of this chapter, the department shall limit the amount of the additional appropriation to revenues available, or to be made available, that have not been previously appropriated.

Sec. 6. (a) This section applies only to an appropriation to which section 3 of this chapter applies.

(b) If the department disapproves an additional appropriation under section 4 of this chapter, the department shall specify the reason for its disapproval on the determination sent to the

political subdivision.

Sec. 7. (a) This section applies only to an appropriation to which section 3 of this chapter applies.

(b) A political subdivision may request a reconsideration of a determination of the department under section 4 of this chapter by filing a written request for reconsideration. A request for reconsideration must:

- (1) be filed with the department within fifteen (15) days of the receipt of the determination by the political subdivision; and
- (2) state with reasonable specificity the reason for the request.

Sec. 8. (a) This section applies only to an appropriation described in section 3 of this chapter.

(b) The department of local government finance must act on a request for reconsideration within fifteen (15) days after receiving the request.

Chapter 17. Permissible Adjustments in Controlled Taxes and Excluded Taxes

Sec. 1. The department may make any adjustment in a budget, tax, tax rate, or income tax allocation allowed under this article or another law. The department shall make the adjustments required under IC 6-12. To the extent possible, the department shall make adjustments before the department certifies a political subdivision's controlled tax limit under IC 6-13-5.

Sec. 2. The department may at any time increase a debt service fund or require an assignment of a political subdivision's allocation of income taxes for the following reasons:

- (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of a political subdivision.
- (2) To pay the interest or principal on an outstanding obligation of the political subdivision.
- (3) To pay a judgment rendered against the political subdivision.
- (4) To pay lease rentals that have become an obligation of the political subdivision under IC 21-5-11 or IC 21-5-12.

Alternatively, the department may treat a required increase under this section in the same manner as a shortfall under this chapter.

Sec. 3. (a) The primary method of funding a shortfall is to order a distribution from the rainy day fund to cover the shortfall described in this section. The amount used to cover the shortfall would be replaced through the imposition of an excluded income tax under IC 6-11-9 in the years determined by the department. However, for good cause, the department may adjust taxes, tax rates, budgets, allocations, controlled levy limits, and controlled tax limits, order a temporary distribution from a political subdivision's rainy day fund, or take any other action, as necessary, to eliminate the cumulative effects of a shortfall in property tax revenue or income taxes that resulted from any of the following:

- (1) Erroneous assessed valuation figures that were:
 - (A) provided to the political subdivision;
 - (B) used by the political subdivision in determining its total property tax rate; and
 - (C) discovered to be in error after the political subdivision's property tax levy resulting from that total rate was finally approved by the department.

(2) The payment of refunds in an appeal under IC 6-1.1 and IC 6-1.5.

(3) An error described in IC 6-13-5.

(4) The payment of refunds of income tax under IC 6-8.1.

(5) The sum of the:

(A) property taxes collected for a fund; and

(B) income tax allocations transferred to the political subdivision and available for the purposes of a fund; are less than ninety-eight percent (98%) of the sum of the property tax levy and income tax allocations certified by the department for the fund.

(6) The granting of an appeal under IC 6-13-13 that authorizes an increase in controlled taxes after the date that department finally determines the income tax rate for a county in which the political subdivision is located.

(b) If the department determines that any of the conditions described in subsection (a) occurred, the department may do any combination of the following:

(1) Order a transfer of money from the political subdivision's rainy day fund to temporarily replace the amount of the shortfall.

(2) Order a transfer from the political subdivision's excess revenue fund account.

(3) Grant any necessary permission for a grant or grants from any funds of the state that are available for the purpose.

(4) Grant any necessary permission for a loan or loans from any funds of the state that are available for the purpose.

(5) Grant any necessary permission for the political subdivision to borrow funds from a source other than the state or assistance in obtaining the loan.

(6) Grant any necessary permission for an advance or advances of funds that will become payable to the political subdivision under any law providing for the payment of state funds to the political subdivision.

(7) Grant permission to the political subdivision to:

(A) cancel any unpaid obligation of the political subdivision's general fund to the political subdivision's cumulative building fund; or

(B) use, for general fund purposes, any unobligated balance in the political subdivision's cumulative building fund and the proceeds of any levy made or to be made by the political subdivision for the political subdivision's cumulative building fund.

(8) Grant permission, subject to any agreement with the bondholders, to use, for general fund purposes, any unobligated balance in any construction fund, including any unobligated proceeds of a sale of the political subdivision's general obligation bonds.

(c) The department may take an action under this section as part of an appeal under IC 6-13-13. A request may be combined with a request under IC 6-13-5 to eliminate the effects of incorrect data, computations, or advertisements.

(d) If the department of local government finance authorizes an increase to make up a shortfall, the department shall take appropriate steps to ensure that the proceeds are first used to repay any loan made to the political subdivision for the purpose of meeting its current expenses.

(e) For purposes of fixing its budget and for purposes of the controlled tax limits, a political subdivision may not treat money received to eliminate a shortfall as part of its controlled taxes for the year unless the department determines that inclusion of the amount is necessary to eliminate the cumulative effects of the shortfall.

Chapter 18. Miscellaneous Budget Procedures

Sec. 1. The fiscal officer of a political subdivision may appropriate funds received from an insurance company if the funds are:

(1) received as a result of damage to property of the political subdivision;

(2) appropriated for the purpose of repairing or replacing the damaged property; and

(3) in fact expended to repair or replace the property within the twelve (12) month period after they are received.

Sec. 2. Notwithstanding the other provisions of this article, the proper officer or officers of a political subdivision may:

(1) reappropriate money recovered from erroneous or excessive disbursements if the error and recovery are made within the current budget year; or

(2) refund, without appropriation, money erroneously received.

Chapter 19. Transfer of Appropriated Amount to Another Purpose

Sec. 1. (a) Except as otherwise provided by law, the proper officers of a political subdivision may transfer money from one (1) major budget classification to another within a department or office if:

(1) the officers determine that the transfer is necessary;

(2) the transfer does not require the expenditure of more money than the total amount set out in the budget as finally determined under this article; and

(3) the transfer is made at a regular public meeting and by ordinance or resolution.

(b) A transfer may be made under this section without notice and without the approval of the department.

Sec. 2. Money raised and budgeted for volunteer firefighting contracts and purposes, if appropriated and spent by that political subdivision, shall be appropriated and spent for those purposes only.

Sec. 3. (a) Money may not be transferred from:

(1) a family and children's fund;

(2) a children's psychiatric residential treatment services fund; or

(3) a township assistance fund or account;

to any other fund or purpose.

(b) An unused part of a county's controlled tax limit or controlled levy limit attributable to:

(1) a family and children's fund; or

(2) a children's psychiatric residential treatment services fund; or

(3) a township assistance fund or account;

may not be used for any other fund or purpose.

Chapter 20. Administration of State and Federal Funds

Sec. 1. Except as provided in this chapter, a political subdivision may not expend funds that the political subdivision has received from the state unless:

(1) the funds have been included in a budget estimate by the political subdivision; and

(2) the funds have been appropriated by the political subdivision's fiscal body in the amounts and for the specific purposes for which they may be used.

Sec. 2. The following funds received by a political subdivision from the state or the federal government may be expended without complying with section 1 of this chapter:

(1) Township assistance.

(2) Unemployment relief.

(3) Old age pensions.

(4) Other funds that may at any time be made available under The Economic Security Act or under any other federal act that provides for civil and public works projects.

Sec. 3. A political subdivision may use state funds in the event of a casualty, an accident, or an extraordinary emergency by appropriating the state funds in a supplemental budget under IC 6-13-16.

Chapter 21. Mandatory Appropriations

Sec. 1. A county fiscal body shall appropriate funds for the operation of the county highway department for the entire ensuing budget year for which annual appropriations are being made. The appropriation shall be for an amount not less than the greater of:

(1) seventy-five percent (75%) of the total estimated to be in the highway fund in the ensuing budget year; or

(2) ninety-nine percent (99%) of the total estimated to be in the highway fund in the ensuing budget year if the county commissioners file with the county council a four (4) year plan for the construction and improvement of county highways and a one (1) year plan for the maintenance and repair of the county highways.

Sec. 2. The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

Sec. 3. Each council and political subdivision shall fix tax rates and make appropriations for the appropriate fund that are sufficient to provide money for each purpose described in the following:

(1) IC 6-12-5-24.

(2) IC 6-14-3-7.

Sec. 4. Regardless of whether an adjustment is made in any political subdivision's controlled tax limit, each council and political subdivision shall fix tax rates and make appropriations for the appropriate fund that are sufficient for each the following:

(1) Medical assistance under IC 12-13-8-5.

(2) Hospital care for the indigent under IC 12-16-14-3.

(3) Community mental health centers under IC 12-29-2-2.

(4) Children with special health care needs under IC 16-35-3-3.

(5) Any other law requiring the imposition of a tax for a particular purpose or fund.

Chapter 22. Excess Revenue Account

Sec. 1. As used in this chapter, "account" refers to a political subdivision's account in a fund.

Sec. 2. As used in this chapter, "excess revenue" refers to revenue described in section 4 or 5 of this chapter.

Sec. 3. As used in this chapter, "fund" refers to an excess revenue fund established in a county under this chapter.

Sec. 4. Imposition and collection of the part of a property tax actually collected by a political subdivision for a year that exceeds the amount of property taxes certified for the year is valid and may not be contested on the grounds that the amount exceeds the political subdivision's:

(1) controlled tax limit;

(2) certified tax; or

(3) tax limits imposed by any other law; for the applicable year.

Sec. 5. Imposition and collection of the part of an income tax actually collected by a county for a year that exceeds the amount of income taxes certified for the year is valid and may not be contested on the grounds that the amount exceeds:

(1) a political subdivision's:

(A) controlled tax limit;

(B) certified tax; or

(C) tax limits imposed by any other law;

for the applicable year; or

(2) the county's:

(A) certified tax; or

(B) tax limits imposed by any other law.

Sec. 6. An excess revenue fund is established in each county for the deposit of excess revenue collected in a year.

Sec. 7. An account for each political subdivision in the county is established in the fund.

Sec. 8. The county treasurer shall administer the fund. The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund. The interest shall be allocated among the accounts in the fund on the schedule determined by the department in proportion to the balance in the account on the date specified by the department.

Sec. 9. Money in the fund or an account in the fund at the end of a year does not revert to the general fund of any political subdivision but remains in the fund to be used exclusively for the purposes of fund.

Sec. 10. The county treasurer shall deposit the excess revenue collected in the year in the fund.

Sec. 11. The county treasurer shall deposit in a political subdivision's account:

(1) excess revenue from property taxes imposed by the political subdivision; and

(2) a proportionate share of the excess revenue collected from income taxes;

if the sum of the excess property taxes and excess income taxes exceeds the total amount of property taxes and income tax allocations certified for the political subdivision for the year. However, the department may establish procedures for retaining a small amount of excess revenue in a general account for the period determined by the department.

Sec. 12. A political subdivision shall:

- (1) include the amount in the political subdivision's account that exceeds one hundred dollars (\$100) in the political subdivision's budget fixed under this article; and
- (2) reduce its property tax levies for the ensuing year by the amount included in the political subdivision's budget under subdivision (1).

Sec. 13. Except as provided by section 15 of this chapter, a political subdivision may not spend money in its account until the expenditure of the money has been included in a budget that has been approved by the department.

Sec. 14. A transfer of money from the political subdivision's revenue excess fund account that reduces the political subdivision's allocation of controlled income taxes or the political subdivision's levy of controlled property taxes shall be treated as a temporary adjustment. The amount of the transfer shall be treated as controlled taxes for the purposes of computing the political subdivision's controlled tax limits and controlled levy limits for the ensuing year.

Sec. 15. For the purposes of determining excise tax distributions to a political subdivision and other distributions that are computed on the property tax levies imposed by the political subdivision, the department shall certify the amount of the distribution from an account that qualifies as property taxes.

Sec. 16. Upon the receipt of a political subdivision's certified budget, the county auditor shall transfer to the political subdivision the amount of money in the political subdivision's account that the department has certified for use by the political subdivision.

Sec. 17. A political subdivision may transfer money from its account to any fund to reimburse the fund for amounts withheld from the political subdivision as a result of general property tax refunds paid under IC 6-1.1-26 or general income tax refunds paid under IC 6-8.1.

Sec. 18. Money distributed from an account may be used for any lawful purpose for which controlled taxes may be used.

SECTION 45. IC 6-14 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 14. APPROVAL OF BONDED INDEBTEDNESS AND LEASE OBLIGATIONS

Chapter 1. Definitions

Sec. 1. The definitions in IC 6-1.1, IC 6-11, and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Bonds" refers to bonds or any other evidence of indebtedness (other than exempt obligations) payable from or guaranteed by property taxes or income taxes.

Sec. 4. "Controlled debt service" refers to debt service for bonds for a controlled project.

Sec. 5. "Controlled lease rentals" refers to payments for a lease of a controlled project.

Sec. 6. "Controlled project" refers to a controlled project described in IC 6-14-7-3.

Sec. 7. "Debt service" means principal of and interest on bonds. The term includes the repayment of an advance from the common school fund under IC 21-1-5-3.

Sec. 8. (a) "Debt service fund" means any of the following funds for which a property tax is imposed:

- (1) A fund established under IC 21-2-4-2 or IC 36-9-15-10.
- (2) A fund primarily established to pay or fund loans or bonds authorized under IC 12-19-5-11, IC 12-19-7-19, or IC 12-19-7.5-18.
- (3) A fund described in subsection (b).
- (4) A fund established to pay or fund bond indebtedness or lease rentals with a term of at least five (5) years.
- (5) Any other fund established by a political subdivision that is similar to a fund described in subdivisions (1) through (4), as determined by the department.

(b) The term includes the following funds:

Department	Department
Fund	Name for
Control	Fund
Number	
0180	Debt Service
0181	Debt Payment
0182	Bond #2
0183	Bond #3
0184	Bond #4
0185	Bond #5
0186	School Pension Debt
0280	Bond-General Sinking
0281	Loan and Interest Payment
0282	Obligation Loan
0283	Lease Rental Payment
0580	Court House Lease Rental
0581	Court House Bond
0780	Bridge Bond and Interest
0781	Thoroughfare Bond
0783	Street Bond
0880	Hospital Lease Rental
0881	Hospital Bond
0882	Medical Center Bond
0883	Township Assistance Bond
0884	County Welfare Bond
0885	Township Assistance Loan
0886	County Welfare Loan
0889	Cumulative Hospital
0980	Levee Bond
0982	Flood Control Bond
0986	Storm Sewer Bond
1080	County Home Bond
1081	Equipment Bond
1180	Fire and Police Equipment Debt
1181	Fire Building Debt
1182	Fire Equipment Debt
1183	Fire Equipment Bond
1184	Police Equipment Debt
1185	Jail Lease Rental
1186	Jail Bond
1187	Emergency Fire Loan
1280	School Bus Debt
1281	School Bus Bond
1380	Park Bond
1381	Park Bond #2

2180	Airport Bond
2181	Airport Sinking
2182	Cemetery Bond
2380	Capital Improvement Bond
2480	Urban Renewal Bond
2481	Community Development Bond
2482	Redevelopment Bond
2483	Redevelopment Bond #2
2484	Industrial Loan
6280	Sewer Bond
6380	Transportation Bond
8080	Special Transportation Debt
8180	Special Airport Debt Service
8280	Special Sanitary Debt Service
8281	Special Sanitary User Charge Debt
8282	Special Sanitation (Liquid) Debt
8283	Solid Waste District Debt Service
8380	Special Flood Control Debt Service
8382	Special Flood Control Debt Service #2
8383	Water District Debt Service
8480	Special Redevelopment Debt
8481	Special Redevelopment Dist Bond
8684	Special Fire Debt
8780	Special Health/Hospital Debt
8880	Indianapolis Consolidated City Redevelopment Debt
8881	Indianapolis Consolidated City Debt Service
8980	Special Consolidated County Flood Control Debt
8981	Special Consolidated County Park Debt
8982	Special Consolidated County Metropolitan Thoroughfare Debt
8984	Special Consolidated County Metropolitan Emergency Comm Agency Debt

Sec. 9. "Exempt obligation" refers to bonds or leases designated as an exempt obligation under IC 6-14-2.

Sec. 10. "Funding bonds" means bonds issued to retire the principal and accrued interest of any bonds of a political subdivision that are outstanding.

Sec. 11. "Income taxes" refers to county income taxes imposed under IC 6-11.

Sec. 12. "Leases" refers to leases payable from or guaranteed by property taxes or income taxes.

Chapter 2. Exemptions

Sec. 1. IC 6-14-5, IC 6-14-6, and IC 6-14-7 do not apply to debt or leases designated as an exempt obligation under this chapter.

Sec. 2. Notes representing loans under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, or IC 36-5-2-11 that are payable within five (5) years after issuance are exempt obligations.

Sec. 3. Warrants representing temporary loans that are payable out of taxes imposed and in the course of collection are exempt obligations.

Sec. 4. A lease that either:

- (1) has a term of less than five (5) years; or
- (2) is not a controlled lease;

is an exempt obligation.

Sec. 5. Obligations:

(1) that are not payable from property taxes or income taxes; and

(2) for which a guarantee of payment from property taxes or income taxes in the event that payment from another source of revenue is insufficient has not been made;

are exempt obligations.

Sec. 6. Bonds in a total amount that does not exceed five thousand dollars (\$5,000) are exempt obligations.

Sec. 7. Funding bonds, refunding bonds, and judgment funding bonds are exempt obligations.

Chapter 3. General Provisions

Sec. 1. Whenever the proper officers of a political subdivision decide to issue bonds payable from property taxes or county income taxes to finance a public improvement, they shall adopt an ordinance or a resolution that sets forth their determination to issue the bonds.

Sec. 2. A political subdivision may, subject to the limitations provided by law, issue any bonds, notes, or warrants that it considers necessary.

Sec. 3. A political subdivision may issue or enter into obligations under any law that requires or permits the imposition of:

- (1) property taxes; or
- (2) income taxes;

to pay debt service or lease rentals without pledging to impose property taxes or income taxes, or both, if necessary, to pay the debt service or lease rentals.

Sec. 4. If the proper officers of a political subdivision determine to use revenues other than property taxes or income taxes to pay obligations without pledging to impose property taxes or income taxes for that purpose, provisions of any law relating to property taxes or income taxes do not apply to the issuance of or entering into the obligations.

Sec. 5. A property tax levy for a debt service fund is not:

- (1) subject to the controlled tax limits or controlled levy limits imposed under IC 6-12; or
- (2) included in computing a political subdivision's controlled tax limit or controlled levy limit for a year.

Sec. 6. A property tax levy for a debt service fund shall be treated as an excluded tax. Income taxes used for the purposes of a debt service fund are excluded taxes only to the extent that IC 6-11 designates the income taxes as excluded taxes.

Sec. 7. A political subdivision shall fix property tax rates from the appropriate debt services fund that are sufficient to provide funds for the following purposes:

- (1) To pay the principal or interest on a funding, refunding, or judgment funding obligation of the political subdivision.
- (2) To pay the principal or interest on an outstanding obligation for which property taxes of the political subdivision were pledged.
- (3) To pay the principal or interest on:

- (A) an obligation issued by the political subdivision to meet an emergency that results from a flood, a fire, a pestilence, a war, or any other major disaster; or
- (B) a note issued under IC 36-2-6-18, IC 36-3-4-22, IC 36-4-6-20, IC 36-5-2-11, or IC 36-9-4 to enable a city, town, or county to acquire necessary equipment or facilities.

(4) To pay the principal or interest on an obligation issued in the manner provided in this article, IC 6-1.1-20-3 (before its repeal), or IC 6-1.1-20-3.1 through IC 6-1.1-20-3.2 (before their repeal).

(5) To pay a judgment rendered against the political subdivision.

(6) To pay the principal or interest on an obligation to meet the requirements of the family and children's fund for child services (as defined in IC 12-19-7-1).

(7) To pay the principal or interest on an obligation to meet the requirements of the children's psychiatric residential treatment services fund for children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1).

Sec. 8. The department and a county income tax council may not reduce a political subdivision's allocation of county income taxes below the amount of the political subdivision's allocation of county income taxes pledged by the political subdivision. A county income tax council and the department are not required to increase a political subdivision's allocation of county income taxes to eliminate the effects on the political subdivision's budget resulting from the pledge of the political subdivision's allocation to the funding or payment of an obligation.

Sec. 9. The collection of money in excess of the amount certified for a debt service fund is valid. The excess is subject to treatment as excess revenue under IC 6-13-22.

Sec. 10. The department shall develop forms and procedures to expedite the review of bonded indebtedness and lease rental obligations under this article. In developing forms and procedures, the department must seek to avoid unnecessary delays that will increase the borrowing costs or construction costs of projects and purposes that a political subdivision would otherwise have the power to carry out.

Chapter 4. Construction

Sec. 1. Except as provided in section 2 of this chapter, a political subdivision may not advertise for or receive bids for the construction of an improvement until the expiration of the later of:

- (1) the period within which taxpayers may file a petition for review of or a remonstrance against the proposed issue; or
- (2) the period during which a petition for review of the proposed issue is pending before the department.

Sec. 2. (a) Whenever a petition for review of a proposed issue is pending before the department, the department may order the political subdivision to advertise for and receive bids for the construction of a public improvement.

- (b) When the department issues an order under subsection (a):
 - (1) the political subdivision shall file a bid report with the department within five (5) days after the bids are received; and
 - (2) the department shall render a final decision on the proposed issue within fifteen (15) days after it receives the bid report.

(c) Notwithstanding the provisions of this section, a political subdivision may not enter into a contract for the construction of a public improvement while a petition for review of the bond issue that is to finance the improvement is pending before the department.

Sec. 3. The department in determining whether to approve or disapprove a school building construction project shall consider the following factors:

- (1) The current and proposed square footage of school building space per student.
- (2) Enrollment patterns within the school corporation.
- (3) The age and condition of the current school facilities.
- (4) The cost per square foot of the school building construction project.
- (5) The effect that completion of the school building construction project would have on the school corporation's tax rate.
- (6) Any other pertinent matter.

Sec. 4. The department in determining whether to approve or disapprove a school building construction project may not approve or recommend the approval of a project that is financed through the issuance of bonds if the bonds mature more than twenty-five (25) years after the date of the bonds' issuance.

Sec. 5. After December 31, 1995, the department may not approve a school corporation's proposed lease rental agreement or bond issue to finance the construction of additional classrooms unless the school corporation first:

- (1) establishes that additional classroom space is necessary; and
- (2) conducts a feasibility study, holds public hearings, and hears public testimony on using a twelve (12) month school term (instead of the nine (9) month school term (as described in IC 20-10.1-2-2)) rather than expanding classroom space.

Chapter 5. Review of Bonds

Sec. 1. This chapter applies when:

- (1) the proper officers of a political subdivision decide to issue bonds in a total amount that exceeds five thousand dollars (\$5,000); and
- (2) IC 6-14-7 does not apply to the bonds.

The decision to issue bonds may be a preliminary decision.

Sec. 2. A political subdivision may not impose property taxes or income taxes to pay debt service for the bonds to which this chapter applies without:

- (1) complying with this chapter; and
- (2) approval of the proposed issue (or the proposed issue as reduced by the department) by the department.

Sec. 3. The proper officers of a political subdivision shall give notice of the decision by:

- (1) posting; and
- (2) publication once each week for two (2) weeks.

The notice required by this section shall be posted in three (3) public places in the political subdivision and published in accordance with IC 5-3-1-4.

Sec 4. (a) Ten (10) or more taxpayers who:

- (1) will be affected by the proposed issuance of the bonds; and
- (2) wish to object to the issuance on the grounds that it is unnecessary or excessive;

may file a petition in the office of the county auditor of the county in which the political subdivision is located.

(b) The petition must be filed within fifteen (15) days after the notice required by section 3 of this chapter is given. The petition

must contain the objections of the taxpayers and facts that show that the proposed issue is unnecessary or excessive.

Sec. 5. Whenever taxpayers file a petition in the manner prescribed in section 4 of this chapter, the county auditor shall immediately forward a certified copy of the petition and any other relevant information to the department. A review under sections 6 through 9 of this chapter may be combined with a review under IC 6-14-8 or IC 6-14-9.

Sec. 6. Upon receipt of a certified petition filed in the manner prescribed in section 4 of this chapter, the department shall fix a date, time, and place for a hearing on the matter. The department shall hold the hearing not fewer than five (5) or more than thirty (30) days after the department receives the petition. The department shall hold the hearing in the political subdivision or in the county where the political subdivision is located.

Sec. 7. At least five (5) days before the date fixed for the hearing, the department shall give notice of the hearing, by mail, to the executive officer of the political subdivision and to the first ten (10) taxpayers who signed the petition. The mailings shall be addressed to the officer and the taxpayers at their usual place of residence.

Sec. 8. After the hearing required by this chapter, the department may approve, disapprove, or reduce the amount of the proposed issue. The department must render a decision not later than three (3) months after the hearing. If a decision is not rendered within that time, the issue is considered approved unless the department takes the extension provided for in this section. A three (3) month extension of the period during which the decision must be rendered may be taken by the department if the department mails notice of the extension to the executive officer of the political subdivision and to the first ten (10) taxpayers who signed the petition at least ten (10) days before the end of the original three (3) month period. If a decision is not rendered within the extension period, the issue is considered approved.

Sec. 9. A:

- (1) taxpayer who signed a petition under this chapter; or
- (2) political subdivision against which a petition referred to in this chapter is filed;

may petition for judicial review of the final determination of the department under this chapter. The petition must be filed in the tax court not more than forty-five (45) days after the department renders its decision under this chapter.

Chapter 6. Review of Interest Rate

Sec. 1. This chapter applies when the proper officers of a political subdivision decide to issue any bonds, notes, or warrants that will:

- (1) be payable from property taxes or income taxes; and
- (2) bear interest in excess of eight percent (8%) per annum.

Sec. 2. A political subdivision may not impose property taxes or income taxes to pay debt service for bonds, notes, or warrants to which this chapter applies without:

- (1) complying with this chapter; and
- (2) approval of the interest rate by the department.

Sec. 3. The political subdivision shall submit the matter to the department for review. A review under this section may be combined with a review under IC 6-14-8 or IC 6-14-9.

Sec. 4. The department may either approve or disapprove the rate of interest.

Chapter 7. Remonstrance and Petition Process for Controlled Debt Service and Controlled Lease Rentals

Sec. 1. This chapter applies only to controlled debt service and controlled lease rentals.

Sec. 2. For purposes of this chapter, a project is any project or purpose for which a political subdivision may issue bonds or enter into leases, including a sale-lease back of an existing building.

Sec. 3. For purposes of this chapter, a controlled project is any project financed by bonds or a lease, except for the following:

- (1) A project for which the political subdivision reasonably expects to pay:

(A) debt service; or

(B) lease rentals;

from funds other than property taxes or income taxes. However, a project that would otherwise be exempt under this subdivision becomes a controlled project if the political subdivision pledges property taxes or income taxes to pay debt service or lease rentals if other funds are insufficient.

- (2) A project that will not cost the political subdivision more than two million dollars (\$2,000,000).

- (3) A project that is being refinanced to provide gross or net present value savings to taxpayers.

- (4) A project for which bonds were issued or leases were entered into before January 1, 1996, or for which the state board of tax commissioners (repealed) has approved the issuance of bonds or the execution of leases before January 1, 1996.

- (5) A project that is required by a court order holding that a federal law mandates the project.

- (6) A project for which the political subdivision complied with IC 6-1.1-20 (before its repeal).

Sec. 4. A political subdivision may not impose property taxes or income taxes to pay debt service or lease rentals without:

- (1) completing the procedures in section 5 of this chapter; and

- (2) if a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 6 of this chapter, completing the procedures in section 6 of this chapter.

Sec. 5. A political subdivision must do the following:

- (1) The proper officers of a political subdivision shall:

(A) publish notice in accordance with IC 5-3-1; and

(B) send notice by first class mail to any organization that delivers to the officers, before January 1 of that year, an annual written request for such notices;

of any meeting to consider adoption of a resolution or an ordinance making a preliminary determination to issue bonds or enter into a lease and shall conduct a public hearing on a preliminary determination before adoption of the resolution or ordinance.

- (2) Whenever the proper officers of a political subdivision make a preliminary determination to issue bonds or enter into a lease, the officers shall give notice of the preliminary determination by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in subdivision (1)(B).

(3) A notice under subdivision (2) of the preliminary determination of the political subdivision to issue bonds or enter into a lease must include the following information:

(A) The maximum term of the bonds or lease.

(B) The maximum principal amount of the bonds or the maximum lease rental for the lease.

(C) The estimated interest rates that will be paid and the total interest costs associated with the bonds or lease.

(D) The purpose of the bonds or lease.

(E) A statement that any owners of real property within the political subdivision who want to initiate a petition and remonstrance process against the proposed debt service or lease payments must file a petition that complies with subdivisions (4) and (5) not later than thirty (30) days after publication in accordance with IC 5-3-1.

(F) With respect to bonds issued or a lease entered into to open:

(i) a new school facility; or

(ii) an existing facility that has not been used for at least three (3) years and that is being reopened to provide additional classroom space;

the estimated costs the school corporation expects to incur annually to operate the facility.

(G) A statement of whether the school corporation expects to appeal for an adjustment under IC 6-12-5 for an increased controlled tax limit or controlled levy limit to pay the estimated costs described in clause (F).

(4) After notice is given, a petition requesting the application of a petition and remonstrance process may be filed by the lesser of:

(A) one hundred (100) owners of real property within the political subdivision; or

(B) five percent (5%) of the owners of real property within the political subdivision.

(5) The state board of accounts shall design and, upon request by the county auditor, deliver to the county auditor or the county auditor's designated printer the petition forms to be used solely in the petition process described in this section. The county auditor shall issue to an owner or owners of real property within the political subdivision the number of petition forms requested by the owner or owners. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature; and

(D) govern the closing date for the petition period.

Persons requesting forms may not be required to identify themselves and may be allowed to pick up additional copies to distribute to other property owners.

(6) Each petition must be verified under oath by at least one (1) qualified petitioner in a manner prescribed by the state board of accounts before the petition is filed with the county

auditor under subdivision (7).

(7) Each petition must be filed with the county auditor not more than thirty (30) days after publication under subdivision (2) of the notice of the preliminary determination.

(8) The county auditor must file a certificate and each petition with:

(A) the township trustee, if the political subdivision is a township, who shall present each petition to the township board; or

(B) the body that has the authority to authorize the issuance of the bonds or the execution of a lease, if the political subdivision is not a township;

not later than fifteen (15) business days after the filing of the petition requesting a petition and remonstrance process. The certificate must state the number of petitioners that are owners of real property within the political subdivision.

If a sufficient petition requesting a petition and remonstrance process is not filed by owners of real property as set forth in this section, the political subdivision may issue bonds or enter into a lease by following the provisions of law relating to the bonds to be issued or the lease to be entered into.

Sec. 6. If a sufficient petition requesting the application of a petition and remonstrance process has been filed as set forth in section 5 of this chapter, the political subdivision shall do the following:

(1) The proper officers of the political subdivision shall give notice of the applicability of the petition and remonstrance process by:

(A) publication in accordance with IC 5-3-1; and

(B) first class mail to the organizations described in section 5(1)(B) of this chapter.

Notice under this subdivision must include a statement that any owners of real property or tenants of residential property within the political subdivision who want to petition in favor of or remonstrate against the proposed debt service or lease payments must file petitions and remonstrances in compliance with subdivisions (2) through (4) not earlier than thirty (30) days or later than sixty (60) days after publication in accordance with IC 5-3-1.

(2) Not earlier than thirty (30) days or later than sixty (60) days after the notice under subdivision (1) is given:

(A) petitions (as described in subdivision (3)) in favor of the bonds or lease; and

(B) remonstrances (as described in subdivision (3)) against the bonds or lease;

may be filed by an owner or owners of real property or a tenant or tenants of residential property within the political subdivision. A petition or remonstrance signed by a tenant of residential property must be accompanied by an affidavit setting forth the name of the landlord and the property address of the tenant's leasehold. Each signature on a petition must be dated, and the date of signature may not be before the date on which the petition and remonstrance forms may be issued under subdivision (3). A petition described in clause (A) or a remonstrance described in clause (B) must be verified in compliance with subdivision (4) before the petition or remonstrance is filed with the

county auditor under subdivision (4).

(3) The state board of accounts shall design and, upon request by the county auditor, deliver to the county auditor or the county auditor's designated printer the petition, remonstrance, and affidavit forms to be used solely in the petition and remonstrance process described in this section. The county auditor shall issue to an owner or owners of real property or a tenant or tenants of residential property within the political subdivision the number of petition, remonstrance, or affidavit forms requested by the owner or owners or tenant or tenants. Each form must be accompanied by instructions detailing the requirements that:

(A) the carrier and signers must be owners of real property or tenants of residential property;

(B) the carrier must be a signatory on at least one (1) petition;

(C) after the signatures have been collected, the carrier must swear or affirm before a notary public that the carrier witnessed each signature;

(D) govern the closing date for the petition and remonstrance period; and

(E) apply to the carrier under section 7 of this chapter.

Persons requesting petition, remonstrance, or affidavit forms may not be required to identify themselves and may be allowed to pick up additional copies to distribute to other property owners or tenants of residential property. The county auditor may not issue a petition, remonstrance, or affidavit form earlier than twenty-nine (29) days after the notice is given under subdivision (1). The county auditor shall certify the date of issuance on each petition, remonstrance, or affidavit form that is distributed under this subdivision.

(4) The petitions, remonstrances, and affidavits must be verified in the manner prescribed by the state board of accounts and filed with the county auditor within the thirty (30) to sixty (60) day period described in subdivision (2) in the manner set forth in section 5 of this chapter relating to requests for a petition and remonstrance process.

(5) The county auditor must file a certificate and the petition or remonstrance with the body of the political subdivision charged with issuing bonds or entering into leases not later than fifteen (15) business days after the filing of a petition or remonstrance under subdivision (4), whichever applies, containing ten thousand (10,000) signatures or fewer. The county auditor may take an additional five (5) days to review and certify the petition or remonstrance for each additional five thousand (5,000) signatures, up to a maximum of sixty (60) days. The certificate must state the number of petitioners and remonstrators that are owners of real property and the number of petitioners and remonstrators who are tenants of residential property within the political subdivision.

(6) If a greater number of owners of real property plus tenants of residential property within the political subdivision sign a remonstrance than the number that signed a petition, the bonds petitioned for may not be issued or the lease petitioned for may not be entered into. The

proper officers of the political subdivision may not make a preliminary determination to issue bonds or enter into a lease for the controlled project defeated by the petition and remonstrance process under this section or any other controlled project that is not substantially different within one (1) year after the date of the county auditor's certificate filed under subdivision (5). Withdrawal of a petition carries the same consequences as a defeat of the petition.

(7) After a political subdivision has gone through the petition and remonstrance process set forth in this section, the political subdivision is not required to follow any other remonstrance or objection procedures under any other law (including section 5 of this chapter) relating to bonds or leases designed to protect owners of real property and tenants of residential property within the political subdivision from the imposition of property taxes to pay debt service or lease rentals. However, the political subdivision must still receive the approval of the department required under IC 6-14-8.

Sec. 7. (a) If a petition and remonstrance process is commenced under section 6 of this chapter, during the sixty (60) day period commencing with the notice under section 6(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the petition or remonstrance by doing any of the following:

(1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the petition or remonstrance unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.

(2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance (except as necessary to explain the project to the public) or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime.

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

(A) using students to transport written materials to their residences; or

(B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the employee's office or agency.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

Chapter 8. Review by Department

Sec. 1. Subject to section 2 of this chapter, this chapter applies to the following:

- (1) Bonded indebtedness.
- (2) Lease rentals under a lease with an original term of at least five (5) years.

Sec. 2. This chapter does not apply to the following:

- (1) Temporary loans made in anticipation of and to be paid from current revenues of the political subdivision actually imposed and in the course of collection for the budget year in which the loans are made.
- (2) Bonded indebtedness that will be repaid through property taxes or income taxes imposed under IC 12-19.
- (3) Bonded indebtedness or lease rentals that were approved under IC 6-1.1-18.5-8 (before its repeal) or IC 6-1.1-19-8 (before its repeal).
- (4) Property taxes or income taxes that a school corporation imposes to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974.

Sec. 3. A political subdivision may not impose property taxes or income taxes to pay debt service for bonded indebtedness or leases to which this chapter applies without:

- (1) complying with this chapter; and
- (2) approval of the bonded indebtedness or leases by the department.

Sec. 4. (a) A political subdivision must file a petition requesting approval from the department to incur bonded indebtedness or execute a lease with an original term of at least five (5) years.

(b) If IC 6-14-7 applies to the bonded indebtedness or lease and the bonded indebtedness is to be paid or funded with property taxes, the petition must be filed not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2) (repealed) or IC 6-14-7-5(2), as applicable, unless the political subdivision demonstrates that a longer period is reasonable in light of the political subdivision's facts and circumstances.

Sec. 5. A political subdivision must obtain approval from the department before the political subdivision may:

- (1) incur bonded indebtedness; or
- (2) enter into a lease.

Sec. 6. The department may seek recommendations from the local government tax control board or the department of state revenue, or both, when determining whether to authorize incurring bonded indebtedness or the execution of a lease.

Sec. 7. The department shall render a decision within three (3) months after the date it receives a request for approval under section 4 of this chapter. However, the department may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the political subdivision.

Sec. 8. The local government tax control board, the department of state revenue, and other state agencies shall provide information to the department that the department considers necessary to determine the estimated impact of the issuance of bonds or execution of a lease on a political subdivision's property tax rate or the rate of an income tax in a

county where the political subdivision is located.

Sec. 9. Subject to section 10 of this chapter, the department may:

- (1) approve or disapprove the proposed bond issue or lease agreement; or
- (2) approve an alternative financing arrangement by:
 - (A) reducing the amount of the proposed bond issue or lease agreement;
 - (B) modifying other terms of the proposed bond issue or lease agreement;
 - (C) approving the use of other funding mechanisms that are available to the political subdivision to cover all or part of the costs that would be covered by the proposed bond issue or lease agreement;
 - (D) modifying the scope of the proposed project, in the case of bonds to be issued or a lease to be entered into for the acquisition, construction, renovation, improvement, or expansion of a building, a structure, or another public improvement; or
 - (E) any combination of the methods described in clauses (A) through (D).

Sec. 10. In determining whether to approve or disapprove a proposed bond issue or lease agreement or to approve an alternative financing arrangement, the department shall consider the following factors:

- (1) Whether the proposed bond issue or lease agreement is unnecessary or excessive.
- (2) With respect to a proposed bond issue or lease agreement for the acquisition, construction, renovation, improvement, expansion, or use of a building, a structure, or another public improvement, whether the civil taxing unit has demonstrated that an adequate source of funding will be available to cover annual costs of operating, maintaining, and repairing the building, structure, or public improvement.
- (3) Whether an excessive impact on the political subdivision's tax rate or on the rate of an income tax imposed in a county where the political subdivision is located will result from:
 - (A) the issuance of the bonds or execution of the lease agreement; and
 - (B) with respect to a proposed bond issue or lease agreement for the acquisition, construction, renovation, improvement, expansion, or use of a building, a structure, or another public improvement, the annual costs of operating, maintaining, and repairing the building, structure, or public improvement.
- (4) Whether any costs of acquiring, constructing, renovating, improving, or expanding a building, a structure, or another public improvement that are to be financed through the issuance of bonds or execution of a lease are comparable to the costs incurred for those purposes by other similarly situated political subdivisions for similar projects.
- (5) With respect to a proposed bond issue or lease agreement for the acquisition, construction, renovation, improvement, expansion, or use of a building, a structure, or another public improvement, whether the building,

structure, or public improvement will be made available to residents of the political subdivision for uses other than those planned by the political subdivision.

(6) Any other pertinent matter, including matters described in IC 6-14-4.

Sec. 11. (a) A political subdivision may petition for judicial review of the final determination of the department under this chapter.

(b) The petition for judicial review must be filed in the tax court not more than forty-five (45) days after the department enters its order under this chapter.

Sec. 12. A taxpayer may petition for judicial review of the final determination of the department under this chapter. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this chapter.

Chapter 9. School Bus Loan Review

Sec. 1. This chapter does not apply to school bus purchase loans made by a school corporation that will be repaid solely from the general fund of the school corporation.

Sec. 2. A school corporation must obtain approval from the department before the school corporation may repay a school bus purchase loan.

Sec. 3. Before it approves or disapproves a proposed school bus purchase loan, the department may seek the recommendation of the local government tax control board or the department of state revenue.

Sec. 4. Subject to section 5 of this chapter, the department may either:

- (1) approve, disapprove, or modify then approve a school corporation's proposed school bus purchase loan; or
- (2) approve an alternative financing arrangement by:
 - (A) reducing the amount of the proposed school bus purchase loan;
 - (B) modifying other terms of the proposed school bus purchase loan;
 - (C) approving the use of other funding mechanisms that are available to the school corporation to cover all or part of the costs that would be covered by the proposed school bus purchase loan;
 - (D) modifying the scope of the proposed purchase of school buses; or
 - (E) any combination of the methods described in clauses (A) through (D).

Sec. 5. In determining whether to approve or disapprove a proposed school bus purchase loan, or to approve an alternative financing arrangement, the department shall consider the following factors:

- (1) Whether the proposed school bus purchase loan is unnecessary or excessive.
- (2) Whether an excessive impact on the tax rates, fees, or other charges imposed by the school corporation will result from the annual costs of operating, maintaining, and repairing the vehicles to be purchased with the loan.
- (3) Any other pertinent matter.

Sec. 6. The department shall render a decision not more than three (3) months after the date it receives a request for approval under this chapter. However, the department may extend this three (3) month period by an additional three (3) months if, at

least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the school corporation.

Sec. 7. A school corporation may petition for judicial review of the final determination of the department under this chapter. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this chapter.

Sec. 8. A taxpayer may petition for judicial review of the final determination of the department under this chapter. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

Chapter 10. Jay County School Corporation

Sec. 1. The levy and property tax rate for an excessive levy granted under IC 6-1.1-19-10.5 (repealed) before January 1, 2007, is transferred to the Jay County School Corporation debt service fund for property taxes first due and payable after December 31, 2006.

Sec. 2. The relief under section 1 of this chapter is granted as an advance of state funds related to an intercept action to be paid back to the treasurer of state in two hundred forty (240) payments of:

- (1) thirteen thousand eight hundred eighty-two dollars (\$13,882) beginning on January 15, 2001, and ending May 15, 2003; and
- (2) equal installment amounts beginning June 15, 2003, and ending with final payment on December 31, 2020.

SECTION 46. IC 6-15 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 15. CUMULATIVE FUNDS, SINKING FUNDS, AND OTHER FIXED RATE LEVIES

Chapter 1. Definitions

Sec. 1. The definitions in IC 6-1.1, IC 6-11, and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Fixed rate levy" refers to a property tax imposed for a fund or purpose described in a law listed or described in IC 6-15-3-1 or IC 6-15-4-1.

Chapter 2. General Provisions

Sec. 1. A fixed rate levy is not:

- (1) subject to the controlled tax limits or controlled levy limits imposed under IC 6-12; or
- (2) included in the computation of a political subdivision's controlled tax limit or controlled levy limit for a year.

Sec. 2. A fixed rate levy shall be treated as an excluded tax.

Sec. 3. The collection of money in excess of the amount certified for a fixed rate levy is valid. The excess shall be treated as excess revenue and deposited in the political subdivision's excess revenue fund account under IC 6-11-22.

Chapter 3. Cumulative Fund Tax Levy Procedures

Sec. 1. This chapter applies to the establishment and imposition of a tax levy for cumulative funds under the following:

- (1) IC 3-11-6.
- (2) IC 8-10-5.
- (3) IC 8-16-3.
- (4) IC 8-16-3.1.

- (5) IC 8-22-3.
- (6) IC 14-27-6.
- (7) IC 14-33-21.
- (8) IC 16-22-4.
- (9) IC 16-22-5.
- (10) IC 16-22-8.
- (11) IC 36-8-14.
- (12) IC 36-9-4.
- (13) IC 36-9-14.
- (14) IC 36-9-14.5.
- (15) IC 36-9-15.
- (16) IC 36-9-15.5.
- (17) IC 36-9-16.
- (18) IC 36-9-17.
- (19) IC 36-9-17.5.
- (20) IC 36-9-26.
- (21) IC 36-9-27.
- (22) IC 36-10-3.
- (23) IC 36-10-4.
- (24) IC 36-10-7.5.
- (25) Any other statute that specifies that a property tax levy may be imposed under this chapter.

Sec. 2. (a) In addition to complying with the budget, tax rate, and tax levy requirements applicable to other tax levies, a political subdivision may:

- (1) establish a cumulative fund and impose a property tax for the cumulative fund; or
- (2) increase the tax rate for a cumulative fund;

only after the proposal is adopted and approved in compliance with this chapter.

(b) If an action described in this section is not adopted or approved in conformity with this chapter, the political subdivision may not levy a tax for the fund in the ensuing year.

Sec. 3. (a) A political subdivision that proposes to establish a fund under this chapter must:

- (1) give notice of the proposal to the affected taxpayers; and
- (2) hold a public hearing on the proposal;

before presenting the proposal to the department for approval.

(b) Notice of the proposal and of the public hearing shall be given by publication in accordance with IC 5-3-1.

(c) For a cumulative fund authorized under IC 3-11-6 or IC 8-10-5-17, the political subdivision imposing a property tax levy shall post a notice of the proposal and the public hearing in three (3) public places in the political subdivision.

(d) A notice required by this section must describe the tax levy that will be imposed for the fund.

Sec. 4. A political subdivision that in any year adopts a proposal under this chapter must submit the proposal to the department before August 2 of that year. If a proposal under this chapter is not submitted to the department before August 2 of a year, the political subdivision may not levy a tax for the cumulative fund or sinking fund in the ensuing year.

Sec. 5. The department shall require that a notice of submission under section 4 of this chapter be given to the taxpayers of the county. The notice shall be published in one (1) publication and posted in the same manner as required by section 3 of this chapter.

Sec. 6. Not later than noon of the day that is thirty (30) days after the publication of the notice required by section 3 of this chapter:

- (1) at least ten (10) taxpayers in the taxing district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, IC 36-9-4-48, or IC 36-10-4-36;
- (2) at least twenty (20) taxpayers in a county served by a hospital, if the fund is authorized under IC 16-22-4-1;
- (3) at least thirty (30) taxpayers in a tax district, if the fund is authorized under IC 36-10-3-21 or IC 36-10-7.5-19;
- (4) at least fifty (50) taxpayers in a municipality, if subdivisions (1), (2), (3), and (5) do not apply; or
- (5) at least one hundred (100) taxpayers in the county, if the fund is authorized by IC 3-11-6;

may file a petition with the county auditor stating their objections to an action described in section 2 of this chapter. Upon the filing of the petition, the county auditor shall immediately certify the petition to the department.

Sec. 7. (a) The department shall within a reasonable time set a date for a hearing on a petition filed under section 6 of this chapter.

(b) For a cumulative fund authorized under IC 3-11-6 or IC 36-9-4-48, the hearing must be held in the county affected by the proposed action.

Sec. 8. The department shall give notice of the hearing required by section 7 of this chapter to:

- (1) the county auditor; and
- (2) the first ten (10) taxpayers whose names appear on the petition filed under section 6 of this chapter.

The notice must be given by letter signed by the commissioner or deputy commissioner of the department and sent by mail with prepaid postage to the auditor and the taxpayers at their usual places of residence at least five (5) days before the date set for the hearing.

Sec. 9. (a) After a hearing on a proposal (if a hearing is required) or after the proposal is submitted to the department under section 4 of this chapter (if no hearing is required), the department shall certify approval, disapproval, or modification of the proposal to the county auditor.

(b) A:

- (1) taxpayer who signed a petition filed under section 6 of this chapter; or
- (2) political subdivision submitting a proposal for approval; may petition for judicial review of the final determination of the department under subsection (a). The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (a).

Sec. 10. To provide for a fund, a political subdivision may levy a tax on all taxable property within the jurisdiction authorized to establish the fund. The tax may not exceed the tax rate specified in the statute authorizing the fund.

Sec. 11. If a political subdivision considers it advisable after the levy has been approved, the governing body imposing the levy for the political subdivision may reduce or rescind the annual levy.

Sec. 12. At least:

(1) ten (10) taxpayers in the tax district, if the fund is authorized under IC 8-10-5-17, IC 8-16-3-1, IC 8-16-3.1-4, IC 14-27-6-48, IC 14-33-21-2, IC 36-8-14-2, IC 36-9-4-48, or IC 36-10-4-36; or

(2) fifty (50) taxpayers in the area where a property tax for a fund is imposed, if subdivision (1) does not apply;

may file with the county auditor, by noon on August 1 of a year, a petition for reduction or revision of the levy approved under this chapter. The petition must state the taxpayers' objections to the levy. The county auditor shall certify the petition to the department, and the same procedure for notice and hearing must be followed that was required for the original levy. After a hearing on the petition, the department may confirm, reduce, or rescind the levy. The department's action is final and conclusive.

Sec. 13. After a political subdivision complies with this chapter, a property tax may be levied annually at the tax rate approved under this chapter without further action under this chapter. The tax levy must be advertised annually as other tax levies are advertised.

Sec. 14. The tax collected for a fund must be held in the fund for which the tax was levied. The fund may not be expended for any purpose other than the purposes specified by the statute authorizing the fund. Except to the extent that IC 8-16-3-3(c), IC 14-27-6-48(c), IC 36-9-14.5-8(c), IC 36-9-15.5-8(c), or another statute specifically provides a different procedure, expenditures may be made from the fund only after an appropriation has been made in the manner provided by law for making other appropriations.

Sec. 15. If the political subdivision establishing a fund:

- (1) determines that the purposes for which the fund was established have been accomplished or no longer exist; or
- (2) rescinds the tax levy for the fund;

the governing body establishing the fund for the political subdivision may transfer the balance in the fund to the general fund of the political subdivision. The money in a fund does not otherwise revert to the general fund of a political subdivision at the end of the political subdivision's fiscal year.

Chapter 4. General Reassessment Adjustment of Fixed Rate Levies

Sec. 1. This chapter applies to the property tax levies under:

- (1) IC 8-10-5-17;
- (2) IC 8-22-3-11;
- (3) IC 8-22-3-25;
- (4) IC 12-29-1-1;
- (5) IC 12-29-1-2;
- (6) IC 12-29-1-3;
- (7) IC 12-29-3-6;
- (8) IC 13-21-3-12;
- (9) IC 13-21-3-15;
- (10) IC 14-27-6-30;
- (11) IC 14-33-7-3;
- (12) IC 14-33-21-5;
- (13) IC 15-1-6-2;
- (14) IC 15-1-8-1;
- (15) IC 15-1-8-2;
- (16) IC 16-20-2-18;
- (17) IC 16-20-4-27;
- (18) IC 16-20-7-2;

- (19) IC 16-23-1-29;
- (20) IC 16-23-3-6;
- (21) IC 16-23-4-2;
- (22) IC 16-23-5-6;
- (23) IC 16-23-7-2;
- (24) IC 16-23-8-2;
- (25) IC 16-23-9-2;
- (26) IC 16-41-15-5;
- (27) IC 16-41-33-4;
- (28) IC 20-5-17.5-2 (before its repeal), IC 36-10-13-4, or IC 36-10-13-5;
- (29) IC 20-5-17.5-3 (before its repeal) or IC 36-10-13-7;
- (30) IC 20-5-37-4 (before its repeal) or IC 20-26-8-4;
- (31) IC 20-14-7-5.1 (before its repeal) or IC 36-12-7-7;
- (32) IC 20-14-7-6 (before its repeal) or IC 36-12-7-8;
- (33) IC 20-14-13-12 (before its repeal) or IC 36-12-12-10;
- (34) IC 21-1-11-3;
- (35) IC 21-2-17-2;
- (36) IC 23-13-17-1;
- (37) IC 23-14-66-2;
- (38) IC 23-14-67-3;
- (39) IC 36-7-13-4;
- (40) IC 36-7-14-28;
- (41) IC 36-7-15.1-16;
- (42) IC 36-8-19-8.5;
- (43) IC 36-9-6.1-2;
- (44) IC 36-9-17.5-4;
- (45) IC 36-9-27-73;
- (46) IC 36-9-29-31;
- (47) IC 36-9-29.1-15;
- (48) IC 36-10-6-2;
- (49) IC 36-10-7-7;
- (50) IC 36-10-7-8;
- (51) IC 36-10-7.5-19; and
- (52) any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

(i) property taxes; or

(ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

Sec. 2. For purposes of this chapter, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the laws listed in section 1 of this chapter.

Sec. 3. The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under section 5 of this chapter for taxes first due and payable in 2003 if section 5 of this chapter had applied for taxes first due and payable in 2003.

Sec. 4. The maximum rate must be adjusted:

(1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and

(2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

Sec. 5. The new maximum rate under a statute listed in section 1 of this chapter is the tax rate determined under STEP SEVEN

of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) years that immediately precede the ensuing year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

Sec. 6. The department shall compute the maximum rate allowed under section 5 of this chapter and provide the rate to each political subdivision with authority to levy a tax under a statute listed in section 1 of this chapter.

SECTION 47. IC 12-13-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. For taxes first due and payable in Each year, after 2003, each county shall impose a controlled taxes for medical assistance property tax levy equal to the product of:

(1) the controlled taxes certified for the county by the department of local government finance under this section for medical assistance property tax levy imposed for taxes first due and payable in the preceding year, as that levy amount was determined by the department of local government finance in fixing the civil taxing unit's county's budget, levy, taxes, and rate tax rates for that preceding calendar year under, before 2007, IC 6-1.1-17 and, after 2006, IC 6-13 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy taxes for the calendar year; multiplied by

(2) the statewide average assessed value tax growth quotient using all the county assessed value growth quotients determined under IC 6-1.1-18.5-2 IC 6-12-4-4 for the year in which the tax levy under this section will be first due and payable.

If the amount levied of tax in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy tax in the

following year shall be reduced by the amount of surplus money as a temporary adjustment to the county's controlled tax limit and controlled levy limit.

SECTION 48. IC 12-16-14-3, AS AMENDED BY P.L.246-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) For purposes of this section, "payable claim" has the meaning set forth in IC 12-16-7.5-2.5(b)(1).

(b) For taxes first due and payable in 2003, each county shall impose a hospital care for the indigent property tax levy equal to the product of:

(1) the county's hospital care for the indigent property tax levy for taxes first due and payable in 2002; multiplied by

(2) the county's assessed value growth quotient determined under IC 6-1.1-18.5-2 for taxes first due and payable in 2003.

(c) (b) For taxes first due and payable in 2004, 2005, 2006, for 2007, and 2008, each county shall impose a controlled taxes for hospital care for the indigent property tax levy equal to the product of:

(1) the county's hospital care for the indigent property tax levy for taxes first due and payable in the preceding year, 2006; multiplied by

(2) the assessed value tax growth quotient determined in the last STEP of the following STEPS:

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth) of the county's total assessed value of all taxable property in the particular calendar year, divided by the county's total assessed value of all taxable property in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3); under IC 6-12-4-4 for 2007.

(d) Except as provided (c) Subject to the limitations in subsection (c): (d), each county shall impose controlled taxes for hospital care for the indigent equal to:

(1) for taxes first due and payable in 2009, 2008, each county shall impose a hospital care for the indigent property tax levy equal to the average of the annual amount of payable claims attributed to the county under IC 12-16-7.5-4.5 during the state fiscal years beginning:

(A) July 1, 2005;

(B) July 1, 2006; and

(C) July 1, 2007; and

(2) for all subsequent annual levies under this section, years, the average annual amount of payable claims attributed to the county under IC 12-16-7.5-4.5 during the three (3) most recently completed state fiscal years.

(e) (d) A county may not impose an annual levy controlled taxes in any year under subsection (d) (c) in an amount greater than the product of:

(1) The greater of:

(A) the ~~county's amount of controlled taxes imposed by the county for~~ hospital care for the indigent property tax levy for taxes first due and payable in 2008; in 2007; or

(B) the amount of the county's maximum controlled taxes certified for the county by the department of local government finance for hospital care for the indigent property tax levy as the amount was determined under this subsection for taxes first due and payable in by the department of local government finance in fixing the county's budget, taxes, and tax rates for that preceding calendar year under, before 2007, IC 6-1.1-17 and after 2006, IC 6-13 and after eliminating the effects of temporary adjustments made to the amount for the immediately preceding year; multiplied by

(2) the assessed value tax growth quotient determined in the last STEP of the following STEPS:

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective:

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth) of the county's total assessed value of all taxable property in the particular calendar year, divided by the county's total assessed value of all taxable property in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3); under IC 6-12-4-4 for the year.

SECTION 49. IC 12-19-7-4, AS AMENDED BY P.L.234-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) For taxes first due and payable in Each year after 2005; each county shall impose a **controlled taxes for the county family and children property tax levy children's fund, excluding any amount attributable for loans under this chapter or IC 12-19-5**, equal to the county family and children property tax levy necessary to pay the costs of the child services of the county for the next fiscal year.

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy and comply with IC 6-1.1-17-3; product of:

(1) the controlled taxes certified for the county by the department of local government finance for the family and children's fund for the preceding year as that amount was determined by the department of local government finance in fixing the county's budget, taxes, and tax rates for that preceding calendar year under, before 2007, IC 6-1.1-17 and after 2006, IC 6-13 and after eliminating the effects of temporary adjustments made to the certified amount for the calendar year; multiplied by

(2) the greater of:

(A) the tax growth quotient for the ensuing calendar year as determined under IC 6-12-4-4; or

(B) one (1).

SECTION 50. IC 12-19-7.5-6, AS AMENDED BY P.L.234-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) For taxes first due and payable in Each year after 2005; each county shall impose a **county controlled taxes for the children's psychiatric residential treatment services property tax levy fund, excluding any amount attributable for loans under this chapter or IC 12-19-5**, equal to the county children's psychiatric residential treatment services property tax levy necessary to pay the costs of children's psychiatric residential treatment services of the county for the next fiscal year.

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy; the product of:

(1) the controlled taxes certified for the county by the department of local government finance for the children's psychiatric residential treatment services fund for the preceding year as that amount was determined by the department of local government finance in fixing the county's budget, taxes, and tax rates for that preceding calendar year under, before 2007, IC 6-1.1-17 and after 2006, IC 6-13 and after eliminating the effects of temporary adjustments made to the certified amount for the calendar year; multiplied by

(2) the greater of:

(A) the tax growth quotient for the ensuing calendar year as determined under IC 6-12-4-4; or

(B) one (1).

SECTION 51. IC 12-20-21-4, AS AMENDED BY P.L.73-2005, SECTION 96, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **Subject to IC 12-20-23**, if the board of commissioners determines from the ~~levies made controlled taxes imposed~~ by the respective townships for township assistance purposes that there will be insufficient money in the township assistance fund to provide free and available money during the following year for township assistance purposes on the basis of the total costs of township assistance granted by the township trustees, as administrators of township assistance, for the previous twelve (12) months:

(1) the board of commissioners may include estimates for the advancements in the county general fund budget; **and**

(2) the county fiscal body may appropriate for the advancement in the budget and ~~levy to the extent that an increase in the county's tax will not exceed the county's controlled tax limit, impose controlled taxes~~ as adopted by the county fiscal body. ~~and~~

(3) The department shall include that amount in the final **determination of the county general fund levy budget.**

SECTION 52. IC 12-20-25-4, AS AMENDED BY P.L.73-2005, SECTION 114, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this chapter, "distressed township" means:

(1) a township that:

(A) has a valid township assistance claim that the county auditor cannot pay within thirty (30) days after the claim is approved for payment under IC 12-2-1-31 (before its repeal) or IC 12-20-20;

(B) has township assistance expenditures during a year that exceed the year's township assistance revenues, excluding any advances from the state and revenues from short term loans from the county or a financial institution or advances from the county from the proceeds of bonds, made or issued under:

- (i) this article; or
- (ii) IC 12-2-1, IC 12-2-4.5, or IC 12-2-5 (before the repeal of those statutes);

(C) has imposed and dedicated to township assistance at least ninety percent (90%) of the maximum ~~permissible ad valorem property tax levy amount of controlled taxes~~ permitted for all of the township's money under ~~IC 6-1.1-18.5; IC 6-12;~~ and

(D) has outstanding indebtedness that exceeds one and eight-tenths percent (1.8%) of the township's adjusted value of taxable property in the district as determined under IC 36-1-15; or

(2) a township that:

(A) has been a controlled township during any part of the preceding five (5) years;

(B) has a valid township assistance claim that the county auditor cannot pay within thirty (30) days after the claim is approved for payment under IC 12-2-1-31 (before its repeal) or IC 12-20-20; and

(C) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article.

SECTION 53. IC 12-29-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) A county shall fund the operation of community mental health centers in the amount determined under subsection (b), unless a lower tax levy amount will be adequate to fulfill the county's financial obligations under this chapter in any of the following situations:

- (1) If the total population of the county is served by one (1) center.
- (2) If the total population of the county is served by more than one (1) center.
- (3) If the partial population of the county is served by one (1) center.
- (4) If the partial population of the county is served by more than one (1) center.

(b) The amount of funding under subsection (a) for taxes first due and payable in a calendar year is the following:

(1) For 2004, the amount is the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the amount that was levied within the county to comply with this section from property taxes first due and payable in 2002.

STEP TWO: Multiply the STEP ONE result by the county's assessed value growth quotient for the ensuing year 2003; as determined under ~~IC 6-1.1-18.5-2;~~

STEP THREE: Multiply the STEP TWO result by the county's assessed value growth quotient for the ensuing year 2004; as determined under ~~IC 6-1.1-18.5-2;~~

(2) For 2005 and each year thereafter, the result equal to:

(A) (1) the amount that was levied of controlled taxes imposed in the county to comply with this section from property taxes

first due and payable in the calendar year immediately preceding the ensuing calendar year; multiplied by

~~(B) (2) the county's assessed tax value growth quotient for the ensuing calendar year, as determined under IC 6-1.1-18.5-2; IC 6-12-4-4.~~

SECTION 54. IC 15-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. If a dog kills or injures any livestock while the livestock is in the care, custody, and control of the livestock's owner or his the owner's agent, the owner or harbinger of the dog is liable to the owner of the livestock for all damages sustained, including his reasonable attorney's fees and the court costs. if the appropriate dog tax has not been paid on the dog, triple damages may be awarded.

SECTION 55. IC 16-35-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) For taxes first due and payable in Each year after 2003, each county shall impose a controlled taxes for children with special health care needs property tax levy equal to the product of:

- (1) the amount, excluding any amount attributable for loans under this chapter or IC 12-19-5, controlled taxes imposed for children with special health care needs property tax levy imposed for taxes first due and payable in the preceding year, as that levy amount was determined by the department of local government finance in fixing the civil taxing unit's county's budget, levy, taxes, and rate tax rates for that preceding calendar year under, before 2007, IC 6-1.1-17 and after 2006, IC 6-13 and after eliminating the effects of temporary excessive levy appeals and any other temporary adjustments made to the levy amount for the calendar year; multiplied by
- (2) the greater of:

(A) the county's assessed value tax growth quotient for the ensuing calendar year, as determined under ~~IC 6-1.1-18.5-2; IC 6-12-4-4;~~ or

(B) one (1).

When a year in which a statewide general reassessment of real property first becomes effective is the year preceding the year that the property tax levy under this subsection will be first due and payable, the amount to be used in subdivision (2) equals the average of the amounts used in determining the two (2) most recent adjustments in the county's levy under this section. If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

(b) The department of local government finance shall review each county's property tax levy under this section and shall enforce the requirements of this section with respect to that levy.

SECTION 56. IC 20-24-7-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) Not later than the date on which the department of local government finance certifies a final action on budgets, taxes, and tax rates under IC 6-13, the department of local government finance shall provide to each county auditor the amount determined under section 3(c) of this chapter for each charter school attended by a student who has legal settlement in both the county and a school corporation located in the county.

(b) At the same time a county auditor distributes property taxes to a school corporation, the county auditor shall distribute to a charter school the amount described in subsection (a) for the charter school.

(c) A distribution of property taxes to a school corporation does not include an amount distributed under subsection (b).

(d) The department of education shall provide for the annual submission of reports before July 16 in each year from charter schools that provide reasonable estimates of the number of students that will be enrolled in the charter school in the current school year. The information shall be used to assist the department of local government finance in computing tax rates and tax amounts under IC 6-1.1-19-1.5. The department of education shall submit the information to the department of local government finance in the form and on the schedule required by the department of local government finance.

SECTION 57. IC 21-2-11.5-3, AS AMENDED BY P.L.246-2005, SECTION 187, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) Subject to subsection (b), each school corporation may ~~levy~~ **impose controlled taxes** for the calendar year a ~~property tax~~ for the school transportation fund sufficient to pay all operating costs attributable to transportation that:

- (1) are not paid from other revenues available to the fund as specified in section 4 of this chapter; and
- (2) are listed in section 2(a)(1) through 2(a)(7) of this chapter.

(b) For each year after 2003, The ~~levy amount of controlled taxes~~ for the fund may not exceed

(1) the amount determined by multiplying:

(A) the ~~school corporation's levy for the school transportation fund amount of controlled taxes certified by the department of local government finance for the fund~~ for the previous year, as that ~~levy amount~~ was determined by the department of local government finance in fixing the ~~civil taxing unit's school corporation's budget, levy, taxes,~~ and rate for that preceding calendar year, **before 2007**, under IC 6-1.1-17 **and, after 2006, under IC 6-13** and after eliminating the effects of ~~temporary excessive levy appeals and any other~~ temporary adjustments made to the ~~levy amount~~ for the calendar year; by

(B) the ~~assessed value tax~~ growth quotient determined under subsection (c) STEP FOUR; plus

(2) in 2006 and 2007, the amount determined under subsection (d);

(c) For purposes of subsection (b), the assessed value growth quotient is the amount determined under STEP FOUR of the following formula:

STEP ONE: For each of the six (6) calendar years immediately preceding the year in which a budget is adopted under IC 6-1.1-17-5 or IC 6-1.1-17-5.6 for part or all of the ensuing calendar year, divide the Indiana nonfarm personal income for the calendar year by the Indiana nonfarm personal income for the calendar year immediately preceding that calendar year, rounding to the nearest one-thousandth (0.001).

STEP TWO: Determine the sum of the STEP ONE results.

STEP THREE: Divide the STEP TWO result by six (6), rounding to the nearest one-thousandth (0.001).

STEP FOUR: Determine the lesser of the following:

(A) The STEP THREE quotient.

(B) One and six-hundredths (1.06).

If the amount levied in a particular year exceeds the amount necessary to cover the costs payable from the fund, the levy in the following year shall be reduced by the amount of surplus money.

(d) As used in this subsection, "last state transportation distribution" means the total amount of state funding received by a school corporation for transportation costs:

(1) under IC 21-3-3.1-1 through IC 21-3-3.1-3; and

(2) for special education and vocational programs under IC 21-3-3.1-4;

after June 30, 2003; and before July 1, 2004;

multiplied by two (2). To the extent that the amount determined under subsection (b)(1) has not been adjusted to reflect the termination of state distributions for the school corporation's transportation fund; as determined by the department of local government finance; a school corporation may increase its school transportation fund levy for 2006 above the amount determined under subsection (b)(1) by fifty percent (50%) of the school corporation's last state transportation distribution; and the school corporation may increase its school transportation fund levy for 2007 above the amount determined under subsection (b)(1) by the remaining fifty percent (50%) of the school corporation's last state transportation distribution. The amount of the additional levy imposed in a year under this subsection shall be treated, for purposes of applying subsection (b)(1) in the following year, as part of the school corporation's levy for the school transportation fund for the previous year. IC 6-12-4-4 for the ensuing year.

(e) Each school corporation may ~~levy~~ **impose controlled taxes** for the calendar year a ~~tax~~ for the school bus replacement fund in accordance with the school bus acquisition plan adopted under section 3.1 of this chapter.

(f) The tax rate and levy for each fund shall be established as a part of the annual budget for the calendar year in accord with IC 6-1.1-17.

SECTION 58. IC 21-2-22 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]:

Chapter 22. Racial Balance Fund

Sec. 1. This chapter applies to a school corporation that:

- (1) is located in Allen County or Marion County;
- (2) is a party to a lawsuit alleging that its schools are segregated in violation of the Constitution of the United States or federal law;
- (3) desires to improve or maintain racial balance among two (2) or more schools within the school corporation, regardless of the school corporation's basis for desiring to improve or maintain racial balance; and
- (4) has a minority student enrollment that comprises at least ten percent (10%) of its total student enrollment, using the most recent enrollment data available to the school corporation.

Sec. 2. As used in this chapter, "minority student" means a student who is black, Spanish American, Asian American, or American Indian.

Sec. 3. A school corporation may establish a racial balance fund if the department of local government finance:

- (1) approved a racial balance fund for the school corporation before January 1, 2007, under IC 6-1.1-19-10 (repealed); or

(2) approves a racial balance fund under this chapter.

Sec. 4. The school corporation may petition the department of local government finance to impose an ad valorem property tax to raise revenue for the fund. However, before a school corporation may impose an ad valorem property tax under this chapter, the school corporation must file a petition with the department of local government finance. The petition must be filed before June 1 of the year preceding the first year the school corporation desires to impose the property tax and must include the following:

- (1) The name of the school corporation.
- (2) A settlement agreement among the parties to a desegregation lawsuit that includes the program that will improve or maintain racial balance in the school corporation.
- (3) The proposed property tax levy.
- (4) Any other item required by the department of local government finance.

Sec. 5. Upon receiving a petition under this chapter, the department of local government finance shall refer the petition to the local government tax control board. The local government tax control board shall consider the petition in the same manner as an appeal under IC 6-16. The local government tax control board may recommend to the department of local government finance that a school corporation be allowed to establish a racial balance fund to be funded by an ad valorem property tax levy. The amount of the levy shall be determined each year, and the levy may not exceed the lesser of the following:

- (1) The revenue derived from a tax rate of eight and thirty-three hundredths cents (\$0.0833) for each one hundred dollars (\$100) of assessed valuation within the school corporation.
- (2) The revenue derived from a tax rate equal to the difference between the maximum rate allowed for the school corporation's capital projects fund under IC 21-2-15 minus the actual capital projects fund rate that will be in effect for the school corporation for a particular year.

Sec. 6. The department of local government finance shall review the petition of the school corporation and:

- (1) disapprove the petition if the petition does not comply with this chapter;
- (2) approve the petition; or
- (3) approve the petition with modifications.

Sec. 7. A property tax levy under this chapter is in addition to, and not part of, the school corporation's controlled tax limit and controlled levy limit for purposes of determining the school corporation's controlled tax limit and controlled levy limit.

Sec. 8. Money received from a property tax levy under this chapter shall be deposited in the school corporation's racial balance fund established under this chapter. Money in the fund may be used only for education programs that improve or maintain racial balance in the school corporation. Money in the fund may not be used for:

- (1) transportation; or
- (2) capital improvements;

even though those costs may be attributable to the school corporation's proposed programs for improving or maintaining racial balance in the school corporation.

SECTION 59. IC 21-3-1.7-9, AS AMENDED BY P.L.246-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 9. (a) Subject to the amount appropriated by the general assembly for tuition support, the amount that a school corporation is entitled to receive in tuition support for a year is the amount determined in section 8.2 of this chapter.

(b) If the total amount to be distributed as tuition support under this chapter, in 2005 for enrollment adjustment grants under section 9.5 of this chapter (before its repeal), for academic honors diploma awards under section 9.8 of this chapter, in 2005 for supplemental remediation grants under section 9.9 of this chapter (before its repeal), for primetime distributions under IC 21-1-30, for special education grants under IC 21-3-2.1, and for vocational education grants under IC 21-3-12 for a particular year, exceeds:

- (1) three billion seven hundred fifty-nine million three hundred thousand dollars (\$3,759,300,000) in 2005;

(2) the greater of:

- (A) three billion ~~seven~~ **eight** hundred ~~fifty-four~~ **two** million ~~seven~~ **nine** hundred thousand dollars (~~\$3,754,700,000~~) (\$3,802,900,000) in 2006; or

- (B) the amount necessary to enable the department of education to make tuition support distributions in 2006 in accordance with IC 21-1-30 and this article without requiring a reduction in the amount distributed for tuition support under this section; and

- (3) three billion seven hundred forty-seven million two hundred thousand dollars (\$3,747,200,000) in 2007;

the amount to be distributed for tuition support under this chapter to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess. The amount of the reduction for a particular school corporation is equal to the total amount of the excess multiplied by a fraction. The numerator of the fraction is the amount of the distribution for tuition support that the school corporation would have received if a reduction were not made under this section. The denominator of the fraction is the total amount that would be distributed for tuition support to all school corporations if a reduction were not made under this section. **However, the department of education shall distribute the full amount of tuition support to school corporations in the second six (6) months of 2006 in accordance with IC 21-1-30 and this article without a reduction under this section.**

SECTION 60. IC 27-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. The following provisions apply to standard companies and extended companies:

- (1) IC 27-1-3.
- (2) IC 27-1-3.1.
- (3) IC 27-1-5-3.
- (4) IC 27-1-7-14 through IC 27-1-7-16.
- (5) IC 27-1-7-21 through IC 27-1-7-23.
- (6) IC 27-1-9.
- (7) IC 27-1-10.
- (8) IC 27-1-13-3 through IC 27-1-13-4.
- (9) IC 27-1-13-6 through IC 27-1-13-9.
- (10) IC 27-1-15.6.
- (11) IC 27-1-18-2.

- ~~(11)~~ (12) IC 27-1-20-1.
- ~~(12)~~ (13) IC 27-1-20-4.
- ~~(13)~~ (14) IC 27-1-20-6.
- ~~(14)~~ (15) IC 27-1-20-9 through IC 27-1-20-11.
- ~~(15)~~ (16) IC 27-1-20-14.
- ~~(16)~~ (17) IC 27-1-20-19 through IC 27-1-20-21.3.
- ~~(17)~~ (18) IC 27-1-20-23.
- ~~(18)~~ (19) IC 27-1-20-30.
- ~~(19)~~ (20) IC 27-1-22.
- ~~(20)~~ (21) IC 27-4-1.
- ~~(21)~~ (22) Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.
- ~~(22)~~ (23) IC 27-6-2.
- ~~(23)~~ (24) IC 27-7-2.
- ~~(24)~~ (25) IC 27-9.
- ~~(25)~~ (26) IC 34-30-17.

SECTION 61. IC 36-1-2-7, AS AMENDED BY P.L.227-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. "Fiscal officer" means:

- (1) auditor, for a county not having a consolidated city;
- (2) controller, for a:
 - (A) consolidated city;
 - (B) county having a consolidated city, except as otherwise provided; or
 - (C) second class city;
- (3) clerk-treasurer, for a third class city;
- (4) clerk-treasurer, for a town; ~~or~~
- (5) trustee, for a township;
- (6) the treasurer, for a school corporation; or**
- (7) the individual authorized as the fiscal officer by law or the political subdivision's fiscal body, for any other political subdivision.**

SECTION 62. IC 36-1-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The fiscal body of a political subdivision may, by ordinance or resolution, permit the transfer of a prescribed amount, for a prescribed period, to a fund in need of money for cash flow purposes from another fund of the political subdivision if all these conditions are met:

- (1) It must be necessary to borrow money to enhance the fund that is in need of money for cash flow purposes.
- (2) There must be sufficient money on deposit to the credit of the other fund that can be temporarily transferred.
- (3) Except as provided in subsection (b), the prescribed period must end during the budget year of the year in which the transfer occurs.
- (4) The amount transferred must be returned to the other fund at the end of the prescribed period.
- (5) Only revenues derived from:
 - (A) the levying and collection of property taxes, income taxes, or special taxes; or from**
 - (B) operation of the political subdivision;**
 may be included in the amount transferred.

(b) If the fiscal body of a political subdivision determines that an emergency exists that requires an extension of the prescribed period of a transfer under this section, the prescribed period may be extended for not more than six (6) months beyond the budget year of the year in which the transfer occurs if the fiscal body does the following:

- (1) Passes an ordinance or a resolution that contains the

following:

- (A) A statement that the fiscal body has determined that an emergency exists.
- (B) A brief description of the grounds for the emergency.
- (C) The date the loan will be repaid that is not more than six (6) months beyond the budget year in which the transfer occurs.

- (2) Immediately forwards the ordinance or resolution to the state board of accounts and the department of local government finance.

SECTION 63. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies to all funds raised:

- (1) by a general or special tax levy on all the taxable property of a political subdivision; or**
- (2) from county income taxes.**

(b) Whenever the purposes of a tax levy **or an allocation of county income tax** have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

- (1) Funds of a county, to the ~~general fund or~~ rainy day fund of the county, as provided in section 5.1 of this chapter.
- (2) Funds of a municipality, to the ~~general fund or~~ rainy day fund of the municipality, as provided in section 5.1 of this chapter.
- (3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.
- (4) Funds of any other political subdivision, to the ~~general fund or~~ rainy day fund of the political subdivision, as provided in section 5.1 of this chapter.

However, if the political subdivision is dissolved, ~~or does not have a general fund or rainy day fund;~~ then to the **general rainy day fund** of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy **or an allocation of county income tax** for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers **under this section** to a political subdivision's rainy day fund must be made after the last day of the political subdivision's fiscal year and before March 1 of the subsequent calendar year.

SECTION 64. IC 36-1-8-5.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.1. (a) **The definitions in IC 6-11-1 apply throughout this section.**

(b) A political subdivision ~~may~~ **shall** establish a rainy day fund by the adoption of:

(c) The fiscal body of a political subdivision may authorize use of money in the fund for any of the following purposes:

(1) To make a permanent transfer of money to another fund specified in an ordinance, in the case of a county, city, or town, or a resolution, in the case of any other political subdivision to replace revenue lost as the result of reducing property tax rates or income tax rates, or both, to eliminate fluctuations in the rates that would otherwise be imposed as a result of changes in economic activity in the county.

(2) To make a temporary transfer or loan of money under section 4 of this chapter to fund a shortfall resulting from:

(A) tax collections that are less than the amount of controlled taxes certified by the department of local government finance for collection in a year;

(B) incorrect data, computations, or advertisements; or

(C) refunds paid to taxpayers as the result of an appeal under IC 6-1.1 or IC 6-8.1 related to property taxes or income taxes.

(3) To make a temporary transfer or loan of money under section 4 of this chapter to provide a temporary source of funds to pay or fund a bond, judgment bond, lease, or other obligation when other revenues are insufficient to meet the payments required in a year.

(4) To make a temporary transfer or loan of money under section 4 of this chapter to fund an increase in the budget and controlled tax limit granted by the department of local government finance under IC 6-12 or IC 6-13.

(5) To make a temporary transfer or loan of money under section 4 of this chapter in anticipation of the collection of property taxes, income taxes, or other sources of revenue.

(6) To make a permanent transfer of money for any other purpose specified in ~~(1)~~ an ordinance, in the case of a county, city, or town, or ~~(2)~~ a resolution, in the case of any other political subdivision (including the purpose of replacing revenue lost from granting in the ordinance or resolution an additional property tax replacement credit that exceeds the credits granted under any other law) to the extent that the expenditure:

(A) is made from an amount that was deposited in the rainy day fund before January 1, 2007; or

(B) does not reduce the balance in the rainy day fund to less than six percent (6%) of the political subdivision's budget for the year immediately preceding the year of the expenditure.

~~(b)~~ (d) The fund consists of money deposited in the rainy day fund:

(1) under subsection (e);

(2) under section 5 of this chapter;

(3) under IC 6-11-9-9; and

(4) from money from any other source: an ordinance or a resolution adopted under this section must specify the following:

~~(1)~~ The purposes of the rainy day fund.

~~(2)~~ The sources of funding for the rainy day fund; which may include the following:

(A) Unused and unencumbered funds under:

~~(i) section 5 of this chapter;~~

~~(ii) IC 6-3.5-1.1-21.1;~~

~~(iii) IC 6-3.5-6-17.3; or~~

~~(iv) IC 6-3.5-7-17.3;~~

~~(B) any other funding source;~~

~~(1)~~ (A) specified in the ordinance or resolution adopted under this section; and

~~(2)~~ (B) not otherwise prohibited by law.

(e) Upon adoption of an ordinance or resolution authorizing a transfer of money under subsection (c)(1) or (c)(6), the ordinance or resolution must be submitted to the county auditor and the department of local government finance. A transfer under subsection (c)(1) or (c)(6) that reduces a controlled tax or tax rate does not reduce the political subdivision's controlled tax limit or controlled levy limit.

~~(f)~~ (f) The expenditure of money transferred from a rainy day fund to another fund is subject to the same appropriation process as other funds that receive tax money.

~~(g)~~ (g) In any fiscal year, a political subdivision may transfer under section 5 of this chapter not more than ten percent (10%) of the political subdivision's total annual budget for that fiscal year, adopted under ~~IC 6-1.1-17~~, IC 6-13, to the rainy day fund.

~~(h)~~ A political subdivision may use only the funding sources specified in subsection (b)(2)(A) or in the ordinance or resolution establishing the rainy day fund. The political subdivision may adopt a subsequent ordinance or resolution authorizing the use of another funding source.

~~(i)~~ The department of local government finance may not reduce the actual or maximum permissible levy of a political subdivision as a result of a balance in the rainy day fund of the political subdivision.

SECTION 65. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The assessor shall perform the duties prescribed by statute, including

~~(1)~~ assessment duties prescribed by IC 6-1.1. and

~~(2)~~ administration of the dog tax and dog fund; as prescribed by ~~IC 15-5-9~~.

SECTION 66. IC 36-7-13-3.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3.8. As used in this chapter, "state and local income taxes" means taxes imposed under any of the following:

(1) IC 6-3-1 through IC 6-3-7 (the adjusted gross income tax).

(2) IC 6-3.5-1.1 (county adjusted gross income tax) **(repealed)**.

(3) IC 6-3.5-6 (county option income tax) **(repealed)**.

(4) IC 6-3.5-7 (county economic development income tax) **(repealed)**.

(5) IC 6-11-8 (optional additional county income taxes).

SECTION 67. IC 36-7-27-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) As used in this chapter, "county taxpayer" means an individual who:

(1) resides in the county; or

(2) **before 2007**, maintains the individual's principal place of business or employment in the county and who does not reside in another county in which the county option income tax, the county adjusted income tax, or the county economic development income tax is in effect **and, after 2006, maintains the individual's principal place of business or employment in the county and who is an out-of state resident (as defined in IC 6-11-1-10).**

(b) For purposes of this section, an individual shall be treated as a resident of the county in which the individual:

- (1) maintains a home, if the individual maintains only one (1) home in Indiana;
- (2) if subdivision (1) does not apply, is registered to vote;
- (3) if subdivision (1) or (2) does not apply, registers the individual's personal automobile; or
- (4) if subdivision (1), (2), or (3) does not apply, spends the majority of the individual's time spent in Indiana during the taxable year in question.

SECTION 68. IC 36-7-27-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. As used in this chapter, "covered local income taxes" means the following income taxes imposed on county taxpayers:

- (1) County option income tax **(repealed)**.
- (2) County economic development income tax **(repealed)**.
- (3) **Optional additional county income tax (IC 6-11-8)**.

SECTION 69. IC 36-7-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. As used in this chapter, "covered taxes" means the following:

- (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.
- (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.
- (3) A county option income tax imposed under IC 6-3.5-6 **(repealed)**.
- (4) A food and beverage tax imposed under IC 6-9.

(5) An optional additional county income tax under IC 6-11-8.

SECTION 70. IC 36-7-31.3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. As used in this chapter, "covered taxes" means the part of the following taxes attributable to the operation of a facility designated as part of a tax area under section 8 of this chapter:

- (1) The state gross retail tax imposed under IC 6-2.5-2-1 or use tax imposed under IC 6-2.5-3-2.
- (2) An adjusted gross income tax imposed under IC 6-3-2-1 on an individual.
- (3) A county option income tax imposed under IC 6-3.5 **(repealed)**.
- (4) Except in a county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000), a food and beverage tax imposed under IC 6-9.

(5) An optional additional county income tax under IC 6-11-8.

SECTION 71. IC 36-7-32-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. As used in this chapter, "income tax base period amount" means the aggregate amount of the following taxes paid by employees employed in the territory comprising a certified technology park with respect to wages and salary earned for work in the certified technology park for the state fiscal year that precedes the date on which the certified technology park was designated under section 11 of this chapter:

- (1) The adjusted gross income tax **(repealed)**.
- (2) The county adjusted gross income tax **(repealed)**.

(3) The county option income tax **(repealed)**.

(4) The county economic development income tax **(repealed)**.

(5) The optional additional county income tax (IC 6-11-8). After 2006, taxes imposed before 2007 under the taxes listed in subdivisions (1) through (4) shall be treated after 2006 as the base amount for taxes imposed under IC 6-11-8.

SECTION 72. IC 36-7-32-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 22. (a) The treasurer of state shall establish an incremental tax financing fund for each certified technology park designated under this chapter. The fund shall be administered by the treasurer of state. Money in the fund does not revert to the state general fund at the end of a state fiscal year.

(b) Subject to subsection (c), the following amounts shall be deposited during each state fiscal year in the incremental tax financing fund established for a certified technology park under subsection (a):

- (1) The aggregate amount of state gross retail and use taxes that are remitted under IC 6-2.5 by businesses operating in the certified technology park, until the amount of state gross retail and use taxes deposited equals the gross retail incremental amount for the certified technology park.
- (2) The aggregate amount of the following taxes paid by employees employed in the certified technology park with respect to wages earned for work in the certified technology park, until the amount deposited equals the income tax incremental amount:

- (A) The adjusted gross income tax.
- (B) The county adjusted gross income tax.
- (C) The county option income tax.
- (D) The county economic development income tax.
- (E) The optional additional county income tax (IC 6-11-8).**

(c) Not more than a total of five million dollars (\$5,000,000) may be deposited in a particular incremental tax financing fund for a certified technology park over the life of the certified technology park.

(d) On or before the twentieth day of each month, all amounts held in the incremental tax financing fund established for a certified technology park shall be distributed to the redevelopment commission for deposit in the certified technology park fund established under section 23 of this chapter.

SECTION 73. IC 36-9-14.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) Except as provided in subsection (c), the county fiscal body may provide money for the cumulative capital development fund by levying a tax in compliance with ~~IC 6-11-41~~ **IC 6-15** on the taxable property in the county.

(b) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which the county option income tax **(repealed)**, or the county adjusted gross income tax **(repealed)**, or an **optional additional county income tax imposed under IC 6-11-8** is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.05
1 or more	\$0.10

(c) The maximum property tax rate that may be imposed for property taxes first due and payable during a particular year in a county in which ~~neither the county option income tax nor (repealed), the county adjusted gross income tax (repealed), or optional additional county income tax imposed under IC 6-11-8~~ is in effect on January 1 of that year, depends upon the number of years the county has previously imposed a tax under this chapter and is determined under the following table:

NUMBER OF YEARS	TAX RATE PER \$100 OF ASSESSED VALUATION
0	\$0.04
1 or more	\$0.07

SECTION 74. IC 36-12-1-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. An appointed library board subject to IC 6-11-10 shall submit its proposed operating budget and property tax levy for the operating budget to the following fiscal body:**

- (1) If the library district is located entirely within the corporate boundaries of a municipality, the fiscal body of the municipality.
- (2) If the library district:
 - (A) is not described by subdivision (1); and
 - (B) is located entirely within the boundaries of a township; the fiscal body of the township.
- (3) If the library district is not described by subdivision (1) or (2), the fiscal body of each county in which the library district is located.

SECTION 75. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 6-1.1-17-1; IC 6-1.1-17-2; IC 6-1.1-17-3; IC 6-1.1-17-5; IC 6-1.1-17-5.6; IC 6-1.1-17-6; IC 6-1.1-17-7; IC 6-1.1-17-8; IC 6-1.1-17-9; IC 6-1.1-17-10; IC 6-1.1-17-11; IC 6-1.1-17-12; IC 6-1.1-17-13; IC 6-1.1-17-14; IC 6-1.1-17-15; IC 6-1.1-17-16; IC 6-1.1-17-16.5; IC 6-1.1-17-16.7; IC 6-1.1-17-17; IC 6-1.1-17-19; IC 6-1.1-17-20; IC 6-1.1-18; IC 6-1.1-18.5; IC 6-1.1-19-1.7; IC 6-1.1-19-2; IC 6-1.1-19-3; IC 6-1.1-19-4.1; IC 6-1.1-19-4.2; IC 6-1.1-19-4.4; IC 6-1.1-19-4.5; IC 6-1.1-19-4.6; IC 6-1.1-19-4.7; IC 6-1.1-19-4.9; IC 6-1.1-19-5.1; IC 6-1.1-19-5.3; IC 6-1.1-19-5.4; IC 6-1.1-19-6; IC 6-1.1-19-7; IC 6-1.1-19-8; IC 6-1.1-19-10; IC 6-1.1-19-10.5; IC 6-1.1-19-11; IC 6-1.1-19-12; IC 6-1.1-20; IC 6-1.1-29; IC 6-1.1-41; IC 12-13-8-4.

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 15-5-9; IC 15-5-10.

SECTION 77. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 6-3.5-1.1; IC 6-3.5-2; IC 6-3.5-6; IC 6-3.5-7; IC 6-3.5-8.

SECTION 78. [EFFECTIVE JULY 1, 2006] Any balance on December 31, 2006, and any amount collected for deposit after December 31, 2006, in a county's special account under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7, all as repealed by this act, and remaining after:

- (1) making certified distributions under IC 6-3.5-1.1, IC 6-3.5-6, or IC 6-3.5-7 for 2006;
- (2) paying any refunds to taxpayers for any overpayment of the county's county adjusted gross income tax, county option income tax, or county economic development tax; and
- (3) recovering any overpayment by the state to the county of county adjusted gross income tax, county option income tax, or county economic development tax;

shall be distributed by the auditor of state to the county imposing the tax for deposit in the rainy day funds of the political subdivisions in the county according to the schedule and formula prescribed by the department of local government finance, after consultation with the department of state revenue. An amount deposited in a rainy day fund is available to pay or fund any bond, lease, or other obligation for which a political subdivision pledged county adjusted gross income tax, county option income tax, or county economic development tax before January 1, 2007.

SECTION 79. [EFFECTIVE UPON PASSAGE] (a) IC 6-11, as added by this act, applies only to taxable years beginning after December 31, 2006.

(b) IC 6-12, as added by this act, initially applies to taxes first due and payable in 2007.

(c) IC 6-13, as added by this act, applies only to budget years beginning after December 31, 2006.

(d) Notwithstanding IC 6-14, as added by this act, IC 6-1.1-20 (as effective June 30, 2006) and IC 6-1.1-18.5-8 (as effective June 30, 2006), or IC 6-1.1-19-8 (as effective June 30, 2006), as appropriate, and not IC 6-14, as added by this act, applies to petitions, remonstrances, and the review of debt service or lease rentals for a controlled project (as defined in IC 6-1.1-20-1.1 (before its repeal by this act)) if a notice for the debt service or lease rentals has been published under IC 6-1.1-20-3.1(2) (before its repeal by this act) before July 1, 2006. However, an action required by the school property tax control board shall be taken by the local government tax control board established under IC 6-13-3, as added by this act. Proceedings conducted under this subsection shall be treated as if they had been conducted under IC 6-14, as added by this act, for all purposes, including the issuance of obligations to refund an obligation subject to this subsection.

(e) Notwithstanding IC 6-14, as added by this act, a petition for approval of bond indebtedness, lease rentals, or bus purchase loans filed with the department of local government finance under IC 6-1.1-18.5-8 (as effective before July 1, 2006), IC 6-1.1-19-8 (as effective before July 1, 2006), or IC 6-1.1-20 (as effective before July 1, 2006), as appropriate, before July 1, 2006, shall be reviewed and approved after June 30, 2006, under IC 6-1.1-18.5-8 (as effective before July 1, 2006), IC 6-1.1-19-8 (as effective before July 1, 2006), or IC 6-1.1-20 (as effective before July 1, 2006), as appropriate. However, an action required by the school property tax control board shall be taken by the local government tax control board established under IC 6-13-3, as added by this act. Proceedings conducted under this subsection shall be treated as if they had been conducted under IC 6-14, as added by this act, for all purposes, including the issuance of obligations to refund an obligation subject to this subsection.

(f) Notwithstanding IC 6-14, as added by this act, a bonding bond or loan agreement that:

- (1) is entered into before July 1, 2006;
- (2) pledges county adjusted gross income tax, county option income tax, or county economic development income tax; and
- (3) was authorized and approved in conformity with the law in effect at the time the agreement was entered into;

is valid to the same extent as if it had been authorized and approved in compliance with all the requirements in IC 6-14, as added by this act. Otherwise, IC 6-14, as added by this act, applies to a pledge of county adjusted gross income tax, county option income tax, or county economic development tax for the funding or payment of bonded indebtedness or lease rentals to the same extent as if it were a pledge of county income tax made under IC 6-11, as added by this act. Any other loan, lease agreement, or bonded indebtedness, or other obligation that was entered into by a political subdivision before July 1, 2006, in conformity with the law in effect at the time the agreement was entered into (including any requirement requiring approval or review by the state board of tax commissioners or the department of local government finance) shall be treated after June 30, 2006, as if it had been entered into under IC 6-14, as added by this act. Proceedings conducted under this subsection shall be treated as if they had been conducted under IC 6-14, as added by this act, for all purposes, including the issuance of obligations to refund an obligation subject to this subsection.

(g) An action that:

- (1) is taken by a political subdivision before July 1, 2006; and
- (2) complies with the requirements in IC 6-14, as added by this act;

shall be treated after June 30, 2006, as meeting the requirements of IC 6-14, as added by this act.

(h) IC 6-15, as added by this act, applies only to property taxes first due and payable after December 31, 2006. An action that:

- (1) is taken by a political subdivision before July 1, 2006; and
- (2) complies with the requirements of IC 6-15, as added by this act;

shall be treated after June 30, 2006, as meeting the requirements of IC 6-15, as added by this act.

(i) The department of local government finance may adopt temporary rules in the manner provided in IC 4-22-2-37.1 for the adoption of emergency rules to implement this act. A temporary rule adopted under this subsection expires on the earliest of the following:

- (1) The date specified in the temporary rule.
- (2) The date another temporary rule adopted under this subsection supersedes the temporary rule.
- (3) The date that a rule that supersedes the temporary rule is adopted under IC 4-22-2.
- (4) July 1, 2008.

SECTION 80. [EFFECTIVE JULY 1, 2006] (a) Subject to this SECTION, after June 30, 2006, to the extent that there is a substantially similar requirement or procedure enacted in this act, a reference in a law, rule, policy, form, contract, or other document to any part of:

- (1) IC 6-1.1-17 that is repealed by this act or IC 6-1.1-18 (repealed by this act) shall be treated as a reference to the appropriate requirements and procedures in IC 6-13, as added by this act;
- (2) IC 6-1.1-18.5 (repealed by this act) or IC 6-1.1-19 that is

repealed by this act shall be treated as a reference to the appropriate requirements and procedures in IC 6-12, as added by this act;

(3) IC 6-1.1-20 (repealed by this act) shall be treated as a reference to the appropriate requirements and procedures in IC 6-14, as added by this act; and

(4) IC 6-1.1-41 (repealed by this act) shall be treated as a reference to the appropriate requirements and procedures in IC 6-15, as added by this act.

(b) Subject to this SECTION, after December 31, 2006, to the extent that there is a substantially similar requirement or procedure enacted in this act, a reference in a law, rule, policy, form, contract, or other document to any part of IC 6-3.5-1 (repealed), IC 6-3.5-1.1 (repealed by this act), IC 6-3.5-2 (repealed by this act), IC 6-3.5-6 (repealed by this act), IC 6-3.5-7 (repealed by this act), or IC 6-3.5-8 (repealed by this act) shall be treated as a reference to the appropriate requirements and procedures in IC 6-11.

(c) After June 30, 2006, to the extent that there is a substantially similar requirement or procedure enacted in this act, a reference in a law, rule, policy, form, contract, or other document to IC 6-1.1-17-16(e) (repealed by this act), IC 6-1.1-18.5-8 (repealed by this act), IC 6-1.1-19-4.2 (repealed by this act), IC 6-1.1-19-4.6 (repealed by this act), or IC 6-1.1-19-8 (repealed by this act) shall be treated as a reference to the appropriate requirements and procedures in IC 6-14, as added by this act.

(d) After June 30, 2006, to the extent that there is a substantially similar requirement or procedure enacted in this act, a reference in a law, rule, policy, form, contract, or other document to IC 6-1.1-17-16.7 (repealed by this act) or IC 6-1.1-18-12 (repealed by this act) shall be treated as a reference to the appropriate requirements and procedures in IC 6-13-16, as added by this act, and IC 6-15, as added by this act.

(e) Each county board of tax adjustment is terminated on July 1, 2006. Political subdivision budgets, tax rates, and taxes for each year after 2006 shall be reviewed in conformity with IC 6-13, as added by this act. A reference in any law to the county board of tax adjustment does not have the effect of creating any procedure or requirement not included in IC 6-13, as added by this act.

(f) This act, including IC 6-12-3-4, as added by this act, does not increase the amount of debt that a political subdivision may incur under the Constitution of the State of Indiana or any law that limits debt to a percentage of the assessed value in the political subdivision.

(g) Any law that limits the amount of anticipation warrants that a political subdivision may issue or other short term borrowing that a political subdivision may make to a percentage of the levy imposed for a particular purpose or fund shall be treated after December 31, 2006, as a reference to the percentage of the levy and county income taxes raised for the particular purpose or fund.

(h) A reference in IC 12-13-8-5, IC 12-16-14-3, IC 12-19-7-4, IC 12-19-7.5-6, IC 12-29-2-2, IC 16-35-3-3, or IC 21-2-11.5-3, all as amended by this act, to controlled taxes imposed for 2006 shall be treated as a reference to taxes used to compute the affected

political subdivision's 2006 controlled tax limit under IC 6-12-4, as added by this act.

SECTION 81. [EFFECTIVE UPON PASSAGE] (a) IC 6-11 through IC 6-15, all as added by this act, shall be liberally construed to effectuate the intent of the general assembly to:

- (1) provide county income taxes as an alternative source of revenue for tax increases traditionally raised through annual increases in property tax levies tied to the assessed value growth quotient;
- (2) establish general tax controls over controlled property taxes and the county income taxes used to replace controlled property taxes;
- (3) provide necessary funding to carry out the essential governmental functions of political subdivisions;
- (4) establish a rainy day fund in each political subdivision as the primary source of savings for political subdivisions to use during times of economic distress, to provide funds to temporarily fund shortfalls, and for cash flow needs;
- (5) provide for the continued funding and payment after June 30, 2006, of debt and lease rentals incurred by political subdivisions and allocation areas before July 1, 2006;
- (6) limit state distributions to replace revenue lost from the granting of property tax replacement credits and homestead credits;
- (7) provide additional public and administrative review of debt and lease rental obligations; and
- (8) grant the department of local government finance adequate authority to implement this act to carry out the intent of the general assembly.

(b) The repeal of a provision in IC 6-1.1 or IC 6-3.5 by this act shall not be construed to mean that the general assembly is rescinding any policy adopted in another act in the same session as this act. The department of local government finance shall administer IC 6-11 through IC 6-15, all as added by this act, in a manner that implements policies adopted in other acts that are not inconsistent with the policies adopted in IC 6-11 through IC 6-13, all as added by this act.

(c) Except with respect to limitations on the allocation factors that may be used to distribute income taxes under IC 6-11-8, as added by this act, and expansion of the purposes for which local income taxes may be used, it is the intent of the general assembly that political subdivisions:

- (1) be authorized to raise under the controlled tax limits imposed by this act substantially similar revenue from controlled property taxes and controlled income taxes under IC 6-11-7, as added by this act, as the political subdivision could have raised if IC 6-11 through IC 6-13, all as added by this act, had not been enacted; and
- (2) receive substantially similar distributions under IC 6-11-8, as added by this act, as the political subdivision could have received under the county adjusted gross income tax, county option income tax, and county economic development income tax.

(d) The legislative council shall provide for introduction of corrective legislation in the 2007 session of the general assembly to:

- (1) bring any law in conflict with this act (including any law enacted in the 2006 session of the general assembly) into

conformity with this act;

(2) make any technical change necessary or appropriate as the result of the passage of this act; and

(3) make any changes in IC 6-11 through IC 6-15, all as added by this act, or other related amendments in this act that are necessary to carry out the intent of the general assembly expressed in this SECTION.

(e) The department of local government finance is authorized to make the adjustments in taxes, tax rates, allocations, and distributions otherwise required by IC 6-11 through IC 6-13, all as added by this act, to carry out the intent of this SECTION in 2006 and 2007. In order to assist the general assembly with bringing the provisions of IC 6-11 through IC 6-13, all as added by this act, into conformity with the intent of the general assembly, the department of local government finance shall submit an initial report of its activities under this subsection before July 1, 2007, and a final report, before November 1, 2007, to the general assembly in an electronic format under IC 5-14-6 and to the governor. The department of local government finance may submit additional preliminary reports or recommendations as the department determines appropriate to assist the general assembly with carrying out subsection (d).

SECTION 82. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-20.6-6, as in effect January 1, 2006, a county may adopt an ordinance under this SECTION to apply the credit authorized by IC 6-1.1-20.6, as in effect January 1, 2006, to property taxes first due and payable in 2006.

(b) If a county has not issued property tax statements under IC 6-1.1-22-8 to the persons liable for property taxes in the county for property taxes first due and payable in 2006, the county fiscal body may adopt an ordinance to apply the credit under IC 6-1.1-20.6, as in effect January 1, 2006, to the property taxes first due and payable in 2006. A county fiscal body may not adopt an ordinance under this subsection after statements are issued under IC 6-1.1-22-8 for the property taxes first due and payable in 2006.

(c) Except as provided in subsection (a), IC 6-1.1-20.6, as in effect January 1, 2006, applies to a credit authorized by an ordinance adopted under this SECTION.

(d) This SECTION expires January 1, 2007.

SECTION 83. [EFFECTIVE JANUARY 1, 2007] (a) Notwithstanding the repeal of IC 15-5-9-10 by this act, if any money remains in the state dog account of the state general fund on December 31, 2006, the auditor of state shall, on January 1, 2007, abolish the account and distribute the money as follows:

- (1) Fifty percent (50%) to Purdue University for the School of Veterinary Science and Medicine, to be used solely for canine disease research.
- (2) Fifty percent (50%) to the counties identified under subsection (b).

(b) Money to be distributed under subsection (a)(2) shall be divided among the counties that paid to the auditor of state, under IC 15-5-9-10(j) (before its repeal by this act), the surplus money remaining in the counties' county dog funds on May 1, 2006.

(c) Each county's share of the total amount distributed under this SECTION must be proportional to the county's share of the total amount paid to the auditor of state in 2006 under

IC 15-5-9-10(j) (before its repeal by this act).

(d) On or before February 1, 2007, the county auditor of each county shall distribute to the township trustees of the townships located in the county:

- (1) money distributed to the county under subsection (b); and
- (2) any money remaining in the county dog fund.

An equal share of the money described in this subsection shall be distributed to each township trustee.

(e) A township trustee who receives a distribution under subsection (d) shall use the distribution:

- (1) to pay claims filed under IC 15-5-9-9.1 (before its repeal by this act);
- (2) to pay fees and charges under IC 15-5-9-10 (before its repeal by this act);
- (3) to provide funding for the humane society designated by the county legislative body under IC 15-5-9-8(d) (before its repeal by this act) to receive a part of each dog tax payment;
- or
- (4) if the county legislative body did not designate a humane society under IC 15-5-9-8(d) (before its repeal by this act), to provide funding for the township general fund.

(f) This SECTION expires January 1, 2008.

SECTION 84. [EFFECTIVE JULY 1, 2006] IC 6-1.1-45-9, as amended by this act, applies only to property taxes first due and payable after December 31, 2006.

SECTION 85. [EFFECTIVE UPON PASSAGE] (a) The general assembly finds that:

- (1) IC 6-3.5-1.1-2.8, as amended by this act, allows Jasper County to fund the operation and maintenance of a jail and juvenile detention center through the use of county option income tax revenues; and
- (2) allowing Jasper County to fund the operation and maintenance of a jail and juvenile detention center through the use of county option income tax revenues rather than the use of property taxes promotes the purpose of maintaining low property tax rates and is essential to economic development.

(b) These special circumstances require legislation particular to Jasper County.

SECTION 86. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "adopting entity" has the meaning set forth in IC 6-3.5-7-26.

(b) Notwithstanding IC 6-3.5-7-5, IC 6-3.5-7-6, and IC 6-3.5-7-26, an adopting entity may adopt or amend an ordinance under IC 6-3.5-7-26 in 2006 before June 1, 2006. A tax rate imposed in an ordinance adopted before June 1, 2006, applies to the adjusted gross income of county taxpayers on July 1, 2006.

SECTION 87. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 27-5.1-2-8, as amended by this act, applies only to taxable years beginning after December 31, 2005.

SECTION 88. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "home energy" has the meaning set forth in IC 12-14-11-2.

(b) IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act, apply to transactions involving home energy that occur after June 30, 2006, and before July 1, 2007.

SECTION 89. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "department" refers to the department of state revenue established by IC 6-8.1-2-1.

(b) The department may adopt rules under IC 4-22-2 to implement IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act.

(c) The department shall adopt any rules under this SECTION to implement IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act, in the same manner as emergency rules are adopted under IC 4-22-2-37.1. Any rules adopted under this SECTION must be adopted not later than June 1, 2006. A rule adopted under this SECTION expires on the earlier of:

- (1) the date a rule is adopted by the department under IC 4-22-2-24 through IC 4-22-2-36 to implement IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act; or
- (2) July 1, 2007.

(d) This SECTION expires July 1, 2007.

SECTION 90. [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]

(a) There is appropriated to the department of education the greater of the following from the state general fund for purposes of making the distributions for tuition support described in IC 21-3-1.7-9, beginning July 1, 2005, and ending June 30, 2006:

- (1) Twenty million one hundred thousand dollars (\$20,100,000).
- (2) An amount sufficient to enable the department of education to make tuition support distributions after December 31, 2005, and before July 1, 2006, in accordance with IC 21-1-30 and IC 21-3 without requiring a reduction in tuition support distributions to school corporations in the first six (6) months of 2006.

The amount appropriated under this SECTION is in addition to the amount appropriated by P.L.246-2005, SECTION 9 to the department of education for distribution for tuition support. The amount appropriated under this subsection shall be distributed in the same manner and on the same schedule as other distributions for tuition support subject to P.L.246-2005, SECTION 9.

(b) The deficiency appropriation made by this SECTION is not subject to transfer to any other fund or subject to transfer, assignment, or reassignment for any other use or purpose by:

- (1) the state board of finance, notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or
- (2) the budget agency, notwithstanding IC 4-12-1-12 or any other law.

SECTION 91. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.

SECTION 92. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-12.1 apply throughout this SECTION.

(b) As used in this SECTION, "department" refers to the department of local government finance.

(c) As used in this SECTION, "taxpayer" means a person:

- (1) who operates a grey iron foundry located in Grant County;
- (2) who applied in 2001 for property tax deductions under IC 6-1.1-12.1 for new manufacturing equipment located in an

economic revitalization area; and

(3) whose applications described in subdivision (2) were denied.

(d) References to the Indiana Code in this SECTION refer to the Indiana Code in effect on March 1, 2001, unless otherwise stated.

(e) Notwithstanding any other law, a taxpayer who complies with the requirements of this SECTION is entitled to the property tax deduction for new manufacturing equipment in the amounts and for the number of years provided under IC 6-1.1-12.1-4.5, as determined by the department under subsection (h).

(f) The taxpayer shall provide the department with copies of the taxpayer's:

(1) statement of benefits; and

(2) applications for deductions from assessed value; for new manufacturing equipment placed in service in an economic revitalization area that the taxpayer filed in 2001.

(g) If there are any deficiencies in the taxpayer's filings described in subsection (f), the department shall assist the taxpayer in completing the information necessary to determine:

(1) the assessed value of the new manufacturing equipment; and

(2) the number of years over which the taxpayer is entitled to the deduction under this SECTION.

(h) The department shall determine:

(1) the amount of the assessed value of the new manufacturing equipment;

(2) the number of years over which the taxpayer is entitled to the deduction under this SECTION; and

(3) the percentages used to compute the taxpayer's deductions;

in accordance with IC 6-1.1-12.1-4.5(d) and IC 6-1.1-12.1-4.5(e) as if the taxpayer's applications for deductions had been approved in 2001.

(i) Notwithstanding IC 6-1.1-26 (as in effect on January 1, 2006), when the department has completed the department's determinations under subsection (h), the department shall issue an order to the county auditor of the county in which the economic revitalization area is located:

(1) describing the department's determinations under subsection (h); and

(2) requiring the county auditor to accept the taxpayer's refund claims as if the taxpayer's deduction applications had been approved in 2001.

The department shall provide the taxpayer with a copy of the order issued under this subsection.

(j) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the taxpayer may file refund claims for property taxes paid in previous years that are affected by the department's order issued under subsection (i). The taxpayer must attach a copy of the order issued under subsection (i) to the taxpayer's refund claim.

(k) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the county auditor shall pay the refund claims of the taxpayer filed under subsection (j) if the refund claims are fully consistent with the department's order issued under subsection (i).

SECTION 93. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to property that:

(1) is used for a fraternity for students attending Butler University;

(2) is owned by a nonprofit corporation that was, before the effective date of this SECTION, determined by the auditor of the county in which the property is located to be eligible to receive a property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24; and

(3) is not eligible for the property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24 for property taxes first due and payable in 2001, 2002, 2003, and 2004 because the nonprofit corporation failed to timely file an application under IC 6-1.1-11-3.5.

(b) Notwithstanding IC 6-1.1-11-1 and IC 6-1.1-11-3.5, the auditor of the county in which the property described in subsection (a) is located shall:

(1) waive the noncompliance with the timely filing requirement for the exemption application in question; and

(2) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to:

(1) property taxes first due and payable in 2001;

(2) property taxes first due and payable in 2002;

(3) property taxes first due and payable in 2003; and

(4) property taxes first due and payable in 2004.

(d) This SECTION expires July 1, 2007.

SECTION 94. P.L.228-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 35. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "taxpayer" means a nonprofit corporation that is an owner of land and improvements:

(1) that were:

(A) owned and occupied by the taxpayer during the period preceding the assessment date in 1999 and continuing through the date that this SECTION is effective; and

(B) used to prepare and create a soccer facility to provide youths with the opportunity to play supervised and organized soccer against other youths;

(2) for which the property tax liability imposed for property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 exceeded ~~thirty-three~~ thirty thousand dollars ~~(\$33,000)~~ (\$30,000), in total, which has been paid by the taxpayer;

(3) that would have qualified for an exemption under IC 6-1.1-10 from property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 if the taxpayer had complied with the filing requirements for the exemption in a timely manner; and

(4) that have been granted an exemption under IC 6-1.1-10 from property taxes first due and payable in 2005.

(c) Land and improvements described in subsection (b) are exempt under IC 6-1.1-10-16 from property taxes first due and payable in 2003 and 2004, notwithstanding that the taxpayer failed to make a timely application for the exemption for those years.

(d) The taxpayer may file claims with the county auditor for a refund for the amounts paid toward property taxes on land and improvements described in subsection (b) that were billed to the taxpayer for property taxes first due and payable in 2003 and 2004. The claims must be filed as set forth in IC 6-1.1-26-1(1) through IC 6-1.1-26-1(3). The claims must present sufficient facts for the county auditor to determine whether the claimant is a person that

meets the qualifications described in subsection (b) and the amount that should be refunded to the taxpayer.

(e) Upon receiving a claim filed under this SECTION, the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the county auditor shall submit the claim under IC 6-1.1-26-4 to the county board of commissioners for review. The only grounds for disallowing the claim under IC 6-1.1-26-4 are that the claimant is not a person that meets the qualifications described in subsection (b) or that the amount claimed is not the amount due to the taxpayer. If the claim is allowed, the county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount due the claimant under this SECTION. The amount of the refund must equal the amount of the claim allowed. Notwithstanding IC 6-1.1-26-5, no interest is payable on the refund.

(f) This SECTION shall be liberally construed in favor of the taxpayer to give effect to the purposes of this SECTION.

(†) (g) This SECTION expires December 31, 2007.

SECTION 95. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) IC 6-1.1-12.1-1 and IC 6-1.1-40-4, both as amended by this act, apply only to:

(1) new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment installed and initially used in an economic revitalization area; or

(2) new manufacturing equipment installed and initially used in a maritime opportunity district;

after December 31, 2005.

(b) It is the intent of the general assembly that the amendment of IC 6-1.1-12.1-1 and IC 6-1.1-40-4 by this act be interpreted to expand the equipment that is eligible for a deduction under IC 6-1.1-12.1 or IC 6-1.1-40 to include equipment that is ineligible for a deduction under IC 6-1.1-12.1 or IC 6-1.1-40 solely because the equipment was used in Indiana by a person other than a deduction applicant (as defined in IC 6-1.1-12.1-1(15), as added by this act) before being installed by the deduction applicant in an economic revitalization area or a maritime opportunity district.

SECTION 96. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "eligible district" means a fire protection district established under IC 36-8-11:

(1) that expanded its territory after 1998; and

(2) for which the quotient expressed as a percentage of:

(A) the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 2004; divided by

(B) subject to subsection (b), the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 1999;

is at least one hundred fifty percent (150%).

(b) To account for the change in the definition of "assessed value" reflected in IC 6-1.1-1-3(a)(1) and IC 6-1.1-1-3(a)(2), the taxable assessed value to be used for purposes of subsection (a)(2)(B) is the product of:

(1) the actual taxable assessed value; multiplied by

(2) three (3).

(c) An eligible district may, before September 20, 2006, appeal to the department of local government finance for relief from the levy limitations imposed by IC 6-1.1-18.5 for property taxes first due and payable in 2007. In the appeal the district must:

(1) state that it will be unable to carry out the governmental functions committed to it by law unless the appeal is approved; and

(2) present evidence that it is an eligible district.

(d) The maximum increase in an eligible district's levy allowed under this SECTION is four hundred twenty-five thousand dollars (\$425,000).

(e) The department of local government finance shall process the appeal in the same manner that the department processes appeals under IC 6-1.1-18.5-12.

(f) For purposes of computing an eligible district's ad valorem property tax levy for taxes first due and payable in 2008, the district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2007 under STEP ONE of IC 6-1.1-18.5-3(a) or STEP ONE of IC 6-1.1-18.5-3(b) includes the amount of any increase in the district's levy approved under this SECTION for property taxes first due and payable in 2007.

(g) This SECTION expires January 1, 2009.

SECTION 97. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "taxable year" has the meaning set forth in IC 6-3-1-16.

(b) IC 6-3-2-20, as added by this act, applies only to taxable years beginning after June 30, 2006.

(c) The addition of IC 6-3-2-20, as added by this act, does not affect the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006. Any determination of:

(1) the department of state revenue; or

(2) a court reviewing a department of state revenue determination;

of the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006, shall be made without regard to IC 6-3-2-20, as added by this act.

(d) The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-3-2-20, as added by this act, and IC 6-3.1-1-3.5, as amended by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.

(2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

SECTION 98. [EFFECTIVE UPON PASSAGE] The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-2.3-1-3.5, IC 6-2.3-3-11, and IC 6-2.3-5.5, all as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.

(2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

SECTION 99. [EFFECTIVE JANUARY 1, 2007] **IC 6-3-2-2, as amended by this act, applies to taxable years beginning after December 31, 2006.**

SECTION 100. **An emergency is declared for this act.**

(Reference is to HB 1001 as reprinted January 26, 2006.)
and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1212, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1128, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1214, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1093, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1138, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1339, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1136, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 32, delete "7 and".

Page 2, line 32, after "8" insert "and 9".

Page 3, line 10, after "Sec. 7." insert "(a) **This section does not apply:**

(1) to fees or commissions that arise from a lease, including fees or commissions for a sale of the property, lease expansions, or lease renewals;

(2) if a principal broker's fees or commissions have been paid in full; or

(3) if a principal broker waives the notice requirements of this section in writing.

(b) Not later than ten (10) days before the planned closing of a transaction involving the sale of commercial real estate, the owner shall notify the following persons of the date of the closing, the time of the closing, the address of the closing, and of the name of the closing agent, title company, or title insurance agent:

(1) One (1) or more principal brokers to whom the owner owes fees or commissions.

(2) The closing agent, title company, or title insurance agent involved in the transaction.

Notice under this subsection shall be sent by registered or certified mail, return receipt requested, or by another means of service authorized by the Indiana trial rules that provides proof that the addressee has received the notice.

(c) To exercise its rights under this chapter to file a lien after receipt of the notice under subsection (b), the principal broker must notify the closing agent, title company, or title insurance agent at the address in the notice of the amount of the fees or commissions owed before the time of the closing stated in the notice.

(d) If the principal broker does not attend the closing of a transaction involving the sale of commercial real estate, the

owner shall certify in writing at the closing, under the penalties of perjury:

(1) that:

(A) the owner has notified the principal broker in accordance with subsection (b); and

(B) the principal broker received the notice; or

(2) that the principal broker has been paid in full.

Sec. 8."

Page 3, line 36, delete "8" and insert "9".

Page 4, line 27, delete "12(b)" and insert "13(b)".

Page 5, line 6, delete "9" and insert "10".

Page 5, line 23, delete "10" and insert "11".

Page 5, line 23, delete "A principal broker may bring suit to enforce a lien".

Page 5, delete lines 24 through 26.

Page 5, line 27, delete "required by this chapter".

Page 5, line 28, delete "two (2) years" and insert "one (1) year".

Page 5, line 29, delete "under this section by filing a" and insert "to foreclose the lien".

Page 5, line 30, delete "complaint".

Page 5, line 37, delete "two (2) years" and insert "one (1) year".

Page 5, line 38, delete "by filing a complaint" and insert "to foreclose the lien".

Page 6, line 1, after "(c)" insert "The foreclosure of a lien recorded under this chapter shall be conducted under the same rules and same procedures applicable to the foreclosure of mortgages upon real estate".

Page 6, delete lines 14 through 29.

Page 6, line 30, delete "11" and insert "12".

Page 7, line 3, delete "12" and insert "13".

Page 7, line 41, delete "13" and insert "14".

Page 8, line 10, delete "14" and insert "15".

Page 8, line 18, delete "15" and insert "16".

Page 8, line 21, delete "12" and insert "13".

Page 8, line 24, delete "16" and insert "17".

Page 8, line 35, delete "17" and insert "18".

Page 9, after line 10, begin a new paragraph and insert:

"Sec. 19. (a) If any party, including a principal broker, buyer, or buyer's mortgagee suffers a pecuniary loss as the result of an owner's violation of the notice or certification provisions described in section 7 of this chapter, the party may bring a civil action against the owner for the following:

(1) Actual damages.

(2) The costs of the action.

(3) Reasonable attorney's fees.

However, if the party establishes that the owner's violation of the notice or certification provisions was fraudulent, a court may award the party damages that do not exceed three (3) times actual damages.

(b) It is a defense to an action brought under this section that the most recent address provided by the principal broker to the owner in the agreement, contract, or other written instrument, including a written instrument described in section 5 of this chapter, was incorrect, and as a result of the incorrect address, the principal broker did not receive the owner's notice described in section 7(b) of this chapter, and as a result the principal broker failed to provide the notice as required in section 7(c) of this chapter."

(Reference is to HB 1136 as printed January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 1.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1314, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1158, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 2, delete "The" and insert "Except as provided in subsection (c), the".

Page 1, line 7, after "(a)" insert "or (c)".

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"(c) The superintendent of the state police department may charge a fee in an amount that is not less than five dollars (\$5) for each report."

Page 4, between lines 32 and 33, begin a new paragraph and insert:

"SECTION 6. IC 33-37-5-26.2, AS ADDED BY P.L.176-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26.2. In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have committed an infraction; or

(4) found to have violated an ordinance;

the clerk shall collect a DNA sample processing fee of ~~one dollar (\$1)~~ two dollars (\$2)."

Page 11, after line 17, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2006] IC 33-37-4-4, IC 33-37-4-6, IC 33-37-5-15, and IC 33-37-5-28, all as amended by this act, apply only to cases filed after June 30, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1158 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1235, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 7, after "a" insert "dangerous".

Page 1, line 12, after "of" insert **"IC 16-22-8 and"**.

Page 1, line 16, delete "or".

Page 1, line 17, delete "." and insert **"; or**

(4) a health and hospital corporation established under IC 16-22-8-6."

Page 2, line 6, delete "may".

Page 2, line 6, after "a" insert **"dangerous"**.

Page 2, line 36, strike "Orders, health directives, and restrictions issued by the state".

Page 2, strike lines 37 through 38.

Page 2, line 39, strike "public health" and insert **"A public health authority"**.

Page 2, line 39, strike "be enforced by the corporation in a" and insert **"petition a circuit or superior"**.

Page 2, line 39, strike "with".

Page 2, line 40, strike "jurisdiction" and insert **"for an order of isolation or quarantine"**.

Page 2, line 42, delete "A" and insert **"Unless otherwise provided by law, a"**.

Page 3, line 16, after "must" insert **"be verified and"**.

Page 3, line 19, delete "." and insert **", including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition."**

Page 3, line 25, delete "may" and insert **"is likely to"**.

Page 3, line 28, delete ":".

Page 3, line 29, delete "(1)".

Page 3, line 29, delete "would allow" and insert **"allows"**.

Page 3, run in lines 28 through 29.

Page 3, line 31, delete "; or" and insert ".".

Page 3, delete line 32.

Page 3, line 33, delete "a preponderance of" and insert **"clear and convincing"**.

Page 3, line 34, delete "the".

Page 3, line 41, delete "impose" and insert **"issue an order imposing"**.

Page 4, line 5, delete "may" and insert **"is likely to"**.

Page 4, between lines 18 and 19, begin a new line blocked left and insert:
"The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition."

Page 4, line 19, delete "a preponderance of" and insert **"clear and convincing"**.

Page 4, line 20, delete "the".

Page 4, line 32, delete "An emergency order of isolation or".

Page 4, delete line 33.

Page 4, line 34, delete "accordance with subsection (1)".

Page 4, line 34, after "establish the" insert **"duration and"**.

Page 5, line 1, delete "or".

Page 5, line 2, delete "." and insert **"; or**

(4) through other electronic means approved by the court."

Page 5, line 35, after "court" insert **", and obtaining the individual's voluntary compliance is or has proven impracticable or ineffective"**.

Page 5, line 36, delete "fourteen (14) days" and insert **"seventy-two**

(72) hours, excluding Saturdays, Sundays, and legal holidays,".

Page 5, line 41, after "public." delete "The" and insert **"If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the"**.

Page 6, line 15, after "quarantine" insert **"and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition"**.

Page 6, line 36, delete "a preponderance of" and insert **"clear and convincing"**.

Page 7, between lines 7 and 8, begin a new paragraph and insert:
"(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

(1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or

(2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown."

Page 7, line 8, delete "(n)" and insert **"(o)"**.

Page 7, line 16, delete "order" and insert **"appoint"**.

Page 7, line 18, after "represented." insert **"An individual may retain his or her own counsel or proceed pro se."**

Page 7, line 19, delete "(o)" and insert **"(p)"**.

Page 7, line 19, after "quarantine" insert **"that is not in the person's home:"**.

Page 7, line 19, delete "may".

Page 7, delete line 20.

Page 7, line 21, after "(1)" insert **"shall allow"**.

Page 7, line 22, delete "or" and insert **"and"**.

Page 7, line 23, delete "an adult family member of" and insert **"may allow"**.

Page 7, line 23, delete "who is quarantined" and insert **";"**.

Page 7, delete line 24.

Page 7, line 25, delete "if the" and insert **". As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a dangerous communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not violate a constitutional right."**

Page 7, delete lines 26 through 28.

Page 7, line 29, delete "(p)" and insert **"(q)"**.

Page 7, line 36, delete "(q)" and insert **"(r)"**.

Page 7, line 39, delete "(r)" and insert **"(s)"**.

Page 8, line 3, delete "(s)" and insert **"(t)"**.

Page 8, line 5, delete "Each day that a".

Page 8, delete line 6.

Page 8, line 7, delete "(t)" and insert **"(u)"**.

Page 8, line 7, delete "may" and insert "shall".

Page 8, line 8, delete "." and insert ", including rules to establish guidelines for:

- (1) voluntary compliance with isolation and quarantine;
- (2) quarantine locations and logistical support; and
- (3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section."

Page 8, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 7. IC 16-41-9-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.6. (a) A public health authority may impose or petition a court to impose a quarantine and do the following:

- (1) Distribute information to the public concerning:
 - (A) the risks of the disease;
 - (B) how the disease is transmitted;
 - (C) available precautions to reduce the risk of contracting the disease;
 - (D) the symptoms of the disease; and
 - (E) available medical or nonmedical treatments available for the disease.
- (2) Instruct the public concerning social distancing.
- (3) Request that the public inform the public health authority or a law enforcement agency if a family member contracts the disease.
- (4) Instruct the public on self quarantine and provide a distinctive means of identifying a home that is self quarantined.
- (5) Instruct the public on the use of masks, gloves, disinfectant, and other means of reducing exposure to the disease.
- (6) Close schools, athletic events, and other nonessential situations in which people gather.
- (7) If quarantine is still necessary after a public health authority has taken the steps described in subdivisions (1) through (6), the public health authority may impose or petition a court to impose a quarantine in accordance with section 1.5 of this chapter. If a quarantine is imposed under section 1.5 of this chapter, the public health authority shall ensure that, to the extent possible, quarantined individuals have sufficient supplies to remain in their own home.

(b) If an out of home, nonhospital quarantine is imposed on an individual, the individual shall be housed as close as possible to the individual's residence.

(c) In exercising the powers described in this section or in section 1.5 of this chapter, the public health authority may not prohibit a person lawfully permitted to possess a firearm from possessing one (1) or more firearms unless the person is quarantined in a mass quarantine location. The public health authority may not remove a firearm from the person's home, even if the person is quarantined in a mass quarantine location.

(d) This section does not prohibit a public health authority from adopting rules and enforcing rules to implement this section if the rules are not inconsistent with this section.

SECTION 8. IC 16-41-9-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 1.7. (a) An immunization program established by a public health authority to combat a public health emergency involving a dangerous communicable disease must comply with the following:

- (1) The department must develop and distribute information concerning the risks and benefits of immunization. A copy of this document must be provided to each person who will receive an immunization.
- (2) No person may be required to receive an immunization without that person's consent. No child may be required to receive an immunization without the consent of the child's parent, guardian, or custodian.
- (3) A person may not be subjected to civil penalty, criminal liability, or workplace discrimination based on the person's decision not to receive an immunization.

(b) The department shall adopt rules to implement this section."

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 9. IC 34-6-2-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 55. (a) "Health care services", for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).

(b) "Health care services", for purposes of IC 34-30-13.5, means:

- (1) any services provided by an individual licensed under:
 - (A) IC 25-2.5;
 - (B) IC 25-10;
 - (C) IC 25-13;
 - (D) IC 25-14;
 - (E) IC 25-22.5;
 - (F) IC 25-23;
 - (G) IC 25-23.5;
 - (H) IC 25-23.6;
 - (I) IC 25-24;
 - (J) IC 25-26;
 - (K) IC 25-27;
 - (L) IC 25-27.5;
 - (M) IC 25-29;
 - (N) IC 25-33;
 - (O) IC 25-34.5; or
 - (P) IC 25-35.6;
- (2) services provided as the result of hospitalization;
- (3) services incidental to the furnishing of services described in subdivisions (1) or (2);
- (4) any services by individuals certified as:
 - (A) paramedics;
 - (B) emergency medical technicians-intermediate;
 - (C) emergency medical technicians-advanced;
 - (D) emergency medical technicians basic-advanced; or
 - (E) emergency medical technicians under IC 16-31-2;
- (5) any services provided by individuals certified as first responders under IC 16-31-2; or
- (6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury."

Page 9, line 5, delete "is immune from civil liability" and insert "may not be held civilly liable".

Page 9, line 6, delete "resulting from" and insert "for".

Page 9, line 7, after "to" insert "**an event that is declared**".

Page 9, line 7, delete "(as defined in IC 10-14-3-1):" and insert "**emergency under IC 10-14-3-12, regardless of whether the provision of health care services occurred before or after the declaration of a disaster emergency:**".

Page 9, line 15, delete "section 1 of".

Page 9, line 19, delete "medical clinic, health care".

Page 9, line 19, after "facility" delete ",".

Page 9, line 20, delete "during" and insert "**in response to**".

Page 9, line 21, delete "is immune from civil liability resulting from" and insert "**emergency may not be held civilly liable for**".

Page 9, line 23, delete "a disaster" and insert "**that event**".

Page 9, line 26, delete "." and insert "**emergency, regardless of whether the provision of health care services occurred before or after the declaration of a disaster emergency.**".

Page 9, line 30, delete "IC 16-41-9-1.5(s)" and insert "**IC 16-41-9-1.5(t)**".

Page 9, after line 32, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2006] **In carrying out its duties under IC 16-41-9, a public health authority (as defined in IC 16-18-2-298.5) shall attempt to seek the cooperation of cases, carriers, contacts, or suspect cases to implement the least restrictive but medically necessary procedures to protect the public health.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1235 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1008, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-4-10.9-1.2, AS ADDED BY P.L.235-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, **IC 4-4-11.4**, IC 4-4-21, IC 4-13.5, IC 8-1-33, IC 8-9.5, IC 8-14.5, IC 8-15, **IC 8-15.5**, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, IC 14-14, and IC 15-7-5.

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.235-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under

IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana ~~transportation~~ finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34.

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33.

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls; or

(C) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), ~~and~~ (k), **and (l)**, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original

rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

SECTION 3. IC 5-10.3-6-8.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: **Sec. 8.7.**

(a) This section applies when certain employees of the state, in particular departmental, occupational, or other definable classifications, are terminated from employment with the state as a result of:

(1) a lease, or other transfer, of state property or property of a body corporate and politic to a nongovernmental entity; or

(2) a contractual arrangement with a nongovernmental entity to perform certain state functions.

(b) The governor shall request coverage under this section from the board whenever an employee of the state is terminated as described in subsection (a).

(c) The board must approve a request from the governor under subsection (b) unless approval violates subsection (i), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

(1) is at least fifty (50) years of age; and

(2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

(1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;

(2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or

(3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

(1) The governor has requested coverage under this section and provided written notice of the following to the board:

(A) The intent of the state to terminate the employees from employment.

(B) The names of the terminated employees as of the date that the termination is to occur.

(2) The expiration of a thirty (30) day period following the filing of the notice with the board.

(3) The state complies with subsection (g).

(g) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

(1) The state shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 and payable from the sources described in subsection (h) sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.

(2) The maximum amount of creditable service that the state may purchase for a member under this subsection is twenty-four (24) months.

(3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(h) The amounts that the state is required to contribute to the fund under subsection (g) must come from the following sources:

(1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (g).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (g), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (g) in the next biennial state budget.

(i) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee

permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 4. IC 6-3-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) An individual is entitled to a credit under this section against the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for each taxable year ending before January 1, 2017. The amount of the credit is equal to the lesser of:

(1) one-half (1/2) of the amount of the tolls paid by the individual after June 30, 2006, and during the taxable year to drive a vehicle with two (2) axles, including a motorcycle, on the Indiana toll road for a nonbusiness purpose; or

(2) three hundred dollars (\$300).

(b) Notwithstanding subsection (a), a husband and wife filing a joint adjusted gross income tax return for a particular taxable year may not claim a credit of more than three hundred dollars (\$300) under this section.

(c) If a credit claimed under this section exceeds an individual's total tax liability incurred under the adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7, the excess shall be refunded to the individual.

(d) To receive the credit provided by this section, an individual must claim the credit in the manner prescribed by the department. The individual shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

SECTION 5. IC 8-14-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Major Moves Construction Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 3. As used in this chapter, "fund" refers to the major moves construction fund established by section 5 of this chapter.

Sec. 4. As used in this chapter, "transportation plan" refers to the department's long range comprehensive transportation plan developed under IC 8-23-2-5.

Sec. 5. (a) The major moves construction fund is established for the purpose of:

(1) funding projects in the department's transportation plan; and

(2) funding distributions under sections 6 and 7 of this chapter.

(b) The fund shall be administered by the department.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

(1) Distributions to the fund from the toll road fund under IC 8-15.5-11.

(2) Distributions to the fund from the next generation trust fund under IC 8-14-15.

(3) Appropriations to the fund.

(4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.

(5) Revenues arising from:

(A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

(B) a toll road under IC 8-15-2 or IC 8-23-7-23;

that the department designates as part of, and deposits in, the fund.

(6) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

Sec. 6. (a) If the authority enters into a public-private agreement concerning the Indiana Toll Road under IC 8-15.5, the department shall make the following distributions from the fund for the indicated purposes:

(1) Seventy-five million dollars (\$75,000,000) during each state fiscal year beginning July 1, 2006, and July 1, 2007, to the treasurer of state for deposit in the motor vehicle highway account established by IC 8-14-1. Notwithstanding IC 8-14-1, the auditor of state shall make quarterly distributions of the amounts deposited in the motor vehicle highway account under this subdivision to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1. Money distributed under this subdivision may be used only for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1.

(2) Twenty million dollars (\$20,000,000) to the northwest Indiana regional development authority during the state fiscal year beginning July 1, 2006, for deposit in the development authority fund established under IC 36-7.5-4-1. However, no distributions may be made under this subdivision until the development authority's comprehensive strategic development plan has been reviewed by the budget committee and approved by the director of the office of management and budget.

(3) The following amounts during the state fiscal year beginning July 1, 2006, to each county that establishes a local major moves construction fund under IC 8-14-16:

(A) Thirty million dollars (\$30,000,000) to each county described in IC 8-14-16-1(1) through IC 8-14-16-1(5).

(B) Twenty-five million dollars (\$25,000,000) to each county described in IC 8-14-16-1(6).

(C) Fifteen million dollars (\$15,000,000) to each county described in IC 8-14-16-1(7).

(4) One hundred seventy-nine million dollars (\$179,000,000) during the state fiscal year beginning July 1, 2006, to the

state highway fund for use by the department:

(A) for preliminary engineering, purchase of rights of way, or construction of highways, roads, and bridges; and

(B) to study the feasibility of the use of creative financing methods, including the use of public-private agreements, tolls, and debt financing to build road and bridge projects.

After review by the budget committee, the budget agency may augment this distribution from balances available in the fund.

(5) An amount sufficient during each state fiscal year beginning after June 30, 2006, as determined by the budget agency, to reimburse the state general fund for the loss of revenue during the preceding state fiscal year attributable to tax credits claimed under IC 6-3-3-11.

(6) An amount sufficient to make any payments required by IC 5-10.3-6-8.7 as a result of a public-private agreement.

(b) There is annually appropriated from the fund an amount sufficient to make any distributions required by subsection (a).

Sec. 7. In addition to any distributions required by section 6 of this chapter, money in the fund may be used for any of the following purposes:

(1) The payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15-2 or IC 8-15.5 in connection with the execution and performance of a public-private agreement under IC 8-15.5, including establishing reserves.

(2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.

(3) Distributions to the treasurer of state for deposit in the state highway fund, for the funding of any project in the department's transportation plan.

Sec. 8. The total amount of distributions from the fund under sections 6 and 7 of this chapter for projects or purposes that benefit a county traversed by the Indiana Toll Road may not be less than thirty-four percent (34%) of the money received by the authority under a public-private agreement concerning the Indiana Toll Road entered into under IC 8-15.5. The budget agency shall determine the amount of distributions required by this section. In making the determination, the budget agency shall include the following amounts:

(1) Amounts distributed to counties traversed by the Indiana Toll Road under section 6(a)(1) of this chapter.

(2) Money distributed to the northwest Indiana regional development authority under this chapter.

(3) Money distributed under section 6(a)(3) of this chapter.

(4) Projects carried out by the department in counties traversed by the Indiana Toll Road and funded with money distributed under section 6(a)(4) of this chapter.

(5) Reimbursements paid to the state general fund under section 6(a)(5) of this chapter.

(6) Payments to the public employees' retirement fund required by section 6(a)(6) of this chapter.

Sec. 9. The northwest Indiana regional development authority may submit requests to the budget agency for additional appropriations to be made from the fund for state fiscal years beginning after June 30, 2007.

SECTION 6. IC 8-14-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Next Generation Trust Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "trust" refers to the next generation trust fund established under this chapter.

Sec. 3. As used in this chapter, "trustee" refers to the trustee of the trust designated under section 7 of this chapter.

Sec. 4. (a) The authority shall establish a next generation trust fund to hold title to proceeds transferred to the trust under IC 8-15.5-11 for the benefit of the people of Indiana and the users of highways, streets, roads, and other related transportation facilities.

(b) The trust shall be established as a charitable trust, separate from the state, but for a benevolent public purpose.

(c) The trust consists of the proceeds transferred to the trust under IC 8-15.5-11 and any income that accrues from the investment of these proceeds.

Sec. 5. The chairman of the authority shall enter into a trust agreement on behalf of the authority with the treasurer of state in conformity with IC 30-4-2-1. Any provision of the trust agreement entered into under this section that is inconsistent with the provisions or intent of this chapter are void and of no further force or effect.

Sec. 6. A trust established under this chapter must be an irrevocable trust and may not be revoked or terminated by the authority or any other person, nor may it be amended or altered by the authority or any other person.

Sec. 7. The treasurer of state shall act as the trustee of the trust.

Sec. 8. (a) The trustee shall:

- (1) administer and manage the trust;
- (2) invest the money in the trust; and
- (3) deposit in the trust fund any interest that accrues from the investment of these funds.

(b) The trustee shall invest, in a safe and profitable manner, all parts of the trust. The trustee shall comply with the prudent investor rule set forth in IC 30-4-3.5.

(c) IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to a trust established under this chapter.

Sec. 9. IC 30-4 (trust code) applies to a trust established under this chapter.

Sec. 10. (a) The principal of the trust may not be diminished during the term of the trust.

(b) The income that accrues from investment of the trust fund shall be deposited in the trust.

(c) After the balance in the trust reaches one billion dollars (\$1,000,000,000), all interest accruing from the investment of the trust shall be distributed to the treasurer of state for deposit in the major moves construction fund. However, the balance of the trust may not be reduced to an amount less than one billion dollars (\$1,000,000,000).

Sec. 11. The report required under IC 30-4-5-12 is a public record. The attorney general may petition for an accounting as permitted by IC 30-4-5-12.

Sec. 12. (a) This section applies if a person does any of the following with respect to a trust created under this chapter:

(1) Commits a breach of the trust.

(2) Violates the mandate of the trust or trust agreement.

(3) Violates a duty imposed by this chapter, the trust agreement, or IC 30-4.

(b) The attorney general may petition a court to impose one (1) or more of the remedies described in IC 30-4-5.5-1.

Sec. 13. Any records, files, or documents relating to the trust may be examined by the state board of accounts at a time selected by the state board of accounts. The trustee shall upon request of the state board of accounts:

(1) produce and submit any records, files, or documents related to the trust; and

(2) assist in every way the state board of accounts in its work in making an examination.

SECTION 7. IC 8-14-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Local Major Moves Construction Funds

Sec. 1. This chapter applies only to the following counties:

(1) A county having a population of more than thirty-three thousand two hundred (33,200) but less than thirty-three thousand six hundred (33,600).

(2) A county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four thousand nine hundred fifty (34,950).

(3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

(4) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(5) A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(6) A county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(7) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. "Airport authority project" means a project that can be financed with the proceeds of bonds issued by an airport authority under IC 8-22-3.

Sec. 3. "Commuter transportation district project" means a project that can be financed with the proceeds of bonds issued by a commuter transportation district under IC 8-5-15.

Sec. 4. "Economic development project" means the following:

(1) An economic development project described in IC 6-3.5-7-13.1(c).

(2) A dredging, sediment removal, or channel improvement project.

Sec. 5. As used in this chapter, "fund" refers to a local major moves construction fund established by a county under section 3 of this chapter.

Sec. 6. "Project" means an airport authority project, a commuter transportation district project, an economic development project, a regional transportation authority project, or a shoreline development commission project.

Sec. 7. "Regional transportation authority project" means a project that can be financed with the proceeds of bonds issued by a regional transportation authority under IC 36-9-3.

Sec. 8. "Shoreline development commission project" means a project that can be financed with the proceeds of bonds issued by a shoreline development commission.

Sec. 9. (a) Each county described in section 1 of this chapter shall establish a local major moves construction fund.

(b) The fund consists of money distributed to the county from the major moves construction fund under IC 8-14-14.

(c) The county auditor shall administer the fund.

(d) The county fiscal body, after consulting with the county executive, may appropriate money in the fund for a purpose described in section 10 of this chapter. The appropriations of money in the fund must be included as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

(e) Money remaining in the fund at the end of a particular calendar year remains in the fund and does not revert to any other fund.

Sec. 10. Money in the fund may be expended only for the following purposes:

(1) Acquiring, constructing, equipping, owning, leasing, and financing projects and facilities.

(2) Funding and developing airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, shoreline development projects and activities, and economic development projects.

(3) Financing and constructing additional improvements to projects or other capital improvements owned by the county and leasing them to or for the benefit of another political subdivision.

(4) Acquiring land or all or a part of one (1) or more projects from a political subdivision by purchase or lease, and leasing the land or projects back to the political subdivision, with any additional improvements that may be made to the land or projects.

(5) Acquiring all or a part of one (1) or more projects from a political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the political subdivision to:

(A) make a savings in debt service obligations or lease rental obligations; or

(B) obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Making loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:

(A) A commuter transportation district.

(B) An airport authority or airport development authority.

(C) A shoreline development commission.

(D) A regional transportation authority.

(7) Providing funding to assist a railroad that is providing commuter transportation services in an eligible county.

(8) Providing funding to assist an airport authority located in an eligible county in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Providing funding to assist a shoreline development commission in carrying out the purposes of IC 36-7-13.5.

(10) Funding bus services (including fixed route services and flexible or demand-responsive services) and projects related to bus services and bus terminals, stations, or facilities.

(11) Providing funding for economic development projects in an eligible county.

(12) Matching federal grants for a purpose described in this section.

(13) Providing funding for interlocal agreements under IC 36-1-7 for a purpose described in this section.

SECTION 8. IC 8-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The authority may do the following:

(1) Construct, maintain, repair, police, and operate toll road projects (as defined in this chapter), public improvements, and arterial streets and roads under section 1 of this chapter and establish rules for the use of any such toll road project, public improvement, or arterial street or road.

(2) Issue toll road revenue bonds of the state, payable solely from an allocation of money from the rural transportation road fund under IC 8-9.5-8-16 or from revenues or from the proceeds of bonds issued under this chapter and earnings thereon, or from all three (3), for the purpose of paying all or any part of the cost of any one (1) or more toll road projects or for the purpose of refunding any other toll road revenue bonds.

(3) Establish reserves from the proceeds of the sale of bonds or from other funds, or both, to secure the payment of the bonds.

(4) Fix and revise from time to time and charge and collect tolls for transit over each toll road project constructed by it.

(5) Acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner as provided by this chapter, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this chapter. The authority may also:

(A) sell, transfer, and convey any such land or any interest therein so acquired, or any portion thereof, whether by purchase, condemnation, or otherwise, and whether such land or interest therein had been public or private, when the same shall no longer be needed for such purposes; and

(B) transfer and convey any such lands or interest therein as may be necessary or convenient for the construction and operation of any toll road project, or as otherwise required under the provisions of this chapter.

(6) Designate the locations and establish, limit, and control such points of ingress to and egress from each toll road project as may be necessary or desirable in the judgment of the authority to ensure the proper operation and maintenance of such projects, and to prohibit entrance to such project from any point not so designated. The authority shall not grant, for the operation of transient lodging facilities, either ingress to or egress from any project, including the service areas thereof on which are located service stations and restaurants, and including toll plazas and paved portions of the right-of-way. The authority shall cause to be erected, at its cost, at all points of ingress and egress, large

and suitable signs facing traffic from each direction on the toll road. Such signs shall designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities with a population of five thousand (5,000) or more within a distance of seventy-five (75) miles on such roads of ingress or egress, and the distance in miles to such designated municipalities.

(7) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, ~~or~~ IC 8-9.5-8, **or IC 8-15.5**. When the cost under any such contract or agreement, other than:

(A) a contract for compensation for personal services;

(B) a contract with the department under IC 8-9.5-8-7; ~~or~~

(C) a lease with the department under IC 8-9.5-8-8; **or**

(D) a contract, a lease, or another agreement under IC 8-15.5;

involves an expenditure of more than ten thousand dollars (\$10,000), the authority shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the authority shall determine. Such notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The authority may reject any and all bids. A bond with good and sufficient surety shall be required by the authority of all contractors in an amount equal to at least fifty percent (50%) of the contract price, conditioned upon the faithful performance of the contract.

(8) Employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, bond counsel, other attorneys with the approval of the attorney general, and other employees and agents as may be necessary in its judgment to carry out the provisions of this chapter, and to fix their compensation. However, all such expenses shall be payable solely from the proceeds of toll road revenue bonds issued under the provisions of this chapter or from revenues.

(9) Receive and accept from any federal agency, subject to IC 8-23-3, grants for or in aid of the construction of any toll road project, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made, and repay any grant to the authority or to the department from a federal agency if such repayment is necessary to free the authority from restrictions which the authority determines to be in the public interest to remove.

(10) Establish fees, charges, terms, or conditions for any expenditures, loans, or other form of financial participation in projects authorized as public improvements on arterial streets and roads under section 1 of this chapter.

(11) Accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to the aid.

(12) Accept transfer of a state highway to the authority under IC 8-23-7-23 and pay the cost of conversion of the state highway to a toll road project.

(13) Enter into contracts or leases with the department under IC 8-9.5-8-7 or IC 8-9.5-8-8 and in connection with the contracts or leases agree with the department for coordination of the operation and the repair and maintenance of toll road projects and tollways which are contiguous parts of the same public road, including joint toll collection facilities and equitable division of tolls.

(14) Enter into public-private agreements under IC 8-15.5 and do all acts and things necessary or proper to carry out the purposes set forth in IC 8-15.5.

~~(14)~~ (15) Do all acts and things necessary or proper to carry out this chapter.

SECTION 9. IC 8-15-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The authority may:

(1) fix, revise, charge, and collect tolls for the use of each toll road project by any person, partnership, association, limited liability company, or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion and for placing thereon telephone, telegraph, electric light, or power lines; ~~and~~

(2) fix the terms, conditions, and rates of charge for such use, **including assessments for the failure to pay required tolls**, subject, however, to the state's police power; **and**

(3) collect tolls, user fees, or other charges through manual or nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under IC 8-15-2-17.2(a)(10), global positioning systems and photo or video based toll collection or toll collection enforcement systems.

(b) Notwithstanding subsection (a), no toll or charge shall be made by the authority **under this section or under a public-private agreement entered into under IC 8-15.5** for:

(1) the operation of temporary lodging facilities located upon or adjacent to any project, nor may the authority itself operate or gratuitously permit the operation of such temporary lodging facilities by other persons without any toll or charge; or

(2) placing in, on, along, over, or under such project, such telephone, telegraph, electric light or power lines, equipment, or facilities as may be necessary to serve establishments located on the project or as may be necessary to interconnect any public utility facilities on one (1) side of the toll road project with those on the other side.

(c) All contracts executed by the authority shall be preserved in the principal office of the authority.

(d) In the case of a toll road project that is not leased to the department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for each toll road project so that the aggregate of the tolls from the

project, together with other revenues that are available to the authority without prior restriction or encumbrance, will at least be adequate to pay:

- (1) the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements;
- (2) the principal of and the interest on bonds issued in connection with the toll road project, as the principal and interest becomes due and payable, including any reserve or sinking fund required for the project; and
- (3) the payment of principal of and interest on toll road bonds issued by the authority in connection with any other toll road project, including any reserve or sinking fund required for the project, but only to the extent that the authority provides by resolution and subject to the provisions of any trust agreement relating to the project.

(e) Not less than one (1) year before the date that final payment of all such bonds, interest, and reimbursement is expected by the chairman of the authority to be completed, the chairman shall notify the state budget committee in writing of the expected date of final payment.

(f) Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the state.

(g) The tolls, rents, and all other revenues derived by the authority from the toll road project, **except those received in accordance with a public-private agreement under IC 8-15.5**, shall be used as follows:

- (1) To pay the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements, to the extent that those costs are not paid out of other funds.
- (2) To the extent provided for in the resolution authorizing the issuance of bonds under this chapter or in the trust agreement securing the bonds, to pay:
 - (A) the principal of and interest on any bonds as the principal and interest become due; or
 - (B) the redemption price or purchase price of the bonds retired by call or purchase.
- (3) Except as prohibited by the resolution authorizing the issuance of bonds under this chapter or the trust agreement securing them, for any purpose relating to any toll road project, including the subject toll road project, as the authority provides by resolution.

(h) Neither the resolution nor any trust agreement by which a pledge is created needs to be filed or recorded except in the records of the authority.

(i) The use and disposition of moneys to the credit of any sinking fund shall be subject to the provisions of any resolution or resolutions authorizing the issuance of any bonds or of any trust agreement. Except as may otherwise be provided in this chapter or in any resolution or any trust agreement, any sinking fund shall be a fund for all bonds without distinction or priority of one over another, subject, however, to such priorities as may arise from prior pledges.

(j) In the case of a toll road project that is leased to the department under IC 8-9.5-8-8, the lease must require that the department fix tolls for the toll road project that comply with IC 8-9.5-8-8(c)(6).

(k) User fees (as defined in IC 8-15.5-2-10) for a toll road project that is subject to a public-private agreement under IC 8-15.5 shall be set in accordance with IC 8-15.5-7.

SECTION 10. IC 8-15-2-14.5, AS AMENDED BY P.L.214-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) Subject to the provisions and requirements of any trust agreement providing for the issuance of toll road revenue bonds and only to the extent permitted by such trust agreement, the authority shall fix the tolls for any toll road under its jurisdiction.

(b) Subsection (a) does not apply to tolls fixed, authorized, or established in accordance with a public-private agreement under IC 8-15.5.

SECTION 11. IC 8-15-2-14.7, AS ADDED BY P.L.214-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) As used in this section, "development authority" refers to the development authority established under IC 36-7.5-2-1.

(b) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsection (d), the authority shall distribute to the development authority in calendar year 2006 and calendar year 2007 from revenues accruing to the authority from the toll road at least five million dollars (\$5,000,000) and not more than ten million dollars (\$10,000,000) each year. The amount of the distribution for a year shall be determined by the authority. The amount to be distributed each year shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of 2006 and 2007. The amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(c) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsections (d) and (e), after 2007, the authority may distribute to the development authority amounts from revenues accruing to the authority from the toll road. The amount of any distribution for a year shall be determined by the authority. Any amounts to be distributed for the year under this subsection shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of the year. Any amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(d) ~~A distribution may be made by the authority~~ (b) **An appropriation made by the general assembly** to the development authority under subsection (b) or (c) **may be distributed to the development authority** only if all transfers required from cities and counties to the development authority under IC 36-7.5-4-2 have been made.

(e) ~~A distribution may be made by the authority~~ (c) **An appropriation made by the general assembly to the development authority may be distributed** to the development authority under subsection (c) only after:

- (1) the budget committee has reviewed; ~~the development authority's comprehensive strategic development plan under IC 36-7.5-3-4 and~~
- (2) the director of the office of management and budget has approved;

the comprehensive strategic development plan **submitted in accordance with IC 36-7.5-3.4.**

~~(f)~~ **(d)** If the Indiana Toll Road is sold or leased before January 1, 2008 (other than a lease to the department), and the sale or lease agreement does not require the purchaser or lessee to continue making the distributions required by subsection (b), the treasurer of state shall pay an amount equal to the greater of zero ~~(0)~~ or the result of:

- ~~(1) twenty million dollars (\$20,000,000); minus~~
- ~~(2) any amounts transferred to the development authority under this subsection before the sale or lease;~~

~~from the state general fund the amount, if any, appropriated by the general assembly to the development authority fund established under IC 36-7.5-4-1.~~

~~(g)~~ **(e)** Amounts distributed or paid to the development authority under this section may be used for any purpose of the development authorized under IC 36-7.5.

~~(h) The amounts necessary to make any distributions or payments required or authorized by this section are appropriated:~~

SECTION 12. IC 8-15-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this chapter. Such funds shall be kept in depositories as selected by the authority and may be invested until expended, all as provided by law.

(b) The resolution authorizing the issuance of bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such moneys shall be paid shall:

- (1) act as trustee of such moneys; and
- (2) hold and apply the same for the purposes of this chapter, subject to such regulations as this chapter and such resolution or trust agreement may provide.

(c) This section does not apply to money paid or received with respect to a toll road project that is the subject of a public-private agreement under IC 8-15.5.

SECTION 13. IC 8-15-2-17.2, AS AMENDED BY P.L.151-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

- (1) Establishing weight and size limitations for vehicles using a toll road project, subject to the following:
 - (A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights as set out by the authority in rules and regulations shall apply to the authority in writing, for an application for a special hauling permit, which application must be in compliance with all the terms thereof, and which application must be received at least seven (7) days prior to the time of permitted entry should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and the driver of the vehicle shall have a copy to present to the toll attendant on duty at the point of entry.
 - (B) The authority shall assess a fee for issuing a special hauling permit. In assessing the fee, the authority shall take into consideration the following factors:
 - (i) The administrative cost of issuing the permit.
 - (ii) The potential damage the vehicle represents to the project.

(iii) The potential safety hazard the vehicle represents.

- (2) Establishing the minimum speed that a motor vehicle may be driven on the interstate defense network of dual highways.
- (3) Designating one-way traffic lanes on a toll road project.
- (4) Determining the manner of operation of motor vehicles entering and leaving traffic lanes on a toll road project.
- (5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing motor vehicles on a toll road project.
- (6) Determining the establishment and enforcement of traffic control signs and signals for motor vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.
- (7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.
- (8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.
- (9) Regulating commercial activity on a toll road project, including but not limited to:
 - (A) the offering or display of goods or services for sale;
 - (B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and
 - (C) the operation of a mobile or stationary public address system.

(10) Establishing enforcement procedures and making assessments for the failure to pay required tolls.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

- (1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and
- (2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated:

- (1) a size or weight limitation established by the authority under this section; or**
- (2) a rule adopted under subsection (a)(10);**

for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of the person's current chauffeur's license only if the violation was committed knowingly.

SECTION 14. IC 8-15-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The authority may, after adopting a resolution and after receiving the governor's approval, at any time determine under IC 8-23-7 that a toll road project constructed or operated by the authority, **other than a toll road project that is subject to a public-private agreement under IC 8-15.5**, should become a part of the system of state

highways free of tolls or become a tollway under IC 8-15-3.

(b) Any resolution as to any project described in subsection (a) shall not become effective until all bonds to which the revenues of any project were pledged for payment, together with all interest thereon, is paid, or a sufficient amount for the payment of all bonds and the interest thereon to maturity is set aside in trust for the benefit of bondholders.

(c) Until any resolution is adopted by the authority under subsection (a) and becomes effective as provided in subsection (b), **and subject to the terms of any public-private agreement under IC 8-15.5**, any project constructed by the authority or its predecessors remains under the jurisdiction of the authority and the authority shall continue to maintain and operate the project and levy and collect tolls as provided in this chapter. ~~Subject to any agreement entered into by the Secretary of Commerce of the United States; acting by and through the federal highway administrator; the Indiana toll road commission; and the state; acting by and through the Indiana department of transportation;~~ Tolls on any project may be continued after the date of the payment of the principal of and interest on bonds issued for the construction of that project.

SECTION 15. IC 8-15-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. **(a) Except as provided in subsection (b), and** notwithstanding any other provision of this chapter, funds generated by tolls or any other means from a toll road project that was in existence and in use on or before January 1, 1986, shall be used exclusively for purposes that are authorized and described in this chapter.

(b) If the authority enters into a public-private agreement with respect to a toll road project under IC 8-15.5, funds generated by tolls or any other means from that project shall be used as provided in IC 8-15.5.

SECTION 16. IC 8-15-2-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **If the authority is a party to a public-private agreement under IC 8-15.5, the authority may authorize the operator under that agreement to exercise any or all of the powers specified in sections 1, 6, 18, and 24 of this chapter, subject to the terms of that agreement.**

SECTION 17. IC 8-15-2-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. **A United States flag shall be displayed at the primary administrative building of the Indiana Toll Road.**

SECTION 18. IC 8-15-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The governor must approve the location of any tollway.

(b) **Subject to subsection (e),** the department may, **in any combination, plan, design, develop,** construct, reconstruct, maintain, repair, police, **finance,** and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may, **in any combination, plan, design,** develop, construct, reconstruct, improve, **finance, repair,** or maintain public improvements such as roads and streets, sewer lines, ~~and~~ water lines, **and other utilities** if these improvements are:

- (1) adjacent or appurtenant to a tollway; or
- (2) necessary or desirable for the financing, construction,

operation, or maintenance of a tollway.

(d) The department may, **in any combination, plan, design, develop,** construct, reconstruct, ~~or improve,~~ maintain, repair, **operate,** or finance the construction or reconstruction of an arterial highway or an arterial street that:

- (1) **is adjacent to, appurtenant to, or** interchanges with a tollway; or
- (2) intersects with a road or street that interchanges with a tollway.

(e) Notwithstanding any other law, the route of a tollway project may not terminate along any part of a highway that:

- (1) **has at least four (4) lanes; and**
- (2) **is located in a township having a population of at least eighty thousand (80,000).**

SECTION 19. IC 8-15-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Subject to subsections (e) and (f),** the governor must approve the location of any tollway.

(b) The department may construct, reconstruct, maintain, repair, police, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.

(c) The department may develop, construct, reconstruct, improve, or maintain public improvements such as roads and streets, sewer lines, and water lines, if these improvements are adjacent to a tollway.

(d) The department may construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that interchanges with a tollway or intersects with a road or street that interchanges with a tollway.

(e) Notwithstanding any other law, the route of a tollway may not terminate along any part of a highway that:

- (1) **has at least four (4) lanes; and**
- (2) **is located in a township having a population of at least eighty thousand (80,000).**

(f) The department may not establish a tollway under this chapter unless the general assembly adopts a statute authorizing the establishment of the tollway.

SECTION 20. IC 8-15.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 15.5. PUBLIC-PRIVATE AGREEMENTS FOR TOLL ROAD PROJECTS

Chapter 1. General Provisions

Sec. 1. The powers conferred by this article are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is required for the authority to enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Notwithstanding any other law, after August 1, 2006, neither the authority nor the department may:

- (1) issue a request for proposals for; or
- (2) enter into;

a public-private agreement that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, unless the general assembly adopts a statute authorizing the imposition of tolls.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Authority" refers to the Indiana finance authority.

Sec. 3. "Department" refers to the Indiana department of transportation.

Sec. 4. "Offeror" means a private entity that has submitted a proposal for a public-private agreement under this article.

Sec. 5. "Operator" means a private entity that has entered into a public-private agreement with the authority.

Sec. 6. "Private entity" means any individual, sole proprietorship, corporation, limited liability company, joint venture, general partnership, limited partnership, nonprofit entity, or other private legal entity. A public agency may provide services to a private entity without affecting the private status of the private entity and the ability to enter into a public-private agreement.

Sec. 7. "Project" or "toll road project" has the meaning set forth in IC 8-15-2-4(4).

Sec. 8. "Public-private agreement" means an agreement under this article between a private entity and the authority under which the private entity, acting on behalf of the authority as lessee, licensee, or franchisee, will plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a toll road project.

Sec. 9. "Request for proposals" means all materials and documents prepared by or on behalf of the authority to solicit proposals from offerors to enter into a public-private agreement.

Sec. 10. "User fees" means the rates, tolls, or fees imposed for the use of, or incidental to, all or any part of a toll road project under a public-private agreement.

Chapter 3. Authority to Enter Into Public-Private Agreements

Sec. 1. Subject to the other provisions of this article, the authority and a private entity may enter into a public-private agreement with respect to a toll road project. Subject to the requirements of this article, a public-private agreement may provide that the private entity is partially or entirely responsible for any combination of the following activities with respect to the project:

- (1) Planning.
- (2) Design.
- (3) Acquisition.
- (4) Construction.
- (5) Reconstruction.
- (6) Improvement.
- (7) Extension or expansion.
- (8) Operation.
- (9) Repair.
- (10) Management.
- (11) Maintenance.

(12) Financing.

Chapter 4. Selection of Operator by Request for Proposals

Sec. 1. Before entering into a public-private agreement under this article, the authority must issue a request for proposals as set forth in this chapter. A request for proposals for a toll road project may be issued by the authority in one (1) or more phases and may include a request for qualifications.

Sec. 2. A request for proposals issued by the authority must include the following:

- (1) The factors or criteria that will be used in evaluating the proposals.
- (2) A statement that a proposal must be accompanied by evidence of financial responsibility as considered appropriate and satisfactory by the authority.
- (3) A statement concerning whether discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.
- (4) A statement concerning any other information that the authority may consider in evaluating the proposals.
- (5) A statement that, except as otherwise required by law or under order from a court with jurisdiction, the authority may not disclose the contents of proposals during:
 - (A) discussions; or
 - (B) negotiations;
 with eligible offerors to other eligible offerors.

Sec. 3. Notice of a request for proposals shall be given by publication in accordance with IC 5-3-1.

Sec. 4. As provided in a request for proposals, discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.

Sec. 5. Eligible offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

Sec. 6. (a) The authority may not disclose the contents of proposals during discussions or negotiations with eligible offerors.

(b) The authority may, in its discretion in accordance with IC 5-14-3, treat as confidential all records relating to discussions or negotiations between the authority and eligible offerors if those records are created while discussions or negotiations are in progress.

(c) Notwithstanding subsections (a) and (b), and with the exception of parts that are confidential under IC 5-14-3, the terms of the selected offer negotiated under this article shall be available for inspection and copying under IC 5-14-3 after negotiations with the offerors have been completed.

(d) When disclosing the terms of the selected offer under subsection (c), the authority shall certify that the information being disclosed accurately and completely represents the terms of the selected offer.

Sec. 7. The authority shall negotiate with one (1) or more responsible offerors who submit proposals that are determined to be reasonably capable of being selected for a public-private agreement and may seek to obtain a final offer from one (1) or more responsible offerors.

Sec. 8. After the final offers from responsible offerors have been negotiated under section 7 of this chapter, the authority shall:

- (1) make a preliminary selection of an offeror as the operator for the related toll road project, whose final offer shall be referred to in this article as the "selected offer"; or
- (2) terminate the request for proposal process.

Sec. 9. If the authority makes a preliminary selection of an operator under section 8 of this chapter, the authority shall schedule a public hearing on the preliminary selection and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the related toll road project and of the public-private agreement to be awarded.
- (4) The identity of the offeror that has been preliminarily selected as the operator for the project.
- (5) The address and telephone number of the authority.
- (6) A statement indicating that, subject to section 6 of this chapter, and except for those portions that are confidential under IC 5-14-3, the selected offer and an explanation of the basis upon which the preliminary selection was made are available for public inspection and copying at the principal office of the authority during regular business hours.

Sec. 10. (a) Subject to section 6 of this chapter, and except for those parts that are confidential under IC 5-14-3, the selected offer and a written explanation of the basis upon which the preliminary selection was made shall be made available for inspection and copying in accordance with IC 5-14-3 at least seven (7) days before the hearing scheduled under section 9 of this chapter.

(b) At the hearing, the authority shall allow the public to be heard on the preliminary selection.

Sec. 11. (a) After the procedures required in this chapter have been completed, the authority shall make a determination as to whether the offeror that submitted the selected offer should be designated as the operator for the related toll road project and shall submit the authority's determination to the governor and the budget committee.

(b) After review of the authority's determination by the budget committee, the governor may accept or reject the determination of the authority. If the governor accepts the determination of the authority, the governor shall designate the offeror who submitted the selected offer as the operator for the related toll road project. The authority shall publish notice of the designation of the operator for the related toll road project one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the operator for the related toll road project, the authority may execute the public-private agreement with that operator.

Sec. 12. Any action to contest the validity of a public-private agreement entered into under this chapter may not be brought after the fifteenth day following the publication of the notice of the designation of an operator under the public-private agreement as provided in section 11 of this chapter.

Sec. 13. The authority shall disclose the contents of all proposals, except the portions of the proposals that may be treated as confidential in accordance with IC 5-14-3, when either:

- (1) the request for proposal process is terminated under section 8 of this chapter; or
- (2) the public-private agreement has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted.

Chapter 5. Terms and Conditions of Public-Private Agreements

Sec. 1. (a) Before developing or operating a toll road project, a private entity that has been selected as the operator of a toll road project under this article shall enter into a public-private agreement with the authority setting forth the rights and duties of the operator under this article.

(b) A public-private agreement entered into under this article must be approved by the governor before its execution.

Sec. 2. A public-private agreement entered into under this article must provide for the following:

- (1) The original term of the public-private agreement, which may not exceed seventy-five (75) years.
- (2) Provisions for a:
 - (A) lease, franchise, or license of the toll road project and the real property owned by the authority upon which the toll road project is located or is to be located; or
 - (B) management agreement or other contract to operate the toll road project and the real property owned by the authority upon which the toll road project is located or is to be located;

for a predetermined period. The public-private agreement must provide for ownership of all improvements and real property by the authority in the name of the state.

(3) Monitoring of the operator's maintenance practices by the authority and the taking of actions by the authority that it considers appropriate to ensure that the toll road project is properly maintained.

(4) The basis upon which user fees that may be collected by the operator, as determined under this article, are established.

(5) Compliance with applicable state and federal laws and local ordinances.

(6) Grounds for termination of the public-private agreement by the authority or the operator.

(7) The date of termination of the operator's authority and duties under this article.

(8) Procedures for amendment of the agreement.

Sec. 3. In addition to the requirements of section 2 of this chapter, a public-private agreement may include additional provisions concerning:

- (1) Review and approval by the authority of the operator's plans for the development and operation of the toll road project.
- (2) Inspection by the authority of construction of or improvements to the toll road project.
- (3) Maintenance by the operator of a policy or policies of public liability insurance (copies of which shall be filed with the authority, accompanied by proofs of coverage) or self-insurance, each in a form and amount satisfactory to the authority to insure coverage of tort liability to the public and

employees and to enable the continued operation of the toll road project.

(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the authority.

(5) Filing by the operator, on a periodic basis, of appropriate traffic reports in a form acceptable to the authority.

(6) Payments to the operator. These payments may consist of one (1) or more of the following:

(A) The retention by the operator of the revenues collected by the operator in the operation and management of the toll road project.

(B) Payments made to the operator by the authority.

(C) Other sources of payment or revenue to the operator, if any.

(7) Financing obligations of the operator and the authority, including entering into agreements for the benefit of the financing parties.

(8) Apportionment of expenses between the operator and the authority.

(9) The rights and duties of the operator, the authority, and other state and local governmental entities with respect to use of the toll road project, including the state police department and other law enforcement and public safety agencies.

(10) Arbitration or other dispute resolution mechanisms or remedies for the settlement of claims and other disputes arising under the agreement.

(11) Payment of money to either party upon default or delay, or upon termination of the public-private agreement, with the payments to be used:

(A) in the form of liquidated damages to compensate the operator for demonstrated unamortized costs, lost profits, or other amounts as provided in the agreement;

(B) to retire or refinance indebtedness related to the toll road project or the public-private agreement; or

(C) for any other purpose mutually agreeable to the operator and the authority.

(12) Indemnification of the operator by the authority under conditions specified in the agreement.

(13) Assignment, subcontracting, or other delegation of responsibilities of the operator or the authority under the agreement to third parties, including other private entities, the department, and other state agencies.

(14) Sale or lease to the operator of personal property related to the toll road project.

(15) Other lawful terms and conditions to which the operator and the authority mutually agree.

Sec. 4. (a) The operator may finance its obligations with respect to the toll road project and the public-private agreement in the amounts and upon the terms and conditions determined by the operator.

(b) The operator may:

(1) issue debt, equity, or other securities or obligations;

(2) enter into sale and leaseback transactions; and

(3) secure any financing with a pledge of, security interest in, or lien on any user fees charged and collected for the use of the toll road project and any property interest of the operator toll road project.

However, any bonds, debt, other securities, or other financing issued for the purposes of this article shall not be considered to constitute a debt of the state or any political subdivision of the state or a pledge of the faith and credit of the state or any political subdivision.

(c) The operator may deposit the user fees charged and collected for the use of the toll road project in a separate account held by a trustee or escrow agent for the benefit of the secured parties of the operator.

Sec. 5. Notwithstanding any contrary provision of this article, the authority may enter into a public-private agreement with multiple private entities if the authority determines in writing that it is in the public interest to do so.

Sec. 6. The department or any other state agency may perform any duties and exercise any powers of the authority under this article or the public-private agreement that have been assigned, subcontracted, or delegated to it by the authority.

Chapter 6. Construction and Operating Standards for Toll Road Projects

Sec. 1. The plans and specifications for each toll road project constructed under this article must comply with:

(1) the authority's standards for other projects of a similar nature, except as otherwise provided in the public-private agreement; and

(2) any other applicable state or federal standards.

Sec. 2. Unless otherwise provided by federal law, the operator or any contractor or subcontractor of the operator engaged in the construction of a toll road project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

Sec. 3. The operator or any contractor or subcontractor of the operator engaged in the construction of a toll road project is subject to:

(1) the provisions of 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes; and

(2) the provisions that may be established by the authority in a public-private agreement with respect to awarding contracts to Indiana businesses (as defined in IC 5-22-15-20.5).

Sec. 4. Each toll road project constructed or operated under this article is considered to be part of the state highway system designated under IC 8-23-4-2 for purposes of identification, maintenance standards, and enforcement of traffic laws.

Sec. 5. An operator may enter into agreements for maintenance or other services under this article with the authority, the department, or other state agencies. The authority may:

(1) with the assistance of all applicable state agencies, establish a unified permitting and licensing process for the processing and issuance of all necessary permits and licenses for toll road projects under this article, including, but not limited to, all environmental permits and business and tax licenses; and

(2) provide other services for which the authority is reimbursed, including, but not limited to, preliminary planning, environmental certification (including the procurement of all necessary environmental permits), and preliminary design of toll road projects under this article.

Sec. 6. The authority shall seek the cooperation of federal and local agencies to expedite all necessary federal and local permits, licenses, and approvals necessary for toll road projects under this article.

Chapter 7. User Fees

Sec. 1. (a) Notwithstanding IC 8-9.5-8 and IC 8-15-2-14(j), the authority may fix and revise the amounts of user fees that an operator may charge and collect for the use of any part of a toll road project in accordance with the public-private agreement.

(b) In fixing the amounts referred to in subsection (a), the authority may:

- (1) establish maximum amounts for the user fees; and
- (2) provide for increases or decreases of the user fees or the maximum amounts established based upon the indices, methodologies, or other factors that the authority considers appropriate.

Sec. 2. A schedule of the current user fees shall be made available by the operator to any member of the public on request.

Sec. 3. User fees established by the authority under this article are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state, or by any political subdivision.

Sec. 4. (a) User fees established by the authority under section 1 of this chapter for the use of a toll road project must be nondiscriminatory and may:

- (1) include different user fees based on categories such as vehicle class, vehicle size, vehicle axles, vehicle weight, volume, location, or traffic congestion or such other means or classification as the authority determines to be appropriate;
- (2) vary by time of day or year; or
- (3) be based on one (1) or more factors considered relevant by the authority, which may include any combination of:
 - (A) the costs of:
 - (i) operation;
 - (ii) maintenance; and
 - (iii) repair and rehabilitation;
 - (B) debt service payments on bonds or other obligations;
 - (C) adequacy of working capital;
 - (D) depreciation;
 - (E) payment of user fees, any state, federal, or local taxes, or payments in lieu of taxes; and
 - (F) the sufficiency of income to:
 - (i) maintain the toll road project in a sound physical and financial condition to render adequate and efficient service; and
 - (ii) induce an operator to enter into a public-private agreement.

Sec. 5. A public-private agreement may:

- (1) grant an operator a license or franchise to charge and collect tolls for the use of the toll road project;
- (2) authorize the operator to adjust the user fees charged and collected for the use of the toll road project, so long as the

amounts charged and collected by the operator do not exceed the maximum amounts established by the authority under section 1 of this chapter;

(3) provide that any adjustment by the operator permitted under subdivision (2) may be based on such indices, methodologies, or other factors as described in the public-private agreement or as approved by the authority;

(4) authorize the operator to charge and collect user fees through manual and nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under IC 8-15-2-17.2(a)(10), global positioning systems and photo or video based toll collection or toll collection enforcement systems; and

(5) authorize the collection of user fees charges by a third party.

Sec. 6. (a) After expiration of a public-private agreement, the authority may:

- (1) continue to charge user fees for the use of the toll road project; or
- (2) delegate to a third party the authority to continue to collect the user fees.

(b) Revenues collected under this section must first be used for operations and maintenance of the toll road project. Any revenues determined by the authority to be excess must be paid to the authority for deposit in the toll road fund established by IC 8-15.5-11.

Sec. 7. Any action to contest the validity of user fees fixed under this chapter may not be brought after the fifteenth day following the effective date of a rule fixing the user fees adopted under IC 4-22-2-37.1(a)(30).

Chapter 8. Taxation of Operators

Sec. 1. A toll road project and tangible personal property used exclusively in connection with a toll road project that are:

- (1) owned by the authority and leased, franchised, licensed or otherwise conveyed to an operator; or
- (2) acquired, constructed, or otherwise provided by an operator in connection with the toll road project;

under the terms of a public-private agreement are considered to be public property devoted to an essential public and governmental function and purpose and the property, and an operator's leasehold estate, franchise, license, and other interests in the property are exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

Sec. 2. Income received by an operator under the terms of a public-private agreement is subject to taxation in the same manner as income received by other private entities.

Sec. 3. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in the toll road project is not exempt from the application of the gross retail or use tax under IC 6-2.5 with respect to such a purchase.

Chapter 9. Records of Operators

Sec. 1. Records that are provided by an operator to the authority that relate to compliance by an operator with the terms

of a public-private agreement are subject to inspection and copying in accordance with IC 5-14-3.

Chapter 10. Additional Powers of the Authority Concerning Toll Road Projects

Sec. 1. The authority may exercise any powers provided under this article in participation or cooperation with the department or any other governmental entity and enter into any contracts to facilitate that participation or cooperation without compliance with any other statute.

Sec. 2. (a) The authority may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's duties and the execution of the authority's powers under this article. These contracts or agreements are not subject to any approvals other than the approval of the authority and may be for any term of years and contain any terms that are considered reasonable by the authority.

(b) The:

- (1) department; and**
- (2) any other state agency;**

may make and enter into all contracts and agreements necessary or incidental to the performance of the duties and the execution of the powers granted to the department or the state agency in accordance with this article or the public-private agreement. These contracts or agreements are not subject to any approvals other than the approval of the department or state agency and may be for any term of years and contain any terms that are considered reasonable by the department or the state agency.

Sec. 3. (a) The authority may pay any amounts owed by the authority under a public-private agreement entered into under this article from any funds available to the authority under this article or any other statute.

(b) Subject to review by the budget committee established by IC 4-12-1-3 and approval by the budget director appointed under IC 4-12-1-3, a public-private agreement entered into under this article may:

- (1) establish a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to pay any amounts owed by the authority under a public-private agreement; or**
- (2) otherwise create a moral obligation of the state to pay any amounts owed by the authority under the public-private agreement.**

(c) The authority may issue bonds under IC 4-4-11 or IC 8-15-2 to provide funds for any amounts identified under this section without complying with IC 8-9.5-8-10.

Sec. 4. For purposes of this article, the authority may authorize an operator under a public-private agreement to perform any of its duties under IC 8-15-2-1, IC 8-15-2-6, IC 8-15-2-18, and IC 8-15-2-24.

Sec. 5. The authority may exercise any of its powers under IC 8-15-2 or any other provision of Indiana Code as necessary or desirable for the performance of the authority's duties and the execution of the authority's powers under this article.

Sec. 6. The authority may not take any action under this chapter that would impair the public-private agreement entered into under this article.

Sec. 7. (a) The authority shall enter into an agreement between and among the operator, the authority, and the state police

department concerning the provision of law enforcement assistance with respect to a toll road project that is the subject of a public-private agreement under this article.

(b) The authority shall enter into arrangements with the state police department related to costs incurred in providing law enforcement assistance under this article.

(c) All law enforcement officers of the state and any political subdivision have the same powers and jurisdiction within the limits of a toll road project as they have in their respective areas of jurisdiction, including the roads and highways of the state. These law enforcement officers shall have access to a toll road project that is the subject of a public-private agreement to exercise their powers and jurisdiction.

Chapter 11. Toll Road Fund

Sec. 1. As used in this chapter, "account" refers to an account established within the fund.

Sec. 2. As used in this chapter, "fund" refers to the toll road fund established by section 3 of this chapter.

Sec. 3. (a) The toll road fund is established to provide funds to:

- (1) pay or defease certain bonds in the manner provided by this chapter;**
- (2) pay amounts owed by the authority in connection with the execution and performance of a public-private agreement under this article, including operating expenses of the authority; and**
- (3) make distributions to the next generation trust fund and the major moves construction fund.**

(b) The authority shall hold, administer, and manage the fund.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

- (1) Money received from an operator under a public-private agreement.**
- (2) Appropriations, if any, made by the general assembly.**
- (3) Grants and gifts intended for deposit in the fund.**
- (4) Interest, premiums, gains, or other earnings on the fund.**

(e) The authority shall establish the following separate accounts within the fund:

- (1) The bond retirement account.**
- (2) The administration account.**
- (3) The eligible project account.**

(f) Money in the fund shall be deposited, paid, and secured in the manner provided by IC 4-4-11-32. Notwithstanding IC 5-13, the authority shall invest the money in the fund that is not needed to meet the obligations of the fund in the manner provided by an investment policy established by resolution of the authority.

(g) The fund is not part of the state treasury and is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 4. (a) Before any allocations are made from the fund under this chapter, the authority shall determine:

- (1) the extent to which outstanding bonds issued by the authority under IC 8-14.5-6 or IC 8-15-2 should be repaid, defeased, or otherwise retired;**

- (2) the total amount necessary to repay, defease, or otherwise retire the bonds selected by the authority for repayment, defeasance, or retirement; and
- (3) the total amount necessary to pay the amounts owed by the authority related to the execution and performance of a public-private agreement under this article, including establishing reserves.

The authority shall make a separate determination of the amount described in subdivision (3) for each public-private agreement. The amount described in subdivision (3) is payable solely from money received by the authority under the public-private agreement for which the amounts owed were incurred, and are not payable from lease payments received under IC 8-9.5 or IC 8-14.5.

(b) Before making any allocations from the fund under subsection (c) or (d), the authority shall allocate the amount determined under subsection (a)(2) to the bond retirement account. Money in this account may be used only for the purpose described in section 3(a)(1) of this chapter.

(c) After making the allocation required by subsection (b) and before making the allocations required by subsection (d), the authority shall allocate the amount determined under subsection (a)(3) to the administration account. Money in this account may be used only for the purpose described in section 3(a)(2) of this chapter.

(d) After making the allocations required by subsections (b) and (c), the remaining money received during each state fiscal year under a public-private agreement under this article shall be allocated to the eligible project account. Money in this account may be used only for the purposes described in section 3(a)(3) of this chapter. Within thirty (30) days after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall transfer:

- (1) four hundred million dollars (\$400,000,000) of the money in the eligible project account to the next generation trust fund; and
- (2) the remainder of the money in the eligible project account to major moves construction account.

Sec. 5. (a) The money allocated to the eligible project account must be used to make distributions to the next generation trust fund and the major moves construction fund, as provided by section 4 of this chapter.

Chapter 12. Prohibited Local Action

Sec. 1. A political subdivision (as defined in IC 36-1-2-13) may not take any action that would have the effect of impairing a public-private agreement under this article.

Chapter 13. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the following:

- (1) The person holds any interest in an operator.
- (2) The person is an officer of an operator.
- (3) The person is an officer of a person that holds any interest in an operator.
- (4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the operator is a party to a public-private agreement entered into under this article.
- (2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony.

SECTION 21. IC 8-23-7-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) Subject to subsections (b) and (c), the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3. Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) The department may not issue an order concerning a state highway under subsection (a) unless the general assembly adopts a statute:

- (1) finding that the state highway should be converted to a tollway; and
- (2) authorizing the conversion of the state highway to a tollway.

(c) Notwithstanding any other law, the route of a tollway established under this section may not terminate along any part of a highway that:

- (1) has at least four (4) lanes; and
- (2) is located in a township having a population of at least eighty thousand (80,000).

SECTION 22. IC 8-23-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) **Subject to subsections (c) and (d)**, the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a toll road. An order under this section does not become effective unless the authority adopts a resolution to accept the designated state highway, or part of the highway, as a toll road project under the conditions contained in the order. An order issued by the department under this section must set forth the conditions upon which the transfer of the state highway, or part of the highway, to the authority must occur, including the following:

(1) The consideration, if any, to be paid by the authority to the department.

(2) A requirement that the authority:

(A) enter into a contract or lease with the department with respect to the toll road project under IC 8-9.5-8-7 or IC 8-9.5-8-8; or

(B) enter into a public-private agreement with an operator with respect to the toll road under IC 8-15.5.

(b) To complete a transfer under this section, the department must, with the governor's approval, execute a certificate describing the real and personal property constituting or to be transferred with the state highway that is to become a toll road project. Upon delivery of the certificate to the authority, the real and personal property described in the certificate is under the jurisdiction and control of the authority.

(c) **The department may not issue an order concerning a state highway under subsection (a) unless the general assembly adopts a statute:**

(1) **finding that the state highway should be converted to a toll road; and**

(2) **authorizing the conversion of the state highway to a toll road.**

(d) **Notwithstanding any other law, the route of a toll road established under this section may not terminate along any part of a highway that:**

(1) **has at least four (4) lanes; and**

(2) **is located in a township having a population of at least eighty thousand (80,000).**

SECTION 23. IC 8-23-9-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 54. (a) To provide funds for carrying out the provisions of this chapter, there is created a state highway fund from the following sources:

(1) All money in the general fund to the credit of the state highway account.

(2) All money that is received from the Department of Transportation or other federal agency and known as federal aid.

(3) All money paid into the state treasury to reimburse the state for money paid out of the state highway fund.

(4) All money provided by Indiana law for the construction, maintenance, reconstruction, repair, and control of public highways, as provided under this chapter.

(5) All money that on May 22, 1933, was to be paid into the state highway fund under contemplation of any statute in force as of May 22, 1933.

(6) All money that may at any time be appropriated from the state treasury.

(7) Any part of the state highway fund unexpended at the expiration of any fiscal year, which shall remain in the fund and

be available for the succeeding years.

(8) Any money credited to the state highway fund from the motor vehicle highway account under IC 8-14-1-3(4).

(9) Any money credited to the state highway fund from the highway road and street fund under IC 8-14-2-3.

(10) Any money credited to the state highway fund under IC 6-6-1.1-801.5, IC 6-6-4.1-5, or IC 8-16-1-17.1.

(11) Any money distributed to the state highway fund under IC 8-14-14 or IC 8-15.5.

(b) All expenses incurred in carrying out this chapter shall be paid out of the state highway fund.

SECTION 24. IC 9-13-2-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.3. "Automated traffic law enforcement system", for purposes of IC 9-21, has the meaning set forth in IC 9-21-3.5-2.**

SECTION 25. IC 9-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Automated Traffic Law Enforcement System

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "automated traffic law enforcement system" means a device that:

(1) **has one (1) or more motor vehicle sensors; and**

(2) **is capable of producing a photographically recorded image of a motor vehicle, including an image of the vehicle's front or rear license plate, as the vehicle proceeds through a tollgate, toll zone, or other area on a toll road that is marked as required by the department, the authority, or an operator as a place where a person using the toll road must pay a toll or is otherwise subject to a fee for using the toll road.**

Sec. 3. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 4. As used in this chapter, "operator" has the meaning set forth in IC 8-15.5-2-5.

Sec. 5. As used in this chapter, "owner" means a person in whose name a motor vehicle is registered under:

(1) **IC 9-18;**

(2) **the laws of another state;**

(3) **the laws of a foreign country; or**

(4) **the International Registration Plan.**

Sec. 6. As used in this chapter, "toll road" has the meaning set forth in IC 8-15-2-4(4).

Sec. 7. The owner of a motor vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility on a toll road shall pay the proper toll.

Sec. 8. The department or the authority may adopt and enforce rules concerning:

(1) **the placement and use of automated traffic law enforcement systems to enforce collection of user fees;**

(2) **required notification to owners of toll violations;**

(3) **the process for collection and enforcement of unpaid amounts;**

(4) **the amount of fines, charges, and assessments for toll violations; and**

(5) **other matters relating to automated traffic law enforcement systems that the department or the authority**

considers appropriate.

Sec. 9. Before enforcing a rule adopted under section 8 of this chapter, the department, the authority, or an operator must install advance warning signs along the tollways, toll roads, or qualifying projects proceeding to the location at which an automated traffic law enforcement system is located.

Sec. 10. (a) In the prosecution of a toll violation, proof that the motor vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, a photograph, an electronic recording, or other appropriate evidence, including evidence obtained by an automated traffic law enforcement system.

(b) In the prosecution of a toll violation:

- (1) it is presumed that any notice of nonpayment was received on the fifth day after the date of mailing; and**
- (2) a computer record of the department, the authority, or the operator of the registered owner of the vehicle is prima facie evidence of its contents and that the toll violator was the registered owner of the vehicle at the time of the underlying event of nonpayment.**

Sec. 11. (a) For purposes of this section, "transponder" means a device, placed on or within a motor vehicle, that is capable of transmitting information used to assess or collect tolls. A transponder is "insufficiently funded" when there are no remaining funds in the account in connection with which the transponder was issued.

(b) Any police officer of this state may seize a stolen or insufficiently funded transponder and return it to the department, the authority, or an operator, except that an insufficiently funded transponder may not be seized from the holder of an account sooner than the thirtieth day after the date the department, the authority, or an operator has sent a notice of delinquency to the holder of the account.

(c) The department or the authority may enter into an agreement with one (1) or more persons to market and sell transponders for use on toll roads.

(d) The department, the authority, or an operator may charge reasonable fees for initiating, administering, and maintaining electronic toll collection customer accounts.

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under IC 5-14-3. A contract for the acquisition, construction, maintenance, or operation of a toll road must ensure the confidentiality of all electronic toll collection customer account information.

SECTION 26. IC 34-13-3-3, AS AMENDED BY P.L.208-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:

- (1) The natural condition of unimproved property.
- (2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.
- (3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.
- (4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic

area.

(5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:

- (A) a set of rules governing the use of the extreme sport area;
- (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
- (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

(6) The initiation of a judicial or an administrative proceeding.

(7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.

(8) The adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment.

(9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.

(10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.

(11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.

(12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.

(13) Entry upon any property where the entry is expressly or impliedly authorized by law.

(14) Misrepresentation if unintentional.

(15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.

(16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.

(17) Injury to the person or property of a person under supervision of a governmental entity and who is:

- (A) on probation; or
- (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.

(18) Design of a highway (as defined in IC 9-13-2-73) **or toll road project (as defined in IC 8-15-2-4(4))** if the claimed loss occurs at least twenty (20) years after the public highway **or toll road project** was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a

responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-33-8-7(b).

(21) An error resulting from or caused by a failure to recognize the year 1999, 2000, or a subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by:

(A) a computer;

(B) an information system; or

(C) equipment using microchips;

that is owned or operated by a governmental entity. However, this subdivision does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct, or intentional misconduct. For purposes of this subdivision, evidence of gross negligence may be established by a party by showing failure of a governmental entity to undertake an effort to review, analyze, remediate, and test its electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss. However, this subdivision expires June 30, 2003.

(22) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(23) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

(A) the loss is a result of reckless conduct; or

(B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

SECTION 27. [EFFECTIVE UPON PASSAGE] Actions taken with respect to a public-private agreement before the effective date of this act that would have been valid under IC 8-15.5, as added by this act, are legalized and validated.

SECTION 28. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "authority" and "user fees" have the meanings set forth in IC 8-15.5-2, as added by this act.

(b) The authority shall adopt a rule under IC 4-22-2-37.1, as amended by this act, fixing user fees, including a schedule of the user fees provided for under a public-private agreement entered into under IC 8-15.5-4, as added by this act, on or before January 1, 2007.

(c) This SECTION expires July 1, 2007.

SECTION 29. [EFFECTIVE JULY 1, 2006] IC 6-3-3-11, as added by this act, applies to taxable years beginning after December 31, 2005, and tolls paid after June 30, 2006.

SECTION 30. [EFFECTIVE UPON PASSAGE] The provisions of this act are severable in the manner provided by IC 1-1-1-8(b).

SECTION 31. An emergency is declared for this act.

(Reference is to HB 1008 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 4.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Engrossed House Bill 1306, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 26, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 31. IC 23-18-7-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section, "other entity" has the meaning set forth in IC 23-1-38.5-1.**

(b) A domestic business corporation, domestic other entity, foreign business corporation, or foreign other entity may convert to a domestic limited liability company in accordance with IC 23-1-38.5.

(c) A domestic limited liability company may convert to a domestic business corporation, domestic other entity, foreign business corporation, or foreign other entity in accordance with IC 23-1-38.5."

Renumber all SECTIONS consecutively.

(Reference is to HB 1306 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Engrossed House Bill 1190, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 2.

Page 2, between lines 7 and 8, begin a new paragraph and insert:

"SECTION 2. IC 7.1-3-7.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.** The holder of a farm winery brandy distiller's permit may do the following:

(1) Manufacture brandy.

(2) Rectify brandy.

(3) Bottle brandy.

(4) Use brandy that it has manufactured for the purpose of producing fortified wine.

(5) Sell, transport, and deliver brandy that it has manufactured to other wineries.

(6) Sell brandy at ~~wholesale or retail~~ **on the permitted premises."**

Page 4, line 12, delete "After June 30, 2006, the commission may issue a wine" and insert "**The holder of a farm winery permit that**

also holds a wine wholesaler permit issued under IC 7.1-4-4.1-13(c), may locate the wine wholesaler business within the licensed premises of the farm winery."

Page 4, delete lines 13 through 41, begin a new paragraph and insert:

"SECTION 7. IC 7.1-3-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 26. Direct Wine Seller's Permit

Sec. 1. As used in this chapter, "applicant" means a person that applies to the commission for a direct wine seller's permit.

Sec. 2. As used in this chapter, "consumer" means an individual who purchases wine from a seller.

Sec. 3. As used in this chapter, "seller" means the holder of a direct wine seller's permit issued under this chapter.

Sec. 4. A person located within Indiana or outside Indiana that wants to sell wine directly to a consumer must be the holder of a direct wine seller's permit and comply with this chapter.

Sec. 5. A seller may sell only wine directly to a consumer who meets all of the following requirements:

- (1) The consumer is at least twenty-one (21) years of age.
- (2) The consumer is an Indiana resident.
- (3) The consumer does not hold an interest in an alcoholic beverage permit issued under this title.
- (4) The consumer has not been convicted within the last ten (10) years of any state or federal crime relating to:
 - (A) providing alcoholic beverages to a minor;
 - (B) engaging in commerce in alcoholic beverages or the transportation of alcoholic beverages; or
 - (C) acquiring alcoholic beverages.
- (5) The consumer intends to use wine purchased under this chapter for personal consumption only and not for resale or other commercial purposes.
- (6) Except as provided in subdivision (7), the consumer has certified to the seller in a face-to-face transaction at the seller's place of business all the following:
 - (A) Name, telephone number, residence address, or consumer's business address.
 - (B) Proof of age by an Indiana issued driver's license or identification card showing the consumer to be at least twenty-one (21) years of age.
 - (C) A statement, made under penalties for perjury, that the consumer satisfies the requirements of subdivisions (1) through (5).
- (7) If, before July 1, 2006, the consumer has provided to the seller in a face-to-face transaction at the seller's place of business the consumer's:

- (A) name;
- (B) telephone number;
- (C) residence address; or
- (D) business address;

the seller may sell wine directly to a consumer who has not complied with subdivision (6).

Sec. 6. The commission may issue a direct wine seller's permit to an applicant who meets all of the following requirements:

- (1) The applicant is domiciled and has its principal place of business in the United States.

(2) The applicant is engaged in the manufacture of wine.

(3) The applicant holds and acts within the scope of authority of an alcoholic beverage license or permit to manufacture wine or import wine that is required:

(A) in Indiana or the state where the applicant is domiciled; and

(B) by the Tax and Trade Bureau of the United States Department of the Treasury.

(4) The applicant qualifies with the secretary of state to do business in Indiana and consents to the personal jurisdiction of the commission and the courts of Indiana.

(5) The applicant files a surety bond with the commission in accordance with IC 7.1-3-1 in the amount required of an applicant for a vintner's permit under IC 7.1-3-1-7.

(6) The applicant:

(A) does not hold a permit or license to wholesale alcoholic beverages (other than a permit or license to retail alcoholic beverages at the applicant's permitted premises) issued by any authority; and

(B) is not owned in whole or in part by a person who holds a permit or license to wholesale or retail alcoholic beverages.

(7) The applicant produces not more than five hundred thousand (500,000) gallons of wine per year that are sold within Indiana.

(8) The applicant has not distributed wine through a wine wholesaler in Indiana within the thirty (30) days immediately preceding the applicant's initial application for a direct wine seller's permit or the applicant has operated as a farm winery under IC 7.1-3-12.

(9) The applicant is not the parent, subsidiary, or affiliate of another entity manufacturing any alcoholic beverage.

(10) The applicant completes documentation regarding the applicant's application required by the commission.

Sec. 7. (a) The term of a direct wine seller's permit begins on July 1 and expires on June 30 of the following year. A direct wine seller's permit may be renewed in accordance with rules adopted by the commission.

(b) The annual direct wine seller's permit fee is one hundred dollars (\$100).

Sec. 8. A direct wine seller's permit entitles a seller to sell wine to a consumer by receiving and filling orders that the consumer transmits by electronic or other means if all of the following conditions are satisfied before the sale or by the times set forth as follows:

(1) The consumer provides the direct wine seller with the following:

(A) The verification required by section 5(6) of this chapter in an initial face-to-face transaction.

(B) Notwithstanding clause (A), if the consumer provided the information specified in section 5(7) of this chapter in an initial face-to-face transaction with the seller before July 1, 2006, the consumer is not required to comply with section 5(6) of this chapter.

(2) The direct wine seller maintains for two (2) years, all records of wine sales made under this chapter. If the records are requested by the commission, a direct wine seller shall make the records available to the commission during the

direct wine seller's regular business hours.

(3) The direct wine seller stamps, prints, or labels on the outside of the shipping container the following: "CONTAINS WINE. SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY".

(4) The direct wine seller causes the wine to be delivered by the holder of a valid carrier's alcoholic beverage permit under IC 7.1-3-18.

(5) The direct wine seller causes the carrier to verify the individual personally receiving the wine shipment is at least twenty-one (21) years of age.

(6) The direct wine seller does not ship the consumer more than two hundred sixteen (216) liters of wine in any calendar year.

(7) The direct wine seller remits to the department of state revenue monthly all Indiana excise, sales, and use taxes on the shipments made into Indiana by the direct wine seller during the previous month.

Sec. 9. It is unlawful for the holder of a farm winery brandy distiller's permit to ship or cause to be shipped brandy produced under this title to a consumer.

Sec. 10. A consumer shall provide the direct wine seller with information the direct wine seller reasonably requires, including the consumer's name, home street address, telephone number, and other information required by the commission. The consumer shall also verify under penalties for perjury to the direct wine seller that the consumer satisfies every requirement of section 6 of this chapter.

Sec. 11. During a permit year, a direct wine seller may not direct ship in Indiana more than nine thousand (9,000) liters of wine.

Sec. 12. A wine shipment purchased under this chapter must be delivered to:

(1) the consumer, who shall take personal delivery of the shipment at the:

- (A) consumer's residence;
- (B) consumer's business address;
- (C) carrier's business address; or
- (D) address displayed on the shipping container; or

(2) an individual who is at least twenty-one (21) years of age who shall take personal delivery of the shipment at:

- (A) consumer's residence;
- (B) consumer's business address; or
- (C) address displayed on the shipping container.

Sec. 13. A consumer may not receive more than two hundred sixteen (216) liters of wine in total from one (1) or more direct wine sellers in a calendar year.

Sec. 14. (a) Except as provided in subsections (b) and (c), a person who knowingly or intentionally violates this chapter commits a Class C misdemeanor.

(b) A person who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has one (1) prior unrelated conviction under this section for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent violation;

commits a Class A misdemeanor.

(c) A person who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has at least two (2) prior unrelated convictions under this section for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent violation;

commits a Class D felony.

Sec. 15. If a direct wine seller is charged under section 14 of this chapter with selling to a consumer who does not meet the requirements of section 5(1), 5(3), 5(4), or 5(5) of this chapter, it is a defense to the charge if the direct wine seller obtained from the consumer the affidavit required under section 5(6)(C) of this chapter and produces a copy of the affidavit.

SECTION 8. IC 7.1-4-4.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to the following permits:

- (1) Beer wholesaler's permit.
- (2) Malt wholesaler's permit.
- (3) Liquor wholesaler's permit.
- (4) Wine wholesaler's permit.

(b) Except as provided in subsection (c), a permit fee of two thousand dollars (\$2,000) is annually imposed for the issuance of each of the permits described in subsection (a).

(c) A permit fee of one hundred dollars (\$100) is annually imposed for the issuance of a wine wholesaler's permit to a permit applicant who:

- (1) has never previously held a wine wholesaler's permit and anticipates selling less than twelve thousand (12,000) gallons of wine in a year; or
- (2) previously held a wine wholesaler's permit and certifies to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine in the previous year.

SECTION 9. IC 7.1-4-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~Power of Commission and Department.~~ The chairman and the department shall have the power to examine the books, papers, records, and premises of a manufacturer, wholesaler, retailer, ~~or dealer, or direct wine shipper's permit holder~~ under this title for the purpose of determining whether the excise taxes imposed by this title have been paid fully and whether the provisions of the title are being complied with.

SECTION 10. IC 7.1-4-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~Collection of Annual License Fees.~~ The chairman shall collect the required annual license fee paid in connection with the issuance of a brewer's permit, a beer wholesaler's permit, a temporary beer permit, a dining car permit of any type, a boat permit of any type, a distiller's permit, a rectifier's permit, a liquor wholesaler's permit, a vintner's permit, a farm winery permit, a farm winery brandy distiller's permit, a wine wholesaler's permit, a wine bottler's permit, a temporary wine permit, **a direct wine shipper's permit**, a salesman's permit, and a carrier's alcoholic permit.

SECTION 11. IC 7.1-5-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) **Except as provided in IC 7.1-3-26**, it is unlawful for a person in the business of selling alcoholic beverages in ~~another state or country~~ **Indiana or outside Indiana** to ship or cause to be shipped an alcoholic beverage directly to ~~an Indiana resident~~ **a person in Indiana** who does not hold

a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 12. IC 7.1-5-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. ~~Transportation of Unowned Goods Limited.~~ It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title. This section shall not apply to the shipment of an alcoholic beverage from another state in continuous transit through this state into another state unless the shipment is intended to evade a provision of this title. This section shall not prohibit a person, other than permittee, from bringing into this state a quantity of liquor or wine not exceeding ~~one (1) quart~~ **eighteen (18) liters** if ~~he~~ **the person** is a traveler in the ordinary course of travel and if it is not intended for sale to another person."

Page 5, after line 1, begin a new paragraph and insert:

"SECTION 14. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1190 as printed January 24, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1257, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 5, delete lines 27 through 35, begin a new line block indented and insert:

"proprietary educational institution has not been convicted of a felony.

(9) The owner or chief administrator of the postsecondary proprietary educational institution has not been the owner or chief administrator of a postsecondary proprietary institution that has had its accreditation revoked or has been closed involuntarily in the five (5) year period preceding the application for accreditation. However, if the owner or chief administrator of the postsecondary proprietary educational institution has been the owner or chief administrator of a postsecondary proprietary educational institution that has had its accreditation revoked or has been closed involuntarily more than five (5) years before the application for accreditation, the commission may issue full accreditation at the commission's discretion."

(Reference is to HB 1257 as reprinted January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Engrossed House Bill 1418, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 15, delete "acceptable to" and insert **"that complies with"**.

Page 1, line 15, delete "inspector." and insert **"standards adopted by the county executive."**

(Reference is to HB 1418 as printed January 20, 2006.) and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1261, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 12, delete lines 27 to 42.

Delete pages 13 through 15.

Page 16, delete lines 1 through 14.

Page 24, between lines 5 and 6, begin a new line block indented and insert:

**"(30) to promote and foster community revitalization through community services and real estate development;
(31) to coordinate and establish linkages between governmental and other social services programs to ensure the effective delivery of services to low income individuals;
(32) to cooperate with local housing officials and plan commissions in the development of projects that the officials or commissions have under consideration;
(33) to take actions necessary to implement its powers that the authority determines to be appropriate and necessary to ensure the availability of state or federal financial assistance;
and
(34) to administer any program or money designated by the state or available from the federal government or other sources that is consistent with the authority's powers and duties."**

Page 24, delete lines 6 through 42.

Page 25, delete lines 1 through 39.

Page 39, line 21, after "assistance" insert **"to a heating assistance program administered"**.

Page 39, line 21, delete "IC 4-4-34" and insert **"IC 4-4-33"**.

Page 39, line 24, after "merchant" insert **"to a heating assistance program administered"**.

Page 39, line 24, delete "IC 4-4-34" and insert **"IC 4-4-33"**.

Page 42, line 32, after "assistance" insert **"to a heating assistance program administered"**.

Page 42, line 32, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Page 42, line 40, after "assistance" insert "**from a heating assistance program administered**".

Page 42, line 40, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Page 48, line 13, after "for" insert "**heating**".

Page 48, line 14, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Page 48, line 21, after "governor" insert ".".

Page 48, line 21, delete "under IC 4-4-34".

Page 48, line 27, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Page 48, line 31, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Page 48, line 34, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Page 48, line 40, delete "IC 4-4-34" and insert "**IC 4-4-33**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1261 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1227, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-15-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The commission shall meet in rooms provided by the personnel department and assume the duties of office. Three (3) members of the commission shall constitute a quorum for the transaction of business, and a majority of votes cast shall be required for the adoption or approval of any official action. The commission shall elect one (1) of the members as the chairman and another member as vice-chairman and the persons so elected shall hold office for one (1) year and until their successors are elected and qualified. The commission shall hold such regular and special meetings each year as it may prescribe by rule or resolution, shall meet on the call of the chairman, and shall hold at least one (1) meeting each month. ~~Such clerical and staff assistance as is needed by the commission shall be provided through the state director of personnel.~~

SECTION 2. IC 4-15-1.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The appeals commission shall be totally separate and independent of the personnel board. **To ensure the independence of the commission as required by this chapter, appropriations to support the staff and other assistance needed to operate the commission must be made in a separate line item in the budget.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1227 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1029, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete page 2.

Page 3, delete lines 1 through 7, begin a new paragraph and insert: "SECTION 1. IC 5-1.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The bank may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this article, including:

(1) the purchase or acquisition of securities;

(2) the making of loans to or agreements with qualified entities through the purchase of securities;

(3) the payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the bonds or notes or interest to be paid, funded, or refunded have or have not become due; ~~and~~

(4) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bank incident to and necessary or convenient to carry out its corporate purposes and powers; **and**

(5) the acquisition of school buses to be leased or sold to school corporations (as defined in IC 36-1-2-17).

(b) Except as otherwise provided in this article or by the board, every issue of bonds or notes shall be general obligations of the bank payable out of the revenues or funds of the bank, subject only to agreements with the holders of a particular series of bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States, a qualified entity, or a person or a pledge of income or revenues, funds, or money of the bank from any source.

(c) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except:

(1) bonds or notes issued to fund or refund bonds or notes; and

(2) bonds or notes issued for the purpose of purchasing an agreement executed by a qualified entity under IC 21-1-5;

may not exceed one billion dollars (\$1,000,000,000) for qualified entities described in IC 5-1.5-1-8(1) through IC 5-1.5-1-8(4) and IC 5-1.5-1-8(8) through IC 5-1.5-1-8(11).

(d) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except bonds or notes issued to fund or refund bonds or notes, may not exceed two hundred million dollars (\$200,000,000) for qualified entities described in IC 5-1.5-1-8(5) through IC 5-1.5-1-8(6).

(e) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except bonds or notes issued to fund or refund bonds or notes, may not exceed thirty million dollars (\$30,000,000) for qualified entities described in IC 5-1.5-1-8(7).

(f) The limitations contained in subsections (c), (d), and (e) do not apply to bonds, notes, or other obligations of the bank if:

(1) the bonds, notes, or other obligations are not secured by a reserve fund under IC 5-1.5-5; or

(2) funds and investments, and the anticipated earned interest on those funds and investments, are irrevocably set aside in amounts sufficient to pay the principal, interest, and premium on the bonds, notes, or obligations at their respective maturities or on the date or dates fixed for redemption.

SECTION 2. IC 5-1.5-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Every qualified entity is authorized and empowered to contract with the bank with respect to the loan or purchase of its securities, and the contracts shall contain the terms and conditions of the loan or purchase and may be in any form agreed to by the bank and the qualified entity, including a customary form of bond ordinance or resolution. Every qualified entity is authorized and empowered to pay fees and charges required to be paid to the bank for its services.

(b) Notwithstanding any statute applicable to or constituting any limitation on the sale of bonds or notes or on entry into an agreement, any qualified entity may sell its securities to the bank, without limitation as to denomination, at a private sale at such price or prices as may be determined by the bank and the qualified entity.

(c) Notwithstanding any law that applies to or constitutes a limitation on the leasing or disposition of materials or other property, **and subject to subsection (d)**, any qualified entity, or any purchasing agency (as defined in IC 5-22-2-25) of a qualified entity, may:

(1) assign or sell a lease **or purchase contract** for property to the bank; ~~or~~

(2) enter into a lease **or purchase contract** for property with the bank; **or**

(3) **buy property from or sell property to the bank;**

at any price and under any other terms and conditions as may be determined by the bank and the qualified entity. ~~However,~~

(d) **This subsection does not apply to a school corporation that buys or leases a school bus from the bank under IC 5-1.5-4-1(a)(5).** Before ~~making taking~~ an assignment or sale of a lease or entering into a lease action described under this subsection (c)(1) through (c)(3) that would otherwise be subject to IC 5-22, ~~the~~ a qualified entity or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to **the sale, purchase contract, or the lease** from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22."

Page 3, line 8, delete "IC 6-3-2-20" and insert "IC 6-3-3-12".

Page 3, line 10, delete "20. (a) Each taxable year, an individual" and insert "**12. (a) As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.**

(b) **As used in this section, "taxpayer" means:**

(1) **an individual filing a single return; or**

(2) **a married couple filing a joint return.**

(c) **A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:"**

Page 3, delete lines 11 through 16.

Page 3, line 17, after "(1)" insert "**Twenty percent (20%) of**".

Page 3, line 17, after "amount of" delete "the" and insert "**each**".

Page 3, line 17, delete "individual" and insert "**taxpayer to a college choice 529 education savings plan**".

Page 3, line 18, delete "; or" and insert ".".

Page 3, line 19, delete "two" and insert "**One**".

Page 3, line 19, delete "(\$2,000)." and insert "**(\$1,000).**

(3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(d) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

(e) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

(f) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section."

Page 3, delete lines 20 through 42.

Delete pages 4 through 14.

Page 15, delete lines 1 through 6.

Page 15, line 7, delete "IC 6-3-2-20," and insert "**IC 6-3-3-12,**".

Page 15, delete lines 10 through 22.

Renumber all SECTIONS consecutively.

(Reference is to HB 1029 as reprinted February 2, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 3.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1155, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

(1) the prevention or reduction of criminal offenses;

(2) the enforcement of criminal law;

(3) the apprehension, prosecution, and defense of persons accused of crimes;

(4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and

(5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

(1) the prevention or reduction of juvenile delinquency;

(2) the apprehension and adjudication of juvenile offenders;

(3) the disposition of juvenile offenders including protective techniques and practices;

(4) the prevention of child abuse and neglect; and

(5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- ~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.**
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.
- ~~(12) Prescribe or approve forms as required under IC 5-2-12.~~
- ~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~
- ~~(14)~~ **(12)** Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- ~~(2) establish and maintain support~~ **the Indiana sex and violent offender directory registry** under ~~IC 5-2-12~~; **IC 11-8-8**;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~; **IC 11-8-8**.
- (3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, ~~a law enforcement agencies~~ **agency** shall release ~~or allow inspection of~~ a limited criminal history to ~~or allow inspection of a limited criminal history by~~ noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;

- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;
- (12) is being sought by the parent locator service of the child support bureau of the division of family and children;
- (13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12; IC 11-8-8~~; or
- (14) has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b)).
 - (E) Possession of child pornography (IC 35-42-4-4(c)).
 - (F) Vicarious sexual gratification (IC 35-42-4-5).
 - (G) Child solicitation (IC 35-42-4-6).
 - (H) Child seduction (IC 35-42-4-7).
 - (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
 - (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).
- (c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency

has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.
- (b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:
 - (1) has been requested; and
 - (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana sex and violent offender directory registry** under ~~IC 5-2-6 IC 11-8-8~~ or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12; IC 11-8-8~~.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:
 - (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4 IC 11-8-8-5~~ if committed by an adult; and
 - (B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12; IC 11-8-8~~.

SECTION 8. IC 10-13-6-10, AS AMENDED BY P.L.142-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies to the following:

- (1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):
 - (A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or
 - (B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.
- (2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or

IC 35-43-2-1 if the felony had been in effect:

(A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:

(A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or

(B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; ~~or~~

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation; ~~or~~

(3) agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27.

A person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

SECTION 9. IC 10-13-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the:

(1) county sheriff or designee of the county sheriff under section 10(b)(2) of this chapter; ~~or~~

(2) supervising agency or designee of the supervising agency under section 10(b)(3) of this chapter.

The superintendent shall provide each county sheriff ~~and supervising agency~~ with the guidelines issued under this subsection. A county sheriff ~~and supervising agency~~ shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) ~~or 10(b)(3)~~ of this chapter in one (1) or more counties until the earlier of the following:

(1) A date set by the superintendent.

(2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) ~~or 10(b)(3)~~ of this chapter or terminates a delay under section 10(b)(2) ~~or 10(b)(3)~~ of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 10. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 12. The department shall do the following:**

(1) Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.

(2) Prescribe and approve a format for sex offender registration as required by IC 11-8-8.

(3) Provide:

(A) judges;

(B) law enforcement officials;

(C) prosecuting attorneys;

(D) parole officers;

(E) probation officers; and

(F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) Upon request of a neighborhood association:

(A) transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or

(B) provide instructional materials concerning the use of the Indiana sex offender registry to the neighborhood association.

SECTION 11. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) The Indiana sex offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.**

(b) The department shall do the following:

(1) Ensure that the Indiana sex offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).

(2) Publish the Indiana sex offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex offense or has been adjudicated a delinquent child for an act that would be a sex offense if committed by an adult."

SECTION 12. IC 11-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

(1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.

(2) Information relating to a pending investigation of alleged criminal activity or other misconduct.

(3) Information which, if disclosed, might result in physical harm to that person or other persons.

(4) Sources of information obtained only upon a promise of confidentiality.

(5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;
- (2) to employees of the department who need the information in the performance of their lawful duties;
- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;
- (4) to the governor or the governor's designee;
- (5) for research purposes in accord with IC 4-1-6-8.6(b);
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; or
- (7) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

- (1) A provider of sex offender management, treatment, or programming.
- (2) A provider of mental health services.
- (3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

SECTION 13. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 8. Sex Offender Registration

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

Sec. 2. As used in this chapter, "local law enforcement authority" means the:

- (1) chief of police of a consolidated city; or
- (2) sheriff of a county that does not contain a consolidated city.

Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender.

Sec. 4. As used in this chapter, "register" means to provide a local law enforcement authority with the information required under section 8 of this chapter.

Sec. 5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).
- (14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13).
- (15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

- (1) a person who is required to register as a sex offender in any jurisdiction; and
- (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

- (1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:
 - (A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.
 - (B) The sex offender owns real property in Indiana and returns to Indiana at any time.
- (2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:
 - (A) exceeding fourteen (14) consecutive days; or
 - (B) for a total period exceeding thirty (30) days; during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority of each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority of the county where the sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority of each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority of the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under those provisions.

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex offender is required to

register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of a sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of a consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and
- (2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration.

Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or

tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.

(2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.

(3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex offender.

(5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.

(6) If the sex offender is required to register for life, that the sex offender is required to register for life.

(7) Any other information required by the department.

Sec. 9. (a) Not more than seven (7) days before an Indiana sex offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.

(2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.

(3) Obtain the address where the sex offender expects to reside after the sex offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside of the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.

(b) Not more than seventy-two (72) hours after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex offender's fingerprints, photograph, and identification factors.

(2) The address where the sex offender expects to reside after the sex offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.

(4) Information regarding the sex offender's past treatment for mental disorders.

(5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation or in a community corrections program without confining the sex offender in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties required under subsections (a) and (b).

Sec. 10. Notwithstanding any other law, upon receiving a sex offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana; the sex offender shall register not more than seventy two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered.

(b) If the sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

(d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex offender moves the sex offender's residence, place of employment, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and
- (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration in subdivision (1).

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.

Sec. 13. (a) To verify a sex offender's current residence, the local law enforcement authority shall do the following:

- (1) Mail a reply form to each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (2) Mail a reply form to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;

- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority; in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

Sec. 16. (a) A sex offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex offender who is required to register under this chapter changes the sex offender's name due to marriage, the sex offender must register with the local law enforcement authority not more than seven (7) days after the name change.

Sec. 17. A sex offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 19. (a) Except as provided in subsections (b) and (c), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life.

Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of:

- (1) the sex offender's name, date of relocation, and new address; and
- (2) the sex offense or delinquent act committed by the sex offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
- (2) whether an out of state sex offender is a sexually violent predator; and
- (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex

offender in Indiana.

SECTION 14. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department

with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
- (2) The date of the offense.
- (3) The date of the conviction.
- (4) The felony of which the prisoner was convicted.
- (5) The sentence imposed.
- (6) The amount of time served.
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) nature and circumstances of the crime for which the offender is committed;
- (2) offender's prior criminal record;
- (3) offender's conduct and attitude during the commitment; and
- (4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
- (5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and
- (2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 15. IC 11-13-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) to:

- (A) participate in a treatment program for sex offenders approved by the parole board; and
- (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

- (i) receives the parole board's approval; or
- (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

- (A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) to register with a ~~sheriff (or the police chief of a consolidated city)~~ **under IC 5-2-12-5; local law enforcement authority under IC 11-8-8;**

- (B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, unless the sex offender obtains written approval from the parole board; ~~and~~

- (C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense unless the sex offender obtains a waiver under IC 35-38-2-2.5; **and**

(D) prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, even if the sex offender obtains a waiver under IC 35-38-2-2.5.

(i) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 16. IC 11-13-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ victims' rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1)~~ IC 11-8-8-5.

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for

supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

SECTION 17. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:
 - (A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1; has been filed in relation to the child;

(7) proper consent, if consent is necessary, to the adoption has been given;

(8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and

(9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ **a sex offender** (as defined in ~~IC 5-2-12-4~~; **IC 11-8-8-5**).

SECTION 18. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

(1) Order supervision of the child by:

- (A) the probation department; or
- (B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-5** require a child who is adjudicated a delinquent child for an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12~~; **IC 11-8-8**.

(2) Order the child to receive outpatient treatment:

- (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
- (B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 19. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~; **IC 11-8-8-5**, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

- (1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and
- (2) committed an act that, if committed by an adult, would be:
 - (A) murder (IC 35-42-1-1);
 - (B) kidnapping (IC 35-42-3-2);
 - (C) rape (IC 35-42-4-1);
 - (D) criminal deviate conduct (IC 35-42-4-2); or
 - (E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 20. IC 35-38-1-7.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this section, "sexually violent predator" ~~has the meaning set forth in IC 5-2-12-4.5~~; **means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in IC 11-8-8-4. The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under**

IC 11-8-8-20.**(b) A person who:****(1) commits an offense described in:**

- (A) IC 35-42-4-1;**
- (B) IC 35-42-4-2;**
- (C) IC 35-42-4-3;**
- (D) IC 35-42-4-5(a)(1);**
- (E) IC 35-42-4-5(a)(2);**
- (F) IC 35-42-4-5(a)(3); or**
- (G) IC 35-42-4-5(b)(2); or**

(2) commits an offense described in IC 11-8-8-4 while having a previous unrelated conviction for an offense described in IC 11-8-8-4 for which the person is required to register as an offender under IC 11-8-8;**is a sexually violent predator.**

~~(b)~~ **(c)** This section applies whenever a court sentences a person for a sex offense listed in ~~IC 5-2-12-4(a)(1) through IC 5-2-12-4(a)(10)~~ **IC 11-8-8-4** for which the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**.

~~(c)~~ **(d)** At the sentencing hearing, the court shall determine whether the person is a sexually violent predator ~~Before making a determination under this section, the court shall under subsection (b).~~

(e) If the court does not find the person to be a sexually violent predator under subsection (b), the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders **to determine if the person is a sexually violent predator under subsection (a).**

~~(d)~~ **(f)** If the court finds that a person is a sexually violent predator:

- (1) the person is required to register with the sheriff (or the police chief of a consolidated city) local law enforcement authority as provided in IC 5-2-12-13(b); IC 11-8-8; and**
- (2) the court shall send notice of its finding under this subsection to the criminal justice institute; department of correction.**

~~(e)~~ **(g)** A person who is found by a court to be a sexually violent predator under subsection ~~(e)~~ **(e)** may petition the court to consider whether the person is no longer a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after the sentencing court makes its finding under subsection ~~(e)~~ **(e)**. A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person is no longer a sexually violent predator, the court shall send notice to the ~~Indiana criminal justice institute~~ **department of correction** that the person is no longer considered a sexually violent predator.

SECTION 21. IC 35-38-1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. **(a) If a court imposes a sentence that does not involve a commitment to the department of correction, the court shall require a person:**

- (1) convicted of an offense described in IC 10-13-6-10; and**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6;**

to provide a DNA sample as a condition of the sentence.

(b) If a person described in subsection (a) is confined at the time of sentencing, the court shall order the person to provide a DNA sample immediately after sentencing.

(c) If a person described in subsection (a) is not confined at the time of sentencing, the agency supervising the person after sentencing shall establish the date, time, and location for the person to provide a DNA sample. However, the supervising agency must require that the DNA sample be provided not more than seven (7) days after sentencing. A supervising agency's failure to obtain a DNA sample not more than seven (7) days after sentencing does not permit a person required to provide a DNA sample to challenge the requirement that the person provide a DNA sample at a later date.

(d) A person's failure to provide a DNA sample is grounds for revocation of the person's probation, community corrections placement, or other conditional release.

SECTION 22. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of probation for ~~an~~ **a sex** offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**), the court shall:

- (1) require the sex offender to register with the sheriff (or the police chief of a consolidated city) local law enforcement authority under IC 5-2-12-5; IC 11-8-8; and**
- (2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.**

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

SECTION 23. IC 35-38-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. **(a) As a condition of probation, the court may require a person to do a combination of the following:**

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.**
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.**
- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.**
- (4) Support the person's dependents and meet other family responsibilities.**
- (5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.**
- (6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.**
- (7) Pay a fine authorized by IC 35-50.**
- (8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.**
- (9) Report to a probation officer at reasonable times as directed by the court or the probation officer.**

- (10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (13) Perform uncompensated work that benefits the community.
- (14) Satisfy other conditions reasonably related to the person's rehabilitation.
- (15) Undergo home detention under IC 35-38-2.5.
- (16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
- (A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or
 - (B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).
- (17) Refrain from any direct or indirect contact with an individual.
- (18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).
- (19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.
- (20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:
- (A) may not exceed an amount the person can or will be able to pay;
 - (B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and
 - (C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.
- (21) Refrain from owning, harboring, or training an animal.
- (b) When a person is placed on probation, the person shall be given a written statement specifying:
- (1) the conditions of probation; and
 - (2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:
 - (A) One (1) year after the termination of probation.
 - (B) Forty-five (45) days after the state receives notice of the violation.
- (c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.
- (d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:
- (1) the term of imprisonment;
 - (2) the days or parts of days during which a person is to be confined; and
 - (3) the conditions.
- (e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.
- (f) When a court imposes a condition of probation described in subsection (a)(17):
- (1) the clerk of the court shall comply with IC 5-2-9; and
 - (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.
- (g) As a condition of probation, a court shall require a person:**
- (1) convicted of an offense described in IC 10-13-6-10;**
 - (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
 - (3) whose sentence does not involve a commitment to the department of correction;**
- to provide a DNA sample as a condition of probation.**
- SECTION 24. IC 35-38-2-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) to:
- (1) participate in a treatment program for sex offenders approved by the court; and
 - (2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:
 - (A) receives the court's approval; or
 - (B) successfully completes the treatment program referred to in subdivision (1).
- SECTION 25. IC 35-38-2-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.
- (b) As used in this section, "sex offense" means any of the following:
- (1) Rape (IC 35-42-4-1).
 - (2) Criminal deviate conduct (IC 35-42-4-2).
 - (3) Child molesting (IC 35-42-4-3).
 - (4) Child exploitation (IC 35-42-4-4(b)).
 - (5) Vicarious sexual gratification (IC 35-42-4-5).

- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:

- (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
- (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:

- (1) court, if the offender is placed on probation; or
- (2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
- (2) the offender is in compliance with all terms of the offender's probation or parole; and
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) The address of the victim of the offender's sex offense is confidential, even if the court or parole board grants a waiver under subsection (f).

SECTION 26. IC 35-38-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.6. (a) As a condition of remaining on probation or parole after a conviction for stalking (IC 35-45-10-5), a court may prohibit a person from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.**

(b) A person:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the

address where the person intends to reside during the period of probation:

(A) at the time of sentencing if the person will be placed on probation without first being incarcerated; or

(B) before the person's release from incarceration if the person will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the person intends to reside during the period of parole.

(c) A person, while on probation or parole, may not reside within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver under subsection (d) from the:

(1) court, if the person is placed on probation; or

(2) parole board, if the person is placed on parole.

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

(1) the person is in compliance with all terms of the person's probation or parole; and

(2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the stalking.

(e) If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).

SECTION 27. IC 35-38-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.** An order for home detention of an offender under section 5 of this chapter must include the following:

(1) A requirement that the offender be confined to the offender's home at all times except when the offender is:

(A) working at employment approved by the court or traveling to or from approved employment;

(B) unemployed and seeking employment approved for the offender by the court;

(C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;

(D) attending an educational institution or a program approved for the offender by the court;

(E) attending a regularly scheduled religious service at a place of worship; or

(F) participating in a community work release or community restitution or service program approved for the offender by the court.

(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under IC 35-44-3-5.

(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender

may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

(A) a working telephone in the offender's home; and

(B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

provide a DNA sample.

SECTION 28. IC 35-38-2.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement. **A court shall require a person:**

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 29. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence; analysis; or~~

(2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence analysis~~ by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002:~~

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3(a) (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

(1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~

(2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or

(3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

(1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.

(2) The date of issuance of a valid arrest warrant.

(3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 30. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.**

(b) A sexually violent predator who knowingly or intentionally works for compensation or as a volunteer:

- (1) on school property;**
- (2) at a youth program center; or**
- (3) at a public park;**

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under this chapter.

SECTION 31. IC 35-42-4-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) As used in this section, "offender against children" means a person required to register as an offender under IC 11-8-8 who has been:**

- (1) found to be a sexually violent predator under IC 35-38-1-7.5; or**
- (2) convicted of one (1) or more of the following offenses:**
 - (A) Child molesting (IC 35-42-4-3).**
 - (B) Child exploitation (IC 35-42-4-4(b)).**
 - (C) Child solicitation (IC 35-42-4-6).**
 - (D) Child seduction (IC 35-42-4-7).**
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.**
 - (F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).**

(b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

- (1) resides within one thousand (1,000) feet of:**
 - (A) school property;**
 - (B) a youth program center; or**
 - (C) a public park; or**
- (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;**

commits a sex offender residency offense, a Class D felony.

SECTION 32. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) A person who:**

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or**
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;**

commits criminal mischief, a Class B misdemeanor. However, the offense is:

- (A) a Class A misdemeanor if:**
 - (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars**

(\$2,500);

- (ii) the property damaged was a moving motor vehicle;**
- (iii) the property damaged or defaced was a copy of the sex and violent offender directory (~~IC 5-2-6-3~~) contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is not a sex offender or was not required to register as a sex offender;**
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;**
- (v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;**
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or**
- (vii) the property damage or defacement was caused by paint or other markings; and**

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);**
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;**
- (iii) the damage is to a public record;**
- (iv) the property damaged or defaced was a copy of the sex and violent offender directory (~~IC 5-2-6-3~~) contained data relating to a person required to register as a sex offender under IC 11-8-8 and the person is a sex offender or was required to register as a sex offender;**
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;**
- (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or**
- (vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.**

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship;**
- (2) a school or community center;**
- (3) the grounds:**
 - (A) adjacent to; and**
 - (B) owned or rented in common with;**

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or

invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

- (1) the person has removed or painted over the graffiti or has made other suitable restitution; and
- (2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 33. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 11-8-8-4 that was committed by the person commits a Class D felony if, at the time of the violation:**

- (1) the person's lifetime parole has been revoked two (2) or more times; or**
- (2) the person has completed the person's sentence, including any credit time the person may have earned.**

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 34. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a)** The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.
- (4) The felony committed was:
 - (A) murder (IC 35-42-1-1);
 - (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;

- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

- (P) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

- (Q) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

- (R) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

- (S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 35. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

- (1) it has been set aside; or
- (2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 36. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) **or (e)**, when a person imprisoned for a felony completes ~~his the person's~~ fixed term of imprisonment, less the credit time ~~he the person~~ has earned with respect to that term, ~~he the person~~ shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if ~~his the~~ sentence included a period of probation.

(b) ~~Except as provided in subsection (d),~~ **This subsection does not apply to a person described in subsection (d), (e), or (f).** A person released on parole remains on parole from the date of ~~his~~ release until ~~his the person's~~ fixed term expires, unless ~~his the person's~~ parole is revoked or ~~he the person~~ is discharged from that term by the parole board. In any event, if ~~his the person's~~ parole is not revoked, the parole board shall discharge ~~him the person~~ after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part** of the remainder of ~~his the person's~~ fixed term. However, ~~he the person~~ shall again be released on parole when ~~he the person~~ completes that remainder, less the credit time ~~he the person~~ has earned since the revocation. The parole board may reinstate ~~him the person~~ on parole at any time after the revocation.

(d) **This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.** When ~~an offender a sex offender~~ (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-4**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) **This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5. When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.**

(f) **This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:**

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) **If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:**

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to

supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 37. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he~~ **the person** has earned for any of the following:

(1) A violation of one (1) or more rules of the department of correction.

(2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.

(3) A violation of one (1) or more rules or conditions of a community transition program.

(4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.

(5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.

(6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine ~~his~~ **the person's** guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive ~~his~~ **the person's** right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 38. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain ~~a~~ **an Indiana** sex offender web site, known as the Indiana ~~sheriffs'~~ sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least ~~every seven (7) days~~ **daily**.

(b) The **Indiana** sex offender web site must include the following information:

(1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.

(2) The home address of every sex offender.

(3) The information required to be included in the **Indiana** sex offender ~~directory (IC 5-2-12-6)~~ **registry under IC 11-8-8-8**.

(c) Every time a sex offender ~~submits a new registration form to the sheriff registers~~, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the **Indiana** sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

(1) The photograph must be full face, front view, with a plain white or off-white background.

(2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.

(3) The photograph must be in color.

(4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.

(5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.

(6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

(1) the jail commissary fund (IC 36-8-10-21);

(2) a grant from the criminal justice institute; and

(3) any other source, subject to the approval of the county fiscal body.

SECTION 39. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 40. [EFFECTIVE JULY 1, 2006] **IC 11-8-8-15, IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-10, and IC 35-42-3-11, all as added by this act, and IC 35-43-1-2, and IC 35-44-3-13, both as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 41. [EFFECTIVE JULY 1, 2006] **IC 35-50-6-1, as amended by this act, applies only to a person who commits a crime after June 30, 2006.**

SECTION 42. [EFFECTIVE UPON PASSAGE] (a) **The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.**

(b) This SECTION expires July 1, 2007.

SECTION 43. [EFFECTIVE JULY 1, 2006] (a) **The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for child molesters. The report must include information relating to:**

(1) the expense of lifetime parole and GPS monitoring;

(2) recidivism; and

(3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires November 2, 2010.

SECTION 44. [EFFECTIVE JULY 1, 2006] Notwithstanding IC 10-13-6-10, IC 10-13-6-11, IC 35-38-2-2.3, IC 35-38-2.5-6, and IC 35-38-2.6-3, all as amended by this act, and IC 35-38-1-27, as added by this act, a probation department, community corrections department, or other agency supervising an offender on conditional release is not required to collect a DNA sample before October 1, 2006. However, a probation department, community corrections department, or other agency supervising an offender on conditional release is authorized to collect a DNA sample before October 1, 2006, and a DNA sample collected before October 1, 2006, may be analyzed and placed in the convicted offender data base.

SECTION 45. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) ensure that sentencing laws and policies protect the public safety;**
- (2) establish fairness and uniformity in sentencing laws and policies;**
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and**
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.**

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;**
- (2) the availability of sentencing options; and**
- (3) the inmate population in department of correction facilities.**

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

- (1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:**

- (A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.**
- (B) The deterrent effect a particular classification may have on the commission of the offense.**
- (C) The current incidence of the offense in Indiana.**
- (D) The rights of the victim.**

- (2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:**

- (A) The nature and characteristics of the offense.**
- (B) The severity of the offense in relation to other offenses.**
- (C) The characteristics of the defendant that mitigate or**

aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.

(D) The defendant's number of prior convictions.

(E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.

(F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and**
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.**

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based on the following:

- (A) A review of existing community corrections programs.**
- (B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.**
- (C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.**
- (D) The identification of necessary changes in state oversight and coordination of community corrections programs.**
- (E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.**
- (F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.**

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

- (A) lifetime parole;**
- (B) GPS or other electronic monitoring;**
- (C) a classification system for sex offenders;**
- (D) recidivism; and**
- (E) treatment.**

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. The committee may meet as often as necessary.

(f) The committee consists of nineteen (19) members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The chief justice of the supreme court or the chief justice's designee.

(4) The commissioner of the department of correction or the commissioner's designee.

(5) The director of the Indiana criminal justice institute or the director's designee.

(6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(7) The executive director of the public defender council of Indiana or the executive director's designee.

(8) One (1) person with experience in administering community corrections programs, appointed by the governor.

(9) One (1) person with experience in administering probation programs, appointed by the governor.

(10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 46. An emergency is declared for this act.

(Reference is to HB 1155 as reprinted February 1, 2006.)
and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1080, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "Before January 1, 2007, the physical" and insert "**An abortion clinic must meet the following requirements:**

(1) Be constructed, arranged, modified, or maintained to ensure the safety and well being of patients, employees, and visitors to the clinic.

(2) Provide a physical plant and equipment that meet state fire prevention and building safety codes or rules established by the fire prevention and building safety commission or the state department.

(3) Provide a safe and healthy environment that minimizes infection exposure and risk to patients, employees, and visitors to the clinic.

(b) The state department shall inspect an abortion clinic at least one (1) time per calendar year."

Page 1, delete lines 4 through 17.

Delete pages 2 through 4.

(Reference is to HB 1080 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1329, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 37, delete "or a recipient who has a".

Page 2, line 38, delete "known family history of kidney disease".

Page 2, line 38, delete "the following:".

Page 2, delete lines 39 through 41.

Page 2, line 42, delete "(2) Education" and insert "**education**".

Page 2, run in lines 38 through 42.

(Reference is to HB 1329 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1172, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 16 through 31.

Page 3, line 3, delete "available" and insert **"available, that there are many couples who are willing and waiting to adopt a child,"**.

Page 3, delete lines 8 through 9.

(Reference is to HB 1172 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1362, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete line 42, begin a new paragraph and insert:

"Sec. 2. This article contains full and complete authority for the following:

(1) Reorganization of political subdivisions.

(2) Exercise of governmental functions under a cooperative agreement under this article.

(3) Transfer of responsibilities between offices and officers under this article."

Page 3, delete line 1.

Page 3, line 6, delete "to reorganize under this article." and insert **"to:**

(1) reorganize;

(2) exercise governmental functions under a cooperative agreement; or

(3) transfer responsibilities between offices and officers; under this article."

Page 3, delete lines 17 through 19, begin a new paragraph and insert:

"Sec. 7. This article does not prohibit the:

(1) reorganization of one (1) or more political subdivisions;

(2) exercise of governmental functions under a cooperative agreement; or

(3) transfer of responsibilities between offices and officers; under another law that is not included in this article."

Page 3, between lines 21 and 22, begin a new paragraph and insert:

"Sec. 9. Political subdivisions and reorganization committees acting under this article are subject to IC 5-14-1.5 (open door law) and IC 5-14-3 (public records law)."

Page 5, line 9, after "1." insert **"(a)"**.

Page 5, line 13, delete "." and insert **"located entirely within the same county."**

Page 5, line 36, delete "and the" and insert **"and a"**.

Page 5, line 36, after "county" insert **"having a population of not more than one hundred seventy thousand (170,000)"**.

Page 5, between lines 37 and 38, begin a new line block indented and insert:

"(10) A municipality and a county:

(A) that has a population of more than one hundred seventy thousand (170,000);

(B) that does not contain a consolidated city; and

(C) in which a majority of the population of the municipality resides."

Page 5, line 38, delete "(10)" and insert **"(11)"**.

Page 5, line 41, delete "(11)" and insert **"(12)"**.

Page 6, between lines 1 and 2, begin a new paragraph and insert:

"(b) If a political subdivision reorganizes under this article with one (1) or more other political subdivisions:

(1) any political subdivisions that did not participate in the public question on the reorganization are not reorganized under this article;

(2) the reorganization affects only those political subdivisions in which the reorganization is approved as specified in this article; and

(3) the reorganization does not affect the rights, powers, and duties of any political subdivisions in the county in which the reorganization is not approved as specified in this article."

Page 6, line 35, after "subdivision" insert **"or (in the case of a reorganization described in section 1(10) of this chapter) by the voters of the entire county"**.

Page 7, line 39, delete "." and insert **", subject to section 40 of this chapter."**

Page 9, line 2, delete "ten percent (10%)" and insert **"five percent (5%)"**.

Page 9, delete line 17.

Page 9, line 18, delete "(2)" and insert **"(1)"**.

Page 9, line 20, delete "(3)" and insert **"(2)"**.

Page 9, delete line 30.

Page 9, line 31, delete "(2)" and insert **"(1)"**.

Page 9, line 33, delete "(3)" and insert **"(2)"**.

Page 9, line 37, delete "(4)" and insert **"(3)"**.

Page 14, line 12, after "subdivisions" delete "." and insert **"or (in the case of a reorganization described in section 1(10) of this chapter) for consideration by the voters of the entire county."**

Page 14, line 29, delete "At" and insert **"(a) Except as provided in subsection (b), at"**.

Page 15, between lines 6 and 7, begin a new paragraph and insert:

"(b) In the case of a public question on a reorganization described in section 1(10) of this chapter:

(1) the vote on the public question shall be tabulated on a countywide basis;

(2) the circuit court clerk shall issue, in a form prescribed by the state election board, a certificate declaring whether the public question is approved by a majority of the voters of the county voting on the public question;

(3) the reorganization is approved if a majority of the voters of the county voting on the public question approve the reorganization; and

(4) it is not required for approval of the reorganization that a majority of the voters of each of the reorganizing political subdivisions approve the reorganization."

Page 15, line 11, after "32." insert **"(a) This subsection does not apply to a reorganization described in section 1(10) of this**

chapter."

Page 15, line 15, delete "township)" and insert "city)".

Page 15, line 16, delete "county)" and insert "township)".

Page 15, between lines 20 and 21, begin a new paragraph and insert:

"(b) This subsection applies only to a reorganization described in section 1(10) of this chapter. The reorganization is approved if a majority of the voters of the county voting on the public question on the reorganization approve the reorganization."

Page 15, line 33, after "reorganization" delete "." and insert "or (in the case of a reorganization described in section 1(10) of this chapter) if a majority of the voters of the entire county approve the public question concerning the reorganization."

Page 17, delete lines 27 through 42, begin a new paragraph and insert:

"Sec. 40. The following apply in the case of a reorganization under this article:

(1) Indebtedness that was incurred by a political subdivision before the reorganization:

(A) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the reorganization; and

(B) must be paid by the taxpayers that were responsible for payment of the indebtedness before the reorganization.

(2) Pension obligations existing as of the effective date of the reorganization:

(A) may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the reorganization; and

(B) must be paid by the taxpayers that were responsible for payment of the pension obligations before the reorganization."

Page 18, delete lines 1 through 34.

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"Chapter 5. Cooperative Agreements and Transfers of Responsibilities

Sec. 1. Notwithstanding any other law, two (2) or more political subdivisions may enter into a cooperative agreement under this chapter by using the same procedures set forth in this article for the initiation and approval of a reorganization under this article. A cooperative agreement under this chapter may be initiated and approved only in the manner set forth in this article for the initiation and approval of a reorganization under this article.

Sec. 2. (a) A cooperative agreement under this chapter must provide at least for the following:

(1) Its duration.

(2) Its purpose.

(3) The manner of financing, staffing, and supplying any joint undertaking and of establishing and maintaining a budget for any joint undertaking that is the subject of the cooperative agreement.

(4) The methods that may be employed in accomplishing the partial or complete termination of the cooperative agreement and for disposing of property upon partial or complete termination of the cooperative agreement.

(5) The manner in which the cooperative agreement is to be administered.

(6) The manner of acquiring, holding, and disposing of real and personal property that is the subject of the cooperative agreement.

(b) A cooperative agreement may include any condition or term that is necessary or appropriate.

Sec. 3. (a) The cooperative agreement may transfer the functions of an employee or a department of a political subdivision, including an elected office, to another employee or department of any political subdivision that has entered into the cooperative agreement.

(b) The functions of an elected office may be transferred only to another elected office.

(c) The cooperative agreement may provide for the abolishment of an elected office that is not required by the Constitution of the State of Indiana.

Sec. 4. A political subdivision may enter into a cooperative agreement with an entity to share the services of an employee employed by any party to the agreement.

Sec. 5. A cooperative agreement may provide that a political subdivision:

(1) may appropriate and pledge any legally available revenues to the payment of the bonds, leases, or other obligations of another political subdivision that is a party to the cooperative agreement; and

(2) will appropriate legally available revenues for any other payment under the cooperative agreement;

if the political subdivision's fiscal body finds that it is necessary, desirable, and in the best interests of the residents of that political subdivision.

Sec. 6. (a) A cooperative agreement may not permit an entity or another instrumentality established to administer the cooperative agreement to take any action that at least one (1) of the parties to the cooperative agreement could not carry out on its own.

(b) A cooperative agreement may permit the transfer of money from one (1) fund of a political subdivision for a use authorized by the cooperative agreement.

Sec. 7. (a) A cooperative agreement transferring the functions of an elected office becomes effective only at the end of the term of the incumbent that holds the office.

(b) Any law, rule, or agreement that requires or permits an action by an employee or elected officer after the functions of the employee or elected officer are transferred shall be treated as referring to the employee or elected officer to which the functions have been transferred by the cooperative agreement.

Sec. 8. The department of local government finance shall adjust as necessary tax rates, tax levies, and budgets of political subdivisions that enter into a cooperative agreement under this chapter in the same manner as tax rates, tax levies, and budgets are adjusted under IC 36-1.5-3 for reorganizing political subdivisions."

(Reference is to HB 1362 as reprinted January 24, 2006.) and when so amended that said bill do pass.

Committee Vote: Yeas 6, Nays 5.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1281, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 20, after "who" insert ", **in a rude, angry, or insolent manner,**".

(Reference is to HB 1281 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Engrossed House Bill 1420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Page 1, line 2, delete "An" and insert "**(a) Except as provided in subsection (b),** an".

Page 1, line 6, delete ", other than" and insert ";".

Page 1, line 7, delete "health benefits provided by the employer;".

Page 1, run in lines 6 and 7.

Page 1, after line 11, begin a new paragraph and insert:

"(b) An employer may implement financial incentives:

(1) intended to reduce tobacco use; and

(2) related to employee health benefits provided by the employer."

(Reference is to HB 1420 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1123, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 2, line 3, delete "nine (9)" and insert "**ten (10)**".

Page 2, line 14, delete "collection." and insert "**collection recommended by the Indiana chapter of the International Association of Forensic Nurses.**".

Page 2, between lines 17 and 18, begin a new line block indented and insert:

"(10) A member who is a physician (as defined in

IC 25-22.5-1-1.1) with experience in examining sexually abused children."

Page 2, line 20, after "members" insert "**appointed under subsection (c)(1) through (c)(10)**".

Page 2, line 22, delete "The board shall meet at the call".

Page 2, delete line 23.

Page 2, line 24, delete "Five (5)" and insert "**Six (6)**".

Page 3, delete lines 18 through 19.

Page 3, line 20, delete "(l)" and insert "**(k)**".

Page 3, line 23, delete "(m)" and insert "**(l)**".

Page 3, delete lines 25 through 26.

Page 3, line 27, delete "(o)" and insert "**(m)**".

Page 3, line 31, delete "(p)" and insert "**(n)**".

Page 6, line 19, delete "nine (9)" and insert "**ten (10)**".

Page 6, line 23, delete "Two (2)" and insert "**Three (3)**".

(Reference is to HB 1123 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1315, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, after "(a)" insert "**This section does not apply to the Indiana Veterans' Home.**

(b)".

Page 1, line 3, after "IC 16-28" insert "**as a comprehensive care facility**".

Page 1, line 12, delete "(b)" and insert "**(c)**".

Page 1, between lines 13 and 14, begin a new paragraph and insert: "SECTION 2. IC 16-28-11-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. The state department shall disclose, in the department's consumer guide to nursing homes, whether a health facility is:**

(1) fully;

(2) partially; or

(3) not;

equipped with sprinklers.

SECTION 3. IC 16-28-11-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 7. The state department shall disclose the following information in the department's consumer guide to nursing homes:**

(1) Whether a health facility has:

(A) battery operated;

(B) hard wired; or

(C) no;

smoke detectors in each resident's room.

(2) If a health facility has hard wired or wireless smoke detectors in each resident's room, whether the smoke detectors:

(A) provide an unusual and audible signal at the nurses' stations that attend each room; and
(B) transmit to a central station service or connect to the facility's fire alarm system."

Page 2, delete lines 9 through 25.

Renumber all SECTIONS consecutively.

(Reference is to HB 1315 as printed January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1024, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 8, reset in roman "Class D".

Page 1, line 8, delete "Class C".

Page 1, line 11, reset in roman "Class C".

Page 1, line 11, delete "Class B".

Page 1, line 14, delete "or".

Page 1, line 15, strike "and" and insert "**or**".

Page 1, between lines 15 and 16, begin a new line double block indented and insert:

"(C) it results in bodily injury to a person other than the confining or removing person; and".

Page 1, line 16, reset in roman "Class B".

Page 1, line 16, delete "Class A".

(Reference is to HB 1024 as printed January 20, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 1.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1028, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Delete pages 2 through 3.

Page 4, delete lines 1 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1028 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 2.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1176, has had the same

under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

Page 1, line 3, delete "The criminal history data fund is established" and insert "**The department may use the appropriations described in subsection (b) for either or both of the following purposes:**

(1) Operating and maintaining the central repository for criminal history data.

(2) Establishing, operating, or maintaining an electronic log to record the sale of drugs containing ephedrine or pseudoephedrine in accordance with IC 35-48-4-14.7.

(b) If the amount of money that is deposited in the state general fund during a state fiscal year from handgun license fees (as described in IC 35-47-2-4) exceeds one million one hundred thousand dollars (\$1,100,000), the excess is appropriated from the state general fund to the department for the purposes described in subsection (a). An appropriation under this section is subject to allotment by the budget agency."

Page 1, delete lines 4 through 17.

Page 2, delete lines 1 through 8.

Page 6, line 42, delete "as" and insert "**in the state general fund.**".

Page 7, delete lines 1 through 20.

(Reference is to EHB 1176 as printed February 17, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Engrossed House Bill 1414, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Delete pages 2 through 4.

Page 5, delete lines 1 through 40.

Page 19, line 32, delete "is" and insert "**the person knows has been**".

Page 19, line 37, delete "Class B" and insert "**Class C**".

Page 25, after line 4, begin a new paragraph and insert:

"SECTION 13. [EFFECTIVE JULY 1, 2006] (a) The sentencing policy study committee shall study issues related to human and sexual trafficking.

(b) This SECTION expires December 31, 2006."

Renumber all SECTIONS consecutively.

(Reference is to HB 1414 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy,

to which was referred Engrossed House Bill 1099, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

Page 5, delete lines 13 through 14.

Page 6, line 1, after "individuals" insert **"in accordance with rules adopted under section 3.5 of this chapter"**.

Page 7, line 18, delete "(a) After application to" and insert **"The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal or township fire department may grant a permit to a person to sponsor a special discharge location in the municipality or township."**

Page 7, delete lines 19 through 42.

Page 8, delete lines 1 through 33.

Page 11, delete lines 34 through 39, begin a new line block indented and insert:

"(3) an annual registration fee of:

(A) one thousand dollars (\$1,000) for the first location;

(B) five hundred dollars (\$500) for each additional sales location in a tent; and

(C) two hundred dollars (\$200) for each additional sales location in a structure;"

Page 11, line 41, after "be" insert **"collected by the department of state revenue and"**.

Page 12, line 37, delete "8(d)".

Page 12, delete lines 38 through 42, begin a new paragraph and insert:

"(b) A person who ignites, discharges, or uses consumer fireworks other than those described in section 8(a) of this chapter at a site other than:

(1) a special discharge location;

(2) the property of the person; or

(3) the property of another who has given permission to use the consumer fireworks;

commits a Class C infraction. However, if a person takes an action described in this subsection not later than five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(c) A person less than eighteen (18) years of age who:

(1) possesses a:

(A) consumer firework;

(B) novelty; or

(C) trick noisemaker;

other than those set forth in section 8(a) of this chapter; or

(2) uses a consumer firework when an adult is not present and responsible at the location of the use;

commits a Class C infraction. However, if a person possesses as described in subdivision (1) or uses as described in subdivision (2) not later than five (5) years after a previous possession or use by the person as described in this subsection, whether or not there has been a judgment that the person committed an infraction in the previous possession or use, the person commits a Class C misdemeanor.

(d) A person commits a Class A misdemeanor if the person recklessly, knowingly, or intentionally uses consumer fireworks other than those described in section 8(a) of this chapter and the violation causes harm to the property of a person.

(e) A person commits a Class D felony if the person recklessly, knowingly, or intentionally uses consumer fireworks other than those described in section 8(a) of this chapter and the violation results in serious bodily injury to a person.

(f) A person commits a Class C felony if the person recklessly, knowingly, or intentionally uses consumer fireworks other than those described in section 8(a) of this chapter and the violation results in the death of a person.

(g) A person commits a Class D felony if the person knowingly fails to collect or remit to the state the public safety fees due under section 11 of this chapter.

SECTION 8. IC 22-11-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE] 1: Sec. 7. (a) A retailer selling fireworks at one (1) or more temporary stands must obtain a fireworks stand retail sales permit, referred to in this section as a "permit", from the state fire marshal.

(b) An application for a permit must be made before June 1 of each year and must require that at least the following information be supplied by the retailer:

(1) The retailer's retail merchant certificate number or proof of application for a certificate number.

(2) The location of each stand.

The state fire marshal shall, within seven (7) days after the receipt of an application for a permit, either issue the permit or notify the applicant of the denial of the permit.

(c) The retailer must pay to the state fire marshal an annual permit fee set under IC 22-12-6-8. If the state fire marshal approves an application for a permit, he shall issue a permit to the retailer. The permit expires one (1) year after the date of issuance.

(d) The permit shall be posted by the retailer at the stand so that it is easily seen by the public. However, the state fire marshal's issuance of a permit does not constitute approval of the fireworks offered for sale by the retailer. The retailer is responsible for determining that all fireworks which he offers for sale conform to applicable law.

(e) At each stand, the retailer shall provide:

(1) a posted certificate of compliance, including a descriptive list of approved fireworks; and

(2) a supervisor who is at least sixteen (16) years of age.

(f) ~~Fireworks may not be sold at retail from trucks, vans, or automobiles.~~ **a motor vehicle (as defined in IC 9-13-2-105).**

SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person shall not sell at retail, ~~or~~ offer for sale at retail, ~~or deliver~~ any consumer fireworks, novelties, or trick noisemakers ~~to a person less than eighteen (18) years of age~~ other than the following:

(1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.

(2) Cylindrical fountains.

(3) Cone fountains.

(4) Illuminating torches.

(5) Wheels.

(6) Ground spinners.

- (7) Flitter sparklers.
- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

(b) A retailer or wholesaler of consumer fireworks may sell consumer fireworks to a person at least eighteen (18) years of age.

(c) An individual who sells consumer fireworks other than those listed in subsection (a) must be at least eighteen (18) years of age.

(d) The fire prevention and building safety commission may adopt rules under IC 4-22-2 establishing procedures to ensure compliance with the age limitations set forth in this section.

SECTION 10. IC 22-11-14-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. A person is strictly liable for death, bodily injury, or property damage caused by that person's use of consumer fireworks."**

Delete page 13.

Page 14, delete lines 1 through 20.

Page 15, line 14, delete "paid to the department to be" and insert **"deposited in the state general fund."**

Page 15, delete lines 15 through 25.

Page 15, line 26, delete "fire prevention and building safety commission" and insert **"department of state revenue"**.

Page 15, line 27, delete "administration of the".

Page 15, line 28, delete "and distribution".

Page 16, delete lines 10 through 32.

Page 16, line 39, delete "homeland".

Page 16, line 40, delete "security;" and insert **"state revenue;"**.

Page 17, line 5, after "commission" insert **"and the department of state revenue"**.

Page 18, delete lines 1 through 13, begin a new paragraph and insert:

"SECTION 18. [EFFECTIVE UPON PASSAGE] The department of homeland security shall report to the budget committee by July 1, 2006, on the feasibility of the following:

(1) Creating a regional program to:

(A) train public safety service providers under IC 10-19-9-3; and

(B) provide advanced training programs in public safety and homeland security matters under IC 10-19-9-4.

The report must set out the need for the training, identify possible locations where training could take place, provide an estimate of the costs for providing such training, and include other things the department determines to be relevant.

(2) Establishing a state disaster relief fund to provide:

(A) matching financial assistance to state agencies and political subdivisions under any federal program; and

(B) direct aid to individuals, families, or communities in the event that an emergency event does not receive a presidential major disaster declaration.

SECTION 19. [EFFECTIVE UPON PASSAGE] There is appropriated from the fees collected under IC 22-11-14-11, as added by this act, one million dollars (\$1,000,000) to the department of homeland security to provide regional training for public safety service providers or advanced training programs during the period beginning July 1, 2006, and ending June 30, 2007. Funds appropriated by this SECTION may be allotted by the budget agency after review by the budget committee."

Renumber all SECTIONS consecutively.

(Reference is to HB 1099 as reprinted February 3, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 2.

KENLEY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Page 1, line 3, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 2, line 17, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 2, line 42, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 3, line 15, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 3, line 34, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 3, line 38, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 4, line 21, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 4, line 40, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 5, line 29, delete "JULY 1, 2006]:" and insert "UPON PASSAGE]:".

Page 6, after line 9, begin a new paragraph and insert:

"SECTION 10. IC 25-34.1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as provided in subsection (b), all funds collected under this article shall, at the end of each month, be reported to the auditor of state and deposited with the treasurer of state for deposit in the general fund. All expenses incurred in the administration of this article shall be paid from the general fund.

(b) The commission shall establish a fee of not more than ~~ten~~ twenty dollars (~~\$10~~) (\$20) for real estate brokers and salespersons to provide funds for the purpose of administering and enforcing the provisions of this article, including investigating and taking enforcement action against real estate fraud and real estate appraisal fraud. All funds collected under this subsection shall be deposited in the investigative fund established by IC 25-34.1-8-7.5.

SECTION 11. IC 25-34.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The commission shall establish fees under IC 25-1-8-2 to implement section 8 of this chapter.

(b) Notwithstanding IC 25-1-8-2, a fee established under IC 25-1-8-2 to implement section 8 of this chapter may not be less than fifty dollars (\$50).

(c) The commission shall establish fees to provide funding for the investigative fund established by IC 25-34.1-8-7.5. The fees under this subsection may not be more than ~~ten twenty~~ dollars ~~(\$10): (\$20)~~.

(d) The board may collect a fee required by federal law and transmit the fees to the federal government as required by federal law.

(e) A fee described in subsection (a) is in addition to any fees required by federal law.

SECTION 12. IC 25-34.1-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The board shall submit recommendations to the commission concerning the following:

(1) Implementation and operation of the real estate appraiser licensure and certification program under IC 25-34.1-3-8.

(2) Rules governing real estate appraisers licensed and certified under IC 25-34.1-3-8.

(3) Establishing a fee in an amount necessary to fund the investigative fund established by section 7.5 of this chapter but not more than ~~ten twenty~~ dollars ~~(\$10): (\$20)~~.

(4) Rules governing the administration of the investigative fund established by section 7.5 of this chapter.

SECTION 13. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to HB 1220 as printed January 25, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 1.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1156, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 16, delete lines 34 through 42.

Delete pages 17 through 22.

Page 23, delete lines 1 through 4, begin a new paragraph, and insert:

"SECTION 14. IC 33-37-5-27, AS ADDED BY P.L.176-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) This subsection does not apply to the following:

(1) A criminal proceeding.

(2) A proceeding to enforce a statute defining an infraction.

(3) A proceeding for an ordinance violation.

In each action filed in a court described in IC 33-37-1-1 and in each small claims action in a court described in IC 33-34, the clerk shall collect a court administration fee of ~~two three~~ dollars ~~(\$2): (\$3)~~.

(b) In each action in which a person is:

(1) convicted of an offense;

(2) required to pay a pretrial diversion fee;

(3) found to have committed an infraction; or

(4) found to have violated an ordinance; the clerk shall collect a court administration fee of ~~two three~~ dollars ~~(\$2): (\$3)~~."

Renumber all SECTIONS consecutively.

(Reference is to HB 1156 as reprinted February 1, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 12, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Small Business, to which was referred Engrossed House Bill 1022, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17.

Page 2, delete lines 1 through 14, begin a new paragraph and insert:

"SECTION 1. IC 15-1.5-2-2, AS AMENDED BY P.L.241-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The commission consists of eight (8) members as follows:

(1) Five (5) members appointed by the governor.

(2) The presiding officer of the board.

(3) The ~~commissioner~~ **director of the department** of agriculture or the ~~commissioner's~~ **director's** designee.

(4) The presiding officer of the trustees or the presiding officer's designee who must be selected from the membership of the trustees.

(b) The chairman of the state fair advisory committee appointed under IC 15-1-1.5-5(c) or a member of the state fair advisory committee designated by the chairman may serve as an ex officio nonvoting member of the commission.

~~(b)~~ **(c)** Not more than one (1) member appointed under subsection (a)(1) may reside in the same district. Each district is not required to have a member of the commission represent it.

~~(c)~~ **(d)** Not more than three (3) members appointed under subsection (a)(1) may be affiliated with the same political party.

~~(d)~~ **(e)** Two (2) members appointed under subsection (a)(1) must have a recognized interest in agriculture or agribusiness."

Page 3, line 11, delete "SECTION1" and insert "**SECTION**".

(Reference is to HB 1022 as printed January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

NUGENT, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Utilities, and Public Policy, to which was referred Engrossed House Bill 1259, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-21-2, AS ADDED BY P.L.5-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "military base" means a United States **or Indiana** government military installation that:

- (1) has an area of at least ~~sixty thousand (60,000)~~ **nine hundred (900)** acres; and
- (2) is used for:
 - (A) the design, construction, maintenance, and testing of electronic devices and ordnance; **and**
 - (B) **the training of active and reserve component forces of the United States military.**"

Page 2, delete lines 28 through 42, begin a new paragraph and insert:

"SECTION 3. IC 4-3-21-11, AS ADDED BY P.L.203-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The council shall do the following:

- (1) Identify the public infrastructure and other community support necessary:
 - (A) to improve mission efficiencies; and
 - (B) for the development and expansion; of military bases in Indiana.
- (2) Identify existing and potential impacts of encroachment on military bases in Indiana.
- (3) Identify potential state and local government actions that can:
 - (A) minimize the impacts of encroachment on; and
 - (B) enhance the long term potential of; military bases.
- (4) Identify opportunities for collaboration among:
 - (A) the state, including the military department of the state;
 - (B) political subdivisions;
 - (C) military contractors; and
 - (D) academic institutions;
 to enhance the economic potential of military bases and the economic benefits of military bases to the state.
- (5) Review state policies, including funding and legislation, to identify actions necessary to prepare for the United States Department of Defense Efficient Facilities Initiative scheduled to begin in 2005.
- (6) Study how governmental entities outside Indiana have addressed issues regarding encroachment and partnership formation described in this section.
- (7) With respect to a multicounty federal **and state** military base under IC 36-7-30.5:
 - (A) vote to require the establishment of the development authority under IC 36-7-30.5, if necessary; and
 - (B) advise and submit recommendations to a development authority board appointed under IC 36-7-30.5."

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to HB 1259 as printed January 26, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

WYSS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Engrossed House Bill 1338, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, delete lines 37 through 42.

Page 3, delete lines 1 through 12.

Page 4, delete line 42.

Page 5, delete lines 1 through 10.

Renumber all SECTIONS consecutively.

(Reference is to HB 1338 as reprinted January 31, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 6, delete "any" and insert "**either**".

Page 2, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 3. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOW [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

- (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.
- (4) One dollar (\$1) for each cross-reference of a recorded document.
- (5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records produced by a photographic process, and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches

by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

(d) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(e) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(f) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

(g) The county recorder may not tax or collect any fee for:

(1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or

(2) performing any service under any of the following:

(A) IC 6-1.1-22-2(c).

(B) IC 8-23-7.

(C) IC 8-23-23.

(D) IC 10-17-2-3.

(E) IC 10-17-3-2.

(F) IC 12-14-13.

(G) IC 12-14-16.

(h) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

SECTION 4. IC 36-2-7-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.1. (a) As used in this section, "bulk form" means:

(1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;

(2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or

(3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However, "bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

(1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

(1) Five cents (\$0.05) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.

(2) Five cents (\$0.05) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable

time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

- (1) in the ordinary course of the business of the bulk user; and
- (2) by customers of the bulk user.

The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(k) All revenue generated by the county recorder under this section shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with ~~IC 36-2-7-10(c)~~; **section 10(c) of this chapter**.

(l) This section does not apply to enhanced access under IC 5-14-3-3.

SECTION 5. IC 36-2-7.5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. This chapter does not apply to a federal lien on real property or federal tax lien on personal property as described in IC 36-2-11-25.**

SECTION 6. IC 36-2-7.5-2, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "redacting technology" refers to technology that has the ability to:

- (1) search recorded **and filed** documents; and
- (2) redact Social Security numbers from recorded **and filed** documents.

SECTION 7. IC 36-2-7.5-4, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A document may not be submitted to the county recorder for recording **or filing** if the document contains the Social Security number of an individual, unless required by law.

SECTION 8. IC 36-2-7.5-5, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An individual preparing a document for recording **or filing** shall **affirm, under the penalties for perjury, that the individual has:**

- (1) ~~reviewed the entire document before submitting the document for recording for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers; and~~
- (2) ~~taken reasonable care to redact each Social Security number in the document.~~

(b) ~~An individual shall make the affirmation required under subsection (a) on a form prescribed by the state board of accounts: make the affirmation and statement required by IC 36-2-11-15(c) and IC 36-2-11-15(d)."~~

Page 2, line 17, after "charge a" insert **"two dollar (\$2) county identification security protection"**.

Page 2, line 17, after "recording" insert **"or filing"**.

Page 2, line 18, strike "accordance with" and insert **"addition to the fees required by"**.

Page 2, between lines 22 and 23, begin a new paragraph and insert: "SECTION 9. IC 36-2-7.5-7, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. The state board of accounts shall establish reasonable procedures for a county recorder to follow:

(1) when receiving and reviewing a document submitted for recording **or filing**; and

(2) in order to comply with this chapter."

Page 2, line 27, "practicable," and insert **"practicable and as permitted by law,"**.

Page 2, line 28, after "recorded" insert **"or filed"**.

Page 2, between lines 33 and 34, begin a new paragraph and insert: "SECTION 10. IC 36-2-7.5-9, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A county recorder shall post a notice in the county recorder's office that states the:

(1) duties of:

- (A) an individual preparing **or reviewing** a document for recording **or filing**; and
- (B) the county recorder; under this chapter; and

(2) penalties under section 12 of this chapter."

Page 3, line 11, after "recorded" insert **"or filed"**.

Page 3, line 13, delete "practicable," and insert **"practicable and as permitted by law,"**.

Page 3, between lines 14 and 15, begin a new paragraph and insert: "SECTION 13. IC 36-2-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section does not apply to:

- (1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;
- (2) a judgment, order, or writ of a court;
- (3) a will or death certificate; ~~or~~
- (4) an instrument executed or acknowledged outside Indiana; **or**
- (5) **a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.**

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

- (1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; **and**
- (2) **all Social Security numbers in the document are redacted, unless required by law.**

(c) An instrument complies with ~~this section subsection (b)(1)~~ if it contains a statement in the following form: "This instrument was prepared by (name)".

(d) **An instrument complies with subsection (b)(2) if it contains a statement in the following form: "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (name)".**

SECTION 14. IC 36-2-11-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) This section applies to:

- (1) a lien arising under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (commonly known as the Superfund Law); and
- (2) any other federal lien on real property or any federal tax lien on personal property provided for in the statutes or regulations

of the United States.

In order for a lien covered by this section to be perfected, notice of the lien must be filed in the office of the recorder of the county in which the real or personal property subject to the lien is located.

(b) When a notice of a lien covered by this section is presented to the recorder for filing, the recorder shall enter it appropriately in the entry book and in the miscellaneous record. The entries made under this subsection must show the date of filing, the book and page number or instrument number, the name of the person named in the notice, a legal description of the property, if appropriate, and any serial number or other identifying number given in the notice.

(c) When a certificate of discharge of a federal lien covered by this section is issued by the proper officer and presented for filing in the office of the recorder of the county where the notice of lien was filed, the recorder shall record the certificate of discharge as a release of the lien. However, to be recorded under this subsection, the certificate must refer to the recorder's book and page number or instrument number under which the lien was recorded.

(d) When recording a release of a lien under subsection (c), the recorder shall inscribe, in the margin of each entry made to record the lien under subsection (a), a reference to the place where the release is recorded.

(e) Upon the recording of the certificate of discharge as a release under subsection (c) and the inscribing of the references to the release under subsection (d), a certificate of discharge of a lien covered by this section operates as a full discharge and satisfaction of the lien, unless the references to the release inscribed under subsection (d) specifically note the release as a partial lien release.

(f) A federal lien on real property and a federal tax lien on personal property are not subject to the:

(1) requirement to redact Social Security numbers as described in IC 36-2-7.5-1.5; or

(2) requirements to include statements in a recorded or filed instrument as described in section 15(c) and 15(d) of this chapter."

Page 4, delete lines 3 through 4.

Renumber all SECTIONS consecutively.

(Reference is to HB 1114 as reprinted January 18, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Engrossed House Bill 1089, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 4, after "agricultural." insert **"However, if the annexation ordinance annexing the territory is adopted after June 30, 2006, the property tax liability under IC 6-1.1 for municipal purposes may be exempted for a period of not more than ten (10) years."**

(Reference is to HB 1089 as printed January 27, 2006.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

RIEGSECKER, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that, subsequent to the adoption of the Commerce and Transportation Committee Report on February 23, 2006, Engrossed House Bill 1190 was reassigned to the Committee on Rules and Legislative Procedure.

GARTON

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 42

House Concurrent Resolution 42, sponsored by Senator Delph:

A CONCURRENT RESOLUTION honoring Power Soccer of Indy.

Whereas, Power Soccer of Indy began in the fall of 2003;

Whereas, Power soccer is a team sport for individuals with various disabilities usually played in a gymnasium or on a regulation basketball court;

Whereas, The game is played by two teams of four power chair users who attack, defend, and maneuver an oversized soccer ball;

Whereas, Power soccer has been in existence for over 17 years, but has just recently become popular locally;

Whereas, The United States, Canada, Japan, and Denmark currently have teams and tournaments;

Whereas, Power Soccer of Indy has helped to inspire people with disabilities and to allow them to again enjoy the thrill and joy of playing the game; and

Whereas, Power soccer allows the participants to display their skills and the speed and power of their chairs, and to play an organized sport totally independently: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the good work accomplished by Power Soccer of Indy and the benefits the players receive from their involvement with this organization and the sport.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Karen Russo.

The resolution was read in full and adopted by voice vote. The

Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 45

House Concurrent Resolution 45, sponsored by Senators Breaux, Smith, Rogers, and Howard:

A CONCURRENT RESOLUTION honoring David C. Lewis.

Whereas, David C. Lewis was sworn in as the 34th Clerk of the Supreme Court, Court of Appeals, and Tax Court for the state of Indiana on November 24, 2003, making him only the second African-American man to hold this position and the fourth to be a statewide elected official;

Whereas, As the Clerk of the Courts, David C. Lewis is responsible for issuing the orders and opinions of those courts, collecting filing fees, certifying documents, processing appeal bonds, preserving the record of the appellate courts, and maintaining the records of the roll of attorneys;

Whereas, David C. Lewis graduated from Ball State University in 1996 with a bachelor of science degree in legal administration and received a master of public affairs degree from Indiana University-Purdue University Indianapolis in 2004;

Whereas, David began his career as a Governor's Fellow for Governor Evan Bayh;

Whereas, Upon the conclusion of his fellowships, David C. Lewis worked for the Indiana Department of Commerce, was appointed by Lieutenant Governor Joseph E. Kernan as a special assistant for legislation, and returned to the Department of Commerce to serve as the deputy director of the Community Development Division, where he and his staff were responsible for managing the Neighborhood Assistance Program, the Community Development Action Grant Program, the Individual Development Account Program, and the Indiana Urban Enterprise Zone Program;

Whereas, In 2002, David C. Lewis joined the staff of U.S. Senator Evan Bayh, serving as his regional director for Central Indiana and serving as liaison to 26 counties within the central part of the state;

Whereas, David and his wife, Tralicia, are the proud parents of a daughter, Logan Elise; and

Whereas, It is fitting, indeed, that David C. Lewis be recognized for his many contributions to the state of Indiana: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes David C. Lewis for his many accomplishments and wishes him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to David C. Lewis and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

2:12 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 3:17 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 50, 51, and 52 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Engrossed House Bill 1018, which is eligible for third reading, be returned to second reading for purposes of amendment.

HERSHMAN

Motion prevailed.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1011

Senator Lawson called up Engrossed House Bill 1011 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1011-1)

Madam President: I move that Engrossed House Bill 1011 be amended to read as follows:

Page 65, line 27, after "Sec. 3." insert "(a)".

Page 65, between lines 34 and 35, begin a new paragraph and insert:

"(b) The application must include:

(1) a resolution adopted by the county executive; and

(2) a resolution adopted by the county fiscal body;
approving the submission of the application.".

(Reference is to EHB 1011 as printed February 15, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1011-2)

Madam President: I move that Engrossed House Bill 1011 be amended to read as follows:

Page 74, between lines 3 and 4, begin a new paragraph and insert:
"(b) A vacancy in a legislative office that was last held by a person elected or selected as a candidate of a political party described by IC 3-8-4-10 shall be filled by the state committee of the political party. The state chairman of the party shall certify the selection of an individual to fill the vacancy in the manner prescribed under section 6 of this chapter."

Page 74, line 4, delete "(b)" and insert "(c)".

Page 74, line 5, after "(a)" insert "**or (b)**".

(Reference is to EHB 1011 as printed February 15, 2006.)

M. YOUNG

Motion prevailed.

SENATE MOTION
(Amendment 1011-5)

Madam President: I move that Engrossed House Bill 1011 be amended to read as follows:

Page 46, delete lines 31 through 42.

Page 47, delete lines 1 through 12.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1011 as printed February 15, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1011-6)

Madam President: I move that Engrossed House Bill 1011 be amended to read as follows:

Page 2, delete lines 29 through 42.

Page 3, delete lines 1 through 35.

Page 23, delete lines 41 through 42.

Page 24, delete lines 1 through 7.

Page 30, delete lines 40 through 42.

Page 31, delete lines 1 through 23.

Page 35, line 29, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2006]".

Page 35, line 41, reset in roman "IC 3-11-8-22,".

Page 35, line 41, delete "IC 3-11-8-22.1,".

Page 37, delete lines 6 through 22.

Page 38, delete lines 5 through 13.

Page 47, delete lines 13 through 42.

Page 48, delete lines 1 through 40.

Page 48, line 42, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2006]".

Page 48, line 42, delete "(a) If a".

Page 49, delete lines 1 through 4.

Page 49, line 5, delete "(b)".

Run in page 48, line 42, through page 49, line 5.

Page 49, line 5, reset in roman "section 22".

Page 49, line 6, delete "section 22.1".

Page 49, line 27, reset in roman "and the individual is not entitled to".

Page 49, reset in roman line 28.

Page 49, line 29, reset in roman "IC 3-10-11-2, or IC 3-10-12,".

Page 49, line 42, delete "UPON PASSAGE]" and insert "JULY 1, 2006]".

Page 50, line 19, reset in roman "section 22".

Page 50, line 19, delete "section 22.1".

Page 51, line 14, reset in roman "section".

Page 51, line 15, reset in roman "22".

Page 51, line 15, delete "section 22.1".

Page 70, delete lines 4 through 22.

Page 70, line 24, delete "[EFFECTIVE UPON PASSAGE]" and insert "[EFFECTIVE JULY 1, 2006]".

Page 70, line 28, reset in roman "not permitted to vote".

Page 70, line 28, delete "challenged under IC 3-10-1".

Page 70, delete lines 29 through 30.

Page 70, line 31, delete "voter produces a certificate of error".

Page 70, reset in roman lines 32 through 33.

Page 71, delete lines 23 through 42.

Page 72, delete lines 1 through 31.

Page 79, delete lines 22 through 23.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1011 as printed February 15, 2006.)

BREAUX

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 230: yeas 17, nays 31.

Motion failed.

SENATE MOTION
(Amendment 1011-11)

Madam President: I move that Engrossed House Bill 1011 be amended to read as follows:

Page 72, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 124. IC 3-12-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. (a) This section applies only to an absentee ballot sent by mail.**

(b) Notwithstanding IC 3-11-10-14 and IC 3-11.5-4-10, an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than the deadline for counting provisional ballots under IC 3-11.7-5-1.

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1011 as printed February 15, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1011-12)

Madam President: I move that Engrossed House Bill 1011 be amended to read as follows:

Page 46, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 96. IC 3-11-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. ~~If a voter votes a straight party ticket and also votes for one (1) or more individual candidates who are all of the same political party as the straight ticket vote; A ballot card voting system must count the a ballot in accordance with IC 3-12-1-7 when a voter votes a straight ticket vote and not the votes for individual candidate votes candidates as required described by IC 3-12-1-7(a); IC 3-12-1-7.~~"

Page 72, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 125. IC 3-12-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. (a) ~~If This subsection applies whenever~~ a voter:

- (1) votes a straight party ticket; and ~~also~~
- (2) votes **only** for one (1) or more individual candidates who are all of the same political party as the straight ticket vote.

The straight ticket vote shall be counted and the individual candidate votes may not be counted.

(b) ~~The vote for an office on a ballot shall be counted in accordance with This subsection applies whenever:~~

- (1) a voter has voted a straight party ticket for the candidates of one (1) political party;
- (2) only one (1) person may be elected to ~~that an~~ office; and
- (3) the voter has voted for one (1) ~~or more~~ individual ~~candidates~~ **candidate** for the office described in subdivision (2) who ~~are in~~ is:

(A) **a candidate of a political party other than the party for which the voter voted a straight ticket; or**

(B) **an independent candidate for the office.**

If the voter has voted for one (1) individual candidate for the office described in subdivision (2), the individual candidate vote for that office shall be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted. ~~If~~

(c) **This subsection applies whenever:**

- (1) **a voter has voted a straight party ticket for the candidates of one (1) political party; and**
- (2) **the voter has voted for more than one (1) individual candidate candidates for the office described in subdivision (2); than the number of persons to be elected to that office.**

The individual candidate votes for that office may not be counted, the straight party ticket vote for that office may not be counted, and the straight party ticket votes for other offices on the ballot shall be counted.

(~~c~~) ~~If there is an office to which more than one (1) person can be elected; and a voter votes a straight party ticket and then votes both for individual candidates in the same political party as the straight ticket vote and in a different party for that office; or votes for only individuals in a different party for that office; the individual candidate votes shall be counted and the straight ticket votes for that office may not be counted. However, if the number of individual candidate votes~~

~~for that office exceeds the number of openings for that office; none of the votes concerning that office may be counted.~~

(d) **This subsection applies whenever:**

- (1) **a voter has voted a straight party ticket for the candidates of one (1) political party;**
- (2) **more than one (1) person may be elected to an office; and**
- (3) **the voter has voted for individual candidates for the office described in subdivision (2) who are:**
 - (A) **independent candidates;**
 - (B) **candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or**
 - (C) **a combination of candidates described in clauses (A) and (B).**

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) **This subsection applies whenever:**

- (1) **a voter has voted a straight party ticket for the candidates of one (1) political party;**
- (2) **more than one (1) person may be elected to an office; and**
- (3) **the voter has voted for individual candidates for the office described in subdivision (2) who are:**
 - (A) **independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and**
 - (B) **candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).**

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight party ticket may not be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(~~d~~) **(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board**

candidate or on a public question shall be counted if otherwise valid under this chapter.

(f) (g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

(f) (h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted."

Page 79, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 142. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 3-11-7-7; 3-11-7-8; IC 3-11-7-9; IC 3-11-7-10; IC 3-11-7-11."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1011 as printed February 15, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1101

Senator Hershman called up Engrossed House Bill 1101 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1101-4)

Madam President: I move that Engrossed House Bill 1101 be amended to read as follows:

Page 2, line 1, delete "Information collected for the purpose of issuing a license" and insert "**The following information collected, submitted, or gathered as part of a license or permit application:**

(A) An individual's date of birth.

(B) The name of an individual's minor child.

(C) A confidential medical record.

(D) Any information described in subdivision (1)(B)(i) through (1)(B)(iii)."

Page 2, delete lines 2 through 8.

Page 2, delete lines 14 through 22.

(Reference is to EHB 1101 as printed February 10, 2006.)

HERSHMAN

Motion prevailed.

SENATE MOTION
(Amendment 1101-3)

Madam President: I move that Engrossed House Bill 1101 be amended to read as follows:

Page 6, line 27, after "person." insert "**The term includes the unauthorized acquisition of computerized data that have been transferred to another medium, including paper, microfilm, or a similar medium, even if the transferred data are no longer in a computerized format."**

(Reference is to EHB 1101 as printed February 10, 2006.)

M. YOUNG

Motion prevailed.

SENATE MOTION
(Amendment 1101-1)

Madam President: I move that Engrossed House Bill 1101 be amended to read as follows:

Page 10, line 32, delete "either" and insert "**any**".

Page 10, line 32, delete "both" and insert "**all**".

Page 10, between lines 35 and 36, begin a new line block indented and insert:

"(3) The attorney general's reasonable costs in:

(A) the investigation of the deceptive act; and

(B) maintaining the action."

(Reference is to EHB 1101 as printed February 10, 2006.)

BRAY

Motion prevailed.

SENATE MOTION
(Amendment 1101-2)

Madam President: I move that Engrossed House Bill 1101 be amended to read as follows:

Page 5, line 37, after "Sec. 7." insert "**(a)**".

Page 5, delete line 40.

Page 5, line 41, delete "(2)" and insert "**(1)**".

Page 5, line 42, delete "(3)" and insert "**(2)**".

Page 6, line 1, delete "(4)" and insert "**(3)**".

Page 6, between lines 2 and 3, begin a new paragraph and insert:

"(b) For purposes of this article, personal information is "redacted" if the personal information has been altered or truncated so that not more than five (5) digits of a social security number are accessible as part of personal information."

Page 7, line 36, after "Sec. 11." insert "**(a)**".

Page 7, delete line 39.

Page 7, line 40, delete "(2)" and insert "**(1)**".

Page 7, line 41, delete "(3)" and insert "**(2)**".

Page 7, line 42, delete "(4)" and insert "**(3)**".

Page 8, between lines 1 and 2, begin a new paragraph and insert:

"(b) For purposes of this article, personal information is "redacted" if the personal information has been altered or truncated so that not more than five (5) digits of a social security number are accessible as part of personal information."

(Reference is to EHB 1101 as printed February 10, 2006.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1240

Senator Lubbers called up Engrossed House Bill 1240 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1395

Senator Miller called up Engrossed House Bill 1395 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1395-2)

Madam President: I move that Engrossed House Bill 1395 be

amended to read as follows:

Page 1, line 5, strike "those present at the meeting." and insert "**the board.**".

Page 1, line 14, before "passage" insert "**final**".

Page 1, line 15, after "business" insert "**and on any other item**".
(Reference is to EHB 1395 as printed February 17, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1076

Senator Hershman called up Engrossed House Bill 1076 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 231: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1267

Senator Harrison called up Engrossed House Bill 1267 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning employment.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 232: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1299

Senator Paul called up Engrossed House Bill 1299 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning financial institutions.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 233: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1307

Senator Harrison called up Engrossed House Bill 1307 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 234: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1392

Senator Paul called up Engrossed House Bill 1392 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 235: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 51

House Concurrent Resolution 51, sponsored by Senators Kenley, Ford, and Dillon:

A CONCURRENT RESOLUTION honoring Michael Kiley.

Whereas, Michael Kiley was appointed to the Natural Resources Commission (NRC) on August 31, 1978;

Whereas, On July 26, 1990, Michael Kiley was elected chairman of the NRC, a position he held until September 20, 2005, when he resigned;

Whereas, Michael Kiley, who served under three Republican and three Democratic governors, was originally appointed by Governor Otis Bowen;

Whereas, Michael Kiley's area of expertise was wetlands preservation, public freshwater lake protection, and the coal industry;

Whereas, Michael Kiley was born in Marion, Indiana, on July 15, 1934, and has been married for 47 years to Carol Jones Kiley; they have three children, Ann, Daniel, and Matthew;

Whereas, Michael Kiley received a bachelor of arts degree in political science from the University of Notre Dame and a Juris doctor degree from Georgetown University;

Whereas, In addition to his duties on the Natural Resources Commission, Michael Kiley has also served as a municipal judge in

Marion, a trustee of the Culver Military Educational Foundation, a member of the board of directors of the National Alumni Association of the University of Notre Dame, and a trustee and past board chairman of the Holy Cross College in Notre Dame, Indiana;

Whereas, Michael Kiley is a partner at Kiley, Kiley, Harker, Michael & Certain; and

Whereas, Michael Kiley has dedicated much of his life to helping preserve the natural resources of Indiana: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to thank Michael Kiley for his dedication and service to the citizens of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Michael Kiley and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 50

House Concurrent Resolution 50, sponsored by Senator Miller:

A CONCURRENT RESOLUTION honoring Warren Central High School, Indianapolis, Indiana, on the occasion of its third consecutive victory in the Indiana High School Athletic Association's Class 5A state football championship.

Whereas, The Warren Central Warriors marched to a 55-20 victory over Hamilton Southeastern for their third consecutive Class 5A state championship on Saturday, November 26, in the RCA Dome in Indianapolis capping off a 14-1 season;

Whereas, The Warriors were led by senior quarterback Dexter Taylor, who ran for 158 yards and three touchdowns; an imposing offensive line; and junior safety Jerimy Finch, who set up the third score with a 41-yard interception return and added the sixth touchdown with a 55-yard punt return;

Whereas, At halftime, Warren Central was ahead of Hamilton Southeastern 41-7, had outgained its opponent by nearly 200 yards (266-67), and scored on all five of its possessions with the other offensive touchdowns coming on seven-yard runs by juniors Darren Evans and Brad Ellington;

Whereas, The team dedicated this victory to teammate Andre Nicholson, who was injured in the semistate win over Avon;

Whereas, With this victory, Coach Kevin Wright joined his father, Sheridan coach Larry "Bud" Wright, as the first father-son coaching duo to have title wins in the same season;

Whereas, Excellence at this level requires teamwork and cooperation, and it is fitting that this effort be recognized: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Warren Central Warriors on their third consecutive Class 5A state football championship and wishes them well in their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to team members, coaches, managers, Warren Central's school principal, and the school's superintendent.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 52

House Concurrent Resolution 52, sponsored by Senator Miller:

A CONCURRENT RESOLUTION honoring the Warren Central High School cross country team on its victory in the Indiana High School Athletic Association state championship.

Whereas, Warren Central High School captured its first state championship in the Indiana High School Athletic Association (IHSAA) cross country finals on Saturday, October 29, at the LaVern Gibson Championship Cross Country Course in Terre Haute;

Whereas, Two Warrior runners placed in the top seven, junior De'Sean Turner finished second and junior Ondraius Richardson finished seventh;

Whereas, The remaining team members for the Warren Central Warriors were Tim Armstrong (40th), Cody Smith (75th), and Jimmy Hodges (78th);

Whereas, The 118-130 victory over Valparaiso was the closest one-two finish since a four-point difference separated Ben Davis and Portage in 1995;

Whereas, In his 23rd year as head coach, Joe Brooks won his first state championship title and was named Coach of the Year; and

Whereas, Dedication and hard work on the part of team members and coaches culminated in a state championship for the Warren Warriors, a fitting ending to an outstanding season: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the members of the Indiana General Assembly congratulate the Warren Central High School cross country team on its first cross country state championship and wish the members and

coaches continued success in future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the Warren Central cross country team members, coach Joe Brooks, principal Tony Burchett, and superintendent Dr. Peggy Hinckley.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Breaux and Sipes be added as cosponsors of Engrossed House Bill 1314.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as cosponsor of Engrossed House Bill 1029.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Broden be added as cosponsor of Engrossed House Bill 1114.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Wyss be added as cosponsor of Engrossed House Bill 1008.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, February 27, 2006.

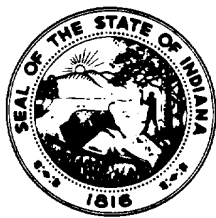
GARTON

Motion prevailed.

The Senate adjourned at 3:54 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-fourth Meeting Day

Monday Afternoon

February 27, 2006

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler <input checked="" type="checkbox"/>
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R. <input checked="" type="checkbox"/>
Lewis	Zakas

Roll Call 236: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 43

Senate Concurrent Resolution 43, introduced by Senator Miller:

A CONCURRENT RESOLUTION recognizing the Greenwood Fire Department Honor Guard.

Whereas, The Greenwood Fire Department Honor Guard was formed in 1997 and originally consisted of six members who wanted to represent the fire department and the city with the highest degree of honor;

Whereas, The Honor Guard currently consists of twelve members, Commander Nat Ridge, Assistant Commander Joshua Meadows, Kevin Johnson, Ed Daugherty, Adam Arkins, Adam Flynn, Thaddeus Ridge, Robert Stecher, Randy Travis, Michael Jackson, Devon Bancroft, and Bryan Johns;

Whereas, The primary function of the Honor Guard is to perform at the funeral services of fallen members of the fire department and police department or civic leaders and to present and promote the dignity and honor of the United States flag and Indiana flag at various events and functions around the area;

Whereas, The Greenwood Fire Department Honor Guard has competed in the FDIC National Fire Department Honor Guard competition for four years, taking the national title in 2003 and 2005;

Whereas, The Honor Guard also shows an active interest in the community through involvement with the Cub Scouts, presenting the colors at local Sertoma, Rotary, and Moose events as well as high school sporting events and fund raisers;

Whereas, The Honor Guard led the Epsilon Sigma Alpha Walk of Heroes in 2002, the annual St. Patrick's Day Parade in Indianapolis in 2004, the Babe Ruth World Series Parade in 2002, and presented the Colors for the International Convention of Sertoma in 2003 and the National Fallen Firefighter's Memorial in Washington, D.C. in 2002; and

Whereas, The Greenwood Fire Department Honor Guard is an excellent representative of the Greenwood community and the state of Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the dedication to duty, honor, and country displayed by the members of the Greenwood Fire Department Honor Guard and thanks the members for their hard work.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the members of the Greenwood Fire Department Honor Guard, Fire Chief Steve Dhondt, Mayor Charles Henderson, and Governor Mitch Daniels.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Burton.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 53 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 11, 40, 41, 42, 55, 57, 71, 77, 84, 100, 102, 106, and 114 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 58, 69, 72, and 85 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 75, 258, 269, 283, 310, 339, 354, and 379 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 277, 332, 373, and 384 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING**Senate Concurrent Resolution 44**

Senate Concurrent Resolution 44, introduced by Senator Becker:

A CONCURRENT RESOLUTION recognizing the International Brotherhood of Electrical Workers (IBEW) for their dedicated service to the communities in which they serve.

Whereas, During severe weather and natural disasters, the government urges residents to remain in a safe place. At the same time, electricians are out in the elements working to restore power and reduce the dangers associated with inclement weather, such as severed power lines;

Whereas, Electrical power is one of the most essential services to

everyday life, but it is particularly crucial during disaster recovery efforts;

Whereas, IBEW electricians frequently work in hazardous situations in order to restore power in adverse conditions, enabling rescue attempts during disaster recovery efforts; and

Whereas, The electricians of the IBEW deserve recognition and gratitude for the tremendous risk they assume in order to serve Indiana communities during times of distress: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the International Brotherhood of Electrical Workers (IBEW) and their diligent efforts to restore power for the citizens of Indiana in hazardous conditions.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Edwin D. Hill, IBEW International President; Mark H. Ayers, IBEW Construction and Maintenance Director; and William Cooper, retired Trade Association Executive Manager associated with the National Electrical Contractors Association, Inc.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Crouch and Hoy.

Senate Resolution 11

Senate Resolution 11, introduced by Senators Broden and Zakas:

A SENATE RESOLUTION to congratulate South Bend Chocolate Company for being named the 2005 Entrepreneur of the Year for the Lake Michigan Area in the retail division by Ernst & Young.

Whereas, The SBCC was founded in 1991 by a second generation chocolate maker, Mark Tarner, and now has over 22 stores located in Indiana and Michigan; and

Whereas, Ernst & Young, a major international accounting and consulting firm, honors entrepreneurs in more than 125 cities and 40 countries worldwide; and

Whereas, Mark Tarner and district manager Bob Radde accepted the award on behalf of the company at a banquet on June 9, 2005 in Indianapolis; and

Whereas, The South Bend Chocolate Company has won similar awards in years past, including the U.S. Small Business Administration's Indiana Small Business of the Year award in 2000;

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Senate of the General Assembly congratulates the South Bend Chocolate Company for being named

the 2005 Entrepreneur of the Year for the Lake Michigan Area in the retail division by Ernst & Young.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this Resolution to the South Bend Chocolate Company.

The resolution was read in full and adopted by voice vote.

1:49 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:02 p.m., with the President of the Senate in the Chair.

Senator R. Young, who had been excused, was present.

SENATE MOTION

Madam President: I move that Senator Lutz be added as coauthor of Senate Concurrent Resolution 44.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators M. Young and Meeks be added as coauthors of Senate Concurrent Resolution 43.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as cosponsor of Engrossed House Concurrent Resolution 53.

HERSHMAN

Motion prevailed.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1010

Senator Bray called up Engrossed House Bill 1010 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1010-5)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

- Page 14, line 28, before "parks" insert "**and**".
 - Page 14, line 28, delete ", and publicly owned venues".
 - Page 14, line 30, before "park" insert "**or**".
 - Page 14, line 30, delete ", or publicly owned venue".
- (Reference is to EHB 1010 as printed February 17, 2006.)

Motion prevailed.

SENATE MOTION (Amendment 1010-11)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

- Page 14, line 27, after "ports," insert "**certified technology parks,**".
 - Page 14, line 29, after "port," insert "**certified technology park,**".
- (Reference is to EHB 1010 as printed February 17, 2006.)

BECKER

Motion prevailed.

SENATE MOTION (Amendment 1010-3)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

- Page 1, line 10, delete "state agency or political subdivision provides reasonable".
 - Page 1, line 11, delete "compensation to the".
 - Page 1, line 11, delete "for the loss of the sign." and insert "**is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.**".
 - Page 19, line 2, delete "unit provides reasonable compensation to the".
 - Page 19, line 3, delete "for the loss of the sign." and insert "**is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.**".
- (Reference is to EHB 1010 as printed February 17, 2006.)

LONG

Motion prevailed.

SENATE MOTION (Amendment 1010-2)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

- Page 13, line 39, delete "A" and insert "**Except as provided in section 1.5 of this chapter, a**".
- Page 14, between lines 16 and 17, begin a new paragraph and insert:
"SECTION 18. IC 32-24-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. A private utility that:**
(1) holds a certificate of territorial authority to provide sewage disposal service; and
(2) provides or will provide sewage disposal service to less than five hundred (500) customers;
may not exercise the power of eminent domain to take, acquire, condemn, or appropriate land, real estate, or any interest in the land or real estate, including an easement or a right-of-way.".

Renumber all SECTIONS consecutively.
(Reference is to EHB 1010 as printed February 17, 2006.)

BOWSER

Upon request of Senator Sipes the President ordered the roll of the Senate to be called. Roll Call 237: yeas 20, nays 29.

Motion failed.

SENATE MOTION
(Amendment 1010-6)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

Page 11, line 18, delete "thirty (30)" and insert **"forty-five (45)"**.

Page 12, reset in roman lines 2 through 7.

Page 12, line 8, reset in roman "amount not to exceed".

Page 12, line 8, after "exceed" insert **"twenty-five thousand dollars (\$25,000)."**

Page 12, delete lines 9 through 15.

Page 17, line 4, after "property." insert **"If a court determines that an eminent domain proceeding brought under this chapter is unauthorized because the condemnor did not meet the conditions described in this section, the court shall order the condemnor to reimburse the owner for the owner's reasonable attorney's fees that the court finds were necessary to defend the action."**

Page 17, line 41, delete "If the owner of a parcel of real property incurs attorney's" and insert **"(a) Not later than forty-five (45) days before a trial involving the issue of compensation, the condemnor shall, and an owner may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date the offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party."**

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 10 of this chapter.

(d) This section does not limit or restrict the right of an owner to payment of any amounts authorized by law in addition to damages for the property taken from the owner.

Sec. 10. (a) Except as provided in subsection (b), the condemnor shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the owner by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the condemnor under section 9 of this chapter, the court shall require the condemnor to pay the owner's litigation expenses, including reasonable attorney's fees, in an amount that does not exceed twenty-five percent (25%) of the cost of the acquisition."

Page 17, delete line 42.

Page 18, delete lines 1 through 5.

(Reference is to EHB 1010 as printed February 17, 2006.)

LANANE

Motion prevailed.

SENATE MOTION
(Amendment 1010-8)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-1-2-89 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 89. (a) As used in this section, unless the context otherwise requires, the following terms have the following meanings:

(1) "Sewage disposal service" means any public utility service whereby liquid and solid waste, sewage, night soil, and industrial waste of any single territorial area is collected, treated, purified, and disposed of in a sanitary manner, and includes all sewage treatment plant or plants, main sewers, submain sewers, local and lateral sewers, intercepting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other equipment and appurtenances necessary or useful and convenient for the rendition of such service.

(2) "Sewage disposal company" means any natural person, firm, association, corporation, or partnership owning, leasing, or operating any sewage disposal service within the rural areas of this state, and all provisions of this chapter pertaining to a public utility shall apply with equal force and effect to a sewage disposal company, except insofar as said provisions may be inconsistent with specific provisions of this section.

(3) "Rural area" means territory lying within the state of Indiana and lying outside the corporate limits of a municipality.

(4) "Certificate of territorial authority" means a certificate of convenience and necessity issued by the commission pursuant to this section, which said certificate shall be deemed an indeterminate permit, unless expressly conditioned otherwise by the commission when issued.

(5) "Notice of hearing" means notice of the time, place, and purpose of a hearing, given by publication in at least one (1) newspaper of general circulation in each of the counties in which the particular sewage disposal company operates or proposes to operate and given also in writing by United States registered mail:

(A) to each other sewage disposal company operating in territory contiguous to the territory in which the particular sewage disposal company operates or proposes to operate;

(B) to each municipality in territory contiguous and nearest to the territory in which the particular sewage disposal company operates or proposes to operate; and

(C) to such other persons or entities which the commission may from time to time require by its rules and forms;

all such notices shall be so mailed as to be received by the recipients at least ten (10) days prior to any hearing, or as otherwise required by the commission.

(6) "Package sewage disposal company" means a sewage disposal company that provides or will provide sewage

disposal service to less than five hundred (500) customers.

(b) It is hereby declared to be in the public interest to provide for the orderly development and rendering of sewage disposal service in rural areas within the state of Indiana, and such public interest makes it necessary and desirable that to the extent provided herein the holding of a certificate of territorial authority should be required as a condition precedent to the rendering of such service, and that such operation be under the control, regulation, and supervision of the commission, and such sewage disposal companies shall not be subject to regulation by any municipality or county government or metropolitan regulatory body, or any branch or subdivisions thereof or substitute therefor in the form of special service districts, with the **exception exceptions** that: **said**

(1) a sewage disposal company shall be subject to the comprehensive plan, zoning, and subdivision requirements and regulations of the governmental units having jurisdiction in the area; and

(2) a package sewage disposal company is subject to the requirements set forth in subsection (m).

However, all functions, powers, and duties of the state department of health and the water pollution control board shall remain unaffected by this section.

(c) No sewage disposal company shall commence the rendering of sewage disposal service in any rural area in the state of Indiana in which it is not actually rendering sewage disposal service, without first obtaining from the commission a certificate of territorial authority authorizing such sewage disposal service, finding that public convenience and necessity require such sewage disposal service within such rural area by such sewage disposal company, and defining and limiting specifically the rural area covered thereby. No sewage disposal company hereby required to hold such a certificate shall render any additional sewage disposal service within such rural area to any extent greater than that authorized by such certificate or shall continue to render sewage disposal service within such rural area if and after such certificate of territorial authority has been revoked or transferred as in this section provided, unless in such order of revocation or transfer the commission shall require continued service until a new sewage disposal company or municipality actually takes over such service. The commission shall not have the power to require extension of such service by any sewage disposal company into any additional territory than that defined and limited in such a certificate without the consent of such sewage disposal company.

(d) Whenever any sewage disposal company proposes to commence the rendering of sewage disposal service in any rural area, it shall file with the commission a verified application for a certificate of territorial authority to cover the proposed service. The commission shall by rule prescribe the form of the application and the information to be contained therein, **including information necessary to make a determination under subsection (m)**, and such application by any such company shall conform to such prescribed form. The commission shall set the matter for hearing and notice of such hearing shall be given to the parties and in the manner defined in this section. Any city may, and upon petition to the commission shall, be made a party to any service proposal if its territorial limits lie within five (5) miles of the area to be serviced under this section. **A verified application submitted by a package sewage disposal company must include a resolution in support of the verified application**

adopted by the county executive of the county in which the package sewage disposal company seeks to provide sewage disposal services.

(e) If, after notice of hearing and hearing on any application for a certificate of territorial authority, the commission shall find from the evidence introduced at such hearing, including any evidence which the commission shall have caused to be introduced as a result of any investigation which it may have made into the matter, that the applicant has proved:

(1) lawful power and authority to apply for said certificate and to operate said proposed service;

(2) financial ability to install, commence, and maintain said proposed service; and

(3) public convenience and necessity require the rendering of the proposed service in the proposed rural area by this particular sewage disposal company; however, in the event the service is proposed for a proposed rural real estate addition, division, or development, or any part thereof, the reasonably expected sewage disposal service requirements of the anticipated residents may be found to constitute such public convenience and necessity;

then the certificate of territorial authority, defining and limiting the rural area to be covered thereby, shall be granted to the applicant, subject to such terms, restrictions, limitations, and conditions, including but not limited to a reasonable time in which to commence operations, as the commission shall determine to be necessary and desirable in the public interest.

(f) In cases of applications filed by two (2) or more sewage disposal companies seeking the issuance of a certificate of territorial authority for the same area or areas or any conflicting portions thereof, the commission may either consider such applications separately or by consolidation of two (2) or more or all within a single hearing at its discretion and shall have the power to issue its certificate after notice of hearing and hearing to any single qualified sewage disposal company for a particular rural area, or, in the event that the commission determines and finds that two (2) or more or all applicants seeking the same area or areas or any conflicting portions thereof are both or all qualified, then the commission shall have the power to determine which is the better or best qualified, or whether the same area or areas or any conflicting portions thereof shall be divided between or among such qualified applicants. However, in no event shall such area or areas or portions thereof be greater than that for which the particular applicant applied, unless such sewage disposal company shall consent and agree in writing to such modification of its application and the issuance of such modified certificate.

(g) After the issuance of such certificate, no other sewage disposal company shall render sewage disposal service in the area or areas so determined and so defined in any certificate of territorial authority issued by the commission, except after notice of hearing and hearing, and the determination and finding by the commission that public convenience and necessity require that sewage disposal service in said same area or areas be also rendered or offered by an additional or another company, and the issuance of a certificate duly granted by the commission as provided in this section.

(h) A sewage disposal company shall be required to furnish reasonable adequate sewage disposal services and facilities for which said service and facilities it shall be entitled to charge reasonable,

nondiscriminatory rates, subject to the jurisdiction of the commission for the purpose of fixing said rates to be charged to patrons of such sewage disposal company for sewage disposal service, and for such purpose the commission is given jurisdiction to proceed in the same manner and with like power as is provided by this chapter in the case of public utilities.

(i) To encourage the installation of sewage treatment plants, and sewers, mains, stations, and all other equipment and appurtenances for rendering sewage disposal service in rural areas in close proximity to municipalities, and to ensure that a sewage disposal company which had made such installation in such area can recover the cost of its investment, in the event that the area or areas or any part thereof included within the territory granted under a certificate of territorial authority shall be annexed by any municipality at any time within twelve (12) years from the date that such certificate was granted, a sewage disposal company operating under such certificate shall continue to operate under such certificate of territorial authority, subject to the exclusive jurisdiction and regulation of the commission, for the unexpired portion of such period of twelve (12) years from the date of granting such certificate, or, in the case of a determinate permit specifying a term shorter than twelve (12) years, then for the unexpired portion of such lesser period as specified by such permit from the date of granting such permit. However, the foregoing provisions in regard to continued operation within the corporate limits of a municipality after annexation shall not affect the right of the sewage disposal company to cease its operation of providing sewage disposal service within such annexed territory prior to the termination of said twelve (12) year or lesser determinate permit period, upon thirty (30) days written notice to the commission, the municipality, and all patrons.

(j) Upon approval by the commission given after notice of hearing and hearing, but not otherwise, any certificate of territorial authority may:

- (1) be sold, assigned, leased, or transferred by the holder thereof to any sewage disposal company to which a territorial certificate might be lawfully issued; or
- (2) be included in the property and rights encumbered under any indenture of mortgage or deed of trust of such holder;

or any sewage treatment plant or plants, sewers, mains, stations, and equipment and appurtenances for the rendering of sewage disposal service, or any part thereof, may be sold, assigned, leased, or transferred by the holder thereof to any municipality if these assets lie within an area which shall have been annexed by such municipality or lie within the given radius of miles from the corporate limits of such municipality into which it is authorized to render such services, if such municipality is prepared to render a comparable sewage disposal service without loss of continuity of service, and if the terms of such sale, assignment, lease, or transfer are reasonable. However, once the commission has given its approval to such transaction and the transaction itself is actually consummated, the commission shall have no control over the sewage disposal service henceforth rendered by such municipality as a municipally owned utility (as defined in this chapter).

(k) Any certificate of territorial authority may, after notice of hearing and hearing, be revoked by the commission, in whole or in part, for the failure of the holder thereof to furnish reasonably adequate sewage disposal service within the area or areas determined

and defined in such certificate of territorial authority, or for the failure of the holder thereof to comply with any applicable order or rule prescribed by the commission in the exercise of its powers under this chapter, or for failure to comply with any term, condition, or limitation of such certificate of territorial authority.

(l) After the commission revokes any certificate of territorial authority under subsection (k) or after the county board of health determines the existence of a serious health problem related to the sewage disposal facility, the county commissioners of the county in which the sewage disposal facility is located may acquire the facility, subject to the approval of the acquisition by the county council, except that the county commissioners may not acquire any facility already acquired by any city or town. The county commissioners shall acquire the sewage disposal facility by:

- (1) gift, grant, purchase, or condemnation that is funded in the same manner that cities and towns fund sewage treatment acquisitions under IC 36-9; or
- (2) a lease arrangement that is funded in the same manner that cities and towns fund leases of sewage disposal facilities under IC 36-9.

After acquisition, the county commissioners shall repair, operate, and maintain the sewage disposal facility and charge user fees for these services.

(m) Before the commission may issue a certificate of territorial authority to a package sewage disposal company, the commission must determine that the package sewage disposal company is the most appropriate provider of sewage disposal services for the rural area covered by the certificate of territorial authority. The issuance of a certificate of territorial authority to a package sewage disposal company is subject to review and approval by the department of environmental management."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1010 as printed February 17, 2006.)

SIPES

Upon request of Senator Sipes the President ordered the roll of the Senate to be called. Roll Call 238: yeas 17, nays 32.

Motion failed.

SENATE MOTION (Amendment 1010-10)

Madam President: I move that Engrossed House Bill 1010 be amended to read as follows:

Page 15, between lines 11 and 12, begin a new paragraph and insert: "**Sec. 5. As used in this chapter, "project area" means the area designated by the condemnor and the legislative body for the condemnor for economic development.**"

Page 15, line 12, delete "5" and insert "6".

Page 15, line 21, delete "6." and insert "7.".

Page 15, line 25, delete "7.A" and insert "**8. Subject to section 11 of this chapter, a**"

Page 17, line 5, delete "8." and insert "9.".

Page 17, line 41, delete "9." and insert "10.".

Page 18, between lines 5 and 6, begin a new paragraph and insert: "**Sec. 11. (a) Notwithstanding the provisions of section 8, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this chapter only if all of the following**

conditions are met:

(1) the project area is at least ten (10) acres in size and located in one (1) county;

(2) the parcel is not occupied by the owner as a residence;

(3) the condemnor or its agents has acquired clear title to ninety percent (90%) of the project area; and

(4) the legislative body for the condemnor must adopt a resolution by a two-thirds (2/3) vote authorizing the condemnor to exercise eminent domain over a particular parcel of land.

(b) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

(1) payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under I.C. 32-24-1;

(2) payment of any other damages as determined under I.C. 32-24-1, including a loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(3) payment of the owner's relocation costs, if any.

(c) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner can demonstrate by clear and convincing evidence that the present location of the parcel of real property is essential to the viability of the owner's commercial activity and that the payment or damages and relocation costs cannot adequately compensate the owner of real property.

(d) The court shall award the payment of reasonable attorney fees to the owner in accordance with this chapter."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1010 as printed February 17, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1022

Senator Merritt called up Engrossed House Bill 1022 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1024

Senator Drozda called up Engrossed House Bill 1024 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1028

Senator Nugent called up Engrossed House Bill 1028 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1080

Senator Miller called up Engrossed House Bill 1080 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1089

Senator Kenley called up Engrossed House Bill 1089 for second

reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1093

Senator Wyss called up Engrossed House Bill 1093 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1102

Senator Lawson called up Engrossed House Bill 1102 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1102-1)

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 40, delete lines 5 through 42.

Page 41, delete lines 1 through 2.

Page 49, delete lines 27 through 29.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 15, 2006.)

ALTING

Motion prevailed.

SENATE MOTION
(Amendment 1102-2)

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 34, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 34. IC 36-4-6-4, AS AMENDED BY P.L.230-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

(1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;

(2) are reasonably compact;

(3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and

(4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

(1) more than one (1) member of the legislative body elected from the districts established under subsection (b), ~~or (j)~~, **or (m)** resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and

(2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), ~~or~~ (j), **or (m)** shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a population of less than ten thousand (10,000) and that changes into a city specifies that the city legislative body districts are governed by this subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing the town into city legislative body districts may provide that:

- (1) the city shall be divided into three (3) districts that:**
 - (A) are composed of contiguous territory;**

(B) are reasonably compact;

(C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and

(D) contain, as nearly as is possible, equal population; and

(2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

~~(m)~~ **(n)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city no later than thirty (30) days after the ordinance is adopted.

~~(m)~~ **(o)** If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

~~(m)~~ **(p)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 15, 2006.)

LEWIS

Motion prevailed.

SENATE MOTION (Amendment 1102-10)

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 26, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 29. IC 36-1-7-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11.5. (a) As used in this section, "economic development project" has the meaning set forth in IC 6-3.5-7-13.1(c). The term also includes any project related to transportation services, transportation infrastructure, or the development or construction of a hotel or other tourism destination.**

(b) An entity entering into an agreement under this chapter that is related to an economic development project may do any of the following to carry out the agreement:

(1) After appropriation by the entity's fiscal body, transfer money derived from any source to any of the following:

- (A) One (1) or more entities that have entered into the agreement.**

(B) An economic development entity (as defined in section 15 of this chapter) established by an entity that has entered into the agreement.

(C) A regional development authority, including the northwest Indiana regional development authority established by IC 36-7.5-2-1.

(D) A regional transportation authority including the regional bus authority established under IC 36-9-3-2(c).

(2) Transfer any property or provide personnel, services, or facilities to any entity or authority described in subdivision (1)(A) through (1)(D)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1102 as printed February 15, 2006.)

ROGERS

Motion prevailed.

SENATE MOTION
(Amendment 1102-9)

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 1, line 2, delete "[EFFECTIVE JULY 1, 2006]" and insert "[EFFECTIVE UPON PASSAGE]".

(Reference is to EHB 1102 as printed February 15, 2006.)

DROZDA

Motion prevailed.

SENATE MOTION
(Amendment 1102-4)

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 2, line 11, delete "highest monthly"

Page 2, line 13, delete "for that same".

Page 2, line 14, delete "month".

Page 2, line 18, delete "newspaper's" and insert "newspapers".

Page 2, line 19, delete "newspaper" and insert "newspapers".

Page 2, line 24, delete "during at least one" and insert "based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.".

Page 2, delete line 25.

Page 4, line 29, delete "county auditor's" and insert "county's".

Page 29, delete line 42, begin a new paragraph and insert:

"SECTION 31. IC 36-1-12-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.7. (a) This section applies whenever a public work project is estimated to cost:

(1) at least twenty-five thousand dollars (\$25,000) and less than seventy-five thousand dollars (\$75,000) in:

(A) a consolidated city or second class city;

(B) a county containing a consolidated city or second class city; or

(C) a regional water or sewage district established under IC 13-26; or

(2) at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000) in:

(A) a third class city or town with a population of more than five thousand (5,000); or

(B) a county containing a third class city or town with a population of more than five thousand (5,000); or

(C) a political subdivision or agency not described in subdivision (1) or clauses (A) or (B).

(b) The board must proceed under the following provisions:

(1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes.

(2) The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.

(3) The board shall award the contract for the public work to the lowest responsible and responsive quoter.

(4) The board may reject all quotes submitted.".

Delete page 30.

Page 31, delete lines 1 through 20.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1102 as printed February 15, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1102-8)

Madam President: I move that Engrossed House Bill 1102 be amended to read as follows:

Page 33, line 28, after "inches." insert "**However, a county legislative body may adopt an ordinance to reduce the fee charged by the county recorder for furnishing copies under this subdivision. An ordinance adopted under this subdivision must specify the amount of the reduced fee that shall be charged by the county recorder for furnishing copies under this subdivision.**".

(Reference is to EHB 1102 as printed February 15, 2006.)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1110

Senator Gard called up Engrossed House Bill 1110 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1110-2)

Madam President: I move that Engrossed House Bill 1110 be amended to read as follows:

Page 2, line 19, after "16.3." insert "(a)".

Page 2, between lines 26 and 27, begin a new paragraph and insert: "**(b) This section expires July 1, 2016.**".

Page 2, line 29, after "16.5." insert "(a)".

Page 2, between lines 34 and 35, begin a new paragraph and insert:
"(b) This section expires July 1, 2016."

Page 3, line 21, after "104.5." insert **"(a)"**.

Page 3, between lines 25 and 26, begin a new paragraph and insert:
"(b) This section expires July 1, 2016."

Page 3, delete lines 33 through 42.

Page 4, line 3, after "130.1." insert **"(a)"**.

Page 4, between lines 6 and 7, begin a new paragraph and insert:
"(b) This section expires July 1, 2016."

Page 4, line 9, after "130.2." insert **"(a)"**.

Page 4, between lines 16 and 17, begin a new paragraph and insert:
"(b) This section expires July 1, 2016."

Page 4, line 19, after "130.3." insert **"(a)"**.

Page 4, between lines 25 and 26, begin a new paragraph and insert:
"(b) This section expires July 1, 2016."

Page 4, line 28, after "196.5." insert **"(a)"**.

Page 4, between lines 34 and 35, begin a new paragraph and insert:
"(b) The term does not include a steel mill."

(c) This section expires July 1, 2016."

Page 5, between lines 5 and 6, begin a new paragraph and insert:
"(d) This section expires July 1, 2016."

SECTION 14. IC 13-14-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The officials collecting the following shall remit the money to the treasurer of state:

(1) Money collected under the following:

(A) IC 13-30-4-1.

(B) IC 13-30-4-2.

(C) IC 13-30-5-1.

(2) Fees collected under IC 13-16-1-2 through IC 13-16-1-5.

(b) Except as provided in subsection (c), the treasurer of state shall credit the money to the environmental management special fund.

(c) With respect to the money collected under subsection (a)(1)(A) and (a)(1)(B) from a person that produces steel or a steel product using recycled steel:

(1) the commissioner may direct the treasurer of state to credit all or a part of the money to the solid waste management fund established by IC 13-20-22-2; and

(2) the treasurer of state shall:

(A) credit money as directed by the commissioner under subdivision (1); and

(B) credit to the environmental management special fund only money that is not credited under subdivision (1)."

Page 6, line 3, after "meeting" delete "the".

Page 6, delete line 4.

Page 6, delete lines 10 through 13.

Page 6, delete lines 15 through 22.

Page 6, delete line 40.

Page 6, line 41, delete "(7)" and insert **"(6)"**.

Page 7, line 41, delete "require" and insert **"work with"**.

Page 7, line 41, delete "modify and" and insert **"agree with the manufacturers on appropriate modifications to the plan."**

(e) Motor vehicle manufacturers are not required to resubmit a plan modified under subsection (d) to the commissioner for approval."

Page 7, delete line 42.

Page 8, between lines 21 and 22, begin a new line blocked left and insert:

"A person that maintains records under this section shall retain the records for at least three (3) years."

Page 10, line 3, delete "interested in reducing" and insert **"that produce steel or a steel product using recycled steel."**

Page 10, delete line 4.

Page 10, line 20, delete "allow" and insert **"allow:**

(1) entities regulated by the department to bank the documented value, as determined by the commissioner, of environmentally beneficial activities that:

(A) contribute to the removal of mercury from the environment; and

(B) are not required by law or by rule; and

(2) persons that produce steel or a steel product using recycled steel to bank the actual value of contributions by the person to the solid waste management fund under IC 13-20-22-2(c)(6)."

Page 10, line 20, delete "entities regulated by the".

Page 10, delete lines 21 through 26.

Page 10, line 29, delete "collectable" and insert **"collectible"**.

Page 11, after line 4, begin a new paragraph and insert:

"Sec. 5. This chapter expires July 1, 2016."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1110 as printed February 22, 2006.)

GARD

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1172

Senator Miller called up Engrossed House Bill 1172 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1176

Senator Nugent called up Engrossed House Bill 1176 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1214

Senator Long called up Engrossed House Bill 1214 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1220

Senator Meeks called up Engrossed House Bill 1220 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1227

Senator Nugent called up Engrossed House Bill 1227 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1235

Senator Miller called up Engrossed House Bill 1235 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1235-1)

Madam President: I move that Engrossed House Bill 1235 be amended to read as follows:

Page 5, line 8, after "telephone" insert "**or**".

(Reference is to EHB 1235 as printed February 24, 2006.)

MILLER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1239

Senator Long called up Engrossed House Bill 1239 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1239-1)

Madam President: I move that Engrossed House Bill 1239 be amended to read as follows:

Page 2, line 12, reset in roman "An individual".

Page 2, line 12, delete "A".

Page 2, line 12, after "insurance" insert "**or a certificate of coverage**".

(Reference is to EHB 1239 as printed February 17, 2006.)

LONG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1257

Senator Waltz called up Engrossed House Bill 1257 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1261

Senator Lubbers called up Engrossed House Bill 1261 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1281

Senator Lubbers called up Engrossed House Bill 1281 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1285

Senator Heinold called up Engrossed House Bill 1285 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1306

Senator Long called up Engrossed House Bill 1306 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1314

Senator Lawson called up Engrossed House Bill 1314 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1315

Senator Landske called up Engrossed House Bill 1315 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1315-1)

Madam President: I move that Engrossed House Bill 1315 be amended to read as follows:

Page 2, line 20, delete "an unusual" and insert "**a visual**".

Page 2, line 21, delete "and".

Page 2, line 22, delete "or connect to the" and insert "**; and**".

Page 2, between lines 22 and 23, begin a new line double block indented and insert:

"(C) connect to the facility's fire alarm system."

Page 2, delete line 23.

(Reference is to EHB 1315 as printed February 24, 2006.)

LANDSKE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1329

Senator Miller called up Engrossed House Bill 1329 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1414

Senator Delph called up Engrossed House Bill 1414 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1418

Senator Heinold called up Engrossed House Bill 1418 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1420

Senator Gard called up Engrossed House Bill 1420 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Senator Mishler, who had been excused, was present.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1097

Senator Miller called up Engrossed House Bill 1097 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 239: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1101, which is eligible for third reading, be returned to second reading for purposes of amendment.

HERSHMAN

Motion prevailed.

Engrossed House Bill 1108

Senator Long called up Engrossed House Bill 1108 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 240: yeas 45, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1240

Senator Lubbers called up Engrossed House Bill 1240 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 241: yeas 48, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1395

Senator Miller called up Engrossed House Bill 1395 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 242: yeas 50, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 43 and 44 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Lewis be added as cosponsor of Engrossed House Bill 1102.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1108.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1110.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Paul and Landske be added as cosponsors of Engrossed House Bill 1097.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Simpson and Drozda be added as cosponsors of Engrossed House Bill 1285.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Wyss be added as cosponsors of Engrossed House Bill 1414.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse and Hume be added as cosponsors of Engrossed House Bill 1128.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Steele, Drozda, Waltz, Hume, Meeks, Bray, Hershman, and Paul be added as cosponsors of Engrossed House Bill 1176.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Lanane, Delph, and Paul be added as cosponsors of Engrossed House Bill 1028.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Paul be added as cosponsor of Engrossed House Bill 1227.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Becker be added as cosponsor of Engrossed House Bill 1315.

LANDSKE

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 77 and that a conference committee be appointed to confer with a like committee of the House.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 106 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 258 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, February 28, 2006.

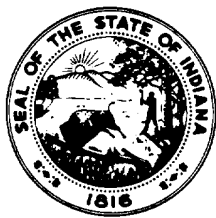
GARTON

Motion prevailed.

The Senate adjourned at 6:03 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-fifth Meeting Day

Tuesday Afternoon

February 28, 2006

The Senate convened at 1:32 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 243: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 41

Senate Concurrent Resolution 41, introduced by Senators Ford, Merritt, Craycraft, and Lewis:

A CONCURRENT RESOLUTION honoring the Indiana State Fair Commission and Board on the upcoming 150th State Fair.

Whereas, In 1851, the Indiana General Assembly passed an act "to encourage agriculture," which provided for the formation of a State Board of Agriculture. The primary goal of the Board was to create the first Indiana State Fair;

Whereas, Then in 1852, Indiana became the sixth state to begin holding an annual state agricultural fair. The original purpose of the State Fair was to allow Indiana's farmers to share ideas, view the most modern farming techniques, and display their products;

Whereas, The first State Fair was held at Camp Sullivan, which is now known as Military Park in downtown Indianapolis. While Indianapolis has been the primary location of the State Fair throughout its history, a few other Indiana cities hosted the event in the 1800s: Lafayette (1853), Madison (1854), New Albany (1859), Fort Wayne (1865) and Terre Haute (1867);

Whereas, In 1892, the Fair moved to its current location at East 38th Street and Fall Creek Parkway;

Whereas, The Indiana State Fair is one of the longest running fairs in the nation, having been held every year since 1852 with the exceptions of 1861, due to the Civil War, and 1942-1945, due to World War II;

Whereas, Agricultural activities at the Fair over the years have consisted of various livestock shows and crop exhibits. In addition, the Fair has included numerous homemaking projects such as baking, sewing, and arts and crafts;

Whereas, Today, with over 64,000 farms in Indiana, agriculture is still a focal point of the Fair. Attractions such as Pioneer Village, Farmers Day at the Fair, Pioneer Our Land Pavilion, the Ag/Hort Building, Little Hands on the Farm, and countless other exhibits highlight the development and impact of agriculture on the lives of Hoosiers statewide;

Whereas, In addition to agriculture, the Indiana State Fair has hosted many nationally-known performers, including: Captain Kangaroo, Johnny Cash, Reba McIntyre, DefLeppard, Dolly Parton, Garth Brooks, Bruce Springsteen, Alabama, Sonny & Cher, and The Beatles;

Whereas, The Indiana State Fair is also known for its scrumptious and varied menu of food, including traditional favorites like corn on the cob, Hoosier ribeye sandwiches, lemon shake-ups, milk shakes, and corn dogs, as well as many other delicious treats;

Whereas, After \$8 million in enhancements in 2004, the 4-H Education Complex at the State Fairgrounds is the nation's premier showcase of 4-H exhibits and events;

Whereas, With an annual average attendance of more than 800,000 visitors, the State Fair is the most-attended event in Indiana and generates nearly \$20 million annually for the economy; and

Whereas, Although primarily an agricultural exposition, the Indiana State Fair is a family event that young and old look forward to every year: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes the 150th Indiana State Fair and congratulates the Indiana State Fair Commission and Board on having one of the longest running State Fairs in the nation.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Cindy Hoye, Executive Director of the Fair Commission; Dr. Gene Sease, State Fair Commission Chairman; and the members of the Indiana State Fair Board.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Ruppel, Pond, Bischoff, and Goodin.

Senate Concurrent Resolution 35

Senate Concurrent Resolution 35, introduced by Senator Howard:

A CONCURRENT RESOLUTION congratulating Molly Seward for being named Indiana's Teacher of the Year for 2005, thanking her for her service to Indiana's youth, and extending our congratulations to her for representing Indiana at the national competition in Washington, DC for teacher of the year.

Whereas, Molly is a second grade teacher of 17 years; and

Whereas, She teaches at Snacks Crossing Elementary in MSD Pike Twp Schools in Indianapolis and is currently a "teacher-in-residence" at the Indiana Department of Education; and

Whereas, She received her Bachelor of Science in Elementary Education from Indiana University in December of 1986 and a Masters of Science in Curriculum and Instruction from the University of Indianapolis in May of 1998; and

Whereas, Dr. Suellen Reed, Superintendent of Public Instruction, has said that her "classroom and community work demonstrates a strong commitment to making Indiana's public schools stronger and its teachers better" and that "she is an advocate for the state of education in Indiana, an inspiration to our students, and an outstanding representative for all Indiana teachers."; and

Whereas, She has been honored as the Pike Township Teacher of the Year in 2004 and as the Outstanding Indiana Educator in 1997 by the University of Indianapolis; and

Whereas, She received the Armstrong Teacher Educator award in 2004 and the Professional Teaching Achievement Award from Governor O'Bannon in 2001;

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly congratulates Molly Seward for being named Indiana's Teacher of the Year for 2005, thanks her for her service to Indiana's youth, and extends its congratulations to her for representing Indiana at the national competition in Washington, DC for teacher of the year.

SECTION 2. The Secretary of the Senate shall transmit a copy of this Resolution to Molly Seward, Indiana University, the University of Indianapolis, and Snacks Crossing Elementary School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Mays.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1172.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as cosponsor of Engrossed House Bill 1080.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as cosponsor of Engrossed House Bill 1080.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as coauthor of Engrossed Senate Bill 69.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 54.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Engrossed Senate Bill 354.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Alting be added as coauthor of Engrossed Senate Bill 5.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Engrossed Senate Bill 47.

HERSHMAN

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 232, 235, 236, and 246 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 247 and 253 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 59 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 60 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 12, 47, 54, 83, and

111 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 33, 36, 39, 56, 73, 81, and 94 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

1:51 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:25 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 5 with amendments and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 258:

Conferees: Kenley, Chair and Hume

GARTON
Date: 2/28/2006
Time: 1:41 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 77:

Conferees: Heinold, Chair and Broden
Advisors: Drozda and Howard

GARTON
Date: 2/28/2006
Time: 1:57 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 106:

Conferees: M. Young, Chair and Broden

Advisors: Miller and Craycraft

GARTON

Date: 2/28/2006

Time: 1:38 p.m.

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1001

Senator Kenley called up Engrossed House Bill 1001 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1001-10)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 2, between lines 20 and 21, begin a new paragraph and insert:
"SECTION 3. IC 5-22-10-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.5. (a) This section applies to the purchase of supplies by the Indiana stadium and convention building authority created by IC 5-1-17-6.**

(b) A purchasing agent may award a contract for supplies and for the installation of supplies described in subsection (a) when there is only one (1) source for the supplies and the purchasing agent determines in writing that:

- (1) the sole source is:**
 - (A) integral to the design of a project; or**
 - (B) sufficiently unique or specialized; and**
- (2) alternative supplies:**
 - (A) are not available;**
 - (B) present design problems;**
 - (C) present warranty issues; or**
 - (D) diminish the desired result."**

Page 3, between lines 9 and 10, begin a new paragraph and insert:
"SECTION 5. IC 6-1.1-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) Except as provided in subsections (b) and (d), and subject to subsection (h), a taxpayer shall, on or before the filing date of each year, file a personal property return with the assessor of each township in which the taxpayer's personal property is subject to assessment.**

(b) The township assessor may grant a taxpayer an extension of not more than thirty (30) days to file the taxpayer's return if:

- (1) the taxpayer submits a written application for an extension prior to the filing date; and**
- (2) the taxpayer is prevented from filing a timely return because of sickness, absence from the county, or any other good and sufficient reason.**

(c) If the sum of the assessed values reported by a taxpayer on the business personal property returns which the taxpayer files with the township assessor for a year exceeds one hundred fifty thousand dollars (\$150,000), the taxpayer shall file each of the returns in duplicate.

(d) A taxpayer may file a consolidated return with the county assessor if the taxpayer has personal property subject to assessment in more than one (1) township in a county and the total assessed value of the personal property in the county is less than one million five hundred thousand dollars (\$1,500,000). A taxpayer filing a consolidated return shall attach a schedule listing, by township, all the taxpayer's personal property and the property's assessed value. A taxpayer filing a consolidated return is not required to file a personal property return with the assessor of each township. A taxpayer filing a consolidated return shall provide the following:

(1) The county assessor with the information necessary for the county assessor to allocate the assessed value of the taxpayer's personal property among the townships listed on the return, including the street address, the township, and the location of the property.

(2) A copy of the consolidated return, with attachments, for each township listed on the return.

(e) The county assessor shall provide to each affected township assessor in the county all information filed by a taxpayer under subsection (d) that affects the township. The county assessor shall provide the information before:

- (1) May 25 of each year, for a return filed on or before the filing date for the return; or**
- (2) June 30 of each year, for a return filed after the filing date for the return.**

(f) The township assessor shall send all required notifications to the taxpayer.

(g) The county assessor may refuse to accept a consolidated personal property tax return that does not have attached to it a schedule listing, by township, all the personal property of the taxpayer and the assessed value of the property as required under subsection (d). For purposes of IC 6-1.1-37-7, a consolidated return is filed on the date it is filed with the county assessor with the schedule of personal property and assessed value attached.

(h) A taxpayer that:

- (1) does not have personal property subject to assessment in a township; and**
- (2) would, if the taxpayer had personal property subject to assessment in the township, be required to report information under section 9(b) of this chapter in the township;**

shall file a return for the township under subsection (a) for the sole purpose of reporting information under section 9(b) of this chapter.

SECTION 6. IC 6-1.1-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) In completing a personal property return for a year, a taxpayer shall make a complete disclosure of:**

(1) all information required by the department of local government finance that is related to the value, nature, or location of personal property:

(1) (A) that the taxpayer owned on the assessment date of that year; or

~~(2)~~ **(B)** that the taxpayer held, possessed, or controlled on the assessment date of that year; **and**

(2) the information required under subsection (b) related to real property.

(b) A taxpayer shall:

(1) indicate on a personal property return for a year whether the taxpayer:

(A) is a C corporation (as defined in IC 6-1.1-21-2(p)) that owned; or

(B) is indirectly liable (as defined in IC 6-1.1-21-2(q)) for property taxes with respect to;

real property on the assessment date of that year; and

(2) identify on the personal property return by parcel number or key number any real property referred to in subdivision (1).

~~(b)~~ **(c)** The taxpayer shall certify to the truth of:

(1) all information appearing in a personal property return; and

(2) all data accompanying the return.

SECTION 7. IC 6-1.1-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) **Except as provided in subsection (b),** on or before June 1 of each year, each township assessor of a county shall deliver to the county assessor:

(1) a list ~~which~~ that states by taxing district the total of the personal property assessments as shown on the personal property returns filed with the assessor on or before the filing date of that year; and

(2) a list by taxpayer of parcel numbers or key numbers reported on personal property returns for that year under section 9(b) of this chapter.

(b) In a county with a township assessor under IC 36-6-5-1 in every township the township assessor shall deliver the lists **referred to in subsection (a)** to the county auditor. ~~as prescribed in subsection (b).~~

~~(b)~~ **(c)** On or before July 1 of each year, each county assessor shall certify to the county auditor:

(1) the ~~assessment~~ assessed value of the personal property in every taxing district; and

(2) the information delivered to the county assessor for that year under subsection (a)(2) for all townships in the county.

(d) As soon as practicable after receipt of amended personal property returns filed under section 7.5 of this chapter:

(1) each township assessor of a county shall deliver to the county assessor lists of the information required under subsection (a); and

(2) each county assessor shall certify to the county auditor the information required under subsection (c);

included in the amended returns.

~~(c)~~ **(e)** The department of local government finance shall prescribe the forms required by this section."

Page 7, line 20, after "acquires" insert "**in an arms length transaction from an entity that is not an affiliate of the deduction applicant**".

Page 8, line 40, after "acquires" insert "**in an arms length transaction from an entity that is not an affiliate of the deduction applicant**".

Page 9, line 25, after "applicant" insert "**acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant and**".

Page 10, line 2, strike "and".

Page 10, between lines 2 and 3, begin a new line double block indented and insert:

"(C) the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant; and".

Page 10, line 3, strike "(C)".

Page 10, line 3, after "was" insert "**(D)**".

Page 10, between lines 7 and 8, begin a new line block indented and insert:

"(16) "Affiliate" means an entity that effectively controls or is controlled by a deduction applicant or is associated with a deduction applicant under common ownership or control, whether by shareholdings or other means.

SECTION 12. IC 6-1.1-18-12, AS AMENDED BY P.L.1-2005, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

(1) property tax rate or rates; or

(2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection **(e)** for taxes first due and payable in 2003 if subsection **(e)** had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

(1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and

(2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

(1) IC 8-10-5-17;

(2) IC 8-22-3-11;

(3) IC 8-22-3-25;

(4) IC 12-29-1-1;

(5) IC 12-29-1-2;

(6) IC 12-29-1-3;

(7) IC 12-29-3-6;

(8) IC 13-21-3-12;

(9) IC 13-21-3-15;

(10) IC 14-27-6-30;

(11) IC 14-33-7-3;

(12) IC 14-33-21-5;

(13) IC 15-1-6-2;

(14) IC 15-1-8-1;

(15) IC 15-1-8-2;

(16) IC 16-20-2-18;

(17) IC 16-20-4-27;

(18) IC 16-20-7-2;

(19) IC 16-23-1-29;

(20) IC 16-23-3-6;

(21) IC 16-23-4-2;

(22) IC 16-23-5-6;

(23) IC 16-23-7-2;

(24) IC 16-23-8-2;

(25) IC 16-23-9-2;

(26) IC 16-41-15-5;

(27) IC 16-41-33-4;
 (28) IC 20-26-8-4;
 (29) IC 21-1-11-3;
(30) IC 21-2-15-11;
~~(30)~~ **(31)** IC 21-2-17-2;
~~(31)~~ **(32)** IC 23-13-17-1;
~~(32)~~ **(33)** IC 23-14-66-2;
~~(33)~~ **(34)** IC 23-14-67-3;
~~(34)~~ **(35)** IC 36-7-13-4;
~~(35)~~ **(36)** IC 36-7-14-28;
~~(36)~~ **(37)** IC 36-7-15.1-16;
~~(37)~~ **(38)** IC 36-8-19-8.5;
~~(43)~~ ~~(38)~~ **(39)** IC 36-9-6.1-2;
~~(44)~~ ~~(39)~~ **(40)** IC 36-9-17.5-4;
~~(45)~~ ~~(40)~~ **(41)** IC 36-9-27-73;
~~(46)~~ ~~(41)~~ **(42)** IC 36-9-29-31;
~~(47)~~ ~~(42)~~ **(43)** IC 36-9-29.1-15;
~~(48)~~ ~~(43)~~ **(44)** IC 36-10-6-2;
~~(49)~~ ~~(44)~~ **(45)** IC 36-10-7-7;
~~(50)~~ ~~(45)~~ **(46)** IC 36-10-7-8;
~~(51)~~ ~~(46)~~ **(47)** IC 36-10-7.5-19;
~~(47)~~ **(48)** IC 36-10-13-5;
~~(48)~~ **(49)** IC 36-10-13-7;
~~(49)~~ **(50)** IC 36-12-7-7;
~~(50)~~ **(51)** IC 36-12-7-8;
~~(51)~~ **(52)** IC 36-12-12-10; and
~~(52)~~ **(53)** any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

- (i) property taxes; or
- (ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d)."

Page 10, line 29, strike "(except as necessary to explain the project to the".

Page 10, line 30, strike "public".

Page 10, line 38, delete "." and insert ", or otherwise compelling an employee to promote a position on the petition or remonstrance at any time.".

Page 11, between lines 13 and 14, begin a new paragraph and insert:

"(d) A person or an organization that has a contract or arrangement (whether formal or informal) with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on the petition or remonstrance. A person who violates this subsection:

(1) commits a Class A infraction; and

(2) is barred from performing any services with respect to the controlled project.

SECTION 15. IC 6-1.1-20-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) This section applies to the determination of the validity of a signature on a document required for a petition and remonstrance procedure under this chapter.**

(b) If:

(1) the validity of a signature is uncertain; and

(2) this section does not establish a standard to be applied in that case;

a reasonable doubt must be resolved in favor of the validity of the signature.

(c) Whenever the name of an individual, as printed or signed, contains a minor variation from the name of the individual as set forth in the relevant county records, the signature is considered valid.

(d) Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered valid.

(e) Notwithstanding subsection (c) or (d), if the residence address or mailing address of an individual contains a substantial variation from the residence address or mailing address as set

forth in the relevant county records, the signature is considered invalid.

(f) If the signature of an individual does not substantially conform with the signature of the individual in the relevant county records, the signature is considered invalid. In determining whether a signature substantially conforms with an individual's in the relevant county records, consideration shall be given to whether that lack of conformity may reasonably be attributed to the age, disability, or impairment of the individual."

Page 18, line 38, after "is" insert "directly or indirectly".

Page 19, line 1, after "is" insert "directly or indirectly".

Page 19, line 39, after "is" insert "directly or indirectly".

Page 20, line 3, after "is" insert "directly or indirectly".

Page 20, between lines 28 and 29, begin a new paragraph and insert:

"(q) "Indirectly liable" means that at least fifty percent (50%) of any combination of the book value and control of a taxpayer that is liable for property taxes on tangible property is directly or indirectly owned or controlled by one (1) or more C corporations. However, in determining the ownership of an entity in a chain of ownership of a taxpayer, the publicly traded shares or ownership units of an entity shall be treated as not owned by a C corporation."

Page 30, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 29. IC 6-1.1-40-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1.5. As used in this chapter, "affiliate" means an entity that effectively controls or is controlled by an applicant for a deduction under this chapter or is associated with an applicant for a deduction under this chapter under common ownership or control, whether by shareholdings or other means."

Page 30, line 11, after "acquires" insert "in an arms length transaction from an entity that is not an affiliate of the applicant".

Page 33, line 4, delete "or under section 9(b) of this chapter".

Page 53, delete lines 37 through 42.

Page 54, delete lines 1 through 11.

Page 54, line 12, delete "(3)" and insert "(2)".

Page 54, line 23, delete "(4)" and insert "(3)".

Page 54, delete lines 26 through 42.

Page 55, delete lines 1 through 6.

Page 55, line 7, delete "(7)" and insert "(4)".

Page 55, between lines 18 and 19, begin a new paragraph and insert:

"SECTION 42. IC 6-3-4-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. A C corporation (as defined in IC 6-1.1-21-2(p)) shall:

(1) indicate on a return required under section 1 of this chapter whether the C corporation owned real property on the assessment date (as defined in IC 6-1.1-1-2) in the taxable year for which the return is filed; and

(2) identify on the return by parcel number or key number any real property referred to in subdivision (1)."

Page 60, delete lines 8 through 42, begin a new paragraph and insert:

"(b) The county council may, by ordinance, determine that

additional county adjusted gross income tax revenue is needed in the county to:

(1) finance, construct, acquire, improve, renovate, or equip:

(A) jail facilities;

(B) juvenile court, detention, and probation facilities;

(C) other criminal justice facilities; and

(D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain any of the facilities described in subsection (b)(1)(A) through (b)(1)(D) that are located in the county. The county council may make a determination under both this subsection and subsection (b).

(~~c~~) (d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

(1) fifteen-hundredths percent (0.15%);

(2) two-tenths percent (0.2%); or

(3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes ~~the~~ a finding and determination set forth in subsection (b) or (c). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(e) If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and

(2) all bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities described in subsection (b)(1)(A).

(f) The tax imposed under this section may be imposed only until the later of the date on which:

(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; or

(2) ~~the date on which~~ the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid; or

(3) an ordinance adopted under subsection (c) is rescinded.

(g) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(~~d~~) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of carrying out the purposes described in subsection (b)(1).

~~(e)~~ **(h)** The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

~~(f)~~ **(i)** County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

~~(g)~~ **(j)** Notwithstanding any other law, ~~funds accumulated from the county adjusted gross income tax imposed under this section after:~~

- ~~(1) the completion of the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b);~~
- ~~(2) the payment or provision for payment of all the costs for activities described in subdivision (1);~~
- ~~(3) the redemption of bonds issued; and~~
- ~~(4) the final payment of lease rentals due under a lease entered into under this section;~~

money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 47. IC 6-3.5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be

allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
- (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;

under section 2.8 of this chapter;

(3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

(5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 48. IC 6-3.5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
- (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;

under section 2.8 of this chapter;

(3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

(4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this

chapter; or

(5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY ADJUSTED GROSS INCOME TAX RATE	PROPERTY TAX	
	REPLACEMENT CREDITS	CERTIFIED SHARES
0.5%	50%	50%
0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter.

SECTION 49. IC 6-3.5-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:**

(1) maintaining low property tax rates is essential to economic development; and

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail

facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before April 1 in a year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after March 31 of a year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 50. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:**

(1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), or (s), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), ~~or~~ (t), ~~or~~ (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
 - (A) fifteen-hundredths percent (0.15%);
 - (B) two-tenths percent (0.2%); or
 - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

- (1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one

and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%)."

Page 61, delete lines 1 through 33.

Page 62, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 51. IC 6-8.1-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) This subsection does not apply to the disclosure of information concerning a conviction on a tax evasion charge. Unless in accordance with a judicial order or as otherwise provided in this chapter, the department, its employees, former employees, counsel, agents, or any other person may not divulge the amount of tax paid by any taxpayer, terms of a settlement agreement executed between a taxpayer and the department, investigation records, investigation reports, or any other information disclosed by the reports filed under the provisions of the law relating to any of the listed taxes, including required information derived from a federal return, except to:

(1) members and employees of the department;

(2) the governor;

(3) the attorney general or any other legal representative of the state in any action in respect to the amount of tax due under the provisions of the law relating to any of the listed taxes; or

(4) any authorized officers of the United States;

when it is agreed that the information is to be confidential and to be used solely for official purposes.

(b) The information described in subsection (a) may be revealed upon the receipt of a certified request of any designated officer of the state tax department of any other state, district, territory, or possession of the United States when:

(1) the state, district, territory, or possession permits the exchange of like information with the taxing officials of the state; and

(2) it is agreed that the information is to be confidential and to be used solely for tax collection purposes.

(c) The information described in subsection (a) relating to a person on public welfare or a person who has made application for public welfare may be revealed to the director of the division of family and children, and to any county director of family and children located in Indiana, upon receipt of a written request from either director for the information. The information shall be treated as confidential by the directors. In addition, the information described in subsection (a) relating to a person who has been designated as an absent parent by the state Title IV-D agency shall be made available to the state Title IV-D agency upon request. The information shall be subject to the information safeguarding provisions of the state and federal Title IV-D programs.

(d) The name, address, Social Security number, and place of employment relating to any individual who is delinquent in paying

educational loans owed to an institution of higher education may be revealed to that institution if it provides proof to the department that the individual is delinquent in paying for educational loans. This information shall be provided free of charge to approved institutions of higher learning (as defined by IC 20-12-21-3(2)). The department shall establish fees that all other institutions must pay to the department to obtain information under this subsection. However, these fees may not exceed the department's administrative costs in providing the information to the institution.

(e) The information described in subsection (a) relating to reports submitted under IC 6-6-1.1-502 concerning the number of gallons of gasoline sold by a distributor, and IC 6-6-2.5 concerning the number of gallons of special fuel sold by a supplier and the number of gallons of special fuel exported by a licensed exporter or imported by a licensed transporter may be released by the commissioner upon receipt of a written request for the information.

(f) The information described in subsection (a) may be revealed upon the receipt of a written request from the administrative head of a state agency of Indiana when:

- (1) the state agency shows an official need for the information; and
- (2) the administrative head of the state agency agrees that any information released will be kept confidential and will be used solely for official purposes.

(g) The name and address of retail merchants, including township, as specified in IC 6-2.5-8-1(h) may be released solely for tax collection purposes to township assessors.

(h) The department shall notify the appropriate innkeepers' tax board, bureau, or commission that a taxpayer is delinquent in remitting innkeepers' taxes under IC 6-9.

(i) All information relating to the delinquency or evasion of the motor vehicle excise tax may be disclosed to the bureau of motor vehicles in Indiana and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.

(j) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable to the bureau of motor vehicles in Indiana may be disclosed to the bureau and may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(k) All information relating to the delinquency or evasion of commercial vehicle excise taxes payable under the International Registration Plan may be disclosed to another state, if the information is disclosed for the purpose of the enforcement and collection of the taxes imposed by IC 6-6-5.5.

(l) This section does not apply to:

- (1) the beer excise tax (IC 7.1-4-2);
- (2) the liquor excise tax (IC 7.1-4-3);
- (3) the wine excise tax (IC 7.1-4-4);
- (4) the hard cider excise tax (IC 7.1-4-4.5);
- (5) the malt excise tax (IC 7.1-4-5);
- (6) the motor vehicle excise tax (IC 6-6-5);
- (7) the commercial vehicle excise tax (IC 6-6-5.5); and
- (8) the fees under IC 13-23.

(m) The name and business address of retail merchants within each county that sell tobacco products may be released to the division

of mental health and addiction and the alcohol and tobacco commission solely for the purpose of the list prepared under IC 6-2.5-6-14.

(n) Information included in a return under IC 6-3-4-1.5 may be released to the county auditor of the county in which the real property referred to in that section is located."

Page 188, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 69. IC 21-2-15-11, AS AMENDED BY P.L.246-2005, SECTION 190, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. (a) Except as provided in **IC 6-1.1-18-12** and subsection ~~(c)~~; **(b)**, to provide for the capital projects fund, the governing body may, for each year in which a plan adopted under section 5 of this chapter is in effect, impose a property tax rate that does not exceed forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation of the school corporation. This actual rate must be advertised in the same manner as other property tax rates.

(b) The maximum property tax rate levied by each school corporation must be adjusted each time a general reassessment of property takes effect. The adjusted property tax rate becomes the new maximum property tax rate for the levy for property taxes first due and payable in each year:

- (1) after the general reassessment for which the adjustment was made takes effect; and**
- (2) before the next general reassessment takes effect.**

(c) The new maximum rate under this section is the tax rate determined under STEP SEVEN of the following formula:

STEP ONE: Determine the maximum rate for the school corporation for the year preceding the year in which the general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value of the taxable property from the year preceding the year the general reassessment takes effect to the year that the general reassessment is effective.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first become effective.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

- (A) Zero (0);**
- (B) The result of the STEP TWO percentage minus the STEP FIVE percentage.**

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(d) The department of local government finance shall compute the maximum rate allowed under subsection (c) and provide the rate to

~~each school corporation:~~

~~(c)~~ **(b)** For a year in which a school corporation uses money from the school corporation's capital projects fund to pay for costs described in section 4(l) of this chapter, the school corporation may impose a property tax rate that exceeds the rate described in subsection (a). The amount by which the property tax rate may exceed the rate described in subsection (a) equals the amount determined under STEP THREE of the following formula:

STEP ONE: Determine the school corporation's expenditures under section 4(l) of this chapter for the calendar year.

STEP TWO: Determine the quotient of:

(A) the STEP ONE amount; divided by

(B) the school corporation's assessed valuation for the year.

STEP THREE: Determine the product of:

(A) the STEP TWO amount; multiplied by

(B) one hundred (100).".

Page 190, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 71. IC 21-3-1-7-7, AS AMENDED BY P.L.246-2005, SECTION 198, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a)** If a computation under this chapter results in a fraction and a rounding rule is not specified, the fraction shall be rounded as follows:

(1) All tax rates shall be computed by rounding the rate to the nearest one-hundredth of a cent (\$0.0001).

(2) All tax levies shall be computed by rounding the levy to the nearest dollar amount (\$1).

(3) All tuition support distributions shall be computed by rounding the tuition support distribution to the nearest cent (\$0.01).

(4) If a calculation is not covered by subdivision (1), (2), or (3), the result of the calculation shall be rounded to the nearest ten-thousandth (.0001).

(b) The department of local government finance, after consulting with the department of education, shall adjust the following each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5 and each time a general reassessment of real property takes effect under IC 6-1.1-4-4 to eliminate the effects of the annual adjustment or general reassessment:

(1) Each school corporation's target general fund property tax rate determined under section 6.8 of this chapter.

(2) Each school corporation's previous year general fund property tax rate imposed for the school corporation's tuition support levy.

(3) The maximum permissible general fund property tax rate computed under IC 6-1.1-19-1.5 for each school corporation.

The adjusted rates shall be used in determining state tuition support and general fund levies in each year beginning with the year in which the adjustment first applies."

Page 192, between lines 25 and 26, begin a new paragraph and insert:

"SECTION 74. IC 33-26-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~The office of~~ **Subject to the approval of the attorney general, shall represent a township assessor, a county assessor, a county auditor, a member of a county property tax assessment board of appeals, or a county**

property tax assessment board of appeals that:

(1) made an original determination that is the subject of a judicial proceeding in the tax court; and

(2) is a defendant in a judicial proceeding in the tax court;

may elect to be represented in the judicial proceeding by an attorney selected and paid by the defendant, the township, or the county."

Page 196, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 80. IC 36-1-12-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.3. (a) This section applies to a public works project constructed by, for, or on behalf of the Indiana stadium and convention building authority created by IC 5-1-17-6.**

(b) Notwithstanding section 3 of this chapter, the board may purchase supplies and may enter into a contract for the installation of supplies in the manner provided in IC 5-22-10-13.5, when the board awarding the contract for the public work determines in writing that proceeding under this section is in the best interest of the project.

SECTION 81. IC 36-1-12-13.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. **(a) Except as provided in subsection (f), this section applies to contracts for public work only if the cost of the public work is estimated to be more than one hundred thousand dollars (\$100,000).**

(b) The contractor shall execute a payment bond to the appropriate political subdivision or agency, approved by and for the benefit of the political subdivision or agency, in an amount equal to the contract price. The payment bond is binding on the contractor, the subcontractor, and their successors and assigns for the payment of all indebtedness to a person for labor and service performed, material furnished, or services rendered. The payment bond must state that it is for the benefit of the subcontractors, laborers, material suppliers, and those performing services.

(c) The payment bond shall be deposited with the board. The payment bond must specify that:

(1) a modification, omission, or addition to the terms and conditions of the public work contract, plans, specifications, drawings, or profile;

(2) a defect in the public work contract; or

(3) a defect in the proceedings preliminary to the letting and awarding of the public work contract;

does not discharge the surety. The surety of the payment bond may not be released until one (1) year after the board's final settlement with the contractor.

(d) A person to whom money is due for labor performed, material furnished, or services provided shall, within sixty (60) days after the completion of the labor or service, or within sixty (60) days after the last item of material has been furnished, file with the board signed duplicate statements of the amount due. The board shall forward to the surety of the payment bond one (1) of the signed duplicate statements. However, failure of the board to forward a signed duplicate statement does not affect the rights of a person to whom money is due. In addition, a failure to forward the statement does not operate as a defense for the surety.

(e) An action may not be brought against the surety until thirty (30) days after the filing of the signed duplicate statements with the

board. If the indebtedness is not paid in full at the end of that thirty (30) day period the person may bring an action in court. The court action must be brought within sixty (60) days after the date of the final completion and acceptance of the public work.

(f) This subsection applies to contracts for a public work entered into by, for, or on behalf of the Indiana stadium and convention building authority created by IC 5-1-17-6. The board awarding the contract for the public works project may waive the payment bond requirements of this section if the board, after public notice and hearing, determines:

(1) that:

(A) an otherwise responsive and responsible bidder is unable to provide the payment bond required by this section; or

(B) the cost or coverage of the payment bond is not in the best interest of the project; and

(2) that an adequate alternative is provided through a letter of credit, additional retainage, or other sufficient protective mechanism.

SECTION 82. IC 36-1-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to public work contracts in excess of one hundred thousand dollars (\$100,000) for projects other than highways, roads, streets, alleys, bridges, and appurtenant structures situated on streets, alleys, and dedicated highway rights-of-way. This section also applies to a lessor corporation qualifying under IC 21-5-11 or IC 21-5-12 or any other lease-back arrangement containing an option to purchase, notwithstanding the statutory provisions governing those leases.

(b) A board that enters into a contract for public work, and a contractor who subcontracts parts of that contract, shall include in their respective contracts provisions for the retainage of portions of payments by the board to contractors, by contractors to subcontractors, and for the payment of subcontractors. At the discretion of the contractor, the retainage shall be held by the board or shall be placed in an escrow account with a bank, savings and loan institution, or the state as the escrow agent. The escrow agent shall be selected by mutual agreement between board and contractor or contractor and subcontractor under a written agreement among the bank or savings and loan institution and:

(1) the board and the contractor; or

(2) the subcontractor and the contractor.

The board shall not be required to pay interest on the amounts of retainage that it holds under this section.

(c) To determine the amount of retainage to be withheld, the board shall:

(1) withhold no more than ten percent (10%) of the dollar value of all work satisfactorily completed until the public work is fifty percent (50%) completed, and nothing further after that; or

(2) withhold no more than five percent (5%) of the dollar value of all work satisfactorily completed until the public work is substantially completed.

If upon substantial completion of the public work minor items remain uncompleted, an amount computed under subsection (f) of this section shall be withheld until those items are completed.

(d) The escrow agreement must contain the following provisions:

(1) The escrow agent shall invest all escrowed principal in obligations selected by the escrow agent.

(2) The escrow agent shall hold the escrowed principal and income until receipt of notice from the board and the contractor, or the contractor and the subcontractor, specifying the part of the escrowed principal to be released from the escrow and the person to whom that portion is to be released. After receipt of the notice, the escrow agent shall remit the designated part of escrowed principal and the same proportion of then escrowed income to the person specified in the notice.

(3) The escrow agent shall be compensated for the agent's services. The parties may agree on a reasonable fee comparable with fees being charged for the handling of escrow accounts of similar size and duration. The fee shall be paid from the escrowed income.

The escrow agreement may include other terms and conditions consistent with this subsection, including provisions authorizing the escrow agent to commingle the escrowed funds with funds held in other escrow accounts and limiting the liability of the escrow agent.

(e) **Except as provided by subsection (i),** the contractor shall furnish the board with a performance bond equal to the contract price. If acceptable to the board, the performance bond may provide for incremental bonding in the form of multiple or chronological bonds that, when taken as a whole, equal the contract price. The surety on the performance bond may not be released until one (1) year after the date of the board's final settlement with the contractor. The performance bond must specify that:

(1) a modification, omission, or addition to the terms and conditions of the public work contract, plans, specifications, drawings, or profile;

(2) a defect in the public work contract; or

(3) a defect in the proceedings preliminary to the letting and awarding of the public work contract;

does not discharge the surety.

(f) The board or escrow agent shall pay the contractor within sixty-one (61) days after the date of substantial completion, subject to sections 11 and 12 of this chapter. Payment by the escrow agent shall include all escrowed principal and escrowed income. If within sixty-one (61) days after the date of substantial completion there remain uncompleted minor items, an amount equal to two hundred percent (200%) of the value of each item as determined by the architect-engineer shall be withheld until the item is completed. Required warranties begin not later than the date of substantial completion.

(g) Actions against a surety on a performance bond must be brought within one (1) year after the date of the board's final settlement with the contractor.

(h) This subsection applies to public work contracts of less than two hundred fifty thousand dollars (\$250,000). The board may waive the performance bond requirement of subsection (e) and accept from a contractor an irrevocable letter of credit for an equivalent amount from an Indiana financial institution approved by the department of financial institutions instead of a performance bond. Subsections (e) through (g) apply to a letter of credit submitted under this subsection.

(i) This subsection applies to the Indiana stadium and convention building authority created by IC 5-1-17-6. The board awarding the contract for the public works project may waive the performance bond requirement of subsection (e) if the board, after public notice and hearing, determines:

(1) that:

(A) an otherwise responsive and responsible bidder is unable to provide the performance bond required by subsection (c); or

(B) the cost or coverage of the performance bond is not in the best interest of the project; and

(2) that an adequate alternative is provided through a letter of credit, additional retainage, or other sufficient protective mechanism."

Page 208, line 38, after "the" insert "financing, construction, acquisition, improvement, renovation, equipping,".

Page 208, line 38, after "operation" insert ",".

Page 208, line 39, delete "option" and insert "adjusted gross".

Page 208, line 41, after "the" insert "financing, construction, acquisition, improvement, renovation, equipping,".

Page 208, line 41, after "operation" insert ",".

Page 209, line 1, delete "option" and insert "adjusted gross".

Page 214, line 27, delete "expressed as a percentage".

Page 214, line 34, delete "hundred fifty percent (150%)." and insert "and one-half (1.5)".

Page 216, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 118. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) As used in this SECTION:

(1) "department" refers to the department of local government finance;

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3;

(3) "municipal growth rate" means the rate of population growth of a municipality, which equals the quotient expressed as a percentage of:

(A) the remainder of:

(i) the estimated 2006 population of the municipality as determined by the municipality; minus

(ii) the population of the municipality as determined in the 2000 federal decennial census; divided by

(B) the population of the municipality as determined in the 2000 federal decennial census; and

(4) "municipality" has the meaning set forth in IC 36-1-2-11.

(b) For purposes of this SECTION, the statewide growth rate is two and six-tenths percent (2.6%).

(c) This SECTION applies to a municipality:

(1) for which the municipal growth rate is more than twice the statewide growth rate;

(2) that experienced a reduction of at least forty-four percent (44%) in its maximum levy for property taxes first due and payable in 2004 as compared to its maximum levy for property taxes first due and payable in 2003;

(3) that did not appeal in 2004 to the department for an excess levy for property taxes first due and payable in 2005;

(4) that appealed before September 20, 2005, to the department for an excess levy for property taxes first due and payable in 2006 in accordance with IC 6-1.1-18.5-14;

(5) that received a favorable recommendation from the local government tax control board, following a public hearing, with respect to the appeal referred to in subdivision (4); and

(6) that received from the department on December 7, 2005, a denial of the appeal referred to in subdivision (4).

(d) Notwithstanding IC 6-1.1-18.5-3, the maximum levy for property taxes first due and payable in 2007 for a municipality described in subsection (c) is equal to the sum of:

(1) the ad valorem property tax levy approved by the department for the municipality for property taxes first due and payable in 2006; plus

(2) two million five hundred thousand dollars (\$2,500,000).

(e) This SECTION expires January 1, 2008.

SECTION 119. [EFFECTIVE UPON PASSAGE] (a) With respect to personal property returns for the assessment date in 2006, the department of local government finance shall:

(1) notify county assessors and township assessors of the requirements of IC 6-1.1-3-9(b), as added by this act; and

(2) by the means the department determines to be appropriate, disseminate information to the public concerning:

(A) those requirements; and

(B) the requirement under subsection (b).

(b) A taxpayer that fails to include on the taxpayer's:

(1) personal property return under IC 6-1.1-3-7(a);

(2) extended personal property return under IC 6-1.1-3-7(b); or

(3) consolidated personal property return under IC 6-1.1-3-7(d);

for the assessment date in 2006 the information required under IC 6-1.1-3-9(b), as added by this act, shall file an amended return under IC 6-1.1-3-7.5 to include that information.

(c) This SECTION expires January 1, 2008.

SECTION 120. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a taxpayer that:

(1) is an entity that was established for the purpose of providing youths with the opportunity to play supervised and organized baseball against other youths;

(2) before 2002 qualified as a nonprofit corporation under Indiana law;

(3) during 2002, 2003, 2004, and 2005 did not maintain its status as a nonprofit corporation under Indiana law due to the failure to make certain filings;

(4) regained its status as a nonprofit corporation beginning in 2006; and

(5) was assessed by the department of state revenue for delinquent state gross retail taxes owed for 2002, 2003, 2004, and 2005 and has paid those assessments.

(b) A taxpayer described in subsection (a) is entitled to a refund of the payments described in subsection (a)(5) to the extent that the state gross retail taxes for which the assessments were made would not have been owed if the taxpayer had maintained its status as a nonprofit corporation during the years for which the assessments were made.

(c) A taxpayer that is entitled to a refund under this SECTION shall claim the refund under IC 6-8.1-9 in the manner prescribed by the department of state revenue.

(d) This SECTION expires July 1, 2008."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed February 24, 2006.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1001-9)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 62, line 32, after "dogs" insert **"at least six (6) months of age"**.

Page 62, line 36, delete "The amount of the" and insert **"A"**.

Page 62, line 36, delete "is equal to" and insert **"may not exceed"**.

Page 62, between lines 37 and 38, begin a new paragraph and insert:

"(c) The maximum amount of county option dog tax that may be imposed under this section per year for dogs kept in kennels for breeding, boarding, or training purposes or for sale is the amount equal to the lesser of:

(1) the total amount of county option dog tax calculated without regard to this subsection; or

(2) for a kennel consisting of:

(A) at least fifteen (15) dogs at least six (6) months of age, thirty dollars (\$30); or

(B) less than fifteen (15) dogs at least six (6) months of age, twenty dollars (\$20)."

Page 62, delete lines 41 through 42, begin a new paragraph and insert:

"Sec. 4. (a) The department of local government finance shall prescribe a county option dog tax return form for use in counties that adopt the county option dog tax.

(b) If a county option dog tax adopted under section 2 of this chapter is in effect in a county, the county treasurer shall:

(1) make blank county option dog tax return forms available to the public;

(2) include a county option dog tax return form with every statement mailed to a person under IC 6-1.1-22-8(a)(1) that is preprinted with:

(A) the name of the person or persons liable for the county option dog tax, if known; and

(B) the names of the dogs subject to the tax imposed under section 2 of this chapter, if known;

as reported on the most recent county option dog tax return received by the county treasurer, if any, before the statements described under IC 6-1.1-22-8 are prepared for mailing.

(c) If a county option dog tax adopted under section 2 of this chapter is in effect in a county, a person who keeps or harbors a dog in the county shall:

(1) complete an accurate county option dog tax return that specifies the number of dogs kept or harbored by the person in or near the person's premises in the county that are at least six (6) months of age on January 1 of the calendar year; and

(2) submit the return described in subdivision (1) to the county treasurer together with payment of the county option dog tax owed;

on or before May 10 of each year."

Page 63, delete lines 1 through 5.

Page 63, line 11, after "research" insert **"and education"**.

Page 63, line 21, after "research" insert **"and education"**.

Page 63, line 25, delete "shall issue a warrant to the" and insert **"and the county treasurer shall include the county option dog tax revenue received by the county treasurer in the settlement**

procedures described in IC 6-1.1-27. Amounts accumulated in the county canine research and education account shall be paid to the state treasurer in accordance with the procedure described under IC 6-1.1-27-3."

Page 63, delete lines 26 through 36.

Page 64, between lines 2 and 3, begin a new line block indented and insert:

"(4) To reimburse people who have undergone rabies post exposure prophylaxis."

Page 64, line 7, after "research" insert **"and education"**.

Page 64, line 10, after "research" insert **"and education"**.

Page 64, line 11, after "research" insert **"and education"**.

Page 64, line 19, after "research" insert **"and education"**.

Page 64, line 20, after "research" insert **"and education"**.

Page 64, line 22, after "research" insert **"and education"**.

Page 64, line 23, delete "January 1 and July" and insert **"August"**.

Page 64, line 24, delete "balance" and insert **"amount"**.

Page 64, line 24, after "research" insert **"and education"**.

Page 64, line 28, after "research" insert **"and education"**.

Page 64, delete lines 29 through 41, begin a new paragraph and insert:

"Sec. 8. After January 1, 2007, a county, or a municipality (as defined in IC 36-1-2-11) of the county, may not adopt an ordinance implementing a licensing scheme for dogs unless the county option dog tax under this chapter is in effect in the county."

Page 185, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 54. IC 15-5-7-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The following losses and expenses are chargeable to the county in which an attack or exposure occurs:

(1) Damages, less compensation by insurance or otherwise, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineas.

(L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

(N) Bison.

(O) Farm raised cervidae.

(P) Ratitae.

(Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

(b) A person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.

(d) A county auditor shall establish procedures in accordance with the requirements of subsection (a) and section 4 of this chapter by which claimants may submit claims to the county auditor.

(e) A county auditor who:

(1) receives a verified claim under subsection (a) from a claimant; and

(2) is satisfied that the claim meets the requirements of subsection (a) and section 4 of this chapter;

shall immediately issue a warrant or check to the claimant for the verified amount of the claim. A county auditor who is not satisfied that a claim meets the requirements of subsection (a) and section 4 of this chapter shall promptly notify the claimant.

(f) A person whose claim under subsection (a) is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and section 4 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or section 4 of this chapter in evaluating the person's claim, the court may fashion an appropriate remedy, including an order directed to the county auditor to reconsider the person's claim.

SECTION 55. IC 15-5-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 4. (a) An owner desiring to make a claim under section 3(a)(1) of this chapter must do the following:**

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss, report the loss to the county auditor as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages, less compensation by insurance or otherwise, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) An appraisal of the stock, fowl, or game that were killed, maimed, or damaged may not exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an

officer under subdivision (1).

(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.

(b) In addition to the requirements of subsection (a), the claimant, if requested to do so by the county auditor or a person designated by the county auditor, must grant the right of subrogation to the county for the total amount paid on the claim to the claimant by the county on a form prescribed by the county auditor.

(c) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark each killed, maimed, or damaged animal so that the animal can support only one (1) claim under this chapter.

(d) A person desiring to make a claim under section 3(a)(2) of this chapter must provide the county auditor with documentation that the person, or a person for whom the claimant is financially responsible, underwent rabies post exposure prophylaxis."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed February 24, 2006.)

JACKMAN

Motion prevailed.

SENATE MOTION (Amendment 1001-14)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 1 delete lines 1 through 12.

Page 15, reset in roman lines 15 through 35.

Page 15, delete lines 36 through 40.

Page 15, line 41, reset in roman "(D)".

Page 15, line 41, delete "(B) that part of".

Page 15, line 41, reset in roman "total amount of".

Page 16, line 2, reset in roman "after December 31, 1983;"

Page 16, line 2, delete "before January".

Page 16, delete line 3.

Page 16, line 4, reset in roman "not".

Page 16, line 5, reset in roman "and".

Page 16, line 5, delete "or".

Page 16, line 6, reset in roman "does not constitute".

Page 16, line 6, delete "constitutes".

Page 16, line 9, reset in roman "minus".

Page 16, line 9, delete "and".

Page 16, reset in roman lines 10 through 16.

Page 16, line 17, reset in roman "(i)".

Page 16, line 17, delete "(C) that part of".

Page 16, line 18, reset in roman "the stated assessment year".

Page 16, line 18, delete "a cumulative building".

Page 16, line 19, delete "fund established or reestablished".

Page 16, line 20, delete "under".

Page 16, line 21, reset in roman "for a cumulative building fund whose".

Page 16, reset in roman lines 22 through 23.

Page 16, line 24, reset in roman "1983 stated assessment year; minus".

Page 16, line 24, delete "(before its repeal)".

Page 16, line 25, reset in roman "(ii)".
 Page 16, line 25, delete "to".
 Page 16, line 25, reset in roman "total".
 Page 16, line 25, delete "extent of the amount of".
 Page 16, line 26, delete "for the fund".
 Page 16, line 26, reset in roman "stated".
 Page 16, line 27, delete ";".
 Page 16, line 27, reset in roman "under the authority of IC 21-2-6 (repealed)".
 Page 16, reset in roman lines 28 through 35.
 Page 16, line 36, reset in roman "(iii)".
 Page 16, line 36, reset in italic "IC 36-12-12".
 Page 16, line 36, reset in roman "for a library capital projects".
 Page 16, reset in roman line 37.
 Page 16, line 38, reset in roman "(iv)".
 Page 16, line 38, reset in italic "IC 36-10-13-7".
 Page 16, line 38, reset in roman "for an art association".
 Page 16, reset in roman lines 39 through 42.
 Page 17, reset in roman lines 1 through 42.
 Page 18, line 3, delete ". plus" and insert "; plus".
 Page 18, reset in roman lines 4 through 17.
 Page 22, delete lines 34 through 42, begin a new paragraph and insert:

"SECTION 18. IC 6-1.1-21-2.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 2.7. Notwithstanding IC 6-1.1-20.9 and this chapter, the maximum amount that may be distributed under sections 4 and 10 of this chapter to a particular county is equal to the amount distributed to the county under sections 4 and 10 of this chapter to replace revenue lost from the granting of homestead credits under IC 6-1.1-20.9 and property tax replacement credits under section 5 of this chapter against tax liability imposed for the March 1, 2005, and January 15, 2006, assessment dates. If in any year, without applying this section, the amount determined for a county under IC 6-1.1-20.9 and this chapter exceeds the amount determined under this section, the property tax replacement fund board shall reduce the credit percentages under IC 6-1.1-20.9 and this chapter proportionately so that the distributions equal the amount determined under this section.**"

Page 23, delete lines 1 through 37.
 Page 62, line 1, delete "(repealed);" and insert ";".
 Page 62, line 1, after "(IC 6-3.5-6)" insert ";".
 Page 62, line 2, delete "(repealed);".
 Page 62, line 2, after "(IC 6-3.5-7)" insert ";".
 Page 62, line 3, before "the municipal" delete "(repealed);".
 Page 65, line 3, delete "COUNTY INCOME TAX" and insert "**PROPERTY TAX FREEZE REPLACEMENT REVENUES**".
 Page 65, between lines 3 and 4, begin a new paragraph and insert:
Chapter 1. Application; Purpose

Sec. 1. The purpose of this article is to provide counties with an option to reduce the amount of the controlled property taxes imposed in the county and provide taxing units with an alternative source of tax revenue to replace revenue lost as the result of the implementation of the following:

- (1) A controlled property tax freeze under IC 6-11-8.
- (2) A supplemental reduction in controlled property taxes under IC 6-11-9.

Sec. 2. This article applies to a county and the taxing units in a county only if an ordinance:

- (1) freezing controlled property taxes; and
- (2) imposing a county income tax to replace the lost revenue;

is adopted under IC 6-11-8.

Sec. 3. A county income tax imposed under this article is in addition to any tax imposed under the following:

- (1) IC 6-3.5-1.1 (county adjusted gross income tax).
- (2) IC 6-3.5-6 (county option income tax).
- (3) IC 6-3.5-7 (county economic development tax).

Sec. 4. A county freeze limit imposed under this article applies to all property taxes imposed in the adopting county except property taxes designated in this chapter as excluded property taxes.

Sec. 5. A property tax described in IC 6-1.1-17-16.7, IC 6-1.1-18-12, or IC 6-1.1-41-1 is an excluded property tax.

Sec. 6. A property tax imposed for any of the following is an excluded property tax:

- (1) A school bus replacement fund (IC 21-2-11.5).
- (2) A referendum tax levy fund (IC 21-2-11.6).
- (3) A school capital projects fund (IC 21-2-15).
- (4) A special education preschool fund (IC 21-2-17).
- (5) A racial balance fund (IC 6-1.1-19-10 (repealed) or IC 21-2-22).
- (6) A cultural institution (IC 20-5-17.5-4 (repealed) or IC 36-10-13-8).

Sec. 7. A:

- (1) property tax imposed under IC 6-1.1-21.2-12; or
- (2) special assessment imposed under IC 12-19-1.5-9;

for an allocation area is an excluded property tax.

Sec. 8. (a) A property tax imposed for any of the following funds is an excluded property tax:

- (1) A fund established under IC 21-2-4-2 or IC 36-9-15-10.
- (2) A fund primarily established to pay or fund loans or bonds authorized under IC 12-19-5-11, IC 12-19-7-19, or IC 12-19-7.5-18.
- (3) A fund established to pay or fund bond indebtedness or lease rentals with a term of at least five (5) years.
- (4) Any other debt service, debt payment, sinking, loan, bond, lease rental, fund established by a taxing unit to repay or fund a long term liability, as determined by the department of local government finance."

Page 65, line 4, delete "1." and insert "2."

Page 65, delete lines 7 through 9, begin a new paragraph and insert:

"Sec. 2. "Adopting county" refers to a county in which an ordinance to freeze controlled property taxes has been adopted under IC 6-11-8."

Page 65, line 11, after "IC 6-3-1-3.5." insert "However, in the case of a taxpayer who is an out-of state resident, the term includes only adjusted gross income derived from the taxpayer's principal place of business or employment."

Page 65, delete lines 12 through 42, begin a new paragraph and insert:

"Sec. 4. "Allocation area" has the meaning set forth in IC 6-1.1-21.2-3.

Sec. 5. "C corporation" has the meaning set forth in IC 6-1.1-21-2.

Sec. 6. "Controlled property tax" means an ad valorem property tax, other than an excluded property tax, that is imposed by a taxing unit in an adopting county.

Sec. 7. "Controlled total tax levy" means the sum of the controlled property taxes and increment raised in a particular year for a particular fund, purpose, or group of funds or purposes.

Sec. 8. "Corporate tangible property" means tangible property for which a C Corporation is directly or indirectly liable for controlled property taxes.

Sec. 9. "Council" refers to a county council or a county income tax council that has adopted an ordinance under IC 6-11-8.

Sec. 10. "County council" has the meaning set forth in IC 6-3.5-1.1-1.

Sec. 11. "County freeze limit" means the part of the maximum permissible total county property tax levy in a county that does not exceed the amount of controlled property taxes imposed in the county in the freeze limit determination year, as:

- (1) determined before the application of any credits against property tax liability permitted by law; and
- (2) certified by the department of local government finance.

Sec. 12. "County income tax" refers to a county income tax imposed in an adopting county under this article.

Sec. 13. "County income tax council" has the meaning set for in IC 6-3.5-6-1.

Sec. 14. "County taxpayer" refers to:

- (1) a resident; or
- (2) an out-of-state resident;

on which a county income tax is imposed in an adopting county.

Sec. 15. "Excluded property tax" refers to a property tax designated as an excluded property tax under IC 6-11-1.

Sec. 16. "Fiscal officer" has the meaning set forth in IC 36-1-2-7.

Sec. 17. "Freeze limit determination year" refers to the year for which a county's county freeze limit is calculated.

Sec. 18. "Indirectly liable" has the meaning set forth in IC 6-1.1-21-2.

Sec. 19. "Increment" means the part of the county income tax imposed for a particular year to fund the greater of zero (0) or the difference between:

- (1) the maximum permissible total county property tax levy in the county; and
- (2) the county freeze limit in the county.

Sec. 20. "Maximum permissible total county property tax levy" the total amount of controlled property taxes that could be imposed in a year in a county by the taxing units that are located in any part in the county, if a county freeze limit did not apply to the county, as determined:

- (1) after the application of all property tax levy limits and property tax rate limits that are imposed by a law outside this article; and
- (2) before the application of any credits against property tax liability permitted by law.

Sec. 21. "Noncorporate tangible property" means tangible property for which a C Corporation is not directly or indirectly

liable for controlled property taxes.

Sec. 22. "Out-of-state resident" means an individual:

- (1) who is not a resident of any county in Indiana on the residency determination date in the individual's taxable year; and
- (2) whose principal place of business or employment is in the particular county in Indiana on the residency determination date in the individual's taxable year.

Sec. 23. "Replacement amount" means the part of the:

- (1) increment; and
- (2) supplement;

imposed under this article to replace revenue lost to a taxing unit as a result of the property tax reductions granted under this article.

Sec. 24. "Residency determination date" refers to the date in a taxpayer's taxable year on which the taxpayer's obligation to pay county income taxes imposed in a particular county is determined.

Sec. 25. "Resident" means an individual who is a resident of a particular county on the residency determination date in the individual's taxable year.

Sec. 26. "Supplement" means the part of the county income tax imposed under this article imposed as a credit to reduce the amount of controlled property taxes imposed in the county below the county freeze limit for the county and replace the revenue lost to taxing units as a result of the granting of the credit.

Sec. 27. "Taxing unit" means a political subdivision that:

- (1) is a taxing unit (as defined in IC 6-1.1-1-21); or
- (2) would be a taxing unit (as defined in IC 6-1.1-1-21) if this article did not limit the political subdivision's authority to impose a controlled property tax.

Sec. 28. "Taxing unit's freeze limit" for a particular taxing unit means the part of the controlled tax levies imposed by the tax unit for the freeze limit determination year, as:

- (1) determined before the application of any credits against property tax liability permitted by law; and
- (2) certified by the department of local government finance.

Sec. 29. "Taxpayer" refers to an individual who has a county income tax liability under this article.

Chapter 3. Interpretation of Laws Governing Property Taxes; Maximum Tax Rates Under This Article

Sec. 1. Except for the manner in which:

- (1) taxes are imposed and tax rates are computed under this article; and
- (2) replacement amounts are distributed to taxing units;

county income taxes imposed under this article shall be treated as if the county income taxes were property taxes. However, a taxing unit is not eligible for a distribution under IC 6-1.1-21 to reduce or replace taxes imposed under this article.

Sec. 2. The department of local government finance shall allocate a taxing unit's freeze limit among the taxing unit's purposes and funds in proportion to the controlled property taxes imposed for the purposes and funds in the freeze limit determination year.

Sec. 3. Laws limiting or permitting a maximum:

- (1) controlled property tax levy; or
- (2) controlled property tax rate;

in an adopting county for a particular fund or purpose shall be

construed as limiting the controlled property taxes that may be imposed for the fund or purpose to the amount of the taxing unit's levy freeze limit that has been allocated to the fund or purpose.

Sec. 4. Any excessive levy permitted by law that exceeds the limits otherwise imposed on controlled property taxes shall be payable from the county income tax increment to the extent that the amount of the permitted excessive levy would exceed a taxing unit's freeze limit.

Sec. 5. Any law that permits or requires a taxing unit in an adopting county to impose or appropriate money from a controlled property tax for a fund or purpose shall be construed as requiring or permitting a taxing unit to impose or appropriate a combination of controlled property taxes and replacement amounts to meet the requirements of the law.

Sec. 6. Any limitations imposed by law that restrict:

- (1) the amount of a controlled property tax levy that may be imposed; or
- (2) the rate at which a controlled property tax may be imposed;

for a particular fund or purpose shall be construed to limit the sum of the controlled property taxes and county income tax increment that may be imposed for the fund or purpose.

Sec. 7. The maximum controlled total levy that may be imposed by or for a taxing unit in a year shall not be construed to be reduced if in the immediately preceding year the taxing unit:

- (1) did not impose the maximum controlled property tax permitted by law;
- (2) did not budget the maximum county income tax increment that the taxing unit could have budgeted by law; or
- (3) saved part of the taxing unit's distribution of controlled property taxes, county income tax supplement, or county income tax increment in a rainy day fund.

Sec. 8. The department of local government finance shall prescribe procedures and standards for applying this article to:

- (1) a calculation permitted or required by law that uses a property tax rate or property tax levy; and
- (2) any other law that refers to a property tax levy or property tax rate.

Chapter 4. Exchange of Information

Sec. 1. The department of state revenue, department of education, and budget agency shall assist the department of local government finance in carrying out the department of local government finance's responsibilities under this article.

Sec. 2. Forms, notices, ordinances, and resolutions required or permitted under this article must be prepared and used in the form and in the manner prescribed by the department of local government finance and approved by the state board of accounts.

Sec. 3. The department of local government finance shall establish a schedule for the distribution to taxing units of information that the department of local government finance determines will assist in the implementation of this article. The schedule may provide for the distribution of revisions to data and calculations previously distributed to taxing units.

Sec. 4. The department of local government finance, after reviewing the recommendations of the budget agency, shall

establish a schedule to regularly provide revenue forecasts to taxing units.

Sec. 5. In the notice published under IC 6-1.1-17-3, a taxing unit shall include an estimate of the amount of the county income tax increment and the county income tax supplement that will be expended or saved by the taxing unit in the ensuing year.

Sec. 6. When a taxing unit submits the taxing unit's budget to the county auditor under IC 6-1.1-17-5 or IC 6-1.1-17-5.6, the taxing unit shall submit with the budget a description of the amount of:

- (1) the county income tax increment and the county income tax supplement that taxing unit intends to expend in the ensuing year;
- (2) the county income tax increment and the county income tax supplement that taxing unit intends to save in the ensuing year; and
- (3) any other information determined necessary by the department of local government finance to set county income tax rates for the county in the ensuing year.

Sec. 7. In the notice published under IC 6-1.1-17-12, the county auditor shall include the following:

- (1) A description of the county income tax increment rate imposed for the current year and an estimate of the amount of the county income tax increment that will be distributed to each taxing unit in the county in the current year.
- (2) A description of the county income tax supplement rate imposed for the current year and an estimate of the amount of the county income tax supplement that will be distributed to each taxing unit in the county in the current year.
- (3) An estimate of the county income tax increment rate for the ensuing year that must be imposed in the county to fund the total of all budgets adopted by the taxing units in the county, as adjusted by the county board of tax adjustment or the county auditor under IC 6-1.1-17, and an estimate of the amount of the county income tax increment that will be distributed to each taxing unit in the county in the ensuing year.
- (4) A description of the county income tax supplement rate that will be imposed for the ensuing year and an estimate of the amount of the county income tax supplement that will be distributed to each taxing unit in the county in the ensuing year.

Sec. 8. When the county auditor certifies a taxing unit's tax rates, tax levies, and budgets to the department of local government finance under IC 6-1.1-17, the county auditor shall certify:

- (1) the county income tax increment in the ensuing year that is needed to fund each taxing unit's budget (including any rainy day fund deposits);
- (2) the amount by which the county income tax increment certified under subdivision (1) exceeds the maximum permissible county income tax increment for the ensuing year, if any;
- (3) the estimated county increment income tax rate that must be imposed in the county in the ensuing year to fund the sum of each taxing unit's county income tax increment for the ensuing year;

(4) the county income tax supplement rate established for the county for the ensuing year; and

(5) any other information determined necessary by the department of local government finance to set county income tax rates for the county in the ensuing year.

Sec. 9. The department of state revenue shall conduct a program to provide employers and taxpayers with adequate information for the employer or taxpayer to:

(1) determine the total county income tax rate that applies to a particular adopting county; and

(2) identify the adopting county where a taxpayer has an obligation to pay county income tax.

Sec. 10. In the notice published under IC 6-1.1-22-4, the county treasurer shall give notice of the county's:

(1) county income tax increment rate; and

(2) county income tax supplement rate;

that is in effect in the county for the year."

Delete pages 66 through 70.

Page 71, line 1, delete "4." and insert "5."

Page 71, line 33, delete "5." and insert "6."

Page 72, line 7, delete "6." and insert "7."

Page 72, line 8, after "each" insert "adopting".

Page 72, line 29, delete "IC 6-11-7." and insert "IC 6-11-8."

Page 72, line 30, delete "IC 6-11-8." and insert "IC 6-11-9."

Page 72, delete line 31.

Page 73, line 13, after "a" insert "calendar".

Page 73, delete lines 15 through 42, begin a new paragraph and insert:

Chapter 8. Property Tax Freeze; County Income Tax Increment

Sec. 1. The:

(1) county income tax council, if the county option income tax is in effect on January 1 of the year in which the county acts under this chapter;

(2) county council, if the county adjusted gross income tax is in effect on January 1 of the year in which the county acts under this chapter; or

(3) county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2);

may adopt an ordinance to impose a complete freeze on the controlled property taxes imposed in the county on noncorporate tangible property, a partial freeze on the controlled property taxes imposed in the county on corporate tangible property, and impose a county income tax increment to replace the revenue lost to taxing units as a result of the application of the controlled property tax freeze.

Sec. 2. To freeze controlled property tax levies under this chapter, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

Sec. 3. (a) An ordinance adopted under this chapter before April 1 in a year (or in 2006, before June 1, 2006) applies to:

(1) controlled property taxes first due and payable; and

(2) the taxation of adjusted gross income earned;

in each year that follows the year in which the ordinance is adopted.

(b) An ordinance adopted after March 31 in a year (or in 2006, after May 31, 2006) applies to:

(1) controlled property taxes first due and payable; and

(2) the taxation of adjusted gross income earned;

in each year that follows the year in which the ordinance is adopted by at least two (2) years.

Sec. 4. An ordinance under this chapter must be adopted substantially in the following form:

"The _____ County _____ elects to impose a freeze on the controlled property taxes imposed by the taxing units in _____ County and imposes a county income tax on the county taxpayers of _____ County at the rate necessary to replace the revenue lost as a result of the application of the property tax freeze in the county. The freeze shall be a complete freeze of controlled property taxes imposed on noncorporate tangible property and a partial freeze on controlled property taxes imposed on corporate tangible property, as provided by law. "

Sec. 5. An ordinance adopted under this chapter may freeze controlled property tax levies by reference to the amount of the controlled property tax levies certified by the department of local government finance under IC 6-1.1-17-16 for any of the following freeze limit determination years:

(1) The year in which the ordinance is adopted.

(2) The year immediately preceding the year in which the ordinance is initially effective under section 3 of this chapter, if section 3(b) of this chapter applies.

(3) 2006.

Sec. 6. As soon as practicable after adopting an ordinance under this chapter, the governing body adopting the ordinance shall certify the ordinance to the following:

(1) The county auditor of each county in which any part of the taxing unit in the county is located.

(2) The fiscal officer of each taxing unit that is located in any part in the county.

(3) The department of local government finance.

Sec. 7. The department of local government finance shall provide copies of an ordinance received under section 6 of this chapter to the department of state revenue and the budget agency.

Sec. 8. An ordinance that is adopted in conformity with this chapter may not be amended, repealed, or otherwise rescinded. However, an ordinance may be amended to bring the ordinance into conformity with this chapter.

Sec. 9. Beginning with the first year in which an ordinance is effective under section 3 of this chapter:

(1) an additional property tax replacement credit is granted against the tax liability imposed on tangible property for controlled property taxes equal to the applicable percentage of the controlled total tax levies of all taxing units in the county that exceeds the county freeze limit; and

(2) a county income tax increment is annually imposed against the county taxpayers in the county at the rate necessary to replace the revenue lost to all taxing units in the county as a result of the granting of the property tax replacement credit.

Sec. 11. The applicable percentage that is applied under subdivision (1) to:

(1) noncorporate tangible property is one hundred percent (100%); and

(2) corporate tangible property is the percentage determined under STEP FOUR of the following formula:

STEP ONE: Determine the greater of zero (0) or the county income tax increment rate imposed in the county in the immediately preceding year.

STEP TWO: Divide the STEP ONE amount by two tenths (0.2).

STEP THREE: Determine the result of:

- (i) one percent (1%); multiplied by
- (ii) the STEP TWO amount.

STEP FOUR: Determine the result of:

- (i) One hundred percent (100%); minus
- (ii) the greater of the STEP THREE percentage or one percent (1%).

Sec. 12. The county increment income tax rate for an ensuing year is the tax rate determined under STEP FOUR of the following formula:

STEP ONE: Determine the sum of the county income tax increments to be raised in the county for the ensuing year by each of the taxing units in the county, as determined from the budgets and county income tax increments certified by the county auditor and adjusted by the department of local government finance before November 2 in the year immediately preceding the ensuing year.

STEP TWO: Determine the sum of:

- (A) the STEP ONE amount; plus
- (B) the amount of any excess levy appeals that are:
 - (i) granted by the department of local government finance for a taxing unit in the county before November 2 of the year immediately preceding the ensuing year or the later date approved by the department of local government finance;
 - (ii) payable from the county's increment; and
 - (iii) excess of the amount certified to the department of local government finance by the county auditor.

STEP THREE: Determine the adjusted gross income for the county taxpayers for the ensuing year, using the best forecast data available before November 1 immediately preceding the ensuing year or the later date approved by the department of local government finance.

STEP FOUR: Divide the STEP TWO amount by the STEP THREE amount, rounding to the nearest ten thousandth (.0001).

Sec. 13. The county income tax increment rate shall be determined based on the amount of tax liability that accrues in the accounting period in which the tax rate applies even if the full amount of tax is not due until the taxpayer files a final return for the taxpayer's taxable year.

Sec. 14. The county income tax increment rate shall be adjusted to eliminate the effects that an allocation area has on the county income tax increment that will be available to the taxing units in the county.

Sec. 15. The department of local government finance shall reduce the county increment tax rate that would otherwise be imposed in the county for a year to reflect the availability to the taxing unit of any of the following:

(1) An excess increment or supplement distribution to the taxing unit under IC 6-11-13-8.

(2) An excess increment or supplement distribution to the taxing unit under IC 6-11-13 for county income taxes imposed on adjusted gross income earned in a year preceding the ensuing year.

Sec. 16. The department of local government finance shall adjust the county income tax increment rate as necessary to eliminate any excess county income tax revenue that would otherwise result from the application of a partial freeze on the controlled property taxes of corporate tangible property.

Sec. 17. The department of local government finance, after reviewing the recommendation of the budget agency, shall certify the county income tax increment rate for a county for the ensuing year before November 2 immediately preceding the ensuing year or the later date approved by the department of local government finance. The county income tax increment rate shall be certified to the following:

- (1) The county auditor.
- (2) The county treasurer.
- (3) The fiscal office of each taxing unit in the county.
- (4) The department of state revenue.

Chapter 9. County Income Tax Supplement

Sec. 1. This chapter applies in a county only if the county is an adopting county.

Sec. 2. In addition to the property tax relief permitted under IC 6-10-8, the:

- (1) county income tax council, if the county option income tax is in effect on January 1 of the year in which the county acts under this chapter;
- (2) county council, if the county adjusted gross income tax is in effect on January 1 of the year in which the county acts under this chapter; or
- (3) county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2);

may adopt an ordinance to grant an additional property tax replacement credit against controlled property taxes imposed in the county and impose a county income tax supplement rate to replace the revenue lost to taxing units as a result of the property tax replacement credit.

Sec. 3. To adopt an ordinance under this chapter, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

Sec. 4. (a) An ordinance adopted under this chapter before April 1 in a year (or in 2006, before June 1, 2006) applies to:

- (1) controlled property taxes first due and payable; and
- (2) the taxation of adjusted gross income earned;

in each year that follows the year in which the ordinance is adopted.

(b) An ordinance adopted after March 31 in a year (or in 2006, after May 31, 2006) applies to:

- (1) controlled property taxes first due and payable;
- (2) and the taxation of adjusted gross income earned;

in each year that follows the year in which the ordinance is adopted by at least two (2) years.

Sec. 5. An ordinance under this chapter must be adopted substantially in the following form:

"The _____ County _____ elects to grant an additional property tax replacement credit against controlled property taxes imposed by the taxing units in _____ County on tangible property except tangible property on which a C Corporation is directly or indirectly liable for the tax liability beginning with controlled property taxes first due and payable in _____ and imposes an additional county income tax on the county taxpayers of _____ County at the rate of _____ percent (____%) to replace the revenue lost as a result of the granting of the additional property tax replacement credit".

Sec. 6. A county income tax supplement rate may be imposed in an increment of one tenth of one percent (0.1%). The maximum county income tax supplement rate that may be imposed in a county is one percent (1%).

Sec. 7. As soon as practicable after adopting an ordinance under this chapter, the governing body adopting an ordinance under this chapter shall certify the ordinance to the following:

- (1) The county auditor of each county in which any part of the taxing unit in the county is located.
- (2) The fiscal officer of each taxing unit that is located in any part in the county.
- (3) The department of local government finance.

Sec. 8. The department of local government finance shall provide copies of an ordinance received under section 7 of this chapter to the department of state revenue and the budget agency.

Sec. 9. An ordinance that is adopted in conformity with this chapter may not be repealed or otherwise rescinded. However, an ordinance may be amended to:

- (1) bring the ordinance into conformity with this chapter; or
- (2) increase the county income tax supplement rate in the county, if the maximum permissible county income tax supplement rate under section 6 of this chapter has not been imposed in the county.

An amendment under this section takes effect in the manner provided in section 4 of this chapter.

Sec. 10. In a year in which an ordinance under this chapter is in effect:

- (1) a county income tax supplement rate is imposed on the adjusted gross income of county income taxpayers in the county at the rate specified in the ordinance; and
- (2) an additional property tax replacement credit is granted against the tax liability for controlled property taxes imposed on tangible property in the county other than tangible property for which a C corporation is directly or indirectly liable for the tax liability.

Sec. 11. The department of local government finance shall set the percentage of the additional property tax replacement credit granted under this chapter in a year so that the total amount of the additional property tax replacement credits granted in the county equals the department of local government finance's best estimate of the amount of the county income tax supplement that will be available to the county in the ensuing year.

Sec. 12. (a) Subject to subsection (b), the additional property tax replacement credit granted under this chapter shall be uniformly applied to the property tax liability for the controlled property taxes imposed by each taxing unit in the county after

applying all other credits granted by a law outside this article, except IC 6-1.1-20.6.

(b) The additional property tax replacement credit granted by this chapter may not be applied to the tax liability for controlled property taxes imposed on tangible property for which a C corporation is directly or indirectly liable."

Delete pages 74 through 91.

Page 92, delete lines 1 through 13.

Page 94, line 38, after "department" insert "of local government finance".

Page 94, line 40, after "complete." insert "The department of state revenue shall provide the county auditor and the department of local government finance with sufficient information for the county auditor and the department of local government finance to match the distributions in a year to the year in which the distributed amount was raised from county income tax imposed on a county taxpayer, regardless of when the amount is collected."

Page 95, line 10, delete "political subdivisions" and insert "taxing units".

Page 95, line 13, delete "adjusted gross income tax, county option income tax," and insert "income tax has been pledged."

Page 95, delete line 14.

Page 95, delete lines 23 through 42, begin a new line block indented and insert:

- "(1) determine the part of the distribution that is attributable to the county income tax increment and the part of the distribution that is attributable to the county income tax supplement;
- (2) determine the part of the increment and the supplement that are distributable to each taxing unit in the county;
- (3) retain from the part of each distribution to a taxing unit any allocation made under IC 6-11-14;
- (4) retain from the part of each distribution to a taxing unit the amount of any reserve necessary to reimburse the state for overpayments of county income tax to the county; and
- (5) distribute the remainder of a taxing unit's allocation to the taxing unit.

Sec. 2. The distribution attributable to the increment shall be allocated among the taxing units in the county in proportion to the revenue lost by the taxing unit as a result of the application of the county freeze limit in the county.

Sec. 3. The distribution attributable to the supplement shall be allocated among the taxing units in the county in proportion to the revenue lost as a result of the reduction of controlled property taxes in the year under IC 6-11-9.

Sec. 4. If a distribution consists of county income tax revenues imposed in a year other than the current year, the amount shall be distributed in proportion to the revenue lost to each taxing unit in the year in which the county income tax was imposed."

Delete page 96.

Page 97, delete lines 1 through 18.

Page 97, line 19, delete "10." and insert "5."

Page 97, delete lines 22 through 30.

Page 97, line 31, delete "12." and insert "6."

Page 97, line 35, delete "13." and insert "7."

Page 97, between lines 38 and 39, begin a new paragraph and insert:

"Sec. 8. Subject to sections 9 and 10 of this chapter, county income taxes distributed to a taxing unit under this article may be used for any purpose for which the controlled property taxes being replaced could have been used.

Sec. 9. A part of the county income tax actually distributed to a taxing unit in a particular year that exceeds the increment or supplement distribution certified for the taxing unit for the year by the department of local government finance is valid. The amount collected may not be contested on the grounds that it exceeds a limit imposed by law. However, the taxing unit shall deposit the amount in the taxing unit's rainy day fund. The amount may be used only to reduce the county income tax imposed to raise the taxing unit's increment or supplement for subsequent years, as determined under the procedures prescribed by the department of local government finance.

Sec. 10. Money raised from county income taxes under this article but budgeted to be saved by the taxing unit may be used in any combination of the following ways:

- (1) Deposited in the taxing unit's rainy day fund and used to provide additional property tax relief, as determined by the taxing unit, in a subsequent year.**
- (2) Deposited in the taxing unit's rainy day fund and used for any purpose of the rainy day fund after at least one (1) year has elapsed from the time the money is deposited in the rainy day fund.**
- (3) Deposited in the taxing unit's capital projects fund (or an equivalent fund approved by the department of local government finance) and used for any purpose of the capital projects fund or equivalent fund after at least one (1) year has elapsed from the time the money is deposited in the capital projects fund or equivalent fund."**

Page 97, line 40, delete "political subdivision" and insert **"taxing unit"**.

Page 97, line 41, delete "political" and insert **"taxing unit's"**.

Page 97, line 42, delete "subdivision's".

Page 97, line 42, delete ", including a special allocation,"

Page 98, line 2, delete ", including any purpose for which county" and insert **" for which the property taxes being replaced could have been used."**

Page 98, delete lines 3 through 14.

Page 98, line 15, delete "political subdivision", begin a new paragraph and insert:

"Sec. 2. If a taxing unit"

Page 98, line 16, delete "." and insert **"of local government finance."**

Page 98, delete lines 17 through 27.

Page 98, line 28, delete "5." and insert **"3."**

Page 98, line 30, delete "political subdivision." and insert **"taxing unit."**

Page 98, line 31, delete "6." and insert **"4."**

Page 98, line 31, delete "(including an"

Page 98, line 32, delete "assignment described in section 2 of this chapter)".

Page 98, line 33, delete "political subdivision" and insert **"taxing unit"**.

Page 98, delete line 35.

Page 98, line 36, delete "section 4 of this chapter)", begin a new paragraph and insert:

"Sec. 5. A taxing unit".

Page 98, line 39, delete "adjusted" and insert **"income tax is pledged."**

Page 98, delete lines 40 through 41.

Page 98, line 42, delete "8." and insert **"6."**

Page 98, line 42, delete "controlled" and insert **"county income"**.

Page 98, line 42, after "the" insert **"taxing unit's freeze limit or any tax limit imposed by a law outside this article."**

Delete pages 99 through 104.

Page 105, delete lines 1 through 9.

Page 105, line 10, delete "18." and insert **"15."**

Page 105, delete lines 24 through 42, begin a new paragraph and insert:

"Chapter 16. Enforcement of Orders; Judicial Review

Sec. 1. (a) The department of local government finance, at the request of any party to an appeal or on the department of local government finance's own motion, may issue:

- (1) subpoenas;**
- (2) discovery orders; and**
- (3) protective orders;**

in accordance with the rules of procedure governing discovery, depositions, and subpoenas in civil actions in the courts to carry out this article.

(b) If ordered by the department of local government finance, the sheriff in the county in which the order is to be served shall serve the subpoena, discovery order, or protective order.

(c) Subpoenas and orders issued under this section may be enforced under IC 4-21.5-6.

Sec. 2. An order issued by the department of local government finance under this article may be enforced in the manner provided by IC 4-21.5-6.

Sec. 3. (a) The following may petition for judicial review of the final determination of the department of local government finance under this article:

- (1) An affected taxing unit.**
- (2) The county fiscal officer for a county in which an affected taxing unit is located.**
- (3) Any person or entity that is the subject of an order.**
- (4) If the order was issued as the result of an appeal, any of the parties to the appeal.**

(b) The petition must be filed in the tax court not more than thirty (30) days after the department of local government finance enters its order under this article."

Delete pages 106 through 184.

Page 185, delete lines 1 through 26.

Page 185, delete lines 35 through 42.

Delete pages 186 through 189.

Page 190, delete lines 1 through 36.

Page 192, delete line 42.

Delete pages 193 through 195.

Page 196, delete lines 1 through 41.

Page 197, delete lines 6 through 42.

Delete pages 198 through 202.

Page 203, delete lines 1 through 30.

Page 203, line 31, delete "(i)" and insert **"SECTION 79 [EFFECTIVE UPON PASSAGE] (a)"**.

Page 203, delete line 42.

Delete pages 204 through 205.

Page 206, delete lines 1 through 32.
 Page 206, line 33, delete "(d)" and insert "(b)".
 Page 206, line 40, delete "through IC 6-15, all" and insert ",".
 Page 207, delete lines 2 through 16.
 Renumber all SECTIONS consecutively.
 (Reference is to EHB 1001 as printed February 24, 2006.)

DILLON

Motion prevailed.

SENATE MOTION
 (Amendment 1001-7)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 216, between lines 23 and 24, begin a new paragraph and insert:

"SECTION 100. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the county property tax assessment board of appeals.

(b) This SECTION applies to an organization that:

- (1) is located in a county containing a consolidated city;**
- (2) is dedicated to nurturing and celebration of the arts and culture from an African-American perspective and provides a forum for arts and cultural programming directed toward cross-cultural appreciation;**
- (3) filed an application under IC 6-1.1-11 for exemption from property taxes on the organization's property first due and payable in 2005, which was denied by the board because the organization failed to attend the board's hearing on the exemption application; and**
- (4) filed an application under IC 6-1.1-11 for exemption from property taxes on the organization's property first due and payable in 2006, which was approved by the board.**

(c) An organization described in subsection (b) is entitled to exemption from property taxes on the organization's property first due and payable in 2005 in the same percentage approved by the board with respect to the organization's exemption application described in subsection (b)(4).

(d) The organization entitled to an exemption under subsection (c) may file a claim under IC 6-1.1-26-1 before July 1, 2006, with the county auditor for a refund for any payment of property taxes first due and payable in 2005, including any paid interest and penalties, with respect to the exempt property.

(e) Upon receiving a claim for a refund filed under subsection (d), the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount of the refund due the claimant. No interest is payable on the refund.

(f) This SECTION expires January 1, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed February 24, 2006.)

BREAUX

Motion prevailed.

SENATE MOTION
 (Amendment 1001-2)

Madam President: I move that Engrossed House Bill 1001 be amended to read as follows:

Page 197, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 67. IC 36-7-14-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) In order to:

- (1) undertake survey and planning activities under this chapter;**
- (2) undertake and carry out any redevelopment project, ~~or~~ urban renewal project, or housing program;**
- (3) pay principal and interest on any advances;**
- (4) pay or retire any bonds and interest on them; or**
- (5) refund loans previously made under this section;**

the redevelopment commission may apply for and accept advances, short term and long term loans, grants, contributions, and any other form of financial assistance from the federal government, or from any of its agencies. The commission may also enter into and carry out contracts and agreements in connection with that financial assistance upon the terms and conditions that the commission considers reasonable and appropriate, as long as those terms and conditions are not inconsistent with the purposes of this chapter. The provisions of such a contract or agreement in regard to the handling, deposit, and application of project funds, as well as all other provisions, are valid and binding on the unit or its executive departments and officers, as well as the commission, notwithstanding any other provision of this chapter.

(b) The redevelopment commission may issue and sell bonds, notes, or warrants to the federal government to evidence short term or long term loans made under this section, without notice of sale being given or a public offering being made.

(c) Notwithstanding the provisions of this or any other chapter, bonds, notes, or warrants issued by the redevelopment commission under this section may:

- (1) be in the amounts, form, or denomination;**
- (2) be either coupon or registered;**
- (3) carry conversion or other privileges;**
- (4) have a rank or priority;**
- (5) be of such description;**
- (6) be secured (subject to other provisions of this section) in such manner;**
- (7) bear interest at a rate or rates;**
- (8) be payable as to both principal and interest in a medium of payment, at a time or times (which may be upon demand) and at a place or places;**
- (9) be subject to terms of redemption (with or without premium);**
- (10) contain or be subject to any covenants, conditions, and provisions; and**
- (11) have any other characteristics;**

that the commission considers reasonable and appropriate.

(d) Bonds, notes, or warrants issued under this section are not an indebtedness of the unit or taxing district within the meaning of any constitutional or statutory limitation of indebtedness. The bonds, notes, or warrants are not payable from or secured by a levy of taxes, but are payable only from and secured only by income, funds, and properties of the project becoming available to the redevelopment

commission under this chapter, as the commission specifies in the resolution authorizing their issuance.

(e) Bonds, notes, or warrants issued under this section are exempt from taxation for all purposes.

(f) Bonds, notes, or warrants issued under this section must be executed by the appropriate officers of the unit in the name of the "City (or Town or County) of _____, Department of Redevelopment", and must be attested by the appropriate officers of the unit.

(g) Following the adoption of the resolution authorizing the issuance of bonds, notes, or warrants under this section, the redevelopment commission shall certify a copy of that resolution to the officers of the unit who have duties with respect to bonds, notes, or warrants of the unit. At the proper time, the commission shall deliver to the officers the unexecuted bonds, notes, or warrants prepared for execution in accordance with the resolution.

(h) All bonds, notes, or warrants issued under this section shall be sold by the officers of the unit who have duties with respect to the sale of bonds, notes, or warrants of the unit. If an officer whose signature appears on any bonds, notes, or warrants issued under this section leaves office before their delivery, the signature remains valid and sufficient for all purposes as if ~~he~~ **the officer** had remained in office until the delivery.

(i) If at any time during the life of a loan contract or agreement under this section the redevelopment commission can obtain loans for the purposes of this section from sources other than the federal government at interest rates not less favorable than provided in the loan contract or agreement, and if the loan contract or agreement so permits, the commission may do so and may pledge the loan contract and any rights under that contract as security for the repayment of the loans obtained from other sources. Any loan under this subsection may be evidenced by bonds, notes, or warrants issued and secured in the same manner as provided in this section for loans from the federal government. These bonds, notes, or warrants may be sold at either public or private sale, as the commission considers appropriate.

(j) Money obtained from the federal government or from other sources under this section, and money that is required by a contract or agreement under this section to be used for project expenditure purposes, repayment of survey and planning advances, or repayment of temporary or definitive loans, may be expended by the redevelopment commission without regard to any law pertaining to the making and approval of budgets, appropriations, and expenditures.

(k) Bonds, notes, or warrants issued under this section are declared to be issued for an essential public and governmental purpose.

SECTION 68. IC 36-7-14-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 45. (a) The commission may establish a program for housing by resolution. The program, which may include any relevant elements the commission considers appropriate, may be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 39 and 48 of this chapter for the accomplishment of the program. The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter.

(b) The notice and hearing provisions of sections 17 and 17.5 of this chapter, including notice under section 17(c) of this

chapter to a taxing unit that is wholly or partly located within an allocation area, apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 18 of this chapter.

(c) Before formal submission of any housing program to the commission, the department of redevelopment:

- (1) shall consult with persons interested in or affected by the proposed program;**
- (2) shall provide the affected neighborhood associations, residents, and township assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program; and**
- (3) shall hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.**

SECTION 69. IC 36-7-14-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. (a) Except as provided in subsection (b), all the rights, powers, privileges, and immunities that may be exercised by the commission in blighted, deteriorated, or deteriorating areas may be exercised by the commission in implementing its program for housing, including the following:

- (1) The special tax levied in accordance with section 27 of this chapter may be used to accomplish the housing program.**
- (2) Bonds may be issued under this chapter to accomplish the housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area except for refunding bonds or bonds issued in an amount necessary to complete a housing program for which bonds were previously issued.**
- (3) Leases may be entered into under this chapter to accomplish the housing program.**
- (4) The tax exemptions set forth in section 37 of this chapter are applicable.**
- (5) Property taxes may be allocated under section 39 of this chapter.**

(b) A commission may not exercise the power of eminent domain in implementing its program for housing.

SECTION 70. IC 36-7-14-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 47. The commission must make the following findings in the resolution adopting a housing program under section 45 of this chapter:

- (1) Not more than twenty-five (25) acres of the area included in the allocation area has been annexed during the preceding five (5) years.**
- (2) No area within the allocation area has been annexed within the preceding five (5) years over a remonstrance of a majority of the owners of land within the annexed area.**
- (3) The program cannot be accomplished by regulatory processes or by the ordinary operation of private enterprise because of:**
 - (A) lack of public improvements;**
 - (B) existence of improvements or conditions that lower the value of the land below that of nearby land; or**
 - (C) other similar conditions.**

- (4) The public health and welfare will be benefited by accomplishment of the program.
- (5) The accomplishment of the program will be of public utility and benefit as measured by:
 - (A) the provision of adequate housing for low and moderate income persons;
 - (B) an increase in the property tax base; or
 - (C) other similar public benefits.
- (6) At least one-third (1/3) of the parcels in the allocation area established by the program are vacant.
- (7) At least seventy-five percent (75%) of the allocation area is used for residential purposes or is planned to be used for residential purposes.
- (8) At least one-third (1/3) of the residential units in the allocation area were constructed before 1941.
- (9) At least one-third (1/3) of the parcels in the allocation area have at least one (1) of the following characteristics:
 - (A) The dwelling unit on the parcel is not permanently occupied.
 - (B) The parcel is the subject of a governmental order, issued under a statute or an ordinance, requiring the correction of a housing code violation or unsafe building condition.
 - (C) Two (2) or more property tax payments on the parcel are delinquent.
 - (D) The parcel is owned by local, state, or federal government.
- (10) The total area within the county or municipality that is included in any allocation area established for a housing program under section 45 of this chapter does not exceed one hundred fifty (150) acres.

SECTION 71. IC 36-7-14-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

- (1) The construction, rehabilitation, or repair of residential units within the allocation area.
- (2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.
- (3) The acquisition of real property and interests in real property within the allocation area.
- (4) The demolition of real property within the allocation area.
- (5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and

families whose income is at or below the county's median income for individuals and families, respectively.

(6) The provision of financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).

(7) Providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4(a)(1) that is attributable to the taxing district; by
- (B) the amount determined under STEP ONE.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; by
- (B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2) that under IC 6-1.1-22-9 are due and payable on May 10 and November 10 of a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

- (1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.
- (2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.
- (3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the

commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may only be used to do one (1) or more of the following:

- (1) Accomplish one (1) or more of the actions set forth in section 39(b)(2)(A) through 39(b)(2)(H) and 39(b)(2)(J) of this chapter for property that is residential in nature.
- (2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before July 15 of each year:

- (1) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary:
 - (A) to make, when due, principal and interest payments on bonds described in section 39(b)(2) of this chapter;
 - (B) to pay the amount necessary for other purposes described in section 39(b)(2) of this chapter; and
 - (C) to reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).
- (2) Notify the county auditor of the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed February 24, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1029

Senator Kenley called up Engrossed House Bill 1029 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1029-2)

Madam President: I move that Engrossed House Bill 1029 be amended to read as follows:

Page 3, between lines 28 and 29, begin a new paragraph and insert:

"SECTION 3. IC 6-1.1-19-8, AS AMENDED BY P.L.1-2005, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.

(a) A school corporation must file a petition requesting approval from the department of local government finance to incur bond indebtedness, enter into a lease rental agreement, or repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5 not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances. A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

This restriction does not apply to ad valorem property taxes which a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. **In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1.**

(b) The department of local government finance may either approve, disapprove, or modify then approve a school corporation's proposed lease rental agreement, bond issue or school bus purchase loan. Before it approves or disapproves a proposed lease rental agreement, bond issue or school bus purchase loan, the department of local government finance may seek the recommendation of the tax control board.

(c) The department of local government finance shall render a decision not more than three (3) months after the date it receives a request for approval under subsection (a). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the school corporation. A school corporation may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) After December 31, 1995, the department of local government finance may not approve a school corporation's proposed lease rental agreement or bond issue to finance the construction of additional classrooms unless the school corporation first:

- (1) establishes that additional classroom space is necessary; and
- (2) conducts a feasibility study, holds public hearings, and hears public testimony on using a twelve (12) month school term (instead of the nine (9) month school term (as defined in IC 20-30-2-7)) rather than expanding classroom space.

(e) This section does not apply to school bus purchase loans made by a school corporation which will be repaid solely from the general fund of the school corporation.

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1029 as printed February 24, 2006.)

KENLEY

Motion prevailed.

SENATE MOTION
(Amendment 1029-1)

Madam President: I move that Engrossed House Bill 1029 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 15, 2006 (RETROACTIVE)]:

Sec. 1. (a) **The following definitions apply throughout this section:**

(1) "Agreement" means any agreement that includes terms, representations, or provisions relating to:

(A) credit enhancement of, or rate covenants supporting, any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);

(B) any indenture or provision regarding any indenture relating to any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);

(C) payment of any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b) in the event of a termination of the agreement; or

(D) public works, capital improvements, or economic development projects.

(2) "Leasing body" means a not-for-profit corporation, limited purpose corporation, or authority that has leased land and a building or buildings to an entity named in subsection (b) other than another leasing body.

(3) "Swap agreement" has the meaning set forth in IC 8-9.5-9-4.

(b) All bonds, notes, evidences of indebtedness, leases, or other written obligations issued **or executed** by or in the name of any:

(1) state agency, county, township, city, incorporated town, school corporation, state educational institution, state supported institution of higher learning, political subdivision, joint agency created under IC 8-1-2.2, leasing body, separate body corporate and politic, or any other political, municipal, public or quasi-public corporation; or in the name of any

(2) special assessment or taxing district; or in the name of any

(3) board, commission, authority, or authorized body of any such entity; and

any pledge, dedication or designation of revenues, conveyance, or mortgage securing these bonds, notes, evidences of indebtedness,

leases, **swap agreements, agreements,** or other written obligations are hereby legalized and declared valid if these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations have been executed before March 15, ~~2000~~: **2006**. All **governance, organizational, or other** proceedings had and actions taken under which the bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements,** or other written obligations were issued **or executed** or the pledge, dedication or designation of revenues, conveyance, or mortgage was granted, are hereby fully legalized and declared valid.

(c) All contracts for the purchase of electric power and energy or utility capacity or service:

(1) entered into by a joint agency created under IC 8-1-2.2; and

(2) its members used for the purpose of securing payment of principal and interest on bonds, notes, evidences of indebtedness, leases, or other written obligations issued by or in the name of such joint agency;

are hereby legalized and declared valid if entered into before March 15, ~~2000~~: **2006**. All proceedings held and actions taken under which contracts for the purchase of electric power and energy or utility capacity or service were executed or entered into are hereby fully legalized and declared valid.

(d) All interlocal cooperation agreements entered into by political subdivisions or governmental entities under IC 36-1-7 are hereby legalized and declared valid if entered into before March 15, ~~2000~~: **2006**. All proceedings held and actions taken under which interlocal cooperation agreements were executed or entered into are hereby fully legalized and validated."

Page 4, between lines 15 and 16, begin a new paragraph and insert:

"SECTION 5. IC 20-12-6-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. (a) In addition to the powers set forth in section 1 of this chapter, the corporations may:

(1) acquire, erect, construct, reconstruct, improve, rehabilitate, remodel, repair, complete, extend, enlarge, furnish, and operate any equipment that the governing boards of the corporations consider necessary for:

(A) carrying on the educational research or public service programs or discharging the statutory responsibilities of the educational institutions and their various divisions; or

(B) the management, operation, or servicing of the institutions; and

(2) establish liability or other loss insurance reserves or contribute those reserves or other capital to a risk retention group for the purpose of providing insurance coverage against liability claims.

(b) As used in this chapter:

(1) "building facility" includes:

(A) capital equipment;

(B) software; and

(C) other costs;

that directly relate to operating the building facility, as determined under accounting principles approved by the state board of accounts.

(2) "liability or other loss insurance reserves" means a fund set aside as a reserve to cover risk retained by the corporation in

connection with liability claims or other losses;

(3) "risk retention group" means a trust, pool, corporation, partnership, or joint venture funded by and owned and operated for the benefit of more than one (1) eligible member;

(4) "eligible members" includes the corporations and all private institutions of higher education (as defined in IC 20-12-63-3); and

(5) "liability" means legal liability for damages (including costs of defense, legal costs and fees, and other claims expenses) because of injuries to other persons or entities, damage to their property or business, or other damage or loss to those persons or entities resulting from or arising out of any activity of any eligible member.

SECTION 6. IC 20-12-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to ~~section sections 16 and 17~~ of this chapter, bonds may be issued in an amount or amounts that do not exceed the maximum amount determined by the governing board of the issuing corporation.

(b) The bonds may be issued in the form and upon the terms and conditions, at the rate or rates of interest, and in the denominations which may be made convertible into different denominations as the governing board of the corporation may determine by the adoption of a resolution or approval of a form of trust indenture between the corporation and a designated corporate trustee, or both.

(c) The resolution or the indenture may include provisions for:

(1) protecting and enforcing the rights and remedies of the holders of the bonds being issued;

(2) covenants setting forth the duties of the corporation and its officers in relation to the acquisition, construction, operation, maintenance, use, and abandonment of the building facility, and insurance thereof;

(3) the custody, safeguarding, application, and investment of all money;

(4) the rights and remedies of the trustee and the holders of the bonds being issued;

(5) the issuance of additional bonds as provided in the resolution or indenture; and

(6) other terms, conditions, and covenants as the governing board of the corporation determines are proper, including provision for the establishment of a debt service reserve by:

(A) the use of bond proceeds or other sources;

(B) the furnishing of an insurance policy, surety bond, or letter of credit; or

(C) any combination of clause (A) or (B).

(d) The bonds shall be sold at public or negotiated sale as provided by IC 4-1-5.

(e) All bonds and the interest coupons appertaining to the bonds issued under this chapter shall be negotiable instruments within the meaning and for all purposes under the laws of this state, subject only to the provisions of the bonds for registration as to principal or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

(f) No action to contest the validity of any bonds issued under this chapter shall be brought after the fifteenth day following:

(1) the first publication of notice of the sale or intent to sell the bonds under IC 4-1-5, if the bonds are sold at public sale; or

(2) the publication one (1) time in newspapers described in

IC 4-1-5-1 of notice of execution and delivery of the contract of sale for the bonds, if the bonds are sold at negotiated sale.

(g) The corporation shall publish notice under subsection (f)(2) if it sells bonds at negotiated sale within thirty (30) days of execution of the contract of sale for the bonds.

(h) The rate or rates of interest of the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture pursuant to which the bonds are issued. The interest may be payable semiannually, annually, or at any other interval or intervals as may be provided in the resolution or indenture, or the interest may be compounded and paid at maturity or at any other times as specified in the resolution or indenture.

(i) The bonds may be made subject, at the option of the holders, to mandatory redemption by the corporation at the times and under the circumstances set forth in the authorizing resolution or indenture.

(j) A resolution or the indenture may contain provisions regarding the investment of money, sale, exchange, or disposal of property and the manner of authorizing and making payments, notwithstanding IC 5-13 or any general statute relating to these matters.

SECTION 7. IC 20-12-6-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.5. (a) Any corporation that has entered into a written contract for a grant, pending the receipt of the grant, but within the limitations set forth in this section, may borrow from any person and evidence the debt by a note or a series of notes of equal or unequal amounts containing such terms and conditions as the governing board of the corporation prescribes. Any note may pledge, for the payment of the principal and interest thereof, the proceeds of the grant and any revenue that may be derived from the building facility being constructed, acquired, renovated, or improved by the proceeds of the note or notes.

(b) A loan made under this section may not exceed ~~eighty percent (80%)~~ of the estimated amount of the grant in anticipation of which the loan is made. Further, the corporation shall make prepayments of the outstanding balance of its note or retire one (1) or more of its series of outstanding notes promptly upon partial receipt of grant funds. ~~so that the outstanding amount of any loan made under this section does not exceed the balance of the grant funds yet to be received.~~

(c) The notes shall be executed in the same manner as provided for bonds in section 8 of this chapter, and the notes shall be sold in the same manner as provided for bonds in section 7 of this chapter.

(d) The governing board of the corporation shall apply the proceeds of any notes issued under this section to those items of cost for which the grant has been allocated by the granting agencies. The purchaser of any notes is not liable for any improper use of the proceeds, and the purchaser does not have to insure that the amount of the loan stays within the maximum limits as grant funds are from time to time received by the corporation.

(e) As used in this section, "grant" means any ~~money received~~ **agreement for any combination of grants, gifts, or pledges:**

(1) to or for the benefit of a corporation from:

(A) the United States government or any of its agencies;

(B) the state of Indiana or any of its agencies; or ~~from~~

(C) any private **person**, corporation, trust, or foundation; **and**

(2) to be used ~~for~~ **in connection with** the acquisition, improvement, renovation, ~~or~~ construction, **or support** of building facilities that the corporation may lawfully undertake.

SECTION 8. IC 20-12-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The term "bond" or "bonds" as used in this chapter means any bonds (including refunding bonds), notes, temporary, interim, or permanent certificates of indebtedness, debentures, or other obligations evidencing indebtedness for borrowed money. **The term does not include installment contracts or similar instruments under section 2 of this chapter.**

SECTION 9. IC 20-12-6-16, AS AMENDED BY P.L.235-2005, SECTION 195, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. **(a)** No bonds shall be issued by the corporations under the provisions of this chapter without the specific approval of:

(1) the budget agency if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the corporation makes the findings described in subsection (b); and

(2) the state budget committee, budget agency, and the governor of the state of Indiana, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) A corporation may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the corporation finds that the refunding or advance refunding will effect a benefit to the corporation because:

(1) a net savings to the corporation will be effected; or

(2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

SECTION 10. IC 20-12-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. **(a)** Except for notes issued under section 8.5 of this chapter and except as provided in subsections ~~(d)~~ **and (e) through (h)**, no bonds shall be issued for a project by the corporations under this chapter unless the general assembly:

(1) has specifically approved the project to be financed through the issuance and sale of these bonds; and

(2) has provided the amount of bonds which may be issued to fund the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping the specific project approved.

(b) In addition to and in connection with the amount of bonds that may be issued by a corporation for a specific project as provided in subsection (a)(2), the corporations may also issue bonds in amounts necessary to provide funds for debt service reserves, bond or reserve insurance, and other costs without additional approval by the general assembly, if these costs are incidental to the issuance of bonds for the project.

(c) The bonds, regardless of when the amount of bonds was approved by the general assembly, may be issued in an amount not

exceeding:

(1) the amount of bonds approved by the general assembly together with the amounts described in subsection (b); plus

(2) the amount of the discount below par value, if bonds are sold at a price below par value under IC 4-1-5-1.

(d) As used in this subsection, "fee replacement" means payments to a corporation to be used to pay indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes. A power granted under this section to issue bonds without the specific approval of the general assembly shall not be construed to permit the issuance of the bonds without the specific approvals required under section 16 of this chapter. Bonds issued without the specific approval of the general assembly are eligible for fee replacement only to the extent expressly authorized by a law enacted after the issuance of the bonds.

~~(d)~~ **(e)** Bonds may be issued by a corporation for equipment, software, and other costs described in section 1.2(b)(1) of this chapter without the approval of the general assembly if, after the issuance, the total amount of outstanding bonds issued by the corporation **for those purposes** without approval will not exceed ~~one~~ **ten** million dollars ~~(\$1,000,000). However, the bonds must be approved as provided in section 16 of this chapter. (\$10,000,000).~~

~~(e)~~ **(f)** Bonds may be issued by a corporation without the approval of the general assembly to finance a qualified energy savings project (as defined in IC 20-12-5.5) if ~~(1)~~ annual operating savings to ~~a~~ **the** corporation arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. ~~and (2) However, the amount of bonds that may be issued by each outstanding for the corporation at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in subsections (b) and (c), does may not exceed ten~~ **twenty** million dollars ~~(\$10,000,000). (\$20,000,000).~~

(g) Bonds may be issued by the trustees of Purdue University without the approval of the general assembly for deferred expenditures, as determined under accounting principles approved by the state board of accounts, to:

(1) repair, rehabilitate, remodel, renovate, or reconstruct existing facilities or buildings;

(2) improve or replace utilities or fixed equipment; or

(3) perform related site improvement work.

However, the total amount of bonds issued for the corporation under this subsection without the approval of the general assembly, other than refunding bonds and exclusive of costs described in subsections (b) and (c), may not exceed sixty million dollars (\$60,000,000).

(h) Bonds may be issued by a corporation without the approval of the general assembly for technology expenditures, including:

(1) computing, telecommunications, hardware, software, networking, and supporting equipment; and

(2) related expenditures such as installation and other similar capitalizable costs.

SECTION 11. IC 20-12-7-7, AS AMENDED BY P.L.235-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** No bonds shall be issued by the respective trustees under the provisions of this chapter without the specific approval of:

- (1) the budget agency if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the institution makes the findings described in subsection (b); and**
- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.**

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) An institution may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the institution finds that the refunding or advance refunding will effect a benefit to the institution because:

- (1) a net savings to the institution will be effected; or**
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.**

SECTION 12. IC 20-12-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The trustees of Indiana University, the trustees of Purdue University, Indiana State University board of trustees, the University of Southern Indiana board of trustees, and the Ball State University board of trustees are authorized and empowered, from time to time, if the governing boards of these corporations find that a necessity exists, to erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage:

- (1) dormitories and other housing facilities for single and married students and school personnel;
- (2) food service facilities;
- (3) student infirmaries and other health service facilities including revenue-producing hospital facilities serving the general public, together with parking facilities and other appurtenances in connection with any of the foregoing; **or**
- (4) parking facilities in connection with academic facilities; **or**
- ~~(5) medical research; facilities associated with a school of medicine; if the facilities will generate revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds for the facility for each fiscal year that the bonds are outstanding;~~

at or in connection with Indiana University, Purdue University, Indiana State University, the University of Southern Indiana, and Ball State University, for the purposes of the respective institutions. ~~These~~

(b) The trustees of Indiana University and the trustees of Purdue University may, from time to time, if the governing boards of these corporations find that a necessity exists, erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage facilities used for clinical, medical, scientific, engineering, or other similar qualitative, quantitative, or experimental research, if revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements is available in an amount that is reasonably expected to at least equal the annual debt service

requirements of the bonds for the facility for each fiscal year that the bonds are outstanding at or in connection with any of the following campuses of Indiana University or Purdue University:

- (1) Purdue University-West Lafayette Campus.**
- (2) Indiana University-Purdue University at Indianapolis (IUPUI).**
- (3) Indiana University-Bloomington Campus.**

(c) The corporations described in subsection (a) or (b) are also authorized and empowered to acquire, by purchase, lease, condemnation, gift or otherwise, any property, real or personal, that in the judgment of these corporations is necessary for the purposes set forth in this section. The corporations may improve and use any property acquired for the purposes set forth in this section.

~~(b)~~ **(d)** Title to all property so acquired, including the improvements located on the property, shall be taken and held by and in the name of the corporations. If the governing board of any of these corporations determines that real estate, the title to which is in the name of the state, for the use and benefit of the corporation or institution under its control, is reasonably required for any of the purposes set forth in this section, the real estate may, upon request in writing of the governing board of the corporation to the governor of the state and upon the approval of the governor, be conveyed by deed from the state to the corporation. The governor shall be authorized to execute and deliver the deed in the name of the state, signed on behalf of the state by the governor, attested by the auditor of state and with the seal of the state affixed to the deed.

SECTION 13. IC 20-12-8-7, AS AMENDED BY P.L.235-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. **(a)** No bonds shall be issued by the corporations under the provisions of this chapter without the specific approval of:

- (1) the budget agency if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the corporation makes the findings described in subsection (b); and**
- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.**

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) A corporation may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the corporation finds that the refunding or advance refunding will effect a benefit to the corporation because:

- (1) a net savings to the corporation will be effected; or**
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.**

SECTION 14. [EFFECTIVE JULY 1, 2006] The trustees of Indiana State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, furnishing, and equipping the Student Recreation Center Project, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed

twenty-four million dollars (\$24,000,000). The project is not eligible for fee replacement."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1029 as printed February 24, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 244: yeas 16, nays 33.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1117

Senator Gard called up Engrossed House Bill 1117 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1117-1)

Madam President: I move that Engrossed House Bill 1117 be amended to read as follows:

Replace the effective dates in SECTIONS 11 through 12 with "[EFFECTIVE UPON PASSAGE]".

Page 8, after line 12, begin a new paragraph and insert:

"SECTION 15. **An emergency is declared for this act.**".

(Reference is to EHB 1117 as printed February 22, 2006.)

HARRISON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1138

Senator Weatherwax called up Engrossed House Bill 1138 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1155

Senator Long called up Engrossed House Bill 1155 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1155-2)

Madam President: I move that Engrossed House Bill 1155 be amended to read as follows:

Page 32, between lines 38 and 39, begin a new paragraph and insert:

"SECTION 18. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:**

(1) a sexually violent predator (as described in IC 35-38-1-7.5); or

(2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:

(A) by using or threatening the use of deadly force;

(B) while armed with a deadly weapon; or

(C) that resulted in serious bodily injury."

Page 34, line 16, delete "IC 11-8-8-4." and insert "IC 11-8-8-5".

Page 34, line 28, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 34, line 30, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 34, line 35, delete "IC 11-8-8-4" and insert "IC 11-8-8-5".

Page 52, line 25, delete "IC 11-8-8-4)" and insert "IC 11-8-8-5)".

Page 55, line 26, after "IC 35-43-1-2" delete " ,".

Page 55, line 41, delete "child" and insert "sex offenders".

Page 55, line 42, delete "molesters".

Page 58, line 37, strike "nineteen (19)" and insert "twenty (20)".

Page 59, between lines 23 and 24, begin a new line block indented and insert:

"(12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee."

Page 60, line 4, after "of the" insert "voting".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1155 as printed February 24, 2006.)

STEELE

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1156

Senator Bray called up Engrossed House Bill 1156 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1156-2)

Madam President: I move that Engrossed House Bill 1156 be amended to read as follows:

Page 7, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 2. IC 31-12-1.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Chapter 1.5. Other Domestic Relations Courts**

Sec. 1. (a) This chapter applies in a judicial circuit in which a majority of the judges of the circuit and superior courts determine that:

(1) the social conditions of the county; and

(2) the number of domestic relations cases in the courts;

make the procedures described in IC 31-12-1 necessary for the full and proper consideration of domestic relations cases.

(b) The judges shall make the determination described in subsection (a) annually in January.

Sec. 2. If the judges of a judicial circuit make the determination described in section 1 of this chapter, the judges shall designate by joint order one (1) or more of the judges in the judicial circuit to hear cases under this chapter. A judge designated under this section may hold as many sessions each week as are necessary for the prompt disposition of the court's business.

Sec. 3. A court exercising the jurisdiction described in section 2 of this chapter may be designated as a domestic relations court.

Sec. 4. A court designated as a domestic relations court under section 3 of this chapter has the jurisdiction and special powers described in IC 31-12-1-4. A court designated as a domestic relations court under this chapter, IC 31-12-1, or IC 31-12-2

retains jurisdiction to hear any type of case the court had jurisdiction to hear before the court was designated as a domestic relations court.

Sec. 5. (a) If a judge appointed to act as judge of the domestic relations court is:

- (1) on vacation;
- (2) absent; or
- (3) for any reason unable to perform the judge's duties;

a majority of the judges of the superior and circuit courts may appoint another of the judges to act as judge of the domestic relations court during that period.

(b) A judge appointed under subsection (a) has all the powers and authority of the regularly presiding judge of the domestic relations court.

Sec. 6. IC 31-12-1-6 through IC 31-12-1-16 apply to a domestic relations court established under this chapter.

Sec. 7. (a) The judges of the circuit and superior courts may appoint:

- (1) a director of domestic relations counseling; or
- (2) at least one (1) counselor under this chapter or under IC 31-12-1.

(b) A counselor described in subsection (a)(2) or the organization led by the director described in subsection (a)(1) is designated as a domestic relations counseling bureau.

SECTION 3. IC 31-12-4 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Chapter 4. Domestic Relations Counseling Bureau Fee**

Sec. 1. (a) Upon order of a judge or group of judges described in IC 31-12-1, IC 31-12-1.5, or IC 31-12-2, and in accordance with this chapter, a court that provides domestic relations counseling services may charge a fee for these services.

(b) In addition to any other domestic relations counseling services ordered by the court, a domestic relations counseling bureau may provide the following domestic relations counseling services:

- (1) Screening.
- (2) Investigation.
- (3) Reporting.
- (4) Evaluation.
- (5) Counseling.
- (6) Mediation.

Sec. 2. (a) If a judge or group of judges issues an order under section 1 of this chapter to charge a domestic relations counseling fee, the judge must also adopt by court rule a schedule of fees. The schedule of fees is not effective until approved by the county fiscal body in accordance with this chapter.

(b) Upon request of a judge or group of judges that issued an order under section 1 of this chapter, the county fiscal body may adopt an ordinance to create a county domestic relations counseling bureau fund to fund the services of a domestic relations court and a domestic relations counseling bureau.

(c) If the county fiscal body creates a domestic relations counseling bureau fund, any fees collected by the domestic relations counseling bureau shall be deposited in the fund.

(d) The fund shall be administered by the judge or group of judges who are signatories to the order described in section 1 of this chapter.

(e) The expenses of administering the fund shall be paid from the money in the fund.

(f) Any money in the fund at the end of a fiscal year does not revert to the county general fund.

(g) The county fiscal body may appropriate money from the domestic relations counseling bureau fund to support the domestic relations counseling bureau. However, a county fiscal body may not transfer funds that have been previously appropriated to the budget of the domestic relations counseling bureau as a consequence of an appropriation from the domestic relations counseling bureau fund.

Sec. 3. With the prior approval of the judge or group of judges described in IC 31-12-1, IC 31-12-1.5, or IC 31-12-2, a domestic relations counseling bureau may receive gifts and donations from a private source to supplement the budget of the domestic relations counseling bureau."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1156 as printed February 24, 2006.)

BRODEN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1259

Senator Steele called up Engrossed House Bill 1259 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1339

Senator Merritt called up Engrossed House Bill 1339 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1362

Senator Delph called up Engrossed House Bill 1362 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1362-1)

Madam President: I move that Engrossed House Bill 1362 be amended to read as follows:

Page 7, delete lines 25 through 32, begin a new line double block indented and insert:

"(A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:

- (i) the reorganization has been approved by the voters of each reorganizing political subdivision; or
- (ii) in the case of a reorganization described in section 1(a)(10) of this chapter, the reorganization has been approved as set forth in section 32(b) of this chapter; is recorded as required by section 31 of this chapter; or".

Page 16, delete lines 5 through 18, begin a new paragraph and insert:

"(b) In the case of a public question on a reorganization described in section 1(a)(10) of this chapter:

(1) the public question on a plan of reorganization shall be placed on the ballot for consideration by the voters of the entire county;

(2) the vote on the public question by the voters of the entire county shall be tabulated;

(3) the vote on the public question by the voters of:

(A) each reorganizing municipality; and

(B) the county (excluding the voters of the reorganizing municipalities);

shall be tabulated separately;

(4) the circuit court clerk shall issue, in a form prescribed by the state election board, separate certificates regarding whether the public question is approved or rejected by the voters of:

(A) the entire county;

(B) each reorganizing municipality; and

(C) the county (excluding the voters of the reorganizing municipalities);

voting on the public question; and

(5) the reorganization is approved only if all of the following occur:

(A) A majority of the voters of the entire county voting on the public question vote in favor of the reorganization.

(B) Less than sixty-five percent (65%) of the voters of each reorganizing municipality vote against the reorganization.

(C) Less than sixty-five percent (65%) of the voters of the county (excluding the voters of the reorganizing municipalities) vote against the reorganization."

Page 16, delete lines 34 through 37, begin a new paragraph and insert:

"(b) This subsection applies only to a reorganization described in section 1(a)(10) of this chapter. The reorganization is approved only if:

(1) a majority of the voters of the entire county approve the public question on the reorganization;

(2) less than sixty-five percent (65%) of the voters of each reorganizing municipality disapprove the public question on the reorganization; and

(3) less than sixty-five percent (65%) of the voters of the county (excluding the voters of the reorganizing municipalities) disapprove the public question on the reorganization.

In tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside."

Page 17, delete lines 6 through 11, begin a new paragraph and insert:

"Sec. 34. (a) This section applies if:

(1) the majority of the voters of each of the reorganizing political subdivisions approve the public question concerning the reorganization; or

(2) in the case of a reorganization described in section 1(a)(1) of this chapter, the reorganization is approved as set forth in section 32(b) of this chapter."

(Reference is to EHB 1362 as printed February 24, 2006.)

DELPH

Motion prevailed.

SENATE MOTION (Amendment 1362-2)

Madam President: I move that Engrossed House Bill 1362 be amended to read as follows:

Page 10, between lines 13 and 14, begin a new line block indented and insert:

"(1) Adopt a resolution declining to participate in the proposed reorganization."

Page 10, line 14, delete "(1)" and insert "(2)".

Page 10, line 16, delete "(2)" and insert "(3)".

Page 14, between lines 25 and 26, begin a new paragraph and insert:

"Sec. 23.5. The following apply if the legislative bodies of all political subdivisions that have been presented with a plan of reorganization under section 18(c) of this chapter have not adopted a plan of reorganization, either as presented by the reorganization committee or as modified by all of the political subdivisions, within one (1) year after the plan of reorganization is presented:

(1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.

(2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:

(A) hold a hearing on the final plan of reorganization; and

(B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

(3) If all of the legislative bodies adopt a resolution approving the final plan of reorganization, the legislative bodies shall certify their approval under section 23 of this chapter.

(4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political subdivision in which the final plan of reorganization was rejected by a legislative body under subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the registered voters of the political subdivision:

(A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and

(B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter."

Page 14, line 40, after "chapter" insert ", either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision,".

Page 15, line 3, after "subdivisions," insert "either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision,".

(Reference is to EHB 1362 as printed February 24, 2006.)

LONG

Motion prevailed.

SENATE MOTION (Amendment 1362-4)

Madam President: I move that Engrossed House Bill 1362 be amended to read as follows:

Page 3, line 39, delete "The" and insert "**Except as provided in section 4 of this chapter, the**".

Page 4, between lines 3 and 4, begin a new paragraph and insert: "**Sec. 4. "Political subdivision" has the meaning set forth in IC 36-1-2, except that the term does not include a local hospital authority or corporation.**"

Page 4, line 4, delete "4." and insert "5."

Page 4, line 7, delete "5." and insert "6."

Page 4, line 10, delete "6." and insert "7."

Page 4, line 13, delete "7." and insert "8."

(Reference is to EHB 1362 as printed February 24, 2006.)

RIEGSECKER

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1396

Senator Merritt called up Engrossed House Bill 1396 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Engrossed House Bill 1397

Senator Lawson called up Engrossed House Bill 1397 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1397-3)

Madam President: I move that Engrossed House Bill 1397 be amended to read as follows:

Replace the effective dates in SECTIONS 1 through 17 with "[EFFECTIVE UPON PASSAGE]".

Page 1, between lines 4 and 5, begin a new line block indented and

insert:

"(1) "Advisory body" means an authority, a board, a commission, a committee, a task force, or other body designated by any name of the executive department that is authorized only to make nonbinding recommendations."

Page 1, line 5, strike "(1)" and insert "(2)".

Page 2, line 1, strike "(2)" and insert "(3)".

Page 2, line 3, strike "(3)" and insert "(4)".

Page 2, line 10, strike "(4)" and insert "(5)".

Page 2, line 20, strike "(5)" and insert "(6)".

Page 2, line 22, strike "(6)" and insert "(7)".

Page 2, line 26, strike "(7)" and insert "(8)".

Page 2, line 30, strike "(8)" and insert "(9)".

Page 2, line 35, strike "(9)" and insert "(10)".

Page 3, line 7, strike "(10)" and insert "(11)".

Page 3, line 16, strike "(11)" and insert "(12)".

Page 3, line 20, strike "(12)" and insert "(13)".

Page 3, line 24, strike "(13)" and insert "(14)".

Page 3, line 25, strike "(14)" and insert "(15)".

Page 3, line 30, strike "(15)" and insert "(16)".

Page 3, line 39, strike "(16)" and insert "(17)".

Page 4, line 5, strike "(17)" and insert "(18)".

Page 4, line 6, strike "(18)" and insert "(19)".

Page 4, line 35, after "chapter;" insert "or".

Page 4, delete line 36.

Page 4, between lines 39 and 40, begin a new line double block indented and insert:

"(C) IC 4-2-7;"

Page 7, line 19, after "chapter" insert ",".

Page 7, line 21, after "IC 4-2-7," insert "or".

Page 7, line 28, after "chapter" insert ",".

Page 7, line 30, after "IC 4-2-7," insert "or".

Page 8, line 13, after "IC 4-2-7," insert "or".

Page 10, line 8, after "Sec. 7." insert "(a) **This section does not apply to a special state appointee who serves only as a member of an advisory body.**

(b)".

Page 14, between lines 22 and 23, begin a new paragraph and insert:

"(f) **Subsection (b) does not apply to a special state appointee who serves only as a member of an advisory body.**"

Page 14, line 23, delete "(f)" and insert "(g)".

Page 14, between lines 28 and 29, begin a new paragraph and insert:

"(h) **Subsection (b) does not apply to a special state appointee who:**

(1) was a special state appointee before January 10, 2005; and

(2) is a special state appointee after January 9, 2005.

This subsection expires January 1, 2007."

Page 14, line 31, strike "person" and insert "special state appointee".

Page 14, strike lines 33 through 36.

Page 14, line 37, strike "(c)" and insert "(b)".

Page 14, line 37, strike "(d)," and insert "(c)".

Page 14, line 38, strike "member of a board, a commission, a"

Page 14, line 39, strike "committee, an authority, or a task force

of the executive department." and insert "**special state appointee**."

Page 14, line 40, strike "(d)" and insert "(c)".

Page 15, line 3, after "IC 4-2-7," insert "**or**".

Page 19, after line 11, begin a new paragraph and insert:

"SECTION 18. **An emergency is declared for this act.**"

Renumber all SECTIONS consecutively.

(Reference is to EHB 1397 as printed February 22, 2006.)

LAWSON

Motion prevailed.

SENATE MOTION
(Amendment 1397-1)

Madam President: I move that Engrossed House Bill 1397 be amended to read as follows:

Page 5, line 12, delete "." and insert ", **IC 4-2-7, and IC 4-2-8.**"

Page 16, line 34, strike "Adopt" and insert "**Recommend to the commission adoption of**".

Page 16, line 36, delete "Adopt" and insert "**Recommend to the commission adoption of**".

Page 17, between lines 26 and 27, begin a new paragraph and insert:

"SECTION 15. IC 4-2-7-5, AS ADDED BY P.L.222-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The inspector general shall ~~adopt~~ **recommend to the commission adoption of** rules under IC 4-22-2 establishing a code of ethics for the conduct of state business. The code of ethics must be consistent with Indiana law.

(b) If the inspector general investigates and determines that there is specific and credible evidence that a current or former employee, a current or former state officer, a current or former special state appointee, or a person who has or had a business relationship with an agency has violated the code of ethics, the inspector general may:

(1) file a complaint with the ethics commission and represent the state in a public proceeding before the ethics commission as prescribed in IC 4-2-6-4; or

(2) file a complaint with the ethics commission and negotiate an agreed settlement for approval by the ethics commission according to its rules."

Page 18, line 2, delete "department" and insert "**commission**".

Page 18, line 3, delete "In the" and insert "**The**".

Page 18, line 3, delete ", the department".

Page 18, line 36, after "general" insert ",."

Page 18, line 36, delete "and the".

Page 18, line 37, delete "commission,"

Page 18, line 37, delete "adopt" and insert "**recommend to the commission adoption of**".

Page 19, after line 11, begin a new paragraph and insert:

"SECTION 19. [EFFECTIVE JULY 1, 2006] (a) **The definitions in IC 4-2-6, IC 4-2-7, and IC 4-2-8 apply throughout this SECTION.**

(b) **25 IAC 6 and 42 IAC, both as in effect on June 30, 2006, are, after June 30, 2006, considered to have been adopted by the commission.**

(c) **This SECTION expires July 1, 2007.**"

Renumber all SECTIONS consecutively.

(Reference is to EHB 1397 as printed February 22, 2006.)

HUME

The Chair ordered a division of the Senate. Yeas 16, nays 30.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1128

Senator Wyss called up Engrossed House Bill 1128 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1128-4)

Madam President: I move that Engrossed House Bill 1128 be amended to read as follows:

Page 2, line 22, after "IC 9-30-8." insert "**However, the court may grant probationary driving privileges under this subsection without requiring the installation of an ignition interlock device, if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.**"

(Reference is to EHB 1128 as printed February 24, 2006.)

LONG

Motion prevailed.

SENATE MOTION
(Amendment 1128-1)

Madam President: I move that Engrossed House Bill 1128 be amended to read as follows:

Page 2, line 22, after "IC 9-30-8." insert "**The person granted probationary driving privileges under this subsection shall pay all costs associated with the installation of an ignition interlock device unless the sentencing court determines that the person is indigent.**"

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 2. IC 9-30-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Except as provided in subsections (b) and (c) **and section 10 of this chapter**, the court may, in granting probationary driving privileges under this chapter, also order that the probationary driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting probationary driving privileges:

(1) under:

(A) section 12(a) of this chapter, if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or

(B) section 12(c) of this chapter; or

(2) to a person who has a prior unrelated conviction for an offense under this chapter of which the consumption of alcohol is an element;

must prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8. However, a court is not required to order the

installation of an ignition interlock device for a person described in subdivision (1) or (2) if the person is successfully participating in a court supervised alcohol treatment program in which the person is taking disulfiram or a similar substance that the court determines is effective in treating alcohol abuse.

(c) A court may not order the installation of an ignition interlock device on a vehicle operated by an employee to whom any of the following apply:

- (1) Has been convicted of violating section 1 or 2 of this chapter.
- (2) Is employed as the operator of a vehicle owned, leased, or provided by the employee's employer.
- (3) Is subject to a labor agreement that prohibits an employee who is convicted of an alcohol related offense from operating the employer's vehicle."

Page 3, line 1, after "installation" delete "." and insert "**unless the sentencing court determines that the person is indigent.**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1128 as printed February 24, 2006.)

LANANE

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1010

Senator Bray called up Engrossed House Bill 1010 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 245: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1011

Senator Lawson called up Engrossed House Bill 1011 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 246: yeas 34, nays 15. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1022

Senator Merritt called up Engrossed House Bill 1022 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 247: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1024

Senator Drozda called up Engrossed House Bill 1024 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 248: yeas 47, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1028

Senator Nugent called up Engrossed House Bill 1028 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning firearms and self-defense.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 249: yeas 44, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1056

Senator Merritt called up Engrossed House Bill 1056 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 250: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1080

Senator Miller called up Engrossed House Bill 1080 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 251: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Drozda be removed as second sponsor of Engrossed House Bill 1080.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as cosponsor of Engrossed House Bill 1080.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be removed as sponsor of Engrossed House Bill 1080 and that Senator Drozda be substituted therefor.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second sponsor of Engrossed House Bill 1080.

DROZDA

Motion prevailed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1089

Senator Kenley called up Engrossed House Bill 1089 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 252: yeas 41, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1093

Senator Wyss called up Engrossed House Bill 1093 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning school safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 253: yeas 41, nays 8. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 75 and that a conference committee be appointed to confer with a like committee of the House.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be removed as cosponsor of House Concurrent Resolution 53.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be removed as sponsor of House Concurrent Resolution 53 and that Senator Lubbers be substituted therefor.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as cosponsor of House Concurrent Resolution 53.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1214, which is eligible for third reading, be returned to second reading for purposes of amendment.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1028.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse and Delph be added as cosponsors of Engrossed House Bill 1138.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Breaux be added as coauthor of Senate Concurrent Resolution 35.

HOWARD

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 75:

Conferees: Long, Chair and Craycraft

Advisors: Delph and Howard

GARTON

Date: 2/28/2006

Time: 5:44 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1093.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1093.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, March 1, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 7:06 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

JOURNAL OF THE SENATE

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Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-sixth Meeting Day

Wednesday Afternoon

March 1, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 254: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 35 and 41 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bill 1279 and is eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 6 with amendments and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 22, 112, 132, 147, 148, and 160 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 86, 146, 151, and 154 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Concurrent Resolution 37, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

LUBBERS, Chair

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 41 and that a

conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 83 and that a conference committee be appointed to confer with a like committee of the House.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 6 and that a conference committee be appointed to confer with a like committee of the House.

STEELE

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 47

Senate Concurrent Resolution 47, introduced by Senator Rogers:

A CONCURRENT RESOLUTION honoring the City of Gary, Indiana as it celebrates its Centennial Anniversary.

Whereas, The City of Gary, Indiana was founded on July 14, 1906 named in honor of the chairman of U.S. Steel Corp., Elbert H. Gary, who was pivotal in the creation of the city through his vision of building the largest and most modern steel plant in the world; and

Whereas, The population of Gary more than tripled from 16,800 people in 1910 to 55,000 people in 1920 when it became the largest city in the region and is now over 100,000 people; and

Whereas, Gary was seen as the world's most modern city, was referred to as "The Magic City", and was a great ethnic melting pot due to the attraction of immigrants from Poland, Romania, Serbia, Hungary, Ireland, and other countries for jobs in the mills; and

Whereas, William Wirt, the "father of modern education" who moved to Gary in 1907 built an education system in the city that focused on education of the whole child and became a national model; and

Whereas, Gary's history has been colored with both times of great prosperity and times of economic challenge, from the post-war production booms after WWI and WWII to the Great Depression of the 1930s and the staggering economic recession in the 1970s; and

Whereas, Richard G. Hatcher was elected in 1967 to serve as Mayor of Gary and subsequently elected to four more terms; he was

the country's first African-American metro city mayor and worked to improve housing conditions in the city and garner federal job training programs for displaced workers and the unemployed; and

Whereas, Community leaders are currently striving to diversify Gary's economy, adding service industries and high-tech jobs to create a business mix that will include but not be limited to steel, and constructing new housing and refurbishing existing residential neighborhoods; and

Whereas, The City's Centennial celebration events, with the theme "100 reasons to come home", will include neighborhood celebrations, a Founders Day week in July with original music scores and theater presentations, prayer breakfasts, restoration of the famous Gary Land building at Fifth Avenue and Broadway and the opening of a time capsule in April that was buried in front of City Hall in 1956; and

Whereas, The centerpiece of the memorial festivities will be a 30 foot, granite-based sculpture named "The Fusion", which depicts the history of Gary by representing the steel industry, its workers, arts and diversified culture: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly honors the City of Gary, Indiana as it celebrates its Centennial Anniversary.

SECTION 2. The Secretary of the Senate shall transmit a copy of this Resolution to Scott L. King, Mayor of Gary, and to the Gary Centennial Committee.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives C. Brown and Smith.

House Concurrent Resolution 60

House Concurrent Resolution 60, sponsored by Senators Tallian and Heinold:

A CONCURRENT RESOLUTION to honor and congratulate the Chesterton High School State Debate Team for winning the 2006 State Debate Championship.

Whereas, The Chesterton High School State Debate Team won the state debate championship for the ninth consecutive time and the seventeenth time overall;

Whereas, The Chesterton High School State Debate Team scored 87 points, nearly doubling the score of the second place school;

Whereas, The Chesterton Debate Team had three of the four individual state champions - Rachel Wyatt in Congressional Debate, Kate Weber and Beau Rajsic in Public Forum Debate, and Sam Lahti and Tess Mullin in Policy Debate;

Whereas, Other members of the Chesterton High School debate

team qualified for the advanced elimination rounds: Heather Stavropoulos was elected Speaker of the House; Amanda Kessinger placed seventh in Congressional Debate; Amy Zehner and Andrew Keithley competed in the final round of Congressional Debate; Luci Doler and Sarah Morlock placed second in Policy Debate; Ray Raffin and Phil Braunlich made quarter finals in Policy Debate; Conor O'Brien and Tyler Demar made octa finals in Policy Debate; Matt DeLeon and Alex Sisto placed second in Public Form Debate; and Ashley Hanson and Cassie Recker made quarter finals in Public Forum Debate;

Whereas, Melissa Frye and Sarah Christofersen competed in Public Forum Debate, and Stephanie Leopold, Brandon Patterson, Andrew Thoesen, and Nathan Pavlovic competed in Lincoln-Douglas Debate;

Whereas, Coaches James Cavallo, Scott Woodhouse, and Chris Lowery should be commended for their contributions of time and effort in guiding these champions to victory;

Whereas, These young men and women are to be commended for their dedication and hard work and congratulated for their outstanding accomplishments in the field of debating: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives honors and congratulates the Chesterton High School State Debate Team for winning the 2006 State Debate Championship.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to the members and coaches of the Chesterton High School Debate Team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

1:55 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 4:24 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 42

Senate Concurrent Resolution 42, introduced by Senators Simpson and Miller:

A CONCURRENT RESOLUTION urging the legislative council to direct the Health Finance Commission to conduct a study during the interim regarding health coverage systems which have been

considered and implemented across the country and the world in order to answer the needs of insured and uninsured Hoosiers.

Whereas, The number of uninsured Hoosiers has risen to a two decade high comprising 14.2% of the population; and

Whereas, 144,000 Hoosier children remain uninsured; and

Whereas, The percentage of Hoosier firms offering health benefits to their employees has fallen significantly by 5.9% over the past five years; and

Whereas, The percentage of small firms who offer their employees coverage has fallen by 11% over the past five years; and

Whereas, The cost of health insurance has risen by a dramatic 73% over the past five years; and

Whereas, Health insurance premiums across the country increased by nearly four times the rate of inflation: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Legislative Council is urged to direct the Health Finance Commission to conduct a study during the interim regarding health coverage systems which have been considered and implemented across the country and the world in order to answer the needs of insured and uninsured Hoosiers.

SECTION 2. That the Commission shall operate under the direction of the Legislative Council and shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Resolution 12

Senate Resolution 12, introduced by Senators Simpson and Bray:

A CONCURRENT RESOLUTION urging the Legislative Council to assign to the Commission on Courts the topic of the establishment of a dedicated fund for court fees.

Whereas, The Commission on Courts should study the issue of establishing a dedicated fund for court fees to determine if excess funds may be available for other purposes: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the legislative council is urged to assign to the Commission on Courts the topic of the establishment of a dedicated fund for court fees.

SECTION 2. That the committee shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

March 1, 2006

Senate 677

The resolution was read in full and referred to the Committee on Judiciary.

Senate Resolution 13

Senate Resolution 13, introduced by Senator Delph:

A RESOLUTION urging the Indiana advisory commission on intergovernmental relations to study interlocal cooperation agreements.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana advisory commission on intergovernmental relations established by IC 4-23-24.2-4 is urged to:

- (1) review IC 36-1-7 and any other statutes and laws regarding interlocal cooperation agreements; and
- (2) recommend legislation that would provide a political subdivision with more options for consolidating or reorganizing the political subdivision's performance of functions or provision of services by entering into interlocal cooperation agreements.

SECTION 2. That the commission shall operate under the direction of the legislative council, and that the commission shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 12 and that a conference committee be appointed to confer with a like committee of the House.

LONG

Motion prevailed.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 6:

Conferees: Steele, Chair and Mrvan

Advisors: Long and Bowser

GARTON

Date: 3/1/2006

Time: 1:55 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the

following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 41:

Conferees: Miller, Chair and Sipes

GARTON

Date: 3/1/2006

Time: 1:41 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 83:

Conferees: Lubbers, Chair and Lanane

Advisors: Wyss and Bowser

GARTON

Date: 3/1/2006

Time: 1:29 p.m.

Report adopted.

ENGROSSED HOUSE BILLS ON SECOND READING

Engrossed House Bill 1008

Senator Meeks called up Engrossed House Bill 1008 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1008-24)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 12, line 7, after "person." insert "**However, the terms of the trust must provide that the trust terminates when no funds remain in the trust.**".

Page 12, line 21, delete "principal of the trust may not be diminished" and insert "**principal and interest of the trust may not be diminished before the balance in the trust reaches one billion dollars (\$1,000,000,000).**".

Page 12, delete line 22.

Page 12, line 26, delete "all interest accruing from the investment of the" and insert "**the treasurer of state shall annually:**

(1) transfer all interest accruing to the trust; plus

(2) the greater of:

(A) one hundred million dollars (\$100,000,000) of the principal of the trust; or

(B) the remaining balance of the principal of the trust; to the major moves construction fund."

Page 12, delete lines 27 through 30.

(Reference is to EHB 1008 as printed February 24, 2006.)

MEEKS

Motion prevailed.

SENATE MOTION (Amendment 1008-25)

Madam President: I move that Engrossed House Bill 1008 be

amended to read as follows:

Page 9, line 36, after "budget." insert **"The regional development authority shall pay at least ten million dollars (\$10,000,000) of the distribution received under this subdivision to an airport authority that is carrying out an airport expansion project described in IC 36-7.5-2-1(2)."**

Page 9, line 38, delete "county that establishes a local" and insert **"of the following counties:"**.

Page 9, delete line 39.

Page 10, line 3, after "IC 8-14-16-1(7)." insert **"The county shall pay at least five million dollars (\$5,000,000) of the distribution received under this clause to an airport authority that is carrying out an airport expansion project described in IC 36-7.5-2-1(2)."**

Page 10, line 37, delete "fund under" and insert **"money received by the authority under a public-private agreement concerning the Indiana Toll Road entered into under IC 8-15.5"**.

Page 10, line 38, delete "sections 6 and 7 of this chapter".

Page 10, line 41, delete "a" and insert **"that"**.

Page 10, line 41, delete "concerning the Indiana" and insert **"."**.

Page 10, line 42, delete "Toll Road entered into under IC 8-15.5."

Page 11, between lines 15 and 16, begin a new line block indented and insert:

"(7) Amounts allocated to the bond retirement account of the toll road fund under IC 8-15.5-11-4.

(8) Amounts allocated to the administration account of the toll road fund under IC 8-15.5-11-4."

Page 11, line 32, after "IC 8-15.5-11" insert **"to be used exclusively for the provision of highways, roads, and bridges"**.

Page 11, line 33, delete "highways, streets, roads, and other related transportation" and insert **"those facilities."**

Page 11, delete line 34.

Page 11, line 36, delete "a" and insert **"the"**.

Page 11, line 36, after "purpose" insert **"provided in this section"**.

Page 13, delete lines 34 through 42.

Page 14, delete lines 1 through 2.

Page 14, line 3, delete "Sec. 5." and insert **"Sec. 2."**

Page 14, line 4, delete "by a county".

Page 14, delete lines 6 through 15, begin a new paragraph and insert:

"Sec. 3. (a) Except as provided in subsection (b), money distributed to a county described in section 1 of this chapter from the major moves construction fund under IC 8-14-14-6(a)(3) shall be distributed by the county auditor among the county and each of the cities and towns in the county that is eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1, in the same proportion among the county, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1.

(b) Money designated for payment to an airport authority under IC 8-14-14-6(a)(3) is not subject to distribution under this section."

Page 14, line 16, delete "Sec. 9." and insert **"Sec. 4."**

Page 14, line 16, delete "described in section 1" and insert **", city, or town that receives a distribution under section 3"**.

Page 14, line 18, after "county" insert **", city, or town"**.

Page 14, line 19, delete "IC 8-14-14." and insert **"section 3 of this chapter."**

Page 14, line 20, delete "county auditor" and insert **"fiscal officer of the county, city, or town"**.

Page 14, line 21, delete "The county fiscal body, after consulting with the county" and insert **"Subject to subsection (f), the fiscal body of the county, city, or town"**.

Page 14, line 22, delete "executive,".

Page 14, line 23, delete "section 10" and insert **"section 5"**.

Page 14, between lines 28 and 29, begin a new paragraph and insert:

"(f) A county fiscal body must consult with the county executive before making an appropriation under this section."

Page 14, line 29, delete "Sec. 10." and insert **"Sec. 5."**

Page 14, delete lines 31 through 42, begin a new line block indented and insert:

"(1) Construction of highways, roads, and bridges.

(2) In a county that is a member of the northwest Indiana regional development authority, or in a city or town located in such a county, any purpose for which the regional development authority may make expenditures under IC 36-7.5."

Page 15, delete lines 1 through 29.

Page 15, line 30, delete "(11)" and insert **"(3)"**.

Page 15, line 30, after "projects" insert **"(as defined in IC 6-3.5-7-13.1)"**.

Page 15, line 32, delete "(12)" and insert **"(4)"**.

Page 15, line 34, delete "(13)" and insert **"(5)"**.

Page 16, line 29, delete "." and insert **"to a state agency or political subdivision."**

Page 18, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 9. IC 8-15-2-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. The authority may not sell, convey, or mortgage a toll road project."

Page 25, delete lines 40 through 42.

Page 26, delete lines 1 through 24.

Page 27, between lines 33 and 34, begin a new paragraph and insert:

"Sec. 3. The general assembly finds and determines that:

(1) the state has limited resources to fund the maintenance and expansion of the state transportation system, including toll roads, and therefore alternative funding sources should be developed to supplement public revenue sources;

(2) the Indiana finance authority should be authorized to solicit, evaluate, negotiate, and administer agreements with the private sector for the purposes described in subdivision (1); and

(3) it is necessary to serve the public interest and to provide for the public welfare by adopting this article for the purposes described in this article."

Page 30, line 8, after "Sec. 7." insert **"(a)"**.

Page 30, between lines 12 and 13, begin a new paragraph and insert:

"(b) In determining whether one (1) or more responsible offerors are reasonably capable of being selected for a public-private agreement, the authority must consider all of the following:

(1) The responsible offeror's expertise, qualifications, competence, skills, and know-how to perform its obligations under the proposed public-private agreement in accordance with the public-private agreement.

(2) The financial strength of the responsible offeror, including its capitalization.

(3) The experience of the responsible offeror in operating toll roads and highways and other similar projects and the quality of the responsible offeror's past or present performance on other similar or equivalent projects.

(4) The integrity, background, and reputation of the responsible offeror, including the absence of criminal, civil, or regulatory claims or actions against the responsible offeror.

(c) The requirements set forth in subsection (b) also apply to the approval by the authority of any successor or replacement operator under the public-private agreement after the execution of the public-private agreement under section 11 of this chapter.

(d) In making its determination under subsection (b) or (c), the authority shall consider the offeror or operator as well as any private entity that controls the actions of the offeror or operator."

Page 40, between lines 27 and 28, begin a new line block indented and insert:

"(5) Amounts transferred to the fund under subsection (i)."

Page 41, between lines 2 and 3, begin a new paragraph and insert:

"(i) As soon as practicable after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall determine the total balance remaining in all toll road funds and accounts established under IC 8-15-2. Subject to any applicable trust indentures securing toll road bonds, the authority may retain from those funds and accounts the amounts necessary to pay outstanding obligations with respect to the operation of the Indiana Toll Road incurred before the effective date of the public-private agreement, and shall transfer all remaining balances in the toll road funds and accounts to the fund."

Page 42, line 4, after "to" insert **"the"**.

Page 42, line 4, delete "account." and insert **"fund."**

Page 42, between lines 4 and 5, begin a new line blocked left and insert:

"In addition, any amounts transferred to the fund under section 3(i) of this chapter after the date described in this subsection shall be transferred to the major moves construction fund."

Page 42, line 38, delete "any" and insert **"at least a one percent (1%)"**.

Page 42, line 40, delete "any" and insert **"at least a one percent (1%)"**.

(Reference is to EHB 1008 as printed February 24, 2006.)

MEEEKS

Upon request of Senator Rogers the President ordered the roll of the Senate to be called. Roll Call 255: yeas 31, nays 18.

Motion prevailed.

SENATE MOTION (Amendment 1008-36)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 8, between lines 5 and 6, begin a new paragraph and insert:

"SECTION 5. IC 8-9.5-8-10 IS AMENDED TO READ AS FOLLOWS [JULY 1, 2006] [EFFECTIVE JULY 1, 2006]: Sec. 10.

(a) Except as provided in section 11 of this chapter, the authority may issue toll road bonds under IC 8-15-2 or toll bridge bonds under IC 8-16-1 only:

(1) after obtaining the approval of the commissioner of the Indiana department of transportation;

(2) after the general assembly has ~~based on the recommendations of the commissioner of the Indiana department of transportation~~, provided for the issuance of the bonds by establishing in an act the maximum aggregate principal amount of bonds that the authority may issue;

(3) after the authority has delivered to the budget agency a written guarantee that the aggregate amount of attorney's fees for the particular proposed bond issue will not exceed two-tenths of one percent (0.2%) of the principal amount of the proposed issue of toll road and toll bridge bonds; and

(4) with the approval of the budget committee, the budget agency, and the governor.

(b) The authority may include money from the rural transportation road fund as a source of revenue in the performance of contracts and leases with the Indiana department of transportation under IC 8-23-2-6(a)(3). Revenues from that allocation may be used in the determination of the feasibility of a toll road or toll bridge project."

Page 15, between lines 35 and 36, begin a new paragraph and insert:

"SECTION 9. IC 8-15-2-4, AS AMENDED BY P.L.235-2005, SECTION 116, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, the following words and terms shall have the following meanings, unless the context shall indicate another or different meaning or intent:

(1) "Authority" refers to the Indiana finance authority established under IC 4-4-11.

(2) "Capitalized interest" means:

(A) interest costs on toll road revenue bonds before and during the period of construction of the project for the payment of the cost of which the bonds were issued, and for one (1) year after completion of construction; and

(B) interest costs on succeeding lien bonds authorized by this chapter for the period from the date of such bonds until the date when the prior outstanding toll road revenue bonds, for which revenues are pledged, are retired, but not later than ten (10) years from the date of issue of the succeeding lien bonds.

(3) "Department" refers to the Indiana department of transportation.

(4) "Project" or "toll road project" means any express highway, superhighway, or motorway constructed under the provisions of this chapter or accepted as a toll road under IC 8-23-7, including all bridges, tunnels, overpasses, underpasses, interchanges, entrance plazas, approaches, tollhouses, service stations, and administration, storage, and other buildings and

facilities which the authority may deem necessary or desirable for the operation of the project, together with all property, rights, easements, and interests which may be acquired by the authority for the construction or the operation of the project. "Project" or "toll road project" includes any subsequent improvement, betterment, enlargement, extension, or reconstruction of an existing project. Each project or toll road project may be constructed or extended in such sections as the authority may from time to time determine, and shall be separately designated by name or number, which designation shall also apply to any project which is a subsequent improvement, betterment, enlargement, extension, or reconstruction of such project. The construction, maintenance, or operation, of transient lodging facilities on, or adjacent to any such project, or the contracting therefor, shall not be considered as within the definition of "project" or "toll road project". **The term also includes projects on the department's long range comprehensive transportation plan developed under IC 8-23-2-5.**

(5) "Cost" as applied to a toll road project or any part of a toll road project includes:

- (A) the cost of construction, including bridges over or under existing highways and railroads;
- (B) the cost of acquisition of all land, rights-of-way, property, rights, easements, and interests acquired by the authority for such construction;
- (C) the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved;
- (D) the cost of diverting highways, interchange of highways, and access roads to private property, including the cost of land or easements therefor;
- (E) the cost of all machinery and equipment;
- (F) financing charges and capitalized interest;
- (G) the cost of funding any reserves to secure the payment of toll road revenue bonds;
- (H) the cost of traffic estimates and of engineering and legal expenses, plans, specifications, surveys, estimates of cost and revenues;
- (I) other expenses necessary or incident to determining the feasibility or practicability of constructing any such project;
- (J) administrative expense;
- (K) such other expenses as may be necessary or incident to the construction of the project, the financing of such construction, and the placing of the project in operation; and
- (L) the cost of conversion to a toll road project of a state highway or part of a highway accepted as a toll road project under IC 8-23-7.

Any obligation or expense incurred by the department for surveys, borings, preparation of plans and specifications, and other engineering services in connection with the construction of a project under this chapter or for the repayment of a grant from a federal agency which the authority itself would be authorized to repay under section 5(9) of this chapter in connection with such project or with the issuance of bonds for the payment of the cost of such project, shall be regarded as a part of the cost of such project and shall be reimbursed to the

state out of the proceeds of toll road revenue bonds as authorized.

(6) "Owner" includes all individuals, copartnerships, associations, limited liability companies, or corporations having any title or interest in any property, rights, easements, and interests authorized to be acquired by this chapter.

(7) "Revenues" means all tolls, rentals, gifts, grants, money, and all other funds and property coming into the possession or under the control of the authority by virtue of the terms and provisions of this chapter, except the proceeds from the sale of bonds issued under the provisions of this chapter and earnings thereon. **The term includes tolls established by rules that were adopted by the authority or the Indiana department of transportation, or both, and were published as proposed rules in the Indiana Register on February 1, 2006.**

(8) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(9) "Transient lodging facility" means accommodations for overnight or temporary habitation, including, but not limited to, hotels, motels, motor courts, lodges, and inns, for persons using any toll road project.

(10) "Toll road bonds" means all bonds issued under the provisions of this chapter, including refunding bonds and succeeding lien bonds.

(11) "State highway" means a public road for which the department is responsible under IC 8-23-2."

Page 18, between lines 31 and 32, begin a new paragraph and insert:

"SECTION 10. IC 8-15-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Subject to IC 8-9.5-8-10, the authority is authorized to provide by a resolution at one (1) time or from time to time for the issuance of toll road revenue bonds of the state for the purpose of paying all or any part of the cost of any one (1) or more toll road projects **or providing funding for projects on the department's long range comprehensive transportation plan developed under IC 8-23-2-5.** The principal of and the interest on such bonds shall be payable solely from an allocation of money from the rural transportation road fund under IC 8-9.5-8-16 or from the revenues or from the proceeds of bonds issued under the provisions of this chapter and earnings thereon, or from all three (3).

(b) The bonds of each issue shall:

- (1) be dated;
- (2) bear interest at such rate or rates as shall be established by the authority;
- (3) mature at such time or times not exceeding forty (40) years from their date or dates, as may be determined by the authority; and
- (4) be made redeemable before maturity at the option of the authority at such price or prices and under such terms and conditions as may be fixed by the authority prior to the issuance of the bonds.

(c) The authority shall:

- (1) determine the form of the bonds, including any interest coupons to be attached thereto;
- (2) fix the denomination or denominations of the bonds; and

(3) fix the place or places of payment of principal and interest, which may be at any bank or trust company within or without the state.

(d) The bonds shall be signed by the chairman of the authority or by his facsimile signature, and attested to by the manual or the facsimile signature of the secretary-treasurer of the authority, and any coupons attached thereto shall bear the facsimile signature of the chairman of the authority. In case any officer whose signature or a facsimile of whose signature shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. The authority may also provide for the authentication of the bonds by a trustee or fiscal agent.

(e) All bonds issued under the provisions of this chapter shall have and are declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the state of Indiana.

(f) The bonds may be issued in coupon or in registered form, or both, as the authority may determine, and provisions may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the reconversion into coupon bonds of any bonds registered as to both principal and interest.

(g) The authority may sell such bonds in such manner and for such price as it may determine to be for the best interests for the state, either at a public or private sale.

(h) The proceeds of the bonds of each issue shall be:

(1) used solely for the payment of the cost of the toll road project or projects for which such bonds shall have been issued; and

(2) disbursed in such manner and under such restrictions, if any, as the authority may provide in authorizing the issuance of such bonds or in the trust agreement mentioned securing the same.

(i) If the proceeds of the bonds of any issue, by error of estimates or otherwise, shall be less than such cost, additional bonds may in like manner be issued to provide the amount of such deficit, and, unless otherwise provided in the resolution authorizing the issuance of such bonds or in the trust agreement securing the same, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued.

(j) If the proceeds of the bonds of any issue shall exceed the cost of the toll road project or projects for which the same shall have been issued, the surplus shall be deposited to the credit of the sinking fund for such bonds. **However, if the bonds are issued for the purpose of providing funding for projects on the department's long range comprehensive transportation plan developed under IC 8-23-2-5, the proceeds of the bonds shall be deposited in the state highway fund.**

(k) Prior to the preparation of definitive bonds, the authority may under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds shall have been executed and are available for delivery. The authority may also provide for the replacement of any bonds which shall become mutilated or shall be destroyed or lost.

(l) Except as provided by IC 8-9.5-8-10, bonds may be issued under the provisions of this chapter without:

(1) obtaining the consent of any department, division, commission, board, bureau, or agency of the state; and

(2) any other proceedings or the happening of any other conditions or things than those proceedings, conditions, or things which are specifically required by this chapter."

Page 22, line 29, delete "All" and insert **"Except as otherwise provided by section 9 of this chapter, all"**.

Page 28, line 23, after "Sec. 1." insert **"(a)"**.

Page 28, line 23, after "to" insert **"subsection (b) and"**.

Page 28, between lines 41 and 42, begin a new paragraph and insert:

"(b) The authority may not enter into a public-private agreement concerning the Indiana Toll Road before January 1, 2008."

Page 29, line 3, after "chapter." insert **"However, the authority may not issue a request for proposals for a public-private agreement concerning the Indiana Toll Road under this chapter before January 1, 2008."**

Page 50, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 32. [EFFECTIVE JULY 1, 2006] The general assembly authorizes the Indiana finance authority to issue additional toll road revenue bonds under IC 8-15-2 in a total principal amount not to exceed one billion five hundred million dollars (\$1,500,000,000) for the purpose of providing funding for projects on the department's long range comprehensive transportation plan developed under IC 8-23-2-5 ."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

SIMPSON

Upon request of Senator Simpson the President ordered the roll of the Senate to be called. Roll Call 256: yeas 16, nays 33.

Motion failed.

SENATE MOTION
(Amendment 1008-10)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 50, delete lines 14 through 17.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

HUME

Motion prevailed.

SENATE MOTION
(Amendment 1008-32)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 39, line 25, delete "The" and insert **"(a) As used in this section, "condemn" means any person authorized by Indiana law to exercise the power of eminent domain."**

"(b) Except as provided in subsection (c), the".

Page 39, between lines 28 and 29, begin a new paragraph and insert:

"(c) A condemnor may not exercise the power of eminent domain to acquire real property with respect to a toll road project under this article:

(1) from a private entity; and
 (2) with the intent of transferring ownership or control of the real property to another private entity, including a private entity that is a party to a public-private agreement."

(Reference is to EHB 1008 as printed February 24, 2006.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 257: yeas 16, nays 33.

Motion failed.

SENATE MOTION
 (Amendment 1008-33)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 35, line 14, delete "IC 5-22-15-20.5" and insert "**IC 5-22-15-20.5(b)(1), IC 5-22-15-20.5(b)(2) or IC 5-22-15-20.5(b)(3) only**".

(Reference is to EHB 1008 as printed February 24, 2006.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 258: yeas 18, nays 31.

Motion failed.

SENATE MOTION
 (Amendment 1008-30)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 34, between lines 2 and 3, begin a new paragraph and insert: "**Sec.4. Notwithstanding any contrary provision of this article, the authority may not consent to any assignment, transfer, delegation or sale of any public-private agreement without prior legislative approval.**".

Page 34, line 3, delete "Sec.4." and insert "**Sec.5.**".

Page 34, line 23, delete "Sec.5." and insert "**Sec.6.**".

Page 34, line 27, delete "Sec.6." and insert "**Sec.7.**".

(Reference is to EHB 1008 as printed February 24, 2006.)

LANANE

Upon request of Senator Lanane the President ordered the roll of the Senate to be called. Roll Call 259: yeas 16, nays 33.

Motion failed.

SENATE MOTION
 (Amendment 1008-16)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 32, after line 27, begin a new paragraph and insert: "**(9) Maintaining a minimum Level of Service ("LOS") of LOS C for elements of the Toll Road located in urban areas and a minimum LOS of LOS B for elements of the Toll Road located in rural areas.**".

"Page 34, line 38, after "standards" insert "**including minimum LOS standard as set forth in IC 8-15.5-5-2(9)**".

(Reference is to EHB 1008 as printed February 24, 2006.)

BRODEN

Upon request of Senator Broden the President ordered the roll of the Senate to be called. Roll Call 260: yeas 16, nays 33.

Motion failed.

SENATE MOTION
 (Amendment 1008-18)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 9, line 28, delete "Twenty" and insert "**Ten**".

Page 9, line 28, delete "\$20,000,000" and insert "**(\$10,000,000)**".

Page 9, line 29, delete "the" and insert "**each**".

Page 9, line 30, after "2006," insert "**through the fiscal year beginning July 1, 2015,**

(Reference is to EHB 1008 as printed February 24, 2006.)

ROGERS

Upon request of Senator Rogers the President ordered the roll of the Senate to be called. Roll Call 261: yeas 18, nays 31.

Motion failed.

SENATE MOTION
 (Amendment 1008-8)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 7, delete lines 33 through 36.

Page 7, line 37, delete "(c)" and insert "**(b)**".

Page 8, line 1, delete "(d)" and insert "**(c)**".

(Reference is to EHB 1008 as printed February 24, 2006.)

TALLIAN

Upon request of Senator Tallian the President ordered the roll of the Senate to be called. Roll Call 262: yeas 16, nays 33.

Motion failed.

SENATE MOTION
 (Amendment 1008-22)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert: "**SECTION 2. IC 4-15-2-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32.5. (a) This section applies to employees of the state who are terminated from employment as a result of:**

(1) a lease, or other transfer, of state property or property of a body corporate and politic to a nongovernmental entity; or

(2) a contractual arrangement with a nongovernmental entity to perform certain state functions.

(b) Notwithstanding any other law or rule, an employee who is terminated from employment as described in subsection (a) is entitled to a preference under this chapter for reemployment with the state in another position equivalent in benefits, pay, and working conditions, including the locale, to the position the individual held before the individual was terminated."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

ROGERS

Upon request of Senator Rogers the President ordered the roll of the Senate to be called. Roll Call 263: yeas 16, nays 33.

Motion failed.

SENATE MOTION
(Amendment 1008-11)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 1, between lines 7 and 8, begin a new paragraph and insert:
"SECTION 2. IC 4-15-2-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 32.5. (a) Appointing authorities (as defined in IC 4-15-2-2.1 and IC 4-15-2.5-1) shall notify the director before February 15 and August 15 of each year of all employees who were terminated from employment as the result of:**

- (1) a lease, or other transfer, of state property or property of a body corporate and politic to a nongovernmental entity; or**
- (2) a contractual arrangement with a nongovernmental entity to perform certain state functions.**

(b) The notification required under subsection (a) must include the information required by subsection (c). Before April 1 and October 1 of each year, the director shall compile and make available for public inspection a report concerning employees who have been terminated from employment as described in subsection (a).

(c) The notification and report required by subsections (a) and (b) must contain the following information:

- (1) The salary of each employee who was terminated.**
- (2) The reason for the termination.**
- (3) If the functions the employee was performing are now being performed under a contractual arrangement with a nongovernmental entity, the cost of the contract, including the specific salary for each individual performing the employee's functions under the contract.**
- (4) The total number of state employees terminated from employment as described in subsection (a) for the six (6) months covered by the notification and report."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

R. YOUNG

Upon request of Senator R. Young the President ordered the roll of the Senate to be called. Roll Call 264: yeas 16, nays 33.

Motion failed.

SENATE MOTION
(Amendment 1008-28)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 8, between lines 20 and 21, begin a new line block indented and insert:

"(1) funding training programs to develop the necessary workforce in Indiana to implement the entire range of projects contemplated under this chapter, IC 8-15-2, IC 8-15-3, and IC 8-15.5;"

Page 8, line 21, delete "(1)" and insert "(2)".

Page 8, line 23, delete "(2)" and insert "(3)".

Page 9, between lines 13 and 14, begin a new line block indented and insert:

"(1) The following amounts to the treasurer of state in each state fiscal year beginning after June 30, 2006:

(A) One million dollars (\$1,000,000) for use by the department of workforce development for the purposes of the Indiana plan.

(B) The greater of:

- (i) three hundred percent (300%) of the amount expended by the department of workforce development in the building trade grants program in the immediately preceding state fiscal year; or**
- (ii) five million three hundred thousand dollars (\$5,300,000);**

for use by the department of workforce development for the purposes of the building trades grant program.

Money distributed under this subdivision is annually appropriated for the purposes of the distribution. Money distributed under this subdivision shall be treated as supplemental to all other money available for the Indiana plan and the building trades grant program and may not be the basis for reducing funding from other sources. The unencumbered balance of an amount distributed under this subdivision at the end of a state fiscal year does not revert to the state general fund for any other purpose and remains available for the purposes of the distribution in subsequent state fiscal years."

Page 9, line 14, delete "(1)" and insert "(2)".

Page 9, line 28, delete "(2)" and insert "(3)".

Page 9, line 37, delete "(3)" and insert "(4)".

Page 10, line 4, delete "(4)" and insert "(5)".

Page 10, line 14, delete "(5)" and insert "(6)".

Page 10, line 19, delete "(6)" and insert "(7)".

Page 47, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 26. IC 22-4.1-17 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 17. Major Moves Construction Fund Training Programs

Sec. 1. The department shall invest the money distributed under IC 8-14-14-6(a)(1) in training programs that develop the Indiana workforce that is needed to implement the entire range of projects contemplated under IC 8-14-14, IC 8-15-2, IC 8-15-3, and IC 8-15.5.

Sec. 2. The department shall carry out section 1 of this chapter through the department's:

- (1) Indiana plan grant program; and
- (2) building trades grant program.

Sec. 3. The department shall expedite the:

- (1) admission of applicants to; and
- (2) delivery of training through;

the existing educational and training infrastructure in Indiana to ensure that a sufficient number of skilled workers is readily available in Indiana to provide the workforce needed for the projects that are undertaken under IC 8-14-14, IC 8-15-2, IC 8-15-3, and IC 8-15.5."

Page 50, between lines 29 and 30, begin a new paragraph and insert:

"SECTION 31. [EFFECTIVE UPON PASSAGE] The department of workforce development may adopt temporary rules in the manner provided by IC 4-22-2-37.1 for the adoption of emergency rules to carry out the purposes of IC 22-4.1-17, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

- (1) The date the temporary rule is superseded by another temporary rule adopted under this SECTION.
- (2) The date the temporary rule is superseded by a rule adopted under IC 4-22-2.
- (3) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

LANANE

Upon request of Senator Breaux the President ordered the roll of the Senate to be called. Roll Call 265: yeas 16, nays 33.

Motion failed.

SENATE MOTION (Amendment 1008-12)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 5, between lines 15 and 16, begin a new paragraph and insert: "SECTION 3. IC 5-10-6-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: **Sec. 2. (a) This section applies to employees of the state who elect under IC 5-10.3-6-8.7(g)(2) to receive a distribution under this section.**

(b) As used in this section, "salary" means:

- (1) the basic salary earned by and paid to the employee; plus**
- (2) the amount that would have been a part of the basic salary earned and paid except for the employee's salary reduction agreement established under Section 125 or 457 of the Internal Revenue Code.**

(c) An employee who is covered by IC 5-10.3-6-8.7(f) may elect, not later than sixty (60) days after the termination date established under IC 5-10.3-6-8.7(f), to receive a distribution equal to the employee's salary for the fifty-two (52) weeks preceding the employee's termination date established under IC 5-10.3-6-8.7(f).

(d) A distribution under this section is payable as a lump sum not later than one hundred twenty (120) days after the date the employee makes the election under subsection (c).

(e) The amounts that the state is required to pay under this section must come from the following sources:

- (1) If the state receives monetary payments under the lease or contractual arrangement described in IC 5-10.3-6-8.7(a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to pay under this section.**
- (2) If the state does not receive any monetary payments under the lease or contractual arrangement described in IC 5-10.3-6-8.7(a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in IC 5-10.3-6-8.7.**
- (3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to pay under this section, the governor shall request that the general assembly appropriate the amount necessary to fully fund the state's required payments under this section in the next biennial state budget.**

(f) The state personnel department may adopt reasonable procedures and standards to implement this section."

Page 5, line 31, delete "(i)," and insert "(j)".

Page 6, line 17, delete "(g)." and insert "(h)".

Page 6, between lines 17 and 18, begin a new paragraph and insert:

"(g) A member who is covered by subsection (f) may elect to receive:

- (1) creditable service under subsection (h); or**
- (2) a distribution under IC 5-10-6-2."**

Page 6, line 18, delete "(g)" and insert "(h)".

Page 6, line 25, delete "(h)" and insert "(i)".

Page 6, line 36, delete "(h)" and insert "(i)".

Page 6, line 37, delete "(g)" and insert "(h)".

Page 7, line 3, delete "(g)." and insert "(h)".

Page 7, line 11, delete "(g)," and insert "(h)".

Page 7, line 14, delete "(g)" and insert "(h)".

Page 7, line 15, delete "(i)" and insert "(j)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1008 as printed February 24, 2006.)

BOWSER

Upon request of Senator Bowser the President ordered the roll of the Senate to be called. Roll Call 266: yeas 15, nays 33.

Motion failed.

SENATE MOTION (Amendment 1008-17)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 34, line 39, delete "Unless otherwise provided by federal law, the" and insert "**The**".

Page 34, line 41, delete "not".

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Page 35, line 1, delete "or" and insert "**and**".
(Reference is to EHB as printed February 24, 2006.)

MRVAN

Upon request of Senator Mrvan the President ordered the roll of the Senate to be called. Roll Call 267: yeas 16, nays 33.

Motion failed.

SENATE MOTION
(Amendment 1008-5)

Madam President: I move that Engrossed House Bill 1008 be amended to read as follows:

Page 32, after line 27, begin a new paragraph and insert:

(9) Procedures that preclude the operator from using rock salt or other anti-icer or de-icer chemical application on the toll road that has been purchased from a company whose principle place of business is outside the state of Indiana.

(Reference is to EHB 1008 as printed February 24, 2006.)

CRAYCRAFT

Motion failed. The bill was ordered engrossed.

7:02 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 7:29 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 153, 161, 168, 193, 202, 206, 234, 259, 260, 264, 266, 284, 286, 297, and 300 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 169, 173, 191, 192, 201, 205, 208, 229, and 275 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 12:

Conferees: Long, Chair and Mrvan
Advisors: Wyss and Lanane

GARTON
Date: 3/1/2006
Time: 2:12 p.m.

Report adopted.

SENATE MOTION

Madam President: I move that Senator Craycraft be removed as cosponsor of Engrossed House Bill 1080.

CRAYCRAFT

Motion prevailed.

**ENGROSSED HOUSE BILLS
ON SECOND READING**

Engrossed House Bill 1018

Senator Hershman called up Engrossed House Bill 1018 for second reading. The bill was reread a second time by title.

SENATE MOTION
(Amendment 1018-6)

Madam President: I move that Engrossed House Bill 1018 be amended to read as follows:

Page 1, line 10, delete "." and insert "**in which:**

(i) water service is a purpose of the district as of January 1, 2006; and

(ii) the total number of freeholders provided water service by the district is less than four thousand (4,000)."

(Reference is to EHB 1018 as reprinted February 17, 2006)

LAWSON

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1099

Senator Weatherwax called up Engrossed House Bill 1099 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1099-7)

Madam President: I move that Engrossed House Bill 1099 be amended to read as follows:

Page 2, strike lines 16 through 19.

Page 2, line 20, strike (B) and insert "**(A)**".

Page 2, line 23, strike "(C)" and insert "**(B)**".

Page 2, line 25, strike "(D)" and insert "**(C)**".

Page 3, line 29, delete "fireworks and" and insert "**fireworks, fireworks referenced in section 8(a) of this chapter, and**".

Page 5, between lines 12 and 13, begin a new paragraph and insert:
""Responding fire department" means the paid fire department or volunteer fire department that renders fire protection services to a political subdivision."

Delete pages 9 through 16.

Page 17, delete lines 1 through 22, begin a new line block indented and insert:

"and land use rules.

(7) Sales of fireworks may be made from the tent for not more than forty-five (45) days in a year.

(8) The weight of consumer fireworks in a tent may not exceed three thousand (3,000) gross pounds of consumer fireworks.

(9) A retailer that legally operated a tent with a registration in 2005 may continue operation in a tent in 2006 and the following years. A registration under section 5(b)(3) of this chapter is required for operation in 2006 and following years.

(10) The retailer holds a valid registration under section 5(b)(3) of this chapter. For purposes of this subdivision, a retailer includes a resident wholesaler who supplied consumer fireworks to an applicant for a tent registration in 2005.

(b) A retailer may sell consumer fireworks from a Class 1 structure (as defined in IC 22-12-1-4) that:

(1) complied with the rules for a B-2 or M building occupancy before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1:

(A) in which consumer fireworks were sold or stored on or before July 4, 2003; and

(B) in which no subsequent intervening nonfireworks sales or storage use has occurred;

(2) complies with the rules for an H-3 building occupancy under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1, or the equivalent occupancy classification adopted by subsequent rules of the fire prevention and building safety commission;

(3) complied with the rules for a B-2 or M building occupancy before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1;

(A) in which 1.4G fireworks were sold or stored on or before July 4, 2003;

(B) in a location at which the retailer was registered as a resident wholesaler in 2005; and

(C) in which the retailer's primary business is not the sale of consumer fireworks; or

(4) complies with the rules adopted after July 3, 2003, by the fire prevention and building safety commission established under IC 22-12-2-1 for an M building occupancy under the Indiana building code.

A registration under section 11(a) of this chapter is required for operation in 2006 and following years.

(c) This subsection does not apply to a structure identified in subsection (b)(1), (b)(2), (b)(3), or (b)(4). A retailer may sell consumer fireworks from a structure under the following conditions:

(1) The structure must be a Class 1 structure used for the sale and storage of consumer fireworks.

(2) The sales site must comply with all applicable local zoning and land use rules.

(3) The weight of consumer fireworks in the structure may not exceed three thousand (3,000) gross pounds of consumer

fireworks.

(4) The retailer holds a valid registration under section 11(a) of this chapter.

(5) A retailer that legally operated from a structure with a registration in 2005 may continue in operation in the structure in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years.

(d) The state fire marshal or a member of the division of fire and building safety staff shall, under section 9 of this chapter, inspect tents and structures in which common fireworks are sold. The state fire marshal may delegate this responsibility to a responding fire department with jurisdiction over the tent or structure subject to the policies and procedures of the state fire marshal.

(e) A retailer shall file an application for each retail location on a form to be provided by the state fire marshal.

(f) This chapter does not limit the quantity of fireworks that may be sold from any Class I structure that complies with the rules of the fire prevention and building safety commission in effect before May 21, 2003.

SECTION 6. IC 22-11-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at the expense of the owner, all stocks of fireworks or combustibles possessed, transported, or delivered in violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of fireworks, novelties, and trick noisemakers unless, prior to shipment into this state for sale, the manufacturer, wholesaler, importer, or distributor of the fireworks, novelties, and trick noisemakers submits to the state fire marshal:

(1) a complete description of each item proposed to be shipped into Indiana;

(2) a written certification that the items are manufactured in accordance with section 1 of this chapter; and

(3) an annual registration fee of one thousand dollars (\$1,000).

The registration fee shall be collected by the state fire marshal and deposited in the fire and building services fund as set forth in IC 22-12-6-1(c).

If upon inspection the state fire marshal finds that this chapter has been complied with, an annual certificate of compliance shall be issued to the manufacturer, wholesaler, importer, or distributor. An annual certificate of compliance **may not be applied for after June 15 of a year and** expires December 31 of the year ~~during in~~ which the certificate is issued. Each manufacturer, wholesaler, importer, or distributor must obtain a certificate of compliance. The certificate is not transferable. ~~except that A retailer that offers the items for sale to the public is entitled to receive a certified copy of the certificate from the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items.~~ A certified copy of the certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any

manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter.

(c) All fireworks, novelties, and trick noisemakers shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed, or marked on the package, box, or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana fireworks, novelties, or trick noisemakers unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

SECTION 7. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A person who **recklessly, knowingly, or intentionally** violates ~~section 4(c); section 2(f), 4.5, 5(c), 5(d), 7, or 8~~ **8(a), 8(c), 10, or 11** (b) of this chapter commits a Class A misdemeanor.

(b) A person who ignites, discharges, or uses consumer fireworks at a site other than:

- (1) a special discharge location;
- (2) the property of the person; or
- (3) the property of another who has given permission to use the consumer fireworks;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection not later than five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(c) A person less than eighteen (18) years of age who:

- (1) possesses a:
 - (A) firework;
 - (B) novelty; or
 - (C) trick noisemaker;

other than those set forth in section 8(a) of this chapter; or

- (2) uses a firework when an adult is not present and responsible at the location of the use;

commits a Class C infraction. However, if a person possesses as described in subdivision (1) or uses as described in subdivision (2) not later than five (5) years after a previous possession or use by the person as described in this subsection, whether or not there has been a judgment that the person committed an infraction in the previous possession or use, the person commits a delinquent act under IC 31-37.

(d) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation causes harm to the property of a person commits a Class A misdemeanor.

(e) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in serious bodily injury to a person v commits a Class D felony.

(f) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in the death of a person commits a Class C felony.

(g) A person who knowingly fails to collect or remit to the state the public safety fees due under section 11 of this chapter

commits a Class D felony.

SECTION 8. IC 22-11-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE] 1: Sec. 7. (a) A retailer selling fireworks at one (1) or more temporary stands must obtain a fireworks stand retail sales permit, referred to in this section as a "permit", from the state fire marshal.

(b) An application for a permit must be made before June 1 of each year and must require that at least the following information be supplied by the retailer:

- (1) The retailer's retail merchant certificate number or proof of application for a certificate number.
- (2) The location of each **retail sales** stand.

The state fire marshal shall, within seven (7) days after the receipt of an application for a permit, either issue the permit or notify the applicant of the denial of the permit.

(c) The retailer must pay to the state fire marshal an annual permit fee set under IC 22-12-6-8. If the state fire marshal approves an application for a permit, ~~he~~ **the state fire marshal** shall issue a permit to the retailer. The permit expires one (1) year after the date of issuance.

(d) The permit shall be posted by the retailer at the **retail sales** stand so that it is easily seen by the public. However, the state fire marshal's issuance of a permit does not constitute approval of the fireworks offered for sale by the retailer. The retailer is responsible for determining that all fireworks which ~~he~~ **the retailer** offers for sale conform to applicable law.

(e) At each **retail sales** stand, the retailer shall provide:

- (1) a posted certificate of compliance, including a descriptive list of approved fireworks; and
- (2) a ~~supervisor salesperson~~ **supervisor salesperson** who is at least ~~sixteen (16)~~ **eighteen (18)** years of age.

(f) Fireworks may not be sold at retail from ~~trucks, vans, or automobiles~~ **a motor vehicle (as defined in IC 9-13-2-105)**.

SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A person shall not sell at retail, ~~or~~ offer for sale at retail, **or deliver** any fireworks, novelties, or trick noisemakers **to a person less than eighteen (18) years of age** other than the following:

- (1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.
- (2) Cylindrical fountains.
- (3) Cone fountains.
- (4) Illuminating torches.
- (5) Wheels.
- (6) Ground spinners.
- (7) Flitter sparklers.
- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

(b) A retailer or wholesaler of consumer fireworks may sell consumer fireworks to a person at least eighteen (18) years of age.

(c) An individual who sells fireworks must be at least eighteen (18) years of age.

(d) The fire prevention and building safety commission may adopt rules under IC 4-22-2 establishing procedures to ensure compliance with the age limitations set forth in this section.

SECTION 10. IC 22-11-14-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. A person is strictly liable for death, bodily injury, or property damage caused by that person's use of consumer fireworks.**

SECTION 11. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) Each interstate wholesaler shall keep a record of each sale of special fireworks. not approved for sale in Indiana.** This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

(b) Each resident wholesaler shall post in a prominent location in the wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the date of sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000)."

The state fire marshal shall provide interstate wholesalers with signs for the purposes of this subsection.

SECTION 12. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2006]: **Sec. 11. (a) A retailer may not sell consumer fireworks until the retailer has:**

- (1) filed the application required under section 4.5(e) of this chapter with the state fire marshal for each location from which the retailer proposes to sell the consumer fireworks, which must be filed on an annual basis; and
 - (2) paid an accompanying registration fee of:
 - (A) one thousand dollars (\$1,000) for the first location if a fee under section 5(b)(3) of this chapter has not been paid;
 - (B) five hundred dollars (\$500) for each additional sales location in a tent; and
 - (C) two hundred dollars (\$200) for each additional sales location in a structure;
- from which the retailer proposes to sell the consumer fireworks.

Upon receipt of the completed application form, the accompanying fee and if required, the affidavit under subsection

(b), the state fire marshal shall issue a certificate of compliance to the retailer for each sales location.

(b) A person seeking a certificate of compliance authorizing the sale of consumer fireworks at retail from a structure identified in section 5(b)(1), 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter, or from a tent under section 5(a) of this chapter shall submit with the application:

- (1) an affidavit executed by a responsible party with personal knowledge, establishing that consumer fireworks were sold at retail from a structure at the same location as of the dates set forth in section 5(b)(1), 5(b)(2), 5(b)(3), or 5(b)(4) of this chapter, or from a tent under section 5(a) of this chapter; and

- (2) proof of sales of consumer fireworks from that location.

(c) A person may not sell consumer fireworks at retail if a certificate of compliance from the state fire marshal has not been issued for the location at which the consumer fireworks will be sold.

(d) A certificate of compliance issued to a retailer of consumer fireworks is not transferable.

SECTION 13. IC 22-11-14-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: **Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks.**

(b) The person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund.

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee monies from retailers as described in subsections (b) and (c).

SECTION 14. IC 22-11-14-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: **Sec. 13. (a) The public safety fee is measured by the gross retail income received by a retailer in a retail unitary transaction of fireworks and is imposed at the following rates:**

PUBLIC SAFETY FEE	GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION		
\$ 0		less than	\$0.25
\$ 0.01	at least \$ 0.25	but less than	\$0.50
\$ 0.02	at least \$ 0.50	but less than	\$0.75
\$ 0.03	at least \$ 0.75	but less than	\$1.00
\$ 0.04	at least \$ 1.00		

On a retail unitary transaction in which the gross retail income received by the retail merchant is at least one dollar (\$1), the public safety fee is four percent (4%) of that gross retail income.

(b) If the public safety fee computed under subsection (a) results in a fraction of one-half cent (\$0.005) or more, the amount of the public safety fee shall be rounded to the next additional cent.

SECTION 15. IC 22-11-14-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: **Sec. 14. An individual who:**

- (1) is an individual retailer or is an employee, an officer, or a member of a corporate or partnership retailer; and
- (2) has a duty to remit the public safety fee as described in section 11 of this chapter to the department of state revenue;

holds the public safety fees collected in trust for the state and is personally liable for the payment of the public safety fee money to the state.

SECTION 16. IC 22-11-14-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15. The fire prevention and building safety commission and the department of state revenue shall adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 17. IC 35-47-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) If:**

- (1) a practitioner (as defined in IC 25-1-9-2) initially treats a person for an injury and identifies the person's injury as resulting from fireworks or pyrotechnics, the practitioner; or
- (2) a hospital or outpatient surgical center initially treats a person for an injury and the administrator of the hospital or outpatient surgical center identifies the person's injury as resulting from fireworks or pyrotechnics, the administrator or the administrator's designee;

shall report the case to the state health data center of the state department of health not more than five (5) business days after the time the person is treated. The report may be made in writing on a form prescribed by the state department of health.

(b) A person submitting a report under subsection (a) shall make a reasonable attempt to include the following information:

- (1) The name, address, and age of the injured person.
- (2) The date and time of the injury and the location where the injury occurred.
- (3) If the injured person was less than eighteen (18) years of age at the time of the injury, whether an adult was present when the injury occurred.
- (4) Whether the injured person consumed an alcoholic beverage within three (3) hours before the occurrence of the injury.
- (5) A description of the firework or pyrotechnic that caused the injury.
- (6) The nature and extent of the injury.

(c) A report made under this section is confidential for purposes of IC 5-14-3-4(a)(1).

(d) The state department of health shall compile the data collected under this section and submit a report of the compiled data to the legislative council in an electronic format under IC 5-14-6 not later than December 31 of each year.

SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-11-14.5-2; IC 35-47-7-6.

SECTION 18. [EFFECTIVE UPON PASSAGE] **The department of homeland security shall report to the budget committee by July 1, 2006, on the feasibility of the following:**

(1) **Creating a regional program to:**

- (A) train public safety service providers under IC 10-19-9-3; and
- (B) provide advanced training programs in public safety and homeland security matters under IC 10-19-9-4.

The report must set out the need for the training, identify possible locations where training could take place, provide an estimate of the costs for providing such training, and include other things the department determines to be relevant.

(2) **Establishing a state disaster relief fund to provide:**

- (A) matching financial assistance to state agencies and political subdivisions under any federal program; and
- (B) direct aid to individuals, families, or communities if an emergency event does not receive a presidential major disaster declaration.

SECTION 19. [EFFECTIVE UPON PASSAGE] **There is appropriated from the fees collected under IC 22-11-14-11, as added by this act, one million dollars (\$1,000,000) to the department of homeland security to provide regional training for public safety service providers or advanced training programs during the period beginning July 1, 2006, and ending June 30, 2007. Funds appropriated by this SECTION may be allotted by the budget agency after review by the budget committee.**

SECTION 20. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, the fire prevention and building safety commission shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are respectively adopted under IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act.
- (2) December 31, 2007.

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, the department of state revenue shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the commissioner of the department of state revenue.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are respectively adopted under IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act.
- (2) December 31, 2007."

SECTION 22. **An emergency is declared for this act."**

(Reference is to EHB 1099 as printed February 24, 2006.)

WEATHERWAX

Motion prevailed.

SENATE MOTION
(Amendment 1099-3)

Madam President: I move that Engrossed House Bill 1099 be amended to read as follows:

Page 3, delete lines 6 through 7.

Page 5, between lines 2 and 3, begin a new paragraph and insert: **"Municipality" has the meaning set forth in IC 36-1-2-11.**

Page 5, delete lines 40 through 42.

Page 7, line 14, after "section" delete ".".

Page 7, line 14, after "misdemeanor." insert **"or under rules adopted under section 3.5 of this chapter."**

Page 7, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 3. IC 22-11-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The governing body of the municipality shall require a certificate of insurance conditioned for the payment of all damages which may be caused either to a person or persons in an amount of not less than ten thousand dollars (\$10,000) and to property in an amount of not less than ten thousand dollars (\$10,000), by reason of the ~~licensed public display permitted under section 2 of this chapter~~, and arising from any acts of the ~~licensee~~, **his permittee or the permittee's** agents, employees, or subcontractors. However, the governing body of the municipality may in its discretion require additional amounts of insurance coverage not to exceed one hundred thousand dollars (\$100,000) for damages caused to a person or persons, or one hundred thousand dollars (\$100,000) for damage to property.

(b) A person who fails to obtain a certificate of insurance required under subsection (a) commits a Class A misdemeanor."

Page 7, line 18, delete "may" and insert **"shall"**.

Page 7, line 19, delete "the chief of a municipal or" and insert **"consumer and special fireworks may be purchased, transported, delivered, or possessed for purposes of a public display of fireworks by rules adopted under section 2(a)(1) of this chapter by a person who has been issued a permit by rules adopted under section 2(a)(2) of this chapter."**

Page 7, delete lines 20 through 22.

Page 7, line 28, after "(A)" insert **"fireworks"**.

Page 7, line 28, after "wholesale" insert ";".

Page 7, line 28, strike "fireworks not prohibited by this chapter;".

Page 7, line 29, reset in roman "approved for sale in Indiana".

Page 7, line 29, after "Indiana" insert ";".

Page 7, line 29, strike "if".

Page 7, line 30, strike "they are to be".

Page 7, line 31, delete "used:".

Page 7, delete lines 32 through 36.

Page 8, delete lines 29 through 42.

Delete page 9.

Page 10, delete lines 1 through 8.

Page 10, line 23, delete ":".

Page 10, line 24, delete "(A)".

Page 10, run in lines 23 through 24.

Page 10, line 24, after "(\$1,000)" insert ".".

Page 10, line 24, delete "for the first location;".

Page 10, delete lines 25 through 32.

Page 11, line 26, delete "4.5,".

Page 11, line 26, reset in roman "8".

Page 11, line 26, after "8" insert ",".

Page 11, line 26, delete "8(a), 8(c),".

Page 11, line 29, delete "8(a)" and insert **"8"**.

Page 11, delete lines 30 through 34.

Page 11, delete lines 41 through 42.

Page 12, delete lines 1 through 28.

Page 12, line 31, after "temporary" insert **"retail sales"**.

Page 12, line 39, after "each" insert **"retail sales"**.

Page 13, line 5, before "stand" insert **"retail sales"**.

Page 13, line 10, after "each" insert **"retail sales"**.

Page 13, delete lines 16 through 42, begin a new paragraph and insert:

"SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **Except as provided by rule adopted under the authority of section 3.5 of this chapter**, a person shall not sell at retail, or offer for sale at retail, any fireworks, novelties, or trick noisemakers other than the following:

(1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.

(2) Cylindrical fountains.

(3) Cone fountains.

(4) Illuminating torches.

(5) Wheels.

(6) Ground spinners.

(7) Flitter sparklers.

(8) Snakes or glow worms.

(9) Smoke devices.

(10) Trick noisemakers, which include:

(A) Party poppers.

(B) Booby traps.

(C) Snappers.

(D) Trick matches.

(E) Cigarette loads.

(F) Auto burglar alarms."

Page 14, delete lines 1 through 9.

Page 14, line 12, delete "special".

Page 14, line 13, after "fireworks" delete ".".

Page 14, line 13, reset in roman "not approved for sale in Indiana".

Page 14, delete lines 34 through 42.

Delete pages 15 through 16.

Page 17, delete lines 1 through 22, begin a new paragraph and insert:

"SECTION 11. [EFFECTIVE UPON PASSAGE] (a) **Notwithstanding IC 22-11-14-2(a), as amended by this act, and IC 22-11-14-3.5, as added by this act, the fire prevention and building safety commission shall carry out the duties imposed upon it by IC 22-11-14-2(a), as amended by this act, and IC 22-11-14-3.5, as added by this act, under interim written guidelines approved by the state fire marshal.**

(b) **This SECTION expires the earlier of the following:**

(1) **The date rules are adopted under IC 22-11-14-2(a), as amended by this act and IC 22-11-14-3.5, as added by this act.**

(2) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1099 as printed February 24, 2006.)

ZAKAS

The Chair ordered a division of the Senate. Yeas 15, nays 31.

Motion failed.

SENATE MOTION
(Amendment 1099-4)

Madam President: I move that Engrossed House Bill 1099 be amended to read as follows:

Page 5, between lines 2 and 3, begin a new paragraph and insert:

"Municipality" has the meaning set forth in IC 36-1-2-11."

Page 12, line 28, delete "11" and insert "12".

Page 14, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 12. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 11. (a) Notwithstanding any other provision of this chapter, a:**

(1) county or municipality may adopt an ordinance; or

(2) township may adopt a resolution;

concerning the sale, possession, or use of fireworks.

(b) An ordinance or a resolution adopted under this section:

(1) may limit or prohibit the sale, possession, or use of fireworks in the county, municipality, or township; and

(2) may not be more lenient than a rule adopted by a state agency concerning the sale, possession, or use of fireworks."

Page 14, line 34, delete "IC 22-11-14-11" and insert "IC 22-11-14-12".

Page 14, line 36, delete "11." and insert "12.".

Page 15, line 7, delete "and in" and insert ".".

Page 15, line 8, delete "section 13 of this chapter."

Page 15, line 9, delete "IC 22-11-14-12" and insert "IC 22-11-14-13".

Page 15, line 11, delete "12." and insert "13.".

Page 15, line 36, delete "11" and insert "12(b)".

Page 17, line 16, delete "IC 22-11-14-11," and insert "IC 22-11-14-12,".

Page 17, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, the fire safety and building commission shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, the department of state revenue shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the commissioner of the department of state revenue.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1099 as printed February 24, 2006.)

ZAKAS

The Chair ordered a division of the Senate. Yeas 21, nays 26.

Motion failed.

SENATE MOTION
(Amendment 1099-1)

Madam President: I move that Engrossed House Bill 1099 be amended to read as follows:

Page 16, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 16. IC 22-11-14-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. If:**

(1) a court awards a person damages for personal injury, property damage, or other loss due to the negligent use of fireworks; and

(2) the person who caused the injury, damage, or loss is unable to pay, through insurance or otherwise, the judgment in full;

the retailer, wholesaler, importer, or manufacturer, or a combination of the retailer, wholesaler, importer, or manufacturer, is jointly and severally liable to the person who suffered the loss for the amount of the unsatisfied judgment."

Page 17, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, the fire safety and building commission shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

(1) The date rules are adopted under IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-11(d) and IC 22-11-14-15, both as

added by this act, the department of state revenue shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-11(d) and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the commissioner of the department of state revenue.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 22-11-14-11(d) and IC 22-11-14-15, both as added by this act.
- (2) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1099 as printed February 24, 2006.)

DILLON

Upon request of Senator Garton the President ordered the roll of the Senate to be called. Roll Call 268: yeas 12, nays 37.

Motion failed.

SENATE MOTION (Amendment 1099-6)

Madam President: I move that Engrossed House Bill 1099 be amended to read as follows:

Page 16, between lines 2 and 3, begin a new paragraph and insert:
"SECTION 16. IC 22-11-14-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 16. Fireworks are, for purposes of IC 34-20, unreasonably dangerous products. A manufacturer of consumer fireworks is strictly liable for any actual monetary damages arising from the death, bodily injury, or property damage caused by the use of the manufacturer's product in accordance with the provisions of IC 34-20-2-3 and IC 34-20-2-4 without regard to warnings or defective condition. Nothing in this section is intended to modify any other provisions of tort or negligence law or to otherwise modify the legal liabilities of any party.**"

Page 17, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 21. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, the fire safety and building commission shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 22-11-14-2(a) and IC 22-11-14-8(d), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act.
- (2) December 31, 2007.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-11(d) and IC 22-11-14-15, both as added by this act, the department of state revenue shall carry out the duties imposed upon it by this act with respect to the matters

referred to in IC 22-11-14-11(d) and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the commissioner of the department of state revenue.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 22-11-14-11(d) and IC 22-11-14-15, both as added by this act.
- (2) December 31, 2007."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1099 as printed February 24, 2006.)

FORD

Upon request of Senator Ford the President ordered the roll of the Senate to be called. Roll Call 269: yeas 21, nays 28.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1101

Senator Hershman called up Engrossed House Bill 1101 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 1101-6)

Madam President: I move that Engrossed House Bill 1101 be amended to read as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 4-1-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Confidential Information

Sec. 1. As used in this chapter, "gaming commission" refers to the Indiana gaming commission established by IC 4-33-3-1.

Sec. 2. The following information submitted, collected, or gathered as part of an application to the gaming commission for a license is confidential for purposes of IC 5-14-3-4:

- (1) Any information concerning a minor child of an applicant.
- (2) The Social Security number of an applicant or the spouse of an applicant.
- (3) The home telephone number of an applicant or the spouse of an applicant.
- (4) An applicant's birth certificate.
- (5) An applicant's driver's license number.
- (6) The name or address of a previous spouse of the applicant.
- (7) The date of birth of the spouse of an applicant.
- (8) The place of birth of the spouse of an applicant.
- (9) The personal financial records of the spouse or minor child of an applicant."

Page 3, line 34, delete "only".

Page 3, line 35, after "board" insert "only".

Page 5, line 34, delete "article," and insert "chapter,".

Page 5, line 36, delete "social security" and insert "Social Security".

Page 7, line 42, delete "social security" and insert "Social Security".

Renumber all SECTIONS consecutively.
(Reference is to EHB 1101 as reprinted February 24, 2006.)

HERSHMAN

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1114

Senator Steele called up Engrossed House Bill 1114 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1114-2)

Madam President: I move that Engrossed House Bill 1114 be amended to read as follows:

Page 2, between lines 8 and 9, begin a new paragraph and insert:
"SECTION 3. IC 33-37-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the clerk receives payment or credit from the institution responsible for making the payment or credit.

(b) The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. ~~However, Subject to subsection (d), if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk shall collect a credit card service fee equal to the vendor transaction charge or discount fee from the person using the bank or credit card.~~ **shall collect a fee from the person using the bank or credit card.** The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(c) **Subject to subsection (d), the clerk may contract with a payment processing company, which may collect a transaction fee from the person using the bank or credit card. The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.**

(d) **The clerk shall collect and deposit in the appropriate fund an amount not less than the amount the clerk would collect and deposit if the clerk received payment by a means other than a bank or credit card."**

Page 10, line 18, delete "However," and insert "**A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the county recorder receives payment or credit from the institution responsible for making the payment or credit. Subject to subsection (e),"**

Page 10, line 21, delete "from the person using the" and insert "**a fee from the person using the bank or credit card."**

Page 10, delete lines 22 through 25.

Page 10, line 26, delete "a fee."

Page 10, between lines 26 and 27, begin a new paragraph and insert:

"(d) **Subject to subsection (e), the county recorder may contract with a payment processing company, which may collect a transaction fee from the person using the bank or credit card.**

(e) **The county recorder shall collect and deposit in the appropriate fund an amount not less than the amount the county recorder would collect and deposit if the county recorder**

received payment by a means other than a bank or credit card."

Page 10, line 27, delete "(d)" and insert "(f)".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1114 as printed February 24, 2006.)

STEELE

Motion prevailed.

SENATE MOTION (Amendment 1114-5)

Madam President: I move that Engrossed House Bill 1114 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning property and to make an appropriation.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-7-3.5-32, AS ADDED BY SEA 349-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The title insurance enforcement fund is established for the following purposes:

(1) To provide supplemental funding for department operations that are related to title insurance.

(2) To pay the costs of hiring and employing staff in the areas of enforcement of title insurance law.

(b) The title insurance enforcement fund shall be administered by the commissioner. The expenses of administering the title insurance enforcement fund shall be paid from money in the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The budget agency may augment the appropriation for the department of insurance from balances in the fund.

~~(e)-(f)~~ The following shall be deposited in the title insurance enforcement fund:

(1) Policy reporting fees remitted by title insurers to the commissioner under section 32.5 of this chapter.

~~(1)-(2)~~ **(2) All fines, monetary penalties, and costs imposed upon persons by the department as authorized by law for violation of this chapter.**

~~(2)-(3)~~ **(3) Other amounts remitted to the commissioner or the department that are required by law to be deposited into the title insurance enforcement fund.**

SECTION 2. IC 27-7-3.5-32.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32.5. (a) **A person that purchases a title insurance policy shall pay to the title insurer that issues the title insurance policy a fee of five dollars (\$5) at the time of payment for the title insurance policy. The fee must be specified as a line item on the closing statement and on the HUD-1 or HUD 1A form used in residential transactions.**

(b) A title insurer shall:

(1) retain two dollars (\$2) of the fee collected under subsection (a) as an administrative fee; and

(2) pay to the department three dollars (\$3) of the fee collected under subsection (a) for deposit in the title

insurance enforcement fund established under section 32 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1114 as printed February 24, 2006.)

STEELE

Motion prevailed.

SENATE MOTION
(Amendment 1114-3)

Madam President: I move that Engrossed House Bill 1114 be amended to read as follows:

Page 8, line 8, delete "knowingly, intentionally, or recklessly".

(Reference is to EHB 1114 as printed February 24, 2006.)

M. YOUNG

The Chair ordered a division of the Senate. Yeas 18, nays 24.

Motion failed. The bill was ordered engrossed.

Engrossed House Bill 1123

Senator Becker called up Engrossed House Bill 1123 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1123-2)

Madam President: I move that Engrossed House Bill 1123 be amended to read as follows:

Page 2, line 30, after "quorum." insert **"The affirmative vote of at least six (6) members of the board is required for the board to take any official action."**

Page 3, line 32, after "tie," insert **"and the chairperson has not voted, the chairperson may cast a vote to break the tie."**

Page 3, line 32, delete "the position for which the".

Page 3, delete lines 33 through 34.

(Reference is to EHB 1123 as printed February 24, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1136

Senator Long called up Engrossed House Bill 1136 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1136-4)

Madam President: I move that Engrossed House Bill 1136 be amended to read as follows:

Page 5, line 8, delete "and" and insert **"or"**.

Page 5, line 16, delete "notice" and insert **"memorandum"**.

Page 5, line 19, after "commissions" delete ", but in no case" and insert **". The principal broker shall record a notice of lien no"**.

Page 5, line 21, after "claimed" insert **", but may not file a notice of lien against an owner's property if the tenant is the sole party liable for payment of the future fees or commissions"**.

Page 5, line 21, after "section" insert **"11(a) or"**.

Page 5, line 23, delete "two (2) years" and insert **"one (1) year"**.

Page 5, line 24, after "lien." insert **"A memorandum of lien**

recorded under this chapter must meet the requirements of sections 12(1)(A), 12(1)(B), 12(1)(C), 12(1)(E), 12(2), 12(3), and 12(4). A memorandum of lien shall not constitute a lien against the real estate but shall provide notice of the right to future fees or commissions."

Page 5, line 29, after "valid" insert **"memorandum of lien or"**.

Page 5, line 33, before "notice" insert **"right to future fees or commissions and, if applicable,"**.

Page 5, line 35, after "a" insert **"memorandum of lien or"**.

Page 6, line 19, after "lien." insert **"However, for future fees or commissions payable over a period in excess of one (1) year from the occurrence of a condition for which such future fees or commissions are claimed, the commencement of the suit must be within one (1) year of the latest date for which future fees or commissions are due."**

Page 7, line 22, after "a" insert **"memorandum of lien or"**.

Page 7, line 31, after "the" insert **"memorandum of lien or"**.

Page 8, line 6, after "a" insert **"memorandum of lien or"**.

Page 8, line 15, before "lien" insert **"memorandum or"**.

Page 8, line 15, after "release of the" insert **"memorandum or"**.

Page 8, line 36, before "lien" insert **"memorandum or"**.

(Reference is to EHB 1136 as printed February 24, 2006.)

LONG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1158

Senator Bray called up Engrossed House Bill 1158 for second reading. The bill was read a second time by title.

SENATE MOTION
(Amendment 1158-1)

Madam President: I move that Engrossed House Bill 1158 be amended to read as follows:

Page 11, between lines 6 and 7, begin a new paragraph and insert:
"SECTION 11. IC 33-37-7-9, AS AMENDED BY P.L.176-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state ~~seven million nine hundred thirty-two thousand two hundred nine dollars (\$7,932,209)~~ eight million two hundred seventy-seven thousand twenty-three dollars (\$8,277,023) for distribution under subsection (b).

(b) On June 30 and on December 31 of each year, the treasurer of state shall deposit into:

(1) the family violence and victim assistance fund established by IC 12-18-5-2 an amount equal to ~~nine and thirty-seven hundredths percent (9.37%);~~ eight and ninety-nine hundredths percent (8.99%);

(2) the Indiana judges' retirement fund established by IC 33-38-6-12 an amount equal to ~~thirty-two and fifty-three hundredths percent (32.53%);~~ thirty-one and eighteen hundredths percent (31.18%);

(3) the law enforcement academy building fund established by IC 5-2-1-13 an amount equal to ~~two and ninety-eight hundredths percent (2.98%);~~ (2.86%);

(4) the law enforcement training fund established by IC 5-2-1-13 an amount equal to ~~twelve percent (12%); eleven and fifty-one hundredths percent (11.51%);~~

(5) the violent crime victims compensation fund established by IC 5-2-6.1-40 an amount equal to ~~thirteen and ninety-five hundredths percent (13.95%); thirteen and thirty-seven hundredths percent (13.37%);~~

(6) the motor vehicle highway account an amount equal to ~~twenty-two and seventy-eight hundredths percent (22.78%); twenty-one and eighty-four hundredths percent (21.84%);~~

(7) the fish and wildlife fund established by IC 14-22-3-2 an amount equal to ~~twenty-eight hundredths of one percent (0.28%); twenty-seven hundredths percent (.27%);~~

(8) the Indiana judicial center drug and alcohol programs fund established by IC 12-23-14-17 for the administration, certification, and support of alcohol and drug services programs under IC 12-23-14 an amount equal to ~~one and eighty-nine hundredths percent (1.89%); one and eighty-two hundredths percent (1.82%);~~ and

(9) the DNA sample processing fund established under IC 10-13-6-9.5 for the funding of the collection, shipment, analysis, and preservation of DNA samples and the conduct of a DNA data base program under IC 10-13-6 an amount equal to ~~four and twenty-two hundredths percent (4.22%); eight and sixteen hundredths percent (8.16%);~~

of the amount transferred by the auditor of state under subsection (a).

(c) On June 30 and on December 31 of each year, the auditor of state shall transfer to the treasurer of state for deposit into the public defense fund established under IC 33-40-6-1:

(1) after June 30, 2004, and before July 1, 2005, one million seven hundred thousand dollars (\$1,700,000); and

(2) after June 30, 2005, two million seven hundred thousand dollars (\$2,700,000)."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1158 as printed February 24, 2006.)

BRAY

Motion prevailed.

SENATE MOTION
(Amendment 1158-4)

Madam President: I move that Engrossed House Bill 1158 be amended to read as follows:

Page 2, line 10, after "for" insert ":

(1)".

Page 2, line 11, delete "." and insert "; and

(2) the inspection and copying of other report related data maintained by the department."

Page 3, line 15, after "costs fee," insert "the".

(Reference is to EHB 1158 as printed February 24, 2006.)

BRAY

Motion prevailed.

SENATE MOTION
(Amendment 1158-3)

Madam President: I move that Engrossed House Bill 1158 be amended to read as follows:

Page 2, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 2. IC 33-34-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A hearing must be conducted to obtain evidence, opinions, advice, and suggestions from public officials and the general public concerning:

(1) whether a small claims court ~~division~~ should be established or abolished in the township, if the township has a population of less than fifteen thousand (15,000) persons;

(2) whether the small claims court ~~division~~ should be full time or part time;

(3) the location of the small claims court ~~division~~ courtroom and offices; and

(4) other relevant matters.

SECTION 3. IC 33-34-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. Not more than two (2) weeks after a hearing is conducted under section 7 of this chapter, the township board shall, after considering the evidence, opinions, advice, and suggestions presented at the hearing, enter an order concerning:

(1) whether a small claims court ~~division~~ shall be established or abolished in the township if the township has a population of less than fifteen thousand (15,000) persons;

(2) whether the small claims court ~~division~~, if any, shall function full time or part time;

(3) the location of the small claims court ~~division~~ courtroom and offices under IC 33-34-6-1; and

(4) other relevant matters.

SECTION 4. IC 33-34-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A judge shall be elected at the general election every four (4) years by the registered voters residing within the township in which the ~~division of the~~ small claims court is located.

SECTION 5. IC 33-34-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) If a judge is unable to preside over the judge's ~~division of the~~ small claims court during any number of days, the judge may appoint in writing a person qualified to be a small claims judge under IC 33-34-2-2 to preside in place of the judge.

(b) The written appointment shall be entered on the order book or record of the circuit court. The appointee shall, after taking the oath prescribed for the judges, conduct the business of the ~~division small claims court~~ subject to the same rules and regulations as judges and has the same authority during the continuance of the appointee's appointment.

(c) The appointee is entitled to the same compensation from the township trustee as accruable to the small claims judge in whose place the appointee is serving.

SECTION 6. IC 33-34-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A judge absent from the bench for more than thirty (30) days shall deposit the dockets, books, and papers of the office with the:

(1) small claims judge of another ~~division township~~; or

(2) circuit court;

as directed by the circuit court judge.

(b) A:

(1) judge with whom the docket of another judge is deposited during a vacancy or an absence; and
 (2) successor of any judge who has the dockets of the successor's predecessor in the successor's possession;
 may perform all duties that the judge might do legally in relation to the judge's own dockets.

(c) Process shall be returned to the judge who has the legal custody of the docket at the day of return.

SECTION 7. IC 33-34-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The township trustee shall provide a courtroom ~~for each division~~ and an office for each judge in a convenient location within the township that has:

- (1) adequate access;
- (2) sufficient parking facilities;
- (3) a separate and appropriate courtroom;
- (4) proper space and facilities for the bailiff, clerks, and other employees; and
- (5) enough room for files and supplies.

SECTION 8. IC 33-34-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A township shall:

- (1) furnish all:
 - (A) supplies, including all blanks, forms, stationery, and papers of every kind, required for use in all cases in the township ~~division of the~~ small claims court; and
 - (B) furniture, books, and other necessary equipment and supplies; and
- (2) provide for all necessary maintenance and upkeep of the facilities where court is held."

Page 2, line 15, strike "County" and insert "**Township of Marion County**".

Page 2, line 16, strike "_____ Division".

Page 2, line 16, strike "county and".

Page 2, line 41, after "deposited" insert "**monthly**".

Renumber all SECTIONS consecutively.

(Reference is to EHB 1158 as printed February 24, 2006.)

M. YOUNG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1212

Senator Ford called up Engrossed House Bill 1212 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1212-2)

Madam President: I move that Engrossed House Bill 1212 be amended to read as follows:

Delete the title and insert the following:
 A BILL FOR AN ACT to amend the Indiana Code concerning local government and natural and cultural resources.

Page 2, between lines 37 and 38, begin a new paragraph and insert:

"SECTION 2. IC 14-32-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The following are declared as a matter of legislative determination:

- (1) That the land and water resources of Indiana are among the basic assets of Indiana and that the proper management of these

resources is necessary to protect and promote the health, safety, and general welfare of the people of Indiana.

(2) That improper land use practices and failure to control and use rainfall and runoff water cause and contribute to deterioration and waste of these resources of Indiana.

(3) That the breaking of natural grass, plant, and forest cover has interfered with the natural factors of soil stabilization, causing loosening of soil and exhaustion of humus and developing a soil condition that favors excessive runoff and erosion, with the following results:

(A) The topsoil is being blown and washed out of the fields and pastures.

(B) There has been an accelerated washing of sloping fields.

(C) These processes of erosion by wind and water speed up with removal of the topsoil, exposing the less absorptive, less protective, less productive, and more erosive subsoil.

(4) That valuable water resources are being lost causing damages in watersheds.

(5) That failure by a land occupier to properly manage the soil and water causes a washing and blowing of these resources onto other land and makes the conservation of these resources on the other land more difficult.

(6) That the consequences of soil erosion and failure to control and use rainfall and runoff water are the following:

(A) The silting and sedimentation of stream channels, reservoirs, dams, ditches, and harbors.

(B) The loss of fertile soil material.

(C) The piling up of soil on lower slopes and the deposit over alluvial plains.

(D) The reduction in productivity or outright ruin of bottom land by flooding and overwash of poor subsoil material, sand, and gravel swept out of the hills.

(E) The deterioration of soil and the soil's fertility, deterioration of crops grown, and reduction in crop yields.

(F) The loss of soil and water that causes destruction of food and cover for wildlife.

(G) A blowing and washing of soil into streams and lakes that silts over spawning beds and destroys water plants, diminishing the food supply of fish.

(H) A diminishing of the underground water reserve and loss of surplus rainfall runoff causing water shortages, intensifying periods of drought, and causing crop failures.

(I) An increase in the speed and volume of rainfall runoff, causing severe and increasing floods.

(J) Economic hardship for those attempting to farm land that is eroded or subject to frequent flooding.

(K) Damage to roads, highways, railways, farm buildings, and other property from floods and from dust storms.

(L) Losses in navigation, hydroelectric power, municipal water supply, recreational water development, irrigation developments, farming, and grazing.

(7) That to conserve soil and water resources, control and prevent soil erosion, **protect water quality**, reduce flood damage, and further the conservation development, use, and disposal of water, it is necessary that:

(A) land use practices contributing to soil and water wastage, **water quality impairment**, and soil erosion be

discouraged and discontinued; and

(B) appropriate soil and water conserving land use practices and works of improvement for flood prevention or the conservation development, use, and disposal of water be adopted and carried out.

(8) That among the procedures necessary for widespread adoption are the following:

(A) Carrying on of engineering operations such as the construction of flood preventing reservoirs and channels, terraces, terrace outlets, check dams, dikes, ponds, ditches, and similar operations.

(B) The use of soil protecting agronomic practices, such as strip cropping, contour cropping, and conservation tillage.

(C) Land irrigation.

(D) Seeding and planting of sloping, abandoned, or eroded land to water-conserving and erosion-preventing plants, trees, and grasses.

(E) Forestation and reforestation.

(F) Rotation of crops.

(G) Soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops.

(H) Retardation of runoff by impounding the runoff water behind structures, by increasing the absorption of rainfall, and by retiring from cultivation all steep, highly erosive areas and areas already badly eroded.

(I) The use of water quality protection practices, including nutrient and pesticide management on all lands.

SECTION 3. IC 14-32-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. In light of the determination set forth in section 1 of this chapter, it is the policy of the general assembly to provide for the proper management of soil and water resources, the control and prevention of soil erosion, the prevention of flood water and sediment damage, **the prevention of water quality impairment**, and the conservation development, use, and disposal of water in the watersheds of Indiana to accomplish the following:

(1) Conserve the natural resources, including wildlife.

(2) Control floods.

(3) Prevent impairment of dams and reservoirs.

(4) Assist in maintaining the navigability of rivers and harbors.

(5) Protect the water quality of lakes and streams.

(6) Protect the tax base.

(7) Protect public land.

(8) Protect and promote the health, safety, and general welfare of the people of Indiana.

(9) Protect a high quality water resource.

SECTION 4. IC 14-32-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The soil conservation board is established within the department of **agriculture established by IC 15-9-2-1 as the policy making body for soil and water conservation.**

SECTION 5. IC 14-32-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The board consists of the following ~~nine (9)~~ **seven (7)** members:

(1) Four (4) members who must be land occupiers with farming interests, appointed by the governor.

(2) ~~Two (2)~~ **Three (3)** members who must be land occupiers with nonfarming interests, appointed by the governor.

~~(3) Three (3) ex officio members as follows:~~

~~(A) The director or the director's designee.~~

~~(B) The director of the department of agriculture or the director's designee.~~

~~(C) The director of the Purdue University cooperative extension service or the director's designee.~~

SECTION 6. IC 14-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A majority of the ~~six (6)~~ **seven (7)** appointed members of the board must have experience as district supervisors.

(b) In making appointments to the board, the governor may invite and consider the recommendations of the following:

(1) The Purdue University cooperative extension service.

(2) The department of **agriculture.**

(3) The Indiana Association of Soil and Water Conservation Districts.

(c) All appointments to the board shall be made without regard to political affiliation.

(d) The members appointed to the board under section 2(1) and 2(2) of this chapter must be residents of at least four (4) different geographic regions of Indiana.

SECTION 7. IC 14-32-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a)~~ The term of an appointed member of the board is four (4) years. An appointed member shall serve until a successor is appointed and has qualified. The terms shall be staggered so that **at least** three (3) members are appointed every two (2) years.

~~(b) The terms of the three (3) ex officio members of the board are coterminous with the governor's term of office.~~

SECTION 8. IC 14-32-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a)** The governor may appoint advisory members from other **organizations that promote conservation, including local, state, and federal agencies** upon the recommendation of the board.

(b) The governor shall appoint members to the advisory board that represent the following:

(1) The department of agriculture.

(2) The department of natural resources.

(3) The department of environmental management.

(4) The Purdue University cooperative extension service.

(5) The Indiana Association of Soil and Water Conservation Districts.

(6) The Farm Service Agency of the United States Department of Agriculture.

(7) The Natural Resources Conservation Service of the United States Department of Agriculture.

SECTION 9. IC 14-32-2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. The board shall do the following:

(1) Provide for the execution of surety bonds for all board employees and officers who are entrusted with money or property.

(2) Provide for the keeping of a full and accurate record of all board proceedings and of all resolutions and rules the board issues or adopts. The accounts of receipts and disbursements are subject to examination by the state board of accounts.

(3) Offer appropriate assistance to the supervisors of soil and water conservation districts to carry out district powers and programs.

(4) Keep the supervisors of districts informed of the activities and experience of all other districts and facilitate cooperation and an interchange of advice and experience among districts.

(5) Coordinate the programs of the districts as far as this may be done by advice and consultation.

(6) Secure the cooperation and assistance of the United States and state agencies in the work of the districts. However, this subdivision does not authorize either of the following:

(A) The transfer or control of authority over districts to a federal agency.

(B) The transfer of title of land or control to the United States.

(7) Disseminate information throughout Indiana concerning the activities and programs of the districts and encourage the formation of districts in areas where organization is desirable.

(8) Coordinate the erosion and sediment part of 33 U.S.C. 1288 (Public Law 92-500, Section 208) and other erosion and sediment reduction programs that affect water quality, in cooperation with state and federal agencies and through districts as provided under IC 14-32-5-1.

(9) Develop a statewide regulatory program to be initiated after all reasonable voluntary approaches to erosion and sediment reduction have been exhausted.

(10) Conduct an inventory of conservation needs for planning purposes and to inform the general assembly.

(11) Hold meetings in locations throughout Indiana.

~~(10)~~ **(12) Adopt rules under IC 4-22-2 to implement this article.**

SECTION 10. IC 14-32-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The governing body of a district consists of five (5) supervisors as follows:

(1) Two (2) who are appointed.

(2) Three (3) who are elected.

(b) To hold the position of elected supervisor, an individual:

(1) must be an occupier of a tract of land that is:

(A) more than ten (10) acres in area; and

(B) located within the district;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

However, the ten (10) acre requirement may be waived if a district requests a waiver and the waiver is approved by the board.

(c) To hold the position of appointed supervisor, an individual:

(1) must be of voting age;

(2) must maintain the individual's permanent residence within the district; and

(3) must be qualified by training and experience to perform the duties that this article imposes on supervisors.

SECTION 11. IC 14-32-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a)~~ The election committee appointed under section 7 of this chapter shall do the following:

(1) Select qualified individuals as prospective nominees to fill any vacancies that exist among the elected supervisors of the

district.

(2) Contact and ascertain the willingness and ability of each individual to serve if elected.

(3) Submit the list of nominees with the qualifications for certification and printing of a sample ballot to the board by December 1.

(4) Place the names of the prospective nominees selected under subdivisions (1) and (2) in nomination at the meeting and provide an opportunity for additional nominations to be made from the floor.

(5) After nominations are closed, distribute a ballot to each land occupier present at the meeting.

(6) Collect and count the ballots after each land occupier present at the meeting has had an opportunity to vote.

(7) Report the results of the election to the chairman.

~~(b) The number of prospective nominees selected under subsection (a)(1) must exceed the number of vacancies that exist among the elected supervisors of the district by at least one (1).~~

SECTION 12. IC 14-32-4-10.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.5. (a) The board may appoint associate supervisors to assist in performing duties in each district.**

(b) Associate supervisors are nonvoting members of the board and may not hold officer positions on the board.

(c) Associate supervisors may be reimbursed for approved expenses but are not entitled to per diem.

SECTION 13. IC 14-32-4-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. The supervisors of a district shall do the following:

(1) Provide for the execution of surety bonds for all district employees and officers who are entrusted with money or property.

(2) Provide for the keeping of a full and accurate record of all district proceedings and of all district resolutions and orders issued or adopted.

(3) Provide for an annual audit of the accounts of receipts and disbursements of the district.

(4) Provide a copy of each annual financial statement of the district to the board **not later than March 31.**

SECTION 14. IC 14-32-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A district constitutes a governmental subdivision of the state and a public body corporate and politic exercising public powers.

(b) A district may do the following:

(1) Carry out soil erosion and water runoff preventive and control measures within the district, including engineering operations, methods of cultivation, the growing of vegetation, changes in use of land, and the measures listed in IC 14-32-1-1(7) and IC 14-32-1-1(8), on the following:

(A) Land owned or controlled by the state with the consent and cooperation of the agency administering and having jurisdiction of the land.

(B) Any other land within the district upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(2) Construct, improve, operate, and maintain the structures that are necessary or convenient for the performance of any of the

operations authorized in this article.

(3) Cooperate or enter into agreements with, and within the limits of appropriations made available to the district by law to furnish financial or other aid to, a federal, state, or other agency or an occupier of land within the district in the carrying on of conservation operations within the district, subject to the conditions that the supervisors consider necessary to advance the purpose of this article.

(4) Obtain options upon and acquire, by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise, real or personal property or rights or interests in property.

(5) Maintain, administer, and improve property acquired, receive income from the property, and expend the income in carrying out this article.

(6) Sell, lease, or otherwise dispose of property or interests in property in furtherance of this article.

(7) Make available to land occupiers within the district, on terms that the district prescribes:

- (A) agricultural and engineering machinery and equipment;
- (B) fertilizer;
- (C) seeds;
- (D) seedlings;
- (E) other material or equipment; and
- (F) services from the district;

that will assist in conserving the soil and water resources of the land occupiers.

(8) Develop or participate in the development of comprehensive plans for the proper management of soil and water resources within the district that specify the acts, procedures, performances, and avoidances necessary or desirable for the effectuation of the plans.

(9) Publish plans and information developed under subdivision (8) and bring the plans and information to the attention of land occupiers within the district.

(10) Take over, with the consent of the United States or the state, by purchase, lease, or otherwise, and administer any soil and water conservation, erosion control, water quality protection, or flood prevention project of the entity located within the district's boundaries.

(11) Manage, as agent of the United States or the state, any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(12) Act as agent for the United States or the state in connection with the acquisition, construction, operation, or administration of any soil and water conservation, erosion control, water quality protection, flood prevention, or outdoor recreation project within the district's boundaries.

(13) Accept donations, gifts, and contributions in money, services, materials, or otherwise from the United States and use or expend the services, materials, or other contributions in carrying on the district's operations.

(14) Sue and be sued in the name of the district.

(15) Have perpetual succession unless terminated as provided in this article.

(16) Make and execute contracts and other instruments necessary or convenient to the exercise of the district's powers.

(17) Adopt rules and regulations consistent with this article to carry into effect the purposes and powers of this article.

(18) Require an occupier of land not owned or controlled by the state, as a condition to extending benefits under this article to or the performance of work upon the land, to do either or both of the following:

- (A) Make contributions in money, services, materials, or otherwise to an operation conferring benefits.
- (B) Enter into agreements or covenants concerning the use and treatment of the land that will tend to:
 - (i) prevent or control soil erosion;
 - (ii) achieve water conservation and water quality protection; and
 - (iii) reduce flooding;
 on the land.

(19) Cooperate with the state in the following:

- (A) Conducting surveys, investigations, and research relating to the character of soil erosion and water losses and the preventive and control measures needed.
- (B) Publishing the results of the surveys, investigations, or research.
- (C) Disseminating information concerning the preventive and control measures.

(D) The management of watersheds.

(20) Cooperate with the state in conducting, within the district, soil and water conservation, erosion control, water quality protection, and flood prevention demonstration projects:

- (A) on land owned or controlled by the state with the agency administering and having jurisdiction of the land; and
- (B) on any other land upon obtaining the consent of the occupier of the land or the necessary rights or interests in the land.

(21) Serve as the management agency for:

- (A) the erosion and sediment part of 33 U.S.C. 1288 (P.L. 92-500, section 208); and
- (B) other erosion and sediment reduction programs that affect water quality in each county.

SECTION 15. IC 14-32-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The division of soil conservation:

- (1) shall administer and coordinate the duties and responsibilities of the department of agriculture under the land resource programs authorized by this chapter; and
- (2) in carrying out its duties under subdivision (1), may work in cooperation with the following:

- (A) Federal and state agencies.
- (B) Local governmental agencies involved in land use planning and zoning.
- (C) Any person, firm, institution, or agency, public or private, having an interest in land conservation.

(b) The department of agriculture may employ the personnel and provide facilities and services that are necessary to carry out the department's department of agriculture's duties and responsibilities under this chapter.

(c) The department of agriculture shall prepare an annual report of the division of soil conservation's expenditures and accomplishments and that contains a proposed business plan.

SECTION 16. IC 14-32-7-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. (a) As used in this section, "soil survey" means a systematic scientific identification, inventory, and mapping of the soils of a given area that sets forth the capabilities, potential, and limitations of the soils in the satisfaction of human needs.

(b) The department of agriculture shall use the money appropriated by the general assembly to implement and supplement a program of modern soil surveys and geographic information systems (GIS) for Indiana that will, within the shortest practicable time, provide a modern soil survey and geographic information system for each county as an essential tool in land conservation.

SECTION 17. IC 14-32-7-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) As used in this section, "river" includes streams and the tributaries of rivers.

(b) The division of soil conservation shall do the following:

(1) Perform all administrative duties required by the rules of the board.

(2) Provide professional assistance to districts in planning, coordinating, and training for the following:

(A) Adult soil and water conservation education.

(B) Natural resources conservation information programs for elementary and secondary schools.

(C) Supervisors and staff.

(3) Provide professional soil conservation technical assistance to districts.

(4) Provide nonagricultural soils interpretive and erosion control expertise on a regional basis.

(5) Assist the districts and other federal, state, and local entities in encouraging and monitoring compliance with those aspects of the programs that are related to erosion and sediment reduction.

(6) Administer a cost share program for installation of erosion control structural measures on severely eroding cropland and for conversion of highly erodible land from crop production to permanent vegetative cover.

(7) Administer a lake and river enhancement program to do the following:

(A) Control sediment and associated nutrient inflow into lakes and rivers.

(B) Accomplish actions that will forestall or reverse the impact of that inflow and enhance the continued use of Indiana's lakes and rivers.

(8) Provide professional assistance to districts in conservation needs assessments, program development, and program evaluation.

SECTION 18. IC 14-32-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The purpose of the program is to provide financial assistance to:

(1) soil and water conservation districts;

~~(1)~~ **(2) land occupiers; and**

~~(2)~~ **(3) conservation groups;**

to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs.

SECTION 19. IC 14-32-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Money in the fund

may be spent in the following ways:

(1) To increase district technical assistance in local conservation efforts.

(2) To develop an environmental stewardship program to assist land occupiers in complying with environmental regulations voluntarily.

(3) To qualify for federal matching funds for county soil survey computerization.

(4) To provide for the following cost sharing programs:

(A) A program to encourage land occupiers to implement conservation practices to reduce nutrient, pesticide, and sediment runoff.

(B) Programs that encourage land occupiers to implement nutrient management programs by sharing the cost of any of the following:

(i) Fencing for intensive grazing systems.

(ii) Purchasing nutrient management equipment.

(iii) Voluntary environmental audits.

(iv) Other similar expenditures related to nutrient management.

(5) To provide matching grants to districts for the following:

(A) Professional watershed coordinators to facilitate and administer local watershed protection projects.

(B) District managers to administer district conservation policies and programs.

(6) To increase state technical and capacity building assistance to districts and local conservation efforts by providing for the following:

(A) Capacity building specialists to train district personnel in grant writing, grant administration, and leadership development.

(B) Conservation education specialists to help implement district conservation education efforts.

(C) Urban storm water specialists to provide technical assistance to developers to contain soil erosion on construction sites.

(7) To make distributions as provided under section 8 of this chapter.

(8) Implementation of geographic information systems (GIS) or similar technology.

SECTION 20. IC 14-32-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) In addition to funds provided to a district under section 7 of this chapter or from any other source, the division of soil conservation shall pay to the district one dollar (\$1) for every one dollar (\$1) the district receives from a political subdivision.

(b) The state is not obligated to match more than ten thousand dollars (\$10,000) under this section.

(c) In order to receive funding under this section ~~before April 15~~ of each year, a district must certify to the division of soil conservation the amount of money the district received from all political subdivisions during the one (1) year period beginning January 1 of the previous year. **The information prepared under this subsection must be part of the report prepared under IC 14-32-4-22.** The division of soil conservation shall make distributions under this section not later than July 15 of each year.

(d) Before making distributions under this section, the division of soil conservation shall determine the total amount of money that has been certified by all districts as having been provided by political subdivisions. If the cumulative amount to be distributed to all districts exceeds the amount appropriated to the fund, the division of soil conservation shall reduce the distribution to each district proportionately.

(e) A district must spend money received under this section for the purposes of the district."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1212 as printed February 24, 2006.)

NUGENT

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1214

Senator Long called up Engrossed House Bill 1214 for second reading. The bill was reread a second time by title.

SENATE MOTION (Amendment 1214-1)

Madam President: I move that Engrossed House Bill 1214 be amended to read as follows:

Page 1, line 7, delete "June 30, 2006." and insert "July 1, 2006."
(Reference is to EHB 1214 as printed February 24, 2006.)

LONG

Motion prevailed. The bill was ordered engrossed.

Engrossed House Bill 1338

Senator Lubbers called up Engrossed House Bill 1338 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 1338-3)

Madam President: I move that Engrossed House Bill 1338 be amended to read as follows:

Page 2, line 31, after "or" delete "subdivision".

Page 3, between lines 5 and 6, begin a new line block indented and insert:

"(3) 'High performing' means placement by the state board in the exemplary or commendable performance category."

Page 3, line 6, delete "(3)" and insert "(4)".

Page 3, line 8, delete "(4)" and insert "(5)".

Page 3, line 11, delete "that" and insert "that:

(1)".

Page 3, line 12, delete "performance" and insert "performance;
or

(2) achieve or maintain a high level of academic performance;".

Page 3, line 12, beginning with "with" begin a new line blocked left.

Page 3, between lines 28 and 29, begin a new line block indented and insert:

"(2) Designation as a high performing school."

Page 3, line 29, delete "(2)" and insert "(3)".

Page 4, delete lines 22 through 23.

Renumber all SECTIONS consecutively.

(Reference is to EHB 1338 as printed February 24, 2006.)

LUBBERS

Motion prevailed.

SENATE MOTION (Amendment 1338-1)

Madam President: I move that Engrossed House Bill 1338 be amended to read as follows:

Page 4, between lines 1 and 2, begin a new paragraph and insert:
"SECTION 3. IC 20-34-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 5. Care of Students With Diabetes

Sec. 1. The department and the state department of health shall:

(1) develop and implement a pilot program that meets the requirements of this chapter not later than July 1, 2007; and

(2) implement this chapter statewide not later than July 1, 2009.

Sec. 2. As used in this chapter, "unlicensed assistive personnel" means a school employee who:

(1) is not a licensed health care professional;

(2) has successfully completed the training required under section 10 of this chapter; and

(3) has immunity from liability under IC 34-30-14.

Sec. 3. As used in this chapter, "diabetes management and treatment plan" means a plan prepared under section 7 of this chapter.

Sec. 4. As used in this chapter, "individualized health plan" means a coordinated plan of care designed to meet the unique health care needs of a student with diabetes in a school setting.

Sec. 5. As used in this chapter, "school employee" means an individual employed by:

(1) a public school or an accredited nonpublic school;

(2) a local health department working with a school under this chapter; or

(3) another entity with which a school has contracted to perform the duties required under this chapter.

Sec. 6. As used in this chapter, "student" refers to a student with diabetes.

Sec. 7. (a) A diabetes management and treatment plan must be prepared and implemented for a student with diabetes while the student is at school or participating in a school activity. The plan must be developed by:

(1) the student's parent or guardian; and

(2) the licensed physician responsible for the student's diabetes treatment or another diabetes health care provider ordered in writing by the physician.

(b) A diabetes management and treatment plan must:

(1) identify the health care services the student may need at school;

(2) evaluate the student's:

(A) ability to manage; and

(B) level of understanding of;

the student's diabetes;

(3) specify the care that may be performed by the student with an agreed upon level of supervision; and

(4) be signed by the student's parent or guardian and the licensed physician responsible for the student's diabetes treatment or another diabetes health care provider ordered in writing by the physician.

(c) The parent or guardian of a student with diabetes who will be attending school or participating in a school activity shall submit a copy of the student's diabetes management and treatment plan to the school. The plan must be submitted to and be reviewed by the school:

(1) before or at the beginning of a school year;

(2) at the time the student enrolls, if the student is enrolled in school after the beginning of the school year; or

(3) as soon as practicable following a diagnosis of diabetes for the student.

Sec. 8. (a) An individualized health plan must be developed for each student with diabetes who will be attending school or participating in a school activity. The school's principal and school nurse shall develop a student's individualized health plan in collaboration with:

(1) the student's parent or guardian;

(2) to the extent practicable, the licensed physician responsible for the student's diabetes treatment or another diabetes health care provider ordered in writing by the physician; and

(3) one (1) or more of the student's teachers.

(b) A student's individualized health plan must incorporate the components of the student's diabetes management and treatment plan. A school shall develop a student's individualized health plan upon receiving the student's diabetes management and treatment plan.

Sec. 9. (a) At each school in which a student with diabetes is enrolled, the school principal shall:

(1) seek school employees to serve as unlicensed assistive personnel; and

(2) make efforts to ensure that the school has adequate personnel to safely implement a diabetes case plan.

(b) Unlicensed assistive personnel serve under the supervision of the school nurse.

(c) A school employee may not be subject to any disciplinary action for refusing to serve as unlicensed assistive personnel.

Sec. 10. (a) The state department of health, with the assistance of interested parties, shall develop a training program that includes instruction in the following:

(1) Recognizing the symptoms of hypoglycemia and hyperglycemia.

(2) Understanding the proper action to take if the blood glucose levels of a student are outside the target ranges indicated on the student's diabetes management and treatment plan.

(3) Understanding the details of a student's individualized health plan.

(4) Performing finger sticks to check blood glucose levels, checking urine ketone levels, and recording the results of the checks.

(5) Properly administering glucagon and insulin, and recording the results of the administration.

(6) Recognizing complications that require emergency medical assistance.

(7) Understanding recommended schedules and food intake for meals and snacks for a student, the effect of physical activity on blood glucose levels, and the proper action to be taken if a student's schedule referred to in this subdivision is disrupted.

(b) If a school nurse is assigned to a school, the school nurse shall coordinate the training of school employees acting as unlicensed assistive personnel, using the training program developed under subsection (a).

(c) Training for unlicensed assistive personnel must be provided by a health care professional with expertise in the care of students with diabetes or by a school nurse. The training must be provided before the beginning of the school year or as soon as practicable following:

(1) the enrollment; or

(2) the diagnosis;

of a student with diabetes at a school that previously had no students with diabetes.

(d) The school nurse or principal shall maintain a copy of the training program and the records of training completed by the school employees.

Sec. 11. (a) If a school nurse is assigned to a school and the nurse is available, the nurse shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan.

(b) If a school nurse is not assigned to a school or is not available, unlicensed assistive personnel shall perform the tasks necessary to assist a student in carrying out the student's individualized health plan, in compliance with the training guidelines provided under section 10 of this chapter. Unlicensed assistive personnel must have access to a health care professional with expertise in the care of students with diabetes or a school nurse must have access to the licensed physician responsible for the student's diabetes treatment if unlicensed assistive personnel act under this subsection.

(c) Unlicensed assistive personnel may act under this section only if the parent or guardian of the student signs an agreement that:

(1) authorizes unlicensed assistive personnel to assist the student; and

(2) states that the parent or guardian understands that, as provided under IC 34-30-14, unlicensed assistive personnel is not liable for civil damages for assisting in the student's care.

(d) Unlicensed assistive personnel who assist a student under this section in carrying out the student's individualized health plan:

(1) is not considered to be engaging in the practice of nursing;

(2) is exempt from applicable statutes and rules that restrict activities that may be performed by an individual who is not a health care professional; and

(3) shall contact a health care provider in a medical emergency involving a student with diabetes.

(e) A school corporation may not restrict the assignment of a student to a particular school on the basis that the school does not

have the required unlicensed assistive personnel.

Sec. 12. As provided in a student's individualized health plan, a school corporation shall allow the student to attend to the management and care of the student's diabetes, including performing the following activities:

- (1) Performing blood glucose level checks.**
- (2) Administering insulin through the insulin delivery system the student uses.**
- (3) Treating hypoglycemia and hyperglycemia.**
- (4) Possessing on the student's person at any time the supplies or equipment necessary to monitor and care for the student's diabetes.**
- (5) Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school related activity."**

Renumber all SECTIONS consecutively.

(Reference is to EHB 1338 as printed February 24, 2006.)

LANDSKE

Motion prevailed. The bill was ordered engrossed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1001

Senator Kenley called up Engrossed House Bill 1001 for third reading:

A BILL FOR AN ACT concerning taxation and to make an appropriation.

SENATE MOTION (Amendment 1001-16)

Madam President: I move that Engrossed House Bill 1001 be recommitted to a Committee of One, consisting of Senator Kenley, with specific instruction to amend said bill as follows:

Page 63, between lines 36 and 37, begin a new paragraph and insert:

"SECTION 43. IC 6-3.1-13-18, AS AMENDED BY P.L.197-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 18. (a) The corporation shall determine the amount and duration of a tax credit awarded under this chapter. The duration of the credit may not exceed ten (10) taxable years. The credit may be stated as a percentage of the incremental income tax withholdings attributable to the applicant's project and may include a fixed dollar limitation. In the case of a credit awarded for a project to create new jobs in Indiana, the credit amount may not exceed the incremental income tax withholdings. However, the credit amount claimed for a taxable year may exceed the taxpayer's state tax liability for the taxable year, in which case the excess may, at the discretion of the corporation, be refunded to the taxpayer.

(b) For state fiscal years ~~2004, 2005, 2006, and 2007, 2008, and 2009~~, the aggregate amount of credits awarded under this chapter for projects to retain existing jobs in Indiana may not exceed ~~five ten~~ million dollars ~~(\$5,000,000)~~ **(\$10,000,000)** per year."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1001 as printed March 1, 2006.)

KENLEY

Motion prevailed.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the Motion to recommit Engrossed House Bill 1001, to a Committee of One, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: Your Committee of One, to which was referred Engrossed House Bill 1001, begs leave to report that said Bill has been amended as directed.

KENLEY

Report adopted.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 37, nays 12. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1102

Senator Lawson called up Engrossed House Bill 1102 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that pursuant to Senate Rule 33(c), the following technical correction is to be made to Engrossed House Bill 1102.

Page 2, line 13, delete "month".

(Reference is to EHB 1102 as reprinted February 28, 2006.)

GARTON, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1110

Senator Gard called up Engrossed House Bill 1110 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1117

Senator Gard called up Engrossed House Bill 1117 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 273: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1128

Senator Wyss called up Engrossed House Bill 1128 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 274: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1138

Senator Weatherwax called up Engrossed House Bill 1138 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 275: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Dillon be added as cosponsor of Engrossed House Bill 1001.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of Engrossed House Bill 1102.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1397.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bowser be added as cosponsor of Engrossed House Bill 1420.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden and Breaux be added as cosponsors of Engrossed House Bill 1212.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1239.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1362.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1418.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as cosponsor of Engrossed House Bill 1338.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hume be added as cosponsor of Engrossed House Bill 1117.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Simpson be added as cosponsor of Engrossed House Bill 1329.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as cosponsor of Engrossed House Bill 1101.

HERSHMAN

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 193 and that a conference committee be appointed to confer with a like committee of the House.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 284 and that a conference committee be appointed to confer with a like committee of the House.

WYSS

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 21, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 235 because it requires an emergency clause and does not contain one, has had Engrossed Senate Bill 235 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 235 be corrected as follows:

Page 4, after line 16, begin a new paragraph and insert:
"SECTION 4. **An emergency is declared for this act.**".
(Reference is to ESB 235 as printed February 21, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
GARD

Report adopted.

SENATE MOTION

Madam President: I move that Senators Kruse and Wyss be added as cosponsors of Engrossed House Bill 1001.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 10:00 a.m., Thursday, March 2, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 9:55 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-seventh Meeting Day

Thursday Morning

March 2, 2006

The Senate convened at 10:06 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith <input checked="" type="checkbox"/>
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 276: present 49; excused 1. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 127, 172, 231, and 303 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 37

Senator Lubbers called up Senate Concurrent Resolution 37 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Messer.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 284:

Conferees: Wyss, Chair and Broden

Advisors: Miller and Breaux

GARTON

Date: 3/1/2006

Time: 7:34 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 193:

Conferees: Bray, Chair and Hume

GARTON

Date: 3/1/2006

Time: 7:35 p.m.

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1008

Senator Meeks called up Engrossed House Bill 1008 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning transportation and to make an appropriation.

SENATE MOTION (Amendment 1008-38)

Madam President: I move that Engrossed House Bill 1008 be recommitted to a Committee of One, consisting of Senator Meeks, with specific instruction to amend said bill as follows:

Page 12, line 42, delete "greater" and insert "lesser".

(Reference is to EHB 1008 as reprinted March 2, 2006.)

MEEKS

Motion prevailed.

COMMITTEE REPORT

Madam President: Your Committee on Rules and Legislative Procedure, to which was referred the Motion to recommit Engrossed House Bill 1008 to a Committee of One, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: Your Committee of One, to which was referred Engrossed House Bill 1008, begs leave to report that said Bill has been amended as directed.

MEEKS, Chair

Report adopted.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 277: yeas 29, nays 20. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 46

Senate Concurrent Resolution 46, introduced by Senators Hershman and Harrison:

A CONCURRENT RESOLUTION congratulating the Clinton Central FFA Team on their outstanding performance in FFA competition.

Whereas, Under the direction of Roger Carr, the Clinton Central FFA Team has competed in numerous FFA events nationwide;

Whereas, At the 2005 FFA State Championship competition at Purdue University, the Clinton Central FFA Team captured three State Championship Titles, including:

- 1. Discovery Degree Demonstration – Kayla Mossom and Brooke Leckrone;*
- 2. Agriculture Mechanics Demonstration – Andrew Ferrel and Jared Stowers; and*
- 3. Crops Career Development Event – Neal Leckrone, Tyler Peas, Brant Smith, and Travis Schimmel;*

Whereas, In September 2005, the Indiana Skill-a-thon competition took place in Lebanon. Jake Wilson, Collin Barnett, Dillion Evans,

and Taylor Ferrel won the State Championship in the Livestock Skill-a-thon competition;

Whereas, The Clinton Central FFA Team traveled to Baltimore, Maryland, to compete in the 2005 Eastern Nationals competition. The team won national honors when Brent Dunham, Jared Stowers, Clayton Stowers, and Tyler Peas were named the National Champion Livestock Judging Team;

Whereas, Clinton Central received national honors again when two teams were named the Reserve National Champion Livestock Judging Team at different competitions;

Whereas, Team members Troy Walker, Brant Smith, Alyssa Smith, and Courtney Smith won this title at the 2005 American Royal competition in Kansas City, Missouri, while team members Troy Walker, Jared Stowers, Bradley Baker, and Austin Walker won the title for the same category at the 100th National Western Stock Show in 2005; and

Whereas, In addition, the Clinton Central FFA Team became 2006 champions when the team, represented by Kayla Mossom and Brooke Leckrone, won the Meats Judging contest at Purdue University: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Clinton Central FFA Team for their tremendous accomplishments in State and National FFA competition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Clinton Central Superintendent, Philip Boley; Clinton Central Principal, Ronald Dunn; FFA Advisor, Roger Carr; and each member of the Clinton Central FFA Team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Buck.

1:08 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:37 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 232.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 236.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 246.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 277.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 332.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 373.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 384.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate

Bill 374 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Joint Resolution 2 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 342, 345, 349, 353, 355, 359, 362, 369, 370, and 382 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE MOTION

Madam President: I move that Senator Breau be added as cosponsor of Engrossed House Bill 1257.

WALTZ

Motion prevailed.

**ENGROSSED HOUSE BILLS
ON THIRD READING****Engrossed House Bill 1016**

Senator Bray called up Engrossed House Bill 1016 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 278: yeas 44, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1018

Senator Hershman called up Engrossed House Bill 1018 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning water and utilities.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 279: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act?

There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1029

Senator Kenley called up Engrossed House Bill 1029 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education finance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 280: yeas 47, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed House Bill 1099.

Page 13, line 2, after "person" delete "v".

Page 13, line 10, after "[EFFECTIVE UPON PASSAGE]" delete "1".

(Reference is to EHB 1099 as reprinted March 2, 2006.)

GARTON

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1099

Senator Weatherwax called up Engrossed House Bill 1099 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 281: yeas 31, nays 18. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1101

Senator Hershman called up Engrossed House Bill 1101 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

SENATE MOTION

(Amendment 1101-7)

Madam President: I move that Engrossed House Bill 1101 be

recommitted to a Committee of One, consisting of Senator Hershman, with specific instruction to amend said bill as follows:

Page 1, line 1, delete "4-1-12" and insert "4-33-5-1.5".

Page 1, line 2, delete "CHAPTER" and insert "SECTION".

Page 1, delete lines 4 through 6.

Page 1, line 7, delete "Sec. 2." and insert "**Sec. 1.5**".

Page 1, line 8, delete "gaming".

Page 2, line 5, after "of" insert "**an applicant or**".

Page 2, between lines 6 and 7, begin a new paragraph and insert: "SECTION 2. IC 4-33-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Notwithstanding any other law, upon written request from a person, the commission shall provide the following information to the person:

(1) **Except as provided in section 1.5 of this chapter**, the information provided under section 1 of this chapter concerning a licensee or an applicant.

(2) The amount of the wagering tax and admission tax paid daily to the state by a licensed owner or an operating agent.

(3) A copy of a letter providing the reasons for the denial of an owner's license or an operating agent's contract.

(4) A copy of a letter providing the reasons for the commission's refusal to allow an applicant to withdraw the applicant's application."

Renumber all SECTIONS consecutively.

(Reference is to EHB 1101 as reprinted March 2, 2006.)

HERSHMAN

Motion prevailed.

COMMITTEE REPORT

Your Committee on Rules and Legislative Procedure, to which was referred the Motion to recommit Engrossed House Bill 1101, to a Committee of One, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said Motion be adopted.

GARTON

Report adopted.

COMMITTEE REPORT

Madam President: Your Committee of One, to which was referred Engrossed House Bill 1101, begs leave to report that said Bill has been amended as directed.

HERSHMAN

Report adopted.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 282: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure reports that, pursuant to Senate Rule 33(c), the following technical corrections are to be made to Engrossed House Bill 1114.

Page 1, delete lines 1 through 2, begin a new paragraph and insert: "SECTION 1. IC 27-7-3.5-34 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE".

Page 1, line 3, reset in bold "Sec."

Page 1, line 3, delete "32." and insert "**34.**".

Page 1, line 3, reset in bold "(a) The title insurance enforcement fund is".

Page 1, reset in bold lines 4 through 16.

Page 2, line 2, delete "(e) (f)" and insert "**(f)**".

Page 2, line 2, reset in bold "The following shall be deposited in the title insurance".

Page 2, reset in bold line 3.

Page 2, line 6, delete "(1)".

Page 2, line 6, reset in bold "All fines, monetary penalties, and costs imposed upon".

Page 2, reset in in bold lines 7 through 8.

Page 2, line 9, delete "(2)".

Page 2, line 9, reset in bold "Other amounts remitted to the commissioner or the".

Page 2, reset in bold lines 10 through 11.

(Reference is to EHB 1114 as reprinted March 2, 2006.)

GARTON

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1114

Senator Steele called up Engrossed House Bill 1114 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 283: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1123

Senator Becker called up Engrossed House Bill 1123 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 284: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1136

Senator Long called up Engrossed House Bill 1136 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning property.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 285: yeas 48, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1155

Senator Long called up Engrossed House Bill 1155 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 286: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1156

Senator Bray called up Engrossed House Bill 1156 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 287: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1158

Senator Bray called up Engrossed House Bill 1158 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 288: yeas 43, nays 6. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1172

Senator Miller called up Engrossed House Bill 1172 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 289: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

SENATE MOTION

Madam President: I move that Senator Drozda be removed as second sponsor of Engrossed House Bill 1172.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be removed as cosponsor of Engrossed House Bill 1172.

DELPH

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Miller be removed as sponsor of Engrossed House Bill 1172 and that Senator Drozda be substituted therefor.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as second sponsor of Engrossed House Bill 1172.

DROZDA

Motion prevailed.

**ENGROSSED HOUSE BILLS
ON THIRD READING**

Engrossed House Bill 1176

Senator Nugent called up Engrossed House Bill 1176 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning public safety and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 290: yeas 46, nays 3. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1212

Senator Ford called up Engrossed House Bill 1212 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government and natural and cultural resources.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 291: yeas 42, nays 7. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1214

Senator Long called up Engrossed House Bill 1214 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 292: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1220

Senator Meeks called up Engrossed House Bill 1220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 293: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1227

Senator Nugent called up Engrossed House Bill 1227 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 294: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1235

Senator Miller called up Engrossed House Bill 1235 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 295: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1239

Senator Long called up Engrossed House Bill 1239 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 296: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 5.

STEELE

Roll Call 297: yeas 48, nays 1. Motion prevailed.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1257

Senator Waltz called up Engrossed House Bill 1257 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 298: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1259

Senator Steele called up Engrossed House Bill 1259 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 299: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1261

Senator Lubbers called up Engrossed House Bill 1261 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 300: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1281

Senator Lubbers called up Engrossed House Bill 1281 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 301: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1285

Senator Heinold called up Engrossed House Bill 1285 for third

reading:

A BILL FOR AN ACT concerning renewable energy.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 302: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1306

Senator Long called up Engrossed House Bill 1306 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 303: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1314

Senator Lawson called up Engrossed House Bill 1314 for third reading:

A BILL FOR AN ACT concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 304: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1315

Senator Landske called up Engrossed House Bill 1315 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 305: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1329

Senator Miller called up Engrossed House Bill 1329 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 306: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1338

Senator Lubbers called up Engrossed House Bill 1338 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 307: yeas 48, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1339

Senator Merritt called up Engrossed House Bill 1339 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 308: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1362

Senator Delph called up Engrossed House Bill 1362 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 309: yeas 44, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

5:04 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 5:47 p.m., with the President of the Senate in the Chair.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS****SENATE MOTION**

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 345 and that a conference committee be appointed to confer with a like committee of the House.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 202 and that a conference committee be appointed to confer with a like committee of the House.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Paul and Howard be added as cosponsors of Engrossed House Bill 1315.

LANDSKE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lutz be added as cosponsor of Engrossed House Bill 1396.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske and Paul be added as cosponsors of Engrossed House Bill 1338.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker and Wyss be added as cosponsors of Engrossed House Bill 1281.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as cosponsor of Engrossed House Bill 1285.

HEINOLD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Zakas, Nugent, Wyss, Paul, and Craycraft be added as cosponsors of Engrossed House Bill 1259.

STEELE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator R. Young be added as cosponsor of Engrossed House Bill 1123.

BECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as cosponsor of Engrossed House Bill 1176.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1016.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold and Craycraft be added as cosponsor of Engrossed House Bill 1176.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Landske, Wyss, Drozda, Broden, Miller, Bray, and Mrvan be added as cosponsors of Engrossed House Bill 1155.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Craycraft be added as cosponsor of Engrossed House Bill 1315.

LANDSKE

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 46 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 2, 2006, signed Senate Enrolled Act 5.

ROBERT D. GARTON
President Pro Tempore

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1397

Senator Lawson called up Engrossed House Bill 1397 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 310: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1418

Senator Heinold called up Engrossed House Bill 1418 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning agriculture and animals.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 311: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

Engrossed House Bill 1420

Senator Gard called up Engrossed House Bill 1420 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 312: yeas 49, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 202:

Conferees: Riegsecker, Chair and Sipes

GARTON
Date: 3/2/2006
Time: 4:06 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 345:

Conferees: Meeks, Chair and Simpson

Advisors: Miller and Hume

GARTON
Date: 3/2/2006
Time: 3:38 p.m.

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 1 and that a conference committee be appointed to confer with a like committee of the House.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 305 and that a conference committee be appointed to confer with a like committee

of the House.

ROGERS

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 2, 2006, I signed the following enrolled act into law: SEA 5.

MITCHELL E. DANIELS, JR.
Governor

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 1:
Conferees: M. Young, Chair and Breaux

GARTON
Date: 3/2/2006
Time: 6:02 p.m.

Report adopted.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 340 and that a conference committee be appointed to confer with a like committee of the House.

WYSS

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 340:

Conferees: Wyss, Chair and Rogers

GARTON
Date: 3/2/2006
Time: 6:14 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 305:

Conferees: M. Young, Chair and Rogers

GARTON
Date: 3/2/2006
Time: 6:18 p.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 6, 2006.

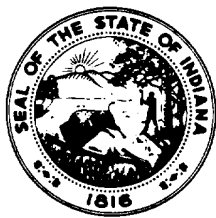
GARTON

Motion prevailed.

The Senate adjourned at 6:19 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-eighth Meeting Day

Monday Afternoon

March 6, 2006

The Senate convened at 1:35 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 313: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 25 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 49, 56, 58, and 61 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bill 139 with amendments and the same is herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed, without amendments, Engrossed Senate Bills 133 and 308 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed Senate Bills 1, 35, 87, 117, 145, 305, 321, 333, 338, and 340 with amendments and the same are herewith returned to the Senate for concurrence.

M. CAROLINE SPOTTS
Principal Clerk of the House

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 321 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 303 and that a conference committee be appointed to confer with a like committee of the House.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 87 and that a conference committee be appointed to confer with a like committee of the House.

JACKMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 172 and that a conference committee be appointed to confer with a like committee of the House.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 117 and that a conference committee be appointed to confer with a like committee of the House.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 333 and that a conference committee be appointed to confer with a like committee of the House.

DILLON

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 266 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

RESOLUTIONS ON FIRST READING**Senate Resolution 14**

Senate Resolution 14, introduced by Senator Lubbers:

A SENATE RESOLUTION to recognize Redmond ("RJ") Crace for his outstanding achievements.

Whereas, With a strong will and positive attitude, many people are able to overcome health challenges and disabilities. Redmond "RJ" Crace's life exemplifies this principle;

Whereas, As a baby, RJ lost both of his eyes and most of his hearing because of a rare cancer. At age 3, RJ entered the Indiana School of the Blind. Despite the challenges he faced, RJ blazed a trail of academic excellence, maintaining a 3.96 GPA and making the honor roll every year since first grade;

Whereas, Crace has utilized his talents in communications, serving as a co-host on a weekly one hour sports talk program on WJEL Radio in Indianapolis and by writing a regular column for the WJEL website. He has also become a sports radio personality in Danville, Illinois, where he is a sportscaster on WDAN Radio;

Whereas, RJ's academic and broadcasting talents have earned him numerous awards, including a second place State Broadcasting Award and a \$15,000 Abe Lincoln Scholarship from the Indiana Kiwanis. He also earned the Presidential Scholarship from Ball State University, where he has been accepted as a student for the 2006-2007 school year; and

Whereas, The Indiana School of the Blind, its staff, faculty, and administration have served as an outstanding guiding force in helping to prepare RJ for his college career and adult life. Rusty and Jodee Crace, RJ's parents, also deserve great praise for their love and devotion to such an outstanding young man: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate is very proud to have among its citizens a person of such tremendously strong character, dedication, and perseverance. The Indiana Senate wishes RJ Crace much success in his future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to RJ Crace; Rusty and Jodee Crace, his parents; and Jim Durst, Superintendent of the Indiana School for the Blind.

The resolution was read in full and adopted by voice vote.

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 2nd day of March, 2006, signed Senate Enrolled Act 5.

REBECCA S. SKILLMAN
Lieutenant Governor

RESOLUTIONS ON FIRST READING**House Concurrent Resolution 59**

House Concurrent Resolution 59, sponsored by Senators Smith and Rogers:

A CONCURRENT RESOLUTION congratulating Benjamin Banneker Elementary School, Gary, Indiana, on its selection as a Four Star School Award winner.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top twenty-five percent of all Indiana schools in language arts, mathematics, total Indiana Statewide Testing for Educational Progress (ISTEP) battery and attendance during a particular school year;

Whereas, Benjamin Banneker Elementary School fulfilled these requirements for the 16th consecutive year;

Whereas, Despite a school size of about 500 students and class sizes that can total as many as 28 pupils, the ISTEP scores at Banneker Elementary have greatly exceeded state averages for the past six years;

Whereas, The students and teachers of Benjamin Banneker Elementary School have received this honor every year because of their hard work, dedication to improvement, and a strong desire to learn;

Whereas, Students have attributed their school's success to the efforts of the principal, teachers, staff, students, and parents working together in a unified effort to maintain the high level of achievement at their school;

Whereas, Principal Sarah Givens credits the success of Benjamin Banneker Elementary School to "good leadership skills, smart students, and a great staff"; and

Whereas, Schools such as Benjamin Banneker Elementary School make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana House of Representatives congratulates the students and teachers of Benjamin Banneker Elementary School on its 16th Four Star School Award and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Sarah Givens, principal of Benjamin Banneker Elementary School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Resolution 22

Senate Resolution 22, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's

appreciation to Douglas J. Simmons and the SDS Group, LTD.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes finding time for meals difficult; and

Whereas, The popcorn supplied to the Senate has been enjoyed and appreciated by the members and staff: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Douglas J. Simmons and the SDS Group, LTD for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Douglas J. Simmons and SDS Group, LTD.

The resolution was read in full and adopted by voice vote.

Senate Resolution 25

Senate Resolution 25, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express our sincere appreciation to Brent Shay and the Eby-Brown Company for their generosity.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes finding time for meals difficult; and

Whereas, The candy supplied to the Senate by Brent Shay and the Eby-Brown Company has been enjoyed and appreciated by the members and staff: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. The Indiana Senate expresses its sincere appreciation to Brent Shay and the Eby-Brown Company for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brent Shay and the Eby-Brown Company.

The resolution was read in full and adopted by voice vote.

Senate Resolution 23

Senate Resolution 23, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express appreciation to Robert Kraft of the Indiana Farm Bureau.

Whereas, Enacting legislation requires a clear mind and a healthy body;

Whereas, Milk is an excellent source of calcium and nutrients, is refreshing, filling, and has helped provide the members and staff of the Senate with stamina and fortitude; and

Whereas, Robert Kraft of the Indiana Farm Bureau has kept the milk machine filled by delivering a considerable amount of milk to the Senate each week: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate extends its deep appreciation to Robert D. Kraft of the Indiana Farm Bureau for the provision of milk to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Robert Kraft of the Indiana Farm Bureau.

The resolution was read in full and adopted by voice vote.

Senate Resolution 18

Senate Resolution 18, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the sincere appreciation of the Senate for the invaluable contribution of the Doctor of the Day program and the doctors who participate by providing care to the members and staff of the Indiana Senate.

Whereas, The Indiana Academy of Family Physicians and the Indiana State Medical Association have provided an invaluable service to the Indiana Senate and the General Assembly during this legislative session by the operation of the "Doctor of the Day" program;

Whereas, The Indiana Academy of Family Physicians and the Indiana State Medical Association have provided competent and experienced physicians who have donated their time and expertise by providing on-the-spot medical care to the members and staff of the legislature;

Whereas, The "Doctor of the Day" program is invaluable in that the presence of a physician contributes to the smooth operation of the Indiana Senate which results in quality legislation on behalf of the citizens of the State of Indiana; and

Whereas, Each member of this body is appreciative of the fine efforts of the dedicated physicians who have contributed their services for this program. The security of having a competent physician within steps of the Senate Chamber is of inestimable value to the members of the Senate: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deepest gratitude to the Indiana Academy of Family Physicians, The Indiana

State Medical Association, and the dedicated physicians who participated in the "Doctor of the Day" program during this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly. We look forward to a continued relationship with these worthwhile organizations and dedicated individuals.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the President of the Indiana Academy of Family Physicians, to the Executive Director of the Indiana State Medical Association, and to each of the physicians who participated in the "Doctor of the Day" program this session.

The resolution was read in full and adopted by voice vote.

Senate Resolution 24

Senate Resolution 24, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana State Senate's appreciation to Joe Lackey and the Indiana Soft Drink Association.

Whereas, Enacting legislation can be an arduous process, requiring many hours in committee hearings, meetings, and in session;

Whereas, The soft drinks supplied to the Senate by Joe Lackey and the Indiana Soft Drink Association have been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate expresses its sincere appreciation to Joe Lackey and the Indiana Soft Drink Association for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Joe Lackey and to the Indiana Soft Drink Association.

The resolution was read in full and adopted by voice vote.

Senate Resolution 19

Senate Resolution 19, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express appreciation to Brian Breslin of Meijer.

Whereas, Enacting legislation requires a clear mind and a healthy body;

Whereas, Water is refreshing and has helped provide the members and staff of the Senate with hydration and fortitude; and

Whereas, Brian Breslin of Meijer has generously kept the Senate supplied with bottled water throughout the session: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate extends its deep appreciation to Brian Breslin of Meijer for the provision of bottled water to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Brian Breslin of Meijer.

The resolution was read in full and adopted by voice vote.

Senate Resolution 20

Senate Resolution 20, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Warren Disch and Supervalu - Central.

Whereas, Senators spend many hours in committee hearings, meetings, and in session, which sometimes makes finding time to eat meals difficult; and

Whereas, The M&M candy supplied to the Senate by Warren Disch and Supervalu - Central has been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate expresses its sincere appreciation to Warren Disch and Supervalu - Central for their generosity.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Warren Disch and Supervalu - Central.

The resolution was read in full and adopted by voice vote.

Senate Resolution 21

Senate Resolution 21, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.

Whereas, Enacting legislation can be an arduous process which requires that Senators spend many hours in committee hearings, meetings, and in session; and

Whereas, The pretzel sticks supplied to the Senate by Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company have been enjoyed and appreciated by the members and staff: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate wishes to express its sincere appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company for their generosity.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit copies of this Resolution to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.

The resolution was read in full and adopted by voice vote.

Senate Resolution 16

Senate Resolution 16, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to recognize the outstanding work of the employees of the Indiana Senate.

Whereas, The Senate of the Indiana General Assembly recognizes its employees for their consistent standard of excellent service;

Whereas, The staff and personnel of the Senate deserve praise and commendation from all members of this body and from the public at large for their courteous performance of duties; and

Whereas, The Senate and the State of Indiana have benefitted from the expedient and efficient work of the Senate employees: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The devotion to duty, excellent service, and courteous demeanor of the Senate's employees are deeply appreciated by us all. We commend the staff for their service to the State of Indiana during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each person who served as a Senate employee.

The resolution was read in full and adopted by voice vote.

Senate Resolution 17

Senate Resolution 17, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the Senate's sincere appreciation to the staff of the Indiana Legislative Services Agency.

Whereas, The staff of the Indiana Legislative Services Agency has extended full cooperation and devoted countless hours and effort to assure the viability and function of the legislative process;

Whereas, The staff of the Indiana Legislative Services Agency offers invaluable help and expertise in assisting members of the Senate with legislative problem solving; and

Whereas, The staff of the Indiana Legislative Services Agency has served the Senate loyally, capably, and tirelessly: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the members of the Senate express their full appreciation and sincere commendation to the entire staff of the Indiana Legislative Services Agency for their loyal, capable, and tireless service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to all staff members and employees of the Legislative Services Agency.

The resolution was read in full and adopted by voice vote.

House Concurrent Resolution 61

House Concurrent Resolution 61, sponsored by Senator Bray:

A CONCURRENT RESOLUTION honoring the Martinsville High School Academic Decathlon team.

Whereas, The Martinsville High School Academic Decathlon team captured its ninth straight state large school title during the state competition held at Purdue University on February 10 and 11, 2006;

Whereas, Martinsville High School's margin of victory was 6,940 points, the largest margin of victory for the decathlon squad;

Whereas, In addition to its overall first place, the squad earned a first place in each competitive area, including art, economics, essay, interview, language and literature, math, music, speech, science, and Super Quiz;

Whereas, Katie Hammitt won gold in music, art, and Super Quiz, silver in overall individual, bronze in language and literature; Amanda Schoolcraft won gold in Super Quiz, silver in language and literature, and bronze in speech; Morgan Ward won gold in speech and Super Quiz; Bryan Dawson won gold in Super Quiz, bronze in speech and essay; Evan Kirsch won gold in Super Quiz, silver in music, art, and literature and language, bronze in overall individual, math, science, and economics; Andrew Lane won gold in overall individual, music, art, math, science, and Super Quiz, silver in economics, bronze in interview and language and literature; Travis Barnett won gold in math, essay, economics, and Super Quiz, silver in overall individual, music, art, science, and language and literature, bronze in speech; Kyle Purdue won gold in overall individual, music, speech, language and literature, and Super Quiz, silver in interview, math, and economics, bronze in art, science, and essay; Caitlin Thompson won gold in art, interview, science, and Super Quiz, bronze in overall individual, music, and economics;

Whereas, With this state championship, Martinsville High School has earned 18 state titles in events sponsored by the Indiana Association of School Principals, the most in the state;

Whereas, The Martinsville team will represent its school at the national competition to be held in San Antonio, Texas;

Whereas, Coach Wayne Babbitt emphasizes that, even though individuals have accomplished great things, the championship was a total team effort;

Whereas, Coach Babbitt also stressed that, in addition to the honor of winning, the value of the Academic Decathlon is that it prepares the participants for college and life by emphasizing good study skills and exposing students to new subjects; and

Whereas, This state title is a continuation of the long line of successes achieved by the Martinsville High School academic teams: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to congratulate the Martinsville High School Academic Decathlon Team for capturing the state championship for the large school division in the Hoosier Academic Decathlon state championship for the ninth consecutive year and to wish the students continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to team members Amanda Schoolcraft, Bryan Dawson, Katie Hammitt, Kyle Purdue, Morgan Ward, Caitlin Thompson, Andy Lane, Evan Kirsch, and Travis Barnett, coach Wayne Babbitt, and Don Alkire, principal of Martinsville High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 48

Senate Concurrent Resolution 48, introduced by Senators Broden and Zakas:

A CONCURRENT RESOLUTION congratulating and honoring the South Bend Silver Hawks Class A Minor League Baseball team for their outstanding 2005 season which culminated in a Midwest League Championship victory.

Whereas, The South Bend team was awarded a Midwest League franchise in 1988 bearing the name of their parent club, the Chicago White Sox; and

Whereas, The team was renamed "Silver Hawks" in 1994 in honor of the Studebaker Silver Hawk, which was once manufactured in South Bend; and

Whereas, The team's home field is Coveleski Stadium, built in 1987 and name for Stan Coveleski, the Hall of Fame pitcher who once resided in South Bend; and

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Whereas, The team's record (84-56) was the best in the Midwest League for the season; and

Whereas, Manager Mark Haley was named the Midwest League Manager of the Year; and

Whereas, Outfielder Carlos Gonzalez was named MWL Prospect of the Year and Most Valuable Player; and

Whereas, The team had the best home record (44-26) and the best road record (40-30) in the Midwest League for the 2005 season; and

Whereas, The team lead the League in batting (.281), infielder Augie Murillo lead the league in individual runs scored (94), and infielder Cesar Nicolas was the League leader on base percentage (.428); and

Whereas, The team won the 2005 Midwest League Championship by beating the Wisconsin Timber Rattlers three games to two in a best of five games series; and

Whereas, The team members include pitchers Ryan Coffin, Matt Elliot, Hipolito Guerrero, Steven Jackson, Chris Kinsey, Koley Kolberg, Ross Ohlendorf, Josh Perrault, Kellen Raab, Mark Rosen, Todd Stein and Esmerling Vasquez; catchers Wilkin Castillo, Orlando Mercado and Allen Mottram; infielders Emilio Bonifacio, Alberto Gonzalez, Billy Lockin, Agustin Murillo, Cesar Nicolas and Mark Reynolds; outfielders Carlos Gonzales, Travis Gullck, Jereme Milons and Brandon Simon; manager Mark Haley, pitching coach Willington Cepeda, hitting coach Tony Dello, trainer Scott Jones, strength and conditioning coach Rick Spenner, executive vice president Erik Haag, and assistant general manager Tim Arseneau: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The General Assembly congratulates and honors the South Bend Silver Hawks Class A Minor League Baseball team for their outstanding 2005 season which culminated in a Midwest League Championship victory.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to each player, coach, manager and executive of the team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bauer, Kromkowski, Dvorak, and Fry.

2:05 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:57 p.m., with the President of the Senate in the Chair.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 172:

Conferees: Lubbers, Chair and Rogers

Advisors: Delph and Sipes

GARTON

Date: 3/6/2006

Time: 1:53 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 266:

Conferees: Miller, Chair and Sipes

GARTON

Date: 3/6/2006

Time: 11:45 a.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 117:

Conferees: Gard, Chair and Breaux

GARTON

Date: 3/6/2006

Time: 1:26 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 87:

Conferees: Jackman, Chair and R. Young

GARTON

Date: 3/6/2006

Time: 1:38 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 321:

Conferees: Kruse, Chair and Craycraft

GARTON
Date: 3/6/2006
Time: 1:42 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 333:

Conferees: Dillon, Chair and Broden

GARTON
Date: 3/6/2006
Time: 11:55 a.m.

Report adopted.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 11.

DROZDA

Roll Call 314: yeas 48, nays 0. Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 26

Senate Resolution 26, introduced by Senator R. Young:

A SENATE RESOLUTION to memorialize former State Senator Bernard Joseph Krampe of Ferdinand, Indiana upon his death on March 1, 2006.

Whereas, He was born on August 2, 1927 in Ferdinand, Indiana to Theresia and Albert Krampe; and

Whereas, He had two brothers: Albert L. "Sonny" and Gerard Krampe both of Ferdinand; and four sisters: Mrs. Arnold (Rose Ann) Hurst of Middleton, Ohio, Sylvia Spencer and Mrs. David (Maric) Daunhauer both of Ferdinand, and Fancille Oser (Deceased); and

Whereas, He graduated from Huntingburg High School in 1946, served in the U.S. Army Air Corps from 1945-1947, and continued

his education at Indiana State University from 1947 to 1949; and

Whereas, He enjoyed a long and dedicated life of both public and private service including his two years in the State Senate during the mid-1960's, service on the Ferdinand Town Council and as Precinct Committeeman, active membership with the AARP and its lobbying efforts in Indianapolis, lobbying for Statewide Rural Electric Cooperative, and service as 8th district Young Democrats President in 1959; and

Whereas, He was also a retired truck driver for North American Van lines, was a past Commander at the Ferdinand American Legion, past President of the Sierra Club, member of the St. Vincent Depaul Society and volunteered with the Ferdinand Senior Citizens and Generations; and

Whereas, He was appointed by Senator Richard Young on September 26, 2002 to the Utility Regulatory Commission Nominating Committee where he served as a member until his death: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The General Assembly memorializes former State Senator Bernard Joseph Krampe of Ferdinand, Indiana upon his death on March 1, 2006.

SECTION 2. The Secretary of the Senate shall forward a copy of this Resolution to his surviving siblings.

The resolution was read in full and adopted by standing vote.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 35.

LONG

Roll Call 315: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 40.

FORD

Roll Call 316: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 55.

HARRISON

Roll Call 317: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 57.

HARRISON

Roll Call 318: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 71.

FORD

Roll Call 319: yeas 37, nays 13. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 102.

BECKER

Roll Call 320: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 111.

BECKER

Roll Call 321: yeas 42, nays 8. Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 112, filed March 2, 2006, be withdrawn from further consideration by the Senate.

RIEGSECKER

Motion prevailed.

The President of the Senate yielded the gavel to Senator Garton.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 114.

ZAKAS

Roll Call 322: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 147.

GARD

Roll Call 323: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House

amendments to Engrossed Senate Bill 160.

WYSS

Roll Call 324: yeas 38, nays 11. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 206.

DROZDA

Roll Call 325: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 234.

GARD

Roll Call 326: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 264.

WEATHERWAX

Roll Call 327: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 283.

R. YOUNG

Roll Call 328: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 310.

ALTING

Roll Call 329: yeas 49, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 342.

RIEGSECKER

Roll Call 330: yeas 27, nays 22. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 354.

WEATHERWAX

Roll Call 331: yeas 46, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House

amendments to Engrossed Senate Bill 379.

FORD

Roll Call 332: yeas 48, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lubbers be added as coauthor of Engrossed Senate Bill 310.

ALTING

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 112 and that a conference committee be appointed to confer with a like committee of the House.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 253 and that a conference committee be appointed to confer with a like committee of the House.

WEATHERWAX

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 349 and that a conference committee be appointed to confer with a like committee of the House.

WALTZ

Motion prevailed.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 33.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6,

2006, signed Senate Enrolled Act 56.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 36.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 72.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 73.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 85.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 151.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 169.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 133.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 94.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 173.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 191.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 205.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 208.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6,

2006, signed Senate Enrolled Act 229.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 275.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Engrossed Senate Joint Resolution 2.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 39.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 69.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 81.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 86.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 146.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 154.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 201.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 308.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 6, 2006, signed Senate Enrolled Act 374.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 369.

R. YOUNG

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 260 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 259 and that a conference committee be appointed to confer with a like committee of the House.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Tuesday, March 7, 2006.

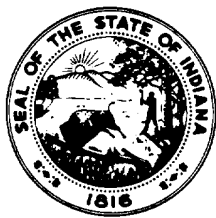
LONG

Motion prevailed.

The Senate adjourned at 4:04 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Twenty-ninth Meeting Day

Tuesday Afternoon

March 7, 2006

The Senate convened at 1:39 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 333: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 49

House Concurrent Resolution 49, sponsored by Senator Harrison:

A CONCURRENT RESOLUTION urging the legislative council to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

Whereas, The legislature established the pension management oversight commission to serve as the watchdog of the funding and adequacy of public pensions;

Whereas, Under IC 2-5-12-2, the pension management oversight commission is charged with determining what constitutes adequate wage replacement levels at retirement (including benefits from public retirement funds and Social Security) for public employees;

Whereas, According to a December 2005 Wisconsin Legislative Council study, Indiana's PERF and TRF benefit multiplier is the lowest among all 85 plans surveyed; and

Whereas, The General Assembly would like the pension management oversight commission to analyze the comparative retirement benefits programs of Indiana and other state programs: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to direct the pension management oversight commission to study the factors used to compute public employees' pensions.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

House Concurrent Resolution 55

House Concurrent Resolution 55, sponsored by Senator Lawson:

A CONCURRENT RESOLUTION urging the legislative council to assign to the appropriate committee the topic of department of child services caseworkers carrying nonlethal weapons.

Whereas, Department of child services caseworkers are often placed in dangerous, unsupervised situations and must be ready to make life or death decisions in the field; and

Whereas, In order to protect both the caseworkers and the children they are protecting, it is necessary that the issue of carrying nonlethal weapons and the training necessary to use these weapons be studied more fully: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the legislative council is urged to assign to the appropriate committee the topic of department of child services caseworkers carrying nonlethal weapons.

SECTION 2. That the committee shall operate under the direction of the legislative council and that the committee shall issue a final report when directed to do so by the council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

House Concurrent Resolution 56

House Concurrent Resolution 56, sponsored by Senator Waterman:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename the bridge on State Road 241 over Kessinger Ditch in Knox County the Bud Reitmeyer Bridge.

Whereas, Bud Reitmeyer was born on September 6, 1937, in Knox County, Indiana, and lived there until his death in July 2004;

Whereas, Bud Reitmeyer became interested in bridge construction in 1957 when he began working with one of Indiana's largest bridge contractors;

Whereas, Although he began as an office assistant, Bud Reitmeyer was quickly promoted to office manager and then to project manager and helped to build and manage several projects on the new interstate highway system that was being built in southern Indiana;

Whereas, Upon the death of the company founder in 1973, Bud Reitmeyer was named president;

Whereas, The name of Bud Reitmeyer can be linked to the construction, repair, and rehabilitation of more than 800 bridges in Indiana and Illinois;

Whereas, Bud Reitmeyer always held a special spot in his heart for the bridges of Knox County, having helped to build and repair more than 125 bridges;

Whereas, Bud Reitmeyer was the only man to hold two terms as president of Indiana Constructors Inc., the state's highway contractors association, and received both the prestigious Sir Award for outstanding service to this organization and the Presidents' Cup Award;

Whereas, Bud Reitmeyer was also active in the American Road and Transportation Builders Association and many other Knox County organizations; and

Whereas, There could be no better way to honor Bud Reitmeyer than to place his name on a bridge: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly can find no better way to honor the memory of Bud Reitmeyer than to urge the Indiana

department of transportation to rename the bridge on State Road 241 over Kessinger Ditch in Knox County the Bud Reitmeyer Bridge.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to the family of Bud Reitmeyer and the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

House Concurrent Resolution 58

House Concurrent Resolution 58, sponsored by Senator Drozda:

A CONCURRENT RESOLUTION urging the Indiana department of transportation to rename State Road 28 from US 31 east through Tipton, Indiana, the Richard Regnier Memorial Highway.

Whereas, Richard Regnier served in the Indiana House of Representatives from 1981 to 1986;

Whereas, While in the Indiana House of Representatives, Richard Regnier served Hoosiers living in Carroll, Clinton, Hamilton, Howard, and Tipton Counties;

Whereas, Richard Regnier was born on September 3, 1929, in Huntington and moved to Tipton in 1937;

Whereas, Richard Regnier graduated from Tipton High School, received a Bachelor of Arts degree from Wabash College, attended Notre Dame Law School, and a received a Doctor of Juris Prudence from Indiana University;

Whereas, Richard Regnier was very active in the Republican party, serving as the Tipton County Republican Committee chairman from 1966 to 1974;

Whereas, In addition to his responsibilities as a legislator and attorney, Richard Regnier was a Freemason and a member of the county and state bar associations, Rotary, Chamber of Commerce, and Phi Kappa Psi; and

Whereas, Richard Regnier was a dedicated family man and public servant who spent countless hours serving the citizens of Tipton County and the entire state: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to remember Richard Regnier for his years of dedicated service to the people of Indiana.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to the family of Richard Regnier and the commissioner of the Indiana department of transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

Senate Concurrent Resolution 49

Senate Concurrent Resolution 49, introduced by Senator Kenley:

A CONCURRENT RESOLUTION urging the Department of Transportation to designate U.S. 31 in Hamilton County between I-465 and the Hamilton/Tipton County line as the Reggie Miller Highway.

Whereas, In 1987, upon graduation from UCLA, Reggie Miller learned he would continue his very successful basketball career in the Hoosier state when the Indiana Pacers drafted Miller as the 11th pick in the first round of the NBA Draft;

Whereas, Miller has achieved numerous NBA records throughout his career. He holds 14th place on the NBA all-time career scoring list and played a total of 1,323 games, earning him 7th place on the NBA's all-time list. Miller is the all-time NBA leader in 3-point field goals, scoring over one hundred per season for 15 consecutive seasons. Also, Miller, who played all 18 seasons of his career with the Pacers, has played more games with the same team than all but two players in NBA history—John Stockton and Karl Malone;

Whereas, Miller was a five-time NBA All-Star, a member of the gold medal-winning 1996 Olympic Basketball Team, and represented the United States in the 2002 World Basketball Championship in Indianapolis. He was also the first Pacers player to start in an NBA All-Star game;

Whereas, Taking a great interest in charitable work, Miller serves on the Board of Directors of the Dale Davis Foundation, which benefits at-risk and economically disadvantaged youth populations. In order to assist victims of fire, he started the Reggie Miller Foundation. In addition, Miller contributes to Riley Hospital for Children and makes frequent, unscheduled visits to provide encouragement to the kids and their families. Also, in 2001, Miller pledged to donate \$1,000 to the American Red Cross for each 3-point field goal he made during the season—resulting in a donation that totaled over \$200,000. In 2004, the Professional Basketball Writers Association honored Miller's citizenship and community service with the J. Walter Kennedy Citizenship Award; and

Whereas, In recognition of Reggie Miller's contributions and success throughout his basketball career, Miller was inducted into UCLA's Hall of Fame in 1998 and the Indiana Pacers will retire Miller's number "31" jersey in a halftime ceremony this spring: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Reggie Miller for his successful basketball career and for his numerous contributions to the State of Indiana. He has created great memories for many Hoosiers and continues to be a role model for

younger generations.

SECTION 2. That the Indiana General Assembly urges the Department of Transportation to designate the portion of U.S. 31 in Hamilton County, between I-465 and the Hamilton/Tipton County line as the Reggie Miller Highway.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Commissioner of the Indiana Department of Transportation.

The resolution was read in full and referred to the Committee on Commerce and Transportation.

Senate Concurrent Resolution 50

Senate Concurrent Resolution 50, introduced by Senator Miller:

A CONCURRENT RESOLUTION urging the Legislative Council to direct the Health Finance Commission to study hospital community benefits plans described in IC 16-21-9.

Whereas, The Clarian Health Partners Community Benefit Taskforce was chartered in April of 2005 by Dan Evans, Chief Executive Officer, to ensure that Clarian's community benefit plan, measurement and reports follow best practices and set a standard for all other Indiana healthcare providers to emulate; and

Whereas, As a result of the taskforce, it became clear that overall statewide changes in community benefit plan reporting may be necessary: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Legislative Council is urged to direct the Health Finance Commission, established under IC 2-5-23-3 to review issues pertaining to hospital community benefit plans described in IC 16-21-9 including:

- (a) The current makeup of a community benefit plan;
- (b) The current reporting requirements and whether any changes to the reporting requirements are necessary; and
- (c) Anything else that the commission determines necessary.

SECTION 2. That the Health Finance Commission, if so charged, shall operate under the direction of the Legislative Council and shall issue a final report when directed to do so by the council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 27

Senate Resolution 27, introduced by Senator Harrison:

A SENATE RESOLUTION urging the Legislative Council to direct the Pension Management Oversight Commission to study funding sources for pension relief for municipalities.

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana State Senate urges the Legislative Council to direct the Pension Management Oversight Commission to study funding sources for pension relief for municipalities.

SECTION 2. That the Pension Management Oversight Commission, if directed to take such action, shall operate under the direction of the Legislative Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 28

Senate Resolution 28, introduced by Senator Harrison:

A SENATE RESOLUTION urging the Legislative Council to direct the Pension Management Oversight Commission to review issues regarding matching funds for municipalities in the 1977 Police Officers' and Firefighters' Pension and Disability Fund as set out in HB 1313.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to direct the Pension Management Oversight Commission to study to review issues addressed in HB 1313 regarding the 1977 Police Officers' and Firefighters' Pension and Disability Fund.

SECTION 2. That the Pension Management Oversight Commission, if so directed, shall operate under the direction of the Legislative Council and shall issue a final report when directed to do so by the council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the members of the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 29

Senate Resolution 29, introduced by Senator Lewis:

A SENATE RESOLUTION concerning the Public Employees Retirement Fund

Whereas, The Public Employees Retirement Fund Board of Trustees has met its fiscal obligations over the years to maintain the Fund in a sound financial condition; and

Whereas, One of the factors utilized by actuaries in providing funding increases to retirees is the anticipation of an annual two percent (2%) cost-of-living increase; and

Whereas, The Public Employees Retirement Fund Board of Trustees has elected to discontinue this factor in projecting its

financial needs for the Fund which can have a negative impact on granting future cost-of-living increases by the Indiana General Assembly: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Senate does encourage the Public Employees Retirement Fund Board of Trustees to anticipate future cost-of-living increases and provide for these increases in future projections.

SECTION 2. That a copy of this Resolution by transmitted to the Public Employees Retirement Fund Board of Trustees.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Energy and Environmental Affairs Committee, to which was referred House Concurrent Resolution 35, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

GARD, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Commerce and Transportation Committee, to which was referred House Concurrent Resolution 25, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Commerce and Transportation Committee, to which was referred Senate Concurrent Resolution 39, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

LANDSKE, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the

March 7, 2006

Senate 733

Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 260:

Conferees: Kenley, Chair and Simpson

GARTON
Date: 3/6/2006
Time: 4:22 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 349:

Conferees: Waltz, Chair and Mrvan

GARTON
Date: 3/6/2006
Time: 3:09 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1008:

Conferees: Meeks and Howard

Advisors: Hershman, Wyss, Rogers, and Hume.

GARTON
Date: 3/6/2006
Time: 5:15 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 253:

Conferees: Weatherwax, Chair and Lewis

GARTON
Date: 3/6/2006
Time: 4:54 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 112:

Conferees: Riegsecker, Chair and Rogers

GARTON
Date: 3/6/2006
Time: 5:07 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 259:

Conferees: Kenley, Chair and Hume

GARTON
Date: 3/6/2006
Time: 5:24 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1001:

Conferees: Kenley and Hume

Advisors: Dillon and Mrvan

GARTON
Date: 3/7/2006
Time: 9:45 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1010:

Conferees: Bray, Chair and Sipes

Advisors: Drozda, Long, Lewis, and Lanane

GARTON
Date: 3/7/2006
Time: 9:46 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the

following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1029:
 Conferees: Kenley and Simpson
 Advisors: Meeks and Skinner

GARTON
 Date: 3/7/2006
 Time: 9:48 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1018:
 Conferees: Hershman and R. Young

GARTON
 Date: 3/7/2006
 Time: 9:50 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1025:
 Conferees: Drozda and Simpson
 Advisors: Altling and Skinner

GARTON
 Date: 3/7/2006
 Time: 9:53 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1099:
 Conferees: Weatherwax and Lewis

GARTON
 Date: 3/7/2006
 Time: 9:56 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1114:
 Conferees: Steele and Broden

GARTON
 Date: 3/7/2006
 Time: 10:01 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1353:
 Conferees: Bray and Broden

GARTON
 Date: 3/7/2006
 Time: 10:03 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1016:
 Conferees: Bray and Broden
 Advisors: Long and Lanane

GARTON
 Date: 3/7/2006
 Time: 12:03 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
 OF
 ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1056:
 Conferees: Merritt and Lewis

GARTON
 Date: 3/7/2006
 Time: 11:29 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1110:

Conferees: Gard and Tallian

GARTON
Date: 3/7/2006
Time: 11:30 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1117:

Conferees: Gard and Hume

GARTON
Date: 3/7/2006
Time: 11:32 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1323:

Conferees: Kruse and Mrvan

GARTON
Date: 3/7/2006
Time: 11:36 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1362:

Conferees: Riegsecker and Broden

Advisors: Delph, Long, Breaux, and Lanane

GARTON
Date: 3/7/2006
Time: 11:33 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1123:

Conferees: Becker and Simpson

Advisors: Lawson and Craycraft

GARTON
Date: 3/7/2006
Time: 12:01 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 303:

Conferees: Kruse and Lutz

GARTON
Date: 3/7/2006
Time: 11:59 a.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1327:

Conferees: Kenley and Simpson

GARTON
Date: 3/7/2006
Time: 1:29 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1214:

Conferees: Long and Lanane

GARTON
Date: 3/7/2006
Time: 12:27 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1176:

Conferees: Nugent and Lanane

Advisors: Waterman and Lutz

GARTON

Date: 3/7/2006

Time: 12:26 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1158:

Conferees: Bray and Lanane

GARTON

Date: 3/7/2006

Time: 12:24 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1155:

Conferees: Long and Simpson

Advisors: Becker, Zakas, Lanane, and Broden

GARTON

Date: 3/7/2006

Time: 12:23 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1315:

Conferees: Landske and Sipes

GARTON

Date: 3/7/2006

Time: 12:35 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1259:

Conferees: Steele and Hume

GARTON

Date: 3/7/2006

Time: 12:33 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1240:

Conferees: Lubbers and Rogers

Advisors: Riegsecker and Skinner

GARTON

Date: 3/7/2006

Time: 12:32 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1235:

Conferees: Miller and Breaux

Advisors: Wyss and Sipes

GARTON

Date: 3/7/2006

Time: 12:30 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1227:

Conferees: Nugent and Sipes

Advisors: Becker and Lutz

GARTON

Date: 3/7/2006

Time: 12:33 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1172:

Conferees: Drozda and Craycraft

Advisors: Miller, Delph, Rogers, and Mrvan

GARTON

Date: 3/7/2006

Time: 12:29 p.m.

Report adopted.

Senator Garton yielded the gavel to Senator Long.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 51

Senate Concurrent Resolution 51, introduced by Senator Merritt:

A CONCURRENT RESOLUTION to congratulate Bruce Melchert upon his retirement.

Whereas, After graduating from the University of Missouri-Columbia in 1961, Bruce Melchert attended law school at the Columbia and Kansas City campuses of the University of Missouri and at Indiana University-Indianapolis;

Whereas, Mr. Melchert served for fourteen years as the Executive Vice President of the Tau Kappa Epsilon International Fraternity. He began his career in government by serving as the Administrative Assistant to United States Congressman William H. Hudnut;

Whereas, After his appointment as the Deputy Mayor of Indianapolis, Mr. Melchert served as Chairman of the Marion County Liquor Board and the Indiana Republican State Central Committee Chairman;

Whereas, Mr. Melchert enlisted in the United States Army for a total of eight years, serving in both active duty and reserve status. At the time of his honorable discharge, he had earned a promotion to First Lieutenant;

Whereas, Placing a premium on involvement in his community, Mr. Melchert sits on the Board of Directors of many organizations: American Heart Association, Indianapolis Affiliate; City Market; Columbia Club; HealthNet Foundation; Indiana Political Education; Indianapolis Holidays Committee, Inc.; Junior Achievement of Central Indiana; Near North Development Corporation; TKE Educational Foundation; and the Tri-County Mental Health Foundation;

Whereas, For his dedication and hard work, Mr. Melchert has

received numerous awards and honors, including a Sagamore of the Wabash from Governor Bowen and Governor Orr, the President's Award presented by HealthNet, and an award in 2002 from the Indiana Public Health Foundation; and

Whereas, Since 1986, Mr. Melchert has been the Vice President of Government Affairs for Clarian Health Partners, Inc.—formerly Methodist Hospital of Indiana, Inc. After a distinguished career, he is retiring this year: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly hereby recognizes the outstanding career and the many community contributions of Bruce Melchert and honors him upon his retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Bruce and Jeanne Melchert.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Bosma.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Concurrent Resolution 51.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 54, filed March 1, 2006, be withdrawn from further consideration by the Senate.

NUGENT

Motion prevailed.

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 148 and that a conference committee be appointed to confer with a like committee of the House.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 139 and that a conference committee be appointed to confer with a like committee of the House.

LAWSON

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 15

Senate Resolution 15, introduced by Senator Garton:

A SENATE RESOLUTION to memorialize and honor C. Wendell Martin.

Whereas, C. Wendell Martin was born in Rochester, Minnesota, on April 9, 1917. He grew up in northwest Indiana and graduated from high school in Lebanon. In 1939, he graduated from DePauw University as a Rector Scholar and went on to earn a J.D. degree from Columbia University School of Law in New York;

Whereas, Wendell Martin served four years in Europe during World War II, becoming a Captain in the Parachute Infantry. He was later a company commander in the Indiana National Guard from 1950 to 1953;

Whereas, Mr. Martin was a lawyer in general practice for over fifty years, specializing in litigation. He was a Deputy Prosecutor in Marion County, earning the distinction of Chief Trial Deputy from 1947 to 1952. Mr. Martin served as General Counsel and Vice-President of Indiana Farmers Mutual Insurance Company for many years. He retired from the firm of Martin, Wade, Hartley, and Hollingsworth;

Whereas, In addition to being President of the Indianapolis Bar Association, he served as President of the downtown Kiwanis Club, the Indianapolis Lawyers Club, Meridian Hills Country Club, the Central Indiana DePauw Alumni Association, and the Rector Scholar Alumni Association at DePauw;

Whereas, Maintaining involvement in his community, Mr. Martin also served as a director on many boards: the Advisory Committee of Marion County, the Indianapolis Senior Citizens Center, the National DePauw Alumni Association, and the Contemporary Club. He served as District Secretary for Beta Theta Pi, his college fraternity. In 1959, Governor Harold Handley named Mr. Martin a Sagamore of the Wabash;

Whereas, Mr. Martin was also very involved in his church, community. At Second Presbyterian Church, he served as a ruling elder, a deacon, a Sunday School teacher, and in the stewardship campaign. He also served as director on the boards of the Church Federation of Greater Indianapolis and the Englishton Presbyterian Center;

Whereas, Wendell Martin was elected to the Indiana Senate in 1962 and served for twelve years. During his tenure, Mr. Martin was instrumental in the passage of the bill that sold the Second Presbyterian Church downtown to the State and cleared the way for the completion of the World War I Memorial. He served as President Pro Tempore and Republican Majority Leader from 1959-1960; and

Whereas, Mr. Martin passed away on December 14, 2005 in Bryan, Ohio. He is survived by his wife of 58 years, Elizabeth (Libby) Meeker Martin; three children, Professor David A. Martin, Connie (Mrs. Stanley G.) Tipton, and Dr. Frederic M. Martin; nine grandchildren; and one great-grandson: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate memorializes and honors C. Wendell Martin for his lifetime achievements. He made substantial contributions to his community that will not soon be forgotten.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to his wife, Elizabeth Meeker Martin, and his three children, Professor David A. Martin, Mrs. Stanley G. Tipton, and Dr. Frederic M. Martin.

The resolution was read in full and adopted by standing vote.

Senate Resolution 33

Senate Resolution 33, introduced by Senators Bowser, Breaux, Broden, Craycraft, Howard, Hume, Lanane, Lewis, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian:

A SENATE RESOLUTION to honor Senator Rose Ann Antich-Carr for her 15 years of distinguished service to the Indiana General Assembly and to congratulate her on her retirement from the Indiana State Senate.

Whereas, Senator Rose Ann Antich-Carr, elected to the Indiana Senate in 1990, retired from the General Assembly after serving 15 years in the Indiana State Senate upon her appointment to the position of Clerk-Treasurer, Town of Merrillville;

Whereas, Senator Antich-Carr has been a champion for the people of Northwest Indiana and honestly and faithfully served her constituency in Senate District 4 throughout her tenure in the Senate;

Whereas, Senator Antich-Carr worked to implement notable programs including the Amber Alert System to safeguard children, increase safety requirements for toll roads, prevent identity theft and protect consumers from high utility costs and was a leading advocate of property tax relief;

Whereas, Senator Antich-Carr served on numerous Senate standing committees and interim committees, covering a wide range of topics. She served as the ranking minority member on the Senate's Energy & Environmental Affairs Committee and also served on the Commerce & Transportation; Insurance & Financial Institutions; and Pensions & Labor standing committees upon her retirement;

Whereas, Prior to her service in the Indiana State Senate, Senator Antich-Carr served her community as a member of the Merrillville Town Council and on various philanthropic boards and committees;

Whereas, Senator Antich-Carr prior to her legislative service enjoyed a successful career as a radio and television personality and as a professional public speaker;

Whereas, Senator Antich-Carr is a committed wife to John, her husband, a devoted mother to her son, Mark, and a loving grandmother to her grandchildren, Nicholas and Kasie ; and

Whereas, Most of all, Senator Antich-Carr, with her dedicated, feisty and outspoken manner, will be sorely missed by this body: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That on behalf of the people of the State of Indiana we hereby extend our sincere respect, appreciation and affection to Senator Rose Ann Antich-Carr for her dedicated and distinguished service to the citizens of Indiana, the Indiana State Senate and the Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Rose Ann Antich-Carr and her husband, John, and to her son, and grandchildren.

The resolution was read in full and adopted by voice vote.

Senator Long yielded the gavel to the President of the Senate.

Senate Resolution 30

Senate Resolution 30, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to honor Senator Joseph Harrison for his many years of dedicated service to the citizens of Indiana and to congratulate him upon his retirement.

Whereas, After graduating from Attica High School in 1949, Senator Joseph Harrison attended Purdue University. Senator Harrison left Purdue in 1952 to attend the United States Naval Academy, where he earned a Bachelor of Science degree and graduated in the top ten percent of his class in 1956. After graduating from the United States Naval Intelligence Postgraduate school in 1957, Senator Harrison served on active duty with the Office of Naval Intelligence in Washington until returning to civilian life in 1960;

Whereas, Senator Harrison was first elected to the Senate in 1966. For four decades, he has represented District 23, which has included the following counties: Benton, Boone, Clinton, Fountain, Hendricks, Montgomery, Parke, Tippecanoe, Vermillion, and Warren counties;

Whereas, Serving in many leadership positions within the Senate, Senator Harrison has set an example for other legislators. Presently

Senator Harrison holds the position of Floor Leader Emeritus and has served as Chairman of the Senate Pensions and Labor Committee since 1979. During his years at the Senate, Senator Harrison has also served as Chairman of the Senate Finance Committee from 1975-1976 and as Senate Majority Floor Leader from 1979-2004, which is the longest tenure for any Senate Majority Floor Leader in state history;

Whereas, During his tenure, Senator Harrison authored corporate takeover legislation that has become the model for the nation and co-authored Indiana's first products liability defense statute that made Indiana the first industrial state to enact such legislation. He also authored the landmark Tort Reform legislation in 1995 and has authored or sponsored every major piece of legislation in the area of worker's compensation, unemployment compensation, workplace safety, and worker freedoms in the last thirty-four years;

Whereas, Outside the legislature, Senator Harrison was vice president of his family's business, Harrison Steel and Castings. He and his wife Ann reside in Attica and have six children and twelve grandchildren;

Whereas, Senator Harrison has received the following awards for his service to his community: Indiana Park & Recreation Association's Outstanding Legislative Award in 2004, Professional Firefighters Outstanding Service Award in 1995, Indiana Chamber of Commerce's Government Leader of the Year in 1991, the National Republican Legislators Association's National Republican Legislator of the Year in 1989, Sagamore of the Wabash, and Kentucky Colonel;

Whereas, In 2001, the Indiana Manufacturers Association created a lifetime achievement award in Harrison's honor and named him as the first recipient. The only recipient to date, he received the Senator Joseph W. Harrison Legislative Service Award in 2001 for his dedication to his constituents and the business communities across Indiana; and

Whereas, After four decades of service to District 23 and the State of Indiana, Senator Harrison announced that he would not seek re-election in 2006. Senator Harrison is retiring after serving longer than any member in the history of the Indiana State Senate: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate honors and congratulates Senator Harrison for his dedicated service in the Indiana Senate representing District 23 since 1966.

SECTION 2. That the members of the Indiana Senate are proud to have served with Senator Harrison during his long and distinguished career.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Joseph Harrison and his wife, Ann, and each of their six children.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 30.

GARTON

Motion prevailed.

Senate Resolution 31

Senate Resolution 31, introduced by Senators Lewis, R. Young, Bowser, Breaux, Broden, Howard, Hume, Lanane, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian:

A SENATE RESOLUTION to honor Senator Allie V. Craycraft for his 28 years of distinguished service to the Indiana General Assembly and to congratulate him on his retirement from the Indiana State Senate.

Whereas, Senator Allie V. Craycraft, elected to the Indiana Senate in 1978, is retiring from the General Assembly upon completion of his current term of office after serving 28 years in the Indiana State Senate;

Whereas, Senator Craycraft has been a champion for the people of East Central Indiana and has honestly and faithfully served his constituency in Senate District 26 throughout his tenure in the Senate;

Whereas, Senator Craycraft has been a tireless advocate for improving the state's educational system, creating a more accessible and affordable health care system and ensuring that every Hoosier has the skills necessary to compete in the global marketplace;

Whereas, Senator Craycraft has served on numerous Senate standing committees and interim committees, covering a wide range of topics. In addition to his various past leadership roles within the Senate Democrat caucus, Senator Craycraft is currently the Assistant Minority Caucus Chair;

Whereas, Prior to his service in the Indiana Senate, Senator Craycraft served his community as the Liberty Township Trustee (Delaware County), Delaware County Welfare Board member, Precinct Committeeman and on various philanthropic boards and committees;

Whereas, Outside the Senate, Senator Craycraft has been a leader and has held a position of high trust and responsibility in his church, Foursquare Gospel Church. He is currently serving as the assistant pastor;

Whereas, Senator Craycraft is a Korean War veteran having served with the US Air Force, 1952-1956; and retired from the

General Motors' Muncie Chevrolet plant after 37 years of dedicated service;

Whereas, Senator Craycraft is a committed husband to Juanita, his wife of 50 years, a devoted father to their seven children, Cheryl, Lucinda, Steven, Jeffrey, Carol, Gerald and Annette, and a loving grandfather to their eleven grandchildren and one great-grandchild; and

Whereas, Most of all, Senator Craycraft, with his charm and easy going manner, is beloved, admired and respected by everyone in the Senate, and his retirement from this body will be felt by all for many years to come: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That on behalf of the people of the State of Indiana we hereby extend our sincere respect, appreciation and affection to Senator Allie V. Craycraft for his dedicated and distinguished service to the citizens of Indiana, the Indiana State Senate and the Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Allie V. Craycraft and his wife, Juanita, and to his children, grandchildren and great-grandchild.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bray, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Jackman, Kenley, Kruse, Landske, Lawson, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Nugent, Paul, Riegsecker, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 31.

LEWIS

Motion prevailed.

Senate Resolution 32

Senate Resolution 32, introduced by Senators R. Young, Bowser, Breaux, Broden, Craycraft, Howard, Hume, Lanane, Lewis, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian:

A SENATE RESOLUTION to honor Senator Larry E. Lutz for his 24 years of distinguished service to the Indiana General Assembly and to congratulate him on his retirement from the Indiana State Senate.

Whereas, Senator Larry E. Lutz, was first elected to the Indiana House of Representatives in 1982 and in 1999 was appointed to fill the unexpired term of Senator Joseph O'Day, is retiring from the Indiana State Senate upon completion of his current term of office after serving 24 years in the Indiana General Assembly;

Whereas, Senator Lutz has been a champion for the people of Southwestern Indiana and has honestly and faithfully served his

constituency in Senate District 49 and House District 76 throughout his tenure in the Indiana General Assembly;

Whereas, Senator Lutz has fought to ensure that the state's election procedures remain fair and above partisanship. He has earned the reputation as an outspoken advocate for working families and children, and a strong advocate for the rights and interests of public safety officers;

Whereas, Senator Lutz has served on numerous legislative standing committees and interim committees, covering a wide range of topics. He currently serves as the ranking minority member of the Senate's Elections & Civic Affairs Committee and also serves on the Pensions & Labor; Governmental Affairs & Interstate Cooperation and Homeland Security standing committees;

Whereas, Prior to his service in the Indiana Senate, Senator Lutz served his community in such public service roles, as State Representative District 76 for 16 years and as the Perry Township Assessor (Vanderburgh County);

Whereas, Senator Lutz is a US Army veteran; and a retired firefighter with the City of Evansville Fire Department after 23 years of dedicated service, serving as a district fire chief;

Whereas, Senator Lutz is a committed husband to Mary, his wife of 44 years, a devoted father to their son, Chris, and a loving grandfather to their grandson, Jonathan; and

Whereas, Senator Lutz, with his quiet and easy going demeanor, is admired and respected by everyone in the Indiana General Assembly, and his retirement will be felt by all for many years to come: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That on behalf of the people of the State of Indiana we hereby extend our sincere respect, appreciation and affection to Senator Larry E. Lutz for his dedicated and distinguished service to the citizens of Indiana, the Indiana State Senate and the Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Senator Larry E. Lutz and his wife, Mary, and to his son and grandson.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Alting, Becker, Bray, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Jackman, Kenley, Kruse, Landske, Lawson, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Nugent, Paul, Riegsecker, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas be added as coauthors of Senate Resolution 32.

R. YOUNG

Motion prevailed.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 58 because it conflicts with House Enrolled Act 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had ESB 58 under consideration and begs leave to report back to the Senate with the recommendation that ESB 58 be corrected as follows:

Page 2, delete lines 35 through 42, begin a new paragraph and insert:

"SECTION 3. IC 5-10.4-4-8, AS ADDED BY HEA 1134, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection applies to a member who retires before July 1, 1980. A member who had completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to credit for that service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if before or during the leave of absence the member pays into the fund the member's contributions. Time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter.

(b) This subsection applies to a member who retires after June 30, 1980. A member who completed four (4) years of approved college teacher education before voluntary or involuntary induction into military service is entitled to credit for the member's active military service as if the member had begun teaching before the induction. A member who serves in military service is considered a teacher and is entitled to the benefits of the fund if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to active teaching service not later than eighteen (18) months after the completion of active military service.
- (3) The member has at least ten (10) years of in-state service credit.

The time served by a member in military service for the duration of the hostilities or for the length of active service in the hostilities and the necessary demobilization time after the hostilities is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(c) This subsection applies to a member who retires after May 1, 1989. A member who had begun but had not completed four (4) years of approved college teacher education before voluntary or involuntary induction into the military services is entitled to service credit in an amount equal to the duration of the member's active military service if the following conditions are met:

- (1) The member has an honorable discharge.
- (2) Except as provided in subsection (e), the member returns to a four (4) year approved college teacher training program not later than eighteen (18) months after the completion of active military service and subsequently completes that program.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(d) This subsection applies to a member who retires after May 1, 1991, and who is employed at a state institution of higher education. A member who had begun but had not completed baccalaureate or post-baccalaureate education before voluntary or involuntary induction into military service is entitled to the member's active military service credit for the member's active military service in an amount equal to the duration of the member's military service if the following conditions are met:

(1) The member received an honorable discharge.

(2) Except as provided in subsection (e), the member returns to baccalaureate or post-baccalaureate education not later than eighteen (18) months after completion of active military service and subsequently completes that education.

(3) The member has at least ten (10) years of in-state service credit.

The time served by a member in active military service for the length of active service in the hostilities and the necessary demobilization is not subject to the one-seventh rule set forth in section 7 of this chapter. However, not more than six (6) years of military service credit may be granted under this subsection.

(e) The board shall extend the eighteen (18) month deadline contained in subsection (b)(2), (c)(2), or (d)(2) if the board determines that an illness, an injury, or a disability related to the member's military service prevented the member from returning to active teaching service or to a teacher education program not later than eighteen (18) months after the member's discharge from military service. However, the board may not extend the deadline beyond thirty (30) months after the member's discharge.

(f) If a member retires and the board subsequently determines that the member is entitled to additional service credit due to the extension of a deadline under subsection (e), the board shall recompute the member's benefit. However, the additional service credit may be used only in the computation of benefits to be paid after the date of the board's determination, and the member is not entitled to a recomputation of benefits received before the date of the board's determination.

(g) Notwithstanding any provision of this section, a member is entitled to military service credit and benefits in the amount and to the extent required by the federal Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.), including all later amendments.

(h) Subject to this section, an active member may purchase not more than two (2) years of service credit for the member's service on active duty in the armed services if the member meets the following conditions:

(1) The member has at least one (1) year of credited service in the fund.

(2) The member serves on active duty in the armed services of the United States for at least six (6) months.

(3) The member receives an honorable discharge from the

armed services.

(4) Before the member retires, the member makes contributions to the fund as follows:

(A) Contributions that are equal to the product of:

(i) the member's salary at the time the member actually makes a contribution for the service credit;

(ii) a rate, determined by the actuary of the fund, that is based on the age of the member at the time the member actually makes a contribution for service credit and computed to result in a contribution amount that approximates the actuarial present value of the benefit attributable to the service credit purchased; and

(iii) the number of years of service credit the member intends to purchase.

(B) Contributions for any accrued interest, at a rate determined by the actuary of the fund, for the period from the member's initial membership in the fund to the date payment is made by the member.

However, a member is entitled to purchase service credit under this subsection only to the extent that service credit is not granted for that time under another provision of this section. At least ten (10) years of service in Indiana is required before a member may receive a benefit based on service credits purchased under this section. A member who terminates employment before satisfying the eligibility requirements necessary to receive a monthly allowance or receives a monthly allowance for the same service from another tax supported public employee retirement plan other than under the federal Social Security Act may withdraw the purchase amount plus accumulated interest after submitting a properly completed application for a refund to the fund.

(i) The following apply to the purchase of service credit under subsection (h):

(1) The board may allow a member to make periodic payments of the contributions required for the purchase of the service credit. The board shall determine the length of the period during which the payments must be made.

(2) The board may deny an application for the purchase of service credit if the purchase would exceed the limitations under Section 415 of the Internal Revenue Code.

(3) A member may not claim the service credit for purposes of determining eligibility or computing benefits unless the member has made all payments required for the purchase of the service credit.

(j) This subsection applies to a member who retires after June 30, 2006. A member may not receive credit under this section for service for which the member receives service credit under the terms of a military or another governmental retirement plan."

Delete pages 3 through 6.

(Reference is to ESB 58 as printed February 17, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
HARRISON

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed

House Bill 1076 because it conflicts with House Enrolled Act 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had EHB 1076 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1076 be corrected as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-4, AS AMENDED BY HEA 1134-2006, SECTION 117, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. In carrying out the school purposes of a school corporation, the governing body acting on the school corporation's behalf has the following specific powers:

(1) In the name of the school corporation, to sue and be sued and to enter into contracts in matters permitted by applicable law.

(2) To take charge of, manage, and conduct the educational affairs of the school corporation and to establish, locate, and provide the necessary schools, school libraries, other libraries where permitted by law, other buildings, facilities, property, and equipment.

(3) To appropriate from the school corporation's general fund an amount, not to exceed the greater of three thousand dollars (\$3,000) per budget year or one dollar (\$1) per pupil, not to exceed twelve thousand five hundred dollars (\$12,500), based on the school corporation's previous year's ADM, to promote the best interests of the school corporation through:

(A) the purchase of meals, decorations, memorabilia, or awards;

(B) provision for expenses incurred in interviewing job applicants; or

(C) developing relations with other governmental units.

(4) To:

(A) Acquire, construct, erect, maintain, hold, and contract for construction, erection, or maintenance of real estate, real estate improvements, or an interest in real estate or real estate improvements, as the governing body considers necessary for school purposes, including buildings, parts of buildings, additions to buildings, rooms, gymnasiums, auditoriums, playgrounds, playing and athletic fields, facilities for physical training, buildings for administrative, office, warehouse, repair activities, or housing school owned buses, landscaping, walks, drives, parking areas, roadways, easements and facilities for power, sewer, water, roadway, access, storm and surface water, drinking water, gas, electricity, other utilities and similar purposes, by purchase, either outright for cash (or under conditional sales or purchase money contracts providing for a retention of a security interest by the seller until payment is made or by notes where the contract, security retention, or note is permitted by applicable law), by exchange, by gift, by devise, by eminent domain, by lease with or without option to purchase, or by lease under IC 20-47-2, IC 20-47-3, or IC 20-47-5.

(B) Repair, remodel, remove, or demolish, or to contract for the repair, remodeling, removal, or demolition of the real estate, real estate improvements, or interest in the real estate or real estate improvements, as the governing body considers

necessary for school purposes.

(C) Provide for ~~energy~~ conservation measures through utility ~~energy~~ efficiency programs or under a guaranteed ~~energy~~ savings contract as described in IC 36-1-12.5.

(5) To acquire personal property or an interest in personal property as the governing body considers necessary for school purposes, including buses, motor vehicles, equipment, apparatus, appliances, books, furniture, and supplies, either by cash purchase or under conditional sales or purchase money contracts providing for a security interest by the seller until payment is made or by notes where the contract, security, retention, or note is permitted by applicable law, by gift, by devise, by loan, or by lease with or without option to purchase and to repair, remodel, remove, relocate, and demolish the personal property. All purchases and contracts specified under the powers authorized under subdivision (4) and this subdivision are subject solely to applicable law relating to purchases and contracting by municipal corporations in general and to the supervisory control of state agencies as provided in section 6 of this chapter.

(6) To sell or exchange real or personal property or interest in real or personal property that, in the opinion of the governing body, is not necessary for school purposes, in accordance with IC 20-26-7, to demolish or otherwise dispose of the property if, in the opinion of the governing body, the property is not necessary for school purposes and is worthless, and to pay the expenses for the demolition or disposition.

(7) To lease any school property for a rental that the governing body considers reasonable or to permit the free use of school property for:

(A) civic or public purposes; or

(B) the operation of a school age child care program for children who are at least five (5) years of age and less than fifteen (15) years of age that operates before or after the school day, or both, and during periods when school is not in session;

if the property is not needed for school purposes. Under this subdivision, the governing body may enter into a long term lease with a nonprofit corporation, community service organization, or other governmental entity, if the corporation, organization, or other governmental entity will use the property to be leased for civic or public purposes or for a school age child care program. However, if payment for the property subject to a long term lease is made from money in the school corporation's debt service fund, all proceeds from the long term lease must be deposited in the school corporation's debt service fund so long as payment for the property has not been made. The governing body may, at the governing body's option, use the procedure specified in IC 36-1-11-10 in leasing property under this subdivision.

(8) To:

(A) Employ, contract for, and discharge superintendents, supervisors, principals, teachers, librarians, athletic coaches (whether or not they are otherwise employed by the school corporation and whether or not they are licensed under IC 20-28-5), business managers, superintendents of buildings and grounds, janitors, engineers, architects, physicians,

dentists, nurses, accountants, teacher aides performing noninstructional duties, educational and other professional consultants, data processing and computer service for school purposes, including the making of schedules, the keeping and analyzing of grades and other student data, the keeping and preparing of warrants, payroll, and similar data where approved by the state board of accounts as provided below, and other personnel or services as the governing body considers necessary for school purposes.

(B) Fix and pay the salaries and compensation of persons and services described in this subdivision.

(C) Classify persons or services described in this subdivision and to adopt schedules of salaries or compensation.

(D) Determine the number of the persons or the amount of the services employed or contracted for as provided in this subdivision.

(E) Determine the nature and extent of the duties of the persons described in this subdivision.

The compensation, terms of employment, and discharge of teachers are, however, subject to and governed by the laws relating to employment, contracting, compensation, and discharge of teachers. The compensation, terms of employment, and discharge of bus drivers ~~is~~ **are** subject to and governed by laws relating to employment, contracting, compensation, and discharge of bus drivers. The forms and procedures relating to the use of computer and data processing equipment in handling the financial affairs of the school corporation must be submitted to the state board of accounts for approval so that the services are used by the school corporation when the governing body determines that it is in the best interest of the school corporation while at the same time providing reasonable accountability for the funds expended.

(9) Notwithstanding the appropriation limitation in subdivision (3), when the governing body by resolution considers a trip by an employee of the school corporation or by a member of the governing body to be in the interest of the school corporation, including attending meetings, conferences, or examining equipment, buildings, and installation in other areas, to permit the employee to be absent in connection with the trip without any loss in pay and to reimburse the employee or the member the employee's or member's reasonable lodging and meal expenses and necessary transportation expenses. To pay teaching personnel for time spent in sponsoring and working with school related trips or activities.

(10) To transport children to and from school, when in the opinion of the governing body the transportation is necessary, including considerations for the safety of the children and without regard to the distance the children live from the school. The transportation must be otherwise in accordance with applicable law.

(11) To provide a lunch program for a part or all of the students attending the schools of the school corporation, including the establishment of kitchens, kitchen facilities, kitchen equipment, lunch rooms, the hiring of the necessary personnel to operate the lunch program, and the purchase of material and supplies for the lunch program, charging students for the operational costs of the lunch program, fixing the price per meal or per food item.

To operate the lunch program as an extracurricular activity, subject to the supervision of the governing body. To participate in a surplus commodity or lunch aid program.

(12) To purchase textbooks, to furnish textbooks without cost or to rent textbooks to students, to participate in a textbook aid program, all in accordance with applicable law.

(13) To accept students transferred from other school corporations and to transfer students to other school corporations in accordance with applicable law.

(14) To make budgets, to appropriate funds, and to disburse the money of the school corporation in accordance with applicable law. To borrow money against current tax collections and otherwise to borrow money, in accordance with IC 20-48-1.

(15) To purchase insurance or to establish and maintain a program of self-insurance relating to the liability of the school corporation or the school corporation's employees in connection with motor vehicles or property and for additional coverage to the extent permitted and in accordance with IC 34-13-3-20. To purchase additional insurance or to establish and maintain a program of self-insurance protecting the school corporation and members of the governing body, employees, contractors, or agents of the school corporation from liability, risk, accident, or loss related to school property, school contract, school or school related activity, including the purchase of insurance or the establishment and maintenance of a self-insurance program protecting persons described in this subdivision against false imprisonment, false arrest, libel, or slander for acts committed in the course of the persons' employment, protecting the school corporation for fire and extended coverage and other casualty risks to the extent of replacement cost, loss of use, and other insurable risks relating to property owned, leased, or held by the school corporation. To:

(A) participate in a state employee health plan under IC 5-10-8-6.6;

(B) purchase insurance; or

(C) establish and maintain a program of self-insurance;

to benefit school corporation employees, including accident, sickness, health, or dental coverage, provided that a plan of self-insurance must include an aggregate stop-loss provision.

(16) To make all applications, to enter into all contracts, and to sign all documents necessary for the receipt of aid, money, or property from the state, the federal government, or from any other source.

(17) To defend a member of the governing body or any employee of the school corporation in any suit arising out of the performance of the member's or employee's duties for or employment with, the school corporation, if the governing body by resolution determined that the action was taken in good faith. To save any member or employee harmless from any liability, cost, or damage in connection with the performance, including the payment of legal fees, except where the liability, cost, or damage is predicated on or arises out of the bad faith of the member or employee, or is a claim or judgment based on the member's or employee's malfeasance in office or employment.

(18) To prepare, make, enforce, amend, or repeal rules, regulations, and procedures:

(A) for the government and management of the schools, property, facilities, and activities of the school corporation, the school corporation's agents, employees, and pupils and for the operation of the governing body; and

(B) that may be designated by an appropriate title such as "policy handbook", "bylaws", or "rules and regulations".

(19) To ratify and approve any action taken by a member of the governing body, an officer of the governing body, or an employee of the school corporation after the action is taken, if the action could have been approved in advance, and in connection with the action to pay the expense or compensation permitted under IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 or any other law.

(20) To exercise any other power and make any expenditure in carrying out the governing body's general powers and purposes provided in this chapter or in carrying out the powers delineated in this section which is reasonable from a business or educational standpoint in carrying out school purposes of the school corporation, including the acquisition of property or the employment or contracting for services, even though the power or expenditure is not specifically set out in this chapter. The specific powers set out in this section do not limit the general grant of powers provided in this chapter except where a limitation is set out in IC 20-26-1 through IC 20-26-5, IC 20-26-7, IC 20-40-12, and IC 20-48-1 by specific language or by reference to other law."

Delete pages 2 through 6.

Page 7, delete lines 1 through 13.

(Reference is to EHB 1076 as printed February 10, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
HERSHMAN

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 192 because it conflicts with House Enrolled Act 1040-2006 without properly recognizing the existence of HEA 1040-2006, has had ESB 192 under consideration and begs leave to report back to the Senate with the recommendation that ESB 192 be corrected as follows:

Page 1, line 1, delete "P.L.10-2005," and insert "HEA 1040-2006, SECTION 528,".

Page 1, line 2, delete "SECTION 4,".

Page 3, line 35, delete "the the" and insert "the".

(Reference is to ESB 192 as printed February 24, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
BRAY

Report adopted.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the

House Amendments to Engrossed Senate Bill 54 and that a conference committee be appointed to confer with a like committee of the House.

NUGENT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Bray and Meeks be added as coauthors of Senate Resolution 33.

BOWSER

Motion prevailed.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1287:

Conferees: Landske and Craycraft

GARTON
Date: 3/7/2006
Time: 3:22 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 139:

Conferees: Lawson, Chair and Lanane

GARTON
Date: 3/7/2006
Time: 2:20 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1338:

Conferees: Lubbers and Breaux
Advisors: Landske and Rogers

GARTON
Date: 3/7/2006
Time: 2:15 p.m.

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 148:

Conferees: Riegsecker, Chair and Broden
Advisors: Heinold and Bowser

GARTON
Date: 3/7/2006
Time: 3:25 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1392:

Conferees: Paul and Lewis

GARTON
Date: 3/7/2006
Time: 2:17 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1102:

Conferees: Lawson and Lewis

GARTON
Date: 3/7/2006
Time: 2:18 p.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1029:

Advisors: Altling and Hume

GARTON
Date: 3/7/2006
Time: 2:05 p.m.

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1420:

Conferees:

T. Brown, Chair
Cheney

Advisors:

Dodge and C. Brown

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1380:

Conferees:

J. Smith, Chair
Austin

Advisors:

T. Harris and Yount

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1123:

Conferees:

Budak, Chair
Lawson

Advisor:

Crouch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1008:

Conferees:

Borrer, Chair
Bauer

Advisors:

Woodruff, McClain, Duncan, Moses, and VanHaaften

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate

that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1155:

Conferees:

Budak, Chair
Bardon

Advisors:

J. Smith and Foley

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1158:

Conferees:

Richardson, Chair
Lawson

Advisors:

Thomas and Kuzman

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1172:

Conferees:

T. Harris, Chair
E. Harris

Advisors:

Bell and Turner

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1176:

Conferees:

Woodruff, Chair
Bischoff

Advisor:

Burton

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1214:

Conferees:

Davis, Chair
Pelath

Advisors:

Saunders and Bardon

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1287:

Conferees:

Duncan, Chair
Goodin

Advisors:

Davis and Van Haaften

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1240:

Conferees:

Behning, Chair
Porter

Advisor:

Messer

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1259:

Conferees:

Koch, Chair
Crooks

Advisors:

Bright, Denbo, and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1235:

Conferees:

Ruppel, Chair
Welch

Advisors:

Noe, Duncan, and Tincher

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1227:

Conferees:

Budak, Chair
Kromkowski

Advisor:

Buell

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1315:

Conferees:

Thompson, Chair
Hoy

Advisors:

Frizzell and Tyler

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1323:

Conferees:

Dodge, Chair
Moses

Advisors:

Stutzman and Bell

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1327:

Conferees:

Espich, Chair
Crawford

Advisors:

Pond, Cochran, and Orentlicher

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1338:

Conferees:

T. Harris, Chair
Porter

Advisors:

Noe and Stilwell

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1353:

Conferees:

Walorski, Chair
Crooks

Advisor:

Koch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1362:

Conferees:

Buck, Chair
Mahern

Advisor:

Whetstone

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1392:

Conferees:

Ripley, Chair
Fry

Advisors:

Borders and Torr

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following

Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1025:

Conferees:

J. Smith, Chair
Klinker

Advisors:

Koch and T. Brown

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1029:

Conferees:

Buell, Chair
Klinker

Advisors:

Bright and Orentlicher

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1056:

Conferees:

Duncan, Chair
Mays

Advisor:

Wolkins

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1099:

Conferees:

Frizzell, Chair
Crooks

Advisors:

Bell, Stutzman, and C. Brown

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1102:

Conferees:

Ayres, Chair
Stevenson

Advisors:

Hinkle and Thompson

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1110:

Conferees:

T. Brown, Chair
Pierce

Advisors:

Helm and Micon

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1114:

Conferees:

Foley, Chair
Van Haaften

Advisor:

Neese

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1117:

Conferees:

Wolkins, Chair
Dvorak

Advisors:

Heim and Mahern

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1001:

Conferees:

Espich, Chair
Crawford

Advisors:

Turner, Buell, Klinker, and Kersey

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1010:

Conferees:

Wolkins, Chair
Dvorak

Advisors:

Foley, Cherry, and Van Haaften

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1016:

Conferees:

Ayres, Chair
Cheney

Advisor:

Ulmer

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1018:

Conferees:

Lutz, Chair
Robertson

Advisors:

Wolkins and Oxley

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 258:

Conferees:

Espich and Kuzman

Advisors:

Leonard, Turner, and Crawford

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 284:

Conferees:

T. Brown and C. Brown

Advisor:

Duncan

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 305:

Conferees:

Hinkle and Klinker

Advisor:

Noe

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 340:

Conferees:

Woodruff and Welch

Advisors:

Torr and Pflum

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 345:

Conferees:

Espich and Cochran

Advisors:

Turner, Buell, and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 349:

Conferees:

Burton and Mahern

March 7, 2006

Senate 751

Advisors:

Ripley and Fry

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 333:

Conferees:

T. Harris and Oxley

Advisors:

Thompson and Crooks

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 321:

Conferees:

Torr and Stilwell

Advisors:

Leonard and Kromkowski

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 303:

Conferees:

Davis and Goodin

Advisors:

Duncan and Oxley

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 266:

Conferees:

Lehe and C. Brown

Advisor:

T. Brown

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate

that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 253:

Conferees:

Hoffman and Bischoff

Advisor:

Lehe

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 172:

Conferees:

Behning and Porter

Advisor:

Messer

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 117:

Conferees:

T. Brown and Cheney

Advisors:

Leonard and Pierce

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 87:

Conferees:

Gutwein and Grubb

Advisors:

Yount and Friend

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 1:

Conferees:

Buck and Mahern

Advisor:

Whetstone

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 6:

Conferees:

Foley and Grubb

Advisors:

Bright and J. Smith

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 12:

Conferees:

Ulmer and Kuzman

Advisor:

Foley

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 41:

Conferees:

T. Brown and C. Brown

Advisor:

Crouch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 75:

Conferees:

Stutzman and Reske

Advisor:

Woodruff

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like

committee of the Senate on Engrossed Senate Bill 77:

Conferees:

Heim and Stilwell

Advisor:

Hoffman

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 83:

Conferees:

Torr and Bardon

Advisor:

Thomas

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 106:

Conferees:

Walorski and Fry

Advisors:

Davis and Turner

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 193:

Conferees:

Foley and Van Haaften

Advisor:

Bell

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 202:

Conferees:

T. Brown and C. Brown

Advisor:

Budak

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1017, 1022, 1028, 1097, 1106, 1112, 1113, 1124, 1128, 1156, 1207, 1232, 1236, 1238, 1300, 1347, 1368, 1395, 1397, and 1418 and are eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 48 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 55 and the same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1065.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1103.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1107.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1023.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1049.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1134.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1331.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1286.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1249.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1234.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1279.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 7, 2006, signed House Enrolled Act 1299.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Senator Waterman be added as coauthor of Senate Resolution 33.

BOWSER

Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 54:
Conferees: Nugent, Chair and Hume

GARTON
Date: 3/7/2006
Time: 4:02 p.m.

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Wednesday, March 8, 2006.

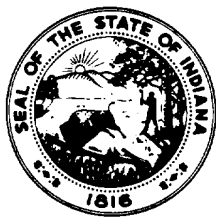
GARTON

Motion prevailed.

The Senate adjourned at 4:10 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Thirtieth Meeting Day

Wednesday Afternoon

March 8, 2006

The Senate convened at 1:36 p.m., with the President Pro Tempore of the Senate, Robert D. Garton, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President Pro Tempore of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson <input checked="" type="checkbox"/>
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R. <input checked="" type="checkbox"/>
Lewis	Zakas

Roll Call 334: present 48; excused 2. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on

Engrossed House Bill 1287:
Advisors: Paul and Craycraft

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF

CONFEEEE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1287:

Rogers to replace Craycraft as Conferee

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1380:
Conferees: Ford and Hume

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1008:
Advisors: Riegsecker, Landske, Broden, and Simpson

Report adopted.

GARTON
Date: 3/7/2006
Time: 4:27 p.m.

GARTON
Date: 3/7/2006
Time: 4:29 p.m.

GARTON
Date: 3/7/2006
Time: 5:57 p.m.

GARTON
Date: 3/8/2006
Time: 12:04 p.m.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 359, filed March 6, 2006, be withdrawn from further consideration by the Senate.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 168, filed March 7, 2006, be withdrawn from further consideration by the Senate.

MILLER

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 47 and that a conference committee be appointed to confer with a like committee of the House.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Becker, Alting, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Jackman, Kenley, Kruse, Landske, Lawson, Long, Lubbers, Merritt, Miller, Mishler, Nugent, Paul, Riegsecker, Steele, Waltz, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 33.

BOWSER

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 139:

Conferees:

Bell and Summers

Advisors:

Budak and Kromkowski

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like

committee of the Senate on Engrossed Senate Bill 112:

Conferees:

Woodruff and C. Brown

Advisors:

T. Brown, Walorski, Klinker, and Avery

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 259:

Conferees:

Espich and Crawford

Advisors:

Davis, Crouch, and Avery

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 260:

Conferees:

Espich and Welch

Advisors:

Turner, Thompson, Day, and Avery

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has added Representative Van Haaften as an advisor to the conference committee on Engrossed House Bill 1362.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Goodin as a conferee and Representative Oxley as advisor on Engrossed Senate Bill 303 and now appoints Representative Oxley as conferee and Representative Orentlicher as advisor thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Goodin as a conferee on Engrossed House Bill 1287 and now appoints Representative Van Haaften thereon and has removed Representative

Van Haaften as advisor.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 47 and 51 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 62, 63, 64, 65, and 66 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 63

House Concurrent Resolution 63, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION congratulating the members of the Heritage Christian High School girls' basketball team on the occasion of their Class 2A state basketball championship victory.

Whereas, Heritage Christian High School won its first team state championship with the Lady Eagles' 46 - 34 victory over Westview High School in the Indiana High School Athletic Association (IHSAA) Class 2A girls basketball championship;

Whereas, The Lady Eagles' championship drive consisted of seven games, with an average victory margin of 19 points per game;

Whereas, The Lady Eagles have won four straight sectionals and have not lost a sectional game since beginning IHSAA tournament play in 2003;

Whereas, The Lady Eagles defeated Broad Ripple, Arlington, and Cathedral high schools to win the Indianapolis City Tournament;

Whereas, The Heritage Christian girls finished this stellar season with a 25 -3 overall record, their only losses coming against Class 4A Pike High School and Carmel High School and Class 3A Bishop Chatard High School;

Whereas, This year's game was not the Lady Eagles' first visit to the championship game; Lindsay Dixon, Nicole Roush, Courtney Turner, and Bre Jones played in the state finals in 2004 only to finish as runner-up to Rochester High School;

Whereas, The Lady Eagles returned five letter winners who combined with the freshmen to form the winning combination of two seniors, two juniors, two sophomores, and six freshmen;

Whereas, This season was not without sadness, however;

Whereas, The Lady Eagles dedicated their season to the memory of their former coach, Dr. Mark "Doc" Richards, who passed away suddenly on September 23, 2005;

Whereas, Dr. Richards had been the girls' varsity coach for the previous five years;

Whereas, Nicole Roush, Kayle Skaggs, Courtney Turner, Bre Jones, and Lindsay Dixon, the five returning players, were invited to Doc's home the evening prior to his death where Dr. Richards encouraged them to give their all in the upcoming season and their future lives;

Whereas, Doc Richards left them with the words of wisdom to always "glorify God, play hard, and have fun";

Whereas, Rick Risinger, volunteer assistant coach, stepped in to become the interim head coach and molded the girls into a championship squad; and

Whereas, The Heritage Christian Lady Eagles can truly say they followed the advice of their beloved coach and glorified God, played hard, and had fun: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Heritage Christian Lady Eagles on winning the Class 2A girls basketball state championship and wishes them continued success in all their future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Lindsay Dixon, Nicole Roush, Bre Jones, Courtney Turner, Alicia Byrd, Kayla Skaggs, Emily Anderson, Ashlee Bellamy, Alyssa Burton, Kelly Faris, Claire Freeman, and Meredith Martin, manager Leah Richards, coaches Rick Risinger, Ron Young, Courtney Risinger, Teri Burton, Alicia Michaelson, and Eric Turner, score keeper Mike Burton, athletic director Jeff Hester, principal Al Leinbach, and Cyndi Richards.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 64

House Concurrent Resolution 64, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring Nicole Roush.

Whereas, Heritage Christian senior guard Nicole Roush won the 2005-2006 Patricia L. Roy Mental Attitude Award for Class 2A girls basketball;

Whereas, Principals and coaches nominate the recipients of this award who must excel in mental attitude, scholarship, leadership, and athletic ability in basketball;

Whereas, Nicole Roush, who ranks 14th in her class with a 3.846 cumulative grade point average, served as team captain and is a four-year member of the team, playing three seasons on the varsity;

Whereas, Nicole Roush was a member of the 2004 state runner-up team and the 2006 state championship team;

Whereas, In addition to basketball, Nicole Roush is active in her community serving as a mentor, working in elementary school tutoring programs, and taking mission trips to Honduras and Mexico;

Whereas, Nicole Roush plans to attend Indiana Wesleyan University and major in nursing; and

Whereas, Excellence in any endeavor deserves special recognition: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly congratulates Nicole Roush on her selection as the 2005-2006 Patricia L. Roy Mental Attitude Award Winner for Class 2A girls basketball and wishes her continued success in her future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Nicole Roush and her family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 25

Senator Hershman called up House Concurrent Resolution 25 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 56

Senate Concurrent Resolution 56, introduced by Senators Zakas, Mishler, and Broden:

A CONCURRENT RESOLUTION congratulating the Penn High School Academic Super Bowl Social Studies Team on winning the Social Studies round of the Academic Super Bowl.

Whereas, The Indiana Academic Super Bowl state competition was held at Purdue University on May 7, 2005;

Whereas, Penn High School was one of more than 300 schools to participate in regional competition vying for one of the top twenty-five spots to qualify for state;

Whereas, The Penn High School Academic Super Bowl Social Studies Team won the regional competition, earning the right to compete against twenty-four other teams at the state competition;

Whereas, The Penn High School Academic Super Bowl Social Studies Team won by one point to capture their sixth state championship title; and

Whereas, The members of the Penn High School Academic Super Bowl Social Studies Team are to be commended for their dedicated preparation and fine academic achievement: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Academic Super Bowl Social Studies Team on continuing the school's tradition of excellence in Academic Super Bowl competition by winning the 2005 Academic Super Bowl Social Studies State Championship Title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Penn High School Principal, Dr. Dave Tydgat, Academic Super Bowl Social Studies Team Coach, Pete DeKeever, and each member of the 2005 championship team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Walorski, Dvorak, Neese, and Fry.

Senate Concurrent Resolution 57

Senate Concurrent Resolution 57, introduced by Senators Zakas, Mishler, and Broden:

A CONCURRENT RESOLUTION congratulating the Penn High School Spell Bowl team for winning its seventh straight state title.

Whereas, High school spell bowl teams prepare each year to compete in a spelling contest with other teams from across Indiana;

Whereas, The 2005 Indiana State Spell Bowl Competition was held on November 12th at Purdue University;

Whereas, The Penn High School Spell Bowl team earned a perfect score in the state competition to capture their seventh consecutive state Spell Bowl championship title; and

Whereas, The members of the Penn High School Spell Bowl team are to be commended for their fine academic achievement: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Spell Bowl team on continuing the school's tradition of excellence in Spell Bowl competition by winning the 2005 Spell Bowl championship title.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Penn High School Principal, Dr. Dave Tydgat and Spell Bowl Team Coach, Pete DeKever.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Neese, Fry, Walorski, and Dvorak.

Senate Concurrent Resolution 55

Senate Concurrent Resolution 55, introduced by Senators Zakas, Mishler, and Broden:

A CONCURRENT RESOLUTION congratulating the Penn High School Girls Golf Team on winning the 2005 state championship in a performance that shattered the previous state tournament record.

Whereas, The 2005 Indiana Girls Golf State Championship was held at The Legends of Indiana Golf Course in Franklin, Indiana;

Whereas, In a record-breaking performance, the Penn High School Girls Golf Team beat the tournament scoring record by nine strokes to win their second consecutive state championship; and

Whereas, The 2005 state championship marks the third title in four years for the Lady Kingsmen: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Penn High School Girls Golf Team on their outstanding achievements, culminating in a 2005 state championship title and a new tournament scoring record.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to Penn High School Principal, Dr. Dave Tydgat, Girls Golf Coach, Jim Garrett, and each member of the Championship Team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Walorski, Dvorak, Neese, and Fry.

Senate Concurrent Resolution 58

Senate Concurrent Resolution 58, introduced by Senators Zakas and Riegsecker:

A CONCURRENT RESOLUTION congratulating the Elkhart Fire Department on winning the Indiana Governor's Cup Paramedic Ambulance Competition.

Whereas, The Indiana Department of Homeland Security hosted a training event for paramedics with a competition component from Thursday, September 15 to Sunday, September 18, 2005, at the Marriott East Convention Center;

Whereas, Over 26 teams from the State of Indiana competed in mock scenarios involving emergency care;

Whereas, Grant Roberts and Vito Palumbo represented the Elkhart Fire Department in the competition;

Whereas, The preliminary competition was held on September 7, 2005, in which the Elkhart Fire Department finished in the top three, which afforded the opportunity to participate in the finals scenario held on September 15, 2005;

Whereas, On Saturday, September 15, 2005, the Elkhart Fire Department received one of the highest honors in the State of Indiana by winning the Indiana Governor's Cup Paramedic Ambulance Competition;

Whereas, Roberts and Palumbo are the only team to win the competition two or more times as a team and the only team to win the competition two years in a row. This win marks the fifth for the Elkhart Fire Department; and

Whereas, The Elkhart Fire Department is to be commended for the service they provide to the community; in addition, Grant Roberts and Vito Palumbo are recognized for the honor they have brought to the Elkhart Fire Department by their performance in the Indiana Department of Homeland Security competition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Grant Roberts and Vito Palumbo of the Elkhart Fire Department on continuing the department's tradition of excellence in paramedic competition by winning the 2005 Indiana Governor's Cup Paramedic Ambulance Competition.

SECTION 2. The Secretary of the Senate is hereby directed to transmit copies of this Resolution to the Chief of the Elkhart Fire Department and team members Grant Roberts and Vito Palumbo.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Neese, Walorski, and Fry.

Senate Concurrent Resolution 54

Senate Concurrent Resolution 54, introduced by Senators Zakas and Riegsecker:

A CONCURRENT RESOLUTION congratulating John F. Dille on being awarded the National Radio Award by the National Association of Broadcasters.

Whereas, The National Association of Broadcasters (NAB) Radio Executive Committee presents the National Radio Award each year to an individual who has given exemplary service to the radio business;

Whereas, After a brief stint in the newspaper industry, John Dille made a switch to radio early in his career path. Finding himself right at home in the broadcast industry from the start, Dille has been a great asset to the radio business;

Whereas, Serving in numerous leadership positions, Dille has been a positive influence on the broadcasting industry both locally and nationally;

Whereas, During his career, Dille has served as chairman of the NAB Radio Board, the Radio Advertising Bureau, and the NAB Congressional Relations Committee. Dille also served as chairman of the unification task force that merged NAB and the National Radio Broadcasters Association;

Whereas, Dille has also served the industry as the past president of the Indiana Broadcasters Association. In addition, Dille was director and first vice president of Michiana Public Telecasting. Dille now serves as president and chief executive officer of Federated Media;

Whereas, In recognition of his service to the radio industry, during the NAB Radio Show in Philadelphia, the NAB presented Dille with the National Radio Award on September 23, 2005; and

Whereas, John F. Dille is to be commended for his numerous contributions to the radio industry: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates John F. Dille on receiving the NAB National Radio Award.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John F. Dille.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Walorski, Fry, and Neese.

RESOLUTIONS ON SECOND READING

House Concurrent Resolution 35

Senator Landske called up House Concurrent Resolution 35 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 66

House Concurrent Resolution 66, sponsored by Senators Rogers, Smith, Howard, and Breaux:

A CONCURRENT RESOLUTION honoring the Indianapolis Urban League.

Whereas, The Indianapolis Urban League was founded by the late Thomas W. Binford and the late Henry J. Richardson, Jr. in 1965 as a nonprofit, nonpartisan, interracial community-based social service/civil rights organization funded by the United Way of Central Indiana, individuals, organizations, businesses, and government bodies;

Whereas, The Indianapolis Urban League is one of 105 leagues across the nation affiliated with the National Urban League;

Whereas, The mission of the Indianapolis Urban League is to assist African-Americans and other minorities and disadvantaged persons to achieve social and economic equality;

Whereas, The Indianapolis Urban League implements its mission through direct program services, technical assistance, and fact-finding and information dissemination;

Whereas, The Indianapolis Urban League established the Business Development Center in the 1970s as one of the first minority business development programs of its kind in the city and state;

Whereas, The Business Development Center has helped thousands of minority business venture clients with business plans and procedures to acquire venture capital for businesses; and

Whereas, The Indianapolis Urban League will continue to "build bridges" among the races and work to achieve racial tolerance and racial equity: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly wishes to recognize the many contributions that the Indianapolis Urban League has made to the Indianapolis community.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Joseph Slash, CEO, and Karen Wright, Chairman of the Board of the Indianapolis Urban League.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

March 8, 2006

Senate 761

House Concurrent Resolution 62

House Concurrent Resolution 62, sponsored by Senators Steele and Hume:

A CONCURRENT RESOLUTION recognizing the 40th anniversary of Hoosier Uplands Economic Development Corporation.

Whereas, In 1966, a group of citizens formed Low Corporation, the forerunner of Hoosier Uplands Economic Development Corporation;

Whereas, Low Corporation began with a budget of no more than \$40,000, the Head Start Program, and two or three employees; today the corporation has an annual budget of \$14,000,000, a variety of programs and services, and over 240 employees;

Whereas, The Hoosier Uplands Economic Development Corporation, based in Southern Indiana, is a nonprofit agency that serves as an area agency on aging, community action agency, licensed home health care and hospice agency, and community housing development organization;

Whereas, The mission of Hoosier Uplands Economic Development Corporation is to plan, implement, or cause to be implemented, and provide comprehensive services to the poor, elderly, and disabled;

Whereas, The Hoosier Uplands Economic Development Corporation strives to eliminate poverty, improve living conditions, and provide access to health care and social services to those families and individuals in need; and

Whereas, It has always been and will always be the practice of the Hoosier Uplands Economic Development Corporation to keep the client uppermost in mind and to never forget the value of every human being and the importance of the responsibility to the public the corporation serves: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly recognizes the many contributions made by the Hoosier Uplands Economic Development Corporation.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to David L. Miller, Chief Executive Officer, Hoosier Uplands Economic Development Corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Concurrent Resolution 55.

ZAKAS

Motion prevailed.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 355, filed March 7, 2006, be withdrawn from further consideration by the Senate.

LAWSON

Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 359 and that a conference committee be appointed to confer with a like committee of the House.

HERSHMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 168 and that a conference committee be appointed to confer with a like committee of the House.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Broden, Tallian, and Gard be added as cosponsors of House Concurrent Resolution 35.

LANDSKE

Motion prevailed.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 22.

GARD

Roll Call 335: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 42.

MILLER

Roll Call 336: yeas 38, nays 10. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 84.

LONG

Roll Call 337: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 132.

LAWSON

Roll Call 338: yeas 48, nays 0. Motion prevailed.

Senator Garton yielded the gavel to Senator Bray.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 145.

M. YOUNG

Roll Call 339: yeas 38, nays 10. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 153.

LAWSON

Roll Call 340: yeas 40, nays 8. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 157.

LEWIS

Roll Call 341: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 161.

MILLER

Roll Call 342: yeas 45, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 231.

ALTING

Roll Call 343: yeas 45, nays 3. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 247.

WYSS

Roll Call 344: yeas 47, nays 1. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 269.

MILLER

Roll Call 345: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 296.

KENLEY

Roll Call 346: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 297.

HERSHMAN

Roll Call 347: yeas 45, nays 2. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 362.

FORD

Roll Call 348: yeas 46, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 370.

KRUSE

Roll Call 349: yeas 28, nays 18. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 382.

BECKER

Roll Call 350: yeas 42, nays 5. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 300.

LONG

Roll Call 351: yeas 46, nays 0. Motion prevailed.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 168:

Conferees: Miller, Chair and Sipes

GARTON
Date: 3/8/2006
Time: 2:40 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 359:

Conferees: Hershman, Chair and Smith

GARTON
Date: 3/8/2006
Time: 2:43 p.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 47:

Conferees: Hershman, Chair and Craycraft

GARTON
Date: 3/8/2006
Time: 1:59 p.m.

Report adopted.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed House Enrolled Act 1093.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed House Enrolled Act 1314.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed House Enrolled Act 1339.

ROBERT D. GARTON
President Pro Tempore

**MOTIONS TO DISSENT
FROM HOUSE AMENDMENTS**

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 355 and that a conference committee be appointed to confer with a like committee of the House.

LAWSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as cosponsor of Engrossed House Concurrent Resolution 63.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Merritt be added as cosponsor of Engrossed House Concurrent Resolution 64.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as coauthor of Senate Concurrent Resolution 11.

RIEGSECKER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Sipes be added as coauthor of Senate Concurrent Resolution 9.

RIEGSECKER

Motion prevailed.

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 6th day of March, 2006,

signed Senate Enrolled Acts: 232, 236, 246, 277, 332, 373, and 384.

REBECCA S. SKILLMAN
Lieutenant Governor

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Thursday,
March 9, 2006.

GARTON

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 8th day of March, 2006,
signed Senate Enrolled Acts: 33, 36, 39, 56, 69, 72, 73, 81, 85, 86,
94, 133, 146, 151, 154, 169, 173, 191, 201, 205, 208, 229, 275, 308,
374, and Senate Joint Resolution 2.

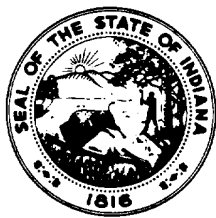
REBECCA S. SKILLMAN
Lieutenant Governor

Motion prevailed.

The Senate adjourned at 3:16 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Thirty-one Meeting Day

Thursday Afternoon

March 9, 2006

The Senate convened at 1:44 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 352: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 52

Senate Concurrent Resolution 52, introduced by Senator Waltz:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to study issues pertaining to foreign language learning opportunities for Indiana students.

Whereas, The Committee for Economic Development's February 9, 2006 report **Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security** warns, "The United States will become less competitive in the global economy because of a shortage of strong foreign language and international studies programs at the elementary, high school, and college levels;"

Whereas, **A Call to Action for National Foreign Language Capabilities**, a report of the National Language Conference, convened by the Office of the Secretary of Defense in partnership with other federal agencies (Spring 2004) confirms that:

- The experience of many other countries supports the need for second language instruction to begin well below high school and continue throughout the educational pipeline;
- Foreign language learning experiences must be available and encouraged for all students; and
- Sufficient instructional time must be provided for language learners to acquire meaningful levels of language competence;

Whereas, A U.S. Senate Resolution designating 2005 the "Year of Foreign Language Study," co-sponsored by Indiana's Senator Richard Lugar, asserts "That it is the sense of the Senate that foreign language study makes important contributions to a student's cognitive development, our national economy, and our national security;"

Whereas, A recent study in Louisiana found that elementary students who received daily instruction in a foreign language outperformed other students on the state basic skills test, regardless of race, gender, or academic level;

Whereas, At the January 5, 2006 U.S. University Presidents Summit on International Education, President George W. Bush announced the National Security Language Initiative which will:

- "Increase the number of Americans mastering critical need languages and start at a younger age;
- Increase the number of advanced-level speakers of foreign languages, with an emphasis on critical need languages; and
- Increase the number of teachers of critical need languages and resources for them;"

Whereas, As early as 1992 the Indiana International Issues Task Force, recommended in its report **Indiana in a Changing World: A Strategy for Action** "foreign language study should begin in elementary school for all children;"

Whereas, According to the Center for Applied Linguistics, 24% of U.S. public elementary schools report teaching foreign languages, yet, according to the Indiana Department of Education, fewer than 5% of Indiana's elementary students currently study a foreign

language, less than 15% study foreign language at the middle level, and 44% at the high school;

Whereas, Under Secretary of Defense, David S. Chu recently declared that "Improving the Nation's foreign language capability requires immediate and long-term engagement. Every sector of our society has a role to play;"

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes that the economic well-being of Hoosiers demands the global perspective provided through the study of foreign languages and cultures.

SECTION 2. That the issues to be studied by the committee, if established, include, but are not limited to the following:

1. The development of a strategy for introducing foreign language instruction in the early grades that continues throughout Indiana's educational pipeline;
2. The development of policy recommendations for consideration by the General Assembly; and
3. Any other issues pertaining to the study of foreign languages as determined necessary by the committee.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 34

Senate Resolution 34, introduced by Senator Landske:

A SENATE RESOLUTION to urge the Legislative Council to establish an interim study committee to study issues pertaining to the safety of nursing home residents.

Whereas, All Indiana nursing home residents should be protected by sufficient fire protection systems;

Whereas, It is not known to what extent Indiana nursing home residents are currently protected by smoke detection systems;

Whereas, There are currently no state licensing requirements for persons who install fire protection systems;

Whereas, These fire protection systems should be installed by licensed contractors and installers to ensure that the systems work properly and protect the residents as intended; and

Whereas, An interim study committee could determine the safety of Indiana nursing home residents and recommend changes that need to be made in nursing home environments to make them safe for the residents: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes the importance of ensuring the safety of Indiana nursing home residents.

SECTION 2. That the committee, if established should:

- a. Study which Indiana health facilities currently have smoke detectors in resident rooms and the types of smoke detectors the facilities are using;
- b. Evaluate smoke detection systems currently available and determine which types of systems provide the greatest safety for nursing home residents;
- c. Evaluate the fiscal impact of requiring all Indiana health facilities to install recommended smoke detection systems in each resident room;
- d. Review and make recommendations regarding the statewide licensing of fire sprinkler contractors and installers; and
- e. Consider any other issues pertaining to the safety of residents of Indiana nursing homes and health facilities.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 35

Senate Resolution 35, introduced by Senator Landske:

A SENATE RESOLUTION urging the Northwest Indiana Regional Development Authority to begin spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

Whereas, The Northwest Indiana Regional Development Authority is charged with accomplishing a variety of projects, including investigating the extension of South Shore passenger rail service to Lowell and Valparaiso, integrating existing bus services, helping to bring the Marquette Plan for the lakeshore to completion, and helping the Gary/Chicago International Airport become a reality;

Whereas, The overall charge given to the authority is to boost the region's economic development;

Whereas, The Northwest Indiana Regional Development Authority is also charged with developing a strategic plan that will include many of these projects;

Whereas, If the Northwest Indiana Regional Development Authority waits to distribute the money earmarked for the region until the strategic plan has been approved, it will miss a valuable opportunity to jump-start the economic development of an area whose economy is in need of stimulation;

Whereas, Local money is also needed to compete for federal funds from agencies like the Federal Aviation Administration, the U.S.

March 9, 2006

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Environmental Protection Agency, the Federal Transit Administration, and the U.S. Army Corps of Engineers;

Whereas, Competition for federal funds is fierce, and Northwest Indiana is at its most critical juncture in 100 years; and

Whereas, In the world of business, plans must be adapted quickly to meet the needs of a changing market: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate urges the Northwest Indiana Regional Development Authority to proceed spending the money allocated to it in HEA 1120-2005 before receiving approval of its strategic plan.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Governor Daniels and the Northwest Indiana Regional Development Authority.

The resolution was read in full and referred to the Committee on Appropriations.

Senate Resolution 36

Senate Resolution 36, introduced by Senator Harrison:

A SENATE RESOLUTION urging the Legislative Council to direct the Pension Management Oversight Commission to consider amending IC 36-8-8-7(h) to provide for a transfer of the employee's contribution account and service credit in the 1977 fund to the public employee's retirement fund if the employee does not earn a benefit in the 1977 fund for the time of their appointment pursuant to the waiver which is provided in existing law.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to direct the Pension Management Oversight Commission to consider an amendment to IC 36-8-8-7(h).

SECTION 2. That the Pension Management Oversight Commission, if directed to take such action, shall operate under the direction of the Legislative Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Health and Provider Services Committee, to which was referred Senate Concurrent Resolution 9,

has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Health and Provider Services Committee, to which was referred Senate Concurrent Resolution 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 6, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Judiciary Committee, to which was referred Senate Resolution 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

BRAY, Chair

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT

OF

CONFEREE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1018:

Lewis to replace R. Young as conferee

GARTON

Date: 3/8/2006

Time: 4:47 p.m.

REPORT OF THE PRESIDENT PRO TEMPORE

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 355:

Conferees: Lawson, Chair and Rogers

GARTON

Date: 3/8/2006

Time: 4:48 p.m.

Report adopted.

**PRESIDENT PRO TEMPORE'S REPORT
OF
ASSIGNMENT OF CONFEREES**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1329:
Conferees: Miller and Sipes

GARTON
Date: 3/9/2006
Time: 11:02 a.m.

Report adopted.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 354.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 342.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 310.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 264.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 206.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 160.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 147.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 114.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 111.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 102.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 71.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 57.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 55.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 40.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 35.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 8, 2006, signed Senate Enrolled Act 11.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has added Representative V. Smith as an advisor to confer on Engrossed House Bill 1240.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Pierce as a conferee on Engrossed House Bill 1110 and now appoints Representative C. Brown thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has added Representative Bardon as an advisor to confer on Engrossed House Bill 1016.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1080:

Conferees:

Stutzman and E. Harris

Advisors:

Walorski and Turner

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed House Bill 1329:

Conferees:

T. Harris and Mays

Advisors:

T. Brown and Crawford

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 47:

Conferees:

McClain and Kuzman

Advisors:

Thomas and Bottorff

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 54:

Conferees:

Woodruff and Bischoff

Advisor:

Koch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 148:

Conferees:

Heim and Oxley

Advisors:

Walorski, Thompson, and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 168:

Conferees:

Thomas and C. Brown

Advisors:

Foley and Welch

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 359:

Conferees:

Messer and Mahern

Advisor:

Davis

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 355:

Conferees:

Ayres and Kuzman

Advisors:

Leonard, Cherry, and Avery

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bills 1011, 1013, 1024, 1089, 1101, 1108, 1136, 1138, 1150, 1212, 1239, 1257, 1261, 1280, 1281, 1285, 1306, and 1307 and are eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bills 1123, 1158, and 1176 and has now

concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 54, 55, 56, and 57 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 39

Senator Lewis called up Senate Concurrent Resolution 39 for second reading. The resolution was read a second time by title and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Goodin.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 60

Senate Concurrent Resolution 60, introduced by Senator Becker:

A CONCURRENT RESOLUTION congratulating the Castle High School girls basketball team on winning the Class 4A State Championship Title.

Whereas, The IHSAA 31st Annual Girls Basketball State Finals were held on March 4, 2006 at Conseco Fieldhouse in Indianapolis;

Whereas, In regional and semi-state competition, the Castle Knights defeated Jeffersonville, Bloomington North, and Hamilton Southeastern to earn the opportunity to compete in the State Finals;

Whereas, In both teams' first appearance in the state finals, the Castle Knights and the South Bend Washington Panthers competed at a record-setting level;

Whereas, Castle Knight Jasmine Ussery set a state record for rebounds in a championship game with sixteen. The Knights and Panthers combined to set a record in the first quarter with most total points scored in a quarter with forty-one, a record that they eclipsed in the third quarter, scoring a combined forty-three points;

Whereas, In addition, the championship game performance set several Class 4A records, including most points scored by Castle (83), most free throws made by Castle (31), most combined points in a game (155), and most combined points in a half (79). At the end of the night, a total of eighteen team and individual records were broken and five others were tied;

Whereas, The unranked Castle Knights upset the top-ranked South Bend Washington Panthers 83-72 to capture the school's first Girls State Basketball Title. The Knights, led by coach Wayne Allen,

finished the season on a 15-game winning streak to earn a 25-3 season record. Four of the Knights finished the game with double-figure scores; and

Whereas, In addition to winning the 4A State Title, the Castle Knights celebrated an honor for one of its players. Senior forward Lynn McKinney was named the 2005-2006 Girls Basketball Class 4A recipient of the Patricia L. Roy Mental Attitude Award. Indiana Farm Bureau Insurance, the IHSAA corporate partner, presented a \$1,000 scholarship to Castle High School in the name of Lynn McKinney for this honor: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Castle High School girls basketball team on winning the 2006 Class 4A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Castle Principal, Philip DeLong; Coach, Wayne Allen; and to each member of the State Champion Knights basketball team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Crouch and Hoy.

Senate Resolution 40

Senate Resolution 40, introduced by Senators Merritt and Lawson:

A SENATE RESOLUTION to honor the Senate Republican Interns for their service during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

Whereas, During this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly, the Senate Republican Interns have provided the Senators of the Republican Party, individually and collectively, with outstanding support and assistance;

Whereas, Those serving so ably during this session included: Brad Baughn, Matt Doerr, Lindsey Gates, Shelley Hallberg, Suzanne Heitman, Patrick Higgins, Chris Jensen, Matt Kovack, Jessica Kruse, Erin Mays, Amy Miller, Caroline Mosey, Ali Murtaugh, David Muta, Jennifer Myers, Jansen Perdue, Greg Porter, Zach Raibley, Danielle Roessing, Sam Snideman, Carissa Snyder, Michael Sorg, Anne Swords, Andrea Warren, and Abigail Wood;

Whereas, The Senate Republican Interns represent eleven universities throughout Indiana: Ball State University, Butler University, DePauw University, Franklin College, Indiana State University, Indiana University, Indiana Wesleyan University, IUPUI, Purdue University, the University of Indianapolis, and the University of Southern Indiana; and

Whereas, The Interns' support and assistance have contributed to the Senate being more efficient and responsive to the People of this great State: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate hereby expresses its full appreciation and sincere commendation to the Senate Republican Interns who have loyally and capably served this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to each Republican Intern who served the Senate during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

The resolution was read in full and adopted by voice vote.

Senate Resolution 37

Senate Resolution 37, introduced by Senators Merritt and Lawson:

A SENATE RESOLUTION to express the Indiana Senate's appreciation to Verizon for its role in promoting the legislative internship programs.

Whereas, Verizon has demonstrated a worthy commitment to the educational, political, and public service opportunities afforded to the participants in both the Senate Republican and Senate Democratic Legislative Internship Programs;

Whereas, Each of the participants in the Indiana Senate Legislative Internship Programs is a superb individual devoted to developing a better understanding of Indiana's legislative process; and

Whereas, Verizon's willingness to provide scholarships to outstanding legislative interns from both of the Indiana Senate's caucuses enables legislators and staff alike to recognize and reward exemplary job performance among interns: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate expresses its appreciation to Verizon for its role in helping promote the legislative internship programs of the General Assembly.

SECTION 2. The Secretary of the Senate is directed to transmit copies of this Resolution to Neil Krevda, State Director of Legislative Affairs, and Gale Given, Verizon Great Lakes Region President.

The resolution was read in full and adopted by voice vote.

Senate Resolution 38

Senate Resolution 38, introduced by Senators Lewis, Bowser, Breaux, Broden, Craycraft, Howard, Hume, Lanane, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, Tallian, and R. Young:

A SENATE RESOLUTION to recognize and honor the Senate Democrat Interns for their service during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

Whereas, The following have served as legislative interns for the Democratic Caucus of the State Senate during the First Regular Session of the One Hundred Fourteenth Indiana General Assembly: Patrick Jessee; Lindsay Russ; Andrew Michaud; Amy Jacobson; Drew Black; Nikki Davis; Andrew Jendraskzak; Amanda Jenkins; Amber Michel; Adam Jones; Steven Paul; Jessica Saxton; and Erin Thomas;

Whereas, The conscientious and diligent efforts of the Interns has enhanced the efficiency and effectiveness of the State Senate this legislative session;

Whereas, The Interns' hearty support and able assistance have enabled the Senators of the Democratic Party to better represent and serve their constituents in a prompt and courteous manner;

Whereas, The work of the legislative interns is vital to the success of each session of the Indiana General Assembly; and

Whereas, The members of the Indiana State Senate Democratic Caucus wish to express their gratitude to those individuals who have participated in the internship program: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deep appreciation to the Senate Democratic Caucus Interns, who have served with diligence and dedication during the Second Regular Session of the One Hundred Fourteenth Indiana General Assembly.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to each of the Democratic Caucus Interns.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that the Motion to Concur on Engrossed Senate Bill 339, filed March 7, 2006, be withdrawn from further consideration by the Senate.

MERRITT

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Resolution 41

Senate Resolution 41, introduced by Senator Riegsecker:

A RESOLUTION encouraging medical schools to require medical students interested in pediatrics and family medicine to complete a rotation in a clinic with a history of diagnosing and treating people with autism spectrum disorder.

Whereas, As future physicians, medical students must be fully aware of the relationship between a patient's medical problems and autism spectrum disorder;

Whereas, An understanding of the relationship between medical problems and autism and other pervasive developmental disorders is particularly important for medical students in the areas of pediatric and family medicine; and

Whereas, Medical students who complete a rotation in a clinic with a history of diagnosing and treating autism and other pervasive developmental disorders can broaden their clinical approach and learn to make the best possible decisions under all conditions: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana General Assembly and the Indiana Commission on Autism encourage medical students, specifically those with an interest in pediatrics and family medicine, to complete additional studies and a rotation with an emphasis on autism and other pervasive developmental disorders.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

House Concurrent Resolution 53

House Concurrent Resolution 53, sponsored by Senator Lubbers:

A CONCURRENT RESOLUTION honoring Senator Richard Lugar in his efforts to safeguard the American people from the threat posed by weapons of mass destruction throughout the world.

Whereas, The collapse of the Soviet Union brought a unique problem to the citizens of the world;

Whereas, This was the first time that a nuclear nation had suddenly broken apart, and nuclear, chemical, and biological weapons command and control programs collapsed;

Whereas, The United States faced the grim possibility that weapons previously held in secure Soviet facilities and technology previously restricted to the Soviet military could be stolen or sold to the highest bidder;

Whereas, Senator Lugar and Senator Nunn worked diligently to develop a plan that would safeguard the welfare of the citizens of the former Soviet Union and the rest of the world and reduce the threat posed by the proliferation of weapons of mass destruction;

Whereas, The Nunn-Lugar Cooperative Threat Reduction Program uses money from the United States defense budget every year and allocates it to help the states of the former Soviet Union eliminate and safeguard nuclear weapons and other weapons of mass destruction;

Whereas, The Nunn-Lugar Cooperative Threat Reduction Program is not foreign aid and more than 80% of the funds are awarded through contracts to American companies.

Whereas, The goal of the Nunn-Lugar Cooperative Threat Reduction Program is to lessen the threat posed by weapons of mass destruction, to deactivate and destroy these weapons, and to assist former weapons experts to find long-term, peaceful employment;

Whereas, In 1997, Senators Lugar and Nunn were joined by Senator Pete Domenici in introducing the Defense Against Weapons of Mass Destruction Act;

Whereas, This act expanded Nunn-Lugar Cooperative Threat Reduction Program authorities in the former Soviet Union and provided defense against weapons of mass destruction expertise and equipment to first responders in 120 American cities;

Whereas, The city of Indianapolis and Marion County received first-responder training and equipment under the Nunn-Lugar-Domenici Defense Against Weapons of Mass Destruction Program in 1998, and Fort Wayne and Allen County received training and equipment in 2000.

Whereas, In 2003, Congress adopted the Nunn-Lugar Expansion Act authorizing the Nunn-Lugar Program to operate outside the former Soviet Union to address proliferation threats; and in October 2004, Nunn-Lugar Program funds were used for the first time outside of the former Soviet Union to destroy 16 tons of chemical weapons in Albania;

Whereas, Since its inception in 1991, the Nunn-Lugar Cooperative Threat Reduction Program has helped to deactivate 6,760 nuclear warheads; destroyed 590 missile silos, 32 mobile missile launchers, 150 strategic bombers, 789 air-to-surface nuclear missiles, 549 submarine launched missiles, 436 submarine missile launchers, and 28 strategic missile submarines; and sealed 194 nuclear test tunnels;

Whereas, The countries of Ukraine, Belarus, and Kazakhstan emerged from the Soviet Union as the third, fourth, and eighth largest nuclear powers in the world, and today they are free of nuclear weapons because of the Nunn-Lugar Cooperative Threat Reduction Program.

Whereas, Still striving to reduce the threat posed by the proliferation of weapons of mass destruction throughout the world, Senator Richard Lugar has offered legislation with Senator Barack Obama;

Whereas, Senator Lugar invited his Democratic colleague to join his annual trip to inspect weapons storage and elimination sites in Russia, Ukraine, and Azerbaijan;

Whereas, Senator Obama joined Senator Lugar in proclaiming the need for urgency to prevent stockpiles of nuclear, biological, and conventional weapons from falling into the hands of terrorists;

Whereas, During their trip to the former Soviet Union, Senators Lugar and Obama witnessed first hand the progress the Nunn-Lugar Cooperative Threat Reduction Program is making in improving the safety and security of nuclear warheads, the consolidation and

security improvements at biological pathogens storage facilities, and the elimination of mobile intercontinental ballistic missile launchers;

Whereas, Senators Lugar and Obama recently introduced legislation aimed at eliminating stockpiles of conventional weapons such as shoulder-fired missiles that terrorists have used to attack commercial aircraft, fuel civil wars in Africa and elsewhere and ammunition to attack peacekeepers and aid workers seeking to stabilize and rebuild war-torn societies;

Whereas, The Lugar-Obama legislation also seeks to strengthen the ability of America's friends and allies to detect and interdict illegal shipments of weapons of mass destruction or material that could be used in nuclear, chemical, or biological weapons and to build a robust international network for stopping the proliferation of these weapons; and

Whereas, The efforts of Senator Richard Lugar to eliminate stockpiles of weapons of mass destruction and conventional weapons transcends politics; Senator Lugar, Senator Nunn, Senator Domenici, and Senator Obama work to resolve the real problems facing our nation and the world in a bipartisan effort to make all people safer from the terrorist threat. Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly acknowledges the efforts of Senator Richard Lugar in making the world a safer place and promoting cooperative solutions to the world's problems.

SECTION 2. That the Principal Clerk of the House of Representatives shall transmit a copy of this resolution to Senator Lugar, Senator Nunn, Senator Domenici, and Senator Obama.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 100.

JACKMAN

Roll Call 353: yeas 39, nays 9. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 353.

WEATHERWAX

Roll Call 354: yeas 48, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House

amendments to Engrossed Senate Bill 369.

R. YOUNG

Roll Call 355: yeas 48, nays 0. Motion prevailed.

MOTIONS TO DISSENT FROM HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do not concur with the House Amendments to Engrossed Senate Bill 339 and that a conference committee be appointed to confer with a like committee of the House.

MERRITT

Motion prevailed.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 379 because it conflicts with Senate Enrolled Act 234-2006 without properly recognizing the existence of SEA 234-2006, has had ESB 379 under consideration and begs leave to report back to the Senate with the recommendation that ESB 379 be corrected as follows:

Page 8, delete lines 6 through 42, begin a new paragraph and insert:

"SECTION 8. IC 4-22-2-28.1, AS AMENDED BY SEA 234-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter **or by IC 13-14-9-3** is published by an agency ~~after June 30, 2005~~ **or by any of the boards (as defined in IC 13-11-2-18).**

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" means any person, firm, corporation, limited liability company, partnership, or association that:

(1) is actively engaged in business in Indiana and maintains its principal place of business in Indiana;

(2) is independently owned and operated;

(3) employs not more than one hundred (100) full-time employees; and

(4) has gross annual receipts of not more than five million

dollars (\$5,000,000).

(e) For each ~~(1)~~ rulemaking action and ~~(2)~~ rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

(1) in the case of a proposed rule, the agency's notice of intent to adopt the rule published under section 23 of this chapter; or (2) in the case of a rule proposed by the department of environmental management or any of the boards (as defined in IC 13-11-2-18), the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule. Subject to subsection (f), in the case of a rule finally adopted, ~~by the agency, the final rule, as published in the Indiana Register, and the Indiana Administrative Code,~~ must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or any of the boards (as defined in IC 13-11-2-18) under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 **or in the findings published under IC 13-14-9-8(b)(1), whichever applies,** and in the publication of the final rule in the Indiana Register: ~~and the Indiana Administrative Code:~~

(1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;

(2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;

(3) if applicable, a statement of:

(A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and

(B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3); and

(4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

(g) If the notice provided under IC 13-14-9-3 is not published as allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as

allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

- (1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.
- (2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.
- (3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.
- (4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3; and
- (2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

- (1) not later than ten (10) days after the date on which the rule is **file stamped by the secretary of state submitted to the publisher** under section 35 of this chapter; and
- (2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

- (1) compile the records received from all of the agency's coordinators under subsection (j);
- (2) prepare a report that sets forth:
 - (A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;
 - (B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;
 - (C) the total number of staff serving as coordinators under

this section during the most recent state fiscal year;

(D) the agency's costs in complying with this section during the most recent state fiscal year; and

(E) the projected budget required by the agency to comply with this section during the current state fiscal year; and

(3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the Indiana economic development corporation established by IC 5-28-3."

Delete pages 9 through 10.

Page 11, delete lines 1 through 11.

(Reference is to ESB 379 as printed February 14, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
FORD

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1011 because it conflicts with House Enrolled Act 1156-2006 without properly recognizing the existence of HEA 1156-2006, has had EHB 1011 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1011 be corrected as follows:

Page 81, line 7, delete "P.L.2-2005," and insert "HEA 1156-2006, SECTION 13,".

Page 81, delete line 8.

Page 81, line 9, delete "CORRECTED AND".

Page 81, line 17, delete "1996 2008" and insert "2008".

Page 81, line 20, delete "2000 2006" and insert "2006".

Page 81, line 21, delete "nine (9)" and insert "ten (10)".

Page 81, line 28, delete "IC 3-11-2. IC 3-11." and insert "IC 3-11.".

Page 81, line 29, delete "1996 2008" and insert "2008".

Page 81, line 31, delete "fifteen (15)" and insert "sixteen (16)".

Page 81, line 32, delete "2000 2006" and insert "2006".

Page 81, line 33, delete "seventeen".

Page 81, line 34, delete "(17)" and insert "twenty (20)".

(Reference is to EHB 1011 as reprinted February 24, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
LAWSON

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1128 because it conflicts with Senate Enrolled Act 145-2006 without properly recognizing the existence of SEA 145-2006, has had EHB 1128 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1128 be corrected as follows:

Page 1, line 1, before "IS" insert ", AS AMENDED BY SEA 145-2006, SECTION 5,".

Page 2, line 17, reset in roman "If the court grants probationary driving".

Page 2, reset in roman lines 18 through 21.

Page 2, line 22, reset in roman "under IC 9-30-8."

Page 3, line 37, before "IS" insert ", AS AMENDED BY SEA 145-2006, SECTION 10,".

Page 3, line 38, reset in roman "(a)".

Page 3, line 41, reset in roman "except as provided in subsection (b),".

Page 4, reset in roman lines 4 through 6.

(Reference is to EHB 1128 as reprinted March 1, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
WYSS

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, March 13, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 3:06 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1347 because it conflicts with House Enrolled Act 1093-2006 without properly recognizing the existence of HEA 1093-2006, has had EHB 1347 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1347 be corrected as follows:

Page 4, line 38, delete "ADDED BY P.L.1-2005, SECTION".

Page 4, line 39, delete "4," and insert "AMENDED BY HEA 1093-2006, SECTION 1,".

Page 5, line 37, after "including" insert":

(A)".

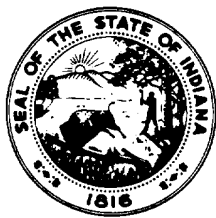
Page 5, line 39, delete "." and insert "; and

(B) the number of incidents reported under IC 20-33-9."

(Reference is to EHB 1347 as printed February 17, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
LUBBERS

Report adopted.



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Thirty-second Meeting Day

Monday Afternoon

March 13, 2006

The Senate convened at 1:46 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 356: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: Pursuant to Senate Rule 83(j) your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 106, 266, 284, and 305 and Engrossed House Bill and 1117 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports eligible for

consideration.

GARTON, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 64

Senate Concurrent Resolution 64, introduced by Senator Lubbers:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to study issues pertaining to early learning and reading.

Whereas, Article 8, Section 1 of the Indiana Constitution establishes that knowledge and learning are essential to the preservation of a free government;

Whereas, Early learning opportunities promoting reading readiness are critical because students must learn to read before they can read to learn;

Whereas, Experts agree the earliest years of a child's life—in the home, in the neighborhood, and in early education programs like kindergarten—are key to predicting success in school and life;

Whereas, Children who are not provided with the necessary early learning opportunities and reading readiness skills typically enter first grade behind their peers and struggle throughout their schooling;

Whereas, Early learning and reading readiness are keys to eliminating the student achievement gap that exists at all levels of Indiana's education system;

Whereas, Students who do not learn to read well early on are at a higher risk of dropping out of school and are subject to limited opportunities in their adult lives;

Whereas, The English/language arts test scores of Indiana's students on state and national assessments have remained relatively unchanged over the past ten years and are not segregated to show true comprehension skills;

Whereas, Students who lack early learning opportunities and strong literacy skills often struggle as adults to earn a wage that can support a family and face difficulties in helping their own children succeed in school;

Whereas, Today's policymakers are more clear about what we expect children to be able to do when they enter first grade so that early education and kindergarten programs can be geared toward

specific measurable goals;

Whereas, Early learning and kindergarten research shows that gains in academic achievement, lower grade retention rates, improved attendance and social skills, and fewer special education referrals; and

Whereas, Educated and productive citizens are fundamental to ensuring a strong democracy, a successful economy, and the health and welfare of the people of Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Legislative Council is urged to establish and interim study committee to study the issues pertaining to early learning and reading.

SECTION 2. That the study committee, if established, shall study and make recommendations concerning the following issues:

- a. In the area of assessment, to investigate the most efficient way of disaggregating reading scores from English/language arts ISTEP-Plus results to transparently show student proficiency and weaknesses;
- b. In the area of content and curriculum, to increase the emphasis on reading in all content areas and at all grades;
- c. In the area of textbook adoption, to strengthen rigor of reading levels among all subject areas;
- d. In the areas of libraries and media centers, to survey local schools regarding the age, student usage, interest, and need of printed materials;
- e. In the area of best practices, to continue research by the Department on local, state, and national efforts to promote, increase, improve, and measure reading; and to continue research on the impact of early learning and kindergarten programs on academic achievement, grade retention, attendance, social skills, and special education referrals; and
- f. To inform the Governor, General Assembly, State Board, Education Roundtable, schools, businesses, and communities of Indiana of all findings.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and shall issue a report when directed to do so by the Council.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 42

Senate Resolution 42, introduced by Senator Landske:

A SENATE RESOLUTION to urge the Legislative Council to establish an interim study committee to study issues pertaining to smoke detectors and sprinkler systems in health facilities.

Whereas, All Indiana health facility residents should be protected by sufficient fire protection systems;

Whereas, It is not known to what extent Indiana health facility residents are currently protected by smoke detection systems;

Whereas, Legislation in the 2006 Regular Session of the General Assembly will require data to be collected regarding the extent to which Indiana health facility residents are currently protected by smoke detection systems;

Whereas, There are currently no state licensing requirements for persons who install fire protection systems;

Whereas, These fire protection systems should be installed by licensed contractors and installers to ensure that the systems work properly and protect the residents as intended; and

Whereas, An interim study committee could determine the safety of Indiana health facility residents and recommend changes that need to be made in health facility environments to make them safer for the residents: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate recognizes the importance of ensuring the safety of Indiana health facility residents.

SECTION 2. That the committee, if established, should:

- a. Study which Indiana health facilities currently have smoke detectors in resident rooms and the types of smoke detectors the facilities are using;
- b. Evaluate smoke detection systems currently available and determine which types of systems provide the greatest safety for health facility residents;
- c. Evaluate the fiscal impact of requiring all Indiana health facilities to install recommended smoke detection systems in each resident room;
- d. Review and make recommendations regarding the statewide licensing of fire sprinkler contractors and installers; and
- e. Consider any other issues pertaining to the safety of residents of Indiana health facilities.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and that the committee shall present its findings and recommendations in a final report when directed to do so by the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 43

Senate Resolution 43, introduced by Senator Landske:

A SENATE RESOLUTION to urge the Legislative Council to establish an interim study committee to study issues pertaining to the care and management of diabetes at school.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to establish an interim study committee to study the issues relating to the care and management of student diabetes at school.

SECTION 2. That the interim study committee, if directed to take such action, shall operate under the direction of the Legislative Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

SENATE MOTION

Madam President: I move that the Senate rescind its action whereby it adopted the Motion to Dissent on Engrossed Senate Bill 339 and that said Motion be withdrawn.

MERRITT

Motion prevailed.

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 10th day of March, 2006, signed Senate Enrolled Acts: 11, 35, 40, 55, 57, 71, 102, 111, 114, 147, 160, 206, 264, 310, 342, and 354.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 9, 2006, I signed the following enrolled acts into law: SEA 232, 236, 246, 277, 332, 373, and 384.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has appointed the following Representatives to a conference committee to confer with a like committee of the Senate on Engrossed Senate Bill 339:

Conferees:

Duncan and Pflum

Advisors:

Wolkins and Tyler

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolution 70 and the

same is herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed House Concurrent Resolutions 71, 72, and 73 and the same are herewith transmitted for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 60 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 21 Committee Report on Engrossed Senate Bill 235.

M. CAROLINE SPOTTS
Principal Clerk of the House

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1420:

Conferees: Gard and Breaux

GARTON
Date: 3/13/2006
Time: 11:00 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1080:

Conferees: Hershman and Hume
Advisors: Wyss and Rogers

GARTON
Date: 3/13/2006
Time: 10:11 a.m.

Report adopted.

**REPORT OF THE
PRESIDENT PRO TEMPORE**

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed Senate Bill 339:

Conferees: Paul and Rogers

GARTON
Date: 3/9/2006
Time: 3:04 p.m.

Report adopted.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 9, 2006, signed Senate Enrolled Act 283.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1013.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1022.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1028.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1097.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1106.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1112.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1113.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1124.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1136.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1156.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13,

2006, signed House Enrolled Act 1207.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1232.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1236.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1368.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1395.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1397.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1418.

ROBERT D. GARTON
President Pro Tempore

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 53

Senate Concurrent Resolution 53, introduced by Senator Waltz:

A CONCURRENT RESOLUTION to recognize and congratulate the home school students who make up the graduating class of 2006.

Whereas, The Indiana Foundation for Home Schooling (IFHS) hosts a statewide graduation ceremony each year to recognize home school students who are graduating;

Whereas, The IFHS 12th Annual Statewide Home School Graduation Ceremony for Indiana students will be held in Indianapolis in May 2006; and

Whereas, The Indiana Senate recognizes the achievements of the 2006 home school graduates and commends them on their accomplishment: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana Senate recognizes the Indiana Foundation for Home Schooling for hosting a graduation ceremony for graduating home school students.

SECTION 2. That the Indiana Senate congratulates each member of the 2006 Home School Graduating Class.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Beth Patterson of the Indiana Foundation for Home Schooling.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Frizzell.

Senate Concurrent Resolution 61

Senate Concurrent Resolution 61, introduced by Senators Wyss and Long:

A CONCURRENT RESOLUTION congratulating the Fort Wayne Bishop Luers High School girls basketball team on its Class 3A girls state basketball championship.

Whereas, Ninth ranked Fort Wayne Bishop Luers defeated seventh ranked Evansville Memorial to win the Class 3A girls basketball state championship by a score of 65 - 54;

Whereas, This victory gave the Knights a record fifth state championship; no other school has more than three;

Whereas, This year also marked the sixth girls basketball championship game the Knights have appeared in since 1999; no other school has appeared in more than four;

Whereas, This year's victory was the second state title for fifth-year coach Teri Rosinski, who had guided the Knights to the 3A title in 2002 and a runner-up finish in 2004;

Whereas, The Knights, who had a 24-4 record for the season, had a strong first quarter fired by Vini Dawson's 10 points, and outscored Evansville Memorial 24-10, tying a Class 3A state record for the most points in a quarter;

Whereas, Fort Wayne Bishop Luers was led by freshman Kelsey Wyss, who scored 21 points and had eight rebounds, and sophomore Amanda Pedro, who scored 13 points and had 14 rebounds;

Whereas, The Evansville Memorial Tigers never got closer than seven points throughout the game;

Whereas, Fort Wayne Bishop Luers finished the season with 17 straight victories;

Whereas, Teri Rosinski became the third woman to both play and coach in the state finals and, in 2002, the first to win a state championship; and

Whereas, Excellence of this caliber deserves special recognition: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the members of the Bishop Luers High School girls basketball team on their victory in the Class 3A state basketball championship and wishes them continued success in the future.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to each member of the team, Coach Teri Rosinski, and Mary Keefer, principal of Fort Wayne Bishop Luers High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Borrer and GiaQuinta.

House Concurrent Resolution 73

House Concurrent Resolution 73, sponsored by Senator Lawson:

A CONCURRENT RESOLUTION congratulating the Plainfield Community School Corporation on having all its schools selected as Four Star School Award winners.

Whereas, The Four Star School Award is presented by Dr. Suellen Reed, Superintendent of Public Instruction for the state of Indiana, to schools in recognition of attaining scores in the top 25 percent of all Indiana schools in language arts, mathematics, total Indiana

Statewide Testing for Educational Progress (ISTEP) battery, and attendance during a particular school year;

Whereas, For the second year in a row, the Plainfield Community School Corporation has fulfilled these requirements, making this school corporation the only school corporation in Indiana to have all its schools earn Four Star status;

Whereas, The students and teachers of Plainfield Community School Corporation have received this honor because of their hard work, dedication to improvement, and strong desire to learn;

Whereas, The success of the Plainfield Community School Corporation can be attributed to the efforts of the principals, teachers, staff, students, and parents of all the schools working together to maintain the high level of achievement at their school;

Whereas, The success of the Plainfield Community School Corporation can be credited to good leadership skills, exceptional teachers, outstanding students, and great staffs; and

Whereas, The schools of the Plainfield Community School Corporation, Plainfield High School, Plainfield Middle School, Brentwood Elementary School, Central Elementary School, and Van Buren Elementary School, make a strong statement about the quality of Indiana teachers and the high scholastic standards that exist in Hoosier schools: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly congratulates the students and teachers of the Plainfield Community School Corporation on the selection of each school as a Four Star School and on the effort put forth by the students, teachers, and parents in obtaining this award and urges them to continue to strive for excellence in education throughout their lives.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. Jerry Holifield, superintendent of the Plainfield Community School Corporation.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 47

House Concurrent Resolution 47, sponsored by Senator Steele:

A CONCURRENT RESOLUTION honoring We Care Indiana.

Whereas, We Care Indiana, established in 2005, is a nonprofit organization created to help those who have been ravaged by natural

disasters;

Whereas, We Care Indiana came into being because of a desire on the part of the people of Lawrence County, Indiana, to help the people of the Gulf Coast following the landfall of Hurricane Katrina;

Whereas, We Care Indiana created a web site with the goal of not only collecting donations for those in need but also serving as a central point of contact;

Whereas, We Care Indiana has adopted the people of Lawrence County, Mississippi, and is focusing on the needs of the children;

Whereas, The children of Lawrence County, Mississippi, have been through so much hardship in recent days and are bravely trying to move forward with their lives;

Whereas, We Care Indiana is helping these children as they return to school by donating supplies such as backpacks, pencils, loose-leaf paper, folders with prongs and pockets, colored pencils, calculators, ink pens, crayons, magic markers, and compasses; and

Whereas, We Care Indiana is an excellent example of the caring nature of Hoosiers, who are ready, willing, and able to extend a hand of friendship and compassion in time of need: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to express its admiration for the dedication of these wonderful Hoosiers and to encourage them and all Hoosiers to continue to help those in need.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to Jim and Dana Sowders, Kelly Cobb, Dennis Turner, and Bedford Mayor Joe Klumpp.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

House Concurrent Resolution 71

House Concurrent Resolution 71, sponsored by Senator Miller:

A CONCURRENT RESOLUTION honoring Dr. E.B. Carver on the occasion of his retirement.

Whereas, After 47 years in the field of education, Dr. E.B. Carver will be retiring at the end of the 2006 school year;

Whereas, For the last 23 years, Dr. Carver has served as superintendent of the Franklin Township School Corporation;

Whereas, Before becoming superintendent, Dr. Carver was a high

school principal for 19 years, including four years at Franklin Central High School, and one year as interim superintendent of the Franklin Township School Corporation;

Whereas, One of the most memorable accomplishments of Dr. Carver's outstanding career is his skillful management of the tremendous growth in student enrollment;

Whereas, When Dr. Carver became superintendent in April 1984, there were 3,900 students in the school corporation; the number has now grown to 7,900 and the number of schools has grown from six in 1983 to 13 by 2009;

Whereas, Under the guidance of Dr. Carver, Franklin Township became the first school district in Marion County to reorganize grade levels in order to create an intermediate school that could provide a more appropriate educational setting for preadolescent students;

Whereas, Dr. Carver also established a Freshman Academy to provide a smoother transition for students moving from middle school to high school;

Whereas, During his time as superintendent, Dr. Carver developed a wonderful working relationship with the community by establishing the Franklin Township Education Foundation, developing a partnership with Indy Parks to create parkland for joint use by the schools and the community, and opening the fitness center and natatorium at Franklin Central High School to the public when the facilities are not in use by the students; and

Whereas, Dr. E.B. Carver has served the families of Franklin Township with distinction, leading the school corporation through a period of unprecedented growth: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly wishes to recognize the many accomplishments of Dr. E.B. Carver and to wish him well in his retirement.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Dr. E.B. Carver and his family.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

Senate Concurrent Resolution 62

Senate Concurrent Resolution 62, introduced by Senator Alting:

A CONCURRENT RESOLUTION congratulating the Central Catholic girls basketball team on winning the Class A State

Championship Title.

Whereas, The 31st Annual IHSAA Girls Basketball State Finals were held on March 4, 2006 at Conseco Fieldhouse in Indianapolis;

Whereas, In regional and semi-state competition, the Central Catholic Knights defeated Indianapolis Lutheran, Tri-Central, and Argos to earn the opportunity to compete in the State Finals;

Whereas, After opening the season with five straight losses, Central Catholic finished their title run at a record-setting level. The Knights set Class A title game records for free throws made (32) and attempted (43); and

Whereas, The Central Catholic Knights upset the South Central Rebels 75-68 to capture the school's first Girls State Basketball Title: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates the Central Catholic girls basketball team on winning the 2006 Class A State Championship.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Lafayette Catholic School System President, Timothy J. Bobillo; Central Catholic Jr./Sr. High School Principal, Joseph A. Brettnacher; Coach, Geoff Salmon; and to each member of the State Champion Knights basketball team.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Klinker, Micon, and T. Brown.

Senate Concurrent Resolution 63

Senate Concurrent Resolution 63, introduced by Senator Weatherwax:

A CONCURRENT RESOLUTION to congratulate Ana Baracaldo for earning a Prudential Spirit of Community Award.

Whereas, Created in 1995, the Prudential Spirit of Community Awards are presented by Prudential Financial in partnership with the National Association of Secondary School Principals (NASSP). The Prudential Spirit of Community Awards program is America's largest youth recognition program based exclusively on volunteerism;

Whereas, This prestigious award honors young volunteers across America who have demonstrated an extraordinary commitment to serving their communities. In the 11th annual Prudential Spirit of Community Awards, Ana Baracaldo of Converse was named the top high school volunteer in Indiana for 2006. She is a senior at Oak Hill

High School;

Whereas, Miss Baracaldo earned this award by giving generously of her time and energy to provide Spanish-language books to children at a needy school in her native country of Colombia. She founded "Books for Peace" after discovering that many children in rural areas of Colombia only go to school through eighth grade, that illiteracy rates are shockingly high there, and that young people often end up working in coca fields because of a lack of education;

Whereas, She aspires to give the Colombian youth a chance to share her love of books and allow them to say no to cocaine farming by educating themselves. With support from her parents, Miss Baracaldo created a brochure, spoke at churches and Rotary Clubs, wrote to publishers for donations, and solicited funds from companies, community groups, and friends. After collecting more than \$3,000 worth of books and \$2,000 in cash, she contacted the Colombian Ministry of Education to find a school that needed a library; and

Whereas, As a State Honoree, Miss Baracaldo will receive a \$1,000 award, an engraved silver medallion, and a trip to Washington, D.C., May 6-9 for a series of national recognition events. On May 8, a prestigious national selection committee will select five National Honorees from the high school State Honorees. The National Honorees receive additional \$5,000 awards, gold medallions, crystal trophies, and \$5,000 grants from The Prudential Foundation for nonprofit, charitable organizations of their choice: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates and honors Miss Ana Baracaldo as a recipient of a Prudential Spirit of Community Award. Recognizing her outstanding record of volunteer service, peer leadership, and community spirit, the Indiana General Assembly wishes Miss Baracaldo continued success in her future endeavors.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Ana Baracaldo and her parents; Oak Hill High School Principal, Joel Martin; and Oak Hill United School Corporation Superintendent, James W. Smith.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Turner, Friend, and McClain.

Senate Resolution 6

Senate Resolution 6, introduced by Senator Sipes:

A SENATE RESOLUTION to congratulate Ashley Heishman for the outstanding accomplishment of receiving the 2005-2006 John

Wooden Scholarship Award for student-athletes.

Whereas, Ashley was one of four high school students in the state to receive the John Wooden Scholarship on Saturday, November 26, 2005 at Conseco Fieldhouse in Indianapolis during the Wooden Classic basketball tournament; and

Whereas, She is a senior at New Albany High School where she is ranked first in her class; and

Whereas, She has been involved in cheerleading, tennis, golf and dance; is a member of the Community Foundation Youth Philanthropy Council and participates in the Back Pack Blessing at The Children's Academy of New Albany; and

Whereas, She is the only student at New Albany to ever receive the John Wooden Scholarship Award; Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The General Assembly congratulates Ashley Heishman for her accomplishment of receiving the 2005-2006 John Wooden Scholarship Award for student-athletes.

SECTION 2. That the Secretary of the Senate shall transmit a copy of this resolution to Ashley Heishman.

The resolution was read in full and adopted by voice vote.

Senate Concurrent Resolution 66

Senate Concurrent Resolution 66, introduced by Senator Jackman:

A CONCURRENT RESOLUTION honoring Mays Elementary School for earning the Four Star School Award from the Indiana Department of Education.

Whereas, Each year, the Indiana Department of Education honors selected schools with Indiana's highest distinction, the Four Star School Award;

Whereas, In order for a state-accredited public school to receive the Four Star School Award, the school must meet Adequate Yearly Progress as defined by the No Child Left Behind Act of 2001. They must also perform in the top twenty-five percent of all public schools in the state in the following four areas: student attendance rates, mathematics proficiency scores, English/language arts proficiency scores, and the percent of students passing both mathematics and English/language arts;

Whereas, On January 30, 2006, Superintendent of Public Instruction, Dr. Suellen Reed, announced the 2004 Four Star School Award recipients. Of the 1,870 schools in Indiana, 198 earned the award; and

Whereas, Mays Elementary, which is part of Rush County Schools, covers portions of four townships and has an enrollment of 200 students. Mays Elementary earned the 2004 Four Star School designation. The school completed the required criteria as well as the additional criteria for state-accredited public schools: Therefore,

*Be it resolved by the Senate of the General Assembly
of the State of Indiana, the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly congratulates Mays Elementary for earning the 2004 Four Star School Award distinction. The students and staff are commended for their hard work and dedication to academic achievement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Dr. Edwin Lyskowski, Rush County Schools Superintendent, and Karen Brown, Mays Elementary Principal.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Cherry.

RESOLUTIONS ON SECOND READING

Senate Concurrent Resolution 9

Senator Riegsecker called up Senate Concurrent Resolution 9 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Woodruff and Summers.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 65

Senate Concurrent Resolution 65, introduced by Senators Heinold and Landske:

A CONCURRENT RESOLUTION honoring Boone Grove Middle School for earning the Four Star School Award from the Indiana Department of Education.

Whereas, Each year, the Indiana Department of Education honors selected schools with Indiana's highest distinction, the Four Star School Award;

Whereas, In order for a state-accredited public school to receive the Four Star School Award, the school must meet Adequate Yearly Progress as defined by the No Child Left Behind Act of 2001. They must also perform in the top twenty-five percent of all public schools in the state in the following four areas: student attendance rates, mathematics proficiency scores, English/language arts proficiency scores, and the percent of students passing both mathematics and English/language arts;

Whereas, On January 30, 2006, Superintendent of Public Instruction, Dr. Suellen Reed, announced the 2004 Four Star School Award recipients. Of the 1,870 schools in Indiana, 198 earned the award; and

Whereas, By completing the required criteria for state-accredited public schools, Boone Grove Middle School, which is part of the Porter Township School Corporation, earned the 2004 Four Star School designation: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Boone Grove Middle School for earning the 2004 Four Star School Award distinction. The students and staff are commended for their hard work and dedication to academic achievement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Nicholas Brown, Porter County School Corporation Superintendent, and Larry Allen, Boone Grove Middle School Principal.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Ayres.

Senate Resolution 44

Senate Resolution 44, introduced by Senator Nugent:

A SENATE RESOLUTION to congratulate Nugent Tractor Sales on its 50th anniversary.

Whereas, Selling and servicing Ford tractors and farm equipment, Nugent Tractor Sales was founded in 1956 by Carl Nugent, father of State Senator Johnny Nugent;

Whereas, Nugent Tractor Sales was originally located in the downtown area of Lawrenceburg, but in the first two years, it quickly outgrew its Dearborn County home;

Whereas, In 1958, Nugent Tractor Sales acquired property and facilities on U.S. Highway 50 west of Lawrenceburg. The business remains there today and provides much more room for growth and prosperity;

Whereas, Nugent Tractor Sales soon added franchises, including Massey Ferguson Tractor, New Holland, and Cub Cadet Lawn and Garden Power Equipment;

Whereas, Retiring due to health concerns in 1968, Carl Nugent sold the business to his son, Johnny;

Whereas, Nugent Tractor Sales, where "Business is Good," continued to grow and prosper throughout the 1970s and 1980s. In

1990, Johnny Nugent proudly took his daughter, Suzi Nugent-Randall into the business as a partner; and

Whereas, After 50 years in business, Nugent Tractor Sales continues to prosper and consistently soars past sales records year after year. Their slogan remains "Business is Good." Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana:

SECTION 1. That the Indiana Senate congratulates Nugent Tractor Sales on its 50th anniversary and wishes them the best in the years to come.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Johnny Nugent and Suzi Nugent-Randall.

The resolution was read in full and adopted by voice vote.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I withdraw the call on the motion that the Senate do concur with the House amendments to Engrossed Senate Bill 338.

MERRITT

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1117-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1117 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Replace the effective dates in SECTIONS 8 through 9 with "[EFFECTIVE UPON PASSAGE]".

Page 5, line 1, delete "June 30," and insert "**March 1**,".

(Reference is to EHB 1117 as reprinted March 1, 2006.)

Wolkins, Chair

Gard

Dvorak

Hume

House Conferees

Senate Conferees

Roll Call 357: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 106-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 106 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-5-39, AS ADDED BY P.L.195-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. (a) As used in this section, "cargo trailer" means a vehicle:

- (1) without motive power;
- (2) designed for carrying property;
- (3) designed for being drawn by a motor vehicle; and
- (4) having a gross vehicle weight rating of at least two thousand two hundred (2,200) pounds.

(b) As used in this section, "recreational vehicle" means a vehicle with or without motive power equipped exclusively for living quarters for persons traveling upon the highways. The term includes a travel trailer, a motor home, a truck camper with a floor and facilities enabling it to be used as a dwelling, and a fifth wheel trailer.

(c) A transaction involving a cargo trailer, a recreational vehicle, or an aircraft is exempt from the state gross retail tax if:

- (1) the purchaser is a nonresident;
- (2) upon receiving delivery of the cargo trailer, recreational vehicle, or aircraft, the person transports it within thirty (30) days to a destination outside Indiana;
- (3) the cargo trailer, recreational vehicle, or aircraft will be titled or registered for use in another state or country; and
- (4) the cargo trailer, recreational vehicle, or aircraft will not be titled or registered for use in Indiana; and
- (5) in the case of a transaction involving a cargo trailer or recreational vehicle, the cargo trailer or recreational vehicle will be titled or registered in a state or country that provides an exemption from sales, use, or similar taxes imposed on a cargo trailer or recreational vehicle that is purchased in that state or country by an Indiana resident and will be titled or registered in Indiana.

The amount of the exemption for a cargo trailer or recreational vehicle is determined in subsection (d). A transaction involving a cargo trailer or recreational vehicle that does not meet the requirements of subdivision (5) is not exempt from the state gross retail tax.

(d) The amount of the exemption for a cargo trailer or a recreational vehicle under this section is equal to the amount of:

- (1) the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered in Indiana; minus
- (2) the sales, use, or similar tax that would have been imposed on the transaction under the laws of the state or country in which the purchaser affirms the cargo trailer or recreational vehicle will be registered;

The amount of the exemption under this section may not exceed the amount of the state gross retail tax that would be imposed on the transaction if the cargo trailer or recreational vehicle were registered in Indiana. A retail merchant that accepts an exemption claim for a cargo trailer or recreational vehicle under this section shall, within

sixty (60) days after the date of the transaction, have on file a copy of the purchaser's title or registration of the cargo trailer or recreational vehicle outside Indiana or pay to the state the amount of the exemption.

(c) Any state gross retail tax due after the application of the exemption provided by this section must be paid to the retail merchant.

(f)(d) A purchaser must claim an exemption under this section by submitting to the retail merchant an affidavit stating the purchaser's intent to:

- (1) transport the cargo trailer, recreational vehicle, or aircraft to a destination outside Indiana within thirty (30) days after delivery; and
- (2) title or register the cargo trailer, recreational vehicle, or aircraft for use in another state or country.

The department shall prescribe the form of the affidavit, **which must include an affirmation by the purchaser under the penalties for perjury that the information contained in the affidavit is true.** The affidavit must identify the state or country in which the cargo trailer, recreational vehicle, or aircraft will be titled or registered. ~~Within sixty (60) days after the date of the transaction, the purchaser shall provide to the retail merchant a copy of the purchaser's title or registration of the cargo trailer, recreational vehicle, or aircraft outside Indiana.~~

(g)(e) The department shall provide the information necessary to calculate the amount of **determine a purchaser's eligibility for an exemption claimed under this section to retail merchants in the business of selling cargo trailers or recreational vehicles.**

SECTION 2. [EFFECTIVE JULY 1, 2006] IC 6-2.5-5-39, as amended by this act, applies to retail transactions occurring after June 30, 2006.

(Reference is to ESB 106 as printed February 17, 2006.)

M. Young, Chair	Walorski
Broden	Fry
Senate Conferees	House Conferees

Roll Call 358: yeas 50, nays 0. Report adopted.

2:39 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 7:21 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 53, 61, 62, 63, 65, and 66 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 67

Senate Concurrent Resolution 67, introduced by Senator Meeks:

A CONCURRENT RESOLUTION urging the Legislative Council to establish an interim study committee to study issues pertaining to public transportation and commerce.

Whereas, Every dollar invested in public transportation boosts worker output by five dollars;

Whereas, Major cities outside of Indiana have seen as much as a forty percent increase in retail and business redevelopment around public transit facilities;

Whereas, Major Indiana businesses have begun to invest in facilities to manufacture energy efficient and environmentally-friendly engines, transmissions, and other components designed for the public transportation sector;

Whereas, A favorable tax and business incentive policy has been an integral component of every public transportation development project;

Whereas, There is a need to gather economic and financial information on the optimal mix of public and private investments needed to grow Indiana's emerging public transportation equipment industry and secure the economic benefits of public transportation for Indiana: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Legislative Council is urged to establish an interim study committee to study public transportation and commerce.

SECTION 2. That the study committee, if established, shall study and make recommendations concerning public transportation and commerce.

SECTION 3. That the committee, if established, shall operate under the direction of the Legislative Council and shall issue a report when directed to do so by the Council.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 45

Senate Resolution 45, introduced by Senator Meeks:

A SENATE RESOLUTION to encourage the President of the United States, the Indiana United States Congressional Delegation, and the Governor of the State of Indiana to make it a priority to

advance the commitment to community integration and personal security for individuals with mental retardation or other developmental disabilities, including autism, cerebral palsy, Down syndrome, epilepsy, and other related conditions, by ensuring a stable, high quality, direct support workforce.

Whereas, There are more than 15,000 Indiana citizens with mental retardation or other developmental disabilities (hereinafter "qualifying individuals") that are receiving services and approximately 15,000 additional Indiana citizens waiting to receive these services;

Whereas, Qualifying individuals have substantial limitations on their functional capacities, including limitations in three or more of the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency, as well as the continuous need for individually planned and coordinated services;

Whereas, For the past two decades, qualifying individuals and their families have increasingly expressed their desire to live and work in their communities;

Whereas, The Supreme Court, in its Olmstead decision, affirmed the right of qualifying individuals to receive community-based services as an alternative to institutional care. Since this decision was handed down, the demand for community supports and services has grown rapidly as States continue to move more individuals from institutions into the community;

Whereas, Families and private providers that employ direct support professionals deliver the majority of supports and services for qualifying individuals in the community;

Whereas, Direct support professionals provide a wide range of supportive services on a day-to-day basis, including habilitation, health needs, personal care and hygiene, employment, transportation, recreation, housekeeping and other home management-related supports and services so that these individuals can live and work in their communities;

Whereas, Private providers and the individuals for whom they provide supports and services are in jeopardy as a result of the growing crisis in recruiting and retaining a direct support workforce;

Whereas, providers of supports and services typically draw from a labor market that competes with other entry-level jobs that involve less physically and emotionally demanding work, and higher pay and other benefits. As a result, these direct support jobs are not currently competitive in today's labor market. Annually, the national industry turnover rates for direct support workers range from 40 to 75 percent;

Whereas, This workforce shortage is the most significant barrier

to implementing the *Olmstead* decision and undermines the expansion of community integration as called for by President Bush's New Freedom Initiative, placing the community support infrastructure at risk; and

Whereas, The Indiana Association of Rehabilitation Facilities is committed to supporting the provision of safe and high-quality supports to qualifying individuals who benefit from community based services for the developmentally disabled through recognition of the quality of care provided by the direct support staff who deliver those services in community-based settings: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate recognizes that building a stable, well-trained direct support workforce to provide supports and services to individuals with mental retardation and other developmental disabilities is important in advancing Indiana's commitment to community integration for those individuals and to personal security for them and their families.

SECTION 2. That the Indiana Senate seeks to encourage this by taking advantage of all resources, both federal and state, for developing and expanding career options and opportunities to meet this workforce crisis of direct support professionals in Indiana.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to President George W. Bush, every member of the Indiana United States Congressional Delegation, and Governor Mitchell E. Daniels.

The resolution was read in full and referred to the Committee on Health and Provider Services.

Senate Resolution 46

Senate Resolution 46, introduced by Senators Delph, Wyss, and Kenley:

A SENATE RESOLUTION urging the Legislative Council to assign to the Commission on State Tax and Financing Policy the topic of the eligibility of certain military benefits.

Whereas, In order to provide the best possible benefits for members of all branches of the armed forces, the Legislative Council is urged to have the Commission on State Tax and Financing Policy study this topic further: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to assign to the Commission on State Tax and Financing Policy the topic of the eligibility of certain military benefits.

SECTION 2. That the Commission on State Tax and Financing Policy should study the following topics:

- (1) the zero percent (0%) disability threshold for statutory fee remission for educational benefits; and
- (2) eligibility of the active component of the armed forces for grants from the military family relief fund.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

SENATE MOTION

Madam President: I move that Senator Zakas be added as coauthor of Engrossed Senate Bill 106.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse and Delph be added as coauthors of Senate Concurrent Resolution 53.

WALTZ

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kruse be added as coauthor of Senate Concurrent Resolution 61.

WYSS

Motion prevailed.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 13, 2006, I signed the following enrolled acts into law: SEA 374, 308, 205, 201, 191, 173, 169, 154, 151, 146, 69, 39, 33, and 36.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1017.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1024.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1089.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1108.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1150.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1238.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1280.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed House Enrolled Act 1300.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13,

2006, signed Senate Enrolled Act 145.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 157.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 161.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 234.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 247.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 269.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 297.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 300.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March, 2006, signed Senate Enrolled Act 382.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 353.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 369.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 22.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13, 2006, signed Senate Enrolled Act 42.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 13,

2006, signed Senate Enrolled Act 100.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Conference Committee Report 1010-1 to Engrossed House Bill 1010, filed March 9, 2006, be withdrawn from further consideration by the Senate.

BRAY

Motion prevailed.

**PRESIDENT PRO TEMPORE'S REPORT
OF
CONFEREE CHANGES**

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed House Bill 1315:

Landske
Sipes

GARTON
Date: 3/13/2006
Time: 7:24 p.m.

**PRESIDENT PRO TEMPORE'S REPORT
OF
CONFEREE CHANGES**

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has removed the following senator(s) as conferee(s) or advisor(s) on Engrossed House Bill 1080:

Hershman
Hume
Advisors: Wyss
Rogers

GARTON
Date: 3/13/2006
Time: 7:23 p.m.

CONFERENCE COMMITTEE REPORTS

**CONFERENCE COMMITTEE REPORT
ESB 266-1**

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 266 respectfully reports that said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-10-8-7.7, AS AMENDED BY P.L.196-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.7. (a) As used in this section, "covered individual" means an individual who is covered under a health care plan.

(b) As used in this section, "health care plan" means:

- (1) a self-insurance program established under section 7(b) of this chapter to provide group health coverage; or
- (2) a contract entered into under section 7(c) of this chapter to provide health services through a prepaid health care delivery plan.

(c) As used in this section, "health care provider" means a:

- (1) physician licensed under IC 25-22.5; or
- (2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(d) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared, with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this subsection, body mass index is equal to weight in kilograms divided by height in meters squared.

(e) Except as provided in subsection (f), the state shall provide coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(f) The state may not provide coverage for surgical treatment of morbid obesity for a covered individual who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the covered individual; or
- (2) restore the covered individual's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the covered individual's medical record the reason for the physician's determination.

SECTION 2. IC 16-40-3-2, AS ADDED BY P.L.196-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) **As used in this section, "major complication" means a complication from surgical treatment for morbid obesity that:**

- (1) requires an extended hospitalization, additional surgical treatment, or invasive drug therapy within thirty (30) days of the original surgical treatment; or**

(2) results in a permanent disability.

(b) As used in this section, "serious side effect" means a nutritional deficiency that requires hospitalization or invasive therapy.

(c) A physician who is licensed under IC 25-22.5 and who performs a surgical treatment for the treatment of morbid obesity shall do the following:

(1) Before performing surgery, discuss the following with the patient:

- (A) The requirements to qualify for the surgery.**
- (B) The details of the surgery.**
- (C) The possible complications from the surgery.**
- (D) The side effects from the surgery, including lifestyle changes and dietary protocols.**

(1) (2) Monitor the patient for five (5) years following the patient's surgery, unless the physician is unable to locate the patient after making reasonable efforts. and

(2) (3) Report before June 30 and before December 31 of each year:

(A) to; and

(B) in a manner prescribed by;

the state department any death, or serious side effect, or major complication of the patient.

(b) (d) The A report required in subsection (a) by subsection (c)(3) must include the following information:

- (1) The gender of the patient.**
- (2) The name of the physician who performed the surgery.**
- (3) The location where the surgery was performed.**
- (4) Information concerning the death, serious side effect, or major complication and the circumstances in which the death, serious side effect, or major complication occurred.**
- (5) The comorbidities, body mass index, and waist circumference of the patient:**
 - (A) at the time of the surgical treatment; and**
 - (B) thirty (30) days, ninety (90) days, and one (1) year after surgical treatment.**
- (6) Whether the patient has had previous abdominal surgery.**

SECTION 3. IC 16-40-3-3, AS ADDED BY P.L.196-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The state department shall collect and maintain the information reported to the state department under section 2 of this chapter.

(b) The reports made under ~~section 2(a)(2)~~ **section 2(c)(3)** of this chapter are ~~public records and are confidential. However, the state department may compile statistical reports from information contained in reports made under section 2(c)(3) of this chapter. Any statistical report is subject to public inspection. However, the state department may not release any information contained in the reports that the state department determines may reveal the patient's identity.~~

SECTION 4. IC 27-8-14.1-4, AS AMENDED BY P.L.196-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), an insurer that issues an accident and sickness

insurance policy shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(b) An insurer that issues an accident and sickness insurance policy may not provide coverage for a surgical treatment of morbid obesity for an insured who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the insured; or
- (2) restore the insured's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the insured's medical record the reason for the physician's determination.

SECTION 5. IC 27-13-7-14.5, AS AMENDED BY P.L.196-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) As used in this section, "health care provider" means a:

- (1) physician licensed under IC 25-22.5; or
- (2) hospital licensed under IC 16-21;

that provides health care services for surgical treatment of morbid obesity.

(b) As used in this section, "morbid obesity" means:

- (1) a body mass index of at least thirty-five (35) kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes; or
- (2) a body mass index of at least forty (40) kilograms per meter squared without comorbidity.

For purposes of this subsection, body mass index equals weight in kilograms divided by height in meters squared.

(c) Except as provided in subsection (d), a health maintenance organization that provides coverage for basic health care services under a group contract shall offer coverage for nonexperimental, surgical treatment by a health care provider of morbid obesity:

- (1) that has persisted for at least five (5) years; and
- (2) for which nonsurgical treatment that is supervised by a physician has been unsuccessful for at least ~~eighteen (18)~~ **six (6)** consecutive months.

(d) A health maintenance organization that provides coverage for basic health care services may not provide coverage for surgical treatment of morbid obesity for an enrollee who is less than twenty-one (21) years of age unless two (2) physicians licensed under IC 25-22.5 determine that the surgery is necessary to:

- (1) save the life of the enrollee; or
- (2) restore the enrollee's ability to maintain a major life activity (as defined in IC 4-23-29-6);

and each physician documents in the enrollee's medical record the reason for the physician's determination

(Reference is to ESB 266 as reprinted March 1, 2006.)

Miller, Chair
Sipes
Senate Conferees

Lehe
C. Brown
House Conferees

Roll Call 359: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 284-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 284 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 4 through 23.

(Reference is to ESB 284 as printed February 22, 2006.)

Wyss, Chair
Brodén
Senate Conferees

T. Brown
C. Brown
House Conferees

Roll Call 360: yeas 50, nays 0. Report adopted.

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 12, 77, 112, 168, 202, 321, 340, and 355 and Engrossed House Bill 1353 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 305-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 305 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-170.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 170.7. "Special purpose bus" has the meaning set forth in IC 20-27-2-10.**

SECTION 2. IC 9-21-5-14, AS ADDED BY P.L.1-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A person may not operate a school bus **or a special purpose bus** at a speed greater than:

(1) fifty-five (55) miles per hour on a federal or state highway;
or

(2) forty (40) miles per hour on a county or township highway.

(b) If the posted speed limit is lower than the absolute limits set in this section or if the absolute limits do not apply, the maximum lawful speed of a bus is the posted speed limit.

SECTION 3. IC 9-21-12-11, AS AMENDED BY P.L.231-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) A person who violates section 5, 6, or 7 of this chapter commits a Class C infraction.

(b) A person who knowingly or intentionally violates section 12, 13, 14, 15, 16, or 17 of this chapter commits a Class C misdemeanor.

(c) A person described in section 18(b), 18(c), or 18(d) of this chapter commits a Class B infraction.

SECTION 4. IC 9-21-12-17, AS ADDED BY P.L.1-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) Except as provided in subsection (b), before crossing any railroad track at grade, the driver of a school bus **or special purpose bus** carrying a passenger shall stop the bus within fifty (50) feet but not less than fifteen (15) feet from the nearest rail. While the bus is stopped, the driver shall:

(1) listen through an open door;

(2) look in both directions along the track for an approaching train; and

(3) look for signals indicating the approach of a train.

The driver may not proceed until it is safe to proceed. When it is safe to proceed, the driver shall select a gear that will allow the driver to cross the tracks without changing gears. The driver may not shift gears while crossing the tracks.

(b) The driver is not required to stop when a police officer is directing the flow of traffic across railroad tracks.

(c) Upon conviction of a violation of this section, a driver shall have the driver's operator's license suspended for a period of not less than sixty (60) days in addition to the penalties provided by section 11 of this chapter.

SECTION 5. IC 9-21-12-18 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. **(a) Whenever a school bus or special purpose bus is at a place of departure for transporting passengers, the school bus or special purpose bus emergency escape exits, doors, emergency exit windows, roof exits, and service doors must be free of any obstruction that:**

(1) inhibits or obstructs an exit; or

(2) renders the means of exit hazardous.

(b) A driver who knowingly operates a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

(c) A person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a) is subject to section 11(c) of this chapter.

(d) A school corporation or an entity that employs:

(1) a driver who knowingly operates a school bus or special purpose bus in violation of subsection (a); or

(2) a person who knowingly directs a driver to operate a school bus or special purpose bus in violation of subsection (a);

is subject to section 11(c) of this chapter.

SECTION 6. IC 20-27-3-4, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The committee has the following powers:

(1) The committee may adopt rules under IC 4-22-2 establishing standards for the construction of school buses **and special purpose buses**, including minimum standards for the construction of school buses **and special purpose buses** necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(2) The committee may adopt rules under IC 4-22-2 establishing standards for the equipment of school buses **and special purpose buses**, including minimum standards for the equipment of school buses **and special purpose buses** necessary to be issued a:

(A) valid certificate of inspection decal; and

(B) temporary certificate of inspection decal described in IC 20-27-7-10.

(3) The committee may adopt rules under IC 4-22-2 specifying the minimum standards that must be met to avoid the issuance of an out-of-service certificate of inspection decal.

(4) The committee may provide for the inspection of all school buses **and special purpose buses**, new or old, that are offered for sale, lease, or contract.

(5) The committee may provide for the annual inspection of all school buses **and special purpose buses** and the issuance of certificate of inspection decals.

(6) The committee may maintain an approved list of school buses **and special purpose buses** that have passed inspection tests under subdivision (4) or (5).

(7) The committee may, subject to approval by the state board of accounts, prescribe standard forms for school bus **driver** contracts.

(8) The committee may hear appeals brought under IC 20-27-7-15.

(b) The committee shall adopt rules under IC 4-22-2 to set performance standards and measurements for determining the physical ability necessary for an individual to be a school bus driver.

(c) The certificate of inspection decals shall be issued to correspond with each school year. Each certificate of inspection decal expires on September 30 following the school year in which the certificate of inspection decal is effective. However, for buses that are described in IC 20-27-7-7, the certificate of inspection decal expires on a date that is not later than seven (7) months after the date of the first inspection for the particular school year.

SECTION 7. IC 20-27-3-7, AS ADDED BY P.L.1-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A school bus **or special**

purpose bus sold or delivered in Indiana must meet the standards of construction and equipment set forth in the rules of the committee.

(b) A school bus may not be originally licensed in Indiana until the school bus has been inspected by the state police department and found to comply with these standards.

(Reference is to ESB 305 as reprinted March 1, 2006.)

M. Young, Chair

Hinkle

Rogers

Klinker

Senate Conferees

House Conferees

Roll Call 361: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 340-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 340 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-15-1.8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: Sec. 7. (a) The department shall do the following:

- (1) Develop personnel policies, methods, procedures, and standards for all state agencies.
- (2) Formulate, establish, and administer position classification plans and salary and wage schedules, all subject to final approval by the governor.
- (3) Allocate positions in the state agencies to their proper classifications.
- (4) Approve employees for transfer, demotion, promotion, suspension, layoff, and dismissal.
- (5) Rate employees' service.
- (6) Arrange with state agency heads for employee training.
- (7) Investigate the need for positions in the state agencies.
- (8) Promulgate and enforce personnel rules.
- (9) Make and administer examinations for employment and for promotions.
- (10) Maintain personnel records and a roster of the personnel of all state agencies.
- (11) Render personnel services to the political subdivisions of the state.
- (12) Investigate the operation of personnel policies in all state agencies.
- (13) Assist state agencies in the improvement of their personnel procedures.
- (14) Conduct a vigorous program of recruitment of qualified and able persons for the state agencies.
- (15) Advise the governor and the general assembly of legislation needed to improve the personnel system of this state.
- (16) Furnish any information and counsel requested by the

governor or the general assembly.

(17) Establish and administer an employee training and career advancement program.

(18) Administer the state personnel law, IC 4-15-2.

(19) Institute an employee awards system designed to encourage all state employees to submit suggestions that will reduce the costs or improve the quality of state agencies.

(20) Survey the administrative organization and procedures, including personnel procedures, of all state agencies, and submit to the governor measures to secure greater efficiency and economy, to minimize the duplication of activities, and to effect better organization and procedures among state agencies.

(21) Establish, implement, and maintain the state aggregate prescription drug purchasing program established under IC 16-47-1, as approved by the budget agency.

(b) Salary and wage schedules established by the department under subsection (a) must provide:

(1) for the establishment of overtime policies, which must include: ~~the following~~

~~(1)~~ (A) definition of overtime;

~~(2)~~ (B) determination of employees or classes eligible for overtime pay;

~~(3)~~ (C) procedures for authorization;

~~(4)~~ (D) methods of computation;

~~(5)~~ (E) procedures for payment; **and**

~~(6)~~ (F) a provision that there shall be no mandatory adjustments to an employee's established work schedule in order to avoid the payment of overtime; **and**

(2) that an appointing authority is not required to reduce the salary of an employee who is demoted, unless the appointing authority determines that the salary reduction is warranted for disciplinary reasons or other good cause.

(c) The state personnel advisory board shall advise the director and cooperate in the improvement of all the personnel policies of the state.

(d) The department shall establish programs of temporary appointment for employees of state agencies. A program established under this subsection must contain at least the following provisions:

(1) A temporary appointment may not exceed one hundred eighty (180) working days in any twelve (12) month period.

(2) The department may allow exceptions to the prohibition in subdivision (1) with the approval of the state budget agency.

(3) A temporary appointment in an agency covered by IC 4-15-2 is governed by the procedures of that chapter.

(4) A temporary appointment does not constitute creditable service for purposes of the public employees' retirement program under IC 5-10.2 and IC 5-10.3. However, an employee who served in an intermittent form of temporary employment after June 30, 1986, and before July 1, 2003, shall receive creditable service for the period of temporary employment.

SECTION 2. IC 5-10-8-7, AS AMENDED BY HEA 1134-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The state, excluding state educational institutions (as defined by IC 20-12-0.5-1), may not

purchase or maintain a policy of group insurance, except:

- (1) life insurance for the state's employees;
- (2) long term care insurance under a long term care insurance policy (as defined in IC 27-8-12-5), for the state's employees; ~~or~~
- (3) an accident and sickness insurance policy (as defined in IC 27-8-5.6-1) that covers individuals to whom coverage is provided by a local unit under section 6.6 of this chapter; ~~or~~
- (4) an insurance policy that provides coverage that supplements coverage provided under a United States military health care plan.**

(b) With the consent of the governor, the state personnel department may establish self-insurance programs to provide group insurance other than life or long term care insurance for state employees and retired state employees. The state personnel department may contract with a private agency, business firm, limited liability company, or corporation for administrative services. A commission may not be paid for the placement of the contract. The department may require, as part of a contract for administrative services, that the provider of the administrative services offer to an employee terminating state employment the option to purchase, without evidence of insurability, an individual policy of insurance.

(c) Notwithstanding subsection (a), with the consent of the governor, the state personnel department may contract for health services for state employees and individuals to whom coverage is provided by a local unit under section 6.6 of this chapter through one (1) or more prepaid health care delivery plans.

(d) The state personnel department shall adopt rules under IC 4-22-2 to establish long term and short term disability plans for state employees (except employees who hold elected offices (as defined by IC 3-5-2-17)). The plans adopted under this subsection may include any provisions the department considers necessary and proper and must:

- (1) require participation in the plan by employees with six (6) months of continuous, full-time service;
- (2) require an employee to make a contribution to the plan in the form of a payroll deduction;
- (3) require that an employee's benefits under the short term disability plan be subject to a thirty (30) day elimination period and that benefits under the long term plan be subject to a six (6) month elimination period;
- (4) prohibit the termination of an employee who is eligible for benefits under the plan;
- (5) provide, after a seven (7) day elimination period, eighty percent (80%) of base biweekly wages for an employee disabled by injuries resulting from tortious acts, as distinguished from passive negligence, that occur within the employee's scope of state employment;
- (6) provide that an employee's benefits under the plan may be reduced, dollar for dollar, if the employee derives income from:
 - (A) Social Security;
 - (B) the public employees' retirement fund;
 - (C) the Indiana state teachers' retirement fund;
 - (D) pension disability;
 - (E) worker's compensation;

- (F) benefits provided from another employer's group plan; or
- (G) remuneration for employment entered into after the disability was incurred.

(The department of state revenue and the department of workforce development shall cooperate with the state personnel department to confirm that an employee has disclosed complete and accurate information necessary to administer subdivision (6).)

(7) provide that an employee will not receive benefits under the plan for a disability resulting from causes specified in the rules; and

(8) provide that, if an employee refuses to:

- (A) accept work assignments appropriate to the employee's medical condition;
- (B) submit information necessary for claim administration; or
- (C) submit to examinations by designated physicians;

the employee forfeits benefits under the plan.

(e) This section does not affect insurance for retirees under IC 5-10.3 or IC 5-10.4.

(f) The state may pay part of the cost of self-insurance or prepaid health care delivery plans for its employees.

(g) A state agency may not provide any insurance benefits to its employees that are not generally available to other state employees, unless specifically authorized by law.

(h) The state may pay a part of the cost of group medical and life coverage for its employees.

SECTION 3. IC 5-10.3-6-8.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: **Sec. 8.9.**

(a) This section applies when certain employees of the state in particular departmental, occupational, or other definable classifications are terminated from employment with the state as a result of:

- (1) a lease or other transfer of state property to a nongovernmental entity; or**
- (2) a contractual arrangement with a nongovernmental entity to perform certain state functions.**

(b) The governor shall request coverage under this section from the board whenever an employee of the state is terminated as described in subsection (a).

(c) The board must approve a request from the governor under subsection (b) unless approval violates subsection (k), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

- (1) is at least fifty (50) years of age; and**
- (2) has at least fifteen (15) years of creditable service.**

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;**
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or**

(3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

(1) The governor has requested coverage under this section and provided written notice of the following to the board:

(A) The intent of the state to terminate the employees from employment.

(B) The names of the terminated employees as of the date that the termination is to occur.

(2) The expiration of a thirty (30) day period following the filing of the notice with the board.

(3) The state complies with subsections (g) and (i).

(g) A member who:

(1) is an employee of the state described in subsection (a) with at least twenty-four (24) months of creditable service as of the date of the notice under subsection (f); and

(2) is listed in the notice under subsection (f);

is vested in the pension portion of the member's retirement benefit. The state must contribute to the fund the amount the board determines is necessary to completely fund the vested benefit. The contribution by the state must be made in a lump sum or in a series of payments determined by the board. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(h) A member who is covered by subsection (g) and who is at least sixty-five (65) years of age as of the date of the notice under subsection (f) may elect to retire under IC 5-10.2-4-1 even if the member has less than ten (10) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(i) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

(1) The state shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 and payable from the sources described in subsection (j) sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.

(2) The maximum amount of creditable service that the state may purchase for a member under this subsection is twenty-four (24) months.

(3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(j) The amounts that the state is required to contribute to the

fund under subsection (i) must come from the following sources:

(1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (i).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (i), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (i) in the next biennial state budget.

(k) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 4. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the board of trustees of the fund.

(b) As used in this SECTION, "fund" refers to the public employees' retirement fund established under IC 5-10.3-2-1.

(c) This SECTION applies to an individual who:

(1) was a state employee who, after December 30, 2005, was terminated from employment with the state, as described in IC 5-10.3-6-8.9(a), as added by this act;

(2) was a member of the fund;

(3) had not attained vested status (as defined in IC 5-10.2-1-8) in the fund; and

(4) after December 30, 2005, and before the effective date of this SECTION, received a lump sum distribution from the fund under IC 5-10.2-3-6.

(d) An individual described in subsection (c) who, on the date the individual terminated employment with the state, had earned at least twenty-four (24) months of creditable service in the fund may elect to become vested in the fund under IC 5-10.3-6-8.9(g), as added by this act, by filing with the fund a written notice on a form prescribed by the board.

(e) For the election described in subsection (d) to be effective, the individual must repay to the fund, in the manner and with interest at a rate determined by the board, the lump sum distribution received under IC 5-10.2-3-6.

(f) This SECTION expires January 1, 2007.

SECTION 5. An emergency is declared for this act.

(Reference is to ESB 340 as printed February 24, 2006.)

Wyss, Chair

Woodruff

Rogers

Welch

Senate Conferees

House Conferees

Roll Call 362: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 355-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 355 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. "General assessment provisions of this article" means the law contained in:

(1) chapters 3, 4, 5, 9, 11, 13, 14, 15, 16, 28, 31, and 35 of this article;

(2) sections 4, 6, 7, 8, 11, 12, and 13 of chapter 30 of this article;

(3) sections 1 through 7, inclusive, of chapter 36 of this article; and

(4) sections 2, 3, 7, 8, 9, **10.7**, 11, 12, and 13 of chapter 37 of this article.

SECTION 2. IC 6-1.1-18.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Any civil taxing unit that determines that it cannot carry out its governmental functions for an ensuing calendar year under the levy limitations imposed by section 3 of this chapter may:

(1) before September 20 **of the calendar year immediately preceding the ensuing calendar year**; or

(2) in the case of a request described in section 16 of this chapter, before:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

(B) **with the approval of the county fiscal body of the county in which the civil taxing unit is located, March 1 of the ensuing calendar year**;

appeal to the department of local government finance for relief from those levy limitations. In the appeal the civil taxing unit must state that it will be unable to carry out the governmental functions committed to it by law unless it is given the authority that it is petitioning for. The civil taxing unit must support these allegations by reasonably detailed statements of fact.

(b) The department of local government finance shall promptly deliver to the local government tax control board every appeal petition it receives under subsection (a) and any materials it receives relevant to those appeals. Upon receipt of an appeal petition, the local government tax control board shall immediately proceed to the examination and consideration of the merits of the civil taxing unit's appeal.

(c) In considering an appeal, the local government tax control board has the power to conduct hearings, require any officer or member of the appealing civil taxing unit to appear before it, or require any officer or member of the appealing civil taxing unit to provide the board with any relevant records or books.

(d) If an officer or member:

(1) fails to appear at a hearing of the local government tax control board after having been given written notice from the local government tax control board requiring **his that person's** attendance; or

(2) fails to produce for the local government tax control board's use the books and records that the local government tax control board by written notice required the officer or member to produce;

then the local government tax control board may file an affidavit in the circuit court in the jurisdiction in which the officer or member may be found setting forth the facts of the failure.

(e) Upon the filing of an affidavit under subsection (d), the circuit court shall promptly issue a summons, and the sheriff of the county within which the circuit court is sitting shall serve the summons. The summons must command the officer or member to appear before the local government tax control board, to provide information to the local government tax control board, or to produce books and records for the local government tax control board's use, as the case may be. Disobedience of the summons constitutes, and is punishable as, a contempt of the circuit court that issued the summons.

(f) All expenses incident to the filing of an affidavit under subsection (d) and the issuance and service of a summons shall be charged to the officer or member against whom the summons is issued, unless the circuit court finds that the officer or member was acting in good faith and with reasonable cause. If the circuit court finds that the officer or member was acting in good faith and with reasonable cause or if an affidavit is filed and no summons is issued, the expenses shall be charged against the county in which the affidavit was filed and shall be allowed by the proper fiscal officers of that county.

(g) The fiscal officer of a civil taxing unit that appeals under section 16 of this chapter for relief from levy limitations shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 3. IC 6-1.1-19-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A county board of tax adjustment may not approve or recommend the approval of an excessive tax levy.

(b) If a school corporation adopts or advertises an excessive tax levy, the county board of tax adjustment which reviews the school corporation's budget, tax levy, and tax rate shall reduce the excessive tax levy to the maximum normal tax levy.

(c) If a county board of tax adjustment approves, or recommends the approval of, an excessive tax levy for a school corporation, the auditor of the county for which the county board is acting shall reduce the excessive tax levy to the maximum normal tax levy. Such a reduction shall be set out in the notice required to be published by the

auditor under IC 6-1.1-17-12, and an appeal shall be permitted therefrom as provided under IC 6-1.1-17 as modified by this chapter.

(d) Appeals from any action of a county board of tax adjustment or county auditor in respect of a school corporation's budget, tax levy, or tax rate may be taken as provided for by IC 6-1.1-17. Notwithstanding IC 6-1.1-17, a school corporation may appeal to the department of local government finance for emergency financial relief for the ensuing calendar year at any time before:

(1) September 20 of the calendar year immediately preceding the ensuing calendar year; or

(2) in the case of a request described in section 4.7(a) of this chapter:

(A) December 31 of the calendar year immediately preceding the ensuing calendar year; or

(B) with the approval of the county fiscal body of the county in which the school corporation is located, March 1 of the ensuing calendar year.

(e) In the appeal petition in which a school corporation seeks emergency financial relief, the appellant school corporation shall allege that, unless it is given the emergency financial relief for which it petitions, it will be unable to carry out, in the ensuing calendar year, the public educational duty committed to it by law, and it shall support that allegation by reasonably detailed statements of fact.

(f) When an appeal petition in which a school corporation petitions for emergency financial relief is filed with the department of local government finance, the department shall include, in the notice of the hearing in respect of the petition that it is required to give under IC 6-1.1-17-16, a statement to the effect that the appellant school corporation is seeking emergency financial relief for the ensuing calendar year. A subsequent action taken by the department of local government finance in respect of such an appeal petition is not invalid, however, or otherwise affected, if the department fails to include such a statement in the hearing notice.

(g) The fiscal officer of a school corporation that appeals under section 4.7(a) of this chapter for relief from levy limitations under this chapter shall immediately file a copy of the appeal petition with the county auditor and the county treasurer of the county in which the unit is located.

SECTION 4. IC 6-1.1-21-2, AS AMENDED BY P.L.1-2005, SECTION 92, AND AS AMENDED BY P.L.246-2005, SECTION 64, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter:

(a) "Taxpayer" means a person who is liable for taxes on property assessed under this article.

(b) "Taxes" means property taxes payable in respect to property assessed under this article. The term does not include special assessments, penalties, or interest, but does include any special charges which a county treasurer combines with all other taxes in the preparation and delivery of the tax statements required under IC 6-1.1-22-8(a).

(c) "Department" means the department of state revenue.

(d) "Auditor's abstract" means the annual report prepared by each county auditor which under IC 6-1.1-22-5 is to be filed ~~on or before~~ **March 1** of each year with the auditor of state.

(e) "Mobile home assessments" means the assessments of mobile homes made under IC 6-1.1-7.

(f) "Postabstract adjustments" means adjustments in taxes made subsequent to the filing of an auditor's abstract which change assessments therein or add assessments of omitted property affecting taxes for such assessment year.

(g) "Total county tax levy" means the sum of:

(1) the remainder of:

(A) the aggregate levy of all taxes for all taxing units in a county which are to be paid in the county for a stated assessment year as reflected by the auditor's abstract for the assessment year, adjusted, however, for any postabstract adjustments which change the amount of the aggregate levy; minus

(B) the sum of any increases in property tax levies of taxing units of the county that result from appeals described in:

(i) IC 6-1.1-18.5-13(4) and IC 6-1.1-18.5-13(5) filed after December 31, 1982; plus

(ii) the sum of any increases in property tax levies of taxing units of the county that result from any other appeals described in IC 6-1.1-18.5-13 filed after December 31, 1983; plus

(iii) IC 6-1.1-18.6-3 (children in need of services and delinquent children who are wards of the county); minus

(C) the total amount of property taxes imposed for the stated assessment year by the taxing units of the county under the authority of IC 12-1-11.5 (repealed), IC 12-2-4.5 (repealed), IC 12-19-5, or IC 12-20-24; minus

(D) the total amount of property taxes to be paid during the stated assessment year that will be used to pay for interest or principal due on debt that:

(i) is entered into after December 31, 1983;

(ii) is not debt that is issued under IC 5-1-5 to refund debt incurred before January 1, 1984; and

(iii) does not constitute debt entered into for the purpose of building, repairing, or altering school buildings for which the requirements of IC 20-5-52 (*repealed*) were satisfied prior to January 1, 1984; minus

(E) the amount of property taxes imposed in the county for the stated assessment year under the authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(F) the remainder of:

(i) the total property taxes imposed in the county for the stated assessment year under authority of IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(ii) the total property taxes imposed in the county for the 1984 stated assessment year under the authority of

IC 21-2-6 (repealed) or any citation listed in IC 6-1.1-18.5-9.8 for a cumulative building fund whose property tax rate was not initially established or reestablished for a stated assessment year that succeeds the 1983 stated assessment year; minus

(G) the amount of property taxes imposed in the county for the stated assessment year under:

- (i) IC 21-2-15 for a capital projects fund; plus
- (ii) IC 6-1.1-19-10 for a racial balance fund; plus
- (iii) ~~IC 20-14-13~~ IC 36-12-12 for a library capital projects fund; plus
- (iv) ~~IC 20-5-17.5-3~~ IC 36-10-13-7 for an art association fund; plus
- (v) IC 21-2-17 for a special education preschool fund; plus
- (vi) IC 21-2-11.6 for a referendum tax levy fund; plus
- (vii) an appeal filed under IC 6-1.1-19-5.1 for an increase in a school corporation's maximum permissible general fund levy for certain transfer tuition costs; plus
- (viii) an appeal filed under IC 6-1.1-19-5.4 for an increase in a school corporation's maximum permissible general fund levy for transportation operating costs; minus

(H) the amount of property taxes imposed by a school corporation that is attributable to the passage, after 1983, of a referendum for an excessive tax levy under IC 6-1.1-19, including any increases in these property taxes that are attributable to the adjustment set forth in IC 6-1.1-19-1.5 or any other law; minus

(I) for each township in the county, the lesser of:

- (i) the sum of the amount determined in IC 6-1.1-18.5-19(a) STEP THREE or IC 6-1.1-18.5-19(b) STEP THREE, whichever is applicable, plus the part, if any, of the township's ad valorem property tax levy for calendar year 1989 that represents increases in that levy that resulted from an appeal described in IC 6-1.1-18.5-13(4) filed after December 31, 1982; or
- (ii) the amount of property taxes imposed in the township for the stated assessment year under the authority of IC 36-8-13-4; minus

(J) for each participating unit in a fire protection territory established under IC 36-8-19-1, the amount of property taxes levied by each participating unit under IC 36-8-19-8 and IC 36-8-19-8.5 less the maximum levy limit for each of the participating units that would have otherwise been available for fire protection services under IC 6-1.1-18.5-3 and IC 6-1.1-18.5-19 for that same year; minus

(K) for each county, the sum of:

- (i) the amount of property taxes imposed in the county for the repayment of loans under IC 12-19-5-6 (repealed) that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or for property taxes payable in each year after 1995, the amount determined under IC 12-19-7-4(b); and

(ii) the amount of property taxes imposed in the county attributable to appeals granted under IC 6-1.1-18.6-3 that is included in the amount determined under IC 12-19-7-4(a) STEP SEVEN for property taxes payable in 1995, or the amount determined under IC 12-19-7-4(b) for property taxes payable in each year after 1995; plus

(2) all taxes to be paid in the county in respect to mobile home assessments currently assessed for the year in which the taxes stated in the abstract are to be paid; plus

(3) the amounts, if any, of county adjusted gross income taxes that were applied by the taxing units in the county as property tax replacement credits to reduce the individual levies of the taxing units for the assessment year, as provided in IC 6-3.5-1.1; plus

(4) the amounts, if any, by which the maximum permissible ad valorem property tax levies of the taxing units of the county were reduced under IC 6-1.1-18.5-3(b) STEP EIGHT for the stated assessment year; plus

(5) the difference between:

(A) the amount determined in IC 6-1.1-18.5-3(e) STEP FOUR; minus

(B) the amount the civil taxing units' levies were increased because of the reduction in the civil taxing units' base year certified shares under IC 6-1.1-18.5-3(e).

(h) "December settlement sheet" means the certificate of settlement filed by the county auditor with the auditor of state, as required under IC 6-1.1-27-3.

(i) "Tax duplicate" means the roll of property taxes which each county auditor is required to prepare ~~on or before March 1~~ of each year under IC 6-1.1-22-3.

(j) "Eligible property tax replacement amount" is, *except as otherwise provided by law*, equal to the sum of the following:

(1) Sixty percent (60%) of the total county tax levy imposed by each school corporation in a county for its general fund for a stated assessment year.

(2) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on real property for a stated assessment year.

(3) Twenty percent (20%) of the total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) imposed in a county on tangible personal property, excluding business personal property, for an assessment year.

(k) "Business personal property" means tangible personal property (other than real property) that is being:

- (1) held for sale in the ordinary course of a trade or business; or
- (2) held, used, or consumed in connection with the production of income.

(l) "Taxpayer's property tax replacement credit amount" means, *except as otherwise provided by law*, the sum of the following:

(1) Sixty percent (60%) of a taxpayer's tax liability in a calendar year for taxes imposed by a school corporation for its general fund for a stated assessment year.

(2) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on real property.

(3) Twenty percent (20%) of a taxpayer's tax liability for a stated assessment year for a total county tax levy (less sixty percent (60%) of the levy for the general fund of a school corporation that is part of the total county tax levy) on tangible personal property other than business personal property.

(m) "Tax liability" means tax liability as described in section 5 of this chapter.

(n) "General school operating levy" means the ad valorem property tax levy of a school corporation in a county for the school corporation's general fund.

(o) *"Board" refers to the property tax replacement fund board established under section 10 of this chapter.*

SECTION 5. IC 6-1.1-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) **Except as provided in subsection (b),** the auditor of each county shall, before March 15 of each year, prepare a roll of property taxes payable in that year for the county. This roll shall be known as the "tax duplicate" and shall show:

- (1) the value of all the assessed property of the county;
- (2) the person liable for the taxes on the assessed property; and
- (3) any other information that the state board of accounts, with the advice and approval of the department of local government finance, may prescribe.

(b) If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall complete preparation of the tax duplicate when the appeal is resolved by the department of local government finance.

(c) If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor completes preparation of the tax duplicate under subsection (a), the county auditor shall prepare a revised tax duplicate when the appeal is resolved by the department of local government finance that reflects the action of the department.

~~(b)~~ **(d)** The county auditor shall comply with the instructions issued by the state board of accounts for the preparation, preservation, alteration, and maintenance of the tax duplicate. The county auditor shall deliver a copy of the tax duplicate prepared under subsection (a) to the county treasurer ~~before March 1 of each year; when preparation of the tax duplicate is completed.~~

SECTION 6. IC 6-1.1-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) **Except as provided in subsections (b) and (c),** on or before March 15 of each year, the county auditor shall prepare and deliver to the auditor of state and the county treasurer a certified copy of an abstract of the property, assessments, taxes, deductions, and exemptions for taxes payable in that year in each taxing district of the county. The county auditor shall prepare the abstract in such a manner that the information concerning property tax deductions reflects the total

amount of each type of deduction. The abstract shall also contain a statement of the taxes and penalties unpaid in each taxing unit at the time of the last settlement between the county auditor and county treasurer and the status of these delinquencies. The county auditor shall prepare the abstract on the form prescribed by the state board of accounts. The auditor of state, county auditor, and county treasurer shall each keep a copy of the abstract ~~in his office~~ as a public record.

(b) If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver the certified copy of the abstract when the appeal is resolved by the department of local government finance.

(c) If the county auditor receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) after the county auditor prepares and delivers the certified copy of the abstract under subsection (a), the county auditor shall prepare and deliver a certified copy of a revised abstract when the appeal is resolved by the department of local government finance that reflects the action of the department.

SECTION 7. IC 6-1.1-22-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) Except as provided in ~~IC 6-1.1-7-7; section 9.5 of this chapter; and subsections (b) and (c)~~ the property taxes assessed for a year under this article are due in two (2) equal installments on May 10 and November 10 of the following year.

(b) Subsection (a) does not apply if any of the following apply to the property taxes assessed for the year under this article:

- (1) Subsection (c).
- (2) Subsection (d).
- (3) IC 6-1.1-7-7.
- (4) Section 9.5 of this chapter.

~~(b)~~ **(c)** A county council may adopt an ordinance to require a person to pay the person's property tax liability in one (1) installment, if the tax liability for a particular year is less than twenty-five dollars (\$25). If the county council has adopted such an ordinance, then whenever a tax statement mailed under section 8 of this chapter shows that the person's property tax liability for a year is less than twenty-five dollars (\$25) for the property covered by that statement, the tax liability for that year is due in one (1) installment on May 10 of that year.

(d) If the county treasurer receives a copy of an appeal petition under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) before the county treasurer mails or transmits statements under section 8(a) of this chapter, the county auditor may:

- (1) mail or transmit the statements without regard to the pendency of the appeal and, if the resolution of the appeal by the department of local government finance results in changes in levies, mail or transmit reconciling statements under subsection (e); or
- (2) delay the mailing or transmission of statements under section 8(a) of this chapter so that:

(A) the due date of the first installment that would otherwise be due under subsection (a) is delayed by not more than sixty (60) days; and

(B) all statements reflect any changes in levies that result from the resolution of the appeal by the department of local government finance.

(e) A reconciling statement under subsection (d)(1) must indicate:

- (1) the total amount due for the year;**
- (2) the total amount of the installments paid that did not reflect the resolution of the appeal under IC 6-1.1-18.5-12(g) or IC 6-1.1-19-2(g) by the department of local government finance;**
- (3) if the amount under subdivision (1) exceeds the amount under subdivision (2), the adjusted amount that is payable by the taxpayer:**
 - (A) as a final reconciliation of all amounts due for the year; and**
 - (B) not later than:**
 - (i) November 10; or**
 - (ii) the date or dates established under section 9.5 of this chapter; and**
- (4) if the amount under subdivision (2) exceeds the amount under subdivision (1), that the taxpayer may claim a refund of the excess under IC 6-1.1-26.**

~~(f)~~ **(f)** If property taxes are not paid on or before the due date, the penalties prescribed in IC 6-1.1-37-10 shall be added to the delinquent taxes.

~~(d)~~ **(g)** Notwithstanding any other law, a property tax liability of less than five dollars (\$5) is increased to five dollars (\$5). The difference between the actual liability and the five dollar (\$5) amount that appears on the statement is a statement processing charge. The statement processing charge is considered a part of the tax liability.

SECTION 8. IC 6-1.1-22-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9.5. (a) This section applies only to property taxes first due and payable in a year that begins after December 31, 2003:

- (1) with respect to a homestead (as defined in IC 6-1.1-20.9-1); and
- (2) that are not payable in one (1) installment under ~~section 9(b)~~ **section 9(c)** of this chapter.

(b) At any time before the mailing or transmission of tax statements for a year under section 8 of this chapter, a county may petition the department of local government finance to establish a schedule of installments for the payment of property taxes with respect to:

- (1) real property that are based on the assessment of the property in the immediately preceding year; or
- (2) a mobile home or manufactured home that is not assessed as real property that are based on the assessment of the property in the current year.

The county fiscal body (as defined in IC 36-1-2-6) ~~the county auditor, and the county treasurer~~ must approve a petition under this subsection.

(c) The department of local government finance:

- (1) may not establish a date for:
 - (A) an installment payment that is earlier than May 10 of the year in which the tax statement is mailed or transmitted;

(B) the first installment payment that is later than November 10 of the year in which the tax statement is mailed or transmitted; or

(C) the last installment payment that is later than May 10 of the year immediately following the year in which the tax statement is mailed or transmitted; and

(2) shall:

- (A) prescribe the form of the petition under subsection (b);
- (B) determine the information required on the form; and
- (C) notify the county fiscal body, the county auditor, and the county treasurer of the department's determination on the petition not later than twenty (20) days after receiving the petition.

(d) Revenue from property taxes paid under this section in the year immediately following the year in which the tax statement is mailed or transmitted under section 8 of this chapter:

- (1) is not considered in the determination of a levy excess under IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7 for the year in which the property taxes are paid; and

(2) may be:

- (A) used to repay temporary loans entered into by a political subdivision for; and
- (B) expended for any other reason by a political subdivision in the year the revenue is received under an appropriation from;

the year in which the tax statement is mailed or transmitted under section 8 of this chapter.

SECTION 9. IC 6-1.1-22.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **Except as provided in subsection (c),** with respect to property taxes payable under this article on assessments determined for the 2003 assessment date or the assessment date in any later year, the county treasurer may, except as provided by section 7 of this chapter, use a provisional statement under this chapter if the county auditor fails to deliver the abstract for that assessment date to the county treasurer under IC 6-1.1-22-5 before March 16 of the year following the assessment date.

(b) The county treasurer shall give notice of the provisional statement, including disclosure of the method that is to be used in determining the tax liability to be indicated on the provisional statement, by publication one (1) time:

- (1) in the form prescribed by the department of local government finance; and
- (2) in the manner described in IC 6-1.1-22-4(b).

The notice may be combined with the notice required under section 10 of this chapter.

(c) Subsection (a) does not apply if the county auditor fails to deliver the abstract as provided in IC 6-1.1-22-5(b).

SECTION 10. IC 6-1.1-37-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies when:

- (1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were originally due;

(2) the assessment upon which a taxpayer has been paying taxes under IC 6-1.1-15-10(a)(1) or ~~(a)(2)~~ **IC 6-1.1-15-10(a)(2)** while a petition for review or a judicial proceeding has been pending is less than the assessment that results from the final determination of the petition for review or judicial proceeding; or

(3) the collection of certain ad valorem property taxes has been stayed under IC 4-21.5-5-9, and under the final determination of the petition for judicial review the taxpayer is liable for at least part of those taxes.

(b) Except as provided in subsections (c) and (g), a taxpayer shall pay interest on the taxes the taxpayer is required to pay as a result of an action or a determination described in subsection (a) at the rate of ten percent (10%) per year from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(c) Except as provided in subsection (g), a taxpayer shall pay interest on the taxes the taxpayer is ultimately required to pay in excess of the amount that the taxpayer is required to pay under IC 6-1.1-15-10(a)(1) while a petition for review or a judicial proceeding has been pending at the overpayment rate established under Section 6621(c)(1) of the Internal Revenue Code in effect on the original due date or dates for those taxes from the original due date or dates for those taxes to:

(1) the date of payment; or

(2) the date on which penalties for the late payment of a tax installment may be charged under subsection (e) or (f);

whichever occurs first.

(d) With respect to an action or determination described in subsection (a), the taxpayer shall pay the taxes resulting from that action or determination and the interest prescribed under subsection (b) or (c) on or before:

(1) the next May 10; or

(2) the next November 10;

whichever occurs first.

(e) A taxpayer shall, to the extent that the penalty is not waived under section 10.5 **or 10.7** of this chapter, begin paying the penalty prescribed in section 10 of this chapter on the day after the date for payment prescribed in subsection (d) if:

(1) the taxpayer has not paid the amount of taxes resulting from the action or determination; and

(2) the taxpayer either:

(A) received notice of the taxes the taxpayer is required to pay as a result of the action or determination at least thirty (30) days before the date for payment; or

(B) voluntarily signed and filed an assessment return for the taxes.

(f) If subsection (e) does not apply, a taxpayer who has not paid the amount of taxes resulting from the action or determination shall, to the extent that the penalty is not waived under section 10.5 **or 10.7** of this chapter, begin paying the penalty prescribed in section 10 of this

chapter on:

(1) the next May 10 which follows the date for payment prescribed in subsection (d); or

(2) the next November 10 which follows the date for payment prescribed in subsection (d);

whichever occurs first.

(g) A taxpayer is not subject to the payment of interest on real property assessments under subsection (b) or (c) if:

(1) an assessment is made or increased after the date or dates on which the taxes for the year for which the assessment is made were due;

(2) the assessment or the assessment increase is made as the result of error or neglect by the assessor or by any other official involved with the assessment of property or the collection of property taxes; and

(3) the assessment:

(A) would have been made on the normal assessment date if the error or neglect had not occurred; or

(B) increase would have been included in the assessment on the normal annual assessment date if the error or neglect had not occurred.

SECTION 11. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) Except as provided in ~~section 10.5~~ **sections 10.5 and 10.7** of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty ~~equal to ten percent (10%) of the amount of delinquent taxes~~ shall be added to the unpaid portion in the year of the initial delinquency. **The penalty is equal to an amount determined as follows:**

(1) If:

(A) an installment of property taxes is completely paid on or before the date thirty (30) days after the due date; and

(B) the taxpayer is not liable for delinquent property taxes first due and payable in a previous year for the same parcel;

the amount of the penalty is equal to five percent (5%) of the amount of delinquent taxes.

(2) If subdivision (1) does not apply, the amount of the penalty is equal to ten percent (10%) of the amount of delinquent taxes.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax

statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) A payment to the county treasurer is considered to have been paid by the due date if the payment is:

- (1) received on or before the due date to the county treasurer or a collecting agent appointed by the county treasurer;
- (2) deposited in the United States mail:
 - (A) properly addressed to the principal office of the county treasurer;
 - (B) with sufficient postage; and
 - (C) certified or postmarked by the United States Postal Service as mailed on or before the due date; or
- (3) deposited with a nationally recognized express parcel carrier and is:
 - (A) properly addressed to the principal office of the county treasurer; and
 - (B) verified by the express parcel carrier as:
 - (i) paid in full for final delivery; and
 - (ii) received on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

SECTION 12. IC 6-1.1-37-10.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10.7. (a) For purposes of this section, "immediate family member of the taxpayer" means an individual who:**

- (1) is the spouse, child, stepchild, parent, or stepparent of the taxpayer, including adoptive relationships; and**
- (2) resides in the taxpayer's home.**

(b) The county treasurer shall do the following:

- (1) Waive the penalty imposed under section 10(a) of this chapter if the taxpayer or the taxpayer's representative:**
 - (A) petitions the county treasurer to waive the penalty not later than thirty (30) days after the due date of the installment subject to the penalty; and**
 - (B) files with the petition written proof that during the seven (7) day period ending on the installment due date the taxpayer or an immediate family member of the taxpayer died.**

(2) Give written notice to the taxpayer or the taxpayer's representative by mail of the treasurer's determination on the petition not later than thirty (30) days after the petition is filed with the treasurer.

(c) The department of local government finance shall prescribe:

- (1) the form of the petition; and**
- (2) the type of written proof;**

required under subsection (b).

(d) A taxpayer or a taxpayer's representative may appeal a determination of the county treasurer under subsection (b) to deny a penalty waiver by requesting in writing a preliminary conference with the treasurer not more than forty-five (45) days after the treasurer gives the taxpayer or the taxpayer's representative notice of the determination. An appeal initiated under this subsection is processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

SECTION 13. IC 14-33-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) An assessment not paid in full shall be paid in annual installments over the time commensurate with the term of the bond issue or other financing determined by resolution adopted by the board. Interest shall be charged on the unpaid balance at the same rate per year as the penalty charged on delinquent property tax payments under ~~IC 6-1.1-37-10~~. **IC 6-1.1-37-10(a).** All payments of installments, interest, and penalties shall be entered on the assessment roll in the office of the district.

(b) Upon payment in full of the assessment, including interest and penalties, the board shall have the lien released and satisfied on the records in the office of the recorder of the county in which the real property assessed is located.

(c) The procedure for collecting assessments for maintenance and operation is the same as for the original assessment, except that the assessments may not be paid in installments.

SECTION 14. IC 36-9-36-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 37. (a) Except as provided in section 38 of this chapter, the entire assessment is payable in cash without interest not later than thirty (30) days after the approval of the assessment roll by the works board if an agreement has not been signed and filed under section 36 of this chapter.

(b) If the assessment is not paid when due, the total assessment becomes delinquent and bears interest at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** per year from the date of the final acceptance of the completed improvement by the works board.

SECTION 15. IC 36-9-36-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 55. (a) An irregularity or error in making a foreclosure sale under this chapter does not make the sale ineffective, unless the irregularity or error substantially prejudiced the property owner.

(b) A property owner has two (2) years from the date of sale in which to redeem the owner's property. The property owner may redeem the owner's property by paying the principal, interest, and costs of the judgment, plus interest on the principal, interest, and costs at the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a).**

(c) If the property is not redeemed, the sheriff shall execute a deed to the purchaser. The deed relates back to the final letting of the contract for the improvement and is superior to all liens, claims, and interests, except liens for taxes.

SECTION 16. IC 36-9-37-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 19. (a) If a person defaults in the payment of a waived installment of principal or interest of an assessment, the municipal fiscal officer shall mail

notice of the default to the person. The notice must meet the following conditions:

- (1) Be mailed not more than sixty (60) days after the default.
- (2) Show the amount of the default, plus interest on that amount for the number of months the person is in default at one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)**.
- (3) State that the amount of the default, plus interest, is due by the date determined as follows:

(A) If the person selected monthly installments under ~~IC 36-9-37-8.5(a)(1)~~, **section 8.5(a)(2) of this chapter**, within sixty (60) days after the date the notice is mailed.

(B) If the person selected annual installments under ~~IC 36-9-37-8.5(a)(2)~~, **section 8.5(a)(1) of this chapter**, within six (6) months after the date the notice is mailed.

(b) A notice that is mailed to the person in whose name the property is assessed and addressed to the person within the municipality is sufficient notice. However, the fiscal officer shall also attempt to determine the name and address of the current owner of the property and send a similar notice to the current owner.

(c) Failure to send the notice required by this section does not preclude or otherwise affect the following:

- (1) The sale of the property for delinquency as prescribed by IC 6-1.1-24.
- (2) The foreclosure of the assessment lien by the bondholder.
- (3) The preservation of the assessment lien under section 22.5 of this chapter.

SECTION 17. IC 36-9-37-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 20. (a) If any principal and interest, or an installment of principal and interest, is not paid in full when due, the municipal fiscal officer shall enforce payment of the following:

- (1) The unpaid amount of principal and interest.
- (2) A penalty of interest at the rate prescribed by subsection (b).

(b) If payment is made after a default, the municipal fiscal officer shall also collect a penalty of interest on the delinquent amount at one-half (1/2) the rate prescribed by ~~IC 6-1.1-37-10~~ **IC 6-1.1-37-10(a)** for each six (6) month period, or fraction of a six (6) month period, from the date when payment should have been made.

SECTION 18. [EFFECTIVE JANUARY 1, 2007] **IC 6-1.1-37-10, as amended by this act, applies only to ad valorem property taxes first due and payable after December 31, 2006.**

SECTION 19. [EFFECTIVE UPON PASSAGE] **(a) For ad valorem property taxes and assessments first due and payable in 2006:**

(1) notwithstanding IC 6-1.1-18.5-12, as amended by this act, that section applies as if the date in IC 6-1.1-18.5-12(a)(2)(B) were April 1 instead of March 1; and

(2) notwithstanding IC 6-1.1-19-2, as amended by this act, that section applies as if the date in IC 6-1.1-19-2(d)(2)(B) were April 1 instead of March 1.

(b) This SECTION expires January 1, 2007.

SECTION 20. [EFFECTIVE UPON PASSAGE] **IC 6-1.1-18.5-12, IC 6-1.1-19-2, IC 6-1.1-21-2, IC 6-1.1-22-3,**

IC 6-1.1-22-5, IC 6-1.1-22-9, IC 6-1.1-22-9.5, and IC 6-1.1-22.5-6, all as amended by this act, apply only to property taxes first due and payable after December 31, 2005.

SECTION 21. [EFFECTIVE JULY 1, 2006] **IC 6-1.1-37-10.7, as added by this act, applies only to property taxes first due and payable after December 31, 2006.**

SECTION 22. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **(a) As used in this SECTION, "taxable year" has the meaning set forth in IC 6-3-1-16.**

(b) In addition to any other deduction permitted under IC 6-3, a delayed property tax payment paid in taxable year 2005 for property taxes assessed in 2002, 2003, or 2004 assessment years:

(1) that would have been payable in 2003, 2004, or a part of calendar year 2005 that preceded the beginning of the taxpayer's 2005 taxable year if tax statements had been issued in those years; and

(2) where the taxpayer was not delinquent in remitting the property tax to the county treasurer when paid in taxable year 2005;

is deductible from adjusted gross income under IC 6-3-1-3.5 in the 2006 taxable year if the property tax was not deducted in any previous taxable year. The amount of the deduction for the property taxes due for a particular assessment year is limited to the lesser of the property tax paid for the assessment year or two thousand five hundred dollars (\$2,500).

SECTION 23. **An emergency is declared for this act.**

Renumber all SECTIONS consecutively.

(Reference is to ESB 355 as reprinted February 28, 2006.)

Lawson, Chair

Ayres

Rogers

Kuzman

Senate Conferees

House Conferees

Roll Call 363: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 12-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 12 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and

(5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.
- (7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.
- (8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.
- (9) Serve as the criminal justice statistical analysis center for this state.
- ~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~
- (10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.**
- (11) Administer the application and approval process for designating an area of a consolidated or second class city as a

public safety improvement area under IC 36-8-19.5.

~~(12) Prescribe or approve forms as required under IC 5-2-12.~~

~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~

~~(14)~~ **(12)** Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

- (1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;
- (2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or
- (3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

- (1) pay the costs of administering the fund, including expenditures for personnel and data;
- (2) ~~establish and maintain support~~ the **Indiana sex and violent offender directory registry** under ~~IC 5-2-12~~; **IC 11-8-8**;
- (3) provide training for persons to assist victims; and
- (4) establish and maintain a victim notification system under IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

- (1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.
- (2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~; **IC 11-8-8**.

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement ~~agencies~~ **agency** shall release ~~or allow inspection of~~ a limited criminal history to ~~or allow inspection of a limited criminal history by~~ noncriminal justice organizations or individuals only if the subject of the request:

- (1) has applied for employment with a noncriminal justice organization or individual;
- (2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;
- (3) is a candidate for public office or a public official;
- (4) is in the process of being apprehended by a law enforcement agency;
- (5) is placed under arrest for the alleged commission of a crime;
- (6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;
- (7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;
- (8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;
- (9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;
- (10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;
- (11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;
- (12) is being sought by the parent locator service of the child support bureau of the division of family and children;
- (13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~, **IC 11-8-8**; or
- (14) has been convicted of any of the following:
 - (A) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
 - (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
 - (C) Child molesting (IC 35-42-4-3).
 - (D) Child exploitation (IC 35-42-4-4(b)).
 - (E) Possession of child pornography (IC 35-42-4-4(c)).
 - (F) Vicarious sexual gratification (IC 35-42-4-5).
 - (G) Child solicitation (IC 35-42-4-6).
 - (H) Child seduction (IC 35-42-4-7).
 - (I) Sexual misconduct with a minor as a felony (IC

35-42-4-9).

(J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana** sex ~~and violent~~ offender ~~directory~~ **registry** under ~~IC 5-2-6~~ **IC 11-8-8** or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~, **IC 11-8-8**.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.

- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.

(5) Information:

- (A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult; and
- (B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 8. IC 10-13-6-10, AS AMENDED BY P.L.142-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies to the following:

- (1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):
 - (A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or
 - (B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.
- (2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:
 - (A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or
 - (B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.
- (3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:
 - (A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or
 - (B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

- (1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; ~~or~~
- (2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation; ~~or~~
- (3) **agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27.**

A person is not required to submit a blood sample if doing so would present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court

determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

SECTION 9. IC 10-13-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the:

- (1) county sheriff or designee of the county sheriff under section 10(b)(2) of this chapter; **or**
- (2) **supervising agency or designee of the supervising agency under section 10(b)(3) of this chapter.**

The superintendent shall provide each county sheriff **and supervising agency** with the guidelines issued under this subsection. A county sheriff **and supervising agency** shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) **or 10(b)(3)** of this chapter in one (1) or more counties until the earlier of the following:

- (1) A date set by the superintendent.
- (2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) **or 10(b)(3)** of this chapter or terminates a delay under section 10(b)(2) **or 10(b)(3)** of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 10. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12. The department shall do the following:**

- (1) **Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.**
- (2) **Prescribe and approve a format for sex offender registration as required by IC 11-8-8.**
- (3) **Provide:**

- (A) judges;
- (B) law enforcement officials;
- (C) prosecuting attorneys;
- (D) parole officers;
- (E) probation officers; and
- (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) **Upon request of a neighborhood association:**

- (A) **transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or**
- (B) **provide instructional materials concerning the use of the Indiana sex offender registry to the neighborhood association.**

SECTION 11. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) The Indiana sex offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.**

(b) The department shall do the following:

(1) Ensure that the Indiana sex offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).

(2) Publish the Indiana sex offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex offender registry displays the following or similar words:

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex offense or has been adjudicated a delinquent child for an act that would be a sex offense if committed by an adult."

SECTION 12. IC 11-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:**

- (1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.**
- (2) Information relating to a pending investigation of alleged criminal activity or other misconduct.**
- (3) Information which, if disclosed, might result in physical harm to that person or other persons.**
- (4) Sources of information obtained only upon a promise of confidentiality.**
- (5) Information required by law or promulgated rule to be maintained as confidential.**

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;**
- (2) to employees of the department who need the information in the performance of their lawful duties;**
- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;**
- (4) to the governor or the governor's designee;**
- (5) for research purposes in accord with IC 4-1-6-8.6(b);**
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; or**
- (7) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.**

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

- (1) A provider of sex offender management, treatment, or programming.**
- (2) A provider of mental health services.**
- (3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.**

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

SECTION 13. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 8. Sex Offender Registration

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

Sec. 2. As used in this chapter, "local law enforcement authority" means the:

- (1) chief of police of a consolidated city; or**
- (2) sheriff of a county that does not contain a consolidated city.**

Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

- (1) does not own or lease a residence; or**
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender.**

Sec. 4. As used in this chapter, "register" means to provide a local law enforcement authority with the information required under section 8 of this chapter.

Sec. 5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).**
- (2) Criminal deviate conduct (IC 35-42-4-2).**
- (3) Child molesting (IC 35-42-4-3).**
- (4) Child exploitation (IC 35-42-4-4(b)).**
- (5) Vicarious sexual gratification (IC 35-42-4-5).**
- (6) Child solicitation (IC 35-42-4-6).**
- (7) Child seduction (IC 35-42-4-7).**
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).**
- (9) Incest (IC 35-46-1-3).**
- (10) Sexual battery (IC 35-42-4-8).**
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.**
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.**
- (13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).**
- (14) An attempt or conspiracy to commit a crime listed in**

subdivisions (1) through (13).

(15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

(1) a person who is required to register as a sex offender in any jurisdiction; and

(2) a child who has committed a delinquent act and who:

(A) is at least fourteen (14) years of age;

(B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and

(C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

(1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:

(A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.

(B) The sex offender owns real property in Indiana and returns to Indiana at any time.

(2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:

(A) exceeding fourteen (14) consecutive days; or

(B) for a total period exceeding thirty (30) days;

during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.

(3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the

sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (d).

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

(3) is released from a juvenile detention facility;

(4) is transferred to a community transition program;

(5) is placed on parole;

(6) is placed on probation;

(7) is placed on home detention; or

(8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:

(1) is released from a penal facility (as defined in IC 35-41-1-21);

(2) is released from a secure private facility (as defined in IC 31-9-2-115);

- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and
- (2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration.

Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and

address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.

(4) A recent photograph of the sex offender.

(5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.

(6) If the sex offender is required to register for life, that the sex offender is required to register for life.

(7) Any other information required by the department.

Sec. 9. (a) Not more than seven (7) days before an Indiana sex offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.

(2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.

(3) Obtain the address where the sex offender expects to reside after the sex offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.

(b) Not more than seventy-two (72) hours after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex offender's fingerprints, photograph, and identification factors.

(2) The address where the sex offender expects to reside after the sex offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.

(4) Information regarding the sex offender's past treatment for mental disorders.

(5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties required under subsections (a) and (b).

Sec. 10. Notwithstanding any other law, upon receiving a sex

offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

- (1) principal residence address; or
- (2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;

the sex offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered.

(b) If a sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

(d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex offender moves the sex offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

- (1) that is established to provide transitional housing for a person without another residence; and
- (2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex offender who resides in a

temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

- (1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and
- (2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration under subdivision (1).

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.

Sec. 13. (a) To verify a sex offender's current residence, the local law enforcement authority shall do the following:

- (1) Mail a reply form to each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (2) Mail a reply form to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

- (3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;

- (D) placed on parole; or
 - (E) placed on probation;
- whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
 - (B) placed in a community transition program;
 - (C) placed in a community corrections program;
 - (D) placed on parole; or
 - (E) placed on probation;
- whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
 - (2) register; and
 - (3) be photographed by the local law enforcement authority;
- in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued

identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

Sec. 16. (a) A sex offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex offender who is required to register under this chapter changes the sex offender's name due to marriage, the sex offender must register with the local law enforcement authority not more than seven (7) days after the name change.

Sec. 17. A sex offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually

violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 19. (a) Except as provided in subsections (b) through (e), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life.

Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of:

- (1) the sex offender's name, date of relocation, and new address; and

(2) the sex offense or delinquent act committed by the sex offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
- (2) whether an out of state sex offender is a sexually violent predator; and
- (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex offender in Indiana.

SECTION 14. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a

regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
- (2) The date of the offense.
- (3) The date of the conviction.
- (4) The felony of which the prisoner was convicted.
- (5) The sentence imposed.
- (6) The amount of time served.
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) nature and circumstances of the crime for which the offender is committed;
- (2) offender's prior criminal record;
- (3) offender's conduct and attitude during the commitment; and
- (4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
- (5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and
- (2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community

investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 15. IC 11-13-3-4, AS AMENDED BY SEA 246-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex ~~and violent~~ offender (as

defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to:

- (A) participate in a treatment program for sex offenders approved by the parole board; and
- (B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

- (i) receives the parole board's approval; or
- (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to register with a sheriff ~~(or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**;

(B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, **unless the sex offender obtains written approval from the parole board; and**

(C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense **unless the sex offender obtains a waiver under IC 35-38-2-2.5; and**

(D) prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, **even if the sex offender obtains a waiver under IC 35-38-2-2.5.**

(i) As a condition of parole, the parole board:

(1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and

(2) may require a parolee who is a sex offender (as defined in IC 11-8-8-5);

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 16. IC 11-13-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ **victims'** rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1)~~ **IC 11-8-8-5**.

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

SECTION 17. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).

- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**).

SECTION 18. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:**

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or**
- (2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:**
 - (A) by using or threatening the use of deadly force;**
 - (B) while armed with a deadly weapon; or**
 - (C) that resulted in serious bodily injury.**

SECTION 19. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by:
 - (A) the probation department; or
 - (B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-5** require a child who is adjudicated a delinquent child for an act

that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-4~~ **IC 11-8-8-5**.

- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Order the child to surrender the child's driver's license to the court for a specified period of time.
- (4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.
- (7) Order the child to perform community restitution or service for a specified period of time.
- (8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 20. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-5**, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

- (1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and
- (2) committed an act that, if committed by an adult, would be:
 - (A) murder (IC 35-42-1-1);
 - (B) kidnapping (IC 35-42-3-2);
 - (C) rape (IC 35-42-4-1);
 - (D) criminal deviate conduct (IC 35-42-4-2); or
 - (E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 21. IC 35-38-1-7.5, AS AMENDED BY SEA 246-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in ~~IC 5-2-12-4~~ **IC 11-8-8-5**. **The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).**

(b) A person who:

(1) **being at least eighteen (18) years of age, commits an offense described in:** ~~IC 5-2-12-4;~~

(A) **by using or threatening the use of deadly force;**

(B) **while armed with a deadly weapon; or**

(C) **that results in serious bodily injury to a person other than a defendant;**

(2) **is at least eighteen (18) years of age and commits an offense described in** ~~IC 5-2-12-4~~ **against a child less than twelve (12) years of age; or**

(3) **commits an offense described in** ~~IC 5-2-12-4~~ **while having a previous unrelated conviction for an offense described in** ~~IC 5-2-12-4~~ **for which the person is required to register as an offender under** ~~IC 5-2-12;~~

(A) **IC 35-42-4-1;**

(B) **IC 35-42-4-2;**

(C) **IC 35-42-4-3 as a Class A or Class B felony;**

(D) **IC 35-42-4-5(a)(1);**

(E) **IC 35-42-4-5(a)(2);**

(F) **IC 35-42-4-5(a)(3);**

(G) **IC 35-42-4-5(b)(1) as a Class A or Class B felony;**

(H) **IC 35-42-4-5(b)(2); or**

(I) **IC 35-42-4-5(b)(3) as a Class A or Class B felony; or**
(2) commits an offense described in IC 11-8-8-5 while having a previous unrelated conviction for an offense described in IC 11-8-8-5 for which the person is required to register as an offender under IC 11-8-8;

is a sexually violent predator.

(c) This section applies whenever a court sentences a person for a sex offense listed in ~~IC 5-2-12-4~~ **IC 11-8-8-5** for which the person is required to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12;~~ **IC 11-8-8.**

(d) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator under subsection (b).

(e) If the court does not find the person to be a sexually violent predator under subsection (b), the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders to determine if the person is a sexually violent predator under subsection (a).

(f) If the court finds that a person is a sexually violent predator:

(1) the person is required to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** as provided in ~~IC 5-2-12-13(b)~~ **IC 11-8-8;** and

(2) the court shall send notice of its finding under this subsection to the ~~criminal justice institute~~ **department of correction.**

(g) A person who is found by a court to be a sexually violent predator ~~under subsection (e)~~ may petition the court to consider whether the person **is should** no longer **be considered** a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court makes its finding under subsection (e);
or

(2) a person found to be a sexually violent predator under subsection (b) is released from incarceration.

A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person **is should** no longer **be considered** a sexually violent predator, the court shall send notice to the ~~Indiana criminal justice institute~~ **department of correction** that the person is no longer considered a sexually violent predator. **Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.**

SECTION 22. IC 35-38-1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) If a court imposes a sentence that does not involve a commitment to the department of correction, the court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10; and

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6;

to provide a DNA sample as a condition of the sentence.

(b) If a person described in subsection (a) is confined at the time of sentencing, the court shall order the person to provide a DNA sample immediately after sentencing.

(c) If a person described in subsection (a) is not confined at the time of sentencing, the agency supervising the person after sentencing shall establish the date, time, and location for the person to provide a DNA sample. However, the supervising agency must require that the DNA sample be provided not more than seven (7) days after sentencing. A supervising agency's failure to obtain a DNA sample not more than seven (7) days after sentencing does not permit a person required to provide a DNA sample to challenge the requirement that the person provide a DNA sample at a later date.

(d) A person's failure to provide a DNA sample is grounds for revocation of the person's probation, community corrections placement, or other conditional release.

SECTION 23. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of probation for ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**), the court shall:

(1) require the sex offender to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5;~~ **IC 11-8-8;** and

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

SECTION 24. IC 35-38-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

- (1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.
- (2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.
- (3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.
- (4) Support the person's dependents and meet other family responsibilities.
- (5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.
- (6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.
- (7) Pay a fine authorized by IC 35-50.
- (8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.
- (9) Report to a probation officer at reasonable times as directed by the court or the probation officer.
- (10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.
- (11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.
- (12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.
- (13) Perform uncompensated work that benefits the community.
- (14) Satisfy other conditions reasonably related to the person's rehabilitation.
- (15) Undergo home detention under IC 35-38-2.5.
- (16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:
 - (A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or
 - (B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).
- (17) Refrain from any direct or indirect contact with an individual.
- (18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs

incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

to provide a DNA sample as a condition of probation.

SECTION 25. IC 35-38-2-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) to:

- (1) participate in a treatment program for sex offenders approved by the court; and
- (2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:
 - (A) receives the court's approval; or
 - (B) successfully completes the treatment program referred to in subdivision (1).

SECTION 26. IC 35-38-2-2.5, AS AMENDED BY SEA 246-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

- (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:
 - (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or
- (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a **new** residence within one (1) mile of the residence of the victim of the offender's sex offense **unless the offender first obtains a waiver from the:**

- (1) court, if the offender is placed on probation; or**
 - (2) parole board, if the offender is placed on parole;**
- for the change of address under subsection (f).**

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;**
- (2) the offender is in compliance with all terms of the offender's probation or parole; and**
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.**

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

~~(f)~~ **(h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).**

SECTION 27. IC 35-38-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.6. **(a) As a condition of remaining on probation or parole after a conviction for stalking (IC 35-45-10-5), a court may prohibit a person from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.**

(b) A person:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the person intends to reside during the period of probation:

- (A) at the time of sentencing if the person will be placed on probation without first being incarcerated; or**
- (B) before the person's release from incarceration if the person will be placed on probation after completing a term of incarceration; or**

(2) who will be placed on parole shall provide the parole board with the address where the person intends to reside during the period of parole.

(c) A person, while on probation or parole, may not reside within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver under subsection (d) from the:

- (1) court, if the person is placed on probation; or**
- (2) parole board, if the person is placed on parole.**

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

- (1) the person is in compliance with all terms of the person's probation or parole; and**
- (2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the stalking.**

(e) If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).

SECTION 28. IC 35-38-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

- (1) A requirement that the offender be confined to the offender's home at all times except when the offender is:
 - (A) working at employment approved by the court or traveling to or from approved employment;
 - (B) unemployed and seeking employment approved for the offender by the court;
 - (C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;
 - (D) attending an educational institution or a program approved for the offender by the court;
 - (E) attending a regularly scheduled religious service at a place of worship; or
 - (F) participating in a community work release or community restitution or service program approved for the offender by the court.
- (2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under IC 35-44-3-5.
- (3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.
- (4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.
- (5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).
- (6) A requirement that the offender maintain:
 - (A) a working telephone in the offender's home; and
 - (B) if ordered by the court, a monitoring device in the

offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

provide a DNA sample.

SECTION 29. IC 35-38-2.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement. **A court shall require a person:**

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 30. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

- (1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or
- (2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

- (1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence~~; ~~analysis~~; or
- (2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with ~~the offense through~~ DNA (deoxyribonucleic acid) ~~evidence analysis~~ by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic~~

acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002.

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

- (1) at any time; and
- (2) regardless of the amount of time that passes between:
 - (A) the date a person allegedly commits the elements of murder; and
 - (B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

- (1) IC 35-42-4-3(a) (Child molesting).
- (2) IC 35-42-4-5 (Vicarious sexual gratification).
- (3) IC 35-42-4-6 (Child solicitation).
- (4) IC 35-42-4-7 (Child seduction).
- (5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

- (1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~
- (2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
- (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

- (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.
- (2) The date of issuance of a valid arrest warrant.
- (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 31. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section,**

"sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.

(b) A sexually violent predator who knowingly or intentionally works for compensation or as a volunteer:

- (1) on school property;**
- (2) at a youth program center; or**
- (3) at a public park;**

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under this chapter.

SECTION 32. IC 35-42-4-11, AS ADDED BY SEA 246-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) As used in this section, "offender against children" means a person required to register as ~~an~~ **a sex offender under IC 5-2-12 IC 11-8-8** who has been:

- (1) found ~~by a court~~ to be a sexually violent predator under ~~(A) IC 35-38-1-7.5; or~~
~~(B) the law of another jurisdiction that identifies the person as being likely to repeatedly commit a sex offense; or~~
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
 - (F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).

(b) As used in this section, "reside" means to spend more than two (2) nights in a residence in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

- (1) resides within one thousand (1,000) feet of:
 - (A) school property;
 - (B) a youth program center; or
 - (C) a public park; or
- (2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

SECTION 33. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) A person who:

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

- (A) a Class A misdemeanor if:
 - (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars

- (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged ~~or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3)~~ **contained data relating to a person required to register as a sex offender under IC 11-8-8** and the person is not a sex offender or was not required to register as a sex offender;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or
- (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;
- (iii) the damage is to a public record;
- (iv) the property damaged ~~or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3)~~ **contained data relating to a person required to register as a sex offender under IC 11-8-8** and the person is a sex offender or was required to register as a sex offender;
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research facility;
- (vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or
- (vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

- (1) a structure used for religious worship;
- (2) a school or community center;
- (3) the grounds:
 - (A) adjacent to; and
 - (B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

- (4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if

the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

- (1) the person has removed or painted over the graffiti or has made other suitable restitution; and
- (2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 34. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 11-8-8-5 that was committed by the person commits a Class D felony if, at the time of the violation:

- (1) the person's lifetime parole has been revoked two (2) or more times; or**
- (2) the person has completed the person's sentence, including any credit time the person may have earned.**

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 35. IC 35-49-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Sec. 3. (a) Except as provided in subsection (b), a person who knowingly or intentionally:

- (1) disseminates matter to minors that is harmful to minors;**
- (2) displays matter that is harmful to minors in an area to which minors have visual, auditory, or physical access, unless each minor is accompanied by the minor's parent or guardian;**
- (3) sells, rents, or displays for sale or rent to any person matter that is harmful to minors within five hundred (500) feet of the nearest property line of a school or church;**
- (4) engages in or conducts a performance before minors that is harmful to minors;**
- (5) engages in or conducts a performance that is harmful to minors in an area to which minors have visual, auditory, or physical access, CCunless each minor is accompanied by the minor's parent or guardian;**
- (6) misrepresents the minor's age for the purpose of obtaining admission to an area from which minors are restricted because of the display of matter or a performance that is harmful to minors; or**
- (7) misrepresents that the person is a parent or guardian of a minor for the purpose of obtaining admission of the minor to an**

area where minors are being restricted because of display of matter or performance that is harmful to minors; commits a Class D felony.

(b) This section does not apply if a person disseminates, displays, or makes available the matter described in subsection (a) through the Internet, computer electronic transfer, or a computer network unless:

- (1) the matter is obscene under IC 35-49-2-1;
- (2) the matter is child pornography under IC 35-42-4-4; or
- (3) the person distributes the matter to a child less than eighteen (18) years of age believing or intending that the recipient is a child less than eighteen (18) years of age.

SECTION 36. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3-7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.
- (4) The felony committed was:
 - (A) murder (IC 35-42-1-1);
 - (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
 - (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 - (D) kidnapping (IC 35-42-3-2);
 - (E) confinement (IC 35-42-3-3) with a deadly weapon;
 - (F) rape (IC 35-42-4-1) as a Class A felony;
 - (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
 - (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
 - (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
 - (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
 - (K) burglary (IC 35-43-2-1) resulting in serious bodily injury

or with a deadly weapon;

(L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;

(M) escape (IC 35-44-3-5) with a deadly weapon;

(N) rioting (IC 35-45-1-2) with a deadly weapon;

(O) dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(Q) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

(R) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

(S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 37. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

- (1) it has been set aside; or
- (2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not exceed ten (10) years.

SECTION 38. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) **or (e)**, when a person imprisoned for a felony completes ~~his the person's~~ fixed term of imprisonment, less the credit time ~~he the person~~ has earned with respect to that term, ~~he the person~~ shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
 - (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
 - (3) released to the committing court if ~~his the~~ sentence included a period of probation.
- (b) ~~Except as provided in subsection (d),~~ **This subsection does not**

apply to a person described in subsection (d), (e), or (f). A person released on parole remains on parole from the date of ~~his~~ release until ~~his the person's~~ fixed term expires, unless ~~his the person's~~ parole is revoked or ~~he the person~~ is discharged from that term by the parole board. In any event, if ~~his the person's~~ parole is not revoked, the parole board shall discharge ~~him the person~~ after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part of** the remainder of ~~his the person's~~ fixed term. However, ~~he the person~~ shall again be released on parole when ~~he the person~~ completes that remainder, less the credit time ~~he the person~~ has earned since the revocation. The parole board may reinstate ~~him the person~~ on parole at any time after the revocation.

(d) **This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.** When ~~an offender a sex offender~~ (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) **This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5.** When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) **This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:**

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) **If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:**

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:
 - (A) at least as stringent; and
 - (B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 39. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he~~ **the person** has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.**
- (6) If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.**

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine ~~his~~ **the person's** guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive ~~his~~ **the person's** right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 40. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain ~~a~~ **an Indiana** sex offender web site, known as the Indiana ~~sheriffs'~~ sex offender registry, to inform the general public about the identity, location, and appearance of every sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least ~~every seven (7) days~~ **daily**.

(b) The **Indiana** sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required ~~to be included in the sex offender~~

~~directory (IC 5-2-12-6).~~ **under IC 11-8-8-8.**

(c) Every time a sex offender ~~submits a new registration form to the sheriff registers~~, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the **Indiana** sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 42. [EFFECTIVE JULY 1, 2006] **IC 11-8-8-15, IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-10, and IC 35-44-3-13, all as added by this act, and IC 35-43-1-2, IC 35-42-4-11, and IC 35-49-3-3, all as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 43. [EFFECTIVE JULY 1, 2006] **Notwithstanding IC 10-13-6-10, IC 10-13-6-11, IC 35-38-2-2.3, IC 35-38-2.5-6, and IC 35-38-2.6-3, all as amended by this act, and IC 35-38-1-27, as added by this act, a probation department, community corrections department, or other agency supervising an offender on conditional release is not required to collect a DNA sample before October 1, 2006. However, a probation department, community corrections department, or other agency supervising an offender on conditional release is authorized to collect a DNA sample before October 1, 2006, and a DNA sample collected before October 1, 2006, may be analyzed and placed in the convicted offender data base.**

SECTION 44. [EFFECTIVE JULY 1, 2006] **IC 35-38-2-2.6 and IC 35-50-6-1, both as added by this act, apply only to crimes committed after June 30, 2006.**

SECTION 45. [EFFECTIVE UPON PASSAGE] **(a) The department of correction shall report to the budget committee on**

or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.

(b) This SECTION expires July 1, 2007.

SECTION 46. [EFFECTIVE JULY 1, 2006] **(a) The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for sex offenders. The report must include information relating to:**

- (1) the expense of lifetime parole and GPS monitoring;**
- (2) recidivism; and**
- (3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.**

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires November 2, 2010.

SECTION 47. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) ensure that sentencing laws and policies protect the public safety;
- (2) establish fairness and uniformity in sentencing laws and policies;
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;
- (2) the availability of sentencing options; and
- (3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

- (1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:
 - (A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.
 - (B) The deterrent effect a particular classification may have on the commission of the offense.
 - (C) The current incidence of the offense in Indiana.
 - (D) The rights of the victim.
- (2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a

criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:

- (A) The nature and characteristics of the offense.
- (B) The severity of the offense in relation to other offenses.
- (C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.
- (D) The defendant's number of prior convictions.
- (E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.
- (F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and
- (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based on the following:

- (A) A review of existing community corrections programs.
- (B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.
- (C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.
- (D) The identification of necessary changes in state oversight and coordination of community corrections programs.
- (E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.
- (F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

- (A) lifetime parole;**
- (B) GPS or other electronic monitoring;**
- (C) a classification system for sex offenders;**
- (D) recidivism; and**
- (E) treatment.**

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. **The committee may meet as often as necessary.**

(f) The committee consists of ~~nineteen (19)~~ **twenty (20)** members appointed as follows:

- (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.
- (3) The chief justice of the supreme court or the chief justice's designee.
- (4) The commissioner of the department of correction or the commissioner's designee.
- (5) The director of the Indiana criminal justice institute or the director's designee.
- (6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.
- (7) The executive director of the public defender council of Indiana or the executive director's designee.
- (8) One (1) person with experience in administering community corrections programs, appointed by the governor.
- (9) One (1) person with experience in administering probation programs, appointed by the governor.
- (10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee.**

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the **voting** members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 48. An emergency is declared for this act.

(Reference is to ESB 12 as reprinted February 24, 2006.)

Long, Chair

Ulmer

Mrvan

Kuzman

Senate Conferees

House Conferees

Roll Call 364: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1353-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1353 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-2-1-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 0.5. This chapter is intended to provide a system of state trademark registration and protection that is consistent with the federal system of trademark registration and protection under the Trademark Act of 1946. A judicial or an administrative interpretation of a provision of the federal Trademark Act may be considered as persuasive authority in construing a provision of this chapter.

SECTION 2. IC 24-2-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter: The following definitions apply throughout this chapter:

(1) "Abandoned" means either of the following:

- (A) The person who owns the mark has discontinued use of the mark and does not intend to resume use of the mark. A person's intent not to resume use of the mark may be inferred from the circumstances. Three (3) consecutive years without use of a mark constitutes prima facie evidence that the use of the mark has been**

abandoned.

(B) The conduct of the owner, including an act or omission, has caused the mark to lose its significance as a mark.

(2) "Applicant" means a person who files an application for registration of a mark under this chapter and the legal representatives, successors, or assigns of the person.

(3) "Dilution" means the lessening of the capacity of a famous mark to identify and distinguish goods or services, regardless of the presence or absence of:

(A) competition between the owner of the famous mark and other parties; or

(B) the likelihood of confusion, mistake, or deception.

(4) "Mark" means a trademark or service mark that is entitled to registration under this chapter, whether the mark is registered or not.

(5) "Person" means:

(A) a human being;

(B) a corporation;

(C) a partnership;

(D) a limited liability company; or

(E) any other entity or organization:

(i) capable of suing and being sued in a court of law;

(ii) entitled to a benefit or privilege under this chapter; or

(iii) rendered liable under this chapter.

(6) "Registrant" means a person to whom the registration of a mark under this chapter is issued and the legal representatives, successors, or assigns of the person.

(7) "Secretary" means the secretary of state or the designee of the secretary charged with the administration of this chapter.

(8) "Service mark" means a word, name, symbol, device, or combination of a word, name, symbol, or device that is used by a person to:

(A) identify a service, including a unique service, of a person and distinguish the person's service from the service of another person; and

(B) indicate the source of a service, even if the source is unknown.

Titles and character names and other distinctive features of radio or television programs used by a person may be registered as a service mark even though the radio or television programs may advertise the goods of the sponsor.

~~(a) The term~~ (9) "Trademark" means any word, name, symbol, or device or any combination thereof adopted and of a word, name, symbol, or device that is used by a person to:

(A) identify goods or services made, sold, or rendered by him and to distinguish them from goods or services made, sold, or rendered by others; and distinguish goods, including a unique product, of a person and distinguish the person's goods from goods manufactured or sold by another person; and

(B) indicate the source of the goods, even if the source is unknown.

~~(b) The term "person" means any individual, firm, partnership, corporation, limited liability company, association, union of workmen, or other organization.~~

~~(c) The term "applicant" embraces the person filing an application for registration of a trademark under this chapter, his legal representatives, successors, or assigns.~~

~~(d) The term "registrant" embraces the person to whom the registration of a trademark under this chapter is issued, his legal representatives, successors, or assigns.~~

~~(e) For the purposes of this chapter, a trademark shall be deemed to be "used" in this state when it is placed in any manner on the goods or their containers or on the tags or labels affixed thereto; or when it is used to identify the services of one person and distinguish them from the services of others, and such goods or services are sold, otherwise distributed, or rendered in this state.~~

(10) "Trade name" means a name used by a person to identify a business or vocation of the person.

(11) "Use" means the bona fide use of a mark in the ordinary course of trade and not a use made merely to reserve a right in a mark. A mark is considered to be in use:

(A) on or in connection with a good if the:

(i) mark is placed in any manner on the good, a container for the good, a display associated with the good, or a tag or label affixed to the good; or

(ii) nature of the good makes placement of the mark as described in item (i) impracticable and the mark is placed on a document associated with the good or with the sale of the good; and

(B) if the good described in clause (A) is sold or transported in Indiana.

A mark is considered to be in use on or in connection with a service if the mark is used or displayed in the sale or advertising of the service and the service is rendered in Indiana.

SECTION 3. IC 24-2-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A trademark mark by which the goods or services of ~~any an~~ applicant for registration may be distinguished from ~~the other~~ goods or services of ~~others~~ shall may not be registered if ~~it the~~ mark:

~~(a)~~ (1) consists of or comprises immoral, deceptive, or scandalous matter;

~~(b)~~ (2) consists of or comprises matter ~~which that~~ may:

(A) disparage or falsely suggest a connection with:

(i) persons living or dead;

(ii) institutions;

(iii) beliefs; or

(iv) national symbols; or

(B) bring ~~them~~ into contempt or disrepute:

(i) persons living or dead;

(ii) institutions;

(iii) beliefs; or

(iv) national symbols;

~~(c)~~ (3) consists of or comprises the flag, ~~or~~ coat of arms, or other insignia of:

- (A) the United States;
- (B) ~~or of any~~ a state or municipality;
- (C) ~~or of~~ the United Nations; or
- (D) ~~of any~~ a foreign nation; ~~or any simulation thereof;~~
- ~~(d)~~ (4) consists of or comprises the name, signature, or portrait ~~of any identifying a particular~~ living individual, ~~except with his unless the individual provides~~ written consent; or
- ~~(e)~~ consists of (5) is a mark which that:
 - (1) when applied to (A) if used on or in connection with the goods or services of the applicant, is merely descriptive or deceptively misdescriptive of ~~them~~ the goods or services;
 - (2) when applied to (B) if used on or in connection with the goods or services of the applicant, is primarily geographically descriptive or deceptively geographically misdescriptive of ~~them~~ the goods or services; or
 - (3) (C) is primarily merely a surname.

Provided, however, that nothing in This subdivision shall does not prevent the registration of a mark that is used in this state Indiana by the applicant which and has become distinctive of the applicant's goods or services. The secretary of state may accept proof of continuous use of a mark by the applicant in Indiana for the five (5) years immediately preceding the date on which the claim of distinctiveness is made as evidence that the mark has become distinctive, as applied to used on or in connection with the applicant's goods or services; proof of substantially exclusive and continuous use thereof as a mark by the applicant in this state or elsewhere for the five (5) years next preceding the date of the filing of the application for registration; or

~~(f)~~ consists of or comprises (6) is a trademark mark which that so resembles a trademark mark registered in this state Indiana or deemed registered in this state; as provided for by section 16 of this chapter; a mark or trade name previously used by another person in Indiana and not abandoned, as to be likely, when applied to if used on or in connection with the goods or services of the applicant, to cause deception, confusion, or mistake. ~~or to deceive. unless there shall be filed with the secretary of state the written consent of the registrant of such trademark; signed and verified under oath by the registrant or one (1) of its officers or partners.~~

SECTION 4. IC 24-2-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Subject to the limitations set forth in of this chapter, any a person who adopts and uses a trademark in this state mark in Indiana may file in the office of the secretary, of state; on a form to be furnished by the secretary of state; in a manner that complies with the requirements of the secretary, an application for registration of that trademark setting the mark. The application must forth, but not limited to, include the following information:

- ~~(a)~~ (1) The name and business address of the person applying for such registration of the mark, and:
 - (A) if the applicant is a corporation, the state of incorporation;
 - (B) if the applicant is a partnership, the:

- (i) state in which the partnership is organized; and
- (ii) names of the general partners, as specified by the secretary; or
- (C) if the applicant is another form of legal entity, the jurisdiction in which the legal entity was organized.
- ~~(b)~~ (2) The:
 - (A) goods or services on or in connection with which the mark is used; in connection with which the mark; is used; and the
 - (B) mode or manner in which the mark is used on or in connection with such the goods or services; and the
 - (C) class in which such the goods or services fall.
- ~~(c)~~ (3) The date when on which the trademark mark was first used in the United States anywhere and the date of its on which the mark was first use used in this state Indiana by the applicant or his the applicant's predecessor in business.
- ~~(d)~~ (4) A statement that:
 - (A) that the applicant is the owner of the trademark mark;
 - (B) the mark is in use; and that no other
 - (C) to the knowledge of the person verifying the application, another person: has
 - (i) has not registered the mark, either federally or in Indiana; or
 - (ii) does not have the right to use such trademark in this state the mark either in the identical form thereof or in such near resemblance thereto to the form as might be calculated to deceive or to be mistaken therefor; however, this statement shall not be required if written consent is obtained in the manner provided for in section 3(f) of this chapter: to be likely, if applied to the goods or services of the other person, to cause deception, confusion, or mistake.
- (b) The secretary may also require on an application:
 - (1) a statement indicating whether an application to register a mark, parts of a mark, or a composite of a mark, has been filed by the applicant or a predecessor in the interest of the applicant in the United States Patent and Trademark Office. If an application has previously been filed in the United States Patent and Trademark Office, the applicant must provide full particulars with respect to the previous application, including the:
 - (A) filing date and serial number of each application;
 - (B) status of each application; and
 - (C) reason or reasons for the refusal of the application or the nonregistration of the mark if an application to register the mark was finally refused registration or if an application to register the mark has not resulted in a registration; and
 - (2) a drawing of the mark that complies with the requirements of the secretary.
- (c) The application shall must be signed and verified under oath, affirmation, or declaration subject to perjury laws by:
 - (1) the applicant; or by
 - (2) a member of the applicant firm or applicant limited liability company; or

(3) an officer of the **applicant** corporation, ~~or association, applying or other form of legal entity.~~

The application ~~shall~~ **must** be accompanied by three (3) specimens ~~or facsimiles of such trademark and shall contain a brief description of such trademark as it appears on such specimens or facsimiles showing actual use of the mark.~~ The application for registration ~~shall~~ **must** be accompanied by a filing fee of ten dollars (\$10) ~~an application fee payable to the secretary of state.~~

SECTION 5. IC 24-2-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) If a person files an application for registration of a mark and pays the application fee, the secretary may examine the application for conformity with this chapter.

(b) An applicant must provide additional information requested by the secretary, including a description of a design mark.

(c) An applicant may make or authorize the secretary to make reasonable amendments to an application that are requested by the secretary or are considered by the applicant to be advisable to respond to a rejection or an objection.

(d) The secretary may require an applicant to submit a new application if the secretary determines amendments to the application are necessary and the applicant does not make or authorize the secretary to make amendments under subsection (c).

(e) The secretary may require an applicant to disclaim a component of a mark that is not eligible for registration, and an applicant may voluntarily disclaim a component of a mark for which registration is sought. A disclaimer does not prejudice or affect the applicant's rights:

- (1) existing at the time of application or arising after the application in the disclaimed matter; or
- (2) on another application if the disclaimed matter is or becomes distinctive of the applicant's goods or services.

(f) If an applicant is not entitled to registration of a mark under this chapter, the secretary shall advise the applicant of the reason the applicant is not entitled to registration of the mark. The applicant has a reasonable time specified by the secretary:

- (1) to reply to the reason the applicant is not entitled to registration; or
- (2) to amend the application.

If the applicant replies to the secretary or amends the application within the reasonable time, the secretary shall reexamine the application.

(g) The procedure under subsection (f) may be repeated until:

- (1) the secretary finally refuses registration of the mark; or
- (2) the applicant fails to reply or amend the application within the time specified by the secretary, at which time the secretary shall consider the application to have been withdrawn.

(h) If the secretary issues a final order refusing the registration of a mark, an applicant may bring a civil action in a court with jurisdiction to compel the registration of the mark. A court may order the secretary to register a mark, without costs to the

secretary, on proof that all statements in the application are true and the mark is entitled to registration.

(i) If two (2) or more applications are concurrently processed by the secretary for registration of the same or confusingly similar marks for the same or related goods or services, the secretary shall grant priority to the applications in order of filing. If a previously filed application is granted a registration, the other application or applications must be rejected. A rejected applicant may bring an action for cancellation of the previously registered mark based upon previous or superior rights to the mark under section 10 of this chapter.

SECTION 6. IC 24-2-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) ~~Upon compliance by the~~ **If an applicant complies** with the requirements of this chapter, the secretary ~~of state shall cause issue and deliver a certificate of registration to be issued and delivered to the applicant.~~ The certificate of registration ~~shall~~ **must** be issued under the signature of the secretary ~~of state~~ and the seal of the state of Indiana. ~~and it shall show~~ **The certificate of registration must include all of the following:**

(1) The name and business address ~~and, if of the person claiming ownership of the mark.~~ **If the person claiming ownership of the mark is:**

(A) a corporation, ~~the certificate of registration must show the state of incorporation; of the person claiming ownership of the trademark;~~

(B) a partnership, the certificate of registration must show the state in which the partnership is organized and the names of the general partners, as specified by the secretary; or

(C) another form of legal entity, the certificate of registration must show the jurisdiction in which the legal entity is organized.

(2) The date claimed for the first use of the trademark ~~in the United States and this state;~~ **mark anywhere and the date claimed for the first use of the mark in Indiana.**

(3) The class of goods or services and a description of the goods or services ~~on or in connection with which the trademark mark is used.~~

(4) **A reproduction of the mark.**

(5) The registration date. ~~and~~

(6) The term of the registration. ~~One (1) specimen or facsimile of the trademark supplied under section 4 of this chapter shall be attached to and made a part of the certificate of registration.~~

(b) ~~Any~~ **A** certificate of registration issued by the secretary ~~of state under the provisions of subsection (a) or a copy thereof~~ **duly of a certificate of registration** certified by the secretary ~~of state shall be~~ is admissible in evidence as competent and sufficient proof of the registration of ~~such trademark~~ **the mark** in ~~any an~~ action or judicial proceedings ~~proceeding in any a court of this state.~~ **Indiana.**

SECTION 7. IC 24-2-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) ~~Registration of a trade-mark hereunder shall be~~ **mark under this chapter is effective** for a term of ~~ten (10) five~~ (5) years from the date of registration. ~~and~~

upon

(b) If a person who registers a mark under subsection (a) files an application filed within not more than six (6) months prior to before the expiration of such the five (5) year term, on a form to be furnished by the secretary of state, in a manner complying with the requirements of the secretary, the registration may be renewed for a like term an additional five (5) year term commencing at the end of the expiring five (5) year term.

(c) A renewal fee of ten dollars (\$10.00), payable to the secretary of state, shall must accompany the application for renewal of the registration.

(d) A trade-mark registration may be renewed for successive periods of ten (10) five (5) years in like the manner described in subsection (b).

(e) The secretary of state shall notify the registrants of trade-marks marks of the necessity of renewal within the year next preceding the expiration of the ten (10) five (5) years from the date of the registration by writing to the last known address of the registrants.

(f) An application for renewal under this chapter for a mark registered under this chapter or a mark registered under a prior law, must include:

- (1) a verified statement that the mark has been and remains in use; and
- (2) a specimen showing actual use of the mark on or in connection with the good or service.

SECTION 8. IC 24-2-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Any A registration in force on March 8, 1955, shall expire March 8, 1956, unless July 1, 2006, continues in full force and effect for the unexpired term of the registration and may be renewed by:

- (1) filing an application for renewal with the secretary; of state on a form furnished by him and
- (2) paying the renewal fee;

described in the manner described in section 6 of this chapter within not more than six (6) months prior to before the expiration of the registration.

SECTION 9. IC 24-2-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Any trademark (a) A mark and the registration of a mark under this chapter shall be are assignable with the:

- (1) good will of the business in which the trademark mark is used; or with that
- (2) part of the good will of the business:
 - (A) connected with the use of the mark; and
 - (B) symbolized by the trademark. Assignment shall mark.

(b) An assignment:

- (1) must be made by an instrument in writing duly executed; and
- (2) shall may be recorded with the secretary of state upon the payment of a recording fee of ten dollars (\$10) payable to the secretary. of state who, upon recording of the assignment,

(c) The secretary, after recording an assignment, shall issue in the name of the assignee a new certificate of registration for the remainder of the term of the:

(1) registration; or of the last

(2) most recent renewal thereof of the registration.

(d) An assignment of any a registration under this chapter shall be is void as against any a subsequent purchaser for valuable consideration without notice unless it the assignment is recorded with the secretary of state, not more than three (3) months:

- (1) after the date of the assignment; or
- (2) before the subsequent purchase.

SECTION 10. IC 24-2-1-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. (a) A registrant or an applicant who changes the name of the person to whom the mark is issued or for whom an application is filed may record a certificate of change of name of the registrant or applicant with the secretary upon the payment of a recording fee.

(b) The secretary may issue a new certificate of registration or an assigned application in the name of the assignee. The secretary may issue a new certificate of registration in the name of the assignee for the remainder of the term of the:

- (1) certificate of registration; or
- (2) most recent renewal of the certificate of registration.

SECTION 11. IC 24-2-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. The secretary of state shall keep for public examination a record of all trademarks marks registered or renewed under this chapter as well as a record of all instruments recorded under sections 8 and 8.5 of this chapter.

SECTION 12. IC 24-2-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The secretary of state shall cancel from the register in whole or in part:

- (1) after March 8, 1956, all registrations under prior statutes which have not been renewed in accordance with this chapter;
- (2) any (1) a registration concerning for which the secretary of state shall receive receives a voluntary request for cancellation thereof from the registrant or the assignee of record;
- (3) (2) all registrations granted under this chapter and not renewed in accordance with the provisions under section 6 of this chapter;
- (4) any (3) a registration concerning for which a court of competent jurisdiction shall find: finds that:

- (A) that the registered trademark mark has been abandoned;
- (B) that the registrant is not the owner of the trademark; mark;
- (C) that the registration was granted improperly; or
- (D) that the registration was obtained fraudulently; and
- (E) the registered mark is or has become the generic name for the good or the service, or a part of the good or the service, for which the mark was registered; or
- (F) the registered mark is so similar to a mark registered by another person on the principal register in the United States Patent and Trademark Office as to be likely to cause deception, confusion, or mistake between the marks, and the mark registered in the United States Patent and Trademark Office was filed before the filing of the application for registration by the registrant under

this chapter. However, a mark may not be canceled under this clause if the registrant proves that the registrant is the owner of a concurrent registration of a mark in the United States Patent and Trademark Office covering an area including Indiana; or

(5) when (4) a registration if a court of competent jurisdiction shall order orders cancellation of a the registration on any ground.

SECTION 13. IC 24-2-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The following general classes secretary shall adopt rules under IC 4-22-2 to establish:

(1) a classification of goods and services are established for convenience of administration of this chapter but not to limit or extend the an applicant's or registrant's rights; and

(2) a single application for registration of a trademark mark that:

(A) may include any or all goods or services each good upon or in connection which a mark is used;

(B) may include each service with which the trademark a mark is actually being used; comprised in a single class; but in no event shall a single application include goods or services upon or in connection with which the trademark is being used which fall within different and

(C) must indicate the appropriate class or classes of the goods or services.

To the extent practical, the classification of goods or services should conform to the classification of goods or services adopted by the United States Patent and Trademark Office.

(b) The said classes are as follows:

- (1) Raw or partly prepared materials.
- (2) Receptacles.
- (3) Baggage; animal equipments; portfolio; and pocketbooks.
- (4) Abrasives and polishing materials.
- (5) Adhesives.
- (6) Chemicals and chemical compositions.
- (7) Cordage.
- (8) Smokers' articles; not including tobacco products.
- (9) Explosives; firearms; equipments; and projectiles.
- (10) Fertilizers.
- (11) Inks and inking materials.
- (12) Construction materials.
- (13) Hardware and plumbing and steam-fitting supplies.
- (14) Metals and metal castings and forgings.
- (15) Oils and greases.
- (16) Paints and painters' materials.
- (17) Tobacco products.
- (18) Medicines and pharmaceutical preparations.
- (19) Vehicles.
- (20) Linoleum and oiled cloth.
- (21) Electrical apparatus; machines; and supplies.
- (22) Games; toys; and sporting goods.
- (23) Cutlery; machinery; and tools; and parts thereof.

(24) Laundry appliances and machines.

(25) Locks and safes.

(26) Measuring and scientific appliances.

(27) Horological instruments.

(28) Jewelry and precious-metal ware.

(29) Brooms; brushes; and dusters.

(30) Crockery; earthenware; and porcelain.

(31) Filters and refrigerators.

(32) Furniture and upholstery.

(33) Glassware.

(34) Heating, lighting, and ventilating apparatus.

(35) Belting; hose; machinery packing; and nonmetallic tires.

(36) Musical instruments and supplies.

(37) Paper and stationery.

(38) Prints and publications.

(39) Clothing.

(40) Fancy goods; furnishings; and notions.

(41) Canes; parasols; and umbrellas.

(42) Knitted; netted and textile fabrics; and substitutes thereof.

(43) Thread and yarn.

(44) Dental; medical; and surgical appliances.

(45) Soft drinks and carbonated waters.

(46) Foods and ingredients of foods.

(47) Wines.

(48) Malt beverages and liquors.

(49) Distilled alcoholic liquors.

(50) Cosmetics and toilet preparations.

(51) Detergents and soaps.

(52) Merchandise not otherwise classified.

(53) Miscellaneous.

(54) Advertising and business.

(55) Insurance and financial.

(56) Construction and repair.

(57) Communication.

(58) Transportation and storage.

(59) Material treatment.

(60) Education and entertainment.

(b) If a single application includes goods or services that fall within multiple classes, the secretary may require payment of a fee for each class.

SECTION 14. IC 24-2-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. ~~Any (a)~~ A person who shall for himself or herself, or on behalf of any other person, procure the filing or registration of any trade-mark mark in the office of the secretary of state under the provisions hereof; this chapter by knowingly making any a false or fraudulent representation or declaration orally, in writing, or by any other fraudulent means, shall be is liable to pay for all damages sustained in consequence of such the filing or registration. to be

(b) The damages may be recovered by or on behalf of the injured party injured thereby in any a court of competent jurisdiction.

SECTION 15. IC 24-2-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. Subject to the provisions of section 15 of this chapter, any a person who: shall:

~~(a) use;~~ **(1) uses**, without the consent of the registrant, ~~any a~~ reproduction, counterfeit, copy, or colorable imitation of a ~~trademark mark~~ registered under this chapter:

(A) in connection with the sale, offering for sale, distribution, or advertising of any goods or services; or

(B) on or in connection with which ~~such the~~ use is likely to cause confusion or mistake, or ~~to deceive as to result in~~ deception regarding the source ~~or of~~ origin of ~~such the~~ goods or services; or

~~(b) reproduce, counterfeit, copy;~~ **(2) reproduces, counterfeits, or copies a mark or colorably imitate any such trademark imitates a mark and apply such applies the** reproduction, counterfeit, copy, or colorable imitation to labels, signs, prints, packages, wrappers, receptacles, or advertisements intended to be ~~used upon or used:~~

(A) in ~~conjunction~~ connection with the sale or other distribution of the goods or services in this state of such goods or services shall be Indiana; or

(B) on the goods or services;

is liable ~~to in~~ a civil action brought by the owner of such registered ~~trademark~~ registrant for any or all of the remedies provided in section ~~14~~ of this chapter, except that under subdivision ~~(b)~~ **(2)** the registrant ~~shall~~ is not be entitled to recover profits or damages unless the acts have been committed with knowledge that such trademark is intended to be used ~~the intent~~ to cause deception, confusion, or mistake. ~~or to deceive.~~

SECTION 16. IC 24-2-1-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.5. (a) This section applies only to fanciful marks, except in cases where the other person's use tarnishes the reputation of the famous mark.**

(b) An owner of a mark that is famous in Indiana is entitled, subject to the principles of equity and terms a court considers reasonable, to an injunction against another person's commercial use of the mark or trade name if the other person's use begins after the mark has become famous and the other person's use causes dilution of the distinctive quality of the mark, and to other relief provided in this section. In determining whether a mark is distinctive and famous, a court may consider factors such as:

(1) the degree of inherent or acquired distinctiveness of the mark in Indiana;

(2) the duration and extent of use of the mark in connection with the goods or services with which the mark is used;

(3) the duration and extent of advertising and publicity of the mark in Indiana;

(4) the geographical extent of the trading area in which the mark is used;

(5) the channels of trade for the goods or services with which the mark is used;

(6) the degree of recognition of the mark in the trading areas and channels of trade in Indiana as it relates to the use of the mark by the:

(A) mark's owner; and

(B) person against whom the injunction is sought;

(7) the nature and extent of use of the same or a similar mark by a third party; and

(8) whether the mark is the subject of a:

(A) registration in Indiana;

(B) federal registration under the Act of March 3, 1881;

(C) federal registration under the Act of February 20, 1905; or

(D) registration on the principal register.

(c) In an action brought under this section, the owner of a famous mark is entitled only to injunctive relief unless the person against whom the injunctive relief is sought willfully intended to trade on the owner's reputation or to cause dilution of the famous mark. If willful intent is proven, the owner of the famous mark is entitled to the other remedies set forth in this section, subject to the discretion of the court and the principles of equity.

(d) A court may require a defendant to pay to the owner of a mark all profits derived from and damages suffered by reason of the use of the mark in violation of this section and, in exceptional cases, may award reasonable attorney's fees to the prevailing party.

(e) The following are not actionable under this section:

(1) Fair use of a famous mark by another person in comparative commercial advertising or promotion to identify the competing goods or services of the owner of the famous mark.

(2) Noncommercial use of the mark.

(3) All forms of news reporting and news commentary.

SECTION 17. IC 24-2-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. (a) Any An** owner of a ~~trademark mark~~ registered under this chapter may ~~proceed~~ by suit bring an action to enjoin the use of any mark in violation of section 13 of this chapter and the manufacture, ~~use~~, display, or sale of any counterfeits or imitations thereof, goods or services identified by the mark and any a court of competent jurisdiction may grant ~~injunctions an injunction~~ to restrain such the use of the mark and the manufacture, ~~use~~, display, or sale of the goods or services as may be by the said court ~~deemed~~ considers just and reasonable. ~~and~~

(b) A court may:

(1) require ~~the a~~ defendant to pay to ~~such the~~ owner of a mark all:

(A) profits derived from; ~~and/or all and~~

(B) damages suffered by reason of;

such the wrongful manufacture, ~~use~~, display, or sale of the goods or services; and such court may also

(2) order that any such counterfeits the goods or item bearing the mark or imitations in the possession or under the control of any a defendant in such the case be delivered to an officer of the court or to the complainant to be destroyed.

(c) In addition to amounts a court may award under subsection (b), a court may enter judgment for:

(1) an amount not to exceed the greater of:

(A) three (3) times the profits derived from; or

(B) three (3) times the damages suffered by reason of;

the intentional use of a counterfeit mark, knowing it to be a

counterfeit in connection with the goods or services for which the mark is registered; and

(2) in exceptional cases, reasonable attorney's fees to the prevailing party.

~~(b)~~ (d) The ~~enumeration~~ invocation of any a right or remedy in this chapter ~~shall~~ does not affect a registrant's right to ~~prosecute~~ prosecution under any a penal law. ~~of this state.~~

SECTION 18. IC 24-2-1-14.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.5. (a) An action for cancellation of a mark registered under this chapter or an action to compel registration of a mark under this chapter must be brought in a court with jurisdiction in Indiana.**

(b) In an action for cancellation of a mark, the secretary:

(1) may not be made a party to an action;

(2) must be notified of the filing of a complaint in an action by the clerk of the court in which the complaint is filed; and

(3) is entitled to intervene in an action for cancellation of a mark.

(c) In an action brought against a nonresident registrant, service may be effected upon the secretary as agent for service of the registrant in accordance with the procedures established for service upon nonresident corporations and business entities.

SECTION 19. IC 24-2-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15. ~~Nothing herein shall~~ This chapter does not** adversely affect the rights or the enforcement of rights in ~~trade-marks~~ a mark acquired in good faith at any time at common law.

SECTION 20. IC 24-2-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15.3. (a) The secretary shall adopt rules under IC 4-22-2 to establish:**

(1) an application fee;

(2) a renewal fee;

(3) a recording fee; and

(4) fees for related services.

(b) A fee is nonrefundable unless otherwise specified in the rules adopted by the secretary under subsection (a).

SECTION 21. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 24-2-1-1; IC 24-2-1-16.

SECTION 22. [EFFECTIVE JULY 1, 2006] **This act does not affect a legal proceeding or appeal initiated under IC 24-2-1 before July 1, 2006.**

(Reference is to EHB 1353 as printed February 10, 2006.)

Walorski, Chair

Bray

Crooks

Broden

House Conferees

Senate Conferees

Roll Call 365: yeas 49, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 77-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 77 respectfully reports that

said two committees have conferred and agreed as follows to wit: that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 10.

Page 2, delete lines 3 through 21.

Renumber all SECTIONS consecutively.

(Reference is to ESB 77 as reprinted February 22, 2006.)

Heinold, Chair

Heim

Broden

Stilwell

Senate Conferees

House Conferees

Roll Call 366: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 202-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 202 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 12, delete lines 29 through 42.

Page 13, delete lines 1 through 6.

Page 17, line 23, delete "subsection (b)(1)" and insert "**subdivision (1)**".

Renumber all SECTIONS consecutively.

(Reference is to ESB 202 as reprinted March 1, 2006.)

Riegsecker, Chair

T. Brown

Sipes

C. Brown

Senate Conferees

House Conferees

Roll Call 367: yeas 50, nays 0. Report adopted.

MOTIONS TO CONCUR IN HOUSE AMENDMENTS

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 338.

MERRITT

Roll Call 368: yeas 50, nays 0. Motion prevailed.

SENATE MOTION

Madam President: I move that the Senate do concur with the House amendments to Engrossed Senate Bill 339.

MERRITT

Roll Call 369: yeas 50, nays 0. Motion prevailed.

8:04 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 8:18 p.m., with the President of the Senate in the Chair.

CONFERENCE COMMITTEE REPORTS**CONFERENCE COMMITTEE REPORT****ESB 112-1**

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 112 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 21, delete lines 16 through 27.

Renumber all SECTIONS consecutively.

(Reference is to ESB 112 as reprinted February 24, 2006.)

Riegsecker, Chair

Woodruff

Rogers

C. Brown

Senate Conferees

House Conferees

Roll Call 370: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT**ESB 321-1**

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 321 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-4-2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. **Except as provided in IC 22-4-11.5**, "computation date" means June 30 of the year preceding the effective date of new rates of contribution, except that in the event, after having been legally terminated, an employer again becomes subject to this article during the last six (6) months of a calendar year and resumes ~~his the employer's~~ former position with respect to the resources and liabilities of the experience account, then and in such case ~~his the employer's~~ first "computation date" shall mean December 31 of the fourth consecutive calendar year of such subjectivity and thereafter "computation date" for such employer shall mean June 30.

SECTION 2. IC 22-4-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. "Initial claim" means a written application, in a form prescribed by the ~~board;~~ **department**, made by an individual for the determination of ~~his the individual's~~ status as an insured worker.

SECTION 3. IC 22-4-2-24 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. "Additional claim" means a written application for a determination of benefit eligibility, made by an individual in a form prescribed by the ~~board;~~ **department**, to begin a second or subsequent series of claims in a benefit period, by which application the individual certifies to new unemployment resulting from a break in or loss of work which has occurred since the last claim was filed by such individual.

SECTION 4. IC 22-4-2-39 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 39. As used in this article, "liability administrative law judge" means a person who is:**

(1) employed as an administrative law judge under IC 22-4-17-4; and

(2) authorized to hear matters described in IC 22-4-32-1.

SECTION 5. IC 22-4-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. "Employer" also means **the following:**

(a) Any employing unit whether or not an employing unit at the time of the acquisition which acquires the organization, trade, or business within this state of another which at the time of such acquisition is an employer subject to this article, and any employing unit whether or not an employing unit at the time of the acquisition which acquires substantially all the assets within this state of such an employer used in or in connection with the operation of such trade or business, if the acquisition of substantially all such assets of such trade or business results in or is used in the operation or continuance of an organization, trade, or business.

(b) Any employing unit (whether or not an employing unit at the time of acquisition) which acquires a distinct and segregable portion of the organization, trade, or business within this state of another employing unit which at the time of such acquisition is an employer subject to this article only if the employment experience of the disposing employing unit combined with the employment of its predecessor or predecessors would have qualified such employing unit under ~~IC 22-4-7-1~~ **section 1 of this chapter** if the portion acquired had constituted its entire organization, trade, or business and the acquisition results in the operation or continuance of an organization, trade, or business.

(c) Any employing unit which, having become an employer under ~~IC 22-4-7-1, 22-4-7-2(a), 22-4-7-2(b), 22-4-7-2(d), 22-4-7-2(f), or 22-4-7-2(h);~~ **section 1, 2(a), 2(b), 2(d), 2(f), or 2(h) of this chapter**, has not ceased to be an employer by compliance with the provisions of IC 22-4-9-2 and IC 22-4-9-3.

(d) For the effective period of its election pursuant to IC 22-4-9-4 or **IC 22-4-9-5**, any other employing unit which has elected to become fully subject to this article.

(e) Any employing unit for which service in employment as defined in IC 22-4-8-2(l) is performed. In determining whether an employing unit for which service other than agricultural labor is also performed is an employer under sections 1 or 2 of this chapter, the wages earned or the employment of an employee performing service in agricultural labor ~~after December 31, 1977~~, may not be taken into account. If an employing unit is determined an employer of agricultural labor, the employing unit shall be determined an

employer for the purposes of section 1 of this chapter.

(f) Any employing unit not an employer by reason of any other paragraph of ~~IC 22-4-7-2(a) through 22-4-7-2(c)~~ **section 2(a) through 2(e) of this chapter** inclusive, for which within either the current or preceding calendar year services in employment are or were performed with respect to which such employing unit is liable for any federal tax against which credit may be taken for contributions required to be paid into a state unemployment ~~compensation~~ **insurance** fund; or which, as a condition for approval of this article for full tax credit against the tax imposed by the Federal Unemployment Tax Act, is required, pursuant to such Act, to be an "employer" under this article; however, an employing unit subject to contribution solely because of the terms of this subsection may file a written application to cover and insure ~~his the employing unit's~~ **employees** under the unemployment ~~compensation~~ **insurance** law of another jurisdiction. Upon approval of such application by the ~~board;~~ **department**, the employing unit shall not be deemed to be an employer and such service shall not be deemed employment under this article.

(g) Any employing unit for which service in employment, as defined in IC 22-4-8-2(i) ~~is performed after December 31, 1971 and subsequent to December 31, 1977;~~ **any employing unit for which service in employment is performed; as defined in or IC 22-4-8-2(i)(1), is performed.**

(h) Any employing unit for which service in employment, as defined in IC 22-4-8-2(j), is performed. ~~after December 31, 1971.~~

(i) Any employing unit for which service in employment as defined in IC 22-4-8-2(m) is performed. In determining whether an employing unit for which service other than domestic service is also performed is an employer under sections 1 or 2 of this chapter, the wages earned or the employment of an employee performing domestic service ~~after December 31, 1977;~~ may not be taken into account.

SECTION 6. IC 22-4-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) "Employment," subject to the other provisions of this section, means service, including service in interstate commerce performed for remuneration or under any contract of hire, written or oral, expressed or implied.

~~(a)~~ **(b)** Services performed by an individual for remuneration shall be deemed to be employment subject to this article irrespective of whether the common-law relationship of master and servant exists, unless and until ~~it is~~ **all the following conditions are** shown to the satisfaction of the ~~board that (A) such department:~~

(1) The individual has been and will continue to be free from control and direction in connection with the performance of such service, both under ~~his the individual's~~ contract of service and in fact.

~~(B) such~~ **(2)** The service is performed outside the usual course of the business for which the service is performed. ~~and~~

~~(C) such~~ **(3)** The individual:

(A) is customarily engaged in an independently established trade, occupation, profession, or business of the same nature as that involved in the service performed; or

(B) is a sales agent who receives remuneration solely upon a commission basis and who is the master of ~~his the~~

individual's own time and effort.

~~(b) Such~~ **(c)** The term ~~shall include;~~ **also includes the following:**

(1) Services performed for remuneration by an officer of a corporation in ~~his the officer's~~ official corporate capacity.

(2) Services performed for remuneration for any employing unit by an individual:

(A) as an agent-driver or commission-driver engaged in distributing products, including but not limited to, meat, vegetables, fruit, bakery, beverages, or laundry or dry-cleaning services for ~~his the individual's~~ principal; **or**

(B) as a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, ~~his the individual's~~ principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operators of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

~~Provided; That (d)~~ For purposes of ~~subparagraph (b)(2) subsection (c)(2),~~ the term "employment" shall include services described in ~~(A) subsection (c)(2)(A) and (B) (c)(2)(B)~~ only if **all the following conditions are met:**

~~i.~~ **(1)** The contract of service contemplates that substantially all of the services are to be performed personally by such individual.

~~ii.~~ **(2)** The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation). ~~and~~

~~iii.~~ **(3)** The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

SECTION 7. IC 22-4-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. "Employment" shall not include the following:

~~(a)~~ **(1)** Except as provided in section 2(i) of this chapter, service performed prior to January 1, 1978, in the employ of this state, any other state, any town or city, or political subdivision, or any instrumentality of any of them, other than service performed in the employ of a municipally owned public utility as defined in this article; or service performed in the employ of the United States of America, or an instrumentality of the United States immune under the Constitution of the United States from the contributions imposed by this article, except that to the extent that the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation statute, all of the provisions of this article shall be applicable to such instrumentalities, in the same manner, to the same extent, and on the same terms as to all other employers, employing units, individuals, and services. However, if this state shall not be certified for any year by the Secretary of Labor under Section 3304 of the Internal Revenue Code the payments required of such instrumentalities with respect to such year shall be refunded by the commissioner from the fund in the

same manner and within the same period as is provided in IC 22-4-32-19 with respect to contribution erroneously paid or wrongfully assessed.

~~(b)~~ **(2)** Service with respect to which unemployment compensation is payable under an unemployment compensation system established by an Act of Congress; however, the ~~board~~ **department** is authorized to enter into agreements with the proper agencies under such Act of Congress which agreements shall become effective ten (10) days after publication thereof, ~~in the manner provided in IC 22-4-19-2 for rules of the board; in accordance with rules adopted by the department under IC 4-22-2,~~ to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this article, acquired rights to unemployment compensation under such Act of Congress, or who have, after having acquired potential rights to unemployment compensation under such Act of Congress, acquired rights to benefits under this article.

~~(c)~~ **(3)** "Agricultural labor" as provided in section 2(l)(1) of this chapter shall include only services performed:

~~(i)~~ **(A)** on a farm, in the employ of any person, in connection with cultivating the soil or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife;

~~(ii)~~ **(B)** in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

~~(iii)~~ **(C)** in connection with the production or harvesting of any commodity defined as an agricultural commodity in Section 15(g) of the Agricultural Marketing Act (**12 U.S.C. 1141j(g)**) as amended, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

~~(iv)~~~~(A)~~ **(D)** in the employ of:

(i) the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is performed; **or**

~~(B) in the employ of~~ **(ii)** a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in ~~subdivision (A); item (i),~~ but only if such operators produce more than one-half (1/2) of the commodity with respect to which such service is performed;

~~(E)~~ **except** the provisions of ~~subdivisions (A) and (B) items~~

(i) and (ii) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

~~(v)~~ **(E)** on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

(4) As used in ~~this subsection; subdivision (3),~~ "farm" includes stock, dairy, poultry, fruit, furbearing animals, and truck farms, nurseries, orchards, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities.

~~(d)~~ **(5)** Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in section 2(m) of this chapter.

~~(e)~~ **(6)** Service performed on or in connection with a vessel or aircraft not an American vessel or American aircraft, if the employee is employed on and in connection with such vessel or aircraft when outside the United States.

~~(f)~~ **(7)** Service performed by an individual in the employ of child or spouse, and service performed by a child under the age of twenty-one (21) in the employ of a parent.

~~(g)~~ **(8)** Service not in the course of the employing unit's trade or business performed in any calendar quarter by an individual, unless the cash remuneration paid for such service is fifty dollars (\$50) or more and such service is performed by an individual who is regularly employed by such employing unit to perform such service. For the purposes of this ~~subsection; subdivision,~~ an individual shall be deemed to be regularly employed to perform service not in the course of an employing unit's trade or business during a calendar quarter only if:

~~(i)~~ **(A)** on each of some of twenty-four (24) days during such quarter such individual performs such service for some portion of the day; or

~~(ii)~~ **(B)** such individual was regularly employed (as determined under clause ~~(i)~~ **(A)**) by such employing unit in the performance of such service during the preceding calendar quarter.

~~(h)~~ **(9)** Service performed by an individual in any calendar quarter in the employ of any organization exempt from income tax under Section 501 of the Internal Revenue Code (except those services included in sections 2(i) and 2(j) of this chapter if the remuneration for such service is less than fifty dollars (\$50)).

~~(i)~~ **(10)** Service performed in the employ of a hospital, if such service is performed by a patient of such hospital.

~~(j)~~ **(11)** Service performed in the employ of a school, college, or university if such service is performed:

~~(i)~~ **(A)** by a student who is enrolled and is regularly attending classes at such school, college, or university; or

~~(ii)~~ **(B)** by the spouse of such a student, if such spouse is advised, at the time such spouse commences to perform such service, that:

~~(A)~~ (i) the employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university; and

~~(B)~~ (ii) such employment will not be covered by any program of unemployment insurance.

~~(k)~~ (12) Service performed by an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program, and such institution has so certified to the employer, except that this ~~subsection~~ **subdivision** shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

~~(l)~~ (13) Service performed in the employ of a government foreign to the United States of America, including service as a consular or other officer or employee or a nondiplomatic representative.

~~(m)~~ (14) Service performed in the employ of an instrumentality wholly owned by a government foreign to that of the United States of America, if the service is of a character similar to that performed in foreign countries by employees of the United States of America or of an instrumentality thereof, and if the board finds that the Secretary of State of the United States has certified to the Secretary of the Treasury of the United States that the government, foreign to the United States, with respect to whose instrumentality exemption is claimed, grants an equivalent exemption with respect to similar service performed in such country by employees of the United States and of instrumentalities thereof.

~~(n)~~ (15) Service performed as a student nurse in the employ of a hospital or nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and service performed as an intern in the employ of a hospital by an individual who has completed a four (4) year course in a medical school chartered or approved pursuant to state law.

~~(o)~~ (16) Service performed by an individual as an insurance producer or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

~~(p)~~~~(A)~~ (17) Service performed by an individual:

(A) under the age of eighteen (18) in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution; **or**

(B) ~~Services performed by an individual~~ in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by ~~him~~ **the**

individual at a fixed price, ~~his~~ **the individual's** compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to ~~him~~; **the individual**, whether or not ~~he~~ **the individual** is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back.

~~(q)~~ (18) Service performed in the employ of an international organization.

~~(r)~~ (19) Except as provided in IC 22-4-7-1, services covered by an election duly approved by the agency charged with the administration of any other state or federal unemployment compensation law in accordance with an arrangement pursuant to IC 22-4-22-1 through IC 22-4-22-5, during the effective period of such election.

~~(s)~~ (20) If the service performed during one-half (1/2) or more of any pay period by an individual for an employing unit constitutes employment, all the services of such individual for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any pay period by such an individual do not constitute employment, then none of the services of such individual for such period shall be deemed to be employment. As used in this subsection, "pay period" means a period of not more than thirty-one (31) consecutive days for which a payment of remuneration is ordinarily made to the individual by the employing unit. This subsection shall not be applicable with respect to services performed in a pay period by any such individual where any such service is excepted by ~~subsection (b)~~ **subdivision (2)**.

~~(t)~~ (21) Service performed by an inmate of a custodial or penal institution.

~~(u)~~ (22) Service performed as a precinct election officer (as defined in IC 3-5-2-40.1).

SECTION 8. IC 22-4-9-3, AS AMENDED BY P.L.98-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section is subject to the provisions of IC 22-4-11.5.

(b) Any employer subject to this article as successor to an employer pursuant to the provisions of IC 22-4-7-2(a) or IC 22-4-7-2(b) shall cease to be an employer at the end of the year in which the acquisition occurs only if the ~~board~~ **department** finds that within such calendar year the employment experience of the predecessor prior to the date of disposition combined with the employment experience of the successor subsequent to the date of acquisition would not be sufficient to qualify the successor employer as an employer under the provisions of IC 22-4-7-1. No such successor employer may cease to be an employer subject to this article at the end of the first year of the current period of coverage of the predecessor employer. If all of the resources and liabilities of the experience account of an employer are assumed by another in accordance with the provisions of IC 22-4-10-6 or IC 22-4-10-7, such employer's status as employer and under this article is hereby terminated unless and until such employer subsequently qualifies under the provisions of IC 22-4-7-1 or IC 22-4-7-2 or elects to

become an employer under sections 4 or 5 of this chapter.

(c) If no application for termination, as herein provided, is filed by an employer and four (4) full calendar years have elapsed since any contributions have become payable from such employer, then and in such cases the ~~board~~ **department** may terminate such employer's experience account.

SECTION 9. IC 22-4-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Any employing unit not otherwise subject to this article which files with the ~~board~~ **department** its written election to become an employer subject to this article for not less than two (2) calendar years shall, with the written approval of such election by the ~~board~~, **department**, become an employer subject to this article to the same extent as all other employers as of the date stated in such approval. ~~provided~~; However, ~~that~~ the voluntary election of any such employer shall become inoperative if such employing unit becomes an employer by reason of IC 22-4-7-1.

SECTION 10. IC 22-4-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Contributions shall accrue and become payable from each employer for each calendar year in which it is subject to this article with respect to wages paid during such calendar year. ~~except~~ Where the status of an employer is changed by cessation or disposition of business or appointment of a receiver, trustees, trustee in bankruptcy, or other fiduciary, contributions shall immediately become due and payable on the basis of wages paid or payable by such employer as of the date of the change of status. Such contributions shall be paid to the department in such manner as the ~~commissioner~~ **department** may prescribe, and shall not be deducted, in whole or in part, from the remuneration of individuals in an employer's employ. When contributions are determined in accordance with Schedule A as provided in IC 22-4-11-3, the ~~board~~ **department** may prescribe rules to require an estimated advance payment of contributions in whole or in part, if in the judgment of the ~~board~~ **department** such advance payments will avoid a debit balance in the fund during the calendar quarter to which the advance payment applies. An adjustment shall be made following the quarter in which an advance payment has been made to reflect the difference between the estimated contribution and the contribution actually payable. Advance payment of contributions shall not be required for more than one (1) calendar quarter in any calendar year.

~~(a)(1)~~ (b) Any employer which is, or becomes, subject to this article by reason of IC 22-4-7-2(g) or IC 22-4-7-2(h) shall pay contributions as provided under this article unless it elects to become liable for "payments in lieu of contributions" (as defined in IC 22-4-2-32).

~~(2)~~ (c) Except as provided in subsection ~~(a)(4)~~, (e), the election to become liable for "payments in lieu of contributions" must be filed with the department on a form prescribed by the ~~commissioner~~ **department** not later than thirty-one (31) days following the date upon which such entity qualifies as an employer under this article, and shall be for a period of not less than two (2) calendar years.

~~(3)~~ (d) Any employer ~~which that~~ makes an election in accordance with ~~subdivisions (1) through (2)~~ **subsections (b) and (c)** will

continue to be liable for "payments in lieu of contributions" until it files with the ~~commissioner~~ **department** a written notice terminating its election. ~~This~~ **The notice filed by an employer to terminate its election** must be filed not later than thirty (30) days prior to the beginning of the taxable year for which such termination shall first be effective.

~~(4)~~ (e) Any employer ~~which that~~ qualifies to elect to become liable for "payments in lieu of contributions" and has been paying contributions under this article, ~~for a period subsequent to January 1, 1972~~, may change to a reimbursable basis by filing with the department not later than thirty (30) days prior to the beginning of any taxable year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by the organization for that and the next year.

~~(b)(1)~~ (f) Employers making "payments in lieu of contributions" under ~~subsection (a)~~ **subsections (b) and (c)** shall make reimbursement payments monthly. At the end of each calendar month the department shall bill each such employer (or group of employers) for an amount equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid during such month that is attributable to services in the employ of such employers or group of employers. Governmental entities of this state and its political subdivisions electing to make "payments in lieu of contributions" shall be billed by the department at the end of each calendar month for an amount equal to the full amount of regular benefits plus the full amount of extended benefits paid during the month that is attributable to service in the employ of the governmental entities.

~~(2)~~ (g) Payment of any bill rendered under ~~subdivision (1)~~ **subsection (f)** shall be made not later than thirty (30) days after such bill was mailed to the last known address of the employer or was otherwise delivered to it, unless there has been an application for review and redetermination ~~in accordance with subdivision (4)~~; **filed under subsection (i).**

~~(3)~~ (h) Payments made by any employer under the provisions of ~~this subsection~~ **subsections (f) through (j)** shall not be deducted or deductible, in whole or in part, from the remuneration of individuals in the employ of the employer.

~~(4)~~ (i) The amount due specified in any bill from the department shall be conclusive on the employer unless, not later than fifteen (15) days after the bill was mailed to its last known address or otherwise delivered to it, the employer files an application for redetermination. If the employer so files, the employer shall have an opportunity to be heard, and such hearing shall be conducted by a liability administrative law judge pursuant to IC 22-4-32-1 through IC 22-4-32-15. After the hearing, the liability administrative law judge shall immediately notify the employer in writing of the finding, and the bill, if any, so made shall be final, in the absence of judicial review proceedings, fifteen (15) days after such notice is issued.

~~(5)~~ (j) Past due payments of amounts in lieu of contributions shall be subject to the same interest and penalties that, pursuant to IC 22-4-29, apply to past due contributions.

~~(6)~~ (k) Two (2) or more employers that have elected to become liable for "payments in lieu of contributions" in accordance with

~~subsection (a)~~ **subsections (b) and (c)** may file a joint application with the department for the establishment of a group account for the purpose of sharing the cost of benefits paid that are attributable to service in the employ of such employers. Such group account shall be established as provided in regulations prescribed by the commissioner.

SECTION 11. IC 22-4-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Except as provided in ~~section 1(a)~~ **section 1(b) through 1(e)** of this chapter, each employer shall pay contributions equal to ~~the following percentage of wages: (a) five and four-tenths six-tenths percent (5.4%); (5.6%) of wages,~~ except as otherwise provided in IC 22-4-11-2, IC 22-4-11-3, **IC 22-4-11.5**, and IC 22-4-37-3.

SECTION 12. IC 22-4-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a)** Except as provided in ~~section 1(a)~~ **section 1(b) through 1(e)** of this chapter, the commissioner shall maintain within the fund a separate experience account for each employer and shall credit to such account all contributions paid by such employer on its behalf except as otherwise provided in this article.

(b) The commissioner shall also maintain a separate account for each employer electing to make payments in lieu of contributions as provided in ~~section 1(a)~~ **section 1(b) through 1(e)** of this chapter and shall charge to such account all benefits chargeable to such employer and credit to such account all reimbursements made by such employer.

SECTION 13. IC 22-4-10-6, AS AMENDED BY P.L.98-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. **(a)** When:

- (1) an employing unit (whether or not an employing unit at the time of the acquisition) becomes an employer under IC 22-4-7-2(a);
- (2) an employer acquires the organization, trade, or business, or substantially all the assets of another employer; or
- (3) an employer transfers all or a portion of the employer's trade or business (including the employer's workforce) to another employer as described in IC 22-4-11.5-7;

the successor employer shall, in accordance with the rules prescribed by the ~~board~~, **department**, assume the position of the predecessor with respect to all the resources and liabilities of the predecessor's experience account.

(b) Except as provided by IC 22-4-11.5, when:

- (1) an employing unit (whether or not an employing unit at the time of the acquisition) becomes an employer under IC 22-4-7-2(b); or
- (2) an employer acquires a distinct and segregable portion of the organization, trade, or business within this state of another employer;

the successor employer shall assume the position of the predecessor employer with respect to the portion of the resources and liabilities of the predecessor's experience account as pertains to the distinct and segregable portion of the predecessor's organization, trade, or business acquired by the successor. An application for the acquiring employer to assume this portion of the resources and liabilities of the

disposing employer's experience account must be filed with the ~~commissioner~~ **department** on prescribed forms not later than ~~one hundred fifty (150)~~ **thirty (30)** days immediately following the disposition date or not later than ten (10) days after the disposing and acquiring employers are mailed or otherwise delivered final notice that the acquiring employer is a successor employer, whichever is the earlier date. This portion of the resources and liabilities of the disposing employer's experience account shall be transferred in accordance with IC 22-4-11.5.

(c) Except as provided by IC 22-4-11.5, the successor employer, if an employer prior to the acquisition, shall pay at the rate of contribution originally assigned to it for the calendar year in which the acquisition occurs, until the end of that year. If not an employer prior to the acquisition, the successor employer shall pay the rate of two and seven-tenths percent (2.7%) unless the successor employer assumes all or part of the resources and liabilities of the predecessor employer's experience account, in which event the successor employer shall pay at the rate of contribution assigned to the predecessor employer for the period starting with the first day of the calendar quarter in which the acquisition occurs, until the end of that year. However, if a successor employer, not an employer prior to the acquisition, simultaneously acquires all or part of the experience balance of two (2) or more employers, the successor employer shall pay at the highest rate applicable to the experience accounts totally or partially acquired for the period starting with the first day of the calendar quarter in which the acquisition occurs, until the end of the year. If the successor employer had any employment prior to the date of acquisition upon which contributions were owed under IC 22-4-9-1, the employer's rate of contribution from the first of the year to the first day of the calendar quarter in which the acquisition occurred would be two and seven-tenths percent (2.7%).

SECTION 14. IC 22-4-10.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. **(a)** **Subject to subsection (d)**, skills 2016 assessments unpaid on the date on which they are due and payable bear interest at the rate of one percent (1%) per month or fraction of a month from and after that date until payment plus accrued interest is received by the department.

(b) **Subject to subsection (d)**, a twenty-five dollar (\$25) penalty shall be assessed on any skills 2016 assessments that are unpaid on the date subsequent to the date on which they are due and payable.

(c) All penalty and interest collected on delinquent skills 2016 assessments shall be deposited in the skills 2016 training fund established under ~~IC 22-4-24.5~~ **IC 5-28-27-3**.

(d) **The department may adopt fair and reasonable policies to waive the penalty and interest assessed under this section.**

SECTION 15. IC 22-4-11-2, AS AMENDED BY P.L.98-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. **(a)** Except as provided in IC 22-4-11.5, the ~~commissioner~~ **department** shall for each year determine the contribution rate applicable to each employer.

(b) The balance shall include contributions with respect to the period ending on the computation date and actually paid on or before July 31 immediately following the computation date and benefits actually paid on or before the computation date and shall also include

any voluntary payments made in accordance with IC 22-4-10-5:

(1) for each calendar year, an employer's rate shall be determined in accordance with the rate schedules in section 3 or 3.3 of this chapter; and

(2) for each calendar year, an employer's rate shall be two and seven-tenths percent (2.7%), except as otherwise provided in IC 22-4-37-3, unless and until:

(A) the employer has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date; and

(B) there has been some annual payroll in each of the three

(3) twelve (12) month periods immediately preceding the computation date.

(c) In addition to the conditions and requirements set forth and provided in subsection (b)(2)(A) and (b)(2)(B), an employer's rate shall not be less than five and ~~four-tenths six-tenths~~ percent (~~5.4%~~) **(5.6%)** unless all required contribution and wage reports have been filed within thirty-one (31) days following the computation date and all contributions, penalties, and interest due and owing by the employer or the employer's predecessors for periods prior to and including the computation date have been paid:

(1) within thirty-one (31) days following the computation date; or

(2) within ten (10) days after the ~~commissioner~~ **department** has given the employer a written notice by registered mail to the employer's last known address of:

(A) the delinquency; or

(B) failure to file the reports;

whichever is the later date.

The board or the board's designee may waive the imposition of rates under this subsection if the board finds the employer's failure to meet the deadlines was for excusable cause. The ~~commissioner~~ **department** shall give written notice to the employer before this additional condition or requirement shall apply.

(d) However, if the employer is the state or a political subdivision of the state or any instrumentality of a state or a political subdivision, or any instrumentality which is wholly owned by the state and one (1) or more other states or political subdivisions, the employer may contribute at a rate of one percent (1%) until it has been subject to this article throughout the thirty-six (36) consecutive calendar months immediately preceding the computation date.

(e) On the computation date every employer who had taxable wages in the previous calendar year shall have the employer's experience account charged with the amount determined under the following formula:

STEP ONE: Divide:

(A) the employer's taxable wages for the preceding calendar year; by

(B) the total taxable wages for the preceding calendar year.

STEP TWO: Multiply the quotient determined under STEP ONE by the total amount of benefits charged to the fund under section 1 of this chapter.

(f) One (1) percentage point of the rate imposed under subsection (c) or the amount of the employer's payment that is attributable to the

increase in the contribution rate, whichever is less, shall be imposed as a penalty that is due and shall be deposited upon collection into the special employment and training services fund established under IC 22-4-25-1. The remainder of the contributions paid by an employer pursuant to the maximum rate shall be:

(1) considered a contribution for the purposes of this article; and

(2) deposited in the unemployment insurance benefit fund established under IC 22-4-26.

SECTION 16. IC 22-4-11.5-2, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "administrative law judge" means a person ~~appointed~~ **employed** by the commissioner under IC 22-4-17-4.

SECTION 17. IC 22-4-11.5-5, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "violates or attempts to violate" includes

~~(1)~~ the intent to evade **a higher employer contribution rate in connection with a transfer of a trade or business through**

~~(2)~~ misrepresentation or

~~(3)~~ willful nondisclosure **of information relevant to the transfer.**

SECTION 18. IC 22-4-11.5-7, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) ~~¶ This section applies to a transfer of a trade or business that meets the following requirements:~~

(1) An employer transfers all or a portion of the employer's trade or business to another employer. ~~and~~

(2) At the time of the transfer, the two (2) employers have substantially common ownership, management, or control.

~~(b) The successor employer shall assume the experience rating account balance of the predecessor employer for the resources and liabilities of the predecessor employer's experience account that are attributable to the transfer.~~

~~(b) (c)~~ The contribution rates of both employers shall be recalculated, and **the recalculated rate** made effective on the **effective date** ~~that of~~ the transfer described in subsection (a). **is effective**

~~(c) (d)~~ The ~~experience account balance and the~~ payroll of the predecessor employer on the **effective** date of the transfer, and the benefits chargeable to the predecessor employer's original experience account after the **effective** date of the transfer, must be divided between the predecessor employer and the successor employer in accordance with rules adopted by the department under IC 4-22-2.

~~(d) (e)~~ Any written determination made by the department is conclusive and binding on both the predecessor employer and the successor employer unless one (1) **employer files** or both employers file ~~with the department~~ a written protest **with the department** setting forth ~~the grounds and all~~ reasons for the protest. A protest under this section must be filed not later than ~~ten (10)~~ **fifteen (15)** days after the date the department ~~mails~~ **sends** the initial determination to the ~~employing units employers~~. The protest shall be

heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. ~~Both~~ The predecessor employer, ~~and the~~ successor employer, **and the department** shall be parties to the hearing before the **liability** administrative law judge and are entitled to receive copies of all pleadings and the decision.

SECTION 19. IC 22-4-11.5-8, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If the department determines that an employing unit or other person that is not an employer under IC 22-4-7 at the time of the acquisition has acquired an employer's trade or business solely **or primarily** for the purpose of obtaining a lower employer contribution rate, the employing unit or other person:

- (1) may not assume the experience ~~rating~~ **account balance** of the predecessor employer for the resources and liabilities of the predecessor employer's experience account that are attributable to the acquisition; and
- (2) shall pay the applicable contribution rate as determined under this ~~chapter~~ **article**.

(b) In determining whether an employing unit or other person acquired a trade or business solely **or primarily** for the purpose of obtaining a lower employer contribution rate under subsection (a), the ~~commissioner~~ **department** shall consider the following **factors**:

- (1) The cost of acquiring the trade or business.
- (2) Whether the employing unit or other person continued the business enterprise of the acquired trade or business.
- (3) The length of time the employing unit or other person continued the business enterprise of the acquired trade or business.
- (4) Whether a substantial number of new employees were hired to perform duties unrelated to the business enterprise that the trade or business conducted before the trade or business was acquired.

~~(c) If the commissioner makes an initial determination that a violation of this chapter has occurred, the commissioner shall promptly refer the matter to an administrative law judge for a hearing and decision under this article.~~

(c) Any written determination made by the department is conclusive and binding on the employing unit or other person, unless the employing unit or other person files a written protest with the department setting forth all reasons for the protest. A protest under this section must be filed not later than fifteen (15) days after the date the department sends the initial determination to the employing unit or other person. The protest shall be heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. The department and the employing unit or other person shall be parties to the hearing before the liability administrative law judge and are entitled to receive copies of all pleadings and the decision.

SECTION 20. IC 22-4-11.5-9, AS ADDED BY P.L.98-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A person who knowingly or recklessly:

- (1) violates or attempts to violate:
 - (A) section 7 or 8 of this chapter; or
 - (B) any other provision of this article related to determining the assumption or assignment of an employer's contribution rate; or
- (2) advises another person in a way that results in a violation of:
 - (A) section 7 or 8 of this chapter; or
 - (B) any other provision of this article related to determining the assumption or assignment of an employer's contribution rate;

~~commits a Class C misdemeanor; is subject to a civil penalty under this chapter.~~

(b) If the department determines that an employer (as defined under IC 22-4-7) is subject to a civil penalty under subsection (a)(1), the department shall assign an employer contribution rate equal to one (1) of the following as a civil penalty:

- (1) The highest employer contribution rate assignable under this article for the year in which the violation occurred and the following three (3) years.
- (2) An additional employer contribution rate of two percent (2%) of the employer's taxable wages (as defined in IC 22-4-4-2) for the year in which the violation occurred and the following three (3) years, if:
 - (A) an employer is already paying the highest employer contribution rate at the time of the violation; or
 - (B) the increase in the contribution rate described in subdivision (1) is less than two percent (2%).

(c) If the department determines that a person who is not an employer (as defined in IC 22-4-7) is subject to a civil penalty under subsection (a)(2), the department shall assess a civil penalty of not more than five thousand dollars (\$5,000).

(d) All civil penalties collected under this section shall be deposited in the unemployment insurance benefit fund established by IC 22-4-26-1.

(e) Any written determination made by the department is conclusive and binding on the employing unit, employer, or person unless the employing unit, employer, or person files a written protest with the department setting forth all reasons for the protest. A protest under this section must be filed not later than fifteen (15) days after the date the department sends the initial determination to the employing unit, employer, or person. The protest shall be heard and determined under this section and IC 22-4-32-1 through IC 22-4-32-15. The employing unit, employer, or person, and the department shall be parties to the hearing before the liability administrative law judge and are entitled to receive copies of all pleadings and the decision.

SECTION 21. IC 22-4-11.5-10, AS AMENDED BY HEA 1040-2006, SECTION 344, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a)~~ In addition to any other penalty imposed, a person who **knowingly, recklessly, or intentionally** violates this chapter is subject to a civil penalty under this chapter:

(b) This subsection applies to a person who is an employer (as defined in IC 22-4-7). If an administrative law judge determines that

a person is subject to a civil penalty under subsection (a); the administrative law judge shall assign an employer contribution rate equal to one (1) of the following as a civil penalty:

(1) The highest employer contribution rate assignable under this article for:

- (A) the year in which the violation occurred; and
- (B) the following three (3) years:

(2) An employer contribution rate of two percent (2%) of the employer's taxable wages (as defined in IC 22-4-4-2) for the year in which the violation occurred and the following three (3) years; if:

- (A) an employer is already paying the highest employer contribution rate at the time of the violation; or
- (B) the increase in the contribution rate described in subdivision (1) is less than two percent (2%):

(c) This subsection applies to a person who is not an employer (as defined in IC 22-4-7): If an administrative law judge determines that a person is subject to a civil penalty under subsection (a); the administrative law judge shall assess a civil penalty of not more than five thousand dollars (\$5,000):

(d) All civil penalties collected under this section shall be deposited in the unemployment insurance benefit fund established by IC 22-4-26-1:

commits a Class C misdemeanor.

SECTION 22. IC 22-4-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Benefits designated as unemployment ~~compensation insurance~~ benefits shall become payable from the fund to any individual who is or becomes unemployed and eligible for benefits under the terms of this article. All benefits shall be paid through ~~employment offices maintained and operated by this state~~ the department or such other agencies as the ~~board~~ department by rule may designate at such times and in such manner as the ~~board~~ department may prescribe. ~~provided; that the board~~ The department may ~~prescribe~~ adopt rules to provide for the payment of benefits due and payable on executed vouchers to persons since deceased; benefits so due and payable may be paid to the legal representative, dependents, or next of kin of the deceased as are found to be entitled thereto, which rules need not conform with the laws of the state governing decedent estates, and every such payment shall be deemed a valid payment to the same extent as if made to the legal representative of the deceased.

SECTION 23. IC 22-4-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a) Whenever an individual receives benefits or extended benefits to which the individual is not entitled under:**

(1) this article; or

(2) the unemployment insurance law of the United States; the department shall establish that an overpayment has occurred and establish the amount of the overpayment.

(b) An individual described in subsection (a) is liable to repay the established amount of the overpayment.

(a) (c) Any individual who knowingly:

- (1) makes, or causes to be made by another, a false statement or representation of a material fact knowing it to be false; or**

knowingly

(2) fails, or causes another to fail, to disclose a material fact; and

as a result thereof has received any amount as benefits to which the individual is not entitled under this article, shall be liable to repay such amount, **with interest at the rate of one-half percent (0.5%) per month**, to the ~~commissioner~~ department for the unemployment insurance benefit fund or to have such amount deducted from any benefits otherwise payable to the individual under this article, within the six (6) year period following ~~the later of the date of the filing of the claim or statement that resulted in the payment of such benefits; if the existence of such misrepresentation or nondisclosure has become final by virtue of an unappealed determination of a deputy; or a decision of an administrative law judge; or the review board; or by a court of competent jurisdiction:~~ **the department establishes that an overpayment has occurred or the date that the determination of an overpayment becomes final following the exhaustion of all appeals.**

~~(b) (d) Any individual who, for any reason other than misrepresentation or nondisclosure as specified in subsection (a); (c), has received any amount as benefits to which the individual is not entitled under this article or because of the subsequent receipt of income deductible from benefits which is allocable to the week or weeks for which such benefits were paid becomes not entitled to such benefits under this article shall be liable to repay such amount to the commissioner department for the unemployment insurance benefit fund or to have such amount deducted from any benefits otherwise payable to the individual under this article, within the three (3) year period following the later of the date of the filing of the claim or statement that resulted in the payment of such benefits; if the existence of such reason has become final by virtue of an unappealed determination of a deputy or a decision of an administrative law judge; or the review board; or by a court of competent jurisdiction:~~ **the department establishes that the overpayment occurred or the date that the determination that an overpayment occurred becomes final following the exhaustion of all appeals.**

~~(c) (e) When benefits are paid to an individual who was eligible or qualified to receive such payments, but when such payments are made because of the failure of representatives or employees of the department to transmit or communicate to such individual notice of suitable work offered, through the department, to such individual by an employing unit, then and in such cases, the individual shall not be required to repay or refund amounts so received, but such payments shall be deemed to be benefits improperly paid.~~

~~(d) (f) Where it is finally determined by a deputy, an administrative law judge, the review board, or a court of competent jurisdiction that an individual has received benefits to which the individual is not entitled under this article, the commissioner department shall relieve the affected employer's experience account of any benefit charges directly resulting from such overpayment. However, an employer's experience account will not be relieved of the charges resulting from an overpayment of benefits which has been created by a retroactive payment by such employer directly or indirectly to the claimant for a period during which the claimant claimed and was paid benefits~~

unless the employer reports such payment by the end of the calendar quarter following the calendar quarter in which the payment was made or unless and until the overpayment has been collected. Those employers electing to make payments in lieu of contributions shall not have their account relieved as the result of any overpayment unless and until such overpayment has been repaid to the unemployment insurance benefit fund.

~~(c)~~ **(g)** Where any individual is liable to repay any amount to the ~~commissioner~~ **department** for the unemployment insurance benefit fund for the restitution of benefits to which the individual is not entitled under this article, the amount due may be collectible without interest, **except as otherwise provided in subsection (c),** by civil action in the name of the state of Indiana, on relation of the department, which remedy by civil action shall be in addition to all other existing remedies and to the methods for collection provided in this ~~section~~ **article**.

~~(f)~~ **(h)** Liability for repayment of benefits paid to an individual (other than an individual employed by an employer electing to make payments in lieu of contributions) for any week may be waived upon the request of the individual if:

- (1) the benefits were received by the individual without fault of the individual;
- (2) the benefits were the result of payments made:
 - (A) during the pendency of an appeal before an administrative law judge or the review board under IC 22-4-17 under which the individual is determined to be ineligible for benefits; or**
 - (B) because of an error by the employer or the department; and**
- (3) repayment would cause economic hardship **to the individual**.

SECTION 24. IC 22-4-13-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.1. (a) Notwithstanding any other provisions of this article, if an individual knowingly:**

- (1) fails to disclose amounts earned during any week in the individual's waiting period, benefit period, or extended benefit period; or**
- (2) fails to disclose or has falsified any fact;**

that would disqualify the individual for benefits, reduce the individual's benefits, or render the individual ineligible for benefits or extended benefits, the individual forfeits any wage credits earned or any benefits or extended benefits that might otherwise be payable to the individual for the period in which the failure to disclose or falsification occurs.

(b) In addition to amounts forfeited under subsection (a), an individual is subject to the following civil penalties for each instance in which the individual knowingly fails to disclose or falsifies any fact that if accurately reported to the department would disqualify the individual for benefits, reduce the individual's benefits, or render the individual ineligible for benefits or extended benefits:

- (1) For the first instance, an amount equal to twenty-five percent (25%) of the benefit overpayment.**

(2) For the second instance, an amount equal to fifty percent (50%) of the benefit overpayment.

(3) For the third and each subsequent instance, an amount equal to one hundred percent (100%) of the benefit overpayment.

(c) The department's determination under this section constitutes an initial determination under IC 22-4-17-2(e) and is subject to a hearing and review under IC 22-4-17-3 through IC 22-4-17-15.

(d) Interest and civil penalties collected under this chapter shall be deposited in the special employment and training services fund established under IC 22-4-25-1.

SECTION 25. IC 22-4-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) An unemployed individual is eligible to receive benefits with respect to any week only if the individual has:**

- (1) registered for work at an employment office or branch thereof or other agency designated by the commissioner within the time limits that the ~~board~~ department by rule adopts; and**
- (2) subsequently reported with the frequency and in the manner, either in person or in writing, that the ~~board~~ department by rule adopts.**

(b) Failure to comply with subsection (a) shall be excused by the commissioner or the commissioner's authorized representative upon a showing of good cause therefor. The ~~board~~ department shall by rule waive or alter the requirements of this section as to such types of cases or situations with respect to which the ~~commissioner~~ department finds that compliance with such requirements would be oppressive or would be inconsistent with the purposes of this article.

(c) The department shall provide job counseling or training to an individual who remains unemployed for at least four (4) weeks. The manner and duration of the counseling shall be determined by the ~~board~~ department.

(d) The board may by rule prescribe procedures for the issuance of unemployment compensation warrants from the local office:

(d) An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) is entitled to complete the reporting, counseling, or training that must be conducted in person at a one stop center selected by the individual. The department shall advise an eligible individual that this option is available.

SECTION 26. IC 22-4-14-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) This section does not apply to An individual who is receiving benefits as determined under IC 22-4-15-1(c)(8) may restrict the individual's availability because of the individual's need to address the physical, psychological, or legal effects of being a victim of domestic or family violence (as defined in IC 31-9-2-42).**

(b) An unemployed individual shall be eligible to receive benefits with respect to any week only if the individual:

- (1) is physically and mentally able to work;**
- (2) is available for work;**
- (3) is found by the department to be making an effort to secure full-time work; and**
- (4) participates in reemployment services, such as job search assistance services, if the individual has been determined to be**

likely to exhaust regular benefits and to need reemployment services under a profiling system established by the ~~commissioner, department~~, unless the ~~commissioner department~~ determines that:

- (A) the individual has completed the reemployment services; or
- (B) failure by the individual to participate in or complete the reemployment services is excused by the director under IC 22-4-14-2(b).

The term "effort to secure full-time work" shall be defined by the board through rule which shall take into consideration whether such individual has a reasonable assurance of reemployment and, if so, the length of the prospective period of unemployment. However, if an otherwise eligible individual is unable to work or unavailable for work on any normal work day of the week the individual shall be eligible to receive benefits with respect to such week reduced by one-third (1/3) of the individual's weekly benefit amount for each day of such inability to work or unavailability for work.

(c) For the purpose of this article, unavailability for work of an individual exists in, but is not limited to, any case in which, with respect to any week, it is found:

- (1) that such individual is engaged by any unit, agency, or instrumentality of the United States, in charge of public works or assistance through public employment; or any unit, agency, or instrumentality of this state, or any political subdivision thereof, in charge of any public works or assistance through public employment;
- (2) that such individual is in full-time active military service of the United States, or is enrolled in civilian service as a conscientious objector to military service;
- (3) that such individual is suspended for misconduct in connection with the individual's work; or
- (4) that such individual is in attendance at a regularly established public or private school during the customary hours of the individual's occupation or is in any vacation period intervening between regular school terms during which the individual is a student. However, this subdivision does not apply to any individual who is attending a regularly established school, has been regularly employed and upon becoming unemployed makes an effort to secure full-time work and is available for suitable full-time work with the individual's last employer, or is available for any other full-time employment deemed suitable.

(d) Notwithstanding any other provisions in this section or IC 22-4-15-2, no otherwise eligible individual shall be denied benefits for any week because the individual is in training with the approval of the department, nor shall such individual be denied benefits with respect to any week in which the individual is in training with the approval of the department by reason of the application of the provisions of this section with respect to the availability for work or active search for work or by reason of the application of the provisions of IC 22-4-15-2 relating to failure to apply for, or the refusal to accept, suitable work. The ~~board department~~ shall by rule prescribe the conditions under which approval of such training will be

granted.

SECTION 27. IC 22-4-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. Notwithstanding any other provisions of this article, benefits otherwise payable for any week under this article shall not be denied or reduced on account of any payment or payments the claimant receives, has received, will receive, or accrues right to receive with respect to or based upon such week under a private unemployment benefit plan financed in whole or part by ~~his the claimant's~~ employer or former employer. No claim for repayment of benefits and no deduction from benefits otherwise payable under this article shall be made under ~~IC 22-4-13-1(b)~~ **IC 22-4-13-1(d)** and IC 22-4-13-1(e) because of payments which have been or will be made under such private unemployment benefit plans.

SECTION 28. IC 22-4-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Claims for benefits shall be made in accordance with ~~such regulations as the board may prescribe; however, rules adopted by the department.~~ The ~~board department~~ shall ~~prescribe adopt~~ reasonable procedures consistent with the provisions of this article for the expediting of the taking of claims of individuals for benefits in instances of mass layoffs by employers, the purpose of which shall be to minimize the amount of time required for such individuals to file claims upon becoming unemployed as the result of such mass layoffs.

(b) Except when the result would be inconsistent with the other provisions of this article, as provided in the rules of the ~~board, department~~, the provisions of this article which apply to claims for, or the payment of, regular benefits shall apply to claims for, and the payment of, extended benefits.

(c) Whenever an extended benefit period is to become effective in this state as a result of a state "on" indicator, or an extended benefit period is to be terminated in this state as a result of a state "off" indicator, the commissioner shall make an appropriate public announcement.

(d) Computations required by the provisions of IC 22-4-2-34(e) shall be made by the ~~commissioner department~~ in accordance with regulations prescribed by the United States ~~Secretary Department~~ of Labor.

(e) Each employer shall display and maintain in places readily accessible to all employees posters concerning its regulations and shall make available to each such individual at the time the individual becomes unemployed printed benefit rights information furnished by the department.

SECTION 29. IC 22-4-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) When an individual files an initial claim, the department shall promptly make a determination of the individual's status as an insured worker in a form prescribed by the ~~board, department~~. A written notice of the determination of insured status shall be furnished to the individual promptly. Each such determination shall be based on and include a written statement showing the amount of wages paid to the individual for insured work by each employer during the individual's base period and shall include a finding as to whether such wages meet the requirements for the individual to be an insured worker, and, if so, the

week ending date of the first week of the individual's benefit period, the individual's weekly benefit amount, and the maximum amount of benefits that may be paid to the individual for weeks of unemployment in the individual's benefit period. For the individual who is not insured, the notice shall include the reason for the determination. Unless the individual, within ten (10) days after such determination was mailed to the individual's last known address, or otherwise delivered to the individual, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits shall be paid or denied in accordance therewith.

(b) ~~Except as provided in subsection (i);~~ The department shall promptly furnish each employer in the base period whose experience or reimbursable account is potentially chargeable with benefits to be paid to such individual with a notice in writing of the employer's benefit liability. Such notice shall contain the date, the name and Social Security account number of the individual, the ending date of the individual's base period, and the week ending date of the first week of the individual's benefit period. Such notice shall further contain information as to the proportion of benefits chargeable to the employer's experience or reimbursable account in ratio to the earnings of such individual from such employer. Unless the employer, within ten (10) days after such notice of benefit liability was mailed to the employer's last known address, or otherwise delivered to the employer, asks a hearing thereon before an administrative law judge, such determination shall be final and benefits paid shall be charged in accordance therewith.

(c) An employing unit, including an employer, having knowledge of any facts which may affect an individual's eligibility or right to waiting period credits or benefits, shall notify the department of such facts within ten (10) days after the mailing of notice that a former employee has filed an initial or additional claim for benefits on a form prescribed by the ~~board;~~ **department.**

(d) In addition to the foregoing determination of insured status by the department, the deputy shall, throughout the benefit period, determine the claimant's eligibility with respect to each week for which the claimant claims waiting period credit or benefit rights, the validity of the claimant's claim therefor, and the cause for which the claimant left the claimant's work, or may refer such claim to an administrative law judge who shall make the initial determination with respect thereto in accordance with the procedure in IC 22-4-17-3.

(e) In cases where the claimant's benefit eligibility or disqualification is disputed, the department shall promptly notify the claimant and the employer or employers directly involved or connected with the issue raised as to the validity of such claim, the eligibility of the claimant for waiting period credit or benefits, or the imposition of a disqualification period or penalty, or the denial thereof, and of the cause for which the claimant left the claimant's work, of such determination and the reasons thereof. Except as otherwise hereinafter provided in this subsection regarding parties located in Alaska, Hawaii, and Puerto Rico, unless the claimant or such employer, within ten (10) days after such notification was mailed to the claimant's or the employer's last known address, or otherwise delivered to the claimant or the employer, asks a hearing before an

administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. With respect to notice of disputed administrative determination or decision mailed or otherwise delivered to the claimant or employer either of whom is located in Alaska, Hawaii, or Puerto Rico, unless such claimant or employer, within fifteen (15) days after such notification was mailed to the claimant's or employer's last known address or otherwise delivered to the claimant or employer, asks a hearing before an administrative law judge thereon, such decision shall be final and benefits shall be paid or denied in accordance therewith. If such hearing is desired, the request therefor shall be filed with the ~~commissioner~~ **department** in writing within the prescribed periods as above set forth in this subsection and shall be in such form as the ~~board~~ **department** may prescribe. In the event a hearing is requested by an employer or the department after it has been administratively determined that benefits should be allowed to a claimant, entitled benefits shall continue to be paid to said claimant unless said administrative determination has been reversed by a due process hearing. Benefits with respect to any week not in dispute shall be paid promptly regardless of any appeal.

(f) A person may not participate on behalf of the department in any case in which the person is an interested party.

(g) Solely on the ground of obvious administrative error appearing on the face of an original determination, and within the benefit year of the affected claims, the commissioner, or a representative authorized by the commissioner to act in the commissioner's behalf, may reconsider and direct the deputy to revise the original determination so as to correct the obvious error appearing therein. Time for filing an appeal and requesting a hearing before an administrative law judge regarding the determinations handed down pursuant to this subsection shall begin on the date following the date of revision of the original determination and shall be filed with the commissioner in writing within the prescribed periods as above set forth in subsection (c).

(h) Notice to the employer and the claimant that the determination of the department is final if a hearing is not requested shall be prominently displayed on the notice of the determination which is sent to the employer and the claimant.

(i) If an allegation of the applicability of IC 22-4-15-1(c)(8) is made by the individual at the time of the claim for benefits, the department shall not notify the employer ~~that a claim for benefits has been made;~~ **of the claimant's current address or physical location.**

SECTION 30. IC 22-4-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. ~~(a) The commissioner~~ **department** shall ~~appoint~~ **employ** one (1) or more administrative law judges to hear and decide disputed claims. ~~Such administrative law judges shall be full-time salaried employees of the department.~~ Administrative law judges ~~appointed~~ **employed** under this section are not subject to IC 4-21.5 or any other statute regulating administrative law judges, unless specifically provided.

~~(b) The unemployment insurance board may authorize employment of part time administrative law judges for limited periods.~~

SECTION 31. IC 22-4-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The manner in

which disputed claims shall be presented and the conduct of hearings and appeals shall be in accordance with rules adopted by the ~~board~~ **department** for determining the rights of the parties, whether or not the rules conform to common law or statutory rules of evidence and other technical rules of procedure. A full and complete record shall be kept of all proceedings in connection with a disputed claim. The testimony at any hearing upon a disputed claim need not be transcribed unless the disputed claim is further appealed. Each party to a hearing before an administrative law judge held under section 3 of this chapter shall be mailed a notice of the hearing at least ten (10) days before the date of the hearing specifying the place and time of the hearing and identifying the issues to be decided. If a hearing so scheduled has not commenced within at least sixty (60) minutes of the time for which it was scheduled, then a party involved in the hearing may request a continuance of the hearing. ~~A request for a continuance shall be submitted to the administrative law judge scheduled to conduct the hearing if the administrative law judge is available to receive the request; or otherwise may be submitted to the local office in which or nearest to which the hearing is scheduled to be held.~~ Upon submission of a request for continuance of a hearing under circumstances provided in this section, the continuance shall be granted unless the party requesting the continuance was responsible for the delay in the commencement of the hearing as originally scheduled. In the latter instance, the continuance shall be discretionary with the administrative law judge. Testimony or other evidence introduced by a party at a hearing before an administrative law judge or the review board that another party to the hearing:

- (1) is not prepared to meet; and
- (2) by ordinary prudence could not be expected to have anticipated;

shall be good cause for continuance of the hearing and upon motion such continuance shall be granted.

SECTION 32. IC 22-4-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. In the discharge of the duties imposed by this article, any member of the board, ~~the~~ **department**, the review board, or an administrative law judge, or any duly authorized representative of any of them, shall have power to administer oaths and affirmations, take depositions, certify to official acts, and issue and serve subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the disputed claim or the administration of this article.

SECTION 33. IC 22-4-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. In case of contumacy by, or refusal to obey a subpoena issued to, any person **in the administration of this article**, any court of this state within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the board, ~~the department~~, or the review board or a duly authorized representative of ~~either~~, **any of these**, shall have jurisdiction to issue to such person an order requiring such person to appear before the board, ~~the department~~, the review board, an administrative law

judge, or the duly authorized representative of any of these, there to produce evidence if so ordered, or there to give testimony touching the matter in question or under investigation. Any failure to obey such order of the court may be punished by said court as a contempt thereof.

SECTION 34. IC 22-4-17-8.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8.5. **(a) As used in this section, "interested party" has the meaning set forth in 646 IAC 3-12-1.**

(b) An administrative law judge ~~and or~~ the review board may hold a hearing under this chapter by telephone if any of the following conditions exist:

- (1) The claimant or the employer is not located in Indiana.
- (2) ~~All of the following conditions exist:~~
 - ~~(A) The claimant and the employer are located in Indiana.~~
 - ~~(B) The claimant or the employer An interested party requests without an objection being filed as provided in 646 IAC 3-12-21 that the hearing be held by telephone.~~
 - ~~(C) The administrative law judge or the review board determines that the distance between the location of the claimant and the location of the employer is so great that a hearing held by telephone is justified under the circumstances.~~
- (3) ~~A~~ **An interested party** cannot appear in person because of an illness or injury to the party.
- (4) **In the case of a hearing before an administrative law judge, the administrative law judge determines without any interested party filing an objection as provided in 646 IAC 3-12-21 that a hearing by telephone is proper and just.**
- ~~(4)~~ (5) In the case of a hearing before the review board, the issue to be adjudicated does not require both parties to be present.
- ~~(5)~~ (6) **In the case of a hearing before the review board, the** ~~unemployment insurance~~ review board has determined that a hearing by telephone is proper and just.

SECTION 35. IC 22-4-17-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the board, ~~the department~~, the review board, an administrative law judge, or the duly authorized representative of any of them in obedience to the subpoena of any of them in any cause or proceeding before any of them on the ground that the testimony or evidence, documentary or otherwise, required of ~~him~~ **the person** may tend to incriminate ~~him~~ **the person** or subject ~~him~~ **the person** to a penalty or forfeiture, but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which ~~he~~ **the person** is compelled after having claimed ~~his~~ **the** privilege against self-incrimination to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying. Any testimony or evidence submitted in due course before the board, ~~the department~~, the review board, an administrative law judge, or any duly authorized

representative of any of them shall be deemed a communication presumptively privileged with respect to any civil action except actions to enforce the provisions of this article.

SECTION 36. IC 22-4-17-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) This section applies to notices given under sections 2, 3, 11, and 12 of this chapter. This section does not apply to rules adopted by the board **or the department**, unless specifically provided.

(b) As used in this section, "notices" includes mailings of notices, determinations, decisions, orders, motions, or the filing of any document with the appellate division or review board.

(c) If a notice is served through the United States mail, three (3) days must be added to a period that commences upon service of that notice.

(d) The filing of a document with the appellate division or review board is complete on the earliest of the following dates that apply to the filing:

- (1) The date on which the document is delivered to the appellate division or review board.
- (2) The date of the postmark on the envelope containing the document if the document is mailed to the appellate division or review board by the United States Postal Service.
- (3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the appellate division or review board by a private carrier.

SECTION 37. IC 22-4-18-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The Indiana unemployment insurance board is created. The board is responsible **for the oversight of** the unemployment insurance program. The board shall report annually to the governor on the status of unemployment insurance together with recommendations for maintaining the solvency of the unemployment insurance benefit fund. The department staff shall provide support to the board. The unemployment insurance board shall consist of nine (9) members, who shall be appointed by the governor, as follows:

- (1) Four (4) members shall be appointed as representatives of labor and its interests.
- (2) One (1) member shall be appointed as a representative of the state and its interest and of the public at large.
- (3) Two (2) members shall be appointed as representatives of the large employers of the state.
- (4) Two (2) members shall be appointed as representatives of the independent merchants and small employers of the state.

All appointments shall be made for terms of four (4) years. All appointments to full terms or to fill vacancies shall be made so that all terms end on March 31.

(b) Every Indiana unemployment insurance board member so appointed shall serve until a successor shall have been appointed and qualified. Before entering upon the discharge of official duties, each member of the board shall take and subscribe to an oath of office, which shall be filed in the office of the secretary of state. Any vacancy occurring in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term. The

governor may, at any time, remove any member of the board for misconduct, incapacity, or neglect of duty. Each member of the board shall be entitled to receive as compensation for the member's services the sum of one hundred dollars (\$100) per month for each and every month which ~~he~~ **the member** devotes to the actual performance of the member's duties, as prescribed in this article, but the total amount of such compensation shall not exceed the sum of twelve hundred dollars (\$1,200) per year. In addition to the compensation hereinbefore prescribed, each member of the board shall be entitled to receive the amount of traveling and other necessary expenses actually incurred while engaged in the performance of official duties.

(c) The board ~~shall~~ **may** hold one (1) regular meeting each month and such called meetings as may be deemed necessary **by the commissioner or the board**. The April meeting shall be known as the annual meeting. Five (5) members of the board constitute a quorum for the transaction of business. At its first meeting and at each annual meeting held thereafter, the board shall organize by the election of a president and vice president from its own number, each of whom, except those first elected, shall serve for a term of one (1) year and until a successor is elected.

SECTION 38. IC 22-4-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~It shall be the duty of The board to administer the provisions of this article and, in addition to all other powers conferred on the board,~~ it shall have the power and authority to adopt, amend, or rescind such rules and regulations to employ such persons, make such expenditures, require such reports, make such investigations and take such other action as it may deem necessary or suitable for the proper administration of this article. All rules and regulations issued under the provisions of this article shall be effective upon publication in the manner hereinafter provided and shall have the force and effect of law. The board may prescribe the extent, if any, to which any rule or regulation so issued or legal interpretation of this article shall be with or without retroactive effect. Whenever the board believes that a change in contribution or benefit rates will become necessary to protect the solvency of the **unemployment insurance benefit** fund, it shall promptly so inform the governor and the general assembly, and make recommendations with respect thereto.

SECTION 39. IC 22-4-19-6, AS AMENDED BY P.L.4-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Each employing unit shall keep true and accurate records containing information the department considers necessary. These records are:

- (1) open to inspection; and
- (2) subject to being copied;

by an authorized representative of the department at any reasonable time and as often as may be necessary. The ~~commissioner,~~ **department**, the review board, or an administrative law judge may require from any employing unit any verified or unverified report, with respect to persons employed by it, which is considered necessary for the effective administration of this article.

(b) Except as provided in subsections (d) and (f), information obtained or obtained from any person in the administration of this article and the records of the department relating to the

unemployment tax, the skills 2016 assessment under IC 22-4-10.5-3, or the payment of benefits is confidential and may not be published or be open to public inspection in any manner revealing the individual's or the employing unit's identity, except in obedience to an order of a court or as provided in this section.

(c) A claimant at a hearing before an administrative law judge or the review board shall be supplied with information from the records referred to in this section to the extent necessary for the proper presentation of the subject matter of the appearance. The ~~commissioner~~ **department** may make the information necessary for a proper presentation of a subject matter before an administrative law judge or the review board available to an agency of the United States or an Indiana state agency.

(d) The ~~commissioner~~ **department** may release the following information:

- (1) Summary statistical data may be released to the public.
- (2) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the Indiana economic development corporation only for the following purposes:

- (A) The purpose of conducting a survey.
- (B) The purpose of aiding the officers or employees of the Indiana economic development corporation in providing economic development assistance through program development, research, or other methods.
- (C) Other purposes consistent with the goals of the Indiana economic development corporation and not inconsistent with those of the department.

- (3) Employer specific information known as ES 202 data and data resulting from enhancements made through the business establishment list improvement project may be released to the budget agency only for aiding the employees of the budget agency in forecasting tax revenues.

- (4) Information obtained from any person in the administration of this article and the records of the department relating to the unemployment tax or the payment of benefits for use by the following governmental entities:

- (A) department of state revenue; or
- (B) state or local law enforcement agencies;

only if there is an agreement that the information will be kept confidential and used for legitimate governmental purposes.

(e) The ~~commissioner~~ **department** may make information available under subsection (d)(1), (d)(2), or (d)(3) only:

- (1) if:

- (A) data provided in summary form cannot be used to identify information relating to a specific employer or specific employee; or
- (B) there is an agreement that the employer specific information released to the Indiana economic development corporation or the budget agency will be treated as confidential and will be released only in summary form that cannot be used to identify information relating to a specific employer or a specific employee; and

- (2) after the cost of making the information available to the person requesting the information is paid under IC 5-14-3.

(f) In addition to the confidentiality provisions of subsection (b), **the fact that a claim has been made under IC 22-4-15-1(c)(8) and any information furnished by the claimant or an agent to the department to verify a claim of domestic or family violence is are confidential. This information concerning the claimant's current address or physical location** shall not be disclosed to the employer or any other person. Disclosure is subject to the following **additional** restrictions:

- (1) The claimant must be notified before any release of information.
- (2) Any disclosure is subject to redaction of unnecessary identifying information, including the claimant's address.

(g) An employee:

- (1) of the department who recklessly violates subsection (a), (c), (d), (e), or (f); or
- (2) of any governmental entity listed in subsection (d)(4) ~~of this chapter~~ who recklessly violates subsection (d)(4); ~~of this chapter~~;

commits a Class B misdemeanor.

(h) An employee of the Indiana economic development corporation or the budget agency who violates subsection (d) or (e) commits a Class B misdemeanor.

(i) An employer or agent of an employer that becomes aware that a claim has been made under IC 22-4-15-1(c)(8) shall maintain that information as confidential.

SECTION 40. IC 22-4-19-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. In any case where an employing unit, or any officer, member, or agent thereof or any other person having possession of the records thereof, shall fail or refuse upon demand by the board, **the department**, the review board, or an administrative law judge, or the duly authorized representative of any of them, to produce or permit the examination or copying of any book, paper, account, record, or other data pertaining to payrolls or employment or ownership of interests or stock in any employing unit, or bearing upon the correctness of any contribution report or the skills 2016 training assessment under IC 22-4-10.5-3, or for the purpose of making a report as required by this article where none has been made, then and in that event the board, **the department**, the review board, or the administrative law judge, or the duly authorized representative of any of them, may by issuance of a subpoena require the attendance of such employing unit, or any officer, member, or agent thereof or any other person having possession of the records thereof, and take testimony with respect to any such matter and may require any such person to produce any books or records specified in such subpoena.

SECTION 41. IC 22-4-19-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board, **the department**, the review board, or the administrative law judge, or the duly authorized representative of any of them, at any such hearing shall have power to administer oaths to any such person or persons. When any person called as a witness by such subpoena, duly signed, and served upon ~~him~~ **the witness** by any duly authorized person or by

the sheriff of the county of which such person is a resident, or wherein is located the principal office of such employing unit or wherein such records are located or kept, shall fail to obey such subpoena to appear before the board, **the department**, the review board, or the administrative law judge, or the authorized representative of any of them, or shall refuse to testify or to answer any questions, or to produce any book, record, paper, or other data when notified and demanded so to do, such failure or refusal shall be reported to the attorney general for the state of Indiana who shall thereupon institute proceedings by the filing of a petition in the name of the state of Indiana on the relation of the board, in the circuit court or superior or other court of competent jurisdiction of the county where such witness resides, or wherein such records are located or kept, to compel obedience of and by such witness.

(b) Such petition shall set forth the facts and circumstances of the demand for and refusal or failure to permit the examination or copying of such records or the failure or refusal of such witness to testify in answer to such subpoena or to produce the records so required by such subpoena. Such court, upon the filing and docketing of such petition shall thereupon promptly issue an order to the defendants named in said petition, to produce forthwith in such court or at a place in such county designated in such order, for the examination or copying by the board, **the department**, the review board, an administrative law judge, or the duly authorized representative of any of them, the records, books, or documents so described and to testify concerning matters described in such petition. Unless such defendants to such petition shall appear in said court upon a day specified in such order, which said day shall be not more than ten (10) days after the date of issuance of such order, and offer, under oath, good and sufficient reasons why such examination or copying should not be permitted, or why such subpoena should not be obeyed, such court shall thereupon deliver to the board, **the department**, the review board, **the** administrative law judge, or representative of any of them, for examination or copying, the records, books and documents so described in said petition and so produced in such court and shall order said defendants to appear in answer to the subpoena, and to testify concerning the subject matter of the inquiry. Any employing unit, or any officer, member, or agent thereof, or any other persons having possession of the records thereof who shall willfully disobey such order of the court after the same shall have been served upon him, shall be guilty of indirect contempt of such court from which such order shall have issued and may be adjudged in contempt of said court and punished therefor as provided by law.

SECTION 42. IC 22-4-22-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The commissioner is authorized to enter into reciprocal agreements with the proper agencies under the laws of other states or jurisdictions or of the United States, which agreements shall become effective after filing with the secretary of state ~~pursuant to IC 22-4-19-2~~, **in accordance with rules adopted by the department under IC 4-22-2**, by the terms of which agreements:

(1) potential rights to benefits accumulated under the unemployment compensation laws of one (1) or more states or

jurisdictions or of the United States, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commissioner finds will be fair and reasonable to all affected interests and which will not result in any substantial loss to the fund; and

(2) wages or services in employment subject to an unemployment compensation law of another state or of the United States shall be deemed to be wages in employment for employers for the purpose of determining an individual's rights to unemployment compensation benefits under this article, and wages in employment for employers as defined in this article shall be deemed to be wages or services on the basis of which unemployment compensation under the law of another state or of the United States is payable, but no such arrangement shall be entered into unless it contains provisions for reimbursements to the unemployment insurance benefit fund for such of the unemployment compensation benefits paid under this part upon the basis of such wages or services, and provisions for reimbursements from the unemployment insurance benefit fund for such of the compensation paid under such other law upon the basis of wages for employment as defined in this article as the commissioner finds will be fair and reasonable to all affected interests.

SECTION 43. IC 22-4-22-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. In order that the administration of this article and the unemployment ~~compensation~~ **insurance** laws of other states or jurisdictions or of the United States of America will be promoted by cooperation between this state and such other states or jurisdictions or the appropriate agencies of the United States in exchanging services and making available facilities and information, the board ~~is and the department are~~ authorized to make such investigations, secure and transmit such information, make available such services and facilities, and exercise such of the other powers provided in this article with respect to the administration of this article as ~~it deems~~ **deemed** necessary or appropriate to facilitate the administration of any unemployment ~~compensation insurance~~ law and in like manner to accept and utilize information, services, and facilities made available to this state by the agency or jurisdiction charged with the administration of any such other unemployment ~~compensation insurance~~ law.

SECTION 44. IC 22-4-22-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) On request of an agency which administers an employment security law of another state or of a foreign government, and which has found in accordance with the provisions of such law that a claimant is liable to repay benefits received under such law by reason of having knowingly made a false statement or misrepresentation of a material fact, or who has knowingly failed to disclose a material fact, with respect to a claim taken in this state as an agent for such agency, the ~~board~~ **department** may collect from such claimant for the liable state the amount of such benefits to be refunded to such agency.

(b) In any case in which under this subsection a claimant is liable to repay any amount to the agency of another state, or of a foreign government, such amounts may be collected without interest by civil

action in the name of the ~~board~~ **department** acting as agent for such agency.

SECTION 45. IC 22-4-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The department shall establish and maintain free public employment and training offices in such number and in such places as may be necessary for the proper administration of this article and for the purpose of performing such duties as are within the purview of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014 and any amendments thereto. The provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014 are hereby declared accepted by the state in conformity with the terms of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, and the state commits itself to the observation of and compliance with the requirements of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, and the department is constituted the agency of the state for all purposes of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014. All duties and powers conferred upon any other department, agency, or officer of the state relating to the establishment, maintenance, and operation of free public employment offices shall be vested in the ~~board~~ **department**. The ~~board~~ **department** being charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014, shall be and is authorized and empowered to do and perform all things necessary to secure to this state the benefits of 29 U.S.C. 49 et seq. and 38 U.S.C. 2000 through 2014. The department may cooperate with or enter into agreements with the railroad retirement board with respect to the establishment, maintenance, and use of free employment service facilities.

(b) The department may do all acts and things necessary or proper to carry out the powers expressly granted under this article.

SECTION 46. IC 22-4-25-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) **As used in this section, "fund" refers to the special employment and training services fund created under section 1 of this chapter.**

(b) **The commissioner may allocate an amount not to exceed two million dollars (\$2,000,000) annually from the fund to establish reemployment training accounts to provide training and reemployment services to department employees dislocated by:**

- (1) a reduction of funding for;**
- (2) a centralization or decentralization of; or**
- (3) the implementation of a more efficient technology or service delivery method in connection with;**

the programs and services provided under this article.

SECTION 47. IC 22-4-26-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The fund shall be administered exclusively for the purpose of this article, and money withdrawn therefrom, except for deposit in the unemployment insurance benefit fund and for refund, as provided in this article, and except for amounts credited to the account of this state pursuant to 42 U.S.C. 1103, as amended, which shall be used exclusively as provided in section 5 of this chapter, shall be used solely for the payment of benefits. Payment of benefits and refunds shall be made in accordance with the rules prescribed by the ~~board~~ **department** consistent with the provisions of this article. Withdrawals from the

fund except as provided in section 5 of this chapter shall not be subject to any provisions of law requiring specific appropriations or other formal release by state officers of money in their custody.

SECTION 48. IC 22-4-29-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. If the employing unit protests such assessment, upon written request it shall have an opportunity to be heard, and such hearing shall be conducted by a liability administrative law judge pursuant to the provisions of IC 22-4-32-1 through IC 22-4-32-15. After the hearing the liability administrative law judge shall immediately notify the employing unit in writing of the finding, and the assessment, if any, so made shall be final, in the absence of judicial review proceedings as provided in this article, ~~fifteen (15)~~ **thirty (30)** days after such notice **of appeal** is issued.

SECTION 49. IC 22-4-29-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The finality of such decision of the liability administrative law judge may be stayed for a period of thirty (30) days from the date of service of notice on the ~~board of intention to seek a judicial review~~ **department of the appeal** of said decision as provided in this article. ~~provided~~ Such notice ~~is must be~~ served within ~~fifteen (15)~~ **thirty (30)** days after notice of the decision of the liability administrative law judge is issued. If judicial review proceedings are not instituted within the time provided for in this article, the finality of said decision shall not be further stayed.

SECTION 50. IC 22-4-30-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Any employer against whom contributions shall be assessed as provided in this article shall be restrained and enjoined upon the order of the ~~board~~ **department** by proper proceedings instituted in the name of the state of Indiana, brought by the attorney general for the state of Indiana ~~and/or or~~ any prosecuting attorney at the request of the ~~board~~ **department**, from engaging ~~and/or or~~ continuing in business in this state until the contributions, interest, penalties, and damages shall have been paid and until such employer shall have complied with the provisions of this article; and such attorneys shall prosecute violations of criminal provisions of this article upon request of the ~~board~~ **department**.

SECTION 51. IC 22-4-31-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) If any contributions, interest, penalties, or damages assessed under this article, or any portion thereof, be not paid within one hundred twenty (120) days after the same is found to be due, a receiver may be appointed by the circuit or superior court of the county in which such employer resides or in which ~~he~~ **the employer** is doing business or in which ~~its~~ **the employer's** resident agent is located in a proceeding requesting such appointment instituted against the said employer in the name of the state of Indiana, brought by the attorney general for the state of Indiana at the request of the ~~board~~ **department**.

(b) The court shall appoint a receiver when it finds that the employer has not paid the contributions or amounts due imposed by this article within one hundred twenty (120) days after the same is found to be due, and that contributions, interest, penalties, or damages, or any portion thereof, is unpaid and delinquent. Such cause

for the appointment of a receiver shall be in addition to all other causes or grounds provided by law for the appointment of receivers and shall be in addition to all other methods for the enforcement of this article.

(c) Each such receiver shall give bond and be sworn as provided for by law and shall have power under the control of the court to bring and defend actions, to take and keep possession of the property of the employer, to receive all funds and collect any debts due to the employer, in the receiver's name, and generally to do such acts respecting the property as the court shall authorize, and shall have all the powers granted to, or shall be subject to all the duties of, receivers under the laws of this state.

SECTION 52. IC 22-4-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) If, after due notice, any employing unit defaults in the payment of any contributions or other money payments required by this article, the amount due may be collected by civil action in the name of the state of Indiana on the relation of the ~~commissioner~~ **department**. Such civil action is not to be considered as the exclusive method for collection of the contributions or money payments but is in addition to the method provided in IC 22-4-29-2 through IC 22-4-29-12 and is to be brought only in such cases as the ~~board~~ **department** may deem advisable in the interest of necessity and convenience.

(b) Unless the employing unit prevails in a civil action brought under this chapter, the court may award costs, including reasonable attorney's fees, incurred by the state in bringing the action.

SECTION 53. IC 22-4-31-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. It is expressly provided that the foregoing remedies shall be cumulative and shall be in addition to all other existing remedies, and that no action taken by the ~~board~~ **department** or its duly authorized representative, the attorney general for the state of Indiana, or any other officer shall be construed to be an election on the part of the state or any of its officers to pursue any remedy to the exclusion of any other remedy.

SECTION 54. IC 22-4-32-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **A liability administrative law judge shall hear** all matters pertaining to:

- (1) the assessment of contributions, penalties, and interest;
- (2) which accounts, if any, benefits paid, or finally ordered to be paid, should be charged;
- (3) successorships, and related matters arising therefrom, including but not limited to:
 - (A) the transfer of accounts; ~~and~~
 - (B) the determination of rates of contribution; and
 - (C) **determinations under IC 22-4-11.5; and**
- (4) claims for refunds of contributions, skills 2016 training assessments, or adjustments thereon in connection with subsequent contribution payments and skills 2016 training assessments;

~~shall be heard by a liability administrative law judge upon proper application for such hearing; for which an employing unit has timely filed a protest under section 4 of this chapter.~~

SECTION 55. IC 22-4-32-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The proceedings

before a liability administrative law judge shall be conducted in accordance with such rules of practice and procedure as the ~~board~~ **department** may ~~prescribe~~ **adopt** under its rulemaking authority ~~as contained in IC 22-4-19-2, under IC 22-4-18-1.~~ Any person representing any interested party in the prosecution or defense of any proceedings before a liability administrative law judge must be admitted to practice law in the courts of the state of Indiana, except that persons admitted to practice before the courts of other states may on special order be permitted to appear in any proceeding before the liability administrative law judge. ~~provided, however, that nothing in~~ This section shall ~~not be so~~ **not** be construed ~~as~~ to prohibit an interested party from electing to be heard in his own cause without counsel.

SECTION 56. IC 22-4-32-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. An employing unit shall have fifteen (15) **calendar** days, **beginning on the date an initial determination is mailed to the employing unit**, within which to protest in writing ~~an initial determinations determination~~ of the ~~commissioner~~ **department** with respect to:

- (1) the assessments of contributions, penalties, and interest;
- (2) the transfer of charges from an employer's account;
- (3) merit rate calculations;
- (4) successorships;
- (5) the denial of claims for refunds and adjustments; and
- ~~(6) a protest arising from an initial determination of the director relating to any matter listed in subdivisions (1) through (5);~~
- (6) a determination under IC 22-4-11.5.**

~~The fifteen (15) day period shall commence with the day following the day upon which the initial determination or denial of claim for refund or adjustment is mailed to the employing unit.~~

SECTION 57. IC 22-4-32-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. After the hearing the liability administrative law judge shall as soon as practicable notify the interested parties in writing of the finding and decision of the liability administrative law judge, which shall become final ~~fifteen (15)~~ **thirty (30)** days thereafter in the absence of ~~judicial review proceedings the filing of a notice of appeal~~ as provided in this chapter.

SECTION 58. IC 22-4-32-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. A notice of ~~intention to institute judicial review proceedings~~ **appeal** shall be a ~~prerequisite to such action; shall be~~ served on the adverse party at any time before ~~said~~ the decision of the liability administrative law judge becomes final, and shall stay the finality of ~~said the~~ decision for a ~~period of thirty (30) days from the service of such notice. and~~ If such appeal is perfected, further proceedings shall be stayed pending the final determination of said appeal. ~~provided; further, that~~ If an appeal from ~~such the~~ decision of the liability administrative law judge is not perfected within the time provided for by this article, no action or proceeding shall be further stayed.

SECTION 59. IC 22-4-32-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The ~~board,~~ **department**, by rule, may require the appellant to deposit with the department an amount sufficient to pay the actual costs of preparing the transcript of the record of the proceedings before the liability

administrative law judge before preparing the same.

SECTION 60. IC 22-4-32-19, AS AMENDED BY P.L.202-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. **(a) The department may grant an application for adjustment or refund, make an adjustment or refund, or set off a refund as follows:**

(1) (a) At any time within Not later than four (4) years after the date upon which any contributions, skills 2016 training assessments under IC 22-4-10.5-3, or interest thereon were paid, an employing unit which has paid such contributions, skills 2016 training assessments, or interest thereon may make application for **an adjustment or** a refund of such contributions, skills 2016 training assessments, or an adjustment thereon in connection with subsequent contribution payments or skills 2016 training assessments. The ~~commissioner~~ **department** shall thereupon determine whether or not such contribution or skills 2016 training assessment, or interest or any portion thereof, was erroneously paid or wrongfully assessed. ~~and notify the employing unit in writing of its decision.~~

~~(b) Such decision shall constitute the initial determination referred to in section 4 of this chapter and shall be subject to hearing and review as provided in sections 1 through 15 of this chapter.~~

~~(c) (2) The commissioner department may grant such application in whole or in part and may allow the employing unit to make an adjustment, thereof without interest, in connection with subsequent contribution payments or skills 2016 training assessments, if such adjustment cannot be made, the commissioner may or~~ refund such amounts, without interest, from the fund. ~~For like cause and within the same period;~~ Adjustments or refund may be made on the commissioner's own initiative.

(3) Any adjustments or refunds of interest or penalties collected for contributions due under IC 22-4-10-1 shall be charged to and paid from the special employment and training services fund created by IC 22-4-25. Any adjustments or refunds of interest or penalties collected for skills 2016 training assessments due under IC 22-4-10.5-3 shall be charged to and paid from the skills 2016 training fund established by IC 5-28-27-3.

(4) The department may set off any refund available to an employer under this section against any delinquent contributions, payments in lieu of contributions, skills 2016 training assessments, and the interest and penalties, if any, related to the delinquent payments and assessments.

(b) Any decision by the department to:

- (1) grant an application for adjustment or refund;**
- (2) make an adjustment or refund on its own initiative; or**
- (3) set off a refund;**

constitutes the initial determination referred to in section 4 of this chapter and is subject to hearing and review as provided in sections 1 through 15 of this chapter.

~~(d) (c)~~ **(c)** If any assessment has become final by virtue of a decision of a liability administrative law judge with the result that no proceeding for judicial review as provided in this article was

instituted, no refund or adjustment with respect to such assessment shall be made.

SECTION 61. IC 22-4-32-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) This section applies to notices given under sections 4, 7, 8, and 9 of this chapter.

(b) As used in this section, "notices" includes mailings pertaining to:

- (1) the assessment of contributions, skills 2016 training assessments under IC 22-4-10.5-3, penalties, and interest;
- (2) the transfer of charges from an employer's account;
- (3) successorships and related matters arising from successorships;
- (4) claims for refunds and adjustments;
- (5) violations under IC 22-4-11.5;**
- ~~(5) (6)~~ **(6)** decisions; and
- ~~(6) (7)~~ **(7)** notices of intention to appeal or seek judicial review.

(c) If a notice under this chapter is served through the United States Postal Service, three (3) days must be added to a period that commences upon service of that notice.

(d) The filing of a document with the ~~appellate~~ **unemployment insurance appeals** division or review board is complete on the earliest of the following dates that apply to the filing:

- (1) The date on which the document is delivered to the ~~appellate~~ **unemployment insurance appeals** division or review board.
- (2) The date of the postmark on the envelope containing the document if the document is mailed to the ~~appellate~~ **unemployment insurance appeals** division or review board by the United States Postal Service.
- (3) The date on which the document is deposited with a private carrier, as shown by a receipt issued by the carrier, if the document is sent to the ~~appellate~~ **unemployment insurance appeals** division or review board by a private carrier.

SECTION 62. IC 22-4-34-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. A person who knowingly fails to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda, and other records, in obedience to a subpoena of the board, ~~the department,~~ the review board, an administrative law judge, or any duly authorized representative of any of them, commits a Class C misdemeanor. Each day a violation continues constitutes a separate offense.

SECTION 63. IC 22-4-35-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. All criminal actions for violations of this article shall be prosecuted by the prosecuting attorney of any county, or with the assistance of the attorney general ~~or a United States attorney,~~ if requested by the commissioner, in which the employer has a place of business or the alleged violator resides.

SECTION 64. IC 22-4-37-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. It is declared to be the purpose of this article to secure to the state of Indiana and to employers and employees therein all the rights and benefits which are conferred under the provisions of 42 U.S.C. 501 through 504, 42 U.S.C. 1101 through 1109, 26 U.S.C. 3301 through 3311, and 29 U.S.C. 49 et seq., and the amendments thereto. Whenever the ~~board~~

department shall find it necessary, it shall have power to formulate rules after public hearing and opportunity to be heard whereof due notice is given as is provided in this article for the adoption of rules pursuant to ~~IC 22-4-19-2~~, **IC 4-22-2**, and with the approval of the governor of Indiana, to adopt such rules as shall effectuate the declared purposes of this article.

SECTION 65. IC 22-4-37-3, AS AMENDED BY P.L.214-2005, SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Should:

(1) the Congress of the United States amend, repeal, or authorize the implementation of a demonstration project under 29 U.S.C. 49 et seq., 26 U.S.C. 3301 through 3311, 42 U.S.C. 301 et seq., or 26 U.S.C. 3101 through 3504, or any statute or statutes supplemental to or in lieu thereof or any part or parts of said statutes, or should any or all of said statutes or any part or parts thereof be held invalid, to the end and with such effect that appropriations of funds by the said Congress and grants thereof to the state for the payment of costs of administration of the department ~~of workforce development~~ are or no longer shall be available for such purposes; ~~or should~~

(2) the primary responsibility for the administration of 26 U.S.C. 3301 through 26 U.S.C. 3311 be transferred to the state as a demonstration project authorized by Congress; ~~or should~~

(3) employers in Indiana subject to the payment of tax under 26 U.S.C. 3301 through 3311 be granted full credit upon such tax for contributions or taxes paid to the department; ~~of workforce development~~

then, beginning with the effective date of such change in liability for payment of such federal tax and for each year thereafter, the normal contribution rate under this article shall be established by the department ~~of workforce development~~ and may not exceed three and one-half percent (3.5%) per year of each employer's payroll subject to contribution. With respect to each employer having a rate of contribution for such year pursuant to terms of IC 22-4-11-2(b)(2)(A), IC 22-4-11-2(b)(2)(B), **IC 22-4-11-2(c)**, IC 22-4-11-3, ~~and~~ IC 22-4-11-3.3, **and IC 22-4-11.5**, to the rate of contribution, as determined for such year in which such change occurs, shall be added not more than eight-tenths percent (0.8%) as prescribed by the department. ~~of workforce development~~.

(b) The amount of the excess of tax for which such employer is or may become liable by reason of this section over the amount which such employer would pay or become liable for except for the provisions of this section, together with any interest or earnings thereon, shall be paid and transferred into the employment and training services administration fund to be disbursed and paid out under the same conditions and for the same purposes as is other money provided to be paid into such fund. If the commissioner shall determine that as of January 1 of any year there is an excess in said fund over the money and funds required to be disbursed therefrom for the purposes thereof for such year, then and in such cases an amount equal to such excess, as determined by the commissioner, shall be transferred to and become part of the unemployment insurance benefit fund, and such funds shall be deemed to be and are hereby appropriated for the purposes set out in this section.

SECTION 66. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 22-4-16-1; IC 22-4-19-2; IC 22-4-19-3.

SECTION 67. **An emergency is declared for this act.**

(Reference is to ESB 321 as reprinted March 1, 2006.)

Kruse, Chair

Torr

Craycraft

Stilwell

Senate Conferees

House Conferees

Roll Call 371: yeas 50, nays 0. Report adopted.

SENATE MOTION

Madam President: I move that Senator Sipes be added as coauthor of Senate Resolution 41.

RIEGSECKER

Motion prevailed.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1158 because it conflicts with House Enrolled Act 1123-2006 and HEA 1040-2006 without properly recognizing the existence of HEA 1123-2006 and HEA 1040-2006, has had EHB 1158 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1158 be corrected as follows:

Page 8, line 14, delete "P.L.176-2005," and insert "HEA 1123-2006, SECTION 3,".

Page 8, line 15, delete "SECTION 16,".

Page 9, line 33, delete "fund" and insert "account".

Page 9, line 34, delete "IC 16-19-13-6" and insert "IC 4-23-25-11(i)".

Page 14, line 19, after "IC 33-37-7-11" insert ", AS AMENDED BY HEA 1040-2006, SECTION 512,".

Page 14, line 27, delete "3 or".

(Reference is to EHB 1158 as reprinted March 2, 2006.)

GARTON, Chair

R. YOUNG, R.M.M.

BRAY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 84 because it conflicts with SEA 246-2006 without properly recognizing the existence of SEA 246-2006, has had ESB 84 under consideration and begs leave to report back to the Senate with the recommendation that ESB 84 be corrected as follows:

Page 1, line 1, after "IC 11-13-3-4" insert ", AS AMENDED BY SEA 246-2006, SECTION 2,".

Page 3, line 1, delete "parole, unless the offender obtains written" and insert "parole;".

Page 3, line 2, delete "approval from the parole board;".

Page 3, line 5, after "offense" insert ".".

Page 3, line 5, delete "unless".

Page 3, delete lines 6 through 10.

Page 3, line 13, delete "confidential, even if the offender obtains a waiver under" and insert "confidential".

Page 3, delete line 14.

(Reference is to ESB 84 as printed February 14, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
LONG

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 296 because it conflicts with House Enrolled Act 300-2006 without properly recognizing the existence of HEA 300-2006, has had ESB 296 under consideration and begs leave to report back to the Senate with the recommendation that ESB 296 be corrected as follows:

Page 1, line 1, after "IC 5-2-6.1-41" insert ", AS AMENDED BY SEA 300-2006, SECTION 19,".

Page 1, line 4, reset in roman "IC 34-51-3-6,".

(Reference is to ESB 296 as printed February 22, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
KENLEY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1212 because it conflicts with Senate Enrolled Act 71-2006 without properly recognizing the existence of SEA 71-2006, has had EHB 1212 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1212 be corrected as follows:

Page 25, delete lines 28 through 29, begin a new line block indented and insert:

"(4) The exemptions under IC 6-1.1-10-2, IC 6-1.1-10-4, and IC 6-1.1-10-5 do not apply to assessments imposed under this chapter.

(d) Not later than June 1 of each year, the county treasurer shall, in the manner specified by the state land office, send to the state land office a list of all properties:

(1) for which one (1) or more assessment payments under this section are delinquent; and

(2) that are owned by:

(A) the state; or

(B) a state agency."

(Reference is to EHB 1212 as reprinted March 2, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
FORD

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 362 because it conflicts with Senate Enrolled Act 132-2006 without properly recognizing the existence of SEA 132-2006, has had ESB 362 under consideration and begs leave to report back to the Senate with the recommendation that ESB 362 be corrected as follows:

Page 6, line 9, after "IC 6-8.1-7-1" insert ", AS AMENDED BY SEA 132-2006, SECTION 19,".

Page 6, line 39, delete "and".

Page 6, line 40, delete "children,".

Page 6, line 40, reset in roman "resources,".

(Reference is to ESB 362 as reprinted February 28, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
FORD

Report adopted.

SENATE MOTION

Madam President: I move we adjourn until 9:30 a.m., Tuesday, March 14, 2006.

GARTON

Motion prevailed.

The Senate adjourned at 8:28 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate



Journal of the Senate

State of Indiana

114th General Assembly

Second Regular Session

Thirty-third Meeting Day

Tuesday Morning

March 14, 2006

The Senate convened at 9:42 a.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

The Senate Reader was directed to read the previously read section of the District Court's Order in *Hinrichs v. Bosma*, as set out in full in the Senate Journal of January 9, 2006.

Silent prayer followed the reading.

The Pledge of Allegiance to the Flag was led by the President of the Senate.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Becker	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Craycraft	Mishler
Delph	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Simpson
Harrison	Sipes
Heinold	Skinner
Hershman	Smith
Howard	Steele
Hume	Tallian
Jackman	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R.
Lewis	Zakas

Roll Call 372: present 50. The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 6, 75, 83, 139, 193, 253, 258, 259, and 359 and Engrossed House Bills 1016, 1025, 1102, 1259, and 1323 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference

Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills: 1010-2, 1016-1, 1025-1, 1102-1, 1117-1, 1259-1, 1353-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representatives Stutzman and E. Harris as conferees on Engrossed House Bill 1080 and now appoints Representatives Behning and Cheney. Representatives Stutzman and Porter are added as advisors thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Oxley as a conferee on Engrossed Senate Bill 303 and now appoints Representative T. Harris thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 379.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 192.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 132.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1076.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 58.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1128.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1158.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1347.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bill 1220 and is eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills: 6-1, 75-1, 77-1, 106-1, 112-1, 168-1, 193-1, 202-1, 253-1, 258-1, 266-1, 305-1, 321-1, 355-1, and 359-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14,

2006, signed Senate Enrolled Act 231.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Senators Kruse and Howard be added as coauthors of Engrossed Senate Bill 353.

WEATHERWAX

Motion prevailed.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Concurrent Resolution 64, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 8, Nays 0.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Concurrent Resolution 49, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred House Concurrent Resolution 23, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred House Concurrent Resolution 56, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 10, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred House Concurrent Resolution 58, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

LANDSKE, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Resolution 41, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Resolution 42, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Resolution 43, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 11, Nays 0.

GARTON, Chair

Report adopted.

9:52 a.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 1:35 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON FIRST READING

Senate Resolution 47

Senate Resolution 47, introduced by Senators Sipes and M. Young:

A SENATE RESOLUTION urging the Legislative Council to

assign and direct an interim or a statutory committee to study issues pertaining to missing persons.

Whereas, Each year many adults turn up missing and are reported as missing by family members, friends or co-workers, who then run into legal or policy "roadblocks" while reporting such disappearances;

Whereas, Adoption of consistent missing person policies by law enforcement agencies around the state would be of great assistance in resolving these cases quickly and successfully with fewer injuries and deaths; and

Whereas, Any other related matter the committee determines necessary be studied, now: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to assign and direct an interim or a statutory committee to study issues pertaining to missing persons.

SECTION 2. That the committee, should the topic be assigned by the Legislative Council, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 48

Senate Resolution 48, introduced by Senator Sipes:

A SENATE RESOLUTION urging the Legislative Council to assign and direct an interim or a statutory committee to study issues pertaining to the rights of "next of kin" in situations involving criminal activity.

Whereas, Under existing law, the next of kin of a deceased person has control over the body of the deceased even when that next of kin has confessed to killing the deceased;

Whereas, A next of kin, who is charged with or confesses to a crime involving the death of his or her next of kin, should forfeit all rights to the body and estate of the deceased; and

Whereas, Any other related matter the committee determines necessary be studied, now: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to assign and direct an interim or a statutory committee to study the rights of "next of kin" in situations involving criminal

activity.

SECTION 2. That the committee, should the topic be assigned by the Legislative Council, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 49

Senate Resolution 49, introduced by Senator R. Young:

A SENATE RESOLUTION urging the Legislative Council to assign and direct an interim or a statutory committee to study the issue of eliminating the assessed value limitation for the property tax deduction for the residence of a low income individual who is at least 65 years of age.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to assign and direct an interim or a statutory committee to study the issue of eliminating the assessed value limitation for the property tax deduction for the residence of a low income individual who is at least 65 years of age.

SECTION 2. That the committee, should the topic be assigned by the Legislative Council, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 51

Senate Resolution 51, introduced by Senator R. Young:

A SENATE RESOLUTION urging the Legislative Council to establish an interim study committee to review, study and compile a report concerning state employees who have been laid off as the result of a lease or other transfer of state property to a nongovernmental entity, or a contractual arrangement with a nongovernmental entity to perform certain state functions.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Legislative Council is urged to establish an interim study committee to review, study and compile a report concerning state employees who have been laid off as the result of a lease or other transfer of state property to a nongovernmental entity, or a contractual arrangement with a nongovernmental entity to perform certain state functions.

SECTION 2. That the committee, if established, shall review, study and report on the following:

- a. The salary of each employee who was laid off;
- b. The reason for the layoff;
- c. If the functions the employee was performing are now being performed under a:
 - i. professional services contract with an individual who is not a state employee; or
 - ii. contract with an entity for management of the function that the employee performed;
- d. If the functions are being performed under a management contract, the total cost of the management contract.

SECTION 3. That the committee, if established, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 4. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 52

Senate Resolution 52, introduced by Senator R. Young:

A SENATE RESOLUTION urging the Legislative Council to assign and direct an interim or a statutory committee to study Indiana statutes pertaining to adverse possession.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to assign and direct an interim or a statutory committee to study Indiana statutes pertaining to adverse possession.

SECTION 2. That the committee, should the topic be assigned by the Legislative Council, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 54

Senate Resolution 54, introduced by Senator Breaux:

A SENATE RESOLUTION honoring the late biologist and naturalist, Rachel Carson.

Whereas, Long before there was a broad international awareness concerning the dangers that pesticides pose to our air, water and land, the biologist and naturalist Rachel Carson warned her readers in her historic book, "Silent Spring", that unless we change the ways we use these chemicals, the environmental consequences could prove

catastrophic;

Whereas, Despite her stern warning, the quantity of pesticides used in our country and abroad has continued to grow over the years and poses a potential threat to all life forms;

Whereas, Worldwide, more than three billion kilograms of pesticides are spread annually;

Whereas, Children are uniquely vulnerable to chemical pesticides due to their developing physiology and to their habit of frequently putting their hands into their mouths;

Whereas, Chemical pesticides applied outdoors are washed into our waterways and our drinking water;

Whereas, Several types of cancer, neurological diseases, endocrine disorders and birth defects have been associated with exposure to common pesticides;

Whereas, Migratory birds and pregnant women, children, asthmatics, cancer patients, elderly and other immune-compromised people are highly vulnerable to toxic effects of chemical pesticides;

Whereas, May 27 would be Rachel Carson's 98th birthday, and across the country it is being designated as a day to refrain from the use of any pesticides; and

Whereas, This one-day effort symbolizes the continuing and life-threatening problems resulting from the use of pesticides: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Senate honors the late Rachel Carson and urges Indiana residents to refrain from the use of pesticides on May 27, 2006 and to seek alternative methods of pest management.

SECTION 2. The Secretary of the Senate shall transmit a copy of this Resolution to the Governor.

The resolution was read in full and referred to the Committee on Energy and Environmental Affairs.

SENATE MOTION

Madam President: I move that Conference Committee Report 1323-1 to Engrossed House Bill 1323, filed March 13, 2006, be withdrawn from further consideration by the Senate.

KRUSE

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as cosponsor of House Concurrent Resolution 58.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Heinold be added as coauthor of Senate Concurrent Resolution 49.

KENLEY

Motion prevailed.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1315:

Conferees: Hershman and Hume

Advisors: Wyss and Rogers

GARTON

Date: 3/14/2006

Time: 11:53 a.m.

Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF ASSIGNMENT OF CONFEREES

Pursuant to Rule 81(b), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has appointed the following senators to serve as Senate conferees (or advisors) on Engrossed House Bill 1080:

Conferees: Drozda and Sipes

Advisors: Lubbers and Skinner

GARTON

Date: 3/16/2006

Time: 11:55 a.m.

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 235.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1101.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1123.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1138.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1239.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1281.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1285.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1306.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1307.

ROBERT D. GARTON
President Pro Tempore

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 41, 47, 172, and 333 and Engrossed House Bills 1010, 1018, 1029, 1099, 1114, 1155, 1235, and 1392 and has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 153 because it conflicts with Senate Enrolled Act 132 and House Enrolled Act 1040-2006 without properly recognizing the existence of SEA 132 and HEA 1040-2006, has had ESB 153 under consideration and begs leave to report back to the Senate with the recommendation that ESB 153 be corrected as follows:

Page 9, line 38, after "IC 31-14-11-11" insert ", AS AMENDED BY SEA 132-2006, SECTION 225,".

Page 9, line 42, delete "IC 12-17-2" and insert "IC 31-25-3 or IC 31-25-4".

Page 23, line 41, after "IC 33-32-4-5" insert ", AS AMENDED BY SEA 132-2006, SECTION 366,".

Page 24, line 15, delete "division of family and children;".

Page 24, line 15, reset in roman "department of child services".

Page 25, line 3, after "IC 33-37-5-6" insert ", AS AMENDED BY HEA 1040-2006, SECTION 508,".

Page 25, line 26, delete ", IC 33-37-7-1(g),".

(Reference is to ESB 153 as reprinted February 28, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
LAWSON

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has added Representative Mays as an advisor on Engrossed House Bill 1315 thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bills 1227 and 1420 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Senate amendments to Engrossed House Bill 1267 and is eligible for enrollment.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1011.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1212.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 84.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 153.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 362.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 296.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Bauer as a conferee on Engrossed Senate Bill 1008 and now appoints

Representative Espich thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1010-2

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1010 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-13-2-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. A state agency or political subdivision may not require that a lawfully erected sign be removed or altered as a condition of issuing:**

(1) a permit;

(2) a license;

(3) a variance; or

(4) any other order concerning land use or development; unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in writing.

SECTION 2. IC 23-14-60-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) If:

(1) any number of persons have:

(A) acted together as an association or corporation;

(B) acquired, as an association or corporation, land for cemetery purposes;

(C) sold and granted to persons the right to bury the dead in lots located on the land; and

(D) actually managed and controlled the land as a cemetery for at least thirty (30) years; but

(2) the organization that the persons attempted to establish as a corporation or cemetery association is defective and incomplete because of a failure to comply with the formalities required by law in force at some time since the original parties first assumed to act as an association or corporation;

the owners of the right to bury the dead on lots in the cemetery and those who may acquire the right become and continue to be a cemetery association or corporation from March 14, 1913.

(b) The owners of the right to bury the dead on lots in a cemetery referred to in subsection (a) have all the rights and powers of a cemetery association or corporation organized under this article, IC 23-1, or IC 23-17. ~~including the power of eminent domain under IC 32-24-1.~~

SECTION 3. IC 23-14-75-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to the following:

~~(1) A:~~

(A) city;

- ~~(B) town;~~
- ~~(C) township;~~
- ~~(D) corporation or association; or~~
- ~~(E) another owner;~~

that owns or controls a public cemetery that has been in existence for at least thirty ~~(30)~~ years.

~~(2) A:~~

- ~~(A) city, town, or township; or~~
- ~~(B) corporation or association a city, town, or township that:~~

~~(1) owns a cemetery that has been in existence for at least thirty (30) years; or~~

~~that (2) desires to own a public cemetery.~~

SECTION 4. IC 23-14-75-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. If land has not been appropriated or set apart by the owners by platting for a public cemetery and it is necessary to purchase real estate for the cemetery:

- (1) the legislative body of the city or town; or
- (2) the executive of the township;
- ~~(3) the trustees or directors of the corporation or association; or~~
- ~~(4) the other owners;~~

~~have~~ has the power of eminent domain to condemn and appropriate the land for cemetery purposes under proceedings provided by statute.

SECTION 5. IC 32-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Any person that may exercise the power of eminent domain for any public use under any statute may exercise the power only in the manner provided in this article, except as otherwise provided by law.

(b) Before proceeding to condemn, the person:

- (1) may enter upon any land to examine and survey the property sought to be acquired; and
- (2) must make an effort to purchase for the use intended the land, right-of-way, easement, or other interest, in the property.

(c) The effort to purchase under subsection (b)(2) must include the following:

- (1) Establishing a proposed purchase price for the property.**
- (2) Providing the owner of the property with an appraisal or other evidence used to establish the proposed purchase price.**
- (3) Conducting good faith negotiations with the owner of the property.**

~~(c)~~ **(d)** If the land or interest in the land, or property or right is owned by a person who is an incapacitated person (as defined in IC 29-3-1-7.5) or less than eighteen (18) years of age, the person seeking to acquire the property may purchase the property from the guardian of the incapacitated person or person less than eighteen (18) years of age. If the purchase is approved by the court appointing the guardian and the approval is written upon the face of the deed, the conveyance of the property purchased and the deed made and approved by the court are valid and binding upon the incapacitated person or persons less than eighteen (18) years of age.

~~(d)~~ **(e)** The deed given, when executed instead of condemnation, conveys only the interest stated in the deed.

~~(e)~~ **(f)** If property is taken by proceedings under this article, the entire fee simple title may be taken and acquired. ~~if the property is taken for any purpose other than a right-of-way.~~

SECTION 6. IC 32-24-1-5 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As a condition precedent to filing a complaint in condemnation, and except for an action brought under IC 8-1-13-19 (repealed), a condemnor may enter upon the property as provided in this chapter and must, at least thirty (30) days before filing a complaint, make an offer to purchase the property in the form prescribed in subsection (c). The offer must be served personally or by certified mail upon:

- (1) the owner of the property sought to be acquired; or
- (2) the owner's designated representative.

(b) If the offer cannot be served personally or by certified mail, or if the owner or the owner's designated representative cannot be found, notice of the offer shall be given by publication in a newspaper of general circulation in the county in which the property is located or in the county where the owner was last known to reside. The notice must be in the following form:

NOTICE

TO: _____, _____ (owner(s)),
 _____ (condemnor) needs your property
 for a _____
 (description of project), and will need to acquire the following from
 you:

_____ (general
 description of the property to be acquired). We have made you a
 formal offer for this property that is now on file in the Clerk's Office
 in the _____ County Court House. Please pick up the offer. If you
 do not respond to this notice or accept the offer by ____ (a date 30
 days from 1st date of publication) 20____, we shall file a suit to
 condemn the property.

 Condemnor

The condemnor must file the offer with the clerk of the circuit court with a supporting affidavit that diligent search has been made and that the owner cannot be found. The notice shall be published twice as follows:

- (1) One (1) notice immediately.
- (2) A subsequent publication at least seven (7) days and not more than twenty-one (21) days after the publication under subdivision (1).

(c) The offer to purchase must be in the following form:

UNIFORM PROPERTY OR EASEMENT ACQUISITION OFFER

_____ (condemnor) is authorized by Indiana law to obtain your property or an easement across your property for certain public purposes. _____ (condemnor) needs (your property) (an easement across your property) for a _____ (brief description of the project) and needs to take _____ (legal description of the property or easement to be taken; the legal description may be made on a separate sheet and attached to this document if additional space is required)

It is our opinion that the fair market value of the (property) (easement) we want to acquire from you is \$ _____, and, therefore, _____ (condemnor) offers you \$ _____ for the above described (property) (easement). You have ~~twenty-five (25)~~ **thirty (30)** days from this date to accept or reject this offer. If you accept this offer, you may expect payment in full within ninety (90) days after signing the documents accepting this offer and executing the

easement, and provided there are no difficulties in clearing liens or other problems with title to land. Possession will be required thirty (30) days after you have received your payment in full.

HERE IS A BRIEF SUMMARY OF YOUR OPTIONS AND LEGALLY PROTECTED RIGHTS:

1. By law, _____ (condemnor) is required to make a good faith effort to purchase (your property) (an easement across your property).
2. You do not have to accept this offer **and** _____ **(condemnor) is not required to agree to your demands.**
3. However, if you do not accept this offer, and we cannot come to an agreement on the acquisition of (your property) (an easement), _____ (condemnor) has the right to file suit to condemn and acquire the (property) (easement) in the county in which the property is located.
4. You have the right to seek advice of an attorney, real estate appraiser, or any other person of your choice on this matter.
5. You may object to the public purpose and necessity of this project.
6. If _____ (condemnor) files a suit to condemn and acquire (your property) (an easement) and the court grants its request to condemn, the court will then appoint three appraisers who will make an independent appraisal of the (property) (easement) to be acquired.
7. If we both agree with the court appraisers' report, then the matter is settled. However, if either of us disagrees with the appraisers' report to the court, either of us has the right to ask for a trial to decide what should be paid to you for the (property) (easement) condemned.
8. If the court appraisers' report is not accepted by either of us, then _____ (condemnor) has the legal option of depositing the amount of the court appraisers' evaluation with the court. And if such a deposit is made with the court, _____ (condemnor) is legally entitled to immediate possession of the (property) (easement). You may, subject to the approval of the court, make withdrawals from the amount deposited with the court. Your withdrawal will in no way affect the proceedings of your case in court, except that, if the final judgment awarded you is less than the withdrawal you have made from the amount deposited, you will be required to pay back to the court the amount of the withdrawal in excess of the amount of the final judgment.
9. The trial will decide the full amount of damages you are to receive. Both of us will be entitled to present legal evidence supporting our opinions of the fair market value of the property or easement. The court's decision may be more or less than this offer. You may employ, at your cost, appraisers and attorneys to represent you at this time or at any time during the course of the proceeding described in this notice. (The condemnor may insert here any other information pertinent to this offer or required by circumstances or law).
10. If you have any questions concerning this matter you may contact us at:

(full name, mailing and street address, and phone of the

condemnor)

This offer was made to the owner(s):

_____ of _____,
_____ of _____,
_____ of _____,
_____ of _____,

on the _____ day of _____ 20____,

BY:

(signature)

(printed name and title)

Agent of:

(condemnor)

If you decide to accept the offer of \$ _____ made by _____ (condemnor) sign your name below and mail this form to the address indicated above. An additional copy of this offer has been provided for your file.

ACCEPTANCE OF OFFER

I (We), _____, _____, _____, owner(s) of the above described property or interest in property, hereby accept the offer of \$ _____ made by _____ (condemnor) on this _____ day of _____, 20____.

NOTARY'S CERTIFICATE

STATE OF _____)

)SS:

COUNTY OF _____)

Subscribed and sworn to before me this _____ day of _____, 20____.

My Commission Expires: _____

(Signature)

(Printed) NOTARY PUBLIC

(d) If the condemnor has a compelling need to enter upon property to restore utility or transportation services interrupted by disaster or unforeseeable events, the provisions of subsections (a), (b), and (c) do not apply for the purpose of restoration of utility or transportation services interrupted by the disaster or unforeseeable events. However, the condemnor shall be responsible to the property owner for all damages occasioned by the entry, and the condemnor shall immediately vacate the property entered upon as soon as utility or transportation services interrupted by the disaster or unforeseeable event have been restored.

SECTION 7. IC 32-24-1-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. (a) Except as provided in sections 5.8 and 5.9 of this chapter, this section applies to every person that may exercise the power of eminent domain.**

(b) If:

(1) a person that may exercise the power of eminent domain submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer;
the person shall file a complaint under this article to acquire the parcel by the exercise of eminent domain not more than two (2) years after the date the person submitted the written acquisition offer to the owner.

(c) If a person that may exercise the power of eminent domain fails to meet the requirements described in subsection (b) concerning a parcel of real estate, the person may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same project or a substantially similar project for at least three (3) years after the date the two (2) year period described in subsection (b) expires.

SECTION 8. IC 32-24-1-5.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.8. (a) This section applies only to:

(1) the Indiana department of transportation when the department seeks to acquire a parcel of land or a property right for the construction, reconstruction, improvement, maintenance, or repair of a:

(A) state highway; or

(B) toll road project or toll bridge; and

(2) any other person that may exercise the power of eminent domain when the person seeks to acquire a parcel of land or a property right for the construction, reconstruction, improvement, maintenance, or repair of a feeder road for an Indiana department of transportation project described in subdivision (1) if the construction, reconstruction, improvement, maintenance, or repair of the feeder road begins not later than five (5) years from the conclusion of the project.

(b) If:

(1) the Indiana department of transportation or other person described in subsection (a)(2) submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer;

the department or other person shall file a complaint under this article to acquire the parcel by the exercise of eminent domain not more than six (6) years after the date the department or other person submitted the written acquisition offer to the owner.

(c) If the Indiana department of transportation or other person fails to meet the requirements described in subsection (b) concerning a parcel of real estate, the department or other person may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same or a substantially similar project for at least three (3) years after the date the six (6) year period described in subsection (b) expires.

SECTION 9. IC 32-24-1-5.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) As used in this section, "public utility" means a public utility, municipally owned utility, cooperatively owned utility, joint agency created under IC 8-1-2.2, municipal sanitation department operating under IC 36-9-23, sanitary district operating under IC 36-9-25, or an agency operating as a stormwater utility.

(b) This section applies only to a public utility or pipeline company.

(c) If:

(1) a public utility or pipeline company submits a written acquisition offer to the owner of a parcel of real estate under section 5 of this chapter; and

(2) the owner rejects the offer in writing;

the public utility or pipeline company, to acquire the parcel by the exercise of eminent domain, must file a complaint under this article not more than six (6) years after the date on which the public utility or pipeline company submitted the written acquisition offer to the owner.

(d) If a public utility or pipeline company fails to meet the requirements set forth in subsection (c) concerning a parcel of real estate, the public utility or pipeline company may not initiate an action under this article to acquire the parcel through the power of eminent domain for the same project or a substantially similar project for at least two (2) years after the date on which the six (6) year period described in subsection (c) expires.

SECTION 10. IC 32-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A defendant may object to the proceedings:

(1) because the court does not have jurisdiction either of the subject matter or of the person;

(2) because the plaintiff does not have the right to exercise the power of eminent domain for the use sought; or

(3) for any other reason disclosed in the complaint or set up in the objections.

(b) Objections under subsection (a) must be:

(1) in writing;

(2) separately stated and numbered; and

(3) filed not later than ~~the first appearance of~~ thirty (30) days after the date the notice required in section 6 of this chapter is served on the defendant. However, the court may extend the period for filing objections by not more than thirty (30) days upon written motion of the defendant.

(c) The court may not allow pleadings in the cause other than the complaint, any objections, and the written exceptions provided for in section 11 of this chapter. However, the court may permit amendments to the pleadings.

(d) If an objection is sustained, the plaintiff may amend the complaint or may appeal from the decision in the manner that appeals are taken from final judgments in civil actions. All the parties shall take notice and are bound by the judgment in an appeal.

(e) If the objections are overruled, the court shall appoint appraisers as provided for in this chapter. Any defendant may appeal the interlocutory order overruling the objections and appointing appraisers in the manner that appeals are taken from final judgments in civil actions upon filing with the circuit court clerk a bond:

(1) with the penalty that the court fixes;

(2) with sufficient surety;

(3) payable to the plaintiff; and

(4) conditioned for the diligent prosecution of the appeal and for the payment of the judgment and costs that may be affirmed and adjudged against the appellants.

The appeal bond must be filed not later than ten (10) days after the appointment of the appraisers.

(f) All the parties shall take notice of and be bound by the judgment in the appeal.

(g) The transcript must be filed in the office of the clerk of the supreme court not later than thirty (30) days after the filing of the appeal bond. The appeal does not stay proceedings in the cause.

SECTION 11. IC 32-24-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) Not later than ~~ten (10)~~ **forty-five (45)** days before a trial involving the issue of damages, the plaintiff shall, and a defendant may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party.

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 14 of this chapter.

(d) This section does not limit or restrict the right of a defendant to payment of any amounts authorized by law in addition to damages for the property taken from the defendant.

(e) This section does not apply to an action brought under IC 8-1-13-19 (repealed).

SECTION 12. IC 32-24-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) Except as provided in subsection (b), the plaintiff shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the defendant by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the plaintiff under section 12 of this chapter, the court shall allow the defendant the defendant's litigation expenses, **including reasonable attorney's fees**, in an amount not to exceed ~~two thousand five hundred dollars (\$2,500)~~; **the lesser of:**

- (1) **twenty-five thousand dollars (\$25,000); or**
- (2) **the fair market value of the defendant's property or easement as determined under this chapter.**

SECTION 13. IC 32-24-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) If the person seeking to take property under this article fails:

- (1) to pay the assessed damages **and, if applicable, the attorney's fees payable under section 14 of this chapter** not later than one (1) year after the appraisers' report is filed, if exceptions are not filed to the report;

(2) to pay:

(A) the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** if exceptions are filed to the appraisers' report and the exceptions are not sustained; or

(B) the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** and costs if

exceptions are filed to the appraisers' report and the exceptions are sustained;

not later than one (1) year after the entry of the judgment, if an appeal is not taken from the judgment;

(3) to pay the damages assessed **and, if applicable, attorney's fees payable under section 14 of this chapter** or the judgment rendered in the trial court not later than one (1) year after final judgment is entered in the appeal if an appeal is taken from the judgment of the trial court; or

(4) to take possession of the property and adapt the property for the purpose for which it was acquired not later than ~~five (5)~~ **six (6)** years after the payment of the award or judgment for damages, except where a fee simple interest in the property is authorized to be acquired and is acquired;

the person seeking to acquire the property forfeits all rights in the property as fully and completely as if the procedure to take the property had not begun.

(b) An action to declare a forfeiture under this section may be brought by any person having an interest in the property sought to be acquired, or the question of the forfeiture may be raised and determined by direct allegation in any subsequent proceedings, by any other person to acquire the property for a public use. In the subsequent proceedings the person seeking the previous acquisition or the person's proper representatives, successors, or assigns shall be made parties.

SECTION 14. IC 32-24-2-17 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. If applicable, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

SECTION 15. IC 32-24-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After the appraisers file their report, any of the defendants may, within a reasonable time fixed by the court, file exceptions to the report, alleging that the appraisal of the property, as made by the appraisers, is not the true cash value of the property. If exceptions are filed, a trial on the exceptions shall be held by the court or before a jury, if asked by either party.

(b) The circuit court clerk shall give notice of filing of the appraisers' report to all known parties to the action and their attorneys of record by certified mail.

(c) Upon the trial of the exceptions, the court may revise, correct, amend, or confirm the appraisal in accordance with the finding of the court or verdict of the jury.

(d) The court shall apportion the costs accruing in the proceedings as justice may require. **However, if applicable, a landowner who incurs attorney's fees through the exercise of eminent domain under this chapter is entitled to reasonable attorney's fees in accordance with IC 32-24-1-14.**

(e) Changes of venue may be had as in other cases.

SECTION 16. IC 32-24-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) A person, firm, partnership, limited liability company, or corporation authorized to do business in Indiana and authorized to:

- (1) furnish, supply, transmit, transport or distribute electrical energy, gas, oil, petroleum, water, heat, steam, hydraulic power,

or communications by telegraph or telephone to the public or to any town or city; or

(2) construct, maintain or operate turnpikes, toll bridges, canals, public landings, wharves, ferries, dams, aqueducts, street railways, or interurban railways for the use of the public or for the use of any town or city;

may take, acquire, condemn, and appropriate land, real estate, or any interest in the land or real estate **to accomplish the essential delivery of services described in subdivisions (1) and (2).**

(b) A person described in subsection (a) has all accommodations, rights, and privileges necessary to accomplish the use for which the property is taken. A person acting under subsection (a) may use acquired, condemned, or appropriated land to construct railroad siding, switch, or industrial tracks connecting its plant or facilities with the tracks of any common carrier.

SECTION 17. IC 32-24-4.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 4.5. Procedures for Transferring Ownership or Control of Real Property Between Private Persons

Sec. 1. (a) As used in this section, "public use" means the:

- (1) possession, occupation, and enjoyment of a parcel of real property by the general public or a public agency for the purpose of providing the general public with fundamental services, including the construction, maintenance, and reconstruction of highways, bridges, airports, ports, certified technology parks, intermodal facilities, and parks;**
- (2) leasing of a highway, bridge, airport, port, certified technology park, intermodal facility, or park by a public agency that retains ownership of the parcel by written lease with right of forfeiture; or**
- (3) use of a parcel of real property to create or operate a public utility, an energy utility (as defined in IC 8-1-2.5-2), or a pipeline company.**

The term does not include the public benefit of economic development, including an increase in a tax base, tax revenues, employment, or general economic health.

(b) This chapter applies to a condemnor that exercises the power of eminent domain to acquire a parcel of real property:

- (1) from a private person;**
- (2) with the intent of ultimately transferring ownership or control to another private person; and**
- (3) for a use that is not a public use.**

(c) This chapter does not apply thirty (30) years after the acquisition of the real property.

Sec. 2. As used in this chapter, "condemnor" means a person authorized to exercise the power of eminent domain.

Sec. 3. As used in this chapter, "parcel of real property" means real property that:

- (1) is under common ownership; and**
- (2) a condemnor is seeking to acquire.**

Sec. 4. As used in this chapter, "private person" means a person other than a public agency.

Sec. 5. (a) As used in this chapter, "public agency" means:

- (1) a state agency (as defined in IC 4-13-1-1);**
- (2) a unit (as defined in IC 36-1-2-23);**
- (3) a body corporate and politic created by state statute;**

- (4) a school corporation (as defined in IC 20-26-2-4); or**
- (5) another governmental unit or district with eminent domain powers.**

(b) The term does not include a state educational institution (as defined in IC 20-12-0.5-1).

Sec. 6. As used in this chapter, "relocation costs" means relocation expenses payable in accordance with the federal Uniform Relocation Assistance Act (42 U.S.C. 4601 through 42 U.S.C. 4655).

Sec. 7. A condemnor may acquire a parcel of real property by the exercise of eminent domain under this chapter only if all the following conditions are met:

(1) At least one (1) of the following conditions exists on the parcel of real property:

(A) The parcel contains a structure that, because of:

- (i) physical condition;**
- (ii) use; or**
- (iii) occupancy;**

constitutes a public nuisance.

(B) The parcel contains a structure that is unfit for human habitation or use because the structure:

- (i) is dilapidated;**
- (ii) is unsanitary;**
- (iii) is unsafe;**
- (iv) is vermin infested; or**
- (v) does not contain the facilities or equipment required by applicable building codes or housing codes.**

(C) The parcel contains a structure that is:

- (i) a fire hazard; or**
- (ii) otherwise dangerous to the safety of persons or property.**

(D) The parcel contains a structure that is not fit for its intended use because:

- (i) the utilities;**
- (ii) the sewerage;**
- (iii) the plumbing;**
- (iv) the heating; or**
- (v) any other similar services or facilities;**

have been disconnected, destroyed, removed, or rendered ineffective.

(E) The parcel:

- (i) is located in a substantially developed neighborhood;**
- (ii) is vacant or unimproved; and**
- (iii) because of neglect or lack of maintenance, has become a place for the accumulation of trash, garbage, or other debris or become infested by rodents or other vermin, and the neglect or lack of maintenance has not been corrected by the owner of the parcel within a reasonable time after the owner receives notice of the accumulation or infestation.**

(F) The parcel and any improvements on the parcel are the subject of tax delinquencies that exceed the assessed value of the parcel and its improvements.

(G) The parcel poses a threat to public health or safety because the parcel contains environmental contamination.

(H) The parcel has been abandoned.

(2) The acquisition of the parcel of real property through the exercise of eminent domain is expected to accomplish more

than only increasing the property tax base of a government entity.

(3) If the owner files a request for mediation at the time the owner files an objection or exception to an eminent domain proceeding, the mediation occurs as follows:

(A) The court shall appoint a mediator not later than ten (10) days after the request for mediation is filed.

(B) The condemnor shall engage in good faith mediation with the owner, including the consideration of a reasonable alternative to the exercise of eminent domain.

(C) The mediation must be concluded not later than ninety (90) days after the appointment of the mediator.

(D) The condemnor shall pay the costs of the mediator.

A determination concerning whether a condition described in this section has been met is subject to judicial review in an eminent domain proceeding concerning the parcel of real property. If a court determines that an eminent domain proceeding brought under this chapter is unauthorized because the condemnor did not meet the conditions described in this section, the court shall order the condemnor to reimburse the owner for the owner's reasonable attorney's fees that the court finds were necessary to defend the action.

Sec. 8. Notwithstanding IC 32-24-1, a condemnor that acquires a parcel of real property through the exercise of eminent domain under this chapter shall compensate the owner of the parcel as follows:

(1) For agricultural land:

(A) either:

(i) payment to the owner equal to one hundred twenty-five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1; or

(ii) upon the request of the owner and if the owner and condemnor both agree, transfer to the owner of an ownership interest in agricultural land that is equal in acreage to the parcel acquired through the exercise of eminent domain;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(2) For a parcel of real property occupied by the owner as a residence:

(A) payment to the owner equal to one hundred fifty percent (150%) of the fair market value of the parcel as determined under IC 32-24-1;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

(3) For a parcel of real property not described in subdivision (1) or (2):

(A) payment to the owner equal to one hundred percent (100%) of the fair market value of the parcel as determined under IC 32-24-1;

(B) payment of any other damages determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain; and

(C) payment of the owner's relocation costs, if any.

Sec. 9. (a) Not later than forty-five (45) days before a trial involving the issue of compensation, the condemnor shall, and an owner may, file and serve on the other party an offer of settlement. Not more than five (5) days after the date the offer of settlement is served, the party served may respond by filing and serving upon the other party an acceptance or a counter offer of settlement. The offer must state that it is made under this section and specify the amount, exclusive of interest and costs, that the party serving the offer is willing to accept as just compensation and damages for the property sought to be acquired. The offer or counter offer supersedes any other offer previously made under this chapter by the party.

(b) An offer of settlement is considered rejected unless an acceptance in writing is filed and served on the party making the offer before the trial on the issue of the amount of damages begins.

(c) If the offer is rejected, it may not be referred to for any purpose at the trial but may be considered solely for the purpose of awarding costs and litigation expenses under section 10 of this chapter.

(d) This section does not limit or restrict the right of an owner to payment of any amounts authorized by law in addition to damages for the property taken from the owner.

Sec. 10. (a) Except as provided in subsection (b), the condemnor shall pay the costs of the proceedings.

(b) If there is a trial, the additional costs caused by the trial shall be paid as ordered by the court. However, if there is a trial and the amount of damages awarded to the owner by the judgment, exclusive of interest and costs, is greater than the amount specified in the last offer of settlement made by the condemnor under section 9 of this chapter, the court shall require the condemnor to pay the owner's litigation expenses, including reasonable attorney's fees, in an amount that does not exceed twenty-five percent (25%) of the cost of the acquisition.

Sec. 11. (a) This section applies to a parcel of real property located in a project area:

(1) that is located in only one (1) county;

(2) that is at least ten (10) acres in size; and

(3) in which a condemnor or its agents has acquired clear title to at least ninety percent (90%) of the parcels in the project area.

(b) As used in this section, "project area" means an area designated by a condemnor and the legislative body for the condemnor for economic development.

(c) Notwithstanding sections 7 and 8 of this chapter, a condemnor may acquire a parcel of real property by the exercise of eminent domain under this section only if all of the following conditions are met:

(1) The parcel of real property is not occupied by the owner of the parcel as a residence.

(2) The legislative body for the condemnor adopts a resolution by a two-thirds (2/3) vote that authorizes the condemnor to exercise eminent domain over a particular parcel of real property.

(d) A condemnor that acquires a parcel of real property through the exercise of eminent domain under this section shall compensate the owner of the parcel as follows:

(1) Payment to the owner equal to one hundred twenty five percent (125%) of the fair market value of the parcel as determined under IC 32-24-1.

(2) Payment of any other damages as determined under IC 32-24-1 and any loss incurred in a trade or business that is attributable to the exercise of eminent domain.

(3) Payment of the owner's relocation costs, if any.

(e) The condemnor may not acquire a parcel of real property through the exercise of eminent domain under this section if the owner of the parcel demonstrates by clear and convincing evidence that:

(1) the location of the parcel is essential to the viability of the owner's commercial activity; and

(2) the payment of damages and relocation costs cannot adequately compensate the owner of the parcel.

(f) The court shall award the payment of reasonable attorney's fees to the owner of a parcel in accordance with this chapter.

SECTION 18. IC 32-24-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 7. Procedure for Libraries

Sec. 1. This chapter applies to the exercise of eminent domain by a library board (as defined in IC 36-12-1-3). Notwithstanding any other law, a library board may exercise eminent domain only if it complies with this chapter.

Sec. 2. A library board may exercise eminent domain only if one (1) of the following legislative bodies adopts a resolution specifically authorizing the library board to exercise eminent domain over a particular parcel of land for a specific purpose:

(1) If the library district is located entirely within the corporate boundaries of a municipality, the legislative body of the municipality.

(2) If the library district:

(A) is not described by subdivision (1); and

(B) is located entirely within the boundaries of a township; the legislative body of the township.

(3) If the library district is not described by subdivision (1) or (2), the legislative body of each county in which the library district is located.

Sec. 3. The resolution described in section 2 of this chapter must specifically describe:

(1) the parcel of land that the library board seeks to acquire by exercising eminent domain;

(2) the purpose for which the parcel of land is to be acquired; and

(3) why the exercise of eminent domain is necessary to accomplish the library board's purpose.

SECTION 19. IC 36-7-2-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. A unit may not require that a lawfully erected sign be removed or altered as a condition of issuing:**

(1) a permit;

(2) a license;

(3) a variance; or

(4) any other order concerning land use or development;

unless the owner of the sign is compensated in accordance with IC 32-24 or has waived the right to and receipt of damages in

writing.

SECTION 20. IC 36-7-14-32.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 32.5. (a) The commission may acquire a parcel of real property by the exercise of eminent domain when the real property has all of the following characteristics:**

(1) The real property is an unsafe building (as defined in IC 36-7-9-4) and is subject to an order issued under IC 36-7-9-5.

(2) The owner of the real property has not complied with the order issued under IC 36-7-9-5.

(3) The real property is not being used as a residence or for a business enterprise.

meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).

~~(4)~~ (2) The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.

~~(5)~~ (3) The unsafe condition of the real property has a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or the commission's designated hearing examiner shall conduct a public meeting to determine whether a parcel of real property has the characteristics set forth in subsection

(a). Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing and is entitled to present evidence and make arguments at the hearing.

(c) If the commission considers it necessary to acquire real property under this section, the commission shall adopt a resolution setting out the commission's determination to exercise that power and directing the commission's attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court with jurisdiction in the county.

(d) Eminent domain proceedings under this section are governed by IC 32-24.

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

(1) Sale in an urban homestead program under IC 36-7-17.

(2) Sale to a family whose income is at or below the county's median income for families.

(3) Sale or grant to a neighborhood development corporation with a condition in the granting clause of the deed requiring the nonprofit development corporation to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the unit's median income for families.

(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the unit's median income for families.

(f) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.

SECTION 21. IC 36-7-15.1-22.5, AS AMENDED BY P.L.185-2005, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22.5. (a) The commission may acquire a parcel of real property by the exercise of eminent domain when the following conditions exist:

~~(1) The real property is an unsafe premises (as defined in IC 36-7-9) and is subject to an order issued under IC 36-7-9 or a notice of violation issued by the county's health and hospital corporation under its powers under IC 16-22-8;~~

~~(2) The real property is not being used as a residence or for a business enterprise;~~

meets at least one (1) of the conditions described in IC 32-24-4.5-7(1).

~~(3) (2)~~ The real property is capable of being developed or rehabilitated to provide affordable housing for low or moderate income families or to provide other development that will benefit or serve low or moderate income families.

~~(4) (3)~~ The real property suffers from one (1) or more of the conditions listed in IC 36-7-1-3, resulting in a negative impact on the use or value of the neighboring properties or other properties in the community.

(b) The commission or its designated hearing examiner shall conduct a public meeting to determine whether the conditions set forth in subsection (a) exist relative to a parcel of real property. Each person holding a fee or life estate interest of record in the property must be given notice by first class mail of the time and date of the hearing at least ten (10) days before the hearing, and is entitled to present evidence and make arguments at the hearing.

(c) If the commission considers it necessary to acquire real property under this section, it shall adopt a resolution setting out its determination to exercise that power and directing its attorney to file a petition in the name of the city on behalf of the department in the circuit or superior court in the county.

(d) Eminent domain proceedings under this section are governed by IC 32-24.

(e) The commission shall use real property acquired under this section for one (1) of the following purposes:

(1) Sale in an urban homestead program under IC 36-7-17.

(2) Sale to a family whose income is at or below the county's median income for families.

(3) Sale or grant to a neighborhood development corporation or other nonprofit corporation, with a condition in the granting clause of the deed requiring the nonprofit organization to lease or sell the property to a family whose income is at or below the county's median income for families or to cause development that will serve or benefit families whose income is at or below the county's median income for families. However, a nonprofit organization is eligible for a sale or grant under this subdivision only if the county fiscal body has determined that the nonprofit organization meets the criteria established under subsection (f).

(4) Any other purpose appropriate under this chapter so long as it will serve or benefit families whose income is at or below the county's median income for families.

(f) The county fiscal body shall establish criteria for determining the eligibility of neighborhood development corporations and other nonprofit corporations for sales and grants of real property under subsection (e)(3). A neighborhood development corporation or other

nonprofit corporation may apply to the county fiscal body for a determination concerning the corporation's compliance with the criteria established under this subsection.

(g) A neighborhood development corporation or nonprofit corporation that receives property under this section must agree to rehabilitate or otherwise develop the property in a manner that is similar to and consistent with the use of the other properties in the area served by the corporation.

SECTION 22. An emergency is declared for this act.

(Reference is to EHB 1010 as reprinted February 28, 2006.)

Wolkins, Chair

Bray

Dvorak

Sipes

House Conferees

Senate Conferees

Roll Call 373: yeas 49, nays 0. Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 50

Senate Resolution 50, introduced by Senator Becker:

A SENATE RESOLUTION to recognize Senator Greg Server for over thirty years of distinguished service to the Indiana General Assembly and to honor him on his retirement from the Indiana Senate.

Whereas, After earning a Bachelors degree from the University of Evansville, Server went on to earn a Masters degree in Political Science and a Masters degree in Counseling. A veteran of the United States Navy, Server is a life long member of the VFW;

Whereas, Greg Server was first elected to the Indiana General Assembly in 1972, serving in the House of Representatives from 1972-1981. In 1981, Server was elected to the Senate to represent District 50, including Vanderburgh and Warrick counties, and has served since that time with distinction;

Whereas, Senator Server has made many valuable contributions to the Indiana Senate by serving on numerous standing committees, including Appropriations; Health and Provider Services; Homeland Security, Utilities, and Public Policy; and Commerce and Transportation, where he held the position of Chairman. He also served as Chairman of the Regulatory Affairs Subcommittee;

Whereas, During his tenure in the Indiana General Assembly, Senator Server authored legislation that led to the independence of the University of Southern Indiana. He also authored legislation that created the Hoosier Heritage Trust Fund and the Hoosier Environmental License Plate. In addition to his legislative career, Senator Server was a teacher and guidance counselor in the Evansville Vanderburgh School Corporation for 31 years. He also served as Director of administration for the Evansville Water and Sewer Utility; and

Whereas, In 2005, Senator Server was appointed by Governor Mitch Daniels to the position of Commissioner for the Indiana Utility Regulatory Commission. While he will be greatly missed in the legislature, the Indiana Senate wishes him much success in his new endeavor as a public servant: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby congratulates Senator Greg Server on his retirement from the Senate after 33 years of service to the Indiana General Assembly.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Commissioner Greg Server and his family.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Alting, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas be added as coauthors of Senate Resolution 50.

BECKER

Motion prevailed.

House Concurrent Resolution 72

House Concurrent Resolution 72, sponsored by Senator Alting:

A CONCURRENT RESOLUTION memorializing U.S. Army Specialist Matthew C. Frantz.

Whereas, U.S. Army Specialist Matthew C. Frantz, Lafayette, Indiana, was killed January 20, 2006, when an improvised explosive device detonated near his Humvee during patrol operations in Huwajah, Iraq;

Whereas, Specialist Frantz was a 23-year-old counterintelligence specialist assigned to the 1st Special Troops Battalion, 1st Brigade Combat Team, 101st Airborne Division;

Whereas, Specialist Frantz joined the U.S. Army in March, 2004, and arrived at Fort Campbell, Kentucky, in March, 2005;

Whereas, Specialist Frantz was committed to joining the military;

Whereas, After completing his senior year at Lafayette Jefferson High School, Specialist Frantz joined the U.S. Marine Corps but was discharged after suffering a serious knee injury before completing basic training;

Whereas, Working as a salesman until his knee healed enough for the Army to accept him, he enlisted in March 2004; and

Whereas, Specialist Matthew C. Frantz was a caring person who was dedicated to his family and friends; it was this dedication that lead him to fight for freedom for all. He is truly a great American hero: Therefore,

*Be it resolved by the House of Representatives
of the General Assembly of the State of Indiana,
the Senate concurring:*

SECTION 1. That the Indiana General Assembly expresses its condolences on the death of U.S. Army Specialist Matthew C. Frantz and extends to his family sincere appreciation for his sacrifice defending freedom for all people.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Frantz's parents James and Marilyn Frantz, brothers U.S. Navy Petty Officer 2nd Class Christopher Frantz and Airman 1st Class Eric Frantz, and fiancée Amalia B. Cerbin.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1016-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1016 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 7.1-1-3-44 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 44. The term "farm winery" means a commercial winemaking establishment that produces wine ~~from products allowed by and meets the requirements of~~ IC 7.1-3-12-4.

SECTION 2. IC 7.1-2-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) The commission shall have the power to regulate and prohibit advertising, signs, displays, posters, and designs intended to advertise an alcoholic beverage or the place where alcoholic beverages are sold.

(b) The commission shall not exercise the prohibition power contained in subsection (a), as to any advertisement appearing in a newspaper which:

- (1) is published at least once a week;
- (2) regularly publishes information of current news interest to the community; and
- (3) circulates generally to the public in any part of this state, regardless of where printed.

However, a newspaper shall not include publications devoted to special interests such as labor, religious, fraternal, society, or trade publications or journals, or publications owned or issued by political organizations or parties.

(c) The commission shall not exercise the prohibition power contained in subsection (a) as to any advertisement broadcast over

duly licensed radio and television stations.

(d) All advertisements relating to alcoholic beverages, whether published in a newspaper or broadcast over radio or television, shall conform to the rules and regulations of the commission.

(e) The commission shall not exercise the prohibition power contained in subsection (a) as to advertising in the official program of the Indianapolis 500 Race or the Madison Regatta, Inc., Hydroplane Race.

(f) Notwithstanding any other law, the commission may not prohibit the use of an illuminated sign advertising alcoholic beverages by brand name that is displayed within the interior or on the exterior of the premises covered by the permit, regardless of whether the sign is illuminated constantly or intermittently. However, it is unlawful for a primary source of supply or a wholesaler of alcoholic beverages to sell, give, supply, furnish, or grant to, or maintain for a retail or dealer permittee an illuminated advertising sign **in a manner that violates the trade practice restrictions of the commission or this title**. It is unlawful for a retail or dealer permittee to receive, accept, display, or permit to be displayed, an illuminated advertising sign sold, given, supplied, furnished, granted, or maintained in violation of this subsection. **Unless otherwise stated, when a recipient receives an illuminated sign, the illuminated sign becomes the property and responsibility of the recipient.**

(g) The commission may not prohibit the advertisement of:

(1) alcoholic beverages; or

(2) a place where alcoholic beverages may be obtained;

in a program, scorecard, handbill, throw-away newspaper, or menu; however, those advertisements must conform to the rules of the commission.

SECTION 3. IC 7.1-3-1-14, AS AMENDED BY P.L.224-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) It is lawful for an appropriate permittee, unless otherwise specifically provided in this title, to sell alcoholic beverages each day Monday through Saturday from 7 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day. Sales shall cease wholly on Sunday at 3 a.m., prevailing local time, and not be resumed until the following Monday at 7 a.m., prevailing local time.

(b) It is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages for consumption on the licensed premises only on Sunday from 10 a.m., prevailing local time, until 12:30 a.m., prevailing local time, the following day.

(c) It is lawful for the holder of a permit under this article to sell alcoholic beverages at athletic or sports events held on Sunday upon premises that:

(1) are described in section 25(a) of this chapter;

(2) are a facility used in connection with the operation of a paved track more than two (2) miles in length that is used primarily in the sport of auto racing; or

(3) are being used for a professional or an amateur tournament; beginning one (1) hour before the scheduled starting time of the event or, if the scheduled starting time of the event is 1 p.m. or later, beginning at noon.

(d) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time.

(e) Notwithstanding subsection (b), if December 31 (New Year's

Eve) is on a Sunday, it is lawful for the holder of a retailer's permit to sell the appropriate alcoholic beverages on Sunday, December 31, from 10 a.m., prevailing local time, until 3 a.m., prevailing local time, the following day.

SECTION 4. IC 7.1-3-1-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25. (a) A city or county listed in this subsection that by itself or in combination with any other municipal body acquires by ownership or by lease any stadium, exhibition hall, auditorium, theater, convention center, or civic center may permit the retail sale of alcoholic beverages upon the premises if the governing board of the facility first applies for and secures the necessary permits as required by this title. The cities and counties to which this subsection applies are as follows:

(1) A consolidated city or its county.

(2) A city of the second class.

(3) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(4) A county having a population of more than one hundred seventy thousand (170,000) but less than one hundred eighty thousand (180,000).

(5) A county having a population of more than one hundred thirty thousand (130,000) but less than one hundred forty-five thousand (145,000).

(6) A county having a population of more than three hundred thousand (300,000) but less than four hundred thousand (400,000).

(7) A city having a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(8) A county having a population of more than one hundred twenty thousand (120,000) but less than one hundred thirty thousand (130,000).

(9) A county having a population of more than one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).

(b) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) or a township located in such a county that has established a public park with a golf course within its jurisdiction under IC 36-10-3 or IC 36-10-7 may be issued a permit for the retail sale of alcoholic beverages on the premises of any community center within the park, including a clubhouse, social center, or pavilion.

(c) A township that:

(1) is located in a county having a population of more than one hundred five thousand (105,000) but less than one hundred ten thousand (110,000); and

(2) acquires ownership of a golf course;

may permit the retail sale of alcoholic beverages upon the premises of the golf course, if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(d) A township:

(1) having a population of more than thirty-five thousand (35,000) but less than one hundred thousand (100,000); and

(2) located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000);

may be issued a permit for the retail sale of alcoholic beverages on

the premises of any community center or social center that is located within the township and operated by the township.

(e) A city that

~~(1) has a population of:~~

~~(A) more than fifty-nine thousand seven hundred (59,700) but less than sixty-five thousand (65,000); or~~

~~(B) more than forty-six thousand five hundred (46,500) but less than fifty thousand (50,000); and~~

~~(2) owns a golf course~~

may permit the retail sale of alcoholic beverages upon the premises of the golf course if the governing board of the golf course first applies for and secures the necessary permits required by this title.

(f) A city that:

(1) has a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800); and

(2) owns or leases a marina;

may permit the retail sale of alcoholic beverages upon the premises of the marina, if the governing board of the marina first applies for and secures the necessary permits required by this title. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages.

(g) A city listed in this subsection that owns a marina may be issued a permit for the retail sale of alcoholic beverages on the premises of the marina. The permit may include the carryout sale of alcoholic beverages in accordance with IC 7.1-3-4-6(c), IC 7.1-3-9-9(c), IC 7.1-3-14-4(c), and 905 IAC 1-29 but may not include at-home delivery of alcoholic beverages. However, the city must apply for and secure the necessary permits that this title requires. This subsection applies to the following cities:

(1) A city having a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) A city having a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) A city having a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000).

(4) A city having a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000).

(5) A city having a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400).

(h) Notwithstanding subsection (a), the commission may issue a civic center permit to a person that:

(1) by the person's self or in combination with another person is the proprietor, as owner or lessee, of an entertainment complex; or

(2) has an agreement with a person described in subdivision (1) to act as a concessionaire for the entertainment complex for the full period for which the permit is to be issued.

SECTION 5. IC 7.1-3-1.5-1.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. As used in this chapter, "applicant" means a person who applies for a trainer certificate under this chapter to train:

(1) alcohol servers; and

(2) individuals who plan to become certified trainers;

on the selling, serving, and consumption of alcoholic beverages.

SECTION 6. IC 7.1-3-1.5-1.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.3. As used in this chapter, "certified trainer" means a person who is issued a trainer certificate under section 4.6 of this chapter.

SECTION 7. IC 7.1-3-1.5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.2. As used in this chapter, "server certificate" means a certificate issued by the commission under this chapter to an individual who completes a program established or approved under section 6 of this chapter.

SECTION 8. IC 7.1-3-1.5-4.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.4. As used in this chapter, "trainer certificate" means a certificate issued by the commission under this chapter to an applicant who meets the requirements under section 4.6 of this chapter.

SECTION 9. IC 7.1-3-1.5-4.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.6. The commission shall issue a trainer certificate to an applicant who:

(1) files the application and pays the fees established by the commission under section 5 of this chapter;

(2) completes a program established or approved under section 6 of this chapter; and

(3) meets the requirements under this chapter and rules adopted by the commission.

SECTION 10. IC 7.1-3-1.5-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.8. A certified trainer may train:

(1) alcohol servers; and

(2) individuals who plan to become certified trainers;

on the selling, serving, and consumption of alcoholic beverages.

SECTION 11. IC 7.1-3-1.5-5, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. ~~(a)~~ The commission shall adopt rules under IC 4-22-2 to establish:

(1) an application form;

(2) standards; and

(3) fees;

for certification of a program under this chapter.

~~(b) The commission shall adopt rules under IC 4-22-2 to otherwise carry out this chapter.~~

SECTION 12. IC 7.1-3-1.5-6, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The commission shall require the following standards for certification of a program under this chapter: (a) The commission shall:

(1) establish a program; and

(2) approve a program established by a third party that meets the requirements of this chapter;

that is designed to educate alcohol servers and individuals who plan to become certified trainers on the selling, serving, and consumption of alcoholic beverages.

(b) A program established or approved under subsection (a) must include the following:

- (1) Training by an instructor who:
 - (A) has knowledge in the subject areas described in this section; **and**
 - (B) **is a certified trainer under this chapter.**
- (2) Information on specific subject areas as required by the commission.
- (3) A minimum of at least two (2) hours of training to complete the program.
- (4) Information on:
 - (A) state laws and rules regarding the sale and service of alcoholic beverages;
 - (B) the classification of alcohol as a depressant and the effect of alcohol on the human body, particularly on the ability to drive a motor vehicle;
 - (C) the effects of alcohol:
 - (i) when taken with commonly used prescription and nonprescription drugs; and
 - (ii) on human behavior;
 - (D) methods of:
 - (i) identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and
 - (ii) handling situations involving an underage or intoxicated person;
 - (E) methods for properly and effectively:
 - (i) checking the identification of an individual;
 - (ii) identifying an illegal identification of an individual; and
 - (iii) handling situations involving individuals who have provided illegal identification;
 - (F) security and law enforcement issues regarding the sale and service of alcoholic beverages; and
 - (G) recognizing certain behavior to assess the amount of alcohol an individual:
 - (i) has consumed; and
 - (ii) may safely consume.
- (5) One (1) or both of the following:
 - (A) A written test.
 - (B) An oral test.

SECTION 13. IC 7.1-3-1.5-8, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A **trainer** certificate issued under this chapter expires **at a time and date designated by the commission: three (3) years after the date the trainer certificate was issued.**

(b) ~~The commission shall adopt rules to establish:~~

- ~~(1) an application form; and~~
- ~~(2) fees;~~

~~for the renewal of a certificate under this chapter:~~

~~(c) (b) The commission shall send written notice of the upcoming expiration of a certificate to each certificate holder at least sixty (60) days before the expiration of the certificate. The notice must inform the certificate holder of the need to renew and the requirement of payment of the renewal fee. If notice of expiration is not sent by the commission, the certificate holder is not subject to a sanction for failure to renew if, once notice is received from the commission, the certificate is renewed within forty-five (45) days after the receipt of the notice. notify a:~~

(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and
(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter;
of the renewal requirements for a trainer certificate under this chapter.

SECTION 14. IC 7.1-3-1.5-9, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. To renew a **trainer** certificate under this chapter, the ~~certificate holder~~ **certified trainer** must:

- (1) file the renewal application established and provided by the commission; ~~and~~
- (2) pay ~~the a~~ renewal fee ~~in the amount established by the commission; of forty-five dollars (\$45); and~~
- (3) **complete a refresher course established or approved by the commission;**

not later than the expiration date of the **trainer** certificate.

SECTION 15. IC 7.1-3-1.5-12, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. A person who ~~operates a program~~ **trains:**

- (1) alcohol servers; or**
- (2) individuals who plan to become certified trainers;**

without a **trainer** certificate under this chapter commits a Class B infraction.

SECTION 16. IC 7.1-3-1.5-13, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

- (1) ensure that each alcohol server completes a program ~~certified under this established or approved under section 6 of this chapter~~ not later than ~~ninety (90)~~ **one hundred twenty (120)** days after the date the alcohol server begins employment at the establishment;
- (2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the program subject areas described in section 6 of this chapter ~~as required by the commission; every three (3) years after the date the alcohol server completes a program;~~ and
- (3) maintain training verification records of each alcohol server.

(b) A retailer permittee, ~~or a dealer permittee, or a management representative of a retailer or dealer permittee~~ must complete a program ~~certified under established or approved under section 6 of this chapter:~~

- (1) not later than ~~ninety (90)~~ one hundred twenty (120) days after the date:**

- ~~(1) (A) the dealer permittee is issued a permit described in section 2 of this chapter; or~~
- ~~(2) (B) the retailer permittee is issued a permit described in section 4 of this chapter; and~~

(2) every five (5) years after the date the retailer permittee, dealer permittee, or management representative of the retailer or dealer permittee completes a program.

(c) The commission shall notify a:

- (1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and**

(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter; of the requirements under subsections (a) and (b).

~~(c)~~ **(d)** The commission may suspend or revoke a retailer permittee's or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

SECTION 17. IC 7.1-3-1.5-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14. A program established or approved under section 6 of this chapter must provide a server certificate to an individual who successfully completes the program.**

SECTION 18. IC 7.1-3-1.5-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 15. The commission may attend and observe training by a certified trainer under a program established or approved under section 6 of this chapter at any time.**

SECTION 19. IC 7.1-3-1.5-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. The commission shall adopt rules under IC 4-22-2 to carry out this chapter.**

SECTION 20. IC 7.1-3-7.5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. **(a)** The holder of a farm winery brandy distiller's permit may do the following:

- (1) Manufacture brandy.
- (2) Rectify brandy.
- (3) Bottle brandy.
- (4) Use brandy that it has manufactured for the purpose of producing fortified wine.
- (5) Sell, transport, and deliver brandy that it has manufactured to other wineries.
- (6) Sell brandy at wholesale or retail on the permitted premises to consumers by the glass or by the bottle, or both, brandy that it has manufactured.

(b) Upon the approval of the commission, a holder of a farm winery brandy distiller's permit under this chapter may conduct business at not more than three (3) additional locations that are separate from the farm winery brandy distillery. At the additional locations, the holder of the permit may conduct any business that is authorized at the first location, except for the manufacturing or bottling of brandy.

SECTION 21. IC 7.1-3-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. The commission may issue a farm winery permit to a person who:

- (1) is the proprietor of a farm winery; and who**
- (2) desires to commercially manufacture wine; and**
- (3) is either:**
 - (A) an individual; or**
 - (B) a partnership, limited liability company, or corporation domiciled in or admitted to do business in Indiana.**

A farm winery permit shall be valid from July 1, of the then current year to June 30, of the following year. IC 7.1-3-21-5 does not apply to a farm winery permit issued under this chapter. ~~The commission may not issue a farm winery permit to a person who has not been a continuous and bona fide resident of Indiana for at least one (1) year~~

~~preceding the date of the application for a farm winery permit.~~

SECTION 22. IC 7.1-3-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. ~~(a)~~ In order to be considered a "farm winery" within the meaning of this title and to be eligible to receive a farm winery permit, a wine-making establishment

~~(1) must produce wine from grapes, other fruits, or honey produced in this state; and~~

~~(2) shall not annually produce sell more than five hundred thousand (500,000) gallons of wine in Indiana, excluding wine shipped to an out-of-state address.~~

~~(b) Table wine that is shipped by the winery outside the state and that involves a change of ownership may not be considered as part of the winery's annual production for purposes of subsection (a)(2).~~

SECTION 23. IC 7.1-3-12-5, AS AMENDED BY P.L.224-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The holder of a farm winery permit:

(1) is entitled to manufacture wine and to bottle wine produced by the permit holder's farm winery;

(2) is entitled to serve complimentary samples of the winery's wine on the licensed premises or an outside area that is contiguous to the licensed premises as approved by the commission if each employee who serves wine on the licensed premises:

- (A) holds an employee permit under IC 7.1-3-18-9; and**
- (B) completes a server training program approved by the commission;**

(3) is entitled to sell the winery's wine on the licensed premises to consumers either by the glass, or by the bottle, or both;

(4) is entitled to sell the winery's wine to consumers by the bottle at a farmers' market that is operated on a nonprofit basis;

~~(4) (5) is entitled to sell wine by the bottle or by the case to a person who is the holder of a permit to sell wine at either wholesale; or retail;~~

~~(5) (6) is exempt from the provisions of IC 7.1-3-14;~~

~~(6) (7) is entitled to advertise the name and address of any retailer or dealer who sells wine produced by the permit holder's winery;~~

~~(7) (8) for wine described in IC 7.1-1-2-3(a)(4):~~

~~(A) may allow transportation to and consumption of the wine on the licensed premises; and~~

~~(B) may not sell, offer to sell, or allow the sale of the wine on the licensed premises;~~

~~(8) (9) is entitled to purchase and sell bulk wine as set forth in this chapter; and~~

~~(9) (10) is entitled to sell wine as authorized by this section for carryout on Sunday; and~~

(11) is entitled to sell and ship the farm winery's wine to a person located in another state in accordance with the laws of the other state.

(b) With the approval of the commission, a holder of a permit under this chapter may conduct business at ~~a second location not more than three (3) additional locations~~ that is are separate from the winery. At the ~~second location, additional locations~~, the holder of a permit may conduct any business that is authorized at the first location,

except for the manufacturing or bottling of wine.

(c) With the approval of the commission, a holder of a permit under this chapter may, individually or with other permit holders under this chapter, participate in a trade show or an exposition at which products of each permit holder participant are displayed, promoted, and sold. The commission may not grant approval under this subsection to a holder of a permit under this chapter for more than ~~nine (9)~~ **thirty (30)** days in a calendar year.

SECTION 24. IC 7.1-3-13-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **(a)** All premises to be used by an applicant for a wine wholesaler's permit must be described in the application for the permit and in the permit, if the permit is issued. A wine wholesaler may not keep or store wine at any place other than the premises described in the wine wholesaler's application and permit. A person who holds a wine wholesaler's permit and who also holds a beer wholesaler's permit is not disqualified from using multiple premises for the storage of wine because the person holds a beer wholesaler's permit. **The holder of a wine wholesaler's permit issued under IC 7.1-4-4.1-13(c) may enter into an agreement to:**

(1) locate the wine wholesaler's business within the licensed premises of a farm winery or a farm winery brandy distiller; or

(2) use goods and services provided by a farm winery or a farm winery brandy distiller;

or both.

(b) A direct wine seller under IC 7.1-3-26 is not considered an affiliate of a wine wholesaler for purposes of IC 7.1-3-26-7(9) for an agreement under this section.

SECTION 25. IC 7.1-3-13-3, AS AMENDED BY P.L.224-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The holder of a wine wholesaler's permit may purchase, import, and transport wine, brandy, or flavored malt beverage from the primary source of supply. A wine wholesaler may export and transport wine, brandy, or flavored malt beverage by the bottle, barrel, cask, or other container, to points outside Indiana. A wine wholesaler is entitled to sell, furnish, and deliver wine or flavored malt beverage from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery to a wine wholesaler, a wine retailer, a supplemental caterer, a temporary wine permittee, and a wine dealer, but not at retail. A wine wholesaler may sell, furnish, and deliver brandy from inventory that has been located on the wholesaler's premises before the time of invoicing and delivery, but not at retail, only to a person who holds a liquor retailer's permit, a supplemental caterer's permit, or a liquor dealer's permit. ~~A wine wholesaler also may sell and deliver wine to a consumer, at the consumer's residence, in bottles or other permissible containers in a quantity that does not exceed fifty (50) gallons at any one (1) time. A holder of a wine wholesaler's permit may sell wine to the wine wholesaler's bona fide regular employees.~~

(b) As used in this section, "brandy" means:

(1) any alcoholic distillate described in 27 CFR 5.22(d) as in effect on January 1, 1983; or

(2) a beverage product that:

(A) is prepared from a liquid described in subdivision (1);

(B) is classified as a cordial or liqueur as defined in 27 CFR 5.22(h) as in effect on January 1, 1997; and

(C) meets the following requirements:

(i) At least sixty-six and two-thirds percent (66 2/3%) of the product's alcohol content is composed of a substance described in subdivision (1).

(ii) The product's label makes no reference to any distilled spirit other than brandy.

(iii) The product's alcohol content is not less than sixteen percent (16%) by volume or thirty-two (32) degrees proof.

(iv) The product contains dairy cream.

(v) The product's sugar, dextrose, or levulose content is at least twenty percent (20%) of the product's weight.

(vi) The product contains caramel coloring.

(c) Nothing in this section allows a wine wholesaler to sell, give, purchase, transport, or export beer (as defined in IC 7.1-1-3-6) unless the wine wholesaler also holds a beer wholesaler's permit under IC 7.1-3-3-1.

(d) A wine wholesaler that also holds a liquor wholesaler's permit under IC 7.1-3-8 may not:

(1) hold a beer wholesaler's permit under IC 7.1-3-3;

(2) possess, sell, or transport beer; or

(3) sell more than one million (1,000,000) gallons of flavored malt beverage during a calendar year.

SECTION 26. IC 7.1-3-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) The commission may issue an employee's permit to a person who desires to act as:

(1) a clerk in a package liquor store;

(2) ~~an employee who serves wine at a farm winery;~~ or ~~as~~

(3) a bartender, waiter, waitress, or manager in a retail establishment, excepting dining car and boat employees.

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

(1) the sole proprietor;

(2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;

(3) a member of a limited liability company that owns the business establishment; or

(4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

~~(f) An applicant is not entitled to~~ **The commission may not issue**

an employee's permit if: ~~(1) the~~ **to an applicant while the applicant** is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

~~(2) the~~

(g) The commission may not issue an employee's permit to an applicant who has more than one (1) but less than three (3) two (2) unrelated convictions for operating while intoxicated and less than two (2) years have elapsed after the applicant completed the applicant's sentence for a conviction for operating while intoxicated, including any term of probation or parole; or if:

(1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and

(2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

~~(3) the~~

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

(1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or

(2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

~~(g)~~ **(i) The commission shall revoke a permit issued to an employee under this section if:**

(1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or

(2) the employee becomes ineligible for the issuance of an employee's permit under subsection (f): is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

SECTION 27. IC 7.1-3-20-16, AS AMENDED BY P.L.155-2005, SECTION 1, AS AMENDED BY P.L.214-2005, SECTION 48, AND AS AMENDED BY P.L.224-2005, SECTION 16, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) A permit that is authorized by this section may be issued without regard to the quota provisions of IC 7.1-3-22.

(b) The commission may issue a three-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant facility in the passenger terminal complex of a publicly owned airport which is served by a scheduled commercial passenger airline certified to enplane and deplane passengers on a scheduled basis by a federal aviation agency. A permit issued under this subsection shall not be transferred to a location off the airport premises.

(c) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of

a restaurant within a redevelopment project consisting of a building or group of buildings that:

(1) was formerly used as part of a union railway station;

(2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and

(3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

(1) on land; or

(2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

(1) was formerly used as part of a passenger and freight railway station; and

(2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

(1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and

(2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets the following requirements:

(1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.

(2) A county courthouse is located within the district.

(3) A historic opera house listed on the National Register of Historic Places is located within the district.

(4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible

for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

~~(g)~~ **(h)** The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

- (1) a town with a population of more than twenty thousand (20,000); or
- (2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district expires, a permit issued under this subsection may be renewed, and the ownership of the permit may be transferred, but the permit may not be transferred from the permit premises.

(i) After June 30, 2006, the commission may issue not more than five (5) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from a district, that meets all of the following requirements:

- (1)** The district is within an economic development area, an area needing redevelopment, or a redevelopment district as established under IC 36-7-14.
- (2)** A unit of the National Park Service is partially located within the district.
- (3)** An international deep water seaport is located within the district.

An applicant is not eligible for a permit under this subsection if, less than two (2) years before the date of the application, the applicant sold a retailers' permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this subsection or within five hundred (500) feet of the district. A permit issued under this subsection may not be transferred. If the commission issues five (5) new permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall

conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission.

SECTION 28. IC 7.1-3-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. ~~(a)~~ The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's~~ or liquor wholesaler's permit;

to a person who has not been a continuous and bona fide resident of Indiana for five (5) years immediately preceding the date of the application for a permit.

~~(b) The commission shall not issue a beer wholesaler's permit to a person who has not been a continuous and bona fide resident of Indiana for one (1) year.~~

SECTION 29. IC 7.1-3-21-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. The commission shall not issue: ~~an alcoholic beverage~~

- (1) a liquor wholesaler's permit; or**

- (2) an alcoholic beverage** retailer's or dealer's permit;

of any type to a partnership unless each member of the partnership possesses the same qualifications as those required of an individual applicant for that particular type of permit.

SECTION 30. IC 7.1-3-21-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's~~ or liquor wholesaler's permit;

to a corporation unless sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

~~(b) The commission shall not issue a beer wholesaler's permit to a corporation unless at least sixty percent (60%) of the outstanding common stock is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.~~

~~(c)~~ **(b)** The commission shall not issue a liquor wholesaler's permit to a corporation unless at least one (1) of the stockholders shall have been a resident, for at least one (1) year immediately prior to making application for the permit, of the county in which the licensed premises are to be situated.

~~(d)~~ **(c)** Each officer and stockholder of a corporation shall possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 31. IC 7.1-3-21-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's~~ or liquor wholesaler's permit;

to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

~~(b) The commission shall not issue a beer wholesaler's permit to a limited partnership unless at least sixty percent (60%) of the partnership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.~~

~~(c)~~ (b) The commission shall not issue a liquor wholesaler's permit to a limited partnership unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a partnership interest has been a resident of the county in which the licensed premises are to be situated.

~~(d)~~ (c) Each general partner and limited partner of a limited partnership must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 32. IC 7.1-3-21-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. (a) The commission shall not issue:

- (1) an alcoholic beverage retailer's or dealer's permit of any type; or
- (2) a ~~wine wholesaler's~~ or liquor wholesaler's permit;

to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for five (5) years.

~~(b) The commission shall not issue a beer wholesaler's permit to a limited liability company unless at least sixty percent (60%) of the membership interest is owned by persons who have been continuous and bona fide residents of Indiana for one (1) year.~~

~~(c)~~ (b) The commission shall not issue a liquor wholesaler's permit to a limited liability company unless for at least one (1) year immediately before making application for the permit, at least one (1) of the persons having a membership interest has been a resident of the county in which the licensed premises are to be situated.

~~(d)~~ (c) Each manager and member of a limited liability company must possess all other qualifications required of an individual applicant for that particular type of permit.

SECTION 33. IC 7.1-3-21-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. ~~Indiana State Fair.~~ (a) The commission shall ~~not~~ issue a permit for the sale of alcoholic beverages on the Indiana state fair grounds ~~during the period of the Indiana State Fair.~~ to the Indiana state fair commission.

(b) The holder of a permit under this section is:

- (1) entitled to sell alcoholic beverages on the state fair grounds to consumers by the glass;
- (2) entitled to permit multiple vendors of the state fair commission with separate permits at different locations on the state fair grounds to sell alcoholic beverages by the glass under the permit;
- (3) entitled to receive the permit directly from the commission without local board approval;
- (4) not subject to quota restrictions under IC 7.1-3-22-3; and
- (5) entitled to allow a minor to be present in the places where alcoholic beverages are sold.

(c) The holder of a permit under this section must comply with the following requirements:

- (1) File a floor plan of the premises where alcoholic beverages will be served and consumed.
- (2) Provide that service of alcoholic beverages may be performed only by servers certified under IC 7.1-3-1.5.
- (3) Allow sales during the times prescribed under IC 7.1-3-1-14.
- (4) Prohibit sales prohibited under IC 7.1-5-10-1 and IC 7.1-5-10-17.

(5) Operate under rules adopted by the commission to protect the public interest under IC 7.1-1-1.

SECTION 34. IC 7.1-3-26 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 26. Direct Wine Seller's Permit

Sec. 1. This chapter does not apply to the serving or selling of:

- (1) wine in accordance with IC 7.1-3-12; or
- (2) brandy in accordance with IC 7.1-3-7.5.

Sec. 2. As used in this chapter, "applicant" means a person that applies to the commission for a direct wine seller's permit.

Sec. 3. As used in this chapter, "consumer" means an individual with an Indiana address who purchases wine from a seller.

Sec. 4. As used in this chapter, "seller" means the holder of a direct wine seller's permit issued under this chapter.

Sec. 5. A person located within Indiana or outside Indiana that wants to sell and ship wine directly to a consumer must be the holder of a direct wine seller's permit and comply with this chapter.

Sec. 6. A seller may sell and ship wine directly only to a consumer who meets all of the following requirements:

- (1) The consumer is at least twenty-one (21) years of age.
- (2) The consumer has an Indiana address.
- (3) The consumer intends to use wine purchased under this chapter for personal use only and not for resale or other commercial purposes.
- (4) Except as provided in subdivision (5), the consumer has provided to the seller in one (1) initial face-to-face transaction at the seller's place of business appearing on the seller's application for a direct wine seller's permit or any locations authorized by IC 7.1-3-12-5 all the following:
 - (A) Name, telephone number, Indiana address, or consumer's Indiana business address.
 - (B) Proof of age by a state issued driver's license or state issued identification card showing the consumer to be at least twenty-one (21) years of age.
 - (C) A verified statement, made under penalties for perjury, that the consumer satisfies the requirements of subdivisions (1) through (3).

(5) If:

- (A) before April 1, 2006, the consumer has engaged in a transaction with a seller in which the seller sold wine to the consumer and, after April 1, 2006, but before December 31, 2006, the consumer provides the seller with a verified statement, made under penalties for perjury, that the consumer is at least twenty-one (21) years of age; and
 - (B) the seller provides the name and Indiana address of the consumer to the commission before January 15, 2007;
- the seller may sell directly to the consumer in accordance with this chapter.

Sec. 7. (a) The commission may issue a direct wine seller's permit to an applicant who meets all of the following requirements:

- (1) The applicant is domiciled and has its principal place of business in the United States.
- (2) The applicant is engaged in the manufacture of wine.

(3) The applicant holds and acts within the scope of authority of an alcoholic beverage license or permit to manufacture wine that is required:

(A) in Indiana or the state where the applicant is domiciled; and

(B) by the Tax and Trade Bureau of the United States Department of the Treasury.

(4) The applicant qualifies with the secretary of state to do business in Indiana and consents to the personal jurisdiction of the commission and the courts of Indiana.

(5) The applicant files a surety bond with the commission in accordance with IC 7.1-3-1, or deposits cash in an escrow account with the commission, in the amount required of an applicant for a vintner's permit under IC 7.1-3-1-7.

(6) The applicant:

(A) does not hold a permit or license to wholesale alcoholic beverages issued by any authority; and

(B) is not owned in whole or in part or controlled by a person who holds a permit or license to wholesale alcoholic beverages.

(7) The applicant sells not more than five hundred thousand (500,000) gallons of wine per year in Indiana, excluding wine shipped to an out-of-state address.

(8) The applicant has not distributed wine through a wine wholesaler in Indiana within the one hundred twenty (120) days immediately preceding the applicant's initial application for a direct wine seller's permit or the applicant has operated as a farm winery under IC 7.1-3-12.

(9) The applicant is not the parent, subsidiary, or affiliate of another entity manufacturing any alcoholic beverage.

(10) The applicant completes documentation regarding the applicant's application required by the commission.

(b) The commission may issue a direct wine seller's permit to an applicant who:

(1) meets the requirements under subsection (a); and

(2) holds a permit issued under this title that allows the sale of an alcoholic beverage at retail.

Sec. 8. (a) The term of a direct wine seller's permit begins:

(1) the date approved by the commission for an initial application; and

(2) on July 1 to renew a permit;

and expires on June 30 of the following year. A direct wine seller's permit may be renewed in accordance with rules adopted by the commission.

(b) The annual direct wine seller's permit fee is one hundred dollars (\$100).

Sec. 9. A direct wine seller's permit entitles a seller to sell and ship wine to a consumer by receiving and filling orders that the consumer transmits by electronic or other means if all of the following conditions are satisfied before the sale or by the times set forth as follows:

(1) The consumer provides the direct wine seller with the following:

(A) The verification required by section 6(4) of this chapter in an initial face-to-face transaction.

(B) Notwithstanding clause (A), if the consumer provided the information specified in section 6(5)(A) of this chapter after April 1, 2006, but before December 31, 2006, and the

seller provides the name and Indiana address of the consumer under section 6(5)(B) of this chapter to the commission before January 15, 2007, the consumer is not required to comply with section 6(4) of this chapter.

(2) The direct wine seller meets the following requirements:

(A) Maintains for two (2) years all records of wine sales made under this chapter. If the records are requested by the commission, a direct wine seller shall:

(i) make the records available to the commission during the direct wine seller's regular business hours; or

(ii) at the direction of the commission, deliver copies to the commission.

(B) Stamps, prints, or labels on the outside of the shipping container the following: "CONTAINS WINE. SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY."

(C) Causes the wine to be delivered by the holder of a valid carrier's alcoholic beverage permit under IC 7.1-3-18.

(D) Directs the carrier to verify that the individual personally receiving the wine shipment is at least twenty-one (21) years of age.

(E) Does not ship to any consumer more than two hundred sixteen (216) liters of wine in any calendar year.

(F) Remits to the department of state revenue monthly all Indiana excise, sales, and use taxes on the shipments made into Indiana by the direct wine seller during the previous month.

Sec. 10. It is unlawful for the holder of a farm winery brandy distiller's permit to ship or cause to be shipped brandy produced under this title to a consumer.

Sec. 11. A consumer shall provide a direct wine seller with information the direct wine seller reasonably requires, including the consumer's name, Indiana address, telephone number, and other information required by the commission.

Sec. 12. During a permit year, a direct wine seller may not direct ship in Indiana more than twenty-seven thousand (27,000) liters of wine.

Sec. 13. A wine shipment purchased under this chapter must be delivered to:

(1) the consumer, who shall take personal delivery of the shipment at the:

(A) consumer's residence;

(B) consumer's business address;

(C) carrier's business address; or

(D) address displayed on the shipping container; or

(2) an individual who is at least twenty-one (21) years of age, who shall take personal delivery of the shipment at the:

(A) consumer's residence;

(B) consumer's business address;

(C) carrier's business address; or

(D) address designated by the consumer and displayed on the shipping container.

Sec. 14. A consumer may not receive more than two hundred sixteen (216) liters of wine in total from one (1) or more direct wine sellers in a calendar year.

Sec. 15. (a) Except as provided in subsections (b) and (c), a seller who violates this chapter commits a Class A infraction.

(b) Except as provided in subsection (d), a seller who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has one (1) prior unrelated conviction or judgment for an infraction under this section for an act or omission that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class A misdemeanor.

(c) Except as provided in subsection (d), a seller who:

- (1) knowingly or intentionally violates this chapter; and
- (2) has at least two (2) prior unrelated convictions or judgments for infractions under this section for acts or omissions that occurred not more than ten (10) years before the act or omission that is the basis for the most recent conviction or judgment for an infraction;

commits a Class D felony.

(d) A person who violates section 6(5) of this chapter commits a Class A infraction. The commission may consider an infraction committed under this subsection in its determination of whether to renew a seller's permit.

Sec. 16. If a direct wine seller is charged under section 15 of this chapter with selling to a consumer who does not meet the requirements of section 6 of this chapter, it is a defense to the charge if the direct wine seller obtained from the consumer the verified statement required under section 6(4)(C) and 6(5)(A) of this chapter and produces a copy of the verified statement.

SECTION 35. IC 7.1-4-4.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies to the following permits:

- (1) Beer wholesaler's permit.
- (2) Malt wholesaler's permit.
- (3) Liquor wholesaler's permit.
- (4) Wine wholesaler's permit.

(b) Except as provided in subsection (c), a permit fee of two thousand dollars (\$2,000) is annually imposed for the issuance of each of the permits described in subsection (a).

(c) A permit fee of one hundred dollars (\$100) is annually imposed for the issuance of a wine wholesaler's permit to a permit applicant who:

- (1) has never previously held a wine wholesaler's permit and anticipates selling less than twelve thousand (12,000) gallons of wine and brandy in a year; or
- (2) previously held a wine wholesaler's permit and certifies to the commission that the permit applicant sold less than twelve thousand (12,000) gallons of wine and brandy in the previous year.

SECTION 36. IC 7.1-4-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Power of Commission and Department.~~ The chairman and the department shall have the power to examine the books, papers, records, and premises of a manufacturer, wholesaler, retailer, ~~or~~ dealer, ~~or direct wine seller's permit holder~~ under this title for the purpose of determining whether the excise taxes imposed by this title have been paid fully and whether the provisions of the title are being complied with.

SECTION 37. IC 7.1-4-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. ~~Collection of Annual License Fees.~~ The chairman shall collect the required annual license fee paid in connection with the issuance of a brewer's permit,

a beer wholesaler's permit, a temporary beer permit, a dining car permit of any type, a boat permit of any type, a distiller's permit, a rectifier's permit, a liquor wholesaler's permit, a vintner's permit, a farm winery permit, a farm winery brandy distiller's permit, a wine wholesaler's permit, a wine bottler's permit, a temporary wine permit, **a direct wine seller's permit**, a salesman's permit, and a carrier's alcoholic permit.

SECTION 38. IC 7.1-5-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.5. (a) **Except as provided in IC 7.1-3-26**, it is unlawful for a person in the business of selling alcoholic beverages in ~~another state or country~~ **Indiana or outside Indiana** to ship or cause to be shipped an alcoholic beverage directly to ~~an Indiana resident~~ **a person in Indiana** who does not hold a valid wholesaler permit under this title. This includes the ordering and selling of alcoholic beverages over a computer network (as defined by IC 35-43-2-3(a)).

(b) Upon a determination by the commission that a person has violated subsection (a), a wholesaler may not accept a shipment of alcoholic beverages from the person for a period of up to one (1) year as determined by the commission.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section.

SECTION 39. IC 7.1-5-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. ~~Transportation of Unowned Goods Limited.~~ It is unlawful for a person to import or transport an alcoholic beverage that is not at that time the absolute property of an authorized permittee under this title. This section shall not apply to the shipment of an alcoholic beverage from another state in continuous transit through this state into another state unless the shipment is intended to evade a provision of this title. This section shall not prohibit a person, other than permittee, from bringing into this state a quantity of: ~~liquor or~~

(1) wine not exceeding one (1) quart eighteen (18) liters; or

(2) liquor not exceeding one (1) quart;

~~if he the person~~ is a traveler in the ordinary course of travel and if it is not intended for sale to another person.

SECTION 40. IC 7.1-3-1.5-7 IS REPEALED [EFFECTIVE JULY 1, 2006].

SECTION 41. IC 7.1-3-12-6 IS REPEALED [EFFECTIVE UPON PASSAGE].

SECTION 42. P.L.161-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: SECTION 4. (a) **As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) **As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.**

~~(a)~~ (c) As used in this SECTION, "commission" refers to the alcohol and tobacco commission established by IC 7.1-2-1-1.

~~(b)~~ (d) As used in this SECTION, "dealer permittee" has the meaning set forth in IC 7.1-3-1.5-2. ~~as added by this act.~~

~~(c)~~ As used in this SECTION, "program" has the meaning set forth in IC 7.1-3-1.5-3. ~~as added by this act.~~

~~(d)~~ (e) As used in this SECTION, "retailer permittee" has the meaning set forth in IC 7.1-3-1.5-4. ~~as added by this act.~~

(f) **As used in this SECTION, "trainer certificate" has the meaning set forth in IC 7.1-3-1.5-4.4, as added by this act.**

~~(e)~~ (g) Notwithstanding IC 7.1-3-1.5-12, ~~as added by this act~~, a

person who is ~~operating a program before July 1, 2005, training alcohol servers or individuals who plan to become certified trainers before July 1, 2006,~~ may continue to ~~operate the program train alcohol servers or individuals who plan to become certified trainers~~ without a certificate issued under IC 7.1-3-1.5 ~~as added by this act,~~ pending the processing of an application for a **trainer** certificate under this SECTION.

~~(f)~~ **(h)** The person described in subsection ~~(e)~~ **(g)** may submit to the commission an application for a **trainer** certificate to ~~operate a program under IC 7.1-3-1.5, as added by this act.~~ To be entitled to continue ~~operating training~~ without a **trainer** certificate under subsection ~~(e)~~ **(g)**, the person must submit the application before March 1, ~~2006~~ **2007**.

~~(g)~~ **(i)** The person described in subsection ~~(e)~~ **(g)** shall cease ~~operating a program training alcohol servers and individuals who plan to become certified trainers if:~~

- (1) the person fails to submit an application within the time allowed under subsection ~~(f)~~ **(h)**; or
- (2) the commission notifies the person that the commission has rejected the application submitted by the person under this SECTION.

~~(h)~~ **(j)** Notwithstanding IC 7.1-3-1.5-13: ~~as added by this act:~~

- (1) a retailer permittee or dealer permittee who is operating an establishment where alcoholic beverages are served or sold must ensure that each alcohol server completes a program ~~certified established or approved under IC 7.1-3-1.5, IC 7.1-3-1.5-6, as added amended~~ by this act, not later than:

(A) January 1, ~~2008; 2009;~~ or

(B) ~~ninety (90)~~ **one hundred twenty (120)** days after the date the alcohol server begins employment at the establishment; whichever is later; and

- (2) a retailer permittee, ~~or a dealer permittee, or a management representative of a retailer or dealer permittee~~ must complete a program ~~certified established or approved under IC 7.1-3-1.5, IC 7.1-3-1.5-6, as added amended~~ by this act, not later than:

(A) January 1, ~~2008; 2009;~~ or

(B) ~~ninety (90)~~ **one hundred twenty (120)** days after the date the retailer permittee or dealer permittee is issued a retailer permit or dealer permit under IC 7.1-3; whichever is later.

~~(i)~~ **(k)** This SECTION expires December 31, ~~2009; 2010.~~

SECTION 43. [EFFECTIVE JULY 1, 2006] **(a) As used in this SECTION, "alcohol server" has the meaning set forth in IC 7.1-3-1.5-1.**

(b) As used in this SECTION, "certified trainer" has the meaning set forth in IC 7.1-3-1.5-1.3, as added by this act.

(c) Notwithstanding IC 7.1-3-1.5, as amended by this act, a person may be certified by the alcohol and tobacco commission to train alcohol servers and individuals who plan to become certified trainers without meeting the requirements under IC 7.1-3-1.5, as amended by this act, before July 1, 2007.

(d) This SECTION expires January 1, 2008.

SECTION 44. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 7.1-3-26, as added by this act, apply to this SECTION.**

(b) Notwithstanding IC 7.1-3-26, as added by this act, an applicant is considered to be operating under a valid direct wine

seller's permit authorized under IC 7.1-3-26, as added by this act, on and after the date the applicant files an application for a direct seller's permit, until the commission:

(1) grants a permit to an applicant as authorized under IC 7.1-3-26, as added by this act; or

(2) denies a permit to an applicant as authorized under IC 7.1-3-26, as added by this act.

(c) Notwithstanding IC 7.1-4-4.1-13(c), as amended by this act, a wine wholesaler is considered to be operating under a valid wine wholesaler's permit authorized under IC 7.1-4-4.1-13(c), as amended by this act, on and after the date the wine wholesaler applies for a wine wholesaler's permit under IC 7.1-4-4.1-13(c), as amended by this act, until the commission:

(1) grants a permit to an applicant as authorized under IC 7.1-4-4.1-13(c), as amended by this act; or

(2) denies a permit to an applicant as authorized under IC 7.1-4-4.1-13(c), as amended by this act.

(d) This SECTION expires on May 15, 2007.

SECTION 45. **An emergency is declared for this act.**

(Reference is to EHB 1016 as reprinted February 22, 2006.)

Ayres, Chair

Cheney

House Conferees

Bray

Broden

Senate Conferees

Roll Call 374: yeas 48, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1018-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1018 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning the environment.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 13-18-16-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A nonprofit water utility may adopt a resolution approved by its board of directors under this section that reconstitutes the nonprofit water utility as a water authority to be named as provided in the resolution.

(b) A resolution adopted under this section must allow:

(1) the structure of the board of directors; and

(2) the rules governing the water authority;

to remain the same as those applicable to the nonprofit water utility.

(c) The water authority shall retain all its powers, privileges, rights, and exemptions as a nonprofit water utility under:

(1) its existing bylaws and articles; and

(2) all laws applicable to nonprofit water utilities and local water corporations, including powers granted under IC 32-24-4-1.

(d) **Except as provided in subsection (g), a water authority constituted under this section is a political subdivision of the state.**

(e) A copy of a resolution adopted under this section must be filed with the secretary of state. When the secretary of state receives a copy of a resolution under this subsection, the secretary of state shall

dissolve the corporate status of the nonprofit water utility for purposes of state law.

(f) A water authority constituted under this section shall:

(1) remain obligated under any existing contracts or agreements; and

(2) remain obligated and assume the indebtedness; of the nonprofit water utility.

(g) Notwithstanding any other law and subject to ~~subsection~~ **subsections (h) and (i)**, a water authority constituted under this section is subject only to the laws applicable to nonprofit water utilities and local water corporations **and is not subject to the following:**

(1) IC 5-3.

(2) IC 5-4-1.

(3) IC 5-11.

(4) IC 5-13.

(5) IC 5-14-1.5.

(6) IC 5-14-3.

(7) IC 5-22.

(8) IC 36-1-8.

(9) IC 36-1-10.

(10) IC 36-1-10.5.

(11) IC 36-1-11.

(12) IC 36-1-12.

(13) IC 36-1-15.

(h) A water authority constituted under this section is subject to IC 8-1.5-3-8 for purposes of setting rates and charges.

(i) For each fiscal or calendar year of a water authority constituted under this section that ends after December 31, 2006, the water authority:

(1) shall:

(A) have an audit of its financial records performed by an independent certified public accounting firm; and

(B) keep the audit report on file at the water authority; and

(2) notwithstanding IC 5-11-1-9, is not subject to the following:

(A) Audit or examination by the state board of accounts.

(B) The examination guidelines and reporting requirements of the state board of accounts.

(Reference is to EHB 1018 as reprinted March 2, 2006.)

Lutz, Chair

Hershman

Robertson

Lewis

House Conferees

Senate Conferees

Roll Call 375: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1025-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1025 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 4, delete lines 32 through 36.

(Reference is to EHB 1025 as reprinted February 21, 2006.)

J. Smith, Chair

Drozda

Klinker

Simpson

House Conferees

Senate Conferees

Roll Call 376: yeas 48, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1029-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1029 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1.5-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The bank may issue its bonds or notes in principal amounts that it considers necessary to provide funds for any purposes under this article, including:

(1) the purchase or acquisition of securities;

(2) the making of loans to or agreements with qualified entities through the purchase of securities;

(3) the payment, funding, or refunding of the principal of, or interest or redemption premiums on, bonds or notes issued by it whether the bonds or notes or interest to be paid, funded, or refunded have or have not become due; ~~and~~

(4) the establishment or increase of reserves to secure or to pay bonds or notes or interest on bonds or notes and all other costs or expenses of the bank incident to and necessary or convenient to carry out its corporate purposes and powers; **and**

(5) the acquisition of school buses to be leased or sold to school corporations (as defined in IC 36-1-2-17).

(b) Except as otherwise provided in this article or by the board, every issue of bonds or notes shall be general obligations of the bank payable out of the revenues or funds of the bank, subject only to agreements with the holders of a particular series of bonds or notes pledging a particular revenue or fund. Bonds or notes may be additionally secured by a pledge of a grant or contributions from the United States, a qualified entity, or a person or a pledge of income or revenues, funds, or money of the bank from any source.

(c) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except:

(1) bonds or notes issued to fund or refund bonds or notes; and

(2) bonds or notes issued for the purpose of purchasing an agreement executed by a qualified entity under IC 21-1-5;

may not exceed one billion dollars (\$1,000,000,000) for qualified entities described in IC 5-1.5-1-8(1) through IC 5-1.5-1-8(4) and IC 5-1.5-1-8(8) through IC 5-1.5-1-8(11).

(d) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except bonds or notes issued to fund or refund bonds or notes, may not exceed two hundred million dollars (\$200,000,000) for qualified entities described in IC 5-1.5-1-8(5) through IC 5-1.5-1-8(6).

(e) Notwithstanding subsections (a) and (b), the total amount of bank bonds and notes outstanding at any one (1) time, except bonds

or notes issued to fund or refund bonds or notes, may not exceed thirty million dollars (\$30,000,000) for qualified entities described in IC 5-1.5-1-8(7).

(f) The limitations contained in subsections (c), (d), and (e) do not apply to bonds, notes, or other obligations of the bank if:

- (1) the bonds, notes, or other obligations are not secured by a reserve fund under IC 5-1.5-5; or
- (2) funds and investments, and the anticipated earned interest on those funds and investments, are irrevocably set aside in amounts sufficient to pay the principal, interest, and premium on the bonds, notes, or obligations at their respective maturities or on the date or dates fixed for redemption.

SECTION 2. IC 5-1.5-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Every qualified entity is authorized and empowered to contract with the bank with respect to the loan or purchase of its securities, and the contracts shall contain the terms and conditions of the loan or purchase and may be in any form agreed to by the bank and the qualified entity, including a customary form of bond ordinance or resolution. Every qualified entity is authorized and empowered to pay fees and charges required to be paid to the bank for its services.

(b) Notwithstanding any statute applicable to or constituting any limitation on the sale of bonds or notes or on entry into an agreement, any qualified entity may sell its securities to the bank, without limitation as to denomination, at a private sale at such price or prices as may be determined by the bank and the qualified entity.

(c) Notwithstanding any law that applies to or constitutes a limitation on the leasing or disposition of materials or other property, **and subject to subsection (d)**, any qualified entity, or any purchasing agency (as defined in IC 5-22-2-25) of a qualified entity, may:

- (1) assign or sell a lease **or purchase contract** for property to the bank; **or**
- (2) enter into a lease **or purchase contract** for property with the bank; **or**
- (3) **buy property from or sell property to the bank;**

at any price and under any other terms and conditions as may be determined by the bank and the qualified entity. ~~However,~~

(d) This subsection does not apply to a school corporation that buys or leases a school bus from the bank under IC 5-1.5-4-1(a)(5). Before ~~making taking~~ **an assignment or sale of a lease or entering into a lease action described** under this subsection **(c)(1) through (c)(3)** that would otherwise be subject to IC 5-22, ~~the~~ **a** qualified entity or its purchasing agent must obtain or cause to be obtained a purchase price for the property to be subject to **the sale, purchase contract, or the** lease from the lowest responsible and responsive bidder in accordance with the requirements for the purchase of supplies under IC 5-22.

SECTION 3. IC 6-1.1-19-8, AS AMENDED BY P.L.1-2005, SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) A school corporation must file a petition requesting approval from the department of local government finance to incur bond indebtedness, enter into a lease rental agreement, or repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5 not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the school corporation demonstrates that a longer period is reasonable in

light of the school corporation's facts and circumstances. A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

This restriction does not apply to ad valorem property taxes which a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. **In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1.**

(b) The department of local government finance may either approve, disapprove, or modify then approve a school corporation's proposed lease rental agreement, bond issue or school bus purchase loan. Before it approves or disapproves a proposed lease rental agreement, bond issue or school bus purchase loan, the department of local government finance may seek the recommendation of the tax control board.

(c) The department of local government finance shall render a decision not more than three (3) months after the date it receives a request for approval under subsection (a). However, the department of local government finance may extend this three (3) month period by an additional three (3) months if, at least ten (10) days before the end of the original three (3) month period, the department sends notice of the extension to the executive officer of the school corporation. A school corporation may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than forty-five (45) days after the department enters its order under this section.

(d) After December 31, 1995, the department of local government finance may not approve a school corporation's proposed lease rental agreement or bond issue to finance the construction of additional classrooms unless the school corporation first:

- (1) establishes that additional classroom space is necessary; and
- (2) conducts a feasibility study, holds public hearings, and hears public testimony on using a twelve (12) month school term (instead of the nine (9) month school term (as defined in IC 20-30-2-7)) rather than expanding classroom space.

(e) This section does not apply to school bus purchase loans made by a school corporation which will be repaid solely from the general fund of the school corporation.

(f) A taxpayer may petition for judicial review of the final determination of the department of local government finance under this section. The petition must be filed in the tax court not more than thirty (30) days after the department enters its order under this section.

SECTION 4. IC 6-3-3-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) **As used in this section, "college choice 529 education savings plan" refers to a college choice 529 investment plan established under IC 21-9.**

(b) As used in this section, "taxpayer" means:

- (1) an individual filing a single return; or
- (2) a married couple filing a joint return.

(c) A taxpayer is entitled to a credit against the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for a taxable year equal to the least of the following:

- (1) Twenty percent (20%) of the amount of each contribution made by the taxpayer to a college choice 529 education savings plan during the taxable year.
- (2) One thousand dollars (\$1,000).
- (3) The amount of the taxpayer's adjusted gross income tax imposed by IC 6-3-1 through IC 6-3-7 for the taxable year, reduced by the sum of all credits (as determined without regard to this section) allowed by IC 6-3-1 through IC 6-3-7.

(d) A taxpayer is not entitled to a carryback, carryover, or refund of an unused credit.

(e) A taxpayer may not sell, assign, convey, or otherwise transfer the tax credit provided by this section.

(f) To receive the credit provided by this section, a taxpayer must claim the credit on the taxpayer's annual state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department all information that the department determines is necessary for the calculation of the credit provided by this section.

SECTION 5. IC 20-12-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Subject to ~~section sections~~ **sections 16 and 17** of this chapter, bonds may be issued in an amount or amounts that do not exceed the maximum amount determined by the governing board of the issuing corporation.

(b) The bonds may be issued in the form and upon the terms and conditions, at the rate or rates of interest, and in the denominations which may be made convertible into different denominations as the governing board of the corporation may determine by the adoption of a resolution or approval of a form of trust indenture between the corporation and a designated corporate trustee, or both.

(c) The resolution or the indenture may include provisions for:

- (1) protecting and enforcing the rights and remedies of the holders of the bonds being issued;
- (2) covenants setting forth the duties of the corporation and its officers in relation to the acquisition, construction, operation, maintenance, use, and abandonment of the building facility, and insurance thereof;
- (3) the custody, safeguarding, application, and investment of all money;
- (4) the rights and remedies of the trustee and the holders of the bonds being issued;
- (5) the issuance of additional bonds as provided in the resolution or indenture; and
- (6) other terms, conditions, and covenants as the governing board of the corporation determines are proper, including provision for the establishment of a debt service reserve by:
 - (A) the use of bond proceeds or other sources;
 - (B) the furnishing of an insurance policy, surety bond, or letter of credit; or
 - (C) any combination of clause (A) or (B).

(d) The bonds shall be sold at public or negotiated sale as provided by IC 4-1-5.

(e) All bonds and the interest coupons appertaining to the bonds issued under this chapter shall be negotiable instruments within the meaning and for all purposes under the laws of this state, subject only to the provisions of the bonds for registration as to principal or as to principal and interest. Any bonds registered as to principal and interest may be made convertible to bearer bonds with coupons.

(f) No action to contest the validity of any bonds issued under this chapter shall be brought after the fifteenth day following:

- (1) the first publication of notice of the sale or intent to sell the bonds under IC 4-1-5, if the bonds are sold at public sale; or
- (2) the publication one (1) time in newspapers described in IC 4-1-5-1 of notice of execution and delivery of the contract of sale for the bonds, if the bonds are sold at negotiated sale.

(g) The corporation shall publish notice under subsection (f)(2) if it sells bonds at negotiated sale within thirty (30) days of execution of the contract of sale for the bonds.

(h) The rate or rates of interest of the bonds may be fixed or variable. Variable rates shall be determined in the manner and in accordance with the procedures set forth in the resolution or indenture authorizing the issuance of the bonds. Bonds bearing a variable rate of interest may be converted to bonds bearing a fixed rate or rates of interest to the extent and in the manner set forth in the resolution or indenture pursuant to which the bonds are issued. The interest may be payable semiannually, annually, or at any other interval or intervals as may be provided in the resolution or indenture, or the interest may be compounded and paid at maturity or at any other times as specified in the resolution or indenture.

(i) The bonds may be made subject, at the option of the holders, to mandatory redemption by the corporation at the times and under the circumstances set forth in the authorizing resolution or indenture.

(j) A resolution or the indenture may contain provisions regarding the investment of money, sale, exchange, or disposal of property and the manner of authorizing and making payments, notwithstanding IC 5-13 or any general statute relating to these matters.

SECTION 6. IC 20-12-6-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. The term "bond" or "bonds" as used in this chapter means any bonds (including refunding bonds), notes, temporary, interim, or permanent certificates of indebtedness, debentures, or other obligations evidencing indebtedness for borrowed money. **The term does not include installment contracts or similar instruments under section 2 of this chapter.**

SECTION 7. IC 20-12-6-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Except for notes issued under section 8.5 of this chapter and except as provided in subsections ~~(d) and~~ (e) **through (g)**, no bonds shall be issued for a project by the corporations under this chapter unless the general assembly:

- (1) has specifically approved the project to be financed through the issuance and sale of these bonds; and
- (2) has provided the amount of bonds which may be issued to fund the costs of acquiring, constructing, remodeling, renovating, furnishing, or equipping the specific project approved.

(b) In addition to and in connection with the amount of bonds that may be issued by a corporation for a specific project as provided in subsection (a)(2), the corporations may also issue bonds in amounts necessary to provide funds for debt service reserves, bond or reserve

insurance, and other costs without additional approval by the general assembly, if these costs are incidental to the issuance of bonds for the project.

(c) The bonds, regardless of when the amount of bonds was approved by the general assembly, may be issued in an amount not exceeding:

- (1) the amount of bonds approved by the general assembly together with the amounts described in subsection (b); plus
- (2) the amount of the discount below par value, if bonds are sold at a price below par value under IC 4-1-5-1.

(d) As used in this subsection, "fee replacement" means payments to a corporation to be used to pay indebtedness resulting from financing the cost of planning, purchasing, rehabilitation, construction, repair, leasing, lease-purchasing, or otherwise acquiring land, buildings, facilities, and equipment to be used for academic and instructional purposes. A power granted under this section to issue bonds without the specific approval of the general assembly shall not be construed to permit the issuance of the bonds without the specific approvals required under section 16 of this chapter. Bonds issued without the specific approval of the general assembly are not eligible for fee replacement.

(~~+~~) (e) Bonds may be issued by a corporation without the approval of the general assembly if, after the issuance, the total amount of outstanding bonds issued by the corporation without approval will not exceed ~~one two~~ million dollars (~~\$1,000,000~~); **(\$2,000,000)**. However, the bonds must be approved as provided in section 16 of this chapter.

(~~+~~) (f) Bonds may be issued by a corporation without the approval of the general assembly to finance a qualified energy savings project (as defined in IC 20-12-5.5) if (~~+~~) annual operating savings to ~~a~~ the corporation arising from the implementation of a qualified energy savings project are reasonably expected to be at least equal to annual debt service requirements on bonds issued for this purpose in each fiscal year. ~~and (2) However, the amount of bonds that may be issued by each outstanding for the corporation at any time for qualified energy savings projects, other than refunding bonds and exclusive of costs described in subsections (b) and (c), does may not exceed ten million dollars (\$10,000,000).~~

(g) Bonds may be issued by the trustees of Purdue University without the approval of the general assembly for deferred expenditures, as determined under accounting principles approved by the state board of accounts, to:

- (1) repair, rehabilitate, remodel, renovate, or reconstruct existing facilities or buildings;
- (2) improve or replace utilities or fixed equipment; or
- (3) perform related site improvement work.

However, the total amount of bonds issued for the corporation under this subsection without the approval of the general assembly, other than refunding bonds and exclusive of costs described in subsections (b) and (c), may not exceed sixty million dollars (\$60,000,000).

SECTION 8. IC 20-12-7-7, AS AMENDED BY P.L.235-2005, SECTION 196, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) No bonds shall be issued by the respective trustees under the provisions of this chapter without the specific approval of:

- (1) the budget agency, if the bonds are issued for the refunding or advance refunding of any outstanding bonds

approved as required by this chapter and the institution makes the findings described in subsection (b); and
(2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) **An institution may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the institution finds that the refunding or advance refunding will effect a benefit to the institution because:**

- (1) a net savings to the institution will be effected; or
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.

SECTION 9. IC 20-12-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) The trustees of Indiana University, the trustees of Purdue University, Indiana State University board of trustees, the University of Southern Indiana board of trustees, and the Ball State University board of trustees are authorized and empowered, from time to time, if the governing boards of these corporations find that a necessity exists, to erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage:

- (1) dormitories and other housing facilities for single and married students and school personnel;
- (2) food service facilities;
- (3) student infirmaries and other health service facilities including revenue-producing hospital facilities serving the general public, together with parking facilities and other appurtenances in connection with any of the foregoing; **or**
- (4) parking facilities in connection with academic facilities; ~~or~~
- (5) ~~medical research; facilities associated with a school of medicine; if the facilities will generate revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds for the facility for each fiscal year that the bonds are outstanding;~~

at or in connection with Indiana University, Purdue University, Indiana State University, the University of Southern Indiana, and Ball State University, for the purposes of the respective institutions. ~~These~~

(b) **The trustees of Indiana University and the trustees of Purdue University may, from time to time, if the governing boards of these corporations find that a necessity exists, erect, construct, reconstruct, extend, remodel, improve, complete, equip, furnish, operate, control, and manage facilities used for clinical, medical, scientific, engineering, or other similar qualitative, quantitative, or experimental research, if revenue from state, federal, local, or private gifts, grants, contractual payments, or reimbursements is available in an amount that is reasonably expected to at least equal the annual debt service requirements of the bonds and the costs to operate the facility for each fiscal year that the bonds are outstanding at or in connection with any of the following campuses of Indiana University or Purdue University:**

(1) Purdue University-West Lafayette Campus.

(2) Indiana University-Purdue University at Indianapolis (IUPUI).

(3) Indiana University-Bloomington Campus.

Neither student fees nor money appropriated by the general assembly may be used to pay the debt service requirements or the maintenance expenses of a facility described in this subsection.

(c) The corporations described in subsection (a) or (b) are also authorized and empowered to acquire, by purchase, lease, condemnation, gift or otherwise, any property, real or personal, that in the judgment of these corporations is necessary for the purposes set forth in this section. The corporations may improve and use any property acquired for the purposes set forth in this section.

(b) (d) Title to all property so acquired, including the improvements located on the property, shall be taken and held by and in the name of the corporations. If the governing board of any of these corporations determines that real estate, the title to which is in the name of the state, for the use and benefit of the corporation or institution under its control, is reasonably required for any of the purposes set forth in this section, the real estate may, upon request in writing of the governing board of the corporation to the governor of the state and upon the approval of the governor, be conveyed by deed from the state to the corporation. The governor shall be authorized to execute and deliver the deed in the name of the state, signed on behalf of the state by the governor, attested by the auditor of state and with the seal of the state affixed to the deed.

SECTION 10. IC 20-12-8-7, AS AMENDED BY P.L.235-2005, SECTION 197, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) No bonds shall be issued by the corporations under the provisions of this chapter without the specific approval of:

- (1) the budget agency, if the bonds are issued for the refunding or advance refunding of any outstanding bonds approved as required by this chapter and the corporation makes the findings described in subsection (b); and**
- (2) the budget committee, budget agency, and the governor, if subdivision (1) does not apply.**

The budget agency may request and consider the recommendation of the staff of the Indiana finance authority with respect to the approval of a bond issue under this section.

(b) A corporation may provide for refunding or advance refunding of any outstanding bonds under subsection (a)(1) whenever the board of trustees of the corporation finds that the refunding or advance refunding will effect a benefit to the corporation because:

- (1) a net savings to the corporation will be effected; or**
- (2) the net present value of principal and interest payments on the bonds is less than the net present value of the principal and interest payments on the outstanding bonds to be refunded.**

SECTION 11. [EFFECTIVE JULY 1, 2006] The trustees of Indiana State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, furnishing, and equipping the Student Recreation Center Project, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed

twenty-four million dollars (\$24,000,000). The project is not eligible for fee replacement or plant expansion funding.

SECTION 12. [EFFECTIVE JULY 1, 2006] The trustees of Ball State University may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of renovation and expansion of a recreation center, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed thirty-nine million dollars (\$39,000,000). The project is not eligible for fee replacement or plant expansion funding.

SECTION 13. [EFFECTIVE JULY 1, 2006] The trustees of the University of Southern Indiana may issue and sell bonds under IC 20-12-6, subject to the approvals required by IC 20-12-5.5, for the purpose of constructing, furnishing, and equipping a university center expansion, if the sum of principal costs of any bond issued, excluding amounts necessary to provide money for debt service reserves, credit enhancement, or other costs incidental to the issuance of the bonds, does not exceed four million dollars (\$4,000,000). The project is not eligible for fee replacement or plant expansion funding.

SECTION 14. [EFFECTIVE JANUARY 1, 2007] IC 6-3-3-12, as added by this act, applies to taxable years beginning after December 31, 2006.

SECTION 15. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 20-12-1-12, a state educational institution that did not set 2006-2007 tuition and fee rates for:

- (1) nonresident undergraduate students; and**
- (2) resident and nonresident graduate and professional students;**

at the time that the state educational institution set resident undergraduate tuition and fee rates, is authorized to set tuition and fee rates for students described in subdivisions (1) and (2) for the 2006-2007 year only. The percentage increase for the 2006-2007 tuition and fee rates set under this SECTION may not exceed the percentage increase set for 2005-2006.

(b) A state educational institution shall hold a public hearing before setting any tuition and fee rates under this SECTION. The state educational institution shall give public notice of the hearing at least ten (10) days before the hearing. The public notice must include the specific proposal for tuition and fee rate increases and the expected uses of the revenue to be raised by the proposed increases. The hearing shall be held on or before May 15, 2006.

(c) This SECTION expires June 30, 2006.

SECTION 16. An emergency is declared for this act.
(Reference is to EHB 1029 as reprinted March 1, 2006.)

Buell, Chair	Kenley
Klinker	Simpson
House Conferees	Senate Conferees

Roll Call 377: yeas 45, nays 5. Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 55

Senate Resolution 55, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express the sincere appreciation of the Senate for the invaluable contribution of the Chiropractor of the Day Program and to the chiropractors who have volunteered their services.

Whereas, The Indiana State Chiropractors Association provided service to the Indiana Senate and the General Assembly during this legislative session by the operation of the "Chiropractor of the Day" program;

Whereas, The Indiana State Chiropractic Association has provided competent and experienced chiropractors who have donated their time and expertise by providing on-the-spot chiropractic care to the members and staff of the legislature;

Whereas, The "Chiropractor of the Day" program is invaluable in that the presence of a chiropractor contributes to the smooth operation of the Indiana State Senate which results in quality legislation on behalf of the citizens of the State of Indiana; and

Whereas, Each member of this body is appreciative of the fine efforts of the dedicated chiropractors who have contributed their services to this program: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby expresses its deepest gratitude to the Indiana State Chiropractic Association and the dedicated chiropractors who participated in the "Chiropractor of the Day" program during this Second Regular Session of the One Hundred Fourteenth Indiana General Assembly. We look forward to a continued relationship with this worthwhile organization and to the dedicated Chiropractors who volunteer their services.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the President of the Indiana State Chiropractic Association, Dr. Anthony Wolf; Executive Director of the Indiana State Chiropractic Association, Pat McGuffey; and to each Chiropractor that participated in the "Chiropractor of the Day" program this session.

The resolution was read in full and adopted by voice vote.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1099-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1099 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 22-11-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this

chapter and IC 22-11-14.5:

"Auto burglar alarm" means a tube that contains pyrotechnic composition that produces a loud whistle or smoke when ignited. A small quantity of explosive, not exceeding fifty (50) milligrams, may also be used to produce a small report. A squib is used to ignite the device.

"Booby trap" means a small tube with string protruding from both ends, similar to a party popper in design. The ends of the string are pulled to ignite the friction sensitive composition, producing a small report.

"Chaser" means a device, containing fifty (50) milligrams or less of explosive composition, that consists of a small paper or cardboard tube that travels along the ground upon ignition. A whistling effect is often produced, and a small noise may be produced.

"Cigarette load" means a small wooden peg that has been coated with a small quantity of explosive composition. Upon ignition of a cigarette containing one (1) of the pegs, a small report is produced.

~~"Common~~ **"Consumer** firework" means a small firework that is designed primarily to produce visible effects by combustion, and that is required to comply with the construction, chemical composition, and labeling regulations promulgated by the United States Consumer Product Safety Commission under 16 CFR 1507. The term also includes some small devices designed to produce an audible effect, such as whistling devices, ground devices containing fifty (50) milligrams or less of explosive composition, and aerial devices containing one hundred thirty (130) milligrams or less of explosive composition. Propelling or expelling charges consisting of a mixture of charcoal, sulfur, and potassium nitrate are not considered as designed to produce an audible effect. ~~Common~~ **Consumer** fireworks:

(1) include:

~~(A) ground and hand held sparkling devices, which include dipped stick, certain wire sparklers, cylindrical fountains, cone fountains, illuminating torches, wheels, ground spinners, and flitter sparklers;~~

~~(B) (A) aerial devices, which include sky rockets, missile type rockets, helicopter or aerial spinners, roman candles, mines, and shells;~~

~~(C) (B) ground audible devices, which include firecrackers, salutes, and chasers; and~~

~~(D) (C) firework devices containing combinations of two (2) or more of the effects described in the preceding three (3) clauses (A) and (B); and~~

(2) do not include the ~~following novelties and trick noisemakers:~~

~~(A) Snakes or glow worms;~~

~~(B) Smoke devices;~~

~~(C) Wire sparklers which contain no magnesium and which contain less than one hundred (100) grams of composition per item;~~

~~(D) Trick noisemakers, which include party poppers, booby traps, snappers, trick matches, cigarette loads, and auto burglar alarms; items referenced in section 8(a) of this chapter.~~

"Cone fountain" means a cardboard or heavy paper cone which contains up to fifty (50) grams of pyrotechnic composition, and which produces the same effect as a cylindrical fountain.

"Cylindrical fountain" means a cylindrical tube not exceeding three-quarters (3/4) inch in inside diameter and containing up to

seventy-five (75) grams of pyrotechnic composition. Fountains produce a shower of color and sparks upon ignition, and sometimes a whistling effect. Cylindrical fountains may contain a spike to be inserted in the ground (spike fountain), a wooden or plastic base to be placed on the ground (base fountain), or a wooden handle or cardboard handle for items designed to be hand held (handle fountain).

"Dipped stick" or "wire sparkler" means a ~~common firework that consists of~~ a stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition does not exceed one hundred (100) grams per item. Those devices containing chlorate or perchlorate salts do not exceed five (5) grams in total composition per item. Wire sparklers that contain no magnesium and that contain less than one hundred (100) grams of composition per item are not included in the category of **common consumer** fireworks.

"Distributor" means a person who sells fireworks to wholesalers and retailers for resale.

"Explosive composition" means a chemical or mixture of chemicals that produces an audible effect by deflagration or detonation when ignited.

"Firecracker" or "salute" is a device that consists of a small paper wrapped or cardboard tube containing not more than fifty (50) milligrams of pyrotechnic composition and that produces, upon ignition, noise, accompanied by a flash of light.

"Firework" means any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks consist of **common consumer** fireworks, **items referenced in section 8(a) of this chapter**, and special fireworks. The following items are excluded from the definition of fireworks:

- (1) Model rockets.
- (2) Toy pistol caps.
- (3) Emergency signal flares.
- (4) Matches.
- (5) Fixed ammunition for firearms.
- (6) Ammunition components intended for use in firearms, muzzle loading cannons, or small arms.
- (7) Shells, cartridges, and primers for use in firearms, muzzle loading cannons, or small arms.
- (8) Indoor pyrotechnics special effects material.
- (9) **M-80s, cherry bombs, silver salutes, and any device banned by the federal government.**

"Flitter sparkler" means a narrow paper tube filled with pyrotechnic composition that produces color and sparks upon ignition. These devices do not use a fuse for ignition, but rather are ignited by igniting the paper at one (1) end of the tube.

"Ground spinner" means a small spinning device that is similar to wheels in design and effect when placed on the ground and ignited, and that produces a shower of sparks and color when spinning.

"Helicopter" or "aerial spinner" is a spinning device:

- (1) that consists of a tube up to one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition;
- (2) to which some type of propeller or blade device is attached; and
- (3) that lifts into the air upon ignition, producing a visible or

audible effect at the height of flight.

"Illuminating torch" means a cylindrical tube that:

- (1) contains up to one hundred (100) grams of pyrotechnic composition;
- (2) produces, upon ignition, a colored fire; and
- (3) is either a spike, base, or handle type device.

"Importer" means:

- (1) a person who imports fireworks from a foreign country; or
- (2) a person who brings or causes fireworks to be brought within this state for subsequent sale.

"Indoor pyrotechnics special effects material" means a chemical material that is clearly labeled by the manufacturer as suitable for indoor use (as provided in National Fire Protection Association Standard 1126 (2001 edition)).

"Interstate wholesaler" means a person who is engaged in interstate commerce selling fireworks. ~~not approved for sale in Indiana.~~

"Manufacturer" means a person engaged in the manufacture of fireworks.

"Mine" or "shell" means a device that:

- (1) consists of a heavy cardboard or paper tube up to two and one-half (2 1/2) inches in inside diameter, to which a wooden or plastic base is attached;
- (2) contains up to forty (40) grams of pyrotechnic composition; and
- (3) propels, upon ignition, stars (pellets of pressed pyrotechnic composition that burn with bright color), whistles, parachutes, or combinations thereof, with the tube remaining on the ground.

"Missile-type rocket" means a device that is similar to a sky rocket in size, composition, and effect, and that uses fins rather than a stick for guidance and stability.

"Party popper" means a small plastic or paper item containing not more than sixteen (16) milligrams of explosive composition that is friction sensitive. A string protruding from the device is pulled to ignite it, expelling paper streamers and producing a small report.

"Person" means an individual, an association, an organization, a limited liability company, or a corporation.

"Pyrotechnic composition" means a mixture of chemicals that produces a visible or audible effect by combustion rather than deflagration or detonation. Pyrotechnic compositions will not explode upon ignition unless severely confined.

"Responding fire department" means the paid fire department or volunteer fire department that renders fire protection services to a political subdivision.

"Retail sales stand" means a temporary business site or location where goods are to be sold.

"Retailer" means a person who purchases fireworks for resale to consumers.

"Roman candle" means a device that consists of a heavy paper or cardboard tube not exceeding three-eighths (3/8) inch in inside diameter and that contains up to twenty (20) grams of pyrotechnic composition. Upon ignition, up to ten (10) stars (pellets of pressed pyrotechnic composition that burn with bright color) are individually expelled at several second intervals.

"Sky rocket" means a device that:

- (1) consists of a tube that ~~does not exceed one-half (1/2) inch in inside diameter and that contains up to twenty (20) grams of~~ pyrotechnic composition;

- (2) contains a ~~wooden~~ stick for guidance and stability; and
- (3) rises into the air upon ignition, producing a burst of color or noise at the height of flight.

"Smoke device" means a tube or sphere containing pyrotechnic composition that produces white or colored smoke upon ignition as the primary effect.

"Snake" or "glow worm" means a pressed pellet of pyrotechnic composition that produces a large, snake-like ash upon burning. The ash expands in length as the pellet burns. These devices do not contain mercuric thiocyanate.

"Snapper" means a small, paper wrapped item containing a minute quantity of explosive composition coated on small bits of sand. When dropped, the device explodes, producing a small report.

"Special discharge location" means a location designated for the discharge of consumer fireworks by individuals in accordance with rules adopted under section 3.5 of this chapter.

"Special fireworks" means fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation, including firecrackers containing more than one hundred thirty (130) milligrams of explosive composition, aerial shells containing more than forty (40) grams of pyrotechnic composition, and other exhibition display items that exceed the limits for classification as ~~common consumer~~ fireworks.

"Trick match" means a kitchen or book match that has been coated with a small quantity of explosive or pyrotechnic composition. Upon ignition of the match, a small report or a shower of sparks is produced.

"Trick noisemaker" means an item that produces a small report intended to surprise the user.

"Wheel" means a pyrotechnic device that:

- (1) is attached to a post or tree by means of a nail or string;
- (2) contains up to six (6) driver units (tubes not exceeding one-half (1/2) inch in inside diameter) containing up to sixty (60) grams of composition per driver unit; and
- (3) revolves, upon ignition, producing a shower of color and sparks and sometimes a whistling effect.

"Wholesaler" means a person who purchases fireworks for resale to retailers.

SECTION 2. IC 22-11-14-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The fire prevention and building safety commission ~~may~~ **shall**:

- (1) adopt rules under IC 4-22-2 for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks, and other organizations or groups of individuals; and
 - (2) establish by rule the fee for the permit, which shall be paid into the fire and building services fund created under IC 22-12-6-1.
- (b) The application for a permit required under subsection (a) must:
- (1) name a competent operator who is to officiate at the display;
 - (2) set forth a brief resume of the operator's experience;
 - (3) be made in writing; and
 - (4) be received with the applicable fee by the ~~office of the state fire marshal~~ **division of fire and building safety** at least five (5) business days before the display.

No operator who has a prior conviction for violating this chapter may operate any display for one (1) year after the conviction.

(c) Every display shall be handled by a qualified operator approved by the chief of the fire department of the municipality in which the display is to be held. A display shall be ~~so~~ located, discharged, or fired as, in the opinion of:

- (1) the chief of the fire department of the city or town in which the display is to be held; or
- (2) the township fire chief or the fire chief of the municipality nearest the site proposed, in the case of a display to be held outside of the corporate limits of any city or town;

after proper inspection, is not hazardous to property or person.

(d) A permit granted under this section is not transferable.

(e) A denial of a permit by a municipality shall be issued in writing before the date of the display.

(f) A person ~~who possesses, transports, or delivers may not possess, transport, or deliver special~~ fireworks, except as authorized under this section. ~~commits a Class A misdemeanor.~~

SECTION 3. IC 22-11-14-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3.5. The fire prevention and building safety commission may adopt rules under IC 4-22-2 that specify the conditions under which the chief of a municipal or township fire department may grant a permit to a person to sponsor a special discharge location in the municipality or township.**

SECTION 4. IC 22-11-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Nothing in this chapter shall be construed to prohibit:

- (1) any resident wholesaler, manufacturer, importer, or distributor from selling:

- (A) at wholesale fireworks not prohibited by this chapter; or
- (B) ~~consumer fireworks not approved for sale in Indiana if they are to be shipped directly out of state within five (5) days of the date of sale; used:~~

- (i) on the property of the purchaser;
- (ii) on the property of another who has given permission to use the consumer fireworks; or
- (iii) at a special discharge location as set forth in section 3.5 of this chapter;

- (2) the use of fireworks by railroads or other transportation agencies for signal purposes or illumination;

- (3) the sale or use of blank cartridges for:

- (A) a show or theater;
- (B) signal or ceremonial purposes in athletics or sports; or
- (C) use by military organizations;

- (4) the intrastate sale of fireworks not approved for sale in Indiana between interstate wholesalers;

- (5) the possession, sale, or disposal of fireworks, incidental to the public display of Class B fireworks, by wholesalers or other persons who possess a permit to possess, store, and sell Class B explosives from the Bureau of Alcohol, Tobacco, ~~and Firearms~~ **and Explosives of the United States Department of the Treasury, Justice;** or

- (6) the use of indoor pyrotechnics special effects material before an indoor or outdoor proximate audience.

(b) For the purposes of this section, a resident wholesaler, importer, or distributor, is a person who:

- (1) is a resident of Indiana;
- (2) possesses for **storage or** resale ~~common~~ fireworks approved or not approved for sale in Indiana;
- (3) is engaged in the interstate sale of ~~common~~ fireworks described in subdivision (2) as an essential part of a business that is located in a permanent structure and is open at least six (6) months each year; **and**
- ~~(4) sells common fireworks described in subdivision (2) only to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale; and~~
- ~~(5)~~ (4) has possession of a certificate of compliance issued by the state fire marshal under section 5 of this chapter.

~~(c) A purchaser may not provide a written and signed assurance that the fireworks purchased are to be shipped out of Indiana and then sell or use them in Indiana.~~

SECTION 5. IC 22-11-14-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.5. (a) A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a tent under the following conditions:

- (1) The tent may not be larger than one thousand five hundred (1,500) square feet.
- (2) There may be only one (1) tent for each registration granted under section 11(a) of this chapter.
- (3) The tent may not be located closer than one hundred (100) feet from a permanent structure.
- (4) A vehicle may not be parked closer than twenty (20) feet from the edge of the tent.
- (5) The tent must be fire retardant.
- (6) The sales site must comply with all applicable local zoning and land use rules.
- (7) Sales of fireworks may be made from the tent for not more than forty-five (45) days in a year.
- (8) The weight of consumer fireworks in a tent may not exceed three thousand (3,000) gross pounds of consumer fireworks.
- (9) A retailer that legally operated a tent with a registration in 2005 may continue operation in a tent in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years. For purposes of this subdivision, a retailer includes a resident wholesaler who supplied consumer fireworks to an applicant for a tent registration in 2005.
- (10) The retailer holds a valid registration under section 11(a) of this chapter.

(b) A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a Class 1 structure (as defined in IC 22-12-1-4) if the Class 1 structure meets the requirements of any of the following subdivisions:

- (1) The structure complied with the rules for a B-2 or M building occupancy classification before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1:
 - (A) in which consumer fireworks were sold or stored on or before July 4, 2003; and
 - (B) in which no subsequent intervening nonfireworks sales or storage use has occurred.

- (2) The structure complied with the rules for a B-2 or M building occupancy classification before July 4, 2003, under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1:
 - (A) in which consumer fireworks were sold or stored on or before July 4, 2003;
 - (B) in a location at which the retailer was registered as a resident wholesaler in 2005; and
 - (C) in which the retailer's primary business is not the sale of consumer fireworks.

(3) The structure complies with the rules for an H-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission established under IC 22-12-2-1, or the equivalent occupancy classification adopted by subsequent rules of the fire prevention and building safety commission.

(4) The structure complies with the rules adopted after July 3, 2003, by the fire prevention and building safety commission established under IC 22-12-2-1 for an M building occupancy classification under the Indiana building code.

A registration under section 11(a) of this chapter is required for operation in 2006 and following years.

(c) This subsection does not apply to a structure identified in subsection (b)(1), (b)(2), (b)(3), or (b)(4). A retailer may sell consumer fireworks and items referenced in section 8(a) of this chapter from a structure under the following conditions:

- (1) The structure must be a Class 1 structure in which consumer fireworks are sold and stored.
- (2) The sales site must comply with all applicable local zoning and land use rules.
- (3) The weight of consumer fireworks in the structure may not exceed three thousand (3,000) gross pounds of consumer fireworks.
- (4) The retailer holds a valid registration under section 11(a) of this chapter.
- (5) A retailer that sold consumer fireworks and operated from a structure with a registration in 2005 may continue in operation in the structure in 2006 and the following years. A registration under section 11(a) of this chapter is required for operation in 2006 and following years.

(d) The state fire marshal or a member of the division of fire and building safety staff shall, under section 9 of this chapter, inspect tents and structures in which fireworks are sold. The state fire marshal may delegate this responsibility to a responding fire department with jurisdiction over the tent or structure, subject to the policies and procedures of the state fire marshal.

(e) A retailer shall file an application for each retail location on a form to be provided by the state fire marshal.

(f) This chapter does not limit the quantity of items referenced in section 8(a) of this chapter that may be sold from any Class 1 structure that complied with the rules of the fire prevention and building safety commission in effect before May 21, 2003.

SECTION 6. IC 22-11-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The state fire marshal shall remove at the expense of the owner, all stocks of fireworks or combustibles possessed, transported, or delivered in violation of this chapter.

(b) The state fire marshal shall stop the shipments and sale of fireworks, novelties, and trick noisemakers unless, prior to shipment into this state for sale, the manufacturer, wholesaler, importer, or distributor of the fireworks, novelties, and trick noisemakers submits to the state fire marshal:

- (1) a complete description of each item proposed to be shipped into Indiana;
- (2) a written certification that the items are manufactured in accordance with section 1 of this chapter; and
- (3) an annual registration fee of one thousand dollars (\$1,000).

The registration fee shall be collected by the state fire marshal and deposited in the fire and building services fund as set forth in IC 22-12-6-1(c).

A manufacturer, wholesaler, importer, or distributor of fireworks, novelties, and trick noisemakers must submit a list to the state fire marshal on or before June 1 of each year. The list shall contain the name and address of each retail location of each of the customers of the manufacturer, wholesaler, importer, or distributor at which items referenced in section 8(a) of this chapter will be sold. If upon inspection the state fire marshal finds that this chapter has been complied with, an annual certificate of compliance shall be issued to the manufacturer, wholesaler, importer, or distributor. An annual certificate of compliance **may not be applied for after June 15 of a year and expires December 31 of the year during in** which the certificate is issued. Each manufacturer, wholesaler, importer, or distributor must obtain a certificate of compliance. The certificate is not transferable ~~except that A retailer that offers the items for sale to the public is entitled to receive a certified copy of the certificate from the manufacturer, wholesaler, importer, or distributor from which the retailer purchases the items; except to a subsequent owner or operator of a business at the same location in accordance with the policies and guidelines of the state fire marshal.~~ A certified copy of the certificate of compliance must be posted in each location where the items are offered for sale to the public. If upon inspection the state fire marshal finds that this chapter has not been complied with, the state fire marshal shall refuse to issue a certificate of compliance and state the reasons for the refusal. A copy of the order denying the issuance of a certificate of compliance and the reasons shall be forwarded to the manufacturer, wholesaler, importer, or distributor. The state fire marshal may revoke any certificate of compliance issued to any manufacturer, wholesaler, importer, or distributor if the holder of the certificate has violated this chapter.

(c) All fireworks, novelties, and trick noisemakers shipped into Indiana, or manufactured and sold in Indiana, must have distinctly and durably painted, stamped, printed, or marked on the package, box, or container in which the items are enclosed the exact number of pieces in the container.

(d) It is unlawful for a manufacturer, wholesaler, importer, or distributor to sell at wholesale, offer to sell at wholesale, or ship or cause to be shipped into Indiana fireworks, novelties, or trick noisemakers unless the manufacturer, wholesaler, importer, or distributor has been issued and holds a valid certificate of compliance issued under subsection (b). This subsection applies to nonresidents and residents of Indiana.

SECTION 7. IC 22-11-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) A person who **recklessly, knowingly, or intentionally** violates ~~section 4(c);~~

section 2(f), 4.5, 5(c), 5(d), 7, or 8 8(a), 8(c), 8(d), 10, or 11(c) of this chapter commits a Class A misdemeanor.

(b) A person who ignites, discharges, or uses consumer fireworks at a site other than:

- (1) a special discharge location;
- (2) the property of the person; or
- (3) the property of another who has given permission to use the consumer fireworks;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(c) A person less than eighteen (18) years of age who possesses or uses a firework when an adult is not present and responsible at the location of the possession or use commits a Class C infraction. However, if a person possesses or uses a firework when an adult is not present and responsible at the location of the possession or use within five (5) years after a previous possession or use by the person as described in this subsection, whether or not there has been a judgment that the person committed an infraction in the previous possession or use, the person commits a delinquent act under IC 31-37.

(d) A person who ignites, discharges, or uses consumer fireworks:

- (1) after 11 p.m. except on a holiday (as defined in IC 1-1-9-1(a)) or December 31, on which dates consumer fireworks may not be ignited, discharged, or used after midnight; or
- (2) before 9 a.m.;

commits a Class C infraction. However, if a person recklessly, knowingly, or intentionally takes an action described in this subsection within five (5) years after the person previously took an action described in this subsection, whether or not there has been a judgment that the person committed an infraction in taking the previous action, the person commits a Class C misdemeanor.

(e) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation causes harm to the property of a person commits a Class A misdemeanor.

(f) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in serious bodily injury to a person commits a Class D felony.

(g) A person who recklessly, knowingly, or intentionally uses consumer fireworks and the violation results in the death of a person commits a Class C felony.

(h) A person who knowingly or intentionally fails to collect or remit to the state the public safety fees due under section 12 of this chapter commits a Class D felony.

SECTION 8. IC 22-11-14-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) A retailer selling ~~fireworks~~ **items referenced in section 8(a) of this chapter** at one (1) or more temporary stands must obtain a fireworks stand retail sales permit, referred to in this section as a "permit", from the state fire marshal.

(b) An application for a permit must be made before June 1 of each year and must require that at least the following information be supplied by the retailer:

- (1) The retailer's retail merchant certificate number or proof of application for a certificate number.
- (2) The location of each **retail sales** stand.

The state fire marshal shall, within seven (7) days after the receipt of an application for a permit, either issue the permit or notify the applicant of the denial of the permit.

(c) The retailer must pay to the state fire marshal an annual permit fee set under IC 22-12-6-8. If the state fire marshal approves an application for a permit, ~~he the state fire marshal~~ shall issue a permit to the retailer. The permit expires one (1) year after the date of issuance.

(d) The permit shall be posted by the retailer at the **retail sales** stand so that it is easily seen by the public. However, the state fire marshal's issuance of a permit does not constitute approval of the fireworks offered for sale by the retailer. The retailer is responsible for determining that all fireworks which ~~he the retailer~~ offers for sale conform to applicable law.

(e) At each **retail sales** stand, the retailer shall provide:

- (1) a posted certificate of compliance, including a descriptive list of approved fireworks; and
- (2) a **supervisor salesperson** who is at least sixteen (16) years of age.

(f) Fireworks may not be sold at retail from ~~trucks, vans, or automobiles;~~ **a motor vehicle (as defined in IC 9-13-2-105).**

(g) Fireworks, not including those referenced in section 8(a) of this chapter, may not be sold from or stored at a temporary stand.

SECTION 9. IC 22-11-14-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. **(a)** A person shall not sell at retail, ~~or offer for sale at retail, or deliver any fireworks, novelties, or trick noisemakers other than~~ the following **items to a person less than eighteen (18) years of age:**

- (1) Dipped sticks or wire sparklers. However, total pyrotechnic composition may not exceed one hundred (100) grams per item. Devices containing chlorate or perchlorate salts may not exceed five (5) grams in total composition per item.
- (2) Cylindrical fountains.
- (3) Cone fountains.
- (4) Illuminating torches.
- (5) Wheels.
- (6) Ground spinners.
- (7) Flitter sparklers.
- (8) Snakes or glow worms.
- (9) Smoke devices.
- (10) Trick noisemakers, which include:
 - (A) Party poppers.
 - (B) Booby traps.
 - (C) Snappers.
 - (D) Trick matches.
 - (E) Cigarette loads.
 - (F) Auto burglar alarms.

(b) A retailer or wholesaler of consumer fireworks may sell consumer fireworks to a person at least eighteen (18) years of age.

(c) An individual who sells consumer fireworks must be at least eighteen (18) years of age.

(d) An individual who sells an item set forth in subsection (a) must be at least sixteen (16) years of age.

(e) The fire prevention and building safety commission may adopt rules under IC 4-22-2 establishing procedures to ensure compliance with the age limitations set forth in this section.

SECTION 10. IC 22-11-14-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a)~~ Each interstate wholesaler shall keep a record of each sale of **special** fireworks. ~~not approved for sale in Indiana.~~ This record must include:

- (1) the purchaser's name;
- (2) the purchaser's address; and
- (3) the date of the sale.

These records shall be kept for three (3) years and be available for inspection by the fire marshal.

~~(b)~~ Each resident wholesaler shall post in a prominent location in the wholesaler's place of business a sign that reads as follows:

"Under Indiana law, a resident wholesaler of fireworks may sell fireworks not approved for sale in Indiana only to other resident wholesalers and to purchasers who provide a written and signed assurance that the fireworks are to be shipped out of Indiana within five (5) days of the date of sale. A purchaser who provides a written and signed assurance that fireworks purchased are to be shipped out of Indiana within five (5) days of the date of sale and who then sells the fireworks in Indiana or uses them in Indiana commits a Class A misdemeanor, which is punishable by imprisonment for up to one (1) year and a fine of up to five thousand dollars (\$5,000)."

The state fire marshal shall provide interstate wholesalers with signs for the purposes of this subsection:

SECTION 11. IC 22-11-14-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 1, 2006]: Sec. 11. **(a)** A retailer may not sell consumer fireworks until the retailer has:

- (1) filed the application required under section 4.5(e) of this chapter with the state fire marshal for each location from which the retailer proposes to sell the consumer fireworks, which must be filed on an annual basis; and**
- (2) paid an accompanying registration fee of:**
 - (A) one thousand dollars (\$1,000) for the first location if a fee under section 5(b)(3) of this chapter has not been paid;**
 - (B) five hundred dollars (\$500) for each additional sales location in a tent; and**
 - (C) two hundred dollars (\$200) for each additional sales location in a structure;**

from which the retailer proposes to sell the consumer fireworks.

Upon receipt of the completed application form, the accompanying fee, and, if required, the affidavit under subsection (b), the state fire marshal shall issue a certificate of compliance to the retailer for each sales location.

(b) A person seeking a certificate of compliance authorizing the sale of consumer fireworks at retail from a structure identified in section 4.5(b)(1), 4.5(b)(2), or 4.5(c) of this chapter, or from a tent under section 4.5(a) of this chapter shall submit with the application:

(1) an affidavit executed by a responsible party with personal knowledge, establishing that consumer fireworks were sold at retail or wholesale from a structure at the same location as of a date set forth in section 4.5(b)(1), 4.5(b)(2), or 4.5(c) of this chapter, or from a tent as of a date set forth under section 4.5(a)(9) of this chapter; and

(2) proof of sales of consumer fireworks from that location.

(c) A person may not sell consumer fireworks at retail if a certificate of compliance from the state fire marshal has not been issued for the location showing registration under subsection (a).

(d) A certificate of compliance issued to a retailer of consumer fireworks is not transferable except to a subsequent owner or operator of a business at the same location in accordance with the policies and guidelines of the state fire marshal.

SECTION 12. IC 22-11-14-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 12. (a) A user fee, known as the public safety fee, is imposed on retail transactions made in Indiana of fireworks, in accordance with section 13 of this chapter.

(b) A person who acquires fireworks in a retail transaction is liable for the public safety fee on the transaction and, except as otherwise provided in this chapter, shall pay the public safety fee to the retailer as a separate added amount to the consideration in the transaction. The retailer shall collect the public safety fee as an agent for the state.

(c) The public safety fee shall be deposited in the state general fund.

(d) The department of state revenue shall adopt rules under IC 4-22-2 necessary for the collection of the public safety fee monies from retailers as described in subsections (b) and (c).

SECTION 13. IC 22-11-14-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 13. (a) The public safety fee is measured by the gross retail income received by a retail merchant in a retail unitary transaction of fireworks and is imposed at the following rates:

PUBLIC SAFETY FEE		GROSS RETAIL INCOME FROM THE RETAIL UNITARY TRANSACTION	
\$ 0		less than	\$ 0.10
\$ 0.01	at least \$ 0.10	but less than	\$ 0.30
\$ 0.02	at least \$ 0.30	but less than	\$ 0.50
\$ 0.03	at least \$ 0.50	but less than	\$ 0.70
\$ 0.04	at least \$ 0.70	but less than	\$ 0.90
\$ 0.05	at least \$ 0.90	but less than	\$ 1.10

On a retail unitary transaction in which the gross retail income received by the retail merchant is one dollar and ten cents (\$1.10) or more, the public safety fee is five percent (5%) of that gross retail income.

(b) If the public safety fee computed under subsection (a) results in a fraction of one-half cent (\$0.005) or more, the amount of the public safety fee shall be rounded to the next additional cent.

SECTION 14. IC 22-11-14-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JUNE 1, 2006]: Sec. 14. An individual who:

(1) is an individual retailer or is an employee, an officer, or a member of a corporate or partnership retailer; and

(2) has a duty to remit the public safety fee as described in section 12 of this chapter to the department of state revenue;

holds the public safety fees collected in trust for the state and is personally liable for the payment of the public safety fee money to the state.

SECTION 15. IC 22-11-14-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The fire prevention and building safety commission and the department of state revenue shall adopt rules under IC 4-22-2 to carry out this chapter.

SECTION 16. IC 31-37-2-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. A child commits a delinquent act if, before becoming eighteen (18) years of age, the child violates IC 22-11-14-6(c) concerning minors and fireworks.

SECTION 17. IC 35-47-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) If:

(1) a practitioner (as defined in IC 25-1-9-2) initially treats a person for an injury and identifies the person's injury as resulting from fireworks or pyrotechnics, the practitioner; or

(2) a hospital or an outpatient surgical center initially treats a person for an injury and the administrator of the hospital or outpatient surgical center identifies the person's injury as resulting from fireworks or pyrotechnics, the administrator or the administrator's designee;

shall report the case to the state health data center of the state department of health not more than five (5) business days after the time the person is treated. The report may be made in writing on a form prescribed by the state department of health.

(b) A person submitting a report under subsection (a) shall make a reasonable attempt to include the following information:

(1) The name, address, and age of the injured person.

(2) The date and time of the injury and the location where the injury occurred.

(3) If the injured person was less than eighteen (18) years of age at the time of the injury, whether an adult was present when the injury occurred.

(4) Whether the injured person consumed an alcoholic beverage within three (3) hours before the occurrence of the injury.

(5) A description of the firework or pyrotechnic that caused the injury.

(6) The nature and extent of the injury.

(c) A report made under this section is confidential for purposes of IC 5-14-3-4(a)(1).

(d) The state department of health shall compile the data collected under this section and submit a report of the compiled data to the legislative council in an electronic format under IC 5-14-6 not later than December 31 of each year.

SECTION 18. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 22-11-14.5-2; IC 35-47-7-6.

SECTION 19. [EFFECTIVE UPON PASSAGE] The department of homeland security shall report to the budget committee not

later than July 1, 2006, on the feasibility of creating a regional program to:

- (1) train public safety service providers under IC 10-19-9-3; and
- (2) provide advanced training programs in public safety and homeland security matters under IC 10-19-9-4.

The report must set out the need for the training, identify possible locations where training could take place, provide an estimate of the costs for providing such training, and include other things the department determines to be relevant.

SECTION 20. [EFFECTIVE UPON PASSAGE] (a) There is appropriated from the public safety fees collected under IC 22-11-14-12, as added by this act, one million dollars (\$1,000,000) to the department of homeland security to provide regional training for public safety service providers or advanced training programs during the period beginning July 1, 2006, and ending June 30, 2007. Funds appropriated by this subsection may be allotted by the budget agency after review by the budget committee. The amount of the appropriation shall be paid from the first one million dollars (\$1,000,000) collected under IC 22-11-14-12, as added by this act.

(b) There is appropriated from the public safety fees in excess of one million dollars (\$1,000,000) collected under IC 22-11-14-12, as added by this act, one million dollars (\$1,000,000) to the department of homeland security beginning July 1, 2006, and ending June 30, 2007. Funds appropriated by this subsection may be allotted by the budget agency after review by the budget committee. The amount appropriated shall be used at the discretion of the executive director of the department of homeland security for the following purposes:

- (1) For deposit in the state disaster relief fund established under IC 10-14-4-5. The amount deposited under this subdivision shall be used to pay for damage resulting from a disaster (as defined in IC 10-14-3-1) to a public facility (as defined in IC 10-14-4-4) owned by, maintained by, or operated by or on behalf of an eligible entity (as defined in IC 10-14-4-2), in accordance with the provisions of IC 10-14-4.
- (2) To defray the costs of response, recovery, or the twenty-five percent (25%) of the costs required to be paid by local jurisdictions, which have accrued as a result of a disaster that is the subject of a disaster declaration by the federal government.

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-2(a) and IC 22-11-14-8(e), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, the fire prevention and building safety commission shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-2(a) and IC 22-11-14-8(e), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the state fire marshal.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are respectively adopted under IC 22-11-14-2(a) and IC 22-11-14-8(e), both as amended by this act, and IC 22-11-14-3.5 and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007.

SECTION 22. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, the department of state revenue shall carry out the duties imposed upon it by this act with respect to the matters referred to in IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act, under interim written guidelines approved by the commissioner of the department of state revenue.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are respectively adopted under IC 22-11-14-12(d) and IC 22-11-14-15, both as added by this act.

(2) December 31, 2007.

SECTION 23. An emergency is declared for this act.

(Reference is to EHB 1099 as reprinted March 3, 2006.)

Frizzell, Chair	Weatherwax
Crooks	Lewis
House Conferees	Senate Conferees

Roll Call 378: yeas 34, nays 16. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1102-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1102 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the technical correction made under Senate Rule 33(c) adopted March 1, 2006.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-3-1-0.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.4. As used in this chapter, "newspaper" refers to a newspaper:

(1) that:

- (+) (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (+) (B) has been published for at least three (3) consecutive years in the same city or town;
- (+) (C) has been entered, authorized, and accepted by the United States Postal Service for at least three (3) consecutive years asailable matter of the periodicals class; and
- (+) (D) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; or

(2) that:

- (A) is a daily, weekly, semiweekly, or triweekly newspaper of general circulation;
- (B) has been entered, authorized, and accepted by the United States Postal Service asailable matter of the periodicals class;
- (C) has at least fifty percent (50%) of all copies circulated paid for by subscribers or other purchasers at a rate that is not nominal; and

(D) meets the greater of the following conditions:

(i) The newspaper's paid circulation during the preceding year is equal to at least fifty percent (50%) of the paid circulation for the largest newspaper with a periodicals class permit located in the county in which the newspaper is published, based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

(ii) The newspaper has an average daily paid circulation of one thousand five hundred (1,500) based on the average paid or requested circulation for the preceding twelve (12) months reported in the newspaper's United States Postal Service Statement of Ownership published by the newspaper in October of each year or based on the newspaper's initial application for a permit from the United States Postal Service.

SECTION 2. IC 5-3-1-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. **(a)** A notice published in accordance with this chapter or any other Indiana statute is valid even though the notice contains errors or omissions, as long as:

- (1) a reasonable person would not be misled by the error or omission; and
- (2) the notice is in substantial compliance with the time and publication requirements applicable under this chapter or any other Indiana statute under which the notice is published.

(b) This subsection applies if:

- (1) a county auditor publishes a notice concerning a tax rate, tax levy, or budget of a political subdivision in the county;**
- (2) the notice contains an error or omission that causes the notice to inaccurately reflect the tax rate, tax levy, or budget actually proposed or fixed by the political subdivision; and**
- (3) the county auditor is responsible for the error or omission described in subdivision (2).**

Notwithstanding any other law, the department of local government finance may correct an error or omission described in subdivision (2) at any time. If an error or omission described in subdivision (2) occurs, the county auditor must publish, at the county's expense, a notice containing the correct tax rate, tax levy, or budget as proposed or fixed by the political subdivision.

SECTION 3. IC 5-11-10-1, AS AMENDED BY P.L.127-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a)** This section applies to the state and its political subdivisions. However, this section does not apply to the following:

- (1) The state universities.
- (2) Ivy Tech Community College of Indiana.
- (3) A municipality (as defined in IC 36-1-2-11).
- (4) A county.
- (5) An airport authority operating in a consolidated city.

- (6) A capital improvements board of managers operating in a consolidated city.
- (7) A board of directors of a public transportation corporation operating in a consolidated city.
- (8) A municipal corporation organized under IC 16-22-8-6.
- (9) A public library.
- (10) A library services authority.
- (11) A hospital organized under IC 16-22 or a hospital organized under IC 16-23.
- (12) A school corporation (as defined in IC 36-1-2-17).
- (13) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (14) A municipally owned utility (as defined in IC 8-1-2-1).
- (15) A board of an airport authority under IC 8-22-3.
- (16) A conservancy district.
- (17) A board of aviation commissioners under IC 8-22-2.
- (18) A public transportation corporation under IC 36-9-4.
- (19) A commuter transportation district under IC 8-5-15.
- (20) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (21) A county building authority under IC 36-9-13.
- (22) A soil and water conservation district established under IC 14-32.

(23) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

(b) No warrant or check shall be drawn by a disbursing officer in payment of any claim unless the same has been fully itemized and its correctness properly certified to by the claimant or some authorized person in the claimant's behalf, and filed and allowed as provided by law.

(c) The certificate provided for in subsection (b) is not required for:

- (1) claims rendered by a public utility for electric, gas, steam, water, or telephone services, the charges for which are regulated by a governmental body;
- (2) a warrant issued by the auditor of state under IC 4-13-2-7(b);
- (3) a check issued by a special disbursing officer under IC 4-13-2-20(g); or
- (4) a payment of fees under IC 36-7-11.2-49(b) or IC 36-7-11.3-43(b).

(d) The disbursing officer shall issue checks or warrants for all claims which meet all of the requirements of this section. The disbursing officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certificate provided for in subsection (b) must be in the following form:

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

SECTION 4. IC 5-11-10-1.6, AS AMENDED BY P.L.1-2005, SECTION 78, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.6. **(a)** As used in this section, "governmental entity" refers to any of the following:

- (1) A municipality (as defined in IC 36-1-2-11).
- (2) A school corporation (as defined in IC 36-1-2-17), including a school extracurricular account.

- (3) A county.
- (4) A regional water or sewer district organized under IC 13-26 or under IC 13-3-2 (before its repeal).
- (5) A municipally owned utility that is subject to IC 8-1.5-3 or IC 8-1.5-4.
- (6) A board of an airport authority under IC 8-22-3.
- (7) A board of aviation commissioners under IC 8-22-2.
- (8) A conservancy district.
- (9) A public transportation corporation under IC 36-9-4.
- (10) A commuter transportation district under IC 8-5-15.
- (11) The state.
- (12) A solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).
- (13) A levee authority established under IC 14-27-6.
- (14) A county building authority under IC 36-9-13.
- (15) A soil and water conservation district established under IC 14-32.

(16) The northwestern Indiana regional planning commission established by IC 36-7-7.6-3.

(b) As used in this section, "claim" means a bill or an invoice submitted to a governmental entity for goods or services.

(c) The fiscal officer of a governmental entity may not draw a warrant or check for payment of a claim unless:

- (1) there is a fully itemized invoice or bill for the claim;
- (2) the invoice or bill is approved by the officer or person receiving the goods and services;
- (3) the invoice or bill is filed with the governmental entity's fiscal officer;
- (4) the fiscal officer audits and certifies before payment that the invoice or bill is true and correct; and
- (5) payment of the claim is allowed by the governmental entity's legislative body or the board or official having jurisdiction over allowance of payment of the claim.

This subsection does not prohibit a school corporation, with prior approval of the board having jurisdiction over allowance of payment of the claim, from making payment in advance of receipt of services as allowed by guidelines developed under IC 20-20-13-10. **This subsection does not prohibit a municipality from making meal expense advances to a municipal employee who will be traveling on official municipal business if the municipal fiscal body has adopted an ordinance allowing the advance payment, specifying the maximum amount that may be paid in advance, specifying the required invoices and other documentation that must be submitted by the municipal employee, and providing for reimbursement from the wages of the municipal employee if the municipal employee does not submit the required invoices and documentation.**

(d) The fiscal officer of a governmental entity shall issue checks or warrants for claims by the governmental entity that meet all of the requirements of this section. The fiscal officer does not incur personal liability for disbursements:

- (1) processed in accordance with this section; and
- (2) for which funds are appropriated and available.

(e) The certification provided for in subsection (c)(4) must be on a form prescribed by the state board of accounts.

SECTION 5. IC 5-11-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. Every state, county, city, town, township, or school official, elective or appointive,

who is the head of or in charge of any office, department, board, or commission of the state or of any county, city, town, or township, and every state, county, city, town, or township employee or agent who is the head of, or in charge of, or the executive officer of any department, bureau, board, or commission of the state, county, city, town, or township, and every executive officer by whatever title designated, who is in charge of any state educational institution or of any other state, county, or city institution, shall during the month of January of each year prepare, make, and sign a written or printed certified report, correctly and completely showing the names and **business** addresses of each and all officers, employees, and agents in their respective offices, departments, boards, commissions, and institutions, and the respective duties and compensation of each, and shall forthwith file said report in the office of the state examiner of the state board of accounts. However, no more than one (1) report covering the same officers, employees, and agents need be made from the state or any county, city, town, township, or school unit in any one year.

SECTION 6. IC 5-11-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) As used in this section, "official" includes the following:

- (1) An elected official who is entitled to attend a conference under this section.
- (2) An individual elected to an office who is entitled to attend a conference under this section.
- (3) A deputy or an assistant to an elected official who is entitled to attend a conference under this section.

(b) The state board of accounts shall annually call a conference of each of the following:

- (1) County auditors and auditors elect.
- (2) County treasurers and treasurers elect.
- (3) Circuit court clerks and circuit court clerks elect.

(c) Each of the conferences called under subsection (b):

- (1) must be held at a time and place fixed by the state examiner;
- (2) may be held statewide or by district; and
- (3) may not continue for longer than three (3) days in any one (1) year.

(d) The following training must be provided at each conference called under subsection (b):

- (1) The proper use of forms prescribed by the state board of accounts.
- (2) The keeping of the records of the respective offices.
- (3) At the conference for county treasurers and treasurers elect, investment training by the following:

- (A) The treasurer of state.
- (B) The board for depositories.
- (C) Any other person the state examiner considers to be competent in providing investment training.

(4) Any other training that, in the judgment of the state examiner, will result in the better conduct of the public business.

(e) The state examiner may hold other conferences for:

- (1) the officials described in subsection (b); or
- (2) other county, city, or township officers;

whenever in the judgment of the state examiner conferences are necessary.

(f) Whenever a conference is called by the state board of accounts

under this section, an elected official, at the direction of the state examiner, may require the attendance of:

- (1) each of the elected official's appointed and acting chief deputies or chief assistants; and
- (2) if the number of deputies or assistants employed:
 - (A) does not exceed three (3), one (1) of the elected official's appointed and acting deputies or assistants; or
 - (B) exceeds three (3), two (2) of the elected official's duly appointed and acting deputies or assistants.
- (g) Each official **representing a unit and** attending any conference under this section shall be allowed **the following:**

(1) A sum for mileage at a rate determined by the fiscal body of the unit the official represents for each mile necessarily traveled in going to and returning from the conference by the most expeditious route. ~~a sum for mileage at a rate determined by the fiscal body of the unit the official represents. Each official shall also be allowed; while attending a conference called under this section; Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance even if the official transports more than one (1) person.~~

(2) An allowance for lodging for each night preceding conference attendance in an amount equal to the single room rate. However, lodging expense, in the case of a one (1) day conference, shall only be allowed for persons who reside fifty (50) miles or farther from the conference location.

(3) ~~Each official shall be reimbursed; Reimbursement of an official, in an amount determined by the fiscal body of the unit the official represents, for meals purchased while attending a conference called under this section. Regardless of the duration of the conference, only one (1) mileage reimbursement shall be allowed to the official furnishing the conveyance although the official transports more than one (1) person.~~

(h) The state board of accounts shall certify the number of days of attendance and the mileage for each conference to each official attending any conference under this section.

(i) All payments of mileage and lodging shall be made by the proper disbursing officer in the manner provided by law on a duly verified claim or voucher to which shall be attached the certificate of the state board of accounts showing the number of days attended and the number of miles traveled. All payments shall be made from the general fund from any money not otherwise appropriated and without any previous appropriation being made therefor.

(j) A claim for reimbursement under this section may not be denied by the body responsible for the approval of claims if the claim complies with IC 5-11-10-1.6 and this section.

SECTION 7. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner

that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

- (1) was never before used by its owner for any purpose in Indiana; and
 - (2) creates or retains employment;
- is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2) years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:

- (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
- (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
- (2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to a facility listed in IC 6-1.1-12.1-3(e).

SECTION 8. IC 6-1.1-17-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The officers of political subdivisions shall meet each year to fix the budget, tax rate, and tax levy of their respective subdivisions for the ensuing budget year as follows:

- (1) The fiscal body of a consolidated city and county, not later than the last meeting of the fiscal body in September.
- (2) The fiscal body of a ~~second class city; municipality~~, not later than September 30.
- (3) The board of school trustees of a school corporation that is located in a city having a population of more than one hundred five thousand (105,000) but less than one hundred twenty thousand (120,000), not later than:
 - (A) the time required in section 5.6(b) of this chapter; or
 - (B) September 20 if a resolution adopted under section 5.6(d) of this chapter is in effect.
- (4) The proper officers of all other political subdivisions, not later than September 20.

Except in a consolidated city and county and in a second class city, the public hearing required by section 3 of this chapter must be completed at least ten (10) days before the proper officers of the political subdivision meet to fix the budget, tax rate, and tax levy. In a consolidated city and county and in a second class city, that public hearing, by any committee or by the entire fiscal body, may be held at any time after introduction of the budget.

(b) Ten (10) or more taxpayers may object to a budget, tax rate, or tax levy of a political subdivision fixed under subsection (a) by filing an objection petition with the proper officers of the political subdivision not more than seven (7) days after the hearing. The objection petition must specifically identify the provisions of the budget, tax rate, and tax levy to which the taxpayers object.

(c) If a petition is filed under subsection (b), the fiscal body of the political subdivision shall adopt with its budget a finding concerning the objections in the petition and any testimony presented at the adoption hearing.

(d) This subsection does not apply to a school corporation. Each year at least two (2) days before the first meeting of the county board of tax adjustment held under IC 6-1.1-29-4, a political subdivision shall file with the county auditor:

(1) a statement of the tax rate and levy fixed by the political subdivision for the ensuing budget year;

(2) two (2) copies of the budget adopted by the political subdivision for the ensuing budget year; and

(3) two (2) copies of any findings adopted under subsection (c).

Each year the county auditor shall present these items to the county board of tax adjustment at the board's first meeting.

(e) In a consolidated city and county and in a second class city, the clerk of the fiscal body shall, notwithstanding subsection (d), file the adopted budget and tax ordinances with the county board of tax adjustment within two (2) days after the ordinances are signed by the executive, or within two (2) days after action is taken by the fiscal body to override a veto of the ordinances, whichever is later.

(f) If a fiscal body does not fix the budget, tax rate, and tax levy of the political subdivisions for the ensuing budget year as required under this section, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 9. IC 6-1.1-17-16, AS AMENDED BY P.L.228-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political

subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), IC 6-1.1-19, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. **However, if the department of local government finance determines that IC 5-3-1-2.3(b) applies to the tax rate, tax levy, or budget of the political subdivision, the maximum amount by which the department may increase the tax rate, tax levy, or budget is the amount originally fixed by the political subdivision, and not the amount that was incorrectly published or omitted in the notice described in IC 5-3-1-2.3(b).**

The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has ~~one (1) week~~ **two (2) weeks** from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office. ~~specifying how to make the required reductions in the amount budgeted by fund. The response may include budget reductions, reallocation of levies, a revision in the amount of miscellaneous revenues, and further review of any other item about which, in the view of the political subdivision, the department is in error.~~ The department of local government finance shall ~~make reductions~~ **consider the adjustments** as specified in the political subdivision's response if the response is provided as required by this subsection ~~and sufficiently specifies all necessary reductions. The department of local government finance may make a revision; a reduction; or an increase in a political subdivision's budget only by fund; and shall deliver a final decision to the political subdivision.~~

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;
- (3) the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; and

(4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

(1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.

(2) If the department acts under an appeal initiated by taxpayers under section 13 of this chapter, a taxpayer who signed the petition under that section.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

(1) requested in writing by the officers of the political subdivision;

(2) either:

(A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or

(B) results from an inadvertent mathematical error made in determining the levy; and

(3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in IC 6-1.1-17-12 is published at least ten (10) days before the date of the hearing.

SECTION 10. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The county treasurer shall either:

(1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or

(2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

(1) An itemized listing for each property tax levy, including:

(A) the amount of the tax rate;

(B) the entity levying the tax owed; ~~and~~

(C) the dollar amount of the tax owed; **and**

(D) the dollar amount of each special assessment owed.

(2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

- (1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:
 - (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
 - (B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.
- (4) An explanation of the following:
 - (A) The homestead credit and all property tax deductions.
 - (B) The procedure and deadline for filing for the homestead credit and each deduction.
 - (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
 - (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

- (5) A checklist that shows:
 - (A) the homestead credit and all property tax deductions; and
 - (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

- (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
- (2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of

local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).

SECTION 11. IC 6-1.1-22-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. A holder of a lien of record on any real property on which taxes are delinquent may pay the delinquent taxes, penalties, and cost. The amount so paid is an additional lien on the real property in favor of the lienholder and is collectible, with interest at ~~six ten~~ percent ~~(6%)~~ **(10%)** per annum from the time of payment, in the same manner as the original lien.

SECTION 12. IC 6-1.1-22-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 13.5. (a) A political subdivision acquires a lien on each tract of real property for:**

- (1) all special assessments levied against the tract, including the land under an improvement or appurtenance described in IC 6-1.1-2-4(b); and**
- (2) all subsequent penalties and costs resulting from the special assessments.**

The lien attaches on the installment due date of the year for which the special assessments are certified for collection. The lien is not affected by any sale or transfer of the tract, including the land under an improvement or appurtenance described in IC 6-1.1-2-4(b), and including the sale, exchange, or lease of the tract under IC 36-1-11.

(b) The lien of the political subdivision for special assessments, penalties, and costs continues for ten (10) years from May 10 of the year in which special assessments first become due. However, if any proceeding is instituted to enforce the lien within the ten (10) year period, the limitation is extended, if necessary, to permit the termination of the proceeding.

(c) The lien of the state inures to political subdivisions that impose the special assessments on which the lien is based, and the lien is superior to all other liens except the lien of the state for property taxes.

(d) A political subdivision described in subsection (c) may institute a civil suit against a person or an entity liable for delinquent special assessments. The political subdivision may, after obtaining a judgment, collect:

- (1) delinquent special assessments;**
- (2) penalties due to the delinquency; and**
- (3) costs and expenses incurred in collecting the delinquent special assessments, including reasonable attorney's fees and court costs approved by a court with jurisdiction.**

SECTION 13. IC 6-1.1-24-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) On or before July 1 of each year **or fifty-one (51) days after the tax payment due date**, the county treasurer **(or county executive, in the case of property described in subdivision (2))** shall certify to the county auditor a list of real property on which any of the following exist:

- (1) In the case of real property other than real property described in subdivision (2), any property taxes or special assessments certified to the county auditor for collection by the county treasurer from the prior year's spring installment or**

before are delinquent as determined under IC 6-1.1-37-10.

(2) In the case of real property for which a county executive has certified to the county auditor that the real property is:

(A) vacant; or

(B) abandoned;

any property taxes or special assessments from the prior year's fall installment or before that are delinquent as determined under IC 6-1.1-37-10. The county executive must make a certification under this subdivision not later than sixty-one (61) days before the earliest date on which application for judgment and order for sale may be made.

~~(2)~~ (3) Any unpaid costs are due under section 2(b) of this chapter from a prior tax sale.

(b) The county auditor shall maintain a list of all real property eligible for sale. Unless the taxpayer pays to the county treasurer the amounts in subsection (a), the taxpayer's property shall remain on the list. The list must:

(1) describe the real property by parcel number and common address, if any;

(2) for a tract or item of real property with a single owner, indicate the name of the owner; and

(3) for a tract or item with multiple owners, indicate the name of at least one (1) of the owners.

(c) Except as otherwise provided in this chapter, the real property so listed is eligible for sale in the manner prescribed in this chapter.

(d) Not later than fifteen (15) days after the date of the county treasurer's certification under subsection (a), the county auditor shall mail by certified mail a copy of the list described in subsection (b) to each mortgagee who requests from the county auditor by certified mail a copy of the list. Failure of the county auditor to mail the list under this subsection does not invalidate an otherwise valid sale.

SECTION 14. IC 6-1.1-24-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1.5. ~~(a) This section applies to a county having a consolidated city.~~

(a) As used in this chapter and IC 6-1.1-25, "county executive" means the following:

(1) In a county not containing a consolidated city, the county executive or the county executive's designee.

(2) In a county containing a consolidated city, the executive of the consolidated city.

(b) ~~The metropolitan development commission shall~~ **county executive may** designate the real property on the list prepared under section 4.5(b) of this chapter that is eligible for listing on the list prepared under subsection ~~(d)~~ (c).

~~(c) The commission may designate real property for inclusion on the list if the commission finds that the real property:~~

~~(1) is an unsafe premises as determined under (IC 36-7-9) and is subject to:~~

~~(A) an order issued under IC 36-7-9; or~~

~~(B) a notice of violation issued by the county's health and hospital corporation under IC 16-22-8;~~

~~(2) is not being used as a residence or for a business enterprise; and~~

~~(3) is suitable for rehabilitation or development that will benefit or serve low or moderate income families.~~

~~(d)~~ (c) The ~~commission~~ **county executive** shall prepare a list of properties designated under subsection (b) and certify the list to the county auditor no later than sixty-one (61) days prior to the earliest

date on which application for judgment and order for sale may be made.

~~(e)~~ (d) Upon receiving the list described in subsection ~~(d)~~ (c), the county auditor shall:

(1) prepare a list of the properties certified by the commission; and

(2) delete any property described in that list from the delinquent tax list prepared under section 1 of this chapter.

~~(f) If the county auditor receives an owner's affidavit under section 4.1 of this chapter, the auditor shall, upon determining that the information contained in the affidavit is correct, remove the property from the list prepared under subsection (e) and restore the property to the list prepared under section 1 of this chapter.~~

SECTION 15. IC 6-1.1-24-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) In addition to the delinquency list required under section 1 of this chapter, each county auditor shall prepare a notice. The notice shall contain the following:

(1) A list of tracts or real property eligible for sale under this chapter.

(2) A statement that the tracts or real property included in the list will be sold at public auction to the highest bidder, subject to the right of redemption.

(3) A statement that the tracts or real property will not be sold for an amount which is less than the sum of:

(A) the delinquent taxes and special assessments on each tract or item of real property;

(B) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, whether or not they are delinquent;

(C) all penalties due on the delinquencies;

(D) an amount prescribed by the county auditor that equals the sum of:

(i) **the greater of** twenty-five dollars (\$25) ~~for or~~ postage and publication costs; and

(ii) any other actual costs incurred by the county that are directly attributable to the tax sale; and

(E) any unpaid costs due under subsection (b) from a prior tax sale.

(4) A statement that a person redeeming each tract or item of real property after the sale must pay:

(A) one hundred ten percent (110%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed not more than six (6) months after the date of sale;

(B) one hundred fifteen percent (115%) of the amount of the minimum bid for which the tract or item of real property was offered at the time of sale if the tract or item of real property is redeemed more than six (6) months after the date of sale;

(C) the amount by which the purchase price exceeds the minimum bid on the tract or item of real property plus ten percent (10%) per annum on the amount by which the purchase price exceeds the minimum bid; and

(D) all taxes and special assessments on the tract or item of real property paid by the purchaser after the tax sale plus interest at the rate of ten percent (10%) per annum on the

amount of taxes and special assessments paid by the purchaser on the redeemed property.

(5) A statement for informational purposes only, of the location of each tract or item of real property by key number, if any, and street address, if any, or a common description of the property other than a legal description. The township assessor, upon written request from the county auditor, shall provide the information to be in the notice required by this subsection. A misstatement in the key number or street address does not invalidate an otherwise valid sale.

(6) A statement that the county does not warrant the accuracy of the street address or common description of the property.

(7) A statement indicating:

(A) the name of the owner of each tract or item of real property with a single owner; or

(B) the name of at least one (1) of the owners of each tract or item of real property with multiple owners.

(8) A statement of the procedure to be followed for obtaining or objecting to a judgment and order of sale, that must include the following:

(A) A statement:

(i) that the county auditor and county treasurer will apply on or after a date designated in the notice for a court judgment against the tracts or real property for an amount that is not less than the amount set under subdivision (3), and for an order to sell the tracts or real property at public auction to the highest bidder, subject to the right of redemption; and

(ii) indicating the date when the period of redemption specified in IC 6-1.1-25-4 will expire.

(B) A statement that any defense to the application for judgment must be filed with the court before the date designated as the earliest date on which the application for judgment may be filed.

(C) A statement that the court will set a date for a hearing at least seven (7) days before the advertised date and that the court will determine any defenses to the application for judgment at the hearing.

(9) A statement that the sale will be conducted at a place designated in the notice and that the sale will continue until all tracts and real property have been offered for sale.

(10) A statement that the sale will take place at the times and dates designated in the notice. ~~Except as provided in section 5-5 of this chapter,~~ The sale must take place on or after August 1 and before November 1 of each year.

(11) A statement that a person redeeming each tract or item after the sale must pay the costs described in IC 6-1.1-25-2(e).

(12) If a county auditor and county treasurer have entered into an agreement under IC 6-1.1-25-4.7, a statement that the county auditor will perform the duties of the notification and title search under IC 6-1.1-25-4.5 and the notification and petition to the court for the tax deed under IC 6-1.1-25-4.6.

(13) A statement that, if the tract or item of real property is sold for an amount more than the minimum bid and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

(14) If a determination has been made under subsection (d), a statement that tracts or items will be sold together.

(b) If within sixty (60) days before the date of the tax sale the county incurs costs set under subsection (a)(3)(D) and those costs are not paid, the county auditor shall enter the amount of costs that remain unpaid upon the tax duplicate of the property for which the costs were set. The county treasurer shall mail notice of unpaid costs entered upon a tax duplicate under this subsection to the owner of the property identified in the tax duplicate.

(c) The amount of unpaid costs entered upon a tax duplicate under subsection (b) must be paid no later than the date upon which the next installment of real estate taxes for the property is due. Unpaid costs entered upon a tax duplicate under subsection (b) are a lien against the property described in the tax duplicate, and amounts remaining unpaid on the date the next installment of real estate taxes is due may be collected in the same manner that delinquent property taxes are collected.

(d) The county auditor and county treasurer may establish the condition that a tract or item will be sold and may be redeemed under this chapter only if the tract or item is sold or redeemed together with one (1) or more other tracts or items. Property may be sold together only if the tract or item is owned by the same person.

SECTION 16. IC 6-1.1-24-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2.2. ~~(a) This section applies to a county having a consolidated city.~~

~~(b)~~ Whenever a notice required under section 2 of this chapter includes real property on the list prepared under ~~section 1-5(e)~~ **section 1(a)(2) or 1.5(d)** of this chapter, the notice must also contain a statement that:

(1) the property is on the alternate list prepared under ~~section 1-5(e)~~ **section 1(a)(2) or 1.5(d)** of this chapter;

~~(2) the owner of the property may file an affidavit with the county auditor no later than twenty (20) days following the date of the notice indicating that the residential structure located on the property is:~~

~~(A) habitable under state law and any ordinance of the political subdivision where the property is located; and~~

~~(B) has been occupied as a permanent residence for the six (6) month period preceding the date of the notice;~~

~~(3) if the auditor determines that the statements made in the affidavit are correct, the auditor will remove the property from the list prepared under section 1-5(e) of this chapter and restore the parcel to the delinquent tax list prepared under section 1 of this chapter;~~

~~(4) (2) if the property is not redeemed within one hundred twenty (120) days after the date of sale, the county auditor shall execute and deliver a deed for the property to the purchaser or purchaser's assignee; and~~

~~(5) (3) if the property is offered for sale and a bid is not received for at least the amount required under section 5 of this chapter, the county auditor may execute and deliver a deed for the property to the purchasing agency under IC 36-7-17; county executive,~~ subject to IC 6-1.1-25.

SECTION 17. IC 6-1.1-24-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) When real property is eligible for sale under this chapter, the county auditor shall post a copy of the notice required by sections 2 and 2.2 of this chapter

at a public place of posting in the county courthouse or in another public county building at least twenty-one (21) days before the earliest date of application for judgment. In addition, the county auditor shall, in accordance with IC 5-3-1-4, publish the notice required in sections 2 and 2.2 of this chapter once each week for three (3) consecutive weeks before the earliest date on which the application for judgment may be made. The expenses of this publication shall be paid out of the county general fund without prior appropriation.

(b) At least twenty-one (21) days before the application for judgment is made, the county auditor shall mail a copy of the notice required by sections 2 and 2.2 of this chapter by certified mail, return receipt requested, to any mortgagee who annually requests, by certified mail, a copy of the notice. However, the failure of the county auditor to mail this notice or its nondelivery does not affect the validity of the judgment and order.

(c) **The notices mailed under this section and** the advertisement published under section 4(b) of this chapter ~~is~~ **are** considered sufficient notice of the intended application for judgment and of the sale of real property under the order of the court.

SECTION 18. IC 6-1.1-24-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Not less than twenty-one (21) days before the earliest date on which the application for judgment and order for sale of real property eligible for sale may be made, the county auditor shall send a notice of the sale by certified mail to:

- (1) the owner of record of real property with a single owner; or
- (2) to at least one (1) of the owners of real property with multiple owners;

at the last address of the owner for the property as indicated in the records of the county auditor. The county auditor shall prepare the notice in the form prescribed by the state board of accounts. The notice must set forth the key number, if any, of the real property and a street address, if any, or other common description of the property other than a legal description. The notice must include the statement set forth in section 2(a)(4) of this chapter. The county auditor must present proof of this mailing to the court along with the application for judgment and order for sale. Failure by an owner to receive or accept the notice required by this section does not affect the validity of the judgment and order. The owner of real property shall notify the county auditor of the owner's correct address. The notice required under this section is considered sufficient if the notice is mailed to the address required by this section.

(b) ~~This subsection applies to a county having a consolidated city.~~ In addition to the notice required under subsection (a) for real property on the list prepared under ~~section 1.5(c)~~ **section 1(a)(2) or 1.5(d)** of this chapter, the county auditor shall prepare and mail the notice required under section 2.2 of this chapter no later than August 15 in the year in which the property is to be sold under this chapter.

(c) On or before the day of sale, the county auditor shall list, on the tax sale record required by IC 6-1.1-25-8, all properties that will be offered for sale.

SECTION 19. IC 6-1.1-24-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.6. (a) On the day on which the application for judgment and order for sale is made, the county treasurer shall report to the county auditor all of the tracts and real property listed in the notice required by section 2 of this

chapter upon which all delinquent taxes and special assessments, all penalties due on the delinquencies, any unpaid costs due from a prior tax sale, and the amount due under section 2(a)(3)(D) of this chapter have been paid up to that time. The county auditor, assisted by the county treasurer, shall compare and correct the list, removing tracts and real property for which all delinquencies have been paid, and shall make and subscribe an affidavit in substantially the following form:

State of Indiana)
) ss
County of _____)

I, _____, treasurer of the county of _____, and I, _____, auditor of the county of _____, do solemnly affirm that the foregoing is a true and correct list of the real property within the county of _____ upon which have remained delinquent uncollected taxes, special assessments, penalties and costs, as required by law for the time periods set forth, to the best of my knowledge and belief.

County Treasurer

County Auditor

Dated _____

I, _____, auditor of the county of _____, do solemnly affirm that notice of the application for judgment and order for sale was mailed via certified mail to the owners on the foregoing list, and publication made, as required by law.

County Auditor

Dated _____

(b) Application for judgment and order for sale shall be made as one (1) cause of action to any court of competent jurisdiction jointly by the county treasurer and county auditor. The application shall include the **names of at least one (1) of the owners of each tract or item of real property, the dates of mailing of the notice required by sections 2 and 2.2 of this chapter, the dates of publication required by section 3 of this chapter, and the affidavit and corrected list as provided in subsection (a).**

(c) Any defense to the application for judgment and order of sale shall be filed with the court on or before the earliest date on which the application may be made as set forth in the notice required under section 2 of this chapter.

SECTION 20. IC 6-1.1-24-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.7. (a) No later than fifteen (15) days before the advertised date of the tax sale, the court shall examine the list of tracts and real property as provided under section 4.6 of this chapter. No later than three (3) days before the advertised date of the tax sale, the court shall enter judgment for those taxes, special assessments, penalties, and costs that appear to be due. This judgment is considered as a judgment against each tract or item of real property for each kind of tax, special assessment, penalty, or cost included in it. The affidavit provided under section 4.6 of this chapter is prima facie evidence of delinquency for purposes of proceedings under this section. The court shall also direct the clerk to prepare and enter an order for the sale of those tracts and real property against which judgment is entered.

(b) Not later than seven (7) days before the advertised date of the tax sale, the court shall conduct a hearing. At the hearing, the court

shall hear any defense offered by any person interested in any of the tracts or items of real property to the entry of judgment against them, hear and determine the matter in a summary manner, without pleadings, and enter its judgment. The court shall enter a judgment under this subsection not later than three (3) days before the advertised date of the tax sale. The objection must be in writing, and no person may offer any defense unless the writing specifying the objection is accompanied by an original or a duplicate tax receipt or other supporting documentation. At least seven (7) days before the date set for the hearing, notice of the date, time, and place of the hearing shall be provided by the court to any person filing a defense to the application for judgment and order of sale.

(c) If judgment is entered in favor of the respondent under these proceedings or if judgment is not entered for any particular tract, part of a tract, or items of real property because of an unresolved objection made under subsection (b), the court shall remove those tracts, parts of tracts, or items of real property from the list of tracts and real property provided under section 4.6 of this chapter.

(d) A judgment and order for sale shall contain the final listing of affected properties **and the name of at least one (1) of the owners of each tract or item of real property**, and shall substantially follow this form:

"Whereas, notice has been given of the intended application for a judgment against these tracts and real property, and no sufficient defense has been made or cause has been shown why judgment should not be entered against these tracts for taxes, and real property special assessments, penalties, and costs due and unpaid on them, therefore it is considered by the court that judgment is hereby entered against the below listed tracts and real property in favor of the state of Indiana for the amount of taxes, special assessments, penalties, and costs due severally on them; and it is ordered by the court that the several tracts or items of real property be sold as the law directs. Payments for taxes, special assessments, penalties, and costs made after this judgment but before the sale shall reduce the judgment accordingly."

(e) The order of the court constitutes the list of tracts and real property that shall be offered for sale under section 5 of this chapter.

(f) The court that enters judgment under this section shall retain exclusive continuing supervisory jurisdiction over all matters and claims relating to the tax sale.

(g) No error or informality in the proceedings of any of the officers connected with the assessment, levying, or collection of the taxes that does not affect the substantial justice of the tax itself shall invalidate or in any manner affect the tax or the assessment, levying, or collection of the tax.

(h) Any irregularity, informality, omission, or defective act of one (1) or more officers connected with the assessment or levying of the taxes may be, in the discretion of the court, corrected, supplied, and made to conform to law by the court, or by the officer (in the presence of the court).

SECTION 21. IC 6-1.1-24-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) When a tract or an item of real property is subject to sale under this chapter, it must be sold in compliance with this section.

(b) The sale must:

(1) be held at the times and place stated in the notice of sale;

and

(2) ~~except as provided in section 5.5 of this chapter, not extend beyond October 31 of the year of sale; one hundred seventy-one (171) days after the list containing the tract or item of real property is certified to the county auditor.~~

(c) A tract or an item of real property may not be sold under this chapter to collect:

(1) delinquent personal property taxes; or

(2) taxes or special assessments which are chargeable to other real property.

(d) A tract or an item of real property may not be sold under this chapter if all the delinquent taxes, penalties, and special assessments on the tract or an item of real property and the amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale, are paid before the time of sale.

(e) The county treasurer shall sell the tract or real property, subject to the right of redemption, to the highest bidder at public auction. However, a tract or an item of real property may not be sold for an amount which is less than the sum of:

(1) the delinquent taxes and special assessments on each tract or item of real property;

(2) the taxes and special assessments on each tract or item of real property that are due and payable in the year of the sale, regardless of whether the taxes and special assessments are delinquent;

(3) all penalties which are due on the delinquencies;

(4) the amount prescribed by section 2(a)(3)(D) of this chapter reflecting the costs incurred by the county due to the sale;

(5) any unpaid costs which are due under section 2(b) of this chapter from a prior tax sale; and

(6) other reasonable expenses of collection, including title search expenses, uniform commercial code expenses, and reasonable attorney's fees incurred by the date of the sale.

(f) For purposes of the sale, it is not necessary for the county treasurer to first attempt to collect the real property taxes or special assessments out of the personal property of the owner of the tract or real property.

(g) The county auditor shall serve as the clerk of the sale.

(h) Real property certified to the county auditor under section 1(2) of this chapter must be offered for sale in a different phase of the tax sale or on a different day of the tax sale than the phase or day during which other real property is offered for sale.

SECTION 22. IC 6-1.1-24-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5.3. (a) This section applies to the following:

(1) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale is held under this chapter; and

(B) is subject to an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5) regarding which the conditions set forth in IC 36-7-9-10(a)(1) through IC 36-7-9-10(a)(4) exist.

(2) A person who:

(A) owns a fee interest, a life estate interest, or the equitable interest of a contract purchaser in an unsafe building or unsafe premises in the county in which a sale

is held under this chapter; and

(B) is subject to an order issued under IC 36-7-9-5(a), other than an order issued under IC 36-7-9-5(a)(2), IC 36-7-9-5(a)(3), IC 36-7-9-5(a)(4), or IC 36-7-9-5(a)(5), regarding which the conditions set forth in IC 36-7-9-10(b)(1) through IC 36-7-9-10(b)(4) exist.

(3) A person who is the defendant in a court action brought under IC 36-7-9-18, IC 36-7-9-19, IC 36-7-9-20, IC 36-7-9-21, or IC 36-7-9-22 in the county in which a sale is held under this chapter that has resulted in a judgment in favor of the plaintiff and the unsafe condition that caused the action to be brought has not been corrected.

(4) A person who has any of the following relationships to a person, partnership, corporation, or legal entity described in subdivisions (1), (2), or (3):

(A) A partner of a partnership.

(B) An officer or majority stockholder of a corporation.

(C) The person who directs the activities or has a majority ownership in a legal entity other than a partnership or corporation.

~~(1)~~ (5) A person who, in the county in which a sale is held under this chapter, owes:

(A) delinquent taxes;

(B) special assessments;

(C) penalties;

(D) interest; or

(E) costs directly attributable to a prior tax sale;

on a tract ~~or an item~~ of real property listed under section 1 of this chapter.

~~(2)~~ (6) A person who is an agent of the person described in subdivision ~~(1)~~: this subsection.

(b) A person subject to this section may not purchase a tract offered for sale under section 5 or ~~5.5~~ 6.1 of this chapter. However, this section does not prohibit a person from bidding on a tract that is owned by the person and offered for sale under section 5 of this chapter.

(c) The county treasurer shall require each person who will be bidding at the tax sale to sign a statement in a form substantially similar to the following:

"Indiana law prohibits a person who owes delinquent taxes, special assessments, penalties, interest, or costs directly attributable to a prior tax sale from purchasing tracts or items of real property at a tax sale. I hereby affirm under the penalties for perjury that I do not owe delinquent taxes, special assessments, penalties, interest, costs directly attributable to a prior tax sale, amounts from a final adjudication in favor of a political subdivision in this county, any civil penalties imposed for the violation of a building code or ordinance of this county, or any civil penalties imposed by a health department in this county. Further, I hereby acknowledge that any successful bid I make in violation of this statement is subject to forfeiture. In the event of forfeiture, the amount of my bid shall be applied to the delinquent taxes, special assessments, penalties, interest, costs, judgments, or civil penalties I owe, and a certificate will be issued to the county executive."

~~(c)~~ (d) If a person purchases a tract that the person was not eligible

to purchase under this section, the sale of the property is ~~void~~ subject to forfeiture. If the county treasurer determines or is notified not more than six (6) months after the date of the sale that the sale of the property should be forfeited, the county treasurer shall:

(1) notify the person in writing that the sale is subject to forfeiture if the person does not pay the amounts that the person owes within thirty (30) days of the notice;

(2) if the person does not pay the amounts that the person owes within thirty (30) days after the notice, apply the surplus amount of the person's bid to the person's delinquent taxes, special assessments, penalties, and interest;

(3) remit the amounts owed from a final adjudication or civil penalties in favor of a political subdivision to the appropriate political subdivision; and offer the real property for sale again

(4) notify the county auditor that the sale has been forfeited.

Upon being notified that a sale has been forfeited, the county auditor shall issue a certificate to the county executive under section 6 of this chapter.

(e) A county treasurer may decline to forfeit a sale under this section because of inadvertence or mistake, lack of actual knowledge by the bidder, substantial harm to other parties with interests in the tract or item of real property, or other substantial reasons. If the treasurer declines to forfeit a sale, the treasurer shall:

(1) prepare a written statement explaining the reasons for declining to forfeit the sale; and

(2) retain the written statement as an official record.

(f) If a sale is forfeited under this section and the tract or item of real property is redeemed from the sale, the county auditor shall deposit the amount of the redemption into the county general fund and notify the county executive of the redemption. Upon being notified of the redemption, the county executive shall surrender the certificate to the county auditor.

SECTION 23. IC 6-1.1-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. (a) When a tract or an item of real property is offered for sale under this chapter for ~~two (2) consecutive tax sales~~ and an amount is not received equal to or in excess of the minimum sale price prescribed in section 5(e) of this chapter, the county executive acquires a lien in the amount of the minimum sale price. This lien attaches on the day after the last date on which the tract or item was offered for sale. ~~the second time.~~

(b) When a county executive acquires a lien under this section, the county auditor shall issue a tax sale certificate to the county executive in the manner provided in section 9 of this chapter. The county auditor shall date the certificate the day that the county executive acquires the lien. When a county executive acquires a certificate under this section, the county executive has the same rights as a purchaser. However, the county shall hold the certificate for the taxing units described in subsection (c).

(c) When a lien is acquired by a county executive under this section, no money shall be paid by the county executive. However, each of the taxing units having an interest in the taxes on the tract shall be charged with the full amount of all delinquent taxes due them.

SECTION 24. IC 6-1.1-24-6.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.1. (a) The county ~~commissioners~~ executive may:

- (1) by resolution, identify properties:
 - (A) that are described in section 6.7(a) of this chapter; and
 - (B) concerning which the county ~~commissioners desire~~ **executive desires** to offer to the public the certificates of sale acquired by the county **executive** under section 6 of this chapter;
- (2) publish notice in accordance with IC 5-3-1 of the date, time, and place for a public sale of the certificates of sale that is not earlier than ninety (90) days after the last date the notice is published; and
- (3) sell each certificate of sale covered by the resolution for a price that:
 - (A) is less than the minimum sale price prescribed by section 5(e) of this chapter; and
 - (B) includes any costs to the county **executive** directly attributable to the sale of the certificate of sale.
- (b) Notice of the list of properties prepared under subsection (a) and the date, time, and place for the public sale of the certificates of sale shall be published in accordance with IC 5-3-1. The notice must:
 - (1) include a description of the property by parcel number and common address;
 - (2) specify that the county ~~commissioners executive~~ will accept bids for the certificates of sale for the price referred to in subsection (a)(3);
 - (3) specify the minimum bid for each parcel;
 - (4) include a statement that a person redeeming each tract or item of real property after the sale of the certificate must pay:
 - (A) the amount of the minimum bid under section 5(e) of this chapter for which the tract or item of real property was last offered for sale;
 - (B) ten percent (10%) of the amount for which the certificate is sold;
 - (C) the attorney's fees and costs of giving notice under IC 6-1.1-25-4.5;
 - (D) the costs of a title search or of examining and updating the abstract of title for the tract or item of real property; and
 - (E) all taxes and special assessments on the tract or item of real property paid by the purchaser after the sale of the certificate plus interest at the rate of ten percent (10%) per annum on the amount of taxes and special assessments paid by the purchaser on the redeemed property; and
 - (5) include a statement that, if the certificate is sold for an amount more than the minimum bid under section 5(e) of this chapter for which the tract or item of real property was last offered for sale and the property is not redeemed, the owner of record of the tract or item of real property who is divested of ownership at the time the tax deed is issued may have a right to the tax sale surplus.

SECTION 25. IC 6-1.1-24-6.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.3. (a) The sale of certificates of sale under this chapter must be held at the time and place stated in the notice of sale.

- (b) A certificate of sale may not be sold under this chapter if the following are paid before the time of sale:
 - (1) All the delinquent taxes, penalties, and special assessments on the tract or an item of real property.

- (2) The amount prescribed by section 2(a)(3)(D) of this chapter, reflecting the costs incurred by the county due to the sale.
- (c) The county ~~commissioners executive~~ shall sell the certificate of sale, subject to the right of redemption, to the highest bidder at public auction.

(d) The county auditor shall serve as the clerk of the sale.

SECTION 26. IC 6-1.1-24-6.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6.7. ~~(a) After each tax sale conducted under this chapter, the county auditor shall prepare and deliver to the county commissioners a list of all properties:~~

- ~~(1) that have been offered for sale in two (2) consecutive tax sales;~~
- ~~(2) that have not received a bid for at least the amount required under section 5 of this chapter;~~
- ~~(3) that are not subject to the provisions of section 6.5 of this chapter;~~
- ~~(4) on which the county has acquired a lien under section 6 of this chapter; and~~
- ~~(5) for which the county is eligible to take title.~~

~~(b) (a)~~ The county ~~commissioners~~ **executive may:**

- (1) by resolution, identify the property described under ~~subsection (a)~~ **section 6 of this chapter** that the county ~~commissioners desire~~ **executive desires** to transfer to a nonprofit corporation for use for the public good; and
- (2) set a date, time, and place for a public hearing to consider the transfer of the property to a nonprofit corporation.

~~(c) (b)~~ Notice of the ~~list prepared~~ **property identified** under subsection ~~(b) (a)~~ and the date, time, and place for the hearing on the proposed transfer of the property on the list shall be published in accordance with IC 5-3-1. The notice must include a description of the property by:

- (1) legal description; and
- (2) parcel number or street address, or both.

The notice must specify that the county ~~commissioners executive~~ will accept applications submitted by nonprofit corporations as provided in subsection ~~(f) (d)~~ and hear any opposition to a proposed transfer.

~~(d) (c)~~ After the hearing set under subsection ~~(b) (a)~~, the county ~~commissioners executive~~ shall by resolution make a final determination concerning:

- (1) the properties that are to be transferred to a nonprofit corporation;
- (2) the nonprofit corporation to which each property is to be transferred; and
- (3) the terms and conditions of the transfer.

~~(e) This subsection applies only to a county having a consolidated city. The resolution of the county commissioners prepared under subsection (d) shall be forwarded to the county executive for approval. The county executive may remove any properties from the list of properties to be transferred that is prepared under subsection (d). The final list of properties to be transferred to nonprofit corporations shall be approved by the county executive and returned to the county commissioners.~~

~~(f) (d)~~ To be eligible to receive property under this section, a nonprofit corporation must file an application with the county ~~commissioners executive~~. The application must state the property that the corporation desires to acquire, the use to be made of the

property, and the time period anticipated for implementation of the use. The application must be accompanied by documentation verifying the nonprofit status of the corporation and be signed by an officer of the corporation. If more than one (1) application for a single property is filed, the county ~~commissioners~~ **executive** shall determine which application is to be accepted based on the benefit to be provided to the public and the neighborhood and the suitability of the stated use for the property and the surrounding area.

~~(g)~~ **(e)** After the hearing set under subsection ~~(b)~~ **(a)** and the final determination of properties to be transferred under subsection ~~(d)~~ **or (c)**, whichever is applicable, the county ~~commissioners~~ **executive**, on behalf of the county, shall cause all delinquent taxes, special assessments, penalties, interest, and costs of sale to be removed from the tax duplicate and the county auditor to prepare a deed transferring the property to the nonprofit corporation. The deed shall provide for:

- (1) the use to be made of the property;
- (2) the time within which the use must be implemented and maintained;
- (3) any other term and conditions that are established by the county ~~commissioners~~ **executive**; and
- (4) the reversion of the property to the county **executive** if the grantee nonprofit corporation fails to comply with the terms and conditions.

If the grantee nonprofit corporation fails to comply with the terms and conditions of the transfer and title to the property reverts to the county **executive**, the property may be retained by the county **executive** or disposed of under any of the provisions of this chapter or IC 6-1.1-24, or both.

SECTION 27. IC 6-1.1-25-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b), when real property is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the**

- ~~(1) purchaser or~~
- ~~(2) purchaser's assignee or~~
- ~~(3) purchaser of the certificate of sale under IC 6-1.1-24;~~

in an amount equal to the amount received by the county treasurer for redemption.

(b) When real property sold under IC 6-1.1-24-6.1 is redeemed and the certificate of sale is surrendered to the county auditor, the auditor shall issue a warrant to the purchaser of the certificate of sale or the purchaser's assignee in an amount equal to:

- (1) the amount received by the county treasurer for redemption; minus**
- (2) if the certificate of sale was sold for less than the minimum bid under IC 6-1.1-24-5(e), an amount equal to the difference between the minimum bid under IC 6-1.1-24-5(e) and the amount for which the certificate was sold.**

(c) The county auditor shall indorse the certificate and preserve it as a public record. If a certificate of sale is lost and the auditor is satisfied that the certificate did exist, the county auditor may make payment in the manner provided in this section.

SECTION 28. IC 6-1.1-25-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) The

period for redemption of real property sold under IC 6-1.1-24 is:

- (1) one (1) year after the date of sale;
- (2) one hundred twenty (120) days after the date of sale to a purchasing agency qualified under IC 36-7-17; **or**
- (3) one hundred twenty (120) days after the date of sale of real property on the list prepared under **IC 6-1.1-24-1(a)(2) or IC 6-1.1-24-1.5. or**
- ~~(4) one hundred twenty (120) days after the date of sale under IC 6-1.1-24-5.5(b).~~

(b) The period for redemption of real property:

- (1) on which the county **executive** acquires a lien under IC 6-1.1-24-6; and
- (2) for which the certificate of sale is not sold under IC 6-1.1-24-6.1;

is one hundred twenty (120) days after the date the county **executive** acquires the lien under IC 6-1.1-24-6.

(c) The period for redemption of real property:

- (1) on which the county **executive** acquires a lien under IC 6-1.1-24-6; and
 - (2) for which the certificate of sale is sold under IC 6-1.1-24;
- is one hundred twenty (120) days after the date of sale of the certificate of sale under IC 6-1.1-24.

(d) When a deed for real property is executed under this chapter, the county auditor shall cancel the certificate of sale and file the canceled certificate in the office of the county auditor. If real property that appears on the list prepared under IC 6-1.1-24-1.5 is offered for sale and an amount that is at least equal to the minimum sale price required under IC 6-1.1-24-5(e) is not received, the county auditor shall issue a deed to the real property, ~~in the manner provided in IC 6-1.1-24-6.5.~~ **subject to this chapter.**

(e) When a deed is issued to a county **executive** under this chapter, the taxes and special assessments for which the real property was offered for sale, and all subsequent taxes, special assessments, interest, penalties, and cost of sale shall be removed from the tax duplicate in the same manner that taxes are removed by certificate of error.

(f) A tax deed executed under this chapter vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law and the lien of the state or a political subdivision for taxes and special assessments which accrue subsequent to the sale and which are not removed under subsection (e). However, the estate is subject to:

- (1) all easements, covenants, declarations, and other deed restrictions shown by public records;
- (2) laws, ordinances, and regulations concerning governmental police powers, including zoning, building, land use, improvements on the land, land division, and environmental protection; and
- (3) liens and encumbrances created or suffered by the grantee.

(g) A tax deed executed under this chapter is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(h) A county **executive** is not required to execute a deed to the county **executive** under this chapter if the county executive determines that the property involved contains hazardous waste or another environmental hazard for which the cost of abatement or alleviation will exceed the fair market value of the property. The county **executive** may enter the property to conduct environmental investigations.

(i) If the county executive makes the determination under subsection (h) as to any interest in an oil or gas lease or separate mineral rights, the county treasurer shall certify all delinquent taxes, interest, penalties, and costs assessed under IC 6-1.1-24 to the clerk, following the procedures in IC 6-1.1-23-9. After the date of the county treasurer's certification, the certified amount is subject to collection as delinquent personal property taxes under IC 6-1.1-23. Notwithstanding IC 6-1.1-4-12.4 and IC 6-1.1-4-12.6, the assessed value of such an interest shall be zero (0) until production commences.

(j) When a deed is issued to a purchaser of a certificate of sale sold under IC 6-1.1-24-6.1, the county auditor shall, in the same manner that taxes are removed by certificate of error, remove from the tax duplicate the taxes, special assessments, interest, penalties, and costs remaining due as the difference between the amount of the last minimum bid under IC 6-1.1-24-5(e) and the amount paid for the certificate of sale.

SECTION 29. IC 6-1.1-25-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.5. (a) Except as provided in subsection (d), a purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold only if:

- (1) the redemption period specified in section 4(a)(1) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(a) of this chapter; and
- (3) not later than nine (9) months after the date of the sale:
 - (A) the purchaser or the purchaser's assignee; or
 - (B) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county auditor;

gives notice of the sale to the owner of record at the time of the sale and any person with a substantial property interest of public record in the tract or real property.

(b) A county **executive** is entitled to a tax deed to property on which the county **executive** acquires a lien under IC 6-1.1-24-6 and for which the certificate of sale is not sold under IC 6-1.1-24-6.1 only if:

- (1) the redemption period specified in section 4(b) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(b) of this chapter; and
- (3) not later than ninety (90) days after the date the county **executive** acquires the lien under IC 6-1.1-24-6, the county auditor gives notice of the sale to:
 - (A) the owner of record at the time the lien was acquired; and
 - (B) any person with a substantial property interest of public record in the tract or real property.

(c) A purchaser of a certificate of sale under IC 6-1.1-24-6.1 is entitled to a tax deed to the property for which the certificate was sold

only if:

- (1) the redemption period specified in section 4(c) of this chapter has expired;
- (2) the property has not been redeemed within the period of redemption specified in section 4(c) of this chapter; and
- (3) not later than ninety (90) days after the date of sale of the certificate of sale under IC 6-1.1-24, the purchaser gives notice of the sale to:

- (A) the owner of record at the time of the sale; and
- (B) any person with a substantial property interest of public record in the tract or real property.

~~(d) A purchaser or the purchaser's assignee is entitled to a tax deed to the property that was sold under IC 6-1.1-24-5.5(b) only if:~~

- ~~(1) the redemption period specified in section 4(a)(4) of this chapter has expired;~~
- ~~(2) the property has not been redeemed within the period of redemption specified in section 4(a)(4) of this chapter; and~~
- ~~(3) not later than ninety (90) days after the date of the sale, the purchaser or the purchaser's assignee gives notice of the sale to:~~

- ~~(A) the owner of record at the time of the sale; and~~
- ~~(B) any person with a substantial property interest of public record in the tract or real property.~~

~~(d)~~ (d) The person required to give the notice under subsection (a), (b), or (c) shall give the notice by sending a copy of the notice by certified mail to:

- (1) the owner of record at the time of the:
 - (A) sale of the property;
 - (B) acquisition of the lien on the property under IC 6-1.1-24-6; or
 - (C) sale of the certificate of sale on the property under IC 6-1.1-24;

at the last address of the owner for the property, as indicated in the records of the county auditor; and

- (2) any person with a substantial property interest of public record at the address for the person included in the public record that indicates the interest.

However, if the address of the person with a substantial property interest of public record is not indicated in the public record that created the interest and cannot be located by ordinary means by the person required to give the notice under subsection (a), (b), or (c), the person may give notice by publication in accordance with IC 5-3-1-4 once each week for three (3) consecutive weeks.

~~(f)~~ (e) The notice that this section requires shall contain at least the following:

- (1) A statement that a petition for a tax deed will be filed on or after a specified date.
- (2) The date on or after which the petitioner intends to petition for a tax deed to be issued.
- (3) A description of the tract or real property shown on the certificate of sale.
- (4) The date the tract or real property was sold at a tax sale.
- (5) The name of the:
 - (A) purchaser or purchaser's assignee;
 - (B) county **executive** that acquired the lien on the property under IC 6-1.1-24-6; or
 - (C) person that purchased the certificate of sale on the property under IC 6-1.1-24.

(6) A statement that any person may redeem the tract or real property.

(7) The components of the amount required to redeem the tract or real property.

(8) A statement that an entity identified in subdivision (5) is entitled to reimbursement for additional taxes or special assessments on the tract or real property that were paid by the entity subsequent to the tax sale, lien acquisition, or purchase of the certificate of sale, and before redemption, plus interest.

(9) A statement that the tract or real property has not been redeemed.

(10) A statement that an entity identified in subdivision (5) is entitled to receive a deed for the tract or real property if it is not redeemed before the expiration of the period of redemption specified in section 4 of this chapter.

(11) A statement that an entity identified in subdivision (5) is entitled to reimbursement for costs described in section 2(e) of this chapter.

(12) The date of expiration of the period of redemption specified in section 4 of this chapter.

(13) A statement that if the property is not redeemed, the owner of record at the time the tax deed is issued may have a right to the tax sale surplus, if any.

(14) The street address, if any, or a common description of the tract or real property.

(15) The key number or parcel number of the tract or real property.

~~(g)~~ (f) The notice under this section must include not more than one (1) tract or item of real property listed and sold in one (1) description. However, when more than one (1) tract or item of real property is owned by one (1) person, all of the tracts or real property that are owned by that person may be included in one (1) notice.

~~(h)~~ (g) A single notice under this section may be used to notify joint owners of record at the last address of the joint owners for the property sold, as indicated in the records of the county auditor.

~~(i)~~ (h) The notice required by this section is considered sufficient if the notice is mailed to the address required under subsection ~~(e)~~ (d).

~~(j)~~ (i) The notice under this section and the notice under section 4.6 of this chapter are not required for persons in possession not shown in the public records.

~~(k)~~ (j) If the purchaser fails to:

- (1) comply with subsection (c)(3); or
- (2) petition for the issuance of a tax deed within the time permitted under section 4.6(a) of this chapter;

the certificate of sale reverts to the county **executive** and may be retained by the county **executive** or sold under IC 6-1.1-24-6.1.

SECTION 30. IC 6-1.1-25-4.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4.6. (a) After the expiration of the redemption period specified in section 4 of this chapter but not later than six (6) months after the expiration of the period of redemption:

- (1) the purchaser, the purchaser's assignee, the county **executive**, or the purchaser of the certificate of sale under IC 6-1.1-24 may; or
- (2) in a county where the county auditor and county treasurer have an agreement under section 4.7 of this chapter, the county

auditor shall, upon the request of the purchaser or the purchaser's assignee;

file a verified petition in the same court and under the same cause number in which the judgment of sale was entered asking the court to direct the county auditor to issue a tax deed if the real property is not redeemed from the sale. Notice of the filing of this petition shall be given to the same parties and in the same manner as provided in section 4.5 of this chapter, except that, if notice is given by publication, only one (1) publication is required. The notice required by this section is considered sufficient if the notice is sent to the address required by ~~section 4.5(c)~~ **section 4.5(d)** of this chapter. Any person owning or having an interest in the tract or real property may file a written objection to the petition with the court not later than thirty (30) days after the date the petition was filed. If a written objection is timely filed, the court shall conduct a hearing on the objection.

(b) Not later than sixty-one (61) days after the petition is filed under subsection (a), the court shall enter an order directing the county auditor (on the production of the certificate of sale and a copy of the order) to issue to the petitioner a tax deed if the court finds that the following conditions exist:

- (1) The time of redemption has expired.
- (2) The tract or real property has not been redeemed from the sale before the expiration of the period of redemption specified in section 4 of this chapter.
- (3) Except with respect to a petition for the issuance of a tax deed under a sale of the certificate of sale on the property under IC 6-1.1-24-6.1, all taxes and special assessments, penalties, and costs have been paid.
- (4) The notices required by this section and section 4.5 of this chapter have been given.
- (5) The petitioner has complied with all the provisions of law entitling the petitioner to a deed.

The county auditor shall execute deeds issued under this subsection in the name of the state under the county auditor's name. If a certificate of sale is lost before the execution of a deed, the county auditor shall issue a replacement certificate if the county auditor is satisfied that the original certificate existed.

(c) Upon application by the grantee of a valid tax deed in the same court and under the same cause number in which the judgment of sale was entered, the court shall enter an order to place the grantee of a valid tax deed in possession of the real estate. The court may enter any orders and grant any relief that is necessary or desirable to place or maintain the grantee of a valid tax deed in possession of the real estate.

(d) Except as provided in subsections (e) and (f), if the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure of the petitioner under subsection (a) to fulfill the requirements of this section, the court shall order the return of the purchase price minus a penalty of twenty-five percent (25%) of the amount of the purchase price. Penalties paid under this subsection shall be deposited in the county general fund.

(e) Notwithstanding subsection (d), in all cases in which:

- (1) the petitioner under subsection (a) has made a bona fide attempt to comply with the statutory requirements under subsection (b) for the issuance of the tax deed but has failed to comply with these requirements; and

(2) the court refuses to enter an order directing the county auditor to execute and deliver the tax deed because of the failure to comply with these requirements;

the county auditor shall not execute the deed but shall refund the purchase money plus six percent (6%) interest per annum from the county treasury to the purchaser, the purchaser's successors or assignees, or the purchaser of the certificate of sale under IC 6-1.1-24. The tract or item of real property, if it is then eligible for sale under IC 6-1.1-24, shall be placed on the delinquent list as an initial offering under IC 6-1.1-24-6.

(f) Notwithstanding subsections (d) and (e), the court shall not order the return of the purchase price if:

- (1) the purchaser or the purchaser of the certificate of sale under IC 6-1.1-24 has failed to provide notice or has provided insufficient notice as required by section 4.5 of this chapter; and
- (2) the sale is otherwise valid.

(g) A tax deed executed under this section vests in the grantee an estate in fee simple absolute, free and clear of all liens and encumbrances created or suffered before or after the tax sale except those liens granted priority under federal law, and the lien of the state or a political subdivision for taxes and special assessments that accrue subsequent to the sale. However, the estate is subject to all easements, covenants, declarations, and other deed restrictions and laws governing land use, including all zoning restrictions and liens and encumbrances created or suffered by the purchaser at the tax sale. The deed is prima facie evidence of:

- (1) the regularity of the sale of the real property described in the deed;
- (2) the regularity of all proper proceedings; and
- (3) valid title in fee simple in the grantee of the deed.

(h) A tax deed issued under this section is incontestable except by appeal from the order of the court directing the county auditor to issue the tax deed filed not later than sixty (60) days after the date of the court's order.

SECTION 31. IC 6-1.1-25-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9. (a) When a county acquires title to real property under IC 6-1.1-24 and this chapter, the county **executive** may dispose of the real property under IC 36-1-11 or subsection (e). The proceeds of any sale under IC 36-1-11 shall be applied as follows:

(1) First, to the cost of the sale or offering for sale of the real property, including the cost of:

- (A) maintenance;
- (B) preservation;
- (C) administration of the property before the sale or offering for sale of the property;
- (D) unpaid costs of the sale or offering for sale of the property;
- (E) preparation of the property for sale;
- (F) advertising; and
- (G) appraisal.

(2) Second, to any unrecovered cost of the sale or offering for sale of other real property in the same taxing district acquired by the county under IC 6-1.1-24 and this chapter, including the cost of:

- (A) maintenance;
- (B) preservation;

(C) administration of the property before the sale or offering for sale of the property;

(D) unpaid costs of the sale or offering for sale of the property;

(E) preparation of the property for sale;

(F) advertising; and

(G) appraisal.

(3) Third, to the payment of the taxes on the real property that were removed from the tax duplicate under section 4(c) of this chapter.

(4) Fourth, any surplus remaining into the county general fund.

(b) The county auditor shall file a report with the board of commissioners before January 31 of each year. The report must:

- (1) list the real property acquired under IC 6-1.1-24 and this chapter; and
- (2) indicate if any person resides or conducts a business on the property.

(c) The county auditor shall mail a notice by certified mail before March 31 of each year to each person listed in subsection (b)(2). The notice must state that the county has acquired title to the tract the person occupies.

(d) If the county **executive** determines ~~under IC 36-1-11~~ that any real property ~~so~~ acquired **under this section** should be retained by the county, then the county **executive** shall not dispose of the real property. The county executive may repair, maintain, equip, alter, and construct buildings upon the real property so retained in the same manner prescribed for other county buildings.

(e) The county **executive** may transfer title to real property described in subsection (a) to the redevelopment commission at no cost to the commission for sale, ~~or~~ grant, **or other disposition** under IC 36-7-14-22.2, **IC 36-7-14-22.5**, IC 36-7-15.1-15.1, ~~or~~ IC 36-7-15.1-15.2, **or IC 36-7-15.1-15.5**.

(f) If the real property is located in a geographic area that is not served by a redevelopment commission and the county executive determines that any real property acquired under this section should be held for later sale or transfer by the county executive, the county executive shall wait until an appropriate time to dispose of the real property. The county executive may do the following:

- (1) Examine, classify, manage, protect, insure, and maintain the property being held.**
- (2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, make improvements, and control the use of the property.**
- (3) Lease the property while it is being held.**

The county executive may enter into contracts to carry out part or all of the functions described in subdivisions (1) through (3).

SECTION 32. IC 9-21-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Except as provided in subsection (e), whenever a local authority in the authority's jurisdiction determines ~~on the basis of an engineering and traffic investigation~~ that the maximum speed permitted under this chapter is greater or less than reasonable and safe under the conditions found to exist on a highway or part of a highway, the local authority may determine and declare a reasonable and safe maximum limit on the highway. The maximum limit declared under this section may do any of the following:

- (1) Decrease the limit within urban districts, but not to less than twenty (20) miles per hour.
- (2) Increase the limit within an urban district, but not to more than fifty-five (55) miles per hour during daytime and fifty (50) miles per hour during nighttime.
- (3) Decrease the limit outside an urban district, but not to less than thirty (30) miles per hour.
- (4) Decrease the limit in an alley, but to not less than five (5) miles per hour.
- (5) Increase the limit in an alley, but to not more than thirty (30) miles per hour.

The local authority must perform an engineering and traffic investigation before a determination may be made to change a speed limit under subdivision (2), (3), (4), or (5) or before the speed limit within an urban district may be decreased to less than twenty-five (25) miles per hour under subdivision (1).

(b) A local authority in the authority's jurisdiction shall determine by an engineering and traffic investigation the proper maximum speed for all local streets and shall declare a reasonable and safe maximum speed permitted under this chapter for an urban district. **However, an engineering and traffic study is not required to be performed for the local streets in an urban district under this subsection if the local authority determines that the proper maximum speed in the urban district is not less than twenty-five (25) miles per hour.**

(c) An altered limit established under this section is effective at all times or during hours of darkness or at other times as may be determined when appropriate signs giving notice of the altered limit are erected on the street or highway.

(d) Except as provided in this subsection, a local authority may not alter a speed limit on a highway or extension of a highway in the state highway system. A city or town may establish speed limits on state highways upon which a school is located. However, a speed limit established under this subsection is valid only if the following conditions exist:

- (1) The limit is not less than twenty (20) miles per hour.
- (2) The limit is imposed only in the immediate vicinity of the school.
- (3) Children are present.
- (4) The speed zone is properly signed.
- (5) The Indiana department of transportation has been notified of the limit imposed by certified mail.

(e) A local authority may decrease a limit on a street to not less than fifteen (15) miles per hour if the following conditions exist:

- (1) The street is located within a park or playground established under IC 36-10.
- (2) The:
 - (A) board established under IC 36-10-3;
 - (B) board established under IC 36-10-4; or
 - (C) park authority established under IC 36-10-5;
 requests the local authority to decrease the limit.
- (3) The speed zone is properly signed.

SECTION 33. IC 12-19-7-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. The serial bonds issued under section 31 of this chapter:

- (1) may be of any denomination that is:
 - (A) not less than fifty dollars (\$50); and
 - (B) not more than one thousand dollars (\$1,000);

(2) shall be payable:

- (A) at any place named on the serial bonds; and
- (B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 34. IC 12-19-7.5-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. The serial bonds issued under section 30 of this chapter:

(1) may be of any denomination that is:

- (A) not less than fifty dollars (\$50); and
- (B) not more than one thousand dollars (\$1,000);

(2) shall be payable:

- (A) at any place named on the serial bonds; and
- (B) at any time not later than fifteen (15) years after the date of the serial bonds;

(3) may bear any rate of interest, payable annually or semiannually;

(4) shall be sold at not less than the par value of the bonds; and

(5) shall be sold in the manner provided for the sale of bonds issued under IC 12-20-23 **(before its repeal)**.

SECTION 35. IC 12-20-21-2, AS AMENDED BY P.L.73-2005, SECTION 94, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~Money raised by tax levies made specifically for township assistance purposes, either by a county or township, may not be considered as a part of and may not be commingled with other money of the county. Township assistance money raised by townships may not be commingled. except for the money resulting from levies made by the townships for reimbursement of the counties for advancements from the general fund.~~

SECTION 36. IC 12-20-24-1, AS AMENDED BY P.L.73-2005, SECTION 108, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) In addition to the other methods of township assistance financing provided by this article, if a township trustee for a township determines that a particular township's township assistance account will be exhausted before the end of a fiscal year, the township trustee shall notify the township board of that determination.

(b) After receiving notice under subsection (a) that a township's township assistance account will be exhausted before the end of a fiscal year, the township board shall appeal **to the department of local government finance** for the right to borrow money on a short term basis to fund township assistance services in the township. In the appeal the township board must do the following:

(1) Show that the amount of money contained in the township assistance account will not be sufficient to fund services required to be provided within the township by this article.

(2) Show the amount of money that the board estimates will be needed to fund the deficit.

(3) Indicate a period, not to exceed five (5) years, during which the township would repay the loan.

SECTION 37. IC 12-20-24-5, AS AMENDED BY P.L.73-2005, SECTION 111, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 5. (a) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that a township board should be allowed to borrow money under this chapter, the department shall order the township trustee to borrow the money from a financial institution on behalf of the township board and to deposit the money borrowed in the township's township assistance account.

(b) If upon appeal under ~~section 4~~ **section 1** of this chapter the department determines that the township board should not be allowed to borrow money, the board may not do so for that year.

SECTION 38. IC 12-20-24-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. If a loan is approved under IC 12-2-4.5 (before its repeal) or this chapter, the board of commissioners ~~or county council~~ **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department shall determine the period during which the township shall repay the loan. However, the period may not exceed five (5) years.

SECTION 39. IC 12-20-24-7, AS AMENDED BY P.L.73-2005, SECTION 112, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. A board of commissioners ~~or a county council~~ **(for a loan approved by the board of commissioners or county council before July 1, 2006)** or the department may not do any of the following:

- (1) Approve a request to borrow money made under IC 12-2-4.5 (before its repeal) or this chapter unless the body determines that the township's township assistance account will be exhausted before the account can fund all township obligations incurred under this article.
- (2) Recommend or approve a loan that will exceed the estimated amount of the deficit.

SECTION 40. IC 12-20-24-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If a township board:

- (1) appeals before August 1 for permission to borrow money;
- (2) receives permission from:
 - (A) the board of commissioners ~~or the county council~~, **before July 1, 2006**; or
 - (B) the department;

to borrow money before November 1 of that year; and

- (3) borrows money under this chapter;

the township board shall levy a property tax beginning in the next succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(b) If a township board:

- (1) appeals after August 1 for permission to borrow money;
- (2) receives permission from:
 - (A) the board of commissioners ~~or the county council~~, **before July 1, 2006**; or
 - (B) the department;

to borrow money; and

- (3) borrows money in the year of the appeal under this chapter;
- the township board shall levy a property tax beginning in the second succeeding year and continuing for the term of the loan in an amount each year that will be sufficient to pay the principal and interest due on the loan for the year.

(c) The property taxes levied under this section shall be retained by the township trustee and applied by the township trustee to retire the debt.

SECTION 41. IC 12-20-25-30, AS AMENDED BY P.L.73-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) The control board shall supervise the township trustee in the administration of township assistance. The control board may appoint one (1) of the board's members to monitor the trustee's compliance with this chapter and to report discrepancies to the control board. The control board may require the board's approval of an expenditure of more than five hundred dollars (\$500).

(b) Notwithstanding IC 36-6-6-11, the control board shall review and may reduce or increase the township's budget and proposed tax levy to be advertised by the county auditor. If the control board finds that there will be insufficient revenues available under this chapter for the township to pay valid township assistance claims, the control board may consent to proposed borrowing for township assistance under ~~IC 12-20-23~~ or IC 12-20-24.

(c) The control board may approve the number, pay, and duties of employees who are employed for the distribution and administration of the distressed township's township assistance program.

(d) The control board may require the township trustee to submit reports on the amounts of township assistance by categories, including the types of goods or services furnished and the vendors who supplied the goods or services.

(e) The control board:

- (1) shall operate the employment program implemented by the management committee under section 15(a)(5) of this chapter; and
- (2) may require that a township assistance recipient participate in a training program under IC 12-20-12-1.

(f) The control board shall establish income eligibility standards for township assistance, subject to the requirements of section 18 of this chapter.

SECTION 42. IC 12-20-25-40, AS AMENDED BY P.L.73-2005, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. The county treasurer shall deposit the disbursements from the treasurer of state in a county fund to be known as the county income tax township assistance control fund. Notwithstanding IC 6-3.5-1.1, IC 6-3.5-6, and IC 6-1.1-18.5, the county treasurer shall disburse the money in the fund in the following priority:

- (1) To ensure the payment within thirty (30) days of all valid township assistance claims in the distressed township that are not covered by subdivision (3).
- (2) At the end of each calendar year, to redeem any outstanding bonds issued or repay loans incurred by the county for poor relief or township assistance purposes under IC 12-2-4.5 (before its repeal), IC 12-2-5 (before its repeal), IC 12-20-23 **(before its repeal)**, or IC 12-20-24 to the extent the proceeds of the bonds or loans were advanced to the distressed township.
- (3) To pay claims approved under section 27 or 28 of this chapter (or IC 12-2-14-22 or IC 12-2-14-23 before their repeal).
- (4) As provided in IC 6-3.5-6 if the county option income tax is imposed under this chapter. If the county adjusted gross income tax is imposed under this chapter, to provide property tax

replacement credits for each civil taxing unit and school corporation in the county as provided in IC 6-3.5-1.1. No part of the county adjusted gross income tax revenue is considered a certified share of a governmental unit as provided in IC 6-3.5-1.1-15. In addition, the county adjusted gross income tax revenue (except for the county adjusted gross income tax revenues that are to be treated as property tax replacements under this subdivision) is in addition to and not a part of the revenue of the township for purposes of determining the township's maximum permissible property tax levy under IC 6-1.1-18.5.

SECTION 43. IC 12-20-25-42, AS AMENDED BY P.L.73-2005, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 42. (a) This section applies to a township that was certified a distressed township before January 1, 1988.

(b) The controlled status of the distressed township is terminated on July 1, 1989, if the department finds that the following conditions exist:

(1) All valid township assistance claims in the distressed township, including the claims approved under IC 12-2-14-22 (before its repeal), IC 12-2-14-23 (before its repeal), or section 27 or 28 of this chapter, have been paid, except for the following:

(A) Claims under litigation before the date of the board's finding.

(B) Obligations owed to other political subdivisions.

(2) The township has no bonds outstanding that were issued to pay for township assistance in the distressed township.

(c) Notwithstanding section 4(2) of this chapter, if a township that has had the township's distressed status terminated under subsection (b) uses advances from the county from proceeds of bonds issued under IC 12-2-1 (before its repeal) or this article to pay township assistance claims more than one (1) time in the five (5) years following the termination of the township's distressed status, the township must have the township's civil and township assistance budgets reviewed and approved by the county fiscal body in each year that a tax is levied against the property in the township to repay the advances. The decision of the county fiscal body may be appealed to the department.

(d) Notwithstanding IC 12-2-5-6 (before its repeal), IC 12-2-5-8 (before its repeal), IC 12-20-23-15 (**before its repeal**), and IC 12-20-23-19 (**before its repeal**), the aggregate principal amount of any outstanding debt that is incurred to pay township assistance claims during the five (5) years following the termination of the township's distressed status under subsection (b) and that is in excess of one-tenth percent (0.1%) of the adjusted valued of taxable property in the township as determined under IC 36-1-15 is the direct general obligation of the county.

SECTION 44. IC 33-36-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The violations clerk may accept:

(1) written appearances;

(2) waivers of trial;

(3) admissions of violations; and

(4) payment of civil penalties **of up to a specific dollar amount set forth in an ordinance adopted by the legislative body,**

but not more than ~~one~~ two hundred fifty dollars (\$100); (\$250);

in ordinance violation cases, subject to the schedule prescribed under IC 33-36-3 by the legislative body.

SECTION 45. IC 36-1-7-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11.5. (a) **As used in this section, "economic development project" has the meaning set forth in IC 6-3.5-7-13.1(c). The term also includes any project related to transportation services, transportation infrastructure, or the development or construction of a hotel or other tourism destination.**

(b) **An entity entering into an agreement under this chapter that is related to an economic development project may do any of the following to carry out the agreement:**

(1) **After appropriation by the entity's fiscal body, transfer money derived from any source to any of the following:**

(A) **One (1) or more entities that have entered into the agreement.**

(B) **An economic development entity (as defined in section 15 of this chapter) established by an entity that has entered into the agreement.**

(C) **A regional development authority, including the northwest Indiana regional development authority established by IC 36-7.5-2-1.**

(D) **A regional transportation authority including the regional bus authority established under IC 36-9-3-2(c).**

(2) **Transfer any property or provide personnel, services, or facilities to any entity or authority described in subdivision (1)(A) through (1)(D).**

SECTION 46. IC 36-1-8-5, AS AMENDED BY P.L.73-2005, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to all funds raised by a general or special tax levy on all the taxable property of a political subdivision.

(b) Whenever the purposes of a tax levy have been fulfilled and an unused and unencumbered balance remains in the fund, the fiscal body of the political subdivision shall order the balance of that fund to be transferred as follows, unless a statute provides that it be transferred otherwise:

(1) Funds of a county, to the general fund or rainy day fund of the county, as provided in section 5.1 of this chapter.

(2) Funds of a municipality, to the general fund or rainy day fund of the municipality, as provided in section 5.1 of this chapter.

(3) Funds of a township for redemption of township assistance obligations, to the township assistance fund of the township or rainy day fund of the township, as provided in section 5.1 of this chapter.

(4) Funds of any other political subdivision, to the general fund or rainy day fund of the political subdivision, as provided in section 5.1 of this chapter. However, if the political subdivision is dissolved or does not have a general fund or rainy day fund, then to the general fund of each of the units located in the political subdivision in the same proportion that the assessed valuation of the unit bears to the total assessed valuation of the political subdivision.

(c) Whenever an unused and unencumbered balance remains in the civil township fund of a township and a current tax levy for the fund is not needed, the township fiscal body may order any part of the balance of that fund transferred to the debt service fund of the school corporation located in or partly in the township; but if more than one (1) school corporation is located in or partly in the township, then any sum transferred shall be transferred to the debt service fund of each of those school corporations in the same proportion that the part of the assessed valuation of the school corporation in the township bears to the total assessed valuation of the township.

(d) Transfers to a political subdivision's rainy day fund ~~must~~ **may** be made ~~after the last day of~~ **at any time during** the political subdivision's fiscal year. ~~and before March 1 of the subsequent calendar year.~~

SECTION 47. IC 36-1-8-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. (a) If a county executive disposes of real property, the property taxes collected for each item of the real property in the first year the item of real property is subject to taxation after the year the real property is sold or otherwise conveyed shall be disbursed to the county executive that sold or otherwise conveyed the item of real property.**

(b) Disbursements to the county executive under subsection (a) shall be deposited into the county general fund, the redevelopment fund, the unsafe building fund, or the housing trust fund and shall be used only for one (1) or more of the purposes authorized under IC 36-7-14-22.5 or IC 36-7-15.1-15.5.

(c) The county executive shall forward a copy of each resolution that disposes or otherwise conveys real property to the county auditor.

(d) The disbursement of property taxes under subsection (a) shall terminate in the second year the item of real property is subject to taxation after the property is sold or otherwise conveyed.

SECTION 48. IC 36-1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4. (a) This section applies whenever the cost of a public work project will be:**

- (1) at least seventy-five thousand dollars (\$75,000) in:**
 - (A) a consolidated city or second class city;
 - (B) a county containing a consolidated city or second class city; or
 - (C) a regional water or sewage district established under IC 13-26; **or**
- (2) at least fifty thousand dollars (\$50,000) in:**
 - (A) a third class city or town with a population of more than five thousand (5,000); or
 - (B) a county containing a third class city or town with a population of more than five thousand (5,000); or
- (3) (2) at least twenty-five fifty thousand dollars (\$25,000) (\$50,000) in a political subdivision or an agency not described in subdivision (1). ~~or (2):~~**

(b) The board must comply with the following procedure:

- (1) The board shall prepare general plans and specifications describing the kind of public work required, but shall avoid specifications which might unduly limit competition. If the project involves the resurfacing (as defined by IC 8-14-2-1) of a road, street, or bridge, the specifications must show how the

weight or volume of the materials will be accurately measured and verified.

(2) The board shall file the plans and specifications in a place reasonably accessible to the public, which shall be specified in the notice required by subdivision (3).

(3) Upon the filing of the plans and specifications, the board shall publish notice in accordance with IC 5-3-1 calling for sealed proposals for the public work needed.

(4) The notice must specify the place where the plans and specifications are on file and the date fixed for receiving bids.

(5) The period of time between the date of the first publication and the date of receiving bids shall be governed by the size of the contemplated project in the discretion of the board, but it may not be more than six (6) weeks.

(6) If the cost of a project is one hundred thousand dollars (\$100,000) or more, the board shall require the bidder to submit a financial statement, a statement of experience, a proposed plan or plans for performing the public work, and the equipment that the bidder has available for the performance of the public work. The statement shall be submitted on forms prescribed by the state board of accounts.

(7) The board may not require a bidder to submit a bid before the meeting at which bids are to be received. The meeting for receiving bids must be open to the public. All bids received shall be opened publicly and read aloud at the time and place designated and not before.

(8) Except as provided in subsection (c), the board shall:

(A) award the contract for public work or improvements to the lowest responsible and responsive bidder; or

(B) reject all bids submitted.

(9) If the board awards the contract to a bidder other than the lowest bidder, the board must state in the minutes or memoranda, at the time the award is made, the factors used to determine which bidder is the lowest responsible and responsive bidder and to justify the award. The board shall keep a copy of the minutes or memoranda available for public inspection.

(10) In determining whether a bidder is responsive, the board may consider the following factors:

(A) Whether the bidder has submitted a bid or quote that conforms in all material respects to the specifications.

(B) Whether the bidder has submitted a bid that complies specifically with the invitation to bid and the instructions to bidders.

(C) Whether the bidder has complied with all applicable statutes, ordinances, resolutions, or rules pertaining to the award of a public contract.

(11) In determining whether a bidder is a responsible bidder, the board may consider the following factors:

(A) The ability and capacity of the bidder to perform the work.

(B) The integrity, character, and reputation of the bidder.

(C) The competence and experience of the bidder.

(12) The board shall require the bidder to submit an affidavit:

(A) that the bidder has not entered into a combination or agreement:

(i) relative to the price to be bid by a person;

(ii) to prevent a person from bidding; or

- (iii) to induce a person to refrain from bidding; and
- (B) that the bidder's bid is made without reference to any other bid.

(c) Notwithstanding subsection (b)(8), a county may award sand, gravel, asphalt paving materials, or crushed stone contracts to more than one (1) responsible and responsive bidder if the specifications allow for bids to be based upon service to specific geographic areas and the contracts are awarded by geographic area. The geographic areas do not need to be described in the specifications.

SECTION 49. IC 36-1-12-4.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.7. (a) This section applies whenever a public work project is estimated to cost:

- (1) at least twenty-five thousand dollars (\$25,000) and less than seventy-five thousand dollars (\$75,000) in:
 - (A) a consolidated city or second class city;
 - (B) a county containing a consolidated city or second class city; or
 - (C) a regional water or sewage district established under IC 13-26; or
- (2) at least twenty-five thousand dollars (\$25,000) and less than fifty thousand dollars (\$50,000) in ~~(A) a third class city or town with a population of more than five thousand (5,000); or (B) a county containing a third class city or town with a population of more than five thousand (5,000); a political subdivision or agency not described in subdivision (1).~~
- (b) The board must proceed under the following provisions:
 - (1) The board shall invite quotes from at least three (3) persons known to deal in the class of work proposed to be done by mailing them a notice stating that plans and specifications are on file in a specified office. The notice must be mailed not less than seven (7) days before the time fixed for receiving quotes.
 - (2) The board may not require a person to submit a quote before the meeting at which quotes are to be received. The meeting for receiving quotes must be open to the public. All quotes received shall be opened publicly and read aloud at the time and place designated and not before.
 - (3) The board shall award the contract for the public work to the lowest responsible and responsive quoter.
 - (4) The board may reject all quotes submitted.

SECTION 50. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

- (b) The county recorder shall charge the following:
 - (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
 - (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
 - (3) For attesting to the release, partial release, or assignment of

any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.

(4) One dollar (\$1) for each cross-reference of a recorded document.

(5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records ~~produced by a photographic process~~; and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.

(6) Five dollars (\$5) for acknowledging or certifying to a document.

(7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).

(8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

- (A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.
- (B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

(d) As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

(e) The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

- (f) The county recorder may not tax or collect any fee for:
 - (1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or
 - (2) performing any service under any of the following:
 - (A) IC 6-1.1-22-2(c).
 - (B) IC 8-23-7.
 - (C) IC 8-23-23.
 - (D) IC 10-17-2-3.

- (E) IC 10-17-3-2.
- (F) IC 12-14-13.
- (G) IC 12-14-16.

(g) The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

SECTION 51. IC 36-4-6-4, AS AMENDED BY P.L.230-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section applies to third class cities, except as provided by section 5 of this chapter.

(b) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body shall adopt an ordinance to divide the city into five (5) districts that:

- (1) are composed of contiguous territory, except for territory that is not contiguous to any other part of the city;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(c) The boundary of a city legislative body district may cross a precinct boundary line if:

- (1) more than one (1) member of the legislative body elected from the districts established under subsection (b), ~~or (j)~~, **or (m)** resides in one (1) precinct established under IC 3-11-1.5 after the most recent municipal election; and
- (2) following the establishment of a legislative body district whose boundary crosses a precinct boundary line, not more than one (1) member of the legislative body elected from the districts resides within the same city legislative body district.

(d) The boundary of a city legislative body district may cross a precinct line if the districts would not otherwise contain, as nearly as is possible, equal population.

(e) A city legislative body district with a boundary described by subsection (c) or (d) may not cross a census block boundary line:

- (1) except when following a precinct boundary line; or
- (2) unless the city legislative body certifies in the ordinance that the census block has no population, and is not likely to ever have population.

(f) The legislative body may not adopt an ordinance dividing the city into districts with boundaries described by subsection (c) or (d) unless the clerk of the city mails a written notice to the circuit court clerk. The notice must:

- (1) state that the legislative body is considering the adoption of an ordinance described by this subsection; and
- (2) be mailed not later than ten (10) days before the legislative body adopts the ordinance.

(g) The division under subsection (b), ~~or (j)~~, **or (m)** shall be made:

- (1) during the second year after a year in which a federal decennial census is conducted; and
- (2) when required to assign annexed territory to a district.

This division may be made at any other time, subject to IC 3-11-1.5-32.

(h) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. The legislative body is composed of five (5) members elected from the districts established under subsection (b) and two (2) at-large members.

(i) This subsection does not apply to a city with an ordinance described by subsection (j) **or (m)**. Each voter of the city may vote

for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(j) A city may adopt an ordinance under this subsection to divide the city into four (4) districts that:

- (1) are composed of contiguous territory;
- (2) are reasonably compact;
- (3) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and
- (4) contain, as nearly as is possible, equal population.

(k) This subsection applies to a city with an ordinance described by subsection (j). The legislative body is composed of four (4) members elected from the districts established under subsection (j) and three (3) at-large members.

(l) This subsection applies to a city with an ordinance described by subsection (j). Each voter of the city may vote for three (3) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The three (3) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

(m) This subsection applies only if the ordinance adopted under IC 36-4-1.5-3 by the town legislative body of a town that has a population of less than ten thousand (10,000) and that becomes a city specifies that the city legislative body districts are governed by this subsection. The ordinance adopted under IC 36-4-1.5-3(b)(1) dividing the town into city legislative body districts may provide that:

(1) the city shall be divided into three (3) districts that:

- (A) are composed of contiguous territory;**
- (B) are reasonably compact;**
- (C) do not cross precinct boundary lines, except as provided in subsection (c) or (d); and**
- (D) contain, as nearly as is possible, equal population; and**

(2) the legislative body of the city is composed of three (3) members elected from the districts established under this subsection and two (2) at-large members.

Each voter of the city may vote for two (2) candidates for at-large membership and one (1) candidate from the district in which the voter resides. The two (2) at-large candidates receiving the most votes from the whole city and the district candidates receiving the most votes from their respective districts are elected to the legislative body.

~~(m)~~ **(n)** A copy of the ordinance establishing districts under this section must be filed with the circuit court clerk of the county that contains the greatest population of the city no later than thirty (30) days after the ordinance is adopted.

~~(m)~~ **(o)** If any territory in the city is not included in one (1) of the districts established under this section, the territory is included in the district that:

- (1) is contiguous to that territory; and
- (2) contains the least population of all districts contiguous to that territory.

~~(m)~~ **(p)** If any territory in the city is included in more than one (1) of the districts established under this section, the territory is included

in the district that:

- (1) is one (1) of the districts in which the territory is described in the ordinance adopted under this section;
- (2) is contiguous to that territory; and
- (3) contains the least population of all districts contiguous to that territory.

SECTION 52. IC 36-4-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The legislative body shall hold its first regular meeting ~~in its chamber at 7:30 p.m. on the first Monday~~ in January after its election. In subsequent months, the legislative body shall hold regular meetings at least once a month, unless its rules require more frequent meetings.

(b) A special meeting of the legislative body shall be held when called by the city executive or when called under the rules of the legislative body.

SECTION 53. IC 36-4-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This subsection applies only to second class cities. At its first regular meeting under section 7 of this chapter, and ~~on the first Monday of~~ each succeeding January, the legislative body shall choose from its members a president and a vice president.

(b) This subsection applies only to third class cities. The city executive shall preside at all meetings of the legislative body, but may vote only in order to break a tie. At its first regular meeting under section 7 of this chapter and ~~on the first Monday of~~ each succeeding January, the legislative body shall choose from its members a president pro tempore to preside whenever the executive is absent.

SECTION 54. IC 36-4-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) This section does not apply to compensation paid by a city to members of its police and fire departments.

(b) Subject to the approval of the city legislative body, the city executive shall fix the compensation of each appointive officer, deputy, and other employee of the city. The legislative body may reduce but may not increase any compensation fixed by the executive. Compensation must be fixed under this section ~~before~~

- ~~(1) September 20 for a third class city; and~~
- ~~(2) September 30 for a second class city;~~

not later than September 30 of each year for the ensuing budget year.

(c) Compensation fixed under this section may ~~not be increased or decreased by the executive~~ during the budget year for which it is fixed. ~~but may be reduced by the executive.~~

(d) Notwithstanding subsection (b), the city clerk may, with the approval of the legislative body, fix the salaries of deputies and employees appointed under IC 36-4-11-4.

SECTION 55. IC 36-4-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. If the city legislative body does not pass the ~~ordinances~~ ordinance required by section 7 of this chapter ~~on or before~~

- ~~(1) September 20 for a third class city; and~~
- ~~(2) September 30 for a second class city;~~

before October 1 of each year, the most recent annual appropriations and annual tax levy are continued for the ensuing budget year.

SECTION 56. IC 36-6-6-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section does not apply to the appropriation of money to pay a deputy, an

employee, or a technical adviser that assists a township assessor with assessment duties or to an elected township assessor.

(b) The township legislative body shall fix the:

- (1) salaries;
- (2) wages;
- (3) rates of hourly pay; and
- (4) remuneration other than statutory allowances;

of all officers and employees of the township.

(c) Subject to subsection (d), the township legislative body may reduce the salary of an elected or appointed official. However, **except as provided in subsection (i)**, the official is entitled to a salary that is not less than the salary fixed for the first year of the term of office that immediately preceded the current term of office.

(d) Except as provided in ~~subsection~~ **subsections (e) and (i)**, the township legislative body may not alter the salaries of elected or appointed officers during the fiscal year for which they are fixed, but it may add or eliminate any other position and change the salary of any other employee, if the necessary funds and appropriations are available.

(e) In a township that does not elect a township assessor under IC 36-6-5-1, the township legislative body may appropriate available township funds to supplement the salaries of elected or appointed officers to compensate them for performing assessing duties. However, in any calendar year no officer or employee may receive a salary and additional salary supplements which exceed the salary fixed for that officer or employee under subsection (b).

(f) If a change in the mileage allowance paid to state officers and employees is established by July 1 of any year, that change shall be included in the compensation fixed for the township executive and assessor under this section, to take effect January 1 of the next year. However, the township legislative body may by ordinance provide for the change in the sum per mile to take effect before January 1 of the next year.

(g) The township legislative body may not reduce the salary of the township executive without the consent of the township executive during the term of office of the township executive as set forth in IC 36-6-4-2.

(h) This subsection applies when a township executive dies or resigns from office. The person filling the vacancy of the township executive shall receive at least the same salary the previous township executive received for the remainder of the unexpired term of office of the township executive (as set forth in IC 36-6-4-2), unless the person consents to a reduction in salary.

(i) In a year in which there is not an election of members to the township legislative body, the township legislative body may by unanimous vote reduce the salaries of the members of the township legislative body by any amount.

SECTION 57. IC 36-7-7.6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following members shall be appointed to the commission:

- (1) A member of the county executive of each county described in section 1 of this chapter, to be appointed by the county executive.
- (2) A member of the county fiscal body of each county described in section 1 of this chapter, to be appointed by the county fiscal body.

(3) The county surveyor of each county described in section 1 of this chapter.

(4) For a county having a population of not more than four hundred thousand (400,000), one (1) person appointed by the executive of each of the eleven (11) largest municipalities.

(5) For a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000), one (1) person appointed by the executive of each of the nineteen (19) largest municipalities.

(6) Beginning July 1, 2007, one (1) person appointed by the trustee of each township that:

(A) is located in a county described in section 1 of this chapter;

(B) has a population of at least eight thousand (8,000); and

(C) does not contain a municipality.

(b) One (1) voting member of the commission shall be appointed by the governor. The member appointed under this subsection may not vote in a weighted vote under section 9 of this chapter.

(c) A member of the commission who is a county surveyor may not vote in a weighted vote under section 9 of this chapter.

SECTION 58. IC 36-7-7.6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) ~~Twenty-six (26)~~ **A majority of the** commission members constitute a quorum.

(b) An action of the commission is official only if both the following apply:

(1) The action is authorized at a regular meeting or a properly called special meeting in which at least one (1) member from each county described in section 1 of this chapter is present.

(2) The action is authorized by:

(A) the affirmative votes of ~~twenty-six (26)~~ **a majority of the** members of the commission; or

(B) a weighted affirmative vote of more than fifty (50) if a motion is made under subsection (c).

(c) The weighted voting authorized under this chapter may not be used after June 30, 2007. Upon a motion by any one (1) member of the commission that is properly seconded by another member at:

(1) a regular meeting; or

(2) a properly called special meeting;

the commission shall use the weighted voting process described in subsection (d).

(d) Until June 30, 2007, each commission member has a weighted vote determined as follows:

(1) In the case of a member appointed by the executive of a municipality, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the municipality as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by one hundred (100).

(2) In the case of a member appointed by the executive of a

county, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(3) In the case of a member appointed by a fiscal body, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the area in the county that is not within a municipality **and is not within a township described in section 4(a)(6) of this chapter** as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

(4) In the case of a member appointed by the trustee of a township under section 4(a)(6) of this chapter, the member's weighted vote is determined in STEP FIVE of the following formula:

STEP ONE: Determine the population of the township as reported by the 2000 decennial census.

STEP TWO: Determine the sum of the population of the counties described in section 1 of this chapter as reported by the 2000 decennial census.

STEP THREE: Divide the number determined in STEP ONE by the number determined in STEP TWO.

STEP FOUR: Round the number determined in STEP THREE to the nearest ten-thousandth (0.0001).

STEP FIVE: Multiply the number determined in STEP FOUR by fifty (50).

SECTION 59. IC 36-7-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter:

"Community organization" means a citizen's group, neighborhood association, neighborhood development corporation, or similar organization that:

(1) has specific geographic boundaries defined in its bylaws or articles of incorporation and contains at least forty (40) households within those boundaries;

(2) is a nonprofit corporation that is representative of at least twenty-five (25) households or twenty percent (20%) of the households in the community, whichever is less;

- (3) is operated primarily for the promotion of social welfare and general neighborhood improvement and enhancement;
- (4) has been incorporated for at least two (2) years; and
- (5) is exempt from taxation under Section 501(c)(3) or 501(c)(4) of the Internal Revenue Code.

"Department" refers to the executive department authorized by ordinance to administer this chapter. In a consolidated city, this department is the department of metropolitan development, subject to IC 36-3-4-23.

"Enforcement authority" refers to the chief administrative officer of the department, except in a consolidated city. In a consolidated city, the division of development services is the enforcement authority, subject to IC 36-3-4-23.

"Hearing authority" refers to a person or persons designated as such by the executive of a city or county, or by the legislative body of a town. However, in a consolidated city, the director of the department or a person designated by ~~him~~ **the director** is the hearing authority. An employee of the enforcement authority may not be designated as the hearing authority.

"Known or recorded fee interest, life estate interest, or equitable interest of a contract purchaser" means any fee interest, life estate interest, or equitable interest of a contract purchaser held by a person whose identity and address may be determined from:

- (1) an instrument recorded in the recorder's office of the county where the unsafe premises is located;**
- (2) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or**
- (3) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.**

"Known or recorded substantial property interest" means any right in real property, including a fee interest, a life estate interest, a future interest, a mortgage interest, or an equitable interest of a contract purchaser, that:

- (1) may be affected in a substantial way by actions authorized by this chapter; and**
- (2) is held by a person whose identity and address may be determined from:**

- (A) an instrument recorded in the recorder's office of the county where the unsafe premises is located;**
- (B) written information or actual knowledge received by the department (or, in the case of a consolidated city, the enforcement authority); or**
- (C) a review of department (or, in the case of a consolidated city, the enforcement authority) records that is sufficient to identify information that is reasonably ascertainable.**

"Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this chapter, including a fee interest, a life estate interest, a future interest, ~~a present possessory interest~~, **a mortgage interest**, or an equitable interest of a contract purchaser. ~~In a consolidated city, the interest reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a substantial property interest unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:~~

- ~~(1) recorded in the office of the county recorder; or~~

- ~~(2) the subject of a written information that is received by the division of development services and includes the name and address of the holder of the interest described;~~

SECTION 60. IC 36-7-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) A hearing must be held relative to each order of the enforcement authority, except for an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter. An order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter becomes final ten (10) days after notice is given, unless a hearing is requested before the ten (10) day period ends by a person holding a fee interest, life estate interest, **mortgage interest**, or equitable interest of a contract purchaser in the unsafe premises. The hearing shall be conducted by the hearing authority.

(b) The hearing shall be held on a business day no earlier than ten (10) days after notice of the order is given. The hearing authority may, however, take action at the hearing, or before the hearing if a written request is received by the enforcement authority not later than five (5) days after notice is given, to continue the hearing to a business day not later than fourteen (14) days after the hearing date shown on the order. Unless the hearing authority takes action to have the continued hearing held on a definite, specified date, notice of the continued hearing must be given to the person to whom the order was issued at least five (5) days before the continued hearing date, in the manner prescribed by section 25 of this chapter. If the order being considered at the continued hearing was served by publication, it is sufficient to give notice of the continued hearing by publication unless the enforcement authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

(c) The person to whom the order was issued, any person having a substantial property interest in the unsafe premises that are the subject of the order, or any other person with an interest in the proceedings may appear in person or by counsel at the hearing. Each person appearing at the hearing is entitled to present evidence, cross-examine opposing witnesses, and present arguments.

(d) At the conclusion of any hearing at which a continuance is not granted, the hearing authority may make findings and take action to:

- (1) affirm the order;
- (2) rescind the order; or
- (3) modify the order, but unless the person to whom the order was issued, or counsel for that person, is present at the hearing, the hearing authority may modify the order in only a manner that makes its terms less stringent.

(e) In addition to affirming the order, in those cases in which the hearing authority finds that there has been a willful failure to comply with the order, the hearing authority may impose a civil penalty in an amount not to exceed five thousand dollars (\$5,000). The effective date of the civil penalty may be postponed for a reasonable period, after which the hearing authority may order the civil penalty reduced or stricken if the hearing authority is satisfied that all work necessary to fully comply with the order has been done. For purposes of an appeal under section 8 of this chapter or enforcement of an order under section 17 of this chapter, action of the hearing authority is considered final upon the affirmation of the order, even though the hearing authority may retain jurisdiction for the ultimate determination ~~of a fine related to the civil penalty. In the hearing authority's exercise of continuing jurisdiction, the hearing~~

authority may, in addition to reducing or striking the civil penalty, impose one (1) or more additional civil penalties in an amount not to exceed five thousand dollars (\$5,000) per civil penalty. An additional civil penalty may be imposed if the hearing authority finds that:

- (1) significant work on the premises to comply with the affirmed order has not been accomplished; and
- (2) the premises have a negative effect on property values or the quality of life of the surrounding area or the premises require the provision of services by local government in excess of the services required by ordinary properties.

~~(e)~~ (f) If, at a hearing, a person to whom an order has been issued requests an additional period to accomplish action required by the order, and shows good cause for this request to be granted, the hearing authority may grant the request. However, as a condition for allowing the additional period, the hearing authority may require that the person post a performance bond to be forfeited if the action required by the order is not completed within the additional period.

~~(f)~~ (g) The board or commission having control over the department shall, at a public hearing, after having given notice of the time and place of the hearing by publication in accordance with IC 5-3-1, adopt a schedule setting forth the maximum amount of performance bonds applicable to various types of ordered action. The hearing authority shall use this schedule to fix the amount of the performance bond required under subsection ~~(e)~~ (f).

~~(g)~~ (h) The record of the findings made and action taken by the hearing authority at the hearing shall be available to the public upon request. However, neither the enforcement authority nor the hearing authority is required to give any person notice of the findings and action.

~~(h)~~ (i) If a civil penalty under subsection ~~(d)~~ (e) is unpaid for more than fifteen (15) days after payment of the civil penalty is due, the civil penalty may be collected from any person against whom the hearing officer assessed the civil penalty or fine. A civil penalty or fine may be collected under this subsection in the same manner as costs under section 13 or 13.5 of this chapter. The amount of the civil penalty or fine that is collected shall be deposited in the unsafe building fund.

SECTION 61. IC 36-7-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) An action taken under section 7(d) or 7(e) of this chapter is subject to review by the circuit or superior court of the county in which the unsafe premises are located, on request of:

- (1) any person who has a substantial property interest in the unsafe premises; or
- (2) any person to whom that order was issued.

(b) A person requesting judicial review under this section must file a verified complaint including the findings of fact and the action taken by the hearing authority. The complaint must be filed within ten (10) days after the date when the action was taken.

(c) An appeal under this section is an action de novo. The court may affirm, modify, or reverse the action taken by the hearing authority.

SECTION 62. IC 36-7-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The enforcement authority may cause the action required by an order issued under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this

chapter to be performed by a contractor if:

- (1) the order has been served, in the manner prescribed by section 25 of this chapter, on each person having a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises that are the subject of the order;
- (2) the order has not been complied with;
- (3) a hearing was not requested under section 5(b)(6) of this chapter, or, if a hearing was requested, the order was affirmed at the hearing; and
- (4) the order is not being reviewed under section 8 of this chapter.

(b) The enforcement authority may cause the action required by an order, other than an order under section 5(a)(2), 5(a)(3), 5(a)(4), or 5(a)(5) of this chapter, to be performed if:

- (1) service of an order **under section 5(a)(1) of this chapter**, in the manner prescribed by section 25 of this chapter, has been made on each person having a **known or recorded** substantial property interest **or present possessory interest** in the unsafe premises that are the subject of the order;

- (2) **service of an order under section 5(a)(6), 5(a)(7), or 5(a)(8) of this chapter, in the manner prescribed by section 25 of this chapter, has been made on each person having a known or recorded substantial property interest in the unsafe premises that are the subject of the order;**

- ~~(2)~~ (3) the order has been affirmed or modified at the hearing in such a manner that all persons having a **known or recorded** substantial property interest, **and persons holding a present possessory interest, as required**, in the unsafe premises that are the subject of the order are currently subject to an order requiring the accomplishment of substantially identical action;
- ~~(3)~~ (4) the order, as affirmed or modified at the hearing, has not been complied with; and

- ~~(4)~~ (5) the order is not being reviewed under section 8 of this chapter.

(c) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement by publication and indicate that the enforcement authority intends to perform the work, unless the authority has received information in writing that enables it to make service under section 25 of this chapter by a method other than publication.

SECTION 63. IC 36-7-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The work required by an order of the enforcement authority may be performed in the following manner:

- (1) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the cost of this work is estimated to be less than ten thousand dollars (\$10,000), the department, acting through the unit's enforcement authority or other agent, may perform the work by means of the unit's own workers and equipment owned or leased by the unit. Notice that this work is to be performed must be given to all persons with a **known or recorded** substantial property interest, in the manner prescribed in subsection (c), at least ten (10) days before the date of performance of the work by the enforcement authority. This notice must include a statement that an amount representing a

reasonable estimate of the cost incurred by the enforcement authority in processing the matter and performing the work may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.

(2) If the work is being performed under an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, and if the estimated cost of this work is ten thousand dollars (\$10,000) or more, this work must be let at public bid to a contractor licensed and qualified under law. The obligation to pay costs imposed by section 12 of this chapter is based on the condition of the unsafe premises at the time the public bid was accepted. Changes occurring in the condition of the unsafe premises after the public bid was accepted do not eliminate or diminish this obligation.

(3) If the work is being performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter, the work may be performed by a contractor who has been awarded a base bid contract to perform the work for the enforcement authority, or by the department, acting through the unit's enforcement authority or other governmental agency and using the unit's own workers and equipment owned or leased by the unit. Work performed under an order issued under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter may be performed without further notice to the persons holding a fee interest, life estate interest, or equitable interest of a contract purchaser, and these persons are liable for the costs incurred by the enforcement authority in processing the matter and performing the work, as provided by section 12 of this chapter.

(b) Bids may be solicited and accepted for work on more than one (1) property if the bid reflects an allocation of the bid amount among the various unsafe premises in proportion to the work to be accomplished. The part of the bid amount attributable to each of the unsafe premises constitutes the basis for calculating the part of the costs described by section 12(a)(1) of this chapter.

(c) All persons who have a **known or recorded** substantial property interest in the unsafe premises and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter must be notified about the public bid in the manner prescribed by section 25 of this chapter, by means of a written statement including:

- (1) the name of the person to whom the order was issued;
- (2) a legal description or address of the unsafe premises that are the subject of the order;
- (3) a statement that a contract is to be let at public bid to a licensed contractor to accomplish work to comply with the order;
- (4) a description of work to be accomplished;
- (5) a statement that both the bid price of the licensed contractor who accomplishes the work and an amount representing a reasonable estimate of the cost incurred by the enforcement authority in processing the matter of the unsafe premises may, if not paid, be recorded after a hearing as a lien against all persons having a fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises;
- (6) the time of the bid opening;
- (7) the place of the bid opening; and

(8) the name, address, and telephone number of the enforcement authority.

(d) If the notice of the statement that public bids are to be let is served by publication, the publication must include the information required by subsection (c), except that it need only include a general description of the work to be accomplished. The publication must also state that a copy of the statement of public bid may be obtained from the enforcement authority.

(e) Notice of the statement that public bids are to be let must be given, at least ten (10) days before the date of the public bid, to all persons who have a **known or recorded** substantial property interest in the property and are subject to an order other than an order under section 5(a)(2), 5(a)(3), or 5(a)(4) of this chapter.

(f) If action is being taken under this section on the basis of an order that was served by publication, it is sufficient to serve the statement that public bids are to be let by publication, unless the enforcement authority has received information in writing that enables the unit to make service under section 25 of this chapter by a method other than publication.

SECTION 64. IC 36-7-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after the completion of the work, the enforcement authority does not act under section 13.5 of this chapter, and the enforcement authority determines that there is a reasonable probability of obtaining recovery, the enforcement authority shall prepare a record stating:

- (1) the name and last known address of each person who held a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises from the time the order requiring the work to be performed was recorded to the time that the work was completed;
- (2) the legal description or address of the unsafe premises that were the subject of work;
- (3) the nature of the work that was accomplished;
- (4) the amount of the unpaid bid price of the work that was accomplished; and
- (5) the amount of the unpaid average processing expense.

The record must be in a form approved by the state board of accounts.

(b) The enforcement authority, or its head, shall swear to the accuracy of the record before the clerk of the circuit court and deposit the record in the clerk's office. Notice that the record has been filed and that a hearing on the amounts indicated in the record may be held must be sent **in the manner prescribed by section 25 of this chapter to all of the following:**

- (1) The persons named in the record. ~~in the manner prescribed by section 25 of this chapter.~~
- (2) **Any mortgagee that has a known or recorded substantial property interest.**

(c) If, within thirty (30) days after the notice required by subsection (b), a person named in the record **or a mortgagee** files with the clerk of the circuit court a written petition objecting to the claim for payment and requesting a hearing, the clerk shall enter the cause on the docket of the circuit or superior court as a civil action, and a hearing shall be held on the question in the manner prescribed by IC 4-21.5. However, issues that could have been determined under

section 8 of this chapter may not be entertained at the hearing. At the conclusion of the hearing, the court shall either sustain the petition or enter a judgment against the persons named in the record for the amounts recorded or for modified amounts.

(d) If no petition is filed under subsection (c), the clerk of the circuit court shall enter the cause on the docket of the court and the court shall enter a judgment for the amounts stated in the record.

(e) A judgment under subsection (c) or (d), to the extent that it is not satisfied under IC 27-2-15, is a debt and a lien on all the real and personal property of the person named, or a joint and several debt and lien on the real and personal property of the persons named **in the record prepared under subsection (a)**. The lien on real property is perfected against all creditors and purchasers when the judgment is entered on the judgment docket of the court. The lien on personal property is perfected by filing a lis pendens notice in the appropriate filing office, as prescribed by the Indiana Rules of Trial Procedure.

(f) Judgments rendered under this section may be enforced in the same manner as all other judgments are enforced.

SECTION 65. IC 36-7-9-13.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.5. (a) This section does not apply to the collection of an amount if a court determines under section 13 of this chapter that the enforcement authority is not entitled to the amount.

(b) If all or any part of the costs listed in section 12 of this chapter remain unpaid for any unsafe premises (other than unsafe premises owned by a governmental entity) for more than fifteen (15) days after completion of the work, the enforcement authority may send notice under section 25 of this chapter to each person who held a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises. **If the notice is sent, the enforcement authority shall also send notice to any mortgagee with a known or recorded substantial property interest.** The notice must require full payment of the amount owed within thirty (30) days.

(c) If full payment of the amount owed is not made less than thirty (30) days after the notice is delivered, the enforcement officer may certify the following information to the county auditor:

- (1) The name of each person who held a **known or recorded** fee interest, life estate interest, or equitable interest of a contract purchaser in the unsafe premises.
- (2) The description of the unsafe premises, as shown by the records of the county auditor.
- (3) The amount of the delinquent payment, including all costs described in section 12 of this chapter.

(d) The county auditor shall place the total amount certified under subsection (c) on the tax duplicate for the affected property as a special assessment. The total amount, including accrued interest, shall be collected as delinquent taxes are collected.

(e) An amount collected under subsection (d), after all other taxes have been collected and disbursed, shall be disbursed to the unsafe building fund.

(f) A judgment entered under section 13, **19, 21, or 22** of this chapter may be **certified to the auditor and** collected under this section. However, a judgment lien need not be obtained under section 13 of this chapter before a debt is certified under this section.

SECTION 66. IC 36-7-9-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The

enforcement authority shall establish in its operating budget a fund designated as the unsafe building fund. Any balance remaining at the end of a fiscal year shall be carried over in the fund for the following year and does not revert to the general fund.

(b) Money for the unsafe building fund may be received from any source, including appropriations by local, state, or federal governments, and donations. The following money shall be deposited in the fund:

- (1) Money received as payment for or settlement of obligations or judgments established under sections 9 through 13 and 17 through 22 of this chapter.
- (2) Money received from bonds posted under section 7 of this chapter.
- (3) Money received in satisfaction of receivers' notes or certificates that were issued under section 20 of this chapter and were purchased with money from the unsafe building fund.
- (4) Money received for payment or settlement of civil penalties **or fines** imposed under section 7 of this chapter.
- (5) Money received from the collection of special assessments under section 13.5 of this chapter.

(c) Money in the unsafe building fund may be used for the expenses incurred in carrying out the purposes of this chapter, including:

- (1) the cost of obtaining reliable information about the identity and location of each person who owns a substantial property interest in unsafe premises;
- (2) the cost of an examination of an unsafe building by a registered architect or registered engineer not employed by the department;
- (3) the cost of surveys necessary to determine the location and dimensions of real property on which an unsafe building is located;
- (4) the cost of giving notice of orders, notice of statements of rescission, notice of continued hearing, and notice of statements that public bids are to be let in the manner prescribed by section 25 of this chapter;
- (5) the bid price of work by a contractor under section 10 or sections 17 through 22 of this chapter;
- (6) the cost of emergency action under section 9 of this chapter; and
- (7) the cost of notes or receivers' certificates issued under section 20 of this chapter.

(d) Payment of money from the unsafe building fund must be made in accordance with applicable law.

SECTION 67. IC 36-7-9-18.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18.1. (a) **A court acting under section 17 of this chapter may condition the granting of a period of time to accomplish the action required by an order on the posting of a performance bond that will be forfeited if the action required by the order is not completed within the period the court allows. Before granting a period of time that is conditioned on the posting of a bond, the court may require that the requesting person justify the request with a workable and financially supported plan. If the court determines that a significant amount of work must be accomplished to comply with the order, the court may require that the bond specify interim completion standards and provide that the bond is forfeited if any**

of these interim completion standards are not substantially met.

(b) An amount collected under subsection (a) on a forfeited bond shall be deposited in the unsafe building fund.

SECTION 68. IC 36-7-9-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. (a) A court acting under section 17 of this chapter may impose a civil **forfeiture penalty** not to exceed ~~one five~~ thousand dollars (~~\$1,000~~) (**\$5,000**) against any person if the conditions of section 18 of this chapter are met. The **forfeiture penalty** imposed may not be substantially less than the cost of complying with the order, unless that cost exceeds ~~one two~~ thousand **five hundred** dollars (~~\$1,000~~) (**\$2,500**). The effective date of the **forfeiture penalty** may be postponed for a period not to exceed thirty (30) days, after which the court may order the **forfeiture penalty** reduced or stricken if it is satisfied that all work necessary to fully comply with the order has been done.

(b) On request of the enforcement authority the court shall enter a judgment in the amount of the **forfeiture penalty**. If there is more than one (1) party defendant, the **forfeiture penalty** is separately applicable to each defendant. The amount of a **forfeiture penalty** that is collected shall be deposited in the unsafe building fund.

SECTION 69. IC 36-7-9-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) Notice of orders, notice of continued hearings without a specified date, notice of a statement that public bids are to be let, and notice of claims for payment must be given by:

- (1) sending a copy of the order or statement by registered or certified mail to the residence or place of business or employment of the person to be notified, with return receipt requested;
- (2) delivering a copy of the order or statement personally to the person to be notified; or
- (3) leaving a copy of the order or statement at the dwelling or usual place of abode of the person to be notified **and sending by first class mail a copy of the order or statement to the last known address of the person to be notified.**

(b) If ~~after a reasonable effort~~, service is not obtained by a means described in subsection (a) **and the hearing authority concludes that a reasonable effort has been made to obtain service**, service may be made by publishing a notice of the order or statement in accordance with IC 5-3-1 in the county where the unsafe premises are located. However, publication may be made on consecutive days. If service of an order is made by publication, the publication must include the information required by subdivisions (1), (2), (4), (5), (6), (7), and (9) of section 5(b) of this chapter, and must also include a statement indicating generally what action is required by the order and that the exact terms of the order may be obtained from the enforcement authority. **The hearing authority may make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a) on the basis of information provided by the department (or, in the case of a consolidated city, the enforcement authority). The hearing authority is not required to make the determination at a hearing. The hearing authority must make the determination in writing.**

(c) When service is made by any of the means described in this section, except by mailing or by publication, the person making service must make an affidavit stating that he has made the service, the manner in which service was made, to whom the order or

statement was issued, the nature of the order or statement, and the date of service. The affidavit must be placed on file with the enforcement authority.

(d) The date when notice of the order or statement is considered given is as follows:

- (1) If the order or statement is delivered personally or left at the dwelling or usual place of abode, notice is considered given on the day when the order or statement is delivered to the person or left at ~~his~~ **the person's** dwelling or usual place of abode.
- (2) If the order or statement is mailed, notice is considered given on the date shown on the return receipt, or, if no date is shown, on the date when the return receipt is received by the enforcement authority.
- (3) Notice by publication is considered given on the date of the second day that publication was made.

~~(e) Notice of orders, notice of continued hearings without a specified date, and notice of a statement that public bids are to be let need not be given to a person holding a property interest in an unsafe premises if:~~

- ~~(1) no instrument reflecting the property interest held by the person is recorded in the recorder's office of the county where the unsafe premises is located;~~
- ~~(2) the order or statement was recorded in accordance with section 26 of this chapter; and~~
- ~~(3) the enforcement authority has received neither written information nor actual notice of the identity of the person who holds a property interest in the unsafe premises.~~

(e) A person with a property interest in an unsafe premises who fails to does not:

- (1) record an instrument reflecting an the interest in his unsafe premises in the recorder's office of the county where the unsafe premises is located; or**
- (2) if an instrument reflecting the interest is not recorded, provide to the department (or, in the case of a consolidated city, the enforcement authority) in writing the person's name and address and the location of the unsafe premises;**

is considered to consent to reasonable action taken under this chapter relative to which for which notice would be required and relinquish a claim to notice would otherwise be given: under this chapter.

(f) The department (or, in the case of a consolidated city, the enforcement authority) may, for the sake of administrative convenience, publish notice under subsection (b) at the same time notice is attempted under subsection (a). If published notice is given as described in subsection (b), the hearing authority shall subsequently make a determination about whether a reasonable effort has been made to obtain service by the means described in subsection (a).

SECTION 70. IC 36-7-14-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.5. (a) This section applies to the following:

(1) Real property:

- (A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and**
- (B) relative to which the commission has, at a public hearing, decided that the real property is not needed to**

complete the redevelopment activity, an economic development activity, or urban renewal activity in the project area.

(2) Real property acquired under this chapter that is not in a redevelopment project area, economic development area, or an urban renewal project area.

(3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

(4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 32.5 of this chapter.

(b) The commission may do the following to or for real property described in subsection (a):

(1) Examine, classify, manage, protect, insure, and maintain the property.

(2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.

(3) Control the use of the property.

(4) Lease the property.

(5) Use any powers under section 12.2 of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

(1) In accordance with section 22, 22.2, 22.6, or 22.7 of this chapter.

(2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17.

(f) In disposing of real property under subsection (e), the commission may:

(1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and

(2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 71. IC 36-7-14-22.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.6. (a) As used in this section, "abutting landowner" means an owner of property that:

(1) touches, borders on, or is contiguous to the property that is the subject of sale; and

(2) does not constitute a:

(A) public easement; or

(B) public right-of-way.

(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

(1) appraisal fees;

(2) title insurance;

(3) recording fees; and

(4) advertising costs.

(c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission may proceed under this section.

(d) The commission may determine that:

(1) the highest and best use of the tract is sale to an abutting landowner;

(2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or

(3) it is economically unjustifiable to sell the tract under section 22 of this chapter.

(e) Not more than ten (10) days after the commission makes a determination under subsection (d), the commission shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:

(1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and

(2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:

(A) beneficiary of the trust; and

(B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.

(g) If, not more than ten (10) days after the date of publication of the notice under subsection (e), the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 22(f), 22(g), and 22(i) of this chapter.

(h) Notwithstanding subsection (g), if not more than ten (10) days after the date of publication of the notice under subsection (e) the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

(1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.

(2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).

(3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the tract under IC 36-1-11-16.

SECTION 72. IC 36-7-14-22.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22.7. (a) The commission may dispose of real property to which section 22.5 of this chapter applies by following the procedure set forth in this section.

(b) The commission shall first have the property appraised by two (2) appraisers. The appraisers must be:

- (1) persons who are professionally engaged in making appraisals;
- (2) persons who are licensed under IC 25-34.1; or
- (3) employees of the political subdivision familiar with the value of the property.

The appraisers shall make a joint appraisal of the property.

(c) The commission may:

- (1) negotiate a sale or transfer; and
- (2) dispose of the property;

at a value that is not less than the appraised value determined under subsection (b).

(d) Disposal of real property under this chapter is subject to the approval of the commission. The commission may not approve a disposal of property without conducting a public hearing after giving notice under IC 5-3-1.

(e) In addition to any other reason for disapproving a disposal of property under this section, the commission may disapprove a sale of a tract of residential property to any bidder who does not by affidavit declare that the bidder will reside on that property for at least one (1) year after the bidder obtains possession of the property.

SECTION 73. IC 36-7-15.1-15.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.5. (a) This section applies to the following:

(1) Real property:

- (A) that was acquired by the commission to carry out a redevelopment project, an economic development area project, or an urban renewal project; and
- (B) relative to which the commission has, at a public hearing, decided that the real property is not needed to complete the redevelopment activity, an economic development area activity, or urban renewal activity in the project area.

(2) Real property acquired under this chapter that is not in a redevelopment project area, an economic development area, or an urban renewal project area.

(3) Parcels of property secured from the county under IC 6-1.1-25-9(e) that were acquired by the county under IC 6-1.1-24 and IC 6-1.1-25.

(4) Real property donated or transferred to the commission to be held and disposed of under this section.

However, this section does not apply to property acquired under section 22.5 of this chapter.

(b) The commission may do the following to or for real property described in subsection (a):

- (1) Examine, classify, manage, protect, insure, and maintain the property.
- (2) Eliminate deficiencies (including environmental deficiencies), carry out repairs, remove structures, and make improvements.
- (3) Control the use of the property.
- (4) Lease the property.
- (5) Use any powers under section 7(a) or 7(b) of this chapter in relation to the property.

(c) The commission may enter into contracts to carry out part or all of the functions described in subsection (b).

(d) The commission may extinguish all delinquent taxes, special assessments, and penalties relative to real property donated to the commission to be held and disposed of under this section. The commission shall provide the county auditor with a list of the real property on which delinquent taxes, special assessments, and penalties are extinguished under this subsection.

(e) Real property described in subsection (a) may be sold, exchanged, transferred, granted, donated, or otherwise disposed of in any of the following ways:

- (1) In accordance with section 15, 15.1, 15.2, 15.6, or 15.7 of this chapter.
- (2) In accordance with the provisions authorizing an urban homesteading program under IC 36-7-17.

(f) In disposing of real property under subsection (e), the commission may:

- (1) group together properties for disposition in a manner that will best serve the interest of the community, from the standpoint of both human and economic welfare; and
- (2) group together nearby or similar properties to facilitate convenient disposition.

SECTION 74. IC 36-7-15.1-15.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.6. (a) As used in this section, "abutting landowner" means an owner of property that:

- (1) touches, borders on, or is contiguous to the property that is the subject of sale; and
- (2) does not constitute a:
 - (A) public easement; or
 - (B) public right-of-way.

(b) As used in this section, "offering price" means the appraised value of real property plus all costs associated with the sale, including:

- (1) appraisal fees;
- (2) title insurance;
- (3) recording fees; and
- (4) advertising costs.

(c) If the assessed value of a tract of real property to be sold is less than fifteen thousand dollars (\$15,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission may proceed under this section.

(d) The commission may determine that:

- (1) the highest and best use of the tract is sale to an abutting landowner;
- (2) the cost to the public of maintaining the tract equals or exceeds the estimated fair market value of the tract; or
- (3) it is economically unjustifiable to sell the tract under section 15 of this chapter.

(e) Not more than ten (10) days after the commission makes a determination under subsection (d), the commission shall publish a notice in accordance with IC 5-3-1 identifying the tracts intended for sale by legal description and, if possible, by key number and street address. The notice must also include the offering price and a statement that:

- (1) the property may not be sold to a person who is ineligible under IC 36-1-11-16; and
- (2) an offer to purchase the property submitted by a trust (as defined in IC 30-4-1-1(a)) must identify each:
 - (A) beneficiary of the trust; and
 - (B) settlor empowered to revoke or modify the trust.

At the time of publication of notice under this subsection, the commission shall send notice by certified mail to all abutting landowners. This notice shall contain the same information as the published notice.

(f) The commission shall also have each tract appraised. The appraiser must be a person who is professionally engaged in making appraisals, a person licensed under IC 25-34.1, or an employee of the political subdivision who is familiar with the value of the tract. However, if the assessed value of a tract is less than six thousand dollars (\$6,000), based on the most recent assessment of the tract or of the tract of which it was a part before it was acquired, the commission is not required to have the tract appraised.

(g) If, not more than ten (10) days after the date of publication of the notice under subsection (e), the commission receives one (1) or more eligible offers to purchase a tract listed in the notice at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract under section 15(f), 15(g), and 15(i) of this chapter.

(h) Notwithstanding subsection (g), if not more than ten (10) days after the date of publication of the notice under subsection (e) the commission does not receive from any person other than an abutting landowner an eligible offer to purchase the tract at or in excess of the offering price, the commission shall conduct the negotiation and sale of the tract as follows:

- (1) If only one (1) eligible abutting landowner makes an eligible offer to purchase the tract, then subject to IC 36-1-11-16 and without further appraisal or notice, the commission shall offer to negotiate for the sale of the tract with that abutting landowner.
- (2) If more than one (1) eligible abutting landowner submits an eligible offer to purchase the tract, the tract shall be sold to the eligible abutting landowner who submits the highest eligible offer for the tract and who complies with any requirement under subsection (e)(2).
- (3) If no eligible abutting landowner submits an eligible offer to purchase the tract, the commission may sell the tract to any person who submits the highest eligible offer for the tract, except a person who is ineligible to purchase the

tract under IC 36-1-11-16.

SECTION 75. IC 36-7-15.1-15.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15.7. (a) The commission may dispose of real property to which section 15.5 of this chapter applies by following the procedure set forth in this section.

(b) The commission shall first have the property appraised by two (2) appraisers. The appraisers must be:

- (1) persons professionally engaged in making appraisals;
- (2) persons licensed under IC 25-34.1; or
- (3) employees of the political subdivision familiar with the value of the property.

The appraisers shall make a joint appraisal of the property.

(c) The commission may:

- (1) negotiate a sale or transfer; and
- (2) dispose of the property;

at a value that is not less than the appraised value determined under subsection (b).

(d) Disposal of real property under this chapter is subject to the approval of the commission. The commission may not approve a disposal of property without conducting a public hearing after giving notice under IC 5-3-1.

(e) In addition to any other reason for disapproving a disposal of property under this section, the commission may disapprove a sale of a tract of residential property to any bidder who does not by affidavit declare that the bidder will reside on that property for at least one (1) year after the bidder obtains possession of the property.

SECTION 76. IC 36-7-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The agency designated or established in section 2 of this chapter may acquire real property in the name of the unit, for use as provided in this chapter.

(b) Under IC 6-1.1-24-4.5, the county auditor shall provide a list of real property on which one (1) or more installments of taxes are delinquent.

(c) Under IC 6-1.1-25-1 and IC 6-1.1-25-4, the agency may acquire the deed for real property purchased at tax sale for the purposes of this chapter one hundred twenty (120) days after the date of sale, after compliance with the notice provisions of IC 6-1.1-25-4.5.

~~(d) Under IC 6-1.1-24-6.5, the agency may acquire the deed for real property that was offered for sale but for which an adequate bid under IC 6-1.1-24-5(c) was not received by identifying the properties that the agency desires to acquire for urban homesteading or redevelopment purposes.~~

~~(e) (d)~~ Under IC 6-1.1-25-7.5, the agency may acquire the deed for real property for which the holder of the certificate of sale has failed to request that the county auditor execute and deliver a deed within one hundred twenty (120) days after issuance of the certificate.

~~(f) (e)~~ In addition to real property acquired through tax sale for the purposes of this chapter, the agency may acquire real property by purchase or gift.

SECTION 77. IC 36-7-17-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) A property for which no one applies in two (2) successive drawings held under this chapter may be sold at public auction to the highest bidder.

(b) The proceeds of the sale of real property acquired under ~~IC 6-1.1-24-6.5~~ or IC 6-1.1-25-7.5 shall be applied to the cost of the

sale, including advertising and appraisal.

(c) If any proceeds remain after payment of the costs under subsection (b), the proceeds shall be applied to the payment of taxes removed from the tax duplicate under ~~IC 6-1.1-24-6.5(c)~~ or IC 6-1.1-25-7.5(e).

(d) If any proceeds remain after payment of the taxes under subsection (c), the proceeds shall be deposited in the county general fund.

SECTION 78. IC 36-8-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A majority of the members of the safety board constitutes a quorum. The board shall adopt rules concerning the time of holding regular and special meetings and of giving notice of them. The board shall elect one (1) of its members chairman, who holds the position as long as prescribed by the rules of the board. The board shall record all of its proceedings.

(b) The members of the safety board may act only as a board. No member may bind the board or the city except by resolution entered in the records of the board authorizing ~~him~~ **the member** to act in its behalf as its authorized agent.

(c) The safety board shall appoint:

- (1) the members and other employees of the police department other than those in an upper level policymaking position;
- (2) the members and other employees of the fire department other than those in an upper level policymaking position;
- (3) a market master; and
- (4) other officials that are necessary for public safety purposes.

(d) The annual compensation of all members of the police and fire departments and other appointees shall be fixed by ordinance of the legislative body ~~before~~

~~(1) September 20 for a second class city; and~~

~~(2) September 20 for a third class city;~~

not later than September 30 of each year for the ensuing budget year. The ordinance may grade the members of the departments and regulate their pay by rank as well as by length of service. If the legislative body fails to adopt an ordinance fixing the compensation of members of the police or fire department, the safety board may fix their compensation, subject to change by ordinance.

(e) The safety board, subject to ordinance, may also fix the number of members of the police and fire departments and the number of appointees for other purposes and may, subject to law, adopt rules for the appointment of members of the departments and for their government.

(f) The safety board shall divide the city into police precincts and fire districts.

(g) The police chief has exclusive control of the police department, and the fire chief has exclusive control of the fire department, subject to the rules and orders of the safety board. In time of emergency, the police chief and the fire chief are, for the time being, subordinate to the city executive and shall obey ~~his~~ **the city executive's** orders and directions, notwithstanding any law or rule to the contrary.

SECTION 79. IC 36-9-3-5, AS AMENDED BY P.L.114-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An authority is under the control of a board (referred to as "the board" in this chapter) that, except as provided in subsections (b) and (c), consists of:

(1) two (2) members appointed by the executive of each county in the authority;

(2) one (1) member appointed by the executive of the largest municipality in each county in the authority;

(3) one (1) member appointed by the executive of each second class city in a county in the authority; and

(4) one (1) member from any other political subdivision that has public transportation responsibilities in a county in the authority.

(b) An authority that includes a consolidated city is under the control of a board consisting of the following:

(1) Two (2) members appointed by the executive of the county having the consolidated city.

(2) One (1) member appointed by the board of commissioners of the county having the consolidated city.

(3) One (1) member appointed by the executive of each other county in the authority.

(4) Two (2) members appointed by the governor from a list of at least five (5) names provided by the Indianapolis regional transportation council.

(5) One (1) member representing the four (4) largest municipalities in the authority located in a county other than a county containing a consolidated city. The member shall be appointed by the executives of the municipalities acting jointly.

(6) One (1) member representing the excluded cities located in a county containing a consolidated city that are members of the authority. The member shall be appointed by the executives of the excluded cities acting jointly.

(7) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member.

(c) An authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000) is under the control of a board consisting of the following ~~sixteen (16)~~ **twenty-one (21)** members:

(1) Three (3) members appointed by the executive of a city with a population of more than ninety thousand (90,000) but less than one hundred five thousand (105,000).

(2) Two (2) members appointed by the executive of a city with a population of more than seventy-five thousand (75,000) but less than ninety thousand (90,000).

(3) One (1) member jointly appointed by the executives of the following municipalities located within a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) A city with a population of more than five thousand one hundred thirty-five (5,135) but less than five thousand two hundred (5,200).

(B) A city with a population of more than thirty-two thousand (32,000) but less than thirty-two thousand eight hundred (32,800).

(4) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

- (A) A town with a population of more than fifteen thousand (15,000) but less than twenty thousand (20,000).
- (B) A town with a population of more than twenty-three thousand (23,000) but less than twenty-four thousand (24,000).
- (C) A town with a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).
- (5) One (1) member who is jointly appointed by the fiscal body of the following municipalities located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) A town with a population of more than eight thousand (8,000) but less than nine thousand (9,000).
 - (B) A town with a population of more than twenty-four thousand (24,000) but less than thirty thousand (30,000).
 - (C) A town with a population of more than twelve thousand five hundred (12,500) but less than fifteen thousand (15,000).
- (6) One (1) member who is jointly appointed by the following authorities of municipalities located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) The executive of a city with a population of more than nineteen thousand eight hundred (19,800) but less than twenty-one thousand (21,000).
 - (B) The fiscal body of a town with a population of more than nine thousand (9,000) but less than twelve thousand five hundred (12,500).
 - (C) The fiscal body of a town with a population of more than five thousand (5,000) but less than eight thousand (8,000).
 - (D) The fiscal body of a town with a population of less than one thousand five hundred (1,500).
 - (E) The fiscal body of a town with a population of more than two thousand two hundred (2,200) but less than five thousand (5,000).
- (7) One (1) member appointed by the fiscal body of a town with a population of more than thirty thousand (30,000) located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (8) One (1) member who is jointly appointed by the following authorities of municipalities that are located within a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):
 - (A) The executive of a city having a population of more than twenty-five thousand (25,000) but less than twenty-seven thousand (27,000).
 - (B) The executive of a city having a population of more than thirteen thousand nine hundred (13,900) but less than fourteen thousand two hundred (14,200).
 - (C) The fiscal body of a town having a population of more than one thousand five hundred (1,500) but less than two thousand two hundred (2,200).
- (9) Three (3) members appointed by the fiscal body of a county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
- (10) One (1) member appointed by the county executive of a

- county with a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).
 - (11) One (1) member of a labor organization representing employees of the authority who provide public transportation services within the geographic jurisdiction of the authority. The labor organization shall appoint the member. If more than one (1) labor organization represents the employees of the authority, each organization shall submit one (1) name to the governor, and the governor shall appoint the member from the list of names submitted by the organizations.
 - (12) The executive of a city with a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-eight thousand (28,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.
 - (13) The executive of a city with a population of more than thirty-three thousand (33,000) but less than thirty-six thousand (36,000), located within a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), or the executive's designee.
 - (14) One (1) member of the board of commissioners of a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), appointed by the board of commissioners, or the member's designee.
 - (15) One (1) member appointed jointly by the township executive of the township containing the following towns:**
 - (A) Chesterton.**
 - (B) Porter.**
 - (C) Burns Harbor.**
 - (D) Dune Acres.****The member appointed under this subdivision must be a resident of a town listed in this subdivision.**
 - (16) One (1) member appointed jointly by the township executives of the following townships located in Porter County:**
 - (A) Washington Township.**
 - (B) Morgan Township.**
 - (C) Pleasant Township.**
 - (D) Boone Township.**
 - (E) Union Township.**
 - (F) Porter Township.**
 - (G) Jackson Township.**
 - (H) Liberty Township.**
 - (I) Pine Township.****The member appointed under this subdivision must be a resident of a township listed in this subdivision.**
- SECTION 80. IC 36-9-3-9, AS AMENDED BY P.L.114-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A majority of the members appointed to the board constitutes a quorum for a meeting.
- (b) Except as provided in ~~subsections~~ **subsection (c), and (d)**, the board may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.
 - (c) If the authority includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred

thousand (700,000), then:

- (1) an affirmative vote of a majority of the board is necessary for an action to be taken; and
- (2) a vacancy in membership does not impair the right of a quorum to exercise all rights and perform all duties of the board.

(d) This section applies to an authority that includes a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). A member described in section 5(c)(12), 5(c)(13), or 5(c)(14) of this chapter may not vote on the distribution or payment of money by the authority unless a county with a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) pays to the authority the county's share of the authority's budget under this chapter and as agreed by the counties participating in the authority.

SECTION 81. IC 36-9-30-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. When the execution of a lease is authorized under section 25 of this chapter, the board shall give at least ~~thirty (30)~~ **ten (10)** days' notice of the date upon which the lease will be executed. The notice shall be published one (1) time in the manner prescribed by IC 5-3-1. An action to contest the validity of the lease or to enjoin the performance of any of the terms and conditions of the lease may not be brought after the execution of the lease.

SECTION 82. IC 36-9-39.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 39.1. Alternative Assessment Financing for Municipal Sewage Works

Sec. 1. This chapter applies to all municipalities.

Sec. 2. As used in this chapter, "board" means the following:

- (1) A board described in IC 36-9-23-5.
- (2) A board described in IC 36-9-25-2.

Sec. 3. As used in this chapter, "fund" refers to a sewer improvement and extension fund established under section 5 of this chapter.

Sec. 4. If a board wants to construct, repair, extend, or improve a sewage works, the board may adopt a resolution providing that the construction, repair, extension, or improvement will be financed under this chapter.

Sec. 5. (a) A municipality may adopt an ordinance establishing a sewer improvement and extension fund to finance the construction, repair, extension, or improvement of a sewage works.

(b) A fund consists of the following:

- (1) A special assessment imposed and collected under section 7 of this chapter. However, a special assessment imposed and collected under any other statute may not be deposited in the fund.
- (2) An appropriation to the fund, including an appropriation made from taxes levied by a municipal legislative body for the construction, repair, extension, or improvement of a sewage works.

Sec. 6. (a) The legislative body of a municipality that establishes a fund may appropriate money from the municipal general fund and transfer the money to the fund.

(b) During the fiscal year in which a municipality establishes

a fund, the legislative body of the municipality may make an emergency appropriation from the municipal general fund and transfer the money to the fund.

Sec. 7. (a) A board may adopt an ordinance or a resolution to appropriate money from funds under the board's control to pay for all or part of the cost of the construction, repair, extension, or improvement of a sewage works.

(b) Any costs not paid under subsection (a) must be paid by:

- (1) an assessment imposed under subsection (c) against the benefited properties; or
- (2) a contract under IC 36-9-22.

Any interest or penalties attributable to an assessment under this section must be deposited in the fund.

(c) The board may adopt a resolution to impose an assessment to finance the construction, repair, extension, or improvement of a sewage works. The assessment must be imposed and collected as provided by the street and sewer improvement statutes.

Sec. 8. (a) A contract for the construction, repair, extension, or improvement of a sewage works is subject to the statutes authorizing municipalities to make and finance public improvements.

(b) Upon awarding a contract for the construction, repair, extension, or improvement of a sewage works under this chapter, a board shall:

- (1) carefully compute the entire cost of the construction, repair, extension, or improvement, including payments to the contractor and all incidental costs, expenses, and damages paid and incurred according to law; and
- (2) prepare and make out an assessment roll listing the assessments against the properties benefited.

In determining and fixing the amount of assessments, the giving of notice of assessments, the holding of public hearings, and the making of final determinations, subject to the right of appeal from those determinations, the board is governed by the street and sewer improvement statutes.

(c) An assessment under this chapter is a lien against the benefited property from the time of the letting of the contract and shall be collected in the manner provided for collection of Barrett Law assessments.

(d) The board shall fix a period of not more than twenty (20) years within which the assessments shall be paid.

(e) A property owner liable for an assessment may execute a waiver in the manner provided by the street and sewer improvement statutes to pay the assessment in annual installments over a period fixed by the board.

(f) All payments under this chapter are deposited into the fund.

SECTION 83. THE FOLLOWING ARE REPEALED [EFFECTIVE JANUARY 1, 2007]: IC 6-1.1-24-4.1; IC 6-1.1-24-5.5; IC 6-1.1-24-6.5.

SECTION 84. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-20-21-4; IC 12-20-23; IC 12-20-24-2; IC 12-20-24-3; IC 12-20-24-4.

SECTION 85. [EFFECTIVE UPON PASSAGE] **(a)** As used in this SECTION, "member" refers to a person appointed under subsection (c)(3) or (c)(4) or to a legislator whose district includes all or part of Lake County, Porter County, LaPorte County, St. Joseph County, or Elkhart County.

(b) The northwest Indiana transportation study commission is established.

(c) The commission consists of fourteen (14) voting members appointed as follows:

(1) Six (6) members of the senate, not more than three (3) of whom may be members of the same political party, appointed by the president pro tempore of the senate.

(2) Six (6) members of the house of representatives, not more than three (3) of whom may be members of the same political party, appointed by the speaker of the house of representatives.

(3) One (1) individual who is not a legislator, appointed by the northwestern Indiana regional planning commission.

(4) One (1) individual who is not a legislator, appointed by the Michiana Area Council of Governments.

(d) The chairman of the legislative council shall select one (1) member of the commission to serve as chairperson of the commission, and the vice chairman of the legislative council shall select one (1) member of the commission to serve as vice chairperson of the commission.

(e) The commission shall:

(1) monitor the development of commuter transportation and rail service in the Lowell-Chicago and Valparaiso-Chicago corridors;

(2) study all aspects of regional mass transportation and road and highway needs in Lake County, Porter County, LaPorte County, St. Joseph County, and Elkhart County;

(3) study northwest Indiana transportation, infrastructure, and economic development issues; and

(4) study other topics as assigned by the legislative council.

(f) The commission shall submit a final report of the commission's findings and recommendations to the legislative council before November 1, 2009. The report must be in an electronic format under IC 5-14-6.

(g) The commission shall operate under the rules of the legislative council.

(h) This SECTION expires November 2, 2009.

SECTION 86. An emergency is declared for this act.

(Reference is to EHB 1102 as reprinted February 28, 2006, and as corrected under Senate rule 33(c) adopted March 1, 2006.)

Ayres, Chair

Lawson

Stevenson

Lewis

House Conferees

Senate Conferees

Roll Call 379: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1114-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1114 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 24-5-15-2 IS AMENDED TO READ AS

FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this chapter, "credit services organization" means a person that, with respect to the extension of credit by another person, sells, provides, performs, or represents that the person can or will sell, provide, or perform, in return for the payment of money or other valuable consideration, any of the following services:

(1) Improving a buyer's credit record, credit history, or credit rating.

(2) Obtaining an extension of credit for a buyer.

(3) Obtaining a delay or forbearance of a buyer's obligation under a mortgage.

~~(4)~~ (4) Providing advice or assistance to a buyer concerning the services described in subdivision (1), ~~or~~ (2), or ~~both~~ (3).

(b) The term "credit services organization" does not include any of the following:

(1) A person authorized to make loans or extensions of credit under state or federal laws that is subject to regulation and supervision under state or federal laws, or a lender approved by the United States Secretary of Housing and Urban Development for participation in a mortgage insurance program under the federal National Housing Act (12 U.S.C. 1701 et seq.).

(2) A bank or savings association or a subsidiary of a bank or savings association that has deposits or accounts that are eligible for insurance by the Federal Deposit Insurance Corporation.

(3) A credit union doing business in Indiana.

(4) A nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

(5) A person licensed as a real estate broker under IC 25-34.1 if the person is acting within the course and scope of the person's license.

(6) A person admitted to the practice of law in Indiana if the person is acting within the course and scope of the person's practice as an attorney.

(7) A broker-dealer registered with the Securities and Exchange Commission or the Commodity Futures Trading Commission if the broker-dealer is acting within the course and scope of the broker-dealer's regulation.

(8) A consumer reporting agency (as defined in the Federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.)).

SECTION 2. IC 24-5-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "extension of credit" means the right to:

(1) defer payment of debt ~~or offered or granted primarily for personal, family, or household purposes;~~

(2) incur debt and defer payment of the debt offered or granted primarily for personal, family, or household purposes; **or**

(3) delay or avoid foreclosure on a buyer's residence.

SECTION 3. IC 24-5-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The following are deceptive acts:

(1) To charge or receive money or other valuable consideration before the complete performance of services that a credit services organization has agreed to perform for or on behalf of a consumer, unless the credit services organization has under section 8 of this chapter:

(A) obtained a surety bond issued by a surety company admitted to do business in Indiana; or

(B) established an irrevocable letter of credit.

(2) To charge or receive money or other valuable consideration to refer a buyer to a retail seller that will or may extend credit to the buyer if the extension of credit is made upon substantially the same terms as those available to the general public.

(3) To make or to advise a buyer to make a statement with respect to the buyer's creditworthiness, credit standing, or credit capacity that is:

(A) false or misleading; or

(B) that should be known by the exercise of reasonable care to be false or misleading;

to a consumer reporting agency or to a person that has extended credit to the buyer or to whom the buyer is applying for an extension of credit.

(4) To make or use a false or misleading representation in an offer to sell or a sale of the services of a credit services organization, including:

(A) guaranteeing to "erase bad credit" or using words to that effect unless the representation clearly discloses that this can be done only if a person's credit history is inaccurate or obsolete;

(B) guaranteeing an extension of credit regardless of the buyer's previous credit history unless the representation clearly discloses the eligibility requirements for obtaining the extension of credit; or

(C) requiring a buyer to waive a right protected by a state or federal law.

(5) To take a power of attorney from a buyer for any purpose other than inspecting documents as provided by law.

SECTION 4. IC 24-5-15-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Before doing business in Indiana, a credit services organization must obtain a surety bond in the amount of ~~ten~~ **twenty-five** thousand dollars ~~(\$10,000)~~ **(\$25,000)**, issued by a surety company authorized to do business in Indiana in favor of the state for the benefit of a person that is damaged by a violation of this chapter.

(b) The attorney general may waive the bonding requirement under subsection (a) and, instead of the bond, accept an irrevocable letter of credit for an equivalent amount issued in favor of the state for the benefit of a person that is damaged by a violation of this chapter.

SECTION 5. IC 27-7-3.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.6. Title Insurance Enforcement Fund

Sec. 1. The title insurance enforcement fund is established for the following purposes:

(1) To provide supplemental funding for department operations that are related to title insurance.

(2) To pay the costs of hiring and employing staff in the area of enforcement of title insurance law.

Sec. 2. The title insurance enforcement fund shall be administered by the commissioner. The expenses of administering the title insurance enforcement fund shall be paid from money in the fund.

Sec. 3. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.

Sec. 4. Money in the fund at the end of a state fiscal year does not revert to the state general fund.

Sec. 5. The budget agency may augment the appropriation for the department of insurance from balances in the fund.

Sec. 6. The following shall be deposited in the title insurance enforcement fund:

(1) Policy reporting fees remitted by title insurers to the commissioner under section 7 of this chapter.

(2) All fines, monetary penalties, and costs imposed upon persons by the department as authorized by law for violation of IC 27-7-3.5.

(3) Other amounts remitted to the commissioner or the department that are required by law to be deposited into the title insurance enforcement fund.

Sec. 7. (a) A person that purchases a title insurance policy shall pay to the title insurer that issues the title insurance policy a fee of five dollars (\$5) as a fee for the title insurance enforcement fund at the time of payment for the title insurance policy.

(b) A title insurer shall:

(1) retain two dollars (\$2) of the fee collected under subsection (a) as an administrative fee; and

(2) pay to the department three dollars (\$3) of the fee collected under subsection (a) for deposit in the title insurance enforcement fund.

SECTION 6. IC 32-21-1-17 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 17. A conveyance of land may incorporate by reference a recorded covenant, restriction, easement, or other encumbrance on the use of the land with a clause that is substantially similar to either of the following:**

(1) "Subject to the _____ (insert the type of encumbrance) recorded on _____ (insert the date of recording) in _____ (insert the book and page number on which the encumbrance is recorded or the instrument number in which the encumbrance is recorded)."

(2) "Subject to _____ (insert the type of encumbrance) of record."

SECTION 7. IC 32-21-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 1. In any suit to establish title to land or real estate, possession of the land or real estate is not adverse to the owner in a manner as to establish title or rights in and to the land or real estate unless the adverse possessor or claimant pays and discharges all taxes and special assessments that the adverse possessor or claimant reasonably believes in good faith to be due on the land or real estate during the period the adverse possessor or claimant claims to have possessed the land or real estate adversely. However, this section does not relieve any adverse possessor or claimant from proving all the elements of title by adverse possession required by law.**

SECTION 8. IC 33-37-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the clerk receives payment or credit from the institution responsible for making the payment or credit.**

(b) The clerk may contract with a bank or credit card vendor for acceptance of bank or credit cards. ~~However, Subject to subsection (d), if there is a vendor transaction charge or discount fee, whether billed to the clerk or charged directly to the clerk's account, the clerk shall collect a credit card service fee equal to the vendor transaction charge or discount fee from the person using the bank or credit card. shall collect a fee from the person using the bank card or credit card.~~ The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(c) Subject to subsection (d), the clerk may contract with a payment processing company, which may collect a transaction fee from the person using the bank card or credit card. The fee collected under this section is a permitted additional charge to the money the clerk is required to collect under section 1(1) of this chapter.

(d) The clerk shall collect and deposit in the appropriate fund an amount not less than the amount the clerk would collect and deposit if the clerk received payment by a means other than a bank card or credit card.

SECTION 9. IC 36-2-7-10 IS AMENDED TO READ AS FOLLOW [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county recorder shall tax and collect the fees prescribed by this section for recording, filing, copying, and other services the recorder renders, and shall pay them into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other recording fees required by law to be charged for services rendered by the county recorder.

(b) The county recorder shall charge the following:

- (1) Six dollars (\$6) for the first page and two dollars (\$2) for each additional page of any document the recorder records if the pages are not larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (2) Fifteen dollars (\$15) for the first page and five dollars (\$5) for each additional page of any document the recorder records, if the pages are larger than eight and one-half (8 ½) inches by fourteen (14) inches.
- (3) For attesting to the release, partial release, or assignment of any mortgage, judgment, lien, or oil and gas lease contained on a multiple transaction document, the fee for each transaction after the first is the amount provided in subdivision (1) plus the amount provided in subdivision (4) and one dollar (\$1) for marginal mortgage assignments or marginal mortgage releases.
- (4) One dollar (\$1) for each cross-reference of a recorded document.
- (5) One dollar (\$1) per page not larger than eight and one-half (8 1/2) inches by fourteen (14) inches for furnishing copies of records produced by a photographic process, and two dollars (\$2) per page that is larger than eight and one-half (8 1/2) inches by fourteen (14) inches.
- (6) Five dollars (\$5) for acknowledging or certifying to a document.
- (7) Five dollars (\$5) for each deed the recorder records, in addition to other fees for deeds, for the county surveyor's corner perpetuation fund for use as provided in IC 32-19-4-3 or IC 36-2-12-11(e).
- (8) A fee in an amount authorized under IC 5-14-3-8 for transmitting a copy of a document by facsimile machine.

(9) A fee in an amount authorized by an ordinance adopted by the county legislative body for duplicating a computer tape, a computer disk, an optical disk, microfilm, or similar media. This fee may not cover making a handwritten copy or a photocopy or using xerography or a duplicating machine.

(10) A supplemental fee of three dollars (\$3) for recording a document that is paid at the time of recording. The fee under this subdivision is in addition to other fees provided by law for recording a document.

(11) Three dollars (\$3) for each mortgage on real estate recorded, in addition to other fees required by this section, distributed as follows:

(A) Fifty cents (\$0.50) is to be deposited in the recorder's record perpetuation fund.

(B) Two dollars and fifty cents (\$2.50) is to be distributed to the auditor of state on or before June 20 and December 20 of each year as provided in IC 24-9-9-3.

(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.

~~(c)~~ **(d)** The county treasurer shall establish a recorder's records perpetuation fund. All revenue received under subsection (b)(5), (b)(8), (b)(9), and (b)(10), and fifty cents (\$0.50) from revenue received under subsection (b)(11), shall be deposited in this fund. The county recorder may use any money in this fund without appropriation for the preservation of records and the improvement of record keeping systems and equipment.

~~(d)~~ **(e)** As used in this section, "record" or "recording" includes the functions of recording, filing, and filing for record.

~~(e)~~ **(f)** The county recorder shall post the fees set forth in subsection (b) in a prominent place within the county recorder's office where the fee schedule will be readily accessible to the public.

~~(f)~~ **(g)** The county recorder may not tax or collect any fee for:

- (1) recording an official bond of a public officer, a deputy, an appointee, or an employee; or
- (2) performing any service under any of the following:
 - (A) IC 6-1.1-22-2(c).
 - (B) IC 8-23-7.
 - (C) IC 8-23-23.
 - (D) IC 10-17-2-3.
 - (E) IC 10-17-3-2.
 - (F) IC 12-14-13.
 - (G) IC 12-14-16.

~~(g)~~ **(h)** The state and its agencies and instrumentalities are required to pay the recording fees and charges that this section prescribes.

SECTION 10. IC 36-2-7-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10.1. (a) As used in this section, "bulk form" means:

- (1) a copy of all recorded documents received by the county recorder for recording in a calendar day, week, month, or year;
- (2) the indices for finding, retrieving, and viewing all recorded documents received by the county recorder for recording in a calendar day, week, month, or year; or
- (3) both subdivisions (1) and (2).

(b) As used in this section, "bulk user" means an individual, a corporation, a partnership, a limited liability company, or an unincorporated association that purchases bulk form copies. However,

"bulk user" does not include an individual, a corporation, a partnership, a limited liability company, or an unincorporated association whose primary purpose is to resell public records.

(c) As used in this section, "copy" means:

- (1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or
- (2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) The county recorder shall collect the fees prescribed by this section for the sale of recorded documents in bulk form copies to bulk users of public records. The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

- (1) Five cents (\$0.05) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.
- (2) Five cents (\$0.05) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) The county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving, and viewing the recorded documents in an electronic or a digitized format, a reasonable effort shall be made to provide the bulk user with bulk form copies in a standard, generally acceptable, readable format. Upon request of the bulk user, the county recorder shall provide the bulk form copies to the bulk user within a reasonable time after the recorder's archival process is completed and bulk form copies become available in the office of the county recorder.

(j) Bulk form copies under this section may be used:

- (1) in the ordinary course of the business of the bulk user; and
- (2) by customers of the bulk user.

The bulk user may charge its customers a fee for using the bulk form copies obtained by the bulk user. However, bulk form copies obtained by a bulk user under this section may not be resold.

(k) All revenue generated by the county recorder under this section

shall be deposited in the recorder's record perpetuation fund and used by the recorder in accordance with ~~IC 36-2-7-10(c)~~; **section 10(c) of this chapter.**

(l) This section does not apply to enhanced access under IC 5-14-3-3.

SECTION 11. IC 36-2-7.5-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.5. This chapter does not apply to a federal lien on real property or federal tax lien on personal property as described in IC 36-2-11-25.**

SECTION 12. IC 36-2-7.5-2, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "redacting technology" refers to technology that has the ability to:

- (1) search recorded **and** filed documents; and
- (2) redact Social Security numbers from recorded **and** filed documents.

SECTION 13. IC 36-2-7.5-4, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. A document may not be submitted to the county recorder for recording **or** filing if the document contains the Social Security number of an individual, unless required by law.

SECTION 14. IC 36-2-7.5-5, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) An individual preparing a document for recording **or** filing shall **affirm, under the penalties for perjury, that the individual has:**

- (1) reviewed the entire document before submitting the document for recording for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers; and
- (2) taken reasonable care to redact each Social Security number in the document.

(b) An individual shall make the affirmation required under subsection (a) on a form prescribed by the state board of accounts: **make the affirmation and statement required by IC 36-2-11-15(c) and IC 36-2-11-15(d).**

SECTION 15. IC 36-2-7.5-6, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) ~~A county recorder may not accept a document for recording without the completed and executed form described in section 5 of this chapter attached to the document. A form attached to a document under this subsection is considered part of the document for purposes of the fee charged under subsection (b) in accordance with IC 36-2-7-10.~~

(b) (a) The county recorder shall charge a **two dollar (\$2) county identification security protection fee** for recording **or** filing a document under this chapter in accordance with ~~IC 36-2-7-10~~; **addition to the fees required by IC 36-2-7-10(b)(1) through IC 36-2-7-10(b)(11).**

(c) (b) The county recorder shall deposit two dollars (\$2) of the fee charged under subsection (b) (a) in the county identification security protection fund established by section 11 of this chapter. This subsection expires July 1, 2011.

SECTION 16. IC 36-2-7.5-7, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 7. The state board of accounts shall establish reasonable procedures for a county recorder to follow:

- (1) when receiving and reviewing a document submitted for recording **or filing**; and
- (2) in order to comply with this chapter.

SECTION 17. IC 36-2-7.5-8, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) This section applies after December 31, 2007.

(b) To the extent ~~possible~~, **practicable and as permitted by law**, a county recorder may not disclose a recorded **or filed** document for public inspection under IC 5-14-3 until the county recorder has:

- (1) searched the document for a Social Security number; and
- (2) to the extent ~~possible~~, **practicable**, redacted any Social Security numbers contained in the document;

using redacting technology.

SECTION 18. IC 36-2-7.5-9, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. A county recorder shall post a notice in the county recorder's office that states the:

- (1) duties of:
 - (A) an individual preparing **or reviewing** a document for recording **or filing**; and
 - (B) the county recorder;
 under this chapter; and
- (2) penalties under section 12 of this chapter.

SECTION 19. IC 36-2-7.5-11, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) As used in this section, "fund" refers to a county identification security protection fund established under subsection (b).

(b) Each county legislative body shall establish an identification security protection fund to be administered by the county recorder. The county fiscal body shall appropriate money from the fund.

(c) A fund consists of money deposited in the fund under section ~~66(c)~~ **6(b)** of this chapter. Money in a fund does not revert to the county general fund.

(d) A county recorder may use money in the fund only to purchase, upgrade, implement, or maintain redacting technology used in the office of the county recorder.

SECTION 20. IC 36-2-7.5-12, AS ADDED BY P.L.91-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) This section applies after June 30, 2008.

(b) A county recorder or an employee of a county recorder who **knowingly, intentionally, or recklessly** discloses a recorded **or filed** document that contains a Social Security number without having the document searched, to the extent technologically ~~possible~~, **practicable and as permitted by law**, using redacting technology commits a Class A infraction.

SECTION 21. IC 36-2-11-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section does not apply to:

- (1) an instrument executed before July 1, 1959, or recorded before July 26, 1967;
- (2) a judgment, order, or writ of a court;

(3) a will or death certificate; ~~or~~

(4) an instrument executed or acknowledged outside Indiana; **or**
(5) a federal lien on real property or a federal tax lien on personal property, as described in section 25 of this chapter.

(b) The recorder may receive for record or filing an instrument that conveys, creates, encumbers, assigns, or otherwise disposes of an interest in or lien on property only if:

- (1) the name of the person and governmental agency, if any, that prepared the instrument is printed, typewritten, stamped, or signed in a legible manner at the conclusion of the instrument; **and**
- (2) **all Social Security numbers in the document are redacted, unless required by law.**

(c) An instrument complies with ~~this section subsection (b)(1)~~ if it contains a statement in the following form: "This instrument was prepared by (name).".

(d) An instrument complies with subsection (b)(2) if it contains a statement in the following form: "I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. (name)".

SECTION 22. IC 36-2-11-25 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 25. (a) This section applies to:

- (1) a lien arising under Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq. (commonly known as the Superfund Law); and
- (2) any other federal lien on real property or any federal tax lien on personal property provided for in the statutes or regulations of the United States.

In order for a lien covered by this section to be perfected, notice of the lien must be filed in the office of the recorder of the county in which the real or personal property subject to the lien is located.

(b) When a notice of a lien covered by this section is presented to the recorder for filing, the recorder shall enter it appropriately in the entry book and in the miscellaneous record. The entries made under this subsection must show the date of filing, the book and page number or instrument number, the name of the person named in the notice, a legal description of the property, if appropriate, and any serial number or other identifying number given in the notice.

(c) When a certificate of discharge of a federal lien covered by this section is issued by the proper officer and presented for filing in the office of the recorder of the county where the notice of lien was filed, the recorder shall record the certificate of discharge as a release of the lien. However, to be recorded under this subsection, the certificate must refer to the recorder's book and page number or instrument number under which the lien was recorded.

(d) When recording a release of a lien under subsection (c), the recorder shall inscribe, in the margin of each entry made to record the lien under subsection (a), a reference to the place where the release is recorded.

(e) Upon the recording of the certificate of discharge as a release under subsection (c) and the inscribing of the references to the release under subsection (d), a certificate of discharge of a lien covered by this section operates as a full discharge and satisfaction of the lien, unless the references to the release inscribed under subsection (d) specifically note the release as a partial lien release.

(f) A federal lien on real property and a federal tax lien on personal property are not subject to the:

- (1) requirement to redact Social Security numbers as described in IC 36-2-7.5-1.5; or**
- (2) requirements to include statements in a recorded or filed instrument as described in section 15(c) and 15(d) of this chapter.**

SECTION 23. IC 36-2-11-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 27. (a) A payment to the county recorder for any purpose may be made by any of the following financial instruments that the county recorder authorizes to use:**

- (1) Cash.**
- (2) Check.**
- (3) Bank draft.**
- (4) Money order.**
- (5) Bank card or credit card.**
- (6) Electronic funds transfer.**
- (7) Any other financial instrument authorized by the county recorder.**

(b) If there is a charge to the county recorder for the use of a financial instrument other than a bank card or credit card, the county recorder shall collect a sum equal to the amount of the charge from the person who uses the financial instrument.

(c) The county recorder may contract with a bank card or credit card vendor for acceptance of bank cards or credit cards. A payment made under this chapter does not finally discharge the person's liability, and the person has not paid the liability until the county recorder receives payment or credit from the institution responsible for making the payment or credit. Subject to subsection (e), if there is a vendor transaction card or discount fee, whether billed to the county recorder or charged directly to the county recorder's account, the county recorder shall collect a fee from the person using the bank card or credit card. The fee is a permitted charge under IC 24-4.5-3-202.

(d) Subject to subsection (e), the county recorder may contract with a payment processing company, which may collect a transaction fee from the person using the bank card or credit card.

(e) The county recorder shall collect and deposit in the appropriate fund an amount not less than the amount the county recorder would collect and deposit if the county recorder received payment by a means other than a bank card or credit card.

(f) Funds described in subsection (c) may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 24. **An emergency is declared for this act.**

(Reference is to EHB 1114 as reprinted March 3, 2006.)

Foley, Chair	Steele
Van Haaften	Broden
House Conferees	Senate Conferees

Roll Call 380: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1155-1

Madam President: Your Conference Committee appointed to

confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1155 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 1.** As used in this chapter:

"Criminal justice" includes activities concerning:

- (1) the prevention or reduction of criminal offenses;
- (2) the enforcement of criminal law;
- (3) the apprehension, prosecution, and defense of persons accused of crimes;
- (4) the disposition of convicted persons, including corrections, rehabilitation, probation, and parole; and
- (5) the participation of members of the community in corrections.

"Entitlement jurisdictions" include the state and certain local governmental units as defined in Section 402(a) of the Omnibus Act.

"Institute" means the Indiana criminal justice institute.

"Juvenile justice" includes activities concerning:

- (1) the prevention or reduction of juvenile delinquency;
- (2) the apprehension and adjudication of juvenile offenders;
- (3) the disposition of juvenile offenders including protective techniques and practices;
- (4) the prevention of child abuse and neglect; and
- (5) the discovery, protection, and disposition of children in need of services.

"Juvenile Justice Act" means the Juvenile Justice and Delinquency Prevention Act of 1974 and any amendments made to that act.

"Local governmental entities" include:

- (1) trial courts; and
- (2) political subdivisions (as defined in IC 36-1-2-13).

~~"Offender" has the meaning set forth in IC 5-2-12-4.~~

"Omnibus Act" means the Omnibus Crime Control and Safe Streets Act of 1968 and any amendments made to that act.

"Trustees" refers to the board of trustees of the institute.

SECTION 2. IC 5-2-6-3, AS AMENDED BY P.L.192-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.** The institute is established to do the following:

- (1) Evaluate state and local programs associated with:
 - (A) the prevention, detection, and solution of criminal offenses;
 - (B) law enforcement; and
 - (C) the administration of criminal and juvenile justice.
- (2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.
- (3) Stimulate criminal and juvenile justice research.
- (4) Develop new methods for the prevention and reduction of crime.
- (5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.
- (6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

~~(10) Establish and maintain, in cooperation with the office of the secretary of family and social services, a sex and violent offender directory.~~

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

~~(12) Prescribe or approve forms as required under IC 5-2-12.~~

~~(13) Provide judges, law enforcement officers, prosecuting attorneys, parole officers, and probation officers with information and training concerning the requirements in IC 5-2-12 and the use of the sex and violent offender directory.~~

~~(14)~~ **(12)** Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

SECTION 3. IC 5-2-6-14, AS AMENDED BY P.L.64-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The victim and witness assistance fund is established. The institute shall administer the fund. Except as provided in subsection (e), expenditures from the fund may be made only in accordance with appropriations made by the general assembly.

(b) The source of the victim and witness assistance fund is the family violence and victim assistance fund established by IC 12-18-5-2.

(c) The institute may use money from the victim and witness assistance fund when awarding a grant or entering into a contract under this chapter, if the money is used for the support of a program in the office of a prosecuting attorney or in a state or local law enforcement agency designed to:

(1) help evaluate the physical, emotional, and personal needs of a victim resulting from a crime, and counsel or refer the victim to those agencies or persons in the community that can provide the services needed;

(2) provide transportation for victims and witnesses of crime to attend proceedings in the case when necessary; or

(3) provide other services to victims or witnesses of crime when necessary to enable them to participate in criminal proceedings without undue hardship or trauma.

(d) Money in the victim and witness assistance fund at the end of a particular fiscal year does not revert to the general fund.

(e) The institute may use money in the fund to:

(1) pay the costs of administering the fund, including expenditures for personnel and data;

(2) ~~establish and maintain support the Indiana sex and violent offender directory registry under IC 5-2-12; IC 11-8-8;~~

(3) provide training for persons to assist victims; and

(4) establish and maintain a victim notification system under

IC 11-8-7 if the department of correction establishes the system.

SECTION 4. IC 10-13-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "criminal history data" means information collected by criminal justice agencies, the United States Department of Justice for the department's information system, or individuals.

(b) The term consists of the following:

(1) Identifiable descriptions and notations of arrests, indictments, informations, or other formal criminal charges.

(2) Information regarding a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12; IC 11-8-8.~~

(3) Any disposition, including sentencing, and correctional system intake, transfer, and release.

SECTION 5. IC 10-13-3-27, AS AMENDED BY P.L.234-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) Except as provided in subsection (b), on request, a law enforcement ~~agencies~~ **agency** shall release ~~or allow inspection of~~ a limited criminal history to **or allow inspection of a limited criminal history by** noncriminal justice organizations or individuals only if the subject of the request:

(1) has applied for employment with a noncriminal justice organization or individual;

(2) has applied for a license and **has provided** criminal history data as required by law to be provided in connection with the license;

(3) is a candidate for public office or a public official;

(4) is in the process of being apprehended by a law enforcement agency;

(5) is placed under arrest for the alleged commission of a crime;

(6) has charged that the subject's rights have been abused repeatedly by criminal justice agencies;

(7) is the subject of a judicial decision or determination with respect to the setting of bond, plea bargaining, sentencing, or probation;

(8) has volunteered services that involve contact with, care of, or supervision over a child who is being placed, matched, or monitored by a social services agency or a nonprofit corporation;

(9) is currently residing in a location designated by the department of child services (established by IC 31-33-1.5-2) or by a juvenile court as the out-of-home placement for a child at the time the child will reside in the location;

(10) has volunteered services at a public school (as defined in IC 20-18-2-15) or nonpublic school (as defined in IC 20-18-2-12) that involve contact with, care of, or supervision over a student enrolled in the school;

(11) is being investigated for welfare fraud by an investigator of the division of family resources or a county office of family and children;

(12) is being sought by the parent locator service of the child support bureau of the division of family and children;

(13) is or was required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12; IC 11-8-8;~~ or

(14) has been convicted of any of the following:

(A) Rape (IC 35-42-4-1), if the victim is less than eighteen

(18) years of age.

- (B) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (C) Child molesting (IC 35-42-4-3).
- (D) Child exploitation (IC 35-42-4-4(b)).
- (E) Possession of child pornography (IC 35-42-4-4(c)).
- (F) Vicarious sexual gratification (IC 35-42-4-5).
- (G) Child solicitation (IC 35-42-4-6).
- (H) Child seduction (IC 35-42-4-7).
- (I) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (J) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.

However, limited criminal history information obtained from the National Crime Information Center may not be released under this section except to the extent permitted by the Attorney General of the United States.

(b) A law enforcement agency shall allow inspection of a limited criminal history by and release a limited criminal history to the following noncriminal justice organizations:

- (1) Federally chartered or insured banking institutions.
- (2) Officials of state and local government for any of the following purposes:
 - (A) Employment with a state or local governmental entity.
 - (B) Licensing.
- (3) Segments of the securities industry identified under 15 U.S.C. 78q(f)(2).

(c) Any person who uses limited criminal history for any purpose not specified under this section commits a Class A misdemeanor.

SECTION 6. IC 10-13-3-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) Except as provided in subsection (c), on request for release or inspection of a limited criminal history, law enforcement agencies may, if the agency has complied with the reporting requirements in section 24 of this chapter, and the department shall do the following:

- (1) Require a form, provided by law enforcement agencies and the department, to be completed. The form shall be maintained for two (2) years and shall be available to the record subject upon request.
- (2) Collect a three dollar (\$3) fee to defray the cost of processing a request for inspection.
- (3) Collect a seven dollar (\$7) fee to defray the cost of processing a request for release. However, law enforcement agencies and the department may not charge the fee for requests received from the parent locator service of the child support bureau of the division of family and children.

(b) Law enforcement agencies and the department shall edit information so that the only information released or inspected is information that:

- (1) has been requested; and
- (2) is limited criminal history information.

(c) The fee required under subsection (a) shall be waived if the request relates to the **Indiana sex and violent offender directory registry** under ~~IC 5-2-6~~ **IC 11-8-8** or concerns a person required to register as a sex ~~and violent~~ offender under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 7. IC 10-13-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "juvenile history data" means information collected by

criminal or juvenile justice agencies or individuals about a child who is alleged to have committed a reportable act and consists of the following:

- (1) Descriptions and notations of events leading to the taking of the child into custody by a juvenile justice agency for a reportable act allegedly committed by the child.
- (2) A petition alleging that the child is a delinquent child.
- (3) Dispositional decrees concerning the child that are entered under IC 31-37-19 (or IC 31-6-4-15.9 before its repeal).
- (4) The findings of a court determined after a hearing is held under IC 31-37-20-2 or IC 31-37-20-3 (or IC 31-6-4-19(h) or IC 31-6-4-19(i) before their repeal) concerning the child.
- (5) Information:

(A) regarding a child who has been adjudicated a delinquent child for committing an act that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult; and

(B) that is obtained through sex ~~and violent~~ offender registration under ~~IC 5-2-12~~ **IC 11-8-8**.

SECTION 8. IC 10-13-6-10, AS AMENDED BY P.L.142-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) This section applies to the following:

(1) A person convicted of a felony under IC 35-42 (offenses against the person) or IC 35-43-2-1 (burglary):

- (A) after June 30, 1996, whether or not the person is sentenced to a term of imprisonment; or
- (B) before July 1, 1996, if the person is held in jail or prison on or after July 1, 1996.

(2) A person convicted of a criminal law in effect before October 1, 1977, that penalized an act substantially similar to a felony described in IC 35-42 or IC 35-43-2-1 or that would have been an included offense of a felony described in IC 35-42 or IC 35-43-2-1 if the felony had been in effect:

- (A) after June 30, 1998, whether or not the person is sentenced to a term of imprisonment; or
- (B) before July 1, 1998, if the person is held in jail or prison on or after July 1, 1998.

(3) A person convicted of a felony, conspiracy to commit a felony, or attempt to commit a felony:

- (A) after June 30, 2005, whether or not the person is sentenced to a term of imprisonment; or
- (B) before July 1, 2005, if the person is held in jail or prison on or after July 1, 2005.

(b) A person described in subsection (a) shall provide a DNA sample to the:

(1) department of correction or the designee of the department of correction if the offender is committed to the department of correction; ~~or~~

(2) county sheriff or the designee of the county sheriff if the offender is held in a county jail or other county penal facility, placed in a community corrections program (as defined in IC 35-38-2.6-2), or placed on probation; ~~or~~

(3) **agency that supervises the person, or the agency's designee, if the person is on conditional release in accordance with IC 35-38-1-27.**

A person is not required to submit a blood sample if doing so would

present a substantial and an unreasonable risk to the person's health.

(c) The detention, arrest, or conviction of a person based on a data base match or data base information is not invalidated if a court determines that the DNA sample was obtained or placed in the Indiana DNA data base by mistake.

SECTION 9. IC 10-13-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The superintendent may issue specific guidelines relating to procedures for DNA sample collection and shipment within Indiana for DNA identification testing.

(b) The superintendent shall issue specific guidelines related to procedures for DNA sample collection and shipment by the:

- (1) county sheriff or designee of the county sheriff under section 10(b)(2) of this chapter; or
- (2) **supervising agency or designee of the supervising agency under section 10(b)(3) of this chapter.**

The superintendent shall provide each county sheriff **and supervising agency** with the guidelines issued under this subsection. A county sheriff **and supervising agency** shall collect and ship DNA samples in compliance with the guidelines issued under this subsection.

(c) The superintendent may delay the implementation of the collection of DNA samples under section 10(b)(2) **or 10(b)(3)** of this chapter in one (1) or more counties until the earlier of the following:

- (1) A date set by the superintendent.
- (2) The date funding becomes available by grant through the criminal justice institute.

If the superintendent delays implementation of section 10(b)(2) **or 10(b)(3)** of this chapter or terminates a delay under section 10(b)(2) **or 10(b)(3)** of this chapter in any county, the superintendent shall notify the county sheriff in writing of the superintendent's action.

SECTION 10. IC 11-8-2-12 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2006]: **Sec. 12. The department shall do the following:**

- (1) **Maintain the Indiana sex offender registry established under IC 36-2-13-5.5.**
- (2) **Prescribe and approve a format for sex offender registration as required by IC 11-8-8.**
- (3) **Provide:**
 - (A) judges;
 - (B) law enforcement officials;
 - (C) prosecuting attorneys;
 - (D) parole officers;
 - (E) probation officers; and
 - (F) community corrections officials;

with information and training concerning the requirements of IC 11-8-8 and the use of the Indiana sex offender registry.

(4) **Upon request of a neighborhood association:**

- (A) **transmit to the neighborhood association information concerning sex offenders who reside near the location of the neighborhood association; or**
- (B) **provide instructional materials concerning the use of the Indiana sex offender registry to the neighborhood association.**

SECTION 11. IC 11-8-2-13 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS**

[EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) The Indiana sex offender registry established under IC 36-2-13-5.5 and maintained by the department under section 12 of this chapter must include the names of each offender who is or has been required to register under IC 11-8-8.**

(b) The department shall do the following:

- (1) **Ensure that the Indiana sex offender registry is updated at least once per day with information provided by a local law enforcement authority (as defined in IC 11-8-8-2).**
- (2) **Publish the Indiana sex offender registry on the Internet through the computer gateway administered by the office of technology established by IC 4-13.1-2-1, and ensure that the Indiana sex offender registry displays the following or similar words:**

"Based on information submitted to law enforcement, a person whose name appears in this registry has been convicted of a sex offense or has been adjudicated a delinquent child for an act that would be a sex offense if committed by an adult."

SECTION 12. IC 11-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The department may, under IC 4-22-2, classify as confidential the following personal information maintained on a person who has been committed to the department or who has received correctional services from the department:

- (1) Medical, psychiatric, or psychological data or opinion which might adversely affect that person's emotional well-being.
- (2) Information relating to a pending investigation of alleged criminal activity or other misconduct.
- (3) Information which, if disclosed, might result in physical harm to that person or other persons.
- (4) Sources of information obtained only upon a promise of confidentiality.
- (5) Information required by law or promulgated rule to be maintained as confidential.

(b) The department may deny the person about whom the information pertains and other persons access to information classified as confidential under subsection (a). However, confidential information shall be disclosed:

- (1) upon the order of a court;
- (2) to employees of the department who need the information in the performance of their lawful duties;
- (3) to other agencies in accord with IC 4-1-6-2(m) and IC 4-1-6-8.5;
- (4) to the governor or the governor's designee;
- (5) for research purposes in accord with IC 4-1-6-8.6(b);
- (6) to the department of correction ombudsman bureau in accord with IC 11-11-1.5; or
- (7) if the commissioner determines there exists a compelling public interest as defined in IC 4-1-6-1, for disclosure which overrides the interest to be served by nondisclosure.

(c) The department shall disclose information classified as confidential under subsection (a)(1) to a physician, psychiatrist, or psychologist designated in writing by the person about whom the information pertains.

(d) The department may disclose confidential information to the following:

- (1) A provider of sex offender management, treatment, or programming.
- (2) A provider of mental health services.
- (3) Any other service provider working with the department to assist in the successful return of an offender to the community following the offender's release from incarceration.

(e) This subsection does not prohibit the department from sharing information available on the Indiana sex offender registry with another person.

SECTION 13. IC 11-8-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 8. Sex Offender Registration

Sec. 1. As used in this chapter, "correctional facility" has the meaning set forth in IC 4-13.5-1-1.

Sec. 2. As used in this chapter, "local law enforcement authority" means the:

- (1) chief of police of a consolidated city; or
- (2) sheriff of a county that does not contain a consolidated city.

Sec. 3. As used in this chapter, "principal residence" means the residence where a sex offender spends the most time. The term includes a residence owned or leased by another person if the sex offender:

- (1) does not own or lease a residence; or
- (2) spends more time at the residence owned or leased by the other person than at the residence owned or leased by the sex offender.

Sec. 4. As used in this chapter, "register" means to provide a local law enforcement authority with the information required under section 8 of this chapter.

Sec. 5. (a) As used in this chapter, "sex offender" means a person convicted of any of the following offenses:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual misconduct with a minor as a Class A, Class B, or Class C felony (IC 35-42-4-9).
- (9) Incest (IC 35-46-1-3).
- (10) Sexual battery (IC 35-42-4-8).
- (11) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
- (12) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.
- (13) Possession of child pornography (IC 35-42-4-4(c)), if the person has a prior unrelated conviction for possession of child pornography (IC 35-42-4-4(c)).
- (14) An attempt or conspiracy to commit a crime listed in subdivisions (1) through (13).
- (15) A crime under the laws of another jurisdiction, including a military court, that is substantially equivalent to any of the offenses listed in subdivisions (1) through (14).

(b) The term includes:

- (1) a person who is required to register as a sex offender in any jurisdiction; and
- (2) a child who has committed a delinquent act and who:
 - (A) is at least fourteen (14) years of age;
 - (B) is on probation, is on parole, is discharged from a facility by the department of correction, is discharged from a secure private facility (as defined in IC 31-9-2-115), or is discharged from a juvenile detention facility as a result of an adjudication as a delinquent child for an act that would be an offense described in subsection (a) if committed by an adult; and
 - (C) is found by a court by clear and convincing evidence to be likely to repeat an act that would be an offense described in subsection (a) if committed by an adult.

Sec. 6. As used in this chapter, "sexually violent predator" has the meaning set forth in IC 35-38-1-7.5.

Sec. 7. (a) Subject to section 19 of this chapter, the following persons must register under this chapter:

- (1) A sex offender who resides in Indiana. A sex offender resides in Indiana if either of the following applies:
 - (A) The sex offender spends or intends to spend at least seven (7) days (including part of a day) in Indiana during a one hundred eighty (180) day period.
 - (B) The sex offender owns real property in Indiana and returns to Indiana at any time.
- (2) A sex offender who works or carries on a vocation or intends to work or carry on a vocation full-time or part-time for a period:
 - (A) exceeding fourteen (14) consecutive days; or
 - (B) for a total period exceeding thirty (30) days; during any calendar year in Indiana, whether the sex offender is financially compensated, volunteered, or is acting for the purpose of government or educational benefit.
- (3) A sex offender who is enrolled or intends to be enrolled on a full-time or part-time basis in any public or private educational institution, including any secondary school, trade, or professional institution, or institution of higher education in Indiana.

(b) Except as provided in subsection (e), a sex offender who resides in Indiana shall register with the local law enforcement authority in the county where the sex offender resides. If a sex offender resides in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county in which the sex offender resides. If the sex offender is also required to register under subsection (a)(2) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (c) or (d).

(c) A sex offender described in subsection (a)(2) shall register with the local law enforcement authority in the county where the sex offender is or intends to be employed or carry on a vocation. If a sex offender is or intends to be employed or carry on a vocation in more than one (1) county, the sex offender shall register with the local law enforcement authority in each county. If the sex offender is also required to register under subsection (a)(1) or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is

required to register under subsection (b) or (d).

(d) A sex offender described in subsection (a)(3) shall register with the local law enforcement authority in the county where the sex offender is enrolled or intends to be enrolled as a student. If the sex offender is also required to register under subsection (a)(1) or (a)(2), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b) or (c).

(e) A sex offender described in subsection (a)(1)(B) shall register with the local law enforcement authority in the county in which the real property is located. If the sex offender is also required to register under subsection (a)(1)(A), (a)(2), or (a)(3), the sex offender shall also register with the local law enforcement authority in the county in which the offender is required to register under subsection (b), (c), or (d).

(f) A sex offender committed to the department shall register with the department before the sex offender is released from incarceration. The department shall forward the sex offender's registration information to the local law enforcement authority of every county in which the sex offender is required to register.

(g) This subsection does not apply to a sex offender who is a sexually violent predator. A sex offender not committed to the department shall register not more than seven (7) days after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sex offender is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate county not more than seventy-two (72) hours after the sex offender's arrival in that county or acquisition of real estate in that county.

(h) This subsection applies to a sex offender who is a sexually violent predator. A sex offender who is a sexually violent predator shall register not more than seventy-two (72) hours after the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21);
- (2) is released from a secure private facility (as defined in IC 31-9-2-115);
- (3) is released from a juvenile detention facility;
- (4) is transferred to a community transition program;
- (5) is placed on parole;
- (6) is placed on probation;
- (7) is placed on home detention; or
- (8) arrives at the place where the sexually violent predator is required to register under subsection (b), (c), or (d);

whichever occurs first. A sex offender who is a sexually violent predator required to register in more than one (1) county under subsection (b), (c), (d), or (e) shall register in each appropriate

county not more than seventy-two (72) hours after the offender's arrival in that county or acquisition of real estate in that county.

(i) The local law enforcement authority with whom a sex offender registers under this section shall make and publish a photograph of the sex offender on the Indiana sex offender registry web site established under IC 36-2-13-5.5. The local law enforcement authority shall make a photograph of the sex offender that complies with the requirements of IC 36-2-13-5.5 at least once per year. The sheriff of a county containing a consolidated city shall provide the police chief of the consolidated city with all photographic and computer equipment necessary to enable the police chief of the consolidated city to transmit sex offender photographs (and other identifying information required by IC 36-2-13-5.5) to the Indiana sex offender registry web site established under IC 36-2-13-5.5. In addition, the sheriff of a county containing a consolidated city shall provide all funding for the county's financial obligation for the establishment and maintenance of the Indiana sex offender registry web site established under IC 36-2-13-5.5.

(j) When a sex offender registers, the local law enforcement authority shall:

- (1) immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5; and
- (2) notify every law enforcement agency having jurisdiction in the county where the sex offender resides.

The local law enforcement authority shall provide the department and a law enforcement agency described in subdivision (2) with the information provided by the sex offender during registration.

Sec. 8. The registration required under this chapter must include the following information:

- (1) The sex offender's full name, alias, any name by which the sex offender was previously known, date of birth, sex, race, height, weight, hair color, eye color, any scars, marks, or tattoos, Social Security number, driver's license number or state identification number, principal residence address, and mailing address, if different from the sex offender's principal residence address.
- (2) A description of the offense for which the sex offender was convicted, the date of conviction, the county of the conviction, the cause number of the conviction, and the sentence imposed, if applicable.
- (3) If the person is required to register under section 7(a)(2) or 7(a)(3) of this chapter, the name and address of each of the sex offender's employers in Indiana, the name and address of each campus or location where the sex offender is enrolled in school in Indiana, and the address where the sex offender stays or intends to stay while in Indiana.
- (4) A recent photograph of the sex offender.
- (5) If the sex offender is a sexually violent predator, that the sex offender is a sexually violent predator.
- (6) If the sex offender is required to register for life, that the sex offender is required to register for life.
- (7) Any other information required by the department.

Sec. 9. (a) Not more than seven (7) days before an Indiana sex offender who is required to register under this chapter is scheduled to be released from a secure private facility (as defined in IC 31-9-2-115), or released from a juvenile detention facility, an official of the facility shall do the following:

(1) Orally inform the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender was orally informed or, if the sex offender refuses to sign the statement, certify that the sex offender was orally informed of the duty to register.

(2) Deliver a form advising the sex offender of the sex offender's duty to register under this chapter and require the sex offender to sign a written statement that the sex offender received the written notice or, if the sex offender refuses to sign the statement, certify that the sex offender was given the written notice of the duty to register.

(3) Obtain the address where the sex offender expects to reside after the sex offender's release.

(4) Transmit to the local law enforcement authority in the county where the sex offender expects to reside the sex offender's name, date of release or transfer, new address, and the offense or delinquent act committed by the sex offender.

(b) Not more than seventy-two (72) hours after a sex offender who is required to register under this chapter is released or transferred as described in subsection (a), an official of the facility shall transmit to the state police the following:

(1) The sex offender's fingerprints, photograph, and identification factors.

(2) The address where the sex offender expects to reside after the sex offender's release.

(3) The complete criminal history data (as defined in IC 10-13-3-5) or, if the sex offender committed a delinquent act, juvenile history data (as defined in IC 10-13-4-4) of the sex offender.

(4) Information regarding the sex offender's past treatment for mental disorders.

(5) Information as to whether the sex offender has been determined to be a sexually violent predator.

(c) This subsection applies if a sex offender is placed on probation or in a community corrections program without being confined in a penal facility. The probation office serving the court in which the sex offender is sentenced shall perform the duties required under subsections (a) and (b).

Sec. 10. Notwithstanding any other law, upon receiving a sex offender's fingerprints from a correctional facility, the state police shall immediately send the fingerprints to the Federal Bureau of Investigation.

Sec. 11. (a) If a sex offender who is required to register under this chapter changes:

(1) principal residence address; or

(2) if section 7(a)(2) or 7(a)(3) of this chapter applies, the place where the sex offender stays in Indiana;

the sex offender shall register not more than seventy-two (72) hours after the address change with the local law enforcement authority with whom the sex offender last registered.

(b) If a sex offender moves to a new county in Indiana, the local law enforcement authority referred to in subsection (a) shall inform the local law enforcement authority in the new county in Indiana of the sex offender's residence and forward all relevant registration information concerning the sex offender to the local law enforcement authority in the new county. The local law

enforcement authority receiving notice under this subsection shall verify the address of the sex offender under section 13 of this chapter not more than seven (7) days after receiving the notice.

(c) If a sex offender who is required to register under section 7(a)(2) or 7(a)(3) of this chapter changes the sex offender's principal place of employment, principal place of vocation, or campus or location where the sex offender is enrolled in school, the sex offender shall register not more than seventy-two (72) hours after the change with the local law enforcement authority with whom the sex offender last registered.

(d) If a sex offender moves the sex offender's place of employment, vocation, or enrollment to a new county in Indiana, the local law enforcement authority referred to in subsection (c) shall inform the local law enforcement authority in the new county of the sex offender's new principal place of employment, vocation, or enrollment by forwarding relevant registration information to the local law enforcement authority in the new county.

(e) If a sex offender moves the sex offender's residence, place of employment, vocation, or enrollment to a new state, the local law enforcement authority shall inform the state police in the new state of the sex offender's new place of residence, employment, or enrollment.

(f) A local law enforcement authority shall make registration information, including information concerning the duty to register and the penalty for failing to register, available to a sex offender.

(g) A local law enforcement authority who is notified of a change under subsection (a) or (c) shall immediately update the Indiana sex offender registry web site established under IC 36-2-13-5.5.

Sec. 12. (a) As used in this section, "temporary residence" means a residence:

(1) that is established to provide transitional housing for a person without another residence; and

(2) in which a person is not typically permitted to reside for more than thirty (30) days in a sixty (60) day period.

(b) This section applies only to a sex offender who resides in a temporary residence. In addition to the other requirements of this chapter, a sex offender who resides in a temporary residence shall register in person with the local law enforcement authority in which the temporary residence is located:

(1) not more than seventy-two (72) hours after the sex offender moves into the temporary residence; and

(2) during the period in which the sex offender resides in a temporary residence, at least once every seven (7) days following the sex offender's initial registration under subdivision (1).

(c) A sex offender's obligation to register in person once every seven (7) days terminates when the sex offender no longer resides in the temporary residence. However, all other requirements imposed on a sex offender by this chapter continue in force, including the requirement that a sex offender register the sex offender's new address with the local law enforcement authority.

Sec. 13. (a) To verify a sex offender's current residence, the local law enforcement authority shall do the following:

(1) Mail a reply form to each sex offender in the county at the sex offender's listed address at least one (1) time per

year, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(2) Mail a reply form to each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 11 or 20 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(3) Personally visit each sex offender in the county at the sex offender's listed address at least one (1) time per year, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(4) Personally visit each sex offender who is designated a sexually violent predator under IC 35-38-1-7.5 at least once every ninety (90) days, beginning seven (7) days after the local law enforcement authority receives a notice under section 7 of this chapter or the date the sex offender is:

- (A) released from a penal facility (as defined in IC 35-41-1-21), a secure private facility (as defined in IC 31-9-2-115), or a juvenile detention facility;
- (B) placed in a community transition program;
- (C) placed in a community corrections program;
- (D) placed on parole; or
- (E) placed on probation;

whichever occurs first.

(b) If a sex offender fails to return a signed reply form either by mail or in person, not later than fourteen (14) days after mailing, or appears not to reside at the listed address, the local law enforcement authority shall immediately notify the department and the prosecuting attorney.

Sec. 14. At least once per calendar year, a sex offender who is required to register under this chapter shall:

- (1) report in person to the local law enforcement authority;
- (2) register; and
- (3) be photographed by the local law enforcement authority;

in each location where the offender is required to register.

Sec. 15. (a) A sex offender who is a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid Indiana driver's license; or
- (2) a valid Indiana identification card (as described in IC 9-24-16).

(b) A sex offender required to register in Indiana who is not a resident of Indiana shall obtain and keep in the sex offender's possession:

- (1) a valid driver's license issued by the state in which the sex offender resides; or
- (2) a valid state issued identification card issued by the state in which the sex offender resides.

(c) A person who knowingly or intentionally violates this section commits failure of a sex offender to possess identification, a Class A misdemeanor. However, the offense is a Class D felony if the person:

- (1) is a sexually violent predator; or
- (2) has a prior unrelated conviction:
 - (A) under this section; or
 - (B) based on the person's failure to comply with any requirement imposed on an offender under this chapter.

(d) It is a defense to a prosecution under this section that:

- (1) the person has been unable to obtain a valid driver's license or state issued identification card because less than thirty (30) days have passed since the person's release from incarceration; or
- (2) the person possesses a driver's license or state issued identification card that expired not more than thirty (30) days before the date the person violated subsection (a) or (b).

Sec. 16. (a) A sex offender who is required to register under this chapter may not petition for a change of name under IC 34-28-2.

(b) If a sex offender who is required to register under this chapter changes the sex offender's name due to marriage, the sex offender must register with the local law enforcement authority not more than seven (7) days after the name change.

Sec. 17. A sex offender who knowingly or intentionally:

- (1) fails to register when required to register under this chapter;
- (2) fails to register in every location where the sex offender is required to register under this chapter;
- (3) makes a material misstatement or omission while registering as a sex offender under this chapter; or
- (4) fails to register in person and be photographed at least one (1) time per year as required under this chapter;

commits a Class D felony. However, the offense is a Class C felony if the sex offender has a prior unrelated conviction for an offense under this section or based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 18. (a) A sexually violent predator who will be absent from the sexually violent predator's principal residence for more

than seventy-two (72) hours shall inform the local law enforcement authority, in person or in writing, of the following:

- (1) That the sexually violent predator will be absent from the sexually violent predator's principal residence for more than seventy-two (72) hours.
- (2) The location where the sexually violent predator will be located during the absence from the sexually violent predator's principal residence.
- (3) The length of time the sexually violent predator will be absent from the sexually violent predator's principal residence.

(b) A sexually violent predator who will spend more than seventy-two (72) hours in a county in which the sexually violent predator is not required to register shall inform the local law enforcement authority in the county in which the sexually violent predator is not required to register, in person or in writing, of the following:

- (1) That the sexually violent predator will spend more than seventy-two (72) hours in the county.
- (2) The location where the sexually violent predator will be located while spending time in the county.
- (3) The length of time the sexually violent predator will remain in the county.

Upon request of the local law enforcement authority of the county in which the sexually violent predator is not required to register, the sexually violent predator shall provide the local law enforcement authority with any additional information that will assist the local law enforcement authority in determining the sexually violent predator's whereabouts during the sexually violent predator's stay in the county.

(c) A sexually violent predator who knowingly or intentionally violates this section commits failure to notify, a Class A misdemeanor. However, the offense is a Class D felony if the person has a prior unrelated conviction under this section based on the person's failure to comply with any requirement imposed on a sex offender under this chapter.

Sec. 19. (a) Except as provided in subsections (b) through (e), a sex offender is required to register under this chapter until the expiration of ten (10) years after the date the sex offender:

- (1) is released from a penal facility (as defined in IC 35-41-1-21) or a secure juvenile detention facility of a state or another jurisdiction;
- (2) is placed in a community transition program;
- (3) is placed in a community corrections program;
- (4) is placed on parole; or
- (5) is placed on probation;

whichever occurs last. The department shall ensure that an offender who is no longer required to register as a sex offender is notified that the obligation to register has expired.

(b) A sex offender who is a sexually violent predator is required to register for life.

(c) A sex offender who is convicted of at least one (1) sex offense that the sex offender committed:

- (1) when the person was at least eighteen (18) years of age; and
- (2) against a victim who was less than twelve (12) years of age at the time of the crime;

is required to register for life.

(d) A sex offender who is convicted of at least one (1) sex offense in which the sex offender:

- (1) proximately caused serious bodily injury or death to the victim;
- (2) used force or the threat of force against the victim or a member of the victim's family; or
- (3) rendered the victim unconscious or otherwise incapable of giving voluntary consent;

is required to register for life.

(e) A sex offender who is convicted of at least two (2) unrelated sex offenses is required to register for life.

Sec. 20. (a) The governor may enter into a compact with one (1) or more jurisdictions outside Indiana to exchange notifications concerning the release, transfer, or change of address, employment, vocation, or enrollment of a sex offender between Indiana and the other jurisdiction or the other jurisdiction and Indiana.

(b) The compact must provide for the designation of a state agency to coordinate the transfer of information.

(c) If the state agency receives information that a sex offender has relocated to Indiana to reside, engage in employment or a vocation, or enroll in school, the state agency shall inform in writing the local law enforcement authority where the sex offender is required to register in Indiana of:

- (1) the sex offender's name, date of relocation, and new address; and
- (2) the sex offense or delinquent act committed by the sex offender.

(d) The state agency shall determine, following a hearing:

- (1) whether a person convicted of an offense in another jurisdiction is required to register as a sex offender in Indiana;
- (2) whether an out of state sex offender is a sexually violent predator; and
- (3) the period in which an out of state sex offender who has moved to Indiana will be required to register as a sex offender in Indiana.

SECTION 14. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;

- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
- (2) The date of the offense.
- (3) The date of the conviction.
- (4) The felony of which the prisoner was convicted.
- (5) The sentence imposed.
- (6) The amount of time served.
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) nature and circumstances of the crime for which the offender is committed;
- (2) offender's prior criminal record;
- (3) offender's conduct and attitude during the commitment; and
- (4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
- (5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and
- (2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of

imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 15. IC 11-13-3-4, AS AMENDED BY SEA 246-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:
 - (A) the residence of the parolee prior to the parolee's incarceration; and
 - (B) the parolee's place of employment; and
- (2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

- (1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and
- (2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

- (1) may require a parolee who is a sex ~~and violent~~ offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

- (i) receives the parole board's approval; or
- (ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) to register with a ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-5~~ **IC 11-8-8**;

(B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, **unless the sex offender obtains written approval from the parole board; and**

(C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense **unless the sex offender obtains a waiver under IC 35-38-2-2.5; and**

(D) **prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.**

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, **even if the sex offender obtains a waiver under IC 35-38-2-2.5.**

(i) As a condition of parole, the parole board:

(1) **shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and**

(2) **may require a parolee who is a sex offender (as defined in IC 11-8-8-5);**

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day

regarding a person's precise location.

(j) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.6, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 16. IC 11-13-6-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) This section shall not be construed to limit ~~victim's~~ **victims'** rights granted by IC 35-40 or any other law.

(b) As used in this section, "sex offense" refers to a sex offense described in ~~IC 5-2-12-4(1)~~ **IC 11-8-8-5**.

(c) As used in this section, "victim" means a person who has suffered direct harm as a result of a delinquent act that would be a sex offense if the delinquent offender were an adult. The term includes a victim's representative appointed under IC 35-40-13.

(d) Unless a victim has requested in writing not to be notified, the department shall notify the victim involved in the adjudication of a delinquent offender committed to the department for a sex offense of the delinquent offender's:

- (1) discharge from the department of correction;
- (2) release from the department of correction under any temporary release program administered by the department;
- (3) release on parole;
- (4) parole release hearing under this chapter;
- (5) parole violation hearing under this chapter; or
- (6) escape from commitment to the department of correction.

(e) The department shall make the notification required under subsection (d):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a delinquent offender from commitment to the department of correction.

The department shall supply the information to a victim at the address supplied to the department by the victim. A victim is responsible for supplying the department with any change of address or telephone number of the victim.

(f) The probation officer or caseworker preparing the predispositional report under IC 31-37-17 shall inform the victim before the predispositional report is prepared of the right of the victim to receive notification from the department under subsection (d). The probation department or county office of family and children shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department. The probation department or county office of family and children shall supply the department with the information required by this section as soon as possible but not later than five (5) days after the receipt of the information. A victim is responsible for supplying the department with the correct address and telephone number of the victim.

(g) Notwithstanding IC 11-8-5-2 and IC 4-1-6, a delinquent offender may not have access to the name and address of a victim. Upon the filing of a motion by a person requesting or objecting to the release of victim information or representative information, or both, that is retained by the department, the court shall review in camera the information that is the subject of the motion before ruling on the motion.

(h) The notice required under subsection (d) must specify whether the delinquent offender is being discharged, is being released under a temporary release program administered by the department, is being released on parole, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the delinquent offender.
- (2) The date of the delinquent act.
- (3) The date of the adjudication as a delinquent offender.
- (4) The delinquent act of which the delinquent offender was adjudicated.
- (5) The disposition imposed.
- (6) The amount of time for which the delinquent offender was committed to the department.
- (7) The date and location of the interview (if applicable).

SECTION 17. IC 31-19-11-1, AS AMENDED BY P.L.129-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Whenever the court has heard the evidence and finds that:

- (1) the adoption requested is in the best interest of the child;
- (2) the petitioner or petitioners for adoption are of sufficient ability to rear the child and furnish suitable support and education;
- (3) the report of the investigation and recommendation under IC 31-19-8-5 has been filed;
- (4) the attorney or agency arranging an adoption has filed with the court an affidavit prepared by the state department of health under IC 31-19-5-16 indicating whether a man is entitled to notice of the adoption because the man has registered with the putative father registry in accordance with IC 31-19-5;
- (5) proper notice arising under subdivision (4), if notice is necessary, of the adoption has been given;
- (6) the attorney or agency has filed with the court an affidavit prepared by the state department of health under:

(A) IC 31-19-6 indicating whether a record of a paternity determination; or

(B) IC 16-37-2-2(g) indicating whether a paternity affidavit executed under IC 16-37-2-2.1;

has been filed in relation to the child;

- (7) proper consent, if consent is necessary, to the adoption has been given;
- (8) the petitioner for adoption is not prohibited from adopting the child as the result of an inappropriate criminal history described in subsection (c) or (d); and
- (9) the person, licensed child placing agency, or county office of family and children that has placed the child for adoption has provided the documents and other information required under IC 31-19-17 to the prospective adoptive parents;

the court shall grant the petition for adoption and enter an adoption decree.

(b) A court may not grant an adoption unless the department's affidavit under IC 31-19-5-16 is filed with the court as provided under subsection (a)(4).

(c) A conviction of a felony or a misdemeanor related to the health and safety of a child by a petitioner for adoption is a permissible basis for the court to deny the petition for adoption. In addition, the court may not grant an adoption if a petitioner for adoption has been

convicted of any of the felonies described as follows:

- (1) Murder (IC 35-42-1-1).
- (2) Causing suicide (IC 35-42-1-2).
- (3) Assisting suicide (IC 35-42-1-2.5).
- (4) Voluntary manslaughter (IC 35-42-1-3).
- (5) Reckless homicide (IC 35-42-1-5).
- (6) Battery as a felony (IC 35-42-2-1).
- (7) Aggravated battery (IC 35-42-2-1.5).
- (8) Kidnapping (IC 35-42-3-2).
- (9) Criminal confinement (IC 35-42-3-3).
- (10) A felony sex offense under IC 35-42-4.
- (11) Carjacking (IC 35-42-5-2).
- (12) Arson (IC 35-43-1-1).
- (13) Incest (IC 35-46-1-3).
- (14) Neglect of a dependent (IC 35-46-1-4(a)(1) and IC 35-46-1-4(a)(2)).
- (15) Child selling (IC 35-46-1-4(d)).
- (16) A felony involving a weapon under IC 35-47 or IC 35-47.5.
- (17) A felony relating to controlled substances under IC 35-48-4.
- (18) An offense relating to material or a performance that is harmful to minors or obscene under IC 35-49-3.
- (19) A felony that is substantially equivalent to a felony listed in subdivisions (1) through (18) for which the conviction was entered in another state.

However, the court is not prohibited from granting an adoption based upon a felony conviction under subdivision (6), (11), (12), (16), or (17), or its equivalent under subdivision (19), if the offense was not committed within the immediately preceding five (5) year period.

(d) A court may not grant an adoption if the petitioner is ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~; **IC 11-8-8-5**).

SECTION 18. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:**

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or**
- (2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:**
 - (A) by using or threatening the use of deadly force;**
 - (B) while armed with a deadly weapon; or**
 - (C) that resulted in serious bodily injury.**

SECTION 19. IC 31-37-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) The juvenile court may, in addition to an order under section 6 of this chapter, enter at least one (1) of the following dispositional decrees:

- (1) Order supervision of the child by:
 - (A) the probation department; or
 - (B) the county office of family and children.

As a condition of probation under this subdivision, the juvenile court shall after a determination under ~~IC 5-2-12-4~~ **IC 11-8-8-5** require a child who is adjudicated a delinquent child for an act

that would be an offense described in ~~IC 5-2-12-4~~ **IC 11-8-8-5** if committed by an adult to register with the ~~sheriff (or the police chief of a consolidated city)~~ **local law enforcement authority** under ~~IC 5-2-12-4~~ **IC 11-8-8**.

(2) Order the child to receive outpatient treatment:

- (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
- (B) from an individual practitioner.

(3) Order the child to surrender the child's driver's license to the court for a specified period of time.

(4) Order the child to pay restitution if the victim provides reasonable evidence of the victim's loss, which the child may challenge at the dispositional hearing.

(5) Partially or completely emancipate the child under section 27 of this chapter.

(6) Order the child to attend an alcohol and drug services program established under IC 12-23-14.

(7) Order the child to perform community restitution or service for a specified period of time.

(8) Order wardship of the child as provided in section 9 of this chapter.

SECTION 20. IC 31-37-19-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) This section applies if a child is a delinquent child under IC 31-37-1.

(b) After a juvenile court makes a determination under ~~IC 5-2-12-4~~; **IC 11-8-8-5**, the juvenile court may, in addition to an order under section 6 of this chapter, and if the child:

- (1) is at least thirteen (13) years of age and less than sixteen (16) years of age; and

(2) committed an act that, if committed by an adult, would be:

- (A) murder (IC 35-42-1-1);
- (B) kidnapping (IC 35-42-3-2);
- (C) rape (IC 35-42-4-1);
- (D) criminal deviate conduct (IC 35-42-4-2); or
- (E) robbery (IC 35-42-5-1) if the robbery was committed while armed with a deadly weapon or if the robbery resulted in bodily injury or serious bodily injury;

order wardship of the child to the department of correction for a fixed period that is not longer than the date the child becomes eighteen (18) years of age, subject to IC 11-10-2-10.

(c) Notwithstanding IC 11-10-2-5, the department of correction may not reduce the period ordered under this section (or IC 31-6-4-15.9(b)(8) before its repeal).

SECTION 21. IC 35-38-1-7.5, AS AMENDED BY SEA 246-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.5. (a) As used in this section, "sexually violent predator" means a person who suffers from a mental abnormality or personality disorder that makes the individual likely to repeatedly engage in any of the offenses described in ~~IC 5-2-12-4~~ **IC 11-8-8-5**. **The term includes a person convicted in another jurisdiction who is identified as a sexually violent predator under IC 11-8-8-20. The term does not include a person no longer considered a sexually violent predator under subsection (g).**

(b) A person who:

- (1) **being at least eighteen (18) years of age**, commits an offense described in: ~~IC 5-2-12-4~~;

- (A) **by using or threatening the use of deadly force;**

~~(B) while armed with a deadly weapon; or~~
~~(C) that results in serious bodily injury to a person other than a defendant;~~

(2) is at least eighteen ~~(18)~~ years of age and commits an offense described in ~~IC 5-2-12-4~~ against a child less than twelve ~~(12)~~ years of age; or

(3) commits an offense described in ~~IC 5-2-12-4~~ while having a previous unrelated conviction for an offense described in ~~IC 5-2-12-4~~ for which the person is required to register as an offender under ~~IC 5-2-12-~~

(A) IC 35-42-4-1;

(B) IC 35-42-4-2;

(C) IC 35-42-4-3 as a Class A or Class B felony;

(D) IC 35-42-4-5(a)(1);

(E) IC 35-42-4-5(a)(2);

(F) IC 35-42-4-5(a)(3);

(G) IC 35-42-4-5(b)(1) as a Class A or Class B felony;

(H) IC 35-42-4-5(b)(2); or

(I) IC 35-42-4-5(b)(3) as a Class A or Class B felony; or

(2) commits an offense described in IC 11-8-8-5 while having a previous unrelated conviction for an offense described in IC 11-8-8-5 for which the person is required to register as an offender under IC 11-8-8;

is a sexually violent predator.

(c) This section applies whenever a court sentences a person for a sex offense listed in ~~IC 5-2-12-4~~ IC 11-8-8-5 for which the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ local law enforcement authority under ~~IC 5-2-12-~~ IC 11-8-8.

(d) At the sentencing hearing, the court shall determine whether the person is a sexually violent predator under subsection (b).

(e) If the court does not find the person to be a sexually violent predator under subsection (b), the court shall consult with a board of experts consisting of two (2) board certified psychologists or psychiatrists who have expertise in criminal behavioral disorders to determine if the person is a sexually violent predator under subsection (a).

(f) If the court finds that a person is a sexually violent predator:

(1) the person is required to register with the sheriff ~~(or the police chief of a consolidated city)~~ local law enforcement authority as provided in ~~IC 5-2-12-13(b)~~ IC 11-8-8; and

(2) the court shall send notice of its finding under this subsection to the ~~criminal justice institute~~ department of correction.

(g) A person who is found by a court to be a sexually violent predator ~~under subsection (e)~~ may petition the court to consider whether the person ~~is~~ **should** no longer ~~be considered~~ a sexually violent predator. The person may file a petition under this subsection not earlier than ten (10) years after:

(1) the sentencing court makes its finding under subsection (e); or

(2) a person found to be a sexually violent predator under subsection (b) is released from incarceration.

A person may file a petition under this subsection not more than one (1) time per year. If a court finds that the person ~~is~~ **should** no longer ~~be considered~~ a sexually violent predator, the court shall send notice to the ~~Indiana criminal justice institute~~ department of correction that

the person is no longer considered a sexually violent predator. Notwithstanding any other law, a condition imposed on a person due to the person's status as a sexually violent predator, including lifetime parole or GPS monitoring, does not apply to a person no longer considered a sexually violent predator.

SECTION 22. IC 35-38-1-27 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) If a court imposes a sentence that does not involve a commitment to the department of correction, the court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10; and

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6;

to provide a DNA sample as a condition of the sentence.

(b) If a person described in subsection (a) is confined at the time of sentencing, the court shall order the person to provide a DNA sample immediately after sentencing.

(c) If a person described in subsection (a) is not confined at the time of sentencing, the agency supervising the person after sentencing shall establish the date, time, and location for the person to provide a DNA sample. However, the supervising agency must require that the DNA sample be provided not more than seven (7) days after sentencing. A supervising agency's failure to obtain a DNA sample not more than seven (7) days after sentencing does not permit a person required to provide a DNA sample to challenge the requirement that the person provide a DNA sample at a later date.

(d) A person's failure to provide a DNA sample is grounds for revocation of the person's probation, community corrections placement, or other conditional release.

SECTION 23. IC 35-38-2-2.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.2. As a condition of probation for ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5), the court shall:

(1) require the sex offender to register with the sheriff ~~(or the police chief of a consolidated city)~~ local law enforcement authority under ~~IC 5-2-12-5;~~ IC 11-8-8; and

(2) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of probation, unless the sex offender obtains written approval from the court.

If the court allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2), the court shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

SECTION 24. IC 35-38-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As a condition of probation, the court may require a person to do a combination of the following:

(1) Work faithfully at suitable employment or faithfully pursue a course of study or vocational training that will equip the person for suitable employment.

(2) Undergo available medical or psychiatric treatment and remain in a specified institution if required for that purpose.

(3) Attend or reside in a facility established for the instruction, recreation, or residence of persons on probation.

(4) Support the person's dependents and meet other family responsibilities.

(5) Make restitution or reparation to the victim of the crime for damage or injury that was sustained by the victim. When restitution or reparation is a condition of probation, the court shall fix the amount, which may not exceed an amount the person can or will be able to pay, and shall fix the manner of performance.

(6) Execute a repayment agreement with the appropriate governmental entity to repay the full amount of public relief or assistance wrongfully received, and make repayments according to a repayment schedule set out in the agreement.

(7) Pay a fine authorized by IC 35-50.

(8) Refrain from possessing a firearm or other deadly weapon unless granted written permission by the court or the person's probation officer.

(9) Report to a probation officer at reasonable times as directed by the court or the probation officer.

(10) Permit the person's probation officer to visit the person at reasonable times at the person's home or elsewhere.

(11) Remain within the jurisdiction of the court, unless granted permission to leave by the court or by the person's probation officer.

(12) Answer all reasonable inquiries by the court or the person's probation officer and promptly notify the court or probation officer of any change in address or employment.

(13) Perform uncompensated work that benefits the community.

(14) Satisfy other conditions reasonably related to the person's rehabilitation.

(15) Undergo home detention under IC 35-38-2.5.

(16) Undergo a laboratory test or series of tests approved by the state department of health to detect and confirm the presence of the human immunodeficiency virus (HIV) antigen or antibodies to the human immunodeficiency virus (HIV), if:

(A) the person had been convicted of a sex crime listed in IC 35-38-1-7.1(e) and the crime created an epidemiologically demonstrated risk of transmission of the human immunodeficiency virus (HIV) as described in IC 35-38-1-7.1(b)(8); or

(B) the person had been convicted of an offense related to a controlled substance listed in IC 35-38-1-7.1(f) and the offense involved the conditions described in IC 35-38-1-7.1(b)(9)(A).

(17) Refrain from any direct or indirect contact with an individual.

(18) Execute a repayment agreement with the appropriate governmental entity or with a person for reasonable costs incurred because of the taking, detention, or return of a missing child (as defined in IC 10-13-5-4).

(19) Periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of chemical tests as specified by the court to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9). The person on probation is responsible for any charges resulting from a test and shall have the results of any test under this subdivision reported to the person's probation officer by the laboratory.

(20) If the person was confined in a penal facility, execute a reimbursement plan as directed by the court and make repayments under the plan to the authority that operates the

penal facility for all or part of the costs of the person's confinement in the penal facility. The court shall fix an amount that:

(A) may not exceed an amount the person can or will be able to pay;

(B) does not harm the person's ability to reasonably be self supporting or to reasonably support any dependent of the person; and

(C) takes into consideration and gives priority to any other restitution, reparation, repayment, or fine the person is required to pay under this section.

(21) Refrain from owning, harboring, or training an animal.

(b) When a person is placed on probation, the person shall be given a written statement specifying:

(1) the conditions of probation; and

(2) that if the person violates a condition of probation during the probationary period, a petition to revoke probation may be filed before the earlier of the following:

(A) One (1) year after the termination of probation.

(B) Forty-five (45) days after the state receives notice of the violation.

(c) As a condition of probation, the court may require that the person serve a term of imprisonment in an appropriate facility at the time or intervals (consecutive or intermittent) within the period of probation the court determines.

(d) Intermittent service may be required only for a term of not more than sixty (60) days and must be served in the county or local penal facility. The intermittent term is computed on the basis of the actual days spent in confinement and shall be completed within one (1) year. A person does not earn credit time while serving an intermittent term of imprisonment under this subsection. When the court orders intermittent service, the court shall state:

(1) the term of imprisonment;

(2) the days or parts of days during which a person is to be confined; and

(3) the conditions.

(e) Supervision of a person may be transferred from the court that placed the person on probation to a court of another jurisdiction, with the concurrence of both courts. Retransfers of supervision may occur in the same manner. This subsection does not apply to transfers made under IC 11-13-4 or IC 11-13-5.

(f) When a court imposes a condition of probation described in subsection (a)(17):

(1) the clerk of the court shall comply with IC 5-2-9; and

(2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

(g) As a condition of probation, a court shall require a person:

(1) convicted of an offense described in IC 10-13-6-10;

(2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and

(3) whose sentence does not involve a commitment to the department of correction;

to provide a DNA sample as a condition of probation.

SECTION 25. IC 35-38-2-2.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.4. As a condition of probation, the court may require ~~an~~ a sex offender (as defined in ~~IC 5-2-12-4~~ IC 11-8-8-5) to:

- (1) participate in a treatment program for sex offenders approved by the court; and
- (2) avoid contact with any person who is less than sixteen (16) years of age unless the probationer:
 - (A) receives the court's approval; or
 - (B) successfully completes the treatment program referred to in subdivision (1).

SECTION 26. IC 35-38-2-2.5, AS AMENDED BY SEA 246-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).
- (2) Criminal deviate conduct (IC 35-42-4-2).
- (3) Child molesting (IC 35-42-4-3).
- (4) Child exploitation (IC 35-42-4-4(b)).
- (5) Vicarious sexual gratification (IC 35-42-4-5).
- (6) Child solicitation (IC 35-42-4-6).
- (7) Child seduction (IC 35-42-4-7).
- (8) Sexual battery (IC 35-42-4-8).
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).
- (10) Incest (IC 35-46-1-3).

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

- (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:
 - (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or
- (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense **unless the offender first obtains a waiver from the:**

- (1) court, if the offender is placed on probation; or
- (2) parole board, if the offender is placed on parole;

for the change of address under subsection (f).

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;
- (2) the offender is in compliance with all terms of the offender's probation or parole; and
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.

However, the court or parole board may not grant a waiver

under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

~~(f)~~ (h) The address of the victim of the offender's sex offense is confidential **even if the court or parole board grants a waiver under subsection (f).**

SECTION 27. IC 35-38-2-2.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) As a condition of remaining on probation or parole after a conviction for stalking (IC 35-45-10-5), a court may prohibit a person from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

(b) A person:

(1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the person intends to reside during the period of probation:

- (A) at the time of sentencing if the person will be placed on probation without first being incarcerated; or
- (B) before the person's release from incarceration if the person will be placed on probation after completing a term of incarceration; or

(2) who will be placed on parole shall provide the parole board with the address where the person intends to reside during the period of parole.

(c) A person, while on probation or parole, may not reside within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver under subsection (d) from the:

- (1) court, if the person is placed on probation; or
- (2) parole board, if the person is placed on parole.

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

- (1) the person is in compliance with all terms of the person's probation or parole; and
- (2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the stalking.

(e) If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).

SECTION 28. IC 35-38-2.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. An order for home detention of an offender under section 5 of this chapter must include the following:

- (1) A requirement that the offender be confined to the offender's home at all times except when the offender is:
 - (A) working at employment approved by the court or traveling to or from approved employment;

- (B) unemployed and seeking employment approved for the offender by the court;
- (C) undergoing medical, psychiatric, mental health treatment, counseling, or other treatment programs approved for the offender by the court;
- (D) attending an educational institution or a program approved for the offender by the court;
- (E) attending a regularly scheduled religious service at a place of worship; or
- (F) participating in a community work release or community restitution or service program approved for the offender by the court.

(2) Notice to the offender that violation of the order for home detention may subject the offender to prosecution for the crime of escape under IC 35-44-3-5.

(3) A requirement that the offender abide by a schedule prepared by the probation department, or by a community corrections program ordered to provide supervision of the offender's home detention, specifically setting forth the times when the offender may be absent from the offender's home and the locations the offender is allowed to be during the scheduled absences.

(4) A requirement that the offender is not to commit another crime during the period of home detention ordered by the court.

(5) A requirement that the offender obtain approval from the probation department or from a community corrections program ordered to provide supervision of the offender's home detention before the offender changes residence or the schedule described in subdivision (3).

(6) A requirement that the offender maintain:

- (A) a working telephone in the offender's home; and
- (B) if ordered by the court, a monitoring device in the offender's home or on the offender's person, or both.

(7) A requirement that the offender pay a home detention fee set by the court in addition to the probation user's fee required under IC 35-38-2-1 or IC 31-40. However, the fee set under this subdivision may not exceed the maximum fee specified by the department of correction under IC 11-12-2-12.

(8) A requirement that the offender abide by other conditions of probation set by the court under IC 35-38-2-2.3.

(9) A requirement that an offender:

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

provide a DNA sample.

SECTION 29. IC 35-38-2.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The court may, at the time of sentencing, suspend the sentence and order a person to be placed in a community corrections program as an alternative to commitment to the department of correction. The court may impose reasonable terms on the placement. **A court shall require a person:**

- (1) convicted of an offense described in IC 10-13-6-10;**
- (2) who has not previously provided a DNA sample in accordance with IC 10-13-6; and**
- (3) whose sentence does not involve a commitment to the department of correction;**

to provide a DNA sample as a term of placement.

(b) Placement in a community corrections program under this chapter is subject to the availability of residential beds or home detention units in a community corrections program.

(c) A person placed under this chapter is responsible for the person's own medical care while in the placement program.

(d) Placement under this chapter is subject to the community corrections program receiving a written presentence report or memorandum from a county probation agency.

SECTION 30. IC 35-41-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as otherwise provided in this section, a prosecution for an offense is barred unless it is commenced:

(1) within five (5) years after the commission of the offense, in the case of a Class B, Class C, or Class D felony; or

(2) within two (2) years after the commission of the offense, in the case of a misdemeanor.

(b) A prosecution for a Class B or Class C felony that would otherwise be barred under this section may be commenced within one (1) year after the earlier of the date on which the state:

(1) first discovers ~~the identity of evidence sufficient to charge~~ the offender with **the offense through DNA** (deoxyribonucleic acid) ~~evidence~~; **analysis**; or

(2) could have discovered ~~the identity of evidence sufficient to charge~~ the offender with **the offense through DNA** (deoxyribonucleic acid) ~~evidence~~ **analysis** by the exercise of due diligence.

~~However, for a Class B or Class C felony in which the state first discovered the identity of an offender with DNA (deoxyribonucleic acid) evidence after the time otherwise allowed for prosecution and before July 1, 2001, the one (1) year period provided in this subsection is extended to July 1, 2002.~~

(c) A prosecution for a Class A felony may be commenced at any time.

(d) A prosecution for murder may be commenced:

(1) at any time; and

(2) regardless of the amount of time that passes between:

(A) the date a person allegedly commits the elements of murder; and

(B) the date the alleged victim of the murder dies.

(e) A prosecution for the following offenses is barred unless commenced before the date that the alleged victim of the offense reaches thirty-one (31) years of age:

(1) IC 35-42-4-3(a) (Child molesting).

(2) IC 35-42-4-5 (Vicarious sexual gratification).

(3) IC 35-42-4-6 (Child solicitation).

(4) IC 35-42-4-7 (Child seduction).

(5) IC 35-46-1-3 (Incest).

(f) A prosecution for forgery of an instrument for payment of money, or for the uttering of a forged instrument, under IC 35-43-5-2, is barred unless it is commenced within five (5) years after the maturity of the instrument.

(g) If a complaint, indictment, or information is dismissed because of an error, defect, insufficiency, or irregularity, a new prosecution may be commenced within ninety (90) days after the dismissal even if the period of limitation has expired at the time of dismissal, or will expire within ninety (90) days after the dismissal.

(h) The period within which a prosecution must be commenced does not include any period in which:

- (1) the accused person is not usually and publicly resident in Indiana or so conceals himself ~~or herself~~ that process cannot be served; ~~on him;~~
- (2) the accused person conceals evidence of the offense, and evidence sufficient to charge ~~him~~ **the person** with that offense is unknown to the prosecuting authority and could not have been discovered by that authority by exercise of due diligence; or
- (3) the accused person is a person elected or appointed to office under statute or constitution, if the offense charged is theft or conversion of public funds or bribery while in public office.

(i) For purposes of tolling the period of limitation only, a prosecution is considered commenced on the earliest of these dates:

- (1) The date of filing of an indictment, information, or complaint before a court having jurisdiction.
- (2) The date of issuance of a valid arrest warrant.
- (3) The date of arrest of the accused person by a law enforcement officer without a warrant, if the officer has authority to make the arrest.

(j) A prosecution is considered timely commenced for any offense to which the defendant enters a plea of guilty, notwithstanding that the period of limitation has expired.

SECTION 31. IC 35-42-4-10 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 10. (a) As used in this section, "sexually violent predator" means a person who is a sexually violent predator under IC 35-38-1-7.5.**

(b) A sexually violent predator who knowingly or intentionally works for compensation or as a volunteer:

- (1) on school property;**
- (2) at a youth program center; or**
- (3) at a public park;**

commits unlawful employment near children by a sexual predator, a Class D felony. However, the offense is a Class C felony if the person has a prior unrelated conviction based on the person's failure to comply with any requirement imposed on an offender under this chapter.

SECTION 32. IC 35-42-4-11, AS ADDED BY SEA 246-2006, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 11. (a) As used in this section, "offender against children" means a person required to register as** ~~an~~ **a sex offender under IC 5-2-12 IC 11-8-8** who has been:

- (1) found ~~by a court~~ to be a sexually violent predator under ~~(A) IC 35-38-1-7.5; or~~
~~(B) the law of another jurisdiction that identifies the person as being likely to repeatedly commit a sex offense; or~~
- (2) convicted of one (1) or more of the following offenses:
 - (A) Child molesting (IC 35-42-4-3).
 - (B) Child exploitation (IC 35-42-4-4(b)).
 - (C) Child solicitation (IC 35-42-4-6).
 - (D) Child seduction (IC 35-42-4-7).
 - (E) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.
 - (F) An offense in another jurisdiction that is substantially similar to an offense described in clauses (A) through (E).

(b) As used in this section, "reside" means to spend more than two

(2) nights in a residence in any thirty (30) day period.

(c) An offender against children who knowingly or intentionally:

(1) resides within one thousand (1,000) feet of:

- (A) school property;
- (B) a youth program center; or
- (C) a public park; or

(2) establishes a residence within one (1) mile of the residence of the victim of the offender's sex offense;

commits a sex offender residency offense, a Class D felony.

SECTION 33. IC 35-43-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) A person who:**

- (1) recklessly, knowingly, or intentionally damages or defaces property of another person without the other person's consent; or
- (2) knowingly or intentionally causes another to suffer pecuniary loss by deception or by an expression of intention to injure another person or to damage the property or to impair the rights of another person;

commits criminal mischief, a Class B misdemeanor. However, the offense is:

(A) a Class A misdemeanor if:

- (i) the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500);
- (ii) the property damaged was a moving motor vehicle;
- (iii) the property damaged ~~or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8~~ and the person is not a sex offender or was not required to register as a sex offender;
- (iv) the property damaged was a locomotive, a railroad car, a train, or equipment of a railroad company being operated on a railroad right-of-way;
- (v) the property damaged was a part of any railroad signal system, train control system, centralized dispatching system, or highway railroad grade crossing warning signal on a railroad right-of-way owned, leased, or operated by a railroad company;
- (vi) the property damaged was any rail, switch, roadbed, viaduct, bridge, trestle, culvert, or embankment on a right-of-way owned, leased, or operated by a railroad company; or
- (vii) the property damage or defacement was caused by paint or other markings; and

(B) a Class D felony if:

- (i) the pecuniary loss is at least two thousand five hundred dollars (\$2,500);
- (ii) the damage causes a substantial interruption or impairment of utility service rendered to the public;
- (iii) the damage is to a public record;
- (iv) the property damaged ~~or defaced was a copy of the sex and violent offender directory (IC 5-2-6-3) contained data relating to a person required to register as a sex offender under IC 11-8-8~~ and the person is a sex offender or was required to register as a sex offender;
- (v) the damage causes substantial interruption or impairment of work conducted in a scientific research

facility;

(vi) the damage is to a law enforcement animal (as defined in IC 35-46-3-4.5); or

(vii) the damage causes substantial interruption or impairment of work conducted in a food processing facility.

(b) A person who recklessly, knowingly, or intentionally damages:

(1) a structure used for religious worship;

(2) a school or community center;

(3) the grounds:

(A) adjacent to; and

(B) owned or rented in common with;

a structure or facility identified in subdivision (1) or (2); or

(4) personal property contained in a structure or located at a facility identified in subdivision (1) or (2);

without the consent of the owner, possessor, or occupant of the property that is damaged, commits institutional criminal mischief, a Class A misdemeanor. However, the offense is a Class D felony if the pecuniary loss is at least two hundred fifty dollars (\$250) but less than two thousand five hundred dollars (\$2,500), and a Class C felony if the pecuniary loss is at least two thousand five hundred dollars (\$2,500).

(c) If a person is convicted of an offense under this section that involves the use of graffiti, the court may, in addition to any other penalty, order that the person's operator's license be suspended or invalidated by the bureau of motor vehicles for not more than one (1) year.

(d) The court may rescind an order for suspension or invalidation under subsection (c) and allow the person to receive a license or permit before the period of suspension or invalidation ends if the court determines that:

(1) the person has removed or painted over the graffiti or has made other suitable restitution; and

(2) the person who owns the property damaged or defaced by the criminal mischief or institutional criminal mischief is satisfied with the removal, painting, or other restitution performed by the person.

SECTION 34. IC 35-44-3-9.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.3. (a) As used in this section, "contraband" means the following:**

(1) Alcohol.

(2) A cigarette or tobacco product.

(3) A controlled substance.

(4) An item that may be used as a weapon.

(b) As used in this section, "inmate outside a facility" means a person who is incarcerated in a penal facility or detained in a juvenile facility on a full-time basis as the result of a conviction or a juvenile adjudication but who has been or is being transported to another location to participate in or prepare for a judicial proceeding. The term does not include the following:

(1) An adult or juvenile pretrial detainee.

(2) A person serving an intermittent term of imprisonment or detention.

(3) A person serving a term of imprisonment or detention as:

(A) a condition of probation;

(B) a condition of a community corrections program;

(C) part of a community transition program;

(D) part of a reentry court program;

(E) part of a work release program; or

(F) part of a community based program that is similar to a program described in clauses (A) through (E).

(4) A person who has escaped from incarceration or walked away from secure detention.

(5) A person on temporary leave (as described in IC 11-10-9) or temporary release (as described in IC 11-10-10).

(c) A person who, with the intent of providing contraband to an inmate outside a facility:

(1) delivers contraband to an inmate outside a facility; or

(2) places contraband in a location where an inmate outside a facility could obtain the contraband;

commits trafficking with an inmate outside a facility, a Class A misdemeanor. However, the offense is a Class D felony if the contraband is an item described in subsection (a)(3), and a Class C felony if the contraband is an item described in subsection (a)(4).

SECTION 35. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 11-8-8-5 that was committed by the person commits a Class D felony if, at the time of the violation:**

(1) the person's lifetime parole has been revoked two (2) or more times; or

(2) the person has completed the person's sentence, including any credit time the person may have earned.

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 36. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.**

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

(1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.

(2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.

(3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is

being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.

(4) The felony committed was:

- (A) murder (IC 35-42-1-1);
- (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
- (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
- (D) kidnapping (IC 35-42-3-2);
- (E) confinement (IC 35-42-3-3) with a deadly weapon;
- (F) rape (IC 35-42-4-1) as a Class A felony;
- (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
- (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
- (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
- (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
- (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
- (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
- (M) escape (IC 35-44-3-5) with a deadly weapon;
- (N) rioting (IC 35-45-1-2) with a deadly weapon;
- (O) dealing in cocaine, a narcotic drug, or methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (P) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (Q) an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;
- (R) an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or
- (S) aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on

probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of ~~an~~ a sex offender's (as defined in ~~IC 5-2-12-4~~) **IC 11-8-8-5**) sentence that is suspendible under subsection (b), the court shall place the sex offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) may not be suspended.

SECTION 37. IC 35-50-2-14, AS AMENDED BY P.L.71-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The state may seek to have a person sentenced as a repeat sexual offender for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, by alleging, on a page separate from the rest of the charging instrument, that the person has accumulated one (1) prior unrelated felony conviction for a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(b) After a person has been convicted and sentenced for a felony committed after sentencing for a prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**, the person has accumulated one (1) prior unrelated felony conviction. However, a conviction does not count for purposes of this subsection, if:

- (1) it has been set aside; or
- (2) it is one for which the person has been pardoned.

(c) If the person was convicted of the offense in a jury trial, the jury shall reconvene to hear evidence in the enhancement hearing. If the trial was to the court, or the judgment was entered on a guilty plea, the court alone shall hear evidence in the enhancement hearing.

(d) A person is a repeat sexual offender if the jury (if the hearing is by jury) or the court (if the hearing is to the court alone) finds that the state has proved beyond a reasonable doubt that the person had accumulated one (1) prior unrelated felony conviction under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3, **or had accumulated one (1) prior unrelated conviction for an offense committed in another jurisdiction that is substantially similar to a sex offense under IC 35-42-4-1 through IC 35-42-4-9 or IC 35-46-1-3**.

(e) The court may sentence a person found to be a repeat sexual offender to an additional fixed term that is the advisory sentence for the underlying offense. However, the additional sentence may not

exceed ten (10) years.

SECTION 38. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes ~~his~~ **the person's** fixed term of imprisonment, less the credit time ~~he~~ **the person** has earned with respect to that term, ~~he~~ **the person** shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or
- (3) released to the committing court if ~~his~~ **the** sentence included a period of probation.

(b) ~~Except as provided in subsection (d),~~ **This subsection does not apply to a person described in subsection (d), (e), or (f).** A person released on parole remains on parole from the date of ~~his~~ **the person's** release until ~~his~~ **the person's** fixed term expires, unless ~~his~~ **the person's** parole is revoked or ~~he~~ **the person** is discharged from that term by the parole board. In any event, if ~~his~~ **the person's** parole is not revoked, the parole board shall discharge ~~him~~ **the person** after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part** of the remainder of ~~his~~ **the person's** fixed term. However, ~~he~~ **the person** shall again be released on parole when ~~he~~ **the person** completes that remainder, less the credit time ~~he~~ **the person** has earned since the revocation. The parole board may reinstate ~~him~~ **the person** on parole at any time after the revocation.

(d) **This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.** When ~~an offender~~ **a sex offender** (as defined in ~~IC 5-2-12-4~~ **IC 11-8-8-5**) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) **This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5.** When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) **This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:**

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) **If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a**

probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:

- (1) **supervise the person while the person is being supervised by the other supervising agency; or**
- (2) **permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:**

(A) at least as stringent; and

(B) at least as effective;

as supervision by the parole board.

(h) The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.

SECTION 39. IC 35-50-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A person may, with respect to the same transaction, be deprived of any part of the credit time ~~he~~ **the person** has earned for any of the following:

- (1) A violation of one (1) or more rules of the department of correction.
- (2) If the person is not committed to the department, a violation of one (1) or more rules of the penal facility in which the person is imprisoned.
- (3) A violation of one (1) or more rules or conditions of a community transition program.
- (4) If a court determines that a civil claim brought by the person in a state or an administrative court is frivolous, unreasonable, or groundless.
- (5) **If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to register before being released from the department as required under IC 11-8-8-7.**
- (6) **If the person is a sex offender (as defined in IC 11-8-8-5) and refuses to participate in a sex offender treatment program specifically offered to the sex offender by the department of correction while the person is serving a period of incarceration with the department of correction.**

However, the violation of a condition of parole or probation may not be the basis for deprivation. Whenever a person is deprived of credit time, he may also be reassigned to Class II or Class III.

(b) Before a person may be deprived of earned credit time, the person must be granted a hearing to determine ~~his~~ **the person's** guilt or innocence and, if found guilty, whether deprivation of earned credit time is an appropriate disciplinary action for the violation. In connection with the hearing, the person is entitled to the procedural safeguards listed in section 4(c) of this chapter. The person may waive ~~his~~ **the person's** right to the hearing.

(c) Any part of the credit time of which a person is deprived under this section may be restored.

SECTION 40. IC 36-2-13-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. (a) The sheriffs shall jointly establish and maintain ~~a~~ **an Indiana** sex offender web site, known as the Indiana ~~sheriffs'~~ sex offender registry, to inform the general public about the identity, location, and appearance of every

sex offender residing within Indiana. The web site must provide information regarding each sex offender, organized by county of residence. The web site shall be updated at least ~~every seven (7) days~~ **daily**.

(b) The **Indiana** sex offender web site must include the following information:

- (1) A recent photograph of every sex offender who has registered with a sheriff after the effective date of this chapter.
- (2) The home address of every sex offender.
- (3) The information required ~~to be included in the sex offender directory (IC 5-2-12-6)~~ **under IC 11-8-8-8**.

(c) Every time a sex offender ~~submits a new registration form to the sheriff registers~~, but at least once per year, the sheriff shall photograph the sex offender. The sheriff shall place this photograph on the **Indiana** sex offender web site.

(d) The photograph of a sex offender described in subsection (c) must meet the following requirements:

- (1) The photograph must be full face, front view, with a plain white or off-white background.
- (2) The image of the offender's face, measured from the bottom of the chin to the top of the head, must fill at least seventy-five percent (75%) of the photograph.
- (3) The photograph must be in color.
- (4) The photograph must show the offender dressed in normal street attire, without a hat or headgear that obscures the hair or hairline.
- (5) If the offender normally and consistently wears prescription glasses, a hearing device, wig, or a similar article, the photograph must show the offender wearing those items. A photograph may not include dark glasses or nonprescription glasses with tinted lenses unless the offender can provide a medical certificate demonstrating that tinted lenses are required for medical reasons.
- (6) The photograph must have sufficient resolution to permit the offender to be easily identified by a person accessing the **Indiana** sex offender web site.

(e) The **Indiana** sex offender web site may be funded from:

- (1) the jail commissary fund (IC 36-8-10-21);
- (2) a grant from the criminal justice institute; and
- (3) any other source, subject to the approval of the county fiscal body.

SECTION 41. IC 33-40-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A supplemental public defender services fund is established in each county. The fund consists of amounts deposited under:

- (1) section 9 of this chapter; **and**
- (2) **IC 35-33-8-3.3**.

SECTION 42. IC 35-33-8-3.2, AS AMENDED BY P.L.10-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. (a) A court may admit a defendant to bail and impose any of the following conditions to assure the defendant's appearance at any stage of the legal proceedings, or, upon a showing of clear and convincing evidence that the defendant poses a risk of physical danger to another person or the community, to assure the public's physical safety:

- (1) Require the defendant to:
 - (A) execute a bail bond with sufficient solvent sureties;

- (B) deposit cash or securities in an amount equal to the bail;
- (C) execute a bond secured by real estate in the county, where thirty-three hundredths (0.33) of the true tax value less encumbrances is at least equal to the amount of the bail; or
- (D) post a real estate bond.

The defendant must also pay the fee required by subsection (d). (2) Require the defendant to execute a bail bond by depositing cash or securities with the clerk of the court in an amount not less than ten percent (10%) of the bail. If the defendant is convicted, the court may retain all or a part of the cash or securities to pay fines, costs, fees, and restitution, if ordered by the court. A portion of the deposit, not to exceed ten percent (10%) of the monetary value of the deposit or fifty dollars (\$50), whichever is the lesser amount, may be retained as an administrative fee. The clerk shall also retain from the deposit under this subdivision the following:

- (A) Fines, costs, fees, and restitution as ordered by the court.
- (B) Publicly paid costs of representation that shall be disposed of in accordance with subsection (b).
- (C) In the event of the posting of a real estate bond, the bond shall be used only to insure the presence of the defendant at any stage of the legal proceedings, but shall not be foreclosed for the payment of fines, costs, fees, or restitution.
- (D) The fee required by subsection (d).

The individual posting bail for the defendant or the defendant admitted to bail under this subdivision must be notified by the sheriff, court, or clerk that the defendant's deposit may be forfeited under section 7 of this chapter or retained under subsection (b).

- (3) Impose reasonable restrictions on the activities, movements, associations, and residence of the defendant during the period of release.
- (4) Require the defendant to refrain from any direct or indirect contact with an individual.
- (5) Place the defendant under the reasonable supervision of a probation officer, **pretrial services agency**, or other appropriate public official. **If the court places the defendant under the supervision of a probation officer or pretrial services agency, the court shall determine whether the defendant must pay the pretrial services fee under section 3.3 of this chapter.**

(6) Release the defendant into the care of a qualified person or organization responsible for supervising the defendant and assisting the defendant in appearing in court. The supervisor shall maintain reasonable contact with the defendant in order to assist the defendant in making arrangements to appear in court and, where appropriate, shall accompany the defendant to court. The supervisor need not be financially responsible for the defendant.

- (7) Release the defendant on personal recognizance unless:
 - (A) the state presents evidence relevant to a risk by the defendant:
 - (i) of nonappearance; or
 - (ii) to the physical safety of the public; and
 - (B) the court finds by a preponderance of the evidence that the risk exists.

(8) Impose any other reasonable restrictions designed to assure the defendant's presence in court or the physical safety of another person or the community.

(b) Within thirty (30) days after disposition of the charges against the defendant, the court that admitted the defendant to bail shall order the clerk to remit the amount of the deposit remaining under subsection (a)(2) to the defendant. The portion of the deposit that is not remitted to the defendant shall be deposited by the clerk in the supplemental public defender services fund established under IC 33-40-3.

(c) For purposes of subsection (b), "disposition" occurs when the indictment or information is dismissed or the defendant is acquitted or convicted of the charges.

(d) Except as provided in subsection (e), the clerk of the court shall:

- (1) collect a fee of five dollars (\$5) from each bond or deposit required under subsection (a)(1); and
- (2) retain a fee of five dollars (\$5) from each deposit under subsection (a)(2).

The clerk of the court shall semiannually remit the fees collected under this subsection to the board of trustees of the public employees' retirement fund for deposit in ~~the~~ the special death benefit fund. The fee required by subdivision (2) is in addition to the administrative fee retained under subsection (a)(2).

(e) With the approval of the clerk of the court, the county sheriff may collect the bail posted under this section. The county sheriff shall remit the bail to the clerk of the court by the following business day and remit monthly the five dollar (\$5) special death benefit fee to the county auditor.

(f) When a court imposes a condition of bail described in subsection (a)(4):

- (1) the clerk of the court shall comply with IC 5-2-9; and
- (2) the prosecuting attorney shall file a confidential form prescribed or approved by the division of state court administration with the clerk.

SECTION 43. IC 35-33-8-3.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.3. (a) This section does not apply to a defendant charged in a city or town court.

(b) If a defendant who has a prior unrelated conviction for any offense is charged with a new offense and placed under the supervision of a probation officer or pretrial services agency, the court may order the defendant to pay the pretrial services fee prescribed under subsection (e) if:

- (1) the defendant has the financial ability to pay the fee; and**
- (2) the court finds by clear and convincing evidence that supervision by a probation officer or pretrial services agency is necessary to ensure the:**
 - (A) defendant's appearance in court; or**
 - (B) physical safety of the community or of another person.**

(c) If a clerk of a court collects a pretrial services fee, the clerk may retain not more than three percent (3%) of the fee to defray the administrative costs of collecting the fee. The clerk shall deposit amounts retained under this subsection in the clerk's record perpetuation fund established under IC 33-37-5-2.

(d) If a clerk of a court collects a pretrial services fee from a defendant, upon request of the county auditor, the clerk shall

transfer not more than three percent (3%) of the fee to the county auditor for deposit in the county general fund.

(e) The court may order a defendant who is supervised by a probation officer or pretrial services agency and charged with an offense to pay:

- (1) an initial pretrial services fee of at least twenty-five dollars (\$25) and not more than one hundred dollars (\$100);**
 - (2) a monthly pretrial services fee of at least fifteen dollars (\$15) and not more than thirty dollars (\$30) for each month the defendant remains on bail and under the supervision of a probation officer or pretrial services agency; and**
 - (3) an administrative fee of one hundred dollars (\$100);**
- to the probation department, pretrial services agency, or clerk of the court if the defendant meets the conditions set forth in subsection (b).**

(f) The probation department, pretrial services agency, or clerk of the court shall collect the administrative fee under subsection (e)(3) before collecting any other fee under subsection (e). Except for the money described in subsections (c) and (d), all money collected by the probation department, pretrial services agency, or clerk of the court under this section shall be transferred to the county treasurer, who shall deposit fifty percent (50%) of the money into the county supplemental adult probation services fund and fifty percent (50%) of the money into the county supplemental public defender services fund (IC 33-40-3-1). The fiscal body of the county shall appropriate money from the county supplemental adult probation services fund:

- (1) to the county, superior, or circuit court of the county that provides probation services or pretrial services to adults to supplement adult probation services or pretrial services; and**
- (2) to supplement the salary of:**
 - (A) an employee of a pretrial services agency; or**
 - (B) a probation officer in accordance with the schedule adopted by the county fiscal body under IC 36-2-16.5.**

(g) The county supplemental adult probation services fund may be used only to supplement adult probation services or pretrial services and to supplement salaries for probation officers or employees of a pretrial services agency. A supplemental probation services fund may not be used to replace other probation services or pretrial services funding. Any money remaining in the fund at the end of a fiscal year does not revert to any other fund but continues in the county supplemental adult probation services fund.

(h) A defendant who is charged with more than one (1) offense and who is supervised by the probation department or pretrial services agency as a condition of bail may not be required to pay more than:

- (1) one (1) initial pretrial services fee; and**
- (2) one (1) monthly pretrial services fee per month.**

(i) A probation department or pretrial services agency may petition a court to:

- (1) impose a pretrial services fee on a defendant; or**
- (2) increase a defendant's pretrial services fee;**

if the financial ability of the defendant to pay a pretrial services fee changes while the defendant is on bail and supervised by a probation officer or pretrial services agency.

(j) An order to pay a pretrial services fee under this section:

- (1) is a judgment lien that, upon the defendant's conviction:
- (A) attaches to the property of the defendant;
 - (B) may be perfected;
 - (C) may be enforced to satisfy any payment that is delinquent under this section; and
 - (D) expires;

in the same manner as a judgment lien created in a civil proceeding;

(2) is not discharged by the disposition of charges against the defendant or by the completion of a sentence, if any, imposed on the defendant;

(3) is not discharged by the liquidation of a defendant's estate by a receiver under IC 32-30-5; and

(4) is immediately terminated if a defendant is acquitted or if charges against the defendant are dropped.

(k) If a court orders a defendant to pay a pretrial services fee, the court may, upon the defendant's conviction, enforce the order by garnishing the wages, salary, and other income earned by the defendant.

(l) If a defendant is delinquent in paying the defendant's pretrial services fee and has never been issued a driver's license or permit, upon the defendant's conviction, the court may order the bureau of motor vehicles to not issue a driver's license or permit to the defendant until the defendant has paid the defendant's delinquent pretrial services fee. If a defendant is delinquent in paying the defendant's pretrial services fee and the defendant's driver's license or permit has been suspended or revoked, the court may order the bureau of motor vehicles to not reinstate the defendant's driver's license or permit until the defendant has paid the defendant's delinquent pretrial services fee.

(m) In addition to other methods of payment allowed by law, a probation department or pretrial services agency may accept payment of a pretrial services fee by credit card (as defined in IC 14-11-1-7(a)). The liability for payment is not discharged until the probation department or pretrial services agency receives payment or credit from the institution responsible for making the payment or credit.

(n) The probation department or pretrial services agency may contract with a bank or credit card vendor for acceptance of a bank or credit card. However, if there is a vendor transaction charge or discount fee, whether billed to the probation department or pretrial services agency, or charged directly to the account of the probation department or pretrial services agency, the probation department or pretrial services agency may collect a credit card service fee from the person using the bank or credit card. The fee collected under this subsection is a permitted additional charge to the fee or fees the defendant may be required to pay under subsection (e).

(o) The probation department or pretrial services agency shall forward a credit card service fee collected under subsection (n) to the county treasurer in accordance with subsection (f). These funds may be used without appropriation to pay the transaction charge or discount fee charged by the bank or credit card vendor.

SECTION 44. IC 5-2-1-9, AS AMENDED BY P.L.2-2005, SECTION 12, P.L.52-2005, SECTION 6, P.L.170-2005, SECTION 8, AND P.L.227-2005, SECTION 2, IS CORRECTED AND

AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The board shall adopt in accordance with IC 4-22-2 all necessary rules to carry out the provisions of this chapter. ~~Such~~ The rules, which shall be adopted only after necessary and proper investigation and inquiry by the board, shall include the establishment of the following:

(1) Minimum standards of physical, educational, mental, and moral fitness which shall govern the acceptance of any person for training by any law enforcement training school or academy meeting or exceeding the minimum standards established pursuant to this chapter.

(2) Minimum standards for law enforcement training schools administered by towns, cities, counties, ~~the northwest Indiana~~ law enforcement training ~~center~~, ~~centers~~, agencies, or departments of the state.

(3) Minimum standards for courses of study, attendance requirements, equipment, and facilities for approved town, city, county, and state law enforcement officer, police reserve officer, and conservation reserve officer training schools.

(4) Minimum standards for a course of study on cultural diversity awareness that must be required for each person accepted for training at a law enforcement training school or academy.

(5) Minimum qualifications for instructors at approved law enforcement training schools.

(6) Minimum basic training requirements which law enforcement officers appointed to probationary terms shall complete before being eligible for continued or permanent employment.

(7) Minimum basic training requirements which law enforcement officers ~~not appointed for probationary terms but~~ appointed on other than a permanent basis shall complete in order to be eligible for continued employment or permanent appointment.

(8) Minimum basic training requirements which law enforcement officers appointed on a permanent basis shall complete in order to be eligible for continued employment.

(9) Minimum basic training requirements for each person accepted for training at a law enforcement training school or academy that include six (6) hours of training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the ~~law enforcement training~~ board.

(10) Minimum standards for a course of study on human and sexual trafficking that must be required for each person accepted for training at a law enforcement training school or academy and for inservice training programs for law enforcement officers. The course must cover the following topics:

(A) Examination of the human and sexual trafficking laws (IC 35-42-3.5).

(B) Identification of human and sexual trafficking.

(C) Communicating with traumatized persons.

(D) Therapeutically appropriate investigative techniques.

(E) Collaboration with federal law enforcement officials.

(F) Rights of and protections afforded to victims.

(G) Providing documentation that satisfies the Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (Form I-914, Supplement B) requirements established under federal law.

(H) The availability of community resources to assist human and sexual trafficking victims.

(b) Except as provided in subsection (l), a law enforcement officer appointed after July 5, 1972, and before July 1, 1993, may not enforce the laws or ordinances of the state or any political subdivision unless the officer has, within one (1) year from the date of appointment, successfully completed the minimum basic training requirements established under this chapter by the board. If a person fails to successfully complete the basic training requirements within one (1) year from the date of employment, the officer may not perform any of the duties of a law enforcement officer involving control or direction of members of the public or exercising the power of arrest until the officer has successfully completed the training requirements. This subsection does not apply to any law enforcement officer appointed before July 6, 1972, or after June 30, 1993.

(c) Military leave or other authorized leave of absence from law enforcement duty during the first year of employment after July 6, 1972, shall toll the running of the first year, which in such cases shall be calculated by the aggregate of the time before and after the leave, for the purposes of this chapter.

(d) Except as provided in subsections (e), ~~and~~ (l), and ~~(n)~~, (q), a law enforcement officer appointed to a law enforcement department or agency after June 30, 1993, may not:

- (1) make an arrest;
- (2) conduct a search or a seizure of a person or property; or
- (3) carry a firearm;

unless the law enforcement officer successfully completes, at a board certified law enforcement academy ~~at the southwest Indiana law enforcement training academy under section 10.5 of this chapter~~, or at ~~the northwest Indiana~~ a law enforcement training center under section 10.5 or 15.2 of this chapter, the basic training requirements established by the board under this chapter.

(e) ~~This subsection does not apply to a gaming agent employed as a law enforcement officer by the Indiana gaming commission.~~ Before a law enforcement officer appointed after June 30, 1993, completes the basic training requirements, the law enforcement officer may exercise the police powers described in subsection (d) if the officer successfully completes the pre-basic course established in subsection (f). Successful completion of the pre-basic course authorizes a law enforcement officer to exercise the police powers described in subsection (d) for one (1) year after the date the law enforcement officer is appointed.

(f) The board shall adopt rules under IC 4-22-2 to establish a pre-basic course for the purpose of training:

- (1) law enforcement officers;
- (2) police reserve officers (as described in IC 36-8-3-20); and
- (3) conservation reserve officers (as described in IC 14-9-8-27);

regarding the subjects of arrest, search and seizure, ~~the lawful use of force, and firearm qualification: the operation of an emergency vehicle.~~ The pre-basic course must be offered on a periodic basis throughout the year at regional sites statewide. The pre-basic course must consist of ~~at least~~ forty (40) hours of course work. The board may prepare ~~a~~ the classroom part of the pre-basic course ~~on videotape that must be used using available technology in~~

conjunction with live instruction. The board shall provide the course material, the instructors, and the facilities at the regional sites throughout the state that are used for the pre-basic course. In addition, the board may certify pre-basic courses that may be conducted by other public or private training entities, including colleges and universities.

(g) The board shall adopt rules under IC 4-22-2 to establish a mandatory inservice training program for police officers. After June 30, 1993, a law enforcement officer who has satisfactorily completed ~~the~~ basic training and has been appointed to a law enforcement department or agency on either a full-time or part-time basis is not eligible for continued employment unless the officer satisfactorily completes ~~a minimum of sixteen (16) hours each year of inservice training in any subject area included in the law enforcement academy's basic training course or other job related subjects that are approved by the board as determined by the law enforcement department's or agency's needs: the mandatory inservice training requirements established by rules adopted by the board.~~ Inservice training must include training in interacting with persons with mental illness, addictive disorders, mental retardation, and developmental disabilities, to be provided by persons approved by the secretary of family and social services and the ~~law enforcement training board, in addition, a certified academy staff may develop and make available inservice training programs on a regional or local basis: and~~ training concerning human and sexual trafficking. The board may approve courses offered by other public or private training entities, including colleges and universities, as necessary in order to ensure the availability of an adequate number of inservice training programs. The board may waive an officer's inservice training requirements if the board determines that the officer's reason for lacking the required amount of inservice training hours is due to ~~any~~ either of the following:

- (1) An emergency situation.
- (2) The unavailability of courses.

(h) The board shall also adopt rules establishing a town marshal basic training program, subject to the following:

- (1) The program must require fewer hours of instruction and class attendance and fewer courses of study than are required for the mandated basic training program.
- (2) Certain parts of the course materials may be studied by a candidate at the candidate's home in order to fulfill requirements of the program.
- (3) Law enforcement officers successfully completing the requirements of the program are eligible for appointment only in towns employing the town marshal system (IC 36-5-7) and having ~~no~~ not more than one (1) marshal and two (2) deputies.
- (4) The limitation imposed by subdivision (3) does not apply to an officer who has successfully completed the mandated basic training program.
- (5) The time limitations imposed by subsections (b) and (c) for completing the training are also applicable to the town marshal basic training program.

(i) The board shall adopt rules under IC 4-22-2 to establish ~~a~~ police chief an executive training program. The executive training program must include training in the following areas:

- (1) Liability.
- (2) Media relations.

- (3) Accounting and administration.
- (4) Discipline.
- (5) Department policy making.
- ~~(6) Firearm policies.~~
- (6) Lawful use of force.
- (7) Department programs.
- (8) Emergency vehicle operation.
- (9) Cultural diversity.

(j) A police chief shall apply for admission to the ~~police chief~~ executive training program within two (2) months of the date the police chief initially takes office. A police chief must successfully complete the ~~police chief~~ executive training program within six (6) months of the date the police chief initially takes office. However, if space in the executive training program is not available at a time that will allow ~~the police chief to complete~~ completion of the executive training program within six (6) months of the date the police chief initially takes office, the police chief must successfully complete the next available executive training program that is offered ~~to the police chief~~ after the police chief initially takes office.

(k) A police chief who fails to comply with subsection (j) may not continue to serve as the police chief until ~~the police chief has completed the police chief~~ completion of the executive training program. For the purposes of this subsection and subsection (j), "police chief" refers to:

- (1) the police chief of any city; ~~and~~
- (2) the police chief of any town having a metropolitan police department; and
- (3) the chief of a consolidated law enforcement department established under IC 36-3-1-5.1.

A town marshal is not considered to be a police chief for these purposes, but a town marshal may enroll in the ~~police chief~~ executive training program.

(l) ~~An A fire investigator in the arson division of the office of the state fire marshal division of fire and building safety appointed~~
~~(1) before January 1, 1994, is not required; or~~
~~(2) after December 31, 1993, is required~~
 to comply with the basic training standards established under this ~~section: chapter.~~

(m) The board shall adopt rules under IC 4-22-2 to establish a program to certify handgun safety courses, including courses offered in the private sector, that meet standards approved by the board for training probation officers in handgun safety as required by IC 11-13-1-3.5(3).

(n) The board shall adopt rules under IC 4-22-2 to establish a refresher course for an officer who:

- (1) is hired by an Indiana law enforcement department or agency as a law enforcement officer;
- (2) worked as a full-time law enforcement officer for at least one (1) year before the officer is hired under subdivision (1);
- (3) has not been employed as a law enforcement officer for at least two (2) years and less than six (6) years before the officer is hired under subdivision (1) due to the officer's resignation or retirement; and
- (4) completed a basic training course certified by the board before the officer is hired under subdivision (1).

(o) An officer to whom subsection (n) applies must successfully complete the refresher course described in subsection (n) not later

than six (6) months after the officer's date of hire, or the officer loses the officer's powers of:

- (1) arrest;
- (2) search; and
- (3) seizure.

(p) A law enforcement officer who:

- (1) has completed a basic training course certified by the board; and
- (2) has not been employed as a law enforcement officer in the six (6) years before the officer is hired as a law enforcement officer;

is not eligible to attend the refresher course described in subsection (n) and must repeat the full basic training course to regain law enforcement powers.

~~(n)~~ (q) This subsection applies only to a gaming agent employed as a law enforcement officer by the Indiana gaming commission. A gaming agent appointed after June 30, 2005, may exercise the police powers described in subsection (d) if:

- (1) the agent successfully completes the pre-basic course established in subsection (f); and
- (2) the agent successfully completes any other training courses established by the Indiana gaming commission in conjunction with the board.

SECTION 45. IC 12-13-5-2, AS AMENDED BY P.L.234-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division shall administer the following:

- (1) Any sexual offense services.
- (2) A child development associate scholarship program.
- (3) Any school age dependent care program.
- (4) Migrant day care services.
- (5) Prevention services to high risk youth.
- (6) Any commodities program.
- (7) The migrant nutrition program.
- (8) Any emergency shelter programs.
- (9) Any weatherization programs.
- (10) The Housing Assistance Act of 1937 (42 U.S.C. 1437).
- (11) The home visitation and social services program.
- (12) The educational consultants program.
- (13) Community restitution or service programs.
- (14) The crisis nursery program.
- (15) Energy assistance programs.
- (16) Domestic violence programs.
- (17) Social services programs.
- (18) Assistance to migrants and seasonal farmworkers.
- (19) The step ahead comprehensive early childhood grant program.
- (20) Assistance to victims of human and sexual trafficking offenses as provided in IC 35-42-3.5-4, as appropriate.**
- ~~(20)~~ (21) Any other program:

- (A) designated by the general assembly; or
- (B) administered by the federal government under grants consistent with the duties of the division.

SECTION 46. IC 31-9-2-29.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or

conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) A sex offense under IC 35-42-4.
- (5) Robbery under IC 35-42-5.
- (6) Arson or mischief under IC 35-43-1.
- (7) Burglary or trespass under IC 35-43-2.
- (8) Disorderly conduct under IC 35-45-1.
- (9) Intimidation or harassment under IC 35-45-2.
- (10) Voyeurism under IC 35-45-4.
- (11) Stalking under IC 35-45-10.
- (12) An offense against the family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.
- (13) Human and sexual trafficking crimes under IC 35-42-3.5.**

SECTION 47. IC 35-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person who commits the offense of:

- (1) kidnapping; ~~or~~
- (2) criminal confinement;
- (3) human trafficking;**
- (4) promotion of human trafficking; or**
- (5) sexual trafficking of a minor;**

may be tried in a county in which the victim has traveled or has been confined during the course of the offense.

(b) A person who commits the offense of criminal confinement or interference with custody may be tried in a county in which the child who was removed, taken, concealed, or detained in violation of a child custody order:

- (1) was a legal resident at the time of the taking, concealment, or detention;
- (2) was taken, detained, or concealed; or
- (3) was found.

SECTION 48. IC 35-37-4-6, AS AMENDED BY P.L.2-2005, SECTION 120, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(1) or (c)(2):

- (1) Sex crimes (IC 35-42-4).
- (2) Battery upon a child (IC 35-42-2-1(a)(2)(B)).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).
- (6) Human and sexual trafficking crimes (IC 35-42-3.5).**
- ~~(7)~~ **(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (5); (6).**

(b) This section applies to a criminal action involving the following offenses where the victim is a protected person under subsection (c)(3):

- (1) Exploitation of a dependent or endangered adult (IC 35-46-1-12).
- (2) A sex crime (IC 35-42-4).
- (3) Battery (IC 35-42-2-1).
- (4) Kidnapping, confinement, or interference with custody (IC 35-42-3).

- (5) Home improvement fraud (IC 35-43-6).
- (6) Fraud (IC 35-43-5).
- (7) Identity deception (IC 35-43-5-3.5).
- (8) Theft (IC 35-43-4-2).
- (9) Conversion (IC 35-43-4-3).
- (10) Neglect of a dependent (IC 35-46-1-4).

(11) Human and sexual trafficking crimes (IC 35-42-3.5).

(c) As used in this section, "protected person" means:

- (1) a child who is less than fourteen (14) years of age;
- (2) a mentally disabled individual who has a disability attributable to an impairment of general intellectual functioning or adaptive behavior that:

(A) is manifested before the individual is eighteen (18) years of age;

(B) is likely to continue indefinitely;

(C) constitutes a substantial impairment of the individual's ability to function normally in society; and

(D) reflects the individual's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated; or

(3) an individual who is:

(A) at least eighteen (18) years of age; and

(B) incapable by reason of mental illness, mental retardation, dementia, or other physical or mental incapacity of:

(i) managing or directing the management of the individual's property; or

(ii) providing or directing the provision of self-care.

(d) A statement or videotape that:

(1) is made by a person who at the time of trial is a protected person;

(2) concerns an act that is a material element of an offense listed in subsection (a) or (b) that was allegedly committed against the person; and

(3) is not otherwise admissible in evidence;

is admissible in evidence in a criminal action for an offense listed in subsection (a) or (b) if the requirements of subsection (e) are met.

(e) A statement or videotape described in subsection (d) is admissible in evidence in a criminal action listed in subsection (a) or (b) if, after notice to the defendant of a hearing and of the defendant's right to be present, all of the following conditions are met:

(1) The court finds, in a hearing:

(A) conducted outside the presence of the jury; and

(B) attended by the protected person;

that the time, content, and circumstances of the statement or videotape provide sufficient indications of reliability.

(2) The protected person:

(A) testifies at the trial; or

(B) is found by the court to be unavailable as a witness for one (1) of the following reasons:

(i) From the testimony of a psychiatrist, physician, or psychologist, and other evidence, if any, the court finds that the protected person's testifying in the physical presence of the defendant will cause the protected person to suffer serious emotional distress such that the protected person cannot reasonably communicate.

(ii) The protected person cannot participate in the trial for medical reasons.

(iii) The court has determined that the protected person is incapable of understanding the nature and obligation of an oath.

(f) If a protected person is unavailable to testify at the trial for a reason listed in subsection (e)(2)(B), a statement or videotape may be admitted in evidence under this section only if the protected person was available for cross-examination:

- (1) at the hearing described in subsection (e)(1); or
- (2) when the statement or videotape was made.

(g) A statement or videotape may not be admitted in evidence under this section unless the prosecuting attorney informs the defendant and the defendant's attorney at least ten (10) days before the trial of:

- (1) the prosecuting attorney's intention to introduce the statement or videotape in evidence; and
- (2) the content of the statement or videotape.

(h) If a statement or videotape is admitted in evidence under this section, the court shall instruct the jury that it is for the jury to determine the weight and credit to be given the statement or videotape and that, in making that determination, the jury shall consider the following:

- (1) The mental and physical age of the person making the statement or videotape.
- (2) The nature of the statement or videotape.
- (3) The circumstances under which the statement or videotape was made.
- (4) Other relevant factors.

(i) If a statement or videotape described in subsection (d) is admitted into evidence under this section, a defendant may introduce a:

- (1) transcript; or
- (2) videotape;

of the hearing held under subsection (e)(1) into evidence at trial.

SECTION 49. IC 35-37-4-8, AS AMENDED BY P.L.2-2005, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) This section applies to a criminal action under the following:

- (1) Sex crimes (IC 35-42-4).
- (2) Battery upon a child (IC 35-42-2-1(a)(2)(B)).
- (3) Kidnapping and confinement (IC 35-42-3).
- (4) Incest (IC 35-46-1-3).
- (5) Neglect of a dependent (IC 35-46-1-4).

(6) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(6)~~ **(7) An attempt under IC 35-41-5-1 for an offense listed in subdivisions (1) through (5).** ~~(6).~~

(b) As used in this section, "protected person" has the meaning set forth in section 6 of this chapter.

(c) On the motion of the prosecuting attorney, the court may order that the testimony of a protected person be taken in a room other than the courtroom, and that the questioning of the protected person by the prosecution and the defense be transmitted using a two-way closed circuit television arrangement that:

- (1) allows the protected person to see the accused and the trier of fact; and
- (2) allows the accused and the trier of fact to see and hear the

protected person.

(d) On the motion of the prosecuting attorney or the defendant, the court may order that the testimony of a protected person be videotaped for use at trial. The videotaping of the testimony of a protected person under this subsection must meet the requirements of subsection (c).

(e) The court may not make an order under subsection (c) or (d) unless:

(1) the testimony to be taken is the testimony of a protected person who:

(A) is the alleged victim of an offense listed in subsection (a) for which the defendant is being tried or is a witness in a trial for an offense listed in subsection (a); and

(B) is found by the court to be a protected person who should be permitted to testify outside the courtroom because:

(i) the court finds from the testimony of a psychiatrist, physician, or psychologist and any other evidence that the protected person's testifying in the physical presence of the defendant would cause the protected person to suffer serious emotional harm and the court finds that the protected person could not reasonably communicate in the physical presence of the defendant to the trier of fact;

(ii) a physician has certified that the protected person cannot be present in the courtroom for medical reasons; or

(iii) evidence has been introduced concerning the effect of the protected person's testifying in the physical presence of the defendant, and the court finds that it is more likely than not that the protected person's testifying in the physical presence of the defendant creates a substantial likelihood of emotional or mental harm to the protected person;

(2) the prosecuting attorney has informed the defendant and the defendant's attorney of the intention to have the protected person testify outside the courtroom; and

(3) the prosecuting attorney informed the defendant and the defendant's attorney under subdivision (2) at least ten (10) days before the trial of the prosecuting attorney's intention to have the protected person testify outside the courtroom.

(f) If the court makes an order under subsection (c), only the following persons may be in the same room as the protected person during the protected person's testimony:

(1) A defense attorney if:

- (A) the defendant is represented by the defense attorney; and
- (B) the prosecuting attorney is also in the same room.

(2) The prosecuting attorney if:

- (A) the defendant is represented by a defense attorney; and
- (B) the defense attorney is also in the same room.

(3) Persons necessary to operate the closed circuit television equipment.

(4) Persons whose presence the court finds will contribute to the protected person's well-being.

(5) A court bailiff or court representative.

(g) If the court makes an order under subsection (d), only the following persons may be in the same room as the protected person during the protected person's videotaped testimony:

- (1) The judge.
- (2) The prosecuting attorney.
- (3) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
- (4) Persons necessary to operate the electronic equipment.
- (5) The court reporter.
- (6) Persons whose presence the court finds will contribute to the protected person's well-being.
- (7) The defendant, who can observe and hear the testimony of the protected person with the protected person being able to observe or hear the defendant. However, if the defendant is not represented by an attorney, the defendant may question the protected person.
- (h) If the court makes an order under subsection (c) or (d), only the following persons may question the protected person:
 - (1) The prosecuting attorney.
 - (2) The defendant's attorney (or the defendant, if the defendant is not represented by an attorney).
 - (3) The judge.

SECTION 50. IC 35-41-1-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. "Crime involving domestic or family violence" means a crime that occurs when a family or household member commits, attempts to commit, or conspires to commit any of the following against another family or household member:

- (1) A homicide offense under IC 35-42-1.
- (2) A battery offense under IC 35-42-2.
- (3) Kidnapping or confinement under IC 35-42-3.
- (4) Human and sexual trafficking crimes under IC 35-42-3.5.**
- ~~(4)~~ (5) A sex offense under IC 35-42-4.
- ~~(5)~~ (6) Robbery under IC 35-42-5.
- ~~(6)~~ (7) Arson or mischief under IC 35-43-1.
- ~~(7)~~ (8) Burglary or trespass under IC 35-43-2.
- ~~(8)~~ (9) Disorderly conduct under IC 35-45-1.
- ~~(9)~~ (10) Intimidation or harassment under IC 35-45-2.
- ~~(10)~~ (11) Voyeurism under IC 35-45-4.
- ~~(11)~~ (12) Stalking under IC 35-45-10.
- ~~(12)~~ (13) An offense against family under IC 35-46-1-2 through IC 35-46-1-8, IC 35-46-1-12, or IC 35-46-1-15.1.

SECTION 51. IC 35-42-1-1, AS AMENDED BY ESB 193-2006, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, **human trafficking, promotion of human trafficking, sexual trafficking of a minor**, or carjacking;
- (3) kills another human being while committing or attempting to commit:
 - (A) dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1);
 - (B) dealing in or manufacturing methamphetamine (IC 35-48-4-1.1);
 - (C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

- (D) dealing in a schedule IV controlled substance (IC 35-48-4-3); or
 - (E) dealing in a schedule V controlled substance; or
 - (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);
- commits murder, a felony.

SECTION 52. IC 35-42-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3.5. Human and Sexual Trafficking

Sec. 1. (a) A person who knowingly or intentionally recruits, harbors, or transports another person by force, threat of force, or fraud:

- (1) to engage the other person in:**
 - (A) forced labor; or**
 - (B) involuntary servitude; or**
- (2) to force the other person into:**
 - (A) marriage; or**
 - (B) prostitution;**

commits promotion of human trafficking, a Class B felony.

(b) A parent, guardian, or custodian of a child less than eighteen (18) years of age who knowingly or intentionally sells or transfers custody of the child for the purpose of prostitution commits sexual trafficking of a minor, a Class A felony.

(c) A person who knowingly or intentionally pays, offers to pay, or agrees to pay money or other property to another person for an individual who the person knows has been forced into:

- (1) forced labor;**
- (2) involuntary servitude; or**
- (3) prostitution;**

commits human trafficking, a Class C felony.

Sec. 2. In addition to any sentence or fine imposed for a conviction of an offense under section 1 of this chapter, the court shall order the person convicted to make restitution to the victim of the crime under IC 35-50-5-3.

Sec. 3. (a) If a person is convicted of an offense under section 1 of this chapter, the victim of the offense:

- (1) has a civil cause of action against the person convicted of the offense; and**
- (2) may recover the following from the person in the civil action:**

- (A) Actual damages.**
- (B) Court costs.**
- (C) Punitive damages, when determined to be appropriate by the court.**
- (D) Reasonable attorney's fees.**

(b) An action under this section must be brought not more than two (2) years after the date the person is convicted of the offense under section 1 of this chapter.

Sec. 4. (a) An alleged victim of an offense under section 1 of this chapter:

- (1) may not be detained in a facility that is inappropriate to the victim's status as a crime victim;**
- (2) may not be jailed, fined, or otherwise penalized due to having been the victim of the offense; and**
- (3) shall be provided protection if the victim's safety is at risk or if there is danger of additional harm by recapture of the victim by the person who allegedly committed the**

offense, including:

- (A) taking measures to protect the alleged victim and the victim's family members from intimidation and threats of reprisals and reprisals from the person who allegedly committed the offense or the person's agent; and
- (B) ensuring that the names and identifying information of the alleged victim and the victim's family members are not disclosed to the public.

This subsection shall be administered by law enforcement agencies and the division of family resources, as appropriate.

(b) Not more than fifteen (15) days after the date a law enforcement agency first encounters an alleged victim of an offense under section 1 of this chapter, the law enforcement agency shall provide the alleged victim with a completed Declaration of Law Enforcement Officer for Victim of Trafficking in Persons (LEA Declaration, Form I-914 Supplement B) in accordance with 8 CFR 214.11(f)(1). However, if the law enforcement agency finds that the grant of an LEA Declaration is not appropriate for the alleged victim, the law enforcement agency shall, not more than fifteen (15) days after the date the agency makes the finding, provide the alleged victim with a letter explaining the grounds for the denial of the LEA Declaration. After receiving a denial letter, the alleged victim may submit additional evidence to the law enforcement agency. If the alleged victim submits additional evidence, the law enforcement agency shall reconsider the denial of the LEA Declaration not more than seven (7) days after the date the agency receives the additional evidence.

SECTION 53. IC 35-45-6-1, AS AMENDED BY ESB 193-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).

(6) Battery as a Class C felony (IC 35-42-2-1).

(7) Kidnapping (IC 35-42-3-2).

(8) Human and sexual trafficking crimes (IC 35-42-3.5).

~~(8)~~ (9) Child exploitation (IC 35-42-4-4).

~~(9)~~ (10) Robbery (IC 35-42-5-1).

~~(10)~~ (11) Carjacking (IC 35-42-5-2).

~~(11)~~ (12) Arson (IC 35-43-1-1).

~~(12)~~ (13) Burglary (IC 35-43-2-1).

~~(13)~~ (14) Theft (IC 35-43-4-2).

~~(14)~~ (15) Receiving stolen property (IC 35-43-4-2).

~~(15)~~ (16) Forgery (IC 35-43-5-2).

~~(16)~~ (17) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).

~~(17)~~ (18) Bribery (IC 35-44-1-1).

~~(18)~~ (19) Official misconduct (IC 35-44-1-2).

~~(19)~~ (20) Conflict of interest (IC 35-44-1-3).

~~(20)~~ (21) Perjury (IC 35-44-2-1).

~~(21)~~ (22) Obstruction of justice (IC 35-44-3-4).

~~(22)~~ (23) Intimidation (IC 35-45-2-1).

~~(23)~~ (24) Promoting prostitution (IC 35-45-4-4).

~~(24)~~ (25) Promoting professional gambling (IC 35-45-5-4).

~~(25)~~ (26) Dealing in or manufacturing cocaine or a narcotic drug (IC 35-48-4-1).

~~(26)~~ (27) Dealing in or manufacturing methamphetamine (IC 35-48-4-1.1).

~~(27)~~ (28) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(28)~~ (29) Dealing in a schedule IV controlled substance (IC 35-48-4-3).

~~(29)~~ (30) Dealing in a schedule V controlled substance (IC 35-48-4-4).

~~(30)~~ (31) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

~~(31)~~ (32) Money laundering (IC 35-45-15-5).

~~(32)~~ (33) A violation of IC 35-47.5-5.

SECTION 54. IC 35-50-5-3, AS AMENDED BY EHB 1101-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as provided in subsection (i) or (j), in addition to any sentence imposed under this article for a felony or misdemeanor, the court may, as a condition of probation or without placing the person on probation, order the person to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of:

- (1) property damages of the victim incurred as a result of the crime, based on the actual cost of repair (or replacement if repair is inappropriate);
- (2) medical and hospital costs incurred by the victim (before the date of sentencing) as a result of the crime;
- (3) the cost of medical laboratory tests to determine if the crime has caused the victim to contract a disease or other medical condition;
- (4) earnings lost by the victim (before the date of sentencing) as a result of the crime including earnings lost while the victim was hospitalized or participating in the investigation or trial of the crime; and
- (5) funeral, burial, or cremation costs incurred by the family or estate of a homicide victim as a result of the crime.

(b) A restitution order under subsection (a), or (i), or (j) is a judgment lien that:

- (1) attaches to the property of the person subject to the order;
- (2) may be perfected;
- (3) may be enforced to satisfy any payment that is delinquent under the restitution order by the person in whose favor the order is issued or the person's assignee; and
- (4) expires;

in the same manner as a judgment lien created in a civil proceeding.

(c) When a restitution order is issued under subsection (a), the issuing court may order the person to pay the restitution, or part of the restitution, directly to:

- (1) the victim services division of the Indiana criminal justice institute in an amount not exceeding:
 - (A) the amount of the award, if any, paid to the victim under IC 5-2-6.1; and
 - (B) the cost of the reimbursements, if any, for emergency services provided to the victim under IC 16-10-1.5 (before its repeal) or IC 16-21-8; or
- (2) a probation department that shall forward restitution or part of restitution to:
 - (A) a victim of a crime;
 - (B) a victim's estate; or
 - (C) the family of a victim who is deceased.

The victim services division of the Indiana criminal justice institute shall deposit the restitution it receives under this subsection in the violent crime victims compensation fund established by IC 5-2-6.1-40.

(d) When a restitution order is issued under subsection (a), (i), or (j), the issuing court shall send a certified copy of the order to the clerk of the circuit court in the county where the felony or misdemeanor charge was filed. The restitution order must include the following information:

- (1) The name and address of the person that is to receive the restitution.
- (2) The amount of restitution the person is to receive.

Upon receiving the order, the clerk shall enter and index the order in the circuit court judgment docket in the manner prescribed by IC 33-32-3-2. The clerk shall also notify the department of insurance of an order of restitution under subsection (i).

(e) An order of restitution under subsection (a), (i), or (j), does not bar a civil action for:

- (1) damages that the court did not require the person to pay to the victim under the restitution order but arise from an injury or property damage that is the basis of restitution ordered by the court; and
- (2) other damages suffered by the victim.

(f) Regardless of whether restitution is required under subsection (a) as a condition of probation or other sentence, the restitution order is not discharged by the completion of any probationary period or other sentence imposed for a felony or misdemeanor.

(g) A restitution order under subsection (a), (i), or (j), is not discharged by the liquidation of a person's estate by a receiver under IC 32-30-5 (or IC 34-48-1, IC 34-48-4, IC 34-48-5, IC 34-48-6, IC 34-1-12, or IC 34-2-7 before their repeal).

(h) The attorney general may pursue restitution ordered by the court under subsections (a) and (c) on behalf of the victim services

division of the Indiana criminal justice institute established under IC 5-2-6-8.

(i) The court may order the person convicted of an offense under IC 35-43-9 to make restitution to the victim of the crime. The court shall base its restitution order upon a consideration of the amount of money that the convicted person converted, misappropriated, or received, or for which the convicted person conspired. The restitution order issued for a violation of IC 35-43-9 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for a violation of IC 35-43-9.

(j) The court may order the person convicted of an offense under IC 35-43-5-3.5 to make restitution to the victim of the crime, the victim's estate, or the family of a victim who is deceased. The court shall base its restitution order upon a consideration of the amount of fraud or harm caused by the convicted person and any reasonable expenses (including lost wages) incurred by the victim in correcting the victim's credit report and addressing any other issues caused by the commission of the offense under IC 35-43-5-3.5. If, after a person is sentenced for an offense under IC 35-43-5-3.5, a victim, a victim's estate, or the family of a victim discovers or incurs additional expenses that result from the convicted person's commission of the offense under IC 35-43-5-3.5, the court may issue one (1) or more restitution orders to require the convicted person to make restitution, even if the court issued a restitution order at the time of sentencing. For purposes of entering a restitution order after sentencing, a court has continuing jurisdiction over a person convicted of an offense under IC 35-43-5-3.5 for five (5) years after the date of sentencing. Each restitution order issued for a violation of IC 35-43-5-3.5 must comply with subsections (b), (d), (e), and (g), and is not discharged by the completion of any probationary period or other sentence imposed for an offense under IC 35-43-5-3.5.

(k) The court shall order a person convicted of an offense under IC 35-42-3.5 to make restitution to the victim of the crime in an amount equal to the greater of the following:

- (1) The gross income or value to the person of the victim's labor or services.**
 - (2) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of:**
 - (A) the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201-209); or**
 - (B) IC 22-2-2 (Minimum Wage);**
- whichever is greater.**

SECTION 55. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 5-2-6-3.5; IC 5-2-12.

SECTION 56. [EFFECTIVE JULY 1, 2006] **(a) The sentencing policy study committee shall study issues related to human and sexual trafficking.**

(b) This SECTION expires December 31, 2006.

SECTION 57. [EFFECTIVE JULY 1, 2006] **IC 11-8-8-15, IC 11-8-8-17, IC 11-8-8-18, IC 35-42-4-10, and IC 35-44-3-13, all as added by this act, and IC 35-42-4-11 and IC 35-43-1-2, both as amended by this act, apply only to crimes committed after June 30, 2006.**

SECTION 58. [EFFECTIVE JULY 1, 2006] **Notwithstanding IC 10-13-6-10, IC 10-13-6-11, IC 35-38-2-2.3, IC 35-38-2.5-6, and IC 35-38-2.6-3, all as amended by this act, and IC 35-38-1-27, as added by this act, a probation department, community**

corrections department, or other agency supervising an offender on conditional release is not required to collect a DNA sample before October 1, 2006. However, a probation department, community corrections department, or other agency supervising an offender on conditional release is authorized to collect a DNA sample before October 1, 2006, and a DNA sample collected before October 1, 2006, may be analyzed and placed in the convicted offender data base.

SECTION 59. [EFFECTIVE JULY 1, 2006] IC 35-38-2-2.6 and IC 35-50-6-1, both as added by this act, apply only to crimes committed after June 30, 2006.

SECTION 60. [EFFECTIVE UPON PASSAGE] (a) The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.

(b) This SECTION expires July 1, 2007.

SECTION 61. [EFFECTIVE JULY 1, 2006] (a) The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for sex offenders. The report must include information relating to:

- (1) the expense of lifetime parole and GPS monitoring;
- (2) recidivism; and
- (3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.

(b) The report described in subsection (a) must be in an electronic format under IC 5-14-6.

(c) This SECTION expires November 2, 2010.

SECTION 62. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) ensure that sentencing laws and policies protect the public safety;
- (2) establish fairness and uniformity in sentencing laws and policies;
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;
- (2) the availability of sentencing options; and
- (3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

- (1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall consider, to the extent they have relevance, the following:

(A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.

(B) The deterrent effect a particular classification may have on the commission of the offense.

(C) The current incidence of the offense in Indiana.

(D) The rights of the victim.

(2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:

(A) The nature and characteristics of the offense.

(B) The severity of the offense in relation to other offenses.

(C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.

(D) The defendant's number of prior convictions.

(E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.

(F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

(A) standardizing procedures and establishing rules for the supervision of home detainees; and

(B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.

(4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.

(5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.

(6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.

(7) Recommend a comprehensive community corrections strategy based on the following:

(A) A review of existing community corrections programs.

(B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.

(C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.

(D) The identification of necessary changes in state oversight and coordination of community corrections programs.

(E) An evaluation of mechanisms for state funding and local

community participation in the operation and implementation of community corrections programs.

(F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

(A) lifetime parole;

(B) GPS or other electronic monitoring;

(C) a classification system for sex offenders;

(D) recidivism; and

(E) treatment.

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. **The committee may meet as often as necessary.**

(f) The committee consists of ~~nineteen (19)~~ **twenty (20)** members appointed as follows:

(1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.

(2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.

(3) The chief justice of the supreme court or the chief justice's designee.

(4) The commissioner of the department of correction or the commissioner's designee.

(5) The director of the Indiana criminal justice institute or the director's designee.

(6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.

(7) The executive director of the public defender council of Indiana or the executive director's designee.

(8) One (1) person with experience in administering community corrections programs, appointed by the governor.

(9) One (1) person with experience in administering probation programs, appointed by the governor.

(10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.

(12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee.

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any

time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the **voting** members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 63. [EFFECTIVE JULY 1, 2006] IC 35-44-3-9.3, as added by this act, applies only to crimes committed after June 30, 2006.

SECTION 64. An emergency is declared for this act.

(Reference is to EHB 1155 as reprinted March 1, 2006.)

Budak, Chair

Long

Bardon

Simpson

House Conferees

Senate Conferees

Roll Call 381: yeas 49, nays 1. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1259-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1259 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-3-21-2, AS ADDED BY P.L.5-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "military base" means a United States **or an Indiana** government military installation that:

(1) has an area of at least sixty thousand (60,000) acres and ~~(2)~~ is used for the design, construction, maintenance, and testing of electronic devices and ordnance;

(2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or

(3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

SECTION 2. IC 4-3-21-4, AS ADDED BY P.L.5-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The council consists of the following members:

- (1) Each member of the house of representatives whose house district includes all or part of a county that contains any part of a military base.
- (2) Each member of the senate whose senate district includes all or part of a county that contains any part of a military base.
- (3) The lieutenant governor or the lieutenant governor's designee.
- (4) The adjutant general or the adjutant general's designee.
- (5) The commissioner of the department of environmental management or the commissioner's designee.
- (6) The commissioner of the Indiana department of transportation or the commissioner's designee.
- (7) The ~~executive~~ director of the ~~state emergency management agency~~ **department of homeland security** or the ~~executive~~ director's designee.
- (8) The commissioner of the department of workforce development or the commissioner's designee.**
- (9) The president of the Indiana economic development corporation or the president's designee.**
- (10) The director of the office of energy and defense development.**

~~(8)~~ **(11) The following local government representatives:**

- (A) One (1) member of the county executive of each county that contains all or part of a military base, appointed by the county executive.
- (B) One (1) member of the county fiscal body of each county that contains all or part of a military base, appointed by the county fiscal body.
- (C) One (1) member:
 - (i) who is the executive of the municipality having the largest population in each county that contains all or part of a military base if that municipality is a city; or
 - (ii) who is appointed from the membership of the fiscal body of that town, if a town is the municipality having the largest population in the county.
- (D) One (1) member of the legislative body of the municipality having the largest population in each county that contains a military base, appointed by the legislative body of that municipality.
- (E) One (1) member of the county executive of each county listed in IC 36-7-30.5-10(4) through IC 36-7-30.5-10(6), appointed by the county executive.**

SECTION 3. IC 6-2.5-4-5, AS AMENDED BY P.L.203-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

- (1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).
- (2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.
- (3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, refining, oil extraction, mineral extraction, irrigation, agriculture, or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.
- (4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

- (i) relocates all or part of its operations to a facility; or
- (ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area **established under IC 36-7-34-4(1)**, the business must satisfy at least one (1) of the following criteria:

- (i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).
- (ii) The business is a United States Department of Defense contractor.
- (iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(E) In the case of a business that uses the services or

commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

- (i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).**
- (ii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).**

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

SECTION 4. IC 6-3-2-1.5, AS AMENDED BY P.L.203-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.5. (a) As used in this section, "qualified area" means:

- (1) a military base (as defined in IC 36-7-30-1(c));
- (2) a military base reuse area established under IC 36-7-30;
- (3) the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c));
- (4) a military base recovery site designated under IC 6-3.1-11.5; or
- (5) a qualified military base enhancement area established under IC 36-7-34.

(b) Except as provided in subsection ~~(c)~~, (e), a tax at the rate of five percent (5%) of adjusted gross income is imposed on that part of the adjusted gross income of a corporation that is derived from sources within a qualified area if the corporation locates all or part of its operations in a qualified area during the taxable year, as determined under subsection ~~(c)~~; (g). The tax rate under this section applies to the taxable year in which the corporation locates its operations in the qualified area and to the next succeeding four (4) taxable years.

(c) In the case of a corporation that locates all or part of its operations in a qualified military base enhancement area **established under IC 36-7-34-4(1)**, the tax rate imposed under this section applies to the corporation only if the corporation meets at least one (1) of the following criteria:

- (1) The corporation is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).
- (2) The corporation is a United States Department of Defense contractor.
- (3) The corporation and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the corporation and the United States Department of Defense.

(d) In the case of a business that uses the services or commodities in a qualified military base enhancement area established under IC 36-7-34-4(2), the business must satisfy at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

~~(c)~~ (e) A taxpayer is not entitled to the tax rate described in subsection (b) to the extent that the taxpayer substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations within the qualified area, unless:

- (1) the taxpayer had existing operations in the qualified area; and
- (2) the operations relocated to the qualified area are an expansion of the taxpayer's operations in the qualified area.

~~(d)~~ (f) A determination under subsection ~~(c)~~ (e) that a taxpayer is not entitled to the tax rate provided by this section as a result of a substantial reduction or cessation of operations applies to the taxable year in which the substantial reduction or cessation occurs and in all subsequent years. Determinations under this section shall be made by the department of state revenue.

~~(c)~~ (g) The department of state revenue:

- (1) shall adopt rules under IC 4-22-2 to establish a procedure for determining the part of a corporation's adjusted gross income that was derived from sources within a qualified area; and
- (2) may adopt other rules that the department considers necessary for the implementation of this chapter.

SECTION 5. IC 6-3.1-11.6-9, AS AMENDED BY P.L.203-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) Subject to subsection (c), a taxpayer is entitled to a credit against the taxpayer's state tax liability for a taxable year if the taxpayer makes a qualified investment in that taxable year.

(b) The amount of the credit to which a taxpayer is entitled is the percentage determined under section 12 of this chapter multiplied by the amount of the qualified investment made by the taxpayer during the taxable year.

(c) This subsection applies to a taxpayer making a qualified investment in a business located in a qualified military base enhancement area **established under IC 36-7-34-4(1)**. To qualify for a credit under this chapter, the taxpayer's qualified investment must be in a business that satisfies at least one (1) of the following criteria:

- (1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).
- (2) The business is a United States Department of Defense contractor.
- (3) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

(d) This subsection applies to a taxpayer making a qualified investment in a business located in a qualified military base enhancement area established under IC 36-7-34-4(2). To qualify for a credit under this chapter, the taxpayer's qualified investment must be in a business that satisfies at least one (1) of the following criteria:

(1) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).

(2) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the qualified military base (as defined in IC 36-7-34-3).

SECTION 6. IC 13-11-2-129.6, AS ADDED BY P.L.5-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 129.6. "Military base", for purposes of IC 13-15-3-1.3, means a United States **or an Indiana** government military installation that:

(1) has an area of at least sixty thousand (60,000) acres and ~~(2)~~ is used for the design, construction, maintenance, and testing of electronic devices and ordnance;

(2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or

(3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

SECTION 7. IC 34-6-2-82.6, AS ADDED BY P.L.5-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 82.6. "Military base", for purposes of IC 34-30-21, means a United States **or an Indiana** government military installation that:

(1) has an area of at least sixty thousand (60,000) acres and ~~(2)~~ is used for the design, construction, maintenance, and testing of electronic devices and ordnance;

(2) has an area of at least nine hundred (900) acres and serves as an urban training center for military units, civilian personnel, and first responders; or

(3) has an area of at least five thousand (5,000) acres and serves as a joint training center for active and reserve components of the armed forces of the United States.

SECTION 8. IC 36-7-34-4, AS ADDED BY P.L.203-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A qualified military base enhancement area is established for each **of the following:**

(1) A technology park located within a radius of five (5) miles of a qualified military base. The geographic area of the a qualified military base enhancement area established under this subdivision is the geographic area of the technology park.
(2) A county in which all or part of a qualified military base is located. The geographic area of a qualified military base enhancement area established under this subdivision is the geographic area of the county other than any area in which a technology park described in subdivision (1) is located.

(Reference is to EHB 1259 as printed February 24, 2006.)

Koch, Chair

Steele

Crooks

Hume

House Conferees

Senate Conferees

Roll Call 382: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1392-1

Madam President: Your Conference Committee appointed to

confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1392 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 21-10-2-1, AS ADDED BY HEA 1006-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A school corporation individually, in collaboration with other school corporations, and through the educational services centers may undertake action to reduce noninstructional expenditures and allocate the resulting savings to student instruction and learning. Actions taken under this section include the following:

(1) Pooling of resources with other school corporations for liability insurance, property and casualty insurance, worker's compensation insurance, employee health insurance, vision insurance, dental insurance, or other insurance, whether by pooling risks for coverage or for the purchase of coverage, or by the creation of or participation in insurance ~~programs, trusts,~~ subject to the following:

(A) School corporations that elect to pool ~~property and casualty risks assets~~ for insurance coverage ~~are must create a trust under Indiana law for the assets. The trust is~~ subject to regulation by the department of insurance as follows:

(i) The ~~program trust~~ must ~~register~~ **be registered** with the department of insurance.

(ii) The ~~program trust~~ shall obtain ~~both specific and aggregate levels of stop loss~~ insurance issued by an insurer authorized to do business in Indiana ~~each with a an aggregate~~ retention level of an amount approved by the department of insurance: **not more than one hundred twenty-five percent (125%) of the amount of expected claims for the following year.**

(iii) Contributions by the school corporations must be set at ~~a level approved by the department of insurance: one hundred percent (100%) of the aggregate retention plus all other costs of the trust.~~

(iv) Each ~~program~~ **The trust** shall ~~submit an actuarial study of a type and nature~~ **maintain a fidelity bond in an** amount approved by the department of insurance. The program shall pay the costs of the actuarial study. Each program shall fund one hundred percent ~~(100%) of the actuarial study's projection for annual losses; plus the fixed costs of the program: fidelity bond must cover each person responsible for the trust for acts of fraud or dishonestly in servicing the trust.~~

(v) The ~~program trust~~ is subject to IC 27-4-1-4.5 regarding claims settlement practices.

(vi) The ~~program trust~~ shall file an annual financial statement in the form required by ~~the department of insurance~~ **IC 27-1-3-13** not later than ~~one hundred twenty (120) days after the end of the program's fiscal~~ **March 1 of each year.**

(vii) The ~~program trust~~ is not covered by the Indiana insurance guaranty fund created under IC 27-6-8. **The liability of each school corporation is joint and several.**

(viii) The ~~program trust~~ is subject to examination by the department of insurance. All costs associated with an examination shall be borne by the ~~program trust~~.

(ix) The department of insurance may deny, suspend, or revoke the registration of a ~~program trust~~ if the commissioner finds that the ~~program trust~~ is in a hazardous financial condition, the ~~program trust~~ refuses to be examined or produce records for examination, or the ~~program trust~~ has failed to pay a final judgment rendered against the trust by a court within thirty (30) days.

(B) The department of insurance may adopt rules under IC 4-22-2 to implement this subdivision.

(2) Each school corporation, and more than one (1) school corporation acting jointly, may elect to aggregate purchases of natural gas commodity supply from any available natural gas commodity seller for all schools included in the aggregated purchases. A rate schedule that is:

(A) filed by a natural gas utility; and

(B) approved by the Indiana utility regulatory commission; must include provisions that allow a school corporation or school corporations acting jointly to elect to make aggregated purchases of natural gas commodity supply. Upon request from a school corporation, a natural gas utility shall summarize the rates and charges for providing services to each school in the school corporation on one (1) summary bill for remitting payment to the utility.

(3) Consolidating purchases with other school corporations or units of government of the following:

(A) School buses and other vehicles and vehicle fleets.

(B) Fuel, maintenance, or other services for vehicles or vehicle fleets.

(C) Food services.

(D) Facilities management services.

(E) Transportation management services.

(F) Textbooks, technology, and other school materials and supplies.

(G) Any other purchases a school corporation may require.

Purchases may be made by contiguous school corporations, as part of regional consolidated purchasing arrangements, or from consolidated sources under multistate cooperative bidding arrangements.

SECTION 2. IC 27-1-12.7-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Notwithstanding any other provision of law:

(1) the commissioner has the sole authority to regulate the issuance and sale of funding agreements;

(2) a funding agreement is not considered a covered policy under IC 27-8-8-1(a) **or IC 27-8-8-2.3(d)**; and

(3) a claim for payments under a funding agreement must be treated as a loss claim described in Class 2 of IC 27-9-3-40.

SECTION 3. IC 27-1-15.6-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 22. ~~(a)~~ An insurance producer may not receive compensation for the sale, solicitation, negotiation, or renewal of any insurance policy issued to any person

or entity for whom the insurance producer, for a fee, acts as a consultant for that policy unless:

(1) the insurance producer provides to the insured a written agreement in accordance with section 23(c) of this chapter; and

(2) the insurance producer discloses to the insured the following information prior to the sale, solicitation, negotiation, or renewal of any policy:

(A) The fact that the insurance producer will receive compensation for the sale of the policy.

(B) The method of compensation.

~~(b) The requirements of this subsection are in addition to the requirements set forth in subsection (a): A risk manager described in IC 27-1-22-2.5(b)(2) shall, before providing risk management services to an exempt commercial policyholder (as defined in IC 27-1-22-2.5), disclose in writing to the exempt commercial policyholder whether the risk manager will receive or expects to receive any commission, fee, or other consideration from an insurer in connection with the purchase of a commercial insurance policy by the exempt commercial policyholder. However, if the risk manager charges the exempt commercial policyholder a fee for risk management services, the risk manager shall disclose in writing to the exempt commercial policyholder the specific amount of any commission, fee, or other consideration that the risk manager may receive from an insurer in connection with the purchase of the policy. The risk manager shall, before providing the risk management services, obtain from the exempt commercial policyholder a written acknowledgment of the disclosures made by the risk manager to the exempt commercial policyholder under this subsection.~~

SECTION 4. IC 27-1-15.6-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. (a) An individual or corporation shall not engage in the business of an insurance consultant until a consultant license has been issued to the individual or corporation by the commissioner. However, a consultant license is not required for the following:

(1) An attorney licensed to practice law in Indiana acting in the attorney's professional capacity.

(2) A duly licensed insurance producer or surplus lines producer.

(3) A trust officer of a bank acting in the normal course of the trust officer's employment.

(4) An actuary or a certified public accountant who provides information, recommendations, advice, or services in the actuary's or certified public accountant's professional capacity.

(b) An application for a license to act as an insurance consultant shall be made to the commissioner on forms prescribed by the commissioner. An applicant may limit the scope of the applicant's consulting services by stating the limitation in the application. The areas of allowable consulting services are:

(1) Class 1, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 1; and

(2) Class 2 and Class 3, consulting regarding the kinds of insurance specified in IC 27-1-5-1, Class 2 and Class 3.

Within a reasonable time after receipt of a properly completed application form, the commissioner shall hold a written examination for the applicant that is limited to the type of consulting services designated by the applicant, and may conduct investigations and propound interrogatories concerning the applicant's qualifications,

residence, business affiliations, and any other matter that the commissioner considers necessary or advisable in order to determine compliance with this chapter or for the protection of the public.

(c) For purposes of this subsection, "consultant's fee" does not include a late fee charged under section 24 of this chapter or fees otherwise allowed by law. A consultant shall provide consultant services as outlined in a written agreement. The agreement must be signed by the person receiving services, and a copy of the agreement must be provided to the person receiving services before any services are performed. The agreement must outline the nature of the work to be performed by the consultant and the method of compensation of the consultant. The signed agreement must be retained by the consultant for not less than two (2) years after completion of the services. A copy of the agreement shall be made available to the commissioner. In the absence of an agreement on the consultant's fee, the consultant shall not be entitled to recover a fee in any action at law or in equity.

(d) An individual or corporation shall not concurrently hold a consultant license and an insurance producer's license, surplus lines producer's license, or limited lines producer's license at any time.

(e) A licensed consultant shall not:

- (1) employ;
- (2) be employed by;
- (3) be in partnership with; or
- (4) receive any remuneration whatsoever;

from a licensed insurance producer, surplus lines producer, or limited lines producer or insurer, except that a consultant may be compensated by an insurer for providing consulting services to the insurer.

(f) A consultant license shall be valid for not longer than twenty-four (24) months and may be renewed and extended in the same manner as an insurance producer's license. The commissioner shall designate on the license the consulting services that the licensee is entitled to perform.

(g) All requirements and standards relating to the denial, revocation, or suspension of an insurance producer's license, including penalties, apply to the denial, revocation, and suspension of a consultant license as nearly as practicable.

(h) A consultant is obligated under the consultant's license to:

- (1) serve with objectivity and complete loyalty solely the insurance interests of the consultant's client; and
- (2) render the client such information, counsel, and service as within the knowledge, understanding, and opinion, in good faith of the licensee, best serves the client's insurance needs and interests.

(i) ~~Except as provided in subsection (j);~~ The form of a written agreement required by subsection (c) must be filed with the commissioner not less than thirty (30) days before the form is used. If the commissioner does not expressly approve or disapprove the form within thirty (30) days after filing, the form is considered approved. At any time after notice and for cause shown, the commissioner may withdraw approval of a form effective thirty (30) days after the commissioner issues notice that the approval is withdrawn.

(j) ~~Subsection (i) does not apply to the form of a written agreement under subsection (c) that is executed by an insurance producer and an exempt commercial policyholder (as defined in~~

~~IC 27-1-22-2.5);~~

SECTION 5. IC 27-1-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Whenever a foreign or an alien insurance company desires to be admitted to do an insurance business in this state, it shall execute in the English language and present the following to the department, at its office, accompanied by the fees prescribed by law:

~~(a)~~ (1) A copy of its articles of incorporation or association, with all amendments thereto, duly authenticated by the proper officer of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States.

~~(b)~~ (2) An application for admission, executed in the manner provided in this chapter, setting forth:

~~(1)~~ (A) the name of such company;

~~(2)~~ (B) the location of its principal office or place of business without this state;

~~(3)~~ (C) the names of the states in which it has been admitted or qualified to do business;

~~(4)~~ (D) the character of insurance business under its articles of incorporation or association which it intends to transact in this state, which must conform to the class or classes set forth in the provisions of IC 27-1-5-1;

~~(5)~~ (E) the total authorized capital stock of the company and the amount thereof issued and outstanding, and the surplus required of such company by the laws of the state, country, province, or government under which it is organized, or the state in which it is domiciled in the United States, if a stock company, which shall equal at least the requirements set forth in section 5(a) of this chapter;

~~(6)~~ (F) the total amount of assets and the surplus of assets over all its liabilities, if other than a stock company, which shall equal at least the requirements set forth in section 5(b) of this chapter;

~~(7)~~ (G) if an alien company, the surplus of assets invested according to the laws of the state in the United States where it has its deposit, which shall equal at least the requirements set forth in section 5(c) of this chapter; and

~~(8)~~ (H) such further and additional information as the department may from time to time require.

The application shall be signed in duplicate, in the form prescribed by the department, by the president or a vice president and the secretary or an assistant secretary of the corporation, and verified under oath by the officers signing the same.

~~(c)~~ (3) A statement of its financial condition and business, in the form prescribed by law for annual statements, signed and sworn to by the president or secretary or other principal officers of the company; provided, however, that an alien company shall also furnish a separate statement comprising only its condition and business in the United States, which shall be signed and sworn to by its United States manager.

~~(d)~~ (4) A copy of the last report of examination certified to by the insurance commissioner or other proper supervisory official of the state in which such company is domiciled; provided, however, that the commissioner may cause an examination to be made of the condition and affairs of such company before

authority to transact business in this state is given.

~~(e)~~ **(5)** A certificate from the proper official of the state, country, province, or government wherein it is incorporated or organized, or the state in which it is domiciled in the United States, that it is duly organized or incorporated under those laws and authorized to make the kind or kinds of insurance which it proposes to make in this state.

~~(f)~~ **(6)** A copy of its bylaws or regulations, if any, certified to by the secretary or similar officer of the insurance company.

~~(g)~~ **(7)** A duly executed power of attorney in a form prescribed by the department which constitutes and appoints an individual or a corporate resident of Indiana, or an authorized Indiana insurer, as the insurance company's agent, its true and lawful attorney upon whom, **except as provided in section 4.2 of this chapter**, all lawful processes in any action in law or in equity against it shall be served. Such power of attorney shall contain an agreement by the insurance company that any lawful process against it which may be served upon the agent as its attorney shall be of the same force and validity as if served upon the insurance company and that such power of attorney shall continue in force and be irrevocable so long as any liability of the insurance company remains outstanding in this state. Such power of attorney shall be executed by the president and secretary of the insurance company or other duly authorized officers under its seal and shall be accompanied by a certified copy of the resolution of the board of directors of the company making said appointment and authorizing the execution of said power of attorney. Service of any lawful process shall be by delivering to and leaving with the agent two (2) copies of such process, with copy of the pertinent complaint attached. The agent shall forthwith transmit to the defendant company at its last known principal place of business by registered or certified mail, return receipt requested, one (1) of the copies of such process, with complaint attached, the other copy to be retained in a record which shall show all process served upon and transmitted by him. Such service shall be sufficient provided the returned receipt or, if the defendant company shall refuse to accept such mailing, the registered mail together with an affidavit of plaintiff or his attorney stating that service was made upon the agent and forwarded as above set forth but that such mail was returned by the post office department is filed with the court. The agent shall make information and receipts available to plaintiff, defendant or their attorneys. No plaintiff or complainant shall be entitled to a judgment by default based on service authorized by this section until the expiration of at least thirty (30) days from the date on which either the post office receipt or the unclaimed mail together with affidavit is filed with the court. Nothing in this section shall limit or abridge the right to serve any process, notice or demand upon any company in any other manner permitted by law.

~~(h)~~ **(8)** Proof which satisfies the department that it has complied with the financial requirements imposed in this chapter upon foreign and alien insurance companies which transact business in this state and that it is entitled to public confidence and that its admission to transact business in this state will not be prejudicial to public interest.

SECTION 6. IC 27-1-17-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. (a) A foreign or alien insurance company that provides a surety bond that is required or permitted under the law of the United States shall execute a power of attorney in a form prescribed by the department irrevocably appointing the commissioner as the insurance company's agent for service of process in an action on the surety bond if the:**

- (1) surety bond was provided in Indiana; and**
- (2) service of process under this section is in addition to another method of service of process authorized by law or court rule.**

(b) Service of process under this section has the same effect as personal service on the insurance company.

(c) Upon receipt of process described in this section, the commissioner shall forward the process to the resident agent designated by the insurance company under section 4(7) of this chapter.

(d) The commissioner may adopt rules under IC 4-22-2 to establish reasonable fees for the acceptance of process described in this section. Fees collected under rules adopted under this subsection must be deposited in the department of insurance fund established by IC 27-1-3-28.

SECTION 7. IC 27-1-22-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. (a) As used in this chapter, "exempt "commercial policyholder" means an a business, nonprofit, or governmental entity that purchases a**

(1) makes written certification to the entity's insurer on a form prescribed by the department that the entity is an exempt commercial policyholder;

(2) has purchased the policy of commercial insurance through an insurance producer licensed under IC 27-1-15.6 or IC 27-1-15.8. and

(3) meets any three (3) of the following criteria:

(A) Has a net worth of more than twenty-five million dollars (\$25,000,000) at the time the policy of insurance is issued;

(B) Has a net revenue or sales of more than fifty million dollars (\$50,000,000) in the preceding fiscal year;

(C) Has more than twenty-five (25) employees per individual company or fifty (50) employees per holding company aggregate at the time the policy of insurance is issued;

(D) Has aggregate annual commercial insurance premiums, excluding any worker's compensation and professional liability insurance premiums, of more than seventy-five thousand dollars (\$75,000) in the preceding fiscal year;

(E) Is a nonprofit or a public entity with an annual budget of at least twenty-five million dollars (\$25,000,000) or assets of at least twenty-five million dollars (\$25,000,000) in the preceding fiscal year;

(F) Procures commercial insurance with the services of a risk manager;

An entity meets the written certification requirement under subdivision (1) if the entity provides a copy of a certification previously submitted under subdivision (1) and if there has been no significant material change in the entity's status:

(b) As used in this chapter, "risk manager" means a person qualified to assess an exempt commercial policyholder's insurance needs and analyze and negotiate a policy of insurance on behalf of an exempt commercial policyholder. A risk manager may be:

- (1) a full-time employee of an exempt commercial policyholder who is qualified through education and experience or training and experience; or
- (2) a person retained by an exempt commercial policyholder who holds a professional designation relevant to the type of insurance to be purchased by the exempt commercial policyholder.

SECTION 8. IC 27-1-22-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Every insurer shall file with the commissioner every manual of classifications, rules, and rates, every rating schedule, every rating plan, and every modification of any of the foregoing which it proposes to use.

(b) The following types of insurance are exempt from the requirements of subsections (a) and (j):

- (1) Inland marine risks, which by general custom of the business are not written according to manual rates or rating plans.
- (2) Insurance, other than workers compensation insurance, or professional liability insurance, that is:

(A) written by an insurer that:

- (i) complies with subsection (m); and
- (ii) maintains at least a B rating by A.M. Best or an equivalent rating by another independent insurance rating organization; and

(B) issued to exempt commercial policyholders.

(c) Every such filing shall indicate the character and extent of the coverage contemplated and shall be accompanied by the information upon which the filer supports such filing.

(d) The information furnished in support of a filing may include:

- (1) the experience and judgment of the insurer or rating organization making the filing;
- (2) its interpretation of any statistical data it relies upon;
- (3) the experience of other insurers or rating organizations; or
- (4) any other relevant factors.

The commissioner shall have the right to request any additional relevant information. A filing and any supporting information shall be open to public inspection as soon as stamped "filed" within a reasonable time after receipt by the commissioner, and copies may be obtained by any person on request and upon payment of a reasonable charge therefor.

(e) Filings shall become effective upon the date of filing by delivery or upon date of mailing by registered mail to the commissioner, or on a later date specified in the filing.

(f) Specific inland marine rates on risks specially rated, made by a rating organization, shall be filed with the commissioner.

(g) Any insurer may satisfy its obligation to make any such filings by becoming a member of, or a subscriber to, a licensed rating organization which makes such filings and by authorizing the commissioner to accept such filings on its behalf, provided that nothing contained in this chapter shall be construed as requiring any insurer to become a member of or a subscriber to any rating organization or as requiring any member or subscriber to authorize the commissioner to accept such filings on its behalf.

(h) Every insurer which is a member of or a subscriber to a rating organization shall be deemed to have authorized the commissioner to

accept on its behalf all filings made by the rating organization which are within the scope of its membership or subscribership, provided:

- (1) that any subscriber may withdraw or terminate such authorization, either generally or for individual filings, by written notice to the commissioner and to the rating organization and may then make its own independent filings for any kinds of insurance, or subdivisions, or classes of risks, or parts or combinations of any of the foregoing, with respect to which it has withdrawn or terminated such authorization, or may request the rating organization, within its discretion, to make any such filing on an agency basis solely on behalf of the requesting subscriber; and
- (2) that any member may proceed in the same manner as a subscriber unless the rating organization shall have adopted a rule, with the approval of the commissioner:

(A) requiring a member, before making an independent filing, first to request the rating organization to make such filing on its behalf and requiring the rating organization, within thirty (30) days after receipt of such request, either:

- (i) to make such filing as a rating organization filing;
- (ii) to make such filing on an agency basis solely on behalf of the requesting member; or
- (iii) to decline the request of such member; and

(B) excluding from membership any insurer which elects to make any filing wholly independently of the rating organization.

(i) Under such rules as the commissioner shall adopt, the commissioner may, by written order, suspend or modify the requirement of filing as to any kinds of insurance, or subdivision, or classes of risk, or parts or combinations of any of the foregoing, the rates for which can not practicably be filed before they are used. Such orders and rules shall be made known to insurers and rating organizations affected thereby. The commissioner may make such examination as the commissioner may deem advisable to ascertain whether any rates affected by such order are excessive, inadequate, or unfairly discriminatory.

(j) Upon the written application of the insured, stating the insured's reasons therefor, filed with the commissioner, a rate in excess of that provided by a filing otherwise applicable may be used on any specific risk.

(k) An insurer shall not make or issue a policy or contract except in accordance with filings which are in effect for that insurer or in accordance with the provisions of this chapter. Subject to the provisions of section 6 of this chapter, any rates, rating plans, rules, classifications, or systems in effect on May 31, 1967, shall be continued in effect until withdrawn by the insurer or rating organization which filed them.

(l) The commissioner shall have the right to make an investigation and to examine the pertinent files and records of any insurer, insurance producer, or insured in order to ascertain compliance with any filing for rate or coverage which is in effect. The commissioner shall have the right to set up procedures necessary to eliminate noncompliance, whether on an individual policy, or because of a system of applying charges or discounts which results in failure to comply with such filing.

(m) The department may adopt rules to:

- (1) implement the exemption under subsection (b);

(2) impose disclosure requirements the commissioner determines are necessary to adequately protect exempt commercial policyholders; and

(3) establish the form of the report required by subsection (n).

(n) Each insurer who issues insurance to an exempt commercial policyholder shall file an annual report with the department by February 1 of each year. The annual report may not disclose the identity of an exempt commercial policyholder and must include only the following information regarding each exempt commercial policyholder:

(1) The account number, policy number, or other number used by the insurer to identify the insured;

(2) The amount of aggregate annual commercial premium;

(3) The inception date and expiration date of commercial insurance coverage provided by the insurer;

(4) The criteria in section 2-5(a)(3) of this chapter used to establish the entity as an exempt commercial policyholder;

(o) The annual report filed under subsection (n) must be accompanied by the fee prescribed by IC 27-1-3-15(c). For purposes of calculating the required fee, each policy purchased by an exempt commercial policyholder shall be considered a product filing under IC 27-1-3-15(c).

(m) This subsection applies to an insurer that issues a commercial property or commercial casualty insurance policy to a commercial policyholder. Not more than thirty (30) days after the insurer begins using a commercial property or commercial casualty insurance:

(1) rate;

(2) rating plan;

(3) manual of classifications; or

(4) modification of an item specified in subdivision (1), (2), or (3);

the insurer shall file with the department, for informational purposes only, the item specified in subdivision (1), (2), (3), or (4). Use of an item specified in subdivision (1), (2), (3), or (4) is not conditioned on review or approval by the department. This subsection does not require filing of an individual policy rate if the original manuals, rates, and rules for the insurance plan or program to which the individual policy conforms has been filed with the department.

(n) Subsection (m) does not apply to policy forms.

SECTION 9. IC 27-8-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in The definitions in this section apply throughout this chapter.

(b) "Account" means one (1) of the three (3) two (2) accounts created under section 3 of this chapter.

(c) "Annuity contract", except as provided in section 2.3(e) of this chapter, includes:

(1) a guaranteed investment contract;

(2) a deposit administration contract;

(3) a structured settlement annuity;

(4) an annuity issued to or in connection with a government lottery; and

(5) an immediate or a deferred annuity contract.

(d) "Assessment base year" means, for an impaired insurer or insolvent insurer, the most recent calendar year for which required premium information is available preceding the calendar year during which the impaired insurer's or insolvent

insurer's coverage date occurs.

(e) "Association", except when the context otherwise requires, means the Indiana life and health insurance guaranty association created under by section 3 of this chapter.

(f) "Benefit plan" means a specific plan, fund, or program that is established or maintained by an employer or an employee organization, or both, that:

(1) provides retirement income to employees; or

(2) results in a deferral of income by employees for a period extending to or beyond the termination of employment.

(g) "Board" refers to the board of directors of the association selected under IC 27-8-8-4.

(h) "Called", when used in the context of assessments, means that notice has been issued by the association to member insurers requiring the member insurers to pay, within a time frame set forth in the notice, an assessment that has been authorized by the board.

(i) "Commissioner" refers to the insurance commissioner of insurance appointed under IC 27-1-1-2.

(j) "Contractual obligation" means an enforceable obligation under a covered policies: policy for which and to the extent that coverage is provided under section 2.3 of this chapter.

(k) "Coverage date" means, with respect to a member insurer, the date on which the earlier of the following occurs:

(1) The member insurer becomes an insolvent insurer.

(2) The association determines that the association will provide coverage under section 5(a) of this chapter with respect to the member insurer.

(l) "Covered policy" means any a:

(1) nongroup policy or contract; that is of a type described in section 1(a) of this chapter and is not excluded by section 1(b) of this chapter;

(2) certificate under a group policy or contract; or

(3) part of a policy, contract, or certificate described in subdivisions (1) and (2);

for which coverage is provided under section 2.3 of this chapter.

(m) "Extracontractual claims" includes claims that relate to bad faith in the payment of claims, punitive or exemplary damages, or attorney's fees and costs.

(n) "Funding agreement" has the meaning set forth in IC 27-1-12.7-1.

(o) "Impaired insurer" means a member insurer deemed by the commissioner to be potentially unable to fulfill its contractual obligations: that is:

(1) not an insolvent insurer; and

(2) placed under an order of rehabilitation or conservation by a court with jurisdiction.

(p) "Insolvent insurer" means a member insurer who becomes insolvent and that is placed under a final an order of liquidation rehabilitation; or conservation with a finding of insolvency by a court with jurisdiction.

(q) "Member insurer" means any person that is licensed or holds a certificate of authority to transact in Indiana any kind of insurance for which coverage is provided under section 2.3 of this chapter. The term includes any an insurer whose license or certificate of authority to transact such insurance in Indiana may have been suspended, revoked, not renewed, or voluntarily withdrawn but does not include the following:

- (1) A **for-profit or nonprofit hospital or** medical and hospital service organization.
 - (2) A health maintenance organization under IC 27-13.
 - (3) A fraternal benefit society under IC 27-11.
 - (4) The Indiana Comprehensive Health Insurance Association or any other mandatory state pooling plan or arrangement.
 - (5) An assessment company or ~~any other~~ **another** person that operates **on** an assessment plan (as defined in IC 27-1-2-3(y)).
 - (6) An interinsurance **or reciprocal** exchange authorized by IC 27-6-6.
 - (7) A prepaid limited ~~health~~ service **health maintenance** organization or a limited service health maintenance organization under IC 27-13-34.
 - ~~(8) A special service health care delivery plan under IC 27-8-7.~~
 - ~~(9) (8) A farm mutual insurance company under IC 27-5.1.~~
 - (9) A person operating as a Lloyds under IC 27-7-1.
 - (10) The political subdivision risk management fund established by IC 27-1-29-10 and the political subdivision catastrophic liability fund established by IC 27-1-29.1-7.
 - (11) The small employer health reinsurance board established by IC 27-8-15.5-5.
 - ~~(10) Any~~ (12) A person similar to any person described in subdivisions (1) through ~~(9)~~ (11).
 - (r) "Moody's Corporate Bond Yield Average" means:
 - (1) the monthly average of the composite yield on seasoned corporate bonds as published by Moody's Investors Service, Inc.; or
 - (2) if the monthly average described in subdivision (1) is no longer published, an alternative publication of interest rates or yields determined appropriate by the association.
 - (s) "Multiple employer welfare arrangement" has the meaning set forth in IC 27-1-34-1.
 - (t) "Owner" means the person:
 - (1) identified as the legal owner of a policy or contract according to the terms of the policy or contract; or
 - (2) otherwise vested with legal title to a policy or contract through a valid assignment completed in accordance with the terms of the policy or contract and properly recorded as the owner on the books of the insurer.
- The term does not include a person with a mere beneficial interest in a policy or contract.
- (u) "Person" means an individual, a corporation, a limited liability company, a partnership, an association, a governmental entity, a voluntary organization, a trust, a trustee, or another business entity or organization.
 - (v) "Plan sponsor" refers to only one (1) of the following with respect to a benefit plan:
 - (1) The employer, in the case of a benefit plan established or maintained by a single employer.
 - (2) The holding company or controlling affiliate, in the case of a benefit plan established or maintained by affiliated companies comprising a consolidated corporation.
 - (3) The employee organization, in the case of a benefit plan established or maintained by an employee organization.
 - (4) In a case of a benefit plan established or maintained:
 - (A) by two (2) or more employers;
 - (B) by two (2) or more employee organizations; or
 - (C) jointly by one (1) or more employers and one (1) or

more employee organizations;
and that is not of a type described in subdivision (2), the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the benefit plan.

(w) "Premiums" means direct gross insurance premiums and annuity amounts, deposits, and considerations received on covered policies, less ~~return~~ returned premiums, ~~returned~~ deposits, and returned considerations, and dividends, paid or credited to policyholders on direct business. It and experience credits. The term does not include premiums the following:

- (1) Amounts, deposits, and considerations on contracts between insurers and reinsurers. For purposes of assessments made under section 6 of this chapter, "premiums" for covered policies shall not be reduced on account of any limitation on benefits for which the association is obligated under section 5(t) of this chapter. However, "premiums" for assessment purposes does not include that portion of any premium exceeding received for policies or contracts or parts of policies or contracts for which coverage is not provided under section 2.3(d) of this chapter, as qualified by section 2.3(e) of this chapter, except that an assessable premium must not be reduced on account of the limitations set forth in section 2.3(e)(3), 2.3(e)(15), or 2.3(f)(2) of this chapter.
- (2) Premiums in excess of five million dollars (\$5,000,000) for any one ~~(1)~~ on an unallocated annuity contract not issued or not connected with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code.

"Person" means any natural person; corporation; limited liability company; partnership; association; voluntary organization; trust; governmental organization or entity; or other business organization or entity.

(x) "Principal place of business" refers to the single state in which individuals who establish policy for the direction, control, and coordination of the operations of an entity as a whole primarily exercise the direction, control, and coordination, as determined by the association in the association's reasonable judgment by considering the following factors:

- (1) The state in which the primary executive and administrative headquarters of the entity is located.
- (2) The state in which the principal office of the chief executive officer of the entity is located.
- (3) The state in which the board of directors or similar governing person of the entity conducts the majority of the board of directors' or governing person's meetings.
- (4) The state in which the executive or management committee of the board of directors or similar governing person of the entity conducts the majority of the committee's meetings.
- (5) The state from which the management of the overall operations of the entity is directed.

However, in the case of a plan sponsor, if more than fifty percent (50%) of the participants in the plan sponsor's benefit plan are employed in a single state, that state is considered to be the principal place of business of the plan sponsor. The principal place of business of a plan sponsor of a benefit plan described in subsection (v)(4), if more than fifty percent (50%) of the

participants in the plan sponsor's benefit plan are not employed in a single state, is considered to be the principal place of business of the association, committee, joint board of trustees, or other similar group of representatives of the parties that establish or maintain the benefit plan and, in the absence of a specific or clear designation of a principal place of business, is considered to be the principal place of business of the employer or employee organization that has the largest investment in the benefit plan in question on the coverage date.

(y) "Receivership court" refers to the court in an insolvent insurer's or impaired insurer's state that has jurisdiction over the conservation, rehabilitation, or liquidation of the insolvent insurer or impaired insurer.

(z) "Resident" means any a person who that resides or has the person's principal place of business in Indiana at the time the association becomes obligated for an impaired or insolvent insurer. Persons other than natural persons are considered to reside in the state where their principal place of business is located. on the applicable coverage date.

(aa) "State" includes a state, the District of Columbia, Puerto Rico, and a United States possession, territory, or protectorate.

(bb) "Structured settlement annuity" means an annuity purchased to fund periodic payments for a plaintiff or other claimant in payment for or with respect to personal injury suffered by the plaintiff or other claimant.

(cc) "Supplemental contract" means a written agreement entered into for the distribution of proceeds under a life, health, or annuity policy or contract.

(dd) "Unallocated annuity contract" means an annuity contract or group annuity certificate: that is not issued to and held by a natural person (excluding a natural person acting as a trustee);

(1) the owner of which is not a natural person; and

(2) that does not identify at least one (1) specific natural person as an annuitant;

except to the extent of any annuity benefits guaranteed to a natural person by an insurer under the contract or certificate. For the purposes of section 1-5 of this chapter, an unallocated annuity contract shall not be considered a group covered policy or group contract.

(b) For purposes of this chapter, a policy, contract, or certificate is considered to be held by the person identified on the policy, contract, or certificate as the holder or owner of the policy, contract, or certificate.

SECTION 10. IC 27-8-8-2.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) For purposes of this chapter:

(1) a policy or contract issued on a blanket basis is a group policy or group contract;

(2) each individual insured under a policy or contract issued on a blanket basis is a certificate holder under the policy or contract; and

(3) a policy or contract issued on a franchise plan to members of a qualified group is a nongroup policy or nongroup contract.

(b) For purposes of this chapter, a benefit plan may have only one (1) plan sponsor.

SECTION 11. IC 27-8-8-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 2.3. (a) Except as otherwise excluded or limited by this chapter, this chapter provides coverage for policies and contracts specified in subsection (d) as follows:

(1) To a person, other than a certificate holder under a group policy or a group contract, that, regardless of where the person resides, is the beneficiary, nonowner assignee, or payee of a person covered under subdivision (2).

(2) To a person that is a certificate holder under a group policy or group contract, and to a person that is the owner of a nongroup policy or nongroup contract that is not an unallocated annuity contract or a structured settlement annuity, and that:

(A) is a resident; or

(B) is not a resident if all the following conditions are satisfied:

(i) The member insurer that issued the policy or contract is domiciled in Indiana.

(ii) The state in which the person resides has an association similar to the association.

(iii) The nonresident is not eligible for coverage by the other association referred to in item (ii) solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(3) For an unallocated annuity contract, subdivisions (1) and (2) do not apply, and this chapter provides coverage to the following:

(A) A person that is the owner of the unallocated annuity contract, if the contract was issued to or in connection with a benefit plan whose plan sponsor is a resident or, if the plan sponsor is not a resident, if all the following conditions are satisfied:

(i) The member insurer that issued the unallocated annuity contract is domiciled in Indiana.

(ii) The state in which the plan sponsor resides has an association similar to the association.

(iii) The other association referred to in item (ii) does not provide coverage of the unallocated annuity contract solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(B) A person that is the owner of an unallocated annuity contract issued to or in connection with a government lottery, if the owner is a resident or, if the owner is not a resident, if all the following conditions are satisfied:

(i) The member insurer that issued the unallocated annuity contract is domiciled in Indiana.

(ii) The state in which the owner resides has an association similar to the association.

(iii) The other association referred to in item (ii) does not provide coverage of the unallocated annuity contract solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(4) For a structured settlement annuity, subdivisions (1) and (2) do not apply, and this chapter provides coverage to a person that is a payee under the structured settlement annuity (or beneficiary of a payee if the payee is deceased), if the payee:

(A) is a resident, regardless of where the contract owner resides; or

(B) is not a resident if all the following conditions are satisfied:

(i) The member insurer that issued the structured settlement annuity is domiciled in Indiana.

(ii) The state in which the payee resides has an association similar to the association.

(iii) Neither the payee nor the beneficiary of the payee (if the payee is deceased) is eligible for coverage by the other association referred to in item (ii) solely because the member insurer was not licensed in the state of residence at the time specified in the guaranty association law of the state of residence.

(b) This chapter does not provide coverage to a person that is:

(1) a payee or beneficiary of a contract owner that is a resident, if the payee or beneficiary is afforded any coverage by the association of another state; or

(2) otherwise covered under subsection(a)(3), if any coverage is provided to the person by the association of another state.

(c) To avoid duplicate coverage, if a person that would otherwise receive coverage under this chapter is provided coverage under the laws of another state, the person is not eligible for coverage under this chapter. In determining the application of this subsection when a person may be covered by the association of more than one (1) state as an owner, a payee, a beneficiary, or an assignee, this chapter must be construed in conjunction with the laws of the other state to result in coverage by only one (1) association.

(d) Except as otherwise excluded or limited by this chapter, this chapter provides coverage to the persons specified in subsection (a) for:

(1) direct nongroup life, health, or annuity policies and contracts and supplemental contracts to direct nongroup life, health, or annuity policies and contracts;

(2) certificates under direct group life, health, and annuity policies and contracts; and

(3) unallocated annuity contracts;

issued by member insurers.

(e) This chapter does not provide coverage for or with respect to the following:

(1) A part of a certificate, policy, or contract:

(A) not guaranteed by the insurer; or

(B) under which the risk is borne by the payee, certificate holder, or the policy or contract owner.

(2) A reinsurance policy or contract, unless and to the extent that assumption certificates have been issued under the reinsurance policy or contract.

(3) A part of a certificate, policy, or contract to the extent that the certificate's, policy's, or contract's interest rate, crediting rate, or similar factor employed in calculating returns or changes in values, whether expressly stated in the

certificate, policy, or contract or determined by use of an index or other external referent stated in the certificate, policy, or contract, either:

(A) when averaged over a period of four (4) years immediately before the applicable coverage date, exceeds the rate of interest determined by subtracting two (2) percentage points from Moody's Corporate Bond Yield Average averaged for the same four (4) year period or for a lesser period if the certificate, policy, or contract was issued less than four (4) years before the applicable coverage date; or

(B) in effect under the certificate, policy, or contract on and after the applicable coverage date, exceeds the rate of interest determined by subtracting three (3) percentage points from Moody's Corporate Bond Yield Average as most recently available on the applicable coverage date.

(4) The obligations of a plan or program of an employer, an association, or another person to provide life, health, or annuity benefits to the employer's, association's, or other person's employees, members, or others, including obligations arising under and benefits payable by the employer, association, or other person under a multiple employer welfare arrangement.

(5) A minimum premium group insurance plan.

(6) A stop-loss or excess loss insurance policy or contract providing for the indemnification of or payment to a policy owner, a contract owner, a plan, or another person obligated to pay life, health, or annuity benefits or to provide services in connection with a benefit plan or another plan, fund, or program for the provision of employee welfare or pension benefits.

(7) An administrative services only contract.

(8) A part of a certificate, policy, or contract to the extent that the certificate, policy, or contract provides for:

(A) dividends or experience rating credits;

(B) voting rights; or

(C) payment of fees or allowances to a person, including the certificate holder or policy or contract owner, in connection with service with respect to or administration of the certificate, policy, or contract.

(9) A certificate, policy, or contract issued in Indiana by a member insurer when the member insurer did not have a certificate of authority to issue the certificate, policy, or contract in Indiana.

(10) An unallocated annuity contract issued to or in connection with a benefit plan protected by the federal Pension Benefit Guaranty Corporation, regardless of whether the federal Pension Benefit Guaranty Corporation has yet been required to make payments with respect to the benefit plan.

(11) An unallocated annuity contract or part of an unallocated annuity contract that is not issued to or in connection with a benefit plan or a government lottery.

(12) A certificate, policy, or contract or part of a certificate, policy, or contract with respect to which the Class B assessments contemplated by section 6 of this chapter may not be made or collected under federal or state law.

(13) An obligation or claim that does not arise under the express written terms of the policy or contract issued by the member insurer to the contract owner or policy owner, including any of the following obligations and claims:

- (A) Obligations and claims based on marketing materials.
- (B) Obligations and claims based on side letters, riders, or other documents issued by the member insurer without meeting applicable policy form filing or approval requirements.
- (C) Obligations and claims based on actual or alleged misrepresentations.
- (D) Obligations and claims that are extracontractual claims.
- (E) Obligations and claims for penalties or consequential, incidental, punitive, or exemplary damages.

(14) An obligation to provide a book value accounting guaranty for defined contribution benefit plan participants by reference to a portfolio of assets that is owned by the:

- (A) benefit plan; or
- (B) benefit plan's trustee;

that is not an affiliate of the member insurer.

(15) A part of a certificate, policy, or contract to the extent the:

- (A) certificate, policy, or contract provides for the certificate's, policy's, or contract's interest rate, crediting rate, or similar factor employed in calculating returns or changes in values, to be determined by use of an index or other external referent stated in the certificate, policy, or contract; and
- (B) returns or changes in value have not been credited to the certificate, policy, or contract, or as to which the certificate holder's or policy or contract owner's rights are subject to forfeiture, as of the applicable coverage date.

If a certificate's, policy's, or contract's returns or changes in values are credited to the certificate, policy, or contract less frequently than annually, for purposes of determining the returns and values that have been credited and are not subject to forfeiture under this subdivision, the returns and changes in value determined by using the procedures defined in the certificate, policy, or contract must be considered credited as if the contractual date of crediting returns or changes in values were the applicable coverage date, and those credited returns or changes in value are not subject to forfeiture under this subdivision, but will be subject to any other applicable limitations under this chapter.

(16) A funding agreement.

(17) An annuity not subject to regulation as described in IC 27-1-12.4.

(f) The benefits that the association is obligated to cover do not exceed the lesser of the following:

- (1) The contractual obligations for which the member insurer is liable or would have been liable if the member insurer were not an impaired insurer or insolvent insurer.
- (2) The applicable limitations as follows:

(A) With respect to certificates, policies, and contracts not subject to clause (B), (C), (E), or (F), with respect to one (1) life, regardless of the number of policies or contracts, the following limitations:

- (i) Three hundred thousand dollars (\$300,000) in life insurance death benefits, but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values.
- (ii) Three hundred thousand dollars (\$300,000) in health insurance benefits, but not more than one hundred thousand dollars (\$100,000) in net cash surrender and net cash withdrawal values.
- (iii) One hundred thousand dollars (\$100,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values.

(B) With respect to unallocated annuity contracts issued to or in connection with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code, one hundred thousand dollars (\$100,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, per participant.

(C) With respect to structured settlement annuities, one hundred thousand dollars (\$100,000) in the present value of annuity benefits, including net cash surrender and net cash withdrawal values, per payee.

(D) In addition to the foregoing limitations, the association is not obligated to cover more than:

- (i) an aggregate of three hundred thousand dollars (\$300,000) in benefits with respect to any one (1) person under clauses (A), (B), and (C); or
- (ii) with respect to one (1) owner of multiple nongroup policies of life insurance, whether the policy owner is an individual, a firm, a corporation, or another person, and whether the persons insured are officers, managers, employees, or other persons, five million dollars (\$5,000,000) in benefits, including net cash surrender and net cash withdrawal values, regardless of the number of policies and contracts held by the owner.

(E) With respect to unallocated annuity contracts issued to or in connection with a government lottery, five million dollars (\$5,000,000) in benefits per contract owner, regardless of the number of contracts held by the contract owner.

(F) With respect to unallocated annuity contracts:

- (i) issued to or in connection with a benefit plan; and
 - (ii) not subject to clause (B);
- five million dollars (\$5,000,000) in benefits per plan sponsor, regardless of the number of unallocated annuity contracts entitled to coverage under this chapter.

(g) The limitations set forth in subsection (f) are limitations on the benefits for which the association is obligated before taking into account the:

- (1) association's subrogation and assignment rights; or
- (2) extent to which the benefits could be provided out of the assets of the impaired insurer or insolvent insurer attributable to covered policies.

The costs of discharging the association's obligations under this chapter may be met by the use of assets attributable to covered policies or reimbursed to the association under the association's subrogation and assignment rights.

(h) In discharging the association's obligations to provide coverage under this chapter, the association is not required to:

- (1) guarantee, assume, reinsure, or perform;**
- (2) cause to be guaranteed, assumed, reinsured, or performed; or**
- (3) otherwise assure the discharge of;**

the obligations of the insolvent insurer or impaired insurer under a covered policy that do not materially affect the economic values or economic benefits of the covered policy.

SECTION 12. IC 27-8-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) There is created a nonprofit legal entity referred to as the Indiana Life and Health Insurance Guaranty Association. **A member insurer shall be and remain a member of the association as a condition of the member insurer's authority to transact insurance in Indiana. an insurer must be a member of the association.** The association shall perform its functions under the plan of operation established ~~in~~ **and approved under** section 7 of this chapter. **The association shall exercise its powers are to be exercised** through a board of directors established under section 4 of this chapter. For purposes of administration and assessment the association shall maintain ~~three (3)~~ **the following two (2) accounts:**

- (1) The health insurance account.
- (2) The life insurance **and annuity** account, **which includes the following subaccounts:**

(A) The life insurance subaccount.

(B) The annuity subaccount, which includes annuity contracts issued to or in connection with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code, but otherwise excludes unallocated annuities.

(C) The unallocated annuity subaccount, which excludes annuity contracts issued to or in connection with a governmental benefit plan established under Section 401, 403(b), or 457 of the United States Internal Revenue Code.

~~(3) The annuity account:~~

(b) The association is under the immediate supervision of the commissioner and subject to ~~Indiana~~ **the applicable provisions of the insurance law.** ~~From the assessments specified in section 6 of this chapter, the association shall pay administrative costs and general expenses incurred by the commissioner in supervising the association and discharging the commissioner's obligations under this chapter.~~ **laws of Indiana.**

SECTION 13. IC 27-8-8-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) The board of directors of the association shall consist of not less than five (5) nor more than nine (9) member insurers **serving terms established in the plan of operation.** The members of the board shall be selected by member insurers subject to the approval of the commissioner.

(b) Vacancies on the board shall be filled for the remaining period of the term by a majority vote of the remaining board members, subject to the approval of the commissioner.

~~(b) (c)~~ **(c)** To select the initial board ~~of directors~~, and initially

organize the association, the commissioner shall give notice to all member insurers of the time and place of the organizational meeting. At the organizational meeting, each member insurer is entitled to one (1) vote in person or by proxy. If the board ~~of directors~~ is not selected within sixty (60) days after notice of the organizational meeting, the commissioner may appoint the initial members **of the board.**

~~(c) (d)~~ **(d)** In approving selections ~~or in appointing members~~ to the board, the commissioner shall consider whether all member insurers are fairly represented.

~~(d) (e)~~ **(e)** Members of the board may be reimbursed from the assets of the association ~~only~~ for expenses incurred **by the members** as members of the board. ~~of directors.~~ **The association shall not otherwise compensate members of the board for the members' services on the board.**

SECTION 14. IC 27-8-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a ~~domestic member~~ insurer is an impaired insurer, the association may, **in the association's sole discretion** and subject to any conditions imposed by the association ~~other than those that do not~~ **do not** impair the contractual obligations of the impaired insurer ~~and subject to the approval of the impaired insurer and that are approved by the commissioner:~~

(1) ~~guarantee, or assume, reinsure, or perform, or cause to be guaranteed, assumed, or reinsured, or performed, the contractual obligations of any of the covered policies of the impaired insurer or otherwise assure the discharge of the contractual obligations of the covered policies of the impaired insurer; and~~

(2) provide money, pledges, ~~loans~~, notes, guarantees, or use other means as ~~are proper determined by the association in the association's sole discretion to be necessary or appropriate~~ to effectuate subdivision (1). ~~and assure payment of the contractual obligations of the impaired insurer pending action under subdivision (1); and~~

~~(3) loan money to the impaired insurer.~~

~~(b) If a domestic insurer is an insolvent insurer, the association shall, subject to the approval of the commissioner:~~

~~(1) guarantee, assume, or reinsure, or cause to be guaranteed, assumed, or reinsured the covered policies of the insolvent insurer;~~

~~(2) assure payment of the contractual obligations of the insolvent insurer; and~~

~~(3) provide money, pledges, notes, guarantees, or other means as are necessary to discharge the contractual obligations of the insolvent insurer.~~

However, if the domestic insurer is subject to proceedings under ~~IC 27-9-3~~ and the initial petition was filed after December 31, 1985, this subsection applies only to the covered policies of residents and nonresidents to whom coverage is provided under section 1-5(d) of this chapter and the contractual obligation of the insolvent insurer to residents and nonresidents to whom coverage is provided under section 1-5(d) of this chapter.

~~(c) If a foreign or alien insurer is an insolvent insurer, the association shall, subject to the approval of the commissioner:~~

~~(1) guarantee, assume, or reinsure or cause to be guaranteed, assumed, or reinsured the covered policies of residents to whom coverage is provided under section 1-5(d) of this chapter;~~

- (2) assure payment of the contractual obligations of the insolvent insurer to residents to whom coverage is provided under section 1-5(d) of this chapter; and
- (3) provide money, pledges, notes, guarantees, or other means as are necessary to discharge its duties.

The association may appear, intervene, assert objections, or take other action as is necessary and appropriate to protect the interests of Indiana residents to whom coverage is provided under section 1-5(d) of this chapter who are policyholders of the foreign or alien insurer; in any insolvency proceeding involving the foreign or alien insurer; whether the proceeding is inside or outside Indiana.

(d) Subsection (e) shall not apply when the commissioner determines that the foreign or alien insurer's domiciliary jurisdiction or state of entry provides by statute protection that is substantially similar to that provided by this chapter for residents of Indiana.

(b) An obligation undertaken by the association under subsection (a) with respect to a covered policy of an impaired insurer ceases on the date the covered policy is replaced by the policy owner, insured, or association.

(c) If a member insurer is an insolvent insurer, the association shall, in the association's sole discretion, do one (1) of the following for each covered policy:

- (1) Guarantee, assume, reinsure, or perform, or cause to be guaranteed, assumed, reinsured, or performed, the contractual obligations of the covered policy or otherwise assure the discharge of the contractual obligations of the covered policy.
- (2) Terminate existing benefits and coverage and provide benefits and coverages in accordance with the following provisions:

(A) For premiums identical to the premiums that would have been payable under the covered policy, assure payment of benefits arising under the contractual obligations, except for terms of conversion and nonrenewability, for:

- (i) with respect to a group covered policy, claims incurred not later than the earlier of the next renewal date under the covered policy or forty-five (45) days, but not less than thirty (30) days, after the coverage date for the insolvent insurer; and
- (ii) with respect to a nongroup covered policy, claims incurred not later than the earlier of the next renewal date under the covered policy or one (1) year, but in no event less than thirty (30) days, after the coverage date for the insolvent insurer.

(B) Make diligent efforts to provide each:

- (i) known insured or annuitant, for a nongroup covered policy; and
 - (ii) owner, for a group covered policy;
- at least thirty (30) days notice of the termination of the benefits provided.

(C) Make available substitute coverage, on an individual basis, to each:

- (i) owner of a nongroup covered policy if the owner had a right to continue the nongroup covered policy in force until a specified age or for a specified period, during which time the insurer had no unilateral right to make changes in the nongroup covered policy's

provisions or had only a unilateral right to make changes in premiums only by class; and

(ii) insured or annuitant under a group covered policy if the insured or annuitant is not eligible for any replacement group coverage and had a right, before termination of the group covered policy, to convert to individual coverage.

(D) In making available any substitute coverage under clause (C), the association may offer to reissue the terminated coverage or to issue an alternative policy or contract. If made available under clause (C), alternative or reissued policies and contracts must be offered without requiring evidence of insurability and must not impose any waiting period or coverage exclusion, other than a waiting period or coverage exclusion provided for in this chapter, that would not have applied under the terminated covered policy. The association may cause any alternative or reissued policy or contract to be assumed or reinsured.

(E) Use of alternative policies and contracts by the association is subject to the approval of the domiciliary insurance regulatory authority and the receivership court. The association may adopt alternative policies and contracts of various types for future issuance without regard to any particular impairment or insolvency. Alternative policies and contracts must contain at least the minimum statutory provisions required in Indiana and provide benefits that are reasonable in relation to the premium charged. The association shall set the premium in accordance with a table of rates adopted by the association. The premium must:

- (i) reflect the amount of insurance to be provided and the age and class of risk of each insured; and
- (ii) not reflect changes in the health of the insured after the terminated covered policy was last underwritten.

Subject to coverage exceptions, exclusions, and limitations provided for in this chapter, an alternative policy or contract issued by the association must provide coverage similar, in material respects, to the coverage under the terminated covered policy as determined by the association.

(F) If the association elects to reissue terminated coverage at a premium rate different from the premium rate charged under the terminated covered policy, the association shall set the premium in accordance with a table of rates adopted by the association. The premium:

- (i) must reflect the amount of insurance to be provided and the age and class of risk of each insured; and
- (ii) is subject to approval of the domiciliary insurance regulatory authority and the receivership court.

(G) The association's obligations with respect to coverage under a covered policy of an insolvent insurer or under a reissued or alternative policy or contract ceases on the date the coverage or covered policy is replaced by another similar policy by the policy owner, insured, or association.

(H) Subject to subsection (u), when proceeding under this subdivision with respect to a covered policy carrying guaranteed minimum interest rates, the association shall assure the payment or crediting of a rate of interest consistent with section 2.3(e)(3) of this chapter.

(3) Take any combination of the actions set forth in subdivisions (1) and (2).

(d) The association may provide money, pledges, loans, notes, or guarantees, or use other means that the association, in the association's sole discretion, determines are necessary or appropriate to discharge the association's duties under subsection (c).

(e) Failure to pay premiums within thirty-one (31) days after the date that payment is due under the terms of a guaranteed, assumed, alternative, or reissued policy or contract or substitute coverage terminates the association's obligations under this chapter with respect to the policy, contract, or coverage, except with respect to claims incurred or net cash surrender value due under this chapter.

(f) Premiums due for coverage after the coverage date for an impaired insurer or insolvent insurer belong to and are payable at the direction of the association, and the association is liable for unearned premiums payable to policy or contract owners with respect to premiums received by the association.

(g) The protection provided by this chapter does not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired insurer or insolvent insurer if the domiciliary state is a state other than Indiana.

(c) (h) In carrying out its duties under subsections (b); and subsection (c), permanent policy liens or contract liens may be imposed by the association in connection with a guarantee, assumption, or reinsurance agreement, if a court may, subject to approval by a court in Indiana, impose:

(1) permanent policy or contract liens, if the association finds that:

(A) the amounts that can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the insolvent insurer's contractual obligations, association's duties under this chapter; or that the

(B) economic or financial conditions, as they affect member insurers, are sufficiently adverse so as to render the imposition of the permanent policy or contract liens to be in the public interest; and

(2) approves the specific policy liens or contract liens to be used.

A court may make findings under subdivision (1) and approve policy liens or contract liens under subdivision (2) in any proceeding under IC 27-9 with respect to an insolvent insurer (including a proceeding under IC 27-9-4 in which affected policyholders or contract holders are given reasonable notice and an opportunity to be heard); or in an original proceeding involving a foreign or alien insurer instituted by the association against affected policyholders or contract holders who are residents of Indiana. Any policyholder or contract holder affected by a court's decision under this subsection may appeal the decision in the manner that appeals are taken from final judgments in other civil actions. All parties to the proceeding shall take note of and be bound

by the appeal, but the appeal does not stay the proceeding.

(f) Before being obligated under subsections (b) and (c), the association may request that there be imposed temporary moratoriums or liens on payments of cash values and policy loans in addition to any contractual provisions for deferral of cash or policy loan values:

(2) temporary moratoriums or liens on payments of cash values and policy loans or any other right to withdraw funds held in conjunction with a covered policy, in addition to any contractual provisions for deferral of cash or policy loan value.

In addition, in the event of a temporary moratorium or moratorium charge imposed by the receivership court on payments of cash values or policy loans or any other right to withdraw funds held in conjunction with a covered policy out of the assets of the impaired insurer or insolvent insurer, the association may defer the payment of cash values, policy loans, or other rights by the association for the period of the moratorium or moratorium charge imposed by the receivership court, except for claims covered by the association to be paid in accordance with a hardship procedure established by the liquidator or rehabilitator and approved by the receivership court.

(i) A deposit in Indiana, held by law or required by the commissioner for the benefit of creditors, including policy owners, that is not turned over to the domiciliary receiver before or promptly after the coverage date for an impaired insurer or insolvent insurer under IC 27-9-4-3 must be promptly paid to the association. The association:

(1) may retain a part of an amount paid to the association under this subsection equal to the percentage determined by dividing the aggregate amount of policy owners' claims related to the impairment or insolvency for which the association provides statutory benefits by the aggregate amount of all policy owners' claims in Indiana related to the impairment or insolvency; and

(2) shall remit to the domiciliary receiver the difference between the amount paid to the association and the amount retained by the association under this subsection.

An amount retained by the association under this subsection must be treated as a distribution of estate assets under IC 27-9-3-32 or similar provision of the state of domicile of the impaired insurer or insolvent insurer.

(g) (j) If the association fails to act within a reasonable period of time as provided in subsections (b); and subsection (c) of this section, with respect to an insolvent insurer, the commissioner has the powers and duties of the association under this chapter with respect to the insolvent insurers' insurer.

(h) Upon request, (k) The association may, upon the commissioner's request, assist and advise the commissioner concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of an impaired insurer or insolvent insurer.

(i) (l) The association is entitled has standing and the right to appear or intervene before any a court or an agency in Indiana or elsewhere with jurisdiction over an impaired insurer or insolvent insurer to whom for which the association is or may become obligated under this chapter or with jurisdiction over a person or property against which the association may have rights through subrogation or otherwise. Standing extends to all matters germane

to the **rights**, powers, and duties of the association, including proposals for reinsuring, **modifying**, or guaranteeing the ~~covered~~ policies **or contracts** of the impaired insurer or insolvent insurer and the determination of the ~~covered~~ policies **or contracts** and contractual obligations.

~~(j)~~ **(m)** A person receiving benefits under this chapter ~~assigns~~ is considered to have assigned:

(1) the person's rights under; and

(2) any cause of action against another person for losses arising under, resulting from, or otherwise relating to;

the covered policy to the association to the extent of the benefits received ~~by that person~~ because of this chapter, whether the benefits are payments of **or on account of** contractual obligations or continuation of coverage **or provision of substitute or alternative coverage**. The association may require an assignment to it of those rights **and causes of action** by a payee, policy or contract owner, **certificate holder**, beneficiary, insured, or annuitant as a condition precedent to the receipt of any ~~rights~~ **right** or benefits conferred by this chapter on ~~that the~~ person. ~~The association is subrogated to these rights against the assets of an insolvent insurer.~~

~~(k)~~ **(n)** The subrogation rights of the association ~~under subsections (m) and (o)~~ have the same priority against the assets of the **impaired insurer** or insolvent insurer as those possessed by the person entitled to receive benefits under this chapter.

~~(l)~~ The association may not become liable for the contractual obligations of an insolvent insurer in excess of what the contractual obligations of the insolvent insurer would have been in the absence of an insolvency, unless the obligations are reduced as permitted by subsection (c). However, the aggregate liability of the association with respect to covered policies other than unallocated annuity contracts is not to exceed one hundred thousand dollars (\$100,000) in cash values, or three hundred thousand dollars (\$300,000) for all benefits, including cash values, with respect to any one ~~(1)~~ life. The aggregate liability of the association with respect to covered unallocated annuity contracts shall not exceed five million dollars (\$5,000,000) for all benefits, including cash values, with respect to any one ~~(1)~~ contract holder, irrespective of the number of unallocated annuity contracts held by the contract holder.

(o) In addition to the rights conferred by subsections (m) and (n), the association has all common law rights of subrogation and any other equitable or legal remedy with respect to a covered policy that would have been available to the:

(1) impaired insurer or insolvent insurer;

(2) owner, beneficiary, or payee of a policy or contract with respect to the policy or contract, including, in the case of a structured settlement annuity, rights of the owner, beneficiary, or payee of the annuity, to the extent of benefits received under this chapter, against a person:

(A) who is originally or by succession responsible for the losses arising from the personal injury relating to the annuity or payment for the annuity; and

(B) whose responsibility is not solely because of the person serving as an assignee in respect of a qualified assignment under Section 130 of the Internal Revenue Code; and

(3) certificate holder, or the beneficiary or payee of the certificate holder, with respect to a certificate.

(p) If subsection (m), (n), or (o) is invalid or ineffective with

respect to a person or claim, the amount payable by the association with respect to the related covered policies must be reduced by the amount realized by another person with respect to the person or claim that is attributable to the covered policies.

(q) If the association provides benefits with respect to a covered policy and a person recovers amounts to which the association has rights as described in subsection (m), (n), or (o), the person shall pay to the association the part of the recovery attributable to the covered policies.

~~(m)~~ **(r)** The association may do the following:

(1) Enter into contracts necessary **or appropriate** to carry out the provisions **and purposes** of this chapter.

(2) Sue or, **subject to section 14 of this chapter**, be sued, including taking legal actions necessary **or appropriate** to recover unpaid assessments under section 6 of this chapter **and to resolve claims or potential claims against or on behalf of the association**.

(3) Borrow money to effect the ~~provisions~~ **purposes** of this chapter **and issue notes or other evidences of indebtedness of the association with respect to borrowings. Notes or other evidences of indebtedness described in this subdivision that are not in default are legal investments for domestic insurers and may be carried as admitted assets.**

(4) Employ or retain persons necessary **or appropriate** to handle the financial transactions of the association **or and** to perform other functions necessary **or appropriate** under this chapter.

(5) negotiate and contract with a liquidator, a rehabilitator, a conservator, or an ancillary receiver to carry out the powers and duties of the association;

~~(6)~~ **(5)** Take legal action necessary **or appropriate** to avoid **or recover** payment of improper claims. ~~and~~

~~(7)~~ **(6)** Exercise, for the purposes of this chapter and to the extent approved by the commissioner, the powers of a domestic life or health insurer. However, in no case may the association issue insurance policies or annuity contracts other than those issued to perform the ~~contractual~~ **association's** obligations ~~of the impaired or insolvent insurer: under this chapter.~~

(7) Request information from a person seeking coverage from the association to aid the association in determining and discharging the association's obligations under this chapter with respect to the person. The person shall promptly comply with the request.

(8) Settle claims and potential claims by or against the association.

(9) Exercise all rights, privileges, and powers granted to the association by any other laws of Indiana or another jurisdiction.

(10) Take other necessary **or appropriate** action to discharge the association's duties and obligations under this chapter or to exercise the association's rights and powers under this chapter.

(s) The association may belong to one (1) or more organizations of one (1) or more other state associations of similar purpose to further the purpose and administer the powers and duties of the association.

~~(n)~~ Any notes or other evidence of indebtedness of ~~(t)~~ The association not in default are legal investments for domestic insurers

has discretion and may be carried as admitted assets; exercise reasonable business judgment to determine the means by which the association is to discharge, in an economical and efficient manner, the association's obligations under this chapter.

(u) In discharging the association's obligations and exercising the association's rights and powers under subsections (a) and (c), the association may, subject to approval of the receivership court, provide substitute coverage for a covered policy that provides for the covered policy's interest rate, crediting rate, or similar factor employed in calculating returns or changes in value to be determined by use of an index or other external referent stated in the covered policy by issuing an alternative policy or contract in accordance with the following provisions:

(1) Instead of the index or other external referent stated in the covered policy, the alternative policy or contract may provide for:

- (A) a fixed interest rate;
- (B) payment of dividends with minimum guarantees; or
- (C) a different method for calculating returns or changes in value.

(2) A:

- (A) requirement for evidence of insurability; or
- (B) waiting period or an exclusion, other than a waiting period or an exclusion provided for in this chapter;

that would not have applied under the covered policy may not be imposed.

(3) The alternative policy or contract must provide coverage similar, in material respects, to the coverage under the covered policy, after taking into account the exceptions, exclusions, and limitations provided for in this chapter, as determined by the association.

SECTION 15. IC 27-8-8-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.2. (a) At any time within one (1) year after the coverage date for an impaired insurer or insolvent insurer, the association may elect, subject to subdivisions (1) through (4), to succeed to the rights and obligations of the impaired insurer or insolvent insurer that accrue on or after the coverage date and that relate to covered policies under one (1) or more indemnity reinsurance agreements entered into by the impaired insurer or insolvent insurer as a ceding insurer. However, the association may not exercise an election with respect to a reinsurance agreement if the receiver, rehabilitator, or liquidator of the impaired insurer or insolvent insurer has previously and expressly disaffirmed the reinsurance agreement. The election by the association must be effected by a notice to the receiver, rehabilitator, or liquidator and to the affected reinsurers specifying the reinsurance agreement concerning which the association has made the foregoing election. If the association makes an election, the following apply with respect to the agreements selected by the association:

(1) The association is responsible for:

- (A) all unpaid premiums due under the agreements for periods before and after the coverage date; and
- (B) the performance of all other obligations of the impaired insurer or insolvent insurer to be performed after the coverage date;

that relate to covered policies. The association may charge

covered policies that are only partially covered by the association, through reasonable allocation methods, the costs for reinsurance in excess of the obligations of the association.

(2) The association is entitled to any amount payable by the reinsurer under the selected agreements:

- (A) with respect to losses or events that occur during periods after the coverage date; and
- (B) that relate to covered policies.

Of the amount received from the reinsurer, the association is obliged to pay to the beneficiary under the covered policy on account of which the amount was paid a portion of the amount equal to the excess of the amount received by the association over benefits paid by the association on account of the covered policy less the retention of the impaired insurer or insolvent insurer applicable to the loss or event.

(3) Within thirty (30) days after the association's election, the association and each indemnity reinsurer shall calculate the net balance due to or from the association under each reinsurance agreement as of the date of the association's election, giving full credit to all items paid by the:

- (A) impaired insurer or insolvent insurer, or the impaired insurer's or insolvent insurer's receiver, rehabilitator, or liquidator; or
- (B) indemnity reinsurer;

during the period between the coverage date and the date of the association's election. Either the association or indemnity reinsurer shall pay the net balance due the other not more than five (5) days after the completion of the calculation. If the receiver, rehabilitator, or liquidator has received any amount due the association under subdivision (2), the receiver, rehabilitator, or liquidator shall remit the amount to the association as promptly as practicable.

(4) If the association, within sixty (60) days of the election, pays the premiums due for periods before and after the coverage date that relate to covered policies, the reinsurer is not entitled to:

- (A) terminate the reinsurance agreements insofar as the agreements relate to covered policies; or
- (B) set off any unpaid premium due for periods before the coverage date against amounts due the association.

(b) If the association transfers any of the association's obligations to another insurer, and if the association and the other insurer agree, the other insurer succeeds to the rights and obligations of the association under subsection (a) with respect to the transferred obligations effective as of the date agreed upon by the association and the other insurer and regardless of whether the association has made the election referred to in subsection (a), except that the:

- (1) indemnity reinsurance agreements automatically terminate for new reinsurance unless the indemnity reinsurer and the other insurer agree to the contrary; and
- (2) obligations of the association described in subsection (a)(2) no longer apply on and after the date the indemnity reinsurance agreement is transferred to the third party insurer.

This subsection does not apply if the association has previously notified the receiver, rehabilitator, or liquidator and the affected

reinsurer in writing that the association will not exercise the election referred to in subsection (a).

(c) Subsections (a) and (b) supersede any other law or affected reinsurance agreement that provides for or requires payment of reinsurance proceeds, on account of losses or events that occur after the coverage date, to the receiver, liquidator, or rehabilitator of the impaired insurer or insolvent insurer. The receiver, rehabilitator, or liquidator remains entitled to amounts payable by the reinsurer under the reinsurance agreement with respect to losses or events that occur before the coverage date, subject to applicable setoff provisions.

(d) Except as provided in subsections (a), (b), and (c), this chapter does not alter or modify the terms and conditions of indemnity reinsurance agreements of the insolvent insurer.

(e) This chapter does not:

(1) abrogate or limit the rights of a reinsurer to claim that the reinsurer is entitled to rescind a reinsurance agreement; or

(2) give a policy owner or beneficiary an independent cause of action against an indemnity reinsurer that is not otherwise set forth in the indemnity reinsurance agreement.

SECTION 16. IC 27-8-8-5.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.4. If the association has arranged or offered to discharge the association's obligations under this chapter with respect to contractual obligations owed to a person entitled to coverage under this chapter:

(1) the person, and any other person claiming by, through, or under the person, is not entitled to benefits from the association in addition to or other than benefits arranged or offered by the association; and

(2) the association is relieved of further obligation with respect to the contractual obligations if the person rejects, declines, or otherwise fails to accept the association's arrangement or offer.

SECTION 17. IC 27-8-8-5.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.5. (a) Venue in a suit against the association is in Marion County.

(b) The association is not required to give an appeal bond in an appeal that relates to a cause of action arising under or with respect to this chapter.

SECTION 18. IC 27-8-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) For the purpose of providing funds necessary to carry out the powers and duties of the association and necessary to pay administrative costs and expenses incurred by the commissioner in supervising the association and discharging the commissioner's obligations under this chapter, the board of directors shall assess the member insurers, separately for each account, as established in section 3 of this chapter, at a time and for amounts as the board finds necessary. Assessments are due not less than thirty (30) days after prior written notice to the member insurers and accrue interest at six percent (6%) per year annum on and after the due date.

(b) ~~Three (3)~~ There are two (2) classes of assessments are established as follows:

(1) The first, to be referred to as Class A consists of assessments made are assessments that are authorized and called by the

board for the purpose of meeting administrative and legal costs and other general expenses, including examinations conducted under section 9(f) of this chapter Class A assessments may be authorized and called whether or not related to a particular impaired insurer or insolvent insurer.

(2) The second class, to be referred to as Class B consists of assessments made are assessments that are authorized and called by the board to the extent necessary to carry out the powers and duties of the association under section 5 of this chapter with regard to an impaired insurer or insolvent domestic insurer.

(3) The third class, to be referred to as Class C, consists of assessments made to the extent necessary to carry out the powers and duties of the association under section 5 of this chapter with regard to an insolvent foreign or alien insurer.

(c) The amount of a Class B or C assessment must be allocated among the three (3) accounts, set out in section 3 of this chapter, in proportion to the contractual obligations on the policies covered by each account.

(d) The amount of a Class A assessment to be paid by each member insurer shall be determined by the board and may be made on a nonproportional basis. The amount assessed a member insurer each calendar year may not exceed fifty dollars (\$50); and the amount must be credited against future insolvency assessments.

(e) Except as provided in subsection (c), a member insurer shall only pay a proportion of a Class B assessment for those accounts that the member has in common with the impaired or insolvent domestic insurer in each state that the impaired or insolvent domestic insurer and member insurer have been authorized to transact the business of insurance. For each account that the member has in common with the impaired or insolvent domestic insurer in each state, the member insurer shall pay an amount equal to the product of:

(1) the total amount of the Class B assessment allocated to the account; multiplied by

(2) a fraction:

(A) the numerator of which is the premiums received on business in that state on policies covered by the account for the year preceding the year in which this assessment is made; and

(B) the denominator of which is the premiums received by all assessed member insurers on business in that state for the calendar year preceding the year this assessment is made.

(f) A member insurer shall only pay a proportion of a Class C assessment that the member has in common with the insolvent foreign or alien insurer. For each account that the member insurer has in common with the insolvent foreign or alien insurer, the member insurer shall pay an amount equal to the product of:

(1) the total amount of the Class C assessment allocated to the account; multiplied by

(2) a fraction:

(A) the numerator of which is the premiums received on business in Indiana on policies covered by the account for the year preceding the year in which this assessment is made; and

(B) the denominator of which is the premiums received by all member insurers on business in Indiana for the calendar year preceding the year this assessment is made.

~~(g)~~ Assessments shall not be made

(c) The amount of a Class A assessment must be determined by the board and may be authorized and called on a pro rata or non-pro rata basis. If pro rata, the board may provide that the assessment be credited against future Class B assessments. The total of all non-pro rata assessments must not exceed one hundred fifty dollars (\$150) per member insurer in any one (1) calendar year.

(d) The amount of a Class B assessment must be allocated for assessment purposes among the accounts under an allocation formula that may be based on the premiums or reserves of the impaired insurer or insolvent insurer or another standard considered by the board in the board's sole discretion as fair and reasonable under the circumstances.

(e) Class B assessments against member insurers for each account and subaccount with respect to an impaired insurer or insolvent insurer must be allocated among the assessed member insurers in the proportion that the premiums received in Indiana by each assessed member insurer on policies and contracts covered by the account or subaccount during the assessment base year for the impaired insurer or insolvent insurer bears to premiums received in Indiana by all assessed members on policies and contracts covered by the same account or subaccount during the same assessment base year.

(f) Assessments for funds to meet the requirements of the association with respect to an impaired insurer or insolvent insurer must not be authorized or called until necessary to implement the purposes of this chapter. Classification of assessments under subsection (b) and computation of assessments under subsections (c), (d), and (e) must be made as accurately as possible with a reasonable degree of accuracy, recognizing that exact determinations are not always possible. The association shall notify each member insurer of the member insurer's anticipated share of an assessment that has been authorized but not yet called not more than one hundred eighty (180) days after the assessment is authorized.

~~(h)~~ (g) The association may abate or defer, in whole or in part, the amount of an assessment that of a member insurer is to pay if, in the opinion of the board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual policy and contract obligations. In the event an assessment against a member insurer is abated or deferred in whole or in part, the amount by which the assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the computation provided for basis for assessments set forth in this section. Once the conditions that caused a deferral have been removed or rectified, the member insurer shall pay assessments that were deferred under a repayment plan approved by the association.

~~(i)~~ (h) Subject to subsection (i), the total amount of all assessments to be paid by authorized by the association in one (1) calendar year against a member insurer for each a given subaccount of the life insurance and annuity account in any one (1) calendar year may or for the health insurance account with respect to any single assessment base year must not exceed two percent (2%) of the member insurer's premiums received by the insurer from business in Indiana during the calendar year preceding the assessment on the policies and contracts covered by each the subaccount or account during the applicable assessment base year.

(i) If two (2) or more assessments are authorized in one (1) calendar year with respect to impaired insurers or insolvent insurers having different assessment base years, the annual premium used for purposes of determining the aggregate assessment percentage limitation referenced in subsection (h) must be equal to the higher of the annual premiums for the applicable subaccount or account as calculated under this section.

(j) If the maximum assessment, for each account together with other assets of the association in that an account, does not provide in one (1) year in the account an amount sufficient to carry out the responsibilities of the association, for one (1) year, additional funds must be assessed as soon as permitted by this chapter.

(k) The board may provide in the plan of operation a method of or procedure for allocating funds among claims relating to one (1) or more impaired insurers or insolvent insurers when the maximum assessment is insufficient to cover anticipated claims.

(l) If the maximum assessment for a subaccount of the life insurance and annuity account in one (1) year does not provide an amount sufficient to carry out the responsibilities of the association, the board shall, under subsection (e), access the other subaccounts of the life insurance and annuity account for the necessary additional amount, subject to the maximum stated in subsections (h) and (i).

~~(m)~~ (m) The board may, by an equitable method or procedure as established in the plan of operation, refund to member insurers, in proportion to their the contribution of each member insurer to the account, the amount by which the assets of the account exceed the amount the board determines is necessary to carry out the obligations of the association with regard to the account, including assets accruing from assignment, subrogation, net realized gains, and income from investments. exceed the amount the board finds necessary to carry out the obligations of the association. A reasonable amount may be retained in an account to provide funds for the continuing expenses of the association and for the future losses if refunds are impractical. discharge of the association's obligations.

~~(n)~~ (n) It is proper for a member insurer, in determining its premium rates and policyowner dividends as to any type of insurance within the scope of this chapter, may take into consideration to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

~~(o)~~ (o) The association shall issue to each member insurer paying an assessment under this chapter, other than a Class B or Class A assessment, a certificate of contribution, in a form prescribed by the commissioner, for the amount of each the assessment paid. All outstanding certificates are of equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the member insurer in its financial statement as an asset in a the form and for an the amount and period of time as the commissioner may approve.

(p) The board may, as established in the plan of operation, agree to accord a member insurer a credit against the amount of a Class B or C assessment otherwise payable by that member insurer with respect to contractual obligations of an impaired or insolvent insurer to the extent, but only to the extent, that the member insurer has, by means of payment, guarantee, assumption, or reinsurance, taken action to reduce the contractual obligations of the impaired or insolvent insurer with respect to which the assessment is made and for which the association would otherwise be responsible.

(c) Notwithstanding subsection (c); this subsection applies where a domestic insurer has been subject to proceedings under IC 27-9-3 and the initial proceeding was filed after December 31, 1985: A member insurer shall only pay a proportion of a Class B assessment for those accounts that the member has in common with the impaired or insolvent domestic insurer in Indiana. For each account that the member has in common with the impaired or insolvent domestic insurer in Indiana, the member insurer shall pay an amount equal to the product of:

- (1) the total amount of the Class B assessment allocated to the account; multiplied by
- (2) a fraction:
 - (A) the numerator of which is the premiums received on business in Indiana on policies covered by the account for the year preceding the year in which this assessment is made; and
 - (B) the denominator of which is the premiums received by all assessed member insurers on business in Indiana for the calendar year preceding the year this assessment is made.

SECTION 19. IC 27-8-8-6.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) A member insurer that wishes to protest all or part of an assessment made under section 6 of this chapter shall pay when due the full amount of the assessment as set forth in the notice provided by the association. The payment is available to meet association obligations during the pendency of the protest or a subsequent appeal. Payment must be accompanied by a statement in writing that the payment is made under protest and set forth a brief statement of the grounds for the protest.

(b) Not more than sixty (60) days after the payment of an assessment under protest by a member insurer, the association shall notify the member insurer in writing of the association's determination with respect to the protest (unless the association notifies the member insurer that additional time is required to resolve the issues raised by the protest).

(c) Not more than sixty (60) days after receipt of notice of the association's determination with respect to a protest, the protesting member insurer may appeal the determination to the commissioner.

(d) Instead of making a determination with respect to a protest based on a question regarding the assessment base, the association may refer the protest to the commissioner for a determination, with or without a recommendation from the association.

(e) If a protest of an assessment is upheld, the amount paid by the protesting member insurer in error or excess must be returned to the member insurer. Interest on a refund due to a protesting member insurer must be paid at the rate actually earned by the association.

SECTION 20. IC 27-8-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.5. (a) The association may request information from a member insurer to aid in the exercise of the association's power under sections 6 and 6.2 of this chapter.

(b) A member insurer that receives a request under subsection (a) shall promptly comply with the request.

SECTION 21. IC 27-8-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) The association shall submit to the commissioner a plan of operation and any amendments to it **the plan of operation that are necessary or appropriate** to assure the fair, reasonable, and equitable administration of the association. The plan of operation **is and an amendment to the plan of operation** are effective:

- (1) **if the plan or amendment is not disapproved by the commissioner within thirty (30) days after being submitted to the commissioner; or**
- (2) **upon the commissioner's written approval, which must be written. All member insurers must comply with the plan of operation: if sooner than the time set in subdivision (1).**

(b) If the association fails to submit a suitable plan of operation within one hundred eighty (180) days from September 1, 1978, or if at any other time the association fails to submit suitable amendments to the plan, the commissioner shall adopt rules under IC 4-22-2 necessary to effectuate the provisions of this chapter. The rules continue in force until modified by the commissioner or superseded by a plan submitted by the association and approved by the commissioner.

(c) A member insurer shall comply with the plan of operation.

(c) (d) The plan of operation must, in addition to requirements stated elsewhere in this chapter establish:

- (1) procedures for handling the assets of the association;
- (2) the amount and method of reimbursing members of the board ~~of directors~~ under section 4 of this chapter;
- (3) regular places and times for meetings, **including, if desired by the association, telephone conference calls**, of the board; ~~of directors;~~
- (4) procedures for records to be kept of all financial transactions of the association, its agents, and the board; ~~of directors;~~
- (5) procedures whereby selections for the board ~~of directors~~ will be made and submitted to the commissioner; **and**
- (6) any additional procedures for assessments under ~~section~~ **sections 6 and 6.2** of this chapter. ~~and~~

~~(7) The plan of operation may contain~~ additional provisions necessary **or appropriate** for the execution of the powers and duties of the association.

~~(d) (e)~~ The plan of operation may provide that any or all powers and duties of the association, except those under ~~subdivision 5(m)(3) and section sections 5(r)(3), 6, 6.2, and 6.5~~ of this chapter, **are may** be delegated to a corporation, association, or other organization that **performs or** will perform functions similar to those of ~~this the~~ the association, or its equivalent, in two (2) or more states. The corporation, association, or organization ~~is to must~~ be reimbursed for payments made on behalf of the association and ~~is to must~~ be paid for its performance **of any function of the association**. A delegation under this subsection takes effect only ~~upon with the~~ approval of both the board ~~of directors~~ and the commissioner and may be made only to a corporation, association, or organization that extends protection that is **not** substantially ~~similar to less favorable and effective than~~ that provided by this chapter.

(f) **To the extent and in the manner specified in the plan of operation, the board may create one (1) or more committees, each of which may exercise the authority of the board to the extent specified in the plan of operation or by the board.**

SECTION 22. IC 27-8-8-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The commissioner shall **do the following:**

- (1) Upon request of the board, ~~of directors~~, provide the association with a statement of the premiums in ~~the Indiana and other~~ appropriate states for each member insurer.
 - (2) When an impairment is declared and the amount of the impairment is determined, serve a demand on the impaired insurer to make good the impairment within a reasonable time. Notice to the impaired insurer shall constitute notice to its shareholders. The failure of the insurer to promptly comply with the demand shall not excuse the association from the performance of its powers and duties under this chapter.
 - (3) In any liquidation or rehabilitation proceeding involving a domestic insurer, be appointed as the liquidator or rehabilitator. ~~and~~
 - (4) ~~if a foreign or alien member insurer is subject to a liquidation proceeding in its domiciliary jurisdiction or state of entry, be appointed conservator.~~
- (b) The commissioner may suspend or revoke, after notice and hearing, the certificate of authority to transact insurance in Indiana of a member insurer ~~who that~~ fails to pay an assessment when due or fails to comply with the plan of operation. As an alternative, the commissioner may levy a forfeiture on a member insurer ~~who that~~ fails to pay an assessment when due. A forfeiture shall not exceed five percent (5%) of the unpaid assessment per month, but no forfeiture shall be less than one hundred dollars (\$100) per month.
- (c) ~~Any A final~~ action of the ~~association or the board of directors or the association~~ may be appealed to the commissioner by a member insurer ~~an if the appeal must be~~ is taken within ~~thirty (30) sixty (60)~~ days of the member insurer's receipt of notice of the final action **being appealed**. A final action or order of the commissioner is subject to judicial review **in a court with jurisdiction in accordance with the Indiana law that applies to the actions or orders of the commissioner.**
- (d) The liquidator, rehabilitator, or conservator of an impaired **insurer or insolvent** insurer ~~must may~~ notify all interested persons of the effect of this chapter.

SECTION 23. IC 27-8-8-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) To aid in the detection and prevention of insurer insolvencies or impairments, the commissioner shall **do the following:**

- (1) Notify the ~~commissioners insurance regulatory authorities~~ of all the other states ~~territories of the United States and the District of Columbia not more than thirty (30) days after the date an action taken by the commissioner occurs~~ when ~~he the commissioner~~ takes any of the following actions against a member insurer:
 - (A) ~~Revokes its license; the member insurer's certificate of authority.~~
 - (B) ~~Suspends its licenses; or the member insurer's certificate of authority.~~
 - (C) ~~makes any Issues~~ a formal order that a company the **member insurer** restrict its premium writing, obtain additional contributions to surplus, withdraw from Indiana, reinsure all or any part of its business, or increase capital, surplus, or any other account for the security of

~~policyholders~~ **policy owners** or creditors.

- (2) Report to the ~~board of directors association~~ when ~~he the commissioner~~ takes any of the actions set forth in subdivision ~~(a)(1) (1)~~ or when ~~he the commissioner~~ has received a report from any other ~~commissioner insurance regulatory authority~~ indicating that an action has been taken in another state. The report to the ~~board of directors association~~ must contain all significant details of the action taken or of the report received from another ~~commissioner, insurance regulatory authority.~~
 - (3) Report to the ~~board of directors association~~ when ~~he the commissioner~~ has reasonable cause to believe from ~~any an~~ examination, whether completed or in process, of a member ~~company insurer that the member insurer~~ may be an impaired or insolvent. ~~insurer; and~~
 - (4) Furnish to the ~~board of directors the NAIC Early Warning Tests association the NAIC Insurance Regulatory Information System (IRIS) ratios and listings of companies not included in the ratios developed by the National Association of Insurance Commissioners. The board association may use the information contained in those tests the ratios and listings in carrying out its duties and responsibilities under this chapter. The report shall and the information contained in the report must be kept confidential by the association until made public by the commissioner or other lawful authority.~~
- ~~(b) The notice required under subdivision 9(a)(1) must be mailed to all commissioners within thirty (30) days from the action taken.~~
- ~~(c) (b) The commissioner may seek the advice and recommendations of the board of directors association concerning a matter affecting his the commissioner's duties and responsibilities in regard to the financial condition of member companies insurers and companies seeking admission to transact insurance business in Indiana.~~
- ~~(d) (c) The association may, upon majority vote by the board, of directors may make reports and recommendations to the commissioner on any matter related germane to the solvency, liquidation, rehabilitation, or conservation of a member insurer or related germane to the solvency of any company seeking to do an insurance business in Indiana. The reports and recommendations are not public documents.~~
- ~~(e) (d) The association may, upon majority vote by the board, of directors shall notify the commissioner of any information indicating that a member insurer is may be impaired or insolvent.~~
- ~~(f) Upon majority vote, the board of directors may request that the commissioner order an examination of a member insurer the board believes to be impaired or insolvent. Within thirty (30) days of the receipt of the request, the commissioner shall begin an examination. The examination may be conducted as a National Association of Insurance Commissioners examination or may be conducted by persons designated by the commissioner. The cost of the examination shall be paid by the association and the examination report shall be treated as all other examination reports. In no event may the examination report be released to the board of directors before its release to the public; but this does not preclude the commissioner from complying with subsections (a) and (b) of this section. The commissioner shall notify the board of directors when the examination is completed. The request for an examination is to be~~

kept on file by the commissioner but it is not open to public inspection before the release of the examination report.

~~(g)~~ **(e)** The association may, upon majority vote by the board, of directors may make recommendations to the commissioner for the detection and prevention of insurer insolvencies.

~~(h)~~ The board of directors shall, at the conclusion of an insurer insolvency in which the association was obligated to pay covered claims; prepare a report to the commissioner containing information on the history and causes of the insolvency. The board shall also cooperate with the boards of directors of guaranty associations in other states in preparing a report on the history and causes for insolvency of an insurer; and may adopt by reference any report prepared by other associations.

SECTION 24. IC 27-8-8-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. ~~(a) Nothing in this chapter shall be construed as reducing the liability for unpaid assessments of the insureds on an impaired or insolvent insurer operating under a plan with assessment liability.~~

~~(b)~~ **(a)** Records must be kept of all negotiations and meetings in which the association or its representatives were involved in discussing of the board to discuss the activities of the association in carrying out its powers and duties under section sections 5, 5.2, and 5.4 of this chapter. Records of negotiations or meetings are to be made public only upon: the association with respect to an impaired insurer or insolvent insurer must not be disclosed except:

(1) after the termination of a the liquidation, rehabilitation, or conservation proceeding involving the impaired insurer or insolvent insurer; or

(2) termination of the impairment of insolvency of the insurer; or

~~(3) court order.~~

(2) upon the order of a court with jurisdiction if the order is made before the time described in subdivision (1).

~~(c)~~ Nothing in subsection (a) limits This subsection does not limit the duty of the association to present submit a report of its activities under section 12 of this chapter.

~~(d)~~ **(b)** For the purpose of carrying out its obligations under this chapter, the association is a creditor of the impaired insurer or insolvent insurer to the extent of assets attributable to covered policies reduced by any amounts to which that the association is entitled has received, from a person other than the impaired insurer or insolvent insurer, as subrogee under section 5 section 5(m), 5(o), and 5(q) of this chapter. Assets of the impaired insurer or insolvent insurer attributable to covered policies shall be used to continue all covered policies and pay all contractual obligations of the impaired insurer or insolvent insurer as required by this chapter. "Assets attributable to covered policies", as used in this subsection, is that proportion of the assets that the reserves that should have been established for such policies bear to the reserves that should have been established for all policies of insurance written by the impaired insurer or insolvent insurer.

(c) As a creditor of an impaired insurer or insolvent insurer under subsection (b) and consistent with IC 27-9-3-32, the association and other similar associations are entitled to receive disbursements of assets out of the marshaled assets, as the assets become available to reimburse the association or another similar association, as a credit against contractual obligations under this

chapter. If the liquidator has not, within one hundred twenty (120) days after a member insurer becomes an insolvent insurer, made an application to the court for the approval of a proposal to disburse assets out of marshaled assets to guaranty associations having obligations because of the insolvency, the association is entitled to make application to the receivership court for approval of the association's own proposal to disburse the assets.

~~(e)~~ **(d)** Before the termination of a liquidation, rehabilitation, or conservation proceeding, the court may take into consideration the contributions of the respective parties, including the association, the shareholders and policy owners of the impaired insurer or insolvent insurer, and any other party with a bona fide interest, in making an equitable distribution of the ownership rights of the impaired insurer or insolvent insurer. Consideration should be given to In making the determination, the court shall consider the welfare of the policyholders policy owners of the continuing or successor insurer.

~~(f)~~ **(e)** A distribution to stockholders of an impaired insurer or insolvent insurer may must not be made until the total amount of valid claims of the association, with interest, for funds expended by in carrying out the association association's powers and duties under sections 5, 5.2, 5.4, and 5.5 of this chapter with respect to the impaired insurer or insolvent insurer, have been fully recovered by the association.

SECTION 25. IC 27-8-8-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. **(a)** Subject to subsections (b) through (d), if an order for liquidation or rehabilitation of an insurer domiciled in Indiana has been entered, the receiver appointed under the order shall have a right to recover on behalf of the insurer, from any affiliate that controlled it, the amount of distributions, other than stock dividends paid by the insurer on its capital stock, made at any time during the five (5) years preceding the filing of the petition for liquidation or rehabilitation.

(b) No dividend A distribution described in subsection (a) is not recoverable if the insurer shows that when the dividend distribution was paid the distribution was lawful and reasonable, and that the insurer did not know and could not reasonably have known that the distribution might adversely affect the ability of the insurer to fulfill its contractual the insurer's policy and contract obligations.

(c) A person who was an affiliate controlling that controlled the insurer at the time the distributions were a distribution described in subsection (a) was paid is liable up to the amount of distributions he the person received. A person who was an affiliate controlling that controlled the insurer at the time the distributions were declared shall be liable up to the amount of distributions he that would have been received if they the distributions had been paid immediately. If two (2) or more persons are liable with respect to the same distributions, they are jointly and severally liable.

(d) The maximum amount recoverable under this section shall be the amount needed in excess of all other available assets of the insolvent insurer to pay the contractual policy and contract obligations of the insolvent insurer.

(e) If a person liable under this section subsection (c) is insolvent, the affiliates controlling it that controlled the person at the time the dividend distribution was paid shall be jointly and severally liable for any resulting deficiency in the amount recovered from the insolvent affiliate.

SECTION 26. IC 27-8-8-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) The association is subject to examination and regulation by the commissioner. The ~~board of directors~~ association shall annually submit to the commissioner, not later than ~~May~~ **not later than one hundred twenty (120) days after the end of the association's fiscal year**, a financial report for the preceding calendar year, in a form approved by the commissioner and a report of its activities during the preceding ~~calendar~~ **fiscal** year.

(b) **Upon the request of a member insurer, the association shall provide to the member insurer a copy of the reports described in subsection (a).**

SECTION 27. IC 27-8-8-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A member insurer ~~or its~~ and the member insurer's agents ~~or~~ and employees, the association ~~or its~~ and the association's agents ~~or~~ and employees, members of the board ~~of directors~~ **or and representatives of the members of the board**, and the commissioner ~~or his~~ and the commissioner's representatives are not liable for and no cause of action of any nature arises or may be brought against them ~~because of their performance for or in connection with an action or omission by any of them in the exercise and performance of their rights, powers, and duties under this chapter.~~

(b) Immunity under this section extends to:

- (1) the participation in an organization of one (1) or more other state associations of similar purpose; and
- (2) an organization described in subdivision (1) and an agent or employee of the organization.

SECTION 28. IC 27-8-8-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. All proceedings in which an insolvent insurer is a party **in any court in Indiana** shall be stayed for sixty (60) days from the date an order of liquidation ~~rehabilitation, or conservation~~ **is final entered** to permit proper legal action by the association on matters ~~related~~ **germane** to its powers or duties. **As to judgment under any decision, order, verdict, or finding based on default**, the association may apply to have ~~any~~ the judgment set aside by the same court that made the judgment and is entitled to defend against the suit on the merits.

SECTION 29. IC 27-8-8-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. A member insurers who, during any preceding calendar year, have paid one (1) ~~or more assessments levied under this chapter~~ **insurer may either:**

- (1) take as a credit against premium taxes, adjusted gross income taxes, or any combination of them ~~upon revenue or income of member insurers that may be imposed by Indiana the state up to upon the member insurer's revenue or income not more than twenty percent (20%) of an the amount of each assessment described in section 6 of this chapter for each calendar year following the year in which those assessments were the assessment was paid until the assessment has been offset by either credits against the taxes or refunds from the association. If the aggregate of those member insurer ceases doing business, all uncredited assessments have been offset by either credits against those may be credited against the member insurer's premium taxes, adjusted gross income taxes, or refunds from the association; or~~
- (2) include in the rates and premiums charged for insurance

policies to which this chapter applies amounts sufficient to recoup a sum equal to the amounts paid to the association by the member less any amounts returned to a combination of the premium taxes and adjusted gross income taxes of the member insurer by the association and the rates are not excessive by virtue of including an amount reasonably calculated to recoup assessments paid by the member: **for the year the member insurer ceases doing business.**

SECTION 30. IC 27-8-8-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) Sums acquired by refund under section 6(m) of this chapter from the association ~~that have been written off by member insurers and offset against taxes as provided by section 16 of this chapter and not needed for the purposes of this chapter;~~ shall be paid by the member insurers to the state in the manner required by the tax authorities.

(b) **The association shall notify the commissioner for deposit with the state treasurer for deposit in the general fund: when refunds under section 6 of this chapter have been made.**

SECTION 31. IC 27-8-8-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) A person, including an insurer, insurance producer, employee, agent, or affiliate of an insurer, shall not make, publish, disseminate, circulate, or place before the public ~~or cause~~, directly or indirectly, to be made, published, disseminated, circulated, or placed before the public, in any newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station or television station, or in any other way, an advertisement, an announcement, or a statement, written or oral, that uses the existence of the association for the purpose of ~~sales, the sale of, solicitation of, or inducement to purchase any form of insurance covered by this chapter.~~ This section does not apply to the association or any other entity that does not sell or solicit insurance.

(b) **Not later than January 1, 2007, the association shall:**

- (1) prepare a summary document:
 - (A) describing the general purposes and current limitations of this chapter; and
 - (B) complying with subsection (c); and
- (2) submit the summary document to the commissioner for approval.

Sixty (60) days after the date on which the commissioner approves the summary document, a member insurer may not deliver a policy or contract to a policy or contract owner unless the summary document is delivered to the policy or contract owner at the time of delivery of the policy or contract. The summary document must also be available upon request by a policy owner. The distribution, delivery, or contents or interpretation of the summary document does not guarantee that the policy or contract or the owner of the policy or contract is covered in the event of the impairment or insolvency of a member insurer. The summary document must be revised by the association as amendment to this chapter requires. Failure to receive the summary document does not give a policy owner, a contract owner, a certificate holder, or an insured greater rights than the rights specified in this chapter.

(c) The summary document prepared under subsection (b) must contain a clear and conspicuous disclaimer on the face of the summary document. The commissioner shall approve the

form and content of the disclaimer. The disclaimer must, at a minimum, convey all the following:

- (1) State the name and address of the association and the department of insurance.
 - (2) Prominently warn that:
 - (A) the association might not cover the policy or contract; and
 - (B) even if coverage were currently provided, coverage is:
 - (i) subject to substantial limitations and exclusions;
 - (ii) generally conditioned on continued residence in Indiana; and
 - (iii) subject to possible change as a result of future amendments to this chapter and court decisions.
 - (3) State the types of policies for which the association currently provides coverage.
 - (4) State that the member insurer and the member insurer's agents are prohibited by law from using the existence of the association for the purpose of selling, soliciting, or inducing purchase of any form of insurance.
 - (5) State that the policy owner or contract owner should not rely on coverage under this chapter when selecting an insurer.
 - (6) Explain:
 - (A) rights available following; and
 - (B) procedures for filing a complaint to allege; a violation of any provision of this chapter.
 - (7) Provide other information as directed by the commissioner, including sources for information that:
 - (A) is not proprietary; and
 - (B) is subject to disclosure under IC 5-14-3; concerning the financial condition of an insurer.
 - (d) A member insurer shall retain evidence of compliance with subsection (b) until the policy or contract for which the notice is given is no longer in effect.
- SECTION 32. THE FOLLOWING ARE REPEALED [EFFECTIVE UPON PASSAGE]: IC 27-8-8-1; IC 27-8-8-1.5.
- SECTION 33. IC 27-1-20-34 IS REPEALED [EFFECTIVE JULY 1, 2006].
- SECTION 34. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 27-8-8-2, as amended by this act, apply throughout this SECTION.
- (b) The association's coverage obligations under IC 27-8-8 with respect to a member insurer that has a coverage date before the effective date of this act are not affected by changes made by this act.
- (c) The association's coverage obligations under IC 27-8-8 with respect to a member insurer that has a coverage date before the effective date of this act are governed by IC 27-8-8 as it existed on January 1, 2006.
- SECTION 35. [EFFECTIVE JULY 1, 2006] (a) The definitions in IC 27-1-29.1 apply throughout this SECTION.
- (b) This SECTION applies to a member that:
- (1) has been a member of the fund for at least ten (10) years; and
 - (2) provided a withdrawal notice in 2005 for the 2006 calendar year insured period.

(c) A member described in subsection (b) may:

- (1) withdraw from the fund with proper notice; and
- (2) elect to receive a one-time rebate of fifteen percent (15%) of the member's prior assessments, not to exceed one million dollars (\$1,000,000), from the reserve account established under IC 27-1-29.1-8 to establish a self-insured retainage account.

(d) The commission shall pay a rebate described in subsection (c) to a member making an election under subsection (c) at any time the reserve account exceeds the five million dollar (\$5,000,000) balance required under IC 27-1-29.1-8(a).

(e) Notwithstanding IC 27-1-29.1-21, after a member described in this SECTION withdraws from the fund and receives a rebate under this SECTION:

- (1) the member is released from all liability to the fund related to claims based on acts or omissions of other members that took place while the member was a member of the fund; and
- (2) the fund is released from all liability related to claims based on acts or omissions of the member that took place while the member was a member of the fund.

(f) This SECTION expires December 31, 2008.

SECTION 36. An emergency is declared for this act.

(Reference is to EHB 1392 as printed February 17, 2006.)

Ripley, Chair

Paul

Fry

Lewis

House Conferees

Senate Conferees

Roll Call 383: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 6-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 6 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 11-13-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A person sentenced under IC 35-50 shall be released on parole or discharged from the person's term of imprisonment under IC 35-50 without a parole release hearing.

(b) A person sentenced for an offense under laws other than IC 35-50 who is eligible for release on parole, or a person whose parole is revoked and is eligible for reinstatement on parole under rules adopted by the parole board shall, before the date of the person's parole eligibility, be granted a parole release hearing to determine whether parole will be granted or denied. The hearing shall be conducted by one (1) or more of the parole board members. If one (1) or more of the members conduct the hearing on behalf of the parole board, the final decision shall be rendered by the full parole board based upon the record of the proceeding and the hearing conductor's

findings. Before the hearing, the parole board shall order an investigation to include the collection and consideration of:

- (1) reports regarding the person's medical, psychological, educational, vocational, employment, economic, and social condition and history;
- (2) official reports of the person's history of criminality;
- (3) reports of earlier parole or probation experiences;
- (4) reports concerning the person's present commitment that are relevant to the parole release determination;
- (5) any relevant information submitted by or on behalf of the person being considered; and
- (6) such other relevant information concerning the person as may be reasonably available.

(c) Unless the victim has requested in writing not to be notified, the department shall notify a victim of a felony (or the next of kin of the victim if the felony resulted in the death of the victim) or any witness involved in the prosecution of an offender imprisoned for the commission of a felony when the offender is:

- (1) to be discharged from imprisonment;
- (2) to be released on parole under IC 35-50-6-1;
- (3) to have a parole release hearing under this chapter;
- (4) to have a parole violation hearing;
- (5) an escaped committed offender; or
- (6) to be released from departmental custody under any temporary release program administered by the department, including the following:

(A) Placement on minimum security assignment to a program authorized by IC 11-10-1-3 or IC 35-38-3-6 and requiring periodic reporting to a designated official, including a regulated community assignment program.

(B) Assignment to a minimum security work release program.

(d) The department shall make the notification required under subsection (c):

- (1) at least forty (40) days before a discharge, release, or hearing occurs; and
- (2) not later than twenty-four (24) hours after the escape of a committed offender.

The department shall supply the information to a victim (or a next of kin of a victim in the appropriate case) and a witness at the address supplied to the department by the victim (or next of kin) or witness. A victim (or next of kin) is responsible for supplying the department with any change of address or telephone number of the victim (or next of kin).

(e) The probation officer conducting the presentence investigation shall inform the victim and witness described in subsection (c), at the time of the interview with the victim or witness, of the right of the victim or witness to receive notification from the department under subsection (c). The probation department for the sentencing court shall forward the most recent list of the addresses or telephone numbers, or both, of victims to the department of correction. The probation department shall supply the department with the information required by this section as soon as possible but not later than five (5) days from the receipt of the information from the victim. A victim (or next of kin) is responsible for supplying the department with the correct address and telephone number of the victim (or next of kin).

(f) Notwithstanding IC 11-8-5-2 and IC 4-1-6, an inmate may not have access to the name and address of a victim and a witness. Upon the filing of a motion by any person requesting or objecting to the release of victim information, witness information, or both that is retained by the department, the court shall review the information that is the subject of the motion in camera before ruling on the motion.

(g) The notice required under subsection (c) must specify whether the prisoner is being discharged, is being released on parole, **is being released on lifetime parole**, is having a parole release hearing, is having a parole violation hearing, or has escaped. The notice must contain the following information:

- (1) The name of the prisoner.
- (2) The date of the offense.
- (3) The date of the conviction.
- (4) The felony of which the prisoner was convicted.
- (5) The sentence imposed.
- (6) The amount of time served.
- (7) The date and location of the interview (if applicable).

(h) The parole board shall adopt rules under IC 4-22-2 and make available to offenders the criteria considered in making parole release determinations. The criteria must include the:

- (1) nature and circumstances of the crime for which the offender is committed;
- (2) offender's prior criminal record;
- (3) offender's conduct and attitude during the commitment; and
- (4) offender's parole plan.

(i) The hearing prescribed by this section may be conducted in an informal manner without regard to rules of evidence. In connection with the hearing, however:

- (1) reasonable, advance written notice, including the date, time, and place of the hearing shall be provided to the person being considered;
- (2) the person being considered shall be given access, in accord with IC 11-8-5, to records and reports considered by the parole board in making its parole release decision;
- (3) the person being considered may appear, speak in the person's own behalf, and present documentary evidence;
- (4) irrelevant, immaterial, or unduly repetitious evidence shall be excluded; and
- (5) a record of the proceeding, to include the results of the parole board's investigation, notice of the hearing, and evidence adduced at the hearing, shall be made and preserved.

(j) If parole is denied, the parole board shall give the person written notice of the denial and the reasons for the denial. The parole board may not parole a person if it determines that there is substantial reason to believe that the person:

- (1) will engage in further specified criminal activity; or
- (2) will not conform to appropriate specified conditions of parole.

(k) If parole is denied, the parole board shall conduct another parole release hearing not earlier than five (5) years after the date of the hearing at which parole was denied. However, the board may conduct a hearing earlier than five (5) years after denial of parole if the board:

- (1) finds that special circumstances exist for the holding of a hearing; and

(2) gives reasonable notice to the person being considered for parole.

(l) The parole board may parole a person who is outside Indiana on a record made by the appropriate authorities of the jurisdiction in which that person is imprisoned.

(m) If the board is considering the release on parole of an offender who is serving a sentence of life in prison, a determinate term of imprisonment of at least ten (10) years, or an indeterminate term of imprisonment with a minimum term of at least ten (10) years, in addition to the investigation required under subsection (b), the board shall order and consider a community investigation, which must include an investigation and report that substantially reflects the attitudes and opinions of:

- (1) the community in which the crime committed by the offender occurred;
- (2) law enforcement officers who have jurisdiction in the community in which the crime occurred;
- (3) the victim of the crime committed by the offender, or if the victim is deceased or incompetent for any reason, the victim's relatives or friends; and
- (4) friends or relatives of the offender.

If the board reconsiders for release on parole an offender who was previously released on parole and whose parole was revoked under section 10 of this chapter, the board may use a community investigation prepared for an earlier parole hearing to comply with this subsection. However, the board shall accept and consider any supplements or amendments to any previous statements from the victim or the victim's relatives or friends.

(n) As used in this section, "victim" means a person who has suffered direct harm as a result of a violent crime (as defined in IC 5-2-6.1-8).

SECTION 2. IC 11-13-3-4, AS AMENDED BY SEA 246-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) A condition to remaining on parole is that the parolee not commit a crime during the period of parole.

(b) The parole board may also adopt, under IC 4-22-2, additional conditions to remaining on parole and require a parolee to satisfy one (1) or more of these conditions. These conditions must be reasonably related to the parolee's successful reintegration into the community and not unduly restrictive of a fundamental right.

(c) If a person is released on parole the parolee shall be given a written statement of the conditions of parole. Signed copies of this statement shall be:

- (1) retained by the parolee;
- (2) forwarded to any person charged with the parolee's supervision; and
- (3) placed in the parolee's master file.

(d) The parole board may modify parole conditions if the parolee receives notice of that action and had ten (10) days after receipt of the notice to express the parolee's views on the proposed modification. This subsection does not apply to modification of parole conditions after a revocation proceeding under section 10 of this chapter.

(e) As a condition of parole, the parole board may require the parolee to reside in a particular parole area. In determining a parolee's residence requirement, the parole board shall:

- (1) consider:

(A) the residence of the parolee prior to the parolee's incarceration; and

(B) the parolee's place of employment; and

(2) assign the parolee to reside in the county where the parolee resided prior to the parolee's incarceration unless assignment on this basis would be detrimental to the parolee's successful reintegration into the community.

(f) As a condition of parole, the parole board may require the parolee to:

(1) periodically undergo a laboratory chemical test (as defined in IC 14-15-8-1) or series of tests to detect and confirm the presence of a controlled substance (as defined in IC 35-48-1-9); and

(2) have the results of any test under this subsection reported to the parole board by the laboratory.

The parolee is responsible for any charges resulting from a test required under this subsection. However, a person's parole may not be revoked on the basis of the person's inability to pay for a test under this subsection.

(g) As a condition of parole, the parole board:

(1) may require a parolee who is a sex ~~and violent~~ offender (as defined in IC 5-2-12-4) to:

(A) participate in a treatment program for sex offenders approved by the parole board; and

(B) avoid contact with any person who is less than sixteen (16) years of age unless the parolee:

(i) receives the parole board's approval; or

(ii) successfully completes the treatment program referred to in clause (A); and

(2) shall:

(A) require a parolee who is ~~an~~ a sex offender (as defined in IC 5-2-12-4) to register with a ~~sheriff (or the police chief of a consolidated city)~~ local law enforcement authority under IC 5-2-12-5;

(B) prohibit the sex offender from residing within one thousand (1,000) feet of school property (as defined in IC 35-41-1-24.7) for the period of parole, **unless the sex offender obtains written approval from the parole board; and**

(C) prohibit a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) from residing within one (1) mile of the victim of the sex offender's sex offense **unless the sex offender obtains a waiver under IC 35-38-2-2.5; and**

(D) **prohibit a parolee from owning, operating, managing, being employed by, or volunteering at any attraction designed to be primarily enjoyed by children less than sixteen (16) years of age.**

The parole board may not grant a sexually violent predator (as defined in IC 35-38-1-7.5) a waiver under subdivision (2)(B) or (2)(C). If the parole board allows the sex offender to reside within one thousand (1,000) feet of school property under subdivision (2)(B), the parole board shall notify each school within one thousand (1,000) feet of the sex offender's residence of the order.

(h) The address of the victim of a parolee who is ~~an~~ a sex offender convicted of a sex offense (as defined in IC 35-38-2-2.5) is confidential, **even if the sex offender obtains a waiver under IC 35-38-2-2.5.**

(i) As a condition of parole, the parole board:

- (1) shall require a parolee who is a sexually violent predator under IC 35-38-1-7.5; and**
- (2) may require a parolee who is a sex offender (as defined in IC 5-2-12-4);**

to wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location.

(j) As a condition of parole, the parole board may prohibit, in accordance with IC 35-38-2-2.5, a parolee who has been convicted of stalking from residing within one thousand (1,000) feet of the residence of the victim of the stalking for a period that does not exceed five (5) years.

SECTION 3. IC 31-30-1-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. A juvenile court may not appoint a person to serve as the guardian or custodian of a child if the person is:

- (1) a sexually violent predator (as described in IC 35-38-1-7.5); or**
- (2) a person who was at least eighteen (18) years of age at the time of the offense and who committed child molesting (IC 35-42-4-3) or sexual misconduct with a minor (IC 35-42-4-9) against a child less than sixteen (16) years of age:**
 - (A) by using or threatening the use of deadly force;**
 - (B) while armed with a deadly weapon; or**
 - (C) that resulted in serious bodily injury.**

SECTION 4. IC 35-38-2-2.5, AS AMENDED BY SEA 246-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) As used in this section, "offender" means an individual convicted of a sex offense.

(b) As used in this section, "sex offense" means any of the following:

- (1) Rape (IC 35-42-4-1).**
- (2) Criminal deviate conduct (IC 35-42-4-2).**
- (3) Child molesting (IC 35-42-4-3).**
- (4) Child exploitation (IC 35-42-4-4(b)).**
- (5) Vicarious sexual gratification (IC 35-42-4-5).**
- (6) Child solicitation (IC 35-42-4-6).**
- (7) Child seduction (IC 35-42-4-7).**
- (8) Sexual battery (IC 35-42-4-8).**
- (9) Sexual misconduct with a minor as a felony (IC 35-42-4-9).**
- (10) Incest (IC 35-46-1-3).**

(c) A condition of remaining on probation or parole after conviction for a sex offense is that the offender not reside within one (1) mile of the residence of the victim of the offender's sex offense.

(d) An offender:

- (1) who will be placed on probation shall provide the sentencing court and the probation department with the address where the offender intends to reside during the period of probation:**
 - (A) at the time of sentencing if the offender will be placed on probation without first being incarcerated; or**
 - (B) before the offender's release from incarceration if the offender will be placed on probation after completing a term of incarceration; or**
- (2) who will be placed on parole shall provide the parole board with the address where the offender intends to reside during the**

period of parole.

(e) An offender, while on probation or parole, may not establish a new residence within one (1) mile of the residence of the victim of the offender's sex offense unless the offender first obtains a waiver from the:

- (1) court, if the offender is placed on probation; or**
 - (2) parole board, if the offender is placed on parole;**
- for the change of address under subsection (f).**

(f) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the offender is present and of which the prosecuting attorney has been notified, determines that:

- (1) the offender has successfully completed a sex offender treatment program during the period of probation or parole;**
- (2) the offender is in compliance with all terms of the offender's probation or parole; and**
- (3) good cause exists to allow the offender to reside within one (1) mile of the residence of the victim of the offender's sex offense.**

However, the court or parole board may not grant a waiver under this subsection if the offender is a sexually violent predator under IC 35-38-1-7.5.

(g) If the court or parole board grants a waiver under subsection (f), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(h) The address of the victim of the offender's sex offense is confidential even if the court or parole board grants a waiver under subsection (f).

SECTION 5. IC 35-44-3-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A person who is being supervised on lifetime parole (as described in IC 35-50-6-1) and who knowingly or intentionally violates a condition of lifetime parole that involves direct or indirect contact with a child less than sixteen (16) years of age or with the victim of a sex crime described in IC 5-2-12-4 that was committed by the person commits a Class D felony if, at the time of the violation:

- (1) the person's lifetime parole has been revoked two (2) or more times; or**
- (2) the person has completed the person's sentence, including any credit time the person may have earned.**

(b) The offense described in subsection (a) is a Class C felony if the person has a prior unrelated conviction under this section.

SECTION 6. IC 35-50-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (d) or (e), when a person imprisoned for a felony completes his the person's fixed term of imprisonment, less the credit time he the person has earned with respect to that term, he the person shall be:

- (1) released on parole for not more than twenty-four (24) months, as determined by the parole board;**
- (2) discharged upon a finding by the committing court that the person was assigned to a community transition program and may be discharged without the requirement of parole; or**

(3) released to the committing court if ~~his the~~ sentence included a period of probation.

(b) ~~Except as provided in subsection (d), This subsection does not apply to a person described in subsection (d), (e), or (f).~~ A person released on parole remains on parole from the date of his release until ~~his the~~ person's fixed term expires, unless ~~his the~~ person's parole is revoked or ~~he the~~ person is discharged from that term by the parole board. In any event, if ~~his the~~ person's parole is not revoked, the parole board shall discharge ~~him the~~ person after the period set under subsection (a) or the expiration of the person's fixed term, whichever is shorter.

(c) A person whose parole is revoked shall be imprisoned for **all or part** of the remainder of ~~his the~~ person's fixed term. However, ~~he the~~ person shall again be released on parole when ~~he the~~ person completes that remainder, less the credit time ~~he the~~ person has earned since the revocation. The parole board may reinstate ~~him the~~ person on parole at any time after the revocation.

(d) **This subsection does not apply to a person who is a sexually violent predator under IC 35-38-1-7.5.** When ~~an~~ offender a sex offender (as defined in IC 5-2-12-4) completes the sex offender's fixed term of imprisonment, less credit time earned with respect to that term, the sex offender shall be placed on parole for not more than ten (10) years.

(e) **This subsection applies to a person who is a sexually violent predator under IC 35-38-1-7.5.** When a sexually violent predator completes the person's fixed term of imprisonment, less credit time earned with respect to that term, the person shall be placed on parole for the remainder of the person's life.

(f) **This subsection applies to a parolee in another jurisdiction who is a sexually violent predator under IC 35-38-1-7.5 and whose parole supervision is transferred to Indiana from another jurisdiction. In accordance with IC 11-13-4-1(2) (Interstate Compact for Out-of-State Probationers and Parolees) and rules adopted under Article VII (d)(8) of the Interstate Compact for Adult Offender Supervision (IC 11-13-4.5), a parolee who is a sexually violent predator and whose parole supervision is transferred to Indiana is subject to the same conditions of parole as a sexually violent predator convicted in Indiana, including:**

- (1) lifetime parole (as described in subsection (e)); and
- (2) the requirement that the person wear a monitoring device (as described in IC 35-38-2.5-3) that can transmit information twenty-four (24) hours each day regarding a person's precise location, if applicable.

(g) **If a person being supervised on lifetime parole as described in subsection (e) is also required to be supervised by a court, a probation department, a community corrections program, a community transition program, or another similar program upon the person's release from imprisonment, the parole board may:**

- (1) supervise the person while the person is being supervised by the other supervising agency; or
- (2) permit the other supervising agency to exercise all or part of the parole board's supervisory responsibility during the period in which the other supervising agency is required to supervise the person, if supervision by the other supervising agency will be, in the opinion of the parole board:

- (A) at least as stringent; and
- (B) at least as effective;

as supervision by the parole board.

(h) **The parole board is not required to supervise a person on lifetime parole during any period in which the person is imprisoned. However, upon the person's release from imprisonment, the parole board shall recommence its supervision of a person on lifetime parole.**

SECTION 7. [EFFECTIVE JULY 1, 2006] **IC 35-44-3-13, as added by this act, applies only to crimes committed after June 30, 2006.**

SECTION 8. [EFFECTIVE JULY 1, 2006] **IC 35-50-6-1, as amended by this act, applies only to a person who commits a crime after June 30, 2006.**

SECTION 9. [EFFECTIVE UPON PASSAGE] (a) **The department of correction shall report to the budget committee on or before August 1, 2006, concerning the estimated costs of implementing IC 11-13-3-4(i), as added by this act, and the feasibility of recovering those costs from offenders.**

(b) **This SECTION expires July 1, 2007.**

SECTION 10. [EFFECTIVE JULY 1, 2006] (a) **The department of correction shall report to the legislative council before November 1 of each year concerning the department's implementation of lifetime parole and GPS monitoring for sex offenders. The report must include information relating to:**

- (1) the expense of lifetime parole and GPS monitoring;
- (2) recidivism; and
- (3) any proposal to make the program of lifetime parole and GPS monitoring less expensive or more effective, or both.

(b) **The report described in subsection (a) must be in an electronic format under IC 5-14-6.**

(c) **This SECTION expires November 2, 2010.**

SECTION 11. P.L.61-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: SECTION 1. (a) As used in this SECTION, "committee" refers to the sentencing policy study committee established by subsection (c).

(b) The general assembly finds that a comprehensive study of sentencing laws and policies is desirable in order to:

- (1) ensure that sentencing laws and policies protect the public safety;
- (2) establish fairness and uniformity in sentencing laws and policies;
- (3) determine whether incarceration or alternative sanctions are appropriate for various categories of criminal offenses; and
- (4) maximize cost effectiveness in the administration of sentencing laws and policies.

(c) The sentencing policy study committee is established to evaluate sentencing laws and policies as they relate to:

- (1) the purposes of the criminal justice and corrections systems;
- (2) the availability of sentencing options; and
- (3) the inmate population in department of correction facilities.

If, based on the committee's evaluation under this subsection, the committee determines changes are necessary or appropriate, the committee shall make recommendations to the general assembly for the modification of sentencing laws and policies and for the addition, deletion, or expansion of sentencing options.

(d) The committee shall do the following:

- (1) Evaluate the existing classification of criminal offenses into felony and misdemeanor categories. In determining the proper category for each felony and misdemeanor, the committee shall

consider, to the extent they have relevance, the following:

- (A) The nature and degree of harm likely to be caused by the offense, including whether the offense involves property, irreplaceable property, a person, a number of persons, or a breach of the public trust.
 - (B) The deterrent effect a particular classification may have on the commission of the offense.
 - (C) The current incidence of the offense in Indiana.
 - (D) The rights of the victim.
- (2) Recommend structures to be used by a sentencing court in determining the most appropriate sentence to be imposed in a criminal case, including any combination of imprisonment, probation, restitution, community service, or house arrest. The committee shall also consider the following:
- (A) The nature and characteristics of the offense.
 - (B) The severity of the offense in relation to other offenses.
 - (C) The characteristics of the defendant that mitigate or aggravate the seriousness of the criminal conduct and the punishment deserved for that conduct.
 - (D) The defendant's number of prior convictions.
 - (E) The available resources and capacity of the department of correction, local confinement facilities, and community based sanctions.
 - (F) The rights of the victim.

The committee shall include with each set of sentencing structures an estimate of the effect of the sentencing structures on the department of correction and local facilities with respect to both fiscal impact and inmate population.

(3) Review community corrections and home detention programs for the purpose of:

- (A) standardizing procedures and establishing rules for the supervision of home detainees; and
 - (B) establishing procedures for the supervision of home detainees by community corrections programs of adjoining counties.
- (4) Determine the long range needs of the criminal justice and corrections systems and recommend policy priorities for those systems.
- (5) Identify critical problems in the criminal justice and corrections systems and recommend strategies to solve the problems.
- (6) Assess the cost effectiveness of the use of state and local funds in the criminal justice and corrections systems.
- (7) Recommend a comprehensive community corrections strategy based on the following:
- (A) A review of existing community corrections programs.
 - (B) The identification of additional types of community corrections programs necessary to create an effective continuum of corrections sanctions.
 - (C) The identification of categories of offenders who should be eligible for sentencing to community corrections programs and the impact that changes to the existing system of community corrections programs would have on sentencing practices.
 - (D) The identification of necessary changes in state oversight and coordination of community corrections programs.

(E) An evaluation of mechanisms for state funding and local community participation in the operation and implementation of community corrections programs.

(F) An analysis of the rate of recidivism of clients under the supervision of existing community corrections programs.

(8) Propose plans, programs, and legislation for improving the effectiveness of the criminal justice and corrections systems.

(9) Evaluate the use of faith based organizations as an alternative to incarceration.

(10) Study issues related to sex offenders, including:

- (A) lifetime parole;**
- (B) GPS or other electronic monitoring;**
- (C) a classification system for sex offenders;**
- (D) recidivism; and**
- (E) treatment.**

(e) The committee may study other topics assigned by the legislative council or as directed by the committee chair. **The committee may meet as often as necessary.**

(f) The committee consists of ~~nineteen (19)~~ **twenty (20)** members appointed as follows:

- (1) Four (4) members of the senate, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the president pro tempore of the senate.
- (2) Four (4) members of the house of representatives, not more than two (2) of whom may be affiliated with the same political party, to be appointed by the speaker of the house of representatives.
- (3) The chief justice of the supreme court or the chief justice's designee.
- (4) The commissioner of the department of correction or the commissioner's designee.
- (5) The director of the Indiana criminal justice institute or the director's designee.
- (6) The executive director of the prosecuting attorneys council of Indiana or the executive director's designee.
- (7) The executive director of the public defender council of Indiana or the executive director's designee.
- (8) One (1) person with experience in administering community corrections programs, appointed by the governor.
- (9) One (1) person with experience in administering probation programs, appointed by the governor.
- (10) Two (2) judges who exercise juvenile jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (11) Two (2) judges who exercise criminal jurisdiction, not more than one (1) of whom may be affiliated with the same political party, to be appointed by the governor.
- (12) One (1) board certified psychologist or psychiatrist who has expertise in treating sex offenders, appointed by the governor to act as a nonvoting advisor to the committee.**

(g) The chairman of the legislative council shall appoint a legislative member of the committee to serve as chair of the committee. Whenever there is a new chairman of the legislative council, the new chairman may remove the chair of the committee and appoint another chair.

(h) If a legislative member of the committee ceases to be a member of the chamber from which the member was appointed, the member also ceases to be a member of the committee.

(i) A legislative member of the committee may be removed at any time by the appointing authority who appointed the legislative member.

(j) If a vacancy exists on the committee, the appointing authority who appointed the former member whose position is vacant shall appoint an individual to fill the vacancy.

(k) The committee shall submit a final report of the results of its study to the legislative council before November 1, 2006. The report must be in an electronic format under IC 5-14-6.

(l) The Indiana criminal justice institute shall provide staff support to the committee.

(m) Each member of the committee is entitled to receive the same per diem, mileage, and travel allowances paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the legislative council.

(n) The affirmative votes of a majority of the **voting** members appointed to the committee are required for the committee to take action on any measure, including the final report.

(o) Except as otherwise specifically provided by this act, the committee shall operate under the rules of the legislative council. All funds necessary to carry out this act shall be paid from appropriations to the legislative council and legislative services agency.

(p) This SECTION expires December 31, 2006.

SECTION 12. **An emergency is declared for this act.**

(Reference is to ESB 6 as reprinted March 1, 2006.)

Steele, Chair

Foley

Mrvan

Grubb

Senate Conferees

House Conferees

Roll Call 384: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 41-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 41 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-3.5-5, AS AMENDED BY P.L.127-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The governor shall forward a copy of the executive order issued under section 3 of this chapter to:

- (1) the director of the Indiana state library;
- (2) the election division; and
- (3) the Indiana Register.

(b) The director of the Indiana state library, or an employee of the Indiana state library designated by the director to supervise a state data center established under IC 4-23-7.1, shall notify each state agency using population counts as a basis for the distribution of funds or services of the effective date of the tabulation of population or corrected population count.

(c) The agencies that the director of the Indiana state library must notify under subsection (b) include the following:

(1) The auditor of state, for distribution of money from the following:

- (A) The cigarette tax fund in accordance with IC 6-7-1-30.1.
- (B) Excise tax revenue allocated under IC 7.1-4-7-8.
- (C) The local road and street account in accordance with IC 8-14-2-4.
- (D) The repayment of loans from the Indiana University permanent endowment funds under IC 21-7-4.

(2) The board of trustees of Ivy Tech Community College of Indiana, for the board's division of Indiana into service regions under IC 20-12-61-9.

(3) The lieutenant governor, for the distribution of money from the rural development fund under IC 4-4-9.

(4) The division of disability ~~aging~~ and rehabilitative services, for establishing priorities for community residential facilities under IC 12-11-1.1 and IC 12-28-4-12.

(5) The department of state revenue, for distribution of money from the motor vehicle highway account fund under IC 8-14-1-3.

(6) The Indiana economic development corporation, for the evaluation of enterprise zone applications under IC 5-28-15.

(7) The alcohol and tobacco commission, for the issuance of permits under IC 7.1.

(8) The Indiana library and historical board, for distribution of money to eligible public library districts under IC 4-23-7.1-29.

(9) The state board of accounts, for calculating the state share of salaries paid under IC 33-38-5, IC 33-39-6, and IC 33-41-2.

SECTION 2. IC 2-5-27.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The commission shall do the following:

(1) Develop a long range plan to stimulate further development of cost effective, innovative models of community based services, including recommendations that identify implementation schedules, plans for resource development, and appropriate regulatory changes.

(2) Review and make recommendations regarding any unmet needs for mental retardation and developmental disability services, including the following:

- (A) Community residential and family support services.
- (B) Services for aging families caring for their children who are mentally retarded and developmentally disabled adults.
- (C) Services for families in emergency or crisis situations.
- (D) Services needed to move children and adults from nursing homes and state hospitals to the community.

(3) Study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community based services waivers under 42 U.S.C. 1396n(c).

(4) Study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community based services waivers.

(5) Monitor and recommend changes for improvements in the implementation of home and community based services waivers managed by the state or by a private entity.

(6) Review and make recommendations regarding the implementation of the comprehensive plan prepared by the

developmental disabilities task force established by P.L.245-1997, SECTION 1.

(7) Review and make recommendations regarding the development by the division of disability ~~aging~~, and rehabilitative services of a statewide plan to address quality assurance in community based services.

(8) Annually review the infants and toddlers with disabilities program established under IC 12-17-15.

SECTION 3. IC 4-1-8-1, AS AMENDED BY HEA 1040-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability ~~aging~~, and rehabilitative services;
 - (D) the division of aging;** and
 - ~~(D)~~ **(E)** the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (13) The Indiana state teachers' retirement fund.
- (14) The state police benefit system.
- (15) The alcohol and tobacco commission.

(b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing

agency may require an employer to provide its federal employer identification number.

(d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(e) The Indiana gaming commission may, notwithstanding this chapter, require the following:

- (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
- (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

SECTION 4. IC 4-15-2-3.8, AS AMENDED BY HEA 1040-2006, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. "State service" means public service by:

- (1) employees and officers, including the incumbent directors, of the county offices of family and children; and
- (2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability ~~aging~~, and rehabilitative services, **division of aging**, Fort Wayne State Developmental Center, ~~Muscatatuck State Developmental Center~~, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development,

Indiana historical bureau, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 5. IC 4-15-2-19.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.5. (a) As used in this section, "individual with a disability" means an individual:

- (1) with a physical or mental impairment that substantially limits one (1) or more of the major life activities of the individual; or
- (2) who:
 - (A) has a record of; or
 - (B) is regarded as;
 having an impairment described in subdivision (1).

(b) Notwithstanding other provisions of this chapter, the director may waive minimum qualifications and an examination for an approved individual upon certification by an Indiana rehabilitation facility or the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services that the individual:

- (1) is an individual with a disability; and
- (2) possesses the required knowledge, skill, and ability to perform the essential functions of a position classification with or without reasonable accommodation or with special accommodation for supported employment.

(c) The names of applicants with a disability qualified under subsection (b) shall be certified with or in addition to the names certified on the eligibility list under section 19 of this chapter.

SECTION 6. IC 4-23-20-3, AS AMENDED BY P.L.4-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The committee consists of at least six (6) members appointed by the governor and must include representatives of the following:

- (1) The Indiana economic development corporation.
- (2) The department of workforce development.
- (3) The division of disability ~~aging~~, and rehabilitative services.
- (4) The commission on vocational and technical education of the department of workforce development.
- (5) The state human resource investment council.
- (6) The department of education.

SECTION 7. IC 5-1-16-1, AS AMENDED BY P.L.235-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Authority" refers to the Indiana health and educational facility financing authority.

"Bonds" includes bonds, refunding bonds, notes, interim certificates, bond anticipation notes, and other evidences of indebtedness of the authority, issued under this chapter.

"Building" or "buildings" or similar words mean any building or part of a building or addition to a building for health care purposes. The term includes the site for the building (if a site is to be acquired), equipment, heating facilities, sewage disposal facilities, landscaping, walks, drives, parking facilities, and other structures, facilities, appurtenances, materials, and supplies that may be considered necessary to render a building suitable for use and occupancy for

health care purposes.

"Cost" includes the following:

- (1) The cost and the incidental and related costs of the acquisition, repair, restoration, reconditioning, refinancing, or installation of health facility property.
- (2) The cost of any property interest in health facility property, including an option to purchase a leasehold interest.
- (3) The cost of constructing health facility property, or an addition to health facility property, acquiring health facility property, or remodeling health facility property.
- (4) The cost of architectural, engineering, legal, trustee, underwriting, and related services; the cost of the preparation of plans, specifications, studies, surveys, and estimates of cost and of revenue; and all other expenses necessary or incident to planning, providing, or determining the need for or the feasibility and practicability of health facility property.
- (5) The cost of financing charges, including premiums or prepayment penalties and interest accrued during the construction of health facility property or before the acquisition and installation or refinancing of such health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing and startup costs related to health facility property for up to two (2) years after such construction, acquisition, and installation or refinancing.
- (6) The costs paid or incurred in connection with the financing of health facility property, including out-of-pocket expenses, the cost of any policy of insurance; the cost of printing, engraving, and reproduction services; and the cost of the initial or acceptance fee of any trustee or paying agent.
- (7) The costs of the authority, incurred in connection with providing health facility property, including reasonable sums to reimburse the authority for time spent by its agents or employees in providing and financing health facility property.
- (8) The cost paid or incurred for the administration of any program for the purchase or lease of or the making of loans for health facility property, by the authority and any program for the sale or lease of or making of loans for health facility property to any participating provider.

"County" means any county in the state that owns and operates a county hospital.

"Health facility property" means any tangible or intangible property or asset owned or used by a participating provider and which:

- (1) is determined by the authority to be necessary or helpful, directly or indirectly, to provide:
 - (A) health care;
 - (B) medical research;
 - (C) training or teaching of health care personnel;
 - (D) habilitation, rehabilitation, or therapeutic services; or
 - (E) any related supporting services;
 regardless of whether such property is in existence at the time of, or is to be provided after the making of, such finding;
- (2) is a residential facility for:
 - (A) the physically, mentally, or emotionally disabled;
 - (B) the physically or mentally ill; or
 - (C) the elderly; or

(3) is a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located.

"Health facility" means any facility or building that is:

- (1) owned or used by a participating provider;
- (2) located:
 - (A) in Indiana; or
 - (B) outside Indiana, if the participating provider that operates the facility or building, or an affiliate of the participating provider, also operates a substantial health facility or facilities, as determined by the authority, in Indiana; and
- (3) utilized, directly or indirectly:
 - (A) in:
 - (i) health care;
 - (ii) habilitation, rehabilitation, or therapeutic services;
 - (iii) medical research;
 - (iv) the training or teaching of health care personnel; or
 - (v) any related supporting services;
 - (B) to provide a residential facility for:
 - (i) the physically, mentally, or emotionally disabled;
 - (ii) the physically or mentally ill; or
 - (iii) the elderly; or
 - (C) as a child caring institution and provides residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the facility or building is located.

"Net revenues" means the revenues of a hospital remaining after provision for proper and reasonable expenses of operation, repair, replacement, and maintenance of the hospital.

"Participating provider" means a person, corporation, municipal corporation, political subdivision, or other entity, public or private, which:

- (1) is located in Indiana or outside Indiana;
- (2) contracts with the authority for the financing or refinancing of, or the lease or other acquisition of, health facility property that is located:
 - (A) in Indiana; or
 - (B) outside Indiana, if the financing, refinancing, lease, or other acquisition also includes a substantial component, as determined by the authority, for the benefit of a health facility or facilities located in Indiana;
- (3) is:
 - (A) licensed under IC 12-25, IC 16-21, IC 16-28, or corresponding laws of the state in which the property is located;
 - (B) a regional blood center;
 - (C) a community mental health center or community mental retardation and other developmental disabilities center (as defined in IC 12-7-2-38 and IC 12-7-2-39 or corresponding provisions of laws of the state in which the property is located);
 - (D) an entity that:
 - (i) contracts with the division of disability ~~aging~~, and rehabilitative services or the division of mental health and addiction to provide the program described in IC 12-11-1.1-1(e) or IC 12-22-2; or

(ii) provides a similar program under the laws of the state in which the entity is located;

(E) a vocational rehabilitation center established under IC 12-12-1-4.1(a)(1) or corresponding provisions of the laws of the state in which the property is located;

(F) the owner or operator of a facility that is utilized, directly or indirectly, to provide health care, habilitation, rehabilitation, therapeutic services, medical research, the training or teaching of health care personnel, or any related supporting services, or of a residential facility for the physically, mentally, or emotionally disabled, physically or mentally ill, or the elderly;

(G) a licensed child caring institution providing residential care described in IC 12-7-2-29(1) or corresponding provisions of the laws of the state in which the property is located;

(H) an integrated health care system between or among providers, a health care purchasing alliance, a health insurer or third party administrator that is a participant in an integrated health care system, a health maintenance or preferred provider organization, or a foundation that supports a health care provider; or

(I) an individual, a business entity, or a governmental entity that owns an equity or membership interest in any of the organizations described in clauses (A) through (H); and

(4) in the case of a person, corporation, municipal corporation, political subdivision, or other entity located outside Indiana, is owned or controlled by, under common control with, affiliated with, or part of an obligated group that includes an entity that provides one (1) or more of the following services or facilities in Indiana:

- (A) A facility that provides:
 - (i) health care;
 - (ii) habilitation, rehabilitation, or therapeutic services;
 - (iii) medical research;
 - (iv) training or teaching of health care personnel; or
 - (v) any related supporting services.
- (B) A residential facility for:
 - (i) the physically, mentally, or emotionally disabled;
 - (ii) the physically or mentally ill; or
 - (iii) the elderly.
- (C) A child caring institution providing residential care described in IC 12-7-2-29(1).

"Regional blood center" means a nonprofit corporation or corporation created under 36 U.S.C. 1 that:

- (1) is:
 - (A) accredited by the American Association of Blood Banks; or
 - (B) registered or licensed by the Food and Drug Administration of the Department of Health and Human Services; and
- (2) owns and operates a health facility that is primarily engaged in:
 - (A) drawing, testing, processing, and storing human blood and providing blood units or components to hospitals; or
 - (B) harvesting, testing, typing, processing, and storing human body tissue and providing this tissue to hospitals.

SECTION 8. IC 5-22-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "bureau" refers to the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services established under IC 12-12-1-1.

SECTION 9. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application on forms prescribed by the department of local government finance with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before May 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family and children, or the division of disability ~~aging~~, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he~~ **the individual** is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 10. IC 11-13-1-8, AS AMENDED BY P.L.1-2005, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this section, "board" refers to the board of directors of the judicial conference of Indiana established by IC 33-38-9-3.

(b) The board shall adopt rules consistent with this chapter, prescribing minimum standards concerning:

- (1) educational and occupational qualifications for employment as a probation officer;
- (2) compensation of probation officers;
- (3) protection of probation records and disclosure of information contained in those records; and
- (4) presentence investigation reports.

(c) The conference shall prepare a written examination to be used in establishing lists of persons eligible for appointment as probation officers. The conference shall prescribe the qualifications for entrance to the examination and establish a minimum passing score and rules for the administration of the examination after obtaining recommendations on these matters from the probation standards and practices advisory committee. The examination must be offered at least once every other month.

(d) The conference shall, by its rules, establish an effective date for the minimum standards and written examination for probation officers.

(e) The conference shall provide probation departments with training and technical assistance for:

- (1) the implementation and management of probation case classification; and
- (2) the development and use of workload information.

The staff of the Indiana judicial center may include a probation case management coordinator and probation case management assistant.

(f) The conference shall, in cooperation with the division of family and children and the department of education, provide probation departments with training and technical assistance relating to special education services and programs that may be available for delinquent children or children in need of services. The subjects addressed by the training and technical assistance must include the following:

- (1) Eligibility standards.
- (2) Testing requirements and procedures.
- (3) Procedures and requirements for placement in programs provided by school corporations or special education cooperatives under IC 20-35-5.
- (4) Procedures and requirements for placement in residential special education institutions or facilities under IC 20-35-6-2 and 511 IAC 7-27-12.
- (5) Development and implementation of individual education programs for eligible children in:
 - (A) accordance with applicable requirements of state and federal laws and rules; and
 - (B) in coordination with:
 - (i) individual case plans; and
 - (ii) informal adjustment programs or dispositional decrees entered by courts having juvenile jurisdiction under IC 31-34 and IC 31-37.
- (6) Sources of federal, state, and local funding that is or may be available to support special education programs for children for whom proceedings have been initiated under IC 31-34 and IC 31-37.

Training for probation departments may be provided jointly with training provided to child welfare caseworkers relating to the same subject matter.

(g) The conference shall, in cooperation with the division of mental health and addiction (IC 12-21) and the division of disability ~~aging~~, and rehabilitative services (IC 12-9-1), provide probation departments with training and technical assistance concerning mental illness, addictive disorders, mental retardation, and developmental disabilities.

(h) The conference shall make recommendations to courts and probation departments concerning:

- (1) selection, training, distribution, and removal of probation officers;
- (2) methods and procedure for the administration of probation, including investigation, supervision, workloads, record keeping, and reporting; and
- (3) use of citizen volunteers and public and private agencies.

(i) The conference may delegate any of the functions described in this section to the advisory committee or the Indiana judicial center.

SECTION 11. IC 12-7-2-14.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. "Ancillary services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-2~~. **IC 12-10-17.1-2.**

SECTION 12. IC 12-7-2-18.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.3. "Attendant care services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-3~~. **IC 12-10-17.1-3.**

SECTION 13. IC 12-7-2-20.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 20.7. "Basic services", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-4~~. **IC 12-10-17.1-4.**

SECTION 14. IC 12-7-2-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. "Bureau" means the following:

- (1) For purposes of IC 12-10, the bureau of aging and in-home services established by IC 12-10-1-1.
- (2) For purposes of IC 12-11, the bureau of developmental disabilities services established by IC 12-11-1-1-1.
- (3) For purposes of IC 12-12, the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services established by IC 12-12-1-1.
- (4) For purposes of IC 12-12.5, the bureau of quality improvement services established by IC 12-12.5-1-1.
- (5) For purposes of IC 12-17-2, the meaning set forth in IC 12-17-2-1.

SECTION 15. IC 12-7-2-39 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 39. "Community mental retardation and other developmental disabilities centers", for purposes of IC 12-29 (except as provided in IC 12-29-3-6), means a program of services that meets the following conditions:

- (1) Is approved by the division of disability ~~aging~~, and rehabilitative services.
- (2) Is organized for the purpose of providing multiple services for persons with developmental disabilities.
- (3) Is operated by one (1) of the following or any combination of the following:

- (A) A city, a town, a county, or another political subdivision of Indiana.
- (B) An agency of the state.
- (C) An agency of the United States.
- (D) A political subdivision of another state.
- (E) A hospital owned or operated by a unit of government described in clauses (A) through (D).
- (F) A building authority organized for the purpose of constructing facilities to be leased to units of government.
- (G) A corporation incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17.
- (H) A nonprofit corporation incorporated in another state.
- (I) A university or college.

- (4) Is accredited for the services provided by one (1) of the following organizations:

- (A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.
- (B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.
- (C) The Joint Commission on Accreditation of Healthcare

Organizations (JCAHO), or its successor.

(D) The National Commission on Quality Assurance, or its successor.

(E) An independent national accreditation organization approved by the secretary.

SECTION 16. IC 12-7-2-64, AS AMENDED BY P.L.234-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 64. "Director" refers to the following:

- (1) With respect to a particular division, the director of the division.
- (2) With respect to a particular state institution, the director who has administrative control of and responsibility for the state institution.
- (3) For purposes of IC 12-10-15, the term refers to the director of the division of ~~disability~~ aging. ~~and rehabilitative services.~~
- (4) For purposes of IC 12-19-5, the term refers to the director of the department of child services established by IC 31-33-1.5-2.
- (5) For purposes of IC 12-25, the term refers to the director of the division of mental health and addiction.
- (6) For purposes of IC 12-26, the term:
 - (A) refers to the director who has administrative control of and responsibility for the appropriate state institution; and
 - (B) includes the director's designee.
- (7) If subdivisions (1) through (6) do not apply, the term refers to the director of any of the divisions.

SECTION 17. IC 12-7-2-69, AS AMENDED BY P.L.234-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 69. (a) "Division", except as provided in subsections (b) and (c), refers to any of the following:

- (1) The division of disability ~~aging~~, and rehabilitative services established by IC 12-9-1-1.
- (2) The division of aging established by IC 12-9.1-1-1.**
- ~~(2) (3)~~ **(3)** The division of family resources established by IC 12-13-1-1.
- ~~(3) (4)~~ **(4)** The division of mental health and addiction established by IC 12-21-1-1.

(b) The term refers to the following:

- (1) For purposes of the following statutes, the division of disability ~~aging~~, and rehabilitative services established by IC 12-9-1-1:

- (A) IC 12-9.
- ~~(B) IC 12-10.~~
- ~~(C) (B)~~ **(B)** IC 12-11.
- ~~(D) (C)~~ **(C)** IC 12-12.
- ~~(E) (D)~~ **(D)** IC 12-12.5.

(2) For purposes of the following statutes, the division of aging established by IC 12-9.1-1-1:

- (A) IC 12-9.1.**
- (B) IC 12-10.**

~~(2) (3)~~ **(3)** For purposes of the following statutes, the division of family resources established by IC 12-13-1-1:

- (A) IC 12-13.
- (B) IC 12-14.
- (C) IC 12-15.
- (D) IC 12-16.

- (E) IC 12-17.2.
- (F) IC 12-18.
- (G) IC 12-19.
- (H) IC 12-20.

~~(3)~~ **(4)** For purposes of the following statutes, the division of mental health and addiction established by IC 12-21-1-1:

- (A) IC 12-21.
- (B) IC 12-22.
- (C) IC 12-23.
- (D) IC 12-25.

(c) With respect to a particular state institution, the term refers to the division whose director has administrative control of and responsibility for the state institution.

(d) For purposes of IC 12-24, IC 12-26, and IC 12-27, the term refers to the division whose director has administrative control of and responsibility for the appropriate state institution.

SECTION 18. IC 12-7-2-99 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 99. "A person with a disability" means, for purposes of the following statutes, an individual who has a physical or mental disability and meets the program eligibility requirements of the division of disability ~~aging~~, and rehabilitative services:

- (1) IC 12-8-1-11.
- (2) IC 12-12-1.
- (3) IC 12-12-6.

SECTION 19. IC 12-7-2-103.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 103.5. "Health related services":

- (1) for purposes of IC 12-10-15, has the meaning set forth in IC 12-10-15-2; and
- (2) for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-5~~; **IC 12-10-17.1-5**.

SECTION 20. IC 12-7-2-117.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 117.1. "Individual in need of self-directed in-home care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-6~~; **IC 12-10-17.1-6**.

SECTION 21. IC 12-7-2-122.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 122.9. "Licensed health professional", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-7~~; **IC 12-10-17.1-7**.

SECTION 22. IC 12-7-2-137.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 137.3. "Personal services attendant", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-8~~; **IC 12-10-17.1-8**.

SECTION 23. IC 12-7-2-138 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 138. "Physician" means the following:

- (1) For purposes of ~~IC 12-10-17~~ **IC 12-10-17.1** and IC 12-15-35, an individual who is licensed to practice medicine in Indiana under IC 25-22.5.
- (2) For purposes of IC 12-26, either of the following:
 - (A) An individual who holds a license to practice medicine under IC 25-22.5.
 - (B) A medical officer of the United States government who is in Indiana performing the officer's official duties.

SECTION 24. IC 12-7-2-174.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 174.5. "Self-directed in-home health care", for purposes of ~~IC 12-10-17~~, **IC 12-10-17.1**, has the meaning set forth in ~~IC 12-10-17-9~~; **IC 12-10-17.1-9**.

SECTION 25. IC 12-7-2-184 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 184. (a) "State institution" means an institution:

- (1) owned or operated by the state;
- (2) for the observation, care, treatment, or detention of an individual; and
- (3) under the administrative control of a division.

(b) The term includes the following:

~~(1) Central State Hospital;~~

~~(2) (1) Evansville State Hospital.~~

~~(3) (2) Evansville State Psychiatric Treatment Center for Children.~~

~~(4) (3) Fort Wayne State Developmental Center.~~

~~(5) (4) Larue D. Carter Memorial Hospital.~~

~~(6) (5) Logansport State Hospital.~~

~~(7) (6) Madison State Hospital.~~

~~(8) Muscatatuck State Developmental Center.~~

~~(9) (7) Richmond State Hospital.~~

SECTION 26. IC 12-8-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The secretary and the commissioner of the state department of health shall cooperate to coordinate family and social services programs with related programs administered by the state department of health.

(b) The secretary, in cooperation with the commissioner of the state department of health, is accountable for the following:

- (1) Resolving administrative, jurisdictional, or policy conflicts between a division and the state department of health.
- (2) Formulating overall policy for family, health, and social services in Indiana.
- (3) Coordinating activities between the programs of the division of family and children and the maternal and child health programs of the state department of health.
- (4) Coordinating activities concerning long term care between the division of disability ~~aging~~, and rehabilitative services and the state department of health.
- (5) Developing and implementing a statewide family, health, and social services plan that includes a set of goals and priorities.

SECTION 27. IC 12-8-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. Unless otherwise provided by a statute, this chapter applies to the following:

- (1) The family and social services committee established by IC 12-8-3-2.
- (2) The following advisory councils:
 - (A) The division of disability ~~aging~~, and rehabilitative services advisory council.
 - (B) The division of family and children advisory council.
 - (C) The division of mental health and addiction advisory council.
- (3) A body:
 - (A) established by statute for a division; and

(B) whose enabling statute makes this chapter applicable to the body.

SECTION 28. IC 12-8-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The office and the division of disability ~~aging~~, and rehabilitative services shall develop a written memorandum of understanding that provides the following:

- (1) Program responsibilities for the provision of care and treatment for developmentally disabled and long term care recipients.
- (2) Responsibilities to educate and inform vendors of the proper billing procedures.
- (3) Responsibilities in administering the state plan.
- (4) Responsibilities for Medicaid fiscal and quality accountability and audits for developmentally disabled and long term care services.
- (5) That the division shall recommend options and services to be reimbursed under the state plan.
- (6) That the office and the division agree that, within the limits of 42 U.S.C. 1396 et seq., developmentally disabled individuals and long term care recipients cannot be excluded from services on the basis of diagnosis unless these services are otherwise provided and reimbursed under the state plan.
- (7) That the office shall seek review and comment from the division before the adoption of rules or standards that may affect the service, programs, or providers of medical assistance services for the developmentally disabled and long term care recipients.
- (8) That the division shall develop rate setting policies for medical assistance services for the developmentally disabled and long term care recipients.
- (9) That the office, with the assistance of the division, shall apply for waivers from the United States Department of Health and Human Services to fund community and home based long term care services as alternatives to institutionalization.
- (10) Policies to facilitate communication between the office and the division.
- (11) Any additional provisions that enhance communication between the office and the division or facilitate more efficient or effective delivery of developmentally disabled or long term care services.

SECTION 29. IC 12-8-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter applies only to the indicated money of the following state agencies to the extent that the money is used by the agency to obtain services from grantee agencies to carry out the program functions of the agency:

- (1) Money appropriated or allocated to a state agency from money received by the state under the **federal** Social Services Block Grant Act (42 U.S.C. 1397 et seq.).
- (2) The division of ~~disability aging, and rehabilitative services~~, except this chapter does not apply to money expended under the following:
 - (A) The following statutes, unless application of this chapter is required by another subdivision of this section:
 - (i) IC 12-10-6.
 - (ii) IC 12-10-12.
 - (B) Epilepsy services.

(3) The division of family and children, for money expended under the following:

- (A) The following statutes:
 - (i) IC 12-14-10.
 - (ii) IC 12-14-11.
 - (iii) IC 12-14-12.
- (B) The following programs:
 - (i) The child development associate scholarship program.
 - (ii) The dependent care program.
 - (iii) Migrant day care.
 - (iv) The youth services bureau.
 - (v) The project safe program.
 - (vi) The commodities program.
 - (vii) The migrant nutrition program.
 - (viii) Any emergency shelter program.
 - (ix) The energy weatherization program.
 - (x) Programs for individuals with developmental disabilities.

(4) The state department of health, for money expended under the following statutes:

- (A) IC 16-19-10.
- (B) IC 16-38-3.

(5) The group.

(6) All state agencies, for any other money expended for the purchase of services if all the following apply:

- (A) The purchases are made under a contract between the state agency and the office of the secretary.
- (B) The contract includes a requirement that the office of the secretary perform the duties and exercise the powers described in this chapter.
- (C) The contract is approved by the budget agency.

(7) The division of mental health and addiction.

SECTION 30. IC 12-8-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. Services to support families of persons with disabilities and persons with disabilities may include services available within the division of family and children, the division of disability ~~aging~~, and rehabilitative services, **the division of aging**, the division of mental health and addiction, the state department of health, the department of education, the department of workforce development, and the department of correction, including case management and service coordination.

SECTION 31. IC 12-9-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division of disability ~~aging~~, and rehabilitative services is established.

SECTION 32. IC 12-9-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division consists of the following bureaus:

- (1) Disability determination bureaus required or permitted under IC 12-9-6.
- ~~(2) The bureau of aging and in-home services established by IC 12-10-1-1.~~
- ~~(3)~~ (2) The rehabilitation services bureau established by IC 12-12-1-1.
- ~~(4)~~ (3) The bureau of developmental disabilities services established by IC 12-11-1.1-1.
- ~~(5)~~ (4) The bureau of quality improvement services established by IC 12-12.5-1-1.

SECTION 33. IC 12-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "council" refers to the division of disability ~~aging~~, and rehabilitative services advisory council established by this chapter.

SECTION 34. IC 12-9-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The division of disability ~~aging~~, and rehabilitative services advisory council is established.

SECTION 35. IC 12-9-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall administer money appropriated or allocated to the division by the state, including money appropriated or allocated from the following:

- ~~(1) The Older Americans Act (42 U.S.C. 3001 et seq.).~~
- ~~(2) The United States Department of Agriculture (7 U.S.C. 612c et seq.).~~
- ~~(3) (1) The federal Vocational Rehabilitation Act (29 U.S.C. 701).~~
- ~~(4) (2) The federal Social Services Block Grant in-home services for the elderly and disabled (42 U.S.C. 1397 et seq.).~~
- ~~(5) (3) The federal Randolph Sheppard Act (20 U.S.C. 107 et seq.).~~
- ~~(6) (4) Medicaid waiver in-home services for the elderly and disabled (42 U.S.C. 1396 et seq.) for treatment of developmental disabilities.~~
- ~~(7) (5) Office of Disability Determination (42 U.S.C. 1302 and 42 U.S.C. 1383).~~
- ~~(8) (6) The federal Technology Related Assistance to Individuals with Disabilities Act (29 U.S.C. 2201).~~
- ~~(9) (7) The federal Social Security Act Payments for Vocational Rehabilitation Services (42 U.S.C. 422).~~
- ~~(10) (8) Money appropriated or allocated to the division to administer a program under this title.~~
- ~~(11) (9) Other funding sources that are designated by the general assembly or that are available from the federal government under grants that are consistent with the duties of the division.~~

SECTION 36. IC 12-9-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The division shall administer the following programs:

- (1) Programs established under any of the following statutes:
 - (A) This article.
 - ~~(B) IC 12-10.~~
 - ~~(C) (B) IC 12-11.~~
 - ~~(D) (C) IC 12-12.~~
 - ~~(E) (D) IC 12-12.5.~~
- (2) Programs under the following statutes, to the extent the division has responsibilities for programs under those statutes:
 - (A) IC 12-24.
 - (B) IC 12-26.
 - (C) IC 12-27.
 - (D) IC 12-28.
 - (E) IC 12-29.
 - ~~(F) IC 12-30.~~
- (3) Supported employment for a person with developmental disabilities.
- (4) Epilepsy service centers program.
- (5) Epilepsy clinic program.

(6) Medicaid waivers for in-home services **for treatment of developmental disabilities.**

SECTION 37. IC 12-9-5-5, AS ADDED BY P.L.212-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Notwithstanding any other law:

- (1) home health agencies licensed under IC 16-27-1 are approved to provide home health services; and
 - (2) personal services agencies licensed under IC 16-27-4 are approved to provide personal services;
- under any federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n.

(b) In determining whether to approve an entity described in subsection (a) to provide services for a program administered by the office of the secretary, the office of the secretary may use the survey performed by the state department of health in licensing the entity.

SECTION 38. IC 12-9.1 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

ARTICLE 9.1. DIVISION OF AGING

Chapter 1. Establishment of Division

Sec. 1. The division of aging is established.

Sec. 2. IC 12-8-8 applies to the division.

Sec. 3. The bureau of aging and in-home services established by IC 12-10-1-1 is part of the division.

Chapter 2. Director of Division

Sec. 1. The division shall be administered by a director appointed under IC 12-8-8-1.

Sec. 2. IC 12-8-8 applies to the director.

Sec. 3. (a) The director may do the following:

- (1) Employ experts and consultants to assist the division in carrying out the division's functions.
- (2) Use, with their consent, the services and facilities of other state agencies without reimbursement.
- (3) Accept in the name of the division, for use in carrying out the functions of the division, money or property received by gift, bequest, or otherwise.
- (4) Accept voluntary and uncompensated services.
- (5) Expend money made available to the division according to policies enforced by the budget agency.
- (6) Adopt rules under IC 4-22-2 necessary to carry out the functions of the division. However, rules adopted by the director must be approved by the family and social services committee established by IC 12-8-3-2 before submission to the attorney general under IC 4-22-2-31.
- (7) Establish and implement the policies and procedures necessary to carry out the functions of the division.
- (8) Perform any other acts necessary to carry out the functions of the division.

(b) The director shall compile information and statistics from each bureau concerning the ethnicity and gender of a program or service recipient. The director may adopt rules under IC 4-22-2 necessary to implement this subsection.

Sec. 4. The director may, with the approval of the budget agency, hire the personnel necessary to perform the duties of the division.

Chapter 3. Personnel of Division

Sec. 1. Except as provided in IC 4-15-2-3.8, IC 4-15-2 applies to all employees of the division.

Sec. 2. (a) If a member, an officer, or an employee of the division is accused of an offense or sued for civil damages because of an act performed:

(1) within the course of the individual's employment; or
(2) under the authority or order of a superior officer;
the attorney general shall defend the individual in an action for civil damages. If the action or proceeding is criminal in nature, the governor shall designate counsel to represent and defend the accused, and the state is financially responsible for the expense of the defense.

(b) This section does not do either of the following:

- (1) Deprive an individual of the right to select defense counsel of the individual's choice at the individual's expense.
- (2) Relieve any person from responsibility in civil damages.

Chapter 4. Duties of Division

Sec. 1. The division shall administer money appropriated or allocated to the division by the state, including money appropriated or allocated from the following:

- (1) The federal Older Americans Act (42 U.S.C. 3001 et seq.).
- (2) The United States Department of Agriculture (7 U.S.C. 612C et seq.).
- (3) Medicaid waiver in-home services for the elderly and disabled (42 U.S.C. 1396 et seq.) for treatment of medical conditions.
- (4) Money appropriated or allocated to the division to administer a program under this title.
- (5) Other funding sources that are designated by the general assembly or available from the federal government under grants that are consistent with the duties of the division.

Sec. 2. The division shall administer the following programs:

- (1) Programs established under any of the following statutes:
 - (A) This article.
 - (B) IC 12-10.

(2) Programs under IC 12-30, to the extent the division has responsibilities for programs under IC 12-30.

(3) Medicaid waivers for in-home services for treatment of medical conditions.

Sec. 3. Notwithstanding any other law:

- (1) home health agencies licensed under IC 16-27-1 are approved to provide home health services; and
- (2) personal services agencies licensed under IC 16-27-4 are approved to provide personal services;

under any federal waiver granted to the state under 42 U.S.C. 1315 or 42 U.S.C. 1396n that provides services for treatment of medical conditions.

SECTION 39. IC 12-10-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The bureau shall administer the following programs:

- (1) The federal Older Americans Act under ~~IC 12-9-5-1~~ IC 12-9-1-4-1.
- (2) Area agencies on aging services under this article.
- (3) Adult protective services under IC 12-10-3.
- (4) Room and board assistance and assistance to residents in

county homes under IC 12-10-6.

(5) Adult guardianship program under IC 12-10-7.

(6) Community and home options for the elderly and disabled under IC 12-10-10.

(7) Nursing home preadmission screening under IC 12-10-12.

(8) Long term care advocacy under IC 12-10-13.

(9) Nutrition services and home delivered meals.

(10) Title III B supportive services.

(11) Title III D in-home services.

(12) Aging programs under the Social Services Block Grant.

(13) United States Department of Agriculture elderly feeding program.

(14) Title V senior employment.

(15) PASARR under older adult services.

SECTION 40. IC 12-10-3-29.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 29.5. (a)** Except as provided in subsection (b), an adult protective services unit or a staff member of the adult protective services unit on the basis of the staff member's employment may not be designated as:

- (1) a personal representative;
- (2) a health care representative;
- (3) a guardian;
- (4) a guardian ad litem; or
- (5) any other type of representative;

for an endangered adult.

(b) The:

- (1) county prosecutor in the county in which the adult protective services unit is located; or
- (2) head of the governmental entity if the adult protective services unit is operated by a governmental entity;

may give written permission for an adult protective services unit or a staff member of the adult protective services unit to be designated as a representative described in subsection (a)(1) through (a)(5).

SECTION 41. IC 12-10-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) An individual who:

- (1) is at least sixty-five (65) years of age, blind, or disabled; and
- (2) is a resident of a county home;

is eligible to receive assistance payments from the state if the individual would be eligible for assistance under the federal Supplemental Security Income program except for the fact that the individual is residing in a county home.

(b) The amount of nonmedical assistance to be paid on behalf of a resident in a county home must be based on the daily rate established by the division. The rate for facilities under this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division.

(c) The rate for facilities under this section but not licensed under IC 16-28 must be the lesser of:

- (1) an upper rate limit established by a rule adopted by the division; or
- (2) a reasonable and adequate rate to meet the costs, determined by generally accepted accounting principles, that are incurred by efficiently and economically operated facilities in order to provide care and services in conformity with quality and safety standards and applicable laws and rules.

(d) The recipient shall be paid or allowed to retain from the recipient's income a monthly personal allowance. The amount:

- (1) is fifty-two dollars (\$52);
- (2) is exempt from income eligibility consideration by the division; and
- (3) may be exclusively used by the recipient for personal needs.

(e) In addition to the amount that may be retained as a personal allowance under this section, an individual is allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax liability for the calendar quarter in which the month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay state or local income taxes owed.

(f) In addition to the amounts that may be retained under subsections (d) and (e), an eligible individual may retain a Holocaust victim's settlement payment. The payment is exempt from income eligibility consideration by the division.

(g) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half (1/2) of the remainder of:

- (1) gross earned income for that month; minus
- (2) the sum of:
 - (A) sixteen dollars (\$16); plus
 - (B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus
 - (C) transportation expenses for that month; plus
 - (D) any mandatory expenses required by the employer as a condition of employment.

(h) The division, ~~of disability, aging, and rehabilitative services~~, in cooperation with the state department of health taking into account licensure requirements under IC 16-28, shall adopt rules under IC 4-22-2 governing the reimbursement to facilities under this section. The rules must be designed to determine the costs that must be incurred by efficiently and economically operated facilities to provide room, board, laundry, and other services, along with minimal administrative direction to individuals who receive residential care in the facilities under this section. A rule adopted under this subsection by:

- (1) the division; or
- (2) the state department of health;

must conform to the rules for residential care facilities that are licensed under IC 16-28.

(i) A rate established under this section may be appealed according to the procedures under IC 4-21.5.

(j) The division shall annually review each facility's rate using the following:

- (1) Generally accepted accounting principles.
- (2) The costs incurred by efficiently and economically operated facilities in order to provide care and services in conformity with quality and safety standards and applicable laws and rules.

SECTION 42. IC 12-10-6-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) An individual

who is incapable of residing in the individual's own home may apply for residential care assistance under this section. The determination of eligibility for residential care assistance is the responsibility of the division. Except as provided in subsections (g) and (i), an individual is eligible for residential care assistance if the division determines that the individual:

- (1) is a recipient of Medicaid or the federal Supplemental Security Income program;
- (2) is incapable of residing in the individual's own home because of dementia, mental illness, or a physical disability;
- (3) requires a degree of care less than that provided by a health care facility licensed under IC 16-28; and
- (4) can be adequately cared for in a residential care setting.

(b) Individuals suffering from mental retardation may not be admitted to a home or facility that provides residential care under this section.

(c) A service coordinator employed by the division may:

- (1) evaluate a person seeking admission to a home or facility under subsection (a); or
- (2) evaluate a person who has been admitted to a home or facility under subsection (a), including a review of the existing evaluations in the person's record at the home or facility.

If the service coordinator determines the person evaluated under this subsection is mentally retarded, the service coordinator may recommend an alternative placement for the person.

(d) Except as provided in section 5 of this chapter, residential care consists of only room, board, and laundry, along with minimal administrative direction. State financial assistance may be provided for such care in a boarding or residential home of the applicant's choosing that is licensed under IC 16-28 or a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., that meets certain life safety standards considered necessary by the state fire marshal. Payment for such care shall be made to the provider of the care according to division directives and supervision. The amount of nonmedical assistance to be paid on behalf of a recipient living in a boarding home, residential home, or Christian Science facility shall be based on the daily rate established by the division. The rate for facilities that are referred to in this section and licensed under IC 16-28 may not exceed an upper rate limit established by a rule adopted by the division. The recipient may retain from the recipient's income a monthly personal allowance of fifty-two dollars (\$52). This amount is exempt from income eligibility consideration by the division and may be exclusively used by the recipient for the recipient's personal needs. However, if the recipient's income is less than the amount of the personal allowance, the division shall pay to the recipient the difference between the amount of the personal allowance and the recipient's income. A reserve or an accumulated balance from such a source, together with other sources, may not be allowed to exceed the state's resource allowance allowed for adults eligible for state supplemental assistance or Medicaid as established by the rules of the office of Medicaid policy and planning.

(e) In addition to the amount that may be retained as a personal allowance under this section, an individual shall be allowed to retain an amount equal to the individual's state and local income tax liability. The amount that may be retained during a month may not exceed one-third (1/3) of the individual's state and local income tax

liability for the calendar quarter in which that month occurs. This amount is exempt from income eligibility consideration by the division. The amount retained shall be used by the individual to pay any state or local income taxes owed.

(f) In addition to the amounts that may be retained under subsections (d) and (e), an eligible individual may retain a Holocaust victim's settlement payment. The payment is exempt from income eligibility consideration by the division.

(g) The rate of payment to the provider shall be determined in accordance with a prospective prenegotiated payment rate predicated on a reasonable cost related basis, with a growth of profit factor, as determined in accordance with generally accepted accounting principles and methods, and written standards and criteria, as established by the division. The division shall establish an administrative appeal procedure to be followed if rate disagreement occurs if the provider can demonstrate to the division the necessity of costs in excess of the allowed or authorized fee for the specific boarding or residential home. The amount may not exceed the maximum established under subsection (d).

(h) The personal allowance for one (1) month for an individual described in subsection (a) is the amount that an individual would be entitled to retain under subsection (d) plus an amount equal to one-half (1/2) of the remainder of:

- (1) gross earned income for that month; minus
- (2) the sum of:
 - (A) sixteen dollars (\$16); plus
 - (B) the amount withheld from the person's paycheck for that month for payment of state income tax, federal income tax, and the tax prescribed by the federal Insurance Contribution Act (26 U.S.C. 3101 et seq.); plus
 - (C) transportation expenses for that month; plus
 - (D) any mandatory expenses required by the employer as a condition of employment.

(i) An individual who, before September 1, 1983, has been admitted to a home or facility that provides residential care under this section is eligible for residential care in the home or facility.

(j) The director of the division may contract with the division of mental health and addiction or the division of disability ~~aging~~, and rehabilitative services to purchase services for individuals suffering from mental illness or a developmental disability by providing money to supplement the appropriation for community residential care programs established under IC 12-22-2 or community residential programs established under IC 12-11-1.1-1.

(k) A person with a mental illness may not be placed in a Christian Science facility listed and certified by the Commission for Accreditation of Christian Science Nursing Organizations/Facilities, Inc., unless the facility is licensed under IC 16-28.

SECTION 43. IC 12-10-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "community and home care services" means services provided within the limits of available funding to an eligible individual. The term includes the following:

- (1) Homemaker services and attendant care, including personal care services.
- (2) Respite care services and other support services for primary or family caregivers.
- (3) Adult day care services.

- (4) Home health services and supplies.
- (5) Home delivered meals.
- (6) Transportation.
- (7) Attendant care services provided by a registered personal services attendant under ~~IC 12-10-17~~ IC 12-10-17.1 to persons described in ~~IC 12-10-17-6~~ IC 12-10-17.1-6.
- (8) Other services necessary to prevent institutionalization of eligible individuals when feasible.

SECTION 44. IC 12-10-17.1 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 17.1. Individuals in Need of Self-Directed In-Home Care

Sec. 1. This chapter does not apply to the following:

- (1) An individual who provides attendant care services and who is employed by and under the direct control of a home health agency (as defined in IC 12-15-34-1).
- (2) An individual who provides attendant care services and who is employed by and under the direct control of a licensed hospice program under IC 16-25.
- (3) An individual who provides attendant care services and who is employed by and under the control of an employer that is not the individual who is receiving the services.
- (4) A practitioner (as defined in IC 25-1-9-2) who is practicing under the scope of the practitioner's license (as defined in IC 25-1-9-3).

Sec. 2. As used in this chapter, "ancillary services" means services ancillary to the basic services provided to an individual in need of self-directed in-home care who needs at least one (1) of the basic services (as defined in section 4 of this chapter). The term includes the following:

- (1) Homemaker services, including shopping, laundry, cleaning, and seasonal chores.
- (2) Companion services, including transportation, letter writing, mail reading, and escort services.
- (3) Assistance with cognitive tasks, including managing finances, planning activities, and making decisions.

Sec. 3. As used in this chapter, "attendant care services" means those basic and ancillary services that the individual chooses to direct and supervise a personal services attendant to perform and that enable an individual in need of self-directed in-home care to live in the individual's home and community rather than in an institution and to carry out functions of daily living, self-care, and mobility.

Sec. 4. As used in this chapter, "basic services" means a function that could be performed by the individual in need of self-directed in-home care if the individual were not physically disabled. The term includes the following:

- (1) Assistance in getting in and out of beds, wheelchairs, and motor vehicles.
- (2) Assistance with routine bodily functions, including:
 - (A) health related services (as defined in section 5 of this chapter);
 - (B) bathing and personal hygiene;
 - (C) dressing and grooming; and
 - (D) feeding, including preparation and cleanup.

Sec. 5. As used in this chapter, "health related services" means those medical activities that, in the written opinion of the

attending physician submitted to the case manager of the individual in need of self-directed in-home care, could be performed by the individual if the individual were physically capable, and if the medical activities can be safely performed in the home, and:

- (1) are performed by a person who has been trained or instructed on the performance of the medical activities by an individual in need of self-directed in-home care who is, in the written opinion of the attending physician submitted to the case manager of the individual in need of self-directed in-home care, capable of training or instructing the person who will perform the medical activities; or
- (2) are performed by a person who has received training or instruction from a licensed health professional, within the professional's scope of practice, in how to properly perform the medical activity for the individual in need of self-directed in-home care.

Sec. 6. As used in this chapter, "individual in need of self-directed in-home care" means a disabled individual, or person responsible for making health related decisions for the disabled individual, who:

- (1) is approved to receive Medicaid waiver services under 42 U.S.C. 1396n(c), or is a participant in the community and home options to institutional care for the elderly and disabled program under IC 12-10-10;
- (2) is in need of attendant care services because of impairment;
- (3) requires assistance to complete functions of daily living, self-care, and mobility, including those functions included in attendant care services;
- (4) chooses to self-direct a paid personal services attendant to perform attendant care services; and
- (5) assumes the responsibility to initiate self-directed in-home care and exercise judgment regarding the manner in which those services are delivered, including the decision to employ, train, and dismiss a personal services attendant.

Sec. 7. As used in this chapter, "licensed health professional" means any of the following:

- (1) A registered nurse.
- (2) A licensed practical nurse.
- (3) A physician with an unlimited license to practice medicine or osteopathic medicine.
- (4) A licensed dentist.
- (5) A licensed chiropractor.
- (6) A licensed optometrist.
- (7) A licensed pharmacist.
- (8) A licensed physical therapist.
- (9) A certified occupational therapist.
- (10) A certified psychologist.
- (11) A licensed podiatrist.
- (12) A licensed speech-language pathologist or audiologist.

Sec. 8. As used in this chapter, "personal services attendant" means an individual who is registered to provide attendant care services under this chapter and who has entered into a contract with an individual and acts under the individual's direction to provide attendant care services that could be performed by the individual if the individual were physically capable.

Sec. 9. As used in this chapter, "self-directed in-home health

care" means the process by which an individual, who is prevented by a disability from performing basic and ancillary services that the individual would perform if not disabled, chooses to direct and supervise a paid personal services attendant to perform those services in order for the individual to live in the individual's home and community rather than an institution.

Sec. 10. (a) An individual may not provide attendant care services for compensation from Medicaid or the community and home options to institutional care for the elderly and disabled program for an individual in need of self-directed in-home care services unless the individual is registered under section 12 of this chapter.

(b) An individual who is a legally responsible relative of an individual in need of self-directed in-home care, including a parent of a minor individual and a spouse, is precluded from providing attendant care services for compensation under this chapter.

Sec. 11. An individual who desires to provide attendant care services must register with the division or with an organization designated by the division.

Sec. 12. (a) The division shall register an individual who provides the following:

- (1) A personal resume containing information concerning the individual's qualifications, work experience, and any credentials the individual may hold. The individual must certify that the information contained in the resume is true and accurate.
- (2) The individual's limited criminal history check from the Indiana central repository for criminal history information under IC 10-13-3 or another source allowed by law.
- (3) If applicable, the individual's state nurse aide registry report from the state department of health. This subdivision does not require an individual to be a nurse aide.
- (4) Three (3) letters of reference.
- (5) A registration fee. The division shall establish the amount of the registration fee.
- (6) Proof that the individual is at least eighteen (18) years of age.
- (7) Any other information required by the division.

(b) A registration is valid for two (2) years. A personal services attendant may renew the personal services attendant's registration by updating any information in the file that has changed and by paying the fee required under subsection (a)(5). The limited criminal history check and report required under subsection (a)(2) and (a)(3) must be updated every two (2) years.

(c) The division and any organization designated under section 11 of this chapter shall maintain a file for each personal services attendant that contains:

- (1) comments related to the provision of attendant care services submitted by an individual in need of self-directed in-home care who has employed the personal services attendant; and
- (2) the items described in subsection (a)(1) through (a)(4).

(d) Upon request, the division shall provide to an individual in need of self-directed in-home care the following:

- (1) Without charge, a list of personal services attendants who are registered with the division and available within the requested geographic area.

- (2) A copy of the information of a specified personal services attendant who is on file with the division under subsection (c). The division may charge a fee for shipping, handling, and copying expenses.

Sec. 13. The case manager of an individual in need of self-directed in-home care shall maintain an attending physician's written opinion submitted under section 5 of this chapter in a case file that is maintained for the individual by the case manager.

Sec. 14. (a) A personal services attendant who is hired by the individual in need of self-directed in-home care is an employee of the individual in need of self-directed in-home care.

(b) The division is not liable for any actions of a personal services attendant or an individual in need of self-directed in-home care.

(c) A personal services attendant and an individual in need of self-directed in-home care are each liable for any negligent or wrongful act or omission in which the person personally participates.

Sec. 15. (a) Except as provided in subsection (b), an individual in need of self-directed in-home care is responsible for recruiting, hiring, training, paying, certifying any employment related documents, dismissing, and supervising in the individual's home during service hours a personal services attendant who provides attendant care services for the individual.

- (b) If an individual in need of self-directed in-home care is:
 - (1) less than twenty-one (21) years of age; or
 - (2) unable to direct in-home care because of a brain injury or mental deficiency;

the individual's parent, spouse, legal guardian, or a person possessing a valid power of attorney for the individual, may make employment, care, and training decisions and certify any employment related documents on behalf of the individual.

(c) An individual in need of self-directed in-home care or an individual under subsection (b) and the individual's case manager shall develop an authorized care plan. The authorized care plan must include a list of weekly services or tasks that must be performed to comply with the authorized care plan.

Sec. 16. The division shall adopt rules under IC 4-22-2 concerning:

- (1) the method of payment to a personal services attendant who provides authorized services under this chapter; and
- (2) record keeping requirements for personal attendant services.

Sec. 17. The individual in need of self-directed in-home care and the personal services attendant must each sign a contract, in a form approved by the division, that includes, at a minimum, the following provisions:

- (1) The responsibilities of the personal services attendant.
- (2) The frequency the personal services attendant will provide attendant care services.
- (3) The duration of the contract.
- (4) The hourly wage of the personal services attendant. The wage may not be less than the federal minimum wage or more than the rate that the recipient is eligible to receive under a Medicaid home and community based services waiver or the community and home options to institutional care for the elderly and disabled program for attendant

care services.

- (5) Reasons and notice agreements for early termination of the contract.

Sec. 18. (a) The office shall amend the home and community based services waiver program under the state Medicaid plan to provide for the payment for attendant care services provided by a personal services attendant for an individual in need of self-directed in-home care under this chapter, including any related record keeping and employment expenses.

(b) The office shall not, to the extent permitted by federal law, consider as income money paid under this chapter to or on behalf of an individual in need of self-directed in-home care to enable the individual to employ registered personal services attendants, for purposes of determining the individual's income eligibility for services under this chapter.

Sec. 19. The division may:

- (1) initiate demonstration projects to test new ways of providing attendant care services; and
- (2) research ways to best provide attendant care services in urban and rural areas.

Sec. 20. (a) The division and office may adopt rules under IC 4-22-2 that are necessary to implement this chapter.

(b) The office shall apply for any federal waivers necessary to implement this chapter.

Sec. 21. The division shall adopt rules under IC 4-22-2 concerning the following:

- (1) The receipt, review, and investigation of complaints concerning the:
 - (A) neglect;
 - (B) abuse;
 - (C) mistreatment; or
 - (D) misappropriation of property;
- of an individual in need of self-directed in-home care by a personal services attendant.
- (2) Establishing notice and administrative hearing procedures in accordance with IC 4-21.5.
- (3) Appeal procedures, including judicial review of administrative hearings.
- (4) Procedures to place a personal services attendant who has been determined to have been guilty of:
 - (A) neglect;
 - (B) abuse;
 - (C) mistreatment; or
 - (D) misappropriation of property;
- of an individual in need of self-directed in-home care on the state nurse aide registry.

SECTION 45. IC 12-10.5-1-4, AS AMENDED BY P.L.37-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The division of ~~disability,~~ aging and rehabilitative services established by ~~IC 12-9-1-1~~ IC 12-9.1-1-1 shall administer the caretaker support program established under this chapter.

(b) The division of ~~disability,~~ aging and rehabilitative services shall do the following:

- (1) Subject to section 9 of this chapter, adopt rules under IC 4-22-2 for the coordination and administration of the caretaker support program.

- (2) Administer any money for the caretaker support program that is appropriated by the general assembly.

SECTION 46. IC 12-12-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The commission consists of at least fourteen (14) members appointed by the governor as follows:

- (1) Three (3) members representing advocacy groups for:
 - (A) individuals with:
 - (i) physical;
 - (ii) cognitive;
 - (iii) sensory; and
 - (iv) mental;
 - disabilities; or
 - (B) parents, guardians, or advocates of individuals with disabilities who have difficulty or who are unable to represent themselves.
- (2) At least one (1) member representing current or former applicants for vocational rehabilitation services or recipients of vocational rehabilitation services.
- (3) At least one (1) representative of the statewide Independent Living Council.
- (4) At least one (1) representative of a parent training and information center established by the individuals with disabilities education act.
- (5) At least one (1) representative of the Indiana protection and advocacy services agency.
- (6) At least one (1) representative of community rehabilitation program service providers.
- (7) Four (4) representatives of business, industry, and labor.
- (8) The director of the division of disability ~~aging~~, and rehabilitative services shall serve as an ex officio member.
- (9) A vocational rehabilitation counselor shall serve as an ex officio nonvoting member.

(b) Not more than seven (7) members of the commission may be from the same political party.

(c) At least fifty-one percent (51%) of the commission must be persons with disabilities who are not employees of the division of disability ~~aging~~, and rehabilitative services.

SECTION 47. IC 12-12-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The commission shall do the following:

- (1) Advise the division concerning the division's performance in the following areas:
 - (A) Eligibility and order of selection.
 - (B) Scope, extent, and effectiveness of services.
 - (C) Functions of state agencies in addition to vocational rehabilitation affecting individuals in achieving rehabilitation goals.
- (2) Advise the secretary of family and social services and the division of disability ~~aging~~, and rehabilitative services concerning the state plan, applications, and the strategic plan.
- (3) Review and analyze the effectiveness and consumer satisfaction with the functions of the agencies dealing with persons with disabilities and with vocational rehabilitation services.
- (4) Prepare and submit an annual report to the governor and the rehabilitation services administration commissioner on the

status of vocational rehabilitation programs in Indiana.

(5) Coordinate with other councils in Indiana.

(6) Advise and provide for coordination and working relationships between the state agency and the Independent Living Council and Independent Living centers.

SECTION 48. IC 12-12-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. The commission, in conjunction with the division of disability ~~aging~~, and rehabilitative services, may employ staff and other personnel as necessary.

SECTION 49. IC 12-12-8-2, AS AMENDED BY P.L.217-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "consumer control" means, with respect to a center for independent living or an eligible agency: ~~that:~~

- (1) ~~that~~ the center or eligible agency vests power and authority in individuals with disabilities, including individuals who are or have been recipients of independent living services; and
- (2) ~~that:~~

(A) at least fifty-one percent (51%) of the **members of the center's board have significant disabilities;** and

(B) **a majority of the center's staff and employees in decision making positions** are individuals with disabilities.

SECTION 50. IC 12-12-8-3.8, AS ADDED BY P.L.217-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.8. As used in this chapter, "state plan" means the materials jointly developed and submitted by the council and the division to the commissioner containing the state's proposals for the following:

- (1) The ~~provision of statewide proposal for providing~~ independent living services **with federal funds under Title VII, Part B of the federal act.**
- (2) The development and support of a statewide network of centers for independent living.
- (3) Working relationships among:
 - (A) programs providing independent living services and independent living centers; and
 - (B) the vocational rehabilitation program administered by the division under the federal act and other programs providing services for individuals with disabilities.

SECTION 51. IC 12-12-8-5, AS ADDED BY P.L.217-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The division is designated as the state unit under Title VII of the federal act and has the following responsibilities:

- (1) To receive, account for, and disburse funds received by the state under the federal act based on the state plan.
- (2) To provide administrative ~~assistance to support services to independent living programs and the activities of centers for independent living programs.~~ **under Title VII, Part B of the federal act.**
- (3) To keep records and take actions with respect to the records as required by the commissioner.
- (4) To submit additional information or provide assurances with respect to the independent living programs as required by the commissioner.

SECTION 52. IC 12-12-8-6, AS ADDED BY P.L.217-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 6. (a) There is established a statewide independent living council. The council is not a part of a state agency.

(b) The council consists of at least twenty (20) members appointed by the governor, including the following:

- (1) Each director of a center for independent living located in Indiana.
- (2) Nonvoting members from state agencies that provide services for individuals with disabilities.
- (3) Other members, who may include the following:
 - (A) Representatives of centers for independent living.
 - (B) Parents and guardians of individuals with disabilities.
 - (C) Advocates for individuals with disabilities.
 - (D) Representatives from private business.
 - (E) ~~Representative~~ **Representatives** of organizations that provide services for individuals with disabilities.
 - (F) Other appropriate individuals.

(c) The members appointed under subsection (b) must:

- (1) provide statewide representation;
- (2) represent a broad range of individuals with disabilities from diverse backgrounds;
- (3) be knowledgeable about centers for independent living and independent living services; and
- (4) include a majority of members who:
 - (A) are individuals with ~~significant~~ disabilities; and
 - (B) are not employed by a state agency or a center for independent living.

SECTION 53. IC 12-12-9-2, AS AMENDED BY P.L.218-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The office of the secretary shall, on the first business day of each month, send a copy of a report filed under section 1 of this chapter to the following persons:

- (1) For persons less than seventeen (17) years of age, to the following:
 - (A) The Indiana School for the Blind and Visually Impaired.
 - (B) The division of disability ~~aging~~, and rehabilitative services.
 - (C) The division of special education of the department of education.
- (2) For persons at least seventeen (17) years of age, to the following:
 - (A) The division of disability ~~aging~~, and rehabilitative services.
 - (B) On request, organizations serving the blind or visually impaired and the state department of health.

SECTION 54. IC 12-12-9-4, AS AMENDED BY P.L.218-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) On receiving a report under this chapter, the division of disability ~~aging~~, and rehabilitative services shall provide information to the visually impaired individual designated in the report concerning available state and local services.

(b) For a visually impaired individual less than seventeen (17) years of age, the Indiana School for the Blind and Visually Impaired:

- (1) has the primary duty of initially contacting the visually impaired individual or the individual's family; and
- (2) shall notify the division of disability ~~aging~~, and rehabilitative services and the department of education of the

school's findings.

SECTION 55. IC 12-15-32-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) An applicant for Medicaid who desires to be placed in a community residential facility must first receive a diagnostic evaluation to be provided by the division of disability ~~aging~~, and rehabilitative services.

(b) Subsequent diagnostic evaluations by the division of disability ~~aging~~, and rehabilitative services shall be provided at least every twelve (12) months to review the individual's need for services.

(c) The office shall consider the evaluations in determining the appropriateness of placement.

SECTION 56. IC 12-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "affected agency" means any of the following:

- (1) The department of correction.
- (2) The state department of health.
- (3) The division of mental health and addiction.
- (4) The division of disability ~~aging~~, and rehabilitative services.

SECTION 57. IC 12-16-2.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The hospital care for the indigent program does not apply to inmates and patients of institutions of the department of correction, the state department of health, the division of mental health and addiction, **the division of aging**, or the division of disability ~~aging~~, and rehabilitative services.

SECTION 58. IC 12-16-10.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The division shall, with the advice of the division's medical staff, the division of mental health and addiction, **the division of aging**, the division of disability ~~aging~~, and rehabilitative services, and other individuals selected by the director of the division, adopt rules under IC 4-22-2 to do the following:

- (1) Provide for review and approval of services paid under the hospital care for the indigent program.
- (2) Establish limitations consistent with medical necessity on the duration of services to be provided.
- (3) Specify the amount of and method for reimbursement for services.
- (4) Specify the conditions under which payments will be denied and improper payments will be recovered.

SECTION 59. IC 12-17-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "agency" means a department, a commission, a council, a board, a bureau, a division, a service, an office, or an administration that is responsible for providing services to infants and toddlers with disabilities and their families, including the following:

- (1) The division of mental health and addiction.
- (2) The state department of health.
- (3) The division of family and children.
- (4) The division of disability ~~aging~~, and rehabilitative services.
- (5) The department of education.

SECTION 60. IC 12-20-16-3, AS AMENDED BY P.L.73-2005, SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The township trustee may, in cases of necessity, authorize the payment from township assistance money for essential utility services, including the following:

- (1) Water services.
- (2) Gas services.

- (3) Electric services.
 - (4) Fuel oil services for fuel oil used for heating or cooking.
 - (5) Coal, wood, or liquid propane used for heating or cooking.
- (b) The township trustee may authorize the payment of delinquent bills for the services listed in subsection (a)(1) through (a)(5) when necessary to prevent the termination of the services or to restore terminated service if the delinquency has lasted not longer than twenty-four (24) months. The township trustee has no obligation to pay a delinquent bill for the services or materials listed in subsection (a)(1) through (a)(5) if the delinquency has lasted longer than twenty-four (24) months.

(c) The township trustee is not required to pay for any utility service:

- (1) that is not properly charged to:
 - (A) an adult member of a household;
 - (B) an emancipated minor who is head of the household; or
 - (C) a landlord or former member of the household if the applicant proves that the applicant:
 - (i) received the services as a tenant residing at the service address at the time the cost was incurred; and
 - (ii) is responsible for payment of the bill;
- (2) received as a result of a fraudulent act by any adult member of a household requesting township assistance; or
- (3) that includes the use of township assistance funds for the payment of:
 - (A) a security deposit; or
 - (B) damages caused by a township assistance applicant to utility company property.

(d) The amount paid by the township trustee, as administrator of township assistance, and the amount charged for water services may not exceed the minimum rate charged for the service as fixed by the Indiana utility regulatory commission.

(e) This subsection applies only during the part of each year when applications for assistance are accepted by the division under IC 12-14-11. A township trustee may not provide assistance to make any part of a payment for heating fuel or electric services for more than thirty (30) days unless the individual files an application with the township trustee that includes the following:

- (1) Evidence of application for assistance for heating fuel or electric services from the division under IC 12-14-11.
- (2) The amount of assistance received or the reason for denial of assistance.

The township trustee shall inform an applicant for assistance for heating fuel or electric services that assistance for heating fuel and electric services may be available from the division under IC 12-14-11 and that the township trustee may not provide assistance to make any part of a payment for those services for more than thirty (30) days unless the individual files an application for assistance for heating fuel or electric services under IC 12-14-11. However, if the applicant household is eligible under criteria established by the division of disability ~~aging~~, and rehabilitative services for energy assistance under IC 12-14-11, the trustee may certify the applicant as eligible for that assistance by completing an application form prescribed by the state board of accounts and forwarding the eligibility certificate to the division of disability ~~aging~~, and rehabilitative services within the period established for the acceptance of applications. If the trustee follows this certification procedure, no

other application is required for assistance under IC 12-14-11.

(f) If an individual or a member of an individual's household has received assistance under subsection (b), the individual must, before the individual or the member of the individual's household may receive further assistance under subsection (b), certify whether the individual's or household's income, resources, or household size has changed since the individual filed the most recent application for township assistance. If the individual or a member of the individual's household certifies that the income, resources, or household size has changed, the township trustee shall review the individual's or household's eligibility and may make any necessary adjustments in the level of assistance provided to the individual or to a member of the individual's household.

SECTION 61. IC 12-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The director of the division of disability ~~aging~~, and rehabilitative services has administrative control of and responsibility for the following state institutions:

- (1) Fort Wayne State Developmental Center.
- ~~(2) Muscatatuck State Developmental Center.~~
- ~~(3) (2)~~ Any other state owned or operated developmental center.

SECTION 62. IC 12-24-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The director of the division of mental health and addiction has administrative control of and responsibility for the following state institutions:

- ~~(1) Central State Hospital.~~
- ~~(2) (1)~~ Evansville State Hospital.
- ~~(3) (2)~~ Evansville State Psychiatric Treatment Center for Children.
- ~~(4) (3)~~ Larue D. Carter Memorial Hospital.
- ~~(5) (4)~~ Logansport State Hospital.
- ~~(6) (5)~~ Madison State Hospital.
- ~~(7) (6)~~ Richmond State Hospital.
- ~~(8) (7)~~ Any other state owned or operated mental health institution.

(b) Subject to the approval of the director of the budget agency and the governor, the director of the division of mental health and addiction may contract for the management and clinical operation of Larue D. Carter Memorial Hospital.

(c) The following applies only to the institutions described in subsection ~~(a)(2)~~ **(a)(1)** and ~~(a)(3)~~ **(a)(2)**:

(1) Notwithstanding any other statute or policy, the division of mental health and addiction may not do the following after December 31, 2001, unless specifically authorized by a statute enacted by the general assembly:

- (A) Terminate, in whole or in part, normal patient care or other operations at the facility.
- (B) Reduce the staffing levels and classifications below those in effect at the facility on January 1, 2002.
- (C) Terminate the employment of an employee of the facility except in accordance with IC 4-15-2.

(2) The division of mental health and addiction shall fill a vacancy created by a termination described in subdivision (1)(C) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2002.

(3) Notwithstanding any other statute or policy, the division of mental health and addiction may not remove, transfer, or

discharge any patient at the facility unless the removal, transfer, or discharge is in the patient's best interest and is approved by:

- (A) the patient or the patient's parent or guardian;
- (B) the individual's gatekeeper; and
- (C) the patient's attending physician.

(d) The Evansville State Psychiatric Treatment Center for Children shall remain independent of Evansville State Hospital and the southwestern Indiana community mental health center, and the Evansville State Psychiatric Treatment Center for Children shall continue to function autonomously unless a change in administration is specifically authorized by an enactment of the general assembly.

SECTION 63. IC 12-24-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) Each state institution shall post a notice that a resident, the legal representative of the resident, or another individual designated by the resident may request from the individual in charge of each shift information that designates the names of all nursing personnel or direct care staff on duty by job classification for the:

- (1) wing;
- (2) unit; or
- (3) other area as routinely designated by the state institution;

where the resident resides.

(b) The notice required under subsection (a) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public.
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
- (3) Contain the:
 - (A) business telephone number of the superintendent of the state institution; and
 - (B) toll free telephone number for filing complaints with the division that is administratively in charge of the state institution.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the information described in subsection (a) from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

- (A) Contact the superintendent of the state institution.
- (B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number.

(c) The director of the:

- (1) division of disability ~~aging~~, and rehabilitative services; and
- (2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

SECTION 64. IC 12-24-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) A director shall produce a statistical report semiannually for each state institution that is under the director's administrative control. The statistical report must list the following information:

- (1) The number of total hours worked in the state institution by each classification of personnel for which the director maintains data.
- (2) The resident census of the state institution for which the

director maintains data.

(b) The director shall provide a compilation of the statistical reports prepared under subsection (a) to the following:

- (1) Each state institution that is under the director's administrative control.
- (2) The adult protective services unit under IC 12-10-3.

(c) Each state institution shall:

- (1) make available in a place that is readily accessible to residents and the public a copy of the compilation of statistical reports provided under this section; and
- (2) post a notice that a copy of the compilation of statistical reports may be requested from the individual in charge of each shift.

(d) The notice required under subsection (c)(2) must meet the following conditions:

- (1) Be posted in a conspicuous place that is readily accessible to residents and the public.
- (2) Be at least 24 point font size on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.
- (3) Contain the:

- (A) business telephone number of the superintendent of the state institution; and
- (B) toll free telephone number for filing complaints with the division that is administratively in charge of the state institution.

(4) State that if a resident, the legal representative of the resident, or another individual designated by the resident is unable to obtain the compilation of statistical reports from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

- (A) Contact the superintendent of the state institution.
- (B) File a complaint with the division that is administratively in charge of the state institution by using the division's toll free telephone number.

(e) The director of the:

- (1) division of disability ~~aging~~, and rehabilitative services; and
- (2) division of mental health and addiction;

may adopt rules under IC 4-22-2 to carry out this section.

SECTION 65. IC 12-24-11-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) This section applies to an individual who has a primary diagnosis of developmental disability.

(b) Action contemplated by a patient under this section includes action by the patient's parent or guardian if the patient is not competent.

(c) If a patient is admitted to a state institution, the staff of the state institution shall, before the patient is discharged, ask the patient whether the patient's medical and treatment records may be sent to a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services under IC 12-11-2.1 so the service coordinator may send the records to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside.

(d) If a patient agrees to release the records, the patient shall sign a form permitting the state institution to release to a service coordinator employed by the division of disability ~~aging~~, and

rehabilitative services under IC 12-11-2.1 a copy of the patient's medical and treatment records to forward to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside. The form must read substantially as follows:

AUTHORIZATION TO RELEASE
MEDICAL AND TREATMENT
RECORDS

I agree to permit _____
(name of state institution)
to release a copy of the medical and treatment records of
_____ to _____
(patient's name) (name of local agency
serving the needs of
developmentally disabled
individuals)

(date) (signature)

(address)

(signature of individual
securing release of
medical and treatment
records) (relationship to patient if
signature is not that of the
patient)

(e) If a patient knowingly signs the form for the release of medical records under subsection (d), a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services under IC 12-11-2.1 shall allow local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside to obtain the following:

- (1) The patient's name.
- (2) The address of the patient's intended residence.
- (3) The patient's medical records.
- (4) A complete description of the treatment the patient was receiving at the state institution at the time of the patient's discharge.

(f) If the local agency does not obtain a patient's records, the state institution shall deliver the medical records to the local agency before or at the time the patient is discharged.

(g) If a patient does not agree to permit the release of the patient's medical and treatment records, the service coordinator shall deliver:

- (1) the patient's name; and
- (2) the address of the patient's intended residence;

to local agencies serving the needs of developmentally disabled individuals in the area in which the patient will reside before or at the time the patient is discharged.

SECTION 66. IC 12-24-12-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Upon admission to a state institution administered by the division of mental health and addiction, the gatekeeper is one (1) of the following:

- (1) For an individual with a psychiatric disorder, the community mental health center that submitted the report to the committing court under IC 12-26.
- (2) For an individual with a developmental disability, a division of disability ~~aging~~, and rehabilitative services service coordinator under IC 12-11-2.1.
- (3) For an individual entering an addictions program, an

addictions treatment provider that is certified by the division of mental health and addiction.

(b) The division is the gatekeeper for the following:

- (1) An individual who is found to have insufficient comprehension to stand trial under IC 35-36-3.
- (2) An individual who is found to be not guilty by reason of insanity under IC 35-36-2-4 and is subject to a civil commitment under IC 12-26.
- (3) An individual who is immediately subject to a civil commitment upon the individual's release from incarceration in a facility administered by the department of correction or the Federal Bureau of Prisons, or upon being charged with or convicted of a forcible felony under IC 35-41-1.
- (4) An individual placed under the supervision of the division for addictions treatment under IC 12-23-7 and IC 12-23-8.
- (5) An individual transferred from the department of correction under IC 11-10-4.

SECTION 67. IC 12-26-6-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) If, upon the completion of the hearing and consideration of the record, the court finds that the individual is mentally ill and either dangerous or gravely disabled, the court may order the individual to:

- (1) be committed to an appropriate facility; or
- (2) enter an outpatient treatment program under IC 12-26-14 for a period of not more than ninety (90) days.

(b) The court's order must require that the superintendent of the facility or the attending physician file a treatment plan with the court within fifteen (15) days of the individual's admission to the facility under a commitment order.

(c) If the commitment ordered under subsection (a) is to a state institution administered by the division of mental health and addiction, the record of commitment proceedings must include a report from a community mental health center stating both of the following:

- (1) That the community mental health center has evaluated the individual.
- (2) That commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.

(d) The physician who makes the statement required by section 2(c) of this chapter may be affiliated with the community mental health center that submits to the court the report required by subsection (c).

(e) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital as set forth in IC 12-21-2-3, the report from a community mental health center is not required.

(f) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability ~~aging~~, and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability ~~aging~~, and rehabilitative services under this chapter is appropriate.

SECTION 68. IC 12-26-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A petition filed under section 2 of this chapter must include a physician's written

statement that states both of the following:

- (1) The physician has examined the individual within the past thirty (30) days.
- (2) The physician believes that the individual is:
 - (A) mentally ill and either dangerous or gravely disabled; and
 - (B) in need of custody, care, or treatment in a facility for a period expected to be more than ninety (90) days.
- (b) Except as provided in subsection (d), if the commitment is to a state institution administered by the division of mental health and addiction, the record of the proceedings must include a report from a community mental health center stating both of the following:
 - (1) The community mental health center has evaluated the individual.
 - (2) Commitment to a state institution administered by the division of mental health and addiction under this chapter is appropriate.
- (c) The physician who makes the statement required by subsection (a) may be affiliated with the community mental health center that makes the report required by subsection (b).
- (d) If the commitment is of an adult to a research bed at Larue D. Carter Memorial Hospital, as set forth in IC 12-21-2-3, the report from a community mental health center is not required.

(e) If a commitment ordered under subsection (a) is to a state institution administered by the division of disability ~~aging~~, and rehabilitative services, the record of commitment proceedings must include a report from a service coordinator employed by the division of disability ~~aging~~, and rehabilitative services stating that, based on a diagnostic assessment of the individual, commitment to a state institution administered by the division of disability ~~aging~~, and rehabilitative services under this chapter is appropriate.

SECTION 69. IC 12-28-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. For residential facilities for the developmentally disabled that are certified for financial participation under the Medicaid program, the division of disability ~~aging~~, and rehabilitative services shall recommend staffing limitations consistent with the program needs of the residents as a part of the office of Medicaid policy and planning's rate setting procedures.

SECTION 70. IC 12-28-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. For residential facilities for the developmentally disabled that are not certified for financial participation under the Medicaid program, the division of disability ~~aging~~, and rehabilitative services shall approve appropriate staffing limitations consistent with the program needs of the residents as a part of the division's rate setting procedures.

SECTION 71. IC 12-28-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The office of Medicaid policy and planning and the division of disability ~~aging~~, and rehabilitative services shall enter into a memorandum of agreement that defines the staffing limitations to be used by the office of Medicaid policy and planning in establishing reimbursement rates. The staffing limitations under section 5 of this chapter may not exceed the staffing limitations defined by the memorandum of agreement between the office of Medicaid policy and planning and the division of disability ~~aging~~, and rehabilitative services under section 4 of this chapter.

SECTION 72. IC 12-28-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Subject to the availability of money and consistent with needs assessment, the division of disability ~~aging~~, and rehabilitative services shall give priority to the establishment of residential facilities, other than the facilities described in section 3 of this chapter, in counties in which the ratio of the number of residential facility beds to county population is in the lowest twenty-five percent (25%) when compared to all other Indiana counties. The division of disability ~~aging~~, and rehabilitative services may operate residential facilities established under this section.

(b) Before the division of disability ~~aging~~, and rehabilitative services takes any steps to establish a residential facility under this section, the division shall place at least two (2) legal advertisements in a newspaper having a general circulation in the county. These advertisements must be aimed at recruiting private parties to serve as operators of residential facilities in the county. The advertisements must be published at intervals at least one (1) month apart.

SECTION 73. IC 12-28-4-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The division of disability ~~aging~~, and rehabilitative services may operate a program known as the development and lease effort. Under the program, the division of disability ~~aging~~, and rehabilitative services may develop contracts under which the state agrees to lease buildings from private parties for use as residential facilities for mentally ill individuals or autistic or other developmentally disabled individuals. Notwithstanding any other law, each contract may include provisions that ensure the following:

- (1) That the state will lease a building for not more than ten (10) years for use as a residential facility for autistic individuals.
- (2) That the state will retain the right to extend the term of the lease for not more than ten (10) years at the conclusion of the first ten (10) years.
- (3) That the state will retain the right to sublease the building to a person who agrees to operate the building as a residential facility for autistic individuals under this chapter.

(b) Leases entered into under this section are subject to the approval of the Indiana department of administration, the attorney general, the governor, and the budget agency, as provided by law.

SECTION 74. IC 12-28-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The community residential facilities council is established. The council consists of the following members appointed by the governor:

- (1) One (1) professional possessing specialized training in the field of human development.
- (2) One (1) member of the professional staff of the division of disability ~~aging~~, and rehabilitative services.
- (3) One (1) member of the professional staff of the office of Medicaid policy and planning.
- (4) One (1) member of the professional staff of the state department of health.
- (5) One (1) individual possessing a special interest in developmentally disabled individuals.
- (6) One (1) individual possessing a special interest in mentally ill individuals.
- (7) One (1) individual who is the chief executive officer of a facility providing both day services and residential services for

developmentally disabled individuals.

(8) One (1) individual who is the chief executive officer of a facility providing residential services only for developmentally disabled individuals.

(9) One (1) individual who is a member of the professional staff of the Indiana protection and advocacy services commission. The individual appointed under this subdivision is an ex officio member of the council.

(10) One (1) individual who is the chief executive officer of an entity providing only supported living services.

(11) One (1) individual who is receiving services through the bureau of developmental disabilities services.

(12) Two (2) members of the public. One (1) member appointed under this subdivision may be a member of a representative organization of state employees.

(b) Except for the members designated by subsection (a)(7), (a)(8), and (a)(10), a member of the council may not have an indirect or a direct financial interest in a residential facility for the developmentally disabled.

SECTION 75. IC 12-28-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. In conjunction with the division of disability ~~aging~~, and rehabilitative services, the council shall do the following:

(1) Determine the current and projected needs of each geographic area of Indiana for residential services for developmentally disabled individuals.

(2) Determine how the provision of developmental or vocational services for residents in these geographic areas affects the availability of developmental or vocational services to developmentally disabled individuals living in their own homes.

(3) Develop standards for licensure of supervised group living facilities regarding the following:

(A) A sanitary and safe environment for residents and employees.

(B) Classification of supervised group living facilities.

(C) Any other matters that will ensure that the residents will receive a residential environment.

(4) Develop standards for the approval of entities providing supported living services.

(5) Recommend social and habilitation programs to the Indiana health facilities council for developmentally disabled individuals who reside in health facilities licensed under IC 16-28.

(6) Develop and update semiannually a report that identifies the numbers of developmentally disabled individuals who live in health facilities licensed under IC 16-28. The Indiana health facilities council shall assist in developing and updating this report.

SECTION 76. IC 12-28-5-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. The division of disability ~~aging~~, and rehabilitative services shall provide the staff for the council to accomplish the council's functions. The council may require any other agency of state government to assist the council in performing a review of a supervised group living facility to determine if the supervised group living facility should be licensed.

SECTION 77. IC 12-28-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. The division of

disability ~~aging~~, and rehabilitative services is the primary state agency responsible for planning, developing, coordinating, and implementing the plan and program of supervised group living facilities and services, including developmental and vocational services, needed for developmentally disabled individuals residing in those facilities. Other state agencies authorized by law or rule to carry out activities and control money that have a direct bearing upon the provision of supervised group living services shall enter into memoranda of understanding or contracts with the division of disability ~~aging~~, and rehabilitative services to ensure a coordinated utilization of resources and responsibilities.

SECTION 78. IC 12-29-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) On the first Monday in October, the county auditor shall certify to:

(1) the division of disability ~~aging~~, and rehabilitative services, for a community mental retardation and other developmental disabilities center; and

(2) the president of the board of directors of each center; the amount of money that will be provided to the center under this chapter.

(b) The county payment to the center shall be paid by the county treasurer to the treasurer of each center's board of directors in the following manner:

(1) One-half (1/2) of the county payment to the center shall be made on the second Monday in July.

(2) One-half (1/2) of the county payment to the center shall be made on the second Monday in December.

(c) Payments by the county fiscal body are in place of grants from agencies supported within the county solely by county tax money.

SECTION 79. IC 12-29-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "community mental retardation and other developmental disabilities center" means a community center that is:

(1) incorporated under IC 23-7-1.1 (before its repeal August 1, 1991) or IC 23-17;

(2) organized for the purpose of providing services for mentally retarded and other individuals with a developmental disability;

(3) approved by the division of disability ~~aging~~, and rehabilitative services; and

(4) accredited for the services provided by one (1) of the following organizations:

(A) The Commission on Accreditation of Rehabilitation Facilities (CARF), or its successor.

(B) The Council on Quality and Leadership in Supports for People with Disabilities, or its successor.

(C) The Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or its successor.

(D) The National Commission on Quality Assurance, or its successor.

(E) An independent national accreditation organization approved by the secretary.

(b) The county executive of a county may authorize the furnishing of financial assistance to a community mental retardation and other developmental disabilities center serving the county.

(c) Upon the request of the county executive, the county fiscal body may appropriate annually, from the general fund of the county, money to provide financial assistance in an amount not to exceed the

amount that could be collected from the annual tax levy of sixty-seven hundredths of one cent (\$0.0067) on each one hundred dollars (\$100) of taxable property.

SECTION 80. IC 16-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) As used in this chapter, "home health agency" means a person that provides or offers to provide only a home health service for compensation.

(b) The term does not include the following:

- (1) An individual health care professional who provides professional services to a patient in the temporary or permanent residence of the patient.
- (2) A local health department as described in IC 16-20 or IC 16-22-8.
- (3) A person that:
 - (A) is approved by the division of disability ~~aging~~, and rehabilitative services to provide supported living services or supported living supports to individuals with developmental disabilities;
 - (B) is subject to rules adopted under IC 12-11-2.1; and
 - (C) serves only individuals with developmental disabilities who are in a placement authorized under IC 12-11-2.1-4.

SECTION 81. IC 16-27-1-5, AS AMENDED BY P.L.212-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) As used in this chapter, "home health services" means services that:

- (1) are provided to a patient by:
 - (A) a home health agency; or
 - (B) another person under an arrangement with a home health agency;
 in the temporary or permanent residence of the patient; and
- (2) either, are required by law to be:
 - (A) ordered by a licensed physician, a licensed dentist, a licensed chiropractor, a licensed podiatrist, or a licensed optometrist for the service to be performed; or
 - (B) performed only by a health care professional.

(b) The term includes the following:

- (1) Nursing treatment and procedures.
- (2) Physical therapy.
- (3) Occupational therapy.
- (4) Speech therapy.
- (5) Medical social services.
- (6) Home health aide services.
- (7) Other therapeutic services.

(c) The term does not apply to the following:

- (1) Services provided by a physician licensed under IC 25-22.5.
- (2) Incidental services provided by a licensed health facility to patients of the licensed health facility.
- (3) Services provided by employers or membership organizations using health care professionals for their employees, members, and families of the employees or members if the health or home care services are not the predominant purpose of the employer or a membership organization's business.
- (4) Nonmedical nursing care given in accordance with the tenets and practice of a recognized church or religious denomination to a patient who depends upon healing by prayer and spiritual means alone in accordance with the tenets and practices of the

patient's church or religious denomination.

(5) Services that are allowed to be performed by an attendant under IC 16-27-1-10.

(6) Authorized services provided by a personal services attendant under ~~IC 12-10-17~~: **IC 12-10-17.1**.

SECTION 82. IC 16-27-4-4, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) As used in this chapter, "personal services" means:

- (1) attendant care services;
- (2) homemaker services that assist with or perform household tasks, including housekeeping, shopping, laundry, meal planning and preparation, and cleaning; and
- (3) companion services that provide fellowship, care, and protection for a client, including transportation, letter writing, mail reading, and escort services;

that are provided to a client at the client's residence.

(b) The term does not apply to the following:

- (1) Incidental services provided by a licensed health facility to patients of the licensed health facility.
- (2) Services provided by employers or membership organizations for their employees, members, and families of the employees or members if the services are not the predominant purpose of the employer or the membership organization's business.
- (3) Services that are allowed to be performed by a personal services attendant under ~~IC 12-10-17~~: **IC 12-10-17.1**.
- (4) Services that require the order of a health care professional for the services to be lawfully performed in Indiana.
- (5) Assisted living Medicaid waiver services.
- (6) Services that are performed by a facility described in IC 12-10-15.

SECTION 83. IC 16-27-4-5, AS ADDED BY P.L.212-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this chapter, "personal services agency" means a person that provides or offers to provide a personal service for compensation, whether through the agency's own employees or by arrangement with another person.

(b) The term does not include the following:

- (1) An individual who provides personal services only to the individual's family or to not more than three (3) individuals per residence and not more than a total of seven (7) individuals concurrently. As used in this subdivision, "family" means the individual's spouse, child, parent, parent-in-law, grandparent, grandchild, brother, brother-in-law, sister, sister-in-law, aunt, aunt-in-law, uncle, uncle-in-law, niece, and nephew.
- (2) A local health department as described in IC 16-20 or IC 16-22-8.
- (3) A person that:
 - (A) is approved by the division of disability ~~aging~~, and rehabilitative services to provide supported living services or supported living support to individuals with developmental disabilities;
 - (B) is subject to rules adopted under IC 12-11-2.1; and
 - (C) serves only individuals with developmental disabilities who are in a placement authorized under IC 12-11-2.1-4.

SECTION 84. IC 16-28-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The Indiana health facilities council is created. The council consists of fourteen (14) members as follows:

- (1) One (1) licensed physician.
- (2) Two (2) administrators, licensed under IC 25-19-1, of a proprietary health facility licensed under this article.
- (3) One (1) administrator, licensed under IC 25-19-1, of a nonproprietary health facility licensed under this article.
- (4) One (1) registered nurse licensed under IC 25-23.
- (5) One (1) registered pharmacist licensed under IC 25-26.
- (6) Two (2) citizens having knowledge or experience in the field of gerontology.
- (7) One (1) representative of a statewide senior citizens organization.
- (8) One (1) citizen having knowledge or experience in the field of mental health.
- (9) One (1) nurse-educator of a practical nurse program.
- (10) The commissioner.
- (11) The director of the division of family and children or the director's designee.
- (12) The director of the division of ~~disability, aging and rehabilitative services~~ or the director's designee.

(b) The members of the council designated by subsection (a)(1) through (a)(9) shall be appointed by the governor.

(c) Except for the members of the council designated by subsection (a)(10) through (a)(12), all appointments are for four (4) years. If a vacancy occurs, the appointee serves for the remainder of the unexpired term. A vacancy is filled from the same group that was represented by the outgoing member.

(d) Except for the members of the council designated by subsection (a)(2) through (a)(3), a member of the council may not have a pecuniary interest in the operation of or provide professional services through employment or under contract to a facility licensed under this article.

SECTION 85. IC 16-28-13-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) As used in this chapter, "other unlicensed employee" means:

- (1) an employee of a health facility;
- (2) a hospital based health facility; or
- (3) a personal services attendant (as defined by ~~IC 12-10-17-8~~; **in IC 12-10-17.1-8**);

who is not licensed (as defined in IC 25-1-9-3) by a board (as defined in IC 25-1-9-1).

(b) The term does not include an employee of an ambulatory outpatient surgical center, a home health agency, a hospice program, or a hospital that is not licensed (as defined in IC 25-1-9-3) by a board (as defined in IC 25-1-9-1).

SECTION 86. IC 16-32-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The committee shall be composed of the following members:

- (1) The director of the division of disability ~~aging~~, and rehabilitative services or the director's designee.
- (2) The commissioner of the Indiana department of administration or the commissioner's designee.
- (3) The executive director of the governor's planning council on people with disabilities.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) Three (3) members appointed by the governor to represent the public at large.

SECTION 87. IC 16-32-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The members of the committee shall be reimbursed for expenses at a rate equal to that of state employees on a per diem basis by the division of disability ~~aging~~, and rehabilitative services.

SECTION 88. IC 16-32-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The director of the division of disability ~~aging~~, and rehabilitative services shall designate a staff member to act as executive secretary to the committee.

SECTION 89. IC 16-36-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. The superintendent shall compile a report of all medically necessary treatments approved under this chapter during each calendar quarter and send the report to the director of the division of mental health and addiction or the director of the division of disability ~~aging~~, and rehabilitative services not more than one (1) month after the end of that quarter. The report must contain the following information:

- (1) The name of the patient.
- (2) The type of action taken.
- (3) The date of the action.
- (4) The reason for the action.
- (5) The names of the treating physician, the physician independent of the appropriate facility, and any other physician who entered an opinion that was contrary to the treating physician's opinion.

SECTION 90. IC 16-39-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A record for each patient receiving mental health services shall be maintained by the provider. The mental health record must contain the information that the division of mental health and addiction, the division of disability ~~aging~~, and rehabilitative services, or the state department requires by rule. The provider is:

- (1) the owner of the mental health record;
- (2) responsible for the record's safekeeping; and
- (3) entitled to retain possession of the record.

The information contained in the mental health record belongs to the patient involved as well as to the provider. The provider shall maintain the original mental health record or a microfilm of the mental health record for at least seven (7) years.

SECTION 91. IC 16-39-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Without the consent of the patient, the patient's mental health record may only be disclosed as follows:

- (1) To individuals who meet the following conditions:
 - (A) Are employed by:
 - (i) the provider at the same facility or agency;
 - (ii) a managed care provider (as defined in IC 12-7-2-127(b)); or
 - (iii) a health care provider or mental health care provider, if the mental health records are needed to provide health care or mental health services to the patient.

- (B) Are involved in the planning, provision, and monitoring of services.
- (2) To the extent necessary to obtain payment for services rendered or other benefits to which the patient may be entitled, as provided in IC 16-39-5-3.
- (3) To the patient's court appointed counsel and to the Indiana protection and advocacy services commission.
- (4) For research conducted in accordance with IC 16-39-5-3 and the rules of the division of mental health and addiction, the rules of the division of disability ~~aging~~; and rehabilitative services, or the rules of the provider.
- (5) To the division of mental health and addiction for the purpose of data collection, research, and monitoring managed care providers (as defined in IC 12-7-2-127(b)) who are operating under a contract with the division of mental health and addiction.
- (6) To the extent necessary to make reports or give testimony required by the statutes pertaining to admissions, transfers, discharges, and guardianship proceedings.
- (7) To a law enforcement agency if any of the following conditions are met:
 - (A) A patient escapes from a facility to which the patient is committed under IC 12-26.
 - (B) The superintendent of the facility determines that failure to provide the information may result in bodily harm to the patient or another individual.
 - (C) A patient commits or threatens to commit a crime on facility premises or against facility personnel.
 - (D) A patient is in the custody of a law enforcement officer or agency for any reason and:
 - (i) the information to be released is limited to medications currently prescribed for the patient or to the patient's history of adverse medication reactions; and
 - (ii) the provider determines that the release of the medication information will assist in protecting the health, safety, or welfare of the patient.

Mental health records released under this clause must be maintained in confidence by the law enforcement agency receiving them.

- (8) To a coroner or medical examiner, in the performance of the individual's duties.
- (9) To a school in which the patient is enrolled if the superintendent of the facility determines that the information will assist the school in meeting educational needs of a person with a disability under 20 U.S.C. 1400 et seq.
- (10) To the extent necessary to satisfy reporting requirements under the following statutes:
 - (A) IC 12-10-3-10.
 - ~~(B) IC 12-17-2-16.~~
 - ~~(C) (B) IC 12-24-17-5.~~
 - ~~(D) (C) IC 16-41-2-3.~~
 - ~~(E) (D) IC 31-33-5-4.~~
 - ~~(F) (E) IC 34-30-16-2.~~
 - ~~(G) (F) IC 35-46-1-13.~~
- (11) To the extent necessary to satisfy release of information requirements under the following statutes:
 - (A) IC 12-24-11-2.

- (B) IC 12-24-12-3, IC 12-24-12-4, and IC 12-24-12-6.
 - (C) IC 12-26-11.
 - (12) To another health care provider in a health care emergency.
 - (13) For legitimate business purposes as described in IC 16-39-5-3.
 - (14) Under a court order under IC 16-39-3.
 - (15) With respect to records from a mental health or developmental disability facility, to the United States Secret Service if the following conditions are met:
 - (A) The request does not apply to alcohol or drug abuse records described in 42 U.S.C. 290dd-2 unless authorized by a court order under 42 U.S.C. 290dd-2(b)(2)(c).
 - (B) The request relates to the United States Secret Service's protective responsibility and investigative authority under 18 U.S.C. 3056, 18 U.S.C. 871, or 18 U.S.C. 879.
 - (C) The request specifies an individual patient.
 - (D) The director or superintendent of the facility determines that disclosure of the mental health record may be necessary to protect a person under the protection of the United States Secret Service from serious bodily injury or death.
 - (E) The United States Secret Service agrees to only use the mental health record information for investigative purposes and not disclose the information publicly.
 - (F) The mental health record information disclosed to the United States Secret Service includes only:
 - (i) the patient's name, age, and address;
 - (ii) the date of the patient's admission to or discharge from the facility; and
 - (iii) any information that indicates whether or not the patient has a history of violence or presents a danger to the person under protection.
 - (16) To the statewide waiver ombudsman established under IC 12-11-13, in the performance of the ombudsman's duties.
 - (b) After information is disclosed under subsection (a)(15) and if the patient is evaluated to be dangerous, the records shall be interpreted in consultation with a licensed mental health professional on the staff of the United States Secret Service.
 - (c) A person who discloses information under subsection (a)(7) or (a)(15) in good faith is immune from civil and criminal liability.
- SECTION 92. IC 16-40-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), each:
- (1) physician;
 - (2) superintendent of a hospital;
 - (3) director of a local health department;
 - (4) director of a county office of family and children;
 - (5) director of the division of disability ~~aging~~; and rehabilitative services;
 - (6) superintendent of a state institution serving the handicapped; or
 - (7) superintendent of a school corporation;
- who diagnoses, treats, provides, or cares for a person with a disability shall report the disabling condition to the state department within sixty (60) days.
- (b) Each:
- (1) physician holding an unlimited license to practice medicine; or

(2) optometrist licensed under IC 25-24-1; shall file a report regarding a blind or visually impaired person with the office of the secretary of family and social services in accordance with IC 12-12-9.

SECTION 93. IC 20-26-11-2.5, AS ADDED BY SEA 39-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) In the case of a student described in section 2(3) of this chapter, the:

(1) parent granted physical custody by a court; or
(2) student, if the student is at least eighteen (18) years of age; may, not later than fourteen (14) days before the first student day of the school year, elect for the student to have legal settlement in the school corporation whose attendance area contains the residence of the student's mother or the school corporation whose attendance area contains the ~~resident residence~~ of the student's father.

(b) An election under subsection (a) may be made only on a yearly basis.

(c) The parent or student who makes an election under subsection (a) is not required to pay transfer tuition.

SECTION 94. IC 20-26-11-8, AS AMENDED BY P.L.89-2005, SECTION 4, AND AS AMENDED BY P.L.231-2005, SECTION 33, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A student who is placed in a state licensed private or public health care facility, child care facility, or foster family home:

- (1) by or with the consent of the division of family and children;
- (2) by a court order; or
- (3) by a child placing agency licensed by the division of family and children;

may attend school in the school corporation in which the home or facility is located. If the school corporation in which the home or facility is located is not the school corporation in which the student has legal settlement, the school corporation in which the student has legal settlement shall pay the transfer tuition of the student.

(b) A student who is placed in a state licensed private or public health care or child care facility by a parent may attend school in the school corporation in which the facility is located if:

- (1) the placement is necessary for the student's physical or emotional health and well-being and, if the placement is in a health care facility, is recommended by a physician; and
- (2) the placement is projected to be for not less than fourteen (14) consecutive calendar days or a total of twenty (20) calendar days.

The school corporation in which the student has legal settlement shall pay the transfer tuition of the student. The parent of the student shall notify the school corporation in which the facility is located and the school corporation of the student's legal settlement, if identifiable, of the placement. Not later than thirty (30) days after this notice, the school corporation of legal settlement shall either pay the transfer tuition of the transferred student or appeal the payment by notice to the department. The acceptance or notice of appeal by the school corporation must be given by certified mail to the parent or guardian of the student and any affected school corporation. In the case of a student who is not identified as disabled under IC 20-35, the state board shall make a determination on transfer tuition according to the procedures in section 15 of this chapter. In the case of a student who has been identified as disabled under IC 20-35, the determination on

transfer tuition shall be made under this subsection and the procedures adopted by the state board under ~~IC 20-35-2-1(c)(5)~~ IC 20-35-2-1(b)(5).

(c) A student who is placed in:

- (1) an institution operated by the division of disability ~~aging~~, and rehabilitative services or the division of mental health and addiction; or
- (2) an institution, a public or private facility, a home, a group home, or an alternative family setting by the division of disability ~~aging~~, and rehabilitative services or the division of mental health and addiction;

may attend school in the school corporation in which the institution is located. The state shall pay the transfer tuition of the student, unless another entity is required to pay the transfer tuition as a result of a placement described in subsection (a) or (b) or another state is obligated to pay the transfer tuition.

(d) A student:

- (1) who is placed in a facility, home, or institution described in subsection (a), (b), or (c); and
- (2) for whom there is no other entity or person required to pay transfer tuition;

may attend school in the school corporation in which the facility, home, or institution is located. The department shall conduct an investigation and determine whether any other entity or person is required to pay transfer tuition. If the department determines that no other entity or person is required to pay transfer tuition, the state shall pay the transfer tuition for the student out of the funds appropriated for tuition support.

SECTION 95. IC 20-34-3-15, AS ADDED BY P.L.1-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) Whenever the test required under section 14 of this chapter discloses that the hearing of a student is impaired and the student cannot be taught advantageously in regular classes, the governing body of the school corporation shall provide appropriate remedial measures and correctional devices. The governing body shall advise the student's parent of the proper medical care, attention, and treatment needed. The governing body shall provide approved mechanical auditory devices and prescribe courses in lip reading by qualified, competent, and approved instructors. The state superintendent and the director of the rehabilitation services bureau of the division of disability ~~aging~~, and rehabilitative services shall:

- (1) cooperate with school corporations to provide assistance under this section; and
- (2) provide advice and information to assist school corporations in complying with this section.

The governing body may adopt rules for the administration of this section.

(b) Each school corporation may receive and accept bequests and donations for immediate use or as trusts or endowments to assist in meeting costs and expenses incurred in complying with this section. When funds for the full payment of the expenses are not otherwise available in a school corporation, an unexpended balance in the state treasury that is available for the use of local schools and is otherwise unappropriated may be loaned to the school corporation for that purpose by the governor. A loan made by the governor under this section shall be repaid to the fund in the state treasury from which the

loan came not more than two (2) years after the date it was advanced. Loans under this section shall be repaid through the levying of taxes in the borrowing school corporation.

SECTION 96. IC 20-35-2-1, AS ADDED BY P.L.218-2005, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) There is established under the state board a division of special education. The division shall exercise all the power and duties set out in this chapter, IC 20-35-3 through IC 20-35-6, and IC 20-35-8.

(b) The governor shall appoint, upon the recommendation of the state superintendent, a director of special education who serves at the pleasure of the governor. The amount of compensation of the director shall be determined by the budget agency with the approval of the governor. The director has the following duties:

(1) To do the following:

(A) Have general supervision of all programs, classes, and schools for children with disabilities, including those conducted by public schools, the Indiana School for the Blind and Visually Impaired, the Indiana School for the Deaf, the department of correction, the state department of health, the division of disability ~~aging~~, and rehabilitative services, and the division of mental health and addiction.

(B) Coordinate the work of schools described in clause (A). For programs for preschool children with disabilities as required under IC 20-35-4-9, have general supervision over programs, classes, and schools, including those conducted by the schools or other state or local service providers as contracted for under IC 20-35-4-9. However, general supervision does not include the determination of admission standards for the state departments, boards, or agencies authorized to provide programs or classes under this chapter.

(2) To adopt, with the approval of the state board, rules governing the curriculum and instruction, including licensing of personnel in the field of education, as provided by law.

(3) To inspect and rate all schools, programs, or classes for children with disabilities to maintain proper standards of personnel, equipment, and supplies.

(4) With the consent of the state superintendent and the budget agency, to appoint and determine salaries for any assistants and other personnel needed to enable the director to accomplish the duties of the director's office.

(5) To adopt, with the approval of the state board, the following:

(A) Rules governing the identification and evaluation of children with disabilities and their placement under an individualized education program in a special education program.

(B) Rules protecting the rights of a child with a disability and the parents of the child with a disability in the identification, evaluation, and placement process.

(6) To make recommendations to the state board concerning standards and case load ranges for related services to assist each teacher in meeting the individual needs of each child according to that child's individualized education program. The recommendations may include the following:

(A) The number of teacher aides recommended for each exceptionality included within the class size ranges.

(B) The role of the teacher aide.

(C) Minimum training recommendations for teacher aides and recommended procedures for the supervision of teacher aides.

(7) To cooperate with the interagency coordinating council established by IC 12-17-15-7 to ensure that the preschool special education programs required IC 20-35-4-9 are consistent with the early intervention services program described in IC 12-17-15.

(c) The director or the state board may exercise authority over vocational programs for children with disabilities through a letter of agreement with the department of workforce development.

SECTION 97. IC 20-35-3-1, AS ADDED BY P.L.218-2005, SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The state superintendent shall appoint a state advisory council on the education of children with disabilities. The state advisory council's duties consist of providing policy guidance concerning special education and related services for children with disabilities. The state superintendent shall appoint at least seventeen (17) members who serve for a term of four (4) years. Vacancies shall be filled in the same manner for the unexpired balance of the term.

(b) The members of the state advisory council must be:

(1) citizens of Indiana;

(2) representative of the state's population; and

(3) selected on the basis of their involvement in or concern with the education of children with disabilities.

(c) A majority of the members of the state advisory council must be individuals with disabilities or the parents of children with disabilities. Members must include the following:

(1) Parents of children with disabilities.

(2) Individuals with disabilities.

(3) Teachers.

(4) Representatives of higher education institutions that prepare special education and related services personnel.

(5) State and local education officials.

(6) Administrators of programs for children with disabilities.

(7) Representatives of state agencies involved in the financing or delivery of related services to children with disabilities, including the following:

(A) The commissioner of the state department of health or the commissioner's designee.

(B) The director of the division of disability ~~aging~~, and rehabilitative services or the director's designee.

(C) The director of the division of mental health and addiction or the director's designee.

(D) The director of the division of family and children or the director's designee.

(8) Representatives of nonpublic schools and freeway schools.

(9) One (1) or more representatives of vocational, community, or business organizations concerned with the provision of transitional services to children with disabilities.

(10) Representatives of the department of correction.

(11) A representative from each of the following:

(A) The Indiana School for the Blind and Visually Impaired board.

(B) The Indiana School for the Deaf board.

(d) The responsibilities of the state advisory council are as follows:

- (1) To advise the state superintendent and the state board regarding all rules pertaining to children with disabilities.
- (2) To recommend approval or rejection of completed comprehensive plans submitted by school corporations acting individually or on a joint school services program basis with other corporations.
- (3) To advise the department of unmet needs within Indiana in the education of children with disabilities.
- (4) To provide public comment on rules proposed by the state board regarding the education of children with disabilities.
- (5) To advise the department in developing evaluations and reporting data to the United States Secretary of Education under 20 U.S.C. 1418.
- (6) To advise the department in developing corrective action plans to address findings identified in federal monitoring reports under 20 U.S.C. 1400 et seq.
- (7) To advise the department in developing and implementing policies related to the coordination of services for children with disabilities.

(e) The state advisory council shall do the following:

- (1) Organize with a chairperson selected by the state superintendent.
- (2) Meet as often as necessary to conduct the council's business at the call of the chairperson, upon ten (10) days written notice, but not less than four (4) times a year.

(f) Members of the state advisory council are entitled to reasonable amounts for expenses necessarily incurred in the performance of their duties.

(g) The state superintendent shall do the following:

- (1) Designate the director to act as executive secretary of the state advisory council.
- (2) Furnish all professional and clerical assistance necessary for the performance of the state advisory council's powers and duties.

(h) The affirmative votes of a majority of the members appointed to the state advisory council are required for the state advisory council to take action.

SECTION 98. IC 20-35-4-10, AS AMENDED BY HEA 1040-2006, SECTION 335, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) For purposes of this section, "comprehensive plan" means a plan for educating the following:

- (1) All children with disabilities that a school corporation is required to educate under sections 8 through 9 of this chapter.
- (2) The additional children with disabilities that the school corporation elects to educate.

(b) For purposes of this section, "school corporation" includes the following:

- (1) The Indiana School for the Blind and Visually Impaired board.
- (2) The Indiana School for the Deaf board.

(c) The state board shall adopt rules under IC 4-22-2 detailing the contents of the comprehensive plan. Each school corporation shall complete and submit to the state superintendent a comprehensive

plan. School corporations operating cooperative or joint special education services may submit a single comprehensive plan. In addition, if a school corporation enters into a contractual agreement as permitted under section 9 of this chapter, the school corporation shall collaborate with the service provider in formulating the comprehensive plan.

(d) Notwithstanding the age limits set out in IC 20-35-1-2, the state board may:

- (1) conduct a program for the early identification of children with disabilities, between the ages of birth and less than twenty-two (22) years of age not served by the public schools or through a contractual agreement under section 9 of this chapter; and
- (2) use agencies that serve children with disabilities other than the public schools.

(e) The state board shall adopt rules under IC 4-22-2 requiring the:

- (1) department of correction;
- (2) state department of health;
- (3) division of disability ~~aging~~, and rehabilitative services;
- (4) Indiana School for the Blind and Visually Impaired board;
- (5) Indiana School for the Deaf board; and
- (6) division of mental health and addiction;

to submit to the state superintendent a plan for the provision of special education for children in programs administered by each respective agency who are entitled to a special education.

(f) The state superintendent shall furnish professional consultant services to school corporations and the entities listed in subsection (e) to aid them in fulfilling the requirements of this section.

SECTION 99. IC 20-35-7-4, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. As used in this chapter, "public agency" means a public or private entity that has direct or delegated authority to provide special education and related services, including the following:

- (1) Public school corporations that operate programs individually or cooperatively with other school corporations.
- (2) Community agencies operated or supported by the office of the secretary of family and social services.
- (3) State developmental centers operated by the division of disability ~~aging~~, and rehabilitative services.
- (4) State hospitals operated by the division of mental health and addiction.
- (5) State schools and programs operated by the state department of health.
- (6) Programs operated by the department of correction.
- (7) Private schools and facilities that serve students referred or placed by a school corporation, the division of special education, the division of family and children, or other public entity.

SECTION 100. IC 20-35-7-8, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The division of disability ~~aging~~, and rehabilitative services, the division of mental health and addiction, and the department of workforce development shall provide each school corporation with written material describing the following:

- (1) The adult services available to students.
- (2) The procedures to be used to access those services.
- (b) The material shall be provided in sufficient numbers to allow each student and, if the student's parent is involved, each student's parent to receive a copy at the annual case review if the purpose of the meeting is to discuss transition services.

SECTION 101. IC 20-35-7-11, AS ADDED BY P.L.1-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The division shall monitor public agency compliance with the requirements of this chapter as part of the division's ongoing program monitoring responsibilities.

(b) The division of disability ~~aging~~, and rehabilitative services shall monitor compliance with this chapter by vocational rehabilitation services programs.

(c) The division and the division of disability ~~aging~~, and rehabilitative services shall confer, at least annually, to do the following:

- (1) Review compliance with the requirements of this chapter.
- (2) Ensure that students with disabilities are receiving appropriate and timely access to services.

SECTION 102. IC 20-35-8-2, AS ADDED BY P.L.218-2005, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The state board shall adopt rules under IC 4-22-2 to establish limits on the amount of transportation that may be provided in the student's individualized education program. Unless otherwise specially shown to be essential by the child's individualized education program, in case of residency in a public or private facility, these rules must limit the transportation required by the student's individualized education program to the following:

- (1) The student's first entrance and final departure each school year.
- (2) Round trip transportation each school holiday period.
- (3) Two (2) additional round trips each school year.

(b) If a student is a transfer student receiving special education in a public school, the state or school corporation responsible for the payment of transfer tuition under IC 20-26-11-1 through IC 20-26-11-4 shall pay the cost of transportation required by the student's individualized education program. However, if a transfer student was counted as an eligible student for purposes of a distribution in a calendar year under IC 21-3-3.1, the transportation costs that the transferee school may charge for a school year ending in the calendar year shall be reduced by the sum of the following:

- (1) The quotient of:
 - (A) the amount of money that the transferee school is eligible to receive under IC 21-3-3.1-2.1 for the calendar year in which the school year ends; divided by
 - (B) the number of eligible students for the transferee school for the calendar year (as determined under IC 21-3-3.1-2.1).

- (2) The amount of money that the transferee school is eligible to receive under IC 21-3-3.1-4 for the calendar year in which the school year ends for the transportation of the transfer student during the school year.

(c) If a student receives a special education:

- (1) in a facility operated by:
 - (A) the state department of health;
 - (B) the division of disability ~~aging~~, and rehabilitative

services; or

(C) the division of mental health and addiction;

(2) at the Indiana School for the Blind and Visually Impaired; or

(3) at the Indiana School for the Deaf;

the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

(d) If a student is placed in a private facility under IC 20-35-6-2 in order to receive a special education because the student's school corporation cannot provide an appropriate special education program, the school corporation in which the student has legal settlement shall pay the cost of transportation required by the student's individualized education program. However, if the student's legal settlement cannot be ascertained, the state board shall pay the cost of transportation required by the student's individualized education program.

SECTION 103. IC 22-1-5-2, AS ADDED BY P.L.212-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. As used in this chapter, "companion type services" refers to services described in ~~IC 12-10-17-2(2)~~; IC 12-10-17.1-2(2).

SECTION 104. IC 22-3-2-2.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.3. (a) As used in this section, "volunteer worker" means a person who:

- (1) performs services:
 - (A) for a state institution (as defined in IC 12-7-2-184); and
 - (B) for which the person does not receive compensation of any nature; and
- (2) has been approved and accepted as a volunteer worker by the director of:
 - (A) the division of disability ~~aging~~, and rehabilitative services; or
 - (B) the division of mental health and addiction.

(b) Services of any nature performed by a volunteer worker for a state institution (as defined in IC 12-7-2-184) are governmental services. A volunteer worker is subject to the medical benefits described under this chapter through IC 22-3-6. However, a volunteer worker is not under this chapter through IC 22-3-6.

SECTION 105. IC 22-3-12-2, AS AMENDED BY P.L.2-2005, SECTION 60, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. When any compensable injury requires the filing of a first report of injury by an employer, the employer's worker's compensation insurance carrier or the self-insured employer shall forward a copy of the report to the central office of the division of disability ~~aging~~, and rehabilitative services, rehabilitation services bureau at the earlier of the following occurrences:

- (1) When the compensable injury has resulted in temporary total disability of longer than twenty-one (21) days.
- (2) When it appears that the compensable injury may be of such a nature as to permanently prevent the injured employee from returning to the injured employee's previous employment.

SECTION 106. IC 25-22.5-1-2, AS AMENDED BY P.L.212-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) This

article, as it relates to the unlawful or unauthorized practice of medicine or osteopathic medicine, does not apply to any of the following:

- (1) A student in training in a medical school approved by the board, or while performing duties as an intern or a resident in a hospital under the supervision of the hospital's staff or in a program approved by the medical school.
- (2) A person who renders service in case of emergency where no fee or other consideration is contemplated, charged, or received.
- (3) A paramedic (as defined in IC 16-18-2-266), an emergency medical technician-basic advanced (as defined in IC 16-18-2-112.5), an emergency medical technician-intermediate (as defined in IC 16-18-2-112.7), an emergency medical technician (as defined in IC 16-18-2-112), or a person with equivalent certification from another state who renders advanced life support (as defined in IC 16-18-2-7) or basic life support (as defined in IC 16-18-2-33.5):
 - (A) during a disaster emergency declared by the governor under IC 10-14-3-12 in response to an act that the governor in good faith believes to be an act of terrorism (as defined in IC 35-41-1-26.5); and
 - (B) in accordance with the rules adopted by the Indiana emergency medical services commission or the disaster emergency declaration of the governor.
- (4) Commissioned medical officers or medical service officers of the armed forces of the United States, the United States Public Health Service, and medical officers of the United States Department of Veterans Affairs in the discharge of their official duties in Indiana.
- (5) An individual who is not a licensee who resides in another state or country and is authorized to practice medicine or osteopathic medicine there, who is called in for consultation by an individual licensed to practice medicine or osteopathic medicine in Indiana.
- (6) A person administering a domestic or family remedy to a member of the person's family.
- (7) A member of a church practicing the religious tenets of the church if the member does not make a medical diagnosis, prescribe or administer drugs or medicines, perform surgical or physical operations, or assume the title of or profess to be a physician.
- (8) A school corporation and a school employee who acts under IC 34-30-14 (or IC 34-4-16.5-3.5 before its repeal).
- (9) A chiropractor practicing the chiropractor's profession under IC 25-10 or to an employee of a chiropractor acting under the direction and supervision of the chiropractor under IC 25-10-1-13.
- (10) A dental hygienist practicing the dental hygienist's profession under IC 25-13.
- (11) A dentist practicing the dentist's profession under IC 25-14.
- (12) A hearing aid dealer practicing the hearing aid dealer's profession under IC 25-20.
- (13) A nurse practicing the nurse's profession under IC 25-23. However, a registered nurse may administer anesthesia if the registered nurse acts under the direction of and in the immediate presence of a physician and holds a certificate of completion of

a course in anesthesia approved by the American Association of Nurse Anesthetists or a course approved by the board.

- (14) An optometrist practicing the optometrist's profession under IC 25-24.
- (15) A pharmacist practicing the pharmacist's profession under IC 25-26.
- (16) A physical therapist practicing the physical therapist's profession under IC 25-27.
- (17) A podiatrist practicing the podiatrist's profession under IC 25-29.
- (18) A psychologist practicing the psychologist's profession under IC 25-33.
- (19) A speech-language pathologist or audiologist practicing the pathologist's or audiologist's profession under IC 25-35.6.
- (20) An employee of a physician or group of physicians who performs an act, a duty, or a function that is customarily within the specific area of practice of the employing physician or group of physicians, if the act, duty, or function is performed under the direction and supervision of the employing physician or a physician of the employing group within whose area of practice the act, duty, or function falls. An employee may not make a diagnosis or prescribe a treatment and must report the results of an examination of a patient conducted by the employee to the employing physician or the physician of the employing group under whose supervision the employee is working. An employee may not administer medication without the specific order of the employing physician or a physician of the employing group. Unless an employee is licensed or registered to independently practice in a profession described in subdivisions (9) through (18), nothing in this subsection grants the employee independent practitioner status or the authority to perform patient services in an independent practice in a profession.
- (21) A hospital licensed under IC 16-21 or IC 12-25.
- (22) A health care organization whose members, shareholders, or partners are individuals, partnerships, corporations, facilities, or institutions licensed or legally authorized by this state to provide health care or professional services as:
 - (A) a physician;
 - (B) a psychiatric hospital;
 - (C) a hospital;
 - (D) a health maintenance organization or limited service health maintenance organization;
 - (E) a health facility;
 - (F) a dentist;
 - (G) a registered or licensed practical nurse;
 - (H) a midwife;
 - (I) an optometrist;
 - (J) a podiatrist;
 - (K) a chiropractor;
 - (L) a physical therapist; or
 - (M) a psychologist.
- (23) A physician assistant practicing the physician assistant's profession under IC 25-27.5.
- (24) A physician providing medical treatment under IC 25-22.5-1-2.1.
- (25) An attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

(26) A personal services attendant providing authorized attendant care services under ~~IC 12-10-17~~; **IC 12-10-17.1**.

(b) A person described in subsection (a)(9) through (a)(18) is not excluded from the application of this article if:

- (1) the person performs an act that an Indiana statute does not authorize the person to perform; and
- (2) the act qualifies in whole or in part as the practice of medicine or osteopathic medicine.

(c) An employment or other contractual relationship between an entity described in subsection (a)(21) through (a)(22) and a licensed physician does not constitute the unlawful practice of medicine under this article if the entity does not direct or control independent medical acts, decisions, or judgment of the licensed physician. However, if the direction or control is done by the entity under IC 34-30-15 (or IC 34-4-12.6 before its repeal), the entity is excluded from the application of this article as it relates to the unlawful practice of medicine or osteopathic medicine.

(d) This subsection does not apply to a prescription or drug order for a legend drug that is filled or refilled in a pharmacy owned or operated by a hospital licensed under IC 16-21. A physician licensed in Indiana who permits or authorizes a person to fill or refill a prescription or drug order for a legend drug except as authorized in IC 16-42-19-11 through IC 16-42-19-19 is subject to disciplinary action under IC 25-1-9. A person who violates this subsection commits the unlawful practice of medicine under this chapter.

(e) A person described in subsection (a)(8) shall not be authorized to dispense contraceptives or birth control devices.

SECTION 107. IC 25-23-1-27.1, AS AMENDED BY P.L.212-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.1. (a) As used in this section, "licensed health professional" means:

- (1) a registered nurse;
- (2) a licensed practical nurse;
- (3) a physician with an unlimited license to practice medicine or osteopathic medicine;
- (4) a licensed dentist;
- (5) a licensed chiropractor;
- (6) a licensed optometrist;
- (7) a licensed pharmacist;
- (8) a licensed physical therapist;
- (9) a licensed psychologist;
- (10) a licensed podiatrist; or
- (11) a licensed speech-language pathologist or audiologist.

(b) This chapter does not prohibit:

- (1) furnishing nursing assistance in an emergency;
- (2) the practice of nursing by any student enrolled in a board approved nursing education program where such practice is incidental to the student's program of study;
- (3) the practice of any nurse who is employed by the government of the United States or any of its bureaus, divisions, or agencies while in the discharge of the nurse's official duties;
- (4) the gratuitous care of sick, injured, or infirm individuals by friends or the family of that individual;
- (5) the care of the sick, injured, or infirm in the home for compensation if the person assists only:
 - (A) with personal care;
 - (B) in the administration of a domestic or family remedy; or

(C) in the administration of a remedy that is ordered by a licensed health professional and that is within the scope of practice of the licensed health professional under Indiana law;

(6) performance of tasks by persons who provide health care services which are delegated or ordered by licensed health professionals, if the delegated or ordered tasks do not exceed the scope of practice of the licensed health professionals under Indiana law;

(7) a physician with an unlimited license to practice medicine or osteopathic medicine in Indiana, a licensed dentist, chiropractor, dental hygienist, optometrist, pharmacist, physical therapist, podiatrist, psychologist, speech-language pathologist, or audiologist from practicing the person's profession;

(8) a school corporation or school employee from acting under IC 34-30-14;

(9) a personal services attendant from providing authorized attendant care services under ~~IC 12-10-17~~; **IC 12-10-17.1**; or

(10) an attendant who provides attendant care services (as defined in IC 16-18-2-28.5).

SECTION 108. IC 25-23.6-1-3.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.9. "Governmental employee" means an individual employed by the office of the secretary of family and social services, the division of family and children, the division of mental health and addiction, the division of disability ~~aging~~, and rehabilitative services, **the division of aging**, the department of correction, or the state department of health in one (1) of the following classifications:

- (1) 2AA3 Behavioral clinician 3.
- (2) 2AA4 Behavioral clinician 4.
- (3) 2AA5 Clinical associate 5.
- (4) 2FL1 Mental health administrator 1.
- (5) 2FL2 Mental health administrator 2.
- (6) 2FL3 Mental health administrator 3.
- (7) 2AN3 Substance abuse counselor 3.
- (8) 2AN4 Substance abuse counselor 4.
- (9) 2AN5 Substance abuse counselor 5.
- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3.

SECTION 109. IC 27-8-12-7.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7.1. The department of insurance shall adopt rules under IC 4-22-2 that establish standards for the qualification of a long term care policy under IC 12-15-39.6. The rules must include the following:

- (1) The standards adopted under section 7 of this chapter.
- (2) The requirement that an insurer or other person who issues a qualified long term care policy must at a minimum offer to each policyholder or prospective policyholder a policy that provides both:
 - (A) long term care facility coverage; and
 - (B) home and community care coverage.
- (3) A provision that an insurer or other person who complies with subdivision (2) may elect to also offer a qualified long term

care policy that provides only long term care facility coverage.
 (4) The submission of data by insurers that will allow the department of insurance, the office of Medicaid policy and planning, and the division of ~~disability aging and rehabilitative services~~ to administer the Indiana long term care program under IC 12-15-39.6.

(5) Other standards needed to administer the Indiana long term care program.

SECTION 110. IC 29-3-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. The chief of social services (or a person designated by the chief of social services) at any institution under the control of the division of mental health and addiction or the division of disability ~~aging~~, and rehabilitative services may execute the necessary documents to make applications on behalf of a patient in the institution to receive public assistance or to transfer the patient to an alternate care facility without the appointment of a guardian or other order of court.

SECTION 111. IC 34-30-2-43.9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 43.9. ~~IC 12-10-17-13(b)~~ IC 12-10-17.1-14(b) (Concerning actions of a personal services attendant).

SECTION 112. IC 35-46-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A person who:

- (1) believes or has reason to believe that an endangered adult is the victim of battery, neglect, or exploitation as prohibited by this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E); and
- (2) knowingly fails to report the facts supporting that belief to the division of disability ~~aging~~, and rehabilitative services, **the division of aging**, the adult protective services unit designated under IC 12-10-3, or a law enforcement agency having jurisdiction over battery, neglect, or exploitation of an endangered adult;

commits a Class B misdemeanor.

(b) An officer or employee of the division or adult protective services unit who unlawfully discloses information contained in the records of the division of ~~disability aging and rehabilitative services~~ under IC 12-10-3-12 through IC 12-10-3-16 commits a Class C infraction.

(c) A law enforcement agency that receives a report that an endangered adult is or may be a victim of battery, neglect, or exploitation as prohibited by this chapter, IC 35-42-2-1(a)(2)(C), or IC 35-42-2-1(a)(2)(E) shall immediately communicate the report to the adult protective services unit designated under IC 12-10-3.

(d) An individual who discharges, demotes, transfers, prepares a negative work performance evaluation, reduces benefits, pay, or work privileges, or takes other action to retaliate against an individual who in good faith makes a report under IC 12-10-3-9 concerning an endangered individual commits a Class A infraction.

SECTION 113. IC 36-2-14-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 18. (a) Notwithstanding IC 5-14-3-4(b)(1), when a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the following:

- (1) The name, age, address, sex, and race of the deceased.
- (2) The address where the dead body was found, or if there is no

address the location where the dead body was found and, if different, the address where the death occurred, or if there is no address the location where the death occurred.

(3) The name of the agency to which the death was reported and the name of the person reporting the death.

(4) The name of any public official or governmental employee present at the scene of the death and the name of the person certifying or pronouncing the death.

(5) Information regarding an autopsy (requested or performed) limited to the date, the person who performed the autopsy, where the autopsy was performed, and a conclusion as to:

- (A) the probable cause of death;
- (B) the probable manner of death; and
- (C) the probable mechanism of death.

(6) The location to which the body was removed, the person determining the location to which the body was removed, and the authority under which the decision to remove the body was made.

(7) The records required to be filed by a coroner under section 6 of this chapter and the verdict and the written report required under section 10 of this chapter.

(b) A county coroner or a coroner's deputy who receives an investigatory record from a law enforcement agency shall treat the investigatory record with the same confidentiality as the law enforcement agency would treat the investigatory record.

(c) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of the next of kin of the decedent or of an insurance company investigating a claim arising from the death of the individual upon whom the autopsy was performed. The insurance company is prohibited from publicly disclosing any information contained in the report beyond that information that may otherwise be disclosed by a coroner under this section. This prohibition does not apply to information disclosed in communications in conjunction with the investigation, settlement, or payment of the claim.

(d) Notwithstanding any other provision of this section, a coroner shall make available a full copy of an autopsy report, other than a photograph, video recording, or audio recording of the autopsy, upon the written request of:

- (1) the director of the division of disability ~~aging~~, and rehabilitative services established by IC 12-9-1-1; ~~or~~
- (2) the director of the division of mental health and addiction established by IC 12-21-1-1; ~~or~~
- (3) **the director of the division of aging established by IC 12-9.1-1-1;**

in connection with a division's review of the circumstances surrounding the death of an individual who received services from a division or through a division at the time of the individual's death.

SECTION 114. [EFFECTIVE JULY 1, 2006] (a) **As used in this SECTION, "program" refers to the self-directed in-home care program under IC 12-10-17.1, as added by this act.**

(b) **The office of the secretary of family and social services established by IC 12-8-1-1 shall submit a report in electronic format under IC 5-14-6 to the legislative council before November 1, 2009, concerning the:**

- (1) **implementation; and**

(2) outcome;
of the program.

(c) This SECTION expires December 31, 2010.

SECTION 115. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 12-10-17; IC 12-24-1-10.

SECTION 116. [EFFECTIVE JULY 1, 2006] (a) The office of Medicaid policy and planning shall do the following:

(1) Study possible changes to the state Medicaid program or other new programs that would limit or restrict a future increase in the number of Medicaid recipients in health facilities licensed under IC 16-28.

(2) Prepare a comprehensive cost comparison of Medicaid and Medicaid waiver services and other expenditures in the following settings:

(A) Home care.

(B) Community care.

(C) Health facilities.

The cost comparison must include a comparison of similar services that are provided in the different settings.

(b) Before October 1, 2006, the office of Medicaid policy and planning shall report its findings under subsection (a) to the select joint commission on Medicaid oversight established by IC 2-5-26-3.

(c) This SECTION expires January 1, 2007.

SECTION 117. An emergency is declared for this act.

(Reference is to ESB 41 as reprinted February 17, 2006.)

Miller, Chair

T. Brown

Sipes

C. Brown

Senate Conferees

House Conferees

Roll Call 385: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 47-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 47 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-36, AS AMENDED BY P.L.177-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 36. (a) The department may not charge a fee for responding to a request for the release of a limited criminal history record if the request is made by a nonprofit organization:

(1) that has been in existence for at least ten (10) years; and

(2) that:

(A) has a primary purpose of providing an individual relationship for a child with an adult volunteer if the request is made as part of a background investigation of a prospective adult volunteer for the organization;

(B) is a home health agency licensed under IC 16-27-1;

(C) is a community mental retardation and other

developmental disabilities center (as defined in IC 12-7-2-39);

(D) is a supervised group living facility licensed under IC 12-28-5;

(E) is an area agency on aging designated under IC 12-10-1;

(F) is a community action agency (as defined in IC 12-14-23-2);

(G) is the owner or operator of a hospice program licensed under IC 16-25-3; or

(H) is a community mental health center (as defined in IC 12-7-2-38).

(b) Except as provided in subsection (d), the department may not charge a fee for responding to a request for the release of a limited criminal history record made by the division of family and children or a county office of family and children if the request is made as part of a background investigation of an applicant for a license under IC 12-17.2 or IC 12-17.4.

(c) The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made by a school corporation, special education cooperative, or nonpublic school (as defined in IC 20-18-2-12) as part of a background investigation of an a prospective or current employee or a prospective or current adult volunteer for the school corporation, special education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution (as defined in IC 20-12-0.5-1). The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the office of technology established by IC 4-13.1-2-1.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the health professions bureau Indiana professional licensing agency established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the office of technology; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

(f) The department may not charge a church or religious society a fee for responding to a request for the release of a limited criminal history record if:

(1) the church or religious society is a religious organization exempt from federal income taxation under Section 501 of the Internal Revenue Code;

(2) the request is made as part of a background investigation of a prospective or current employee or a prospective or current adult volunteer; and

(3) the employee or volunteer works in a nonprofit program or ministry of the church or religious society, including a

child care ministry registered under IC 12-17.2-6.

SECTION 2. IC 12-17.2-3.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) **Except as provided in subsection (f)**, a provider shall, at no expense to the state, maintain and make available to the division upon request a copy of a limited criminal history for:

- (1) the provider, if the provider is an individual;
- (2) if the provider operates a child care program in the provider's home, any individual who resides with the provider and who is:

- (A) at least eighteen (18) years of age; or
- (B) less than eighteen (18) years of age but has previously been waived from juvenile court to adult court; and

- (3) any individual who:

- (A) is employed; or
- (B) volunteers;

as a caregiver at the facility where the provider operates a child care program.

A provider shall apply for a limited criminal history for an individual described in subdivision (3) before the individual is employed or allowed to volunteer as a caregiver.

(b) In addition to the requirement under subsection (a), a provider shall report to the division any:

- (1) police investigations;
- (2) arrests; and
- (3) criminal convictions;

not listed on a limited criminal history obtained under subsection (a) regarding any of the persons listed in subsection (a).

(c) A provider that meets the other eligibility requirements of this chapter is temporarily eligible to receive voucher payments until the provider receives the limited criminal history required under subsection (a) from the state police department if:

- (1) the provider:

- (A) has applied for the limited criminal history required under subsection (a); and
- (B) obtains a local criminal history for the individuals described in subsection (a) from each individual's local law enforcement agency before the individual is employed or allowed to volunteer as a caregiver; and

- (2) the local criminal history does not reveal that an individual has been convicted of a:

- (A) felony;
- (B) misdemeanor related to the health or safety of a child;
- (C) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
- (D) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(d) A provider is ineligible to receive a voucher payment if an individual for whom a limited criminal history is required under this section has been convicted of a:

- (1) felony;
- (2) misdemeanor related to the health or safety of a child;
- (3) misdemeanor for operating a child care center without a license under IC 12-17.2-4-35; or
- (4) misdemeanor for operating a child care home without a license under IC 12-17.2-5-35;

until the individual is dismissed from employment or volunteer

service at the facility where the provider operates a child care program or no longer resides with the provider.

(e) A provider shall maintain a written policy requiring an individual for whom a limited criminal history is required under this section to report any criminal convictions of the individual to the provider.

(f) The state police department may not charge a church or religious society any fees or costs for responding to a request for a release of a limited criminal history record of a prospective or current employee or a prospective or current volunteer of a child care ministry registered under IC 12-17.2-6 if the conditions set forth in IC 10-13-3-36(f) are met.

(Reference is to ESB 47 as reprinted February 24, 2006.)

Hershman, Chair	McClain
Craycraft	Kuzman
Senate Conferees	House Conferees

Roll Call 386: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 75-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 75 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning veterans' affairs and motor vehicles and to make an appropriation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-13-2-196.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 196.5. "Veteran", for purposes of IC 9-18-50, has the meaning set forth in IC 9-18-50-1.**

SECTION 2. IC 9-18-15-1, AS AMENDED BY P.L.214-2005, SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who is the registered owner or lessee of a:

- (1) passenger motor vehicle;
- (2) motorcycle;
- (3) recreational vehicle; or
- (4) vehicle registered as a truck with a declared gross weight of not more than:
 - (A) eleven thousand (11,000) pounds;
 - (B) nine thousand (9,000) pounds; or
 - (C) seven thousand (7,000) pounds;

registered with the bureau or who makes an application for an original registration or renewal registration of a vehicle may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular license plate.

- (b) A person who:

- (1) is the registered owner or lessee of a vehicle described in subsection (a); and

- (2) is eligible to receive a license plate for the vehicle under:
- (A) IC 9-18-17 (prisoner of war license plates);
 - (B) IC 9-18-18 (disabled veteran license plates);
 - (C) IC 9-18-19 (purple heart license plates);
 - (D) IC 9-18-20 (Indiana National Guard license plates);
 - (E) IC 9-18-21 (Indiana Guard Reserve license plates);
 - (F) IC 9-18-22 (license plates for persons with disabilities);
 - (G) IC 9-18-23 (amateur radio operator license plates);
 - (H) IC 9-18-24 (civic event license plates);
 - (I) IC 9-18-25 (special group recognition license plates);
 - (J) IC 9-18-29 (environmental license plates);
 - (K) IC 9-18-30 (kids first trust license plates);
 - (L) IC 9-18-31 (education license plates);
 - (M) IC 9-18-32.2 (drug free Indiana trust license plates);
 - (N) IC 9-18-33 (Indiana FFA trust license plates);
 - (O) IC 9-18-34 (Indiana firefighter license plates);
 - (P) IC 9-18-35 (Indiana food bank trust license plates);
 - (Q) IC 9-18-36 (Indiana girl scouts trust license plates);
 - (R) IC 9-18-37 (Indiana boy scouts trust license plates);
 - (S) IC 9-18-38 (Indiana retired armed forces member license plates);
 - (T) IC 9-18-39 (Indiana antique car museum trust license plates);
 - (U) IC 9-18-40 (D.A.R.E. Indiana trust license plates);
 - (V) IC 9-18-41 (Indiana arts trust license plates);
 - (W) IC 9-18-42 (Indiana health trust license plates);
 - (X) IC 9-18-43 (Indiana mental health trust license plates);
 - (Y) IC 9-18-44 (Indiana Native American Trust license plates);
 - (Z) IC 9-18-45.8 (Pearl Harbor survivor license plates);
 - (AA) IC 9-18-46.2 (Indiana state educational institution trust license plates);
 - (BB) IC 9-18-47 (Lewis and Clark bicentennial license plates);
 - (CC) IC 9-18-48 (Riley Children's Foundation license plates);
 - (DD) IC 9-18-49 (National Football League franchised professional football team license plates);
 - (EE) IC 9-18-50 (Hoosier veteran license plates); or**
 - (FF) IC 9-18-51 (support our troops license plates);**

may apply to the bureau for a personalized license plate to be affixed to the vehicle for which registration is sought instead of the regular special recognition license plate.

SECTION 3. IC 9-18-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. This chapter does not apply to the following:

- (1) Antique motor vehicle license plates (IC 9-18-12).
- (2) Recovery vehicle license plates (IC 9-18-13).
- (3) Personalized license plates (IC 9-18-15).
- (4) Prisoner of war license plates (IC 9-18-17).
- (5) Disabled veteran license plates (IC 9-18-18).
- (6) Purple Heart license plates (IC 9-18-19).
- (7) Indiana National Guard license plates (IC 9-18-20).
- (8) Person with a disability license plates (IC 9-18-22).
- (9) Amateur radio operator license plates (IC 9-18-23).
- (10) Pearl Harbor survivor license plates (IC 9-18-45.8).
- (11) Hoosier veteran license plates (IC 9-18-50).**

(12) Support our troops license plates (IC 9-18-51).

SECTION 4. IC 9-18-50 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 50. Hoosier Veteran License Plates

Sec. 1. As used in this chapter, "veteran" means an individual:

- (1) who:**
 - (A) has served in:**
 - (i) the United States armed forces or their reserves;**
 - (ii) the Indiana Army National Guard; or**
 - (iii) the Indiana Air National Guard; and**
 - (B) received an honorable discharge from service; or**
- (2) who is serving in the United States armed forces or their reserves.**

Sec. 2. The bureau shall design a Hoosier veteran license plate to be issued beginning January 1, 2007.

Sec. 3. A Hoosier veteran license plate must include the following:

- (1) A basic design for the plate with consecutive numbers or letters, or both, to properly identify the vehicle.**
- (2) A background design or colors that designate the license plate as a Hoosier veteran license plate.**
- (3) An area on the plate for display of an emblem denoting the branch of service or conflict in which the veteran served.**
- (4) Any other information the bureau considers necessary.**

Sec. 4. The bureau shall confer with members of armed forces retiree organizations concerning the design of the Hoosier veteran license plate and the emblems denoting the branch of service or conflict in which the veteran served.

Sec. 5. A Hoosier veteran license plate issued under this chapter may be displayed on the following:

- (1) A passenger motor vehicle.**
- (2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.**
- (3) A recreational vehicle.**

Sec. 6. A veteran who is a resident of Indiana and is eligible to register a motor vehicle under this title may apply for and receive a Hoosier veteran license plate for one (1) or more motor vehicles upon doing the following:

- (1) Completing an application for a Hoosier veteran license plate.**
- (2) Presenting:**
 - (A) a United States Uniformed Services Retiree Identification Card;**
 - (B) a DD 214 record;**
 - (C) United States military discharge papers; or**
 - (D) a current armed forces identification card;**
- to the bureau.**
- (3) Paying the fee under section 7 of this chapter.**

Sec. 7. The fee for a Hoosier veteran license plate is the appropriate fee under IC 9-29-5-38.5(a).

SECTION 5. IC 9-18-51 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 51. Support Our Troops License Plate

Sec. 1. The bureau of motor vehicles shall design and issue a support our troops license plate, beginning January 1, 2007.

Sec. 2. A support our troops license plate must include the following:

- (1) A basic design for the plate, with consecutive numbers or letters, or both, to properly identify the vehicle.
- (2) A background design, an emblem, or colors that designate the license plate as a support our troops license plate.
- (3) Any other information the bureau considers necessary.

Sec. 3. A support our troops license plate issued under this chapter may be displayed on the following:

- (1) A passenger motor vehicle.
- (2) A truck registered as a truck with a declared gross weight of not more than eleven thousand (11,000) pounds.
- (3) A recreational vehicle.

Sec. 4. A person who is eligible to register a vehicle under this title is eligible to receive a support our troops license plate under this chapter after December 31, 2006, upon doing the following:

- (1) Completing an application for a support our troops license plate.
- (2) Paying the fee described under section 5 of this chapter.

Sec. 5. The fee for a support our troops license plate is the appropriate fee under IC 9-29-5-38.5(b).

SECTION 6. IC 9-29-5-38.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 38.5. (a) A vehicle registered under IC 9-18-50 is subject to:**

- (1) an annual registration fee;
- (2) an annual supplemental fee of fifteen dollars (\$15); and
- (3) any other fee or tax required of a person registering a vehicle under this title.

(b) A vehicle registered under IC 9-18-51 is subject to:

- (1) an annual registration fee;
- (2) an annual supplemental fee of twenty dollars (\$20); and
- (3) any other fee or tax required of a person registering a vehicle under this title.

(c) The bureau shall distribute the annual supplemental fees described in subsections (a)(2) and (b)(2) that are collected from each registration to the director of veterans' affairs for deposit in the military family relief fund established under IC 10-17-12-8.

SECTION 7. IC 10-17-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) The director of veterans' affairs:**

- (1) is the executive and administrative head of the department of veterans' affairs; and
- (2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

- (1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.
- (2) To appoint, by and with the consent of the commission, under this chapter and notwithstanding IC 4-15-2, the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must be:

- (A) honorably discharged veterans who have had at least six (6) months service in the armed forces of the United States and who are citizens of the United States and Indiana; or

(B) spouses, surviving spouses, parents, or children of an individual described in clause (A).

An employee must qualify for the job concerned.

- (3) To carry out the program for veterans' affairs as directed by the governor and the commission.
- (4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.
- (5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.
- (6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service work.
- (7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.
- (8) To perform the duties described in IC 10-17-12 for the military family relief fund.

SECTION 8. IC 10-17-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Military Family Relief Fund

Sec. 0.5. This chapter applies after December 31, 2006.

Sec. 1. As used in this chapter, "active duty" means full-time service in:

- (1) a reserve component of the armed forces; or
- (2) the national guard;

for a period that exceeds thirty (30) consecutive days in a calendar year.

Sec. 2. As used in this chapter, "armed forces" includes the reserve components of the following:

- (1) The United States Army.
- (2) The United States Navy.
- (3) The United States Marine Corps.
- (4) The United States Air Force.
- (5) The United States Coast Guard.

Sec. 3. As used in this chapter, "commission" refers to the veterans' affairs commission established by IC 10-17-1-3.

Sec. 4. As used in this chapter, "department" refers to the Indiana department of veterans' affairs established by IC 10-17-1-2.

Sec. 5. As used in this chapter, "director" refers to the director of veterans' affairs.

Sec. 6. As used in this chapter, "fund" refers to the military family relief fund established by section 8 of this chapter.

Sec. 7. As used in this chapter, "national guard" means:

- (1) the Indiana Army National Guard; or
- (2) the Indiana Air National Guard.

Sec. 8. (a) The military family relief fund is established beginning January 1, 2007, to provide assistance with food, housing, utilities, medical services, basic transportation, and other essential family support expenses that have become difficult to afford for families of Indiana residents who are:

(1) members of:

- (A) a reserve component of the armed forces; or
- (B) the national guard; and

(2) called to active duty after September 11, 2001.

(b) The department shall expend the money in the fund

exclusively to provide grants for assistance as described in subsection (a).

(c) The director shall administer the fund.

Sec. 9. (a) The fund consists of the following:

- (1) Appropriations made by the general assembly.
- (2) Donations to the fund.
- (3) Interest as provided in subsection (b).
- (4) Money transferred to the fund from other funds.
- (5) Annual supplemental fees collected under IC 9-29-5-38.5.
- (6) Money from any other source authorized or appropriated for the fund.

(b) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(c) Money in the fund at the end of a state fiscal year does not revert to the state general fund or to any other fund.

(d) There is annually appropriated to the department for the purposes of this chapter all money in the fund not otherwise appropriated to the department for the purposes of this chapter.

Sec. 10. The commission may adopt rules under IC 4-22-2 for the provision of grants under this chapter. The rules adopted under this section must address the following:

- (1) Uniform need determination procedures.
- (2) Eligibility criteria.
- (3) Application procedures.
- (4) Selection procedures.
- (5) Coordination with other assistance programs.
- (6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.

Sec. 11. The director or a member of the commission may make a request to the general assembly for an appropriation to the fund.

Sec. 12. The director shall establish the capability to receive donations to the fund from the public on the department's Internet site.

SECTION 9. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding IC 10-17-12-10, as added by this act, the director of veterans' affairs shall carry out the duties imposed on:

- (1) the director of veterans' affairs; or
- (2) the Indiana department of veterans' affairs;

under IC 10-17-12, as added by this act, under interim written guidelines approved by the veterans' affairs commission.

(b) This SECTION expires on the earlier of the following:

- (1) The date rules are adopted under IC 10-17-12-10, as added by this act.
- (2) June 30, 2007.

SECTION 10. [EFFECTIVE UPON PASSAGE] The director of veterans' affairs, after consultation with the veterans' affairs commission, shall report to the budget committee before August 1, 2006, on the topics described in IC 10-17-12-10, as added by this act.

SECTION 11. [EFFECTIVE UPON PASSAGE] (a) The provision of P.L.246-2005, SECTION 9, that limits the Indiana department of veterans' affairs from considering new

applications from dependents of veterans with disabilities not greater than zero (0) percentage does not apply to applications affecting academic years beginning after June 30, 2006.

(b) Beginning July 1, 2006, the appropriation for state student assistance commission statutory fee remission made by P.L.246-2005, SECTION 9, may be allotted and used for statutory fee remission related to dependents of veterans with disabilities not greater than zero (0) percentage.

SECTION 12. [EFFECTIVE JULY 1, 2006] (a) Effective January 1, 2007, the bureau of motor vehicles shall terminate the issuance of the Hoosier veteran license plate issued as a special group recognition license plate under IC 9-18-25.

(b) Notwithstanding IC 9-18-50-6(2), as added by this act, a person who was issued a Hoosier veteran license plate issued as a special group recognition license plate under IC 9-18-25 in 2006 is not required to present:

- (1) a United States Uniformed Services Retiree Identification Card;
- (2) a DD 214 record; or
- (3) United States military discharge papers;

to the bureau upon applying for a Hoosier veteran license plate under IC 9-18-50-6, as added by this act.

(c) This SECTION expires December 31, 2007.

SECTION 13. An emergency is declared for this act

(Reference is to ESB 75 as reprinted February 17, 2006.)

Long, Chair	Stutzman
Craycraft	Reske
Senate Conferees	House Conferees

Roll Call 387: yeas 50, nays 0. Report adopted.

SENATE MOTION

Madam President: I move that all requests for interim studies, including those made by concurrent resolutions, bills which failed to pass both Houses of the General Assembly, or written or oral requests to the President Pro Tempore of the Senate, are hereby referred to the Legislative Council for further consideration as it deems necessary or appropriate.

GARTON

Motion prevailed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 68

Senate Concurrent Resolution 68, introduced by Senator Garton:

A CONCURRENT RESOLUTION fixing the date for the Second Regular Technical Session of the General Assembly.

Whereas, IC 2-2.1-1-2.5 authorizes the General Assembly to fix a date for the Second Regular Technical Session of the General Assembly;

Whereas, The General Assembly finds that it is in the best interest of the State of Indiana to fix a date for the Technical Session; and

Whereas, It is prudent to allow the Speaker of the House of

Representatives and the President Pro Tempore of the Senate to jointly order that the Technical Session not convene if they determined its cost and inconvenience do not justify meeting in Technical Session: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. The date for the Technical Session of the General Assembly is hereby fixed for April 19, 2006, at 1:30 p.m.

SECTION 2. The Speaker of the House of Representatives and the President Pro Tempore of the Senate may issue a joint order that the General Assembly not convene in Technical Session if they determined that the cost and inconvenience of meeting in Technical Session are not justified.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Bosma and Bauer.

3:34 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 5:02 p.m., with the President of the Senate in the Chair.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills: 1018-1, 1029-1, 1099-1, and 1110-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Mahern as a conferee on Engrossed House Bill 1362 and now appoints Representative Yount thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 59

Senate Concurrent Resolution 59, introduced by Senator Miller:

A CONCURRENT RESOLUTION honoring Kevin Wright.

Whereas, Kevin Wright, coach of Warren Central High School's football team, Indiana's Class 5A high school football champions, will be leaving the school to take a new position at an Oklahoma high school;

Whereas, Under his tenure, the Warren Central Warriors won the past three Class 5A state championships;

Whereas, With this year's victory, Coach Wright and his father (Sheridan coach Bud Wright) became the only father-son duo to win football state championships in the same season;

Whereas, Kevin Wright amassed a 71-12 record in his six seasons at Warren Central;

Whereas, Before coming to Warren Central, Kevin Wright previously coached at Frankfort, Noblesville, and Louisville Trinity and has a 127-49 record in 15 seasons; and

Whereas, Kevin Wright has positively influenced the lives of countless young men and women while serving as head football coach for Warren Central High School; his dedication to young people and his work ethic are a shining example for all students: Therefore,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly congratulates Kevin Wright on his many accomplishments and his great success while serving as Warren Central High School head football coach and wishes him continued success in his future endeavors.

SECTION 2. That the Principal Clerk of the House of Representatives transmit a copy of this resolution to Kevin Wright and his family and to Tony Burchett, principal of Warren Central High School.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Buell.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 112.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 338.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March

14, 2006, signed Senate Enrolled Act 339.

ROBERT D. GARTON
President Pro Tempore

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 132 because it conflicts with House Enrolled Act 1040-2006 and Senate Enrolled Act 151-2006 without properly recognizing the existence of HEA 1040-2006 and SEA 151-2006, has had ESB 132 under consideration and begs leave to report back to the Senate with the recommendation that ESB 132 be corrected as follows:

Page 9, line 16, after "IC 5-20-1-2" insert ", AS AMENDED BY HEA 1040-2006, SECTION 105,".

Page 9, line 30, delete "finance" and insert "and community development".

Page 53, line 20, after "IC 12-13-12-3" insert ", AS AMENDED BY HEA 1040-2006, SECTION 186,".

Page 53, line 42, after "of the" insert "Indiana".

Page 54, line 2, delete "director of the department of commerce" and insert "lieutenant governor".

Page 54, line 2, delete "director's" and insert "lieutenant governor's".

Page 57, line 30, delete "P.L.162-2005," and insert "SEA 151-2006, SECTION 1,".

Page 57, line 31, delete "SECTION 1,".

Page 58, line 26, delete "home." and insert "home or information identifying an individual child.".

Page 67, line 20, after "IC 12-17.2-6-6" insert ", AS AMENDED BY HEA 1040-2006, SECTION 195,".

Page 67, line 23, delete "office of the state fire marshal" and insert "division of fire and building safety".

Page 67, line 38, delete "STATE FIRE" and insert "DIVISION OF FIRE AND BUILDING SAFETY".

Page 67, delete line 39.

(Reference is to ESB 132 as printed February 24, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
LAWSON

Report adopted.

SENATE MOTION

Madam President: I move that Senator Tallian be added as cosponsor of Engrossed House Bill 1110.

GARD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as cosponsor of Engrossed House Bill 1008.

MEEKS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Kenley be added as cosponsor of House Concurrent Resolution 58.

DROZDA

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Hershman be added as coauthor of Engrossed Senate Bill 75.

LONG

Motion prevailed.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 83-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 83 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 3, delete lines 18 through 27.

Page 3, delete line 31.

Renumber all SECTIONS consecutively

(Reference is to ESB 83 as reprinted February 24, 2006.)

Lubbers, Chair	Torr
Lanane	Bardon
Senate Conferees	House Conferees

Roll Call 388: yeas 44, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 139-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 139 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 10-13-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. As used in this chapter, "caseworker" has the meaning set forth in IC 31-9-2-11.**

SECTION 2. IC 10-13-3-7.5, AS AMENDED BY SEA 132-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 7.5. (a) As used in this chapter, "emergency placement" means an emergency out-of-home placement of a child by:**

- (1) the department of child services established by IC 31-25-1-1;
- (2) a law enforcement officer;
- (3) a caseworker;
- (4) a juvenile probation officer; or
- (5) a court;

as a result of exigent circumstances including an out-of-home placement under ~~IC 31-34-2 or IC 31-34-4~~, or the sudden unavailability of the child's parent, guardian, or custodian, that require immediate placement with a person other than the child's parent, guardian, or custodian.

(b) The term includes any out-of-home placement for temporary care and custody of a child at or after the time of initial removal or transfer of custody of the child from the child's parent, guardian, or custodian, as authorized under any of the following:

- (1) IC 31-34-2.
- (2) IC 31-34-2.5.
- (3) IC 31-34-4.
- (4) IC 31-34-5.
- (5) IC 31-37-4.
- (6) IC 31-37-5.
- (7) IC 31-37-6.

(c) The term does not include any proposed or actual change in location of the child's placement for continuing care and custody after the court has entered an order at the time of or following a detention hearing required under IC 31-34-5 or IC 31-37-6, unless a court or an agency responsible for the child's care and supervision determines that an immediate change in placement is necessary to protect the health or safety of the child.

(d) The term does not include placement to an entity or in a facility that is not a residence (as defined in IC 3-5-2-42.5) or that is licensed by the state.

SECTION 3. IC 10-13-3-27.5, AS AMENDED BY SEA 132-2006, SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27.5. (a) If:

- (1) exigent circumstances require the emergency placement of a child; and
- (2) the department will be unable to obtain criminal history information from the Interstate Identification Index before the emergency placement is scheduled to occur;

upon request of the department of child services established by IC 31-25-1-1, a caseworker, or a juvenile probation officer, the department may conduct a national name based criminal history record check of each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location. The department shall promptly transmit a copy of the report it receives from the Interstate Identification Index to the agency or person that submitted a request under this section.

(b) Not later than seventy-two (72) hours after the department of child services, the caseworker, or the juvenile probation officer receives the results of the national name based criminal history record check, the department of child services, the caseworker, or the juvenile probation officer shall provide the department with a complete set of fingerprints for each individual who is currently residing in the location designated as the out-of-home placement at the time the child will be placed in the location. The department shall:

- (1) use fingerprint identification to positively identify each individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location; or
- (2) submit the fingerprints to the Federal Bureau of Investigation not later than fifteen (15) calendar days after the date on which the national name based criminal history record check was conducted.

The child shall be removed from the location designated as the out-of-home placement if an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location fails to provide a complete set of fingerprints to the department of child services, the caseworker, or the juvenile probation officer.

(c) The department and the person or agency that provided fingerprints shall comply with all requirements of 42 U.S.C. 5119a and any other applicable federal law or regulation regarding:

- (1) notification to the subject of the check; and
- (2) the use of the results obtained based on the check of the person's fingerprints.

(d) If an out-of-home placement is denied as the result of a national name based criminal history record check, an individual who is currently residing in the location designated as the out-of-home placement at the time the child will reside in the location may contest the denial by submitting to the department of child services, the caseworker, or the juvenile probation officer:

- (1) a complete set of the individual's fingerprints; and
- (2) written authorization permitting the department of child services, the caseworker, or the juvenile probation officer to forward the fingerprints to the department for submission to the Federal Bureau of Investigation;

not later than five (5) days after the out-of-home placement is denied.

(e) The:

- (1) department; and
- (2) Federal Bureau of Investigation;

may charge a reasonable fee for processing a national name based criminal history record check. The department shall adopt rules under IC 4-22-2 to establish a reasonable fee for processing a national name based criminal history record check and for collecting fees owed under this subsection.

(f) The:

- (1) department of child services, for an out-of-home placement arranged by a caseworker or the department of child services; or
- (2) juvenile court, for an out-of-home placement ordered by the juvenile court;

shall pay the fee described in subsection (e), arrange for fingerprinting, and pay the costs of fingerprinting, if any.

SECTION 4. IC 12-17.2-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The following constitute sufficient grounds for a denial of a license application:

- (1) A determination by the ~~division~~ department of child services established by IC 31-25-1-1 of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the applicant;
- (B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are

under the direct supervision of the applicant; or
(C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.

(2) A criminal conviction of the applicant, ~~or of an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,~~ or a volunteer of the applicant **who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,** of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.
- (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

(5) A determination by the division that the applicant previously operated a:

- (A) child care center without a license under this chapter; or
- (B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license application is denied due to a criminal conviction of an employee or a volunteer of the applicant; and
- (2) the division determines that the employee or volunteer has been dismissed by the applicant;

the criminal conviction of the former employee or former volunteer does not require denial of a license application.

SECTION 5. IC 12-17.2-4-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

(1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the licensee;
- (B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or**
- (C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.**

(2) A criminal conviction of the licensee, ~~or of an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,~~ or a volunteer of the licensee **who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,** of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under section 35 of this chapter.
- (D) A misdemeanor for operating a child care home without a license under IC 12-17.2-5-35.

(3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

(4) A determination by the division that the licensee made false statements in the records required by the division.

(5) A determination by the division that the licensee previously operated a:

- (A) child care center without a license under this chapter; or
- (B) child care home without a license under IC 12-17.2-5.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license is revoked due to a criminal conviction of an employee or a volunteer of the licensee; and
- (2) the division determines that the employee or volunteer has been dismissed by the licensee;

the criminal conviction of the former employee or former volunteer does not require revocation of a license.

SECTION 6. IC 12-17.2-4-36 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 36. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect in a child care center.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care center.

(c) If the department of child services makes a determination under IC 31-33-8-12 that abuse or neglect at the child care center is substantiated, the department shall send a copy of its report to the appropriate licensing office of the division.

SECTION 7. IC 12-17.2-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The following constitute sufficient grounds for a denial of a license application:

(1) A determination by the ~~division~~ **department of child services established by IC 31-25-1-1** of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the applicant;
- (B) an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant; or**
- (C) a volunteer of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant.**

(2) A criminal conviction of the applicant, ~~or of an employee of the applicant who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,~~ a volunteer of the applicant **who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the applicant,** or ~~of a member of the applicant's household,~~ of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

(3) A determination by the division that the applicant made false statements in the applicant's application for licensure.

(4) A determination by the division that the applicant made false statements in the records required by the division.

- (5) A determination by the division that the applicant previously operated a:
 - (A) child care center without a license under IC 12-17.2-4; or
 - (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license application is denied due to a criminal conviction of:
 - (A) an employee or a volunteer of the applicant; or
 - (B) a member of the applicant's household; and
- (2) the division determines that the:
 - (A) employee or volunteer has been dismissed by the applicant; or
 - (B) member of the applicant's household is no longer a member of the applicant's household;

the criminal conviction of the former employee, former volunteer, or former member does not require denial of a license application.

SECTION 8. IC 12-17.2-5-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) The following constitute sufficient grounds for revocation of a license:

- (1) A determination by the ~~division~~ **department of child services** of child abuse or neglect (as defined in IC 31-9-2-14) by:

- (A) the licensee;
- (B) an employee of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee; or**
- (C) a volunteer of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee.**

- (2) A criminal conviction of the licensee, ~~or~~ **of an employee or of the licensee who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,** a volunteer of the licensee **who has direct contact, on a regular and continuous basis, with children who are under the direct supervision of the licensee,** or ~~or~~ a member of the licensee's household, of any of the following:

- (A) A felony.
- (B) A misdemeanor related to the health or safety of a child.
- (C) A misdemeanor for operating a child care center without a license under IC 12-17.2-4-35.
- (D) A misdemeanor for operating a child care home without a license under section 35 of this chapter.

- (3) A determination by the division that the licensee made false statements in the licensee's application for licensure.

- (4) A determination by the division that the licensee made false statements in the records required by the division.

- (5) A determination by the division that the licensee previously operated a:

- (A) child care center without a license under IC 12-17.2-4; or
- (B) child care home without a license under this chapter.

(b) Notwithstanding subsection (a)(2), if:

- (1) a license is revoked due to a criminal conviction of:
 - (A) an employee or a volunteer of the licensee's; or
 - (B) a resident of the licensee's household; and

- (2) the division determines that the:

- (A) employee or volunteer has been dismissed by the licensee; or
- (B) member of the licensee's household is no longer a member of the licensee's household;

the criminal conviction of the former employee, former volunteer, or former member does not require revocation of a license.

SECTION 9. IC 12-17.2-5-37 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 37. (a) The department of child services shall conduct an investigation of a claim of abuse or neglect at a child care home.**

(b) After an investigation under subsection (a), the department of child services shall make a determination of whether or not abuse or neglect occurred at the child care home.

(c) If the department of child services makes a determination under IC 31-33-8-12 that abuse or neglect at the child care home is substantiated, the department shall send a copy of its report to the appropriate licensing office at the division.

SECTION 10. IC 16-37-2-2.1, AS AMENDED BY SEA 132-2006, SECTION 140, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

- (1) a hospital; or
- (2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

- (1) provide an opportunity for:
 - (A) the child's mother; and
 - (B) a man who reasonably appears to be the child's biological father;

to execute an affidavit acknowledging paternity of the child; and

- (2) verbally explain to the individuals listed in subdivision (1) the legal effects of an executed paternity affidavit as described in subsection (g).

(c) A paternity affidavit must be executed on a form provided by the state department. The paternity affidavit is valid only if the affidavit is executed as follows:

- (1) If executed through a hospital, the paternity affidavit must be completed not more than seventy-two (72) hours after the child's birth.
- (2) If executed through a local health department, the paternity affidavit must be completed before the child has reached the age of emancipation.

(d) A paternity affidavit is not valid if it is executed after the mother of the child has executed a consent to adoption of the child and a petition to adopt the child has been filed.

(e) A paternity affidavit executed under this section must contain or be attached to all of the following:

- (1) The mother's sworn statement asserting that a person described in subsection ~~(a)(2)~~ **(b)(1)(B)** is the child's biological father.
- (2) A statement by a person identified as the father under subdivision (1) attesting to a belief that he is the child's biological father.
- (3) Written information furnished by the child support bureau of the department of child services:

(A) explaining the effect of an executed paternity affidavit as described in subsection (g); and

(B) describing the availability of child support enforcement services.

(4) The Social Security number of each parent.

(f) A woman who knowingly or intentionally falsely names a man as the child's biological father under this section commits a Class A misdemeanor.

(g) A paternity affidavit executed under this section:

(1) establishes paternity; ~~and~~

(2) gives rise to parental rights and responsibilities of the person described in subsection (e)(2), including:

(A) the right of the child's mother or the Title IV-D agency to obtain a child support order against the person, **which may include an order requiring the provision of health insurance coverage; and**

(B) **reasonable parenting time rights unless another determination is made by a court in a proceeding under IC 31-14-14; and**

(3) **may be filed with a court by the department of child services.**

However, if a paternity affidavit is executed under this section, the child's mother has sole legal custody of the child unless another custody determination is made by a court in a proceeding under IC 31-14.

(h) Notwithstanding any other law,

~~(1) any person listed in IC 31-14-4-1 or IC 31-14-4-3; or~~

~~(2) a man who is a party to a paternity affidavit executed under this section~~

may, within sixty (60) days of the date that a paternity affidavit is executed under this section, file an action in a court with jurisdiction over paternity to request an order for a genetic test.

(i) A paternity affidavit that is properly executed under this section may not be rescinded more than sixty (60) days after the paternity affidavit is executed unless a court:

(1) has determined that fraud, duress, or material mistake of fact existed in the execution of the paternity affidavit; **and**

(2) **at the request of a man described in subsection (h), has ordered a genetic test, and the test indicates that the man is excluded as the father of the child.**

(j) Unless good cause is shown, a court shall not suspend the legal responsibilities under subsection ~~(g)(2)~~ (g)(2)(A) of a party to the executed paternity affidavit during a challenge to the affidavit.

(k) The court ~~shall may not~~ set aside the paternity affidavit ~~upon a showing from unless~~ a genetic test ~~that sufficiently demonstrates that ordered under subsection (h) or (i) excludes~~ the person who executed the paternity affidavit ~~is excluded~~ as the child's biological father.

(l) If a paternity affidavit is not executed under subsection (b), the hospital where the birth occurs or a person in attendance at the birth shall inform the child's mother of services available for establishing paternity.

(m) Except as provided in this section, if a man has executed a paternity affidavit in accordance with this section, the executed paternity affidavit conclusively establishes the man as the legal father of a child without any further proceedings by a court.

SECTION 11. IC 31-9-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. "Caseworker",

for purposes of the juvenile law, means ~~a child welfare worker of the county office of family and children; an employee of the department of child services who is classified as a family case manager.~~

SECTION 12. IC 31-9-2-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31. (a) "Custodian", for purposes of the juvenile law, means a person with whom a child resides.

(b) "Custodian", for purposes of ~~IC 31-34-1-1 through IC 31-34-1-9; IC 31-34-1~~, includes any person responsible for the child's welfare who is employed by a public or private residential school or foster care facility: who is:

(1) a license applicant or licensee of:

(A) a foster home or residential child care facility that is required to be licensed or is licensed under IC 31-27;

(B) a child care center that is required to be licensed or is licensed under IC 12-17.2-4; or

(C) a child care home that is required to be licensed or is licensed under IC 12-17.2-5; or

(2) a person who is responsible for care, supervision, or welfare of children while providing services as an employee or volunteer at:

(A) a home, center, or facility described in subdivision (1); or

(B) a school, as defined in IC 31-9-2-113.5.

SECTION 13. IC 31-9-2-113.5, AS AMENDED BY P.L.1-2005, SECTION 200, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 113.5. "School", for purposes of **section 31 of this chapter and IC 31-39-2-13.8**, means a:

(1) public school (including a charter school as defined in IC 20-24-1-4); or

(2) nonpublic school (as defined in IC 20-18-2-12);

that must comply with the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) to be eligible to receive designated federal education funding.

SECTION 14. IC 31-9-2-123 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 123. "Substantiated", for purposes of ~~IC 31-33 IC 31-34-8-4, and IC 31-37-9-5~~, when used in reference to a child abuse or neglect report made under IC 31-33, means a determination regarding the status of ~~a the~~ report made under ~~IC 31-33~~ whenever facts obtained during an investigation of the report provide ~~credible~~ **a preponderance of** evidence that child abuse or neglect has occurred.

SECTION 15. IC 31-9-2-134.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 134.5. (a) "Wardship", for purposes of the juvenile law, means the responsibility for temporary care and custody of a child by transferring the rights and obligations from the child's parent, guardian, or custodian to the person granted wardship. Except to the extent a right or an obligation is specifically addressed in the court order establishing wardship, the rights and obligations of the person granted wardship include making decisions concerning the:

(1) physical custody of the child;

(2) care and supervision of the child;

(3) child's visitation with parents, relatives, or other individuals; and

(4) medical care and treatment of the child.**(b) "Wardship" does not apply to requirements for consenting to an adoption under IC 31-19-9.**

SECTION 16. IC 31-17-2-25 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 25. (a) This section applies if a custodial parent or guardian of a child dies or becomes unable to care for the child.**

(b) Except as provided in subsection (d), if a person other than a parent files a petition:

- (1) seeking to determine custody of the child; or**
- (2) to modify custody of the child;**

that person may request an initial hearing by alleging, as part of the petition, or in a separate petition, the facts and circumstances warranting emergency placement with a person other than the noncustodial parent, pending a final determination of custody.

(c) If a hearing is requested under subsection (b), the court shall set an initial hearing not later than four (4) business days after the petition is filed to determine whether emergency placement of the child with a person other than the child's noncustodial parent should be granted, pending a final determination of custody.

(d) A court is not required to set an initial hearing in accordance with this section if:

- (1) it appears from the pleadings that no emergency requiring placement with a person other than the noncustodial parent exists;**
- (2) it appears from the pleadings that the petitioner does not have a reasonable likelihood of success on the merits; or**
- (3) manifest injustice would result.**

SECTION 17. IC 31-19-2-12, AS AMENDED BY SEA 132-2006, SECTION 245, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 12.** As soon as a petition for adoption is found to be in proper form, the clerk of the court shall forward one (1) copy of the petition for adoption to:

~~(1) the department;~~

~~(2) (1) a licensed child placing agency as described in IC 31-19-7-1, with preference to be given to the agency, if any, sponsoring the adoption, as shown by the petition for adoption; and~~

~~(3) (2) the county office of family and children whenever a subsidy is requested in a petition for adoption sponsored by a licensed child placing agency.~~

SECTION 18. IC 31-25-3-1, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: (a) The child support bureau is established within the department. The bureau is charged with the administration of Title IV-D of the federal Social Security Act.

(b) The state's plan for the administration of Title IV-D must comply with all provisions of state law and with the federal statutes and regulations governing the program.

(c) The state central collection unit is established within the child support bureau. The unit shall collect all noncash child support payments and process child support paid through income withholding.

SECTION 19. IC 31-25-4-13, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) The bureau shall make the

agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

- (1) a prosecuting attorney;
- (2) a private attorney if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee established by IC 33-24-11-1; or
- (3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years;

in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1 before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and, if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(b) The hiring of an attorney by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(c) Subject to section 14 of this chapter, a prosecuting attorney with whom the bureau contracts under subsection (a):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(d) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(e) At the time an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(f) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(g) This section expires December 31, 2006.

SECTION 20. IC 31-25-4-13.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.1. (a) This section applies**

after December 31, 2006.

(b) The bureau shall make the agreements necessary for the effective administration of the plan with local governmental officials within Indiana. The bureau shall contract with:

- (1) a prosecuting attorney;
- (2) a private attorney or private entity if the bureau determines that a reasonable contract cannot be entered into with a prosecuting attorney and the determination is approved by at least two-thirds (2/3) of the Indiana child custody and support advisory committee (established by IC 33-24-11-1); or
- (3) a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years; in each judicial circuit to undertake activities required to be performed under Title IV-D of the federal Social Security Act (42 U.S.C. 651), including establishment of paternity, establishment, enforcement, and modification of child support orders, activities under the Uniform Reciprocal Enforcement of Support Act (IC 31-2-1, before its repeal) or the Uniform Interstate Family Support Act (IC 31-18, or IC 31-1.5 before its repeal), and if the contract is with a prosecuting attorney, prosecutions of welfare fraud.

(c) The hiring of a private attorney or private entity by an agreement or a contract made under this section is not subject to the approval of the attorney general under IC 4-6-5-3. An agreement or a contract made under this section is not subject to IC 4-13-2-14.3 or IC 5-22.

(d) Subject to section 14.1 of this chapter, a prosecuting attorney with which the bureau contracts under subsection (b):

- (1) may contract with a collection agency licensed under IC 25-11 to provide child support enforcement services; and
- (2) shall contract with a collection agency licensed under IC 25-11 to collect arrearages on child support orders under which collections have not been made on arrearages for at least two (2) years.

(e) A prosecuting attorney or private attorney entering into an agreement or a contract with the bureau under this section enters into an attorney-client relationship with the state to represent the interests of the state in the effective administration of the plan and not the interests of any other person. An attorney-client relationship is not created with any other person by reason of an agreement or contract with the bureau.

(f) At the time that an application for child support services is made, the applicant must be informed that:

- (1) an attorney who provides services for the child support bureau is the attorney for the state and is not providing legal representation to the applicant; and
- (2) communications made by the applicant to the attorney and the advice given by the attorney to the applicant are not confidential communications protected by the privilege provided under IC 34-46-3-1.

(g) A prosecuting attorney or private attorney who contracts or agrees under this section to undertake activities required to be performed under Title IV-D is not required to mediate, resolve, or litigate a dispute between the parties relating to the amount of parenting time or parenting time credit.

(h) An agreement made under subsection (b) must contain

requirements stipulating service levels a prosecuting attorney or private entity is expected to meet. The bureau shall disburse incentive money based on whether a prosecuting attorney or private entity meets service levels stipulated in an agreement made under subsection (b).

SECTION 21. IC 31-25-4-14, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 18 of this chapter to contract with a collection agency licensed under IC 25-11 to provide child support enforcement services.

(b) The bureau shall:

- (1) establish a list of approved collection agencies with which a prosecuting attorney may contract under this section;
- (2) establish requirements for participation in the program established under this section to assure:
 - (A) effective administration of the plan; and
 - (B) compliance with all federal and state statutes, regulations, and rules;
- (3) update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting attorney annually; and
- (4) preapprove or approve all contracts between a collection agency and a prosecuting attorney.

(c) A contract between a prosecuting attorney and a collection agency under this section must include the following provisions:

- (1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.
- (2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(d) Not later than July 1, 2006, the bureau shall provide the legislative council with a report:

- (1) evaluating the effectiveness of the program established under this section; and
- (2) evaluating the impact of arrearage reductions for child support orders under which collection agencies have collected under ~~IC 12-17-2-18(c)~~ IC 31-25-4-13.

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

- (1) must:
 - (A) be in writing;
 - (B) include:
 - (i) all fees, charges, and costs, including administrative and application fees; and
 - (ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

- (i) source of each payment received for arrearage on a child support order;
- (ii) form of each payment received for arrearage on a child support order;
- (iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and
- (iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrearages collected per case.

(h) A collection agency that contracts with the bureau or a prosecuting attorney under this section may, in addition to the collection of arrearages on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the terms of the contract described in subsection (g).

(i) This section expires December 31, 2006.

SECTION 22. IC 31-25-4-14.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 14.1. (a) This section applies after December 31, 2006.**

(b) The bureau shall establish a program to allow a prosecuting attorney with which the bureau has contracted under section 13.1 of this chapter to contract with a collection agency licensed under IC 25-11 to provide child support enforcement services.

(c) The bureau shall:

- (1) establish a list of approved collection agencies with which a prosecuting attorney may contract under this section;
- (2) establish requirements for participation in the program established under this section to assure:
 - (A) effective administration of the plan; and
 - (B) compliance with all federal and state statutes, regulations, and rules;
- (3) update and review the list described in subdivision (1) and forward a copy of the updated list to each prosecuting attorney annually; and
- (4) preapprove or approve all contracts between a collection agency and a prosecuting attorney.

(d) A contract between a prosecuting attorney and a collection agency under this section must include the following provisions:

- (1) A provision that records of a contractor operated child support enforcement system are subject to inspection and copying to the same extent the records would be subject to inspection and copying if the contractor were a public agency under IC 5-14-3.
- (2) A provision that records that are provided by a contractor to the prosecuting attorney that relate to compliance by the contractor with the terms of the contract are subject to inspection and copying in accordance with IC 5-14-3.

(e) The bureau is not liable for any costs related to a contract entered into under this section that are disallowed for reimbursement by the federal government under the Title IV-D program of the federal Social Security Act.

(f) The bureau shall treat costs incurred by a prosecuting attorney under this section as administrative costs of the prosecuting attorney.

(g) Contracts between a collection agency licensed under IC 25-11 and the bureau or a prosecuting attorney:

(1) must:

(A) be in writing;

(B) include:

- (i) all fees, charges, and costs, including administrative and application fees; and
- (ii) the right of the bureau or the prosecuting attorney to cancel the contract at any time;

(C) require the collection agency, upon the request of the bureau or the prosecuting attorney, to provide the:

- (i) source of each payment received for arrearage on a child support order;
- (ii) form of each payment received for arrearage on a child support order;
- (iii) amount and percentage that is deducted as a fee or a charge from each payment of arrearage on a child support order; and
- (iv) amount of arrearage owed under a child support order; and

(D) be one (1) year renewable contracts; and

(2) may be negotiable contingency contracts in which a collection agency may not collect a fee that exceeds fifteen percent (15%) of the arrearages collected per case.

(h) A collection agency that contracts with the bureau or a prosecuting attorney under this section may, in addition to the collection of arrearages on a child support order, assess and collect from an obligor all fees, charges, costs, and other expenses as provided under the terms of the contract described in subsection (g).

SECTION 23. IC 31-25-4-23, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) **Subject to subsection (d),** the Title IV-D agency shall provide incentive payments to counties for enforcing and collecting the support rights that have been assigned to the state. The incentive payments shall be made by the Title IV-D agency directly to the county and deposited in the county treasury for distribution on a quarterly basis and in ~~equal shares to~~ the following manner:

- (1) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the county general fund.
- (2) Thirty-three and four-tenths percent (33.4%) of the incentive payments shall be distributed to the operating budget of the prosecuting attorney.
- (3) Twenty-two and two-tenths percent (22.2%) of the incentive payments shall be distributed to the operating budget of the circuit court clerk.

(b) Notwithstanding IC 36-2-5-2(b), distribution from the county treasury under subsection (a) shall be made without the necessity of first obtaining an appropriation from the county fiscal body.

(c) The amount that a county receives and the terms under which the incentive payment is paid must be in accordance with relevant federal statutes and the federal regulations promulgated under the statutes. However, amounts received as incentive payments may not, without the approval of the county fiscal body, be used to increase or supplement the salary of an elected official. The amounts received as incentive payments must be used to supplement, rather than take the place of, other funds used for Title IV-D program activities.

(d) The Title IV-D agency shall retain twenty-two and two-tenths percent (22.2%) of the incentive payments described in subsection (a).

SECTION 24. IC 31-25-4-24, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **(a)** Each circuit court clerk shall do the following:

- (1) **Before January 1, 2007**, receive ~~the~~ support money assigned to the state and paid under the terms of a court order in the clerk's jurisdiction and pay the money to the Title IV-D agency within the time limits established by P.L.93-647, as amended, and any related regulations that are promulgated.
- (2) Maintain all records concerning the payment or nonpayment of support money that have been assigned to the state and transmit the records to the Title IV-D agency upon request.
- (3) Contract with the Title IV-D agency for the performance and the remuneration for the performance of duties prescribed in this section.

(b) Beginning January 1, 2007, for purposes of subsection (a)(1), each circuit court clerk may accept only support money that is paid in cash.

SECTION 25. IC 31-25-4-25, AS ADDED BY SEA 132-2006, SECTION 271, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: The amounts appropriated for duties performed by prosecuting attorneys, circuit court clerks, or other agents under this chapter shall be distributed directly from the department **of child services**.

SECTION 26. IC 31-27-2-1, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The department shall perform the following duties:

- (1) Administer the licensing and monitoring of child caring institutions, foster family homes, group homes, and child placing agencies in accordance with this article.
- (2) Ensure that a criminal history background check of an applicant is completed before issuing a license.
- (3) Provide for the issuance, denial, ~~suspension~~, and revocation of licenses.
- (4) Cooperate with governing bodies of child caring institutions, foster family homes, group homes, and child placing agencies and their staffs to improve standards of child care.
- (5) Prepare at least biannually a directory of licensees, except for foster family homes, with a description of the program capacity and type of children served that will be distributed to the legislature, licensees, and other interested parties as a public document.
- (6) Deposit all license application fees collected under section 2 of this chapter in the department of child services child care fund established by IC 31-25-1-16.

SECTION 27. IC 31-27-3-13, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) A license for a child caring institution expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the department.

(c) When a licensee submits a timely application for renewal, the current license remains in effect until the department issues a license or denies the application.

(d) A current license must be publicly displayed.

SECTION 28. IC 31-27-3-14, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The department may ~~grant a place a licensee on~~ probationary ~~license to a licensee who~~ status if the licensee is temporarily unable to comply with a rule and if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the department, state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and
- (3) the department, state department of health, or state fire marshal approves the plan.

(b) A probationary ~~license status period~~ is ~~valid~~ for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ for one (1) additional period of six (6) months.

~~(c) A license is invalidated when a probationary license is issued:~~

~~(d) (c)~~ At the expiration of a probationary ~~license~~, **status period**, the department shall: **reinstate**

- (1) reactivate** the ~~original~~ license to the end of the original term of the license; ~~issue a new license~~;
- (2) extend the probationary status period as permitted under subsection (b);** or
- (3) revoke the license.**

~~(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.~~

SECTION 29. IC 31-27-3-27, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) After a license is revoked, ~~or suspended~~, the department shall notify in writing each person responsible for each child in care to ensure that those children are removed.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the child caring institution has been revoked. ~~or suspended~~:

SECTION 30. IC 31-27-3-32, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) A licensee shall operate a child caring institution in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 19 through 22 of this chapter, the department may ~~impose any of the following sanctions~~ **revoke the license** when the department finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license for not more than six (6) months.~~

~~(2) Revoke the license.~~

SECTION 31. IC 31-27-4-16, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A license for a foster family home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the department.

(c) A foster family home shall have the foster family home's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the department issues a license or denies the application.

SECTION 32. IC 31-27-4-17, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. (a) The department may ~~grant~~ **a place a licensee on probationary license to a licensee who status if the licensee** is temporarily unable to comply with a rule **and** if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children;
- (2) the licensee files a plan with the department to correct the areas of noncompliance within the probationary period; and
- (3) the department approves the plan.

(b) A probationary ~~license status period~~ **is valid** for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ **for one (1) additional period of six (6) months.**

~~(c) An existing license is invalidated when a probationary license is issued.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~, **status period**, the department shall: ~~reinstate~~

- (1) reactivate the original license to the end of the original term of the license; issue a new license; or**
- (2) extend the probationary status period as permitted under subsection (b); or**
- (3) revoke the license.**

~~(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.~~

SECTION 33. IC 31-27-4-30, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 30. (a) After the license of a foster family home is revoked, ~~or suspended~~, the department shall notify in writing each person responsible for each child in care, to ensure that the children are removed from the foster family home.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the foster family home has been revoked. ~~or suspended.~~

SECTION 34. IC 31-27-4-33, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 33. (a) A licensee shall operate a foster family home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 22 through 25 of this chapter, the department ~~may impose the following sanctions~~ **may revoke the license** when the department finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license of the licensee for not more than six (6) months.~~

~~(2) Revoke the license of the licensee.~~

However, the department shall permanently revoke the license of a licensee who has been convicted of any of the felonies described in section 13(a)(1) through 13(a)(19) of this chapter. The department may permanently revoke the license of a person who has been convicted of a felony that is not described in section 13(a)(1) through 13(a)(19) of this chapter.

SECTION 35. IC 31-27-5-14, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) A license for a group home expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the department.

(c) A current license shall be publicly displayed.

(d) If a licensee submits a timely application for renewal, the current license remains in effect until the department issues a license or denies the application.

SECTION 36. IC 31-27-5-15, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) The department may ~~grant~~ **a place a licensee on probationary license to a licensee who is status if the licensee** is temporarily unable to comply with a rule **and** if:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children in the care of the licensee;
- (2) the licensee files a plan with the department, the state department of health, or the state fire marshal to correct the areas of noncompliance within the probationary period; and
- (3) the department, the state department of health, or the state fire marshal approves the plan.

(b) A probationary ~~license status period~~ **is valid** for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ **for one (1) additional period of six (6) months.**

~~(c) A licensee's existing license is invalidated when a probationary license is issued to the licensee.~~

~~(d)~~ **(c)** At the expiration of a probationary ~~license~~, **status period**, the department shall: ~~reinstate~~

- (1) reactivate the original license to the end of the original license's term issue a new of the license;**
- (2) extend the probationary status period as permitted in subsection (b); or**

(3) revoke the license.

~~(c) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.~~

SECTION 37. IC 31-27-5-27, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 27. (a) After the license of a group home is revoked, ~~or suspended~~, the department shall notify in writing each person responsible for each child in care to ensure that the children are removed from the group home.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and shall state that the license of the group home has been revoked. ~~or suspended~~.

SECTION 38. IC 31-27-5-32, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 32. (a) A licensee shall operate a group home in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 19 through 22 of this chapter, the department may ~~impose any of the following sanctions~~ **revoke the license** when the department finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license of the licensee for not more than six (6) months.~~

~~(2) Revoke the license of the licensee.~~

SECTION 39. IC 31-27-6-10, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A license for a child placing agency expires four (4) years after the date of issuance, unless the license is revoked, modified to a probationary ~~or suspended~~ status, or voluntarily returned.

(b) A license issued under this chapter:

- (1) is not transferable;
- (2) applies only to the licensee and the location stated in the application; and
- (3) remains the property of the department.

(c) A child placing agency shall have the child placing agency's license available for inspection.

(d) If a licensee submits a timely application for renewal, the current license shall remain in effect until the department issues a license or denies the application.

SECTION 40. IC 31-27-6-11, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The department may ~~grant~~ **place a licensee on probationary license to a licensee who status if the licensee** is temporarily unable to comply with a rule ~~and if~~:

- (1) the noncompliance does not present an immediate threat to the health and well-being of the children in the care of the licensee;
- (2) the licensee files a plan with the department to correct the areas of noncompliance within the probationary period; and
- (3) the department approves the plan.

(b) A probationary ~~license status period~~ **is valid** for not more than six (6) months. **However**, the department may extend a probationary ~~license status period~~ **status period** for one (1) additional period of six (6) months.

~~(c) A licensee's existing license is invalidated when a probationary~~

~~license is issued to the licensee.~~

~~(d) (c) At the expiration of a probationary license, status period, the department shall: reinstate~~

~~(1) reactivate the original license to the end of the original license's term~~ **issue a new of the license;**

~~(2) extend the probationary status period as permitted in subsection (b); or~~

~~(3) revoke the original license.~~

~~(e) Upon receipt of a probationary license, the licensee shall return to the department the previously issued license.~~

SECTION 41. IC 31-27-6-24, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 24. (a) After the license of a child placing agency is revoked, ~~or suspended~~, the department shall notify in writing each person responsible for each child in care to ensure that the children are removed from the child placing agency.

(b) The written notice shall be sent to the last known address of the person responsible for the child in care and must state that the license of the child placing agency has been revoked. ~~or suspended~~.

SECTION 42. IC 31-27-6-29, AS ADDED BY SEA 132-2006, SECTION 273, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. (a) A licensee shall operate a child placing agency in compliance with the rules established under this article and is subject to the disciplinary sanctions under subsection (b) if the department finds that the licensee has violated this article or a rule adopted under this article.

(b) After complying with the procedural provisions in sections 16 through 19 of this chapter, the department may ~~impose any of the following sanctions~~ **revoke the license** when the department finds that a licensee has committed a violation under subsection (a).

~~(1) Suspend the license of the licensee for not more than six (6) months.~~

~~(2) Revoke the license of the licensee.~~

SECTION 43. IC 31-33-18-2, AS AMENDED BY SEA 132-2006, SECTION 285, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The reports and other material described in section 1(a) of this chapter and the unredacted reports and other material described in section 1(b) of this chapter shall be made available only to the following:

- (1) Persons authorized by this article.
- (2) A legally mandated public or private child protective agency investigating a report of child abuse or neglect or treating a child or family that is the subject of a report or record.
- (3) A police or other law enforcement agency, prosecuting attorney, or coroner in the case of the death of a child who is investigating a report of a child who may be a victim of child abuse or neglect.
- (4) A physician who has before the physician a child whom the physician reasonably suspects may be a victim of child abuse or neglect.
- (5) An individual legally authorized to place a child in protective custody if:

(A) the individual has before the individual a child whom the individual reasonably suspects may be a victim of abuse or neglect; and

(B) the individual requires the information in the report or record to determine whether to place the child in protective

custody.

(6) An agency having the legal responsibility or authorization to care for, treat, or supervise a child who is the subject of a report or record or a parent, guardian, custodian, or other person who is responsible for the child's welfare.

(7) An individual named in the report or record who is alleged to be abused or neglected or, if the individual named in the report is a child or is otherwise incompetent, the individual's guardian ad litem or the individual's court appointed special advocate, or both.

(8) Each parent, guardian, custodian, or other person responsible for the welfare of a child named in a report or record and an attorney of the person described under this subdivision, with protection for the identity of reporters and other appropriate individuals.

(9) A court, for redaction of the record in accordance with section 1.5 of this chapter, or upon the court's finding that access to the records may be necessary for determination of an issue before the court. However, except for disclosure of a redacted record in accordance with section 1.5 of this chapter, access is limited to in camera inspection unless the court determines that public disclosure of the information contained in the records is necessary for the resolution of an issue then pending before the court.

(10) A grand jury upon the grand jury's determination that access to the records is necessary in the conduct of the grand jury's official business.

(11) An appropriate state or local official responsible for child protection services or legislation carrying out the official's official functions.

(12) A foster care review board established by a juvenile court under IC 31-34-21-9 (or IC 31-6-4-19 before its repeal) upon the court's determination that access to the records is necessary to enable the foster care review board to carry out the board's purpose under IC 31-34-21.

(13) The community child protection team appointed under IC 31-33-3 (or IC 31-6-11-14 before its repeal), upon request, to enable the team to carry out the team's purpose under IC 31-33-3.

(14) A person about whom a report has been made, with protection for the identity of:

(A) any person reporting known or suspected child abuse or neglect; and

(B) any other person if the person or agency making the information available finds that disclosure of the information would be likely to endanger the life or safety of the person.

(15) An employee of the department, a caseworker, or a juvenile probation officer conducting a criminal history check under IC 31-26-5, IC 31-34, or IC 31-37 to determine the appropriateness of an out-of-home placement for a:

(A) child at imminent risk of placement;

(B) child in need of services; or

(C) delinquent child.

The results of a criminal history check conducted under this subdivision must be disclosed to a court determining the placement of a child described in clauses (A) through (C).

(16) A local child fatality review team established under

IC 31-33-24-6.

(17) The statewide child fatality review committee established by IC 31-33-25-6.

(18) The department.

(19) The division of family resources, if the investigation report:

(A) is classified as substantiated; and

(B) concerns:

(i) an applicant for a license to operate;

(ii) a person licensed to operate;

(iii) an employee of; or

(iv) a volunteer providing services at;

a child care center licensed under IC 12-17.2-4 or a child care home licensed under IC 12-17.2-5.

SECTION 44. IC 31-33-20-4, AS AMENDED BY P.L.234-2005, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. **(a) Subject to the accessibility to files provided in subsection (b),** at least ten (10) levels of security for confidentiality in the system must be maintained.

(b) The system must have a comprehensive system of limited access to information as follows:

(1) The system must be accessed only by the entry of an operator identification number and a person's secret password.

(2) Child welfare caseworkers ~~and investigators~~ must be allowed to access only:

(A) cases that are assigned to the caseworker; ~~or investigator; and~~

(B) other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A).

(3) Child welfare supervisors may access only the following:

(A) Cases assigned to the supervisor.

(B) Cases assigned to a caseworker ~~or an investigator~~ who reports to the supervisor.

(C) Other cases or investigations that involve:

(i) a family member of a child; or

(ii) a child;

who is the subject of a case described in clause (A) or (B).

~~(C)~~ **(D)** Cases that are unassigned.

(4) To preserve confidentiality in the workplace, ~~case~~ **child** welfare managers, as designated by the department, may access any case, except restricted cases involving a state employee or the immediate family member of a state employee who has access to the system. Access to restricted information under this subdivision may be obtained only if an additional level of security is implemented.

(5) Access to records of authorized users, including passwords, is restricted to:

(A) users designated by the department as an administrator; and

(B) the administrator's level of administration as determined by the department.

(6) Ancillary programs that may be designed for the system may not be executed in a manner that would circumvent the system's log on security measures.

(7) Certain system functions must be accessible only to system operators with specified levels of authorization as determined by the department.

(8) Files containing passwords must be encrypted.

(9) There must be two (2) additional levels of security for confidentiality as determined by the department.

SECTION 45. IC 31-34-5-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. If the juvenile court releases a child to the child's parent, guardian, or custodian under section 3 of this chapter, the court may impose conditions on the child or the child's parent, guardian, or custodian to ensure the safety of the child's physical or mental health.**

SECTION 46. IC 31-34-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a) Except as provided in subsection (b), unless the allegations of a petition have been admitted, the juvenile court shall ~~not~~ complete a factfinding hearing not more than sixty (60) days after a petition alleging that a child is a child in need of services is filed in accordance with IC 31-34-9.**

(b) The juvenile court may extend the time to complete a factfinding hearing, as described in subsection (a), for an additional sixty (60) days if all parties in the action consent to the additional time.

SECTION 47. IC 31-34-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsection (b), at the close of all the evidence and before judgment is entered, the court may continue the case for not more than twelve (12) months.

(b) If the:

(1) child; ~~or the~~

(2) child's parent, guardian, or custodian; ~~or~~

(3) department;

requests that judgment be entered, the judgment shall be entered not later than thirty (30) days after the request is made.

(c) If the child is in a juvenile detention facility, the child shall be released not later than forty-eight (48) hours, excluding Saturdays, Sundays, and legal holidays, pending the entry of judgment. A child released from a juvenile detention facility pending the entry of judgment may be detained in a shelter care facility.

SECTION 48. IC 31-34-19-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. The juvenile court shall ~~not~~ complete a dispositional hearing **not more than thirty (30) days after the date the court finds that a child is a child in need of services** to consider the following:

(1) Alternatives for the care, treatment, rehabilitation, or placement of the child.

(2) The necessity, nature, and extent of the participation by a parent, a guardian, or a custodian in the program of care, treatment, or rehabilitation for the child.

(3) The financial responsibility of the parent or guardian of the estate for services provided for the parent or guardian or the child.

SECTION 49. IC 31-34-19-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. **(a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:**

(1) The needs of the child for care, treatment, rehabilitation, or placement.

(2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.

(3) Efforts made, if the child is a child in need of services, to:

(A) prevent the child's removal from; or

(B) reunite the child with;

the child's parent, guardian, or custodian in accordance with federal law.

(4) Family services that were offered and provided to:

(A) a child in need of services; or

(B) the child's parent, guardian, or custodian;

in accordance with federal law.

(5) The court's reasons for the disposition.

(b) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

SECTION 50. IC 31-34-20-1, AS AMENDED BY SEA 132-2006, SECTION 311, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 1.5 of this chapter, if a child is a child in need of services, the juvenile court may enter one (1) or more of the following dispositional decrees:

(1) Order supervision of the child by the probation department or the county office or the department.

(2) Order the child to receive outpatient treatment:

(A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or

(B) from an individual practitioner.

(3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.

(4) Award wardship to a person or shelter care facility.

~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~

(5) Partially or completely emancipate the child under section 6 of this chapter.

(6) Order:

(A) the child; or

(B) the child's parent, guardian, or custodian;

to receive family services.

(7) Order a person who is a party to refrain from direct or indirect contact with the child.

SECTION 51. IC 31-34-21-1, AS AMENDED BY SEA 132-2006, SECTION 313, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) At any time after the date of an original dispositional decree, the juvenile court may order

~~(1) the department ~~or~~~~

~~(2) the probation department;~~

to file a report on the progress made in implementing the decree.

(b) The juvenile court shall order the department to file a report every three (3) months after the dispositional decree is entered on the progress made in implementing the decree.

~~(b) (c)~~ If, after reviewing the report, the juvenile court seeks to consider modification of the dispositional decree, the juvenile court shall proceed under IC 31-34-23.

SECTION 52. IC 31-34-21-2, AS AMENDED BY SEA 132-2006, SECTION 314, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: Sec. 2. (a) ~~In accordance with federal law,~~ The case of each child in need of services under the supervision of the county office or the department must be reviewed at least once every six (6) months, or more often, if ordered by the court.

(b) The first of these periodic case reviews must occur:

- (1) at least six (6) months after the date of the child's removal from the child's parent, guardian, or custodian; or
- (2) at least six (6) months after the date of the dispositional decree;

whichever comes first.

(c) Each periodic case review must be conducted by the juvenile court in a formal court hearing.

(d) The court may perform a periodic case review any time after a progress report is filed as described in section 1 of this chapter.

SECTION 53. IC 31-34-22-2, AS AMENDED BY P.L.129-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child, and the child's parent, **foster parent**, guardian, guardian ad litem, court appointed special advocate, or custodian within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, **foster parent**, guardian, or custodian, the court **is not required to make the report available to the person as required in subsection (a). However, the court** shall provide a copy of the report to the following:

- (1) Each attorney or guardian ad litem representing the child.
- (2) Each attorney representing the child's parent, guardian, or custodian.
- (3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, **foster parent**, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 54. IC 31-35-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. Except when a hearing is required after June 30, 1999, under section 4.5 of this chapter, the person filing the petition may request the court to set the petition for a hearing. Whenever a hearing is requested under this chapter, the court shall:

- (1) commence a hearing on the petition not more than ninety (90) days after a petition is filed under this chapter; and
- (2) complete a hearing on the petition not more than one hundred eighty (180) days after a petition is filed under this

chapter.

SECTION 55. IC 31-37-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) The juvenile court shall release the child on the child's own recognizance or to the child's parent, guardian, or custodian upon the person's written promise to bring the child before the court at a time specified. However, the court may order the child detained if the court finds probable cause to believe the child is a delinquent child and that:

- (1) the child is unlikely to appear for subsequent proceedings;
- (2) detention is essential to protect the child or the community;
- (3) the parent, guardian, or custodian:
 - (A) cannot be located; or
 - (B) is unable or unwilling to take custody of the child;
- (4) return of the child to the child's home is or would be:
 - (A) contrary to the best interests and welfare of the child; and
 - (B) harmful to the safety or health of the child; or
- (5) the child has a reasonable basis for requesting that the child not be released.

However, the findings under this subsection are not required if the child is ordered to be detained in the home of the child's parent, guardian, or custodian or is released subject to any condition listed in subsection (d).

(b) If a child is detained for a reason specified in subsection (a)(3), (a)(4), or (a)(5), the child shall be detained under IC 31-37-7-1.

(c) If a child is detained for a reason specified in subsection (a)(4), the court shall make written findings and conclusions that include the following:

- (1) The factual basis for the finding specified in subsection (a)(4).
- (2) A description of the family services available and efforts made to provide family services before removal of the child.
- (3) The reasons why efforts made to provide family services did not prevent removal of the child.
- (4) Whether efforts made to prevent removal of the child were reasonable.

(d) Whenever the court releases a child under this section, the court may impose conditions upon the child, including:

- (1) home detention;
- (2) electronic monitoring;
- (3) a curfew restriction;
- (4) a protective order;
- (5) a no contact order;
- (6) an order to comply with Indiana law; or
- (7) an order placing any other reasonable conditions on the child's actions or behavior.

(e) If the juvenile court releases a child to the child's parent, guardian, or custodian under this section, the court may impose conditions on the child's parent, guardian, or custodian to ensure:

- (1) the safety of the child's physical or mental health;**
- (2) the public's physical safety; or**
- (3) that any combination of subdivisions (1) and (2) is satisfied.**

SECTION 56. IC 31-37-18-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The juvenile court shall accompany the court's dispositional decree with written findings and conclusions upon the record concerning the following:

- (1) The needs of the child for care, treatment, rehabilitation, or placement.
- (2) The need for participation by the parent, guardian, or custodian in the plan of care for the child.
- (3) The court's reasons for the disposition.

(b) The juvenile court may incorporate a finding or conclusion from a predispositional report as a written finding or conclusion upon the record in the court's dispositional decree.

SECTION 57. IC 31-37-19-1, AS AMENDED BY SEA 132-2006, SECTION 345, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Subject to section 6.5 of this chapter, if a child is a delinquent child under IC 31-37-2, the juvenile court may enter one (1) or more of the following dispositional decrees:

- (1) Order supervision of the child by the probation department, or the county office or the department.
- (2) Order the child to receive outpatient treatment:
 - (A) at a social service agency or a psychological, a psychiatric, a medical, or an educational facility; or
 - (B) from an individual practitioner.
- (3) Remove the child from the child's home and place the child in another home or shelter care facility. Placement under this subdivision includes authorization to control and discipline the child.
- (4) Award wardship to a person or shelter care facility. ~~Wardship under this subdivision does not include the right to consent to the child's adoption.~~
- (5) Partially or completely emancipate the child under section 27 of this chapter.
- (6) Order:
 - (A) the child; or
 - (B) the child's parent, guardian, or custodian;
 to receive family services.
- (7) Order a person who is a party to refrain from direct or indirect contact with the child.

SECTION 58. IC 31-37-21-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided by subsection (b), a report prepared by the state:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) for use at a periodic case review or hearing under IC 31-37-20-2 or IC 31-37-20-3;

shall be made available to the child, and the child's parent, **foster parent**, guardian, guardian ad litem, custodian, or court appointed special advocate within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, **foster parent**, guardian, or custodian, the court **is not required to make the report available to the person as required under subsection (a). However, the court** shall provide a copy of the report to the following:

- (1) Each attorney or a guardian ad litem representing the child.
 - (2) Each attorney representing the child's parent, guardian, or custodian.
 - (3) A court appointed special advocate.
- (c) The court may also provide a factual summary of the report to

the child or the child's parent, **foster parent**, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 59. IC 33-37-5-6, AS AMENDED BY HEA 1040-2006, SECTION 508, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: (a) This section applies to an action in which a final court order requires a person to pay support or maintenance payments through the clerk **or the state central collection unit.**

(b) The clerk **or the state central collection unit** shall collect a fee in addition to support and maintenance payments. The fee is ~~the following:~~

- ~~(1) Twenty dollars (\$20) for the calendar year in which the initial order is entered; unless the first payment is due after June 30 of that calendar year.~~
- ~~(2) Ten dollars (\$10) for the calendar year in which the initial order was entered; if the first payment is due after June 30 of that calendar year.~~
- ~~(3) In each subsequent year in which the initial order or a modified order is in effect; twenty dollars (\$20) if the fee is paid before February 1; or thirty dollars (\$30) if paid after January 31.~~

thirty dollars (\$30) for each calendar year.

(c) The fee required under subsection (b) is due at the time that the first support or maintenance payment for the calendar year in which the fee must be paid is due.

(d) The clerk may not deduct the fee from a support or maintenance payment.

(e) Except as provided under IC 33-32-4-6 and IC 33-37-7-2(g), **if a fee is collected under this section by the clerk**, the clerk shall forward the fee ~~collected under this section~~ to the county auditor in accordance with IC 33-37-7-12(a). **If a fee is collected under this section by the central collection unit, the fee shall be deposited in the state general fund.**

(f) Income payors required to withhold income under IC 31-16-15 shall pay the annual fee required by subsection (b) through the income withholding procedures described in IC 31-16-15-1.

SECTION 60. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 31-27-3-23; IC 31-27-3-24; IC 31-27-3-25; IC 31-27-4-26; IC 31-27-4-27; IC 31-27-4-28; IC 31-27-5-23; IC 31-27-5-24; IC 31-27-5-25; IC 31-27-6-20; IC 31-27-6-21; IC 31-27-6-22.

SECTION 61. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding the amendment of IC 12-17.2-2-3(a) by SEA 132-2006, SECTION 93, and notwithstanding SEA 132-2006, SECTION 378, requiring that the balance of the child care fund shall be transferred to the division of family resources child care fund on June 30, 2006, the child care fund shall remain in existence after June 30, 2006, until the entire balance of the child care fund is transferred to the division of family resources child care fund.

(b) This SECTION expires January 1, 2007.**SECTION 62. An emergency is declared for this act.**

(Reference is to ESB 139 as reprinted March 3, 2006.)

Lawson, Chair	Bell
Lanane	Summers
Senate Conferees	House Conferees

Roll Call 389: yeas 47, nays 0. Report adopted.

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed Senate Bills 87, 148, 260, 303, 345, and 349 and Engrossed House Bills 1110, 1214, 1240, 1287, 1315, 1323-2, and 1380 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

CONFERENCE COMMITTEE REPORTS**CONFERENCE COMMITTEE REPORT**ESB 168-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 168 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning Medicaid.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 12-15-23-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) If the state Medicaid fraud control unit determines that an action based on the state Medicaid fraud control unit's investigations under the unit's authority under IC 4-6-10-1.5 is meritorious, the unit shall certify the facts drawn from the investigation to the prosecuting attorney of the judicial circuit in which the crime may have been committed.

(b) The state Medicaid fraud control unit shall assist the prosecuting attorney in prosecuting an action under this section.

(c) A prosecuting attorney to whom facts ~~concerning alleged Medicaid fraud~~ are certified under subsection (a) may refer the matter to the attorney general.

(d) If a matter has been referred to the attorney general under subsection (c), the attorney general may:

- (1) file an information in a court with jurisdiction over the matter in the county in which the offense is alleged to have been committed; and
- (2) prosecute the alleged offense.

(Reference is to ESB 168 as printed February 17, 2006.)

Miller, Chair	Thomas
Sipes	C. Brown
Senate Conferees	House Conferees

Roll Call 390: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORTESB 172-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 172 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 2, delete lines 31 through 38.

(Reference is to ESB 172 as reprinted March 2, 2006.)

Lubbers, Chair	Behning
Rogers	Porter
Senate Conferees	House Conferees

Roll Call 391: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORTESB 193-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 193 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-18 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 18. (a) As used in this section, "institute" means the Indiana criminal justice institute established by section 3 of this chapter.**

(b) The institute shall adopt:

- (1) guidelines; and**
- (2) a reporting form or a specified electronic format, or both;**

for the report of methamphetamine abuse by a law enforcement agency under IC 5-2-16.

(c) The guidelines adopted under this section must require a law enforcement agency to report the existence of methamphetamine abuse to the institute on the form or in the specified electronic format adopted by the institute.

(d) The guidelines adopted under this section:

- (1) may incorporate a recommendation of the methamphetamine abuse task force (IC 5-2-14) that the institute determines to be relevant;**
- (2) may require the institute to report the information concerning methamphetamine abuse to one (1) or more**

additional agencies or organizations;

(3) must require the institute to maintain reports filed under IC 5-2-16 in a manner that permits an accurate assessment of methamphetamine abuse in Indiana; and

(4) must require a law enforcement agency to report any other information that the institute determines to be relevant.

SECTION 2. IC 5-2-15-4, AS ADDED BY P.L.192-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A law enforcement agency that discovers a child less than ~~fourteen (14)~~ **eighteen (18)** years of age at a ~~methamphetamine laboratory site used for the illegal manufacture of a controlled substance (as defined in IC 35-48-1-9)~~ shall notify the division of family and children ~~department of child services.~~

SECTION 3. IC 5-2-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 16. Methamphetamine Abuse Reporting

Sec. 1. As used in this chapter, "law enforcement agency" has the meaning set forth in IC 10-11-8-2.

Sec. 2. As used in this chapter, "methamphetamine abuse" means the:

- (1) use;**
- (2) sale;**
- (3) manufacture;**
- (4) transport; or**
- (5) delivery;**

of methamphetamine or of a methamphetamine precursor, if the precursor is being used, sold, manufactured, transported, or delivered to facilitate the manufacture of methamphetamine.

Sec. 3. A law enforcement agency that discovers evidence of methamphetamine abuse shall report the methamphetamine abuse to the criminal justice institute on a form and in the manner prescribed by guidelines adopted by the criminal justice institute under IC 5-2-6-18.

SECTION 4. IC 9-13-2-86 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 86. "Intoxicated" means under the influence of:

- (1) alcohol;
- (2) a controlled substance (as defined in IC 35-48-1);
- (3) a drug other than alcohol or a controlled substance; ~~or~~
- (4) a substance described in IC 35-46-6-2 or IC 35-46-6-3; or**
- (5) a combination of ~~alcohol, controlled substances, or drugs~~ substances described in subdivisions (1) through (4);**

so that there is an impaired condition of thought and action and the loss of normal control of a person's faculties.

SECTION 5. IC 11-12-3.7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "drug dealing offense" means one (1) or more of the following offenses:

- (1) Dealing in cocaine ~~or a narcotic drug or methamphetamine~~ (IC 35-48-4-1), unless the person received only minimal consideration as a result of the drug transaction.
- (2) Dealing in methamphetamine (IC 35-48-4-1.1), unless the person received only minimal consideration as a result of the drug transaction.**

(3) Dealing in a schedule I, II, III, IV, or V controlled substance (IC 35-48-4-2 through IC 35-48-4-4), unless the person received only minimal consideration as a result of the drug transaction.

~~(3) (4)~~ (4) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10), unless the person received only minimal consideration as a result of the drug transaction.

SECTION 6. IC 16-31-3-14, AS AMENDED BY P.L.22-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) A person holding a certificate issued under this article must comply with the applicable standards and rules established under this article. A certificate holder is subject to disciplinary sanctions under subsection (b) if the ~~state emergency management agency~~ **department of homeland security** determines that the certificate holder:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a certificate, including cheating on a certification examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses required under this article or rules adopted under this article;
- (5) is convicted of a crime, if the act that resulted in the conviction has a direct bearing on determining if the certificate holder should be entrusted to provide emergency medical services;
- (6) is convicted of violating IC 9-19-14.5;
- (7) fails to comply and maintain compliance with or violates any applicable provision, standard, or other requirement of this article or rules adopted under this article;
- (8) continues to practice if the certificate holder becomes unfit to practice due to:
 - (A) professional incompetence that includes the undertaking of professional activities that the certificate holder is not qualified by training or experience to undertake;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or dependency on alcohol or other drugs that endanger the public by impairing the certificate holder's ability to practice safely;
- (9) engages in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (10) allows the certificate holder's name or a certificate issued under this article to be used in connection with a person who renders services beyond the scope of that person's training, experience, or competence;
- (11) is subjected to disciplinary action in another state or jurisdiction on grounds similar to those contained in this chapter. For purposes of this subdivision, a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction;
- (12) assists another person in committing an act that would

constitute a ground for disciplinary sanction under this chapter; or

(13) allows a certificate issued by the commission to be:

(A) used by another person; or

(B) displayed to the public when the certificate is expired, inactive, invalid, revoked, or suspended.

(b) The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to impose one (1) or more of the following sanctions if the ~~state emergency management agency~~ **department of homeland security** determines that a certificate holder is subject to disciplinary sanctions under subsection (a):

(1) Revocation of a certificate holder's certificate for a period not to exceed seven (7) years.

(2) Suspension of a certificate holder's certificate for a period not to exceed seven (7) years.

(3) Censure of a certificate holder.

(4) Issuance of a letter of reprimand.

(5) Assessment of a civil penalty against the certificate holder in accordance with the following:

(A) The civil penalty may not exceed five hundred dollars (\$500) per day per violation.

(B) If the certificate holder fails to pay the civil penalty within the time specified by the ~~state emergency management agency~~ **department of homeland security**, the ~~state emergency management agency~~ **department of homeland security** may suspend the certificate holder's certificate without additional proceedings.

(6) Placement of a certificate holder on probation status and requirement of the certificate holder to:

(A) report regularly to the ~~state emergency management agency~~ **department of homeland security** upon the matters that are the basis of probation;

(B) limit practice to those areas prescribed by the ~~state emergency management agency~~ **department of homeland security**;

(C) continue or renew professional education approved by the ~~state emergency management agency~~ **department of homeland security** until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

(D) perform or refrain from performing any acts, including community restitution or service without compensation, that the ~~state emergency management agency~~ **department of homeland security** considers appropriate to the public interest or to the rehabilitation or treatment of the certificate holder.

The ~~state emergency management agency~~ **department of homeland security** may withdraw or modify this probation if the ~~state emergency management agency~~ **department of homeland security** finds after a hearing that the deficiency that required disciplinary action is remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a certificate holder has engaged in or knowingly cooperated in fraud or material deception to obtain a certificate, including cheating on the certification examination, the ~~state emergency management agency~~ **department of homeland**

security may rescind the certificate if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the certificate for a length of time established by the ~~state emergency management agency~~ **department of homeland security**.

(d) The ~~state emergency management agency~~ **department of homeland security** may deny certification to an applicant who would be subject to disciplinary sanctions under subsection (b) if that person were a certificate holder, has had disciplinary action taken against the applicant or the applicant's certificate to practice in another state or jurisdiction, or has practiced without a certificate in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The ~~state emergency management agency~~ **department of homeland security** may order a certificate holder to submit to a reasonable physical or mental examination if the certificate holder's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a ~~state emergency management agency~~ **department of homeland security** order to submit to a physical or mental examination makes a certificate holder liable to temporary suspension under subsection (i).

(f) Except as provided under subsection (a), subsection (g), and section 14.5 of this chapter, a certificate may not be denied, revoked, or suspended because the applicant or certificate holder has been convicted of an offense. The acts from which the applicant's or certificate holder's conviction resulted may be considered as to whether the applicant or certificate holder should be entrusted to serve the public in a specific capacity.

(g) The ~~state emergency management agency~~ **department of homeland security** may deny, suspend, or revoke a certificate issued under this article if the individual who holds or is applying for the certificate is convicted of any of the following:

(1) Possession of cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine under IC 35-48-4-6.

(2) **Possession of methamphetamine under IC 35-48-4-6.1.**

(3) Possession of a controlled substance under IC 35-48-4-7(a).

~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).

~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).

~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).

~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).

~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.

~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.

~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.

~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).

~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through (10).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described by subdivisions (1) through ~~(11)~~ (12).

(h) A decision of the ~~state emergency management agency~~ **department of homeland security** under subsections (b) through (g) may be appealed to the commission under IC 4-21.5-3-7.

(i) The ~~state emergency management agency~~ **department of homeland security** may temporarily suspend a certificate holder's certificate under IC 4-21.5-4 before a final adjudication or during the appeals process if the ~~state emergency management agency~~ **department of homeland security** finds that a certificate holder would represent a clear and immediate danger to the public's health, safety, or property if the certificate holder were allowed to continue to practice.

(j) On receipt of a complaint or information alleging that a person certified under this chapter or IC 16-31-3.5 has engaged in or is engaging in a practice that is subject to disciplinary sanctions under this chapter, the ~~state emergency management agency~~ **department of homeland security** must initiate an investigation against the person.

(k) The ~~state emergency management agency~~ **department of homeland security** shall conduct a factfinding investigation as the ~~state emergency management agency~~ **department of homeland security** considers proper in relation to the complaint.

(l) The ~~state emergency management agency~~ **department of homeland security** may reinstate a certificate that has been suspended under this section if the ~~state emergency management agency~~ **department of homeland security** is satisfied that the applicant is able to practice with reasonable skill, competency, and safety to the public. As a condition of reinstatement, the ~~state emergency management agency~~ **department of homeland security** may impose disciplinary or corrective measures authorized under this chapter.

(m) The ~~state emergency management agency~~ **department of homeland security** may not reinstate a certificate that has been revoked under this chapter.

(n) The ~~state emergency management agency~~ **department of homeland security** must be consistent in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the ~~state emergency management agency's~~ **department of homeland security's** findings or orders.

(o) A certificate holder may not surrender the certificate holder's certificate without the written approval of the ~~state emergency management agency~~, **department of homeland security**, and the ~~state emergency management agency~~ **department of homeland security** may impose any conditions appropriate to the surrender or reinstatement of a surrendered certificate.

(p) For purposes of this section, "certificate holder" means a person who holds:

- (1) an unlimited certificate;
- (2) a limited or probationary certificate; or
- (3) an inactive certificate.

SECTION 7. IC 16-31-3-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. The ~~state emergency management agency~~ **department of homeland security** may issue an order under IC 4-21.5-3-6 to deny an applicant's request for certification or permanently revoke a certificate under procedures provided by section 14 of this chapter if the individual who holds the certificate issued under this title is convicted of any of the following:

(1) Dealing in or manufacturing cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-1.

(2) **Dealing in methamphetamine under IC 35-48-4-1.1.**

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.

~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~: (9).

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~: (9).

~~(11)~~ (12) A crime of violence (as defined in IC 35-50-1-2(a)).

~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~: (12).

SECTION 8. IC 20-28-5-8, AS ADDED BY P.L.246-2005, SECTION 159, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section applies when a prosecuting attorney knows that a licensed employee of a public school or a nonpublic school has been convicted of an offense listed in subsection (c). The prosecuting attorney shall immediately give written notice of the conviction to the following:

(1) The state superintendent.

(2) Except as provided in subdivision (3), the superintendent of the school corporation that employs the licensed employee or the equivalent authority if a nonpublic school employs the licensed employee.

(3) The presiding officer of the governing body of the school corporation that employs the licensed employee, if the convicted licensed employee is the superintendent of the school corporation.

(b) The superintendent of a school corporation, presiding officer of the governing body, or equivalent authority for a nonpublic school shall immediately notify the state superintendent when the individual knows that a current or former licensed employee of the public school or nonpublic school has been convicted of an offense listed in subsection (c).

(c) The department, after holding a hearing on the matter, shall permanently revoke the license of a person who is known by the department to have been convicted of any of the following felonies:

(1) Kidnapping (IC 35-42-3-2), if the victim is less than eighteen (18) years of age.

(2) Criminal confinement (IC 35-42-3-3), if the victim is less than eighteen (18) years of age.

- (3) Rape (IC 35-42-4-1), if the victim is less than eighteen (18) years of age.
- (4) Criminal deviate conduct (IC 35-42-4-2), if the victim is less than eighteen (18) years of age.
- (5) Child molesting (IC 35-42-4-3).
- (6) Child exploitation (IC 35-42-4-4(b)).
- (7) Vicarious sexual gratification (IC 35-42-4-5).
- (8) Child solicitation (IC 35-42-4-6).
- (9) Child seduction (IC 35-42-4-7).
- (10) Sexual misconduct with a minor (IC 35-42-4-9).
- (11) Incest (IC 35-46-1-3), if the victim is less than eighteen (18) years of age.
- (12) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine (IC 35-48-4-1).
- (13) **Dealing in methamphetamine (IC 35-48-4-1.1).**
- (14) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(14)~~ (15) Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(15)~~ (16) Dealing in a schedule V controlled substance (IC 35-48-4-4).
- ~~(16)~~ (17) Dealing in a counterfeit substance (IC 35-48-4-5).
- ~~(17)~~ (18) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10(b)).

(d) A license may be suspended by the state superintendent as specified in IC 20-28-7-7.

SECTION 9. IC 22-15-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) A practitioner shall comply with the standards established under this licensing program. A practitioner is subject to the exercise of the disciplinary sanctions under subsection (b) if the department finds that a practitioner has:

- (1) engaged in or knowingly cooperated in fraud or material deception in order to obtain a license to practice, including cheating on a licensing examination;
- (2) engaged in fraud or material deception in the course of professional services or activities;
- (3) advertised services or goods in a false or misleading manner;
- (4) falsified or knowingly allowed another person to falsify attendance records or certificates of completion of continuing education courses provided under this chapter;
- (5) been convicted of a crime that has a direct bearing on the practitioner's ability to continue to practice competently;
- (6) knowingly violated a state statute or rule or federal statute or regulation regulating the profession for which the practitioner is licensed;
- (7) continued to practice although the practitioner has become unfit to practice due to:
 - (A) professional incompetence;
 - (B) failure to keep abreast of current professional theory or practice;
 - (C) physical or mental disability; or
 - (D) addiction to, abuse of, or severe dependency on alcohol or other drugs that endanger the public by impairing a practitioner's ability to practice safely;

- (8) engaged in a course of lewd or immoral conduct in connection with the delivery of services to the public;
- (9) allowed the practitioner's name or a license issued under this chapter to be used in connection with an individual or business who renders services beyond the scope of that individual's or business's training, experience, or competence;
- (10) had disciplinary action taken against the practitioner or the practitioner's license to practice in another state or jurisdiction on grounds similar to those under this chapter;
- (11) assisted another person in committing an act that would constitute a ground for disciplinary sanction under this chapter; or
- (12) allowed a license issued by the department to be:
 - (A) used by another person; or
 - (B) displayed to the public when the license has expired, is inactive, is invalid, or has been revoked or suspended.

For purposes of subdivision (10), a certified copy of a record of disciplinary action constitutes prima facie evidence of a disciplinary action in another jurisdiction.

(b) The department may impose one (1) or more of the following sanctions if the department finds that a practitioner is subject to disciplinary sanctions under subsection (a):

- (1) Permanent revocation of a practitioner's license.
- (2) Suspension of a practitioner's license.
- (3) Censure of a practitioner.
- (4) Issuance of a letter of reprimand.
- (5) Assess a civil penalty against the practitioner in accordance with the following:
 - (A) The civil penalty may not be more than one thousand dollars (\$1,000) for each violation listed in subsection (a), except for a finding of incompetency due to a physical or mental disability.
 - (B) When imposing a civil penalty, the department shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the department, the department may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.
- (6) Place a practitioner on probation status and require the practitioner to:
 - (A) report regularly to the department upon the matters that are the basis of probation;
 - (B) limit practice to those areas prescribed by the department;
 - (C) continue or renew professional education approved by the department until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or
 - (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the department considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

The department may withdraw or modify this probation if the department finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

(c) If an applicant or a practitioner has engaged in or knowingly cooperated in fraud or material deception to obtain a license to practice, including cheating on the licensing examination, the department may rescind the license if it has been granted, void the examination or other fraudulent or deceptive material, and prohibit the applicant from reapplying for the license for a length of time established by the department.

(d) The department may deny licensure to an applicant who has had disciplinary action taken against the applicant or the applicant's license to practice in another state or jurisdiction or who has practiced without a license in violation of the law. A certified copy of the record of disciplinary action is conclusive evidence of the other jurisdiction's disciplinary action.

(e) The department may order a practitioner to submit to a reasonable physical or mental examination if the practitioner's physical or mental capacity to practice safely and competently is at issue in a disciplinary proceeding. Failure to comply with a department order to submit to a physical or mental examination makes a practitioner liable to temporary suspension under subsection (j).

(f) Except as provided under subsection (g) or (h), a license may not be denied, revoked, or suspended because the applicant or holder has been convicted of an offense. The acts from which the applicant's or holder's conviction resulted may, however, be considered as to whether the applicant or holder should be entrusted to serve the public in a specific capacity.

(g) The department may deny, suspend, or revoke a license issued under this chapter if the individual who holds the license is convicted of any of the following:

- (1) Possession of cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(9)~~: (10).
- ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (10).
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(11)~~: (12).

(h) The department shall deny, revoke, or suspend a license issued under this chapter if the individual who holds the license is convicted of any of the following:

(1) Dealing in cocaine ~~or a narcotic drug or methamphetamine~~ under IC 35-48-4-1.

(2) **Dealing in methamphetamine under IC 35-48-4-1.1.**

(3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.

~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.

~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.

~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.

~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.

~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.

~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).

~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in clauses (1) through ~~(8)~~: (9).

~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in clauses (1) through (9).

~~(11)~~ (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under clauses (1) through ~~(10)~~: (11).

~~(12)~~ (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

(i) A decision of the department under subsections (b) through (h) may be appealed to the commission under IC 4-21.5-3-7.

(j) The department may temporarily suspend a practitioner's license under IC 4-21.5-4 before a final adjudication or during the appeals process if the department finds that a practitioner represents a clear and immediate danger to the public's health, safety, or property if the practitioner is allowed to continue to practice.

(k) On receipt of a complaint or an information alleging that a person licensed under this chapter has engaged in or is engaging in a practice that jeopardizes the public health, safety, or welfare, the department shall initiate an investigation against the person.

(l) Any complaint filed with the office of the attorney general alleging a violation of this licensing program shall be referred to the department for summary review and for its general information and any authorized action at the time of the filing.

(m) The department shall conduct a fact finding investigation as the department considers proper in relation to the complaint.

(n) The department may reinstate a license that has been suspended under this section if, after a hearing, the department is satisfied that the applicant is able to practice with reasonable skill, safety, and competency to the public. As a condition of reinstatement, the department may impose disciplinary or corrective measures authorized under this chapter.

(o) The department may not reinstate a license that has been revoked under this chapter. An individual whose license has been revoked under this chapter may not apply for a new license until seven (7) years after the date of revocation.

(p) The department shall seek to achieve consistency in the application of sanctions authorized in this chapter. Significant departures from prior decisions involving similar conduct must be explained in the department's findings or orders.

(q) A practitioner may petition the department to accept the surrender of the practitioner's license instead of having a hearing before the commission. The practitioner may not surrender the practitioner's license without the written approval of the department, and the department may impose any conditions appropriate to the surrender or reinstatement of a surrendered license.

(r) A practitioner who has been subjected to disciplinary sanctions may be required by the commission to pay the costs of the proceeding. The practitioner's ability to pay shall be considered when costs are assessed. If the practitioner fails to pay the costs, a suspension may not be imposed solely upon the practitioner's inability to pay the amount assessed. The costs are limited to costs for the following:

- (1) Court reporters.
- (2) Transcripts.
- (3) Certification of documents.
- (4) Photo duplication.
- (5) Witness attendance and mileage fees.
- (6) Postage.
- (7) Expert witnesses.
- (8) Depositions.
- (9) Notarizations.

SECTION 10. IC 25-1-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A board, a commission, or a committee may suspend or revoke a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Possession of cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ under IC 35-48-4-6.
- (2) **Possession of methamphetamine under IC 35-48-4-6.1.**
- (3) Possession of a controlled substance under IC 35-48-4-7(a).
- ~~(3)~~ (4) Fraudulently obtaining a controlled substance under IC 35-48-4-7(b).
- ~~(4)~~ (5) Manufacture of paraphernalia as a Class D felony under IC 35-48-4-8.1(b).
- ~~(5)~~ (6) Dealing in paraphernalia as a Class D felony under IC 35-48-4-8.5(b).
- ~~(6)~~ (7) Possession of paraphernalia as a Class D felony under IC 35-48-4-8.3(b).
- ~~(7)~~ (8) Possession of marijuana, hash oil, or hashish as a Class D felony under IC 35-48-4-11.
- ~~(8)~~ (9) Maintaining a common nuisance under IC 35-48-4-13.
- ~~(9)~~ (10) An offense relating to registration, labeling, and prescription forms under IC 35-48-4-14.
- ~~(10)~~ (11) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).
- ~~(11)~~ (12) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(9)~~ (10).
- ~~(12)~~ (13) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(11)~~ (12).

SECTION 11. IC 25-1-1.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A board, a commission, or a committee shall revoke or suspend a license or certificate issued under this title by the board, the commission, or the committee if the individual who holds the license or certificate is convicted of any of the following:

- (1) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ under IC 35-48-4-1.
- (2) **Dealing in methamphetamine under IC 35-48-4-1.1.**
- (3) Dealing in a schedule I, II, or III controlled substance under IC 35-48-4-2.
- ~~(3)~~ (4) Dealing in a schedule IV controlled substance under IC 35-48-4-3.
- ~~(4)~~ (5) Dealing in a schedule V controlled substance under IC 35-48-4-4.
- ~~(5)~~ (6) Dealing in a substance represented to be a controlled substance under IC 35-48-4-4.5.
- ~~(6)~~ (7) Knowingly or intentionally manufacturing, advertising, distributing, or possessing with intent to manufacture, advertise, or distribute a substance represented to be a controlled substance under IC 35-48-4-4.6.
- ~~(7)~~ (8) Dealing in a counterfeit substance under IC 35-48-4-5.
- ~~(8)~~ (9) Dealing in marijuana, hash oil, or hashish under IC 35-48-4-10(b).
- ~~(9)~~ (10) Conspiracy under IC 35-41-5-2 to commit an offense listed in subdivisions (1) through ~~(8)~~ (9).
- ~~(10)~~ (11) Attempt under IC 35-41-5-1 to commit an offense listed in subdivisions (1) through ~~(8)~~ (9).
- ~~(11)~~ (12) An offense in any other jurisdiction in which the elements of the offense for which the conviction was entered are substantially similar to the elements of an offense described under subdivisions (1) through ~~(10)~~ (11).
- ~~(12)~~ (13) A violation of any federal or state drug law or rule related to wholesale legend drug distributors licensed under IC 25-26-14.

SECTION 12. IC 31-30-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The juvenile court does not have jurisdiction over an individual for an alleged violation of:

- (1) IC 35-42-1-1 (murder);
- (2) IC 35-42-3-2 (kidnapping);
- (3) IC 35-42-4-1 (rape);
- (4) IC 35-42-4-2 (criminal deviate conduct);
- (5) IC 35-42-5-1 (robbery) if:
 - (A) the robbery was committed while armed with a deadly weapon; or
 - (B) the robbery results in bodily injury or serious bodily injury;
- (6) IC 35-42-5-2 (carjacking);
- (7) IC 35-45-9-3 (criminal gang activity);
- (8) IC 35-45-9-4 (criminal gang intimidation);
- (9) IC 35-47-2-1 (carrying a handgun without a license);
- (10) IC 35-47-10 (children and firearms);
- (11) IC 35-47-5-4.1 (dealing in a sawed-off shotgun); or
- (12) any offense that may be joined under IC 35-34-1-9(a)(2) with any crime listed in subdivisions (1) through (11);

if the individual was at least sixteen (16) years of age at the time of

the alleged violation.

(b) The juvenile court does not have jurisdiction for an alleged violation of manufacturing or dealing in cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1), **dealing in methamphetamine (IC 35-48-4-1.1)**, dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2), or dealing in a schedule IV controlled substance (IC 35-48-4-3), if:

- (1) the individual has a prior unrelated conviction under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3; or
- (2) the individual has a prior unrelated juvenile adjudication that, if committed by an adult, would be a crime under IC 35-48-4-1, **IC 35-48-4-1.1**, IC 35-48-4-2, or IC 35-48-4-3; and the individual was at least sixteen (16) years of age at the time of the alleged violation.

(c) Once an individual described in subsection (a) ~~or (b)~~ has been charged with any crime listed in subsection ~~(a)(1) through (a)(15)~~ **(a) or (b)**, the court having adult criminal jurisdiction shall retain jurisdiction over the case even if the individual pleads guilty to or is convicted of a lesser included offense. A plea of guilty to or a conviction of a lesser included offense does not vest jurisdiction in the juvenile court.

SECTION 13. IC 34-24-1-1, AS AMENDED BY SEA 145-2006, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) The following may be seized:

(1) All vehicles (as defined by IC 35-41-1), if they are used or are intended for use by the person or persons in possession of them to transport or in any manner to facilitate the transportation of the following:

(A) A controlled substance for the purpose of committing, attempting to commit, or conspiring to commit any of the following:

- (i) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1).
- (ii) **Dealing in methamphetamine (IC 35-48-4-1.1).**
- (iii) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(iii)~~ **(iv)** Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(iv)~~ **(v)** Dealing in a schedule V controlled substance (IC 35-48-4-4).
- ~~(v)~~ **(vi)** Dealing in a counterfeit substance (IC 35-48-4-5).
- ~~(vi)~~ **(vii)** Possession of cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-6).
- (viii) Possession of methamphetamine (IC 35-48-4-6.1).**
- ~~(vii)~~ **(ix)** Dealing in paraphernalia (IC 35-48-4-8.5).
- ~~(viii)~~ **(x)** Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).

(B) Any stolen (IC 35-43-4-2) or converted property (IC 35-43-4-3) if the retail or repurchase value of that property is one hundred dollars (\$100) or more.

(C) Any hazardous waste in violation of IC 13-30-6-6.

(D) A bomb (as defined in IC 35-41-1-4.3) or weapon of mass destruction (as defined in IC 35-41-1-29.4) used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of

or in furtherance of an act of terrorism (as defined by IC 35-41-1-26.5).

(2) All money, negotiable instruments, securities, weapons, communications devices, or any property used to commit, used in an attempt to commit, or used in a conspiracy to commit an offense under IC 35-47 as part of or in furtherance of an act of terrorism or commonly used as consideration for a violation of IC 35-48-4 (other than items subject to forfeiture under IC 16-42-20-5 or IC 16-6-8.5-5.1 before its repeal):

- (A) furnished or intended to be furnished by any person in exchange for an act that is in violation of a criminal statute;
- (B) used to facilitate any violation of a criminal statute; or
- (C) traceable as proceeds of the violation of a criminal statute.

(3) Any portion of real or personal property purchased with money that is traceable as a proceed of a violation of a criminal statute.

(4) A vehicle that is used by a person to:

- (A) commit, attempt to commit, or conspire to commit;
- (B) facilitate the commission of; or
- (C) escape from the commission of;

murder (IC 35-42-1-1), kidnapping (IC 35-42-3-2), criminal confinement (IC 35-42-3-3), rape (IC 35-42-4-1), child molesting (IC 35-42-4-3), or child exploitation (IC 35-42-4-4), or an offense under IC 35-47 as part of or in furtherance of an act of terrorism.

(5) Real property owned by a person who uses it to commit any of the following as a Class A felony, a Class B felony, or a Class C felony:

(A) Dealing in or manufacturing cocaine ~~or~~ a narcotic drug ~~or methamphetamine~~ (IC 35-48-4-1).

(B) Dealing in methamphetamine (IC 35-48-4-1.1).

(C) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).

~~(C)~~ **(D) Dealing in a schedule IV controlled substance (IC 35-48-4-3).**

~~(D)~~ **(E) Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).**

(6) Equipment and recordings used by a person to commit fraud under IC 35-43-5-4(10).

(7) Recordings sold, rented, transported, or possessed by a person in violation of IC 24-4-10.

(8) Property (as defined by IC 35-41-1-23) or an enterprise (as defined by IC 35-45-6-1) that is the object of a corrupt business influence violation (IC 35-45-6-2).

(9) Unlawful telecommunications devices (as defined in IC 35-45-13-6) and plans, instructions, or publications used to commit an offense under IC 35-45-13.

(10) Any equipment used or intended for use in preparing, photographing, recording, videotaping, digitizing, printing, copying, or disseminating matter in violation of IC 35-42-4-4.

(11) Destructive devices used, possessed, transported, or sold in violation of IC 35-47.5.

(12) Tobacco products that are sold in violation of IC 24-3-5, tobacco products that a person attempts to sell in violation of IC 24-3-5, and other personal property owned and used by a person to facilitate a violation of IC 24-3-5.

(13) Property used by a person to commit counterfeiting or forgery in violation of IC 35-43-5-2.

(14) After December 31, 2005, if a person is convicted of an offense specified in IC 25-26-14-26(b) or IC 35-43-10, the following real or personal property:

(A) Property used or intended to be used to commit, facilitate, or promote the commission of the offense.

(B) Property constituting, derived from, or traceable to the gross proceeds that the person obtained directly or indirectly as a result of the offense.

(15) Except as provided in subsection (e), a motor vehicle used by a person who operates the motor vehicle:

(A) while intoxicated, in violation of IC 9-30-5-1 through IC 9-30-5-5, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction; or

(B) on a highway while the person's driver's license is suspended in violation of IC 9-24-19-2 through IC 9-24-19-4, if in the previous five (5) years the person has two (2) or more prior unrelated convictions:

(i) for operating a motor vehicle while intoxicated in violation of IC 9-30-5-1 through IC 9-30-5-5; or

(ii) for an offense that is substantially similar to IC 9-30-5-1 through IC 9-30-5-5 in another jurisdiction.

If a court orders the seizure of a motor vehicle under this subdivision, the court shall transmit an order to the bureau of motor vehicles recommending that the bureau not permit a motor vehicle to be registered in the name of the person whose motor vehicle was seized until the person possesses a current driving license (as defined in IC 9-13-2-41).

(b) A vehicle used by any person as a common or contract carrier in the transaction of business as a common or contract carrier is not subject to seizure under this section, unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a).

(c) Equipment under subsection (a)(10) may not be seized unless it can be proven by a preponderance of the evidence that the owner of the equipment knowingly permitted the equipment to be used to engage in conduct that subjects it to seizure under subsection (a)(10).

(d) Money, negotiable instruments, securities, weapons, communications devices, or any property commonly used as consideration for a violation of IC 35-48-4 found near or on a person who is committing, attempting to commit, or conspiring to commit any of the following offenses shall be admitted into evidence in an action under this chapter as prima facie evidence that the money, negotiable instrument, security, or other thing of value is property that has been used or was to have been used to facilitate the violation of a criminal statute or is the proceeds of the violation of a criminal statute:

(1) IC 35-48-4-1 (dealing in or manufacturing cocaine or a narcotic drug). ~~or methamphetamine~~;

(2) **IC 35-48-4-1.1 (dealing in methamphetamine).**

(3) IC 35-48-4-2 (dealing in a schedule I, II, or III controlled substance).

~~(4)~~ (4) IC 35-48-4-3 (dealing in a schedule IV controlled substance).

~~(5)~~ (5) IC 35-48-4-4 (dealing in a schedule V controlled substance) as a Class B felony.

~~(6)~~ (6) IC 35-48-4-6 (possession of cocaine or a narcotic drug) ~~or methamphetamine~~ as a Class A felony, Class B felony, or Class C felony.

(7) IC 35-48-4-6.1 (possession of methamphetamine) as a Class A felony, Class B felony, or Class C felony.

~~(8)~~ (8) IC 35-48-4-10 (dealing in marijuana, hash oil, or hashish) as a Class C felony.

(e) A motor vehicle operated by a person who is not:

(1) an owner of the motor vehicle; or

(2) the spouse of the person who owns the motor vehicle;

is not subject to seizure under subsection (a)(15) unless it can be proven by a preponderance of the evidence that the owner of the vehicle knowingly permitted the vehicle to be used to engage in conduct that subjects it to seizure under subsection (a)(15).

SECTION 14. IC 35-33-5-5, AS AMENDED BY P.L.187-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) All items of property seized by any law enforcement agency as a result of an arrest, search warrant, or warrantless search, shall be securely held by the law enforcement agency under the order of the court trying the cause, except as provided in this section.

(b) Evidence that consists of property obtained unlawfully from its owner may be returned by the law enforcement agency to the owner before trial, in accordance with IC 35-43-4-4(h).

(c) Following the final disposition of the cause at trial level or any other final disposition the following shall be done:

(1) Property which may be lawfully possessed shall be returned to its rightful owner, if known. If ownership is unknown, a reasonable attempt shall be made by the law enforcement agency holding the property to ascertain ownership of the property. After ninety (90) days from the time:

(A) the rightful owner has been notified to take possession of the property; or

(B) a reasonable effort has been made to ascertain ownership of the property;

the law enforcement agency holding the property shall, at ~~such time as it is a convenient time~~, dispose of this property at a public auction. The proceeds of this property shall be paid into the county general fund.

(2) Except as provided in subsection (e), property, the possession of which is unlawful, shall be destroyed by the law enforcement agency holding it sixty (60) days after final disposition of the cause.

(3) A firearm that has been seized from a person who is dangerous (as defined in IC 35-47-13-1) shall be retained, returned, or disposed of in accordance with IC 35-47-13.

(d) If any property described in subsection (c) was admitted into evidence in the cause, the property shall be disposed of in accordance with an order of the court trying the cause.

(e) A law enforcement agency may destroy or cause to be destroyed chemicals, ~~or~~ controlled substances, ~~or~~ chemically

contaminated equipment (including drug paraphernalia as described in IC 35-48-4-8.5) associated with the illegal manufacture of drugs or controlled substances without a court order if all the following conditions are met:

- (1) The law enforcement agency collects and preserves a sufficient quantity of the chemicals, ~~or~~ controlled substances, **or chemically contaminated equipment** to demonstrate that the chemicals, ~~or~~ controlled substances, **were or chemically contaminated equipment was** associated with the illegal manufacture of drugs or controlled substances.
- (2) The law enforcement agency takes photographs of the illegal drug manufacturing site that accurately depict the presence and quantity of chemicals, ~~and~~ controlled substances, **and chemically contaminated equipment**.
- (3) The law enforcement agency completes a chemical inventory report that describes the type and quantities of chemicals, ~~and~~ controlled substances, **and chemically contaminated equipment** present at the illegal manufacturing site.

The photographs and description of the property shall be admissible into evidence in place of the actual physical evidence.

(f) For purposes of preserving the record of any conviction on appeal, a photograph demonstrating the nature of the property, and an adequate description of the property must be obtained before the disposition of it. In the event of a retrial, the photograph and description of the property shall be admissible into evidence in place of the actual physical evidence. All other rules of law governing the admissibility of evidence shall apply to the photographs.

(g) The law enforcement agency disposing of property in any manner provided in subsection (b), (c), or (e) shall maintain certified records of any ~~such~~ disposition **under subsection (b), (c), or (e)**. Disposition by destruction of property shall be witnessed by two (2) persons who shall also attest to the destruction.

(h) This section does not affect the procedure for the disposition of firearms seized by a law enforcement agency.

(i) A law enforcement agency that disposes of property by auction under this section shall permanently stamp or otherwise permanently identify the property as property sold by the law enforcement agency.

(j) Upon motion of the prosecuting attorney, the court shall order property seized under IC 34-24-1 transferred, subject to the perfected liens or other security interests of any person in the property, to the appropriate federal authority for disposition under 18 U.S.C. 981(e), 19 U.S.C. 1616a, or 21 U.S.C. 881(e) and any related regulations adopted by the United States Department of Justice.

SECTION 15. IC 35-38-2.6-1, AS AMENDED BY P.L.213-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b), this chapter applies to the sentencing of a person convicted of:

- (1) a felony whenever any part of the sentence may not be suspended under IC 35-50-2-2 or IC 35-50-2-2.1;
- (2) a misdemeanor whenever any part of the sentence may not be suspended; or
- (3) an offense described in ~~IC 35-50-2-2(b)(4)(Q)~~ **IC 35-50-2-2(b)(4)(R)** (operating a vehicle while intoxicated with at least two (2) prior unrelated convictions), if the person:

(A) is required to serve the nonsuspendible part of the sentence in a community corrections:

- (i) work release program; or
 - (ii) program that uses electronic monitoring as a part of the person's supervision; and
- (B) participates in a court approved substance abuse program.

(b) This chapter does not apply to persons convicted of any of the following:

- (1) Sex crimes under IC 35-42-4 or IC 35-46-1-3.
- (2) Except as provided in subsection (a)(3), any of the felonies listed in IC 35-50-2-2(b)(4).
- (3) An offense under IC 9-30-5-4.
- (4) An offense under IC 9-30-5-5.

SECTION 16. IC 35-42-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. A person who:

- (1) knowingly or intentionally kills another human being;
- (2) kills another human being while committing or attempting to commit arson, burglary, child molesting, consumer product tampering, criminal deviate conduct, kidnapping, rape, robbery, or carjacking;
- (3) kills another human being while committing or attempting to commit:

(A) dealing in or manufacturing cocaine **or** a narcotic drug **or methamphetamine** (IC 35-48-4-1);

(B) **dealing in methamphetamine (IC 35-48-4-1.1);**

(C) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(D)~~ **(D)** dealing in a schedule IV controlled substance (IC 35-48-4-3); or

~~(E)~~ **(E)** dealing in a schedule V controlled substance; or

- (4) knowingly or intentionally kills a fetus that has attained viability (as defined in IC 16-18-2-365);

commits murder, a felony.

SECTION 17. IC 35-45-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter:

"Documentary material" means any document, drawing, photograph, recording, or other tangible item containing compiled data from which information can be either obtained or translated into a usable form.

"Enterprise" means:

- (1) a sole proprietorship, corporation, limited liability company, partnership, business trust, or governmental entity; or
- (2) a union, an association, or a group, whether a legal entity or merely associated in fact.

"Pattern of racketeering activity" means engaging in at least two (2) incidents of racketeering activity that have the same or similar intent, result, accomplice, victim, or method of commission, or that are otherwise interrelated by distinguishing characteristics that are not isolated incidents. However, the incidents are a pattern of racketeering activity only if at least one (1) of the incidents occurred after August 31, 1980, and if the last of the incidents occurred within five (5) years after a prior incident of racketeering activity.

"Racketeering activity" means to commit, to attempt to commit, to conspire to commit a violation of, or aiding and abetting in a violation of any of the following:

- (1) A provision of IC 23-2-1, or of a rule or order issued under IC 23-2-1.
- (2) A violation of IC 35-45-9.
- (3) A violation of IC 35-47.
- (4) A violation of IC 35-49-3.
- (5) Murder (IC 35-42-1-1).
- (6) Battery as a Class C felony (IC 35-42-2-1).
- (7) Kidnapping (IC 35-42-3-2).
- (8) Child exploitation (IC 35-42-4-4).
- (9) Robbery (IC 35-42-5-1).
- (10) Carjacking (IC 35-42-5-2).
- (11) Arson (IC 35-43-1-1).
- (12) Burglary (IC 35-43-2-1).
- (13) Theft (IC 35-43-4-2).
- (14) Receiving stolen property (IC 35-43-4-2).
- (15) Forgery (IC 35-43-5-2).
- (16) Fraud (IC 35-43-5-4(1) through IC 35-43-5-4(9)).
- (17) Bribery (IC 35-44-1-1).
- (18) Official misconduct (IC 35-44-1-2).
- (19) Conflict of interest (IC 35-44-1-3).
- (20) Perjury (IC 35-44-2-1).
- (21) Obstruction of justice (IC 35-44-3-4).
- (22) Intimidation (IC 35-45-2-1).
- (23) Promoting prostitution (IC 35-45-4-4).
- (24) Promoting professional gambling (IC 35-45-5-4).
- (25) Dealing in or manufacturing cocaine **or** a narcotic drug **or** **methamphetamine** (IC 35-48-4-1).
- (26) **Dealing in methamphetamine (IC 35-48-4-1.1).**
- (27) Dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2).
- ~~(27)~~ **(28)** Dealing in a schedule IV controlled substance (IC 35-48-4-3).
- ~~(28)~~ **(29)** Dealing in a schedule V controlled substance (IC 35-48-4-4).
- ~~(29)~~ **(30)** Dealing in marijuana, hash oil, or hashish (IC 35-48-4-10).
- ~~(30)~~ **(31)** Money laundering (IC 35-45-15-5).
- ~~(31)~~ **(32)** A violation of IC 35-47.5-5.

SECTION 18. IC 35-46-1-8, AS AMENDED BY P.L.2-2005, SECTION 126, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A person at least eighteen (18) years of age who knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act of delinquency (as defined by IC 31-37-1 or IC 31-37-2) commits contributing to delinquency, a Class A misdemeanor.

(b) However, the offense described in subsection (a) is a Class C felony:

- (1) if:
 - (A) the person committing the offense is at least twenty-one (21) years of age and knowingly or intentionally furnishes:
 - (i) an alcoholic beverage to a person less than eighteen (18) years of age in violation of IC 7.1-5-7-8 when the person committing the offense knew or reasonably should have known that the person furnished the alcoholic beverage was less than eighteen (18) years of age; or
 - (ii) a controlled substance (as defined in IC 35-48-1-9) or

- a drug (as defined in IC 9-13-2-49.1) in violation of Indiana law; and
- (B) the consumption, ingestion, or use of the alcoholic beverage, controlled substance, or drug is the proximate cause of the death of any person; or
- (2) if the person committing the offense knowingly or intentionally encourages, aids, induces, or causes a person less than eighteen (18) years of age to commit an act that would be a felony if committed by an adult under any of the following:
 - (A) IC 35-48-4-1.
 - (B) **IC 35-48-4-1.1.**
 - (C) IC 35-48-4-2.
 - ~~(C)~~ **(D)** IC 35-48-4-3.
 - ~~(D)~~ **(E)** IC 35-48-4-4.
 - ~~(E)~~ **(F)** IC 35-48-4-4.5.
 - ~~(F)~~ **(G)** IC 35-48-4-4.6.
 - ~~(G)~~ **(H)** IC 35-48-4-5.

SECTION 19. IC 35-46-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. As used in this chapter, "model glue" means a glue or cement containing

- ~~(1)~~ toluene or acetone, or both. **or**
- ~~(2)~~ **another chemical having the property of releasing toxic vapors.**

SECTION 20. IC 35-46-6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. A person who, with intent to cause a condition of intoxication, euphoria, excitement, exhilaration, stupefaction, or dulling of the senses, ingests or inhales the fumes of:

- (1) model glue; or
- (2) a substance that contains:
 - (A) toluene;
 - (B) acetone;
 - (C) benzene;
 - (D) N-butyl nitrite;
 - (E) any aliphatic nitrite, unless prescribed by a physician; **or**
 - (F) butane;
 - (G) amyl butrate;**
 - (H) isobutyl nitrate;**
 - (I) freon;**
 - (J) chlorinated hydrocarbons;**
 - (K) methylene chloride;**
 - (L) hexane;**
 - (M) ether;**
 - (N) chloroform; or**
 - (O) halothane; or**
- (3) any other chemical having the property of releasing toxic vapors;**

commits **inhaling toxic vapors**, a Class B misdemeanor.

SECTION 21. IC 35-47-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, "serious violent felon" means a person who has been convicted of:

- (1) committing a serious violent felony in:
 - (A) Indiana; or
 - (B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of a serious violent felony; or

(2) attempting to commit or conspiring to commit a serious violent felony in:

(A) Indiana as provided under IC 35-41-5-1 or IC 35-41-5-2; or

(B) any other jurisdiction in which the elements of the crime for which the conviction was entered are substantially similar to the elements of attempting to commit or conspiring to commit a serious violent felony.

(b) As used in this section, "serious violent felony" means:

(1) murder (IC 35-42-1-1);

(2) voluntary manslaughter (IC 35-42-1-3);

(3) reckless homicide not committed by means of a vehicle (IC 35-42-1-5);

(4) battery as a:

(A) Class A felony (IC 35-42-2-1(a)(5));

(B) Class B felony (IC 35-42-2-1(a)(4)); or

(C) Class C felony (IC 35-42-2-1(a)(3));

(5) aggravated battery (IC 35-42-2-1.5);

(6) kidnapping (IC 35-42-3-2);

(7) criminal confinement (IC 35-42-3-3);

(8) rape (IC 35-42-4-1);

(9) criminal deviate conduct (IC 35-42-4-2);

(10) child molesting (IC 35-42-4-3);

(11) sexual battery as a Class C felony (IC 35-42-4-8);

(12) robbery (IC 35-42-5-1);

(13) carjacking (IC 35-42-5-2);

(14) arson as a Class A felony or Class B felony (IC 35-43-1-1(a));

(15) burglary as a Class A felony or Class B felony (IC 35-43-2-1);

(16) assisting a criminal as a Class C felony (IC 35-44-3-2);

(17) resisting law enforcement as a Class B felony or Class C felony (IC 35-44-3-3);

(18) escape as a Class B felony or Class C felony (IC 35-44-3-5);

(19) trafficking with an inmate as a Class C felony (IC 35-44-3-9);

(20) criminal gang intimidation (IC 35-45-9-4);

(21) stalking as a Class B felony or Class C felony (IC 35-45-10-5);

(22) incest (IC 35-46-1-3);

(23) dealing in or manufacturing cocaine **or** a narcotic drug **or** ~~methamphetamine~~ (IC 35-48-4-1);

(24) **dealing in methamphetamine (IC 35-48-4-1.1);**

(25) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2);

~~(25)~~ **(26) dealing in a schedule IV controlled substance (IC 35-48-4-3); or**

~~(26)~~ **(27) dealing in a schedule V controlled substance (IC 35-48-4-4).**

(c) A serious violent felon who knowingly or intentionally possesses a firearm commits unlawful possession of a firearm by a serious violent felon, a Class B felony.

SECTION 22. IC 35-48-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

cocaine **or** a narcotic drug, **or** ~~methamphetamine~~, pure or adulterated, classified in schedule I or II; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

cocaine **or** a narcotic drug, **or** ~~methamphetamine~~, pure or adulterated, classified in schedule I or II;

commits dealing in cocaine **or** a narcotic drug, **or** ~~methamphetamine~~, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

(1) the amount of the drug involved weighs three (3) grams or more;

(2) the person:

(A) delivered; or

(B) financed the delivery of;

the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or

(3) the person manufactured, delivered, or financed the delivery of the drug:

(A) on a school bus; or

(B) in, on, or within one thousand (1,000) feet of:

(i) school property;

(ii) a public park;

(iii) a family housing complex; or

(iv) a youth program center.

SECTION 23. IC 35-48-4-1.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.1. (a) A person who:

(1) knowingly or intentionally:

(A) manufactures;

(B) finances the manufacture of;

(C) delivers; or

(D) finances the delivery of;

methamphetamine, pure or adulterated; or

(2) possesses, with intent to:

(A) manufacture;

(B) finance the manufacture of;

(C) deliver; or

(D) finance the delivery of;

methamphetamine, pure or adulterated;

commits dealing in methamphetamine, a Class B felony, except as provided in subsection (b).

(b) The offense is a Class A felony if:

(1) the amount of the drug involved weighs three (3) grams or more;

(2) the person:

(A) delivered; or

(B) financed the delivery of;

the drug to a person under eighteen (18) years of age at least three (3) years junior to the person; or

(3) the person manufactured, delivered, or financed the delivery of the drug:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 24. IC 35-48-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses cocaine (pure or adulterated) ~~or a narcotic drug (pure or adulterated) classified in schedule I or II, or methamphetamine (pure or adulterated)~~ commits possession of cocaine ~~or a narcotic drug, or methamphetamine~~; a Class D felony, except as provided in subsection (b).

(b) The offense is:

- (1) a Class C felony if:
 - (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
 - (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);
- (2) a Class B felony if the person in possession of the cocaine ~~or narcotic drug or methamphetamine~~ possesses less than three (3) grams of pure or adulterated cocaine ~~or a narcotic drug; or methamphetamine~~:
- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center;
- (3) a Class A felony if the person possesses the cocaine ~~or narcotic drug or methamphetamine~~ in an amount (pure or adulterated) weighing at least three (3) grams:
 - (A) on a school bus; or
 - (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 25. IC 35-48-4-6.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.1. (a) **A person who, without a valid prescription or order of a practitioner acting in the course of the practitioner's professional practice, knowingly or intentionally possesses methamphetamine (pure or adulterated) commits possession of methamphetamine, a Class D felony, except as provided in subsection (b).**

(b) The offense is:

- (1) a Class C felony if:
 - (A) the amount of the drug involved (pure or adulterated) weighs three (3) grams or more; or
 - (B) the person was also in possession of a firearm (as defined in IC 35-47-1-5);
- (2) a Class B felony if the person in possession of the methamphetamine possesses less than three (3) grams of pure or adulterated methamphetamine:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center; and

(3) a Class A felony if the person possesses the methamphetamine in an amount (pure or adulterated) weighing at least three (3) grams:

- (A) on a school bus; or
- (B) in, on, or within one thousand (1,000) feet of:
 - (i) school property;
 - (ii) a public park;
 - (iii) a family housing complex; or
 - (iv) a youth program center.

SECTION 26. IC 35-48-4-14.5, AS AMENDED BY P.L.192-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) As used in this section, "chemical reagents or precursors" refers to one (1) or more of the following:

- (1) Ephedrine.
- (2) Pseudoephedrine.
- (3) Phenylpropanolamine.
- (4) The salts, isomers, and salts of isomers of a substance identified in subdivisions (1) through (3).
- (5) Anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1).
- (6) Organic solvents.
- (7) Hydrochloric acid.
- (8) Lithium metal.
- (9) Sodium metal.
- (10) Ether.
- (11) Sulfuric acid.
- (12) Red phosphorous.
- (13) Iodine.
- (14) Sodium hydroxide (lye).
- (15) Potassium dichromate.
- (16) Sodium dichromate.
- (17) Potassium permanganate.
- (18) Chromium trioxide.
- (19) Benzyl cyanide.
- (20) Phenylacetic acid and its esters or salts.
- (21) Piperidine and its salts.
- (22) Methylamine and its salts.
- (23) Isosafrole.
- (24) Safrole.
- (25) Piperonal.
- (26) Hydriodic acid.
- (27) Benzaldehyde.
- (28) Nitroethane.
- (29) Gamma-butyrolactone.
- (30) White phosphorus.
- (31) Hypophosphorous acid and its salts.
- (32) Acetic anhydride.
- (33) Benzyl chloride.
- (34) Ammonium nitrate.
- (35) Ammonium sulfate.
- (36) Hydrogen peroxide.

- (37) Thionyl chloride.
- (38) Ethyl acetate.
- (39) Pseudoephedrine hydrochloride.

(b) A person who possesses more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, commits a Class D felony. However, the offense is a Class C felony if the person possessed:

- (1) a firearm while possessing more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated; or
- (2) more than ten (10) grams of ephedrine, pseudoephedrine, or phenylpropanolamine, pure or adulterated, in, on, or within one thousand (1,000) feet of:
 - (A) school property;
 - (B) a public park;
 - (C) a family housing complex; or
 - (D) a youth program center.

(c) A person who possesses anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with the intent to manufacture methamphetamine ~~or amphetamine~~, schedule II controlled ~~substance substances~~ under IC 35-48-2-6, commits a Class D felony. However, the offense is a Class C felony if the person possessed:

- (1) a firearm while possessing anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine ~~or amphetamine~~, schedule II controlled ~~substance substances~~ under IC 35-48-2-6; or
- (2) anhydrous ammonia or ammonia solution (as defined in IC 22-11-20-1) with intent to manufacture methamphetamine ~~or amphetamine~~, schedule II controlled ~~substance substances~~ under IC 35-48-2-6, in, on, or within one thousand (1,000) feet of:
 - (A) school property;
 - (B) a public park;
 - (C) a family housing complex; or
 - (D) a youth program center.

(d) Subsection (b) does not apply to a:

- (1) licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, warehouseman, or common carrier or an agent of any of these persons if the possession is in the regular course of lawful business activities; or
- (2) person who possesses more than ten (10) grams of a substance described in subsection (b) if the substance is possessed under circumstances consistent with typical medicinal or household use, including:
 - (A) the location in which the substance is stored;
 - (B) the possession of the substance in a variety of:
 - (i) strengths;
 - (ii) brands; or
 - (iii) types; or
 - (C) the possession of the substance:
 - (i) with different expiration dates; or
 - (ii) in forms used for different purposes.

(e) A person who possesses two (2) or more chemical reagents or precursors with the intent to manufacture

- ~~(1) Methcathinone, a schedule I controlled substance under IC 35-48-2-4;~~

~~(2) Methamphetamine, a schedule II controlled substance under IC 35-48-2-6;~~

~~(3) Amphetamine, a schedule II controlled substance under IC 35-48-2-6; or~~

~~(4) Phentermine, a schedule IV controlled substance under IC 35-48-2-10;~~

a controlled substance commits a Class D felony.

(f) An offense under subsection (e) is a Class C felony if the person possessed:

- (1) a firearm while possessing two (2) or more chemical reagents or precursors with intent to manufacture ~~methamphetamine~~, a ~~schedule II~~ controlled substance; ~~under IC 35-48-2-6~~; or
- (2) two (2) or more chemical reagents or precursors with intent to manufacture ~~methamphetamine~~, a ~~schedule II~~ controlled substance ~~under IC 35-48-2-6~~ in, on, or within one thousand (1,000) feet of:
 - (A) school property;
 - (B) a public park;
 - (C) a family housing complex; or
 - (D) a youth program center.

(g) A person who sells, transfers, distributes, or furnishes a chemical reagent or precursor to another person with knowledge or the intent that the recipient will use the chemical reagent or precursors to manufacture ~~methamphetamine, methcathinone, amphetamine, or phentermine~~ a **controlled substance** commits unlawful sale of a precursor, a Class D felony.

SECTION 27. IC 35-48-4-14.7, AS ADDED BY P.L.192-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.7. (a) This section does not apply to the following:

- (1) Ephedrine or pseudoephedrine dispensed pursuant to a prescription.
- (2) The sale of a drug containing ephedrine or pseudoephedrine to a licensed health care provider, pharmacist, retail distributor, wholesaler, manufacturer, or an agent of any of these persons if the sale occurs in the regular course of lawful business activities. However, a retail distributor, wholesaler, or manufacturer is required to report a suspicious order to the state police department in accordance with subsection (f).
- (3) The sale of a drug containing ephedrine or pseudoephedrine by a person who does not sell exclusively to walk-in customers for the personal use of the walk-in customers. However, if the person described in this subdivision is a retail distributor, wholesaler, or manufacturer, the person is required to report a suspicious order to the state police department in accordance with subsection (f).

(b) The following definitions apply throughout this section:

- (1) "Constant video monitoring" means the surveillance by an automated camera that:
 - (A) records at least one (1) photograph or digital image every ten (10) seconds;
 - (B) retains a photograph or digital image for at least seventy-two (72) hours;
 - (C) has sufficient resolution and magnification to permit the identification of a person in the area under surveillance; and

(D) stores a recorded photograph or digital image at a location that is immediately accessible to a law enforcement officer.

(2) "Convenience package" means a package that contains a drug having as an active ingredient not more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both.

(3) "Ephedrine" means pure or adulterated ephedrine.

(4) "Pseudoephedrine" means pure or adulterated pseudoephedrine.

(5) "Suspicious order" means a sale or transfer of a drug containing ephedrine or pseudoephedrine if the sale or transfer:

(A) is a sale or transfer that the retail distributor, wholesaler, or manufacturer is required to report to the United States Drug Enforcement Administration;

(B) appears suspicious to the retail distributor, wholesaler, or manufacturer in light of the recommendations contained in Appendix A of the report to the United States attorney general by the suspicious orders task force under the federal Comprehensive Methamphetamine Control Act of 1996; or

(C) is for cash or a money order in a total amount of at least two hundred dollars (\$200).

(6) "Unusual theft" means the theft or unexplained disappearance from a particular retail store of drugs containing ten (10) grams or more of ephedrine, pseudoephedrine, or both in a twenty-four (24) hour period.

(c) This subsection does not apply to a convenience package. A person may sell a drug that contains the active ingredient of ephedrine, pseudoephedrine, or both only if the person complies with the following conditions:

(1) The person does not sell the drug to a person less than eighteen (18) years of age.

(2) The person does not sell drugs containing more than three

(3) grams of ephedrine or pseudoephedrine, or both in one (1) transaction.

(3) The person requires:

(A) the purchaser to produce a state or federal identification card;

(B) the purchaser to complete a paper or an electronic log in a format approved by the state police department with the purchaser's name, address, and driver's license or other identification number; and

(C) the clerk who is conducting the transaction to initial or electronically record the clerk's identification on the log.

Records from the completion of a log must be retained for at least two (2) years. ~~and may be inspected by~~ A law enforcement officer **has the right to inspect and copy a log or the records from the completion of a log** in accordance with state and federal law. **A person may not sell or release a log or the records from the completion of a log for a commercial purpose. The Indiana criminal justice institute may obtain information concerning a log or the records from the completion of a log from a law enforcement officer if the information may not be used to identify a specific individual and is used only for statistical purposes.** A retailer who in good faith releases information maintained under this subsection is immune from civil liability unless the release constitutes gross

negligence or intentional, wanton, or willful misconduct. This subdivision expires June 30, 2008.

(4) The person stores the drug:

(A) behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to a customer without the assistance of an employee; or

(B) directly in front of the pharmacy counter in the direct line of sight of an employee at the pharmacy counter, in an area under constant video monitoring, if the drug is sold in a retail establishment that:

(i) is a pharmacy; or

(ii) contains a pharmacy that is open for business.

(d) A person may not purchase drugs containing more than three (3) grams of ephedrine, pseudoephedrine, or both in one (1) week.

(e) This subsection only applies to convenience packages. A person may not sell drugs containing more than one hundred twenty (120) milligrams of ephedrine or pseudoephedrine, or both in any one (1) transaction if the drugs are sold in convenience packages. A person who sells convenience packages must secure the convenience packages in at least one (1) of the following ways:

(1) The convenience package must be stored not more than thirty (30) feet away from a checkout station or counter and must be in the direct line of sight of an employee at the checkout station or counter.

(2) The convenience package must be protected by a reliable anti-theft device that uses package tags and detection alarms designed to prevent theft.

(3) The convenience package must be stored in restricted access shelving that permits a purchaser to remove not more than one (1) package every fifteen (15) seconds.

(4) The convenience package must be stored in an area that is under constant video monitoring, and a sign placed near the convenience package must warn that the area is under constant video monitoring.

(f) A retail distributor, wholesaler, or manufacturer shall report a suspicious order to the state police department in writing.

(g) Not later than three (3) days after the discovery of an unusual theft at a particular retail store, the retailer shall report the unusual theft to the state police department in writing. If three (3) unusual thefts occur in a thirty (30) day period at a particular retail store, the retailer shall, for at least one hundred eighty (180) days after the date of the last unusual theft, locate all drugs containing ephedrine or pseudoephedrine at that particular retail store behind a counter in an area inaccessible to a customer or in a locked display case that makes the drug unavailable to customers without the assistance of an employee.

(h) A unit (as defined in IC 36-1-2-23) may not adopt an ordinance after February 1, 2005, that is more stringent than this section.

(i) A person who knowingly or intentionally violates this section commits a Class C misdemeanor. However, the offense is a Class A misdemeanor if the person has a prior unrelated conviction under this section.

(j) Before June 30, 2007, the state police department shall submit a report to the legislative council detailing the effectiveness of this section in reducing the illicit production of methamphetamine. The report must describe the number of arrests or convictions that are

attributable to the identification and logging requirements contained in this section, and must include recommendations for future action. The report must be in an electronic format under IC 5-14-6.

SECTION 28. IC 35-50-2-2, AS AMENDED BY P.L.213-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The court may suspend any part of a sentence for a felony, except as provided in this section or in section 2.1 of this chapter.

(b) With respect to the following crimes listed in this subsection, the court may suspend only that part of the sentence that is in excess of the minimum sentence, unless the court has approved placement of the offender in a forensic diversion program under IC 11-12-3.7:

- (1) The crime committed was a Class A or Class B felony and the person has a prior unrelated felony conviction.
- (2) The crime committed was a Class C felony and less than seven (7) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class C felony for which the person is being sentenced.
- (3) The crime committed was a Class D felony and less than three (3) years have elapsed between the date the person was discharged from probation, imprisonment, or parole, whichever is later, for a prior unrelated felony conviction and the date the person committed the Class D felony for which the person is being sentenced. However, the court may suspend the minimum sentence for the crime only if the court orders home detention under IC 35-38-1-21 or IC 35-38-2.5-5 instead of the minimum sentence specified for the crime under this chapter.
- (4) The felony committed was:
 - (A) murder (IC 35-42-1-1);
 - (B) battery (IC 35-42-2-1) with a deadly weapon or battery causing death;
 - (C) sexual battery (IC 35-42-4-8) with a deadly weapon;
 - (D) kidnapping (IC 35-42-3-2);
 - (E) confinement (IC 35-42-3-3) with a deadly weapon;
 - (F) rape (IC 35-42-4-1) as a Class A felony;
 - (G) criminal deviate conduct (IC 35-42-4-2) as a Class A felony;
 - (H) child molesting (IC 35-42-4-3) as a Class A or Class B felony;
 - (I) robbery (IC 35-42-5-1) resulting in serious bodily injury or with a deadly weapon;
 - (J) arson (IC 35-43-1-1) for hire or resulting in serious bodily injury;
 - (K) burglary (IC 35-43-2-1) resulting in serious bodily injury or with a deadly weapon;
 - (L) resisting law enforcement (IC 35-44-3-3) with a deadly weapon;
 - (M) escape (IC 35-44-3-5) with a deadly weapon;
 - (N) rioting (IC 35-45-1-2) with a deadly weapon;
 - (O) dealing in cocaine ~~or~~ a narcotic drug ~~or~~ methamphetamine (IC 35-48-4-1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school

bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

(P) dealing in methamphetamine (IC 35-48-4-1.1) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver the methamphetamine pure or adulterated to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;**
- (ii) a public park;**
- (iii) a family housing complex; or**
- (iv) a youth program center;**

(Q) dealing in a schedule I, II, or III controlled substance (IC 35-48-4-2) if the court finds the person possessed a firearm (as defined in IC 35-47-1-5) at the time of the offense, or the person delivered or intended to deliver to a person under eighteen (18) years of age at least three (3) years junior to the person and was on a school bus or within one thousand (1,000) feet of:

- (i) school property;
- (ii) a public park;
- (iii) a family housing complex; or
- (iv) a youth program center;

~~(R)~~ **(R)** an offense under IC 9-30-5 (operating a vehicle while intoxicated) and the person who committed the offense has accumulated at least two (2) prior unrelated convictions under IC 9-30-5;

~~(S)~~ **(S)** an offense under IC 9-30-5-5(b) (operating a vehicle while intoxicated causing death); or

~~(T)~~ **(T)** aggravated battery (IC 35-42-2-1.5).

(c) Except as provided in subsection (e), whenever the court suspends a sentence for a felony, it shall place the person on probation under IC 35-38-2 for a fixed period to end not later than the date that the maximum sentence that may be imposed for the felony will expire.

(d) The minimum sentence for a person convicted of voluntary manslaughter may not be suspended unless the court finds at the sentencing hearing that the crime was not committed by means of a deadly weapon.

(e) Whenever the court suspends that part of an offender's (as defined in IC 5-2-12-4) sentence that is suspendible under subsection (b), the court shall place the offender on probation under IC 35-38-2 for not more than ten (10) years.

(f) An additional term of imprisonment imposed under IC 35-50-2-11 may not be suspended.

(g) A term of imprisonment imposed under IC 35-47-10-6 or IC 35-47-10-7 may not be suspended if the commission of the offense was knowing or intentional.

(h) A term of imprisonment imposed for an offense under IC 35-48-4-6(b)(1)(B) **or IC 35-48-4-6.1(b)(1)(B)** may not be suspended.

SECTION 29. [EFFECTIVE JULY 1, 2006] **IC 35-48-4-1.1 and IC 35-48-4-6.1, both as added by this act, and IC 35-48-4-1,**

IC 35-48-4-6, IC 35-48-4-14.5, and IC 35-48-4-14.7, all as amended by this act, apply only to crimes committed after June 30, 2006.

SECTION 30. An emergency is declared for this act.
(Reference is to ESB 193 as printed February 24, 2006.)

Bray, Chair	Foley
Hume	Van Haaften
Senate Conferees	House Conferees

Roll Call 392: yeas 48, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 253-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 253 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-33-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. The commission shall revoke the license of a licensee who operates a riverboat upon Patoka Lake if that licensee violates any of the following:

- ~~(1) IC 14-26-2-6.~~
- ~~(2) (1) IC 14-26-2-7.~~
- (2) IC 14-26-2-23.**
- (3) IC 14-28-1.**

SECTION 2. IC 14-25-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. Fees received by the department under the following statutes shall be deposited in the fund:

- ~~(1) IC 14-26-2-9.~~
- (1) IC 14-26-2-23.**
- (2) IC 14-26-5-4.**
- (3) IC 14-28-1-22.**
- (4) IC 14-29-3-2.**
- (5) IC 14-29-4-4.**

SECTION 3. IC 14-26-2-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. **(a) Unless a person obtains a permit from the department under this section and conducts the activities according to the terms of the permit, a person may not conduct the following activities:**

- (1) Over, along, or lakeward of the shoreline or waterline of a public freshwater lake:**
 - (A) excavate;**
 - (B) place fill; or**
 - (C) place, modify, or repair a temporary or permanent structure.**
 - (2) Construct a wall whose lowest point would be:**
 - (A) below the elevation of the shoreline or waterline; and**
 - (B) within ten (10) feet landward of the shoreline or waterline, as measured perpendicularly from the shoreline or waterline;**
- of a public freshwater lake.**

- (3) Change the water level, area, or depth of a public freshwater lake or the location of the shoreline or waterline.**
- (b) An application for a permit for an activity described in subsection (a) must be accompanied by the following:**

- (1) A nonrefundable fee of one hundred dollars (\$100).**
- (2) A project plan that provides the department with sufficient information concerning the proposed excavation, fill, temporary structure, or permanent structure.**
- (3) A written acknowledgment from the landowner that any additional water area created under the project plan is part of the lake and is dedicated to the general public use with the public rights described in section 5 of this chapter.**

(c) The department may issue a permit after investigating the merits of the application. In determining the merits of the application, the department may consider any factor, including cumulative effects of the proposed activity upon the following:

- (1) The shoreline, waterline, or bed of the lake.**
- (2) The fish, wildlife, or botanical resources.**
- (3) The public rights described in section 5 of this chapter.**
- (4) The management of watercraft operations under IC 14-15.**
- (5) The interests of a landowner having property rights abutting the lake or rights to access the lake.**

(d) A contractor or agent of the landowner who engages in an activity described in subsection (a)(1), (a)(2), or (a)(3) must comply with the terms of a permit issued under this section.

(e) The commission shall adopt rules in the manner provided in ~~IC 14-10-2-4~~ under IC 4-22-2 to do the following:

- (1) Assist in the administration of this chapter.**
- (2) Provide objective standards for licensing:**
 - (A) the placement of a temporary or permanent structure or material; or**
 - (B) the extraction of material;**

over, along, or within a shoreline or waterline: issuing permits under this section, including standards for the configuration of piers, boat stations, platforms, and similar structures. The standards:

- (A) may provide for a common use if the standard is needed to accommodate the interests of landowners having property rights abutting the lake or rights to access the lake; and**
- (B) shall exempt any class of activities from licensing, including temporary structures, if the commission finds that the class is unlikely to pose more than a minimal potential for harm to the public rights described in section 5 of this chapter.**

(3) Establish a process under IC 4-21.5 for the mediation of disputes among riparian owners persons with competing interests or between a riparian owner person and the department. concerning the usage of an area over, along, or within a shoreline or waterline for a matter within the jurisdiction of this chapter. The A rule adopted under this subsection must provide that:

- (A) if good faith mediation under the process fails to achieve a settlement, the department shall make a determination of the dispute; and**
- (B) a person affected by the determination of the department may seek administrative review by the commission.**

SECTION 4. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 14-26-2-6; IC 14-26-2-9.

SECTION 5. [EFFECTIVE JULY 1, 2006] (a) A permit issued under IC 14-26-2-6 or IC 14-26-2-9, before their repeal by this act, is valid and shall be considered a permit issued under IC 14-26-2-23, as amended by this act. A permit described in this SECTION expires on the date the permit would have expired if IC 14-26-2-6 and IC 14-26-2-9 had not been repealed by this act.

(b) This SECTION expires July 1, 2008.

(Reference is to ESB 253 as reprinted February 17, 2006.)

Weatherwax, Chair

Hoffman

Lewis

Bischoff

Senate Conferees

House Conferees

Roll Call 393: yeas 46, nays 2. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 258-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 258 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-1-11.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11.5. (a) This section applies to retail transactions occurring after December 31, 2007.

(b) "Bundled transaction" means a retail sale of two (2) or more products, except real property and services to real property, that are:

- (1) distinct;
- (2) identifiable; and
- (3) sold for one (1) nonitemized price.

(c) The term does not include a retail sale in which the sales price of a product varies, or is negotiable, based on other products that the purchaser selects for inclusion in the transaction.

(d) The term does not include a retail sale that:

- (1) is comprised of:
 - (A) a service that is the true object of the transaction; and
 - (B) tangible personal property that:
 - (i) is essential to the use of the service; and
 - (ii) is provided exclusively in connection with the service;
- (2) includes both taxable and nontaxable products in which:
 - (A) the seller's purchase price; or
 - (B) the sales price;

of the taxable products does not exceed ten percent (10%) of the total purchase price or the total sales price of the

bundled products; or

(3) includes both exempt tangible personal property and taxable tangible personal property:

(A) any of which is classified as:

- (i) food and food ingredients;
- (ii) drugs;
- (iii) durable medical equipment;
- (iv) mobility enhancing equipment;
- (v) over-the-counter drugs;
- (vi) prosthetic devices; or
- (vii) medical supplies; and

(B) for which:

- (i) the seller's purchase price; or
- (ii) the sales price;

of the taxable tangible personal property is fifty percent (50%) or less of the total purchase price or the total sales price of the bundled tangible personal property.

The determination under clause (B) must be made on the basis of either individual item purchase prices or individual item sale prices.

SECTION 2. IC 6-2.5-1-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. (a) "Direct mail" means printed material delivered by United States mail or another delivery service to:

- (1) a mass audience; or
- (2) addresses on a mailing list:
 - (A) provided by a purchaser; or
 - (B) specified at the direction of a purchaser;

if the cost of the item is not billed directly to the recipient.

(b) The term includes tangible personal property that the purchaser supplies directly or indirectly to the direct mail seller for inclusion in the package containing the printed material.

(c) The term does not include multiple items of printed material delivered to a single address.

SECTION 3. IC 6-2.5-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. "Food and food ingredients" means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and that are consumed for their taste or nutritional value. The term does not include alcoholic beverages, candy, dietary supplements, tobacco products, or soft drinks.

SECTION 4. IC 6-2.5-4-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 15. (a) This section applies to retail transactions occurring after December 31, 2007.

(b) A person is a retail merchant making a retail transaction when the person sells tangible personal property as part of a bundled transaction.

SECTION 5. IC 6-2.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as otherwise provided in this section, each person liable for collecting the state gross retail or use tax shall file a return for each calendar month and pay the state gross retail and use taxes that the person collects during that month. A person shall file the person's return for a particular month with the department and make the person's tax payment for that month to the department not more than thirty (30) days after the end of that month, if that person's average monthly

liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year did not exceed one thousand dollars (\$1,000). If a person's average monthly liability for collections of state gross retail and use taxes under this section as determined by the department for the preceding calendar year exceeded one thousand dollars (\$1,000), that person shall file the person's return for a particular month and make the person's tax payment for that month to the department not more than twenty (20) days after the end of that month.

(b) If a person files a combined sales and withholding tax report and either this section or IC 6-3-4-8.1 requires sales or withholding tax reports to be filed and remittances to be made within twenty (20) days after the end of each month, then the person shall file the combined report and remit the sales and withholding taxes due within twenty (20) days after the end of each month.

(c) Instead of the twelve (12) monthly reporting periods required by subsection (a), the department may permit a person to divide a year into a different number of reporting periods. The return and payment for each reporting period is due not more than twenty (20) days after the end of the period.

(d) Instead of the reporting periods required under subsection (a), the department may permit a retail merchant to report and pay the merchant's state gross retail and use taxes for a period covering:

- (1) a calendar year, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed ten dollars (\$10);
- (2) a calendar half year, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed twenty-five dollars (\$25); or
- (3) a calendar quarter, if the retail merchant's average monthly state gross retail and use tax liability in the previous calendar year does not exceed seventy-five dollars (\$75).

A retail merchant using a reporting period allowed under this subsection must file the merchant's return and pay the merchant's tax for a reporting period not later than the last day of the month immediately following the close of that reporting period.

(e) If a retail merchant reports the merchant's adjusted gross income tax, or the tax the merchant pays in place of the adjusted gross income tax, over a fiscal year or fiscal quarter not corresponding to the calendar year or calendar quarter, the merchant may, without prior departmental approval, report and pay the merchant's state gross retail and use taxes over the merchant's fiscal period that corresponds to the calendar period the merchant is permitted to use under subsection (d). However, the department may, at any time, require the retail merchant to stop using the fiscal reporting period.

(f) If a retail merchant files a combined sales and withholding tax report, the reporting period for the combined report is the shortest period required under:

- (1) this section;
- (2) IC 6-3-4-8; or
- (3) IC 6-3-4-8.1.

(g) If the department determines that a person's:

- (1) estimated monthly gross retail and use tax liability for the current year; or
- (2) average monthly gross retail and use tax liability for the preceding year;

exceeds ten thousand dollars (\$10,000), the person shall pay the

monthly gross retail and use taxes due by electronic funds transfer (as defined in IC 4-8.1-2-7) or by delivering in person or by overnight courier a payment by cashier's check, certified check, or money order to the department. The transfer or payment shall be made on or before the date the tax is due.

(h) If a person's gross retail and use tax payment is made by electronic funds transfer, the taxpayer is not required to file a monthly gross retail and use tax return. However, the person shall file a quarterly gross retail and use tax return before the twentieth day after the end of each calendar quarter.

(i) A person:

- (1) who has voluntarily registered as a seller under the Streamlined Sales and Use Tax Agreement;**
- (2) who is not a Model 1, Model 2, or Model 3 seller (as defined in the Streamlined Sales and Use Tax Agreement); and**
- (3) whose liability for collections of state gross retail and use taxes under this section for the preceding calendar year as determined by the department does not exceed one thousand dollars (\$1,000);**

is not required to file a monthly gross retail and use tax return.

SECTION 6. IC 6-2.5-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) As used in this section, the terms "receive" and "receipt" mean:

- (1) taking possession of tangible personal property;
- (2) making first use of services; or
- (3) taking possession or making first use of digital goods;

whichever comes first. The terms "receive" and "receipt" do not include possession by a shipping company on behalf of the purchaser.

(b) This section:

- (1) applies regardless of the characterization of a product as tangible personal property, a digital good, or a service;
- (2) applies only to the determination of a seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's retail sale of a product; and
- (3) does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdictions of that use.

(c) This section does not apply to sales or use taxes levied on the following:

- (1) The retail sale or transfer of watercraft, modular homes, manufactured homes, or mobile homes. These items must be sourced according to the requirements of this article.
- (2) The retail sale, excluding lease or rental, of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in subsection (g). The retail sale of these items shall be sourced according to the requirements of this article, and the lease or rental of these items must be sourced according to subsection (f).
- (3) Telecommunications services, as set forth in IC 6-2.5-12, shall be sourced in accordance with IC 6-2.5-12.

(d) The retail sale, excluding lease or rental, of a product shall be sourced as follows:

- (1) When the product is received by the purchaser at a business location of the seller, the sale is sourced to that business location.
- (2) When the product is not received by the purchaser at a business location of the seller, the sale is sourced to the location

where receipt by the purchaser (or the purchaser's donee, designated as such by the purchaser) occurs, including the location indicated by instructions for delivery to the purchaser (or donee), known to the seller.

(3) When subdivisions (1) and (2) do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith.

(4) When subdivisions (1), (2), and (3) do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith.

(5) When none of the previous rules of subdivision (1), (2), (3), or (4) apply, including the circumstance in which the seller is without sufficient information to apply the previous rules, then the location will be determined by the address from which tangible personal property was shipped, from which the digital good or the computer software delivered electronically was first available for transmission by the seller, or from which the service was provided (disregarding for these purposes any location that merely provided the digital transfer of the product sold).

(e) The lease or rental of tangible personal property, other than property identified in subsection (f) or (g), shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with the provisions of subsection (d). Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. The property location shall not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and service calls.

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection (d).

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or an accelerated basis, or on the acquisition of property for lease.

(f) The lease or rental of motor vehicles, trailers, semitrailers, or aircraft that do not qualify as transportation equipment, as defined in subsection (g), shall be sourced as follows:

(1) For a lease or rental that requires recurring periodic payments, each periodic payment is sourced to the primary property location. The primary property location shall be as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of this address does not constitute bad faith. This location shall not be altered by

intermittent use at different locations.

(2) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with the provisions of subsection (d).

This subsection does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

(g) The retail sale, including lease or rental, of transportation equipment shall be sourced the same as a retail sale in accordance with the provisions of subsection (d), notwithstanding the exclusion of lease or rental in subsection (d). As used in this subsection, "transportation equipment" means any of the following:

(1) Locomotives and railcars that are used for the carriage of persons or property in interstate commerce.

(2) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one (10,001) pounds or greater, trailers, semitrailers, or passenger buses that are:

(A) registered through the International Registration Plan; and

(B) operated under authority of a carrier authorized and certificated by the U.S. Department of Transportation or another federal authority to engage in the carriage of persons or property in interstate commerce.

(3) Aircraft that are operated by air carriers authorized and certificated by the U.S. Department of Transportation or another federal or a foreign authority to engage in the carriage of persons or property in interstate or foreign commerce.

(4) Containers designed for use on and component parts attached or secured on the items set forth in subdivisions (1) through (3).

(h) This subsection applies to retail sales of floral products that occur before January 1, 2008. Notwithstanding subsection (d), a retail sale of floral products in which a florist or floral business:

(1) takes a floral order from a purchaser; and

(2) transmits the floral order by telegraph, telephone, or other means of communication to another florist or floral business for delivery;

is sourced to the location of the florist or floral business that originally takes the floral order from the purchaser.

SECTION 7. An emergency is declared for this act.

(Reference is to ESB 258 as printed February 17, 2006.)

Kenley, Chair

Espich

Hume

Kuzman

Senate Conferees

House Conferees

Roll Call 394: yeas 49, nays 0. Report adopted.

RESOLUTIONS ON FIRST READING

Senate Resolution 58

Senate Resolution 58, introduced by Senators R. Young, Bowser, Breaux, Broden, Craycraft, Howard, Hume, Lanane, Lewis, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian:

A SENATE RESOLUTION to honor and recognize Laura J. Bauman for 30 years of dedicated service to the Indiana State Senate.

Whereas, Laura began her service with the Indiana State Senate on January 5, 1976 and currently serves as the Chief of Staff for the Senate Democratic Caucus, a post she has held since 1994;

Whereas, Laura is a second generation Senate employee having followed in her mother, Dottie's footsteps;

Whereas, Laura is an Indianapolis native, graduating from Broad Ripple High School and Ball State University;

Whereas, Laura has served with distinction on many boards and in leadership roles within the National Conference of State Legislators (NCSL) including serving as the Chair of the Leadership Staff Section from 2003-2004;

Whereas, In October 2005 Laura was recognized by her NCSL peers with the Legislative Staff Achievement Award for excellence in supporting the work of a state legislature and strengthening the legislative institution; and

Whereas, Laura's affable nature, institutional knowledge and enthusiasm for her job have helped make the Senate a pleasant and productive place to work for many years: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Senate of the General Assembly of the State of Indiana appreciates the 30 years of distinguished service Laura J. Bauman has provided to the Senate.

SECTION 2. The Secretary of the Senate is directed to transmit a copy of this Resolution to Laura J. Bauman.

The resolution was read in full and adopted by voice vote.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

ESB 259-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 259 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-17-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 9.5. The:**

- (1) members of the authority;**
- (2) officers and employees of the authority; and**
- (3) executive director;**

executing bonds, leases, obligations, or other agreements under this chapter are not subject to personal liability or accountability

by reason of any act authorized by this chapter.

SECTION 2. IC 5-1-17-18.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 18.5. (a) This section applies to bids received with respect to a capital improvement under this chapter:**

- (1) that is constructed by, for, or on behalf of the authority; and**
- (2) for which only one (1) bid was received from a responsible bidder.**

(b) The board may attempt to negotiate a more advantageous proposal and contract with the bidder if the board determines that rebidding:

- (1) is not practicable or advantageous; or**
- (2) would adversely affect the construction schedule or budget of the project.**

(c) The board shall prepare a bid file containing the following information:

- (1) A copy of all documents that are included as part of the invitation for bids.**
- (2) A list of all persons to whom copies of the invitation for bids were given, including the following information:**
 - (A) The name and address of each person who received an invitation for bids.**
 - (B) The name of each bidder who responded and the dollar amount of the bid.**
 - (C) A summary of the bid received.**
- (3) The basis on which the bid was accepted.**
- (4) Documentation of the board's negotiating process with the bidder. The documentation must include the following:**
 - (A) A log of the dates and times of each meeting with the bidder.**
 - (B) A description of the nature of all communications with the bidder.**
 - (C) A copy of all written communications, including electronic communications, with the bidder.**
- (5) The entire contents of the contract file except for proprietary information included with the bid, such as trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids.**

SECTION 3. IC 34-30-2-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE MAY 15, 2005 (RETROACTIVE)]: **Sec. 8.5. IC 5-1-17-9.5 (Concerning members, officers, employees, and the executive director of the Indiana stadium and convention building authority for acts authorized by law).**

SECTION 4. IC 36-1-12-13.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 13.1. (a) Except as provided in subsection (f), this section applies to contracts for public work only if the cost of the public work is estimated to be more than one hundred thousand dollars (\$100,000).**

(b) The contractor shall execute a payment bond to the appropriate political subdivision or agency, approved by and for the benefit of the political subdivision or agency, in an amount equal to the contract price. The payment bond is binding on the contractor, the subcontractor, and their successors and assigns for the payment of all indebtedness to a person for labor and service performed, material

furnished, or services rendered. The payment bond must state that it is for the benefit of the subcontractors, laborers, material suppliers, and those performing services.

(c) The payment bond shall be deposited with the board. The payment bond must specify that:

- (1) a modification, omission, or addition to the terms and conditions of the public work contract, plans, specifications, drawings, or profile;
- (2) a defect in the public work contract; or
- (3) a defect in the proceedings preliminary to the letting and awarding of the public work contract;

does not discharge the surety. The surety of the payment bond may not be released until one (1) year after the board's final settlement with the contractor.

(d) A person to whom money is due for labor performed, material furnished, or services provided shall, within sixty (60) days after the completion of the labor or service, or within sixty (60) days after the last item of material has been furnished, file with the board signed duplicate statements of the amount due. The board shall forward to the surety of the payment bond one (1) of the signed duplicate statements. However, failure of the board to forward a signed duplicate statement does not affect the rights of a person to whom money is due. In addition, a failure to forward the statement does not operate as a defense for the surety.

(e) An action may not be brought against the surety until thirty (30) days after the filing of the signed duplicate statements with the board. If the indebtedness is not paid in full at the end of that thirty (30) day period the person may bring an action in court. The court action must be brought within sixty (60) days after the date of the final completion and acceptance of the public work.

(f) This subsection applies to contracts for a capital improvement entered into by, for, or on behalf of the Indiana stadium and convention building authority created by IC 5-1-17-6. The board awarding the contract for the capital improvement project may waive any payment bond requirement if the board, after public notice and hearing, determines:

(1) that:

(A) an otherwise responsive and responsible bidder is unable to provide the payment bond; or

(B) the cost or coverage of the payment bond is not in the best interest of the project; and

(2) that an adequate alternative is provided through a letter of credit, additional retainage of at least ten percent (10%) of the contract amount, a joint payable check system, or other sufficient protective mechanism.

SECTION 5. IC 36-1-12-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section applies to public work contracts in excess of one hundred thousand dollars (\$100,000) for projects other than highways, roads, streets, alleys, bridges, and appurtenant structures situated on streets, alleys, and dedicated highway rights-of-way. This section also applies to a lessor corporation qualifying under IC 21-5-11 or IC 21-5-12 or any other lease-back arrangement containing an option to purchase, notwithstanding the statutory provisions governing those leases.

(b) A board that enters into a contract for public work, and a contractor who subcontracts parts of that contract, shall include in their respective contracts provisions for the retainage of portions of payments by the board to contractors, by contractors to

subcontractors, and for the payment of subcontractors. At the discretion of the contractor, the retainage shall be held by the board or shall be placed in an escrow account with a bank, savings and loan institution, or the state as the escrow agent. The escrow agent shall be selected by mutual agreement between board and contractor or contractor and subcontractor under a written agreement among the bank or savings and loan institution and:

- (1) the board and the contractor; or
- (2) the subcontractor and the contractor.

The board shall not be required to pay interest on the amounts of retainage that it holds under this section.

(c) To determine the amount of retainage to be withheld, the board shall:

- (1) withhold no more than ten percent (10%) of the dollar value of all work satisfactorily completed until the public work is fifty percent (50%) completed, and nothing further after that; or
- (2) withhold no more than five percent (5%) of the dollar value of all work satisfactorily completed until the public work is substantially completed.

If upon substantial completion of the public work minor items remain uncompleted, an amount computed under subsection (f) of this section shall be withheld until those items are completed.

(d) The escrow agreement must contain the following provisions:

- (1) The escrow agent shall invest all escrowed principal in obligations selected by the escrow agent.
- (2) The escrow agent shall hold the escrowed principal and income until receipt of notice from the board and the contractor, or the contractor and the subcontractor, specifying the part of the escrowed principal to be released from the escrow and the person to whom that portion is to be released. After receipt of the notice, the escrow agent shall remit the designated part of escrowed principal and the same proportion of then escrowed income to the person specified in the notice.
- (3) The escrow agent shall be compensated for the agent's services. The parties may agree on a reasonable fee comparable with fees being charged for the handling of escrow accounts of similar size and duration. The fee shall be paid from the escrowed income.

The escrow agreement may include other terms and conditions consistent with this subsection, including provisions authorizing the escrow agent to commingle the escrowed funds with funds held in other escrow accounts and limiting the liability of the escrow agent.

(e) **Except as provided by subsection (i),** the contractor shall furnish the board with a performance bond equal to the contract price. If acceptable to the board, the performance bond may provide for incremental bonding in the form of multiple or chronological bonds that, when taken as a whole, equal the contract price. The surety on the performance bond may not be released until one (1) year after the date of the board's final settlement with the contractor. The performance bond must specify that:

- (1) a modification, omission, or addition to the terms and conditions of the public work contract, plans, specifications, drawings, or profile;
- (2) a defect in the public work contract; or
- (3) a defect in the proceedings preliminary to the letting and awarding of the public work contract;

does not discharge the surety.

(f) The board or escrow agent shall pay the contractor within sixty-one (61) days after the date of substantial completion, subject to sections 11 and 12 of this chapter. Payment by the escrow agent shall include all escrowed principal and escrowed income. If within sixty-one (61) days after the date of substantial completion there remain uncompleted minor items, an amount equal to two hundred percent (200%) of the value of each item as determined by the architect-engineer shall be withheld until the item is completed. Required warranties begin not later than the date of substantial completion.

(g) Actions against a surety on a performance bond must be brought within one (1) year after the date of the board's final settlement with the contractor.

(h) This subsection applies to public work contracts of less than two hundred fifty thousand dollars (\$250,000). The board may waive the performance bond requirement of subsection (e) and accept from a contractor an irrevocable letter of credit for an equivalent amount from an Indiana financial institution approved by the department of financial institutions instead of a performance bond. Subsections (e) through (g) apply to a letter of credit submitted under this subsection.

(i) This subsection applies to the Indiana stadium and convention building authority created by IC 5-1-17-6. The board awarding the contract for a capital improvement project may waive any performance bond requirement if the board, after public notice and hearing, determines:

(1) that:

(A) an otherwise responsive and responsible bidder is unable to provide the performance bond; or

(B) the cost or coverage of the performance bond is not in the best interest of the project; and

(2) that an adequate alternative is provided through a letter of credit, additional retainage of at least ten percent (10%) of the contract amount, a joint payable check system, or other sufficient protective mechanism.

SECTION 6. IC 36-7-31-14.1, AS ADDED BY P.L.214-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.1. (a) The budget director appointed under IC 4-12-1-3 may determine that, commencing July 1, 2007, there may be captured in the tax area up to eleven million dollars (\$11,000,000) per year in addition to the up to five million dollars (\$5,000,000) of state revenue to be captured by the tax area under section 14 of this chapter, for up to thirty-four (34) consecutive years. The budget director's determination must specify that the termination date of the tax area for purposes of the collection of the additional eleven million dollars (\$11,000,000) per year is extended to not later than:

(1) January 1, 2041; or

(2) January 1, 2010, if on that date there are no obligations owed by the capital improvement board of managers to the Indiana stadium and convention building authority or to any state agency under IC 5-1-17-26.

Following the budget director's determination, and commencing July 1, 2007, the maximum total amount of revenue captured by the tax area for years ending before January 1, 2041, shall be sixteen million dollars (\$16,000,000) per year.

(b) The additional revenue captured pursuant to a determination under subsection (a) shall be distributed to the capital improvement board or its designee. So long as there are any current or future

obligations owed by the capital improvement board to the Indiana stadium and convention building authority created by IC 5-1-17 or any state agency under a lease or another agreement entered into between the capital improvement board and the Indiana stadium and convention building authority or any state agency under IC 5-1-17-26, the capital improvement board or its designee shall deposit the additional revenue received under this subsection in a special fund, which may be used only for the payment of the obligations described in this subsection.

(c) Notwithstanding the budget director's determination under subsection (a), after January 1, 2010, the capture of the additional eleven million dollars (\$11,000,000) per year described in subsection (a) terminates on January 1 of the year following the first year in which no obligations of the capital improvement board described in subsection (b) remain outstanding.

SECTION 7. **An emergency is declared for this act.**

(Reference is to ESB 259 as reprinted March 1, 2006.)

Kenley, Chair	Espich
Hume	Crawford
Senate Conferees	House Conferees

Roll Call 395: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT ESB 333-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 333 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-1-8-1, AS AMENDED BY SEA 132-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, the provisions of this chapter do not apply to the following:

(1) Department of state revenue.

(2) Department of workforce development.

(3) The programs administered by:

(A) the division of family resources;

(B) the division of mental health and addiction;

(C) the division of disability, aging, and rehabilitative services;

and

(D) the office of Medicaid policy and planning;

of the office of the secretary of family and social services.

(4) Auditor of state.

(5) State personnel department.

(6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.

- (7) The legislative ethics commission, with respect to the registration of lobbyists.
 - (8) Indiana department of administration, with respect to bidders on contracts.
 - (9) Indiana department of transportation, with respect to bidders on contracts.
 - (10) Indiana professional licensing agency.
 - (11) Department of insurance, with respect to licensing of insurance producers.
 - (12) The department of child services.
 - (13) A pension fund administered by the board of trustees of the public employees' retirement fund.
 - (14) The Indiana state teachers' retirement fund.
 - (15) The state police benefit system.
 - (16) The alcohol and tobacco commission.
 - (17) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).**
- (b) The bureau of motor vehicles may, notwithstanding this chapter, require the following:
- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
 - (2) That an individual include the individual's Social Security number on an application for registration.
 - (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.
- (c) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.
- (d) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.
- (e) The Indiana gaming commission may, notwithstanding this chapter, require the following:
- (1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.
 - (2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.
- (f) Notwithstanding this chapter, the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.
- SECTION 2. IC 15-5-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter:

"Accredited college of veterinary medicine" means a veterinary

college or division of a university or college that:

- (1) offers the degree doctor of veterinary medicine or its equivalent;
- (2) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (3) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Agency" refers to the Indiana professional licensing agency established by IC 25-1-5-3.

"Animal" means any animal other than man and includes birds, fish, mammals, and reptiles, wild or domestic.

"Approved program" means a program in veterinary technology that:

- (1) conforms to the standards required for accreditation by the American Veterinary Medical Association; and
- (2) is accredited by the American Veterinary Medical Association or an accrediting agency that has been approved by the United States Department of Education or its successor.

"Board" means the Indiana board of veterinary medical examiners created by this chapter.

"Bureau" refers to the health professions bureau established by IC 25-1-5-3.

"ECFVG certificate" means a certificate issued by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates, indicating that the holder has demonstrated knowledge and skill equivalent to that possessed by a graduate of an accredited college of veterinary medicine.

"Extern" means a senior veterinary student enrolled in an accredited college of veterinary medicine, or a second year student enrolled in an approved program in veterinary technology, employed by or working with a licensed veterinarian and under ~~his~~ **the licensed veterinarian's** direct supervision.

"Licensed veterinarian" means an individual who is licensed pursuant to this chapter to practice veterinary medicine in this state.

"Person" means an individual, an incorporated or unincorporated organization or association, or a group of such persons acting in concert.

"Practice of veterinary medicine" means:

- (1) representing oneself as engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry in any of its branches or using words, letters, or titles in a connection or under circumstances that may induce another person to believe that the person using them is engaged in the practice of veterinary medicine, veterinary surgery, or veterinary dentistry;
- (2) accepting remuneration for doing any of the things described in subdivisions (3) through (6);
- (3) diagnosing a specific disease or injury, or identifying and describing a disease process of animals, or performing any procedure for the diagnosis of pregnancy, sterility, or infertility upon animals;
- (4) prescribing a drug, medicine, appliance or application, or treatment of whatever nature for the prevention, cure, or relief of bodily injury or disease of animals;
- (5) performing a surgical or dental operation upon an animal; or
- (6) administering a drug, medicine, appliance, application, or treatment of whatever nature for the prevention, cure, or relief

of a wound, fracture, or bodily injury or disease of animals, except where such drug, medicine, appliance, application, or treatment is administered at the direction and under the direct supervision of a veterinarian licensed under this chapter.

"Registered veterinary technician" means a veterinary technician registered pursuant to this chapter to work under the direct supervision of a licensed veterinarian.

"Veterinarian" means an individual who was a licensed veterinarian on August 31, 1979, or who has received a professional degree from an accredited college of veterinary medicine.

"Veterinary medicine" includes veterinary surgery, obstetrics, dentistry, acupuncture, and all other branches or specialties of veterinary medicine.

"Veterinary technician" means an individual who has successfully completed a program in veterinary technology of at least two (2) years in a school that conforms to the standards required for accreditation by the American Veterinary Medical Association and that is accredited by the American Veterinary Medical Association.

SECTION 3. IC 15-5-1.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) The board shall hold at least one (1) examination for licensing veterinarians and one (1) examination for registering veterinary technicians each year but it may hold more. The ~~bureau~~ **agency** shall give notice of the time and place for each examination at least ninety (90) days in advance of the date set for the examination. A person desiring to take an examination must make application not later than the time the board may prescribe under section 8(e) of this chapter.

(b) The preparation, administration, and grading of examinations shall be approved by the board. Examinations shall be designed to test the examinee's knowledge of and proficiency in the subjects and techniques commonly taught in veterinary schools. To pass the examination, the examinee must demonstrate scientific and practical knowledge sufficient to prove to the board that the examinee is competent to practice veterinary medicine or to act as a veterinary technician, as the case may be. The board may adopt and use examinations approved by the National Board ~~Examination Committee of Veterinary Medical Examiners~~.

(c) To qualify for a license as a veterinarian or to be registered as a veterinary technician, the applicant must attain a passing score in the examinations.

(d) After the examinations, the ~~bureau~~ **agency** shall notify each examinee of the result of the examinee's examinations and the board shall issue a license or registration certificate, as appropriate, to each individual who successfully completes the examinations and is otherwise qualified. The ~~bureau~~ **agency** shall keep a permanent record of the issuance of each license or registration certificate.

(e) An individual who fails to pass the required examinations may apply to take a subsequent examination. However, payment of the examination fee shall not be waived.

(f) If an applicant fails to pass the required examination within three (3) attempts in Indiana or any other state, the applicant may not retake the required examination. The applicant may take subsequent examinations upon approval by the board and completion of remedial education as required by the board.

(g) A license or registration certificate issued under this article is valid for the remainder of the renewal period in effect on the date

of issuance.

SECTION 4. IC 16-39-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) This section applies to all health records except mental health records, which are governed by IC 16-39-2, IC 16-39-3, and IC 16-39-4.

(b) This article applies to all health records, except:

- (1) records regarding communicable diseases, which are governed by IC 16-41-8-1; or
- (2) records regarding alcohol and other drug abuse patient records, which are governed by 42 CFR, Part 2.

(c) On written request and reasonable notice, a provider shall supply to a patient the health records possessed by the provider concerning the patient. **Subject to 15 U.S.C. 7601 et seq. and 16 CFR Part 315**, information regarding contact lenses must be given using the following guidelines:

- (1) After the release of a patient from an initial fitting and follow-up period of not more than six (6) months, the contact lens prescription must be released to the patient at the patient's request.
- (2) A prescription released under subdivision (1) must contain all information required to properly duplicate the contact lenses.
- (3) A contact lens prescription must include the following:
 - (A) An expiration date of ~~not more than~~ one (1) year.
 - (B) The number of refills permitted.
- (4) Instructions for use must be consistent with:
 - (A) recommendations of the contact lens manufacturer;
 - (B) clinical practice guidelines; and
 - (C) the professional judgment of the prescribing optometrist or physician licensed under IC 25-22.5.

After the release of a contact lens prescription under this subsection, liability for future fittings or dispensing of contact lenses under the original prescription lies with the dispensing company or practitioner.

(d) On a patient's written request and reasonable notice, a provider shall furnish to the patient or the patient's designee the following:

- (1) A copy of the patient's health record used in assessing the patient's health condition.
- (2) At the option of the patient, the pertinent part of the patient's health record relating to a specific condition, as requested by the patient.

(e) A request made under this section is valid for sixty (60) days after the date the request is made.

SECTION 5. IC 16-41-35-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) The state department shall adopt rules under IC 4-22-2 to regulate who may operate a radiation machine and what level of training and experience the operator must have. Rules adopted by the state department must exempt from testing to establish initial qualifications an individual who:

- (1) holds a valid certificate issued by; and
 - (2) is currently registered with; the American Registry of Radiologic Technologists.
- (b) The state department may by rule exempt an individual who:
- (1) is currently licensed in another state as a radiologic technologist; or
 - (2) performs the function of a radiologic technologist in another state that does not require the licensure of a radiologic technologist;

from testing to establish initial qualifications.

(c) The state department shall issue a license to an individual meeting the requirements of the rules adopted under subsection (a) for a radiologic technologist upon the payment to the state department of a sixty dollar (\$60) fee and the cost of testing to establish initial qualifications. The license is valid for twenty-four (24) months. The state department shall establish a fee for the renewal or duplication of a license issued under this section not to exceed sixty dollars (\$60). In addition to the renewal fee, a penalty fee of sixty dollars (\$60) shall be imposed by the state department for processing an application for license renewal received after the expiration of the previous license. The state department may waive the penalty fee for a showing of good cause.

(d) An individual who applies for a license issued under subsection (c) or who holds a license issued under subsection (c) shall provide the individual's Social Security number to the state department.

(e) The state department shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(f) Notwithstanding IC 4-1-10-3, the state department may allow access to the Social Security number of each person who is licensed under this section or has applied for a license under this section to:

- (1) a testing service that provides the examination for licensure as a radiologic technologist to the state department; or**
- (2) an individual state regulatory board of radiologic technology or an organization composed of state regulatory boards of radiologic technology for the purpose of coordinating licensure and disciplinary activities among the individual states.**

(g) Every owner of a radiation machine, including an industrial radiation machine, shall have the machine inspected in accordance with procedures and standards established by the state department. The state department shall adopt rules under IC 4-22-2 establishing the procedures and standards applicable to inspections of radiation machines.

SECTION 6. IC 16-42-19-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A veterinarian licensed to practice veterinary medicine in Indiana.
- (3) A dentist licensed to practice dentistry in Indiana.
- (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.
- (6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.

SECTION 7. IC 16-42-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatry in Indiana.

(4) A veterinarian licensed to practice veterinary medicine in Indiana.

(5) An optometrist who is:

- (A) licensed to practice optometry in Indiana; and
- (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.

SECTION 8. IC 16-42-22-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. As used in this chapter, "practitioner" means any of the following:

- (1) A licensed physician.
- (2) A dentist licensed to practice dentistry in Indiana.
- (3) A podiatrist licensed to practice podiatric medicine in Indiana.
- (4) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under ~~IC 25-26-15~~ **IC 25-24-3**.
- (5) An advanced practice nurse licensed and granted the authority to prescribe legend drugs under IC 25-23.

SECTION 9. IC 20-28-1-11, AS ADDED BY P.L.1-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. "School psychology" means the following:

(1) Administering, scoring, and interpreting educational, cognitive, career, vocational, behavioral, and affective tests and procedures that address a student's:

- (A) education;
- (B) developmental status;
- (C) attention skills; and
- (D) social, emotional, and behavioral functioning;

as they relate to the student's learning or training in the academic or vocational environment.

(2) Providing consultation, collaboration, and intervention services (not including psychotherapy) and providing referral to community resources to:

- (A) students;
- (B) parents of students;
- (C) teachers;
- (D) school administrators; and
- (E) school staff;

concerning learning and performance in the educational process.

(3) Participating in or conducting research relating to a student's learning and performance in the educational process:

- (A) regarding the educational, developmental, career, vocational, or attention functioning of the student; or
- (B) screening social, affective, and behavioral functioning of the student.

(4) Providing inservice or continuing education services relating to learning and performance in the educational process to schools, parents, or others.

(5) Supervising school psychology services.

(6) Referring a student to:

- (A) a speech-language pathologist or an audiologist licensed under IC 25-35.6 for services for speech, hearing and language disorders; or**
- (B) an occupational therapist certified under IC 25-23.5 for occupational therapy services;**

by a school psychologist who is employed by a school corporation and who is defined as a practitioner of the healing arts for the purpose of referrals under 42 CFR

440.110.

The term does not include the diagnosis or treatment of mental and nervous disorders, except for conditions and interventions provided for in state and federal mandates affecting special education and vocational evaluations as the evaluations relate to the assessment of handicapping conditions and special education decisions or as the evaluations pertain to the placement of children and developmentally disabled adults.

SECTION 10. IC 25-1-4-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.2. As used in this chapter, "approved organization" refers to the following:**

- (1) United States Department of Education.
- (2) Council on Post-Secondary Education.
- (3) Joint Commission on Accreditation of Hospitals.
- (4) Joint Commission on Healthcare Organizations.
- (5) Federal, state, and local government agencies.
- (6) A college or other teaching institution accredited by the United States Department of Education or the Council on Post-Secondary Education.
- (7) A national organization of practitioners whose members practicing in Indiana are subject to regulation by a board or agency regulating a profession or occupation under this title or IC 15.
- (8) A national, state, district, or local organization that operates as an affiliated entity under the approval of an organization listed in subdivisions (1) through (7).
- (9) An internship or a residency program conducted in a hospital that has been approved by an organization listed in subdivisions (1) through (7).
- (10) Any other organization or individual approved by the board.

SECTION 11. IC 25-1-4-0.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.3. As used in section 3 of this chapter, "board" means any of the following:**

- ~~(1) Indiana board of veterinary medical examiners (IC 25-5-1-1).~~
- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- ~~(2) (3) Indiana athletic trainers board (IC 25-5.1-2-1).~~
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- ~~(3) (7) Board of chiropractic examiners (IC 25-10-1).~~
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- ~~(4) (9) State board of dentistry (IC 25-14-1).~~
- ~~(5) (10) Indiana dietitians certification board (IC 25-14.5-2-1).~~
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- ~~(6) (14) Indiana state board of health facility administrators (IC 25-19-1).~~
- ~~(7) (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).~~

(16) Home inspectors licensing board (IC 25-20.2-3-1).

~~(8) (17) Indiana hypnotist committee (IC 25-20.5-1-7).~~

(18) State board of registration for land surveyors (IC 25-21.5-2-1).

(19) Manufactured home installer licensing board (IC 25-23.7).

~~(9) (20) Medical licensing board of Indiana (IC 25-22.5-2).~~

~~(10) (21) Indiana state board of nursing (IC 25-23-1).~~

~~(11) (22) Occupational therapy committee (IC 25-23.5).~~

~~(12) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).~~

~~(13) (23) Indiana optometry board (IC 25-24).~~

~~(14) (24) Indiana board of pharmacy (IC 25-26).~~

~~(15) (25) Indiana physical therapy committee (IC 25-27-1).~~

~~(16) (26) Physician assistant committee (IC 25-27.5).~~

(27) Indiana plumbing commission (IC 25-28.5-1-3).

~~(17) (28) Board of podiatric medicine (IC 25-29-2-1).~~

~~(18) Board of environmental health specialists (IC 25-32).~~

(29) Private detectives licensing board (IC 25-30-1-5.1).

~~(19) (30) State psychology board (IC 25-33).~~

(31) Indiana real estate commission (IC 25-34.1-2).

(32) Real estate appraiser licensure and certification board (IC 25-34.1-8).

~~(20) (33) Respiratory care committee (IC 25-34.5).~~

(34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

~~(21) (35) Speech-language pathology and audiology board (IC 25-35.6-2).~~

(36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

SECTION 12. IC 25-1-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction that is approved by an approved organization or the board and that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.**

SECTION 13. IC 25-1-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3. (a) Notwithstanding any other law, a board that is specifically authorized or mandated to require continuing education as a condition to renew a registration, certification, or license must require a practitioner to comply with the following renewal requirements:**

(1) The practitioner shall provide the board with a sworn statement ~~signed~~ **executed** by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(2) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(b) **Every two (2) years Following every license renewal period,** the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

SECTION 14. IC 25-1-4-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter at the time that the practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board shall do the following:

- (1) Send the practitioner notice of noncompliance by certified mail.
 - (2) As a condition of license renewal, require the practitioner to comply with subsection (b).
 - (3) Issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).
- (b) Upon receipt of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:
- (1) If the practitioner believes that the practitioner has complied with this chapter, within twenty-one (21) days of receipt of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.
 - (2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:
 - (A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt of the notice.
 - (B) Acquire, within six (6) months after receiving the notice, the number of credit hours needed to achieve full compliance.
 - (C) Comply with all other provisions of this chapter.
 - (c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend the license of the practitioner and send notice of the suspension to the practitioner by certified mail.
 - (d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under subsection (b)(2)(A).

(e) The board shall:

- (1) reinstate a practitioner suspended under subsection (c); or
 - (2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);
- if the practitioner supplies proof of compliance with this chapter under subsection (b)(1).

SECTION 15. IC 25-1-4-6 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) Notwithstanding any other law, if at the time a practitioner applies for license renewal or after an audit conducted under section 3 of this chapter, the board determines that the practitioner has failed to comply with this chapter and the practitioner has previously received a notice of noncompliance under section 5(a) of this chapter during the preceding license period, the board shall do the following:

- (1) Provide the practitioner notice of noncompliance by certified mail.

- (2) Deny the practitioner's application for license renewal.
- (b) The board shall reinstate a license not renewed under subsection (a) upon occurrence of the following:

- (1) Payment by a practitioner to the board of a civil penalty determined by the board, but not to exceed one thousand dollars (\$1,000).
- (2) Acquisition by the practitioner of the number of credit hours required to be obtained by the practitioner during the relevant license period.
- (3) The practitioner otherwise complies with this chapter.

SECTION 16. IC 25-1-4-7 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. Credit hours acquired by a practitioner under section 5(b)(2) or 6(b)(2) of this chapter may not apply to the practitioner's credit hour requirement for the license period in which the credit hours are acquired.

SECTION 17. IC 25-1-4-8 ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. The board may adopt rules under IC 4-22-2 to implement this chapter.

SECTION 18. IC 25-1-5-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the agency.

(b) The agency and the boards shall collect and release the applicant's or licensee's Social Security number as provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating licensure and disciplinary activities among the individual states.

SECTION 19. IC 25-1-6-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) An individual who applies for a license issued by a board under this chapter or who holds a license issued by a board under this chapter shall provide the individual's Social Security number to the licensing agency.

(b) The licensing agency and the boards shall collect and release the applicant's or licensee's Social Security number as otherwise provided in state or federal law.

(c) Notwithstanding IC 4-1-10-3, the licensing agency and the boards may allow access to the Social Security number of each person who is licensed under this chapter or has applied for a license under this chapter to:

- (1) a testing service that provides the examination for licensure to the licensing agency or the boards; or
- (2) an individual state regulatory board or an organization composed of state regulatory boards for the applicant's or licensee's profession for the purpose of coordinating

licensure and disciplinary activities among the individual states.

SECTION 20. IC 25-1-8-6, AS AMENDED BY P.L.206-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) As used in this section, "board" has the meaning set forth in ~~IC 25-1-4-0.3~~; means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana athletic trainers board (IC 25-5.1-2-1).
- (4) Indiana auctioneer commission (IC 25-6.1-2-1).
- (5) State board of barber examiners (IC 25-7-5-1).
- (6) State boxing commission (IC 25-9-1).
- (7) Board of chiropractic examiners (IC 25-10-1).
- (8) State board of cosmetology examiners (IC 25-8-3-1).
- (9) State board of dentistry (IC 25-14-1).
- (10) Indiana dietitians certification board (IC 25-14.5-2-1).
- (11) State board of registration for professional engineers (IC 25-31-1-3).
- (12) Board of environmental health specialists (IC 25-32-1).
- (13) State board of funeral and cemetery service (IC 25-15-9).
- (14) Indiana state board of health facility administrators (IC 25-19-1).
- (15) Committee on hearing aid dealer examiners (IC 25-20-1-1.5).
- (16) Home inspectors licensing board (IC 25-20.2-3-1).
- (17) Indiana hypnotist committee (IC 25-20.5-1-7).
- (18) State board of registration for land surveyors (IC 25-21.5-2-1).
- (19) Manufactured home installer licensing board (IC 25-23.7).
- (20) Medical licensing board of Indiana (IC 25-22.5-2).
- (21) Indiana state board of nursing (IC 25-23-1).
- (22) Occupational therapy committee (IC 25-23.5).
- (23) Indiana optometry board (IC 25-24).
- (24) Indiana board of pharmacy (IC 25-26).
- (25) Indiana physical therapy committee (IC 25-27).
- (26) Physician assistant committee (IC 25-27.5).
- (27) Indiana plumbing commission (IC 25-28.5-1-3).
- (28) Board of podiatric medicine (IC 25-29-2-1).
- (29) Private detectives licensing board (IC 25-30-1-5.1).
- (30) State psychology board (IC 25-33).
- (31) Indiana real estate commission (IC 25-34.1-2).
- (32) Real estate appraiser licensure and certification board (IC 25-34.1-8).
- (33) Respiratory care committee (IC 25-34.5).
- (34) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (35) Speech-language pathology and audiology board (IC 25-35.6-2).
- (36) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(b) This section does not apply to a license, certificate, or registration that has been revoked or suspended.

(c) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, the holder

of a license, certificate, or registration that was issued by the board that is three (3) years or less delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee established by the Indiana professional licensing agency.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.

(d) Notwithstanding any other law regarding the reinstatement of a delinquent or lapsed license, certificate, or registration, unless a statute specifically does not allow a license, certificate, or registration to be reinstated if it has lapsed for more than three (3) years, the holder of a license, certificate, or registration that was issued by the board that is more than three (3) years delinquent must be reinstated upon meeting the following requirements:

- (1) Submission of the holder's completed renewal application.
- (2) Payment of the current renewal fee established by the board under section 2 of this chapter.
- (3) Payment of a reinstatement fee equal to the current initial application fee.
- (4) If a law requires the holder to complete continuing education as a condition of renewal, the holder shall provide the board with a sworn statement, signed by the holder, that the holder has fulfilled the continuing education requirements required by the board for the current renewal period.
- (5) Complete such remediation and additional training as deemed appropriate by the board given the lapse of time involved.
- (6) Any other requirement that is provided for in statute or rule that is not related to fees.

SECTION 21. IC 25-4-1-14, AS AMENDED BY P.L.194-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Every registered architect who continues in active practice shall, biennially, on or before the date established by the licensing agency under IC 25-1-6-4, renew the registered architect's certificate of registration and pay the required renewal fee. A registered architect whose certificate of registration has expired may have the certificate restored only upon payment of the required fee under ~~IC 25-1-8-7~~; **IC 25-1-8-6**.

(b) Subject to subsection (c), any architect registered or licensed in this state who has failed to renew the architect's certificate of registration for a period of not more than five (5) years may have the certificate renewed at any time within a period of five (5) years after the registration expired upon:

- (1) making application to the board for renewal of the registration; and
- (2) paying a fee required under ~~IC 25-1-8-7~~; **IC 25-1-8-6**.

(c) If any registered architect desires to retire from the practice of architecture in Indiana, the architect may submit to the board the architect's verified statement of intention to withdraw from practice. The statement shall be entered upon the records of the board. During the period of the architect's retirement, the architect is not liable for

any renewal or restoration fees. If any retired architect desires to return to the practice of architecture in Indiana within a period of five (5) years from the date that the architect files a statement under this subsection, the retired architect must:

- (1) file with the board a verified statement indicating the architect's desire to return to the practice of architecture; and
- (2) pay a renewal fee equal to the fee set by the board to renew an unexpired registration under this chapter.

SECTION 22. IC 25-4-1-16, AS AMENDED BY P.L.194-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) The fee to be paid by an applicant for an examination to determine the applicant's fitness to receive a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(b) The fee to be paid by an applicant for a certificate of registration as a registered architect shall be established by the board under IC 25-1-8-2.

(c) The fee to be paid for the restoration of an expired certificate of registration as a registered architect shall be established under ~~IC 25-1-8-7~~ **IC 25-1-8-6**. The restoration fee shall be in addition to all unpaid renewal fees.

(d) The fee to be paid upon renewal of a certificate of registration shall be established by the board under IC 25-1-8-2.

(e) The fee to be paid by an applicant for a certificate of registration who is an architect registered or licensed under the laws of another state or territory of the United States, or of a foreign country or province, shall be established by the board under IC 25-1-8-2.

SECTION 23. IC 25-4-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 31. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for architects.
- (2) Set minimum requirements for continuing education and training for architects.
- (3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require an architect to comply with the following: ~~renewal requirements~~:

- (1) The architect shall provide the board with a sworn statement signed by the architect that the architect has fulfilled the continuing education requirements required by the board.
- (2) ~~The architect shall retain copies of certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. The architect shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit: requirements under IC 25-1-4.~~

~~(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the architects required to take continuing education courses.~~

SECTION 24. IC 25-4-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The board may adopt rules under IC 4-22-2 to do the following:

- (1) Require continuing education and training for landscape architects.
- (2) Set minimum requirements for continuing education and training for landscape architects.

(3) Set minimum requirements for continuing education instructors approved by the board.

(b) The rules adopted under this section must require a landscape architect to comply with the following: ~~renewal requirements~~:

(1) The landscape architect shall provide the board with a sworn statement signed by the landscape architect that the landscape architect has fulfilled the continuing education requirements required by the board.

(2) ~~The landscape architect shall retain copies of certificates of completion for continuing education courses for three (3) years after the end of the licensing period for which the continuing education applied. The landscape architect shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit: requirements under IC 25-1-4.~~

~~(c) Every two (2) years the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the landscape architects required to take continuing education courses.~~

SECTION 25. IC 25-6.1-3-2, AS AMENDED BY P.L.194-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Every individual, before acting as an auctioneer, must obtain a license from the commission.

(b) An applicant for a license must:

- (1) be at least eighteen (18) years of age;
- (2) have completed at least eighty (80) actual hours of auction instruction from a course provider approved by the commission;
- (3) not have a conviction for:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-11; or
 - (B) a felony that has a direct bearing on the applicant's ability to practice competently.

(c) Auction instruction required under subsection (b) must provide the applicant with knowledge of all of the following:

- (1) The value of real estate and of various goods commonly sold at an auction.
- (2) Bid calling.
- (3) Sale preparation, sale advertising, and sale summary.
- (4) Mathematics.
- (5) The provisions of this article and the commission's rules.
- (6) Any other subject matter approved by the commission.

(d) An individual seeking an initial license as an auctioneer under this article shall file with the commission a completed application on the form prescribed by the commission. When filing an application for an auctioneer license, each individual shall pay a nonrefundable examination fee established by the commission under IC 25-1-8-2.

(e) When applying for a renewal of an auctioneer license, each individual shall do the following:

- (1) Apply in a manner required by the commission, including certification by the applicant that the applicant has complied with the requirements of IC 25-6.1-9-8, unless the commission has granted the applicant a waiver under IC 25-6.1-9-9.
- (2) Pay the license fee prescribed by section 5 of this chapter.

(f) Upon the receipt of a completed application for an initial or a renewal license, the commission shall examine the application and verify the information contained therein.

(g) An applicant who is seeking an initial license must pass an examination approved by the commission that covers subjects and topics of knowledge required to practice as an auctioneer. The commission shall hold examinations as the commission may prescribe.

(h) The commission shall issue an auctioneer's license, in such form as it may prescribe, to each individual who meets all of the requirements for licensing and pays the appropriate fees.

(i) Auctioneer licenses shall be issued for a term of four (4) years. A license expires at midnight on the date established by the licensing agency under IC 25-1-6-4 and every fourth year thereafter, unless renewed before that date. If the license has expired, it may be reinstated not more than one (1) year after the date it expired upon the payment of the renewal fee plus the reinstatement fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** and submission of proof that the applicant has complied with the continuing education requirement. If the license has expired for a period of more than one (1) year, the person must file an application and take the required examination. However, an applicant for reinstatement of an expired license is not required to complete the initial eighty (80) hour education requirement under this section in order to reinstate the expired license. The holder of an expired license shall cease to display the original wall certificate at the holder's place of business and shall return the wall certificate to the commission upon notification by the commission of the expiration of the holder's license.

(j) The commission may waive the requirement that a nonresident applicant pass an examination and that the nonresident submit written statements by two (2) individuals, if the nonresident applicant:

- (1) is licensed to act as an auctioneer in the state of the applicant's domicile;
- (2) submits with the application a duly certified letter of certification issued by the licensing board of the applicant's domiciliary state;
- (3) is a resident of a state whose licensing requirements are substantially equal to the requirements of Indiana;
- (4) is a resident of a state that grants the same privileges to the licensees of Indiana; and
- (5) includes with the application an irrevocable consent that actions may be commenced against the applicant. The consent shall stipulate that service of process or pleadings on the commission shall be taken and held in all courts as valid and binding as if service of process had been made upon the applicant personally within this state. If any process or pleading mentioned in this subsection is served upon the commission, it shall be by duplicate copies. One (1) of the duplicate copies shall be filed in the office of the commission and one (1) shall be immediately forwarded by the commission by registered or certified mail to the applicant against whom the process or pleadings are directed.

(k) The commission may enter into a reciprocal agreement with another state concerning nonresident applicants.

(l) The commission may, for good cause shown, upon the receipt of an application for a license, issue a temporary permit for such reasonable period of time, not to exceed one (1) year, as the commission deems appropriate. A temporary permit has the same effect as a license and entitles and subjects the permittee to the same rights and obligations as if the individual had obtained a license.

- (m) An applicant for a temporary permit must do the following:
- (1) File an examination application.
 - (2) Pass the examination at one (1) of the next two (2) regularly scheduled examinations.

(n) An individual who does not pass the examination required under subsection (m) may not be issued a temporary permit.

SECTION 26. IC 25-7-5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 17. The agency shall do the following:

- (1) Furnish the board with suitable quarters to conduct the board's business.
- (2) Maintain a record of:
 - (A) the proceedings of the board;
 - (B) each person licensed under this article, including the person's name and address; **and**
 - (C) the licenses issued under this article, including the:
 - (i) number assigned to the license by the agency;
 - (ii) date the license was issued; and
 - (iii) actions taken by the board concerning the license, including any renewal ~~suspension~~, or ~~revocation~~; **and action taken under IC 25-1-11.**

~~(D) rejected applications for a license under this article.~~

SECTION 27. IC 25-7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall conduct ~~an~~ **a written** examination of the applicants for a barber license at least four (4) times each year. The ~~tests~~ **examinations** described in this section:

- (1) shall be conducted at the times and places determined by the board; **and**
- (2) **must concern the licensed activity of barbering, as the licensed activity is customarily taught in a barber school.**

The examination may be administered through computer based testing.

- (b) ~~The examinations described in subsection (a) must include:~~
- ~~(1) Each applicant must pass a practical demonstration examination of the acts permitted by the license. and~~
 - ~~(2) a written examination concerning the licensed activity; as the licensed activity is customarily taught in a~~ **The practical examination must be administered by the applicant's barber school.**

SECTION 28. IC 25-7-6-14, AS AMENDED BY P.L.194-2005, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. An expired barber license may be reinstated by payment of the reinstatement and renewal fees required under IC 25-1-8-2 and ~~IC 25-1-8-7~~ **IC 25-1-8-6** within five (5) years of the expiration date of the license. After five (5) years from the date that a barber license expires under this section, the person whose license has expired may reinstate the license only by:

- (1) applying for reinstatement of the license;
- (2) paying the fees set forth under IC 25-7-11 and ~~IC 25-1-8-7~~; **IC 25-1-8-6**; and
- (3) taking the same examination required under IC 25-7-10 for an applicant for a license to practice as a registered barber.

SECTION 29. IC 25-7-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application described in section 2 of this chapter must state that:

(1) the proposed school will require students to successfully complete at least one thousand five hundred (1,500) hours of course work as a requirement for graduation;

(2) not more than eight (8) hours of course work may be taken by a student during one (1) day;

(3) the course work will provide instruction to students in all theories and practical applications of barbering, including:

(A) the scientific fundamentals for barbering, hygiene, and bacteriology;

(B) the histology of hair, skin, muscles, and nerves;

(C) the structure of the head, face, and neck;

(D) elementary chemistry relating to sterilization and antiseptics;

(E) cutting, shaving, arranging, dressing, coloring, bleaching, tinting, and permanent waving of the hair; and

(F) at least ten (10) hours of study on skin and diseases of the skin under a certified dermatologist;

(4) the school will provide one (1) instructor for each group of twenty (20) or fewer students;

(5) the school will be operated under the personal supervision of a licensed barber instructor;

(6) the applicant has obtained:

(A) a building permit;

(B) a certificate of occupancy; or

(C) any other planning approval required under IC 22-15-3 and IC 36-7-4;

required to operate the school;

(7) the school, if located in the same building as a residence, will:

(A) be separated from the residence by a substantial floor to ceiling partition; and

(B) have a separate entrance; and

(8) as a requirement for graduation, the proposed school must:

(A) administer; and

(B) require the student to pass;

a final practical demonstration examination of the acts permitted by the license; and

~~(8)~~ **(9) the applicant has paid the fee set forth in IC 25-7-11-2.**

SECTION 30. IC 25-7-7-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 3.5. (a) A barber school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.**

(b) The board shall consider an applicant for the barbering professional examination as fulfilling the practical examination requirement established in IC 25-7-6-5 after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) A barber school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.

(2) As part of random observations.

(3) To collect data.

SECTION 31. IC 25-7-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. ~~(a)~~ The application described in section 2 of this chapter must state that the applicant:

(1) is either:

(A) at least eighteen (18) years of age; or

(B) at least seventeen (17) years of age and is a graduate of an accredited high school;

(2) has graduated from an approved barber school with not less than one thousand five hundred (1,500) hours of training;

(3) has received a satisfactory grade (as described in IC 25-7-6-6) on an examination for barber license applicants prescribed by the board;

(4) has not committed an act that could subject the applicant to discipline under IC 25-1-11; and

~~(5) has a certificate from a physician licensed in Indiana stating:~~

~~(A) that the applicant is free from any contagious, infectious, or communicable disease that has been epidemiologically demonstrated to be transmitted through casual contact during the practice of barbering; and~~

~~(B) the results of a tubercular and a Wasserman test; and~~

~~(6)~~ **(5) has paid the fee set forth in IC 25-7-11 for the issuance of a license under this chapter.**

~~(b) The certificate required by subsection (a)(5) must be dated less than thirty (30) days before the date that the applicant is examined under IC 25-7-6.~~

SECTION 32. IC 25-7-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) If a person does not receive a satisfactory grade on the **written** examination described in IC 25-7-6-5, the person may repeat the examination within ninety (90) days after the date of the examination without completing any additional study in barbering.

(b) If a person does not receive a satisfactory grade on the repeat examination described in subsection (a), the person will be permitted to repeat the examination only upon proof of completion of two hundred fifty (250) additional hours of training at an approved barber school.

SECTION 33. IC 25-7-11-2, AS AMENDED BY P.L.194-2005, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The board shall adopt rules under IC 4-22-2 to establish fees for the application, issuance, and renewal of barber school licenses under IC 25-1-8-2.

(b) In addition to the fee charged under subsection (a), the board shall charge a fee for reinstating a barber school license under ~~IC 25-1-8-7.~~ **IC 25-1-8-6.**

(c) A barber school license may not be reinstated if at least one (1) year has passed since the license expired. However, the barber school may obtain a new license by:

(1) making application;

(2) meeting the requirements for licensure; and

(3) paying a fee established by the board under IC 25-1-8-2.

SECTION 34. IC 25-7-11-5, AS AMENDED BY P.L.194-2005, SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall establish fees under IC 25-1-8-2 for providing an examination to an applicant

for a barber license.

(b) The board shall establish fees under IC 25-1-8-2 for issuing or renewing a barber license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a barber license.

SECTION 35. IC 25-8-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, **torso**, arms, hands, legs, or feet of a person:

- (1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.
- (2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.
- (3) Arching eyebrows.
- (4) Using depilatories.
- (5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

- (1) in treating illness or disease;
- (2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6; ~~or~~
- (3) in performing shampooing operations; or**
- ~~(3) (4)~~ (4) without compensation.

SECTION 36. IC 25-8-2-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5.5. "Cosmetology professional" refers to the following:

- ~~(1) A master cosmetologist licensed under IC 25-8-8;~~
- ~~(2) (1)~~ (1) A cosmetologist licensed under IC 25-8-9.
- ~~(3) (2)~~ (2) An electrologist licensed under IC 25-8-10.
- ~~(4) (3)~~ (3) A manicurist licensed under IC 25-8-11.
- ~~(5) A shampoo operator licensed under IC 25-8-12;~~
- ~~(6) (4)~~ (4) An esthetician licensed under IC 25-8-12.5.
- ~~(7) (5)~~ (5) An instructor licensed under IC 25-8-6.

SECTION 37. IC 25-8-3-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. ~~(a)~~ A member of the board or any inspector or investigator may inspect:

- (1) a cosmetology salon;
- (2) an electrology salon;
- (3) an esthetic salon;
- (4) a manicuring salon; or
- (5) a cosmetology school;

during its regular business hours.

~~(b) A member of the board, an inspector, or an investigator must inspect the salon or school at least once after the applicant applies for a renewal under IC 25-8-4-18 and before the license is renewed.~~

SECTION 38. IC 25-8-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. **(a) Each applicant must pass a final practical demonstration examination of the acts permitted by the license. The applicant's cosmetology school shall administer the final practical demonstration examination.**

(b) The board shall conduct ~~an~~ **a written** examination of the applicants for a cosmetologist license at least once each month. The board shall conduct ~~an~~ **a written** examination of the applicants for all other licenses issued under this article at least four (4) times each

year. The ~~tests~~ **written examinations** described in this section:

(1) shall be conducted at the times and places determined by the board; **and**

(2) may be administered through computer based testing.

SECTION 39. IC 25-8-4-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19. The board shall renew a license if the license holder

~~(1)~~ pays the fee set forth in IC 25-8-13 to renew the license before the license is to expire. ~~and~~

~~(2) fulfills the continuing education requirements under IC 25-8-15;~~

SECTION 40. IC 25-8-4-21, AS AMENDED BY P.L.194-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. Except as provided in IC 25-8-9-11, the board may, upon application, reinstate a license under this chapter that has expired if the person holding the license:

(1) pays renewal fees established by the board under IC 25-1-8-2;

(2) pays the license reinstatement fee established under ~~IC 25-1-8-7; IC 25-1-8-6; and~~

(3) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated, other than receiving a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board. ~~and~~

~~(4) fulfills the continuing education requirements under IC 25-8-15;~~

SECTION 41. IC 25-8-4-23, AS AMENDED BY P.L.194-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 23. The board may reinstate a license issued under this article held by a person described in section 22(a) of this chapter if the applicant:

(1) receives a satisfactory grade (as defined in section 9 of this chapter) on an examination prescribed by the board;

(2) pays the examination fee set forth in IC 25-8-13;

(3) pays the reinstatement fee established under ~~IC 25-1-8-7; IC 25-1-8-6; and~~

(4) complies with all requirements imposed by this article on an applicant for an initial license to perform the acts authorized by the license being reinstated.

SECTION 42. IC 25-8-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application described in section 2 of this chapter must state that:

(1) as a requirement for graduation, the proposed school will require its students to successfully complete at least the one thousand five hundred (1,500) hours of course work required to be eligible to sit for the licensing examination;

(2) no more than eight (8) hours of course work may be taken by a student during one (1) day;

(3) the course work will instruct the students in all theories and practical application of the students' specific course of study;

(4) the school will provide one (1) instructor for each twenty (20) students or any fraction of that number;

(5) the school will be operated under the personal supervision of a licensed cosmetologist instructor;

(6) the person has obtained any building permit, certificate of occupancy, or other planning approval required under

IC 22-15-3 and IC 36-7-4 to operate the school;
(7) the school, if located in the same building as a residence, will:

- (A) be separated from the residence by a substantial floor to ceiling partition; and
- (B) have a separate entry; ~~and~~

(8) as a requirement for graduation, the proposed school must:

- (A) administer; and**
- (B) require the student to pass;**

a final practical demonstration examination of the acts permitted by the license; and

~~(8)~~ (9) the applicant has paid the fee set forth in IC 25-8-13-3.

SECTION 43. IC 25-8-5-4.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.**

(b) The board shall consider an applicant for the cosmetology professional examination as fulfilling the practical examination requirement established by IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

- (1) As a result of a complaint received.**
- (2) As part of random observations.**
- (3) To collect data.**

SECTION 44. IC 25-8-9-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. The board may issue a temporary work permit to practice cosmetology, electrology, esthetics, manicuring, ~~shampooing~~, or the instruction of cosmetology, esthetics, or electrology.

SECTION 45. IC 25-8-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. A person must file a verified application for a temporary:

- (1) cosmetologist work permit;
- (2) electrologist work permit;
- (3) esthetician work permit;
- (4) manicurist work permit;
- ~~(5) shampoo operator work permit;~~
- ~~(6)~~ (5) cosmetology instructor work permit;
- ~~(7)~~ (6) esthetics instructor work permit; or
- ~~(8)~~ (7) electrology instructor work permit;

with the board on a form prescribed by the board to obtain that work permit.

SECTION 46. IC 25-8-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice cosmetology under the supervision of a cosmetologist; and

(2) has filed an application under:

- (A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or
- (B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice electrology under the supervision of an electrologist; and
- (2) has filed an application under:
 - (A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice esthetics under the supervision of an esthetician; and
- (2) has filed an application under:
 - (A) IC 25-8-12.5-3, but has not taken the examination described in ~~IC 25-8-12.5-4(a)(4)~~; **IC 25-8-12.5-4(4)**; or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice manicuring under the supervision of a cosmetologist or manicurist; and
- (2) has filed an application under:
 - (A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

~~(e)~~ The temporary shampoo operator work permit application described in section 8 of this chapter must state that the applicant:

- ~~(1)~~ will practice shampooing under the supervision of a cosmetologist; and
- ~~(2)~~ has filed an application under:
 - ~~(A)~~ ~~IC 25-8-12-2~~, but has not taken the examination described in ~~IC 25-8-12-3(4)~~; or
 - ~~(B)~~ ~~IC 25-8-4-2~~ and is awaiting a board determination.

~~(f)~~ (e) The temporary cosmetology instructor work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice the instruction of cosmetology under the supervision of a cosmetology instructor; and
- (2) has filed an application under:
 - (A) IC 25-8-6-2, but has not taken the examination described in IC 25-8-6-3(6); or
 - (B) IC 25-8-4-2 and is awaiting a board determination.

~~(g)~~ (f) The temporary esthetics instructor work permit application described in section 8 of this chapter must state that the applicant:

- (1) will practice the instruction of esthetics under the supervision of a cosmetology or an esthetics instructor; and
- (2) has filed an application under:
 - (A) IC 25-8-6.1-2, but has not taken the examination described in IC 25-8-6.1-3(6); or
 - (B) IC 25-8-4-5 and is awaiting a board determination described in IC 25-8-4-2.

~~(h)~~ (g) The temporary electrology instructor work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice the instruction of electrology under the supervision of an electrology instructor; and

(2) has filed an application under:

(A) IC 25-8-6.2-2, but has not taken the examination described in IC 25-8-6.2-3(6); or

(B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 47. IC 25-8-13-3, AS AMENDED BY P.L.194-2005, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for an application to issue or renew a cosmetology school license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a cosmetology school license.

SECTION 48. IC 25-8-13-4, AS AMENDED BY P.L.194-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

(1) a cosmetology instructor license;

(2) an esthetics instructor license; or

(3) an electrology instructor license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an instructor license.

SECTION 49. IC 25-8-13-5, AS AMENDED BY P.L.194-2005, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing:

(1) a cosmetology salon license;

(2) an electrology salon license;

(3) an esthetic salon license; or

(4) a manicurist salon license.

(b) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating:

(1) a cosmetology salon license;

(2) an electrology salon license;

(3) an esthetic salon license; or

(4) a manicurist salon license.

SECTION 50. IC 25-8-13-7, AS AMENDED BY P.L.194-2005, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a cosmetologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a cosmetologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a cosmetologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing an Indiana cosmetologist license to a person who holds a license from another jurisdiction that meets the requirements set forth in IC 25-8-4-2.

SECTION 51. IC 25-8-13-8, AS AMENDED BY P.L.194-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an electrologist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an electrologist license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an electrologist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an electrologist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 52. IC 25-8-13-9, AS AMENDED BY P.L.194-2005, SECTION 47, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for a manicurist license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing a manicurist license.

(c) The board shall charge a fee required under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating a manicurist license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds a manicurist license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 53. IC 25-8-13-11, AS AMENDED BY P.L.194-2005, SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) The board shall charge a fee established by the board under IC 25-1-8-2 for providing an examination to an applicant for an esthetician license.

(b) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing or renewing an esthetician license.

(c) The board shall charge a fee established under ~~IC 25-1-8-7~~ **IC 25-1-8-6** for reinstating an esthetician license.

(d) The board shall charge a fee established by the board under IC 25-1-8-2 for issuing a license to a person who holds an esthetician license from another jurisdiction that meets the requirements under IC 25-8-4-2.

SECTION 54. IC 25-8-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. An individual with an inactive license:

(1) may not perform an act that requires a cosmetology professional license listed under IC 25-8-2-5.5; **and**

~~(2) is not required to fulfill the continuing education requirements under IC 25-8-15; and~~

~~(3) (2) is not required to pay any fees that a licensee is required to pay until the inactive cosmetology professional applies for reinstatement of the individual's license.~~

SECTION 55. IC 25-8-16-3, AS AMENDED BY P.L.194-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. If an inactive cosmetology professional intends to apply for reinstatement of the professional's license, the cosmetology professional shall notify the board of that intent. The board may reinstate the cosmetology professional's license upon notification and receipt of:

(1) an application; and

~~(2) evidence of completion during the preceding four (4) years of at least sixteen (16) hours of continuing education in a continuing education course approved by the board under IC 25-8-15.~~

(2) the fee established by the board under IC 25-1-8-2 for restoration of an inactive license.

SECTION 56. IC 25-13-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. ~~(a) Subject to IC 25-1-4-3, every two (2) years~~ The board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of ~~and the dental hygienists required to take~~ **hygienist shall comply with the requirements under IC 25-1-4 concerning continuing education. courses.**

~~(b) When requested by the board, a dental hygienist shall provide the board with a copy of each verification of attendance retained by the dental hygienist for the previous three (3) years.~~

SECTION 57. IC 25-14-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. ~~(a) Subject to IC 25-1-4-3, every two (2) years~~ The board shall randomly audit for compliance at least one percent (1%) but not more than ten percent (10%) of ~~the dentists required to take~~ **and the dentist shall comply with the requirements under IC 25-1-4 concerning continuing education. courses.**

~~(b) When requested by the board, a dentist shall provide the board with a copy of each verification of attendance retained by the dentist for the previous three (3) years.~~

SECTION 58. IC 25-15-6-4, AS AMENDED BY P.L.194-2005, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. The board shall reinstate the expired license of an individual who:

- (1) was licensed as a funeral director or embalmer;
- (2) applies for reinstatement of the funeral director license or embalmer license within two (2) years or four (4) years of the date that the license expired as set by the board;
- (3) pays a fee established under ~~IC 25-1-8-7, IC 25-1-8-6;~~ and
- (4) meets the continuing education requirements set by the board.

SECTION 59. IC 25-15-6-6, AS AMENDED BY P.L.194-2005, SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. The board may reinstate the license of:

- (1) a person that has allowed a funeral home license to expire only if the person reapplies for a funeral home license, pays a fee established under ~~IC 25-1-8-7, IC 25-1-8-6,~~ and otherwise meets the requirements in IC 25-15-4-1;
- (2) an individual whose funeral director intern license has expired only if the individual reapplies for a funeral director intern license, takes another examination, if required by the board, pays a fee established under ~~IC 25-1-8-7, IC 25-1-8-6,~~ and otherwise meets the requirements in IC 25-15-4-2; or
- (3) an individual whose funeral director license has expired after the time set in section 4 of this chapter has run only if the individual reapplies for a funeral director license, takes another examination, pays a fee established under ~~IC 25-1-8-7, IC 25-1-8-6,~~ and otherwise meets the requirements in IC 25-15-4-3(b).

The board may not reinstate an embalmer license or a funeral director license for a person qualified only under IC 25-15-4-3(d) after the time set under section 4 of this chapter has expired.

SECTION 60. IC 25-22.5-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Any physician

licensed to practice medicine or osteopathic medicine in this state who intends to retire from practice shall notify the board in writing of ~~his the physician's~~ intention to retire. ~~and shall surrender his license to practice to the board.~~ Upon receipt of this notice, ~~and license,~~ the board shall record the fact that the physician is retired and excuse the person from further payment of registration fees. If any physician ~~surrenders his~~ **retires the physician's** license to practice medicine or osteopathic medicine in this state, reinstatement of the license may be considered by the board upon written request. The board may impose any conditions it considers appropriate to the ~~surrender retirement~~ or to the reinstatement of a ~~surrendered retired~~ license. If any disciplinary proceedings under this chapter are pending against a physician, ~~he the physician~~ may not surrender ~~his or retire the physician's~~ license to practice without the written approval of the board.

(b) Any physician licensed to practice medicine or osteopathic medicine in this state who intends to become inactive in the practice of medicine shall notify the board in writing that:

- (1) ~~he the physician~~ will not maintain an office or practice; and
- (2) ~~if he the physician~~ does render a service that constitutes the practice of medicine, ~~he the physician~~ will not charge a fee for that service.

The board shall then classify the physician's license as inactive. The renewal fee of the inactive license is one-half (1/2) of the registration fee.

(c) If a physician holding an inactive license intends to maintain an office or practice or charge a fee for ~~his the physician's~~ medical services, ~~he the physician~~ shall notify the board of the intent to reactivate a license to practice medicine or osteopathy. **As a condition of reactivation, the board may require the physician to appear before the board. This personal appearance shall be to establish the physician's work history if the physician's license has been inactive for more than four (4) years and the physician cannot verify active practice history in another jurisdiction during the period in which the physician's Indiana license has been under inactive status.** Upon:

- (1) notification; ~~and~~
- (2) receipt of the regular registration fee for a physician's license, **less the amount paid for the current inactive license; and**
- (3) **either:**
 - (A) **verification of active licensure in another jurisdiction; or**
 - (B) **completion of other reasonable requirements imposed by the board, after the physician's work history has been established;**

the board shall reinstate that physician's license.

SECTION 61. IC 25-22.5-12 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 12. Residency Pilot Program for Qualified International Medical School Graduates

Sec. 1. As used in this chapter, "graduate" means a qualified international medical school graduate.

Sec. 2. As used in this chapter, "resident" means a graduate who has been accepted in the residency pilot program under this chapter.

Sec. 3. The board shall work with primary care residency programs, limited to family medicine, pediatrics, and internal medicine residency programs, to develop a pilot program for a period of seven (7) academic years to better identify, evaluate, and prepare qualified graduates for future practice in Indiana.

Sec. 4. The board shall allow family medicine, pediatrics, and internal medicine residency programs in Indiana that elect to participate in the residency pilot program to accept graduates from medical schools that:

- (1) are not on the board's list of approved medical schools; and
- (2) are not on the list of schools disapproved for postgraduate medical education training.

Sec. 5. The board shall develop an application process for each approved residency program's participation in the residency pilot program.

Sec. 6. The list of disapproved medical schools must be updated by August 1 of each year to the best ability of the board to exclude any medical schools that are not known to be qualified educational institutions.

Sec. 7. The program director of a residency pilot program that wants to participate in the residency program shall submit a letter to the board requesting that the accepted residency candidate receive a temporary permit for residency training. A representative of the residency pilot program must appear with the candidate for a hearing of the board.

Sec. 8. A temporary permit to participate in residency training may be:

- (1) issued to a graduate for one (1) year; and
- (2) renewed for two (2) additional one (1) year periods;

until completion of the residency program. The board may require the graduate to appear before the board.

Sec. 9. A candidate for the residency program must be certified by the Education Commission for Foreign Medical Graduates (ECFMG) to participate in the residency pilot program.

Sec. 10. The director of a participating residency pilot program shall submit a written progress report to the board within three (3) months after the beginning of training of a resident to verify that the resident is providing the quality of medical care to patients expected at the level of medical experience and training of the resident.

Sec. 11. The residency program director shall promptly inform the board in writing if a pilot program resident is:

- (1) dismissed for failure to meet the professional expectations of the residency program; or
- (2) incapable of competent medical practice.

Sec. 12. The residency program director shall submit a report concerning the progress of each resident to the board at the completion of the first and second years of the resident's training recommending renewal of the temporary medical permit for one (1) additional year if the resident's performance is satisfactory.

Sec. 13. (a) Upon the resident's completion of the three (3) year training program, the residency program director may be required to appear before the board to:

- (1) verify the competency of the resident; and
- (2) recommend that the candidate be issued a license to enable the candidate to practice medicine in Indiana.

If the resident was granted a temporary permit under the residency pilot program, a graduate participating in the program may not be issued a permanent license until the graduate completes the three (3) years of pilot program residency training and completes two (2) years of practice in Indiana to complete the pilot program requirements. The type of license the graduating resident obtains for the two (2) years of practice after residency shall be determined by the board. The board may defer the practice requirement if the resident requests a delay to participate in an Accreditation Council on Graduate Medical Education (ACGME) accredited fellowship program that enhances the practice of primary care. The candidate must appear before the board for permanent license approval.

(b) Failure to complete the residency pilot program for reasons including:

- (1) negligence;
- (2) incompetency; or
- (3) issues of professionalism;

is an adverse event reportable to medical licensing boards in other states. Issues not related to performance are not reportable events.

Sec. 14. International medical school graduates who have successfully completed the residency pilot program and have met all requirements of this chapter:

- (1) shall be given equal standing for licensure with other international medical school graduates who have graduated from approved medical schools; and
- (2) must meet all other licensure requirements under IC 25-22.5-3-1.

Sec. 15. The board shall collect information and data during the residency pilot program concerning the:

- (1) successes of;
- (2) failures of;
- (3) difficulties encountered in; and
- (4) number of residents involved in, entering, and graduating from;

the program.

The information must include data based on the six (6) required ACGME competencies used to evaluate all residents.

Sec. 16. There may not be more than two (2) graduates allowed under this pilot program for each approved primary care residency program.

Sec. 17. This chapter expires December 31, 2013.

SECTION 62. IC 25-23-1-19.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 19.8. (a) Before December 31 of an even-numbered year, the ~~bureau~~ **Indiana professional licensing agency** or the ~~bureau's~~ **agency's** designee shall randomly audit at least one percent (1%) but not more than ten percent (10%) of the practice agreements of advanced practice nurses with authority to prescribe legend drugs under section 19.5 of this chapter to determine whether the practice agreement meets the requirements of this chapter or rules adopted by the board.

(b) The ~~bureau~~ **Indiana professional licensing agency** shall establish an audit procedure, which may include the following:

- (1) Requiring the advanced practice nurse to provide the ~~bureau~~ **agency** with a copy of verification of attendance at or completion of a continuing education course or program the advanced practice nurse attended during the previous two (2)

years.

(2) Requiring the advanced practice nurse and the licensed practitioner who have entered into a practice agreement to submit information on a form prescribed by the ~~bureau~~ **agency** that must include a sworn statement signed by the advanced practice nurse and the licensed practitioner that the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.

(3) Reviewing patient health records and other patient information at the practice location or by requiring the submission of accurate copies to determine if the parties are operating within the terms of the practice agreement and the requirements under this chapter or rules adopted by the board.

(4) After a reasonable determination that the advanced practice nurse and the licensed practitioner who have entered into a practice agreement are not operating within the terms of the practice agreement, requiring the parties to appear before the ~~bureau~~ **agency** or the ~~bureau's~~ **agency's** designee to provide evidence of compliance with the practice agreement.

(c) Not more than sixty (60) days after the completion of the audit required in subsection (a), the ~~bureau~~ **Indiana professional licensing agency** shall provide the board with the following:

(1) A summary of the information obtained in the audit.

(2) A statement regarding whether an advanced practice nurse and a licensed practitioner who have entered into a practice agreement that is audited under subsection (a) are operating within the terms of the practice agreement.

The ~~bureau~~ **agency** shall also provide a copy of the information described in this subsection to the board that regulates the licensed practitioner.

(d) The ~~bureau~~ **Indiana professional licensing agency** may cause to be served upon the advanced practice nurse an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the advanced practice nurse for the advanced practice nurse's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(e) **Except for a violation concerning continuing education requirements under IC 25-1-4**, the board shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (d).

(f) The board that regulates the licensed practitioner may cause to be served upon the licensed practitioner an order to show cause to the board as to why the board should not impose disciplinary sanctions under IC 25-1-9-9 on the licensed practitioner for the licensed practitioner's failure to comply with:

(1) an audit conducted under this section; or

(2) the requirements of a practice agreement under this chapter.

(g) The board that regulates the licensed practitioner shall hold a hearing in accordance with IC 4-21.5 and state the date, time, and location of the hearing in the order served under subsection (f).

(h) An order to show cause issued under this section must comply with the notice requirements of IC 4-21.5.

(i) The licensed practitioner may divulge health records and other patient information to the ~~bureau~~ **Indiana professional licensing agency** or the ~~bureau's~~ **agency's** designee. The licensed practitioner is immune from civil liability for any action based upon release of the

patient information under this section.

SECTION 63. IC 25-23.7-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Notwithstanding IC 25-1-2, **the holder of a license issued under IC 25-23.7-5 expires must renew the license and pay the required renewal fee every four (4) years after it is issued at a time and on or before the date designated established by the board. Indiana professional licensing agency under IC 25-1-6-4.**

SECTION 64. IC 25-24-1-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.2. (a) Notwithstanding section 3 of this chapter, the board may issue or renew a limited license to practice optometry at the Indiana University School of Optometry if the applicant:

(1) holds an active license in another jurisdiction; and

(2) meets the continuing education requirements under section 14.1 of this chapter.

(b) A limited license issued under this section is valid for two (2) years.

(c) A limited license issued under this section does not allow the holder of the license to be granted or have renewed a certificate to administer, dispense, or prescribe legend drugs unless the holder of the license meets the requirements of ~~IC 25-26-15-15, IC 25-26-15-16, and IC 25-26-15-18. IC 25-24-3-12, IC 25-24-3-13, and IC 25-23-3-15.~~

SECTION 65. IC 25-24-3 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 3. Optometric Legend Drugs

Sec. 1. As used in this chapter, "associated structures of the eye" means the:

(1) eyelids;

(2) eyebrows;

(3) conjunctiva;

(4) lachrymal apparatus; and

(5) orbital tissues.

Sec. 2. As used in this chapter, "administer" means the direct application of a legend drug by an optometrist to a patient.

Sec. 3. As used in this chapter, "board" means the Indiana optometry board established by IC 25-24-1-1.

Sec. 4. As used in this chapter, "diagnostic legend drug" means a pharmacological agent approved by the board that is used in the examination of the human eye to detect abnormalities.

Sec. 5. As used in this chapter, "dispense" means to deliver a legend drug to an ultimate user by or pursuant to a lawful order of an optometrist. The term includes the:

(1) prescribing;

(2) administering;

(3) packaging;

(4) labeling; or

(5) compounding;

necessary to prepare the drug for delivery.

Sec. 6. As used in this chapter, "legend drug" has the meaning set forth in IC 16-18-2-199. The term does not include controlled substances (as defined in IC 35-48-1-9).

Sec. 7. As used in this chapter, "optometrist" means an individual licensed as an optometrist under IC 25-24-1.

Sec. 8. As used in this chapter, "prescription" means a written order or an order transmitted by other means of communication

that is immediately reduced to writing by the pharmacist or, for electronically transmitted orders, recorded in an electronic format from an optometrist to or for an ultimate user for a drug or device, containing:

- (1) the name and address of the patient;
- (2) the date of issue;
- (3) the name and strength or size (if applicable) of the drug or device;
- (4) the amount to be dispensed (unless indicated by directions and duration of therapy);
- (5) adequate directions for the proper use of the drug or device by the patient;
- (6) the name and certification number of the prescribing optometrist; and
- (7) if the prescription:
 - (A) is in written form, the signature of the optometrist; or
 - (B) is in electronic form, the electronic signature of the optometrist.

Sec. 9. As used in this chapter, "therapeutic legend drug" means a pharmacological agent that is used in the treatment of a diagnosed condition of the:

- (1) human eye; or
- (2) associated structures of the human eye.

Sec. 10. The board shall do the following:

- (1) Adopt rules under IC 4-22-2 to do the following:
 - (A) Establish a formulary of legend drugs that may be prescribed, dispensed, or administered by an optometrist.
 - (B) Set fees described in IC 25-1-8.
 - (C) Carry out this chapter.
- (2) Establish education and training requirements in ocular pharmacology required for certification to do the following:
 - (A) Administer therapeutic legend drugs.
 - (B) Dispense legend drugs.
 - (C) Prescribe legend drugs.
- (3) Establish continuing education requirements for renewal of the certificate issued under this chapter.

Sec. 11. (a) The formulary established under section 10 of this chapter shall include legend drugs that:

- (1) may be independently prescribed by an optometrist; or
- (2) must be dependently prescribed by an optometrist.

(b) If a legend drug is designated in the formulary as one (1) that must be dependently prescribed, the formulary must designate:

- (1) those legend drugs for which the optometrist must notify only the patient's physician that the optometrist is prescribing the legend drug; and
- (2) those legend drugs for which the optometrist must consult with the patient's physician before prescribing the legend drug.

(c) If the patient has no physician, the optometrist must document such in the patient's file.

(d) If the legend drug is designated in the formulary as a legend drug that must be dependently prescribed, the optometrist shall indicate on the prescription that:

- (1) the patient's physician has been contacted; or
- (2) the patient has indicated to the optometrist that the

patient has no physician.

(e) If the legend drug is designated in the formulary as a legend drug that may be independently prescribed, the optometrist may prescribe the legend drug without notifying the patient's physician.

Sec. 12. The board shall issue a certificate to a licensed optometrist who:

- (1) applies; and
- (2) successfully fulfills all the requirements of this chapter.

Sec. 13. An optometrist who applies for a certificate to administer, dispense, and prescribe legend drugs must meet the following requirements:

- (1) Apply in the form and manner prescribed by the board.
- (2) Provide proof of education in ocular pharmacology from a school or college of optometry or medicine approved by the optometry board.
- (3) Pass the Treatment and Management of Ocular Disease (TMOD) examination that is sponsored by the International Association of Boards of Examiners in Optometry (IAB) and administered by the National Board of Examiners in Optometry.
- (4) Pay the fee established by the board.

Sec. 14. An applicant must hold a license to practice optometry in order to hold a certificate.

Sec. 15. The board shall renew a certificate issued under this chapter:

- (1) concurrently with the renewal of the optometrist's license to practice optometry;
- (2) upon payment of the renewal fee established by the board; and
- (3) upon completion of continuing education requirements established under section 10 of this chapter.

Sec. 16. (a) Optometrists may administer topical diagnostic legend drugs limited to:

- (1) miotics;
- (2) mydriatics;
- (3) anesthetics; and
- (4) cycloplegics;

without holding a certificate issued under this chapter. These pharmaceutical agents may be applied in diagnostic procedures only as a part of an examination of the eye.

(b) The board may authorize an optometrist holding a certificate issued under this chapter to:

- (1) administer for therapeutic use;
- (2) dispense; or
- (3) prescribe;

legend drugs that are included in the formulary established by the board under section 10 of this chapter, in the treatment of any condition of the eye or the associated structures of the eye.

Sec. 17. (a) An optometrist may not:

- (1) administer, dispense, or prescribe therapeutic legend drugs; or
- (2) dispense or prescribe diagnostic legend drugs;

unless the optometrist is certified under this chapter.

(b) An optometrist may administer diagnostic legend drugs without obtaining a certificate under this chapter.

(c) An individual who recklessly, knowingly, or intentionally violates this chapter commits a Class A misdemeanor.

SECTION 66. IC 25-26-13-16.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16.5. Pharmacists licensed by Indiana may fill prescriptions of optometrists who are:

- (1) licensed by Indiana; and
- (2) certified under ~~IC 25-26-15-13~~; **IC 25-24-3**;

for a drug that is included in the formulary adopted under ~~IC 25-26-15-13~~. **IC 25-24-3-10.**

SECTION 67. IC 25-30-1-1.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.2. (a) ~~Except as provided in subsection (b), this chapter does not apply to a law enforcement officer (as defined in IC 3-6-6-36) who has graduated from the law enforcement training academy and is employed full time as a law enforcement officer.~~

(b) This chapter applies to a law enforcement officer to the extent that the law enforcement officer is engaged in the business of private detective as an individual with the assistance of a licensed or unlicensed person.

SECTION 68. IC 25-30-1-16, AS AMENDED BY P.L.194-2005, SECTION 75, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) Unless a license is renewed, a license and the identification cards of the licensee's employees issued under this chapter expire on a date specified by the licensing agency under IC 25-1-6-4 and expire biennially after the initial expiration date. An applicant for renewal shall pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency.

(b) If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without any action taken by the board.

(c) A licensee desiring a renewal license must:

- (1) file an application for renewal at least thirty (30) days before the expiration of the licensee's license on a form as prescribed by the board; and
- (2) meet the license renewal requirements determined by the board.

(d) A license may be reinstated within thirty (30) days after the expiration of the license if the applicant does the following:

- (1) Files an application for renewal with the board.
- (2) Meets the license requirements determined by the board.
- (3) Pays a fee established under ~~IC 25-1-8-7~~; **IC 25-1-8-6.**

(e) Employee identification cards issued under this chapter expire at the same time as the license referred to in subsection (a).

SECTION 69. IC 25-33-1-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.5. (a) **A person who:**

- (1) **is licensed to practice psychology by any board or licensing agency of another state or jurisdiction; and**
- (2) **meets the requirements established by the board;**

may be issued a temporary psychology permit limited by terms and conditions considered appropriate by the board. A limited scope temporary psychology permit issued under this subsection is valid for a nonrenewable period of not more than thirty (30) days. A psychologist may practice under a limited scope psychology permit not more than thirty (30) days every two (2) years.

(b) **The board may adopt rules under section 3 of this chapter establishing requirements for limited scope temporary psychology permits.**

(c) An individual who holds a limited scope temporary psychology permit under this section may be disciplined by the board under IC 25-1-9.

SECTION 70. IC 25-33-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) ~~Subject to IC 25-1-4-3, every two (2) years The board shall randomly audit and licensed psychologists to ensure compliance of shall comply with the requirements concerning continuing education requirement: under IC 25-1-4.~~

(b) ~~When requested by the board, a psychologist shall provide the board with a copy of each verification of attendance retained by the psychologist for the previous three (3) years.~~

SECTION 71. IC 25-34.1-3-3.1, AS AMENDED BY P.L.194-2005, SECTION 85, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.1. (a) To obtain a salesperson license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

- (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
- (B) a crime that has a direct bearing on the individual's ability to practice competently; or
- (C) a crime that indicates the individual has the propensity to endanger the public;

(2) have successfully completed courses in the principles, practices, and law of real estate, totaling eight (8) semester credit hours, or their equivalent, as a student at an accredited college or university or have successfully completed an approved salesperson course as provided in IC 25-34.1-5-5(a);

(3) apply for a license by submitting the ~~application~~ fee prescribed by the commission and an application containing the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the principal broker's address where the business is to be conducted, proof of compliance with subdivision (2), and any other information the commission requires;

(4) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(5) submit not more than one ~~hundred twenty (120) days~~ **(1) year** after passing the written examination under subdivision (4)

~~(A) the license fee established by the commission under IC 25-1-8-2; and~~

~~(B) a sworn certification of a principal broker that the principal broker intends to associate with the applicant and maintain that association until notice of termination of the association is given to the commission.~~

(b) Upon the applicant's compliance with the requirements of subsection (a), the commission shall:

(1) issue a wall certificate in the name of the salesperson to the principal broker who certified the applicant's association with the principal broker; and

(2) issue to the salesperson a pocket identification card which certifies that the salesperson is licensed and indicates the expiration date of the license and the name of the principal broker.

(c) Notice of passing the commission examination serves as a temporary permit to act as a salesperson as soon as the applicant

sends, by registered or certified mail with return receipt requested, the ~~license fee and~~ certification as prescribed in subsection ~~(a)(5)(A) and (a)(5)(B)~~; **(a)(5)**. The temporary permit expires the earliest of the following:

- (1) The date the license is issued.
- (2) The date the applicant's association with the certifying principal broker is terminated.

The temporary permit may not be renewed, extended, reissued, or otherwise effective for any association other than with the initial certifying principal broker.

(d) A salesperson shall:

- (1) act under the auspices of the principal broker responsible for that salesperson's conduct under this article;
- (2) be associated with only one (1) principal broker;
- (3) maintain evidence of licensure in the office, branch office, or sales outlet of the principal broker;
- (4) advertise only in the name of the principal broker, with the principal broker's name in letters of advertising larger than that of the salesperson's name; and
- (5) not maintain any real estate office apart from that office provided by the principal broker.

(e) Upon termination of a salesperson's association with a principal broker, the salesperson's license shall be returned to the commission within five (5) business days. The commission shall reissue the license to any principal broker whose certification, as prescribed in subsection ~~(a)(5)(B)~~; **(a)(5)**, is filed with the commission, and the commission shall issue a new identification card to the salesperson reflecting that change.

(f) Unless a license is renewed, a salesperson license expires on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the board under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action. If a salesperson fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless that salesperson again complies with the requirements of subsection (a)(3), (a)(4), and (a)(5).

(g) A salesperson license may be issued to an individual who is not yet associated with a principal broker but who otherwise meets the requirements of subsection (a). A license issued under this subsection shall be held by the commission in an unassigned status until the date the individual submits the certification of a principal broker required by subsection (a)(5). If the individual does not submit the application for licensure within one ~~hundred twenty (120) days~~ **(1) year** after passing the commission examination, the commission shall void the application and may not issue a license to that applicant unless the applicant again complies with the requirements of subsection (a)(4) through (a)(5).

(h) If an individual holding a salesperson license is not associated with a principal broker for two (2) successive renewal periods, the commission shall notify the individual in writing that the individual's license will become void if the individual does not associate with a principal broker within thirty (30) days from the date the notification is mailed. A void license may not be renewed.

SECTION 72. IC 25-34.1-3-4.1, AS AMENDED BY P.L.194-2005, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.1. (a) To obtain a broker license, an individual must:

(1) be at least eighteen (18) years of age before applying for a license and must not have a conviction for:

- (A) an act that would constitute a ground for disciplinary sanction under IC 25-1-11;
- (B) a crime that has a direct bearing on the individual's ability to practice competently; or
- (C) a crime that indicates the individual has the propensity to endanger the public;

(2) have satisfied section 3.1(a)(2) of this chapter and have had continuous active experience for one (1) year immediately preceding the application as a licensed salesperson in Indiana. However, this one (1) year experience requirement may be waived by the commission upon a finding of equivalent experience;

(3) have successfully completed an approved broker course of study as prescribed in IC 25-34.1-5-5(b);

(4) apply for a license by submitting the application fee prescribed by the commission and an application specifying the name, address, and age of the applicant, the name under which the applicant intends to conduct business, the address where the business is to be conducted, proof of compliance with subdivisions (2) and (3), and any other information the commission requires;

(5) pass a written examination prepared and administered by the commission or its duly appointed agent; and

(6) within one ~~hundred twenty (120) days~~ **(1) year** after passing the commission examination, submit the license fee established by the commission under IC 25-1-8-2. If an individual applicant fails to file a timely license fee, the commission shall void the application and may not issue a license to that applicant unless that applicant again complies with the requirements of subdivisions (4) and (5) and this subdivision.

(b) To obtain a broker license, a partnership must:

- (1) have as partners only individuals who are licensed brokers;
- (2) have at least one (1) partner who:

- (A) is a resident of Indiana; or
- (B) is a principal broker under IC 25-34.1-4-3(b);

(3) cause each employee of the partnership who acts as a broker or salesperson to be licensed; and

(4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the name and residence address of each partner and the information prescribed in subsection (a)(4).

(c) To obtain a broker license, a corporation must:

(1) have a licensed broker:

- (A) residing in Indiana who is either an officer of the corporation or, if no officer resides in Indiana, the highest ranking corporate employee in Indiana with authority to bind the corporation in real estate transactions; or
- (B) who is a principal broker under IC 25-34.1-4-3(b);

(2) cause each employee of the corporation who acts as a broker or salesperson to be licensed; and

- (3) submit the license fee established by the commission under IC 25-1-8-2, an application setting forth the name and residence address of each officer and the information prescribed in subsection (a)(4), a copy of the certificate of incorporation, and a certificate of good standing of the corporation issued by the secretary of state.
- (d) To obtain a broker license, a limited liability company must:
- (1) if a member-managed limited liability company:
 - (A) have as members only individuals who are licensed brokers; and
 - (B) have at least one (1) member who is:
 - (i) a resident of Indiana; or
 - (ii) a principal broker under IC 25-34.1-4-3(b);
 - (2) if a manager-managed limited liability company, have a licensed broker:
 - (A) residing in Indiana who is either a manager of the company or, if no manager resides in Indiana, the highest ranking company officer or employee in Indiana with authority to bind the company in real estate transactions; or
 - (B) who is a principal broker under IC 25-34.1-4-3(b);
 - (3) cause each employee of the limited liability company who acts as a broker or salesperson to be licensed; and
 - (4) submit the license fee established by the commission under IC 25-1-8-2 and an application setting forth the information prescribed in subsection (a)(4), together with:
 - (A) if a member-managed company, the name and residence address of each member; or
 - (B) if a manager-managed company, the name and residence address of each manager, or of each officer if the company has officers.
- (e) Licenses granted to partnerships, corporations, and limited liability companies are issued, expire, are renewed, and are effective on the same terms as licenses granted to individual brokers, except as provided in subsection (h), and except that expiration or revocation of the license of:
- (1) any partner in a partnership or all individuals in a corporation satisfying subsection (c)(1); or
 - (2) a member in a member-managed limited liability company or all individuals in a manager-managed limited liability company satisfying subsection (d)(2);
- terminates the license of that partnership, corporation, or limited liability company.
- (f) Upon the applicant's compliance with the requirements of subsection (a), (b), or (c), the commission shall issue the applicant a broker license and an identification card which certifies the issuance of the license and indicates the expiration date of the license. The license shall be displayed at the broker's place of business.
- (g) Notice of passing the commission examination serves as a temporary permit for an individual applicant to act as a broker as soon as the applicant sends, by registered or certified mail with return receipt requested, a timely license fee as prescribed in subsection (a)(6). The temporary permit expires the earlier of one ~~hundred twenty (120) days~~ **(1) year** after the date of the notice of passing the examination or the date a license is issued.
- (h) Unless the license is renewed, a broker license expires, for individuals, on a date specified by the licensing agency under IC 25-1-6-4 and expires biennially after the initial expiration date. An

applicant for renewal shall submit an application in the manner prescribed by the board and pay the renewal fee established by the commission under IC 25-1-8-2 on or before the renewal date specified by the licensing agency. If the holder of a license does not renew the license by the date specified by the licensing agency, the license expires and becomes invalid without the board taking any action. If a broker fails to reinstate a license within eighteen (18) months after expiration, a license may not be issued unless the broker again complies with the requirements of subsection (a)(4), (a)(5), and (a)(6).

(i) A partnership, corporation, or limited liability company may not be a broker-salesperson except as authorized in IC 23-1.5. An individual broker who associates as a broker-salesperson with a principal broker shall immediately notify the commission of the name and business address of the principal broker and of any changes of principal broker that may occur. The commission shall then change the address of the broker-salesperson on its records to that of the principal broker.

SECTION 73. IC 25-34.1-3-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) A salesperson licensed under section 3.1 of this chapter or a broker licensed under section 4.1 of this chapter may apply for and receive an inactive license from the commission.

(b) An individual may not be granted an inactive license without the approval of the commission if a disciplinary or suspension hearing is pending against the individual.

(c) An individual with an inactive license:

- (1) may not perform an act that requires a salesperson or broker's license;
- (2) is not required to fulfill the continuing education requirements under IC 25-34.1-9;
- (3) is required to pay any fees that a licensee is required to pay; and
- (4) must fulfill the ~~requirement~~ **requirements** under ~~IC 25-34.1-9-11~~ **IC 25-34.1-9-11** for the current licensing period before applying for reactivation of the individual's license.

(d) Notwithstanding IC 25-34.1-9-11(2), the commission may adopt rules under IC 4-22-2 establishing continuing education requirements for individuals who have reactivated a license with less than twelve (12) months remaining in the licensing period.

SECTION 74. IC 25-34.1-9-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. ~~(a) Subject to IC 25-1-4,~~ the commission may deny renewal of the license of a licensee that does not fulfill the requirements of this chapter.

~~(b) Suspension proceedings shall be conducted in accordance with IC 4-21-5 and the commission has all powers granted under IC 4-21-5.~~

SECTION 75. IC 25-35.6-1-7, AS AMENDED BY HEA 1040-2006, SECTION 480, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]: Sec. 7. (a) The professional standards board may issue **the following**:

- (1) An initial license as a speech-language pathologist only to an individual who is licensed as a speech-language pathologist under this article.
- (2) A renewal license as a speech-language pathologist to an individual who was licensed by the professional standards

board before July 1, 2005, and who is not licensed as a speech-language pathologist under this article.

(b) The professional standards board shall issue a license as a speech-language pathologist to an individual who:

- (1) is licensed as a speech-language pathologist under this article; and
- (2) requests licensure.

(b)(c) A speech-language pathologist licensed by the professional standards board shall register with the Indiana professional licensing agency all speech-language pathology support personnel that the speech-language pathologist supervises.

(c)(d) The professional standards board may not impose different or additional supervision requirements upon speech-language pathology support personnel than the supervision requirements that are imposed under this article.

(d)(e) The professional standards board may not impose continuing education requirements upon an individual who receives a license under this section that are different from or in addition to the continuing education requirements imposed under this article.

(e)(f) An individual who:

- (1) if:
 - (A) the individual is a speech-language pathologist, receives a license under this section or received a license as a speech-language pathologist issued by the professional standards board before July 1, 2005; or
 - (B) the individual is an audiologist, works in an educational setting;
- (2) has been the holder of a certificate of clinical competence in speech-language pathology or audiology or its equivalent issued by a nationally recognized association for speech-language pathology and audiology for at least three (3) consecutive years; and
- (3) has professional experience as a licensed speech-language pathologist or audiologist in a school setting that is equivalent to the experience required for a teacher seeking national certification by the National Board of Professional Teaching Standards;

is considered to have the equivalent of and is entitled to the same benefits that accrue to a holder of a national certification issued by the National Board for Professional Teaching Standards.

SECTION 76. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 25-1-8-7; IC 25-7-10-13; IC 25-8-2-2.5; IC 25-8-2-16; IC 25-8-2-18; IC 25-8-4-8.5; IC 25-8-8; IC 25-8-12; IC 25-8-13-6; IC 25-8-13-10; IC 25-8-15; IC 25-13-2-8; IC 25-13-2-11; IC 25-13-2-12; IC 25-13-2-13; IC 25-14-3-10; IC 25-14-3-13; IC 25-14-3-14; IC 25-14-3-15; IC 25-20-1-4; IC 25-26-15; IC 25-33-2-3.

SECTION 77. [EFFECTIVE JULY 1, 2006] (a) The rules adopted by the optometric legend drug prescription advisory committee under IC 25-26-15-13, as repealed by this act, before July 1, 2006, and in effect on June 30, 2006, shall be treated after June 30, 2006, as the rules of the Indiana optometry board under IC 25-24-3, as added by this act.

(b) Any reference in a law, a rule, a license, a registration, a certification, or an agreement to the optometric legend drug prescription advisory committee shall be treated after June 30, 2006, as a reference to the Indiana optometry board.

SECTION 78. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 4-1-8-1, this SECTION applies instead of IC 4-1-8-1.

(b) No individual may be compelled by any state agency, board, commission, department, bureau, or other entity of state government (referred to as "state agency" in this chapter) to provide the individual's Social Security number to the state agency against the individual's will, absent federal requirements to the contrary. However, this subsection does not apply to the following:

- (1) Department of state revenue.
- (2) Department of workforce development.
- (3) The programs administered by:
 - (A) the division of family and children;
 - (B) the division of mental health and addiction;
 - (C) the division of disability, aging, and rehabilitative services; and
 - (D) the office of Medicaid policy and planning;
- of the office of the secretary of family and social services.
- (4) Auditor of state.
- (5) State personnel department.
- (6) Secretary of state, with respect to the registration of broker-dealers, agents, and investment advisors.
- (7) The legislative ethics commission, with respect to the registration of lobbyists.
- (8) Indiana department of administration, with respect to bidders on contracts.
- (9) Indiana department of transportation, with respect to bidders on contracts.
- (10) Indiana professional licensing agency.
- (11) Department of insurance, with respect to licensing of insurance producers.
- (12) A pension fund administered by the board of trustees of the public employees' retirement fund.
- (13) The Indiana state teachers' retirement fund.
- (14) The state police benefit system.
- (15) The alcohol and tobacco commission.
- (16) The state department of health, for purposes of licensing radiologic technologists under IC 16-41-35-29(c).

(c) The bureau of motor vehicles, notwithstanding the prohibition set forth in subsection (b), may require the following:

- (1) That an individual include the individual's Social Security number in an application for an official certificate of title for any vehicle required to be titled under IC 9-17.
- (2) That an individual include the individual's Social Security number on an application for registration.
- (3) That a corporation, limited liability company, firm, partnership, or other business entity include its federal tax identification number on an application for registration.

(d) The Indiana department of administration, the Indiana department of transportation, and the Indiana professional licensing agency may require an employer to provide its federal employer identification number.

(e) The department of correction may require a committed offender to provide the offender's Social Security number for purposes of matching data with the Social Security Administration to determine benefit eligibility.

(f) The Indiana gaming commission, notwithstanding the prohibition set forth in subsection (b), may require the following:

(1) That an individual include the individual's Social Security number in any application for a riverboat owner's license, supplier's license, or occupational license.

(2) That a sole proprietorship, a partnership, an association, a fiduciary, a corporation, a limited liability company, or any other business entity include its federal tax identification number on an application for a riverboat owner's license or supplier's license.

(g) Notwithstanding the prohibition set forth in subsection (b), the department of education established by IC 20-19-3-1 may require an individual who applies to the department for a license or an endorsement to provide the individual's Social Security number. The Social Security number may be used by the department only for conducting a background investigation, if the department is authorized by statute to conduct a background investigation of an individual for issuance of the license or endorsement.

(h) This SECTION expires July 1, 2006.

SECTION 79. An emergency is declared for this act.

(Reference is to ESB 333 as reprinted March 1, 2006.)

Dillon, Chair

T. Harris

Broden

Oxley

Senate Conferees

House Conferees

Roll Call 396: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 359-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 359 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 4, delete lines 23 through 29, begin a new paragraph and insert:

"Sec. 5. (a) A solicitation for a public works contract must require each contractor that submits a bid for the work to submit with the bid a written plan for a program to test the contractor's employees for drugs.

(b) A public works contract may not be awarded to a contractor whose bid does not include a written plan for an employee drug testing program that complies with this chapter.

(c) A contractor that is subject to a collective bargaining agreement shall be treated as having an employee drug testing program that complies with this chapter if the collective bargaining agreement establishes an employee drug testing program that includes the following:

(1) The program provides for the random testing of the contractor's employees.

(2) The program contains a five (5) drug panel that tests for the substances identified in section 6(a)(3) of this chapter.

(3) The program imposes disciplinary measures on an employee who fails a drug test. The disciplinary measures

must include at a minimum, all the following:

(A) The employee is subject to suspension or immediate termination.

(B) The employee is not eligible for reinstatement until the employee tests negative on a five (5) drug panel test certified by a medical review officer.

(C) The employee is subject to unscheduled sporadic testing for at least one (1) year after reinstatement.

(D) The employee successfully completes a rehabilitation program recommended by a substance abuse professional if the employee fails more than one (1) drug test.

A copy of the relevant part of the collective bargaining agreement constitutes a written plan under this section."

Page 4, line 42, delete "(92000 ng/ml)." and insert "(2000 ng/ml)."

Page 6, delete lines 13 through 22, begin a new paragraph and insert:

"SECTION 3. IC 4-13.6-3-3, AS AMENDED BY SEA 247-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) There is established a certification board. The following persons shall serve on the certification board:

(1) The ~~chief engineer~~ director of engineering of the department of natural resources.

(2) The director.

(3) The building law compliance officer of the department of homeland security.

(b) The board shall administer IC 4-13.6-4."

(Reference is to ESB 359 as reprinted February 28, 2006.)

Hershman, Chair

Messer

Smith

Mahern

Senate Conferees

House Conferees

Roll Call 397: yeas 49, nays 0. Report adopted.

PRESIDENT PRO TEMPORE'S REPORT OF

CONFEEEE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed House Bill 1362:

Delph to replace Broden as Conferee

GARTON

Date: 3/14/2006

Time: 5:07 p.m.

SENATE MOTION

Madam President: I move that Senator Miller be added as coauthor of Senate Concurrent Resolution 49.

KENLEY

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills: 12-1, 41-1, 47-1, 83-1, 87-1, 139-1, 259-1, 284-1, 303-1, 333-1, and 340-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative E. Harris as a conferee on Engrossed House Bill 1172 and now appoints Representative Woodruff thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

6:00 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 7:40 p.m., with the President of the Senate in the Chair.

RESOLUTIONS ON FIRST READING**Senate Resolution 56**

Senate Resolution 56, introduced by Senator Miller:

A SENATE RESOLUTION urging the Indiana health finance commission to monitor and report on the impact of the privatization of services within the Indiana division of family resources and within the county offices that function on behalf of the division.

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana health finance commission, subject to the approval of the legislative council, shall monitor and report on the privatization by the Indiana department of administration (IDOA) and the Indiana family and social services administration (FSSA) of programs and services of the Indiana division of family resources and the county offices that are under the division's authority.

SECTION 2. The monitoring and reporting must cover the request for proposal (RFP) number 6 - 58, the contract issued to a contractor per the provisions of RFP 6 - 58, and the implementation of that contract.

SECTION 3. The monitoring and reporting by the commission shall be for a period that ends on December 31, 2009, and must cover the following: the total fiscal impact of the privatization, the impact of the privatization on state employees including county employees, the impact on the availability, access to, and cost of services for clients, and the impact on clients and their families.

SECTION 4. The commission shall report at least annually to the general assembly, the legislative council, and the governor. The

report to the general assembly shall be no later than January 1st of each year.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

Senate Resolution 57

Senate Resolution 57, introduced by Senator Tallian:

A SENATE RESOLUTION urging the Legislative Council to direct the Environmental Quality Study Council to study the quality of the water in Lake Michigan and Indiana's impact on the water quality.

Whereas, Lake Michigan is one of Indiana's greatest natural assets;

Whereas, The shores of Lake Michigan provide Hoosiers with recreational opportunities and attract thousands of visitors to Indiana each year;

Whereas, Lake Michigan provides Indiana critical access to North America's waterways for commerce, industry and economic development;

Whereas, Lake Michigan is critical to the state's economic future; and

Whereas, Because of Indiana's dependence on Lake Michigan, various pollutants are impacting not only the quality of the water but the quality of Hoosier lives: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana State Senate urges the Legislative Council to direct the Environmental Quality Study Council to study the quality of the water in Lake Michigan and Indiana's impact on the water quality and the continued participation of Indiana in the Great Lakes Protection Fund.

SECTION 2. That the Environmental Quality Study Council, if directed to take such action, shall operate under the direction of the Council and shall issue a report when directed to do so by the Council.

SECTION 3. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to the Legislative Council.

The resolution was read in full and referred to the Committee on Rules and Legislative Procedure.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills: 1114-1, 1155-1, 1214-1, 1235-1, 1287-1, 1323-2, 1380-1, and 1392-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has reconsidered its dissent on the Senate amendments to Engrossed House Bill 1006 and has now concurred in those amendments.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills: 148-1 and 349-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

**PRESIDENT PRO TEMPORE'S REPORT
OF**

CONFEEEE CHANGES

Pursuant to Rule 81(c), of the Standing Rules and Orders of the Senate, President Pro Tempore Robert D. Garton has made the following change in conferee (or advisor) appointments to Engrossed Senate Bill 1:

Lawson to replace Breaux as Conferee

GARTON
Date: 3/14/2006
Time: 6:05 p.m.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 266.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 305.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 321.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March

14, 2006, signed Senate Enrolled Act 379.

ROBERT D. GARTON
President Pro Tempore

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed House Bills 1172, 1327, 1329, and 1362 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1117.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1257.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1353.

ROBERT D. GARTON
President Pro Tempore

RESOLUTIONS ON SECOND READING

Senate Resolution 41

Senator Riegsecker called up Senate Resolution 41 for second reading. The resolution was read a second time by title and adopted by voice vote.

Senate Resolution 42

Senator Landske called up Senate Resolution 42 for second reading. The resolution was read a second time by title and adopted by voice vote.

Senate Resolution 43

Senator Landske called up Senate Resolution 43 for second reading. The resolution was read a second time by title and adopted by voice vote.

Senate Concurrent Resolution 49

Senator Kenley called up Senate Concurrent Resolution 49 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsors: Representatives Torr and Richardson.

Senate Concurrent Resolution 64

Senator Lubbers called up Senate Concurrent Resolution 64 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution. House sponsor: Representative Behning.

RESOLUTIONS ON FIRST READING**Senate Resolution 39**

Senate Resolution 39, introduced by Senators Garton and R. Young:

A SENATE RESOLUTION to express appreciation to John B. Livengood of the Restaurant and Hospitality Association of Indiana.

Whereas, Enacting legislation requires a clear mind and a healthy body;

Whereas, Milk is an excellent source of calcium and nutrients, is refreshing, filling, and has helped provide the members and staff of the Senate with stamina and fortitude; and

Whereas, John Livengood of the Restaurant and Hospitality Association of Indiana has kept the milk machine filled by delivering a considerable amount of milk to the Senate each week: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. The Indiana Senate extends its deep appreciation to John B. Livengood of the Restaurant and Hospitality Association of Indiana for the provision of milk to the Indiana Senate.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to John B. Livengood of the Restaurant and Hospitality Association of Indiana.

The resolution was read in full and adopted by voice vote.

RESOLUTIONS ON SECOND READING**House Concurrent Resolution 23**

Senator Miller called up House Concurrent Resolution 23 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senators Harrison and Craycraft be appointed as a committee of two members of the Senate to confer

with the Governor for the purpose of ascertaining if the Governor has any further communications to make to the Senate.

GARTON

Motion prevailed.

RESOLUTIONS ON SECOND READING**House Concurrent Resolution 56**

Senator Waterman called up House Concurrent Resolution 56 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

COMMITTEE REPORT

Madam President: Your Committee appointed to confer with the Governor to ascertain whether or not he has any further communications to make to the Senate hereby reports that your Committee has waited upon the Governor and that the Governor has no further communications to make to the Senate.

HARRISON
CRAYCRAFT

Report adopted.

RESOLUTIONS ON SECOND READING**House Concurrent Resolution 58**

Senator Drozda called up House Concurrent Resolution 58 for second reading. The resolution was read a second time by title and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

RESOLUTIONS ON FIRST READING**Senate Resolution 53**

Senate Resolution 53, introduced by Senator Merritt:

A SENATE RESOLUTION to recognize Senator J. Murray Clark for eleven years of distinguished service to and honor him on his retirement from the Indiana Senate.

Whereas, In 1994, Murray Clark was elected to the Indiana Senate to represent District 29, which includes portions of Marion and Hamilton counties. Senator Clark was active in a wide range of issues and recognized repeatedly as an outstanding legislator;

Whereas, Senator Clark has made many valuable contributions to the Indiana Senate by serving on numerous standing committees, including the Economic Development and Technology Committee and the Insurance and Financial Institutions Committee, where he held the position of Ranking Member. He also served as Chairman of the Governmental Affairs Subcommittee;

Whereas, A prominent Republican, Senator Clark has served the political process in many ways. He was a delegate to the Republican

National Convention in 1996 and has been a delegate to every biennial Indiana State Republican Convention since 1994. In the 2000 Gubernatorial campaign, Senator Clark was chosen to run as the Lieutenant Governor candidate with David McIntosh. Senator Clark also served as campaign chairman in Mitch Daniels' successful bid for Indiana Governor in 2004;

Whereas, In recognition of his hard work and dedication to his community, Senator Clark has received many awards: Indiana Chamber of Commerce Small Business Champion Award, 2004; Brebeuf Jesuit Preparatory School Fred B. McCashland Distinguished Alumnus Award, 2001; American Association of University Professors' Indiana Conference Legislative Leadership Award, 2001; Indiana Life Coalition Adoption Legislative Award, 1999; and the Indiana State Bar Association Land Use and Zoning Section Legislative Award, 1995;

Whereas, Senator Clark serves on the Board of Directors for The Hundred Club, the Dynamo Soccer Club, Saint Elizabeth's Home, and the Children's Bureau Foundation. He is also involved in the Carmel-Clay Chamber of Commerce, the Nora North-side Community Council, the Police Athletic League, and is a coach for the First Baptist Church Little League. He also serves on the Board of Trustees for The Indianapolis Foundation;

Whereas, Outside the legislature, Senator Clark works as an attorney. After practicing for twenty-three years at Clark, Quinn, Moses, Scott & Grahn, he joined Baker & Daniels as a partner. He also serves as the Chairman of the Indiana Republican Party. He and his wife Janet have four children, James, Holly, Katherine, and Anne; and

Whereas, Senator Clark is regarded with the highest esteem by his many friends and colleagues in the Indiana Senate and will be greatly missed. The Indiana Senate wishes him the very best in his new endeavors: Therefore,

*Be it resolved by the Senate of the
General Assembly of the State of Indiana:*

SECTION 1. That the Indiana Senate hereby congratulates Murray Clark on his retirement from the Senate after eleven years of service.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this Resolution to Murray Clark and his family.

The resolution was read in full and adopted by voice vote.

SENATE MOTION

Madam President: I move that Senators Becker and Lutz be appointed as a committee of two members of the Senate to confer with the House of Representatives for the purpose of ascertaining if the House of Representatives has any further legislative business to transact with the Senate.

GARTON

COMMITTEE REPORT

Madam President: Your Committee appointed to ascertain whether the House of Representatives has any further legislative business to transact hereby reports that your Committee has conferred with the House of Representatives and the House of Representatives has no further business to transact with the Senate.

BECKER
LUTZ

Report adopted.

CONFERENCE COMMITTEE REPORTS

CONFERENCE COMMITTEE REPORT

EHB 1110-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1110 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-23-5.5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) The Indiana recycling promotion and assistance fund is established. The purpose of the fund is to promote and assist recycling throughout Indiana by focusing economic development efforts on businesses and projects involving recycling. The fund shall be administered by the board.

(b) Sources of money for the fund consist of the following:

- (1) Appropriations from the general assembly.
- (2) Repayment proceeds of loans made from the fund.
- (3) Gifts and donations.
- (4) Money from the solid waste management fund.

(c) Money remaining in the fund at the end of a state fiscal year does not revert to the state general fund.

(d) The board may use money in the fund to make loans to assist:

- (1) persons in establishing new recycling businesses;
- (2) in the expansion of existing recycling businesses; and
- (3) manufacturers in retrofitting equipment necessary to reuse or recycle secondary materials.

(e) The board shall establish loan:

- (1) amounts;
- (2) terms; and
- (3) interest rates.

(f) The board may use money in the fund to make grants for research and development projects involving recycling. The board shall establish amounts for grants.

(g) A person, business, or manufacturer that wants a grant or loan from the fund must file an application with the board.

(h) The board shall establish criteria for awarding grants and loans under this section.

(i) **The board may transfer money in the fund to the state solid waste management fund established by IC 13-20-22-2 for use by the department of environmental management to make payments under IC 13-20-17.7-6.**

Motion prevailed.

SECTION 2. IC 13-11-2-16.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.3. (a) "Automotive salvage recycler"**, for purposes of this chapter, means a business that:

- (1) acquires damaged, inoperative, discarded, abandoned, or salvage motor vehicles, or their remains, as stock-in-trade;
- (2) dismantles and processes the vehicles or remains for the reclamation and sale of reusable components and parts; and
- (3) disposes of recyclable materials to a scrap metal processor or other appropriate facility.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 3. IC 13-11-2-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. (a) "Automobile scrapyard"**, for purposes of this chapter, means a business organized for any of the following purposes:

- (1) Processing scrap metal.
- (2) Wrecking automobiles.
- (3) Operating a junkyard.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 4. IC 13-11-2-66.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 66.9. (a) "End of life vehicle"**, for purposes of IC 13-20-17.7, means a motor vehicle that is:

- (1) sold; or
- (2) otherwise conveyed;

to a motor vehicle recycler for the purpose of recycling.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 5. IC 13-11-2-71, AS AMENDED BY SEA 234-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 71. "Environmental management laws"** refers to the following:

- (1) IC 13-12-2 and IC 13-12-3.
- (2) IC 13-13.
- (3) IC 13-14.
- (4) IC 13-15.
- (5) IC 13-16.
- (6) IC 13-17-3-15, IC 13-17-8-10, IC 13-17-10, and IC 13-17-11.
- (7) IC 13-18-12 and IC 13-18-15 through IC 13-18-20.
- (8) IC 13-19-1 and IC 13-19-4.
- (9) IC 13-20-1, IC 13-20-2, IC 13-20-4 through IC 13-20-15, **IC 13-20-17.7**, and IC 13-20-19 through IC 13-20-21.
- (10) IC 13-22.
- (11) IC 13-23.
- (12) IC 13-24.
- (13) IC 13-25-1 through IC 13-25-5.
- (14) IC 13-27-8.
- (15) IC 13-30, except IC 13-30-1.

SECTION 6. IC 13-11-2-104.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 104.5. (a) "Hulk crusher"**, for purposes of this chapter, means an enterprise that engages in the business of handling and flattening, compacting, or otherwise

demolishing motor vehicles or their remains for economical delivery to a scrap metal processor or other appropriate facility.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 7. IC 13-11-2-128.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 128.8. (a) "Mercury switch"**, for purposes of IC 13-20-17.7, means a convenience light switch that:

- (1) is located in the hood or trunk lid of a motor vehicle; and
- (2) contains mercury.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 8. IC 13-11-2-130.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.1. (a) "Motor vehicle"**, for purposes of this chapter, means a vehicle that is self-propelled on a highway in Indiana. The term does not include a farm tractor or a motorized bicycle.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 9. IC 13-11-2-130.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.2. (a) "Motor vehicle manufacturer"**, for purposes of this chapter, means a person that is engaged in the business of manufacturing or assembling new motor vehicles for sale to any of the following:

- (1) Dealers.
- (2) Wholesale dealers.
- (3) Distributors.
- (4) The general public.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 10. IC 13-11-2-130.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 130.3. (a) "Motor vehicle recycler"**, for purposes of IC 13-20-17.7, means any of the following:

- (1) An automotive salvage recycler.
- (2) An automobile scrapyard.
- (3) A hulk crusher.
- (4) A scrap metal processor.
- (5) A vehicle disposal facility.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 11. IC 13-11-2-136.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 136.5. (a) "National mercury switch recovery program"**, for purposes of IC 13-20-17.7, means a national program:

- (1) that accomplishes, as determined by the commissioner, the goals of IC 13-20-17.7; and
- (2) in which the state participates.

(b) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.

SECTION 12. IC 13-11-2-196.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 196.5. (a) "Scrap metal processor", for purposes of this chapter, means a private, commercial, or governmental enterprise:**

- (1) that has facilities for processing iron, steel, or nonferrous scrap; and**
- (2) whose principal product is scrap iron, scrap steel, or nonferrous scrap for sale for remelting purposes.**
- (b) The term does not include a steel mill.**
- (c) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.**

SECTION 13. IC 13-11-2-245.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 245.2. (a) "Vehicle disposal facility", for purposes of this chapter, means a person, firm, limited liability company, corporation, or other legal entity that, in the course of business, engages in the acquisition and dismantling or demolition of motor vehicles, motorcycles, semitrailers, or recreational vehicles or their remains for the benefit of reusable components and parts or recyclable materials.**

- (b) The term includes the following enterprises:**
 - (1) An automotive salvage recycler.**
 - (2) A hulk crusher.**
- (c) The term does not include a scrap metal processor.**
- (d) This section expires on the date IC 13-20-17.7 expires under IC 13-20-17.7-9.**

SECTION 14. IC 13-14-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1. (a) The officials collecting the following shall remit the money to the treasurer of state:**

- (1) Money collected under the following:**
 - (A) IC 13-30-4-1.**
 - (B) IC 13-30-4-2.**
 - (C) IC 13-30-5-1.**
- (2) Fees collected under IC 13-16-1-2 through IC 13-16-1-5.**
- (b) Except as provided in subsection (c), the treasurer of state shall credit the money to the environmental management special fund.**
- (c) With respect to the money collected under subsection (a)(1)(A) and (a)(1)(B):**

- (1) the commissioner may direct the treasurer of state to credit all or a part of the money to the solid waste management fund established by IC 13-20-22-2; and**
- (2) the treasurer of state shall:**
 - (A) credit money as directed by the commissioner under subdivision (1); and**
 - (B) credit to the environmental management special fund only money that is not credited under subdivision (1).**

SECTION 15. IC 13-20-17.7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 17.7. Mercury Switches in End of Life Vehicles

Sec. 1. (a) Except as provided in subsection (b), motor vehicle manufacturers engaged on July 1, 2006, in the business of offering motor vehicles for sale in Indiana shall, individually or collectively:

- (1) develop a plan to:**
 - (A) remove;**
 - (B) collect;**
 - (C) recover; and**
 - (D) recycle or dispose of;**

mercury switches from end of life vehicles;

- (2) submit the plan to the commissioner before October 1, 2006; and**
- (3) implement the plan as required under section 4(b) of this chapter.**

(b) Subsection (a) does not apply to a motor vehicle manufacturer that has never installed mercury switches in the manufacturer's motor vehicles.

Sec. 2. (a) A plan described in section 1 of this chapter must include the following:

- (1) An education program concerning the purposes of the mercury switch collection program and how to participate in the program, including the following:**
 - (A) Educational materials about the program.**
 - (B) Information identifying which end of life vehicles might contain mercury switches by make, model, and year of manufacture.**
 - (C) Instructions on safe and environmentally sound methods to remove mercury switches.**
- (2) The provision of containers for collecting and storing mercury switches.**
- (3) Procedures for the transportation of mercury switches to recycling, storage, or disposal facilities.**
- (4) Procedures for the recycling, storage, and disposal of mercury.**
- (5) Procedures to track the progress of the program, including a description of performance measures to be used and reported to demonstrate that the program is meeting measures of the effectiveness of the program, including the following:**

(A) The number of mercury switches collected from end of life vehicles.

(B) The amount of mercury collected.

(6) Procedures for implementing the plan.

(b) The department shall:

- (1) prepare an annual report that includes the information tracked under subsection (a)(5); and**
- (2) provide the report to:**
 - (A) the legislative council in an electronic format under IC 5-14-6; and**
 - (B) the environmental quality service council.**

Sec. 3. Motor vehicle manufacturers that submit plans, individually or collectively, under this chapter shall pay the following costs incurred for implementing the plans:

- (1) Educational materials.**
- (2) Training.**
- (3) Packaging for transporting mercury switches to recycling, storage, or disposal facilities.**
- (4) Shipping of mercury switches to recycling, storage, or disposal facilities.**
- (5) Recycling, storage, or disposal of mercury switches.**
- (6) Maintenance of all appropriate systems and procedures to protect the environment from mercury contamination.**

Sec. 4. (a) The commissioner shall do the following:

- (1) Not more than thirty (30) days after receiving a plan developed by a motor vehicle manufacturer or a group of motor vehicle manufacturers under section 1 of this chapter, issue a public notice of a period of at least thirty**

(30) days during which the public may submit written comments on the plan to the commissioner.

(2) Not more than one hundred twenty (120) days after receiving a plan, determine whether the entire plan complies with this chapter and:

(A) if the entire plan complies with this chapter, approve the plan in its entirety;

(B) if no part of the plan complies with this chapter, reject the plan in its entirety; or

(C) if only part of the plan complies with this chapter, approve that part and reject the rest of the plan.

(b) If a plan is approved in its entirety under subsection (a)(2)(A), the motor vehicle manufacturers shall begin implementing the plan not more than thirty (30) days after the date the plan is approved. If an entire plan is rejected under subsection (a)(2)(B), the commissioner shall inform the motor vehicle manufacturers why the plan was rejected, and the manufacturers shall submit a new plan not more than thirty (30) days after the commissioner informs the manufacturers that the entire plan was rejected. If a plan is approved in part and rejected in part under subsection (a)(2)(C), the manufacturers shall immediately implement the approved part of the plan and submit a revision of the rejected part of the plan not more than thirty (30) days after the commissioner informs the manufacturers of the commissioner's partial approval. The commissioner shall make a determination on a revised plan not more than thirty (30) days after receiving the revised plan.

(c) Not more than two hundred forty (240) days after receiving a plan developed by motor vehicle manufacturers under section 1 of this chapter, the commissioner shall complete, on behalf of the manufacturer, any part of the plan that has not yet been approved.

(d) After a plan has been approved under this section, the commissioner shall:

(1) review the plan three (3) years after the original date of approval of the plan and every three (3) years thereafter; and

(2) work with the motor vehicle manufacturers to agree with the manufacturers on appropriate modifications to the plan.

(e) Motor vehicle manufacturers are not required to resubmit a plan modified under subsection (d) to the commissioner for approval.

Sec. 5. (a) Beginning thirty (30) days after the earliest date the commissioner approves a plan under section 4 of this chapter, a motor vehicle recycler is required to remove all mercury switches from each end of life vehicle the motor vehicle recycler receives upon receipt of the vehicle.

(b) After a mercury switch is removed from a vehicle, the mercury switch shall be collected, stored, transported, and otherwise handled in accordance with the plan approved under section 4 of this chapter.

(c) Notwithstanding subsection (a), a motor vehicle recycler may accept an end of life vehicle containing mercury switches that has not been intentionally flattened, crushed, or baled if the motor vehicle recycler assumes responsibility for removing the mercury switches.

(d) A motor vehicle recycler or any other person that removes mercury switches in accordance with this section shall maintain records that document the number of:

(1) end of life vehicles the person processed for recycling;

(2) end of life vehicles the person processed that contained mercury switches; and

(3) mercury switches the person collected.

A person that maintains records under this section shall retain the records for at least three (3) years.

(e) A person may not represent that mercury switches have been removed from a motor vehicle being sold or otherwise conveyed for recycling if the person has not removed the mercury switches from the vehicle.

(f) A motor vehicle recycler or other person that receives an intentionally flattened, crushed, or baled end of life vehicle may not be considered to be in violation of this section if a mercury switch is found in the vehicle after the person acquires the vehicle.

Sec. 6. (a) Subject to subsections (b), (c), and (d), a person is entitled to payment from the department for each mercury switch the person removes from an end of life vehicle under section 5(a) of this chapter.

(b) The commissioner shall establish:

(1) the amount of the payment under subsection (a), which must be:

(A) at least one dollar (\$1); and

(B) not more than five dollars (\$5);

per mercury switch; and

(2) a procedure for claims for payment under this section.

(c) The commissioner shall determine:

(1) whether to use money in the state solid waste management fund; and

(2) if the commissioner determines under subdivision (1) to use money in that fund, the amount of money from the fund to be used;

to make payments under this section.

(d) The department is required to make payments under this section only to the extent of the amount of money determined by the commissioner under subsection (c)(2).

Sec. 7. The board may adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

Sec. 8. (a) This chapter shall be enforced under IC 13-30-3.

(b) A violation of this chapter or a rule adopted under this chapter is subject to the penalties set forth in the following:

(1) IC 13-30-4.

(2) IC 13-30-5.

(3) IC 13-30-6.

(4) IC 13-30-8.

Sec. 9. This chapter expires on the earlier of:

(1) the date on which a national mercury switch recovery program takes effect, as determined by the commissioner; or

(2) July 1, 2016.

SECTION 16. IC 13-20-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) The state solid waste management fund is established to provide money for the following:

- (1) Programs that provide grants and loans that provide education and promote the following:
 - (A) Recycling and the use of recycled materials.
 - (B) Waste reduction.
 - (C) Management of yard waste.
- (2) Providing grants to implement household hazardous waste source reduction or recycling projects.
- (3) Providing grants for household hazardous waste and conditionally exempting small quantity generator waste collection, recycling, or disposal projects under IC 13-20-20.
- (4) Payments by the department under IC 13-20-17.7-6.**
- (b) The expenses of administering the fund shall be paid from money in the fund.
- (c) The sources of money for the fund are the following:
 - (1) All fees deposited into the fund under section 12(2) of this chapter.
 - (2) Accrued interest and other investment earnings of the fund.
 - (3) Appropriations made by the general assembly.
 - (4) Gifts and donations from any person to the fund.
 - (5) Civil penalties imposed under IC 13-30-4 and fines imposed under IC 13-30-6 for violations of IC 13-20-17.7.**
 - (6) Subject to subsection (f), assets assigned and other contributions made by persons.**
 - (7) Transfers from the Indiana recycling promotion and assistance fund under IC 4-23-5.5-14(i).**
 - (8) Money credited to the fund from the environmental management special fund under IC 13-14-12-1(c).**
- (d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested.
- (e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.
- (f) Money in the fund resulting from assets assigned and other contributions made under subsection (c)(6) may be used only by the department of environmental management to make payments under IC 13-20-17.7-6.**

(Reference is to EHB 1110 as reprinted February 28, 2006.)

T. Brown, Chair	Gard
C. Brown	Tallian
House Conferees	Senate Conferees

Roll Call 398: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT EHB 1235-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1235 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 16-18-2-194.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 194.5. "Isolation", for purposes of IC 16-41-9, means the physical separation, including**

confinement or restriction, of an individual or a group of individuals from the general public if the individual or group is infected with a dangerous communicable disease (as described in IC 16-18-2-91 and 410 IAC 1-2.3-47), in order to prevent or limit the transmission of the disease to an uninfected individual.

SECTION 2. IC 16-18-2-298.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 298.5. "Public health authority", for purposes of IC 16-22-8 and IC 16-41-9, means:**

- (1) the state health commissioner of the state department;**
- (2) a deputy or an assistant state health commissioner appointed by the state health commissioner, or an agent expressly authorized by the state health commissioner;**
- (3) the local health officer; or**
- (4) a health and hospital corporation established under IC 16-22-8-6.**

SECTION 3. IC 16-18-2-302.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 302.6. "Quarantine", for purposes of IC 16-41-9, means the physical separation, including confinement or restriction of movement, of an individual or a group of individuals who have been exposed to a dangerous communicable disease (as described in IC 16-18-2-91 and 410 IAC 1-2.3-47), during the disease's period of communicability, in order to prevent or limit the transmission of the disease to an uninfected individual.**

SECTION 4. IC 16-21-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 4.** With the approval of the budget director and upon the recommendation of the budget committee, each county that has incurred costs for a carrier ~~(other than costs incurred under IC 16-41-9-11)~~ under:

- (1) IC 16-41-1;
- (2) IC 16-41-2;
- (3) IC 16-41-3;
- (4) IC 16-41-5;
- (5) IC 16-41-6;
- (6) IC 16-41-7;
- (7) IC 16-41-8;
- (8) IC 16-41-9; or
- (9) IC 16-41-13;

is entitled to a pro rata share of the money remaining at the end of the state fiscal year in the fund established under this chapter.

SECTION 5. IC 16-22-8-31, AS AMENDED BY P.L.184-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 31.** (a) The director of the division of public health has the powers, functions, and duties of a local health officer.

(b) Orders, citations, and administrative notices of violation issued by the director of the division of public health, the director's authorized representative, a supervisor in the division, or an environmental health specialist may be enforced by the corporation in a court with jurisdiction by filing a civil action in accordance with IC 16-42-5-28, IC 33-36-3-5(b), or IC 36-1-6-4.

(c) ~~Orders, health directives, and restrictions issued by the state health commissioner, the state health commissioner's legally authorized agent, a designated health official, or the director of the division of public health~~ **A public health authority may be enforced by the corporation in a petition a circuit or superior court with**

~~jurisdiction for an order of isolation or quarantine by filing a civil action in accordance with IC 16-41-9-1 or IC 16-41-9-11.~~
IC 16-41-9.

(d) **Unless otherwise provided by law**, a change of venue from the county may not be granted for court proceedings initiated under this section.

SECTION 6. IC 16-41-9-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) If the public health authority has reason to believe that:**

- (1) an individual:**
 - (A) has been infected with; or**
 - (B) has been exposed to;**
- a dangerous communicable disease or outbreak; and**
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;**

the public health authority may petition a circuit or superior court for an order imposing isolation or quarantine on the individual. A petition for isolation or quarantine filed under this subsection must be verified and include a brief description of the facts supporting the public health authority's belief that isolation or quarantine should be imposed on an individual, including a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(b) Except as provided in subsections (e) and (k), an individual described in subsection (a) is entitled to notice and an opportunity to be heard, in person or by counsel, before a court issues an order imposing isolation or quarantine. A court may restrict an individual's right to appear in person if the court finds that the individual's personal appearance is likely to expose an uninfected person to a dangerous communicable disease or outbreak.

(c) If an individual is restricted from appearing in person under subsection (b), the court shall hold the hearing in a manner that allows all parties to fully and safely participate in the proceedings under the circumstances.

(d) If the public health authority proves by clear and convincing evidence that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and**
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;**

the court may issue an order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(e) If the public health authority has reason to believe that an individual described in subsection (a) is likely to expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard, the public health authority may seek

in a circuit or superior court an emergency order of quarantine or isolation by filing a verified petition for emergency quarantine or isolation. The verified petition must include a brief description of the facts supporting the public health authority's belief that:

- (1) isolation or quarantine should be imposed on an individual; and**
- (2) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard.**

The verified petition must include a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(f) If the public health authority proves by clear and convincing evidence that:

- (1) an individual has been infected or exposed to a dangerous communicable disease or outbreak;**
- (2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual; and**
- (3) the individual may expose an uninfected individual to a dangerous communicable disease or outbreak before the individual can be provided with notice and an opportunity to be heard;**

the court may issue an emergency order imposing isolation or quarantine on the individual. The court shall establish the duration and other conditions of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(g) A court may issue an emergency order of isolation or quarantine without the verified petition required under subsection (e) if the court receives sworn testimony of the same facts required in the verified petition:

- (1) in a nonadversarial, recorded hearing before the judge;**
- (2) orally by telephone or radio;**
- (3) in writing by facsimile transmission (fax); or**
- (4) through other electronic means approved by the court.**

If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (2), the court shall direct the public health authority to sign the judge's name and to write the time and date of issuance on the proposed emergency order. If the court agrees to issue an emergency order of isolation or quarantine based upon information received under subdivision (3), the court shall direct the public health authority to transmit a proposed emergency order to the court, which the court shall sign, add the date of issuance, and transmit back to the public health authority. A court may modify the conditions of a proposed emergency order.

(h) If an emergency order of isolation or quarantine is issued under subsection (g)(2), the court shall record the conversation on audiotape and order the court reporter to type or transcribe the recording for entry in the record. The court shall certify the audiotape, the transcription, and the order retained by the judge for entry in the record.

(i) If an emergency order of isolation or quarantine is issued under subsection (g)(3), the court shall order the court reporter to retype or copy the facsimile transmission for entry in the

record. The court shall certify the transcription or copy and order retained by the judge for entry in the record.

(j) The clerk shall notify the public health authority who received an emergency order under subsection (g)(2) or (g)(3) when the transcription or copy required under this section is entered in the record. The public health authority shall sign the typed, transcribed, or copied entry upon receiving notice from the court reporter.

(k) The public health authority may issue an immediate order imposing isolation or quarantine on an individual if exigent circumstances, including the number of affected individuals, exist that make it impracticable for the public health authority to seek an order from a court, and obtaining the individual's voluntary compliance is or has proven impracticable or ineffective. An immediate order of isolation or quarantine expires after seventy-two (72) hours, excluding Saturdays, Sundays, and legal holidays, unless renewed in accordance with subsection (l). The public health authority shall establish the other conditions of isolation or quarantine. The public health authority shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public. If the immediate order applies to a group of individuals and it is impracticable to provide individual notice, the public health authority shall post a copy of the order where it is likely to be seen by individuals subject to the order.

(l) The public health authority may seek to renew an order of isolation or quarantine or an immediate order of isolation or quarantine issued under this section by doing the following:

(1) By filing a petition to renew the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with:

(A) the court that granted the emergency order of isolation or quarantine; or

(B) a circuit or superior court, in the case of an immediate order.

The petition for renewal must include a brief description of the facts supporting the public health authority's belief that the individual who is the subject of the petition should remain in isolation or quarantine and a description of any efforts the public health authority made to obtain the individual's voluntary compliance with isolation or quarantine before filing the petition.

(2) By providing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine with a copy of the petition and notice of the hearing at least twenty-four (24) hours before the time of the hearing.

(3) By informing the individual who is the subject of the emergency order of isolation or quarantine or the immediate order of isolation or quarantine that the individual has the right to:

(A) appear, unless the court finds that the individual's personal appearance may expose an uninfected person to a dangerous communicable disease or outbreak;

(B) cross-examine witnesses; and

(C) counsel, including court appointed counsel in accordance with subsection (c).

(4) If:

(A) the petition applies to a group of individuals; and

(B) it is impracticable to provide individual notice;

by posting the petition in a conspicuous location on the isolation or quarantine premises.

(m) If the public health authority proves by clear and convincing evidence at a hearing under subsection (l) that:

(1) an individual has been infected or exposed to a dangerous communicable disease or outbreak; and

(2) the individual is likely to cause the infection of an uninfected individual if the individual is not restricted in the individual's ability to come into contact with an uninfected individual;

the court may renew the existing order of isolation or quarantine or issue a new order imposing isolation or quarantine on the individual. The court shall establish the conditions of isolation or quarantine, including the duration of isolation or quarantine. The court shall impose the least restrictive conditions of isolation or quarantine that are consistent with the protection of the public.

(n) Unless otherwise provided by law, a petition for isolation or quarantine, or a petition to renew an immediate order for isolation or quarantine, may be filed in a circuit or superior court in any county. Preferred venue for a petition described in this subsection is:

(1) the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located; or

(2) a county adjacent to the county or counties (if the area of isolation or quarantine includes more than one (1) county) where the individual, premises, or location to be isolated or quarantined is located.

This subsection does not preclude a change of venue for good cause shown.

(o) Upon the motion of any party, or upon its own motion, a court may consolidate cases for a hearing under this section if:

(1) the number of individuals who may be subject to isolation or quarantine, or who are subject to isolation or quarantine, is so large as to render individual participation impractical;

(2) the law and the facts concerning the individuals are similar; and

(3) the individuals have similar rights at issue.

A court may appoint an attorney to represent a group of similarly situated individuals if the individuals can be adequately represented. An individual may retain his or her own counsel or proceed pro se.

(p) A public health authority that imposes a quarantine that is not in the person's home:

(1) shall allow the parent or guardian of a child who is quarantined under this section; and

(2) may allow an adult;

to remain with the quarantined individual in quarantine. As a condition of remaining with the quarantined individual, the public health authority may require a person described in subdivision (2) who has not been exposed to a dangerous communicable disease to receive an immunization or treatment for the disease or condition, if an immunization or treatment is available and if requiring immunization or treatment does not

violate a constitutional right.

(q) If an individual who is quarantined under this section is the sole parent or guardian of one (1) or more children who are not quarantined, the child or children shall be placed in the residence of a relative, friend, or neighbor of the quarantined individual until the quarantine period has expired. Placement under this subsection must be in accordance with the directives of the parent or guardian, if possible.

(r) State and local law enforcement agencies shall cooperate with the public health authority in enforcing an order of isolation or quarantine.

(s) The court shall appoint an attorney to represent an indigent individual in an action brought under this chapter or under IC 16-41-6. If funds to pay for the court appointed attorney are not available from any other source, the state department may use the proceeds of a grant or loan to reimburse the county, state, or attorney for the costs of representation.

(t) A person who knowingly or intentionally violates a condition of isolation or quarantine under this chapter commits violating quarantine or isolation, a Class A misdemeanor.

(u) The state department shall adopt rules under IC 4-22-2 to implement this section, including rules to establish guidelines for:

- (1) voluntary compliance with isolation and quarantine;
- (2) quarantine locations and logistical support; and
- (3) moving individuals to and from a quarantine location.

The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 7. IC 16-41-9-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.6. (a) A public health authority may impose or petition a court to impose a quarantine and do the following:

- (1) Distribute information to the public concerning:
 - (A) the risks of the disease;
 - (B) how the disease is transmitted;
 - (C) available precautions to reduce the risk of contracting the disease;
 - (D) the symptoms of the disease; and
 - (E) available medical or nonmedical treatments available for the disease.
- (2) Instruct the public concerning social distancing.
- (3) Request that the public inform the public health authority or a law enforcement agency if a family member contracts the disease.
- (4) Instruct the public on self quarantine and provide a distinctive means of identifying a home that is self quarantined.
- (5) Instruct the public on the use of masks, gloves, disinfectant, and other means of reducing exposure to the disease.
- (6) Close schools, athletic events, and other nonessential situations in which people gather.
- (7) If a quarantine is imposed under section 1.5 of this chapter, the public health authority shall ensure that, to the extent possible, quarantined individuals have sufficient supplies to remain in their own home.

(b) If an out of home, nonhospital quarantine is imposed on an individual, the individual shall be housed as close as possible to the individual's residence.

(c) In exercising the powers described in this section or in section 1.5 of this chapter, the public health authority may not prohibit a person lawfully permitted to possess a firearm from possessing one (1) or more firearms unless the person is quarantined in a mass quarantine location. The public health authority may not remove a firearm from the person's home, even if the person is quarantined in a mass quarantine location.

(d) This section does not prohibit a public health authority from adopting rules and enforcing rules to implement this section if the rules are not inconsistent with this section.

SECTION 8. IC 16-41-9-1.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1.7. (a) An immunization program established by a public health authority to combat a public health emergency involving a dangerous communicable disease must comply with the following:

- (1) The state department must develop and distribute or post information concerning the risks and benefits of immunization.
- (2) No person may be required to receive an immunization without that person's consent. No child may be required to receive an immunization without the consent of the child's parent, guardian, or custodian. The state department may implement the procedures described in section 1.5 of this chapter concerning a person who refuses to receive an immunization or the child of a parent, guardian, or custodian who refuses to consent to the child receiving an immunization.

(b) The state department shall adopt rules to implement this section. The absence of rules adopted under this subsection does not preclude the public health authority from implementing any provision of this section.

SECTION 9. IC 16-41-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) ~~A designated health official~~ The local health officer may file a report with the court that states that a carrier who has been detained under this article may be discharged without danger to the health or life of others.

(b) The court may enter an order of release based on information presented by the ~~designated health official~~ local health officer or other sources.

SECTION 10. IC 16-41-9-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. (a) The court shall determine what part of the cost of care or treatment ordered by the court, if any, the carrier can pay and whether there are other available sources of public or private funding responsible for payment of the carrier's care or treatment. The carrier shall provide the court documents and other information necessary to determine financial ability. If the carrier cannot pay the full cost of care and other sources of public or private funding responsible for payment of the carrier's care or treatment are not available, the county is responsible for the cost. If the carrier:

- (1) provides inaccurate or misleading information; or
- (2) later becomes able to pay the full cost of care;

the carrier becomes liable to the county for costs paid by the county.

(b) Except as provided in subsections (c) and (d), the costs incurred by the county under this chapter are limited to the costs incurred under ~~section 11~~ **section 1.5** of this chapter.

(c) However, subsection (b) does not relieve the county of the responsibility for the costs of a carrier who is ordered by the court under this chapter to a county facility.

(d) Costs, other than costs described in subsections (b) and (c) that are incurred by the county for care ordered by the court under this chapter, shall be reimbursed by the state under IC 16-21-7 to the extent funds have been appropriated for reimbursement.

SECTION 11. IC 16-42-5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An organization that is:

- (1) **organized for nonreligious or noneducational purposes;**
- (2) exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and
- (3) that offers food for sale to the final consumer at an event held for the benefit of the organization;

is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event if the ~~following conditions are met:~~

- ~~(1) Members of the organization prepare the food that will be sold;~~
- ~~(2) events conducted by the organization under this section take place for not more than thirty (30) days in a calendar year.~~
- ~~(3) The name of each member who has prepared a food item is attached to the container in which the food item has been placed;~~

(b) **An organization:**

- (1) **that is organized for:**
 - (A) religious; or
 - (B) educational purposes in a non-public educational setting;
- (2) **that is exempt from the state gross retail tax under IC 6-2.5-5-21(b)(1)(B), IC 6-2.5-5-21(b)(1)(C), or IC 6-2.5-5-21(b)(1)(D); and**
- (3) **that offers food for sale to the final consumer at an event held for the benefit of the organization;**

is exempt from complying with the requirements of this chapter that may be imposed upon the sale of food at that event unless the food is being provided in a restaurant or a cafeteria with an extensive menu of prepared foods.

(c) **A restaurant or cafeteria setting described in subsection (b) does not include the following:**

- (1) A pitch in.
- (2) A bake sale.
- (3) A fish fry, chili supper, spaghetti supper, or similar event with a limited menu.
- (4) Food prepared by a licensed retail food establishment.
- (5) A concession stand.
- (6) Heating or serving precooked foods.
- (7) Preparing or serving a continental breakfast such as rolls, coffee, juice, milk, and cold cereal.
- (8) Preparing or serving nonalcoholic or alcoholic beverages that are not potentially hazardous beverages or ice.
- (9) Preparing or serving packaged or unpackaged foods that are not potentially hazardous foods, including elephant

ears, funnel cakes, cotton candy, confectionaries, baked goods, popcorn, and chips and grinding coffee beans.

(10) Providing prepackaged food in the food's original package.

~~(b)~~ (d) This section does not prohibit an exempted organization from waiving the exemption and applying for a license under this chapter.

(e) It is recommended that an organization that is exempt under this section should still follow safe food handling practices.

(f) This section expires January 1, 2008.

SECTION 12. IC 34-6-2-55 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 55. (a) "Health care services", for purposes of IC 34-30-13, has the meaning set forth in IC 27-13-1-18(a).

(b) "Health care services", for purposes of IC 34-30-13.5, means:

(1) any services provided by an individual licensed under:

- (A) IC 25-2.5;
- (B) IC 25-10;
- (C) IC 25-13;
- (D) IC 25-14;
- (E) IC 25-22.5;
- (F) IC 25-23;
- (G) IC 25-23.5;
- (H) IC 25-23.6;
- (I) IC 25-24;
- (J) IC 25-26;
- (K) IC 25-27;
- (L) IC 25-27.5;
- (M) IC 25-29;
- (N) IC 25-33;
- (O) IC 25-34.5; or
- (P) IC 25-35.6;

(2) services provided as the result of hospitalization;

(3) services incidental to the furnishing of services described in subdivisions (1) or (2);

(4) any services by individuals certified as:

- (A) paramedics;
- (B) emergency medical technicians-intermediate;
- (C) emergency medical technicians-advanced;
- (D) emergency medical technicians basic-advanced; or
- (E) emergency medical technicians under IC 16-31-2;

(5) any services provided by individuals certified as first responders under IC 16-31-2; or

(6) any other services or goods furnished for the purpose of preventing, alleviating, curing, or healing human illness, physical disability, or injury.

SECTION 13. IC 34-30-13.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 13.5. Health Care: Immunity for Persons Providing Services in a Disaster

Sec. 1. Except as provided in section 2 of this chapter, a person who meets the following criteria may not be held civilly liable for an act or omission relating to the provision of health care services in response to an event that is declared a disaster emergency under IC 10-14-3-12, regardless of whether the provision of health care services occurred before or after the declaration of a

disaster emergency:

- (1) Has a license to provide health care services under Indiana law or the law of another state.
- (2) Provides a health care service:
 - (A) within the scope of the person's license to another person; and
 - (B) at a location where health care services are provided during an event that is declared as a disaster.

Sec. 2. A person described in this chapter is not immune from civil liability if the damages resulting from the act or omission relating to the provision of the health care services resulted from the person's gross negligence or willful misconduct.

Sec. 3. A facility or other location that is providing health care services in response to an event that is declared as a disaster emergency may not be held civilly liable for an act or omission relating to the provision of health care services in response to that event by a health professional licensed to provide the health care service under Indiana law or the law of another state if the person is acting during an event that is declared as a disaster emergency, regardless of whether the provision of health care services occurred before or after the declaration of a disaster emergency.

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 16-41-9-1; IC 16-41-9-2; IC 16-41-9-4; IC 16-41-9-11; IC 16-41-9-14.

SECTION 15. [EFFECTIVE JULY 1, 2006] **IC 16-41-9-1.5(t), as added by this act, applies only to crimes committed after June 30, 2006.**

SECTION 16. [EFFECTIVE JULY 1, 2006] **In carrying out its duties under IC 16-41-9, a public health authority (as defined in IC 16-18-2-298.5, as added by this act) shall attempt to seek the cooperation of cases, carriers, contacts, or suspect cases to implement the least restrictive but medically necessary procedures to protect the public health.**

(Reference is to EHB 1235 as reprinted February 28, 2006.)

Ruppel, Chair	Miller
Welch	Breaux
House Conferees	Senate Conferees

Roll Call 399: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1380-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1380 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning economic development and taxation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 2-5-1.1-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2006]: **Sec. 19.** The legislative services agency, under the direction of the legislative council, shall establish a process that permits small business impact comments concerning proposed legislation to be posted on the general assembly's web site after submission by the office of management and budget under IC 4-3-22-16.

SECTION 2. IC 4-3-22-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.** (a) As used in this section, "coordinator" means the following:

- (1) A small business regulatory coordinator (as defined in IC 4-22-2-28.1(b)).
- (2) An ombudsman designated under IC 13-28-3-2.

(b) Each coordinator may review proposed legislation affecting the small businesses that are regulated by the agency or that would be regulated by the agency under proposed legislation. A coordinator may submit to the OMB written comments concerning the impact of proposed legislation on small business.

(c) The OMB may review comments received under subsection (b). The OMB may amend the comments. After completing its review, the OMB shall transmit the comments to the legislative services agency for posting on the general assembly's web site. The comments submitted under this section shall be transmitted electronically in a format suitable for posting to the general assembly's web site as determined by the legislative services agency.

SECTION 3. IC 6-2.5-5-41 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 41.** (a) As used in this section, "motion picture production" means:

- (1) a feature length film, including a short feature and an independent or studio production, or a documentary; or
- (2) a television series, program, or feature;

produced for any combination of theatrical or television viewing, or as a television pilot. The term includes preproduction, production, and postproduction work. However, the term does not include a motion picture that is obscene (under the standard set forth in IC 35-49-2-1) or television coverage of news or athletic events.

(b) Except as provided in subsection (d), a transaction involving tangible personal property is exempt from the state gross retail tax if the person acquiring the property acquires it for the person's direct use in a motion picture production in Indiana after December 31, 2006.

(c) For purposes of this section, the following are not considered to be directly used in the production of a motion picture production:

- (1) Food and beverage services.
- (2) A vehicle or other means of transportation used to transport actors, crew members, or any other individual involved in a motion picture production.
- (3) Fuel, parts, supplies, or other consumables used in a vehicle or other means of transportation used to transport actors, crew members, or any other individual involved in a motion picture production.
- (4) Lodging.
- (5) Packaging materials.

(d) A person is not entitled to an exemption under this section with respect to a transaction involving tangible personal property acquired for direct use in a motion picture production in Indiana if the transaction occurs after December 31, 2008.

SECTION 4. IC 6-3.1-13-15.5, AS AMENDED BY P.L.197-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 15.5. This section applies to an application proposing to retain existing jobs in Indiana. After receipt of an application, the corporation may enter into an agreement with the applicant for a credit under this chapter if the corporation determines that all the following conditions exist:

- (1) The applicant's project will retain existing jobs performed by the employees of the applicant in Indiana.
- (2) The applicant is engaged in research and development, manufacturing, or business services, according to the NAICS Manual of the United States Office of Management and Budget.
- (3) The average compensation (including benefits) provided to the applicant's employees during the applicant's previous fiscal year exceeds **the greater of the following**:

(A) for an application submitted before January 1, 2006; the average compensation paid during that same period to all employees in the county in which the applicant's business is located by at least five percent (5%); or

(B) for an application submitted after December 31, 2005, the amount specified by the calculation associated with one (1) of the following descriptions that characterizes the number of businesses in the NAICS industry sector to which the applicant's business belongs:

(i) (A) If there is more than one (1) business in the same NAICS industry sector **as the applicant's business** in the county in which the applicant's business is located, ~~determine~~ the average compensation paid during that same period to all employees working in ~~the same~~ **that** NAICS industry sector in ~~the that~~ **that** county in which the applicant's business is located multiplied by one hundred five percent (105%).

(ii) (B) If the applicant's business is the only business in the same NAICS industry sector in the county in which the applicant's business is located but there is more than one (1) business in the same NAICS industry sector **as the applicant's business** in Indiana, ~~determine~~ the average compensation paid during that same period to all employees working in ~~the that~~ **that** NAICS industry sector throughout Indiana multiplied by one hundred five percent (105%).

(iii) If the applicant's business is the only business in the same NAICS industry sector in Indiana, ~~determine~~ (C) The compensation for that same period corresponding to the federal minimum wage multiplied by two hundred percent (200%).

(4) The applicant employs at least ~~seventy-five (75)~~ **thirty-five (35)** employees in Indiana.

(5) The applicant has prepared a plan for the use of the credits under this chapter for:

- (A) investment in facility improvements or equipment and machinery upgrades, repairs, or retrofits; or
- (B) other direct business related investments, including but not limited to training.

(6) Receiving the tax credit is a major factor in the applicant's decision to go forward with the project, and not receiving the tax credit will increase the likelihood of the applicant reducing jobs in Indiana.

(7) Awarding the tax credit will result in an overall positive fiscal impact to the state, as certified by the budget agency using the best available data.

(8) The applicant's business and project are economically sound and will benefit the people of Indiana by increasing or maintaining opportunities for employment and strengthening the economy of Indiana.

(9) The communities affected by the potential reduction in jobs or relocation of jobs to another site outside Indiana have committed local incentives with respect to the retention of jobs in an amount determined by the corporation. For purposes of this subdivision, local incentives include, but are not limited to, cash grants, tax abatements, infrastructure improvements, investment in facility rehabilitation, construction, and training investments.

(10) The credit is not prohibited by section 16 of this chapter.

(11) If the business is located in a community revitalization enhancement district established under IC 36-7-13 or a certified technology park established under IC 36-7-32, the legislative body of the political subdivision establishing the district or park has adopted an ordinance recommending the granting of a credit amount that is at least equal to the credit amount provided in the agreement.

SECTION 5. IC 6-3.1-13-18, AS AMENDED BY P.L.197-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2006]: Sec. 18. (a) The corporation shall determine the amount and duration of a tax credit awarded under this chapter. The duration of the credit may not exceed ten (10) taxable years. The credit may be stated as a percentage of the incremental income tax withholdings attributable to the applicant's project and may include a fixed dollar limitation. In the case of a credit awarded for a project to create new jobs in Indiana, the credit amount may not exceed the incremental income tax withholdings. However, the credit amount claimed for a taxable year may exceed the taxpayer's state tax liability for the taxable year, in which case the excess may, at the discretion of the corporation, be refunded to the taxpayer.

(b) For state fiscal years ~~2004, 2005, year 2006 and 2007~~, **each state fiscal year thereafter**, the aggregate amount of credits awarded under this chapter for projects to retain existing jobs in Indiana may not exceed ~~five ten~~ million dollars (~~\$5,000,000~~) (**\$10,000,000**) per year.

SECTION 6. IC 6-3.1-26-8, AS AMENDED BY P.L.199-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) As used in this chapter, "qualified investment" means the amount of the taxpayer's expenditures in Indiana for:

- (1) the purchase of new telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution equipment;
- (2) the purchase of new computers and related equipment;
- (3) costs associated with the modernization of existing telecommunications, production, manufacturing, fabrication,

- assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution facilities;
- (4) onsite infrastructure improvements;
- (5) the construction of new telecommunications, production, manufacturing, fabrication, assembly, extraction, mining, processing, refining, finishing, distribution, transportation, or logistical distribution facilities;
- (6) costs associated with retooling existing machinery and equipment;
- (7) costs associated with the construction of special purpose buildings and foundations for use in the computer, software, biological sciences, or telecommunications industry; and
- (8) costs associated with the purchase ~~before January 1, 2008~~ of machinery, equipment, or special purpose buildings used to make motion pictures or audio productions;

that are certified by the corporation under this chapter as being eligible for the credit under this chapter.

(b) The term does not include property that can be readily moved outside Indiana.

SECTION 7. IC 6-3.1-26-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) This chapter applies to taxable years beginning after December 31, 2003.

(b) Notwithstanding the other provisions of this chapter, ~~a taxpayer is not entitled to the corporation may not approve~~ a credit for a qualified investment made after December 31, ~~2007~~ **2011**. However, this section may not be construed to prevent a taxpayer from carrying an unused tax credit attributable to a qualified investment made before January 1, ~~2008~~ **2012**, forward to a taxable year beginning after December 31, ~~2007~~ **2011**, in the manner provided by section 15 of this chapter.

SECTION 8. IC 6-3.1-30-2, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 2. As used in this chapter, "eligible business" means a business that:

- (1) is engaged in either interstate or intrastate commerce;
- (2) maintains a corporate headquarters at a location outside Indiana;
- (3) has not previously maintained a corporate headquarters at a location in Indiana;
- (4) had annual worldwide revenues of at least ~~five~~ **one** hundred million dollars (~~\$500,000,000~~) (**\$100,000,000**) for the taxable year immediately preceding the business's application for a tax credit under section 12 of this chapter; and
- (5) commits contractually to relocating its corporate headquarters to Indiana.

SECTION 9. IC 6-3.1-30-8, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. (a) A taxpayer that:

- (1) is an eligible business;
- (2) completes a qualifying project; ~~and~~
- (3) incurs relocation costs; ~~and~~
- (4) employees at least seventy-five (75) employees in Indiana;**

is entitled to a credit against the taxpayer's state tax liability for the taxable year in which the relocation costs are incurred. The credit allowed under this section is equal to the amount determined under

section 9 of this chapter.

(b) For purposes of establishing the employment level required by subsection (a)(4), a taxpayer may include:

(1) individuals who:

- (A) were employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and**
- (B) remain employed in Indiana after the completion of the taxpayer's qualifying project; and**

(2) individuals who:

- (A) were not employed in Indiana by the taxpayer before the taxpayer commenced a qualifying project; and**
- (B) are employed in Indiana by the taxpayer as a result of the completion of the taxpayer's qualifying project.**

SECTION 10. IC 6-3.1-30-12, AS ADDED BY P.L.193-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. To receive the credit provided by this chapter, a taxpayer must claim the credit on the taxpayer's state tax return or returns in the manner prescribed by the department. The taxpayer shall submit to the department:

- (1) proof of the taxpayer's relocation costs;**
- (2) proof that the taxpayer is employing in Indiana the number of employees required by section 8 of this chapter; and**
- (3) all other** information that the department determines is necessary for the calculation of the credit provided by this chapter.

SECTION 11. IC 6-3.5-7-13.1, AS AMENDED BY P.L.118-2005, SECTION 2, AND AS AMENDED BY P.L.214-2005, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.1.

(a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

- (1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.
- (2) By a county, city, or town for:

- (A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

~~(3)~~ (4) By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. In a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(4)~~ (5).

~~(4)~~ (5) This subdivision applies only in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(3)~~ (4) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all

purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(5)~~ (6) This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(7) For a regional venture capital fund established under section 13.5 of this chapter or a local venture capital fund established under section 13.6 of this chapter.

(c) As used in this section, an economic development project is any project that:

- (1) the county, city, or town determines will:
 - (A) promote significant opportunities for the gainful employment of its citizens;
 - (B) attract a major new business enterprise to the unit; or
 - (C) retain or expand a significant business enterprise within the unit; and
- (2) involves an expenditure for:
 - (A) the acquisition of land;
 - (B) interests in land;
 - (C) site improvements;
 - (D) infrastructure improvements;
 - (E) buildings;
 - (F) structures;
 - (G) rehabilitation, renovation, and enlargement of buildings and structures;
 - (H) machinery;
 - (I) equipment;
 - (J) furnishings;
 - (K) facilities;
 - (L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);
 - (M) operating expenses authorized under subsection (b)(2)(E); or
 - (N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit;

or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 12. IC 6-3.5-7-13.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 13.5. (a) The general assembly finds that counties and municipalities in Indiana have a need to foster economic development, the development of new technology, and industrial and commercial growth. The general assembly finds that it is necessary and proper to provide an alternative method for counties and municipalities to foster the following:**

- (1) Economic development.**
- (2) The development of new technology.**
- (3) Industrial and commercial growth.**
- (4) Employment opportunities.**
- (5) The diversification of industry and commerce.**

The fostering of economic development and the development of new technology under this section or section 13.6 of this chapter for the benefit of the general public, including industrial and commercial enterprises, is a public purpose.

(b) The fiscal bodies of two (2) or more counties or municipalities may, by resolution, do the following:

- (1) Determine that part or all the taxes received by the units**

under this chapter should be combined to foster:

- (A) economic development;**
- (B) the development of new technology; and**
- (C) industrial and commercial growth.**

(2) Establish a regional venture capital fund.

(c) Each unit participating in a regional venture capital fund established under subsection (b) may deposit the following in the fund:

- (1) Taxes distributed to the unit under this chapter.**
- (2) The proceeds of public or private grants.**

(d) A regional venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The fund is subject to an annual audit by the state board of accounts. The fund shall bear the full costs of the audit.

(e) The fiscal body of each participating unit shall approve an interlocal agreement created under IC 36-1-7 establishing the terms for the administration of the regional venture capital fund. The terms must include the following:

- (1) The membership of the governing board.**
- (2) The amount of each unit's contribution to the fund.**
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.**
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.**

(f) An interlocal agreement made by the participating units under subsection (e) must provide that:

- (1) each of the participating units is represented by at least one (1) member of the governing board; and**
- (2) the membership of the governing board is established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the governing board required to establish a quorum.**

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) An interlocal agreement made by the participating units under subsection (e) must be submitted to the Indiana economic development corporation for approval before the participating units may contribute to the fund.

(i) A majority of members of a governing board of a regional venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

- (1) To promote significant employment opportunities for the residents of the units participating in the regional venture capital fund.**

(2) To attract a major new business enterprise to a participating unit.

(3) To develop, retain, or expand a significant business enterprise in a participating unit.

(k) The expenditures of a borrower or grantee of money from a regional venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

- (1) Research and development of technology.
- (2) Job training and education.
- (3) Acquisition of property interests.
- (4) Infrastructure improvements.
- (5) New buildings or structures.
- (6) Rehabilitation, renovation, or enlargement of buildings or structures.
- (7) Machinery, equipment, and furnishings.
- (8) Funding small business development with respect to:
 - (A) prototype products or processes;
 - (B) marketing studies to determine the feasibility of new products or processes; or
 - (C) business plans for the development and production of new products or processes.

SECTION 13. IC 6-3.5-7-13.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13.6. (a) The fiscal body of a county or municipality may, by resolution, establish a local venture capital fund.

(b) A unit establishing a local venture capital fund under subsection (a) may deposit the following in the fund:

- (1) Taxes distributed to the unit under this chapter.
- (2) The proceeds of public or private grants.

(c) A local venture capital fund shall be administered by a governing board. The expenses of administering the fund shall be paid from money in the fund. The governing board shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public money may be invested. Interest that accrues from these investments shall be deposited into the fund. The fund is subject to an annual audit by the state board of accounts. The fund shall bear the full costs of the audit.

(d) The fiscal body of a unit establishing a local venture capital fund under subsection (a) shall establish the terms for the administration of the local venture capital fund. The terms must include the following:

- (1) The membership of the governing board.
- (2) The amount of the unit's contribution to the fund.
- (3) The procedures and criteria under which the governing board may loan or grant money from the fund.
- (4) The procedures for the dissolution of the fund and for the distribution of money remaining in the fund at the time of the dissolution.

(e) A unit establishing a local venture capital fund under subsection (a) must be represented by at least one (1) member of the governing board.

(f) The membership of the governing board must be established on a bipartisan basis so that the number of the members of the governing board who are members of one (1) political party may not exceed the number of members of the

governing board required to establish a quorum.

(g) A majority of the governing board constitutes a quorum, and the concurrence of a majority of the governing board is necessary to authorize any action.

(h) The terms established under subsection (d) for the administration of the local venture capital fund must be submitted to the Indiana economic development corporation for approval before a unit may contribute to the fund.

(i) A majority of members of a governing board of a local venture capital fund established under this section must have at least five (5) years of experience in business, finance, or venture capital.

(j) The governing board of the fund may loan or grant money from the fund to a private or public entity if the governing board finds that the loan or grant will be used by the borrower or grantee for at least one (1) of the following economic development purposes:

- (1) To promote significant employment opportunities for the residents of the unit establishing the local venture capital fund.
- (2) To attract a major new business enterprise to the unit.
- (3) To develop, retain, or expand a significant business enterprise in the unit.

(k) The expenditures of a borrower or grantee of money from a local venture capital fund that are considered to be for an economic development purpose include expenditures for any of the following:

- (1) Research and development of technology.
- (2) Job training and education.
- (3) Acquisition of property interests.
- (4) Infrastructure improvements.
- (5) New buildings or structures.
- (6) Rehabilitation, renovation, or enlargement of buildings or structures.
- (7) Machinery, equipment, and furnishings.
- (8) Funding small business development with respect to:
 - (A) prototype products or processes;
 - (B) marketing studies to determine the feasibility of new products or processes; or
 - (C) business plans for the development and production of new products or processes.

SECTION 14. IC 27-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. The following provisions apply to standard companies and extended companies:

- (1) IC 27-1-3.
- (2) IC 27-1-3.1.
- (3) IC 27-1-5-3.
- (4) IC 27-1-7-14 through IC 27-1-7-16.
- (5) IC 27-1-7-21 through IC 27-1-7-23.
- (6) IC 27-1-9.
- (7) IC 27-1-10.
- (8) IC 27-1-13-3 through IC 27-1-13-4.
- (9) IC 27-1-13-6 through IC 27-1-13-9.
- (10) IC 27-1-15.6.
- (11) IC 27-1-18-2.
- ~~(12)~~ (12) IC 27-1-20-1.
- ~~(13)~~ (13) IC 27-1-20-4.

- ~~(13)~~ (14) IC 27-1-20-6.
- ~~(14)~~ (15) IC 27-1-20-9 through IC 27-1-20-11.
- ~~(15)~~ (16) IC 27-1-20-14.
- ~~(16)~~ (17) IC 27-1-20-19 through IC 27-1-20-21.3.
- ~~(17)~~ (18) IC 27-1-20-23.
- ~~(18)~~ (19) IC 27-1-20-30.
- ~~(19)~~ (20) IC 27-1-22.
- ~~(20)~~ (21) IC 27-4-1.
- ~~(21)~~ (22) Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.
- ~~(22)~~ (23) IC 27-6-2.
- ~~(23)~~ (24) IC 27-7-2.
- ~~(24)~~ (25) IC 27-9.
- ~~(25)~~ (26) IC 34-30-17.

SECTION 15. [EFFECTIVE JANUARY 1, 2007] **IC 6-2.5-5-41, as added by this act, applies to transactions occurring after December 31, 2006.**

SECTION 16. [EFFECTIVE APRIL 1, 2006] **IC 6-3.1-13-15.5, as amended by this act, applies to applications for credits filed under IC 6-3.1-13 after March 31, 2006.**

SECTION 17. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: (a) **The definitions set forth in IC 6-3.1-30, including IC 6-3.1-30-2, as amended by this act, apply throughout this SECTION.**

(b) **Notwithstanding the effective dates included in P.L.193-2005, SECTION 21 of P.L.193-2005 takes effect January 1, 2006, and not January 1, 2007.**

(c) **Notwithstanding SECTION 24 of P.L.193-2005, an eligible business is entitled to a credit under IC 6-3.1-30 for relocation costs that are incurred for a qualifying project during a taxable year beginning after December 31, 2005.**

(d) **Notwithstanding SECTION 21 of P.L.193-2005 and SECTION 24 of P.L.193-2005, IC 6-3.1-20-2, IC 6-3.1-30-8, and IC 6-3.1-30-12, all as amended by this act, apply to taxable years beginning after December 31, 2005.**

SECTION 18. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 27-5.1-2-8, as amended by this act, applies only to taxable years beginning after December 31, 2005.**

SECTION 19. **An emergency is declared for this act.**

(Reference is to EHB 1380 as printed February 14, 2006.)

J. Smith, Chair	Ford
Austin	Hume
House Conferees	Senate Conferees

Roll Call 400: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 87-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 87 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Page 7, delete lines 16 through 40.

Page 8, line 22, delete "15-9-2-4" and insert "15-9-2-4.5".

Page 8, line 24, delete "4" and insert "4.5".

Renumber all SECTIONS consecutively.

(Reference is to ESB 87 as reprinted February 24, 2006.)

Jackman, Chair	Gutwein
R. Young	Grubb
Senate Conferees	House Conferees

Roll Call 401: yeas 49, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

ESB 303-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 303 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 9-16-1-7, AS ADDED BY P.L.221-2005, SECTION 142, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) **This section does not apply to a license branch in a county if there are no precincts in the county in which an election is held on election day.**

(~~a~~) (b) On each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 6:00 a.m., local time, to 6:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(~~b~~) (c) On the day before each general, municipal, primary, and special election day (as defined in ~~IC 3-5-1-2~~; **IC 3-5-2-18**), all ~~full service~~ license branches **that provide state identification cards** must remain open from 8:30 a.m., local time, to 8:00 p.m., local time, solely for the purpose of issuing driver's licenses and state identification cards under IC 9-24.

(~~c~~) (d) The commission shall:

- (1) designate another day as ~~compensatory~~ time off; or
- (2) authorize overtime pay;

for license branch personnel required to work on an election day.

SECTION 2. IC 9-23-2-16 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) **A person licensed under this article shall be issued a special event permit from the bureau for a special event meeting the following conditions:**

(1) **The event is a vehicle auction conducted by auctioneers licensed under IC 25-6.1-3.**

(2) **The vehicles to be auctioned are:**

- (A) **at least fifteen (15) years old; or**
- (B) **classified as classic, collector, or antique vehicles under rules adopted by the bureau.**

(3) **At least one hundred (100) vehicles will be auctioned during the special event.**

(4) **An application for a special event permit has been submitted to the bureau not later than thirty (30) days before the beginning date of the special event.**

(5) The application is accompanied by the permit fee required under IC 9-29-8-6.5.

(b) Not more than two (2) special event permits may be issued by the bureau within a twelve (12) month period to the same applicant.

SECTION 3. IC 9-24-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as provided in section 6 or 7 of this chapter, an individual must have a valid Indiana:

- (1) operator's license;
- (2) chauffeur's license;
- (3) public passenger chauffeur's license;
- ~~(4) learner's permit;~~
- ~~(5) (4) commercial driver's license; or~~
- ~~(6) (5) driver's license listed in subdivision (1), (2), (3) or (4) with a motorcycle operator's license or endorsement; or~~
- (6) learner's permit;**

issued to the individual by the bureau under this article to drive upon an Indiana highway the type of motor vehicle for which the license or permit was issued.

SECTION 4. IC 9-24-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Except as provided in section 3 of this chapter, an individual must meet one (1) of the following conditions to receive an operator's license:

- (1) The applicant meets the following conditions:
 - (A) Is at least sixteen (16) years and thirty (30) days of age.
 - (B) Has held a valid learner's permit at least sixty (60) days.
 - (C) Has obtained an instructor's certification that the applicant has satisfactorily completed an approved driver education course.

(D) Has passed the required examination.

- (2) The applicant meets the following conditions:
 - (A) Is at least sixteen (16) years and one hundred eighty (180) days of age.
 - (B) Has held a valid learner's permit for at least sixty (60) days.
 - (C) Has passed the required examination.

~~(3) The applicant meets the following conditions:~~

- ~~(A) Is at least eighteen (18) years of age;~~
- ~~(B) Has operated a motor vehicle for at least one (1) year;~~
- ~~(C) Passes the required examination;~~

~~(4) (3) The applicant meets the following conditions:~~

- ~~(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.~~
- ~~(B) Has, within the past three (3) years, held an Indiana operator's, chauffeur's, or public passenger chauffeur's license that has not been suspended or revoked.~~
- ~~(C) Passes the required examination.~~

~~(5) (4) The applicant meets the following conditions:~~

- ~~(A) Is at least sixteen (16) years and one hundred eighty (180) days of age.~~
- ~~(B) Has previously been a nonresident of Indiana but who, at the time of application, qualifies as an Indiana resident.~~
- ~~(C) Has held for at least one (1) year an unrevoked operator's, chauffeur's, or public passenger chauffeur's license in the state, district, or county in which the applicant has been a resident.~~

(D) Passes the required examination.

SECTION 5. IC 9-24-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Except as otherwise provided in this article, the bureau shall issue a public passenger chauffeur's license to an individual who meets the following conditions:

- (1) Satisfies the age requirements described in section 2 of this chapter.
- (2) Makes proper application to the bureau under IC 9-24-9, upon a form prescribed by the bureau.
- (3) Successfully passes the physical examination given by a practicing physician licensed to practice medicine in Indiana.
- (4) Has operated a motor vehicle for ~~one (1) year; at least two (2) years.~~
- (5) Satisfactorily passes the examination and tests for a public passenger chauffeur's license.
- (6) Pays the fee prescribed in IC 9-29-9.
- (7) Is at least eighteen (18) years of age.**

SECTION 6. IC 9-24-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~(a) Except as provided in subsection (b);~~ An individual must be at least ~~twenty-one (21)~~ **eighteen (18)** years of age to receive a public passenger chauffeur's license.

~~(b) A public passenger chauffeur's license may be issued to an individual who is at least eighteen (18) years of age for the purpose of driving a taxicab only. An application for the license must be endorsed by the parent or guardian of the individual as well as by a licensed taxicab company.~~

SECTION 7. IC 9-24-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. A public passenger chauffeur's license entitles the licensee to operate any motor vehicle, except a **commercial vehicle or a motorcycle**, upon a highway.

SECTION 8. IC 9-24-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. A learner's permit authorizes the permit holder to operate a motor vehicle, except a motorcycle, upon a public highway under the following conditions:

- (1) While the holder is participating in practice driving in an approved driver education course and is accompanied by a certified driver education instructor in the front seat of an automobile equipped with dual controls.
- (2) If the learner's permit has been validated and the holder is less than eighteen (18) years of age, the holder may participate in practice driving if the seat beside the holder is occupied by a guardian, stepparent, or relative of the holder who **is at least twenty-one (21) years of age and** holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (3) If the learner's permit has been validated and the holder is at least eighteen (18) years of age, the holder may participate in practice driving if accompanied in the vehicle by an individual who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.
- (4) While:

- (A) the holder is enrolled in an approved driver education course;
- (B) the holder is participating in practice driving after having commenced an approved driver education course; and

(C) the seat beside the holder is occupied by a parent, stepparent, or guardian of the holder who holds a valid operator's, chauffeur's, or public passenger chauffeur's license.

SECTION 9. IC 9-24-8-4, AS AMENDED BY HEA 1286-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) Except as provided in subsections (c) and (d), the bureau shall:

- (1) issue a motorcycle operator's license; or
- (2) validate an operator's, a chauffeur's, or a public passenger chauffeur's license for motorcycle operation upon a highway by endorsement;

to a person who meets the conditions in subsection (b).

(b) A person must meet at least one (1) of the following conditions to obtain a license or validation under subsection (a):

~~(1) Satisfactorily complete an approved motorcycle driver education and training course and pass the written test required by this section;~~

~~(2) (1) Satisfactorily complete the written test, hold a motorcycle learner's permit for at least thirty (30) days, and:~~

~~(A) satisfactorily complete the an approved operational skills test; or~~

~~(B) satisfactorily complete a motorcycle operator safety education course approved by the department of education as set forth in IC 20-30-13-9.~~

~~(3) (2) Hold a current motorcycle operator endorsement or motorcycle operator's license from any other jurisdiction and successfully complete the written test.~~

(c) The bureau may not issue a motorcycle operator's license **or endorsement** to an individual less than sixteen (16) years and thirty (30) days of age.

(d) If an applicant for a motorcycle license or license endorsement is less than eighteen (18) years of age, the bureau may not issue a license or validate a license described in subsection ~~(a)(2)~~ **(a)** if the applicant is ineligible under IC 9-24-2-1.

(e) The bureau shall develop and implement both a written test and an operational skills test that must be designed to determine whether an applicant for a motorcycle operator's license or endorsement is competent to operate a motorcycle upon a highway. The written test must be made available at license branch locations approved by the bureau. The operational skills test must be given at locations designated by the bureau. The bureau shall adopt rules by July 1, 2007, under IC 4-22-2 to establish standards for persons administering operational skills tests and the provisions of the operational skills test. An individual applying for a motorcycle operator's license or endorsement must pass the ~~operational skills test~~ **written exam** before taking the ~~written exam~~ **operational skills test**. If an applicant fails to satisfactorily complete either the written or operational tests, the applicant may reapply for and must be offered the examination upon the same terms and conditions as applicants may reapply for and be offered examinations for an operator's license. The bureau shall publish and make available at all locations where an individual may apply for an operator's license information concerning motorcycle operator licensing or endorsement.

(f) An individual who:

- (1) has held a motorcycle learner's permit for at least ~~two (2) months;~~ **thirty (30) days;** or

(2) holds a temporary motorcycle learner's permit, has successfully completed an approved motorcycle driver education and training course, and possesses a valid operator's, chauffeur's, or public passenger chauffeur's license;

may apply for a motorcycle operator's license **or** endorsement not later than the expiration date of the holder's permit. However, not more than three (3) examinations may be allowed a holder during the period the permit is valid. A holder of a learner's permit or a temporary learner's permit who does not pass the written and operating skills examination during the period for which the permit is valid must obtain a new learner's permit.

SECTION 10. IC 9-24-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The application of an individual less than eighteen (18) years of age for a permit or license under this chapter must be signed and sworn to or affirmed by one (1) of the following **in order of preference**:

(1) The parent having custody of the minor applicant **or a designee of the custodial parent specified by the custodial parent.**

(2) The noncustodial parent (as defined in IC 31-9-2-83) of the minor applicant or a designee of the noncustodial parent specified by the noncustodial parent.

~~(2) (3) The guardian having custody of the minor applicant.~~

~~(3) If neither parent is living in Indiana and the applicant has no guardian, the person having custody or an employer of the minor applicant.~~

~~(4) If there is no parent, guardian, or employer, In the absence of a person described in subdivisions (1) through (3), any other responsible individual adult who is willing to assume the obligations imposed by the provisions of this chapter.~~

SECTION 11. IC 9-24-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) A license issued to an individual less than eighteen (18) years of age is a probationary license.

(b) An individual holds a probationary license subject to the following conditions:

(1) Except as provided in IC 31-37-3, the individual may not operate a motor vehicle during the curfew hours specified in IC 31-37-3-2.

(2) During the ninety (90) days following the issuance of the probationary license, the individual may not operate a motor vehicle in which there are passengers unless another individual who:

(A) is at least twenty-one (21) years of age; and

(B) holds a valid operator's license issued under this article; is present in the front seat of the motor vehicle.

(3) The individual may operate a motor vehicle only if the individual and each occupant of the motor vehicle has a safety belt properly fastened about the occupant's body at all times when the motor vehicle is in motion.

(c) An individual who holds a probationary license issued under this section may receive an operator's license, a chauffeur's license, a public passenger chauffeur's license, or a commercial driver's license when the individual is at least eighteen (18) years of age.

(d) A probationary license issued under this section:

~~(1) is valid for not more than four (4) years from the date the license is issued;~~

(1) expires at midnight of the twenty-first birthday of the holder; and

(2) may not be renewed.

SECTION 12. IC 9-24-12-1, AS AMENDED BY HEA 1103-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) Except as provided in subsection (b) and section 10 of this chapter, an operator's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 and 11 of this chapter, an operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) Except as provided in ~~subsection~~ **subsections (b) and (d)** and sections 10 and 11 of this chapter, after December 31, 2005, an operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A probationary operator's license issued under IC 9-24-11-3 expires at midnight of the twenty-first birthday of the holder.

SECTION 13. IC 9-24-12-2, AS AMENDED BY HEA 1103-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in section 10 of this chapter, a chauffeur's license issued under this article after December 31, 1996, and before January 1, 2006, expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) After December 31, 2005, and except as provided in **subsection (c) and** sections 10 and 11 of this chapter, a chauffeur's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(c) Except as provided in subsection (b) and section 10 of this chapter, a chauffeur's license issued after June 30, 2006, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

SECTION 14. IC 9-24-12-5, AS AMENDED BY P.L.210-2005, SECTION 44, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. An individual applying for renewal of an operator's, a motorcycle operator's, a chauffeur's, or a public passenger chauffeur's license must apply in person at a license branch and do the following:

(1) Pass an eyesight examination.

(2) Pass a written examination if:

(A) the applicant has at least six (6) active points on the applicant's driving record maintained by the bureau; or

(B) the applicant holds a valid operator's license, ~~but~~ has not reached the applicant's twenty-first birthday, **and has active points on the applicant's driving record maintained by the bureau.**

SECTION 15. IC 9-24-12-7, AS AMENDED BY HEA 1103-2006, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. (a) Except as provided in subsection (b) and section 10 of this chapter, a motorcycle operator's license issued after December 31, 1996, and before January 1, 2006,

expires at midnight of the birthday of the holder that occurs four (4) years following the date of issuance.

(b) Except as provided in sections 10 and 11 of this chapter, a motorcycle operator's license issued after December 31, 1996, to an applicant who is at least seventy-five (75) years of age expires at midnight of the birthday of the holder that occurs three (3) years following the date of issuance.

(c) After December 31, 2005, except as provided in subsection (b) and section 11 of this chapter, a motorcycle operator's license issued under this article expires at midnight of the birthday of the holder that occurs six (6) years following the date of issuance.

(d) A motorcycle operator endorsement remains in effect for the same term as the license being endorsed and is subject to renewal at and after the expiration of the license in accordance with this chapter.

~~(e) A temporary motorcycle learner's permit is valid for twelve (12) months from date of issuance.~~

SECTION 16. IC 9-29-3-8, AS AMENDED BY P.L.210-2005, SECTION 57, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. ~~(a) The service charge for each of the first two thousand (2,000) operator's licenses including motorcycle operator's licenses, issued at a license branch each year is two dollars (\$2). This subsection expires December 31, 2005.~~

~~(b) The service charge for each additional operator's license or motorcycle operator's license issued at that license branch each year is one dollar and fifty cents (\$1.50). This subsection expires December 31, 2005.~~

~~(c) (a) Fifty cents (\$0.50) of each service charge collected under this section shall be deposited in the state motor vehicle technology fund established by IC 9-29-16-1.~~

~~(d) (b) After December 31, 2005, The service charge for an operator's license is three dollars (\$3).~~

SECTION 17. IC 9-29-8-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6.5. The permit fee for a special event permit issued under IC 9-23-2-16 is two hundred fifty dollars (\$250).**

SECTION 18. IC 9-29-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 7. All money collected by the bureau from manufacturers, factory branches, distributors, distributor branches, dealers, automobile auctioneers, factory representatives, distributor representatives, wholesale dealers, transfer dealers, converter manufacturers, or brokers for licenses **and permit fees** under IC 9-23-2 shall be credited to the motor vehicle odometer fund and allocated under IC 9-29-1-5.

SECTION 19. IC 9-29-9-2, AS AMENDED BY P.L.210-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. ~~(a) The fee for a four (4) year operator's license issued under IC 9-24-3 is six dollars (\$6). This subsection expires December 31, 2005.~~

~~(b) After December 31, 2005, (a) The fee for an operator's license issued under IC 9-24-3 or renewed under IC 9-24-12 to an individual who is:~~

~~(1) less than seventy-five (75) years of age is nine dollars (\$9); and~~

~~(2) at least seventy-five (75) years of age is six dollars (\$6).~~

(b) After June 30, 2006, the fee for a probationary license issued under IC 9-24-11-3(d) is six dollars (\$6).

SECTION 20. IC 9-29-9-15.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 15.1. The fee and charge provisions of IC 9-24-16-10 apply notwithstanding IC 9-29-3-14 and section 15 of this chapter.**

SECTION 21. IC 9-29-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. Each application for an original or a renewal school license fee under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) **corporate check**; or
- (3) United States postal money order;

in the amount of one hundred dollars (\$100).

SECTION 22. IC 9-29-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. Each application for an original or a renewal instructor's license under IC 9-27-4-6 must be accompanied by a:

- (1) certified check;
- (2) **corporate check**; or
- (3) United States postal money order;

in the amount of ten dollars (\$10).

SECTION 23. IC 10-11-2-26, AS AMENDED BY P.L.210-2005, SECTION 72, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 26. (a) The superintendent may assign qualified persons who are not state police officers to supervise or operate permanent or portable weigh stations. A person assigned under this section may stop, inspect, and issue citations to operators of trucks and trailers having a declared gross weight of at least eleven thousand (11,000) pounds and buses at a permanent or portable weigh station or while operating a clearly marked Indiana state police vehicle for violations of the following:

- (1) IC 6-1.1-7-10.
- (2) IC 6-6-1.1-1202.
- (3) IC 6-6-2.5.
- (4) IC 6-6-4.1-12.
- (5) IC 8-2.1.
- (6) IC 9-18.
- (7) IC 9-19.
- (8) IC 9-20.
- (9) IC 9-21-7-2 through IC 9-21-7-11.
- (10) IC 9-21-8-41 pertaining to the duty to obey an official traffic control device for a weigh station.
- (11) IC 9-21-8-45 through IC 9-21-8-48.
- (12) IC 9-21-9.
- (13) IC 9-21-15.
- (14) IC 9-21-21.
- (15) IC 9-24-1-1 through ~~IC 9-24-1-3~~; **IC 9-24-1-2**.
- (16) IC 9-24-1-7.
- (17) Except as provided in subsection (c), IC 9-24-1-6, IC 9-24-6-16, IC 9-24-6-17, and IC 9-24-6-18, commercial driver's license.
- (18) IC 9-24-4.
- (19) IC 9-24-5.
- (20) IC 9-24-11-4.
- (21) IC 9-24-13-3.
- (22) IC 9-24-18-1 through IC 9-24-18-2.
- (23) IC 9-25-4-3.

- (24) IC 9-28-4.
- (25) IC 9-28-5.
- (26) IC 9-28-6.
- (27) IC 9-29-5-11 through IC 9-29-5-13.
- (28) IC 9-29-5-42.
- (29) IC 9-29-6-1.
- (30) IC 13-17-5-1, IC 13-17-5-2, IC 13-17-5-3, or IC 13-17-5-4.
- (31) IC 13-30-2-1.

(b) For the purpose of enforcing this section, a person assigned under this section may detain a person in the same manner as a law enforcement officer under IC 34-28-5-3.

(c) A person assigned under this section may not enforce IC 9-24-6-14 or IC 9-24-6-15.

SECTION 24. IC 24-4-6-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. **(a) This section does not apply to a person that holds a special event permit issued under IC 9-23-2-16.**

(b) A person who engages in the business of buying, selling, or trading motor vehicles on Sunday commits a Class B misdemeanor.

SECTION 25. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 9-24-1-3; IC 9-24-12-8.

SECTION 26. [EFFECTIVE UPON PASSAGE] **(a) Notwithstanding IC 9-23-2-16 (a), as added by this act, the bureau of motor vehicles shall carry out the duties imposed upon it by IC 9-23-2-16(a), as added by this act, under interim written guidelines approved by the commissioner of the bureau of motor vehicles.**

(b) This SECTION expires the earlier of the following:

(1) The date rules are adopted under IC 9-23-2-16(a), as added by this act.

(2) December 31, 2007.

SECTION 27. **An emergency is declared for this act.**

(Reference is to ESB 303 as reprinted March 2, 2006.)

Kruse, Chair	Davis
Lutz	T. Harris
Senate Conferees	House Conferees

Roll Call 402: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT

EHB 1214-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1214 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-2.5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~For purposes of (a)~~ **The definitions in this section apply throughout this chapter.**

(b) "Kerosene" has the same meaning as the definition contained in IC 16-44-2-2.

(c) "Gasoline" has the same meaning as the definition contained in IC 6-6-1.1-103.

(d) "Special fuel" has the same meaning as the definition contained in IC 6-6-2.5-22.

(e) "Unit" means the unit of measure, such as a gallon or a liter, by which gasoline or special fuel is sold.

(f) "Metered pump" means a stationary pump which is capable of metering the amount of gasoline or special fuel dispensed from it and which is capable of simultaneously calculating and displaying the price of the gasoline or special fuel dispensed.

(g) "Indiana gasoline tax" means the tax imposed under IC 6-6-1.1.

(h) "Indiana special fuel tax" means the tax imposed under IC 6-6-2.5.

(i) "Federal gasoline tax" means the excise tax imposed under Section 4081 of the Internal Revenue Code.

(j) "Federal special fuel tax" means the excise tax imposed under Section 4041 of the Internal Revenue Code.

(k) "Price per unit before the addition of state and federal taxes" means an amount which equals the remainder of:

- (i) the total price per unit; minus
- (ii) the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the total price per unit.

(l) "Total price per unit" means the price per unit at which gasoline or special fuel is actually sold, including the state gross retail, Indiana gasoline or special fuel, and federal gasoline or special fuel taxes which are part of the sales price.

(m) "Distributor" means a person who is the first purchaser of gasoline from a refiner, a terminal operator, or supplier, regardless of the location of the purchase.

(n) "Prepayment rate" means a rate per gallon of gasoline ~~rounded to the nearest one-tenth of one cent (\$0.001);~~ determined by the department ~~by determining the product of:~~

- (1) the statewide average retail price per gallon of gasoline excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax; multiplied by
- (2) the state gross retail tax rate; multiplied by
- (3) ninety percent (90%);

under section 14 of this chapter for use in calculating prepayment amounts of gross retail tax under section 9 of this chapter.

(o) "Purchase or shipment" means a sale or delivery of gasoline, but does not include:

- (1) an exchange transaction between refiners, terminal operators, or a refiner and terminal operator; or
- (2) a delivery by pipeline, ship, or barge to a refiner or terminal operator.

(p) "Qualified distributor" means a distributor who:

- (1) is a licensed distributor under IC 6-6-1.1; and
- (2) holds an unrevoked permit issued under section 7 of this chapter.

(q) "Refiner" means a person who manufactures or produces gasoline by any process involving substantially more than the blending of gasoline.

(r) "Terminal operator" means a person that:

- (1) stores gasoline in tanks and equipment used in receiving and storing gasoline from interstate or intrastate pipelines pending wholesale bulk reshipment; or
- (2) stores gasoline at a boat terminal transfer that is a dock or

tank, or equipment contiguous to a dock or tank, including equipment used in the unloading of gasoline from a ship or barge and used in transferring the gasoline to a tank pending wholesale bulk reshipment.

SECTION 2. IC 6-2.5-7-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14. (a) Before June 10 and December 10 of each year, the department shall determine and provide to:

- (1) each refiner and terminal operator and each qualified distributor known to the department to be required to collect prepayments of the state gross retail tax under this chapter; and
- (2) any other person that makes a request;

a notice of the prepayment rate to be used during the following six (6) month period. The department shall also have the prepayment rate published in the June and December issues of the Indiana Register.

(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.

(c) The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:

STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.

STEP TWO: Determine the product of the following:

- (A) The STEP ONE amount.
- (B) The Indiana gross retail tax rate.
- (C) Ninety percent (90%).

STEP THREE: Determine the lesser of:

- (A) the STEP TWO result; or
- (B) the product of:
 - (i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by
 - (ii) one hundred twenty-five percent (125%).

STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001).

SECTION 3. IC 6-6-1.1-515 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 515. The administrator may require that all reports required to be filed under section 209, 501, 502, 504, or 606 of this chapter must be filed in an electronic format prescribed by the administrator.**

SECTION 4. IC 6-6-2.5-72 IS ADDED TO THE CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 72. The administrator may require that all reports required to be filed under section 56.5, 57, or 60 of this chapter must be filed in an electronic format prescribed by the administrator.**

SECTION 5. IC 6-6-4.1-4.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4.8. (a) This section applies only to a claim for a proportional use credit under section 4(d) or 4.5(d) of this chapter for taxes first due and payable after July 31, 1999.

(b) In order to obtain a proportional use credit against taxes imposed under section 4 or 4.5 of this chapter, a carrier must file a

claim with the department. The claim must be submitted on a form prescribed by the department and must be filed with the quarterly return for the taxable period for which the proportional use credit is claimed. A carrier is not entitled to a proportional use credit under section 4(d) or 4.5(d) of this chapter unless the carrier:

- (1) has paid in full the taxes to which the credit applies; and**
- (2) has filed a claim for the credit on or before the due date of the corresponding quarterly return for the taxable period for which the proportional use credit is claimed.**

A credit approved under this section shall, subject to this section, be refunded to the carrier without interest.

(c) The department shall determine the aggregate amount of proportional use credits claimed under section 4(d) or 4.5(d) of this chapter for each quarter. The department may approve the full amount of a proportional use credit claimed by a carrier if the aggregate amount of proportional use credits claimed for the quarter and for the fiscal year do not exceed the limits set forth in subsection (d). If the aggregate amount of proportional use credits claimed in a quarter exceeds the limits set forth in subsection (d), the department shall pay the claims for that quarter on a pro rata basis.

(d) The department may not approve more than three million five hundred thousand dollars (\$3,500,000) of proportional use credits under this section in a state fiscal year. In addition, the amount of proportional use credits the department may approve under this section for a quarter may not exceed the following:

- (1) For the quarter ending September 30 of a year, an amount equal to one million three hundred seventy-five thousand dollars (\$1,375,000).
- (2) For the quarter ending December 31 of a year, an amount equal to:
 - (A) six hundred twenty-five thousand dollars (\$625,000); plus
 - (B) the greater of zero (0) or the result of:
 - (i) the limit determined for the previous quarter under this subsection; minus
 - (ii) the aggregate amount of claims approved for the previous quarter.
- (3) For the quarter ending March 31 of a year, an amount equal to:
 - (A) six hundred twenty-five thousand dollars (\$625,000); plus
 - (B) the greater of zero (0) or the result of:
 - (i) the limit determined for the previous quarter under this subsection; minus
 - (ii) the aggregate amount of claims approved for the previous quarter.
- (4) For the quarter ending June 30 of a year, an amount equal to:
 - (A) eight hundred seventy-five thousand dollars (\$875,000); plus
 - (B) the greater of zero (0) or the result of:
 - (i) the limit determined for the previous quarter under this subsection; minus
 - (ii) the aggregate amount of claims approved for the previous quarter.

SECTION 6. IC 6-8.1-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) The department shall establish a registration center to service owners of commercial

motor vehicles.

(b) The registration center is under the supervision of the department through the motor carrier services division.

(c) An owner or operator of a commercial motor vehicle may apply to the registration center for the following:

- (1) Vehicle registration (IC 9-18).
- (2) Motor carrier fuel tax annual permit.
- (3) Proportional use credit certificate (IC 6-6-4.1-4.7).
- (4) Certificate of operating authority.
- (5) Oversize vehicle permit (IC 9-20-3).
- (6) Overweight vehicle permit (IC 9-20-4).
- (7) Payment of the commercial vehicle excise tax imposed under IC 6-6-5.5.

(d) The commissioner may deny an application described in subsection (c) if the applicant fails to do any of the following with respect to a listed tax:

- (1) File all tax returns or information reports.**
- (2) Pay all taxes, penalties, and interest.**

(e) The commissioner may suspend or revoke any registration, permit, certificate, or authority if the person to whom the registration, permit, certificate, or authority is issued fails to do any of the following with respect to a listed tax:

- (1) File all tax returns or information reports.**
- (2) Pay all taxes, penalties, and interest.**

~~(d)~~ **(f)** Funding for the development and operation of the registration center shall be taken from the motor carrier regulation fund (IC 8-2.1-23-1).

~~(e)~~ **(g)** The department shall recommend to the general assembly other functions that the registration center may perform.

SECTION 7. IC 6-8.1-10-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 13. **(a) A person that:**

- (1) obtains a permit, license plate, cab card, or any other credential issued by the registration center established under IC 6-8.1-4-4; and**
- (2) alters the permit, license plate, cab card, or other credential;**

is subject to a civil penalty of five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(b) A person that:

- (1) is required to obtain a permit, a license plate, a cab card, or other credential issued by the registration center established under IC 6-8.1-4-4; and**
- (2) operates without obtaining the required permit, license plate, cab card, or other credential;**

is subject to a civil penalty of five thousand dollars (\$5,000) for each violation.

(c) A civil penalty imposed under this section:

- (1) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1; and**
- (2) is in addition to any fines levied by a court.**

SECTION 8. IC 8-2.1-22-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 29. **(a)** A person may not operate any motor vehicle over the public highways for hire, unless the operations are specifically exempt under this chapter, without first having obtained appropriate operating authority from the department to do so, and having otherwise complied with all other

applicable provisions of this chapter.

(b) The department or the state police department may apply to an administrative law judge of the department or a court with jurisdiction for an order to impound a motor vehicle that is offered by a motor carrier to the general public for the transportation of passengers for hire if:

- (1) the motor carrier has not obtained the required authority from the department to operate the motor vehicle for hire; and**
- (2) there is probable cause to believe that the motor vehicle has been operated on an Indiana highway to transport passengers for hire.**

A hearing on an application to impound a motor vehicle under this subsection may not be held sooner than three (3) days after the date on which a notice of hearing on the application is served on the motor carrier. The motor carrier may contest the application to impound the motor vehicle at the hearing.

(c) A motor carrier that operated a motor vehicle impounded under this section may not obtain possession of the impounded motor vehicle unless the motor carrier obtains the required authority to operate the motor vehicle for hire.

SECTION 9. IC 8-2.1-22-40 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 40. (a) All applications under this chapter for a common carrier certificate or a contract carrier permit to operate motor vehicles, intrastate or interstate, shall be made on forms prescribed by the department.

(b) All applications for a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate on the public highways, which applications require a public hearing thereon, shall be accompanied by a filing fee of ~~fifty one hundred~~ dollars ~~(\$50): (\$100)~~. Each petition for reinstatement of a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate, on the highways of this state, shall be accompanied by a filing fee of fifty dollars (\$50).

(c) All applications for a temporary certificate of public convenience and necessity, or for a contract carrier permit to operate motor vehicles on the highways of this state in intrastate commerce, shall be accompanied by a filing fee of ~~fifty one hundred~~ dollars ~~(\$50): (\$100)~~.

(d) All applications for a change in the name of the holder of a common carrier certificate of public convenience and necessity, of a common carrier certificate of authority or certificate of registration, or of a contract carrier permit, which change of name does not involve a change in the ownership of the operating rights of the certificate or permit holder, shall be made by verified petition to the department, and the applications shall be accompanied by a filing fee of twenty-five dollars (\$25).

(e) In addition to the filing fees prescribed in subsection (b), all applications for a common carrier certificate of public convenience and necessity, or for a contract carrier permit, to operate motor vehicles intrastate, on the public highways, which applications require a public hearing thereon, shall be accompanied by a publication fee of ~~twenty eighty~~ dollars ~~(\$20): (\$80)~~. Whenever any republication is required through no fault of the department, the party responsible therefor shall be required to pay an additional publication fee of ~~twenty eighty~~ dollars ~~(\$20): (\$80)~~ for each republication.

(f) Each petition for rehearing of an application for a common carrier certificate of public convenience and necessity, or for a contract carrier permit, to operate motor vehicles intrastate, on the public highways, shall be accompanied by a filing fee of twenty-five dollars (\$25).

(g) Each application or petition for alteration or change of a common carrier certificate of public convenience and necessity, or a contract carrier permit, to operate motor vehicles intrastate, on the public highways, shall be accompanied by a filing fee of fifty dollars (\$50).

(h) Each application requesting permission to deviate from the department's tariff publishing regulations shall be accompanied by a filing fee of fifteen dollars (\$15).

SECTION 10. IC 8-2.1-24-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 20. Before a motor carrier engaged in the transportation of property for compensation may operate a motor vehicle upon a public highway providing intrastate transportation, the motor carrier must be properly registered as required under the single state registration system in accordance with rules adopted by the department under IC 4-22-2. This section does not apply to a person exclusively engaged in the private transportation of **nonhazardous** property.

SECTION 11. IC 8-2.1-24-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 28. **(a)** Pursuant to an operations out of service order issued by the United States Department of Transportation or the Federal Highway Administration affecting a motor carrier operating in Indiana, the department of state revenue or the state police department may revoke and confiscate any registrations, license plates, or cab cards issued under IC 9-18.

(b) The department of state revenue may not register or title a motor carrier:

- (1) if the motor carrier fails to comply with federal regulations under 49 CFR 386;**
- (2) under an operations out of service order issued by a federal agency; or**
- (3) if the motor carrier's ability to operate has been terminated or denied by a federal agency.**

SECTION 12. IC 9-20-18-14.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 14.5. (a) The civil penalties imposed under this section are in addition to the other civil penalties that may be imposed under IC 8 and IC 9. **Notwithstanding section 12 of this chapter, a civil penalty imposed under this section:**

- (1) shall be deposited in the motor carrier regulation fund established by IC 8-2.1-23-1; and**
- (2) is in addition to any fines imposed by a court.**

(b) A person who violates IC 9-20-5-7 is subject to a civil penalty of five hundred dollars (\$500) for each violation. ~~as determined by the court. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23:~~

(c) A person who operates a vehicle subject to IC 9-20-5-7 on a route other than a route designated under IC 9-20-5-4 is subject to a civil penalty of five hundred dollars (\$500) for each violation ~~as determined by the court. Notwithstanding section 12 of this chapter, a civil penalty imposed under this section must be deposited in the motor carrier regulation fund established under IC 8-2.1-23:~~

(c) A person who obtains a permit under this article and violates this article is subject to a civil penalty of five hundred dollars (\$500) for the first violation and one thousand dollars (\$1,000) for each subsequent violation.

(d) A person who transports heavy vehicles or loads subject to this article and fails to obtain a permit required under this article is subject to a civil penalty of five thousand dollars (\$5,000) for each violation.

(e) A civil penalty imposed under this section may be assessed against a person only after an administrative hearing has been conducted at which the person has an opportunity to present information as to why the civil penalty should not be assessed.

(Reference is to EHB 1214 as reprinted March 2, 2006.)

Davis, Chair	Long
Pelath	Lanane
House Conferees	Senate Conferees

Roll Call 403: yeas 50, nays 0. Report adopted.

CONFERENCE COMMITTEE REPORT EHB 1240-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1240 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Page 1, delete lines 1 through 11.

Page 1, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 20-18-2 apply to this SECTION.

(b) Before November 1, 2006, the department and the state board shall review the current statewide testing program and develop a long term plan that is subject to the approval of the state board for the transition to a testing program with the following objectives:

- (1) To provide a long term plan for student assessments.
- (2) To review the existing annual tests for students in grades 3 through 10.
- (3) To develop a testing program that:
 - (A) reflects a student's proficiency in and mastery of the state's academic standards;
 - (B) is, to the greatest extent possible, more concise, less time consuming, and less expensive to administer than the current tests while maintaining the current level of rigor of the tests;
 - (C) provides prompt results to students, parents, and teachers;
 - (D) explores all options for timing and use of summative tests, including giving a summative test in the fall or the spring;
 - (E) measures individual student growth from school year to school year;
 - (F) explores all options for diagnostic tests for use by teachers to support ongoing remediation;
 - (G) is compatible with a transition to the use of online

testing; and

(H) assesses student proficiency in written communication.

(4) To move to the use of online assessments for Core 40 subjects.

(c) In developing the plan under subsection (b), the department and the state board shall:

(1) solicit information from educators, administrators, parents, and the public concerning the program;

(2) look at tests and testing practices in use by or in development by other states;

(3) solicit information from testing companies concerning:

(A) parameters and costs of tests;

(B) steps to be taken to ensure the validity and reliability of the tests;

(C) steps to move the longitudinal data from the current testing program to the new testing program; and

(D) any other information the department or the state board considers useful in developing the testing program;

(4) develop a plan to move to online tests;

(5) determine the most effective means to assess student proficiency in written communication; and

(6) include specifications for diagnostic tests for use by teachers during the school year.

(d) Before November 1, 2006, the state board shall approve and submit a report concerning the testing program to the budget committee, the legislative council, and the office of management and budget. The report must explain the testing program and provide the estimated costs for the program beginning with tests given during the 2007-2008 school year. The report to the legislative council must be in an electronic format under IC 5-14-6.

(e) A contract for testing students during the 2006-2007 school year may be issued. However, contracts for testing students during any subsequent school year must follow the state board's approval of the testing plan.

(f) This SECTION expires July 1, 2008.

SECTION 3. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding P.L.246-2005, SECTION 9, Subsection B, stipends for mentor teachers may be paid from the appropriations made FOR THE DEPARTMENT OF EDUCATION, PROFESSIONAL STANDARDS DIVISION, for FY 2005-2006 and FY 2006-2007, or from funds provided to the department of education by private donors.

(b) This SECTION expires July 1, 2007."

Re-number all SECTIONS consecutively.

(Reference is to EHB 1240, Printer's Error, printed February 17, 2006.)

Behning, Chair	Lubbers
Porter	Rogers
House Conferees	Senate Conferees

Roll Call 404: yeas 48, nays 2. Report adopted.

RESOLUTIONS ON FIRST READING House Concurrent Resolution 70

House Concurrent Resolution 70, sponsored by Senator Merritt:

A CONCURRENT RESOLUTION recognizing the Ball State University students who performed a study to evaluate the creation of a State House Visitors Center and Museum.

Whereas, The Indiana General Assembly established the State House Museum Committee in 2005 to evaluate the creation of a museum, visitors center, and gift shop within the State House;

Whereas, The State House Museum Committee, under the direction of Representative James Buck, secured the services of Ball State University's fifth-year design studio to execute the study;

Whereas, The Ball State University architecture students, under the direction of Professor Sonne Palmer, completed the study with great skill and innovation and also finished the task in an exceptionally short time;

Whereas, Their two proposed designs have provided an excellent platform for future discussions and planning of improvements to the Indiana State House; and

Whereas, The Indiana General Assembly desires to thank the following Ball State University students and faculty members for their exemplary service to the state of Indiana: Jason Lee Brenneman, Melisa Rae Green, Nathan Yoder Herber, Jacob Edward Lloyd, David Allen Mallory, Nicholas John Martz, Jevon Clinton Ritchey, Shannon Renee Staicer, Thomas Lyle Werres, Michael James Winn, Alvin Earl Sonne Palmer, Robert D. Githens, Jeffrey Donald Culp, and Robert J. Koester: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. That the Indiana General Assembly expresses its gratitude to these Ball State University students, who worked so diligently to evaluate the creation of a museum, visitors center, and gift shop within the State House.

SECTION 2. That the Principal Clerk of the House of Representatives transmit copies of this resolution to each member who participated in the survey and Ball State University President Jo Ann M. Gora.

The resolution was read in full and adopted by voice vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

SENATE MOTION

Madam President: I move that Senator Drozda be added as cosponsor of Engrossed House Bill 1380.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Kruse and Delph be added

as coauthors of Senate Resolution 53.

MERRITT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Delph be added as coauthor of Senate Concurrent Resolution 49.

KENLEY

Motion prevailed.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1029 because it conflicts with House Enrolled Act 1134-2006 without properly recognizing the existence of HEA 1134-2006, has had EHB 1029 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1029 be corrected as follows:

In the conference committee report for EHB 1029, page 9, between lines 49 and 50, begin a new paragraph and insert:

"SECTION 11. IC 20-46-7-8, AS ADDED BY HEA 1134-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) A school corporation must file a petition requesting approval from the department of local government finance to:

- (1) incur bond indebtedness;
- (2) enter into a lease rental agreement; or
- (3) repay from the debt service fund loans made for the purchase of school buses under IC 20-27-4-5;

not later than twenty-four (24) months after the first date of publication of notice of a preliminary determination under IC 6-1.1-20-3.1(2), unless the school corporation demonstrates that a longer period is reasonable in light of the school corporation's facts and circumstances.

(b) A school corporation must obtain approval from the department of local government finance before the school corporation may:

- (1) incur the indebtedness;
- (2) enter into the lease agreement; or
- (3) repay the school bus purchase loan.

(c) This restriction does not apply to property taxes that a school corporation levies to pay or fund bond or lease rental indebtedness created or incurred before July 1, 1974. **In addition, this restriction does not apply to a lease agreement or a purchase agreement entered into between a school corporation and the Indiana bond bank for the lease or purchase of a school bus under IC 5-1.5-4-1(a)(5), if the lease agreement or purchase agreement conforms with the school corporation's ten (10) year school bus replacement plan approved by the department of local government finance under IC 21-2-11.5-3.1.**

(d) This section does not apply to school bus purchase loans made by a school corporation that will be repaid solely from the general fund of the school corporation."

In the conference committee report for EHB1029, renumber all SECTIONS consecutively.

(Reference is to EHB 1029 as reprinted March 1, 2006, and as amended by the conference committee report for EHB1029.)

GARTON, Chair
R. YOUNG, R.M.M.
KENLEY

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1261 because it conflicts with House Enrolled Act 1040-2006, Senate Enrolled Act 36-2006 and SEA 132-2006 without properly recognizing the existence of HEA 1040-2006, SEA 36-2006, and SEA 132-2006, has had EHB 1261 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1261 be corrected as follows:

Page 10, line 25, delete "P.L. 235-2005," and insert "HEA 1040-2006, SECTION 52,".

Page 10, line 26, delete "SECTION 46,".

Page 10, line 28, delete "finance" and insert "and community development".

Page 10, line 37, delete "finance" and insert "and community development".

Page 10, line 40, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 53,".

Page 10, line 41, delete "SECTION 47,".

Page 10, line 42, delete "finance" and insert "and community development".

Page 11, line 9, delete "finance" and insert "and community development".

Page 11, line 22, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 54,".

Page 11, line 23, delete "SECTION 48,".

Page 11, line 30, delete "finance" and insert "and community development".

Page 11, line 32, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 55,".

Page 11, line 33, delete "SECTION 49,".

Page 11, line 39, delete "finance" and insert "and community development".

Page 11, line 42, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 56,".

Page 12, line 1, delete "SECTION 50,".

Page 12, line 2, delete "finance" and insert "and community development".

Page 12, line 27, after "IC 4-6-12-4" insert ", AS AMENDED BY HEA 1040-2006, SECTION 59,".

Page 12, line 38, delete "finance".

Page 12, line 38, reset in roman "and community development".

Page 13, line 2, delete "department of commerce." and insert "lieutenant governor.".

Page 13, line 11, after "IC 4-12-1-14.2" insert ", AS AMENDED BY SEA 132-2006, SECTION 4,".

Page 13, line 14, delete "and".

Page 13, line 15, delete "children" and insert "resources".

Page 17, line 2, delete "P.L.235-2005," and insert "SEA 132-2006, SECTION 12,".

Page 17, line 3, delete "SECTION 88,".

Page 22, line 13, delete "and".

Page 22, line 14, delete "children" and insert "resources".

Page 22, line 24, after "IC 5-20-1-7" insert ", AS AMENDED BY HEA 1040-2006, SECTION 106,".

Page 22, line 25, delete "State Not Liable for".

Page 22, line 26, delete "Obligations of the Indiana Housing Finance Authority.".

Page 22, line 28, after "liability" insert ", ".

Page 24, line 14, after "IC 5-20-2-5" insert ", AS AMENDED BY HEA 1040-2006, SECTION 107,".

Page 24, line 15, delete "Other Limitations.".

Page 24, line 16, after "town" insert ", ".

Page 24, line 20, after "town" insert ", ".

Page 24, line 27, delete "state" and insert "Indiana".

Page 24, line 27, delete "finance" and insert "and community development".

Page 24, run in lines 30 through 31.

Page 24, run in lines 41 through 42.

Page 25, line 4, delete "mortgager.".

Page 25, line 4, reset in roman "mortgagor.".

Page 25, line 13, after "by the" delete "state" and insert "Indiana".

Page 25, line 13, delete "finance" and insert "and community development".

Page 25, line 13, after "However, the" delete "state" and insert "Indiana".

Page 25, line 14, delete "finance" and insert "and community development".

Page 25, line 23, delete "state" and insert "Indiana".

Page 25, line 23, delete "finance" and insert "and community development".

Page 25, line 26, delete "sections 4 and 5" and insert "this section and section 4".

Page 25, line 29, delete "sections".

Page 25, line 30, delete "4 and 5" and insert "this section and section 4".

Page 25, line 31, after "IC 5-20-3-4" insert ", AS AMENDED BY HEA 1040-2006, SECTION 108,".

Page 25, line 42, delete "finance".

Page 25, line 42, reset in roman "and".

Page 26, line 1, reset in roman "community development".

Page 26, line 7, after "quality" insert ", ".

Page 29, line 5, after "IC 5-20-4-3" insert ", AS AMENDED BY HEA 1040-2006, SECTION 113,".

Page 29, line 7, delete "finance" and insert "and community development".

Page 29, line 8, delete "finance".

Page 29, line 8, reset in roman "and community development".

Page 29, line 15, after "IC 5-20-4-7" insert ", AS AMENDED BY HEA 1040-2006, SECTION 114,".

Page 29, line 18, delete "finance" and insert "and community development".

Page 29, line 19, delete "finance" and insert "and community development".

Page 29, line 35, delete "finance" and insert "and community

development".

Page 30, line 19, after "IC 5-20-4-9" insert ", AS AMENDED BY HEA 1040-2006, SECTION 115,".

Page 30, line 26, delete "finance" and insert "~~and community development~~".

Page 30, line 36, after "IC 5-20-4-10.1" insert ", AS AMENDED BY HEA 1040-2006, SECTION 116,".

Page 30, line 38, delete "finance" and insert "~~and community development~~".

Page 30, line 42, delete "finance" and insert "~~and community development~~".

Page 31, line 2, delete "finance" and insert "~~and community development~~".

Page 31, line 4, after "IC 5-20-4-11" insert ", AS AMENDED BY HEA 1040-2006, SECTION 117,".

Page 31, line 11, delete "finance" and insert "~~and community development~~".

Page 31, line 13, after "IC 5-20-4-12" insert ", AS AMENDED BY HEA 1040-2006, SECTION 118,".

Page 31, line 19, delete "finance" and insert "~~and community development~~".

Page 31, line 20, after "IC 5-20-4-13" insert ", AS AMENDED BY HEA 1040-2006, SECTION 119,".

Page 31, line 23, delete "finance" and insert "~~and community development~~".

Page 31, line 29, after "IC 5-20-4-14" insert ", AS AMENDED BY HEA 1040-2006, SECTION 120,".

Page 31, line 31, delete "finance" and insert "~~and community development~~".

Page 31, line 41, delete "finance" and insert "~~and community development~~".

Page 32, line 15, after "IC 5-20-4-15" insert ", AS AMENDED BY HEA 1040-2006, SECTION 121, AND SEA 132-2006, SECTION 13,".

Page 32, line 23, delete "and children." and insert "resources:".

Page 32, line 27, delete "department of commerce." and insert "office of the lieutenant governor:".

Page 33, line 12, delete "finance" and insert "~~and community development~~".

Page 33, line 25, delete "finance" and insert "~~and community development~~".

Page 33, line 27, after "IC 5-20-5-2" insert ", AS AMENDED BY HEA 1040-2006, SECTION 122,".

Page 33, line 29, delete "finance".

Page 33, line 29, reset in roman "and".

Page 33, line 30, reset in roman "community development".

Page 34, line 22, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 140,".

Page 34, line 23, delete "SECTION 95,".

Page 35, line 5, delete "finance" and insert "~~and community development~~".

Page 36, line 19, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 141,".

Page 36, line 20, delete "SECTION 96,".

Page 36, line 23, after "training" insert ",,".

Page 36, line 27, delete "finance" and insert "~~and community development~~".

Page 36, line 31, delete "finance" and insert "~~and community development~~".

Page 36, line 34, delete "P.L.235-2005," and insert "HEA 1040-2006, SECTION 142,".

Page 36, line 35, delete "SECTION 97,".

Page 37, line 1, delete "finance" and insert "~~and community development~~".

Page 37, line 2, delete "finance" and insert "~~and community development~~".

Page 39, line 2, after "IC 12-7-2-34" insert ", AS AMENDED BY SEA 36-2006, SECTION 1,".

Page 39, between lines 14 and 15, begin a new line block indented and insert:

"~~(6)~~ (5) For purposes of IC 12-21-6.5, the meaning set forth in IC 12-21-6.5-1."

Page 39, line 15, delete "(6) (5)" and insert "~~(7)~~ (6)".

Page 39, line 17, after "IC 12-8-10-1" insert ", AS AMENDED BY SEA 132-2006, SECTION 66,".

Page 39, line 33, delete "and children," and insert "resources,".
(Reference is to EHB 1261 as printed February 24, 2006.)

GARTON, Chair
R. YOUNG, R.M.M.
LUBBERS

Report adopted.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 59 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

8:26 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 9:24 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senator Heinold be added as cosponsor of Engrossed House Bill 1016.

BRAY

Motion prevailed.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker of the House has removed Representative Mahern as a conferee on Engrossed Senate Bill 1 and now appoints Representative Hoffman thereon.

M. CAROLINE SPOTTS
Principal Clerk of the House

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 41 because it conflicts with House Enrolled Act 1134-2006, Senate Enrolled Act 112-2006, and SEA 132-2006 without properly recognizing the existence of HEA 1134-2006, SEA 112-2006, and SEA 132-2006, has had ESB 41 under consideration and begs leave to report back to the Senate with the recommendation that ESB 41 be corrected as follows:

In the conference committee report to EHB 41-2006, page 2, line 22, before "Is" insert "AS AMENDED BY SEA 112-2006, SECTION 1,".

In the conference committee report to EHB 41-2006, page 3, line 8, delete "IC 12-17-15." and insert "IC 12-12.7-2.".

In the conference committee report to EHB 41-2006, page 4, line 30, after "66," insert "AND AS AMENDED BY SEA 132-2006, SECTION 5,".

In the conference committee report to EHB 41-2006, page 5, line 9, delete "and children," and insert "resources, department of child services,".

In the conference committee report to EHB 41-2006, page 9, line 24, after "IC 6-1.1-12-12" insert ", AS AMENDED BY SEA 132-2006, SECTION 16,".

In the conference committee report to EHB 41-2006, page 9, line 42, delete "and children," and insert "resources,".

In the conference committee report to EHB 41-2006, page 10, line 2, delete "P.L.1-2005," and insert "SEA 132-2006, SECTION 31,".

In the conference committee report to EHB 41-2006, page 10, line 3, delete "SECTION 125,".

In the conference committee report to EHB 41-2006, page 10, line 32, delete "division of family" and insert "department of child services".

In the conference committee report to EHB 41-2006, page 10, line 33, delete "and children".

In the conference committee report to EHB 41-2006, page 11, line 38, after "IC 12-7-2-24" insert ", AS AMENDED BY SEA 132-2006, SECTION 36,".

In the conference committee report to EHB 41-2006, page 11, delete lines 50 through 51.

In the conference committee report to EHB 41-2006, page 12, line 37, delete "P.L.234-2005," and insert "SEA 132-2006, SECTION 47,".

In the conference committee report to EHB 41-2006, page 12, line 38, delete "SECTION 13,".

In the conference committee report to EHB 41-2006, page 12, line 48, delete "IC 31-33-1.5-2." and insert "IC 31-25-1-1.".

In the conference committee report to EHB 41-2006, page 13, line 6, delete "P.L.234-2005," and insert "SEA 112-2006,".

In the conference committee report to EHB 41-2006, page 13, line 7, delete "14" and insert "5".

In the conference committee report to EHB 41-2006, page 13, between lines 24 and 25, begin a new line double block indented and insert:

~~(F)~~ (E) IC 12-12.7.".

In the conference committee report to EHB 41-2006, page 15, line 11, after "IC 12-8-1-6" insert ", AS AMENDED BY SEA 132-2006,

SECTION 63,".

In the conference committee report to EHB 41-2006, page 15, line 23, delete "and children" and insert "resources".

In the conference committee report to EHB 41-2006, page 15, line 30, after "IC 12-8-2-3" insert ", AS AMENDED BY SEA 132-2006, SECTION 64,".

In the conference committee report to EHB 41-2006, page 15, line 38, delete "and children" and insert "resources".

In the conference committee report to EHB 41-2006, page 16, line 29, after "IC 12-8-10-1" insert ", AS AMENDED BY SEA 132-2006, SECTION 66,".

In the conference committee report to EHB 41-2006, page 16, line 45, delete "and children," and insert "resources,".

In the conference committee report to EHB 41-2006, page 17, line 25, after "IC 12-8-14-5" insert ", AS AMENDED BY SEA 132-2006, SECTION 67,".

In the conference committee report to EHB 41-2006, page 17, line 28, delete "and children," and insert "resources,".

In the conference committee report to EHB 41-2006, page 17, line 37, before "IS" insert ", AS AMENDED BY SEA 112-2006, SECTION 8,".

In the conference committee report to EHB 41-2006, page 17, between lines 49 and 50, begin a new line block indented and insert:

~~(6)~~ (5) The bureau of child development services established by IC 12-12.7-1-1.".

In the conference committee report to EHB 41-2006, page 18, line 6, before "IS" insert ", AS AMENDED BY SEA 112-2006, SECTION 9,".

In the conference committee report to EHB 41-2006, page 18, between lines 26 and 27, begin a new line block indented and insert:

~~(10)~~ (8) Part C of the federal Individuals with Disabilities Education Act, Subchapter III (20 U.S.C. 1431 et seq.).

In the conference committee report to EHB 41-2006, page 18, line 27, delete "(10) (8)" and insert "~~(11)~~ (9)".

In the conference committee report to EHB 41-2006, page 18, line 29, delete "(11) (9)" and insert "(12) (10)".

In the conference committee report to EHB 41-2006, page 18, line 32, before "IS" insert ", AS AMENDED BY SEA 112-2006, SECTION 10,".

In the conference committee report to EHB 41-2006, page 18, between lines 40 and 41, begin a new line double block indented and insert:

~~(F)~~ (E) IC 12-12.7.".

In the conference committee report to EHB 41-2006, page 35, line 12, after "IC 12-17-15-1" insert ", AS AMENDED BY SEA 132-2006, SECTION 90,".

In the conference committee report to EHB 41-2006, page 35, line 20, delete "and children." and insert "resources.".

In the conference committee report to EHB 41-2006, page 48, line 33, after "IC 16-28-1-1" insert ", AS AMENDED BY SEA 132-2006, SECTION 134,".

In the conference committee report to EHB 41-2006, page 49, line 1, delete "and children" and insert "resources".

In the conference committee report to EHB 41-2006, page 50, line 33, after "IC 16-39-2-6" insert ", AS AMENDED BY SEA 132-2006, SECTION 141,".

In the conference committee report to EHB 41-2006, page 51, delete line 41.

In the conference committee report to EHB 41-2006, page 51, line 42, delete "(C)".

In the conference committee report to EHB 41-2006, page 51, line 42, reset in roman "(B)".

In the conference committee report to EHB 41-2006, page 51, line 43, delete "(D)".

In the conference committee report to EHB 41-2006, page 51, line 43, reset in roman "(C)".

In the conference committee report to EHB 41-2006, page 51, between lines 43 and 44, begin a new line double block indented and insert:

"(D) IC 31-25-3-2".

In the conference committee report to EHB 41-2006, page 51, line 44, reset in roman "(E)".

In the conference committee report to EHB 41-2006, page 51, line 44, delete "(D)".

In the conference committee report to EHB 41-2006, page 51, line 45, reset in roman "(F)".

In the conference committee report to EHB 41-2006, page 51, line 45, delete "(E)".

In the conference committee report to EHB 41-2006, page 51, line 46, reset in roman "(G)".

In the conference committee report to EHB 41-2006, page 51, line 46, delete "(F)".

In the conference committee report to EHB 41-2006, page 53, line 24, delete "P.L.89-2005," and insert "SEA 132-2006, SECTION 148,".

In the conference committee report to EHB 41-2006, page 53, line 25, delete "SECTION 4,".

In the conference committee report to EHB 41-2006, page 53, line 30, delete "division of family and children;" and insert "department of child services;".

In the conference committee report to EHB 41-2006, page 53, line 32, delete "division of family" and insert "department of child services;".

In the conference committee report to EHB 41-2006, page 53, line 33, delete "and children;".

In the conference committee report to EHB 41-2006, page 55, line 17, delete "ADDED BY P.L. 218-2005,".

In the conference committee report to EHB 41-2006, page 55, line 18, delete "SECTION 79," and insert "AMENDED BY SEA 112-2006, SECTION 16,".

In the conference committee report to EHB 41-2006, page 56, line 23, delete "IC 12-17-15-7" and insert "IC 12-12.7-2-7".

In the conference committee report to EHB 41-2006, page 56, line 25, delete "IC 12-17-15." and insert "IC 12-12.7-2.".

In the conference committee report to EHB 41-2006, page 56, line 29, delete "ADDED BY P.L.218-2005," and insert "SEA 132-2006, SECTION 152,".

In the conference committee report to EHB 41-2006, page 56, line 30, delete "SECTION 80,".

In the conference committee report to EHB 41-2006, page 57, line 11, delete "division of family and children" and insert "department of child services".

In the conference committee report to EHB 41-2006, page 58, line

49, delete "ADDED BY P.L.1-2005," and insert "AMENDED BY SEA 132-2006, SECTION 154,".

In the conference committee report to EHB 41-2006, page 58, line 50, delete "SECTION 19,".

In the conference committee report to EHB 41-2006, page 59, line 16, delete "division of family and children," and insert "department of child services,".

In the conference committee report to EHB 41-2006, page 59, line 43, delete "ADDED BY P.L.218-2005," and insert "AMENDED BY HEA 1134-2006, SECTION 159,".

In the conference committee report to EHB 41-2006, page 59, line 44, delete "SECTION 82,".

In the conference committee report to EHB 41-2006, page 60, line 9, delete "However, if a transfer student was".

In the conference committee report to EHB 41-2006, page 60, delete lines 10 through 23.

In the conference committee report to EHB 41-2006, page 65, line 15, after "IC 25-23.6-1-3.9" insert ", AS AMENDED BY SEA 132-2006, SECTION 162,".

In the conference committee report to EHB 41-2006, page 65, line 18, delete "and children," and insert "resources,".

(Reference is to ESB 41 as reprinted February 17, 2006, and as amended by the conference committee report to ESB 41.)

GARTON, Chair
R. YOUNG, R.M.M.
MILLER

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1155 because it conflicts with Senate Enrolled Act 132-2006 without properly recognizing the existence of SEA 132-2006, has had EHB 1155 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1155 be corrected as follows:

In the conference committee report to EHB 1155-2006, page 3, line 46, delete "P.L.234-2005," and insert "SEA 132-2006, SECTION 27,".

In the conference committee report to EHB 1155-2006, page 3, line 47, delete "SECTION 9,".

In the conference committee report to EHB 1155-2006, page 4, line 20, delete "IC 31-33-1.5-2)" and insert "IC 31-25-1-1)".

In the conference committee report to EHB 1155-2006, page 4, line 31, delete "division of family and children;" and insert "department of child services;".

In the conference committee report to EHB 1155-2006, page 5, line 13, after "IC 10-13-3-30" insert ", AS AMENDED BY SEA 132-2006, SECTION 29,".

In the conference committee report to EHB 1155-2006, page 5, line 27, delete "division of" and insert "department of child services.".

In the conference committee report to EHB 1155-2006, page 5, delete line 28.

In the conference committee report to EHB 1155-2006, page 7, line 23, delete "IC 11-8-2-12" and insert "IC 11-8-2-12.4".

In the conference committee report to EHB 1155-2006, page 7, line 25, delete "12." and insert "**12.4**.".

In the conference committee report to EHB 1155-2006, page 7, line 50, delete "12" and insert **"12.4"**.

(Reference is to EHB 1155 as reprinted March 1, 2006, and as amended by the conference committee report to EHB 1155.)

GARTON, Chair
R. YOUNG, R.M.M.
LONG

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 12 because it conflicts with Senate Enrolled Act 132-2006 without properly recognizing the existence of SEA 132-2006, has had ESB 12 under consideration and begs leave to report back to the Senate with the recommendation that ESB 12 be corrected as follows:

In the conference committee report to ESB 12-2006, page 3, line 45, delete "P.L.234-2005" and insert "SEA 132-2006, SECTION 27,".

In the conference committee report to ESB 12-2006, page 3, line 46, delete "SECTION 9,".

In the conference committee report to ESB 12-2006, page 4, line 19, delete "IC 31-33-1.5-2)" and insert "IC 31-25-1-1)".

In the conference committee report to ESB 12-2006, page 4, line 30, delete "division of family and children;" and insert "department of child services;".

In the conference committee report to ESB 12-2006, page 5, line 12, after "IC 10-13-3-30" insert ", AS AMENDED BY SEA 132-2006, SECTION 29,".

In the conference committee report to ESB 12-2006, page 5, line 26, delete "division of" and insert "department of child services.".

In the conference committee report to ESB 12-2006, page 5, delete line 27.

In the conference committee report to ESB 12-2006, page 7, line 22, delete "IC 11-8-2-12" and insert "IC 11-8-2-12.4".

In the conference committee report to ESB 12-2006, page 7, line 24, delete "12." and insert **"12.4"**.

In the conference committee report to ESB 12-2006, page 7, line 49, delete "12" and insert **"12.4"**.

(Reference is to ESB 12 as reprinted February 24, 2006, and as amended by the conference committee report to ESB 12.)

GARTON, Chair
R. YOUNG, R.M.M.
LONG

Report adopted.

9:34 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 10:47 p.m., with the President of the Senate in the Chair.

COMMITTEE REPORT

Pursuant to Senate Rule 83(j), your Committee on Rules and Legislative Procedure to which was referred Conference Committee Reports filed on Engrossed House Bills 1001 and 1008 has had the same under consideration and begs leave to report back to the Senate with the recommendation that said Conference Committee Reports are eligible for consideration.

GARTON, Chair

Report adopted.

SENATE MOTION

Madam President: I move that Conference Committee Report 1-1 to Engrossed Senate Bill 1, filed March 14, 2006, be withdrawn from further consideration by the Senate.

M. YOUNG

Motion prevailed.

REPORT OF THE SENATE COMMITTEE ON ETHICS

Madam President: Pursuant to Senate Rule 94, the Senate Committee on Ethics met on March 14, 2006, to render an advisory opinion with regard to the question raised by Senator Delph about his participation in the upcoming vote on Conference Committee Report 1 on Engrossed House Bill 1315 due to a potential conflict of interest. The Senate Committee on ethics has considered the facts presented by Senator Delph and hereby recommends that Senator Delph be excused from participation in the vote on Conference Committee Report 1 to Engrossed House Bill 1315 because of his potential conflict of interest with regard to the legislation. The vote of the Committee was 4-0.

ZAKAS, Chair

Report adopted.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1102 because it conflicts with House Enrolled Act 1114-2006 without properly recognizing the existence of HEA 1114-2006, has had EHB 1102 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1102 be corrected as follows:

In the conference committee report to EHB 1102-2006, page 46, line 24, after "IC 36-2-7-10" insert ", AS AMENDED BY HEA 1114-2006, SECTION 9,".

In the conference committee report to EHB 1102-2006, page 47, between lines 27 and 28, begin a new paragraph and insert:

"(c) The county recorder shall charge a two dollar (\$2) county identification security protection fee for recording or filing a document. This fee shall be deposited under IC 36-2-7.5-6.".

In the conference committee report to EHB 1102-2006, page 47, line 28, delete "(c)" and insert "(d)".

In the conference committee report to EHB 1102-2006, page 47, line 35, delete "(d)" and insert "(e)".

In the conference committee report to EHB 1102-2006, page 47, line 37, delete "(e)" and insert "(f)".

In the conference committee report to EHB 1102-2006, page 47, line 40, delete "(f)" and insert "(g)".

In the conference committee report to EHB 1102-2006, page 47, line 51, delete "(g)" and insert "(h)".

(Reference is to EHB 1102 as reprinted February 28, 2006, and as corrected under Senate rule 33(c) adopted March 1, 2006, and as amended by the conference committee report to EHB 1102.)

GARTON, Chair
R. YOUNG, R.M.M.
LAWSON

Report adopted.

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 362.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 296.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 202.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 192.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 106.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 84.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 77.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 58.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1176.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1227.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1420.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that Senate Rule 83(a) be suspended with regard to its application to Conference Committee Reports to Engrossed House Bills 1001, 1008, 1362, 1172, 1329, 1315, 1327, and 1338 and Engrossed Senate Bills 260, 345, 349-2, and 1-2 and that said conference committee reports be made a special order of

business for 10:50 p.m. on March 14, 2006.

GARTON

Motion prevailed.

COMMITTEE REPORT

Madam President: The Senate committee on Rules and Legislative Procedure, to which was referred the motion of Senator Garton requesting suspension of Senate Rule 83(a) for Conference Committee Reports to Engrossed House Bills 1001, 1008, 1362, 1172, 1329, 1315, 1327, and 1338 and Engrossed Senate Bills 260, 345, 349-2, and 1-2 has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said motion be adopted.

GARTON

Report adopted.

SPECIAL ORDER OF BUSINESS

CONFERENCE COMMITTEE REPORT EHB 1001-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1001 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the amendment made by the committee report of the committee of one adopted March 1, 2006.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-12-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37. (a) Each year a person who is entitled to receive the homestead credit provided under IC 6-1.1-20.9 for property taxes payable in the following year is entitled to a standard deduction from the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property that qualifies for the homestead credit. The auditor of the county shall record and make the deduction for the person qualifying for the deduction.

(b) Except as provided in section 40.5 of this chapter, the total amount of the deduction that a person may receive under this section for a particular year is the lesser of:

(1) one-half (1/2) of the assessed value of the real property, mobile home not assessed as real property, or manufactured home not assessed as real property; or

(2) **for property taxes first due and payable:**

(A) **before January 1, 2007**, thirty-five thousand dollars (\$35,000);

(B) **after December 31, 2006, and before January 1, 2008**, forty-five thousand dollars (\$45,000); and

(C) **after December 31, 2007**, thirty-five thousand dollars (\$35,000).

(c) A person who has sold real property, a mobile home not assessed as real property, or a manufactured home not assessed as real

property to another person under a contract that provides that the contract buyer is to pay the property taxes on the real property, mobile home, or manufactured home may not claim the deduction provided under this section with respect to that real property, mobile home, or manufactured home.

SECTION 2. IC 6-1.1-15-1, AS AMENDED BY P.L.199-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) A taxpayer may obtain a review by the county property tax assessment board of appeals of a county or township official's action with respect to the assessment of the taxpayer's tangible property if the official's action requires the giving of notice to the taxpayer. At the time that notice is given to the taxpayer, the taxpayer shall also be informed in writing of:

(1) the opportunity for review under this section, including an informal preliminary conference with the county or township official referred to in this subsection; and

(2) the procedures the taxpayer must follow in order to obtain review under this section.

(b) In order to appeal ~~a current an assessment and have a change in the assessment~~ effective for the ~~most recent~~ assessment date **that applies to property taxes first due and payable in the current calendar year:**

(1) the taxpayer must request in writing a preliminary conference with the county or township official referred to in subsection (a) ~~(+)~~ not later than forty-five (45) days after notice of a change in the assessment **for the current calendar year** is given to the taxpayer; or

(2) **if the current year is:**

(A) **before 2010 and a notice of a change in assessment is not given to the taxpayer, the taxpayer must request in writing a preliminary conference with the county or township official referred to in subsection (a) on or before May 10 of that the year in which the assessment date occurs; and**

(B) **if the current calendar year is a calendar year after 2009, not later than forty-five (45) days after notice of the statement under IC 6-1.1-17-3.**

~~whichever is later.~~ The preliminary conference required under this subsection is a prerequisite to a review by the county property tax assessment board of appeals under subsection (i).

(c) A change in an assessment made as a result of an appeal filed:

(1) in the same year that notice of a change in the assessment is given to the taxpayer; and

(2) after the time prescribed in subsection (b);

becomes effective for the next assessment date.

(d) A taxpayer may appeal a current real property assessment in a year even if the taxpayer has not received a notice of assessment in the year. If an appeal is filed on or before May 10 of a year in which the taxpayer has not received notice of assessment, a change in the assessment resulting from the appeal is effective for the most recent assessment date. If the appeal is filed after May 10, the change becomes effective for the next assessment date.

(e) The written request for a preliminary conference that is required under subsection (b) must include the following information:

(1) The name of the taxpayer.

(2) The address and parcel or key number of the property.

(3) The address and telephone number of the taxpayer.

(f) The county or township official referred to in subsection (a) shall, not later than thirty (30) days after the receipt of a written request for a preliminary conference, attempt to hold a preliminary conference with the taxpayer to resolve as many issues as possible by:

- (1) discussing the specifics of the taxpayer's reassessment;
- (2) reviewing the taxpayer's property record card;
- (3) explaining to the taxpayer how the reassessment was determined;
- (4) providing to the taxpayer information about the statutes, rules, and guidelines that govern the determination of the reassessment;
- (5) noting and considering objections of the taxpayer;
- (6) considering all errors alleged by the taxpayer; and
- (7) otherwise educating the taxpayer about:
 - (A) the taxpayer's reassessment;
 - (B) the reassessment process; and
 - (C) the reassessment appeal process.

Not later than ten (10) days after the conference, the county or township official referred to in subsection (a) shall forward to the county auditor and the county property tax assessment board of appeals the results of the conference on a form prescribed by the department of local government finance that must be completed and signed by the taxpayer and the official. The official and the taxpayer shall each retain a copy of the form for their records.

(g) The form submitted to the county property tax assessment board of appeals under subsection (f) must specify the following:

- (1) The physical characteristics of the property in issue that bear on the assessment determination.
- (2) All other facts relevant to the assessment determination.
- (3) A list of the reasons the taxpayer believes that the assessment determination by the county or township official referred to in subsection (a) is incorrect.
- (4) An indication of the agreement or disagreement by the official with each item listed under subdivision (3).
- (5) The reasons the official believes that the assessment determination is correct.

(h) If after the conference there are no items listed on the form submitted to the county property tax assessment board of appeals under subsection (f) on which there is disagreement:

- (1) the county or township official referred to in subsection (a) shall give notice to the taxpayer, the county property tax assessment board of appeals, and the county assessor of the assessment in the amount agreed to by the taxpayer and the official; and
- (2) the county property tax assessment board of appeals may reserve the right to change the assessment under IC 6-1.1-13.

(i) If after the conference there are items listed in the form submitted under subsection (f) on which there is disagreement, the county property tax assessment board of appeals shall hold a hearing. The taxpayer and county or township official whose original determination is under review are parties to the proceeding before the board of appeals. Except as provided in subsections (k) and (l), the hearing must be held not later than ninety (90) days after the official's receipt of the taxpayer's written request for a preliminary conference under subsection (b). The taxpayer may present the taxpayer's reasons for disagreement with the assessment. The county or township official referred to in subsection (a) must present the basis for the assessment

decision on these items to the board of appeals at the hearing and the reasons the taxpayer's appeal should be denied on those items. The board of appeals shall have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than sixty (60) days after the hearing, except as provided in subsections (k) and (l).

(j) If the township assessor does not attempt to hold a preliminary conference, the taxpayer may file a request in writing with the county assessor for a hearing before the property tax assessment board of appeals. If the board determines that the county or township official referred to in subsection (a) did not attempt to hold a preliminary conference, the board shall hold a hearing. The taxpayer and the county or township official whose original determination is under review are parties to the proceeding before the board of appeals. The hearing must be held not later than ninety (90) days after the receipt by the board of appeals of the taxpayer's hearing request under this subsection. The requirements of subsection (i) with respect to:

- (1) participation in the hearing by the taxpayer and the township assessor or county assessor; and
- (2) the procedures to be followed by the county board;

apply to a hearing held under this subsection.

(k) This subsection applies to a county having a population of more than three hundred thousand (300,000). In the case of a petition filed after December 31, 2000, the county property tax assessment board of appeals shall:

- (1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and
- (2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

(l) This subsection applies to a county having a population of three hundred thousand (300,000) or less. With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the county property tax assessment board of appeals shall:

- (1) hold its hearing not later than one hundred eighty (180) days instead of ninety (90) days after the filing of the petition; and
- (2) have a written record of the hearing and prepare a written statement of findings and a decision on each item not later than one hundred twenty (120) days after the hearing.

(m) The county property tax assessment board of appeals:

- (1) may not require a taxpayer to file documentary evidence or summaries of statements of testimonial evidence before the hearing required under subsection (i) or (j); and
- (2) may amend the form submitted under subsection (f) if the board determines that the amendment is warranted.

(n) Upon receiving a request for a preliminary conference under subsection (b), the county or township official referred to in subsection (a) shall notify the county auditor in writing that the assessment is under appeal. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the appellant's name and address, the assessed value of the appealed items for the assessment date immediately preceding the assessment date for which the appeal was filed, and the assessed value of the appealed items on the most recent assessment date. If the county auditor determines that the assessed

value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

SECTION 3. IC 6-1.1-17-3, AS AMENDED BY P.L.234-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The proper officers of a political subdivision shall formulate its estimated budget and its proposed tax rate and tax levy on the form prescribed by the department of local government finance and approved by the state board of accounts. The political subdivision shall give notice by publication to taxpayers of:

- (1) the estimated budget;
- (2) the estimated maximum permissible levy;
- (3) the current and proposed tax levies of each fund; and
- (4) the amounts of excessive levy appeals to be requested.

In the notice, the political subdivision shall also state the time and place at which a public hearing will be held on these items. The notice shall be published twice in accordance with IC 5-3-1 with the first publication at least ten (10) days before the date fixed for the public hearing. **Beginning in 2009, the duties required by this subsection must be completed before August 10 of the calendar year. A political subdivision shall provide the estimated budget and levy information required for the notice under subsection (b) to the county auditor on the schedule determined by the department of local government finance.**

(b) Beginning in 2009, before August 10 of a calendar year, the county auditor shall mail to the last known address of each person liable for any property taxes, as shown on the tax duplicate, or to the last known address of the most recent owner shown in the transfer book, a statement that includes:

- (1) the assessed valuation as of the assessment date in the current calendar year of tangible property on which the person will be liable for property taxes first due and payable in the immediately succeeding calendar year and notice to the person of the opportunity to appeal the assessed valuation under IC 6-1.1-15-1(b);**
- (2) the amount of property taxes for which the person will be liable to each political subdivision on the tangible property for taxes first due and payable in the immediately succeeding calendar year, taking into account all factors that affect that liability, including:**

- (A) the estimated budget and proposed tax rate and tax levy formulated by the political subdivision under subsection (a);**
 - (B) any deductions or exemptions that apply to the assessed valuation of the tangible property;**
 - (C) any credits that apply in the determination of the tax liability; and**
 - (D) the county auditor's best estimate of the effects on the tax liability that might result from actions of the county board of tax adjustment or the department of local government finance;**
- (3) a prominently displayed notation that:**

(A) the estimate under subdivision (2) is based on the best information available at the time the statement is mailed; and

(B) based on various factors, including potential actions by the county board of tax adjustment or the department of local government finance, it is possible that the tax liability as finally determined will differ substantially from the estimate;

(4) comparative information showing the amount of property taxes for which the person is liable to each political subdivision on the tangible property for taxes first due and payable in the current year; and

(5) the date, time, and place at which the political subdivision will hold a public hearing on the political subdivision's estimated budget and proposed tax rate and tax levy as required under subsection (a).

(c) The department of local government finance shall:

(1) prescribe a form for; and

(2) provide assistance to county auditors in preparing; statements under subsection (b). Mailing the statement described in subsection (b) to a mortgagee maintaining an escrow account for a person who is liable for any property taxes shall not be construed as compliance with subsection (b).

~~(b)~~ **(d)** The board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5-2 (before its repeal) may conduct the public hearing required under subsection (a):

- (1) in any county of the solid waste management district; and
- (2) in accordance with the annual notice of meetings published under IC 13-21-5-2.

~~(c)~~ **(e)** The trustee of each township in the county shall estimate the amount necessary to meet the cost of township assistance in the township for the ensuing calendar year. The township board shall adopt with the township budget a tax rate sufficient to meet the estimated cost of township assistance. The taxes collected as a result of the tax rate adopted under this subsection are credited to the township assistance fund.

~~(d)~~ **(f)** A county shall adopt with the county budget and the department of local government finance shall certify under section 16 of this chapter a tax rate sufficient to raise the levy necessary to pay the following:

- (1) The cost of child services (as defined in IC 12-19-7-1) of the county payable from the family and children's fund.
- (2) The cost of children's psychiatric residential treatment services (as defined in IC 12-19-7.5-1) of the county payable from the children's psychiatric residential treatment services fund.

A budget, tax rate, or tax levy adopted by a county fiscal body or approved or modified by a county board of tax adjustment that is less than the levy necessary to pay the costs described in subdivision (1) or (2) shall not be treated as a final budget, tax rate, or tax levy under section 11 of this chapter.

SECTION 4. IC 6-1.1-21-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) The department, with the assistance of the auditor of state and the department of local government finance, shall determine an amount equal to the eligible property tax replacement amount, which is the estimated property tax replacement.

(b) The department of local government finance shall certify to the department the amount of homestead credits provided under IC 6-1.1-20.9 which are allowed by the county for the particular calendar year. **The department of local government finance shall make the certification based on the best information available at the time the certification is made.**

(c) If there are one (1) or more taxing districts in the county that contain all or part of an economic development district that meets the requirements of section 5.5 of this chapter, the department of local government finance shall estimate an additional distribution for the county in the same report required under subsection (a). This additional distribution equals the sum of the amounts determined under the following STEPS for all taxing districts in the county that contain all or part of an economic development district:

STEP ONE: Estimate that part of the sum of the amounts under section 2(g)(1)(A) and 2(g)(2) of this chapter that is attributable to the taxing district.

STEP TWO: Divide:

- (A) that part of the estimated property tax replacement amount attributable to the taxing district; by
- (B) the STEP ONE sum.

STEP THREE: Multiply:

- (A) the STEP TWO quotient; times
- (B) the taxes levied in the taxing district that are allocated to a special fund under IC 6-1.1-39-5.

(d) The sum of the amounts determined under subsections (a) through (c) is the particular county's estimated distribution for the calendar year.

SECTION 5. IC 6-1.1-20-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) ~~If a petition and remonstrance process is commenced under section 3-2 of this chapter;~~ **This section applies to a political subdivision that adopts an ordinance or a resolution making a preliminary determination to issue bonds or enter into a lease. During the period commencing with the adoption of the ordinance or resolution and, if a petition and remonstrance process is commenced under section 3.2 of this chapter, continuing through the sixty (60) day period commencing with the notice under section 3.2(1) of this chapter, the political subdivision seeking to issue bonds or enter into a lease for the proposed controlled project may not promote a position on the petition or remonstrance by doing any of the following:**

- (1) Allowing facilities or equipment, including mail and messaging systems, owned by the political subdivision to be used for public relations purposes to promote a position on the petition or remonstrance, unless equal access to the facilities or equipment is given to persons with a position opposite to that of the political subdivision.
- (2) Making an expenditure of money from a fund controlled by the political subdivision to promote a position on the petition or remonstrance ~~(except as necessary to explain the project to the public)~~ or to pay for the gathering of signatures on a petition or remonstrance. This subdivision does not prohibit a political subdivision from making an expenditure of money to an attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project.

(3) Using an employee to promote a position on the petition or remonstrance during the employee's normal working hours or paid overtime, **or otherwise compelling an employee to promote a position on the petition or remonstrance at any time.**

(4) In the case of a school corporation, promoting a position on a petition or remonstrance by:

- (A) using students to transport written materials to their residences **or in any way directly involving students in a school organized promotion of a position;** or
- (B) including a statement within another communication sent to the students' residences.

However, this section does not prohibit an employee of the political subdivision from carrying out duties with respect to a petition or remonstrance that are part of the normal and regular conduct of the employee's office or agency.

(b) A person may not solicit or collect signatures for a petition or remonstrance on property owned or controlled by the political subdivision.

(c) The staff and employees of a school corporation may not personally identify a student as the child of a parent or guardian who supports or opposes a petition or remonstrance.

(d) A person or an organization that has a contract or arrangement (whether formal or informal) with a school corporation for the use of any of the school corporation's facilities may not spend any money to promote a position on the petition or remonstrance. A person or an organization that violates this subsection commits a Class A infraction.

(e) An attorney, an architect, a construction manager, or a financial adviser for professional services provided with respect to a controlled project may not spend any money to promote a position on the petition or remonstrance. A person who violates this subsection:

- (1) commits a Class A infraction; and**
- (2) is barred from performing any services with respect to the controlled project.**

SECTION 6. IC 6-1.1-20-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. (a) **This section applies to the determination of the validity of a signature on a document required for a petition and remonstrance procedure under this chapter.**

(b) If:

- (1) the validity of a signature is uncertain; and**
- (2) this section does not establish a standard to be applied in that case;**

a reasonable doubt must be resolved in favor of the validity of the signature.

(c) Whenever the name of an individual, as printed or signed, contains a minor variation from the name of the individual as set forth in the relevant county records, the signature is considered valid.

(d) Whenever the residence address or mailing address of an individual contains a minor variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered valid.

(e) Notwithstanding subsection (c) or (d), if the residence address or mailing address of an individual contains a substantial

variation from the residence address or mailing address as set forth in the relevant county records, the signature is considered invalid.

(f) If the signature of an individual does not substantially conform with the signature of the individual in the relevant county records, the signature is considered invalid. In determining whether a signature substantially conforms with an individual's in the relevant county records, consideration shall be given to whether that lack of conformity may reasonably be attributed to the age, disability, or impairment of the individual.

SECTION 7. IC 6-1.1-20.6-4, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. As used in this chapter, "qualified residential property" refers to any of the following that a county fiscal body specifically makes eligible for a credit under this chapter in an ordinance adopted under section 6 of this chapter **and to all the following for purposes of section 6.5 of this chapter:**

- (1) An apartment complex.
- (2) A homestead.
- (3) Residential rental property.

SECTION 8. IC 6-1.1-20.6-6, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) **This section applies only to property taxes first due and payable before:**

- (1) **January 1, 2007, in Lake County; and**
- (2) **January 1, 2008, in a county other than Lake County.**

~~(a)~~ (b) A county fiscal body:

- (1) may adopt an ordinance to authorize the application of the credit under this chapter for one (1) or more calendar years to qualified residential property in the county; and
- (2) must adopt an ordinance under subdivision (1) before July 1 of a calendar year to authorize the credit under this chapter for property taxes first due and payable in the immediately succeeding calendar year.

~~(b)~~ (c) An ordinance adopted under this section must specify the categories of residential property listed in section 4 of this chapter that are eligible for the credit provided under this chapter.

SECTION 9. IC 6-1.1-20.6-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6.5. (a) **This subsection applies only to property taxes first due and payable after December 31, 2006, and before January 1, 2007, attributable to qualified residential property located in Lake County. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property. However, the county fiscal body may, by ordinance adopted before January 1, 2007, limit the application of the credit granted by this subsection to homesteads.**

(b) **This subsection applies only to property taxes first due and payable after December 31, 2007, and before January 1, 2010. A person is entitled to a credit each calendar year under section 7(a) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property.**

(c) **This subsection applies only to property taxes first due and payable after December 31, 2009. A person is entitled to a credit**

each calendar year under section 7(b) of this chapter against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property.

SECTION 10. IC 6-1.1-20.6-7, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. ~~If the~~ (a) **In the case of a credit under this chapter is authorized under section 2 section 6 of this chapter or provided by section 6.5(a) or 6.5(b) of this chapter for property taxes first due and payable in a calendar year:**

- (1) a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's qualified residential property located in the county; and
- (2) the amount of the credit is the amount by which the person's property tax liability attributable to the person's qualified residential property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the qualified residential property for property taxes first due and payable in that calendar year.

(b) **In the case of a credit provided by section 6.5(c) of this chapter for property taxes first due and payable in a calendar year:**

- (1) **a person is entitled to a credit against the person's property tax liability for property taxes first due and payable in that calendar year attributable to the person's real property and personal property located in the county; and**
- (2) **the amount of the credit is the amount by which the person's property tax liability attributable to the person's real property and personal property for property taxes first due and payable in that calendar year exceeds two percent (2%) of the gross assessed value that is the basis for determination of property taxes on the real property and personal property for property taxes first due and payable in that calendar year.**

SECTION 11. IC 6-1.1-20.6-8, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. A person is not required to file an application for the credit under this chapter. The county auditor shall:

- (1) identify ~~qualified residential~~ the property in the county eligible for the credit under this chapter; and
- (2) apply the credit under this chapter to property tax liability on the identified ~~qualified residential~~ property.

SECTION 12. IC 6-1.1-20.6-9, AS ADDED BY P.L.246-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **This section applies only to credits under this chapter against property taxes first due and payable before January 1, 2007.**

~~(a)~~ (b) The fiscal body of a county may adopt an ordinance to authorize the county fiscal officer to borrow money repayable over a term not to exceed five (5) years in an amount sufficient to compensate the political subdivisions located wholly or in part in the county for the reduction of property tax collections in a calendar year that results from the application of the credit under this chapter for that calendar year.

~~(b)~~ (c) The county fiscal officer shall distribute in a calendar year to each political subdivision located wholly or in part in the county loan proceeds under subsection ~~(a)~~ (b) for that calendar year in the amount by which the property tax collections of the political subdivision in that calendar year are reduced as a result of the application of the credit under this chapter for that calendar year.

~~(c)~~ (d) If the county fiscal officer distributes money to political subdivisions under subsection ~~(b)~~; (c), the political subdivisions that receive the distributions shall repay the loan under subsection ~~(a)~~ (b) over the term of the loan. Each political subdivision that receives a distribution under subsection ~~(b)~~; (c):

(1) shall:

(A) appropriate for each year in which the loan is to be repaid an amount sufficient to pay the part of the principal and interest on the loan attributable to the distribution received by the political subdivision under subsection ~~(b)~~; (c); and

(B) raise property tax revenue in each year in which the loan is to be repaid in the amount necessary to meet the appropriation under clause (A); and

(2) other than the county, shall transfer to the county fiscal officer money dedicated under this section to repayment of the loan in time to allow the county to meet the loan repayment schedule.

~~(d)~~ (e) Property taxes imposed under subsection ~~(c)~~~~(1)~~~~(B)~~ (d)(1)(B) are subject to levy limitations under IC 6-1.1-18.5 or IC 6-1.1-19.

~~(e)~~ (f) The obligation to:

(1) repay; or

(2) contribute to the repayment of;

the loan under subsection ~~(a)~~ (b) is not a basis for a political subdivision to obtain an excessive tax levy under IC 6-1.1-18.5 or IC 6-1.1-19.

~~(f)~~ (g) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(h) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction referred to in subsection (b) for the political subdivision for that year.

SECTION 13. IC 6-1.1-20.6-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 9.5. (a) This section applies only to credits under this chapter against property taxes first due and payable after December 31, 2006.**

(b) The application of the credit under this chapter results in a reduction of the property tax collections of each political subdivision in which the credit is applied. A political subdivision may not increase its property tax levy to make up for that reduction.

(c) The county auditor shall in each calendar year notify each political subdivision in which the credit under this chapter is applied of the reduction of property tax collections referred to in subsection (b) for the political subdivision for that year.

(d) A political subdivision may not borrow money to compensate the political subdivision or any other political subdivision for the reduction of property tax collections referred

to in subsection (b).

SECTION 14. IC 6-1.1-20.9-2, AS AMENDED BY P.L.246-2005, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 2. (a) Except as otherwise provided in section 5 of this chapter, an individual who on March 1 of a particular year either owns or is buying a homestead under a contract that provides the individual is to pay the property taxes on the homestead is entitled each calendar year to a credit against the property taxes which the individual pays on the individual's homestead. However, only one (1) individual may receive a credit under this chapter for a particular homestead in a particular year.

(b) The amount of the credit to which the individual is entitled equals the product of:

(1) the percentage prescribed in subsection (d); multiplied by

(2) the amount of the individual's property tax liability, as that term is defined in IC 6-1.1-21-5, which is:

(A) attributable to the homestead during the particular calendar year; and

(B) determined after the application of the property tax replacement credit under IC 6-1.1-21.

(c) For purposes of determining that part of an individual's property tax liability that is attributable to the individual's homestead, all deductions from assessed valuation which the individual claims under IC 6-1.1-12 or IC 6-1.1-12.1 for property on which the individual's homestead is located must be applied first against the assessed value of the individual's homestead before those deductions are applied against any other property.

(d) The percentage of the credit referred to in subsection (b)(1) is as follows:

YEAR	PERCENTAGE OF THE CREDIT
1996	8%
1997	6%
1998 through 2002	10%
2003 and thereafter through 2005	20%
2006	28%
2007 and thereafter	20%

However, the property tax replacement fund board established under IC 6-1.1-21-10 shall increase the percentage of the credit provided in the schedule for any year if the budget agency determines that an increase is necessary to provide the minimum tax relief authorized under IC 6-1.1-21-2.5. If the board increases the percentage of the credit provided in the schedule for any year, the percentage of the credit for the immediately following year is the percentage provided in the schedule for that particular year, unless as provided in this subsection the board must increase the percentage of the credit provided in the schedule for that particular year. However, the percentage credit allowed in a particular county for a particular year shall be increased if on January 1 of a year an ordinance adopted by a county income tax council was in effect in the county which increased the homestead credit. The amount of the increase equals the amount designated in the ordinance.

(e) Before October 1 of each year, the assessor shall furnish to the county auditor the amount of the assessed valuation of each homestead for which a homestead credit has been properly filed under this chapter.

(f) The county auditor shall apply the credit equally to each installment of taxes that the individual pays for the property.

(g) Notwithstanding the provisions of this chapter, a taxpayer other than an individual is entitled to the credit provided by this chapter if:

- (1) an individual uses the residence as the individual's principal place of residence;
- (2) the residence is located in Indiana;
- (3) the individual has a beneficial interest in the taxpayer;
- (4) the taxpayer either owns the residence or is buying it under a contract, recorded in the county recorder's office, that provides that the individual is to pay the property taxes on the residence; and
- (5) the residence consists of a single-family dwelling and the real estate, not exceeding one (1) acre, that immediately surrounds that dwelling.

SECTION 15. IC 6-1.1-22-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 8. (a) The county treasurer shall either:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book a statement of current and delinquent taxes and special assessments; or
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records a statement of current and delinquent taxes and special assessments.

(b) The county treasurer may include the following in the statement:

- (1) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.
- (2) Information designed to inform the taxpayer or mortgagee clearly and accurately of the manner in which the taxes billed in the tax statement are to be used.

A form used and the method by which the statement and information, if any, are transmitted must be approved by the state board of accounts. The county treasurer may mail or transmit the statement and information, if any, one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(c) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(d) Before July 1, 2004, the department of local government finance shall designate five (5) counties to participate in a pilot program to implement the requirements of subsection (e). The department shall immediately notify the county treasurer, county auditor, and county assessor in writing of the designation under this subsection. The legislative body of a county not designated for participation in the pilot program may adopt an ordinance to implement the requirements of subsection (e). The legislative body shall submit a copy of the ordinance to the department of local government finance, which shall monitor the county's implementation of the requirements of subsection (e) as if the county were a participant in the pilot program. The requirements of subsection (e) apply:

(1) only in:

(A) a county designated to participate in a pilot program under this subsection, for property taxes first due and payable after December 31, 2004, and before January 1, 2008; or

(B) a county adopting an ordinance under this subsection, for property taxes first due and payable after December 31, 2003, or December 31, 2004 (as determined in the ordinance), and before January 1, 2008; and

(2) in all counties for taxes first due and payable after December 31, 2007.

(e) Subject to subsection (d), regardless of whether a county treasurer transmits a statement of current and delinquent taxes and special assessments to a person liable for the taxes under subsection (a)(1) or to a mortgagee under subsection (a)(2), the county treasurer shall mail the following information to the last known address of each person liable for the property taxes or special assessments or to the last known address of the most recent owner shown in the transfer book. The county treasurer shall mail the information not later than the date the county treasurer transmits a statement for the property under subsection (a)(1) or (a)(2). The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included on the form. The information that must be provided is the following:

- (1) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.
- (2) A comparison showing any change in the assessed valuation for the property as compared to the previous year.
- (3) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

(A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and

(B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(4) An explanation of the following:

(A) The homestead credit and all property tax deductions.

(B) The procedure and deadline for filing for the homestead credit and each deduction.

- (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
- (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(5) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (a)(1) or (a)(2).

(f) The information required to be mailed under subsection (e) must be simply and clearly presented and understandable to the average individual.

(g) A county that incurs:

- (1) initial computer programming costs directly related to implementation of the requirements of subsection (e); or
- (2) printing costs directly related to mailing information under subsection (e);

shall submit an itemized statement of the costs to the department of local government finance for reimbursement from the state. The treasurer of state shall pay a claim approved by the department of local government finance and submitted under this section on a warrant of the auditor of state. However, the treasurer of state may not pay any additional claims under this subsection after the total amount of claims paid reaches fifty thousand dollars (\$50,000).

(h) This section expires January 1, 2008.

SECTION 16. IC 6-1.1-22-8.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 8.1. (a) This section applies only to property taxes and special assessments first due and payable after December 31, 2007.**

(b) The county treasurer shall:

- (1) mail to the last known address of each person liable for any property taxes or special assessment, as shown on the tax duplicate or special assessment records, or to the last known address of the most recent owner shown in the transfer book; and
- (2) transmit by written, electronic, or other means to a mortgagee maintaining an escrow account for a person who is liable for any property taxes or special assessments, as shown on the tax duplicate or special assessment records;

a statement in the form required under subsection (c).

(c) The department of local government finance shall prescribe a form, subject to the approval of the state board of accounts, for the statement under subsection (b) that includes at least the following:

- (1) A statement of the taxpayer's current and delinquent taxes and special assessments.
- (2) A breakdown showing the total property tax and special assessment liability and the amount of the taxpayer's liability that will be distributed to each taxing unit in the county.

- (3) An itemized listing for each property tax levy, including:
 - (A) the amount of the tax rate;
 - (B) the entity levying the tax owed; and
 - (C) the dollar amount of the tax owed.

(4) Information designed to show the manner in which the taxes and special assessments billed in the tax statement are to be used.

(5) A comparison showing any change in the assessed valuation for the property as compared to the previous year.

(6) A comparison showing any change in the property tax and special assessment liability for the property as compared to the previous year. The information required under this subdivision must identify:

- (A) the amount of the taxpayer's liability distributable to each taxing unit in which the property is located in the current year and in the previous year; and
- (B) the percentage change, if any, in the amount of the taxpayer's liability distributable to each taxing unit in which the property is located from the previous year to the current year.

(7) An explanation of the following:

- (A) The homestead credit and all property tax deductions.
- (B) The procedure and deadline for filing for the homestead credit and each deduction.
- (C) The procedure that a taxpayer must follow to:
 - (i) appeal a current assessment; or
 - (ii) petition for the correction of an error related to the taxpayer's property tax and special assessment liability.
- (D) The forms that must be filed for an appeal or a petition described in clause (C).

The department of local government finance shall provide the explanation required by this subdivision to each county treasurer.

(8) A checklist that shows:

- (A) the homestead credit and all property tax deductions; and
- (B) whether the homestead credit and each property tax deduction applies in the current statement for the property transmitted under subsection (b).

(d) The county treasurer may mail or transmit the statement one (1) time each year at least fifteen (15) days before the date on which the first or only installment is due. Whenever a person's tax liability for a year is due in one (1) installment under IC 6-1.1-7-7 or section 9 of this chapter, a statement that is mailed must include the date on which the installment is due and denote the amount of money to be paid for the installment. Whenever a person's tax liability is due in two (2) installments, a statement that is mailed must contain the dates on which the first and second installments are due and denote the amount of money to be paid for each installment.

(e) All payments of property taxes and special assessments shall be made to the county treasurer. The county treasurer, when authorized by the board of county commissioners, may open temporary offices for the collection of taxes in cities and towns in the county other than the county seat.

(f) The county treasurer, county auditor, and county assessor shall cooperate to generate the information to be included in the statement under subsection (c).

(g) The information to be included in the statement under subsection (c) must be simply and clearly presented and understandable to the average individual.

(h) After December 31, 2007, a reference in a law or rule to IC 6-1.1-22-8 shall be treated as a reference to this section.

SECTION 17. IC 6-2.3-1-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. "Gross consideration" refers to anything of value, including cash or other tangible or intangible property, that a taxpayer pays in consideration for the retail purchase of utility services for consumption before deduction of any costs incurred in providing the utility services.

SECTION 18. IC 6-2.3-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. Subject to IC 6-2.3-2 and this chapter, gross receipts derived from activities or businesses or any other sources within Indiana include furnishing utility services to an end user in Indiana for consumption in Indiana, regardless of whether the:

- (1) utility services are delivered through the pipelines, transmission lines, or other property of another person;
- (2) taxpayer providing the utility service is or is not a resident or a domiciliary of Indiana; or
- (3) transaction is subject to a deduction under IC 6-2.3-5-5.

SECTION 19. IC 6-2.3-5.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 5.5. Utility Services Use Tax

Sec. 1. An excise tax, known as the utility services use tax, is imposed on the retail consumption of utility services in Indiana that are billed after June 30, 2006.

Sec. 2. The utility services use tax is measured by the gross consideration received by the seller from the sale of the commodities or services listed in IC 6-2.3-1-14(1) through IC 6-2.3-1-14(6).

Sec. 3. The utility services use tax is imposed at the same rate as the utility receipts tax under IC 6-2.3-2-2.

Sec. 4. The retail consumption of utility services in Indiana is exempt from the utility services use tax if the:

- (1) transaction is subject to utility receipts tax (including a public utility (as defined in IC 8-1-2-1) and the utility receipts tax is paid on the gross receipts from the utility services;
- (2) gross receipts from the transaction are not taxable under IC 6-2.3-3 and the utility services are consumed for the purposes for which the gross receipts were excluded from taxation;
- (3) utility services were acquired in a transaction that is wholly or partially exempt from the utility receipts tax under IC 6-2.3-4 and the utility services are consumed for the purpose for which the utility services were exempted; or
- (4) utility services were acquired in a transaction that is wholly or partially subject to a deduction from the utility receipts tax under IC 6-2.3-5-6 and the utility services are consumed for the purpose for which the utility services

deduction was given.

Sec. 5. A person is entitled to a credit against the utility services use tax imposed on the retail consumption of utility services equal to the amount, if any, of utility services use tax paid to another state. Payment of a general sales tax, purchase tax, or use tax to another state does not qualify for a credit under this section.

Sec. 6. The person who consumes utility services is personally liable for the utility services use tax.

Sec. 7. The department shall establish procedures for the collection of the utility services use tax from users, including deposit and reporting requirements, deposit dates, and reporting dates. Failure to comply with the procedures is subject to the penalties in IC 6-8.1.

Sec. 8. Any seller of utility services may elect to register with the department to collect utility services use tax on behalf of persons liable for the utility services use tax imposed under this chapter. A seller must comply with the collection and reporting procedures specified by the department only if the seller enters into an agreement with the department under this section.

Sec. 9. (a) This subsection applies only to a person who receives utility services from a seller that enters into an agreement under section 8 of this chapter. The person liable for the utility services use tax shall pay the tax to the seller from whom the person purchased the utility services, and the seller shall collect the tax as an agent for the state, if the seller has departmental permission from the department to collect the tax.

(b) In all other cases, the person liable for the utility services use tax shall pay the utility services use tax directly to the department.

Sec. 10. When a seller collects the utility services use tax from a person, the seller shall, upon request, issue a receipt to that person for the utility services use tax collected.

Sec. 11. If:

- (1) the department assesses the utility services use tax against a person for the person's retail consumption of utility services; and
 - (2) the person has already paid the utility services use tax in relation to the utility services to a seller permitted to collect the utility services use tax under section 8 of this chapter;
- the person may avoid paying the utility services use tax to the department if the person can produce a receipt or other written evidence showing that the person paid the utility services use tax to the seller.

Sec. 12. (a) An individual who:

- (1) is an employee, officer, or member of a corporation, partnership, or limited liability company that is a seller of utility services; and
 - (2) has a duty to remit utility services use tax to the department under an agreement entered into by the seller of utility services under section 8 of this chapter by virtue of the individual's responsibilities within the corporation, partnership, or limited liability company;
- holds those taxes in trust for the state and is personally liable for the payment of those taxes, plus any penalties and interest attributable to those taxes, to the state.

(b) An individual described in subsection (a) who knowingly fails to collect or remit the specified taxes to the state commits a

Class D felony.

SECTION 20. IC 6-2.5-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) An excise tax, known as the use tax, is imposed on the storage, use, or consumption of tangible personal property in Indiana if the property was acquired in a retail transaction, regardless of the location of that transaction or of the retail merchant making that transaction.

(b) The use tax is also imposed on the storage, use, or consumption of a vehicle, an aircraft, or a watercraft, if the vehicle, aircraft, or watercraft:

- (1) is acquired in a transaction that is an isolated or occasional sale; and
- (2) is required to be titled, licensed, or registered by this state for use in Indiana.

(c) The use tax is imposed on the addition of tangible personal property to a structure or facility, if, after its addition, the property becomes part of the real estate on which the structure or facility is located. However, the use tax does not apply to additions of tangible personal property described in this subsection, if:

- (1) the state gross retail or use tax has been previously imposed on the sale or use of that property; or
- (2) the ultimate purchaser or recipient of that property would have been exempt from the state gross retail and use taxes if that purchaser or recipient had directly purchased the property from the supplier for addition to the structure or facility.

(d) The use tax is imposed on a person who:

- (1) manufactures, fabricates, or assembles tangible personal property from materials either within or outside Indiana; and**
- (2) uses, stores, distributes, or consumes tangible personal property in Indiana.**

~~(d)~~ (e) Notwithstanding any other provision of this section, the use tax is not imposed on the keeping, retaining, or exercising of any right or power over tangible personal property, if:

- (1) the property is delivered into Indiana by or for the purchaser of the property;
- (2) the property is delivered in Indiana for the sole purpose of being processed, printed, fabricated, or manufactured into, attached to, or incorporated into other tangible personal property; and
- (3) the property is subsequently transported out of state for use solely outside Indiana.

SECTION 21. IC 6-2.5-4-5, AS AMENDED BY P.L.203-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) As used in this section, a "power subsidiary" means a corporation which is owned or controlled by one (1) or more public utilities that furnish or sell electrical energy, natural or artificial gas, water, steam, or steam heat and which produces power exclusively for the use of those public utilities.

(b) A power subsidiary or a person engaged as a public utility is a retail merchant making a retail transaction when the subsidiary or person furnishes or sells electrical energy, natural or artificial gas, water, steam, or steam heating service to a person for commercial or domestic consumption.

(c) Notwithstanding subsection (b), a power subsidiary or a person engaged as a public utility is not a retail merchant making a retail transaction in any of the following transactions:

(1) The power subsidiary or person provides, installs, constructs, services, or removes tangible personal property which is used in connection with the furnishing of the services or commodities listed in subsection (b).

(2) The power subsidiary or person sells the services or commodities listed in subsection (b) to another public utility or power subsidiary described in this section or a person described in section 6 of this chapter.

(3) The power subsidiary or person sells the services or commodities listed in subsection (b) to a person for use in manufacturing, mining, production, refining, oil extraction, mineral extraction, irrigation, agriculture, or horticulture. However, this exclusion for sales of the services and commodities only applies if the services are consumed as an essential and integral part of an integrated process that produces tangible personal property and those sales are separately metered for the excepted uses listed in this subdivision, or if those sales are not separately metered but are predominately used by the purchaser for the excepted uses listed in this subdivision.

(4) The power subsidiary or person sells the services or commodities listed in subsection (b) and all the following conditions are satisfied:

(A) The services or commodities are sold to a business that after June 30, 2004:

- (i) relocates all or part of its operations to a facility; or
- (ii) expands all or part of its operations in a facility;

located in a military base (as defined in IC 36-7-30-1(c)), a military base reuse area established under IC 36-7-30, the part of an economic development area established under IC 36-7-14.5-12.5 that is or formerly was a military base (as defined in IC 36-7-30-1(c)), a military base recovery site designated under IC 6-3.1-11.5, or a qualified military base enhancement area established under IC 36-7-34.

(B) The business uses the services or commodities in the facility described in clause (A) not later than five (5) years after the operations that are relocated to the facility or expanded in the facility commence.

(C) The sales of the services or commodities are separately metered for use by the relocated or expanded operations.

(D) In the case of a business that uses the services or commodities in a qualified military base enhancement area, the business must satisfy at least one (1) of the following criteria:

- (i) The business is a participant in the technology transfer program conducted by the qualified military base (as defined in IC 36-7-34-3).
- (ii) The business is a United States Department of Defense contractor.
- (iii) The business and the qualified military base have a mutually beneficial relationship evidenced by a memorandum of understanding between the business and the United States Department of Defense.

However, this subdivision does not apply to a business that substantially reduces or ceases its operations at another location in Indiana in order to relocate its operations in an area described in this subdivision, unless the department determines that the

business had existing operations in the area described in this subdivision and that the operations relocated to the area are an expansion of the business's operations in the area.

(5) The power subsidiary or person sells services or commodities that:

(A) are referred to in subsection (b); and

(B) qualify as home energy (as defined in IC 6-2.5-5-16.5);

to a person who acquires the services or commodities after June 30, 2006, and before July 1, 2007, through home energy assistance (as defined in IC 6-2.5-5-16.5).

SECTION 22. IC 6-2.5-5-16.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16.5. (a) The following definitions apply throughout this section:**

(1) "Home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.

(2) "Home energy assistance" means programs administered by the state to supply home energy through the Low Income Home Energy Assistance Block Grant under 42 U.S.C. 8261 et seq.

(b) Transactions involving home energy are exempt from the state gross retail tax if the person acquiring the home energy acquires it after June 30, 2006, and before July 1, 2007, through home energy assistance.

SECTION 23. IC 6-2.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 9. (a) In determining the amount of state gross retail and use taxes which a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:**

(1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the purchaser;

(2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and

(3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from retail transactions for the particular reporting period in which the retail merchant makes the collection.

(c) This subsection applies only to retail transactions occurring after June 30, 2004. December 31, 2006. As used in this subsection, "affiliated group" means any combination of the following:

(1) An affiliated group within the meaning provided in Section 1504 of the Internal Revenue Code, except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%).

(2) Two (2) or more partnerships (as defined in IC 6-3-1-19), including limited liability companies and limited liability partnerships, that have the same degree of mutual ownership as an affiliated group described in subdivision (1), as determined under the rules adopted by the department. The right to a deduction under this section is not assignable only if the retail merchant that paid the state gross retail or use tax liability assigned the right to the deduction in writing to an individual or entity that is not part of the same affiliated group as the assignor.

(d) The following provisions apply to a deduction for a receivable treated as uncollectible debt under subsection (a):

(1) The deduction does not include interest.

(2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to exclude:

(A) financing charges or interest;

(B) sales or use taxes charged on the purchase price;

(C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;

(D) expenses incurred in attempting to collect any debt; and

(E) repossessed property.

(3) The deduction shall be claimed on the return for the period during which the receivable is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subdivision, a claimant who is not required to file federal income tax returns may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off as uncollectible in the claimant's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the claimant were required to file a federal income tax return.

(4) If the amount of uncollectible receivables claimed as a deduction by a retail merchant for a particular reporting period exceeds the amount of the retail merchant's taxable sales for that reporting period, the retail merchant may file a refund claim under IC 6-8.1-9. However, the deadline for the refund claim shall be measured from the due date of the return for the reporting period on which the deduction for the uncollectible receivables could first be claimed.

(5) If a retail merchant's filing responsibilities have been assumed by a certified service provider (as defined in IC 6-2.5-11-2), the certified service provider may claim, on behalf of the retail merchant, any deduction or refund for uncollectible receivables provided by this section. The certified service provider must credit or refund the full amount of any deduction or refund received to the retail merchant.

(6) For purposes of reporting a payment received on a previously claimed uncollectible receivable, any payments made on a debt or account shall be applied first proportionally to the taxable price of the property and the state gross retail tax or use tax thereon, and secondly to interest, service charges, and any other charges.

(7) A retail merchant claiming a deduction for an uncollectible receivable may allocate that receivable among the states that are members of the streamlined sales and use tax agreement if the books and records of the retail merchant support that allocation.

SECTION 24. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code for taxable years beginning after December 31, 1996; and
 - (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

- (6) Subtract an amount equal to the lesser of:
 - (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
 - (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
- (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
- (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement

annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

- (10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.
- (11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.
- (12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.
- (13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.
- (14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.
- (15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.
- (16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.
- (17) Subtract an amount equal to the lesser of:
 - (A) for a taxable year:
 - (i) including any part of 2004, the amount determined under subsection (f); and
 - (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
 - (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.
- (18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.
- (19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.
- (20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(9) Add to the extent required by IC 6-3-2-20 the amount of intangible expenses (as defined in IC 6-3-2-20) and any directly related intangible interest expenses (as defined in IC 6-3-2-20) for the taxable year that reduced the

corporation's taxable income (as defined in Section 63 of the Internal Revenue Code) for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal

income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 25. IC 6-3-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) With regard to corporations and nonresident persons, "adjusted gross income derived from sources within Indiana", for the purposes of this article, shall mean and include:

(1) income from real or tangible personal property located in this state;

(2) income from doing business in this state;

(3) income from a trade or profession conducted in this state;

(4) compensation for labor or services rendered within this state; and

(5) income from stocks, bonds, notes, bank deposits, patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other intangible personal property if the receipt from the intangible is attributable to Indiana under section 2.2 of this chapter.

In the case of nonbusiness income described in subsection (g), only so much of such income as is allocated to this state under the provisions of subsections (h) through (k) shall be deemed to be derived from sources within Indiana. In the case of business income, only so much of such income as is apportioned to this state under the provision of subsection (b) shall be deemed to be derived from sources within the state of Indiana. In the case of compensation of a team member (as defined in section 2.7 of this chapter) only the portion of income determined to be Indiana income under section 2.7 of this chapter is considered derived from sources within Indiana. In the case of a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code, only so much of the income as is apportioned to Indiana under subsection (r) is considered derived from sources within Indiana.

(b) Except as provided in subsection (l), if business income of a corporation or a nonresident person is derived from sources within the state of Indiana and from sources without the state of Indiana, ~~then~~ the business income derived from sources within this state shall be determined by multiplying the business income derived from sources

both within and without the state of Indiana by a fraction the numerator of which is the property factor plus the payroll factor plus the sales factor; and the denominator of which is three (3). However, after a period of two (2) consecutive quarters of income growth and one (1) additional quarter (regardless of any income growth), the fraction shall be computed as follows: the following:

(1) For all taxable years that begin within the first calendar year immediately following the period; after December 31, 2006, and before January 1, 2008, a fraction. The:

(A) numerator of the fraction is the sum of the property factor plus the payroll factor plus one hundred thirty-three percent (133%) the product of the sales factor multiplied by three (3); and the

(B) denominator of the fraction is three and thirty-three hundredths (3.33); five (5).

(2) For all taxable years that begin within the second calendar year following the period; after December 31, 2007, and before January 1, 2009, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus one hundred sixty-seven percent (167%) the product of the sales factor multiplied by four and sixty-seven hundredths (4.67); and the

(B) denominator of the fraction is three six and sixty-seven hundredths (3.67); (6.67).

(3) For all taxable years beginning on or after January 1 of the third calendar year following the period; December 31, 2008, and before January 1, 2010, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus two hundred percent (200%) the product of the sales factor multiplied by eight (8); and the

(B) denominator of the fraction is four (4); ten (10).

(4) For all taxable years beginning after December 31, 2009, and before January 1, 2011, a fraction. The:

(A) numerator of the fraction is the property factor plus the payroll factor plus the product of the sales factor multiplied by eighteen (18); and

(B) denominator of the fraction is twenty (20).

(5) For all taxable years beginning after December 31, 2010, the sales factor.

For purposes of this subsection, income growth occurs when the state's nonfarm personal income for a calendar quarter increases in comparison with the state's nonfarm personal income for the immediately preceding quarter at an annualized compound rate of five percent (5%) or more; as determined by the budget agency based on current dollar figures provided by the Bureau of Economic Analysis of the United States Department of Commerce or its successor agency. The annualized compound rate shall be computed in accordance with the formula $(1+N)^4 - 1$, where N equals the percentage change in the state's current dollar nonfarm personal income from one (1) quarter to the next. As soon as possible after two (2) consecutive quarters of income growth, the budget agency shall advise the department of the growth.

(c) The property factor is a fraction, the numerator of which is the average value of the taxpayer's real and tangible personal property owned or rented and used in this state during the taxable year and the denominator of which is the average value of all the taxpayer's real and tangible personal property owned or rented and used during the

taxable year. However, with respect to a foreign corporation, the denominator does not include the average value of real or tangible personal property owned or rented and used in a place that is outside the United States. Property owned by the taxpayer is valued at its original cost. Property rented by the taxpayer is valued at eight (8) times the net annual rental rate. Net annual rental rate is the annual rental rate paid by the taxpayer less any annual rental rate received by the taxpayer from subrentals. The average of property shall be determined by averaging the values at the beginning and ending of the taxable year, but the department may require the averaging of monthly values during the taxable year if reasonably required to reflect properly the average value of the taxpayer's property.

(d) The payroll factor is a fraction, the numerator of which is the total amount paid in this state during the taxable year by the taxpayer for compensation, and the denominator of which is the total compensation paid everywhere during the taxable year. However, with respect to a foreign corporation, the denominator does not include compensation paid in a place that is outside the United States. Compensation is paid in this state if:

- (1) the individual's service is performed entirely within the state;
- (2) the individual's service is performed both within and without this state, but the service performed without this state is incidental to the individual's service within this state; or
- (3) some of the service is performed in this state and:

(A) the base of operations or, if there is no base of operations, the place from which the service is directed or controlled is in this state; or

(B) the base of operations or the place from which the service is directed or controlled is not in any state in which some part of the service is performed, but the individual is a resident of this state.

(e) The sales factor is a fraction, the numerator of which is the total sales of the taxpayer in this state during the taxable year, and the denominator of which is the total sales of the taxpayer everywhere during the taxable year. Sales include receipts from intangible property and receipts from the sale or exchange of intangible property. However, with respect to a foreign corporation, the denominator does not include sales made in a place that is outside the United States. Receipts from intangible personal property are derived from sources within Indiana if the receipts from the intangible personal property are attributable to Indiana under section 2.2 of this chapter. **Regardless of the f.o.b. point or other conditions of the sale**, sales of tangible personal property are in this state if:

- (1) the property is delivered or shipped to a purchaser **that is within Indiana**, other than the United States government; **within this state**; regardless of the f.o.b. point or other conditions of the sale; or
- (2) the property is shipped from an office, a store, a warehouse, a factory, or other place of storage in this state and:

- (A) the purchaser is the United States government; or
- (B) the taxpayer is not taxable in the state of the purchaser.

Gross receipts derived from commercial printing as described in IC 6-2.5-1-10 shall be treated as sales of tangible personal property for purposes of this chapter.

(f) Sales, other than receipts from intangible property covered by subsection (e) and sales of tangible personal property, are in this state if:

- (1) the income-producing activity is performed in this state; or
- (2) the income-producing activity is performed both within and without this state and a greater proportion of the income-producing activity is performed in this state than in any other state, based on costs of performance.

(g) Rents and royalties from real or tangible personal property, capital gains, interest, dividends, or patent or copyright royalties, to the extent that they constitute nonbusiness income, shall be allocated as provided in subsections (h) through (k).

(h)(1) Net rents and royalties from real property located in this state are allocable to this state.

(2) Net rents and royalties from tangible personal property are allocated to this state:

- (i) if and to the extent that the property is utilized in this state; or
- (ii) in their entirety if the taxpayer's commercial domicile is in this state and the taxpayer is not organized under the laws of or taxable in the state in which the property is utilized.

(3) The extent of utilization of tangible personal property in a state is determined by multiplying the rents and royalties by a fraction, the numerator of which is the number of days of physical location of the property in the state during the rental or royalty period in the taxable year, and the denominator of which is the number of days of physical location of the property everywhere during all rental or royalty periods in the taxable year. If the physical location of the property during the rental or royalty period is unknown or unascertainable by the taxpayer, tangible personal property is utilized in the state in which the property was located at the time the rental or royalty payer obtained possession.

(i)(1) Capital gains and losses from sales of real property located in this state are allocable to this state.

(2) Capital gains and losses from sales of tangible personal property are allocable to this state if:

- (i) the property had a situs in this state at the time of the sale; or
- (ii) the taxpayer's commercial domicile is in this state and the taxpayer is not taxable in the state in which the property had a situs.

(3) Capital gains and losses from sales of intangible personal property are allocable to this state if the taxpayer's commercial domicile is in this state.

(j) Interest and dividends are allocable to this state if the taxpayer's commercial domicile is in this state.

(k)(1) Patent and copyright royalties are allocable to this state:

- (i) if and to the extent that the patent or copyright is utilized by the taxpayer in this state; or
- (ii) if and to the extent that the patent or copyright is utilized by the taxpayer in a state in which the taxpayer is not taxable and the taxpayer's commercial domicile is in this state.

(2) A patent is utilized in a state to the extent that it is employed in production, fabrication, manufacturing, or other processing in the state or to the extent that a patented product is produced in the state. If the basis of receipts from patent royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the patent is utilized in the state in which the taxpayer's commercial domicile is located.

(3) A copyright is utilized in a state to the extent that printing or other publication originates in the state. If the basis of receipts

from copyright royalties does not permit allocation to states or if the accounting procedures do not reflect states of utilization, the copyright is utilized in the state in which the taxpayer's commercial domicile is located.

(l) If the allocation and apportionment provisions of this article do not fairly represent the taxpayer's income derived from sources within the state of Indiana, the taxpayer may petition for or the department may require, in respect to all or any part of the taxpayer's business activity, if reasonable:

- (1) separate accounting;
- (2) **for a taxable year beginning before January 1, 2011, the exclusion of any one (1) or more of the factors, except the sales factor;**
- (3) the inclusion of one (1) or more additional factors which will fairly represent the taxpayer's income derived from sources within the state of Indiana; or
- (4) the employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(m) In the case of two (2) or more organizations, trades, or businesses owned or controlled directly or indirectly by the same interests, the department shall distribute, apportion, or allocate the income derived from sources within the state of Indiana between and among those organizations, trades, or businesses in order to fairly reflect and report the income derived from sources within the state of Indiana by various taxpayers.

(n) For purposes of allocation and apportionment of income under this article, a taxpayer is taxable in another state if:

- (1) in that state the taxpayer is subject to a net income tax, a franchise tax measured by net income, a franchise tax for the privilege of doing business, or a corporate stock tax; or
- (2) that state has jurisdiction to subject the taxpayer to a net income tax regardless of whether, in fact, the state does or does not.

(o) Notwithstanding subsections (l) and (m), the department may not, under any circumstances, require that income, deductions, and credits attributable to a taxpayer and another entity be reported in a combined income tax return for any taxable year, if the other entity is:

- (1) a foreign corporation; or
- (2) a corporation that is classified as a foreign operating corporation for the taxable year by section 2.4 of this chapter.

(p) Notwithstanding subsections (l) and (m), the department may not require that income, deductions, and credits attributable to a taxpayer and another entity not described in subsection (o)(1) or (o)(2) be reported in a combined income tax return for any taxable year, unless the department is unable to fairly reflect the taxpayer's adjusted gross income for the taxable year through use of other powers granted to the department by subsections (l) and (m).

(q) Notwithstanding subsections (o) and (p), one (1) or more taxpayers may petition the department under subsection (l) for permission to file a combined income tax return for a taxable year. The petition to file a combined income tax return must be completed and filed with the department not more than thirty (30) days after the end of the taxpayer's taxable year. **A taxpayer filing a combined income tax return must petition the department within thirty (30) days after the end of the taxpayer's taxable year to discontinue filing a combined income tax return.**

(r) This subsection applies to a corporation that is a life insurance company (as defined in Section 816(a) of the Internal Revenue Code) or an insurance company that is subject to tax under Section 831 of the Internal Revenue Code. The corporation's adjusted gross income that is derived from sources within Indiana is determined by multiplying the corporation's adjusted gross income by a fraction:

- (1) the numerator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks in the state; and
- (2) the denominator of which is the direct premiums and annuity considerations received during the taxable year for insurance upon property or risks everywhere.

The term "direct premiums and annuity considerations" means the gross premiums received from direct business as reported in the corporation's annual statement filed with the department of insurance.

SECTION 26. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 20. (a) The following definitions apply throughout this section:**

(1) "Affiliated group" has the meaning provided in Section 1504 of the Internal Revenue Code, except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%).

(2) "Directly related intangible interest expenses" means interest expenses that are paid to, or accrued or incurred as a liability to, a recipient if:

- (A) the amounts represent, in the hands of the recipient, income from making one (1) or more loans; and
- (B) the funds loaned were originally received by the recipient from the payment of intangible expenses by any of the following:

- (i) The taxpayer.
- (ii) A member of the same affiliated group as the taxpayer.
- (iii) A foreign corporation.

(3) "Foreign corporation" means a corporation that is organized under the laws of a country other than the United States and would be a member of the same affiliated group as the taxpayer if the corporation were organized under the laws of the United States.

(4) "Intangible expenses" means the following amounts to the extent these amounts are allowed as deductions in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deduction and special deductions for the taxable year:

- (A) Expenses, losses, and costs directly for, related to, or in connection with the acquisition, use, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property.
- (B) Royalty, patent, technical, and copyright fees.
- (C) Licensing fees.
- (D) Other substantially similar expenses and costs.

(5) "Intangible property" means patents, patent applications, trade names, trademarks, service marks, copyrights, trade secrets, and substantially similar types of intangible assets.

(6) "Interest expenses" means amounts that are allowed as deductions under Section 163 of the Internal Revenue Code in determining taxable income under Section 63 of the Internal Revenue Code before the application of any net operating loss deductions and special deductions for the taxable year.

(7) "Makes a disclosure" means a taxpayer provides the following information regarding a transaction with a member of the same affiliated group or a foreign corporation involving an intangible expense and any directly related intangible interest expense with the taxpayer's tax return on the forms prescribed by the department:

- (A) The name of the recipient.
- (B) The state or country of domicile of the recipient.
- (C) The amount paid to the recipient.
- (D) A copy of federal Form 851, Affiliation Schedule, as filed with the taxpayer's federal consolidated tax return.
- (E) The information needed to determine the taxpayer's status under the exceptions listed in subsection (c).

(8) "Recipient" means:

- (A) a member of the same affiliated group as the taxpayer; or
- (B) a foreign corporation;

to which is paid an item of income that corresponds to an intangible expense or any directly related intangible interest expense.

(9) "Unrelated party" means a person that, with respect to the taxpayer, is not a member of the same affiliated group or a foreign corporation.

(b) Except as provided in subsection (c), in determining its adjusted gross income under IC 6-3-1-3.5(b), a corporation subject to the tax imposed by IC 6-3-2-1 shall add to its taxable income under Section 63 of the Internal Revenue Code:

- (1) intangible expenses; and
- (2) any directly related intangible interest expenses; paid, accrued, or incurred with one (1) or more members of the same affiliated group or with one (1) or more foreign corporations.

(c) The addition of intangible expenses or any directly related intangible interest expenses otherwise required in a taxable year under subsection (b) is not required if one (1) or more of the following apply to the taxable year:

- (1) The taxpayer and the recipient are both included in the same consolidated tax return filed under IC 6-3-4-14 or in the same combined return filed under IC 6-3-2-2(q) for the taxable year.
- (2) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the item of income corresponding to the intangible expenses and any directly related intangible interest expenses was included within the recipient's income that is subject to tax in:

- (i) a state or possession of the United States; or
- (ii) a country other than the United States;

that is the recipient's commercial domicile and that imposes a net income tax, a franchise tax measured, in

whole or in part, by net income, or a value added tax;
 (B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient was made at a commercially reasonable rate and at terms comparable to an arm's length transaction; and
 (C) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(3) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient regularly engages in transactions involving intangible property with one (1) or more unrelated parties on terms substantially similar to those of the subject transaction; and

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(4) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the payment was received from a person or entity that is an unrelated party, and on behalf of that unrelated party, paid that amount to the recipient in an arm's length transaction; and

(B) the transaction giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(5) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient paid, accrued, or incurred a liability to an unrelated party during the taxable year for an equal or greater amount that was directly for, related to, or in connection with the same intangible property giving rise to the intangible expenses; and

(B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose.

(6) The taxpayer makes a disclosure and, at the request of the department, can establish by a preponderance of the evidence that:

(A) the recipient is engaged in:

(i) substantial business activities from the acquisition, use, licensing, maintenance, management, ownership, sale, exchange, or any other disposition of intangible property; or

(ii) other substantial business activities separate and apart from the business activities described in item (i); as evidenced by the maintenance of a permanent office space and an adequate number of full-time, experienced employees;

(B) the transactions giving rise to the intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient did not have Indiana tax avoidance as a principal purpose; and

(C) the transactions were made at a commercially reasonable rate and at terms comparable to an arm's length transaction.

(7) The taxpayer and the department agree, in writing, to the application or use of an alternative method of allocation or appointment under section 2(l) or 2(m) of this chapter.

(8) Upon request by the taxpayer, the department determines that the adjustment otherwise required by this section is unreasonable.

(d) For purposes of this section, intangible expenses or directly related intangible interest expenses shall be considered to be at a commercially reasonable rate or at terms comparable to an arm's length transaction if the intangible expenses or directly related intangible interest expenses meet the arm's length standards of United States Treasury Regulation 1.482-1(b).

(e) If intangible expenses or directly related intangible expenses are determined not to be at a commercially reasonable rate or at terms comparable to an arm's length transaction for purposes of this section, the adjustment required by subsection (b) shall be made only to the extent necessary to cause the intangible expenses or directly related intangible interest expenses to be at a commercially reasonable rate and at terms comparable to an arm's length transaction.

(f) For purposes of this section, transactions giving rise to intangible expenses and any directly related intangible interest expenses between the taxpayer and the recipient shall be considered as having Indiana tax avoidance as the principal purpose if:

(1) there is not one (1) or more valid business purposes that independently sustain the transaction notwithstanding any tax benefits associated with the transaction; and

(2) the principal purpose of tax avoidance exceeds any other valid business purpose.

SECTION 27. IC 6-3.5-1.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The county council of any county in which the county option income tax will not be in effect on July 1 of a year under an ordinance adopted during a previous calendar year may impose the county adjusted gross income tax on the adjusted gross income of county taxpayers of its county effective July 1 of that year.

(b) Except as provided in section 2.3, 2.5, 2.7, 2.8, 2.9, 3.3, 3.5, or 3.6 of this chapter, the county adjusted gross income tax may be imposed at a rate of one-half of one percent (0.5%), three-fourths of one percent (0.75%), or one percent (1%) on the adjusted gross income of resident county taxpayers of the county. Any county imposing the county adjusted gross income tax must impose the tax on the nonresident county taxpayers at a rate of one-fourth of one percent (0.25%) on their adjusted gross income. If the county council elects to decrease the county adjusted gross income tax, the county council may decrease the county adjusted gross income tax rate in increments of one-tenth of one percent (0.1%).

(c) To impose the county adjusted gross income tax, the county council must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance must substantially state the following:

"The _____ County Council imposes the county adjusted gross income tax on the county taxpayers of _____ County. The county adjusted gross income tax is imposed at a rate of _____ percent (____%) on the resident county taxpayers of the county and one-fourth of one percent (0.25%) on the nonresident county taxpayers of the county. This tax takes effect July 1 of this year."

(d) Any ordinance adopted under this section takes effect July 1 of the year the ordinance is adopted.

(e) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this section and immediately send a certified copy of the results to the department by certified mail.

(f) If the county adjusted gross income tax had previously been adopted by a county under IC 6-3.5-1 (before its repeal on March 15, 1983) and that tax was in effect at the time of the enactment of this chapter, then the county adjusted gross income tax continues in that county at the rates in effect at the time of enactment until the rates are modified or the tax is rescinded in the manner prescribed by this chapter. If a county's adjusted gross income tax is continued under this subsection, then the tax shall be treated as if it had been imposed under this chapter and is subject to rescission or reduction as authorized in this chapter.

SECTION 28. IC 6-3.5-1.1-2.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.3. (a) This section applies to Jasper County.**

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, or equip:**
 - (A) jail facilities;**
 - (B) juvenile court, detention, and probation facilities;**
 - (C) other criminal justice facilities; and**
 - (D) related buildings and parking facilities;**

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

- (2) repay bonds issued or leases entered into for the purposes described in subdivision (1).**

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain any of the facilities described in subsection (b)(1)(A) through (b)(1)(D) that are located in the county. The county council may make a determination under both this subsection and subsection (b).

(d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);**
- (2) two-tenths percent (0.2%); or**
- (3) twenty-five hundredths percent (0.25%);**

on the adjusted gross income of county taxpayers if the county council makes a finding and determination set forth in subsection (b) or (c).

(e) If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

(1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and

(2) all bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities described in subsection (b)(1)(A). The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.

(f) An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, and March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(g) The tax imposed under this section may be imposed only until the latest of the following:

(1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.

(2) The date on which the last of any bonds issued or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.

(3) The date on which an ordinance adopted under subsection (c) is rescinded.

(h) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(i) The county treasurer shall establish a criminal justice facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(j) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(k) Notwithstanding any other law, money remaining in the criminal justice facilities revenue fund established under subsection (i) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 29. IC 6-3.5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's**

certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

(c) Except for:

(1) revenue that must be used to pay the costs of:

- (A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;**
- (B) debt service on bonds; or**
- (C) lease rentals;**

under section 2.3 of this chapter;

~~(1)~~ **(2)** revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

~~(2)~~ **(3)** revenue that must be used to pay the costs of:

- (A) financing, constructing, acquiring, improving, renovating, or equipping facilities and buildings;
- (B) debt service on bonds; or
- (C) lease rentals;

under section 2.8 of this chapter;

~~(3)~~ **(4)** revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

~~(4)~~ **(5)** revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

~~(5)~~ **(6)** revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a

county courthouse under section 3.6 of this chapter; distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 30. IC 6-3.5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

(1) revenue that must be used to pay the costs of:

- (A) financing, constructing, acquiring, improving, renovating, equipping, operating, or maintaining facilities and buildings;**
- (B) debt service on bonds; or**
- (C) lease rentals;**

under section 2.3 of this chapter;

~~(1)~~ **(2)** revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;

~~(2)~~ **(3)** revenue that must be used to pay the costs of:

- (A) financing, constructing, acquiring, improving, renovating, or equipping facilities and buildings;
- (B) debt service on bonds; or
- (C) lease rentals;

under section 2.8 of this chapter;

~~(3)~~ **(4)** revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;

~~(4)~~ **(5)** revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

~~(5)~~ **(6)** revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY		PROPERTY TAX	
ADJUSTED GROSS	INCOME TAX RATE	REPLACEMENT CREDITS	CERTIFIED SHARES
	0.5%	50%	50%

0.75%	33 1/3%	66 2/3%
1%	25%	75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter.

SECTION 31. IC 6-3.5-6-18, AS AMENDED BY P.L.207-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i); ~~and~~
- (6) make distributions of distributive shares to the civil taxing units of a county; **and**
- (7) make the distributions permitted under sections 27, 28, and 29 of this chapter.**

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and**
- (2) the amount of an additional tax rate imposed under section 27, 28, or 29 of this chapter.**

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
 - (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.
- (f) The department of local government finance shall provide each

county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 32. IC 6-3.5-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:**

- (1) maintaining low property tax rates is essential to economic development; and**
- (2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:**

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option

income tax are needed in the county to fund:

- (1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and
- (2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, and March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 33. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

- (1) the county income tax council (as defined in IC 6-3.5-6-1) if the county option income tax is in effect on January 1 of the

- year the county economic development income tax is imposed;
- (2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or
- (3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

- (1) one-tenth percent (0.1%);
- (2) two-tenths percent (0.2%);
- (3) twenty-five hundredths percent (0.25%);
- (4) three-tenths percent (0.3%);
- (5) thirty-five hundredths percent (0.35%);
- (6) four-tenths percent (0.4%);
- (7) forty-five hundredths percent (0.45%); or
- (8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), ~~or~~ (s), ~~or~~ (v), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), ~~or~~ (t), ~~or~~ (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of:
 - (A) fifteen-hundredths percent (0.15%);
 - (B) two-tenths percent (0.2%); or
 - (C) twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of

a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate

plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) **or residential property (as defined in section 26 of this chapter), as appropriate under the ordinance adopted by the adopting body in the county**, resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

(1) the actual county economic development tax rate; and

(2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(v) This subsection applies to Jasper County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

SECTION 34. IC 6-3.5-7-26, AS AMENDED BY P.L.199-2005, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) This section applies only to homestead **and property tax replacement** credits for property taxes first due and payable after calendar year 2006.

(b) ~~For purposes of~~ **The following definitions apply throughout this section:**

(1) **"Adopt" includes amend.**

(2) "Adopting entity" means:

~~(1)~~ (A) the entity that adopts an ordinance under IC 6-1.1-12-41(f); or

~~(2)~~ (B) any other entity that may impose a county economic development income tax under section 5 of this chapter.

(3) **"Homestead" refers to tangible property that is eligible for a homestead credit under IC 6-1.1-20.9.**

(4) **"Residential" refers to the following:**

(A) Real property, a mobile home, and industrialized housing that would qualify as a homestead if the taxpayer had filed for a homestead credit under IC 6-1.1-20.9.

(B) Real property not described in clause (A) designed to provide units that are regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more, regardless of whether the tangible property is subject to assessment under rules of the department of local government finance that apply to:

(i) residential property; or

(ii) commercial property.

(c) An adopting entity may adopt an ordinance to provide for the use of the certified distribution described in section 16(c) of this chapter for the purpose provided in subsection (e). An adopting entity that adopts an ordinance under this subsection shall use the procedures set forth in IC 6-3.5-6 concerning the adoption of an ordinance for the imposition of the county option income tax. An ordinance must be adopted under this subsection after **January 1, 2006, and before June 1, 2006, or, in a year following 2006, after**

January 1 but before April 1 of a calendar year. The ordinance may provide for an additional rate under section 5(p) of this chapter. An ordinance adopted under this subsection:

(1) first applies to the certified distribution described in section 16(c) of this chapter made in the later of the calendar year that immediately succeeds the calendar year in which the ordinance is adopted or calendar year 2007; and

(2) must specify that the certified distribution must be used to provide for **one (1) of the following, as determined by the adopting entity:**

(A) Uniformly applied increased homestead credits as provided in subsection (f). ~~or~~

(B) Uniformly applied increased residential credits as provided in subsection (g).

~~(B)~~ (C) Allocated increased homestead credits as provided in subsection ~~(h)~~ (i).

(D) Allocated increased residential credits as provided in subsection (j).

An ordinance adopted under this subsection may be combined with an ordinance adopted under section 25 of this chapter.

(d) If an ordinance is adopted under subsection (c), the percentage of the certified distribution specified in the ordinance for use for the purpose provided in subsection (e) shall be:

(1) retained by the county auditor under subsection ~~(i)~~ (k); and

(2) used for the purpose provided in subsection (e) instead of the purposes specified in the capital improvement plans adopted under section 15 of this chapter.

(e) If an ordinance is adopted under subsection (c), the adopting entity shall use the certified distribution described in section 16(c) of this chapter to increase:

(1) if the ordinance grants a credit described in subsection (c)(2)(A) or (c)(2)(C), the homestead credit allowed in the county under IC 6-1.1-20.9 for a year; or

(2) if the ordinance grants a credit described in subsection (c)(2)(B) or (c)(2)(D), the property tax replacement credit allowed in the county under IC 6-1.1-21-5 for a year for the residential property;

to offset the effect on homesteads **or residential property, as applicable**, in the county resulting from the statewide deduction for inventory under IC 6-1.1-12-42. **The amount of an additional residential property tax replacement credit granted under this section may not be considered in computing the amount of any homestead credit to which the residential property may be entitled under IC 6-1.1-20.9 or another law other than IC 6-1.1-20.6.**

(f) If the imposing entity specifies the application of uniform increased homestead credits under subsection (c)(2)(A), the county auditor shall, for each calendar year in which an increased homestead credit percentage is authorized under this section, determine:

(1) the amount of the certified distribution that is available to provide an increased homestead credit percentage for the year;

(2) the amount of uniformly applied homestead credits for the year in the county that equals the amount determined under subdivision (1); and

(3) the increased percentage of homestead credit that equates to the amount of homestead credits determined under subdivision (2).

(g) If the imposing entity specifies the application of uniform increased residential credits under subsection (c)(2)(B), the county auditor shall determine for each calendar year in which an increased homestead credit percentage is authorized under this section:

- (1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit percentage for the year;**
- (2) the amount of uniformly applied residential property tax replacement credits for the year in the county that equals the amount determined under subdivision (1); and**
- (3) the increased percentage of residential property tax replacement credit that equates to the amount of residential property tax replacement credits determined under subdivision (2).**

(g) (h) The increased percentage of homestead credit determined by the county auditor under subsection (f) or the increased percentage of residential property tax replacement credit determined by the county auditor under subsection (g) applies uniformly in the county in the calendar year for which the increased percentage is determined.

(h) (i) If the imposing entity specifies the application of allocated increased homestead credits under subsection (c)(2)(B); (c)(2)(C), the county auditor shall, for each calendar year in which an increased homestead credit is authorized under this section, determine:

- (1) the amount of the certified distribution that is available to provide an increased homestead credit for the year; and**
- (2) except as provided in subsection (i), an increased percentage of homestead credit for each taxing district in the county that allocates to the taxing district an amount of increased homestead credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.**

(j) If the imposing entity specifies the application of allocated increased residential property tax replacement credits under subsection (c)(2)(D), the county auditor shall determine for each calendar year in which an increased residential property tax replacement credit is authorized under this section:

- (1) the amount of the certified distribution that is available to provide an increased residential property tax replacement credit for the year; and**
- (2) except as provided in subsection (i), an increased percentage of residential property tax replacement credit for each taxing district in the county that allocates to the taxing district an amount of increased residential property tax replacement credits that bears the same proportion to the amount determined under subdivision (1) that the amount of inventory assessed value deducted under IC 6-1.1-12-42 in the taxing district for the immediately preceding year's assessment date bears to the total inventory assessed value deducted under IC 6-1.1-12-42 in the county for the immediately preceding year's assessment date.**

(k) The county auditor shall retain from the payments of the county's certified distribution an amount equal to the revenue lost, if any, due to the increase of the homestead credit or residential property tax replacement credit within the county. The money shall be distributed to the civil taxing units and school corporations of the county:

- (1) as if the money were from property tax collections; and**
- (2) in such a manner that no civil taxing unit or school corporation will suffer a net revenue loss because of the allowance of an increased homestead credit or residential property tax replacement credit.**

(l) Subject to the approval of the imposing entity, the county auditor may adjust the increased percentage of:

- (1) homestead credit determined under subsection (h)(2) (i)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the homesteads in the county; or**
- (2) residential property tax replacement credit determined under subsection (j)(2) if the county auditor determines that the adjustment is necessary to achieve an equitable reduction of property taxes among the residential property in the county.**

SECTION 35. IC 6-8.1-1-1, AS AMENDED BY P.L.214-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. "Listed taxes" or "taxes" includes only the pari-mutuel taxes (IC 4-31-9-3 through IC 4-31-9-5); the river boat admissions tax (IC 4-33-12); the river boat wagering tax (IC 4-33-13); the gross income tax (IC 6-2.1) (repealed); the utility receipts ~~tax~~ and **utility services use taxes** (IC 6-2.3); the state gross retail and use taxes (IC 6-2.5); the adjusted gross income tax (IC 6-3); the supplemental net income tax (IC 6-3-8) (repealed); the county adjusted gross income tax (IC 6-3.5-1.1); the county option income tax (IC 6-3.5-6); the county economic development income tax (IC 6-3.5-7); the municipal option income tax (IC 6-3.5-8); the auto rental excise tax (IC 6-6-9); the financial institutions tax (IC 6-5.5); the gasoline tax (IC 6-6-1.1); the alternative fuel permit fee (IC 6-6-2.1); the special fuel tax (IC 6-6-2.5); the motor carrier fuel tax (IC 6-6-4.1); a motor fuel tax collected under a reciprocal agreement under IC 6-8.1-3; the motor vehicle excise tax (IC 6-6-5); the commercial vehicle excise tax (IC 6-6-5.5); the hazardous waste disposal tax (IC 6-6-6.6); the cigarette tax (IC 6-7-1); the beer excise tax (IC 7.1-4-2); the liquor excise tax (IC 7.1-4-3); the wine excise tax (IC 7.1-4-4); the hard cider excise tax (IC 7.1-4-4.5); the malt excise tax (IC 7.1-4-5); the petroleum severance tax (IC 6-8-1); the various innkeeper's taxes (IC 6-9); the various food and beverage taxes (IC 6-9); the county admissions tax (IC 6-9-13 and IC 6-9-28); the oil inspection fee (IC 16-44-2); the emergency and hazardous chemical inventory form fee (IC 6-6-10); the penalties assessed for oversize vehicles (IC 9-20-3 and IC 9-30); the fees and penalties assessed for overweight vehicles (IC 9-20-4 and IC 9-30); the underground storage tank fee (IC 13-23); the solid waste management fee (IC 13-20-22); and any other tax or fee that the department is required to collect or administer.

SECTION 36. IC 6-9-39 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 39. County Option Dog Tax

Sec. 1. As used in this chapter, "animal care facility" includes an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane treatment of animals.

Sec. 2. As used in this chapter, "taxable dog" means a dog at least six (6) months of age.

Sec. 3. (a) The fiscal body of a county may adopt an ordinance to impose a tax on a person who harbors or keeps a taxable dog in or near the person's premises in the county, regardless of who owns the taxable dog. A person who harbors or keeps a taxable dog in the county is liable for the tax.

(b) A tax imposed under this section may not exceed five dollars (\$5) per year for each taxable dog.

(c) The maximum amount of county option dog tax per year that may be imposed by an ordinance adopted under this section for taxable dogs kept in a kennel for breeding, boarding, training, or sale is an amount equal to the lesser of:

- (1) the county option dog tax liability calculated without regard to this subsection for taxable dogs kept in the kennel for breeding, boarding, training, or sale; or
- (2) for a kennel in which:
 - (A) more than six (6) taxable dogs are kept for breeding, boarding, training, or sale, fifty dollars (\$50); or
 - (B) not more than six (6) taxable dogs are kept for breeding, boarding, training, or sale, thirty dollars (\$30).

Sec. 4. If an ordinance adopted under section 3 of this chapter is in effect in a county, the fiscal body of the county may rescind the ordinance imposing the county option dog tax.

Sec. 5. (a) The fiscal body of a county may collect a county option dog tax imposed under section 3 of this chapter by any combination of the following methods:

- (1) By designating one (1) or more persons in the county to collect the tax.
- (2) By requiring a person who harbors or keeps a taxable dog to submit a complete and accurate county option dog tax return.
- (3) By a method other than a method described in subdivision (1) or (2) as determined by the fiscal body of the county.

(b) A designee under subsection (a)(1) may retain a fee from the tax collected for each taxable dog in an amount determined by the fiscal body not to exceed seventy-five cents (\$0.75). A designee shall remit the balance of the money collected to the county treasurer by the tenth day of each month.

(c) If a fiscal body chooses to collect a county option dog tax imposed under section 3 of this chapter by requiring the submission of a county option dog tax return under subsection (a), the county treasurer may include a county option dog tax return form with every property tax statement that is mailed to a person under IC 6-1.1-22-8(a)(1).

(d) The department of local government finance shall prescribe a county option dog tax return form that a county may use for the reporting of county option dog tax liability.

Sec. 6. (a) If a county fiscal body adopts an ordinance under section 3 of this chapter, the county treasurer shall establish a county option dog tax fund.

(b) At the time a county option dog tax fund is established under subsection (a), the county treasurer shall establish a canine research and education account within the county option dog tax fund established under subsection (a).

(c) Interest and investment income derived from money in a county option dog tax fund becomes part of the county option dog tax fund.

(d) Money in a county's county option dog tax fund at the end of a calendar year does not revert to the county's general fund.

Sec. 7. (a) A county treasurer that receives county option dog tax revenue under section 5 of this chapter shall deposit the money in the county option dog tax fund according to the following allocation:

- (1) Twenty percent (20%) for the canine research and education account established under section 6(b) of this chapter.
- (2) Eighty percent (80%) for the uses designated by the fiscal body of the county under subsection (c).

(b) If an ordinance adopted under section 3 of this chapter is in effect in a county, the county auditor and the county treasurer shall include the county option dog tax revenue received by the county treasurer in the settlement procedures described in IC 6-1.1-27. Amounts accumulated in the county canine research and education account shall be paid to the state treasurer in accordance with the procedure described under IC 6-1.1-27-3.

(c) The fiscal body of a county that imposes a tax under this chapter may appropriate money in the county option dog tax fund, other than money allocated to the canine research and education account established under section 6(b) of this chapter, for any of the following purposes:

- (1) The use of animal care facilities.
- (2) Animal control, including dead animal disposal.
- (3) Reimbursement to farmers for livestock kills.
- (4) Reimbursement to people who have undergone rabies post exposure prophylaxis.

(d) The fiscal body of a county that imposes a tax under this chapter may establish requirements according to which individuals or entities are eligible to receive distributions of money appropriated for a purpose described in subsection (c).

Sec. 8. (a) A special canine research and education account within the state general fund shall be established. Any payments issued to the state under section 7(b) of this chapter shall be deposited in the canine research and education account in the state general fund.

(b) Any income earned on money held in the canine research and education account established under subsection (a) becomes a part of that account.

(c) Any revenue remaining in the canine research and education account established under subsection (a) at the end of a fiscal year does not revert to the state general fund.

(d) There is annually appropriated to the Purdue University School of Veterinary Science and Medicine from the canine research and education account established under subsection (a) an amount equal to the sum of money deposited in the canine research and education account during the state fiscal year for its use in conducting canine disease research and education.

(e) On or about August 1 of each year, if there is a positive amount in the canine research and education account established

under subsection (a), the auditor of state shall issue a warrant to the Purdue University School of Veterinary Science and Medicine for an amount equal to the amount of money accumulated in the canine research and education account.

Sec. 9. After July 1, 2006, a county or a municipality (as defined in IC 36-1-2-11) of the county may not adopt an ordinance implementing a licensing system for dogs unless the county option dog tax under this chapter is in effect in the county.

SECTION 37. IC 15-5-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. If a dog kills or injures any livestock while the livestock is in the care, custody, and control of the livestock's owner or ~~his~~ the owner's agent, the owner or harbinger of the dog is liable to the owner of the livestock for all damages sustained, including ~~his~~ reasonable attorney's fees and the court costs. ~~if the appropriate dog tax has not been paid on the dog,~~ triple damages may be awarded:

SECTION 38. IC 15-5-7-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) The following losses and expenses are chargeable to the county in which an attack or exposure occurs:

(1) Damages, less compensation by insurance or otherwise, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

- (A) Sheep.
- (B) Cattle.
- (C) Horses.
- (D) Swine.
- (E) Goats.
- (F) Mules.
- (G) Chickens.
- (H) Geese.
- (I) Turkeys.
- (J) Ducks.
- (K) Guineas.
- (L) Tame rabbits.
- (M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.
- (N) Bison.
- (O) Farm raised cervidae.
- (P) Ratitae.
- (Q) Camelidae.

(2) The expense of rabies post exposure prophylaxis that is incurred by any person who is bitten by or exposed to a dog known to have rabies.

(b) A person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) Damages are not chargeable to a county under this section for sheep except those claims in which individual damage exists or is shown.

(d) A county auditor shall establish procedures in accordance with the requirements of subsection (a) and section 4 of this chapter by which claimants may submit claims to the county auditor or a designee of the county auditor.

(e) A county auditor who:

(1) receives a verified claim under subsection (a) from a claimant; and

(2) is satisfied that the claim meets the requirements of subsection (a) and section 4 of this chapter;

shall immediately issue a warrant or check to the claimant for the verified amount of the claim. If a county option dog tax adopted under IC 6-9-39 is not in effect in the county, a claim under this section may be paid out of nonappropriated funds. A county auditor who is not satisfied that a claim meets the requirements of subsection (a) and section 4 of this chapter shall promptly notify the claimant.

(f) A person whose claim under subsection (a) is denied by a county auditor may file an action in a court with jurisdiction to determine whether the county auditor acted in conformance with the requirements of this section and section 4 of this chapter. If the court determines that the county auditor failed to comply with the requirements of this section or section 4 of this chapter in evaluating the person's claim, the court may fashion an appropriate remedy, including an order directed to the county auditor to reconsider the person's claim.

SECTION 39. IC 15-5-7-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 4. (a) An owner desiring to make a claim under section 3(a)(1) of this chapter must do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

- (A) A law enforcement officer.
- (B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Not more than twenty (20) days after the time of the loss, report the loss to the county auditor as follows:

(A) Under oath, the owner shall state:

- (i) the number, age, and value of the stock, fowl, or game; and
- (ii) the damages sustained, less compensation by insurance or otherwise.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

- (i) disinterested; and
- (ii) not related by blood or marriage to the claimant.

(C) An appraisal of the stock, fowl, or game that were killed, maimed, or damaged may not exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value may not exceed the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) Payment for a loss for property owned by a claimant on the last property tax assessment date may not be paid if the property was not reported by the owner for assessment purposes at that time.

(b) In addition to the requirements of subsection (a), the claimant, if requested to do so by the county auditor or a person designated by the county auditor, must grant the right of subrogation to the county for the total amount paid on the claim

to the claimant by the county on a form prescribed by the county auditor.

(c) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark each killed, maimed, or damaged animal so that the animal can support only one (1) claim under this chapter.

(d) A person desiring to make a claim under section 3(a)(2) of this chapter must provide the county auditor with documentation that the person, or a person for whom the claimant is financially responsible, underwent rabies post exposure prophylaxis.

SECTION 40. IC 20-42-1-11, AS ADDED BY HEA 1134-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. In a county where the total amount in the:

(1) fund; or

(2) congressional township school fund;

accumulates to the amount of at least one thousand dollars (\$1,000), a county may ~~not~~ borrow and use the funds or any part of the funds for any lawful purpose for a period not exceeding five (5) years.

SECTION 41. IC 20-42-2-11, AS ADDED BY HEA 1134-2006, SECTION 165, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 11. In a county where the total amount in the:

(1) common school fund; or

(2) fund;

accumulates to the amount of at least one thousand dollars (\$1,000), a county may ~~not~~ borrow and use the funds, or any part of the funds, for any lawful purpose for a period not exceeding five (5) years.

SECTION 42. IC 20-43-2-2, AS ADDED BY HEA 1134-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. The maximum state distribution for a calendar year for all school corporations is:

(1) the greater of:

(A) three billion ~~seven~~ eight hundred ~~fifty-four~~ two million ~~seven~~ nine hundred thousand dollars (~~\$3,754,700,000~~) (**\$3,802,900,000**); or

(B) the amount necessary to enable the department of education to make tuition support distributions in 2006 in accordance with IC 21-1-30 and this article without requiring a reduction in the amount distributed for tuition support under this section;

in 2006; and

(2) three billion seven hundred forty-seven million two hundred thousand dollars (\$3,747,200,000) in 2007.

SECTION 43. IC 20-43-2-3, AS ADDED BY HEA 1134-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. (a) Except as provided in subsection (b), if the total amount to be distributed:

(1) as basic tuition support;

(2) for academic honors diploma awards;

(3) for primetime distributions;

(4) for special education grants; and

(5) for vocational education grants;

for a particular year exceeds the maximum state distribution for a calendar year, the amount to be distributed for state tuition support under this article to each school corporation during each of the last six (6) months of the year shall be proportionately reduced so that the total reductions equal the amount of the excess.

(b) The department of education shall distribute the full amount of tuition support to school corporations in the second six (6) months of 2006 in accordance with this article without a reduction under this section.

SECTION 44. IC 20-45-1-21, AS ADDED BY HEA 1134-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 21. "Total assessed value" with respect to a school corporation means for:

(1) 2006, the total assessed value of all taxable property for property taxes first due and payable during the year; and

(2) 2007, the lesser of the following:

(A) The total assessed value of all taxable property for property taxes first due and payable during calendar year 2006.

(B) The total assessed value of all taxable property for property taxes first due and payable during calendar year 2007, as certified by the department of local government finance.

SECTION 45. IC 20-45-3-5, AS ADDED BY HEA 1134-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 5. (a) A school corporation's tax rate floor is the tax rate determined under this section.

(b) This subsection applies only if the school corporation's guaranteed minimum revenue for the calendar year is not equal to the school corporation's foundation amount revenue for a calendar year. The school corporation's tax rate floor for the calendar year is the result under STEP SIX of the following formula:

STEP ONE: Divide the school corporation's ~~total~~ assessed ~~valuation~~ value by the school corporation's current ADM.

STEP TWO: Divide the STEP ONE result by ten thousand (10,000).

STEP THREE: Determine the greater of the following:

(A) The STEP TWO result.

(B) Thirty-six dollars and thirty cents (\$36.30).

STEP FOUR: Determine the result under clause (B):

(A) Subtract the school corporation's foundation amount revenue for the calendar year from the school corporation's guaranteed minimum revenue for the calendar year.

(B) Divide the clause (A) result by the school corporation's current ADM.

STEP FIVE: Divide the STEP FOUR result by the STEP THREE result.

STEP SIX: Divide the STEP FIVE result by one hundred (100).

(c) This subsection applies only if the school corporation's guaranteed minimum revenue for the calendar year is equal to the school corporation's foundation amount revenue for a calendar year and the STEP ONE result is greater than zero (0). The school corporation's tax rate floor for the calendar year is the result under STEP SEVEN of the following formula:

STEP ONE: Add the following:

(A) An amount equal to the annual decrease in federal aid to impacted areas from the year preceding the ensuing calendar year by three (3) years to the year preceding the ensuing calendar year by two (2) years.

(B) The part of the unadjusted tuition support levy for the year that equals the original amount of the levy imposed by the school corporation to cover the costs of opening a new school facility during the preceding year.

STEP TWO: Divide the STEP ONE result by the school corporation's current ADM.

STEP THREE: Divide the school corporation's **total** assessed ~~valuation~~ **value** by the school corporation's current ADM.

STEP FOUR: Divide the STEP THREE result by ten thousand (10,000).

STEP FIVE: Determine the greater of the following:

(A) The STEP FOUR result.

(B) Thirty-six dollars and thirty cents (\$36.30).

STEP SIX: Divide the STEP TWO result by the STEP FIVE amount.

STEP SEVEN: Divide the STEP SIX result by one hundred (100).

SECTION 46. IC 20-45-3-6, AS ADDED BY HEA 1134-2006, SECTION 168, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 6. (a) A school corporation's target property tax rate for a calendar year is the sum of:

(1) in:

(A) **2006**, seventy-two cents (\$0.72); ~~in 2006 and seventy-two~~

(B) **2007**, the greater of:

(i) seventy-two and ninety-two hundredths cents (\$0.7292); ~~in 2007; or~~

(ii) the rate determined under subsection (b); plus

(2) if applicable, the school corporation's minimum equalization tax rate.

(b) If using the best information available to the department of local government finance, the department of local government finance determines that the result of:

(1) the lesser of:

(A) two billion thirty-five million nine hundred thousand dollars (\$2,035,900,000); or

(B) the result of:

(i) the sum of the tuition support levies certified by the department of local government finance for all school corporations for 2006; multiplied by

(ii) one and forty-one thousandths (1.041); minus

(2) the sum of all maximum permissible tuition support levies for all school corporations in 2007, as determined by using the tax rate specified in subsection (a)(1)(B)(i);

would exceed one million dollars (\$1,000,000) in 2007, the department of local government finance, shall, before February 16, 2007, adjust the tax rate used in subsection (a)(1)(B) for 2007 so that the difference determined by subtracting the sum of all maximum permissible tuition support levies (as defined in IC 20-45-1-15) for all school corporations determined by using the adjusted tax rate from the amount determined under subdivision (1) does not exceed one million dollars (\$1,000,000). To carry out this subsection the department of local government finance may increase a school corporation's tax rate and levy to a rate and amount that exceeds the rate originally advertised or fixed by the school corporation. Before adjusting a tax rate under this subsection, the department of local government finance shall review the recommendations of the department of education and the budget agency.

SECTION 47. IC 27-5.1-2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 8. The following provisions apply to standard companies and

extended companies:

(1) IC 27-1-3.

(2) IC 27-1-3.1.

(3) IC 27-1-5-3.

(4) IC 27-1-7-14 through IC 27-1-7-16.

(5) IC 27-1-7-21 through IC 27-1-7-23.

(6) IC 27-1-9.

(7) IC 27-1-10.

(8) IC 27-1-13-3 through IC 27-1-13-4.

(9) IC 27-1-13-6 through IC 27-1-13-9.

(10) IC 27-1-15.6.

(11) IC 27-1-18-2.

~~(11)~~ **(12)** IC 27-1-20-1.

~~(12)~~ **(13)** IC 27-1-20-4.

~~(13)~~ **(14)** IC 27-1-20-6.

~~(14)~~ **(15)** IC 27-1-20-9 through IC 27-1-20-11.

~~(15)~~ **(16)** IC 27-1-20-14.

~~(16)~~ **(17)** IC 27-1-20-19 through IC 27-1-20-21.3.

~~(17)~~ **(18)** IC 27-1-20-23.

~~(18)~~ **(19)** IC 27-1-20-30.

~~(19)~~ **(20)** IC 27-1-22.

~~(20)~~ **(21)** IC 27-4-1.

~~(21)~~ **(22)** Except as provided in IC 27-6-1.1-6, IC 27-6-1.1-2.

~~(22)~~ **(23)** IC 27-6-2.

~~(23)~~ **(24)** IC 27-7-2.

~~(24)~~ **(25)** IC 27-9.

~~(25)~~ **(26)** IC 34-30-17.

SECTION 48. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 3. The assessor shall perform the duties prescribed by statute, including

~~(1)~~ assessment duties prescribed by IC 6-1.1. ~~and~~

~~(2)~~ administration of the dog tax and dog fund; as prescribed by ~~IC 15-5-9.~~

SECTION 49. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2006]: IC 15-5-9; IC 15-5-10.

SECTION 50. [EFFECTIVE UPON PASSAGE] (a) Notwithstanding IC 6-1.1-20.6-6, as in effect January 1, 2006, a county may adopt an ordinance under this SECTION to apply the credit authorized by IC 6-1.1-20.6, as in effect January 1, 2006, to property taxes first due and payable in 2006.

(b) If a county has not issued property tax statements under IC 6-1.1-22-8 to the persons liable for property taxes in the county for property taxes first due and payable in 2006, the county fiscal body may adopt an ordinance to apply the credit under IC 6-1.1-20.6, as in effect January 1, 2006, to the property taxes first due and payable in 2006. A county fiscal body may not adopt an ordinance under this subsection after statements are issued under IC 6-1.1-22-8 for the property taxes first due and payable in 2006.

(c) Except as provided in subsection (a), IC 6-1.1-20.6, as in effect January 1, 2006, applies to a credit authorized by an ordinance adopted under this SECTION.

(d) This SECTION expires January 1, 2007.

SECTION 51. [EFFECTIVE JULY 1, 2006] (a) Notwithstanding the repeal of IC 15-5-9-10 by this act, if any money remains in the state dog account of the state general fund on June 30, 2006, the auditor of state shall, on July 1, 2006, abolish the account and

distribute the money as follows:

(1) Fifty percent (50%) to Purdue University School of Veterinary Science and Medicine, to be used solely for canine disease research.

(2) Fifty percent (50%) to the counties identified under subsection (b).

(b) Money to be distributed under subsection (a)(2) shall be divided among the counties that paid to the auditor of state, under IC 15-5-9-10(j) (before its repeal by this act), the surplus money remaining in the counties' county dog funds on May 1, 2006.

(c) Each county's share of the total amount distributed under this SECTION must be proportional to the county's share of the total amount paid to the auditor of state in 2006 under IC 15-5-9-10(j) (before its repeal by this act).

(d) On or before August 1, 2006, the county auditor of each county shall distribute to the township trustees of the townships located in the county:

(1) money distributed to the county under subsection (b); and

(2) any money remaining in the county dog fund.

An equal share of the money described in this subsection shall be distributed to each township trustee.

(e) A township trustee who receives a distribution under subsection (d) shall use the distribution:

(1) to pay claims filed under IC 15-5-9-9.1 (before its repeal by this act);

(2) to pay fees and charges under IC 15-5-9-10 (before its repeal by this act);

(3) to provide funding for the humane society designated by the county legislative body under IC 15-5-9-8(d) (before its repeal by this act) to receive a part of each dog tax payment; or

(4) if the county legislative body did not designate a humane society under IC 15-5-9-8(d) (before its repeal by this act), to provide funding for the township general fund.

(f) If any part of the money distributed to a township trustee under subsection (d) has not been not expended by July 1, 2007, for a purpose allowed under subsection (e), the township trustee shall distribute the remainder of the distribution received under subsection (d) to the county treasurer. If the county option dog tax under IC 6-9-39, as added by this act, is in effect in the county on July 1, 2007, the county treasurer shall deposit the money in the county option dog tax fund established under IC 6-9-39-6(a), as added by this act. However, notwithstanding IC 6-9-39-7(a), as added by this act, none of the money distributed to the county treasurer under this subsection shall be allocated to the county canine research and education account established under IC 6-9-39-6(b), as added by this act. If the county option dog tax under IC 6-9-39, as added by this act, is not in effect in the county on July 1, 2007, the county treasurer shall deposit the money in the county general fund.

(g) This SECTION expires January 1, 2008.

SECTION 52. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: IC 27-5.1-2-8, as amended by this act, applies only to taxable years beginning after December 31, 2005.

SECTION 53. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "taxable year" has the meaning set forth in

IC 6-3-1-16.

(b) IC 6-3-2-20, as added by this act, applies only to taxable years beginning after June 30, 2006.

(c) The addition of IC 6-3-2-20, as added by this act, does not affect the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006. Any determination of:

(1) the department of state revenue; or

(2) a court reviewing a department of state revenue determination;

of the legitimacy or illegitimacy of deductions claimed by taxpayers for taxable years beginning before July 1, 2006, shall be made without regard to IC 6-3-2-20, as added by this act.

(d) The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-3-2-20, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.

(2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

(e) If the general assembly enacts more than one (1) law in the 2006 regular session of the general assembly that amends IC 6-3-1-3.5, the laws shall be read together to implement the policies enacted in each act.

SECTION 54. [EFFECTIVE JULY 1, 2006] (a) As used in this SECTION, "home energy" has the meaning set forth in IC 6-2.5-5-16.5.

(b) IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act, apply to transactions involving home energy that occur after June 30, 2006, and before July 1, 2007.

SECTION 55. [EFFECTIVE UPON PASSAGE] The department of state revenue may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-2.3-1-3.5, IC 6-2.3-3-11, and IC 6-2.3-5.5, all as added by this act, IC 6-2.5-4-5, as amended by this act, and IC 6-2.5-5-16.5, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date a rule is adopted by the department of state revenue under IC 4-22-2 that repeals, amends, or supersedes the temporary rule.

(2) The date another temporary rule is adopted under this SECTION that repeals, amends, or supersedes a previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

SECTION 56. [EFFECTIVE JANUARY 1, 2007] IC 6-3-2-2, as amended by this act, applies to taxable years beginning after December 31, 2006.

SECTION 57. [EFFECTIVE UPON PASSAGE] (a) The definitions in IC 6-1.1-1, IC 6-1.1-20.9, and IC 6-1.1-21 apply throughout this SECTION.

(b) As used in this SECTION, "additional 2006 homestead credit" means the part of the homestead credit percentage exceeding twenty percent (20%) that is granted under IC 6-1.1-20.9-2, as amended by this act for 2006.

(c) A county auditor:

- (1) may apply the entire amount of the additional 2006 homestead credit equally to all installments of property taxes first due from the taxpayer in 2006; or
- (2) if application of the credit to the first installment would delay the delivery of tax statements more than thirty (30) days after the date that the tax statements would otherwise be mailed or transmitted, may issue revised tax statements and apply the entire credit to the property tax due in a later installment.

IC 6-1.1-22.5-6 does not apply if the county auditor elects to proceed under subdivision (2). The department of local government finance may prescribe procedures to apply the additional 2006 homestead credit to tax statements. A county auditor shall comply with the procedures prescribed under this subsection.

(d) If a county implements this SECTION by mailing or transmitting a revised tax statement under subsection (c)(2), the county:

- (1) shall prominently include an instruction in the tax statement or on a separate insert included with the tax statement that assists the recipient of the statement in discovering that the amount payable in the second installment is less than the amount specified in the previous tax statement sent to the recipient and alerts the recipient not to make a payment that exceeds the amount due; and
- (2) is entitled to an additional distribution equal to one dollar (\$1) for each revised tax statement containing the statement described in subdivision (1) that is mailed or transmitted to a taxpayer or a mortgagee holding an escrow account for the taxpayer.

(e) The property tax replacement fund board shall provide for an additional distribution to taxing units from the property tax replacement fund to replace revenue lost to a county as the result of the granting of additional 2006 homestead credits and to reimburse counties for mailing or transmitting revised tax statements. The distribution shall be made before November 30, 2006, on the schedule determined by the property tax replacement fund board. A distribution described in this subsection is not subject to any law limiting the maximum amount that may be distributed under IC 6-1.1-21, including P.L.246-2005. Augmentation allowed (as defined in P.L.246-2005, SECTION 1) to make distributions described in this subsection. The amount distributed under this subsection is not included in the amount used to determine the minimum amount that must be distributed or maximum distribution that may not be exceeded under IC 6-1.1-21.

(f) This subsection applies to the part of any excessive property tax payment for property taxes first due and payable in 2006:

- (1) equal to the amount of the taxpayer's additional 2006 homestead credit; and
- (2) made before a tax statement or revised tax statement was mailed or transmitted for the taxpayer's homestead that

reflected the taxpayer's reduced tax liability resulting from the taxpayer's additional 2006 homestead credit.

Notwithstanding IC 6-1.1-21-7, the amount of the taxpayer's excessive tax payment shall be applied first to the taxpayer's delinquent taxes (if any) in the manner provided in IC 6-1.1-23-5(b). Any remaining amount shall be retained and applied to the tax liability imposed on the homestead property in the immediately following year.

(g) This SECTION expires January 1, 2007.

SECTION 58. [EFFECTIVE JULY 1, 2005 (RETROACTIVE)]:

(a) There is appropriated to the department of education the greater of the following from the state general fund for the purposes of making the distributions for tuition support described in IC 21-3-1.7-9 (as effective before July 1, 2006) beginning July 1, 2005, and ending June 30, 2006:

- (1) Twenty million one hundred thousand dollars (\$20,100,000).
- (2) An amount sufficient to enable the department of education to make tuition support distributions after December 31, 2005, and before July 1, 2006, in accordance with IC 21-1-30 (as effective before July 1, 2006) and IC 21-3 (as effective before July 1, 2006) without requiring a reduction in tuition support distributions to school corporations in the first six (6) months of 2006.

The amount appropriated under this SECTION is in addition to the amount appropriated by P.L.246-2005, SECTION 9, to the department of education for distribution for tuition support but is subject to the terms and conditions specified in P.L.246-2005, SECTION 9, for the distribution for tuition support.

(b) The deficiency appropriation made by this SECTION is not subject to transfer to any other fund or subject to transfer, assignment, or reassignment for any other use or purpose by:

- (1) the state board of finance, notwithstanding IC 4-9.1-1-7, IC 4-13-2-23, or any other law; or
- (2) the budget agency, notwithstanding IC 4-12-1-12 or any other law.

(c) If the department of education determines that the provisions of IC 20-45-1-21, IC 20-45-3-5, and IC 20-45-3-6, all as amended by this act, will adversely affect the policy of taxpayer tax equalization as a result of the effects of an annual adjustment under IC 6-1.1-4-4.5 or other factors, the department of education may develop an alternative tuition support levy calculation that more closely complies with the taxpayer tax equalization policies embodied in the school funding formula for 2007. After review by the budget committee and approval by the budget agency, the department of local government finance shall adjust tax rates and tax levies in 2007, as necessary, to implement the alternative calculation developed under this subsection.

SECTION 59. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "OMB" refers to the office of management and budget established by IC 4-3-22-3.

(b) The OMB shall develop a proposal under which the state and state employees may make monetary contributions to a health savings account, a deferred compensation account, or another tax advantaged savings program. The proposal must include at least the following elements:

- (1) The proposal must contain estimates of future health care premium costs for state employees.

- (2) The goal of the proposal must be to actuarially fund a major portion of the expected retirement health care premium costs for a typical state employee through contributions made throughout the entire career of the state employee.
- (3) The proposal must make use of federal tax advantages to the greatest extent possible.
- (4) The proposal may include a variety of contribution options under which the state and a state employee may make voluntary or mandatory contributions to the employee's retirement health care account.
- (5) The proposal may explore the feasibility of:
- (A) using the concept of "paid time off" (PTO) days in exchange for vacation days, personal days, holidays, and sick days; and
 - (B) permitting employees to exchange PTO days for contributions to the employee's retirement health care account.
- (6) The proposal may include estimates of the monetary savings of the following:
- (A) Reduced overtime expense.
 - (B) Savings from employee turnover.
- (7) For an employee who has already served most of the employee's career in public service, the proposal must include a transition program that provides a retirement health care funding mechanism under which the employee would make contributions for the remainder of the employee's career that would be supplemented by the state in order to provide a benefit similar to the benefit that will be provided by the long term funding plan.
- (c) The OMB shall present the proposal required by this SECTION and any other findings and recommendations to the budget committee before November 1, 2006.

SECTION 60. An emergency is declared for this act.
 (Reference is to EHB 1001 as reprinted March 1, 2006, and as amended by the committee report of the committee of one adopted March 1, 2006.)

Espich, Chair	Kenley
Crawford	Hume
House Conferees	Senate Conferees

Roll Call 405: yeas 49, nays 1. Report adopted.

SPECIAL ORDER OF BUSINESS

CONFERENCE COMMITTEE REPORT

EHB 1008-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1008 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the amendment made by the committee report of the committee of one adopted March 2, 2006.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 4-4-10.9-1.2, AS ADDED BY P.L.235-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.2. "Affected statutes" means all statutes that grant a power to or impose a duty on the authority, including but not limited to IC 4-4-11, **IC 4-4-11.4**, IC 4-4-21, IC 4-13.5, IC 8-1-33, IC 8-9.5, IC 8-14.5, IC 8-15, **IC 8-15.5**, IC 8-16, IC 13-18-13, IC 13-18-21, IC 13-19-5, IC 14-14, and IC 15-7-5.

SECTION 2. IC 4-22-2-37.1, AS AMENDED BY P.L.235-2005, SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

- (1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an emergency rule.
- (2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.
- (3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.
- (4) An emergency rule adopted by the solid waste management board under IC 13-22-2-3 and classifying a waste as hazardous.
- (5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.
- (6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.
- (7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.
- (8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.
- (9) A rule adopted under IC 16-19-3-5 that the executive board of the state department of health declares is necessary to meet an emergency.
- (10) An emergency rule adopted by the Indiana ~~transportation~~ finance authority under IC 8-21-12.
- (11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7.
- (12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.
- (13) An emergency rule adopted by the air pollution control board, the solid waste management board, or the water pollution control board under IC 13-15-4-10(4) or to comply with a deadline required by federal law, provided:
 - (A) the variance procedures are included in the rules; and
 - (B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.
- (14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.
- (15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.
- (16) An emergency rule adopted by the Indiana gaming commission under IC 4-33-4-2, IC 4-33-4-3, or IC 4-33-4-14.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-2.1-18-21.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34.

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33.

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the secretary of state for filing. The agency shall submit the rule in the form required by section 20 of this

chapter and with the documents required by section 21 of this chapter. The secretary of state shall determine the number of copies of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the secretary of state shall:

(1) accept the rule for filing; and

(2) file stamp and indicate the date and time that the rule is accepted on every duplicate original copy submitted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), ~~and (k)~~, **and (l)**, a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(6), (a)(8), (a)(12), or (a)(29) expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

SECTION 3. IC 5-10.3-6-8.9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2005 (RETROACTIVE)]: **Sec. 8.9.**

(a) This section applies when certain employees of the state in particular departmental, occupational, or other definable classifications are terminated from employment with the state as a result of:

- (1) a lease or other transfer of state property to a nongovernmental entity; or
- (2) a contractual arrangement with a nongovernmental entity to perform certain state functions.

(b) The governor shall request coverage under this section from the board whenever an employee of the state is terminated as described in subsection (a).

(c) The board must approve a request from the governor under subsection (b) unless approval violates subsection (k), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

- (1) is at least fifty (50) years of age; and
- (2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member is eligible to retire under IC 5-10.2-4-1, because:

- (1) the member is at least sixty-five (65) years of age and has at least ten (10) years of creditable service;
- (2) the member is at least sixty (60) years of age and has at least fifteen (15) years of creditable service; or
- (3) the member's age in years plus the member's years of service is at least eighty-five (85) and the member is at least fifty-five (55) years of age.

(f) The withdrawal of the employees described in subsection (a) from the fund is effective on a termination date established by the board. The board may not establish a termination date that occurs before all of the following have occurred:

- (1) The governor has requested coverage under this section and provided written notice of the following to the board:
 - (A) The intent of the state to terminate the employees from employment.
 - (B) The names of the terminated employees as of the date that the termination is to occur.

(2) The expiration of a thirty (30) day period following the filing of the notice with the board.

(3) The state complies with subsections (g) and (i).

(g) A member who:

- (1) is an employee of the state described in subsection (a) with at least twenty-four (24) months of creditable service as of the date of the notice under subsection (f); and
- (2) is listed in the notice under subsection (f);

is vested in the pension portion of the member's retirement benefit. The state must contribute to the fund the amount the board determines is necessary to completely fund the vested benefit. The contribution by the state must be made in a lump sum or in a series of payments determined by the board. The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service.

(h) A member who is covered by subsection (g) and who is at least sixty-five (65) years of age as of the date of the notice under subsection (f) may elect to retire under IC 5-10.2-4-1 even if the member has less than ten (10) years of service. The benefit for the member shall be computed under IC 5-10.2-4-4 using the

member's actual years of creditable service.

(i) A member who is covered by subsection (f) and who, as of the date of the notice under subsection (f), is less than twenty-four (24) months from being eligible for normal or early retirement under IC 5-10.2-4-1 may elect to retire by purchasing the service credit needed for retirement under the following conditions:

(1) The state shall contribute to the fund an amount determined under IC 5-10.2-3-1.2 and payable from the sources described in subsection (j) sufficient to pay the member's contributions required for the member's purchase of the service credit the member needs to retire.

(2) The maximum amount of creditable service that the state may purchase for a member under this subsection is twenty-four (24) months.

(3) The benefit for the member shall be computed under IC 5-10.2-4-4 using the member's actual years of creditable service plus all other service for which the fund gives credit, including the creditable service purchased under this subsection.

(j) The amounts that the state is required to contribute to the fund under subsection (i) must come from the following sources:

(1) If the state receives monetary payments under the lease or contractual arrangement described in subsection (a), the proceeds of the monetary payments received by the state. The state may not require, as a condition of the transaction to transfer state property or have certain state functions performed by a nongovernmental entity, that the nongovernmental entity directly or indirectly pay the amounts that the state is required to contribute under subsection (i).

(2) If the state does not receive any monetary payments under the lease or contractual arrangement described in subsection (a), any remaining appropriations made to the state department, agency, or other entity terminating the employees described in subsection (a).

(3) If the sources described in subdivisions (1) and (2) do not fully fund the amounts that the state is required to contribute to the fund under subsection (i), the board shall request that the general assembly appropriate the amount necessary to fully fund the state's required contribution under subsection (i) in the next biennial state budget.

(k) The board shall evaluate each withdrawal under this section to determine if the withdrawal affects the fund's compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974. The board may deny an employee permission to withdraw if the denial is necessary to achieve compliance with Section 401(a) of the Internal Revenue Code of 1954, as in effect on September 1, 1974.

SECTION 4. IC 6-3.5-7-13.1, AS AMENDED BY P.L.118-2005, SECTION 2, AND AS AMENDED BY P.L.214-2005, SECTION 21, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13.1. (a) The fiscal officer of each county, city, or town for a county in which the county economic development tax is imposed shall establish an economic development income tax fund. Except as provided in sections 23, 25, 26, and 27 of this chapter, the revenue received by a county, city, or town under this chapter shall be deposited in the unit's economic development income

tax fund.

(b) Except as provided in sections 15, 23, 25, 26, and 27 of this chapter, revenues from the county economic development income tax may be used as follows:

(1) By a county, city, or town for economic development projects, for paying, notwithstanding any other law, under a written agreement all or a part of the interest owed by a private developer or user on a loan extended by a financial institution or other lender to the developer or user if the proceeds of the loan are or are to be used to finance an economic development project, for the retirement of bonds under section 14 of this chapter for economic development projects, for leases under section 21 of this chapter, or for leases or bonds entered into or issued prior to the date the economic development income tax was imposed if the purpose of the lease or bonds would have qualified as a purpose under this chapter at the time the lease was entered into or the bonds were issued.

(2) By a county, city, or town for:

(A) the construction or acquisition of, or remedial action with respect to, a capital project for which the unit is empowered to issue general obligation bonds or establish a fund under any statute listed in IC 6-1.1-18.5-9.8;

(B) the retirement of bonds issued under any provision of Indiana law for a capital project;

(C) the payment of lease rentals under any statute for a capital project;

(D) contract payments to a nonprofit corporation whose primary corporate purpose is to assist government in planning and implementing economic development projects;

(E) operating expenses of a governmental entity that plans or implements economic development projects;

(F) to the extent not otherwise allowed under this chapter, funding substance removal or remedial action in a designated unit; or

(G) funding of a revolving fund established under IC 5-1-14-14.

(3) By a county, city, or town for any lawful purpose for which money in any of its other funds may be used.

~~(3)~~ **(4)** By a city or county described in IC 36-7.5-2-3(b) for making transfers required by IC 36-7.5-4-2. If the county economic development income tax rate is increased after April 30, 2005, in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. In a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000), all of the tax

revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision ~~(4)~~ **(5)**.

~~(4)~~ **(5)** This subdivision applies only in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision ~~(3)~~ **(4)** that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

~~(5)~~ **(6)** This subdivision applies only in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. A county or a city or town in the county may use county economic development income tax revenue to provide additional homestead credits in the county, city, or town. The following apply to additional homestead credits provided under this subdivision:

(A) The county, city, or town fiscal body must adopt an ordinance authorizing the additional homestead credits. The ordinance must:

(i) be adopted before September 1 of a year to apply to property taxes first due and payable in the following year; and

(ii) specify the amount of county economic development income tax revenue that will be used to provide additional homestead credits in the following year.

(B) A county, city, or town fiscal body that adopts an ordinance under this subdivision must forward a copy of the

ordinance to the county auditor and the department of local government finance not more than thirty (30) days after the ordinance is adopted.

(C) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(D) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(E) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(F) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(7) This subdivision applies only to a county:

(A) that has a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000); and

(B) in which:

(i) the county fiscal body has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the northwest Indiana regional development authority; and

(ii) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

Revenue from the county economic development income tax may be used by a county or a city described in this subdivision for making transfers required by IC 36-7.5-4-2. In addition, if the county economic development income tax rate is increased after June 30, 2006, in the county, the first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be used by the county only to make the county's transfer required by IC 36-7.5-4-2. The first three million five hundred thousand dollars (\$3,500,000) of the tax revenue that results each year from the tax rate increase shall be paid by the county treasurer to the treasurer of the northwest Indiana regional development authority under IC 36-7.5-4-2 before certified distributions are made to the county or any cities or towns in the county under this chapter from the tax revenue that results each year from the tax rate increase. All of the tax revenue that results each year from the tax rate increase that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under subdivision (8).

(8) This subdivision applies only to a county described in subdivision (7). Except as otherwise provided, the procedures and definitions in IC 6-1.1-20.9 apply to this subdivision. All of the tax revenue that results each year from a tax rate increase described in subdivision (7) that is in excess of the first three million five hundred thousand dollars (\$3,500,000) that results each year from the tax rate increase must be used by the county and cities and towns in the county for additional homestead credits under this subdivision. The following apply to additional homestead credits provided under this subdivision:

(A) The additional homestead credits must be applied uniformly to increase the homestead credit under IC 6-1.1-20.9 for homesteads in the county, city, or town.

(B) The additional homestead credits shall be treated for all purposes as property tax levies. The additional homestead credits do not reduce the basis for determining the state property tax replacement credit under IC 6-1.1-21 or the state homestead credit under IC 6-1.1-20.9.

(C) The additional homestead credits shall be applied to the net property taxes due on the homestead after the application of all other assessed value deductions or property tax deductions and credits that apply to the amount owed under IC 6-1.1.

(D) The department of local government finance shall determine the additional homestead credit percentage for a particular year based on the amount of county economic development income tax revenue that will be used under this subdivision to provide additional homestead credits in that year.

(c) As used in this section, an economic development project is any project that:

(1) the county, city, or town determines will:

(A) promote significant opportunities for the gainful employment of its citizens;

(B) attract a major new business enterprise to the unit; or

(C) retain or expand a significant business enterprise within the unit; and

(2) involves an expenditure for:

(A) the acquisition of land;

(B) interests in land;

(C) site improvements;

(D) infrastructure improvements;

(E) buildings;

(F) structures;

(G) rehabilitation, renovation, and enlargement of buildings and structures;

(H) machinery;

(I) equipment;

(J) furnishings;

(K) facilities;

(L) administrative expenses associated with such a project, including contract payments authorized under subsection (b)(2)(D);

(M) operating expenses authorized under subsection (b)(2)(E); or

(N) to the extent not otherwise allowed under this chapter, substance removal or remedial action in a designated unit; or any combination of these.

(d) If there are bonds outstanding that have been issued under section 14 of this chapter or leases in effect under section 21 of this chapter, a county, city, or town may not expend money from its economic development income tax fund for a purpose authorized under subsection (b)(3) in a manner that would adversely affect owners of the outstanding bonds or payment of any lease rentals due.

SECTION 5. IC 8-14-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 14. Major Moves Construction Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 2. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 3. As used in this chapter, "fund" refers to the major moves construction fund established by section 5 of this chapter.

Sec. 4. As used in this chapter, "transportation plan" refers to the department's long range comprehensive transportation plan developed under IC 8-23-2-5.

Sec. 5. (a) The major moves construction fund is established for the purpose of:

- (1) funding projects under IC 8-15.7 or IC 8-15-3;
- (2) funding other projects in the department's transportation plan; and
- (3) funding distributions under sections 6 and 7 of this chapter.

(b) The fund shall be administered by the department.

(c) Notwithstanding IC 5-13, the treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the treasurer of state may not invest the money in the fund in equity securities. The treasurer of state may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the fund and may pay the state expenses incurred under those contracts from the fund. Interest that accrues from these investments shall be deposited in the fund.

(d) The fund consists of the following:

- (1) Distributions to the fund from the toll road fund under IC 8-15.5-11.
- (2) Distributions to the fund from the next generation trust fund under IC 8-14-15.
- (3) Appropriations to the fund.
- (4) Gifts, grants, loans, bond proceeds, and other money received for deposit in the fund.
- (5) Revenues arising from:

(A) a tollway under IC 8-15-3 or IC 8-23-7-22; or

(B) a toll road under IC 8-15-2 or IC 8-23-7-23;

that the department designates as part of, and deposits in, the fund.

(6) Payments made to the authority or the department from operators under IC 8-15.7.

(7) Interest, premiums, or other earnings on the fund.

(e) The fund is considered a trust fund for purposes of

IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(f) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(g) Money in the fund must be appropriated by the general assembly to be available for expenditure.

Sec. 6. (a) If the authority enters into a public-private agreement concerning the Indiana Toll Road under IC 8-15.5, the auditor of state shall make the following distributions from the fund for the indicated purposes:

(1) One hundred fifty million dollars (\$150,000,000) to the treasurer of state for deposit in the motor vehicle highway account established by IC 8-14-1. Notwithstanding IC 8-14-1, on or before October 15, 2006, and on or before October 15, 2007, the auditor of state shall distribute seventy-five million dollars (\$75,000,000) of the money deposited in the motor vehicle highway account under this subdivision to each of the counties, cities, and towns eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1 and in the same proportion among the counties, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1. The auditor of state:

(A) shall make the distributions required by this subdivision separately from distributions required by IC 8-14-1; and

(B) may not combine the distributions required by this subdivision with distributions required by IC 8-14-1.

Money distributed under this subdivision may be used only for purposes that money distributed from the motor vehicle highway account may be expended under IC 8-14-1.

(2) The following amounts to the northwest Indiana regional development authority for deposit in the development authority fund established under IC 36-7.5-4-1:

(A) Forty million dollars (\$40,000,000) during the state fiscal year beginning July 1, 2006. During the state fiscal year beginning July 1, 2006, the regional development authority must pay at least twenty million dollars (\$20,000,000) of the distribution received under this clause to an airport authority that is carrying out an airport expansion project described in IC 36-7.5-2-1(2).

(B) Eighty million dollars (\$80,000,000) to be distributed in installments of ten million dollars (\$10,000,000) during the state fiscal year beginning July 1, 2007, and each of the seven (7) state fiscal years thereafter.

However, no distributions may be made under clause (B) until the development authority's comprehensive strategic development plan prepared under IC 36-7.5-3-4 has been reviewed by the budget committee and approved by the director of the office of management and budget. In addition, no distributions may be made under clause (B) during the state fiscal years beginning July 1, 2009, July 1, 2011, and July 1, 2013, unless the budget committee has reviewed the status of the plan and any changes to the plan.

(3) The following amounts to each of the following counties on or before September 15, 2006, for deposit in local major moves construction funds under IC 8-14-16:

(A) Forty million dollars (\$40,000,000) to each county described in IC 8-14-16-1(1) through IC 8-14-16-1(5). However, if a county described in IC 8-14-16-1(3) becomes a member of the northwest Indiana regional development authority, the distribution to that county is twenty-five million dollars (\$25,000,000) instead of forty million dollars (\$40,000,000).

(B) Twenty-five million dollars (\$25,000,000) to each county described in IC 8-14-16-1(6).

(C) Fifteen million dollars (\$15,000,000) to each county described in IC 8-14-16-1(7).

(4) One hundred seventy-nine million dollars (\$179,000,000) during the state fiscal year beginning July 1, 2006, to the state highway fund for use by the department for preliminary engineering, purchase of rights-of-way, or construction of highways, roads, and bridges. After review by the budget committee, and subject to the approval of the governor, the budget agency may augment this distribution from balances available in the fund.

(5) An amount sufficient to provide for the payments owed by the authority as a result of a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles, or to establish or replenish the reserves therefore, to the administration account of the toll road fund. The budget agency shall determine the amount of the distributions required to be made by this subdivision for each state fiscal year beginning with the state fiscal year ending June 30, 2007, and ending with the state fiscal year ending June 30, 2016.

(6) An amount sufficient to make any payments required by IC 5-10.3-6-8.9 as a result of a public-private agreement under IC 8-15.5.

(b) There is annually appropriated from the fund an amount sufficient to make any distributions required by subsection (a).

Sec. 7. In addition to any distributions required by section 6 of this chapter, money in the fund may be used for any of the following purposes:

(1) The payment of any obligation incurred or amounts owed by the authority, the department, or an operator under IC 8-15-2, IC 8-15-3, IC 8-15.5, or IC 8-15.7 in connection with the execution and performance of a public-private agreement under IC 8-15.5 or IC 8-15.7, including establishing reserves.

(2) Lease payments to the authority, if money for those payments is specifically appropriated by the general assembly.

(3) Distributions to the treasurer of state for deposit in the state highway fund, for the funding of any project in the department's transportation plan.

Sec. 8. (a) The total amount of distributions from the fund for projects or purposes that benefit a county traversed by the Indiana Toll Road may not be less than thirty-four percent (34%) of:

(1) the money that is transferred to the fund from the toll road fund under IC 8-15.5-11; plus

(2) the amount initially set aside in the administration account of the toll road fund to establish an escrow account to implement a written agreement entered into under

IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles.

(b) The budget agency shall determine the amount of distributions required by this section. In making the determination, the budget agency shall include the following amounts:

(1) Amounts distributed to counties traversed by the Indiana Toll Road under section 6(a)(1) of this chapter.

(2) Money distributed to the northwest Indiana regional development authority under this chapter.

(3) Money distributed under section 6(a)(3) of this chapter.

(4) Projects carried out by the department in counties traversed by the Indiana Toll Road and funded with money distributed under section 6(a)(4) of this chapter.

(5) The amount initially set aside in the administration account of the toll road fund to establish an escrow account to implement a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles.

(6) Money transferred to the administration account of the toll road fund under section 6(a)(5) of this chapter.

(7) Payments to the public employees' retirement fund required by section 6(a)(6) of this chapter.

SECTION 6. IC 8-14-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 15. Next Generation Trust Fund

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "trust" refers to the next generation trust fund established under this chapter.

Sec. 3. As used in this chapter, "trustee" refers to the trustee of the trust designated under section 7 of this chapter.

Sec. 4. (a) The authority shall establish a next generation trust fund to hold title to proceeds transferred to the trust under IC 8-15.5-11 to be used exclusively for the provision of highways, roads, and bridges for the benefit of the people of Indiana and the users of those facilities.

(b) The trust shall be established as a charitable trust, separate from the state, but for the benevolent public purpose provided in this section.

(c) The trust consists of the proceeds transferred to the trust under IC 8-15.5-11 and any income that accrues from the investment of these proceeds.

Sec. 5. The chairman of the authority shall enter into a trust agreement on behalf of the authority with the treasurer of state in conformity with IC 30-4-2-1. Any provision of the trust agreement entered into under this section that is inconsistent with the provisions or intent of this chapter is void and of no further force or effect.

Sec. 6. A trust established under this chapter must be an irrevocable trust and may not be revoked or terminated by the authority or any other person, nor may it be amended or altered by the authority or any other person. However, the terms of the trust must provide that the trust terminates when no funds remain in the trust.

Sec. 7. The treasurer of state shall act as the trustee of the trust.

Sec. 8. (a) The trustee shall:

- (1) administer and manage the trust;
- (2) invest the money in the trust; and
- (3) deposit in the trust any interest that accrues from the investment of these funds.

(b) Notwithstanding IC 5-13, the trustee shall invest the money in the trust not currently needed to meet the obligations of the trust in the same manner as money is invested by the public employees' retirement fund under IC 5-10.3-5. However, the trustee may not invest the money in the trust in equity securities. The trustee shall also comply with the prudent investor rule set forth in IC 30-4-3.5. The trustee may contract with investment management professionals, investment advisors, and legal counsel to assist in the investment of the trust and may pay the state expenses incurred under those contracts from the trust.

(c) IC 4-9.1-1-8 and IC 4-9.1-1-9 do not apply to a trust established under this chapter.

(d) Money in the trust at the end of a state fiscal year does not revert to the state general fund.

Sec. 9. IC 30-4 (trust code) applies to a trust established under this chapter.

Sec. 10. (a) The principal of the trust may not be diminished during the term of the trust.

(b) The income that accrues from investment of the trust shall be deposited in the trust.

(c) On March 15, 2011, March 15, 2016, and March 15 every five (5) years thereafter, the treasurer of state shall transfer all interest accruing to the trust to the major moves construction fund.

Sec. 11. The report required under IC 30-4-5-12 is a public record. The attorney general may petition for an accounting as permitted by IC 30-4-5-12.

Sec. 12. (a) This section applies if a person does any of the following with respect to a trust created under this chapter:

- (1) Commits a breach of the trust.
- (2) Violates the mandate of the trust or trust agreement.
- (3) Violates a duty imposed by this chapter, the trust agreement, or IC 30-4.

(b) The attorney general may petition a court to impose one (1) or more of the remedies described in IC 30-4-5.5-1.

Sec. 13. Any records, files, or documents relating to the trust may be examined by the state board of accounts at a time selected by the state board of accounts. The trustee shall upon request of the state board of accounts:

- (1) produce and submit any records, files, or documents related to the trust; and
- (2) assist in every way the state board of accounts in its work in making an examination.

SECTION 7. IC 8-14-16 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 16. Local Major Moves Construction Funds

Sec. 1. This chapter applies only to the following counties:

- (1) A county having a population of more than thirty-three thousand two hundred (33,200) but less than thirty-three thousand six hundred (33,600).
- (2) A county having a population of more than thirty-four thousand nine hundred (34,900) but less than thirty-four

thousand nine hundred fifty (34,950).

(3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).

(4) A county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(5) A county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000).

(6) A county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(7) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

Sec. 2. As used in this chapter, "fund" refers to a local major moves construction fund established under section 4 of this chapter.

Sec. 3. Money distributed to a county described in section 1 of this chapter from the major moves construction fund under IC 8-14-14-6(a)(3) shall be distributed by the county auditor among the county and each of the cities and towns in the county that is eligible to receive a distribution from the motor vehicle highway account under IC 8-14-1, in the same proportion among the county, cities, and towns as funds are distributed from the motor vehicle highway account under IC 8-14-1.

Sec. 4. (a) Each county, city, or town that receives a distribution under section 3 of this chapter shall establish a local major moves construction fund.

(b) The fund consists of money distributed to the county, city, or town from the major moves construction fund under section 3 of this chapter.

(c) The fiscal officer of the county, city, or town shall administer the fund.

(d) Subject to subsection (f), the fiscal body of the county, city, or town may appropriate money in the fund for a purpose described in section 5 of this chapter. The appropriations of money in the fund must be included as a part of the annual budget for the calendar year in accordance with IC 6-1.1-17.

(e) Money remaining in the fund at the end of a particular calendar year remains in the fund and does not revert to any other fund.

(f) A county fiscal body must consult with the county executive before making an appropriation under this section.

Sec. 5. Money in the fund may be expended only for the following purposes:

- (1) Construction of highways, roads, and bridges.
- (2) In a county that is a member of the northwest Indiana regional development authority, or in a city or town located in such a county, any purpose for which the regional development authority may make expenditures under IC 36-7.5.
- (3) Providing funding for economic development projects (as defined in IC 6-3.5-7-13.1(c)(1) or IC 6-3.5-7-13.1(c)(2)(A) through IC 6-3.5-7-13.1(c)(2)(K)).
- (4) Matching federal grants for a purpose described in this section.

(5) Providing funding for interlocal agreements under IC 36-1-7 for a purpose described in this section.

(6) Providing the county's or city's contribution to the northwest Indiana regional development authority, in the case of a county described in section 1(3) of this chapter or a city described in IC 36-7.5-2-3(e),

SECTION 8. IC 8-15-2-1, AS AMENDED BY P.L.214-2005, SECTION 51, AND AS AMENDED BY P.L.235-2005, SECTION 115, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) In order to remove the handicaps and hazards on the congested highways in Indiana, to facilitate vehicular traffic throughout the state, to promote the agricultural and industrial development of the state, and to provide for the general welfare by the construction of modern express highways embodying safety devices, including center division, ample shoulder widths, long sight distances, multiple lanes in each direction, and grade separations at intersections with other highways and railroads, the authority may:

(1) **subject to subsection (d)**, construct, reconstruct, maintain, repair, and operate toll road projects at such locations as shall be approved by the governor;

(2) in accordance with such alignment and design standards as shall be approved by the authority and subject to IC 8-9.5-8-10, issue toll road revenue bonds of the state payable solely from funds pledged for their payment, as authorized by this chapter, to pay the cost of such projects;

(3) finance, develop, construct, reconstruct, improve, or maintain ~~public improvements such as roads and streets, sewerlines, waterlines, and sidewalks~~ for manufacturing, or commercial, or public transportation activities within a county through which a toll road passes; ~~if these improvements are within the county and are within an area that is located:~~

~~(A) ten (10) miles on either side of the center line of a toll road project; or~~

~~(B) two (2) miles on either side of the center line of any limited access highway that interchanges with a toll road project;~~

(4) in cooperation with the Indiana department of transportation or a political subdivision, construct, reconstruct, or finance the construction or reconstruction of an arterial highway or an arterial street that is located within ~~ten (10) miles of the center line of a county through which a toll road project passes~~ and that:

(A) interchanges with a toll road project; or

(B) intersects with a road or a street that interchanges with a toll road project;

(5) ~~assist in~~ finance improvements necessary for developing ~~existing~~ transportation corridors in northwestern Indiana; and

(6) exercise these powers in participation with any governmental entity or with any individual, partnership, limited liability company, or corporation.

(b) Notwithstanding subsection (a), the authority shall not construct, maintain, operate, nor contract for the construction, maintenance, or operation of transient lodging facilities on, or adjacent to, such toll road projects.

(c) *This chapter:*

(1) applies to the authority only when acting for the purposes set forth in this chapter; and

(2) does not apply to the authority when acting under any other statute for any other purpose.

(d) Notwithstanding any other law, neither the authority nor an operator selected under IC 8-15.5 may carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 9. IC 8-15-2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. The authority may do the following:

(1) Construct, maintain, repair, police, and operate toll road projects (as defined in this chapter), public improvements, and arterial streets and roads under section 1 of this chapter and establish rules for the use of any such toll road project, public improvement, or arterial street or road.

(2) Issue toll road revenue bonds of the state, payable solely from an allocation of money from the rural transportation road fund under IC 8-9.5-8-16 or from revenues or from the proceeds of bonds issued under this chapter and earnings thereon, or from all three (3), for the purpose of paying all or any part of the cost of any one (1) or more toll road projects or for the purpose of refunding any other toll road revenue bonds.

(3) Establish reserves from the proceeds of the sale of bonds or from other funds, or both, to secure the payment of the bonds.

(4) Fix and revise from time to time and charge and collect tolls for transit over each toll road project constructed by it.

(5) Acquire in the name of the state by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in the manner as provided by this chapter, such public or private lands, including public parks, playgrounds or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this chapter. The authority may also:

(A) sell, transfer, and convey any such land or any interest therein so acquired, or any portion thereof, whether by purchase, condemnation, or otherwise, and whether such land or interest therein had been public or private, when the same shall no longer be needed for such purposes; and

(B) transfer and convey any such lands or interest therein as may be necessary or convenient for the construction and operation of any toll road project, or as otherwise required under the provisions of this chapter **to a state agency or political subdivision.**

(6) Designate the locations and establish, limit, and control such points of ingress to and egress from each toll road project as may be necessary or desirable in the judgment of the authority to ensure the proper operation and maintenance of such projects, and to prohibit entrance to such project from any point not so designated. The authority shall not grant, for the

operation of transient lodging facilities, either ingress to or egress from any project, including the service areas thereof on which are located service stations and restaurants, and including toll plazas and paved portions of the right-of-way. The authority shall cause to be erected, at its cost, at all points of ingress and egress, large and suitable signs facing traffic from each direction on the toll road. Such signs shall designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities with a population of five thousand (5,000) or more within a distance of seventy-five (75) miles on such roads of ingress or egress, and the distance in miles to such designated municipalities.

(7) Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, ~~or~~ IC 8-9.5-8, **or IC 8-15.5.** When the cost under any such contract or agreement, other than:

- (A) a contract for compensation for personal services;
- (B) a contract with the department under IC 8-9.5-8-7; ~~or~~
- (C) a lease with the department under IC 8-9.5-8-8; ~~or~~
- (D) a contract, a lease, or another agreement under IC 8-15.5;**

involves an expenditure of more than ten thousand dollars (\$10,000), the authority shall make a written contract with the lowest and best bidder after advertisement for not less than two (2) consecutive weeks in a newspaper of general circulation in Marion County, Indiana, and in such other publications as the authority shall determine. Such notice shall state the general character of the work and the general character of the materials to be furnished, the place where plans and specifications therefor may be examined, and the time and place of receiving bids. Each bid shall contain the full name of every person or company interested in it and shall be accompanied by a sufficient bond or certified check on a solvent bank that if the bid is accepted a contract will be entered into and the performance of its proposal secured. The authority may reject any and all bids. A bond with good and sufficient surety shall be required by the authority of all contractors in an amount equal to at least fifty percent (50%) of the contract price, conditioned upon the faithful performance of the contract.

(8) Employ consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, bond counsel, other attorneys with the approval of the attorney general, and other employees and agents as may be necessary in its judgment to carry out the provisions of this chapter, and to fix their compensation. However, all such expenses shall be payable solely from the proceeds of toll road revenue bonds issued under the provisions of this chapter or from revenues.

(9) Receive and accept from any federal agency, subject to IC 8-23-3, grants for or in aid of the construction of any toll road project, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made, and repay any grant to the authority or to the department from a federal agency if such repayment is necessary to free the authority from restrictions which the authority determines to be in the public

interest to remove.

(10) Establish fees, charges, terms, or conditions for any expenditures, loans, or other form of financial participation in projects authorized as public improvements on arterial streets and roads under section 1 of this chapter.

(11) Accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, other financing and assistance, and any other aid from any source and agree to and comply with conditions attached to the aid.

(12) Accept transfer of a state highway to the authority under IC 8-23-7-23 and pay the cost of conversion of the state highway to a toll road project.

(13) Enter into contracts or leases with the department under IC 8-9.5-8-7 or IC 8-9.5-8-8 and in connection with the contracts or leases agree with the department for coordination of the operation and the repair and maintenance of toll road projects and tollways which are contiguous parts of the same public road, including joint toll collection facilities and equitable division of tolls.

(14) Enter into public-private agreements under IC 8-15.5 and do all acts and things necessary or proper to carry out the purposes set forth in IC 8-15.5.

~~(14)~~ (15) Do all acts and things necessary or proper to carry out this chapter.

SECTION 10. IC 8-15-2-5.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5.2. The authority may not sell, convey, or mortgage a toll road project.**

SECTION 11. IC 8-15-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) The authority may:

(1) fix, revise, charge, and collect tolls for the use of each toll road project by any person, partnership, association, limited liability company, or corporation desiring the use of any part thereof, including the right-of-way adjoining the paved portion and for placing thereon telephone, telegraph, electric light, or power lines; ~~and~~

(2) fix the terms, conditions, and rates of charge for such use, **including assessments for the failure to pay required tolls,** subject, however, to the state's police power; ~~and~~

(3) collect tolls, user fees, or other charges through manual or nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under IC 8-15-2-17.2(a)(10), global positioning systems and photo or video based toll collection or toll collection enforcement systems.

(b) Notwithstanding subsection (a), no toll or charge shall be made by the authority **under this section or under a public-private agreement entered into under IC 8-15.5** for:

(1) the operation of temporary lodging facilities located upon or adjacent to any project, nor may the authority itself operate or gratuitously permit the operation of such temporary lodging facilities by other persons without any toll or charge; or

(2) placing in, on, along, over, or under such project, such telephone, telegraph, electric light or power lines, equipment, or facilities as may be necessary to serve establishments located on

the project or as may be necessary to interconnect any public utility facilities on one (1) side of the toll road project with those on the other side.

(c) All contracts executed by the authority shall be preserved in the principal office of the authority.

(d) In the case of a toll road project that is not leased to the department under IC 8-9.5-8-7, the tolls shall be fixed and adjusted for each toll road project so that the aggregate of the tolls from the project, together with other revenues that are available to the authority without prior restriction or encumbrance, will at least be adequate to pay:

- (1) the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements;
- (2) the principal of and the interest on bonds issued in connection with the toll road project, as the principal and interest becomes due and payable, including any reserve or sinking fund required for the project; and
- (3) the payment of principal of and interest on toll road bonds issued by the authority in connection with any other toll road project, including any reserve or sinking fund required for the project, but only to the extent that the authority provides by resolution and subject to the provisions of any trust agreement relating to the project.

(e) Not less than one (1) year before the date that final payment of all such bonds, interest, and reimbursement is expected by the chairman of the authority to be completed, the chairman shall notify the state budget committee in writing of the expected date of final payment.

(f) Such tolls shall not be subject to supervision or regulation by any other commission, board, bureau, or agency of the state.

(g) The tolls, rents, and all other revenues derived by the authority from the toll road project, **except those received in accordance with a public-private agreement under IC 8-15.5**, shall be used as follows:

- (1) To pay the cost of operating, maintaining, and repairing the toll road project, including major repairs, replacements, and improvements, to the extent that those costs are not paid out of other funds.
- (2) To the extent provided for in the resolution authorizing the issuance of bonds under this chapter or in the trust agreement securing the bonds, to pay:
 - (A) the principal of and interest on any bonds as the principal and interest become due; or
 - (B) the redemption price or purchase price of the bonds retired by call or purchase.
- (3) Except as prohibited by the resolution authorizing the issuance of bonds under this chapter or the trust agreement securing them, for any purpose relating to any toll road project, including the subject toll road project, as the authority provides by resolution.

(h) Neither the resolution nor any trust agreement by which a pledge is created needs to be filed or recorded except in the records of the authority.

(i) The use and disposition of moneys to the credit of any sinking fund shall be subject to the provisions of any resolution or resolutions authorizing the issuance of any bonds or of any trust agreement.

Except as may otherwise be provided in this chapter or in any resolution or any trust agreement, any sinking fund shall be a fund for all bonds without distinction or priority of one over another, subject, however, to such priorities as may arise from prior pledges.

(j) In the case of a toll road project that is leased to the department under IC 8-9.5-8-8, the lease must require that the department fix tolls for the toll road project that comply with IC 8-9.5-8-8(c)(6).

(k) User fees (as defined in IC 8-15.5-2-10) for a toll road project that is subject to a public-private agreement under IC 8-15.5 shall be set in accordance with IC 8-15.5-7.

SECTION 12. IC 8-15-2-14.5, AS AMENDED BY P.L.214-2005, SECTION 52, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.5. (a) Subject to the provisions and requirements of any trust agreement providing for the issuance of toll road revenue bonds and only to the extent permitted by such trust agreement, the authority shall fix the tolls for any toll road under its jurisdiction.

(b) Subsection (a) does not apply to tolls fixed, authorized, or established in accordance with a public-private agreement under IC 8-15.5.

SECTION 13. IC 8-15-2-14.7, AS ADDED BY P.L.214-2005, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14.7. (a) As used in this section, "development authority" refers to the development authority established under IC 36-7.5-2-1.

(b) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsection (d), the authority shall distribute to the development authority in calendar year 2006 and calendar year 2007 from revenues accruing to the authority from the toll road at least five million dollars (\$5,000,000) and not more than ten million dollars (\$10,000,000) each year. The amount of the distribution for a year shall be determined by the authority. The amount to be distributed each year shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of 2006 and 2007. The amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(c) Subject to the trust agreement of any outstanding bonds and subject to the requirements of subsections (d) and (e), after 2007, the authority may distribute to the development authority amounts from revenues accruing to the authority from the toll road. The amount of any distribution for a year shall be determined by the authority. Any amounts to be distributed for the year under this subsection shall be distributed in equal quarterly amounts before the last business day of January, April, July, and October of the year. Any amounts distributed under this subsection shall be deposited in the development authority fund established under IC 36-7.5-4-1.

(d) ~~A distribution may be made by the authority~~ **(b) An appropriation made by the general assembly** to the development authority under subsection (b) or (c) **may be distributed to the development authority** only if all transfers required from cities and counties to the development authority under IC 36-7.5-4-2 have been made.

~~(e) A distribution may be made by the authority~~ **(c) An appropriation made by the general assembly to the development authority may be distributed** to the development authority under subsection (c) only after:

~~(1) the budget committee has reviewed; the development authority's comprehensive strategic development plan under IC 36-7.5-3-4 and~~

~~(2) the director of the office of management and budget has approved;~~

the comprehensive strategic development plan **submitted in accordance with IC 36-7.5-3-4.**

~~(f) (d) If the Indiana Toll Road is sold or leased before January 1, 2008 (other than a lease to the department), and the sale or lease agreement does not require the purchaser or lessee to continue making the distributions required by subsection (b), the treasurer of state shall pay an amount equal to the greater of zero (0) or the result of:~~

~~(1) twenty million dollars (\$20,000,000); minus~~

~~(2) any amounts transferred to the development authority under this subsection before the sale or lease;~~

~~from the state general fund the amount, if any, appropriated by the general assembly to the development authority fund established under IC 36-7.5-4-1.~~

~~(g) (e) Amounts distributed or paid to the development authority under this section may be used for any purpose of the development authorized under IC 36-7.5.~~

~~(h) The amounts necessary to make any distributions or payments required or authorized by this section are appropriated.~~

SECTION 14. IC 8-15-2-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) All moneys received pursuant to the authority of this chapter, whether as proceeds from the sale of bonds or as revenues, shall be deemed to be trust funds, to be held and applied solely as provided in this chapter. Such funds shall be kept in depositories as selected by the authority and may be invested until expended, all as provided by law.

(b) The resolution authorizing the issuance of bonds of any issue or the trust agreement securing such bonds shall provide that any officer to whom, or any bank or trust company to which, such moneys shall be paid shall:

(1) act as trustee of such moneys; and

(2) hold and apply the same for the purposes of this chapter, subject to such regulations as this chapter and such resolution or trust agreement may provide.

(c) This section does not apply to money paid or received with respect to a toll road project that is the subject of a public-private agreement under IC 8-15.5.

SECTION 15. IC 8-15-2-17.2, AS AMENDED BY P.L.151-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.2. (a) Notwithstanding IC 9, the authority may adopt rules:

(1) Establishing weight and size limitations for vehicles using a toll road project, subject to the following:

(A) The operator of any vehicle exceeding any of the maximum allowable dimensions or weights as set out by the authority in rules and regulations shall apply to the authority in writing, for an application for a special hauling permit, which application must be in compliance with all the terms thereof, and which application must be received at least seven (7) days prior to the time of permitted entry should such permit be granted. Such permit, if granted, will be returned to the applicant in duplicate, properly completed and numbered, and the driver of the vehicle shall have a

copy to present to the toll attendant on duty at the point of entry.

(B) The authority shall assess a fee for issuing a special hauling permit. In assessing the fee, the authority shall take into consideration the following factors:

(i) The administrative cost of issuing the permit.

(ii) The potential damage the vehicle represents to the project.

(iii) The potential safety hazard the vehicle represents.

(2) Establishing the minimum speed that a motor vehicle may be driven on the interstate defense network of dual highways.

(3) Designating one-way traffic lanes on a toll road project.

(4) Determining the manner of operation of motor vehicles entering and leaving traffic lanes on a toll road project.

(5) Determining the regulation of U-turns, of crossing or entering medians, of stopping, parking, or standing, and of passing motor vehicles on a toll road project.

(6) Determining the establishment and enforcement of traffic control signs and signals for motor vehicles in traffic lanes, acceleration and deceleration lanes, toll plazas, and interchanges on a toll road project.

(7) Determining the limitation of entry to and exit from a toll road project to designated entrances and exits.

(8) Determining the limitation on use of a toll road project by pedestrians and aircraft and by vehicles of a type specified in such rules and regulations.

(9) Regulating commercial activity on a toll road project, including but not limited to:

(A) the offering or display of goods or services for sale;

(B) the posting, distributing, or displaying of signs, advertisements, or other printed or written material; and

(C) the operation of a mobile or stationary public address system.

(10) Establishing enforcement procedures and making assessments for the failure to pay required tolls.

(b) A person who violates a rule adopted under this section commits a Class C infraction. However, a violation of a weight limitation established by the authority under this section is:

(1) a Class B infraction if the total of all excesses of weight under those limitations is more than five thousand (5,000) pounds but not more than ten thousand (10,000) pounds; and

(2) a Class A infraction if the total of all excesses of weight under those limitations is more than ten thousand (10,000) pounds.

(c) It is a defense to the charge of violating a weight limitation established by the authority under this section that the total of all excesses of weight under those limitations is less than one thousand (1,000) pounds.

(d) The court may suspend the registration of a vehicle that violated:

(1) a size or weight limitation established by the authority under this section; or

(2) a rule adopted under subsection (a)(10); for a period of not more than ninety (90) days.

(e) Upon the conviction of a person for a violation of a weight or size limitation established by the authority under this section, the court may recommend suspension of the person's current chauffeur's

license only if the violation was committed knowingly.

SECTION 16. IC 8-15-2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. (a) The authority may, after adopting a resolution and after receiving the governor's approval, at any time determine under IC 8-23-7 that a toll road project constructed or operated by the authority, **other than a toll road project that is subject to a public-private agreement under IC 8-15.5**, should become a part of the system of state highways free of tolls or become a tollway under IC 8-15-3.

(b) Any resolution as to any project described in subsection (a) shall not become effective until all bonds to which the revenues of any project were pledged for payment, together with all interest thereon, is paid, or a sufficient amount for the payment of all bonds and the interest thereon to maturity is set aside in trust for the benefit of bondholders.

(c) Until any resolution is adopted by the authority under subsection (a) and becomes effective as provided in subsection (b), **and subject to the terms of any public-private agreement under IC 8-15.5**, any project constructed by the authority or its predecessors remains under the jurisdiction of the authority and the authority shall continue to maintain and operate the project and levy and collect tolls as provided in this chapter. ~~Subject to any agreement entered into by the Secretary of Commerce of the United States, acting by and through the federal highway administrator, the Indiana toll road commission, and the state, acting by and through the Indiana department of transportation,~~ Tolls on any project may be continued after the date of the payment of the principal of and interest on bonds issued for the construction of that project.

SECTION 17. IC 8-15-2-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27. **(a) Except as provided in subsection (b), and** notwithstanding any other provision of this chapter, funds generated by tolls or any other means from a toll road project that was in existence and in use on or before January 1, 1986, shall be used exclusively for purposes that are authorized and described in this chapter.

(b) If the authority enters into a public-private agreement with respect to a toll road project under IC 8-15.5, funds generated by tolls or any other means from that project shall be used as provided in IC 8-15.5.

SECTION 18. IC 8-15-2-28 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. **If the authority is a party to a public-private agreement under IC 8-15.5, the authority may authorize the operator under that agreement to exercise any or all of the powers specified in sections 1, 6, 18, and 24 of this chapter, subject to the terms of that agreement.**

SECTION 19. IC 8-15-2-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. **A United States flag shall be displayed at the primary administrative building of the Indiana Toll Road.**

SECTION 20. IC 8-15-3-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. **"Operator" refers to one (1) or more private individuals or entities that enter into a public-private agreement to do one (1) or more of the following with respect to one (1) or more tollways:**

- (1) Planning.**
- (2) Design.**
- (3) Development.**
- (4) Construction.**
- (5) Reconstruction.**
- (6) Maintenance.**
- (7) Repair.**
- (8) Financing.**
- (9) Operation.**

A public entity may provide services to an operator as a subcontractor or subconsultant without affecting the private status of the operator and the entity's or operator's ability to enter into a public-private agreement.

SECTION 21. IC 8-15-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. **"Public-private agreement" has the meaning set forth in IC 8-15.7-2-15.**

SECTION 22. IC 8-15-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. As used in this chapter, "tollway" **means includes any combination or part of:**

- (1) an express highway, superhighway, bridge, tunnel, or motor way, including express lanes and managed lanes, constructed under this chapter or IC 8-15.7 or, subject to section 10 of this chapter, converted to a tollway under IC 8-23-7-22; The term includes**
- (2) any bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service station, or administration, storage, or other buildings or facilities, including temporary facilities and buildings, facilities, and structures that will not be tolled, that the department considers appurtenant to or necessary or desirable for the financing, construction, operation, of the tollway: The term also includes or maintenance of one (1) or more of the items described in subdivision (1); and**
- (3) any subsequent improvement, betterment, enlargement, extension, or reconstruction of a tollway, including any section, which is one (1) or more items described in this section, including any nontolled part, that are separately designated by name or number.**

SECTION 23. IC 8-15-3-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. (a) **Subject to subsection (e), the governor must approve the location of any tollway.**

(b) The department may, **in any combination, plan, design, develop, construct, reconstruct, maintain, repair, police, finance, and operate tollways, public improvements, and arterial streets and roads at those locations that the governor approves.**

(c) The department may, **in any combination, plan, design, develop, construct, reconstruct, improve, finance, operate, repair, or maintain public improvements such as roads and streets, sewer lines, and water lines, and other utilities if these improvements are:**

- (1) adjacent or appurtenant to a tollway; or**
- (2) necessary or desirable for the financing, construction, operation, or maintenance of a tollway.**

(d) The department may, **in any combination, plan, design, develop, construct, reconstruct, or improve, maintain, repair,**

operate, or finance the construction or reconstruction of an arterial highway or an arterial street that:

- (1) is adjacent to, appurtenant to, or interchanges with a tollway; or**
- (2) intersects with a road or street that interchanges with a tollway.**

(e) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this chapter unless the general assembly enacts a statute authorizing that activity:

- (1) Approve the location of a tollway, other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).**
- (2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).**
- (3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).**

SECTION 24. IC 8-15-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. The department may fix, revise, charge, and collect, **retain, and use** tolls for transit over each tollway ~~the department constructs or converts from a state highway to a tollway under IC 8-23-7-22: or part of a tollway. The tolls and the setting of toll rates are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state.~~

SECTION 25. IC 8-15-3-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. The department may transfer to the tollway **or lease, license, or otherwise transfer to the authority or the operator of a tollway** any real property or interest in real property acquired by it under **section 13 or 31 of this chapter, IC 8-23-7, or otherwise that is necessary, desirable, or convenient for the financing, construction, maintenance, and operation of any tollway or part of a tollway, or as otherwise required under this chapter.**

SECTION 26. IC 8-15-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in subsection (b), the department may designate the locations and establish, limit, and control points of ingress and egress from each tollway as necessary or desirable to:

- (1) ensure the proper operation and maintenance of the tollway;**
- (2) finance the tollway;**
- ~~(2)~~ **(3) prohibit entrance to the tollway from any point that is not designated as an entrance; and**
- ~~(3)~~ **(4) provide for and permit the interconnection of a tollway with a toll road that is leased or operated by the department.**

(b) The department may not grant ingress to or egress from any tollway, service area, or toll collection area having direct access to the tollway for the operation of transient lodging facilities, including the service areas on which are located service stations and restaurants and toll plazas and paved parts of the right-of-way.

(c) The department shall erect ~~at its cost,~~ at all points of ingress and egress ~~large and~~ suitable signs facing traffic from each direction on the tollway. These signs must designate the number and other designations, if any, of all United States or state highways of ingress or egress, the names of all Indiana municipalities having a population of at least five thousand (5,000) within a distance of seventy-five (75) miles on the roads of ingress or egress, and the distance in miles to those designated municipalities.

SECTION 27. IC 8-15-3-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. The department may make and enter into all **leases, licenses, conveyances,** contracts, and agreements necessary or incidental to the performance of the department's duties and the execution of the department's powers under this chapter **and IC 8-15.7.**

SECTION 28. IC 8-15-3-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18. The department may employ consulting engineers, superintendents, managers, other engineers, construction **and experts, financial advisers,** accounting experts, attorneys, ~~(with the approval of the attorney general);~~ and other **consultants, contractors,** employees, and agents necessary to carry out this chapter **or IC 8-15.7,** and fix their compensation.

SECTION 29. IC 8-15-3-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. The department may receive and accept **in any combination** from any federal, **state, or local** agency, subject to ~~IC 8-9-5-6-1, IC 8-23-3,~~ **loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, and grants** for or in aid of the **planning, design, construction, financing, repair, rehabilitation, expansion, improvement, operation, or maintenance** of all or part of any tollway, and receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which those **loan proceeds, proceeds from lines of credit, proceeds from credit guarantees,** grants, or contributions are made. **The department may distribute any part of loan proceeds, proceeds from lines of credit, proceeds from credit guarantees, and grants received under this section to an operator as permitted by the terms of the loan, line of credit, credit guarantee, or grant.** The department, **the authority, or an operator, as required by a public-private agreement,** shall repay any **loan, line of credit, credit guarantee, or grant** from a federal, **state, or local** agency, if a repayment is necessary to free the department from restrictions that the department determines to be in the public interest to remove.

SECTION 30. IC 8-15-3-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The department may accept gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance from any source and agree to and comply with conditions attached to it. **Subject to the conditions agreed to by the department, the department may distribute any gifts, devises, bequests, grants, loans, appropriations, revenue sharing, and any other financing and assistance received under this section to an operator, as set forth in a public-private agreement.**

SECTION 31. IC 8-15-3-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) The exercise of the powers granted by this chapter **to the department or**

the authority must be in all respects for:

- (1) the benefit of the people of Indiana;
- (2) the increase of the commerce and prosperity of Indiana; and
- (3) the improvement of the health and living conditions of the people of Indiana.

(b) Since the operation and maintenance of a tollway by the department **or the authority** constitutes the performance of essential governmental functions, **neither** the department **nor the authority** is ~~not~~ required to pay any taxes or assessments upon a tollway or any property acquired or used by the department under this chapter **or IC 8-15.7** or upon the income from a tollway.

(c) **The operator under a public-private agreement is not required to pay taxes or assessments upon a tollway, any property or property interest acquired by the operator under a public-private agreement, or any possessory interest in the tollway or in property granted or created by the public-private agreement under this chapter or IC 8-15.7.**

(d) **An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in:**

- (1) a tollway; or**
- (2) property granted or created by the public-private agreement;**

is entitled to the exemption from gross retail tax and use tax provided under IC 6-2.5-4-9(b) and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

SECTION 32. IC 8-15-3-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 24. (a) Except as provided in subsection (b), the department may:

- (1) fix, revise, charge, and collect tolls, **fees, or charges** for:
 - (A) the use of a tollway or any part of a tollway, including the right-of-way adjoining the paved part of the tollway; ~~and~~
 - (B) placing on a tollway or part of a tollway telephone, telegraph, electric light, **cable, communication, gas, water, sewer, or power lines; and**
 - (C) **the initiation, administration, and maintenance of customer accounts, late payment procedures, credit card and other electronic transactions, and enforcement actions for collection of unpaid amounts; and**
 - (D) **equipment used by customers in connection with electronic tolling, including transponders;**
- (2) fix the terms, conditions, and rates of charge for use of a tollway; **and**
- (3) **retain and use tolls, fees, or charges collected in accordance with this article.**

(b) A toll or charge may not be made by the department for the following:

- (1) The operation of temporary lodging facilities located upon or adjacent to a tollway.
- (2) Placing in, on, along, over, or under a tollway any telephone, telegraph, electric light, **cable, communication, gas, water, sewer, or power lines, equipment, or facilities** that are necessary to serve establishments located on the tollway or that are necessary to interconnect any public utility facilities on one (1) side of the tollway with those on the other side.

(c) **Tollway tolls that are collected shall be deposited in a special fund so that the tolls from each tollway project may be accounted for**

and used only for the purposes of operating and maintaining the facility from which the tolls were collected.

~~(d)~~ (c) The department ~~shall may~~ fix the tolls for a tollway ~~so that, to the extent feasible, the tolls for any class of traffic are substantially uniform according to the mileage between interchanges. A reduced rate of toll is not allowed within a class except through the use of commutation or other tickets or privileges based upon frequency or volume of use.~~ **by establishing maximum amounts and may provide that tolls or any maximum tolls established, and any increases or decreases to those tolls or maximum tolls, may be based on the indices or methodologies that the department considers appropriate. The department may set an increased toll for any class of traffic for any lane or other part of a tollway if the department determines that an increased toll is necessary or appropriate for financing the tollway or to reduce traffic congestion, increase mobility, improve connectivity, promote fuel conservation, achieve operating efficiencies, or promote public safety. The department shall specify the times or conditions under which an increased toll will be imposed. A reduced rate of toll is not allowed within a class, except:**

- (1) through the use of commutation or other tickets or privileges based upon frequency or volume of use;**
- (2) as permitted under an electronic tolling program;**
- (3) as permitted under a managed lane program under section 27.5 of this chapter;**
- (4) as necessary, desirable, or appropriate for financing the tollway;**
- (5) on a part of a tollway designated by the department, in its discretion, as an area free of tolls;**
- (6) as determined appropriate by the department; or**
- (7) as permitted under a public-private agreement.**

(d) A person that passes a toll gate or other area of a tollway where a toll, charge, or fee is due without paying that amount commits a Class C infraction.

SECTION 33. IC 8-15-3-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 26. (a) The department may adopt rules under IC 4-22-2 for the following:

- (1) The control and regulation of traffic on a tollway.
- (2) The protection and preservation of property under the department's **or operator's** jurisdiction and control.
- (3) The maintenance and preservation of good order within the property under the department's **or operator's** control.

(b) Rules adopted under this chapter must provide that law enforcement officers be afforded ready access, while in the performance of their official duties, to all property under the department's jurisdiction without the payment of tolls.

(c) A person who violates a rule adopted under this section commits a Class C infraction.

SECTION 34. IC 8-15-3-27.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.5. **(a) The rules adopted under section 26 or 27 of this chapter may include restrictions on the use of one (1) or more lanes on any part of a tollway as necessary, appropriate, or desirable for financing the tollway or to reduce congestion, increase mobility, promote fuel conservation, achieve operating efficiencies, or promote public safety. The restrictions may include limiting use of one (1) or more lanes to private vehicles, high occupancy vehicles, vehicles**

that participate in an electronic tolling program, trucks, commercial vehicles, special fuel vehicles, transit vehicles, or vehicles that pay a higher toll for exclusive use of a dedicated lane. The rules may require a person eligible to use a restricted lane to obtain the permit specified by the department or an operator, as permitted under a public-private agreement.

(b) The department may require that an electronic device or other identification device specified by the department or by an operator as permitted under a public-private agreement be maintained in a vehicle using a restricted lane on a tollway.

(c) The department may construct barriers or implement other design, construction, or operational features to implement a managed lane, express lane, or other program under this section.

SECTION 35. IC 8-15-3-27.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 27.7. (a) The rules adopted under section 26 or 27 of this chapter may establish an electronic tolling program. The rules must provide at least the following:

(1) A participant must enter into a written agreement containing the terms and conditions approved by the department.

(2) An agreement must require the participant to do the following:

(A) Establish the account specified by the department and maintain the balance of funds in the account specified by the department.

(B) Hold and use any device provided to register use of a tollway that is chargeable to the participant's account in the manner specified in the rules and participant's agreement.

(C) Pay the fees, charges, and tolls specified by the department or an operator, as permitted under a public-private agreement.

(D) Comply with any other necessary or appropriate terms and conditions specified by the department or an operator, as permitted under a public-private agreement.

(3) A method for resolving disputed charges with account holders, including an agreement by the account holder to hold the department and its agents harmless for the payment of any unpaid financial obligation incurred by the account holder.

(4) The program will comply with all applicable federal and state laws, regulations, and rules regulating credit transactions between the entity holding the account and the account holder.

(5) Notice will be provided to the participant of all federal and state privacy, credit, and other laws, regulations, and policies applicable to an account and the program.

(b) The department may establish reasonable fees and charges to be charged to account holders and business entities participating in the electronic tolling program and to recover costs of administration, account initiation and maintenance, late payments, credit card and other electronic transactions, enforcement, and improvement of the program. The fees and charges shall be deposited in the appropriate special funds account for the tollways covered by the program, as specified by

the department, or used, retained, or deposited as permitted under a public-private agreement.

(c) The identifying credit and tollway use information of an electronic tolling program participant may not be used by the department or an operator for commercial purposes not related to the tollway.

SECTION 36. IC 8-15-3-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. Subject to any public-private agreement that applies to a tollway, including terms applicable to the financing of the tollway, the department may, after issuing an order and after receiving the governor's approval, at any time determine that a tollway under its jurisdiction should become a part of the system of state highways free of tolls.

SECTION 37. IC 8-15-3-34 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 34. The department may arrange for the use and employment of police officers to police a tollway. The police officers employed under this section are vested with all necessary police powers to enforce state laws. A police officer employed under this section has the same powers within the property limits of a tollway as a law enforcement officer (as defined in IC 35-41-1-17) within the law enforcement officer's jurisdiction. A warrant of arrest issued by the proper authority of the state may be executed within the property limits of the tollway by a police officer employed by the department or an operator.

SECTION 38. IC 8-15-3-35 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 35. (a) If a public-private agreement is entered into under IC 8-15.7 with respect to a project, the department may authorize:

(1) the authority to exercise all or a part of the powers of the department under this chapter necessary or desirable to accomplish the purposes of this chapter or IC 8-15.7; and

(2) the operator under the public-private agreement to exercise all or a part of the powers of the department under sections 9, 16, 29, and 30 of this chapter under the public-private agreement.

(b) The department may authorize the authority to exercise all or a part of the powers of the department under this chapter necessary or desirable to accomplish the purposes of this chapter.

SECTION 39. IC 8-15.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 15.5. PUBLIC-PRIVATE AGREEMENTS FOR TOLL ROAD PROJECTS

Chapter 1. General Provisions

Sec. 1. The powers conferred by this article are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

Sec. 2. (a) This article contains full and complete authority for public-private agreements between the authority and a private entity. Except as provided in this article, no law, procedure, proceeding, publication, notice, consent, approval, order, or act by the authority or any other officer, department, agency, or instrumentality of the state or any political subdivision is

required for the authority to enter into a public-private agreement with a private entity under this article, or for a toll road project that is the subject of a public-private agreement to be constructed, acquired, maintained, repaired, operated, financed, transferred, or conveyed.

(b) Notwithstanding any other law, after August 1, 2006, neither the authority nor the department may:

- (1) issue a request for proposals for; or
- (2) enter into;

a public-private agreement under this article that would authorize an operator to impose tolls for the operation of motor vehicles on all or part of a project, unless the general assembly adopts a statute authorizing the imposition of tolls.

(c) Notwithstanding any other law, neither the authority nor an operator may carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

- (1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).
- (2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

Sec. 3. The general assembly finds and determines that:

- (1) the state has limited resources to fund the maintenance and expansion of the state transportation system, including toll roads, and therefore alternative funding sources should be developed to supplement public revenue sources;
- (2) the Indiana finance authority should be authorized to solicit, evaluate, negotiate, and administer agreements with the private sector for the purposes described in subdivision (1); and
- (3) it is necessary to serve the public interest and to provide for the public welfare by adopting this article for the purposes described in this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Authority" refers to the Indiana finance authority.

Sec. 3. "Department" refers to the Indiana department of transportation.

Sec. 4. "Offeror" means a private entity that has submitted a proposal for a public-private agreement under this article.

Sec. 5. "Operator" means a private entity that has entered into a public-private agreement with the authority.

Sec. 6. "Private entity" means any individual, sole proprietorship, corporation, limited liability company, joint venture, general partnership, limited partnership, nonprofit entity, or other private legal entity. A public agency may provide services to a private entity without affecting the private status of the private entity and the ability to enter into a public-private agreement.

Sec. 7. "Project" or "toll road project" has the meaning set forth in IC 8-15-2-4(4).

Sec. 8. "Public-private agreement" means an agreement under

this article between a private entity and the authority under which the private entity, acting on behalf of the authority as lessee, licensee, or franchisee, will plan, design, acquire, construct, reconstruct, improve, extend, expand, lease, operate, repair, manage, maintain, or finance a toll road project.

Sec. 9. "Request for proposals" means all materials and documents prepared by or on behalf of the authority to solicit proposals from offerors to enter into a public-private agreement.

Sec. 10. "User fees" means the rates, tolls, or fees imposed for the use of, or incidental to, all or any part of a toll road project under a public-private agreement.

Chapter 3. Authority to Enter Into Public-Private Agreements

Sec. 1. Subject to the other provisions of this article, the authority and a private entity may enter into a public-private agreement with respect to a toll road project. Subject to the requirements of this article, a public-private agreement may provide that the private entity is partially or entirely responsible for any combination of the following activities with respect to the project:

- (1) Planning.
- (2) Design.
- (3) Acquisition.
- (4) Construction.
- (5) Reconstruction.
- (6) Improvement.
- (7) Extension or expansion.
- (8) Operation.
- (9) Repair.
- (10) Management.
- (11) Maintenance.
- (12) Financing.

Chapter 4. Selection of Operator by Request for Proposals

Sec. 1. Before entering into a public-private agreement under this article, the authority must issue a request for proposals as set forth in this chapter. A request for proposals for a toll road project may be issued by the authority in one (1) or more phases and may include a request for qualifications.

Sec. 2. A request for proposals issued by the authority must include the following:

- (1) The factors or criteria that will be used in evaluating the proposals.
- (2) A statement that a proposal must be accompanied by evidence of financial responsibility as considered appropriate and satisfactory by the authority.
- (3) A statement concerning whether discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.
- (4) A statement concerning any other information that the authority may consider in evaluating the proposals.
- (5) A statement that, except as otherwise required by law or under order from a court with jurisdiction, the authority may not disclose the contents of proposals during:
 - (A) discussions; or
 - (B) negotiations;
 with eligible offerors to other eligible offerors.

Sec. 3. Notice of a request for proposals shall be given by publication in accordance with IC 5-3-1.

Sec. 4. As provided in a request for proposals, discussions may be conducted with the offerors for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements.

Sec. 5. Eligible offerors must be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals.

Sec. 6. (a) The authority may not disclose the contents of proposals during discussions or negotiations with eligible offerors.

(b) The authority may, in its discretion in accordance with IC 5-14-3, treat as confidential all records relating to discussions or negotiations between the authority and eligible offerors if those records are created while discussions or negotiations are in progress.

(c) Notwithstanding subsections (a) and (b), and with the exception of parts that are confidential under IC 5-14-3, the terms of the selected offer negotiated under this article shall be available for inspection and copying under IC 5-14-3 after negotiations with the offerors have been completed.

(d) When disclosing the terms of the selected offer under subsection (c), the authority shall certify that the information being disclosed accurately and completely represents the terms of the selected offer.

Sec. 7. (a) The authority shall negotiate with one (1) or more responsible offerors who submit proposals that are determined to be reasonably capable of being selected for a public-private agreement and may seek to obtain a final offer from one (1) or more responsible offerors.

(b) In determining whether one (1) or more responsible offerors are reasonably capable of being selected for a public-private agreement, the authority must consider all the following:

- (1) The responsible offeror's expertise, qualifications, competence, skills, and know-how to perform its obligations under the proposed public-private agreement in accordance with the public-private agreement.
- (2) The financial strength of the responsible offeror, including its capitalization.
- (3) The experience of the responsible offeror in operating toll roads and highways and other similar projects and the quality of the responsible offeror's past or present performance on other similar or equivalent projects.
- (4) The integrity, background, and reputation of the responsible offeror, including the absence of criminal, civil, or regulatory claims or actions against the responsible offeror.

(c) The requirements set forth in subsection (b) also apply to the approval by the authority of any successor or replacement operator under the public-private agreement after the execution of the public-private agreement under section 11 of this chapter.

(d) In making its determination under subsection (b) or (c), the authority shall consider the offeror or operator as well as any private entity that controls the actions of the offeror or operator.

Sec. 8. After the final offers from responsible offerors have been negotiated under section 7 of this chapter, the authority shall:

- (1) make a preliminary selection of an offeror as the operator for the related toll road project, whose final offer is referred to in this article as the "selected offer"; or
- (2) terminate the request for proposal process.

Sec. 9. If the authority makes a preliminary selection of an operator under section 8 of this chapter, the authority shall schedule a public hearing on the preliminary selection and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the related toll road project and of the public-private agreement to be awarded.
- (4) The identity of the offeror that has been preliminarily selected as the operator for the project.
- (5) The address and telephone number of the authority.
- (6) A statement indicating that, subject to section 6 of this chapter, and except for those portions that are confidential under IC 5-14-3, the selected offer and an explanation of the basis upon which the preliminary selection was made are available for public inspection and copying at the principal office of the authority during regular business hours.

Sec. 10. (a) Subject to section 6 of this chapter, and except for those parts that are confidential under IC 5-14-3, the selected offer and a written explanation of the basis upon which the preliminary selection was made shall be made available for inspection and copying in accordance with IC 5-14-3 at least seven (7) days before the hearing scheduled under section 9 of this chapter.

(b) At the hearing, the authority shall allow the public to be heard on the preliminary selection.

Sec. 11. (a) After the procedures required in this chapter have been completed, the authority shall make a determination as to whether the offeror that submitted the selected offer should be designated as the operator for the related toll road project and shall submit the authority's determination to the governor and the budget committee.

(b) After review of the authority's determination by the budget committee, the governor may accept or reject the determination of the authority. If the governor accepts the determination of the authority, the governor shall designate the offeror who submitted the selected offer as the operator for the related toll road project. The authority shall publish notice of the designation of the operator for the related toll road project one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the operator for the related toll road project, the authority may execute the public-private agreement with that operator.

Sec. 12. Any action to contest the validity of a public-private agreement entered into under this chapter may not be brought after the fifteenth day following the publication of the notice of the designation of an operator under the public-private agreement as provided in section 11 of this chapter.

Sec. 13. The authority shall disclose the contents of all proposals, except the parts of the proposals that may be treated as confidential in accordance with IC 5-14-3, when either:

(1) the request for proposal process is terminated under section 8 of this chapter; or

(2) the public-private agreement has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted.

Chapter 5. Terms and Conditions of Public-Private Agreements

Sec. 1. (a) Before developing or operating a toll road project, a private entity that has been selected as the operator of a toll road project under this article shall enter into a public-private agreement with the authority setting forth the rights and duties of the operator under this article.

(b) A public-private agreement entered into under this article must be approved by the governor before its execution.

Sec. 2. A public-private agreement entered into under this article must provide for the following:

(1) The original term of the public-private agreement, which may not exceed seventy-five (75) years.

(2) Provisions for a:

(A) lease, franchise, or license of the toll road project and the real property owned by the authority upon which the toll road project is located or is to be located; or

(B) management agreement or other contract to operate the toll road project and the real property owned by the authority upon which the toll road project is located or is to be located;

for a predetermined period. The public-private agreement must provide for ownership of all improvements and real property by the authority in the name of the state.

(3) Monitoring of the operator's maintenance practices by the authority and the taking of actions by the authority that it considers appropriate to ensure that the toll road project is properly maintained.

(4) The basis upon which user fees that may be collected by the operator, as determined under this article, are established.

(5) Compliance with applicable state and federal laws and local ordinances.

(6) Grounds for termination of the public-private agreement by the authority or the operator.

(7) The date of termination of the operator's authority and duties under this article.

(8) Procedures for amendment of the agreement.

Sec. 3. In addition to the requirements of section 2 of this chapter, a public-private agreement may include additional provisions concerning the following:

(1) Review and approval by the authority of the operator's plans for the development and operation of the toll road project.

(2) Inspection by the authority of construction of or improvements to the toll road project.

(3) Maintenance by the operator of a policy or policies of public liability insurance (copies of which shall be filed with the authority, accompanied by proofs of coverage) or self-insurance, each in a form and amount satisfactory to the authority to insure coverage of tort liability to the public and employees and to enable the continued operation of the

toll road project.

(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the authority.

(5) Filing by the operator, on a periodic basis, of appropriate traffic reports in a form acceptable to the authority.

(6) Payments to the operator. These payments may consist of one (1) or more of the following:

(A) The retention by the operator of the revenues collected by the operator in the operation and management of the toll road project.

(B) Payments made to the operator by the authority.

(C) Other sources of payment or revenue to the operator, if any.

(7) Financing obligations of the operator and the authority, including entering into agreements for the benefit of the financing parties.

(8) Apportionment of expenses between the operator and the authority.

(9) The rights and duties of the operator, the authority, and other state and local governmental entities with respect to use of the toll road project, including the state police department and other law enforcement and public safety agencies.

(10) Arbitration or other dispute resolution mechanisms or remedies for the settlement of claims and other disputes arising under the agreement.

(11) Payment of money to either party upon default or delay, or upon termination of the public-private agreement, with the payments to be used:

(A) in the form of liquidated damages to compensate the operator for demonstrated unamortized costs, lost profits, or other amounts as provided in the agreement;

(B) to retire or refinance indebtedness related to the toll road project or the public-private agreement; or

(C) for any other purpose mutually agreeable to the operator and the authority.

(12) Indemnification of the operator by the authority under conditions specified in the agreement.

(13) Assignment, subcontracting, or other delegation of responsibilities of the operator or the authority under the agreement to third parties, including other private entities, the department, and other state agencies.

(14) Sale or lease to the operator of personal property related to the toll road project.

(15) Other lawful terms and conditions to which the operator and the authority mutually agree.

Sec. 4. (a) The operator may finance its obligations with respect to the toll road project and the public-private agreement in the amounts and upon the terms and conditions determined by the operator.

(b) The operator may:

(1) issue debt, equity, or other securities or obligations;

(2) enter into sale and leaseback transactions; and

(3) secure any financing with a pledge of, security interest in, or lien on any user fees charged and collected for the use of the toll road project and any property interest of the

operator in the toll road project.

However, any bonds, debt, other securities, or other financing issued for the purposes of this article shall not be considered to constitute a debt of the state or any political subdivision of the state or a pledge of the faith and credit of the state or any political subdivision.

(c) The operator may deposit the user fees charged and collected for the use of the toll road project in a separate account held by a trustee or escrow agent for the benefit of the secured parties of the operator.

Sec. 5. Notwithstanding any contrary provision of this article, the authority may enter into a public-private agreement with multiple private entities if the authority determines in writing that it is in the public interest to do so.

Sec. 6. The department or any other state agency may perform any duties and exercise any powers of the authority under this article or the public-private agreement that have been assigned, subcontracted, or delegated to it by the authority.

Chapter 6. Construction and Operating Standards for Toll Road Projects

Sec. 1. The plans and specifications for each toll road project constructed under this article must comply with:

- (1) the authority's standards for other projects of a similar nature, except as otherwise provided in the public-private agreement; and
- (2) any other applicable state or federal standards.

Sec. 2. Unless otherwise provided by federal law, the operator or any contractor or subcontractor of the operator engaged in the construction of a toll road project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

Sec. 3. The operator or any contractor or subcontractor of the operator engaged in the construction of a toll road project is subject to:

- (1) the provisions of 25 IAC 5 concerning equal opportunities for minority business enterprises and women's business enterprises to participate in procurement and contracting processes; and
- (2) the provisions that may be established by the authority in a public-private agreement with respect to awarding contracts to Indiana businesses (as defined in IC 5-22-15-20.5).

Sec. 4. Each toll road project constructed or operated under this article is considered to be part of the state highway system designated under IC 8-23-4-2 for purposes of identification, maintenance standards, and enforcement of traffic laws.

Sec. 5. An operator may enter into agreements for maintenance or other services under this article with the authority, the department, or other state agencies. The authority may:

- (1) with the assistance of all applicable state agencies, establish a unified permitting and licensing process for the processing and issuance of all necessary permits and licenses for toll road projects under this article, including, but not limited to, all environmental permits and business and tax

licenses; and

- (2) provide other services for which the authority is reimbursed, including, but not limited to, preliminary planning, environmental certification (including the procurement of all necessary environmental permits), and preliminary design of toll road projects under this article.

Sec. 6. The authority shall seek the cooperation of federal and local agencies to expedite all necessary federal and local permits, licenses, and approvals necessary for toll road projects under this article.

Chapter 7. User Fees

Sec. 1. (a) Notwithstanding IC 8-9.5-8 and IC 8-15-2-14(j), the authority may fix and revise the amounts of user fees that an operator may charge and collect for the use of any part of a toll road project in accordance with the public-private agreement.

(b) In fixing the amounts referred to in subsection (a), the authority may:

- (1) establish maximum amounts for the user fees; and
- (2) provide for increases or decreases of the user fees or the maximum amounts established based upon the indices, methodologies, or other factors that the authority considers appropriate.

Sec. 2. A schedule of the current user fees shall be made available by the operator to any member of the public on request.

Sec. 3. User fees established by the authority under this article are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state, or by any political subdivision.

Sec. 4. User fees established by the authority under section 1 of this chapter for the use of a toll road project must be nondiscriminatory and may:

- (1) include different user fees based on categories such as vehicle class, vehicle size, vehicle axles, vehicle weight, volume, location, or traffic congestion or such other means or classification as the authority determines to be appropriate;
- (2) vary by time of day or year; or
- (3) be based on one (1) or more factors considered relevant by the authority, which may include any combination of:

- (A) the costs of:
 - (i) operation;
 - (ii) maintenance; and
 - (iii) repair and rehabilitation;
- (B) debt service payments on bonds or other obligations;
- (C) adequacy of working capital;
- (D) depreciation;
- (E) payment of user fees, any state, federal, or local taxes, or payments in lieu of taxes; and
- (F) the sufficiency of income to:
 - (i) maintain the toll road project in a sound physical and financial condition to render adequate and efficient service; and
 - (ii) induce an operator to enter into a public-private agreement.

Sec. 5. A public-private agreement may:

- (1) grant an operator a license or franchise to charge and collect tolls for the use of the toll road project;

(2) authorize the operator to adjust the user fees charged and collected for the use of the toll road project, so long as the amounts charged and collected by the operator do not exceed the maximum amounts established by the authority under section 1 of this chapter;

(3) provide that any adjustment by the operator permitted under subdivision (2) may be based on such indices, methodologies, or other factors as described in the public-private agreement or as approved by the authority;

(4) authorize the operator to charge and collect user fees through manual and nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the authority under IC 8-15-2-17.2(a)(10), global positioning systems and photo or video based toll collection or toll collection enforcement systems; and

(5) authorize the collection of user fees charges by a third party.

Sec. 6. (a) As used in this section, "Class 2 vehicle" means any vehicle with two (2) axles, including motorcycles.

(b) If the authority enters into a public-private agreement concerning the operation of the Indiana Toll Road, the authority shall enter into a written agreement with the operator concerning the implementation of electronic or nonmanual means of collecting user fees imposed on Class 2 vehicles.

Sec. 7. (a) After expiration of a public-private agreement, the authority may:

(1) continue to charge user fees for the use of the toll road project; or

(2) delegate to a third party the authority to continue to collect the user fees.

(b) Revenues collected under this section must first be used for operations and maintenance of the toll road project. Any revenues determined by the authority to be excess must be paid to the authority for deposit in the toll road fund established by IC 8-15.5-11.

Sec. 8. Any action to contest the validity of user fees fixed under this chapter may not be brought after the fifteenth day following the effective date of a rule fixing the user fees adopted under IC 4-22-2-37.1(a)(30).

Chapter 8. Taxation of Operators

Sec. 1. A toll road project and tangible personal property used exclusively in connection with a toll road project that are:

(1) owned by the authority and leased, franchised, licensed, or otherwise conveyed to an operator; or

(2) acquired, constructed, or otherwise provided by an operator in connection with the toll road project;

under the terms of a public-private agreement are considered to be public property devoted to an essential public and governmental function and purpose and the property, and an operator's leasehold estate, franchise, license, and other interests in the property, are exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

Sec. 2. Income received by an operator under the terms of a public-private agreement is subject to taxation in the same manner as income received by other private entities.

Sec. 3. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in the toll road project is not exempt from the application of the gross retail or use tax under IC 6-2.5 with respect to such a purchase.

Chapter 9. Records of Operators

Sec. 1. Records that are provided by an operator to the authority that relate to compliance by an operator with the terms of a public-private agreement are subject to inspection and copying in accordance with IC 5-14-3.

Chapter 10. Additional Powers of the Authority Concerning Toll Road Projects

Sec. 1. The authority may exercise any powers provided under this article in participation or cooperation with the department or any other governmental entity and enter into any contracts to facilitate that participation or cooperation without compliance with any other statute.

Sec. 2. (a) The authority may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's duties and the execution of the authority's powers under this article. These contracts or agreements are not subject to any approvals other than the approval of the authority and may be for any term of years and contain any terms that are considered reasonable by the authority.

(b) The department and any other state agency may make and enter into all contracts and agreements necessary or incidental to the performance of the duties and the execution of the powers granted to the department or the state agency in accordance with this article or the public-private agreement. These contracts or agreements are not subject to any approvals other than the approval of the department or state agency and may be for any term of years and contain any terms that are considered reasonable by the department or the state agency.

Sec. 3. (a) The authority may pay any amounts owed by the authority under a public-private agreement entered into under this article from any funds available to the authority under this article or any other statute.

(b) Subject to review by the budget committee established by IC 4-12-1-3 and approval by the budget director appointed under IC 4-12-1-3, a public-private agreement entered into under this article may:

(1) establish a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to pay any amounts owed by the authority under a public-private agreement; or

(2) otherwise create a moral obligation of the state to pay any amounts owed by the authority under the public-private agreement.

(c) The authority may issue bonds under IC 4-4-11 or IC 8-15-2 to provide funds for any amounts identified under this section without complying with IC 8-9.5-8-10.

Sec. 4. For purposes of this article, the authority may authorize an operator under a public-private agreement to perform any of its duties under IC 8-15-2-1, IC 8-15-2-6, IC 8-15-2-18, and IC 8-15-2-24.

Sec. 5. The authority may exercise any of its powers under IC 8-15-2 or any other provision of the Indiana Code as

necessary or desirable for the performance of the authority's duties and the execution of the authority's powers under this article.

Sec. 6. The authority may not take any action under this chapter that would impair the public-private agreement entered into under this article.

Sec. 7. (a) The authority shall enter into an agreement between and among the operator, the authority, and the state police department concerning the provision of law enforcement assistance with respect to a toll road project that is the subject of a public-private agreement under this article.

(b) The authority shall enter into arrangements with the state police department related to costs incurred in providing law enforcement assistance under this article.

(c) All law enforcement officers of the state and any political subdivision have the same powers and jurisdiction within the limits of a toll road project as they have in their respective areas of jurisdiction, including the roads and highways of the state. These law enforcement officers shall have access to a toll road project that is the subject of a public-private agreement to exercise their powers and jurisdiction.

Chapter 11. Toll Road Fund

Sec. 1. As used in this chapter, "account" refers to an account established within the fund.

Sec. 2. As used in this chapter, "fund" refers to the toll road fund established by section 3 of this chapter.

Sec. 3. (a) The toll road fund is established to provide funds to:

- (1) pay or defease certain bonds in the manner provided by this chapter;
- (2) pay amounts owed by the authority in connection with the execution and performance of a public-private agreement under this article, including operating expenses of the authority; and
- (3) make distributions to the next generation trust fund and the major moves construction fund.

(b) The authority shall hold, administer, and manage the fund.

(c) Expenses of administering the fund shall be paid from money in the fund.

(d) The fund consists of the following:

- (1) Money received from an operator under a public-private agreement.
- (2) Appropriations, if any, made by the general assembly.
- (3) Grants and gifts intended for deposit in the fund.
- (4) Interest, premiums, gains, or other earnings on the fund.
- (5) Amounts transferred to the fund under subsection (i).
- (6) Amounts transferred to the fund under IC8-14-14-6(a)(5)

(e) The authority shall establish the following separate accounts within the fund:

- (1) The bond retirement account.
- (2) The administration account.
- (3) The eligible project account.

(f) Money in the fund shall be deposited, paid, and secured in the manner provided by IC 4-4-11-32. Notwithstanding IC 5-13, the authority shall invest the money in the fund that is not needed to meet the obligations of the fund in the manner provided by an investment policy established by resolution of the authority.

(g) The fund is not part of the state treasury and is considered a trust fund for purposes of IC 4-9.1-1-7. Money may not be transferred, assigned, or otherwise removed from the fund by the state board of finance, the budget agency, or any other state agency.

(h) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(i) As soon as practicable after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall determine the total balance remaining in all toll road funds and accounts established under IC 8-15-2. Subject to any applicable trust indentures securing toll road bonds, the authority may retain from those funds and accounts the amounts necessary to pay outstanding obligations with respect to the operation of the Indiana Toll Road incurred before the effective date of the public-private agreement, and shall transfer all remaining balances in the toll road funds and accounts to the fund.

Sec. 4. (a) Before any allocations are made from the fund under this chapter, the authority shall determine:

- (1) the extent to which outstanding bonds issued by the authority under IC 8-14.5-6 or IC 8-15-2 should be repaid, defeased, or otherwise retired;
- (2) the total amount necessary to repay, defease, or otherwise retire the bonds selected by the authority for repayment, defeasance, or retirement; and
- (3) the total amount necessary to pay the amounts owed by the authority related to the execution and performance of a public-private agreement under this article, including establishing reserves, plus the amount necessary to establish an escrow account to implement a written agreement entered into under IC 8-15.5-7-6 to fund reductions in, or refunds of, user fees imposed on Class 2 vehicles.

The authority shall make a separate determination of the amount described in subdivision (3) for each public-private agreement. The amount described in subdivision (3) is payable solely from money received by the authority under the public-private agreement for which the amounts owed were incurred, and are not payable from lease payments received under IC 8-9.5 or IC 8-14.5.

(b) Before making any allocations from the fund under subsection (c) or (d), the authority shall allocate the amount determined under subsection (a)(2) to the bond retirement account. Money in this account may be used only for the purpose described in section 3(a)(1) of this chapter.

(c) After making the allocation required by subsection (b) and before making the allocations required by subsection (d), the authority shall allocate the amount determined under subsection (a)(3) to the administration account. Money in this account may be used only for the purpose described in section 3(a)(2) of this chapter.

(d) After making the allocations required by subsections (b) and (c), the remaining money received during each state fiscal year under a public-private agreement under this article shall be allocated to the eligible project account. Money in this account may be used only for the purposes described in section 3(a)(3) of

this chapter. Within thirty (30) days after a public-private agreement concerning the Indiana Toll Road has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted, the authority shall transfer:

- (1) five hundred million dollars (\$500,000,000) of the money in the eligible project account to the next generation trust fund established under IC 8-14-15; and
- (2) the remainder of the money in the eligible project account to the major moves construction fund.

In addition, any amounts transferred to the fund under section 3(i) of this chapter after the date described in this subsection shall be transferred to the major moves construction fund.

Sec. 5. The money allocated to the eligible project account must be used to make distributions to the next generation trust fund and the major moves construction fund, as provided by section 4 of this chapter.

Chapter 12. Prohibited Local Action

Sec. 1. A political subdivision (as defined in IC 36-1-2-13) may not take any action that would have the effect of impairing a public-private agreement under this article.

Chapter 13. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in an operator.
- (2) The person is an officer of an operator.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in an operator.
- (4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

- (1) The term during which the operator is a party to a public-private agreement entered into under this article.
- (2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony.

SECTION 40. IC 8-15.7 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 15.7. PUBLIC-PRIVATE PARTNERSHIPS

Chapter 1. General Provisions

Sec. 1. The general assembly finds the following:

- (1) There is a public need for timely development and operation of transportation facilities in Indiana that address the needs identified by the department, through the department's transportation plan and otherwise, by accelerating project delivery, improving safety, reducing congestion, increasing mobility, improving connectivity, increasing capacity, enhancing economic efficiency, promoting economic development, or any combination of those methods.
- (2) This public need may not be wholly satisfied by existing methods of procurement and project delivery in which transportation facilities are developed, financed, or operated.
- (3) Authorizing private entities to do all or part of the development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing, and operation of one (1) or more transportation facilities may result in the availability of the transportation facilities to the public in a more timely, more efficient, or less costly fashion, thereby serving the public safety and welfare.

Sec. 2. An action, other than an approval by the authority or the department under IC 8-15.7-4, serves the public purpose of this article if the action facilitates the timely development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing, or operation of a qualifying project.

Sec. 3. It is the intent of this article to:

- (1) encourage investment in Indiana by private entities that facilitates the development, planning, design, construction, maintenance, repair, rehabilitation, expansion, financing, and operation of transportation facilities; and
- (2) grant public and private entities the greatest possible flexibility in contracting with each other for the provision of the public services that are the subject of this article.

Sec. 4. The powers conferred by this article shall be liberally construed in order to accomplish their purposes and are in addition and supplemental to the powers conferred by any other law. If any other law or rule is inconsistent with this article, this article is controlling as to any public-private agreement entered into under this article.

Sec. 5. (a) This article contains full and complete authority for agreements and leases with private entities to carry out the activities described in this article. Except as provided in this article, no procedure, proceeding, publication, notice, consent, approval, order, or act by the authority, the department, or any

other state or local agency or official is required to enter into an agreement or lease, and no law to the contrary affects, limits, or diminishes the authority for agreements and leases with private entities, except as provided by this article.

(b) Notwithstanding any other law, the department, the authority, or an operator may not carry out any of the following activities under this article unless the general assembly enacts a statute authorizing that activity:

- (1) Issuing a request for proposals for, or entering into, a public-private agreement concerning a project other than Interstate Highway 69 between Interstate Highway 465 and Interstate Highway 64.
- (2) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).
- (3) Imposing user fees on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

Sec. 6. To the extent that this article permits or requires the authority, the department, or a private entity to carry out any law other than this article under a public-private agreement, the action shall be carried out in conformity with this article.

Chapter 2. Definitions

Sec. 1. The definitions in this chapter apply throughout this article.

Sec. 2. "Affected jurisdiction" means the following:

- (1) Any county, city, or town in which all or a part of a qualifying project is located.
- (2) Any other public entity directly affected by the qualifying project.

Sec. 3. "Authority" or "Indiana finance authority" refers to the Indiana finance authority established by IC 4-4-11-4.

Sec. 4. "Department" refers to the Indiana department of transportation.

Sec. 5. "Develop" or "development" means to do one (1) or more of the following:

- (1) Plan.
- (2) Design.
- (3) Develop.
- (4) Lease.
- (5) Acquire.
- (6) Install.
- (7) Construct.
- (8) Reconstruct.
- (9) Rehabilitate.
- (10) Extend.
- (11) Expand.

Sec. 6. "Highway, street, or road" has the meaning set forth in IC 8-23-1-23.

Sec. 7. "Law enforcement officer" has the meaning set forth in IC 35-41-1-17.

Sec. 8. "Maintenance" includes ordinary maintenance, repair, rehabilitation, capital maintenance, maintenance replacement, and any other categories of maintenance that may be designated by the department.

Sec. 9. "Offeror" means a private entity that has submitted a qualification submittal or a proposal for a public-private agreement under this article.

Sec. 10. "Operate" or "operation" means to do one (1) or more of the following:

- (1) Maintain.
- (2) Improve.
- (3) Equip.
- (4) Modify.
- (5) Otherwise operate.

Sec. 11. "Operator" means a private entity that has entered into a public-private agreement with the department to provide services to or on behalf of the department.

Sec. 12. "Political subdivision" has the meaning set forth in IC 36-1-2-13.

Sec. 13. "Private entity" means any combination of one (1) or more individuals, corporations, general partnerships, limited liability companies, limited partnerships, joint ventures, business trusts, nonprofit entities, or other business entities that are parties to a proposal for a qualifying project or a public-private agreement related to a qualifying project. A public agency may provide services to an operator as a subcontractor or subconsultant without affecting the private status of the private entity and the entity's or operator's ability to enter into a public-private agreement.

Sec. 14. Subject to IC 8-15.7-1-5, "project" means all or part of the following:

- (1) A limited access facility (as defined in IC 8-23-1-28).
- (2) A tollway.
- (3) Roads and bridges.
- (4) All or part of a bridge, tunnel, overpass, underpass, interchange, structure, ramp, access road, service road, entrance plaza, approach, tollhouse, utility corridor, toll gantry, rest stop, service area, or administration, storage, or other building or facility, including temporary facilities and buildings or facilities and structures that will not be tolled, that the department determines is appurtenant, necessary, or desirable for the development, financing, or operation of the facilities described in subdivisions (1), (2), and (3).
- (5) An improvement, betterment, enlargement, extension, or reconstruction of all or part of any of the facilities described in this section, including a nontolled part, that is separately designated by name or number.

Sec. 15. "Public-private agreement" means the public-private agreement between the operator and the department that relates to any combination of the development, financing, or operation of a qualifying project and is entered into under this article.

Sec. 16. "Qualifying project" means one (1) or more projects developed, financed, or operated by an operator under this article.

Sec. 17. "Request for proposals" means all materials and documents prepared by or on behalf of the department to solicit proposals from offerors to enter into a public-private agreement.

Sec. 18. "Request for qualifications" means all materials and documents prepared by or on behalf of the department to solicit qualification submittals from offerors to enter into a public-private agreement.

Sec. 19. "Revenues" means all revenues, including any combination of:

- (1) income;
- (2) earnings and interest;
- (3) user fees;
- (4) lease payments;
- (5) allocations;
- (6) federal, state, and local appropriations, grants, loans, lines of credit, and credit guarantees;
- (7) bond proceeds;
- (8) equity investments; or
- (9) other receipts;

arising out of or in connection with a qualifying project, including the development, financing, and operation of a qualifying project. The term includes money received as grants, loans, lines of credit, credit guarantees, or otherwise in aid of a qualifying project from the federal government, the state, a political subdivision, or any agency or instrumentality of the federal government, the state, or a political subdivision.

Sec. 20. "Tollway" has the meaning set forth in IC 8-15-3-7.

Sec. 21. "Transportation plan" has the meaning set forth in IC 8-23-1-41.

Sec. 22. "User fees" means the rates, tolls, or fees imposed for use of, or incidental to, all or part of a qualifying project under a public-private agreement.

Chapter 3. Formation of an Agreement

Sec. 1. Subject to IC 8-15.7-1-5, the department may exercise the powers granted by this article to carry out:

- (1) the development;
- (2) the financing;
- (3) the operation; or
- (4) any combination of the development, financing, and operation;

of all or part of one (1) or more projects through public-private agreements with one (1) or more private entities. The parties to a public-private agreement that relates to a tollway or a project that otherwise charges user fees may exercise any of the powers granted to the party under IC 8-15-3. The department may use the revenues arising out of one (1) project or public-private agreement for all or part of the development, financing, and operation of any part of one (1) or more other projects through public-private agreements with one (1) or more private entities or as otherwise considered appropriate by the department.

Sec. 2. An operator has:

- (1) all powers allowed by law generally to a private entity having the same form of organization as the operator; and
- (2) the power to develop, finance, and operate the qualifying project and impose user fees in connection with the use of the qualifying project.

Tolls or user fees may not be imposed by the operator except as set forth in a public-private agreement. User fees and the setting of user fee rates are not subject to supervision or regulation by any commission, board, bureau, or agency of the state or any municipality, other than the department to the extent set forth in the public-private agreement.

Sec. 3. The operator may own, lease, or acquire any property interest or other right to develop, finance, or operate the

qualifying project.

Sec. 4. In operating the qualifying project, the operator may do the following:

- (1) Make user classifications as permitted in the public-private agreement.
- (2) As permitted in the public-private agreement or otherwise with the consent of the department, make and enforce reasonable rules to the same extent that the department may make and enforce rules with respect to a similar project.

Sec. 5. The department shall establish a program to facilitate participation in qualifying projects by:

- (1) small businesses that qualify for a small business set-aside under IC 4-13.6-2-11;
- (2) businesses certified under IC 4-13-16.5 as a minority business enterprise;
- (3) businesses certified under IC 4-13-16.5 as a women's business enterprise;
- (4) businesses treated as disadvantaged business enterprises under federal or state law; and
- (5) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations.

Chapter 4. Procurement Process

Sec. 1. (a) The department may request proposals from private entities for all or part of the development, financing, and operation of one (1) or more projects.

(b) If all or part of the project will consist of a tollway, the department shall take the following steps before the commencement of the procurement process under this chapter:

- (1) The department shall cause to be prepared a preliminary feasibility study on that part of the project consisting of a tollway by a firm or firms internationally recognized in the preparation of studies or reports on the financial feasibility of proposed toll road projects. The preliminary feasibility study must be based upon a public-private financial and project delivery structure.
- (2) After the completion of the preliminary feasibility study, the department shall schedule a public hearing on the proposed project and the preliminary feasibility study and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (A) The date, time, and place of the hearing.
- (B) The subject matter of the hearing.
- (C) A description of the proposed project, its location, the part of the project consisting of a tollway, and, consistent with the assessments reached in the preliminary feasibility study, the estimated total cost of the acquisition, construction, installation, equipping, and improving of the proposed project, as well as the part of the project consisting of a tollway.
- (D) The address and telephone number of the department.

(3) At the hearing, the department shall allow the public to be heard on the proposed project and the preliminary feasibility study.

(4) After the public hearing described in subdivision (2), the department shall submit the preliminary feasibility study to the budget committee for its review before the commencement of the procurement process under this chapter.

Sec. 2. (a) This section establishes the competitive proposal procedure that the department shall use to enter into a public-private agreement with an operator under this article.

(b) The department may pursue a competitive proposal procedure using a request for qualifications and a request for proposals process or proceed directly to a request for proposals.

(c) If the department elects to use a request for qualifications phase, it must provide a public notice of the request for qualifications, for the period considered appropriate by the department, before the date set for receipt of submittals in response to the solicitation. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, submittals in response to the solicitation may be solicited directly from potential offerors.

(d) The department shall evaluate qualification submittals based on the requirements and evaluation criteria set forth in the request for qualifications.

(e) If the department has undertaken a request for qualifications phase resulting in one (1) or more prequalified or shortlisted offerors, the request for proposals shall be limited to those offerors that have been prequalified or shortlisted.

(f) If the department has not issued a request for qualifications and intends to use only a one (1) phase request for proposals procurement, the department must provide a public notice of the request for proposals for the period considered appropriate by the department, before the date set for receipt of proposals. The department shall provide the notice by posting in a designated public area and publication in a newspaper of general circulation, in the manner provided by IC 5-3-1. In addition, proposals may be solicited directly from potential offerors.

(g) The department shall submit a draft of the request for proposals to the budget committee for its review before the issuance by the department of the request for proposals to potential offerors. The request for proposals must:

- (1) indicate in general terms the scope of work, goods, and services sought to be procured;
- (2) contain or incorporate by reference the specifications and contractual terms and conditions applicable to the procurement and the qualifying project;
- (3) specify the factors, criteria, and other information that will be used in evaluating the proposals;
- (4) specify any requirements or goals for use of:
 - (A) minority business enterprises and women's business enterprises certified under IC 4-13-16.5;
 - (B) disadvantaged business enterprises under federal or state law;
 - (C) businesses defined under IC 5-22-15-20.5 as Indiana businesses, to the extent permitted by applicable federal and state law and regulations; and
 - (D) businesses that qualify for a small business set-aside under IC 4-13.6-2-11;

(5) if all or part of the project will consist of a tollway, require any offeror to submit a proposal based upon that part of the project that will consist of a tollway, as set forth in the request for proposals, and permit any offeror to submit one (1) or more alternative proposals based upon the assumption that a different part or none of the project will consist of a tollway;

(6) contain or incorporate by reference the other applicable contractual terms and conditions; and

(7) contain or incorporate by reference any other provisions, materials, or documents that the department considers appropriate.

(h) The department shall determine the evaluation criteria that are appropriate for each project and shall set those criteria forth in the request for proposals. The department may use a selection process that results in selection of the proposal offering the best value to the public, a selection process that results in selection of the proposal offering the lowest price or cost or the highest payment to, or revenue sharing with, the department, or any other selection process that the department determines is in the best interests of the state and the public.

(i) The department shall evaluate proposals based on the requirements and evaluation criteria set forth in the request for proposals.

(j) The department may select one (1) or more offerors for negotiations based on the evaluation criteria set forth in the request for proposals. If the department believes that negotiations with the selected offeror or offerors are not likely to result in a public-private agreement, or, in the case of a best value selection process, no longer reflect the best value to the state and the public, the department may commence negotiations with other responsive offerors, if any, and may suspend, terminate, or continue negotiations with the original offeror or offerors. If negotiations are unsuccessful, the department shall terminate the procurement, may not award the public-private agreement, and may commence a new procurement for a public-private agreement. If the department determines that negotiations with an offeror have been successfully completed, the department shall, subject to the other requirements of this article, award the public-private agreement to the offeror.

(k) Before awarding a public-private agreement to an operator, the department shall schedule a public hearing on the proposed public-private agreement and publish notice of the hearing one (1) time in accordance with IC 5-3-1 at least seven (7) days before the hearing. The notice must include the following:

- (1) The date, time, and place of the hearing.
- (2) The subject matter of the hearing.
- (3) A description of the agreement to be awarded.
- (4) The recommendation that has been made to award the agreement to an identified offeror or offerors.
- (5) The address and telephone number of the department.

(l) At the hearing, the department shall allow the public to be heard on the proposed public-private agreement.

(m) When the terms and conditions of multiple awards are specified in the request for proposals, awards may be made to more than one (1) offeror.

Sec. 3. (a) After the procedures required in this chapter have been completed, the department shall make a determination as to

whether the successful offeror should be designated as the operator for the project and shall submit its decision to the governor and the budget committee.

(b) After review of the department's determination by the budget committee, the governor may accept or reject the determination of the department. If the governor accepts the determination of the department, the governor shall designate the successful offeror as the operator for the project. The department shall publish notice of the designation of the operator one (1) time, in accordance with IC 5-3-1.

(c) After the designation of the successful offeror as the operator for the project, the department may execute the public-private agreement.

(d) An action to contest the validity of a public-private agreement entered into under this chapter may not be brought after the fifteenth day following the publication of the notice of the designation of the operator under the public-private agreement under subsection (b).

Sec. 4. The department may pay a stipulated amount to an unsuccessful offeror that submits a responsive proposal in response to a request for proposals under this chapter, in exchange for the work product contained in that proposal. The use by the department of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the department and does not confer liability on the recipient of the stipulated amount under this section. After payment of the stipulated amount:

- (1) the department and the unsuccessful offeror jointly own the rights to, and may make use of any work product contained in, the proposal, including the technologies, techniques, methods, processes, ideas, and information contained in the proposal, project design, and project financial plan; and
- (2) the use by the unsuccessful offeror of any part of the work product contained in the proposal is at the sole risk of the unsuccessful offeror and does not confer liability on the department.

Sec. 5. In addition to any other rights under this article, in connection with any procurement under this chapter, the department may:

- (1) withdraw a request for qualifications or a request for proposals at any time and, in its discretion, publish a new request for qualifications or request for proposals;
- (2) decline to award a public-private agreement for any reason;
- (3) request clarifications to any qualification submittal or request for proposals or seek one (1) or more revised proposals or one (1) or more best and final offers;
- (4) modify the terms, provisions, and conditions of a request for qualification, request for proposals, technical specifications, or form of public-private agreement during the pendency of a procurement; and
- (5) interview offerors.

Sec. 6. (a) The department may not disclose the contents of proposals during discussions or negotiations with potential offerors.

(b) The department may, in its discretion in accordance with IC 5-14-3, treat as confidential all records relating to discussions

or negotiations between the department and potential offerors if those records are created while discussions or negotiations are in progress.

(c) Notwithstanding subsections (a) and (b), and with the exception of portions that are confidential under IC 5-14-3, the terms of the selected offer negotiated under this article shall be available for inspection and copying under IC 5-14-3 after negotiations with the offerors have been completed.

(d) When disclosing the terms of the selected offer under subsection (c), the department shall certify that the information being disclosed accurately and completely represents the terms of the selected offer.

(e) The department shall disclose the contents of all proposals, except the parts of the proposals that may be treated as confidential in accordance with IC 5-14-3, when either:

- (1) the request for proposal process is terminated under section 5 of this chapter; or
- (2) the public-private agreement has been executed and the closing for each financing transaction required to provide funding to carry out the agreement has been conducted.

Chapter 5. Public-Private Agreements

Sec. 1. (a) Before beginning:

- (1) the development;
- (2) the financing;
- (3) the operation; or
- (4) any combination of the development, financing, or operation;

of a qualifying project, the operator must enter into a public-private agreement with the department. Subject to the other provisions of this article, the department and a private entity may enter into a public-private agreement with respect to a project. Subject to the requirements of this article, a public-private agreement may provide that the private entity, acting on behalf of the department or the authority, is partially or entirely responsible for any combination of developing, financing, or operating the qualifying project.

(b) The public-private agreement may, as determined appropriate by the department for the particular qualifying project, provide for all or part of the following:

- (1) Delivery of performance and payment bonds or other performance security determined suitable by the department, including letters of credit, United States bonds and notes, parent guaranties, and cash collateral, in connection with the development, financing, or operation of the qualifying project, in the forms and amounts set forth in the public-private agreement or otherwise determined as satisfactory by the department to protect the department and payment bond beneficiaries who have a direct contractual relationship with the operator or a subcontractor of the operator to supply labor or material. A payment or performance bond or alternative form of performance security required under a public-private agreement shall not be required for the part of a public-private agreement that includes only design, planning, or financing services, the performance of preliminary studies, or the acquisition of real property.
- (2) Review of plans for any development or operation, or both, of the qualifying project by the department.

(3) Inspection of any construction of or improvements to the qualifying project by the department or another entity designated by the department or under the public-private agreement to ensure that the construction or improvements conform to the standards set forth in the public-private agreement or are otherwise acceptable to the department.

(4) Maintenance of:

(A) one (1) or more policies of public liability insurance (copies of which shall be filed with the department accompanied by proofs of coverage); or

(B) self-insurance;

each in the form and amount required by the public-private agreement or otherwise satisfactory to the department as reasonably sufficient to insure coverage of tort liability to the public and employees and to enable the continued operation of the qualifying project.

(5) If operations are included within the operator's obligations under the public-private agreement, monitoring of the maintenance practices of the operator by the department or another entity designated by the department or under the public-private agreement, and the taking of the actions that the department finds appropriate to ensure that the qualifying project is properly maintained.

(6) Reimbursement to be paid to the department as set forth in the public-private agreement for services provided by the department.

(7) Filing of appropriate financial statements and reports as set forth in the public-private agreement or as otherwise in a form acceptable to the department on a periodic basis.

(8) Compensation or payments to the operator, attorneys, bankers, financial advisors, or other professionals. Compensation or payments may include one (1) or more of the following:

(A) A development fee, payable on a lump sum basis, progress payment basis, time and materials basis, or any other basis considered appropriate by the department.

(B) An operations fee, payable on a lump sum basis, time and material basis, periodic basis, or any other basis considered appropriate by the department.

(C) All or part of the revenues, if any, arising out of operation of the qualifying project.

(D) A maximum rate of return on investment or return on equity or a combination of the two (2).

(E) In kind services, materials, property, equipment, or other items.

(F) Compensation in the event of any termination.

(G) A cash payment to pay part of the project cost.

(H) Other compensation set forth in the public-private agreement or otherwise considered appropriate by the department.

(9) Compensation or payments to the department, if any. Compensation or payments may include one (1) or more of the following:

(A) A concession payment, lease payment, or other fee, which may be payable in a lump sum, on a periodic basis, or on any other basis considered appropriate by the department.

(B) Sharing of revenues, if any, from the operation of the

qualifying project.

(C) Payment for any services, materials, equipment, personnel, or other items provided by the department to the operator under the public-private agreement or in connection with the qualifying project.

(D) Other compensation set forth in the public-private agreement or otherwise considered appropriate by the department.

(10) The date and terms of termination of the operator's authority and duties under this article, and circumstances under which the operator's authority and duties may be terminated before that date.

(11) Reversion of the qualifying project to the department at the termination or expiration of the public-private agreement.

(12) Rights and remedies of the department if the operator defaults or otherwise fails to comply with the terms of the public-private agreement.

(c) A public-private agreement may not provide that the state or the department is responsible for any debt incurred by an operator in connection with the delivery of a project.

Sec. 2. (a) The department may fix and revise the amounts of user fees that an operator may charge and collect for the use of any part of a qualifying project in accordance with the public-private agreement. In fixing these amounts, the department may:

(1) establish maximum amounts for the user fees; and

(2) provide for increases or decreases of the maximum amounts based upon the indices, methodologies, or other factors that the department considers appropriate.

(b) User fees established by the department for the use of a qualifying project must be nondiscriminatory and may:

(1) include different user fees based on categories such as vehicle class, vehicle size, vehicle axles, vehicle weight, volume, location, traffic congestion, or other means or classification that the department determines to be appropriate;

(2) vary by time of day or year; and

(3) be based on one (1) or more factors considered relevant by the department, which may include any combination of:

(A) lease payments;

(B) financing costs and charges;

(C) debt repayment, including principal and interest;

(D) costs of development;

(E) costs of operation;

(F) working capital;

(G) reserves;

(H) depreciation;

(I) compensation to the operator;

(J) compensation to the department; and

(K) other costs, expenses, and factors set forth in the public-private agreement or otherwise considered appropriate by the department.

(c) A public-private agreement may:

(1) authorize the operator to adjust the user fees for the use of the qualifying project, so long as the amounts charged and collected by the operator do not exceed the maximum amounts established by the department under this chapter;

(2) provide that any adjustment by the operator permitted under subdivision (1) may be based on indices, methodologies, or other factors described in the public-private agreement or approved by the department; (3) authorize the operator to charge and collect user fees through manual and nonmanual methods, including, but not limited to, automatic vehicle identification systems, electronic toll collection systems, and, to the extent permitted by law, including rules adopted by the department, global positioning systems and photo or video based toll collection enforcement systems; and (4) authorize the collection of user fees by a third party.

(d) A schedule of the current user fees shall be made available by the operator to any member of the public on request. User fees and the setting of user fee rates are not subject to supervision or regulation by any other commission, board, bureau, or agency of the state or any municipality, except to the extent set forth in the public-private agreement.

(e) Any action to contest the validity of user fees fixed under this chapter may not be brought after the fifteenth day following the effective date of a rule fixing the user fees.

Sec. 3. In the public-private agreement, the department may agree to make grants or loans for the development or operation, or both, of the qualifying project from amounts received from the federal government, any agency or instrumentality of the federal government, or any state or local agency.

Sec. 4. The public-private agreement must incorporate the duties of the operator under this article and may contain the other terms and conditions that the department determines serve the public purpose of this article. The public-private agreement may contain provisions under which the department or the authority agrees to provide notice of default and cure rights for the benefit of the operator and the persons or entities described in the public-private agreement that are providing financing for the qualifying project. The public-private agreement may contain any other lawful term or condition to which the operator and the department mutually agree, including provisions regarding change orders, dispute resolution, required upgrades to the qualifying project, tolling policies, changes and modifications to the qualifying project, unavoidable delays, or provisions for a loan or grant of public funds for the development or operation, or both, of one (1) or more qualifying projects.

Sec. 5. To the extent that the department receives any payment or compensation under the public-private agreement other than repayment of a loan or grant or reimbursement for services provided by the department to the operator, the payment or compensation shall be distributed at the direction of the department to the:

- (1) major moves construction fund established under IC 8-14-14;
- (2) department for deposit in the state highway fund established by IC 8-23-9-54; or
- (3) operator or the authority for debt reduction.

Sec. 6. (a) Upon the termination or expiration of the public-private agreement, including a termination for default, the department may take over the qualifying project and succeed to all of the right, title, and interest in the qualifying project. The department may agree to accept the qualifying project subject to

any liens on revenues previously granted by the operator to any person providing financing for the qualifying project.

(b) If the department elects to take over a qualifying project, the department may do all or part of the following:

- (1) Develop, finance, or operate the project.
- (2) Impose, collect, retain, and use user fees, if any, for the project.

(c) The department may use any revenues collected under this section for any of the following purposes or any other authorized use under this article:

- (1) Making payments to individuals or entities in connection with the financing of the qualifying project.
- (2) Paying development costs of the project.
- (3) Paying current operation costs of the project or facilities, including compensation to the department for the services of the department in operating the qualifying project.
- (4) Paying the operator for any compensation or payment owing upon termination.

(d) The full faith and credit of the state or any political subdivision or the authority is not pledged to secure any financing of the operator by the election to take over the qualifying project. Assumption of development or operation, or both, of the qualifying project does not obligate the state or any political subdivision or the authority to pay any obligation of the operator.

Sec. 7. Any changes in the terms of the public-private agreement agreed to by the parties shall be added to the public-private agreement by written amendment.

Sec. 8. Notwithstanding any other provision of this article, the department may enter into a public-private agreement with multiple private entities if the department determines in writing that it is in the public interest to do so.

Sec. 9. The public-private agreement may provide for all or part of the development, financing, or operation of phases or segments of the qualifying project.

Sec. 10. The department may enter into one (1) or more memoranda of understanding with respect to the implementation and administration of a public-private agreement. The memoranda may provide that the department has responsibility for, and shall administer and oversee certain aspects of the implementation of, the public-private agreement under this article, including:

- (1) undertaking any oversight and monitoring of the operator as provided under the public-private agreement;
- (2) reviewing plans for development and operation, as applicable, as provided under the public-private agreement;
- (3) granting or denying all consents and approvals as provided under the public-private agreement, except for consents and approvals relating to financial matters that the department is not permitted to grant or deny under applicable law, in which case the authority shall execute the consents and approvals prepared by the department;
- (4) receiving all development, operations, and financial reports prepared by the operator or others, as provided under the public-private agreement;
- (5) preparing, negotiating, and executing any change orders and amendments to the public-private agreement;

- (6) issuing other written correspondence and communications on behalf of the authority as provided under the public-private agreement;
- (7) preparing and issuing noncompliance letters and reports, warning notices, and default letters to the operator as provided under the public-private agreement; and
- (8) exercising rights and remedies for a breach or default by the operator as provided under the public-private agreement, except for rights and remedies relating to financial matters that the department is not permitted to exercise under applicable law, in which case the authority shall exercise the rights and remedies.

Chapter 6. Development and Operations Standards for Projects

Sec. 1. The plans and specifications, if any, for each project developed under this article must comply with:

- (1) the department's standards for other projects of a similar nature, except as otherwise provided in the public-private agreement; and
- (2) any other applicable state or federal standards.

Sec. 2. Unless otherwise provided by federal law, the operator or any contractor or subcontractor of the operator engaged in the construction of a project is not required to comply with IC 4-13.6 or IC 5-16 concerning state public works, IC 5-17 concerning purchases of materials and supplies, or other statutes concerning procedures for procurement of public works or personal property as a condition of being awarded and performing work on the project.

Sec. 3. Each project constructed or operated under this article is considered to be part of the state highway system designated under IC 8-23-4-2 for purposes of identification, maintenance standards, and enforcement of traffic laws.

Sec. 4. An operator may enter into agreements for maintenance or other services under this article with the department and other local or state agencies. The department may:

- (1) with the assistance of all applicable local and state agencies, establish a unified permitting and licensing process for the processing and issuance of all necessary permits and licenses for projects under this article, including, but not limited to, all environmental permits and business and tax licenses; and
- (2) provide other services for which the department may be reimbursed, including, but not limited to, preliminary planning, environmental certification (including the procurement of all necessary environmental permits), right-of-way acquisition, utility relocations and adjustments, and preliminary design of projects under this article.

Sec. 5. The department shall seek the cooperation of federal and local agencies to expedite all necessary federal and local permits, licenses, and approvals necessary for projects under this article.

Chapter 7. Taxation of Operators

Sec. 1. A project under this article and tangible personal property used exclusively in connection with a project that are:

- (1) owned by the authority or the department and leased, licensed, financed, or otherwise conveyed to an operator; or

(2) acquired, constructed, or otherwise provided by an operator on behalf of the authority or the department; under the terms of a public-private agreement are considered to be public property devoted to an essential public and governmental function and purpose. The property, and an operator's leasehold estate or interests in the property, are exempt from all ad valorem property taxes and special assessments levied against property by the state or any political subdivision of the state.

Sec. 2. An operator or any other person purchasing tangible personal property for incorporation into or improvement of a structure or facility constituting or becoming part of the land included in a project is entitled to the exemption from gross retail tax and use tax provided under IC 6-2.5-4-9(b) and IC 6-2.5-3-2(c), respectively, with respect to that tangible personal property.

Sec. 3. Income received by an operator under the terms of a public-private agreement is subject to taxation in the same manner as income received by other private entities.

Chapter 8. Financial Arrangements

Sec. 1. The authority or the department may do any combination of applying for, executing, or endorsing applications submitted by private entities to obtain federal, state, or local credit assistance for qualifying projects developed, financed, or operated under this article, including grants, loans, lines of credit, and guarantees.

Sec. 2. The authority or the department may take any action authorized by this article to obtain federal, state, or local assistance for a qualifying project that serves the public purpose of this article and may enter into any contracts required to receive the assistance.

Sec. 3. The authority or the department may agree to make grants or loans for any combination of the development, financing, or operation of a qualifying project from amounts received from the federal, state, or local government or any agency or instrumentality of the federal, state, or local government.

Sec. 4. The financing of a qualifying project may be in the amounts and upon the terms and conditions that are determined by the parties to the public-private agreement.

Sec. 5. For the purpose of financing a qualifying project, the operator and the authority or the department may do the following:

- (1) Propose to use all or part of the revenues available to them.
- (2) Enter into grant agreements.
- (3) Access any designated transportation trust funds.
- (4) Access any other funds available to the authority or the department and the operator.
- (5) Accept grants from the authority, the port commission, any other state infrastructure bank, or any other agency or entity.

Sec. 6. (a) For the purpose of financing a qualifying project, the authority may enter into agreements, leases, or subleases with the department or an operator, or both, and do the following:

- (1) Issue bonds, debt, or other obligations under IC 4-4-11, IC 8-15-2, or IC 8-15.7-9.
- (2) Enter into loan agreements or other credit facilities.

(3) Secure any financing with a pledge of, security interest in, or lien on all or part of a property subject to the agreement, including all of the party's property interests in the qualifying project.

(4) Subject to review by the budget committee established in IC 4-12-1-3 and approval by the budget director appointed under IC 4-12-1-3:

(A) establish a procedure for the authority or a person acting on behalf of the authority to certify to the general assembly the amount needed to pay costs incurred under a public-private agreement; or

(B) otherwise create a moral obligation of the state to pay all or part of any costs incurred by the authority under a public-private agreement.

(b) The department and an operator may transfer any interest in property that the department or operator has to the authority to secure the financing.

Sec. 7. Public funds may be used for the purpose of financing a qualifying project and may be mixed and aggregated with funds provided by or on behalf of the operator or other private entities.

Sec. 8. For the purpose of financing a qualifying project, the authority and the operator may apply for, obtain, issue, and use private activity bonds available under any federal law or program.

Sec. 9. Any bonds, debt, other securities, or other financing issued for the purposes of this article shall not be considered to constitute a debt of the state or any political subdivision of the state or a pledge of the faith and credit of the state or any political subdivision.

Chapter 9. Issuance of Debt by Authority

Sec. 1. (a) The authority may, by resolution, issue and sell bonds or notes of the authority for the purpose of providing funds to carry out the provisions of this article with respect to the development, financing, or operation of a project or projects or the refunding of any bonds or notes, together with any costs associated with a transaction.

(b) Bonds or notes issued under this chapter shall be issued in accordance with IC 8-14.5-6 except that the bonds or notes are not required to comply with IC 8-14.5-6-2, IC 8-14.5-6-3, or IC 8-14.5-6-5(b).

Sec. 2. (a) The authority may enter into a lease with the department or the operator, or both, of a project or projects financed under this chapter. The department may lease a project financed under this chapter to the authority or an operator under a public-private agreement.

(b) A lease of a project to the department under this chapter must comply with IC 8-14.5-5 except that:

(1) the lease is not required to comply with IC 8-14.5-5-3(a)(1); and

(2) notwithstanding IC 8-14.5-5-2(a)(2), a lease under this chapter may be extended from biennium to biennium, with the extensions not to exceed a lease term of seventy-five (75) years unless the department gives notice of nonextension at least six (6) months before the end of the biennium, in which event the lease expires at the end of the biennium in which the notice is given.

Sec. 3. The department shall pay lease rentals for leases that the department has entered into under this chapter that secure

bonds issued under this chapter from any legally available revenues, including:

(1) payments received from an operator;

(2) federal highway revenues, subject to the limitations in IC 8-14.5-7;

(3) distributions from the state highway fund; and

(4) other funds available to the department for such purpose.

Sec. 4. The bonds or notes issued under this chapter:

(1) constitute the corporate obligations of the authority;

(2) do not constitute an indebtedness of the state within the meaning or application of any constitutional provision or limitation; and

(3) are payable solely as to both principal and interest from:

(A) the revenues from a lease to the department, if any;

(B) proceeds of bonds or notes, if any;

(C) investment earnings on proceeds of bonds or notes; or

(D) other funds available to the authority for such purpose.

Chapter 10. Acquisition of Property

Sec. 1. (a) A public entity may dedicate any property interest that it has for public use as a qualifying project if the public entity finds that dedication of the property interest will serve the public purpose of this article. In connection with the dedication, a public entity may convey any property interest that the public entity has to the operator, subject to the:

(1) conditions imposed by general law governing conveyances; and

(2) provisions of this article;

for the consideration that the public entity considers appropriate.

(b) Consideration for a transfer under this section may include an agreement with the operator to develop, finance, or operate the qualifying project. The property interests that the public entity may convey to the operator in connection with a dedication under this section may include licenses, franchises, easements, or any other right or interest that the public entity considers appropriate.

Sec. 2. The authority, the department, and an operator may enter into the leases, licenses, easements, and other grants of property interests that the department determines necessary to carry out this article.

Chapter 11. Law Enforcement

Sec. 1. All law enforcement officers of the state and of each affected jurisdiction have the same powers and jurisdiction within the limits of the qualifying project as they have in their respective areas of jurisdiction.

Sec. 2. Law enforcement officers shall have access to the qualifying project at any time for the purpose of exercising the law enforcement officer's powers and jurisdiction. This authority does not extend to the private offices, buildings, garages, and other improvements of the operator to any greater degree than the police power extends to any other private buildings and improvements.

Sec. 3. (a) The traffic and motor vehicle laws of Indiana or, if applicable, any local jurisdiction apply to conduct on a qualifying project to the same extent as they apply to conduct on similar projects in Indiana or the local jurisdiction.

(b) Punishment for infractions and offenses shall be as prescribed by law for conduct occurring on similar projects in Indiana or the local jurisdiction.

Chapter 12. Resolution of Disputes

Sec. 1. The department has exclusive jurisdiction to adjudicate all matters specifically committed to the department's jurisdiction by this article.

Sec. 2. The department shall establish an expedited method for resolving disputes between the department and the parties to a public-private agreement and shall set forth that method in the public-private agreement.

Sec. 3. The department may pay, pursue, mediate, and settle any claim arising out of a public-private agreement.

Sec. 4. A public-private agreement may permit a party to the agreement to submit any claim arising under the agreement to arbitration or alternative dispute resolution under IC 34-57.

Chapter 13. Term of Agreement; Reversion of Property to State

Sec. 1. The term of a public-private agreement, including all extensions, may not exceed seventy-five (75) years. For purposes of measuring the term, the term begins on the date on which operations of a part of the qualifying project by the operator commences.

Sec. 2. The department shall terminate the operator's authority and duties under the public-private agreement on the date set forth in the public-private agreement.

Sec. 3. Upon termination of the public-private agreement, the authority and duties of the operator under this article cease, except for any duties and obligations that extend beyond the termination as set forth in the public-private agreement, and the qualifying project reverts to the department and shall be dedicated to the department for public use.

Chapter 14. Additional Powers of the Authority and the Department With Respect to Qualifying Projects

Sec. 1. The authority or the department may exercise any powers provided under this article in participation or cooperation with any governmental entity and enter into any contracts to facilitate that participation or cooperation without compliance with any other statute.

Sec. 2. The authority or the department may make and enter into all contracts and agreements necessary or incidental to the performance of the authority's or department's duties and the execution of the authority's or department's powers under this article. These contracts or agreements are not subject to any approvals other than the approval of the authority or the department, as applicable, and may be for any term of years and contain any terms that are considered reasonable by the authority or the department.

Sec. 3. The authority or the department may pay the costs incurred under a public-private agreement entered into under this article from any funds legally available to the authority or the department under this article or any other statute.

Sec. 4. For purposes of this article, the department may authorize an operator under a public-private agreement to perform any of its duties under IC 8-15-3-9, IC 8-15-3-16, IC 8-15-3-29, IC 8-15-3-30, and IC 8-15-3-33.

Sec. 5. The department may exercise any of its powers under IC 8-15-3 as necessary or desirable for the performance of its

duties and the execution of its powers under this article. In connection with or in anticipation of the exercise by the authority of any powers granted to the authority by this article, the department may authorize the authority to exercise all or part of the powers of the department under this article as necessary or desirable to accomplish the purposes of this article.

Sec. 6. The authority or the department may not take any action under this chapter that would impair the public-private agreement entered into under this article.

Sec. 7. (a) The department shall enter into an agreement between and among the operator, the department, and the state police department concerning the provision of law enforcement assistance with respect to a qualifying project that is the subject of a public-private agreement under this article.

(b) The department may enter into arrangements with the state police department related to costs incurred in providing law enforcement assistance under this article.

Chapter 15. Prohibited Local Action

Sec. 1. A political subdivision (as defined in IC 36-1-2-13) may not take any action that would impair a public-private agreement under this article.

Chapter 16. Prohibited Political Contributions

Sec. 1. The definitions in IC 3-5-2 apply to this chapter to the extent they do not conflict with the definitions in this article.

Sec. 2. As used in this chapter, "candidate" refers to any of the following:

- (1) A candidate for a state office.
- (2) A candidate for a legislative office.
- (3) A candidate for a local office.

Sec. 3. As used in this chapter, "committee" refers to any of the following:

- (1) A candidate's committee.
- (2) A regular party committee.
- (3) A committee organized by a legislative caucus of the house of representatives of the general assembly.
- (4) A committee organized by a legislative caucus of the senate of the general assembly.

Sec. 4. As used in this chapter, "officer" refers only to either of the following:

- (1) An individual listed as an officer of a corporation in the corporation's most recent annual report.
- (2) An individual who is a successor to an individual described in subdivision (1).

Sec. 5. For purposes of this chapter, a person is considered to have an interest in an operator if the person satisfies any of the following:

- (1) The person holds at least a one percent (1%) interest in an operator.
- (2) The person is an officer of an operator.
- (3) The person is an officer of a person that holds at least a one percent (1%) interest in an operator.
- (4) The person is a political action committee of an operator.

Sec. 6. An operator is considered to have made a contribution if a contribution is made by a person who has an interest in the operator.

Sec. 7. An operator or a person who has an interest in an operator may not make a contribution to a candidate or a committee during the following periods:

(1) The term during which the operator is a party to a public-private agreement entered into under this article.

(2) The three (3) years following the final expiration or termination of the public-private agreement described in subdivision (1).

Sec. 8. A person who knowingly or intentionally violates this chapter commits a Class D felony.

SECTION 41. IC 8-23-7-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. **(a) Subject to subsection (b),** the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a tollway. After the order becomes effective, the department shall maintain and operate the tollway and levy and collect tolls as provided in IC 8-15-3 **or enter into a public-private agreement with an operator with respect to the tollway under IC 8-15.7.** Before issuing an order under this section, the department shall submit to the governor a plan to bring the tollway to the current design standards of the department for new state highways within a specified period. The specified period may not exceed five (5) years.

(b) Notwithstanding any other law, the governor, the department, or an operator may not carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Determine that a highway, other than Interstate Highway 69 between Interstate Highway 64 and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740), should become a tollway.

(2) Carry out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(3) Impose tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 42. IC 8-23-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. **(a) Subject to subsection (c),** the department may, after issuing an order and receiving the governor's approval, determine that a state highway should become a toll road. An order under this section does not become effective unless the authority adopts a resolution to accept the designated state highway, or part of the highway, as a toll road project under the conditions contained in the order. An order issued by the department under this section must set forth the conditions upon which the transfer of the state highway, or part of the highway, to the authority must occur, including the following:

(1) The consideration, if any, to be paid by the authority to the department.

(2) A requirement that the authority:

(A) enter into a contract or lease with the department with respect to the toll road project under IC 8-9.5-8-7 or IC 8-9.5-8-8; or

(B) enter into a public-private agreement with an operator with respect to the toll road under IC 8-15.5.

(b) To complete a transfer under this section, the department must, with the governor's approval, execute a certificate describing the real

and personal property constituting or to be transferred with the state highway that is to become a toll road project. Upon delivery of the certificate to the authority, the real and personal property described in the certificate is under the jurisdiction and control of the authority.

(c) Notwithstanding any other law, neither the authority nor an operator may carry out any of the following activities under this section unless the general assembly enacts a statute authorizing that activity:

(1) Carrying out construction for Interstate Highway 69 in a township having a population of more than seventy-five thousand (75,000) and less than ninety-three thousand five hundred (93,500).

(2) Imposing tolls on motor vehicles for use of the part of an interstate highway that connects a consolidated city and a city having a population of more than eleven thousand five hundred (11,500) but less than eleven thousand seven hundred forty (11,740).

SECTION 43. IC 8-23-9-54 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 54. **(a) To provide funds for carrying out the provisions of this chapter, there is created a state highway fund from the following sources:**

(1) All money in the general fund to the credit of the state highway account.

(2) All money that is received from the Department of Transportation or other federal agency and known as federal aid.

(3) All money paid into the state treasury to reimburse the state for money paid out of the state highway fund.

(4) All money provided by Indiana law for the construction, maintenance, reconstruction, repair, and control of public highways, as provided under this chapter.

(5) All money that on May 22, 1933, was to be paid into the state highway fund under contemplation of any statute in force as of May 22, 1933.

(6) All money that may at any time be appropriated from the state treasury.

(7) Any part of the state highway fund unexpended at the expiration of any fiscal year, which shall remain in the fund and be available for the succeeding years.

(8) Any money credited to the state highway fund from the motor vehicle highway account under IC 8-14-1-3(4).

(9) Any money credited to the state highway fund from the highway road and street fund under IC 8-14-2-3.

(10) Any money credited to the state highway fund under IC 6-6-1.1-801.5, IC 6-6-4.1-5, or IC 8-16-1-17.1.

(11) Any money distributed to the state highway fund under IC 8-14-14, IC 8-15.5, or IC 8-15.7.

(b) All expenses incurred in carrying out this chapter shall be paid out of the state highway fund.

SECTION 44. IC 9-13-2-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6.3. "Automated traffic law enforcement system", for purposes of IC 9-21, has the meaning set forth in IC 9-21-3.5-2.**

SECTION 45. IC 9-21-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Automated Traffic Law Enforcement System

Sec. 1. As used in this chapter, "authority" refers to the Indiana finance authority.

Sec. 2. As used in this chapter, "automated traffic law enforcement system" means a device that:

- (1) has one (1) or more motor vehicle sensors; and
- (2) is capable of producing a photographically recorded image of a motor vehicle, including an image of the vehicle's front or rear license plate, as the vehicle proceeds through a tollgate, toll zone, or other area on a tollway, qualifying project, or toll road that is marked as required by the department, the authority, or an operator as a place where a person using the tollway, qualifying project, or toll road must pay a toll or is otherwise subject to a fee for using the tollway, qualifying project, or toll road.

Sec. 3. As used in this chapter, "department" refers to the Indiana department of transportation.

Sec. 4. As used in this chapter, "operator" has the meaning set forth in IC 8-15.5-2-5 or IC 8-15.7-2-11.

Sec. 5. As used in this chapter, "owner" means a person in whose name a motor vehicle is registered under:

- (1) IC 9-18;
- (2) the laws of another state;
- (3) the laws of a foreign country; or
- (4) the International Registration Plan.

Sec. 6. As used in this chapter, "qualifying project" has the meaning set forth in IC 8-15.7-2-16.

Sec. 7. As used in this chapter, "toll road" has the meaning set forth for "toll road project" in IC 8-15-2-4(4).

Sec. 8. As used in this chapter, "tollway" has the meaning set forth in IC 8-15-3-7.

Sec. 9. The owner of a motor vehicle, other than an authorized emergency vehicle, that is driven or towed through a toll collection facility on a toll road, tollway, or qualifying project shall pay the proper toll.

Sec. 10. The department or the authority may adopt and enforce rules concerning:

- (1) the placement and use of automated traffic law enforcement systems to enforce collection of user fees;
- (2) required notification to owners of toll violations;
- (3) the process for collection and enforcement of unpaid amounts;
- (4) the amount of fines, charges, and assessments for toll violations; and
- (5) other matters relating to automated traffic law enforcement systems that the department or the authority considers appropriate.

Sec. 11. Before enforcing a rule adopted under section 10 of this chapter, the department, the authority, or an operator must install advance warning signs along the tollways, toll roads, or qualifying projects proceeding to the location at which an automated traffic law enforcement system is located.

Sec. 12. (a) In the prosecution of a toll violation, proof that the motor vehicle was driven or towed through the toll collection facility without payment of the proper toll may be shown by a video recording, a photograph, an electronic recording, or other appropriate evidence, including evidence obtained by an automated traffic law enforcement system.

(b) In the prosecution of a toll violation:

- (1) it is presumed that any notice of nonpayment was received on the fifth day after the date of mailing; and
- (2) a computer record of the department, the authority, or the operator of the registered owner of the vehicle is prima facie evidence of its contents and that the toll violator was the registered owner of the vehicle at the time of the underlying event of nonpayment.

Sec. 13. (a) For purposes of this section, "transponder" means a device, placed on or within a motor vehicle, that is capable of transmitting information used to assess or collect tolls. A transponder is "insufficiently funded" when there are no remaining funds in the account in connection with which the transponder was issued.

(b) Any police officer of Indiana may seize a stolen or insufficiently funded transponder and return it to the department, the authority, or an operator, except that an insufficiently funded transponder may not be seized from the holder of an account sooner than the thirtieth day after the date the department, the authority, or an operator has sent a notice of delinquency to the holder of the account.

(c) The department or the authority may enter into an agreement with one (1) or more persons to market and sell transponders for use on tollways, toll roads, or qualifying projects.

(d) The department, the authority, or an operator may charge reasonable fees for initiating, administering, and maintaining electronic toll collection customer accounts.

(e) Electronic toll collection customer account information, including contact and payment information and trip data, is confidential and not subject to disclosure under IC 5-14-3. A contract for the acquisition, construction, maintenance, or operation of a tollway, toll road, or qualifying project must ensure the confidentiality of all electronic toll collection customer account information.

SECTION 46. IC 22-4-25-1, AS AMENDED BY P.L.202-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. (a) There is created in the state treasury a special fund to be known as the special employment and training services fund. All interest on delinquent contributions and penalties collected under this article, together with any voluntary contributions tendered as a contribution to this fund, shall be paid into this fund. The money shall not be expended or available for expenditure in any manner which would permit their substitution for (or a corresponding reduction in) federal funds which would in the absence of said money be available to finance expenditures for the administration of this article, but nothing in this section shall prevent said money from being used as a revolving fund to cover expenditures necessary and proper under the law for which federal funds have been duly requested but not yet received, subject to the charging of such expenditures against such funds when received. The money in this fund shall be used by the board for the payment of refunds of interest on delinquent contributions and penalties so collected, for the payment of costs of administration which are found not to have been properly and validly chargeable against federal grants or other funds received for or in the employment and training services administration fund, on and after July 1, 1945. Such money shall be available either to satisfy the obligations incurred by the board directly, or by transfer

by the board of the required amount from the special employment and training services fund to the employment and training services administration fund. No expenditure of this fund shall be made unless and until the board finds that no other funds are available or can properly be used to finance such expenditures, except that expenditures from said fund may be made for the purpose of acquiring lands and buildings or for the erection of buildings on lands so acquired which are deemed necessary by the board for the proper administration of this article. The board shall order the transfer of such funds or the payment of any such obligation or expenditure and such funds shall be paid by the treasurer of state on requisition drawn by the board directing the auditor of state to issue the auditor's warrant therefor. Any such warrant shall be drawn by the state auditor based upon vouchers certified by the board or the commissioner. The money in this fund is hereby specifically made available to replace within a reasonable time any money received by this state pursuant to 42 U.S.C. 502, as amended, which, because of any action or contingency, has been lost or has been expended for purposes other than or in amounts in excess of those approved by the bureau of employment security. The money in this fund shall be continuously available to the board for expenditures in accordance with the provisions of this section and shall not lapse at any time or be transferred to any other fund, except as provided in this article. Nothing in this section shall be construed to limit, alter, or amend the liability of the state assumed and created by IC 22-4-28, or to change the procedure prescribed in IC 22-4-28 for the satisfaction of such liability, except to the extent that such liability may be satisfied by and out of the funds of such special employment and training services fund created by this section.

(b) The board, subject to the approval of the budget agency and governor, is authorized and empowered to use all or any part of the funds in the special employment and training services fund for the purpose of acquiring suitable office space for the department by way of purchase, lease, contract, or in any part thereof to purchase land and erect thereon such buildings as the board determines necessary or to assist in financing the construction of any building erected by the state or any of its agencies wherein available space will be provided for the department under lease or contract between the department and the state or such other agency. The commissioner may transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of any land and buildings acquired for its use until such time as the full amount of the purchase price of such land and buildings and such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(c) The board may also transfer from the employment and training services administration fund to the special employment and training services fund amounts not exceeding funds specifically available to the commissioner for that purpose equivalent to the fair, reasonable rental value of space used by the department in any building erected by the state or any of its agencies until such time as the department's proportionate amount of the purchase price of such building and the department's proportionate amount of such cost of repair and maintenance thereof as was expended from the special employment and training services fund has been returned to such fund.

(d) Whenever the balance in the special employment and training services fund is deemed excessive by the board, the board shall order payment into the unemployment insurance benefit fund of the amount of the special employment and training services fund deemed to be excessive.

(e) Subject to the approval of the board, the commissioner may use not more than five million dollars (\$5,000,000) during a program year for training provided by the state educational institution established under IC 20-12-61 to participants in joint labor and management apprenticeship programs approved by the United States Department of Labor's Bureau of Apprenticeship Training. Of the money allocated for training programs under this subsection, fifty percent (50%) is designated for industrial programs, and the remaining fifty (50%) percent is designated for building trade programs.

~~(f) The commissioner shall allocate an amount not to exceed four hundred fifty thousand dollars (\$450,000) annually for training and counseling assistance under IC 22-4-14-2 provided by state educational institutions (as defined in IC 20-12-0.5-1) or counseling provided by the department of workforce development for individuals who:~~

- ~~(1) have been unemployed for at least four (4) weeks;~~
- ~~(2) are not otherwise eligible for training and counseling assistance under any other program; and~~
- ~~(3) are not participating in programs that duplicate those programs described in subsection (e).~~

~~Training or counseling provided under IC 22-4-14-2 does not excuse the claimant from complying with the requirements of IC 22-4-14-3. Eligibility for training and counseling assistance under this subsection shall not be determined until after the fourth week of eligibility for unemployment training compensation benefits. The training and counseling assistance programs funded by this subsection must be approved by the United States Department of Labor's Bureau of Apprenticeship Training.~~

SECTION 47. IC 22-4-25-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 2.5. (a) In support of IC 8-14-14, IC 8-15-2, IC 8-15-3, and IC 8-15.5, the commissioner shall allocate an amount not to exceed two million dollars (\$2,000,000) annually for pre-apprenticeship and apprenticeship training and counseling assistance relating to the construction trades for individuals who:**

- (1) are not otherwise eligible for training and counseling assistance under any other program; and**
- (2) are not participating in programs that duplicate those programs described in section 1(e) of this chapter.**

Priority shall be granted to training or counseling persons who are members of a minority group (as defined by IC 4-13-16.5-1). The training and counseling assistance programs funded by this section must be approved by the department.

(b) This section expires December 31, 2012.

SECTION 48. IC 34-13-3-3, AS AMENDED BY P.L.208-2005, SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. A governmental entity or an employee acting within the scope of the employee's employment is not liable if a loss results from the following:**

- (1) The natural condition of unimproved property.**

(2) The condition of a reservoir, dam, canal, conduit, drain, or similar structure when used by a person for a purpose that is not foreseeable.

(3) The temporary condition of a public thoroughfare or extreme sport area that results from weather.

(4) The condition of an unpaved road, trail, or footpath, the purpose of which is to provide access to a recreation or scenic area.

(5) The design, construction, control, operation, or normal condition of an extreme sport area, if all entrances to the extreme sport area are marked with:

- (A) a set of rules governing the use of the extreme sport area;
- (B) a warning concerning the hazards and dangers associated with the use of the extreme sport area; and
- (C) a statement that the extreme sport area may be used only by persons operating extreme sport equipment.

This subdivision shall not be construed to relieve a governmental entity from liability for the continuing duty to maintain extreme sports areas in a reasonably safe condition.

(6) The initiation of a judicial or an administrative proceeding.

(7) The performance of a discretionary function; however, the provision of medical or optical care as provided in IC 34-6-2-38 shall be considered as a ministerial act.

(8) The adoption and enforcement of or failure to adopt or enforce a law (including rules and regulations), unless the act of enforcement constitutes false arrest or false imprisonment.

(9) An act or omission performed in good faith and without malice under the apparent authority of a statute which is invalid if the employee would not have been liable had the statute been valid.

(10) The act or omission of anyone other than the governmental entity or the governmental entity's employee.

(11) The issuance, denial, suspension, or revocation of, or failure or refusal to issue, deny, suspend, or revoke any permit, license, certificate, approval, order, or similar authorization, where the authority is discretionary under the law.

(12) Failure to make an inspection, or making an inadequate or negligent inspection, of any property, other than the property of a governmental entity, to determine whether the property complied with or violates any law or contains a hazard to health or safety.

(13) Entry upon any property where the entry is expressly or impliedly authorized by law.

(14) Misrepresentation if unintentional.

(15) Theft by another person of money in the employee's official custody, unless the loss was sustained because of the employee's own negligent or wrongful act or omission.

(16) Injury to the property of a person under the jurisdiction and control of the department of correction if the person has not exhausted the administrative remedies and procedures provided by section 7 of this chapter.

(17) Injury to the person or property of a person under supervision of a governmental entity and who is:

- (A) on probation; or
- (B) assigned to an alcohol and drug services program under IC 12-23, a minimum security release program under

IC 11-10-8, a pretrial conditional release program under IC 35-33-8, or a community corrections program under IC 11-12.

(18) Design of a highway (as defined in IC 9-13-2-73), **toll road project (as defined in IC 8-15-2-4(4)), tollway (as defined in IC 8-15-3-7), or project (as defined in IC 8-15.7-2-14)** if the claimed loss occurs at least twenty (20) years after the public highway, **toll road project, tollway, or project** was designed or substantially redesigned; except that this subdivision shall not be construed to relieve a responsible governmental entity from the continuing duty to provide and maintain public highways in a reasonably safe condition.

(19) Development, adoption, implementation, operation, maintenance, or use of an enhanced emergency communication system.

(20) Injury to a student or a student's property by an employee of a school corporation if the employee is acting reasonably under a discipline policy adopted under IC 20-33-8-7(b).

(21) An error resulting from or caused by a failure to recognize the year 1999, 2000, or a subsequent year, including an incorrect date or incorrect mechanical or electronic interpretation of a date, that is produced, calculated, or generated by:

- (A) a computer;
- (B) an information system; or
- (C) equipment using microchips;

that is owned or operated by a governmental entity. However, this subdivision does not apply to acts or omissions amounting to gross negligence, willful or wanton misconduct, or intentional misconduct. For purposes of this subdivision, evidence of gross negligence may be established by a party by showing failure of a governmental entity to undertake an effort to review, analyze, remediate, and test its electronic information systems or by showing failure of a governmental entity to abate, upon notice, an electronic information system error that caused damage or loss. However, this subdivision expires June 30, 2003.

(22) An act or omission performed in good faith under the apparent authority of a court order described in IC 35-46-1-15.1 that is invalid, including an arrest or imprisonment related to the enforcement of the court order, if the governmental entity or employee would not have been liable had the court order been valid.

(23) An act taken to investigate or remediate hazardous substances, petroleum, or other pollutants associated with a brownfield (as defined in IC 13-11-2-19.3) unless:

- (A) the loss is a result of reckless conduct; or
- (B) the governmental entity was responsible for the initial placement of the hazardous substances, petroleum, or other pollutants on the brownfield.

SECTION 49. IC 36-7.5-1-11, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. "Eligible county" refers to the following counties:

- (1) A county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(2) A county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(3) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000), if:

(A) the fiscal body of the county has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority; and

(B) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority.

SECTION 50. IC 36-7.5-1-12, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. "Eligible political subdivision" means the following:

(1) An airport authority.

(2) A commuter transportation district.

(3) A regional bus authority under IC 36-9-3-2(c).

(4) A regional transportation authority established under IC 36-9-3-2.

~~(4)~~ **(5) A shoreline development commission under IC 36-7-13.5.**

SECTION 51. IC 36-7.5-1-13, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. "Project" means an airport authority project, a commuter transportation district project, an economic development project, a regional bus authority project, **a regional transportation authority project**, or a shoreline development commission project.

SECTION 52. IC 36-7.5-1-15.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.3. "Regional transportation authority" means a regional transportation authority established under IC 36-9-3-2.**

SECTION 53. IC 36-7.5-1-15.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 15.6. "Regional transportation authority project" means a project that can be financed with the proceeds of bonds issued by a regional transportation authority under IC 36-9-3.**

SECTION 54. IC 36-7.5-2-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The northwest Indiana regional development authority is established as a separate body corporate and politic to carry out the purposes of this article by:

(1) acquiring, constructing, equipping, owning, leasing, and financing projects and facilities for lease to or for the benefit of eligible political subdivisions under this article; ~~and~~

(2) funding and developing the Gary/Chicago International Airport expansion and other airport authority projects, commuter transportation district and other rail projects and services, regional bus authority projects and services, **regional transportation authority projects and services**, shoreline development projects and activities, and economic development projects in northwestern Indiana; **and**

(3) assisting with the funding of infrastructure needed to sustain development of an intermodal facility in northwestern Indiana.

SECTION 55. IC 36-7.5-2-3, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) The development authority is governed by the development board appointed under this section.

(b) **Except as provided in subsections (e) and (f),** the development board is composed of the following seven (7) members:

(1) Two (2) members appointed by the governor. One (1) of the members appointed by the governor under this subdivision must be an individual nominated under subsection (d). The members appointed by the governor under this subdivision serve at the pleasure of the governor.

(2) The following members from a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000):

(A) One (1) member appointed by the mayor of the largest city in the county in which a riverboat is located.

(B) One (1) member appointed by the mayor of the second largest city in the county in which a riverboat is located.

(C) One (1) member appointed by the mayor of the third largest city in the county in which a riverboat is located.

(D) One (1) member appointed jointly by the county executive and the county fiscal body. A member appointed under this clause may not reside in a city described in clause

(A), (B), or (C).

(3) One (1) member appointed jointly by the county executive and county fiscal body of a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000).

(c) A member appointed to the development board must have knowledge and at least five (5) years professional work experience in at least one (1) of the following:

(1) Rail transportation or air transportation.

(2) Regional economic development.

(3) Business or finance.

(d) The mayor of the largest city in a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000) shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's initial appointments under subsection (b)(1) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county shall nominate three (3) residents of the county for appointment to the development board. One (1) of the governor's appointments under subsection (b)(1) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) members from which the governor shall make an appointment under subsection (b)(1) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(e) A county having a population of more than one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000) shall be an eligible county participating in the development authority if the fiscal body of the county adopts an ordinance before September 15, 2006, providing that the county is joining the development authority, and the fiscal body of a city

that is located in the county and that has a population of more than thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000) adopts an ordinance before September 15, 2006, providing that the city is joining the development authority. Notwithstanding subsection (b), if ordinances are adopted under this subsection and the county becomes an eligible county participating in the development authority:

- (1) the development board shall be composed of nine (9) members rather than seven (7) members; and
- (2) the additional two (2) members shall be appointed in the following manner:

(A) One (1) additional member shall be appointed by the governor and shall serve at the pleasure of the governor. The member appointed under this clause must be an individual nominated under subsection (f).

(B) One (1) additional member shall be appointed jointly by the county executive and county fiscal body.

(f) This subsection applies only if the county described in subsection (e) is an eligible county participating in the development authority. The mayor of the largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's initial appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. At the expiration of the member's term, the mayor of the second largest city in the county described in subsection (e) shall nominate three (3) residents of the county for appointment to the development board. The governor's second appointment under subsection (e)(2)(A) must be an individual nominated by the mayor. Thereafter, the authority to nominate the three (3) individuals from among whom the governor shall make an appointment under subsection (e)(2)(A) shall alternate between the mayors of the largest and the second largest city in the county at the expiration of a member's term.

(g) An individual or entity required to make an appointment under subsection (b) or nominations under subsection (d) must make the initial appointment before September 1, 2005, or the initial nomination before August 15, 2005. If an individual or entity does not make an initial appointment under subsection (b) before September 1, 2005, or the initial nominations required under subsection (d) before September 1, 2005, the governor shall instead make the initial appointment.

SECTION 56. IC 36-7.5-2-4, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as provided in subsection (b) for the initial appointments to the development board, a member appointed to the development board serves a four (4) year term. However, a member serves at the pleasure of the appointing authority. A member may be reappointed to subsequent terms.

(b) The terms of the initial members appointed to the development board are as follows:

- (1) The initial member appointed by the governor who is not nominated under section 3(d) or 3(f) of this chapter shall serve a term of four (4) years.
- (2) The initial member appointed by the governor who is nominated under section 3(d) of this chapter shall serve a term of two (2) years. **If a member is appointed under section**

3(e)(2)(A) of this chapter, the initial member who is appointed under that provision shall serve a term of two (2) years.

(3) The initial member appointed under section 3(b)(2)(D) of this chapter shall serve a term of three (3) years.

(4) The initial member appointed under section 3(b)(3) of this chapter shall serve a term of three (3) years.

(5) The initial members appointed under section 3(b)(2)(A) through 3(b)(2)(C) of this chapter shall serve a term of two (2) years.

(6) If a member is appointed under section 3(e)(2)(B) of this chapter, the initial member appointed under that provision shall serve a term of three (3) years.

(c) If a vacancy occurs on the development board, the appointing authority that made the original appointment shall fill the vacancy by appointing a new member for the remainder of the vacated term.

(d) Each member appointed to the development board, before entering upon the duties of office, must take and subscribe an oath of office under IC 5-4-1, which shall be endorsed upon the certificate of appointment and filed with the records of the development board.

(e) A member appointed to the development board is not entitled to receive any compensation for performance of the member's duties. However, a member is entitled to a per diem from the development authority for the member's participation in development board meetings. The amount of the per diem is equal to the amount of the per diem provided under IC 4-10-11-2.1(b).

SECTION 57. IC 36-7.5-2-5, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The member appointed by the governor under section 3(b)(1) of this chapter but not nominated under section 3(d) or 3(f) of this chapter shall serve as chair of the development board until January 2013. At the election under subsection (b) in 2013 and each year thereafter, the chair shall be elected from among the members of the development board.

(b) In January of each year, the development board shall hold an organizational meeting at which the development board shall elect the following officers from the members of the development board:

- (1) After December 31, 2012, a chair.
- (2) A vice chair.
- (3) A secretary-treasurer.

(c) Not more than two (2) members from any particular county may serve as an officer described in subsection (a) or elected under subsection (b). The affirmative vote of at least five (5) members of the development board is necessary to elect an officer under subsection (b). **However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, the affirmative vote of at least six (6) members of the development board is necessary to elect an officer under subsection (b).**

(d) An officer elected under subsection (b) serves from the date of the officer's election until the officer's successor is elected and qualified.

SECTION 58. IC 36-7.5-2-6, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The development board shall meet at least quarterly.

(b) The chair of the development board or any two (2) members of the development board may call a special meeting of the

development board.

(c) Five (5) members of the development board constitute a quorum. **However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, six (6) members of the development board constitute a quorum.**

(d) The affirmative votes of at least five (5) members of the development board are necessary to authorize any action of the development authority. **However, if the county described in section 3(e) of this chapter is an eligible county participating in the development authority, the affirmative votes of at least six (6) members of the development board are necessary to authorize any action of the development authority.**

(e) Notwithstanding any other provision of this article, the minimum ~~number of at least five (5)~~ affirmative votes required under subsection (d) to take any of the following actions must include the affirmative vote of the member appointed by the governor who is not nominated under section 3(d) **or 3(f)** of this chapter:

- (1) Making loans, loan guarantees, or grants or providing any other funding or financial assistance for projects.
- (2) Acquiring or condemning property.
- (3) Entering into contracts.
- (4) Employing an executive director or any consultants or technical experts.
- (5) Issuing bonds or entering into a lease of a project.

SECTION 59. IC 36-7.5-3-1, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. The development authority shall do the following:

- (1) Assist in the coordination of local efforts concerning projects.
- (2) Assist a commuter transportation district, an airport authority, a shoreline development commission, **a regional transportation authority**, and a regional bus authority in coordinating regional transportation and economic development efforts.
- (3) Fund projects as provided in this article.
- (4) Fund bus services (including fixed route services and flexible or demand-responsive services) and projects related to bus services and bus terminals, stations, or facilities.

SECTION 60. IC 36-7.5-3-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) The development authority may do any of the following:

- (1) Finance, improve, construct, reconstruct, renovate, purchase, lease, acquire, and equip land and projects located in an eligible county.
- (2) Lease land or a project to an eligible political subdivision.
- (3) Finance and construct additional improvements to projects or other capital improvements owned by the development authority and lease them to or for the benefit of an eligible political subdivision.
- (4) Acquire land or all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease and lease the land or projects back to the eligible political subdivision, with any additional improvements that may be made to the land or projects.

(5) Acquire all or a portion of one (1) or more projects from an eligible political subdivision by purchase or lease to fund or refund indebtedness incurred on account of the projects to enable the eligible political subdivision to make a savings in debt service obligations or lease rental obligations or to obtain relief from covenants that the eligible political subdivision considers to be unduly burdensome.

(6) Make loans, loan guarantees, and grants or provide other financial assistance to or on behalf of the following:

- (A) A commuter transportation district.
- (B) An airport authority or airport development authority.
- (C) A shoreline development commission.
- (D) A regional bus authority. A loan, loan guarantee, grant, or other financial assistance under this clause may be used by a regional bus authority for acquiring, improving, operating, maintaining, financing, and supporting the following:

- (i) Bus services (including fixed route services and flexible or demand-responsive services) that are a component of a public transportation system.
- (ii) Bus terminals, stations, or facilities or other regional bus authority projects.

(E) A regional transportation authority.

(7) Provide funding to assist a railroad that is providing commuter transportation services in an eligible county.

(8) Provide funding to assist an airport authority located in an eligible county in the construction, reconstruction, renovation, purchase, lease, acquisition, and equipping of an airport facility or airport project.

(9) Provide funding to assist in the development of an intermodal facility to facilitate the interchange and movement of freight.

~~(9)~~ **(10)** Provide funding to assist a shoreline development commission in carrying out the purposes of IC 36-7-13.5.

~~(10)~~ **(11)** Provide funding for economic development projects in an eligible county.

~~(11)~~ **(12)** Hold, use, lease, rent, purchase, acquire, and dispose of by purchase, exchange, gift, bequest, grant, condemnation, lease, or sublease, on the terms and conditions determined by the development authority, any real or personal property located in an eligible county.

~~(12)~~ **(13)** After giving notice, enter upon any lots or lands for the purpose of surveying or examining them to determine the location of a project.

~~(13)~~ **(14)** Make or enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article.

~~(14)~~ **(15)** Sue, be sued, plead, and be impleaded.

~~(15)~~ **(16)** Design, order, contract for, and construct, reconstruct, and renovate a project or improvements to a project.

~~(16)~~ **(17)** Appoint an executive director and employ appraisers, real estate experts, engineers, architects, surveyors, attorneys, accountants, auditors, clerks, construction managers, and any consultants or employees that are necessary or desired by the development authority in exercising its powers or carrying out its duties under this article.

~~(17)~~ **(18)** Accept loans, grants, and other forms of financial

assistance from the federal government, the state government, a political subdivision, or any other public or private source.

~~(18)~~ **(19)** Use the development authority's funds to match federal grants or make loans, loan guarantees, or grants to carry out the development authority's powers and duties under this article.

~~(19)~~ **(20)** Except as prohibited by law, take any action necessary to carry out this article.

(b) If the development authority is unable to agree with the owners, lessees, or occupants of any real property selected for the purposes of this article, the development authority may proceed under IC 32-24-1 to procure the condemnation of the property. The development authority may not institute a proceeding until it has adopted a resolution that:

(1) describes the real property sought to be acquired and the purpose for which the real property is to be used;

(2) declares that the public interest and necessity require the acquisition by the development authority of the property involved; and

(3) sets out any other facts that the development authority considers necessary or pertinent.

The resolution is conclusive evidence of the public necessity of the proposed acquisition.

SECTION 61. IC 36-7.5-4-2, AS ADDED BY P.L.214-2005, SECTION 73, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **Except as provided in subsection (b)**, beginning in 2006 the fiscal officer of each city and county described in IC 36-7.5-2-3(b) ~~(other than the two (2) largest cities in a county described in IC 36-7.5-2-3(b)(1))~~ shall each transfer three million five hundred thousand dollars (\$3,500,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

(b) This subsection applies only if:

(1) the fiscal body of the county described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the county is joining the development authority;

(2) the fiscal body of the city described in IC 36-7.5-2-3(e) has adopted an ordinance under IC 36-7.5-2-3(e) providing that the city is joining the development authority; and

(3) the county described in IC 36-7.5-2-3(e) is an eligible county participating in the development authority.

Beginning in 2007, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer two million six hundred twenty-five thousand dollars (\$2,625,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter. Beginning in 2007, the fiscal officer of the city described in IC 36-7.5-2-3(e) shall transfer eight hundred seventy-five thousand dollars (\$875,000) each year to the development authority for deposit in the development authority fund established under section 1 of this chapter.

~~(b)~~ **(c)** The following apply to the transfers required by ~~subsection (a)~~ **subsections (a) and (b):**

(1) **Except for transfers of money described in subdivision (4)(D)**, the transfers shall be made without appropriation by the city or county fiscal body or approval by any other entity.

(2) Except as provided in subdivision (3), after December 31, 2005, each fiscal officer shall transfer eight hundred seventy-five thousand dollars (\$875,000) to the development authority fund before the last business day of January, April, July, and October of each year. Food and beverage tax revenue deposited in the fund under IC 6-9-36-8 is in addition to the transfers required by this section.

(3) After December 31, 2006, the fiscal officer of the county described in IC 36-7.5-2-3(e) shall transfer six hundred fifty-six thousand two hundred fifty dollars (\$656,250) to the development authority fund before the last business day of January, April, July, and October of each year. The county is not required to make any payments or transfers to the development authority covering any time before January 1, 2007. The fiscal officer of a city described in IC 36-7.5-2-3(e) shall transfer two hundred eighteen thousand seven hundred fifty dollars (\$218,750) to the development authority fund before the last business day of January, April, July, and October of each year. The city is not required to make any payments or transfers to the development authority covering any time before January 1, 2007.

~~(3)~~ **(4)** The transfers shall be made from one (1) or more of the following:

(A) Riverboat admissions tax revenue received by the city or county, riverboat wagering tax revenue received by the city or county, or riverboat incentive payments received from a riverboat licensee by the city or county.

(B) Any county economic development income tax revenue received under IC 6-3.5-7 by the city or county.

(C) Any other local revenue other than property tax revenue received by the city or county.

(D) In the case of a county described in IC 36-7.5-2-3(e) or a city described in IC 36-7.5-2-3(e), any money from the major moves construction fund that is distributed to the county or city under IC 8-14-16.

SECTION 62. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "authority" and "user fees" have the meanings set forth in IC 8-15.5-2, as added by this act.

(b) The authority shall adopt a rule under IC 4-22-2-37.1, as amended by this act, fixing user fees, including a schedule of the user fees provided for under a public-private agreement entered into under IC 8-15.5-4, as added by this act, on or before January 1, 2007.

(c) This SECTION expires July 1, 2007.

SECTION 63. [EFFECTIVE UPON PASSAGE] The Indiana department of transportation may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1, as amended by this act, to implement IC 8-15-3, as amended by this act, and IC 8-15.7, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date that another temporary rule adopted under this SECTION supersedes or repeals the previously adopted temporary rule.

(2) The date that a permanent rule adopted under IC 4-22-2 supersedes or repeals the temporary rule.

(3) The date specified in the temporary rule.

(4) January 1, 2008.

SECTION 64. [EFFECTIVE UPON PASSAGE] **The provisions of this act are severable in the manner provided by IC 1-1-1-8(b).**

SECTION 65. [EFFECTIVE UPON PASSAGE] **(a) The definitions set forth in IC 8-15.5-2, as added by this act, apply throughout this SECTION.**

(b) Actions taken with respect to:

- (1) the issuance of a request for proposals;**
- (2) the determination of responsible and eligible offerors; and**
- (3) the preliminary selection of an operator by the authority;**

for a public-private agreement before the effective date of this act that would have been valid under IC 8-15.5, as added by this act, are legalized and validated.

SECTION 66. An emergency is declared for this act.

(Reference is to EHB 1008 as reprinted March 2, 2006, and as amended by the committee report of the committee of one adopted March 2, 2006.)

Borrer, Chair	Meeks
Espich	Howard
House Conferees	Senate Conferees

Roll Call 406: yeas 31, nays 19. Report adopted.

SENATE MOTION

Madam President: I move that Senate Rule 83(a) be suspended with regard to its application to Conference Committee Reports to Engrossed Senate Bills 260 and 345 and Engrossed House Bills 1327 and 1315 and that said Conference Committee Reports be made a special order of business for 11:45 p.m., 11:47 p.m., 11:49 p.m., and 11:50 p.m. respectively on March 14, 2006.

GARTON

Motion prevailed.

REPORTS FROM COMMITTEES**COMMITTEE REPORT**

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senate Garton requesting suspension of Senate Rule 83(a) for Conference Committee Reports to Engrossed Senate Bills 260 and 345 and Engrossed House Bills 1327 and 1315 has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said motion be adopted.

GARTON, Chair

Report adopted.

SPECIAL ORDER OF BUSINESS**CONFERENCE COMMITTEE REPORT****ESB 260-1**

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 260 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-4-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 12. **(a) As used in this section, "land developer" means a person that holds land for sale in the ordinary course of the person's trade or business.**

(b) As used in this section, "land in inventory" means:

(1) a lot; or

(2) a tract that has not been subdivided into lots; to which a land developer holds title in the ordinary course of the land developer's trade or business.

(c) As used in this section, "title" refers to legal or equitable title, including the interest of a contract purchaser.

(d) Except as provided in subsections (h) and (i), if:

(1) land assessed on an acreage basis is subdivided into lots; ~~the land shall be reassessed on the basis of lots. If or~~

(2) land is rezoned for, or put to, a different use; the land shall be reassessed on the basis of its new classification.

(e) If improvements are added to real property, the improvements shall be assessed.

(f) An assessment or reassessment made under this section is effective on the next assessment date. ~~However, if land assessed on an acreage basis is subdivided into lots, the lots may not be reassessed until the next assessment date following a transaction which results in a change in legal or equitable title to that lot.~~

(g) No petition to the department of local government finance is necessary with respect to an assessment or reassessment made under this section.

(h) Subject to subsection (i), land in inventory may not be reassessed until the next assessment date following the earliest of:

(1) the date on which title to the land is transferred by:

(A) the land developer; or

(B) a successor land developer that acquires title to the land;

to a person that is not a land developer;

(2) the date on which construction of a structure begins on the land; or

(3) the date on which a building permit is issued for construction of a building or structure on the land.

(i) Subsection (h) applies regardless of whether the land in inventory is rezoned while a land developer holds title to the land.

SECTION 2. IC 6-1.1-4-28.5, AS AMENDED BY P.L.88-2005, SECTION 7, AND AS AMENDED BY P.L.228-2005, SECTION 10, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28.5. (a) Money assigned to a property reassessment fund under section 27.5 of this chapter may be used only to pay the costs of:

(1) the general reassessment of real property, including the computerization of assessment records;

(2) payments to county assessors, members of property tax assessment boards of appeals, or assessing officials under IC 6-1.1-35.2;

- (3) the development or updating of detailed soil survey data by the United States Department of Agriculture or its successor agency;
- (4) the updating of plat books; ~~and~~
- (5) payments for the salary of permanent staff or for the contractual services of temporary staff who are necessary to assist county assessors, members of a county property tax assessment board of appeals, and assessing officials;
- (6) making annual adjustments under section 4.5 of this chapter; and
- (7) the verification under 50 IAC 21-3-2 of sales disclosure forms forwarded to the county assessor under IC 6-1.1-5.5-3.

Money in a property tax reassessment fund may not be transferred or reassigned to any other fund, and may not be used for any purposes other than those set forth in this section.

(b) All counties shall use modern, detailed soil maps in the general reassessment of agricultural land.

(c) The county treasurer of each county shall, in accordance with IC 5-13-9, invest any money accumulated in the property reassessment fund, until the money is needed to pay general reassessment expenses. Any interest received from investment of the money shall be paid into the property reassessment fund.

(d) An appropriation under this section must be approved by the fiscal body of the county after the review and recommendation of the county assessor. However, in a county with an elected township assessor in every township, the county assessor does not review an appropriation under this section, and only the fiscal body must approve an appropriation under this section.

SECTION 3. IC 6-1.1-5.5-5, AS AMENDED BY P.L.228-2005, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) The department of local government finance shall prescribe a sales disclosure form for use under this chapter. The form prescribed by the department of local government finance must include at least the following information:

- (1) The key number of the parcel (as defined in IC 6-1.1-1-8.5).
- (2) Whether the entire parcel is being conveyed.
- (3) The address of the property.
- (4) The date of the execution of the form.
- (5) The date the property was transferred.
- (6) Whether the transfer includes an interest in land or improvements, or both.
- (7) Whether the transfer includes personal property.
- (8) An estimate of any personal property included in the transfer.
- (9) The name, address, and telephone number of:
 - (A) each transferor and transferee; and
 - (B) the person that prepared the form.
- (10) The mailing address to which the property tax bills or other official correspondence should be sent.
- (11) The ownership interest transferred.
- (12) The classification of the property (as residential, commercial, industrial, agricultural, vacant land, or other).
- (13) The total price actually paid or required to be paid in exchange for the conveyance, whether in terms of money, property, a service, an agreement, or other consideration, but excluding tax payments and payments for legal and other services that are incidental to the conveyance.

(14) The terms of seller provided financing, such as interest rate, points, type of loan, amount of loan, and amortization period, and whether the borrower is personally liable for repayment of the loan.

(15) Any family or business relationship existing between the transferor and the transferee.

(16) Other information as required by the department of local government finance to carry out this chapter.

If a form under this section includes the telephone number or the Social Security number of a party, the telephone number or the Social Security number is confidential.

(b) The instructions for completing the form described in subsection (a) must include the information described in IC 6-1.1-12-43(c)(1).

SECTION 4. IC 6-1.1-5.5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The county auditor may not accept a conveyance document if:

- (1) the sales disclosure form signed by all the parties and attested as required under section 9 of this chapter is not included with the document; or
- (2) the sales disclosure form does not contain the information described in ~~section 5~~ **section 5(a)** of this chapter.

(b) The county recorder shall not record a conveyance document without evidence that the parties have filed a completed sales disclosure form with the county auditor.

SECTION 5. IC 6-1.1-8-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 28. (a) Each year the department of local government finance shall notify each public utility company of:

- (1) the department's tentative assessment of the company's distributable property; and
- (2) the value of the company's distributable property used by the department to determine the tentative assessment.

(b) The department of local government finance shall give the notice on or before required by subsection (a) not later than:

- (1) September 1 in the case of railroad car companies; and shall give the notice on or before**
- (2) June 1 in the case of all other public utility companies.**

(b) Within (c) Not later than ten (10) days after a public utility company receives the notice of the department of local government finance's tentative assessment, required by subsection (a), the company may:

- (1) file with the department its objections to the tentative assessment; and
- (2) ~~demand request~~ that the department hold a ~~hearing~~ **preliminary conference** on the tentative assessment.

(d) If the public utility company does not file with the department of local government finance its objections to the tentative assessment under subsection (c)(1) within the time allowed:

- (1) the tentative assessment is considered final; and**
- (2) the company may not be appealed: appeal the assessment under section 30 of this chapter.**

SECTION 6. IC 6-1.1-8-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 29. (a) If a public utility company files its objections to ~~and demands a hearing on~~, a tentative assessment within the time allowed **under section 28(c) of this chapter**, the department of local government finance

~~shall~~ may hold a ~~hearing~~ **preliminary conference** on the tentative assessment at a time and place fixed by the department. After the ~~hearing~~, **preliminary conference**, if any, the department of local government finance shall:

(1) make a final assessment of the company's distributable property; and ~~shall~~

(2) notify the company of the final assessment. ~~However,~~

(b) The department of local government finance must give notice of the final assessment ~~before~~: **under this section not later than:**

(1) September 30 in the case of railroad car companies; and ~~before~~

(2) June 30 in the case of all other public utility companies.

SECTION 7. IC 6-1.1-8-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 30. ~~If (a) A public utility company files its objections to the department of local government finance's tentative assessment of the company's distributable property in the manner prescribed in section 28 of this chapter; the company may initiate an appeal of the department's final assessment of that the company's distributable property by filing a petition with the Indiana board not more later than forty-five (45) days after:~~

(1) **the public utility company receives notice of the tentative assessment under section 28(a) of this chapter if the final assessment becomes final under section 28(d) of this chapter; or**

(2) the department of local government finance gives the public utility company notice of the final determination ~~The~~ **under section 29(a) of this chapter.**

(b) A public utility company may petition for judicial review of the Indiana board's final determination to the tax court under IC 4-21.5-5. However, the company must:

(1) file a verified petition for judicial review; and

(2) mail to the county auditor of each county in which the public utility company's distributable property is located:

(A) a notice that the complaint was filed; and

(B) instructions for obtaining a copy of the complaint;

~~within not later than~~ **forty-five (45) days after the date of the notice of the Indiana board's final determination.**

SECTION 8. IC 6-1.1-8.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) For purposes of the general reassessment under IC 6-1.1-4-4 or a new assessment, the department of local government finance shall assess each industrial facility in a qualifying county.

(b) **The following may not assess an industrial facility in a qualifying county:**

(1) A county assessor.

(2) An assessing official.

(3) A county property tax assessment board of appeals.

SECTION 9. IC 6-1.1-9-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 10. (a) **If in the course of a review of a taxpayer's personal property assessment under this chapter an assessing official or the assessing official's representative or contractor discovers an error indicating that the taxpayer has overreported a personal property assessment, the assessing official shall:**

(1) **adjust the personal property assessment to correct the**

error; and

(2) **process a refund or credit for any resulting overpayment.**

(b) **Application of subsection (a) is subject to the restrictions of IC 6-1.1-11-1.**

SECTION 10. IC 6-1.1-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) Subject to subsections (c), ~~and (f), and (g),~~ an owner of tangible property who wishes to obtain an exemption from property taxation shall file a certified application in duplicate with the county assessor of the county in which the property that is the subject of the exemption is located. The application must be filed annually ~~on or~~ before May 15 on forms prescribed by the department of local government finance. Except as provided in sections 1, 3.5, and 4 of this chapter, the application applies only for the taxes imposed for the year for which the application is filed.

(b) The authority for signing an exemption application may not be delegated by the owner of the property to any other person except by an executed power of attorney.

(c) An exemption application which is required under this chapter shall contain the following information:

(1) A description of the property claimed to be exempt in sufficient detail to afford identification.

(2) A statement showing the ownership, possession, and use of the property.

(3) The grounds for claiming the exemption.

(4) The full name and address of the applicant.

(5) For the year that ends on the assessment date of the property, identification of:

(A) each part of the property used or occupied; and

(B) each part of the property not used or occupied;

for one (1) or more exempt purposes under IC 6-1.1-10 during the time the property is used or occupied.

(6) Any additional information which the department of local government finance may require.

(d) A person who signs an exemption application shall attest in writing and under penalties of perjury that, to the best of the person's knowledge and belief, a predominant part of the property claimed to be exempt is not being used or occupied in connection with a trade or business that is not substantially related to the exercise or performance of the organization's exempt purpose.

(e) An owner must file with an application for exemption of real property under subsection (a) or section 5 of this chapter a copy of the township assessor's record kept under IC 6-1.1-4-25(a) that shows the calculation of the assessed value of the real property for the assessment date for which the exemption is claimed. Upon receipt of the exemption application, the county assessor shall examine that record and determine if the real property for which the exemption is claimed is properly assessed. If the county assessor determines that the real property is not properly assessed, the county assessor shall direct the township assessor of the township in which the real property is located to:

(1) properly assess the real property; and

(2) notify the county assessor and county auditor of the proper assessment.

(f) If the county assessor determines that the applicant has not filed with an application for exemption a copy of the record referred to in subsection (e), the county assessor shall notify the applicant in

writing of that requirement. The applicant then has thirty (30) days after the date of the notice to comply with that requirement. The county property tax assessment board of appeals shall deny an application described in this subsection if the applicant does not comply with that requirement within the time permitted under this subsection.

(g) This subsection applies whenever a law requires an exemption to be claimed on or in an application accompanying a personal property tax return. The claim or application may be filed on or with a personal property tax return not more than thirty (30) days after the filing date for the personal property tax return, regardless of whether an extension of the filing date has been granted under IC 6-1.1-3-7.

SECTION 11. IC 6-1.1-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided by section 1 of this chapter must file a statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the person wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. In addition to the statement required by this subsection, a contract buyer who desires to claim the deduction must submit a copy of the recorded contract or recorded memorandum of the contract, which must contain a legal description sufficient to meet the requirements of IC 6-1.1-5, with the first statement that the buyer files under this section with respect to a particular parcel of real property. Upon receipt of the statement and the recorded contract or recorded memorandum of the contract, the county auditor shall assign a separate description and identification number to the parcel of real property being sold under the contract.

(b) The statement referred to in subsection (a) must be verified under penalties for perjury, and the statement must contain the following information:

- (1) The balance of the person's mortgage or contract indebtedness on the assessment date of the year for which the deduction is claimed.
- (2) The assessed value of the real property, mobile home, or manufactured home.
- (3) The full name and complete residence address of the person and of the mortgagee or contract seller.
- (4) The name and residence of any assignee or bona fide owner or holder of the mortgage or contract, if known, and if not known, the person shall state that fact.
- (5) The record number and page where the mortgage, contract, or memorandum of the contract is recorded.
- (6) A brief description of the real property, mobile home, or manufactured home which is encumbered by the mortgage or sold under the contract.

(7) If the person is not the sole legal or equitable owner of the real property, mobile home, or manufactured home, the exact share of the person's interest in it.

(8) The name of any other county in which the person has applied for a deduction under this section and the amount of deduction claimed in that application.

(c) The authority for signing a deduction application filed under this section may not be delegated by the real property, mobile home, or manufactured home owner or contract buyer to any person except upon an executed power of attorney. The power of attorney may be contained in the recorded mortgage, contract, or memorandum of the contract, or in a separate instrument.

SECTION 12. IC 6-1.1-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) An individual who satisfies the requirements of section 3 of this chapter may file a claim for a deduction, or deductions, provided by section 1 of this chapter during the twelve (12) months before ~~May~~ **June** 11 of the year following the year in which ~~he~~ **the individual** is discharged from military service. The individual shall file the claim, on the forms prescribed for claiming a deduction under section 2 of this chapter, with the auditor of the county in which the real property is located. The claim shall specify the particular year, or years, for which the deduction is claimed. The individual shall attach to the claim an affidavit which states the facts concerning the individual's absence as a member of the United States armed forces.

(b) The county property tax assessment board of appeals shall examine the individual's claim and shall determine the amount of deduction, or deductions, ~~he~~ **the individual** is entitled to and the year, or years, for which deductions are due. Based on the board's determination, the county auditor shall calculate the excess taxes paid by the individual and shall refund the excess to the individual from funds not otherwise appropriated. The county auditor shall issue, and the county treasurer shall pay, a warrant for the amount, if any, to which the individual is entitled.

SECTION 13. IC 6-1.1-12-10.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.1. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 9 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed between January 15 and March 31, inclusive of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement referred to in subsection (a) shall be in affidavit form or require verification under penalties of perjury. The statement must be filed in duplicate if the applicant owns, or is buying under a contract, real property, a mobile home, or a manufactured home subject to assessment in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) the source and exact amount of gross income received by the individual and ~~his~~ **the individual's** spouse during the preceding calendar year;
- (2) the description and assessed value of the real property, mobile home, or manufactured home;
- (3) the individual's full name and ~~his~~ complete residence address;
- (4) the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on contract; and
- (5) any additional information which the department of local government finance may require.

(c) In order to substantiate ~~his~~ **the** deduction statement, the applicant shall submit for inspection by the county auditor a copy of ~~his~~ **the applicant's** and a copy of ~~his~~ **the applicant's** spouse's income tax returns for the preceding calendar year. If either was not required to file an income tax return, the applicant shall subscribe to that fact in the deduction statement.

SECTION 14. IC 6-1.1-12-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) Except as provided in section 17.8 of this chapter, a person who desires to claim the deduction provided in section 11 of this chapter must file an application, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home not assessed as real property, or manufactured home not assessed as real property is located. With respect to real property, the application must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the individual wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the application must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) Proof of blindness may be supported by:

- (1) the records of a county office of family and children, the division of family ~~and children~~, **resources**, or the division of disability, aging, and rehabilitative services; or
- (2) the written statement of a physician who is licensed by this state and skilled in the diseases of the eye or of a licensed optometrist.

(c) The application required by this section must contain the record number and page where the contract or memorandum of the contract is recorded if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that ~~he~~ **the individual** is to pay property taxes on the real property, mobile home, or manufactured home.

SECTION 15. IC 6-1.1-12-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. (a) Except as provided in section 17.8 of this chapter, an individual who desires to claim the deduction provided by section 13 or section 14 of this chapter must file a statement with the auditor of the county in which the individual resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the individual wishes to obtain the deduction.

With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain a sworn declaration that the individual is entitled to the deduction.

(b) In addition to the statement, the individual shall submit to the county auditor for the auditor's inspection:

- (1) a pension certificate, an award of compensation, or a disability compensation check issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 13 of this chapter;
- (2) a pension certificate or an award of compensation issued by the United States Department of Veterans Affairs if the individual claims the deduction provided by section 14 of this chapter; or
- (3) the appropriate certificate of eligibility issued to the individual by the Indiana department of veterans' affairs if the individual claims the deduction provided by section 13 or 14 of this chapter.

(c) If the individual claiming the deduction is under guardianship, the guardian shall file the statement required by this section.

(d) If the individual claiming a deduction under section 13 or 14 of this chapter is buying real property, a mobile home not assessed as real property, or a manufactured home not assessed as real property under a contract that provides that the individual is to pay property taxes for the real estate, mobile home, or manufactured home, the statement required by this section must contain the record number and page where the contract or memorandum of the contract is recorded.

SECTION 16. IC 6-1.1-12-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. Except as provided in section 17.8 of this chapter, a surviving spouse who desires to claim the deduction provided by section 16 of this chapter must file a statement with the auditor of the county in which the surviving spouse resides. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of each year for which the surviving spouse wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement shall contain:

- (1) a sworn statement that the surviving spouse is entitled to the deduction; and
- (2) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property on a contract that provides that the individual is to pay property taxes on the real property.

In addition to the statement, the surviving spouse shall submit to the county auditor for the auditor's inspection a letter or certificate from the United States Department of Veterans Affairs establishing the service of the deceased spouse in the military or naval forces of the United States before November 12, 1918.

SECTION 17. IC 6-1.1-12-17.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Except as provided in section 17.8 of this chapter, a veteran who desires to claim the deduction provided in section 17.4 of this chapter must file a sworn statement, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property, mobile home, or manufactured home is assessed. With respect to real property, the veteran must file the statement during the twelve (12) months before ~~May~~ **June 11** of each year for which the veteran wishes to obtain the deduction. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of each year for which the individual wishes to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing.

(b) The statement required under this section shall be in affidavit form or require verification under penalties of perjury. The statement shall be filed in duplicate if the veteran has, or is buying under a contract, real property in more than one (1) county or in more than one (1) taxing district in the same county. The statement shall contain:

- (1) a description and the assessed value of the real property, mobile home, or manufactured home;
- (2) the veteran's full name and complete residence address;
- (3) the record number and page where the contract or memorandum of the contract is recorded, if the individual is buying the real property, mobile home, or manufactured home on a contract that provides that the individual is to pay property taxes on the real property, mobile home, or manufactured home; and
- (4) any additional information which the department of local government finance may require.

SECTION 18. IC 6-1.1-12-17.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.8. (a) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who remains eligible for the deduction in the following year is not required to file a statement to apply for the deduction in the following year.

(b) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter in a particular year and who becomes ineligible for the deduction in the following year shall notify the auditor of the county in which the real property, mobile home, or manufactured home for which ~~he the individual~~ claims the deduction is located of ~~his the individual's~~ ineligibility before ~~May 10~~ **June 11** of the year in which ~~he the individual~~ becomes ineligible.

(c) The auditor of each county shall, in a particular year, apply a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter to each individual who received the deduction in the preceding year unless the auditor determines that the individual is no longer eligible for the deduction.

(d) An individual who receives a deduction provided under section 1, 9, 11, 13, 14, 16, or 17.4 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the deduction in the following year is not required to file a statement to reapply for the deduction following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of the property in a divorce decree.

SECTION 19. IC 6-1.1-12-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 20. (a) A property owner who desires to obtain the deduction provided by section 18 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the rehabilitated property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~May 10~~ **June 11** of the year in which the addition to assessed value is made.

(b) If notice of the addition to assessed value for any year is not given to the property owner before ~~April 10~~ **May 11** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (2) statements of the ownership of the property;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the number of dwelling units on the property;
- (5) the number of dwelling units rehabilitated;
- (6) the increase in assessed value resulting from the rehabilitation; and
- (7) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the increase in assessed value occurs and for the immediately following four (4) years without any additional application being filed.

(e) On verification of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 20. IC 6-1.1-12-24 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 24. (a) A property owner who desires to obtain the deduction provided by section 22 of this chapter must file a certified deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is located. The application may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. Except as provided in subsection (b), the application must be filed before ~~May 10~~ **June 11** of the year in which the addition to assessed valuation is made.

(b) If notice of the addition to assessed valuation for any year is not given to the property owner before ~~April 10~~ **May 11** of that year, the application required by this section may be filed not later than thirty (30) days after the date such a notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The application required by this section shall contain the following information:

- (1) the name of the property owner;
- (2) a description of the property for which a deduction is claimed in sufficient detail to afford identification;
- (3) the assessed value of the improvements on the property before rehabilitation;
- (4) the increase in the assessed value of improvements resulting from the rehabilitation; and
- (5) the amount of deduction claimed.

(d) A deduction application filed under this section is applicable for the year in which the addition to assessed value is made and in the immediate following four (4) years without any additional application being filed.

(e) On verification of the correctness of an application by the assessor of the township in which the property is located, the county auditor shall make the deduction.

SECTION 21. IC 6-1.1-12-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 30. Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 29 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the real property or mobile home is subject to assessment. With respect to real property, the person must file the statement between March 1 and ~~May 10~~ **June 11**, inclusive, of each year for which the person desires to obtain the deduction. With respect to a mobile home which is not assessed as real property, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. On verification of the statement by the assessor of the township in which the real property or mobile home is subject to assessment, the county auditor shall allow the deduction.

SECTION 22. IC 6-1.1-12-35.5, AS AMENDED BY P.L.214-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 35.5. (a) Except as provided in section 36 of this chapter, a person who desires to claim the deduction provided by section 31, 33, 34, or 34.5 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, and proof of certification under subsection (b) or (f) with the auditor of the county in which the property for which the deduction is claimed is subject to assessment. Except as provided in subsection (e), with respect to property that is not assessed under IC 6-1.1-7, the person must file the statement between March 1 and ~~May 10~~ **June 11**, inclusive, of the assessment year. The person must file the statement in each year for which the person desires to obtain the deduction. With respect to a property which is assessed under IC 6-1.1-7, the person must file the statement between January 15 and March 31, inclusive, of each year for which the person desires to obtain the deduction. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. On verification of the statement by the assessor of the township in which the property for which the deduction is claimed is subject to assessment, the county auditor shall allow the deduction.

(b) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. The department of

environmental management, upon application by a property owner, shall determine whether a system or device qualifies for a deduction provided by section 31, 33, or 34 of this chapter. If the department determines that a system or device qualifies for a deduction, it shall certify the system or device and provide proof of the certification to the property owner. The department shall prescribe the form and manner of the certification process required by this subsection.

(c) This subsection does not apply to an application for a deduction under section 34.5 of this chapter. If the department of environmental management receives an application for certification before ~~April 10~~ **May 11** of the assessment year, the department shall determine whether the system or device qualifies for a deduction before ~~May 10~~ **June 11** of the assessment year. If the department fails to make a determination under this subsection before ~~May 10~~ **June 11** of the assessment year, the system or device is considered certified.

(d) A denial of a deduction claimed under section 31, 33, 34, or 34.5 of this chapter may be appealed as provided in IC 6-1.1-15. The appeal is limited to a review of a determination made by the township assessor, county property tax assessment board of appeals, or department of local government finance.

(e) A person who timely files a personal property return under IC 6-1.1-3-7(a) for an assessment year and who desires to claim the deduction provided in section 31 of this chapter for property that is not assessed under IC 6-1.1-7 must file the statement described in subsection (a) between March 1 and ~~May 15~~ **June 11**, inclusive, of that year. A person who obtains a filing extension under IC 6-1.1-3-7(b) for an assessment year must file the application between March 1 and the extended due date for that year.

(f) This subsection applies only to an application for a deduction under section 34.5 of this chapter. The center for coal technology research established by IC 4-4-30-5, upon receiving an application from the owner of a building, shall determine whether the building qualifies for a deduction under section 34.5 of this chapter. If the center determines that a building qualifies for a deduction, the center shall certify the building and provide proof of the certification to the owner of the building. The center shall prescribe the form and procedure for certification of buildings under this subsection. If the center receives an application for certification of a building under section 34.5 of this chapter before ~~April 10~~ **May 11** of an assessment year:

- (1) the center shall determine whether the building qualifies for a deduction before ~~May 10~~ **June 11** of the assessment year; and
- (2) if the center fails to make a determination before ~~May 10~~ **June 11** of the assessment year, the building is considered certified.

SECTION 23. IC 6-1.1-12-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 38. (a) A person is entitled to a deduction from the assessed value of the person's property in an amount equal to the difference between:

- (1) the assessed value of the person's property, including the assessed value of the improvements made to comply with the fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11; minus
- (2) the assessed value of the person's property, excluding the assessed value of the improvements made to comply with the

fertilizer storage rules adopted by the state chemist under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11.

(b) To obtain the deduction under this section, a person must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the property is subject to assessment. In addition to the certified statement, the person must file a certification by the state chemist listing the improvements that were made to comply with the fertilizer storage rules adopted under IC 15-3-3-12 and the pesticide storage rules adopted by the state chemist under IC 15-3-3.5-11. The statement and certification must be filed before ~~May 10~~ **June 11** of the year preceding the year the deduction will first be applied. Upon the verification of the statement and certification by the assessor of the township in which the property is subject to assessment, the county auditor shall allow the deduction.

SECTION 24. IC 6-1.1-12.1-1, AS AMENDED BY P.L.216-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 1. For purposes of this chapter:

(1) "Economic revitalization area" means an area which is within the corporate limits of a city, town, or county which has become undesirable for, or impossible of, normal development and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings, or other factors which have impaired values or prevent a normal development of property or use of property. The term "economic revitalization area" also includes:

(A) any area where a facility or a group of facilities that are technologically, economically, or energy obsolete are located and where the obsolescence may lead to a decline in employment and tax revenues; and

(B) a residentially distressed area, except as otherwise provided in this chapter.

(2) "City" means any city in this state, and "town" means any town incorporated under IC 36-5-1.

(3) "New manufacturing equipment" means ~~any~~ **tangible personal property which that a deduction applicant:**

(A) ~~was installed~~ **installs** after February 28, 1983, and on or before the approval deadline determined under section 9 of this chapter, in an area that is declared an economic revitalization area after February 28, 1983, in which a deduction for tangible personal property is allowed;

(B) ~~is used~~ **uses** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property, including but not limited to use to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; ~~and~~

(C) ~~was acquired by its owner~~ **acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant** for use as described in clause (B); and

(D) ~~was never before used by its owner~~ **for any purpose in Indiana before the installation described in clause (A).**

However, notwithstanding any other law, the term includes tangible personal property that is used to dispose of solid waste

or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products and was installed after March 1, 1993, and before March 2, 1996, even if the property was installed before the area where the property is located was designated as an economic revitalization area or the statement of benefits for the property was approved by the designating body.

(4) "Property" means a building or structure, but does not include land.

(5) "Redevelopment" means the construction of new structures, in economic revitalization areas, either:

(A) on unimproved real estate; or

(B) on real estate upon which a prior existing structure is demolished to allow for a new construction.

(6) "Rehabilitation" means the remodeling, repair, or betterment of property in any manner or any enlargement or extension of property.

(7) "Designating body" means the following:

(A) For a county that does not contain a consolidated city, the fiscal body of the county, city, or town.

(B) For a county containing a consolidated city, the metropolitan development commission.

(8) "Deduction application" means: ~~either:~~

(A) the application filed in accordance with section 5 of this chapter by a property owner who desires to obtain the deduction provided by section 3 of this chapter; ~~or~~

(B) the application filed in accordance with section 5.4 of this chapter by a person who desires to obtain the deduction provided by section 4.5 of this chapter; **or**

(C) the application filed in accordance with section 5.3 of this chapter by a property owner that desires to obtain the deduction provided by section 4.8 of this chapter.

(9) "Designation application" means an application that is filed with a designating body to assist that body in making a determination about whether a particular area should be designated as an economic revitalization area.

(10) "Hazardous waste" has the meaning set forth in IC 13-11-2-99(a). The term includes waste determined to be a hazardous waste under IC 13-22-2-3(b).

(11) "Solid waste" has the meaning set forth in IC 13-11-2-205(a). However, the term does not include dead animals or any animal solid or semisolid wastes.

(12) "New research and development equipment" means tangible personal property that:

(A) ~~is installed~~ **a deduction applicant installs** after June 30, 2000, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

(i) laboratory equipment;

(ii) research and development equipment;

(iii) computers and computer software;

(iv) telecommunications equipment; or

(v) testing equipment;

(C) ~~is used~~ **the deduction applicant uses** in research and development activities devoted directly and exclusively to

experimental or laboratory research and development for new products, new uses of existing products, or improving or testing existing products; ~~and~~

(D) ~~is acquired by the property owner~~ **the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant** for purposes described in this subdivision; and ~~was~~

(E) ~~the deduction applicant never before used by the owner~~ **the deduction applicant never before used by the owner** for any purpose in Indiana **before the installation described in clause (A).**

The term does not include equipment installed in facilities used for or in connection with efficiency surveys, management studies, consumer surveys, economic surveys, advertising or promotion, or research in connection with literacy, history, or similar projects.

(13) "New logistical distribution equipment" means tangible personal property that:

(A) ~~is installed~~ **a deduction applicant installs** after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of:

- (i) racking equipment;
- (ii) scanning or coding equipment;
- (iii) separators;
- (iv) conveyors;
- (v) fork lifts or lifting equipment (including "walk behinds");
- (vi) transitional moving equipment;
- (vii) packaging equipment;
- (viii) sorting and picking equipment; or
- (ix) software for technology used in logistical distribution;

(C) ~~is used~~ **the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant and uses** for the storage or distribution of goods, services, or information; and

(D) ~~before being used as described in clause (C); was the deduction applicant~~ **never used by its owner** for any purpose in Indiana **before the installation described in clause (A).**

(14) "New information technology equipment" means tangible personal property that:

(A) ~~is installed~~ **a deduction applicant installs** after June 30, 2004, and on or before the approval deadline determined under section 9 of this chapter, in an economic revitalization area in which a deduction for tangible personal property is allowed;

(B) consists of equipment, including software, used in the fields of:

- (i) information processing;
- (ii) office automation;
- (iii) telecommunication facilities and networks;
- (iv) informatics;
- (v) network administration;
- (vi) software development; and
- (vii) fiber optics; ~~and~~

(C) **the deduction applicant acquires in an arms length transaction from an entity that is not an affiliate of the deduction applicant; and**

~~(C) before being installed as described in clause (A); was~~ **(D) the deduction applicant never used by its owner** for any purpose in Indiana **before the installation described in clause (A).**

(15) "Deduction applicant" means an owner of tangible personal property who makes a deduction application.

(16) "Affiliate" means an entity that effectively controls or is controlled by a deduction applicant or is associated with a deduction applicant under common ownership or control, whether by shareholdings or other means.

(17) "Eligible vacant building" means a building that:

- (A) is zoned for commercial or industrial purposes; and
- (B) is unoccupied for at least one (1) year before the owner of the building or a tenant of the owner occupies the building, as evidenced by a valid certificate of occupancy, paid utility receipts, executed lease agreements, or any other evidence of occupation that the department of local government finance requires.

SECTION 25. IC 6-1.1-12.1-2, AS AMENDED BY P.L.216-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A designating body may find that a particular area within its jurisdiction is an economic revitalization area. However, the deduction provided by this chapter for economic revitalization areas not within a city or town shall not be available to retail businesses.

(b) In a county containing a consolidated city or within a city or town, a designating body may find that a particular area within its jurisdiction is a residentially distressed area. Designation of an area as a residentially distressed area has the same effect as designating an area as an economic revitalization area, except that the amount of the deduction shall be calculated as specified in section 4.1 of this chapter and the deduction is allowed for not more than five (5) years. In order to declare a particular area a residentially distressed area, the designating body must follow the same procedure that is required to designate an area as an economic revitalization area and must make all the following additional findings or all the additional findings described in subsection (c):

(1) The area is comprised of parcels that are either unimproved or contain only one (1) or two (2) family dwellings or multifamily dwellings designed for up to four (4) families, including accessory buildings for those dwellings.

(2) Any dwellings in the area are not permanently occupied and are:

- (A) the subject of an order issued under IC 36-7-9; or
- (B) evidencing significant building deficiencies.

(3) Parcels of property in the area:

- (A) have been sold and not redeemed under IC 6-1.1-24 and IC 6-1.1-25; or
- (B) are owned by a unit of local government.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection or one (1) of the additional findings described in subsection (c).

(c) In a county containing a consolidated city or within a city or town, a designating body that wishes to designate a particular area a residentially distressed area may make the following additional findings as an alternative to the additional findings described in subsection (b):

- (1) A significant number of dwelling units within the area are not permanently occupied or a significant number of parcels in the area are vacant land.
- (2) A significant number of dwelling units within the area are:
 - (A) the subject of an order issued under IC 36-7-9; or
 - (B) evidencing significant building deficiencies.
- (3) The area has experienced a net loss in the number of dwelling units, as documented by census information, local building and demolition permits, or certificates of occupancy, or the area is owned by Indiana or the United States.
- (4) The area (plus any areas previously designated under this subsection) will not exceed ten percent (10%) of the total area within the designating body's jurisdiction.

However, in a city in a county having a population of more than two hundred thousand (200,000) but less than three hundred thousand (300,000), the designating body is only required to make one (1) of the additional findings described in this subsection as an alternative to one (1) of the additional findings described in subsection (b).

(d) A designating body is required to attach the following conditions to the grant of a residentially distressed area designation:

- (1) The deduction will not be allowed unless the dwelling is rehabilitated to meet local code standards for habitability.
- (2) If a designation application is filed, the designating body may require that the redevelopment or rehabilitation be completed within a reasonable period of time.

(e) To make a designation described in subsection (a) or (b), the designating body shall use procedures prescribed in section 2.5 of this chapter.

(f) The property tax deductions provided by ~~sections section 3, and 4.5, or 4.8~~ of this chapter are only available within an area which the designating body finds to be an economic revitalization area.

(g) The designating body may adopt a resolution establishing general standards to be used, along with the requirements set forth in the definition of economic revitalization area, by the designating body in finding an area to be an economic revitalization area. The standards must have a reasonable relationship to the development objectives of the area in which the designating body has jurisdiction. The following ~~three (3)~~ **four (4)** sets of standards may be established:

- (1) One (1) relative to the deduction under section 3 of this chapter for economic revitalization areas that are not residentially distressed areas.
- (2) One (1) relative to the deduction under section 3 of this chapter for residentially distressed areas.
- (3) One (1) relative to the deduction allowed under section 4.5 of this chapter.
- (4) One (1) relative to the deduction allowed under section 4.8 of this chapter.**

(h) A designating body may impose a fee for filing a designation application for a person requesting the designation of a particular area as an economic revitalization area. The fee may be sufficient to defray actual processing and administrative costs. However, the fee charged for filing a designation application for a parcel that contains one (1)

or more owner-occupied, single-family dwellings may not exceed the cost of publishing the required notice.

(i) In declaring an area an economic revitalization area, the designating body may:

- (1) limit the time period to a certain number of calendar years during which the economic revitalization area shall be so designated;
- (2) limit the type of deductions that will be allowed within the economic revitalization area to ~~either~~ the deduction allowed under section 3 of this chapter, ~~or~~ the deduction allowed under section 4.5 of this chapter, **the deduction allowed under section 4.8 of this chapter, or any combination of these deductions;**
- (3) limit the dollar amount of the deduction that will be allowed with respect to new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment if a deduction under this chapter had not been filed before July 1, 1987, for that equipment;
- (4) limit the dollar amount of the deduction that will be allowed with respect to redevelopment and rehabilitation occurring in areas that are designated as economic revitalization areas on or after September 1, 1988;
- (5) limit the dollar amount of the deduction that will be allowed under section 4.8 of this chapter with respect to the occupation of an eligible vacant building; or**
- ~~(5) (6)~~ impose reasonable conditions related to the purpose of this chapter or to the general standards adopted under subsection (g) for allowing the deduction for the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

To exercise one (1) or more of these powers, a designating body must include this fact in the resolution passed under section 2.5 of this chapter.

(j) Notwithstanding any other provision of this chapter, if a designating body limits the time period during which an area is an economic revitalization area, that limitation does not:

- (1) prevent a taxpayer from obtaining a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment installed on or before the approval deadline determined under section 9 of this chapter, but after the expiration of the economic revitalization area if:
 - (A) the economic revitalization area designation expires after December 30, 1995; and
 - (B) the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment was described in a statement of benefits submitted to and approved by the designating body in accordance with section 4.5 of this chapter before the expiration of the economic revitalization area designation; or
- (2) limit the length of time a taxpayer is entitled to receive a deduction to a number of years that is less than the number of years designated under section 4, ~~or 4.5, or 4.8~~ of this chapter.

(k) Notwithstanding any other provision of this chapter, deductions:

(1) that are authorized under section 3 of this chapter for property in an area designated as an urban development area before March 1, 1983, and that are based on an increase in assessed valuation resulting from redevelopment or rehabilitation that occurs before March 1, 1983; or

(2) that are authorized under section 4.5 of this chapter for new manufacturing equipment installed in an area designated as an urban development area before March 1, 1983;

apply according to the provisions of this chapter as they existed at the time that an application for the deduction was first made. No deduction that is based on the location of property or new manufacturing equipment in an urban development area is authorized under this chapter after February 28, 1983, unless the initial increase in assessed value resulting from the redevelopment or rehabilitation of the property or the installation of the new manufacturing equipment occurred before March 1, 1983.

(l) If property located in an economic revitalization area is also located in an allocation area (as defined in IC 36-7-14-39 or IC 36-7-15.1-26), an application for the property tax deduction provided by this chapter may not be approved unless the commission that designated the allocation area adopts a resolution approving the application.

SECTION 26. IC 6-1.1-12.1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.5. (a) If a designating body finds that an area in its jurisdiction is an economic revitalization area, it shall either:

(1) prepare maps and plats that identify the area; or

(2) prepare a simplified description of the boundaries of the area by describing its location in relation to public ways, streams, or otherwise.

(b) After the compilation of the materials described in subsection (a), the designating body shall pass a resolution declaring the area an economic revitalization area. The resolution must contain a description of the affected area and be filed with the county assessor. A resolution adopted after June 30, 2000, may include a determination of the number of years a deduction under section 3, **4.5, or 4.8** of this chapter is allowed. ~~In addition, if the resolution is adopted after June 30, 2000, the resolution may include a determination of the number of years a deduction under section 4.5 of this chapter is allowed.~~

(c) After approval of a resolution under subsection (b), the designating body shall do the following:

(1) Publish notice of the adoption and substance of the resolution in accordance with IC 5-3-1.

(2) File the following information with each taxing unit that has authority to levy property taxes in the geographic area where the economic revitalization area is located:

(A) A copy of the notice required by subdivision (1).

(B) A statement containing substantially the same information as a statement of benefits filed with the designating body before the hearing required by this section under ~~sections~~ **section 3, and 4.5, or 4.8** of this chapter.

The notice must state that a description of the affected area is available and can be inspected in the county assessor's office. The notice must also name a date when the designating body will receive

and hear all remonstrances and objections from interested persons. The designating body shall file the information required by subdivision (2) with the officers of the taxing unit who are authorized to fix budgets, tax rates, and tax levies under IC 6-1.1-17-5 at least ten (10) days before the date of the public hearing. After considering the evidence, the designating body shall take final action determining whether the qualifications for an economic revitalization area have been met and confirming, modifying and confirming, or rescinding the resolution. This determination is final except that an appeal may be taken and heard as provided under subsections (d) and (e).

(d) A person who filed a written remonstrance with the designating body under this section and who is aggrieved by the final action taken may, within ten (10) days after that final action, initiate an appeal of that action by filing in the office of the clerk of the circuit or superior court a copy of the order of the designating body and ~~his the person's~~ remonstrance against that order, together with ~~his the person's~~ bond conditioned to pay the costs of ~~his the person's~~ appeal if the appeal is determined against ~~him: the person.~~ The only ground of appeal that the court may hear is whether the proposed project will meet the qualifications of the economic revitalization area law. The burden of proof is on the appellant.

(e) An appeal under this section shall be promptly heard by the court without a jury. All remonstrances upon which an appeal has been taken shall be consolidated and heard and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal, and may confirm the final action of the designating body or sustain the appeal. The judgment of the court is final and conclusive, unless an appeal is taken as in other civil actions.

SECTION 27. IC 6-1.1-12.1-4.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4.5. (a) For purposes of this section, "personal property" means personal property other than inventory (as defined in IC 6-1.1-3-11(a)).

(b) An applicant must provide a statement of benefits to the designating body. The applicant must provide the completed statement of benefits form to the designating body before the hearing specified in section 2.5(c) of this chapter or before the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment for which the person desires to claim a deduction under this chapter. The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

(1) A description of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that the person proposes to acquire.

(2) With respect to:

(A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and

(B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

an estimate of the number of individuals who will be employed or whose employment will be retained by the person as a result

of the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment and an estimate of the annual salaries of these individuals.

(3) An estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, an estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products by the new manufacturing equipment.

The statement of benefits may be incorporated in a designation application. Notwithstanding any other law, a statement of benefits is a public record that may be inspected and copied under IC 5-14-3-3.

(c) The designating body must review the statement of benefits required under subsection (b). The designating body shall determine whether an area should be designated an economic revitalization area or whether the deduction shall be allowed, based on (and after it has made) the following findings:

(1) Whether the estimate of the cost of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment is reasonable for equipment of that type.

(2) With respect to:

- (A) new manufacturing equipment not used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products; and
- (B) new research and development equipment, new logistical distribution equipment, or new information technology equipment;

whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the installation of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(3) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment.

(4) With respect to new manufacturing equipment used to dispose of solid waste or hazardous waste by converting the solid waste or hazardous waste into energy or other useful products, whether the estimate of the amount of solid waste or hazardous waste that will be converted into energy or other useful products can be reasonably expected to result from the installation of the new manufacturing equipment.

(5) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology

equipment.

(6) Whether the totality of benefits is sufficient to justify the deduction.

The designating body may not designate an area an economic revitalization area or approve the deduction unless it makes the findings required by this subsection in the affirmative.

(d) Except as provided in subsection (h), **and subject to subsection (i)**, an owner of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment whose statement of benefits is approved after June 30, 2000, is entitled to a deduction from the assessed value of that equipment for the number of years determined by the designating body under subsection (g). Except as provided in subsection (f) and in section 2(i)(3) of this chapter, **and subject to subsection (i)**, the amount of the deduction that an owner is entitled to for a particular year equals the product of:

(1) the assessed value of the new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment in the year of deduction under the appropriate table set forth in subsection (e); multiplied by

(2) the percentage prescribed in the appropriate table set forth in subsection (e).

(e) The percentage to be used in calculating the deduction under subsection (d) is as follows:

(1) For deductions allowed over a one (1) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd and thereafter	0%

(2) For deductions allowed over a two (2) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	50%
3rd and thereafter	0%

(3) For deductions allowed over a three (3) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	66%
3rd	33%
4th and thereafter	0%

(4) For deductions allowed over a four (4) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	75%
3rd	50%
4th	25%
5th and thereafter	0%

(5) For deductions allowed over a five (5) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	80%
3rd	60%
4th	40%
5th	20%
6th and thereafter	0%

(6) For deductions allowed over a six (6) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	66%
4th	50%
5th	34%
6th	25%
7th and thereafter	0%

(7) For deductions allowed over a seven (7) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	85%
3rd	71%
4th	57%
5th	43%
6th	29%
7th	14%
8th and thereafter	0%

(8) For deductions allowed over an eight (8) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	75%
4th	63%
5th	50%
6th	38%
7th	25%
8th	13%
9th and thereafter	0%

(9) For deductions allowed over a nine (9) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	88%
3rd	77%
4th	66%
5th	55%
6th	44%
7th	33%
8th	22%
9th	11%
10th and thereafter	0%

(10) For deductions allowed over a ten (10) year period:

YEAR OF DEDUCTION	PERCENTAGE
1st	100%
2nd	90%
3rd	80%
4th	70%
5th	60%
6th	50%
7th	40%
8th	30%
9th	20%
10th	10%
11th and thereafter	0%

(f) With respect to new manufacturing equipment and new research and development equipment installed before March 2, 2001, the deduction under this section is the amount that causes the net

assessed value of the property after the application of the deduction under this section to equal the net assessed value after the application of the deduction under this section that results from computing:

(1) the deduction under this section as in effect on March 1, 2001; and

(2) the assessed value of the property under 50 IAC 4.2, as in effect on March 1, 2001, or, in the case of property subject to IC 6-1.1-8, 50 IAC 5.1, as in effect on March 1, 2001.

(g) For an economic revitalization area designated before July 1, 2000, the designating body shall determine whether a property owner whose statement of benefits is approved after April 30, 1991, is entitled to a deduction for five (5) or ten (10) years. For an economic revitalization area designated after June 30, 2000, the designating body shall determine the number of years the deduction is allowed. However, the deduction may not be allowed for more than ten (10) years. This determination shall be made:

(1) as part of the resolution adopted under section 2.5 of this chapter; or

(2) by resolution adopted within sixty (60) days after receiving a copy of a property owner's certified deduction application from the county auditor. A certified copy of the resolution shall be sent to the county auditor.

A determination about the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by following the procedure under subdivision (2).

(h) The owner of new manufacturing equipment that is directly used to dispose of hazardous waste is not entitled to the deduction provided by this section for a particular assessment year if during that assessment year the owner:

(1) is convicted of a violation under IC 13-7-13-3 (repealed), IC 13-7-13-4 (repealed), or IC 13-30-6; or

(2) is subject to an order or a consent decree with respect to property located in Indiana based on a violation of a federal or state rule, regulation, or statute governing the treatment, storage, or disposal of hazardous wastes that had a major or moderate potential for harm.

(i) For purposes of subsection (d), the assessed value of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:

(1) the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by

(2) the quotient of:

(A) the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by

(B) the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:

(i) under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and

(ii) without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.

SECTION 28. IC 6-1.1-12.1-4.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4.8. (a) A property owner that is an applicant for a deduction under this section must provide a statement of benefits to the designating body.

(b) If the designating body requires information from the property owner for the designating body's use in deciding whether to designate an economic revitalization area, the property owner must provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter. Otherwise, the property owner must submit the completed statement of benefits form to the designating body before the occupation of the eligible vacant building for which the property owner desires to claim a deduction.

(c) The department of local government finance shall prescribe a form for the statement of benefits. The statement of benefits must include the following information:

- (1) A description of the eligible vacant building that the property owner or a tenant of the property owner will occupy.
- (2) An estimate of the number of individuals who will be employed or whose employment will be retained by the property owner or the tenant as a result of the occupation of the eligible vacant building, and an estimate of the annual salaries of those individuals.
- (3) Information regarding efforts by the owner or a previous owner to sell, lease, or rent the eligible vacant building during the period the eligible vacant building was unoccupied.
- (4) Information regarding the amount for which the eligible vacant building was offered for sale, lease, or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied.

(d) With the approval of the designating body, the statement of benefits may be incorporated in a designation application. A statement of benefits is a public record that may be inspected and copied under IC 5-14-3.

(e) The designating body must review the statement of benefits required by subsection (a). The designating body shall determine whether an area should be designated an economic revitalization area or whether a deduction should be allowed, after the designating body has made the following findings:

- (1) Whether the estimate of the number of individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.
- (2) Whether the estimate of the annual salaries of those individuals who will be employed or whose employment will be retained can be reasonably expected to result from the proposed occupation of the eligible vacant building.
- (3) Whether any other benefits about which information was requested are benefits that can be reasonably expected to result from the proposed occupation of the eligible vacant building.

(4) Whether the occupation of the eligible vacant building will increase the tax base and assist in the rehabilitation of the economic revitalization area.

(5) Whether the totality of benefits is sufficient to justify the deduction.

A designating body may not designate an area an economic revitalization area or approve a deduction under this section unless the findings required by this subsection are made in the affirmative.

(f) Except as otherwise provided in this section, the owner of an eligible vacant building located in an economic revitalization area is entitled to a deduction from the assessed value of the building if the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes. The property owner is entitled to the deduction:

- (1) for the first year in which the property owner or a tenant of the property owner occupies the eligible vacant building and uses it for commercial or industrial purposes; and
- (2) for subsequent years determined under subsection (g).

(g) The designating body shall determine the number of years for which a property owner is entitled to a deduction under this section. However, the deduction may not be allowed for more than two (2) years. This determination shall be made:

- (1) as part of the resolution adopted under section 2.5 of this chapter; or
- (2) by a resolution adopted not more than sixty (60) days after the designating body receives a copy of the property owner's deduction application from the county auditor.

A certified copy of a resolution under subdivision (2) shall be sent to the county auditor, who shall make the deduction as provided in section 5.3 of this chapter. A determination concerning the number of years the deduction is allowed that is made under subdivision (1) is final and may not be changed by using the procedure under subdivision (2).

(h) Except as provided in section 2(i)(5) of this chapter and subsection (k), the amount of the deduction the property owner is entitled to receive under this section for a particular year equals the product of:

- (1) the assessed value of the building or part of the building that is occupied by the property owner or a tenant of the property owner; multiplied by
- (2) the percentage set forth in the table in subsection (i).

(i) The percentage to be used in calculating the deduction under subsection (h) is as follows:

YEAR OF DEDUCTION		PERCENTAGE
1st		100%
YEAR OF DEDUCTION		PERCENTAGE
1st		100%
2nd		50%

(j) The amount of the deduction determined under subsection (h) shall be adjusted in accordance with this subsection in the following circumstances:

- (1) If a general reassessment of real property occurs within the period of the deduction, the amount of the assessed

value determined under subsection (h)(1) shall be adjusted to reflect the percentage increase or decrease in assessed valuation that resulted from the general reassessment.

(2) If an appeal of an assessment is approved and results in a reduction of the assessed value of the property, the amount of a deduction under this section shall be adjusted to reflect the percentage decrease that resulted from the appeal.

(k) The maximum amount of a deduction under this section may not exceed the lesser of:

(1) the annual amount for which the eligible vacant building was offered for lease or rent by the owner or a previous owner during the period the eligible vacant building was unoccupied; or

(2) an amount, as determined by the designating body in its discretion, that is equal to the annual amount for which similar buildings in the county or contiguous counties were leased or rented or offered for lease or rent during the period the eligible vacant building was unoccupied.

(l) The department of local government finance may adopt rules under IC 4-22-2 to implement this section.

SECTION 29. IC 6-1.1-12.1-5.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.3. (a) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter must file a deduction application, on forms prescribed by the department of local government finance, with the auditor of the county in which the eligible vacant building is located. Except as otherwise provided in this section, the deduction application must be filed before May 10 of the year in which the property owner or a tenant of the property owner initially occupies the eligible vacant building.

(b) If notice of the assessed valuation or new assessment for a year is not given to the property owner before April 10 of that year, the deduction application required by this section may be filed not later than thirty (30) days after the date the notice is mailed to the property owner at the address shown on the records of the township assessor.

(c) The deduction application required by this section must contain the following information:

(1) The name of the property owner and, if applicable, the property owner's tenant.

(2) A description of the property for which a deduction is claimed.

(3) The amount of the deduction claimed for the first year of the deduction.

(4) Any other information required by the department of local government finance or the designating body.

(d) A deduction application filed under this section applies to the year in which the property owner or a tenant of the property owner occupies the eligible vacant building and in the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed.

(e) A property owner that desires to obtain the deduction provided by section 4.8 of this chapter but that did not file a deduction application within the dates prescribed in subsection (a) or (b) may file a deduction application between March 1 and May 10 of a subsequent year. A deduction application filed under

this subsection applies to the year in which the deduction application is filed and the following year if the deduction is allowed for a two (2) year period, without an additional deduction application being filed. The amount of the deduction under this subsection is the amount that would have been applicable to the year under section 4.8 of this chapter if the deduction application had been filed in accordance with subsection (a) or (b).

(f) Subject to subsection (i), the county auditor shall do the following:

(1) If a determination concerning the number of years the deduction is allowed has been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall make the appropriate deduction.

(2) If a determination concerning the number of years the deduction is allowed has not been made in the resolution adopted under section 2.5 of this chapter, the county auditor shall send a copy of the deduction application to the designating body. Upon receipt of the resolution stating the number of years the deduction will be allowed, the county auditor shall make the appropriate deduction.

(g) The amount and period of the deduction provided by section 4.8 of this chapter are not affected by a change in the ownership of the eligible vacant building or a change in the property owner's tenant, if the new property owner or the new tenant:

(1) continues to occupy the eligible vacant building in compliance with any standards established under section 2(g) of this chapter; and

(2) files an application in the manner provided by subsection (e).

(h) Before the county auditor acts under subsection (f), the county auditor may request that the township assessor of the township in which the eligible vacant building is located review the deduction application.

(i) A property owner may appeal a determination of the county auditor under subsection (f) by requesting in writing a preliminary conference with the county auditor not more than forty-five (45) days after the county auditor gives the property owner notice of the determination. An appeal under this subsection shall be processed and determined in the same manner that an appeal is processed and determined under IC 6-1.1-15.

(j) In addition to the requirements of subsection (c), a property owner that files a deduction application under this section must provide the county auditor and the designating body with information showing the extent to which there has been compliance with the statement of benefits approved under section 4.8 of this chapter. This information must be included in the deduction application and must also be updated each year in which the deduction is applicable:

(1) at the same time that the property owner or the property owner's tenant files a personal property tax return for property located at the eligible vacant building for which the deduction was granted; or

(2) if subdivision (1) does not apply, before May 15 of each year.

(k) The following information is a public record if filed under this section:

- (1) The name and address of the property owner.**
- (2) The location and description of the eligible vacant building for which the deduction was granted.**
- (3) Any information concerning the number of employees at the eligible vacant building for which the deduction was granted, including estimated totals that were provided as part of the statement of benefits.**
- (4) Any information concerning the total of the salaries paid to the employees described in subdivision (3), including estimated totals that are provided as part of the statement of benefits.**
- (5) Any information concerning the assessed value of the eligible vacant building, including estimates that are provided as part of the statement of benefits.**

(l) Information concerning the specific salaries paid to individual employees by the property owner or tenant is confidential.

SECTION 30. IC 6-1.1-12.1-5.9, AS AMENDED BY P.L.193-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.9. (a) This section does not apply to:

- (1) a deduction under section 3 of this chapter for property located in a residentially distressed area; or
- (2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 1991.

(b) Not later than forty-five (45) days after receipt of the information described in section 5.1, **5.3(j)**, or 5.6 of this chapter, the designating body may determine whether the property owner has substantially complied with the statement of benefits approved under section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body determines that the property owner has not substantially complied with the statement of benefits and that the failure to substantially comply was not caused by factors beyond the control of the property owner (such as declines in demand for the property owner's products or services), the designating body shall mail a written notice to the property owner. The written notice must include the following provisions:

- (1) An explanation of the reasons for the designating body's determination.
- (2) The date, time, and place of a hearing to be conducted by the designating body for the purpose of further considering the property owner's compliance with the statement of benefits. The date of the hearing may not be more than thirty (30) days after the date on which the notice is mailed.

(c) On the date specified in the notice described in subsection (b)(2), the designating body shall conduct a hearing for the purpose of further considering the property owner's compliance with the statement of benefits. Based on the information presented at the hearing by the property owner and other interested parties, the designating body shall again determine whether the property owner has made reasonable efforts to substantially comply with the statement of benefits and whether any failure to substantially comply was caused by factors beyond the control of the property owner. If the designating body determines that the property owner has not made reasonable efforts to comply with the statement of benefits, the designating body shall adopt a resolution terminating the property owner's deduction under section 3, ~~or~~ 4.5, **or 4.8** of this chapter. If the designating body adopts such a resolution, the deduction does not

apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

(d) If the designating body adopts a resolution terminating a deduction under subsection (c), the designating body shall immediately mail a certified copy of the resolution to:

- (1) the property owner;
- (2) the county auditor; and
- (3) if the deduction applied under section 4.5 of this chapter, the township assessor.

The county auditor shall remove the deduction from the tax duplicate and shall notify the county treasurer of the termination of the deduction. If the designating body's resolution is adopted after the county treasurer has mailed the statement required by IC 6-1.1-22-8, the county treasurer shall immediately mail the property owner a revised statement that reflects the termination of the deduction.

(e) A property owner whose deduction is terminated by the designating body under this section may appeal the designating body's decision by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined within thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is final and conclusive unless an appeal is taken as in other civil actions.

(f) If an appeal under subsection (e) is pending, the taxes resulting from the termination of the deduction are not due until after the appeal is finally adjudicated and the termination of the deduction is finally determined.

SECTION 31. IC 6-1.1-12.1-8, AS AMENDED BY P.L.193-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) Not later than December 31 of each year, the county auditor shall publish the following in a newspaper of general interest and readership and not one of limited subject matter:

- (1) A list of the deduction applications that were filed under this chapter during that year that resulted in deductions being applied under this chapter for that year. The list must contain the following:

- (A) The name and address of each person approved for or receiving a deduction that was filed for during the year.
- (B) The amount of each deduction that was filed for during the year.
- (C) The number of years for which each deduction that was filed for during the year will be available.
- (D) The total amount for all deductions that were filed for and applied during the year.

(2) The total amount of all deductions for real property that were in effect under section 3 of this chapter during the year.

(3) The total amount of all deductions for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment that were in effect under section 4.5 of this chapter during the year.

(4) The total amount of all deductions for eligible vacant buildings that were in effect under section 4.8 of this chapter during the year.

(b) The county auditor shall file the information described in subsection (a)(2), ~~and (a)(3), and (a)(4)~~ with the department of local government finance not later than December 31 of each year.

SECTION 32. IC 6-1.1-12.1-9, AS AMENDED BY P.L.216-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. Notwithstanding any other provision of this chapter, a designating body may not approve a statement of benefits for a deduction under section 3, ~~or 4.5, or 4.8~~ of this chapter after the approval deadline, which is determined in the following manner:

- (1) The initial approval deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial approval deadline and subsequent approval deadlines are automatically extended in increments of five (5) years, so that approval deadlines subsequent to the initial approval deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an approval deadline determined under subdivision (2), the general assembly may enact a law that:
 - (A) terminates the automatic extension of approval deadlines under subdivision (2); and
 - (B) specifically designates a particular date as the final approval deadline.

SECTION 33. IC 6-1.1-12.1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 9.5. (a) As used in this section, "clerical error" includes mathematical errors and omitted signatures.**

(b) Except as provided in section 9 of this chapter, the designating body may by resolution waive noncompliance with the following requirements in this chapter with respect to a particular deduction under this chapter:

- (1) a filing deadline applicable to an application, a statement of benefits, or another document that is required to be filed under this chapter; or**
- (2) a clerical error in an application, a statement of benefits, or another document that is required to be filed under this chapter;**

if the taxpayer otherwise qualifies for the deduction and the document is filed or the clerical error is corrected before the resolution is adopted. The resolution must specifically identify the property, deductions, and taxpayer that are effected by the resolution, specifically identify the noncompliance that is the subject of the resolution, and include a finding that the noncompliance has been corrected before the adoption of the resolution.

(c) The designating body shall certify a copy of a resolution adopted under this section to the taxpayer and the department of local government finance.

(d) If a noncompliance with this chapter has been corrected and a resolution is adopted under this section, the taxpayer shall be treated as if the taxpayer had complied with the procedural requirements of this chapter. However, if the designating body determines that granting the relief permitted by this section would result in a delay in the issuance of tax bills, require the recalculation of tax rates or tax levies for a particular year, or otherwise cause an undue burden on a taxing unit, the designating body may require that the deduction that the

taxpayer would be entitled to receive for a particular year be applied to a subsequent year in the manner prescribed by the department of local government finance.

SECTION 34. IC 6-1.1-12.1-11.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11.3. (a) This section applies only to the following requirements:

- (1) Failure to provide the completed statement of benefits form to the designating body before the hearing required by section 2.5(c) of this chapter.
- (2) Failure to submit the completed statement of benefits form to the designating body before the:
 - (A) initiation of the redevelopment or rehabilitation; ~~or the~~**
 - (B) installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; or**
 - (C) occupation of an eligible vacant building;**
 for which the person desires to claim a deduction under this chapter.
- (3) Failure to designate an area as an economic revitalization area before the initiation of the:

- (A) redevelopment;
- (B) installation of new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment; ~~or~~
- (C) rehabilitation; ~~or~~
- (D) occupation of an eligible vacant building;**

for which the person desires to claim a deduction under this chapter.

- (4) Failure to make the required findings of fact before designating an area as an economic revitalization area or authorizing a deduction for new manufacturing equipment, new research and development equipment, new logistical distribution equipment, or new information technology equipment under section 2, 3, ~~or 4.5, or 4.8~~ of this chapter.

- (5) Failure to file a:

- (A) timely; or
- (B) complete;

deduction application under section 5, **5.3**, or 5.4 of this chapter.

(b) This section does not grant a designating body the authority to exempt a person from filing a statement of benefits or exempt a designating body from making findings of fact.

(c) A designating body may by resolution waive noncompliance described under subsection (a) under the terms and conditions specified in the resolution. Before adopting a waiver under this subsection, the designating body shall conduct a public hearing on the waiver.

SECTION 35. IC 6-1.1-12.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) A property owner that has received a deduction under section 3, or 4.5 of this chapter is subject to the provisions of this section if the designating body adopts a resolution incorporating the provisions of this section for the economic revitalization area in which the property owner is located.

- (b) If:

(1) the property owner (**or, in the case of a deduction under section 4.8 of this chapter, the property owner or a tenant of the property owner**) ceases operations at the facility for which the deduction was granted; and

(2) the designating body finds that the property owner obtained the deduction by intentionally providing false information concerning the property owner's plans to continue operations at the facility;

the property owner shall pay the amount determined under subsection (e) to the county treasurer.

(c) A property owner may appeal the designating body's decision under subsection (b) by filing a complaint in the office of the clerk of the circuit or superior court together with a bond conditioned to pay the costs of the appeal if the appeal is determined against the property owner. An appeal under this subsection shall be promptly heard by the court without a jury and determined not more than thirty (30) days after the time of the filing of the appeal. The court shall hear evidence on the appeal and may confirm the action of the designating body or sustain the appeal. The judgment of the court is a final determination that may be appealed in the same manner as other civil actions.

(d) If an appeal under subsection (c) is pending, the payment required by this section is not due until after the appeal is finally adjudicated and the property owner's liability for the payment is finally determined.

(e) The county auditor shall determine the amount to be paid by the property owner according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Multiply the sum determined under STEP TWO by one and one-tenth (1.1).

(f) The county treasurer shall distribute money paid under this section on a pro rata basis to the general fund of each taxing unit that contains the property that was subject to the deduction. The amount to be distributed to the general fund of each taxing unit shall be determined by the county auditor according to the following formula:

STEP ONE: For each year that the deduction was in effect, determine the additional amount of property taxes that would have been paid by the property owner to the taxing unit if the deduction had not been in effect.

STEP TWO: Determine the sum of the STEP ONE amounts.

STEP THREE: Divide the STEP TWO sum by the sum determined under STEP TWO of subsection (e).

STEP FOUR: Multiply the amount paid by the property owner under subsection (e) by the STEP THREE quotient.

SECTION 36. IC 6-1.1-12.1-14, AS AMENDED BY P.L.193-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. (a) This section does not apply to:

(1) a deduction under section 3 of this chapter for property located in a residually distressed area; or

(2) any other deduction under section 3 or 4.5 of this chapter for which a statement of benefits was approved before July 1, 2004.

(b) A property owner that receives a deduction under section 3, ~~or 4.5~~, **or 4.8** of this chapter is subject to this section only if the

designating body, with the consent of the property owner, incorporates this section, including the percentage to be applied by the county auditor for purposes of STEP TWO of subsection (c), into its initial approval of the property owner's statement of benefits and deduction at the time of that approval.

(c) During each year in which a property owner's property tax liability is reduced by a deduction applied under this chapter, the property owner shall pay to the county treasurer a fee in an amount determined by the county auditor. The county auditor shall determine the amount of the fee to be paid by the property owner according to the following formula:

STEP ONE: Determine the additional amount of property taxes that would have been paid by the property owner during the year if the deduction had not been in effect.

STEP TWO: Multiply the amount determined under STEP ONE by the percentage determined by the designating body under subsection (b), which may not exceed fifteen percent (15%). The percentage determined by the designating body remains in effect throughout the term of the deduction and may not be changed.

STEP THREE: Determine the lesser of the STEP TWO product or one hundred thousand dollars (\$100,000).

(d) Fees collected under this section must be distributed to one (1) or more public or nonprofit entities established to promote economic development within the corporate limits of the city, town, or county served by the designating body. The designating body shall notify the county auditor of the entities that are to receive distributions under this section and the relative proportions of those distributions. The county auditor shall distribute fees collected under this section in accordance with the designating body's instructions.

(e) If the designating body determines that a property owner has not paid a fee imposed under this section, the designating body may adopt a resolution terminating the property owner's deduction under section 3, ~~or 4.5~~, **or 4.8** of this chapter. If the designating body adopts such a resolution, the deduction does not apply to the next installment of property taxes owed by the property owner or to any subsequent installment of property taxes.

SECTION 37. IC 6-1.1-12.4-3, AS ADDED BY P.L.193-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 3. (a) For purposes of this section, an increase in the assessed value of personal property is determined in the same manner that an increase in the assessed value of new manufacturing equipment is determined for purposes of IC 6-1.1-12.1.

(b) This subsection applies only to personal property that the owner purchases after March 1, 2005, and before March 2, 2009. Except as provided in sections 4, 5, and 8 of this chapter, an owner that purchases personal property other than inventory (as defined in 50 IAC 4.2-5-1, as in effect on January 1, 2005) that:

(1) was never before used by its owner for any purpose in Indiana; and

(2) creates or retains employment;

is entitled to a deduction from the assessed value of the personal property.

(c) The deduction under this section is first available in the year in which the increase in assessed value resulting from the purchase of the personal property occurs and continues for the following two (2)

years. The amount of the deduction that a property owner may receive with respect to personal property located in a county for a particular year equals the lesser of:

- (1) two million dollars (\$2,000,000); or
- (2) the product of:
 - (A) the increase in assessed value resulting from the purchase of the personal property; multiplied by
 - (B) the percentage from the following table:

YEAR OF DEDUCTION	PERCENTAGE
1st	75%
2nd	50%
3rd	25%

(d) If an appeal of an assessment is approved that results in a reduction of the assessed value of the personal property, the amount of the deduction is adjusted to reflect the percentage decrease that results from the appeal.

(e) A property owner must claim the deduction under this section on the owner's annual personal property tax return. The township assessor shall:

- (1) identify the personal property eligible for the deduction to the county auditor; and
- (2) inform the county auditor of the deduction amount.

(f) The county auditor shall:

- (1) make the deductions; and
- (2) notify the county property tax assessment board of appeals of all deductions approved;

under this section.

(g) The deduction under this section does not apply to personal property at a facility listed in IC 6-1.1-12.1-3(e).

SECTION 38. IC 6-1.1-14-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) After holding the hearings referred to in section 4 of this chapter, the department of local government finance shall, in order to equalize assessed values in any county or in the state as a whole, issue an order increasing or decreasing assessed values of any tangible property if the department finds:

- (1) that the assessed values in any county are not uniform and equal as to townships, portions of the same township, or classes of property; or
- (2) that the assessed values in this state are not uniform and equal either as between counties or as to classes of property.

(b) The department of local government finance may not issue an equalization order to increase or decrease assessed values under this section more than twelve (12) months after the county estimates of assessed valuation required under ~~IC 6-1.1-17-1~~ **IC 6-1.1-17-1(a)** are filed with the department.

(c) If the department of local government finance issues an equalization order under this section, the department shall state in the order the percentage to be added to or deducted from the assessed value of the tangible property affected by the order.

(d) In issuing an equalization order under this section, the department of local government finance may not reduce or increase the aggregate assessed values of any township beyond the amounts actually necessary for a just and proper equalization of assessments within the entire state.

SECTION 39. IC 6-1.1-15-4, AS AMENDED BY P.L.199-2005, SECTION 9, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE UPON PASSAGE]: Sec. 4. (a) After receiving a petition for review which is filed under section 3 of this chapter, the Indiana board shall conduct a hearing at its earliest opportunity. The Indiana board may:

- (1) assign:
 - (A) full;
 - (B) limited; or
 - (C) no;
 evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and
- (2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(b) If the Indiana board conducts a site inspection of the property as part of its review of the petition, the Indiana board shall give notice to all parties of the date and time of the site inspection. The Indiana board is not required to assess the property in question. The Indiana board shall give notice of the date fixed for the hearing, by mail, to the taxpayer and to the appropriate township assessor, county assessor, and county auditor. With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notice must include the following:

- (1) The action of the county property tax assessment board of appeals with respect to the appealed items.
- (2) A statement that a taxing unit receiving the notice from the county auditor under subsection (c) may:
 - (A) attend the hearing; and
 - (B) offer testimony.

~~A taxing unit that receives a notice from the county auditor under subsection (c) is not a party to the appeal.~~ The Indiana board shall give these notices at least thirty (30) days before the day fixed for the hearing. The property tax assessment board of appeals that made the determination under appeal under this section may, with the approval of the county executive, file an amicus curiae brief in the review proceeding under this section. The expenses incurred by the property tax assessment board of appeals in filing the amicus curiae brief shall be paid from the property reassessment fund under IC 6-1.1-4-27.5. The executive of a taxing unit may file an amicus curiae brief in the review proceeding under this section if the property whose assessment is under appeal is subject to assessment by that taxing unit.

(c) If, after receiving notice of a hearing under subsection (b), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. **A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal.** Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(d) If a petition for review does not comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter, the Indiana board shall return the petition to the petitioner and include a notice describing the defect in the petition. The petitioner then has thirty (30) days from the date on the notice to cure the defect and file a corrected petition. The Indiana board shall

deny a corrected petition for review if it does not substantially comply with the Indiana board's instructions for completing the form prescribed under section 3 of this chapter.

(e) The Indiana board shall prescribe a form for use in processing petitions for review of actions by the county property tax assessment board of appeals. The Indiana board shall issue instructions for completion of the form. The form must require the Indiana board to indicate agreement or disagreement with each item that is:

- (1) if the county or township official held a preliminary conference under section 1(f) of this chapter, indicated on the petition submitted under that section by the taxpayer and the official; and
- (2) included in the county property tax assessment board of appeals' findings, record, and determination under section 2.1(d) of this chapter.

The form must also require the Indiana board to indicate the issues in dispute and its reasons in support of its resolution of those issues.

(f) After the hearing the Indiana board shall give the petitioner, the township assessor, the county assessor, **and** the county auditor: ~~and the affected taxing units required to be notified under subsection (c):~~

- (1) notice, by mail, of its final determination;
- (2) a copy of the form completed under subsection (e); and
- (3) notice of the procedures they must follow in order to obtain court review under section 5 of this chapter.

The county auditor shall provide copies of the documents described in subdivisions (1) through (3) to the taxing units entitled to notice under subsection (c).

(g) Except as provided in subsection (h), the Indiana board shall conduct a hearing not later than nine (9) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(h) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall conduct a hearing not later than one (1) year after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.

(i) Except as provided in subsection (j), the Indiana board shall make a determination not later than the later of:

- (1) ninety (90) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(j) With respect to an appeal of a real property assessment that takes effect on the assessment date on which a general reassessment of real property takes effect under IC 6-1.1-4-4, the Indiana board shall make a determination not later than the later of:

- (1) one hundred eighty (180) days after the hearing; or
- (2) the date set in an extension order issued by the Indiana board.

(k) ~~Except as provided in subsection (p);~~ The Indiana board may not extend the final determination date under subsection (i) or (j) by more than one hundred eighty (180) days. If the Indiana board fails to make a final determination within the time allowed by this ~~subsection;~~ **section after a hearing**, the entity that initiated the petition may:

- (1) take no action and wait for the Indiana board to make a final determination; or

(2) petition for judicial review under section 5(g) of this chapter.

(l) A final determination must include separately stated findings of fact for all aspects of the determination. Findings of ultimate fact must be accompanied by a concise statement of the underlying basic facts of record to support the findings. Findings must be based exclusively upon the evidence on the record in the proceeding and on matters officially noticed in the proceeding. Findings must be based upon a preponderance of the evidence.

(m) The Indiana board may limit the scope of the appeal to the issues raised in the petition and the evaluation of the evidence presented to the county property tax assessment board of appeals in support of those issues only if all persons participating in the hearing required under subsection (a) agree to the limitation. A person participating in the hearing required under subsection (a) is entitled to introduce evidence that is otherwise proper and admissible without regard to whether that evidence has previously been introduced at a hearing before the county property tax assessment board of appeals.

(n) The Indiana board:

- (1) may require the parties to the appeal to file not more than five (5) business days before the date of the hearing required under subsection (a) documentary evidence or summaries of statements of testimonial evidence; and
- (2) may require the parties to the appeal to file not more than fifteen (15) business days before the date of the hearing required under subsection (a) lists of witnesses and exhibits to be introduced at the hearing.

(o) A party to a proceeding before the Indiana board shall provide to another party to the proceeding the information described in subsection (n) if the other party requests the information in writing at least ten (10) days before the deadline for filing of the information under subsection (n).

(p) The county assessor may:

- (1) appear as an additional party if the notice of appearance is filed before the review proceeding; or
- (2) with the approval of the township assessor, represent the township assessor;

in a review proceeding under this section.

(q) The Indiana board may base its final determination on a stipulation between the respondent and the petitioner. If the final determination is based on a stipulated assessed valuation of tangible property, the Indiana board may order the placement of a notation on the permanent assessment record of the tangible property that the assessed valuation was determined by stipulation. The Indiana board may:

- (1) order that a final determination under this subsection has no precedential value; or
- (2) specify a limited precedential value of a final determination under this subsection.

SECTION 40. IC 6-1.1-15-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 15. A class action suit against the Indiana board **or the department of local government finance** may not be maintained in any court, including the Indiana tax court, on behalf of a person who has not complied with the requirements of this chapter or IC 6-1.1-26 before the certification of the class.

SECTION 41. IC 6-1.1-17-0.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 0.5. (a) For purposes of this section, "assessed value" has the meaning set forth in IC 6-1.1-1-3(a).

(b) The county auditor may exclude and keep separate on the tax duplicate for taxes payable in a calendar year the assessed value of tangible property that meets the following conditions:

- (1) The assessed value of the property is at least nine percent (9%) of the assessed value of all tangible property subject to taxation by a taxing unit. ~~(as defined in IC 6-1.1-1-21);~~
- (2) The property is or has been part of a bankruptcy estate that is subject to protection under the federal bankruptcy code.
- (3) The owner of the property has discontinued all business operations on the property.
- (4) There is a high probability that the taxpayer will not pay property taxes due on the property in the following year.

(c) This section does not limit, restrict, or reduce in any way the property tax liability on the property.

(d) For each taxing unit located in the county, the county auditor may reduce for a calendar year the taxing unit's assessed value that is certified to the department of local government finance under section 1 of this chapter and used to set tax rates for the taxing unit for taxes first due and payable in the immediately succeeding calendar year. The county auditor may reduce a taxing unit's assessed value under this subsection only to enable the taxing unit to absorb the effects of reduced property tax collections in the immediately succeeding calendar year that are expected to result from successful appeals of the assessed value of property located in the taxing unit. The county auditor shall keep separately on the tax duplicate the amount of any reductions made under this subsection. The maximum amount of the reduction authorized under this subsection is determined under subsection (e).

(e) The amount of the reduction in a taxing unit's assessed value for a calendar year under subsection (d) may not exceed the lesser of:

- (1) two percent (2%) of the assessed value of tangible property subject to assessment in the taxing unit in that calendar year; or
- (2) the total amount of reductions in the assessed value of tangible property subject to assessment in the taxing unit that:
 - (A) applied for the assessment date in the immediately preceding year; and
 - (B) resulted from successful appeals of the assessed value of the property.

(f) The amount of a reduction under subsection (d) may not be offered in a proceeding before the:

- (1) county property tax assessment board of appeals;
- (2) Indiana board; or
- (3) Indiana tax court;

as evidence that a particular parcel has been improperly assessed.

SECTION 42. IC 6-1.1-17-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) On or before August 1 of each year, the county auditor shall send a certified statement, under the seal of the board of county commissioners, to the fiscal officer of each political subdivision of the county and the department of local government finance. The statement shall contain:

- (1) information concerning the assessed valuation in the political subdivision for the next calendar year;
- (2) an estimate of the taxes to be distributed to the political subdivision during the last six (6) months of the current calendar year;
- (3) the current assessed valuation as shown on the abstract of charges;
- (4) the average growth in assessed valuation in the political subdivision over the preceding three (3) budget years, excluding years in which a general reassessment occurs, determined according to procedures established by the department of local government finance; ~~and~~
- (5) the amount of the political subdivision's assessed valuation reduction determined under section 0.5(d) of this chapter; and**
- ~~(5)~~ **(6)** any other information at the disposal of the county auditor that might affect the assessed value used in the budget adoption process.

(b) The estimate of taxes to be distributed shall be based on:

- (1) the abstract of taxes levied and collectible for the current calendar year, less any taxes previously distributed for the calendar year; and
- (2) any other information at the disposal of the county auditor which might affect the estimate.

(c) The fiscal officer of each political subdivision shall present the county auditor's statement to the proper officers of the political subdivision.

(d) Subject to subsection (e) and except as provided in subsection (f), after the county auditor sends a certified statement under subsection (a) or an amended certified statement under this subsection with respect to a political subdivision and before the department of local government finance certifies its action with respect to the political subdivision under section 16(f) of this chapter, the county auditor may amend the information concerning assessed valuation included in the earlier certified statement. The county auditor shall send a certified statement amended under this subsection, under the seal of the board of county commissioners, to:

- (1) the fiscal officer of each political subdivision affected by the amendment; and
- (2) the department of local government finance.

(e) Except as provided in subsection (g), before the county auditor makes an amendment under subsection (d), the county auditor must provide an opportunity for public comment on the proposed amendment at a public hearing. The county auditor must give notice of the hearing under IC 5-3-1. If the county auditor makes the amendment as a result of information provided to the county auditor by an assessor, the county auditor shall give notice of the public hearing to the assessor.

(f) Subsection (d) does not apply to an adjustment of assessed valuation under IC 36-7-15.1-26.9(d).

(g) The county auditor is not required to hold a public hearing under subsection (e) if:

- (1) the amendment under subsection (d) is proposed to correct a mathematical error made in the determination of the amount of assessed valuation included in the earlier certified statement;

(2) the amendment under subsection (d) is proposed to add to the amount of assessed valuation included in the earlier certified statement assessed valuation of omitted property discovered after the county auditor sent the earlier certified statement; or

(3) the county auditor determines that the amendment under subsection (d) will not result in an increase in the tax rate or tax rates of the political subdivision.

SECTION 43. IC 6-1.1-17-8.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8.5. (a) If a county auditor reduces a taxing unit's assessed valuation under section 0.5(d) of this chapter, the department of local government finance shall, in the manner prescribed in section 16 of this chapter, review the budget, tax rate, and tax levy of the taxing unit.**

(b) The county auditor may appeal to the department of local government finance to reduce a taxing unit's assessed valuation by an amount that exceeds the limits set forth in section 0.5(e) of this chapter. The department of local government finance:

(1) may require the county auditor to submit supporting information with the county auditor's appeal;

(2) shall consider the appeal at the time of the review required by subsection (a); and

(3) may approve, modify and approve, or reject the amount of the reduction sought in the appeal.

SECTION 44. IC 6-1.1-17-16, AS AMENDED BY P.L.228-2005, SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 16. (a) Subject to the limitations and requirements prescribed in this section, the department of local government finance may revise, reduce, or increase a political subdivision's budget by fund, tax rate, or tax levy which the department reviews under section 8 or 10 of this chapter.**

(b) Subject to the limitations and requirements prescribed in this section, the department of local government finance may review, revise, reduce, or increase the budget by fund, tax rate, or tax levy of any of the political subdivisions whose tax rates compose the aggregate tax rate within a political subdivision whose budget, tax rate, or tax levy is the subject of an appeal initiated under this chapter.

(c) Except as provided in subsections (j) and (k), before the department of local government finance reviews, revises, reduces, or increases a political subdivision's budget by fund, tax rate, or tax levy under this section, the department must hold a public hearing on the budget, tax rate, and tax levy. The department of local government finance shall hold the hearing in the county in which the political subdivision is located. The department of local government finance may consider the budgets by fund, tax rates, and tax levies of several political subdivisions at the same public hearing. At least five (5) days before the date fixed for a public hearing, the department of local government finance shall give notice of the time and place of the hearing and of the budgets by fund, levies, and tax rates to be considered at the hearing. The department of local government finance shall publish the notice in two (2) newspapers of general circulation published in the county. However, if only one (1) newspaper of general circulation is published in the county, the department of local government finance shall publish the notice in that newspaper.

(d) Except as provided in subsection (i), ~~IC 6-1.1-19~~, IC 20-45,

IC 20-46, or IC 6-1.1-18.5, the department of local government finance may not increase a political subdivision's budget by fund, tax rate, or tax levy to an amount which exceeds the amount originally fixed by the political subdivision. The department of local government finance shall give the political subdivision written notification specifying any revision, reduction, or increase the department proposes in a political subdivision's tax levy or tax rate. The political subdivision has one (1) week from the date the political subdivision receives the notice to provide a written response to the department of local government finance's Indianapolis office specifying how to make the required reductions in the amount budgeted by fund. The department of local government finance shall make reductions as specified in the political subdivision's response if the response is provided as required by this subsection and sufficiently specifies all necessary reductions. The department of local government finance may make a revision, a reduction, or an increase in a political subdivision's budget only by fund.

(e) The department of local government finance may not approve a levy for lease payments by a city, town, county, library, or school corporation if the lease payments are payable to a building corporation for use by the building corporation for debt service on bonds and if:

- (1) no bonds of the building corporation are outstanding; or**
- (2) the building corporation has enough legally available funds on hand to redeem all outstanding bonds payable from the particular lease rental levy requested.**

(f) The department of local government finance shall certify its action to:

- (1) the county auditor;**
- (2) the political subdivision if the department acts pursuant to an appeal initiated by the political subdivision;**
- (3) the taxpayer that initiated an appeal under section 13 of this chapter, or, if the appeal was initiated by multiple taxpayers, the first ten (10) taxpayers whose names appear on a petition filed under section 13 of this chapter; the statement filed to initiate the appeal; and**
- (4) a taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.**

(g) The following may petition for judicial review of the final determination of the department of local government finance under subsection (f):

- (1) If the department acts under an appeal initiated by a political subdivision, the political subdivision.**
- (2) If the department:**

(A) acts under an appeal initiated by one (1) or more taxpayers under section 13 of this chapter; or

(B) fails to act on the appeal before the department certifies its action under subsection (f);

a taxpayer who signed the ~~petition under that section~~, statement filed to initiate the appeal.

(3) If the department acts under an appeal initiated by the county auditor under section 14 of this chapter, the county auditor.

(4) A taxpayer that owns property that represents at least ten percent (10%) of the taxable assessed valuation in the political subdivision.

The petition must be filed in the tax court not more than forty-five (45) days after the department certifies its action under subsection (f).

(h) The department of local government finance is expressly directed to complete the duties assigned to it under this section not later than February 15th of each year for taxes to be collected during that year.

(i) Subject to the provisions of all applicable statutes, the department of local government finance may increase a political subdivision's tax levy to an amount that exceeds the amount originally fixed by the political subdivision if the increase is:

- (1) requested in writing by the officers of the political subdivision;
- (2) either:
 - (A) based on information first obtained by the political subdivision after the public hearing under section 3 of this chapter; or
 - (B) results from an inadvertent mathematical error made in determining the levy; and
- (3) published by the political subdivision according to a notice provided by the department.

(j) The department of local government finance shall annually review the budget by fund of each school corporation not later than April 1. The department of local government finance shall give the school corporation written notification specifying any revision, reduction, or increase the department proposes in the school corporation's budget by fund. A public hearing is not required in connection with this review of the budget.

(k) The department of local government finance may hold a hearing under subsection (c) only if the notice required in IC 6-1.1-17-12 is published at least ten (10) days before the date of the hearing.

SECTION 45. IC 6-1.1-18-12, AS AMENDED BY HEA 1134-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 12. (a) For purposes of this section, "maximum rate" refers to the maximum:

- (1) property tax rate or rates; or
- (2) special benefits tax rate or rates;

referred to in the statutes listed in subsection (d).

(b) The maximum rate for taxes first due and payable after 2003 is the maximum rate that would have been determined under subsection (e) for taxes first due and payable in 2003 if subsection (e) had applied for taxes first due and payable in 2003.

(c) The maximum rate must be adjusted:

- (1) each time an annual adjustment of the assessed value of real property takes effect under IC 6-1.1-4-4.5; and
- (2) each time a general reassessment of real property takes effect under IC 6-1.1-4-4.

(d) The statutes to which subsection (a) refers are:

- (1) IC 8-10-5-17;
- (2) IC 8-22-3-11;
- (3) IC 8-22-3-25;
- (4) IC 12-29-1-1;
- (5) IC 12-29-1-2;
- (6) IC 12-29-1-3;
- (7) IC 12-29-3-6;
- (8) IC 13-21-3-12;
- (9) IC 13-21-3-15;

- (10) IC 14-27-6-30;
- (11) IC 14-33-7-3;
- (12) IC 14-33-21-5;
- (13) IC 15-1-6-2;
- (14) IC 15-1-8-1;
- (15) IC 15-1-8-2;
- (16) IC 16-20-2-18;
- (17) IC 16-20-4-27;
- (18) IC 16-20-7-2;
- (19) IC 16-22-14;**
- ~~(19)~~ **(20)** IC 16-23-1-29;
- ~~(20)~~ **(21)** IC 16-23-3-6;
- ~~(21)~~ **(22)** IC 16-23-4-2;
- ~~(22)~~ **(23)** IC 16-23-5-6;
- ~~(23)~~ **(24)** IC 16-23-7-2;
- ~~(24)~~ **(25)** IC 16-23-8-2;
- ~~(25)~~ **(26)** IC 16-23-9-2;
- ~~(26)~~ **(27)** IC 16-41-15-5;
- ~~(27)~~ **(28)** IC 16-41-33-4;
- ~~(28)~~ **(29)** IC 20-46-2-3;
- (30) IC 20-46-6-5;**
- ~~(29)~~ **(31)** IC 20-49-2-10;
- ~~(30)~~ **(32)** IC 23-13-17-1;
- ~~(31)~~ **(33)** IC 23-14-66-2;
- ~~(32)~~ **(34)** IC 23-14-67-3;
- ~~(33)~~ **(35)** IC 36-7-13-4;
- ~~(34)~~ **(36)** IC 36-7-14-28;
- ~~(35)~~ **(37)** IC 36-7-15.1-16;
- ~~(36)~~ **(38)** IC 36-8-19-8.5;
- ~~(37)~~ **(39)** IC 36-9-6.1-2;
- ~~(38)~~ **(40)** IC 36-9-17.5-4;
- ~~(39)~~ **(41)** IC 36-9-27-73;
- ~~(40)~~ **(42)** IC 36-9-29-31;
- ~~(41)~~ **(43)** IC 36-9-29.1-15;
- ~~(42)~~ **(44)** IC 36-10-6-2;
- ~~(43)~~ **(45)** IC 36-10-7-7;
- ~~(44)~~ **(46)** IC 36-10-7-8;
- ~~(45)~~ **(47)** IC 36-10-7.5-19;
- ~~(46)~~ **(48)** IC 36-10-13-5;
- ~~(47)~~ **(49)** IC 36-10-13-7;
- ~~(48)~~ **(50)** IC 36-10-14-4;
- ~~(49)~~ **(51)** IC 36-12-7-7;
- ~~(50)~~ **(52)** IC 36-12-7-8;
- ~~(51)~~ **(53)** IC 36-12-12-10; and
- ~~(52)~~ **(54)** any statute enacted after December 31, 2003, that:

(A) establishes a maximum rate for any part of the:

- (i) property taxes; or
- (ii) special benefits taxes;

imposed by a political subdivision; and

(B) does not exempt the maximum rate from the adjustment under this section.

(e) The new maximum rate under a statute listed in subsection (d) is the tax rate determined under STEP SEVEN of the following STEPS:

STEP ONE: Determine the maximum rate for the political subdivision levying a property tax or special benefits tax under the statute for the year preceding the year in which the annual

adjustment or general reassessment takes effect.

STEP TWO: Determine the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the year preceding the year the annual adjustment or general reassessment takes effect to the year that the annual adjustment or general reassessment takes effect.

STEP THREE: Determine the three (3) calendar years that immediately precede the ensuing calendar year and in which a statewide general reassessment of real property does not first take effect.

STEP FOUR: Compute separately, for each of the calendar years determined in STEP THREE, the actual percentage increase (rounded to the nearest one-hundredth percent (0.01%)) in the assessed value (before the adjustment, if any, under IC 6-1.1-4-4.5) of the taxable property from the preceding year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Determine the greater of the following:

(A) Zero (0).

(B) The result of the STEP TWO percentage minus the STEP FIVE percentage.

STEP SEVEN: Determine the quotient of the STEP ONE tax rate divided by the sum of one (1) plus the STEP SIX percentage increase.

(f) The department of local government finance shall compute the maximum rate allowed under subsection (e) and provide the rate to each political subdivision with authority to levy a tax under a statute listed in subsection (d).

SECTION 46. IC 6-1.1-18.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. As used in this chapter:

"Ad valorem property tax levy for an ensuing calendar year" means the total property taxes imposed by a civil taxing unit for current property taxes collectible in that ensuing calendar year.

"Adopting county" means any county in which the county adjusted gross income tax is in effect.

"Civil taxing unit" means any taxing unit except a school corporation.

"Maximum permissible ad valorem property tax levy for the preceding calendar year" means **the greater of:**

(1) the remainder of:

(A) the civil taxing unit's maximum permissible ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined under section 3 of this chapter; minus

(B) one-half (1/2) of the remainder of:

(i) the civil taxing unit's maximum permissible ad valorem property tax levy referred to in clause (A); minus

(ii) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year referred to in subdivision (2); or

(2) the civil taxing unit's ad valorem property tax levy for the calendar year immediately preceding the ensuing calendar year, as that levy was determined by the department of local

government finance in fixing the civil taxing unit's budget, levy, and rate for that preceding calendar year under IC 6-1.1-17, and after eliminating the effects of temporary excessive levy appeals and temporary adjustments made to the working maximum levy for the calendar year immediately preceding the ensuing calendar year, as determined by the department of local government finance.

"Taxable property" means all tangible property that is subject to the tax imposed by this article and is not exempt from the tax under IC 6-1.1-10 or any other law. For purposes of sections 2 and 3 of this chapter, the term "taxable property" is further defined in section 6 of this chapter.

"Unadjusted assessed value" means the assessed value of a civil taxing unit as determined by local assessing officials and the department of local government finance in a particular calendar year before the application of an annual adjustment under IC 6-1.1-4-4.5 for that particular calendar year or any calendar year since the last general reassessment preceding the particular calendar year.

SECTION 47. IC 6-1.1-18.5-13, AS AMENDED BY HEA 1156-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. With respect to an appeal filed under section 12 of this chapter, the local government tax control board may recommend that a civil taxing unit receive any one (1) or more of the following types of relief:

(1) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if in the judgment of the local government tax control board the increase is reasonably necessary due to increased costs of the civil taxing unit resulting from annexation, consolidation, or other extensions of governmental services by the civil taxing unit to additional geographic areas or persons.

(2) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to meet the civil taxing unit's share of the costs of operating a court established by statute enacted after December 31, 1973. Before recommending such an increase, the local government tax control board shall consider all other revenues available to the civil taxing unit that could be applied for that purpose. The maximum aggregate levy increases that the local government tax control board may recommend for a particular court equals the civil taxing unit's estimate of the unit's share of the costs of operating a court for the first full calendar year in which it is in existence. For purposes of this subdivision, costs of operating a court include:

(A) the cost of personal services (including fringe benefits);

(B) the cost of supplies; and

(C) any other cost directly related to the operation of the court.

(3) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the quotient determined under STEP SIX of the following formula is equal to or greater than one and ~~three-hundredths (1.03)~~ **two-hundredths (1.02):**

STEP ONE: Determine the three (3) calendar years that most immediately precede the ensuing calendar year and in

which a statewide general reassessment of real property does not first become effective.

STEP TWO: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the civil taxing unit's total assessed value of all taxable property and the total assessed value of property tax deductions in the unit under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP THREE: Divide the sum of the three (3) quotients computed in STEP TWO by three (3).

STEP FOUR: Compute separately, for each of the calendar years determined in STEP ONE, the quotient (rounded to the nearest ten-thousandth (0.0001)) of the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the particular calendar year, divided by the sum of the total assessed value of all taxable property in all counties and the total assessed value of property tax deductions in all counties under IC 6-1.1-12-41 or IC 6-1.1-12-42 in the calendar year immediately preceding the particular calendar year.

STEP FIVE: Divide the sum of the three (3) quotients computed in STEP FOUR by three (3).

STEP SIX: Divide the STEP THREE amount by the STEP FIVE amount.

The civil taxing unit may increase its levy by a percentage not greater than the percentage by which the STEP THREE amount exceeds the percentage by which the civil taxing unit may increase its levy under section 3 of this chapter based on the assessed value growth quotient determined under section 2 of this chapter.

(4) Permission to the civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the civil taxing unit needs the increase to pay the costs of furnishing fire protection for the civil taxing unit through a volunteer fire department. For purposes of determining a township's need for an increased levy, the local government tax control board shall not consider the amount of money borrowed under IC 36-6-6-14 during the immediately preceding calendar year. However, any increase in the amount of the civil taxing unit's levy recommended by the local government tax control board under this subdivision for the ensuing calendar year may not exceed the lesser of:

(A) ten thousand dollars (\$10,000); or

(B) twenty percent (20%) of:

(i) the amount authorized for operating expenses of a volunteer fire department in the budget of the civil taxing unit for the immediately preceding calendar year; plus

(ii) the amount of any additional appropriations authorized during that calendar year for the civil taxing

unit's use in paying operating expenses of a volunteer fire department under this chapter; minus

(iii) the amount of money borrowed under IC 36-6-6-14 during that calendar year for the civil taxing unit's use in paying operating expenses of a volunteer fire department.

(5) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter in order to raise revenues for pension payments and contributions the civil taxing unit is required to make under IC 36-8. The maximum increase in a civil taxing unit's levy that may be recommended under this subdivision for an ensuing calendar year equals the amount, if any, by which the pension payments and contributions the civil taxing unit is required to make under IC 36-8 during the ensuing calendar year exceeds the product of one and one-tenth (1.1) multiplied by the pension payments and contributions made by the civil taxing unit under IC 36-8 during the calendar year that immediately precedes the ensuing calendar year. For purposes of this subdivision, "pension payments and contributions made by a civil taxing unit" does not include that part of the payments or contributions that are funded by distributions made to a civil taxing unit by the state.

(6) Permission to increase its levy in excess of the limitations established under section 3 of this chapter if the local government tax control board finds that:

(A) the township's township assistance ad valorem property tax rate is less than one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation; and

(B) the township needs the increase to meet the costs of providing township assistance under IC 12-20 and IC 12-30-4.

The maximum increase that the board may recommend for a township is the levy that would result from an increase in the township's township assistance ad valorem property tax rate of one and sixty-seven hundredths cents (\$0.0167) per one hundred dollars (\$100) of assessed valuation minus the township's ad valorem property tax rate per one hundred dollars (\$100) of assessed valuation before the increase.

(7) Permission to a civil taxing unit to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) the increase has been approved by the legislative body of the municipality with the largest population where the civil taxing unit provides public transportation services; and

(B) the local government tax control board finds that the civil taxing unit needs the increase to provide adequate public transportation services.

The local government tax control board shall consider tax rates and levies in civil taxing units of comparable population, and the effect (if any) of a loss of federal or other funds to the civil taxing unit that might have been used for public transportation purposes. However, the increase that the board may recommend under this subdivision for a civil taxing unit may not exceed the revenue that would be raised by the civil taxing unit based on a property tax rate of one cent (\$0.01) per one hundred dollars (\$100) of assessed valuation.

(8) Permission to a civil taxing unit to increase the unit's levy in excess of the limitations established under section 3 of this

chapter if the local government tax control board finds that:

(A) the civil taxing unit is:

- (i) a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000);
- (ii) a city having a population of more than fifty-five thousand (55,000) but less than fifty-nine thousand (59,000);
- (iii) a city having a population of more than twenty-eight thousand seven hundred (28,700) but less than twenty-nine thousand (29,000);
- (iv) a city having a population of more than fifteen thousand four hundred (15,400) but less than sixteen thousand six hundred (16,600); or
- (v) a city having a population of more than seven thousand (7,000) but less than seven thousand three hundred (7,300); and

(B) the increase is necessary to provide funding to undertake removal (as defined in IC 13-11-2-187) and remedial action (as defined in IC 13-11-2-185) relating to hazardous substances (as defined in IC 13-11-2-98) in solid waste disposal facilities or industrial sites in the civil taxing unit that have become a menace to the public health and welfare.

The maximum increase that the local government tax control board may recommend for such a civil taxing unit is the levy that would result from a property tax rate of six and sixty-seven hundredths cents (\$0.0667) for each one hundred dollars (\$100) of assessed valuation. For purposes of computing the ad valorem property tax levy limit imposed on a civil taxing unit under section 3 of this chapter, the civil taxing unit's ad valorem property tax levy for a particular year does not include that part of the levy imposed under this subdivision. In addition, a property tax increase permitted under this subdivision may be imposed for only two (2) calendar years.

(9) Permission for a county:

(A) having a population of more than eighty thousand (80,000) but less than ninety thousand (90,000) to increase the county's levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the county needs the increase to meet the county's share of the costs of operating a jail or juvenile detention center, including expansion of the facility, if the jail or juvenile detention center is opened after December 31, 1991;

(B) that operates a county jail or juvenile detention center that is subject to an order that:

- (i) was issued by a federal district court; and
- (ii) has not been terminated;

(C) that operates a county jail that fails to meet:

- (i) American Correctional Association Jail Construction Standards; and
- (ii) Indiana jail operation standards adopted by the department of correction; or

(D) that operates a juvenile detention center that fails to meet standards equivalent to the standards described in clause (C) for the operation of juvenile detention centers.

Before recommending an increase, the local government tax

control board shall consider all other revenues available to the county that could be applied for that purpose. An appeal for operating funds for a jail or a juvenile detention center shall be considered individually, if a jail and juvenile detention center are both opened in one (1) county. The maximum aggregate levy increases that the local government tax control board may recommend for a county equals the county's share of the costs of operating the jail or a juvenile detention center for the first full calendar year in which the jail or juvenile detention center is in operation.

(10) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township needs the increase so that the property tax rate to pay the costs of furnishing fire protection for a township, or a portion of a township, enables the township to pay a fair and reasonable amount under a contract with the municipality that is furnishing the fire protection. However, for the first time an appeal is granted the resulting rate increase may not exceed fifty percent (50%) of the difference between the rate imposed for fire protection within the municipality that is providing the fire protection to the township and the township's rate. A township is required to appeal a second time for an increase under this subdivision if the township wants to further increase its rate. However, a township's rate may be increased to equal but may not exceed the rate that is used by the municipality. More than one (1) township served by the same municipality may use this appeal.

(11) Permission for a township to increase its levy in excess of the limitations established under section 3 of this chapter, if the local government tax control board finds that the township has been required, for the three (3) consecutive years preceding the year for which the appeal under this subdivision is to become effective, to borrow funds under IC 36-6-6-14 to furnish fire protection for the township or a part of the township. However, the maximum increase in a township's levy that may be allowed under this subdivision is the least of the amounts borrowed under IC 36-6-6-14 during the preceding three (3) calendar years. A township may elect to phase in an approved increase in its levy under this subdivision over a period not to exceed three (3) years. A particular township may appeal to increase its levy under this section not more frequently than every fourth calendar year.

(12) Permission to a city having a population of more than twenty-nine thousand (29,000) but less than thirty-one thousand (31,000) to increase its levy in excess of the limitations established under section 3 of this chapter if:

(A) an appeal was granted to the city under this section to reallocate property tax replacement credits under IC 6-3.5-1.1 in 1998, 1999, and 2000; and

(B) the increase has been approved by the legislative body of the city, and the legislative body of the city has by resolution determined that the increase is necessary to pay normal operating expenses.

The maximum amount of the increase is equal to the amount of property tax replacement credits under IC 6-3.5-1.1 that the city petitioned under this section to have reallocated in 2001 for a

purpose other than property tax relief.

SECTION 48. IC 6-1.1-18.5-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 17. (a) As used in this section, "levy excess" means the part of the ad valorem property tax levy actually collected by a civil taxing unit, for taxes first due and payable during a particular calendar year, that exceeds the civil taxing unit's ad valorem property tax levy, as approved by the department of local government finance under IC 6-1.1-17. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.**

(b) A civil taxing unit's levy excess is valid and may not be contested on the grounds that it exceeds the civil taxing unit's levy limit for the applicable calendar year. However, the civil taxing unit shall deposit, except as provided in subsection (h), its levy excess in a special fund to be known as the civil taxing unit's levy excess fund.

(c) The chief fiscal officer of a civil taxing unit may invest money in the civil taxing unit's levy excess fund in the same manner in which money in the civil taxing unit's general fund may be invested. However, any income derived from investment of the money shall be deposited in and becomes a part of the levy excess fund.

(d) The department of local government finance shall require a civil taxing unit to include the amount in its levy excess fund in the civil taxing unit's budget fixed under IC 6-1.1-17.

(e) Except as provided by subsection (f), a civil taxing unit may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits imposed under this chapter, a civil taxing unit shall treat the money in its levy excess fund that the department of local government finance permits it to spend during a particular calendar year as part of its ad valorem property tax levy for that same calendar year.

(f) A civil taxing unit may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the civil taxing unit as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a civil taxing unit may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would, notwithstanding this subsection, be deposited in the levy excess fund of a civil taxing unit for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the unit for that year.

SECTION 49. IC 6-1.1-19-1.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 1.7. (a) As used in this section, "levy excess" means that portion of the ad valorem property tax levy actually collected by a school corporation, for taxes first due and payable during a particular calendar year, which exceeds the school corporation's total levy, as approved by the department of local government finance under IC 6-1.1-17, for those property taxes. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad**

valorem property taxes are collected.

(b) A school corporation's levy excess is valid, and the general fund portion of a school corporation's levy excess may not be contested on the grounds that it exceeds the school corporation's general fund levy limit for the applicable calendar year. However, the school corporation shall deposit, except as provided in subsection (h), its levy excess in a special fund to be known as the school corporation's levy excess fund.

(c) The chief fiscal officer of a school corporation may invest money in the school corporation's levy excess fund in the same manner in which money in the school corporation's general fund may be invested. However, any income derived from investment of the money shall be deposited in and become a part of the levy excess fund.

(d) The department of local government finance shall require a school corporation to include the amount in the school corporation's levy excess fund in the school corporation's budget fixed under IC 6-1.1-17.

(e) Except as provided in subsection (f), a school corporation may not spend any money in its levy excess fund until the expenditure of the money has been included in a budget that has been approved by the department of local government finance under IC 6-1.1-17. For purposes of fixing its budget and for purposes of the ad valorem property tax levy limits fixed under this chapter, a school corporation shall treat the money in its levy excess fund that the department of local government finance permits the school corporation to spend during a particular calendar year as part of the school corporation's ad valorem property tax levy for that same calendar year.

(f) A school corporation may transfer money from its levy excess fund to its other funds to reimburse those funds for amounts withheld from the school corporation as a result of refunds paid under IC 6-1.1-26.

(g) Subject to the limitations imposed by this section, a school corporation may use money in its levy excess fund for any lawful purpose for which money in any of its other funds may be used.

(h) If the amount that would be deposited in the levy excess fund of a school corporation for a particular calendar year is less than one hundred dollars (\$100), no money shall be deposited in the levy excess fund of the school corporation for that year.

SECTION 50. IC 6-1.1-20.9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) An individual who desires to claim the credit provided by section 2 of this chapter must file a certified statement in duplicate, on forms prescribed by the department of local government finance, with the auditor of the county in which the homestead is located. The statement shall include the parcel number or key number of the real estate and the name of the city, town, or township in which the real estate is located. With respect to real property, the statement must be filed during the twelve (12) months before ~~May~~ **June** 11 of the year prior to the first year for which the person wishes to obtain the credit for the homestead. With respect to a mobile home that is not assessed as real property or a manufactured home that is not assessed as real property, the statement must be filed during the twelve (12) months before March 2 of the first year for which the individual wishes to obtain the credit. The statement may be filed in person or by mail. If mailed, the mailing must be postmarked on or before the last day for filing. The statement applies for that first year and any succeeding

year for which the credit is allowed.

(b) The certified statement referred to in subsection (a) shall contain the name of any other county and township in which the individual owns or is buying real property.

(c) If an individual who is receiving the credit provided by this chapter changes the use of the individual's real property, so that part or all of that real property no longer qualifies for the homestead credit provided by this chapter, the individual must file a certified statement with the auditor of the county, notifying the auditor of the change of use within sixty (60) days after the date of that change. An individual who changes the use of the individual's real property and fails to file the statement required by this subsection is liable for the amount of the credit ~~he~~ **the individual** was allowed under this chapter for that real property.

(d) An individual who receives the credit provided by section 2 of this chapter for property that is jointly held with another owner in a particular year and remains eligible for the credit in the following year is not required to file a statement to reapply for the credit following the removal of the joint owner if:

- (1) the individual is the sole owner of the property following the death of the individual's spouse;
- (2) the individual is the sole owner of the property following the death of a joint owner who was not the individual's spouse; or
- (3) the individual is awarded sole ownership of property in a divorce decree.

SECTION 51. IC 6-1.1-30-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. The department of local government finance shall keep a record of its proceedings and orders. The department of local government finance's record is a public record. A copy of the appropriate portion of the record is sufficient evidence in all courts or proceedings to prove an action, rule, or order of the department of local government finance if the copy is:

- (1) certified by the commissioner of the department; and
- (2) attested to by ~~the deputy~~ **a designee of the** commissioner of the department.

SECTION 52. IC 6-1.1-31-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) With respect to the assessment of real property, the rules of the department of local government finance shall provide for:

- (1) the classification of land on the basis of:
 - (i) acreage;
 - (ii) lots;
 - (iii) size;
 - (iv) location;
 - (v) use;
 - (vi) productivity or earning capacity;
 - (vii) applicable zoning provisions;
 - (viii) accessibility to highways, sewers, and other public services or facilities; and
 - (ix) any other factor that the department determines by rule is just and proper; and
- (2) the classification of improvements on the basis of:
 - (i) size;
 - (ii) location;
 - (iii) use;
 - (iv) type and character of construction;

- (v) age;
- (vi) condition;
- (vii) cost of reproduction; and
- (viii) any other factor that the department determines by rule is just and proper.

(b) With respect to the assessment of real property, the rules of the department of local government finance shall include instructions for determining:

- (1) the proper classification of real property;
- (2) the size of real property;
- (3) the effects that location and use have on the value of real property;
- ~~(4) the depreciation, including physical deterioration and obsolescence, of real property;~~
- ~~(5) the cost of reproducing improvements;~~
- ~~(6) (4) the productivity or earning capacity of:~~
 - (A) agricultural land; and
 - (B) real property regularly used to rent or otherwise furnish residential accommodations for periods of thirty (30) days or more;
- ~~(7) (5) sales data for generally comparable properties; and~~
- ~~(8) (6) the true tax value of real property based on the factors listed in this subsection and any other factor that the department determines by rule is just and proper.~~

(c) With respect to the assessment of real property, true tax value does not mean fair market value. Subject to this article, true tax value is the value determined under the rules of the department of local government finance.

SECTION 53. IC 6-1.1-36-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.5. (a) Subject to subsections (b) and (c), and except as provided in subsection (d), a document, including a form, a return, or a writing of any type, which must be filed by a due date under this article or IC 6-1.5, is considered to be filed by the due date if the document is:**

- (1) received on or before the due date by the appropriate recipient;**
- (2) deposited in United States first class mail:**
 - (A) properly addressed to the appropriate recipient;**
 - (B) with sufficient postage; and**
 - (C) postmarked by the United States Postal Service as mailed on or before the due date;**
- (3) deposited with a nationally recognized express parcel carrier and is:**
 - (A) properly addressed to the appropriate recipient; and**
 - (B) verified by the express parcel carrier as:**
 - (i) paid in full for final delivery; and**
 - (ii) received by the express parcel carrier on or before the due date; or**
- (4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:**
 - (A) properly addressed to the appropriate recipient;**
 - (B) with sufficient postage; and**
 - (C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date.**

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(b) If a document is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the document is considered to have filed the document on or before the due date if the person can show by reasonable evidence that the document was deposited in the United States mail on or before the due date.

(c) If a document is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the document is considered to have filed the document on or before the due date if the person:

(1) can show by reasonable evidence that the document was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) files a duplicate document within thirty (30) days after the date the person is notified that the document was not received.

(d) This section does not apply to a payment addressed in IC 6-1.1-37-10(f).

SECTION 54. IC 6-1.1-36-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 12. (a) A board of county commissioners, a county assessor, or an elected township assessor may enter into a ~~properly approved~~ contract for the discovery of property that has been undervalued or omitted from assessment. The contract must prohibit payment to the contractor for discovery of undervaluation or omission with respect to a parcel or personal property return before all appeals of the assessment of the parcel or the assessment under the return have been finalized. The contract may require the contractor to:

(1) examine and verify the accuracy of personal property returns filed by taxpayers with a township assessor of a township in the county; and

(2) compare a return with the books of the taxpayer and with personal property owned, held, possessed, controlled, or occupied by the taxpayer.

(b) The investigation and collection expenses of a contract under subsection (a) may be deducted from the gross amount of taxes collected on the undervalued or omitted property that is so discovered. The remainder of the taxes collected on the undervalued or omitted property shall be distributed to the appropriate taxing units.

(b) This subsection applies if funds are not appropriated for payment of services performed under a contract described in subsection (a). The county auditor may create a special nonreverting fund in which the county treasurer shall deposit the amount of taxes, including penalties and interest, that result from additional assessments on undervalued or omitted property collected from all taxing jurisdictions in the county after deducting the amount of any property tax credits that reduce the owner's property tax liability for the undervalued or omitted property. The fund remains in existence during the term of the contract. Distributions shall be made from the fund without appropriation only for the following purposes:

(1) All contract fees and other costs related to the contract.

(2) After the payments required by subdivision (1) have

been made and the contract has expired, the county auditor shall distribute all money remaining in the fund to the appropriate taxing units in the county using the property tax rates of each taxing unit in effect at the time of the distribution.

(c) A board of county commissioners, a county assessor, or an elected township assessor may not contract for services under subsection (a) on a percentage basis.

SECTION 55. IC 6-1.1-37-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) Except as provided in section 10.5 of this chapter, if an installment of property taxes is not completely paid on or before the due date, a penalty equal to ten percent (10%) of the amount of delinquent taxes shall be added to the unpaid portion in the year of the initial delinquency.

(b) With respect to property taxes due in two (2) equal installments under IC 6-1.1-22-9(a), on the day immediately following the due dates in May and November of each year following the year of the initial delinquency, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added. With respect to property taxes due in installments under IC 6-1.1-22-9.5, an additional penalty equal to ten percent (10%) of any taxes remaining unpaid shall be added on the day immediately following each date that succeeds the last installment due date by:

(1) six (6) months; or

(2) a multiple of six (6) months.

(c) The penalties under subsection (b) are imposed only on the principal amount of the delinquent taxes.

(d) If the department of local government finance determines that an emergency has occurred which precludes the mailing of the tax statement in any county at the time set forth in IC 6-1.1-22-8, the department shall establish by order a new date on which the installment of taxes in that county is due and no installment is delinquent if paid by the date so established.

(e) If any due date falls on a Saturday, a Sunday, a national legal holiday recognized by the federal government, or a statewide holiday, the act that must be performed by that date is timely if performed by the next succeeding day that is not a Saturday, a Sunday, or one (1) of those holidays.

(f) **Subject to subsections (g) and (h)**, a payment to the county treasurer is considered to have been paid by the due date if the payment is:

(1) received on or before the due date ~~to~~ by the county treasurer or a collecting agent appointed by the county treasurer;

(2) deposited in ~~the~~ United States **first class** mail:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) ~~certified or~~ postmarked by the United States Postal Service as mailed on or before the due date; ~~or~~

(3) deposited with a nationally recognized express parcel carrier and is:

(A) properly addressed to the principal office of the county treasurer; and

(B) verified by the express parcel carrier as:

(i) paid in full for final delivery; and

(ii) received **by the express parcel carrier** on or before the due date;

(4) deposited to be mailed through United States registered mail, United States certified mail, or United States certificate of mailing:

(A) properly addressed to the principal office of the county treasurer;

(B) with sufficient postage; and

(C) with a date of registration, certification, or certificate, as evidenced by any record authenticated by the United States Postal Service, on or before the due date; or

(5) made by an electronic fund transfer and the taxpayer's bank account is charged on or before the due date.

For purposes of this subsection, "postmarked" does not mean the date printed by a postage meter that affixes postage to the envelope or package containing a payment.

(g) If a payment is mailed through the United States mail and is physically received after the due date without a legible correct postmark, the person who mailed the payment is considered to have made the payment on or before the due date if the person can show by reasonable evidence that the payment was deposited in the United States mail on or before the due date.

(h) If a payment is sent via the United States mail or a nationally recognized express parcel carrier but is not received by the designated recipient, the person who sent the payment is considered to have made the payment on or before the due date if the person:

(1) can show by reasonable evidence that the payment was deposited in the United States mail, or with the express parcel carrier, on or before the due date; and

(2) makes a duplicate payment within thirty (30) days after the date the person is notified that the payment was not received.

SECTION 56. IC 6-1.1-39-5, AS AMENDED BY P.L.4-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 5. (a) A declaratory ordinance adopted under section 2 of this chapter and confirmed under section 3 of this chapter must include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. The allocation provision must apply to the entire economic development district. The allocation provisions must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the economic development district be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units. However, if the effective date of the allocation provision of a declaratory ordinance is after March 1, 1985, and before January 1, 1986, and if an improvement to property was partially completed on March 1, 1985, the unit may provide in the declaratory ordinance that the taxes attributable to the assessed value of the property as finally determined for March 1, 1984, shall be allocated to and, when

collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, part or all of the property tax proceeds in excess of those described in subdivision (1), as specified in the declaratory ordinance, shall be allocated to the unit for the economic development district and, when collected, paid into a special fund established by the unit for that economic development district that may be used only to pay the principal of and interest on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district. The amount not paid into the special fund shall be paid to the respective units in the manner prescribed by subdivision (1).

(3) When the money in the fund is sufficient to pay all outstanding principal of and interest (to the earliest date on which the obligations can be redeemed) on obligations owed by the unit under IC 4-4-8 (before its repeal) or IC 5-28-9 for the financing of industrial development programs in, or serving, that economic development district, money in the special fund in excess of that amount shall be paid to the respective taxing units in the manner prescribed by subdivision (1).

(b) Property tax proceeds allocable to the economic development district under subsection (a)(2) must, subject to subsection (a)(3), be irrevocably pledged by the unit for payment as set forth in subsection (a)(2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the economic development district that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory ordinance is the lesser of:

(1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(2) the base assessed value.

(d) Notwithstanding any other law, each assessor shall, upon petition of the fiscal body, reassess the taxable property situated upon or in, or added to, the economic development district effective on the next assessment date after the petition.

(e) Notwithstanding any other law, the assessed value of all taxable property in the economic development district, for purposes of tax limitation, property tax replacement (except as provided in IC 6-1.1-21-3(c), IC 6-1.1-21-4(a)(3), and IC 6-1.1-21-5(c)), and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

(1) the assessed value of the property as valued without regard to this section; or

(2) the base assessed value.

(f) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the district under this**

section. However, the ~~adjustment~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1.

(g) As used in this section, "property taxes" means:

- (1) taxes imposed under this article on real property; and
- (2) any part of the taxes imposed under this article on depreciable personal property that the unit has by ordinance allocated to the economic development district. However, the ordinance may not limit the allocation to taxes on depreciable personal property with any particular useful life or lives.

If a unit had, by ordinance adopted before May 8, 1987, allocated to an economic development district property taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the ordinance continues in effect until an ordinance is adopted by the unit under subdivision (2).

(h) As used in this section, "base assessed value" means:

- (1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (f); plus
- (2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Subdivision (2) applies only to economic development districts established after June 30, 1997, and to additional areas established after June 30, 1997.

SECTION 57. IC 6-1.1-40-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **Sec. 1.5. As used in this chapter, "affiliate" means an entity that effectively controls or is controlled by an applicant for a deduction under this chapter or is associated with an applicant for a deduction under this chapter under common ownership or control, whether by shareholdings or other means.**

SECTION 58. IC 6-1.1-40-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 4. As used in this chapter, "new manufacturing equipment" means any tangible personal property that **an applicant for the deduction under section 11 of this chapter:**

- (1) ~~is installed~~ **installs** in a district;
- (2) ~~is used~~ **uses** in the direct production, manufacture, fabrication, assembly, extraction, mining, processing, refining, or finishing of other tangible personal property; ~~and~~
- (3) ~~was acquired by its owner~~ **acquires in an arms length transaction from an entity that is not an affiliate of the applicant** for use as described in subdivision (2); and
- (4) ~~was never before used by its owner~~ **for any purpose in Indiana before the installation described in subdivision (1).**

SECTION 59. IC 6-1.1-40-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) **Subject to subsection (e),** an owner of new manufacturing equipment or inventory, or both, whose statement of benefits is approved is entitled to a deduction from the assessed value of that equipment and inventory for a period of ten (10) years. Except as provided in subsections (c) and (d), **and subject to subsection (e),** for the first

five (5) years, the amount of the deduction for new manufacturing equipment that an owner is entitled to for a particular year equals the assessed value of the new manufacturing equipment. **Subject to subsection (e),** for the sixth through the tenth year, the amount of the deduction equals the product of:

- (1) the assessed value of the new manufacturing equipment; multiplied by
 - (2) the percentage prescribed in the following table:
- | YEAR OF DEDUCTION | PERCENTAGE |
|---------------------|------------|
| 6th | 100% |
| 7th | 95% |
| 8th | 80% |
| 9th | 65% |
| 10th | 50% |
| 11th and thereafter | 0% |

(b) For the first year the amount of the deduction for inventory equals the assessed value of the inventory. For the next nine (9) years, the amount of the deduction equals:

- (1) the assessed value of the inventory for that year; multiplied by
- (2) the owner's export sales ratio for the previous year, as certified by the department of state revenue under IC 6-3-2-13.

(c) A deduction under this section is not allowed in the first year the deduction is claimed for new manufacturing equipment to the extent that it would cause the assessed value of all of the personal property of the owner in the taxing district in which the equipment is located to be less than the assessed value of all of the personal property of the owner in that taxing district in the immediately preceding year.

(d) If a deduction is not fully allowed under subsection (c) in the first year the deduction is claimed, then the percentages specified in subsection (a) apply in the subsequent years to the amount of deduction that was allowed in the first year.

(e) **For purposes of subsection (a), the assessed value of new manufacturing equipment that is part of an owner's assessable depreciable personal property in a single taxing district subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 is the product of:**

- (1) **the assessed value of the equipment determined without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9; multiplied by**
- (2) **the quotient of:**
 - (A) **the amount of the valuation limitation determined under 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 for all of the owner's depreciable personal property in the taxing district; divided by**
 - (B) **the total true tax value of all of the owner's depreciable personal property in the taxing district that is subject to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9 determined:**
 - (i) **under the depreciation schedules in the rules of the department of local government finance before any adjustment for abnormal obsolescence; and**
 - (ii) **without regard to the valuation limitation in 50 IAC 4.2-4-9 or 50 IAC 5.1-6-9.**

SECTION 60. IC 6-1.1-45-9, AS ADDED BY P.L.214-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) **Subject to subsection (c),**

a taxpayer that makes a qualified investment is entitled to a deduction from the assessed value of the taxpayer's enterprise zone property located at the enterprise zone location for which the taxpayer made the qualified investment. The amount of the deduction is equal to the remainder of:

- (1) the total amount of the assessed value of the taxpayer's enterprise zone property assessed at the enterprise zone location on a particular assessment date; minus
- (2) the total amount of the base year assessed value for the enterprise zone location.

(b) To receive the deduction allowed under subsection (a) for a particular year, a taxpayer must comply with the conditions set forth in this chapter.

(c) A taxpayer that makes a qualified investment in an enterprise zone established under IC 5-28-15-11 that is under the jurisdiction of a military base reuse authority board created under IC 36-7-14.5 or IC 36-7-30-3 is entitled to a deduction under this section only if the deduction is approved by the military base reuse authority board.

SECTION 61. IC 6-1.5-4-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. In order to obtain information that is necessary to the Indiana board's conduct of a necessary or proper inquiry, the Indiana board or a board administrative law judge may:**

- (1) subpoena and examine witnesses;**
- (2) administer oaths; and**
- (3) subpoena and examine books or papers that are in the hands of any person.**

SECTION 62. IC 6-1.5-5-2, AS AMENDED BY P.L.199-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2. (a) After receiving a petition for review that is filed under a statute listed in section 1(a) of this chapter, the Indiana board shall, at its earliest opportunity:**

- (1) conduct a hearing; or**
- (2) cause a hearing to be conducted by an administrative law judge.**

The Indiana board may determine to conduct the hearing under subdivision (1) on its own motion or on request of a party to the appeal.

(b) In its resolution of a petition, the Indiana board may:

- (1) assign:
 - (A) full;
 - (B) limited; or
 - (C) no;

evidentiary value to the assessed valuation of tangible property determined by stipulation submitted as evidence of a comparable sale; and

- (2) correct any errors that may have been made, and adjust the assessment in accordance with the correction.

(c) The Indiana board shall give notice of the date fixed for the hearing by mail to:

- (1) the taxpayer;
- (2) the department of local government finance; and
- (3) the appropriate:
 - (A) township assessor;
 - (B) county assessor; and
 - (C) county auditor.

(d) With respect to an appeal of the assessment of real property or personal property filed after June 30, 2005, the notices required under subsection (c) must include the following:

- (1) The action of the department of local government finance with respect to the appealed items.
- (2) A statement that a taxing unit receiving the notice from the county auditor under subsection (c) may:
 - (A) attend the hearing;
 - (B) offer testimony; and
 - (C) file an amicus curiae brief in the proceeding.

A taxing unit that receives a notice from the county auditor under subsection (c) is not a party to the appeal.

(e) If, after receiving notice of a hearing under subsection (c), the county auditor determines that the assessed value of the appealed items constitutes at least one percent (1%) of the total gross certified assessed value of a particular taxing unit for the assessment date immediately preceding the assessment date for which the appeal was filed, the county auditor shall send a copy of the notice to the affected taxing unit. **A taxing unit that receives a notice from the county auditor under this subsection is not a party to the appeal.** Failure of the county auditor to send a copy of the notice to the affected taxing unit does not affect the validity of the appeal or delay the appeal.

(f) The Indiana board shall give the notices required under subsection (c) at least thirty (30) days before the day fixed for the hearing.

SECTION 63. IC 6-1.5-5-5, AS AMENDED BY P.L.199-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 5. After the hearing, the Indiana board shall give the petitioner, the township assessor, the county assessor, the county auditor, the affected taxing units required to be notified under section 2(c) of this chapter, and the department of local government finance:**

- (1) notice, by mail, of its final determination, findings of fact, and conclusions of law; and
- (2) notice of the procedures the petitioner or the department of local government finance must follow in order to obtain court review of the final determination of the Indiana board.

The county auditor shall provide copies of the documents described in subdivisions (1) and (2) to the taxing units entitled to notice under section 2(e) of this chapter.

SECTION 64. IC 6-1.5-5-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 6. (a) The Indiana board shall conduct a hearing or cause a hearing to be conducted within six (6) months after a petition in proper form is filed with the Indiana board, excluding any time due to a delay reasonably caused by the petitioner.**

(b) The Indiana board shall make a final determination within the later of forty-five (45) days after the hearing or the date set in an extension order issued by the Indiana board. However, the Indiana board may not extend the final determination date by more than one hundred eighty (180) days.

(c) The failure of the Indiana board to conduct a hearing within the period prescribed in this section does not constitute notice to the person of an Indiana board final determination.

~~(c) The failure of~~ **(d) If the Indiana board fails to make a final determination within the time allowed by this section shall be treated as a final determination of after a hearing, the entity that initiated**

the petition may:

- (1) ~~take no action and wait for the Indiana board to deny the petition; make a final determination; or~~
- (2) **initiate a proceeding for judicial review by taking the action required by IC 6-1.1-15-5(b) at any time after the maximum time elapses.**

(e) If:

- (1) **a judicial proceeding is initiated under subsection (d); and**
- (2) **the Indiana board has not issued a determination;**

the tax court shall determine the matter de novo.

SECTION 65. IC 8-1.5-5-32, AS ADDED BY SEA 71-2006, SECTION 1, AND HEA 1212-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

- (1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.
- (2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the ~~district municipality~~ is entitled to receive the following:

- (1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.
- (2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

- (1) shall be deposited by the municipality in a dedicated fund; and
- (2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 66. IC 8-22-3.5-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) The state board of accounts and the department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department consider appropriate for the implementation of this chapter.

(b) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

(c) After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value (as defined in section 9 of this chapter) to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the airport development zone's special funds under section 9 of this chapter.

SECTION 67. IC 16-22-14 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 14. Levy for Emergency Medical Services

Sec. 1. As used in this chapter, "qualified expenses" means expenses incurred by a county hospital to provide emergency medical services (as defined in IC 16-18-2-110).

Sec. 2. The governing board of a county hospital may request support from the county for qualified expenses, either by:

- (1) **appropriation from the county general fund; or**
- (2) **a separate tax levy;**

by filing with the county executive on or before August 1 a written budget of the amount estimated to be required to fund qualified expenses for the ensuing year.

Sec. 3. Subject to sections 4 and 5 of this chapter, a county may establish a separate property tax levy for a county hospital to compensate the county hospital for the county hospital's qualified expenses.

Sec. 4. The property tax rate imposed under this chapter may not exceed the lesser of the following:

- (1) **Six cents (\$0.06) on each one hundred dollars (\$100) of assessed valuation.**
- (2) **The property tax rate that is necessary to generate tax revenues in an amount equal to the county hospital's qualified expenses in the ensuing year, as estimated in the governing body's budget request under section 2 of this chapter.**

Sec. 5. Property taxes imposed under this chapter are subject to the county's levy limitations imposed under IC 6-1.1-18.5-3.

Sec. 6. The amount levied under this chapter is in addition to any other amount levied for a county hospital.

Sec. 7. An amount levied under this chapter:

(1) must be appropriated as other county funds are appropriated; and

(2) may be used only for qualified expenses.

SECTION 68. IC 20-44-3-2, AS ADDED BY HEA 1134-2006, SECTION 167, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. As used in this chapter, "levy excess" means that part of the property tax levy actually collected by a school corporation for taxes first due and payable during a particular calendar year that exceeds the school corporation's total levy, as approved by the department of local government finance under IC 6-1.1-17, for those property taxes. **The term does not include delinquent ad valorem property taxes collected during a particular year that were assessed for an assessment date that precedes the assessment date for the current year in which the ad valorem property taxes are collected.**

SECTION 69. IC 20-46-6-5, AS ADDED BY HEA 1134-2006, SECTION 169, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006] Sec. 5. Subject to ~~IC 6-1.1-18-13~~ **IC 6-1.1-18-12** and IC 6-1.1-18.5-9.9, to provide for the fund, the governing body may, for each year in which a plan is in effect, impose a property tax rate that does not exceed forty-one and sixty-seven hundredths cents (\$0.4167) on each one hundred dollars (\$100) of assessed valuation of the school corporation. The actual rate imposed by the governing body must be advertised in the same manner as other property tax rates.

SECTION 70. IC 33-26-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 1. ~~The office of~~ **Subject to IC 4-6-2-11, IC 4-6-5-3, and the written approval of the** attorney general, ~~shall represent~~ a township assessor, a county assessor, a county auditor, a member of a county property tax assessment board of appeals, or a county property tax assessment board of appeals that:

(1) made an original determination that is the subject of a judicial proceeding in the tax court; and

(2) is a defendant in a judicial proceeding in the tax court;

may elect to be represented in the judicial proceeding by an attorney selected and paid by the defendant, the township, or the county.

SECTION 71. IC 36-7-14-35 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 35. (a) In order to:

(1) undertake survey and planning activities under this chapter;

(2) undertake and carry out any redevelopment project, ~~or~~ urban renewal project, **or housing program;**

(3) pay principal and interest on any advances;

(4) pay or retire any bonds and interest on them; or

(5) refund loans previously made under this section;

the redevelopment commission may apply for and accept advances, short term and long term loans, grants, contributions, and any other form of financial assistance from the federal government, or from any of its agencies. The commission may also enter into and carry out contracts and agreements in connection with that financial assistance upon the terms and conditions that the commission considers reasonable and appropriate, as long as those terms and conditions are not inconsistent with the purposes of this chapter. The provisions of such a contract or agreement in regard to the handling, deposit, and application of project funds, as well as all other provisions, are valid and binding on the unit or its executive departments and officers, as well as the commission, notwithstanding any other provision of this

chapter.

(b) The redevelopment commission may issue and sell bonds, notes, or warrants to the federal government to evidence short term or long term loans made under this section, without notice of sale being given or a public offering being made.

(c) Notwithstanding the provisions of this or any other chapter, bonds, notes, or warrants issued by the redevelopment commission under this section may:

(1) be in the amounts, form, or denomination;

(2) be either coupon or registered;

(3) carry conversion or other privileges;

(4) have a rank or priority;

(5) be of such description;

(6) be secured (subject to other provisions of this section) in such manner;

(7) bear interest at a rate or rates;

(8) be payable as to both principal and interest in a medium of payment, at a time or times (which may be upon demand) and at a place or places;

(9) be subject to terms of redemption (with or without premium);

(10) contain or be subject to any covenants, conditions, and provisions; and

(11) have any other characteristics;

that the commission considers reasonable and appropriate.

(d) Bonds, notes, or warrants issued under this section are not an indebtedness of the unit or taxing district within the meaning of any constitutional or statutory limitation of indebtedness. The bonds, notes, or warrants are not payable from or secured by a levy of taxes, but are payable only from and secured only by income, funds, and properties of the project becoming available to the redevelopment commission under this chapter, as the commission specifies in the resolution authorizing their issuance.

(e) Bonds, notes, or warrants issued under this section are exempt from taxation for all purposes.

(f) Bonds, notes, or warrants issued under this section must be executed by the appropriate officers of the unit in the name of the "City (or Town or County) of _____, Department of Redevelopment", and must be attested by the appropriate officers of the unit.

(g) Following the adoption of the resolution authorizing the issuance of bonds, notes, or warrants under this section, the redevelopment commission shall certify a copy of that resolution to the officers of the unit who have duties with respect to bonds, notes, or warrants of the unit. At the proper time, the commission shall deliver to the officers the unexecuted bonds, notes, or warrants prepared for execution in accordance with the resolution.

(h) All bonds, notes, or warrants issued under this section shall be sold by the officers of the unit who have duties with respect to the sale of bonds, notes, or warrants of the unit. If an officer whose signature appears on any bonds, notes, or warrants issued under this section leaves office before their delivery, the signature remains valid and sufficient for all purposes as if ~~he~~ **the officer** had remained in office until the delivery.

(i) If at any time during the life of a loan contract or agreement under this section the redevelopment commission can obtain loans for the purposes of this section from sources other than the federal

government at interest rates not less favorable than provided in the loan contract or agreement, and if the loan contract or agreement so permits, the commission may do so and may pledge the loan contract and any rights under that contract as security for the repayment of the loans obtained from other sources. Any loan under this subsection may be evidenced by bonds, notes, or warrants issued and secured in the same manner as provided in this section for loans from the federal government. These bonds, notes, or warrants may be sold at either public or private sale, as the commission considers appropriate.

(j) Money obtained from the federal government or from other sources under this section, and money that is required by a contract or agreement under this section to be used for project expenditure purposes, repayment of survey and planning advances, or repayment of temporary or definitive loans, may be expended by the redevelopment commission without regard to any law pertaining to the making and approval of budgets, appropriations, and expenditures.

(k) Bonds, notes, or warrants issued under this section are declared to be issued for an essential public and governmental purpose.

SECTION 72. IC 36-7-14-39, AS AMENDED BY P.L.216-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 39. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a declaratory resolution adopted under section 15 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory

resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 39.3 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A declaratory resolution adopted under section 15 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated

and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

- (A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into an allocation fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

- (A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.
- (B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.
- (C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 27 of this chapter.
- (D) Pay the principal of and interest on bonds issued by the unit to pay for local public improvements in or serving that allocation area.
- (E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.
- (F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 25.2 of this chapter.
- (G) Reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in section 25.1(a) of this chapter) in or serving that allocation area.
- (H) Reimburse the unit for rentals paid by it for a building or parking facility in or serving that allocation area under any lease entered into under IC 36-1-10.
- (I) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the redevelopment commission. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

- (i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

- (ii) the STEP ONE sum.

STEP THREE: Multiply:

- (i) the STEP TWO quotient; times
- (ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 39.5 of this chapter in the same year.

(J) Pay expenses incurred by the redevelopment commission for local public improvements that are in the allocation area or serving the allocation area. Public improvements include buildings, parking facilities, and other items described in section 25.1(a) of this chapter.

(K) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

- (i) in the allocation area; and
- (ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the commission.

(3) Except as provided in subsection (g), before July 15 of each year the commission shall do the following:

- (A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocation area will exceed the amount of assessed value needed to produce the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).
- (B) Notify the county auditor of the amount, if any, of the amount of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1). The commission may not authorize an allocation of assessed value to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2) or lessors under section 25.3 of this chapter.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the redevelopment commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata portion of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. Those programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment

on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the ~~adjustment~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment~~ **these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

- (1) The initial allocation deadline is December 31, 2011.
- (2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.
- (3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:
 - (A) terminates the automatic extension of allocation deadlines under subdivision (2); and
 - (B) specifically designates a particular date as the final allocation deadline.

SECTION 73. IC 36-7-14-45 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 45. (a) The commission may establish a program for housing by resolution. The program, which may include any relevant elements the commission considers appropriate, may be adopted as part of a redevelopment plan or amendment to a redevelopment plan, and must establish an allocation area for purposes of sections 39 and 48 of this chapter for the accomplishment of the program. The program must be approved by the municipal legislative body or county executive as specified in section 17 of this chapter.**

(b) The notice and hearing provisions of sections 17 and 17.5 of this chapter, including notice under section 17(c) of this chapter to a taxing unit that is wholly or partly located within an allocation area, apply to the resolution adopted under subsection (a). Judicial review of the resolution may be made under section 18 of this chapter.

(c) Before formal submission of any housing program to the commission, the department of redevelopment:

- (1) shall consult with persons interested in or affected by the proposed program;**
- (2) shall provide the affected neighborhood associations, residents, and township assessors with an adequate opportunity to participate in an advisory role in planning, implementing, and evaluating the proposed program; and**
- (3) shall hold public meetings in the affected neighborhood to obtain the views of neighborhood associations and residents.**

SECTION 74. IC 36-7-14-46 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 46. (a) Except as provided in subsection (b), all the rights, powers, privileges, and immunities that may be exercised by the commission in blighted, deteriorated, or deteriorating areas may be exercised by the commission in implementing its program for housing, including the following:

- (1) The special tax levied in accordance with section 27 of this chapter may be used to accomplish the housing program.
- (2) Bonds may be issued under this chapter to accomplish the housing program, but only one (1) issue of bonds may be issued and payable from increments in any allocation area except for refunding bonds or bonds issued in an amount necessary to complete a housing program for which bonds were previously issued.
- (3) Leases may be entered into under this chapter to accomplish the housing program.
- (4) The tax exemptions set forth in section 37 of this chapter are applicable.
- (5) Property taxes may be allocated under section 39 of this chapter.

(b) A commission may not exercise the power of eminent domain in implementing its program for housing.

SECTION 75. IC 36-7-14-47 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 47. The commission must make the following findings in the resolution adopting a housing program under section 45 of this chapter:

- (1) Not more than twenty-five (25) acres of the area included in the allocation area has been annexed during the preceding five (5) years.
- (2) No area within the allocation area has been annexed within the preceding five (5) years over a remonstrance of a majority of the owners of land within the annexed area.
- (3) The program cannot be accomplished by regulatory processes or by the ordinary operation of private enterprise because of:
 - (A) the lack of public improvements;
 - (B) the existence of improvements or conditions that lower the value of the land below that of nearby land; or
 - (C) other similar conditions.
- (4) The public health and welfare will be benefited by accomplishment of the program.
- (5) The accomplishment of the program will be of public utility and benefit as measured by:
 - (A) the provision of adequate housing for low and moderate income persons;
 - (B) an increase in the property tax base; or
 - (C) other similar public benefits.
- (6) At least one-third (1/3) of the parcels in the allocation area established by the program are vacant.
- (7) At least seventy-five percent (75%) of the allocation area is used for residential purposes or is planned to be used for residential purposes.
- (8) At least one-third (1/3) of the residential units in the allocation area were constructed before 1941.

(9) At least one-third (1/3) of the parcels in the allocation area have at least one (1) of the following characteristics:

- (A) The dwelling unit on the parcel is not permanently occupied.
- (B) The parcel is the subject of a governmental order, issued under a statute or an ordinance, requiring the correction of a housing code violation or unsafe building condition.
- (C) Two (2) or more property tax payments on the parcel are delinquent.
- (D) The parcel is owned by local, state, or federal government.

(10) The total area within the county or municipality that is included in any allocation area established for a housing program under section 45 of this chapter does not exceed one hundred fifty (150) acres.

SECTION 76. IC 36-7-14-48 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 48. (a) Notwithstanding section 39(a) of this chapter, with respect to the allocation and distribution of property taxes for the accomplishment of a program adopted under section 45 of this chapter, "base assessed value" means the net assessed value of all of the property, other than personal property, as finally determined for the assessment date immediately preceding the effective date of the allocation provision, as adjusted under section 39(h) of this chapter.

(b) The allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may be used only for purposes related to the accomplishment of the program, including the following:

- (1) The construction, rehabilitation, or repair of residential units within the allocation area.
- (2) The construction, reconstruction, or repair of any infrastructure (including streets, sidewalks, and sewers) within or serving the allocation area.
- (3) The acquisition of real property and interests in real property within the allocation area.
- (4) The demolition of real property within the allocation area.
- (5) The provision of financial assistance to enable individuals and families to purchase or lease residential units within the allocation area. However, financial assistance may be provided only to those individuals and families whose income is at or below the county's median income for individuals and families, respectively.
- (6) The provision of financial assistance to neighborhood development corporations to permit them to provide financial assistance for the purposes described in subdivision (5).
- (7) Providing each taxpayer in the allocation area a credit for property tax replacement as determined under subsections (c) and (d). However, the commission may provide this credit only if the municipal legislative body (in the case of a redevelopment commission established by a municipality) or the county executive (in the case of a redevelopment commission established by a county) establishes the credit by ordinance adopted in the year before the year in which the credit is provided.

(c) The maximum credit that may be provided under subsection (b)(7) to a taxpayer in a taxing district that contains all or part of an allocation area established for a program adopted under section 45 of this chapter shall be determined as follows:

STEP ONE: Determine that part of the sum of the amounts described in IC 6-1.1-21-2(g)(1)(A) and IC 6-1.1-21-2(g)(2) through IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(A) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4(a)(1) that is attributable to the taxing district; by

(B) the amount determined under STEP ONE.

STEP THREE: Multiply:

(A) the STEP TWO quotient; by

(B) the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district allocated to the allocation fund, including the amount that would have been allocated but for the credit.

(d) The commission may determine to grant to taxpayers in an allocation area from its allocation fund a credit under this section, as calculated under subsection (c). Except as provided in subsection (g), one-half (1/2) of the credit shall be applied to each installment of taxes (as defined in IC 6-1.1-21-2) that under IC 6-1.1-22-9 are due and payable on May 10 and November 10 of a year. The commission must provide for the credit annually by a resolution and must find in the resolution the following:

(1) That the money to be collected and deposited in the allocation fund, based upon historical collection rates, after granting the credit will equal the amounts payable for contractual obligations from the fund, plus ten percent (10%) of those amounts.

(2) If bonds payable from the fund are outstanding, that there is a debt service reserve for the bonds that at least equals the amount of the credit to be granted.

(3) If bonds of a lessor under section 25.2 of this chapter or under IC 36-1-10 are outstanding and if lease rentals are payable from the fund, that there is a debt service reserve for those bonds that at least equals the amount of the credit to be granted.

If the tax increment is insufficient to grant the credit in full, the commission may grant the credit in part, prorated among all taxpayers.

(e) Notwithstanding section 39(b) of this chapter, the allocation fund established under section 39(b) of this chapter for the allocation area for a program adopted under section 45 of this chapter may only be used to do one (1) or more of the following:

(1) Accomplish one (1) or more of the actions set forth in section 39(b)(2)(A) through 39(b)(2)(H) and 39(b)(2)(J) of this chapter for property that is residential in nature.

(2) Reimburse the county or municipality for expenditures made by the county or municipality in order to accomplish the housing program in that allocation area.

The allocation fund may not be used for operating expenses of the commission.

(f) Notwithstanding section 39(b) of this chapter, the commission shall, relative to the allocation fund established under section 39(b) of this chapter for an allocation area for a program adopted under section 45 of this chapter, do the following before July 15 of each year:

(1) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary:

(A) to make, when due, principal and interest payments on bonds described in section 39(b)(2) of this chapter;

(B) to pay the amount necessary for other purposes described in section 39(b)(2) of this chapter; and

(C) to reimburse the county or municipality for anticipated expenditures described in subsection (e)(2).

(2) Notify the county auditor of the amount, if any, of excess property taxes that the commission has determined may be paid to the respective taxing units in the manner prescribed in section 39(b)(1) of this chapter.

(g) This subsection applies to an allocation area only to the extent that the net assessed value of property that is assessed as residential property under the rules of the department of local government finance is not included in the base assessed value. If property tax installments with respect to a homestead (as defined in IC 6-1.1-20.9-1) are due in installments established by the department of local government finance under IC 6-1.1-22-9.5, each taxpayer subject to those installments in an allocation area is entitled to an additional credit under subsection (d) for the taxes (as defined in IC 6-1.1-21-2) due in installments. The credit shall be applied in the same proportion to each installment of taxes (as defined in IC 6-1.1-21-2).

SECTION 77. IC 36-7-15.1-26, AS AMENDED BY P.L.216-2005, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 26. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 8 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means the following:

(1) If an allocation provision is adopted after June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing an economic development area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(2) If an allocation provision is adopted after June 30, 1997, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the

declaratory resolution, as adjusted under subsection (h); plus (B) to the extent that it is not included in clause (A), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) If:

(A) an allocation provision adopted before June 30, 1995, in a declaratory resolution or an amendment to a declaratory resolution establishing a redevelopment project area expires after June 30, 1997; and

(B) after June 30, 1997, a new allocation provision is included in an amendment to the declaratory resolution;

the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision adopted after June 30, 1997, as adjusted under subsection (h).

(4) Except as provided in subdivision (5), for all other allocation areas, the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h).

(5) If an allocation area established in an economic development area before July 1, 1995, is expanded after June 30, 1995, the definition in subdivision (1) applies to the expanded part of the area added after June 30, 1995.

(6) If an allocation area established in a redevelopment project area before July 1, 1997, is expanded after June 30, 1997, the definition in subdivision (2) applies to the expanded part of the area added after June 30, 1997.

Except as provided in section 26.2 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property. However, upon approval by a resolution of the redevelopment commission adopted before June 1, 1987, "property taxes" also includes taxes imposed under IC 6-1.1 on depreciable personal property. If a redevelopment commission adopted before June 1, 1987, a resolution to include within the definition of property taxes taxes imposed under IC 6-1.1 on depreciable personal property that has a useful life in excess of eight (8) years, the commission may by resolution determine the percentage of taxes imposed under IC 6-1.1 on all depreciable personal property that will be included within the definition of property taxes. However, the percentage included must not exceed twenty-five percent (25%) of the taxes imposed under IC 6-1.1 on all depreciable personal property.

(b) A resolution adopted under section 8 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision after June 30, 1995, must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or

other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 19 of this chapter.

(D) Pay the principal of and interest on bonds issued by the consolidated city to pay for local public improvements in that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 17.1 of this chapter.

(G) Reimburse the consolidated city for expenditures for local public improvements (which include buildings, parking facilities, and other items set forth in section 17 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which the base assessed value when multiplied by the estimated tax rate of the allocated area will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the

purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in the enterprise zone.

These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the **adjustment adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and **the adjustment these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 78. IC 36-7-15.1-53, AS AMENDED BY P.L.216-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]:
Sec. 53. (a) As used in this section:

"Allocation area" means that part of a redevelopment project area to which an allocation provision of a resolution adopted under section 40 of this chapter refers for purposes of distribution and allocation of property taxes.

"Base assessed value" means:

(1) the net assessed value of all the property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(2) to the extent that it is not included in subdivision (1), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Except as provided in section 55 of this chapter, "property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A resolution adopted under section 40 of this chapter on or before the allocation deadline determined under subsection (i) may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A resolution previously adopted may include an allocation provision by the amendment of that resolution on or before the allocation deadline determined under subsection (i) in accordance with the procedures required for its original adoption. A declaratory resolution or an amendment that establishes an allocation provision must be approved by resolution of the legislative body of the excluded city and must specify an expiration date for the allocation provision that may not be more than thirty (30) years after the date on which the allocation provision is established. However, if bonds or other obligations that were scheduled when issued to mature before the specified expiration date and that are payable only from allocated tax proceeds with respect to the allocation area remain outstanding as of the expiration date, the allocation provision does not expire until all of the bonds or other obligations are no longer outstanding. The allocation provision may apply to all or part of the redevelopment project area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of

the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the redevelopment district and, when collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to do one (1) or more of the following:

(A) Pay the principal of and interest on any obligations payable solely from allocated tax proceeds that are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area.

(C) Pay the principal of and interest on bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under section 50 of this chapter.

(D) Pay the principal of and interest on bonds issued by the excluded city to pay for local public improvements in that allocation area.

(E) Pay premiums on the redemption before maturity of bonds payable solely or in part from allocated tax proceeds in that allocation area.

(F) Make payments on leases payable from allocated tax proceeds in that allocation area under section 46 of this chapter.

(G) Reimburse the excluded city for expenditures for local public improvements (which include buildings, park facilities, and other items set forth in section 45 of this chapter) in that allocation area.

(H) Reimburse the unit for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under IC 36-1-10.

(I) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made within three (3) years after the date on which the investments that are the basis for the increment financing are made.

The special fund may not be used for operating expenses of the commission.

(3) Before July 15 of each year, the commission shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of assessed value needed to provide the property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2) and subsection (g).

(B) Notify the county auditor of the amount, if any, of excess assessed value that the commission has determined may be allocated to the respective taxing units in the manner prescribed in subdivision (1).

The commission may not authorize an allocation to the respective taxing units under this subdivision if to do so would endanger the interests of the holders of bonds described in subdivision (2).

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by any taxing unit after the effective date of the allocation provision of the resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the redevelopment district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the redevelopment district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the commission, reassess the taxable property situated upon or in, or added to, the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and formulation of the budget, tax rate, and tax levy for each political subdivision in which the property is located, is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund the amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. A unit that has no obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) in the fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone. The unit that

creates the special zone fund shall use the fund, based on the recommendations of the urban enterprise association, for one (1) or more of the following purposes:

(1) To pay for programs in job training, job enrichment, and basic skill development designed to benefit residents and employers in the enterprise zone. The programs must reserve at least one-half (1/2) of the enrollment in any session for residents of the enterprise zone.

(2) To make loans and grants for the purpose of stimulating business activity in the enterprise zone or providing employment for enterprise zone residents in an enterprise zone. These loans and grants may be made to the following:

(A) Businesses operating in the enterprise zone.

(B) Businesses that will move their operations to the enterprise zone if such a loan or grant is made.

(3) To provide funds to carry out other purposes specified in subsection (b)(2). However, where reference is made in subsection (b)(2) to the allocation area, the reference refers, for purposes of payments from the special zone fund, only to that part of the allocation area that is also located in the enterprise zone.

(h) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that they consider expedient for the implementation of this chapter. After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the redevelopment district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the redevelopment district under this section.** However, the **adjustment adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and **the adjustment these adjustments** may not produce less property tax proceeds allocable to the redevelopment district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

(i) The allocation deadline referred to in subsection (b) is determined in the following manner:

(1) The initial allocation deadline is December 31, 2011.

(2) Subject to subdivision (3), the initial allocation deadline and subsequent allocation deadlines are automatically extended in increments of five (5) years, so that allocation deadlines subsequent to the initial allocation deadline fall on December 31, 2016, and December 31 of each fifth year thereafter.

(3) At least one (1) year before the date of an allocation deadline determined under subdivision (2), the general assembly may enact a law that:

(A) terminates the automatic extension of allocation deadlines under subdivision (2); and

(B) specifically designates a particular date as the final allocation deadline.

SECTION 79. IC 36-7-30-25, AS AMENDED BY P.L.4-2005, SECTION 141, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 25. (a) The following definitions apply throughout this section:

(1) "Allocation area" means that part of a military base reuse area to which an allocation provision of a declaratory resolution adopted under section 10 of this chapter refers for purposes of distribution and allocation of property taxes.

(2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus
(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment thereto, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

Clause (C) applies only to allocation areas established in a military reuse area after June 30, 1997, and to the part of an allocation area that was established before June 30, 1997, and that is added to an existing allocation area after June 30, 1997.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 10 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 13 of this chapter. The allocation provision may apply to all or part of the military base reuse area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the military base reuse district and, when collected, paid into an allocation fund for that allocation area that may be used by the military base reuse district and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the military base reuse district or any other entity for the purpose of financing or refinancing military base reuse activities in or directly serving or benefiting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the reuse authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefiting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the reuse authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; times

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 27 of this chapter in the same year.

(F) Pay expenses incurred by the reuse authority for local public improvements or structures that were in the allocation area or directly serving or benefiting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more

than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the reuse authority.

(3) Except as provided in subsection (g), before July 15 of each year the reuse authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the county auditor of the amount, if any, of the amount of excess property taxes that the reuse authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The reuse authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the holders of bonds described in subdivision (2) or lessors under section 19 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under IC 6-1.1-21.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the military base reuse district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base reuse district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the reuse authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the unit that designated the allocation area shall create funds as specified in this subsection. A unit that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. Such a unit shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise

zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A unit that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The unit that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base reuse district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base reuse district under this section.** However, the ~~adjustment adjustments~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment these adjustments~~ may not produce less property tax proceeds allocable to the military base reuse district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 80. IC 36-7-30.5-30, AS ADDED BY P.L.203-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 30. (a) The following definitions apply throughout this section:

- (1) "Allocation area" means that part of a military base development area to which an allocation provision of a declaratory resolution adopted under section 16 of this chapter refers for purposes of distribution and allocation of property taxes.
- (2) "Base assessed value" means:

(A) the net assessed value of all the property as finally determined for the assessment date immediately preceding the adoption date of the allocation provision of the declaratory resolution, as adjusted under subsection (h); plus

(B) to the extent that it is not included in clause (A) or (C), the net assessed value of any and all parcels or classes of parcels identified as part of the base assessed value in the declaratory resolution or an amendment to the declaratory

resolution, as finally determined for any subsequent assessment date; plus

(C) to the extent that it is not included in clause (A) or (B), the net assessed value of property that is assessed as residential property under the rules of the department of local government finance, as finally determined for any assessment date after the effective date of the allocation provision.

(3) "Property taxes" means taxes imposed under IC 6-1.1 on real property.

(b) A declaratory resolution adopted under section 16 of this chapter before the date set forth in IC 36-7-14-39(b) pertaining to declaratory resolutions adopted under IC 36-7-14-15 may include a provision with respect to the allocation and distribution of property taxes for the purposes and in the manner provided in this section. A declaratory resolution previously adopted may include an allocation provision by the amendment of that declaratory resolution in accordance with the procedures set forth in section 18 of this chapter. The allocation provision may apply to all or part of the military base development area. The allocation provision must require that any property taxes subsequently levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable property in the allocation area be allocated and distributed as follows:

(1) Except as otherwise provided in this section, the proceeds of the taxes attributable to the lesser of:

(A) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or

(B) the base assessed value;

shall be allocated to and, when collected, paid into the funds of the respective taxing units.

(2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be allocated to the development authority and, when collected, paid into an allocation fund for that allocation area that may be used by the development authority and only to do one (1) or more of the following:

(A) Pay the principal of and interest and redemption premium on any obligations incurred by the development authority or any other entity for the purpose of financing or refinancing military base development or reuse activities in or directly serving or benefitting that allocation area.

(B) Establish, augment, or restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area or from other revenues of the development authority, including lease rental revenues.

(C) Make payments on leases payable solely or in part from allocated tax proceeds in that allocation area.

(D) Reimburse any other governmental body for expenditures made for local public improvements (or structures) in or directly serving or benefitting that allocation area.

(E) Pay all or a part of a property tax replacement credit to taxpayers in an allocation area as determined by the development authority. This credit equals the amount determined under the following STEPS for each taxpayer in a taxing district (as defined in IC 6-1.1-1-20) that contains

all or part of the allocation area:

STEP ONE: Determine that part of the sum of the amounts under IC 6-1.1-21-2(g)(1)(A), IC 6-1.1-21-2(g)(2), IC 6-1.1-21-2(g)(3), IC 6-1.1-21-2(g)(4), and IC 6-1.1-21-2(g)(5) that is attributable to the taxing district.

STEP TWO: Divide:

(i) that part of each county's eligible property tax replacement amount (as defined in IC 6-1.1-21-2) for that year as determined under IC 6-1.1-21-4 that is attributable to the taxing district; by

(ii) the STEP ONE sum.

STEP THREE: Multiply:

(i) the STEP TWO quotient; by

(ii) the total amount of the taxpayer's taxes (as defined in IC 6-1.1-21-2) levied in the taxing district that have been allocated during that year to an allocation fund under this section.

If not all the taxpayers in an allocation area receive the credit in full, each taxpayer in the allocation area is entitled to receive the same proportion of the credit. A taxpayer may not receive a credit under this section and a credit under section 32 of this chapter in the same year.

(F) Pay expenses incurred by the development authority for local public improvements or structures that were in the allocation area or directly serving or benefitting the allocation area.

(G) Reimburse public and private entities for expenses incurred in training employees of industrial facilities that are located:

(i) in the allocation area; and

(ii) on a parcel of real property that has been classified as industrial property under the rules of the department of local government finance.

However, the total amount of money spent for this purpose in any year may not exceed the total amount of money in the allocation fund that is attributable to property taxes paid by the industrial facilities described in this clause. The reimbursements under this clause must be made not more than three (3) years after the date on which the investments that are the basis for the increment financing are made.

The allocation fund may not be used for operating expenses of the development authority.

(3) Except as provided in subsection (g), before July 15 of each year the development authority shall do the following:

(A) Determine the amount, if any, by which property taxes payable to the allocation fund in the following year will exceed the amount of property taxes necessary to make, when due, principal and interest payments on bonds described in subdivision (2) plus the amount necessary for other purposes described in subdivision (2).

(B) Notify the appropriate county auditor of the amount, if any, of the amount of excess property taxes that the development authority has determined may be paid to the respective taxing units in the manner prescribed in subdivision (1). The development authority may not authorize a payment to the respective taxing units under this subdivision if to do so would endanger the interest of the

holders of bonds described in subdivision (2) or lessors under section 24 of this chapter. Property taxes received by a taxing unit under this subdivision are eligible for the property tax replacement credit provided under IC 6-1.1-21.

(c) For the purpose of allocating taxes levied by or for any taxing unit or units, the assessed value of taxable property in a territory in the allocation area that is annexed by a taxing unit after the effective date of the allocation provision of the declaratory resolution is the lesser of:

- (1) the assessed value of the property for the assessment date with respect to which the allocation and distribution is made; or
- (2) the base assessed value.

(d) Property tax proceeds allocable to the military base development district under subsection (b)(2) may, subject to subsection (b)(3), be irrevocably pledged by the military base development district for payment as set forth in subsection (b)(2).

(e) Notwithstanding any other law, each assessor shall, upon petition of the development authority, reassess the taxable property situated upon or in or added to the allocation area, effective on the next assessment date after the petition.

(f) Notwithstanding any other law, the assessed value of all taxable property in the allocation area, for purposes of tax limitation, property tax replacement, and the making of the budget, tax rate, and tax levy for each political subdivision in which the property is located is the lesser of:

- (1) the assessed value of the property as valued without regard to this section; or
- (2) the base assessed value.

(g) If any part of the allocation area is located in an enterprise zone created under IC 5-28-15, the development authority shall create funds as specified in this subsection. A development authority that has obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish an allocation fund for the purposes specified in subsection (b)(2) and a special zone fund. The development authority shall, until the end of the enterprise zone phase out period, deposit each year in the special zone fund any amount in the allocation fund derived from property tax proceeds in excess of those described in subsection (b)(1) from property located in the enterprise zone that exceeds the amount sufficient for the purposes specified in subsection (b)(2) for the year. The amount sufficient for purposes specified in subsection (b)(2) for the year shall be determined based on the pro rata part of such current property tax proceeds from the part of the enterprise zone that is within the allocation area as compared to all such current property tax proceeds derived from the allocation area. A development authority that does not have obligations, bonds, or leases payable from allocated tax proceeds under subsection (b)(2) shall establish a special zone fund and deposit all the property tax proceeds in excess of those described in subsection (b)(1) that are derived from property in the enterprise zone in the fund. The development authority that creates the special zone fund shall use the fund (based on the recommendations of the urban enterprise association) for programs in job training, job enrichment, and basic skill development that are designed to benefit residents and employers in the enterprise zone or for other purposes specified in subsection (b)(2), except that where reference is made in subsection (b)(2) to an allocation area it shall refer for purposes of payments from the special zone fund only to that part of the allocation

area that is also located in the enterprise zone. The programs shall reserve at least one-half (1/2) of their enrollment in any session for residents of the enterprise zone.

(h) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the military base development district under this section. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the military base development district under this section.** However, the ~~adjustment~~ **adjustments under this subsection** may not include the effect of property tax abatements under IC 6-1.1-12.1, and ~~the adjustment~~ **these adjustments** may not produce less property tax proceeds allocable to the military base development district under subsection (b)(2) than would otherwise have been received if the general reassessment **or annual adjustment** had not occurred. The department of local government finance may prescribe procedures for county and township officials to follow to assist the department in making the adjustments.

SECTION 81. IC 36-7-32-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 19. (a) The state board of accounts and department of local government finance shall make the rules and prescribe the forms and procedures that the state board of accounts and department of local government finance consider appropriate for the implementation of an allocation area under this chapter.

(b) After each general reassessment under IC 6-1.1-4, the department of local government finance shall adjust the base assessed value one (1) time to neutralize any effect of the general reassessment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter. **After each annual adjustment under IC 6-1.1-4-4.5, the department of local government finance shall adjust the base assessed value to neutralize any effect of the annual adjustment on the property tax proceeds allocated to the certified technology park fund under section 17 of this chapter.**

SECTION 82. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: **IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.**

SECTION 83. [EFFECTIVE UPON PASSAGE] (a) **The definitions in IC 6-1.1-12.1 apply throughout this SECTION.**

(b) **As used in this SECTION, "department" refers to the department of local government finance.**

(c) **As used in this SECTION, "taxpayer" means a person:**

- (1) who operates a grey iron foundry located in Grant County;**
- (2) who applied in 2001 for property tax deductions under IC 6-1.1-12.1 for new manufacturing equipment located in an economic revitalization area; and**
- (3) whose applications described in subdivision (2) were denied.**

(d) **References to the Indiana Code in this SECTION refer to the Indiana Code in effect on March 1, 2001, unless otherwise stated.**

(e) **Notwithstanding any other law, a taxpayer who complies with the requirements of this SECTION is entitled to the property tax deduction for new manufacturing equipment in the**

amounts and for the number of years provided under IC 6-1.1-12.1-4.5, as determined by the department under subsection (h).

(f) The taxpayer shall provide the department with copies of the taxpayer's:

- (1) statement of benefits; and
- (2) applications for deductions from assessed value; for new manufacturing equipment placed in service in an economic revitalization area that the taxpayer filed in 2001.

(g) If there are any deficiencies in the taxpayer's filings described in subsection (f), the department shall assist the taxpayer in completing the information necessary to determine:

- (1) the assessed value of the new manufacturing equipment; and
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION.

(h) The department shall determine:

- (1) the amount of the assessed value of the new manufacturing equipment;
- (2) the number of years over which the taxpayer is entitled to the deduction under this SECTION; and
- (3) the percentages used to compute the taxpayer's deductions;

in accordance with IC 6-1.1-12.1-4.5(d) and IC 6-1.1-12.1-4.5(e) as if the taxpayer's applications for deductions had been approved in 2001.

(i) Notwithstanding IC 6-1.1-26 (as in effect on January 1, 2006), when the department has completed the department's determinations under subsection (h), the department shall issue an order to the county auditor of the county in which the economic revitalization area is located:

- (1) describing the department's determinations under subsection (h); and
- (2) requiring the county auditor to accept the taxpayer's refund claims as if the taxpayer's deduction applications had been approved in 2001.

The department shall provide the taxpayer with a copy of the order issued under this subsection.

(j) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the taxpayer may file refund claims for property taxes paid in previous years that are affected by the department's order issued under subsection (i). The taxpayer must attach a copy of the order issued under subsection (i) to the taxpayer's refund claim.

(k) Notwithstanding IC 6-1.1-26 (as in effect January 1, 2006), the county auditor shall pay the refund claims of the taxpayer filed under subsection (j) if the refund claims are fully consistent with the department's order issued under subsection (i).

SECTION 84. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to property that:

- (1) is used for a fraternity for students attending Butler University;
- (2) is owned by a nonprofit corporation that was, before the effective date of this SECTION, determined by the auditor of the county in which the property is located to be eligible to receive a property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24; and
- (3) is not eligible for the property tax exemption under IC 6-1.1-10-16 or IC 6-1.1-10-24 for property taxes first due

and payable in 2001, 2002, 2003, and 2004 because the nonprofit corporation failed to timely file an application under IC 6-1.1-11-3.5.

(b) Notwithstanding IC 6-1.1-11-1 and IC 6-1.1-11-3.5, the auditor of the county in which the property described in subsection (a) is located shall:

- (1) waive the noncompliance with the timely filing requirement for the exemption application in question; and
- (2) grant the appropriate exemption.

(c) A property tax exemption granted under this SECTION applies to:

- (1) property taxes first due and payable in 2001;
- (2) property taxes first due and payable in 2002;
- (3) property taxes first due and payable in 2003; and
- (4) property taxes first due and payable in 2004.

(d) This SECTION expires July 1, 2007.

SECTION 85. P.L.228-2005, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE] SECTION 35. (a) The definitions in IC 6-1.1-1 apply throughout this SECTION.

(b) As used in this SECTION, "taxpayer" means a nonprofit corporation that is an owner of land and improvements:

- (1) that were:
 - (A) owned and occupied by the taxpayer during the period preceding the assessment date in 1999 and continuing through the date that this SECTION is effective; and
 - (B) used to prepare and create a soccer facility to provide youths with the opportunity to play supervised and organized soccer against other youths;
- (2) for which the property tax liability imposed for property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 exceeded ~~thirty-three~~ thirty thousand dollars (~~\$33,000~~) (\$30,000), in total, which has been paid by the taxpayer;
- (3) that would have qualified for an exemption under IC 6-1.1-10 from property taxes first due and payable in 2000, 2001, 2002, 2003, and 2004 if the taxpayer had complied with the filing requirements for the exemption in a timely manner; and
- (4) that have been granted an exemption under IC 6-1.1-10 from property taxes first due and payable in 2005.

(c) Land and improvements described in subsection (b) are exempt under IC 6-1.1-10-16 from property taxes first due and payable in 2003 and 2004, notwithstanding that the taxpayer failed to make a timely application for the exemption for those years.

(d) The taxpayer may file claims with the county auditor for a refund for the amounts paid toward property taxes on land and improvements described in subsection (b) that were billed to the taxpayer for property taxes first due and payable in 2003 and 2004. The claims must be filed as set forth in IC 6-1.1-26-1(1) through IC 6-1.1-26-1(3). The claims must present sufficient facts for the county auditor to determine whether the claimant is a person that meets the qualifications described in subsection (b) and the amount that should be refunded to the taxpayer.

(e) Upon receiving a claim filed under this SECTION, the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the county auditor shall submit the claim under IC 6-1.1-26-4 to the county board of commissioners for review. The only grounds for disallowing the claim under IC 6-1.1-26-4 are that the claimant is not a person that meets

the qualifications described in subsection (b) or that the amount claimed is not the amount due to the taxpayer. If the claim is allowed, the county auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount due the claimant under this SECTION. The amount of the refund must equal the amount of the claim allowed. Notwithstanding IC 6-1.1-26-5, no interest is payable on the refund.

(f) This SECTION shall be liberally construed in favor of the taxpayer to give effect to the purposes of this SECTION.

(g) This SECTION expires December 31, 2007.

SECTION 86. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) IC 6-1.1-12.1-1 and IC 6-1.1-40-4, both as amended by this act, apply only to:

(1) new manufacturing equipment, new research and development equipment, new logistical distribution equipment, and new information technology equipment installed and initially used in an economic revitalization area; or

(2) new manufacturing equipment installed and initially used in a maritime opportunity district;

after December 31, 2005.

(b) It is the intent of the general assembly that the amendment of IC 6-1.1-12.1-1 and IC 6-1.1-40-4 by this act be interpreted to expand the equipment that is eligible for a deduction under IC 6-1.1-12.1 or IC 6-1.1-40 to include equipment that is ineligible for a deduction under IC 6-1.1-12.1 or IC 6-1.1-40 solely because the equipment was used in Indiana by a person other than a deduction applicant (as defined in IC 6-1.1-12.1-1(15), as added by this act) before being installed by the deduction applicant in an economic revitalization area or a maritime opportunity district.

SECTION 87. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "eligible district" means a fire protection district established under IC 36-8-11:

(1) that expanded its territory after 1998; and

(2) for which the quotient of:

(A) the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 2004; divided by

(B) subject to subsection (b), the taxable assessed value of all tangible property in the district for the assessment date (as defined in IC 6-1.1-1-2) in 1999;

is at least one and one-half (1.5).

(b) To account for the change in the definition of "assessed value" reflected in IC 6-1.1-1-3(a)(1) and IC 6-1.1-1-3(a)(2), the taxable assessed value to be used for purposes of subsection (a)(2)(B) is the product of:

(1) the actual taxable assessed value; multiplied by

(2) three (3).

(c) An eligible district may, before September 20, 2006, appeal to the department of local government finance for relief from the levy limitations imposed by IC 6-1.1-18.5 for property taxes first due and payable in 2007. In the appeal the district must:

(1) state that it will be unable to carry out the governmental functions committed to it by law unless the appeal is approved; and

(2) present evidence that it is an eligible district.

(d) The maximum increase in an eligible district's levy allowed

under this SECTION is four hundred twenty-five thousand dollars (\$425,000).

(e) The department of local government finance shall process the appeal in the same manner that the department processes appeals under IC 6-1.1-18.5-12.

(f) For purposes of computing an eligible district's ad valorem property tax levy for taxes first due and payable in 2008, the district's maximum permissible ad valorem property tax levy for property taxes first due and payable in 2007 under STEP ONE of IC 6-1.1-18.5-3(a) or STEP ONE of IC 6-1.1-18.5-3(b) includes the amount of any increase in the district's levy approved under this SECTION for property taxes first due and payable in 2007.

(g) This SECTION expires January 1, 2009.

SECTION 88. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a taxpayer that:

(1) is an entity that was established for the purpose of providing youths with the opportunity to play supervised and organized baseball against other youths;

(2) before 2002 qualified as a nonprofit corporation under Indiana law;

(3) during 2002, 2003, 2004, and 2005 did not maintain its status as a nonprofit corporation under Indiana law due to the failure to make certain filings;

(4) regained its status as a nonprofit corporation beginning in 2006; and

(5) was assessed by the department of state revenue for delinquent state gross retail taxes owed for 2002, 2003, 2004, and 2005 and has paid those assessments.

(b) A taxpayer described in subsection (a) is entitled to a refund of the payments described in subsection (a)(5) to the extent that the state gross retail taxes for which the assessments were made would not have been owed if the taxpayer had maintained its status as a nonprofit corporation during the years for which the assessments were made.

(c) A taxpayer that is entitled to a refund under this SECTION shall claim the refund under IC 6-8.1-9 in the manner prescribed by the department of state revenue.

(d) This SECTION expires July 1, 2008.

SECTION 89. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the county property tax assessment board of appeals.

(b) This SECTION applies to an organization that:

(1) is located in a county containing a consolidated city;

(2) is dedicated to nurturing and celebration of the arts and culture from an African-American perspective and provides a forum for arts and cultural programming directed toward cross-cultural appreciation;

(3) filed an application under IC 6-1.1-11 for exemption from property taxes on the organization's property first due and payable in 2005, which was denied by the board because the organization failed to attend the board's hearing on the exemption application; and

(4) filed an application under IC 6-1.1-11 for exemption from property taxes on the organization's property first due and payable in 2006, which was approved by the board.

(c) An organization described in subsection (b) is entitled to exemption from property taxes on the organization's property first due and payable in 2005 in the same percentage approved by

the board with respect to the organization's exemption application described in subsection (b)(4).

(d) The organization entitled to an exemption under subsection (c) may file a claim under IC 6-1.1-26-1 before July 1, 2006, with the county auditor for a refund for any payment of property taxes first due and payable in 2005, including any paid interest and penalties, with respect to the exempt property.

(e) Upon receiving a claim for a refund filed under subsection (d), the county auditor shall determine whether the claim is correct. If the county auditor determines that the claim is correct, the auditor shall, without an appropriation being required, issue a warrant to the claimant payable from the county general fund for the amount of the refund due the claimant. No interest is payable on the refund.

(f) This SECTION expires January 1, 2007.

SECTION 90. [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)] (a) This SECTION applies:

- (1) to an assessment date occurring after December 31, 2004, and before January 1, 2006; and
- (2) for property taxes first due and payable after December 31, 2005, and before January 1, 2007.

(b) Notwithstanding any other law requiring a property tax exemption to be claimed on or in an application accompanying a personal property tax return, a claim or an application that was filed on or with a personal property tax return not more than thirty (30) days after the filing date for the personal property tax return, regardless of whether an extension of the filing date was granted under IC 6-1.1-3-7, is considered to have been timely filed.

(c) A claim or an application filed in the manner described in subsection (b) is subject to all other requirements of IC 6-1.1-11 or any other statute requiring the claim or application to be filed on or with a personal property tax return.

(d) A county auditor shall grant an exemption claimed on or filed with a personal property tax return filed in the time permitted under subsection (b) upon the county auditor's determination that:

- (1) the taxpayer's claim or application satisfies all other applicable requirements; and
- (2) the taxpayer's property is otherwise eligible for the claimed exemption.

An exemption granted under this subsection shall be made in the manner prescribed by subsection (e).

(e) A county auditor shall apply an exemption granted under this SECTION by:

- (1) adjusting the second installment of the taxpayer's property taxes that are first due and payable in 2006; and
- (2) if necessary, refunding any property taxes paid in the taxpayer's first installment of property taxes in 2006 that are attributable to the exempt property.

A taxpayer is not required to apply for any refund due under this SECTION. The auditor shall, without an appropriation being required, issue a warrant to the taxpayer payable from the county general fund for the amount of the refund, if any, due the taxpayer. No interest is payable on the refund.

(f) This SECTION expires January 1, 2007.

SECTION 91. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] (a) As used in this SECTION:

(1) "department" refers to the department of local government finance; and

(2) "maximum levy" means the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5-3.

(b) This SECTION applies only in a county having a population of more than thirty-nine thousand six hundred (39,600) but less than forty thousand (40,000).

(c) Notwithstanding IC 6-1.1-18.5-3, the maximum levy for property taxes first due and payable in 2007 for:

(1) a public library that:

(A) is located in a county described in subsection (b); and

(B) has a maximum levy for property taxes first due and payable in 2006 that is more than three hundred thousand dollars (\$300,000);

is five hundred twenty-four thousand five hundred dollars (\$524,500); and

(2) a county contractual library located in a county described in subsection (b) is equal to three hundred eighty six thousand hundred dollars (\$386,000).

(d) This SECTION expires January 1, 2008.

SECTION 92. [EFFECTIVE UPON PASSAGE] IC 6-1.1-8.5-8, as amended by this act, applies to the assessment date in each year in which IC 6-1.1-8.5 applied or applies in a qualifying county.

SECTION 93. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies notwithstanding IC 6-1.1-8 or 50 IAC 5.1.

(b) As used in this SECTION, "amended return" means a return:

(1) that was filed after July 31, 2005; and

(2) that the department accepts as a taxpayer's final amended return for the assessment date.

(c) As used in this SECTION, "assessment date" means the March 1, 2005, assessment date.

(d) As used in this SECTION, "department" refers to the department of local government finance.

(e) As used in this SECTION, "return" means the statement of value and description of property required under IC 6-1.1-8-19 that is filed on the Annual Report (U.D. Form 45), as prescribed by the department, and is filed with the department on or before July 31, 2005.

(f) As used in this SECTION, "taxpayer" means a taxpayer that meets the requirements of subsection (g).

(g) This SECTION applies to any taxpayer that:

(1) is a public utility that provides water utility services in Indiana and is subject to taxation under IC 6-1.1-8;

(2) is required to file a return under IC 6-1.1-8-19;

(3) filed a return with the department with respect to the assessment date; and

(4) filed an amended return with the department with respect to the assessment date.

(h) Before June 1, 2006, the department shall review the assessed value identified on line 47 of the taxpayer's amended return as the assessed value of all the taxpayer's distributable property as of the assessment date. If the department determines that this assessed value:

(1) is correct; and

(2) is less than the assessed value identified in the taxpayer's return as the assessed value of all the taxpayer's distributable property as of the assessment date; the taxpayer is entitled to a credit under this SECTION.

(i) Before July 1, 2006, the department shall determine the amount of the credit to which a taxpayer is entitled under this SECTION and notify the county auditor of that amount. For purposes of this subsection, the department shall assume that the taxpayer will pay the full amount of the taxpayer's installment or installments of property taxes first due and payable after June 30, 2006, and before January 1, 2007.

(j) The amount of the credit under this SECTION:

(1) is the remainder of:

(A) the amount of property taxes the taxpayer pays with respect to its distributable property for taxes first due and payable in 2006; minus

(B) the amount of property taxes for which the taxpayer would have been liable with respect to its distributable property for taxes first due and payable in 2006 if those property taxes had been based on the assessed value identified on line 47 of the taxpayer's amended return instead of the assessed value identified in the taxpayer's return; and

(2) applies proportionately to the taxpayer's installments of property taxes first due and payable in 2007.

(k) Interest does not apply in the determination of the amount of the credit under this SECTION.

(l) The county auditor shall adjust the assessed value used in setting property tax rates for each political subdivision in the county for property taxes first due and payable in 2007 to eliminate levy reductions that would otherwise result from the application of credits under this SECTION.

(m) In setting property tax rates for property taxes first due and payable in 2007 for each political subdivision in the county, the department shall:

(1) use the assessed value as adjusted by the county auditor under subsection (l); or

(2) further adjust the assessed value for the following purposes:

(A) To ensure the elimination of levy reductions that would otherwise result from the application of credits under this SECTION.

(B) To account for a failure of the taxpayer to pay property taxes in the amount assumed under subsection (i).

SECTION 94. [EFFECTIVE UPON PASSAGE] (a) This SECTION applies to a township that:

(1) has a population of more than seven thousand twenty-five (7,025) but less than seven thousand five hundred (7,500); and

(2) is located in a county that has a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000).

(b) A township described in subsection (a) may appeal to the department of local government finance for permission to increase its levy in excess of the limitations established under IC 6-1.1-18.5-3 for 2006 ad valorem property taxes first due and payable in 2007. The department may:

(1) refer the appeal to the local government tax control board for a recommendation; and

(2) approve the appeal if the department finds that the township needs the increase to pay the costs of providing emergency medical services by paramedics in the township.

(c) This SECTION expires January 1, 2008.

SECTION 95. [EFFECTIVE UPON PASSAGE] (a) The department of local government finance shall:

(1) develop a recommendation for an amendment to IC 6-1.1-18.5, as amended by this act, to adjust maximum permissible levies under that chapter for property taxes first due and payable after 2007 to effect for those years the type of adjustment that results for property taxes first due and payable in 2007 from the amendment by this act of the definition of "maximum permissible ad valorem property tax levy for the preceding calendar year" in IC 6-1.1-18.5-1; and

(2) report its recommendation under subdivision (1) before November 1, 2006, to the legislative council in an electronic format under IC 5-14-6.

(b) This SECTION expires January 1, 2007.

SECTION 96. [EFFECTIVE UPON PASSAGE] (a) The department of local government finance may adopt temporary rules in the manner provided for the adoption of emergency rules under IC 4-22-2-37.1 to implement IC 6-1.1-12.4, as added by this act. A temporary rule adopted under this SECTION expires on the earliest of the following:

(1) The date that the department of local government finance adopts another temporary rule under this SECTION that repeals, amends, or supersedes the previously adopted temporary rule.

(2) The date that the department of local government finance adopts a permanent rule under IC 4-22-2 that repeals, amends, or supersedes the previously adopted temporary rule.

(3) The date specified in the temporary rule.

(4) July 1, 2007.

(b) This SECTION expires July 1, 2007.

SECTION 97. [EFFECTIVE UPON PASSAGE] The following, all as added or amended by this act, apply only to property taxes first due and payable after December 31, 2006:

(1) IC 6-1.1-8-28.

(2) IC 6-1.1-8-29.

(3) IC 6-1.1-8-30.

(4) IC 6-1.1-11-3.

(5) IC 6-1.1-12-2.

(6) IC 6-1.1-12-4.

(7) IC 6-1.1-12-10.1.

(8) IC 6-1.1-12-12.

(9) IC 6-1.1-12-15.

(10) IC 6-1.1-12-17.

(11) IC 6-1.1-12-17.5.

(12) IC 6-1.1-12-17.8.

(13) IC 6-1.1-12-20.

(14) IC 6-1.1-12-24.

(15) IC 6-1.1-12-30.

(16) IC 6-1.1-12-35.5.

(17) IC 6-1.1-12-38.

- (18) IC 6-1.1-12.1-4.5.
- (19) IC 6-1.1-12.4-3.
- (20) IC 6-1.1-18.5-1.
- (21) IC 6-1.1-18.5-13.
- (22) IC 6-1.1-20.9-3.
- (23) IC 6-1.1-40-10.
- (24) IC 6-1.1-45-9.

SECTION 98. [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)] **IC 6-1.1-4-12, as amended by this act, applies only to assessment dates after December 31, 2005.**

SECTION 99. **An emergency is declared for this act.**

(Reference is to ESB 260 as reprinted February 22, 2006.)

Kenley, Chair	Espich
Simpson	Welch
Senate Conferees	House Conferees

Roll Call 407: yeas 50, nays 0. Report adopted.

SPECIAL ORDER OF BUSINESS

CONFERENCE COMMITTEE REPORT

ESB 345-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 345 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-1.1-21-10, AS AMENDED BY HEA 1040-2006, SECTION 139, AND AS AMENDED BY HEA 1134-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) There is established a property tax replacement fund board to consist of the commissioner of the department, the commissioner of the department of local government finance, the director of the budget agency, and two (2) ex officio nonvoting representatives of the general assembly of the state of Indiana. The speaker of the house of representatives shall appoint one (1) member of the house as one (1) of the ex officio nonvoting representatives, and the president pro tempore of the senate shall appoint one (1) senator as the other ex officio nonvoting representative, each to serve at the will of the appointing officer. The commissioner of the department shall be the chairman of the board, and the director of the budget agency shall be the secretary of the board.

(b) The schedule to be used in making distributions to county treasurers during the periods set forth in section 4(b) of this chapter is as follows:

January	0.00%
February	0.00%
March	16.70%
April	16.70%
May	0.00% 6.20%
June	0.00%

July	16.60% 10.40%
August	0.00%
September	16.70%
October	16.70%
November	16.60%
December	0.00%

The board may authorize the department to distribute the estimated distributions to counties earlier than what is required under section 4(b) of this chapter.

(c) The board is also authorized to transfer funds from the property tax replacement fund for the purpose of providing state tuition support distributions to school corporations as provided in IC 20-20-33 and IC 20-43.

SECTION 2. [EFFECTIVE JULY 1, 2006] (a) **The purpose of this SECTION is to reduce accrued payment delay balances that were created because of the amendment to IC 6-1.1-21-10 made by P.L.192-2002(ss), SECTION 43, to move the May distribution to July beginning with the May 2003 distribution and a continuation of the practice of delayed payments in subsequent years.**

(b) **There is appropriated to the property tax replacement board one hundred thirty-six million five hundred thousand dollars (\$136,500,000) from the state general fund and the property tax replacement fund, in the percentage determined by the budget agency, for its use to distribute the amount of the increase in the May 2007 distribution required under IC 6-1.1-21-10, as amended by this act, beginning July 1, 2006, and ending June 30, 2007.**

(c) **A distribution described in subsection (b) raises the maximum permissible distribution for property tax replacement credits and homestead credits that may be made in the state fiscal year beginning July 1, 2006, and ending June 30, 2007, by the amount of the distribution.**

(d) **A distribution described in subsection (b) shall be treated as a distribution under IC 6-1.1-21 for the calendar year in which the distribution is made. An early additional distribution described in subsection (b) reduces the amount of the distribution that would otherwise have been made in July 2007 under IC 6-1.1-21-10, as effective before the amendment made by this act, by the amount of the additional distribution.**

SECTION 3. [EFFECTIVE JULY 1, 2006] (a) **The purpose of this SECTION is to reduce accrued payment delay balances to state educational institutions and IHETS that were created because of the distribution of eleven-twelfths (11/12) of the budgeted amount in the state fiscal year ending June 30, 2002, and a continuation of the practice of delayed payments in subsequent state fiscal years through the state fiscal year ending June 30, 2005.**

(b) **The following definitions apply throughout this SECTION:**

(1) **"IHETS" refers to the Indiana Higher Education Telecommunications System.**

(2) **"State educational institution" has the meaning set forth in IC 20-12-0.5-1.**

(c) **There is appropriated to the budget agency forty million dollars (\$40,000,000) from the state general fund for its use for general repair and rehabilitation or for repair and rehabilitation of dormitories or other student housing of state educational institutions, beginning July 1, 2006, and ending June 30, 2007, as**

follows:

INDIANA UNIVERSITY - TOTAL SYSTEM	\$15,667,060
PURDUE UNIVERSITY - TOTAL SYSTEM	10,795,022
INDIANA STATE UNIVERSITY	2,399,680
UNIVERSITY OF SOUTHERN INDIANA	1,225,670
BALL STATE UNIVERSITY	4,077,062
VINCENNES UNIVERSITY	1,190,030
IVY TECH COMMUNITY COLLEGE OF INDIANA	<u>4,645,476</u>
	\$40,000,000

(d) Notwithstanding P.L.246-2005, SECTION 32, after review by the budget committee, the budget agency shall distribute to a state educational institution after June 30, 2006, and before July 1, 2007, the amount appropriated to the state educational institution under subsection (c). The distributions under subsection (c):

- (1) may be made in one (1) or more installments after June 30, 2006, and before July 1, 2007, on the schedule determined by the budget agency after review of the schedule by the budget committee; and
- (2) shall be separately allotted.

(e) An appropriation under subsection (c) is in addition to the appropriations for general repair and rehabilitation made in P.L.246-2005, SECTION 32, or any other law. Notwithstanding any other law, an appropriation under subsection (c) does not revert to the general fund under IC 4-13-2-19.

(f) The amount appropriated under subsection (c), when distributed to a state educational institution, shall be treated as reducing any claim that the total system of the state educational institution has to one-twelfth (1/12) of the amount budgeted for the state educational institution in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. Subject to subsection (g), the amount of the claim reduction for each state educational institution is equal to the amount distributed to the state educational institution. The amount of the claim reduction for the entire system and the amount apportioned for each institution individually shall be computed by the budget agency. The budget agency makes the final determination.

(g) An amount appropriated under subsection (c), when distributed to Indiana University, shall be treated as reducing any claim that IHETS has to one-twelfth (1/12) of the amount budgeted for the IHETS in all line items in HEA 1001-2003, SECTION 9, for the state fiscal year ending June 30, 2005. The amount of the claim reduction is a part of the amount distributed to Indiana University-Total System apportioned as determined by the budget agency.

(Reference is to ESB 345 as reprinted February 28, 2006.)

Meeks, Chair	Espich
Simpson	Cochran
Senate Conferees	House Conferees

Roll Call 408: yeas 50, nays 0. Report adopted.

SPECIAL ORDER OF BUSINESS

CONFERENCE COMMITTEE REPORT

EHB 1327-1

Madam President: Your Conference Committee appointed to

confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1327 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-1-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE MARCH 15, 2006 (RETROACTIVE)]:

Sec. 1. (a) **The following definitions apply throughout this section:**

(1) **"Agreement" means any agreement that includes terms, representations, or provisions relating to:**

(A) credit enhancement of, or rate covenants supporting, any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);

(B) any indenture or provision regarding any indenture relating to any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b);

(C) payment of any bonds, notes, evidences of indebtedness, leases, swap agreements, or other written obligations described in subsection (b) in the event of a termination of the agreement; or

(D) public works, capital improvements, or economic development projects.

(2) **"Leasing body" means a not-for-profit corporation, limited purpose corporation, or authority that has leased land and a building or buildings to an entity named in subsection (b) other than another leasing body.**

(3) **"Swap agreement" has the meaning set forth in IC 8-9.5-9-4.**

(b) All bonds, notes, evidences of indebtedness, **swap agreements, agreements**, leases, or other written obligations issued or executed by or in the name of any:

(1) state agency, county, township, city, incorporated town, school corporation, state educational institution, state supported institution of higher learning, political subdivision, joint agency created under IC 8-1-2-2, leasing body, **separate body corporate and politic**, or any other political, municipal, public or quasi-public corporation; ~~or in the name of any~~

(2) special assessment or taxing district; ~~or in the name of any~~

(3) **board**, commission, authority, or authorized body of any such entity; and

any pledge, dedication or designation of revenues, conveyance, or mortgage securing these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements**, or other written obligations are hereby legalized and declared valid if these bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements**, or other written obligations have been executed before March 15, ~~2000-~~ **2006**. All **governance, organizational, or other** proceedings had and actions taken under which the bonds, notes, evidences of indebtedness, leases, **swap agreements, agreements**, or other written obligations were issued **or executed** or the pledge, dedication or designation of revenues, conveyance, or mortgage was granted, are hereby fully legalized and declared valid.

(c) All contracts for the purchase of electric power and energy or utility capacity or service:

(1) entered into by a joint agency created under IC 8-1-2.2; and its members;

(2) used by the members of the joint agency for the purpose of securing payment of principal and interest on bonds, notes, evidences of indebtedness, leases, or other written obligations issued by or in the name of such joint agency;

are hereby legalized and declared valid if entered into before March 15, ~~2000~~ 2006. All proceedings held and actions taken under which contracts for the purchase of electric power and energy or utility capacity or service were executed or entered into are hereby fully legalized and declared valid.

(d) All interlocal cooperation agreements entered into by political subdivisions or governmental entities under IC 36-1-7 are hereby legalized and declared valid if entered into before March 15, ~~2000~~ 2006. All proceedings held and actions taken under which interlocal cooperation agreements were executed or entered into are hereby fully legalized and validated.

SECTION 2. IC 6-2.5-6-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) In determining the amount of state gross retail and use taxes which a retail merchant must remit under section 7 of this chapter, the retail merchant shall, subject to subsections (c) and (d), deduct from the retail merchant's gross retail income from retail transactions made during a particular reporting period, an amount equal to the retail merchant's receivables which:

(1) resulted from retail transactions in which the retail merchant did not collect the state gross retail or use tax from the purchaser;

(2) resulted from retail transactions on which the retail merchant has previously paid the state gross retail or use tax liability to the department; and

(3) were written off as an uncollectible debt for federal tax purposes under Section 166 of the Internal Revenue Code during the particular reporting period.

(b) If a retail merchant deducts a receivable under subsection (a) and subsequently collects all or part of that receivable, then the retail merchant shall, subject to subsection (d)(6), include the amount collected as part of the retail merchant's gross retail income from retail transactions for the particular reporting period in which the retail merchant makes the collection.

(c) This subsection applies only to retail transactions occurring after June 30, ~~2004~~ 2007. As used in this subsection, "affiliated group" means any combination of the following:

(1) An affiliated group within the meaning provided in Section 1504 of the Internal Revenue Code (except that the ownership percentage in Section 1504(a)(2) of the Internal Revenue Code shall be determined using fifty percent (50%) instead of eighty percent (80%)) or a relationship described in Section 267(b)(11) of the Internal Revenue Code.

(2) Two (2) or more partnerships (as defined in IC 6-3-1-19), including limited liability companies and limited liability partnerships, that have the same degree of mutual ownership as an affiliated group described in subdivision (1), as determined under the rules adopted by the department.

The right to a deduction under this section is **not** assignable ~~only if the retail merchant that paid the state gross retail or use tax liability assigned the right to the deduction in writing; to an individual or entity that is not part of the same affiliated group as the assignor.~~

(d) The following provisions apply to a deduction for a receivable treated as uncollectible debt under subsection (a):

(1) The deduction does not include interest.

(2) The amount of the deduction shall be determined in the manner provided by Section 166 of the Internal Revenue Code for bad debts but shall be adjusted to exclude:

(A) financing charges or interest;

(B) sales or use taxes charged on the purchase price;

(C) uncollectible amounts on property that remain in the possession of the seller until the full purchase price is paid;

(D) expenses incurred in attempting to collect any debt; and

(E) repossessed property.

(3) The deduction shall be claimed on the return for the period during which the receivable is written off as uncollectible in the claimant's books and records and is eligible to be deducted for federal income tax purposes. For purposes of this subdivision, a claimant who is not required to file federal income tax returns may deduct an uncollectible receivable on a return filed for the period in which the receivable is written off as uncollectible in the claimant's books and records and would be eligible for a bad debt deduction for federal income tax purposes if the claimant were required to file a federal income tax return.

(4) If the amount of uncollectible receivables claimed as a deduction by a retail merchant for a particular reporting period exceeds the amount of the retail merchant's taxable sales for that reporting period, the retail merchant may file a refund claim under IC 6-8.1-9. However, the deadline for the refund claim shall be measured from the due date of the return for the reporting period on which the deduction for the uncollectible receivables could first be claimed.

(5) If a retail merchant's filing responsibilities have been assumed by a certified service provider (as defined in IC 6-2.5-11-2), the certified service provider may claim, on behalf of the retail merchant, any deduction or refund for uncollectible receivables provided by this section. The certified service provider must credit or refund the full amount of any deduction or refund received to the retail merchant.

(6) For purposes of reporting a payment received on a previously claimed uncollectible receivable, any payments made on a debt or account shall be applied first proportionally to the taxable price of the property and the state gross retail tax or use tax thereon, and secondly to interest, service charges, and any other charges.

(7) A retail merchant claiming a deduction for an uncollectible receivable may allocate that receivable among the states that are members of the streamlined sales and use tax agreement if the books and records of the retail merchant support that allocation.

SECTION 3. IC 6-3-1-3.5, AS AMENDED BY P.L.246-2005, SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2005 (RETROACTIVE)]: Sec. 3.5. When used in this article, the term "adjusted gross income" shall mean the following:

(a) In the case of all individuals, "adjusted gross income" (as defined in Section 62 of the Internal Revenue Code), modified as follows:

- (1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.
- (2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 62 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.
- (3) Subtract one thousand dollars (\$1,000), or in the case of a joint return filed by a husband and wife, subtract for each spouse one thousand dollars (\$1,000).
- (4) Subtract one thousand dollars (\$1,000) for:
 - (A) each of the exemptions provided by Section 151(c) of the Internal Revenue Code;
 - (B) each additional amount allowable under Section 63(f) of the Internal Revenue Code; and
 - (C) the spouse of the taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.
- (5) Subtract:
 - (A) **for taxable years beginning after December 31, 2004**, one thousand five hundred dollars (\$1,500) for each of the exemptions allowed under Section 151(c)(1)(B) of the Internal Revenue Code ~~for taxable years beginning after December 31, 1996~~; **(as effective January 1, 2004)**; and
 - (B) five hundred dollars (\$500) for each additional amount allowable under Section 63(f)(1) of the Internal Revenue Code if the adjusted gross income of the taxpayer, or the taxpayer and the taxpayer's spouse in the case of a joint return, is less than forty thousand dollars (\$40,000).

This amount is in addition to the amount subtracted under subdivision (4).

- (6) Subtract an amount equal to the lesser of:
 - (A) that part of the individual's adjusted gross income (as defined in Section 62 of the Internal Revenue Code) for that taxable year that is subject to a tax that is imposed by a political subdivision of another state and that is imposed on or measured by income; or
 - (B) two thousand dollars (\$2,000).
- (7) Add an amount equal to the total capital gain portion of a lump sum distribution (as defined in Section 402(e)(4)(D) of the Internal Revenue Code) if the lump sum distribution is received by the individual during the taxable year and if the capital gain portion of the distribution is taxed in the manner provided in Section 402 of the Internal Revenue Code.
- (8) Subtract any amounts included in federal adjusted gross income under Section 111 of the Internal Revenue Code as a recovery of items previously deducted as an itemized deduction from adjusted gross income.
- (9) Subtract any amounts included in federal adjusted gross income under the Internal Revenue Code which amounts were received by the individual as supplemental railroad retirement annuities under 45 U.S.C. 231 and which are not deductible under subdivision (1).

(10) Add an amount equal to the deduction allowed under Section 221 of the Internal Revenue Code for married couples filing joint returns if the taxable year began before January 1, 1987.

(11) Add an amount equal to the interest excluded from federal gross income by the individual for the taxable year under Section 128 of the Internal Revenue Code if the taxable year began before January 1, 1985.

(12) Subtract an amount equal to the amount of federal Social Security and Railroad Retirement benefits included in a taxpayer's federal gross income by Section 86 of the Internal Revenue Code.

(13) In the case of a nonresident taxpayer or a resident taxpayer residing in Indiana for a period of less than the taxpayer's entire taxable year, the total amount of the deductions allowed pursuant to subdivisions (3), (4), (5), and (6) shall be reduced to an amount which bears the same ratio to the total as the taxpayer's income taxable in Indiana bears to the taxpayer's total income.

(14) In the case of an individual who is a recipient of assistance under IC 12-10-6-1, IC 12-10-6-2.1, IC 12-15-2-2, or IC 12-15-7, subtract an amount equal to that portion of the individual's adjusted gross income with respect to which the individual is not allowed under federal law to retain an amount to pay state and local income taxes.

(15) In the case of an eligible individual, subtract the amount of a Holocaust victim's settlement payment included in the individual's federal adjusted gross income.

(16) For taxable years beginning after December 31, 1999, subtract an amount equal to the portion of any premiums paid during the taxable year by the taxpayer for a qualified long term care policy (as defined in IC 12-15-39.6-5) for the taxpayer or the taxpayer's spouse, or both.

(17) Subtract an amount equal to the lesser of:

- (A) for a taxable year:
 - (i) including any part of 2004, the amount determined under subsection (f); and
 - (ii) beginning after December 31, 2004, two thousand five hundred dollars (\$2,500); or
- (B) the amount of property taxes that are paid during the taxable year in Indiana by the individual on the individual's principal place of residence.

(18) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the individual's federal adjusted gross income.

(19) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(20) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(21) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property

(as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(22) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(b) In the case of corporations, the same as "taxable income" (as defined in Section 63 of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 170 of the Internal Revenue Code.

(3) Add an amount equal to any deduction or deductions allowed or allowable pursuant to Section 63 of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state of the United States.

(4) Subtract an amount equal to the amount included in the corporation's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(c) In the case of life insurance companies (as defined in Section 816(a) of the Internal Revenue Code) that are organized under Indiana law, the same as "life insurance company taxable income" (as defined in Section 801 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this

article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 or Section 810 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(d) In the case of insurance companies subject to tax under Section 831 of the Internal Revenue Code and organized under Indiana law, the same as "taxable income" (as defined in Section 832 of the Internal Revenue Code), adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Add an amount equal to any deduction allowed or allowable under Section 170 of the Internal Revenue Code.

(3) Add an amount equal to a deduction allowed or allowable under Section 805 or Section 831(c) of the Internal Revenue Code for taxes based on or measured by income and levied at the state level by any state.

(4) Subtract an amount equal to the amount included in the company's taxable income under Section 78 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(6) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(7) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(8) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(e) In the case of trusts and estates, "taxable income" (as defined for trusts and estates in Section 641(b) of the Internal Revenue Code) adjusted as follows:

(1) Subtract income that is exempt from taxation under this article by the Constitution and statutes of the United States.

(2) Subtract an amount equal to the amount of a September 11 terrorist attack settlement payment included in the federal adjusted gross income of the estate of a victim of the September 11 terrorist attack or a trust to the extent the trust benefits a victim of the September 11 terrorist attack.

(3) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that owns property for which bonus depreciation was allowed in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election not been made under Section 168(k) of the Internal Revenue Code to apply bonus depreciation to the property in the year that it was placed in service.

(4) Add an amount equal to any deduction allowed under Section 172 of the Internal Revenue Code.

(5) Add or subtract the amount necessary to make the adjusted gross income of any taxpayer that placed Section 179 property (as defined in Section 179 of the Internal Revenue Code) in service in the current taxable year or in an earlier taxable year equal to the amount of adjusted gross income that would have been computed had an election for federal income tax purposes not been made for the year in which the property was placed in service to take deductions under Section 179 of the Internal Revenue Code in a total amount exceeding twenty-five thousand dollars (\$25,000).

(6) Add an amount equal to the amount that a taxpayer claimed as a deduction for domestic production activities for the taxable year under Section 199 of the Internal Revenue Code for federal income tax purposes.

(f) This subsection applies only to the extent that an individual paid property taxes in 2004 that were imposed for the March 1, 2002, assessment date or the January 15, 2003, assessment date. The maximum amount of the deduction under subsection (a)(17) is equal to the amount determined under STEP FIVE of the following formula:

STEP ONE: Determine the amount of property taxes that the taxpayer paid after December 31, 2003, in the taxable year for property taxes imposed for the March 1, 2002, assessment date and the January 15, 2003, assessment date.

STEP TWO: Determine the amount of property taxes that the taxpayer paid in the taxable year for the March 1, 2003, assessment date and the January 15, 2004, assessment date.

STEP THREE: Determine the result of the STEP ONE amount divided by the STEP TWO amount.

STEP FOUR: Multiply the STEP THREE amount by two thousand five hundred dollars (\$2,500).

STEP FIVE: Determine the sum of the STEP FOUR amount and two thousand five hundred dollars (\$2,500).

SECTION 4. IC 6-3-1-11, AS AMENDED BY P.L.246-2005, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2006 (RETROACTIVE)]: Sec. 11. (a) The term "Internal Revenue Code" means the Internal Revenue Code of 1986 of the United States as amended and in effect on January 1, ~~2005~~; **2006**.

(b) Whenever the Internal Revenue Code is mentioned in this article, the particular provisions that are referred to, together with all the other provisions of the Internal Revenue Code in effect on January 1, ~~2005~~; **2006**, that pertain to the provisions specifically mentioned, shall be regarded as incorporated in this article by reference and have the same force and effect as though fully set forth in this article. To the extent the provisions apply to this article, regulations adopted under Section 7805(a) of the Internal Revenue Code and in effect on January 1, ~~2005~~; **2006**, shall be regarded as rules adopted by the department under this article, unless the department adopts specific rules that supersede the regulation.

(c) An amendment to the Internal Revenue Code made by an act passed by Congress before January 1, ~~2005~~; **2006**, that is effective for any taxable year that began before January 1, ~~2005~~; **2006**, and that affects:

- (1) individual adjusted gross income (as defined in Section 62 of the Internal Revenue Code);
- (2) corporate taxable income (as defined in Section 63 of the Internal Revenue Code);
- (3) trust and estate taxable income (as defined in Section 641(b) of the Internal Revenue Code);
- (4) life insurance company taxable income (as defined in Section 801(b) of the Internal Revenue Code);
- (5) mutual insurance company taxable income (as defined in Section 821(b) of the Internal Revenue Code); or
- (6) taxable income (as defined in Section 832 of the Internal Revenue Code);

is also effective for that same taxable year for purposes of determining adjusted gross income under section 3.5 of this chapter.

SECTION 5. IC 6-3.5-1.1-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2.5. (a) This section applies only to a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000).

(b) As used in this section, "fiscal year" means a twelve (12) month period beginning July 1 and ending June 30.

~~(b)~~ **(c)** The county council of a county described in subsection (a) may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to fund the operation and

maintenance of a jail and juvenile detention center opened after July 1, 1998.

~~(c)~~ **(d)** Notwithstanding section 2 of this chapter, if the county council adopts an ordinance under subsection ~~(b)~~ **(c)**, the county council may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) on adjusted gross income **for fiscal years beginning before July 1, 2011. However, a county may impose the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) for only eight (8) years. For fiscal years beginning after the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) for eight (8) years June 30, 2011, the rate is reduced to one percent (1%).** If the county council imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%), the county council may decrease the rate or rescind the tax in the manner provided under this chapter.

~~(d)~~ **(e)** If a county imposes the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under this section, the revenue derived from a tax rate of one-tenth percent (0.1%) on adjusted gross income:

- (1) shall be paid to the county treasurer;
- (2) may be used only to pay the costs of operating a jail and juvenile detention center opened after July 1, 1998; and
- (3) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5.

SECTION 6. IC 6-3.5-6-18, AS AMENDED BY P.L.207-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS[EFFECTIVE UPON PASSAGE]: Sec. 18. (a) The revenue a county auditor receives under this chapter shall be used to:

- (1) replace the amount, if any, of property tax revenue lost due to the allowance of an increased homestead credit within the county;
- (2) fund the operation of a public communications system and computer facilities district as provided in an election, if any, made by the county fiscal body under IC 36-8-15-19(b);
- (3) fund the operation of a public transportation corporation as provided in an election, if any, made by the county fiscal body under IC 36-9-4-42;
- (4) make payments permitted under IC 36-7-15.1-17.5;
- (5) make payments permitted under subsection (i); ~~and~~
- (6) make distributions of distributive shares to the civil taxing units of a county; ~~and~~
- (7) make the distributions permitted under section 29 of this chapter.**

(b) The county auditor shall retain from the payments of the county's certified distribution, an amount equal to the revenue lost, if any, due to the increase of the homestead credit within the county. This money shall be distributed to the civil taxing units and school corporations of the county as though they were property tax collections and in such a manner that no civil taxing unit or school corporation shall suffer a net revenue loss due to the allowance of an increased homestead credit.

(c) The county auditor shall retain:

- (1) the amount, if any, specified by the county fiscal body for a particular calendar year under subsection (i), IC 36-7-15.1-17.5, IC 36-8-15-19(b), and IC 36-9-4-42 from the county's certified distribution for that same calendar year; and**

(2) the amount of an additional tax rate imposed under section 29 of this chapter.

The county auditor shall distribute amounts retained under this subsection to the county.

(d) All certified distribution revenues that are not retained and distributed under subsections (b) and (c) shall be distributed to the civil taxing units of the county as distributive shares.

(e) The amount of distributive shares that each civil taxing unit in a county is entitled to receive during a month equals the product of the following:

- (1) The amount of revenue that is to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the allocation amount for the civil taxing unit for the calendar year in which the month falls. The denominator of the fraction equals the sum of the allocation amounts of all the civil taxing units of the county for the calendar year in which the month falls.

(f) The department of local government finance shall provide each county auditor with the fractional amount of distributive shares that each civil taxing unit in the auditor's county is entitled to receive monthly under this section.

(g) Notwithstanding subsection (e), if a civil taxing unit of an adopting county does not impose a property tax levy that is first due and payable in a calendar year in which distributive shares are being distributed under this section, that civil taxing unit is entitled to receive a part of the revenue to be distributed as distributive shares under this section within the county. The fractional amount such a civil taxing unit is entitled to receive each month during that calendar year equals the product of the following:

- (1) The amount to be distributed as distributive shares during that month; multiplied by
- (2) A fraction. The numerator of the fraction equals the budget of that civil taxing unit for that calendar year. The denominator of the fraction equals the aggregate budgets of all civil taxing units of that county for that calendar year.

(h) If for a calendar year a civil taxing unit is allocated a part of a county's distributive shares by subsection (g), then the formula used in subsection (e) to determine all other civil taxing units' distributive shares shall be changed each month for that same year by reducing the amount to be distributed as distributive shares under subsection (e) by the amount of distributive shares allocated under subsection (g) for that same month. The department of local government finance shall make any adjustments required by this subsection and provide them to the appropriate county auditors.

(i) Notwithstanding any other law, a county fiscal body may pledge revenues received under this chapter to the payment of bonds or lease rentals to finance a qualified economic development tax project under IC 36-7-27 in that county or in any other county if the county fiscal body determines that the project will promote significant opportunities for the gainful employment or retention of employment of the county's residents.

SECTION 7. IC 6-3.5-6-29 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29. (a) This section applies only to Scott County. Scott County is a county in which:**

- (1) maintaining low property tax rates is essential to economic development; and**

(2) the use of additional county option income tax revenues as provided in this section, rather than the use of property taxes, to fund:

(A) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(B) the repayment of bonds issued or leases entered into for the purposes described in clause (A), except operation or maintenance;

promotes the purpose of maintaining low property tax rates.

(b) The county fiscal body may impose the county option income tax on the adjusted gross income of resident county taxpayers at a rate, in addition to the rates permitted by sections 8 and 9 of this chapter, not to exceed twenty-five hundredths percent (0.25%). Section 8(e) of this chapter applies to the application of the additional rate to nonresident taxpayers.

(c) To impose the county option income tax as provided in this section, the county fiscal body must adopt an ordinance finding and determining that additional revenues from the county option income tax are needed in the county to fund:

(1) the financing, construction, acquisition, improvement, renovation, equipping, operation, or maintenance of jail facilities; and

(2) the repayment of bonds issued or leases entered into for the purposes described in subdivision (1), except operation or maintenance.

(d) If the county fiscal body makes a determination under subsection (c), the county fiscal body may adopt an additional tax rate under subsection (b). Subject to the limitations in subsection (b), the county fiscal body may amend an ordinance adopted under this section to increase, decrease, or rescind the additional tax rate imposed under this section. As soon as practicable after the adoption of an ordinance under this section, the county fiscal body shall send a certified copy of the ordinance to the county auditor, the department of local government finance, and the department. An ordinance adopted under this section before June 1, 2006, or April 1 in a subsequent year applies to the imposition of county income taxes after June 30 in that year. An ordinance adopted under this section after May 31, 2006, or March 31 of a subsequent year initially applies to the imposition of county option income taxes after June 30 of the immediately following year.

(e) If the county imposes an additional tax rate under this section, the county treasurer shall establish a county jail revenue fund to be used only for the purposes described in this section. County option income tax revenues derived from the tax rate imposed under this section shall be deposited in the county jail revenue fund before making a certified distribution under section 18 of this chapter.

(f) County option income tax revenues derived from an additional tax rate imposed under this section:

(1) may be used only for the purposes described in this section;

(2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and

(3) may be pledged for the repayment of bonds issued or leases entered into to fund the purposes described in

subsection (c)(1), except operation or maintenance.

(g) If the county imposes an additional tax rate under this section, the department, after reviewing the recommendation of the budget agency, shall adjust the certified distribution of the county to provide for an increased distribution of taxes in the immediately following calendar year after the county adopts the increased tax rate and in each calendar year thereafter. The department shall provide for a full transition to certification of distributions as provided in section 17(a)(1) through 17(a)(2) of this chapter in the manner provided in section 17(c) of this chapter.

SECTION 8. IC 6-3.5-7-5, AS AMENDED BY P.L.214-2005, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (c), the county economic development income tax may be imposed on the adjusted gross income of county taxpayers. The entity that may impose the tax is:

(1) the county income tax council (as defined in IC 6-3.5-6-1)

if the county option income tax is in effect on January 1 of the year the county economic development income tax is imposed;

(2) the county council if the county adjusted gross income tax is in effect on January 1 of the year the county economic development tax is imposed; or

(3) the county income tax council or the county council, whichever acts first, for a county not covered by subdivision (1) or (2).

To impose the county economic development income tax, a county income tax council shall use the procedures set forth in IC 6-3.5-6 concerning the imposition of the county option income tax.

(b) Except as provided in subsections (c), (g), (k), (p), and (r) the county economic development income tax may be imposed at a rate of:

(1) one-tenth percent (0.1%);

(2) two-tenths percent (0.2%);

(3) twenty-five hundredths percent (0.25%);

(4) three-tenths percent (0.3%);

(5) thirty-five hundredths percent (0.35%);

(6) four-tenths percent (0.4%);

(7) forty-five hundredths percent (0.45%); or

(8) five-tenths percent (0.5%);

on the adjusted gross income of county taxpayers.

(c) Except as provided in subsection (h), (i), (j), (k), (l), (m), (n), (o), (p), or (s), the county economic development income tax rate plus the county adjusted gross income tax rate, if any, that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%). Except as provided in subsection (g), (p), (r), or (t), or (u), the county economic development tax rate plus the county option income tax rate, if any, that are in effect on January 1 of a year may not exceed one percent (1%).

(d) To impose, increase, decrease, or rescind the county economic development income tax, the appropriate body must, after January 1 but before April 1 of a year, adopt an ordinance. The ordinance to impose the tax must substantially state the following:

"The _____ County _____ imposes the county economic development income tax on the county taxpayers of _____ County. The county economic development income tax is imposed at a rate of _____ percent (____%) on the county taxpayers of the county. This tax takes effect July 1 of this year."

(e) Any ordinance adopted under this chapter takes effect July 1 of the year the ordinance is adopted.

(f) The auditor of a county shall record all votes taken on ordinances presented for a vote under the authority of this chapter and shall, not more than ten (10) days after the vote, send a certified copy of the results to the commissioner of the department by certified mail.

(g) This subsection applies to a county having a population of more than one hundred forty-eight thousand (148,000) but less than one hundred seventy thousand (170,000). Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

(1) county economic development income tax may be imposed at a rate of:

(A) fifteen-hundredths percent (0.15%);

(B) two-tenths percent (0.2%); or

(C) twenty-five hundredths percent (0.25%); and

(2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county income tax council makes a determination to impose rates under this subsection and section 22 of this chapter.

(h) For a county having a population of more than forty-one thousand (41,000) but less than forty-three thousand (43,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and thirty-five hundredths percent (1.35%) if the county has imposed the county adjusted gross income tax at a rate of one and one-tenth percent (1.1%) under IC 6-3.5-1.1-2.5.

(i) For a county having a population of more than thirteen thousand five hundred (13,500) but less than fourteen thousand (14,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and fifty-five hundredths percent (1.55%).

(j) For a county having a population of more than seventy-one thousand (71,000) but less than seventy-one thousand four hundred (71,400), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(k) This subsection applies to a county having a population of more than twenty-seven thousand four hundred (27,400) but less than twenty-seven thousand five hundred (27,500). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%);

if the county council makes a determination to impose rates under this subsection and section 22.5 of this chapter.

(l) For a county having a population of more than twenty-nine thousand (29,000) but less than thirty thousand (30,000), except as

provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(m) For:

(1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); or

(2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900);

except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(n) For a county having a population of more than six thousand (6,000) but less than eight thousand (8,000), except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%).

(o) This subsection applies to a county having a population of more than thirty-nine thousand (39,000) but less than thirty-nine thousand six hundred (39,600). Except as provided in subsection (p), in addition to the rates permitted under subsection (b):

(1) the county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and

(2) the sum of the county economic development income tax rate and:

(A) the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%); or

(B) the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 24 of this chapter.

(p) In addition:

(1) the county economic development income tax may be imposed at a rate that exceeds by not more than twenty-five hundredths percent (0.25%) the maximum rate that would otherwise apply under this section; and

(2) the:

(A) county economic development income tax; and

(B) county option income tax or county adjusted gross income tax;

may be imposed at combined rates that exceed by not more than twenty-five hundredths percent (0.25%) the maximum combined rates that would otherwise apply under this section.

However, the additional rate imposed under this subsection may not exceed the amount necessary to mitigate the increased ad valorem property taxes on homesteads (as defined in IC 6-1.1-20.9-1) resulting from the deduction of the assessed value of inventory in the county under IC 6-1.1-12-41 or IC 6-1.1-12-42.

(q) If the county economic development income tax is imposed as authorized under subsection (p) at a rate that exceeds the maximum

rate that would otherwise apply under this section, the certified distribution must be used for the purpose provided in section 25(e) or 26 of this chapter to the extent that the certified distribution results from the difference between:

- (1) the actual county economic development tax rate; and
- (2) the maximum rate that would otherwise apply under this section.

(r) This subsection applies only to a county described in section 27 of this chapter. Except as provided in subsection (p), in addition to the rates permitted by subsection (b), the:

- (1) county economic development income tax may be imposed at a rate of twenty-five hundredths percent (0.25%); and
- (2) county economic development income tax rate plus the county option income tax rate that are in effect on January 1 of a year may equal up to one and twenty-five hundredths percent (1.25%);

if the county council makes a determination to impose rates under this subsection and section 27 of this chapter.

(s) Except as provided in subsection (p), the county economic development income tax rate plus the county adjusted gross income tax rate that are in effect on January 1 of a year may not exceed one and five-tenths percent (1.5%) if the county has imposed the county adjusted gross income tax under IC 6-3.5-1.1-3.3.

(t) This subsection applies to Howard County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

(u) This subsection applies to Scott County. Except as provided in subsection (p), the sum of the county economic development income tax rate and the county option income tax rate that are in effect on January 1 of a year may not exceed one and twenty-five hundredths percent (1.25%).

SECTION 9. IC 6-9-24-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9. (a) If the tax is imposed by a municipality under this chapter, the tax terminates January 1, ~~2007~~. **2012.**

(b) This chapter expires July 1, ~~2007~~. **2012.**

SECTION 10. IC 6-9-27-9.5, AS ADDED BY P.L.214-2005, SECTION 42, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 9.5. (a) A city shall use money in the fund established under section 8.5 of this chapter for only the following:

- (1) Renovating the city hall.
- (2) Constructing new police or fire stations, or both.
- (3) Improving the city's sanitary sewers or wastewater treatment facilities, or both.
- (4) Improving the city's storm water drainage systems.
- (5) Other projects involving the city's water system or protecting the city's well fields, as determined by the city fiscal body.

Money in the fund may not be used for the operating costs of a project. In addition, the city may not initiate a project under this chapter after December 31, ~~2010~~. **2015.**

(b) The fiscal body of the city may pledge money in the fund to pay bonds issued, loans obtained, and lease payments or other obligations incurred by or on behalf of the city or a special taxing district in the city to provide the projects described in subsection (a).

(c) Subsection (b) applies only to bonds, loans, lease payments, or

obligations that are issued, obtained, or incurred after the date on which the tax is imposed under section 3 of this chapter.

(d) A pledge under subsection (b) is enforceable under IC 5-1-14-4.

SECTION 11. IC 21-2-21-1.8, AS ADDED BY P.L.214-2005, SECTION 62, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1.8. (a) For purposes of this section, "retirement or severance liability" means the payments anticipated to be required to be made to employees of a school corporation upon or after termination of the employment of the employees by the school corporation under an existing or previous employment agreement.

(b) This section applies to each school corporation that:

- (1) did not issue bonds under IC 20-5-4-1.7 before its repeal; or
- (2) issued bonds under IC 20-5-4-1.7:

(A) before April 14, 2003; or

(B) after April 13, 2003, if an order approving the issuance of the bonds was issued by the department of local government finance before April 14, 2003.

(c) In addition to the purposes set forth in section 1 of this chapter, a school corporation described in subsection (b) may issue bonds to implement solutions to contractual retirement or severance liability. The issuance of bonds for this purpose is subject to the following conditions:

(1) The school corporation may issue bonds under this section only one (1) time.

(2) ~~The A~~ **A school corporation described in subsection (b)(1) or (b)(2)(A) must issue the bonds before July 1, 2006. A school corporation described in subsection (b)(2)(B) must file a petition with the department of local government finance under IC 6-1.1-19-8 requesting approval to incur bond indebtedness under this section before July 1, 2006.**

(3) The solution to which the bonds are contributing must be reasonably expected to reduce the school corporation's unfunded contractual liability for retirement or severance payments as it existed on June 30, 2001.

(4) The amount of the bonds that may be issued for the purpose described in this section may not exceed:

(A) two percent (2%) of the true tax value of property in the school corporation, for a school corporation that did not issue bonds under IC 20-5-4-1.7 before its repeal; or

(B) the remainder of:

(i) two percent (2%) of the true tax value of property in the school corporation as of the date that the school corporation issued bonds under IC 20-5-4-1.7; minus

(ii) the amount of bonds that the school corporation issued under IC 20-5-4-1.7;

for a school corporation that issued bonds under IC 20-5-4-1.7 ~~before April 14, 2003~~. **as described in subsection (b)(2).**

(5) Each year that a debt service levy is needed under this section, the school corporation shall reduce the total property tax levy for the school corporation's transportation, school bus replacement, capital projects, or art association and historical society funds in an amount equal to the property tax levy needed for the debt service under this section. The property tax rate for each of these funds shall be reduced each year until the bonds are retired.

(6) The school corporation shall establish a separate debt service fund for repayment of the bonds issued under this section.

(d) Bonds issued for the purpose described in this section shall be issued in the same manner as other bonds of the school corporation.

(e) Bonds issued under this section are not subject to the petition and remonstrance process under IC 6-1.1-20 or to the limitations contained in IC 36-1-15.

SECTION 12. [EFFECTIVE JULY 1, 2006] If the general assembly amends IC 6-2.5-6-9 in more than one (1) act, the laws shall be read together and interpreted to implement the policies enacted in each act.

SECTION 13. An emergency is declared for this act.

(Reference is to EHB 1327 as printed February 15, 2006.)

Espich, Chair	Kenley
Crawford	Simpson
House Conferees	Senate Conferees

Roll Call 409: yeas 50, nays 0. Report adopted.

SPECIAL ORDER OF BUSINESS

CONFERENCE COMMITTEE REPORT

EHB 1315-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1315 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning utilities and transportation.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 8-1-34-16, AS ADDED BY HEA 1279-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in section 21 of this chapter, after June 30, 2006:

(1) the commission is the sole franchising authority (as defined in 47 U.S.C. 522(10)) for the provision of video service in Indiana; and

(2) a unit may not:

(A) require a provider to obtain a separate franchise; or

(B) impose any fee, gross receipt tax, licensing requirement, rate regulation, or build-out requirement on a provider;

except as authorized by this chapter.

(b) Except as provided in section 21 of this chapter, a person who seeks to provide video service in Indiana after June 30, 2006, shall file with the commission an application for a franchise. The application shall be made on a form prescribed by the commission and must include the following:

(1) A sworn affidavit, signed by an officer or another person authorized to bind the applicant, that affirms the following:

(A) That the applicant has filed or will timely file with the Federal Communications Commission all forms required by the Federal Communications Commission before offering

video service in Indiana.

(B) That the applicant agrees to comply with all federal and state statutes, rules, and regulations applicable to the operation of the applicant's video service system.

(C) That the applicant agrees to:

(i) comply with any local ordinance or regulation governing the use of public rights-of-way in the delivery of video service; and

(ii) recognize the police powers of a unit to enforce the ordinance or regulation.

(D) If the applicant will terminate an existing local franchise under section 21 of this chapter, that the applicant agrees to perform any obligations owed to any private person, ~~under the terminated franchise until such time as the local franchise would otherwise terminate or expire;~~ as required by section 22 of this chapter.

(2) The applicant's legal name and any name under which the applicant does or will do business in Indiana, as authorized by the secretary of state.

(3) The address and telephone number of the applicant's principal place of business, along with contact information for the person responsible for ongoing communications with the commission.

(4) The names and titles of the applicant's principal officers.

(5) The legal name, address, and telephone number of the applicant's parent company, if any.

(6) A description of each service area in Indiana to be served by the applicant. A service area described under this subdivision may include an unincorporated area in Indiana.

(7) The expected date for the deployment of video service in each of the areas identified in subdivision (6).

(8) A list of other states in which the applicant provides video service.

(9) If the applicant will terminate an existing local franchise under section 21(b) of this chapter, a copy of the written notice sent to the municipality under section 21(c) of this chapter.

(10) Any other information the commission considers necessary to:

(A) monitor the provision of video service to Indiana customers; and

(B) prepare the commission's annual report to the regulatory flexibility committee under IC 8-1-2.6-4.

This subsection does not empower the commission to require an applicant to disclose confidential and proprietary business plans and other confidential information without adequate protection of the information. The commission shall exercise all necessary caution to avoid disclosure of confidential information supplied under this subsection.

(c) The commission may charge a fee for filing an application under this section. Any fee charged by the commission under this subsection may not exceed the commission's actual costs to process and review the application under section 17 of this chapter.

SECTION 2. IC 8-1-34-22, AS ADDED BY HEA 1279-2006, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 22. (a) A provider that elects to terminate a local franchise under section 21 of this chapter remains subject to the contractual rights, duties, and obligations incurred by

the provider under the terms and conditions of the terminated local franchise that are owed to any private person, including a subscriber.

(b) The obligations that a provider owes to a private person under subsection (a) include any obligations based on the gross income received by the provider:

- (1) after the provider becomes a holder of a certificate under this chapter; and
- (2) for video service provided in the service area covered by the terminated local franchise;

if, under the terms of the terminated local franchise, the obligations would have been based on the gross income received by the provider for video service provided in the service area covered by the terminated local franchise.

(c) All liens, security interests, royalties, and other contracts, rights, and interests arising out of the terminated local franchise and owed to a private person, shall:

- (1) continue in full force and effect without the need for renewal, extension, or continuance; and
- (2) be paid or performed by the provider after becoming a holder of a certificate under this chapter. and
- (3) apply as though the gross revenue of the provider continued to be generated under the terminated local franchise with respect to any revenue generated in the service area covered by the terminated local franchise.

(d) The commission shall condition the issuance or renewal of a certificate under this chapter on a provider's payment and performance of the rights, duties, and obligations described in this section. until the time the terminated local franchise would ordinarily terminate or expire if the provider had not made the election under section 21 of this chapter. In applying for an initial certificate or a renewal certificate under this chapter, a provider shall agree to pay or perform the obligations described in this section, as required by section 16(b)(1)(D) of this chapter.

(e) A private person that claims to be:

- (1) owed any rights, duties, or obligations by a holder under this section; and
- (2) aggrieved by a holder's alleged violation of this section;

may bring an action in a court with jurisdiction to enforce the rights, duties, or obligations claimed to be owed to the person.

(f) As used in this section, "private person" does not include:

- (1) the unit that issued the terminated local franchise;
 - (2) a political subdivision (as defined in IC 36-1-2-13) not described in subdivision (1); or
 - (3) any official, agent, or employee of:
 - (A) the unit that issued the terminated local franchise; or
 - (B) a political subdivision described in subdivision (2);
- in the individual's official capacity.

SECTION 3. An emergency is declared for this act.

(Reference is to EHB 1315 as reprinted February 28, 2006.)

Thompson, Chair	Hershman
Hoy	Hume
House Conferees	Senate Conferees

Senator Delph was given prior permission by the body to be excused from voting on Roll Call 410.

Roll Call 410: yeas 42, nays 7. Report adopted.

SENATE MOTION

Madam President: I move that Senate Rule 83(a) be suspended with regard to its application to Conference Committee Report to Engrossed Senate Bill 148 and that said Conference Committee Report be made a special order of business for 11:53 p.m. on March 14, 2006.

GARTON

Motion prevailed.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred the motion of Senator Garton requesting suspension of Senate Rule 83(a) for Conference Committee Report to Engrossed Senate Bill 148 has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said motion be adopted.

GARTON, Chair

Report adopted.

CONFERENCE COMMITTEE REPORTS SPECIAL ORDER OF BUSINESS CONFERENCE COMMITTEE REPORT

ESB 148-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill 148 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 6-3.5-1.1-2.8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.8. (a) This section applies to:

- (1) a county having a population of more than one hundred eighty-two thousand seven hundred ninety (182,790) but less than two hundred thousand (200,000); and
- (2) a county having a population of more than forty-five thousand (45,000) but less than forty-five thousand nine hundred (45,900).

(b) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to:

- (1) finance, construct, acquire, improve, renovate, or equip:
 - (A) jail facilities;
 - (B) juvenile court, detention, and probation facilities;
 - (C) other criminal justice facilities; and
 - (D) related buildings and parking facilities;

located in the county, including costs related to the demolition of existing buildings and the acquisition of land; and

(2) repay bonds issued or leases entered into for the purposes described in subdivision (1).

(c) The county council may, by ordinance, determine that additional county adjusted gross income tax revenue is needed in the county to operate or maintain:

- (1) jail facilities;**
- (2) juvenile court, detention, and probation facilities;**
- (3) other criminal justice facilities; and**
- (4) related buildings and parking facilities;**

located in the county. A county council of a county described in subsection (a)(1) or (a)(2) may make a determination under both this subsection and subsection (b).

(d) In addition to the rates permitted by section 2 of this chapter, the county council may impose the county adjusted gross income tax at a rate of:

- (1) fifteen-hundredths percent (0.15%);
- (2) two-tenths percent (0.2%); or
- (3) twenty-five hundredths percent (0.25%);

on the adjusted gross income of county taxpayers if the county council makes ~~the~~ a finding and determination set forth in subsection (b) or (c). **The tax rate may not be imposed at a rate greater than is necessary to carry out the purposes described in subsections (b) and (c), as applicable.**

(e) This subsection applies only to a county described in subsection (a)(1). If the county council imposes the tax under this section to pay for the purposes described in both subsections (b) and (c), when:

- (1) the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed; and**
- (2) all bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid;**

the county council shall, subject to subsection (d), establish a tax rate under this section by ordinance such that the revenue from the tax does not exceed the costs of operating and maintaining the jail facilities referred to in subsection (b)(1)(A).

(f) The tax imposed under this section may be imposed only until the later last of the date on which: following dates:

- (1) The date on which the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b) are completed.** or
- (2) The date on which the last of any bonds issued (including any refunding bonds) or leases entered into to finance the construction, acquisition, improvement, renovation, and equipping described in subsection (b) are fully paid.**
- (3) If the county imposing the tax under this section is a county described in subsection (a)(1), the date on which an ordinance adopted under subsection (c) is rescinded.**

(g) The term of the bonds issued (including any refunding bonds) or a lease entered into under subsection (b)(2) may not exceed twenty (20) years.

(d) If the county council makes a determination under subsection (b), the county council may adopt a tax rate under subsection (c). The tax rate may not be imposed at a rate greater than is necessary to pay the costs of carrying out the purposes described in subsection (b)(1).

(h) The county treasurer shall establish a criminal justice

facilities revenue fund to be used only for purposes described in this section. County adjusted gross income tax revenues derived from the tax rate imposed under this section shall be deposited in the criminal justice facilities revenue fund before making a certified distribution under section 11 of this chapter.

(i) County adjusted gross income tax revenues derived from the tax rate imposed under this section:

- (1) may be used only for the purposes described in this section;
- (2) may not be considered by the department of local government finance in determining the county's maximum permissible property tax levy limit under IC 6-1.1-18.5; and
- (3) may be pledged to the repayment of bonds issued or leases entered into for any or all the purposes described in subsection (b).

(j) Notwithstanding any other law, funds accumulated from the county adjusted gross income tax imposed under this section after:

- (1) the completion of the financing, construction, acquisition, improvement, renovation, and equipping described in subsection (b);**
- (2) the payment or provision for payment of all the costs for activities described in subdivision (1);**
- (3) the redemption of bonds issued; and**
- (4) the final payment of lease rentals due under a lease entered into under this section;**

money remaining in the criminal justice facilities revenue fund established under subsection (h) after the tax imposed by this section is terminated under subsection (f) shall be transferred to the county highway fund to be used for construction, resurfacing, restoration, and rehabilitation of county highways, roads, and bridges.

SECTION 2. IC 6-3.5-1.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. (a) Except as provided in subsection (b), one-half (1/2) of each adopting county's certified distribution for a calendar year shall be distributed from its account established under section 8 of this chapter to the appropriate county treasurer on May 1 and the other one-half (1/2) on November 1 of that calendar year.

(b) This subsection applies to a county having a population of more than one hundred forty-five thousand (145,000) but less than one hundred forty-eight thousand (148,000). Notwithstanding section 9 of this chapter, the initial certified distribution certified for a county under section 9 of this chapter shall be distributed to the county treasurer from the account established for the county under section 8 of this chapter according to the following schedule during the eighteen (18) month period beginning on July 1 of the year in which the county initially adopts an ordinance under section 2 of this chapter:

- (1) One-fourth (1/4) on October 1 of the year in which the ordinance was adopted.
- (2) One-fourth (1/4) on January 1 of the calendar year following the year in which the ordinance was adopted.
- (3) One-fourth (1/4) on May 1 of the calendar year following the year in which the ordinance was adopted.
- (4) One-fourth (1/4) on November 1 of the calendar year following the year in which the ordinance was adopted.

Notwithstanding section 11 of this chapter, the part of the certified distribution received under subdivision (1) that would otherwise be allocated to a civil taxing unit or school corporation as property tax

replacement credits under section 11 of this chapter shall be set aside and treated for the calendar year when received by the civil taxing unit or school corporation as a levy excess subject to IC 6-1.1-18.5-17 or IC 6-1.1-19-1.7. Certified distributions made to the county treasurer for calendar years following the eighteen (18) month period described in this subsection shall be made as provided in subsection (a).

- (c) Except for:
- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
 - (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;
- under section 2.8 of this chapter;
- (3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;
 - (4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or
 - (5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

distributions made to a county treasurer under subsections (a) and (b) shall be treated as though they were property taxes that were due and payable during that same calendar year. Except as provided by subsection (b), the certified distribution shall be distributed and used by the taxing units and school corporations as provided in sections 11 through 15 of this chapter.

(d) All distributions from an account established under section 8 of this chapter shall be made by warrants issued by the auditor of the state to the treasurer of the state ordering the appropriate payments.

SECTION 3. IC 6-3.5-1.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 11. (a) Except for:

- (1) revenue that must be used to pay the costs of operating a jail and juvenile detention center under section 2.5(d) of this chapter;
 - (2) revenue that must be used to pay the costs of:
 - (A) financing, constructing, acquiring, improving, renovating, ~~or~~ equipping, **operating, or maintaining** facilities and buildings;
 - (B) debt service on bonds; or
 - (C) lease rentals;
- under section 2.8 of this chapter;
- (3) revenue that must be used to pay the costs of construction, improvement, renovation, or remodeling of a jail and related buildings and parking structures under section 2.7, 2.9, or 3.3 of this chapter;
 - (4) revenue that must be used to pay the costs of operating and maintaining a jail and justice center under section 3.5(d) of this chapter; or

(5) revenue that must be used to pay the costs of constructing, acquiring, improving, renovating, or equipping a county courthouse under section 3.6 of this chapter;

the certified distribution received by a county treasurer shall, in the manner prescribed in this section, be allocated, distributed, and used by the civil taxing units and school corporations of the county as certified shares and property tax replacement credits.

(b) Before August 10 of each calendar year, each county auditor shall determine the part of the certified distribution for the next succeeding calendar year that will be allocated as property tax replacement credits and the part that will be allocated as certified shares. The percentage of a certified distribution that will be allocated as property tax replacement credits or as certified shares depends upon the county adjusted gross income tax rate for resident county taxpayers in effect on August 1 of the calendar year that precedes the year in which the certified distribution will be received by two (2) years. The percentages are set forth in the following table:

COUNTY	PROPERTY TAX	
	ADJUSTED GROSS INCOME TAX RATE	REPLACEMENT CREDITS CERTIFIED SHARES
	0.5%	50% 50%
	0.75%	33 1/3% 66 2/3%
	1%	25% 75%

(c) The part of a certified distribution that constitutes property tax replacement credits shall be distributed as provided under sections 12, 13, and 14 of this chapter.

(d) The part of a certified distribution that constitutes certified shares shall be distributed as provided by section 15 of this chapter

SECTION 4. **An emergency is declared for this act.**
(Reference is to ESB 148 as reprinted February 22, 2006.)

Riegsecker, Chair	Heim
Broden	Oxley
Senate Conferees	House Conferees

Roll Call 411: yeas 50, nays 0. Report adopted.

SPECIAL ORDER OF BUSINESS
CONFERENCE COMMITTEE REPORT
EHB 1362-1

Madam President: Your Conference Committee appointed to confer with a like committee from the House upon Engrossed Senate Amendments to Engrossed House Bill 1362 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

Delete everything after the enacting clause and insert the following: SECTION 1. IC 36-1-2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. "Clerk" means:

- (1) clerk of the circuit court, for a county;
- (2) county auditor, for a board of county commissioners or county council;
- (3) clerk of the city-county council, for a consolidated city;
- (4) city clerk, for a second class city;
- (5) clerk-treasurer, for a third class city; ~~or~~

- (6) clerk-treasurer, for a town; or
- (7) **chief executive officer of a political subdivision not described in subdivisions (1) through (6).**

SECTION 2. IC 36-1-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. "Fiscal body" means:

- (1) county council, for a county not having a consolidated city;
- (2) city-county council, for a consolidated city or county having a consolidated city;
- (3) common council, for a city other than a consolidated city;
- (4) town council, for a town;
- (5) township board, for a township; or
- (6) governing body or budget approval body, for any other political subdivision **that has a governing body or budget approval body; or**
- (7) **chief executive officer of any other political subdivision that does not have a governing body or budget approval body.**

SECTION 3. IC 36-1-2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 9. "Legislative body" means **the**:

- (1) board of county commissioners, for a county not subject to IC 36-2-3.5 or IC 36-3-1;
- (2) county council, for a county subject to IC 36-2-3.5;
- (3) city-county council, for a consolidated city or county having a consolidated city;
- (4) common council, for a city other than a consolidated city;
- (5) town council, for a town; or
- (6) township board, for a township;
- (7) **governing body of any other political subdivision that has a governing body; or**
- (8) **chief executive officer of any other political subdivision that does not have a governing body.**

SECTION 4. IC 36-1.5 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

ARTICLE 1.5. GOVERNMENT MODERNIZATION

Chapter 1. General Provisions

Sec. 1. The purpose of this article is to do the following:

- (1) **Grant broad powers to enable political subdivisions to operate more efficiently by eliminating restrictions under existing law that:**

- (A) **impede the economy of operation of;**
- (B) **interfere with the ease of administration of;**
- (C) **inhibit cooperation among; and**
- (D) **thwart better government by;**

political subdivisions.

- (2) **Encourage efficiency by and cooperation among political subdivisions to:**

- (A) **reduce reliance on property taxes; and**
- (B) **enhance the ability of political subdivisions to provide critical and necessary services.**

- (3) **Strengthen the financial condition of state government.**

Sec. 2. This article contains full and complete authority for the following:

- (1) **Reorganization of political subdivisions.**
- (2) **Exercise of governmental functions under a cooperative agreement under this article.**

- (3) **Transfer of responsibilities between offices and officers under this article.**

Sec. 3. Except as provided in this article, no law, procedure, proceedings, publications, notices, consents, approvals, orders, or acts by a political subdivision or any officer, department, agency, or instrumentality of the state or a political subdivision is required for political subdivisions to:

- (1) **reorganize;**
- (2) **enter into or exercise governmental functions under a cooperative agreement; or**
- (3) **transfer responsibilities between offices and officers; under this article.**

Sec. 4. A political subdivision may exercise the powers granted under this article to reorganize or enter into cooperative agreements without complying with the provisions of any other law, statute, or rule.

Sec. 5. This article shall be liberally construed to effect the purposes of this article.

Sec. 6. Except as otherwise specifically provided by law, to the extent the provisions of this article are inconsistent with the provisions of any other general, special, or local law, the provisions of this article are controlling, and compliance with this article shall be treated as compliance with the conflicting law.

Sec. 7. This article does not prohibit the:

- (1) **reorganization of one (1) or more political subdivisions;**
- (2) **exercise of governmental functions under an interlocal cooperation agreement or a cooperative agreement; or**
- (3) **transfer of responsibilities between offices and officers; under another law that is not included in this article.**

Sec. 8. More than one (1) resolution permitted under this article may be consolidated into a combined resolution.

Sec. 9. Political subdivisions and reorganization committees acting under this article are subject to IC 5-14-1.5 (open door law) and IC 5-14-3 (public records law).

Chapter 2. Definitions

Sec. 1. Except as provided in section 4 of this chapter, the definitions in IC 3-5-2 and IC 36-1-2 apply throughout this article.

Sec. 2. The definitions in this chapter apply throughout this article.

Sec. 3. "Plan of reorganization" refers to a plan of reorganization approved by the legislative body of each reorganizing political subdivision under this article.

Sec. 4. "Political subdivision" has the meaning set forth in IC 36-1-2, except that the term does not include a local hospital authority or corporation.

Sec. 5. "Reorganization" means a change in the structure or administration of a political subdivision described in IC 36-1.5-4-3 and IC 36-1.5-4-4.

Sec. 6. "Reorganization committee" refers to a committee established under this article to assist reorganizing political subdivisions with developing a plan of reorganization.

Sec. 7. "Reorganized political subdivision" means the political subdivision that is the successor to the reorganizing political subdivisions participating in a reorganization.

Sec. 8. "Reorganizing political subdivision" refers to a political subdivision in which:

- (1) a resolution has been adopted under IC 36-1.5-4-10; or
- (2) a petition has been filed under IC 36-1.5-4-11.

Chapter 3. Adjustment of Maximum Permissible Levies, Tax Rates, and Budgets

Sec. 1. A certified copy of an ordinance or a resolution, including any incorporated agreement, that is adopted under this article must be submitted to the department of local government finance.

Sec. 2. The department of local government finance may take an action under this chapter in the manner prescribed by the department of local government finance in its rules adopted under IC 4-22-2.

Sec. 3. A political subdivision may petition for judicial review of a final determination of the department of local government finance under this chapter. The petition must be filed in the tax court not more than forty-five (45) days after the department of local government finance enters its order under this chapter.

Sec. 4. Subject to this chapter, the department of local government finance shall adjust the maximum permissible property tax levies, maximum permissible property tax rates, and budgets of political subdivisions that enter into a reorganization under this article as the department of local government finance determines necessary to do the following:

- (1) Eliminate double taxation by different political subdivisions for services or goods provided under this article.
- (2) Eliminate any excess by which the amount of property taxes imposed by a political subdivision exceeds the amount necessary to pay for services or goods provided under this article.
- (3) Restore taxing powers of a political subdivision after the termination of a reorganization under this article that are necessary to fund governmental services to the individuals and entities served by the political subdivision.
- (4) Restore taxing powers of a political subdivision after the withdrawal of a party from a reorganization under this article that are necessary to fund governmental services to the individuals and entities served by the political subdivision.

Sec. 5. The department shall establish a formula for adjusting maximum permissible property tax levies, maximum permissible property tax rates, and budgets under this chapter that permits a political subdivision (or a successor political subdivision) that realizes a:

- (1) savings to its taxpayers; or
- (2) reduction in the reasonably foreseeable expenses that would otherwise be incurred by its taxpayers;

through a reorganization under this article to continue to levy part of the realized savings or reduction. The adjustment under this section may not exceed fifty percent (50%) of the savings or reduction realized in the first full year of operation after the reorganization is implemented, as determined by the department of local government finance.

Chapter 4. Reorganization by Referendum

Sec. 1. (a) Any of the following may reorganize under this chapter:

- (1) Two (2) or more counties. A county reorganizing under this subdivision must be adjacent to at least one (1) other

county participating in the reorganization.

(2) Two (2) or more townships located entirely within the same county. A township reorganizing under this subdivision must be adjacent to at least one (1) other township participating in the reorganization.

(3) Two (2) or more municipalities. A municipality reorganizing under this subdivision must be adjacent to at least one (1) other municipality participating in the reorganization.

(4) Two (2) or more school corporations. A school corporation reorganizing under this subdivision must be adjacent to at least one (1) other school corporation participating in the reorganization.

(5) Two (2) or more municipal corporations, other than a unit or a school corporation, that have substantially equivalent powers. A municipal corporation reorganizing under this subdivision must be adjacent to at least one (1) other municipal corporation participating in the reorganization.

(6) Two (2) or more special taxing districts that are adjacent to at least one (1) other special taxing district participating in the reorganization.

(7) A township and a municipality that is located in any part of the same township.

(8) A county and one (1) or more townships that are located in the county.

(9) A municipality and a county that does not contain a consolidated city.

(10) A school corporation and a county or municipality in which a majority of the students of the school corporation have legal settlement (as defined by IC 20-18-2-11).

(11) A municipal corporation, other than a unit or a school corporation, and a county or municipality in which a majority of the population of the municipal corporation resides.

(b) If a political subdivision reorganizes under this article with one (1) or more other political subdivisions:

- (1) any political subdivisions that did not participate in the public question on the reorganization are not reorganized under this article;
- (2) the reorganization affects only those political subdivisions in which the reorganization is approved as specified in this article; and
- (3) the reorganization does not affect the rights, powers, and duties of any political subdivisions in the county in which the reorganization is not approved as specified in this article.

Sec. 2. For purposes of this chapter, two (2) political subdivisions may not be treated as adjacent if the political subdivisions are connected by a strip of land that is less than one hundred fifty (150) feet wide.

Sec. 3. Political subdivisions described in section 1 of this chapter may participate under this chapter in any of the following types of reorganization:

- (1) Consolidation of the participating political subdivisions into a single new political subdivision.
- (2) Consolidation of the participating political subdivisions into one (1) of the participating political subdivisions.

Sec. 4. As part of a reorganization in a finally approved plan of reorganization, one (1) or more of the reorganizing political subdivisions or the reorganized political subdivision may do the following:

- (1) Adjust any of its boundaries.
- (2) Establish a joint service area with another political subdivision.
- (3) Transfer the functions of an office to another office.
- (4) Provide for a legislative body, an executive, or a fiscal body of the reorganized political subdivision to exercise the powers of a legislative body, an executive, or a fiscal body of a reorganizing political subdivision.
- (5) Change the name of the political subdivision or select a new name.

Sec. 5. (a) Except as provided in subsection (b), a reorganization approved under this chapter takes effect when all of the following have occurred:

- (1) The later of:
 - (A) the date that a copy of a joint certification from the county election board in each county in which reorganizing political subdivisions are located that indicates that:
 - (i) the reorganization has been approved by the voters of each reorganizing political subdivision; or
 - (ii) in the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization has been approved as set forth in section 32(b) of this chapter; is recorded as required by section 31 of this chapter; or
 - (B) the date specified in the finally adopted plan of reorganization.
- (2) The appointed or elected officers of the reorganized political subdivision are elected (as prescribed by section 36 of this chapter) or appointed and qualified, if:
 - (A) the reorganized political subdivision is a new political subdivision and reorganizing political subdivisions are not being consolidated into one (1) of the reorganizing political subdivisions;
 - (B) the reorganized political subdivision will have different boundaries than any of the reorganizing political subdivisions;
 - (C) the reorganized political subdivision will have different appointment or election districts than any of the reorganizing political subdivisions; or
 - (D) the finally adopted plan of reorganization requires new appointed or elected officers before the reorganization becomes effective.

(b) A reorganization approved under this chapter may not take effect during the year preceding a year in which a federal decennial census is conducted. A consolidation that would otherwise take effect during the year preceding a year in which a federal decennial census is conducted takes effect January 2 of the year in which a federal decennial census is conducted.

Sec. 6. When a reorganization under this chapter is effective:

- (1) all of the participating political subdivisions, except the reorganized political subdivision, cease to exist;
- (2) unless the plan of reorganization provides for the continuation of the term of office, the term of each of the elected offices of each of the reorganizing political

subdivisions is terminated;

- (3) if the plan of reorganization transfers the responsibilities of any office to another office, the office from which the responsibilities were transferred is abolished;
- (4) the executives, legislative bodies, and fiscal bodies of the reorganizing political subdivisions (other than any reorganizing political subdivision that is treated under the plan of reorganization as the successor reorganized political subdivision) are abolished, and the responsibilities of the executives, legislative bodies, and fiscal bodies are transferred to the executive, legislative body, and fiscal body of the reorganized political subdivision; and
- (5) the property and liabilities of the reorganizing political subdivisions become the property and liabilities of the reorganized political subdivision, subject to section 40 of this chapter.

Sec. 7. In the year before the year in which the participating political subdivisions are reorganized under this chapter:

- (1) the fiscal bodies of the reorganizing political subdivisions shall, in the manner provided by IC 6-1.1-17, adopt tax levies, tax rates, and a budget for the reorganized political subdivision either through the adoption of substantially identical resolutions adopted by each of the fiscal bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the fiscal bodies on which the members of each of the fiscal bodies are represented; and
- (2) if the reorganized political subdivision will have elected offices and different election districts than any of the reorganizing political subdivisions, the legislative bodies of the reorganizing political subdivisions shall establish the election districts either through the adoption of substantially identical resolutions adopted by each of the legislative bodies or, if authorized in the plan of reorganization, through a joint board established under an agreement of the legislative bodies on which the members of each of the legislative bodies are represented.

Sec. 8. The department of local government finance may prescribe forms for petitions, resolutions, certifications, and other writings required under this chapter. A petition, resolution, certification, or other writing related to a reorganization must be substantially in the form prescribed by the department of local government finance.

Sec. 9. A reorganization may be initiated by:

- (1) adopting a resolution under section 10 of this chapter; or
- (2) filing a petition under section 11 of this chapter.

Sec. 10. (a) The legislative body of a political subdivision may initiate a proposed reorganization under this chapter by adopting a resolution that:

- (1) proposes a reorganization;
- (2) names the political subdivisions that would be reorganized in the proposed reorganization; and
- (3) only in the case of a proposed reorganization described in section 1(a)(9) of this chapter, states whether the vote on the public question regarding the reorganization shall be:
 - (A) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or

(B) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.

(b) The clerk of the political subdivision adopting the resolution shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 11. (a) The voters of a political subdivision may initiate a proposed reorganization by filing a written petition, substantially in the form prescribed by the department, with the clerk of the political subdivision that:

- (1) proposes a reorganization; and**
- (2) names the political subdivisions that would be reorganized in the proposed reorganization.**

(b) If the written petition is signed by at least five percent (5%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election, the clerk of the political subdivision shall certify the petition to the legislative body of the political subdivision.

Sec. 12. (a) If a petition is certified to the legislative body of a political subdivision under section 11 of this chapter, the legislative body shall conduct a public hearing on the proposed reorganization not sooner than five (5) days after publishing a notice of the public hearing under IC 5-3-1. Not more than thirty (30) days after the conclusion of the public hearing the legislative body shall adopt a resolution, substantially in the form prescribed by the department of local government finance, to do any of the following:

- (1) Decline to participate in the proposed reorganization.**
- (2) Propose a reorganization with the political subdivisions named in the petition.**
- (3) Propose a reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in the petition.**

(b) In the case of a resolution adopted under this section proposing a reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

- (1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or**
- (2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.**

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 13. (a) The legislative body of a political subdivision that receives a certified resolution under section 10 or 12 of this chapter may do any of the following:

- (1) Adopt a resolution declining to participate in a proposed reorganization.**
- (2) Adopt a substantially identical resolution proposing to participate in a proposed reorganization with the political subdivisions named in a resolution certified to the political subdivision.**
- (3) Adopt a resolution proposing to participate in a proposed reorganization with political subdivisions that differ in part or in whole from the political subdivisions named in a resolution certified to the political subdivision.**

(b) In the case of a resolution adopted under this section proposing to participate in a proposed reorganization described in section 1(a)(9) of this chapter, the resolution must also state whether the vote on the public question regarding the reorganization shall be:

- (1) conducted on a countywide basis under section 30(b) of this chapter, without a rejection threshold; or**
- (2) conducted on a countywide basis under section 30(b) of this chapter, with a rejection threshold.**

(c) The clerk of the political subdivision adopting a resolution proposing a reorganization under this section shall certify the resolution to the clerk of each political subdivision named in the resolution.

Sec. 14. The legislative body of a political subdivision may revise a resolution certified under section 10, 12, or 13 of this chapter by adding or deleting proposed parties to the reorganization until all of the political subdivisions named in the resolution have adopted substantially identical reorganization resolutions.

Sec. 15. Not later than thirty (30) days after the clerk of the last political subdivision to adopt a reorganization resolution under this chapter has certified the substantially identical resolution to all of the political subdivisions named in the resolution, the reorganizing political subdivisions shall appoint the number of individuals specified in section 16 of this chapter to serve on a reorganization committee to develop a plan of reorganization for the reorganizing political subdivisions.

Sec. 16. (a) Members shall be appointed to a reorganization committee as follows:

- (1) In accordance with an agreement adopted by the reorganizing political subdivisions. An agreement under this subdivision must provide that not more than a simple majority of the members appointed by each political subdivision may be members of the same political party.**
- (2) If an agreement does not provide for the membership of a reorganization committee under this chapter, three (3) members shall be appointed by the executive of each political subdivision participating in the reorganization. Not more than two (2) of the members appointed by an executive of a political subdivision may be members of the same political party.**

(b) The members of a reorganization committee serve at the pleasure of the appointing authority. The reorganization committee shall select a chairperson and any other officers that the reorganization committee determines necessary from the members of the reorganization committee.

(c) The members of a reorganization committee serve without compensation. The members, however, are entitled to reimbursement from the reorganizing political subdivisions for the necessary expenses incurred in the performance of their duties.

(d) The reorganizing political subdivisions shall provide necessary office space, supplies, and staff to the reorganization committee. The reorganizing political subdivisions may employ attorneys, accountants, consultants, and other professionals for the reorganization committee.

(e) Except as otherwise provided in an agreement adopted by the reorganizing political subdivisions, claims for expenditures

for the reorganization committee shall be made to the fiscal officer for the reorganizing political subdivision with the largest population. The fiscal officer shall pay the necessary expenditures and obtain reimbursement from the reorganizing political subdivisions:

- (1) in accordance with an agreement adopted by the reorganizing political subdivisions; or
- (2) in the absence of an agreement, in proportion to the population of each reorganizing political subdivision.

Sec. 17. A reorganization committee may do the following:

- (1) Adopt procedures governing the internal management of the reorganization committee.
- (2) Conduct public hearings on the plan of reorganization as the reorganization committee determines necessary or appropriate.
- (3) Review the books and records of any reorganizing political subdivision.
- (4) Administer oaths.
- (5) Issue and enforce subpoenas and discovery orders under IC 4-21.5.

Sec. 18. (a) A reorganization committee shall prepare a comprehensive plan of reorganization for the reorganizing political subdivisions. The plan of reorganization governs the actions, duties, and powers of the reorganized political subdivision that are not specified by law.

(b) The plan of reorganization must include at least the following:

- (1) The name and a description of the reorganized political subdivision that will succeed the reorganizing political subdivisions.
- (2) A description of the boundaries of the reorganized political subdivision.
- (3) Subject to section 40 of this chapter, a description of the taxing areas in which taxes to retire obligations of the reorganizing political subdivisions will be imposed.
- (4) A description of the membership of the legislative body, fiscal body, and executive of the reorganized political subdivision, a description of the election districts or appointment districts from which officers will be elected or appointed, and the manner in which the membership of each elected or appointed office will be elected or appointed.
- (5) A description of the services to be offered by the reorganized political subdivision and the service areas in which the services will be offered.
- (6) The disposition of the personnel, the agreements, the assets, and, subject to section 40 of this chapter, the liabilities of the reorganizing political subdivisions, including the terms and conditions upon which the transfer of property and personnel will be achieved.
- (7) Any other matter that the:
 - (A) reorganization committee determines to be necessary or appropriate; or
 - (B) legislative bodies of the reorganizing political subdivisions require the reorganization committee; to include in the plan of reorganization.
- (8) In the case of a reorganization described in section 1(a)(9) of this chapter, if the legislative bodies of the reorganizing political subdivisions have specified that the

vote on the public question regarding the reorganization shall be conducted on a countywide basis under section 30(b) of this chapter with a rejection threshold, the reorganization committee shall include in the reorganization plan a rejection threshold, specified as a percentage, that applies for purposes of section 32(b) of this chapter. The rejection threshold must be the same for each municipality that is a party to the proposed reorganization and to the county that is a party to the proposed reorganization.

(9) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee shall determine and include in the reorganization plan the percentage of voters voting on the public question regarding the proposed reorganization who must vote, on a countywide basis, in favor of the proposed reorganization for the public question to be approved. This percentage is referred to in this chapter as the "countywide vote approval percentage". The countywide vote approval percentage must be greater than fifty percent (50%).

(c) In the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization committee may not change the decision of the legislative bodies of the reorganizing political subdivisions regarding whether the vote on the public question regarding the reorganization shall be conducted on a countywide basis without a rejection threshold or with a rejection threshold.

(d) Upon completion of the plan of reorganization, the reorganization committee shall present the plan of reorganization to the legislative body of each of the reorganizing political subdivisions for adoption. The initial plan of reorganization must be submitted to the legislative body of each of the reorganizing political subdivisions not later than one (1) year after the clerk of the last political subdivision that adopts a reorganization resolution under this chapter has certified the resolution to all of the political subdivisions named in the resolution.

Sec. 19. The legislative body of each of the reorganizing political subdivisions shall provide for the following:

- (1) Consideration of a plan of reorganization presented by a reorganization committee in the form of a resolution incorporating the plan of reorganization in full or by reference.
- (2) Reading of the resolution incorporating the plan of reorganization in at least two (2) separate meetings of the legislative body of the political subdivision.
- (3) Conducting a public hearing on the plan of reorganization:
 - (A) not sooner than five (5) days after notice of the public hearing is published under IC 5-3-1; and
 - (B) before the legislative body takes final action on the resolution to adopt the plan of reorganization.

Sec. 20. At a public hearing on a plan of reorganization conducted under section 19 of this chapter, or in a public meeting held not more than thirty (30) days after the public hearing concludes, a legislative body of a reorganizing political subdivision shall do one (1) of the following:

- (1) Adopt the plan of reorganization as presented to the legislative body.
- (2) Adopt the plan of reorganization with modifications.

(3) Reject the plan of reorganization and order a reorganization committee to submit a new plan of reorganization within thirty (30) days after the legislative body rejects the plan of reorganization.

Sec. 21. Any modifications in a plan of reorganization that are adopted by a legislative body of a reorganizing political subdivision must be adopted by the legislative body of each of the reorganizing political subdivisions before the modifications are effective.

Sec. 22. The legislative body of each reorganizing political subdivision shall take any of the actions described in section 20 of this chapter on a revised plan of reorganization submitted by a reorganization committee and each resolution modifying a plan of reorganization or revised plan of reorganization in the same manner as the legislative body may take action on the initially submitted plan of reorganization.

Sec. 23. The legislative body of a reorganizing political subdivision shall certify the legislative body's final action on a plan of reorganization or revised plan of reorganization, as modified by the legislative body, in the manner prescribed by the department of local government finance, to the following:

- (1) The chair of the reorganization committee.
- (2) The clerk of each reorganizing political subdivision.
- (3) The county fiscal officer of each county in which a reorganizing political subdivision is located.
- (4) The county recorder of each county in which a reorganizing political subdivision is located.

Sec. 23.5. The following apply if the legislative bodies of all political subdivisions that have been presented with a plan of reorganization under section 18(d) of this chapter have not adopted a plan of reorganization, either as presented by the reorganization committee or as modified by all of the political subdivisions, within one (1) year after the initial plan of reorganization is presented:

- (1) Not later than one (1) month after the end of the one (1) year period in which the legislative bodies must adopt a plan of reorganization, the reorganization committee shall submit a final plan of reorganization to the legislative bodies of the political subdivisions.
- (2) Not later than one (1) month after receiving the final plan of reorganization under subdivision (1), each of the legislative bodies must:
 - (A) hold a hearing on the final plan of reorganization; and
 - (B) adopt either a resolution approving the final plan of reorganization or a resolution rejecting the final plan of reorganization.

If a legislative body does not adopt a resolution under this subdivision within the one (1) month period, the failure to adopt a resolution is considered to be an approval of the final plan of reorganization.

- (3) If a legislative body adopts a resolution approving the final plan of reorganization, the legislative body shall certify its approval under section 23 of this chapter.
- (4) If any of the legislative bodies adopts a resolution rejecting the final plan of reorganization, the registered voters of a political subdivision in which the final plan of reorganization was rejected by a legislative body under

subdivision (2) may submit a petition to the clerk of the circuit court approving the final plan of reorganization and requesting that a public question be held on the final plan of reorganization. The petition must be submitted not later than one hundred eighty (180) days after the legislative body voted to reject the final plan of reorganization. If the petition is signed by at least ten percent (10%) of the voters of the political subdivision, as determined by the vote cast in the political subdivision for secretary of state at the most recent general election:

- (A) the political subdivision is considered to have approved the holding of the public question on the final plan of reorganization, notwithstanding the vote by the legislative body rejecting the final plan of reorganization; and
- (B) the clerk of the circuit court shall certify approval of the final plan of the reorganization and the holding of the public question in the manner specified in section 23 of this chapter.

Sec. 24. The legislative body of the reorganizing political subdivision with the largest population shall provide for a certified copy of the plan of reorganization to be filed with each of the following at the same time certifications are made under section 23 of this chapter:

- (1) The county recorder of each county in which a reorganizing political subdivision is located.
- (2) The department of local government finance.
- (3) If any of the reorganizing political subdivisions is a school corporation, the department of education.
- (4) If the plan of reorganization changes any election district or abolishes an elected office, the clerk of the circuit court in each county affected by the election district or elected office.

Sec. 25. Each county recorder receiving a certification under section 23 of this chapter, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision, shall record the certification and the plan of reorganization in the records of the county recorder without charge.

Sec. 26. When a county recorder has received certifications under this chapter from all of the reorganizing political subdivisions, either from the legislative body of a political subdivision or from a clerk of the circuit court after a petition process under section 23.5 of this chapter in a political subdivision, the county recorder shall notify the county election board of each county in which a reorganizing political subdivision is located that a public question on a plan of reorganization is eligible to be placed on the ballot for consideration of the voters of each of the reorganizing political subdivisions or (in the case of a reorganization described in section 1(a)(9) of this chapter) for consideration by the voters of the entire county.

Sec. 27. After the county recorder of each county in which reorganizing political subdivisions are located has notified the county election board that a public question on a plan of reorganization is eligible to be placed on the ballot, the county election board shall place the public question on the ballot in

accordance with IC 3-10-9 on the first regularly scheduled election that will occur in all of the precincts of the reorganizing political subdivisions at least sixty (60) days after the required notices are received.

Sec. 28. A public question under this chapter shall be placed on the ballot in all of the precincts that are located in the reorganizing political subdivisions in substantially the following form:

"Shall _____ (insert name of political subdivision) and _____ (insert name of political subdivision) reorganize as a single political subdivision?".

Sec. 29. IC 3 applies to the election at which a public question under this chapter is considered.

Sec. 30. (a) Except as provided in subsection (b), at the same time that election results are certified under IC 3, the circuit court clerk of each of the counties in which a public question under this chapter is on the ballot shall jointly issue, in the form prescribed by the state election board, a certificate declaring whether the public question is approved or rejected by a majority of the voters voting on the public question in each of the reorganizing political subdivisions. In addition to any other requirements in IC 3 concerning filing of the certification, the certification shall be sent to each of the following:

- (1) The clerk of each of the reorganizing political subdivisions.
- (2) The county auditor of each county in which a reorganizing political subdivision is located.
- (3) The county recorder of each county in which a reorganizing political subdivision is located.
- (4) The state board of accounts.
- (5) The department of local government finance.
- (6) The department of state revenue.
- (7) The budget agency.
- (8) If any of the reorganizing political subdivisions is a school corporation, the department of education.

(b) In the case of a public question on a reorganization described in section 1(a)(9) of this chapter:

- (1) the public question on a plan of reorganization shall be placed on the ballot for consideration by the voters of the entire county;
- (2) the vote on the public question by the voters of the entire county shall be tabulated;
- (3) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the vote on the public question by the voters of:

- (A) each reorganizing municipality; and
- (B) the county (excluding the voters of the reorganizing municipalities);

shall be tabulated separately; and

- (4) the circuit court clerk shall issue, in a form prescribed by the state election board, separate certificates regarding whether the public question is approved or rejected by the voters of:

- (A) the entire county;
- (B) each reorganizing municipality (if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be

conducted with a rejection threshold); and

(C) the county, excluding the voters of the reorganizing municipalities (if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold);

voting on the public question

Sec. 31. Each county recorder receiving a certification from a circuit court clerk under section 30 of this chapter shall file the certification without charge with the plan of reorganization recorded under section 25 of this chapter.

Sec. 32. (a) This subsection does not apply to a reorganization described in section 1(a)(9) of this chapter. A reorganization as specified in the plan of reorganization is approved if a majority of the voters in each reorganizing political subdivision voting on the public question approve the public question on the reorganization. The vote of voters of a reorganizing political subdivision (for example, a city) who also are voters in a second reorganizing political subdivision (for example, a township) that is geographically larger than the first political subdivision and that includes the territory of the first political subdivision shall be included only in the tally of votes for the first reorganizing political subdivision in which the voters reside.

(b) This subsection applies only to a reorganization described in section 1(a)(9) of this chapter. The reorganization is approved only if:

- (1) the percentage of voters voting on the public question who vote, on a countywide basis, in favor of the proposed reorganization is at least equal to the countywide vote approval percentage specified in the final reorganization plan;
- (2) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of the county (excluding the voters of the reorganizing municipalities) voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan; and
- (3) if the legislative bodies of the reorganizing political subdivisions have agreed that the vote on the public question shall be conducted with a rejection threshold, the percentage of voters of each reorganizing municipality voting on the public question who vote against the reorganization is less than the rejection threshold included in the final reorganization plan.

If the reorganization is not approved, the reorganization is terminated. If the legislative bodies of the reorganizing political subdivisions have agreed that the vote in the public question shall be conducted with a rejection threshold, then in tabulating the votes under subdivisions (2) and (3), the vote of voters of a reorganizing municipality who also are voters in the county shall be included only in the tally of votes for the municipality in which the voters reside.

Sec. 33. Except in the case of a reorganization described in section 1(a)(9) of this chapter, if a reorganization is not approved by the majority of the voters in each reorganizing political subdivision voting on the public question, the reorganization is

terminated. A political subdivision in which voters of the political subdivision approved the reorganization may continue with a reorganization with another political subdivision in which the reorganization was approved only if a new plan of reorganization is approved by the voters of each political subdivision in the manner provided by this chapter. The reorganization committee shall adopt a plan to specify how matters related to the termination of the reorganization shall be handled.

Sec. 34. (a) This section applies if:

- (1) in the case of a reorganization that is not described in section 1(a)(9) of this chapter, the majority of the voters of each of the reorganizing political subdivisions voting on the public question approve the public question concerning the reorganization; or
- (2) in the case of a reorganization described in section 1(a)(9) of this chapter, the reorganization is approved as set forth in section 32(b) of this chapter.

(b) The political subdivisions are reorganized in the form and under the conditions specified by the legislative bodies of the reorganizing political subdivisions in the plan of reorganization filed with the county recorder under this chapter.

Sec. 35. (a) This section applies to an initial election:

- (1) of the members of a governing body or officers that are elected by the voters for a reorganized political subdivision that:
 - (A) is a town; and
 - (B) has town boundaries that encompass part of another town that was part of the reorganization;
- (2) that is conducted before the reorganization takes effect; and
- (3) to which IC 3-10-7-1 applies.

(b) The members of each precinct board shall be jointly appointed by the town election boards of each of the reorganizing political subdivisions.

Sec. 36. (a) This section applies if section 5 of this chapter requires an election for a reorganization to become effective.

(b) At the next:

- (1) general election, if the reorganized political subdivision is not a municipality or a school corporation;
- (2) municipal election, if the reorganized political subdivision is a municipality; or
- (3) primary or general election, as specified in an election plan adopted in substantially identical resolutions by the legislative body of each of the participating political subdivisions if the reorganized political subdivision is a school corporation;

after the voters approve a reorganization, one (1) set of officers for the reorganized political subdivision having the combined population of the reorganizing political subdivisions shall be elected by the voters in the territory of the reorganized political subdivision as prescribed by statute.

(c) In the election described in subsection (b):

- (1) one (1) member of the legislative body of the reorganized political subdivision shall be elected from each election district established by the reorganizing political subdivisions in substantially identical resolutions adopted by the legislative body of each of the reorganizing political subdivisions; and

(2) the total number of at large members shall be elected as prescribed by statute for the reorganized political subdivision.

(d) If appointed officers are required in the reorganized political subdivision, one (1) set of appointed officers shall be appointed for the reorganized political subdivision. The appointments shall be made as required by statute for the reorganized political subdivision. Any statute requiring an appointed officer to reside in the political subdivision where the appointed officer resides shall be treated as permitting the appointed officer to reside in any part of the territory of the reorganized political subdivision.

Sec. 37. The legislative bodies of the reorganizing political subdivisions and an adjacent political subdivision may change the boundaries of the reorganized political subdivision by adopting substantially identical resolutions clearly describing the boundary changes. The resolutions must be filed as required by law for a boundary change for the reorganized political subdivision and may not provide for a territory that is smaller than the territory permitted by law for any of the political subdivisions. If the law establishes additional procedures for the annexation or disannexation of the territory of a political subdivision, the political subdivisions changing boundaries must comply with the annexation or disannexation procedures required by law.

Sec. 38. A reorganized political subdivision has the powers granted by statute to a political subdivision of the same type as the reorganized political subdivision. However, if authorized by the plan of reorganization approved by the voters in a public question under this chapter, the reorganized political subdivision will exercise a power or have the officers or number of offices that a statute would have permitted any of the reorganizing political subdivisions to have.

Sec. 39. If a law does not permit the reorganized political subdivision to exercise generally throughout the territory of the reorganized political subdivision a power that any of the reorganizing political subdivisions had before the reorganization, the reorganized political subdivision may exercise the power outside the original territory of the reorganizing political subdivision only by following the laws applicable to the expansion of the service area of the reorganizing political subdivision.

Sec. 40. The following apply in the case of a reorganization under this article:

(1) Indebtedness that was incurred by a political subdivision before the reorganization:

- (A) may not be imposed on taxpayers that were not responsible for payment of the indebtedness before the reorganization; and
- (B) must be paid by the taxpayers that were responsible for payment of the indebtedness before the reorganization.

(2) Pension obligations existing as of the effective date of the reorganization:

- (A) may not be imposed on taxpayers that were not responsible for payment of the pension obligations before the reorganization; and
- (B) must be paid by the taxpayers that were responsible for payment of the pension obligations before the

reorganization.

Sec. 41. (a) Notwithstanding any other law, an individual:

- (1) who is employed as a firefighter or a police officer by a political subdivision that is reorganized under this article;
- (2) who is a member of the 1977 fund before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the fire department, police department, or county police department of the reorganized political subdivision;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter or police officer shall receive credit for any service as a member of the 1977 fund before the reorganization to determine the firefighter's or police officer's eligibility for benefits under IC 36-8-8.

(b) Notwithstanding any other law, an individual:

- (1) who is employed as a firefighter by a political subdivision that is reorganized under this article;
- (2) who is a member of the 1937 fund before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the fire department of the reorganized political subdivision;

remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the reorganization to determine the firefighter's eligibility for benefits under IC 36-8-7.

(c) Notwithstanding any other law, an individual:

- (1) who is employed as a member of a county police department by a political subdivision that is reorganized under this article;
- (2) who is a member of the sheriff's pension trust before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes a law enforcement officer of the reorganized political subdivision;

remains a member of the sheriff's pension trust. The individual shall receive credit for any service as a member of the sheriff's pension trust before the reorganization to determine the individual's eligibility for benefits under IC 36-8-10.

(d) Notwithstanding any other law, an individual:

- (1) who is employed as a police officer by a political subdivision that is reorganized under this article;
- (2) who is a member of the 1925 fund or 1953 fund before the effective date of the reorganization under this article; and
- (3) who, after the reorganization, becomes an employee of the police department or county police department of the reorganized political subdivision;

remains a member of the 1925 fund or 1953 fund. The police officer shall receive credit for any service as a member of the 1925 fund or 1953 fund before the reorganization to determine the police officer's eligibility for benefits under IC 36-8-6 or IC 36-8-7.5.

(e) Notwithstanding any other law, an individual:

- (1) who is employed by a political subdivision that is reorganized under this article;
- (2) who is a member of the pre-1996 account (as defined in IC 21-6.1-1-6.9) before the effective date of the reorganization under this article; and

- (3) who, after the reorganization, becomes an employee of the reorganized political subdivision in a position that qualifies the individual for service credit in the Indiana state teachers' retirement fund;

remains a member of the pre-1996 account.

Sec. 42. If the functions of an elected office are transferred to another elected office by a reorganization under this article, any law, rule, or agreement that requires or permits an action by an elected officer shall be treated after the functions of the elected officer are transferred as referring to the elected officer to which the functions have been transferred by the reorganization.

Sec. 43. The legislative body or voters of a reorganized political subdivision may terminate a reorganization or restore one (1) or more of the reorganizing political subdivisions participating in a reorganization in the same manner that a reorganization may be initiated under this chapter. If the voters in the reorganized political subdivision approve a public question approving termination of the reorganization or restoration of a reorganizing political subdivision, the reorganized political subdivision shall terminate the reorganization and restore the reorganizing political subdivisions in the same manner as a reorganization is completed under this chapter.

Chapter 5. Cooperative Agreements and Transfers of Responsibilities

Sec. 1. Notwithstanding any other law, two (2) or more political subdivisions may enter into a cooperative agreement under this chapter by using the same procedures set forth in this article for the initiation and approval of a reorganization under this article. A cooperative agreement under this chapter may be initiated and approved only in the manner set forth in this article for the initiation and approval of a reorganization under this article.

Sec. 2. (a) A cooperative agreement under this chapter must provide at least for the following:

- (1) Its duration.
- (2) Its purpose.
- (3) The manner of financing, staffing, and supplying any joint undertaking and of establishing and maintaining a budget for any joint undertaking that is the subject of the cooperative agreement.
- (4) The methods that may be employed in accomplishing the partial or complete termination of the cooperative agreement and for disposing of property upon partial or complete termination of the cooperative agreement.
- (5) The manner in which the cooperative agreement is to be administered.
- (6) The manner of acquiring, holding, and disposing of real and personal property that is the subject of the cooperative agreement.

(b) A cooperative agreement may include any condition or term that is necessary or appropriate.

Sec. 3. (a) The cooperative agreement may transfer the functions of an employee or a department of a political subdivision, including an elected office, to another employee or department of any political subdivision that has entered into the cooperative agreement.

(b) The functions of an elected office may be transferred only to another elected office.

(c) The cooperative agreement may provide for the abolishment of an elected office that is not required by the Constitution of the State of Indiana.

Sec. 4. A political subdivision may enter into a cooperative agreement with an entity to share the services of an employee employed by any party to the agreement.

Sec. 5. A cooperative agreement may provide that a political subdivision:

(1) may appropriate and pledge any legally available revenues to the payment of the bonds, leases, or other obligations of another political subdivision that is a party to the cooperative agreement; and

(2) will appropriate legally available revenues for any other payment under the cooperative agreement;

if the political subdivision's fiscal body finds that it is necessary, desirable, and in the best interests of the residents of that political subdivision.

Sec. 6. (a) A cooperative agreement may not permit an entity or another instrumentality established to administer the cooperative agreement to take any action that at least one (1) of the parties to the cooperative agreement could not carry out on its own.

(b) A cooperative agreement may permit the transfer of money from one (1) fund of a political subdivision for a use authorized by the cooperative agreement.

Sec. 7. (a) A cooperative agreement transferring the functions of an elected office becomes effective only at the end of the term of the incumbent that holds the office.

(b) Any law, rule, or agreement that requires or permits an action by an employee or elected officer after the functions of the employee or elected officer are transferred shall be treated as referring to the employee or elected officer to which the functions have been transferred by the cooperative agreement.

Sec. 8. The department of local government finance shall adjust as necessary tax rates, tax levies, and budgets of political subdivisions that enter into a cooperative agreement under this chapter in the same manner as tax rates, tax levies, and budgets are adjusted under IC 36-1.5-3 for reorganizing political subdivisions.

SECTION 5. An emergency is declared for this act.

(Reference is to EHB 1362 as reprinted March 1, 2006.)

Buck, Chair

Riegsecker

Yount

Delph

House Conferees

Senate Conferees

Roll Call 412: yeas 44, nays 5. Report adopted.

SENATE MOTION

Madam President: I move that Conference Committee Report 1-2 to Engrossed Senate Bill 1, filed March 14, 2006, be withdrawn from further consideration by the Senate.

M. YOUNG

Motion prevailed.

JOINT RULE 20 COMMITTEE REPORTS

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee

on Rules and Legislative Procedure, to which was referred Engrossed House Bill 1235 because it conflicts with House Enrolled Act 1395-2006 without properly recognizing the existence of HEA 1395-2006, has had EHB 1235 under consideration and begs leave to report back to the Senate with the recommendation that EHB 1235 be corrected as follows:

In the conference committee report to EHB 1235-2006, page 2, line 30, delete "P.L.184-2005," and insert "HEA 1395-2006,".

In the conference committee report to EHB 1235-2006, page 2, line 31, delete "34," and insert "4".

In the conference committee report to EHB 1235-2006, page 2, between lines 49 and 50, begin a new paragraph and insert:

"(e) A change of venue from a judge must meet the requirements in IC 34-35-3-3 for court proceedings initiated under this section.".

(Reference is to EHB 1235 as reprinted February 28, 2006, and as amended by the conference committee report to EHB 1235.)

GARTON, Chair

R. YOUNG, R.M.M.

MILLER

Report adopted.

COMMITTEE REPORT

Madam President: Pursuant to Joint Rule 20, your Committee on Rules and Legislative Procedure, to which was referred Engrossed Senate Bill 47 because it conflicts with Senate Enrolled Act 132-2006 without properly recognizing the existence of SEA 132-2006, has had Engrossed Senate Bill 47 under consideration and begs leave to report back to the Senate with the recommendation that Engrossed Senate Bill 47 be corrected as follows:

In the conference committee report to ESB 47-2006, page 1, line 2, delete "P.L.177-2005," and insert "SEA 132-2006,".

In the conference committee report to ESB 47-2006, page 2, line 5, delete "division of family and children" and insert "department of child services".

In the conference committee report to ESB 47-2006, page 2, line 6, delete "a county office of family and children" and insert "the division of family resources".

In the conference committee report to ESB 47-2006, page 2, line 8, delete "IC 12-17.4." and insert "IC 31-27.".

In the conference committee report to ESB 47-2006, page 2, line 30, delete "health".

In the conference committee report to ESB 47-2006, page 2, line 31, delete "professions bureau".

In the conference committee report to ESB 47-2006, page 2, line 31, reset in roman "Indiana professional licensing agency".

(Reference is to ESB 47 as reprinted February 24, 2006, and as amended by the conference committee report to ESB 47.)

GARTON, Chair

R. YOUNG, R.M.M.

HERSHMAN

Report adopted.

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 14, 2006, I signed the following enrolled acts into law: SEA 56, 57, 72,

73, 81, 85, 86, 94, 133, 208, 229, 275, and Senate Enrolled Joint Resolution 2.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker has appointed the following Members of the House of Representatives to notify the Senate that the House of Representatives has completed its business and is ready to adjourn. The Speaker appoints Representatives Walorski, Borrer, Aguilera, and Fry.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker has appointed the following Members for the purpose of ascertaining if the Senate has any further legislative business to transact with the House of Representatives. The Speaker appoints Representatives Yount, Hoffman, Tyler, and Bottorff.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the Speaker has appointed the following Members for the purpose of ascertaining if the Governor has any further communications to make to the House of Representatives with respect to the Second Session of the Indiana General Assembly. The Speaker appoints Representatives Messer, Wolkins, Kromkowski, and GiaQuinta.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolution 68 and the same is herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on Engrossed House Bill 1001-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills 1008-1, 1172-1, 1240-1, 1315-1, 1327-1,

and 1362-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed House Bills 1329-1 and 1338-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on Engrossed Senate Bill 172-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Reports on Engrossed Senate Bills 260-1 and 345-1.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1102.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 47.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1235.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1029.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate

that the House has accepted and approved the Joint Rule 20 correction on Engrossed Senate Bill 12.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has accepted and approved the Joint Rule 20 correction on Engrossed House Bill 1155.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 193.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 258.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 259.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed Senate Enrolled Act 260.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1001.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March

14, 2006, signed House Enrolled Act 1006.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1008.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1010.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1011.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1016.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1018.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1025.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1029.

ROBERT D. GARTON
President Pro Tempore

14, 2006, signed House Enrolled Act 1155.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1158.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1212.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1214.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1220.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1235.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1240.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1259.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1261.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1362.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1267.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1380.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1315.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1392.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1327.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 14, 2006, signed House Enrolled Act 1347.

ROBERT D. GARTON
President Pro Tempore

SENATE MOTION

Madam President: I move that at 11:59 p.m., this 14th day of March, 2006, the Senate do now adjourn *sine die*.

GARTON

Motion prevailed. The Senate adjourned *sine die*.

The Senate adjourned at 11: 59 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate

MESSAGES AFTER ADJOURNMENT

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 15, 2006, I signed the following enrolled acts into law: SEA 11, 35, 55, 40, 71, 102, 111, 147, and 160.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 15th day of March, 2006, signed Senate Enrolled Acts: 22, 42, 100, 112, 145, 157, 161, 231, 234, 235, 247, 266, 269, 283, 297, 300, 305, 321, 338, 339, 353, 369, 379, and 382.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 15th day of March, 2006, signed Senate Enrolled Acts: 58, 77, 84, 106, 192, 202, 296, and 362.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE PRESIDENT OF THE SENATE

Members of the Senate: I have on the 16th day of March, 2006, signed Senate Enrolled Acts: 6, 12, 41, 47, 75, 83, 87, 132, 139, 148, 153, 168, 172, 253, 284, 303, 333, 340, 345, 355, 359, and 370.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On, March 17, 2006, I signed the following enrolled acts into law: SEA 75, 77, 84, 114, 206, 264, 310, 342, 354, and 355.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 6.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March

17, 2006, signed Senate Enrolled Act 12.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 41.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 47.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 75.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 83.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 87.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March 17, 2006, signed Senate Enrolled Act 132.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE PRESIDENT PRO TEMPORE OF THE INDIANA STATE SENATE

Madam President and Members of the Senate: I have on March

ROBERT D. GARTON
President Pro Tempore

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Madam President and Members of the Senate: I have on March

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ROBERT D. GARTON
President Pro Tempore

Madam President and Members of the Senate: I have on March

17, 2006, signed House Enrolled Act 1158.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1212.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1214.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1220.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1235.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1240.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1259.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1261.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1267.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1315.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1327.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1347.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1362.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1380.

ROBERT D. GARTON
President Pro Tempore

**MESSAGE FROM THE PRESIDENT PRO TEMPORE
OF THE INDIANA STATE SENATE**

Madam President and Members of the Senate: I have on March 17, 2006, signed House Enrolled Act 1392.

ROBERT D. GARTON
President Pro Tempore

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 20, 2006, I signed the following enrolled acts into law: SEA 42, 283,

296, 297, 305, 321, 338, 362, 369, 231, 234, 269, 192, 100, 106, 112, 145, 157, 161, 247, 202, 266, and 339.

MITCHELL E. DANIELS, JR.
Governor

**MESSAGE FROM THE PRESIDENT
OF THE SENATE**

Members of the Senate: I have on the 20th day of March, 2006, signed Senate Enrolled Acts: 193, 258, 259, and 260.

REBECCA S. SKILLMAN
Lieutenant Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 21, 2006, I signed the following enrolled acts into law: SEA 22, 58, 235, 259, 300, 353, 379, and 382.

MITCHELL E. DANIELS, JR.
Governor

MESSAGE FROM THE GOVERNOR

Madam President and Members of the Senate: On March 24, 2006, I signed the following enrolled acts into law: SEA 6, 12, 41, 47, 83, 87, 132, 139, 148, 153, 168, 172, 193, 253, 258, 260, 284, 303, 333, 340, 345, 359, and 370.

MITCHELL E. DANIELS, JR.
Governor



Roll Calls
Roll Call Index
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INDIANA SENATE
114TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2006

INDIANA STATE SENATE

Roll Call Number: 7

Date: 01/17/2006

Time: 1:58:26 PM

SEA 218

Nugent
Governor's Veto
Safety belts.

Presiding: President

YEAS - 11

NAYS - 38

EXCUSED - 1

SUSTAINED

YEAS - 11

Bray
Broden
Harrison

Howard
Kruse
Lewis

Nugent
Simpson
Skinner

Waltz
Young, M

NAYS - 38

Alting
Becker
Bowser
Breaux
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Heinold
Hershman
Hume
Kenley
Lanane
Landske
Lawson
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Paul
Riegsecker
Rogers
Sipes

Smith
Steele
Tallian
Waterman
Weatherwax
Wyss
Young, R.
Zakas

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 9

Date: 01/19/2006

Time: 2:22:54 PM

SB 5

Steele

3rd Reading

Disorderly conduct at funerals.

Presiding: Wyss

YEAS - 47

NAYS - 1

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Breaux

NOT VOTING - 1

Waltz

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 10

Date: 01/19/2006

Time: 2:26:10 PM

SB 39

Ford

3rd Reading

Legal settlement in a school corporation.

Presiding: Wyss

YEAS - 48

NAYS - 0

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Hershman

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 11

Date: 01/19/2006

Time: 2:33:55 PM

SB 40

Ford

3rd Reading

Relocation issues in family law matters.

Presiding: Wyss

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Kenley

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 12

Date: 01/19/2006

Time: 2:37:27 PM

SB 47

Hershman

3rd Reading

Criminal checks and religious organizations.

Presiding: Wyss

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Meeks, R.

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 13

Date: 01/19/2006

Time: 2:39:59 PM

SB 69

Weatherwax

3rd Reading

Governance of rural telephone cooperatives.

Presiding: Wyss

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 14

Date: 01/19/2006

Time: 2:50:42 PM

SB 102

Becker

3rd Reading

Anatomical gift liability.

Presiding: Wyss

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Kruse

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 15

Date: 01/19/2006

Time: 2:55:14 PM

SB 105

Rogers

3rd Reading

License branches open on election day.

Presiding: Wyss

YEAS - 48

NAYS - 0

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Nugent

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 16

Date: 01/19/2006

Time: 3:10:32 PM

SB 111

Becker

3rd Reading

Student nutrition and physical activity.

Presiding: Wyss

YEAS - 42

NAYS - 7

EXCUSED - 1

PASSED

YEAS - 42

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Gard
Garton

Harrison
Heinold
Howard
Kruse
Lanane
Landske
Lawson
Lewis
Lubbers
Lutz
Merritt

Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner
Smith

Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 7

Drozda
Ford

Hershman
Hume

Kenley
Long

Meeks, R.

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 17

Date: 01/19/2006

Time: 3:17:56 PM

SB 201

Riegsecker

3rd Reading

Manufactured home installation.

Presiding: Wyss

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 18

Date: 01/19/2006

Time: 3:31:45 PM

SB 231

Alting

3rd Reading

Academic honors diploma grants.

Presiding: Wyss

YEAS - 35

NAYS - 14

EXCUSED - 1

PASSED

YEAS - 35

Alting
Becker
Bowser
Breux
Broden
Craycraft
Delph
Drozda
Ford

Garton
Harrison
Heinold
Howard
Kruse
Lanane
Landske
Long
Lubbers

Lutz
Merritt
Miller
Mrvan
Nugent
Paul
Rogers
Simpson
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M

NAYS - 14

Bray
Dillon
Gard
Hershman

Hume
Kenley
Lawson
Lewis

Meeks, R.
Mishler
Riegsecker
Sipes

Young, R.
Zakas

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 19

Date: 01/19/2006

Time: 3:34:51 PM

SB 259

Kenley

3rd Reading

End date for capture of certain funds for stadium.

Presiding: Wyss

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Jackman

INDIANA STATE SENATE

Roll Call Number: 21

Date: 01/23/2006

Time: 5:17:22 PM

SB 245
Hershman
2nd Reading
Telecommunications.

Amendment: 4 Ford

Presiding: Garton

YEAS - 13

NAYS - 32

NOT VOTING - 1

EXCUSED - 4

FAILED

YEAS - 13

Alting
Ford
Harrison
Lanane

Landske
Lewis
Nugent
Paul

Riegsecker
Simpson
Waltz
Waterman

Young, R.

NAYS - 32

Bowser
Bray
Brodin
Craycraft
Dillon
Drozda
Gard
Garton

Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lawson
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Rogers

Sipes
Skinner
Smith
Tallian
Weatherwax
Wyss
Young, M
Zakas

NOT VOTING - 1

Breaux

EXCUSED - 4

Becker

Delph

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 22

Date: 01/23/2006

Time: 5:51:02 PM

SB 245
Hershman
2nd Reading
Telecommunications.

Amendment: 15 Simpson

Presiding: Garton

YEAS - 16

NAYS - 29

NOT VOTING - 1

EXCUSED - 4

FAILED

YEAS - 16

Bowser
Broden
Craycraft
Ford

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Simpson
Sipes

Skinner
Smith
Tallian
Young, R.

NAYS - 29

Alting
Bray
Dillon
Drozda
Gard
Garton
Harrison
Heinold

Hershman
Kenley
Kruse
Landske
Lawson
Long
Lubbers
Meeks, R.

Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Rogers
Waltz

Waterman
Weatherwax
Wyss
Young, M
Zakas

NOT VOTING - 1

Breaux

EXCUSED - 4

Becker

Delph

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 23

Date: 01/23/2006

Time: 6:24:32 PM

SB 42

Miller

3rd Reading

FSSA evaluation survey.

Presiding: Garton

YEAS - 46

NAYS - 0

NOT VOTING - 1

EXCUSED - 3

PASSED

YEAS - 46

Alting
Bowser
Bray
Brodan
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Breaux

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 24

Date: 01/23/2006

Time: 6:30:50 PM

SB 84

Long
3rd Reading
Reentry courts.

Presiding: Garton

YEAS - 46

NAYS - 0

NOT VOTING - 1

EXCUSED - 3

PASSED

YEAS - 46

Alting
Bowser
Bray
Brodan
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Breaux

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 25

Date: 01/23/2006

Time: 6:45:29 PM

SB 172

Lubbers

3rd Reading

Teacher shortages.

Presiding: Harrison

YEAS - 31

NAYS - 15

NOT VOTING - 1

EXCUSED - 3

PASSED

YEAS - 31

Alting
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker

Rogers
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 15

Bowser
Brodén
Craycraft
Howard

Hume
Lanane
Lewis
Lutz

Mrvan
Simpson
Sipes
Skinner

Smith
Tallian
Young, R.

NOT VOTING - 1

Breaux

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 27

Date: 01/24/2006

Time: 2:20:55 PM

SB 310

Alting

3rd Reading

Alternate methods for earning high school credits.

Presiding: President

YEAS - 46

NAYS - 1

EXCUSED - 3

PASSED

YEAS - 46

Alting
Bray
Breux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Bowser

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 28

Date: 01/24/2006

Time: 2:31:01 PM

SB 41

Miller
3rd Reading
Division of aging.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 29

Date: 01/24/2006

Time: 3:12:38 PM

SB 245
Hershman
3rd Reading
Telecommunications.

Presiding: President

YEAS - 40

NAYS - 6

EXCUSED - 4

PASSED

YEAS - 40

Alting
Bray
Breux
Brodin
Craycraft
Dillon
Drozda
Gard
Garton
Harrison

Heinold
Hershman
Hume
Kenley
Kruse
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Sipes
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 6

Bowser
Ford

Howard
Lanane

Simpson
Skinner

EXCUSED - 4

Becker

Delph

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 30

Date: 01/24/2006

Time: 3:15:34 PM

SB 168

Miller

3rd Reading

Required testimony by attorney general.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 31

Date: 01/24/2006

Time: 3:21:33 PM

SB 234

Gard

3rd Reading

Environmental rules and enforcement.

Presiding: President

YEAS - 46

NAYS - 1

EXCUSED - 3

PASSED

YEAS - 46

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Lanane

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 32

Date: 01/24/2006

Time: 3:46:31 PM

SB 88

Wyss
3rd Reading
Motor vehicle restraint systems.

Presiding: President

YEAS - 26

NAYS - 21

EXCUSED - 3

PASSED

YEAS - 26

Breaux
Broden
Craycraft
Dillon
Ford
Garton
Heinold

Hershman
Lanane
Landske
Lawson
Long
Lubbers
Lutz

Meeks, R.
Merritt
Mishler
Mrvan
Riegsecker
Rogers
Simpson

Sipes
Smith
Tallian
Wyss
Zakas

NAYS - 21

Alting
Bowser
Bray
Delph
Drozda
Gard

Harrison
Howard
Hume
Kenley
Kruse
Lewis

Miller
Nugent
Paul
Skinner
Waltz
Waterman

Weatherwax
Young, M
Young, R.

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 33

Date: 01/24/2006

Time: 3:51:03 PM

SB 114

Zakas

3rd Reading

Probate and trust matters.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 34

Date: 01/24/2006

Time: 3:54:20 PM

SB 208

Dillon

3rd Reading

Medical alert on licenses or identification cards.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 35

Date: 01/24/2006

Time: 3:58:11 PM

SB 2

Drozda

3rd Reading

Sex offenders and obscenity.

Presiding: President

YEAS - 45

NAYS - 2

EXCUSED - 3

PASSED

YEAS - 45

Alting
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershtman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 2

Bowser

Tallian

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 36

Date: 01/24/2006

Time: 4:05:15 PM

SB 362

Ford

3rd Reading

Collection of delinquent taxes.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 37

Date: 01/24/2006

Time: 4:08:28 PM

SB 147

Gard

3rd Reading

Insurance payments to health care providers.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 38

Date: 01/24/2006

Time: 4:12:03 PM

SB 87

Jackman

3rd Reading

Energy, agriculture, and rural development rules.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 39

Date: 01/24/2006

Time: 4:26:27 PM

SB 154

Heinold

3rd Reading

Extra heavy duty highway.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 40

Date: 01/24/2006

Time: 4:32:22 PM

SB 12

Long

3rd Reading

DOC administration of sex offender registry.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 41

Date: 01/24/2006

Time: 4:35:40 PM

SB 258

Kenley

3rd Reading

Various sales and use tax changes.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 42

Date: 01/24/2006

Time: 4:37:58 PM

SB 296

Kenley

3rd Reading

Communications of sympathy and punitive damages.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 43

Date: 01/24/2006

Time: 4:41:54 PM

SB 133

Kruse

3rd Reading

Permits for oversized or overweight vehicles.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 44

Date: 01/24/2006

Time: 4:49:03 PM

SB 260

Kenley

3rd Reading

Various property tax issues.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 45

Date: 01/24/2006

Time: 4:55:34 PM

SB 295

Paul

3rd Reading

Coroner's custody of human remains.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 46

Date: 01/24/2006

Time: 4:59:53 PM

SB 355

Lawson

3rd Reading

Property tax late payment penalty waiver.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 47

Date: 01/24/2006

Time: 5:06:12 PM

SB 246

Wyss
3rd Reading
Sex offenders.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 48

Date: 01/24/2006

Time: 5:10:25 PM

SB 73

Long

3rd Reading

Indemnity agreements in motor carrier contracts.

Presiding: President

YEAS - 47

NAYS - 0

EXCUSED - 3

PASSED

YEAS - 47

Alting
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 49

Date: 01/24/2006

Time: 5:43:34 PM

SB 60

Kenley

3rd Reading

Public school transfer program.

Presiding: President

YEAS - 30

NAYS - 17

EXCUSED - 3

PASSED

YEAS - 30

Alting
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 17

Bowser
Breux
Broden
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

EXCUSED - 3

Becker

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 51

Date: 01/26/2006

Time: 2:18:01 PM

SB 161

Miller

3rd Reading

Moratorium on comprehensive care beds.

Presiding: President

YEAS - 45

NAYS - 2

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 45

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Meeks, R.
Merritt
Miller
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, R.
Zakas

NAYS - 2

Mishler

Young, M

NOT VOTING - 1

Lutz

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 52

Date: 01/26/2006

Time: 2:22:18 PM

SB 346

R. Meeks

3rd Reading

PERF COLA and 13th check.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Lutz

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 53

Date: 01/26/2006

Time: 2:26:48 PM

SB 297

Hershman

3rd Reading

Penalty for false information given to the BMV.

Presiding: President

YEAS - 45

NAYS - 2

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 45

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 2

Kenley

Meeks, R.

NOT VOTING - 1

Lutz

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 54

Date: 01/26/2006

Time: 2:29:00 PM

SB 169

Miller

3rd Reading

Extension of nursing facility assessment fee.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 55

Date: 01/26/2006

Time: 2:35:12 PM

SB 247

Wyss

3rd Reading

Various homeland security matters.

Presiding: President

YEAS - 46

NAYS - 2

EXCUSED - 2

PASSED

YEAS - 46

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 2

Hume

Skinner

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 56

Date: 01/26/2006

Time: 2:39:32 PM

SB 256

Landske

3rd Reading

Credit for excessive residential property taxes.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 57

Date: 01/26/2006

Time: 2:42:46 PM

SB 148

Riegsecker

3rd Reading

Use of CAGIT revenue.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 58

Date: 01/26/2006

Time: 2:45:44 PM

SB 191

Wyss

3rd Reading

Photos in criminal history files.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 59

Date: 01/26/2006

Time: 2:49:51 PM

SB 112

Riegsecker

3rd Reading

Transfer of first steps program.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 60

Date: 01/26/2006

Time: 2:52:55 PM

SB 269

Miller

3rd Reading

Personalized license plates.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 61

Date: 01/26/2006

Time: 2:55:48 PM

SB 379

Ford

3rd Reading

Publication of administrative rules.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 62

Date: 01/26/2006

Time: 3:01:01 PM

SJR 2

Lawson
3rd Reading
Overseas voters.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.

NAYS - 0

NOT VOTING - 1

Zakas

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 63

Date: 01/26/2006

Time: 3:12:28 PM

SB 72

Long
3rd Reading
IURC proceedings.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Waterman

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 64

Date: 01/26/2006

Time: 3:18:52 PM

SB 75

Long
3rd Reading
Military family relief.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting	Garton	Long	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas

NAYS - 0

EXCUSED - 2

Jackman	Steele
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INDIANA STATE SENATE

Roll Call Number: 65

Date: 01/26/2006

Time: 3:22:50 PM

SB 117

Gard

3rd Reading

Employee tobacco use incentives.

Presiding: President

YEAS - 47

NAYS - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Lutz

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 66

Date: 01/26/2006

Time: 3:28:01 PM

SB 205

Drozda

3rd Reading

Disclosure of electronic mail account addresses.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 67

Date: 01/26/2006

Time: 3:35:32 PM

SB 285

Wyss

3rd Reading

Emergency management.

Presiding: President

YEAS - 47

NAYS - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Smith
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Waterman

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 68

Date: 01/26/2006

Time: 3:44:07 PM

SB 321

Kruse

3rd Reading

Unemployment insurance.

Presiding: President

YEAS - 31

NAYS - 17

EXCUSED - 2

PASSED

YEAS - 31

Alting
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul

Riegsecker
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 17

Becker
Bowser
Breaux
Brodan
Craycraft

Howard
Hume
Lanane
Lewis
Lutz

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 69

Date: 01/26/2006

Time: 4:24:28 PM

SB 323

Lubbers

3rd Reading

Allocation of school resources.

Presiding: President

YEAS - 31

NAYS - 17

EXCUSED - 2

PASSED

YEAS - 31

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 17

Bowser
Breux
Broden
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

EXCUSED - 2

Jackman

Steele

INDIANA STATE SENATE

Roll Call Number: 71

Date: 01/30/2006

Time: 4:12:08 PM

SB 37

Lawson

2nd Reading

Miscellaneous election law changes.

Amendment: 1 Howard

Presiding: President

YEAS - 17

NAYS - 32

NOT VOTING - 1

FAILED

YEAS - 17

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent

Paul
Riegsecker
Steele
Waterman
Weatherwax
Wyss
Young, M
Zakas

NOT VOTING - 1

Waltz

INDIANA STATE SENATE

Roll Call Number: 72

Date: 01/30/2006

Time: 4:19:07 PM

SB 37

Lawson

2nd Reading

Miscellaneous election law changes.

Amendment: 2 Breaux

Presiding: President

YEAS - 17

NAYS - 32

NOT VOTING - 1

FAILED

YEAS - 17

Bowser
Breaux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent

Paul
Riegsecker
Steele
Waterman
Weatherwax
Wyss
Young, M
Zakas

NOT VOTING - 1

Waltz

INDIANA STATE SENATE

Roll Call Number: 73

Date: 01/30/2006

Time: 4:24:24 PM

SB 37

Lawson

2nd Reading

Miscellaneous election law changes.

Amendment: 3 Breaux

Presiding: President

YEAS - 17 NAYS - 33

FAILED

YEAS - 17

Bowser
Breaux
Brodén
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

INDIANA STATE SENATE

Roll Call Number: 74

Date: 01/30/2006

Time: 5:35:37 PM

SB 77

Heinold

3rd Reading

Shooting preserves near state property.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 75

Date: 01/30/2006

Time: 5:39:20 PM

SB 331

Broden

3rd Reading

Abandoned vehicles.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 76

Date: 01/30/2006

Time: 5:43:40 PM

SB 94

R. Meeks

3rd Reading

Lakes management work group.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 77

Date: 01/30/2006

Time: 5:47:04 PM

SB 92

Paul

3rd Reading

Reopening of certain license branches.

Presiding: President

YEAS - 46 NAYS - 4

PASSED

YEAS - 46

Alting	Heinold	Meeks, R.	Smith
Becker	Hershman	Merritt	Steele
Bowser	Howard	Miller	Tallian
Breaux	Hume	Mishler	Waltz
Broden	Jackman	Mrvan	Waterman
Craycraft	Kruse	Nugent	Weatherwax
Dillon	Lanane	Paul	Wyss
Drozda	Landske	Riegsecker	Young, M
Ford	Lawson	Rogers	Young, R.
Gard	Lewis	Simpson	Zakas
Garton	Long	Sipes	
Harrison	Lutz	Skinner	

NAYS - 4

Bray	Delph	Kenley	Lubbers
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INDIANA STATE SENATE

Roll Call Number: 78

Date: 01/30/2006

Time: 6:06:44 PM

SB 354

Weatherwax
3rd Reading
Forestry issues.

Presiding: President

YEAS - 30 NAYS - 20

PASSED

YEAS - 30

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Craycraft	Hershman	Merritt	Weatherwax
Delph	Jackman	Mishler	Wyss
Dillon	Kruse	Nugent	Young, M
Drozda	Landske	Paul	Zakas
Ford	Lewis	Riegsecker	
Garton	Long	Steele	

NAYS - 20

Bowser	Howard	Lutz	Sipes
Bray	Hume	Miller	Skinner
Breaux	Kenley	Mrvan	Smith
Broden	Lanane	Rogers	Tallian
Gard	Lawson	Simpson	Young, R.

INDIANA STATE SENATE

Roll Call Number: 79

Date: 01/30/2006

Time: 6:11:12 PM

SB 253

Weatherwax

3rd Reading

Activities along shorelines.

Presiding: President

YEAS - 42 NAYS - 8

PASSED

YEAS - 42

Becker	Harrison	Lubbers	Skinner
Bowser	Heinold	Lutz	Smith
Bray	Hershman	Meeks, R.	Tallian
Breaux	Howard	Merritt	Waltz
Broden	Hume	Miller	Waterman
Craycraft	Jackman	Mishler	Weatherwax
Delph	Kruse	Mrvan	Wyss
Dillon	Lanane	Nugent	Young, M
Drozda	Lawson	Paul	Young, R.
Gard	Lewis	Riegsecker	
Garton	Long	Sipes	

NAYS - 8

Alting	Kenley	Rogers	Steele
Ford	Landske	Simpson	Zakas

INDIANA STATE SENATE

Roll Call Number: 80

Date: 01/30/2006

Time: 6:26:39 PM

SB 139

Lawson

3rd Reading

Department of child services matters.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 3

Hume

Lutz

Skinner

INDIANA STATE SENATE

Roll Call Number: 81

Date: 01/30/2006

Time: 6:31:06 PM

SB 157

Lewis

3rd Reading

Natural resources advisory councils.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 83

Date: 01/31/2006

Time: 1:56:23 PM

SB 78

Heinold

3rd Reading

Property tax deduction for farm security items.

Presiding: President

YEAS - 33

NAYS - 16

NOT VOTING - 1

PASSED

YEAS - 33

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Drozda
Ford

Gard
Garton
Heinold
Hershman
Howard
Hume
Jackman
Kruse
Long

Merritt
Mishler
Mrvan
Nugent
Paul
Riegsecker
Skinner
Steele
Tallian

Waltz
Waterman
Weatherwax
Wyss
Young, R.
Zakas

NAYS - 16

Breaux
Dillon
Kenley
Lanane

Landske
Lawson
Lewis
Lubbers

Lutz
Meeks, R.
Miller
Rogers

Simpson
Sipes
Smith
Young, M

NOT VOTING - 1

Harrison

INDIANA STATE SENATE

Roll Call Number: 84

Date: 01/31/2006

Time: 2:21:14 PM

SB 370

Kruse

3rd Reading

Workforce development system.

Presiding: President

YEAS - 29

NAYS - 20

NOT VOTING - 1

PASSED

YEAS - 29

Alting
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Riegsecker

Steele
Weatherwax
Wyss
Young, M
Zakas

NAYS - 20

Becker
Bowser
Breux
Brodin
Craycraft

Hume
Lanane
Lewis
Lutz
Mrvan

Paul
Rogers
Simpson
Sipes
Skinner

Smith
Tallian
Waltz
Waterman
Young, R.

NOT VOTING - 1

Harrison

INDIANA STATE SENATE

Roll Call Number: 85

Date: 01/31/2006

Time: 4:44:36 PM

SB 1

M. Young

2nd Reading

Marion County government matters.

Amendment: 1 Breaux

Presiding: President

YEAS - 18 NAYS - 32

FAILED

YEAS - 18

Bowser
Breaux
Brodén
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Meeks, R.

Mrvan
Rogers
Simpson
Sipes
Skinner

Smith
Tallian
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

INDIANA STATE SENATE

Roll Call Number: 86

Date: 01/31/2006

Time: 5:14:41 PM

SB 11

Drozda

3rd Reading

Various securities matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 87

Date: 01/31/2006

Time: 5:16:37 PM

SB 18

Miller

3rd Reading

Charges at state mental health institutions.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 88

Date: 01/31/2006

Time: 5:19:48 PM

SB 22

Gard

3rd Reading

Pipeline safety.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 89

Date: 01/31/2006

Time: 5:22:48 PM

SB 27

Long

3rd Reading

Alcohol server training.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Garton	Lubbers	Skinner
Becker	Harrison	Lutz	Smith
Bowser	Heinold	Merritt	Steele
Bray	Hershman	Miller	Tallian
Breaux	Howard	Mishler	Waltz
Broden	Jackman	Mrvan	Waterman
Craycraft	Kruse	Nugent	Weatherwax
Delph	Lanane	Paul	Wyss
Dillon	Landske	Riegsecker	Young, M
Drozda	Lawson	Rogers	Young, R.
Ford	Lewis	Simpson	Zakas
Gard	Long	Sipes	

NAYS - 3

Hume	Kenley	Meeks, R.
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INDIANA STATE SENATE

Roll Call Number: 90

Date: 01/31/2006

Time: 5:24:48 PM

SB 33

Alting

3rd Reading

Volunteer advocates for incapacitated adults.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 91

Date: 01/31/2006

Time: 5:27:04 PM

SB 36

Lawson

3rd Reading

Makes the commission on mental health permanent.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Heinold	Lutz	Skinner
Becker	Hershman	Meeks, R.	Smith
Bowser	Howard	Merritt	Steele
Bray	Hume	Miller	Tallian
Breaux	Jackman	Mishler	Waltz
Broden	Kruse	Mrvan	Waterman
Craycraft	Lanane	Nugent	Weatherwax
Delph	Landske	Paul	Wyss
Dillon	Lawson	Riegsecker	Young, M
Ford	Lewis	Rogers	Young, R.
Gard	Long	Simpson	Zakas
Garton	Lubbers	Sipes	

NAYS - 3

Drozda	Harrison	Kenley
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INDIANA STATE SENATE

Roll Call Number: 92

Date: 01/31/2006

Time: 5:31:29 PM

SB 37

Lawson

3rd Reading

Miscellaneous election law changes.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 93

Date: 01/31/2006

Time: 5:34:10 PM

SB 54

Nugent

3rd Reading

Handgun licensing.

Presiding: President

YEAS - 49

NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Rogers

INDIANA STATE SENATE

Roll Call Number: 94

Date: 01/31/2006

Time: 5:36:56 PM

SB 56

Harrison

3rd Reading

Pension relief fund distributions.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 95

Date: 01/31/2006

Time: 5:38:34 PM

SB 57

Harrison

3rd Reading

Pension fund administrative issues.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 96

Date: 01/31/2006

Time: 5:40:26 PM

SB 58

Harrison

3rd Reading

Teachers' retirement fund administrative issues.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 97

Date: 01/31/2006

Time: 5:43:15 PM

SB 71

Ford

3rd Reading

Drainage assessments against state property.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 98

Date: 01/31/2006

Time: 5:48:10 PM

SB 81

R. Meeks

3rd Reading

Bungee jump facility inspection.

Presiding: President

YEAS - 44

NAYS - 5

NOT VOTING - 1

PASSED

YEAS - 44

Alting	Garton	Lewis	Rogers
Becker	Harrison	Lubbers	Simpson
Bowser	Heinold	Lutz	Sipes
Bray	Hershman	Meeks, R.	Skinner
Breaux	Hume	Merritt	Smith
Broden	Jackman	Miller	Steele
Craycraft	Kenley	Mishler	Tallian
Delph	Kruse	Mrvan	Waltz
Dillon	Lanane	Nugent	Weatherwax
Ford	Landske	Paul	Wyss
Gard	Lawson	Riegsecker	Young, R.

NAYS - 5

Drozda	Long	Young, M
Howard	Waterman	

NOT VOTING - 1

Zakas

INDIANA STATE SENATE

Roll Call Number: 99

Date: 01/31/2006

Time: 5:53:59 PM

SB 83

Lubbers

3rd Reading

Resisting law enforcement.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Garton	Long	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Hume	Merritt	Tallian
Broden	Jackman	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas

NAYS - 2

Howard	Skinner
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INDIANA STATE SENATE

Roll Call Number: 100

Date: 01/31/2006

Time: 5:55:39 PM

SB 85

M. Young

3rd Reading

Prosecuting attorneys' pensions.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 101

Date: 01/31/2006

Time: 5:59:03 PM

SB 89

Gard

3rd Reading

Serial meetings and electronic meetings.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Garton	Long	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Howard	Meeks, R.	Smith
Breaux	Hume	Merritt	Steele
Broden	Jackman	Miller	Tallian
Craycraft	Kenley	Mishler	Waltz
Delph	Kruse	Mrvan	Waterman
Dillon	Lanane	Nugent	Weatherwax
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas

NAYS - 2

Hershman	Wyss
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INDIANA STATE SENATE

Roll Call Number: 102

Date: 01/31/2006

Time: 6:02:46 PM

SB 100

Jackman
3rd Reading
Charity gaming.

Presiding: President

YEAS - 38 NAYS - 12

PASSED

YEAS - 38

Alting	Hershman	Lutz	Smith
Becker	Howard	Meeks, R.	Steele
Bowser	Hume	Merritt	Tallian
Breaux	Jackman	Mishler	Waltz
Broden	Kenley	Mrvan	Waterman
Craycraft	Lanane	Nugent	Weatherwax
Delph	Landske	Paul	Wyss
Garton	Lewis	Rogers	Young, R.
Harrison	Long	Sipes	
Heinold	Lubbers	Skinner	

NAYS - 12

Bray	Ford	Lawson	Simpson
Dillon	Gard	Miller	Young, M
Drozda	Kruse	Riegsecker	Zakas

INDIANA STATE SENATE

Roll Call Number: 103

Date: 01/31/2006

Time: 6:05:55 PM

SB 106

M. Young

3rd Reading

Tax on recreational vehicles and cargo trailers.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Waterman

INDIANA STATE SENATE

Roll Call Number: 104

Date: 01/31/2006

Time: 6:08:05 PM

SB 127

Lawson

3rd Reading

Political expenditures.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 105

Date: 01/31/2006

Time: 6:11:13 PM

SB 132

Lawson

3rd Reading

Correction of 2005 child services legislation.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 106

Date: 01/31/2006

Time: 6:15:40 PM

SB 143

Dillon

3rd Reading

Explanation of proposed constitutional amendments.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Garton	Lubbers	Sipes
Becker	Harrison	Lutz	Skinner
Bowser	Heinold	Meeks, R.	Smith
Bray	Hershman	Merritt	Steele
Breaux	Howard	Miller	Tallian
Broden	Hume	Mishler	Waltz
Craycraft	Jackman	Mrvan	Waterman
Delph	Kruse	Nugent	Weatherwax
Dillon	Landske	Paul	Wyss
Drozda	Lawson	Riegsecker	Young, M
Ford	Lewis	Rogers	Young, R.
Gard	Long	Simpson	Zakas

NAYS - 2

Kenley	Lanane
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INDIANA STATE SENATE

Roll Call Number: 107

Date: 01/31/2006

Time: 6:30:28 PM

SB 145

M. Young

3rd Reading

Vehicle forfeiture and driving while intoxicated.

Presiding: President

YEAS - 34 NAYS - 16

PASSED

YEAS - 34

Alting	Harrison	Long	Tallian
Becker	Heinold	Lubbers	Waltz
Bray	Hershman	Meeks, R.	Waterman
Broden	Howard	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Drozda	Kenley	Mishler	Young, M
Ford	Kruse	Nugent	Zakas
Gard	Landske	Paul	
Garton	Lawson	Riegsecker	

NAYS - 16

Bowser	Hume	Mrvan	Skinner
Breaux	Lanane	Rogers	Smith
Craycraft	Lewis	Simpson	Steele
Dillon	Lutz	Sipes	Young, R.

INDIANA STATE SENATE

Roll Call Number: 109

Date: 02/01/2006

Time: 3:18:01 PM

SB 146

Gard

3rd Reading

Property transfer disclosure form.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 110

Date: 02/01/2006

Time: 3:33:22 PM

SB 153

Lawson

3rd Reading

State central collection unit and child support.

Presiding: President

YEAS - 41 NAYS - 9

PASSED

YEAS - 41

Alting	Garton	Long	Steele
Becker	Harrison	Lubbers	Waltz
Bowser	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Broden	Howard	Miller	Wyss
Craycraft	Jackman	Mishler	Young, M
Delph	Kenley	Mrvan	Young, R.
Dillon	Kruse	Nugent	Zakas
Drozda	Landske	Paul	
Ford	Lawson	Riegsecker	
Gard	Lewis	Sipes	

NAYS - 9

Breaux	Lutz	Skinner
Hume	Rogers	Smith
Lanane	Simpson	Tallian

INDIANA STATE SENATE

Roll Call Number: 111

Date: 02/01/2006

Time: 3:44:41 PM

SB 160

Wyss

3rd Reading

Witnesses at an execution.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Ford
Gard
Garton

Heinold
Hershan
Howard
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 3

Drozda

Harrison

Hume

INDIANA STATE SENATE

Roll Call Number: 112

Date: 02/01/2006

Time: 3:47:26 PM

SB 162

Paul

3rd Reading

Exempt commercial policyholder.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 113

Date: 02/01/2006

Time: 3:51:46 PM

SB 173

Lubbers

3rd Reading

Informational student counts.

Presiding: President

YEAS - 39 NAYS - 11

PASSED

YEAS - 39

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Lewis
Long
Lubbers

Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes

Smith
Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 11

Bowser
Breaux
Broden

Craycraft
Howard
Hume

Lanane
Lutz
Simpson

Skinner
Tallian

INDIANA STATE SENATE

Roll Call Number: 114

Date: 02/01/2006

Time: 3:56:37 PM

SB 192

Bray

3rd Reading

Bail requirements.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 115

Date: 02/01/2006

Time: 4:02:52 PM

SB 193

Bray

3rd Reading

Controlled substances.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 116

Date: 02/01/2006

Time: 4:22:53 PM

SB 194

Hume

3rd Reading

Teacher professional development days.

Presiding: President

YEAS - 31 NAYS - 19

PASSED

YEAS - 31

Becker
Bowser
Breux
Brodin
Craycraft
Dillon
Garton
Harrison

Heinold
Howard
Hume
Kenley
Lanane
Landske
Lewis
Lutz

Meeks, R.
Miller
Mrvan
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waterman
Young, R.
Zakas

NAYS - 19

Alting
Bray
Delph
Drozda
Ford

Gard
Hershman
Jackman
Kruse
Lawson

Long
Lubbers
Merritt
Mishler
Nugent

Waltz
Weatherwax
Wyss
Young, M

INDIANA STATE SENATE

Roll Call Number: 117

Date: 02/01/2006

Time: 4:40:25 PM

SB 202

Riegsecker

3rd Reading

Pharmacy and wholesale distributor matters.

Presiding: Garton

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Delph

INDIANA STATE SENATE

Roll Call Number: 118

Date: 02/01/2006

Time: 4:43:47 PM

SB 206

Drozda

3rd Reading

Public safety disability pensions.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 119

Date: 02/01/2006

Time: 4:48:53 PM

SB 217

Broden

3rd Reading

Redevelopment commission housing programs.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 120

Date: 02/01/2006

Time: 5:00:14 PM

SB 230

Lubbers
3rd Reading
Student loans.

Presiding: Garton

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Harrison	Lubbers	Sipes
Becker	Heinold	Lutz	Skinner
Bowser	Hershman	Meeks, R.	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Jackman	Mishler	Waterman
Craycraft	Kruse	Mrvan	Weatherwax
Delph	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas
Garton	Long	Simpson	

NAYS - 3

Dillon	Kenley	Waltz
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INDIANA STATE SENATE

Roll Call Number: 121

Date: 02/01/2006

Time: 5:05:29 PM

SB 232

Gard

3rd Reading

Jury service exemptions.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 122

Date: 02/01/2006

Time: 5:12:06 PM

SB 235

Gard

3rd Reading

Special group recognition license plates.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 123

Date: 02/01/2006

Time: 5:14:26 PM

SB 236

Drozda

3rd Reading

Driver training schools.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 124

Date: 02/01/2006

Time: 5:18:54 PM

SB 251

Weatherwax

3rd Reading

Motor carrier enforcement.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 124

Date: 02/01/2006

Time: 5:18:54 PM

SB 251

Weatherwax

3rd Reading

Motor carrier enforcement.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 125

Date: 02/01/2006

Time: 5:23:23 PM

SB 264

Weatherwax

3rd Reading

Offsite vehicle sales.

Presiding: Garton

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 126

Date: 02/01/2006

Time: 5:27:43 PM

SB 266

Miller

3rd Reading

Confidentiality of bariatric surgery reports.

Presiding: Garton

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 1

Lutz

INDIANA STATE SENATE

Roll Call Number: 127

Date: 02/01/2006

Time: 6:07:17 PM

SB 361

Ford

2nd Reading

Operation of license branches by contractors.

Amendment: 1 Ford

Presiding: Garton

YEAS - 33 NAYS - 17

PREVAILED

YEAS - 33

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Meeks, R.	Waterman
Bray	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	
Gard	Lawson	Riegsecker	
Garton	Long	Steele	

NAYS - 17

Bowser	Hume	Rogers	Tallian
Breaux	Lanane	Simpson	Young, R.
Broden	Lewis	Sipes	
Craycraft	Lutz	Skinner	
Howard	Mrvan	Smith	

INDIANA STATE SENATE

Roll Call Number: 128

Date: 02/01/2006

Time: 6:30:20 PM

SB 128

Lawson

3rd Reading

Casting provisional ballot by challenged voter.

Presiding: Garton

YEAS - 35 NAYS - 15

PASSED

YEAS - 35

Alting	Gard	Lawson	Riegsecker
Becker	Garton	Long	Steele
Bowser	Harrison	Lubbers	Waltz
Bray	Heinold	Meeks, R.	Waterman
Breaux	Hershman	Merritt	Weatherwax
Delph	Jackman	Miller	Wyss
Dillon	Kenley	Mishler	Young, M
Drozda	Kruse	Nugent	Zakas
Ford	Landske	Paul	

NAYS - 15

Broden	Lanane	Rogers	Smith
Craycraft	Lewis	Simpson	Tallian
Howard	Lutz	Sipes	Young, R.
Hume	Mrvan	Skinner	

INDIANA STATE SENATE

Roll Call Number: 129

Date: 02/01/2006

Time: 6:34:39 PM

SB 151

Lawson

3rd Reading

Child care regulation.

Presiding: Garton

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 130

Date: 02/01/2006

Time: 6:37:26 PM

SB 274

Long

3rd Reading

Impounding property taxes in annexed territory.

Presiding: Garton

YEAS - 49

NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Rogers

INDIANA STATE SENATE

Roll Call Number: 131

Date: 02/01/2006

Time: 6:46:00 PM

SB 283

R. Young

3rd Reading

Emergency telephone notification system.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PASSED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 132

Date: 02/01/2006

Time: 6:49:42 PM

SB 300

Long

3rd Reading

Victim's compensation fund.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PASSED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 133

Date: 02/01/2006

Time: 6:52:19 PM

SB 336

Landske

3rd Reading

Care and management of student diabetes at school.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PASSED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 135

Date: 02/02/2006

Time: 11:48:21 AM

SB 1

M. Young

3rd Reading

Marion County government matters.

Presiding: President

YEAS - 31 NAYS - 19

PASSED

YEAS - 31

Alting
Becker
Bray
Delph
Dillon
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Steele
Waltz
Waterman
Weatherwax
Young, M
Zakas

NAYS - 19

Bowser
Breux
Brodan
Craycraft
Drozda

Howard
Hume
Lanane
Lewis
Lutz

Mrvan
Rogers
Simpson
Sipes
Skinner

Smith
Tallian
Wyss
Young, R.

INDIANA STATE SENATE

Roll Call Number: 136

Date: 02/02/2006

Time: 12:29:41 PM

SB 24

Jackman

3rd Reading

Televised simulcasts.

Presiding: President

YEAS - 32 NAYS - 18

PASSED

YEAS - 32

Becker	Harrison	Merritt	Smith
Bray	Heinold	Miller	Steele
Delph	Jackman	Mishler	Waltz
Dillon	Kruse	Nugent	Waterman
Drozda	Lawson	Paul	Wyss
Ford	Lewis	Riegsecker	Young, M
Gard	Lutz	Sipes	Young, R.
Garton	Meeks, R.	Skinner	Zakas

NAYS - 18

Alting	Hershman	Landske	Simpson
Bowser	Howard	Long	Tallian
Breaux	Hume	Lubbers	Weatherwax
Broden	Kenley	Mrvan	
Craycraft	Lanane	Rogers	

INDIANA STATE SENATE

Roll Call Number: 137

Date: 02/02/2006

Time: 2:19:36 PM

SB 108

M. Young
3rd Reading
Wage payment issues.

Presiding: President

YEAS - 12 NAYS - 38

FAILED FOR LACK OF CONSTITUTIONAL MAJORITY

YEAS - 12

Delph	Kruse	Miller	Waltz
Ford	Lawson	Paul	Weatherwax
Harrison	Long	Steele	Young, M

NAYS - 38

Alting	Garton	Lubbers	Sipes
Becker	Heinold	Lutz	Skinner
Bowser	Hershman	Meeks, R.	Smith
Bray	Howard	Merritt	Tallian
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Wyss
Craycraft	Kenley	Nugent	Young, R.
Dillon	Lanane	Riegsecker	Zakas
Drozda	Landske	Rogers	
Gard	Lewis	Simpson	

INDIANA STATE SENATE

Roll Call Number: 138

Date: 02/02/2006

Time: 2:31:23 PM

SB 275

Long

3rd Reading

Forensic diversion programs.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 139

Date: 02/02/2006

Time: 2:34:15 PM

SB 277

Rogers

3rd Reading

Genesis Convention Center board of managers.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 140

Date: 02/02/2006

Time: 2:36:56 PM

SB 284

Wyss

3rd Reading

Development of statewide trauma system.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 141

Date: 02/02/2006

Time: 2:39:15 PM

SB 299

Long

3rd Reading

Trafficking with an inmate.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 142

Date: 02/02/2006

Time: 3:15:35 PM

SB 301

Ford

3rd Reading

Access to I-Light network by hospitals.

Presiding: President

YEAS - 21

NAYS - 29

FAILED FOR LACK OF CONSTITUTIONAL MAJORITY

YEAS - 21

Becker
Bowser
Bray
Breaux
Broden
Dillon

Ford
Garton
Howard
Jackman
Lanane
Lubbers

Miller
Mrvan
Paul
Rogers
Simpson
Smith

Steele
Tallian
Young, M

NAYS - 29

Alting
Craycraft
Delph
Drozda
Gard
Harrison
Heinold
Hershman

Hume
Kenley
Kruse
Landske
Lawson
Lewis
Long
Lutz

Meeks, R.
Merritt
Mishler
Nugent
Riegsecker
Sipes
Skinner
Waltz

Waterman
Weatherwax
Wyss
Young, R.
Zakas

INDIANA STATE SENATE

Roll Call Number: 143

Date: 02/02/2006

Time: 3:19:53 PM

SB 303

Kruse

3rd Reading

Various motor vehicle matters.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Hume

INDIANA STATE SENATE

Roll Call Number: 144

Date: 02/02/2006

Time: 3:24:13 PM

SB 305

Rogers
3rd Reading
Special purpose buses.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 145

Date: 02/02/2006

Time: 3:29:33 PM

SB 308

Simpson

3rd Reading

Medicaid income spend down.

Presiding: President

YEAS - 49

NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 146

Date: 02/02/2006

Time: 3:37:08 PM

SB 314

Nugent

3rd Reading

Soil and water conservation districts.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 147

Date: 02/02/2006

Time: 4:02:43 PM

SB 324

Drozda

3rd Reading

Various education matters.

Presiding: President

YEAS - 30

NAYS - 19

NOT VOTING - 1

PASSED

YEAS - 30

Alting
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Steele
Waltz
Weatherwax
Wyss
Young, M

NAYS - 19

Becker
Bowser
Breaux
Brodén
Craycraft

Howard
Hume
Lanane
Lewis
Lutz

Mrvan
Rogers
Simpson
Sipes
Skinner

Smith
Tallian
Waterman
Young, R.

NOT VOTING - 1

Zakas

INDIANA STATE SENATE

Roll Call Number: 148

Date: 02/02/2006

Time: 4:10:03 PM

SB 332

M. Young

3rd Reading

Department of correction pension benefits.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 149

Date: 02/02/2006

Time: 4:13:25 PM

SB 333

Dillon

3rd Reading

Professional licensing.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 150

Date: 02/02/2006

Time: 4:16:53 PM

SB 338

Merritt

3rd Reading

False identification and criminal gang enhancement.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 151

Date: 02/02/2006

Time: 4:21:37 PM

SB 340

Wyss

3rd Reading

Salary and PERF protection for state employees.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 152

Date: 02/02/2006

Time: 4:27:42 PM

SB 341

Wyss

3rd Reading

Tax sales and redevelopment.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 153

Date: 02/02/2006

Time: 4:30:47 PM

SB 345

R. Meeks

3rd Reading

Reversal of payment delays.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 154

Date: 02/02/2006

Time: 4:37:38 PM

SB 353

Weatherwax

3rd Reading

Alternative fuel use and production.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 155

Date: 02/02/2006

Time: 4:40:09 PM

SB 363

Ford

3rd Reading

Technology report.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 156

Date: 02/02/2006

Time: 4:41:59 PM

SB 373

Mishler

3rd Reading

Payments for funeral and burial expenses.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 157

Date: 02/02/2006

Time: 4:43:43 PM

SB 374

Mishler

3rd Reading

Child passenger restraint systems exception.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 158

Date: 02/02/2006

Time: 4:45:55 PM

SB 382

Becker

3rd Reading

Vanderburgh County air commerce development.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 159

Date: 02/02/2006

Time: 4:48:38 PM

SB 384

Paul

3rd Reading

Financial institutions.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 160

Date: 02/02/2006

Time: 4:52:16 PM

SB 6

Steele

3rd Reading

Lifetime parole for child molesters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 161

Date: 02/02/2006

Time: 4:57:03 PM

SB 17

Zakas

3rd Reading

Income tax credit for toll roads.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Harrison	Meeks, R.	Smith
Becker	Heinold	Merritt	Steele
Bowser	Hershman	Miller	Tallian
Bray	Howard	Mishler	Waltz
Breaux	Jackman	Mrvan	Weatherwax
Broden	Kruse	Nugent	Wyss
Craycraft	Lanane	Paul	Young, M
Delph	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 5

Dillon	Kenley	Waterman
Hume	Lutz	

INDIANA STATE SENATE

Roll Call Number: 162

Date: 02/02/2006

Time: 5:00:18 PM

SB 35

Long

3rd Reading

Zoning ordinance changes.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 163

Date: 02/02/2006

Time: 5:02:20 PM

SB 55

Harrison

3rd Reading

Public safety deferred retirement option plan.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 164

Date: 02/02/2006

Time: 5:06:54 PM

SB 86

Jackman

3rd Reading

Medication of horses in pari-mutuel events.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 165

Date: 02/02/2006

Time: 5:09:38 PM

SB 166

Miller
3rd Reading
Physical therapy.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 166

Date: 02/02/2006

Time: 5:12:04 PM

SB 229

Lubbers

3rd Reading

Independent college self-insurance program.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 167

Date: 02/02/2006

Time: 5:15:17 PM

SB 270

Miller
3rd Reading
FSSA matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 168

Date: 02/02/2006

Time: 5:34:16 PM

SB 339

Merritt

3rd Reading

Certificate of salvage titles.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 169

Date: 02/02/2006

Time: 5:43:09 PM

SB 342

Riegsecker

3rd Reading

Electronic prescription tracking program.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 170

Date: 02/02/2006

Time: 6:00:31 PM

SB 349

Waltz
3rd Reading
Title insurance.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 171

Date: 02/02/2006

Time: 6:27:37 PM

SB 359

Hershman

3rd Reading

Procurement and state public works.

Presiding: President

YEAS - 47

NAYS - 2

NOT VOTING - 1

PASSED

YEAS - 47

Alting	Hershman	Lutz	Skinner
Bowser	Howard	Meeks, R.	Smith
Bray	Hume	Merritt	Steele
Breaux	Jackman	Miller	Tallian
Broden	Kenley	Mishler	Waltz
Craycraft	Kruse	Mrvan	Waterman
Dillon	Lanane	Nugent	Weatherwax
Ford	Landske	Paul	Wyss
Gard	Lawson	Riegsecker	Young, M
Garton	Lewis	Rogers	Young, R.
Harrison	Long	Simpson	Zakas
Heinold	Lubbers	Sipes	

NAYS - 2

Delph	Drozda
-------	--------

NOT VOTING - 1

Becker

INDIANA STATE SENATE

Roll Call Number: 172

Date: 02/02/2006

Time: 6:29:51 PM

SB 360

Ford

3rd Reading

Bonds for public works projects.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Harrison	Long	Sipes
Becker	Heinold	Lubbers	Skinner
Bowser	Hershman	Lutz	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Jackman	Mishler	Waltz
Craycraft	Kenley	Mrvan	Waterman
Delph	Kruse	Nugent	Weatherwax
Dillon	Lanane	Paul	Wyss
Ford	Landske	Riegsecker	Young, M
Gard	Lawson	Rogers	Young, R.
Garton	Lewis	Simpson	Zakas

NAYS - 2

Drozda	Meeks, R.
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INDIANA STATE SENATE

Roll Call Number: 173

Date: 02/02/2006

Time: 6:37:43 PM

SB 361

Ford

3rd Reading

Operation of license branches by contractors.

Presiding: President

YEAS - 28 NAYS - 22

PASSED

YEAS - 28

Alting	Garton	Long	Steele
Becker	Harrison	Merritt	Waltz
Delph	Heinold	Miller	Waterman
Dillon	Hershman	Mishler	Weatherwax
Drozda	Kruse	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 22

Bowser	Hume	Lutz	Skinner
Bray	Jackman	Meeks, R.	Smith
Breaux	Kenley	Mrvan	Tallian
Broden	Lanane	Rogers	Young, R.
Craycraft	Lewis	Simpson	
Howard	Lubbers	Sipes	

INDIANA STATE SENATE

Roll Call Number: 174

Date: 02/02/2006

Time: 6:43:11 PM

SB 365

Kenley

3rd Reading

State employee retirement health benefits.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 175

Date: 02/02/2006

Time: 6:49:49 PM

SB 369

R. Young
3rd Reading
Drought planning.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 176

Date: 02/02/2006

Time: 7:29:34 PM

SB 383

Steele

3rd Reading

Motor vehicle title loans.

Presiding: President

YEAS - 24

NAYS - 25

NOT VOTING - 1

FAILED FOR LACK OF CONSTITUTIONAL MAJORITY

YEAS - 24

Alting	Howard	Miller	Skinner
Breaux	Hume	Mishler	Smith
Broden	Jackman	Mrvan	Steele
Delph	Kenley	Nugent	Waterman
Garton	Landske	Paul	Weatherwax
Heinold	Lewis	Riegsecker	Zakas

NAYS - 25

Becker	Gard	Lubbers	Tallian
Bowser	Harrison	Lutz	Waltz
Bray	Hershman	Meeks, R.	Wyss
Craycraft	Kruse	Merritt	Young, R.
Dillon	Lanane	Rogers	
Drozda	Lawson	Simpson	
Ford	Long	Sipes	

NOT VOTING - 1

Young, M

INDIANA STATE SENATE

Roll Call Number: 179

Date: 02/07/2006

Time: 2:29:32 PM

HB 1040

Kenley

3rd Reading

Technical corrections bill.

Presiding: Garton

YEAS - 48

NAYS - 0

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Ford
Gard
Garton

Harrison
Heinold
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Hershman

EXCUSED - 1

Drozda

INDIANA STATE SENATE

Roll Call Number: 180

Date: 02/07/2006

Time: 2:34:59 PM

HB 1134

Landske

3rd Reading

Recodification of Title 21 and related provisions.

Presiding: Garton

YEAS - 48

NAYS - 0

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Ford
Gard
Garton

Harrison
Heinold
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Hershman

EXCUSED - 1

Drozda

INDIANA STATE SENATE

Roll Call Number: 184

Date: 02/14/2006

Time: 2:02:40 PM

HB 1049

M. Young

3rd Reading

Controlled substances crimes.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 185

Date: 02/14/2006

Time: 2:05:15 PM

HB 1103

Steele

3rd Reading

Bureau of motor vehicles matters.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 186

Date: 02/14/2006

Time: 2:07:29 PM

HB 1107

Becker

3rd Reading

Funding of emergency warning systems under the
Barrett law.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 187

Date: 02/14/2006

Time: 2:10:43 PM

HB 1207

Wyss
3rd Reading
Home improvement fraud.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 188

Date: 02/14/2006

Time: 2:13:48 PM

HB 1238

Wyss

3rd Reading

Emergency management mobile support.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 189

Date: 02/14/2006

Time: 2:17:18 PM

HB 1249

Kruse

3rd Reading

County drug free community fund.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodan
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 190

Date: 02/14/2006

Time: 2:19:31 PM

HB 1280

Ford

3rd Reading

Unsolicited facsimile advertisements.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 191

Date: 02/14/2006

Time: 2:23:12 PM

HB 1353

Bray

3rd Reading

Trademarks, service marks, and rights of publicity.

Presiding: Dillon

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 193

Date: 02/16/2006

Time: 2:18:21 PM

Garton

Rules Committee Report- Motion to Amend Rules

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Brodén	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Wyss

INDIANA STATE SENATE

Roll Call Number: 194

Date: 02/16/2006

Time: 2:20:10 PM

Zakas

Amendment to Senate Rules and Orders Pursuant to Rule 33(b)

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Wyss

INDIANA STATE SENATE

Roll Call Number: 196

Date: 02/20/2006

Time: 5:01:48 PM

HB 1006

Lubbers

2nd Reading

Allocation of school resources; homeless students.

Amendment: 1 Simpson

Presiding: Garton

YEAS - 18 NAYS - 32

FAILED

YEAS - 18

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mishler

Mrvan
Rogers
Simpson
Sipes
Skinner

Smith
Tallian
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Nugent
Paul

Riegsecker
Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

INDIANA STATE SENATE

Roll Call Number: 197

Date: 02/20/2006

Time: 5:43:50 PM

HB 1279

Hershman
2nd Reading
Telecommunications.

Amendment: 7 Ford

Presiding: Garton

YEAS - 22

NAYS - 27

EXCUSED - 1

FAILED

YEAS - 22

Becker
Bowser
Brodén
Craycraft
Ford
Gard

Harrison
Hume
Lanane
Lawson
Lutz
Miller

Mrvan
Riegsecker
Simpson
Sipes
Skinner
Smith

Steele
Tallian
Waterman
Young, R.

NAYS - 27

Alting
Bray
Breux
Dillon
Drozda
Garton
Heinold

Hershman
Howard
Jackman
Kenley
Kruse
Landske
Lewis

Long
Lubbers
Meeks, R.
Merritt
Mishler
Nugent
Paul

Rogers
Waltz
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Delph

INDIANA STATE SENATE

Roll Call Number: 198

Date: 02/20/2006

Time: 5:56:20 PM

HB 1279

Hershman
2nd Reading
Telecommunications.

Amendment: 8 Lanane

Presiding: Garton

YEAS - 18

NAYS - 31

EXCUSED - 1

FAILED

YEAS - 18

Becker
Bowser
Breux
Brodan
Craycraft

Ford
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Steele
Tallian
Young, R.

NAYS - 31

Alting
Bray
Dillon
Drozda
Gard
Garton
Harrison
Heinold

Hershman
Howard
Hume
Jackman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Delph

INDIANA STATE SENATE

Roll Call Number: 199

Date: 02/20/2006

Time: 6:08:51 PM

HB 1327

Kenley

2nd Reading

Update of references to the Internal Revenue Code.

Amendment: 1 Simpson

Presiding: Garton

YEAS - 17 NAYS - 33

FAILED

YEAS - 17

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

INDIANA STATE SENATE

Roll Call Number: 200

Date: 02/20/2006

Time: 6:22:54 PM

HB 1347

Lubbers

2nd Reading

Various education matters.

Amendment: 2 Simpson

Presiding: Garton

YEAS - 17

NAYS - 32

NOT VOTING - 1

FAILED

YEAS - 17

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent

Paul
Riegsecker
Steele
Waltz
Waterman
Wyss
Young, M
Zakas

NOT VOTING - 1

Weatherwax

INDIANA STATE SENATE

Roll Call Number: 202

Date: 02/21/2006

Time: 4:16:30 PM

HB 1307

Harrison

2nd Reading

Worker's compensation.

Amendment: 2 Tallian

Presiding: President

YEAS - 17

NAYS - 32

NOT VOTING - 1

FAILED

YEAS - 17

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent

Paul
Riegsecker
Steele
Waterman
Weatherwax
Wyss
Young, M
Zakas

NOT VOTING - 1

Waltz

INDIANA STATE SENATE

Roll Call Number: 203

Date: 02/21/2006

Time: 4:28:10 PM

HB 1307

Harrison

2nd Reading

Worker's compensation.

Amendment: 1 Tallian

Presiding: President

YEAS - 17 NAYS - 33

FAILED

YEAS - 17

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

INDIANA STATE SENATE

Roll Call Number: 204

Date: 02/21/2006

Time: 4:46:07 PM

HB 1006

Lubbers

3rd Reading

Allocation of school resources; homeless students.

Presiding: President

YEAS - 34

NAYS - 15

NOT VOTING - 1

PASSED

YEAS - 34

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Rogers

Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 15

Bowser
Breux
Craycraft
Howard

Hume
Lanane
Lewis
Lutz

Mrvan
Simpson
Sipes
Skinner

Smith
Tallian
Young, R.

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 205

Date: 02/21/2006

Time: 4:52:00 PM

HB 1013

Miller
3rd Reading
License plates.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bray
Breux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Bowser

INDIANA STATE SENATE

Roll Call Number: 206

Date: 02/21/2006

Time: 4:54:20 PM

HB 1017

Becker

3rd Reading

Property appraisers.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 207

Date: 02/21/2006

Time: 4:57:39 PM

HB 1023

Heinold

3rd Reading

Addiction treatment facilities.

Presiding: President

YEAS - 49

NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Sipes

INDIANA STATE SENATE

Roll Call Number: 208

Date: 02/21/2006

Time: 5:00:26 PM

HB 1025

Drozda

3rd Reading

Innkeeper's taxes.

Presiding: President

YEAS - 46 NAYS - 4

PASSED

YEAS - 46

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Skinner
Bray	Howard	Meeks, R.	Smith
Breaux	Hume	Merritt	Tallian
Broden	Jackman	Miller	Waterman
Craycraft	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, R.
Ford	Landske	Paul	Zakas
Gard	Lawson	Riegsecker	
Garton	Lewis	Rogers	

NAYS - 4

Delph	Steele	Waltz	Young, M
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INDIANA STATE SENATE

Roll Call Number: 209

Date: 02/21/2006

Time: 5:03:50 PM

HB 1065

Heinold
3rd Reading
Pesticide application.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting	Garton	Lubbers	Sipes
Becker	Harrison	Lutz	Smith
Bowser	Heinold	Meeks, R.	Steele
Bray	Hershman	Merritt	Tallian
Breaux	Howard	Miller	Waltz
Broden	Hume	Mishler	Waterman
Craycraft	Jackman	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Long	Simpson	

NAYS - 3

Kenley	Lewis	Skinner
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INDIANA STATE SENATE

Roll Call Number: 210

Date: 02/21/2006

Time: 5:07:08 PM

HB 1106

Becker

3rd Reading

Automatic external defibrillators.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 211

Date: 02/21/2006

Time: 5:10:42 PM

HB 1112

Kenley

3rd Reading

Communications of sympathy.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 212

Date: 02/21/2006

Time: 5:14:26 PM

HB 1113

Bray

3rd Reading

Liability connected with consumption of food and
beverages.

Presiding: President

YEAS - 41 NAYS - 9

PASSED

YEAS - 41

Alting
Bowser
Bray
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kruse
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Sipes
Skinner

Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 9

Becker
Breux
Brodan

Kenley
Lanane
Rogers

Simpson
Smith
Waterman

INDIANA STATE SENATE

Roll Call Number: 213

Date: 02/21/2006

Time: 5:16:47 PM

HB 1124

Drozda

3rd Reading

Rainy day fund loans to political subdivisions.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 214

Date: 02/21/2006

Time: 5:20:51 PM

HB 1150

Kruse

3rd Reading

Use of antique license plates on motor vehicles.

Presiding: President

YEAS - 50

NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 215

Date: 02/21/2006

Time: 5:33:03 PM

HB 1209

Dillon

3rd Reading

Public transportation smoking prohibition.

Presiding: President

YEAS - 24 NAYS - 26

DEFEATED

YEAS - 24

Becker	Garton	Landske	Sipes
Bowser	Heinold	Long	Skinner
Broden	Hershman	Lubbers	Tallian
Craycraft	Hume	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Gard	Lanane	Simpson	Young, R.

NAYS - 26

Alting	Howard	Merritt	Steele
Bray	Jackman	Miller	Waltz
Breaux	Kenley	Nugent	Waterman
Delph	Lawson	Paul	Young, M
Drozda	Lewis	Riegsecker	Zakas
Ford	Lutz	Rogers	
Harrison	Meeks, R.	Smith	

INDIANA STATE SENATE

Roll Call Number: 216

Date: 02/21/2006

Time: 5:37:06 PM

HB 1232

Bray
3rd Reading
Curfew.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 217

Date: 02/21/2006

Time: 5:51:07 PM

HB 1234

Dillon

3rd Reading

Public safety officer death benefit.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Waterman

INDIANA STATE SENATE

Roll Call Number: 218

Date: 02/21/2006

Time: 5:54:42 PM

HB 1236

Wyss
3rd Reading
Capitol police salary matrix.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 219

Date: 02/21/2006

Time: 6:08:21 PM

HB 1279

Hershman
3rd Reading
Telecommunications.

Presiding: President

YEAS - 42

NAYS - 7

EXCUSED - 1

PASSED

YEAS - 42

Alting	Hershman	Lutz	Steele
Bray	Howard	Meeks, R.	Tallian
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Landske	Nugent	Young, M
Gard	Lawson	Paul	Young, R.
Garton	Lewis	Riegsecker	Zakas
Harrison	Long	Rogers	
Heinold	Lubbers	Smith	

NAYS - 7

Becker	Ford	Simpson	Skinner
Bowser	Lanane	Sipes	

EXCUSED - 1

Delph

INDIANA STATE SENATE

Roll Call Number: 220

Date: 02/21/2006

Time: 6:10:55 PM

HB 1286

Waterman

3rd Reading

Motorcycle operational skills test.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 221

Date: 02/21/2006

Time: 6:13:52 PM

HB 1287

Landske
3rd Reading
Transportation.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 222

Date: 02/21/2006

Time: 6:16:22 PM

HB 1300

Wyss

3rd Reading

Commercial driver's licenses and permits.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 223

Date: 02/21/2006

Time: 6:19:03 PM

HB 1323

Kruse

3rd Reading

Extra heavy duty highways.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodén
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 224

Date: 02/21/2006

Time: 6:21:31 PM

HB 1327

Kenley

3rd Reading

Update of references to the Internal Revenue Code.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 225

Date: 02/21/2006

Time: 6:24:05 PM

HB 1331

Weatherwax

3rd Reading

Out-of-state boat registration.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Garton	Long	Sipes
Becker	Harrison	Lubbers	Skinner
Bowser	Heinold	Lutz	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Jackman	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Drozda	Landske	Paul	Young, M
Ford	Lawson	Riegsecker	Young, R.
Gard	Lewis	Rogers	Zakas

NAYS - 2

Hume	Simpson
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INDIANA STATE SENATE

Roll Call Number: 226

Date: 02/21/2006

Time: 6:28:20 PM

HB 1347

Lubbers

3rd Reading

Various education matters.

Presiding: President

YEAS - 49 NAYS - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Breaux

INDIANA STATE SENATE

Roll Call Number: 227

Date: 02/21/2006

Time: 6:35:13 PM

HB 1368

R. Meeks

3rd Reading

PERF and TRF cost of living adjustments.

Presiding: President

YEAS - 47 NAYS - 3

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Heinold
Hershman
Howard
Hume
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 3

Harrison

Jackman

Kenley

INDIANA STATE SENATE

Roll Call Number: 228

Date: 02/21/2006

Time: 6:38:12 PM

HB 1380

Ford

3rd Reading

Various economic development matters.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 230

Date: 02/23/2006

Time: 3:26:53 PM

HB 1011

Lawson

2nd Reading

Miscellaneous election law matters.

Amendment: 6 Breaux

Presiding: President

YEAS - 17

NAYS - 31

EXCUSED - 2

FAILED

YEAS - 17

Bowser
Breaux
Brodén
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Tallian
Young, R.

NAYS - 31

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Steele
Waltz
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 2

Long

Waterman

INDIANA STATE SENATE

Roll Call Number: 231

Date: 02/23/2006

Time: 3:41:20 PM

HB 1076

Hershman

3rd Reading

Contracts for public water and wastewater projects.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Smith

EXCUSED - 2

Long

Waterman

INDIANA STATE SENATE

Roll Call Number: 232

Date: 02/23/2006

Time: 3:44:33 PM

HB 1267

Harrison

3rd Reading

Employment certificates for children.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 1

EXCUSED - 2

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Smith

EXCUSED - 2

Long

Waterman

INDIANA STATE SENATE

Roll Call Number: 233

Date: 02/23/2006

Time: 3:46:29 PM

HB 1299

Paul

3rd Reading

Financial institutions.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting	Garton	Lewis	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Steele
Broden	Hume	Miller	Tallian
Craycraft	Jackman	Mishler	Waltz
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Rogers	Zakas

NAYS - 0

EXCUSED - 2

Long	Waterman
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INDIANA STATE SENATE

Roll Call Number: 234

Date: 02/23/2006

Time: 3:49:11 PM

HB 1307

Harrison

3rd Reading

Worker's compensation.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting	Garton	Lewis	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Steele
Broden	Hume	Miller	Tallian
Craycraft	Jackman	Mishler	Waltz
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Rogers	Zakas

NAYS - 0

EXCUSED - 2

Long	Waterman
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INDIANA STATE SENATE

Roll Call Number: 235

Date: 02/23/2006

Time: 3:51:02 PM

HB 1392

Paul

3rd Reading

Life and health guaranty association.

Presiding: President

YEAS - 48

NAYS - 0

EXCUSED - 2

PASSED

YEAS - 48

Alting	Garton	Lewis	Simpson
Becker	Harrison	Lubbers	Sipes
Bowser	Heinold	Lutz	Skinner
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Steele
Broden	Hume	Miller	Tallian
Craycraft	Jackman	Mishler	Waltz
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Rogers	Zakas

NAYS - 0

EXCUSED - 2

Long	Waterman
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INDIANA STATE SENATE

Roll Call Number: 237

Date: 02/27/2006

Time: 4:19:37 PM

HB 1010

Bray
2nd Reading
Eminent domain.

Amendment: 2 Bowser

Presiding: President

YEAS - 20

NAYS - 29

EXCUSED - 1

FAILED

YEAS - 20

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mrvan

Rogers
Simpson
Sipes
Skinner
Smith

Steele
Tallian
Waltz
Waterman
Young, R.

NAYS - 29

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Nugent
Paul

Riegsecker
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 238

Date: 02/27/2006

Time: 4:43:01 PM

HB 1010

Bray
2nd Reading
Eminent domain.

Amendment: 8 Sipes

Presiding: President

YEAS - 17

NAYS - 32

EXCUSED - 1

FAILED

YEAS - 17

Bowser
Breux
Brodin
Craycraft
Ford

Howard
Hume
Lanane
Lewis
Lutz

Mrvan
Rogers
Simpson
Sipes
Skinner

Smith
Young, R.

NAYS - 32

Alting
Becker
Bray
Delph
Dillon
Drozda
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Nugent
Paul
Riegsecker

Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Mishler

INDIANA STATE SENATE

Roll Call Number: 239

Date: 02/27/2006

Time: 5:17:27 PM

HB 1097

Miller

3rd Reading

Discount medical card programs.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 240

Date: 02/27/2006

Time: 5:46:47 PM

HB 1108

Long

3rd Reading

Aggressive driving and criminal recklessness.

Presiding: President

YEAS - 45 NAYS - 5

PASSED

YEAS - 45

Alting	Heinold	Meeks, R.	Steele
Becker	Howard	Merritt	Tallian
Bowser	Jackman	Miller	Waltz
Bray	Kenley	Mishler	Waterman
Breaux	Kruse	Mrvan	Weatherwax
Broden	Lanane	Nugent	Wyss
Craycraft	Landske	Paul	Young, M
Delph	Lawson	Riegsecker	Young, R.
Drozda	Lewis	Simpson	Zakas
Ford	Long	Sipes	
Gard	Lubbers	Skinner	
Garton	Lutz	Smith	

NAYS - 5

Dillon	Hershman	Rogers
Harrison	Hume	

INDIANA STATE SENATE

Roll Call Number: 241

Date: 02/27/2006

Time: 5:48:53 PM

HB 1240

Lubbers
3rd Reading
ISTEP.

Presiding: President

YEAS - 48 NAYS - 2

PASSED

YEAS - 48

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Smith
Bray	Howard	Meeks, R.	Steele
Breaux	Hume	Merritt	Tallian
Broden	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 2

Craycraft	Skinner
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INDIANA STATE SENATE

Roll Call Number: 242

Date: 02/27/2006

Time: 5:51:35 PM

HB 1395

Miller

3rd Reading

Marion County health and hospital corporation.

Presiding: President

YEAS - 50 NAYS - 0

PASSED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 244

Date: 02/28/2006

Time: 5:05:40 PM

HB 1029

Kenley

2nd Reading

School bus purchasing; contribution tax credit.

Amendment: 1 Simpson

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Alting	Craycraft	Lewis	Simpson
Bowser	Howard	Lutz	Skinner
Breaux	Hume	Mrvan	Tallian
Broden	Lanane	Rogers	Young, R.

NAYS - 33

Becker	Heinold	Meeks, R.	Waltz
Bray	Hershman	Merritt	Waterman
Delph	Jackman	Miller	Weatherwax
Dillon	Kenley	Mishler	Wyss
Drozda	Kruse	Nugent	Young, M
Ford	Landske	Paul	Zakas
Gard	Lawson	Riegsecker	
Garton	Long	Sipes	
Harrison	Lubbers	Steele	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 245

Date: 02/28/2006

Time: 5:59:36 PM

HB 1010

Bray

3rd Reading

Eminent domain.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 246

Date: 02/28/2006

Time: 6:12:49 PM

HB 1011

Lawson

3rd Reading

Miscellaneous election law matters.

Presiding: President

YEAS - 34

NAYS - 15

EXCUSED - 1

PASSED

YEAS - 34

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 15

Bowser
Breaux
Brodan
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Rogers
Simpson
Sipes

Skinner
Tallian
Young, R.

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 247

Date: 02/28/2006

Time: 6:14:36 PM

HB 1022

Merritt

3rd Reading

State fair commission.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 248

Date: 02/28/2006

Time: 6:16:39 PM

HB 1024

Drozda

3rd Reading

Criminal confinement.

Presiding: President

YEAS - 47

NAYS - 2

EXCUSED - 1

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson

Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 2

Hume

Meeks, R.

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 249

Date: 02/28/2006

Time: 6:20:59 PM

HB 1028

Nugent

3rd Reading

Firearms and self-defense.

Presiding: President

YEAS - 44

NAYS - 5

EXCUSED - 1

PASSED

YEAS - 44

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul

Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 5

Breaux
Howard

Riegsecker
Rogers

Simpson

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 250

Date: 02/28/2006

Time: 6:23:53 PM

HB 1056

Merritt

3rd Reading

Certificate of salvage title.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 251

Date: 02/28/2006

Time: 6:25:20 PM

HB 1080

Miller

3rd Reading

Standards and inspection of abortion clinics.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Skinner
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 1

Bowser

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 252

Date: 02/28/2006

Time: 6:31:15 PM

HB 1089

Kenley

3rd Reading

Annexation of property zoned agricultural.

Presiding: President

YEAS - 41

NAYS - 8

EXCUSED - 1

PASSED

YEAS - 41

Alting
Becker
Bowser
Breux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Hershman
Howard
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Zakas

NAYS - 8

Bray
Harrison

Heinold
Hume

Jackman
Nugent

Waterman
Young, R.

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 253

Date: 02/28/2006

Time: 7:03:43 PM

HB 1093

Wyss

3rd Reading

Offenses on school property or against school employees.

Presiding: President

YEAS - 41

NAYS - 8

EXCUSED - 1

PASSED

YEAS - 41

Alting
Becker
Bowser
Breux
Brodin
Craycraft
Delph
Gard
Garton
Harrison
Heinold

Hershman
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers
Lutz

Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 8

Bray
Dillon

Drozda
Ford

Howard
Hume

Waltz
Waterman

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 255

Date: 03/01/2006

Time: 4:56:28 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

#25- Meeks

Presiding: President

YEAS - 31

NAYS - 18

EXCUSED - 1

PREVAILED

YEAS - 31

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske

Lawson
Long
Lubbers
Meeks, R.
Merritt
Miller
Nugent
Paul

Riegsecker
Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M

NAYS - 18

Bowser
Breux
Brodin
Craycraft
Howard

Hume
Lanane
Lewis
Lutz
Mishler

Mrvan
Rogers
Simpson
Sipes
Skinner

Tallian
Young, R.
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 256

Date: 03/01/2006

Time: 5:16:37 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 36 Simpson

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 257

Date: 03/01/2006

Time: 5:43:35 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 32 Tallian

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 258

Date: 03/01/2006

Time: 5:48:55 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 33 Lanane

Presiding: President

YEAS - 18

NAYS - 31

EXCUSED - 1

FAILED

YEAS - 18

Alting
Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis
Lutz

Mrvan
Rogers
Simpson
Sipes
Skinner

Tallian
Waterman
Young, R.

NAYS - 31

Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul

Riegsecker
Steele
Waltz
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 259

Date: 03/01/2006

Time: 5:52:20 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 30 Lanane

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 260

Date: 03/01/2006

Time: 5:59:26 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 16 Broden

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodén
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 261

Date: 03/01/2006

Time: 6:04:26 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 18 Rogers

Presiding: President

YEAS - 18

NAYS - 31

EXCUSED - 1

FAILED

YEAS - 18

Bowser
Breux
Brodin
Craycraft
Heinold

Howard
Hume
Lanane
Landske
Lewis

Lutz
Mrvan
Rogers
Simpson
Sipes

Skinner
Tallian
Young, R.

NAYS - 31

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Hershman
Jackman
Kenley
Kruse
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker

Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 262

Date: 03/01/2006

Time: 6:15:16 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 8 Tallian

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 263

Date: 03/01/2006

Time: 6:28:11 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 22 Rogers

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 264

Date: 03/01/2006

Time: 6:31:57 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 11 Young R

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 265

Date: 03/01/2006

Time: 6:44:30 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 28 Lanane

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 266

Date: 03/01/2006

Time: 6:50:51 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 12 Bowser

Presiding: President

YEAS - 15

NAYS - 33

NOT VOTING - 1

EXCUSED - 1

FAILED

YEAS - 15

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Mrvan
Rogers
Simpson
Sipes

Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NOT VOTING - 1

Lutz

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 267

Date: 03/01/2006

Time: 6:56:07 PM

HB 1008

R. Meeks

2nd Reading

Public-private agreements for transportation.

Amendment: 17 Mrvan

Presiding: President

YEAS - 16

NAYS - 33

EXCUSED - 1

FAILED

YEAS - 16

Bowser
Breux
Brodin
Craycraft

Howard
Hume
Lanane
Lewis

Lutz
Mrvan
Rogers
Simpson

Sipes
Skinner
Tallian
Young, R.

NAYS - 33

Alting
Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Steele

Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 268

Date: 03/01/2006

Time: 8:04:47 PM

HB 1099

Weatherwax

2nd Reading

Fireworks sales and discharge.

Amendment: 1 Dillon

Presiding: President

YEAS - 12

NAYS - 37

EXCUSED - 1

FAILED

YEAS - 12

Broden
Delph
Dillon

Ford
Gard
Garton

Howard
Jackman
Kruse

Mrvan
Wyss
Zakas

NAYS - 37

Alting
Becker
Bowser
Bray
Breaux
Craycraft
Drozda
Harrison
Heinold
Hershman

Hume
Kenley
Lanane
Landske
Lawson
Lewis
Long
Lubbers
Lutz
Meeks, R.

Merritt
Miller
Mishler
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Steele
Tallian
Waltz
Waterman
Weatherwax
Young, M
Young, R.

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 269

Date: 03/01/2006

Time: 8:23:51 PM

HB 1099

Weatherwax

2nd Reading

Fireworks sales and discharge.

Amendment: 6 Ford

Presiding: President

YEAS - 21

NAYS - 28

EXCUSED - 1

FAILED

YEAS - 21

Becker
Bowser
Breux
Brodin
Delph
Dillon

Ford
Gard
Garton
Howard
Jackman
Kruse

Lanane
Landske
Mrvan
Rogers
Sipes
Tallian

Wyss
Young, M
Zakas

NAYS - 28

Alting
Bray
Craycraft
Drozda
Harrison
Heinold
Hershman

Hume
Kenley
Lawson
Lewis
Long
Lubbers
Lutz

Meeks, R.
Merritt
Miller
Mishler
Nugent
Paul
Riegsecker

Simpson
Skinner
Steele
Waltz
Waterman
Weatherwax
Young, R.

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 270

Date: 03/01/2006

Time: 9:33:07 PM

HB 1001

Kenley
3rd Reading
Various tax matters.

Presiding: President

YEAS - 37

NAYS - 12

EXCUSED - 1

PASSED

YEAS - 37

Alting
Bowser
Bray
Breux
Broden
Dillon
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Rogers
Simpson
Steele
Waltz
Waterman
Weatherwax
Wyss

NAYS - 12

Becker
Craycraft
Delph

Drozda
Lewis
Lutz

Sipes
Skinner
Tallian

Young, M
Young, R.
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 271

Date: 03/01/2006

Time: 9:39:24 PM

HB 1102

Lawson
3rd Reading
Local government matters.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Simpson
Bowser	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Steele
Breaux	Howard	Meeks, R.	Tallian
Broden	Hume	Merritt	Waltz
Craycraft	Jackman	Miller	Waterman
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas

NAYS - 1

Skinner

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 272

Date: 03/01/2006

Time: 9:43:55 PM

HB 1110

Gard

3rd Reading

Removal of mercury switches from motor vehicles.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 273

Date: 03/01/2006

Time: 9:47:03 PM

HB 1117

Gard

3rd Reading

Environmental law.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 274

Date: 03/01/2006

Time: 9:49:29 PM

HB 1128

Wyss
3rd Reading
Ignition interlock devices.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 275

Date: 03/01/2006

Time: 9:52:22 PM

HB 1138

Weatherwax

3rd Reading

Hunting and lifetime license trust fund.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 277

Date: 03/02/2006

Time: 1:05:20 PM

HB 1008

R. Meeks

3rd Reading

Public-private agreements for transportation.

Presiding: President

YEAS - 29

NAYS - 20

EXCUSED - 1

PASSED

YEAS - 29

Becker
Bray
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Jackman
Kenley
Landske
Lawson

Long
Lubbers
Meeks, R.
Merritt
Miller
Mishler
Nugent
Riegsecker

Steele
Weatherwax
Wyss
Young, M
Zakas

NAYS - 20

Alting
Bowser
Breaux
Brodin
Craycraft

Hume
Kruse
Lanane
Lewis
Lutz

Mrvan
Paul
Rogers
Simpson
Sipes

Skinner
Tallian
Waltz
Waterman
Young, R.

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 278

Date: 03/02/2006

Time: 2:43:04 PM

HB 1016

Bray
3rd Reading
Pretrial fees.

Presiding: President

YEAS - 44

NAYS - 0

NOT VOTING - 5

EXCUSED - 1

PASSED

YEAS - 44

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Steele
Breaux	Hume	Merritt	Tallian
Broden	Jackman	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Delph	Kruse	Mrvan	Weatherwax
Dillon	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.

NAYS - 0

NOT VOTING - 5

Drozda	Meeks, R.	Zakas
Howard	Simpson	

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 279

Date: 03/02/2006

Time: 2:44:57 PM

HB 1018

Hershman

3rd Reading

Water authority audits.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 2

EXCUSED - 1

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.

NAYS - 0

NOT VOTING - 2

Drozda

Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 280

Date: 03/02/2006

Time: 2:48:22 PM

HB 1029

Kenley

3rd Reading

School bus purchasing; contribution tax credit.

Presiding: President

YEAS - 47

NAYS - 1

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Rogers
Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.

NAYS - 1

Simpson

NOT VOTING - 1

Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 281

Date: 03/02/2006

Time: 3:04:42 PM

HB 1099

Weatherwax

3rd Reading

Fireworks sales and discharge.

Presiding: President

YEAS - 31

NAYS - 18

EXCUSED - 1

PASSED

YEAS - 31

Alting
Bray
Breux
Craycraft
Drozda
Harrison
Heinold
Hershman

Howard
Hume
Kenley
Lewis
Long
Lubbers
Merritt
Mishler

Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Steele
Tallian
Waltz
Waterman
Weatherwax
Young, M
Young, R.

NAYS - 18

Becker
Bowser
Brodin
Delph
Dillon

Ford
Gard
Garton
Jackman
Kruse

Lanane
Landske
Lawson
Lutz
Meeks, R.

Miller
Wyss
Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 282

Date: 03/02/2006

Time: 3:09:35 PM

HB 1101

Hershman

3rd Reading

Security breach disclosure and identity deception.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 283

Date: 03/02/2006

Time: 3:16:01 PM

HB 1114

Steele

3rd Reading

Various property matters.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 284

Date: 03/02/2006

Time: 3:20:32 PM

HB 1123

Becker

3rd Reading

Sexual assault standards and certification board.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 285

Date: 03/02/2006

Time: 3:24:43 PM

HB 1136

Long

3rd Reading

Brokers' liens on commercial real estate.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Rogers
Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, R.
Zakas

NAYS - 0

NOT VOTING - 1

Young, M

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 286

Date: 03/02/2006

Time: 3:29:17 PM

HB 1155

Long
3rd Reading
Child molesting.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 287

Date: 03/02/2006

Time: 3:34:46 PM

HB 1156

Bray

3rd Reading

Various provisions concerning courts.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 288

Date: 03/02/2006

Time: 3:42:36 PM

HB 1158

Bray

3rd Reading

Small claims, civil actions, and sheriff's fees.

Presiding: President

YEAS - 43

NAYS - 6

EXCUSED - 1

PASSED

YEAS - 43

Alting
Bowser
Bray
Breaux
Brodén
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Landske
Lawson
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Simpson

Sipes
Skinner
Steele
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 6

Becker
Craycraft

Lanane
Lewis

Rogers
Tallian

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 289

Date: 03/02/2006

Time: 3:44:30 PM

HB 1172

Miller

3rd Reading

Written information before an abortion.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Skinner
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 1

Bowser

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 290

Date: 03/02/2006

Time: 3:48:54 PM

HB 1176

Nugent

3rd Reading

Handgun license renewal.

Presiding: President

YEAS - 46

NAYS - 3

EXCUSED - 1

PASSED

YEAS - 46

Alting
Becker
Bray
Brodan
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 3

Bowser

Breaux

Rogers

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 291

Date: 03/02/2006

Time: 3:54:53 PM

HB 1212

Ford

3rd Reading

Drainage assessments, sanitation districts, & storm
water districts.

Presiding: President

YEAS - 42

NAYS - 7

EXCUSED - 1

PASSED

YEAS - 42

Alting
Becker
Bowser
Bray
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Hume
Jackman
Kenley
Kruse
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Sipes

Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 7

Breaux
Brodén

Howard
Lanane

Rogers
Simpson

Skinner

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 292

Date: 03/02/2006

Time: 3:57:26 PM

HB 1214

Long

3rd Reading

Indemnity agreements in motor carrier contracts.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 293

Date: 03/02/2006

Time: 4:00:09 PM

HB 1220

R. Meeks

3rd Reading

Professional investigation funds.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Rogers
Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, R.
Zakas

NAYS - 1

Young, M

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 294

Date: 03/02/2006

Time: 4:02:25 PM

HB 1227

Nugent

3rd Reading

Retired state employees.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 295

Date: 03/02/2006

Time: 4:20:04 PM

HB 1235

Miller

3rd Reading

Isolation and quarantine.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Skinner
Bray	Howard	Meeks, R.	Steele
Breaux	Hume	Merritt	Tallian
Broden	Jackman	Miller	Waltz
Craycraft	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 1

Delph

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 296

Date: 03/02/2006

Time: 4:22:08 PM

HB 1239

Long
3rd Reading
Preexisting conditions.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 297

Date: 03/02/2006

Time: 4:27:11 PM

SB 5

Steele

Concurrences Eligible for Action
Disorderly conduct at funerals and intimidation.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PREVAILED

YEAS - 48

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Skinner
Bray	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 1

Breaux

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 298

Date: 03/02/2006

Time: 4:29:26 PM

HB 1257

Waltz

3rd Reading

Postsecondary proprietary education.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 299

Date: 03/02/2006

Time: 4:32:09 PM

HB 1259

Steele

3rd Reading

Military base development.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 300

Date: 03/02/2006

Time: 4:34:51 PM

HB 1261

Lubbers

3rd Reading

Housing and community development authority.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 301

Date: 03/02/2006

Time: 4:37:23 PM

HB 1281

Lubbers
3rd Reading
Domestic violence.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 302

Date: 03/02/2006

Time: 4:46:42 PM

HB 1285

Heinold
3rd Reading
Alternative fuels.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 303

Date: 03/02/2006

Time: 4:49:37 PM

HB 1306

Long

3rd Reading

Various corporate law matters.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Kenley

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 304

Date: 03/02/2006

Time: 4:51:19 PM

HB 1314

Lawson

3rd Reading

Substance and alcohol use during pregnancy.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 305

Date: 03/02/2006

Time: 4:53:16 PM

HB 1315

Landske

3rd Reading

Sprinkler systems in nursing homes.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 306

Date: 03/02/2006

Time: 4:55:12 PM

HB 1329

Miller

3rd Reading

Medicaid disease management and kidney disease.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 307

Date: 03/02/2006

Time: 4:57:51 PM

HB 1338

Lubbers

3rd Reading

School improvement awards; teacher CPR training.

Presiding: President

YEAS - 48

NAYS - 1

EXCUSED - 1

PASSED

YEAS - 48

Alting
Becker
Bowser
Bray
Breux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Simpson
Sipes
Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Hume

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 308

Date: 03/02/2006

Time: 5:00:42 PM

HB 1339

Merritt

3rd Reading

Real estate broker and salesperson licenses.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes

Skinner
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 309

Date: 03/02/2006

Time: 5:03:50 PM

HB 1362

Delph

3rd Reading

Local government reorganization.

Presiding: President

YEAS - 44

NAYS - 5

EXCUSED - 1

PASSED

YEAS - 44

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Hume
Jackman
Kenley
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Rogers
Simpson
Sipes
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.

NAYS - 5

Breaux
Howard

Kruse
Skinner

Zakas

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 310

Date: 03/02/2006

Time: 5:54:29 PM

HB 1397

Lawson
3rd Reading
State ethics standards.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 311

Date: 03/02/2006

Time: 5:59:11 PM

HB 1418

Heinold
3rd Reading
Kennel licenses.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 312

Date: 03/02/2006

Time: 6:01:00 PM

HB 1420

Gard

3rd Reading

Employee tobacco use.

Presiding: President

YEAS - 49

NAYS - 0

EXCUSED - 1

PASSED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

EXCUSED - 1

Smith

INDIANA STATE SENATE

Roll Call Number: 314

Date: 03/06/2006

Time: 3:03:13 PM

SB 11

Drozda

Concurrences Eligible for Action

Various securities matters.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 2

PREVAILED

YEAS - 48

Alting	Garton	Long	Sipes
Becker	Harrison	Lubbers	Skinner
Bowser	Heinold	Meeks, R.	Smith
Bray	Hershman	Merritt	Steele
Breaux	Howard	Miller	Tallian
Broden	Hume	Mishler	Waltz
Craycraft	Jackman	Mrvan	Waterman
Delph	Kruse	Nugent	Weatherwax
Dillon	Lanane	Paul	Wyss
Drozda	Landske	Riegsecker	Young, M
Ford	Lawson	Rogers	Young, R.
Gard	Lewis	Simpson	Zakas

NAYS - 0

NOT VOTING - 2

Kenley	Lutz
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INDIANA STATE SENATE

Roll Call Number: 315

Date: 03/06/2006

Time: 3:10:48 PM

SB 35

Long

Concurrences Eligible for Action

Zoning ordinance changes.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 316

Date: 03/06/2006

Time: 3:13:21 PM

SB 40

Ford

Concurrences Eligible for Action
Relocation issues in family law matters.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 317

Date: 03/06/2006

Time: 3:15:05 PM

SB 55

Harrison

Concurrences Eligible for Action
Public safety deferred retirement option plan.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 318

Date: 03/06/2006

Time: 3:17:20 PM

SB 57

Harrison

Concurrences Eligible for Action
Pension fund administrative issues.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 319

Date: 03/06/2006

Time: 3:19:47 PM

SB 71

Ford

Concurrences Eligible for Action
Drainage assessments and storm water.

Presiding: President

YEAS - 37 NAYS - 13

PREVAILED

YEAS - 37

Alting	Heinold	Lutz	Steele
Becker	Hershman	Meeks, R.	Waltz
Bray	Jackman	Merritt	Waterman
Delph	Kenley	Miller	Weatherwax
Dillon	Kruse	Mishler	Wyss
Drozda	Landske	Nugent	Young, M
Ford	Lawson	Paul	Zakas
Gard	Lewis	Riegsecker	
Garton	Long	Simpson	
Harrison	Lubbers	Sipes	

NAYS - 13

Bowser	Howard	Rogers	Young, R.
Breaux	Hume	Skinner	
Broden	Lanane	Smith	
Craycraft	Mrvan	Tallian	

INDIANA STATE SENATE

Roll Call Number: 320

Date: 03/06/2006

Time: 3:21:41 PM

SB 102

Becker

Concurrences Eligible for Action

Anatomical gift liability.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 321

Date: 03/06/2006

Time: 3:23:51 PM

SB 111

Becker

Concurrences Eligible for Action
Student nutrition and physical activity.

Presiding: President

YEAS - 42 NAYS - 8

PREVAILED

YEAS - 42

Alting	Garton	Merritt	Steele
Becker	Howard	Miller	Tallian
Bowser	Jackman	Mishler	Waltz
Bray	Kruse	Mrvan	Waterman
Breaux	Lanane	Nugent	Weatherwax
Broden	Landske	Paul	Wyss
Craycraft	Lawson	Riegsecker	Young, M
Delph	Lewis	Rogers	Young, R.
Dillon	Long	Simpson	Zakas
Ford	Lubbers	Sipes	
Gard	Lutz	Smith	

NAYS - 8

Drozda	Heinold	Hume	Meeks, R.
Harrison	Hershman	Kenley	Skinner

INDIANA STATE SENATE

Roll Call Number: 322

Date: 03/06/2006

Time: 3:33:30 PM

SB 114

Zakas

Concurrences Eligible for Action

Probate and trust matters.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 323

Date: 03/06/2006

Time: 3:35:01 PM

SB 147

Gard

Concurrences Eligible for Action

Insurance payments to health care providers.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 324

Date: 03/06/2006

Time: 3:36:46 PM

SB 160

Wyss

Concurrences Eligible for Action

Witnesses at an execution.

Presiding: Garton

YEAS - 38

NAYS - 11

NOT VOTING - 1

PREVAILED

YEAS - 38

Alting	Heinold	Lutz	Smith
Becker	Hershman	Merritt	Steele
Bray	Jackman	Miller	Waltz
Breaux	Kenley	Mishler	Waterman
Craycraft	Kruse	Mrvan	Weatherwax
Delph	Landske	Nugent	Wyss
Ford	Lawson	Paul	Young, M
Gard	Lewis	Riegsecker	Zakas
Garton	Long	Rogers	
Harrison	Lubbers	Sipes	

NAYS - 11

Bowser	Drozda	Lanane	Tallian
Broden	Howard	Simpson	Young, R.
Dillon	Hume	Skinner	

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 325

Date: 03/06/2006

Time: 3:39:20 PM

SB 206

Drozda

Concurrences Eligible for Action

Public safety disability pensions.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 326

Date: 03/06/2006

Time: 3:41:06 PM

SB 234

Gard

Concurrences Eligible for Action
Environmental rules and enforcement.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 327

Date: 03/06/2006

Time: 3:42:50 PM

SB 264

Weatherwax

Concurrences Eligible for Action

Offsite vehicle sales.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 328

Date: 03/06/2006

Time: 3:45:12 PM

SB 283

R. Young

Concurrences Eligible for Action

Emergency telephone notification system.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 329

Date: 03/06/2006

Time: 3:46:47 PM

SB 310

Alting

Concurrences Eligible for Action

Alternate methods for earning high school credits.

Presiding: Garton

YEAS - 49

NAYS - 0

NOT VOTING - 1

PREVAILED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 330

Date: 03/06/2006

Time: 3:54:24 PM

SB 342

Riegsecker

Concurrences Eligible for Action

Electronic prescription tracking program.

Presiding: Garton

YEAS - 27

NAYS - 22

NOT VOTING - 1

PREVAILED

YEAS - 27

Alting	Harrison	Lubbers	Waltz
Becker	Heinold	Merritt	Waterman
Bray	Hershman	Miller	Weatherwax
Delph	Kruse	Mishler	Wyss
Drozda	Landske	Nugent	Young, M
Gard	Lawson	Paul	Zakas
Garton	Long	Riegsecker	

NAYS - 22

Bowser	Howard	Lutz	Smith
Breaux	Hume	Mrvan	Steele
Broden	Jackman	Rogers	Tallian
Craycraft	Kenley	Simpson	Young, R.
Dillon	Lanane	Sipes	
Ford	Lewis	Skinner	

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 331

Date: 03/06/2006

Time: 3:57:03 PM

SB 354

Weatherwax

Concurrences Eligible for Action

Forestry issues.

Presiding: Garton

YEAS - 46

NAYS - 3

NOT VOTING - 1

PREVAILED

YEAS - 46

Alting	Garton	Long	Skinner
Becker	Harrison	Lubbers	Smith
Bowser	Heinold	Lutz	Steele
Bray	Hershman	Merritt	Waltz
Breaux	Howard	Miller	Waterman
Broden	Hume	Mishler	Weatherwax
Craycraft	Jackman	Mrvan	Wyss
Delph	Kenley	Nugent	Young, M
Dillon	Kruse	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Sipes	

NAYS - 3

Lanane	Simpson	Tallian
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NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 332

Date: 03/06/2006

Time: 3:59:06 PM

SB 379

Ford

Concurrences Eligible for Action

Publication of administrative rules.

Presiding: Garton

YEAS - 48

NAYS - 1

NOT VOTING - 1

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Simpson
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Merritt	Steele
Broden	Hume	Miller	Tallian
Craycraft	Jackman	Mishler	Waltz
Delph	Kenley	Mrvan	Waterman
Dillon	Kruse	Nugent	Weatherwax
Drozda	Lanane	Paul	Wyss
Ford	Landske	Riegsecker	Young, M
Gard	Lawson	Rogers	Young, R.

NAYS - 1

Zakas

NOT VOTING - 1

Meeks, R.

INDIANA STATE SENATE

Roll Call Number: 335

Date: 03/08/2006

Time: 2:13:11 PM

SB 22

Gard

Concurrences Eligible for Action

Pipeline safety.

Presiding: Garton

YEAS - 48

NAYS - 0

EXCUSED - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 336

Date: 03/08/2006

Time: 2:15:43 PM

SB 42

Miller

Concurrences Eligible for Action

FSSA evaluation survey.

Presiding: Garton

YEAS - 38

NAYS - 10

EXCUSED - 2

PREVAILED

YEAS - 38

Alting	Garton	Long	Sipes
Becker	Heinold	Lubbers	Skinner
Bowser	Hershman	Lutz	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Kruse	Mishler	Wyss
Craycraft	Lanane	Mrvan	Young, M
Dillon	Landske	Paul	Zakas
Ford	Lawson	Riegsecker	
Gard	Lewis	Rogers	

NAYS - 10

Delph	Jackman	Nugent	Weatherwax
Drozda	Kenley	Waltz	
Harrison	Meeks, R.	Waterman	

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 337

Date: 03/08/2006

Time: 2:17:53 PM

SB 84

Long

Concurrences Eligible for Action

Reentry courts.

Presiding: Garton

YEAS - 48

NAYS - 0

EXCUSED - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 338

Date: 03/08/2006

Time: 2:21:11 PM

SB 132

Lawson

Concurrences Eligible for Action
Correction of 2005 child services legislation.

Presiding: Garton

YEAS - 48

NAYS - 0

EXCUSED - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 339

Date: 03/08/2006

Time: 2:26:26 PM

SB 145

M. Young

Concurrences Eligible for Action

Vehicle forfeiture and driving while intoxicated.

Presiding: Bray

YEAS - 38

NAYS - 10

EXCUSED - 2

PREVAILED

YEAS - 38

Alting
Becker
Bowser
Bray
Brodin
Delph
Drozda
Ford
Gard
Garton

Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Landske
Lawson
Long
Lubbers

Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Sipes
Smith

Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 10

Breaux
Craycraft
Dillon

Harrison
Hume
Lanane

Lewis
Lutz
Rogers

Skinner

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 340

Date: 03/08/2006

Time: 2:29:28 PM

SB 153

Lawson

Concurrences Eligible for Action

State central collection unit and child support.

Presiding: Bray

YEAS - 40

NAYS - 8

EXCUSED - 2

PREVAILED

YEAS - 40

Alting	Garton	Long	Riegsecker
Becker	Harrison	Lubbers	Rogers
Bowser	Heinold	Lutz	Sipes
Bray	Hershman	Meeks, R.	Smith
Breaux	Howard	Merritt	Steele
Broden	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Landske	Nugent	Young, M
Gard	Lawson	Paul	Zakas

NAYS - 8

Craycraft	Hume	Lewis	Tallian
Ford	Lanane	Skinner	Waterman

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 341

Date: 03/08/2006

Time: 2:33:38 PM

SB 157

Lewis

Concurrences Eligible for Action
Natural resources advisory councils.

Presiding: Bray

YEAS - 48

NAYS - 0

EXCUSED - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 342

Date: 03/08/2006

Time: 2:36:19 PM

SB 161

Miller

Concurrences Eligible for Action
Moratorium on comprehensive care beds.

Presiding: Bray

YEAS - 45

NAYS - 3

EXCUSED - 2

PREVAILED

YEAS - 45

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Zakas

NAYS - 3

Drozda

Mishler

Young, M

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 343

Date: 03/08/2006

Time: 2:38:23 PM

SB 231

Alting

Concurrences Eligible for Action

Academic honors diploma grants.

Presiding: Bray

YEAS - 45

NAYS - 3

EXCUSED - 2

PREVAILED

YEAS - 45

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M

NAYS - 3

Kenley

Meeks, R.

Zakas

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 344

Date: 03/08/2006

Time: 2:44:24 PM

SB 247

Wyss

Concurrences Eligible for Action

Various homeland security matters.

Presiding: Bray

YEAS - 47

NAYS - 1

EXCUSED - 2

PREVAILED

YEAS - 47

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis

Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers

Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 1

Hume

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 345

Date: 03/08/2006

Time: 2:46:31 PM

SB 269

Miller

Concurrences Eligible for Action

License plates.

Presiding: Bray

YEAS - 48

NAYS - 0

EXCUSED - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Skinner
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Tallian
Craycraft	Jackman	Miller	Waltz
Delph	Kenley	Mishler	Waterman
Dillon	Kruse	Mrvan	Weatherwax
Drozda	Lanane	Nugent	Wyss
Ford	Landske	Paul	Young, M
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

EXCUSED - 2

Simpson	Young, R.
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INDIANA STATE SENATE

Roll Call Number: 346

Date: 03/08/2006

Time: 2:49:40 PM

SB 296

Kenley

Concurrences Eligible for Action

Punitive damages.

Presiding: Bray

YEAS - 48

NAYS - 0

EXCUSED - 2

PREVAILED

YEAS - 48

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson

Lewis
Long
Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker

Rogers
Sipes
Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 0

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 347

Date: 03/08/2006

Time: 2:52:18 PM

SB 297

Hershman

Concurrences Eligible for Action

Penalty for false information given to the BMV.

Presiding: Bray

YEAS - 45

NAYS - 2

NOT VOTING - 1

EXCUSED - 2

PREVAILED

YEAS - 45

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 2

Breaux

Rogers

NOT VOTING - 1

Kenley

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 348

Date: 03/08/2006

Time: 2:55:44 PM

SB 362

Ford

Concurrences Eligible for Action

Collection of delinquent taxes.

Presiding: Bray

YEAS - 46

NAYS - 0

NOT VOTING - 2

EXCUSED - 2

PREVAILED

YEAS - 46

Alting
Becker
Bowser
Bray
Breaux
Broden
Craycraft
Delph
Dillon
Drozda
Ford
Gard

Garton
Harrison
Heinold
Hershman
Howard
Hume
Jackman
Kruse
Lanane
Landske
Lawson
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 0

NOT VOTING - 2

Kenley

Lewis

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 349

Date: 03/08/2006

Time: 2:59:45 PM

SB 370

Kruse

Concurrences Eligible for Action

Workforce development system.

Presiding: Bray

YEAS - 28

NAYS - 18

NOT VOTING - 2

EXCUSED - 2

PREVAILED

YEAS - 28

Alting
Bray
Delph
Drozda
Ford
Gard
Garton

Harrison
Heinold
Hershman
Jackman
Kruse
Lawson
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Nugent

Paul
Riegsecker
Steele
Weatherwax
Wyss
Young, M
Zakas

NAYS - 18

Becker
Bowser
Breux
Broden
Craycraft

Dillon
Howard
Hume
Lanane
Landske

Mrvan
Rogers
Sipes
Skinner
Smith

Tallian
Waltz
Waterman

NOT VOTING - 2

Kenley

Lewis

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 350

Date: 03/08/2006

Time: 3:05:19 PM

SB 382

Becker

Concurrences Eligible for Action

Airport development zone.

Presiding: Bray

YEAS - 42

NAYS - 5

NOT VOTING - 1

EXCUSED - 2

PREVAILED

YEAS - 42

Alting
Becker
Bowser
Bray
Breux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford

Gard
Heinold
Howard
Hume
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 5

Garton
Harrison

Hershman
Jackman

Meeks, R.

NOT VOTING - 1

Kenley

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 351

Date: 03/08/2006

Time: 3:12:09 PM

SB 300

Long

Concurrences Eligible for Action

Victim's compensation fund.

Presiding: Bray

YEAS - 46

NAYS - 0

NOT VOTING - 2

EXCUSED - 2

PREVAILED

YEAS - 46

Alting
Becker
Bowser
Bray
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long

Lubbers
Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes

Skinner
Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Zakas

NAYS - 0

NOT VOTING - 2

Breaux

Broden

EXCUSED - 2

Simpson

Young, R.

INDIANA STATE SENATE

Roll Call Number: 353

Date: 03/09/2006

Time: 2:55:38 PM

SB 100

Jackman

Concurrences Eligible for Action

Charity gaming.

Presiding: President

YEAS - 39

NAYS - 9

NOT VOTING - 2

PREVAILED

YEAS - 39

Alting	Heinold	Lubbers	Smith
Becker	Hershman	Lutz	Steele
Bowser	Howard	Merritt	Tallian
Breaux	Hume	Mishler	Waltz
Broden	Jackman	Mrvan	Waterman
Craycraft	Kenley	Nugent	Weatherwax
Dillon	Lanane	Paul	Wyss
Gard	Landske	Simpson	Young, M
Garton	Lewis	Sipes	Young, R.
Harrison	Long	Skinner	

NAYS - 9

Bray	Ford	Miller
Delph	Kruse	Riegsecker
Drozda	Lawson	Zakas

NOT VOTING - 2

Meeks, R.	Rogers
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INDIANA STATE SENATE

Roll Call Number: 354

Date: 03/09/2006

Time: 2:59:42 PM

SB 353

Weatherwax

Concurrences Eligible for Action

Alternative fuel use and production.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Sipes
Becker	Harrison	Long	Skinner
Bowser	Heinold	Lubbers	Smith
Bray	Hershman	Lutz	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Waterman
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Simpson	Zakas

NAYS - 0

NOT VOTING - 2

Meeks, R.

Rogers

INDIANA STATE SENATE

Roll Call Number: 355

Date: 03/09/2006

Time: 3:02:01 PM

SB 369

R. Young

Concurrences Eligible for Action

Drought planning.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 2

PREVAILED

YEAS - 48

Alting	Garton	Lewis	Sipes
Becker	Harrison	Long	Skinner
Bowser	Heinold	Lubbers	Smith
Bray	Hershman	Lutz	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Waterman
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Simpson	Zakas

NAYS - 0

NOT VOTING - 2

Meeks, R.

Rogers

INDIANA STATE SENATE

Roll Call Number: 357

Date: 03/13/2006

Time: 2:34:11 PM

HB 1117

Gard

Conference Committees Eligible for Action
Environmental law.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 358

Date: 03/13/2006

Time: 2:35:59 PM

SB 106

M. Young

Conference Committees Eligible for Action
Sales tax on recreational vehicles and cargo
trailers.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 359

Date: 03/13/2006

Time: 7:29:11 PM

SB 266

Miller

Conference Committees Eligible for Action

Bariatric surgery.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 360

Date: 03/13/2006

Time: 7:31:02 PM

SB 284

Wyss

Conference Committees Eligible for Action
Statewide trauma system and food establishments.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 361

Date: 03/13/2006

Time: 7:33:44 PM

SB 305

Rogers

Conference Committees Eligible for Action
School and transportation matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 362

Date: 03/13/2006

Time: 7:38:40 PM

SB 340

Wyss

Conference Committees Eligible for Action
Salary and PERF protection for state employees.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 363

Date: 03/13/2006

Time: 7:41:46 PM

SB 355

Lawson

Conference Committees Eligible for Action
Property taxes.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 364

Date: 03/13/2006

Time: 7:46:06 PM

SB 12

Long

Conference Committees Eligible for Action
DOC administration of sex offender registry;
commission for drug free Indiana.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 365

Date: 03/13/2006

Time: 7:49:43 PM

HB 1353

Bray

Conference Committees Eligible for Action
Trademarks, service marks, and rights of publicity.

Presiding: President

YEAS - 49 NAYS - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 1

Wyss

INDIANA STATE SENATE

Roll Call Number: 366

Date: 03/13/2006

Time: 7:51:37 PM

SB 77

Heinold

Conference Committees Eligible for Action
Shooting preserves.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 367

Date: 03/13/2006

Time: 7:53:50 PM

SB 202

Riegsecker

Conference Committees Eligible for Action
Pharmacy, cigarette displays, and wholesale
distributor matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 368

Date: 03/13/2006

Time: 7:57:19 PM

SB 338

Merritt

Concurrences Eligible for Action

False identification and criminal gang enhancement.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 369

Date: 03/13/2006

Time: 8:00:18 PM

SB 339

Merritt

Concurrences Eligible for Action

Certificate of salvage titles.

Presiding: President

YEAS - 50 NAYS - 0

PREVAILED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 370

Date: 03/13/2006

Time: 8:21:21 PM

SB 112

Riegsecker

Conference Committees Eligible for Action

Transfer of first steps program.

Presiding: President

YEAS - 49

NAYS - 0

NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Lubbers

INDIANA STATE SENATE

Roll Call Number: 371

Date: 03/13/2006

Time: 8:23:33 PM

SB 321

Kruse

Conference Committees Eligible for Action
Unemployment insurance.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 373

Date: 03/14/2006

Time: 1:51:03 PM

HB 1010

Bray

Conference Committees Eligible for Action
Eminent domain.

CCR 1010-2

Presiding: President

YEAS - 49

NAYS - 0

NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bowser	Howard	Merritt	Tallian
Bray	Hume	Miller	Waltz
Breaux	Jackman	Mishler	Waterman
Broden	Kenley	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Drozda

INDIANA STATE SENATE

Roll Call Number: 374

Date: 03/14/2006

Time: 2:44:48 PM

HB 1016

Bray

Conference Committees Eligible for Action

Alcohol and tobacco matters.

Presiding: President

YEAS - 48 NAYS - 2

ADOPTED

YEAS - 48

Alting	Harrison	Lubbers	Sipes
Becker	Heinold	Lutz	Skinner
Bowser	Hershman	Meeks, R.	Smith
Bray	Howard	Merritt	Steele
Breaux	Hume	Miller	Tallian
Broden	Jackman	Mishler	Waltz
Craycraft	Kenley	Mrvan	Waterman
Dillon	Lanane	Nugent	Weatherwax
Drozda	Landske	Paul	Wyss
Ford	Lawson	Riegsecker	Young, M
Gard	Lewis	Rogers	Young, R.
Garton	Long	Simpson	Zakas

NAYS - 2

Delph	Kruse
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INDIANA STATE SENATE

Roll Call Number: 375

Date: 03/14/2006

Time: 2:46:27 PM

HB 1018

Hershman

Conference Committees Eligible for Action

Water authority audits.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 376

Date: 03/14/2006

Time: 2:48:19 PM

HB 1025

Drozda

Conference Committees Eligible for Action
Innkeeper's taxes.

Presiding: President

YEAS - 48 NAYS - 2

ADOPTED

YEAS - 48

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Skinner
Bray	Howard	Meeks, R.	Smith
Breaux	Hume	Merritt	Steele
Broden	Jackman	Miller	Tallian
Craycraft	Kenley	Mishler	Waltz
Dillon	Kruse	Mrvan	Waterman
Drozda	Lanane	Nugent	Weatherwax
Ford	Landske	Paul	Wyss
Gard	Lawson	Riegsecker	Young, R.
Garton	Lewis	Rogers	Zakas

NAYS - 2

Delph	Young, M
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INDIANA STATE SENATE

Roll Call Number: 377

Date: 03/14/2006

Time: 2:52:47 PM

HB 1029

Kenley

Conference Committees Eligible for Action
Education.

Presiding: President

YEAS - 45 NAYS - 5

ADOPTED

YEAS - 45

Alting
Bowser
Breux
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 5

Becker
Bray

Jackman
Nugent

Waterman

INDIANA STATE SENATE

Roll Call Number: 378

Date: 03/14/2006

Time: 3:04:59 PM

HB 1099

Weatherwax

Conference Committees Eligible for Action
Fireworks sales, discharge, public safety fees, and
injuries.

Presiding: President

YEAS - 34 NAYS - 16

ADOPTED

YEAS - 34

Alting	Howard	Mishler	Steele
Bray	Hume	Mrvan	Tallian
Breaux	Jackman	Nugent	Waltz
Craycraft	Kenley	Paul	Waterman
Drozda	Lawson	Riegsecker	Weatherwax
Gard	Lewis	Rogers	Young, M
Harrison	Long	Sipes	Young, R.
Heinold	Lubbers	Skinner	
Hershman	Merritt	Smith	

NAYS - 16

Becker	Dillon	Lanane	Miller
Bowser	Ford	Landske	Simpson
Broden	Garton	Lutz	Wyss
Delph	Kruse	Meeks, R.	Zakas

INDIANA STATE SENATE

Roll Call Number: 379

Date: 03/14/2006

Time: 3:08:14 PM

HB 1102

Lawson

Conference Committees Eligible for Action

Local government matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 380

Date: 03/14/2006

Time: 3:10:09 PM

HB 1114

Steele

Conference Committees Eligible for Action

Various property matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 381

Date: 03/14/2006

Time: 3:13:43 PM

HB 1155

Long

Conference Committees Eligible for Action
sex offenders.

Presiding: President

YEAS - 49 NAYS - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lutz	Smith
Becker	Heinold	Meeks, R.	Steele
Bowser	Hershman	Merritt	Tallian
Bray	Howard	Miller	Waltz
Breaux	Hume	Mishler	Waterman
Broden	Jackman	Mrvan	Weatherwax
Craycraft	Kruse	Nugent	Wyss
Delph	Lanane	Paul	Young, M
Dillon	Landske	Riegsecker	Young, R.
Drozda	Lawson	Rogers	Zakas
Ford	Lewis	Simpson	
Gard	Long	Sipes	
Garton	Lubbers	Skinner	

NAYS - 1

Kenley

INDIANA STATE SENATE

Roll Call Number: 382

Date: 03/14/2006

Time: 3:15:41 PM

HB 1259

Steele

Conference Committees Eligible for Action
Military bases.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 383

Date: 03/14/2006

Time: 3:18:32 PM

HB 1392

Paul

Conference Committees Eligible for Action
Insurance matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 384

Date: 03/14/2006

Time: 3:20:07 PM

SB 6

Steele

Conference Committees Eligible for Action
Sex offenders.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 384

Date: 03/14/2006

Time: 3:20:07 PM

SB 6

Steele

Conference Committees Eligible for Action
Sex offenders.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 385

Date: 03/14/2006

Time: 3:22:37 PM

SB 41

Miller

Conference Committees Eligible for Action

Division of aging.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 386

Date: 03/14/2006

Time: 3:24:16 PM

SB 47

Hershman

Conference Committees Eligible for Action

Criminal background checks.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 387

Date: 03/14/2006

Time: 3:28:42 PM

SB 75

Long

Conference Committees Eligible for Action

Military family relief fund.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 388

Date: 03/14/2006

Time: 5:12:52 PM

SB 83

Lubbers

Conference Committees Eligible for Action
Resisting law enforcement and deadly weapons.

Presiding: President

YEAS - 44

NAYS - 2

NOT VOTING - 4

ADOPTED

YEAS - 44

Alting	Garton	Long	Rogers
Becker	Harrison	Lubbers	Simpson
Bowser	Heinold	Lutz	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kruse	Mishler	Weatherwax
Delph	Lanane	Mrvan	Wyss
Dillon	Landske	Nugent	Young, M
Ford	Lawson	Paul	Young, R.
Gard	Lewis	Riegsecker	Zakas

NAYS - 2

Howard	Kenley
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NOT VOTING - 4

Drozda	Sipes	Skinner	Tallian
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INDIANA STATE SENATE

Roll Call Number: 389

Date: 03/14/2006

Time: 5:18:34 PM

SB 139

Lawson

Conference Committees Eligible for Action

Department of child services matters.

Presiding: President

YEAS - 47

NAYS - 0

NOT VOTING - 3

ADOPTED

YEAS - 47

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Smith
Bray	Howard	Meeks, R.	Steele
Breaux	Hume	Merritt	Waltz
Broden	Jackman	Miller	Waterman
Craycraft	Kenley	Mishler	Weatherwax
Delph	Kruse	Mrvan	Wyss
Dillon	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas
Garton	Lewis	Rogers	

NAYS - 0

NOT VOTING - 3

Drozda	Skinner	Tallian
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INDIANA STATE SENATE

Roll Call Number: 390

Date: 03/14/2006

Time: 5:21:36 PM

SB 168

Miller

Conference Committees Eligible for Action
Medicaid fraud.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 2

ADOPTED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Simpson
Bowser	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Waltz
Craycraft	Jackman	Miller	Waterman
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

NOT VOTING - 2

Skinner Tallian

INDIANA STATE SENATE

Roll Call Number: 391

Date: 03/14/2006

Time: 5:23:40 PM

SB 172

Lubbers

Conference Committees Eligible for Action

Teacher shortages.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 2

ADOPTED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Simpson
Bowser	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Waltz
Craycraft	Jackman	Miller	Waterman
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

NOT VOTING - 2

Skinner

Tallian

INDIANA STATE SENATE

Roll Call Number: 392

Date: 03/14/2006

Time: 5:29:07 PM

SB 193

Bray

Conference Committees Eligible for Action
Controlled substances.

Presiding: President

YEAS - 48

NAYS - 0

NOT VOTING - 2

ADOPTED

YEAS - 48

Alting	Garton	Lewis	Rogers
Becker	Harrison	Long	Simpson
Bowser	Heinold	Lubbers	Sipes
Bray	Hershman	Lutz	Smith
Breaux	Howard	Meeks, R.	Steele
Broden	Hume	Merritt	Waltz
Craycraft	Jackman	Miller	Waterman
Delph	Kenley	Mishler	Weatherwax
Dillon	Kruse	Mrvan	Wyss
Drozda	Lanane	Nugent	Young, M
Ford	Landske	Paul	Young, R.
Gard	Lawson	Riegsecker	Zakas

NAYS - 0

NOT VOTING - 2

Skinner Tallian

INDIANA STATE SENATE

Roll Call Number: 393

Date: 03/14/2006

Time: 5:33:23 PM

SB 253

Weatherwax

Conference Committees Eligible for Action

Activities along shorelines.

Presiding: President

YEAS - 46

NAYS - 2

NOT VOTING - 2

ADOPTED

YEAS - 46

Alting	Garton	Lubbers	Sipes
Becker	Harrison	Lutz	Smith
Bowser	Heinold	Meeks, R.	Steele
Bray	Hershman	Merritt	Waltz
Breaux	Howard	Miller	Waterman
Broden	Hume	Mishler	Weatherwax
Craycraft	Kruse	Mrvan	Wyss
Delph	Lanane	Nugent	Young, M
Dillon	Landske	Paul	Young, R.
Drozda	Lawson	Riegsecker	Zakas
Ford	Lewis	Rogers	
Gard	Long	Simpson	

NAYS - 2

Jackman	Kenley
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NOT VOTING - 2

Skinner	Tallian
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INDIANA STATE SENATE

Roll Call Number: 394

Date: 03/14/2006

Time: 5:35:01 PM

SB 258

Kenley

Conference Committees Eligible for Action

Streamlined sales tax provisions.

Presiding: President

YEAS - 49

NAYS - 0

NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Mrvan	Wyss
Delph	Kruse	Nugent	Young, M
Dillon	Lanane	Paul	Young, R.
Drozda	Landske	Riegsecker	Zakas
Ford	Lawson	Rogers	
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

NOT VOTING - 1

Skinner

INDIANA STATE SENATE

Roll Call Number: 395

Date: 03/14/2006

Time: 5:48:07 PM

SB 259

Kenley

Conference Committees Eligible for Action
Stadium funding and contracts.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 396

Date: 03/14/2006

Time: 5:54:00 PM

SB 333

Dillon

Conference Committees Eligible for Action
Professional licensing.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 397

Date: 03/14/2006

Time: 5:56:17 PM

SB 359

Hershman

Conference Committees Eligible for Action

Procurement and state public works.

Presiding: President

YEAS - 49

NAYS - 0

NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Heinold	Lutz	Smith
Becker	Hershman	Meeks, R.	Steele
Bowser	Howard	Merritt	Tallian
Bray	Hume	Miller	Waltz
Breaux	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	
Harrison	Lubbers	Skinner	

NAYS - 0

NOT VOTING - 1

Broden

INDIANA STATE SENATE

Roll Call Number: 398

Date: 03/14/2006

Time: 8:05:05 PM

HB 1110

Gard

Conference Committees Eligible for Action
Environmental law.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 399

Date: 03/14/2006

Time: 8:08:23 PM

HB 1235

Miller

Conference Committees Eligible for Action
Isolation, and quarantine, and health matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 400

Date: 03/14/2006

Time: 8:11:28 PM

HB 1380

Ford

Conference Committees Eligible for Action

Various economic development matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 401

Date: 03/14/2006

Time: 8:13:49 PM

SB 87

Jackman

Conference Committees Eligible for Action
Energy, agriculture, and energy development rules.

Presiding: President

YEAS - 49

NAYS - 0

NOT VOTING - 1

ADOPTED

YEAS - 49

Alting	Harrison	Lubbers	Smith
Becker	Heinold	Lutz	Steele
Bowser	Hershman	Meeks, R.	Tallian
Bray	Howard	Merritt	Waltz
Breaux	Hume	Miller	Waterman
Broden	Jackman	Mishler	Weatherwax
Craycraft	Kenley	Nugent	Wyss
Delph	Kruse	Paul	Young, M
Dillon	Lanane	Riegsecker	Young, R.
Drozda	Landske	Rogers	Zakas
Ford	Lawson	Simpson	
Gard	Lewis	Sipes	
Garton	Long	Skinner	

NAYS - 0

NOT VOTING - 1

Mrvan

INDIANA STATE SENATE

Roll Call Number: 402

Date: 03/14/2006

Time: 8:15:48 PM

SB 303

Kruse

Conference Committees Eligible for Action
Various motor vehicle matters.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 403

Date: 03/14/2006

Time: 8:18:47 PM

HB 1214

Long

Conference Committees Eligible for Action

Motor carrier enforcement.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 404

Date: 03/14/2006

Time: 8:21:27 PM

HB 1240

Lubbers

Conference Committees Eligible for Action

Statewide testing program; mentor teacher stipends.

Presiding: President

YEAS - 48 NAYS - 2

ADOPTED

YEAS - 48

Alting	Garton	Lewis	Simpson
Becker	Harrison	Long	Sipes
Bowser	Heinold	Lubbers	Smith
Bray	Hershman	Meeks, R.	Steele
Breaux	Howard	Merritt	Tallian
Broden	Hume	Miller	Waltz
Craycraft	Jackman	Mishler	Waterman
Delph	Kenley	Mrvan	Weatherwax
Dillon	Kruse	Nugent	Wyss
Drozda	Lanane	Paul	Young, M
Ford	Landske	Riegsecker	Young, R.
Gard	Lawson	Rogers	Zakas

NAYS - 2

Lutz	Skinner
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INDIANA STATE SENATE

Roll Call Number: 405

Date: 03/14/2006

Time: 10:59:04 PM

HB 1001

Kenley

Conference Committees Eligible for Action

Various tax matters.

Presiding: President

YEAS - 49 NAYS - 1

ADOPTED

YEAS - 49

Alting
Becker
Bowser
Bray
Brodin
Craycraft
Delph
Dillon
Drozda
Ford
Gard
Garton
Harrison

Heinold
Hershman
Howard
Hume
Jackman
Kenley
Kruse
Lanane
Landske
Lawson
Lewis
Long
Lubbers

Lutz
Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Simpson
Sipes
Skinner

Smith
Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 1

Breaux

INDIANA STATE SENATE

Roll Call Number: 406

Date: 03/14/2006

Time: 11:43:12 PM

HB 1008

R. Meeks

Conference Committees Eligible for Action
Public-private agreements for transportation.

Presiding: President

YEAS - 31 NAYS - 19

ADOPTED

YEAS - 31

Alting	Garton	Lawson	Rogers
Becker	Harrison	Long	Steele
Bray	Heinold	Lubbers	Waltz
Delph	Hershman	Meeks, R.	Waterman
Dillon	Howard	Merritt	Weatherwax
Drozda	Jackman	Miller	Wyss
Ford	Kenley	Nugent	Young, M
Gard	Landske	Riegsecker	

NAYS - 19

Bowser	Kruse	Mrvan	Smith
Breaux	Lanane	Paul	Tallian
Broden	Lewis	Simpson	Young, R.
Craycraft	Lutz	Sipes	Zakas
Hume	Mishler	Skinner	

INDIANA STATE SENATE

Roll Call Number: 407

Date: 03/14/2006

Time: 11:46:25 PM

SB 260

Kenley

Conference Committees Eligible for Action
Taxation.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 408

Date: 03/14/2006

Time: 11:47:22 PM

SB 345

R. Meeks

Conference Committees Eligible for Action

Reversal of payment delays.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 409

Date: 03/14/2006

Time: 11:48:40 PM

HB 1327

Kenley

Conference Committees Eligible for Action

Taxation and government finance.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 410

Date: 03/14/2006

Time: 11:52:17 PM

HB 1315

Landske

Conference Committees Eligible for Action

Video service franchises.

Presiding: President

YEAS - 42

NAYS - 7

EXCUSED - 1

ADOPTED

YEAS - 42

Alting
Becker
Bray
Craycraft
Dillon
Drozda
Gard
Garton
Harrison
Heinold
Hershman

Howard
Hume
Jackman
Kenley
Kruse
Landske
Lawson
Lewis
Long
Lubbers
Lutz

Meeks, R.
Merritt
Miller
Mishler
Mrvan
Nugent
Paul
Riegsecker
Rogers
Sipes
Smith

Steele
Tallian
Waltz
Waterman
Weatherwax
Wyss
Young, M
Young, R.
Zakas

NAYS - 7

Bowser
Breux

Broden
Ford

Lanane
Simpson

Skinner

EXCUSED - 1

Delph

INDIANA STATE SENATE

Roll Call Number: 411

Date: 03/14/2006

Time: 11:54:06 PM

SB 148

Riegsecker

Conference Committees Eligible for Action

Use of CAGIT revenue by certain counties.

Presiding: President

YEAS - 50 NAYS - 0

ADOPTED

YEAS - 50

Alting	Harrison	Lubbers	Skinner
Becker	Heinold	Lutz	Smith
Bowser	Hershman	Meeks, R.	Steele
Bray	Howard	Merritt	Tallian
Breaux	Hume	Miller	Waltz
Broden	Jackman	Mishler	Waterman
Craycraft	Kenley	Mrvan	Weatherwax
Delph	Kruse	Nugent	Wyss
Dillon	Lanane	Paul	Young, M
Drozda	Landske	Riegsecker	Young, R.
Ford	Lawson	Rogers	Zakas
Gard	Lewis	Simpson	
Garton	Long	Sipes	

NAYS - 0

INDIANA STATE SENATE

Roll Call Number: 412

Date: 03/14/2006

Time: 11:59:34 PM

HB 1362

Delph

Conference Committees Eligible for Action

Local government reorganization.

Presiding: President

YEAS - 44

NAYS - 5

NOT VOTING - 1

ADOPTED

YEAS - 44

Alting	Harrison	Long	Simpson
Becker	Heinold	Lubbers	Sipes
Bowser	Hershman	Lutz	Smith
Bray	Howard	Meeks, R.	Steele
Broden	Jackman	Merritt	Tallian
Delph	Kenley	Miller	Waltz
Dillon	Kruse	Mishler	Waterman
Drozda	Lanane	Mrvan	Weatherwax
Ford	Landske	Nugent	Wyss
Gard	Lawson	Paul	Young, M
Garton	Lewis	Riegsecker	Zakas

NAYS - 5

Craycraft	Rogers	Young, R.
Hume	Skinner	

NOT VOTING - 1

Breaux

SENATE ROLL CALL INDEX

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SB 5	3rd Reading	9	SB 89	3rd Reading	101	SB 205	3rd Reading	66
	CCR-1	297	SB 92	3rd Reading	77	SB 206	3rd Reading	118
SB 6	3rd Reading	160	SB 94	3rd Reading	76		Concur	325
	CCR-1	384	SB 100	3rd Reading	102	SB 208	3rd Reading	34
SB 11	3rd Reading	86		Concur	353	SB 217	3rd Reading	119
	CCR-1	314	SB 102	3rd Reading	14	SB 229	3rd Reading	166
SB 12	3rd Reading	40		Concur	320	SB 230	3rd Reading	120
	CCR-1	364	SB 105	3rd Reading	15	SB 231	3rd Reading	18
SB 17	3rd Reading	161	SB 106	3rd Reading	103		Concur	343
SB 18	3rd Reading	87		CCR-1	358	SB 232	3rd Reading	121
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	Concur	335	SB 111	3rd Reading	16		Concur	326
SB 24	3rd Reading	136		CCR-1	321	SB 235	3rd Reading	122
SB 27	3rd Reading	89	SB 112	3rd Reading	59	SB 236	3rd Reading	123
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SB 35	3rd Reading	162	SB 114	3rd Reading	33		2nd Reading Amendment 15	22
	Concur	315		Concur	322		3rd Reading	29
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	2nd Reading Amendment 2	72	SB 128	3rd Reading	128		Concur	344
	2nd Reading Amendment 3	73	SB 132	3rd Reading	105	SB 251	3rd Reading	124
	3rd Reading	92		Concur	338	SB 253	3rd Reading	79
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	Concur	316		CCR-1	389	SB 258	3rd Reading	41
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	CCR-1	385	SB 145	3rd Reading	107	SB 259	3rd Reading	19
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	Concur	336	SB 146	3rd Reading	109	SB 260	3rd Reading	44
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	CCR-1	386		Concur	323	SB 264	3rd Reading	125
SB 54	3rd Reading	93	SB 148	3rd Reading	57		Concur	327
SB 55	3rd Reading	163		CCR-1	411	SB 266	3rd Reading	126
	Concur	317	SB 151	3rd Reading	129		CCR-1	359
SB 56	3rd Reading	94	SB 153	3rd Reading	110	SB 269	3rd Reading	60
SB 57	3rd Reading	95		Concur	340		Concur	345
	Concur	318	SB 154	3rd Reading	39	SB 270	3rd Reading	167
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SB 69	3rd Reading	13	SB 160	3rd Reading	111	SB 277	3rd Reading	139
SB 71	3rd Reading	97		Concur	324	SB 283	3rd Reading	131
	Concur	319	SB 161	3rd Reading	51		Concur	328
SB 72	3rd Reading	63		Concur	342	SB 284	3rd Reading	140
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	CCR-1	387	SB 168	3rd Reading	30	SB 295	3rd Reading	45
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	CCR-1	366	SB 169	3rd Reading	54		Concur	346
SB 78	3rd Reading	83	SB 172	3rd Reading	25	SB 297	3rd Reading	53
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	Concur	337	SB 193	3rd Reading	115	SB 301	3rd Reading	142
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SB 308	3rd Reading	145	HB 1006	2nd Reading Amendment 1	196		CCR-1	380
SB 310	3rd Reading	27		3rd Reading	204	HB 1117	3rd Reading	273
	Concur	329	HB 1008	2nd Reading Amendment 25	255		CCR-1	357
SB 314	3rd Reading	146		2nd Reading Amendment 36	256	HB 1123	3rd Reading	284
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	CCR-1	371		2nd Reading Amendment 33	258	HB 1128	3rd Reading	274
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	Concur	368		2nd Reading Amendment 17	267	HB 1172	3rd Reading	289
SB 339	3rd Reading	168		3rd Reading	277	HB 1176	3rd Reading	290
	Concur	369		CCR-1	406	HB 1207	3rd Reading	187
SB 340	3rd Reading	151	HB 1010	2nd Reading Amendment 2	237	HB 1209	3rd Reading	215
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	Concur	330	HB 1011	2nd Reading Amendment 6	230	HB 1220	3rd Reading	293
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	Concur	354	HB 1018	3rd Reading	279	HB 1236	3rd Reading	218
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	Concur	332		2nd Reading Amendment 6	269	HB 1306	3rd Reading	303
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STATE OF INDIANA



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114TH GENERAL ASSEMBLY

SECOND REGULAR SESSION

Convening November 22, 2005

Reconvening January 4, 2006

Adjourning March 14, 2006

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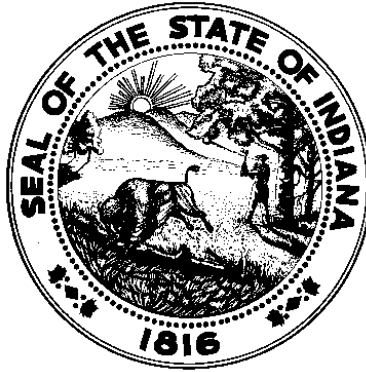
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Membership of the Indiana Senate

**114TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2006**

MEMBERS OF THE SENATE—2006

(R) Ron "Ronnie" J. Alting (Dist. 22, Tippecanoe). 3600 Cedar Lane, Lafayette 47905. Key Account Specialist, Tipmont REMC.

(R) Vaneta G. Becker* (Dist. 50, Vanderburgh, Warrick). 4017 Cobble Field Drive, Evansville 47711. Real Estate Broker, F.C. Tucker/Huber Realtors.

(D) Anita O. Bowser (Dist. 8, LaPorte, St. Joseph). 1912 East Coolspring, Michigan City 46360. Professor Emerita, Purdue University.

(R) Richard D. Bray (Dist. 37, Clay, Johnson, Monroe, Morgan, Owen, Putnam). 210 East Morgan, Martinsville 46151. Attorney.

(D) Billie J. Breaux (Dist. 34, Marion). P.O. Box 26310, Indianapolis 46226. Retired Elementary School Teacher.

(D) John E. Broden (Dist. 10, St. Joseph). 205 West Jeffersonville Boulevard, Suite 605, South Bend, 46601. Attorney.

(D) Allie V. Craycraft, Jr. (Dist. 26, Delaware, Madison). 9501 East Jackson, Selma 47383. Retired.

(R) Michael A. Delph** (Dist. 29, Hamilton, Marion). 861 Winter Court Carmel 46032. Senior Director of Government Affairs, Comcast Cable.

(R) Gary P. Dillon (Dist. 17, Allen, Grant, Huntington, Kosciusko, Wabash, Whitley). 331 North Chauncey Street, Columbia City 46725. M.D. of Dermatology.

(R) Jeffery A. Drozda (Dist. 21, Boone, Hamilton, Howard, Tipton). 533 Worth Court, Carmel 46032. Chief Operating Officer, North Park Academy.

(R) David C. Ford (Dist. 19, Adams, Allen, Blackford, Grant, Wells). 1023 North Walnut, Hartford City 47348. Attorney, Private Practice. General counsel, Indiana Farm Bureau.

(R) Beverly J. Gard (Dist. 28, Hamilton, Hancock, Henry). 3660 North 50 East, Greenfield 46140. Former Biochemist, Eli Lilly.

(R) Robert D. Garton (Dist. 41, Bartholomew, Johnson). 4024 West Southwood Lake Drive, Columbus 47201. Education Administration.

(R) Joseph W. Harrison (Dist. 23, Boone, Clinton, Fountain, Hendricks, Montgomery, Warren). P.O. Box 409, Attica 47918. Self-employed.

(R) Victor R. Heinold (Dist. 5, Jasper, LaPorte, Marshall, Porter, Pulaski, St. Joseph, Starke). 677 S 150 E., Kouts 46347. Vice President, Heinold Feeds.

(R) Brandt E. Hershman (District 7, Carroll, Clinton, Howard, Jasper, Tippecanoe, White). P.O. Box 189, Monticello 47960. District Operations Manager, U.S. Representative Steve Buyer.

(D) Glenn L. Howard (Dist. 33, Marion). 1005 West 36th Street, Indianapolis 46208. Consultant with Indianapolis Section 8 Housing.

(D) Lindel O. Hume (Dist. 48, Daviess, Dubois, Gibson, Greene, Knox, Martin, Orange, Pike). 1797 Concord Drive, Princeton 47670. Business Consultant.

(R) Robert N. Jackman (Dist. 42, Decatur, Fayette, Franklin, Rush, Shelby). 352 W. SR 244, Milroy 46156. Veterinarian, Jackman's Animal Clinic.

(R) Howard A. "Luke" Kenley III (Dist. 20, Grant, Hamilton, Madison, Tipton). 102 Harbor Trees Lane, Noblesville 46060. Commercial Real Estate Developer.

(R) Dennis K. Kruse (Dist. 14, Allen, Dekalb, Steuben). 6704 County Road 31, Auburn 46706. Auctioneer, Real Estate Appraiser, Owner Reppert School of Auctioneering.

(D) Timothy S. Lanane (Dist. 25, Madison). 34 West 8th Street, Anderson 46016. Attorney, City of Anderson.

(R) Dorothy S. "Sue" Landske (Dist. 6, Benton, Lake, Newton, Porter). 7325 West 143rd Ave., Cedar Lake 46303. Small Business Owner, All Golfcar, Inc.

(R) Connie Lawson (Dist. 24, Hendricks, Putnam). 3891 W. CR 100 South, Danville 46122. Co-owner of Lawson Company Realtors and Auctioneers.

(D) James A. Lewis (Dist. 45, Clark, Jackson, Jefferson, Jennings, Scott, Switzerland, Washington). 774 Level Street, Charlestown 47111. Building contractor.

(R) David C. Long (Dist. 16, Allen). 2919 Covington Hollow Trail, Fort Wayne 46804. General Counsel, Pizza Hut of Fort Wayne, Inc.

(R) Teresa S. Lubbers (Dist. 30, Hamilton, Marion). 5425 North New Jersey, Indianapolis 46220. President, Capitol Communications.

(D) Larry E. Lutz (Dist. 49, Gibson, Posey, Vanderburgh). 2736 West Virginia Street, Evansville 47712. Retired Firefighter.

(R) Robert L. Meeks (Dist. 13, Dekalb, Kosciusko, LaGrange, Noble, Steuben). 5840 East, 25 North, LaGrange 46761. Retired.

(R) James W. Merritt, Jr. (Dist. 31, Marion). 10327 Tarpon Drive, Indianapolis 46256. Executive Vice President, Circle Financial Corp.

(R) Patricia L. Miller (Dist. 32, Johnson, Marion). 1041 South Muesing Road, Indianapolis 46239. Executive Director, Confessing Movement Within the United Methodist Church.

(R) Ryan D. Mishler (Dist. 9, Elkhart, Kosciusko, Marshall, St. Joseph). Post Office Box 202, Bremen 46506. President Mishler Funeral Homes.

(D) Frank Mrvan, Jr. (Dist. 1, Lake). 6732 Maryland Avenue, Hammond 46323. Retired Bank Financial Officer.

MEMBERS OF THE SENATE—2006

(R) Johnny Nugent (Dist. 43, Dearborn, Franklin, Jennings, Ohio, Ripley, Union). 920 Pribble Circle, Lawrenceburg 47025. Small Business Owner, Nugent Tractor Sales.

(R) Allen E. Paul (Dist. 27, Jay, Randolph, Wayne). P.O. Box 332, Richmond 47375. Co-owner, Innovative Industries.

(R) Marvin D. Riegsecker (Dist. 12, Elkhart). 1814 Kentfield Way, Goshen 46526. Pharmacist, Meijer.

(D) Earline S. Rogers (Dist. 3, Lake). 3636 West 15th Ave., Gary 46404. Retired Teacher.

(D) Vi Simpson (Dist. 40, Brown, Monroe). 4965 West Woodland Drive, Bloomington 47404. Attorney. Executive Director, Heritage Education Foundation, Inc.

(D) Connie L. Sipes (Dist. 46, Clark, Floyd). 1825 Ekin Avenue, New Albany 47150. Principal of Fairmont Elementary School.

(D) Timothy D. Skinner (Dist. 38, Parke, Vermillion, Vigo, Warren). 5899 East Devonald Avenue, Terre Haute 47805. Teacher.

(D) Samuel Smith, Jr. (Dist. 2, Lake). P.O. Box 3218, East Chicago 46312. Mortician.

(R) Brent E. Steele (Dist. 44, Jackson, Lawrence, Monroe, Orange, Washington). 714 Leatherwood Road, Bedford, 47421. Attorney, Steele & Steele, LLC.

(D) Karen R. Tallian*** (Dist. 4, Lake, Porter). 6195 Central Avenue, Portage 46368. Attorney, Eberhard & Gastineau.

(R) D. Brent Waltz, Jr. (Dist. 36, Johnson, Marion). Post Office Box 7274, Greenwood 46142. Chairman and CEO, The Baron Group, Inc., Chairman, Medical Express Delivery, Inc., Director, Indianapolis Diversified Machining.

(R) John M. Waterman (Dist. 39, Clay, Daviess, Greene, Knox, Owen, Sullivan, Vigo). 7452 North CR 375 East, Shelburn 47879. General Contractor.

(R) Thomas K. Weatherwax (Dist. 18, Cass, Fulton, Kosciusko, Miami, Pulaski, Wabash). 3012 Woodland Drive, Logansport 46947. Sales Manager, The Andersons Management Group.

(R) Thomas J. Wyss (Dist. 15, Allen). 12133 Harvest Bay Drive, Fort Wayne 46845. Retired.

(D) Richard D. Young (Dist. 47, Crawford, Dubois, Harrison, Perry, Spencer, Warrick, Washington). 10347 East Daugherty Lane, Milltown 47145. Farmer.

(R) R. Michael Young (Dist. 35, Johnson, Marion, Morgan). 3102 Columbine Circle, Indianapolis 46224. Political Consultant.

(R) Joseph C. Zakas (Dist. 11, Elkhart, St. Joseph). 16372 Wild Cherry Drive, Granger 46530. Attorney, Thorne, Grodnik, Ransel, Duncan, Byron & Hostetler.

* Senator Greg D. Server resigned September 19, 2005. Vaneta G. Becker was sworn in on September 29, to represent District 50.

** Senator J. Murray Clark resigned November 14, 2005. Michael A. Delph was sworn in on December 21, to represent District 29.

*** Senator Rose Ann Antich-Carr resigned November 25, 2005. Karen R. Tallian was sworn in on December 12, to represent District 4.

MEMBERS OF THE SENATE BY COUNTIES—2006

Adams — Ford
 Allen — Dillon, Ford, Kruse, Long, Wyss
 Bartholomew — Garton
 Benton — Landske
 Blackford — Ford
 Boone — Drozda, Harrison
 Brown — Simpson
 Carroll — Hershman
 Cass — Weatherwax
 Clark — Lewis, Sipes
 Clay — Bray, Waterman
 Clinton — Harrison, Hershman
 Crawford — R. Young
 Daviess — Hume, Waterman
 Dearborn — Nugent
 Decatur — Jackman
 Dekalb — Kruse, Meeks
 Delaware — Craycraft
 Dubois — Hume, R. Young
 Elkhart — Mishler, Riegsecker, Zakas
 Fayette — Jackman
 Floyd — Sipes
 Fountain — Harrison
 Franklin — Jackman, Nugent
 Fulton — Weatherwax
 Gibson — Hume, Lutz
 Grant — Dillon, Ford, Kenley
 Greene — Hume, Waterman
 Hamilton — Delph, Drozda, Gard, Kenley, Lubbers
 Hancock — Gard
 Harrison — R. Young
 Hendricks — Harrison, Lawson
 Henry — Gard
 Howard — Drozda, Hershman
 Huntington — Dillon
 Jackson — Lewis, Steele
 Jasper — Heinold, Hershman
 Jay — Paul
 Jefferson — Lewis
 Jennings — Lewis, Nugent
 Johnson — Bray, Garton, Miller, Waltz, M. Young
 Knox — Hume, Waterman
 Kosciusko — Dillon, Meeks, Mishler, Weatherwax
 LaGrange — Meeks
 Lake — Landske, Mrvan, Rogers, Smith, Tallian
 LaPorte — Bowser, Heinold

Lawrence — Steele
 Madison — Craycraft, Kenley, Lanane
 Marion — Breaux, Delph, Howard, Lubbers
 Merritt, Miller, Waltz, M. Young
 Marshall — Heinold, Mishler
 Martin — Hume
 Miami — Weatherwax
 Monroe — Bray, Simpson, Steele
 Montgomery — Harrison
 Morgan — Bray, M. Young
 Newton — Landske
 Noble — Meeks
 Ohio — Nugent
 Orange — Hume, Steele
 Owen — Bray, Waterman
 Parke — Skinner
 Perry — R. Young
 Pike — Hume
 Porter — Heinold, Landske, Tallian
 Posey — Lutz
 Pulaski — Heinold, Weatherwax
 Putnam — Bray, Lawson
 Randolph — Paul
 Ripley — Nugent
 Rush — Jackman
 St. Joseph — Bowser, Broden, Heinold, Mishler, Zakas
 Scott — Lewis
 Shelby — Jackman
 Spencer — R. Young
 Starke — Heinold
 Steuben — Kruse, Meeks
 Sullivan — Waterman
 Switzerland — Lewis
 Tippecanoe — Alting, Hershman
 Tipton — Drozda, Kenley
 Union — Nugent
 Vanderburgh — Becker, Lutz
 Vermillion — Skinner
 Vigo — Skinner, Waterman
 Wabash — Dillon, Weatherwax
 Warren — Harrison, Skinner
 Warrick — Becker, R. Young
 Washington — Lewis, Steele, R. Young
 Wayne — Paul
 Wells — Ford
 White — Hershman
 Whitley — Dillon

MEMBERS OF THE SENATE BY DISTRICTS—2006

District 1 – Frank Mrvan, Jr.	District 26 – Allie V. Craycraft, Jr.
District 2 – Samuel Smith, Jr.	District 27 – Allen E. Paul
District 3 – Earline S. Rogers	District 28 – Beverly J. Gard
District 4 – Karen R. Tallian	District 29 – Michael A. Delph
District 5 – Victor R. Heinold	District 30 – Teresa S. Lubbers
District 6 – Dorothy S. "Sue" Landske	District 31 – James W. Merritt, Jr.
District 7 – Brandt E. Hershman	District 32 – Patricia L. Miller
District 8 – Anita O. Bowser	District 33 – Glenn L. Howard
District 9 – Ryan D. Mishler	District 34 – Billie J. Breaux
District 10 – John E. Broden	District 35 – R. Michael Young
District 11 – Joseph C. Zakas	District 36 – D. Brent Waltz, Jr.
District 12 – Marvin D. Riegsecker	District 37 – Richard D. Bray
District 13 – Robert L. Meeks	District 38 – Timothy D. Skinner
District 14 – Dennis K. Kruse	District 39 – John M. Waterman
District 15 – Thomas J. Wyss	District 40 – Vi Simpson
District 16 – David C. Long	District 41 – Robert D. Garton
District 17 – Gary P. Dillon	District 42 – Robert N. Jackman
District 18 – Thomas K. Weatherwax	District 43 – Johnny Nugent
District 19 – David C. Ford	District 44 – Brent E. Steele
District 20 – Howard A. "Luke" Kenley III	District 45 – James A. Lewis
District 21 – Jeffery A. Drozda	District 46 – Connie L. Sipes
District 22 – Ron "Ronnie" J. Alting	District 47 – Richard D. Young
District 23 – Joseph W. Harrison	District 48 – Lindel O. Hume
District 24 – Connie Lawson	District 49 – Larry E. Lutz
District 25 – Timothy S. Lanane	District 50 – Vaneta G. Becker

SENATE STANDING COMMITTEES—2006

(RM, ranking member; RMM, ranking minority member. Republican majority members listed first.)

Agriculture and Small Business

Nugent, Chair; Jackman, RM; Heinold, Mishler, Paul, Waterman, Weatherwax. Democrats: R. Young, RMM; Hume, Lewis, Mrvan.

Appointments and Claims

Merritt, Chair; Landske, RM; Bray, Harrison, Wyss. Democrats: Rogers, RMM; Lewis, Smith.

Appropriations

Meeks, Chair; Wyss, RM; Hershman, Jackman, Kenley, Miller, Riegsecker, Zakas. Democrats: Simpson, RMM; Breaux, Craycraft, Hume.

Commerce & Transportation

Landske, Chair; Nugent, RM; Becker, Heinold, Jackman, Merritt, Weatherwax. Democrats: Howard, RMM; Craycraft, Lanane, Tallian.

Corrections, Criminal, & Civil Matters

Long, Chair; M. Young, RM; Broden, RMM
 ● Civil Matters Subcommittee: Steele, Chair; Long, M. Young. Democrats: Broden, Howard.
 ● Corrections & Criminal Subcommittee: Zakas, Chair; Bray, Waltz, Waterman. Democrats: Bowser, Lanane.

Economic Development & Technology

Ford, Chair; Kruse, RM; Mrvan, RMM
 ● Economic Development Subcommittee: Alting, Chair; Delph, Kruse, Lubbers. Democrats: Mrvan, Sipes.
 ● Technology Subcommittee: Harrison, Chair; Ford, Waltz. Democrats: Howard, Simpson.

Education & Career Development

Lubbers, Chair; Alting, RM; Drozda, Ford, Kenley, Miller, Waltz. Democrats: Sipes, RMM; Breaux, Rogers, Skinner.

Elections & Civic Affairs

Lawson, Chair; Landske, RM; Lutz, RMM
 ● Elections Subcommittee: M. Young, Chair; Kruse, Landske, Lawson. Democrats: Lutz, Breaux.
 ● Civic Affairs Subcommittee: Merritt, Chair; Heinold, Steele. Democrats: Bowser, Smith.

Energy & Environmental Affairs

Gard, Chair; Riegsecker, RM; Bray, Drozda, Miller, Mishler, Waterman. Democrats: Tallian, RMM; Broden, Hume, Lanane.

Ethics

Zakas, Chair; Bray, RM; Long. Democrats: Craycraft, RMM; Bowser, Hume.

Governmental Affairs & Interstate Cooperation

Riegsecker, Chair; Hershman, RM; Rogers, RMM
 ● Governmental Affairs Subcommittee: M. Young, Chair; Delph, Hershman, Wyss. Democrats: Broden, Lutz.
 ● Interstate Cooperation Subcommittee: Kruse, Chair; Gard, Riegsecker. Democrats: Rogers, Smith.

Health & Provider Services

Miller, Chair; Dillon, RM; Breaux, RMM

- Public Health Subcommittee: Gard, Chair; Dillon, Riegsecker. Democrats: Breaux, Sipes.
- Provider Services Subcommittee: Lawson, Chair; Becker, Miller, Mishler. Democrats: Simpson, Skinner.

Homeland Security, Utilities, & Public Policy

Wyss, Chair; Merritt, RM; Craycraft, RMM

- Regulatory Affairs Subcommittee: Hershman, Chair; Gard, Wyss. Democrats: Rogers, Sipes.
- Public Safety Subcommittee: Heinold, Chair; Becker, Delph, Merritt. Democrats: Craycraft, Lutz.

Insurance & Financial Institutions

Paul, Chair; Steele, RM; Lewis, RMM

- Insurance Subcommittee: Long, Chair; Delph, Lubbers, Paul. Democrats: Howard, Tallian.
- Financial Institutions Subcommittee: Nugent, Chair; Steele, Waltz. Democrats: Lewis, Mrvan.

Judiciary

Bray, Chair; Zakas, RM; Lanane, RMM

- Courts & Juvenile Justice Subcommittee: Drozda, Chair; Ford, Lubbers. Democrats: Bowser, Lanane.
- Probate Code & Trusts Subcommittee: Zakas, Chair; Bray, Long, Steele. Democrats: Broden, Smith.

Natural Resources

Weatherwax, Chair; Waterman, RM; Dillon, Jackman, Meeks, Nugent, Paul. Democrats: Skinner, RMM; Craycraft, Lewis, R. Young.

Pensions & Labor

Harrison, Chair; M. Young, RM; Becker, Dillon, Drozda, Kruse, Mishler. Democrats: Bowser, RMM; Lutz, Smith, Tallian.

Tax & Fiscal Policy

Kenley, Chair; Weatherwax, RM; Alting, Dillon, Ford, Landske, Lawson, Meeks. Democrats: Hume, RMM; Mrvan, Simpson, Skinner.

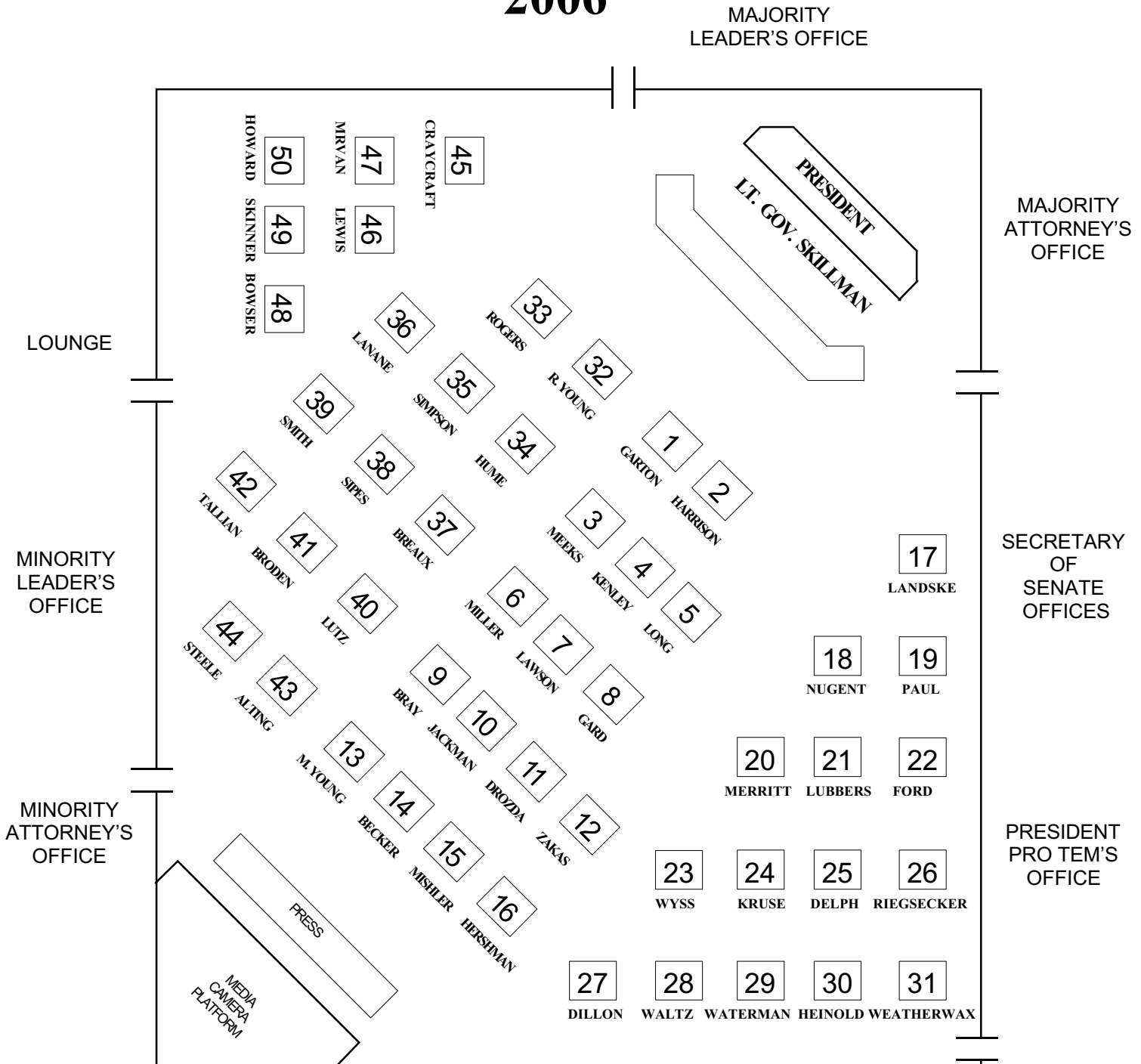
Rules and Legislative Procedure

Garton, Chair; Harrison, RM; Landske, Long, Paul, Wyss, Zakas. Democrats: R. Young, RMM; Hume, Lewis, Rogers.

Joint Rules

Garton (ex officio) Long, Chair; Harrison. Democrats: R. Young, Lewis.

SENATE SEATING ARRANGEMENT 2006



ALTING	43 (R)	FORD	22 (R)	KRUSE	24 (R)	MILLER	6 (R)	SMITH	39 (D)
BECKER	14 (R)	GARD	8 (R)	LANANE	36 (D)	MISHLER	15 (R)	STEELE	44 (R)
BOWSER	48 (D)	GARTON	1 (R)	LANDSKE	17 (R)	MRVAN	47 (D)	TALLIAN	42 (D)
BRAY	9 (R)	HARRISON	2 (R)	LAWSON	7 (R)	NUGENT	18 (R)	WALTZ	28 (R)
BREAU	37 (D)	HEINOLD	30 (R)	LEWIS	46 (D)	PAUL	19 (R)	WATERMAN	29 (R)
BRODEN	41 (D)	HERSHMAN	16 (R)	LONG	5 (R)	RIEGSECKER	26 (R)	WEATHERWAX	31 (R)
CRAYCRAFT	45 (D)	HOWARD	50 (D)	LUBBERS	21 (R)	ROGERS	33 (D)	WYSS	23 (R)
DELPH	25 (R)	HUME	34 (D)	LUTZ	40 (D)	SIMPSON	35 (D)	M. YOUNG	13 (R)
DILLON	27 (R)	JACKMAN	10 (R)	MEEKS	3 (R)	SIPES	38 (D)	R. YOUNG	32 (D)
DROZDA	11 (R)	KENLEY	4 (R)	MERRITT	20 (R)	SKINNER	49 (D)	ZAKAS	12 (R)

LEGISLATION BY MEMBER—2006

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by Governor Daniels in 2006.)

SENATE

Alting, Ron

Authored

- SB 33 Volunteer advocates for incapacitated adults.
- SB 129 Endangering an unborn child.
- SB 130 Occupational therapists.
- SB 231 Academic honors diploma grants.
- SB 257 Energy and fuel assistance grants to schools.
- SB 310 Alternate methods for earning high school credits.
- SCR 40 Memorializing Robert A. Zell, Tippecanoe County highway worker.
- SCR 62 Honoring Lafayette Central Catholic girls' basketball team, Class 1A state champions.

Sponsored

- HB 1081 Home energy sales tax exemption.
- HB 1236 Capitol police salary matrix.
- HCR 72 Memorializing U.S. Army Specialist Matthew C. Frantz.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 106 State gross retail tax.
- SB 217 Redevelopment commission housing programs.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1025 Innkeeper's taxes.
- HB 1098 Massage therapy regulation.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

*** Antich-Carr, Rose Ann**

[Resigned effective November 25, 2005.]

Coauthored

- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.

Becker, Vaneta

Authored

- SB 101 Insulation income tax deduction.
- SB 102 Anatomical gift liability.
- SB 103 Police and firefighter death benefits.
- SB 111 Student nutrition and physical activity.
- SB 165 Removal of tenant's property from dwelling unit.
- SB 254 Lease protections for domestic violence victims.
- SB 368 Medical licensing board pilot program.
- SB 382 Airport development zone.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 44 Honoring International Brotherhood of Electrical Workers (IBEW) for services.
- SCR 60 Honoring Castle High School girls' basketball team, Class 4A state champions.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Sponsored

- HB 1017 Property appraisers.
- HB 1020 Regulation of teen clubs.
- HB 1081 Home energy sales tax exemption.
- HB 1106 Automatic external defibrillators.
- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1123 Sexual assault standards and certification board.
- HB 1155 Sex offenders.
- HB 1227 Retired state employees.
- HB 1287 Transportation.
- HB 1344 Government consolidation in Vanderburgh County.
- HCR 7 Lamenting loss of life in Southwest Indiana tornado in November, 2005.
- HCR 28 Recognizing February 3, 2006, as Wear Red for Women Day.
- HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.

Coauthored

- SB 88 Motor vehicle restraint systems.
- SB 147 Insurance payments to health care providers.
- SB 206 Public safety disability pensions.
- SB 216 Gas utility connection charges and deposits.

LEGISLATION BY MEMBER—2006

- SB 332 Department of correction pension benefits.
- SB 340 Salary and PERF protection for state employees.
- SB 374 Child passenger restraint systems exception.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.

Cosponsored

- HB 1150 Use of antique license plates on motor vehicles.
- HB 1238 Emergency management mobile support.
- HB 1281 Domestic violence.
- HB 1315 Video service franchises.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Bowser, Anita

Authored

- SB 48 Imposition of death sentence by the court.
- SB 49 Expungement of arrest records.
- SB 66 Sentencing of mentally ill individuals.
- SB 274 Impounding property taxes in annexed territory.
- SB 332 Department of correction pension benefits.
- SB 343 Discharge of long term inmates.
- SB 344 Provisional ballots.
- SB 391 Eminent domain.
- SR 5 Celebrating the 300th anniversary of the birth of Benjamin Franklin.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Coauthored

- SB 6 Sex offenders.
- SB 39 Legal settlement in a school corporation.
- SB 40 Relocation issues in family law matters.
- SB 154 Extra heavy duty highway.
- SB 216 Gas utility connection charges and deposits.
- SB 340 Salary and PERF protection for state employees.

- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1040 Technical corrections bill.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1420 Employee tobacco use.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Bray, Richard D.

Authored

- SB 84 Reentry courts.
- SB 135 Adult video games.
- SB 192 Bail requirements.
- SB 193 Controlled substances.
- SB 298 Sex offender residency.
- SB 299 Trafficking with an inmate.
- SB 300 Victim's compensation fund.
- SJR 13 Prohibition of property taxes for school operating costs.
- SCR 14 Study: appellate issues.
- SR 12 Commission on Courts to study establishing dedicated funds for court fees.

Sponsored

- HB 1010 Eminent domain.
- HB 1016 Alcohol and tobacco matters.
- HB 1112 Communications of sympathy.
- HB 1113 Liability connected with consumption of food and beverages.
- HB 1156 Various provisions concerning courts.
- HB 1158 Small claims, civil actions, and sheriff's fees.
- HB 1203 Preliminary orders in juvenile cases.
- HB 1232 Curfew.
- HB 1353 Trademarks and service marks.

LEGISLATION BY MEMBER—2006

- HB 1367 Study of liability for 501(c)(3) organizations.
 HCR 9 Congratulating Martinsville High School girls' softball team, 2005 state champions.
 HCR 11 Honoring Martinsville High School volleyball team, Class 4A state champions.
 HCR 12 Honoring Martinsville High School Academic Spell Bowl Team.
 HCR 61 Honoring the Martinsville High School Academic Decathlon team.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 6 Sex offenders.
 ■ SB 353 Alternative fuel use and production.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
 SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
 SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1028 Firearms and self-defense.
 ■ HB 1155 Sex offenders.
 ■ HB 1176 Handgun license renewal.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

Breaux, Billie J.

Authored

- SB 37 Miscellaneous election law changes.
 ■ SB 40 Relocation issues in family law matters.
 SB 170 Consolidation of Marion County government.
 SB 271 Services provided by Wishard dental hygienists.
 SB 272 Extended hours for polling places.
 SB 366 Funding of child welfare services.
 SB 394 Indianapolis/Marion County consolidation.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.

- SR 8 Memorializing Mrs. Roselyn C. Richardson, community and civic leader.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 54 Honoring the late biologist and naturalist, Rachel Carson.

Sponsored

- HB 1011 Miscellaneous election law matters.
 ■ HB 1106 Automatic external defibrillators.
 ■ HB 1156 Various provisions concerning courts.
 ■ HB 1235 Isolation, and quarantine, and health matters.
 ■ HB 1300 Commercial driver's licenses and permits.
 ■ HB 1395 Marion County health and hospital corporation.
 HCR 33 Memorializing Coretta Scott King.
 HCR 40 Honoring Alpha Phi Alpha Fraternity, Inc. on its 100th anniversary.
 HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.
 HCR 45 Honoring David C. Lewis, Indiana Clerk of the Courts.

Coauthored

- SB 39 Legal settlement in a school corporation.
 ■ SB 111 Student nutrition and physical activity.
 SB 127 Political expenditures.
 SB 128 Casting provisional ballot by challenged voter.
 ■ SB 132 Correction of 2005 child services legislation.
 SB 140 Assignment of benefits.
 ■ SB 151 Child care regulation.
 SB 257 Energy and fuel assistance grants to schools.
 ■ SB 284 Statewide trauma system.
 ■ SB 308 Medicaid income spend down.
 SB 309 Early childhood education.
 ■ SB 332 Department of correction pension benefits.
 SB 336 Care and management of student diabetes at school.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 35 Honoring Molly Seward, Indiana's Teacher of the Year 2005.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
 SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
 SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 38 Thanking Senate Democratic interns for their services.

LEGISLATION BY MEMBER—2006

- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1062 School corporation police department.
- HB 1080 Standards and inspection of abortion clinics.
- HB 1172 Written information before an abortion.
- HB 1209 Public transportation smoking prohibition.
- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- HB 1257 Postsecondary proprietary education.
- HB 1314 Substance and alcohol use during pregnancy.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 32 Celebrating Black History Month.
- HCR 66 Honoring the Indianapolis Urban League for its community service.

Brodén, John

Authored

- SB 17 Income tax credit for toll roads.
- SB 114 Probate and trust matters.
- SB 143 Explanation of proposed constitutional amendments.
- SB 212 Investments in institutions doing business in Sudan.
- SB 214 Exemption from county building ordinance.
- SB 215 Child in need of services; grandparent visitation.
- SB 216 Gas utility connection charges and deposits.
- SB 217 Redevelopment commission housing programs.
- SB 246 Sex offenders.
- SB 280 Domestic relations counseling user fees.
- SB 284 Statewide trauma system.
- SB 329 Electronic recording of custodial interrogations.
- SB 330 Custody after paternity is established.
- SB 331 Abandoned vehicles.
- SB 333 Professional licensing.
- SB 341 Tax sales and redevelopment.
- SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.
- SR 11 Honoring South Bend Chocolate Company, 2005 Entrepreneur of the Year.

Sponsored

- HB 1017 Property appraisers.
- HB 1020 Regulation of teen clubs.
- HB 1103 Bureau of motor vehicles matters.
- HB 1281 Domestic violence.
- HB 1353 Trademarks and service marks.

Coauthored

- SB 12 Sex offenders.
- SB 84 Reentry courts.
- SB 106 State gross retail tax.
- SB 111 Student nutrition and physical activity.
- SB 154 Extra heavy duty highway.
- SB 300 Victim's compensation fund.
- SB 340 Salary and PERF protection for state employees.

- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.
- SCR 57 Honoring Penn High School Spell Bowl team, state champions.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1114 Various property matters.
- HB 1155 Sex offenders.
- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- HB 1222 Redevelopment commission housing programs.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.
- HCR 35 Urging protection of our environmental resources such as the Great Lakes.

Craycraft, Allie V.

Authored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 61 Volunteer firefighter income tax deduction.
- SB 62 Capitol police.
- SB 63 State police and natural resources salary matrix.
- SB 64 Collective bargaining for public safety employees.
- SB 131 Minimum wage.
- SB 191 Photos in criminal history files.
- SB 226 State police pension benefits.
- SB 227 Notice of business closure.
- SB 228 Military family benefits.

LEGISLATION BY MEMBER—2006

- SB 247 Various homeland security matters.
- SB 250 Unemployment compensation.
- SB 285 Emergency management.
- SB 304 Senior citizen property tax credit.
- SB 335 Health facility fire sprinklers and smoke alarms.
- SCR 22 Honoring Muncie Burris High School girls' volleyball team, Class 2A state champions.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.

Sponsored

- HB 1013 License plates.
- HB 1207 Home improvement fraud.
- HB 1220 Professional investigation funds.
- HB 1234 Public safety officer death benefit.
- HB 1238 Emergency management mobile support.
- HCR 27 Memorializing Representative R. Tiny Adams.

Coauthored

- SB 3 Railroad employee housing.
- SB 33 Volunteer advocates for incapacitated adults.
- SB 37 Miscellaneous election law changes.
- SB 47 Criminal background checks.
- SB 75 Military family relief fund.
- SB 92 Reopening of certain license branches.
- SB 105 License branches open on election day.
- SB 106 State gross retail tax.
- SB 194 Teacher professional development days.
- SB 235 Special group recognition license plates.
- SB 237 Regulation of abortion clinics.
- SB 256 Credit for excessive residential property taxes.
- SB 257 Energy and fuel assistance grants to schools.
- SB 283 Emergency telephone notification system.
- SB 332 Department of correction pension benefits.
- SB 340 Salary and PERF protection for state employees.
- SB 365 State employee retirement health benefits.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.

- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1022 State fair commission.
- HB 1123 Sexual assault standards and certification board.
- HB 1150 Use of antique license plates on motor vehicles.
- HB 1172 Written information before an abortion.
- HB 1176 Handgun license renewal.
- HB 1236 Capitol police salary matrix.
- HB 1259 Military bases.
- HB 1307 Worker's compensation.
- HB 1315 Video service franchises.
- HB 1368 PERF and TRF cost of living adjustments.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Delph, Michael A.

Authored

- SB 75 Military family relief fund.
- SB 145 Vehicle forfeiture and driving while intoxicated.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 13 Study: interlocal cooperation agreements.
- SR 46 Commission on State Tax and Financing Policy to study eligibility for certain military benefits.

Sponsored

- HB 1080 Standards and inspection of abortion clinics.
- HB 1172 Written information before an abortion.
- HB 1362 Local government reorganization.
- HB 1414 Human and sexual trafficking.
- HCR 42 Honoring Power Soccer of Indy.

Coauthored

- SB 1 Marion County government matters.
- SB 2 Sex offenders and obscenity.
- SB 6 Sex offenders.
- SB 47 Criminal background checks.
- SB 105 License branches open on election day.
- SB 111 Student nutrition and physical activity.
- SB 162 Exempt commercial policyholder.
- SB 172 Teacher shortages.
- SB 246 Sex offenders.
- SB 247 Various homeland security matters.
- SB 283 Emergency telephone notification system.
- SB 285 Emergency management.
- SB 363 Technology report.
- SB 370 Workforce development system.
- SB 374 Child passenger restraint systems exception.
- SCR 13 Recognizing the Brant family and the Indiana Oxygen Company.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.

LEGISLATION BY MEMBER—2006

- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SCR 53 Honoring home school students who graduate in 2006.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 53 Honoring former Senator J. Murray Clark, who recently retired from the Senate.

Cosponsored

- HB 1028 Firearms and self-defense.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1176 Handgun license renewal.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 16 Honoring Carmel High School marching band, Grand National Champion.
- HCR 33 Memorializing Coretta Scott King.

Dillon, Gary

Authored

- SB 125 Student health measurements.
- SB 126 Freezing of credit reports.
- SB 143 Explanation of proposed constitutional amendments.
- SB 207 Collection of court costs and fines.
- SB 208 Medical alert on licenses or identification cards.
- SB 209 Community investment tax credits.
- SB 210 Medical error reporting.
- SB 213 School bonds for retirement liability.
- SB 311 Unsolicited facsimile advertisements.
- SB 333 Professional licensing.
- SB 350 Student assessment.
- SB 376 Teacher and school administrator contracts.

Sponsored

- HB 1009 Redistricting commission.
- HB 1049 Controlled substances crimes.
- HB 1142 Skills 2016 training fund.
- HB 1209 Public transportation smoking prohibition.
- HB 1234 Public safety officer death benefit.
- HCR 39 Honoring Dr. William Dennis Dannacher for his years of service to Wabash.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 105 License branches open on election day.
- SB 340 Salary and PERF protection for state employees.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.

- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1001 Various tax matters.
- HB 1106 Automatic external defibrillators.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1314 Substance and alcohol use during pregnancy.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.
- HCR 51 Honoring Michael Kiley for his service on the Natural Resources Commission.

Drozda, Jeffery A.

Authored

- SB 2 Sex offenders and obscenity.
- SB 3 Railroad employee housing.
- SB 4 Dispensing abortion devices or drugs or birth control.
- SB 11 Various securities matters.
- SB 43 Free state fair admission for military personnel.
- SB 44 Traffic signal outage or conflict.
- SB 45 Fetal development curriculum.
- SB 204 Health coverage options.
- SB 205 Disclosure of electronic mail account addresses.
- SB 206 Public safety disability pensions.
- SB 236 Driver training schools.
- SB 324 Various education matters.

Sponsored

- HB 1006 Allocation of school resources; homeless students.
- HB 1010 Eminent domain.
- HB 1024 Criminal confinement.
- HB 1025 Innkeeper's taxes.
- HB 1080 Standards and inspection of abortion clinics.
- HB 1124 Rainy day fund loans to political subdivisions.

LEGISLATION BY MEMBER—2006

- HB 1172 Written information before an abortion.
 HCR 6 Recognizing Kokomo on 150th anniversary of its founding.
 HCR 13 Honoring Zionsville Community High School for its advanced placement classes.
 HCR 58 INDOT to rename part of State Road 28 the Richard Regnier Memorial Highway.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 12 Sex offenders.
 SB 78 Property tax deduction for farm security items.
 ■ SB 106 State gross retail tax.
 ■ SB 145 Vehicle forfeiture and driving while intoxicated.
 SB 322 Forfeiture of public pensions for misconduct.
 ■ SB 353 Alternative fuel use and production.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
 SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
 SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
 SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1028 Firearms and self-defense.
 ■ HB 1150 Use of antique license plates on motor vehicles.
 ■ HB 1155 Sex offenders.
 ■ HB 1176 Handgun license renewal.
 ■ HB 1234 Public safety officer death benefit.
 ■ HB 1285 Alternative fuels.
 ■ HB 1380 Various economic development matters.
 ■ HB 1418 Kennel licenses.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

Ford, David C.

Authored

- SB 39 Legal settlement in a school corporation.

- SB 40 Relocation issues in family law matters.
 ■ SB 71 Drainage assessments and storm water.
 ■ SB 168 Medicaid fraud.
 SB 248 Length of school year.
 SB 249 Employee training tax credits and programs.
 SB 301 Access to I-Light network by hospitals.
 SB 302 Single factor apportionment.
 SB 360 Bonds for public works projects.
 SB 361 Operation of license branches by contractors.
 ■ SB 362 Collection of delinquent taxes.
 SB 363 Technology report.
 ■ SB 379 Publication of administrative rules.
 SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.

Sponsored

- HB 1022 State fair commission.
 HB 1173 Lifelong learning matching grant.
 ■ HB 1212 Drainage assessments, sanitation districts, and storm water districts.
 ■ HB 1232 Curfew.
 HB 1266 Headquarters relocation tax credit.
 ■ HB 1280 Unsolicited facsimile advertisements.
 ■ HB 1380 Various economic development matters.
 HCR 51 Honoring Michael Kiley for his service on the Natural Resources Commission.

Coauthored

- SB 353 Alternative fuel use and production.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
 SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
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 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

LEGISLATION BY MEMBER—2006

Gard, Beverly J.

Authored

- SB 22 Pipeline safety.
- SB 71 Drainage assessments and storm water.
- SB 76 Storm water fees.
- SB 87 Energy, agriculture, and energy development rules.
- SB 89 Serial meetings and electronic meetings.
- SB 117 Various employment matters.
- SB 118 Excise surtax exemption.
- SB 124 Health provider reimbursement agreements.
- SB 146 Property transfer disclosure form.
- SB 147 Insurance payments to health care providers.
- SB 232 Jury service exemptions.
- SB 233 Technology textbooks.
- SB 234 Environmental rules and enforcement.
- SB 235 Special group recognition license plates.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.

Sponsored

- HB 1110 Environmental law.
- HB 1117 Environmental law.
- HB 1420 Employee tobacco use.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 69 Governance of rural telephone cooperatives.
- SB 206 Public safety disability pensions.
- SB 353 Alternative fuel use and production.
- SB 369 Drought planning.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1150 Use of antique license plates on motor vehicles.
- HB 1368 PERF and TRF cost of living adjustments.
- HCR 1 Recognizing Operation Hoosier Relief.

HCR 33 Memorializing Coretta Scott King.

HCR 35 Urging protection of our environmental resources such as the Great Lakes.

Garton, Robert D.

Authored

- SB 13 Vehicle bill.
- SB 15 Vehicle bill.
- SB 16 Vehicle bill.
- SB 20 Vehicle bill.
- SB 21 Vehicle bill.
- SB 25 Vehicle bill.
- SB 26 Vehicle bill.
- SB 28 Vehicle bill.
- SB 29 Vehicle bill.
- SB 30 Vehicle bill.
- SB 31 Vehicle bill.
- SB 32 Vehicle bill.
- SB 34 Vehicle bill.
- SJR 3 Vehicle joint resolution.
- SJR 4 Vehicle joint resolution.
- SJR 5 Vehicle joint resolution.
- SJR 6 Vehicle joint resolution.
- SJR 7 Vehicle joint resolution.
- SJR 8 Vehicle joint resolution.
- SJR 9 Vehicle joint resolution.
- SCR 4 Consenting to recesses of the Senate and House for more than three days.
- SCR 16 Honoring Sam Simmermaker, Indiana Basketball Hall of Fame inductee.
- SCR 20 Honoring Tony Stewart of Columbus, NASCAR Nextel Cup series champion.
- SCR 68 Fixing the date for Second Regular Technical Session of the General Assembly.
- SR 1 Authorizing Senate Postmaster to receive mail for the Senate.
- SR 15 Memorializing former Senator C. Wendell Martin.
- SR 16 Recognizing the outstanding work of the employees of the Indiana Senate.
- SR 17 Expressing appreciation to the staff of the Indiana Legislative Services Agency.
- SR 18 Expressing sincere appreciation of the Senate for the Doctor of the Day program.
- SR 19 Expressing appreciation to Brian Breslin of Meijer.
- SR 20 Expressing appreciation to Warren Disch and Supervalu-Central.
- SR 21 Expressing appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.
- SR 22 Expressing appreciation to Douglas J. Simmons and the SDS Group, LTD.
- SR 23 Expressing appreciation to Robert Kraft of the Indiana Farm Bureau.
- SR 24 Expressing appreciation to Joe Lackey of the Soft Drink Association.
- SR 25 Expressing appreciation to Brent Shay and Eby Brown Company.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 39 Expressing appreciation to John B. Livengood, Restaurant and Hospitality Association.

LEGISLATION BY MEMBER—2006

- SR 55 Expressing appreciation for the Chiropractor of the Day Program.

Sponsored

- HCR 8 Setting joint session for the State of the State address.
HCR 10 Setting joint session for the State of the Judiciary address.

Coauthored

- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
SCR 3 Honoring Ron Wuensch on his retirement.
SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
SCR 28 Congratulating William Carson upon his retirement.
SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
SCR 51 Congratulating Bruce Melchert upon his retirement.
SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
HCR 33 Memorializing Coretta Scott King.

Harrison, Joseph W.

Authored

- SB 55 Public safety deferred retirement option plan.
■ SB 56 Pension relief fund distributions.
■ SB 57 Pension fund administrative issues.
■ SB 58 Teachers' retirement fund administrative issues.
SB 59 Teachers' retirement fund director.
SCR 46 Honoring Clinton Cental High School FFA team for success at state championships.
SR 27 Pension Management Oversight Commission to study funding sources for pension relief for municipalities.
SR 28 Pension Management Oversight Commission to review matching fund municipalities for pension relief.
SR 36 Pension Management Oversight Commission to study transfers from 1977 pension fund to PERF.

Sponsored

- HB 1267 Employment certificates for children.

- HB 1307 Worker's compensation.
HCR 49 Pension Management Oversight Commission to study computation of public employees' pensions.

Coauthored

- SB 321 Unemployment insurance.
SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
SCR 3 Honoring Ron Wuensch on his retirement.
SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
SCR 28 Congratulating William Carson upon his retirement.
SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
SCR 51 Congratulating Bruce Melchert upon his retirement.
SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
HCR 33 Memorializing Coretta Scott King.

Heinold, Victor R.

Authored

- SB 77 Shooting preserves.
SB 78 Property tax deduction for farm security items.
SB 79 Daylight saving time.
■ SB 154 Extra heavy duty highway.
SB 155 Public work projects.
■ SB 283 Emergency telephone notification system.
SCR 7 Promoting the use of "A Child is Missing" program.
SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
SCR 65 Honoring Boone Grove Middle School, Four Star School.

Sponsored

- HB 1023 Addiction treatment facilities.
■ HB 1065 Pesticide application.
HB 1086 Agricultural enterprise zones.
■ HB 1285 Alternative fuels.
HB 1323 Extra heavy duty highways.
HB 1378 Corn checkoffs.
■ HB 1418 Kennel licenses.
HCR 60 Honoring Chesterton High School debate team, 2006 state champions.

LEGISLATION BY MEMBER—2006

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 17 Income tax credit for toll roads.
- SB 71 Drainage assessments and storm water.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SB 208 Medical alert on licenses or identification cards.
- SB 245 Telecommunications.
- SB 353 Alternative fuel use and production.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 49 INDOT to rename part of U.S. 31 as the Reggie Miller Highway.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1013 License plates.
- HB 1016 Alcohol and tobacco matters.
- HB 1028 Firearms and self-defense.
- HB 1093 Offenses on school property or against school employees.
- HB 1176 Handgun license renewal.
- HB 1279 Telecommunications.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Hershman, Brandt

Authored

- SB 23 Communications service infrastructure tax abatement.
- SB 47 Criminal background checks.
- SB 90 Interference with newspaper distribution.
- SB 91 Volunteer firefighter and paramedic records.
- SB 100 Charity gaming.
- SB 244 Enterprise zone investment cost credit.
- SB 245 Telecommunications.
- SB 297 Penalty for false information given to the BMV.

- SB 313 Preparing documents for recording.
- SB 353 Alternative fuel use and production.
- SB 359 Procurement and state public works.
- SCR 21 Honoring Indiana Main Street Program for 20 years of service to cities and towns.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 46 Honoring Clinton Cental High School FFA team for success at state championships.

Sponsored

- HB 1008 Public-private agreements for transportation.
- HB 1018 Water authority audits.
- HB 1076 Contracts for public water and wastewater projects.
- HB 1101 Security breach disclosure and identity deception.
- HB 1124 Rainy day fund loans to political subdivisions.
- HB 1279 Telecommunications.
- HCR 25 INDOT to name Wabash River bridge as Carroll County Veterans Memorial Bridge.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 54 Handgun licensing.
- SB 75 Military family relief fund.
- SB 94 Lakes management work group.
- SB 229 Independent college self-insurance program.
- SB 323 Allocation of school resources.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
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- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1025 Innkeeper's taxes.
- HB 1028 Firearms and self-defense.
- HB 1086 Agricultural enterprise zones.
- HB 1176 Handgun license renewal.
- HB 1285 Alternative fuels.

LEGISLATION BY MEMBER—2006

- HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.
 HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.

Howard, Glenn L.

Authored

- SB 72 IURC proceedings.
 ■ SB 169 Extension of nursing facility assessment fee.
 SB 292 Election day voter registration.
 SB 293 Self-sufficiency standard for employment.
 SB 294 Equivalent jobs and wage discrimination.
 SB 357 Juvenile waiver of counsel.
 SB 386 Earned income credit.
 SB 387 Health facility sprinklers for fire safety.
 SCR 35 Honoring Molly Seward, Indiana's Teacher of the Year 2005.

Sponsored

- HCR 31 Recognizing the Family Fun Filled Back-to-School Carnival Celebration.
 HCR 33 Memorializing Coretta Scott King.

Coauthored

- SB 75 Military family relief fund.
 ■ SB 84 Reentry courts.
 ■ SB 106 State gross retail tax.
 ■ SB 145 Vehicle forfeiture and driving while intoxicated.
 ■ SB 300 Victim's compensation fund.
 SB 331 Abandoned vehicles.
 ■ SB 353 Alternative fuel use and production.
 ■ SB 370 Workforce development system.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
 SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
 SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 38 Thanking Senate Democratic interns for their services.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1207 Home improvement fraud.
 ■ HB 1238 Emergency management mobile support.
 ■ HB 1315 Video service franchises.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 14 Commemorating Martin Luther King, Jr. Day.
 HCR 21 Honoring Reverend James R. Flint, Jr.
 HCR 32 Celebrating Black History Month.
 HCR 45 Honoring David C. Lewis, Indiana Clerk of the Courts.
 HCR 66 Honoring the Indianapolis Urban League for its community service.

Hume, Lindel O.

Authored

- SB 51 Defense of property and self-defense.
 SB 54 Handgun licensing.
 ■ SB 193 Controlled substances.
 SB 194 Teacher professional development days.
 ■ SB 258 Streamlined sales tax provisions.
 SB 314 Soil and water conservation districts and wild animals.
 SB 365 State employee retirement health benefits.
 SB 390 Property tax credits.
 SJR 13 Prohibition of property taxes for school operating costs.

Sponsored

- HB 1259 Military bases.
 ■ HB 1368 PERF and TRF cost of living adjustments.
 HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.

Coauthored

- SB 69 Governance of rural telephone cooperatives.
 SB 78 Property tax deduction for farm security items.
 SB 79 Daylight saving time.
 SB 80 School year.
 SB 92 Reopening of certain license branches.
 SB 245 Telecommunications.
 SB 251 Motor carrier enforcement.
 ■ SB 260 Taxation.
 ■ SB 345 Reversal of payment delays.
 SB 346 PERF COLA and 13th check.
 ■ SB 353 Alternative fuel use and production.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.

LEGISLATION BY MEMBER—2006

- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1001 Various tax matters.
- HB 1013 License plates.
- HB 1028 Firearms and self-defense.
- HB 1117 Environmental law.
- HB 1128 Ignition interlock devices.
- HB 1176 Handgun license renewal.
- HB 1279 Telecommunications.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1286 Motorcycle operational skills test.
- HB 1397 State ethics standards.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Jackman, Robert N.

Authored

- SB 24 Televised simulcasts.
- SB 86 Medication of horses in pari-mutuel events.
 - SB 87 Energy, agriculture, and energy development rules.
 - SB 99 County option surcharges on state park fees.
 - SB 100 Charity gaming.
 - SB 367 Shooting preserves.
 - SCR 66 Honoring Mays Elementary School, Four Star School.

Sponsored

- HB 1086 Agricultural enterprise zones.
- HB 1378 Corn checkoffs.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 160 Witnesses at an execution.
- SB 257 Energy and fuel assistance grants to schools.
- SB 353 Alternative fuel use and production.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.

- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Kenley, Luke

Authored

- SB 38 Income tax credit for contributions to education savings plans.
- SB 55 Public safety deferred retirement option plan.
 - SB 56 Pension relief fund distributions.
 - SB 60 Public school transfer program.
 - SB 97 Direct wine shipment.
 - SB 98 Operator's license reciprocity with another country.
 - SB 257 Energy and fuel assistance grants to schools.
 - SB 258 Streamlined sales tax provisions.
 - SB 259 Stadium funding and contracts.
 - SB 260 Taxation.
 - SB 296 Punitive damages.
 - SB 312 Environmental crimes study committee.
 - SB 365 State employee retirement health benefits.
 - SB 376 Teacher and school administrator contracts.
 - SCR 49 INDOT to rename part of U.S. 31 as the Reggie Miller Highway.
 - SR 7 Honoring Indiana/World Skating Academy and the success of its students.

Sponsored

- HB 1001 Various tax matters.
- HB 1007 Various business tax changes.
- HB 1029 Education.
- HB 1040 Technical corrections bill.
- HB 1089 Annexation of property zoned agricultural.
- HB 1111 Life insurance and Medicaid.
- HB 1112 Communications of sympathy.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1222 Redevelopment commission housing programs.

LEGISLATION BY MEMBER—2006

- HB 1327 Taxation and government finance.
- HJR 3 Common school fund for early childhood education.
- HCR 4 Congratulating Susan Guilkey, Miss Indiana 2005.
- HCR 5 Honoring Carmel Symphony Orchestra on its 30th anniversary season.
- HCR 51 Honoring Michael Kiley for his service on the Natural Resources Commission.

Coauthored

- SB 217 Redevelopment commission housing programs.
- SB 310 Alternate methods for earning high school credits.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 46 Commission on State Tax and Financing Policy to study eligibility for certain military benefits.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 33 Memorializing Coretta Scott King.
- HCR 58 INDOT to rename part of State Road 28 the Richard Regnier Memorial Highway.

Kruse, Dennis K.

Authored

- SB 19 Covenant marriage.
- SB 133 Permits for oversized tractor-semitrailers.
- SB 134 Child molestation.
- SB 135 Adult video games.
- SB 136 Child support payments from joint accounts.
- SB 137 Use of compression release engine brakes.
- SB 237 Regulation of abortion clinics.
- SB 303 Various motor vehicle matters.
- SB 315 Sex offenders and lifetime parole.
- SB 321 Unemployment insurance.
- SB 322 Forfeiture of public pensions for misconduct.

- SB 370 Workforce development system.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 9 Encouraging development of a progressive molecular dissociation process.

Sponsored

- HB 1150 Use of antique license plates on motor vehicles.
- HB 1249 County drug free community fund.
- HB 1307 Worker's compensation.
- HB 1318 Property tax abatement.
- HB 1323 Extra heavy duty highways.
- HCR 29 Honoring Monroeville Community Park Board.

Coauthored

- SB 2 Sex offenders and obscenity.
- SB 5 Disorderly conduct at funerals and intimidation.
- SB 6 Sex offenders.
- SB 12 Sex offenders.
- SB 51 Defense of property and self-defense.
- SB 106 State gross retail tax.
- SB 111 Student nutrition and physical activity.
- SB 245 Telecommunications.
- SB 246 Sex offenders.
- SB 287 Restrictions on video games.
- SB 340 Salary and PERF protection for state employees.
- SB 353 Alternative fuel use and production.
- SB 354 Forestry issues.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SCR 53 Honoring home school students who graduate in 2006.
- SCR 61 Honoring Fort Wayne Bishop Luers girls' basketball team, Class 3A state champions.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 53 Honoring former Senator J. Murray Clark, who recently retired from the Senate.

LEGISLATION BY MEMBER—2006

Cosponsored

- HB 1001 Various tax matters.
- HB 1013 License plates.
- HB 1049 Controlled substances crimes.
- HB 1080 Standards and inspection of abortion clinics.
- HB 1128 Ignition interlock devices.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1176 Handgun license renewal.
- HB 1279 Telecommunications.
- HB 1414 Human and sexual trafficking.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Lanane, Timothy S.

Authored

- SB 67 Cruelty to animals.
- SB 68 Insurance practices and victims of abuse.
- SB 73 Indemnity agreements in motor carrier contracts.
- SB 96 Minimum wage increase.
- SB 113 Review of privatization plans.
- SB 141 Confined feeding operations.
- SB 142 Collective bargaining for public employees.
- SB 224 Reflex sympathetic dystrophy syndrome education.
- SB 225 Madison County courts.
- SB 275 Forensic diversion programs.
- SB 311 Unsolicited facsimile advertisements.
- SB 351 Indiana displaced worker tax credit.
- SB 352 Energy assistance funding from tax amnesty.

Sponsored

- HB 1089 Annexation of property zoned agricultural.
- HB 1158 Small claims, civil actions, and sheriff's fees.
- HB 1203 Preliminary orders in juvenile cases.
- HB 1214 Motor carrier enforcement.
- HB 1299 Financial institutions.
- HB 1306 Various corporate law matters.

Coauthored

- SB 6 Sex offenders.
- SB 12 Sex offenders.
- SB 84 Reentry courts.
- SB 139 Department of child services matters.
- SB 165 Removal of tenant's property from dwelling unit.
- SB 208 Medical alert on licenses or identification cards.
- SB 212 Investments in institutions doing business in Sudan.
- SB 217 Redevelopment commission housing programs.
- SB 229 Independent college self-insurance program.
- SB 254 Lease protections for domestic violence victims.
- SB 300 Victim's compensation fund.
- SB 308 Medicaid income spend down.
- SB 353 Alternative fuel use and production.
- SB 371 Lobbyist activity reports.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.

- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1028 Firearms and self-defense.
- HB 1101 Security breach disclosure and identity deception.
- HB 1176 Handgun license renewal.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1281 Domestic violence.
- HB 1339 Real estate broker and salesperson licenses.
- HB 1362 Local government reorganization.
- HB 1414 Human and sexual trafficking.
- HB 1418 Kennel licenses.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Landske, Sue

Authored

- SB 50 Appropriation for Cedar Lake dredging.
- SB 69 Governance of rural telephone cooperatives.
- SB 256 Credit for excessive residential property taxes.
- SB 335 Health facility fire sprinklers and smoke alarms.
- SB 336 Care and management of student diabetes at school.
- SB 337 Licensure of heating and cooling industry.
- SCR 30 Memorializing Ray Nichels, auto racing pioneer.
- SCR 31 Study: issues concerning well-being of Hoosier children.
- SCR 32 Honoring Lowell High School football team, Class 4A state champions.
- SCR 38 Memorializing Colonel John Wheeler, Lake County Civil War soldier.
- SCR 65 Honoring Boone Grove Middle School, Four Star School.
- SR 34 Study: safety of nursing home residents.
- SR 35 Urging Northwest Indiana Regional Development Authority to begin spending its appropriations.
- SR 42 Study: smoke detectors and sprinkler systems in health facilities.

LEGISLATION BY MEMBER—2006

SR 43 Study: care and management of diabetes at school.

Sponsored

- HB 1040 Technical corrections bill.
- HB 1098 Massage therapy regulation.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1250 Alcohol beverage matters.
- HB 1287 Transportation.
- HB 1315 Video service franchises.
- HB 1418 Kennel licenses.
- HCR 30 Honoring Lowell High School football team, Class 4A state champions.
- HCR 35 Urging protection of our environmental resources such as the Great Lakes.
- HCR 38 Honoring the South Newton High School 4-H soil judging team.

Coauthored

- SB 17 Income tax credit for toll roads.
- SB 37 Miscellaneous election law changes.
- SB 151 Child care regulation.
- SB 154 Extra heavy duty highway.
- SB 245 Telecommunications.
- SB 277 Genesis Convention Center board of managers.
- SB 314 Soil and water conservation districts and wild animals.
- SB 340 Salary and PERF protection for state employees.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1013 License plates.
- HB 1093 Offenses on school property or against school employees.
- HB 1097 Discount medical card programs.

- HB 1102 Local government matters.
- HB 1108 Aggressive driving and criminal recklessness.
- HB 1155 Sex offenders.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1368 PERF and TRF cost of living adjustments.
- HB 1414 Human and sexual trafficking.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.
- HCR 58 INDOT to rename part of State Road 28 the Richard Regnier Memorial Highway.

Lawson, Connie

Authored

- SB 36 Commission on mental health.
- SB 37 Miscellaneous election law changes.
- SB 127 Political expenditures.
- SB 128 Casting provisional ballot by challenged voter.
- SB 132 Correction of 2005 child services legislation.
- SB 139 Department of child services matters.
- SB 140 Assignment of benefits.
- SB 151 Child care regulation.
- SB 152 Indiana election commission.
- SB 153 State central collection unit and child support.
- SB 355 Taxation.
- SJR 2 Overseas voters.
- SR 37 Expressing appreciation to Verizon for supporting the internship program.
- SR 40 Thanking Senate Republican interns for their services.

Sponsored

- HB 1011 Miscellaneous election law matters.
- HB 1062 School corporation police department.
- HB 1102 Local government matters.
- HB 1123 Sexual assault standards and certification board.
- HB 1314 Substance and alcohol use during pregnancy.
- HB 1397 State ethics standards.
- HB 1415 Department of child services caseworkers.
- HCR 55 Study: child caseworker carrying nonlethal weapons.
- HCR 73 Honoring Plainfield schools, all of its schools named Four Star Schools.

Coauthored

- SB 88 Motor vehicle restraint systems.
- SB 111 Student nutrition and physical activity.
- SB 308 Medicaid income spend down.
- SB 340 Salary and PERF protection for state employees.
- SB 365 State employee retirement health benefits.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.

LEGISLATION BY MEMBER—2006

- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
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- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Lewis, James A.

Authored

- SB 110 Wine shipping and farm winery matters.
- SB 156 Direct shipment of wine.
- SB 157 Natural resources advisory councils.
- SB 160 Witnesses at an execution.
- SCR 18 Urging Congress to extend the Lewis and Clark National Historic Trail.
- SCR 36 INDOT to name part of State Road 3 in honor of Trooper George Forster.
- SCR 39 INDOT to name bridge in honor of Trooper George Forster.
- SR 29 Urging PERF trustees to anticipate future cost of living increases.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 38 Thanking Senate Democratic interns for their services.

Sponsored

- HB 1021 Hay baling on interstate rights-of-way.
- HB 1097 Discount medical card programs.
- HB 1099 Fireworks sales, discharge, public safety fees, and injuries.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1286 Motorcycle operational skills test.

Coauthored

- SB 70 Charges for small consumer loans.
- SB 100 Charity gaming.
- SB 245 Telecommunications.
- SB 340 Salary and PERF protection for state employees.
- SB 383 Motor vehicle title loans.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.

- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1010 Eminent domain.
- HB 1022 State fair commission.
- HB 1102 Local government matters.
- HB 1190 Farm winery sales to retailers.
- HB 1279 Telecommunications.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Long, David C.

Authored

- SB 6 Sex offenders.
- SB 12 Sex offenders.
- SB 27 Alcohol and tobacco matters.
- SB 35 Zoning ordinance changes.
- SB 72 IURC proceedings.
- SB 73 Indemnity agreements in motor carrier contracts.
- SB 74 Acquisition of utility property.
- SB 75 Military family relief fund.
- SB 76 Storm water fees.
- SB 84 Reentry courts.
- SB 274 Impounding property taxes in annexed territory.
- SB 275 Forensic diversion programs.
- SB 298 Sex offender residency.
- SB 299 Trafficking with an inmate.
- SB 300 Victim's compensation fund.
- SB 331 Abandoned vehicles.
- SB 340 Salary and PERF protection for state employees.
- SCR 61 Honoring Fort Wayne Bishop Luers girls' basketball team, Class 3A state champions.

Sponsored

- HB 1108 Aggressive driving and criminal recklessness.
- HB 1136 Brokers' liens on commercial real estate.

LEGISLATION BY MEMBER—2006

- HB 1140 Abatements for used Indiana equipment.
- HB 1155 Sex offenders.
- HB 1214 Motor carrier enforcement.
- HB 1222 Redevelopment commission housing programs.
- HB 1239 Preexisting conditions.
- HB 1266 Headquarters relocation tax credit.
- HB 1306 Various corporate law matters.
- HB 1367 Study of liability for 501(c)(3) organizations.
- HB 1380 Various economic development matters.
- HB 1414 Human and sexual trafficking.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 102 Anatomical gift liability.
- SB 246 Sex offenders.
- SB 365 State employee retirement health benefits.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
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- SCR 51 Congratulating Bruce Melchert upon his retirement.
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- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1010 Eminent domain.
- HB 1017 Property appraisers.
- HB 1112 Communications of sympathy.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Lubbers, Teresa S.

Authored

- SB 65 ISTEP scores.
- SB 82 Educator evaluations.
- SB 83 Resisting law enforcement and deadly weapons.
- SB 119 School board elections at general election time.
- SB 172 Teacher shortages.

- SB 173 Informational student counts.
- SB 229 Independent college self-insurance program.
- SB 230 Student loans.
- SB 265 Domestic violence.
- SB 323 Allocation of school resources.
- SCR 19 Honoring Brebeuf girls' volleyball team, Class 3A state champions.
- SCR 26 Honoring Steve Kirsh, 2005 Angels in Adoption award winner.
- SCR 37 Urging participation in Midwestern Education to Workforce Policy Initiative.
- SCR 64 Study: issues pertaining to early learning and reading.
- SR 10 Honoring winners of Indiana Career and Technical Education Awards for Excellence.
- SR 14 Recognizing Redmond "RJ" Crace for his outstanding achievements.

Sponsored

- HB 1006 Allocation of school resources; homeless students.
- HB 1127 Department of education use of funds for mentor teacher stipends.
- HB 1240 Statewide testing program; mentor teacher stipends.
- HB 1261 Housing and community development authority.
- HB 1281 Domestic violence.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1347 Various education matters.
- HJR 3 Common school fund for early childhood education.
- HCR 5 Honoring Carmel Symphony Orchestra on its 30th anniversary season.
- HCR 16 Honoring Carmel High School marching band, Grand National Champion.
- HCR 17 Honoring Butler University on its 150th anniversary.
- HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.
- HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.
- HCR 63 Honoring Heritage Christian High School girls' basketball team, Class 2A state champions.
- HCR 64 Honoring Nicole Roush, mental attitude award winner for Class 2A basketball.

Coauthored

- SB 310 Alternate methods for earning high school credits.
- SB 370 Workforce development system.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 13 Recognizing the Brant family and the Indiana Oxygen Company.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.

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- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1007 Various business tax changes.
- HB 1009 Redistricting commission.
- HCR 33 Memorializing Coretta Scott King.

Lutz, Larry E.

Authored

- SB 238 Marion County fire consolidation.
- SB 239 Slot machines.
- SB 240 Interrogation of police officers and firefighters.
- SB 241 Review of privatization plans.
- SB 242 Voter proof of identification.
- SB 243 Sheriff's suspension power.
- SB 371 Lobbyist activity reports.

Sponsored

- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1344 Government consolidation in Vanderburgh County.
- HCR 7 Lamenting loss of life in Southwest Indiana tornado in November, 2005.
- HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.

Coauthored

- SB 245 Telecommunications.
- SB 340 Salary and PERF protection for state employees.
- SB 382 Airport development zone.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 44 Honoring International Brotherhood of Electrical Workers (IBEW) for services.

- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1190 Farm winery sales to retailers.
- HB 1287 Transportation.
- HB 1396 Administration of charity gaming.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Meeks, Robert L.

Authored

- SB 80 School year.
- SB 81 Bungee jump facility inspection.
- SB 94 Lakes management work group.
- SB 95 Sex offenders.
- SB 194 Teacher professional development days.
- SB 345 Reversal of payment delays.
- SB 346 PERF COLA and 13th check.
- SB 347 Disclosure of additives in motor fuel.
- SB 358 Vending machine beverages sold in schools.
- SCR 67 Study: issues pertaining to public transportation and commerce.
- SR 45 Urging commitment to community integration of developmentally disabled persons.

Sponsored

- HB 1008 Public-private agreements for transportation.
- HB 1220 Professional investigation funds.
- HB 1368 PERF and TRF cost of living adjustments.
- HCR 41 Recognizing March as National Colorectal Cancer Awareness Month.
- HCR 43 Honoring the Hoosiers for Higher Education for its support of IU.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 6 Sex offenders.
- SB 12 Sex offenders.
- SB 17 Income tax credit for toll roads.
- SB 106 State gross retail tax.
- SB 133 Permits for oversized tractor-semitrailers.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.

LEGISLATION BY MEMBER—2006

- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 43 Honoring Greenwood Fire Department Honor Guard for its service.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1028 Firearms and self-defense.
- HB 1029 Education.
- HB 1176 Handgun license renewal.
- HJR 3 Common school fund for early childhood education.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 27 Memorializing Representative R. Tiny Adams.
- HCR 33 Memorializing Coretta Scott King.

Merritt, James W.

Authored

- SB 252 Enterprise zone investment deduction.
- SB 327 Kids first license plate fund distribution.
- SB 328 Police chief executive training program.
- SB 338 False identification and criminal gang enhancement.
- SB 339 Certificate of salvage titles.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 37 Expressing appreciation to Verizon for supporting the internship program.
- SR 40 Thanking Senate Republican interns for their services.
- SR 53 Honoring former Senator J. Murray Clark, who recently retired from the Senate.

Sponsored

- HB 1022 State fair commission.
- HB 1056 Certificate of salvage title.
- HB 1339 Real estate broker and salesperson licenses.
- HB 1396 Administration of charity gaming.

- HCR 70 Recognizing Ball State University students study of State House Visitors Center.

Coauthored

- SB 1 Marion County government matters.
- SB 340 Salary and PERF protection for state employees.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 13 Recognizing the Brant family and the Indiana Oxygen Company.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1286 Motorcycle operational skills test.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.
- HCR 63 Honoring Heritage Christian High School girls' basketball team, Class 2A state champions.
- HCR 64 Honoring Nicole Roush, mental attitude award winner for Class 2A basketball.

Miller, Patricia L.

Authored

- SB 18 Mental health and health records.
- SB 41 Division of Aging and long term care.
- SB 42 FSSA evaluation survey.
- SB 130 Occupational therapists.
- SB 161 Moratorium on comprehensive care beds.
- SB 166 Physical therapy.
- SB 167 Sex offender registry.
- SB 168 Medicaid fraud.
- SB 169 Extension of nursing facility assessment fee.
- SB 211 Study committees.
- SB 266 Bariatric surgery.
- SB 267 Court determination of treatments for defendants.
- SB 268 Psychological testing.
- SB 269 License plates.
- SB 270 FSSA matters.
- SB 273 Abandoned embryos and adoption matters.

LEGISLATION BY MEMBER—2006

- SB 308 Medicaid income spend down.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 42 Health Finance Commission to study insurance coverage options.
- SCR 43 Honoring Greenwood Fire Department Honor Guard for its service.
- SCR 50 Health Finance Commission to study hospital community benefit plans.
- SCR 59 Honoring Kevin Wright, successful high school football coach.
- SR 56 Health finance commission to study privatization of services.

Sponsored

- HB 1013 License plates.
- HB 1023 Addiction treatment facilities.
- HB 1097 Discount medical card programs.
- HB 1235 Isolation, and quarantine, and health matters.
- HB 1329 Medicaid disease management and kidney disease.
- HB 1395 Marion County health and hospital corporation.
- HCR 23 INDOT to rename part of I-65 as the Pearl Harbor Memorial Highway.
- HCR 37 Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.
- HCR 50 Honoring Warren Central High School football team, Class 5A state champions.
- HCR 52 Honoring Warren Central High School cross country team, state champions.
- HCR 71 Honoring Dr. E. B. Carver on the occasion of his retirement.

Coauthored

- SB 1 Marion County government matters.
- SB 2 Sex offenders and obscenity.
- SB 6 Sex offenders.
- SB 12 Sex offenders.
- SB 106 State gross retail tax.
- SB 111 Student nutrition and physical activity.
- SB 336 Care and management of student diabetes at school.
- SB 340 Salary and PERF protection for state employees.
- SB 345 Reversal of payment delays.
- SB 365 State employee retirement health benefits.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 49 INDOT to rename part of U.S. 31 as the Reggie Miller Highway.
- SCR 51 Congratulating Bruce Melchert upon his retirement.

- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1155 Sex offenders.
- HB 1347 Various education matters.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Mishler, Ryan D.

Authored

- SB 372 Public safety deferred retirement option plan.
- SB 373 Payments for funeral and burial expenses.
- SB 374 Child passenger restraint systems exception.
- SB 375 Public works projects.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.
- SCR 57 Honoring Penn High School Spell Bowl team, state champions.

Sponsored

- HCR 18 Congratulating Jimtown High School football team, Class 2A state champions.
- HCR 19 Honoring NorthWood High School football team, Class 3A state champions.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 17 Income tax credit for toll roads.
- SB 106 State gross retail tax.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.

LEGISLATION BY MEMBER—2006

- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1142 Skills 2016 training fund.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Mrvan, Frank

Authored

- SB 195 Charter school budget review.
- SB 196 Election fraud.
- SB 197 County property tax credit.
- SB 198 Equivalent jobs and wage discrimination.
- SB 256 Credit for excessive residential property taxes.
- SB 315 Sex offenders and lifetime parole.
- SB 316 Steel mill and refinery property taxes.
- SB 317 Annual review of unpaid restitution orders.
- SB 318 Oversight of public money.
- SB 392 Growth related projects and land conservation.
- SB 393 Local option property tax replacements.

Coauthored

- SB 6 Sex offenders.
- SB 12 Sex offenders.
- SB 17 Income tax credit for toll roads.
- SB 134 Child molestation.
- SB 217 Redevelopment commission housing programs.
- SB 237 Regulation of abortion clinics.
- SB 246 Sex offenders.
- SB 301 Access to I-Light network by hospitals.
- SB 363 Technology report.
- SB 383 Motor vehicle title loans.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.

- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1155 Sex offenders.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Nugent, Johnny

Authored

- SB 51 Defense of property and self-defense.
- SB 52 Equipment suppliers and retailers.
- SB 53 County option surcharges on state park fees.
- SB 54 Handgun licensing.
- SB 86 Medication of horses in pari-mutuel events.
- SB 99 County option surcharges on state park fees.
- SB 314 Soil and water conservation districts and wild animals.
- SB 383 Motor vehicle title loans.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 6 Honoring Fire Chief Ed Noel upon his retirement.
- SCR 27 Recognizing sesquicentennial celebration of the town of Sunman in 2006.
- SR 44 Honoring Nugent Tractor Sales on its 50th anniversary.

Sponsored

- HB 1028 Firearms and self-defense.
- HB 1065 Pesticide application.
- HB 1176 Handgun license renewal.
- HB 1227 Retired state employees.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 245 Telecommunications.
- SB 340 Salary and PERF protection for state employees.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.

LEGISLATION BY MEMBER—2006

- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cospponsored

- HB 1259 Military bases.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Paul, Allen E.

Authored

- SB 70 Charges for small consumer loans.
- SB 92 Reopening of certain license branches.
- SB 93 Daylight saving time referendum.
- SB 162 Exempt commercial policyholder.
- SB 163 Annual insurer disclosure.
- SB 164 Terroristic intimidation.
- SB 295 Coroner's custody of human remains.
- SB 325 Estimated tax payments.
- SB 326 Insurer investments.
- SB 384 Financial institutions.
- SCR 29 Honoring Dr. John Iverson, Earlham, 2005 Indiana Professor of the Year.

Sponsored

- HB 1299 Financial institutions.
- HB 1392 Insurance matters.
- HCR 22 Honoring Richmond, Indiana, on its 200th anniversary.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 105 License branches open on election day.
- SB 106 State gross retail tax.
- SB 245 Telecommunications.
- SB 314 Soil and water conservation districts and wild animals.
- SB 340 Salary and PERF protection for state employees.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.

- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cospponsored

- HB 1028 Firearms and self-defense.
- HB 1097 Discount medical card programs.
- HB 1176 Handgun license renewal.
- HB 1227 Retired state employees.
- HB 1259 Military bases.
- HB 1315 Video service franchises.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Riegsecker, Marvin D.

Authored

- SB 106 State gross retail tax.
- SB 112 Transfer of first steps program.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SB 149 Religious exemption from worker's compensation.
- SB 150 Sales tax holiday.
- SB 200 Removal of keys from a vehicle stopped by police.
- SB 201 Manufactured home installation.
- SB 202 Pharmacy and wholesale drug distributor matters.
- SB 203 Public records involving children.
- SB 277 Genesis Convention Center board of managers.
- SB 342 Electronic prescription tracking program.
- SCR 9 Naming FSSA as agency to update comprehensive autism services plan.
- SCR 10 Study: "people first" language in statutes.
- SCR 11 Urging that medical students study autism disorder.
- SCR 12 Medical licensing board to include autism for continuing education credit.
- SCR 54 Honoring John F. Dille, National Radio Award winner.
- SCR 58 Honoring Elkhart Fire Department, Governor's Cup competition winner.
- SR 41 Urging that medical students study treatment of autism.

Sponsored

- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1240 Statewide testing program; mentor teacher stipends.
- HB 1362 Local government reorganization.

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HCR 20 Honoring Concord Marching Minutemen, Class B marching band champions.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 17 Income tax credit for toll roads.
- SB 247 Various homeland security matters.
- SB 336 Care and management of student diabetes at school.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Rogers, Earline S.

Authored

- SB 104 Gary professional sports development area.
- SB 105 License branches open on election day.
- SB 276 Voter education.
- SB 277 Genesis Convention Center board of managers.
- SB 278 Tax credit for college tuition and fees.
- SB 305 Special purpose buses; emergency exits on buses.
- SB 381 Repayment of student loans.
- SJR 14 Senate confirmation of executive agency heads.
- SCR 31 Study: issues concerning well-being of Hoosier children.
- SCR 47 Honoring the City of Gary, Indiana, as it celebrates its centennial anniversary.

Sponsored

- HB 1098 Massage therapy regulation.
- HB 1347 Various education matters.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.

HCR 32 Celebrating Black History Month.

HCR 40 Honoring Alpha Phi Alpha Fraternity, Inc. on its 100th anniversary.

HCR 48 Honoring the Gary RailCats, minor league baseball team.

HCR 59 Congratulating Benjamin Banneker Elementary School, Gary, a Four Star School.

HCR 65 Recognizing Gary, Indiana, on the 100th anniversary of its founding.

HCR 66 Honoring the Indianapolis Urban League for its community service.

Coauthored

- SB 17 Income tax credit for toll roads.
- SB 92 Reopening of certain license branches.
- SB 194 Teacher professional development days.
- SB 206 Public safety disability pensions.
- SB 245 Telecommunications.
- SB 309 Early childhood education.
- SB 322 Forfeiture of public pensions for misconduct.
- SB 340 Salary and PERF protection for state employees.
- SB 360 Bonds for public works projects.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1123 Sexual assault standards and certification board.
- HB 1249 County drug free community fund.
- HB 1261 Housing and community development authority.
- HB 1279 Telecommunications.
- HB 1314 Substance and alcohol use during pregnancy.
- HJR 3 Common school fund for early childhood education.

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- HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.
 HCR 45 Honoring David C. Lewis, Indiana Clerk of the Courts.

Simpson, Vi

Authored

- SB 35 Zoning ordinance changes.
- SB 151 Child care regulation.
- SB 158 Fire investigator salary matrix.
- SB 159 Department of natural resources employees.
- SB 230 Student loans.
- SB 260 Taxation.
- SB 286 Repeal of uniform bulk sales law.
- SB 287 Restrictions on video games.
- SB 288 Health security program.
- SB 289 Family military employment leave.
- SB 290 Unemployment benefits.
- SB 307 State employee health incentives.
- SB 308 Medicaid income spend down.
- SB 309 Early childhood education.
- SCR 42 Health Finance Commission to study insurance coverage options.
- SR 12 Commission on Courts to study establishing dedicated funds for court fees.

Sponsored

- HB 1007 Various business tax changes.
- HB 1009 Redistricting commission.
- HB 1029 Education.
- HB 1136 Brokers' liens on commercial real estate.
- HB 1314 Substance and alcohol use during pregnancy.
- HB 1327 Taxation and government finance.
- HCR 43 Honoring the Hoosiers for Higher Education for its support of IU.

Coauthored

- SB 36 Commission on mental health.
- SB 106 State gross retail tax.
- SB 135 Adult video games.
- SB 301 Access to I-Light network by hospitals.
- SB 345 Reversal of payment delays.
- SB 346 PERF COLA and 13th check.
- SB 365 State employee retirement health benefits.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.

- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1110 Environmental law.
- HB 1123 Sexual assault standards and certification board.
- HB 1155 Sex offenders.
- HB 1239 Preexisting conditions.
- HB 1285 Alternative fuels.
- HB 1329 Medicaid disease management and kidney disease.
- HB 1396 Administration of charity gaming.
- HB 1414 Human and sexual trafficking.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 27 Memorializing Representative R. Tiny Adams.
- HCR 33 Memorializing Coretta Scott King.

Sipes, Connie W.

Authored

- SB 18 Mental health and health records.
- SB 24 Televised simulcasts.
- SB 88 Motor vehicle restraint systems.
- SB 166 Physical therapy.
- SB 261 Hunting near residences.
- SB 262 Determination of high school graduation rates.
- SB 266 Bariatric surgery.
- SB 270 FSSA matters.
- SB 306 State mandate notes.
- SB 309 Early childhood education.
- SR 6 Honoring Ashley Heishman, John Wooden Scholarship Award winner.
- SR 47 Study: issues pertaining to missing persons.
- SR 48 Study: rights of next of kin in situations involving criminal activity.

Sponsored

- HB 1093 Offenses on school property or against school employees.
- HB 1315 Video service franchises.
- HCR 15 Honoring Indiana University Jacobs School of Music for its many accomplishments.

Coauthored

- SB 105 License branches open on election day.
- SB 308 Medicaid income spend down.
- SB 336 Care and management of student diabetes at school.
- SB 373 Payments for funeral and burial expenses.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.

LEGISLATION BY MEMBER—2006

- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 9 Naming FSSA as agency to update comprehensive autism services plan.
- SCR 11 Urging that medical students study autism disorder.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 41 Urging that medical students study treatment of autism.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1010 Eminent domain.
- HB 1097 Discount medical card programs.
- HB 1123 Sexual assault standards and certification board.
- HB 1227 Retired state employees.
- HB 1235 Isolation, and quarantine, and health matters.
- HB 1238 Emergency management mobile support.
- HB 1314 Substance and alcohol use during pregnancy.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1347 Various education matters.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Skinner, Timothy D.

Authored

- SB 319 Parental notice of military recruitment.
- SB 320 Standards for tutoring services.
- SCR 15 Study: need for homeschool guidelines.

Sponsored

- HB 1150 Use of antique license plates on motor vehicles.
- HCR 46 Recognizing the Networks Scholars Program at Indiana State University.

Coauthored

- SB 194 Teacher professional development days.
- SB 217 Redevelopment commission housing programs.
- SB 236 Driver training schools.
- SB 270 FSSA matters.
- SB 283 Emergency telephone notification system.
- SB 284 Statewide trauma system.
- SB 309 Early childhood education.
- SB 336 Care and management of student diabetes at school.
- SB 353 Alternative fuel use and production.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
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- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1029 Education.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Smith, Samuel

Authored

- SB 385 Police pension benefits.
- SB 388 Qualified child care expenditure tax credits.
- SB 389 Adult education tax credit.

Sponsored

- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 32 Celebrating Black History Month.
- HCR 45 Honoring David C. Lewis, Indiana Clerk of the Courts.

LEGISLATION BY MEMBER—2006

- HCR 48 Honoring the Gary RailCats, minor league baseball team.
 HCR 59 Congratulating Benjamin Banneker Elementary School, Gary, a Four Star School.
 HCR 65 Recognizing Gary, Indiana, on the 100th anniversary of its founding.
 HCR 66 Honoring the Indianapolis Urban League for its community service.

Coauthored

- SB 17 Income tax credit for toll roads.
 SB 105 License branches open on election day.
 ■ SB 373 Payments for funeral and burial expenses.
 ■ SB 374 Child passenger restraint systems exception.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
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 SR 38 Thanking Senate Democratic interns for their services.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
 SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

Steele, Brent

Authored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 6 Sex offenders.
 SB 7 Notaries public.
 SB 8 Priority to consent for incapable individuals.
 SB 9 Honoring Indiana Presidents and Vice Presidents.
 SB 10 Authority to solemnize marriages.
 SB 105 License branches open on election day.
 SB 109 Discharge of leachate into waters.

- SB 110 Wine shipping and farm winery matters.
 SB 156 Direct shipment of wine.
 SB 356 Viatical settlements.
 SB 383 Motor vehicle title loans.
 SCR 24 Memorializing Paul Allen for his distinguished public service career.

Sponsored

- HB 1028 Firearms and self-defense.
 ■ HB 1103 Bureau of motor vehicles matters.
 ■ HB 1114 Various property matters.
 ■ HB 1259 Military bases.
 ■ HB 1280 Unsolicited facsimile advertisements.
 HCR 41 Recognizing March as National Colorectal Cancer Awareness Month.
 HCR 47 Honoring We Care Indiana, volunteer effort to help hurricane victims.
 HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.

Coauthored

- SB 12 Sex offenders.
 ■ SB 39 Legal settlement in a school corporation.
 ■ SB 40 Relocation issues in family law matters.
 SB 51 Defense of property and self-defense.
 SB 54 Handgun licensing.
 ■ SB 246 Sex offenders.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
 SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
 SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
 SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1093 Offenses on school property or against school employees.
 ■ HB 1101 Security breach disclosure and identity deception.

LEGISLATION BY MEMBER—2006

- HB 1155 Sex offenders.
- HB 1176 Handgun license renewal.
- HB 1190 Farm winery sales to retailers.
- HB 1207 Home improvement fraud.
- HB 1414 Human and sexual trafficking.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Tallian, Karen

Authored

- SB 218 Affiliated interests of regulated utilities.
- SB 219 Ballast water and sediment in vessels.
- SB 220 Sand dredging on Lake Michigan.
- SB 221 Indiana Toll Road.
- SB 222 Tuition exemption.
- SB 223 Worker's compensation.
- SB 377 In the line of duty license plate.
- SB 378 Uniform child custody jurisdiction act.
- SR 57 Environmental Quality Study Council to study water quality in Lake Michigan and Indiana's impact on it.

Sponsored

- HCR 60 Honoring Chesterton High School debate team, 2006 state champions.

Coauthored

- SB 17 Income tax credit for toll roads.
- SB 33 Volunteer advocates for incapacitated adults.
- SB 154 Extra heavy duty highway.
- SB 206 Public safety disability pensions.
- SB 284 Statewide trauma system.
- SB 322 Forfeiture of public pensions for misconduct.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
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- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Cosponsored

- HB 1016 Alcohol and tobacco matters.
- HB 1023 Addiction treatment facilities.

- HB 1065 Pesticide application.
- HB 1110 Environmental law.
- HCR 33 Memorializing Coretta Scott King.
- HCR 35 Urging protection of our environmental resources such as the Great Lakes.

Waltz, Brent

Authored

- SB 46 Air guns on school property.
- SB 348 Tax credits for high growth small businesses.
- SB 349 Insurance.
- SCR 33 Congratulating Millard Fuller, first Servant's Heart Award winner.
- SCR 52 Study: issues concerning foreign language opportunities in Indiana.
- SCR 53 Honoring home school students who graduate in 2006.

Sponsored

- HB 1257 Postsecondary proprietary education.
- HCR 37 Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.

Coauthored

- SB 1 Marion County government matters.
- SB 51 Defense of property and self-defense.
- SB 54 Handgun licensing.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
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- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1028 Firearms and self-defense.
- HB 1176 Handgun license renewal.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

LEGISLATION BY MEMBER—2006

Waterman, John M.

Authored

- SB 14 Law enforcement officers.
- SB 120 County license branch service charges.
- SB 121 Grandparent visitation.
- SB 122 Viewing of execution by victim's family.
- SB 123 Daylight saving time.
- SB 138 School board elections.
- SB 263 Antique rifle hunting season.
- SB 334 Restrictions on public assistance.
- SB 364 Academic progress test.

Sponsored

- HB 1176 Handgun license renewal.
- HB 1286 Motorcycle operational skills test.
- HCR 56 INDOT to rename bridge over Kessinger Ditch the Bud Reitmeyer Bridge.

Coauthored

- SB 51 Defense of property and self-defense.
- SB 54 Handgun licensing.
- SB 353 Alternative fuel use and production.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
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- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1013 License plates.
- HB 1028 Firearms and self-defense.
- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1207 Home improvement fraud.
- HB 1234 Public safety officer death benefit.
- HB 1249 County drug free community fund.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Weatherwax, Thomas K.

Authored

- SB 69 Governance of rural telephone cooperatives.
- SB 157 Natural resources advisory councils.
- SB 251 Motor carrier enforcement.
- SB 252 Enterprise zone investment deduction.
- SB 253 Activities along shorelines.
- SB 264 Offsite vehicle sales.
- SB 353 Alternative fuel use and production.
- SB 354 Forestry issues.
- SCR 18 Urging Congress to extend the Lewis and Clark National Historic Trail.
- SCR 63 Honoring Ana Baracaldo, Prudential Spirit of Community award winner.

Sponsored

- HB 1021 Hay baling on interstate rights-of-way.
- HB 1076 Contracts for public water and wastewater projects.
- HB 1099 Fireworks sales, discharge, public safety fees, and injuries.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1190 Farm winery sales to retailers.
- HB 1285 Alternative fuels.
- HB 1331 Out-of-state boat registration.
- HB 1332 Alternative fuel production and use.
- HB 1349 Hunting facilities and licenses.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 78 Property tax deduction for farm security items.
- SB 245 Telecommunications.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1008 Public-private agreements for transportation.

LEGISLATION BY MEMBER—2006

- HB 1086 Agricultural enterprise zones.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

Wyss, Thomas J.

Authored

- SB 88 Motor vehicle restraint systems.
 ■ SB 160 Witnesses at an execution.
 SB 171 Operating while intoxicated and accident scenes.
 ■ SB 191 Photos in criminal history files.
 SB 217 Redevelopment commission housing programs.
 ■ SB 235 Special group recognition license plates.
 ■ SB 246 Sex offenders.
 ■ SB 247 Various homeland security matters.
 ■ SB 284 Statewide trauma system.
 SB 285 Emergency management.
 ■ SB 340 Salary and PERF protection for state employees.
 SB 341 Tax sales and redevelopment.
 ■ SB 374 Child passenger restraint systems exception.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 8 Study: establishing commercial vehicle court.
 SCR 13 Recognizing the Brant family and the Indiana Oxygen Company.
 SCR 61 Honoring Fort Wayne Bishop Luers girls' basketball team, Class 3A state champions.
 SR 46 Commission on State Tax and Financing Policy to study eligibility for certain military benefits.

Sponsored

- HB 1093 Offenses on school property or against school employees.
 ■ HB 1128 Ignition interlock devices.
 HB 1140 Abatements for used Indiana equipment.
 ■ HB 1207 Home improvement fraud.
 ■ HB 1236 Capitol police salary matrix.
 ■ HB 1238 Emergency management mobile support.
 ■ HB 1279 Telecommunications.
 ■ HB 1300 Commercial driver's licenses and permits.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 2 Honoring medical and mental health professionals of Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 6 Sex offenders.
 ■ SB 12 Sex offenders.
 ■ SB 83 Resisting law enforcement and deadly weapons.
 ■ SB 84 Reentry courts.
 ■ SB 145 Vehicle forfeiture and driving while intoxicated.
 ■ SB 283 Emergency telephone notification system.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.

- SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
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 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1001 Various tax matters.
 ■ HB 1008 Public-private agreements for transportation.
 ■ HB 1123 Sexual assault standards and certification board.
 ■ HB 1155 Sex offenders.
 ■ HB 1235 Isolation, and quarantine, and health matters.
 ■ HB 1259 Military bases.
 ■ HB 1281 Domestic violence.
 HB 1414 Human and sexual trafficking.
 HCR 33 Memorializing Coretta Scott King.

Young, R. Michael

Authored

- SB 1 Marion County government matters.
 ■ SB 85 Prosecuting attorneys' pensions.
 ■ SB 106 State gross retail tax.
 SB 107 Nepotism in Marion County political subdivisions.
 SB 108 Wage payment issues.
 ■ SB 145 Vehicle forfeiture and driving while intoxicated.
 SB 174 Administration of dental anesthetics.
 SB 199 Internal insurance compliance audits.
 ■ SB 305 Special purpose buses; emergency exits on buses.
 ■ SB 332 Department of correction pension benefits.
 SB 334 Restrictions on public assistance.
 SB 356 Viatical settlements.
 SJR 1 Selection of justices and appellate court judges.
 SR 47 Study: issues pertaining to missing persons.

Sponsored

- HB 1049 Controlled substances crimes.
 HB 1073 Tax on recreational vehicles and cargo trailers.
 HB 1142 Skills 2016 training fund.
 ■ HB 1420 Employee tobacco use.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 6 Sex offenders.
 SB 331 Abandoned vehicles.
 ■ SB 340 Salary and PERF protection for state employees.
 SB 360 Bonds for public works projects.

LEGISLATION BY MEMBER—2006

- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 3 Honoring Ron Wuensch on his retirement.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 28 Congratulating William Carson upon his retirement.
- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
- SCR 43 Honoring Greenwood Fire Department Honor Guard for its service.
- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1234 Public safety officer death benefit.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 33 Memorializing Coretta Scott King.

Young, Richard D.

Authored

- SB 175 Vehicle bill.
- SB 176 Vehicle bill.
- SB 177 Vehicle bill.
- SB 178 Vehicle bill.
- SB 179 Vehicle bill.
- SB 180 Vehicle bill.
- SB 181 Vehicle bill.
- SB 182 Vehicle bill.
- SB 183 Vehicle bill.
- SB 184 Vehicle bill.
- SB 185 Vehicle bill.
- SB 186 Vehicle bill.
- SB 187 Vehicle bill.
- SB 188 Vehicle bill.
- SB 189 Vehicle bill.
- SB 190 State employee layoffs; professional services contract.
- SB 281 Vacating covenants and commitments.
- SB 282 National Guard tuition supplement program.
- SB 283 Emergency telephone notification system.
- SB 291 Eligibility for property tax deduction for elderly.
- SB 369 Drought planning.

- SJR 10 Vehicle joint resolution.
- SJR 11 Vehicle joint resolution.
- SJR 12 Vehicle joint resolution.
- SCR 16 Honoring Sam Simmermaker, Indiana Basketball Hall of Fame inductee.
- SR 2 Memorializing lives lost in and affected by the tornado in southwestern Indiana.
- SR 16 Recognizing the outstanding work of the employees of the Indiana Senate.
- SR 17 Expressing appreciation to the staff of the Indiana Legislative Services Agency.
- SR 18 Expressing sincere appreciation of the Senate for the Doctor of the Day program.
- SR 19 Expressing appreciation to Brian Breslin of Meijer.
- SR 20 Expressing appreciation to Warren Disch and Supervalu-Central.
- SR 21 Expressing appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.
- SR 22 Expressing appreciation to Douglas J. Simmons and the SDS Group, LTD.
- SR 23 Expressing appreciation to Robert Kraft of the Indiana Farm Bureau.
- SR 24 Expressing appreciation to Joe Lackey of the Soft Drink Association.
- SR 25 Expressing appreciation to Brent Shay and Eby Brown Company.
- SR 26 Memorializing former State Senator Bernard Joseph Krampe of Ferdinand, Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 39 Expressing appreciation to John B. Livengood, Restaurant and Hospitality Association.
- SR 49 Study: eliminating assessed value limitation for property tax deductions.
- SR 51 Study: effect of privatization on state employees.
- SR 52 Study: Indiana statutes pertaining to adverse possession.
- SR 55 Expressing appreciation for the Chiropractor of the Day Program.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

Sponsored

- HB 1018 Water authority audits.
- HB 1331 Out-of-state boat registration.
- HCR 8 Setting joint session for the State of the State address.
- HCR 10 Setting joint session for the State of the Judiciary address.

Coauthored

- SB 87 Energy, agriculture, and energy development rules.
- SB 127 Political expenditures.
- SB 156 Direct shipment of wine.
- SB 353 Alternative fuel use and production.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.

LEGISLATION BY MEMBER—2006

- SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 SR 3 Expressing support of Indiana Senate in ensuring religious liberty.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 38 Thanking Senate Democratic interns for their services.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1123 Sexual assault standards and certification board.
 ■ HB 1285 Alternative fuels.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

Zakas, Joseph C.

Authored

- SB 17 Income tax credit for toll roads.
 ■ SB 114 Probate and trust matters.
 SB 115 Probate, trust, and inheritance tax matters.
 SB 116 Unsupervised estates.
 SB 144 Access to juvenile information in police records.
 SB 279 State rainy day fund reserves.
 SB 280 Domestic relations counseling user fees.
 SB 380 Lifetime probation for repeat child molesters.
 SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.
 SCR 54 Honoring John F. Dille, National Radio Award winner.
 SCR 55 Honoring Penn High School girls' golf team, state champions.
 SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.
 SCR 57 Honoring Penn High School Spell Bowl team, state champions.
 SCR 58 Honoring Elkhart Fire Department, Governor's Cup competition winner.
 SR 11 Honoring South Bend Chocolate Company, 2005 Entrepreneur of the Year.

Coauthored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 6 Sex offenders.
 ■ SB 12 Sex offenders.
 ■ SB 75 Military family relief fund.
 ■ SB 84 Reentry courts.
 ■ SB 106 State gross retail tax.
 ■ SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
 SB 217 Redevelopment commission housing programs.
 ■ SB 229 Independent college self-insurance program.
 SB 257 Energy and fuel assistance grants to schools.
 ■ SB 340 Salary and PERF protection for state employees.
 ■ SB 369 Drought planning.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 7 Promoting the use of "A Child is Missing" program.
 SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
 SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
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 SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
 SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
 SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.

Cosponsored

- HB 1155 Sex offenders.
 ■ HB 1207 Home improvement fraud.
 HB 1222 Redevelopment commission housing programs.
 ■ HB 1259 Military bases.
 ■ HB 1281 Domestic violence.
 HB 1414 Human and sexual trafficking.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 33 Memorializing Coretta Scott King.

**SENATE FINANCIAL STATEMENT
MILEAGE PAID TO SENATORS—2006**

	Miles	Amount		Miles	Amount
Alting, Ron J	1430	\$ 641.55	Long, David C	2662	1,194.27
*Antich-Carr, Rose Ann	300	145.50	Lubbers, Teresa S	----	-----
Becker, Vaneta G	3894	1,746.99	Lutz, Larry E	4367	1,959.20
Bowser, Anita O	3366	1,510.11	Meeks, Robert L	3740	1,677.90
Bray, Richard	748	335.58	Merritt, James W Jr	----	-----
Breaux, Billie J	----	-----	Miller, Patricia L	----	-----
Broden, John E	3069	1,376.87	Mishler, Ryan D	2860	1,283.10
Craycraft, Allie V Jr	1452	651.42	Mrvan, Frank Jr	3696	1,658.16
Delph, Michael A	360	160.20	Nugent, Johnny	2090	937.65
Dillon, Gary P	2464	1,105.44	Paul, Allen E	1628	730.38
Drozda, Jeffery A	385	172.73	Riegsecker, Marvin D	3344	1,500.24
Ford, David C	1826	819.21	Rogers, Earline S	3366	1,510.11
Gard, Beverly J	550	246.75	Simpson, Vi	1177	528.05
Garton, Robert D	1122	503.37	Sipes, Connie	2530	1,135.05
Harrison, Joseph W	1760	789.60	Skinner, Timothy D	2090	937.65
Heinold, Victor R	3036	1,362.06	Smith, Samuel Jr	3160	1,418.84
Hershman, Brandt E	2926	1,312.71	Steele, Brent E	1490	669.02
Howard, Glenn L	----	-----	*Tallian, Karen R	3200	1,424.00
Hume, Lindel O	3432	1,539.72	Waltz, D Brent Jr	308	138.18
Jackman, Robert N	920	413.08	Waterman, John M	2035	912.98
Kenley, Howard A (Luke)	781	350.39	Weatherwax, Thomas K	1760	789.60
Kruse, Dennis K	3190	1,431.15	Wyss, Thomas J	2926	1,312.71
Lanane, Timothy S	990	444.15	Young, Richard D Jr	2552	1,144.92
Landske, Dorothy S	3322	1,490.37	Young, R Michael	----	-----
Lawson, Connie	550	246.75	Zakas, Joseph C	3322	<u>1,490.37</u>
Lewis, James A	2420	1,085.70			
			TOTAL		\$44,233.78

*Senator Antich-Carr resigned effective November 25, 2005.

*Karen Tallian was sworn in effective December 12, 2005.

SENATORS' PER DIEM—2006

	Amount Per Day	No. of Days	Amount of Warrant
Alting, Ron J	128.00	66	\$8,448.00
*Antich-Carr, Rose Ann	128.00	1	128.00
Becker, Vaneta G	128.00	66	8,448.00
Bowser, Anita O	128.00	66	8,448.00
Bray, Richard	128.00	66	8,448.00
Breaux, Billie J	128.00	66	8,448.00
Brodén, John E	128.00	66	8,448.00
Craycraft, Allie V Jr	128.00	66	8,448.00
Delph, Michael A	128.00	65	8,320.00
Dillon, Gary P	128.00	66	8,448.00
Drozda, Jeffery A	128.00	66	8,448.00
Ford, David C	128.00	66	8,448.00
Gard, Beverly J	128.00	66	8,448.00
Garton, Robert D	128.00	66	8,448.00
Harrison, Joseph W	128.00	66	8,448.00
Heinold, Victor R	128.00	66	8,448.00
Hershman, Brandt E	128.00	66	8,448.00
Howard, Glenn L	128.00	66	8,448.00
Hume, Lindel O	128.00	66	8,448.00
Jackman, Robert N	128.00	66	8,448.00
Kenley, Howard A (Luke)	128.00	66	8,448.00
Kruse, Dennis K	128.00	66	8,448.00
Lanane, Timothy S	128.00	66	8,448.00
Landske, Dorothy S	128.00	66	8,448.00
Lawson, Connie	128.00	66	8,448.00
Lewis, James A	128.00	66	8,448.00

	Amount Per Day	No. of Days	Amount of Warrant
Long, David C	128.00	66	8,448.00
Lubbers, Teresa S	128.00	66	8,448.00
Lutz, Larry E	128.00	66	8,448.00
Meeks, Robert L	128.00	66	8,448.00
Merritt, James W Jr	128.00	66	8,448.00
Miller, Patricia L	128.00	66	8,448.00
Mishler, Ryan D	128.00	66	8,448.00
Mrvan, Frank Jr	128.00	66	8,448.00
Nugent, Johnny	128.00	66	8,448.00
Paul, Allen E	128.00	66	8,448.00
Riegsecker, Marvin D	128.00	66	8,448.00
Rogers, Earline S	128.00	66	8,448.00
Simpson, Vi	128.00	66	8,448.00
Sipes, Connie	128.00	66	8,448.00
Skinner, Timothy D	128.00	66	8,448.00
Smith, Samuel Jr	128.00	66	8,448.00
Steele, Brent E	128.00	66	8,448.00
*Tallian, Karen R	128.00	65	8,320.00
Waltz, D Brent Jr	128.00	66	8,448.00
Waterman, John M	128.00	66	8,448.00
Weatherwax, Thomas K	128.00	66	8,448.00
Wyss, Thomas J	128.00	66	8,448.00
Young, Richard D Jr	128.00	66	8,448.00
Young, R Michael	128.00	66	8,448.00
Zakas, Joseph C	128.00	66	<u>8,448.00</u>

TOTAL			\$422,272.00
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*Senator Antich-Carr resigned effective November 25, 2005.

*Karen Tallian was sworn in effective December 12, 2005.

SENATE FINANCIAL STATEMENT—2006

Office Supplies	\$14,449.60
Office Expense	367,841.26
Office Equipment-Rental	76,991.55
Miscellaneous Printing	<u>41,298.16</u>
SUBTOTAL	\$500,580.57
Senators' Mileage	\$44,233.78
Senators' Per Diem	422,272.00
Employee Salaries	874,614.75
Miller-Eads Electrical Company	<u>0.00</u>
SUBTOTAL	1,341,120.53
TOTAL	\$1,841,701.10

EMPLOYEES OF THE SENATE – 2006

OFFICERS AND ASSISTANTS OF THE SENATE

Mary C. Mendel	Principal Secretary of the Senate
Diane M. Marshall	Majority Assistant Secretary of the Senate
Tamara Jones	Secretarial Support Secretary's Office
Emma A. Keys	Deputy Minority Assistant Secretary of the Senate
Joseph M. Fierek	Postmaster
Candace K. Hall	Bookkeeper
Maegan Walker	Bookkeeping Clerk
Rebecca A. Gomez	Journal Clerk
Patricia Elmore	Endorsing/Engrossing/Enrolling Clerk
Debra G. Cook	Bill Status Clerk
Jim Wisco	Reading Clerk
Gene Leeuw	Parliamentarian

ATTORNEYS AND ASSISTANTS

Kathleen Cord Cash	Chief Counsel
John Coldren	Majority General Counsel
Jennifer L. Mertz	Assistant Majority Attorney
Jill Carnell	Assistant Majority Attorney
Patricia Anderson	Secretary to Majority Attorneys
Patrick Cunningham	Minority Attorney
John (Jack) Ross	Assistant Minority Attorney
Donna L. Holloway	Secretary to Minority Attorneys

LEADERSHIP LEGISLATIVE ASSISTANTS

Garna Price	Administrative Assistant to President Pro Tempore
Tracy Mann	Legislative Assistant to Majority Floor Leader
Janice Shirrell	Legislative Assistant to Majority Floor Leader Emeritus
Dawna Smith	Legislative Assistant to Majority Caucus Chair
Laura J. Bauman	Minority Staff Director
Emma A. Keys	Legislative Assistant to Minority Floor Leader
Jenny Collier	Legislative Assistant to Minority Caucus Chair
Adrienne Beamon	Legislative Assistant to Assistant Minority Floor Leader

FINANCE

Daniel A. Novreske	Majority Fiscal Analyst
Vivienne Ross	Assistant Majority Fiscal Analyst
Gloria J. Schroeder	Legislative Assistant to Appropriations Chairman

Sandy Hasch	Legislative Assistant to Tax & Fiscal Policy Chairman
Emily Weikert-Bryant	Minority Fiscal Analyst
Ryan Pastorius	Minority Fiscal Analyst

BILL DISTRIBUTION AND DUPLICATING

Greg A. Gordon	Director
Carol L. Collins	
Richard Gutierrez	
Robert Kenneth	
James Richards	
Randy Rollings	

LEGISLATIVE ASSISTANTS

Vallerie Hackett	Supervisor
Maureen Gordin	Supervisor
Carlos Duque	
Judith Ann Essex	
Molly Fausset	
Amanda Hornback	
Ann Houseworth	
Joanna King	
Debra C. McCarty	
James Morgan	
Jennifer Pearsey	
Heather Schuh	
Patricia Smith	
Cynthia Felsten	Minority
Charlotte A. Lemieux	
Ambre Marr	
Richele E. Morris	
Christa L. Patterson	
Elizabeth Snyder	

COMMUNICATION DEPARTMENT

Jamie Jorczak	Director - Majority
Jaymie Bose	Communications Specialist
Jay Kenworthy	Communications Specialist
Jennifer A. Regazzi	Communications Specialist
James Wisco	Communications Specialist
R. Matthew Zapfe	Communications Specialist
Laura Bauman	Director - Minority
Russell Bennett	Caucus Assistant
Jeff Harris	Caucus Assistant
Jason Tomcsi	Caucus Assistant

TECHNICAL SUPPORT

Sean C. Wood	Software Technical Support
Deborah K. Mohr	Systems Operator

EMPLOYEES OF THE SENATE – 2006

PROOFREADING

Patricia Elmore	Supervisor
Gary Halcomb	
Barbara N. Hensley	
Scott Philotoff	
Charity Livingston	

POST OFFICE

Joseph M. Fierek	Postmaster
Franklin A. Sanchez	Assistant Postmaster
Gerald Templin	Assistant Postmaster

DOORKEEPERS

Russell M. Plummer, Jr.	Chief Doorkeeper
Michael Alexander	
C. William Hart	
Joseph Heinzman	
Daniel Neath	
Jack D. Reid	
Richard Smith	

Robert Andrew	Minority
Timothy Langston	

RECEPTIONISTS

Beverly A. Stephens	Majority
Karla Mosely	Majority
Anna Mae Lewis	Minority

CLIPPING SERVICE

Frances Robinson

TELEPHONE CENTER

Wilma Hart	Supervisor
Nancy Ashcraft	Operator
Stephanie Harris	Operator
M. Larice Montgomery	Operator
Glenda Overholt	Operator

PHOTOGRAPHER

R. A. Gaither	Photographer
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HOUSEKEEPING

Greg Gordon	Supervisor
Thomas Bartkowiak	
Alexander House	
Eddie Langford	
Cora A. Morris	

STUDENT SERVICES

Mary Linda Hays	Supervisor
Dax Brodhacker	Page Clerk
Susan Green	Page Clerk
Elizabeth McKinney	Page Clerk
Angela Strieb	Page Clerk

INTERNS

Kathleen A. Hursh	Supervisor - Majority
Brad Baughn	
Matthew Doerr	
Lindsey Gates	
Shelley Hallberg	
Suzanne Heitman	
Patrick Higgins	
Chris Jensen	
Matt Kovack	
Jessica Kruse	
Erin Mays	
Amy Miller	
Caroline Mosey-Hensley	
Ali Murtaugh	
David Muta	
Jennifer Myers	
Jansen Purdue	
Greg Porter	
Zach Raibley	
Danielle Roessing	
Sam Snideman	
Carissa Snyder	
Michael Sorg	
Anne Swords	
Andrea Warren	
Michael Williams	
Abigail Woods	

Jason Tomcsi	Supervisor - Minority
Andrew Black	
Nicole Davis	
Amy Jacobson	
Edmund Jendraszak	
Amanda Jenkins	
Patrick Jesse	
Adam Jones	
Andrew Michaud	
Amber Michel	
Steven Paul	
Lindsay Russ	
Jessica Saxton	
Erin Thomas	



Membership of the Indiana House

**114TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2006**

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2006

* **(D) R. Tiny Adams** (District 34, Delaware County). House 1996-December 7, 2005.

(D) John C. Aguilera (District 12, Lake County). Committee memberships: Ways and Means. House 2000-present.

(D) Terri Jo Austin (District 36, Hamilton and Madison Counties). Committee memberships: Ranking Minority Member, Technology, Research and Development; Financial Institutions; Public Policy and Veterans Affairs. House 2002-present.

(D) Dennis T. Avery (District 75, Gibson, Vanderburgh, and Warrick Counties). Committee memberships: Ways and Means. House 1974-present.

(R) Ralph D. Ayres (District 4, Jasper, Lake, and Porter Counties). Committee memberships: Vice Chair, Ways and Means; Courts and Criminal Code. House 1980-present.

(D) Jeb A. Bardon (District 25, Marion County). Committee memberships: Ranking Minority Member, Financial Institutions; Insurance; Judiciary. House 1998-present.

(D) B. Patrick Bauer (District 6, St. Joseph County). Leadership position: Minority Leader; Committee memberships: Committee on Joint Rules. House 1970-present.

(R) Robert W. Behning (District 91, Hendricks, Marion, and Morgan Counties). Committee memberships: Chair, Education; Elections and Apportionment; Public Health; Utilities and Energy. House 1992-present.

** **(R) Matthew P. Bell** (District 83, Allen, Noble, and Whitley Counties). Committee memberships: Vice Chair, Public Policy and Veterans Affairs; Family, Children and Human Affairs; Natural Resources. House 2005-present.

(D) Robert J. Bischoff (District 68, Dearborn, Franklin, Ohio, Ripley, and Switzerland Counties). Committee memberships: Ranking Minority Member, Natural Resources; Agriculture and Rural Development; Public Safety and Homeland Security. Senate 1977-78, House 1980-present.

(R) Bruce A. Borders (District 45, Daviess, Greene, Knox, Sullivan, and Vigo Counties). Committee memberships: Vice Chair, Insurance; Agriculture and Rural Development; Local Government. House 2004-present.

(R) Randy L. Borrer (District 84, Allen County). Committee memberships: Chair, Commerce, Economic Development and Small Business; Employment and Labor; Government and Regulatory Reform; Technology, Research and Development. House 2002-present.

(R) Brian C. Bosma (District 88, Hamilton and Marion Counties). Leadership position: Speaker of the House; Committee memberships: Committee on Joint Rules. House 1986-present.

*** **(D) Carlene L. Bottorff** (District 71, Clark County). Committee memberships: Agriculture and Rural Development; Natural Resources; Utilities and Energy. House 2006-present.

*** **(D) James L. Bottorff** (District 71, Clark County). House 1990-December 6, 2005.

(R) William E. Bright (District 69, Jefferson, Jennings, and Ripley Counties). Committee memberships: Vice Chair, Public

Safety and Homeland Security; Ways and Means. House 2004-present.

(D) Charlie Brown (District 3, Lake and Porter Counties). Committee memberships: Ranking Minority Member, Public Health; Insurance; Public Safety and Homeland Security. House 1982-present.

(R) Timothy N. Brown (District 41, Montgomery, Parke, and Tippecanoe Counties). Leadership position: Deputy Speaker Pro Tempore; Committee memberships: Chair, Public Health; Chair, Statutory Committee on Ethics; Employment and Labor; Natural Resources; Rules and Legislative Procedures. House 1994-present.

(R) James R. Buck (District 38, Boone, Clinton, Hamilton, and Howard Counties). Committee memberships: Chair, Government and Regulatory Reform; Employment and Labor; Roads and Transportation; Utilities and Energy. House 1994-present.

(R) Mary Kay Budak (District 20, Jasper, LaPorte, Porter, and Pulaski Counties). Committee memberships: Chair, Family, Children and Human Affairs; Courts and Criminal Code; Public Health; Statutory Committee on Interstate and International Cooperation. House 1980-present.

(R) Lawrence L. Buell (District 89, Marion County). Committee memberships: Chair, Budget Subcommittee of Ways and Means; Local Government. House 1980-1992, 1994-present.

(R) Charles W. "Woody" Burton (District 58, Johnson County). Committee memberships: Chair, Financial Institutions; Elections and Apportionment; Insurance; Public Safety and Homeland Security; Rules and Legislative Procedures. House 1988-present.

(D) Duane Cheney (District 10, Porter County). Committee memberships: Ranking Minority Member, Employment and Labor; Education; Family, Children and Human Affairs. House 1998-present.

(R) Robert W. Cherry (District 53, Hancock, Rush, and Shelby Counties). Leadership position: Assistant Majority Caucus Chair; Committee memberships: Technology, Research and Development; Ways and Means. House 1998-present.

(D) William C. Cochran (District 72, Clark and Floyd Counties). Committee memberships: Ways and Means. House 1974-present.

(D) William A. Crawford (District 98, Marion County). Committee memberships: Ranking Minority Member, Ways and Means. House 1972-present.

(D) David L. Crooks (District 63, Daviess, Dubois, Martin, and Pike Counties). Leadership position: Assistant Minority Whip; Committee memberships: Ranking Minority Member, Utilities and Energy; Commerce, Economic Development and Small Business; Public Policy and Veterans Affairs. House 1996-present.

**** **(R) Suzanne M. Crouch** (District 78, Spencer, Vanderburgh, and Warrick Counties). Committee memberships: Vice Chair, Public Health; Courts and Criminal Code; Elections and Apportionment; Public Safety and Homeland Security. House 2005-present.

(R) Bill J. Davis (District 33, Delaware, Jay, and Randolph Counties). Committee memberships: Vice Chair, Roads and Transportation; Ways and Means. House 2004-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2006

(D) John J. Day (District 100, Marion County). Committee memberships: Ways and Means. House 1974-1994, 1996-present.

(D) Jerry L. Denbo (District 62, Greene, Lawrence, Martin, Orange, and Washington Counties). Leadership position: Assistant Minority Caucus Chair; Committee memberships: Commerce, Economic Development and Small Business; Local Government; Statutory Committee on Interstate and International Cooperation. House 1990-present.

(D) Mae Dickinson (District 95, Marion County). Committee memberships: Elections and Apportionment; Employment and Labor; Family, Children and Human Affairs. House 1992-present.

(D) Chester F. Dobis (District 13, Lake County). Committee memberships: Ranking Minority Member, Government and Regulatory Reform; Statutory Committee on Interstate and International Cooperation. House 1970-present.

(R) Richard A. Dodge (District 51, Dekalb and Steuben Counties). Committee memberships: Vice Chair, Courts and Criminal Code; Local Government; Public Health; Public Safety and Homeland Security. House 2004-present.

(R) Cleo R. Duncan (District 67, Decatur, Franklin, Ripley, and Rush Counties). Committee memberships: Chair, Roads and Transportation; Financial Institutions; Public Policy and Veterans Affairs; Public Safety and Homeland Security. House 1994-present.

(D) Ryan M. Dvorak (District 8, St. Joseph County). Committee memberships: Ranking Minority Member, Environmental Affairs; Courts and Criminal Code; Utilities and Energy. House 2002-present.

(R) Jeffrey K. Espich (District 82, Allen, Grant, and Wells Counties). Committee memberships: Chair, Ways and Means. House 1972-present.

(R) Ralph M. Foley (District 47, Hendricks, Johnson, Morgan, and Owen Counties). Committee memberships: Chair, Judiciary; Vice Chair, Rules and Legislative Procedures; Courts and Criminal Code; Family, Children and Human Affairs. House 1992-present.

(R) William C. Friend (District 23, Elkhart, Fulton, Kosciusko, Marshall, and Miami Counties). Leadership position: Majority Floor Leader; Committee memberships: Agriculture and Rural Development; Natural Resources; Committee on Joint Rules; Statutory Committee on Interstate and International Cooperation. House 1992-present.

(R) David N. Frizzell (District 93, Johnson and Marion Counties). Leadership position: Majority Whip; Committee memberships: Vice Chair, Utilities and Energy; Public Health; Public Policy and Veterans Affairs; Rules and Legislative Procedures. House 1992-present.

(D) Craig R. Fry (District 5, Elkhart and St. Joseph Counties). Committee memberships: Ranking Minority Member, Insurance; Elections and Apportionment; Public Health. House 1988-present.

(D) Benjamin E. GiaQuinta (District 80, Allen County). Committee memberships: Ways and Means. House 1990-94, 96-present.

(D) Terry A. Goodin (District 66, Clark, Jackson, Jennings, and Scott Counties). Committee memberships: Ranking Minority Member, Roads and Transportation; Financial Institutions; Natural Resources. House 2000-present.

(D) F. Dale Grubb (District 42, Fountain, Parke, Vermillion, Vigo, and Warren Counties). Leadership position: Minority Caucus Chair; Committee memberships: Agriculture and Rural Development; Natural Resources; Statutory Committee on Interstate and International Cooperation. House 1988-present.

(R) Eric A. Gutwein (District 16, Cass, Fulton, Jasper, Pulaski, and White Counties). Committee memberships: Chair, Agriculture and Rural Development; Employment and Labor; Natural Resources; Roads and Transportation. House 2003-present.

(D) Earl L. Harris (District 2, Lake County). Leadership position: Assistant Minority Leader; Committee memberships: Family, Children and Human Affairs; Rules and Legislative Procedures; Statutory Committee on Ethics; Statutory Committee on Interstate and International Cooperation. House 1982-present.

(R) Timothy W. Harris (District 31, Blackford and Grant Counties). Committee memberships: Vice Chair, Commerce, Economic Development and Small Business; Education; Environmental Affairs; Government and Regulatory Reform. House 2004-present.

(R) Steven M. Heim (District 17, LaPorte, Marshall, and Starke Counties). Committee memberships: Vice Chair, Environmental Affairs; Commerce, Economic Development and Small Business; Education; Family, Children and Human Affairs. House 2002-present.

(R) Phillip D. Hinkle (District 92, Marion County). Committee memberships: Chair, Local Government; Education; Financial Institutions. House 2000-present.

(R) Robert A. Hoffman (District 55, Dearborn, Fayette, Franklin, Union, and Wayne Counties). Committee memberships: Chair, Natural Resources; Vice Chair, Statutory Committee on Ethics; Education; Financial Institutions; Insurance. House 1996-present.

(D) Phil Hoy (District 77, Vanderburgh and Warrick Counties). Committee memberships: Environmental Affairs; Local Government; Roads and Transportation. House 2004-present.

(D) Clyde Kersey (District 43, Clay and Vigo Counties). Committee memberships: Ways and Means; Statutory Committee on Ethics. House 1996-present.

(D) Sheila A. Klinker (District 27, Tippecanoe County). Committee memberships: Ways and Means. House 1982-present.

(R) Eric A. Koch (District 65, Bartholomew, Brown, Jackson, and Lawrence Counties). Leadership position: Assistant Majority Whip; Committee memberships: Vice Chair, Technology, Research and Development; Government and Regulatory Reform; Judiciary. House 2002-present.

(D) Thomas S. Kromkowski (District 7, St. Joseph County). Committee memberships: Ranking Minority Member, Statutory Committee on Interstate and International Cooperation; Elections and Apportionment; Employment and Labor. House 1980-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2006

(D) Robert D. Kuzman (District 19, Lake, Newton, and Porter Counties). Leadership position: Assistant Minority Caucus Chair; Committee memberships: Ranking Minority Member, Public Policy and Veterans Affairs; Judiciary; Technology, Research and Development. House 1996-present.

(D) Linda C. Lawson (District 1, Lake County). Committee memberships: Ranking Minority Member, Judiciary; Courts and Criminal Code; Public Safety and Homeland Security. House 1998-present.

(R) Donald J. Lehe (District 15, Benton, Lake, Newton, and White Counties). Committee memberships: Vice Chair, Agriculture and Rural Development; Employment and Labor; Natural Resources; Public Health. House 2002-present.

(R) Daniel J. Leonard (District 50, Huntington and Whitley Counties). Committee memberships: Vice Chair, Employment and Labor; Ways and Means. House 2002-present.

(R) L. Jack Lutz (District 35, Delaware, Hamilton, Madison, and Tipton Counties). Committee memberships: Chair, Utilities and Energy; Environmental Affairs; Public Policy and Veterans Affairs; Technology, Research and Development. House 1991-present.

(D) Edmund M. Mahern (District 97, Marion County). Committee memberships: Ranking Minority Member, Elections and Apportionment; Environmental Affairs; Financial Institutions. House 1996-present.

(D) Carolene R. Mays (District 94, Marion County). Committee memberships: Commerce, Economic Development and Small Business; Public Health; Roads and Transportation. House 2002-present.

(R) Richard W. McClain (District 24, Carroll, Cass, Miami, and White Counties). Committee memberships: Financial Institutions; Ways and Means. House 1994-present.

(R) A. Lucas Messer (District 57, Bartholomew and Shelby Counties). Leadership position: Assistant Majority Floor Leader; Committee memberships: Vice Chair, Elections and Apportionment; Ways and Means. House 2003-present.

(D) Joe Micon (District 26, Tippecanoe and Warren Counties). Committee memberships: Education; Environmental Affairs; Technology, Research and Development. House 2004-present.

(D) Winfield C. Moses, Jr. (District 81, Allen County). Committee memberships: Ranking Minority Member, Local Government; Government and Regulatory Reform; Utilities and Energy. House 1992-present.

(R) Michael B. Murphy (District 90, Marion County). Committee memberships: Chair, Technology, Research and Development; Commerce, Economic Development and Small Business; Elections and Apportionment; Public Safety and Homeland Security. House 1994-present.

(R) Timothy Neese (District 48, Elkhart and St. Joseph Counties). Committee memberships: Chair, Statutory Committee on Interstate and International Cooperation; Environmental Affairs; Judiciary; Local Government; Utilities and Energy. House 2002-present.

(R) Cynthia J. Noe (District 87, Boone, Hamilton, and Marion Counties). Committee memberships: Vice Chair, Education; Ways and Means. House 2002-present.

(D) David Orentlicher (District 86, Hamilton and Marion Counties). Committee memberships: Ways and Means. House 2002-present.

(D) Dennie Oxley II (District 73, Clark, Crawford, Dubois, Harrison, Jackson, Perry, Scott, and Washington Counties). Leadership position: Minority Whip; Committee memberships: Financial Institutions; Local Government; Rules and Legislative Procedures. House 1998-present.

(D) Scott D. Pelath (District 9, LaPorte County). Committee memberships: Ranking Minority Member, Rules and Legislative Procedures; Government and Regulatory Reform; Public Policy and Veterans Affairs; Committee on Joint Rules. House 1998-present.

(D) Phillip Pflum (District 56, Henry and Wayne Counties). Committee memberships: Agriculture and Rural Development; Education; Roads and Transportation. House 2002-present.

(D) Matt Pierce (District 61, Monroe County). Committee memberships: Employment and Labor; Environmental Affairs; Technology, Research and Development. House 2002-present.

(R) Phyllis J. Pond (District 85, Allen and Dekalb Counties). Committee memberships: Chair, Higher Education Subcommittee of Ways and Means; Judiciary. House 1978-present.

(D) Gregory W. Porter (District 96, Marion County). Leadership position: Indiana Black Legislative Caucus; Committee memberships: Ranking Minority Member, Education; Courts and Criminal Code; Insurance. House 1992-present.

(D) Scott E. Reske (District 37, Madison County). Committee memberships: Ranking Minority Member, Commerce, Economic Development and Small Business; Public Health; Technology, Research and Development. House 2002-present.

(R) Kathy Kreag Richardson (District 29, Hamilton and Hancock Counties). Leadership position: Majority Caucus Chair; Committee memberships: Elections and Apportionment; Statutory Committee on Ethics; Statutory Committee on Interstate and International Cooperation. House 1992-present.

(R) Michael A. Ripley (District 79, Adams, Allen, and Wells Counties). Chair, Insurance; Family, Children and Human Affairs; Local Government. House 1996-present.

(D) Paul J. Robertson (District 70, Clark, Floyd, and Harrison Counties). Committee memberships: Ranking Minority Member, Agriculture and Rural Development; Elections and Apportionment; Natural Resources. House 1978-present.

(R) William J. Ruppel (District 22, Kosciusko and Wabash Counties). Committee memberships: Chair, Public Safety and Homeland Security; Agriculture and Rural Development; Financial Institutions; Utilities and Energy. House 1992-present.

MEMBERS OF THE HOUSE OF REPRESENTATIVES—2006

(R) Thomas E. Saunders (District 54, Henry, Randolph, and Wayne Counties). Leadership position: Assistant Majority Caucus Chair; Committee memberships: Vice Chair, Local Government; Vice Chair, Statutory Committee on Interstate and International Cooperation; Insurance; Roads and Transportation. House 1996-present.

(R) John E. Smith (District 30, Howard County). Committee memberships: Commerce, Economic Development and Small Business; Ways and Means. House 2004-present.

(D) Vernon G. Smith (District 14, Lake County). Leadership position: Assistant Minority Floor Leader; Committee memberships: Education; Family, Children and Human Affairs; Insurance. House 1990-present.

(D) Dan C. Stevenson (District 11, Lake County). Committee memberships: Local Government; Roads and Transportation; Utilities and Energy. House 1994-present.

(D) Russell L. Stilwell (District 74, Dubois, Perry, Spencer, and Warrick Counties). Leadership position: Minority Floor Leader; Committee memberships: Ranking Minority Member, Statutory Committee on Ethics; Employment and Labor; Rules and Legislative Procedures. House 1996-present.

(R) Marlin A. Stutzman (District 52, Dekalb, LaGrange, and Noble Counties). Leadership position: Assistant Majority Whip; Committee memberships: Chair, Public Policy and Veterans Affairs; Agriculture and Rural Development; Family, Children and Human Affairs; Roads and Transportation. House 2002-present.

(D) Vanessa Summers (District 99, Marion County). Committee memberships: Ranking Minority Member, Family, Children and Human Affairs; Public Policy and Veterans Affairs; Public Safety and Homeland Security. House 1991-present.

(R) Andrew P. Thomas (District 44, Clay, Parke, Putnam, and Vigo Counties). Committee memberships: Chair, Elections and Apportionment; Vice Chair, Judiciary; Courts and Criminal Code; Technology, Research and Development. House 2002-present.

(R) Jeffrey A. Thompson (District 28, Boone, Hendricks, and Montgomery Counties). Committee memberships: Chair, School Funding Subcommittee of Ways and Means; Education. House 1998-present.

(D) W. Vern Tincher (District 46, Clay, Monroe, Owen, and Vigo Counties). Committee memberships: Ranking Minority Member, Public Safety and Homeland Security; Courts and Criminal Code; Government and Regulatory Reform. House 1982-1994, 1996-2002, 2004-present.

(R) Gerald R. Torr (District 39, Hamilton County). Committee memberships: Chair, Employment and Labor; Insurance; Judiciary; Statutory Committee on Interstate and International Cooperation. House 1996-present.

(R) P. Eric Turner (District 32, Grant, Hamilton, Howard, Miami, and Tipton Counties). Leadership position: Speaker Pro Tempore; Committee memberships: Public Policy and Veterans Affairs; Rules and Legislative Procedures; Ways and Means. House 1982-1986; 1994-present.

* **(D) Dennis Tyler** (District 34, Delaware County). Committee memberships: Commerce, Economic Development and Small Business; Judiciary; Public Health. House 2006-present

(R) John D. Ulmer (District 49, Elkhart County). Committee memberships: Chair, Courts and Criminal Code; Vice Chair, Natural Resources; Judiciary; Statutory Committee on Interstate and International Cooperation. House 1998-present.

(D) W. Trent VanHaaften (District 76, Gibson, Posey, and Vanderburgh Counties). Committee memberships: Ranking Minority Member, Courts and Criminal Code; Government and Regulatory Reform; Judiciary. House 2004-present.

(R) Jackie S. Walorski (District 21, Elkhart and St. Joseph Counties). Committee memberships: Vice Chair, Family, Children and Human Affairs; Vice Chair, Government and Regulatory Reform; Commerce, Economic Development and Small Business; Environmental Affairs. House 2004-present.

(D) Peggy M. Welch (District 60, Brown, Greene, and Monroe Counties). Committee memberships: Ways and Means. House 1998-present.

(R) Matthew D. Whetstone (District 40, Hendricks County). Committee memberships: Chair, Rules and Legislative Procedures; Insurance; Public Policy and Veterans Affairs; Utilities and Energy; Committee on Joint Rules. House 1996-present.

(R) David A. Wolkins (District 18, Elkhart, Kosciusko, and LaGrange Counties). Committee memberships: Chair, Environmental Affairs; Agriculture and Rural Development; Government and Regulatory Reform; Roads and Transportation. House 1988-present.

(R) Troy A. Woodruff (District 64, Daviess, Gibson, Knox, and Pike Counties). Committee memberships: Vice Chair, Financial Institutions; Government and Regulatory Reform; Ways and Means. House 2004-present.

(R) David B. Yount (District 59, Bartholomew and Johnson Counties). Leadership position: Assistant Majority Floor Leader; Committee memberships: Commerce, Economic Development and Small Business; Environmental Affairs; Technology, Research and Development. House 1996-present.

* R. Tiny Adams died December 7, 2005. Dennis Tyler was selected to fill the vacancy.

** Robert K. Alderman resigned on May 8, 2005. Matthew P. Bell was selected to fill the vacancy.

*** James L. Bottorff died December 6, 2005. Carlene L. Bottorff was selected to fill the vacancy.

**** Vaneta G. Becker resigned September 29, 2005, upon her selection to the Indiana Senate. Suzanne M. Crouch was selected to fill the House vacancy.

MEMBERS OF THE HOUSE BY COUNTIES—2006

Adams—Michael A. Ripley
 Allen—Matthew P. Bell*, Randy L. Borrer, Jeffrey K. Espich,
 Benjamin E. GiaQuinta, Winfield C. Moses, Jr.,
 Phyllis J. Pond, Michael A. Ripley
 Bartholomew—Eric A. Koch, A. Lucas Messer, David B. Yount
 Benton—Donald J. Lehe
 Blackford—Timothy W. Harris
 Boone—James R. Buck, Cynthia J. Noe, Jeffrey A. Thompson
 Brown—Eric A. Koch, Peggy M. Welch
 Carroll—Richard W. McClain
 Cass—Eric A. Gutwein, Richard W. McClain
 Clark—Carlene L. Bottorff*, William C. Cochran, Terry A. Goodin,
 Dennie Oxley II, Paul J. Robertson
 Clay—Clyde Kersey, Andrew P. Thomas, W. Vern Tinchler
 Clinton—James R. Buck
 Crawford—Dennie Oxley II
 Daviess—Bruce A. Borders, David L. Crooks, Troy A. Woodruff
 Dearborn—Robert J. Bischoff, Robert A. Hoffman
 Decatur—Cleo R. Duncan
 Dekalb—Richard A. Dodge, Phyllis J. Pond, Marlin A. Stutzman
 Delaware—Bill J. Davis, L. Jack Lutz, Dennis Tyler*
 Dubois—David L. Crooks, Dennie Oxley II, Russell L. Stilwell
 Elkhart—William C. Friend, Craig R. Fry, Timothy Neese,
 John D. Ulmer, Jackie S. Walorski, David A. Wolkins
 Fayette—Robert A. Hoffman
 Floyd—William C. Cochran, Paul J. Robertson
 Fountain—F. Dale Grubb
 Franklin—Robert J. Bischoff, Cleo R. Duncan, Robert A. Hoffman
 Fulton—William C. Friend, Eric A. Gutwein
 Gibson—Dennis T. Avery, Trent VanHaaften, Troy A. Woodruff
 Grant—Jeffrey K. Espich, Timothy W. Harris, P. Eric Turner
 Greene—Bruce A. Borders, Jerry L. Denbo, Peggy M. Welch
 Hamilton—Terri Jo Austin, Brian C. Bosma, James R. Buck,
 L. Jack Lutz, Cynthia J. Noe, David Orentlicher,
 Kathy Kreag Richardson, Gerald R. Torr, P. Eric Turner
 Hancock—Robert W. Cherry, Kathy Kreag Richardson
 Harrison—Dennie Oxley II, Paul J. Robertson
 Hendricks—Robert W. Behning, Ralph M. Foley,
 Jeffrey A. Thompson, Matthew D. Whetstone
 Henry—Phillip Pflum, Thomas E. Saunders
 Howard—James R. Buck, John E. Smith, P. Eric Turner
 Huntington—Daniel J. Leonard
 Jackson—Terry A. Goodin, Eric A. Koch, Dennie Oxley II
 Jasper—Ralph D. Ayres, Mary Kay Budak, Eric A. Gutwein
 Jay—Bill J. Davis
 Jefferson—William E. Bright
 Jennings—William E. Bright, Terry A. Goodin
 Johnson—Woody Burton, Ralph M. Foley, David N. Frizzell,
 David B. Yount
 Knox—Bruce A. Borders, Troy A. Woodruff
 Kosciusko—William C. Friend, William J. Ruppel,
 David A. Wolkins
 LaGrange—Marlin A. Stutzman, David A. Wolkins
 Lake—John C. Aguilera, Ralph D. Ayres, Charlie Brown,
 Chester F. Dobis, Earl L. Harris, Robert D. Kuzman,
 Linda C. Lawson, Donald J. Lehe, Vernon G. Smith,
 Dan C. Stevenson
 LaPorte—Mary Kay Budak, Steven M. Heim, Scott D. Pelath
 Lawrence—Jerry L. Denbo, Eric A. Koch

Madison—Terri Jo Austin, L. Jack Lutz, Scott E. Reske
 Marion—Jeb A. Bardon, Robert W. Behning, Brian C. Bosma,
 Lawrence L. Buell, William A. Crawford, John J. Day,
 Mae Dickinson, David N. Frizzell, Phillip D. Hinkle,
 Edmund M. Mahern, Carolene R. Mays, Michael B. Murphy,
 Cynthia J. Noe, David Orentlicher, Gregory W. Porter,
 Vanessa Summers
 Marshall—William C. Friend, Steven M. Heim
 Martin—David L. Crooks, Jerry L. Denbo
 Miami—William C. Friend, Richard W. McClain, P. Eric Turner
 Monroe—Matt Pierce, W. Vern Tinchler, Peggy M. Welch
 Montgomery—Timothy N. Brown, Jeffrey A. Thompson
 Morgan—Robert W. Behning, Ralph M. Foley
 Newton—Robert D. Kuzman, Donald J. Lehe
 Noble—Matthew P. Bell*, Marlin A. Stutzman
 Ohio—Robert J. Bischoff
 Orange—Jerry L. Denbo
 Owen—Ralph M. Foley, W. Vern Tinchler
 Parke—Timothy N. Brown, F. Dale Grubb, Andrew P. Thomas
 Perry—Dennie Oxley II, Russell L. Stilwell
 Pike—David L. Crooks, Troy A. Woodruff
 Porter—Ralph D. Ayres, Charlie Brown, Mary Kay Budak,
 Duane Cheney, Robert D. Kuzman
 Posey—Trent VanHaaften
 Pulaski—Mary Kay Budak, Eric A. Gutwein
 Putnam—Andrew P. Thomas
 Randolph—Bill J. Davis, Thomas E. Saunders
 Ripley—Robert J. Bischoff, William E. Bright, Cleo R. Duncan
 Rush—Robert W. Cherry, Cleo R. Duncan
 Scott—Terry A. Goodin, Dennie Oxley II
 Shelby—Robert W. Cherry, A. Lucas Messer
 Spencer—Suzanne M. Crouch*, Russell L. Stilwell
 St. Joseph—B. Patrick Bauer, Ryan M. Dvorak, Craig R. Fry,
 Thomas S. Kromkowski, Timothy Neese, Jackie S. Walorski
 Starke—Steven M. Heim
 Steuben—Richard A. Dodge
 Sullivan—Bruce A. Borders
 Switzerland—Robert J. Bischoff
 Tippecanoe—Timothy N. Brown, Sheila A. Klinker,
 Joe Micon
 Tipton—L. Jack Lutz, P. Eric Turner
 Union—Robert A. Hoffman
 Vanderburgh—Dennis T. Avery, Suzanne M. Crouch*,
 Phil Hoy, Trent VanHaaften
 Vermillion—F. Dale Grubb
 Vigo—Bruce A. Borders, F. Dale Grubb, Clyde Kersey,
 Andrew P. Thomas, W. Vern Tinchler
 Wabash—William J. Ruppel
 Warren—F. Dale Grubb, Joe Micon
 Warrick—Dennis T. Avery, Suzanne M. Crouch*, Phil Hoy,
 Russell L. Stilwell
 Washington—Jerry L. Denbo, Dennie Oxley II
 Wayne—Robert A. Hoffman, Phillip Pflum, Thomas E. Saunders
 Wells—Jeffrey K. Espich, Michael A. Ripley
 White—Eric A. Gutwein, Donald J. Lehe, Richard W. McClain
 Whitley—Matthew P. Bell*, Daniel J. Leonard

* New member in 2006; see page 46 for the names of prior members.

MEMBERS OF THE HOUSE BY DISTRICTS—2006

District 1—Linda C. Lawson
 District 2—Earl L. Harris
 District 3—Charlie Brown
 District 4—Ralph D. Ayres
 District 5—Craig R. Fry
 District 6—B. Patrick Bauer
 District 7—Thomas S. Kromkowski
 District 8—Ryan M. Dvorak
 District 9—Scott D. Pelath
 District 10—Duane Cheney
 District 11—Dan C. Stevenson
 District 12—John C. Aguilera
 District 13—Chester F. Dobis
 District 14—Vernon G. Smith
 District 15—Donald J. Lehe
 District 16—Eric A. Gutwein
 District 17—Steven M. Heim
 District 18—David A. Wolkins
 District 19—Robert D. Kuzman
 District 20—Mary Kay Budak
 District 21—Jackie S. Walorski
 District 22—William J. Ruppel
 District 23—William C. Friend
 District 24—Richard W. McClain
 District 25—Jeb A. Bardon
 District 26—Joe Micon
 District 27—Sheila A. Klinker
 District 28—Jeffrey A. Thompson
 District 29—Kathy Kreag Richardson
 District 30—John E. Smith
 District 31—Timothy W. Harris
 District 32—P. Eric Turner
 District 33—Bill J. Davis
 District 34—Dennis Tyler*
 District 35—L. Jack Lutz
 District 36—Terri Jo Austin
 District 37—Scott E. Reske
 District 38—James R. Buck
 District 39—Gerald R. Torr
 District 40—Matthew D. Whetstone
 District 41—Timothy N. Brown
 District 42—F. Dale Grubb
 District 43—Clyde Kersey
 District 44—Andrew P. Thomas
 District 45—Bruce A. Borders
 District 46—W. Vern Tincher
 District 47—Ralph M. Foley
 District 48—Timothy Neese
 District 49—John D. Ulmer
 District 50—Daniel J. Leonard
 District 51—Richard A. Dodge

District 52—Marlin A. Stutzman
 District 53—Robert W. Cherry
 District 54—Thomas E. Saunders
 District 55—Robert A. Hoffman
 District 56—Phillip Pflum
 District 57—A. Lucas Messer
 District 58—Woody Burton
 District 59—David B. Yount
 District 60—Peggy M. Welch
 District 61—Matt Pierce
 District 62—Jerry L. Denbo
 District 63—David L. Crooks
 District 64—Troy A. Woodruff
 District 65—Eric A. Koch
 District 66—Terry A. Goodin
 District 67—Cleo R. Duncan
 District 68—Robert J. Bischoff
 District 69—William E. Bright
 District 70—Paul J. Robertson
 District 71—Carlene L. Bottorff*
 District 72—William C. Cochran
 District 73—Dennie Oxley II
 District 74—Russell L. Stilwell
 District 75—Dennis T. Avery
 District 76—Trent VanHaaften
 District 77—Phil Hoy
 District 78—Suzanne M. Crouch*
 District 79—Michael A. Ripley
 District 80—Benjamin E. GiaQuinta
 District 81—Winfield C. Moses, Jr.
 District 82—Jeffrey K. Espich
 District 83—Matthew P. Bell*
 District 84—Randy L. Borrer
 District 85—Phyllis J. Pond
 District 86—David Orentlicher
 District 87—Cynthia J. Noe
 District 88—Brian C. Bosma
 District 89—Lawrence L. Buell
 District 90—Michael B. Murphy
 District 91—Robert W. Behning
 District 92—Phillip D. Hinkle
 District 93—David N. Frizzell
 District 94—Carolene R. Mays
 District 95—Mae Dickinson
 District 96—Gregory W. Porter
 District 97—Edmund M. Mahern
 District 98—William A. Crawford
 District 99—Vanessa Summers
 District 100—John J. Day

* New member in 2006; see page 46 for the names of prior members.

HOUSE STANDING COMMITTEES—2006

Agriculture and Rural Development

Republicans: Gutwein, Chair; Lehe, Vice Chair; Borders, Friend, Ruppel, Stutzman, Wolkins.

Democrats: Robertson, Ranking Minority Member; Bischoff, C. Bottorff, Grubb, Pflum.

Commerce, Economic Development and Small Business

Republicans: Borrer, Chair; T. Harris, Vice Chair; Heim, Murphy, J. Smith, Walorski, Yount.

Democrats: Reske, Ranking Minority Member; Crooks, Denbo, Mays, Tyler.

Courts and Criminal Code

Republicans: Ulmer, Chair; Dodge, Vice Chair; Ayres, Budak, Crouch, Foley, Thomas.

Democrats: VanHaaften, Ranking Minority Member; Dvorak, L. Lawson, Porter, Tincher.

Education

Republicans: Behning, Chair; Noe, Vice Chair; T. Harris, Heim, Hinkle, Hoffman, Thompson.

Democrats: Porter, Ranking Minority Member; Cheney, Micon, Pflum, V. Smith.

Elections and Apportionment

Republicans: Thomas, Chair; Messer, Vice Chair; Behning, Burton, Crouch, Murphy, Richardson.

Democrats: Mahern, Ranking Minority Member; Dickinson, Fry, Kromkowski, Robertson.

Employment and Labor

Republicans: Torr, Chair; Leonard, Vice Chair; Borrer, T. Brown, Buck, Gutwein, Lehe.

Democrats: Cheney, Ranking Minority Member; Dickinson, Kromkowski, Pierce, Stilwell.

Environmental Affairs

Republicans: Wolkins, Chair; Heim, Vice Chair; T. Harris, J. Lutz, Neese, Walorski, Yount.

Democrats: Dvorak, Ranking Minority Member; Hoy, Mahern, Micon, Pierce.

Family, Children and Human Affairs

Republicans: Budak, Chair; Walorski, Vice Chair; Bell, Foley, Heim, Ripley, Stutzman.

Democrats: Summers, Ranking Minority Member; Cheney, Dickinson, E. Harris, V. Smith.

Financial Institutions

Republicans: Burton, Chair; Woodruff, Vice Chair; Duncan, Hinkle, Hoffman, McClain, Ruppel.

Democrats: Bardon, Ranking Minority Member; Austin, Goodin, Mahern, Oxley.

Government and Regulatory Reform

Republicans: Buck, Chair; Walorski, Vice Chair; Borrer, T. Harris, Koch, Wolkins, Woodruff.

Democrats: Dobis, Ranking Minority Member; Moses, Pelath, Tincher, VanHaaften.

Insurance

Republicans: Ripley, Chair; Borders, Vice Chair; Burton, Hoffman, Saunders, Torr, Whetstone.

Democrats: Fry, Ranking Minority Member; Bardon, C. Brown, Porter, V. Smith.

Judiciary

Republicans: Foley, Chair; Thomas, Vice Chair; Koch, Neese, Pond, Torr, Ulmer.

Democrats: L. Lawson, Ranking Minority Member; Bardon, Kuzman, Tyler, VanHaaften.

Local Government

Republicans: Hinkle, Chair; Saunders, Vice Chair; Borders, Buell, Dodge, Neese, Ripley.

Democrats: Moses, Ranking Minority Member; Denbo, Hoy, Oxley, Stevenson.

Natural Resources

Republicans: Hoffman, Chair; Ulmer, Vice Chair; Bell, T. Brown, Friend, Gutwein, Lehe.

Democrats: Bischoff, Ranking Minority Member; C. Bottorff, Goodin, Grubb, Robertson.

Public Health

Republicans: T. Brown, Chair; Crouch, Vice Chair; Behning, Budak, Dodge, Frizzell, Lehe.

Democrats: C. Brown, Ranking Minority Member; Fry, Mays, Reske, Tyler.

Public Policy and Veterans Affairs

Republicans: Stutzman, Chair; Bell, Vice Chair; Duncan, Frizzell, J. Lutz, Turner, Whetstone.

Democrats: Kuzman, Ranking Minority Member; Austin, Crooks, Pelath, Summers.

Public Safety and Homeland Security

Republicans: Ruppel, Chair; Bright, Vice Chair; Burton, Crouch, Dodge, Duncan, Murphy.

Democrats: Tincher, Ranking Minority Member; Bischoff, C. Brown, L. Lawson, Summers.

Roads and Transportation

Republicans: Duncan, Chair; Davis, Vice Chair; Buck, Gutwein, Saunders, Stutzman, Wolkins.

Democrats: Goodin, Ranking Minority Member; Hoy, Mays, Pflum, Stevenson.

Rules and Legislative Procedures

Republicans: Whetstone, Chair; Foley, Vice Chair; T. Brown, Burton, Frizzell, Turner.

Democrats: Pelath, Ranking Minority Member; E. Harris, Oxley, Stilwell.

Technology, Research and Development

Republicans: Murphy, Chair; Koch, Vice Chair; Borrer, Cherry, J. Lutz, Thomas, Yount.

Democrats: Austin, Ranking Minority Member; Kuzman, Micon, Pierce, Reske.

HOUSE STANDING COMMITTEES—2006

Utilities and Energy

Republicans: J. Lutz, Chair; Frizzell, Vice Chair; Behning, Buck, Neese, Ruppel, Whetstone.

Democrats: Crooks, Ranking Minority Member; C. Bottorff, Dvorak, Moses, Stevenson.

Ways and Means

Republicans: Espich, Chair; Ayres, Vice Chair; Buell, Chair of Budget Subcommittee; Pond, Chair of Higher Education Subcommittee; Thompson, Chair of School Funding Subcommittee; Bright, Cherry, Davis, Leonard, McClain, Messer, Noe, J. Smith, Turner, Woodruff.

Democrats: Crawford, Ranking Minority Member; Aguilera, Avery, Cochran, Day, GiaQuinta, Kersey, Klinker, Orentlicher, Welch.

STATUTORY COMMITTEE ON ETHICS

Republicans: T. Brown, Chair; Hoffman, Vice Chair; Richardson.

Democrats: Stilwell, Ranking Minority Member; E. Harris, Kersey.

STATUTORY COMMITTEE ON INTERSTATE AND INTERNATIONAL COOPERATION

Republicans: Neese, Chair; Saunders, Vice Chair; Budak, Friend, Richardson, Torr, Ulmer.

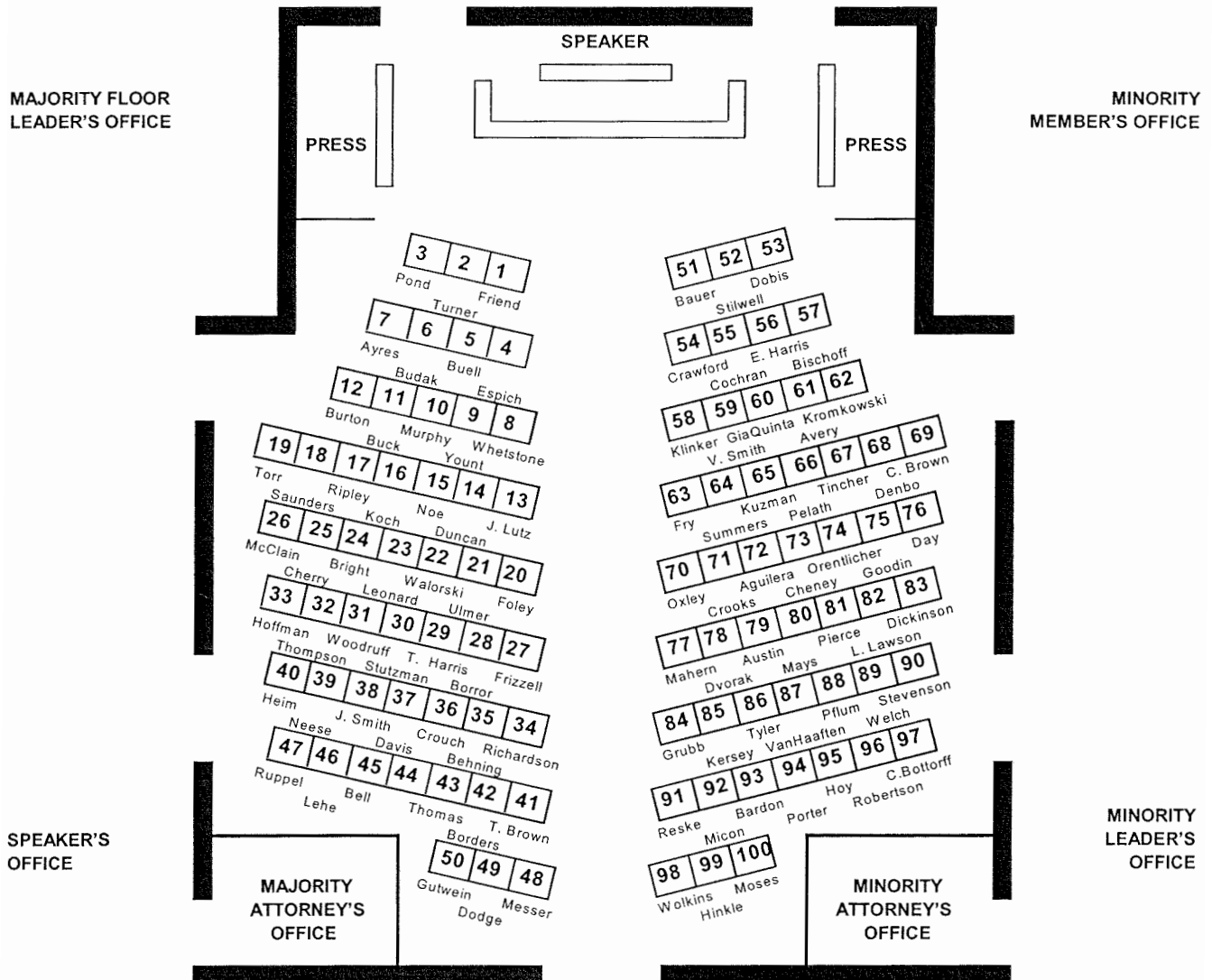
Democrats: Kromkowski, Ranking Minority Member; Denbo, Dobis, Grubb, E. Harris.

COMMITTEE ON JOINT RULES

Republicans: Speaker Bosma (ex officio), Friend, Whetstone.

Democrats: Bauer, Pelath.

HOUSE SEATING ARRANGEMENT 2006



HOUSE OF REPRESENTATIVES

Aguilera 72 (D), Austin 79 (D), Avery 61 (D), Ayres 7 (R), Bardon 93 (D), Bauer 51 (D), Behning 35 (R), Bell 45 (R), Bischoff 57 (D), Borders 42 (R), Borror 28 (R), C. Bottorff 97 (D), Bright 24 (R), C. Brown 69 (D), T. Brown 41 (R), Buck 11 (R), Budak 6 (R), Buell 5 (R), Burton 12 (R), Cheney 73 (D), Cherry 25 (R), Cochran 55 (D), Crawford 54 (D), Crooks 71 (D), Crouch 36 (R), Davis 37 (R), Day 76 (D), Denbo 68 (D), Dickinson 83 (D), Dobis 53 (D), Dodge 49 (R), Duncan 14 (R), Dvorak 78 (D), Espich 4 (R), Foley 20 (R), Friend 1 (R), Frizzell 27 (R), Fry 63 (D), GiaQuinta 60 (D), Goodin 75 (D), Grubb 84 (D), Gutwein 50 (R), E. Harris 56 (D), T. Harris 29 (R), Heim 40 (R), Hinkle 99 (R), Hoffman 33 (R), Hoy 95 (D), Kersey 85 (D), Klinker 58 (D), Koch 16 (R), Kromkowski 62 (D), Kuzman 65 (D), L. Lawson 82 (D), Lehe 46 (R),

Leonard 23 (R), J. Lutz 13 (R), Mahern 77 (D), Mays 80 (D), McClain 26 (R), Messer 48 (R), Micon 92 (D), Moses 100 (D), Murphy 10 (R), Neese 39 (R), Noe 15 (R), Orentlicher 74 (D), Oxley 70 (D), Pelath 66 (D), Pflum 88 (D), Pierce 81 (D), Pond 3 (R), Porter 94 (D), Reske 91 (D), Richardson 34 (R), Ripley 17 (R), Robertson 96 (D), Ruppel 47 (R), Saunders 18 (R), J. Smith 38 (R), V. Smith 59 (D), Stevenson 90 (D), Stilwell 52 (D), Stutzman 30 (R), Summers 64 (D), Thomas 43 (R), Thompson 32 (R), Tincher 67 (D), Torr 19 (R), Turner 2 (R), Tyler 86 (D), Ulmer 21 (R), VanHaften 87 (D), Walorski 22 (R), Welch 89 (D), Whetstone 8 (R), Wolkins 98 (R), Woodruff 31 (R), Yount 9 (R), Speaker Bosma (R).

LEGISLATION BY MEMBER—2006

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by Governor Daniels in 2006.)

HOUSE

*** Adams, R. Tiny**

[Died December 7, 2005.]

Coauthored

- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

Aguilera, John C.

Authored

- HB 1290 Sewer improvement and extension fund.
- HB 1291 East Chicago school board.
- HB 1292 Commission on Hispanic/Latino affairs.
- HB 1293 Determination of graduation rates.
- HB 1357 Driver's certificates.
- HR 15 Recognizing Hispanic/Latino Community Day.

Coauthored

- HB 1102 Local government matters.
- HB 1310 Driver's certificates.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cosponsored

- SB 256 Credit for excessive residential property taxes.

Austin, Terri Jo

Authored

- HB 1046 Penalties from failed tax sales.
- HB 1218 Prohibiting cell phone use by newer drivers.
- HB 1319 Chiropractors and physical therapists.
- HB 1414 Human and sexual trafficking.
- HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.

Coauthored

- HB 1013 License plates.
- HB 1030 License branch closings.
- HB 1136 Brokers' liens on commercial real estate.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

Cosponsored

- SB 166 Physical therapy.
- SB 363 Technology report.

Avery, Dennis T.

Authored

- HB 1020 Regulation of teen clubs.
- HB 1069 Military family relief.
- HB 1288 Military family leave.
- HB 1394 Vanderburgh County consolidation.
- HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.

Coauthored

- HB 1146 Interlocal cooperation for economic development.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 7 Lamenting loss of life in Southwest Indiana tornado in November, 2005.
- HCR 67 Recognizing the need to enhance employment opportunities for disabled persons.
- HR 43 Recognizing Girls in Bloom.

Ayres, Ralph D.

Authored

- HB 1016 Alcohol and tobacco matters.
- HB 1023 Addiction treatment facilities.
- HB 1102 Local government matters.
- HB 1211 School property taxes.
- HB 1232 Curfew.
- HB 1418 Kennel licenses.
- HCR 60 Honoring Chesterton High School debate team, 2006 state champions.

Sponsored

- SB 256 Credit for excessive residential property taxes.
- SB 336 Care and management of student diabetes at school.
- SB 355 Taxation.
- SCR 7 Promoting the use of "A Child is Missing" program.
- SCR 38 Memorializing Colonel John Wheeler, Lake County Civil War soldier.
- SCR 65 Honoring Boone Grove Middle School, Four Star School.

Coauthored

- HB 1013 License plates.
- HB 1030 License branch closings.
- HB 1093 Offenses on school property or against school employees.
- HB 1122 Discharge of water by oceangoing vessels.
- HB 1144 Injuries to or death of an employee.
- HB 1145 Sanitation districts.
- HB 1226 Property tax deduction for the elderly.
- HB 1227 Retired state employees.
- HB 1269 Prohibit knives in schools.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

LEGISLATION BY MEMBER—2006

- HCR 35 Urging protection of our environmental resources such as the Great Lakes.
 HR 1 Content of prayer.
 HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cosponsored

- SB 17 Income tax credit for toll roads.
 ■ SB 192 Bail requirements.
 ■ SB 277 Genesis Convention Center board of managers.
 SCR 25 INDOT to rename part of SR 10 in honor of Trooper Scott A. Patrick.

Bardon, Jeb A.

Authored

- HB 1299 Financial institutions.

Coauthored

- HB 1137 Full-day kindergarten funding from tax amnesty.
 ■ HB 1155 Sex offenders.
 ■ HB 1261 Housing and community development authority.
 HB 1351 Same day voter registration.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 66 Honoring the Indianapolis Urban League for its community service.
 HR 22 Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner.

Cosponsored

- SB 83 Resisting law enforcement and deadly weapons.

Bauer, B. Patrick

Authored

- HB 1371 Military service home buyer program.
 HB 1372 State executive branch collective bargaining.
 HB 1373 Do not call cell phone list.
 HR 103 Honoring Representative Ben GiaQuinta upon his retirement.
 HR 104 Honoring Representative Tom Kromkowski upon his retirement.
 HR 105 Honoring Representative John Aguilera upon his retirement.

Sponsored

- SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.

Coauthored

- HB 1274 Use of tax amnesty funds to reduce welfare levy.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.
 HR 24 Memorializing M.E. "Hank" Denning.

Cosponsored

- SCR 68 Fixing the date for Second Regular Technical Session of the General Assembly.

Behning, Robert W.

Authored

- HB 1005 Autism scholarships.
 ■ HB 1240 Statewide testing program; mentor teacher stipends.
 HB 1312 Various education matters.
 HB 1358 Special economic development project districts.
 HB 1381 Kindergarten tax credit.
 HCR 73 Honoring Plainfield schools, all of its schools named Four Star Schools.

Sponsored

- SB 60 Public school transfer program.
 ■ SB 172 Teacher shortages.
 ■ SB 173 Informational student counts.
 SB 230 Student loans.
 ■ SB 231 Academic honors diploma grants.
 ■ SB 310 Alternate methods for earning high school credits.
 SB 323 Allocation of school resources.
 SB 324 Various education matters.
 SCR 64 Study: issues pertaining to early learning and reading.

Coauthored

- HB 1006 Allocation of school resources; homeless students.
 ■ HB 1011 Miscellaneous election law matters.
 ■ HB 1013 License plates.
 HB 1127 Department of education use of funds for mentor teacher stipends.
 ■ HB 1134 Recodification of Title 21 and related provisions.
 HB 1213 Study of teacher incentives.
 ■ HB 1257 Postsecondary proprietary education.
 ■ HB 1347 Various education matters.
 HB 1355 Selection of superintendent of public instruction.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.

Cosponsored

- SB 145 Vehicle forfeiture and driving while intoxicated.

Bell, Matthew

Authored

- HB 1047 Financial literacy curriculum.
 HB 1048 Mercury in vaccines.
 ■ HB 1049 Controlled substances crimes.
 ■ HB 1138 Hunting and lifetime license trust fund.
 ■ HB 1257 Postsecondary proprietary education.
 HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Sponsored

- SB 139 Department of child services matters.

Coauthored

- HB 1013 License plates.
 HB 1038 Permits for oversized or overweight vehicles.
 ■ HB 1207 Home improvement fraud.
 ■ HB 1212 Drainage assessments, sanitation districts, and storm water districts.
 HB 1266 Headquarters relocation tax credit.

LEGISLATION BY MEMBER—2006

- HB 1279 Telecommunications.
- HB 1323 Extra heavy duty highways.
- HB 1346 Assessment of undeveloped land.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 27 Alcohol and tobacco matters.
- SB 193 Controlled substances.

Bischoff, Robert J.

Authored

- HB 1084 Property tax deduction for free golf for students.
- HB 1085 Employee alcoholic beverage permits.
- HB 1246 Purple Heart license plate for surviving spouse.
- HR 61 Honoring Alberta "Bertie" Sauerland on the occasion of her retirement.

Sponsored

- SB 283 Emergency telephone notification system.
- SCR 6 Honoring Fire Chief Ed Noel upon his retirement.

Coauthored

- HB 1022 State fair commission.
- HB 1090 Fire protection agreements.
- HB 1098 Massage therapy regulation.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1172 Written information before an abortion.
- HB 1234 Public safety officer death benefit.
- HB 1331 Out-of-state boat registration.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 69 Governance of rural telephone cooperatives.
- SB 157 Natural resources advisory councils.
- SB 247 Various homeland security matters.
- SB 253 Activities along shorelines.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.

Borders, Bruce A.

Authored

- HB 1385 Enforcing city and town ordinances.
- HB 1386 Academic progress test.
- HB 1387 Personal needs allowance.
- HB 1388 Accuracy in textbooks.
- HB 1389 Purchase of service credit.
- HR 9 Honoring Kurt Rambis from Terre Haute for his professional basketball career.
- HR 35 Urging Congress to consider Taiwan for membership in the United Nations.
- HR 36 Supporting free trade agreement between Taiwan and the U.S.
- HR 37 Commending Taiwan for its contributions to promote world health.

Coauthored

- HB 1013 License plates.
- HB 1367 Study of liability for 501(c)(3) organizations.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 46 Recognizing the Networks Scholars Program at Indiana State University.
- HR 1 Content of prayer.
- HR 100 Honoring Sawyer Sparks, FFA Southern Region Vice President.

Borrer, Randy L.

Authored

- HB 1008 Public-private agreements for transportation.
- HB 1266 Headquarters relocation tax credit.
- HB 1267 Employment certificates for children.
- HB 1318 Property tax abatement.
- HB 1346 Assessment of undeveloped land.

Sponsored

- SB 72 IURC proceedings.
- SB 75 Military family relief fund.
- SB 340 Salary and PERF protection for state employees.
- SCR 61 Honoring Fort Wayne Bishop Luers girls' basketball team, Class 3A state champions.

Coauthored

- HB 1013 License plates.
- HB 1031 Small business set-aside purchases.
- HB 1300 Commercial driver's licenses and permits.
- HB 1354 Film and audio production tax incentives.
- HB 1358 Special economic development project districts.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Cosponsored

- SB 69 Governance of rural telephone cooperatives.
- SB 370 Workforce development system.
- SCR 28 Congratulating William Carson upon his retirement.

Bosma, Brian C.

Authored

- HCR 67 Recognizing the need to enhance employment opportunities for disabled persons.
- HR 106 Honoring Representative Robert Hoffman upon his retirement.
- HR 107 Honoring Representative Luke Messer upon his retirement.
- HR 108 Honoring Representative David Yount upon his retirement.

Sponsored

- SCR 51 Congratulating Bruce Melchert upon his retirement.
- SCR 68 Fixing the date for Second Regular Technical Session of the General Assembly.

LEGISLATION BY MEMBER—2006

Coauthored

- HB 1009 Redistricting commission.
- HB 1013 License plates.
- HB 1362 Local government reorganization.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.
- HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.
- HCR 63 Honoring Heritage Christian High School girls' basketball team, Class 2A state champions.
- HCR 64 Honoring Nicole Roush, mental attitude award winner for Class 2A basketball.
- HCR 71 Honoring Dr. E. B. Carver on the occasion of his retirement.
- HR 6 Honoring Chief Justice John Glover Roberts, Jr.

Bottorff, Carlene L.

Authored

- HB 1219 Sales tax rebate for developing tourist site.
- HR 65 Honoring Mr. and Mrs. Scott Collins and family.
- HR 66 Honoring Lauri Giuffre.
- HR 67 Honoring Cory Giuffre and his family.
- HR 68 Honoring Keith Giuffre and his family.
- HR 69 Honoring Kyle Giuffre and his family.
- HR 70 Honoring Dawn Giuffre.

Sponsored

- SCR 18 Urging Congress to extend the Lewis and Clark National Historic Trail.

Coauthored

- HB 1013 License plates.
- HCR 41 Recognizing March as National Colorectal Cancer Awareness Month.
- HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.
- HR 1 Content of prayer.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.

*** Bottorff, James L.**

[Died December 6, 2005.]

- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

Bright, William E.

Authored

- HB 1276 Inheritance tax phase out.
- HB 1277 Civil actions and attorney's fees.
- HB 1278 School corporation public works projects.
- HB 1306 Various corporate law matters.

Coauthored

- HB 1013 License plates.
- HB 1268 Tax amnesty funds for volunteer fire departments.
- HB 1309 Former legislator health benefits.

- HB 1367 Study of liability for 501(c)(3) organizations.
- HB 1383 Restrictions for illegal aliens.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 247 Various homeland security matters.

Brown, Charlie

Authored

- HB 1166 Cigarette manufacturer fee.
- HB 1167 Student nutrition and physical activity.
- HB 1168 Expanded notice of state agency agendas.
- HB 1169 Political party affiliation.
- HB 1170 Minimally nutritious food and beverage tax.
- HR 83 Study: the impact of privatization of Indiana services.

Sponsored

- SB 277 Genesis Convention Center board of managers.
- SCR 47 Honoring the City of Gary, Indiana, as it celebrates its centennial anniversary.

Coauthored

- HB 1023 Addiction treatment facilities.
- HB 1106 Automatic external defibrillators.
- HB 1230 Transfer of first steps program.
- HB 1238 Emergency management mobile support.
- HB 1279 Telecommunications.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 48 Honoring the Gary RailCats, minor league baseball team.
- HCR 60 Honoring Chesterton High School debate team, 2006 state champions.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.
- HR 47 Recognizing Harry Flournoy for his place in basketball history.
- HR 48 Recognizing Orsten Artis for his place in basketball history.

Cosponsored

- SB 18 Mental health and health records.
- SB 36 Commission on mental health.
- SB 41 Division of Aging and long term care.
- SB 88 Motor vehicle restraint systems.
- SB 105 License branches open on election day.
- SB 111 Student nutrition and physical activity.

LEGISLATION BY MEMBER—2006

- SB 112 Transfer of first steps program.
- SB 161 Moratorium on comprehensive care beds.
- SB 169 Extension of nursing facility assessment fee.
- SB 202 Pharmacy and wholesale drug distributor matters.
- SB 266 Bariatric surgery.
- SB 270 FSSA matters.
- SB 284 Statewide trauma system.

Brown, Timothy N.

Authored

- HB 1108 Aggressive driving and criminal recklessness.
- HB 1109 Tippecanoe County food and beverage tax.
- HB 1110 Environmental law.
- HB 1111 Life insurance and Medicaid.
- HB 1382 Access to reimbursement fee schedules.
- HB 1420 Employee tobacco use.

Sponsored

- SB 18 Mental health and health records.
- SB 41 Division of Aging and long term care.
- SB 111 Student nutrition and physical activity.
- SB 117 Various employment matters.
- SB 161 Moratorium on comprehensive care beds.
- SB 166 Physical therapy.
- SB 169 Extension of nursing facility assessment fee.
- SB 202 Pharmacy and wholesale drug distributor matters.
- SB 208 Medical alert on licenses or identification cards.
- SB 266 Bariatric surgery.
- SB 270 FSSA matters.
- SB 284 Statewide trauma system.
- SB 308 Medicaid income spend down.
- SB 374 Child passenger restraint systems exception.
- SCR 3 Honoring Ron Wuensch on his retirement.

Coauthored

- HB 1013 License plates.
- HB 1023 Addiction treatment facilities.
- HB 1106 Automatic external defibrillators.
- HB 1159 License branch hours on election days.
- HB 1162 University bonding.
- HB 1177 Common construction wage.
- HB 1209 Public transportation smoking prohibition.
- HB 1230 Transfer of first steps program.
- HB 1238 Emergency management mobile support.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 72 Memorializing U.S. Army Specialist Matthew C. Frantz.
- HR 1 Content of prayer.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
- HR 85 Honoring Lafayette Central Catholic High School girls' basketball team, Class 1A state champions.
- HR 86 Recognizing Center for Education and Research Information Assurance and Security.

Cosponsored

- SB 33 Volunteer advocates for incapacitated adults.
- SB 112 Transfer of first steps program.

- SB 231 Academic honors diploma grants.
- SB 310 Alternate methods for earning high school credits.
- SCR 40 Memorializing Robert A. Zell, Tippecanoe County highway worker.
- SCR 62 Honoring Lafayette Central Catholic girls' basketball team, Class 1A state champions.

Buck, James R.

Authored

- HB 1033 Child welfare levy elimination.
- HB 1064 School levy freeze.
- HB 1086 Agricultural enterprise zones.
- HB 1124 Rainy day fund loans to political subdivisions.
- HB 1362 Local government reorganization.
- HCR 58 INDOT to rename part of State Road 28 the Richard Regnier Memorial Highway.
- HCR 70 Recognizing Ball State University students study of State House Visitors Center.

Sponsored

- SB 1 Marion County government matters.
- SB 341 Tax sales and redevelopment.
- SCR 46 Honoring Clinton Cental High School FFA team for success at state championships.

Coauthored

- HB 1008 Public-private agreements for transportation.
- HB 1013 License plates.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 6 Recognizing Kokomo on 150th anniversary of its founding.
- HR 1 Content of prayer.

Budak, Mary Kay

Authored

- HB 1122 Discharge of water by oceangoing vessels.
- HB 1123 Sexual assault standards and certification board.
- HB 1155 Sex offenders.
- HB 1226 Property tax deduction for the elderly.
- HB 1227 Retired state employees.
- HCR 35 Urging protection of our environmental resources such as the Great Lakes.
- HCR 54 Recognizing the need for protection of our environmental and economic resources.
- HR 40 Honoring Mickey Stisher, LaPorte, named Outstanding Bandmaster.

Sponsored

- SB 132 Correction of 2005 child services legislation.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
- SCR 28 Congratulating William Carson upon his retirement.

Coauthored

- HB 1013 License plates.
- HB 1094 Reconnection charges.
- HB 1097 Discount medical card programs.

LEGISLATION BY MEMBER—2006

- HB 1104 Loss of office due to delinquent child support.
- HB 1118 Grandparent visitation.
- HB 1153 Consignment of art.
- HB 1207 Home improvement fraud.
- HB 1232 Curfew.
- HB 1329 Medicaid disease management and kidney disease.
- HB 1415 Department of child services caseworkers.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 24 Study: respectful language referring to people with disabilities.
- HCR 67 Recognizing the need to enhance employment opportunities for disabled persons.
- HR 1 Content of prayer.
- HR 6 Honoring Chief Justice John Glover Roberts, Jr.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.

Cosponsored

- SB 111 Student nutrition and physical activity.
- SB 139 Department of child services matters.
- SB 151 Child care regulation.
- SB 153 State central collection unit and child support.
- SB 202 Pharmacy and wholesale drug distributor matters.
- SB 314 Soil and water conservation districts and wild animals.
- SB 336 Care and management of student diabetes at school.
- SB 340 Salary and PERF protection for state employees.
- SCR 25 INDOT to rename part of SR 10 in honor of Trooper Scott A. Patrick.

Buell, Lawrence L.

Authored

- HB 1029 Education.
- HB 1032 Judges' pensions.
- HB 1162 University bonding.
- HB 1296 Health insurance for retired state employees.
- HB 1395 Marion County health and hospital corporation.
- HCR 49 Pension Management Oversight Commission to study computation of public employees' pensions.
- HCR 50 Honoring Warren Central High School football team, Class 5A state champions.
- HCR 52 Honoring Warren Central High School cross country team, state champions.

Sponsored

- SB 55 Public safety deferred retirement option plan.
- SB 56 Pension relief fund distributions.
- SB 57 Pension fund administrative issues.
- SB 58 Teachers' retirement fund administrative issues.
- SB 85 Prosecuting attorneys' pensions.
- SB 206 Public safety disability pensions.
- SB 332 Department of correction pension benefits.
- SB 365 State employee retirement health benefits.
- SCR 59 Honoring Kevin Wright, successful high school football coach.

Coauthored

- HB 1013 License plates.

- HB 1015 Residential property tax deduction.
- HB 1062 School corporation police department.
- HB 1069 Military family relief.
- HB 1156 Various provisions concerning courts.
- HB 1157 Marion superior court.
- HB 1288 Military family leave.
- HB 1305 Parking with former prisoner of war plates.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 37 Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HCR 71 Honoring Dr. E. B. Carver on the occasion of his retirement.
- HR 1 Content of prayer.

Cosponsored

- SB 251 Motor carrier enforcement.
- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.

Burton, Woody

Authored

- HB 1013 License plates.
- HB 1135 Alcohol displays in retail stores.
- HB 1136 Brokers' liens on commercial real estate.
- HB 1261 Housing and community development authority.
- HB 1409 Pension administration.
- HCR 23 INDOT to rename part of I-65 as the Pearl Harbor Memorial Highway.
- HCR 57 Study: abstract and title insurance rates.
- HR 11 Honoring the disabled men and women of the armed forces of the USA.
- HR 12 Honoring Kenneth and Ruth Ellen Long for promotion of physical fitness.
- HR 38 Urging INDOT to rename part of Interstate 65 the Pearl Harbor Memorial Highway.

Sponsored

- SB 11 Various securities matters.
- SB 349 Insurance.
- SCR 43 Honoring Greenwood Fire Department Honor Guard for its service.

Coauthored

- HB 1048 Mercury in vaccines.
- HB 1176 Handgun license renewal.
- HB 1250 Alcohol beverage matters.
- HB 1299 Financial institutions.
- HB 1309 Former legislator health benefits.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 84 Study: food handling regulations for tax exempt organizations.

Cosponsored

- SCR 20 Honoring Tony Stewart of Columbus, NASCAR Nextel Cup series champion.

LEGISLATION BY MEMBER—2006

Cheney, Duane

Authored

- HB 1105 Gasoline prices.
- HB 1151 Operation of motorized bicycles.
- HB 1216 School instructional days.
- HB 1217 Proof of ownership of stock before sale.
- HB 1269 Prohibit knives in schools.

Coauthored

- HB 1016 Alcohol and tobacco matters.
- HB 1023 Addiction treatment facilities.
- HB 1093 Offenses on school property or against school employees.
- HB 1122 Discharge of water by oceangoing vessels.
- HB 1324 Disclosure of employer health care spending.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 35 Urging protection of our environmental resources such as the Great Lakes.
- HCR 60 Honoring Chesterton High School debate team, 2006 state champions.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cherry, Robert W.

Authored

- HB 1066 Spotlighting wild animals.
- HB 1067 Birth and death records.
- HB 1118 Grandparent visitation.
- HB 1119 Governance of rural telephone cooperatives.
- HB 1350 Judicial pensions.
- HR 51 Congratulating Mount Vernon Middle School, Fortville, Four Star School.
- HR 52 Congratulating Mount Comfort Elementary School, Greenfield, a Four Star School.
- HR 53 Congratulating Eden Elementary School, Greenfield, a Four Star School.
- HR 54 Congratulating Triton Central High School, Fairland, a Four Star School.

Sponsored

- SB 251 Motor carrier enforcement.
- SCR 66 Honoring Mays Elementary School, Four Star School.

Coauthored

- HB 1008 Public-private agreements for transportation.
- HB 1010 Eminent domain.
- HB 1013 License plates.
- HB 1029 Education.
- HB 1081 Home energy sales tax exemption.
- HB 1162 University bonding.
- HB 1336 Property tax freeze.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 98 Honoring Bruce L. Cooley, FFA State President.

Cosponsored

- SB 24 Televised simulcasts.

Cochran, William C.

Authored

- HB 1171 Pension base for police officers and firefighters.

Coauthored

- HB 1013 License plates.
- HB 1219 Sales tax rebate for developing tourist site.
- HB 1327 Taxation and government finance.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 251 Motor carrier enforcement.

Crawford, William A.

Authored

- HB 1273 Housing trust fund financing.
- HB 1274 Use of tax amnesty funds to reduce welfare levy.
- HB 1275 Funding of education grants.
- HCR 31 Recognizing the Family Fun Filled Back-to-School Carnival Celebration.
- HCR 33 Memorializing Coretta Scott King.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.

Coauthored

- HB 1013 License plates.
- HB 1062 School corporation police department.
- HB 1081 Home energy sales tax exemption.
- HB 1156 Various provisions concerning courts.
- HB 1157 Marion superior court.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.

Cosponsored

- SB 151 Child care regulation.
- SB 360 Bonds for public works projects.
- SB 365 State employee retirement health benefits.

Crooks, David L.

Authored

- HB 1014 Indiana time zones.
- HB 1148 Account numbers on receipts.
- HB 1149 Charity gaming volunteer reporting requirements.
- HB 1150 Use of antique license plates on motor vehicles.
- HB 1175 Sales tax holiday.

Coauthored

- HB 1039 Lifetime hunting, fishing, and trapping licenses.
- HB 1099 Fireworks sales, discharge, public safety fees, and injuries.

LEGISLATION BY MEMBER—2006

- HB 1259 Military bases.
- HB 1353 Trademarks and service marks.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.
- HR 23 Regulatory flexibility committee to study renewable energy development.

Cosponsored

- SB 11 Various securities matters.
- SB 333 Professional licensing.

Crouch, Suzanne

Authored

- HB 1106 Automatic external defibrillators.
- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1308 Restraint on trade of contact lenses.
- HB 1342 Public safety issues.
- HB 1413 Drug testing on state public works projects.
- HCR 7 Lamenting loss of life in Southwest Indiana tornado in November, 2005.
- HCR 28 Recognizing February 3, 2006, as Wear Red for Women Day.
- HR 43 Recognizing Girls in Bloom.

Sponsored

- SB 88 Motor vehicle restraint systems.
- SB 382 Airport development zone.
- SCR 44 Honoring International Brotherhood of Electrical Workers (IBEW) for services.
- SCR 60 Honoring Castle High School girls' basketball team, Class 4A state champions.

Coauthored

- HB 1008 Public-private agreements for transportation.
- HB 1013 License plates.
- HB 1020 Regulation of teen clubs.
- HB 1035 Appropriation for the Lincoln amphitheater.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.
- HR 1 Content of prayer.

Cosponsored

- SB 111 Student nutrition and physical activity.
- SB 283 Emergency telephone notification system.
- SB 285 Emergency management.
- SB 300 Victim's compensation fund.
- SCR 28 Congratulating William Carson upon his retirement.

Davis, Bill J.

Authored

- HB 1034 Defenses to controlled substance offenses.
- HB 1127 Department of education use of funds for mentor teacher stipends.

- HB 1197 Distribution of sales tax on gasoline and fuels.
- HB 1214 Motor carrier enforcement.
- HB 1345 Income tax credit for sales tax paid for heating.

Sponsored

- SB 73 Indemnity agreements in motor carrier contracts.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.

Coauthored

- HB 1008 Public-private agreements for transportation.
- HB 1013 License plates.
- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1081 Home energy sales tax exemption.
- HB 1140 Abatements for used Indiana equipment.
- HB 1300 Commercial driver's licenses and permits.
- HB 1309 Former legislator health benefits.
- HB 1319 Chiropractors and physical therapists.
- HB 1356 Deferral of property tax payments.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 106 State gross retail tax.
- SB 303 Various motor vehicle matters.
- SB 339 Certificate of salvage titles.

Day, John J.

Authored

- HB 1015 Residential property tax deduction.
- HB 1228 Education finance and taxation.
- HB 1229 Transfer of title upon mortgage default.

Coauthored

- HB 1081 Home energy sales tax exemption.
- HB 1226 Property tax deduction for the elderly.
- HB 1417 Regulation of rifles and shotguns.
- HJR 3 Common school fund for early childhood education.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 22 Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner.

Cosponsored

- SB 341 Tax sales and redevelopment.

Denbo, Jerry L.

Authored

- HB 1174 Highway modernization projects.
- HB 1268 Tax amnesty funds for volunteer fire departments.
- HB 1410 Bible study.
- HR 17 Congratulating the Paoli High School Marching Band, state champions.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.

LEGISLATION BY MEMBER—2006

Coauthored

- HB 1111 Life insurance and Medicaid.
- HB 1259 Military bases.
- HB 1276 Inheritance tax phase out.
- HB 1349 Hunting facilities and licenses.
- HB 1354 Film and audio production tax incentives.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.
- HR 1 Content of prayer.
- HR 74 Study: developing incentives to encourage film and TV production in Indiana.

Cosponsored

- SB 354 Forestry issues.

Dickinson, Mae

Authored

- HB 1050 Enterprise zone investment deduction.
- HB 1324 Disclosure of employer health care spending.
- HB 1325 Review of privatization savings.

Coauthored

- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.

Cosponsored

- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.

Dobis, Chester F.

Authored

- HB 1093 Offenses on school property or against school employees.
- HB 1095 Little Calumet River Basin development commission.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Coauthored

- HB 1269 Prohibit knives in schools.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

Dodge, Richard A.

Authored

- HB 1038 Permits for oversized or overweight vehicles.
- HB 1143 Property tax abatement.
- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- HB 1304 Judicial funding for counties.
- HB 1323 Extra heavy duty highways.

Sponsored

- SB 71 Drainage assessments and storm water.
- SB 94 Lakes management work group.
- SB 133 Permits for oversized tractor-semitrailers.

Coauthored

- HB 1013 License plates.
- HB 1318 Property tax abatement.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Duncan, Cleo R.

Authored

- HB 1055 Food establishments and food handlers.
- HB 1056 Certificate of salvage title.
- HB 1128 Ignition interlock devices.
- HB 1286 Motorcycle operational skills test.
- HB 1287 Transportation.
- HCR 15 Honoring Indiana University Jacobs School of Music for its many accomplishments.
- HR 49 Study: disability license plates.

Sponsored

- SB 40 Relocation issues in family law matters.
- SB 105 License branches open on election day.
- SB 145 Vehicle forfeiture and driving while intoxicated.
- SB 235 Special group recognition license plates.
- SB 264 Offsite vehicle sales.
- SB 269 License plates.
- SB 303 Various motor vehicle matters.
- SB 339 Certificate of salvage titles.
- SCR 27 Recognizing sesquicentennial celebration of the town of Sunman in 2006.

Coauthored

- HB 1008 Public-private agreements for transportation.
- HB 1013 License plates.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 84 Study: food handling regulations for tax exempt organizations.

Cosponsored

- SB 39 Legal settlement in a school corporation.
- SB 54 Handgun licensing.
- SB 283 Emergency telephone notification system.

LEGISLATION BY MEMBER—2006

- SB 374 Child passenger restraint systems exception.
- SCR 21 Honoring Indiana Main Street Program for 20 years of service to cities and towns.

Dvorak, Ryan M.

Authored

- HB 1104 Loss of office due to delinquent child support.
- HB 1185 Employee/victim right to attend proceedings.
- HB 1225 Net metering and interconnection rules.
- HB 1242 Growth and development study committee.
- HB 1289 Biomonitoring program.
- HR 24 Memorializing M.E. "Hank" Denning.
- HR 55 Honoring Gautham Vaidyanathan, Prudential Spirit of Community winner.

Coauthored

- HB 1010 Eminent domain.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

Cosponsored

- SB 84 Reentry courts.
- SB 146 Property transfer disclosure form.
- SB 217 Redevelopment commission housing programs.
- SB 234 Environmental rules and enforcement.
- SB 247 Various homeland security matters.
- SB 331 Abandoned vehicles.
- SB 353 Alternative fuel use and production.
- SB 369 Drought planning.
- SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.
- SCR 57 Honoring Penn High School Spell Bowl team, state champions.

Espich, Jeffrey K.

Authored

- HB 1001 Various tax matters.
- HB 1326 Single factor apportionment.
- HB 1327 Taxation and government finance.
- HB 1328 Local taxes and fees.
- HB 1404 Securitization of tobacco settlement payments.

Sponsored

- SB 258 Streamlined sales tax provisions.
- SB 259 Stadium funding and contracts.
- SB 260 Taxation.
- SB 345 Reversal of payment delays.

Coauthored

- HB 1013 License plates.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Cosponsored

- SB 360 Bonds for public works projects.
- SB 365 State employee retirement health benefits.

Foley, Ralph M.

Authored

- HB 1040 Technical corrections bill.
- HB 1112 Communications of sympathy.
- HB 1113 Liability connected with consumption of food and beverages.
- HB 1114 Various property matters.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1419 Judicial nominations.
- HCR 9 Congratulating Martinsville High School girls' softball team, 2005 state champions.
- HCR 11 Honoring Martinsville High School volleyball team, Class 4A state champions.
- HCR 12 Honoring Martinsville High School Academic Spell Bowl Team.
- HCR 61 Honoring the Martinsville High School Academic Decathlon team.
- HR 56 Honoring Morgan County Sheriff Deputy Steve Hoffman for saving a citizen's life.

Sponsored

- SB 12 Sex offenders.
- SB 84 Reentry courts.
- SB 102 Anatomical gift liability.
- SB 114 Probate and trust matters.
- SB 168 Medicaid fraud.
- SB 192 Bail requirements.
- SB 193 Controlled substances.
- SB 232 Jury service exemptions.
- SB 246 Sex offenders.
- SB 275 Forensic diversion programs.
- SB 296 Punitive damages.
- SB 297 Penalty for false information given to the BMV.
- SB 300 Victim's compensation fund.
- SB 373 Payments for funeral and burial expenses.

Coauthored

- HB 1010 Eminent domain.
- HB 1013 License plates.
- HB 1016 Alcohol and tobacco matters.
- HB 1262 Isolation or quarantine by public health authority.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 2 Sex offenders and obscenity.

Friend, William C.

Authored

- HB 1075 Tax credit for worksite health programs.
- HB 1076 Contracts for public water and wastewater projects.
- HB 1297 Product and service warranties.
- HB 1332 Alternative fuel production and use.

LEGISLATION BY MEMBER—2006

- HB 1355 Selection of superintendent of public instruction.
 HCR 8 Setting joint session for the State of the State address.
 HCR 10 Setting joint session for the State of the Judiciary address.
 HR 1 Content of prayer.
 HR 19 Honoring Bridget Bobel, Miss Indiana USA 2006.

Sponsored

- SB 236 Driver training schools.
 SB 314 Soil and water conservation districts and wild animals.
 SCR 4 Consenting to recesses of the Senate and House for more than three days.

Coauthored

- HB 1013 License plates.
 HB 1021 Hay baling on interstate rights-of-way.
 ■ HB 1065 Pesticide application.
 HB 1165 Use of county adjusted gross income tax (CAGIT) revenue.
 HB 1284 Home energy assistance.
 HB 1378 Corn checkoffs.
 ■ HB 1420 Employee tobacco use.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.

Cosponsored

- SB 71 Drainage assessments and storm water.
 ■ SB 229 Independent college self-insurance program.
 ■ SB 353 Alternative fuel use and production.
 SCR 63 Honoring Ana Baracaldo, Prudential Spirit of Community award winner.

Frizzell, David N.

Authored

- HB 1097 Discount medical card programs.
 HB 1098 Massage therapy regulation.
 ■ HB 1099 Fireworks sales, discharge, public safety fees, and injuries.
 HB 1100 Medicaid cash and counseling waiver.
 HJR 2 Supermajority requirement for tax increases.
 HR 8 Memorializing Opal Mae McWhorter-Henley.
 HR 41 Honoring Alecia Johnson for her service to the American Legion Women's Post.
 HR 71 Stressing the importance of foreign language instruction.

Sponsored

- SB 42 FSSA evaluation survey.
 ■ SB 338 False identification and criminal gang enhancement.
 SCR 33 Congratulating Millard Fuller, first Servant's Heart Award winner.
 SCR 53 Honoring home school students who graduate in 2006.

Coauthored

- HB 1013 License plates.
 HB 1284 Home energy assistance.
 HCR 1 Recognizing Operation Hoosier Relief.

- HCR 3 Praising the people of Southaven, Mississippi.
 HCR 37 Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.
 HR 1 Content of prayer.

Fry, Craig R.

Authored

- HB 1270 Employee health coverage.
 HR 3 Honoring Hardie Jay Smith on the occasion of his retirement.
 HR 5 Honoring Michael R. Hargreaves on the occasion of his retirement.

Coauthored

- HB 1239 Preexisting conditions.
 HB 1391 Farm mutual insurance company taxes.
 ■ HB 1392 Insurance matters.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.

Cosponsored

- SB 106 State gross retail tax.
 SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.
 SCR 54 Honoring John F. Dille, National Radio Award winner.
 SCR 55 Honoring Penn High School girls' golf team, state champions.
 SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.
 SCR 57 Honoring Penn High School Spell Bowl team, state champions.
 SCR 58 Honoring Elkhart Fire Department, Governor's Cup competition winner.

GiaQuinta, Benjamin E.

Authored

- HB 1341 Cy pres; trusts and public benefit corporations.

Coauthored

- HB 1069 Military family relief.
 HB 1323 Extra heavy duty highways.
 HB 1346 Assessment of undeveloped land.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Cosponsored

- SCR 61 Honoring Fort Wayne Bishop Luers girls' basketball team, Class 3A state champions.

Goodin, Terry A.

Authored

- HB 1251 Disabled veteran license plates.
 HB 1252 Disabled veteran tuition fee remission.

LEGISLATION BY MEMBER—2006

- HB 1253 Littering.
- HB 1254 Transfer on death deed.
- HB 1255 Intent to sell sexually explicit products.

Sponsored

- SCR 39 INDOT to name bridge in honor of Trooper George Forster.

Coauthored

- HB 1022 State fair commission.
- HB 1030 License branch closings.
- HB 1103 Bureau of motor vehicles matters.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1150 Use of antique license plates on motor vehicles.
- HB 1247 Wrongful death or injury of a child.
- HB 1258 Disturbance of land.
- HB 1286 Motorcycle operational skills test.
- HB 1287 Transportation.
- HB 1314 Substance and alcohol use during pregnancy.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 54 Handgun licensing.
- SB 105 License branches open on election day.
- SB 145 Vehicle forfeiture and driving while intoxicated.
- SB 235 Special group recognition license plates.
- SB 303 Various motor vehicle matters.
- SB 339 Certificate of salvage titles.
- SB 354 Forestry issues.
- SCR 18 Urging Congress to extend the Lewis and Clark National Historic Trail.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.

Grubb, F. Dale

Authored

- HB 1021 Hay baling on interstate rights-of-way.
- HB 1026 Off-road vehicles and snowmobiles.
- HB 1303 Energy assistance contingency fund.
- HB 1411 Jury pay fund.
- HB 1412 Criteria for industrial development programs.
- HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.

Coauthored

- HB 1010 Eminent domain.
- HB 1013 License plates.
- HB 1036 Wine shipping and farm winery matters.
- HB 1065 Pesticide application.
- HB 1086 Agricultural enterprise zones.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1284 Home energy assistance.
- HB 1305 Parking with former prisoner of war plates.
- HB 1366 Local road and street distributions.
- HB 1367 Study of liability for 501(c)(3) organizations.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

- HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.

- HCR 46 Recognizing the Networks Scholars Program at Indiana State University.

- HR 1 Content of prayer.

- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.

- HR 44 Honoring the 2006 Indiana House of Representatives legislative interns.

Cosponsored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 6 Sex offenders.
- SB 87 Energy, agriculture, and energy development rules.
- SB 245 Telecommunications.
- SB 314 Soil and water conservation districts and wild animals.
- SB 353 Alternative fuel use and production.

Gutwein, Eric A.

Authored

- HB 1065 Pesticide application.
- HB 1077 Agriculture, gaming, and economic development.
- HB 1152 Exotic mammals.
- HB 1256 Board of animal health fees for dairy program.

Sponsored

- SB 78 Property tax deduction for farm security items.
- SB 87 Energy, agriculture, and energy development rules.
- SB 353 Alternative fuel use and production.
- SCR 25 INDOT to rename part of SR 10 in honor of Trooper Scott A. Patrick.

Coauthored

- HB 1013 License plates.
- HB 1279 Telecommunications.
- HB 1418 Kennel licenses.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 72 Study: regional sewer districts.

Cosponsored

- SB 86 Medication of horses in pari-mutuel events.
- SB 314 Soil and water conservation districts and wild animals.

Harris, Earl L.

Authored

- HB 1340 Redevelopment district housing programs.

Coauthored

- HB 1013 License plates.
- HB 1146 Interlocal cooperation for economic development.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.

LEGISLATION BY MEMBER—2006

- HCR 48 Honoring the Gary RailCats, minor league baseball team.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Harris, Timothy W.

Authored

- HB 1007 Various business tax changes.
- HB 1172 Written information before an abortion.
- HB 1173 Lifelong learning matching grant.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1339 Real estate broker and salesperson licenses.
- HCR 42 Honoring Power Soccer of Indy.
- HCR 51 Honoring Michael Kiley for his service on the Natural Resources Commission.

Sponsored

- SB 333 Professional licensing.

Coauthored

- HB 1013 License plates.
- HB 1017 Property appraisers.
- HB 1031 Small business set-aside purchases.
- HB 1096 Limitation on abortions.
- HB 1142 Skills 2016 training fund.
- HB 1257 Postsecondary proprietary education.
- HB 1266 Headquarters relocation tax credit.
- HB 1312 Various education matters.
- HB 1329 Medicaid disease management and kidney disease.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 74 Study: developing incentives to encourage film and TV production in Indiana.

Cosponsored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 229 Independent college self-insurance program.
- SB 361 Operation of license branches by contractors.

Heim, Steven M.

Authored

- HB 1057 Daylight saving time public question.
- HB 1058 Property tax abatements.
- HB 1059 Transfer of money between school funds.
- HB 1165 Use of county adjusted gross income tax (CAGIT) revenue.
- HB 1285 Alternative fuels.

Sponsored

- SB 77 Shooting preserves.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SB 154 Extra heavy duty highway.

- SB 379 Publication of administrative rules.

Coauthored

- HB 1013 License plates.
- HB 1142 Skills 2016 training fund.
- HB 1143 Property tax abatement.
- HB 1225 Net metering and interconnection rules.
- HB 1240 Statewide testing program; mentor teacher stipends.
- HB 1332 Alternative fuel production and use.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1347 Various education matters.
- HB 1353 Trademarks and service marks.
- HJR 4 Eminent domain.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 205 Disclosure of electronic mail account addresses.
- SCR 7 Promoting the use of "A Child is Missing" program.

Hinkle, Phillip D.

Authored

- HB 1062 School corporation police department.
- HB 1063 Registering interior designers.
- HB 1131 Cable franchises.
- HB 1343 Communications and public safety answering points.
- HB 1344 Government consolidation in Vanderburgh County.

Sponsored

- SB 305 Special purpose buses; emergency exits on buses.

Coauthored

- HB 1013 License plates.
- HB 1018 Water authority audits.
- HB 1020 Regulation of teen clubs.
- HB 1102 Local government matters.
- HB 1249 County drug free community fund.
- HB 1354 Film and audio production tax incentives.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 1 Content of prayer.

Cosponsored

- SB 314 Soil and water conservation districts and wild animals.

Hoffman, Robert A.

Authored

- HB 1037 County option surcharges on state park fees.
- HB 1051 Removal of tenant's property from dwelling unit.
- HB 1294 Rental dwelling property tax deduction.

LEGISLATION BY MEMBER—2006

HB1330 Military service credit for teachers' retirement fund members.

- HB 1331 Out-of-state boat registration.
- HR 45 Study: military service credit law for retired teachers.

Sponsored

- SB 157 Natural resources advisory councils.
- SB 253 Activities along shorelines.

Coauthored

- HB 1013 License plates.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 22 Honoring Richmond, Indiana, on its 200th anniversary.
- HR 1 Content of prayer.

Cosponsored

- SB 92 Reopening of certain license branches.
- SB 162 Exempt commercial policyholder.
- SB 295 Coroner's custody of human remains.
- SB 314 Soil and water conservation districts and wild animals.
- SB 384 Financial institutions.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- SCR 29 Honoring Dr. John Iverson, Earlham, 2005 Indiana Professor of the Year.

Hoy, Phil

Authored

- HB 1198 Sprinkler systems in nursing homes.
- HB 1199 Property tax abatement.
- HB 1200 Employment absence for orders for protection.
- HB 1201 Disruption of funeral.
- HCR 26 Study committee on effects of decorative lights on vehicles.

Coauthored

- HB 1010 Eminent domain.
- HB 1020 Regulation of teen clubs.
- HB 1094 Reconnection charges.
- HB 1222 Redevelopment commission housing programs.
- HB 1249 County drug free community fund.
- HB 1315 Video service franchises.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 7 Lamenting loss of life in Southwest Indiana tornado in November, 2005.
- HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.
- HR 1 Content of prayer.

Cosponsored

- SB 382 Airport development zone.
- SCR 44 Honoring International Brotherhood of Electrical Workers (IBEW) for services.
- SCR 60 Honoring Castle High School girls' basketball team, Class 4A state champions.

Kersey, Clyde

Authored

- HB 1072 Holocaust study.
- HB 1078 Collective bargaining for public employees.
- HB 1082 Public safety disability presumption.
- HB 1083 Coroner's determination of time of death.
- HB 1337 County option gross retail tax.
- HCR 46 Recognizing the Networks Scholars Program at Indiana State University.
- HCR 68 Urging review of the health and safety standards at railroad mobile camps.

Coauthored

- HB 1013 License plates.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.

Cosponsored

- SB 39 Legal settlement in a school corporation.
- SB 40 Relocation issues in family law matters.

Klinker, Sheila A.

Authored

- HB 1230 Transfer of first steps program.
- HB 1231 Endangering an unborn child.
- HB 1314 Substance and alcohol use during pregnancy.
- HCR 24 Study: respectful language referring to people with disabilities.
- HCR 72 Memorializing U.S. Army Specialist Matthew C. Frantz.
- HR 85 Honoring Lafayette Central Catholic High School girls' basketball team, Class 1A state champions.
- HR 86 Recognizing Center for Education and Research Information Assurance and Security.

Sponsored

- SCR 40 Memorializing Robert A. Zell, Tippecanoe County highway worker.
- SCR 62 Honoring Lafayette Central Catholic girls' basketball team, Class 1A state champions.

Coauthored

- HB 1007 Various business tax changes.
- HB 1013 License plates.
- HB 1025 Innkeeper's taxes.
- HB 1029 Education.
- HB 1074 Enterprise zone investment cost credit.
- HB 1081 Home energy sales tax exemption.
- HB 1109 Tippecanoe County food and beverage tax.
- HB 1162 University bonding.
- HB 1211 School property taxes.
- HJR 3 Common school fund for early childhood education.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 22 Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner.

Cosponsored

- SB 33 Volunteer advocates for incapacitated adults.
- SB 112 Transfer of first steps program.

LEGISLATION BY MEMBER—2006

- SB 231 Academic honors diploma grants.
- SB 305 Special purpose buses; emergency exits on buses.
- SB 310 Alternate methods for earning high school credits.
- SCR 28 Congratulating William Carson upon his retirement.

Koch, Eric A.

Authored

- HB 1028 Firearms and self-defense.
- HB 1036 Wine shipping and farm winery matters.
- HB 1259 Military bases.
- HB 1260 Health care provider civil proceedings.
- HB 1348 Language requirement and illegal aliens.
- HCR 43 Honoring the Hoosiers for Higher Education for its support of IU.
- HCR 47 Honoring We Care Indiana, volunteer effort to help hurricane victims.
- HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.
- HR 33 Supporting the U.S. remaining a leader in space exploration and development.

Sponsored

- SB 33 Volunteer advocates for incapacitated adults.
- SB 69 Governance of rural telephone cooperatives.
- SB 89 Serial meetings and electronic meetings.
- SB 205 Disclosure of electronic mail account addresses.
- SB 245 Telecommunications.
- SCR 24 Memorializing Paul Allen for his distinguished public service career.

Coauthored

- HB 1013 License plates.
- HB 1037 County option surcharges on state park fees.
- HB 1048 Mercury in vaccines.
- HB 1051 Removal of tenant's property from dwelling unit.
- HB 1074 Enterprise zone investment cost credit.
- HB 1093 Offenses on school property or against school employees.
- HB 1174 Highway modernization projects.
- HB 1190 Farm winery sales to retailers.
- HB 1247 Wrongful death or injury of a child.
- HB 1261 Housing and community development authority.
- HB 1279 Telecommunications.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1285 Alternative fuels.
- HB 1304 Judicial funding for counties.
- HB 1332 Alternative fuel production and use.
- HB 1366 Local road and street distributions.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 54 Handgun licensing.
- SB 232 Jury service exemptions.
- SB 361 Operation of license branches by contractors.
- SCR 16 Honoring Sam Simmermaker, Indiana Basketball Hall of Fame inductee.
- SCR 20 Honoring Tony Stewart of Columbus, NASCAR Nextel Cup series champion.

Kromkowski, Thomas S.

Authored

- HB 1068 NIPSCO audit.
- HB 1129 County hospital privileges.
- HB 1130 Regulation of insurance rates.

Coauthored

- HB 1032 Judges' pensions.
- HB 1069 Military family relief.
- HB 1147 Affiliated interests of regulated utilities.
- HB 1171 Pension base for police officers and firefighters.
- HB 1227 Retired state employees.
- HB 1264 Sustainable energy.
- HB 1288 Military family leave.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 24 Memorializing M.E. "Hank" Denning.
- HR 79 Urging the PERF trustees to anticipate future cost of living increases.

Cosponsored

- SB 55 Public safety deferred retirement option plan.
- SB 56 Pension relief fund distributions.
- SB 57 Pension fund administrative issues.
- SB 58 Teachers' retirement fund administrative issues.
- SB 85 Prosecuting attorneys' pensions.
- SB 206 Public safety disability pensions.
- SB 332 Department of correction pension benefits.
- SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.

Kuzman, Robert D.

Authored

- HB 1115 Cost of living adjustment for sheriffs' pension.
- HB 1160 Forfeiture of economic development incentives.
- HB 1161 Study committee on corporate accountability.
- HCR 30 Honoring Lowell High School football team, Class 4A state champions.
- HR 4 Honoring Chester Lobodzinski of Lake County for national recognition.
- HR 7 Recognizing the 2005 Crown Point 8 and under girls' softball team.
- HR 16 Honoring David Dickerson, baseball scholarship winner for Indiana.
- HR 60 Honoring the Dancing Devilins, Crown Point, Indiana.
- HR 75 Study: police and fire pensions.

Sponsored

- SCR 32 Honoring Lowell High School football team, Class 4A state champions.

Coauthored

- HB 1013 License plates.
- HB 1038 Permits for oversized or overweight vehicles.
- HB 1098 Massage therapy regulation.
- HB 1108 Aggressive driving and criminal recklessness.
- HB 1112 Communications of sympathy.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1147 Affiliated interests of regulated utilities.
- HB 1214 Motor carrier enforcement.

LEGISLATION BY MEMBER—2006

- HB 1261 Housing and community development authority.
- HB 1279 Telecommunications.
- HB 1396 Administration of charity gaming.
- HB 1397 State ethics standards.
- HB 1418 Kennel licenses.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cosponsored

- SB 12 Sex offenders.
- SB 24 Televised simulcasts.
- SB 27 Alcohol and tobacco matters.
- SB 84 Reentry courts.
- SB 246 Sex offenders.
- SB 275 Forensic diversion programs.
- SB 297 Penalty for false information given to the BMV.
- SB 299 Trafficking with an inmate.
- SCR 26 Honoring Steve Kirsh, 2005 Angels in Adoption award winner.
- SCR 38 Memorializing Colonel John Wheeler, Lake County Civil War soldier.

Lawson, Linda C.

Authored

- HB 1060 Mobile camps for railroad employees.
- HB 1061 Interrogation of police officers and firefighters.
- HB 1125 Liens for unpaid or unsatisfied fringe benefits.
- HB 1126 Public safety officers' survivor insurance.

Coauthored

- HB 1013 License plates.
- HB 1108 Aggressive driving and criminal recklessness.
- HB 1115 Cost of living adjustment for sheriffs' pension.
- HB 1123 Sexual assault standards and certification board.
- HB 1128 Ignition interlock devices.
- HB 1144 Injuries to or death of an employee.
- HB 1232 Curfew.
- HB 1262 Isolation or quarantine by public health authority.
- HB 1281 Domestic violence.
- HB 1414 Human and sexual trafficking.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cosponsored

- SB 88 Motor vehicle restraint systems.
- SB 191 Photos in criminal history files.
- SB 300 Victim's compensation fund.

Lehe, Donald J.

Authored

- HB 1204 Limitation on school starting date.
- HB 1205 Indiana time zones.
- HB 1377 Transfer of residential care facility residents.

- HB 1378 Corn checkoffs.
- HB 1379 Renewable energy resources.
- HCR 38 Honoring the South Newton High School 4-H soil judging team.
- HR 50 Study: child labor laws.
- HR 72 Study: regional sewer districts.

Sponsored

- SCR 30 Memorializing Ray Nichels, auto racing pioneer.

Coauthored

- HB 1013 License plates.
- HB 1077 Agriculture, gaming, and economic development.
- HB 1267 Employment certificates for children.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.
- HR 86 Recognizing Center for Education and Research Information Assurance and Security.

Leonard, Daniel J.

Authored

- HB 1139 Property tax late payment penalty.
- HB 1140 Abatements for used Indiana equipment.
- HB 1141 Campaign finance.
- HB 1142 Skills 2016 training fund.
- HB 1177 Common construction wage.

Sponsored

- SB 143 Explanation of proposed constitutional amendments.

Coauthored

- HB 1013 License plates.
- HB 1143 Property tax abatement.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Cosponsored

- SB 258 Streamlined sales tax provisions.

Lutz, L. Jack

Authored

- HB 1044 Township fire protection districts.
- HB 1045 IURC merger and fining authority.
- HB 1089 Annexation of property zoned agricultural.
- HB 1284 Home energy assistance.
- HB 1354 Film and audio production tax incentives.
- HR 23 Regulatory flexibility committee to study renewable energy development.

Coauthored

- HB 1013 License plates.
- HB 1056 Certificate of salvage title.
- HB 1279 Telecommunications.

LEGISLATION BY MEMBER—2006

- HB 1332 Alternative fuel production and use.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 72 IURC proceedings.

Mahern, Edmund M.

Authored

- HB 1300 Commercial driver's licenses and permits.
- HB 1301 Marion County government consolidation.

Coauthored

- HB 1011 Miscellaneous election law matters.
- HB 1117 Environmental law.
- HB 1279 Telecommunications.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 66 Honoring the Indianapolis Urban League for its community service.

Cosponsored

- SB 128 Casting provisional ballot by challenged voter.
- SB 264 Offsite vehicle sales.
- SB 349 Insurance.

Mays, Carolene R.

Authored

- HB 1043 Jury service.
- HB 1329 Medicaid disease management and kidney disease.
- HB 1415 Department of child services caseworkers.
- HB 1416 Financial responsibility for motor vehicles.
- HB 1417 Regulation of rifles and shotguns.
- HCR 55 Study: child caseworker carrying nonlethal weapons.

Sponsored

- SCR 35 Honoring Molly Seward, Indiana's Teacher of the Year 2005.

Coauthored

- HB 1013 License plates.
- HB 1056 Certificate of salvage title.
- HB 1108 Aggressive driving and criminal recklessness.
- HB 1173 Lifelong learning matching grant.
- HB 1279 Telecommunications.
- HB 1314 Substance and alcohol use during pregnancy.
- HB 1317 Drug offender facility.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 40 Honoring Alpha Phi Alpha Fraternity, Inc. on its 100th anniversary.
- HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 1 Content of prayer.

- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.
- HR 73 Study: restraint on trade of contact lenses.

Cosponsored

- SB 232 Jury service exemptions.
- SB 245 Telecommunications.
- SB 342 Electronic prescription tracking program.
- SCR 17 Honoring Barbara Levy Tobey for women's health issues and community awareness.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.

McClain, Richard W.

Authored

- HB 1178 Insurance proceeds set aside.
- HB 1179 Installment payments of property taxes.
- HB 1184 Four day school week option.
- HB 1272 Self-assessment of real property.
- HB 1298 Property tax deductions.
- HCR 25 INDOT to name Wabash River bridge as Carroll County Veterans Memorial Bridge.

Sponsored

- SB 47 Criminal background checks.
- SB 346 PERF COLA and 13th check.

Coauthored

- HB 1013 License plates.
- HB 1029 Education.
- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1124 Rainy day fund loans to political subdivisions.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 72 Study: regional sewer districts.

Cosponsored

- SB 106 State gross retail tax.
- SB 340 Salary and PERF protection for state employees.
- SB 354 Forestry issues.
- SCR 63 Honoring Ana Baracaldo, Prudential Spirit of Community award winner.

Messer, Luke

Authored

- HB 1249 County drug free community fund.
- HB 1250 Alcohol beverage matters.
- HB 1333 Educational scholarship programs.
- HB 1334 State police funding.
- HB 1347 Various education matters.
- HJR 3 Common school fund for early childhood education.
- HR 58 Honoring Shelbyville High School boys' basketball team, undefeated in Class 4A.

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Sponsored

- SB 24 Televised simulcasts.
- SB 86 Medication of horses in pari-mutuel events.
- SB 342 Electronic prescription tracking program.
- SB 359 Procurement and state public works.
- SCR 37 Urging participation in Midwestern Education to Workforce Policy Initiative.

Coauthored

- HB 1013 License plates.
- HB 1128 Ignition interlock devices.
- HB 1240 Statewide testing program; mentor teacher stipends.
- HB 1381 Kindergarten tax credit.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 54 Congratulating Triton Central High School, Fairland, a Four Star School.

Cosponsored

- SB 11 Various securities matters.
- SB 153 State central collection unit and child support.
- SCR 16 Honoring Sam Simmermaker, Indiana Basketball Hall of Fame inductee.
- SCR 20 Honoring Tony Stewart of Columbus, NASCAR Nextel Cup series champion.

Micon, Joe

Authored

- HB 1052 Security freezes on credit reports.
- HB 1053 Identification to obtain a birth certificate.
- HB 1054 Revocation of assigned electric service area.
- HB 1215 Review privatization of state functions.
- HJR 1 Free textbooks.

Coauthored

- HB 1013 License plates.
- HB 1063 Registering interior designers.
- HB 1110 Environmental law.
- HB 1211 School property taxes.
- HB 1303 Energy assistance contingency fund.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 24 Study: respectful language referring to people with disabilities.
- HCR 72 Memorializing U.S. Army Specialist Matthew C. Frantz.
- HR 1 Content of prayer.
- HR 85 Honoring Lafayette Central Catholic High School girls' basketball team, Class 1A state champions.
- HR 86 Recognizing Center for Education and Research Information Assurance and Security.

Cosponsored

- SB 33 Volunteer advocates for incapacitated adults.
- SB 230 Student loans.
- SB 231 Academic honors diploma grants.
- SB 310 Alternate methods for earning high school credits.
- SCR 40 Memorializing Robert A. Zell, Tippecanoe County highway worker.

- SCR 62 Honoring Lafayette Central Catholic girls' basketball team, Class 1A state champions.

Moses, Winfield C.

Authored

- HB 1094 Reconnection charges.
- HB 1222 Redevelopment commission housing programs.

Coauthored

- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- HB 1249 County drug free community fund.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Cosponsored

- SB 35 Zoning ordinance changes.
- SB 71 Drainage assessments and storm water.
- SB 72 IURC proceedings.
- SB 143 Explanation of proposed constitutional amendments.
- SB 217 Redevelopment commission housing programs.

Murphy, Michael B.

Authored

- HB 1279 Telecommunications.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1281 Domestic violence.
- HB 1282 Elimination of school property taxes.
- HB 1310 Driver's certificates.
- HCR 37 Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.
- HCR 71 Honoring Dr. E. B. Carver on the occasion of his retirement.

Coauthored

- HB 1013 License plates.
- HB 1081 Home energy sales tax exemption.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 73 Study: restraint on trade of contact lenses.

Cosponsored

- SB 245 Telecommunications.

Neese, Timothy

Authored

- HB 1180 Pharmacy security.
- HB 1181 Child abuse or neglect.
- HB 1182 Limited criminal history.
- HB 1368 PERF and TRF cost of living adjustments.

Sponsored

- SB 331 Abandoned vehicles.
- SCR 57 Honoring Penn High School Spell Bowl team, state champions.

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SCR 58 Honoring Elkhart Fire Department, Governor's Cup competition winner.

Coauthored

- HB 1009 Redistricting commission.
- HB 1013 License plates.
- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1279 Telecommunications.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SB 201 Manufactured home installation.
- SCR 54 Honoring John F. Dille, National Radio Award winner.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.

Noe, Cynthia J.

Authored

- HB 1006 Allocation of school resources; homeless students.
- HB 1070 Driver's licenses, permits, and identification.
- HB 1213 Study of teacher incentives.
- HB 1283 Epidemic, pandemic, or bioterrorism disease.
- HB 1376 State spending cap.
- HCR 13 Honoring Zionsville Community High School for its advanced placement classes.
- HCR 16 Honoring Carmel High School marching band, Grand National Champion.

Sponsored

- SB 36 Commission on mental health.
- SCR 13 Recognizing the Brant family and the Indiana Oxygen Company.

Coauthored

- HB 1010 Eminent domain.
- HB 1013 License plates.
- HB 1019 Employee's right to work.
- HB 1036 Wine shipping and farm winery matters.
- HB 1096 Limitation on abortions.
- HB 1101 Security breach disclosure and identity deception.
- HB 1312 Various education matters.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 22 Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner.

Cosponsored

- SB 60 Public school transfer program.
- SB 145 Vehicle forfeiture and driving while intoxicated.
- SB 323 Allocation of school resources.
- SB 324 Various education matters.
- SB 360 Bonds for public works projects.

Orentlicher, David

Authored

- HB 1092 Annexation.
- HB 1121 Flood control.
- HB 1137 Full-day kindergarten funding from tax amnesty.
- HB 1351 Same day voter registration.
- HB 1352 Medicaid and Wishard healthcare management program.
- HR 18 Honoring St. Thomas Aquinas School, Blue Ribbon School award winner.
- HR 22 Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner.

Sponsored

- SCR 19 Honoring Brebeuf girls' volleyball team, Class 3A state champions.

Coauthored

- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 66 Honoring the Indianapolis Urban League for its community service.

Oxley, Dennie II

Authored

- HB 1401 County hospital governing boards.
- HB 1402 Local government taxes.
- HB 1403 Elimination of textbook rental program.

Coauthored

- HB 1013 License plates.
- HB 1018 Water authority audits.
- HB 1039 Lifetime hunting, fishing, and trapping licenses.
- HB 1079 Cost benefit analysis of outsourcing.
- HB 1268 Tax amnesty funds for volunteer fire departments.
- HB 1321 Administration and funding of human services.
- HB 1322 Property tax liability for various taxpayers.
- HB 1366 Local road and street distributions.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.

Cosponsored

- SB 194 Teacher professional development days.

Pelath, Scott D.

Authored

- HB 1147 Affiliated interests of regulated utilities.
- HB 1153 Consignment of art.
- HB 1154 Family law mediation.
- HB 1321 Administration and funding of human services.
- HB 1322 Property tax liability for various taxpayers.
- HR 2 Memorializing former State Representative Henry J. "Bud" Kintzele, Jr.
- HR 6 Honoring Chief Justice John Glover Roberts, Jr.
- HR 29 Memorializing Norman E. Pahs.
- HR 30 Memorializing Larry F. Naifeh.
- HR 63 Memorializing Joseph R. LaRocco.

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Coauthored

- HB 1068 NIPSCO audit.
- HB 1122 Discharge of water by oceangoing vessels.
- HB 1264 Sustainable energy.
- HB 1396 Administration of charity gaming.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 35 Urging protection of our environmental resources such as the Great Lakes.
- HR 1 Content of prayer.

Cosponsored

- SB 89 Serial meetings and electronic meetings.
- SB 100 Charity gaming.
- SB 147 Insurance payments to health care providers.
- SB 274 Impounding property taxes in annexed territory.

Pflum, Phillip

Authored

- HCR 22 Honoring Richmond, Indiana, on its 200th anniversary.

Sponsored

- SCR 29 Honoring Dr. John Iverson, Earlham, 2005 Indiana Professor of the Year.

Coauthored

- HB 1013 License plates.
- HB 1378 Corn checkoffs.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.

Cosponsored

- SB 92 Reopening of certain license branches.
- SB 162 Exempt commercial policyholder.
- SB 295 Coroner's custody of human remains.
- SB 340 Salary and PERF protection for state employees.
- SB 384 Financial institutions.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.

Pierce, Matt

Authored

- HB 1263 Timber sales and wilderness areas.
- HB 1264 Sustainable energy.
- HB 1265 Landlord-tenant law.

Coauthored

- HB 1110 Environmental law.
- HB 1258 Disturbance of land.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 43 Honoring the Hoosiers for Higher Education for its support of IU.
- HR 64 Honoring James E. Mumford on the occasion of his retirement.
- HR 74 Study: developing incentives to encourage film and TV production in Indiana.

Pond, Phyllis J.

Authored

- HB 1206 Restrooms in license branches.
- HB 1207 Home improvement fraud.
- HB 1208 Attorney's fees.

Coauthored

- HB 1013 License plates.
- HB 1022 State fair commission.
- HB 1038 Permits for oversized or overweight vehicles.
- HB 1112 Communications of sympathy.
- HB 1118 Grandparent visitation.
- HB 1222 Redevelopment commission housing programs.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.

Cosponsored

- SB 217 Redevelopment commission housing programs.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.

Porter, Gregory W.

Authored

- HB 1244 Mentor teacher stipends.
- HB 1245 Advanced placement programs.
- HB 1406 High school diploma.
- HB 1407 Higher education issues.
- HB 1408 Expungement of criminal and juvenile records.
- HCR 66 Honoring the Indianapolis Urban League for its community service.
- HR 57 Honoring the Civil Air Patrol for its contributions in protecting the U.S.
- HR 77 Study: school corporations.

Coauthored

- HB 1062 School corporation police department.
- HB 1106 Automatic external defibrillators.
- HB 1227 Retired state employees.
- HB 1257 Postsecondary proprietary education.
- HB 1329 Medicaid disease management and kidney disease.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1347 Various education matters.
- HJR 3 Common school fund for early childhood education.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 14 Commemorating Martin Luther King, Jr. Day.
- HCR 21 Honoring Reverend James R. Flint, Jr.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
- HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.

Cosponsored

- SB 172 Teacher shortages.
- SB 229 Independent college self-insurance program.

LEGISLATION BY MEMBER—2006

- SB 341 Tax sales and redevelopment.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.

Reske, Scott E.

Authored

- HB 1031 Small business set-aside purchases.
 HB 1071 Grandparent visitation.
 ■ HB 1220 Professional investigation funds.
 HB 1221 Veterans affairs trust.
 HB 1393 Community development financial institutions.
 HR 10 Honoring American Kennel Club's canine good citizen program.
 HR 20 Honoring Brock Hagerman, individual cross country state champion.
 HR 21 Honoring the Pendleton Heights High School cheerleading squad.
 HR 28 Memorializing Private First Class Deryk L. Hallal.
 HR 62 Honoring Marines assigned to Second Battalion, Fourth Marine Regiment, First Marine Division.
 HR 89 Honoring Lance Corporal Tom Kraeszig, United States Marines.
 HR 90 Honoring Staff Sergeant Damean Rodriguez, United States Marines.
 HR 91 Honoring Corporal Joseph Hayes, United States Marines.
 HR 92 Honoring Captain Rob Scott, United States Marines.
 HR 93 Honoring Lance Corporal Peter Flem, United States Marines.
 HR 94 Honoring Sergeant Jon Embrey, United States Marines.
 HR 95 Honoring Captain Christopher Bronzi, United States Marines.

Coauthored

- HB 1013 License plates.
 HB 1069 Military family relief.
 HB 1074 Enterprise zone investment cost credit.
 HB 1077 Agriculture, gaming, and economic development.
 ■ HB 1089 Annexation of property zoned agricultural.
 HB 1140 Abatements for used Indiana equipment.
 HB 1143 Property tax abatement.
 ■ HB 1212 Drainage assessments, sanitation districts, and storm water districts.
 HB 1278 School corporation public works projects.
 ■ HB 1279 Telecommunications.
 HB 1295 Excise tax on recreational vehicles.
 ■ HB 1339 Real estate broker and salesperson licenses.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.

Cosponsored

- SB 71 Drainage assessments and storm water.
 ■ SB 75 Military family relief fund.

Richardson, Kathy K.

Authored

- HB 1011 Miscellaneous election law matters.

- HB 1156 Various provisions concerning courts.
 HB 1157 Marion superior court.
 ■ HB 1158 Small claims, civil actions, and sheriff's fees.
 HB 1159 License branch hours on election days.
 HCR 4 Congratulating Susan Guilkey, Miss Indiana 2005.
 HR 13 Study: park issues.
 HR 44 Honoring the 2006 Indiana House of Representatives legislative interns.

Sponsored

- SB 37 Miscellaneous election law changes.
 SB 127 Political expenditures.
 SB 128 Casting provisional ballot by challenged voter.
 ■ SB 153 State central collection unit and child support.
 ■ SJR 2 Overseas voters.

Coauthored

- HB 1013 License plates.
 HB 1043 Jury service.
 HB 1221 Veterans affairs trust.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.
 HR 1 Content of prayer.
 HR 51 Congratulating Mount Vernon Middle School, Fortville, Four Star School.
 HR 52 Congratulating Mount Comfort Elementary School, Greenfield, a Four Star School.
 HR 57 Honoring the Civil Air Patrol for its contributions in protecting the U.S.

Cosponsored

- SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.
 SCR 49 INDOT to rename part of U.S. 31 as the Reggie Miller Highway.

Ripley, Michael A.

Authored

- HB 1087 Squirrel hunting season.
 ■ HB 1239 Preexisting conditions.
 HB 1390 Insurer investments.
 HB 1391 Farm mutual insurance company taxes.
 ■ HB 1392 Insurance matters.
 HCR 29 Honoring Monroeville Community Park Board.

Sponsored

- SB 147 Insurance payments to health care providers.
 SB 162 Exempt commercial policyholder.
 SB 217 Redevelopment commission housing programs.
 SB 360 Bonds for public works projects.

Coauthored

- HB 1013 License plates.
 ■ HB 1113 Liability connected with consumption of food and beverages.
 HB 1222 Redevelopment commission housing programs.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.

LEGISLATION BY MEMBER—2006

- HR 14 Honoring John Stafford for his years of community service to Fort Wayne.
 HR 101 Honoring Nathan Lehman, FFA State Sentinel.

Cosponsored

- SB 112 Transfer of first steps program.

Robertson, Paul J.

Authored

- HB 1018 Water authority audits.

Coauthored

- HB 1013 License plates.
 ■ HB 1065 Pesticide application.
 HB 1349 Hunting facilities and licenses.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.
 HR 1 Content of prayer.

Cosponsored

- SB 86 Medication of horses in pari-mutuel events.

Ruppel, William J.

Authored

- HB 1022 State fair commission.
 HB 1120 Human and sexual trafficking.
 ■ HB 1234 Public safety officer death benefit.
 ■ HB 1235 Isolation, and quarantine, and health matters.
 ■ HB 1236 Capitol police salary matrix.
 HCR 17 Honoring Butler University on its 150th anniversary.
 HCR 39 Honoring Dr. William Dennis Dannacher for his years of service to Wabash.
 HR 32 Study: homeland security issues related to ports and freight yards.
 HR 96 Honoring Jessica A. Quear, FFA State Northern Region Vice President.
 HR 97 Honoring David E. Mohler, FFA State Treasurer.
 HR 98 Honoring Bruce L. Cooley, FFA State President.
 HR 99 Honoring Melinda Salmons, FFA State Reporter.
 HR 100 Honoring Sawyer Sparks, FFA Southern Region Vice President.
 HR 101 Honoring Nathan Lehman, FFA State Sentinel.
 HR 102 Honoring Shawn Gearhart, FFA State Secretary.

Sponsored

- SB 191 Photos in criminal history files.
 ■ SB 247 Various homeland security matters.
 SB 285 Emergency management.
 SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.

Coauthored

- HB 1013 License plates.
 ■ HB 1028 Firearms and self-defense.
 HB 1070 Driver's licenses, permits, and identification.
 HB 1086 Agricultural enterprise zones.
 HB 1090 Fire protection agreements.

- HB 1101 Security breach disclosure and identity deception.
 ■ HB 1136 Brokers' liens on commercial real estate.
 HB 1201 Disruption of funeral.
 ■ HB 1238 Emergency management mobile support.
 HB 1262 Isolation or quarantine by public health authority.
 HB 1343 Communications and public safety answering points.
 HB 1349 Hunting facilities and licenses.
 HB 1414 Human and sexual trafficking.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.
 HR 84 Study: food handling regulations for tax exempt organizations.

Cosponsored

- SB 54 Handgun licensing.
 ■ SB 55 Public safety deferred retirement option plan.
 SB 60 Public school transfer program.
 ■ SB 206 Public safety disability pensions.
 ■ SB 283 Emergency telephone notification system.

Saunders, Thomas E.

Authored

- HB 1030 License branch closings.
 HB 1088 Companion animal tax.
 HB 1233 Property tax rates and levies.
 HB 1295 Excise tax on recreational vehicles.

Sponsored

- SB 92 Reopening of certain license branches.
 SB 295 Coroner's custody of human remains.
 SB 361 Operation of license branches by contractors.
 ■ SB 384 Financial institutions.

Coauthored

- HB 1013 License plates.
 ■ HB 1103 Bureau of motor vehicles matters.
 HB 1258 Disturbance of land.
 ■ HB 1280 Unsolicited facsimile advertisements.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 22 Honoring Richmond, Indiana, on its 200th anniversary.
 HR 1 Content of prayer.

Cosponsored

- SB 162 Exempt commercial policyholder.
 SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
 SCR 18 Urging Congress to extend the Lewis and Clark National Historic Trail.
 SCR 29 Honoring Dr. John Iverson, Earlham, 2005 Indiana Professor of the Year.

Smith, John E.

Authored

- HB 1024 Criminal confinement.
 ■ HB 1025 Innkeeper's taxes.
 HB 1132 Lifetime parole for child molesters.

LEGISLATION BY MEMBER—2006

- HB 1133 Restrictions on minors' driver's licenses.
 ■ HB 1380 Various economic development matters.
 HCR 6 Recognizing Kokomo on 150th anniversary of its founding.

Sponsored

- SB 2 Sex offenders and obscenity.

Coauthored

- HB 1013 License plates.
 ■ HB 1124 Rainy day fund loans to political subdivisions.
 HB 1127 Department of education use of funds for mentor teacher stipends.
 ■ HB 1150 Use of antique license plates on motor vehicles.
 ■ HB 1155 Sex offenders.
 HB 1218 Prohibiting cell phone use by newer drivers.
 HB 1383 Restrictions for illegal aliens.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.

Cosponsored

- SB 5 Disorderly conduct at funerals and intimidation.

Smith, Vernon G.

Authored

- HB 1186 Library board term limits.
 HB 1187 Smoking in enclosed public places.
 HB 1188 Expanded Gary airport authority tax base.
 HB 1374 Teacher licensure.
 HB 1375 Inmate credit time.
 HCR 14 Commemorating Martin Luther King, Jr. Day.
 HCR 21 Honoring Reverend James R. Flint, Jr.
 HCR 32 Celebrating Black History Month.
 HCR 34 Urging local governments to adopt restrictions on smoking in public places.
 HCR 45 Honoring David C. Lewis, Indiana Clerk of the Courts.
 HCR 59 Congratulating Benjamin Banneker Elementary School, Gary, a Four Star School.
 HCR 65 Recognizing Gary, Indiana, on the 100th anniversary of its founding.
 HR 27 Honoring Indiana University School of Continuing Studies.
 HR 39 Study: rate disparity by utility companies.
 HR 47 Recognizing Harry Flournoy for his place in basketball history.
 HR 48 Recognizing Orsten Artis for his place in basketball history.
 HR 64 Honoring James E. Mumford on the occasion of his retirement.
 HR 80 Study: higher education for incarcerated persons.
 HR 81 Study: effects of incarceration on children and families.
 HR 82 Study: food service in prisons.

Coauthored

- HB 1013 License plates.
 HB 1209 Public transportation smoking prohibition.
 ■ HB 1240 Statewide testing program; mentor teacher stipends.

- HB 1329 Medicaid disease management and kidney disease.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 48 Honoring the Gary RailCats, minor league baseball team.
 HCR 66 Honoring the Indianapolis Urban League for its community service.
 HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
 HR 42 Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.
 HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cosponsored

- SB 105 License branches open on election day.
 ■ SB 277 Genesis Convention Center board of managers.
 SCR 47 Honoring the City of Gary, Indiana, as it celebrates its centennial anniversary.

Stevenson, Dan C.

Authored

- HB 1144 Injuries to or death of an employee.
 HB 1145 Sanitation districts.
 HB 1146 Interlocal cooperation for economic development.
 HB 1183 Delayed unemployment compensation payments.
 HCR 48 Honoring the Gary RailCats, minor league baseball team.

Coauthored

- HB 1076 Contracts for public water and wastewater projects.
 ■ HB 1102 Local government matters.
 ■ HB 1103 Bureau of motor vehicles matters.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Cosponsored

- SB 72 IURC proceedings.
 ■ SB 277 Genesis Convention Center board of managers.

Stilwell, Russell L.

Authored

- HB 1035 Appropriation for the Lincoln amphitheater.
 HB 1039 Lifetime hunting, fishing, and trapping licenses.
 HB 1079 Cost benefit analysis of outsourcing.
 HB 1241 Worker's compensation.

Coauthored

- HB 1013 License plates.
 HB 1069 Military family relief.
 HB 1160 Forfeiture of economic development incentives.
 HB 1161 Study committee on corporate accountability.
 HB 1183 Delayed unemployment compensation payments.
 ■ HB 1214 Motor carrier enforcement.
 HB 1288 Military family leave.
 HB 1372 State executive branch collective bargaining.
 HCR 1 Recognizing Operation Hoosier Relief.

LEGISLATION BY MEMBER—2006

- HCR 3 Praising the people of Southaven, Mississippi.
 HCR 7 Lamenting loss of life in Southwest Indiana
 tornado in November, 2005.

Cosponsored

- SB 69 Governance of rural telephone cooperatives.
 ■ SB 73 Indemnity agreements in motor carrier contracts.
 ■ SB 77 Shooting preserves.

Stutzman, Marlin A.

Authored

- HB 1080 Standards and inspection of abortion clinics.
 HB 1189 Year to year tenancy on land used for agriculture.
 HB 1190 Farm winery sales to retailers.
 HB 1191 In-class spending requirements.
 HB 1192 Employee certification tax credit.

Sponsored

- SB 27 Alcohol and tobacco matters.
 ■ SB 81 Bungee jump facility inspection.

Coauthored

- HB 1006 Allocation of school resources; homeless students.
 ■ HB 1013 License plates.
 HB 1098 Massage therapy regulation.
 ■ HB 1150 Use of antique license plates on motor vehicles.
 ■ HB 1176 Handgun license renewal.
 ■ HB 1214 Motor carrier enforcement.
 HB 1221 Veterans affairs trust.
 HB 1250 Alcohol beverage matters.
 HB 1323 Extra heavy duty highways.
 HB 1415 Department of child services caseworkers.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 55 Study: child caseworker carrying nonlethal
 weapons.
 HR 1 Content of prayer.
 HR 14 Honoring John Stafford for his years of
 community service to Fort Wayne.

Cosponsored

- SB 75 Military family relief fund.

Summers, Vanessa

Authored

- HB 1163 Regulation of private child support collectors.
 HB 1164 Expunging certain felony conviction records.
 HB 1302 Services for developmentally disabled children.
 HCR 40 Honoring Alpha Phi Alpha Fraternity, Inc. on its
 100th anniversary.

Sponsored

- SCR 23 Urging wearing red in recognition of threat that
 heart disease poses to women.

Coauthored

- HB 1128 Ignition interlock devices.
 HB 1329 Medicaid disease management and kidney disease.
 ■ HB 1395 Marion County health and hospital corporation.
 HCR 1 Recognizing Operation Hoosier Relief.

- HCR 3 Praising the people of Southaven, Mississippi.
 HCR 14 Commemorating Martin Luther King, Jr. Day.
 HCR 21 Honoring Reverend James R. Flint, Jr.
 HCR 66 Honoring the Indianapolis Urban League for its
 community service.
 HR 34 Urging Hoosiers to be aware of the dangers of
 diabetes.
 HR 42 Honoring Benjamin Harrison Taylor, new member
 of the Baseball Hall of Fame.

Cosponsored

- SB 39 Legal settlement in a school corporation.
 ■ SB 40 Relocation issues in family law matters.
 ■ SB 132 Correction of 2005 child services legislation.
 ■ SB 139 Department of child services matters.
 ■ SB 153 State central collection unit and child support.
 ■ SB 373 Payments for funeral and burial expenses.
 ■ SB 374 Child passenger restraint systems exception.
 SCR 9 Naming FSSA as agency to update comprehensive
 autism services plan.

Thomas, Andrew P.

Authored

- HB 1365 Sheriff's fees and employees.
 HB 1366 Local road and street distributions.
 HB 1367 Study of liability for 501(c)(3) organizations.
 HR 59 Honoring the Indiana Sheriffs' Katrina Relief-New
 Orleans.

Sponsored

- SB 39 Legal settlement in a school corporation.
 SB 363 Technology report.

Coauthored

- HB 1011 Miscellaneous election law matters.
 ■ HB 1013 License plates.
 ■ HB 1024 Criminal confinement.
 ■ HB 1025 Innkeeper's taxes.
 ■ HB 1028 Firearms and self-defense.
 HB 1032 Judges' pensions.
 ■ HB 1040 Technical corrections bill.
 HB 1086 Agricultural enterprise zones.
 ■ HB 1112 Communications of sympathy.
 ■ HB 1114 Various property matters.
 ■ HB 1156 Various provisions concerning courts.
 ■ HB 1158 Small claims, civil actions, and sheriff's fees.
 HB 1185 Employee/victim right to attend proceedings.
 HB 1203 Preliminary orders in juvenile cases.
 ■ HB 1207 Home improvement fraud.
 ■ HB 1279 Telecommunications.
 ■ HB 1281 Domestic violence.
 ■ HB 1306 Various corporate law matters.
 ■ HB 1353 Trademarks and service marks.
 ■ HB 1368 PERF and TRF cost of living adjustments.
 HB 1411 Jury pay fund.
 HB 1412 Criteria for industrial development programs.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 46 Recognizing the Networks Scholars Program at
 Indiana State University.
 HR 1 Content of prayer.

LEGISLATION BY MEMBER—2006

- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.

Cosponsored

- SB 5 Disorderly conduct at funerals and intimidation.
- SB 6 Sex offenders.
- SB 37 Miscellaneous election law changes.
- SB 40 Relocation issues in family law matters.
- SB 47 Criminal background checks.
- SB 56 Pension relief fund distributions.
- SB 75 Military family relief fund.
- SB 83 Resisting law enforcement and deadly weapons.
- SB 84 Reentry courts.
- SB 102 Anatomical gift liability.
- SB 114 Probate and trust matters.
- SB 127 Political expenditures.
- SB 128 Casting provisional ballot by challenged voter.
- SB 160 Witnesses at an execution.
- SB 168 Medicaid fraud.
- SB 192 Bail requirements.
- SB 193 Controlled substances.
- SB 232 Jury service exemptions.
- SB 246 Sex offenders.
- SB 275 Forensic diversion programs.
- SB 300 Victim's compensation fund.
- SB 332 Department of correction pension benefits.
- SB 338 False identification and criminal gang enhancement.
- SB 342 Electronic prescription tracking program.
- SJR 2 Overseas voters.

Thompson, Jeffrey A.

Authored

- HB 1202 Preference for marriage; instruction by schools.
- HB 1203 Preliminary orders in juvenile cases.
- HB 1315 Video service franchises.
- HB 1335 Preference for marriage over other relationships.
- HB 1336 Property tax freeze.
- HCR 69 Study: social, emotional, and behavioral health screening of children.
- HR 88 Study: social, emotional and behavioral health screening of children.

Sponsored

- SB 194 Teacher professional development days.

Coauthored

- HB 1013 License plates.
- HB 1076 Contracts for public water and wastewater projects.
- HB 1211 School property taxes.
- HB 1220 Professional investigation funds.
- HB 1276 Inheritance tax phase out.
- HB 1277 Civil actions and attorney's fees.
- HB 1278 School corporation public works projects.
- HB 1314 Substance and alcohol use during pregnancy.
- HB 1346 Assessment of undeveloped land.
- HB 1384 Certification of accuracy of government accounting.
- HCR 1 Recognizing Operation Hoosier Relief.

- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 97 Honoring David E. Mohler, FFA State Treasurer.

Cosponsored

- SB 369 Drought planning.

Tincher, W. Vern

Authored

- HB 1090 Fire protection agreements.
- HB 1091 Lifetime hunting licenses.
- HB 1223 Gasoline and special fuel tax exemption.
- HB 1224 Fire protection district tax levy.
- HB 1271 Negligent homicide.
- HR 79 Urging the PERF trustees to anticipate future cost of living increases.

Coauthored

- HB 1013 License plates.
- HB 1101 Security breach disclosure and identity deception.
- HB 1236 Capitol police salary matrix.
- HB 1334 State police funding.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 46 Recognizing the Networks Scholars Program at Indiana State University.
- HR 1 Content of prayer.

Cosponsored

- SB 283 Emergency telephone notification system.
- SB 346 PERF COLA and 13th check.

Torr, Gerald R.

Authored

- HB 1009 Redistricting commission.
- HB 1019 Employee's right to work.
- HB 1041 Health benefit mandates.
- HB 1042 Public works projects.
- HB 1307 Worker's compensation.
- HCR 5 Honoring Carmel Symphony Orchestra on its 30th anniversary season.

Sponsored

- SB 83 Resisting law enforcement and deadly weapons.
- SB 274 Impounding property taxes in annexed territory.
- SB 321 Unemployment insurance.
- SB 370 Workforce development system.
- SCR 26 Honoring Steve Kirsh, 2005 Angels in Adoption award winner.
- SCR 49 INDOT to rename part of U.S. 31 as the Reggie Miller Highway.

Coauthored

- HB 1008 Public-private agreements for transportation.
- HB 1013 License plates.
- HB 1063 Registering interior designers.
- HB 1267 Employment certificates for children.
- HB 1279 Telecommunications.
- HCR 1 Recognizing Operation Hoosier Relief.

LEGISLATION BY MEMBER—2006

- HCR 3 Praising the people of Southaven, Mississippi.
 HCR 16 Honoring Carmel High School marching band, Grand National Champion.
 HR 1 Content of prayer.
 HR 57 Honoring the Civil Air Patrol for its contributions in protecting the U.S.

Cosponsored

- SB 296 Punitive damages.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.

Turner, P. Eric

Authored

- HB 1209 Public transportation smoking prohibition.
 HB 1210 Covenant marriage.
 HB 1383 Restrictions for illegal aliens.
 HB 1384 Certification of accuracy of government accounting.
 HJR 4 Eminent domain.
 HCR 63 Honoring Heritage Christian High School girls' basketball team, Class 2A state champions.
 HCR 64 Honoring Nicole Roush, mental attitude award winner for Class 2A basketball.
 HR 73 Study: restraint on trade of contact lenses.

Sponsored

- SB 151 Child care regulation.
 ■ SB 229 Independent college self-insurance program.
 ■ SB 362 Collection of delinquent taxes.
 SCR 63 Honoring Ana Baracaldo, Prudential Spirit of Community award winner.

Coauthored

- HB 1013 License plates.
 HB 1019 Employee's right to work.
 ■ HB 1124 Rainy day fund loans to political subdivisions.
 HB 1172 Written information before an abortion.
 HB 1247 Wrongful death or injury of a child.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 51 Honoring Michael Kiley for his service on the Natural Resources Commission.
 HR 1 Content of prayer.
 HR 96 Honoring Jessica A. Quear, FFA State Northern Region Vice President.

Cosponsored

- SB 236 Driver training schools.
 SB 361 Operation of license branches by contractors.

Tyler, Dennis

Authored

- HB 1305 Parking with former prisoner of war plates.
 HB 1313 1977 retirement fund benefit enhancement.
 HB 1359 Notice of business closure.
 HB 1360 Senior citizen property tax credit.
 HB 1361 Children of veterans' educational benefits.
 HCR 27 Memorializing Representative R. Tiny Adams.

Sponsored

- SCR 22 Honoring Muncie Burris High School girls' volleyball team, Class 2A state champions.
 SCR 34 Honoring Colonel Charles H. Greenwood for years of service in Civil Air Patrol.

Coauthored

- HB 1013 License plates.
 HB 1060 Mobile camps for railroad employees.
 HB 1061 Interrogation of police officers and firefighters.
 HB 1140 Abatements for used Indiana equipment.
 ■ HB 1314 Substance and alcohol use during pregnancy.
 HR 1 Content of prayer.
 HR 57 Honoring the Civil Air Patrol for its contributions in protecting the U.S.

Cosponsored

- SB 105 License branches open on election day.
 ■ SB 308 Medicaid income spend down.

Ulmer, John D.

Authored

- HB 1193 Attorney's fees in Medicaid lien collection cases.
 HB 1194 Notice of underground storage tank leaks.
 HB 1195 Sales tax holiday.
 HB 1196 Senior fishing licenses.
 HB 1349 Hunting facilities and licenses.

Sponsored

- SB 5 Disorderly conduct at funerals and intimidation.
 ■ SB 6 Sex offenders.
 ■ SB 160 Witnesses at an execution.
 SB 299 Trafficking with an inmate.
 ■ SB 354 Forestry issues.

Coauthored

- HB 1009 Redistricting commission.
 ■ HB 1010 Eminent domain.
 ■ HB 1013 License plates.
 ■ HB 1016 Alcohol and tobacco matters.
 ■ HB 1028 Firearms and self-defense.
 HB 1032 Judges' pensions.
 ■ HB 1049 Controlled substances crimes.
 ■ HB 1138 Hunting and lifetime license trust fund.
 ■ HB 1155 Sex offenders.
 HB 1231 Endangering an unborn child.
 ■ HB 1314 Substance and alcohol use during pregnancy.
 HB 1414 Human and sexual trafficking.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.

Cosponsored

- SB 2 Sex offenders and obscenity.
 ■ SB 12 Sex offenders.
 ■ SB 84 Reentry courts.
 ■ SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
 ■ SB 201 Manufactured home installation.
 ■ SB 246 Sex offenders.

LEGISLATION BY MEMBER—2006

VanHaften, W. Trent

Authored

- HB 1316 New Harmony bridge.
- HB 1317 Drug offender facility.
- HB 1370 Special prosecutors and inspector general.
- HB 1405 Code for building rehabilitation.

Coauthored

- HB 1049 Controlled substances crimes.
- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1281 Domestic violence.
- HB 1397 State ethics standards.
- HB 1413 Drug testing on state public works projects.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 7 Lamenting loss of life in Southwest Indiana tornado in November, 2005.
- HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.

Cosponsored

- SB 12 Sex offenders.
- SB 84 Reentry courts.
- SB 102 Anatomical gift liability.
- SB 193 Controlled substances.
- SB 246 Sex offenders.
- SB 338 False identification and criminal gang enhancement.

Walorski, Jackie S.

Authored

- HB 1027 Daylight saving time.
- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1101 Security breach disclosure and identity deception.
- HB 1353 Trademarks and service marks.
- HCR 18 Congratulating Jimtown High School football team, Class 2A state champions.
- HCR 19 Honoring NorthWood High School football team, Class 3A state champions.
- HCR 20 Honoring Concord Marching Minutemen, Class B marching band champions.
- HR 26 Honoring Prince Radu of Hohenzollern-Veringen.

Sponsored

- SB 17 Income tax credit for toll roads.
- SB 106 State gross retail tax.
- SB 201 Manufactured home installation.
- SCR 54 Honoring John F. Dille, National Radio Award winner.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.

Coauthored

- HB 1013 License plates.
- HB 1048 Mercury in vaccines.
- HB 1049 Controlled substances crimes.
- HB 1080 Standards and inspection of abortion clinics.

- HB 1096 Limitation on abortions.
- HB 1165 Use of county adjusted gross income tax (CAGIT) revenue.
- HB 1173 Lifelong learning matching grant.
- HB 1176 Handgun license renewal.
- HB 1285 Alternative fuels.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1343 Communications and public safety answering points.
- HB 1380 Various economic development matters.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HR 1 Content of prayer.
- HR 88 Study: social, emotional and behavioral health screening of children.

Cosponsored

- SB 112 Transfer of first steps program.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SCR 57 Honoring Penn High School Spell Bowl team, state champions.
- SCR 58 Honoring Elkhart Fire Department, Governor's Cup competition winner.

Welch, Peggy M.

Authored

- HB 1017 Property appraisers.
- HB 1237 Licensure of midwives.
- HB 1238 Emergency management mobile support.
- HB 1247 Wrongful death or injury of a child.
- HB 1262 Isolation or quarantine by public health authority.
- HCR 1 Recognizing Operation Hoosier Relief.
- HCR 2 Honoring medical and mental health professionals of Operation Hoosier Relief.
- HCR 3 Praising the people of Southaven, Mississippi.
- HCR 41 Recognizing March as National Colorectal Cancer Awareness Month.
- HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
- HR 74 Study: developing incentives to encourage film and TV production in Indiana.
- HR 78 Study: licensure of professional midwives.
- HR 84 Study: food handling regulations for tax exempt organizations.

Sponsored

- SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
- SCR 21 Honoring Indiana Main Street Program for 20 years of service to cities and towns.

Coauthored

- HB 1013 License plates.
- HB 1036 Wine shipping and farm winery matters.
- HB 1047 Financial literacy curriculum.
- HB 1209 Public transportation smoking prohibition.
- HB 1210 Covenant marriage.
- HB 1235 Isolation, and quarantine, and health matters.
- HB 1259 Military bases.

LEGISLATION BY MEMBER—2006

- HB1329 Medicaid disease management and kidney disease.
 ■ HB 1368 PERF and TRF cost of living adjustments.
 HCR 43 Honoring the Hoosiers for Higher Education for its support of IU.
 HCR 63 Honoring Heritage Christian High School girls' basketball team, Class 2A state champions.
 HCR 64 Honoring Nicole Roush, mental attitude award winner for Class 2A basketball.

Cosponsored

- SB 88 Motor vehicle restraint systems.
 ■ SB 208 Medical alert on licenses or identification cards.
 SB 230 Student loans.
 ■ SB 260 Taxation.
 SB 285 Emergency management.
 ■ SB 308 Medicaid income spend down.
 SB 336 Care and management of student diabetes at school.
 ■ SB 345 Reversal of payment delays.
 ■ SB 374 Child passenger restraint systems exception.

Whetstone, Matthew D.

Authored

- HB 1396 Administration of charity gaming.
 ■ HB 1397 State ethics standards.
 HB 1398 Marion County airport board and airport land use.
 HB 1399 Taxes and local finances.
 HB 1400 Government reorganization and administration.

Sponsored

- SB 100 Charity gaming.

Coauthored

- HB 1013 License plates.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 73 Honoring Plainfield schools, all of its schools named Four Star Schools.
 HR 1 Content of prayer.

Cosponsored

- SB 27 Alcohol and tobacco matters.

Wolkins, David A.

Authored

- HB 1010 Eminent domain.
 HB 1116 Rights of consumers of legal services.
 ■ HB 1117 Environmental law.
 HB 1363 Paramedic service levies.
 HB 1364 Environmental rulemaking.
 HR 87 Study: use of eminent domain by small private utilities.

Sponsored

- SB 22 Pipeline safety.
 ■ SB 35 Zoning ordinance changes.
 ■ SB 146 Property transfer disclosure form.
 ■ SB 234 Environmental rules and enforcement.
 ■ SB 369 Drought planning.

Coauthored

- HB 1013 License plates.
 ■ HB 1018 Water authority audits.
 HB 1056 Certificate of salvage title.
 HB 1104 Loss of office due to delinquent child support.
 ■ HB 1110 Environmental law.
 ■ HB 1286 Motorcycle operational skills test.
 HB 1378 Corn checkoffs.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HR 1 Content of prayer.

Woodruff, Troy A.

Authored

- HB 1096 Limitation on abortions.
 ■ HB 1176 Handgun license renewal.
 HB 1309 Former legislator health benefits.
 HB 1320 Drug and alcohol control.
 HB 1356 Deferral of property tax payments.
 HCR 56 INDOT to rename bridge over Kessinger Ditch the Bud Reitmeyer Bridge.
 HR 31 Encouraging the President to support developmental disabilities jobs.

Sponsored

- SB 54 Handgun licensing.
 ■ SB 112 Transfer of first steps program.
 SCR 9 Naming FSSA as agency to update comprehensive autism services plan.

Coauthored

- HB 1008 Public-private agreements for transportation.
 ■ HB 1013 License plates.
 HB 1127 Department of education use of funds for mentor teacher stipends.
 ■ HB 1136 Brokers' liens on commercial real estate.
 HB 1172 Written information before an abortion.
 HB 1226 Property tax deduction for the elderly.
 HB 1230 Transfer of first steps program.
 ■ HB 1261 Housing and community development authority.
 ■ HB 1368 PERF and TRF cost of living adjustments.
 HB 1383 Restrictions for illegal aliens.
 HCR 1 Recognizing Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 24 Study: respectful language referring to people with disabilities.
 HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.
 HR 1 Content of prayer.

Yount, David B.

Authored

- HB 1074 Enterprise zone investment cost credit.
 HB 1081 Home energy sales tax exemption.
 ■ HB 1103 Bureau of motor vehicles matters.
 HB 1258 Disturbance of land.

Sponsored

- SCR 16 Honoring Sam Simmermaker, Indiana Basketball Hall of Fame inductee.

LEGISLATION BY MEMBER—2006

SCR 20 Honoring Tony Stewart of Columbus, NASCAR
Nextel Cup series champion.

Coauthored

■ HB 1013 License plates.
HB 1402 Local government taxes.
HCR 1 Recognizing Operation Hoosier Relief.

HCR 3 Praising the people of Southaven, Mississippi.
HCR 23 INDOT to rename part of I-65 as the Pearl Harbor
Memorial Highway.
HR 1 Content of prayer.
HR 34 Urging Hoosiers to be aware of the dangers of
diabetes.

FINANCIAL STATEMENT FOR THE HOUSE OF REPRESENTATIVES—2006

	<i>Per Diem</i>	<i>Miles</i>	<i>Mileage</i>
* Adams, R. Tiny	128.00	120	58.20
Aguilera, John C	9,088.00	3,840	1,721.60
Austin, Terri Jo	9,088.00	1,080	484.20
Avery, Dennis T	9,088.00	4,344	1,947.56
Ayres, Ralph D	9,088.00	3,960	1,775.40
Bardon, Jeb A	9,088.00	—	—
Bauer, B. Patrick	9,088.00	3,312	1,484.88
Behning, Robert W	9,088.00	—	—
Bell, Matthew P	9,088.00	3,804	1,705.47
Bischoff, Robert J	9,088.00	2,400	1,076.00
Borders, Bruce A	9,088.00	2,052	919.99
Borrer, Randy L	9,088.00	3,312	1,484.88
Bosma, Brian C	9,088.00	—	—
* Bottorff, Carlene L	8,960.00	2,530	1,125.85
* Bottorff, James L	128.00	230	111.55
Bright, William E	9,088.00	1,680	753.20
Brown, Charlie	9,088.00	3,840	1,721.60
Brown, Timothy N	9,088.00	1,200	538.00
Buck, James R	9,088.00	1,224	548.76
Budak, Mary Kay	9,088.00	3,912	1,753.88
Buell, Lawrence L	9,088.00	—	—
Burton, Woody	9,088.00	312	139.88
Cheney, Duane	9,088.00	3,864	1,732.36
Cherry, Robert W	9,088.00	624	279.76
Cochran, William C	9,088.00	2,880	1,291.20
Crawford, William A	9,088.00	—	—
Crooks, David L	9,088.00	2,568	1,151.32
Crouch, Suzanne M	9,088.00	3,850	1,727.25
Davis, Bill J	9,088.00	2,400	1,076.00
Day, John J	9,088.00	—	—
Denbo, Jerry L	9,088.00	2,544	1,140.56
Dickinson, Mae	9,088.00	—	—
Dobis, Chester F	9,088.00	3,672	1,646.28
Dodge, Richard A	9,088.00	3,840	1,721.60
Duncan, Cleo R	9,088.00	1,296	581.04
Dvorak, Ryan M	9,088.00	3,840	1,721.60
Espich, Jeffrey K	9,088.00	2,376	1,065.24
Foley, Ralph M	9,088.00	720	322.80
Friend, William C	9,088.00	2,112	946.88
Frizzell, David N	9,088.00	—	—
Fry, Craig R	9,088.00	3,234	1,439.13
GiaQuinta, Benjamin E	9,088.00	2,400	1,077.60
Goodin, Terry A	9,088.00	1,860	833.91
Grubb, F. Dale	9,088.00	1,800	807.00
Gutwein, Eric A	9,088.00	2,436	1,092.15
Harris, Earl L	9,088.00	3,864	1,732.36
Harris, Timothy W	9,088.00	1,488	667.12
Heim, Steven M	9,088.00	2,760	937.40
Hinkle, Phillip D	9,088.00	—	—
Hoffman, Robert A	9,088.00	1,536	688.64
Hoy, Phil	9,088.00	4,368	1,958.32
Kersey, Clyde	9,088.00	1,728	774.72
Klinker, Sheila A	9,088.00	1,512	677.88
Koch, Eric A	9,088.00	1,800	807.00
Kromkowski, Thomas S	9,088.00	3,240	1,452.60
Kuzman, Robert D	9,088.00	3,264	1,463.36
Lawson, Linda C	9,088.00	3,377	1,515.06

	<i>Per Diem</i>	<i>Miles</i>	<i>Mileage</i>
Lehe, Donald J	9,088.00	1,800	807.00
Leonard, Daniel J	9,088.00	2,508	1,124.43
Lutz, L. Jack	9,088.00	1,296	581.04
Mahern, Edmund M	9,088.00	—	—
Mays, Carolene R	9,088.00	—	—
McClain, Richard W	9,088.00	2,088	936.12
Messer, A. Lucas	9,088.00	1,152	516.48
Micon, Joe	9,088.00	1,680	753.20
Moses, Winfield C. Jr	9,088.00	2,688	1,205.12
Murphy, Michael B	9,088.00	—	—
Neese, Timothy	9,088.00	3,600	1,614.00
Noe, Cynthia J	9,088.00	—	—
Orentlicher, David	9,088.00	—	—
Oxley, Dennie II	9,088.00	3,360	1,506.40
Pelath, Scott D	9,088.00	3,360	1,506.40
Pflum, Phillip	9,088.00	1,560	699.40
Pierce, Matt	9,088.00	1,380	618.71
Pond, Phyllis J	9,088.00	3,060	1,371.91
Porter, Gregory W	9,088.00	—	—
Reske, Scott E	9,088.00	840	376.60
Richardson, Kathy Kreag	9,088.00	720	322.80
Ripley, Michael A	9,088.00	2,808	1,258.92
Robertson, Paul J	9,088.00	3,168	1,420.32
Ruppel, William J	9,088.00	2,400	1,076.00
Saunders, Thomas E	9,088.00	1,152	516.48
Smith, John E	9,088.00	1,224	548.76
Smith, Vernon G	9,088.00	3,672	1,646.28
Stevenson, Dan C	9,088.00	3,720	1,667.80
Stilwell, Russell L	9,088.00	4,320	1,936.80
Stutzman, Marlin A	9,088.00	4,440	1,990.60
Summers, Vanessa	9,088.00	—	—
Thomas, Andrew P	9,088.00	1,560	699.40
Thompson, Jeffrey A	9,088.00	624	279.76
Tincher, W. Vern	9,088.00	1,800	807.00
Torr, Gerald R	9,088.00	384	172.16
Turner, P. Eric	9,088.00	1,584	710.16
* Tyler, Dennis	8,960.00	1,342	597.19
Ulmer, John D	9,088.00	3,588	1,608.63
Van Haaften, W. Trent	9,088.00	5,064	2,270.36
Walorski, Jackie S	9,088.00	3,216	1,441.84
Welch, Peggy M	9,088.00	1,272	570.28
Whetstone, Matthew D	9,088.00	480	215.20
Wolkins, David A	9,088.00	2,832	1,269.68
Woodruff, Troy A	9,088.00	3,552	1,592.48
Yount, David B	9,088.00	1,128	505.72

TOTAL	\$908,800.00	206,827	Miles
	<u>x rate per mile**</u>		
	\$ 92,420.47		Mileage

* Representatives R. Tiny Adams and James L. Bottorff, who each died in December of 2005, served only one day of the 2006 session. Their replacements, Representatives Dennis Tyler and Carlene L. Bottorff, were sworn in on January 4, 2006, and served the remainder of the term.

** The mileage rate for November 22, 2005, was \$.485 per mile. Beginning January 1, 2006, the rate was \$.445 per mile.

**FINANCIAL STATEMENT FOR
THE HOUSE OF REPRESENTATIVES—2006
Ending May 31, 2006***

* NOTE: *In an effort to provide full and accurate information, this statement includes House expenditures for eleven months of the fiscal year (July 1, 2005-May 31, 2006) rather than just expenses incurred during the legislative session.*

Legislators' Salaries, Session <i>per diem</i> , & Voucher <i>per diem</i>	\$ 3,867,408.33
Legislators' Mileage Reimbursement, Leadership Pay, Interim Expenses	2,070,437.89
Operating Expenses:	
Staff Salaries & Benefits, Contract Labor	4,853,562.70
Postage & Mailing	1,838,325.62
Copiers, Printers, Contract Printing, Photography	1,544,178.27
Office Supplies, Housekeeping Supplies	126,498.62
Computers & Technology, Office Furniture	18,525.85
Building Projects	1,975.25
Unemployment Compensation	4,586.57
Staff Travel (in-state)	4,285.34
Staff Travel (out-of-state)	0.00
Total Operating Expenses	8,391,938.22
Total Expenditures	\$14,329,784.44

EMPLOYEES OF THE HOUSE OF REPRESENTATIVES—2006

OFFICERS AND ASSISTANTS OF THE HOUSE

Leslie Hiner	Chief of Staff to Majority Leader
Maren Patterson	Staff Director/Intern Program Director
M. Caroline Spotts	Principal Clerk
B. J. Schmidt	Deputy Clerk
Pam Kirkpatrick	Deputy Clerk
Julie Halbig	Chief Counsel
* Tyler Campbell	Reading Clerk
* William Bock, III	Parliamentarian
Clint McKay	Chief of Staff to Minority Leader

WAYS AND MEANS

Jeff Spalding	Majority Senior Fiscal Analyst
David Dukes	Majority Fiscal Analyst
Karen Howe	Majority Leadership Assistant
* Joan Dotson	Majority Session Secretary
Peter Okefor	Minority Leadership Assistant
Erik Gonzalez	Minority Fiscal Analyst
Tammy Robinson	Minority Fiscal Analyst
* Nicholas Urcuioli	Minority Intern

ATTORNEYS AND SECRETARIES

* Bruce Munson	Majority Attorney General Counsel
* John Cochran	Majority Attorney
* Andrew Roesener	Majority Attorney
* Kip Tew	Minority Attorney Counsel
* Greg Ullrich	Minority Attorney
* Kellie Ralston	Minority Attorney Assistant
* Justin Moed	Minority Attorney Assistant

LEADERSHIP SECRETARIES AND ASSISTANTS

Cathy Robinson	Executive Assistant to Speaker
Michelle Marshel	Policy Analyst Director
Tim Jorczak	Assistant Policy Analyst Director
* Tyler Campbell	Intern Policy Analyst
Gerri Hampe	Leadership Assistant to Majority Floor Leader
* Brian Spaulding	Intern, Majority Floor Leader
Cheryl Bruns	Leadership Assistant to Majority Caucus Chair
* Kim Ottilie	Intern, Majority Caucus Chair
Cathy Parise	Leadership Assistant to Majority Whip
* Brad Battin	Intern, Majority Whip
Dolly Starnes	Executive Assistant to Minority Leader
Diane Masariu Carter	Policy Analyst Director
Jack Halloran	Assistant Policy Analyst Director
Anne Hancock	Leadership Assistant to Minority Floor Leader
* Kavish Burney	Intern, Minority Floor Leader
Janan Durban	Leadership Assistant to Minority Caucus Chair
* William Robertson	Intern, Minority Caucus Chair

Sofia Conner	Leadership Assistant to Minority Caucus Whip
* Joshua Stigdon	Intern, Minority Caucus Whip
Benjamin Moore	Leadership Assistant to Black Caucus
* Latishea Varnesdeed	Intern, Black Caucus

MAJORITY CAUCUS STAFF

Tony Samuel	Director of Communications
Corrie Bennett	Communications Specialist
Graig Lubsen	Communications Specialist
Christina Nash	Communications Specialist
Kate Nelson	Communications Specialist
Richard Roy	Communications Specialist
Jennifer Stevens	Communications Specialist
Matt Tusing	Communications Specialist
* Ashley Gibson	Intern
* Lindsay Jancek	Intern
* Kallie Kiger	Intern
* Valerie Kroeger	Intern
* Jonathan Moore	Intern
* Lindy Rider	Intern
Steve Vickery	Director of Information Technology
David Warycha	PC Technician
* Russell Silver	Intern Technician
Patti Rusche	Senior Legislative Assistant
Amy Berkemeier	Legislative Assistant
Brooke Burtnett	Legislative Assistant
Ryan Clem	Legislative Assistant
Al Ensley	Legislative Assistant
Jordan Forgey	Legislative Assistant
Joe Frank	Legislative Assistant
Glenn Hatmaker	Legislative Assistant
Morgan Hodge	Legislative Assistant
Joni Howell	Legislative Assistant
Elisha Modisett	Legislative Assistant
Eric Shields	Legislative Assistant
Martha Showers	Legislative Assistant
Brenda Summers	Legislative Assistant
Emily VanNatter	Legislative Assistant
Brooke Vollen	Legislative Assistant
Jon Zarich	Legislative Assistant
LaShawn Christmas	Administrative Assistant
Betty Need	Administrative Assistant
* Christiana Cushing	Intern
* Lindsey Dils	Intern
* Bethany Gosewehr	Intern
* Chris Hons	Intern
* Kellie Kitson	Intern
* Mary Leitelt	Intern
* Lisa Menck	Intern
* Ashlee Moenning	Intern
* Christopher Neal	Intern
* Taylor Polachek	Intern
* Jenni Smith	Intern

EMPLOYEES OF THE HOUSE OF REPRESENTATIVES—2006

* Noelle Stock	Intern
* Dustin Walker	Intern
* Veronica Wilson	Intern

MINORITY CAUCUS STAFF

Thelma Shaw	Staff Director
John Schorg	Director of Media Relations
Jeff Fites	Communications Specialist
Judson Kring	Assistant Media Director for Research and Technology
* Roxie Hornback	Intern
* Elizabeth Kesling	Intern
Greg Guffey	Director of Publications and Technology
Charmaine Downton	Assistant Director of Publications
Ty Riggs	PC Technician
Amanda Bodle	Legislative Assistant
Nate Brim	Legislative Assistant
Marilyn Cage	Legislative Assistant
Kimberly Charles	Legislative Assistant
Sofia Conner	Legislative Assistant
Samuel Denton	Legislative Assistant
Megan Giles	Legislative Assistant
Lawrence McCormack	Legislative Assistant
Jennifer McNeely	Legislative Assistant
Kristen Pixley	Legislative Assistant
Kellie Ralston	Legislative Assistant
Jennifer Randall	Legislative Assistant
Kristin Reed	Legislative Assistant/Intern Program Director
Michael Thrall	Legislative Assistant
Maya Worman	Legislative Assistant
Scott Walters	Caucus Assistant
* Kenneth Anderson	Intern
* Brandon Beeler	Intern
* Brianne Bergeman	Intern
* Gregory Budney	Intern
* Thomas Cook	Intern
* Regina Dillard	Intern
* Nicole Drummond	Intern
* Raymond Faust	Intern
* Amir Hayat	Intern
* Rodney Pol	Intern
* Jared Sloane	Intern
* Michael Smith	Intern
* Nicole Stipp	Intern

JOURNAL OFFICE

Laura Bartlett	Journal Clerk
Donna S. Fulton	Assistant Journal Clerk
* Stellamae Carley	Endorsing Clerk

ENGROSSING AND PROOFREADING

Donna S. Fulton	Engrossing Clerk
* Josef Laposa	Proofreader Supervisor
* James Dressler	Assistant Proofreader Supervisor

* Fred Ham	Proofreader
* Irene Joyce	Proofreader

DUPLICATING AND BILL DISTRIBUTION

Ryan Mangus	Supervisor
Rick Bond	Assistant Supervisor
* Norm Craig	Session Assistant
* Mike Rowland	Session Assistant

POST OFFICE/FACILITIES MANAGEMENT

Jeffrey Scott	Facilities Manager/ Director of Security
Jose Webb	Postmaster
Brett James	Assistant Postmaster

HOUSEKEEPING

Jeffrey Scott	Facilities Manager
Jonita McNeeley	Housekeeping Supervisor
Jonathan Gibson	Housekeeping
Brett James	Housekeeping
Anthony Johnson	Housekeeping
Andre Sisk	Housekeeping
Kathy Watson	Housekeeping

DOORKEEPERS

* Craely David	Sergeant-at-Arms
* Ken Rowen	Sergeant-at-Arms
* Wayne Fields	Doorkeeper
* Paul Hibner	Doorkeeper
* Justin Moed	Doorkeeper
* Jimmy Richardson	Doorkeeper
* Steve Schmidt	Doorkeeper
* Jerry Sternberg	Doorkeeper

PAGE OFFICE

* Pam Sampson	Director of Student Services
* Cora Butler	Page Clerk
* Joanne Jones	Page Clerk
* Bea Walsh	Page Clerk
* Ola Jones-White	Page Clerk

RECEPTIONISTS AND TELEPHONE CENTER

* Lisa Hunnicutt	Chamber Receptionist
* Margaret Sullivan	Chamber Receptionist
* Carolyn Curtis	Receptionist
* Donna Johnson	Receptionist
* Christy Stossmeister	Supervisor Telephone Center
* Jean Ham	Operator
* Steven Ham	Operator
* George Jones	Operator
* David Schopmeyer	Operator
* Tyler Shaw	Operator
* Bea White	Operator
* David Williams	Operator

**EMPLOYEES OF
THE HOUSE OF REPRESENTATIVES—2006**

RESOLUTIONS AND PHOTOGRAPHY

- | | |
|--------------------|-------------------|
| * Stellamae Carley | Resolutions Clerk |
| * Fred Zainey | Photographer |

*Session employees

NOTE: This is a list of employees of the House during the 2006 legislative session (November through March). Changes in the staff prior to reconvening in November and after adjournment are not reflected here.



Histories of Bills and Resolutions

**114TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2006**

SYNOPSIS OF LEGISLATIVE ACTION—2006

HOUSE BILLS

Filed for introduction	440
Withdrawn prior to first reading	5
Introduced and referred to committee	435
Vehicle bills	25
Withdrawn after introduction	0
Reported out of committee	143
Referred to Ways and Means, not reported out	7
Not called for second reading	4
Read second time	132
Ordered engrossed	132
Not called for third reading	4
Read third time	128
Passed	122
Defeated	4
Failed	0
Call withdrawn	2
Referred to the Senate	122
Referred to committee	122
Reported out of committee	99
Report withdrawn	1
Reassigned to committee, not reported out	2
Read second time/ordered engrossed	96
Not called for third reading	2
Read third time	94
Passed	93
Defeated	1
Failed	0
Returned to the House	93
Without amendments	16
With amendments	77
Conference committee	35
Sent to the Governor	86
Signed	86
Filed without signature	0
Vetoed	0
Law enacted	86

SENATE BILLS

Filed for introduction	394
Withdrawn prior to first reading	1
Introduced and referred to committee	393
Withdrawn after introduction	0
Reported out of committee	160
Reassigned to committee, not reported out	4
Not called for second reading	1
Read second time	155
Ordered engrossed	155
Not called for third reading	2
Read third time	153
Passed	150
Defeated	2
Failed	1
Referred to the House	150
Referred to committee	150
Reported out of committee	122
Referred to Ways and Means, not reported out	1
Not called for second reading	4
Read second time	117
Ordered engrossed	117
Not called for third reading	4
Read third time	113
Passed	111
Defeated	2
Failed	0
Returned to the Senate	111
Without amendments	35
With amendments	76
Conference committee	35
Sent to the Governor	107
Signed	107
Filed without signature	0
Vetoed	0
Law enacted	107

HISTORIES OF BILLS AND RESOLUTIONS—2006

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by Governor Daniels in 2006.)

SENATE BILLS

	House	Senate		House	Senate
SB 1 Author Senator M. Young			SB 3 Author Senator Drozda		
Sponsor Representative Buck			Railroad employee housing.		
Marion County government matters.			Authored by Senator Drozda		21
Authored by Senator M. Young		27	First reading: referred to Committee on Pensions and Labor		
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation			Senator Craycraft added as coauthor		73
Senators Miller, Merritt, Waltz, and Delph added as coauthors		97			
Committee report: amend do pass, adopted		228	SB 4 Author Senator Drozda		
Second reading: ordered engrossed		298	Dispensing abortion devices or drugs or birth control.		
Amendment 1 (Breaux) failed;			Authored by Senator Drozda		21
Roll Call 85: yeas 18, nays 32		298	First reading: referred to Committee on Health and Provider Services		
Third reading: passed; Roll Call 135: yeas 31, nays 19		331			
Referred to the House					
House sponsor: Representative Buck			■ SB 5 Authors Senators Steele and Craycraft		
First reading: referred to Committee on Government and Regulatory Reform		507	Sponsor Representative Ulmer		
Committee report: amend do pass, adopted		646	Disorderly conduct at funerals and intimidation.		
Second reading: amended, ordered engrossed		740	Authored by Senator Steele		21
Amendment 1 (Buck) prevailed;			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Roll Call 348: yeas 99, nays 0		740	Committee report: amend do pass, adopted		50
Amendment 4 (Mahern) failed;			Second reading: ordered engrossed		94
Roll Call 349: yeas 47, nays 50		741	Third reading: passed; Roll Call 9: yeas 47, nays 1		178
Amendment 2 (Orentlicher) withdrawn		741	Referred to the House		
Third reading: passed; Roll Call 376: yeas 51, nays 48		747	House sponsor: Representative Ulmer		
Returned to the Senate with amendments			Cosponsor: Representative Grubb		
Senate dissented from House amendments		715	Senator Craycraft added as second author		181
Senate conferees appointed: M. Young and Breaux		716	Senators M. Young, Mishler, Zakas, Paul, Dillon, Drozda, Jackman, Heinold, Gard, Kruse, Nugent, Long, Meeks, Wyss, Riegsecker, Weatherwax, Hershman, and Bray added as coauthors		
House conferees appointed: Buck and Mahern		754	First reading: referred to Committee on Courts and Criminal Code		501
House advisor appointed: Whetstone			Committee report: amend do pass, adopted		575
Senator Breaux removed as conferee		1097	Representative Thomas added as cosponsor		592
Senator Lawson added as conferee			Representative Goodin added as cosponsor		627
Conference committee report 1: filed in the House		1155	Second reading: amended, ordered engrossed		639
Representative Mahern removed as conferee		1209	Amendment 1 (Goodin) prevailed; voice vote		639
Representative Hoffman added as conferee			Representative T. Harris added as cosponsor		675
Conference committee report 1: withdrawn		1128	Third reading: recommitted to Committee of One, Amendment 2 (Ulmer) prevailed by two-thirds vote; bill passed; Roll Call 284: yeas 94, nays 0		710
Conference committee report 2: filed in the House		1209	Returned to the Senate with amendments		
Conference committee report 2: call withdrawn		1235	Representative J. Smith added as cosponsor		730
Rules suspended		1129	Senator Altting added as coauthor		636
Made special order of business		1129	Senate concurred in House amendments;		
Conference committee report 2: withdrawn		1275	Roll Call 297: yeas 48, nays 1		712
			Signed by the Speaker		751
SB 2 Author Senator Drozda			Signed by the President Pro Tempore		715
Sponsor Representative J. Smith			Signed by the President of the Senate		718
Sex offenders and obscenity.			Signed by the Governor		716
Authored by Senator Drozda		21	Public Law 3: Effective March 2, 2006		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters					
Committee report: amend do pass, adopted		111	■ SB 6 Authors Senators Steele and Long		
Second reading: ordered engrossed		191	Sponsor Representative Ulmer		
Senator Delph added as coauthor		195	Sex offenders.		
Senator Miller added as coauthor			Authored by Senator Steele		21
Third reading: passed; Roll Call 35: yeas 45, nays 2		220	First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Referred to the House					
House sponsor: Representative J. Smith					
Cosponsors: Representatives Foley and Ulmer					
Senator Kruse added as coauthor		223			
First reading: referred to Committee on Courts and Criminal Code		501			

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Senators Mrvan, M. Young, and Kruse added as coauthors . .	97
Committee report: amend do pass, adopted	105
Reassigned to the Committee on Appropriations	
Senator Kruse removed as coauthor	182
Senator Mrvan removed as coauthor	
Senator M. Young removed as coauthor	
Senator Long added as second author	
Senators Meeks, Bray, Wyss, Mrvan, Zakas, Miller, M. Young, Lanane, Bowser, and Kruse added as coauthors	
Committee report: amend do pass, adopted	276
Second reading: amended, ordered engrossed	321
Amendment 1 (Steele) prevailed; voice vote	321
Senator Delph added as coauthor	328
Third reading: passed; Roll Call 160: yeas 50, nays 0	335
Referred to the House	
House sponsor: Representative Ulmer	
Cosponsor: Representative Grubb	
First reading: referred to Committee on Courts and Criminal Code	507
Committee report: amend do pass, adopted	576
Representative Thomas added as cosponsor	592
Second reading: amended, ordered engrossed	640
Amendment 1 (Ulmer) prevailed; voice vote	640
Amendment 3 (Bright) prevailed; voice vote	640
Third reading: recommitted to Committee of One, Amendment 4 (Ulmer) prevailed by two-thirds vote; bill passed; Roll Call 285: yeas 95, nays 0	710
Returned to the Senate with amendments	
Senate dissented from House amendments	675
Senate conferees appointed: Steele and Mrvan	677
Senate advisors appointed: Long and Bowser	
House conferees appointed: Foley and Grubb	754
House advisors appointed: Bright and J. Smith	
Conference committee report 1: filed in the House	877
Rules suspended; conference committee report 1: adopted by the House; Roll Call 445: yeas 96, nays 0	1006
Conference committee report 1: adopted by the Senate; Roll Call 384: yeas 50, nays 0	994
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1280
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 139:	
SECTIONS 1 through 8 effective July 1, 2006	
SECTION 9 effective March 24, 2006	
SECTION 10 effective July 1, 2006	
SECTION 11 effective March 24, 2006	

SB 7 Author Senator Steele

Notaries public.	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Authored by Senator Steele	21

SB 8 Author Senator Steele

Priority to consent for incapable individuals.	
Authored by Senator Steele	21
First reading: referred to Committee on Judiciary	

SB 9 Author Senator Steele

Honoring Indiana Presidents and Vice Presidents.	
Authored by Senator Steele	21
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	

House Senate

SB 10 Author Senator Steele

Authority to solemnize marriages.	
Authored by Senator Steele	21
First reading: referred to Committee on Judiciary	

SB 11 Author Senator Drozda**Sponsor Representative Burton**

Various securities matters.	
Authored by Senator Garton	21
First reading: referred to Committee on Rules and Legislative Procedure	
Committee report: amended, reassigned to Committee on Insurance and Financial Institutions	33
Senator Garton removed as first author	47
Senator Drozda added as first author	
Committee report: amend do pass, adopted	213
Second reading: ordered engrossed	288
Third reading: passed; Roll Call 86: yeas 50, nays 0	312
Referred to the House	
House sponsor: Representative Burton	
Cosponsors: Representatives Messer and Crooks	
First reading: referred to Committee on Financial Institutions	502
Committee report: amend do pass, adopted	527
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 229: yeas 97, nays 0	673
Returned to the Senate with amendments	
Senate concurred in House amendments; Roll Call 314: yeas 48, nays 0	724
Signed by the President Pro Tempore	769
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 48: Effective July 1, 2006	

SB 12 Author Senator Long**Sponsor Representative Foley**

Sex offenders.	
Authored by Senator Garton	21
First reading: referred to Committee on Rules and Legislative Procedure	
Committee report: amended, reassigned to Committee on Corrections, Criminal, and Civil Matters	51
Senator Garton removed as first author	67
Senator Long added as first author	
Committee report: amend do pass, adopted	102
Senator Wyss added as coauthor	182
Second reading: ordered engrossed	192
Third reading: passed; Roll Call 40: yeas 47, nays 0	220
Referred to the House	
House sponsor: Representative Foley	
Cosponsors: Representatives Kuzman, Ulmer, and VanHaften	
Senators Mrvan, Lanane, Meeks, Drozda, Miller, Zakas, Steele, Kruse, and Broden added as coauthors	223
First reading: referred to Committee on Courts and Criminal Code	502
Committee report: do pass, adopted	517
Second reading: amended, ordered engrossed	641
Amendment 1 (Messer) prevailed; voice vote	641
Third reading: passed; Roll Call 286: yeas 92, nays 0	710
Returned to the Senate with amendments	
Senate dissented from House amendments	677
Senate conferees appointed: Long and Mrvan	685
Senate advisors appointed: Wyss and Lanane	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
House conferees appointed: Ulmer and Kuzman	754		Senators Riegsecker and Mishler added as coauthors		
House advisor appointed: Foley			Committee report: amend do pass, adopted	236	
Conference committee report 1: adopted by the Senate;			Senator Landske added as coauthor	277	
Roll Call 364: yeas 50, nays 0	805		Senator Rogers added as coauthor	315	
Conference committee report 1: filed in the House	986		Second reading: amended, ordered engrossed	322	
Rules suspended; conference committee report 1:			Amendment 5 (Zakas) prevailed; voice vote	322	
adopted by the House; Roll Call 459: yeas 94, nays 0	1067		Senator Smith added as coauthor	328	
Joint Rule 20 technical correction			Third reading: passed; Roll Call 161: yeas 45, nays 5	335	
adopted by the Senate	1128		Referred to the House		
Joint Rule 20 technical correction			House sponsor: Representative Walorski		
adopted by the House	1236		Cosponsor: Representative Ayres		
Signed by the President of the Senate	1280		Senator Meeks added as coauthor	337	
Signed by the President Pro Tempore	1280		First reading: referred to Committee on Ways and Means . . .	507	
Signed by the Speaker	1246				
Signed by the Governor	1282				
Public Law 140:			SB 18 Authors Senators Miller and Sipes		
SECTION 1 effective March 24, 2006			Sponsor Representative T. Brown		
SECTIONS 2 through 44 effective July 1, 2006			Mental health and health records.		
SECTION 45 effective March 24, 2006			Authored by Senator Garton	21	
SECTION 46 effective July 1, 2006			First reading: referred to Committee on Rules and		
SECTION 47 effective March 24, 2006			Legislative Procedure		
			Committee report: amended, reassigned to Committee on		
SB 13 Author Senator Garton			Health and Provider Services	173	
Vehicle bill.			Senator Garton removed as first author	181	
Authored by Senator Garton	21		Senator Miller added as first author		
First reading: referred to Committee on Rules and			Committee report: do pass, adopted	226	
Legislative Procedure			Second reading: ordered engrossed	278	
			Third reading: passed; Roll Call 87: yeas 50, nays 0	312	
SB 14 Author Senator Waterman			Referred to the House		
Law enforcement officers.			House sponsor: Representative T. Brown		
Authored by Senator Garton	21		Cosponsor: Representative C. Brown		
First reading: referred to Committee on Rules and			Senator Sipes added as second author	315	
Legislative Procedure			First reading: referred to Committee on Public Health	507	
Committee report: amended, reassigned to Committee on			Committee report: do pass, adopted	527	
Corrections, Criminal, and Civil Matters	42		Second reading: amended, ordered engrossed	641	
Senator Garton removed as first author	47		Amendment 3 (T. Brown) prevailed; voice vote	641	
Senator Waterman added as first author			Amendment 1 (Cochran) prevailed; voice vote	643	
SB 15 Author Senator Garton			SB 19 Author Senator Kruse		
Vehicle bill.			Covenant marriage.		
Authored by Senator Garton	21		Authored by Senator Garton	21	
First reading: referred to Committee on Rules and			First reading: referred to Committee on Rules and		
Legislative Procedure			Legislative Procedure		
			Committee report: amended, reassigned to Committee on		
SB 16 Author Senator Garton			Judiciary	42	
Vehicle bill.			Senator Garton removed as first author	47	
Authored by Senator Garton	21		Senator Kruse added as first author		
First reading: referred to Committee on Rules and					
Legislative Procedure			SB 20 Author Senator Garton		
			Vehicle bill.		
SB 17 Authors Senators Zakas and Broden			Authored by Senator Garton	21	
Sponsor Representative Walorski			First reading: referred to Committee on Rules and		
Income tax credit for toll roads.			Legislative Procedure		
Authored by Senator Garton	21				
First reading: referred to Committee on Rules and			SB 21 Author Senator Garton		
Legislative Procedure			Vehicle bill.		
Committee report: amended, reassigned to Committee on			Authored by Senator Garton	21	
Tax and Fiscal Policy	82		First reading: referred to Committee on Rules and		
Senator Garton removed as first author	97		Legislative Procedure		
Senator Zakas added as first author					
Senator Broden added as second author			SB 22 Author Senator Gard		
Senator Heinold added as coauthor	194		Sponsor Representative Wolkins		
Senators Mrvan and Tallian added as coauthors	223		Pipeline safety.		
			Authored by Senator Garton	21	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
First reading: referred to Committee on Rules and Legislative Procedure			SB 26 Author Senator Garton		
Committee report: amended, reassigned to Committee on Energy and Environmental Affairs	83		Vehicle bill.		
Senator Garton removed as first author	97		Authored by Senator Garton		21
Senator Gard added as first author			First reading: referred to Committee on Rules and Legislative Procedure		
Committee report: amend do pass, adopted	196				
Second reading: amended, ordered engrossed	286		SB 27 Author Senator Long		
Amendment 1 (Gard) prevailed; voice vote	286		Sponsor Representative Stutzman		
Third reading: passed; Roll Call 88: yeas 50, nays 0	312		Alcohol and tobacco matters.		
Referred to the House			Authored by Senator Garton		21
House sponsor: Representative Wolkins			First reading: referred to Committee on Rules and Legislative Procedure		
First reading: referred to Committee on Environmental Affairs	502		Committee report: amended, reassigned to Committee on Homeland Security, Utilities, and Public Policy	63	
Committee report: do pass, adopted	527		Senator Garton removed as first author	67	
Second reading: amended, ordered engrossed	613		Senator Long added as first author		
Amendment 1 (Pierce) prevailed; voice vote	613		Committee report: do pass, adopted	214	
Third reading: passed; Roll Call 308: yeas 91, nays 0	731		Second reading: ordered engrossed	277	
Returned to the Senate with amendments			Third reading: passed; Roll Call 89: yeas 47, nays 3	312	
Senate concurred in House amendments;			Referred to the House		
Roll Call 335: yeas 48, nays 0	761		House sponsor: Representative Stutzman		
Signed by the President Pro Tempore	791		Cosponsors: Representatives Kuzman and Bell		
Signed by the Speaker	1239		First reading: referred to Committee on Public Policy and Veterans Affairs	502	
Signed by the President of the Senate	1280		Committee report: amend do pass, adopted	655	
Signed by the Governor	1282		Second reading: amended, ordered engrossed	738	
Public Law 118: Effective July 1, 2006			Amendment 3 (Burton) prevailed;		
			Roll Call 347: yeas 50, nays 44	738	
SB 23 Author Senator Hershman			Amendment 1 (Burton) failed; voice vote	739	
Communications service infrastructure tax abatement.			Amendment 5 (Crooks) prevailed; voice vote	739	
Authored by Senator Garton	21		Amendment 8 (Whetstone) prevailed; voice vote	739	
First reading: referred to Committee on Rules and Legislative Procedure			Representative Whetstone added as cosponsor	742	
Committee report: amended, reassigned to Committee on Tax and Fiscal Policy	85				
Senator Garton removed as first author	97		SB 28 Author Senator Garton		
Senator Hershman added as first author			Vehicle bill.		
			Authored by Senator Garton		21
SB 24 Authors Senators Jackman and Sipes			First reading: referred to Committee on Rules and Legislative Procedure		
Sponsor Representative Messer					
Televised simulcasts.			SB 29 Author Senator Garton		
Authored by Senator Garton	21		Vehicle bill.		
First reading: referred to Committee on Rules and Legislative Procedure			Authored by Senator Garton		21
Committee report: amended, reassigned to Committee on Homeland Security, Utilities, and Public Policy	91		First reading: referred to Committee on Rules and Legislative Procedure		
Senator Garton removed as first author	97				
Senator Jackman added as first author			SB 30 Author Senator Garton		
Senator Sipes added as second author	181		Vehicle bill.		
Committee report: do pass, adopted	214		Authored by Senator Garton		21
Second reading: ordered engrossed	307		First reading: referred to Committee on Rules and Legislative Procedure		
Third reading: passed; Roll Call 136: yeas 32, nays 18	332				
Referred to the House			SB 31 Author Senator Garton		
House sponsor: Representative Messer			Vehicle bill.		
Cosponsors: Representatives C. Bottorff, Cherry, and Kuzman			Authored by Senator Garton		21
First reading: referred to Committee on Public Policy and Veterans Affairs	502		First reading: referred to Committee on Rules and Legislative Procedure		
Representative C. Bottorff removed as cosponsor	627				
			SB 32 Author Senator Garton		
SB 25 Author Senator Garton			Vehicle bill.		
Vehicle bill.			Authored by Senator Garton		22
Authored by Senator Garton	21		First reading: referred to Committee on Rules and Legislative Procedure		
First reading: referred to Committee on Rules and Legislative Procedure					

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

■ SB 33 Author Senator Alting

Sponsor Representative Koch

Volunteer advocates for incapacitated adults.

Authored by Senator Garton 22
 First reading: referred to Committee on Rules and
 Legislative Procedure

Committee report: amended, reassigned to Committee on
 Judiciary 173

Senator Garton removed as first author 178

Senator Alting added as first author 195

Senator Craycraft added as coauthor 228

Committee report: amend do pass, adopted 291

Second reading: ordered engrossed 298

Senator Tallian added as coauthor 312

Third reading: passed; Roll Call 90: yeas 50, nays 0 312

Referred to the House

House sponsor: Representative Koch

Cosponsors: Representatives T. Brown, Klinker,
 and Micon

First reading: referred to Committee on Family, Children
 and Human Affairs 513

Committee report: do pass, adopted 629

Second reading: ordered engrossed 677

Third reading: passed; Roll Call 287: yeas 94, nays 0 710

Returned to the Senate without amendments

Signed by the President Pro Tempore 726

Signed by the Speaker 762

Signed by the President of the Senate 764

Signed by the Governor 789

Public Law 11: Effective July 1, 2006

SB 34 Author Senator Garton

Vehicle bill.

Authored by Senator Garton 22
 First reading: referred to Committee on Rules and
 Legislative Procedure

■ SB 35 Authors Senators Long and Simpson

Sponsor Representative Wolkins

Zoning ordinance changes.

Authored by Senator Garton 22
 First reading: referred to Committee on Rules and
 Legislative Procedure

Committee report: amended, reassigned to Committee on
 Judiciary 175

Senator Garton removed as first author 181

Senator Long added as first author 230

Committee report: amend do pass, adopted 323

Second reading: amended, ordered engrossed 323

Amendment 1 (Simpson) prevailed;
 division of the Senate: yeas 44, nays 4 335

Third reading: passed; Roll Call 162: yeas 50, nays 0 335

Referred to the House

House sponsor: Representative Wolkins

Cosponsor: Representative Moses

Senator Simpson added as second author 337

First reading: referred to Committee on Local

Government 507

Committee report: amend do pass, adopted 629

Second reading: amended, ordered engrossed 737

Amendment 2 (Hinkle) prevailed; voice vote 737

Amendment 1 (Thompson) withdrawn 737

Third reading: passed; Roll Call 375: yeas 95, nays 3 747

Returned to the Senate with amendments

Senate concurred in House amendments;

Roll Call 315: yeas 50, nays 0 724

House Senate

Signed by the President Pro Tempore 769

Signed by the Speaker 777

Signed by the President of the Senate 779

Signed by the Governor 1280

Public Law 49: Effective March 15, 2006

■ SB 36 Author Senator Lawson

Sponsor Representative Noe

Commission on mental health.

Authored by Senator Lawson 22

First reading: referred to Committee on Health and

Provider Services

Committee report: amend do pass, adopted 237

Second reading: ordered engrossed 279

Senator Simpson added as coauthor 296

Third reading: passed; Roll Call 91: yeas 47, nays 3 312

Referred to the House

House sponsor: Representative Noe

Cosponsor: Representative C. Brown

First reading: referred to Committee on Public Health 507

Committee report: do pass, adopted 602

Second reading: ordered engrossed 677

Third reading: passed; Roll Call 288: yeas 93, nays 0 711

Returned to the Senate without amendments

Signed by the President Pro Tempore 726

Signed by the Speaker 762

Signed by the President of the Senate 764

Signed by the Governor 789

Public Law 12: Effective March 13, 2006

SB 37 Authors Senators Lawson and Breaux

Sponsor Representative Richardson

Miscellaneous election law changes.

Authored by Senators Lawson, Breaux 22

Coauthored by Senators Landske and Craycraft

First reading: referred to Committee on Elections

and Civic Affairs

Committee report: amend do pass, adopted 205

Second reading: ordered engrossed 279

Amendment 1 (Howard) failed;

Roll Call 71: yeas 17, nays 32 279

Amendment 2 (Breaux) failed;

Roll Call 72: yeas 17, nays 32 283

Amendment 3 (Breaux) failed;

Roll Call 73: yeas 17, nays 33 283

Third reading: passed; Roll Call 92: yeas 50, nays 0 312

Referred to the House

House sponsor: Representative Richardson

Cosponsor: Representative Thomas

First reading: referred to Committee on Elections and

Apportionment 502

SB 38 Author Senator Kenley

Income tax credit for contributions

to education savings plans.

Authored by Senator Kenley 22

First reading: referred to Committee on Tax and

Fiscal Policy

■ SB 39 Author Senator Ford

Sponsor Representative Thomas

Legal settlement in a school corporation.

Authored by Senator Ford 22

First reading: referred to Committee on Education

and Career Development

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Committee report: do pass, adopted		75	Returned to the Senate with amendments		
Second reading: ordered engrossed		94	Senate dissented from House amendments		674
Senators Steele, Breaux, and Bowser added as coauthors . . .		98	Senate conferees appointed: Miller and Sipes		677
Third reading: passed; Roll Call 10: yeas 48, nays 0	178		House conferees appointed: T. Brown and C. Brown	754	
Referred to the House			House advisor appointed: Crouch		
House sponsor: Representative Thomas			Conference committee report 1: filed in the House	1012	
Cosponsors: Representatives Duncan, Summers,			Conference committee report 1: adopted by the Senate;		
and Kersey			Roll Call 385: yeas 50, nays 0		1000
First reading: referred to Committee on Education	502		Rules suspended; conference committee report 1:		
Committee report: do pass, adopted	630		adopted by the House; Roll Call 460: yeas 95, nays 0	1067	
Second reading: ordered engrossed	677		Joint Rule 20 technical correction		
Third reading: passed; Roll Call 289: yeas 94, nays 0	711		adopted by the Senate		1126
Returned to the Senate without amendments			Signed by the President of the Senate		1280
Signed by the President Pro Tempore		727	Signed by the President Pro Tempore		1280
Signed by the Speaker	762		Signed by the Speaker	1246	
Signed by the President of the Senate		764	Signed by the Governor		1282
Signed by the Governor		789	Public Law 141:		
Public Law 13: Effective July 1, 2006			SECTIONS 1 through 10 effective July 1, 2006		
			SECTIONS 11 through 13 effective March 24, 2006		
			SECTIONS 14 through 18 effective July 1, 2006		
			SECTIONS 19 through 24 effective March 24, 2006		
			SECTIONS 25 through 42 effective July 1, 2006		
			SECTIONS 43 through 44 effective March 24, 2006		
			SECTIONS 45 through 80 effective July 1, 2006		
			SECTIONS 81 through 82 effective March 24, 2006		
			SECTIONS 83 through 84 effective July 1, 2006		
			SECTION 85 effective March 24, 2006		
			SECTIONS 86 through 102 effective July 1, 2006		
			SECTION 103 effective March 24, 2006		
			SECTIONS 104 through 105 effective July 1, 2006		
			SECTIONS 106 through 107 effective March 24, 2006		
			SECTIONS 108 through 110 effective July 1, 2006		
			SECTION 111 effective March 24, 2006		
			SECTIONS 112 through 116 effective July 1, 2006		
■ SB 40 Authors Senators Ford and Breaux			■ SB 42 Author Senator Miller		
Sponsor Representative Duncan			Sponsor Representative Frizzell		
Relocation issues in family law matters.			FSSA evaluation survey.		
Authored by Senators Ford, Breaux		22	Authored by Senator Miller		22
Coauthored by Senators Steele and Bowser			First reading: referred to Committee on Health and		
First reading: referred to Committee on Judiciary			Provider Services		
Committee report: do pass, adopted		71	Committee report: do pass, adopted		76
Second reading: amended, ordered engrossed		94	Second reading: ordered engrossed		94
Amendment 2 (Broden) prevailed; voice vote		94	Third reading: passed; Roll Call 23: yeas 46, nays 0		194
Senate Rule 33(c) technical correction			Referred to the House		
adopted		177	House sponsor: Representative Frizzell		
Third reading: passed; Roll Call 11: yeas 48, nays 1	178		First reading: referred to Committee on Public Health	502	
Referred to the House			Committee report: do pass, adopted	519	
House sponsor: Representative Duncan			Second reading: amended, ordered engrossed	568	
Cosponsors: Representatives Thomas, Summers,			Amendment 1 (T. Brown) prevailed; voice vote	568	
and Kersey			Third reading: passed; Roll Call 232: yeas 95, nays 2	673	
First reading: referred to Committee on Judiciary	502		Returned to the Senate with amendments		
Committee report: amend do pass, adopted	528		Senate concurred in House amendments;		
Second reading: ordered engrossed	613		Roll Call 316: yeas 50, nays 0		724
Third reading: passed; Roll Call 230: yeas 98, nays 0	673		Signed by the President Pro Tempore		769
Returned to the Senate with amendments			Signed by the Speaker	777	
Senate concurred in House amendments;			Signed by the President of the Senate		779
Roll Call 316: yeas 50, nays 0		724	Signed by the Governor		1280
Signed by the President Pro Tempore		769	Public Law 50: Effective July 1, 2006		
Signed by the Speaker		777			
Signed by the President of the Senate		779			
Signed by the Governor		1280			
Public Law 50: Effective July 1, 2006					
■ SB 41 Author Senator Miller			SB 43 Author Senator Drozda		
Sponsor Representative T. Brown			Free state fair admission for military personnel.		
Division of Aging and long term care.			Authored by Senator Drozda		22
Authored by Senator Miller		22	First reading: referred to Committee on Homeland Security,		
First reading: referred to Committee on Health and			Utilities, and Public Policy		
Provider Services					
Committee report: amend do pass, adopted	113				
Second reading: ordered engrossed	192				
Third reading: passed; Roll Call 28: yeas 47, nays 0	219				
Referred to the House					
House sponsor: Representative T. Brown					
Cosponsor: Representative C. Brown					
First reading: referred to Committee on Public Health	502				
Committee report: amend do pass, adopted	517				
Second reading: amended, ordered engrossed	568				
Amendment 1 (T. Brown) prevailed; voice vote	568				
Third reading: passed; Roll Call 231: yeas 98, nays 0	673				

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SB 44 Author Senator Drozda			SB 49 Author Senator Bowser		
Traffic signal outage or conflict.			Expungement of arrest records.		
Authored by Senator Drozda	22		Authored by Senator Bowser	22	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			First reading: referred to Committee on Judiciary		
SB 45 Author Senator Drozda			SB 50 Author Senator Landske		
Fetal development curriculum.			Appropriation for Cedar Lake dredging.		
Authored by Senator Drozda	22		Authored by Senator Landske	22	
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Appropriations		
SB 46 Author Senator Waltz			SB 51 Authors Senators Nugent and Hume		
Air guns on school property.			Defense of property and self-defense.		
Authored by Senator Waltz	22		Authored by Senator Nugent	22	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SB 47 Author Senator Hershman			Senator Hume added as second author	67	
Sponsor Representative McClain			Senators Kruse, Waterman, and Steele added as coauthors		
Criminal background checks.			Senator Waltz added as coauthor	96	
Authored by Senator Hershman	22		SB 52 Author Senator Nugent		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			Equipment suppliers and retailers.		
Committee report: do pass, adopted	50		Authored by Senator Nugent	22	
Second reading: ordered engrossed	94		First reading: referred to Committee on Agriculture and Small Business		
Third reading: passed; Roll Call 12: yeas 48, nays 1	179		SB 53 Author Senator Nugent		
Referred to the House			County option surcharges on state park fees.		
House sponsor: Representative McClain			Authored by Senator Nugent	22	
Senator Craycraft added as coauthor	180		First reading: referred to Committee on Rules and Legislative Procedure		
First reading: referred to Committee on Judiciary	502		SB 54 Authors Senators Nugent and Hume		
Representative Thomas added as cosponsor	526		Sponsor Representative Woodruff		
Committee report: amend do pass, adopted	528		Handgun licensing.		
Second reading: amended, ordered engrossed	643		Authored by Senator Nugent	22	
Amendment 4 (McClain) prevailed; voice vote	643		First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Amendment 1 (Avery) prevailed; voice vote	643		Senator Hume added as second author	67	
Third reading: passed; Roll Call 290: yeas 92, nays 0	711		Senators Waterman and Steele added as coauthors		
Returned to the Senate with amendments			Senator Waltz added as coauthor	96	
Senator Delph added as coauthor	636		Committee report: amend do pass, adopted	237	
Senate dissented from House amendments	756		Second reading: ordered engrossed	278	
Senate conferees appointed: Hershman and Craycraft	763		Third reading: passed; Roll Call 93: yeas 49, nays 1	312	
House conferees appointed: McClain and Kuzman	774		Referred to the House		
House advisors appointed: Thomas and C. Bottorff			House sponsor: Representative Woodruff		
Conference committee report 1: filed in the House	965		Cosponsors: Representatives Koch and Goodin		
Conference committee report 1: adopted by the Senate;			First reading: referred to Committee on Public Safety and Homeland Security	508	
Roll Call 386: yeas 50, nays 0	1031		Representative Ruppel added as cosponsor	526	
Rules suspended; conference committee report 1:			Committee report: amend do pass, adopted	528	
adopted by the House; Roll Call 461: yeas 93, nays 0	1067		Second reading: amended, ordered engrossed	613	
Joint Rule 20 technical correction			Amendment 2 (Woodruff) prevailed; voice vote	613	
adopted by the House	1236		Amendment 1 (Goodin) failed; voice vote	613	
Joint Rule 20 technical correction			House Rule 106.1 suspended; Representative Duncan		
adopted by the Senate	1275		added as cosponsor	708	
Signed by the President of the Senate	1280		Third reading: passed; Roll Call 291: yeas 79, nays 13	711	
Signed by the President Pro Tempore	1280		Returned to the Senate with amendments		
Signed by the Speaker	1246		Senator Hershman added as coauthor	635	
Signed by the Governor	1282		Concurrence withdrawn	737	
Public Law 142: Effective July 1, 2006			Senate dissented from House amendments	745	
SB 48 Author Senator Bowser			Senate conferees appointed: Nugent and Hume	754	
Imposition of death sentence by the court.			House conferees appointed: Woodruff and Bischoff	774	
Authored by Senator Bowser	22		House advisor appointed: Koch		
First reading: referred to Committee on Judiciary					

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

■ SB 55 Authors Senators Harrison and Kenley
Sponsor Representative Buell

Public safety deferred retirement option plan.	
Authored by Senator Harrison	22
First reading: referred to Committee on Pensions and Labor	
Committee report: do pass, adopted	139
Reassigned to the Committee on Appropriations	
Senator Kenley added as second author	195
Committee report: amend do pass, adopted	274
Second reading: ordered engrossed	323
Third reading: passed; Roll Call 163: yeas 50, nays 0	335
Referred to the House	
House sponsor: Representative Buell	
Cosponsor: Representative Kromkowski	
First reading: referred to Committee on Public Safety and Homeland Security	513
Representative Ruppel added as cosponsor	526
Committee report: amend do pass, adopted	576
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 233: yeas 97, nays 0	673
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 317: yeas 50, nays 0	724
Signed by the President Pro Tempore	769
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 51:	
SECTIONS 1 through 3 effective July 1, 2006	
SECTION 4 effective retroactive to January 1, 2006	
SECTION 5 effective July 1, 2006	
SECTION 6 effective retroactive to January 1, 2006	

■ SB 56 Authors Senators Harrison and Kenley
Sponsor Representative Buell

Pension relief fund distributions.	
Authored by Senator Harrison	22
First reading: referred to Committee on Pensions and Labor	
Committee report: do pass, adopted	139
Reassigned to the Committee on Appropriations	
Senator Kenley added as second author	195
Committee report: amend do pass, adopted	245
Second reading: ordered engrossed	286
Third reading: passed; Roll Call 94: yeas 50, nays 0	313
Referred to the House	
House sponsor: Representative Buell	
Cosponsor: Representative Kromkowski	
First reading: referred to Committee on Ways and Means	508
Committee report: do pass, adopted	659
Second reading: ordered engrossed	677
Third reading: passed; Roll Call 292: yeas 93, nays 0	711
Returned to the Senate without amendments	
Representative Thomas added as cosponsor	730
Signed by the President Pro Tempore	726
Signed by the Speaker	762
Signed by the President of the Senate	764
Signed by the Governor	1275
Public Law 28: Effective July 1, 2006	

■ SB 57 Author Senator Harrison
Sponsor Representative Buell

Pension fund administrative issues.	
Authored by Senator Harrison	22

First reading: referred to Committee on Pensions and Labor	
Committee report: do pass, adopted	226
Second reading: ordered engrossed	286
Third reading: passed; Roll Call 95: yeas 50, nays 0	313
Referred to the House	
House sponsor: Representative Buell	
Cosponsor: Representative Kromkowski	
First reading: referred to Committee on Ways and Means	513
Committee report: amend do pass, adopted	576
Second reading: amended, ordered engrossed	613
Amendment 2 (Noe) prevailed; voice vote	613
Third reading: passed; Roll Call 234: yeas 98, nays 0	673
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 318: yeas 50, nays 0	725
Signed by the President Pro Tempore	768
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1275
Public Law 29: Effective July 1, 2006	

■ SB 58 Author Senator Harrison
Sponsor Representative Buell

Teachers' retirement fund administrative issues.	
Authored by Senator Harrison	22
First reading: referred to Committee on Pensions and Labor	
Committee report: do pass, adopted	226
Second reading: ordered engrossed	279
Third reading: passed; Roll Call 96: yeas 50, nays 0	313
Referred to the House	
House sponsor: Representative Buell	
Cosponsor: Representative Kromkowski	
First reading: referred to Committee on Employment and Labor	513
Committee report: do pass, adopted	531
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 235: yeas 97, nays 0	673
Returned to the Senate without amendments	
Joint Rule 20 technical correction	
adopted by the Senate	741
Joint Rule 20 technical correction	
adopted by the House	1007
Signed by the President Pro Tempore	1129
Signed by the Speaker	1246
Signed by the President of the Senate	1280
Signed by the Governor	1282
Public Law 119: Effective July 1, 2006	

SB 59 Author Senator Harrison

Teachers' retirement fund director.	
Authored by Senator Harrison	22
First reading: referred to Committee on Pensions and Labor	

SB 60 Author Senator Kenley
Sponsor Representative Behning

Public school transfer program.	
Authored by Senator Kenley	22
First reading: referred to Committee on Education and Career Development	
Committee report: amend do pass, adopted	138
Second reading: ordered engrossed	193
Third reading: passed; Roll Call 49: yeas 30, nays 17	222

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Referred to the House			First reading: referred to Committee on Commerce and Transportation		
House sponsor: Representative Behning			Senator Landske added as second author	47	
Cosponsor: Representative Ruppel			Committee report: amend do pass, adopted	75	
Representative Noe added as cosponsor	486		Second reading: ordered engrossed	95	
First reading: referred to Committee on Education	502		Third reading: passed; Roll Call 13: yeas 49, nays 0	179	
Committee report: do pass, adopted	531		Referred to the House		
Second reading: amended, ordered engrossed	737		House sponsor: Representative Koch		
Amendment 4 (Thompson) prevailed; voice vote	737		Cosponsors: Representatives Borror, Bischoff, and Stilwell		
Amendment 2 (V. Smith) withdrawn	737		Senator Gard added as coauthor	180	
SB 61 Author Senator Craycraft			First reading: referred to Committee on Utilities and Energy	502	
Volunteer firefighter income tax deduction.			Committee report: do pass, adopted	531	
Authored by Senator Craycraft	22		Second reading: ordered engrossed	597	
First reading: referred to Committee on Tax and Fiscal Policy			Third reading: passed; Roll Call 236: yeas 98, nays 0	674	
SB 62 Author Senator Craycraft			Returned to the Senate without amendments		
Capitol police.			Senator Hume added as coauthor	635	
Authored by Senator Craycraft	22		Signed by the President Pro Tempore	727	
First reading: referred to Committee on Appropriations			Signed by the Speaker	762	
SB 63 Author Senator Craycraft			Signed by the President of the Senate	764	
State police and natural resources salary matrix.			Signed by the Governor	789	
Authored by Senator Craycraft	23		Public Law 14: Effective March 13, 2006		
First reading: referred to Committee on Appropriations			SB 70 Author Senator Paul		
SB 64 Author Senator Craycraft			Charges for small consumer loans.		
Collective bargaining for public safety employees.			Authored by Senator Paul	23	
Authored by Senator Craycraft	23		First reading: referred to Committee on Insurance and Financial Institutions		
First reading: referred to Committee on Pensions and Labor			Senator Lewis added as coauthor	181	
SB 65 Author Senator Lubbers			Committee report: amend do pass, adopted	199	
ISTEP scores.			Second reading: amended, ordered engrossed	295	
Authored by Senator Lubbers	23		Amendment 1 (Lanane) prevailed; voice vote	295	
First reading: referred to Committee on Education and Career Development			SB 71 Authors Senators Ford and Gard		
SB 66 Author Senator Bowser			Sponsor Representative Dodge		
Sentencing of mentally ill individuals.			Drainage assessments and storm water.		
Authored by Senator Bowser	23		Authored by Senators Ford, Gard	23	
First reading: referred to Committee on Judiciary			Coauthored by Senator Heinold		
SB 67 Author Senator Lanane			First reading: referred to Committee on Agriculture and Small Business		
Cruelty to animals.			Committee report: do pass, adopted	226	
Authored by Senator Lanane	23		Second reading: ordered engrossed	291	
First reading: referred to Committee on Judiciary			Third reading: passed; Roll Call 97: yeas 50, nays 0	313	
SB 68 Author Senator Lanane			Referred to the House		
Insurance practices and victims of abuse.			House sponsor: Representative Dodge		
Authored by Senator Lanane	23		Cosponsors: Representatives Friend, Moses, and Reske		
First reading: referred to Committee on Insurance and Financial Institutions			First reading: referred to Committee on Local Government	508	
SB 69 Authors Senators Weatherwax and Landske			Committee report: amend do pass, adopted	531	
Sponsor Representative Koch			Second reading: amended, ordered engrossed	613	
Governance of rural telephone cooperatives.			Amendment 1 (Dodge) prevailed; voice vote	613	
Authored by Senator Weatherwax	23		Amendment 2 (Hinkle) prevailed;		
			Roll Call 220: yeas 48, nays 45	613	
			Third reading: passed; Roll Call 237: yeas 76, nays 22	674	
			Returned to the Senate with amendments		
			Senate concurred in House amendments;		
			Roll Call 319: yeas 37, nays 13	725	
			Signed by the President Pro Tempore	768	
			Signed by the Speaker	777	
			Signed by the President of the Senate	779	
			Signed by the Governor	1280	
			Public Law 52:		
			SECTION 1 effective March 15, 2006		
			SECTIONS 2 through 3 effective retroactive to January 1, 2006		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

■ **SB 72 Authors Senators Long and Howard****Sponsor Representative Borrer**

IURC proceedings.

Authored by Senator Long First reading: referred to Committee on Homeland Security, Utilities, and Public Policy Committee report: do pass, adopted Second reading: amended, ordered engrossed Amendment 1 (Long) prevailed; voice vote Third reading: passed; Roll Call 63: yeas 47, nays 0 Referred to the House House sponsor: Representative Borrer Cosponsors: Representatives Stevenson, J. Lutz, and Moses Senator Howard added as second author First reading: referred to Committee on Utilities and Energy Committee report: do pass, adopted Second reading: ordered engrossed Third reading: passed; Roll Call 238: yeas 81, nays 17 Returned to the Senate without amendments Signed by the President Pro Tempore Signed by the Speaker Signed by the President of the Senate Signed by the Governor Public Law 30: Effective March 14, 2006	23 82 215 215 267 268 726 762 764 1275
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■ **SB 73 Authors Senators Long and Lanane****Sponsor Representative Davis**

Indemnity agreements in motor carrier contracts.

Authored by Senators Long, Lanane First reading: referred to Committee on Corrections, Criminal, and Civil Matters Committee report: amend do pass, adopted Second reading: ordered engrossed Third reading: passed; Roll Call 48: yeas 47, nays 0 Referred to the House House sponsor: Representative Davis Cosponsor: Representative Stilwell First reading: referred to Committee on Roads and Transportation Committee report: do pass, adopted Second reading: ordered engrossed Third reading: passed; Roll Call 293: yeas 92, nays 0 Returned to the Senate without amendments Signed by the President Pro Tempore Signed by the Speaker Signed by the President of the Senate Signed by the Governor Public Law 31: Effective July 1, 2006	23 50 177 222 502 593 639 711 726 762 764 1275
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SB 74 Author Senator Long

Acquisition of utility property.

Authored by Senator Long First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	23
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■ **SB 75 Authors Senators Long and Delph****Sponsor Representative Borrer**

Military family relief fund.

Authored by Senator Long First reading: referred to Committee on Tax and Fiscal Policy Senator Delph added as second author Committee report: amend do pass, adopted	23 96 107
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Senate Rule 33(c) technical correction

adopted Second reading: ordered engrossed Senator Craycraft added as coauthor Third reading: passed; Roll Call 64: yeas 48, nays 0 Referred to the House House sponsor: Representative Borrer Cosponsor: Representative Reske Senators Zakas and Howard added as coauthors First reading: referred to Committee on Public Policy and Veterans Affairs Committee report: do pass, adopted Second reading: amended, ordered engrossed Amendment 1 (Woodruff) prevailed; voice vote Amendment 2 (Stutzman) prevailed; voice vote Representative Stutzman added as cosponsor Representative Thomas added as cosponsor Third reading: passed; Roll Call 247: yeas 94, nays 0 Returned to the Senate with amendments Senate dissented from House amendments Senate conferees appointed: Long and Craycraft Senate advisors appointed: Delph and Howard House conferees appointed: Stutzman and Reske House advisor appointed: Woodruff Conference committee report 1: filed in the House Rules suspended; conference committee report 1: adopted by the House; Roll Call 446: yeas 96, nays 0 Conference committee report 1: adopted by the Senate; Roll Call 387: yeas 50, nays 0 Senator Hershman added as coauthor Signed by the President of the Senate Signed by the President Pro Tempore Signed by the Speaker Signed by the Governor Public Law 58: SECTIONS 1 through 9 effective July 1, 2006 SECTIONS 10 through 11 effective March 17, 2006 SECTION 12 effective July 1, 2006	194 216 223 267 268 502 519 568 568 568 627 675 677 672 673 754 896 1006 1032 1037 1280 1280 1246 1280
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■ **SB 76 Authors Senators Long and Gard**

Storm water fees.

Authored by Senator Long First reading: referred to Committee on Governmental Affairs and Interstate Cooperation Senator Gard added as second author	23 263
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■ **SB 77 Author Senator Heinold****Sponsor Representative Heim**

Shooting preserves.

Authored by Senator Heinold First reading: referred to Committee on Natural Resources Committee report: do pass, adopted Second reading: ordered engrossed Third reading: passed; Roll Call 74: yeas 50, nays 0 Referred to the House House sponsor: Representative Heim First reading: referred to Committee on Natural Resources Committee report: do pass, adopted Second reading: amended, ordered engrossed Amendment 1 (Wolkins) prevailed; Roll Call 221: yeas 47, nays 46 Representative Stilwell added as cosponsor Third reading: passed; Roll Call 239: yeas 79, nays 18 Returned to the Senate with amendments Senate dissented from House amendments Senate conferees appointed: Heinold and Broden	23 184 266 295 502 519 614 614 627 674 633 636
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HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate advisors appointed: Drozda and Howard			Signed by the President Pro Tempore		727
House conferees appointed: Heim and Stilwell	754		Signed by the Speaker	762	
House advisor appointed: Hoffman			Signed by the President of the Senate		764
Conference committee report 1: filed in the House	800		Signed by the Governor		1275
Conference committee report 1: adopted by the Senate;			Public Law 32: Effective March 14, 2006		
Roll Call 366: yeas 50, nays 0		836			
Rules suspended; conference committee report 1:			SB 82 Author Senator Lubbers		
adopted by the House; Roll Call 447: yeas 83, nays 13	1006		Educator evaluations.		
Signed by the President Pro Tempore		1129	Authored by Senator Lubbers		23
Signed by the Speaker	1246		First reading: referred to Committee on Education		
Signed by the President of the Senate		1280	and Career Development		
Signed by the Governor		1280			
Public Law 59: Effective July 1, 2006					
SB 78 Author Senator Heinold			■ SB 83 Author Senator Lubbers		
Sponsor Representative Gutwein			Sponsor Representative Torr		
Property tax deduction for farm security items.			Resisting law enforcement and deadly weapons.		
Authored by Senator Heinold		23	Authored by Senator Lubbers		23
First reading: referred to Committee on Tax and			First reading: referred to Committee on Judiciary		
Fiscal Policy			Committee report: amend do pass, adopted		246
Senator Weatherwax added as coauthor		47	Second reading: amended, ordered engrossed		279
Committee report: do pass, adopted		139	Amendment 1 (Lanane) prevailed; voice vote		279
Second reading: amended, ordered engrossed		193	Third reading: passed; Roll Call 99: yeas 48, nays 2		313
Amendment 1 (Weatherwax) prevailed; voice vote		193	Referred to the House		
Senator Hume added as coauthor		194	House sponsor: Representative Torr		
Senator Drozda added as coauthor		277	Cosponsor: Representative Bardon		
Third reading: passed; Roll Call 83: yeas 33, nays 16		297	Senator Wyss added as coauthor		314
Referred to the House			Senator Lanane added as coauthor		315
House sponsor: Representative Gutwein			First reading: referred to Committee on Courts and		
First reading: referred to Committee on Ways and Means	502		Criminal Code		513
SB 79 Author Senator Heinold			Committee report: amend do pass, adopted		577
Daylight saving time.			Representative Thomas added as cosponsor		592
Authored by Senator Heinold		23	Second reading: call withdrawn		614
First reading: referred to Committee on Rules and			Amendment 2 (Torr) withdrawn		614
Legislative Procedure			Reread second time: amended, ordered engrossed		643
Senator Hume added as coauthor		97	Amendment 2 (Torr) prevailed; voice vote		644
SB 80 Author Senator Meeks			Amendment 3 (Bardon) prevailed; voice vote		644
School year.			Third reading: passed; Roll Call 295: yeas 83, nays 11		711
Authored by Senator Meeks		23	Returned to the Senate with amendments		
First reading: referred to Committee on Education			Senate dissented from House amendments		675
and Career Development			Senate conferees appointed: Lubbers and Lanane		677
Senator Hume added as coauthor		66	Senate advisors appointed: Wyss and Bowser		
■ SB 81 Author Senator Meeks			House conferees appointed: Torr and Bardon		754
Sponsor Representative Stutzman			House advisor appointed: Thomas		
Bungee jump facility inspection.			Conference committee report 1: filed in the House		901
Authored by Senator Meeks		23	Rules suspended; conference committee report 1:		
First reading: referred to Committee on Homeland Security,			adopted by the House; Roll Call 462: yeas 88, nays 5		1067
Utilities, and Public Policy			Conference committee report 1: adopted by the Senate;		
Committee report: do pass, adopted		214	Roll Call 388: yeas 44, nays 2		1037
Second reading: ordered engrossed		279	Signed by the President of the Senate		1280
Third reading: passed; Roll Call 98: yeas 44, nays 5		313	Signed by the President Pro Tempore		1280
Referred to the House			Signed by the Speaker	1246	
House sponsor: Representative Stutzman			Signed by the Governor		1282
First reading: referred to Committee on Public Safety and			Public Law 143: Effective July 1, 2006		
Homeland Security		502			
Reassigned to the Committee on Public Policy and			■ SB 84 Authors Senators Long and Bray		
Veterans Affairs		600	Sponsor Representative Foley		
Committee report: do pass, adopted		659	Reentry courts.		
Second reading: ordered engrossed		677	Authored by Senators Long, Bray		23
Third reading: passed; Roll Call 294: yeas 88, nays 3		711	First reading: referred to Committee on Judiciary		
Returned to the Senate without amendments			Committee report: amend do pass, adopted		71
			Senator Zakas added as coauthor		95
			Second reading: ordered engrossed		177
			Senators Broden and Lanane added as coauthors		182
			Third reading: passed; Roll Call 24: yeas 46, nays 0		194
			Referred to the House		
			House sponsor: Representative Foley		

■ SB 86 Authors Senators Jackman and Nugent	
Sponsor Representative Messer	
Medication of horses in pari-mutuel events.	
Authored by Senator Jackman	23
First reading: referred to Committee on Agriculture and Small Business	
Senator Nugent added as second author	181
Committee report: do pass, adopted	227
Second reading: ordered engrossed	285
Placed back on second reading	311
Reread second time: amended, ordered engrossed	323
Amendment 1 (Jackman) prevailed; voice vote	323
Third reading: passed; Roll Call 164: yeas 50, nays 0	335
Referred to the House	
House sponsor: Representative Messer	
Cosponsors: Representatives Gutwein and Robertson	
First reading: referred to Committee on Public Policy and Veterans Affairs	508
Committee report: do pass, adopted	577

■ SB 87 Authors Senators Jackman and Gard	
Sponsor Representative Gutwein	
Energy, agriculture, and energy development rules.	
Authored by Senator Jackman	24
First reading: referred to Committee on Energy and Environmental Affairs	
Senator R. Young added as coauthor	47
Senator Gard added as second author	67
Committee report: amend do pass, adopted	111
Second reading: ordered engrossed	191
Third reading: passed; Roll Call 38: yeas 47, nays 0	220
Referred to the House	
House sponsor: Representative Gutwein	
Cosponsor: Representative Grubb	
First reading: referred to Committee on Agriculture and Rural Development	502
Committee report: do pass, adopted	531
Second reading: amended, ordered engrossed	644
Amendment 2 (Grubb) prevailed; division of the House: yeas 49, nays 42	644
Third reading: passed; Roll Call 374: yeas 67, nays 31	747
Returned to the Senate with amendments	
Senate dissented from House amendments	718
Senate conferees appointed: Jackman and R. Young	723
House conferees appointed: Gutwein and Grubb	757
House advisors appointed: Yount and Friend	
Conference committee report 1: filed in the House	1045
Rules suspended; conference committee report 1: adopted by the House; Roll Call 463: yeas 92, nays 1	1068
Conference committee report 1: adopted by the Senate; Roll Call 401: yeas 49, nays 0	1114
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1280
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 144: Effective March 24, 2006	

SB 88 Authors Senators Wyss and Sipes	
Sponsor Representative Crouch	
Motor vehicle restraint systems.	
Authored by Senator Wyss	24
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	
Committee report: do pass, adopted	82
Senator Sipes added as second author	97
Senator Becker added as coauthor	
Senator Lawson added as coauthor	181
Second reading: ordered engrossed	190
Third reading: passed; Roll Call 32: yeas 26, nays 21	219
Referred to the House	
House sponsor: Representative Crouch	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Cosponsors: Representatives Welch, L. Lawson, and C. Brown			■ SB 94 Author Senator Meeks		
First reading: referred to Committee on Roads and Transportation	502		Sponsor Representative Dodge		
Reassigned to the Committee on Public Policy and Veterans Affairs	514		Lakes management work group.		
			Authorized by Senator Meeks	24	
SB 89 Author Senator Gard			First reading: referred to Committee on Natural Resources		
Sponsor Representative Koch			Committee report: do pass, adopted	184	
Serial meetings and electronic meetings.			Second reading: ordered engrossed	266	
Authorized by Senator Gard	24		Third reading: passed; Roll Call 76: yeas 50, nays 0	295	
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation			Referred to the House		
Committee report: amend do pass, adopted	229		House sponsor: Representative Dodge		
Second reading: ordered engrossed	291		Senator Hershman added as coauthor	296	
Third reading: passed; Roll Call 101: yeas 48, nays 2	313		First reading: referred to Committee on Natural Resources . .	502	
Referred to the House			Committee report: do pass, adopted	659	
House sponsor: Representative Koch			Second reading: ordered engrossed	677	
Cosponsor: Representative Pelath			Third reading: passed; Roll Call 296: yeas 92, nays 0	711	
First reading: referred to Committee on Government and Regulatory Reform	513		Returned to the Senate without amendments		
			Signed by the President Pro Tempore	727	
SB 90 Author Senator Hershman			Signed by the Speaker	762	
Interference with newspaper distribution.			Signed by the President of the Senate	764	
Authorized by Senator Hershman	24		Signed by the Governor	1275	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			Public Law 35: Effective July 1, 2006		
			SB 95 Author Senator Meeks		
SB 91 Author Senator Hershman			Sex offenders.		
Volunteer firefighter and paramedic records.			Authorized by Senator Meeks	24	
Authorized by Senator Hershman	24		First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation					
			SB 96 Author Senator Lanane		
SB 92 Author Senator Paul			Minimum wage increase.		
Sponsor Representative Saunders			Authorized by Senator Lanane	24	
Reopening of certain license branches.			First reading: referred to Committee on Pensions and Labor		
Authorized by Senator Paul	24				
First reading: referred to Committee on Commerce and Transportation			SB 97 Author Senator Kenley		
Committee report: amend do pass, adopted	131		Direct wine shipment.		
Second reading: ordered engrossed	192		Authorized by Senator Kenley	24	
Third reading: call withdrawn	220		First reading: referred to Committee on Commerce and Transportation		
Senator Hume added as coauthor	223				
Senator Rogers added as coauthor	223		SB 98 Author Senator Kenley		
Placed back on second reading	224		Operator's license reciprocity with another country.		
Reread second time: amended, ordered engrossed	266		Authorized by Senator Kenley	24	
Amendment 1 (Paul) prevailed; voice vote	266		First reading: referred to Committee on Governmental Affairs and Interstate Cooperation		
Senator Craycraft added as coauthor	268				
Third reading: passed; Roll Call 77: yeas 46, nays 4	295		SB 99 Authors Senators Jackman and Nugent		
Referred to the House			County option surcharges on state park fees.		
House sponsor: Representative Saunders			Authorized by Senators Jackman, Nugent	24	
Cosponsors: Representatives Hoffman and Pflum			First reading: referred to Committee on Rules and Legislative Procedure		
First reading: referred to Committee on Roads and Transportation	502				
			■ SB 100 Authors Senators Jackman and Hershman		
SB 93 Author Senator Paul			Sponsor Representative Whetstone		
Daylight saving time referendum.			Charity gaming.		
Authorized by Senator Paul	24		Authorized by Senator Jackman	24	
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Homeland Security, Utilities, and Public Policy		
			Senator Hershman added as second author	181	
			Committee report: amend do pass, adopted	205	
			Second reading: ordered engrossed	286	
			Third reading: passed; Roll Call 102: yeas 38, nays 12	314	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Referred to the House	
House sponsor: Representative Whetstone	
Cosponsor: Representative Pelath	
Senator Lewis added as coauthor	315
First reading: referred to Committee on Public Policy and Veterans Affairs	502
Committee report: amend do pass, adopted	577
Second reading: ordered engrossed	614
Third reading: passed; Roll Call 242: yeas 73, nays 25	674
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 353: yeas 39, nays 9	773
Signed by the President Pro Tempore	791
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 91:	
SECTIONS 1 through 17 effective July 1, 2006	
SECTION 18 effective March 20, 2006	

SB 101 Author Senator Becker

Insulation income tax deduction.	
Authored by Senator Becker	24
First reading: referred to Committee on Tax and Fiscal Policy	

■ SB 102 Author Senator Becker**Sponsor Representative Foley**

Anatomical gift liability.	
Authored by Senator Becker	24
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Committee report: do pass, adopted	50
Second reading: ordered engrossed	95
Third reading: passed; Roll Call 14: yeas 48, nays 1	179
Referred to the House	
House sponsor: Representative Foley	
Cosponsor: Representative VanHaften	
Senator Long added as coauthor	180
First reading: referred to Committee on Judiciary	502
Committee report: amend do pass, adopted	531
Representative Thomas added as cosponsor	592
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 243: yeas 98, nays 0	674
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 320: yeas 50, nays 0	725
Signed by the President Pro Tempore	768
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 53: Effective July 1, 2006	

SB 103 Author Senator Becker

Police and firefighter death benefits.	
Authored by Senator Becker	24
First reading: referred to Committee on Pensions and Labor	

SB 104 Author Senator Rogers

Gary professional sports development area.	
Authored by Senator Rogers	24
First reading: referred to Committee on Tax and Fiscal Policy	

SB 105 Authors Senators Rogers and Steele**Sponsor Representative Duncan**

License branches open on election day.	
Authored by Senators Rogers, Steele	24
Coauthored by Senators Dillon, Craycraft, and Sipes	
First reading: referred to Committee on Commerce and Transportation	
Committee report: do pass, adopted	76
Second reading: amended, ordered engrossed	95
Amendment 1 (Heinold) prevailed; voice vote	95
Senators Paul and Smith added as coauthors	97
Third reading: passed; Roll Call 15: yeas 48, nays 0	179
Referred to the House	
House sponsor: Representative Duncan	
Cosponsors: Representatives V. Smith, C. Brown, and Tyler	
Senator Delph added as coauthor	180
First reading: referred to Committee on Roads and Transportation	502
Committee report: amend do pass, adopted	593
House Rule 106.1 suspended; Representative Goodin added as cosponsor	675

■ SB 106 Authors Senators M. Young and Riegsecker**Sponsor Representative Walorski**

State gross retail tax.	
Authored by Senator M. Young	24
First reading: referred to Committee on Tax and Fiscal Policy	
Senator Broden added as coauthor	78
Senator Simpson added as coauthor	180
Senator Riegsecker added as coauthor	
Senator Riegsecker removed as coauthor	222
Senator Riegsecker added as second author	222
Senator Paul added as coauthor	
Committee report: amend do pass, adopted	235
Senator Miller added as coauthor	277
Second reading: ordered engrossed	278
Third reading: passed; Roll Call 103: yeas 49, nays 1	314
Referred to the House	
House sponsor: Representative Walorski	
Cosponsors: Representatives Davis, McClain, and Fry	
Senators Meeks, Craycraft, Howard, Alting, Drozda, Kruse, and Mishler added as coauthors	315
First reading: referred to Committee on Ways and Means	508
Committee report: amend do pass, adopted	531
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 244: yeas 97, nays 1	674
Returned to the Senate with amendments	
Senate dissented from House amendments	633
Senate conferees appointed: M. Young and Broden	637
Senate advisors appointed: Miller and Craycraft	
House conferees appointed: Walorski and Fry	754
House advisors appointed: Davis and Turner	
Conference committee report 1: filed in the House	784
Conference committee report 1: adopted by the Senate;	
Roll Call 358: yeas 50, nays 0	786
Senator Zakas added as coauthor	789
Rules suspended; conference committee report 1: adopted by the House; Roll Call 427: yeas 98, nays 0	900
Signed by the President Pro Tempore	1129
Signed by the Speaker	1246
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 92: Effective July 1, 2006	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SB 107 Author Senator M. Young

Nepotism in Marion County political subdivisions.

Authored by Senator M. Young First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	24
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SB 108 Author Senator M. Young

Wage payment issues.

Authored by Senator M. Young First reading: referred to Committee on Pensions and Labor	24
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Committee report: do pass, adopted	226
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Second reading: amended, ordered engrossed	307
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Amendment 12 (M. Young) prevailed; voice vote	307
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Amendment 13 (M. Young) prevailed; voice vote	307
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Amendment 14 (M. Young) prevailed; voice vote	307
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Amendment 15 (M. Young) prevailed; voice vote	307
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Amendment 16 (M. Young) prevailed; voice vote	308
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Third reading: defeated; Roll Call 137: yeas 12, nays 38	332
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SB 109 Author Senator Steele

Discharge of leachate into waters.

Authored by Senator Steele First reading: referred to Committee on Energy and Environmental Affairs	24
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SB 110 Authors Senators Steele and Lewis

Wine shipping and farm winery matters.

Authored by Senator Steele First reading: referred to Committee on Commerce and Transportation	24
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Senator Lewis added as second author	66
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■ SB 111 Author Senator Becker**Sponsor Representative T. Brown**

Student nutrition and physical activity.

Authored by Senator Becker First reading: referred to Committee on Health and Provider Services	24
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Senator Miller added as coauthor	67
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Senators Broden, Lawson, and Breaux added as coauthors ..	73
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Committee report: amend do pass, adopted	76
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Second reading: ordered engrossed	95
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Senator Delph added as coauthor	97
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Third reading: passed; Roll Call 16: yeas 42, nays 7	179
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Referred to the House

House sponsor: Representative T. Brown

Cosponsors: Representatives C. Brown and Budak

Senator Kruse added as coauthor	182
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First reading: referred to Committee on Education	502
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Committee report: do pass, adopted	593
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Representative Crouch added as cosponsor	627
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Second reading: amended, ordered engrossed	644
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Amendment 1 (Day) prevailed; voice vote	644
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Third reading: passed; Roll Call 297: yeas 72, nays 24	711
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Returned to the Senate with amendments

Senate concurred in House amendments;

Roll Call 321: yeas 42, nays 8	725
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Signed by the President Pro Tempore	768
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Signed by the Speaker	777
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Signed by the President of the Senate	779
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Signed by the Governor	1280
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Public Law 54: Effective July 1, 2006

■ SB 112 Author Senator Riegsecker**Sponsor Representative Woodruff**

Transfer of first steps program.

Authored by Senator Riegsecker First reading: referred to Committee on Health and Provider Services	24
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Committee report: amend do pass, adopted	131
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Second reading: ordered engrossed	193
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Third reading: passed; Roll Call 59: yeas 48, nays 0	265
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Referred to the House

House sponsor: Representative Ripley

Cosponsors: Representatives Klinker, Woodruff,

Walorski, T. Brown, and C. Brown

First reading: referred to Committee on Family, Children

and Human Affairs 502

Representative Ripley removed as sponsor 514

Representative Klinker removed as cosponsor

Representative Klinker added as sponsor

Representative Ripley added as cosponsor

Representative Klinker removed as sponsor 526

Representative Woodruff removed as cosponsor

Representative Woodruff added as sponsor

Representative Klinker added as cosponsor

Committee report: do pass, adopted 532

Second reading: amended, ordered engrossed 644

Amendment 3 (Woodruff) prevailed; voice vote 644

Amendment 4 (T. Brown) prevailed;

Roll Call 227: yeas 60, nays 34 644

Third reading: passed; Roll Call 310: yeas 93, nays 0 731

Returned to the Senate with amendments

Concurrence withdrawn 725

Senate dissented from House amendments 726

Senate conferees appointed: Riegsecker and Rogers 733

House conferees appointed: Woodruff and C. Brown 766

House advisors appointed: Thompson, Walorski,

Klinker, and Ayres

Conference committee report 1: filed in the House 805

Conference committee report 1: adopted by the Senate;

Roll Call 370: yeas 49, nays 0 837

Rules suspended; conference committee report 1:

adopted by the House; Roll Call 434: yeas 97, nays 0 1004

Signed by the President Pro Tempore 1036

Signed by the Speaker 1239

Signed by the President of the Senate 1280

Signed by the Governor 1281

Public Law 93: Effective March 20, 2006

SB 113 Author Senator Lanane

Review of privatization plans.

Authored by Senator Lanane First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	24
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■ SB 114 Authors Senators Zakas and Broden**Sponsor Representative Foley**

Probate and trust matters.

Authored by Senator Zakas First reading: referred to Committee on Judiciary	24
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Committee report: amend do pass, adopted	137
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Second reading: ordered engrossed	192
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Senator Broden added as second author	195
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Senate Rule 33(c) technical correction

adopted	215
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Third reading: passed; Roll Call 33: yeas 47, nays 0	219
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Referred to the House

House sponsor: Representative Foley

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate Rule 33(c) technical correction adopted		221	SB 119 Author Senator Lubbers		
First reading: referred to Committee on Judiciary	502		School board elections at general election time.		
Representative Thomas added as cosponsor	526		Authorized by Senator Lubbers		25
Committee report: amend do pass, adopted	532		First reading: referred to Committee on Elections and Civic Affairs		
Second reading: ordered engrossed	597		SB 120 Author Senator Waterman		
Third reading: passed; Roll Call 245: yeas 97, nays 0	674		County license branch service charges.		
Returned to the Senate with amendments			Authorized by Senator Waterman		25
Senate concurred in House amendments;			First reading: referred to Committee on Rules and Legislative Procedure		
Roll Call 322: yeas 49, nays 0	725		SB 121 Author Senator Waterman		
Signed by the President Pro Tempore	768		Grandparent visitation.		
Signed by the Speaker	777		Authorized by Senator Waterman		25
Signed by the President of the Senate	779		First reading: referred to Committee on Judiciary		
Signed by the Governor	1280		SB 122 Author Senator Waterman		
Public Law 61:			Viewing of execution by victim's family.		
SECTIONS 1 through 2 effective retroactive to July 1, 2005			Authorized by Senator Waterman		25
SECTIONS 3 through 7 effective July 1, 2006			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
SECTION 8 effective retroactive to July 1, 2005			SB 123 Author Senator Waterman		
SECTION 9 effective July 1, 2006			Daylight saving time.		
SB 115 Author Senator Zakas			Authorized by Senator Waterman		25
Probate, trust, and inheritance tax matters.			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Authorized by Senator Zakas	24		SB 124 Author Senator Gard		
First reading: referred to Committee on Tax and Fiscal Policy			Health provider reimbursement agreements.		
SB 116 Author Senator Zakas			Authorized by Senator Gard		25
Unsupervised estates.			First reading: referred to Committee on Rules and Legislative Procedure		
Authorized by Senator Zakas	24		SB 125 Author Senator Dillon		
First reading: referred to Committee on Judiciary			Student health measurements.		
SB 117 Author Senator Gard			Authorized by Senator Dillon		25
Sponsor Representative T. Brown			First reading: referred to Committee on Health and Provider Services		
Various employment matters.			SB 126 Author Senator Dillon		
Authorized by Senator Gard	25		Freezing of credit reports.		
First reading: referred to Committee on Tax and Fiscal Policy			Authorized by Senator Dillon		25
Committee report: amend do pass, adopted	108		First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Second reading: amended, ordered engrossed	216		SB 127 Author Senator Lawson		
Amendment 1 (Gard) prevailed; voice vote	216		Sponsor Representative Richardson		
Third reading: passed; Roll Call 65: yeas 47, nays 1	267		Political expenditures.		
Referred to the House			Authorized by Senator Lawson		25
House sponsor: Representative T. Brown			First reading: referred to Committee on Elections and Civic Affairs		
First reading: referred to Committee on Employment and Labor	503		Committee report: amend do pass, adopted		197
Committee report: amend do pass, adopted	519		Second reading: ordered engrossed		292
Second reading: amended, ordered engrossed	725		Third reading: passed; Roll Call 104: yeas 50, nays 0		314
Amendment 6 (Noe) failed;			Referred to the House		
Roll Call 304: yeas 31, nays 65	725		House sponsor: Representative Richardson		
Amendment 4 (Stutzman) prevailed; voice vote	725		Cosponsor: Representative Thomas		
Amendment 1 (Cheney) failed; voice vote	726		Senators Breaux and R. Young added as coauthors		315
Amendment 5 (Orentlicher) ruled out of order	726				
Third reading: passed; Roll Call 373: yeas 51, nays 47	747				
Returned to the Senate with amendments					
Senate dissented from House amendments	718				
Senate conferees appointed: Gard and Breaux	723				
House conferees appointed: T. Brown and Cheney	757				
House advisors appointed: Leonard and Pierce					
SB 118 Author Senator Gard					
Excise surtax exemption.					
Authorized by Senator Gard	25				
First reading: referred to Committee on Tax and Fiscal Policy					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
First reading: referred to Committee on Elections and Apportionment	503		Joint Rule 20 technical correction adopted by the House	1008	
Committee report: do pass, adopted	660		Joint Rule 20 technical correction adopted by the Senate		1037
SB 128 Author Senator Lawson			Signed by the President of the Senate		1280
Sponsor Representative Richardson			Signed by the President Pro Tempore		1280
Casting provisional ballot by challenged voter.			Signed by the Speaker	1246	
Authored by Senator Lawson	25		Signed by the Governor		1282
First reading: referred to Committee on Elections and Civic Affairs			Public Law 145:		
Committee report: amend do pass, adopted	196		SECTIONS 1 through 377 effective July 1, 2006		
Second reading: amended, ordered engrossed	292		SECTION 378 effective March 24, 2006		
Amendment 1 (Lawson) prevailed; voice vote	292				
Third reading: passed; Roll Call 128: yeas 35, nays 15	327		■ SB 133 Author Senator Kruse		
Referred to the House			Sponsor Representative Dodge		
House sponsor: Representative Richardson			Permits for oversized tractor-semitrailers.		
Cosponsors: Representatives Mahern and Thomas			Authored by Senator Kruse	25	
Senator Breaux added as coauthor	328		First reading: referred to Committee on Commerce and Transportation		
First reading: referred to Committee on Elections and Apportionment	503		Committee report: amend do pass, adopted	133	
SB 129 Author Senator Alting			Second reading: ordered engrossed	191	
Endangering an unborn child.			Third reading: passed; Roll Call 43: yeas 47, nays 0	221	
Authored by Senator Alting	25		Referred to the House		
First reading: referred to Committee on Health and Provider Services			House sponsor: Representative Dodge		
SB 130 Authors Senators Alting and Miller			Senator Meeks added as coauthor	222	
Occupational therapists.			First reading: referred to Committee on Roads and Transportation	503	
Authored by Senators Alting, Miller	25		Committee report: do pass, adopted	532	
First reading: referred to Committee on Health and Provider Services			Second reading: ordered engrossed	614	
SB 131 Author Senator Craycraft			Third reading: passed; Roll Call 372: yeas 92, nays 6	747	
Minimum wage.			Returned to the Senate without amendments		
Authored by Senator Craycraft	25		Signed by the President Pro Tempore	727	
First reading: referred to Committee on Pensions and Labor			Signed by the Speaker	762	
■ SB 132 Author Senator Lawson			Signed by the President of the Senate	764	
Sponsor Representative Budak			Signed by the Governor	1275	
Correction of 2005 child services legislation.			Public Law 36: Effective July 1, 2006		
Authored by Senator Lawson	25		SB 134 Author Senator Kruse		
First reading: referred to Committee on Health and Provider Services			Child molestation.		
Committee report: amend do pass, adopted	140		Authored by Senator Kruse	25	
Second reading: amended, ordered engrossed	292		First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Amendment 1 (Lawson) prevailed; voice vote	292		Senator Mrvan added as coauthor	78	
Third reading: passed; Roll Call 105: yeas 50, nays 0	314		SB 135 Authors Senators Kruse and Bray		
Referred to the House			Adult video games.		
House sponsor: Representative Budak			Authored by Senator Kruse	25	
Cosponsor: Representative Summers			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Senator Breaux added as coauthor	315		Senator Bray added as second author	78	
First reading: referred to Committee on Family, Children and Human Affairs	503		Senator Simpson added as coauthor		
Committee report: amend do pass, adopted	630		SB 136 Author Senator Kruse		
Second reading: ordered engrossed	701		Child support payments from joint accounts.		
Amendment 1 (T. Brown) ruled out of order	701		Authored by Senator Kruse	25	
Third reading: passed; Roll Call 311: yeas 92, nays 0	731		First reading: referred to Committee on Judiciary		
Returned to the Senate with amendments			SB 137 Author Senator Kruse		
Senate concurred in House amendments;			Use of compression release engine brakes.		
Roll Call 338: yeas 48, nays 0	762		Authored by Senator Kruse	25	
			First reading: referred to Committee on Commerce and Transportation		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SB 138 Author Senator Waterman

School board elections.

Authorized by Senator Waterman	25
First reading: referred to Committee on Elections and Civic Affairs	

■ SB 139 Author Senator Lawson**Sponsor Representative Bell**

Department of child services matters.

Authorized by Senator Lawson	25
First reading: referred to Committee on Judiciary	
Committee report: amend do pass, adopted	134
Senator Lanane added as coauthor	182
Second reading: amended, ordered engrossed	266
Amendment 3 (Lawson) prevailed; voice vote	266
Amendment 2 (Lanane) prevailed; voice vote	267
Third reading: passed; Roll Call 80: yeas 47, nays 3	296
Referred to the House	
House sponsor: Representative Bell	
Cosponsors: Representatives Budak and Summers	
First reading: referred to Committee on Family, Children and Human Affairs	503
Committee report: amend do pass, adopted	632
Second reading: amended, ordered engrossed	724
Amendment 2 (Thompson) prevailed; voice vote	724
Third reading: recommitted to Committee of One, Amendment 4 (Bell) prevailed by two-thirds vote; bill passed; Roll Call 371: yeas 98, nays 0	746
Returned to the Senate with amendments	738
Senate dissented from House amendments	745
Senate conferees appointed: Lawson and Lanane	
House conferees appointed: Bell and Summers	766
House advisors appointed: Budak and Kromkowski	
Conference committee report 1: filed in the House	901
Rules suspended; conference committee report 1: adopted by the House; Roll Call 464: yeas 92, nays 1	1068
Conference committee report 1: adopted by the Senate; Roll Call 389: yeas 47, nays 0	1037
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1280
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 146:	
SECTIONS 1 through 11 effective July 1, 2006	
SECTION 12 effective March 24, 2006	
SECTIONS 13 through 17 effective July 1, 2006	
SECTION 18 effective March 24, 2006	
SECTIONS 19 through 60 effective July 1, 2006	
SECTION 61 effective March 24, 2006	

SB 140 Author Senator Lawson

Assignment of benefits.

Authorized by Senator Lawson	25
First reading: referred to Committee on Health and Provider Services	
Senator Breaux added as coauthor	96

SB 141 Author Senator Lanane

Confined feeding operations.

Authorized by Senator Lanane	27
First reading: referred to Committee on Energy and Environmental Affairs	

SB 142 Author Senator Lanane

Collective bargaining for public employees.

Authorized by Senator Lanane	27
First reading: referred to Committee on Pensions and Labor	

SB 143 Authors Senators Dillon and Broden**Sponsor Representative Leonard**

Explanation of proposed constitutional amendments.

Authorized by Senator Dillon	27
First reading: referred to Committee on Judiciary	
Committee report: amend do pass, adopted	246
Second reading: ordered engrossed	288
Senator Broden added as second author	311
Third reading: passed; Roll Call 106: yeas 48, nays 2	314
Referred to the House	
House sponsor: Representative Leonard	
Cosponsor: Representative Moses	
First reading: referred to Committee on Elections and Apportionment	508

SB 144 Author Senator Zakas

Access to juvenile information in police records.

Authorized by Senator Zakas	27
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	

■ SB 145 Authors Senators M. Young and Delph**Sponsor Representative Duncan**

Vehicle forfeiture and driving while intoxicated.

Authorized by Senator M. Young	27
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Senator Delph added as second author	78
Senator Wyss added as coauthor	97
Committee report: amend do pass, adopted	241
Second reading: ordered engrossed	278
Third reading: passed; Roll Call 107: yeas 34, nays 16	314
Referred to the House	
House sponsor: Representative Duncan	
Cosponsors: Representatives Noe and Behning	
Senator Drozda added as coauthor	315
Senator Howard added as coauthor	
First reading: referred to Committee on Roads and Transportation	508
Committee report: amend do pass, adopted	593
Representative Goodin added as cosponsor	627
Second reading: amended, ordered engrossed	645
Amendment 1 (Stutzman) prevailed; voice vote	645
Third reading: passed; Roll Call 370: yeas 92, nays 3	746
Returned to the Senate with amendments	
Senate concurred in House amendments; Roll Call 339: yeas 38, nays 10	762
Signed by the President Pro Tempore	790
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 94: Effective July 1, 2006	

■ SB 146 Author Senator Gard**Sponsor Representative Wolkins**

Property transfer disclosure form.

Authorized by Senator Gard	27
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HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

First reading: referred to Committee on Energy and Environmental Affairs	
Committee report: amend do pass, adopted	196
Second reading: amended, ordered engrossed	287
Amendment 1 (Gard) prevailed; voice vote	287
Third reading: passed; Roll Call 109: yeas 50, nays 0	318
Referred to the House	
House sponsor: Representative Wolkins	
Cosponsor: Representative Dvorak	
First reading: referred to Committee on Environmental Affairs	503
Committee report: do pass, adopted	532
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 312: yeas 93, nays 0	731
Returned to the Senate without amendments	
Signed by the President Pro Tempore	728
Signed by the Speaker	762
Signed by the President of the Senate	764
Signed by the Governor	789
Public Law 15:	
SECTIONS 1 through 5 effective July 1, 2006	
SECTION 6 effective March 13, 2006	

■ SB 147 Author Senator Gard

Sponsor Representative Ripley

Insurance payments to health care providers.	
Authored by Senator Gard	28
First reading: referred to Committee on Health and Provider Services	
Committee report: amend do pass, adopted	110
Senator Becker added as coauthor	182
Second reading: ordered engrossed	193
Third reading: passed; Roll Call 37: yeas 47, nays 0	220
Referred to the House	
House sponsor: Representative Ripley	
Cosponsor: Representative Pelath	
First reading: referred to Committee on Insurance	503
Committee report: amend do pass, adopted	520
Second reading: ordered engrossed	569
Amendment 2 (Orentlicher) ruled out of order	569
Amendment 1 (Fry) ruled out of order	569
Third reading: passed; Roll Call 313: yeas 93, nays 0	732
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 323: yeas 49, nays 0	725
Signed by the President Pro Tempore	768
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 55: Effective July 1, 2006	

■ SB 148 Author Senator Riegsecker

Sponsor Representative Heim

Use of county adjusted gross income tax (CAGIT) revenue by certain counties.	
Authored by Senator Riegsecker	28
First reading: referred to Committee on Tax and Fiscal Policy	
Senators Heinold and Mishler added as coauthors	96
Committee report: amend do pass, adopted	108
Second reading: ordered engrossed	193
Senator Zakas added as coauthor	223
Third reading: passed; Roll Call 57: yeas 48, nays 0	265
Referred to the House	
House sponsor: Representative Heim	
Cosponsors: Representatives Ulmer, Walorski, and Neese	

First reading: referred to Committee on Ways and Means	503
Committee report: amend do pass, adopted	532
Second reading: amended, ordered engrossed	614
Amendment 1 (Thompson) prevailed; voice vote	614
Third reading: passed; Roll Call 314: yeas 56, nays 37	732
Returned to the Senate with amendments	
Senate dissented from House amendments	737
Senate conferees appointed: Riegsecker and Broden	746
Senate advisors appointed: Heinold and Bowser	
House conferees appointed: Heim and Oxley	774
House advisors appointed: Walorski, Thompson, and Welch	
Conference committee report 1: filed in the House	1060
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 475: yeas 55, nays 36	1070
Made special order of business	1263
Rules suspended	1263
Conference committee report 1: adopted by the Senate;	
Roll Call 411: yeas 50, nays 0	1263
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1281
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 147: Effective March 24, 2006	

SB 149 Author Senator Riegsecker

Religious exemption from worker's compensation.	
Authored by Senator Riegsecker	28
First reading: referred to Committee on Pensions and Labor	

SB 150 Author Senator Riegsecker

Sales tax holiday.	
Authored by Senator Riegsecker	28
First reading: referred to Committee on Tax and Fiscal Policy	

■ SB 151 Authors Senators Lawson and Simpson

Sponsor Representative Turner

Child care regulation.	
Authored by Senator Lawson	28
First reading: referred to Committee on Health and Provider Services	
Senator Landske added as coauthor	182
Committee report: amend do pass, adopted	238
Second reading: amended, ordered engrossed	308
Amendment 1 (Lawson) prevailed; voice vote	308
Third reading: passed; Roll Call 129: yeas 50, nays 0	327
Referred to the House	
House sponsor: Representative Turner	
Cosponsors: Representatives Budak and Crawford	
Senator Breaux added as coauthor	328
Senator Simpson added as second author	328
First reading: referred to Committee on Family, Children and Human Affairs	508
Committee report: do pass, adopted	633
Second reading: ordered engrossed	677
Third reading: passed; Roll Call 315: yeas 92, nays 1	732
Returned to the Senate without amendments	
Signed by the President Pro Tempore	726
Signed by the Speaker	762
Signed by the President of the Senate	764
Signed by the Governor	789
Public Law 16:	
SECTIONS 1 through 3 effective March 13, 2006	
SECTIONS 4 through 5 effective July 1, 2006	
SECTION 6 effective March 13, 2006	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SB 152 Author Senator Lawson

Indiana election commission.

Authorized by Senator Lawson 28
 First reading: referred to Committee on Elections
 and Civic Affairs

■ SB 153 Author Senator Lawson**Sponsor Representative Richardson**

State central collection unit and child support.

Authorized by Senator Lawson 28
 First reading: referred to Committee on Judiciary
 Committee report: amend do pass, adopted 132
 Reassigned to the Committee on Appropriations
 Committee report: amend do pass, adopted 244
 Second reading: ordered engrossed 294
 Third reading: passed; Roll Call 110: yeas 41, nays 9 318

Referred to the House

House sponsor: Representative Richardson

Cosponsors: Representatives Budak and Summers

First reading: referred to Committee on Ways and Means ... 513
 Committee report: do pass, adopted 595
 Representative Messer added as cosponsor 627
 Second reading: amended, ordered engrossed 700
 Amendment 3 (Richardson) prevailed; voice vote 700
 Amendment 1 (Avery) ruled out of order 701

Third reading: made special order of business for 4:00 p.m.
 on March 1, 2006 732
 Reread third time: passed; Roll Call 323: yeas 91, nays 5 ... 733

Returned to the Senate with amendments

Senate concurred in House amendments;
 Roll Call 340: yeas 40, nays 8 762

Joint Rule 20 technical correction
 adopted by the House 1038

Joint Rule 20 technical correction
 adopted by the Senate 863

Signed by the President of the Senate 1280

Signed by the President Pro Tempore 1281

Signed by the Speaker 1246

Signed by the Governor 1282

Public Law 148:

SECTIONS 1 through 7 effective July 1, 2006

SECTION 8 effective March 24, 2006

SECTIONS 9 through 17 effective July 1, 2006

SECTIONS 18 through 24 effective March 24, 2006

SECTIONS 25 through 29 effective July 1, 2006

SECTION 30 effective March 24, 2006

SECTIONS 31 through 35 effective July 1, 2006

■ SB 154 Author Senator Heinold**Sponsor Representative Heim**

Extra heavy duty highway.

Authorized by Senator Heinold 28
 First reading: referred to Committee on Commerce and
 Transportation

Senator Bowser added as coauthor 66

Committee report: do pass, adopted 140

Senator Tallian added as coauthor 182

Senator Landske added as coauthor 185

Second reading: ordered engrossed 191

Third reading: passed; Roll Call 39: yeas 47, nays 0 220

Referred to the House

House sponsor: Representative Heim

Senator Broden added as coauthor 223

First reading: referred to Committee on Roads and
 Transportation 503

Committee report: do pass, adopted 536
 Second reading: ordered engrossed 597
 Third reading: passed; Roll Call 316: yeas 63, nays 31 732

Returned to the Senate without amendments

Signed by the President Pro Tempore 728

Signed by the Speaker 762

Signed by the President of the Senate 764

Signed by the Governor 789

Public Law 17: Effective March 13, 2006

SB 155 Author Senator Heinold

Public work projects.

Authorized by Senator Heinold 28

First reading: referred to Committee on Commerce and
 Transportation

SB 156 Authors Senators Lewis and Steele

Direct shipment of wine.

Authorized by Senators Lewis and Steele 28

First reading: referred to Committee on Commerce and
 Transportation

Senator R. Young added as coauthor 67

■ SB 157 Authors Senators Lewis and Weatherwax**Sponsor Representative Hoffman**

Natural resources advisory councils.

Authorized by Senators Lewis, Weatherwax 28

First reading: referred to Committee on Natural Resources

Committee report: do pass, adopted 184

Second reading: ordered engrossed 267

Third reading: passed; Roll Call 81: yeas 50, nays 0 296

Referred to the House

House sponsor: Representative Hoffman

Cosponsor: Representative Bischoff

First reading: referred to Committee on Natural Resources ... 503

Committee report: do pass, adopted 520

Second reading: amended, ordered engrossed 615

Amendment 1 (Dobis) prevailed; voice vote 615

Third reading: recommitted to Committee of One,

Amendment 2 (Hoffman) prevailed by two-thirds vote;

bill passed; Roll Call 317: yeas 92, nays 0 732

Returned to the Senate with amendments

Senate concurred in House amendments;

Roll Call 341: yeas 48, nays 0 762

Signed by the President Pro Tempore 790

Signed by the Speaker 1239

Signed by the President of the Senate 1280

Signed by the Governor 1281

Public Law 95:

SECTIONS 1 through 9 effective July 1, 2006

SECTIONS 10 through 11 effective March 20, 2006

SB 158 Author Senator Simpson

Fire investigator salary matrix.

Authorized by Senator Simpson 28

First reading: referred to Committee on Homeland Security,
 Utilities, and Public Policy

SB 159 Author Senator Simpson

Department of natural resources employees.

Authorized by Senator Simpson 28

First reading: referred to Committee on Natural Resources

House Senate

House Senate

■ SB 160 Authors Senators Wyss and Lewis

Sponsor Representative Ulmer

Witnesses at an execution.

Authorized by Senator Wyss	28
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Senator Jackman added as coauthor	47
Committee report: do pass, adopted	226
Second reading: ordered engrossed	278
Senator Lewis added as second author	314
Third reading: passed; Roll Call 111: yeas 47, nays 3	319
Referred to the House	
House sponsor: Representative Ulmer	
Cosponsor: Representative Kuzman	
First reading: referred to Committee on Courts and Criminal Code	508
Committee report: amend do pass, adopted	520
Second reading: ordered engrossed	570
Third reading: passed; Roll Call 318: yeas 82, nays 12	732
Returned to the Senate with amendments	
Representative Kuzman removed as cosponsor	742
Representative Thomas added as cosponsor	742
Senate concurred in House amendments; Roll Call 324: yeas 38, nays 11	725
Signed by the President Pro Tempore	768
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 56: Effective March 15, 2006	

■ SB 161 Author Senator Miller

Sponsor Representative T. Brown

Moratorium on comprehensive care beds.

Authorized by Senator Miller	28
First reading: referred to Committee on Health and Provider Services	
Committee report: amend do pass, adopted	113
Second reading: ordered engrossed	190
Third reading: passed; Roll Call 51: yeas 45, nays 2	264
Referred to the House	
House sponsor: Representative T. Brown	
Cosponsor: Representative C. Brown	
First reading: referred to Committee on Public Health	503
Committee report: amend do pass, adopted	520
Second reading: ordered engrossed	571
Third reading: passed; Roll Call 319: yeas 88, nays 0	733
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 342: yeas 45, nays 3	762
Signed by the President Pro Tempore	790
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 96: Effective July 1, 2006	

SB 162 Author Senator Paul

Sponsor Representative Ripley

Exempt commercial policyholder.

Authoring by Senator Paul	28
First reading: referred to Committee on Insurance and Financial Institutions	
Senator Delph added as coauthor	181
Committee report: amend do pass, adopted	201
Second reading: ordered engrossed	295
Third reading: passed; Roll Call 112: yeas 50, nays 0	319
Referred to the House	

House sponsor: Representative Saunders

Cosponsors: Representatives Hoffman and Pflum

First reading: referred to Committee on Insurance	503
Representative Saunders removed as sponsor	506
Representative Ripley added as sponsor	
Representative Saunders added as cosponsor	

SB 163 Author Senator Paul

Annual insurer disclosure.

Authorised by Senator Paul	28
First reading: referred to Committee on Insurance and Financial Institutions	

SB 164 Author Senator Paul

Terroristic intimidation.

Authorship by Senator Paul 28

First reading: referred to Committee on Corrections,
Criminal, and Civil Matters

SB 165 Author Senator Becker

Removal of tenant's property from dwelling unit.

Authoring by Senator Becker	28
First reading: referred to Committee on Judiciary	
Senator Lanane added as coauthor	73

SB 166 Authors Senators Miller and Sipes

Sponsor Representative T. Brown

Physical therapy.

Authorized by Senator Miller	28
First reading: referred to Committee on Health and Provider Services	
Committee report: amend do pass, adopted	238
Senator Sipes added as second author	314
Second reading: amended, ordered engrossed	324
Amendment 2 (Alting) prevailed; voice vote	324
Amendment 4 (Miller) prevailed; voice vote	324
Third reading: passed; Roll Call 165: yeas 50, nays 0	335
Referred to the House	
House sponsor: Representative T. Brown	
Cosponsor: Representative Austin	
First reading: referred to Committee on Public Health	508

SB 167 Author Senator Miller

Sex offender registry.

Authored by Senator Miller 28
 First reading: referred to Committee on Corrections,
 Criminal, and Civil Matters

■ SB 168 Authors Senators Miller and Ford

Sponsor Representative Foley

Medicaid fraud.

Authorized by Senator Miller	28
First reading: referred to Committee on Judiciary	
Senator Ford added as second author	96
Committee report: amend do pass, adopted	134
Second reading: ordered engrossed	193
Third reading: passed; Roll Call 30: yeas 47, nays 0	219
Referred to the House	
House sponsor: Representative Foley	
First reading: referred to Committee on Courts and	
Criminal Code	503
Representative Thomas added as cosponsor	526

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Committee report: amend do pass, adopted	589		First reading: referred to Committee on Education and Career Development		
Second reading: ordered engrossed	597		Committee report: do pass, adopted	75	
Third reading: passed; Roll Call 320: yeas 94, nays 0	733		Senator Delph added as coauthor	96	
Returned to the Senate with amendments			Second reading: amended, ordered engrossed	178	
Concurrence withdrawn	756		Amendment 1 (Lubbers) prevailed; voice vote	178	
Senate dissented from House amendments	761		Third reading: passed; Roll Call 25: yeas 31, nays 15	194	
Senate conferees appointed: Miller and Sipes	763		Referred to the House		
House conferees appointed: Thomas and C. Brown	774		House sponsor: Representative Behning		
House advisors appointed: Foley and Welch			First reading: referred to Committee on Education	503	
Conference committee report 1: filed in the House	800		Committee report: amend do pass, adopted	521	
Rules suspended; conference committee report 1:			Second reading: ordered engrossed	571	
adopted by the House; Roll Call 435: yeas 96, nays 0	1004		Representative Porter added as cosponsor	675	
Conference committee report 1: adopted by the Senate;			Third reading: recommitted to Committee of One,		
Roll Call 390: yeas 48, nays 0	1052		Amendment 1 (Behning) prevailed by two-thirds vote;		
Signed by the President of the Senate	1281		bill passed; Roll Call 322: yeas 95, nays 0	733	
Signed by the President Pro Tempore	1281		Returned to the Senate with amendments		
Signed by the Speaker	1246		Senate dissented from House amendments	718	
Signed by the Governor	1282		Senate conferees appointed: Lubbers and Rogers	723	
Public Law 149: Effective July 1, 2006			Senate advisors appointed: Delph and Sipes		
■ SB 169 Authors Senators Miller and Howard			House conferees appointed: Behning and Porter	757	
Sponsor Representative T. Brown			House advisor appointed: Messer		
Extension of nursing facility assessment fee.			Conference committee report 1: filed in the House	966	
Authored by Senator Miller	28		Conference committee report 1: adopted by the Senate;		
First reading: referred to Committee on Health and			Roll Call 391: yeas 48, nays 0	1052	
Provider Services			Rules suspended; conference committee report 1:		
Committee report: do pass, adopted	140		adopted by the House; Roll Call 488: yeas 97, nays 0	1235	
Second reading: ordered engrossed	192		Signed by the President of the Senate	1280	
Third reading: passed; Roll Call 54: yeas 48, nays 0	264		Signed by the President Pro Tempore	1281	
Referred to the House			Signed by the Speaker	1246	
House sponsor: Representative T. Brown			Signed by the Governor	1282	
Cosponsor: Representative C. Brown			Public Law 150: Effective July 1, 2006		
Senator Howard added as second author	268		■ SB 173 Author Senator Lubbers		
First reading: referred to Committee on Public Health	503		Sponsor Representative Behning		
Committee report: do pass, adopted	521		Informational student counts.		
Referred to the Committee on Ways and Means			Authored by Senator Lubbers	28	
pursuant to House Rule 127	526		First reading: referred to Committee on Education		
Committee report: do pass, adopted	595		and Career Development		
Second reading: ordered engrossed	639		Committee report: amend do pass, adopted	230	
Third reading: passed; Roll Call 321: yeas 96, nays 0	733		Second reading: ordered engrossed	295	
Returned to the Senate without amendments			Third reading: passed; Roll Call 113: yeas 39, nays 11	319	
Signed by the President Pro Tempore	726		Referred to the House		
Signed by the Speaker	762		House sponsor: Representative Behning		
Signed by the President of the Senate	764		First reading: referred to Committee on Education	508	
Signed by the Governor	789		Committee report: do pass, adopted	595	
Public Law 18: Effective July 1, 2006			Second reading: ordered engrossed	645	
SB 170 Author Senator Breau			Third reading: passed; Roll Call 324: yeas 94, nays 1	733	
Consolidation of Marion County government.			Returned to the Senate without amendments		
Authored by Senator Breau	28		Signed by the President Pro Tempore	727	
First reading: referred to Committee on Governmental			Signed by the Speaker	762	
Affairs and Interstate Cooperation			Signed by the President of the Senate	764	
SB 171 Author Senator Wyss			Signed by the Governor	789	
Operating while intoxicated and accident scenes.			Public Law 19: Effective July 1, 2006		
Authored by Senator Wyss	28		SB 174 Author Senator M. Young		
First reading: referred to Committee on Corrections,			Administration of dental anesthetics.		
Criminal, and Civil Matters			Authored by Senator M. Young	28	
■ SB 172 Author Senator Lubbers			First reading: referred to Committee on Health and		
Sponsor Representative Behning			Provider Services		
Teacher shortages.			SB 175 Author Senator R. Young		
Authored by Senator Lubbers	28		Vehicle bill.		
			Authored by Senator R. Young	28	
			First reading: referred to Committee on Rules and		
			Legislative Procedure		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SB 176 Author Senator R. Young			SB 186 Author Senator R. Young		
Vehicle bill.			Vehicle bill.		
Authorized by Senator R. Young	28		Authorized by Senator R. Young		29
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Rules and Legislative Procedure		
SB 177 Author Senator R. Young			SB 187 Author Senator R. Young		
Vehicle bill.			Vehicle bill.		
Authorized by Senator R. Young	28		Authorized by Senator R. Young		29
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Rules and Legislative Procedure		
SB 178 Author Senator R. Young			SB 188 Author Senator R. Young		
Vehicle bill.			Vehicle bill.		
Authorized by Senator R. Young	28		Authorized by Senator R. Young		29
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Rules and Legislative Procedure		
SB 179 Author Senator R. Young			SB 189 Author Senator R. Young		
Vehicle bill.			Vehicle bill.		
Authorized by Senator R. Young	29		Authorized by Senator R. Young		29
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Rules and Legislative Procedure		
SB 180 Author Senator R. Young			SB 190 Author Senator R. Young		
Vehicle bill.			State employee layoffs; professional services contract.		
Authorized by Senator R. Young	29		Authorized by Senator R. Young		29
First reading: referred to Committee on Rules and Legislative Procedure			First reading: referred to Committee on Governmental Affairs and Interstate Cooperation		
SB 181 Author Senator R. Young			■ SB 191 Authors Senators Wyss and Craycraft		
Vehicle bill.			Sponsor Representative Ruppel		
Authorized by Senator R. Young	29		Photos in criminal history files.		
First reading: referred to Committee on Rules and Legislative Procedure			Authorized by Senator Wyss		29
SB 182 Author Senator R. Young			First reading: referred to Committee on Homeland Security, Utilities, and Public Policy		
Vehicle bill.			Senator Craycraft added as second author		96
Authorized by Senator R. Young	29		Committee report: amend do pass, adopted		110
First reading: referred to Committee on Rules and Legislative Procedure			Second reading: ordered engrossed		191
SB 183 Author Senator R. Young			Third reading: passed; Roll Call 58: yeas 48, nays 0		265
Vehicle bill.			Referred to the House		
Authorized by Senator R. Young	29		House sponsor: Representative Ruppel		
First reading: referred to Committee on Rules and Legislative Procedure			Cosponsor: Representative L. Lawson		
SB 184 Author Senator R. Young			First reading: referred to Committee on Public Safety and Homeland Security		503
Vehicle bill.			Committee report: do pass, adopted		521
Authorized by Senator R. Young	29		Referred to the Committee on Ways and Means		
First reading: referred to Committee on Rules and Legislative Procedure			pursuant to House Rule 127		526
SB 185 Author Senator R. Young			Committee report: do pass, adopted		595
Vehicle bill.			Second reading: ordered engrossed		645
Authorized by Senator R. Young	29		Third reading: passed; Roll Call 325: yeas 95, nays 0		734
First reading: referred to Committee on Rules and Legislative Procedure			Returned to the Senate without amendments		
SB 186 Author Senator R. Young			Signed by the President Pro Tempore		727
Vehicle bill.			Signed by the Speaker		762
Authorized by Senator R. Young	29		Signed by the President of the Senate		764
First reading: referred to Committee on Rules and Legislative Procedure			Signed by the Governor		789
SB 177 Author Senator R. Young			Public Law 20: Effective July 1, 2006		
Vehicle bill.			■ SB 192 Author Senator Bray		
Authorized by Senator R. Young	29		Sponsor Representative Foley		
First reading: referred to Committee on Rules and Legislative Procedure			Bail requirements.		
SB 178 Author Senator R. Young			Authorized by Senator Bray		29
Vehicle bill.					
Authorized by Senator R. Young	28				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 179 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 180 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 181 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 182 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 183 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 184 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					
SB 185 Author Senator R. Young					
Vehicle bill.					
Authorized by Senator R. Young	29				
First reading: referred to Committee on Rules and Legislative Procedure					

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

First reading: referred to Committee on Judiciary	
Committee report: amend do pass, adopted	230
Second reading: ordered engrossed	286
Third reading: passed; Roll Call 114: yeas 50, nays 0	319
Referred to the House	
House sponsor: Representative Foley	
Cosponsor: Representative Ayres	
First reading: referred to Committee on Courts and Criminal Code	508
Committee report: do pass, adopted	633
Second reading: ordered engrossed	677
Third reading: passed; Roll Call 326: yeas 96, nays 0	734
Representative Thomas added as cosponsor	742
Returned to the Senate without amendments	
Joint Rule 20 technical correction adopted by the Senate	745
Joint Rule 20 technical correction adopted by the House	1008
Signed by the President Pro Tempore	1129
Signed by the Speaker	1246
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 97: Effective July 1, 2006	

■ SB 193 Authors Senators Bray and Hume Sponsor Representative Foley

Controlled substances.	
Authored by Senators Bray, Hume	29
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Committee report: amend do pass, adopted	251
Second reading: ordered engrossed	288
Third reading: passed; Roll Call 115: yeas 50, nays 0	319
Referred to the House	
House sponsor: Representative Foley	
Cosponsors: Representatives Bell and VanHaaften	
First reading: referred to Committee on Courts and Criminal Code	508
Committee report: amend do pass, adopted	633
Representative Thomas added as cosponsor	675
Second reading: ordered engrossed	677
Third reading: passed; Roll Call 327: yeas 97, nays 0	734
Returned to the Senate with amendments	
Senate dissented from House amendments	705
Senate conferees appointed: Bray and Hume	706
House conferees appointed: Foley and VanHaaften	754
House advisor appointed: Bell	
Conference committee report 1: filed in the House	852
Rules suspended; conference committee report 1: adopted by the House; Roll Call 436: yeas 97, nays 0	1004
Conference committee report 1: adopted by the Senate; Roll Call 392: yeas 48, nays 0	1052
Signed by the President Pro Tempore	1277
Signed by the President of the Senate	1281
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 151:	
SECTIONS 1 through 5 effective July 1, 2006	
SECTION 6 effective March 24, 2006	
SECTION 7 effective July 1, 2006	
SECTION 8 effective March 24, 2006	
SECTIONS 9 through 27 effective July 1, 2006	
SECTION 28 effective March 24, 2006	
SECTION 29 effective July 1, 2006	

House Senate

SB 194 Authors Senators Hume and Meeks

Sponsor Representative Thompson

Teacher professional development days.	
Authored by Senator Hume	29
First reading: referred to Committee on Education and Career Development	
Senator Meeks added as second author	78
Committee report: amend do pass, adopted	230
Second reading: amended, ordered engrossed	286
Amendment 1 (Kenley) prevailed;	
division of the Senate: yeas 33, nays 17	286
Third reading: passed; Roll Call 116: yeas 31, nays 19	319
Referred to the House	
House sponsor: Representative Thompson	
Cosponsor: Representative Oxley	
Senators Skinner and Rogers added as coauthors	328
Senator Craycraft added as coauthor	329
First reading: referred to Committee on Education	508

SB 195 Author Senator Mrvan

Charter school budget review.	
Authored by Senator Mrvan	29
First reading: referred to Committee on Education and Career Development	

SB 196 Author Senator Mrvan

Election fraud.	
Authored by Senator Mrvan	29
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	

SB 197 Author Senator Mrvan

County property tax credit.	
Authored by Senator Mrvan	29
First reading: referred to Committee on Tax and Fiscal Policy	

SB 198 Author Senator Mrvan

Equivalent jobs and wage discrimination.	
Authored by Senator Mrvan	29
First reading: referred to Committee on Pensions and Labor	

SB 199 Author Senator M. Young

Internal insurance compliance audits.	
Authored by Senator M. Young	29
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	

SB 200 Author Senator Riegsecker

Removal of keys from a vehicle stopped by police.	
Authored by Senator Riegsecker	29
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	

■ SB 201 Author Senator Riegsecker

Sponsor Representative Walorski

Manufactured home installation.	
Authored by Senator Riegsecker	29
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	
Committee report: do pass, adopted	76

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Second reading: ordered engrossed		95	■ SB 205 Author Senator Drozda		
Third reading: passed; Roll Call 17: yeas 49, nays 0		179	Sponsor Representative Koch		
Referred to the House			Disclosure of electronic mail account addresses.		
House sponsor: Representative Walorski			Authorized by Senator Drozda		29
Cosponsors: Representatives Ulmer and Neese			First reading: referred to Committee on Economic		
First reading: referred to Committee on Local			Development and Technology		
Government		503	Committee report: do pass, adopted		139
Committee report: do pass, adopted		634	Second reading: amended, ordered engrossed		216
Second reading: ordered engrossed		677	Amendment 1 (Drozda) prevailed; voice vote		216
Third reading: passed; Roll Call 328: yeas 96, nays 0		734	Third reading: passed; Roll Call 66: yeas 48, nays 0		267
Returned to the Senate without amendments			Referred to the House		
Signed by the President Pro Tempore		728	House sponsor: Representative Koch		
Signed by the Speaker		762	Cosponsor: Representative Heim		
Signed by the President of the Senate		764	First reading: referred to Committee on Government and		
Signed by the Governor		789	Regulatory Reform		503
Public Law 21: Effective July 1, 2006			Committee report: do pass, adopted		595
■ SB 202 Author Senator Riegsecker			Second reading: ordered engrossed		639
Sponsor Representative T. Brown			Third reading: passed; Roll Call 330: yeas 71, nays 25		734
Pharmacy and wholesale drug distributor matters.			Returned to the Senate without amendments		
Authorized by Senator Riegsecker		29	Signed by the President Pro Tempore		727
First reading: referred to Committee on Health and			Signed by the Speaker		762
Provider Services			Signed by the President of the Senate		764
Committee report: amend do pass, adopted		238	Signed by the Governor		789
Second reading: ordered engrossed		278	Public Law 22: Effective March 13, 2006		
Third reading: passed; Roll Call 117: yeas 49, nays 1		319	■ SB 206 Author Senator Drozda		
Referred to the House			Sponsor Representative Buell		
House sponsor: Representative T. Brown			Public safety disability pensions.		
Cosponsors: Representatives Budak and C. Brown			Authorized by Senator Drozda		29
First reading: referred to Committee on Public Health		508	First reading: referred to Committee on Pensions and		
Committee report: amend do pass, adopted		634	Labor		
Second reading: amended, ordered engrossed		724	Committee report: do pass, adopted		226
Amendment 1 (T. Brown) prevailed; voice vote		724	Senator Becker added as coauthor		263
Third reading: passed; Roll Call 329: yeas 95, nays 0		734	Second reading: amended, ordered engrossed		291
Returned to the Senate with amendments			Amendment 1 (Drozda) prevailed;		
Senate dissented from House amendments		714	division of the Senate: yeas 32, nays 17		291
Senate conferees appointed: Riegsecker and Sipes		715	Senator Gard added as coauthor		296
House conferees appointed: T. Brown and C. Brown		754	Senator Rogers added as coauthor		297
House advisor appointed: Budak			Senator Tallian added as coauthor		311
Conference committee report 1: filed in the House		805	Third reading: passed; Roll Call 118: yeas 50, nays 0		319
Conference committee report 1: adopted by the Senate;			Referred to the House		
Roll Call 367: yeas 50, nays 0		836	House sponsor: Representative Buell		
Rules suspended; conference committee report 1:			Cosponsor: Representative Kromkowski		
adopted by the House; Roll Call 430: yeas 98, nays 0		900	First reading: referred to Committee on Public Safety and		
Signed by the President Pro Tempore		1129	Homeland Security		513
Signed by the Speaker		1246	Representative Ruppel added as cosponsor		526
Signed by the President of the Senate		1280	Committee report: do pass, adopted		536
Signed by the Governor		1281	Second reading: amended, ordered engrossed		645
Public Law 98: Effective March 20, 2006			Amendment 1 (Kuzman) prevailed;		
■ SB 203 Author Senator Riegsecker			division of the House: yeas 55, nays 33		645
Public records involving children.			Third reading: passed; Roll Call 331: yeas 95, nays 1		734
Authorized by Senator Riegsecker		29	Returned to the Senate with amendments		
First reading: referred to Committee on Governmental			Senate concurred in House amendments;		
Affairs and Interstate Cooperation			Roll Call 325: yeas 49, nays 0		725
Committee report: amend do pass, adopted		131	Signed by the President Pro Tempore		768
Second reading: ordered engrossed		324	Signed by the Speaker		777
■ SB 204 Author Senator Drozda			Signed by the President of the Senate		779
Health coverage options.			Signed by the Governor		1280
Authorized by Senator Drozda		29	Public Law 62: Effective July 1, 2006		
First reading: referred to Committee on Health and			■ SB 207 Author Senator Dillon		
Provider Services			Collection of court costs and fines.		
			Authorized by Senator Dillon		29
			First reading: referred to Committee on Judiciary		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

■ SB 208 Author Senator Dillon**Sponsor Representative T. Brown**

Medical alert on licenses or identification cards.

Authored by Senator Dillon 29
 First reading: referred to Committee on Commerce and
 Transportation

Committee report: amend do pass, adopted 134

Second reading: amended, ordered engrossed 191

Amendment 1 (Tallian) prevailed; voice vote 191

Senators Lanane and Heinold added as coauthors 195

Third reading: passed; Roll Call 34: yeas 47, nays 0 220

Referred to the House

House sponsor: Representative T. Brown

Cosponsor: Representative Welch

First reading: referred to Committee on Roads and

Transportation 503

Committee report: do pass, adopted 536

Second reading: ordered engrossed 597

Third reading: passed; Roll Call 332: yeas 96, nays 0 734

Returned to the Senate without amendments

Signed by the President Pro Tempore 727

Signed by the Speaker 762

Signed by the President of the Senate 764

Signed by the Governor 1275

Public Law 37: Effective July 1, 2006

SB 209 Author Senator Dillon

Community investment tax credits.

Authored by Senator Dillon 30

First reading: referred to Committee on Tax and

Fiscal Policy

SB 210 Author Senator Dillon

Medical error reporting.

Authored by Senator Dillon 30

First reading: referred to Committee on Health and

Provider Services

SB 211 Author Senator Miller

Study committees.

Authored by Senator Miller 30

First reading: referred to Committee on Homeland Security,

Utilities, and Public Policy

SB 212 Author Senator Broden

Investments in institutions doing business in Sudan.

Authored by Senator Broden 30

First reading: referred to Committee on Pensions and

Labor

Senator Lanane added as coauthor 264

SB 213 Author Senator Dillon

School bonds for retirement liability.

Authored by Senator Broden 30

First reading: referred to Committee on Tax and

Fiscal Policy

Senator Broden removed as first author 182

Senator Dillon added as first author

SB 214 Author Senator Broden

Exemption from county building ordinance.

Authored by Senator Broden 30

First reading: referred to Committee on Governmental
Affairs and Interstate Cooperation

SB 215 Author Senator Broden

Child in need of services; grandparent visitation.

Authored by Senator Broden 30

First reading: referred to Committee on Judiciary

SB 216 Author Senator Broden

Gas utility connection charges and deposits.

Authored by Senator Broden 30

First reading: referred to Committee on Homeland Security,

Utilities, and Public Policy

Senator Bowser added as coauthor 223

Senator Becker added as coauthor 263

SB 217 Authors Senators Broden and Wyss**Sponsor Representative Ripley**

Redevelopment commission housing programs.

Authored by Senator Broden 30

First reading: referred to Committee on Tax and

Fiscal Policy

Senator Wyss added as second author 185

Senator Kenley added as coauthor 194

Senators Mrvan and Alting added as coauthors 222

Senator Zakas added as coauthor 224

Committee report: amend do pass, adopted 236

Second reading: amended, ordered engrossed 288

Amendment 1 (Broden) prevailed; voice vote 288

Third reading: passed; Roll Call 119: yeas 50, nays 0 320

Referred to the House

House sponsor: Representative Ripley

Cosponsors: Representatives Moses, Pond, and Dvorak

Senators Skinner and Lanane added as coauthors 328

First reading: referred to Committee on Local

Government 508

Committee report: do pass, adopted 536

Referred to the Committee on Ways and Means

pursuant to House Rule 127 591

SB 218 Author Senator Tallian

Affiliated interests of regulated utilities.

Authored by Senator Tallian 30

First reading: referred to Committee on Homeland Security,

Utilities, and Public Policy

SB 219 Author Senator Tallian

Ballast water and sediment in vessels.

Authored by Senator Tallian 30

First reading: referred to Committee on Energy and

Environmental Affairs

SB 220 Author Senator Tallian

Sand dredging on Lake Michigan.

Authored by Senator Tallian 30

First reading: referred to Committee on Energy and

Environmental Affairs

SB 221 Author Senator Tallian

Indiana Toll Road.

Authored by Senator Tallian 30

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
First reading: referred to Committee on Commerce and Transportation			Representative Friend added as cosponsor	526	
			Representative Porter added as cosponsor	627	
			Committee report: do pass, adopted	660	
			Second reading: ordered engrossed	677	
			Third reading: passed; Roll Call 333: yeas 95, nays 1	734	
SB 222 Author Senator Tallian			Returned to the Senate without amendments		
Tuition exemption.			Representative T. Harris added as cosponsor	742	
Authored by Senator Tallian	30		Signed by the President Pro Tempore		727
First reading: referred to Committee on Education and Career Development			Signed by the Speaker	762	
			Signed by the President of the Senate		764
			Signed by the Governor		1275
			Public Law 38: Effective July 1, 2006		
SB 223 Author Senator Tallian			SB 230 Authors Senators Lubbers and Simpson		
Worker's compensation.			Sponsor Representative Behning		
Authored by Senator Tallian	30		Student loans.		
First reading: referred to Committee on Pensions and Labor			Authored by Senator Lubbers		30
			First reading: referred to Committee on Education and Career Development		
SB 224 Author Senator Lanane			Committee report: do pass, adopted		139
Reflex sympathetic dystrophy syndrome education.			Reassigned to the Committee on Appropriations		
Authored by Senator Lanane	30		Committee report: do pass, adopted		226
First reading: referred to Committee on Health and Provider Services			Senator Simpson added as second author		263
			Second reading: ordered engrossed		291
SB 225 Author Senator Lanane			Third reading: passed; Roll Call 120: yeas 47, nays 3		320
Madison County courts.			Referred to the House		
Authored by Senator Lanane	30		House sponsor: Representative Behning		
First reading: referred to Committee on Judiciary			Cosponsor: Representative Micon		
			First reading: referred to Committee on Financial Institutions		513
SB 226 Author Senator Craycraft			Representative Welch added as cosponsor		592
State police pension benefits.			■ SB 231 Author Senator Alting		
Authored by Senator Craycraft	30		Sponsor Representative Behning		
First reading: referred to Committee on Pensions and Labor			Academic honors diploma grants.		
SB 227 Author Senator Craycraft			Authored by Senator Alting		30
Notice of business closure.			First reading: referred to Committee on Education and Career Development		
Authored by Senator Craycraft	30		Committee report: do pass, adopted		75
First reading: referred to Committee on Pensions and Labor			Second reading: amended, ordered engrossed		95
SB 228 Author Senator Craycraft			Amendment 1 (Sipes) prevailed;		
Military family benefits.			division of the Senate: yeas 23, nays 21		
Authored by Senator Craycraft	30		Third reading: passed; Roll Call 18: yeas 35, nays 14		179
First reading: referred to Committee on Appropriations			Referred to the House		
			House sponsor: Representative Behning		
■ SB 229 Author Senator Lubbers			Cosponsors: Representatives Klinker, T. Brown, and Micon		
Sponsor Representative Turner			First reading: referred to Committee on Education		503
Independent college self-insurance program.			Committee report: do pass, adopted		521
Authored by Senator Lubbers	30		Second reading: amended, ordered engrossed		574
First reading: referred to Committee on Insurance and Financial Institutions			Amendment 1 (Thompson) prevailed; voice vote		574
Committee report: amend do pass, adopted	271		Third reading: recommitted to Committee of One,		
Senator Lanane added as coauthor	298		Amendment 2 (Behning) prevailed by two-thirds vote;		
Second reading: amended, ordered engrossed	324		bill passed; Roll Call 334: yeas 97, nays 0		734
Amendment 1 (Lubbers) prevailed; voice vote	324		Returned to the Senate with amendments		
Senators Hershman and Zakas added as coauthors	328		Senate concurred in House amendments;		
Third reading: passed; Roll Call 166: yeas 50, nays 0	336		Roll Call 343: yeas 45, nays 3		762
Referred to the House			Signed by the President Pro Tempore		859
House sponsor: Representative Turner			Signed by the Speaker	1239	
First reading: referred to Committee on Insurance	508		Signed by the President of the Senate		1280
			Signed by the Governor		1281
			Public Law 99:		
			SECTION 1 effective retroactive to January 1, 2006		
			SECTION 2 effective retroactive to January 1, 2005		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
■ SB 232 Author Senator Gard					
Sponsor Representative Foley					
Jury service exemptions.			Senator Wyss added as second author		194
Authorized by Senator Gard		30	Committee report: amend do pass, adopted		243
First reading: referred to Committee on Judiciary			Senator Craycraft added as coauthor		263
Committee report: amend do pass, adopted	227		Second reading: ordered engrossed		292
Second reading: ordered engrossed	291		Third reading: passed; Roll Call 122: yeas 50, nays 0		320
Third reading: passed; Roll Call 121: yeas 50, nays 0	320		Referred to the House		
Referred to the House			House sponsor: Representative Duncan		
House sponsor: Representative Foley			First reading: referred to Committee on Roads and		
Cosponsor: Representative Mays			Transportation	508	
First reading: referred to Committee on Judiciary	508		Committee report: do pass, adopted	595	
Committee report: do pass, adopted	536		Representative Goodin added as cosponsor	628	
Representatives Koch and Thomas added as cosponsors	592		Second reading: ordered engrossed	639	
Second reading: ordered engrossed	597		Third reading: passed; Roll Call 281: yeas 90, nays 2	703	
Third reading: passed; Roll Call 282: yeas 91, nays 0	703		Returned to the Senate without amendments		
Returned to the Senate without amendments			Joint Rule 21 technical correction		
Signed by the President Pro Tempore	707		adopted by the Senate		705
Signed by the Speaker	751		Joint Rule 21 technical correction		
Signed by the President of the Senate	763		adopted by the House	795	
Signed by the Governor	779		Signed by the President Pro Tempore		862
Public Law 4: Effective July 1, 2006			Signed by the Speaker	1239	
			Signed by the President of the Senate		1280
			Signed by the Governor		1282
			Public Law 117:		
			SECTION 1 effective March 21, 2006		
			SECTIONS 2 through 3 effective July 1, 2006		
SB 233 Author Senator Gard					
Technology textbooks.					
Authorized by Senator Gard		30	■ SB 236 Author Senator Drozda		
First reading: referred to Committee on Education			Sponsor Representative Friend		
and Career Development			Driver training schools.		
			Authorized by Senator Drozda		30
			First reading: referred to Committee on Education		
			and Career Development		
			Committee report: amend do pass, adopted	230	
			Second reading: ordered engrossed	288	
			Third reading: passed; Roll Call 123: yeas 50, nays 0	320	
			Referred to the House		
			House sponsor: Representative Friend		
			Cosponsor: Representative Turner		
			Senator Skinner added as coauthor	328	
			First reading: referred to Committee on Roads and		
			Transportation	508	
			Committee report: do pass, adopted	596	
			Second reading: ordered engrossed	639	
			Third reading: passed; Roll Call 280: yeas 91, nays 0	703	
			Returned to the Senate without amendments		
			Signed by the President Pro Tempore	708	
			Signed by the Speaker	751	
			Signed by the President of the Senate		763
			Signed by the Governor		779
			Public Law 5: Effective March 9, 2006		
			SB 237 Author Senator Kruse		
			Regulation of abortion clinics.		
			Authorized by Senator Kruse		30
			First reading: referred to Committee on Health and		
			Provider Services		
			Senators Mrvan and Craycraft added as coauthors		78
			SB 238 Author Senator Lutz		
			Marion County fire consolidation.		
			Authorized by Senator Lutz		30
			First reading: referred to Committee on Governmental		
			Affairs and Interstate Cooperation		
■ SB 234 Author Senator Gard					
Sponsor Representative Wolkins					
Environmental rules and enforcement.					
Authorized by Senator Gard		30	■ SB 235 Authors Senators Gard and Wyss		
First reading: referred to Committee on Energy and			Sponsor Representative Duncan		
Environmental Affairs			Special group recognition license plates.		
Committee report: amend do pass, adopted	108		Authorized by Senator Gard		30
Second reading: amended, ordered engrossed	191		First reading: referred to Committee on Commerce and		
Amendment 1 (Gard) prevailed; voice vote	191		Transportation		
Third reading: passed; Roll Call 31: yeas 46, nays 1	219				
Referred to the House					
House sponsor: Representative Wolkins					
Cosponsor: Representative Dvorak					
First reading: referred to Committee on					
Environmental Affairs	503				
Committee report: amend do pass, adopted	602				
Second reading: ordered engrossed	724				
Amendment 1 (Aguilera) ruled out of order	724				
Third reading: passed; Roll Call 335: yeas 96, nays 0	735				
Returned to the Senate with amendments					
Senate concurred in House amendments;					
Roll Call 326: yeas 49, nays 0	725				
Signed by the President Pro Tempore	790				
Signed by the Speaker	1239				
Signed by the President of the Senate	1280				
Signed by the Governor	1281				
Public Law 100:					
SECTIONS 1 through 15 effective July 1, 2006					
SECTION 16 effective March 20, 2006					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SB 239 Author Senator Lutz			Cosponsors: Representatives Murphy, Grubb, and Mays		
Slot machines.			First reading: referred to Committee on Technology,		
Authored by Senator Lutz	30		Research and Development	503	
First reading: referred to Committee on Rules and			Committee report: amend do pass, adopted	602	
Legislative Procedure					
 SB 240 Author Senator Lutz			 ■ SB 246 Authors Senators Wyss and Broden		
Interrogation of police officers and firefighters.			Sponsor Representative Foley		
Authored by Senator Lutz	30		Sex offenders.		
First reading: referred to Committee on Corrections,			Authored by Senators Wyss, Broden	31	
Criminal, and Civil Matters			Coauthored by Senator Long		
 SB 241 Author Senator Lutz			First reading: referred to Committee on Corrections,		
Review of privatization plans.			Criminal, and Civil Matters		
Authored by Senator Lutz	31		Senator Delph added as coauthor	96	
First reading: referred to Committee on Governmental			Committee report: amend do pass, adopted	99	
Affairs and Interstate Cooperation			Senator Steele added as coauthor	182	
 SB 242 Author Senator Lutz			Second reading: ordered engrossed	192	
Voter proof of identification.			Third reading: passed; Roll Call 47: yeas 47, nays 0	221	
Authored by Senator Lutz	31		Referred to the House		
First reading: referred to Committee on Elections			House sponsor: Representative Foley		
and Civic Affairs			Cosponsors: Representatives VanHaaften, Ulmer,		
 SB 243 Author Senator Lutz			and Kuzman		
Sheriff's suspension power.			Senator Mrvan added as coauthor	223	
Authored by Senator Lutz	31		Senator Kruse added as coauthor	224	
First reading: referred to Committee on Governmental			First reading: referred to Committee on Courts and		
Affairs and Interstate Cooperation			Criminal Code	503	
 SB 244 Author Senator Hershman			Committee report: do pass, adopted	590	
Enterprise zone investment cost credit.			Second reading: ordered engrossed	597	
Authored by Senator Hershman	31		Third reading: passed; Roll Call 279: yeas 93, nays 0	703	
First reading: referred to Committee on Tax and			Returned to the Senate without amendments		
Fiscal Policy			House Rule 106.1 suspended; Representative Thomas		
 SB 245 Authors Senators Hershman and Wyss			added as cosponsor	708	
Sponsor Representative Koch			Signed by the President Pro Tempore	708	
Telecommunications.			Signed by the Speaker	751	
Authored by Senators Hershman, Wyss	31		Signed by the President of the Senate	763	
Coauthored by Senators Hume and Rogers			Signed by the Governor	779	
First reading: referred to Committee on Homeland Security,			Public Law 6: Effective July 1, 2006		
Utilities, and Public Policy					
Senators Landske and Kruse added as coauthors	47				
Senators Paul, Nugent, Weatherwax, and Lewis					
added as coauthors	66				
Committee report: amend do pass, adopted	71				
Senator Heinold added as coauthor	74				
Senator Lutz added as coauthor	96				
Second reading: amended, ordered engrossed	185				
Amendment 12 (Hershman) prevailed; voice vote	185				
Amendment 3 (Wyss) prevailed; voice vote	187				
Amendment 14 (Craycraft) prevailed; voice vote	187				
Amendment 4 (Ford) failed;					
Roll Call 21: yeas 13, nays 32	189				
Amendment 6 (Ford) withdrawn	190				
Amendment 13 (Simpson) prevailed; voice vote	190				
Amendment 15 (Simpson) failed;					
Roll Call 22: yeas 16, nays 29	190				
Third reading: passed; Roll Call 29: yeas 40, nays 6	219				
Referred to the House					
House sponsor: Representative Koch					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate concurred in House amendments; Roll Call 344: yeas 47, nays 1		762	Second reading: amended, ordered engrossed	571	
Signed by the President Pro Tempore		790	Amendment 1 (Goodin) prevailed; voice vote	571	
Signed by the Speaker	1239		Amendment 2 (Orentlicher) ruled out of order	571	
Signed by the President of the Senate		1280	Third reading: passed; Roll Call 277: yeas 93, nays 0	702	
Signed by the Governor		1281	Returned to the Senate with amendments		
Public Law 101: Effective July 1, 2006			Senate dissented from House amendments		726
SB 248 Author Senator Ford			Senate conferees appointed: Weatherwax and Lewis		733
Length of school year.			House conferees appointed: Hoffman and Bischoff	766	
Authored by Senator Ford	31		House advisor appointed: Lehe		
First reading: referred to Committee on Education and Career Development			Conference committee report 1: filed in the House	898	
SB 249 Author Senator Ford			Rules suspended; conference committee report 1: adopted by the House; Roll Call 437: yeas 97, nays 0	1004	
Employee training tax credits and programs.			Conference committee report 1: adopted by the Senate; Roll Call 393: yeas 46, nays 2		1068
Authored by Senator Ford	31		Signed by the President of the Senate		1280
First reading: referred to Committee on Tax and Fiscal Policy			Signed by the President Pro Tempore		1281
SB 250 Author Senator Craycraft			Signed by the Speaker	1246	
Unemployment compensation.			Signed by the Governor		1282
Authored by Senator Craycraft	31		Public Law 152: Effective July 1, 2006		
First reading: referred to Committee on Pensions and Labor			SB 254 Author Senator Becker		
SB 251 Author Senator Weatherwax			Lease protections for domestic violence victims.		
Sponsor Representative Cherry			Authored by Senator Becker		31
Motor carrier enforcement.			First reading: referred to Committee on Judiciary		
Authored by Senator Weatherwax	31		Senator Lanane added as coauthor		73
First reading: referred to Committee on Tax and Fiscal Policy			SB 255 Withdrawn pursuant to Senate Rule 44(a).		
Committee report: amend do pass, adopted	247		Withdrawn prior to first reading		47
Second reading: amended, ordered engrossed	278		SB 256 Authors Senators Landske and Mrvan		
Amendment 1 (Ford) prevailed; voice vote	278		Sponsor Representative Ayres		
Third reading: passed; Roll Call 124: yeas 50, nays 0	320		Credit for excessive residential property taxes.		
Referred to the House			Authored by Senators Landske, Mrvan		31
House sponsor: Representative Cherry			First reading: referred to Committee on Tax and Fiscal Policy		
Cosponsors: Representatives Buell and Cochran			Committee report: amend do pass, adopted	76	
Senator Hume added as coauthor	328		Senator Craycraft added as coauthor	95	
First reading: referred to Committee on Roads and Transportation	513		Second reading: ordered engrossed	191	
SB 252 Authors Senators Weatherwax and Merritt			Third reading: passed; Roll Call 56: yeas 48, nays 0	264	
Enterprise zone investment deduction.			Referred to the House		
Authored by Senators Weatherwax, Merritt	31		House sponsor: Representative Ayres		
First reading: referred to Committee on Tax and Fiscal Policy			Cosponsor: Representative Aguilera		
SB 253 Author Senator Weatherwax			First reading: referred to Committee on Ways and Means	503	
Sponsor Representative Hoffman			SB 257 Authors Senators Alting and Kenley		
Activities along shorelines.			Energy and fuel assistance grants to schools.		
Authored by Senator Weatherwax	31		Authored by Senator Alting		31
First reading: referred to Committee on Natural Resources			First reading: referred to Committee on Appropriations		
Committee report: amend do pass, adopted	184		Senator Kenley added as second author		77
Second reading: ordered engrossed	267		Senators Zakas, Breaux, and Craycraft added as coauthors		
Third reading: passed; Roll Call 79: yeas 42, nays 8	296		Senator Jackman added as coauthor		78
Referred to the House			SB 258 Authors Senators Kenley and Hume		
House sponsor: Representative Hoffman			Sponsor Representative Espich		
Cosponsor: Representative Bischoff			Streamlined sales tax provisions.		
First reading: referred to Committee on Natural Resources	503		Authored by Senator Kenley		31
Committee report: amend do pass, adopted	521		First reading: referred to Committee on Tax and Fiscal Policy		
			Committee report: do pass, adopted	139	
			Senator Hume added as second author	181	
			Second reading: amended, ordered engrossed	191	
			Amendment 1 (Kenley) prevailed; voice vote	192	
			Third reading: passed; Roll Call 41: yeas 47, nays 0	221	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate
Referred to the House		
House sponsor: Representative Espich		
Representative Leonard added as cosponsor	449	
First reading: referred to Committee on Ways and Means	503	
Committee report: amend do pass, adopted	536	
Second reading: ordered engrossed	616	
Third reading: passed; Roll Call 259: yeas 91, nays 4	678	
Returned to the Senate with amendments		
Senate dissented from House amendments		633
Senate conferees appointed: Kenley and Hume		636
House conferees appointed: Espich and Kuzman	754	
House advisors appointed: Leonard, Turner, and Crawford		
Conference committee report 1: filed in the House	850	
Rules suspended; conference committee report 1: adopted by the House; Roll Call 438: yeas 85, nays 11	1005	
Conference committee report 1: adopted by the Senate; Roll Call 394: yeas 49, nays 0		1069
Signed by the President Pro Tempore	1277	
Signed by the President of the Senate	1281	
Signed by the Speaker	1246	
Signed by the Governor	1282	
Public Law 153:		
SECTIONS 1 through 5 effective July 1, 2006		
SECTION 6 effective March 24, 2006		

■ SB 259 Author Senator Kenley

Sponsor Representative Espich

Stadium funding and contracts.

Authored by Senator Kenley	31
First reading: referred to Committee on Tax and Fiscal Policy	
Committee report: do pass, adopted	50
Senate Rule 33(c) technical correction adopted	91
Second reading: ordered engrossed	95
Third reading: passed; Roll Call 19: yeas 49, nays 0	179
Referred to the House	
House sponsor: Representative Espich	
First reading: referred to Committee on Ways and Means	503
Committee report: amend do pass, adopted	596
Second reading: amended, ordered engrossed	722
Amendment 4 (Davis) prevailed; voice vote	722
Amendment 5 (Davis) prevailed; voice vote	722
Third reading: passed; Roll Call 336: yeas 94, nays 3	735
Returned to the Senate with amendments	
Senate dissented from House amendments	728
Senate conferees appointed: Kenley and Hume	733
House conferees appointed: Espich and Crawford	766
House advisors appointed: Davis, Crouch, and Avery	
Conference committee report 1: filed in the House	913
Rules suspended; conference committee report 1: adopted by the House; Roll Call 465: yeas 87, nays 7	1068
Conference committee report 1: adopted by the Senate; Roll Call 395: yeas 50, nays 0	1072
Signed by the President Pro Tempore	1277
Signed by the President of the Senate	1281
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 120:	
SECTIONS 1 through 3 effective retroactive to May 15, 2005	
SECTIONS 4 through 5 effective March 21, 2006	
SECTION 6 effective July 1, 2006	

■ SB 260 Authors Senators Kenley and Simpson

Sponsor Representative Espich

	House	Senate
Taxation.		
Authored by Senator Kenley		31
First reading: referred to Committee on Tax and Fiscal Policy		
Senator Simpson added as second author		67
Committee report: amend do pass, adopted		120
Second reading: amended, ordered engrossed		192
Amendment 1 (Kenley) prevailed; voice vote		192
Third reading: passed; Roll Call 44: yeas 47, nays 0		221
Referred to the House		
House sponsor: Representative Espich		
Senator Hume added as coauthor		222
First reading: referred to Committee on Ways and Means	503	
Committee report: amend do pass, adopted	540	
Representative Welch added as cosponsor	592	
Second reading: amended, ordered engrossed	616	
Amendment 2 (Welch) prevailed; voice vote	616	
Amendment 6 (Foley) prevailed; voice vote	616	
Amendment 4 (Orentlicher) failed; voice vote	618	
Amendment 5 (Wolkins) ruled out of order	623	
Amendment 3 (Avery) withdrawn	623	
Third reading: passed; Roll Call 337: yeas 92, nays 6	735	
Returned to the Senate with amendments		
Senate dissented from House amendments		728
Senate conferees appointed: Kenley and Simpson		732
House conferees appointed: Espich and Welch	766	
House advisors appointed: Turner, Thompson, Day, and Avery		
Conference committee report 1: filed in the House	1075	
Rules suspended; conference committee report 1: adopted by the House; Roll Call 483: yeas 83, nays 15	1234	
Rules suspended		1129
Made special order of business		1201
Conference committee report 1: adopted by the Senate; Roll Call 407: yeas 50, nays 0		1201
Signed by the President Pro Tempore		1277
Signed by the President of the Senate		1281
Signed by the Speaker		1246
Signed by the Governor		1282
Public Law 154:		
SECTION 1 effective retroactive to January 1, 2006		
SECTIONS 2 through 8 effective March 24, 2006		
SECTIONS 9 through 10 effective retroactive to January 1, 2006		
SECTIONS 11 through 13 effective March 24, 2006		
SECTION 14 effective July 1, 2006		
SECTIONS 15 through 18 effective March 24, 2006		
SECTIONS 19 through 24 effective retroactive to January 1, 2006		
SECTIONS 25 through 26 effective March 24, 2006		
SECTION 27 effective retroactive to January 1, 2006		
SECTIONS 28 through 32 effective March 24, 2006		
SECTION 33 effective retroactive to January 1, 2006		
SECTIONS 34 through 36 effective March 24, 2006		
SECTION 37 effective retroactive to January 1, 2006		
SECTIONS 38 through 43 effective March 24, 2006		
SECTIONS 44 through 45 effective July 1, 2006		
SECTIONS 46 through 47 effective March 24, 2006		
SECTIONS 48 through 49 effective retroactive to January 1, 2006		
SECTIONS 50 through 52 effective March 24, 2006		
SECTION 53 effective July 1, 2006		
SECTION 54 effective retroactive to January 1, 2006		
SECTION 55 effective July 1, 2006		
SECTIONS 56 through 58 effective retroactive to January 1, 2006		
SECTIONS 59 through 60 effective July 1, 2006		
SECTIONS 61 through 63 effective March 24, 2006		

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House Senate

House Senate

SECTION 64 effective July 1, 2006
 SECTION 65 effective March 24, 2006
 SECTION 66 effective retroactive to January 1, 2006
 SECTIONS 67 through 71 effective July 1, 2006
 SECTION 72 effective retroactive to January 1, 2006
 SECTIONS 73 through 76 effective July 1, 2006
 SECTIONS 77 through 82 effective retroactive to January 1, 2006
 SECTIONS 83 through 85 effective March 24, 2006
 SECTION 86 effective retroactive to January 1, 2006
 SECTIONS 87 through 89 effective March 24, 2006
 SECTION 90 effective retroactive to January 1, 2005
 SECTION 91 effective retroactive to January 1, 2006
 SECTIONS 92 through 97 effective March 24, 2006
 SECTION 98 effective retroactive to January 1, 2006

SB 261 Author Senator Sipes

Hunting near residences.

Authored by Senator Sipes 31
 First reading: referred to Committee on Corrections,
 Criminal, and Civil Matters

SB 262 Author Senator Sipes

Determination of high school graduation rates.

Authored by Senator Sipes 31
 First reading: referred to Committee on Education
 and Career Development

SB 263 Author Senator Waterman

Antique rifle hunting season.

Authored by Senator Waterman 31
 First reading: referred to Committee on Natural Resources

■ SB 264 Author Senator Weatherwax**Sponsor Representative Duncan**

Offsite vehicle sales.

Authored by Senator Weatherwax 31
 First reading: referred to Committee on Commerce and
 Transportation

Committee report: amend do pass, adopted 240

Second reading: ordered engrossed 278

Third reading: passed; Roll Call 125: yeas 50, nays 0 320

Referred to the House

House sponsor: Representative Duncan

Cosponsor: Representative Mahern

First reading: referred to Committee on Roads and
 Transportation 508

Committee report: amend do pass, adopted 606

Second reading: ordered engrossed 677

Third reading: passed; Roll Call 338: yeas 98, nays 0 735

Returned to the Senate with amendments

Senate concurred in House amendments;

Roll Call 327: yeas 49, nays 0 725

Signed by the President Pro Tempore 768

Signed by the Speaker 777

Signed by the President of the Senate 779

Signed by the Governor 1280

Public Law 63: Effective March 17, 2006

SB 265 Author Senator Lubbers

Domestic violence.

Authored by Senator Lubbers 31
 First reading: referred to Committee on Judiciary

■ SB 266 Authors Senators Miller and Sipes**Sponsor Representative T. Brown**

Bariatric surgery.

Authored by Senator Miller 31

First reading: referred to Committee on Health and
 Provider Services

Committee report: amend do pass, adopted 240

Second reading: ordered engrossed 288

Senator Sipes added as second author 315

Third reading: passed; Roll Call 126: yeas 49, nays 1 320

Referred to the House

House sponsor: Representative T. Brown

Cosponsor: Representative C. Brown

First reading: referred to Committee on Public Health 508

Committee report: amend do pass, adopted 634

Second reading: amended, ordered engrossed 721

Amendment 1 (T. Brown) prevailed; voice vote 721

Amendment 2 (T. Brown) prevailed;

Roll Call 300: yeas 49, nays 48 721

Third reading: passed; Roll Call 339: yeas 97, nays 0 735

Returned to the Senate with amendments

Senate dissented from House amendments 718

Senate conferees appointed: Miller and Sipes 723

House conferees appointed: Lehe and C. Brown 757

House advisor appointed: T. Brown

Conference committee report 1: filed in the House 784

Conference committee report 1: adopted by the Senate;

Roll Call 359: yeas 50, nays 0 791

Rules suspended; conference committee report 1:

adopted by the House; Roll Call 439: yeas 94, nays 0 1005

Signed by the President Pro Tempore 1097

Signed by the Speaker 1239

Signed by the President of the Senate 1280

Signed by the Governor 1281

Public Law 102: Effective July 1, 2006

SB 267 Author Senator Miller

Court determination of treatments for defendants.

Authored by Senator Miller 32

First reading: referred to Committee on Judiciary

SB 268 Author Senator Miller

Psychological testing.

Authored by Senator Miller 32

First reading: referred to Committee on Health and

Provider Services

■ SB 269 Author Senator Miller**Sponsor Representative Duncan**

License plates.

Authored by Senator Miller 32

First reading: referred to Committee on Commerce and

Transportation

Committee report: do pass, adopted 139

Second reading: ordered engrossed 194

Third reading: passed; Roll Call 60: yeas 48, nays 0 265

Referred to the House

House sponsor: Representative Duncan

First reading: referred to Committee on Roads and

Transportation 504

Committee report: amend do pass, adopted 560

Second reading: ordered engrossed 624

Amendment 1 (Pierce) ruled out of order 624

Third reading: passed; Roll Call 258: yeas 81, nays 10 678

Returned to the Senate with amendments

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate concurred in House amendments; Roll Call 345: yeas 48, nays 0		762	■ SB 275 Authors Senators Long and Lanane		
Signed by the President Pro Tempore		790	Sponsor Representative Foley		
Signed by the Speaker	1239		Forensic diversion programs.		
Signed by the President of the Senate		1280	Authorized by Senators Long, Lanane		32
Signed by the Governor		1281	First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Public Law 103: Effective July 1, 2006			Committee report: do pass, adopted		226
			Second reading: ordered engrossed		277
			Third reading: passed; Roll Call 138: yeas 50, nays 0		332
			Referred to the House		
			House sponsor: Representative Foley		
			Cosponsor: Representative Kuzman		
			First reading: referred to Committee on Courts and Criminal Code		513
			Committee report: do pass, adopted		635
			Second reading: ordered engrossed		677
			Third reading: passed; Roll Call 340: yeas 98, nays 0		735
			Returned to the Senate without amendments		
			Representative Thomas added as cosponsor		742
			Signed by the President Pro Tempore		727
			Signed by the Speaker		762
			Signed by the President of the Senate		764
			Signed by the Governor		1275
			Public Law 39: Effective July 1, 2006		
			■ SB 276 Author Senator Rogers		
			Voter education.		
			Authorized by Senator Rogers		32
			First reading: referred to Committee on Rules and Legislative Procedure		
			■ SB 277 Authors Senators Rogers and Riegsecker		
			Sponsor Representative C. Brown		
			Genesis Convention Center board of managers.		
			Authorized by Senator Rogers		32
			First reading: referred to Committee on Governmental Affairs and Interstate Cooperation		
			Committee report: do pass, adopted		225
			Senator Riegsecker added as second author		277
			Second reading: ordered engrossed		286
			Senator Landske added as coauthor		296
			Third reading: passed; Roll Call 139: yeas 50, nays 0		332
			Referred to the House		
			House sponsor: Representative C. Brown		
			Cosponsors: Representatives V. Smith, Ayres, and Stevenson		
			First reading: referred to Committee on Local Government		513
			Committee report: do pass, adopted		561
			Second reading: ordered engrossed		597
			Third reading: passed; Roll Call 257: yeas 82, nays 11		678
			Returned to the Senate without amendments		
			Signed by the President Pro Tempore		708
			Signed by the Speaker		751
			Signed by the President of the Senate		763
			Signed by the Governor		779
			Public Law 7: Effective July 1, 2006		
			■ SB 278 Author Senator Rogers		
			Tax credit for college tuition and fees.		
			Authorized by Senator Rogers		32
			First reading: referred to Committee on Tax and Fiscal Policy		
SB 270 Authors Senators Miller and Sipes					
Sponsor Representative T. Brown					
FSSA matters.					
Authorized by Senator Miller		32			
First reading: referred to Committee on Health and Provider Services					
Committee report: amend do pass, adopted		239			
Senator Sipes added as second author		315			
Second reading: amended, ordered engrossed		325			
Amendment 1 (Miller) prevailed; voice vote		325			
Amendment 2 (Miller) prevailed; voice vote		325			
Senator Skinner added as coauthor		328			
Third reading: passed; Roll Call 167: yeas 50, nays 0		336			
Referred to the House					
House sponsor: Representative T. Brown					
Cosponsor: Representative C. Brown					
First reading: referred to Committee on Public Health		513			
Committee report: amend do pass, adopted		635			
SB 271 Author Senator Breaux					
Services provided by Wishard dental hygienists.					
Authorized by Senator Breaux		32			
First reading: referred to Committee on Health and Provider Services					
SB 272 Author Senator Breaux					
Extended hours for polling places.					
Authorized by Senator Breaux		32			
First reading: referred to Committee on Elections and Civic Affairs					
SB 273 Author Senator Miller					
Abandoned embryos and adoption matters.					
Authorized by Senator Miller		32			
First reading: referred to Committee on Judiciary					
SB 274 Authors Senators Long and Bowser					
Sponsor Representative Torr					
Impounding property taxes in annexed territory.					
Authorized by Senator Long		32			
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation					
Committee report: do pass, adopted		225			
Second reading: amended, ordered engrossed		308			
Amendment 1 (Long) prevailed; voice vote		308			
Third reading: passed; Roll Call 130: yeas 49, nays 1		327			
Referred to the House					
House sponsor: Representative Torr					
Cosponsor: Representative Pelath					
Senator Bowser added as second author		327			
First reading: referred to Committee on Local Government		508			

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SB 279 Author Senator Zakas			Senator Breaux added as coauthor		223
State rainy day fund reserves.			Committee report: amend do pass, adopted		238
Authored by Senator Zakas	32		Second reading: ordered engrossed		292
First reading: referred to Committee on Tax and Fiscal Policy			Senator Tallian added as coauthor		311
			Senator Skinner added as coauthor		328
			Third reading: passed; Roll Call 140: yeas 50, nays 0		332
			Referred to the House		
			House sponsor: Representative T. Brown		
			Cosponsor: Representative C. Brown		
SB 280 Authors Senators Zakas and Broden			First reading: referred to Committee on Public Health	513	
Domestic relations counseling user fees.			Committee report: amend do pass, adopted	607	
Authored by Senator Zakas	32		Second reading: ordered engrossed	700	
First reading: referred to Committee on Appropriations			Amendment 1 (C. Brown) failed;		
Senator Broden added as second author	67		Roll Call 275: yeas 19, nays 72	700	
			Third reading: passed; Roll Call 341: yeas 86, nays 9	735	
			Returned to the Senate with amendments		
SB 281 Author Senator R. Young			Senate dissented from House amendments	705	
Vacating covenants and commitments.			Senate conferees appointed: Wyss and Broden	706	
Authored by Senator R. Young	32		Senate advisors appointed: Miller and Breaux		
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation			House conferees appointed: T. Brown and C. Brown	754	
			House advisor appointed: Duncan		
SB 282 Author Senator R. Young			Conference committee report 1: filed in the House	785	
National Guard tuition supplement program.			Conference committee report 1: adopted by the Senate;		
Authored by Senator R. Young	32		Roll Call 360: yeas 50, nays 0	793	
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy			Rules suspended; conference committee report 1:		
			adopted by the House; Roll Call 466: yeas 95, nays 0	1068	
			Signed by the President of the Senate	1280	
			Signed by the President Pro Tempore	1281	
			Signed by the Speaker	1246	
			Signed by the Governor	1282	
			Public Law 155: Effective July 1, 2006		
■ SB 283 Authors Senators R. Young and Heinold					
Sponsor Representative Bischoff			SB 285 Authors Senators Wyss and Craycraft		
Emergency telephone notification system.			Sponsor Representative Ruppel		
Authored by Senator R. Young	32		Emergency management.		
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy			Authored by Senator Wyss	32	
Committee report: do pass, adopted	214		First reading: referred to Committee on Homeland Security, Utilities, and Public Policy		
Senator Heinold added as second author	264		Committee report: do pass, adopted	79	
Senators Delph, Craycraft, and Wyss added as coauthors			Senator Craycraft added as second author	97	
Second reading: ordered engrossed	311		Senator Delph added as coauthor		
Third reading: passed; Roll Call 131: yeas 49, nays 0	327		Second reading: amended, ordered engrossed	216	
Referred to the House			Amendment 1 (Wyss) prevailed; voice vote	216	
House sponsor: Representative Bischoff			Third reading: passed; Roll Call 67: yeas 47, nays 1	267	
Cosponsors: Representatives Ruppel and Tincher			Referred to the House		
Senator Skinner added as coauthor	328		House sponsor: Representative Ruppel		
First reading: referred to Committee on Public Safety and Homeland Security	504		Cosponsor: Representative Crouch		
Committee report: amend do pass, adopted	561		First reading: referred to Committee on Public Safety and Homeland Security	504	
Second reading: ordered engrossed	624		Committee report: amend do pass, adopted	521	
Amendment 1 (Ruppel) failed;			Second reading: amended, ordered engrossed	572	
Roll Call 225: yeas 40, nays 54	624		Amendment 1 (Ruppel) prevailed; voice vote	572	
Third reading: passed; Roll Call 256: yeas 94, nays 0	678		Amendment 2 (Ruppel) prevailed; voice vote	572	
Returned to the Senate with amendments			Representative Welch added as cosponsor	592	
House Rule 106.1 suspended; Representatives Duncan and Crouch added as cosponsors	708		Third reading: made special order of business for 1:30 p.m. on February 27, 2006	677	
Senate concurred in House amendments;			Reread third time: recommitted to Committee of One, Amendment 3 (Ruppel) prevailed by two-thirds vote; bill defeated; Roll Call 342: yeas 25, nays 71	735	
Roll Call 328: yeas 49, nays 0	725				
Signed by the President Pro Tempore	780				
Signed by the Speaker	1239				
Signed by the President of the Senate	1280				
Signed by the Governor	1281				
Public Law 104: Effective July 1, 2006					
■ SB 284 Authors Senators Wyss and Broden			SB 286 Author Senator Simpson		
Sponsor Representative T. Brown			Repeal of uniform bulk sales law.		
Statewide trauma system.			Authored by Senator Simpson	32	
Authored by Senators Wyss, Broden	32		First reading: referred to Committee on Judiciary		
First reading: referred to Committee on Health and Provider Services					

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	House	Senate		House	Senate
SB 287 Author Senator Simpson			Cosponsors: Representatives Hoffman and Pflum		
Restrictions on video games.			First reading: referred to Committee on Public Health	504	
Authored by Senator Simpson	32				
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			■ SB 296 Author Senator Kenley		
Senator Kruse added as coauthor	67		Sponsor Representative Foley		
			Punitive damages.		
SB 288 Author Senator Simpson			Authored by Senator Kenley	32	
Health security program.			First reading: referred to Committee on Judiciary		
Authored by Senator Simpson	32		Committee report: amend do pass, adopted	133	
First reading: referred to Committee on Health and Provider Services			Second reading: ordered engrossed	191	
			Third reading: passed; Roll Call 42: yeas 47, nays 0	221	
SB 289 Author Senator Simpson			Referred to the House		
Family military employment leave.			House sponsor: Representative Foley		
Authored by Senator Simpson	32		Cosponsor: Representative Torr		
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy			First reading: referred to Committee on Judiciary	504	
			Committee report: amend do pass, adopted	607	
SB 290 Author Senator Simpson			Second reading: ordered engrossed	700	
Unemployment benefits.			Third reading: passed; Roll Call 343: yeas 90, nays 8	736	
Authored by Senator Simpson	32		Returned to the Senate with amendments		
First reading: referred to Committee on Pensions and Labor			Senate concurred in House amendments;		
			Roll Call 346: yeas 48, nays 0	762	
SB 291 Author Senator R. Young			Joint Rule 20 technical correction		
Eligibility for property tax deduction for elderly.			adopted by the Senate	857	
Authored by Senator R. Young	32		Joint Rule 20 technical correction		
First reading: referred to Committee on Tax and Fiscal Policy			adopted by the House	1038	
			Signed by the President Pro Tempore	1129	
SB 292 Author Senator Howard			Signed by the Speaker	1246	
Election day voter registration.			Signed by the President of the Senate	1280	
Authored by Senator Howard	32		Signed by the Governor	1281	
First reading: referred to Committee on Elections and Civic Affairs			Public Law 105: Effective July 1, 2006		
			■ SB 297 Author Senator Hershman		
SB 293 Author Senator Howard			Sponsor Representative Foley		
Self-sufficiency standard for employment.			Penalty for false information given to the BMV.		
Authored by Senator Howard	32		Authored by Senator Hershman	33	
First reading: referred to Committee on Pensions and Labor			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
			Committee report: do pass, adopted	139	
SB 294 Author Senator Howard			Second reading: ordered engrossed	191	
Equivalent jobs and wage discrimination.			Third reading: passed; Roll Call 53: yeas 45, nays 2	264	
Authored by Senator Howard	32		Referred to the House		
First reading: referred to Committee on Pensions and Labor			House sponsor: Representative Foley		
			Cosponsor: Representative Kuzman		
SB 295 Author Senator Paul			First reading: referred to Committee on Roads and Transportation	504	
Sponsor Representative Saunders			Committee report: do pass, adopted	561	
Coroner's custody of human remains.			Second reading: amended, ordered engrossed	699	
Authored by Senator Paul	32		Amendment 1 (Foley) prevailed; voice vote	699	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			Amendment 2 (Pierce) failed;		
Committee report: amend do pass, adopted	111		Roll Call 274: yeas 44, nays 49	699	
Second reading: ordered engrossed	192		Third reading: passed; Roll Call 344: yeas 76, nays 20	736	
Third reading: passed; Roll Call 45: yeas 47, nays 0	221		Returned to the Senate with amendments		
Referred to the House			Senate concurred in House amendments;		
House sponsor: Representative Saunders			Roll Call 347: yeas 45, nays 2	762	
			Signed by the President Pro Tempore	790	
			Signed by the Speaker	1239	
			Signed by the President of the Senate	1280	
			Signed by the Governor	1281	
			Public Law 106: Effective July 1, 2006		
			SB 298 Authors Senators Long and Bray		
			Sex offender residency.		
			Authored by Senators Long, Bray	33	
			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

SB 299 Authors Senators Long and Bray	
Sponsor Representative Ulmer	
Trafficking with an inmate.	
Authored by Senators Long, Bray	33
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Committee report: do pass, adopted	226
Second reading: ordered engrossed	279
Third reading: passed; Roll Call 141: yeas 50, nays 0	332
Referred to the House	
House sponsor: Representative Ulmer	
Cosponsor: Representative Kuzman	
First reading: referred to Committee on Courts and Criminal Code	513

**■ SB 300 Authors Senators Long and Bray
Sponsor Representative Foley**

Victim's compensation fund.	
Authored by Senators Long, Bray	33
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Committee report: amend do pass, adopted	242
Second reading: amended, ordered engrossed	308
Amendment 2 (M. Young) prevailed;	309
Senator Broden added as coauthor	315
Senator Lanane added as coauthor	315
Third reading: passed; Roll Call 132: yeas 49, nays 0	327
Referred to the House	
House sponsor: Representative Foley	
Cosponsor: Representative L. Lawson	
Senator Howard added as coauthor	328
First reading: referred to Committee on Courts and Criminal Code	513
Committee report: amend do pass, adopted	660
Representatives Thomas and Crouch added as cosponsors . .	675
Second reading: ordered engrossed	677
Third reading: passed; Roll Call 345: yeas 98, nays 0	736
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 351: yeas 46, nays 0	762
Signed by the President Pro Tempore	791
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1282
Public Law 121:	
SECTIONS 1 through 3 effective July 1, 2006	
SECTION 4 effective March 21, 2006	
SECTIONS 5 through 30 effective July 1, 2006	

SB 301 Author Senator Ford

Access to I-Light network by hospitals.	
Authored by Senator Ford	33
First reading: referred to Committee on Economic Development and Technology	
Committee report: do pass, adopted	214
Senator Mrvan added as coauthor	222
Second reading: ordered engrossed	288
Senator Simpson added as coauthor	318
Third reading: defeated; Roll Call 142: yeas 21, nays 29	333

SB 302 Author Senator Ford

Single factor apportionment.	
Authored by Senator Ford	33
First reading: referred to Committee on Tax and Fiscal Policy	

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**■ SB 303 Author Senator Kruse
Sponsor Representative Duncan**

Various motor vehicle matters	
Authored by Senator Kruse	33
First reading: referred to Committee on Commerce and Transportation	
Committee report: amend do pass, adopted	241
Second reading: amended, ordered engrossed	286
Amendment 1 (Kruse) prevailed; voice vote	286
Third reading: passed; Roll Call 143: yeas 49, nays 1	333
Referred to the House	
House sponsor: Representative Duncan	
Cosponsors: Representatives Davis and Goodin	
First reading: referred to Committee on Roads and Transportation	513
Committee report: amend do pass, adopted	596
Second reading: amended, ordered engrossed	698
Amendment 1 (Cherry) prevailed; voice vote	698
Amendment 2 (Orentlicher) prevailed;	
Roll Call 273: yeas 67, nays 16	699
Third reading: recommitted to Committee of One,	
Amendment 3 (Duncan) prevailed by two-thirds vote;	
Amendment 4 (Duncan) prevailed by two-thirds vote;	
bill passed; Roll Call 346: yeas 66, nays 30	736
Returned to the Senate with amendments	
Senate dissented from House amendments	717
Senate conferees appointed: Kruse and Lutz	735
House conferees appointed: Davis and Goodin	766
House advisors appointed: Duncan and Oxley	
Representative Goodin removed as conferee	766
Representative Oxley removed as House advisor	
Representative Oxley added as conferee	
Representative Orentlicher appointed as House advisor	
Representative Oxley removed as conferee	1012
Representative T. Harris added as conferee	
Conference committee report 1: filed in the House	1041
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 467: yeas 92, nays 0	1068
Conference committee report 1: adopted by the Senate;	
Roll Call 402: yeas 50, nays 0	1114
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1281
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 156:	
SECTION 1 effective March 24, 2006	
SECTIONS 2 through 19 effective July 1, 2006	
SECTION 20 effective retroactive to January 1, 2006	
SECTIONS 21 through 25 effective July 1, 2006	
SECTION 26 effective March 24, 2006	

SB 304 Author Senator Craycraft

Senior citizen property tax credit.
 Authored by Senator Craycraft 33
 First reading: referred to Committee on Tax and
 Fiscal Policy

**■ SB 305 Authors Senators Rogers and M. Young
Sponsor Representative Hinkle**

Special purpose buses; emergency exits on buses.	
Authored by Senator Rogers	33
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Senator M. Young added as second author	223
Committee report: amend do pass, adopted	236
Second reading: ordered engrossed	278

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Third reading: passed; Roll Call 144: yeas 50, nays 0		333	SB 309 Authors Senators Simpson and Sipes		
Referred to the House			Early childhood education.		
House sponsor: Representative Hinkle			Authored by Senators Simpson, Sipes		33
Cosponsor: Representative Klinker			Coauthored by Senators Breaux, Rogers, and Skinner		
First reading: referred to Committee on Roads and			First reading: referred to Committee on Education		
Transportation		513	and Career Development		
Committee report: amend do pass, adopted		607			
Second reading: amended, ordered engrossed		720	■ SB 310 Author Senator Alting		
Amendment 1 (Hinkle) prevailed; voice vote		720	Sponsor Representative Behning		
Amendment 3 (VanHaaften) prevailed; voice vote		720	Alternate methods for earning high school credits.		
Amendment 2 (Pierce) prevailed; voice vote		721	Authored by Senator Alting		33
Third reading: passed; Roll Call 369: yeas 97, nays 0		746	First reading: referred to Committee on Education		
Returned to the Senate with amendments			and Career Development		
Senate dissented from House amendments		715	Committee report: amend do pass, adopted		138
Senate conferees appointed: M. Young and Rogers		716	Senator Kenley added as coauthor		180
House conferees appointed: Hinkle and Klinker		754	Second reading: amended, ordered engrossed		194
House advisor appointed: Noe			Amendment 1 (Alting) prevailed; voice vote		194
Conference committee report 1: filed in the House		786	Third reading: passed; Roll Call 27: yeas 46, nays 1		219
Conference committee report 1: adopted by the Senate;			Referred to the House		
Roll Call 361: yeas 50, nays 0		793	House sponsor: Representative Behning		
Rules suspended; conference committee report 1:			Cosponsors: Representatives T. Brown, Klinker,		
adopted by the House; Roll Call 432: yeas 95, nays 0		901	and Micon		
Signed by the President Pro Tempore	1097		First reading: referred to Committee on Education	504	
Signed by the Speaker	1239		Committee report: amend do pass, adopted	521	
Signed by the President of the Senate	1280		Second reading: ordered engrossed	645	
Signed by the Governor	1281		Third reading: passed; Roll Call 255: yeas 92, nays 0	677	
Public Law 107: Effective July 1, 2006			Returned to the Senate with amendments		
			Senate concurred in House amendments;		
SB 306 Author Senator Sipes			Roll Call 329: yeas 49, nays 0		725
State mandate notes.			Senator Lubbers added as coauthor		726
Authored by Senator Sipes		33	Signed by the President Pro Tempore		768
First reading: referred to Committee on Appropriations			Signed by the Speaker	777	
			Signed by the President of the Senate		779
SB 307 Author Senator Simpson			Signed by the Governor	1280	
State employee health incentives.			Public Law 64: Effective July 1, 2006		
Authored by Senator Simpson		33			
First reading: referred to Committee on Health and			SB 311 Authors Senators Dillon and Lanane		
Provider Services			Unsolicited facsimile advertisements.		
■ SB 308 Authors Senators Simpson and Miller			Authored by Senator Dillon		48
Sponsor Representative T. Brown			First reading: referred to Committee on Corrections,		
Medicaid income spend down.			Criminal, and Civil Matters		
Authored by Senator Simpson		33	Senator Lanane added as second author		96
First reading: referred to Committee on Health and					
Provider Services			SB 312 Author Senator Kenley		
Committee report: amend do pass, adopted		237	Environmental crimes study committee.		
Senator Miller added as second author		277	Authored by Senator Kenley		48
Second reading: ordered engrossed		278	First reading: referred to Committee on Rules and		
Third reading: passed; Roll Call 145: yeas 49, nays 1		333	Legislative Procedure		
Referred to the House					
House sponsor: Representative T. Brown			SB 313 Author Senator Hershman		
Cosponsors: Representatives Welch and Tyler			Preparing documents for recording.		
Senators Lanane and Lawson added as coauthors		337	Authored by Senator Hershman		48
Senators Breaux and Sipes added as coauthors			First reading: referred to Committee on Judiciary		
First reading: referred to Committee on Public Health		513			
Committee report: do pass, adopted		561	SB 314 Authors Senators Nugent and Hume		
Second reading: ordered engrossed		737	Sponsor Representative Friend		
Third reading: passed; Roll Call 368: yeas 97, nays 0		746	Soil and water conservation districts and wild animals.		
Returned to the Senate without amendments			Authored by Senator Nugent		48
Signed by the President Pro Tempore		728	First reading: referred to Committee on Agriculture and		
Signed by the Speaker		762	Small Business		
Signed by the President of the Senate		764	Senator Hume added as second author		195
Signed by the Governor		789	Committee report: amend do pass, adopted		236
Public Law 23: Effective March 13, 2006			Second reading: ordered engrossed		291

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Third reading: passed; Roll Call 146: yeas 50, nays 0		333	Third reading: passed; Roll Call 68: yeas 31, nays 17		268
Referred to the House			Referred to the House		
House sponsor: Representative Friend			House sponsor: Representative Torr		
Cosponsors: Representatives Gutwein, Hoffman, and Grubb			First reading: referred to Committee on Insurance	504	
Senators Landske and Paul added as coauthors	337		Reassigned to the Committee on Employment and Labor	514	
First reading: referred to Committee on Agriculture and Rural Development	513		Committee report: amend do pass, adopted	661	
Committee report: amend do pass, adopted	561		Second reading: amended, ordered engrossed	719	
Second reading: ordered engrossed	597		Amendment 1 (Torr) prevailed; voice vote	719	
Third reading: defeated; Roll Call 254: yeas 41, nays 53	677		Amendment 2 (Torr) prevailed; voice vote	720	
House Rule 106.1 suspended; Representatives Budak and Hinkle added as cosponsors	708		Third reading: passed; Roll Call 367: yeas 60, nays 37	746	
			Returned to the Senate with amendments		
SB 315 Authors Senators Mrvan and Kruse			Senate dissented from House amendments	717	
Sex offenders and lifetime parole.			Senate conferees appointed: Kruse and Craycraft	724	
Authored by Senator Mrvan	48		House conferees appointed: Torr and Stilwell	758	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters			House advisors appointed: Leonard and Kromkowski		
Senator Kruse added as second author	77		Conference committee report 1: filed in the House	805	
			Conference committee report 1: adopted by the Senate;		
SB 316 Author Senator Mrvan			Roll Call 371: yeas 50, nays 0	837	
Steel mill and refinery property taxes.			Rules suspended; conference committee report 1:		
Authored by Senator Mrvan	48		adopted by the House; Roll Call 440: yeas 96, nays 1	1005	
First reading: referred to Committee on Tax and Fiscal Policy			Signed by the President Pro Tempore	1097	
			Signed by the Speaker	1239	
SB 317 Author Senator Mrvan			Signed by the President of the Senate	1280	
Annual review of unpaid restitution orders.			Signed by the Governor	1281	
Authored by Senator Mrvan	48		Public Law 108:		
First reading: referred to Committee on Judiciary			SECTIONS 1 through 20 effective July 1, 2006		
			SECTION 21 effective March 20, 2006		
SB 318 Author Senator Mrvan			SECTIONS 22 through 66 effective July 1, 2006		
Oversight of public money.					
Authored by Senator Mrvan	48		SB 322 Author Senator Kruse		
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation			Forfeiture of public pensions for misconduct.		
			Authored by Senator Kruse	48	
SB 319 Author Senator Skinner			First reading: referred to Committee on Pensions and Labor		
Parental notice of military recruitment.			Senators Tallian and Rogers added as coauthors	263	
Authored by Senator Skinner	48		Senator Drozda added as coauthor		
First reading: referred to Committee on Education and Career Development			Committee report: amend do pass, adopted	275	
			Reassigned to the Committee on Rules and Legislative Procedure	312	
SB 320 Author Senator Skinner					
Standards for tutoring services.			SB 323 Author Senator Lubbers		
Authored by Senator Skinner	48		Sponsor Representative Behning		
First reading: referred to Committee on Education and Career Development			Allocation of school resources.		
			Authored by Senator Lubbers	48	
■ SB 321 Author Senator Kruse			First reading: referred to Committee on Education and Career Development		
Sponsor Representative Torr			Committee report: amend do pass, adopted	137	
Unemployment insurance.			Second reading: amended, ordered engrossed	218	
Authored by Senator Kruse	48		Amendment 3 (Lubbers) prevailed; voice vote	218	
First reading: referred to Committee on Pensions and Labor			Third reading: passed; Roll Call 69: yeas 31, nays 17	268	
Committee report: do pass, adopted	139		Referred to the House		
Senator Harrison added as coauthor	185		House sponsor: Representative Noe		
Second reading: amended, ordered engrossed	217		Senator Hershman added as coauthor	268	
Amendment 1 (Kruse) prevailed; voice vote	217		First reading: referred to Committee on Education	504	
Senate Rule 33(c) technical correction adopted	264		Representative Noe removed as sponsor	628	
			Representative Behning added as sponsor		
			Representative Noe added as cosponsor		
			SB 324 Author Senator Drozda		
			Sponsor Representative Behning		
			Various education matters.		
			Authored by Senator Altting	48	
			First reading: referred to Committee on Education and Career Development		

HISTORIES OF BILLS AND RESOLUTIONS—2006

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HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate
Committee report: amend do pass, adopted	664	
Second reading: amended, ordered engrossed	716	
Amendment 4 (Koch) prevailed; voice vote	716	
Amendment 5 (Frizzell) prevailed;		
division of the House: yeas 54, nays 40	717	
Amendment 2 (Goodin) prevailed; voice vote	717	
Amendment 6 (Ripley) withdrawn	717	
Amendment 3 (Aguilera) prevailed; voice vote	717	
Amendment 7 (Thompson) prevailed;		
division of the House: yeas 59, nays 37	718	
Amendment 1 (Whetstone) withdrawn	718	
Third reading: passed; Roll Call 366: yeas 92, nays 2	746	
Returned to the Senate with amendments		
Senate dissented from House amendments	718	
Senate conferees appointed: Dillon and Broden	724	
House conferees appointed: T. Harris and Oxley	758	
House advisors appointed: Thompson and Crooks		
Conference committee report 1: filed in the House	970	
Rules suspended; conference committee report 1:		
adopted by the House; Roll Call 468: yeas 88, nays 5	1069	
Conference committee report 1: adopted by the Senate;		
Roll Call 396: yeas 50, nays 0	1074	
Signed by the President of the Senate	1281	
Signed by the President Pro Tempore	1281	
Signed by the Speaker	1246	
Signed by the Governor	1282	
Public Law 157:		
SECTIONS 1 through 4 effective July 1, 2006		
SECTION 5 effective March 24, 2006		
SECTIONS 6 through 74 effective July 1, 2006		
SECTION 75 effective retroactive to July 1, 2005		
SECTIONS 76 through 77 effective July 1, 2006		
SECTION 78 effective March 24, 2006		

SB 334 Authors Senators Waterman and M. Young

Restrictions on public assistance.	
Authored by Senators Waterman, M. Young	49
First reading: referred to Committee on Governmental	
Affairs and Interstate Cooperation	

SB 335 Authors Senators Landske and Craycraft

Health facility fire sprinklers and smoke alarms.	
Authored by Senators Landske, Craycraft	49
First reading: referred to Committee on Homeland Security,	
Utilities, and Public Policy	

SB 336 Author Senator Landske**Sponsor Representative Ayres**

Care and management of student diabetes at school.	
Authored by Senator Landske	49
First reading: referred to Committee on Health and	
Provider Services	
Senators Breaux and Sipes added as coauthors	223
Committee report: amend do pass, adopted	238
Second reading: amended, ordered engrossed	310
Amendment 1 (Landske) prevailed; voice vote	310
Third reading: passed; Roll Call 133: yeas 49, nays 0	327
Referred to the House	
House sponsor: Representative Ayres	
Cosponsors: Representatives Welch and Budak	
Senator Skinner added as coauthor	327
Senators Miller and Riegsecker added as coauthors	328
First reading: referred to Committee on Public Health	513

SB 337 Author Senator Landske

Licensure of heating and cooling industry.	
Authored by Senator Landske	49
First reading: referred to Committee on Governmental	
Affairs and Interstate Cooperation	

SB 338 Author Senator Merritt**Sponsor Representative Frizzell**

False identification and criminal gang enhancement.	
Authored by Senator Merritt	49
First reading: referred to Committee on Corrections,	
Criminal, and Civil Matters	
Committee report: amend do pass, adopted	237
Second reading: ordered engrossed	279
Third reading: passed; Roll Call 150: yeas 50, nays 0	334
Referred to the House	
House sponsor: Representative Frizzell	
First reading: referred to Committee on Courts and	
Criminal Code	513
Committee report: amend do pass, adopted	666
Second reading: ordered engrossed	677
Representative VanHaften added as cosponsor	742
Third reading: passed; Roll Call 365: yeas 94, nays 2	746
Returned to the Senate with amendments	
Representative Thomas added as cosponsor	749
Concurrence: call withdrawn	786
Senate concurred in House amendments;	
Roll Call 368: yeas 50, nays 0	836
Signed by the President Pro Tempore	1036
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 109: Effective July 1, 2006	

SB 339 Author Senator Merritt**Sponsor Representative Duncan**

Certificate of salvage titles.	
Authored by Senator Merritt	49
First reading: referred to Committee on Corrections,	
Criminal, and Civil Matters	
Reassigned to the Committee on Insurance and	
Financial Institutions	175
Committee report: amend do pass, adopted	273
Second reading: ordered engrossed	325
Third reading: passed; Roll Call 168: yeas 50, nays 0	336
Referred to the House	
House sponsor: Representative Duncan	
Cosponsors: Representatives Davis and Goodin	
First reading: referred to Committee on Roads and	
Transportation	514
Committee report: amend do pass, adopted	596
Second reading: ordered engrossed	639
Third reading: passed; Roll Call 252: yeas 92, nays 0	677
Returned to the Senate with amendments	
Concurrence withdrawn	772
Senate dissented from House amendments	774
Senate conferees appointed: Paul and Rogers	780
House conferees appointed: Duncan and Pflum	794
House advisors appointed: Wolkins and Tyler	
Dissent withdrawn	
Senate concurred in House amendments;	
Roll Call 369: yeas 50, nays 0	836
Signed by the President Pro Tempore	1036
Signed by the Speaker	1239

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 110: Effective July 1, 2006	

■ **SB 340 Authors Senators Wyss and Long**
Sponsor Representative Borror

Salary and PERF protection for state employees.	
Authored by Senators Wyss, Long	49
First reading: referred to Committee on Pensions and Labor	
Senators Kruse, Miller, Lawson, Landske, Merritt, Zakas, Paul, Nugent, Rogers, Craycraft, Lewis, Broden, and Lutz added as coauthors	78
Committee report: do pass, adopted	139
Reassigned to the Committee on Appropriations	
Senators Becker, M. Young, and Bowser added as coauthors	181
Senator Dillon added as coauthor	
Committee report: amend do pass, adopted	244
Second reading: ordered engrossed	295
Third reading: passed; Roll Call 151: yeas 50, nays 0	334
Referred to the House	
House sponsor: Representative Borror	
Cosponsor: Representative Pflum	
First reading: referred to Committee on Employment and Labor	514
Committee report: amend do pass, adopted	666
Second reading: ordered engrossed	698
Third reading: passed; Roll Call 364: yeas 95, nays 0	746
Returned to the Senate with amendments	
Representatives McClain and Budak added as cosponsors ..	749
Senate dissented from House amendments	716
Senate conferees appointed: Wyss and Rogers	716
House conferees appointed: Woodruff and Welch	754
House advisors appointed: Torr and Pflum	
Conference committee report 1: filed in the House	792
Conference committee report 1: adopted by the Senate; Roll Call 362: yeas 50, nays 0	795
Rules suspended; conference committee report 1: adopted by the House; Roll Call 469: yeas 90, nays 0	1069
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1281
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 158:	
SECTION 1 effective retroactive to December 31, 2005	
SECTION 2 effective July 1, 2006	
SECTION 3 effective retroactive to December 31, 2005	
SECTION 4 effective March 24, 2006	

SB 341 Authors Senators Wyss and Broden
Sponsor Representative Buck

Tax sales and redevelopment.	
Authored by Senators Wyss, Broden	49
First reading: referred to Committee on Judiciary	
Committee report: amend do pass, adopted	246
Second reading: ordered engrossed	295
Third reading: passed; Roll Call 152: yeas 50, nays 0	334
Referred to the House	
House sponsor: Representative Buck	
Cosponsor: Representative Porter	
First reading: referred to Committee on Local Government	514
Representative Day added as cosponsor	675

House Senate

■ **SB 342 Author Senator Riegsecker**
Sponsor Representative Messer

Electronic prescription tracking program.	
Authored by Senator Riegsecker	49
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	
Committee report: amend do pass, adopted	242
Second reading: amended, ordered engrossed	311
Amendment 2 (Lanane) prevailed; voice vote	311
Third reading: passed; Roll Call 169: yeas 50, nays 0	336
Referred to the House	
House sponsor: Representative Messer	
First reading: referred to Committee on Public Health	514
Committee report: amend do pass, adopted	636
Representative Mays added as cosponsor	675
Second reading: ordered engrossed	677
Representative Thomas added as cosponsor	708
Third reading: passed; Roll Call 362: yeas 96, nays 1	744
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 330: yeas 27, nays 22	725
Signed by the President Pro Tempore	768
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 65:	
SECTIONS 1 through 17 effective July 1, 2006	
SECTION 18 effective July 1, 2007	

■ **SB 343 Author Senator Bowser**

Discharge of long term inmates.	
Authored by Senator Bowser	49
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	

■ **SB 344 Author Senator Bowser**

Provisional ballots.	
Authored by Senator Bowser	49
First reading: referred to Committee on Elections and Civic Affairs	

■ **SB 345 Author Senator Meeks**

Sponsor Representative Espich

Reversal of payment delays.	
Authored by Senator Meeks	49
First reading: referred to Committee on Appropriations	
Senators Simpson and Hume added as coauthors	181
Committee report: amend do pass, adopted	245
Senator Miller added as coauthor	263
Second reading: amended, ordered engrossed	278
Amendment 1 (Meeks) prevailed; voice vote	278
Third reading: passed; Roll Call 153: yeas 50, nays 0	334
Referred to the House	
House sponsor: Representative Espich	
First reading: referred to Committee on Ways and Means ...	514
Representative Welch added as cosponsor	628
Committee report: amend do pass, adopted	667
Second reading: amended, ordered engrossed	694
Amendment 1 (Cochran) prevailed; voice vote	694
Amendment 3 (Aguilera) failed;	
Roll Call 270: yeas 17, nays 74	694
Amendment 4 (Orentlicher) ruled out of order	697
Third reading: passed; Roll Call 361: yeas 97, nays 0	744
Returned to the Senate with amendments	
Senate dissented from House amendments	714

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate conferees appointed: Meeks and Simpson		715	Amendment 2 (Burton) prevailed; voice vote		715
Senate advisors appointed: Miller and Hume			Amendment 4 (Ayres) prevailed; voice vote		716
House conferees appointed: Espich and Cochran	754		Representative Mahern added as cosponsor		730
House advisors appointed: Turner, Buell, and Welch			Third reading: passed; Roll Call 360: yeas 96, nays 0		744
Conference committee report 1: filed in the House		1065	Returned to the Senate with amendments		
Rules suspended; conference committee report 1: adopted by the House; Roll Call 482: yeas 95, nays 0		1233	Senate dissented from House amendments		726
Rules suspended		1129	Senate conferees appointed: Waltz and Mrvan		733
Made special order of business		1201	House conferees appointed: Burton and Mahern	758	
Conference committee report 1: adopted by the Senate;			House advisors appointed: Ripley and Fry		
Roll Call 408: yeas 50, nays 0		1252	Conference committee report 1: filed in the House		1054
Signed by the President of the Senate		1280	Rules suspended; conference committee report 1: adopted by the House; Roll Call 476: yeas 93, nays 0		1070
Signed by the President Pro Tempore		1281	Conference committee report 2: filed in the House		1228
Signed by the Speaker		1246	Made special order of business		1129
Signed by the Governor		1282	Rules suspended		1130
Public Law 159:					
SECTION 1 effective January 1, 2007					
SECTIONS 2 through 3 effective July 1, 2006					
SB 346 Author Senator Meeks			SB 350 Author Senator Dillon		
Sponsor Representative McClain			Student assessment.		
PERF COLA and 13th check.			Authored by Senator Dillon		49
Authored by Senator Meeks		49	First reading: referred to Committee on Education and Career Development		
First reading: referred to Committee on Appropriations					
Committee report: do pass, adopted		140	SB 351 Author Senator Lanane		
Second reading: ordered engrossed		192	Indiana displaced worker tax credit.		
Senators Simpson and Hume added as coauthors		195	Authored by Senator Lanane		49
Third reading: passed; Roll Call 52: yeas 47, nays 0		264	First reading: referred to Committee on Tax and Fiscal Policy		
Referred to the House					
House sponsor: Representative McClain			SB 352 Author Senator Lanane		
Cosponsor: Representative Tinch			Energy assistance funding from tax amnesty.		
First reading: referred to Committee on Ways and Means	504		Authored by Senator Lanane		49
			First reading: referred to Committee on Appropriations		
SB 347 Author Senator Meeks					
Disclosure of additives in motor fuel.			■ SB 353 Authors Senators Weatherwax and Hershman		
Authored by Senator Meeks		49	Sponsor Representative Gutwein		
First reading: referred to Committee on Commerce and Transportation			Alternative fuel use and production.		
Reassigned to the Committee on Health and Provider Services		91	Authored by Senators Weatherwax, Hershman		49
			Coauthored by Senators Gard, Jackman, Waterman, Drozda, R. Young, and Hume		
SB 348 Author Senator Waltz			First reading: referred to Committee on Tax and Fiscal Policy		
Tax credits for high growth small businesses.			Senators Skinner, Ford, and Lanane added as coauthors		223
Authored by Senator Waltz		49	Committee report: amend do pass, adopted		248
First reading: referred to Committee on Tax and Fiscal Policy			Senator Heinold added as coauthor		277
			Second reading: ordered engrossed		278
SB 349 Author Senator Waltz			Third reading: passed; Roll Call 154: yeas 50, nays 0		334
Sponsor Representative Burton			Referred to the House		
Insurance.			House sponsor: Representative Gutwein		
Authored by Senator Waltz		49	Cosponsors: Representatives Friend, Grubb, and Dvorak		
First reading: referred to Committee on Insurance and Financial Institutions			Senator Bray added as coauthor		337
Committee report: amend do pass, adopted		269	First reading: referred to Committee on Utilities and Energy		514
Second reading: ordered engrossed		325	Committee report: amend do pass, adopted		563
Third reading: recommitted to Committee of One, Amendment 2 (Waltz) prevailed by voice vote;			Referred to the Committee on Ways and Means pursuant to House Rule 127		591
bill passed; Roll Call 170: yeas 50, nays 0		336	Committee report: amend do pass, adopted		636
Referred to the House			Second reading: amended, ordered engrossed		712
House sponsor: Representative Burton			Amendment 3 (Gutwein) prevailed; voice vote		712
First reading: referred to Committee on Insurance		514	Amendment 4 (Pierce) failed;		
Committee report: amend do pass, adopted		563	division of the House: yeas 47, nays 49		714
Second reading: amended, ordered engrossed		714	Third reading: passed; Roll Call 359: yeas 88, nays 8		744
Amendment 6 (Burton) prevailed; voice vote		714	Returned to the Senate with amendments		
			Senate concurred in House amendments;		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Roll Call 354: yeas 48, nays 0	773
Signed by the President Pro Tempore	791
Senators Kruse and Howard added as coauthors	859
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1282
Public Law 122:	
SECTION 1 effective January 1, 2007	
SECTIONS 2 through 3 effective July 1, 2006	
SECTION 4 effective retroactive to January 1, 2006	
SECTION 5 effective March 21, 2006	
SECTION 6 effective retroactive to January 1, 2006	
SECTION 7 effective retroactive to January 1, 2005	
SECTION 8 effective retroactive to January 1, 2006	
SECTION 9 effective March 21, 2006	
SECTIONS 10 through 18 effective retroactive to January 1, 2006	
SECTIONS 19 through 22 effective July 1, 2006	
SECTION 23 effective retroactive to January 1, 2006	
SECTION 24 effective March 21, 2006	

■ **SB 354 Author Senator Weatherwax**
Sponsor Representative Ulmer

Forestry issues.

Authored by Senator Weatherwax	49
First reading: referred to Committee on Natural Resources	
Committee report: do pass, adopted	184
Second reading: ordered engrossed	267
Third reading: passed; Roll Call 78: yeas 30, nays 20	295
Referred to the House	
House sponsor: Representative Ulmer	
Cosponsors: Representatives McClain, Goodin, and Denbo	
First reading: referred to Committee on Natural Resources ..	504
Committee report: do pass, adopted	522
Second reading: amended, ordered engrossed	645
Amendment 1 (Friend) prevailed; voice vote	645
Amendment 4 (Dvorak) failed; voice vote	645
Amendment 3 (Oxley) prevailed; voice vote	645
Amendment 2 (Pierce) failed;	
Roll Call 228: yeas 31, nays 65	646
Third reading: passed; Roll Call 251: yeas 62, nays 30	677
Returned to the Senate with amendments	
Senator Kruse added as coauthor	636
Senate concurred in House amendments;	
Roll Call 331: yeas 46, nays 3	725
Signed by the President Pro Tempore	768
Signed by the Speaker	777
Signed by the President of the Senate	779
Signed by the Governor	1280
Public Law 66:	
SECTIONS 1 through 31 effective July 1, 2006	
SECTION 32 effective March 17, 2006	

■ **SB 355 Author Senator Lawson**
Sponsor Representative Ayres

Taxation.

Authored by Senator Lawson	49
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	
Committee report: do pass, adopted	140
Second reading: amended, ordered engrossed	191
Amendment 1 (Lawson) prevailed; voice vote	191
Third reading: passed; Roll Call 46: yeas 47, nays 0	221
Referred to the House	
House sponsor: Representative Ayres	

House Senate

First reading: referred to Committee on Ways and Means ...	504
Committee report: amend do pass, adopted	607
Second reading: amended, ordered engrossed	686
Amendment 5 (Orentlicher) failed;	
Roll Call 269: yeas 41, nays 51	686
Amendment 4 (Aguilera) prevailed; voice vote	692
Third reading: passed; Roll Call 358: yeas 97, nays 0	744
Returned to the Senate with amendments	
Concurrence withdrawn	761
Senate dissented from House amendments	763
Senate conferees appointed: Lawson and Rogers	767
House conferees appointed: Ayres and Kuzman	774
House advisors appointed: Leonard, Cherry, and Avery	
Conference committee report 1: filed in the House	787
Conference committee report 1: adopted by the Senate;	
Roll Call 363: yeas 50, nays 0	798
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 428: yeas 98, nays 0	900
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1281
Signed by the Speaker	1246
Signed by the Governor	1280
Public Law 67:	
SECTION 1 effective July 1, 2006	
SECTIONS 2 through 9 effective March 17, 2006	
SECTION 10 effective July 1, 2006	
SECTION 11 effective January 1, 2007	
SECTION 12 effective July 1, 2006	
SECTIONS 13 through 18 effective January 1, 2007	
SECTIONS 19 through 20 effective March 17, 2006	
SECTION 21 effective July 1, 2006	
SECTION 22 effective retroactive to January 1, 2006	

■ **SB 356 Authors Senators Steele and M. Young**

Viatical settlements.

Authored by Senator Steele	50
First reading: referred to Committee on Insurance and Financial Institutions	
Senator M. Young added as second author	185
Committee report: amend do pass, adopted	269

■ **SB 357 Author Senator Howard**

Juvenile waiver of counsel.

Authored by Senator Howard	50
First reading: referred to Committee on Judiciary	

■ **SB 358 Author Senator Meeks**

Vending machine beverages sold in schools.

Authored by Senator Meeks	50
First reading: referred to Committee on Commerce and Transportation	

■ **SB 359 Author Senator Hershman**
Sponsor Representative Messer

Procurement and state public works.

Authored by Senator Hershman	50
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	
Committee report: amend do pass, adopted	230
Second reading: ordered engrossed	325
Third reading: passed; Roll Call 171: yeas 47, nays 2	337
Referred to the House	
House sponsor: Representative Messer	
Cosponsor: Representative Reske	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

First reading: referred to Committee on Government and Regulatory Reform	514
Committee report: amend do pass, adopted	596
Second reading: amended, ordered engrossed	682
Amendment 7 (Crouch) prevailed; voice vote	682
Amendment 4 (Messer) prevailed; voice vote	683
Amendment 8 (Kuzman) ruled out of order	684
Amendment 2 (Ayres) prevailed; voice vote	684
Amendment 5 (Oxley) ruled out of order	685
Amendment 1 (Fry) ruled out of order	686
Representative Reske removed as cosponsor	708
Third reading: passed; Roll Call 357: yeas 75, nays 20	744
Returned to the Senate with amendments	
Concurrence withdrawn	756
Senate dissented from House amendments	761
Senate conferees appointed: Hershman and Smith	763
House conferees appointed: Messer and Mahern	774
House advisor appointed: Davis	
Conference committee report 1: filed in the House	899
Rules suspended; conference committee report 1: adopted by the House; Roll Call 431: yeas 87, nays 6	901
Conference committee report 1: adopted by the Senate; Roll Call 397: yeas 49, nays 0	1095
Signed by the President of the Senate	1280
Signed by the President Pro Tempore	1281
Signed by the Speaker	1246
Signed by the Governor	1282
Public Law 160: Effective July 1, 2006	

SB 360 Author Senator Ford**Sponsor Representative Ripley**

Bonds for public works projects.	
Authored by Senator Ford	50
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	
Committee report: do pass, adopted	227
Senators M. Young and Rogers added as coauthors	263
Second reading: ordered engrossed	325
Third reading: passed; Roll Call 172: yeas 48, nays 2	338
Referred to the House	
House sponsor: Representative Espich	
Cosponsors: Representatives Noe and Crawford	
First reading: referred to Committee on Insurance	514
Representative Espich removed as sponsor	526
Representative Ripley added as sponsor	
Representative Espich added as cosponsor	

SB 361 Author Senator Ford**Sponsor Representative Saunders**

Operation of license branches by contractors.	
Authored by Senator Ford	68
First reading: referred to Committee on Commerce and Transportation	
Committee report: amend do pass, adopted	240
Second reading: amended, ordered engrossed	325
Amendment 1 (Ford) prevailed; Roll Call 127: yeas 33, nays 17	325
Third reading: passed; Roll Call 173: yeas 28, nays 22	338
Referred to the House	
House sponsor: Representative Saunders	
Cosponsors: Representatives T. Harris, Turner and Koch	
First reading: referred to Committee on Government and Regulatory Reform	514

SB 362 Author Senator Ford**Sponsor Representative Turner**

Collection of delinquent taxes.	
Authored by Senator Ford	68
First reading: referred to Committee on Tax and Fiscal Policy	
Committee report: amend do pass, adopted	107
Second reading: ordered engrossed	191
Third reading: passed; Roll Call 36: yeas 47, nays 0	220
Referred to the House	
House sponsor: Representative Turner	
First reading: referred to Committee on Commerce, Economic Development and Small Business	504
Reassigned to the Committee on Ways and Means	591
Committee report: amend do pass, adopted	637
Second reading: amended, ordered engrossed	681
Amendment 2 (Turner) prevailed; voice vote	681
Amendment 1 (Avery) failed; Roll Call 265: yeas 46, nays 47	682
Third reading: passed; Roll Call 356: yeas 97, nays 0	744
Returned to the Senate with amendments	
Senate concurred in House amendments; Roll Call 348: yeas 46, nays 0	762
Joint Rule 20 technical correction adopted by the Senate	857
Joint Rule 20 technical correction adopted by the House	1038
Signed by the President Pro Tempore	1129
Signed by the Speaker	1246
Signed by the President of the Senate	1280
Signed by the Governor	1281
Public Law 111:	
SECTIONS 1 through 11 effective January 1, 2007	
SECTION 12 effective July 1, 2006	

SB 363 Author Senator Ford**Sponsor Representative Thomas**

Technology report.	
Authored by Senator Ford	68
First reading: referred to Committee on Economic Development and Technology	
Senators Mrvan and Delph added as coauthors	195
Committee report: do pass, adopted	214
Second reading: ordered engrossed	294
Third reading: passed; Roll Call 155: yeas 50, nays 0	334
Referred to the House	
House sponsor: Representative Thomas	
Cosponsor: Representative Austin	
First reading: referred to Committee on Technology, Research and Development	514

SB 364 Author Senator Waterman

Academic progress test.	
Authored by Senator Waterman	68
First reading: referred to Committee on Education and Career Development	

SB 365 Authors Senators Kenley and Hume**Sponsor Representative Buell**

State employee retirement health benefits.	
Authored by Senator Kenley	68
First reading: referred to Committee on Appropriations	
Senator Hume added as second author	74

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senators Simpson and Craycraft added as coauthors		180	First reading: referred to Committee on Economic Development and Technology		
Committee report: amend do pass, adopted		244	Committee report: amend do pass, adopted		110
Second reading: ordered engrossed		311	Senator Lubbers added as coauthor		181
Third reading: passed; Roll Call 174: yeas 50, nays 0		338	Senator Delph added as coauthor		185
Referred to the House			Second reading: amended, ordered engrossed		218
House sponsor: Representative Buell			Amendment 1 (Kruse) prevailed; voice vote		218
Cosponsors: Representatives Espich and Crawford			Third reading: call withdrawn		268
Senators Miller and Lawson added as coauthors		338	Reread third time: passed; Roll Call 84: yeas 29, nays 20 . . .		297
Senator Long added as coauthor			Referred to the House		
First reading: referred to Committee on Ways and Means . . .	514		House sponsor: Representative Torr		
SB 366 Author Senator Breau			Cosponsor: Representative Borrer		
Funding of child welfare services.			Senator Howard added as coauthor		297
Authored by Senator Breau	68		First reading: referred to Committee on Employment and Labor	504	
First reading: referred to Committee on Tax and Fiscal Policy			Committee report: amend do pass, adopted		612
SB 367 Author Senator Jackman			Roll Call 219: yeas 50, nays 44		
Shooting preserves.			Second reading: amended, ordered engrossed	681	
Authored by Senator Jackman	68		Amendment 2 (Budak) prevailed; voice vote	681	
First reading: referred to Committee on Natural Resources			Amendment 1 (Borders) prevailed;		
SB 368 Author Senator Becker			Roll Call 261: yeas 90, nays 1	681	
Medical licensing board pilot program.			Amendment 3 (Leonard) prevailed; voice vote	681	
Authored by Senator Becker	68		Amendment 5 (Cheney) failed;		
First reading: referred to Committee on Health and Provider Services			Roll Call 262: yeas 44, nays 50	681	
SB 369 Author Senator R. Young			Amendment 6 (Cheney) failed;		
Sponsor Representative Wolkins			Roll Call 263: yeas 46, nays 50	681	
Drought planning.			Amendment 7 (Cheney) failed;		
Authored by Senator R. Young	68		Roll Call 264: yeas 46, nays 50	681	
First reading: referred to Committee on Energy and Environmental Affairs			Third reading: passed; Roll Call 354: yeas 51, nays 47	744	
Senator Gard added as coauthor		222	Returned to the Senate with amendments		
Committee report: amend do pass, adopted		275	Senate concurred in House amendments;		
Second reading: amended, ordered engrossed		326	Roll Call 349: yeas 28, nays 18		762
Amendment 1 (Miller) prevailed; voice vote		326	Signed by the President of the Senate		1280
Third reading: passed; Roll Call 175: yeas 50, nays 0		338	Signed by the President Pro Tempore		1281
Referred to the House			Signed by the Speaker	1246	
House sponsor: Representative Wolkins			Signed by the Governor		1282
Cosponsors: Representatives Dvorak and Thompson			Public Law 161: Effective March 24, 2006		
First reading: referred to Committee on Natural Resources . .	514		SB 371 Author Senator Lutz		
Committee report: amend do pass, adopted	639		Lobbyist activity reports.		
Second reading: ordered engrossed	677		Authored by Senator Lutz		68
Third reading: passed; Roll Call 355: yeas 97, nays 0	744		First reading: referred to Committee on Ethics		
Returned to the Senate with amendments			Senator Lanane added as coauthor		332
Senator Zakas added as coauthor		728	SB 372 Author Senator Mishler		
Senate concurred in House amendments;			Public safety deferred retirement option plan.		
Roll Call 355: yeas 48, nays 0		773	Authored by Senator Mishler		68
Signed by the President Pro Tempore		791	First reading: referred to Committee on Pensions and Labor		
Signed by the Speaker	1239		SB 373 Author Senator Mishler		
Signed by the President of the Senate	1280		Sponsor Representative Foley		
Signed by the Governor	1281		Payments for funeral and burial expenses.		
Public Law 112:			Authored by Senator Mishler		68
SECTIONS 1 through 2 effective July 1, 2006			First reading: referred to Committee on Appropriations		
SECTION 3 effective March 20, 2006			Reassigned to the Committee on Judiciary		175
SB 370 Author Senator Kruse			Senators Smith and Sipes added as coauthors		223
Sponsor Representative Torr			Committee report: do pass, adopted		226
Workforce development system.			Second reading: ordered engrossed		278
Authored by Senator Kruse	68		Third reading: passed; Roll Call 156: yeas 50, nays 0		334
			Referred to the House		
			House sponsor: Representative Foley		
			Cosponsor: Representative Summers		
			First reading: referred to Committee on Family, Children and Human Affairs		514

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Committee report: do pass, adopted	564
Second reading: ordered engrossed	597
Third reading: passed; Roll Call 250: yeas 93, nays 0	677
Returned to the Senate without amendments	
Signed by the President Pro Tempore	708
Signed by the Speaker	751
Signed by the President of the Senate	763
Signed by the Governor	779
Public Law 9: Effective July 1, 2006	

■ SB 374 Authors Senators Mishler and Wyss**Sponsor Representative T. Brown**

Child passenger restraint systems exception.	
Authored by Senator Mishler	68
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	
Committee report: do pass, adopted	214
Senator Wyss added as second author	224
Senators Delph and Smith added as coauthors	
Second reading: ordered engrossed	291
Third reading: passed; Roll Call 157: yeas 50, nays 0	334
Referred to the House	
House sponsor: Representative T. Brown	
Cosponsors: Representatives Duncan, Welch, and Summers	
Senator Becker added as coauthor	337
First reading: referred to Committee on Roads and Transportation	504
Committee report: do pass, adopted	597
Second reading: ordered engrossed	681
Third reading: passed; Roll Call 353: yeas 92, nays 4	744
Returned to the Senate without amendments	
Signed by the President Pro Tempore	728
Signed by the Speaker	762
Signed by the President of the Senate	764
Signed by the Governor	789
Public Law 24: Effective July 1, 2006	

SB 375 Author Senator Mishler

Public works projects.	
Authored by Senator Mishler	68
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	

SB 376 Authors Senators Dillon and Kenley

Teacher and school administrator contracts.	
Authored by Senator Dillon	69
First reading: referred to Committee on Education and Career Development	
Senator Kenley added as second author	77

SB 377 Author Senator Tallian

In the line of duty license plate.	
Authored by Senator Tallian	69
First reading: referred to Committee on Commerce and Transportation	

SB 378 Author Senator Tallian

Uniform child custody jurisdiction act.	
Authored by Senator Tallian	69
First reading: referred to Committee on Judiciary	

House Senate

■ SB 379 Author Senator Ford**Sponsor Representative Heim**

Publication of administrative rules.	
Authored by Senator Ford	69
First reading: referred to Committee on Economic Development and Technology	
Committee report: do pass, adopted	139
Second reading: ordered engrossed	192
Third reading: passed; Roll Call 61: yeas 48, nays 0	265
Referred to the House	
House sponsor: Representative Heim	
First reading: referred to Committee on Government and Regulatory Reform	504
Committee report: amend do pass, adopted	522
Second reading: ordered engrossed	574
Third reading: passed; Roll Call 249: yeas 93, nays 0	677
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 332: yeas 48, nays 1	725
Joint Rule 20 technical correction	
adopted by the Senate	774
Joint Rule 20 technical correction	
adopted by the House	1008
Signed by the President Pro Tempore	1097
Signed by the Speaker	1239
Signed by the President of the Senate	1280
Signed by the Governor	1282
Public Law 123: Effective July 1, 2006	

SB 380 Author Senator Zakas

Lifetime probation for repeat child molesters.	
Authored by Senator Zakas	69
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	

SB 381 Author Senator Rogers

Repayment of student loans.	
Authored by Senator Rogers	69
First reading: referred to Committee on Education and Career Development	

■ SB 382 Author Senator Becker**Sponsor Representative Crouch**

Airport development zone.	
Authored by Senator Becker	69
First reading: referred to Committee on Tax and Fiscal Policy	
Committee report: amend do pass, adopted	235
Second reading: amended, ordered engrossed	288
Amendment 1 (Kenley) prevailed; voice vote	288
Senator Lutz added as coauthor	298
Third reading: passed; Roll Call 158: yeas 50, nays 0	335
Referred to the House	
House sponsor: Representative Crouch	
Cosponsor: Representative Hoy	
First reading: referred to Committee on Commerce, Economic Development and Small Business	514
Committee report: do pass, adopted	672
Second reading: amended, ordered engrossed	680
Amendment 1 (Tyler) prevailed; voice vote	680
Third reading: passed; Roll Call 352: yeas 91, nays 6	744
Returned to the Senate with amendments	
Senate concurred in House amendments;	
Roll Call 350: yeas 42, nays 5	762

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Signed by the President Pro Tempore		791	First reading: referred to Committee on Tax and Fiscal Policy		
Signed by the Speaker	1239				
Signed by the President of the Senate		1280	SB 387 Author Senator Howard		
Signed by the Governor		1282	Health facility sprinklers for fire safety.		
Public Law 124:			Authored by Senator Howard		69
SECTIONS 1 through 10 effective April 1, 2006			First reading: referred to Committee on Homeland Security, Utilities, and Public Policy		
SECTION 11 effective January 1, 2007					
SB 383 Authors Senators Steele and Nugent			SB 388 Author Senator Smith		
Motor vehicle title loans.			Qualified child care expenditure tax credits.		
Authored by Senator Nugent		69	Authored by Senator Lewis		69
First reading: referred to Committee on Insurance and Financial Institutions			First reading: referred to Committee on Tax and Fiscal Policy		
Senator Nugent removed as first author		77	Senator Lewis removed as first author		96
Senator Steele added as first author			Senator Smith added as first author		
Senator Nugent added as second author					
Senators Lewis and Mrvan added as coauthors		181	SB 389 Author Senator Smith		
Committee report: amend do pass, adopted		204	Adult education tax credit.		
Second reading: amended, ordered engrossed		311	Authored by Senator Lewis		69
Amendment 3 (Lanane) prevailed; voice vote		311	First reading: referred to Committee on Tax and Fiscal Policy		
Third reading: failed for lack of constitutional majority;			Senator Lewis removed as first author		96
Roll Call 176: yeas 24, nays 25		338	Senator Smith added as first author		
■ SB 384 Author Senator Paul					
Sponsor Representative Saunders			SB 390 Author Senator Hume		
Financial institutions.			Property tax credits.		
Authored by Senator Paul		69	Authored by Senator Hume		69
First reading: referred to Committee on Insurance and Financial Institutions			First reading: referred to Committee on Tax and Fiscal Policy		
Committee report: amend do pass, adopted		210			
Second reading: ordered engrossed		294	SB 391 Author Senator Bowser		
Third reading: passed; Roll Call 159: yeas 50, nays 0		335	Eminent domain.		
Referred to the House			Authored by Senator Bowser		69
House sponsor: Representative Saunders			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
Cosponsors: Representatives Hoffman and Pflum					
First reading: referred to Committee on Financial Institutions		504	SB 392 Author Senator Mrvan		
Committee report: do pass, adopted		564	Growth related projects and land conservation.		
Second reading: ordered engrossed		646	Authored by Senator Mrvan		69
Third reading: passed; Roll Call 248: yeas 90, nays 0		677	First reading: referred to Committee on Tax and Fiscal Policy		
Returned to the Senate without amendments					
Signed by the President Pro Tempore		708	SB 393 Author Senator Mrvan		
Signed by the Speaker		751	Local option property tax replacements.		
Signed by the President of the Senate		763	Authored by Senator Mrvan		69
Signed by the Governor		779	First reading: referred to Committee on Rules and Legislative Procedure		
Public Law 10: Effective July 1, 2006					
SB 385 Author Senator Smith			SB 394 Author Senator Breaux		
Police pension benefits.			Indianapolis/Marion County consolidation.		
Authored by Senator Rogers		69	Authored by Senator Breaux		69
First reading: referred to Committee on Pensions and Labor			First reading: referred to Committee on Governmental Affairs and Interstate Cooperation		
Senator Rogers removed as first author		96			
Senator Smith added as first author					
SB 386 Author Senator Howard					
Earned income credit.					
Authored by Senator Howard		69			

HISTORIES OF BILLS AND RESOLUTIONS—2006

SENATE JOINT RESOLUTIONS

	House	Senate		House	Senate
SJR 1 Author Senator M. Young Selection of justices and appellate court judges. Authored by Senator M. Young First reading: referred to Committee on Judiciary		31	SJR 7 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23
■ SJR 2 Author Senator Lawson Sponsor Representative Richardson Overseas voters. Authored by Senator Lawson First reading: referred to Committee on Elections and Civic Affairs Committee report: do pass, adopted Second reading: ordered engrossed Third reading: passed; Roll Call 62: yeas 47, nays 0 Referred to the House House sponsor: Representative Richardson Cosponsor: Representative Thomas First reading: referred to Committee on Judiciary Committee report: do pass, adopted Second reading: ordered engrossed Amendment 1 (Mahern) failed; Roll Call 260: yeas 45, nays 51 Third reading: passed; Roll Call 351: yeas 98, nays 0 Returned to the Senate without amendments Signed by the President Pro Tempore Signed by the Speaker Signed by the President of the Senate Signed by the Governor Public Law 194		23 138 215 265 504 564 680 680 743 727 762 764 1275	SJR 8 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23
SJR 3 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23	SJR 9 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23
SJR 4 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23	SJR 10 Author Senator R. Young Vehicle joint resolution. Authored by Senator R. Young First reading: referred to Committee on Rules and Legislative Procedure		31
SJR 5 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23	SJR 11 Author Senator R. Young Vehicle joint resolution. Authored by Senator R. Young First reading: referred to Committee on Rules and Legislative Procedure		31
SJR 6 Author Senator Garton Vehicle joint resolution. Authored by Senator Garton First reading: referred to Committee on Rules and Legislative Procedure		23	SJR 12 Author Senator R. Young Vehicle joint resolution. Authored by Senator R. Young First reading: referred to Committee on Rules and Legislative Procedure		31
			SJR 13 Authors Senators Hume and Bray Prohibition of property taxes for school operating costs. Authored by Senators Hume, Bray First reading: referred to Committee on Tax and Fiscal Policy		31
			SJR 14 Author Senator Rogers Senate confirmation of executive agency heads. Authored by Senator Rogers First reading: referred to Committee on Judiciary		69

HISTORIES OF BILLS AND RESOLUTIONS—2006

SENATE CONCURRENT RESOLUTIONS

	House	Senate		House	Senate
SCR 2 Author Senator Wyss					
Sponsor Representative Welch					
Honoring Clarian Health Partners for serving health care needs of Indiana.			Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas added as coauthors		
Authored by Senator Wyss		6	First reading: adopted by voice vote	11	
First reading: adopted by voice vote			Returned to the Senate		
Referred to the House					
House sponsor: Representative Welch			SCR 6 Author Senator Nugent		
Cosponsor: Representative Buell			Sponsor Representative Bischoff		
Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, M. Young, R. Young, and Zakas added as coauthors			Honoring Fire Chief Ed Noel upon his retirement.		
First reading: adopted by voice vote		10	Authored by Senator Nugent		7
Returned to the Senate			First reading: adopted by voice vote		
			Referred to the House		
			House sponsor: Representative Bischoff		
			First reading: adopted by voice vote	12	
			Returned to the Senate		
SCR 3 Author Senator Miller					
Sponsor Representative T. Brown			SCR 7 Author Senator Heinold		
Honoring Ron Wuensch on his retirement.			Sponsor Representative Ayres		
Authored by Senator Miller		5	Promoting the use of "A Child is Missing" program.		
First reading: adopted by voice vote			Authored by Senator Heinold		25
Referred to the House			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		
House sponsor: Representative T. Brown			Committee report: do pass, adopted		51
Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas added as coauthors			Senator Zakas added as coauthor		67
First reading: adopted by voice vote		11	Second reading: adopted by voice vote		82
Returned to the Senate			Referred to the House		
			House sponsor: Representative Ayres		
			Cosponsor: Representative Heim		
			First reading: adopted by voice vote	51	
			Returned to the Senate		
SCR 4 Author Senator Garton			SCR 8 Author Senator Wyss		
Sponsor Representative Friend			Study: establishing commercial vehicle court.		
Consenting to recesses of the Senate and House for more than three days.			Authored by Senator Wyss		26
Authored by Senator Garton		4	First reading: referred to Committee on Rules and Legislative Procedure		
First reading: adopted by voice vote					
Referred to the House			SCR 9 Author Senator Riegsecker		
House sponsor: Representative Friend			Sponsor Representative Woodruff		
First reading: adopted by voice vote		12	Naming FSSA as agency to update comprehensive autism services plan.		
Returned to the Senate			Authored by Senator Riegsecker		26
			First reading: referred to Committee on Health and Provider Services		
			Senator Sipes added as coauthor		763
			Committee report: do pass, adopted		767
			Second reading: adopted by voice vote		785
			Referred to the House		
			House sponsor: Representative Woodruff		
			Cosponsor: Representative Summers		
			Referred to Committee on Rules and Legislative Procedures	874	
SCR 5 Author Senator Nugent			SCR 10 Author Senator Riegsecker		
Sponsor Representative Davis			Study: "people first" language in statutes.		
Honoring Senator Allen Paul for heroism in Viet Nam.			Authored by Senator Riegsecker		26
Authored by Senator Nugent		7			
First reading: adopted by voice vote					
Referred to the House					
House sponsor: Representative Davis					
Cosponsors: Representatives Hoffman, Saunders, and Pflum					
Senators Alting, Antich-Carr, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Dillon, Drozda, Ford,					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
First reading: referred to Committee on Rules and Legislative Procedure			First reading: adopted by voice vote		
			Referred to the House		
			House sponsor: Representative Budak		
			Cosponsor: Representative Mays		
SCR 11 Author Senator Riegsecker			Senators Lawson and Wyss added as coauthors	77	
Urging that medical students study autism disorder.			First reading: adopted by voice vote	48	
Authored by Senator Riegsecker	27		Returned to the Senate		
First reading: referred to Committee on Health and Provider Services					
Senator Sipes added as coauthor	763		SCR 18 Authors Senators Lewis and Weatherwax		
			Sponsor Representative C. Bottorff		
SCR 12 Author Senator Riegsecker			Urging Congress to extend the Lewis and Clark National Historic Trail.		
Medical licensing board to include autism for continuing education credit.			Authored by Senator Lewis	359	
Authored by Senator Riegsecker	27		First reading: referred to Committee on Natural Resources		
First reading: referred to Committee on Health and Provider Services			Committee report: do pass, adopted	363	
Committee report: do pass, adopted	767		Senator Weatherwax added as second author	365	
			Second reading: adopted by voice vote	383	
SCR 13 Author Senator Wyss			Referred to the House		
Sponsor Representative Noe			House sponsor: Representative C. Bottorff		
Recognizing the Brant family and the Indiana Oxygen Company.			Cosponsors: Representatives Saunders and Goodin		
Authored by Senator Wyss	356		First reading: adopted by voice vote	575	
First reading: adopted by voice vote			Returned to the Senate		
Referred to the House					
House sponsor: Representative Noe			SCR 19 Author Senator Lubbers		
Senators Lubbers and Merritt added as coauthors	358		Sponsor Representative Orentlicher		
Senator Delph added as coauthor			Honoring Brebeuf girls' volleyball team, Class 3A state champions.		
First reading: adopted by voice vote	524		Authored by Senator Lubbers	214	
Returned to the Senate			First reading: adopted by voice vote		
			Referred to the House		
SCR 14 Author Senator Bray			House sponsor: Representative Orentlicher		
Study: appellate issues.			First reading: adopted by voice vote	239	
Authored by Senator Bray	69		Returned to the Senate		
First reading: referred to Committee on Rules and Legislative Procedure					
			SCR 20 Author Senator Garton		
SCR 15 Author Senator Skinner			Sponsor Representative Yount		
Study: need for homeschool guidelines.			Honoring Tony Stewart of Columbus, NASCAR Nextel Cup series champion.		
Authored by Senator Skinner	69		Authored by Senator Garton	459	
First reading: referred to Committee on Rules and Legislative Procedure			First reading: adopted by voice vote		
			Referred to the House		
SCR 16 Authors Senator Garton and R. Young			House sponsor: Representative Yount		
Sponsor Representative Yount			Cosponsors: Representatives Burton, Messer and Koch		
Honoring Sam Simmermaker, Indiana Basketball Hall of Fame inductee.			First reading: adopted by voice vote	626	
Authored by Senators Garton and R. Young	353		Returned to the Senate		
First reading: adopted by voice vote					
Referred to the House			SCR 21 Author Senator Hershman		
House sponsor: Representative Yount			Sponsor Representative Welch		
Cosponsors: Representatives Messer and Koch			Honoring Indiana Main Street Program for 20 years of service to cities and towns.		
First reading: adopted by voice vote	525		Authored by Senator Hershman	451	
Returned to the Senate			First reading: adopted by voice vote		
			Referred to the House		
SCR 17 Authors Senators Becker and Gard			House sponsor: Representative Welch		
Sponsor Representative Budak			Cosponsor: Representative Duncan		
Honoring Barbara Levy Tobey for women's health issues and community awareness.			First reading: adopted by voice vote	600	
Authored by Senators Becker and Gard	77		Returned to the Senate		
Coauthored by Senators Miller and Simpson					
			SCR 22 Author Senator Craycraft		
			Sponsor Representative Tyler		
			Honoring Muncie Burriss High School girls' volleyball team, Class 2A state champions.		
			Authored by Senator Craycraft	276	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
First reading: adopted by voice vote			SCR 26 Author Senator Lubbers		
Referred to the House			Sponsor Representative Torr		
House sponsor: Representative Tyler			Honoring Steve Kirsh, 2005 Angels		
First reading: adopted by voice vote	388		in Adoption award winner.		
Returned to the Senate			Authored by Senator Lubbers		346
			First reading: adopted by voice vote		
SCR 23 Author Senator Breaux			Referred to the House		
Sponsor Representative Summers			House sponsor: Representative Torr		
Urging wearing red in recognition of threat			Cosponsor: Representative Kuzman		
that heart disease poses to women.			First reading: adopted by voice vote	511	
Authored by Senator Breaux	330		Returned to the Senate		
First reading: adopted by voice vote					
Referred to the House			SCR 27 Author Senator Nugent		
House sponsor: Representative Summers			Sponsor Representative Duncan		
Cosponsors: Representatives Dickinson and Mays			Recognizing sesquicentennial celebration		
Senators Alting, Becker, Bowser, Bray, Broden,			of the town of Sunman in 2006.		
Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton,			Authored by Senator Nugent		342
Harrison, Heinold, Hershman, Howard, Hume, Jackman,			First reading: adopted by voice vote		
Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long,			Referred to the House		
Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan,			House sponsor: Representative Duncan		
Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes,			First reading: adopted by voice vote	511	
Skinner, Smith, Steele, Tallian, Waltz, Waterman,			Returned to the Senate		
Weatherwax, Wyss, M. Young, R. Young,					
and Zakas added as coauthors			SCR 28 Authors Senators Becker and Merritt		
First reading: adopted by voice vote	496		Sponsor Representative Budak		
Returned to the Senate			Congratulating William Carson upon his retirement.		
			Authored by Senators Becker and Merritt		331
SCR 24 Author Senator Steele			Coauthored by Senator Lewis		
Sponsor Representative Koch			First reading: adopted by voice vote		
Memorializing Paul Allen for his distinguished			Referred to the House		
public service career.			House sponsor: Representative Budak		
Authored by Senator Steele	453		Cosponsors: Representatives Crouch, Borrer, and Klinker		
First reading: adopted by standing vote	453		Senators Alting, Bowser, Bray, Breaux, Broden, Craycraft,		
Referred to the House			Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison,		
House sponsor: Representative Koch			Heinold, Hershman, Howard, Hume, Jackman, Kenley,		
First reading: adopted by voice vote	601		Kruse, Lanane, Landske, Lawson, Long, Lubbers, Lutz,		
Returned to the Senate			Meeks, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker,		
			Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian,		
SCR 25 Authors Senators Hershman and Heinold			Waltz, Waterman, Weatherwax, Wyss, M. Young,		
Sponsor Representative Gutwein			R. Young, and Zakas added as coauthors		
INDOT to rename part of State Road 10			First reading: adopted by voice vote	512	
in honor of Trooper Scott A. Patrick.			Returned to the Senate		
Authored by Senators Hershman and Heinold	359		SCR 29 Author Senator Paul		
First reading: referred to Committee on Commerce and			Sponsor Representative Pflum		
Transportation			Honoring Dr. John Iverson, Earlham,		
Committee report: do pass, adopted	422		2005 Indiana Professor of the Year.		
Second reading: adopted by standing vote	438		Authored by Senator Paul		356
Referred to the House			First reading: adopted by voice vote		
House sponsor: Representative Gutwein			Referred to the House		
Cosponsors: Representatives Ayres and Budak			House sponsor: Representative Pflum		
Senators Alting, Becker, Bowser, Bray, Breaux, Broden,			Cosponsors: Representatives Saunders and Hoffman		
Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton,			First reading: adopted by voice vote	525	
Harrison, Howard, Hume, Jackman, Kenley, Kruse,			Returned to the Senate		
Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz,					
Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul,			SCR 30 Author Senator Landske		
Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith,			Sponsor Representative Lehe		
Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss,			Memorializing Ray Nichols, auto racing pioneer.		
M. Young, R. Young, and Zakas added as coauthors			Authored by Senator Landske		317
Referred to Committee on Rules and			First reading: adopted by voice vote		
Legislative Procedures	708		Referred to the House		
Second reading: adopted by voice vote	752		House sponsor: Representative Lehe		
Returned to the Senate			First reading: adopted by voice vote	488	
			Returned to the Senate		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SCR 31 Authors Senators Landske and Rogers			SCR 36 Author Senator Lewis		
Study: issues concerning well-being of Hoosier children.			INDOT to name part of State Road 3		
Authored by Senators Landske and Rogers	360		in honor of Trooper George Forster.		
First reading: referred to Committee on Rules and			Authored by Senator Lewis	456	
Legislative Procedure			First reading: referred to Committee on Commerce and		
			Transportation		
SCR 32 Author Senator Landske			SCR 37 Author Senator Lubbers		
Sponsor Representative Kuzman			Sponsor Representative Messer		
Honoring Lowell High School football team,			Urging participation in Midwestern Education		
Class 4A state champions.			to Workforce Policy Initiative.		
Authored by Senator Landske	345		Authored by Senator Lubbers	456	
First reading: adopted by voice vote			First reading: referred to Committee on Education		
Referred to the House			and Career Development		
House sponsor: Representative Kuzman			Committee report: do pass, adopted	674	
First reading: adopted by voice vote	512		Second reading: adopted by voice vote	706	
Returned to the Senate			Referred to the House		
			House sponsor: Representative Messer		
SCR 33 Author Senator Waltz			Referred to Committee on Rules and		
Sponsor Representative Frizzell			Legislative Procedures	748	
Congratulating Millard Fuller, first			SCR 38 Author Senator Landske		
Servant's Heart Award winner.			Sponsor Representative Ayres		
Authored by Senator Waltz	345		Memorializing Colonel John Wheeler,		
First reading: adopted by voice vote			Lake County Civil War soldier.		
Referred to the House			Authored by Senator Landske	452	
House sponsor: Representative Frizzell			First reading: adopted by standing vote		
First reading: adopted by voice vote	512		Referred to the House		
Returned to the Senate			House sponsor: Representative Ayres		
			Cosponsor: Representative Kuzman		
SCR 34 Author Senator Craycraft			First reading: adopted by voice vote	601	
Sponsor Representative Tyler			Returned to the Senate		
Honoring Colonel Charles H. Greenwood			SCR 39 Author Senator Lewis		
for years of service in Civil Air Patrol.			Sponsor Representative Goodin		
Authored by Senator Craycraft	432		INDOT to name bridge in honor of Trooper George Forster.		
First reading: adopted by voice vote			Authored by Senator Lewis	457	
Referred to the House			First reading: referred to Committee on Commerce and		
House sponsor: Representative Tyler			Transportation		
Cosponsors: Representatives Porter, Torr, and Richardson			Committee report: do pass, adopted	732	
Senators Alting, Becker, Bowser, Bray, Breaux, Broden,			Second reading: adopted by standing vote	770	
Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison,			Referred to the House		
Heinold, Hershman, Howard, Hume, Jackman, Kenley,			House sponsor: Representative Goodin		
Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers,			Referred to Committee on Rules and		
Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent,			Legislative Procedures	875	
Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner,			SCR 40 Author Senator Alting		
Smith, Steele, Tallian, Waltz, Waterman, Weatherwax,			Sponsor Representative Klinker		
Wyss, M. Young, R. Young, and Zakas			Memorializing Robert A. Zell, Tippecanoe County		
added as coauthors			highway worker.		
First reading: adopted by voice vote	575		Authored by Senator Alting	452	
Returned to the Senate			First reading: adopted by standing vote		
			Referred to the House		
SCR 35 Author Senator Howard			House sponsor: Representative Klinker		
Sponsor Representative Mays			Cosponsors: Representatives T. Brown and Micon		
Honoring Molly Seward, Indiana's			First reading: adopted by voice vote	601	
Teacher of the Year 2005.			Returned to the Senate		
Authored by Senator Howard	635		SCR 41 Author Senator Ford		
First reading: adopted by voice vote			Sponsor Representative Ruppel		
Referred to the House			Honoring Indiana State Fair Commission and Board		
House sponsor: Representative Mays			on upcoming 150th State Fair.		
Senator Breaux added as coauthor	673		Authored by Senator Ford	634	
First reading: adopted by voice vote	723				
Returned to the Senate					

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Coauthored by Senators Merritt, Craycraft, and Lewis
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative Ruppel
 Cosponsors: Representatives Pond, Bischoff, and Goodin
 First reading: adopted by voice vote 723
 Returned to the Senate

SCR 42 Authors Senators Simpson and Miller
 Health Finance Commission to study
 insurance coverage options.
 Authored by Senators Simpson and Miller 676
 First reading: referred to Committee on Health and
 Provider Services
 Committee report: do pass, adopted 767

SCR 43 Author Senator Miller
Sponsor Representative Burton
 Honoring Greenwood Fire Department Honor Guard
 for its service.
 Authored by Senator Miller 621
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative Burton
 First reading: adopted by voice vote 679
 Returned to the Senate
 Senators M. Young and Meeks added as coauthors 623

SCR 44 Author Senator Becker
Sponsor Representative Crouch
 Honoring International Brotherhood of Electrical
 Workers (IBEW) for services.
 Authored by Senator Becker 622
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative Crouch
 Cosponsor: Representative Hoy
 First reading: adopted by voice vote 679
 Returned to the Senate
 Senator Lutz added as coauthor 623

SCR 46 Authors Senators Hershman and Harrison
Sponsor Representative Buck
 Honoring Clinton Cental High School FFA team
 for success at state championships.
 Authored by Senators Hershman and Harrison 707
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative Buck
 First reading: adopted by voice vote 749
 Returned to the Senate

SCR 47 Author Senator Rogers
Sponsor Representative C. Brown
 Honoring the City of Gary, Indiana,
 as it celebrates its centennial anniversary.
 Authored by Senator Rogers 675
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative C. Brown
 Cosponsor: Representative V. Smith
 First reading: adopted by voice vote 765
 Returned to the Senate

SCR 48 Authors Senators Broden and Zakas
Sponsor Representative Bauer
 Honoring South Bend Silver Hawks,
 Class A minor league baseball team.
 Authored by Senators Broden and Zakas 722
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative Bauer
 Cosponsors: Representatives Kromkowski,
 Dvorak, and Fry
 First reading: adopted by voice vote 756
 Returned to the Senate

SCR 49 Author Senator Kenley
Sponsor Representative Torr
 INDOT to rename part of U.S. 31 as
 the Reggie Miller Highway.
 Authored by Senator Kenley 731
 First reading: referred to Committee on Commerce and
 Transportation
 Committee report: do pass, adopted 859
 Senator Heinold added as coauthor 862
 Senator Miller added as coauthor 1095
 Second reading: adopted by voice vote 1098
 Referred to the House
 House sponsor: Representative Torr
 Cosponsor: Representative Richardson
 Senator Delph added as coauthor 1123

SCR 50 Author Senator Miller
 Health Finance Commission to study
 hospital community benefit plans.
 Authored by Senator Miller 731
 First reading: referred to Committee on Rules and
 Legislative Procedure

SCR 51 Author Senator Merritt
Sponsor Representative Bosma
 Congratulating Bruce Melchert upon his retirement.
 Authored by Senator Merritt 737
 First reading: adopted by voice vote
 Referred to the House
 House sponsor: Representative Bosma
 Senators Alting, Becker, Bowser, Bray, Breaux, Broden,
 Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton,
 Harrison, Heinold, Hershman, Howard, Hume, Jackman,
 Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long,
 Lubbers, Lutz, Meeks, Miller, Mishler, Mrvan, Nugent,
 Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith,
 Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss,
 M. Young, R. Young, and Zakas added as coauthors
 First reading: adopted by voice vote 763
 Returned to the Senate

SCR 52 Author Senator Waltz
 Study: issues concerning foreign language
 opportunities in Indiana.
 Authored by Senator Waltz 765
 First reading: referred to Committee on Rules and
 Legislative Procedure

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SCR 53 Author Senator Waltz			SCR 58 Authors Senators Zakas and Riegsecker		
Sponsor Representative Frizzell			Sponsor Representative Neese		
Honoring home school students who graduate in 2006.			Honoring Elkhart Fire Department,		
Authored by Senator Waltz	781		Governor's Cup competition winner.		
First reading: adopted by voice vote			Authored by Senators Zakas and Riegsecker	759	
Referred to the House			First reading: adopted by voice vote		
House sponsor: Representative Frizzell			Referred to the House		
First reading: adopted by voice vote	875		House sponsor: Representative Neese		
Returned to the Senate			Cosponsors: Representatives Walorski and Fry		
Senators Kruse and Delph added as coauthors	789		First reading: adopted by voice vote	768	
			Returned to the Senate		
SCR 54 Authors Senators Zakas and Riegsecker			SCR 59 Author Senator Miller		
Sponsor Representative Walorski			Sponsor Representative Buell		
Honoring John F. Dille, National Radio Award winner.			Honoring Kevin Wright, successful		
Authored by Senators Zakas and Riegsecker	759		high school football coach.		
First reading: adopted by voice vote			Authored by Senator Miller	1036	
Referred to the House			First reading: adopted by voice vote		
House sponsor: Representative Walorski			Referred to the House		
Cosponsors: Representatives Fry and Neese			House sponsor: Representative Buell		
First reading: adopted by voice vote	767		First reading: adopted by voice vote	1075	
Returned to the Senate			Returned to the Senate		
SCR 55 Authors Senators Zakas and Mishler			SCR 60 Author Senator Becker		
Sponsor Representative Walorski			Sponsor Representative Crouch		
Honoring Penn High School			Honoring Castle High School girls' basketball team,		
girls' golf team, state champions.			Class 4A state champions.		
Authored by Senators Zakas and Mishler	759		Authored by Senator Becker	770	
Coauthored by Senator Broden			First reading: adopted by voice vote		
First reading: adopted by voice vote			Referred to the House		
Referred to the House			House sponsor: Representative Crouch		
House sponsor: Representative Walorski			Cosponsor: Representative Hoy		
Cosponsors: Representatives Dvorak, Neese, and Fry			First reading: adopted by voice vote	799	
Senator Meeks added as coauthor	761		Returned to the Senate		
First reading: adopted by voice vote	768				
Returned to the Senate			SCR 61 Authors Senators Wyss and Long		
SCR 56 Authors Senators Zakas and Mishler			Sponsor Representative Borrer		
Sponsor Representative Walorski			Honoring Fort Wayne Bishop Luers girls' basketball team,		
Honoring Penn High School for winning Social Studies			Class 3A state champions.		
round of Academic Super Bowl.			Authored by Senators Wyss and Long	781	
Authored by Senators Zakas and Mishler	758		First reading: adopted by voice vote		
Coauthored by Senator Broden			Referred to the House		
First reading: adopted by voice vote			House sponsor: Representative Borrer		
Referred to the House			Cosponsor: Representative GiaQuinta		
House sponsor: Representative Walorski			First reading: adopted by voice vote	875	
Cosponsors: Representatives Dvorak, Neese, and Fry			Returned to the Senate		
First reading: adopted by voice vote	768		Senator Kruse added as coauthor	789	
Returned to the Senate					
SCR 57 Authors Senators Zakas and Mishler			SCR 62 Author Senator Alting		
Sponsor Representative Neese			Sponsor Representative Klinker		
Honoring Penn High School Spell Bowl team,			Honoring Lafayette Central Catholic girls' basketball team,		
state champions.			Class 1A state champions.		
Authored by Senators Zakas and Mishler	758		Authored by Senator Alting	783	
Coauthored by Senator Broden			First reading: adopted by voice vote		
First reading: adopted by voice vote			Referred to the House		
Referred to the House			House sponsor: Representative Klinker		
House sponsor: Representative Neese			Cosponsors: Representatives Micon and T. Brown		
Cosponsors: Representatives Fry, Walorski, and Dvorak			First reading: adopted by voice vote	876	
First reading: adopted by voice vote	768		Returned to the Senate		
Returned to the Senate			SCR 63 Author Senator Weatherwax		
			Sponsor Representative Turner		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Honoring Ana Baracaldo, Prudential Spirit of Community award winner.			SCR 66 Author Senator Jackman		
Authoried by Senator Weatherwax	784		Sponsor Representative Cherry		
First reading: adopted by voice vote			Honoring Mays Elementary School, Four Star School.		
Referred to the House			Authoried by Senator Jackman	785	
House sponsor: Representative Turner			First reading: adopted by voice vote		
Cosponsors: Representatives Friend and McClain			Referred to the House		
First reading: adopted by voice vote	876		House sponsor: Representative Cherry		
Returned to the Senate			First reading: adopted by voice vote	876	
			Returned to the Senate		
SCR 64 Author Senator Lubbers			SCR 67 Author Senator Meeks		
Sponsor Representative Behning			Study: issues pertaining to public		
Study: issues pertaining to early learning and reading.			transportation and commerce.		
Authoried by Senator Lubbers	777		Authoried by Senator Meeks	788	
First reading: referred to Committee on Rules and			First reading: referred to Committee on Rules and		
Legislative Procedure			Legislative Procedure		
Committee report: do pass, adopted	859				
Second reading: adopted by voice vote	1098		SCR 68 Author Senator Garton		
Referred to the House			Sponsor Representative Bosma		
House sponsor: Representative Behning			Fixing the date for Second Regular		
SCR 65 Authors Senators Heinold and Landske			Technical Session of the General Assembly.		
Sponsor Representative Ayres			Authoried by Senator Garton	1035	
Honoring Boone Grove Middle School, Four Star School.			First reading: adopted by voice vote		
Authoried by Senators Heinold and Landske	785		Referred to the House		
First reading: adopted by voice vote			House sponsor: Representative Bosma		
Referred to the House			Cosponsor: Representative Bauer		
House sponsor: Representative Ayres			First reading: adopted by voice vote	1239	
First reading: adopted by voice vote	876		Returned to the Senate		
Returned to the Senate					

SENATE RESOLUTIONS

SR 1 Author Senator Garton			Authoried by Senator Delph	70	
Authorizing Senate Postmaster			First reading: referred to Committee on Rules and		
to receive mail for the Senate.			Legislative Procedure		
Authoried by Senator Garton	4		Senator Kruse added as second author	73	
First reading: adopted by voice vote			Senators Long, Drozda, Steele, and Hershman		
			added as coauthors		
SR 2 Author Senator R. Young			Senators R. Young and Hume added as coauthors	78	
Memorializing lives lost in and affected by the tornado			Senator Craycraft added as coauthor	96	
in southwestern Indiana.			Senator Bowser added as coauthor	96	
Authoried by Senator R. Young	5		Senators Waterman and Lawson added as coauthors	97	
First reading: adopted by standing vote			Committee report: do pass, adopted	140	
Senators Alting, Becker, Bowser, Bray, Breaux, Broden,			Senator Heinold added as coauthor	181	
Craycraft, Dillon, Drozda, Ford, Gard, Garton, Harrison,			Senators Landske, Paul, Wyss, and M. Young		
Heinold, Hershman, Howard, Hume, Jackman, Kenley,			added as coauthors	182	
Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers,			Second reading: adopted by voice vote	185	
Lutz, Meeks, Merritt, Miller, Mishler, Nugent, Paul,					
Riegsecker, Rogers, Sipes, Skinner, Smith, Steele, Waltz,			SR 5 Author Senator Bowser		
Waterman, Weatherwax, Wyss, M. Young, and Zakas			Celebrating the 300th anniversary of		
added as coauthors			the birth of Benjamin Franklin.		
SR 3 Authors Senators Delph and Kruse			Authoried by Senator Bowser	93	
Expressing support of Indiana Senate			First reading: adopted by voice vote		
in ensuring religious liberty.					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SR 6 Author Senator Sipes Honoring Ashley Heishman, John Wooden Scholarship Award winner. Authored by Senator Sipes First reading: adopted by voice vote		784	SR 15 Author Senator Garton Memorializing former Senator C. Wendell Martin. Authored by Senator Garton First reading: adopted by standing vote	738	
SR 7 Author Senator Kenley Honoring Indiana/World Skating Academy and the success of its students. Authored by Senator Kenley First reading: adopted by voice vote		354	SR 16 Authors Senators Garton and R. Young Recognizing the outstanding work of the employees of the Indiana Senate. Authored by Senators Garton and R. Young First reading: adopted by voice vote	721	
SR 8 Author Senator Breaux Memorializing Mrs. Roselyn C. Richardson, community and civic leader. Authored by Senator Breaux First reading: adopted by standing vote		362	SR 17 Authors Senators Garton and R. Young Expressing appreciation to the staff of the Indiana Legislative Services Agency. Authored by Senators Garton and R. Young First reading: adopted by voice vote	721	
SR 9 Author Senator Kruse Encouraging development of a progressive molecular dissociation process. Authored by Senator Kruse First reading: referred to Committee on Economic Development and Technology Committee report: do pass, adopted Second reading: adopted by voice vote		360 438 451	SR 18 Authors Senators Garton and R. Young Expressing sincere appreciation of the Senate for the Doctor of the Day program. Authored by Senators Garton and R. Young First reading: adopted by voice vote	720	
SR 10 Author Senator Lubbers Honoring winners of Indiana Career and Technical Education Awards for Excellence. Authored by Senator Lubbers First reading: adopted by voice vote		382	SR 19 Authors Senators Garton and R. Young Expressing appreciation to Brian Breslin of Meijer. Authored by Senators Garton and R. Young First reading: adopted by voice vote	720	
SR 11 Authors Senators Broden and Zakas Honoring South Bend Chocolate Company, 2005 Entrepreneur of the Year. Authored by Senators Broden and Zakas First reading: adopted by voice vote		622	SR 20 Authors Senators Garton and R. Young Expressing appreciation to Warren Disch and Supervalu-Central. Authored by Senators Garton and R. Young First reading: adopted by voice vote	721	
SR 12 Authors Senators Simpson and Bray Commission on Courts to study establishing dedicated funds for court fees. Authored by Senators Simpson, Bray First reading: referred to Committee on Judiciary Committee report: do pass, adopted		676 767	SR 21 Authors Senators Garton and R. Young Expressing appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company. Authored by Senators Garton and R. Young First reading: adopted by voice vote	721	
SR 13 Author Senator Delph Study: interlocal cooperation agreements. Authored by Senator Delph First reading: referred to Committee on Rules and Legislative Procedure		677	SR 22 Authors Senators Garton and R. Young Expressing appreciation to Douglas J. Simmons and the SDS Group, LTD. Authored by Senators Garton and R. Young First reading: adopted by voice vote	719	
SR 14 Author Senator Lubbers Recognizing Redmond "RJ" Crace for his outstanding achievements. Authored by Senator Lubbers First reading: adopted by voice vote		718	SR 23 Authors Senators Garton and R. Young Expressing appreciation to Robert Kraft of the Indiana Farm Bureau. Authored by Senators Garton and R. Young First reading: adopted by voice vote	719	
			SR 24 Authors Senators Garton and R. Young Expressing appreciation to Joe Lackey of the Soft Drink Association. Authored by Senators Garton and R. Young First reading: adopted by voice vote	720	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SR 25 Authors Senators Garton and R. Young Expressing appreciation to Brent Shay and Eby Brown Company. Authored by Senators Garton and R. Young First reading: adopted by voice vote		719	SR 32 Authors Senators R. Young and Bowser Honoring Senator Larry E. Lutz upon his retirement from the Senate. Authored by Senators R. Young and Bowser Coauthored by Senators Breaux, Broden, Craycraft, Howard, Hume, Lanane, Lewis, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian First reading: adopted by voice vote Senators Alting, Becker, Bray, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Jackman, Kenley, Kruse, Landske, Lawson, Long, Lubbers, Meeks, Merritt, Mishler, Nugent, Paul, Riegsecker, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, Zakas, and Miller added as coauthors		740
SR 26 Author Senator R. Young Memorializing former State Senator Bernard Joseph Krampe of Ferdinand, Indiana. Authored by Senator R. Young First reading: adopted by standing vote		724	SR 33 Authors Senators Bowser and Breaux Honoring former Senator Rose Ann Antich-Carr, who recently retired. Authored by Senators Bowser and Breaux Coauthored by Senators Broden, Craycraft, Howard, Hume, Lanane, Lewis, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian First reading: adopted by voice vote Senators Bray and Meeks added as coauthors Senator Waterman added as coauthor		738
SR 27 Author Senator Harrison Pension Management Oversight Commission to study funding sources for pension relief for municipalities. Authored by Senator Harrison First reading: referred to Committee on Rules and Legislative Procedure		731	SR 34 Author Senator Landske Study: safety of nursing home residents. Authored by Senator Landske First reading: referred to Committee on Rules and Legislative Procedure		745 754
SR 28 Author Senator Harrison Pension Management Oversight Commission to review matching fund municipalities for pension relief. Authored by Senator Harrison First reading: referred to Committee on Rules and Legislative Procedure		732	SR 35 Author Senator Landske Urging Northwest Indiana Regional Development Authority to begin spending its appropriations. Authored by Senator Landske First reading: referred to Committee on Appropriations		756
SR 29 Author Senator Lewis Urging PERF trustees to anticipate future cost of living increases. Authored by Senator Lewis First reading: referred to Committee on Rules and Legislative Procedure		732	SR 36 Author Senator Harrison Pension Management Oversight Commission to study transfers from 1977 pension fund to PERF. Authored by Senator Harrison First reading: referred to Committee on Rules and Legislative Procedure		766
SR 30 Authors Senators Garton and R. Young Honoring Senator Joseph Harrison upon his retirement from the Senate. Authored by Senators Garton and R. Young First reading: adopted by voice vote Senators Alting, Becker, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas added as coauthors		739	SR 37 Authors Senators Merritt and Lawson Expressing appreciation to Verizon for supporting the internship program. Authored by Senators Merritt and Lawson First reading: adopted by voice vote		767
SR 31 Authors Senators Lewis and R. Young Honoring Senator Allie V. Craycraft upon his retirement from the Senate. Authored by Senators Lewis and R. Young Coauthored by Senators Bowser, Breaux, Broden, Howard, Hume, Lanane, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, and Tallian First reading: adopted by voice vote Senators Alting, Becker, Bray, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Jackman, Kenley, Kruse, Landske, Lawson, Long, Lubbers, Meeks, Merritt, Miller, Mishler, Nugent, Paul, Riegsecker, Steele, Waltz, Waterman, Weatherwax, Wyss, M. Young, and Zakas added as coauthors		740	SR 38 Author Senator Lewis Thanking Senate Democratic interns for their services. Authored by Senator Lewis First reading: adopted by voice vote Senators Bowser, Breaux, Broden, Craycraft, Howard,		771

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Hume, Lanane, Lutz, Mrvan, Rogers, Simpson, Sipes, Skinner, Smith, Tallian, and R. Young added as coauthors			SR 47 Authors Senators Sipes and M. Young Study: issues pertaining to missing persons. Authored by Senators Sipes, M. Young 860 First reading: referred to Committee on Rules and Legislative Procedure		
SR 39 Authors Senators Garton and R. Young Expressing appreciation to John B. Livengood, Restaurant and Hospitality Association. Authored by Senators Garton and R. Young 1098 First reading: adopted by voice vote			SR 48 Author Senator Sipes Study: rights of next of kin in situations involving criminal activity. Authored by Senator Sipes 860 First reading: referred to Committee on Rules and Legislative Procedure		
SR 40 Authors Senators Merritt and Lawson Thanking Senate Republican interns for their services. Authored by Senators Merritt and Lawson 771 First reading: adopted by voice vote			SR 49 Author Senator R. Young Study: eliminating assessed value limitation for property tax deductions. Authored by Senator R. Young 861 First reading: referred to Committee on Rules and Legislative Procedure		
SR 41 Author Senator Riegsecker Urging that medical students study treatment of autism. Authored by Senator Riegsecker 772 First reading: referred to Committee on Rules and Legislative Procedure Senator Sipes added as coauthor 856 Committee report: do pass, adopted 860 Second reading: adopted by voice vote 1097			SR 50 Author Senator Becker Honoring Senator Greg Server, on his recent retirement from the Senate. Authored by Senator Becker 872 First reading: adopted by voice vote Senators Alting, Bowser, Bray, Breaux, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas added as coauthors		
SR 42 Author Senator Landske Study: smoke detectors and sprinkler systems in health facilities. Authored by Senator Landske 778 First reading: referred to Committee on Rules and Legislative Procedure Committee report: do pass, adopted 860 Second reading: adopted by voice vote 1097			SR 51 Author Senator R. Young Study: effect of privatization on state employees. Authored by Senator R. Young 861 First reading: referred to Committee on Rules and Legislative Procedure		
SR 43 Author Senator Landske Study: care and management of diabetes at school. Authored by Senator Landske 778 First reading: referred to Committee on Rules and Legislative Procedure Committee report: do pass, adopted 860 Second reading: adopted by voice vote 1097			SR 52 Author Senator R. Young Study: Indiana statutes pertaining to adverse possession. Authored by Senator R. Young 861 First reading: referred to Committee on Rules and Legislative Procedure		
SR 44 Author Senator Nugent Honoring Nugent Tractor Sales on its 50th anniversary. Authored by Senator Nugent 786 First reading: adopted by voice vote			SR 53 Author Senator Merritt Honoring former Senator J. Murray Clark, who recently retired from the Senate. Authored by Senator Merritt 1098 First reading: adopted by voice vote Senators Kruse and Delph added as coauthors 1123		
SR 45 Author Senator Meeks Urging commitment to community integration of developmentally disabled persons. Authored by Senator Meeks 788 First reading: referred to Committee on Health and Provider Services			SR 54 Author Senator Breaux Honoring the late biologist and naturalist, Rachel Carson. Authored by Senator Breaux 861 First reading: referred to Committee on Energy and Environmental Affairs		
SR 46 Authors Senators Delph and Wyss Commission on State Tax and Financing Policy to study eligibility for certain military benefits. Authored by Senators Delph, Wyss 789 Coauthored by Senator Kenley First reading: referred to Committee on Rules and Legislative Procedure					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SR 55 Authors Senators Garton and R. Young			SR 57 Author Senator Tallian		
Expressing appreciation for the			Environmental Quality Study Council to study water		
Chiropractor of the Day Program.			quality in Lake Michigan and Indiana's impact on it.		
Authored by Senators Garton and R. Young		889	Authored by Senator Tallian		1096
First reading: adopted by voice vote			First reading: referred to Committee on Rules and		
			Legislative Procedure		
SR 56 Author Senator Miller			SR 58 Authors Senators R. Young and Bowser		
Health finance commission to study			Honoring Laura J. Bauman for 30 years of service		
privatization of services.			to the Senate.		
Authored by Senator Miller		1096	Authored by Senators R. Young and Bowser		1071
First reading: referred to Committee on Rules and			Coauthored by Senators Breaux, Broden, Craycraft,		
Legislative Procedure			Howard, Hume, Lanane, Lewis, Lutz, Mrvan, Rogers,		
			Simpson, Sipes, Skinner, Smith, and Tallian		
			First reading: adopted by voice vote		

HISTORIES OF BILLS AND RESOLUTIONS—2006

SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by Governor Daniels in 2006.)

HOUSE BILLS

House Senate

House Senate

■ HB 1001 Author Representative Espich

Sponsor Senator Kenley

Various tax matters.

Rules suspended	7
Authorized by Representative Espich	
First reading: referred to Committee on Ways and Means	
Committee report: amend do pass, adopted;	
Roll Call 15: yeas 86, nays 10	60
Second reading: amended, ordered engrossed	273
Amendment 22 (Espich) prevailed; voice vote	273
Amendment 3 (Klinker) failed;	
Roll Call 43: yeas 45, nays 52	275
Amendment 20 (Turner) withdrawn	275
Amendment 5 (Dobis) prevailed;	
Roll Call 44: yeas 98, nays 0	321
Amendment 9 (Kuzman) ruled out of order	322
Amendment 19 (Orentlicher) prevailed; voice vote	326
Amendment 15 (Orentlicher) failed; voice vote	328
Amendment 25 (Borders) withdrawn	330
Amendment 2 (Aguilera) withdrawn	330
Amendment 10 (Crawford) ruled out of order	333
Amendment 12 (Crawford) failed;	
Roll Call 46: yeas 45, nays 48	334
Amendment 26 (Dobis) prevailed;	
division of the House: yeas 49, nays 42	334
Third reading: passed; Roll Call 50: yeas 97, nays 1	363
Referred to the Senate	
Senate sponsor: Senator Kenley	
First reading: referred to Committee on Tax and	
Fiscal Policy	316
Senator Hume added as cosponsor	349
Committee report: amend do pass, adopted	472
Second reading: amended, ordered engrossed	637
Amendment 10 (Kenley) prevailed; voice vote	637
Amendment 9 (Jackman) prevailed; voice vote	649
Amendment 14 (Dillon) prevailed; voice vote	650
Amendment 7 (Breaux) prevailed; voice vote	658
Amendment 2 (Brodén) prevailed; voice vote	658
Third reading: recommitted to Committee of One,	
Amendment 16 (Kenley) prevailed by voice vote;	
bill passed; Roll Call 270: yeas 37, nays 12	703
Returned to the House with amendments	
Senator Dillon added as cosponsor	704
Senators Kruse and Wyss added as cosponsors	705
House dissented from Senate amendments	747
House conferees appointed: Espich and Crawford	754
House advisors appointed: Turner, Buell, Klinker, Kersey	
Senate conferees appointed: Kenley and Hume	733
Senate advisors appointed: Dillon and Mrvan	
Conference committee report 1: filed in the House	1123
Rules suspended	1129
Made special order of business	1130
Conference committee report 1: adopted by the Senate;	
Roll Call 405: yeas 49, nays 1	1130
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 489: yeas 95, nays 1	1235
Signed by the President Pro Tempore	1277
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 162:	
SECTION 1 effective March 24, 2006	
SECTIONS 2 through 3 effective July 1, 2006	

SECTION 4 effective retroactive to January 1, 2006
SECTION 5 effective March 24, 2006
SECTION 6 effective July 1, 2006
SECTIONS 7 through 8 effective March 24, 2006
SECTION 9 effective July 1, 2006
SECTIONS 10 through 12 effective March 24, 2006
SECTION 13 effective July 1, 2006
SECTION 14 effective retroactive to January 1, 2006
SECTIONS 15 through 22 effective July 1, 2006
SECTION 23 effective January 1, 2007
SECTION 24 effective July 1, 2006
SECTION 25 effective January 1, 2007
SECTION 26 effective July 1, 2006
SECTIONS 27 through 34 effective March 24, 2006
SECTIONS 35 through 46 effective July 1, 2006
SECTION 47 effective retroactive to January 1, 2006
SECTIONS 48 through 49 effective July 1, 2006
SECTION 50 effective March 24, 2006
SECTION 51 effective July 1, 2006
SECTION 52 effective retroactive to January 1, 2006
SECTION 53 effective March 24, 2006
SECTION 54 effective July 1, 2006
SECTION 55 effective March 24, 2006
SECTION 56 effective January 1, 2007
SECTION 57 effective March 24, 2006
SECTION 58 effective retroactive to July 1, 2005
SECTION 59 effective March 24, 2006

HB 1005 Author Representative Behning

Autism scholarships.

Authorized by Representative Behning	41
First reading: referred to Committee on Education	

■ HB 1006 Author Representative Noe

Sponsors Senators Lubbers and Drozda

Allocation of school resources; homeless students.

Authorized by Representative Noe	41
Coauthored by Representatives Stutzman, Behning	
First reading: referred to Committee on Education	
Committee report: amend do pass, adopted	145
Second reading: amended, ordered engrossed	240
Amendment 1 (Behning) prevailed; voice vote	240
Amendment 2 (Hinkle) prevailed; voice vote	240
Third reading: passed; Roll Call 177: yeas 56, nays 40	497
Referred to the Senate	
Senate sponsors: Senators Lubbers and Drozda	
First reading: referred to Committee on Education	
and Career Development	340
Committee report: amend do pass, adopted	430
Second reading: ordered engrossed	439
Amendment 1 (Simpson) failed;	
Roll Call 196: yeas 18, nays 32	439
Third reading: passed; Roll Call 204: yeas 34, nays 15	468
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 477: yeas 51, nays 47	1070
Signed by the President Pro Tempore	1277
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 191:	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SECTIONS 1 through 2 effective March 28, 2006
 SECTIONS 3 through 4 effective July 1, 2006

HB 1007 Author Representative T. Harris
Sponsors Senators Kenley and Simpson

Various business tax changes.	
Authored by Representative T. Harris	29
First reading: referred to Committee on Ways and Means	
Committee report: amend do pass, adopted	155
Representative Klinker added as coauthor	161
Second reading: ordered engrossed	163
Amendment 3 (Fry) ruled out of order	163
Amendment 2 (Pelath) failed;	
Roll Call 29: yeas 48, nays 49	164
Third reading: passed; Roll Call 51: yeas 81, nays 17	363
Referred to the Senate	
Senate sponsors: Senators Kenley and Simpson	
First reading: referred to Committee on Tax and	
Fiscal Policy	316
Senator Lubbers added as cosponsor	349

HB 1008 Author Representative Borrer
Sponsors Senators Meeks and Hershman

Public-private agreements for transportation.	
Authored by Representative Borrer	29
Coauthored by Representative Duncan	
First reading: referred to Committee on Ways and Means	
Representative Torr added as coauthor	48
Representative Buck added as coauthor	142
House Rule 106.1 suspended; Representatives Davis, Cherry,	
Crouch, and Woodruff added as coauthors	239
Committee report: amend do pass, adopted;	
Roll Call 47: yeas 50, nays 46	336
Second reading: amended, ordered engrossed	450
Amendment 12 (Heim) prevailed; voice vote	450
Amendment 40 (Neese) prevailed;	
Roll Call 111: yeas 91, nays 8	450
Amendment 11 (Walorski) prevailed;	
Roll Call 112: yeas 58, nays 41	451
Amendment 39 (Budak) prevailed; voice vote	456
Amendment 33 (Frizzell) prevailed; voice vote	456
Amendment 21 (Crawford) failed;	
Roll Call 113: yeas 47, nays 51	456
Amendment 8 (Aguilera) failed;	
Roll Call 114: yeas 45, nays 51	464
Amendment 14 (Crooks) failed;	
Roll Call 115: yeas 47, nays 51	464
Amendment 15 (Aguilera) failed;	
Roll Call 116: yeas 45, nays 51	464
Amendment 41 (V. Smith) failed;	
Roll Call 117: yeas 46, nays 50	464
Amendment 38 (Orentlicher) failed;	
Roll Call 118: yeas 46, nays 51	465
Amendment 29 (V. Smith) failed;	
Roll Call 119: yeas 44, nays 51	466
Amendment 27 (Welch) failed;	
Roll Call 120: yeas 46, nays 51	466
Amendment 17 (Orentlicher) failed;	
Roll Call 121: yeas 46, nays 51	467
Amendment 25 (Avery) failed;	
Roll Call 122: yeas 46, nays 51	467
Amendment 30 (V. Smith) withdrawn	467
Amendment 9 (Orentlicher) failed;	
Roll Call 123: yeas 46, nays 51	468
Amendment 36 (Pierce) failed;	
Roll Call 124: yeas 47, nays 51	468

Amendment 19 (Crawford) withdrawn	469
Amendment 31 (Stilwell) prevailed;	
Roll Call 125: yeas 98, nays 0	469
Third reading: passed; Roll Call 130: yeas 52, nays 47	487
Referred to the Senate	
Senate sponsor: Senator Meeks	
First reading: referred to Committee on Appropriations	340
Senator Hershman added as second sponsor	436
Committee report: amend do pass, adopted	557
Senator Wyss added as cosponsor	620
Second reading: amended, ordered engrossed	677
Amendment 24 (Meeks) prevailed; voice vote	677
Amendment 25 (Meeks) prevailed;	
Roll Call 255: yeas 31, nays 18	677
Amendment 36 (Simpson) failed;	
Roll Call 256: yeas 16, nays 33	679
Amendment 10 (Hume) prevailed; voice vote	681
Amendment 32 (Tallian) failed;	
Roll Call 257: yeas 16, nays 33	681
Amendment 33 (Lanane) failed;	
Roll Call 258: yeas 18, nays 31	682
Amendment 30 (Lanane) failed;	
Roll Call 259: yeas 16, nays 33	682
Amendment 16 (Brodén) failed;	
Roll Call 260: yeas 16, nays 33	682
Amendment 18 (Rogers) failed;	
Roll Call 261: yeas 18, nays 31	682
Amendment 8 (Tallian) failed;	
Roll Call 262: yeas 16, nays 33	682
Amendment 22 (Rogers) failed;	
Roll Call 263: yeas 16, nays 33	682
Amendment 11 (Young R) failed;	
Roll Call 264: yeas 16, nays 33	683
Amendment 28 (Lanane) failed;	
Roll Call 265: yeas 16, nays 33	683
Amendment 12 (Bowser) failed;	
Roll Call 266: yeas 15, nays 33	684
Amendment 17 (Mrvan) failed;	
Roll Call 267: yeas 16, nays 33	684
Amendment 5 (Craycraft) failed; voice vote	685
Third reading: recommitted to Committee of One,	
Amendment 38 (Meeks) prevailed by voice vote;	
bill passed; Roll Call 277: yeas 29, nays 20	706
Returned to the House with amendments	
House dissented from Senate amendments	752
House conferees appointed: Borrer and Bauer	754
House advisors appointed: Woodruff, McClain, Duncan,	
Moses, VanHaften	
Senate conferees appointed: Meeks and Howard	733
Senate advisors appointed: Hershman, Wyss, Rogers,	
Hume	
Senators Riegsecker, Landske, Brodén, and Simpson	
appointed as Senate advisors	755
Representative Bauer removed as conferee	1038
Representative Espich added as conferee	
Senator Weatherwax added as cosponsor	1037
Conference committee report 1: filed in the House	1174
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 478: yeas 51, nays 48	1209
Rules suspended	1129
Made special order of business	1130
Conference committee report 1: adopted by the Senate;	
Roll Call 406: yeas 31, nays 19	1161
Signed by the President Pro Tempore	1277
Signed by the Speaker	1246
Signed by the President of the Senate	1246
Signed by the Governor	1246
Public Law 47:	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SECTIONS 1 through 2 effective March 15, 2006
 SECTION 3 effective retroactive to December 31, 2005
 SECTIONS 4 through 45 effective March 15, 2006
 SECTIONS 46 through 47 effective July 1, 2006
 SECTIONS 48 through 65 effective March 15, 2006

HB 1009 Author Representative Torr
Sponsors Senators Dillon and Simpson

Redistricting commission.
 Authored by Representative Torr 29
 Coauthored by Representatives Ulmer and Neese
 First reading: referred to Committee on Elections and
 Apportionment
 Representative Bosma added as coauthor 48
 Committee report: amend do pass, adopted 156
 Second reading: amended, ordered engrossed 165
 Amendment 2 (Torr) prevailed; voice vote 165
 Amendment 3 (Denbo) failed;
 Roll Call 30: yeas 48, nays 49 165
 Amendment 1 (Messer) prevailed; voice vote 165
 Amendment 5 (Day) prevailed; voice vote 165
 Third reading: passed; Roll Call 53: yeas 54, nays 43 363
 Referred to the Senate
 Senate sponsors: Senators Dillon and Simpson
 Cosponsor: Senator Lubbers
 First reading: referred to Committee on Elections
 and Civic Affairs 344

HB 1010 Author Representative Wolkins
Sponsors Senators Bray and Drozda

Eminent domain.
 Authored by Representative Wolkins 19
 Coauthored by Representatives Foley, Grubb
 First reading: referred to Committee on Judiciary
 Committee report: amend do pass, adopted 28
 Second reading: amended, held on second reading 241
 Amendment 9 (Hinkle) prevailed; voice vote 241
 Amendment 1 (Robertson) prevailed; voice vote 241
 Amendment 5 (VanHaften) failed;
 Roll Call 37: yeas 48, nays 51 241
 Amendment 14 (Dvorak) failed;
 Roll Call 38: yeas 48, nays 51 241
 Amendment 12 (Thompson) pending. 241
 Reread second time: made special order of business
 for 5:30 p.m. on January 25, 2006 243
 Amendment 12 (Thompson) withdrawn 243
 Reread second time: amended, ordered engrossed 250
 Amendment 2 (Mahern) prevailed; voice vote 250
 Amendment 10 (Wolkins) prevailed; voice vote 250
 Third reading: passed; Roll Call 54: yeas 98, nays 0 371
 Referred to the Senate
 Senate sponsors: Senators Bray and Drozda
 Cosponsors: Senators Sipes and Lewis
 House Rule 106.1 suspended; Representatives Dvorak, Hoy,
 Cherry, Ulmer, and Noe added as coauthors 373
 First reading: referred to Committee on Corrections,
 Criminal, and Civil Matters 316
 Committee report: amend do pass, adopted 424
 Senator Long added as cosponsor 438
 Second reading: amended, ordered engrossed 623
 Amendment 5 (Drozda) prevailed; voice vote 623
 Amendment 11 (Becker) prevailed; voice vote 623
 Amendment 3 (Long) prevailed; voice vote 623
 Amendment 2 (Bowser) failed;
 Roll Call 237: yeas 20, nays 29 623
 Amendment 6 (Lanane) prevailed; voice vote 624

Amendment 8 (Sipes) failed;
 Roll Call 238: yeas 17, nays 32 624
 Amendment 10 (Brodén) prevailed; voice vote 626
 Third reading: passed; Roll Call 245: yeas 49, nays 0 671
 Returned to the House with amendments
 House dissented from Senate amendments 747
 House conferees appointed: Wolkins and Dvorak 754
 House advisors appointed: Foley, Cherry, VanHaften
 Senate conferees appointed: Bray and Sipes 733
 Senate advisors appointed: Drozda, Long, Lewis, Lanane
 Conference committee report 1: filed in the House 777
 Conference committee report 2: filed in the House 864
 Conference committee report 1: withdrawn 791
 Rules suspended; conference committee report 2:
 adopted by the House; Roll Call 441: yeas 89, nays 8 1005
 Conference committee report 2: adopted by the Senate;
 Roll Call 373: yeas 49, nays 0 864
 Signed by the President Pro Tempore 1277
 Signed by the President of the Senate 1246
 Signed by the Speaker 1246
 Signed by the Governor 1246
 Public Law 163: Effective March 24, 2006

HB 1011 Author Representative Richardson
Sponsors Senators Lawson and Breaux

Miscellaneous election law matters.
 Authored by Representative Richardson 16
 Coauthored by Representatives Mahern, Behning, Thomas
 First reading: referred to Committee on Elections and
 Apportionment
 Committee report: amend do pass, adopted 156
 Second reading: ordered engrossed 163
 Third reading: passed; Roll Call 132: yeas 81, nays 0 488
 Referred to the Senate
 Senate sponsors: Senators Lawson and Breaux
 First reading: referred to Committee on Elections
 and Civic Affairs 340
 Committee report: amend do pass, adopted 371
 Amendment 1 (Lawson) prevailed; voice vote 614
 Second reading: amended, ordered engrossed 614
 Amendment 2 (M. Young) prevailed; voice vote 615
 Amendment 5 (Lawson) prevailed; voice vote 615
 Amendment 6 (Breaux) failed;
 Roll Call 230: yeas 17, nays 31 615
 Amendment 11 (Lawson) prevailed; voice vote 615
 Amendment 12 (Lawson) prevailed; voice vote 616
 Third reading: passed; Roll Call 246: yeas 34, nays 15 671
 Returned to the House with amendments
 House concurred in Senate amendments;
 Roll Call 422: yeas 52, nays 47 770
 Joint Rule 20 technical correction
 adopted by the Senate 775
 Joint Rule 20 technical correction
 adopted by the House 1037
 Signed by the President Pro Tempore 1277
 Signed by the President of the Senate 1246
 Signed by the Speaker 1246
 Signed by the Governor 1246
 Public Law 164:
 SECTION 1 effective March 24, 2006
 SECTION 2 effective July 1, 2006
 SECTIONS 3 through 5 effective March 24, 2006
 SECTIONS 6 through 12 effective July 1, 2006
 SECTION 13 effective retroactive to January 1, 2006
 SECTION 14 effective July 1, 2006
 SECTION 15 effective March 24, 2006
 SECTIONS 16 through 27 effective July 1, 2006

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SECTION 28 effective March 24, 2006	
SECTIONS 29 through 36 effective July 1, 2006	
SECTION 37 effective March 24, 2006	
SECTIONS 38 through 54 effective July 1, 2006	
SECTIONS 55 through 59 effective March 24, 2006	
SECTIONS 60 through 61 effective July 1, 2006	
SECTIONS 62 through 63 effective March 24, 2006	
SECTIONS 64 through 66 effective July 1, 2006	
SECTION 67 effective March 24, 2006	
SECTIONS 68 through 72 effective July 1, 2006	
SECTIONS 73 through 74 effective March 24, 2006	
SECTIONS 75 through 76 effective July 1, 2006	
SECTIONS 77 through 78 effective March 24, 2006	
SECTIONS 79 through 80 effective July 1, 2006	
SECTIONS 81 through 82 effective March 24, 2006	
SECTIONS 83 through 90 effective July 1, 2006	
SECTION 91 effective March 24, 2006	
SECTIONS 92 through 94 effective July 1, 2006	
SECTION 95 effective retroactive to January 1, 2006	
SECTION 96 effective January 1, 2007	
SECTIONS 97 through 98 effective March 24, 2006	
SECTION 99 effective July 1, 2006	
SECTION 100 effective March 24, 2006	
SECTIONS 101 through 117 effective July 1, 2006	
SECTIONS 118 through 123 effective March 24, 2006	
SECTION 124 effective January 1, 2007	
SECTIONS 125 through 129 effective March 24, 2006	
SECTIONS 130 through 131 effective July 1, 2006	
SECTION 132 effective March 24, 2006	
SECTION 133 effective July 1, 2006	
SECTION 134 effective March 24, 2006	
SECTIONS 135 through 136 effective July 1, 2006	
SECTIONS 137 through 139 effective retroactive to January 1, 2006	
SECTION 140 effective March 24, 2006	
SECTION 141 effective July 1, 2006	
SECTION 142 effective March 24, 2006	
SECTION 143 effective July 1, 2006	
SECTION 144 effective January 1, 2007	
SECTION 145 effective retroactive to January 1, 2006	
SECTION 146 effective July 1, 2006	
SECTIONS 147 through 148 effective March 24, 2006	

HB 1012 Withdrawn pursuant to House Rule 111.
Withdrawn prior to first reading 16

■ HB 1013 Author Representative Burton	
Sponsors Senators Miller and Craycraft	
License plates.	
Authorized by Representative Burton	16
First reading: referred to Committee on Roads and Transportation	
Representatives Noe, Welch and Duncan added as coauthors	23
Committee report: do pass, adopted	23
Second reading: ordered engrossed	26
Amendment 1 (Cochran) withdrawn	26
Third reading: passed; Roll Call 18: yeas 94, nays 2	139
Referred to the Senate	
Senate sponsors: Senators Miller and Craycraft	
First reading: referred to Committee on Commerce and Transportation	225
Senators Landske and Kruse added as cosponsors	263
Committee report: do pass, adopted	352
Senator Heinold added as cosponsor	354
Second reading: amended, ordered engrossed	363
Amendment 1 (Hume) prevailed; voice vote	363

Senators Hume and Waterman added as cosponsors	365
Third reading: passed; Roll Call 205: yeas 49, nays 1	468
Returned to the House with amendments	
House Rule 106.1 suspended; Representatives Austin, Ayres, Behning, Bell, Borders, Borror, Bosma, C. Bottorff, Bright, T. Brown, Buck, Budak, Buell, Cherry, Cochran, Crawford, Crouch, Davis, Dodge, Espich, Foley, Friend, Frizzell, Grubb, Gutwein, E. Harris, T. Harris, Heim, Hinkle, Hoffman, Kersey, Klinker, Koch, Kuzman, L. Lawson, Lehe, Leonard, J. Lutz, Mays, McClain, Messer, Micon, Murphy, Neese, Oxley, Pflum, Pond, Reske, Richardson, Ripley, Robertson, Ruppel, Saunders, J. Smith, V. Smith, Stilwell, Stutzman, Thomas, Thompson, Tincher, Torr, Turner, Tyler, Ulmer, Walorski, Whetstone, Wolkins, Woodruff, and Yount added as coauthors	730
House concurred in Senate amendments;	
Roll Call 406: yeas 85, nays 1	767
Signed by the Speaker	777
Signed by the President Pro Tempore	780
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 68: Effective July 1, 2006	

HB 1014 Author Representative Crooks

Indiana time zones.	
Authored by Representative Crooks	16
First reading: referred to Committee on Commerce, Economic Development and Small Business	

HB 1015 Author Representative Day

Residential property tax deduction.	
Authored by Representative Day	16
First reading: referred to Committee on Ways and Means	
Representative Buell added as coauthor	142

■ HB 1016 Author Representative Ayres

Sponsor Senator Bray	
Alcohol and tobacco matters.	
Authored by Representative Ayres	16
Coauthored by Representatives Ulmer, Foley and Cheney	
First reading: referred to Committee on Courts and Criminal Code	
Committee report: do pass, adopted	51
Second reading: ordered engrossed	163
Third reading: passed; Roll Call 55: yeas 96, nays 0	371
Referred to the Senate	
Senate sponsor: Senator Bray	
First reading: referred to Committee on Judiciary	316
Committee report: amend do pass, adopted	426
Second reading: amended, ordered engrossed	460
Amendment 2 (Nugent) prevailed; voice vote	460
Third reading: passed; Roll Call 278: yeas 44, nays 0	708
Returned to the House with amendments	
Senator Tallian added as cosponsor	714
House dissented from Senate amendments	752
House conferees appointed: Ayres and Cheney	754
House advisor appointed: Ulmer	
Senate conferees appointed: Bray and Broden	734
Senate advisors appointed: Long and Lanane	
Representative Bardon appointed as House advisor	774
Conference committee report 1: filed in the House	881
Rules suspended; conference committee report 1: adopted by the House; Roll Call 429: yeas 92, nays 3	900
Conference committee report 1: adopted by the Senate; Roll Call 374: yeas 48, nays 2	873

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senator Heinold added as cosponsor		1125	House advisors appointed: Wolkins and Oxley		
Signed by the President Pro Tempore		1277	Senate conferees appointed: Hershman and R. Young	734	
Signed by the President of the Senate	1246		Senator R. Young removed as conferee	767	
Signed by the Speaker	1246		Senator Lewis added as conferee		
Signed by the Governor	1246		Conference committee report 1: filed in the House	940	
Public Law 165:			Rules suspended; conference committee report 1:		
SECTIONS 1 through 4 effective March 24, 2006			adopted by the House; Roll Call 452: yeas 89, nays 0	1063	
SECTIONS 5 through 19 effective July 1, 2006			Conference committee report 1: adopted by the Senate;		
SECTIONS 20 through 39 effective March 24, 2006			Roll Call 375: yeas 50, nays 0	884	
SECTION 40 effective July 1, 2006			Signed by the President Pro Tempore	1277	
SECTION 41 effective March 24, 2006			Signed by the President of the Senate	1246	
SECTIONS 42 through 43 effective July 1, 2006			Signed by the Speaker	1246	
SECTION 44 effective March 24, 2006			Signed by the Governor	1246	
			Public Law 166: Effective July 1, 2006		
■ HB 1017 Author Representative Welch			HB 1019 Author Representative Torr		
Sponsors Senators Becker and Broden			Employee's right to work.		
Property appraisers.			Authorized by Representative Torr	16	
Authorized by Representative Welch	16		First reading: referred to Committee on Employment		
Coauthored by Representative T. Harris			and Labor		
First reading: referred to Committee on			Representative Noe added as coauthor	142	
Financial Institutions			Representative Turner added as coauthor	161	
Committee report: amend do pass, adopted	51				
Second reading: ordered engrossed	163		HB 1020 Author Representative Avery		
Third reading: recommitted to Committee of One,			Sponsors Senators Becker and Broden		
Amendment 1 (Welch) prevailed by two-thirds vote;			Regulation of teen clubs.		
bill passed; Roll Call 56: yeas 94, nays 0	371		Authorized by Representative Avery	16	
Referred to the Senate			First reading: referred to Committee on Local		
Senate sponsors: Senators Becker and Broden			Government		
Cosponsor: Senator Long			Representative Hoy added as coauthor	36	
First reading: referred to Committee on Tax and			Committee report: do pass, adopted	54	
Fiscal Policy	316		Representative Crouch added as coauthor	142	
Committee report: amend do pass, adopted	370		Second reading: ordered engrossed	163	
Second reading: ordered engrossed	439		Third reading: passed; Roll Call 58: yeas 95, nays 0	372	
Third reading: passed; Roll Call 206: yeas 50, nays 0	468		Referred to the Senate		
Returned to the House with amendments			Senate sponsors: Senators Becker and Broden		
House concurred in Senate amendments;			Representative Hinkle added as coauthor	373	
Roll Call 378: yeas 97, nays 0	755		First reading: referred to Committee on Governmental		
Signed by the Speaker	777		Affairs and Interstate Cooperation	316	
Signed by the President Pro Tempore	789				
Signed by the President of the Senate	1239		HB 1021 Author Representative Grubb		
Signed by the Governor	1246		Sponsors Senators Weatherwax and Lewis		
Public Law 113: Effective July 1, 2006			Hay baling on interstate rights-of-way.		
■ HB 1018 Author Representative Robertson			Authorized by Representative Grubb	16	
Sponsors Senators Hershman and R. Young			Coauthored by Representative Friend		
Water authority audits.			First reading: referred to Committee on Roads and		
Authorized by Representative Robertson	16		Transportation		
Coauthored by Representatives Wolkins, Hinkle, and Oxley			Committee report: amend do pass, adopted	26	
First reading: referred to Committee on Utilities and Energy			Second reading: amended, ordered engrossed	137	
Committee report: do pass, adopted	146		Amendment 1 (Grubb) prevailed; voice vote	137	
Second reading: ordered engrossed	163		Third reading: passed; Roll Call 20: yeas 88, nays 1	153	
Third reading: passed; Roll Call 57: yeas 94, nays 0	372		Referred to the Senate		
Referred to the Senate			Senate sponsors: Senators Weatherwax and Lewis		
Senate sponsors: Senators Hershman and R. Young			First reading: referred to Committee on Corrections,		
First reading: referred to Committee on Homeland Security,			Criminal, and Civil Matters	225	
Utilities, and Public Policy	316				
Committee report: do pass, adopted	347		■ HB 1022 Author Representative Ruppel		
Second reading: amended, ordered engrossed	434		Sponsors Senators Merritt and Ford		
Amendment 1 (Hershman) prevailed; voice vote	434		State fair commission.		
Placed back on second reading	614		Authorized by Representative Ruppel	16	
Reread second time: amended, ordered engrossed	685		Coauthored by Representatives Pond, Bischoff, and Goodin		
Amendment 6 (Lawson) prevailed; voice vote	685		First reading: referred to Committee on Agriculture and		
Third reading: passed; Roll Call 279: yeas 47, nays 0	708		Rural Development		
Returned to the House with amendments			Committee report: amend do pass, adopted	54	
House dissented from Senate amendments	754				
House conferees appointed: J. Lutz and Robertson	757				

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Second reading: ordered engrossed	163
Third reading: passed; Roll Call 59: yeas 95, nays 0	372
Referred to the Senate	
Senate sponsors: Senators Merritt and Ford	
Cosponsors: Senators Lewis and Craycraft	
First reading: referred to Committee on Agriculture and Small Business	316
Committee report: amend do pass, adopted	609
Second reading: ordered engrossed	627
Third reading: passed; Roll Call 247: yeas 49, nays 0	671
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 379: yeas 91, nays 6	755
Signed by the Speaker	777
Signed by the President Pro Tempore	780
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 69: Effective March 17, 2006	

■ **HB 1023 Author Representative Ayres**
Sponsors Senators Heinold and Miller

Addition treatment facilities.	
Authored by Representative Ayres	16
Coauthored by Representatives T. Brown, C. Brown, Cheney	
First reading: referred to Committee on Public Health	
Committee report: do pass, adopted	28
Second reading: ordered engrossed	137
Third reading: passed; Roll Call 21: yeas 93, nays 0	153
Referred to the Senate	
Senate sponsors: Senators Heinold and Miller	
Cosponsor: Senator Tallian	
First reading: referred to Committee on Health and Provider Services	225
Committee report: do pass, adopted	423
Second reading: ordered engrossed	439
Third reading: passed; Roll Call 207: yeas 49, nays 1	468
Returned to the House without amendments	
Signed by the Speaker	751
Signed by the President Pro Tempore	753
Signed by the President of the Senate	777
Signed by the Governor	876
Public Law 25: Effective March 13, 2006	

■ **HB 1024 Author Representative J. Smith**
Sponsor Senator Drozda

Criminal confinement.	
Authored by Representative J. Smith	16
First reading: referred to Committee on Courts and Criminal Code	
Committee report: amend do pass, adopted	146
Second reading: ordered engrossed	251
Third reading: passed; Roll Call 60: yeas 95, nays 0	372
Referred to the Senate	
Senate sponsor: Senator Drozda	
Representative Thomas added as coauthor	373
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	316
Committee report: amend do pass, adopted	606
Second reading: ordered engrossed	627
Third reading: passed; Roll Call 248: yeas 47, nays 2	671
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 401: yeas 83, nays 4	767
Signed by the Speaker	777
Signed by the President Pro Tempore	789

House Senate

Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 70: Effective July 1, 2006	

■ **HB 1025 Author Representative J. Smith**
Sponsor Senator Drozda

Innkeeper's taxes.	
Authored by Representative J. Smith	16
First reading: referred to Committee on Ways and Means	
Committee report: do pass, adopted	146
Second reading: amended, ordered engrossed	165
Amendment 1 (T. Brown) prevailed; voice vote	165
Representative Thomas added as coauthor	449
Representative Klinker added as coauthor	486
Third reading: recommitted to Committee of One,	
Amendment 2 (J. Smith) prevailed by two-thirds vote;	
bill passed; Roll Call 133: yeas 58, nays 33	488
Referred to the Senate	
Senate sponsor: Senator Drozda	
First reading: referred to Committee on Tax and Fiscal Policy	340
Committee report: amend do pass, adopted	371
Senator Altting added as cosponsor	385
Senator Hershman added as cosponsor	439
Second reading: amended, ordered engrossed	439
Amendment 1 (Drozda) prevailed; voice vote	439
Third reading: passed; Roll Call 208: yeas 46, nays 4	468
Returned to the House with amendments	
House dissented from Senate amendments	747
House conferees appointed: J. Smith and Klinker	754
House advisors appointed: Koch and T. Brown	
Senate conferees appointed: Drozda and Simpson	734
Senate advisors appointed: Altting and Skinner	734
Conference committee report 1: filed in the House	890
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 442: yeas 62, nays 32	1005
Conference committee report 1: adopted by the Senate;	
Roll Call 376: yeas 48, nays 2	885
Signed by the President Pro Tempore	1277
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 167: Effective July 1, 2006	

■ **HB 1026 Author Representative Grubb**
Off-road vehicles and snowmobiles.

Authored by Representative Grubb	16
First reading: referred to Committee on Judiciary	

■ **HB 1027 Author Representative Walorski**
Daylight saving time.

Authored by Representative Walorski	16
First reading: referred to Committee on Commerce, Economic Development and Small Business	

■ **HB 1028 Author Representative Koch**
Sponsors Senators Nugent and Steele

Firearms and self-defense.	
Authored by Representative Koch	41
First reading: referred to Committee on Public Safety and Homeland Security	
Representative Ulmer added as coauthor	142
Representative Ruppel added as coauthor	235
Committee report: amend do pass, adopted	256

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Second reading: amended, ordered engrossed	379		Joint Rule 20 technical correction		
Amendment 1 (Koch) prevailed; voice vote	379		adopted by the House	1208	
Third reading: passed; Roll Call 134: yeas 82, nays 18	488		Joint Rule 20 technical correction		
Referred to the Senate			adopted by the Senate		1123
Senate sponsors: Senators Nugent and Steele			Signed by the President Pro Tempore		1277
Representative Thomas added as coauthor	492		Signed by the President of the Senate	1246	
First reading: referred to Committee on Rules and			Signed by the Speaker	1246	
Legislative Procedure	340		Signed by the Governor	1246	
Senator Drozda added as cosponsor	349		Public Law 192:		
Senators Hume, Waterman, Waltz, Meeks, Bray, and			SECTIONS 1 through 3 effective March 28, 2006		
Hershman added as cosponsors			SECTION 4 effective January 1, 2007		
Reassigned to the Committee on Corrections,			SECTIONS 5 through 10 effective March 28, 2006		
Criminal, and Civil Matters	359		SECTIONS 11 through 14 effective July 1, 2006		
Committee report: amend do pass, adopted	606		SECTION 15 effective January 1, 2007		
Second reading: ordered engrossed	627		SECTION 16 effective March 28, 2006		
Senators Lanane, Delph and Paul added as cosponsors	633				
Third reading: passed; Roll Call 249: yeas 44, nays 5	671				
Returned to the House with amendments					
Senator Heinold added as cosponsor	672		HB 1030 Author Representative Saunders		
House concurred in Senate amendments;			License branch closings.		
Roll Call 380: yeas 81, nays 10	755		Authored by Representative Saunders	16	
Signed by the Speaker	777		Coauthored by Representative Austin		
Signed by the President Pro Tempore	780		First reading: referred to Committee on Roads and		
Signed by the President of the Senate	1239		Transportation		
Signed by the Governor	1246		Committee report: amend do pass, adopted	26	
Public Law 189: Effective July 1, 2006			Representatives Ayres and Goodin added as coauthors	142	
■ HB 1029 Author Representative Buell			HB 1031 Author Representative Reske		
Sponsors Senators Kenley and Simpson			Small business set-aside purchases.		
Education.			Authored by Representative Reske	16	
Authored by Representative Buell	16		First reading: referred to Committee on Commerce,		
Coauthored by Representative Klinker			Economic Development and Small Business		
First reading: referred to Committee on Ways and Means			Representatives Borror and T. Harris added as coauthors	142	
Representatives Cherry and McClain added as coauthors	337				
Committee report: amend do pass, adopted	339		HB 1032 Author Representative Buell		
Second reading: amended, ordered engrossed	379		Judges' pensions.		
Amendment 1 (Buell) prevailed; voice vote	379		Authored by Representative Buell	16	
Amendment 5 (Thompson) prevailed; voice vote	379		Coauthored by Representative Kromkowski		
Amendment 3 (Bardon) prevailed; voice vote	380		First reading: referred to Committee on Judiciary		
Amendment 2 (VanHaafte) failed;			Committee report: do pass, adopted	231	
Roll Call 94: yeas 49, nays 49	380		Referred to the Committee on Ways and Means		
Third reading: recommitted to Committee of One,			pursuant to House Rule 127	234	
Amendment 6 (Buell) prevailed by two-thirds vote;			Representatives Ulmer and Thomas added as coauthors	235	
bill passed; Roll Call 135: yeas 99, nays 0	489				
Referred to the Senate					
Senate sponsors: Senators Kenley and Simpson			HB 1033 Author Representative Buck		
Cosponsor: Senator Meeks			Child welfare levy elimination.		
First reading: referred to Committee on Appropriations	344		Authored by Representative Buck	16	
Committee report: amend do pass, adopted	579		First reading: referred to Committee on Ways and Means		
Senator Skinner added as cosponsor	620				
Second reading: amended, ordered engrossed	661		HB 1034 Author Representative Davis		
Amendment 2 (Kenley) prevailed; voice vote	661		Defenses to controlled substance offenses.		
Amendment 1 (Simpson) failed;			Authored by Representative Davis	16	
Roll Call 244: yeas 16, nays 33	662		First reading: referred to Committee on Courts and		
Third reading: passed; Roll Call 280: yeas 47, nays 1	709		Criminal Code		
Returned to the House with amendments					
House dissented from Senate amendments	752		HB 1035 Author Representative Stilwell		
House conferees appointed: Buell and Klinker	754		Appropriation for the Lincoln amphitheater.		
House advisors appointed: Bright and Orentlicher			Authored by Representative Stilwell	16	
Senate conferees appointed: Kenley and Simpson	733		First reading: referred to Committee on Ways and Means		
Senate advisors appointed: Meeks and Skinner			Representative Crouch added as coauthor	142	
Senators Alting and Hume appointed as Senate advisors	746				
Conference committee report 1: filed in the House	944				
Rules suspended; conference committee report 1:			HB 1036 Author Representative Koch		
adopted by the House; Roll Call 453: yeas 88, nays 0	1063		Wine shipping and farm winery matters.		
Conference committee report 1: adopted by the Senate;					
Roll Call 377: yeas 45, nays 5	885				

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Authored by Representative Koch	16
Coauthored by Representative Welch	
First reading: referred to Committee on Public Policy and Veterans Affairs	
Representatives Grubb and Noe added as coauthors	48

HB 1037 Author Representative Hoffman

County option surcharges on state park fees.	
Authored by Representative Hoffman	16
First reading: referred to Committee on Natural Resources	
Representative Koch added as coauthor	36
Committee report: do pass, adopted	256
Referred to the Committee on Ways and Means pursuant to House Rule 127	337

HB 1038 Author Representative Dodge

Permits for oversized or overweight vehicles.	
Authored by Representative Dodge	16
First reading: referred to Committee on Roads and Transportation	
Committee report: do pass, adopted	23
Representatives Pond, Bell and Kuzman added as coauthors .	49

HB 1039 Author Representative Stilwell

Lifetime hunting, fishing, and trapping licenses.	
Authored by Representative Stilwell	17
First reading: referred to Committee on Natural Resources	
Representatives Crooks and Oxley added as coauthors	36

■ HB 1040 Author Representative Foley

Sponsors Senators Kenley and Landske	
Technical corrections bill.	
Authored by Representative Foley	17
First reading: referred to Committee on Judiciary	
Committee report: amend do pass, adopted	23
Second reading: ordered engrossed	26
Third reading: passed; Roll Call 10: yeas 97, nays 1	35
Referred to the Senate	
Senate sponsors: Senators Kenley and Landske	
Cosponsor: Senator Bowser	
Representative Thomas added as coauthor	36
First reading: referred to Committee on Judiciary	225
Committee report: do pass, adopted	317
Second reading: ordered engrossed	342
Third reading: passed; Roll Call 179: yeas 48, nays 0	348
Returned to the House without amendments	
Signed by the President Pro Tempore	1278
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 1: Effective March 24, 2006	

HB 1041 Author Representative Torr

Health benefit mandates.	
Authored by Representative Torr	17
First reading: referred to Committee on Insurance	

HB 1042 Author Representative Torr

Public works projects.	
Authored by Representative Torr	41
First reading: referred to Committee on Employment and Labor	

House Senate

HB 1043 Author Representative Mays

Jury service.	
Authored by Representative Mays	17
First reading: referred to Committee on Judiciary	
Representative Richardson added as coauthor	142

HB 1044 Author Representative J. Lutz

Township fire protection districts.	
Authored by Representative J. Lutz	17
First reading: referred to Committee on Local Government	

HB 1045 Author Representative J. Lutz

IURC merger and fining authority.	
Authored by Representative J. Lutz	17
First reading: referred to Committee on Utilities and Energy	

HB 1046 Author Representative Austin

Penalties from failed tax sales.	
Authored by Representative Austin	17
First reading: referred to Committee on Ways and Means	

HB 1047 Author Representative Bell

Financial literacy curriculum.	
Authored by Representative Bell	17
First reading: referred to Committee on Education	
Representative Welch added as coauthor	49

HB 1048 Author Representative Bell

Mercury in vaccines.	
Authored by Representative Bell	17
Coauthored by Representatives Koch, Burton	
First reading: referred to Committee on Public Health	
Representative Walorski added as coauthor	142

**■ HB 1049 Author Representative Bell
Sponsors Senators M. Young and Dillon**

Controlled substances crimes.	
Authored by Representative Bell	17
First reading: referred to Committee on Courts and Criminal Code	
Representative Walorski added as coauthor	36
Representatives Ulmer and VanHaaften added as coauthors	142
Committee report: do pass, adopted	146
Second reading: ordered engrossed	231
Third reading: passed; Roll Call 61: yeas 98, nays 0	372
Referred to the Senate	
Senate sponsors: Senators M. Young and Dillon	
Cosponsor: Senator Kruse	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	316
Committee report: do pass, adopted	352
Second reading: ordered engrossed	364
Third reading: passed; Roll Call 184: yeas 50, nays 0	383
Returned to the House without amendments	
Signed by the Speaker	751
Signed by the President Pro Tempore	753
Signed by the President of the Senate	777
Signed by the Governor	876
Public Law 26: Effective July 1, 2006	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

HB 1050 Author Representative Dickinson

Enterprise zone investment deduction.

Authored by Representative Dickinson 17
 First reading: referred to Committee on Ways and Means

HB 1051 Author Representative Hoffman

Removal of tenant's property from dwelling unit.

Authored by Representative Hoffman 17
 First reading: referred to Committee on Judiciary
 Representative Koch added as coauthor 36

HB 1052 Author Representative Micon

Security freezes on credit reports.

Authored by Representative Micon 17
 First reading: referred to Committee on
 Financial Institutions

HB 1053 Author Representative Micon

Identification to obtain a birth certificate.

Authored by Representative Micon 17
 First reading: referred to Committee on Public Health

HB 1054 Author Representative Micon

Revocation of assigned electric service area.

Authored by Representative Micon 17
 First reading: referred to Committee on Utilities and Energy

HB 1055 Author Representative Duncan

Food establishments and food handlers.

Authored by Representative Duncan 17
 First reading: referred to Committee on Public Health

HB 1056 Author Representative Duncan**Sponsor Senator Merritt**

Certificate of salvage title.

Authored by Representative Duncan 17
 First reading: referred to Committee on Roads and
 Transportation

Committee report: amend do pass, adopted 231

Second reading: ordered engrossed 363

Representatives Wolkins, Mays, and J. Lutz

added as coauthors 449
 Third reading: passed; Roll Call 136: yeas 99, nays 0 489

Referred to the Senate
 Senate sponsor: Senator Merritt

First reading: referred to Committee on Insurance and
 Financial Institutions 340

Committee report: amend do pass, adopted 386
 Second reading: ordered engrossed 439

Third reading: passed; Roll Call 250: yeas 49, nays 0 671
 Returned to the House with amendments

House dissented from Senate amendments 752
 House conferees appointed: Duncan and Mays 754

House advisor appointed: Wolkins
 Senate conferees appointed: Merritt and Lewis 734

HB 1057 Author Representative Heim

Daylight saving time public question.

Authored by Representative Heim 17
 First reading: referred to Committee on Commerce,
 Economic Development and Small Business

House Senate

HB 1058 Author Representative Heim

Property tax abatements.

Authored by Representative Heim 17
 First reading: referred to Committee on Ways and Means

HB 1059 Author Representative Heim

Transfer of money between school funds.

Authored by Representative Heim 41
 First reading: referred to Committee on Ways and Means

HB 1060 Author Representative L. Lawson

Mobile camps for railroad employees.

Authored by Representative L. Lawson 17
 First reading: referred to Committee on Employment
 and Labor
 Representative Tyler added as coauthor 36

HB 1061 Author Representative L. Lawson

Interrogation of police officers and firefighters.

Authored by Representative L. Lawson 17
 First reading: referred to Committee on Public Safety and
 Homeland Security
 Representative Tyler added as coauthor 142

HB 1062 Author Representative Hinkle**Sponsor Senator Lawson**

School corporation police department.

Authored by Representative Hinkle 17
 Coauthored by Representatives Buell, Crawford

First reading: referred to Committee on Education
 Representative Porter added as coauthor 235

Committee report: do pass, adopted 345
 Second reading: ordered engrossed 380

Third reading: passed; Roll Call 137: yeas 95, nays 3 489
 Referred to the Senate

Senate sponsor: Senator Lawson
 First reading: referred to Committee on Homeland Security,
 Utilities, and Public Policy 340

Senator Breaux added as cosponsor 358
 Committee report: withdrawn 472

HB 1063 Author Representative Hinkle

Registering interior designers.

Authored by Representative Hinkle 17
 Coauthored by Representatives Torr, Micon

First reading: referred to Committee on Employment
 and Labor

Committee report: do pass, adopted 146
 Second reading: amended, ordered engrossed 166

Amendment 1 (Hinkle) prevailed;
 division of the House: yeas 43, nays 41 166

Third reading: defeated; Roll Call 138: yeas 30, nays 68 489

HB 1064 Author Representative Buck

School levy freeze.

Authored by Representative Buck 17
 First reading: referred to Committee on Ways and Means

First reading: referred to Committee on Ways and Means

Committee report: do pass, adopted 146
 Second reading: amended, ordered engrossed 166

Amendment 1 (Hinkle) prevailed;
 division of the House: yeas 43, nays 41 166

Third reading: defeated; Roll Call 138: yeas 30, nays 68 489

HB 1065 Author Representative Gutwein

Pesticide application.

Authored by Representative Buck 17
 First reading: referred to Committee on Ways and Means

First reading: referred to Committee on Ways and Means

HB 1065 Author Representative Gutwein**Sponsors Senators Heinold and Nugent**

Pesticide application.

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Authored by Representative Gutwein 17 First reading: referred to Committee on Agriculture and Rural Development Committee report: do pass, adopted 54 Representatives Friend, Robertson, and Grubb added as coauthors 142 Second reading: ordered engrossed 163 Third reading: passed; Roll Call 62: yeas 69, nays 23 372 Referred to the Senate Senate sponsors: Senators Heinold and Nugent First reading: referred to Committee on Energy and Environmental Affairs 316 Committee report: do pass, adopted 367 Second reading: ordered engrossed 439 Senator Tallian added as cosponsor 446 Third reading: passed; Roll Call 209: yeas 47, nays 3 468 Returned to the House without amendments Signed by the Speaker 751 Signed by the President Pro Tempore 753 Signed by the President of the Senate 777 Signed by the Governor 1062 Public Law 40: Effective July 1, 2006			HB 1072 Author Representative Kersey Holocaust study. Authored by Representative Kersey 18 First reading: referred to Committee on Education		
HB 1066 Author Representative Cherry Spotlighting wild animals. Authored by Representative Cherry 17 First reading: referred to Committee on Natural Resources			HB 1073 Author Representative Walorski Sponsors Senators Riegsecker and M. Young Tax on recreational vehicles and cargo trailers. Authored by Representative Walorski 19 Coauthored by Representatives Davis, Neese and McClain First reading: referred to Committee on Ways and Means Committee report: do pass, adopted 146 Second reading: ordered engrossed 231 Third reading: passed; Roll Call 63: yeas 94, nays 0 372 Referred to the Senate Senate sponsors: Senators Riegsecker and M. Young First reading: referred to Committee on Tax and Fiscal Policy 316		
HB 1067 Author Representative Cherry Birth and death records. Authored by Representative Cherry 17 First reading: referred to Committee on Public Health			HB 1074 Author Representative Yount Enterprise zone investment cost credit. Authored by Representative Yount 19 Coauthored by Representative Koch First reading: referred to Committee on Commerce, Economic Development and Small Business Representatives Klinker and Reske added as coauthors 142 Committee report: do pass, adopted 147 Referred to the Committee on Ways and Means pursuant to House Rule 127 161		
HB 1068 Author Representative Kromkowski NIPSCO audit. Authored by Representative Kromkowski 17 Coauthored by Representative Pelath First reading: referred to Committee on Utilities and Energy			HB 1075 Author Representative Friend Tax credit for worksite health programs. Authored by Representative Friend 19 First reading: referred to Committee on Ways and Means		
HB 1069 Author Representative Avery Military family relief. Authored by Representative Avery 17 First reading: referred to Committee on Public Policy and Veterans Affairs Representative Buell added as coauthor 23 House Rule 106.1 suspended; Representatives GiaQuinta, Stilwell, Kromkowski, and Reske added as coauthors 36			HB 1076 Author Representative Friend Sponsors Senators Hershman and Weatherwax Contracts for public water and wastewater projects. Authored by Representative Friend 19 First reading: referred to Committee on Local Government Committee report: do pass, adopted 54 Representatives Thompson and Stevenson added as coauthors 142 Second reading: ordered engrossed 163 Third reading: passed; Roll Call 64: yeas 89, nays 0 374 Referred to the Senate Senate sponsors: Senators Hershman and Weatherwax First reading: referred to Committee on Governmental Affairs and Interstate Cooperation 316 Committee report: do pass, adopted 352 Second reading: ordered engrossed 435 Third reading: passed; Roll Call 231: yeas 47, nays 0 618 Returned to the House without amendments Joint Rule 20 technical correction adopted by the Senate 742 Joint Rule 20 technical correction adopted by the House 1009 Signed by the President Pro Tempore 1278 Signed by the President of the Senate 1246 Signed by the Speaker 1246 Signed by the Governor 1246 Public Law 168: Effective July 1, 2006		
HB 1070 Author Representative Noe Driver's licenses, permits, and identification. Authored by Representative Noe 41 Coauthored by Representative Ruppel First reading: referred to Committee on Public Safety and Homeland Security					
HB 1071 Author Representative Reske Grandparent visitation. Authored by Representative Reske 17 First reading: referred to Committee on Judiciary					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
HB 1077 Author Representative Gutwein			Senate conferees appointed: Hershman and Hume		779
Agriculture, gaming, and economic development.			Senate advisors appointed: Wyss and Rogers		
Authored by Representative Gutwein	19		Senators Hershman and Hume removed as conferees		791
Coauthored by Representatives Lehe and Reske			Senators Wyss and Rogers removed as advisors		
First reading: referred to Committee on Public Policy and			Senate conferees appointed: Drozda and Sipes		862
Veterans Affairs			Senate advisors appointed: Lubbers and Skinner		
 HB 1078 Author Representative Kersey			 HB 1081 Author Representative Yount		
Collective bargaining for public employees.			Sponsors Senators Becker and Alting		
Authored by Representative Kersey	19		Home energy sales tax exemption.		
First reading: referred to Committee on Employment			Authored by Representative Yount	19	
and Labor			Coauthored by Representatives Klinker, Day, Murphy		
 HB 1079 Author Representative Stilwell			First reading: referred to Committee on Ways and Means		
Cost benefit analysis of outsourcing.			Committee report: do pass, adopted	243	
Authored by Representative Stilwell	19		Second reading: ordered engrossed	378	
First reading: referred to Committee on Employment			House Rule 106.1 suspended; Representatives Davis,		
and Labor			Crawford and Cherry added as coauthors	449	
Representative Oxley added as coauthor	142		Third reading: passed; Roll Call 140: yeas 97, nays 0	489	
 HB 1080 Author Representative Stutzman			Referred to the Senate		
Sponsors Senators Drozda and Delph			Senate sponsors: Senators Becker and Alting		
Standards and inspection of abortion clinics.			First reading: referred to Committee on Tax and		
Authored by Representative Stutzman	19		Fiscal Policy	340	
First reading: referred to Committee on Public Policy and					
Veterans Affairs			 HB 1082 Author Representative Kersey		
Committee report: amend do pass, adopted	363		Public safety disability presumption.		
Second reading: ordered engrossed	380		Authored by Representative Kersey	20	
Amendment 3 (Kuzman) failed; voice vote	380		First reading: referred to Committee on Public Safety and		
Amendment 1 (Orentlicher) failed; voice vote	381		Homeland Security		
Amendment 2 (Porter) ruled out of order	381		 HB 1083 Author Representative Kersey		
Representative Walorski added as coauthor	449		Coroner's determination of time of death.		
Third reading: passed; Roll Call 139: yeas 60, nays 38	489		Authored by Representative Kersey	20	
Referred to the Senate			First reading: referred to Committee on Public Health		
Senate sponsors: Senators Drozda and Delph			 HB 1084 Author Representative Bischoff		
Cosponsor: Senator Kruse			Property tax deduction for free golf for students.		
First reading: referred to Committee on Health and			Authored by Representative Bischoff	20	
Provider Services	344		First reading: referred to Committee on Ways and Means		
Senator Drozda removed as first sponsor	365		 HB 1085 Author Representative Bischoff		
Senator Miller added as first sponsor			Employee alcoholic beverage permits.		
Senator Delph removed as second sponsor	365		Authored by Representative Bischoff	20	
Senator Drozda added as second sponsor			First reading: referred to Committee on Public Policy and		
Senator Delph added as cosponsor			Veterans Affairs		
Committee report: amend do pass, adopted	602		 HB 1086 Author Representative Buck		
Second reading: ordered engrossed	627		Sponsors Senators Heinold and Jackman		
Senator Craycraft added as cosponsor	635		Agricultural enterprise zones.		
Senator Breaux added as cosponsor			Authored by Representative Buck	20	
Third reading: passed; Roll Call 251: yeas 48, nays 1	671		First reading: referred to Committee on Agriculture and		
Returned to the House with amendments			Rural Development		
Senator Drozda removed as second sponsor	672		Representatives Thomas, Grubb, and Ruppel		
Senator Delph removed as cosponsor			added as coauthors	49	
Senator Miller removed as first sponsor			Committee report: do pass, adopted	54	
Senator Drozda added as first sponsor			Second reading: ordered engrossed	163	
Senator Delph added as second sponsor			Third reading: passed; Roll Call 65: yeas 89, nays 1	374	
Senator Craycraft removed as cosponsor	685		Referred to the Senate		
House dissented from Senate amendments	767		Senate sponsors: Senators Heinold and Jackman		
House conferees appointed: Stutzman and E. Harris	774		Cosponsor: Senator Hershman		
House advisors appointed: Walorski and Turner			First reading: referred to Committee on Tax and		
Representatives Stutzman and E. Harris			Fiscal Policy	317	
removed as conferees	901		Senator Weatherwax added as cosponsor	338	
Representatives Behning and Cheney added as conferees					
Representatives Stutzman and Porter appointed					
as House advisors					

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

HB 1087 Author Representative Ripley

Squirrel hunting season.

Authored by Representative Ripley 20
 First reading: referred to Committee on Natural Resources

HB 1088 Author Representative Saunders

Companion animal tax.

Authored by Representative Saunders 20
 First reading: referred to Committee on Local Government
 Committee report: do pass, adopted 147
 Referred to the Committee on Ways and Means pursuant to House Rule 127 161

HB 1089 Author Representative J. Lutz**Sponsors Senators Kenley and Lanane**

Annexation of property zoned agricultural.

Authored by Representative J. Lutz 20
 First reading: referred to Committee on Local Government
 Representative Reske added as coauthor 337
 Committee report: do pass, adopted 345
 Second reading: ordered engrossed 382
 Amendment 1 (Orentlicher) failed;
 Roll Call 95: yeas 37, nays 57 383
 Third reading: passed; Roll Call 141: yeas 83, nays 13 489
 Referred to the Senate
 Senate sponsors: Senators Kenley and Lanane
 First reading: referred to Committee on Governmental Affairs and Interstate Cooperation 340
 Committee report: amend do pass, adopted 613
 Second reading: ordered engrossed 627
 Third reading: passed; Roll Call 252: yeas 41, nays 8 672
 Returned to the House with amendments
 House concurred in Senate amendments;
 Roll Call 402: yeas 68, nays 15 767
 Signed by the Speaker 777
 Signed by the President Pro Tempore 790
 Signed by the President of the Senate 1239
 Signed by the Governor 1246
 Public Law 71: Effective July 1, 2006

HB 1090 Author Representative Tincher

Fire protection agreements.

Authored by Representative Tincher 20
 First reading: referred to Committee on Public Safety and Homeland Security
 Representatives Ruppel, Thomas, and Bischoff added as coauthors 239
 Committee report: do pass, adopted 364
 Second reading: ordered engrossed 384
 Representative Thomas removed as coauthor 506

HB 1091 Author Representative Tincher

Lifetime hunting licenses.

Authored by Representative Tincher 20
 First reading: referred to Committee on Natural Resources

HB 1092 Author Representative Orentlicher

Annexation.

Authored by Representative Orentlicher 20
 First reading: referred to Committee on Local Government

HB 1093 Author Representative Dobis**Sponsors Senators Wyss and Sipes**

Offenses on school property or against school employees.

Authored by Representative Dobis 20
 Coauthored by Representatives Ayres, Cheney
 First reading: referred to Committee on Education
 Committee report: amend do pass, adopted 256
 Second reading: amended, ordered engrossed 469
 Amendment 1 (Koch) prevailed; voice vote 469
 Representative Koch added as coauthor 492
 Third reading: passed; Roll Call 169: yeas 94, nays 2 494
 Referred to the Senate
 Senate sponsors: Senators Wyss and Sipes
 Cosponsors: Senators Garton and Steele
 First reading: referred to Committee on Corrections, Criminal, and Civil Matters 340
 Senator Garton removed as cosponsor 348
 Committee report: do pass, adopted 553
 Second reading: ordered engrossed 627
 Third reading: passed; Roll Call 253: yeas 41, nays 8 672
 Returned to the House without amendments
 Senator Heinold added as cosponsor 673
 Senator Landske added as cosponsor
 Signed by the Speaker 762
 Signed by the President Pro Tempore 763
 Signed by the President of the Senate 777
 Signed by the Governor 1246
 Public Law 72: Effective July 1, 2006

HB 1094 Author Representative Moses

Reconnection charges.

Authored by Representative Moses 20
 First reading: referred to Committee on Utilities and Energy
 Representatives Hoy and Budak added as coauthors 142

HB 1095 Author Representative Dobis

Little Calumet River Basin development commission.

Authored by Representative Dobis 20
 First reading: referred to Committee on Natural Resources

HB 1096 Author Representative Woodruff

Limitation on abortions.

Authored by Representative Woodruff 20
 First reading: referred to Committee on Public Policy and Veterans Affairs
 Representative Walorski added as coauthor 142
 Representatives T. Harris and Noe added as coauthors 235

HB 1097 Author Representative Frizzell**Sponsors Senators Miller and Lewis**

Discount medical card programs.

Authored by Representative Frizzell 20
 First reading: referred to Committee on Public Health
 Representative Budak added as coauthor 239
 Committee report: amend do pass, adopted 243
 Second reading: amended, ordered engrossed 470
 Amendment 3 (Frizzell) prevailed; voice vote 470
 Third reading: passed; Roll Call 142: yeas 93, nays 0 489
 Referred to the Senate
 Senate sponsor: Senator Miller
 First reading: referred to Committee on Insurance and Financial Institutions 340
 Committee report: amend do pass, adopted 421
 Senator Lewis added as second sponsor 453

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Senator Sipes added as cosponsor	
Second reading: amended, ordered engrossed	460
Amendment 2 (Miller) prevailed; voice vote	460
Third reading: passed; Roll Call 239: yeas 50, nays 0	631
Returned to the House with amendments	
Senators Paul and Landske added as cosponsors	632
House concurred in Senate amendments;	
Roll Call 381: yeas 95, nays 0	755
Signed by the Speaker	777
Signed by the President Pro Tempore	780
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 73: Effective July 1, 2006	

HB 1098 Author Representative Frizzell Sponsors Senators Landske and Rogers

Massage therapy regulation.	
Authored by Representative Frizzell	41
First reading: referred to Committee on Public Policy and Veterans Affairs	
Committee report: amend do pass, adopted	168
Representatives Kuzman, Bischoff, and Stutzman added as coauthors	235
Second reading: ordered engrossed	363
Third reading: passed; Roll Call 143: yeas 82, nays 12	489
Referred to the Senate	
Senate sponsors: Senators Landske and Rogers	
Cosponsor: Senator Alting	
First reading: referred to Committee on Health and Provider Services	344

■ HB 1099 Author Representative Frizzell Sponsors Senators Weatherwax and Lewis

Fireworks sales, discharge, public safety fees, and injuries.	
Authored by Representative Frizzell	20
First reading: referred to Committee on Public Policy and Veterans Affairs	
Representative Crooks added as coauthor	373
Committee report: do pass, adopted	364
Second reading: amended, ordered engrossed	470
Amendment 3 (Frizzell) prevailed; voice vote	470
Third reading: recommitted to Committee of One,	
Amendment 6 (Frizzell) prevailed by two-thirds vote;	
bill passed; Roll Call 170: yeas 64, nays 30	495
Referred to the Senate	
Senate sponsors: Senators Weatherwax and Lewis	
First reading: referred to Committee on Tax and Fiscal Policy	344
Committee report: amend do pass, adopted	606
Second reading: amended, ordered engrossed	685
Amendment 7 (Weatherwax) prevailed; voice vote	685
Amendment 3 (Zakas) failed;	
division of the Senate: yeas 15, nays 31	690
Amendment 4 (Zakas) failed;	
division of the Senate: yeas 21, nays 26	691
Amendment 1 (Dillon) failed;	
Roll Call 268: yeas 12, nays 37	691
Amendment 6 (Ford) failed;	
Roll Call 269: yeas 21, nays 28	692
Third reading: passed; Roll Call 281: yeas 31, nays 18	709
Senate Rule 33(c) technical correction adopted	
Returned to the House with amendments	
House dissented from Senate amendments	752
House conferees appointed: Frizzell and Crooks	757
House advisors appointed: Bell, Stutzman, C. Brown	
Senate conferees appointed: Weatherwax and Lewis	734

House Senate

Conference committee report 1: filed in the House	890
Conference committee report 1: adopted by the Senate;	
Roll Call 378: yeas 34, nays 16	890
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 454: yeas 59, nays 35	1063
Signed by the President Pro Tempore	1278
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 187:	
SECTIONS 1 through 10 effective March 27, 2006	
SECTION 11 effective May 1, 2006	
SECTIONS 12 through 14 effective June 1, 2006	
SECTIONS 15 through 22 effective March 27, 2006	

HB 1100 Author Representative Frizzell

Medicaid cash and counseling waiver.	
Authored by Representative Frizzell	20
First reading: referred to Committee on Public Health	

■ HB 1101 Author Representative Walorski Sponsor Senator Hershman

Security breach disclosure and identity deception.	
Authored by Representative Walorski	20
Coauthored by Representatives Noe, Ruppel	
First reading: referred to Committee on Public Safety and Homeland Security	
Representative Tinchler added as coauthor	49
Committee report: amend do pass, adopted	147
Second reading: ordered engrossed	163
Third reading: passed; Roll Call 66: yeas 92, nays 0	375
Referred to the Senate	
Senate sponsor: Senator Hershman	
First reading: referred to Committee on Corrections,	
Criminal, and Civil Matters	317
Committee report: amend do pass, adopted	350
Senator Steele added as cosponsor	354
Second reading: amended, ordered engrossed	617
Amendment 4 (Hershman) prevailed; voice vote	617
Amendment 3 (M. Young) prevailed; voice vote	617
Amendment 1 (Bray) prevailed; voice vote	617
Amendment 2 (Hershman) prevailed; voice vote	617
Placed back on second reading	632
Reread second time: amended, ordered engrossed	692
Amendment 6 (Hershman) prevailed; voice vote	692
Senator Lanane added as cosponsor	705
Third reading: recommitted to Committee of One,	
Amendment 7 (Hershman) prevailed by voice vote;	
bill passed; Roll Call 282: yeas 49, nays 0	709
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 417: yeas 84, nays 7	769
Signed by the Speaker	1012
Signed by the President Pro Tempore	862
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 125: Effective July 1, 2006	

■ HB 1102 Author Representative Ayres Sponsor Senator Lawson

Local government matters.	
Authored by Representative Ayres	20
First reading: referred to Committee on Local Government	
Committee report: amend do pass, adopted	54

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Representatives Hinkle, Stevenson, and Aguilera added as coauthors		161	First reading: referred to Committee on Roads and Transportation		
Second reading: amended, ordered engrossed		224	Committee report: amend do pass, adopted		28
Amendment 9 (Hinkle) prevailed; voice vote		224	Representatives Saunders and Goodin added as coauthors		49
Amendment 8 (Borders) prevailed; voice vote		228	Second reading: amended, ordered engrossed		137
Amendment 4 (Wolkins) prevailed; voice vote		228	Amendment 1 (Hoffman) prevailed; voice vote		137
Amendment 5 (Thompson) prevailed; voice vote		229	Representative Stevenson added as coauthor		142
Amendment 10 (Thompson) prevailed; voice vote		230	Third reading: passed; Roll Call 22: yeas 94, nays 0		153
Third reading: passed; Roll Call 67: yeas 91, nays 0		375	Referred to the Senate		
Referred to the Senate			Senate sponsors: Senators Steele and Broden		
Senate sponsor: Senator Lawson			First reading: referred to Committee on Commerce and Transportation		225
First reading: referred to Committee on Tax and Fiscal Policy		317	Committee report: do pass, adopted		352
Committee report: amend do pass, adopted		367	Second reading: ordered engrossed		364
Second reading: amended, ordered engrossed		627	Third reading: passed; Roll Call 185: yeas 50, nays 0		383
Amendment 1 (Alting) prevailed; voice vote		627	Returned to the House without amendments		
Amendment 2 (Lewis) prevailed; voice vote		627	Signed by the Speaker		751
Amendment 10 (Rogers) prevailed; voice vote		628	Signed by the President of the Senate		777
Amendment 9 (Drozda) prevailed; voice vote		629	Signed by the President Pro Tempore		753
Amendment 4 (Lawson) prevailed; voice vote		629	Signed by the Governor		1062
Amendment 8 (Lawson) prevailed; voice vote		629	Public Law 41:		
Senator Lewis added as cosponsor		632	SECTION 1 effective March 14, 2006		
Third reading: passed; Roll Call 271: yeas 48, nays 1		703	SECTIONS 2 through 8 effective July 1, 2006		
Senate Rule 33(c) technical correction adopted		703			
Returned to the House with amendments			HB 1104 Author Representative Dvorak		
Senator Landske added as cosponsor		704	Loss of office due to delinquent child support.		
House dissented from Senate amendments		747	Authored by Representative Dvorak		20
House conferees appointed: Ayres and Stevenson		754	First reading: referred to Committee on Government and Regulatory Reform		
House advisors appointed: Hinkle and Thompson			Representatives Wolkins and Budak added as coauthors		143
Senate conferees appointed: Lawson and Lewis		746			
Conference committee report 1: filed in the House		822	HB 1105 Author Representative Cheney		
Rules suspended; conference committee report 1: adopted by the House; Roll Call 443: yeas 72, nays 25		1006	Gasoline prices.		
Conference committee report 1: adopted by the Senate; Roll Call 379: yeas 50, nays 0		897	Authored by Representative Cheney		20
Joint Rule 20 technical correction adopted by the Senate		1128	First reading: referred to Committee on Judiciary		
Joint Rule 20 technical correction adopted by the House		1235			
Signed by the President Pro Tempore		1278	HB 1106 Author Representative Crouch		
Signed by the President of the Senate		1246	Sponsors Senators Becker and Breaux		
Signed by the Speaker		1246	Automatic external defibrillators.		
Signed by the Governor		1246	Authored by Representative Crouch		20
Public Law 169:			First reading: referred to Committee on Public Health		
SECTION 1 effective March 24, 2006			Committee report: do pass, adopted		29
SECTIONS 2 through 4 effective July 1, 2006			Second reading: ordered engrossed		138
SECTION 5 effective March 24, 2006			Third reading: passed; Roll Call 23: yeas 96, nays 0		153
SECTION 6 effective July 1, 2006			Referred to the Senate		
SECTION 7 effective retroactive to January 1, 2006			Senate sponsors: Senators Becker and Breaux		
SECTIONS 8 through 9 effective July 1, 2006			Cosponsor: Senator Dillon		
SECTIONS 10 through 31 effective January 1, 2007			Representatives T. Brown, C. Brown, and Porter added as coauthors		161
SECTION 32 through 45 effective July 1, 2006			First reading: referred to Committee on Health and Provider Services		225
SECTION 46 effective March 24, 2006			Committee report: do pass, adopted		423
SECTIONS 47 through 50 effective July 1, 2006			Second reading: amended, ordered engrossed		439
SECTION 51 effective March 24, 2006			Amendment 1 (Dillon) prevailed; voice vote		439
SECTIONS 52 through 78 effective July 1, 2006			Third reading: passed; Roll Call 210: yeas 50, nays 0		468
SECTION 79 effective March 24, 2006			Returned to the House with amendments		
SECTIONS 80 through 82 effective July 1, 2006			House concurred in Senate amendments;		
SECTION 83 effective January 1, 2007			Roll Call 382: yeas 94, nays 0		755
SECTION 84 effective July 1, 2006			Signed by the Speaker		777
SECTION 85 effective March 24, 2006			Signed by the President Pro Tempore		780
			Signed by the President of the Senate		1012
			Signed by the Governor		1246
			Public Law 74: Effective July 1, 2006		
HB 1103 Author Representative Yount					
Sponsors Senators Steele and Broden					
Bureau of motor vehicles matters.					
Authored by Representative Yount		20			

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
House concurred in Senate amendments;			Conference committee report 1: adopted by the Senate;		
Roll Call 383: yeas 91, nays 2	755		Roll Call 380: yeas 50, nays 0		933
Signed by the Speaker	777		Rules suspended; conference committee report 1:		
Signed by the President Pro Tempore		780	adopted by the House; Roll Call 470: yeas 77, nays 14	1069	
Signed by the President of the Senate	1239		Signed by the President Pro Tempore		1278
Signed by the Governor	1246		Signed by the President of the Senate	1246	
Public Law 76: Effective July 1, 2006			Signed by the Speaker	1246	
			Signed by the Governor	1246	
			Public Law 171:		
■ HB 1113 Author Representative Foley			SECTIONS 1 through 5 effective July 1, 2006		
Sponsor Senator Bray			SECTION 6 effective March 24, 2006		
Liability connected with consumption of food and beverages.			SECTION 7 effective retroactive to January 1, 2006		
Authorized by Representative Foley	20		SECTIONS 8 through 10 effective July 1, 2006		
First reading: referred to Committee on Judiciary			SECTIONS 11 through 16 effective March 24, 2006		
Reassigned to the Committee on Insurance	142		SECTION 17 effective retroactive to January 1, 2006		
Committee report: amend do pass, adopted	366		SECTIONS 18 through 19 effective March 24, 2006		
Representative Ripley added as coauthor	374		SECTION 20 effective retroactive to January 1, 2006		
Second reading: ordered engrossed	384		SECTIONS 21 through 23 effective July 1, 2006		
Third reading: passed; Roll Call 147: yeas 76, nays 21	490				
Referred to the Senate					
Senate sponsor: Senator Bray			HB 1115 Author Representative Kuzman		
First reading: referred to Committee on Corrections,			Cost of living adjustment for sheriffs' pension.		
Criminal, and Civil Matters	341		Authorized by Representative Kuzman	21	
Committee report: amend do pass, adopted	421		Coauthored by Representatives L. Lawson		
Second reading: ordered engrossed	440		First reading: referred to Committee on Public Safety and		
Amendment 1 (Broden) failed; voice vote	440		Homeland Security		
Third reading: passed; Roll Call 212: yeas 41, nays 9	469				
Returned to the House with amendments			HB 1116 Author Representative Wolkins		
House concurred in Senate amendments;			Rights of consumers of legal services.		
Roll Call 384: yeas 75, nays 20	755		Authorized by Representative Wolkins	21	
Signed by the Speaker	777		First reading: referred to Committee on Judiciary		
Signed by the President Pro Tempore		780			
Signed by the President of the Senate	1239				
Signed by the Governor	1246				
Public Law 77: Effective July 1, 2006					
			■ HB 1117 Author Representative Wolkins		
■ HB 1114 Author Representative Foley			Sponsor Senator Gard		
Sponsor Senator Steele			Environmental law.		
Various property matters.			Authorized by Representative Wolkins	21	
Authorized by Representative Foley	18		First reading: referred to Committee on		
First reading: referred to Committee on Judiciary			Environmental Affairs		
Committee report: do pass, adopted	23		Committee report: amend do pass, adopted	237	
Representative Thomas added as coauthor	36		Representative Mahern added as coauthor	374	
Second reading: amended, ordered engrossed	138		Second reading: amended, ordered engrossed	384	
Amendment 4 (Foley) prevailed; voice vote	138		Amendment 3 (Grubb) prevailed; voice vote	384	
Amendment 1 (Pierce) failed;			Third reading: passed; Roll Call 148: yeas 97, nays 1	490	
Roll Call 17: yeas 44, nays 49	139		Referred to the Senate		
Third reading: passed; Roll Call 25: yeas 93, nays 0	153		Senate sponsor: Senator Gard		
Referred to the Senate			First reading: referred to Committee on Energy and		
Senate sponsor: Senator Steele			Environmental Affairs	341	
First reading: referred to Committee on Governmental			Committee report: amend do pass, adopted	450	
Affairs and Interstate Cooperation	225		Second reading: amended, ordered engrossed	666	
Committee report: amend do pass, adopted	610		Amendment 1 (Harrison) prevailed; voice vote	666	
Senator Broden added as cosponsor	620		Third reading: passed; Roll Call 273: yeas 49, nays 0	704	
Second reading: amended, ordered engrossed	693		Returned to the House with amendments		
Amendment 2 (Steele) prevailed; voice vote	693		Senator Hume added as cosponsor	705	
Amendment 5 (Steele) prevailed; voice vote	693		House dissented from Senate amendments	747	
Amendment 3 (M. Young) failed;			House conferees appointed: Wolkins and Dvorak	754	
division of the Senate: yeas 18, nays 24	694		House advisors appointed: Heim and Mahern		
Third reading: passed; Roll Call 283: yeas 49, nays 0	710		Senate conferees appointed: Gard and Hume	735	
Senate Rule 33(c) technical correction adopted			Conference committee report 1: filed in the House	777	
Returned to the House with amendments			Conference committee report 1: adopted by the Senate;		
House dissented from Senate amendments	754		Roll Call 357: yeas 50, nays 0	786	
House conferees appointed: Foley and VanHaften	757		Rules suspended; conference committee report 1:		
House advisor appointed: Neese			adopted by the House; Roll Call 426: yeas 95, nays 2	900	
Senate conferees appointed: Steele and Broden	734		Signed by the Speaker	1239	
Conference committee report 1: filed in the House	940		Signed by the President Pro Tempore		1097
			Signed by the President of the Senate	1239	
			Signed by the Governor	1246	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Public Law 131:

SECTIONS 1 through 7 effective July 1, 2006

SECTIONS 8 through 9 effective March 22, 2006

SECTION 10 effective July 1, 2006

SECTIONS 11 through 12 effective March 22, 2006

SECTIONS 13 through 14 effective July 1, 2006

HB 1118 Author Representative Cherry

Grandparent visitation.

Authored by Representative Cherry 21

First reading: referred to Committee on Judiciary

Representatives Koch, Budak and Pond

added as coauthors 49

Representative Koch removed as coauthor 742

HB 1119 Author Representative Cherry

Governance of rural telephone cooperatives.

Authored by Representative Cherry 21

First reading: referred to Committee on Utilities and Energy

HB 1120 Author Representative Ruppel

Human and sexual trafficking.

Authored by Representative Ruppel 41

First reading: referred to Committee on Courts and

Criminal Code

HB 1121 Author Representative Orentlicher

Flood control.

Authored by Representative Orentlicher 21

First reading: referred to Committee on Natural Resources

HB 1122 Author Representative Budak

Discharge of water by oceangoing vessels.

Authored by Representative Budak 21

Coauthored by Representatives Ayres, Cheney

First reading: referred to Committee on

Environmental Affairs

Representative Pelath added as coauthor 143

■ HB 1123 Author Representative Budak**Sponsors Senators Becker and Lawson**

Sexual assault standards and certification board.

Authored by Representative Budak 21

Coauthored by Representative L. Lawson

First reading: referred to Committee on Family, Children
and Human Affairs

Committee report: amend do pass, adopted 256

Second reading: amended, ordered engrossed 473

Amendment 1 (Koch) ruled out of order 473

Amendment 2 (Budak) prevailed; voice vote 473

Third reading: passed; Roll Call 149: yeas 98, nays 0 490

Referred to the Senate

Senate sponsors: Senators Becker and Lawson

Cosponsor: Senator Simpson

First reading: referred to Committee on Homeland Security,
Utilities, and Public Policy 341

Senators Wyss, Craycraft, Sipes, and Rogers

added as cosponsors 454

Committee report: amend do pass, adopted 605

Second reading: amended, ordered engrossed 694

Amendment 2 (M. Young) prevailed; voice vote 694

Third reading: passed; Roll Call 284: yeas 49, nays 0 710

Returned to the House with amendments

Senator R. Young added as cosponsor 714

House dissented from Senate amendments 756

House conferees appointed: Budak and L. Lawson 757

House advisor appointed: Crouch

Senate conferees appointed: Becker and Simpson 735

Senate advisors appointed: Lawson and Craycraft

House reconsidered and concurred in Senate amendments;

Roll Call 407: yeas 94, nays 0 769

Signed by the Speaker 1012

Signed by the President Pro Tempore 863

Signed by the President of the Senate 1239

Signed by the Governor 1246

Public Law 126: Effective March 21, 2006

■ HB 1124 Author Representative Buck**Sponsors Senators Drozda and Hershman**

Rainy day fund loans to political subdivisions.

Authored by Representative Buck 21

First reading: referred to Committee on Local
Government

Representatives J. Smith, Turner, and McClain

added as coauthors 143

Committee report: do pass, adopted 148

Referred to the Committee on Ways and Means

pursuant to House Rule 127 161

Committee report: amend do pass, adopted 345

Second reading: ordered engrossed 384

Third reading: passed; Roll Call 150: yeas 97, nays 1 490

Referred to the Senate

Senate sponsors: Senators Drozda and Hershman

First reading: referred to Committee on Tax and

Fiscal Policy 341

Committee report: amend do pass, adopted 371

Second reading: amended, ordered engrossed 440

Amendment 2 (Drozda) prevailed; voice vote 441

Third reading: passed; Roll Call 213: yeas 49, nays 1 469

Returned to the House with amendments

House concurred in Senate amendments;

Roll Call 385: yeas 95, nays 0 755

Signed by the Speaker 777

Signed by the President Pro Tempore 780

Signed by the President of the Senate 1239

Signed by the Governor 1246

Public Law 114: Effective March 20, 2006

HB 1125 Author Representative L. Lawson

Liens for unpaid or unsatisfied fringe benefits.

Authored by Representative L. Lawson 21

First reading: referred to Committee on Employment
and Labor**HB 1126 Author Representative L. Lawson**

Public safety officers' survivor insurance.

Authored by Representative L. Lawson 21

First reading: referred to Committee on Public Safety and
Homeland Security**HB 1127 Author Representative Davis****Sponsor Senator Lubbers**Department of Education use of funds for
mentor teacher stipends.

Authored by Representative Davis 21

First reading: referred to Committee on Education

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House Senate

Representatives Behning, Woodruff, and J. Smith added as coauthors	49
Committee report: do pass, adopted	58
Second reading: ordered engrossed	163
Third reading: passed; Roll Call 69: yeas 93, nays 0	375
Referred to the Senate	
Senate sponsor: Senator Lubbers	
First reading: referred to Committee on Appropriations	317

■ HB 1128 Author Representative Duncan Sponsor Senator Wyss

Ignition interlock devices.	
Authored by Representative Duncan	21
First reading: referred to Committee on Courts and Criminal Code	
Representatives Messer, Summers, and L. Lawson added as coauthors	235
Committee report: do pass, adopted	346
Second reading: ordered engrossed	378
Third reading: passed; Roll Call 151: yeas 98, nays 0	490
Referred to the Senate	
Senate sponsor: Senator Wyss	
First reading: referred to Committee on Judiciary	341
Committee report: do pass, adopted	553
Senators Kruse and Hume added as cosponsors	632
Second reading: amended, ordered engrossed	670
Amendment 4 (Long) prevailed; voice vote	670
Amendment 1 (Lanane) prevailed; voice vote	670
Third reading: passed; Roll Call 274: yeas 49, nays 0	704
Returned to the House with amendments	
House concurred in Senate amendments; Roll Call 386: yeas 95, nays 1	755
Joint Rule 20 technical correction adopted by the Senate	775
Joint Rule 20 technical correction adopted by the House	1011
Signed by the President Pro Tempore	1278
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 172: Effective July 1, 2006	

HB 1129 Author Representative Kromkowski

County hospital privileges.	
Authored by Representative Kromkowski	21
First reading: referred to Committee on Public Health	

HB 1130 Author Representative Kromkowski

Regulation of insurance rates.	
Authored by Representative Kromkowski	21
First reading: referred to Committee on Insurance	

HB 1131 Author Representative Hinkle

Cable franchises.	
Authored by Representative Hinkle	21
First reading: referred to Committee on Technology, Research and Development	

HB 1132 Author Representative J. Smith

Lifetime parole for child molesters.	
Authored by Representative J. Smith	21
First reading: referred to Committee on Courts and Criminal Code	

House Senate

HB 1133 Author Representative J. Smith

Restrictions on minors' driver's licenses.	
Authored by Representative J. Smith	21
First reading: referred to Committee on Roads and Transportation	

■ HB 1134 Author Representative Foley Sponsors Senators Landske and Kenley

Recodification of Title 21 and related provisions.	
Authored by Representative Foley	18
Coauthored by Representatives Behning, Kuzman, and VanHaaften	
First reading: referred to Committee on Judiciary	
Committee report: do pass, adopted	23
Second reading: ordered engrossed	26
Third reading: passed; Roll Call 9: yeas 93, nays 3	35
Referred to the Senate	
Senate sponsors: Senators Landske and Kenley	
Cosponsor: Senator Bowser	
First reading: referred to Committee on Judiciary	225
Committee report: do pass, adopted	317
Second reading: ordered engrossed	342
Third reading: passed; Roll Call 180: yeas 48, nays 0	348
Returned to the House without amendments	
Signed by the Speaker	751
Signed by the President Pro Tempore	753
Signed by the President of the Senate	777
Signed by the Governor	1246
Public Law 2: Effective July 1, 2006	

HB 1135 Author Representative Burton

Alcohol displays in retail stores.	
Authored by Representative Burton	21
First reading: referred to Committee on Public Policy and Veterans Affairs	

■ HB 1136 Author Representative Burton Sponsors Senators Long and Simpson

Brokers' liens on commercial real estate.	
Authored by Representative Burton	21
First reading: referred to Committee on Judiciary	
Reassigned to the Committee on Financial Institutions	161
Committee report: do pass, adopted	237
Representatives Austin, Ruppel, and Woodruff added as coauthors	374
Second reading: ordered engrossed	384
Third reading: passed; Roll Call 152: yeas 97, nays 1	490
Referred to the Senate	
Senate sponsors: Senators Long and Simpson	
First reading: referred to Committee on Judiciary	341
Committee report: amend do pass, adopted	553
Second reading: amended, ordered engrossed	694
Amendment 4 (Long) prevailed; voice vote	694
Third reading: passed; Roll Call 285: yeas 48, nays 0	710
Returned to the House with amendments	
House concurred in Senate amendments; Roll Call 408: yeas 88, nays 5	769
Signed by the Speaker	777
Signed by the President Pro Tempore	780
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 78: Effective July 1, 2006	

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House Senate

House Senate

HB 1137 Author Representative Orentlicher

Full-day kindergarten funding from tax amnesty.
 Authored by Representative Orentlicher 21
 Coauthored by Representative Bardon
 First reading: referred to Committee on Education

**■ HB 1138 Author Representative Bell
Sponsors Senators Weatherwax and Lewis**

Hunting and lifetime license trust fund.
 Authored by Representative Bell 21
 First reading: referred to Committee on Natural Resources
 Committee report: do pass, adopted 257
 Representatives Bischoff, Ulmer, and Goodin
 added as coauthors 337
 Second reading: ordered engrossed 378
 Third reading: passed; Roll Call 153: yeas 98, nays 0 490
 Referred to the Senate
 Senate sponsors: Senators Weatherwax and Lewis
 Cosponsor: Senator Dillon
 First reading: referred to Committee on Natural Resources .. 341
 Committee report: amend do pass, adopted 381
 Reassigned to the Committee on Appropriations 385
 Committee report: do pass, adopted 553
 Second reading: ordered engrossed 666
 Senators Kruse and Delph added as cosponsors 673
 Third reading: passed; Roll Call 275: yeas 49, nays 0 704
 Returned to the House with amendments
 House concurred in Senate amendments;
 Roll Call 419: yeas 87, nays 7 769
 Signed by the Speaker 1012
 Signed by the President Pro Tempore 863
 Signed by the President of the Senate 1239
 Signed by the Governor 1246
 Public Law 132:
 SECTIONS 1 through 4 effective July 1, 2006
 SECTION 5 effective retroactive to July 1, 2005

HB 1139 Author Representative Leonard

Property tax late payment penalty.
 Authored by Representative Leonard 21
 First reading: referred to Committee on Ways and Means

HB 1140 Author Representative Leonard

Sponsors Senators Long and Wyss
 Abatements for used Indiana equipment.
 Authored by Representative Leonard 21
 First reading: referred to Committee on Commerce,
 Economic Development and Small Business
 Representatives Davis and Reske added as coauthors 49
 Committee report: do pass, adopted 148
 Referred to the Committee on Ways and Means
 pursuant to House Rule 127 161
 Representative Tyler added as coauthor 161
 Committee report: amend do pass, adopted 346
 Second reading: amended, ordered engrossed 385
 Amendment 1 (Pelath) failed;
 Roll Call 96: yeas 47, nays 51 385
 Amendment 2 (Grubb) prevailed; voice vote 385
 Amendment 3 (Leonard) prevailed; voice vote 385
 Third reading: passed; Roll Call 154: yeas 84, nays 12 491
 Referred to the Senate
 Senate sponsors: Senators Long and Wyss
 First reading: referred to Committee on Rules and
 Legislative Procedure 341

Reassigned to the Committee on Tax and
 Fiscal Policy 353

HB 1141 Author Representative Leonard

Campaign finance.
 Authored by Representative Leonard 21
 First reading: referred to Committee on Elections and
 Apportionment

**HB 1142 Author Representative Leonard
Sponsors Senators M. Young and Dillon**

Skills 2016 training fund.
 Authored by Representative Leonard 21
 First reading: referred to Committee on Employment
 and Labor
 Committee report: do pass, adopted 58
 Representative Heim added as coauthor 143
 Second reading: ordered engrossed 224
 Amendment 3 (Stilwell) failed;
 Roll Call 35: yeas 47, nays 49 224
 Representative T. Harris added as coauthor 239
 Third reading: passed; Roll Call 70: yeas 51, nays 45 375
 Referred to the Senate
 Senate sponsors: Senators M. Young and Dillon
 First reading: referred to Committee on Pensions and
 Labor 317
 Senator Mishler added as cosponsor 354
 Committee report: do pass, adopted 363
 Reassigned to the Committee on Tax and
 Fiscal Policy

HB 1143 Author Representative Dodge

Property tax abatement.
 Authored by Representative Dodge 21
 First reading: referred to Committee on Commerce,
 Economic Development and Small Business
 Representatives Heim and Reske added as coauthors 49
 Representative Leonard added as coauthor 143

HB 1144 Author Representative Stevenson

Injuries to or death of an employee.
 Authored by Representative Stevenson 21
 First reading: referred to Committee on Courts and
 Criminal Code
 Representatives L. Lawson and Ayres added as coauthors ... 143

HB 1145 Author Representative Stevenson

Sanitation districts.
 Authored by Representative Stevenson 21
 First reading: referred to Committee on Local
 Government
 Representative Ayres added as coauthor 143

HB 1146 Author Representative Stevenson

Interlocal cooperation for economic development.
 Authored by Representative Stevenson 22
 First reading: referred to Committee on Government and
 Regulatory Reform
 Representatives Avery and E. Harris added as coauthors ... 161

	House	Senate
HB 1153 Author Representative Pelath		
Consignment of art.		
Authored by Representative Pelath		22
Coauthored by Representative Budak		
First reading: referred to Committee on Judiciary		
HB 1154 Author Representative Pelath		
Family law mediation.		
Authored by Representative Pelath		22
First reading: referred to Committee on Judiciary		
■ HB 1155 Author Representative Budak		
Sponsors Senators Long and Becker		
Sex offenders.		
Authored by Representative Budak		22
Coauthored by Representatives Bardon, J. Smith, Ulmer		
First reading: referred to Committee on Courts and Criminal Code		
Committee report: amend do pass, adopted		348
Second reading: amended, ordered engrossed		474
Amendment 2 (Budak) prevailed; voice vote		474
Amendment 1 (Budak) prevailed; voice vote		474
Amendment 6 (Davis) withdrawn		474
Amendment 4 (Thompson) prevailed; voice vote		474
Amendment 5 (Foley) prevailed; voice vote		475
Amendment 3 (Grubb) prevailed; voice vote		475
Third reading: passed; Roll Call 155: yeas 97, nays 0		491
Referred to the Senate		
Senate sponsors: Senators Long and Becker		
Cosponsor: Senator Simpson		
First reading: referred to Committee on Corrections, Criminal, and Civil Matters		341
Senator Zakas added as cosponsor		446
Senator Steele added as cosponsor		471
Committee report: amend do pass, adopted		580
Second reading: amended, ordered engrossed		666
Amendment 2 (Steele) prevailed; voice vote		666
Third reading: passed; Roll Call 286: yeas 49, nays 0		710
Returned to the House with amendments		
Senators Landske, Wyss, Drozda, Broden, Miller, Bray, and Mrvan added as cosponsors		
House dissented from Senate amendments		756
House conferees appointed: Budak and Bardon		757
House advisors appointed: J. Smith and Foley		
Senate conferees appointed: Long and Simpson		736
Senate advisors appointed: Becker, Zakas, Lanane, Broden		
Conference committee report 1: filed in the House		914
Conference committee report 1: adopted by the Senate; Roll Call 381: yeas 49, nays 1		938
Rules suspended; conference committee report 1: adopted by the House; Roll Call 456: yeas 88, nays 0		1064
Joint Rule 20 technical correction adopted by the Senate		1127
Joint Rule 20 technical correction adopted by the House		1236
Signed by the President Pro Tempore		1278
Signed by the President of the Senate		1246
Signed by the Speaker		1246
Signed by the Governor		1246
Public Law 173:		
SECTION 1 effective March 24, 2006		
SECTIONS 2 through 59 effective July 1, 2006		
SECTION 60 effective March 24, 2006		
SECTION 61 effective July 1, 2006		
SECTION 62 effective March 24, 2006		
SECTION 63 effective July 1, 2006		

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	House	Senate		House	Senate
■ HB 1156 Author Representative Richardson					
Sponsors Senators Bray and Breaux					
Various provisions concerning courts.				Amendment 4 (Bray) prevailed; voice vote	695
Authored by Representative Richardson	22			Amendment 3 (M. Young) prevailed; voice vote	695
First reading: referred to Committee on Courts and Criminal Code				Third reading: passed; Roll Call 288: yeas 43, nays 6	710
Committee report: amend do pass, adopted	58			Returned to the House with amendments	
Referred to the Committee on Ways and Means pursuant to House Rule 127	142			House dissented from Senate amendments	753
Committee report: amend do pass, adopted	349			House conferees appointed: Richardson and L. Lawson	754
Representative Thomas added as coauthor	449			House advisors appointed: Thomas and Kuzman	
Second reading: amended, ordered engrossed	475			Senate conferees appointed: Bray and Lanane	736
Amendment 3 (Richardson) prevailed; voice vote	475			House reconsidered and concurred in Senate amendments; Roll Call 409: yeas 70, nays 25	769
Amendment 2 (Richardson) prevailed; voice vote	476			Joint Rule 20 technical correction adopted by the Senate	856
Amendment 1 (Mays) prevailed; voice vote	476			Joint Rule 20 technical correction adopted by the House	1011
Representatives Buell and Crawford added as coauthors	486			Signed by the President Pro Tempore	1278
Third reading: passed; Roll Call 156: yeas 78, nays 19	491			Signed by the President of the Senate	1246
Referred to the Senate				Signed by the Speaker	1246
Senate sponsors: Senators Bray and Breaux				Signed by the Governor	1246
First reading: referred to Committee on Judiciary	344			Public Law 174: Effective July 1, 2006	
Committee report: do pass, adopted	421				
Reassigned to the Committee on Appropriations					
Committee report: amend do pass, adopted	609			HB 1159 Author Representative Richardson	
Second reading: amended, ordered engrossed	666			License branch hours on election days.	
Amendment 2 (Brodan) prevailed; voice vote	666			Authored by Representative Richardson	22
Third reading: passed; Roll Call 287: yeas 49, nays 0	710			First reading: referred to Committee on Elections and Apportionment	
Returned to the House with amendments				Representative T. Brown added as coauthor	239
House concurred in Senate amendments; Roll Call 387: yeas 75, nays 20	755				
Signed by the Speaker	777			HB 1160 Author Representative Kuzman	
Signed by the President Pro Tempore	780			Forfeiture of economic development incentives.	
Signed by the President of the Senate	1239			Authored by Representative Kuzman	24
Signed by the Governor	1246			Coauthored by Representative Stilwell	
Public Law 80:				First reading: referred to Committee on Commerce, Economic Development and Small Business	
SECTION 1 effective March 17, 2006					
SECTIONS 2 through 11 effective July 1, 2006				HB 1161 Author Representative Kuzman	
SECTIONS 12 through 15 effective March 17, 2006				Study committee on corporate accountability.	
SECTIONS 16 through 17 effective July 1, 2006				Authored by Representative Kuzman	24
SECTIONS 18 through 19 effective March 17, 2006				Coauthored by Representative Stilwell	
				First reading: referred to Committee on Commerce, Economic Development and Small Business	
■ HB 1157 Author Representative Richardson					
Marion superior court.					
Authored by Representative Richardson	22			HB 1162 Author Representative Buell	
First reading: referred to Committee on Courts and Criminal Code				University bonding.	
Committee report: amend do pass, adopted	58			Authored by Representative Buell	24
Referred to the Committee on Ways and Means pursuant to House Rule 127	142			Coauthored by Representatives Klinker, Cherry	
Representatives Buell and Crawford added as coauthors	161			First reading: referred to Committee on Ways and Means	
				Representative T. Brown added as coauthor	239
■ HB 1158 Author Representative Richardson					
Sponsors Senators Bray and Lanane					
Small claims, civil actions, and sheriff's fees.					
Authored by Representative Richardson	22			HB 1163 Author Representative Summers	
First reading: referred to Committee on Judiciary				Regulation of private child support collectors.	
Committee report: amend do pass, adopted	232			Authored by Representative Summers	24
Representative Thomas added as coauthor	449			First reading: referred to Committee on Judiciary	
Second reading: amended, ordered engrossed	477				
Amendment 1 (Richardson) prevailed; voice vote	477			HB 1164 Author Representative Summers	
Third reading: passed; Roll Call 157: yeas 72, nays 24	491			Expunging certain felony conviction records.	
Referred to the Senate				Authored by Representative Summers	24
Senate sponsors: Senators Bray and Lanane				First reading: referred to Committee on Judiciary	
First reading: referred to Committee on Judiciary	341				
Committee report: amend do pass, adopted	554			HB 1165 Author Representative Heim	
Second reading: amended, ordered engrossed	694			Use of county adjusted gross income tax (CAGIT) revenue.	
Amendment 1 (Bray) prevailed; voice vote	694			Authored by Representative Heim	24

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	House	Senate		House	Senate
Coauthored by Representatives Friend and Walorski			Senator Delph added as cosponsor		
First reading: referred to Committee on Ways and Means			Committee report: amend do pass, adopted	603	
			Second reading: ordered engrossed	630	
HB 1166 Author Representative C. Brown			Senator Breaux added as cosponsor	635	
Cigarette manufacturer fee.			Third reading: passed; Roll Call 289: yeas 48, nays 1	711	
Authorized by Representative C. Brown	24		Returned to the House with amendments		
First reading: referred to Committee on Public Health			Senator Drozda removed as second sponsor	711	
			Senator Delph removed as cosponsor		
			Senator Miller removed as first sponsor		
HB 1167 Author Representative C. Brown			Senator Drozda added as first sponsor		
Student nutrition and physical activity.			Senator Delph added as second sponsor	711	
Authorized by Representative C. Brown	24		House dissented from Senate amendments	753	
First reading: referred to Committee on Public Health			House conferees appointed: T. Harris and E. Harris	757	
			House advisors appointed: Bell and Turner		
HB 1168 Author Representative C. Brown			Senate conferees appointed: Drozda and Craycraft	737	
Expanded notice of state agency agendas.			Senate advisors appointed: Miller, Delph, Rogers, Mrvan		
Authorized by Representative C. Brown	24		Representative E. Harris removed as conferee	1065	
First reading: referred to Committee on Government and			Representative Woodruff added as conferee		
Regulatory Reform			Conference committee report 1: filed in the House	1121	
			Rules suspended; conference committee report 1:		
HB 1169 Author Representative C. Brown			adopted by the House; Roll Call 480: yeas 75, nays 23	1233	
Political party affiliation.			Made special order of business	1130	
Authorized by Representative C. Brown	24		Rules suspended	1129	
First reading: referred to Committee on Elections and					
Apportionment			HB 1173 Author Representative T. Harris		
			Sponsor Senator Ford		
HB 1170 Author Representative C. Brown			Lifelong learning matching grant.		
Minimally nutritious food and beverage tax.			Authorized by Representative T. Harris	25	
Authorized by Representative C. Brown	25		First reading: referred to Committee on Commerce,		
First reading: referred to Committee on Public Health			Economic Development and Small Business		
			Representatives Walorski and Mays added as coauthors	143	
HB 1171 Author Representative Cochran			Committee report: do pass, adopted	257	
Pension base for police officers and firefighters.			Second reading: ordered engrossed	378	
Authorized by Representative Cochran	25		Third reading: passed; Roll Call 159: yeas 63, nays 30	491	
Coauthored by Representative Kromkowski			Referred to the Senate		
First reading: referred to Committee on Public Safety and			Senate sponsor: Senator Ford		
Homeland Security			First reading: referred to Committee on Economic		
			Development and Technology	341	
HB 1172 Author Representative T. Harris					
Sponsors Senators Drozda and Delph			HB 1174 Author Representative Denbo		
Written information before an abortion.			Highway modernization projects.		
Authorized by Representative T. Harris	25		Authorized by Representative Denbo	25	
First reading: referred to Committee on Public Policy and			Coauthored by Representative Koch		
Veterans Affairs			First reading: referred to Committee on Roads and		
Representative Woodruff added as coauthor	143		Transportation		
Representatives Turner and Bischoff added as coauthors	337				
Committee report: amend do pass, adopted	366		HB 1175 Author Representative Crooks		
Second reading: amended, ordered engrossed	386		Sales tax holiday.		
Amendment 1 (T. Harris) prevailed; voice vote	386		Authorized by Representative Crooks	25	
Amendment 7 (Kuzman) failed; voice vote	386		First reading: referred to Committee on Ways and Means		
Amendment 6 (Kuzman) failed; voice vote	386				
Amendment 3 (Woodruff) withdrawn	386		HB 1176 Author Representative Woodruff		
Third reading: passed; Roll Call 158: yeas 70, nays 30	491		Sponsors Senators Nugent and Waterman		
Referred to the Senate			Handgun license renewal.		
Senate sponsors: Senators Drozda and Delph			Authorized by Representative Woodruff	42	
Cosponsor: Senator Craycraft			First reading: referred to Committee on Public Safety and		
First reading: referred to Committee on Health and			Homeland Security		
Provider Services	344		Committee report: amend do pass, adopted	257	
Senator Drozda removed as first sponsor	354		Representatives Burton and Stutzman added as coauthors	374	
Senator Miller added as first sponsor			Second reading: amended, ordered engrossed	386	
Senator Delph removed as second sponsor	365		Amendment 1 (Woodruff) prevailed;		
Senator Drozda added as second sponsor	365		Roll Call 97: yeas 82, nays 16	386	
			Representative Walorski added as coauthor	449	
			Third reading: passed; Roll Call 160: yeas 78, nays 21	491	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Referred to the Senate	
Senate sponsors: Senators Nugent and Waterman	
Cosponsor: Senator Delph	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	341
Senator Lanane added as cosponsor	384
Committee report: amend do pass, reassigned to Committee on Appropriations	420
Committee report: amend do pass, adopted	606
Second reading: ordered engrossed	630
Senators Steele, Drozda, Waltz, Hume, Meeks, Bray, Hershman, and Paul added as cosponsors	632
Third reading: passed; Roll Call 290: yeas 46, nays 3	711
Returned to the House with amendments	
Senator Kruse added as cosponsor	714
Senators Heinold and Craycraft added as cosponsors	
House dissented from Senate amendments	753
House conferees appointed: Woodruff and Bischoff	754
House advisor appointed: Burton	
Senate conferees appointed: Nugent and Lanane	736
Senate advisors appointed: Waterman and Lutz	
House reconsidered and concurred in Senate amendments; Roll Call 410: yeas 78, nays 19	769
Signed by the Speaker	1239
Signed by the President Pro Tempore	1129
Signed by the President of the Senate	1246
Signed by the Governor	1246
Public Law 190: Effective July 1, 2006	

HB 1177 Author Representative Leonard

Common construction wage.	
Authored by Representative Leonard	25
Coauthored by Representative T. Brown	
First reading: referred to Committee on Employment and Labor	

HB 1178 Author Representative McClain

Insurance proceeds set aside.	
Authored by Representative McClain	25
First reading: referred to Committee on Insurance	

HB 1179 Author Representative McClain

Installment payments of property taxes.	
Authored by Representative McClain	25
First reading: referred to Committee on Ways and Means	

HB 1180 Author Representative Neese

Pharmacy security.	
Authored by Representative Neese	25
First reading: referred to Committee on Public Health	

HB 1181 Author Representative Neese

Child abuse or neglect.	
Authored by Representative Neese	25
First reading: referred to Committee on Family, Children and Human Affairs	

HB 1182 Author Representative Neese

Limited criminal history.	
Authored by Representative Neese	25
First reading: referred to Committee on Courts and Criminal Code	

HB 1183 Author Representative Stevenson

Delayed unemployment compensation payments.	
Authored by Representative Stevenson	25
Coauthored by Representative Stilwell	
First reading: referred to Committee on Employment and Labor	

HB 1184 Author Representative McClain

Four day school week option.	
Authored by Representative McClain	25
First reading: referred to Committee on Education	

HB 1185 Author Representative Dvorak

Employee/victim right to attend proceedings.	
Authored by Representative Dvorak	25
First reading: referred to Committee on Employment and Labor	
Representative Thomas added as coauthor	143

HB 1186 Author Representative V. Smith

Library board term limits.	
Authored by Representative V. Smith	25
First reading: referred to Committee on Local Government	

HB 1187 Author Representative V. Smith

Smoking in enclosed public places.	
Authored by Representative V. Smith	25
First reading: referred to Committee on Public Health	

HB 1188 Author Representative V. Smith

Expanded Gary airport authority tax base.	
Authored by Representative V. Smith	25
First reading: referred to Committee on Local Government	

HB 1189 Author Representative Stutzman

Year to year tenancy on land used for agriculture.	
Authored by Representative Stutzman	25
First reading: referred to Committee on Judiciary	

HB 1190 Author Representative Stutzman

Sponsor Senator Weatherwax	
Farm winery sales to retailers.	
Authored by Representative Stutzman	25
First reading: referred to Committee on Public Policy and Veterans Affairs	
Representative Koch added as coauthor	162
Committee report: amend do pass, adopted	168
Second reading: ordered engrossed	479
Third reading: passed; Roll Call 161: yeas 60, nays 36	491
Referred to the Senate	
Senate sponsor: Senator Weatherwax	
First reading: referred to Committee on Commerce and Transportation	341
Senators Lewis, Steele and Lutz added as cosponsors	436
Committee report: amend do pass, adopted	575
Reassigned to the Committee on Rules and Legislative Procedure	613

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
HB 1191 Author Representative Stutzman			Authored by Representative Hoy	26	
In-class spending requirements.			First reading: referred to Committee on Courts and Criminal Code		
Authored by Representative Stutzman	25		Representative Ruppel added as coauthor	143	
First reading: referred to Committee on Education					
HB 1192 Author Representative Stutzman			HB 1202 Author Representative Thompson		
Employee certification tax credit.			Preference for marriage; instruction by schools.		
Authored by Representative Stutzman	25		Authored by Representative Thompson	26	
First reading: referred to Committee on Employment and Labor			First reading: referred to Committee on Education		
Committee report: amend do pass, adopted	258				
Referred to the Committee on Ways and Means pursuant to House Rule 127	337		HB 1203 Author Representative Thompson		
HB 1193 Author Representative Ulmer			Sponsors Senators Bray and Lanane		
Attorney's fees in Medicaid lien collection cases.			Preliminary orders in juvenile cases.		
Authored by Representative Ulmer	25		Authored by Representative Thompson	26	
First reading: referred to Committee on Public Health			First reading: referred to Committee on Family, Children and Human Affairs		
HB 1194 Author Representative Ulmer			Committee report: do pass, adopted	259	
Notice of underground storage tank leaks.			Second reading: amended, ordered engrossed	387	
Authored by Representative Ulmer	25		Amendment 1 (Grubb) prevailed; voice vote	387	
First reading: referred to Committee on Environmental Affairs			Representative Thomas added as coauthor	449	
HB 1195 Author Representative Ulmer			Third reading: passed; Roll Call 162: yeas 98, nays 0	491	
Sales tax holiday.			Referred to the Senate		
Authored by Representative Ulmer	25		Senate sponsors: Senators Bray and Lanane		
First reading: referred to Committee on Ways and Means			First reading: referred to Committee on Judiciary	341	
HB 1196 Author Representative Ulmer			HB 1204 Author Representative Lehe		
Senior fishing licenses.			Limitation on school starting date.		
Authored by Representative Ulmer	25		Authored by Representative Lehe	26	
First reading: referred to Committee on Natural Resources			First reading: referred to Committee on Education		
HB 1197 Author Representative Davis			HB 1205 Author Representative Lehe		
Distribution of sales tax on gasoline and fuels.			Indiana time zones.		
Authored by Representative Davis	25		Authored by Representative Lehe	26	
First reading: referred to Committee on Ways and Means			First reading: referred to Committee on Commerce, Economic Development and Small Business		
HB 1198 Author Representative Hoy			HB 1206 Author Representative Pond		
Sprinkler systems in nursing homes.			Restrooms in license branches.		
Authored by Representative Hoy	25		Authored by Representative Pond	26	
First reading: referred to Committee on Public Health			First reading: referred to Committee on Roads and Transportation		
HB 1199 Author Representative Hoy			HB 1207 Author Representative Pond		
Property tax abatement.			Sponsors Senators Wyss and Craycraft		
Authored by Representative Hoy	25		Home improvement fraud.		
First reading: referred to Committee on Ways and Means			Authored by Representative Pond	26	
HB 1200 Author Representative Hoy			First reading: referred to Committee on Courts and Criminal Code		
Employment absence for orders for protection.			Representative Bell added as coauthor	143	
Authored by Representative Hoy	25		Committee report: do pass, adopted	148	
First reading: referred to Committee on Employment and Labor			Representative Thomas added as coauthor	235	
HB 1201 Author Representative Hoy			Second reading: amended, ordered engrossed	251	
Disruption of funeral.			Amendment 1 (Thomas) prevailed; voice vote	251	
			Third reading: passed; Roll Call 71: yeas 97, nays 0	375	
			Referred to the Senate		
			Senate sponsors: Senators Wyss and Craycraft		
			First reading: referred to Committee on Corrections, Criminal, and Civil Matters	317	
			Senator Steele added as cosponsor	349	
			Committee report: do pass, adopted	353	
			Second reading: amended, ordered engrossed	364	
			Amendment 1 (Wyss) prevailed; voice vote	364	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Senator Waterman added as cosponsor	365
Senator Zakas added as cosponsor	366
Third reading: passed; Roll Call 187: yeas 50, nays 0	384
Returned to the House with amendments	
Senator Howard added as cosponsor	385
Representative Budak added as coauthor	591
House concurred in Senate amendments;	
Roll Call 388: yeas 95, nays 0	755
Signed by the Speaker	777
Signed by the President Pro Tempore	780
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 81: Effective July 1, 2006	

HB 1208 Author Representative Pond

Attorney's fees.

Authored by Representative Pond	26
First reading: referred to Committee on Judiciary	

**HB 1209 Author Representative Turner
Sponsor Senator Dillon**

Public transportation smoking prohibition.

Authored by Representative Turner	26
Coauthored by Representatives Welch, T. Brown	
First reading: referred to Committee on Public Health	
Committee report: do pass, adopted	58
Representative V. Smith added as coauthor	143
Second reading: ordered engrossed	224
Third reading: passed; Roll Call 72: yeas 92, nays 5	375
Referred to the Senate	
Senate sponsor: Senator Dillon	
First reading: referred to Committee on Commerce and Transportation	317
Senator Breaux added as cosponsor	318
Committee report: do pass, adopted	423
Second reading: ordered engrossed	441
Third reading: defeated; Roll Call 215: yeas 24, nays 26	469

HB 1210 Author Representative Turner

Covenant marriage.

Authored by Representative Turner	26
Coauthored by Representative Welch	
First reading: referred to Committee on Judiciary	

HB 1211 Author Representative Ayres

School property taxes.

Authored by Representative Klinker	29
Coauthored by Representatives Ayres, Micon, Thompson	
First reading: referred to Committee on Ways and Means	
Representative Klinker removed as author	143
Representative Ayres removed as coauthor	
Representative Ayres added as author	
Representative Klinker added as coauthor	

**HB 1212 Author Representative Dodge
Sponsor Senator Ford**

Drainage assessments, sanitation districts, and storm water districts.

Authored by Representative Dodge	29
First reading: referred to Committee on Local Government	
Representatives Bell, Reske and Moses added as coauthors	49
Committee report: amend do pass, adopted	352

House Senate

Second reading: amended, ordered engrossed	387
Amendment 1 (Hinkle) prevailed;	
division of the House: yeas 53, nays 42	387
Third reading: passed; Roll Call 163: yeas 70, nays 23	492
Referred to the Senate	
Senate sponsor: Senator Ford	
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	341
Committee report: do pass, adopted	553
Second reading: amended, ordered engrossed	696
Amendment 2 (Nugent) prevailed; voice vote	696
Senators Broden and Breaux added as cosponsors	704
Third reading: passed; Roll Call 291: yeas 42, nays 7	711
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 411: yeas 77, nays 19	769
Joint Rule 20 technical correction	
adopted by the Senate	857
Joint Rule 20 technical correction	
adopted by the House	1038
Signed by the President Pro Tempore	1278
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 175:	
SECTION 1 effective March 24, 2006	
SECTIONS 2 through 20 effective July 1, 2006	
SECTIONS 21 through 25 effective March 24, 2006	
SECTIONS 26 through 27 effective retroactive to January 1, 2006	

HB 1213 Author Representative Noe

Study of teacher incentives.

Authored by Representative Noe	29
First reading: referred to Committee on Education	
Committee report: do pass, adopted	259
Second reading: amended, ordered engrossed	388
Amendment 2 (Noe) prevailed; voice vote	388
Amendment 1 (Turner) failed;	
Roll Call 99: yeas 27, nays 71	388
Representative Behning added as coauthor	486
Third reading: defeated; Roll Call 164: yeas 41, nays 56	492

**HB 1214 Author Representative Davis
Sponsors Senators Long and Lanane**

Motor carrier enforcement.

Authored by Representative Davis	29
Coauthored by Representative Stilwell	
First reading: referred to Committee on Roads and Transportation	
Committee report: amend do pass, adopted	169
Second reading: ordered engrossed	363
Representatives Stutzman and Kuzman added as coauthors	374
Third reading: passed; Roll Call 165: yeas 98, nays 0	492
Referred to the Senate	
Senate sponsors: Senators Long and Lanane	
First reading: referred to Committee on Judiciary	341
Committee report: do pass, adopted	553
Second reading: ordered engrossed	630
Placed back on second reading	672
Reread second time: amended, ordered engrossed	701
Amendment 1 (Long) prevailed; voice vote	701
Third reading: passed; Roll Call 292: yeas 49, nays 0	711
Returned to the House with amendments	
House dissented from Senate amendments	754

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
House conferees appointed: Davis and Pelath	757		Returned to the House with amendments		
House advisors appointed: Saunders and Bardon			House concurred in Senate amendments;		
Senate conferees appointed: Long and Lanane		735	Roll Call 425: yeas 70, nays 20	900	
Conference committee report 1: filed in the House	1051		Signed by the President Pro Tempore		1278
Rules suspended; conference committee report 1:			Signed by the President of the Senate	1246	
adopted by the House; Roll Call 471: yeas 70, nays 21	1069		Signed by the Speaker	1246	
Conference committee report 1: adopted by the Senate;			Signed by the Governor	1246	
Roll Call 403: yeas 50, nays 0		1118	Public Law 177:		
Signed by the President Pro Tempore		1278	SECTIONS 1 through 9 effective March 24, 2006		
Signed by the President of the Senate	1246		SECTIONS 10 through 12 effective July 1, 2006		
Signed by the Speaker	1246				
Signed by the Governor	1246				
Public Law 176: Effective July 1, 2006					
HB 1215 Author Representative Micon			HB 1221 Author Representative Reske		
Review privatization of state functions.			Veterans affairs trust.		
Authored by Representative Micon	29		Authored by Representative Reske	30	
First reading: referred to Committee on Employment			Coauthored by Representative Richardson		
and Labor			First reading: referred to Committee on Public Policy and		
			Veterans Affairs		
			Representative Stutzman added as coauthor	143	
HB 1216 Author Representative Cheney					
School instructional days.			HB 1222 Author Representative Moses		
Authored by Representative Cheney	29		Sponsors Senators Long and Kenley		
First reading: referred to Committee on Education			Redevelopment commission housing programs.		
			Authored by Representative Moses	30	
			First reading: referred to Committee on Local		
			Government		
HB 1217 Author Representative Cheney			Representative Pond added as coauthor	143	
Proof of ownership of stock before sale.			Committee report: amend do pass, adopted	148	
Authored by Representative Cheney	29		Referred to the Committee on Ways and Means		
First reading: referred to Committee on			pursuant to House Rule 127	161	
Financial Institutions			Representatives Ripley and Hoy added as coauthors	162	
			Committee report: amend do pass, adopted	355	
			Second reading: ordered engrossed	378	
			Third reading: passed; Roll Call 167: yeas 76, nays 18	492	
			Referred to the Senate		
HB 1218 Author Representative Austin			Senate sponsors: Senators Long and Kenley		
Prohibiting cell phone use by newer drivers.			Cosponsors: Senators Zakas and Broden		
Authored by Representative Austin	29		First reading: referred to Committee on Tax and		
First reading: referred to Committee on Roads and			Fiscal Policy		341
Transportation					
Representative J. Smith added as coauthor	143				
			HB 1223 Author Representative Tincher		
HB 1219 Author Representative C. Bottorff			Gasoline and special fuel tax exemption.		
Sales tax rebate for developing tourist site.			Authored by Representative Tincher	30	
Authored by Representative C. Bottorff	29		First reading: referred to Committee on Ways and Means		
Coauthored by Representative Cochran					
First reading: referred to Committee on Ways and Means					
			HB 1224 Author Representative Tincher		
HB 1220 Author Representative Reske			Fire protection district tax levy.		
Sponsors Senators Meeks and Craycraft			Authored by Representative Tincher	30	
Professional investigation funds.			First reading: referred to Committee on Local		
Authored by Representative Reske	29		Government		
Coauthored by Representative Thompson					
First reading: referred to Committee on Roads and			HB 1225 Author Representative Dvorak		
Transportation			Net metering and interconnection rules.		
Committee report: amend do pass, adopted	238		Authored by Representative Dvorak	30	
Second reading: ordered engrossed	479		Coauthored by Representative Heim		
Third reading: passed; Roll Call 166: yeas 73, nays 24	492		First reading: referred to Committee on Utilities and Energy		
Referred to the Senate					
Senate sponsors: Senators Meeks and Craycraft					
First reading: referred to Committee on Homeland Security,			HB 1226 Author Representative Budak		
Utilities, and Public Policy	341		Property tax deduction for the elderly.		
Committee report: amend do pass, adopted	608		Authored by Representative Budak	30	
Second reading: ordered engrossed	630		Coauthored by Representatives Woodruff, Day, Ayres		
Third reading: passed; Roll Call 293: yeas 48, nays 1	711		First reading: referred to Committee on Ways and Means		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

■ **HB 1227 Author Representative Budak****Sponsors Senators Nugent and Becker**

Retired state employees.

Authorized by Representative Budak	30
Coauthored by Representatives Kromkowski, Ayres	
First reading: referred to Committee on Employment and Labor	
Committee report: amend do pass, adopted	356
Second reading: ordered engrossed	479
Representative Porter added as coauthor	486
Third reading: passed; Roll Call 171: yeas 95, nays 0	496
Senate sponsors: Senators Nugent and Becker	
Cosponsor: Senator Sipes	
First reading: referred to Committee on Appropriations	341
Committee report: amend do pass, adopted	579
Second reading: ordered engrossed	630
Senator Paul added as cosponsor	633
Third reading: passed; Roll Call 294: yeas 49, nays 0	711
Returned to the House with amendments	
House dissented from Senate amendments	756
House conferees appointed: Budak and Kromkowski	757
House advisor appointed: Buell	
Senate conferees appointed: Nugent and Sipes	736
Senate advisors appointed: Becker and Lutz	
House reconsidered and concurred in Senate amendments;	
Roll Call 449: yeas 89, nays 0	1037
Signed by the Speaker	1239
Signed by the President Pro Tempore	1129
Signed by the President of the Senate	1246
Signed by the Governor	1246
Public Law 178: Effective July 1, 2006	

■ **HB 1228 Author Representative Day**

Education finance and taxation.

Authorized by Representative Day	30
First reading: referred to Committee on Ways and Means	

■ **HB 1229 Author Representative Day**

Transfer of title upon mortgage default.

Authorized by Representative Day	30
First reading: referred to Committee on Judiciary	

■ **HB 1230 Author Representative Klinker**

Transfer of first steps program.

Authorized by Representative Klinker	30
Coauthored by Representatives C. Brown, Woodruff, T. Brown	
First reading: referred to Committee on Family, Children and Human Affairs	

■ **HB 1231 Author Representative Klinker**

Endangering an unborn child.

Authorized by Representative Klinker	30
Coauthored by Representative Ulmer	
First reading: referred to Committee on Courts and Criminal Code	

■ **HB 1232 Author Representative Ayres****Sponsors Senators Bray and Ford**

Curfew.

Authorized by Representative Ayres	30
First reading: referred to Committee on Judiciary	
Committee report: do pass, adopted	233

Representatives Budak and L. Lawson added as coauthors ..	235
Second reading: ordered engrossed	388
Third reading: passed; Roll Call 172: yeas 96, nays 0	496
Referred to the Senate	
Senate sponsors: Senators Bray and Ford	
First reading: referred to Committee on Judiciary	341
Committee report: amend do pass, adopted	426
Second reading: ordered engrossed	441
Third reading: passed; Roll Call 216: yeas 50, nays 0	469
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 389: yeas 95, nays 0	755
Signed by the Speaker	777
Signed by the President Pro Tempore	781
Signed by the President of the Senate	1012
Signed by the Governor	1246
Public Law 82: Effective July 1, 2006	

■ **HB 1233 Author Representative Saunders**

Property tax rates and levies.

Authorized by Representative Saunders	30
First reading: referred to Committee on Ways and Means	

■ **HB 1234 Author Representative Ruppel****Sponsors Senators Dillon and Craycraft**

Public safety officer death benefit.

Authorized by Representative Ruppel	30
First reading: referred to Committee on Public Safety and Homeland Security	
Committee report: do pass, adopted	149
Second reading: ordered engrossed	163
Representative Bischoff added as coauthor	239
Third reading: passed; Roll Call 73: yeas 97, nays 1	375
Referred to the Senate	
Senate sponsors: Senators Dillon and Craycraft	
First reading: referred to Committee on Pensions and Labor	317
Senators Drozda and M. Young added as cosponsors	355
Committee report: do pass, adopted	363
Second reading: ordered engrossed	435
Senator Waterman added as cosponsor	438
Third reading: passed; Roll Call 217: yeas 49, nays 1	469
Returned to the House without amendments	
Signed by the Speaker	751
Signed by the President Pro Tempore	753
Signed by the President of the Senate	777
Signed by the Governor	1062
Public Law 43: Effective July 1, 2006	

■ **HB 1235 Author Representative Ruppel****Sponsors Senators Miller and Breaux**

Isolation, and quarantine, and health matters.

Authorized by Representative Ruppel	42
First reading: referred to Committee on Public Safety and Homeland Security	
Representative Welch added as coauthor	235
Committee report: amend do pass, adopted	259
Second reading: ordered engrossed	378
Third reading: passed; Roll Call 173: yeas 69, nays 28	496
Referred to the Senate	
Senate sponsors: Senators Miller and Breaux	
Cosponsors: Senators Wyss and Sipes	
First reading: referred to Committee on Judiciary	341
Committee report: amend do pass, adopted	554
Second reading: amended, ordered engrossed	630

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Amendment 1 (Miller) prevailed; voice vote	631
Third reading: passed; Roll Call 295: yeas 48, nays 1	712
Returned to the House with amendments	
House dissented from Senate amendments	753
House conferees appointed: Ruppel and Welch	757
House advisors appointed: Noe, Duncan, Tincher	
Senate conferees appointed: Miller and Breaux	736
Senate advisors appointed: Wyss and Sipes	
Conference committee report 1: filed in the House	966
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 457: yeas 78, nays 7	1064
Conference committee report 1: adopted by the Senate;	
Roll Call 399: yeas 50, nays 0	1103
Joint Rule 20 technical correction	
adopted by the House	1236
Joint Rule 20 technical correction	
adopted by the Senate	1275
Signed by the President Pro Tempore	1278
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 138: Effective July 1, 2006	

■ **HB 1236 Author Representative Ruppel****Sponsors Senators Wyss and Alting**

Capitol police salary matrix.

Authored by Representative Ruppel	30
First reading: referred to Committee on Public Safety and Homeland Security	
Committee report: amend do pass, adopted	149
Referred to the Committee on Ways and Means pursuant to House Rule 127	161
Referral to the Committee on Ways and Means withdrawn	163
Representative Tincher added as coauthor	239
Second reading: ordered engrossed	378
Third reading: passed; Roll Call 174: yeas 96, nays 1	496
Referred to the Senate	
Senate sponsors: Senators Wyss and Alting	
Cosponsor: Senator Craycraft	
First reading: referred to Committee on Appropriations	341
Committee report: amend do pass, adopted	422
Second reading: ordered engrossed	441
Third reading: passed; Roll Call 218: yeas 50, nays 0	469
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 390: yeas 95, nays 0	755
Signed by the Speaker	777
Signed by the President Pro Tempore	781
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 83: Effective July 1, 2006	

■ **HB 1237 Author Representative Welch**

Licensure of midwives.

Authored by Representative Welch	30
First reading: referred to Committee on Public Health	

■ **HB 1238 Author Representative Welch****Sponsors Senators Wyss and Craycraft**

Emergency management mobile support.

Authored by Representative Welch	30
Coauthored by Representatives Ruppel, C. Brown, T. Brown	
First reading: referred to Committee on Public Safety and Homeland Security	
Committee report: do pass, adopted	149

House Senate

Second reading: ordered engrossed	163
Third reading: passed; Roll Call 74: yeas 97, nays 0	375
Referred to the Senate	
Senate sponsors: Senators Wyss and Craycraft	
Cosponsors: Senators Becker and Sipes	
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	317
Committee report: amend do pass, adopted	347
Second reading: ordered engrossed	364
Third reading: passed; Roll Call 188: yeas 50, nays 0	384
Returned to the House with amendments	
Senator Howard added as cosponsor	385
House concurred in Senate amendments;	
Roll Call 391: yeas 95, nays 0	755
Signed by the Speaker	777
Signed by the President Pro Tempore	790
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 84: Effective July 1, 2006	

■ **HB 1239 Author Representative Ripley****Sponsor Senator Long**

Preexisting conditions.

Authored by Representative Ripley	30
First reading: referred to Committee on Insurance	
Representative Fry added as coauthor	235
Committee report: amend do pass, adopted	366
Second reading: ordered engrossed	388
Third reading: passed; Roll Call 175: yeas 97, nays 0	496
Referred to the Senate	
Senate sponsor: Senator Long	
First reading: referred to Committee on Health and Provider Services	341
Committee report: do pass, adopted	423
Second reading: amended, ordered engrossed	631
Amendment 1 (Long) prevailed; voice vote	631
Senator Simpson added as cosponsor	704
Third reading: passed; Roll Call 296: yeas 49, nays 0	712
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 412: yeas 92, nays 0	769
Signed by the Speaker	1012
Signed by the President Pro Tempore	863
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 127: Effective July 1, 2006	

■ **HB 1240 Author Representative Behning****Sponsors Senators Lubbers and Riegsecker**

Statewide testing program; mentor teacher stipends.

Authored by Representative Behning	30
First reading: referred to Committee on Education	
Committee report: do pass, adopted	58
Referred to the Committee on Ways and Means pursuant to House Rule 127	142
Representatives Heim and V. Smith added as coauthors	143
Representative Messer added as coauthor	337
Committee report: amend do pass, adopted	356
Second reading: amended, ordered engrossed	388
Amendment 1 (Behning) prevailed; voice vote	389
Amendment 7 (Cheney) failed;	
Roll Call 100: yeas 23, nays 77	389
Amendment 6 (Orentlicher) failed;	
Roll Call 101: yeas 45, nays 51	389
Amendment 3 (Porter) failed;	
Roll Call 102: yeas 50, nays 50	389

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Amendment 2 (Denbo) failed; voice vote	390		Coauthored by Representatives Koch, Goodin, Turner		
Third reading: passed; Roll Call 176: yeas 52, nays 47	496		First reading: referred to Committee on Public Policy and Veterans Affairs		
Referred to the Senate			Committee report: amend do pass, adopted	369	
Senate sponsors: Senators Lubbers and Riegsecker			Second reading: amended, ordered engrossed	390	
First reading: referred to Committee on Education and Career Development	341		Amendment 2 (Kuzman) prevailed; voice vote	390	
Committee report: amend do pass, adopted	431		Amendment 1 (Welch) prevailed; voice vote	390	
Second reading: ordered engrossed	617				
Third reading: passed; Roll Call 241: yeas 48, nays 2	632				
Returned to the House with amendments			HB 1248 Withdrawn pursuant to House Rule 111.		
House dissented from Senate amendments	748		Withdrawn prior to first reading	30	
House conferees appointed: Behning and Porter	754				
House advisor appointed: Messer					
Senate conferees appointed: Lubbers and Rogers	736		HB 1249 Author Representative Messer		
Senate advisors appointed: Riegsecker and Skinner			Sponsor Senator Kruse		
Representative V. Smith appointed as House advisor	775		County drug free community fund.		
Conference committee report 1: filed in the House	1051		Authored by Representative Messer	30	
Conference committee report 1: adopted by the Senate;			First reading: referred to Committee on Local Government		
Roll Call 404: yeas 48, nays 2	1122		Committee report: do pass, adopted	149	
Rules suspended; conference committee report 1:			Second reading: ordered engrossed	163	
adopted by the House; Roll Call 485: yeas 94, nays 0	1234		Representatives Hinkle, Hoy and Moses		
Signed by the President Pro Tempore	1278		added as coauthors	235	
Signed by the President of the Senate	1246		Third reading: passed; Roll Call 75: yeas 95, nays 0	375	
Signed by the Speaker	1246		Referred to the Senate		
Signed by the Governor	1246		Senate sponsor: Senator Kruse		
Public Law 179: Effective March 24, 2006			First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	317	
HB 1241 Author Representative Stilwell			Committee report: do pass, adopted	352	
Worker's compensation.			Senator Rogers added as cosponsor	354	
Authored by Representative Stilwell	30		Second reading: ordered engrossed	364	
First reading: referred to Committee on Employment and Labor			Senator Waterman added as cosponsor	365	
			Third reading: passed; Roll Call 189: yeas 50, nays 0	384	
			Returned to the House without amendments		
HB 1242 Author Representative Dvorak			Signed by the Speaker	751	
Growth and development study committee.			Signed by the President Pro Tempore	753	
Authored by Representative Dvorak	30		Signed by the President of the Senate	777	
First reading: referred to Committee on Local Government			Signed by the Governor	1062	
			Public Law 44: Effective July 1, 2006		
HB 1243 Withdrawn pursuant to House Rule 111.					
Withdrawn prior to first reading	30		HB 1250 Author Representative Messer		
			Sponsor Senator Landske		
HB 1244 Author Representative Porter			Alcohol beverage matters.		
Mentor teacher stipends.			Authored by Representative Messer	30	
Authored by Representative Porter	30		First reading: referred to Committee on Public Policy and Veterans Affairs		
First reading: referred to Committee on Education			Representative Stutzman added as coauthor	49	
			Representative Burton added as coauthor	143	
HB 1245 Author Representative Porter			Committee report: amend do pass, adopted	245	
Advanced placement programs.			Second reading: amended, ordered engrossed	390	
Authored by Representative Porter	30		Amendment 13 (Messer) prevailed; voice vote	390	
First reading: referred to Committee on Education			Amendment 1 (Whetstone) prevailed; voice vote	390	
			Amendment 3 (Whetstone) prevailed; voice vote	390	
HB 1246 Author Representative Bischoff			Amendment 2 (Whetstone) prevailed; voice vote	391	
Purple Heart license plate for surviving spouse.			Amendment 5 (Austin) failed; voice vote	392	
Authored by Representative Bischoff	30		Amendment 4 (Orentlicher) prevailed;		
First reading: referred to Committee on Roads and Transportation			Roll Call 103: yeas 66, nays 29	392	
			Amendment 7 (Crooks) prevailed; voice vote	393	
HB 1247 Author Representative Welch			Amendment 6 (Austin) prevailed; voice vote	393	
Wrongful death or injury of a child.			Third reading: recommitted to Committee of One,		
Authored by Representative Welch	30		Amendment 17 (Messer) prevailed by two-thirds vote;		
			bill passed; Roll Call 178: yeas 68, nays 27	497	
			Referred to the Senate		
			Senate sponsor: Senator Landske		
			First reading: referred to Committee on Commerce and Transportation	344	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

HB 1251 Author Representative Goodin

Disabled veteran license plates.

Authored by Representative Goodin First reading: referred to Committee on Roads and Transportation	30
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HB 1252 Author Representative Goodin

Disabled veteran tuition fee remission.

Authored by Representative Goodin First reading: referred to Committee on Ways and Means	30
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HB 1253 Author Representative Goodin

Littering.

Authored by Representative Goodin First reading: referred to Committee on Natural Resources	31
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HB 1254 Author Representative Goodin

Transfer on death deed.

Authored by Representative Goodin First reading: referred to Committee on Judiciary	31
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HB 1255 Author Representative Goodin

Intent to sell sexually explicit products.

Authored by Representative Goodin First reading: referred to Committee on Commerce, Economic Development and Small Business	31
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HB 1256 Author Representative Gutwein

Board of animal health fees for dairy program.

Authored by Representative Gutwein First reading: referred to Committee on Agriculture and Rural Development	31
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HB 1257 Author Representative Bell**Sponsor Senator Waltz**

Postsecondary proprietary education.

Authored by Representative Bell First reading: referred to Committee on Education Committee report: do pass, adopted Second reading: amended, ordered engrossed Amendment 1 (Bell) prevailed; voice vote Representatives Porter, T. Harris, and Behning added as coauthors Third reading: passed; Roll Call 76: yeas 96, nays 0 Referred to the Senate Senate sponsor: Senator Waltz First reading: referred to Committee on Education and Career Development Committee report: amend do pass, adopted Second reading: ordered engrossed Senator Breaux added as cosponsor Third reading: passed; Roll Call 298: yeas 49, nays 0 Returned to the House with amendments House concurred in Senate amendments; Roll Call 413: yeas 88, nays 4 Signed by the Speaker Signed by the President Pro Tempore Signed by the President of the Senate Signed by the Governor Public Law 128: Effective July 1, 2006	31 149 251 251 337 376 317 578 631 708 712 769 1239 1097 1239 1246
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House Senate

HB 1258 Author Representative Yount

Disturbance of land.

Authored by Representative Yount Coauthored by Representative Saunders First reading: referred to Committee on Natural Resources Committee report: amend do pass, adopted Representative Goodin added as coauthor Representative Pierce added as coauthor Second reading: amended, ordered engrossed Amendment 1 (Yount) prevailed; voice vote	31 261 337 374 393 393
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HB 1259 Author Representative Koch**Sponsors Senators Steele and Hume**

Military bases.

Authored by Representative Koch First reading: referred to Committee on Commerce, Economic Development and Small Business Committee report: do pass, adopted Representatives Denbo and Crooks added as coauthors Second reading: ordered engrossed Representative Welch added as coauthor Third reading: passed; Roll Call 179: yeas 97, nays 0 Referred to the Senate Senate sponsors: Senators Steele and Hume First reading: referred to Committee on Homeland Security, Utilities, and Public Policy Committee report: amend do pass, adopted Second reading: ordered engrossed Third reading: passed; Roll Call 299: yeas 49, nays 0 Returned to the House with amendments Senators Zakas, Nugent, Wyss, Paul, and Craycraft added as cosponsors House dissented from Senate amendments House conferees appointed: Koch and Crooks House advisors appointed: Bright, Denbo, Welch Senate conferees appointed: Steele and Hume Conference committee report 1: filed in the House Rules suspended; conference committee report 1: adopted by the House; Roll Call 433: yeas 93, nays 0 Conference committee report 1: adopted by the Senate; Roll Call 382: yeas 50, nays 0 Signed by the President Pro Tempore Signed by the President of the Senate Signed by the Speaker Signed by the Governor Public Law 180: Effective July 1, 2006	31 262 374 378 449 497 341 609 667 712 714 754 757 736 820 1004 970 1278 1246 1246 1246
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HB 1260 Author Representative Koch

Health care provider civil proceedings.

Authored by Representative Koch First reading: referred to Committee on Judiciary	31
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HB 1261 Author Representative Burton**Sponsor Senator Lubbers**

Housing and community development authority.

Authored by Representative Burton First reading: referred to Committee on Government and Regulatory Reform Representative Koch added as coauthor Committee report: amend do pass, adopted Second reading: ordered engrossed Representatives Kuzman and Bardon added as coauthors Representative Woodruff added as coauthor Third reading: passed; Roll Call 77: yeas 97, nays 0 Referred to the Senate	31 144 156 163 235 239 376
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HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate sponsor: Senator Lubbers			and Labor		
First reading: referred to Committee on Appropriations	317		Committee report: amend do pass, adopted	262	
Senator Rogers added as cosponsor	328		Second reading: ordered engrossed	393	
Committee report: amend do pass, adopted	578		Amendment 1 (Day) ruled out of order	393	
Second reading: ordered engrossed	631		Representatives Lehe and Torr added as coauthors	486	
Third reading: passed; Roll Call 300: yeas 49, nays 0	712		Third reading: passed; Roll Call 181: yeas 51, nays 48	497	
Returned to the House with amendments			Referred to the Senate		
House concurred in Senate amendments;			Senate sponsor: Senator Harrison		
Roll Call 414: yeas 85, nays 5	769		First reading: referred to Committee on Pensions and		
Joint Rule 20 technical correction			Labor	341	
adopted by the Senate	1124		Committee report: amend do pass, adopted	363	
Signed by the President Pro Tempore	1279		Second reading: ordered engrossed	441	
Signed by the President of the Senate	1246		Placed back on second reading	446	
Signed by the Speaker	1246		Reread second time: amended and ordered engrossed	460	
Signed by the Governor	1246		Amendment 2 (M. Young) prevailed; voice vote	460	
Public Law 181: Effective July 1, 2006			Third reading: passed; Roll Call 232: yeas 47, nays 0	618	
			Returned to the House with amendments		
HB 1262 Author Representative Welch			Motion to concur in Senate amendments: failed for lack of		
Isolation or quarantine by public health authority.			constitutional majority; Roll Call 398: yeas 50, nays 47 . . .	756	
Authored by Representative Welch	31		House concurred in Senate amendments;		
Coauthored by Representatives Ruppel, L. Lawson, Foley			Roll Call 451: yeas 51, nays 46	1037	
First reading: referred to Committee on Judiciary			Signed by the President Pro Tempore	1279	
			Signed by the President of the Senate	1246	
HB 1263 Author Representative Pierce			Signed by the Speaker	1246	
Timber sales and wilderness areas.			Signed by the Governor	1246	
Authored by Representative Pierce	31		Public Law 182:		
First reading: referred to Committee on Natural Resources			SECTION 1 effective July 1, 2006		
			SECTIONS 2 through 10 effective June 1, 2006		
HB 1264 Author Representative Pierce			HB 1268 Author Representative Denbo		
Sustainable energy.			Tax amnesty funds for volunteer fire departments.		
Authored by Representative Pierce	31		Authored by Representative Denbo	31	
Coauthored by Representatives Pelath, Kromkowski			Coauthored by Representatives Bright, Oxley		
First reading: referred to Committee on Utilities and Energy			First reading: referred to Committee on Public Safety and		
			Homeland Security		
HB 1265 Author Representative Pierce			HB 1269 Author Representative Cheney		
Landlord-tenant law.			Prohibit knives in schools.		
Authored by Representative Pierce	31		Authored by Representative Cheney	31	
First reading: referred to Committee on Judiciary			Coauthored by Representatives Ayres, Dobis		
			First reading: referred to Committee on Education		
HB 1266 Author Representative Borrer			HB 1270 Author Representative Fry		
Sponsors Senators Ford and Long			Employee health coverage.		
Headquarters relocation tax credit.			Authored by Representative Fry	31	
Authored by Representative Borrer	31		First reading: referred to Committee on Insurance		
Coauthored by Representatives Bell, T. Harris			HB 1271 Author Representative Tincher		
First reading: referred to Committee on Commerce,			Negligent homicide.		
Economic Development and Small Business			Authored by Representative Tincher	31	
Committee report: do pass, adopted	149		First reading: referred to Committee on Courts and		
Referred to the Committee on Ways and Means			Criminal Code		
pursuant to House Rule 127	161		HB 1272 Author Representative McClain		
Committee report: amend do pass, adopted	249		Self-assessment of real property.		
Second reading: ordered engrossed	378		Authored by Representative McClain	31	
Third reading: passed; Roll Call 180: yeas 90, nays 7	497		First reading: referred to Committee on Ways and Means		
Referred to the Senate			HB 1273 Author Representative Crawford		
Senate sponsors: Senators Ford and Long			Housing trust fund financing.		
First reading: referred to Committee on Tax and			Authored by Representative Crawford	31	
Fiscal Policy	341		First reading: referred to Committee on Ways and Means		
HB 1267 Author Representative Borrer					
Sponsor Senator Harrison					
Employment certificates for children.					
Authored by Representative Borrer	31				
First reading: referred to Committee on Employment					

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
HB 1274 Author Representative Crawford			Senators Kruse and Heinold added as cosponsors		436
Use of tax amnesty funds to reduce welfare levy.			Senators Rogers and Lewis added as cosponsors		439
Authored by Representative Crawford	31		Second reading: amended, ordered engrossed		441
Coauthored by Representative Bauer			Amendment 1 (Hershman) prevailed; voice vote		441
First reading: referred to Committee on Ways and Means			Amendment 2 (Hershman) prevailed;		
			division of the Senate: yeas 32, nays 17		441
			Amendment 4 (Hershman) prevailed; voice vote		441
			Amendment 5 (Hershman) prevailed; voice vote		441
			Amendment 6 (Hershman) prevailed; voice vote		442
			Amendment 7 (Ford) failed;		
			Roll Call 197: yeas 22, nays 27		442
			Amendment 8 (Lanane) failed;		
			Roll Call 198: yeas 18, nays 31		443
			Third reading: passed; Roll Call 219: yeas 42, nays 7		470
			Returned to the House with amendments		
			House concurred in Senate amendments;		
			Roll Call 301: yeas 79, nays 18	722	
			Representatives Bell, Torr, Thomas, Gutwein, Neese,		
			J. Lutz, C. Brown, Mays and Reske added as coauthors	730	
			Signed by the Speaker	757	
			Signed by the President Pro Tempore		753
			Signed by the President of the Senate	777	
			Signed by the Governor	1062	
			Public Law 27:		
			SECTION 1 effective July 1, 2006		
			SECTIONS 2 through 4 effective March 14, 2006		
			SECTION 5 effective July 1, 2009		
			SECTIONS 6 through 39 effective March 14, 2006		
			SECTION 40 effective July 1, 2009		
			SECTION 41 effective March 14, 2006		
			SECTIONS 42 through 52 effective July 1, 2009		
			SECTION 53 effective July 1, 2006		
			SECTIONS 54 through 59 effective March 14, 2006		
			SECTION 60 effective July 1, 2009		
			SECTION 61 effective March 14, 2006		
			SECTION 62 effective July 1, 2009		
			SECTIONS 63 through 64 effective March 14, 2006		
			SECTION 65 effective July 1, 2006		
HB 1275 Author Representative Crawford			HB 1279 Author Representative Murphy		
Funding of education grants.			Sponsors Senators Hershman and Wyss		
Authored by Representative Crawford	31		Telecommunications.		
First reading: referred to Committee on Education			Authored by Representative Murphy	31	
			First reading: referred to Committee on Technology,		
			Research and Development		
			Committee report: amend do pass, adopted	149	
			Representatives Koch, Mahern and Kuzman		
			added as coauthors	162	
			Second reading: amended, ordered engrossed	251	
			Amendment 1 (Murphy) prevailed; voice vote	252	
			Amendment 2 (Murphy) prevailed; voice vote	252	
			Amendment 4 (Murphy) prevailed; voice vote	253	
			Amendment 5 (Murphy) prevailed; voice vote	253	
			Amendment 22 (Mays) prevailed; voice vote	253	
			Amendment 7 (Messer) prevailed;		
			Roll Call 40: yeas 56, nays 42	254	
			Amendment 20 (Austin) prevailed; voice vote	254	
			Amendment 21 (Moses) prevailed;		
			Roll Call 41: yeas 90, nays 7	255	
			Amendment 23 (Micon) failed;		
			Roll Call 42: yeas 29, nays 68	255	
			Amendment 19 (Mahern) withdrawn	255	
			Third reading: recommitted to Committee of One,		
			Amendment 24 (Murphy) prevailed by two-thirds vote;		
			bill passed; Roll Call 182: yeas 85, nays 14	497	
			Referred to the Senate		
			Senate sponsors: Senators Hershman and Wyss		
			Cosponsor: Senator Hume		
			First reading: referred to Committee on Homeland Security,		
			Utilities, and Public Policy	344	
			Committee report: amend do pass, adopted	386	
			HB 1280 Author Representative Murphy		
			Sponsors Senators Ford and Steele		
			Unsolicited facsimile advertisements.		
			Authored by Representative Murphy	31	
			First reading: referred to Committee on Technology,		
			Research and Development		
			Representative Koch added as coauthor	144	
			Committee report: do pass, adopted	150	
			Representatives Saunders and Grubb added as coauthors	162	
			Second reading: amended, ordered engrossed	224	
			Amendment 1 (Murphy) prevailed; voice vote	224	
			Third reading: passed; Roll Call 78: yeas 97, nays 0	376	
			Referred to the Senate		
			Senate sponsors: Senators Ford and Steele		
			First reading: referred to Committee on Judiciary	317	
			Committee report: do pass, adopted	352	
			Senator Lanane added as cosponsor	354	
			Second reading: amended, ordered engrossed	364	
			Amendment 2 (Ford) prevailed; voice vote	364	
			Senator Dillon added as cosponsor	365	
			Third reading: passed; Roll Call 190: yeas 50, nays 0	384	
			Returned to the House with amendments		
			Senator Hume added as cosponsor	385	
			House concurred in Senate amendments;		
			Roll Call 415: yeas 92, nays 0	769	
			Signed by the Speaker	777	
			Signed by the President Pro Tempore	790	

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 85: Effective January 1, 2007	

■ **HB 1281 Author Representative Murphy**
Sponsors Senators Lubbers and Broden

Domestic violence.	
Authored by Representative Murphy	31
First reading: referred to Committee on Courts and Criminal Code	
Representative Thomas added as coauthor	338
Committee report: amend do pass, adopted	356
Representatives L. Lawson and VanHaaften added as coauthors	374
Second reading: ordered engrossed	378
Third reading: passed; Roll Call 183: yeas 100, nays 0	498
Referred to the Senate	
Senate sponsors: Senators Lubbers and Broden	
First reading: referred to Committee on Corrections, Criminal, and Civil Matters	341
Senator Zakas added as cosponsor	453
Senator Lanane added as cosponsor	
Committee report: amend do pass, adopted	605
Second reading: ordered engrossed	631
Third reading: passed; Roll Call 301: yeas 49, nays 0	712
Returned to the House with amendments	
Senators Becker and Wyss added as cosponsors	714
House concurred in Senate amendments;	
Roll Call 418: yeas 95, nays 0	769
Signed by the Speaker	1012
Signed by the President Pro Tempore	863
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 129: Effective July 1, 2006	

HB 1282 Author Representative Murphy

Elimination of school property taxes.	
Authored by Representative Murphy	32
First reading: referred to Committee on Ways and Means	

HB 1283 Author Representative Noe

Epidemic, pandemic, or bioterrorism disease.	
Authored by Representative Noe	32
First reading: referred to Committee on Public Safety and Homeland Security	

HB 1284 Author Representative J. Lutz

Home energy assistance.	
Authored by Representative J. Lutz	32
Coauthored by Representative Friend	
First reading: referred to Committee on Ways and Means	
Representative Frizzell added as coauthor	144
Representative Grubb added as coauthor	235

■ **HB 1285 Author Representative Heim**
Sponsors Senators Heinold and Weatherwax

Alternative fuels.	
Authored by Representative Heim	32
First reading: referred to Committee on Utilities and Energy	
Representative Walorski added as coauthor	36
Representative Koch added as coauthor	144
Reassigned to the Committee on Environmental Affairs	163

House Senate

Committee report: amend do pass, adopted	370
Second reading: ordered engrossed	396
Third reading: passed; Roll Call 184: yeas 98, nays 0	498
Referred to the Senate	
Senate sponsors: Senators Heinold and Weatherwax	
Cosponsor: Senator Hershman	
First reading: referred to Committee on Energy and Environmental Affairs	341
Committee report: amend do pass, adopted	451
Second reading: ordered engrossed	631
Senators Simpson and Drozda added as cosponsors	632
Third reading: passed; Roll Call 302: yeas 49, nays 0	712
Returned to the House with amendments	
Senator R. Young added as cosponsor	714
House concurred in Senate amendments;	
Roll Call 405: yeas 87, nays 0	767
Signed by the Speaker	1012
Signed by the President Pro Tempore	863
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 133: Effective March 22, 2006	

■ **HB 1286 Author Representative Duncan**
Sponsors Senators Waterman and Lewis

Motorcycle operational skills test.	
Authored by Representative Duncan	32
First reading: referred to Committee on Roads and Transportation	
Committee report: do pass, adopted	238
Second reading: amended, ordered engrossed	396
Amendment 1 (Duncan) prevailed; voice vote	396
Representatives Wolkins and Goodin added as coauthors ...	492
Third reading: passed; Roll Call 185: yeas 98, nays 0	498
Referred to the Senate	
Senate sponsors: Senators Waterman and Lewis	
Cosponsors: Senators Hume and Merritt	
First reading: referred to Committee on Commerce and Transportation	342
Committee report: do pass, adopted	421
Second reading: ordered engrossed	444
Third reading: passed; Roll Call 220: yeas 50, nays 0	470
Returned to the House without amendments	
Signed by the Speaker	751
Signed by the President Pro Tempore	753
Signed by the President of the Senate	777
Signed by the Governor	1062
Public Law 45:	
SECTION 1 through 2 effective July 1, 2006	
SECTION 3 effective March 14, 2006	
SECTION 4 effective July 1, 2006	

HB 1287 Author Representative Duncan
Sponsors Senators Landske and Becker

Transportation.	
Authored by Representative Duncan	32
First reading: referred to Committee on Roads and Transportation	
Committee report: amend do pass, adopted	233
Second reading: amended, ordered engrossed	396
Amendment 2 (Duncan) prevailed; voice vote	396
Amendment 3 (VanHaaften) failed;	
Roll Call 105: yeas 48, nays 48	396
Amendment 4 (Duncan) prevailed; voice vote	396
Amendment 1 (Fry) failed;	
Roll Call 106: yeas 47, nays 51	396
Representative Goodin added as coauthor	449

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Third reading: passed; Roll Call 186: yeas 68, nays 30	498		Authorized by Representative Hoffman	32	
Referred to the Senate			First reading: referred to Committee on Ways and Means		
Senate sponsor: Senator Landske					
First reading: referred to Committee on Commerce and			HB 1295 Author Representative Saunders		
Transportation	342		Excise tax on recreational vehicles.		
Committee report: amend do pass, adopted	427		Authorized by Representative Saunders	32	
Senator Becker added as second sponsor	436		Coauthored by Representative Reske		
Senator Lutz added as cosponsor			First reading: referred to Committee on Ways and Means		
Second reading: ordered engrossed	444				
Third reading: passed; Roll Call 221: yeas 50, nays 0	470		HB 1296 Author Representative Buell		
Returned to the House with amendments			Health insurance for retired state employees.		
House dissented from Senate amendments	748		Authorized by Representative Buell	32	
House conferees appointed: Duncan and Goodin	754		First reading: referred to Committee on Ways and Means		
House advisors appointed: Davis and VanHaaften					
Senate conferees appointed: Landske and Craycraft	745		HB 1297 Author Representative Friend		
Senator Craycraft removed as conferee	755		Product and service warranties.		
Senator Rogers added as conferee			Authorized by Representative Friend	32	
Senate advisors appointed: Paul and Craycraft			First reading: referred to Committee on Commerce,		
Representative Goodin removed as conferee	766		Economic Development and Small Business		
Representative VanHaaften removed as House advisor					
Representative VanHaaften added as conferee			HB 1298 Author Representative McClain		
Conference committee report 1: filed in the House	1059		Property tax deductions.		
Rules suspended; conference committee report 1:			Authorized by Representative McClain	32	
adopted by the House; Roll Call 472: yeas 81, nays 9	1069		First reading: referred to Committee on Ways and Means		
HB 1288 Author Representative Avery			HB 1299 Author Representative Bardon		
Military family leave.			Sponsors Senators Paul and Lanane		
Authorized by Representative Avery	32		Financial institutions.		
Coauthored by Representatives Stilwell, Kromkowski, Buell			Authorized by Representative Bardon	32	
First reading: referred to Committee on Employment			First reading: referred to Committee on		
and Labor			Financial Institutions		
			Committee report: amend do pass, adopted	58	
HB 1289 Author Representative Dvorak			Representative Burton added as coauthor	235	
Biomonitoring program.			Second reading: amended, ordered engrossed	256	
Authorized by Representative Dvorak	32		Amendment 1 (Bardon) prevailed; voice vote	256	
First reading: referred to Committee on Public Health			Third reading: passed; Roll Call 79: yeas 94, nays 0	376	
			Referred to the Senate		
HB 1290 Author Representative Aguilera			Senate sponsors: Senators Paul and Lanane		
Sewer improvement and extension fund.			First reading: referred to Committee on Insurance and		
Authorized by Representative Aguilera	32		Financial Institutions	317	
First reading: referred to Committee on Local			Committee report: do pass, adopted	424	
Government			Second reading: ordered engrossed	444	
			Third reading: passed; Roll Call 233: yeas 48, nays 0	618	
HB 1291 Author Representative Aguilera			Returned to the House without amendments		
East Chicago school board.			Signed by the Speaker	751	
Authorized by Representative Aguilera	32		Signed by the President Pro Tempore	754	
First reading: referred to Committee on Education			Signed by the President of the Senate	777	
			Signed by the Governor	1246	
HB 1292 Author Representative Aguilera			Public Law 57: Effective July 1, 2006		
Commission on Hispanic/Latino affairs.					
Authorized by Representative Aguilera	32		HB 1300 Author Representative Mahern		
First reading: referred to Committee on Government and			Sponsors Senators Wyss and Breaux		
Regulatory Reform			Commercial driver's licenses and permits.		
			Authorized by Representative Mahern	42	
HB 1293 Author Representative Aguilera			Coauthored by Representative Davis		
Determination of graduation rates.			First reading: referred to Committee on Roads and		
Authorized by Representative Aguilera	32		Transportation		
First reading: referred to Committee on Education			Representative Borrer added as coauthor	162	
			Committee report: do pass, adopted	169	
HB 1294 Author Representative Hoffman			Second reading: ordered engrossed	363	
Rental dwelling property tax deduction.			Third reading: passed; Roll Call 187: yeas 96, nays 0	498	
			Referred to the Senate		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Senate sponsors: Senators Wyss and Breaux	
First reading: referred to Committee on Commerce and Transportation	344
Committee report: amend do pass, adopted	423
Second reading: amended, ordered engrossed	444
Amendment 1 (Wyss) prevailed; voice vote	444
Third reading: passed; Roll Call 222: yeas 50, nays 0	470
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 392: yeas 95, nays 0	755
Signed by the Speaker	777
Signed by the President Pro Tempore	790
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 188: Effective March 17, 2006	

HB 1301 Author Representative Mahern

Marion County government consolidation.	
Authored by Representative Mahern	42
First reading: referred to Committee on Government and Regulatory Reform	

HB 1302 Author Representative Summers

Services for developmentally disabled children.	
Authored by Representative Summers	32
First reading: referred to Committee on Public Health	

HB 1303 Author Representative Grubb

Energy assistance contingency fund.	
Authored by Representative Grubb	32
Coauthored by Representative Micon	
First reading: referred to Committee on Utilities and Energy	

HB 1304 Author Representative Dodge

Judicial funding for counties.	
Authored by Representative Dodge	32
First reading: referred to Committee on Judiciary	
Representative Koch added as coauthor	49

HB 1305 Author Representative Tyler

Parking with former prisoner of war plates.	
Authored by Representative Tyler	32
Coauthored by Representatives Buell, Grubb	
First reading: referred to Committee on Roads and Transportation	

**■ HB 1306 Author Representative Bright
Sponsors Senators Long and Lanane**

Various corporate law matters.	
Authored by Representative Bright	32
First reading: referred to Committee on Judiciary	
Committee report: do pass, adopted	234
Representative Thomas added as coauthor	374
Second reading: ordered engrossed	397
Third reading: passed; Roll Call 188: yeas 86, nays 11	498
Referred to the Senate	
Senate sponsors: Senators Long and Lanane	
First reading: referred to Committee on Judiciary	342
Committee report: amend do pass, adopted	575
Second reading: ordered engrossed	631
Third reading: passed; Roll Call 303: yeas 48, nays 1	713
Returned to the House with amendments	

House concurred in Senate amendments;	
Roll Call 416: yeas 83, nays 7	769
Signed by the Speaker	1012
Signed by the President Pro Tempore	863
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 130: Effective July 1, 2006	

**■ HB 1307 Author Representative Torr
Sponsors Senators Harrison and Kruse**

Worker's compensation.	
Authored by Representative Torr	32
First reading: referred to Committee on Employment and Labor	
Committee report: amend do pass, adopted	150
Second reading: amended, ordered engrossed	214
Amendment 6 (Torr) prevailed; voice vote	214
Amendment 7 (Torr) prevailed;	
Roll Call 33: yeas 52, nays 45	214
Amendment 3 (Stilwell) failed;	
Roll Call 34: yeas 48, nays 49	215
Third reading: passed; Roll Call 80: yeas 51, nays 47	376
Referred to the Senate	
Senate sponsors: Senators Harrison and Kruse	
Cosponsor: Senator Craycraft	
First reading: referred to Committee on Pensions and Labor	344
Committee report: amend do pass, adopted	431
Second reading: ordered engrossed	461
Amendment 2 (Tallian) failed;	
Roll Call 202: yeas 17, nays 32	461
Amendment 1 (Tallian) failed;	
Roll Call 203: yeas 17, nays 33	462
Amendment 3 (Bowser) failed; voice vote	462
Third reading: passed; Roll Call 234: yeas 48, nays 0	618
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 423: yeas 51, nays 47	770
Signed by the Speaker	1012
Signed by the President Pro Tempore	863
Signed by the President of the Senate	1239
Signed by the Governor	1246
Public Law 134:	
SECTION 1 effective March 22, 2006	
SECTIONS 2 through 11 effective July 1, 2006	
SECTIONS 12 through 14 effective March 22, 2006	

HB 1308 Author Representative Crouch

Restraint on trade of contact lenses.	
Authored by Representative Crouch	32
First reading: referred to Committee on Commerce, Economic Development and Small Business	

HB 1309 Author Representative Woodruff

Former legislator health benefits.	
Authored by Representative Woodruff	32
Coauthored by Representatives Burton, Davis, Bright	
First reading: referred to Committee on Rules and Legislative Procedures	

HB 1310 Author Representative Murphy

Driver's certificates.	
Authored by Representative Murphy	42
Coauthored by Representative Aguilera	

	House	Senate		House	Senate
First reading: referred to Committee on Public Safety and Homeland Security			Third reading: passed; Roll Call 189: yeas 98, nays 0	498	
HB 1311 Withdrawn pursuant to House Rule 111.			Referred to the Senate		
Withdrawn prior to first reading	30		Senate sponsors: Senators Landske and Sipes		
HB 1312 Author Representative Behning			First reading: referred to Committee on Homeland Security, Utilities, and Public Policy		342
Various education matters.			Committee report: amend do pass, adopted		605
Authorized by Representative Behning	32		Second reading: amended, ordered engrossed		631
First reading: referred to Committee on Education			Amendment 1 (Landske) prevailed; voice vote		631
Committee report: amend do pass, adopted	356		Senator Becker added as cosponsor		633
Second reading: amended, ordered engrossed	397		Third reading: passed; Roll Call 305: yeas 49, nays 0		713
Amendment 3 (Pelath) ruled out of order	397		Returned to the House with amendments		
Amendment 2 (Hinkle) prevailed; voice vote	403		Senators Paul and Howard added as cosponsors		714
Amendment 4 (Micon) prevailed; voice vote	403		Senator Craycraft added as cosponsor		715
Amendment 5 (Cheney) withdrawn	404		House dissented from Senate amendments	753	
Amendment 1 (Day) prevailed; voice vote	404		House conferees appointed: Thompson and Hoy	757	
Representatives T. Harris and Noe added as coauthors	486		House advisors appointed: Frizzell and Tyler		
Third reading: made special order of business for 8:30 p.m. on February 2, 2006	498		Senate conferees appointed: Landske and Sipes		736
Reread third time: call withdrawn	500		Senators Landske and Sipes removed as conferee		791
HB 1313 Author Representative Tyler			Representative Mays appointed as House advisor	1038	
1977 retirement fund benefit enhancement.			Senators Hershman and Hume added as conferees		862
Authorized by Representative Tyler	32		Senate advisors appointed: Wyss and Rogers		
First reading: referred to Committee on Public Safety and Homeland Security			Conference committee report 1: filed in the House	1064	
HB 1314 Author Representative Klinker			Rules suspended; conference committee report 1: adopted by the House; Roll Call 484: yeas 83, nays 15	1234	
Sponsors Senators Lawson and Simpson			Rules suspended		1129
Substance and alcohol use during pregnancy.			Made special order of business		1201
Authorized by Representative Klinker	32		Conference committee report 1: adopted by the Senate; Roll Call 410: yeas 42, nays 7		1262
Coauthored by Representatives Thompson, Ulmer, Mays			Signed by the President Pro Tempore		1279
First reading: referred to Committee on Public Health			Signed by the President of the Senate	1246	
Committee report: do pass, adopted	60		Signed by the Speaker	1246	
House Rule 106.1 suspended; Representatives Tyler and Goodin added as coauthors	162		Signed by the Governor	1246	
Second reading: ordered engrossed	163		Public Law 183: Effective March 24, 2006		
Third reading: passed; Roll Call 81: yeas 98, nays 0	376		HB 1316 Author Representative VanHaaften		
Referred to the Senate			New Harmony bridge.		
Senate sponsors: Senators Lawson and Simpson			Authorized by Representative VanHaaften		33
Cosponsors: Senators Dillon and Rogers			First reading: referred to Committee on Roads and Transportation		
First reading: referred to Committee on Health and Provider Services		317	HB 1317 Author Representative VanHaaften		
Committee report: do pass, adopted		554	Drug offender facility.		
Senators Breaux and Sipes added as cosponsors		620	Authorized by Representative VanHaaften		33
Second reading: ordered engrossed		631	Coauthored by Representative Mays		
Third reading: passed; Roll Call 304: yeas 49, nays 0		713	First reading: referred to Committee on Courts and Criminal Code		
Returned to the House without amendments			HB 1318 Author Representative Borror		
Signed by the Speaker		762	Sponsor Senator Kruse		
Signed by the President Pro Tempore		763	Property tax abatement.		
Signed by the President of the Senate		777	Authorized by Representative Borror		33
Signed by the Governor		1246	First reading: referred to Committee on Commerce, Economic Development and Small Business		
Public Law 86: Effective March 17, 2006			Committee report: amend do pass, adopted		263
HB 1315 Author Representative Thompson			Second reading: ordered engrossed		404
Sponsors Senators Landske and Sipes			Representative Dodge added as coauthor		492
Video service franchises.			Third reading: passed; Roll Call 190: yeas 84, nays 10		499
Authorized by Representative Thompson	33		Referred to the Senate		
First reading: referred to Committee on Public Health			Senate sponsor: Senator Kruse		
Representative Hoy added as coauthor	144		First reading: referred to Committee on Tax and Fiscal Policy		342
Committee report: amend do pass, adopted	238		HB 1319 Author Representative Austin		
Second reading: ordered engrossed	378		Chiropractors and physical therapists.		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Authored by Representative Austin	33		First reading: referred to Committee on Employment and Labor		
First reading: referred to Committee on Public Health					
Representative Davis added as coauthor	144				
HB 1320 Author Representative Woodruff			HB 1326 Author Representative Espich		
Drug and alcohol control.			Single factor apportionment.		
Authored by Representative Woodruff	33		Authored by Representative Espich	33	
First reading: referred to Committee on Courts and Criminal Code			First reading: referred to Committee on Ways and Means		
HB 1321 Author Representative Pelath			HB 1327 Author Representative Espich		
Administration and funding of human services.			Sponsors Senators Kenley and Simpson		
Authored by Representative Pelath	33		Taxation and government finance.		
Coauthored by Representative Oxley			Authored by Representative Espich	33	
First reading: referred to Committee on Family, Children and Human Affairs			First reading: referred to Committee on Ways and Means		
HB 1322 Author Representative Pelath			Committee report: amend do pass, adopted	158	
Property tax liability for various taxpayers.			Second reading: ordered engrossed	163	
Authored by Representative Pelath	33		Representative Cochran added as coauthor	374	
Coauthored by Representative Oxley			Third reading: passed; Roll Call 82: yeas 96, nays 0	376	
First reading: referred to Committee on Ways and Means			Referred to the Senate		
HB 1323 Author Representative Dodge			Senate sponsors: Senators Kenley and Simpson		
Sponsors Senators Kruse and Heinold			First reading: referred to Committee on Tax and Fiscal Policy	317	
Extra heavy duty highways.			Committee report: amend do pass, adopted	367	
Authored by Representative Dodge	33		Second reading: ordered engrossed	444	
First reading: referred to Committee on Roads and Transportation			Amendment 1 (Simpson) failed;		
Representatives Bell and Stutzman added as coauthors	162		Roll Call 199: yeas 17, nays 33	445	
Committee report: amend do pass, adopted	169		Third reading: passed; Roll Call 224: yeas 50, nays 0	470	
Representative GiaQuinta added as coauthor	235		Returned to the House with amendments		
Second reading: ordered engrossed	363		House dissented from Senate amendments	748	
Third reading: passed; Roll Call 191: yeas 92, nays 2	499		House conferees appointed: Espich and Crawford	754	
Referred to the Senate			House advisors appointed: Pond, Cochran, Orentlicher		
Senate sponsors: Senators Kruse and Heinold			Senate conferees appointed: Kenley and Simpson	735	
First reading: referred to Committee on Commerce and Transportation	342		Conference committee report 1: filed in the House	1115	
Committee report: amend do pass, adopted	422		Rules suspended; conference committee report 1: adopted by the House; Roll Call 479: yeas 99, nays 0	1233	
Second reading: ordered engrossed	444		Rules suspended	1129	
Third reading: passed; Roll Call 223: yeas 50, nays 0	470		Made special order of business	1201	
Returned to the House with amendments			Conference committee report 1: adopted by the Senate; Roll Call 409: yeas 50, nays 0	1253	
House dissented from Senate amendments	753		Signed by the President Pro Tempore	1279	
House conferees appointed: Dodge and Moses	754		Signed by the President of the Senate	1246	
House advisors appointed: Stutzman and Bell			Signed by the Speaker	1246	
Senate conferees appointed: Kruse and Mrvan	735		Signed by the Governor	1246	
Conference committee report 1: filed in the House	850		Public Law 184:		
Conference committee report 2: filed in the House	1050		SECTION 1 effective retroactive to March 15, 2006		
Conference committee report 1: withdrawn	862		SECTION 2 effective July 1, 2007		
Rules suspended; conference committee report 2: adopted by the House; Roll Call 473: yeas 87, nays 2	1070		SECTION 3 effective retroactive to January 1, 2005		
HB 1324 Author Representative Dickinson			SECTION 4 effective retroactive to January 1, 2006		
Disclosure of employer health care spending.			SECTION 5 effective July 1, 2006		
Authored by Representative Dickinson	33		SECTIONS 6 through 8 effective March 24, 2006		
First reading: referred to Committee on Employment and Labor			SECTIONS 9 through 10 effective July 1, 2006		
Representative Cheney added as coauthor	162		SECTION 11 effective March 24, 2006		
HB 1325 Author Representative Dickinson			SECTION 12 effective July 1, 2006		
Review of privatization savings.			HB 1328 Author Representative Espich		
Authored by Representative Dickinson	33		Local taxes and fees.		
			Authored by Representative Espich	33	
			First reading: referred to Committee on Ways and Means		
			HB 1329 Author Representative Mays		
			Sponsor Senator Miller		
			Medicaid disease management and kidney disease.		
			Authored by Representative Mays	33	
			Coauthored by Representatives T. Harris, Crawford		
			First reading: referred to Committee on Public Health		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Committee report: do pass, adopted	269		Representative Koch added as coauthor	162	
Second reading: ordered engrossed	378		Representative Heim added as coauthor	235	
Third reading: passed; Roll Call 192: yeas 96, nays 0	499		Committee report: amend do pass, adopted	358	
Referred to the Senate			Second reading: amended, ordered engrossed	404	
Senate sponsor: Senator Miller			Amendment 1 (Koch) prevailed; voice vote	404	
House Rule 106.1 suspended; Representatives Austin, T. Brown, Porter, Welch, V. Smith, Aguilera, C. Brown, Dickinson, E. Harris, Summers, and Budak added as coauthors	506		Third reading: passed; Roll Call 194: yeas 96, nays 2	499	
First reading: referred to Committee on Health and Provider Services		342	Referred to the Senate		
Committee report: amend do pass, adopted	602		Senate sponsor: Senator Weatherwax		
Second reading: ordered engrossed	631		First reading: referred to Committee on Tax and Fiscal Policy		342
Senator Simpson added as cosponsor	705				
Third reading: passed; Roll Call 306: yeas 49, nays 0	713		HB 1333 Author Representative Messer		
Returned to the House with amendments			Educational scholarship programs.		
House dissented from Senate amendments	767		Authored by Representative Messer	33	
House conferees appointed: T. Harris and Mays	774		First reading: referred to Committee on Education		
House advisors appointed: T. Brown and Crawford					
Senate conferees appointed: Miller and Sipes	768		HB 1334 Author Representative Messer		
Conference committee report 1: filed in the House	1122		State police funding.		
Rules suspended; conference committee report 1: adopted by the House; Roll Call 486: yeas 93, nays 1	1234		Authored by Representative Messer	33	
Rules suspended	1129		First reading: referred to Committee on Public Safety and Homeland Security		
Made special order of business	1130		Representative Tincher added as coauthor	235	
HB 1330 Author Representative Hoffman			HB 1335 Author Representative Thompson		
Military service credit for teachers' retirement fund members.			Preference for marriage over other relationships.		
Authored by Representative Hoffman	33		Authored by Representative Thompson	33	
First reading: referred to Committee on Employment and Labor			First reading: referred to Committee on Public Policy and Veterans Affairs		
■ HB 1331 Author Representative Hoffman			HB 1336 Author Representative Thompson		
Sponsors Senators Weatherwax and R. Young			Property tax freeze.		
Out-of-state boat registration.			Authored by Representative Thompson	33	
Authored by Representative Hoffman	33		First reading: referred to Committee on Ways and Means		
Coauthored by Representative Bischoff			Representative Cherry added as coauthor	235	
First reading: referred to Committee on Roads and Transportation					
Committee report: do pass, adopted	169		HB 1337 Author Representative Kersey		
Second reading: ordered engrossed	363		County option gross retail tax.		
Third reading: passed; Roll Call 193: yeas 100, nays 0	499		Authored by Representative Kersey	33	
Referred to the Senate			First reading: referred to Committee on Ways and Means		
Senate sponsors: Senators Weatherwax and R. Young					
First reading: referred to Committee on Tax and Fiscal Policy		342	HB 1338 Author Representative T. Harris		
Committee report: do pass, adopted	367		Sponsor Senator Lubbers		
Second reading: ordered engrossed	445		School improvement awards; teacher CPR training; diabetes management.		
Third reading: passed; Roll Call 225: yeas 48, nays 2	470		Authored by Representative T. Harris	33	
Returned to the House without amendments			First reading: referred to Committee on Education		
Signed by the Speaker	751		Representative Walorski added as coauthor	144	
Signed by the President Pro Tempore	753		Representatives Heim and Porter added as coauthors	338	
Signed by the President of the Senate	777		Committee report: amend do pass, adopted	359	
Signed by the Governor	1062		Second reading: amended, ordered engrossed	404	
Public Law 46: Effective July 1, 2006			Amendment 1 (Duncan) prevailed; voice vote	404	
			Third reading: passed; Roll Call 195: yeas 97, nays 0	499	
			Referred to the Senate		
			Senate sponsor: Senator Lubbers		
HB 1332 Author Representative Friend			First reading: referred to Committee on Education and Career Development		342
Sponsor Senator Weatherwax			Committee report: amend do pass, adopted	610	
Alternative fuel production and use.			Second reading: amended, ordered engrossed	701	
Authored by Representative Friend	33		Amendment 3 (Lubbers) prevailed; voice vote	701	
First reading: referred to Committee on Utilities and Energy			Amendment 1 (Landske) prevailed; voice vote	701	
Representative J. Lutz added as coauthor	144		Senator Sipes added as cosponsor	705	
Committee report: amend do pass, adopted	150		Third reading: passed; Roll Call 307: yeas 48, nays 1	713	
Referred to the Committee on Ways and Means pursuant to House Rule 127	161				

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Returned to the House with amendments	
Senators Landske and Paul added as cosponsors	714
House dissented from Senate amendments	754
House conferees appointed: T. Harris and Porter	757
House advisors appointed: Noe and Stilwell	
Senate conferees appointed: Lubbers and Breaux	745
Senate advisors appointed: Landske and Rogers	
Conference committee report 1: filed in the House	1205
Rules suspended; conference committee report 1:	
adopted by the House; Roll Call 487: yeas 94, nays 0	1234
Rules suspended	1129
Made special order of business	1130

■ HB 1339 Author Representative T. Harris Sponsor Senator Merritt

Real estate broker and salesperson licenses.	
Authored by Representative T. Harris	33
First reading: referred to Committee on Commerce, Economic Development and Small Business	
Representative Reske added as coauthor	144
Committee report: do pass, adopted	152
Second reading: amended, ordered engrossed	167
Amendment 1 (T. Harris) prevailed; voice vote	167
Third reading: passed; Roll Call 83: yeas 56, nays 38	376
Referred to the Senate	
Senate sponsor: Senator Merritt	
First reading: referred to Committee on Homeland Security, Utilities, and Public Policy	317
Senator Lanane added as cosponsor	385
Committee report: do pass, adopted	553
Second reading: ordered engrossed	667
Third reading: passed; Roll Call 308: yeas 49, nays 0	713
Returned to the House without amendments	
Signed by the Speaker	762
Signed by the President Pro Tempore	763
Signed by the President of the Senate	777
Signed by the Governor	1246
Public Law 87: Effective July 1, 2006	

HB 1340 Author Representative E. Harris

Redevelopment district housing programs.	
Authored by Representative E. Harris	33
First reading: referred to Committee on Local Government	

HB 1341 Author Representative GiaQuinta

Cy pres; trusts and public benefit corporations.	
Authored by Representative GiaQuinta	42
First reading: referred to Committee on Judiciary	

HB 1342 Author Representative Crouch

Public safety issues.	
Authored by Representative Crouch	42
First reading: referred to Committee on Government and Regulatory Reform	

HB 1343 Author Representative Hinkle

Communications and public safety answering points.	
Authored by Representative Hinkle	42
Coauthored by Representative Walorski	
First reading: referred to Committee on Public Safety and Homeland Security	
Representative Ruppel added as coauthor	239

HB 1344 Author Representative Hinkle Sponsors Senators Becker and Lutz

Government consolidation in Vanderburgh County.	
Authored by Representative Hinkle	42
First reading: referred to Committee on Government and Regulatory Reform	
Committee report: amend do pass, adopted	370
Second reading: amended, ordered engrossed	405
Amendment 2 (VanHaaften) prevailed; voice vote	405
Amendment 3 (Crawford) withdrawn	405
Third reading: passed; Roll Call 196: yeas 93, nays 5	499
Referred to the Senate	
Senate sponsors: Senators Becker and Lutz	
First reading: referred to Committee on Governmental Affairs and Interstate Cooperation	342

HB 1345 Author Representative Davis

Income tax credit for sales tax paid for heating.	
Authored by Representative Davis	42
First reading: referred to Committee on Ways and Means	

HB 1346 Author Representative Borror

Assessment of undeveloped land.	
Authored by Representative Borror	42
Coauthored by Representatives Bell, GiaQuinta, Thompson	
First reading: referred to Committee on Ways and Means	

■ HB 1347 Author Representative Messer Sponsors Senators Lubbers and Rogers

Various education matters.	
Authored by Representative Messer	42
First reading: referred to Committee on Education	
Representative Behning added as coauthor	144
Committee report: amend do pass, adopted	269
Representatives Heim and Porter added as coauthors	338
Second reading: amended, ordered engrossed	479
Amendment 6 (Messer) prevailed; voice vote	479
Amendment 4 (Turner) prevailed; voice vote	480
Amendment 5 (Turner) withdrawn	481
Third reading: passed; Roll Call 197: yeas 100, nays 0	499
Referred to the Senate	
Senate sponsors: Senators Lubbers and Rogers	
First reading: referred to Committee on Rules and Legislative Procedure	344
Reassigned to the Committee on Education and Career Development	353
Committee report: amend do pass, adopted	428
Second reading: ordered engrossed	445
Amendment 2 (Simpson) failed;	
Roll Call 200: yeas 17, nays 32	445
Senators Miller and Sipes added as cosponsors	446
Third reading: passed; Roll Call 226: yeas 49, nays 1	470
Returned to the House with amendments	
House concurred in Senate amendments;	
Roll Call 396: yeas 96, nays 0	755
Joint Rule 20 technical correction	
adopted by the Senate	776
Joint Rule 20 technical correction	
adopted by the House	1011
Signed by the President Pro Tempore	1279
Signed by the President of the Senate	1246
Signed by the Speaker	1246
Signed by the Governor	1246
Public Law 185:	
SECTIONS 1 through 10 effective July 1, 2006	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
SECTION 11 effective retroactive to July 1, 2005			Second reading: ordered engrossed	365	
SECTIONS 12 through 16 effective July 1, 2006			Third reading: passed; Roll Call 191: yeas 50, nays 0	384	
SECTIONS 17 through 18 effective March 24, 2006			Returned to the House with amendments		
HB 1348 Author Representative Koch			House dissented from Senate amendments	748	
Language requirement and illegal aliens.			House conferees appointed: Walorski and Crooks	754	
Authored by Representative Koch	42		House advisor appointed: Koch		
First reading: referred to Committee on Public Safety and			Senate conferees appointed: Bray and Broden	734	
Homeland Security			Conference committee report 1: filed in the House	800	
HB 1349 Author Representative Ulmer			Conference committee report 1: adopted by the Senate;		
Sponsor Senator Weatherwax			Roll Call 365: yeas 49, nays 1	829	
Hunting facilities and licenses.			Rules suspended; conference committee report 1:		
Authored by Representative Ulmer	42		adopted by the House; Roll Call 444: yeas 96, nays 0	1006	
Coauthored by Representatives Ruppel, Robertson, Denbo			Signed by the Speaker	1239	
First reading: referred to Committee on Natural Resources			Signed by the President Pro Tempore	1097	
Committee report: amend do pass, adopted	152		Signed by the President of the Senate	1239	
Second reading: amended, ordered engrossed	481		Signed by the Governor	1246	
Amendment 12 (Ulmer) prevailed; voice vote	481		Public Law 135: Effective July 1, 2006		
Amendment 2 (Goodin) prevailed;			HB 1354 Author Representative J. Lutz		
Roll Call 126: yeas 93, nays 3	482		Film and audio production tax incentives.		
Amendment 7 (Wolkins) ruled out of order	482		Authored by Representative J. Lutz	42	
Third reading: passed; Roll Call 198: yeas 53, nays 29	499		First reading: referred to Committee on Ways and Means		
Referred to the Senate			Representatives Borror, Hinkle, and Denbo		
Senate sponsor: Senator Weatherwax			added as coauthors	144	
First reading: referred to Committee on Rules and			HB 1355 Author Representative Friend		
Legislative Procedure	344		Selection of superintendent of public instruction.		
HB 1350 Author Representative Cherry			Authored by Representative Friend	42	
Judicial pensions.			Coauthored by Representative Behning		
Authored by Representative Cherry	42		First reading: referred to Committee on Education		
First reading: referred to Committee on Judiciary			Committee report: do pass, adopted	337	
HB 1351 Author Representative Orentlicher			Roll Call 48: yeas 49, nays 47		
Same day voter registration.			Second reading: ordered engrossed	445	
Authored by Representative Orentlicher	42		Amendment 1 (V. Smith) failed;		
Coauthored by Representative Bardon			Roll Call 108: yeas 40, nays 53	445	
First reading: referred to Committee on Elections and			Amendment 4 (Turner) failed;		
Apportionment			division of the House: yeas 42, nays 48	445	
HB 1352 Author Representative Orentlicher			Amendment 3 (V. Smith) failed; voice vote	448	
Medicaid and Wishard healthcare management program.			Amendment 2 (V. Smith) failed;		
Authored by Representative Orentlicher	42		Roll Call 109: yeas 43, nays 50	448	
First reading: referred to Committee on Public Health			HB 1356 Author Representative Woodruff		
HB 1353 Author Representative Walorski			Deferral of property tax payments.		
Sponsors Senators Bray and Broden			Authored by Representative Woodruff	42	
Trademarks and service marks.			Coauthored by Representative Davis		
Authored by Representative Walorski	42		First reading: referred to Committee on Ways and Means		
First reading: referred to Committee on Commerce,			HB 1357 Author Representative Aguilera		
Economic Development and Small Business			Driver's certificates.		
Committee report: do pass, adopted	152		Authored by Representative Aguilera	42	
Second reading: amended, ordered engrossed	213		First reading: referred to Committee on Public Safety and		
Amendment 1 (Foley) prevailed; voice vote	213		Homeland Security		
Representatives Heim and Crooks added as coauthors	235		HB 1358 Author Representative Behning		
Representative Thomas added as coauthor	374		Special economic development project districts.		
Third reading: passed; Roll Call 84: yeas 92, nays 0	376		Authored by Representative Behning	42	
Referred to the Senate			First reading: referred to Committee on Commerce,		
Senate sponsors: Senators Bray and Broden			Economic Development and Small Business		
First reading: referred to Committee on Judiciary	317		Committee report: amend do pass, adopted	271	
Committee report: amend do pass, adopted	350		Representative Reske added as coauthor	338	
			Second reading: amended, ordered engrossed	448	
			Amendment 2 (Behning) prevailed; voice vote	448	
			Representative Reske removed as coauthor	486	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Representative Borror added as coauthor	492		Conference committee report 1: adopted by the Senate;		
Third reading: call withdrawn	499		Roll Call 412: yeas 44, nays 5	1265	
			Signed by the President Pro Tempore	1279	
HB 1359 Author Representative Tyler			Signed by the President of the Senate	1246	
Notice of business closure.			Signed by the Speaker	1246	
Authored by Representative Tyler	42		Signed by the Governor	1246	
First reading: referred to Committee on Employment			Public Law 186: Effective March 24, 2006		
and Labor					
			HB 1363 Author Representative Wolkins		
HB 1360 Author Representative Tyler			Paramedic service levies.		
Senior citizen property tax credit.			Authored by Representative Wolkins	42	
Authored by Representative Tyler	42		First reading: referred to Committee on Local		
First reading: referred to Committee on Ways and Means			Government		
HB 1361 Author Representative Tyler			HB 1364 Author Representative Wolkins		
Children of veterans' educational benefits.			Environmental rulemaking.		
Authored by Representative Tyler	42		Authored by Representative Wolkins	42	
First reading: referred to Committee on Public Policy and			First reading: referred to Committee on		
Veterans Affairs			Environmental Affairs		
■ HB 1362 Author Representative Buck			HB 1365 Author Representative Thomas		
Sponsors Senators Delph and Riegsecker			Sheriff's fees and employees.		
Local government reorganization.			Authored by Representative Thomas	42	
Authored by Representative Buck	42		First reading: referred to Committee on Judiciary		
First reading: referred to Committee on Government and					
Regulatory Reform			HB 1366 Author Representative Thomas		
Representative Bosma added as coauthor	144		Local road and street distributions.		
Committee report: amend do pass, adopted	158		Authored by Representative Thomas	42	
Second reading: amended, ordered engrossed	170		First reading: referred to Committee on Ways and Means		
Amendment 4 (Buck) prevailed; voice vote	170		Representatives Koch, Grubb, and Oxley		
Amendment 5 (Crawford) failed;			added as coauthors	49	
Roll Call 31: yeas 47, nays 48	170				
Amendment 1 (VanHaaften) failed;			HB 1367 Author Representative Thomas		
Roll Call 32: yeas 48, nays 49	210		Sponsors Senators Long and Bray		
Amendment 2 (VanHaaften) failed; voice vote	210		Study of liability for 501(c)(3) organizations.		
Third reading: passed; Roll Call 85: yeas 73, nays 23	376		Authored by Representative Thomas	43	
Referred to the Senate			First reading: referred to Committee on Judiciary		
Senate sponsors: Senators Delph and Riegsecker			Committee report: amend do pass, adopted	234	
First reading: referred to Committee on Governmental			Second reading: ordered engrossed	363	
Affairs and Interstate Cooperation	344		Representative Bright added as coauthor	374	
Committee report: amend do pass, adopted	603		Representatives Grubb and Borders added as coauthors	492	
Second reading: amended, ordered engrossed	667		Third reading: passed; Roll Call 199: yeas 98, nays 0	500	
Amendment 1 (Delph) prevailed; voice vote	667		Referred to the Senate		
Amendment 2 (Long) prevailed; voice vote	668		Senate sponsors: Senators Long and Bray		
Amendment 4 (Riegsecker) prevailed; voice vote	669		First reading: referred to Committee on Rules and		
Senator Lanane added as cosponsor	704		Legislative Procedure	342	
Third reading: passed; Roll Call 309: yeas 44, nays 5	713		Reassigned to the Committee on Corrections,		
Returned to the House with amendments			Criminal, and Civil Matters	345	
House dissented from Senate amendments	754				
House conferees appointed: Buck and Mahern	757		■ HB 1368 Author Representative Neese		
House advisor appointed: Whetstone			Sponsors Senators Meeks and Hume		
Senate conferees appointed: Riegsecker and Broden	735		PERF and TRF cost of living adjustments.		
Senate advisors appointed: Delph, Long, Breaux, and Lanane			Authored by Representative Neese	43	
Representative VanHaaften appointed as House advisor	766		First reading: referred to Committee on Ways and Means		
Representative Mahern removed as conferee	1065		Representative Woodruff added as coauthor	162	
Representative Yount added as conferee			Committee report: do pass, adopted	249	
Senator Broden removed as conferee	1095		Representative Welch added as coauthor	338	
Senator Delph removed as advisor			Representative Thomas added as coauthor	374	
Senator Delph added as conferee			Second reading: ordered engrossed	448	
Conference committee report 1: filed in the House	1148		Third reading: passed; Roll Call 201: yeas 82, nays 0	500	
Rules suspended; conference committee report 1:			Referred to the Senate		
adopted by the House; Roll Call 481: yeas 88, nays 8	1233		Senate sponsors: Senators Meeks and Hume		
Rules suspended	1129				
Made special order of business	1130				

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Cosponsors: Senators Craycraft and Gard			HB 1377 Author Representative Lehe		
First reading: referred to Committee on Appropriations	344		Transfer of residential care facility residents.		
Committee report: amend do pass, adopted	423		Authored by Representative Lehe	43	
Second reading: ordered engrossed	446		First reading: referred to Committee on Public Health		
Third reading: passed; Roll Call 227: yeas 47, nays 3	471				
Returned to the House with amendments			HB 1378 Author Representative Lehe		
Senator Landske added as cosponsor	471		Sponsors Senators Heinold and Jackman		
House concurred in Senate amendments;			Corn checkoffs.		
Roll Call 397: yeas 79, nays 0	755		Authored by Representative Lehe	43	
Signed by the Speaker	777		First reading: referred to Committee on Agriculture and		
Signed by the President Pro Tempore	781		Rural Development		
Signed by the President of the Senate	1239		Committee report: amend do pass, adopted	271	
Signed by the Governor	1246		Representative Wolkins added as coauthor	338	
Public Law 115: Effective July 1, 2006			Representative Thomas added as coauthor	374	
			Second reading: ordered engrossed	448	
HB 1369 Withdrawn pursuant to House Rule 111.			Representative Thomas removed as coauthor		
Withdrawn prior to first reading	43		Representatives Friend and Pflum added as coauthors	492	
			Third reading: passed; Roll Call 202: yeas 86, nays 9	500	
HB 1370 Author Representative VanHaaften			Referred to the Senate		
Special prosecutors and inspector general.			Senate sponsors: Senators Heinold and Jackman		
Authored by Representative VanHaaften	43		First reading: referred to Committee on Agriculture and		
First reading: referred to Committee on Government and			Small Business	345	
Regulatory Reform					
			HB 1379 Author Representative Lehe		
HB 1371 Author Representative Bauer			Renewable energy resources.		
Military service home buyer program.			Authored by Representative Lehe	43	
Authored by Representative Bauer	43		First reading: referred to Committee on Utilities and Energy		
First reading: referred to Committee on Ways and Means					
			HB 1380 Author Representative J. Smith		
HB 1372 Author Representative Bauer			Sponsors Senators Ford and Long		
State executive branch collective bargaining.			Various economic development matters.		
Authored by Representative Bauer	43		Authored by Representative J. Smith	43	
Coauthored by Representative Stilwell			First reading: referred to Committee on Ways and Means		
First reading: referred to Committee on Employment			Representative Walorski added as coauthor	144	
and Labor			Committee report: amend do pass, adopted	160	
			Second reading: ordered engrossed	168	
HB 1373 Author Representative Bauer			Third reading: passed; Roll Call 86: yeas 94, nays 4	377	
Do not call cell phone list.			Referred to the Senate		
Authored by Representative Bauer	43		Senate sponsors: Senators Ford and Long		
First reading: referred to Committee on Commerce,			First reading: referred to Committee on Economic		
Economic Development and Small Business			Development and Technology	317	
			Committee report: amend do pass, adopted	363	
HB 1374 Author Representative V. Smith			Second reading: ordered engrossed	435	
Teacher licensure.			Third reading: passed; Roll Call 228: yeas 50, nays 0	471	
Authored by Representative V. Smith	43		Returned to the House with amendments		
First reading: referred to Committee on Education			House dissented from Senate amendments	748	
			House conferees appointed: J. Smith and Austin	754	
HB 1375 Author Representative V. Smith			House advisors appointed: T. Harris and Yount		
Inmate credit time.			Senate conferees appointed: Ford and Hume	755	
Authored by Representative V. Smith	43		Conference committee report 1: filed in the House	1045	
First reading: referred to Committee on Courts and			Rules suspended; conference committee report 1:		
Criminal Code			adopted by the House; Roll Call 474: yeas 91, nays 1	1070	
			Conference committee report 1: adopted by the Senate;		
HB 1376 Author Representative Noe			Roll Call 400: yeas 50, nays 0	1108	
State spending cap.			Senator Drozda added as cosponsor	1123	
Authored by Representative Noe	43		Signed by the President Pro Tempore	1279	
First reading: referred to Committee on Ways and Means			Signed by the President of the Senate	1246	
			Signed by the Speaker	1246	
			Signed by the Governor	1246	
			Public Law 137:		
			SECTIONS 1 through 2 effective July 1, 2006		
			SECTION 3 effective January 1, 2007		
			SECTIONS 4 through 5 effective April 1, 2006		
			SECTIONS 6 through 7 effective July 1, 2006		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SECTIONS 8 through 10 effective retroactive
to January 1, 2006
SECTIONS 11 through 13 effective July 1, 2006
SECTION 14 effective retroactive to January 1, 2006
SECTION 15 effective January 1, 2007
SECTION 16 effective April 1, 2006
SECTIONS 17 through 18 effective retroactive
to January 1, 2006

HB 1381 Author Representative Behning

Kindergarten tax credit.
 Authored by Representative Behning 43
 First reading: referred to Committee on Education
 Committee report: amend do pass, adopted 335
 Referred to the Committee on Ways and Means
 pursuant to House Rule 127 337
 Committee report: amend do pass, adopted 370
 Representative Messer added as coauthor 374
 Second reading: amended, ordered engrossed 483
 Amendment 1 (Day) prevailed; voice vote 483
 Amendment 3 (Behning) prevailed; voice vote 483
 Amendment 4 (V. Smith) failed; voice vote 483
 Third reading: defeated; Roll Call 203: yeas 46, nays 52 501

HB 1382 Author Representative T. Brown

Access to reimbursement fee schedules.
 Authored by Representative T. Brown 43
 First reading: referred to Committee on Insurance

HB 1383 Author Representative Turner

Restrictions for illegal aliens.
 Authored by Representative Turner 43
 Coauthored by Representatives J. Smith, Bright, Woodruff
 First reading: referred to Committee on Public Safety and
 Homeland Security
 Committee report: amend do pass, adopted 238
 Second reading: amended, ordered engrossed 484
 Amendment 2 (Turner) prevailed; voice vote 484
 Amendment 1 (Aguilera) prevailed;
 Roll Call 127: yeas 55, nays 43 484
 Third reading: defeated; Roll Call 204: yeas 19, nays 74 501

HB 1384 Author Representative Turner

Certification of accuracy of government accounting.
 Authored by Representative Turner 43
 Coauthored by Representative Thompson
 First reading: referred to Committee on Government and
 Regulatory Reform

HB 1385 Author Representative Borders

Enforcing city and town ordinances.
 Authored by Representative Borders 43
 First reading: referred to Committee on Local
 Government

HB 1386 Author Representative Borders

Academic progress test.
 Authored by Representative Borders 43
 First reading: referred to Committee on Education

HB 1387 Author Representative Borders

Personal needs allowance.
 Authored by Representative Borders 43
 First reading: referred to Committee on Public Health

HB 1388 Author Representative Borders

Accuracy in textbooks.
 Authored by Representative Borders 43
 First reading: referred to Committee on Education

HB 1389 Author Representative Borders

Purchase of service credit.
 Authored by Representative Borders 43
 First reading: referred to Committee on Employment
 and Labor

HB 1390 Author Representative Ripley

Insurer investments.
 Authored by Representative Ripley 43
 First reading: referred to Committee on Insurance

HB 1391 Author Representative Ripley

Farm mutual insurance company taxes.
 Authored by Representative Ripley 43
 First reading: referred to Committee on Insurance
 Committee report: do pass, adopted 153
 Referred to the Committee on Ways and Means
 pursuant to House Rule 127 161
 Representative Fry added as coauthor 235

**■ HB 1392 Author Representative Ripley
Sponsor Senator Paul**

Insurance matters.
 Authored by Representative Ripley 43
 First reading: referred to Committee on Insurance
 Committee report: amend do pass, adopted 153
 Second reading: ordered engrossed 210
 Amendment 1 (Orentlicher) ruled out of order 210
 Representative Fry added as coauthor 235
 Third reading: passed; Roll Call 87: yeas 98, nays 0 377
 Referred to the Senate
 Senate sponsor: Senator Paul
 First reading: referred to Committee on Insurance and
 Financial Institutions 317
 Committee report: amend do pass, adopted 421
 Second reading: ordered engrossed 446
 Third reading: passed; Roll Call 235: yeas 48, nays 0 618
 Returned to the House with amendments
 House dissented from Senate amendments 748
 House conferees appointed: Ripley and Fry 754
 House advisors appointed: Borders and Torr
 Senate conferees appointed: Paul and Lewis 746
 Conference committee report 1: filed in the House 948
 Conference committee report 1: adopted by the Senate;
 Roll Call 383: yeas 50, nays 0 973
 Rules suspended; conference committee report 1:
 adopted by the House; Roll Call 458: yeas 90, nays 1 1067
 Signed by the President Pro Tempore 1279
 Signed by the President of the Senate 1246
 Signed by the Speaker 1246
 Signed by the Governor 1246
 Public Law 193:

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

SECTION 1 effective July 1, 2006
 SECTION 2 effective March 28, 2006
 SECTIONS 3 through 8 effective July 1, 2006
 SECTIONS 9 through 32 effective March 28, 2006
 SECTION 33 effective July 1, 2006
 SECTION 34 effective March 28, 2006
 SECTION 35 effective July 1, 2006

HB 1393 Author Representative Reske

Community development financial institutions.

Authored by Representative Reske 43
 First reading: referred to Committee on
 Financial Institutions

HB 1394 Author Representative Avery

Vanderburgh County consolidation.

Authored by Representative Avery 43
 Coauthored by Representative VanHaaften
 First reading: referred to Committee on Government and
 Regulatory Reform
 Representative VanHaaften removed as coauthor 144

■ HB 1395 Author Representative Buell**Sponsors Senators Miller and Breaux**

Marion County health and hospital corporation.

Authored by Representative Buell 43
 Coauthored by Representative Summers
 First reading: referred to Committee on Public Health
 Committee report: do pass, adopted 238
 Second reading: ordered engrossed 378
 Third reading: passed; Roll Call 205: yeas 94, nays 0 501
 Referred to the Senate
 Senate sponsors: Senators Miller and Breaux
 First reading: referred to Committee on Health and
 Provider Services 345
 Committee report: amend do pass, adopted 422
 Second reading: amended, ordered engrossed 617
 Amendment 2 (M. Young) prevailed; voice vote 617
 Third reading: passed; Roll Call 242: yeas 50, nays 0 632
 Returned to the House with amendments
 House concurred in Senate amendments;
 Roll Call 393: yeas 94, nays 0 755
 Signed by the Speaker 777
 Signed by the President Pro Tempore 781
 Signed by the President of the Senate 1239
 Signed by the Governor 1246
 Public Law 88: Effective July 1, 2006

HB 1396 Author Representative Whetstone**Sponsor Senator Merritt**

Administration of charity gaming.

Authored by Representative Whetstone 43
 First reading: referred to Committee on Public Policy and
 Veterans Affairs
 Committee report: amend do pass, adopted 169
 Second reading: amended, ordered engrossed 485
 Amendment 5 (Murphy) ruled out of order 485
 Amendment 4 (Whetstone) prevailed; voice vote 485
 Amendment 2 (Whetstone) prevailed; voice vote 485
 Amendment 3 (Yount) prevailed; voice vote 485
 Representatives Pelath and Kuzman added as coauthors 486
 Third reading: passed; Roll Call 206: yeas 96, nays 1 501
 Referred to the Senate

Senate sponsor: Senator Merritt

First reading: referred to Committee on Tax and
 Fiscal Policy 345
 Senator Simpson added as cosponsor 384
 Committee report: do pass, adopted 447
 Second reading: ordered engrossed 669
 Senator Lutz added as cosponsor 714

■ HB 1397 Author Representative Whetstone**Sponsor Senator Lawson**

State ethics standards.

Authored by Representative Whetstone 43
 First reading: referred to Committee on Government and
 Regulatory Reform
 Committee report: amend do pass, adopted 371
 Second reading: amended, ordered engrossed 448
 Amendment 3 (Whetstone) prevailed; voice vote 448
 Representatives VanHaaften and Kuzman
 added as coauthors 449
 Third reading: passed; Roll Call 207: yeas 96, nays 0 501
 Referred to the Senate
 Senate sponsor: Senator Lawson
 First reading: referred to Committee on Ethics 345
 Committee report: amend do pass, adopted 451
 Second reading: amended, ordered engrossed 669
 Amendment 3 (Lawson) prevailed; voice vote 669
 Amendment 1 (Hume) failed;
 division of the Senate: yeas 16, nays 30 670
 Senator Hume added as cosponsor 704
 Third reading: passed; Roll Call 310: yeas 49, nays 0 715
 Returned to the House with amendments
 House concurred in Senate amendments;
 Roll Call 394: yeas 96, nays 0 755
 Signed by the Speaker 777
 Signed by the President Pro Tempore 781
 Signed by the President of the Senate 1239
 Signed by the Governor 1246
 Public Law 89: Effective March 17, 2006

HB 1398 Author Representative Whetstone

Marion County airport board and airport land use.

Authored by Representative Whetstone 44
 First reading: referred to Committee on Local
 Government
 Committee report: amend do pass, adopted 378

HB 1399 Author Representative Whetstone

Taxes and local finances.

Authored by Representative Whetstone 44
 First reading: referred to Committee on Ways and Means

HB 1400 Author Representative Whetstone

Government reorganization and administration.

Authored by Representative Whetstone 44
 First reading: referred to Committee on Government and
 Regulatory Reform

HB 1401 Author Representative Oxley

County hospital governing boards.

Authored by Representative Oxley 44
 First reading: referred to Committee on Public Health

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
HB 1402 Author Representative Oxley			Author by Representative Grubb	44	
Local government taxes.			Coauthored by Representative Thomas		
Author by Representative Oxley	44		First reading: referred to Committee on Commerce, Economic Development and Small Business		
Coauthored by Representative Yount					
First reading: referred to Committee on Ways and Means					
Committee report: amend do pass, adopted	360				
HB 1403 Author Representative Oxley			HB 1413 Author Representative Crouch		
Elimination of textbook rental program.			Drug testing on state public works projects.		
Author by Representative Oxley	44		Author by Representative Crouch	44	
First reading: referred to Committee on Education			Coauthored by Representative VanHaaften		
			First reading: referred to Committee on Employment and Labor		
HB 1404 Author Representative Espich			HB 1414 Author Representative Austin		
Securitization of tobacco settlement payments.			Sponsors Senators Delph and Long		
Author by Representative Espich	44		Human and sexual trafficking.		
First reading: referred to Committee on Ways and Means			Author by Representative Austin	44	
HB 1405 Author Representative VanHaaften			First reading: referred to Committee on Courts and Criminal Code		
Code for building rehabilitation.			Representative Ruppel added as coauthor	144	
Author by Representative VanHaaften	44		Committee report: amend do pass, adopted	363	
First reading: referred to Committee on Public Safety and Homeland Security			Representatives L. Lawson and Ulmer added as coauthors	374	
HB 1406 Author Representative Porter			Second reading: ordered engrossed	378	
High school diploma.			Third reading: passed; Roll Call 208: yeas 97, nays 0	501	
Author by Representative Porter	44		Referred to the Senate		
First reading: referred to Committee on Education			Senate sponsors: Senators Delph and Long		
HB 1407 Author Representative Porter			Cosponsors: Senators Lanane and Simpson		
Higher education issues.			First reading: referred to Committee on Corrections, Criminal, and Civil Matters		345
Author by Representative Porter	44		Senators Zakas and Kruse added as cosponsors	446	
First reading: referred to Committee on Education			Senator Steele added as cosponsor	471	
HB 1408 Author Representative Porter			Committee report: amend do pass, adopted	606	
Expungement of criminal and juvenile records.			Second reading: ordered engrossed	631	
Author by Representative Porter	44		Senators Landske and Wyss added as cosponsors	632	
First reading: referred to Committee on Courts and Criminal Code					
HB 1409 Author Representative Burton			HB 1415 Author Representative Mays		
Pension administration.			Sponsor Senator Lawson		
Author by Representative Burton	44		Department of child services caseworkers.		
First reading: referred to Committee on Rules and Legislative Procedures			Author by Representative Mays	44	
HB 1410 Author Representative Denbo			Coauthored by Representative Budak		
Bible study.			First reading: referred to Committee on Family, Children and Human Affairs		
Author by Representative Denbo	44		Committee report: amend do pass, adopted	371	
First reading: referred to Committee on Education			Second reading: ordered engrossed	486	
HB 1411 Author Representative Grubb			Amendment 1 (Foley) failed; voice vote	486	
Jury pay fund.			Representative Stutzman added as coauthor	492	
Author by Representative Grubb	44		Third reading: passed; Roll Call 209: yeas 92, nays 3	501	
Coauthored by Representative Thomas			Referred to the Senate		
First reading: referred to Committee on Judiciary			Senate sponsor: Senator Lawson		
HB 1412 Author Representative Grubb			First reading: referred to Committee on Health and Provider Services		345
Criteria for industrial development programs.					
			HB 1416 Author Representative Mays		
			Financial responsibility for motor vehicles.		
			Author by Representative Mays	44	
			First reading: referred to Committee on Roads and Transportation		
			HB 1417 Author Representative Mays		
			Regulation of rifles and shotguns.		
			Author by Representative Mays	44	
			Coauthored by Representative Day		
			First reading: referred to Committee on Public Safety and Homeland Security		

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

■ **HB 1418 Author Representative Ayres****Sponsors Senators Heinold and Landske**

Kennel licenses.

Authorized by Representative Ayres	44
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First reading: referred to Committee on Agriculture and Rural Development	
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Committee report: amend do pass, adopted	161
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Second reading: ordered engrossed	163
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Representatives Gutwein and Kuzman added as coauthors ..	236
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Third reading: passed; Roll Call 88: yeas 79, nays 16	377
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Referred to the Senate	
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Senate sponsors: Senators Heinold and Landske	
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First reading: referred to Committee on Agriculture and	
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Small Business	317
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Senator Drozda added as cosponsor	318
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Committee report: amend do pass, adopted	578
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Second reading: ordered engrossed	631
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Senator Lanane added as cosponsor	704
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Third reading: passed; Roll Call 311: yeas 49, nays 0	715
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Returned to the House with amendments	
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House concurred in Senate amendments;	
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Roll Call 395: yeas 79, nays 16	755
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Signed by the Speaker	777
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Signed by the President Pro Tempore	781
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Signed by the President of the Senate	1239
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Signed by the Governor	1246
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Public Law 116: Effective July 1, 2006	
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HB 1419 Author Representative Foley

Judicial nominations.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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Representative Foley added as author	162
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■ **HB 1420 Author Representative T. Brown****Sponsors Senators Gard and M. Young**

Employee tobacco use.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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Reassigned to the Committee on Public Health	161
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Representative T. Brown added as author	162
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Committee report: amend do pass, adopted	271
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Second reading: ordered engrossed	378
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Representative Friend added as coauthor	493
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Third reading: passed; Roll Call 210: yeas 75, nays 19	501
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Referred to the Senate	
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Senate sponsors: Senators Gard and M. Young	
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First reading: referred to Committee on Health and	
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Provider Services	345
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Committee report: amend do pass, adopted	605
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Second reading: ordered engrossed	631
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Senator Bowser added as cosponsor	704
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Third reading: passed; Roll Call 312: yeas 49, nays 0	715
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Returned to the House with amendments	
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House dissented from Senate amendments	754
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House conferees appointed: T. Brown and Cheney	757
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House advisors appointed: Dodge and C. Brown	
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Senate conferees appointed: Gard and Breaux	779
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House reconsidered and concurred in Senate amendments;	
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Roll Call 450: yeas 69, nays 23	1037
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Signed by the Speaker	1239
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Signed by the President Pro Tempore	1129
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Signed by the President of the Senate	1246
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Signed by the Governor	1246
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Public Law 136: Effective July 1, 2006	
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HB 1421 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1422 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1423 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1424 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1425 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1426 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1427 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1428 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1429 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1430 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	44
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HB 1431 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	45
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HB 1432 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	45
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HB 1433 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	45
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HB 1434 Vehicle bill.

First reading: referred to Committee on Rules and	
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Legislative Procedures	45
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HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
HB 1435 Vehicle bill.			HB 1440 Vehicle bill.		
First reading: referred to Committee on Rules and			First reading: referred to Committee on Rules and		
Legislative Procedures	45		Legislative Procedures	45	
 HB 1436 Vehicle bill.			 HB 1441 Vehicle bill.		
First reading: referred to Committee on Rules and			First reading: referred to Committee on Rules and		
Legislative Procedures	45		Legislative Procedures	45	
 HB 1437 Vehicle bill.			 HB 1442 Vehicle bill.		
First reading: referred to Committee on Rules and			First reading: referred to Committee on Rules and		
Legislative Procedures	45		Legislative Procedures	45	
 HB 1438 Vehicle bill.			 HB 1443 Vehicle bill.		
First reading: referred to Committee on Rules and			First reading: referred to Committee on Rules and		
Legislative Procedures	45		Legislative Procedures	45	
 HB 1439 Vehicle bill.					
First reading: referred to Committee on Rules and					
Legislative Procedures	45				

HOUSE JOINT RESOLUTIONS

HJR 1 Author Representative Micon			Representative Messer removed as coauthor		
Free textbooks.			Representative Messer added as author		
Authored by Representative Micon	18		Representative Day added as coauthor		
First reading: referred to Committee on Judiciary			Committee report: do pass, adopted	371	
 HJR 2 Author Representative Frizzell			Representative Klinker added as coauthor	374	
Supermajority requirement for tax increases.			Second reading: amended, ordered engrossed	450	
Authored by Representative Frizzell	22		Amendment 1 (Day) prevailed; voice vote	450	
First reading: referred to Committee on Judiciary			Third reading: passed; Roll Call 211: yeas 92, nays 2	501	
 HJR 3 Author Representative Messer			Referred to the Senate		
Sponsors Senators Kenley and Lubbers			Senate sponsors: Senators Kenley and Lubbers		
Common school fund for early childhood education.			Cosponsors: Senators Meeks and Rogers		
Authored by Representative Day	23		First reading: referred to Committee on Appropriations	345	
Coauthored by Representative Messer			Representative Porter added as coauthor	749	
First reading: referred to Committee on Judiciary			 HJR 4 Author Representative Turner		
Reassigned to the Committee on Ways and Means	337		Eminent domain.		
Representative Day removed as author	338		Authored by Representative Turner	45	
			Coauthored by Representative Heim		
			First reading: referred to Committee on Judiciary		

First reading: adopted by voice vote

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Referred to the Senate
 Senate sponsor: Senator Garton
 First reading: adopted by voice vote 63
 Returned to the House
 Senator R. Young added as second sponsor 67

HCR 9 Author Representative Foley
Sponsor Senator Bray

Congratulating Martinsville High School girls' softball team, 2005 state champions.
 Authored by Representative Foley 33
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Bray
 First reading: adopted by voice vote 233
 Returned to the House

HCR 10 Author Representative Friend
Sponsors Senators R. Young and Garton

Setting joint session for the State of the Judiciary address.
 Authored by Representative Friend 34
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Garton
 First reading: adopted by voice vote 63
 Returned to the House
 Senator R. Young added as second sponsor 67

HCR 11 Author Representative Foley
Sponsor Senator Bray

Honoring Martinsville High School volleyball team, Class 4A state champions.
 Authored by Representative Foley 34
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Bray
 First reading: adopted by voice vote 234
 Returned to the House

HCR 12 Author Representative Foley
Sponsor Senator Bray

Honoring Martinsville High School Academic Spell Bowl Team.
 Authored by Representative Foley 34
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Bray
 First reading: adopted by voice vote 234
 Returned to the House

HCR 13 Author Representative Noe
Sponsor Senator Drozda

Honoring Zionsville Community High School for its advanced placement classes.
 Authored by Representative Noe 35
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Drozda
 First reading: adopted by voice vote 51
 Returned to the House

HCR 14 Author Representative V. Smith
Sponsors Senators Rogers and Smith

Commemorating Martin Luther King, Jr. Day.
 Authored by Representative V. Smith 45
 Coauthored by Representatives Aguilera, C. Brown, Crawford, Dickinson, E. Harris, Mays, Porter, and Summers
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsors: Senators Rogers and Smith
 Cosponsors: Senators Howard and Breaux
 First reading: adopted by voice vote 180
 Returned to the House

HCR 15 Author Representative Duncan
Sponsor Senator Sipes

Honoring Indiana University Jacobs School of Music for its many accomplishments.
 Authored by Representative Duncan 50
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Sipes
 First reading: adopted by voice vote 92
 Returned to the House

HCR 16 Author Representative Noe
Sponsor Senator Lubbers

Honoring Carmel High School marching band, Grand National Champion.
 Authored by Representative Noe 50
 Coauthored by Representative Torr
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Lubbers
 First reading: adopted by voice vote 93
 Returned to the House
 Senator Delph added as cosponsor 95

HCR 17 Author Representative Ruppel
Sponsor Senator Lubbers

Honoring Butler University on its 150th anniversary.
 Authored by Representative Ruppel 140
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Lubbers
 First reading: adopted by voice vote 175
 Returned to the House

HCR 18 Author Representative Walorski
Sponsor Senator Mishler

Congratulating Jimtown High School football team, Class 2A state champions.
 Authored by Representative Walorski 140
 First reading: adopted by voice vote
 Referred to the Senate
 Senate sponsor: Senator Mishler
 First reading: adopted by voice vote 357
 Returned to the House

HCR 19 Author Representative Walorski
Sponsor Senator Mishler

Honoring NorthWood High School football team, Class 3A state champions.

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

Authored by Representative Walorski	140
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsor: Senator Mishler	
First reading: adopted by voice vote	357
Returned to the House	

HCR 20 Author Representative Walorski
Sponsor Senator Riegsecker

Honoring Concord Marching Minutemen, Class B marching band champions.	
Authored by Representative Walorski	141
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsor: Senator Riegsecker	
First reading: adopted by voice vote	215
Returned to the House	

HCR 21 Author Representative V. Smith
Sponsors Senators Smith and Rogers

Honoring Reverend James R. Flint, Jr.	
Authored by Representative V. Smith	141
Coauthored by Representatives Aguilera, Porter, E. Harris, C. Brown, Crawford, Dickinson, Mays, and Summers	
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsors: Senators Smith and Rogers	
Cosponsors: Senators Breaux and Howard	
First reading: adopted by voice vote	177
Returned to the House	

HCR 22 Author Representative Pflum
Sponsor Senator Paul

Honoring Richmond, Indiana, on its 200th anniversary.	
Authored by Representative Pflum	141
Coauthored by Representatives Saunders and Hoffman	
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsor: Senator Paul	
First reading: adopted by voice vote	176
Returned to the House	

HCR 23 Author Representative Burton
Sponsor Senator Miller

INDOT to rename part of I-65 as the Pearl Harbor Memorial Highway.	
Authored by Representative Burton	153
Referred to Committee on Rules and Legislative Procedures	
Second reading: adopted by voice vote	567
Referred to the Senate	
Senate sponsor: Senator Miller	
Representative Yount added as coauthor	592
First reading: referred to Committee on Commerce and Transportation	458
Committee report: do pass, adopted	859
Second reading: adopted by voice vote	1098
Returned to the House	

HCR 24 Author Representative Klinker

Study: respectful language referring to people with disabilities.	
Authored by Representative Klinker	154

Coauthored by Representatives Woodruff, Budak,
and Micon
Referred to Committee on Rules and
Legislative Procedures

HCR 25 Author Representative McClain
Sponsor Senator Hershman

INDOT to name Wabash River bridge as Carroll County Veterans Memorial Bridge.	
Authored by Representative McClain	154
Referred to Committee on Rules and Legislative Procedures	
Second reading: adopted by voice vote	567
Referred to the Senate	
Senate sponsor: Senator Hershman	
First reading: referred to Committee on Commerce and Transportation	458
Committee report: do pass, adopted	732
Second reading: adopted by voice vote	758
Returned to the House	

HCR 26 Author Representative Hoy

Study committee on effects of decorative lights on vehicles.	
Authored by Representative Hoy	154
Referred to Committee on Rules and Legislative Procedures	

HCR 27 Author Representative Tyler
Sponsor Senator Craycraft

Memorializing Representative R. Tiny Adams.	
Authored by Representative Tyler	272
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsor: Senator Craycraft	
First reading: adopted by standing vote	242
Returned to the House	
Senators Meeks and Simpson added as cosponsors	263

HCR 28 Author Representative Crouch
Sponsor Senator Becker

Recognizing February 3 as Wear Red for Women Day.	
Authored by Representative Crouch	494
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsor: Senator Becker	

HCR 29 Author Representative Ripley
Sponsor Senator Kruse

Honoring Monroeville Community Park Board.	
Authored by Representative Ripley	500
First reading: adopted by voice vote	
Referred to the Senate	
Senate sponsor: Senator Kruse	
First reading: adopted by voice vote	347
Returned to the House	

HCR 30 Author Representative Kuzman
Sponsor Senator Landske

Honoring Lowell High School football team, Class 4A state champions.	
Authored by Representative Kuzman	508
First reading: adopted by voice vote	

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Referred to the Senate			First reading: referred to Committee on Energy and Environmental Affairs		458
Senate sponsor: Senator Landske			Representative Cheney added as coauthor	627	
First reading: adopted by voice vote	348		Committee report: do pass, adopted		732
Returned to the House			Second reading: adopted by voice vote		760
			Returned to the House		
HCR 31 Author Representative Crawford			Senators Broden, Tallian and Gard added as cosponsors		761
Sponsor Senator Howard					
Recognizing the Family Fun Filled Back-to-School Carnival Celebration.			HCR 36 Author Representative Avery		
Authored by Representative Crawford	509		Sponsors Senators Becker and Lutz		
First reading: adopted by voice vote			Honoring Wayne F. Henning on the occasion of his retirement.		
Referred to the Senate			Authored by Representative Avery	516	
Senate sponsor: Senator Howard			Coauthored by Representatives Crouch, Hoy, VanHaaften, and Woodruff		
First reading: adopted by voice vote	346		First reading: adopted by voice vote		
Returned to the House			Referred to the Senate		
			Senate sponsors: Senators Becker and Lutz		
HCR 32 Author Representative V. Smith			First reading: adopted by voice vote		366
Sponsors Senators Rogers and Smith			Returned to the House		
Celebrating Black History Month.					
Authored by Representative V. Smith	509		HCR 37 Author Representative Murphy		
First reading: adopted by voice vote			Sponsors Senators Miller and Waltz		
Referred to the Senate			Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.		
Senate sponsors: Senators Rogers and Smith			Authored by Representative Murphy	565	
Cosponsors: Senators Breaux and Howard			Coauthored by Representatives Frizzell and Buell		
			First reading: adopted by voice vote		
HCR 33 Author Representative Crawford			Referred to the Senate		
Sponsors Senators Howard and Breaux			Senate sponsors: Senators Miller and Waltz		
Memorializing Coretta Scott King.			First reading: adopted by voice vote		436
Authored by Representative Crawford	509		Returned to the House		
First reading: adopted by voice vote					
Referred to the Senate			HCR 38 Author Representative Lehe		
Senate sponsors: Senators Howard and Breaux			Sponsor Senator Landske		
First reading: adopted by standing vote	355		Honoring the South Newton High School 4-H soil judging team.		
Returned to the House			Authored by Representative Lehe	522	
Senators Alting, Becker, Bowser, Bray, Broden, Craycraft, Delph, Dillon, Drozda, Ford, Gard, Garton, Harrison, Heinold, Hershman, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Lutz, Meeks, Merritt, Miller, Mishler, Mrvan, Nugent, Paul, Riegsecker, Rogers, Simpson, Sipes, Skinner, Smith, Steele, Tallian, Waltz, Waterman, Weatherwax, Wyss, M. Young, R. Young, and Zakas added as cosponsors	358		First reading: adopted by voice vote		
			Referred to the Senate		
HCR 34 Author Representative V. Smith			Senate sponsor: Senator Landske		
Urging local governments to adopt restrictions on smoking in public places.			First reading: adopted by voice vote		382
Authored by Representative V. Smith	514		Returned to the House		
Referred to Committee on Rules and Legislative Procedures					
HCR 35 Author Representative Budak			HCR 39 Author Representative Ruppel		
Sponsor Senator Landske			Sponsor Senator Dillon		
Urging protection of our environmental resources such as the Great Lakes.			Honoring Dr. William Dennis Dannacher for his years of service to Wabash.		
Authored by Representative Budak	522		Authored by Representative Ruppel	522	
Referred to Committee on Rules and Legislative Procedures			First reading: adopted by voice vote		
Second reading: adopted by voice vote	574		Referred to the Senate		
Referred to the Senate			Senate sponsor: Senator Dillon		
Senate sponsor: Senator Landske			First reading: adopted by voice vote		433
Text of resolution corrected	575		Returned to the House		
Representatives Pelath and Ayres added as coauthors	592				
			HCR 40 Author Representative Summers		
			Sponsors Senators Breaux and Rogers		
			Honoring Alpha Phi Alpha Fraternity, Inc. on its 100th anniversary.		
			Authored by Representative Summers	565	
			Coauthored by Representative Mays		
			First reading: adopted by voice vote		
			Referred to the Senate		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Senate sponsors: Senators Breaux and Rogers			Recognizing the Networks Scholars Program		
First reading: adopted by voice vote	432		at Indiana State University.		
Returned to the House			Authored by Representative Kersey	599	
HCR 41 Author Representative Welch			Coauthored by Representatives Grubb, Tincher, Thomas,		
Sponsors Senators Meeks and Steele			and Borders		
Recognizing March as National			First reading: adopted by voice vote		
Colorectal Cancer Awareness Month.			Referred to the Senate		
Authored by Representative Welch	565		Senate sponsor: Senator Skinner		
Coauthored by Representative C. Bottorff			First reading: adopted by voice vote	455	
First reading: adopted by voice vote			Returned to the House		
Referred to the Senate			HCR 47 Author Representative Koch		
Senate sponsors: Senators Meeks and Steele			Sponsor Senator Steele		
HCR 42 Author Representative T. Harris			Honoring We Care Indiana, volunteer effort		
Sponsor Senator Delph			to help hurricane victims.		
Honoring Power Soccer of Indy.			Authored by Representative Koch	599	
Authored by Representative T. Harris	597		First reading: adopted by voice vote		
First reading: adopted by voice vote			Referred to the Senate		
Referred to the Senate			Senate sponsor: Senator Steele		
Senate sponsor: Senator Delph			First reading: adopted by voice vote	782	
First reading: adopted by voice vote	613		Returned to the House		
Returned to the House			HCR 48 Author Representative Stevenson		
HCR 43 Author Representative Koch			Sponsors Senators Rogers and Smith		
Sponsors Senators Meeks and Simpson			Honoring the Gary RailCats, minor league baseball team.		
Honoring the Hoosiers for Higher Education			Authored by Representative Stevenson	599	
for its support of IU.			Coauthored by Representatives C. Brown, V. Smith,		
Authored by Representative Koch	598		and E. Harris		
Coauthored by Representatives Welch and Pierce			First reading: adopted by voice vote		
First reading: adopted by voice vote			Referred to the Senate		
Referred to the Senate			Senate sponsors: Senators Rogers and Smith		
Senate sponsors: Senators Meeks and Simpson			First reading: adopted by voice vote	455	
First reading: adopted by voice vote	454		Returned to the House		
Returned to the House			HCR 49 Author Representative Buell		
HCR 44 Author Representative Austin			Sponsor Senator Harrison		
Sponsors Senators Lubbers and Breaux			Pension Management Oversight Commission to study		
Honoring St. Vincent Health and Daughters of Charity			computation of public employees' pensions.		
for 125 years of service.			Authored by Representative Buell	625	
Authored by Representative Austin	598		Referred to Committee on Rules and		
Coauthored by Representatives Bosma, Grubb, Mays,			Legislative Procedures		
and C. Bottorff			Representative Kromkowski added as coauthor	749	
First reading: adopted by voice vote			Second reading: adopted by voice vote	752	
Referred to the Senate			Referred to the Senate		
Senate sponsors: Senators Lubbers and Breaux			Senate sponsor: Senator Harrison		
First reading: adopted by voice vote	455		First reading: referred to Committee on Rules and		
Returned to the House			Legislative Procedure	729	
HCR 45 Author Representative V. Smith			HCR 50 Author Representative Buell		
Sponsors Senators Breaux and Smith			Sponsor Senator Miller		
Honoring David C. Lewis, Indiana Clerk of the Courts.			Honoring Warren Central High School football team,		
Authored by Representative V. Smith	598		Class 5A state champions.		
First reading: adopted by voice vote			Authored by Representative Buell	637	
Referred to the Senate			First reading: adopted by voice vote		
Senate sponsors: Senators Breaux and Smith			Referred to the Senate		
Cosponsors: Senators Rogers and Howard			Senate sponsor: Senator Miller		
First reading: adopted by voice vote	614		First reading: adopted by voice vote	619	
Returned to the House			Returned to the House		
HCR 46 Author Representative Kersey			HCR 51 Author Representative T. Harris		
Sponsor Senator Skinner			Sponsors Senators Kenley and Ford		
			Honoring Michael Kiley for his service on		
			the Natural Resources Commission.		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Authored by Representative T. Harris Coauthored by Representative Turner First reading: adopted by voice vote Referred to the Senate Senate sponsors: Senators Kenley and Ford Cosponsor: Senator Dillon First reading: adopted by voice vote Returned to the House	638		Referred to Committee on Rules and Legislative Procedures Second reading: adopted by voice vote Referred to the Senate Senate sponsor: Senator Waterman First reading: referred to Committee on Commerce and Transportation Committee report: do pass, adopted Second reading: adopted by voice vote Returned to the House	752	
HCR 52 Author Representative Buell Sponsor Senator Miller Honoring Warren Central High School cross country team, state champions. Authored by Representative Buell First reading: adopted by voice vote Referred to the Senate Senate sponsor: Senator Miller First reading: adopted by voice vote Returned to the House	638		HCR 57 Author Representative Burton Study: abstract and title insurance rates. Authored by Representative Burton Referred to Committee on Rules and Legislative Procedures	704	
HCR 53 Author Representative Grubb Sponsor Senator Lubbers Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction. Authored by Representative Grubb Coauthored by Representatives Richardson, Robertson, and Bosma First reading: adopted by voice vote Referred to the Senate Senate sponsor: Senator Hershman Senator Lubbers added as cosponsor Senator Lubbers removed as cosponsor Senator Hershman removed as first sponsor Senator Lubbers added as first sponsor Senator Hershman added as cosponsor First reading: adopted by voice vote Returned to the House	672		HCR 58 Author Representative Buck Sponsor Senator Drozda INDOT to rename part of State Road 28 the Richard Regnier Memorial Highway. Authored by Representative Buck Referred to Committee on Rules and Legislative Procedures Representative Turner added as coauthor Second reading: adopted by voice vote Referred to the Senate Senate sponsor: Senator Drozda First reading: referred to Committee on Commerce and Transportation Committee report: do pass, adopted Senator Landske added as cosponsor Senator Kenley added as cosponsor Second reading: adopted by voice vote Returned to the House	705	
HCR 54 Author Representative Budak Recognizing the need for protection of our environmental and economic resources. Authored by Representative Budak Referred to Committee on Rules and Legislative Procedures	704		HCR 59 Author Representative V. Smith Sponsors Senators Smith and Rogers Congratulating Benjamin Baneker Elementary School of Gary, a Four Star School. Authored by Representative V. Smith First reading: adopted by voice vote Referred to the Senate Senate sponsors: Senators Smith and Rogers First reading: adopted by voice vote Returned to the House	709	718
HCR 55 Author Representative Mays Sponsor Senator Lawson Study: child caseworker carrying nonlethal weapons. Authored by Representative Mays Referred to Committee on Rules and Legislative Procedures Representative Stutzman added as coauthor Second reading: adopted by voice vote Referred to the Senate Senate sponsor: Senator Lawson First reading: referred to Committee on Rules and Legislative Procedure Returned to the House	704		HCR 60 Author Representative Ayres Sponsors Senators Tallian and Heinold Honoring Chesterton High School debate team, 2006 state champions. Authored by Representative Ayres Coauthored by Representatives Cheney and C. Brown First reading: adopted by voice vote Referred to the Senate Senate sponsors: Senators Tallian and Heinold First reading: adopted by voice vote Returned to the House	709	675
HCR 56 Author Representative Woodruff Sponsor Senator Waterman INDOT to rename bridge over Kessinger Ditch the Bud Reitmeyer Bridge. Authored by Representative Woodruff	704		HCR 61 Author Representative Foley Sponsor Senator Bray Honoring the Martinsville High School Academic Decathlon team.		

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
Authored by Representative Foley	751		First reading: adopted by voice vote		
First reading: adopted by voice vote			Referred to the Senate		
Referred to the Senate			Senate sponsors: Senators Rogers and Smith		
Senate sponsor: Senator Bray			Cosponsors: Senators Howard and Breaux		
First reading: adopted by voice vote	722		First reading: adopted by voice vote	760	
Returned to the House			Returned to the House		
HCR 62 Author Representative Koch			HCR 67 Author Representative Bosma		
Sponsors Senators Steele and Hume			Recognizing the need to enhance employment opportunities		
Recognizing the 40th anniversary of Hoosier			for disabled persons.		
Uplands Development Corporation.			Authored by Representative Bosma	770	
Authored by Representative Koch	763		Coauthored by Representatives Budak and Avery		
Coauthored by Representatives Crooks, Denbo,			Referred to Committee on Rules and		
and Oxley			Legislative Procedures		
First reading: adopted by voice vote			HCR 68 Author Representative Kersey		
Senate sponsors: Senators Steele and Hume			Urging review of the health and safety standards		
First reading: adopted by voice vote	761		at railroad mobile camps.		
Returned to the House			Authored by Representative Kersey	771	
HCR 63 Author Representative Turner			Referred to Committee on Rules and		
Sponsor Senator Lubbers			Legislative Procedures		
Honoring Heritage Christian High School			HCR 69 Author Representative Thompson		
girls' basketball team, Class 2A state champions.			Study: social, emotional, and behavioral health		
Authored by Representative Turner	763		screening of children.		
Coauthored by Representatives Bosma and Welch			Authored by Representative Thompson	771	
First reading: adopted by voice vote			Referred to Committee on Rules and		
Referred to the Senate			Legislative Procedures		
Senate sponsor: Senator Lubbers			HCR 70 Author Representative Buck		
First reading: adopted by voice vote	757		Sponsor Senator Merritt		
Returned to the House			Recognizing Ball State University students		
Senator Merritt added as cosponsor	763		study of State House Visitors Center.		
HCR 64 Author Representative Turner			Authored by Representative Buck	772	
Sponsor Senator Lubbers			First reading: adopted by voice vote		
Honoring Nicole Roush, mental attitude award			Referred to the Senate		
winner for Class 2A basketball.			Senate sponsor: Senator Merritt		
Authored by Representative Turner	764		First reading: adopted by voice vote	1122	
Coauthored by Representatives Bosma and Welch			Returned to the House		
First reading: adopted by voice vote			HCR 71 Author Representative Murphy		
Referred to the Senate			Sponsor Senator Miller		
Senate sponsor: Senator Lubbers			Honoring Dr. E. B. Carver on the occasion		
First reading: adopted by voice vote	757		of his retirement.		
Returned to the House			Authored by Representative Murphy	795	
Senator Merritt added as cosponsor	763		Coauthored by Representatives Bosma and Buell		
HCR 65 Author Representative V. Smith			First reading: adopted by voice vote		
Sponsors Senators Rogers and Smith			Referred to the Senate		
Recognizing Gary, Indiana, on the 100th anniversary			Senate sponsor: Senator Miller		
of its founding.			First reading: adopted by voice vote	783	
Authored by Representative V. Smith	764		Returned to the House		
First reading: adopted by voice vote			HCR 72 Author Representative Klinker		
Referred to the Senate			Sponsor Senator Alting		
Senate sponsors: Senators Rogers and Smith			Memorializing U.S. Army Specialist Matthew C. Frantz.		
HCR 66 Author Representative Porter			Authored by Representative Klinker	795	
Sponsors Senators Rogers and Smith			Coauthored by Representatives Micon and T. Brown		
Honoring the Indianapolis Urban League			First reading: adopted by voice vote		
for its community service.			Referred to the Senate		
Authored by Representative Porter	764		Senate sponsor: Senator Alting		
Coauthored by Representatives Summers, Dickinson,			First reading: adopted by standing vote	873	
Mays, Crawford, Aguilera, E. Harris, C. Brown, V. Smith,			Returned to the House		
Buell, Hinkle, Day, Orentlicher, Bardon, and Mahern					

HISTORIES OF BILLS AND RESOLUTIONS—2006

House Senate

House Senate

**HCR 73 Author Representative Behning
Sponsor Senator Lawson**Honoring Plainfield schools, all of its schools
named Four Star Schools.

Authored by Representative Behning Coauthored by Representative Whetstone	795
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First reading: adopted by voice vote Referred to the Senate Senate sponsor: Senator Lawson First reading: adopted by voice vote Returned to the House	782
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HOUSE RESOLUTIONS

HR 1 Author Representative Friend

Content of prayer.

Authored by Representative Friend Referred to Committee on Rules and Legislative Procedures	154
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Second reading: adopted; Roll Call 214: yeas 85, nays 0 Representatives Turner and Richardson	524
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added as coauthors Representatives Ayres, Bauer, Bell, Bischoff, Borders,	526
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Borror, C. Bottorff, Bright, T. Brown, Buck, Budak, Buell, Burton, Cherry, Cochran, Crouch, Davis, Denbo, Dodge, Duncan, Espich, Foley, Frizzell, Goodin, Grubb, Gutwein, T. Harris, Heim, Hinkle, Hoffman, Hoy, Koch, Lehe, Leonard, J. Lutz, Mays, McClain, Messer, Micon, Murphy, Neese, Noe, Pelath, Pflum, Pond, Reske, Ripley, Robertson, Ruppel, Saunders, J. Smith, Stutzman, Thomas, Thompson, Tinch, Torr, Tyler, Ulmer, Walorski, Whetstone, Wolkins, Woodruff, Yount, and Kuzman added as coauthors	675
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Text of resolution corrected	1244
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HR 2 Author Representative PelathMemorializing former State Representative
Henry J. "Bud" Kintzele, Jr.

Authored by Representative Pelath First reading: adopted by voice vote	238
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HR 3 Author Representative Fry

Honoring Hardie Jay Smith on the occasion of his retirement.

Authored by Representative Fry First reading: adopted by voice vote	239
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HR 4 Author Representative KuzmanHonoring Chester Lobodzinski of Lake County
for national recognition.

Authored by Representative Kuzman First reading: adopted by voice vote	272
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HR 5 Author Representative FryHonoring Michael R. Hargreaves on the occasion
of his retirement.

Authored by Representative Fry First reading: adopted by voice vote	272
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HR 6 Author Representative Pelath

Honoring Chief Justice John Glover Roberts, Jr.

Authored by Representative Pelath Coauthored by Representatives Budak and Bosma First reading: adopted by voice vote	272
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HR 7 Author Representative KuzmanRecognizing the 2005 Crown Point 8 and under
girls' softball team.

Authored by Representative Kuzman First reading: adopted by voice vote	273
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HR 8 Author Representative Frizzell

Memorializing Opal Mae McWhorter-Henley.

Authored by Representative Frizzell First reading: adopted by voice vote	372
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HR 9 Author Representative BordersHonoring Kurt Rambis from Terre Haute
for his professional basketball career.

Authored by Representative Borders First reading: adopted by voice vote	487
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HR 10 Author Representative ReskeHonoring American Kennel Club's
canine good citizen program.

Authored by Representative Reske First reading: adopted by voice vote	500
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HR 11 Author Representative BurtonHonoring the disabled men and women
of the armed forces of the USA.

Authored by Representative Burton First reading: adopted by voice vote	510
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HR 12 Author Representative BurtonHonoring Kenneth and Ruth Ellen Long
for promotion of physical fitness.

Authored by Representative Burton First reading: adopted by voice vote	511
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HR 13 Author Representative Richardson

Study: park issues.

Authored by Representative Richardson Referred to Committee on Rules and Legislative Procedures Second reading: adopted by voice vote	522 752
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HR 14 Author Representative BellHonoring John Stafford for his years of community service
to Fort Wayne.

HISTORIES OF BILLS AND RESOLUTIONS—2006

	House	Senate		House	Senate
<p> Authored by Representative Bell 517 Coauthored by Representatives Borrer, Dodge, Leonard, Ripley, Stutzman, Pond, Espich, GiaQuinta, and Moses First reading: adopted by voice vote </p> <p> HR 15 Author Representative Aguilera Recognizing Hispanic/Latino Community Day. Authored by Representative Aguilera 517 First reading: adopted by voice vote </p> <p> HR 16 Author Representative Kuzman Honoring David Dickerson, baseball scholarship winner for Indiana. Authored by Representative Kuzman 522 First reading: adopted by voice vote </p> <p> HR 17 Author Representative Denbo Congratulating the Paoli High School Marching Band, state champions. Authored by Representative Denbo 566 First reading: adopted by voice vote </p> <p> HR 18 Author Representative Orentlicher Honoring St. Thomas Aquinas School, Blue Ribbon School award winner. Authored by Representative Orentlicher 566 First reading: adopted by voice vote </p> <p> HR 19 Author Representative Friend Honoring Bridget Bobel, Miss Indiana USA 2006. Authored by Representative Friend 566 First reading: adopted by voice vote </p> <p> HR 20 Author Representative Reske Honoring Brock Hagerman, individual cross country state champion. Authored by Representative Reske 567 First reading: adopted by voice vote </p> <p> HR 21 Author Representative Reske Honoring the Pendleton Heights High School cheerleading squad. Authored by Representative Reske 567 First reading: adopted by voice vote </p> <p> HR 22 Author Representative Orentlicher Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner. Authored by Representative Orentlicher 599 Coauthored by Representatives Day, Klinker and Bardon First reading: adopted by voice vote Representative Noe added as coauthor 675 </p> <p> HR 23 Author Representative J. Lutz Regulatory flexibility committee to study renewable energy development. Authored by Representative J. Lutz 625 Coauthored by Representative Crooks </p>			<p> Referred to Committee on Rules and Legislative Procedures Second reading: adopted by voice vote 752 </p> <p> HR 24 Author Representative Dvorak Memorializing M.E. "Hank" Denning. Authored by Representative Dvorak 626 Coauthored by Representatives Bauer and Kromkowski First reading: adopted by voice vote </p> <p> HR 25 Author Representative Welch Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium. Authored by Representative Welch 626 Coauthored by Representatives C. Bottorff, C. Brown, T. Brown, Budak, Dickinson, Grubb, L. Lawson, and Mays First reading: adopted by voice vote </p> <p> HR 26 Author Representative Walorski Honoring Prince Radu of Hohenzollern-Veringen. Authored by Representative Walorski 638 First reading: adopted by voice vote </p> <p> HR 27 Author Representative V. Smith Honoring Indiana University School of Continuing Studies. Authored by Representative V. Smith 638 First reading: adopted by voice vote </p> <p> HR 28 Author Representative Reske Memorializing Private First Class Deryk L. Hallal. Authored by Representative Reske 676 First reading: adopted by voice vote </p> <p> HR 29 Author Representative Pelath Memorializing Norman E. Pahs. Authored by Representative Pelath 678 First reading: adopted by voice vote </p> <p> HR 30 Author Representative Pelath Memorializing Larry F. Naifeh. Authored by Representative Pelath 679 First reading: adopted by voice vote </p> <p> HR 31 Author Representative Woodruff Encouraging the President to support developmental disabilities jobs. Authored by Representative Woodruff 705 Referred to Committee on Rules and Legislative Procedures </p> <p> HR 32 Author Representative Ruppel Study: homeland security issues related to ports and freight yards. Authored by Representative Ruppel 706 Referred to Committee on Rules and Legislative Procedures </p>		

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House Senate

House Senate

HR 33 Author Representative Koch

Supporting the U.S. remaining a leader in space exploration and development.

Authored by Representative Koch 706
 Referred to Committee on Rules and
 Legislative Procedures
 Second reading: adopted by voice vote 1050

HR 34 Author Representative Crawford

Urging Hoosiers to be aware of the dangers of diabetes.

Authored by Representative Crawford 706
 Coauthored by Representatives Yount, Thomas, Porter,
 C. Brown, Mays, Summers, Dickinson, V. Smith,
 and Aguilera
 Referred to Committee on Rules and
 Legislative Procedures
 Second reading: adopted by voice vote 1063

HR 35 Author Representative Borders

Urging Congress to consider Taiwan for membership in the United Nations.

Authored by Representative Borders 706
 Referred to Committee on Rules and
 Legislative Procedures
 Second reading: adopted by voice vote 1064

HR 36 Author Representative Borders

Supporting free trade agreement between Taiwan and the U.S.

Authored by Representative Borders 707
 Referred to Committee on Rules and
 Legislative Procedures

HR 37 Author Representative Borders

Commending Taiwan for its contributions to promote world health.

Authored by Representative Borders 707
 Referred to Committee on Rules and
 Legislative Procedures

HR 38 Author Representative Burton

Urging INDOT to rename part of Interstate 65 the Pearl Harbor Memorial Highway.

Authored by Representative Burton 707
 Referred to Committee on Rules and
 Legislative Procedures

HR 39 Author Representative V. Smith

Study: rate disparity by utility companies.

Authored by Representative V. Smith 742
 Referred to Committee on Rules and
 Legislative Procedures

HR 40 Author Representative Budak

Honoring Mickey Stisher, LaPorte, named Outstanding Bandmaster.

Authored by Representative Budak 745
 First reading: adopted by voice vote

HR 41 Author Representative Frizzell

Honoring Alecia Johnson for her service to the American Legion Women's Post.

Authored by Representative Frizzell 745
 First reading: adopted by voice vote

HR 42 Author Representative Denbo

Honoring Benjamin Harrison Taylor, new member of the Baseball Hall of Fame.

Authored by Representative Denbo 745
 Coauthored by Representatives Fry, Mays, Porter,
 C. Brown, Dickinson, Aguilera, V. Smith, Summers,
 E. Harris, and Crawford
 First reading: adopted by voice vote

HR 43 Author Representative Crouch

Recognizing Girls in Bloom.

Authored by Representative Crouch 751
 Coauthored by Representative Avery
 First reading: adopted by voice vote

HR 44 Author Representative Richardson

Honoring the 2006 Indiana House of Representatives legislative interns.

Authored by Representative Richardson 751
 Coauthored by Representative Grubb
 First reading: adopted by voice vote

HR 45 Author Representative Hoffman

Study: military service credit law for retired teachers.

Authored by Representative Hoffman 756
 Referred to Committee on Rules and
 Legislative Procedures

HR 46 Author Representative Dobis

Urging Northwest Indiana Regional Development Authority to begin spending revenue.

Authored by Representative Dobis 756
 Coauthored by Representatives Aguilera, Cheney,
 Kuzman, Lehe, Stevenson, C. Brown, E. Harris, Ayres,
 L. Lawson, and V. Smith
 Referred to Committee on Rules and
 Legislative Procedures
 Second reading: adopted by voice vote 1065

HR 47 Author Representative V. Smith

Recognizing Harry Flournoy for his place in basketball history.

Authored by Representative V. Smith 765
 Coauthored by Representative C. Brown
 First reading: adopted by voice vote

HR 48 Author Representative V. Smith

Recognizing Orsten Artis for his place in basketball history.

Authored by Representative V. Smith 765
 Coauthored by Representative C. Brown
 First reading: adopted by voice vote

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Study: disability license plates.

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HR 50 Author Representative Lehe

Study: child labor laws.

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HR 51 Author Representative CherryCongratulating Mount Vernon Middle School, Fortville,
Four Star School.

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First reading: adopted by voice vote

HR 52 Author Representative CherryCongratulating Mount Comfort Elementary School,
Greenfield, a Four Star School.

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First reading: adopted by voice vote

HR 53 Author Representative CherryCongratulating Eden Elementary School, Greenfield,
a Four Star School.

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HR 54 Author Representative CherryCongratulating Triton Central High School, Fairland,
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First reading: adopted by voice vote

HR 55 Author Representative DvorakHonoring Gautham Vaidyanathan,
Prudential Spirit of Community winner.

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First reading: adopted by voice vote

HR 56 Author Representative FoleyHonoring Morgan County Sheriff Deputy Steve Hoffman
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Authored by Representative Foley	774
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First reading: adopted by voice vote

HR 57 Author Representative PorterHonoring the Civil Air Patrol for its contributions
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First reading: adopted by voice vote

HR 58 Author Representative MesserHonoring Shelbyville High School boys' basketball team,
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First reading: adopted by voice vote

HR 59 Author Representative Thomas

Honoring the Indiana Sheriffs' Katrina Relief-New Orleans.

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First reading: adopted by voice vote

HR 60 Author Representative Kuzman

Honoring the Dancing Devilins, Crown Point, Indiana.

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First reading: adopted by voice vote

HR 61 Author Representative BischoffHonoring Alberta "Bertie" Sauerland on the occasion
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First reading: adopted by voice vote

HR 62 Author Representative ReskeHonoring Marines assigned to Second Battalion,
Fourth Marine Regiment, First Marine Division.

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First reading: adopted by voice vote

HR 63 Author Representative Pelath

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First reading: adopted by voice vote

HR 64 Author Representative V. SmithHonoring James E. Mumford on the occasion
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First reading: adopted by voice vote

HR 65 Author Representative C. Bottorff

Honoring Mr. and Mrs. Scott Collins and family.

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First reading: adopted by voice vote

HR 66 Author Representative C. Bottorff

Honoring Lauri Giuffre.

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First reading: adopted by voice vote

HR 67 Author Representative C. Bottorff

Honoring Cory Giuffre and his family.

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First reading: adopted by voice vote

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HR 69 Author Representative C. Bottorff

Honoring Kyle Giuffre and his family.

Authored by Representative C. Bottorff First reading: adopted by voice vote	799
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HR 70 Author Representative C. Bottorff

Honoring Dawn Giuffre.

Authored by Representative C. Bottorff First reading: adopted by voice vote	799
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HR 71 Author Representative Frizzell

Stressing the importance of foreign language instruction.

Authored by Representative Frizzell Referred to Committee on Rules and Legislative Procedures	871
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HR 72 Author Representative Lehe

Study: regional sewer districts.

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HR 73 Author Representative Turner

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HR 74 Author Representative Welch

Study: developing incentives to encourage film and TV production in Indiana.

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HR 75 Author Representative Kuzman

Study: police and fire pensions.

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HR 77 Author Representative Porter

Study: school corporations.

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HR 78 Author Representative Welch

Study: licensure of professional midwives.

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HR 79 Author Representative Tincher

Urging the PERF trustees to anticipate future cost of living increases.

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HR 80 Author Representative V. Smith

Study: higher education for incarcerated persons.

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HR 81 Author Representative V. Smith

Study: effects of incarceration on children and families.

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HR 82 Author Representative V. Smith

Study: food service in prisons.

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HR 83 Author Representative C. Brown

Study: the impact of privatization of Indiana services.

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HR 84 Author Representative Welch

Study: food handling regulations for tax exempt organizations.

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HR 85 Author Representative Klinker

Honoring Lafayette Central Catholic High School girls' basketball team, Class 1A state champions.

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HR 86 Author Representative Klinker

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House Senate

House Senate

Coauthored by Representatives Micon, T. Brown,
and Lehe
First reading: adopted by voice vote

HR 87 Author Representative Wolkins

Study: use of eminent domain by small private utilities.
 Authored by Representative Wolkins 901
 Referred to Committee on Rules and
 Legislative Procedures

HR 88 Author Representative Thompson

Study: social, emotional and behavioral
 health screening of children.
 Authored by Representative Thompson 1050
 Coauthored by Representative Walorski
 Referred to Committee on Rules and
 Legislative Procedures
 Second reading: adopted by voice vote 1239

HR 89 Author Representative Reske

Honoring Lance Corporal Tom Kraeszig,
 United States Marines.
 Authored by Representative Reske 1071
 First reading: adopted by voice vote

HR 90 Author Representative Reske

Honoring Staff Sergeant Damean Rodriguez,
 United States Marines.
 Authored by Representative Reske 1071
 First reading: adopted by voice vote

HR 91 Author Representative Reske

Honoring Corporal Joseph Hayes, United States Marines.
 Authored by Representative Reske 1071
 First reading: adopted by voice vote

HR 92 Author Representative Reske

Honoring Captain Rob Scott, United States Marines.
 Authored by Representative Reske 1072
 First reading: adopted by voice vote

HR 93 Author Representative Reske

Honoring Lance Corporal Peter Flem,
 United States Marines.
 Authored by Representative Reske 1072
 First reading: adopted by voice vote

HR 94 Author Representative Reske

Honoring Sergeant Jon Embrey, United States Marines.
 Authored by Representative Reske 1072
 First reading: adopted by voice vote

HR 95 Author Representative Reske

Honoring Captain Christopher Bronzi,
 United States Marines.
 Authored by Representative Reske 1072
 First reading: adopted by voice vote

HR 96 Author Representative Ruppel

Honoring Jessica A. Quear, FFA State Northern
 Region Vice President.
 Authored by Representative Ruppel 1073
 Coauthored by Representative Turner
 First reading: adopted by voice vote

HR 97 Author Representative Ruppel

Honoring David E. Mohler, FFA State Treasurer.
 Authored by Representative Ruppel 1073
 Coauthored by Representative Thompson
 First reading: adopted by voice vote

HR 98 Author Representative Ruppel

Honoring Bruce L. Cooley, FFA State President.
 Authored by Representative Ruppel 1073
 Coauthored by Representative Cherry
 First reading: adopted by voice vote

HR 99 Author Representative Ruppel

Honoring Melinda Salmons, FFA State Reporter.
 Authored by Representative Ruppel 1074
 First reading: adopted by voice vote

HR 100 Author Representative Ruppel

Honoring Sawyer Sparks, FFA Southern
 Region Vice President.
 Authored by Representative Ruppel 1074
 Coauthored by Representative Borders
 First reading: adopted by voice vote

HR 101 Author Representative Ruppel

Honoring Nathan Lehman, FFA State Sentinel.
 Authored by Representative Ruppel 1074
 Coauthored by Representative Ripley
 First reading: adopted by voice vote

HR 102 Author Representative Ruppel

Honoring Shawn Gearhart, FFA State Secretary.
 Authored by Representative Ruppel 1074
 First reading: adopted by voice vote

HR 103 Author Representative Bauer

Honoring Representative Ben GiaQuinta
 upon his retirement.
 Authored by Representative Bauer 1236
 First reading: adopted by voice vote

HR 104 Author Representative Bauer

Honoring Representative Tom Kromkowski
 upon his retirement.
 Authored by Representative Bauer 1237
 First reading: adopted by voice vote

HR 105 Author Representative Bauer

Honoring Representative John Aguilera
 upon his retirement.
 Authored by Representative Bauer 1237
 First reading: adopted by voice vote

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HR 106 Author Representative BosmaHonoring Representative Robert Hoffman
upon his retirement.Authored by Representative Bosma 1237
First reading: adopted by voice vote**HR 107 Author Representative Bosma**Honoring Representative Luke Messer
upon his retirement.Authored by Representative Bosma 1238
First reading: adopted by voice vote**HR 108 Author Representative Bosma**Honoring Representative David Yount
upon his retirement.Authored by Representative Bosma 1238
First reading: adopted by voice vote

VETOED BILLS

2005 VETOED BILLS

▣ **HB 1142 Author Representative T. Brown**
Sponsor Senator Kenley

Medicaid matters and organ procurement.

Vetoed by Governor Daniels on May 12, 2005

Veto sustained by the House on March 8, 2006;

Roll Call 420: yeas 7, nays 90

▣ **HB 1224 Author Representative Koch**
Sponsor Senator Ford

Aerospace initiative.

Vetoed by Governor Daniels on April 26, 2005

Veto sustained by the House on March 8, 2006;

Roll Call 421: yeas 48, nays 50

▣ **SB 218 Authors Senators Nugent and Simpson**
Sponsor Representative Whetstone

Safety belts.

Vetoed by Governor Daniels on May 13, 2005

Veto sustained by the Senate on January 17, 2006;

Roll Call 7: yeas 11, nays 38

2006 VETOED BILLS

No bills were vetoed by Governor Daniels in 2006.

CONSTITUTIONAL AMENDMENTS PROPOSED*

* ARTICLE 16 of the Constitution of Indiana provides: "SECTION 1. (a) An amendment to this Constitution may be proposed in either branch of the General Assembly. If the amendment is agreed to by a majority of the members elected to each of the two houses, the proposed amendment shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election.

(b) If, in the General Assembly so next chosen, the proposed amendment is agreed to by a majority of all the members elected to each House, then the General Assembly shall submit the amendment to the electors of the State at the next general election.

(c) If a majority of the electors voting on the amendment ratify the amendment, the amendment becomes a part of this Constitution."

AMENDMENTS PROPOSED BY THE 113TH GENERAL ASSEMBLY AND REFERRED TO THE 114TH GENERAL ASSEMBLY

No new amendments were proposed by the 113th General Assembly. Three amendments, which had been proposed by the 112th General Assembly, were agreed to by the 113th General Assembly and ratified by the voters in November, 2004. These concerned property tax exemption, term of office of local officials, and discharging the governor's powers and duties.

AMENDMENTS PROPOSED BY THE 114TH GENERAL ASSEMBLY AND REFERRED TO THE 115TH GENERAL ASSEMBLY FOR AGREEMENT

FIRST REGULAR SESSION

■ **HJR 4 Author Representative Ulmer** **Sponsors Senators Steele and Weatherwax**

Constitutional right to hunt and fish.

Passed by the House on January 25, 2005; Roll Call 40: yeas 83, nays 15 (see Roll Call section of the 2005 House Journal)

Passed by the Senate on March 22, 2005; Roll Call 297: yeas 41, nays 6 (see Roll Call section of the 2005 Senate Journal)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Indiana Constitution concerning the bill of rights.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. The people have a right to hunt, fish, and harvest game, which are a valued part of our heritage and shall be forever preserved for the public good, subject to laws prescribed by the General Assembly and rules prescribed by virtue of the authority of the General Assembly.**

■ **SJR 7 Authors Senators Hershman and Craycraft** **Sponsor Representative Turner**

Definition of marriage.

Passed by the Senate on February 21, 2005; Roll Call 159: yeas 42, nays 8 (see Roll Call section of the 2005 Senate Journal)

Passed by the House on March 22, 2005; Roll Call 266: yeas 76, nays 23 (see Roll Call section of the 2005 House Journal)

A JOINT RESOLUTION proposing an amendment to Article 1 of the Constitution of the State of Indiana concerning the definition of marriage.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED BY ADDING A NEW SECTION TO READ AS FOLLOWS: **Section 38. (a) Marriage in Indiana consists only of the union of one man and one woman.**

(b) This Constitution or any other Indiana law may not be construed to require that marital status or the legal incidents of marriage be conferred upon unmarried couples or groups.

CONSTITUTIONAL AMENDMENTS PROPOSED*

* ARTICLE 16 of the Constitution of Indiana provides: "SECTION 1. (a) An amendment to this Constitution may be proposed in either branch of the General Assembly. If the amendment is agreed to by a majority of the members elected to each of the two houses, the proposed amendment shall, with the yeas and nays thereon, be entered on their journals, and referred to the General Assembly to be chosen at the next general election.

(b) If, in the General Assembly so next chosen, the proposed amendment is agreed to by a majority of all the members elected to each House, then the General Assembly shall submit the amendment to the electors of the State at the next general election.

(c) If a majority of the electors voting on the amendment ratify the amendment, the amendment becomes a part of this Constitution."

AMENDMENTS PROPOSED BY THE 114TH GENERAL ASSEMBLY AND REFERRED TO THE 115TH GENERAL ASSEMBLY FOR AGREEMENT

SECOND REGULAR SESSION

**SJR 2 Author Senator Lawson
Sponsor Representative Richardson**

Overseas voters.

Passed by the Senate on January 26, 2006; Roll Call 62: yeas 47, nays 0 (see Roll Call section of the 2006 Senate Journal)

Passed by the House on March 2, 2006; Roll Call 351: yeas 98, nays 0 (see Roll Call section of the 2006 House Journal)

A JOINT RESOLUTION proposing an amendment to Article 2 of the Constitution of the State of Indiana concerning elections.

Be it resolved by the General Assembly of the State of Indiana:

SECTION 1. The following amendment to the Constitution of the State of Indiana is proposed and agreed to by this, the One Hundred Fourteenth General Assembly of the State of Indiana, and is referred to the next General Assembly for reconsideration and agreement.

SECTION 2. ARTICLE 2, SECTION 2 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 2. (a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a) if the citizen is entitled to vote in a precinct under subsection (c), **subsection (d)**, or federal law.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

(d) The General Assembly may provide that a citizen who:

(1) is the child of an individual who is a registered voter of Indiana; and

(2) currently resides outside the United States;

may vote in a precinct if the citizen meets all of the qualifications set forth in subsection (a) other than residence in a precinct in Indiana.



Index by Subject Matter

**114TH GENERAL ASSEMBLY
SECOND REGULAR SESSION
2006**

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SECOND REGULAR SESSION

(Those marked with ■ became law; no bills were vetoed by Governor Daniels in 2006.)

NOTE: Subject headings included in previous years have been deleted from this index if there were no bills on that topic in 2006. Cross references have not been deleted or edited. “ARTIFICIAL LIMBS”, for example is cross referenced to “PROSTHETIC DEVICES”. Checking the word “PROSTHETIC”, the user will find the heading “PROSECUTING ATTORNEYS” followed by the cross reference “PROSTITUTION”, but not “PROSTHETIC”; this indicates that the heading “PROSTHETIC DEVICES” was deleted because no bills were indexed under that heading this session.

ABANDONED OR UNCLAIMED PROPERTY

- HB 1103 Bureau of motor vehicles matters.
- SB 331 Abandoned vehicles.

ABORTION

- HB 1080 Standards and inspection of abortion clinics.
- HB 1096 Limitation on abortions.
- HB 1172 Written information before an abortion.
- HB 1202 Preference for marriage; instruction by schools.
- SB 4 Dispensing abortion devices or drugs or birth control.
- SB 237 Regulation of abortion clinics.

ABSENT VOTERS—

See *ELECTIONS, Absent Voters*

ABUSE generally

{Additional topic(s)}:

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MARRIAGE AND FAMILY LAW

- HB 1281 Domestic violence.
- SB 67 Cruelty to animals.
- SB 68 Insurance practices and victims of abuse.
- SB 168 Medicaid fraud.

ACCIDENTS AND ACCIDENT INSURANCE—

See *LABOR AND EMPLOYMENT, Worker's Compensation*
MOTOR VEHICLES, Accidents and Vehicle Insurance

ACCOUNTANTS AND ACCOUNTING

- HB 1018 Water authority audits.
- HB 1384 Certification of accuracy of government accounting.

ACCOUNTS, STATE BOARD OF

- SB 317 Annual review of unpaid restitution orders.

ACCREDITATION, PRIVATE SCHOOLS—

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ACQUIRED IMMUNE DEFICIENCY SYNDROME—

See *AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME)*
HIV AND HIV TESTING

ADA (Average Daily Attendance)—

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ADDICTION SERVICES—

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ADJUSTED GROSS INCOME TAXES—

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ADM (Average Daily Membership)—

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ADMINISTRATION, STATE DEPARTMENT OF

HB 1079 Cost benefit analysis of outsourcing.

SB 9 Honoring Indiana Presidents and Vice Presidents.

ADMINISTRATIVE CODE; INDIANA REGISTER

- SB 379 Publication of administrative rules.

ADMISSIONS TAXES

HB 1077 Agriculture, gaming, and economic development.

ADOPTION OF CHILDREN—

See *CHILDREN AND MINORS, Adoption*

ADULT EDUCATION—

See *HIGHER EDUCATION, Adult Education*

ADVERTISEMENTS

- HB 1016 Alcohol and tobacco matters.
- HB 1280 Unsolicited facsimile advertisements.

AERONAUTICS—

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AFDC—

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- HB 1100 Medicaid cash and counseling waiver.
- HB 1196 Senior fishing licenses.
- HB 1226 Property tax deduction for the elderly.
- HB 1275 Funding of education grants.
- HB 1281 Domestic violence.
- HB 1356 Deferral of property tax payments.
- HB 1360 Senior citizen property tax credit.
- SB 33 Volunteer advocates for incapacitated adults.
- SB 41 Division of Aging and long term care.
- SB 291 Eligibility for property tax deduction for elderly.
- SB 304 Senior citizen property tax credit.
- SB 325 Estimated tax payments.

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SUBJECT INDEX OF BILLS AND JOINT RESOLUTIONS—2006

AGRICULTURE generally

{Additional topic(s)}:

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INSURANCE [various subtopics]

- HB 1021 Hay baling on interstate rights-of-way.
- HB 1077 Agriculture, gaming, and economic development.
- HB 1086 Agricultural enterprise zones.
- HB 1089 Annexation of property zoned agricultural.
- HB 1119 Governance of rural telephone cooperatives.
- HB 1189 Year to year tenancy on land used for agriculture.
- HB 1190 Farm winery sales to retailers.
- HB 1391 Farm mutual insurance company taxes.
- SB 52 Equipment suppliers and retailers.
- SB 69 Governance of rural telephone cooperatives.
- SB 74 Acquisition of utility property.
- SB 78 Property tax deduction for farm security items.
- SB 141 Confined feeding operations.
- SB 392 Growth related projects and land conservation.

AGRICULTURE, Farm Products and Commodities

- HB 1189 Year to year tenancy on land used for agriculture.
- HB 1190 Farm winery sales to retailers.
- HB 1256 Board of animal health fees for dairy program.
- HB 1378 Corn checkoffs.

AGRICULTURE, State Agencies and Programs

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- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- SB 87 Energy, agriculture, and energy development rules.

AID TO FAMILIES WITH DEPENDENT CHILDREN—

See *WELFARE, Aid to Families with Dependent Children*

AIR POLLUTION

- HB 1364 Environmental rulemaking.

AIRCRAFT AND AIRPORTS

- HB 1188 Expanded Gary airport authority tax base.
- HB 1398 Marion County airport board and airport land use.
- SB 382 Airport development zone.

ALCOHOLIC BEVERAGES, Alcohol Abuse—

See *DRUGS, Treatment of Drug and Other Substance Abuse*

ALCOHOLIC BEVERAGES, Alcohol and Tobacco Commission

- HB 1250 Alcohol beverage matters.

ALCOHOLIC BEVERAGES, Crimes and Offenses

- HB 1085 Employee alcoholic beverage permits.

ALCOHOLIC BEVERAGES, Licenses, Permits, and Taxes

- HB 1016 Alcohol and tobacco matters.
- HB 1036 Wine shipping and farm winery matters.
- HB 1085 Employee alcoholic beverage permits.
- HB 1135 Alcohol displays in retail stores.
- HB 1190 Farm winery sales to retailers.
- HB 1250 Alcohol beverage matters.
- SB 27 Alcohol and tobacco matters.
- SB 97 Direct wine shipment.

- SB 110 Wine shipping and farm winery matters.
- SB 156 Direct shipment of wine.
- SB 393 Local option property tax replacements.

ALIMONY—

See *MARRIAGE AND FAMILY LAW*

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See *EMERGENCY MEDICAL SERVICES*

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See *PARKS AND CAMPGROUNDS*

ANATOMICAL GIFTS

- SB 102 Anatomical gift liability.

ANIMALS

- HB 1066 Spotlighting wild animals.
- HB 1087 Squirrel hunting season.
- HB 1088 Companion animal tax.
- HB 1152 Exotic mammals.
- HB 1256 Board of animal health fees for dairy program.
- HB 1349 Hunting facilities and licenses.
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- SB 67 Cruelty to animals.
- SB 77 Shooting preserves.
- SB 86 Medication of horses in pari-mutuel events.
- SB 141 Confined feeding operations.
- SB 367 Shooting preserves.

ANNEXATION OF TERRITORY

{Additional topic(s)}:

ZONING AND PLANNING

- HB 1089 Annexation of property zoned agricultural.
- HB 1092 Annexation.
- SB 274 Impounding property taxes in annexed territory.

ANTITRUST—

See *TRADE REGULATIONS*

APPORTIONMENT AND REDISTRICTING

- HB 1009 Redistricting commission.

APPROPRIATIONS—

See *BUDGETS AND APPROPRIATIONS*

ARBITRATION

- HB 1078 Collective bargaining for public employees.
- HB 1227 Retired state employees.
- HB 1372 State executive branch collective bargaining.
- SB 64 Collective bargaining for public safety employees.
- SB 142 Collective bargaining for public employees.

ARCHITECTS AND ARCHITECTURE

- HB 1220 Professional investigation funds.
- HB 1405 Code for building rehabilitation.

AREA PLAN COMMISSIONS—

See *ZONING AND PLANNING*

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ARREST PROCEDURES—

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CRIMES AND OFFENSES [various subtopics]

ARSON—

See *CRIMES AND OFFENSES* [various subtopics]

ARTIFICIAL LIMBS—

See *PROSTHETIC DEVICES*

ARTISTS AND ART

HB 1153 Consignment of art.

ASSESSORS

- HB 1001 Various tax matters.
- HB 1272 Self-assessment of real property.
- HB 1400 Government reorganization and administration.

ASSESSORS AND ASSESSMENT

See *PROPERTY TAXES, Assessments, Notices, and Penalties*

ATHLETICS—

See *SPORTS*

ATTORNEY GENERAL

- HB 1148 Account numbers on receipts.
- HB 1214 Motor carrier enforcement.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1373 Do not call cell phone list.
- SB 168 Medicaid fraud.
- SB 296 Punitive damages.
- SB 311 Unsolicited facsimile advertisements.

ATTORNEYS

- HB 1116 Rights of consumers of legal services.
- HB 1193 Attorney's fees in Medicaid lien collection cases.
- HB 1208 Attorney's fees.
- HB 1277 Civil actions and attorney's fees.
- HB 1307 Worker's compensation.
- HB 1385 Enforcing city and town ordinances.
- SB 357 Juvenile waiver of counsel.

AUCTIONEERS AND AUCTIONS

- SB 303 Various motor vehicle matters.

AUDIOLOGISTS—

See *SPEECH PATHOLOGISTS AND AUDIOLOGISTS*

AUDITS AND AUDITORS

- HB 1018 Water authority audits.
- HB 1068 NIPSCO audit.
- HB 1102 Local government matters.
- SB 199 Internal insurance compliance audits.

AUTISM—

See *MENTAL HEALTH, Mentally Ill or Impaired Persons*

AUTOMATED TRANSIT—

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See *MOTOR VEHICLES, Accidents and Vehicle Insurance*

AVERAGE DAILY MEMBERSHIP—

See *SCHOOLS* [various subtopics]

BAIL AND BAIL BONDSMEN

- SB 192 Bail requirements.

BALL STATE UNIVERSITY—

See *HIGHER EDUCATION, Colleges and Universities*

BANKRUPTCY

- HB 1124 Rainy day fund loans to political subdivisions.
- HB 1161 Study committee on corporate accountability.

BANKS AND BANKING—

See *FINANCIAL INSTITUTIONS*

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- SB 333 Professional licensing.

BARTENDERS—

See *ALCOHOLIC BEVERAGES, Licenses, Permits, and Taxes*

BEAUTY CULTURE

- SB 333 Professional licensing.

BEER—

See *ALCOHOLIC BEVERAGES* [various subtopics]

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See *ALCOHOLIC BEVERAGES* [various subtopics]
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FOODS; FOOD AND BEVERAGE TAXES

BICYCLES; MOTORIZED BICYCLES; MOPEDS

HB 1151 Operation of motorized bicycles.

BILLS WITHDRAWN

- HB 1012 Withdrawn pursuant to House Rule 111.
- HB 1243 Withdrawn pursuant to House Rule 111.
- HB 1248 Withdrawn pursuant to House Rule 111.
- HB 1311 Withdrawn pursuant to House Rule 111.
- HB 1369 Withdrawn pursuant to House Rule 111.
- SB 255 Withdrawn pursuant to Senate Rule 44(a).

BINGO—

See *GAMBLING AND GAMES OF CHANCE*

BIRDS—

See *FISH AND WILDLIFE*

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See *HEALTH, Medical Records and Bills*

BOARDS AND BOARD MEMBERSHIP

- HB 1123 Sexual assault standards and certification board.
- HB 1145 Sanitation districts.
- HB 1186 Library board term limits.
- HB 1256 Board of animal health fees for dairy program.
- HB 1264 Sustainable energy.
- HB 1372 State executive branch collective bargaining.
- HB 1398 Marion County airport board and airport land use.
- HB 1401 County hospital governing boards.
- SB 76 Storm water fees.
- SB 107 Nepotism in Marion County political subdivisions.
- SB 119 School board elections at general election time.
- SB 322 Forfeiture of public pensions for misconduct.
- SB 368 Medical licensing board pilot program.
- SB 370 Workforce development system.

BOATS AND BOATING

{Additional topic(s)}:

GAMBLING AND GAMES OF CHANCE

LAKES AND PONDS

RIVERS AND STREAMS

- HB 1103 Bureau of motor vehicles matters.
- HB 1331 Out-of-state boat registration.
- SB 171 Operating while intoxicated and accident scenes.
- SB 219 Ballast water and sediment in vessels.
- SB 239 Slot machines.

BOND BANK

- HB 1029 Education.

BONDS, BAIL AND BONDSMEN—

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BONDS, Financial

- HB 1029 Education.
- HB 1162 University bonding.
- HB 1257 Postsecondary proprietary education.
- HB 1328 Local taxes and fees.
- SB 213 School bonds for retirement liability.
- SB 231 Academic honors diploma grants.
- SB 360 Bonds for public works projects.

BOYS SCHOOL—

See *CHILDREN AND MINORS, Juvenile Institutions and Schools*

BRIDGES AND TUNNELS—

See *HIGHWAYS AND ROADS, Bridges and Tunnels*

BUDGET AGENCY, STATE

- HB 1376 State spending cap.
- HB 1384 Certification of accuracy of government accounting.

BUDGETS AND APPROPRIATIONS

- HB 1035 Appropriation for the Lincoln amphitheater.
- HB 1102 Local government matters.
- HB 1227 Retired state employees.
- HB 1252 Disabled veteran tuition fee remission.
- HB 1264 Sustainable energy.

- HB 1268 Tax amnesty funds for volunteer fire departments.
- HB 1274 Use of tax amnesty funds to reduce welfare levy.
- HB 1321 Administration and funding of human services.
- HB 1358 Special economic development project districts.
- HB 1400 Government reorganization and administration.
- SB 50 Appropriation for Cedar Lake dredging.
- SB 75 Military family relief fund.
- SB 224 Reflex sympathetic dystrophy syndrome education.
- SB 300 Victim's compensation fund.
- SB 345 Reversal of payment delays.
- SB 352 Energy assistance funding from tax amnesty.
- SB 366 Funding of child welfare services.

BUILDING AND LOAN ASSOCIATIONS—

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{Additional topic(s)}:

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FIRE MARSHALS; DEPARTMENT

OF FIRE AND BUILDING SERVICES

PUBLIC WORKS AND IMPROVEMENTS;

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ZONING AND PLANNING

HB 1178 Insurance proceeds set aside.

HB 1334 State police funding.

HB 1405 Code for building rehabilitation.

SB 214 Exemption from county building ordinance.

BURIAL GROUNDS AND BURIAL EXPENSES—

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FUNERAL DIRECTORS AND EMBALMERS;

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CASUALTY INSURANCE—

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CATASTROPHIC ILLNESS—

See *HEALTH, Health Care Costs; Health Insurance*

CEMETERIES AND DEAD BODIES

HB 1201 Disruption of funeral.

HB 1258 Disturbance of land.

■ SB 5 Disorderly conduct at funerals and intimidation.

CERTIFICATES OF DEPOSIT—

See *FINANCIAL INSTITUTIONS*

CERTIFIED PUBLIC ACCOUNTANTS—

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{Additional topic(s)}:

CHURCHES AND RELIGIONS

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HB 1149 Charity gaming volunteer reporting requirements.

HB 1333 Educational scholarship programs.

HB 1341 Cy pres; trusts and public benefit corporations.

HB 1396 Administration of charity gaming.

CHIEF JUSTICE, STATE—

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CHILDREN AND MINORS generally

HB 1048 Mercury in vaccines.

HB 1133 Restrictions on minors' driver's licenses.

■ HB 1232 Curfew.

HB 1247 Wrongful death or injury of a child.

HB 1283 Epidemic, pandemic, or bioterrorism disease.

HB 1321 Administration and funding of human services.

SB 135 Adult video games.

SB 144 Access to juvenile information in police records.

SB 203 Public records involving children.

SB 270 FSSA matters.

SB 287 Restrictions on video games.

CHILDREN AND MINORS, Adoption

SB 273 Abandoned embryos and adoption matters.

CHILDREN AND MINORS, Aid to Families with Dependent Children—

See *WELFARE, Aid to Families with Dependent Children*

CHILDREN AND MINORS, Child Abuse and Neglect

HB 1120 Human and sexual trafficking.

HB 1132 Lifetime parole for child molesters.

■ HB 1155 Sex offenders.

HB 1181 Child abuse or neglect.

HB 1231 Endangering an unborn child.

■ HB 1281 Domestic violence.

HB 1414 Human and sexual trafficking.

■ SB 6 Sex offenders.

■ SB 12 Sex offenders.

SB 129 Endangering an unborn child.

SB 134 Child molestation.

SB 237 Regulation of abortion clinics.

SB 265 Domestic violence.

SB 315 Sex offenders and lifetime parole.

SB 327 Kids first license plate fund distribution.

SB 380 Lifetime probation for repeat child molesters.

CHILDREN AND MINORS, Child Care Programs

HB 1321 Administration and funding of human services.

HB 1400 Government reorganization and administration.

■ SB 132 Correction of 2005 child services legislation.

■ SB 139 Department of child services matters.

■ SB 151 Child care regulation.

SB 388 Qualified child care expenditure tax credits.

CHILDREN AND MINORS, Child Support, Custody, and Visitation

HB 1071 Grandparent visitation.

HB 1104 Loss of office due to delinquent child support.

HB 1118 Grandparent visitation.

HB 1154 Family law mediation.

HB 1163 Regulation of private child support collectors.

HB 1208 Attorney's fees.

■ HB 1232 Curfew.

■ SB 39 Legal settlement in a school corporation.

■ SB 40 Relocation issues in family law matters.

SB 121 Grandparent visitation.

SB 136 Child support payments from joint accounts.

■ SB 153 State central collection unit and child support.

SB 215 Child in need of services; grandparent visitation.

SB 330 Custody after paternity is established.

SB 378 Uniform child custody jurisdiction act.

CHILDREN AND MINORS, Children with Special Health Needs

HB 1005 Autism scholarships.

HB 1230 Transfer of first steps program.

HB 1302 Services for developmentally disabled children.

■ SB 112 Transfer of first steps program.

SB 215 Child in need of services; grandparent visitation.

CHILDREN AND MINORS, Department of Child Services

HB 1415 Department of child services caseworkers.

■ SB 139 Department of child services matters.

■ SB 153 State central collection unit and child support.

CHILDREN AND MINORS, Foster Care

■ SB 139 Department of child services matters.

CHILDREN AND MINORS, Juvenile Courts and Proceedings

HB 1071 Grandparent visitation.

HB 1203 Preliminary orders in juvenile cases.

HB 1408 Expungement of criminal and juvenile records.

SB 357 Juvenile waiver of counsel.

CHILDREN AND MINORS, Juvenile Delinquents

HB 1203 Preliminary orders in juvenile cases.

SUBJECT INDEX OF BILLS AND JOINT RESOLUTIONS—2006

- HB 1408 Expungement of criminal and juvenile records.
 SB 144 Access to juvenile information in police records.

CHILDREN AND MINORS, Labor Laws and Safety Issues

- HB 1267 Employment certificates for children.
- SB 374 Child passenger restraint systems exception.

CHILDREN AND MINORS, Youth Programs

- HB 1020 Regulation of teen clubs.

CHIROPRACTORS

- HB 1129 County hospital privileges.
 HB 1319 Chiropractors and physical therapists.

CHURCHES AND RELIGIONS

- SB 47 Criminal background checks.
- SB 149 Religious exemption from worker's compensation.

CIGARETTES, CIGARS, AND TOBACCO; CIGARETTE TAX

{Additional topic(s)}:

ALCOHOLIC BEVERAGES, Alcohol and Tobacco Commission

- HB 1166 Cigarette manufacturer fee.
- HB 1250 Alcohol beverage matters.
- HB 1404 Securitization of tobacco settlement payments.
- SB 258 Streamlined sales tax provisions.
- SB 393 Local option property tax replacements.

CIRCUIT COURTS AND COURT OFFICERS

- SB 153 State central collection unit and child support.

CITIES AND TOWNS

{Additional topic(s)}:

INCOME TAXES, City Income Taxes
LOCAL GOVERNMENT
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- HB 1102 Local government matters.
- HB 1211 School property taxes.
- HB 1380 Various economic development matters.
- HB 1385 Enforcing city and town ordinances.

CIVIL ACTIONS generally

{Additional topic(s)}:

EVIDENCE

- HB 1158 Small claims, civil actions, and sheriff's fees.
- HB 1260 Health care provider civil proceedings.
- HB 1277 Civil actions and attorney's fees.
- HB 1365 Sheriff's fees and employees.
- SB 52 Equipment suppliers and retailers.
- SB 126 Freezing of credit reports.
- SB 294 Equivalent jobs and wage discrimination.

CIVIL ACTIONS, Immunity and Exemption from Liability

- HB 1113 Liability connected with consumption of food and beverages.
- HB 1367 Study of liability for 501(c)(3) organizations.
- SB 102 Anatomical gift liability.

CIVIL ACTIONS, Liabilities and Damages

- HB 1262 Isolation or quarantine by public health authority.
- HB 1297 Product and service warranties.
- HB 1367 Study of liability for 501(c)(3) organizations.
- SB 254 Lease protections for domestic violence victims.

CIVIL ACTIONS, Penalties

- HB 1280 Unsolicited facsimile advertisements.
- HB 1324 Disclosure of employer health care spending.
- HB 1383 Restrictions for illegal aliens.
- SB 22 Pipeline safety.
- SB 311 Unsolicited facsimile advertisements.
- SB 321 Unemployment insurance.

CIVIL ACTIONS, Rules of Trial Procedure

- HB 1277 Civil actions and attorney's fees.

CIVIL DEFENSE—

See EMERGENCIES AND DISASTERS; STATE EMERGENCY MANAGEMENT AGENCY

CIVIL SERVICE—

See PERSONNEL DEPARTMENT, STATE

CLARK COUNTY

- HB 1014 Indiana time zones.
- HB 1205 Indiana time zones.

CLERK OF THE SUPREME COURT—

See SUPREME COURT AND COURT OFFICERS

CLERK, COUNTY—

See CIRCUIT COURTS AND COURT OFFICERS

COAL AND COAL MINES—

See MINES AND MINERALS

COLLECTION AGENCIES

- HB 1163 Regulation of private child support collectors.
- HB 1299 Financial institutions.

COLLECTIVE BARGAINING—

See LABOR AND EMPLOYMENT [various subtopics]

COLLEGES AND UNIVERSITIES—

See HIGHER EDUCATION, Colleges and Universities

COMMERCIAL CODE (UCC)

- SB 286 Repeal of uniform bulk sales law.

COMMISSIONERS, COUNTY—

See COUNTY GOVERNMENT

COMMISSIONS OR COUNCILS, Creation of New Agencies

- HB 1009 Redistricting commission.
- HB 1130 Regulation of insurance rates.
- HB 1399 Taxes and local finances.
- SB 157 Natural resources advisory councils.

COMMISSIONS OR COUNCILS, Existing Agencies

- HB 1022 State fair commission.

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- HB 1095 Little Calumet River Basin development commission.
- HB 1121 Flood control.
- HB 1145 Sanitation districts.
- HB 1222 Redevelopment commission housing programs.
- HB 1227 Retired state employees.
- HB 1292 Commission on Hispanic/Latino affairs.
- HB 1306 Various corporate law matters.
- HB 1339 Real estate broker and salesperson licenses.
- HB 1340 Redevelopment district housing programs.
- HB 1378 Corn checkoffs.
- HB 1393 Community development financial institutions.
- HB 1396 Administration of charity gaming.
- HB 1397 State ethics standards.
- HB 1405 Code for building rehabilitation.
- HB 1409 Pension administration.
- SB 36 Commission on mental health.
- SB 107 Nepotism in Marion County political subdivisions.
- SB 277 Genesis Convention Center board of managers.
- SJR 1 Selection of justices and appellate court judges.

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COMPUTERS

- HB 1195 Sales tax holiday.

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CONFLICT OF INTEREST, PUBLIC OFFICIALS—

See *PUBLIC OFFICERS AND EMPLOYEES*

CONGRATULATIONS AND HONORS—

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See *UNITED STATES GOVERNMENT; U.S. CONGRESS*

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See *NATURAL RESOURCES, State Department of*

CONSERVATION; CONSERVANCY DISTRICTS

- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- HB 1258 Disturbance of land.
- SB 314 Soil and water conservation districts and wild animals.

CONSTABLES—

See *LAW ENFORCEMENT, Town Marshals*

CONSTITUTION OF INDIANA

- HJR 1 Free textbooks.
- HJR 2 Supermajority requirement for tax increases.
- HJR 3 Common school fund for early childhood education.
- HJR 4 Eminent domain.
- SB 143 Explanation of proposed constitutional amendments.
- SJR 1 Selection of justices and appellate court judges.
- SJR 2 Overseas voters.
- SJR 3 Vehicle joint resolution.
- SJR 4 Vehicle joint resolution.
- SJR 5 Vehicle joint resolution.
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- SJR 9 Vehicle joint resolution.
- SJR 10 Vehicle joint resolution.
- SJR 11 Vehicle joint resolution.
- SJR 12 Vehicle joint resolution.
- SJR 13 Prohibition of property taxes for school operating costs.
- SJR 14 Senate confirmation of executive agency heads.

CONSTRUCTION

{Additional topic(s)}:

- ARCHITECTS AND ARCHITECTURE*
- BUILDINGS AND BUILDING REGULATIONS*
- ENGINEERS AND LAND SURVEYORS*
- HIGHWAYS AND ROADS, State Highways; Toll Roads*
- PUBLIC WORKS AND IMPROVEMENTS;*
- PUBLIC BUILDINGS; PUBLIC PROPERTY*
- ZONING AND PLANNING*
- HB 1174 Highway modernization projects.
- HB 1177 Common construction wage.
- HB 1405 Code for building rehabilitation.
- SB 161 Moratorium on comprehensive care beds.

CONSUMER CREDIT AND PROTECTION

[includes UCCC]

{Additional topic(s)}:

- TRADE REGULATIONS*
- HB 1052 Security freezes on credit reports.
- HB 1163 Regulation of private child support collectors.
- HB 1299 Financial institutions.
- SB 126 Freezing of credit reports.
- SB 311 Unsolicited facsimile advertisements.
- SB 384 Financial institutions.

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See *CONSTRUCTION*

CONTRACTS—

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DRUGS, Treatment of Drug and Other Substance Abuse

CORONERS

- HB 1083 Coroner's determination of time of death.
- SB 295 Coroner's custody of human remains.

CORPORATIONS

{Additional topic(s)}:

ECONOMIC DEVELOPMENT

- HB 1119 Governance of rural telephone cooperatives.
- HB 1161 Study committee on corporate accountability.
- HB 1306 Various corporate law matters.
- HB 1341 Cy pres; trusts and public benefit corporations.
- HB 1359 Notice of business closure.
- HB 1395 Marion County health and hospital corporation.
- HB 1404 Securitization of tobacco settlement payments.
- HB 1412 Criteria for industrial development programs.
- SB 69 Governance of rural telephone cooperatives.

CORRECTION, Community Programs

- HB 1402 Local government taxes.
- SB 275 Forensic diversion programs.

CORRECTION, Department of

- HB 1132 Lifetime parole for child molesters.
- HB 1155 Sex offenders.
- HB 1317 Drug offender facility.
- SB 12 Sex offenders.
- SB 14 Law enforcement officers.
- SB 122 Viewing of execution by victim's family.
- SB 160 Witnesses at an execution.
- SB 247 Various homeland security matters.
- SB 332 Department of correction pension benefits.
- SB 343 Discharge of long term inmates.

CORRECTION, Institutions and Inmates

{Additional topic(s)}:

CHILDREN AND MINORS, Juvenile Institutions and Schools

- HB 1317 Drug offender facility.
- HB 1375 Inmate credit time.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.
- SB 299 Trafficking with an inmate.

COSMETOLOGISTS—

See BEAUTY CULTURE

COST OF LIVING ADJUSTMENTS—

See PENSIONS

PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)

COUNTY ADJUSTED GROSS INCOME TAXES—

See INCOME TAXES, Local Income Taxes

COUNTY COURTS

- HB 1158 Small claims, civil actions, and sheriff's fees.
- HB 1229 Transfer of title upon mortgage default.
- HB 1304 Judicial funding for counties.
- SB 153 State central collection unit and child support.
- SB 225 Madison County courts.

COUNTY GOVERNMENT

{Additional topic(s)}:

AUDITS AND AUDITORS

CIRCUIT COURTS AND COURT OFFICERS

CORONERS

LAW ENFORCEMENT, County Sheriffs and

Sheriffs' Departments

LOCAL GOVERNMENT

PROSECUTING ATTORNEYS

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SUPERIOR COURTS

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- HB 1001 Various tax matters.
- HB 1020 Regulation of teen clubs.
- HB 1023 Addiction treatment facilities.
- HB 1033 Child welfare levy elimination.
- HB 1037 County option surcharges on state park fees.
- HB 1046 Penalties from failed tax sales.
- HB 1060 Mobile camps for railroad employees.
- HB 1088 Companion animal tax.
- HB 1090 Fire protection agreements.
- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1165 Use of county adjusted gross income tax (CAGIT) revenue.
- HB 1178 Insurance proceeds set aside.
- HB 1249 County drug free community fund.
- HB 1272 Self-assessment of real property.
- HB 1301 Marion County government consolidation.
- HB 1304 Judicial funding for counties.
- HB 1321 Administration and funding of human services.
- HB 1337 County option gross retail tax.
- HB 1344 Government consolidation in Vanderburgh County.
- HB 1362 Local government reorganization.
- HB 1366 Local road and street distributions.
- HB 1394 Vanderburgh County consolidation.
- HB 1400 Government reorganization and administration.
- HB 1401 County hospital governing boards.
- HB 1402 Local government taxes.
- HB 1411 Jury pay fund.
- SB 1 Marion County government matters.
- SB 99 County option surcharges on state park fees.
- SB 120 County license branch service charges.
- SB 123 Daylight saving time.
- SB 170 Consolidation of Marion County government.
- SB 197 County property tax credit.
- SB 214 Exemption from county building ordinance.
- SB 217 Redevelopment commission housing programs.
- SB 243 Sheriff's suspension power.
- SB 295 Coroner's custody of human remains.
- SB 341 Tax sales and redevelopment.
- SB 366 Funding of child welfare services.

COUNTY HOSPITALS—

See HOSPITALS AND MEDICAL FACILITIES

COURT OF APPEALS

- HB 1370 Special prosecutors and inspector general.
- SJR 1 Selection of justices and appellate court judges.

COURTS generally

{Additional topic(s)}:

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CIRCUIT COURTS AND COURT OFFICERS

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- HB 1112 Communications of sympathy.
- HB 1156 Various provisions concerning courts.
- HB 1370 Special prosecutors and inspector general.
- SB 40 Relocation issues in family law matters.
- SB 48 Imposition of death sentence by the court.
- SB 67 Cruelty to animals.
- SB 84 Reentry courts.
- SB 207 Collection of court costs and fines.
- SB 267 Court determination of treatments for defendants.
- SB 299 Trafficking with an inmate.
- SB 317 Annual review of unpaid restitution orders.
- SB 330 Custody after paternity is established.
- SB 380 Lifetime probation for repeat child molesters.

CREDIT UNIONS—

See *FINANCIAL INSTITUTIONS*

CREMATION—

See *CEMETERIES AND DEAD BODIES*

CRIMES AND OFFENSES generally

- HB 1024 Criminal confinement.
- HB 1036 Wine shipping and farm winery matters.
- HB 1200 Employment absence for orders for protection.
- HB 1308 Restraint on trade of contact lenses.
- SB 44 Traffic signal outage or conflict.
- SB 144 Access to juvenile information in police records.
- SB 203 Public records involving children.
- SB 329 Electronic recording of custodial interrogations.
- SB 338 False identification and criminal gang enhancement.

CRIMES AND OFFENSES, Controlled Substances

- HB 1034 Defenses to controlled substance offenses.
- HB 1049 Controlled substances crimes.
- HB 1231 Endangering an unborn child.
- HB 1320 Drug and alcohol control.
- SB 129 Endangering an unborn child.
- SB 193 Controlled substances.

CRIMES AND OFFENSES, Criminal Courts and Court Procedures

- HB 1128 Ignition interlock devices.
- HB 1185 Employee/victim right to attend proceedings.
- SB 122 Viewing of execution by victim's family.

- SB 160 Witnesses at an execution.
- SB 192 Bail requirements.
- SB 207 Collection of court costs and fines.
- SB 267 Court determination of treatments for defendants.

CRIMES AND OFFENSES, Criminal History Information

- HB 1020 Regulation of teen clubs.
- HB 1164 Expunging certain felony conviction records.
- HB 1176 Handgun license renewal.
- HB 1182 Limited criminal history.
- HB 1339 Real estate broker and salesperson licenses.
- HB 1408 Expungement of criminal and juvenile records.
- SB 47 Criminal background checks.
- SB 49 Expungement of arrest records.
- SB 191 Photos in criminal history files.
- SB 298 Sex offender residency.

CRIMES AND OFFENSES, Offenses Against Persons

- HB 1024 Criminal confinement.
- HB 1093 Offenses on school property or against school employees.
- HB 1101 Security breach disclosure and identity deception.
- HB 1120 Human and sexual trafficking.
- HB 1155 Sex offenders.
- HB 1185 Employee/victim right to attend proceedings.
- HB 1201 Disruption of funeral.
- HB 1207 Home improvement fraud.
- HB 1231 Endangering an unborn child.
- HB 1271 Negligent homicide.
- HB 1281 Domestic violence.
- HB 1414 Human and sexual trafficking.
- SB 6 Sex offenders.
- SB 164 Terroristic intimidation.
- SB 254 Lease protections for domestic violence victims.
- SB 265 Domestic violence.
- SB 300 Victim's compensation fund.

CRIMES AND OFFENSES, Offenses Against Property

- HB 1093 Offenses on school property or against school employees.
- HB 1207 Home improvement fraud.
- HB 1258 Disturbance of land.
- SB 51 Defense of property and self-defense.
- SB 90 Interference with newspaper distribution.
- SB 312 Environmental crimes study committee.

CRIMES AND OFFENSES, Offenses Against Public Administration

- SB 7 Notaries public.
- SB 83 Resisting law enforcement and deadly weapons.
- SB 168 Medicaid fraud.
- SB 196 Election fraud.
- SB 297 Penalty for false information given to the BMV.
- SB 299 Trafficking with an inmate.

CRIMES AND OFFENSES, Offenses Against Public Health, Order and Decency

- HB 1235 Isolation, and quarantine, and health matters.
- HB 1262 Isolation or quarantine by public health authority.
- SB 5 Disorderly conduct at funerals and intimidation.

SUBJECT INDEX OF BILLS AND JOINT RESOLUTIONS—2006

CRIMES AND OFFENSES, Sentencing

- HB 1132 Lifetime parole for child molesters.
- HB 1144 Injuries to or death of an employee.
- SB 48 Imposition of death sentence by the court.
- SB 66 Sentencing of mentally ill individuals.
- SB 122 Viewing of execution by victim's family.
- SB 134 Child molestation.
- SB 160 Witnesses at an execution.
- SB 317 Annual review of unpaid restitution orders.

CRIMES AND OFFENSES, Sex Crimes

- HB 1120 Human and sexual trafficking.
- HB 1123 Sexual assault standards and certification board.
- HB 1132 Lifetime parole for child molesters.
- HB 1155 Sex offenders.
- HB 1414 Human and sexual trafficking.
- SB 2 Sex offenders and obscenity.
- SB 12 Sex offenders.
- SB 95 Sex offenders.
- SB 167 Sex offender registry.
- SB 246 Sex offenders.
- SB 254 Lease protections for domestic violence victims.
- SB 298 Sex offender residency.
- SB 315 Sex offenders and lifetime parole.
- SB 380 Lifetime probation for repeat child molesters.

CRIMES AND OFFENSES, Violations of Local Ordinances

- HB 1049 Controlled substances crimes.
- HB 1066 Spotlighting wild animals.
- HB 1099 Fireworks sales, discharge, public safety fees, and injuries.
- HB 1201 Disruption of funeral.
- HB 1385 Enforcing city and town ordinances.

CRIMES AND OFFENSES, Weapons

{Additional topic(s)}:

WEAPONS

- HB 1093 Offenses on school property or against school employees.
- HB 1269 Prohibit knives in schools.
- SB 46 Air guns on school property.
- SB 261 Hunting near residences.

CRIPPLED CHILDREN—

See *CHILDREN AND MINORS, Children with Special Health Needs*

CUMULATIVE BRIDGE FUND—

See *HIGHWAYS AND ROADS, Bridges and Tunnels*

CURFEW—

See *CHILDREN AND MINORS* [various subtopics]

CUSTODY—

See *CHILDREN AND MINORS, Child Support, Custody, and Visitation*

DAIRIES AND DAIRY PRODUCTS—

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DAMAGES—

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CRIMES AND OFFENSES [various subtopics]

DATA PROCESSING—

See *COMPUTERS*

DAY CARE CENTERS—

See *CHILDREN AND MINORS, Child Care Programs*

DAYLIGHT SAVING TIME

- HB 1014 Indiana time zones.
- HB 1027 Daylight saving time.
- HB 1057 Daylight saving time public question.
- HB 1205 Indiana time zones.
- SB 79 Daylight saving time.
- SB 93 Daylight saving time referendum.
- SB 123 Daylight saving time.

DEADLY WEAPONS—

See *WEAPONS*

DEARBORN COUNTY

- HB 1014 Indiana time zones.
- HB 1205 Indiana time zones.

DEATH

{Additional topic(s)}:

CRIMES AND OFFENSES, Sentencing

HEALTH, Medical Records and Bills

INHERITANCE AND ESTATE TAXES

PROBATE COURTS AND PROCEEDINGS

HB 1067 Birth and death records.

HB 1082 Public safety disability presumption.

HB 1083 Coroner's determination of time of death.

HB 1144 Injuries to or death of an employee.

HB 1221 Veterans affairs trust.

- HB 1234 Public safety officer death benefit.

HB 1247 Wrongful death or injury of a child.

HB 1254 Transfer on death deed.

HB 1271 Negligent homicide.

- HB 1307 Worker's compensation.

DEGRADABLE PLASTICS—

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DELINQUENT CHILDREN—

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DENTISTS AND DENTISTRY; DENTAL HYGIENISTS

SB 174 Administration of dental anesthetics.

SB 271 Services provided by Wishard dental hygienists.

DEPENDENT CHILDREN, AID TO—

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DETECTIVES—

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DEVELOPMENTALLY DISABLED PERSONS—

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DISABLED PERSONS—

See *HANDICAPPED PERSONS*
VETERANS

DISASTERS—

See *EMERGENCIES AND DISASTERS; STATE EMERGENCY*
MANAGEMENT AGENCY

DISCRIMINATION—

See *CIVIL RIGHTS AND CIVIL RIGHTS COMMISSION*

DISTRESS SALES—

See *BANKRUPTCY*

DIVORCE—

See *CHILDREN AND MINORS, Child Support,*
Custody, and Visitation
MARRIAGE AND FAMILY LAW

DOCTORS—

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DOMESTIC VIOLENCE—

See *ABUSE generally*
AGED PERSONS
CHILDREN AND MINORS, Child Abuse and Neglect
MARRIAGE AND FAMILY LAW

DRAINS AND DRAINAGE

- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- SB 71 Drainage assessments and storm water.

DRIVERS' LICENSES—

See *MOTOR VEHICLES, Drivers' Licenses*

DRUGGISTS AND DRUGSTORES—

See *PHARMACISTS AND PHARMACIES*

DRUGS AND MEDICINES

- HB 1231 Endangering an unborn child.
- HB 1249 County drug free community fund.
- SB 4 Dispensing abortion devices or drugs or birth control.
- SB 86 Medication of horses in pari-mutuel events.
- SB 129 Endangering an unborn child.
- SB 174 Administration of dental anesthetics.
- SB 202 Pharmacy and wholesale drug distributor matters.
- SB 342 Electronic prescription tracking program.

DRUGS, Testing

- HB 1320 Drug and alcohol control.
- HB 1413 Drug testing on state public works projects.
- SB 151 Child care regulation.

DRUGS, Treatment of Drug and Other Substance Abuse

- {Additional topic(s)}:
- CRIMES AND OFFENSES, Controlled Substances*
- HB 1023 Addiction treatment facilities.
 - HB 1049 Controlled substances crimes.
 - HB 1314 Substance and alcohol use during pregnancy.

HB 1317 Drug offender facility.

HB 1375 Inmate credit time.

DRUNKEN DRIVING—

See *MOTOR VEHICLES, Traffic Violations and Penalties*

EARTHQUAKES—

See *EMERGENCIES AND DISASTERS; STATE EMERGENCY*
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EASEMENTS

- HB 1114 Various property matters.

EAST CHICAGO

HB 1291 East Chicago school board.

ECONOMIC DEVELOPMENT CORPORATION, INDIANA

- HB 1001 Various tax matters.

ECONOMIC DEVELOPMENT generally

- HB 1050 Enterprise zone investment deduction.
- HB 1074 Enterprise zone investment cost credit.
- HB 1077 Agriculture, gaming, and economic development.
- HB 1086 Agricultural enterprise zones.
- HB 1146 Interlocal cooperation for economic development.
- HB 1242 Growth and development study committee.
- HB 1259 Military bases.
- HB 1266 Headquarters relocation tax credit.
- HB 1346 Assessment of undeveloped land.
- HB 1358 Special economic development project districts.
- HB 1380 Various economic development matters.
- HB 1393 Community development financial institutions.
- HB 1412 Criteria for industrial development programs.
- SB 209 Community investment tax credits.
- SB 244 Enterprise zone investment cost credit.
- SB 252 Enterprise zone investment deduction.
- SB 353 Alternative fuel use and production.

ECONOMIC DEVELOPMENT, Redevelopment and Renovation of Urban Areas

- HB 1058 Property tax abatements.
- HB 1140 Abatements for used Indiana equipment.
- HB 1143 Property tax abatement.
- HB 1160 Forfeiture of economic development incentives.
- HB 1222 Redevelopment commission housing programs.
- HB 1340 Redevelopment district housing programs.
- HB 1358 Special economic development project districts.
- HB 1380 Various economic development matters.
- HB 1393 Community development financial institutions.
- SB 217 Redevelopment commission housing programs.

EDUCATION generally

- {Additional topic(s)}:
- HIGHER EDUCATION, Colleges and Universities*
SCHOOLS [for K-12]
TELECOMMUNICATIONS, Telephone, Television, Radio and Internet
- HB 1097 Discount medical card programs.
 - HB 1134 Recodification of Title 21 and related provisions.
 - HB 1312 Various education matters.
 - HB 1347 Various education matters.

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- HB 1375 Inmate credit time.
- HJR 3 Common school fund for early childhood education.
- SB 38 Income tax credit for contributions to education savings plans.
- SB 236 Driver training schools.
- SB 282 National Guard tuition supplement program.
- SB 309 Early childhood education.
- SB 310 Alternate methods for earning high school credits.
- SB 320 Standards for tutoring services.

EDUCATION, State Superintendent, State Department and Boards

- HB 1006 Allocation of school resources; homeless students.
- HB 1127 Department of education use of funds for mentor teacher stipends.
- HB 1167 Student nutrition and physical activity.
- HB 1170 Minimally nutritious food and beverage tax.
- HB 1213 Study of teacher incentives.
- HB 1240 Statewide testing program; mentor teacher stipends.
- HB 1244 Mentor teacher stipends.
- HB 1245 Advanced placement programs.
- HB 1291 East Chicago school board.
- HB 1355 Selection of superintendent of public instruction.
- HB 1374 Teacher licensure.
- HB 1388 Accuracy in textbooks.
- HB 1410 Bible study.
- SB 172 Teacher shortages.
- SB 173 Informational student counts.
- SB 309 Early childhood education.
- SB 323 Allocation of school resources.
- SB 324 Various education matters.
- SB 350 Student assessment.

EFFICIENCY MEASURES, State and Local Governments

- HB 1076 Contracts for public water and wastewater projects.
- HB 1399 Taxes and local finances.

ELECTIONS generally

- HB 1011 Miscellaneous election law matters.
- HB 1119 Governance of rural telephone cooperatives.
- HB 1159 License branch hours on election days.
- SB 37 Miscellaneous election law changes.
- SB 69 Governance of rural telephone cooperatives.
- SB 105 License branches open on election day.
- SB 119 School board elections at general election time.
- SB 138 School board elections.

ELECTIONS, Absent Voters

- SJR 2 Overseas voters.

ELECTIONS, Campaign Activities, Contributions, and Expenditures

- HB 1141 Campaign finance.
- SB 100 Charity gaming.
- SB 127 Political expenditures.
- SB 371 Lobbyist activity reports.

ELECTIONS, Conduct of Elections

- HB 1011 Miscellaneous election law matters.
- SB 143 Explanation of proposed constitutional amendments.

- SB 242 Voter proof of identification.
- SB 272 Extended hours for polling places.

ELECTIONS, Political Parties

- HB 1169 Political party affiliation.

ELECTIONS, Precincts and Precinct Committeemen

- HB 1159 License branch hours on election days.
- HB 1351 Same day voter registration.

ELECTIONS, Primary Elections

- HB 1169 Political party affiliation.

ELECTIONS, State and Local Boards

- SB 152 Indiana election commission.

ELECTIONS, Voters and Voting; Registration

- HB 1011 Miscellaneous election law matters.
- HB 1351 Same day voter registration.
- SB 93 Daylight saving time referendum.
- SB 128 Casting provisional ballot by challenged voter.
- SB 196 Election fraud.
- SB 242 Voter proof of identification.
- SB 272 Extended hours for polling places.
- SB 276 Voter education.
- SB 292 Election day voter registration.
- SB 344 Provisional ballots.
- SJR 2 Overseas voters.

ELECTRICAL SERVICE, CONTRACTORS AND TECHNICIANS

- HB 1054 Revocation of assigned electric service area.
- HB 1068 NIPSCO audit.
- HB 1147 Affiliated interests of regulated utilities.
- HB 1379 Renewable energy resources.

ELECTRICAL UTILITIES—

See UTILITIES

UTILITY REGULATORY COMMISSION

ELECTRONIC TRANSACTIONS

- HB 1148 Account numbers on receipts.
- HB 1279 Telecommunications.
- SB 205 Disclosure of electronic mail account addresses.

ELEVATOR SAFETY—

See BUILDINGS AND BUILDING REGULATIONS

ELKHART COUNTY

- HB 1165 Use of county adjusted gross income tax (CAGIT) revenue.
- HB 1402 Local government taxes.
- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.

EMBALMERS—

*See FUNERAL DIRECTORS AND EMBALMERS;
FUNERAL EXPENSES*

EMERGENCIES AND DISASTERS; STATE EMERGENCY MANAGEMENT AGENCY

- HB 1238 Emergency management mobile support.

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- HB 1343 Communications and public safety answering points.
- SB 284 Statewide trauma system.
- SB 285 Emergency management.

EMERGENCY MEDICAL SERVICES

- HB 1082 Public safety disability presumption.
- HB 1363 Paramedic service levies.
- SB 91 Volunteer firefighter and paramedic records.
- SB 238 Marion County fire consolidation.
- SB 283 Emergency telephone notification system.

EMINENT DOMAIN

- HB 1010 Eminent domain.
- HJR 4 Eminent domain.
- SB 391 Eminent domain.

EMPLOYMENT; EMPLOYMENT SECURITY DIVISION—

See *LABOR AND EMPLOYMENT, State Department and Agencies*

ENDANGERED ADULTS—

See *MENTAL HEALTH, Mentally Ill or Impaired Persons*

ENDANGERED SPECIES—

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ENERGY

- HB 1076 Contracts for public water and wastewater projects.
- HB 1081 Home energy sales tax exemption.
- HB 1264 Sustainable energy.
- HB 1284 Home energy assistance.
- HB 1285 Alternative fuels.
- HB 1303 Energy assistance contingency fund.
- HB 1332 Alternative fuel production and use.
- HB 1345 Income tax credit for sales tax paid for heating.
- HB 1379 Renewable energy resources.
- SB 87 Energy, agriculture, and energy development rules.
- SB 257 Energy and fuel assistance grants to schools.
- SB 352 Energy assistance funding from tax amnesty.

ENGINEERS AND LAND SURVEYORS

- HB 1220 Professional investigation funds.

ENTERPRISE ZONES—

See *ECONOMIC DEVELOPMENT*

ENVIRONMENT generally

{Additional topic(s)}:

AIR POLLUTION

CONSERVATION; CONSERVANCY DISTRICTS

CONTAINERS

MINES AND MINERALS

SANITARIANS

SOLID WASTE

WATER, Pollution

- HB 1065 Pesticide application.
- HB 1117 Environmental law.

ENVIRONMENTAL MANAGEMENT, DEPARTMENT AND AGENCIES

- HB 1117 Environmental law.

HB 1122 Discharge of water by oceangoing vessels.

- HB 1285 Alternative fuels.
- HB 1364 Environmental rulemaking.
- SB 141 Confined feeding operations.
- SB 219 Ballast water and sediment in vessels.
- SB 234 Environmental rules and enforcement.
- SB 312 Environmental crimes study committee.

ENVIRONMENTAL POLICY COMMISSION

HB 1364 Environmental rulemaking.

ESTATES—

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PROBATE COURTS AND PROCEEDINGS

ETHICS, PUBLIC OFFICIALS—

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GENERAL ASSEMBLY, MEMBERS
PUBLIC OFFICERS AND EMPLOYEES
SUPREME COURT AND COURT OFFICERS

EVANSVILLE

HB 1344 Government consolidation in Vanderburgh County.
HB 1394 Vanderburgh County consolidation.

EVIDENCE

- HB 1112 Communications of sympathy.
- HB 1281 Domestic violence.
- SB 199 Internal insurance compliance audits.
- SB 296 Punitive damages.

EXCISE POLICE—

See *ALCOHOLIC BEVERAGES, Alcohol*
and Tobacco Commission

EXCISE TAXES—

See *ALCOHOLIC BEVERAGES, Licenses, Permits, and Taxes*
CIGARETTES, CIGARS, AND TOBACCO;
CIGARETTE TAX
MOTOR VEHICLES, Taxes

FAIR, STATE—

See *STATE FAIR*

FAMILY AND SOCIAL SERVICES ADMINISTRATION

- HB 1081 Home energy sales tax exemption.
- HB 1302 Services for developmentally disabled children.
- HB 1321 Administration and funding of human services.
- HB 1324 Disclosure of employer health care spending.
- HB 1415 Department of child services caseworkers.
- SB 41 Division of Aging and long term care.
- SB 42 FSSA evaluation survey.
- SB 139 Department of child services matters.
- SB 270 FSSA matters.

FAMILY LAW—

See *CHILDREN AND MINORS* [various subtopics]
MARRIAGE AND FAMILY LAW

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FARMS AND FARMERS—

See *AGRICULTURE* [various subtopics]
INSURANCE [various subtopics]

FAX—

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FEDERAL AID—

See *UNITED STATES GOVERNMENT; U.S. CONGRESS*

FELONIES—

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FIDUCIARIES—

See *TRUSTS AND FIDUCIARIES*

FIELD EXAMINERS—

See *ACCOUNTS, STATE BOARD OF*

FINANCE, STATE BOARD OF

- HB 1124 Rainy day fund loans to political subdivisions.
- HB 1316 New Harmony bridge.

FINANCIAL AID—

See *STUDENT ASSISTANCE, LOANS, AND GRANTS*

FINANCIAL DISCLOSURE—

See *GENERAL ASSEMBLY, MEMBERS*
LOBBYISTS AND LOBBYING
PUBLIC OFFICERS AND EMPLOYEES

FINANCIAL INSTITUTIONS

- HB 1074 Enterprise zone investment cost credit.
- HB 1217 Proof of ownership of stock before sale.
- HB 1299 Financial institutions.
- HB 1390 Insurer investments.
- HB 1393 Community development financial institutions.
- HB 1412 Criteria for industrial development programs.
- SB 70 Charges for small consumer loans.
- SB 383 Motor vehicle title loans.
- SB 384 Financial institutions.

FINANCIAL INSTITUTIONS, DEPARTMENT OF

- HB 1393 Community development financial institutions.
- SB 384 Financial institutions.

FINANCIAL RESPONSIBILITY—

See *MOTOR VEHICLES, Accidents and Vehicle Insurance*

FINES

- SB 207 Collection of court costs and fines.

FIRE DEPARTMENTS AND DISTRICTS

- HB 1044 Township fire protection districts.
- HB 1061 Interrogation of police officers and firefighters.
- HB 1082 Public safety disability presumption.
- HB 1090 Fire protection agreements.
- HB 1224 Fire protection district tax levy.
- HB 1268 Tax amnesty funds for volunteer fire departments.
- HB 1342 Public safety issues.

- SB 238 Marion County fire consolidation.
- SB 240 Interrogation of police officers and firefighters.

FIRE MARSHALS; DEPARTMENT OF FIRE AND BUILDING SERVICES

- HB 1198 Sprinkler systems in nursing homes.
- HB 1405 Code for building rehabilitation.
- SB 81 Bungee jump facility inspection.
- SB 158 Fire investigator salary matrix.
- SB 335 Health facility fire sprinklers and smoke alarms.
- SB 387 Health facility sprinklers for fire safety.

FIREFIGHTERS; FIREFIGHTERS' PENSIONS AND BENEFITS

- HB 1082 Public safety disability presumption.
- HB 1171 Pension base for police officers and firefighters.
- HB 1234 Public safety officer death benefit.
- HB 1313 1977 retirement fund benefit enhancement.
- SB 55 Public safety deferred retirement option plan.
- SB 61 Volunteer firefighter income tax deduction.
- SB 91 Volunteer firefighter and paramedic records.
- SB 103 Police and firefighter death benefits.
- SB 206 Public safety disability pensions.
- SB 372 Public safety deferred retirement option plan.

FIREWORKS

- HB 1099 Fireworks sales, discharge, public safety fees, and injuries.
- SB 393 Local option property tax replacements.

FISH AND WILDLIFE

- HB 1039 Lifetime hunting, fishing, and trapping licenses.
- HB 1066 Spotighting wild animals.
- HB 1087 Squirrel hunting season.
- HB 1091 Lifetime hunting licenses.
- HB 1138 Hunting and lifetime license trust fund.
- HB 1152 Exotic mammals.
- HB 1196 Senior fishing licenses.
- HB 1349 Hunting facilities and licenses.
- SB 77 Shooting preserves.
- SB 261 Hunting near residences.
- SB 263 Antique rifle hunting season.
- SB 367 Shooting preserves.

FLOOD CONTROL; FLOODWAYS

- HB 1121 Flood control.

FLOYD COUNTY

- HB 1014 Indiana time zones.
- HB 1205 Indiana time zones.

FOOD STAMPS—

See *WELFARE* [various subtopics]

FOODS; FOOD AND BEVERAGE TAXES

- HB 1025 Innkeeper's taxes.
- HB 1055 Food establishments and food handlers.
- HB 1109 Tippecanoe County food and beverage tax.
- HB 1113 Liability connected with consumption of food and beverages.
- HB 1170 Minimally nutritious food and beverage tax.

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- SB 111 Student nutrition and physical activity.
- SB 358 Vending machine beverages sold in schools.

FORESTS AND FORESTRY

- HB 1263 Timber sales and wilderness areas.
- SB 354 Forestry issues.

FOSTER CARE AND FOSTER HOMES—

See *CHILDREN AND MINORS, Foster Care*

FRANCHISES

- HB 1131 Cable franchises.

FUEL—

See *ENERGY*

GASOLINE AND GASOHOL; FUEL TAXES
OIL AND GAS

FUNDRAISING

{Additional topic(s)}:

CHARITIES AND CHARITABLE ORGANIZATIONS

CHURCHES AND RELIGIONS

NONPROFIT CORPORATIONS AND ORGANIZATIONS

HB 1149 Charity gaming volunteer reporting requirements.

- SB 259 Stadium funding and contracts.

FUNERAL DIRECTORS AND EMBALMERS;

FUNERAL EXPENSES

- SB 373 Payments for funeral and burial expenses.
- SB 374 Child passenger restraint systems exception.

GAMBLING AND GAMES OF CHANCE

- HB 1077 Agriculture, gaming, and economic development.
- HB 1149 Charity gaming volunteer reporting requirements.
- HB 1396 Administration of charity gaming.
- SB 24 Televised simulcasts.
- SB 86 Medication of horses in pari-mutuel events.
- SB 100 Charity gaming.
- SB 239 Slot machines.

GAME—

See *FISH AND WILDLIFE*

GANG CONTROL

{Additional topic(s)}:

CHILDREN AND MINORS [various subtopics]

- SB 338 False identification and criminal gang enhancement.

GARBAGE—

See *SOLID WASTE*

GARNISHMENT

- HB 1158 Small claims, civil actions, and sheriff's fees.

GARY

- HB 1188 Expanded Gary airport authority tax base.
- SB 104 Gary professional sports development area.
- SB 277 Genesis Convention Center board of managers.

GAS COMPANIES; NATURAL GAS—

See *OIL AND GAS*
UTILITIES

GASOLINE AND GASOHOL; FUEL TAXES

- HB 1105 Gasoline prices.
- HB 1197 Distribution of sales tax on gasoline and fuels.
- HB 1223 Gasoline and special fuel tax exemption.
- HB 1285 Alternative fuels.
- HB 1303 Energy assistance contingency fund.
- HB 1332 Alternative fuel production and use.
- SB 251 Motor carrier enforcement.
- SB 347 Disclosure of additives in motor fuel.
- SB 353 Alternative fuel use and production.

GENERAL ASSEMBLY

{Additional topic(s)}:

APPORTIONMENT AND REDISTRICTING

ELECTIONS, Campaign Activities, Contributions,
and Expenditures

LEGISLATIVE COUNCIL; LEGISLATIVE

SERVICES AGENCY

LOBBYISTS AND LOBBYING

STUDY COMMITTEES

TAX AND FINANCING POLICY STUDY COMMISSION

See also *INDEX OF RESOLUTIONS* following this index

- HB 1009 Redistricting commission.
- HB 1068 NIPSCO audit.
- HB 1168 Expanded notice of state agency agendas.
- HB 1289 Biomonitoring program.
- HJR 1 Free textbooks.
- HJR 2 Supermajority requirement for tax increases.
- SB 211 Study committees.
- SB 306 State mandate notes.
- SB 363 Technology report.
- SJR 14 Senate confirmation of executive agency heads.

GENERAL ASSEMBLY, MEMBERS

- HB 1309 Former legislator health benefits.
- HB 1372 State executive branch collective bargaining.
- HB 1397 State ethics standards.
- HB 1409 Pension administration.
- SB 10 Authority to solemnize marriages.

GENERAL EDUCATION, COMMISSION ON—

See *EDUCATION, State Superintendent, State Department*
and Boards

GENERAL FUND REVENUES—

See *BUDGETS AND APPROPRIATIONS*
PUBLIC FUNDS

GIRLS SCHOOL—

See *CHILDREN AND MINORS, Juvenile Institutions and Schools*

GOLD—

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GOLF COURSES

- HB 1084 Property tax deduction for free golf for students.

GOVERNOR

- HB 1008 Public-private agreements for transportation.
- HB 1238 Emergency management mobile support.
- HB 1355 Selection of superintendent of public instruction.
- HB 1384 Certification of accuracy of government accounting.

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- HB 1397 State ethics standards.
- SB 10 Authority to solemnize marriages.
- SB 79 Daylight saving time.
- SB 363 Technology report.
- SJR 1 Selection of justices and appellate court judges.
- SJR 14 Senate confirmation of executive agency heads.

GRAIN—

See *AGRICULTURE, Farm Products and Commodities*

GRAND JURIES—

See *JURIES*

GRANDPARENTS AND GRANDCHILDREN—

See *CHILDREN AND MINORS, Child Support, Custody, and Visitation*

GROCERY STORES—

See *ALCOHOLIC BEVERAGES, Licenses, Permits, and Taxes*
RETAIL MERCHANTS
SALES AND USE TAXES

GROSS INCOME TAXES—

See *INCOME TAXES, Gross Income Taxes*

GROSS RETAIL TAXES—

See *SALES AND USE TAXES*

GROUP HOMES—

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GUNS AND HANDGUNS—

See *WEAPONS*

HANDICAPPED PERSONS

- HB 1100 Medicaid cash and counseling waiver.
- HB 1230 Transfer of first steps program.
- HB 1252 Disabled veteran tuition fee remission.
- HB 1302 Services for developmentally disabled children.
- HB 1356 Deferral of property tax payments.

HARBORS AND PORTS—

See *PORTS AND PORT COMMISSIONS*

HARRISON COUNTY

- HB 1014 Indiana time zones.
- HB 1205 Indiana time zones.

HATE CRIMES—

See *CRIMES AND OFFENSES, Offenses Against Persons*

HAZARDOUS OCCUPATIONS—

See *LABOR AND EMPLOYMENT, Worker's Compensation*

HAZARDOUS WASTE—

See *SOLID WASTE*
WATER, Pollution

HEALTH generally

{Additional topic(s)}:

HOSPITALS AND MEDICAL FACILITIES
HUMAN SERVICES

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- SB 45 Fetal development curriculum.
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- SB 266 Bariatric surgery.
- SB 273 Abandoned embryos and adoption matters.
- SB 335 Health facility fire sprinklers and smoke alarms.
- SB 336 Care and management of student diabetes at school.

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- HB 1106 Automatic external defibrillators.
- SB 161 Moratorium on comprehensive care beds.
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- HB 1048 Mercury in vaccines.
- HB 1235 Isolation, and quarantine, and health matters.
- HB 1262 Isolation or quarantine by public health authority.
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- HB 1329 Medicaid disease management and kidney disease.
- SB 336 Care and management of student diabetes at school.

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- HB 1041 Health benefit mandates.
- HB 1075 Tax credit for worksite health programs.
- HB 1126 Public safety officers' survivor insurance.
- HB 1227 Retired state employees.
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- HB 1262 Isolation or quarantine by public health authority.
- HB 1319 Chiropractors and physical therapists.
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- SB 8 Priority to consent for incapable individuals.

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- HB 1041 Health benefit mandates.
- HB 1352 Medicaid and Wishard healthcare management program.
- HB 1382 Access to reimbursement fee schedules.
- HB 1390 Insurer investments.
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- HB 1097 Discount medical card programs.
- HB 1363 Paramedic service levies.
- HB 1395 Marion County health and hospital corporation.

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- HB 1048 Mercury in vaccines.
- HB 1053 Identification to obtain a birth certificate.
- HB 1055 Food establishments and food handlers.
- HB 1067 Birth and death records.
- HB 1075 Tax credit for worksite health programs.
- HB 1123 Sexual assault standards and certification board.
- HB 1210 Covenant marriage.
- HB 1237 Licensure of midwives.
- HB 1262 Isolation or quarantine by public health authority.
- HB 1270 Employee health coverage.
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- HB 1377 Transfer of residential care facility residents.
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- SB 224 Reflex sympathetic dystrophy syndrome education.
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- SB 288 Health security program.
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- SB 335 Health facility fire sprinklers and smoke alarms.
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- SB 389 Adult education tax credit.

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- HB 1029 Education.
- HB 1035 Appropriation for the Lincoln amphitheater.
- HB 1065 Pesticide application.

- HB 1162 University bonding.
- HB 1228 Education finance and taxation.
- HB 1252 Disabled veteran tuition fee remission.
- HB 1257 Postsecondary proprietary education.
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- SB 174 Administration of dental anesthetics.
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- SB 229 Independent college self-insurance program.
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- SB 301 Access to I-Light network by hospitals.
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- HB 1316 New Harmony bridge.

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- HB 1008 Public-private agreements for transportation.
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- HB 1366 Local road and street distributions.
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- AIDS (ACQUIRED IMMUNE DEFICIENCY SYNDROME)*
- HB 1166 Cigarette manufacturer fee.

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- HB 1006 Allocation of school resources; homeless students.

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- HB 1065 Pesticide application.

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SB 18 Mental health and health records.

- SB 202 Pharmacy and wholesale drug distributor matters.

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- SB 355 Taxation.

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- SB 112 Transfer of first steps program.

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- SB 151 Child care regulation.

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- HB 1029 Education.

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HB 1326 Single factor apportionment.

- SB 148 Use of county adjusted gross income tax (CAGIT) revenue by certain counties.

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SB 38 Income tax credit for contributions to education savings plans.

SB 249 Employee training tax credits and programs.

SB 278 Tax credit for college tuition and fees.

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HB 1192 Employee certification tax credit.

- HB 1327 Taxation and government finance.

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HB 1399 Taxes and local finances.

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- HB 1134 Recodification of Title 21 and related provisions.

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- HB 1192 Employee certification tax credit.
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- HB 1144 Injuries to or death of an employee.
- HB 1241 Worker's compensation.
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- HB 1092 Annexation.
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- HB 1189 Year to year tenancy on land used for agriculture.
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- HB 1265 Landlord-tenant law.
- HB 1294 Rental dwelling property tax deduction.
- HB 1298 Property tax deductions.
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- SB 254 Lease protections for domestic violence victims.

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- HB 1061 Interrogation of police officers and firefighters.
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- SB 83 Resisting law enforcement and deadly weapons.
- SB 144 Access to juvenile information in police records.
- SB 191 Photos in criminal history files.
- SB 193 Controlled substances.
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- SB 240 Interrogation of police officers and firefighters.
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- HB 1062 School corporation police department.
- SB 328 Police chief executive training program.

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- HB 1115 Cost of living adjustment for sheriffs' pension.
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- HB 1344 Government consolidation in Vanderburgh County.
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- HB 1082 Public safety disability presumption.
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- HB 1334 State police funding.
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- SB 57 Pension fund administrative issues.
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- SB 63 State police and natural resources salary matrix.
- SB 144 Access to juvenile information in police records.
- SB 226 State police pension benefits.

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- HB 1008 Public-private agreements for transportation.
- HB 1029 Education.
- HB 1136 Brokers' liens on commercial real estate.
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- HB 1022 State fair commission.
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- HB 1138 Hunting and lifetime license trust fund.
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- HB 1210 Covenant marriage.
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- HB 1104 Loss of office due to delinquent child support.
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- HB 1077 Agriculture, gaming, and economic development.
- SB 225 Madison County courts.

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- HB 1154 Family law mediation.
- HB 1202 Preference for marriage; instruction by schools.
- HB 1208 Attorney's fees.
- HB 1210 Covenant marriage.
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- HB 1414 Human and sexual trafficking.
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- SB 289 Family military employment leave.

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- HB 1402 Local government taxes.

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- HB 1209 Public transportation smoking prohibition.

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- SB 90 Interference with newspaper distribution.

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- HB 1235 Isolation, and quarantine, and health matters.
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- HB 1259 Military bases.
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- HB 1288 Military family leave.
- HB 1318 Property tax abatement.
- HB 1330 Military service credit for teachers' retirement fund members.
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- SB 43 Free state fair admission for military personnel.
- SB 75 Military family relief fund.
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- HB 1332 Alternative fuel production and use.

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- HB 1043 Jury service.
- HB 1103 Bureau of motor vehicles matters.
- HB 1159 License branch hours on election days.
- HB 1206 Restrooms in license branches.
- HB 1286 Motorcycle operational skills test.
- HB 1310 Driver's certificates.
- HB 1357 Driver's certificates.
- SB 92 Reopening of certain license branches.
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- HB 1300 Commercial driver's licenses and permits.
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- SB 208 Medical alert on licenses or identification cards.
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- HB 1110 Environmental law.
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- HB 1133 Restrictions on minors' driver's licenses.
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- HB 1305 Parking with former prisoner of war plates.
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- SB 303 Various motor vehicle matters.

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■ SB 202 Pharmacy and wholesale drug distributor matters.

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HB 1172 Written information before an abortion.

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■ HB 1314 Substance and alcohol use during pregnancy.

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■ SB 114 Probate and trust matters.

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■ HB 1010 Eminent domain.

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HB 1258 Disturbance of land.

HB 1276 Inheritance tax phase out.

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HB 1354 Film and audio production tax incentives.

■ SB 35 Zoning ordinance changes.

SB 51 Defense of property and self-defense.

■ SB 77 Shooting preserves.

■ SB 146 Property transfer disclosure form.

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SB 274 Impounding property taxes in annexed territory.

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- HB 1139 Property tax late payment penalty.
- HB 1179 Installment payments of property taxes.
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- HB 1346 Assessment of undeveloped land.
- HB 1400 Government reorganization and administration.

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- HB 1015 Residential property tax deduction.
- HB 1077 Agriculture, gaming, and economic development.
- HB 1084 Property tax deduction for free golf for students.
- HB 1226 Property tax deduction for the elderly.
- HB 1294 Rental dwelling property tax deduction.
- HB 1298 Property tax deductions.
- HB 1322 Property tax liability for various taxpayers.
- HB 1360 Senior citizen property tax credit.
- SB 78 Property tax deduction for farm security items.
- SB 197 County property tax credit.
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- HB 1179 Installment payments of property taxes.
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- HB 1336 Property tax freeze.
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- HB 1033 Child welfare levy elimination.
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- HB 1156 Various provisions concerning courts.
- HB 1224 Fire protection district tax levy.
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- HB 1185 Employee/victim right to attend proceedings.
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- HB 1348 Language requirement and illegal aliens.
- HB 1380 Various economic development matters.
- HB 1383 Restrictions for illegal aliens.
- SB 89 Serial meetings and electronic meetings.
- SB 205 Disclosure of electronic mail account addresses.
- SB 241 Review of privatization plans.
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- HB 1008 Public-private agreements for transportation.
- HB 1042 Public works projects.
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- HB 1163 Regulation of private child support collectors.
- HB 1215 Review privatization of state functions.
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- SB 324 Various education matters.
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- HB 1032 Judges' pensions.
- HB 1350 Judicial pensions.
- HB 1368 PERF and TRF cost of living adjustments.
- HB 1389 Purchase of service credit.
- SB 57 Pension fund administrative issues.
- SB 212 Investments in institutions doing business in Sudan.
- SB 322 Forfeiture of public pensions for misconduct.
- SB 332 Department of correction pension benefits.
- SB 340 Salary and PERF protection for state employees.
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- HB 1376 State spending cap.
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- SB 318 Oversight of public money.
- SB 334 Restrictions on public assistance.

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{Additional topic(s)}:

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- HB 1235 Isolation, and quarantine, and health matters.
- HB 1262 Isolation or quarantine by public health authority.
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- HB 1001 Various tax matters.
- HB 1009 Redistricting commission.
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- HB 1102 Local government matters.
- HB 1168 Expanded notice of state agency agendas.
- HB 1215 Review privatization of state functions.
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and Boards*

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*See PUBLIC WORKS AND IMPROVEMENTS;
PUBLIC BUILDINGS; PUBLIC PROPERTY*

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- HB 1078 Collective bargaining for public employees.
- HB 1227 Retired state employees.
- HB 1296 Health insurance for retired state employees.
- HB 1321 Administration and funding of human services.
- HB 1325 Review of privatization savings.
- HB 1343 Communications and public safety answering points.
- HB 1372 State executive branch collective bargaining.
- SB 142 Collective bargaining for public employees.
- SB 190 State employee layoffs; professional services contract.

- SB 212 Investments in institutions doing business in Sudan.
- SB 340 Salary and PERF protection for state employees.
- SB 365 State employee retirement health benefits.

PUBLIC OFFICIALS' BONDS—

See BONDS, Officers and Fiduciaries

PUBLIC PURCHASES—

See PUBLIC CONTRACTS

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- HB 1014 Indiana time zones.
- HB 1057 Daylight saving time public question.
- HB 1328 Local taxes and fees.
- HB 1344 Government consolidation in Vanderburgh County.
- HB 1362 Local government reorganization.
- HB 1394 Vanderburgh County consolidation.
- HJR 2 Supermajority requirement for tax increases.
- HJR 3 Common school fund for early childhood education.
- HJR 4 Eminent domain.

PUBLIC RECORDS

{Additional topic(s)}:

HEALTH [various subtopics]
PRIVACY, RIGHT TO

- SB 22 Pipeline safety.
- SB 91 Volunteer firefighter and paramedic records.
- SB 144 Access to juvenile information in police records.
- SB 203 Public records involving children.
- SB 333 Professional licensing.

PUBLIC SAFETY

{Additional topic(s)}:

*EMERGENCIES AND DISASTERS; STATE EMERGENCY
MANAGEMENT AGENCY*
*FIRE MARSHALS; DEPARTMENT
OF FIRE AND BUILDING SERVICES*
LABOR AND EMPLOYMENT, Work Environment
LAW ENFORCEMENT, City Police
MOTOR VEHICLES [various subtopics]

- HB 1082 Public safety disability presumption.
- HB 1107 Funding of emergency warning systems under the Barrett law.
- HB 1126 Public safety officers' survivor insurance.
- HB 1234 Public safety officer death benefit.
- HB 1342 Public safety issues.
- HB 1343 Communications and public safety answering points.
- SB 81 Bungee jump facility inspection.
- SB 206 Public safety disability pensions.
- SB 372 Public safety deferred retirement option plan.
- SB 374 Child passenger restraint systems exception.

PUBLIC TELEVISION—

*See TELECOMMUNICATIONS, Telephone, Television, Radio
and Internet*

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See MASS TRANSPORTATION

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See *WELFARE* [various subtopics]

PUBLIC WORKS AND IMPROVEMENTS; PUBLIC BUILDINGS; PUBLIC PROPERTY

- HB 1042 Public works projects.
- HB 1162 University bonding.
- HB 1187 Smoking in enclosed public places.
- HB 1212 Drainage assessments, sanitation districts, and storm water districts.
- HB 1278 School corporation public works projects.
- HB 1328 Local taxes and fees.
- HB 1413 Drug testing on state public works projects.
- SB 155 Public work projects.
- SB 247 Various homeland security matters.
- SB 359 Procurement and state public works.
- SB 360 Bonds for public works projects.
- SB 375 Public works projects.

PURDUE UNIVERSITY—

See *HIGHER EDUCATION, Colleges and Universities*

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RAILROADS

- HB 1060 Mobile camps for railroad employees.
- HB 1287 Transportation.
- SB 3 Railroad employee housing.
- SB 305 Special purpose buses; emergency exits on buses.

RAINY DAY FUND

- HB 1124 Rainy day fund loans to political subdivisions.
- SB 279 State rainy day fund reserves.

RAPE—

See *CRIMES AND OFFENSES, Sex Crimes*

REAL ESTATE AND REAL PROPERTY—

See *ECONOMIC DEVELOPMENT, Redevelopment and Renovation of Urban Areas*

LAND AND LANDOWNERS

LIENS AND ENCUMBRANCES

PROPERTY

PROPERTY TAXES [various subtopics]

REAL ESTATE APPRAISERS, BROKERS, AND SALESPERSONS

- HB 1339 Real estate broker and salesperson licenses.
- SB 333 Professional licensing.

REAPPORTIONMENT—

See *APPORTIONMENT AND REDISTRICTING*

RECALL—

See *ELECTIONS* [various subtopics]

RECORDERS

- HB 1114 Various property matters.
- HB 1229 Transfer of title upon mortgage default.
- SB 313 Preparing documents for recording.

RECREATION—

See *NATURAL RESOURCES, State Department of PARKS AND CAMPGROUNDS*

RECREATIONAL VEHICLES—

See *MOTOR VEHICLES* [various subtopics]

RECYCLING PROGRAMS AND SYSTEMS—

See *SOLID WASTE*

REDEVELOPMENT AND RENOVATION OF URBAN AREAS—

See *ECONOMIC DEVELOPMENT, Redevelopment and Renovation of Urban Areas*

REDISTRICTING—

See *APPORTIONMENT AND REDISTRICTING*

REFERENDUM—

See *PUBLIC QUESTIONS*

REFORMATORY—

See *CORRECTION, Institutions and Inmates*

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REGIONAL PLAN COMMISSIONS—

See *ZONING AND PLANNING*

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REPRESENTATIVES, INDIANA HOUSE OF—

See *APPORTIONMENT AND REDISTRICTING*

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GENERAL ASSEMBLY, MEMBERS

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See *DAMS AND RESERVOIRS*

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- HJR 1 Free textbooks.
- HJR 2 Supermajority requirement for tax increases.
- HJR 3 Common school fund for early childhood education.
- HJR 4 Eminent domain.
- SJR 1 Selection of justices and appellate court judges.
- SJR 2 Overseas voters.
- SJR 3 Vehicle joint resolution.
- SJR 4 Vehicle joint resolution.
- SJR 5 Vehicle joint resolution.
- SJR 6 Vehicle joint resolution.
- SJR 7 Vehicle joint resolution.

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- SJR 8 Vehicle joint resolution.
- SJR 9 Vehicle joint resolution.
- SJR 10 Vehicle joint resolution.
- SJR 11 Vehicle joint resolution.
- SJR 12 Vehicle joint resolution.
- SJR 13 Prohibition of property taxes for school operating costs.
- SJR 14 Senate confirmation of executive agency heads.

RESPIRATORY PRACTITIONERS—

See HEALTH, Health Care Professionals

RESTAURANTS—

*See FOODS; FOOD AND BEVERAGE TAXES
RETAIL MERCHANTS*

RETAIL MERCHANTS

- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1103 Bureau of motor vehicles matters.
- HB 1105 Gasoline prices.
- HB 1135 Alcohol displays in retail stores.
- HB 1148 Account numbers on receipts.
- HB 1153 Consignment of art.
- HB 1170 Minimally nutritious food and beverage tax.
- HB 1190 Farm winery sales to retailers.
- HB 1250 Alcohol beverage matters.
- HB 1255 Intent to sell sexually explicit products.
- HB 1285 Alternative fuels.
- HB 1308 Restraint on trade of contact lenses.
- HB 1337 County option gross retail tax.
- HB 1358 Special economic development project districts.
- SB 52 Equipment suppliers and retailers.
- SB 106 State gross retail tax.
- SB 135 Adult video games.
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- SB 258 Streamlined sales tax provisions.
- SB 362 Collection of delinquent taxes.

RETIREMENT FUNDS—

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PUBLIC EMPLOYEES' RETIREMENT FUND (PERF)
SCHOOLS, Teachers' Retirement Fund (TRF)*

REVENUE, DEPARTMENT OF

- HB 1197 Distribution of sales tax on gasoline and fuels.
- HB 1219 Sales tax rebate for developing tourist site.
- HB 1274 Use of tax amnesty funds to reduce welfare levy.
- HB 1327 Taxation and government finance.
- HB 1396 Administration of charity gaming.
- SB 100 Charity gaming.
- SB 251 Motor carrier enforcement.
- SB 362 Collection of delinquent taxes.

RIGHT-TO-DIE—

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RIVERS AND STREAMS

- HB 1095 Little Calumet River Basin development commission.

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RURAL PROGRAMS, NON-AGRICULTURAL

- SB 87 Energy, agriculture, and energy development rules.

SAFETY generally

- HB 1180 Pharmacy security.
- HB 1198 Sprinkler systems in nursing homes.
- HB 1405 Code for building rehabilitation.
- SB 285 Emergency management.
- SB 387 Health facility sprinklers for fire safety.

SAFETY—

*See ANATOMICAL GIFTS
EMERGENCIES AND DISASTERS; STATE EMERGENCY
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- HB 1073 Tax on recreational vehicles and cargo trailers.
- HB 1081 Home energy sales tax exemption.
- HB 1175 Sales tax holiday.
- HB 1195 Sales tax holiday.
- HB 1197 Distribution of sales tax on gasoline and fuels.
- HB 1219 Sales tax rebate for developing tourist site.
- HB 1285 Alternative fuels.
- HB 1337 County option gross retail tax.
- HB 1345 Income tax credit for sales tax paid for heating.
- HB 1354 Film and audio production tax incentives.
- HB 1399 Taxes and local finances.
- SB 150 Sales tax holiday.
- SB 258 Streamlined sales tax provisions.
- SB 302 Single factor apportionment.
- SB 362 Collection of delinquent taxes.

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- HB 1191 In-class spending requirements.
- HB 1240 Statewide testing program; mentor teacher stipends.
- HB 1293 Determination of graduation rates.
- HB 1333 Educational scholarship programs.
- HB 1404 Securitization of tobacco settlement payments.
- SB 39 Legal settlement in a school corporation.
- SB 119 School board elections at general election time.
- SB 150 Sales tax holiday.
- SB 236 Driver training schools.
- SB 257 Energy and fuel assistance grants to schools.
- SB 320 Standards for tutoring services.

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- SB 323 Allocation of school resources.
 SB 324 Various education matters.

SCHOOLS, Academic Achievement

- HB 1245 Advanced placement programs.
 HB 1293 Determination of graduation rates.
 HB 1338 School improvement awards; teacher CPR training; diabetes management.
 HB 1386 Academic progress test.
 HB 1406 High school diploma.
 ■ SB 231 Academic honors diploma grants.
 SB 262 Determination of high school graduation rates.

SCHOOLS, Buildings and Grounds

- HB 1093 Offenses on school property or against school employees.
 HB 1211 School property taxes.
 HB 1278 School corporation public works projects.
 HB 1312 Various education matters.
 SB 46 Air guns on school property.

SCHOOLS, Buses

- HB 1006 Allocation of school resources; homeless students.
 ■ HB 1093 Offenses on school property or against school employees.
 HB 1187 Smoking in enclosed public places.
 HB 1312 Various education matters.
 SB 257 Energy and fuel assistance grants to schools.
 ■ SB 305 Special purpose buses; emergency exits on buses.
 SB 324 Various education matters.

SCHOOLS, Calendar

- HB 1047 Financial literacy curriculum.
 HB 1184 Four day school week option.
 HB 1204 Limitation on school starting date.
 HB 1216 School instructional days.
 SB 80 School year.
 SB 194 Teacher professional development days.
 SB 248 Length of school year.

SCHOOLS, Charter Schools

- HB 1047 Financial literacy curriculum.
 HB 1170 Minimally nutritious food and beverage tax.
 SB 195 Charter school budget review.

SCHOOLS, Congratulations and Honors—

See INDEX OF RESOLUTIONS following this index

SCHOOLS, Curricula

- HB 1047 Financial literacy curriculum.
 HB 1072 Holocaust study.
 HB 1202 Preference for marriage; instruction by schools.
 HB 1245 Advanced placement programs.
 HB 1410 Bible study.
 SB 45 Fetal development curriculum.
 SB 276 Voter education.
 ■ SB 310 Alternate methods for earning high school credits.

SCHOOLS, Discipline

- HB 1093 Offenses on school property or against school employees.

- HB 1269 Prohibit knives in schools.
 HB 1312 Various education matters.

SCHOOLS, Funds and Budgets

- HB 1005 Autism scholarships.
 ■ HB 1006 Allocation of school resources; homeless students.
 HB 1059 Transfer of money between school funds.
 HB 1127 Department of education use of funds for mentor teacher stipends.
 HB 1137 Full-day kindergarten funding from tax amnesty.
 HB 1170 Minimally nutritious food and beverage tax.
 HB 1191 In-class spending requirements.
 HB 1228 Education finance and taxation.
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 HB 1275 Funding of education grants.
 HB 1333 Educational scholarship programs.
 HB 1403 Elimination of textbook rental program.
 HB 1407 Higher education issues.
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 ■ SB 173 Informational student counts.
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 SB 213 School bonds for retirement liability.
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 SB 257 Energy and fuel assistance grants to schools.
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 SB 323 Allocation of school resources.
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SCHOOLS, Health and Safety Issues

- HB 1167 Student nutrition and physical activity.
 HB 1338 School improvement awards; teacher CPR training; diabetes management.
 ■ SB 111 Student nutrition and physical activity.
 SB 125 Student health measurements.
 SB 336 Care and management of student diabetes at school.
 SB 358 Vending machine beverages sold in schools.

SCHOOLS, ISTEP and Testing Programs

- HB 1240 Statewide testing program; mentor teacher stipends.
 HB 1338 School improvement awards; teacher CPR training; diabetes management.
 HB 1386 Academic progress test.
 HB 1406 High school diploma.
 SB 65 ISTEP scores.
 SB 82 Educator evaluations.
 SB 350 Student assessment.
 SB 364 Academic progress test.

SCHOOLS, Kindergarten

- HB 1134 Recodification of Title 21 and related provisions.
 HB 1137 Full-day kindergarten funding from tax amnesty.
 HB 1228 Education finance and taxation.
 HB 1381 Kindergarten tax credit.
 HJR 3 Common school fund for early childhood education.
 SB 309 Early childhood education.

SCHOOLS, Officers and Employees (other than teachers)

- HB 1062 School corporation police department.
 HB 1078 Collective bargaining for public employees.

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- HB 1093 Offenses on school property or against school employees.
- HB 1312 Various education matters.
- SB 119 School board elections at general election time.
- SB 138 School board elections.
- SB 142 Collective bargaining for public employees.
- SB 324 Various education matters.
- SB 376 Teacher and school administrator contracts.

SCHOOLS, Property Tax Control Board—

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SCHOOLS, Pupils (other than disciplinary matters)

- HB 1006 Allocation of school resources; homeless students.
- HB 1084 Property tax deduction for free golf for students.
- HB 1167 Student nutrition and physical activity.
- HB 1184 Four day school week option.
- HB 1245 Advanced placement programs.
- HB 1293 Determination of graduation rates.
- HB 1347 Various education matters.
- HB 1406 High school diploma.
- SB 60 Public school transfer program.
- SB 125 Student health measurements.
- SB 319 Parental notice of military recruitment.
- SB 320 Standards for tutoring services.

SCHOOLS, Special Education and Special Programs

- HB 1005 Autism scholarships.
- HB 1275 Funding of education grants.
- HJR 3 Common school fund for early childhood education.

SCHOOLS, Taxes

- HB 1064 School levy freeze.
- HB 1134 Recodification of Title 21 and related provisions.
- HB 1211 School property taxes.
- HB 1228 Education finance and taxation.
- HB 1282 Elimination of school property taxes.
- HB 1381 Kindergarten tax credit.

SCHOOLS, Teachers

- HB 1127 Department of education use of funds for mentor teacher stipends.
- HB 1213 Study of teacher incentives.
- HB 1244 Mentor teacher stipends.
- HB 1330 Military service credit for teachers' retirement fund members.
- HB 1338 School improvement awards; teacher CPR training; diabetes management.
- HB 1374 Teacher licensure.
- SB 82 Educator evaluations.
- SB 172 Teacher shortages.
- SB 194 Teacher professional development days.
- SB 376 Teacher and school administrator contracts.

SCHOOLS, Teachers' Retirement Fund (TRF)

- HB 1134 Recodification of Title 21 and related provisions.
- HB 1227 Retired state employees.
- HB 1330 Military service credit for teachers' retirement fund members.
- HB 1368 PERF and TRF cost of living adjustments.
- HB 1389 Purchase of service credit.
- SB 57 Pension fund administrative issues.

- SB 58 Teachers' retirement fund administrative issues.
- SB 59 Teachers' retirement fund director.
- SB 212 Investments in institutions doing business in Sudan.

SCHOOLS, Textbooks

- HB 1175 Sales tax holiday.
- HB 1195 Sales tax holiday.
- HB 1388 Accuracy in textbooks.
- HB 1403 Elimination of textbook rental program.
- HJR 1 Free textbooks.
- SB 233 Technology textbooks.

SCHOOLS, Transfers and Tuition

- HB 1275 Funding of education grants.
- HB 1333 Educational scholarship programs.
- HB 1361 Children of veterans' educational benefits.
- HB 1381 Kindergarten tax credit.
- SB 60 Public school transfer program.

SCHOOLS, Vocational Education

- HB 1142 Skills 2016 training fund.
- HB 1347 Various education matters.

SCOTT COUNTY

- HB 1402 Local government taxes.

SEARCH WARRANTS—

See *WARRANTS*

SECRETARY OF STATE

- HB 1011 Miscellaneous election law matters.
- HB 1063 Registering interior designers.
- HB 1255 Intent to sell sexually explicit products.
- SB 11 Various securities matters.
- SB 152 Indiana election commission.
- SB 379 Publication of administrative rules.

SECURITIES—

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See *CRIMES AND OFFENSES* [various subtopics]

SEWERS AND SEWER SYSTEMS—

See *SOLID WASTE*

SEX CRIMES—

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SEXUALLY TRANSMITTED DISEASES

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HB 1077 Agriculture, gaming, and economic development.

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SIGN LANGUAGE—

See *DEAF AND MUTE PERSONS; SCHOOL FOR THE DEAF*

SMALL BUSINESSES

- HB 1007 Various business tax changes.
- HB 1031 Small business set-aside purchases.
- HB 1270 Employee health coverage.
- HB 1359 Notice of business closure.
- HB 1367 Study of liability for 501(c)(3) organizations.
- HB 1380 Various economic development matters.
- SB 348 Tax credits for high growth small businesses.

SMALL CLAIMS COURTS

- HB 1156 Various provisions concerning courts.
- HB 1158 Small claims, civil actions, and sheriff's fees.

SMOKE DETECTION DEVICES—

See *FIRE MARSHALS; DEPARTMENT OF FIRE AND BUILDING SERVICES*

SMOKING

- {Additional topic(s)}:
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 - CIGARETTES, CIGARS, AND TOBACCO; CIGARETTE TAX*
 - HB 1187 Smoking in enclosed public places.
 - HB 1209 Public transportation smoking prohibition.
 - HB 1420 Employee tobacco use.
 - SB 117 Various employment matters.

SNOWMOBILES

HB 1026 Off-road vehicles and snowmobiles.

SOCIAL SECURITY—

See *LABOR AND EMPLOYMENT, Social Security*

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See *CONSERVATION; CONSERVANCY DISTRICTS*

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- HB 1110 Environmental law.
- HB 1117 Environmental law.
- HB 1145 Sanitation districts.
- HB 1253 Littering.
- HB 1290 Sewer improvement and extension fund.
- HB 1364 Environmental rulemaking.
- SB 22 Pipeline safety.
- SB 74 Acquisition of utility property.

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See *SCHOOLS, Special Education and Special Programs*

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SPENDING LIMITATIONS

HB 1376 State spending cap.

SPORTS

SB 104 Gary professional sports development area.

SPOUSE ABUSE—

See *MARRIAGE AND FAMILY LAW*

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- HB 1008 Public-private agreements for transportation.
- HB 1079 Cost benefit analysis of outsourcing.
- HB 1168 Expanded notice of state agency agendas.
- HB 1215 Review privatization of state functions.
- HB 1219 Sales tax rebate for developing tourist site.
- HB 1230 Transfer of first steps program.
- HB 1261 Housing and community development authority.
- HB 1273 Housing trust fund financing.
- HB 1284 Home energy assistance.
- HB 1348 Language requirement and illegal aliens.
- HB 1361 Children of veterans' educational benefits.
- HB 1384 Certification of accuracy of government accounting.
- HB 1396 Administration of charity gaming.
- HB 1415 Department of child services caseworkers.
- SB 57 Pension fund administrative issues.
- SB 113 Review of privatization plans.

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- SB 209 Community investment tax credits.
- SB 260 Taxation.
- SB 285 Emergency management.
- SB 293 Self-sufficiency standard for employment.
- SB 333 Professional licensing.
- SB 392 Growth related projects and land conservation.
- SJR 14 Senate confirmation of executive agency heads.

STATE AGENCIES; STATE AND LOCAL ADMINISTRATION—

See *ADMINISTRATIVE CODE; INDIANA REGISTER*
PUBLIC AGENCIES
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PUBLIC WORKS AND IMPROVEMENTS;
PUBLIC BUILDINGS; PUBLIC PROPERTY

STATE AID TO LOCAL SCHOOLS—

See *SCHOOLS, Funds and Budgets*

STATE CAPITOL BUILDING

- HB 1236 Capitol police salary matrix.
- SB 9 Honoring Indiana Presidents and Vice Presidents.
- SB 62 Capitol police.

STATE CONSTITUTION—

See *CONSTITUTION OF INDIANA*

STATE FAIR

- HB 1022 State fair commission.
- SB 43 Free state fair admission for military personnel.

STATE GOVERNMENT

- HB 1008 Public-private agreements for transportation.
- HB 1104 Loss of office due to delinquent child support.
- HB 1124 Rainy day fund loans to political subdivisions.
- HB 1372 State executive branch collective bargaining.
- HB 1376 State spending cap.
- HB 1384 Certification of accuracy of government accounting.
- HB 1397 State ethics standards.
- SB 71 Drainage assessments and storm water.
- SB 77 Shooting preserves.
- SB 307 State employee health incentives.
- SB 318 Oversight of public money.
- SB 365 State employee retirement health benefits.
- SB 391 Eminent domain.

STATE LANDS—

See *PUBLIC WORKS AND IMPROVEMENTS;*
PUBLIC BUILDINGS; PUBLIC PROPERTY

STATE LOTTERY COMMISSION—

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STATE MANDATES

- HB 1041 Health benefit mandates.
- SB 306 State mandate notes.

STATE POLICE—

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See *METALS AND METAL DEALERS*

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See *WATER, Pollution*

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See *HIGHWAYS AND ROADS* [various subtopics]

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STUDENT ASSISTANCE, LOANS, AND GRANTS

{Additional topic(s)}:

HIGHER EDUCATION, Colleges and Universities

HB 1275 Funding of education grants.

HB 1407 Higher education issues.

SB 230 Student loans.

SB 381 Repayment of student loans.

STUDENTS—

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STUDY COMMITTEES

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HB 1161 Study committee on corporate accountability.

HB 1213 Study of teacher incentives.

HB 1242 Growth and development study committee.

■ HB 1314 Substance and alcohol use during pregnancy.

SB 211 Study committees.

SUBSTANCE ABUSE—

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See *EDUCATION, State Superintendent, State Department and Boards*

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■ HB 1156 Various provisions concerning courts.

HB 1157 Marion superior court.

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- HB 1220 Professional investigation funds.

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TAX ABATEMENTS

- HB 1001 Various tax matters.
- HB 1140 Abatements for used Indiana equipment.
- SB 23 Communications service infrastructure tax abatement.

TAX INCREMENT FINANCING (TIF)

- HB 1001 Various tax matters.
- HB 1033 Child welfare levy elimination.
- HB 1340 Redevelopment district housing programs.

TAXES generally

{*Additional topic(s)*}:

ALCOHOLIC BEVERAGES, Licenses, Permits, and Taxes

CIGARETTES, CIGARS, AND TOBACCO;

CIGARETTE TAX

FOODS; FOOD AND BEVERAGE TAXES

GASOLINE AND GASOLINOL; FUEL TAXES

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INNKEEPERS AND INNKEEPERS' TAXES

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INVENTORIES AND INVENTORY TAXES

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PROPERTY TAXES [various subtopics]

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- HB 1007 Various business tax changes.
- HB 1088 Companion animal tax.
- HB 1137 Full-day kindergarten funding from tax amnesty.
- HB 1188 Expanded Gary airport authority tax base.
- HB 1266 Headquarters relocation tax credit.
- HB 1268 Tax amnesty funds for volunteer fire departments.
- HB 1274 Use of tax amnesty funds to reduce welfare levy.
- HB 1391 Farm mutual insurance company taxes.
- HJR 2 Supermajority requirement for tax increases.
- SB 101 Insulation income tax deduction.
- SB 209 Community investment tax credits.
- SB 228 Military family benefits.
- SB 244 Enterprise zone investment cost credit.
- SB 245 Telecommunications.
- SB 252 Enterprise zone investment deduction.
- SB 316 Steel mill and refinery property taxes.
- SB 341 Tax sales and redevelopment.
- SB 345 Reversal of payment delays.
- SB 348 Tax credits for high growth small businesses.
- SB 351 Indiana displaced worker tax credit.
- SB 352 Energy assistance funding from tax amnesty.
- SB 353 Alternative fuel use and production.
- SB 362 Collection of delinquent taxes.
- SB 366 Funding of child welfare services.

- SB 382 Airport development zone.
- SB 388 Qualified child care expenditure tax credits.
- SB 389 Adult education tax credit.

TEACHERS AND TEACHERS RETIREMENT—

See *SCHOOLS* [various subtopics]

TECHNICAL CORRECTIONS TO LAWS—

See *INDIANA CODE*

TECHNICAL EDUCATION—

See *HIGHER EDUCATION*

SCHOOLS, Vocational Education

TECHNOLOGY

- HB 1304 Judicial funding for counties.
- HB 1332 Alternative fuel production and use.
- SB 233 Technology textbooks.
- SB 329 Electronic recording of custodial interrogations.
- SB 363 Technology report.

TELECOMMUNICATIONS, Telephone, Television, Radio and Internet

- HB 1007 Various business tax changes.
- HB 1094 Reconnection charges.
- HB 1101 Security breach disclosure and identity deception.
- HB 1119 Governance of rural telephone cooperatives.
- HB 1131 Cable franchises.
- HB 1218 Prohibiting cell phone use by newer drivers.
- HB 1279 Telecommunications.
- HB 1280 Unsolicited facsimile advertisements.
- HB 1315 Video service franchises.
- HB 1343 Communications and public safety answering points.
- HB 1354 Film and audio production tax incentives.
- HB 1373 Do not call cell phone list.
- SB 23 Communications service infrastructure tax abatement.
- SB 24 Televised simulcasts.
- SB 69 Governance of rural telephone cooperatives.
- SB 89 Serial meetings and electronic meetings.
- SB 205 Disclosure of electronic mail account addresses.
- SB 245 Telecommunications.
- SB 283 Emergency telephone notification system.
- SB 301 Access to I-Light network by hospitals.
- SB 311 Unsolicited facsimile advertisements.
- SB 342 Electronic prescription tracking program.
- SB 345 Reversal of payment delays.

TENANTS—

See *LANDLORDS AND TENANTS*

TERRORISTS AND TERRORISM

- SB 78 Property tax deduction for farm security items.
- SB 164 Terroristic intimidation.
- SB 247 Various homeland security matters.

TESTAMENTS AND WILLS—

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HB 1263 Timber sales and wilderness areas.

TIME ZONES

HB 1014 Indiana time zones.
 HB 1027 Daylight saving time.
 HB 1057 Daylight saving time public question.
 HB 1205 Indiana time zones.
 SB 79 Daylight saving time.
 SB 123 Daylight saving time.

TIPPECANOE COUNTY

■ HB 1025 Innkeeper's taxes.
 HB 1109 Tippecanoe County food and beverage tax.

TIRES—

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TOBACCO—

See *CIGARETTES, CIGARS, AND TOBACCO;
 CIGARETTE TAX*

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 LIEUTENANT GOVERNOR*

TOWNS AND TOWN OFFICERS—

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{Additional topic(s)}:
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LOCAL GOVERNMENT
PROPERTY TAXES, Local and State Tax Officials
 ■ HB 1001 Various tax matters.
 HB 1044 Township fire protection districts.
 HB 1088 Companion animal tax.
 HB 1272 Self-assessment of real property.
 HB 1301 Marion County government consolidation.
 HB 1363 Paramedic service levies.
 HB 1400 Government reorganization and administration.
 ■ HB 1418 Kennel licenses.
 SB 1 Marion County government matters.
 SB 170 Consolidation of Marion County government.
 SB 394 Indianapolis/Marion County consolidation.

TOXIC SUBSTANCES—

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TRADE REGULATIONS

{Additional topic(s)}:
CONSUMER CREDIT AND PROTECTION
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 HB 1217 Proof of ownership of stock before sale.

HB 1250 Alcohol beverage matters.
 HB 1308 Restraint on trade of contact lenses.
 ■ HB 1353 Trademarks and service marks.
 SB 126 Freezing of credit reports.
 SB 135 Adult video games.
 ■ SB 202 Pharmacy and wholesale drug distributor matters.
 SB 287 Restrictions on video games.

TRAFFIC RULES; TRAFFIC SAFETY—

See *MOTOR VEHICLES, Traffic Rules and Regulations*

TRAILERS—

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TRANSPORTATION generally

{Additional topic(s)}:

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HIGHWAYS AND ROADS, Local Streets and Roads
MASS TRANSPORTATION
MOTOR CARRIERS
PORTS AND PORT COMMISSIONS
RAILROADS
SCHOOLS, Buses
UTILITY REGULATORY COMMISSION

■ HB 1008 Public-private agreements for transportation.
 ■ HB 1117 Environmental law.
 ■ HB 1214 Motor carrier enforcement.
 HB 1287 Transportation.
 ■ SB 73 Indemnity agreements in motor carrier contracts.
 SB 257 Energy and fuel assistance grants to schools.

TRANSPORTATION, Department of

■ HB 1010 Eminent domain.
 HB 1021 Hay baling on interstate rights-of-way.
 HB 1038 Permits for oversized or overweight vehicles.
 HB 1174 Highway modernization projects.
 HB 1287 Transportation.
 HB 1316 New Harmony bridge.
 HB 1323 Extra heavy duty highways.
 ■ SB 133 Permits for oversized tractor-semitrailers.
 SB 221 Indiana Toll Road.

TRAPS AND TRAPPING—

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TREES—

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See *TOWNSHIPS AND TOWNSHIP OFFICERS*

TRUSTS AND FIDUCIARIES

- HB 1221 Veterans affairs trust.
- HB 1273 Housing trust fund financing.
- HB 1341 Cy pres; trusts and public benefit corporations.
- SB 114 Probate and trust matters.
- SB 115 Probate, trust, and inheritance tax matters.

UNDERGROUND FACILITIES—

See *BUILDINGS AND BUILDING REGULATIONS*

UNDERGROUND STORAGE TANKS

- HB 1194 Notice of underground storage tank leaks.

UNEMPLOYMENT; UNEMPLOYMENT COMPENSATION—

See *LABOR AND EMPLOYMENT*,
Unemployment Compensation

UNIFORM STATE LAWS

{Additional topic(s)}:

COMMERCIAL CODE (UCC)

CONSUMER CREDIT AND PROTECTION

[includes UCCC]

- HB 1362 Local government reorganization.
- SB 378 Uniform child custody jurisdiction act.

UNIONS—

See *LABOR AND EMPLOYMENT* [various subtopics]

UNITED STATES GOVERNMENT

- HB 1014 Indiana time zones.
- HB 1167 Student nutrition and physical activity.
- HB 1205 Indiana time zones.
- HB 1245 Advanced placement programs.
- HB 1310 Driver's certificates.
- HB 1327 Taxation and government finance.
- HB 1348 Language requirement and illegal aliens.
- HB 1383 Restrictions for illegal aliens.
- SB 9 Honoring Indiana Presidents and Vice Presidents.
- SB 334 Restrictions on public assistance.

UNITED STATES GOVERNMENT, U.S. CONGRESS

- SB 392 Growth related projects and land conservation.

UNIVERSITIES—

See *HIGHER EDUCATION, Colleges and Universities*

UNSAFE BUILDING LAW—

See *BUILDINGS AND BUILDING REGULATIONS*

URBAN AFFAIRS—

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USE TAXES—

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UTILITIES

- HB 1010 Eminent domain.

- HB 1018 Water authority audits.
- HB 1045 IURC merger and fining authority.
- HB 1054 Revocation of assigned electric service area.
- HB 1068 NIPSCO audit.
- HB 1076 Contracts for public water and wastewater projects.
- HB 1094 Reconnection charges.
- HB 1119 Governance of rural telephone cooperatives.
- HB 1147 Affiliated interests of regulated utilities.
- HB 1225 Net metering and interconnection rules.
- HB 1264 Sustainable energy.
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- HB 1303 Energy assistance contingency fund.
- HB 1379 Renewable energy resources.
- SB 23 Communications service infrastructure tax abatement.
- SB 69 Governance of rural telephone cooperatives.
- SB 76 Storm water fees.
- SB 214 Exemption from county building ordinance.
- SB 216 Gas utility connection charges and deposits.
- SB 218 Affiliated interests of regulated utilities.
- SB 245 Telecommunications.
- SB 337 Licensure of heating and cooling industry.
- SB 392 Growth related projects and land conservation.

UTILITY REGULATORY COMMISSION

- HB 1018 Water authority audits.
- HB 1045 IURC merger and fining authority.
- HB 1054 Revocation of assigned electric service area.
- HB 1145 Sanitation districts.
- HB 1147 Affiliated interests of regulated utilities.
- HB 1225 Net metering and interconnection rules.
- HB 1279 Telecommunications.
- SB 72 IURC proceedings.
- SB 74 Acquisition of utility property.
- SB 218 Affiliated interests of regulated utilities.
- SB 245 Telecommunications.

VACANCIES IN OFFICE; VACANCIES ON BALLOT—

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VALUABLE METALS AND DEALERS—

See *METALS AND METAL DEALERS*

VANDERBURGH COUNTY

- HB 1344 Government consolidation in Vanderburgh County.
- HB 1394 Vanderburgh County consolidation.
- SB 382 Airport development zone.

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VEHICLE BILLS

- HB 1421 Vehicle bill.
- HB 1422 Vehicle bill.
- HB 1423 Vehicle bill.

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 SJR 12 Vehicle joint resolution.

VENDING MACHINES

HB 1167 Student nutrition and physical activity.
 SB 358 Vending machine beverages sold in schools.

VENEREAL DISEASES—

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VENUE, CHANGE OF—

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CRIMES AND OFFENSES, Criminal Courts and
Court Procedures

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{Additional topic(s)}:

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HB 1069 Military family relief.
 HB 1221 Veterans affairs trust.
 HB 1246 Purple Heart license plate for surviving spouse.
 HB 1251 Disabled veteran license plates.
 HB 1252 Disabled veteran tuition fee remission.
 HB 1305 Parking with former prisoner of war plates.
 HB 1322 Property tax liability for various taxpayers.
 HB 1361 Children of veterans' educational benefits.
 ■ SB 75 Military family relief fund.
 SB 222 Tuition exemption.
 SB 228 Military family benefits.
 SB 282 National Guard tuition supplement program.

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■ SB 333 Professional licensing.

VICTIMS OF CRIME

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■ HB 1101 Security breach disclosure and identity deception.
 HB 1185 Employee/victim right to attend proceedings.
 HB 1414 Human and sexual trafficking.
 SB 122 Viewing of execution by victim's family.
 ■ SB 160 Witnesses at an execution.
 SB 254 Lease protections for domestic violence victims.
 ■ SB 300 Victim's compensation fund.

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Custody, and Visitation

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FIREFIGHTERS AND FIREFIGHTERS' PENSIONS
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VOLUNTEERS

HB 1149 Charity gaming volunteer reporting requirements.
 ■ SB 33 Volunteer advocates for incapacitated adults.
 ■ SB 47 Criminal background checks.

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WABASH RIVER HERITAGE CORRIDOR COMMISSION

HB 1109 Tippecanoe County food and beverage tax.

WABASH RIVER—

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and Benefits*

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WATER generally

{Additional topic(s)}:

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- HB 1018 Water authority audits.
- HB 1076 Contracts for public water and wastewater projects.
- SB 253 Activities along shorelines.
- SB 314 Soil and water conservation districts
and wild animals.

WATER, Availability and Quality of Drinking Water

- SB 369 Drought planning.

WATER, Pollution

- HB 1076 Contracts for public water and wastewater projects.
- HB 1122 Discharge of water by oceangoing vessels.
- HB 1212 Drainage assessments, sanitation districts, and
storm water districts.
- HB 1253 Littering.
- HB 1364 Environmental rulemaking.
- SB 109 Discharge of leachate into waters.
- SB 141 Confined feeding operations.
- SB 219 Ballast water and sediment in vessels.
- SB 234 Environmental rules and enforcement.

WEAPONS

{Additional topic(s)}:

CRIMES AND OFFENSES, Weapons

- HB 1028 Firearms and self-defense.
- HB 1093 Offenses on school property or against
school employees.
- HB 1176 Handgun license renewal.
- HB 1269 Prohibit knives in schools.
- HB 1415 Department of child services caseworkers.

HB 1417 Regulation of rifles and shotguns.

SB 54 Handgun licensing.

SB 299 Trafficking with an inmate.

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WEIGHT LIMITS—

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WELFARE generally

HB 1348 Language requirement and illegal aliens.

HB 1383 Restrictions for illegal aliens.

WELFARE, Aid to Families with Dependent Children

HB 1033 Child welfare levy elimination.

HB 1274 Use of tax amnesty funds to reduce welfare levy.

SB 366 Funding of child welfare services.

WELFARE, Medicaid

HB 1100 Medicaid cash and counseling waiver.

HB 1111 Life insurance and Medicaid.

HB 1193 Attorney's fees in Medicaid lien collection cases.

HB 1329 Medicaid disease management and kidney disease.

HB 1352 Medicaid and Wishard healthcare
management program.

HB 1383 Restrictions for illegal aliens.

HB 1387 Personal needs allowance.

■ SB 168 Medicaid fraud.

■ SB 169 Extension of nursing facility assessment fee.

SB 270 FSSA matters.

■ SB 308 Medicaid income spend down.

WELFARE, Poor Relief

■ HB 1261 Housing and community development authority.

WELFARE, State and Local Departments

HB 1170 Minimally nutritious food and beverage tax.

HB 1274 Use of tax amnesty funds to reduce welfare levy.

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WHITE RIVER—

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WILD ANIMALS—

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WILLS—

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WINES AND WINERIES—

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WOMEN'S ISSUES

■ HB 1314 Substance and alcohol use during pregnancy.

WOODBURNING STOVES—

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*FIRE MARSHALS; DEPARTMENT
OF FIRE AND BUILDING SERVICES*

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WORKER'S COMPENSATION—

See *LABOR AND EMPLOYMENT*, *Worker's Compensation*

WRONGFUL DEATH

HB 1116 Rights of consumers of legal services.

HB 1247 Wrongful death or injury of a child.

YOUTH PROGRAMS—

See *CHILDREN AND MINORS*, *Youth Programs*

ZONING AND PLANNING

{*Additional topic(s)*}:

ANNEXATION OF TERRITORY

■ HB 1089 Annexation of property zoned agricultural.

HB 1092 Annexation.

■ SB 35 Zoning ordinance changes.

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ASSEMBLY MEMBERS AND FORMER MEMBERS HONORED OR MEMORIALIZED

- HCR 27 Memorializing Representative R. Tiny Adams.
- SCR 5 Honoring Senator Allen Paul for heroism in Viet Nam.
- HR 2 Memorializing former State Representative Henry J. "Bud" Kintzele, Jr.
- HR 103 Honoring Representative Ben GiaQuinta upon his retirement.
- HR 104 Honoring Representative Tom Kromkowski upon his retirement.
- HR 105 Honoring Representative John Aguilera upon his retirement.
- HR 106 Honoring Representative Robert Hoffman upon his retirement.
- HR 107 Honoring Representative Luke Messer upon his retirement.
- HR 108 Honoring Representative David Yount upon his retirement.
- SR 15 Memorializing former Senator C. Wendell Martin.
- SR 26 Memorializing former State Senator Bernard Joseph Krampe of Ferdinand, Indiana.
- SR 30 Honoring Senator Joseph Harrison upon his retirement from the Senate.
- SR 31 Honoring Senator Allie V. Craycraft upon his retirement from the Senate.
- SR 32 Honoring Senator Larry E. Lutz upon his retirement from the Senate.
- SR 33 Honoring former Senator Rose Ann Antich-Carr, who recently retired.
- SR 50 Honoring Senator Greg Server, on his recent retirement from the Senate.
- SR 53 Honoring former Senator J. Murray Clark, who recently retired from the Senate.

ASSEMBLY STAFF MEMBERS AND FORMER STAFF MEMBERS HONORED AND THANKED

- HR 44 Honoring the 2006 Indiana House of Representatives legislative interns.
- SR 16 Recognizing the outstanding work of the employees of the Indiana Senate.
- SR 17 Expressing appreciation to the staff of the Indiana Legislative Services Agency.
- SR 38 Thanking Senate Democratic interns for their services.
- SR 40 Thanking Senate Republican interns for their services.
- SR 58 Honoring Laura J. Bauman for 30 years of service to the Senate.

THANKS EXPRESSED FOR ASSISTANCE TO THE ASSEMBLY

- SR 18 Expressing sincere appreciation of the Senate for the Doctor of the Day program.
- SR 19 Expressing appreciation to Brian Breslin of Meijer.
- SR 20 Expressing appreciation to Warren Disch and Supervalu-Central.
- SR 21 Expressing appreciation to Matt Lamoreaux and the Seyfert Foods/Troyer Farms Company.
- SR 22 Expressing appreciation to Douglas J. Simmons and the SDS Group, LTD.

- SR 23 Expressing appreciation to Robert Kraft of the Indiana Farm Bureau.
- SR 24 Expressing appreciation to Joe Lackey of the Soft Drink Association.
- SR 25 Expressing appreciation to Brent Shay and Eby Brown Company.
- SR 37 Expressing appreciation to Verizon for supporting the internship program.
- SR 39 Expressing appreciation to John B. Livengood, Restaurant and Hospitality Association.
- SR 55 Expressing appreciation for the Chiropractor of the Day Program.

GENERAL ASSEMBLY MISCELLANEOUS

- HCR 8 Setting joint session for the State of the State address.
- HCR 10 Setting joint session for the State of the Judiciary address.
- SCR 4 Consenting to recesses of the Senate and House for more than three days.
- SCR 68 Fixing the date for Second Regular Technical Session of the General Assembly.
- HR 1 Content of prayer.
- SR 1 Authorizing Senate Postmaster to receive mail for the Senate.
- SR 3 Expressing support of Indiana Senate in ensuring religious liberty.

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- HCR 24 Study: respectful language referring to people with disabilities.
- HCR 26 Study committee on effects of decorative lights on vehicles.
- HCR 49 Pension Management Oversight Commission to study computation of public employees' pensions.
- HCR 55 Study: child caseworker carrying nonlethal weapons.
- HCR 57 Study: abstract and title insurance rates.
- HCR 69 Study: social, emotional, and behavioral health screening of children.
- SCR 8 Study: establishing commercial vehicle court.
- SCR 10 Study: "people first" language in statutes.
- SCR 14 Study: appellate issues.
- SCR 15 Study: need for homeschool guidelines.
- SCR 31 Study: issues concerning well-being of Hoosier children.
- SCR 42 Health Finance Commission to study insurance coverage options.
- SCR 50 Health Finance Commission to study hospital community benefit plans.
- SCR 52 Study: issues concerning foreign language opportunities in Indiana.
- SCR 64 Study: issues pertaining to early learning and reading.
- SCR 67 Study: issues pertaining to public transportation and commerce.
- HR 13 Study: park issues.
- HR 23 Regulatory flexibility committee to study renewable energy development.
- HR 32 Study: homeland security issues related to ports and freight yards.

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- HR 39 Study: rate disparity by utility companies.
- HR 45 Study: military service credit law for retired teachers.
- HR 49 Study: disability license plates.
- HR 50 Study: child labor laws.
- HR 72 Study: regional sewer districts.
- HR 73 Study: restraint on trade of contact lenses.
- HR 74 Study: developing incentives to encourage film and TV production in Indiana.
- HR 75 Study: police and fire pensions.
- HR 77 Study: school corporations.
- HR 78 Study: licensure of professional midwives.
- HR 80 Study: higher education for incarcerated persons.
- HR 81 Study: effects of incarceration on children and families.
- HR 82 Study: food service in prisons.
- HR 83 Study: the impact of privatization of Indiana services.
- HR 84 Study: food handling regulations for tax exempt organizations.
- HR 87 Study: use of eminent domain by small private utilities.
- HR 88 Study: social, emotional and behavioral health screening of children.
- SR 12 Commission on Courts to study establishing dedicated funds for court fees.
- SR 13 Study: interlocal cooperation agreements.
- SR 27 Pension Management Oversight Commission to study funding sources for pension relief for municipalities.
- SR 28 Pension Management Oversight Commission to review matching fund municipalities for pension relief.
- SR 34 Study: safety of nursing home residents.
- SR 36 Pension Management Oversight Commission to study transfers from 1977 pension fund to PERF.
- SR 42 Study: smoke detectors and sprinkler systems in health facilities.
- SR 43 Study: care and management of diabetes at school.
- SR 46 Commission on State Tax and Financing Policy to study eligibility for certain military benefits.
- SR 47 Study: issues pertaining to missing persons.
- SR 48 Study: rights of next of kin in situations involving criminal activity.
- SR 49 Study: eliminating assessed value limitation for property tax deductions.
- SR 51 Study: effect of privatization on state employees.
- SR 52 Study: Indiana statutes pertaining to adverse possession.
- SR 56 Health finance commission to study privatization of services.
- SR 57 Environmental Quality Study Council to study water quality in Lake Michigan and Indiana's impact on it.

MISCELLANEOUS

- HCR 54 Recognizing the need for protection of our environmental and economic resources.
- HCR 67 Recognizing the need to enhance employment opportunities for disabled persons.

- SCR 7 Promoting the use of "A Child is Missing" program.
- SCR 23 Urging wearing red in recognition of threat that heart disease poses to women.
- HR 34 Urging Hoosiers to be aware of the dangers of diabetes.
- HR 37 Commending Taiwan for its contributions to promote world health.
- HR 71 Stressing the importance of foreign language instruction.
- SR 9 Encouraging development of a progressive molecular dissociation process.

STATE AND LOCAL AGENCIES

- HCR 23 INDOT to rename part of I-65 as the Pearl Harbor Memorial Highway.
- HCR 25 INDOT to name Wabash River bridge as Carroll County Veterans Memorial Bridge.
- HCR 29 Honoring Monroeville Community Park Board.
- HCR 34 Urging local governments to adopt restrictions on smoking in public places.
- HCR 56 INDOT to rename bridge over Kessinger Ditch the Bud Reitmeyer Bridge.
- HCR 58 INDOT to rename part of State Road 28 the Richard Regnier Memorial Highway.
- HCR 68 Urging review of the health and safety standards at railroad mobile camps.
- SCR 9 Naming FSSA as agency to update comprehensive autism services plan.
- SCR 11 Urging that medical students study autism disorder.
- SCR 12 Medical licensing board to include autism for continuing education credit.
- SCR 25 INDOT to rename part of State Road 10 in honor of Trooper Scott A. Patrick.
- SCR 36 INDOT to name part of State Road 3 in honor of Trooper George Forster.
- SCR 37 Urging participation in Midwestern Education to Workforce Policy Initiative.
- SCR 39 INDOT to name bridge in honor of Trooper George Forster.
- SCR 41 Honoring Indiana State Fair Commission and Board on upcoming 150th State Fair.
- SCR 43 Honoring Greenwood Fire Department Honor Guard for its service.
- SCR 49 INDOT to rename part of U.S. 31 as the Reggie Miller Highway.
- SCR 58 Honoring Elkhart Fire Department, Governor's Cup competition winner.
- HR 38 Urging INDOT to rename part of Interstate 65 the Pearl Harbor Memorial Highway.
- HR 46 Urging Northwest Indiana Regional Development Authority to begin spending revenue.
- HR 59 Honoring the Indiana Sheriffs' Katrina Relief-New Orleans.
- HR 79 Urging the PERF trustees to anticipate future cost of living increases.
- SR 29 Urging PERF trustees to anticipate future cost of living increases.
- SR 35 Urging Northwest Indiana Regional Development Authority to begin spending its appropriations.
- SR 41 Urging that medical students study treatment of autism.

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- SR 45 Urging commitment to community integration of developmentally disabled persons.

UNITED STATES GOVERNMENT

- HCR 35 Urging protection of our environmental resources such as the Great Lakes.
 HCR 53 Honoring Senator Richard Lugar for his efforts to contain weapons of mass destruction.
 SCR 18 Urging Congress to extend the Lewis and Clark National Historic Trail.
 HR 6 Honoring Chief Justice John Glover Roberts, Jr.
 HR 31 Encouraging the President to support developmental disabilities jobs.
 HR 33 Supporting the U.S. remaining a leader in space exploration and development.
 HR 35 Urging Congress to consider Taiwan for membership in the United Nations.
 HR 36 Supporting free trade agreement between Taiwan and the U.S.

SPECIAL RECOGNITIONS

BIRTHDAYS, ANNIVERSARIES, AND SPECIAL EVENTS CELEBRATED

- HCR 5 Honoring Carmel Symphony Orchestra on its 30th anniversary season.
 HCR 6 Recognizing Kokomo on 150th anniversary of its founding.
 HCR 14 Commemorating Martin Luther King, Jr. Day.
 HCR 22 Honoring Richmond, Indiana, on its 200th anniversary.
 HCR 28 Recognizing February 3, 2006, as Wear Red for Women Day.
 HCR 32 Celebrating Black History Month.
 HCR 36 Honoring Wayne F. Henning on the occasion of his retirement.
 HCR 40 Honoring Alpha Phi Alpha Fraternity, Inc. on its 100th anniversary.
 HCR 41 Recognizing March as National Colorectal Cancer Awareness Month.
 HCR 44 Honoring St. Vincent Health and Daughters of Charity for 125 years of service.
 HCR 62 Recognizing the 40th anniversary of Hoosier Uplands Development Corporation.
 HCR 65 Recognizing Gary, Indiana, on the 100th anniversary of its founding.
 HCR 71 Honoring Dr. E. B. Carver on the occasion of his retirement.
 SCR 3 Honoring Ron Wuensch on his retirement.
 SCR 6 Honoring Fire Chief Ed Noel upon his retirement.
 SCR 27 Recognizing sesquicentennial celebration of the town of Sunman in 2006.
 SCR 28 Congratulating William Carson upon his retirement.
 SCR 47 Honoring the City of Gary, Indiana, as it celebrates its centennial anniversary.
 SCR 51 Congratulating Bruce Melchert upon his retirement.
 HR 3 Honoring Hardie Jay Smith on the occasion of his retirement.
 HR 5 Honoring Michael R. Hargreaves on the occasion of his retirement.
 HR 15 Recognizing Hispanic/Latino Community Day.

- HR 61 Honoring Alberta "Bertie" Sauerland on the occasion of her retirement.
 HR 64 Honoring James E. Mumford on the occasion of his retirement.
 HR 65 Honoring Mr. and Mrs. Scott Collins and family.
 HR 66 Honoring Lauri Giuffre.
 HR 67 Honoring Cory Giuffre and his family.
 HR 68 Honoring Keith Giuffre and his family.
 HR 69 Honoring Kyle Giuffre and his family.
 HR 70 Honoring Dawn Giuffre.
 SR 5 Celebrating the 300th anniversary of the birth of Benjamin Franklin.
 SR 44 Honoring Nugent Tractor Sales on its 50th anniversary.

COLLEGES AND UNIVERSITIES, CONGRATULATED

- HCR 15 Honoring Indiana University Jacobs School of Music for its many accomplishments.
 HCR 17 Honoring Butler University on its 150th anniversary.
 HCR 43 Honoring the Hoosiers for Higher Education for its support of IU.
 HCR 46 Recognizing the Networks Scholars Program at Indiana State University.
 HCR 70 Recognizing Ball State University students study of State House Visitors Center.
 SCR 29 Honoring Dr. John Iverson, Earlham, 2005 Indiana Professor of the Year.
 HR 27 Honoring Indiana University School of Continuing Studies.
 HR 86 Recognizing Center for Education and Research Information Assurance and Security.

GROUPS, CONGRATULATED

- HCR 1 Recognizing Operation Hoosier Relief.
 HCR 2 Honoring medical and mental health professionals of Operation Hoosier Relief.
 HCR 3 Praising the people of Southaven, Mississippi.
 HCR 42 Honoring Power Soccer of Indy.
 HCR 47 Honoring We Care Indiana, volunteer effort to help hurricane victims.
 HCR 48 Honoring the Gary RailCats, minor league baseball team.
 HCR 66 Honoring the Indianapolis Urban League for its community service.
 SCR 2 Honoring Clarian Health Partners for serving health care needs of Indiana.
 SCR 13 Recognizing the Brant family and the Indiana Oxygen Company.
 SCR 21 Honoring Indiana Main Street Program for 20 years of service to cities and towns.
 SCR 44 Honoring International Brotherhood of Electrical Workers (IBEW) for services.
 SCR 48 Honoring South Bend Silver Hawks, Class A minor league baseball team.
 HR 7 Recognizing the 2005 Crown Point 8 and under girls' softball team.
 HR 10 Honoring American Kennel Club's canine good citizen program.
 HR 25 Recognizing Comprehensive Cancer Control and Indiana Cancer Consortium.
 HR 43 Recognizing Girls in Bloom.

SUBJECT INDEX OF RESOLUTIONS—2006

- HR 60 Honoring the Dancing Devilins,
Crown Point, Indiana.
- SR 7 Honoring Indiana/World Skating Academy
and the success of its students.
- SR 11 Honoring South Bend Chocolate Company,
2005 Entrepreneur of the Year.

INDIVIDUALS, COMMUNITY SERVICE RECOGNIZED

- HCR 21 Honoring Reverend James R. Flint, Jr.
- HCR 39 Honoring Dr. William Dennis Dannacher
for his years of service to Wabash.
- SCR 17 Honoring Barbara Levy Tobey for women's
health issues and community awareness.
- HR 12 Honoring Kenneth and Ruth Ellen Long
for promotion of physical fitness.
- HR 14 Honoring John Stafford for his years
of community service to Fort Wayne.
- HR 26 Honoring Prince Radu of Hohenzollern-Veringen.
- HR 41 Honoring Alecia Johnson for her service
to the American Legion Women's Post.
- HR 56 Honoring Morgan County Sheriff Deputy
Steve Hoffman for saving a citizen's life.
- SR 54 Honoring the late biologist and naturalist,
Rachel Carson.

INDIVIDUALS, HONORS AND SPECIAL ACHIEVEMENTS HONORED

- HCR 4 Congratulating Susan Guilkey, Miss Indiana 2005.
- HCR 45 Honoring David C. Lewis, Indiana
Clerk of the Courts.
- HCR 51 Honoring Michael Kiley for his service
on the Natural Resources Commission.
- SCR 16 Honoring Sam Simmermaker, Indiana
Basketball Hall of Fame inductee.
- SCR 20 Honoring Tony Stewart of Columbus,
NASCAR Nextel Cup series champion.
- SCR 26 Honoring Steve Kirsh, 2005 Angels
in Adoption award winner.
- SCR 33 Congratulating Millard Fuller, first
Servant's Heart Award winner.
- SCR 54 Honoring John F. Dille,
National Radio Award winner.
- SCR 63 Honoring Ana Baracaldo, Prudential
Spirit of Community award winner.
- HR 4 Honoring Chester Lobodzinski of Lake County
for national recognition.
- HR 9 Honoring Kurt Rambis from Terre Haute
for his professional basketball career.
- HR 19 Honoring Bridget Bobel, Miss Indiana USA 2006.
- HR 42 Honoring Benjamin Harrison Taylor,
new member of the Baseball Hall of Fame.
- HR 47 Recognizing Harry Flournoy for his place
in basketball history.
- HR 48 Recognizing Orsten Artis for his place in
basketball history.
- HR 55 Honoring Gautham Vaidyanathan, Prudential
Spirit of Community winner.
- SR 10 Honoring winners of Indiana Career and
Technical Education Awards for Excellence.

INDIVIDUALS, MEMORIALIZED

- HCR 7 Lamenting loss of life in Southwest Indiana
tornado in November, 2005.
- HCR 33 Memorializing Coretta Scott King.
- HCR 72 Memorializing U.S. Army Specialist
Matthew C. Frantz.
- SCR 24 Memorializing Paul Allen for his
distinguished public service career.
- SCR 30 Memorializing Ray Nichels, auto racing pioneer.
- SCR 38 Memorializing Colonel John Wheeler,
Lake County Civil War soldier.
- SCR 40 Memorializing Robert A. Zell,
Tippecanoe County highway worker.
- HR 8 Memorializing Opal Mae McWhorter-Henley.
- HR 24 Memorializing M.E. "Hank" Denning.
- HR 28 Memorializing Private First Class Deryk L. Hallal.
- HR 29 Memorializing Norman E. Pahs.
- HR 30 Memorializing Larry F. Naifeh.
- HR 63 Memorializing Joseph R. LaRocco.
- SR 2 Memorializing lives lost in and affected
by the tornado in southwestern Indiana.
- SR 8 Memorializing Mrs. Roselyn C. Richardson,
community and civic leader.

MEMBERS OF ARMED SERVICES, MEMORIALIZED AND HONORED

- SCR 34 Honoring Colonel Charles H. Greenwood
for years of service in Civil Air Patrol.
- HR 11 Honoring the disabled men and women
of the armed forces of the USA.
- HR 57 Honoring the Civil Air Patrol for its contributions
in protecting the U.S.
- HR 62 Honoring Marines assigned to Second Battalion,
Fourth Marine Regiment, First Marine Division.
- HR 89 Honoring Lance Corporal Tom Kraeszig,
United States Marines.
- HR 90 Honoring Staff Sergeant Damean Rodriguez,
United States Marines.
- HR 91 Honoring Corporal Joseph Hayes,
United States Marines.
- HR 92 Honoring Captain Rob Scott, United States Marines.
- HR 93 Honoring Lance Corporal Peter Flem,
United States Marines.
- HR 94 Honoring Sergeant Jon Embrey,
United States Marines.
- HR 95 Honoring Captain Christopher Bronzi,
United States Marines.

SCHOOLS, ACADEMIC TEAMS, MUSICIANS, AND OUTSTANDING STUDENTS CONGRATULATED

- HCR 12 Honoring Martinsville High School
Academic Spell Bowl Team.
- HCR 13 Honoring Zionsville Community High School
for its advanced placement classes.
- HCR 16 Honoring Carmel High School marching band,
Grand National Champion.
- HCR 20 Honoring Concord Marching Minutemen,
Class B marching band champions.
- HCR 38 Honoring the South Newton High School
4-H soil judging team.

SUBJECT INDEX OF RESOLUTIONS—2006

- HCR 59 Congratulating Benjamin Banneker Elementary School, Gary, a Four Star School.
- HCR 60 Honoring Chesterton High School debate team, 2006 state champions.
- HCR 61 Honoring the Martinsville High School Academic Decathlon team.
- HCR 73 Honoring Plainfield schools, all of its schools named Four Star Schools.
- SCR 46 Honoring Clinton Cental High School FFA team for success at state championships.
- SCR 53 Honoring home school students who graduate in 2006.
- SCR 56 Honoring Penn High School for winning Social Studies round of Academic Super Bowl.
- SCR 57 Honoring Penn High School Spell Bowl team, state champions.
- SCR 65 Honoring Boone Grove Middle School, Four Star School.
- SCR 66 Honoring Mays Elementary School, Four Star School.
- HR 17 Congratulating the Paoli High School Marching Band, state champions.
- HR 18 Honoring St. Thomas Aquinas School, Blue Ribbon School award winner.
- HR 22 Honoring Immaculate Heart of Mary School, Blue Ribbon School award winner.
- HR 51 Congratulating Mount Vernon Middle School, Fortville, Four Star School.
- HR 52 Congratulating Mount Comfort Elementary School, Greenfield, a Four Star School.
- HR 53 Congratulating Eden Elementary School, Greenfield, a Four Star School.
- HR 54 Congratulating Triton Central High School, Fairland, a Four Star School.
- HR 96 Honoring Jessica A. Quear, FFA State Northern Region Vice President.
- HR 97 Honoring David E. Mohler, FFA State Treasurer.
- HR 98 Honoring Bruce L. Cooley, FFA State President.
- HR 99 Honoring Melinda Salmons, FFA State Reporter.
- HR 100 Honoring Sawyer Sparks, FFA Southern Region Vice President.
- HR 101 Honoring Nathan Lehman, FFA State Sentinel.
- HR 102 Honoring Shawn Gearhart, FFA State Secretary.
- SR 14 Recognizing Redmond "RJ" Crace for his outstanding achievements.

SCHOOLS, ATHLETES AND TEAMS

CONGRATULATED

- HCR 9 Congratulating Martinsville High School girls' softball team, 2005 state champions.
- HCR 11 Honoring Martinsville High School volleyball team, Class 4A state champions.
- HCR 18 Congratulating Jimtown High School football team, Class 2A state champions.

- HCR 19 Honoring NorthWood High School football team, Class 3A state champions.
- HCR 30 Honoring Lowell High School football team, Class 4A state champions.
- HCR 50 Honoring Warren Central High School football team, Class 5A state champions.
- HCR 52 Honoring Warren Central High School cross country team, state champions.
- HCR 63 Honoring Heritage Christian High School girls' basketball team, Class 2A state champions.
- HCR 64 Honoring Nicole Roush, mental attitude award winner for Class 2A basketball.
- SCR 19 Honoring Brebeuf girls' volleyball team, Class 3A state champions.
- SCR 22 Honoring Muncie Burriss High School girls' volleyball team, Class 2A state champions.
- SCR 32 Honoring Lowell High School football team, Class 4A state champions.
- SCR 55 Honoring Penn High School girls' golf team, state champions.
- SCR 60 Honoring Castle High School girls' basketball team, Class 4A state champions.
- SCR 61 Honoring Fort Wayne Bishop Luers girls' basketball team, Class 3A state champions.
- SCR 62 Honoring Lafayette Central Catholic girls' basketball team, Class 1A state champions.
- HR 16 Honoring David Dickerson, baseball scholarship winner for Indiana.
- HR 20 Honoring Brock Hagerman, individual cross country state champion.
- HR 21 Honoring the Pendleton Heights High School cheerleading squad.
- HR 58 Honoring Shelbyville High School boys' basketball team, undefeated in Class 4A.
- HR 85 Honoring Lafayette Central Catholic High School girls' basketball team, Class 1A state champions.
- SR 6 Honoring Ashley Heishman, John Wooden Scholarship Award winner.

SCHOOLS, TEACHERS, OFFICIALS, PROGRAMS CONGRATULATED

- HCR 31 Recognizing the Family Fun Filled Back-to-School Carnival Celebration.
- HCR 37 Congratulating Mrs. Janet Pernell, 2005 Milken National Educator.
- SCR 35 Honoring Molly Seward, Indiana's Teacher of the Year 2005.
- SCR 59 Honoring Kevin Wright, successful high school football coach.
- HR 40 Honoring Mickey Stisher, LaPorte, named Outstanding Bandmaster.

